

CLOSED,A/R,MEMBERCASE,STANDARD

**United States District Court
Eastern District of Pennsylvania (Allentown)
CIVIL DOCKET FOR CASE #: 5:09-cv-00320-TMG**

FERNANDEZ v. NORTHAMPTON COUNTY et al
Assigned to: HONORABLE THOMAS M. GOLDEN
Cause: 28:1343 Violation of Civil Rights

Date Filed: 01/22/2009
Date Terminated: 03/18/2010
Jury Demand: Defendant
Nature of Suit: 555 Prison Condition
Jurisdiction: Federal Question

Plaintiff

ANTHONY FERNANDEZ

represented by **GERALD J. WILLIAMS**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

NORTHAMPTON COUNTY

represented by **DAVID J. MACMAIN**
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TERMINATED: 06/15/2009

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Defendant

PRIME CARE MEDICAL, INC.

represented by **JOSEPH M. SEMBROT**
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Defendant

DR. WILLIAM SPRAGUE
 TERMINATED: 03/31/2009

represented by **THOMAS E. BRENNER**
 (See above for address)
 TERMINATED: 03/31/2009

Defendant

VICTORIA GESSNER, M.D.
 TERMINATED: 03/31/2009

represented by **JOSEPH M. SEMBROT**
 (See above for address)
 TERMINATED: 03/31/2009

THOMAS E. BRENNER
 (See above for address)
 TERMINATED: 03/31/2009

Defendant

TODD HASKINS, RN,
 CCHP, INDIVIDUALLY AND IN HIS
 OFFICIAL CAPACITY AS
 CORRECTIONAL HEALTHCARE
 SOLUTIONS DIRECTOR,
 NORTHAMPTON COUNTY PRISON
 TERMINATED: 03/31/2009

represented by **JOSEPH M. SEMBROT**
 (See above for address)
 TERMINATED: 03/31/2009

THOMAS E. BRENNER
 (See above for address)
 TERMINATED: 03/31/2009

Defendant

TODD BUSKIRK
 INDIVIDUALLY AND IN HIS OFFICIAL
 CAPACITY AS DIRECTOR OF
 CORRECTIONS, NORTHAMPTON
 COUNTY PRISON
 TERMINATED: 03/31/2009

represented by **DAVID J. MACMAIN**
 (See above for address)
 TERMINATED: 03/31/2009
 LEAD ATTORNEY

MACAVAN A. BAIRD
 (See above for address)
 TERMINATED: 03/31/2009

Date Filed	#	Docket Text
01/22/2009	<u>1</u>	COMPLAINT against all defendants (Filing fee \$ 350 receipt number 954422.), filed by ANTHONY FERNANDEZ.(ks,) (Additional attachment(s) added on 1/9/2012: # <u>1</u> designation form) (gs,). (Entered: 01/23/2009)
01/22/2009		6 Summonses Issued as to NORTHAMPTON COUNTY, PRIME CARE MEDICAL, INC., WILLIAM SPRAGUE, VICTORIA GESSNER, MD, TODD HASKINS, RN, TODD BUSKIRK. Forwarded To: Counsel on 1/23/09 (ks,) (Entered: 01/23/2009)
01/22/2009		DEMAND for Trial by Jury by ANTHONY FERNANDEZ. (ks,) (Entered: 01/23/2009)
01/29/2009	<u>2</u>	NOTICE of Appearance by DAVID J. MACMAIN on behalf of NORTHAMPTON COUNTY, TODD BUSKIRK with Jury Demand and

		Certificate of Service(MACMAIN, DAVID) (Entered: 01/29/2009)
01/29/2009	<u>3</u>	NOTICE of Appearance by MACAVAN A. BAIRD on behalf of NORTHAMPTON COUNTY, TODD BUSKIRK with Jury Demand and Certificate of Service(BAIRD, MACAVAN) (Entered: 01/29/2009)
01/29/2009	<u>4</u>	CONSOLIDATED DISCOVERY SCHEDULING ORDER THAT ALL FACT DISCOVERY SHALL BE COMPLETED BY 3/30/2009. SIGNED BY HONORABLE THOMAS M. GOLDEN ON 1/29/09. 2/2/09 ENTERED AND COPIES E-MAILED.(ky,) (Entered: 02/02/2009)
02/02/2009	<u>5</u>	Minute Entry for proceedings held before MAGISTRATE JUDGE HENRY S. PERKIN re: An In Person Settlement Conference was held on 2/2/09 and was not placed on the record. (ky,) (Entered: 02/03/2009)
02/02/2009	<u>6</u>	ORDER THAT A TELEPHONIC SETTLEMENT/STATUS CONFERENCE IS SCHEDULED FOR 2/17/2009 AT 10:00 A.M. BEFORE MAGISTRATE JUDGE HENRY S. PERKIN. SIGNED BY MAGISTRATE JUDGE HENRY S. PERKIN ON 2/2/09. 2/3/09 ENTERED AND COPIES E-MAILED.(ky,) (ky,). (Entered: 02/03/2009)
02/11/2009	<u>7</u>	NOTICE of Appearance by THOMAS E. BRENNER on behalf of PRIME CARE MEDICAL, INC., VICTORIA GESSNER, MD, TODD HASKINS, RN (BRENNER, THOMAS) (Entered: 02/11/2009)
02/11/2009	<u>8</u>	Statement <i>Disclosure Statement</i> by PRIME CARE MEDICAL, INC., VICTORIA GESSNER, MD, TODD HASKINS, RN. (BRENNER, THOMAS) (Entered: 02/11/2009)
02/11/2009	<u>9</u>	NOTICE of Appearance by JOSEPH M. SEMBROT on behalf of PRIME CARE MEDICAL, INC., VICTORIA GESSNER, MD, TODD HASKINS, RN (SEMBROT, JOSEPH) (Entered: 02/11/2009)
02/17/2009	<u>11</u>	Minute Entry for proceedings held before MAGISTRATE JUDGE HENRY S. PERKIN re: A Telephonic Settlement Conference was held on 2/17/09 and was not placed on the record. (ky,) (Entered: 02/23/2009)
02/18/2009	<u>10</u>	WAIVER OF SERVICE Returned Executed by ANTHONY FERNANDEZ. PRIME CARE MEDICAL, INC. waiver sent on 2/5/2009, answer due 4/6/2009; VICTORIA GESSNER, MD waiver sent on 2/5/2009, answer due 4/6/2009; TODD HASKINS, RN waiver sent on 2/5/2009, answer due 4/6/2009. (WILLIAMS, GERALD) (Entered: 02/18/2009)
03/03/2009	<u>12</u>	NOTICE of Appearance by THOMAS E. BRENNER on behalf of WILLIAM SPRAGUE (BRENNER, THOMAS) (Entered: 03/03/2009)
03/19/2009	<u>13</u>	Minute Entry for proceedings held before MAGISTRATE JUDGE HENRY S. PERKIN: a Telephonic Settlement Conference held on 3/19/09. Court Reporter: None. (er,) (Entered: 03/20/2009)
03/23/2009	<u>14</u>	ORDER THAT DISCOVERY DISPUTES IN THE ABOVE-CAPTIONED MATTERS ARE HEREBY REFERRED TO UNITED STATES MAGISTRATE JUDGE HENRY S. PERKIN. IT IS FURTHER ORDERED THAT IF DISCOVERY DISPUTES CANNOT BE AMICABLY RESOLVED, OR IF ADDITIONAL DEPOSITIONS OR OTHER DISCOVERY IS REQUIRED, SUCH DISPUTES OR REQUESTS SHALL IMMEDIATELY BE BROUGHT TO THE ATTENTION OF MAGISTRATE JUDGE PERKIN BY LETTER OR OTHER INFORMAL MEANS, OR BY SUCH OTHER MEANS AS DIRECTED BY MAGISTRATE JUDGE PERKIN. ANY PARTY CONTENDING THAT THE ORDER OF THE MAGISTRATE JUDGE IS CLEARLY ERRONEOUS OR CONTRARY TO LAW MAY FILE A PETITION TO RECONSIDER, TOGETHER WITH A PROPOSED ORDER, DIRECTED TO THE UNDERSIGNED, PURSUANT TO 28 U.S.C. §636(B)(1)(A). SIGNED BY HONORABLE THOMAS M. GOLDEN ON 3/19/09. 3/24/09 ENTERED AND COPIES MAILED, E-MAILED.(mas,) (Entered: 03/24/2009)
03/27/2009	<u>15</u>	WAIVER OF SERVICE Returned Executed by ANTHONY FERNANDEZ. NORTHAMPTON COUNTY waiver sent on 3/18/2009, answer due 5/18/2009.

		(WILLIAMS, GERALD) (Entered: 03/27/2009)
03/27/2009	<u>16</u>	WAIVER OF SERVICE Returned Executed by ANTHONY FERNANDEZ. TODD BUSKIRK waiver sent on 3/18/2009, answer due 5/18/2009. (WILLIAMS, GERALD) (Entered: 03/27/2009)
03/30/2009	<u>17</u>	ORDER THAT A TELEPHONIC DISCOVERY CONFERENCE WILL BE HELD ON 4/9/2009 AT 10:00 A.M. BEFORE MAGISTRATE JUDGE HENRY S. PERKIN. SIGNED BY MAGISTRATE JUDGE HENRY S. PERKIN ON 3/30/09. 3/30/09 ENTERED AND COPIES E-MAILED AND SERVED BY CHAMBERS. (ky,) (Entered: 03/30/2009)
03/31/2009	<u>18</u>	STIPULATION of Dismissal of <i>Individual Defendants</i> by PRIME CARE MEDICAL, INC., WILLIAM SPRAGUE, VICTORIA GESSNER, MD, TODD HASKINS, RN. (Attachments: # <u>1</u> Text of Proposed Order)(BRENNER, THOMAS) (Entered: 03/31/2009)
04/02/2009	<u>19</u>	ORDER THAT BASED ON THE STIPULATION OF THE PARTIES, DEFENDANTS DR. VICTORIA GESSNER, DR. WILLIAM SPRAGUE, TODD HASKINS, AND TODD BUSKIRK ARE DISMISSED. SIGNED BY HONORABLE THOMAS M. GOLDEN ON 4/1/09. 4/2/09 ENTERED AND COPIES E-MAILED.(ky,) (Entered: 04/02/2009)
04/09/2009	20	Minute Entry for proceedings held before MAGISTRATE JUDGE HENRY S. PERKIN re: A Telephonic Non-Final Pretrial Conference (Discovery) was held on 4/9/09 and was placed on the record. (ky,) (Entered: 04/09/2009)
04/09/2009	<u>21</u>	ORDER THAT PLAINTIFFS' MARCH 27, 2009 LETTER MOTION TO COMPEL RESPONSES TO DISCOVERY BY DEFENDANTS NORTHAMPTON COUNTY PRISON AND TODD BUSKIRK IS GRANTED. SIGNED BY MAGISTRATE JUDGE HENRY S. PERKIN ON 4/9/09. 4/14/09 ENTERED AND COPIES E-MAILED. (ky,) (Entered: 04/14/2009)
04/23/2009	<u>22</u>	ORDER THAT THE COURT'S ORDER OF 1/9/09 CONSOLIDATING CA07-3514, CA07-4341, CA07-4414, CA08-397, CA08-463, CA08-464, CA08-699, CA08-701, CA08-943, CA08-944, CA08-1285, CA08-2167, CA08-2168, CA08-2179, CA08-3142, CA08-3291, CA08-3292, CA08-3628, CA08-4296, CA08-4327, CA08-4677, CA08-4708, CA08-4732, CA08-5947, AND CA08-5948 BEFORE THE HONORABLE THOMAS M. GOLDEN FOR THE PURPOSES OF DISCOVERY ONLY SHALL REMAIN IN EFFECT AT THE PRESENT TIME; IT IS FURTHER ORDERED THAT CA09-019, CA09-020, CA09-107, CA09-320, CA09-949, CA09-950, CA09-951, AND CA09-952 ARE ALSO CONSOLIDATED WITH THESE TWENTY-SIX CASES BEFORE THE HONORABLE THOMAS M. GOLDEN FOR THE PURPOSES OF DISCOVERY ONLY. 4/24/09 ENTERED AND COPIES E-MAILED TO COUNSEL.(pr,) (Entered: 04/24/2009)
05/13/2009	<u>23</u>	ANSWER to <u>1</u> Complaint with <i>AFFIRMATIVE DEFENSES and CERTIFICATE OF SERVICE</i> by NORTHAMPTON COUNTY, TODD BUSKIRK.(MACMAIN, DAVID) (Entered: 05/13/2009)
05/19/2009	<u>24</u>	NOTICE of Appearance by TIMOTHY JAMES KEPNER on behalf of NORTHAMPTON COUNTY (KEPNER, TIMOTHY) (Entered: 05/19/2009)
06/15/2009	<u>25</u>	NOTICE of Withdrawal of Appearance by MACAVAN A. BAIRD on behalf of NORTHAMPTON COUNTY(BAIRD, MACAVAN) (Entered: 06/15/2009)
06/24/2009	26	Minute Entry for proceedings held before MAGISTRATE JUDGE HENRY S. PERKIN re: A Telephonic Settlement Conference was held on 6/24/09 and was not placed on the record. (ky,) (Entered: 06/26/2009)
06/26/2009	<u>27</u>	ORDER ORDER THAT AN IN PERSON SETTLEMENT CONFERENCE IN THE ABOVE-CAPTIONED CASE WILL BE HELD ON FRIDAY, JULY 10, 2009, AT 10:00 A.M. BEFORE THE HONORABLE THOMAS M. GOLDEN, UNITED STATES DISTRICT COURT JUDGE, AND THE HONORABLE HENRY S. PERKIN, UNITED STATES MAGISTRATE JUDGE, IN SUITE 4401, UNITED STATES COURTHOUSE AND FEDERAL BUILDING, 504 WEST HAMILTON STREET, ALLENTOWN, PA. SIGNED BY MAGISTRATE

		JUDGE HENRY S. PERKIN ON 6/25/09. 6/30/09 ENTERED AND COPIES MAILED, E-MAILED. (er,) (Entered: 06/30/2009)
07/01/2009	28	Minute Entry for proceedings held before MAGISTRATE JUDGE HENRY S. PERKIN: a Telephonic Settlement Conference held on 7/1/09. Court Reporter: None. (er,) (Entered: 07/01/2009)
07/10/2009	29	Minute Entry for proceedings held before MAGISTRATE JUDGE HENRY S. PERKIN re: An In Person Settlement Conference was held on 7/10/09 and was not placed on the record. (ky,) (Entered: 07/13/2009)
07/29/2009	30	Minute Entry for proceedings held before MAGISTRATE JUDGE HENRY S. PERKIN re: A Telephonic Settlement Conference was held on 7/29/09 and was not placed on the record. (ky,) (Entered: 07/29/2009)
11/25/2009	<u>31</u>	ORDER THAT EACH CASE SHALL PROCEED TO TRIAL OR DISPOSTIVE MOTION STAGE ACCORDING TO THE SCHEDULE SET BY THE INDIVIDUAL JUDGE TO WHOM EACH CASE IS ASSIGNED. SIGNED BY HONORABLE THOMAS M. GOLDEN ON 11/25/09. 12/1/09 ENTERED AND COPIES MAILED, E-MAILED.(mas,) (Entered: 12/01/2009)
01/19/2010	<u>32</u>	ORDER THAT ALL MOTIONS FOR SUMMARY JUDGMENT IN THESE ACTIONS SHALL BE FILED ON OR BEFORE MARCH 15, 2010. THE PARTIES SHALL HAVE THIRTY (30) DAYS TO FILE RESPONSES TO ANY MOTIONS. IT IS FURTHER ORDERED THAT COUNSEL FOR PLAINTIFFS AND COUNSEL FOR DEFENDANTS SHALL EACH FILE A CONSOLIDATED STATEMENT OF APPLICABLE LAW, WHICH SHALL NOT EXCEED FIFTEEN (15) PAGES, WHICH PROVIDES AN OVERVIEW OF THE LAW PERTINENT TO ALL CASES. IF COUNSEL WISH, THEY MAY FILE ONE CONSOLIDATED STATEMENT IN SUPPORT OF THEIR MOTIONS, AND AN ADDITIONAL CONSOLIDATED STATEMENT IN SUPPORT OF THEIR RESPONSES TO THE OPPOSING PARTIES MOTIONS. IT IS FURTHER ORDERED THAT INDIVIDUALIZED MOTIONS AND RESPONSES SHALL APPLY THE FACTS OF THE CASE OF EACH SPECIFIC PLAINTIFF TO THE APPLICABLE LAW, BUT SHOULD NOT CONTAIN A SUMMARY OF THE LAW. SAID MOTIONS AND RESPONSES SHALL NOT EXCEED FIFTEEN (15) PAGES. IT IS FURTHER ORDERED THAT FOR EACH INDIVIDUAL CASE, THE PARTIES ARE ENCOURAGED TO SUBMIT STATEMENTS OF STIPULATED FACTS WHEN POSSIBLE. THERE IS NO PAGE LIMITATION ON STATEMENTS OF STIPULATED FACTS. IT IS FURTHER ORDERED THAT SHOULD SPECIFIC CASES REQUIRE ADDITIONAL BRIEFING, THE PARTIES MUST MOVE FOR LEAVE OF COURT BEFORE FILING ADDITIONAL MATERIAL. SIGNED BY HONORABLE THOMAS M. GOLDEN ON 1/14/10. 1/20/10 ENTERED AND COPIES MAILED, E-MAILED.(mas,) (Entered: 01/20/2010)
03/02/2010	<u>33</u>	ANSWER to <u>1</u> Complaint by PRIME CARE MEDICAL, INC..(BRENNER, THOMAS) (Entered: 03/02/2010)
03/03/2010	<u>34</u>	MOTION for Summary Judgment filed by PRIME CARE MEDICAL, INC..Brief. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M)(BRENNER, THOMAS) (Entered: 03/03/2010)
03/18/2010	<u>35</u>	ORDER DISMISSING ACTION WITH PREJUDICE PURSUANT TO LOCAL RULE 41.1(b). SIGNED BY HONORABLE THOMAS M. GOLDEN ON 03/18/2010. 03/18/2010 ENTERED AND COPIES MAILED, E-MAILED AND FAXED.(mls,) (Entered: 03/18/2010)