

CLOSED

U.S. District Court
Southern District of Florida (Ft. Pierce)
CIVIL DOCKET FOR CASE #: 2:02-cv-14331-JCP

Brash v. Wexford Health, et al
Assigned to: Senior Judge James C. Paine
Demand: \$0
Cause: 28:1343 Violation of Civil Rights

Date Filed: 12/06/2002
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Allen Brash

represented by **Randall Challen Berg, Jr.**
Florida Justice Institute
100 SE 2nd Street
4320 Bank of America Tower
Miami, FL 33131-2309
305-358-2081
Fax: 358-0910
Email: rberg@floridajusticeinstitute.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Wexford Health Sources Inc.
a Florida corporation

represented by **Lynn Eileen Sharon**
Ritter Chusid Bivona & Cohen, LLP.
7000 W Palmetto Park Road
Suite 305
Boca Raton, FL 33433
561-394-2180
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mitchel Chusid

Ritter Chusid Bivona & Cohen, LLP.
7000 W Palmetto Park Road
Suite 305
Boca Raton, FL 33433
561-394-2180
Fax: 394-2582
Email: mchusid@ritterchusid.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patrick Patrissi

Ritter Chusid Bivona & Cohen, LLP.

7000 W Palmetto Park Road
 Suite 305
 Boca Raton, FL 33433
 561-394-2180
 Fax: 394-2582
 Email: snakepp2002@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

David Rowe

represented by **Lynn Eileen Sharon**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mitchel Chusid
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patrick Patrissi
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Secretary for the Department of
 Corrections**
*in his official capacity as Secretary of the
 Florida Department of Corrections*

represented by **Valerie Jo Martin**
 Office of the Attorney General
 110 SE 6 Street
 10th Floor
 Fort Lauderdale, FL 33301
 954-712-4600
 Fax: 712-4708
 Email: valerie.martin@myfloridalegal.com

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/06/2002	1	VERIFIED COMPLAINT filed; FILING FEE \$150.00 RECEIPT #873709; Magistrate Judge Linnea R. Johnson (mh, Deputy Clerk) (Entered: 12/09/2002)
12/06/2002	2	MOTION with memorandum in support by Allen Brash for preliminary injunction (mh, Deputy Clerk) (Entered: 12/09/2002)
12/06/2002	3	MOTION by Allen Brash for prompt hearing on [2-1] motion for preliminary injunction (mh, Deputy Clerk) (Entered: 12/09/2002)
12/06/2002	4	MOTION by Allen Brash for writ of habeas corpus ad testificandum (mh,

		Deputy Clerk) (Entered: 12/09/2002)
12/06/2002	6	SUMMONS(ES) issued for Wexford Health (mh, Deputy Clerk) (Entered: 12/09/2002)
12/06/2002	7	SUMMONS(ES) issued for David Rowe (mh, Deputy Clerk) (Entered: 12/09/2002)
12/06/2002	8	SUMMONS(ES) issued for Dept. of Corrections (mh, Deputy Clerk) (Entered: 12/09/2002)
12/06/2002	5	Notice of filing EXHIBITS to: [2-1] motion for preliminary injunction by Allen Brash (mh, Deputy Clerk) Modified on 12/10/2002 (Entered: 12/10/2002)
12/10/2002		Magistrate identification: Magistrate Judge Frank J. Lynch, Jr (at, Deputy Clerk) (Entered: 12/10/2002)
12/10/2002	9	CLERK's NOTICE CORRECTING MAGISTRATE JUDGE ASSIGNMENT (gp, Deputy Clerk) (Entered: 12/11/2002)
12/13/2002	10	SUMMONS(ES) issued for Wexford Health (gp, Deputy Clerk) (Entered: 12/16/2002)
12/13/2002	11	ORDER OF REFERENCE Referring Motion(s) [4-1] motion for writ of habeas corpus ad testificandum referred to Magistrate Frank J. Lynch, [3-1] motion for prompt hearing on [2-1] motion for preliminary injunction referred to Magistrate Frank J. Lynch, [2-1] motion for preliminary injunction referred to Magistrate Frank J. Lynch (signed by Judge James C. Paine on 12/10/02) [EOD Date: 12/16/02] (at, Deputy Clerk) (Entered: 12/16/2002)
12/16/2002	12	NOTICE of Filing Dr. Stone's Declaration In Support of Plaintiff's Motion for Preliminary Injunction by Allen Brash (at, Deputy Clerk) (Entered: 12/17/2002)
12/16/2002	13	Declaration of Richard I. Stone, MD by Allen Brash re: [2-1] motion for preliminary injunction (at, Deputy Clerk) (Entered: 12/17/2002)
12/18/2002	14	NOTICE OF FILING RETURN OF SERVICE executed for Dept. of Corrections on 12/10/02 Answer due on 12/30/02 for Dept. of Corrections (at, Deputy Clerk) (Entered: 12/19/2002)
12/23/2002	15	UNOPPOSED MOTION by Wexford Health, David Rowe to extend time to file opposition to plaintiff's motion for preliminary injunction, for hearing and petition for writ of habeas corpus ad testificandum (at, Deputy Clerk) (Entered: 12/26/2002)
12/24/2002	16	NOTICE OF FILING RETURN OF SERVICE executed for Wexford Health on 12/18/02 Answer due on 1/7/03 for Wexford Health (at, Deputy Clerk) Modified on 12/26/2002 (Entered: 12/26/2002)
12/27/2002	17	UNOPPOSED MOTION by Michael Moore to extend time to serve response to plaintiff's complaint, Motion for preliminary injunction with incorporated memorandum of law and Motion for a prompt hearing on plaintiff's Motion for a preliminary injunction (Former Deputy Clerk) (Entered: 12/27/2002)
12/30/2002	18	ORDER granting [17-1] motion to extend time to serve response to plaintiff's

		complaint, Motion for preliminary injunction and Motion for a prompt hearing on plaintiff's Motion for a injunction to and including 1/6/2003(Signed by Magistrate Frank J. Lynch on 12/20/02) [EOD Date: 12/30/02] (Former Deputy Clerk) (Entered: 12/30/2002)
01/07/2003	20	MOTION with memorandum in support by Dept. of Corrections to dismiss verified complaint (cg, Deputy Clerk) (Entered: 01/09/2003)
01/07/2003	21	RESPONSE/MOTION by Dept. of Corrections in opposition to [3-1] motion for prompt hearing on [2-1] motion for preliminary injunction (cg, Deputy Clerk) (Entered: 01/09/2003)
01/07/2003	22	RESPONSE by Dept. of Corrections in opposition to [2-1] motion for preliminary injunction (cg, Deputy Clerk) (Entered: 01/09/2003)
01/08/2003	19	MOTION by Wexford Health, David Rowe to extend time to file supplemental affidavit in support of memorandum in opposition to plaintiff's motion for preliminary injunction and prompt hearing (at, Deputy Clerk) (Entered: 01/08/2003)
01/09/2003	23	MOTION by Wexford Health, David Rowe to extend time to file supplemental affidavit in support of memorandum in opposition to plaintiff's motion for preliminary injunction and for a prompt hearing (at, Deputy Clerk) (Entered: 01/09/2003)
01/09/2003	24	MOTION with memorandum in support by Wexford Health, David Rowe to dismiss complaint (at, Deputy Clerk) (Entered: 01/09/2003)
01/09/2003	25	MEMORANDUM by Wexford Health, David Rowe in opposition to [3-1] motion for prompt hearing on [2-1] motion for preliminary injunction, [2-1] motion for preliminary injunction (at, Deputy Clerk) (Entered: 01/09/2003)
01/13/2003	26	MEMORANDUM by Allen Brash in opposition to [23-1] motion to extend time to file supplemental affidavit in support of memorandum in opposition to plaintiff's motion for preliminary injunction and for a prompt hearing, [19-1] motion to extend time to file supplemental affidavit in support of memorandum in opposition to plaintiff's motion for preliminary injunction and prompt hearing (at, Deputy Clerk) (Entered: 01/14/2003)
01/13/2003	28	ORDER granting nunc pro tunc [15-1] motion to extend time to file opposition to plaintiff's motion for preliminary injunction, for hearing and petition for writ of habeas corpus ad testificandum granting [19-1] motion to extend time to file supplemental affidavit in support of memorandum in opposition to plaintiff's motion for preliminary injunction and prompt hearing, granting [23-1] motion to extend time to file supplemental affidavit in support of memorandum in opposition to plaintiff's motion for preliminary injunction and for a prompt hearing (Signed by Magistrate Frank J. Lynch on 1/13/03) [EOD Date: 1/16/03] (cg, Deputy Clerk) (Entered: 01/16/2003)
01/15/2003	27	NOTICE OF FILING RETURN OF SERVICE executed for David Rowe on 12/23/02 Answer due on 1/13/03 for David Rowe (at, Deputy Clerk) (Entered: 01/16/2003)
01/22/2003	29	UNOPPOSED MOTION by Allen Brash to extend time to file responses to

		defendants' motions to dismiss [DE 20 & 25] and replies to defendants' opposing memos to plaintiff's motion for a preliminary injunction [DE 22 & 25] (at, Deputy Clerk) (Entered: 01/23/2003)
01/22/2003	30	ORDER OF REFERENCE Referring Motion(s) [24-1] motion to dismiss complaint referred to Magistrate Frank J. Lynch, [20-1] motion to dismiss verified complaint referred to Magistrate Frank J. Lynch (signed by Judge James C. Paine on 1/22/03) [EOD Date: 1/23/03] (at, Deputy Clerk) (Entered: 01/23/2003)
01/24/2003	31	UNOPPOSED SECOND MOTION by Wexford Health, David Rowe to extend time to file supplemental affidavit in support of memorandum in opposition to plaintiff's motion for preliminary injunction and motion for a prompt hearing (at, Deputy Clerk) (Entered: 01/27/2003)
01/27/2003	32	ORDER granting [29-1] motion to extend time to 1/31/03 to file responses to defendants' motions to dismiss [DE 20 & 25] and replies to defendants' opposing memos to plaintiff's motion for a preliminary injunction [DE 22 & 25] (Signed by Magistrate Frank J. Lynch on 1/27/03) [EOD Date: 1/29/03] (cg, Deputy Clerk) (Entered: 01/29/2003)
01/29/2003	33	ORDER granting [31-1] motion to extend time to 2/18/03 to file supplemental affidavit in support of memorandum in opposition to plaintiff's motion for preliminary injunction and motion for a prompt hearing (Signed by Magistrate Frank J. Lynch on 1/29/03) [EOD Date: 1/30/03] (cg, Deputy Clerk) (Entered: 01/30/2003)
02/03/2003	34	SECOND UNOPPOSED MOTION by Allen Brash to extend time to file responses to defendants' motions to dismiss and replies to defendants' opposing memos to plaintiff's motion for preliminary injunction (at, Deputy Clerk) (Entered: 02/04/2003)
02/04/2003	35	NOTICE of Filing Dr Michael W. Fried's Declaration In Support of Their Memorandum by Wexford Health, David Rowe (at, Deputy Clerk) (Entered: 02/05/2003)
02/10/2003	42	ORDER granting [34-1] motion to extend time to file responses to defendants' motions to dismiss and replies to defendants' opposing memos to plaintiff's motion for preliminary injunction (Signed by Magistrate Frank J. Lynch on 2/10/03) [EOD Date: 2/25/03] (cg, Deputy Clerk) (Entered: 02/25/2003)
02/12/2003	36	NOTICE of Filing Dr. Michael W. Fried's Original Declaration by Wexford Health, David Rowe (at, Deputy Clerk) (Entered: 02/14/2003)
02/18/2003	37	MEMORANDUM by Allen Brash in opposition to [24-1] motion to dismiss complaint, [20-1] motion to dismiss verified complaint (at, Deputy Clerk) (Entered: 02/18/2003)
02/18/2003	38	REPLY MEMORANDUM by Allen Brash to response to [2-1] motion for preliminary injunction (at, Deputy Clerk) (Entered: 02/18/2003)
02/18/2003	39	MOTION with memorandum in support by Allen Brash to strike conclusory declaration of Michael W. Fried M.D. (at, Deputy Clerk) (Entered: 02/18/2003)

02/18/2003	40	NOTICE of Filing Rebuttal Declaration of Bennet Cecil by Allen Brash (at, Deputy Clerk) (Entered: 02/18/2003)
02/18/2003	41	REBUTTAL DECLARATION of Bennet Cecil, M.D. by Allen Brash re: [38-1] response reply (at, Deputy Clerk) (Entered: 02/19/2003)
02/27/2003	43	REPLY by Wexford Health, David Rowe to response to [24-1] motion to dismiss complaint (at, Deputy Clerk) (Entered: 02/27/2003)
03/04/2003	44	ORDER denying [3-1] motion for prompt hearing on [2-1] motion for preliminary injunction denying [4-1] motion for writ of habeas corpus ad testificandum (Signed by Magistrate Frank J. Lynch on 3/4/03) [EOD Date: 3/5/03] (cg, Deputy Clerk) (Entered: 03/05/2003)
03/04/2003	45	ORDER denying [39-1] motion to strike conclusory declaration of Michael W. Fried M.D. (Signed by Magistrate Frank J. Lynch on 3/4/03) [EOD Date: 3/5/03] (cg, Deputy Clerk) (Entered: 03/05/2003)
03/04/2003	46	REPORT AND RECOMMENDATIONS of Magistrate Frank J. Lynch recommending that [2-1] motion for preliminary injunction be DENIED. Motion no longer referred. Signed on: 3/4/03 Objections to R and R due by 3/14/03 CCAP (cg, Deputy Clerk) (Entered: 03/05/2003)
03/04/2003	47	REPORT AND RECOMMENDATIONS of Magistrate Frank J. Lynch recommending that [20-1] motion to dismiss verified complaint, [24-1] motion to dismiss complaint be DENIED. Motion no longer referred. Signed on: 3/4/03 Objections to R and R due by 3/14/03 CCAP (cg, Deputy Clerk) (Entered: 03/05/2003)
03/06/2003	48	OPPOSITION by Wexford Health, David Rowe TO [39-1] motion to strike conclusory declaration of Michael Fried M.D. (at, Deputy Clerk) (Entered: 03/07/2003)
03/14/2003	49	OBJECTION by Allen Brash to [46-1] report and recommendations (at, Deputy Clerk) (Entered: 03/14/2003)
03/17/2003	50	OBJECTION by Wexford Health, David Rowe to [47-1] report and recommendations (Former Deputy Clerk) (Entered: 03/21/2003)
03/20/2003	51	RESPONSE by Allen Brash to [50-1] objection (at, Deputy Clerk) (Entered: 03/21/2003)
03/24/2003	52	RESPONSE by Dept. of Corrections to [49-1] objection to Report and Recommendation Denying Plaintiff's Motion for Preliminary Injunction (at, Deputy Clerk) (Entered: 03/25/2003)
03/25/2003	53	RESPONSE by Wexford Health, David Rowe to Objections to [46-1] report and recommendations (at, Deputy Clerk) (Entered: 03/26/2003)
04/02/2003	54	REPLY by Allen Brash to Defendants' Responses To Plaintiff's Objections [53-1] report & recommendations response (at, Deputy Clerk) (Entered: 04/03/2003)
04/09/2003	55	Joint Scheduling Report of Scheduling Meeting by Allen Brash, Wexford Health, David Rowe, Dept. of Corrections (at, Deputy Clerk) (Entered: 04/10/2003)

04/15/2003	56	EMERGENCY MOTION with memorandum in support by Allen Brash to shorten time to respond to request for production , and to set on expedited track , and for completion of discovery within 90 days , and for set trial date certain within 110 days (at, Deputy Clerk) (Entered: 04/16/2003)
04/21/2003	57	NOTICE of Filing Second Supplemental Declaration of Dr. Cecil In support of plaintiff's motion for preliminary injunction by Allen Brash (at, Deputy Clerk) (Entered: 04/22/2003)
04/21/2003	58	SUPPLEMENTAL DECLARATION OF BENNET CECIL, MD by Allen Brash to: [2-1] motion for preliminary injunction (at, Deputy Clerk) (Entered: 04/22/2003)
04/21/2003	59	MOTION by Dept. of Corrections depose incarcerated plaintiff (cg, Deputy Clerk) (Entered: 04/22/2003)
04/21/2003	60	NOTICE of Unavailability by Dept. of Corrections for dates of: 5/19/03 thru 5/30/03 (cg, Deputy Clerk) (Entered: 04/22/2003)
04/23/2003	61	NOTICE of filing Rule 26(A)(1) initial disclosures by Dept. of Corrections (cg, Deputy Clerk) (Entered: 04/24/2003)
04/25/2003	62	NOTICE of NON-OBJECTION TO THE DEPARTMENT OF CORRECTIONS MOTION TO DEPOSE INCARCERATED PLAINTIFF by Wexford Health, David Rowe (at, Deputy Clerk) (Entered: 04/25/2003)
04/28/2003	63	ORDER ADOPTING THE REPORT AND RECOMMENDATION OF DEFENDANT MOORE'S MOTION TO DISMISS VERIFIED COMPLAINT AND DEFENDANTS WEXFORD HEALTH SOURCES, INC'S AND DAVID ROWE'S MOTION TO DISMISS PLAINTIFF'S VERIFIED COMPLAINT adopting [47-1] report and recommendations denying [20-1] motion to dismiss verified complaint, denying [24-1] motion to dismiss complaint (Signed by Judge James C. Paine on 4/25/03) [EOD Date: 4/28/03] CCAP (at, Deputy Clerk) (Entered: 04/28/2003)
04/29/2003	64	MEMORANDUM OF LAW by Wexford Health, David Rowe in opposition to [56-1] motion to shorten time to respond to request for production, [56-2] motion to set on expedited track, [56-3] motion for completion of discovery within 90 days, [56-4] motion for set trial date certain within 110 days (at, Deputy Clerk) (Entered: 04/29/2003)
04/29/2003	65	ORDER SETTING NON-JURY TRIAL AND DIRECTING PRETRIAL PROCEDURES setting Deadline for filing of all Pretrial Motions by 8/14/03; A non-Jury Trial set for 9:30 a.m. on 10/14/03 Pretrial Stipulation due on or before 9/29/03; Calendar Call set for 9:00 a.m. on 10/2/03; All Discovery must be completed by 7/31/03; (Signed by Judge James C. Paine on 4/28/03) [EOD Date: 4/30/03] CCAP (at, Deputy Clerk) (Entered: 04/30/2003)
04/29/2003	66	ORDER MANDATING MEDIATION referring case to mediation. 15 days to appoint mediator (Signed by Judge James C. Paine on 4/28/03) [EOD Date: 4/30/03] (at, Deputy Clerk) (Entered: 04/30/2003)
04/29/2003	67	ORDER The Magistrate Judge's 3/4/03 [46-1] Report and Recommendations is REVERSED. Plaintiff's [2-1] motion for preliminary injunction is GRANTED.

		(Signed by Judge James C. Paine on 4/28/03) [EOD Date: 4/30/03] CCAP (at, Deputy Clerk) (Entered: 04/30/2003)
04/29/2003	68	MOTION with memorandum in support by Dept. of Corrections in opposition to plaintiff's emergency motion to shorten time to respond to request for production of documents and interrogatories, emergency motion to set expedited track and order completion of discovery within 90 days and motion to set trial date within 110 days (at, Deputy Clerk) (Entered: 04/30/2003)
04/29/2003	69	ORDER granting [59-1] motion depose incarcerated plaintiff (Signed by Magistrate Frank J. Lynch on 4/29/03) [EOD Date: 5/2/03] (cg, Deputy Clerk) (Entered: 05/02/2003)
05/01/2003	70	EMERGENCY MOTION by Allen Brash for clarification of [67-1] order (at, Deputy Clerk) (Entered: 05/02/2003)
05/07/2003	71	ORDER granting [70-1] motion for clarification of [67-1] order (Signed by Judge James C. Paine on 5/6/03) [EOD Date: 5/8/03] (at, Deputy Clerk) (Entered: 05/08/2003)
05/08/2003	72	OPPOSITION by Wexford Health, David Rowe to [70-1] motion for clarification of [67-1] order (at, Deputy Clerk) (Entered: 05/09/2003)
05/09/2003	73	Answer and Affirmative Defenses by Wexford Health, David Rowe, (at, Deputy Clerk) (Entered: 05/12/2003)
05/12/2003	74	Answer and affirmative defenses by Dept. of Corrections (cg, Deputy Clerk) (Entered: 05/13/2003)
05/16/2003	75	NOTICE of selection of Leslie W. Langbein as Mediator by Allen Brash (at, Deputy Clerk) (Entered: 05/16/2003)
05/16/2003	76	RESPONSE by Dept. of Corrections in opposition to [70-1] motion for clarification of [67-1] order (cg, Deputy Clerk) (Entered: 05/20/2003)
05/19/2003	77	Unopposed MOTION by Dept. of Corrections to extend time to depose incarcerated pltf (cg, Deputy Clerk) (Entered: 05/20/2003)
05/21/2003	78	MOTION by Wexford Health, David Rowe for protective order , and/or to extend time to respond to plaintiff's discovery requests (at, Deputy Clerk) (Entered: 05/21/2003)
05/21/2003	79	ORDER denying [56-1] motion to shorten time to respond to request for production, denying [56-2] motion to set on expedited track, denying [56-3] motion for completion of discovery within 90 days, denying [56-4] motion for set trial date certain within 110 days, Court contrues as a response re: [68-1] motion in opposition to plaintiff's emergency motion to shorten time to respond to request for production of documents and interrogatories, emergency motion to set expedited track and order completion of discovery within 90 days and motion to set trial date within 110 days granting [77-1] motion to extend time to depose incarcerated pltf until 7/11/03 (Signed by Magistrate Frank J. Lynch on 5/21/03) [EOD Date: 5/22/03] (cg, Deputy Clerk) (Entered: 05/22/2003)
05/22/2003	80	ORDER in re: [78-1] motion for protective order, granting [78-2] motion to

		extend time for add'l 30 days to respond to plaintiff's discovery requests (Signed by Magistrate Frank J. Lynch on 5/22/03) [EOD Date: 5/28/03] (cg, Deputy Clerk) (Entered: 05/28/2003)
05/29/2003	81	NOTICE by Dept. of Corrections to take deposition of Allen Brash 7/1/03 at 1:00 (cg, Deputy Clerk) (Entered: 05/30/2003)
06/09/2003	82	NOTICE of Filing Consultant Report of Defendants' Gastroenterologist Recommending Plaintiff's Retreatment by Allen Brash (at, Deputy Clerk) (Entered: 06/10/2003)
07/08/2003	83	EMERGENCY MOTION with memorandum in support by Allen Brash to compel responses to first request for production of documents to defendant Michael Moore (at, Deputy Clerk) (Entered: 07/09/2003)
07/08/2003	84	EMERGENCY MOTION by Allen Brash to compel responses to plaintiff's first set of interrogatories to defendant Michael Moore (at, Deputy Clerk) (Entered: 07/09/2003)
07/08/2003	85	EMERGENCY MOTION with memorandum in support by Allen Brash for reasonable cause shown for leave to file out of time emergency motions to compel (at, Deputy Clerk) (Entered: 07/09/2003)
07/09/2003	87	MOTION by Allen Brash for order of substitution (at, Deputy Clerk) (Entered: 07/10/2003)
07/09/2003	88	EMERGENCY MOTION by Allen Brash for conversion of Preliminary Injunction into a permanent Injunction , or in the alternative for Evidentiary Hearing prior to the entry of a permanent injunction (at, Deputy Clerk) (Entered: 07/10/2003)
07/09/2003	86	MOTION by Allen Brash, Wexford Health, David Rowe for entry of order (Former Deputy Clerk) (Entered: 07/24/2003)
07/11/2003	89	ORDER OF REFERENCE Referring Motion(s) [83-1] motion to compel responses to first request for production of documents to defendant Michael Moore referred to Magistrate Frank J. Lynch, [84-1] motion to compel responses to plaintiff's first set of interrogatories to defendant Michael Moore referred to Magistrate Frank J. Lynch, [85-1] motion for reasonable cause shown for leave to file out of time emergency motions to compel referred to Magistrate Frank J. Lynch (signed by Judge James C. Paine on 7/10/03) [EOD Date: 7/14/03] (at, Deputy Clerk) (Entered: 07/14/2003)
07/15/2003	90	MOTION by Dept. of Corrections for entry of order (at, Deputy Clerk) (Entered: 07/16/2003)
07/16/2003	91	RESPONSE by Dept. of Corrections to [85-1] motion for reasonable cause shown for leave to file out of time emergency motions to compel (at, Deputy Clerk) (Entered: 07/16/2003)
07/16/2003	92	MEMORANDUM by Allen Brash in opposition to [90-1] motion for entry of order (at, Deputy Clerk) (Entered: 07/17/2003)
07/16/2003	96	ORDER granting [83-1] motion to compel responses to first request for

		production of documents to defendant Michael Moore granting [84-1] motion to compel responses to plaintiff's first set of interrogatories to defendant Michael Moore granting [85-1] motion for reasonable cause shown for leave to file out of time emergency motions to compel (Signed by Magistrate Frank J. Lynch on 7/16/03) [EOD Date: 7/18/03] (cg, Deputy Clerk) (Entered: 07/18/2003)
07/17/2003	93	EMERGENCY MOTION with memorandum in support by Dept. of Corrections for protective order regarding deposition (at, Deputy Clerk) (Entered: 07/17/2003)
07/17/2003	94	EMERGENCY MOTION with memorandum in support by Dept. of Corrections for protective order regarding deposition of secretary James V. Crosby (at, Deputy Clerk) (Entered: 07/17/2003)
07/17/2003	95	EMERGENCY MOTION with memorandum in support by Dept. of Corrections to quash subpoena , and for protective order regarding deposition of Dianne Rehtine (at, Deputy Clerk) (Entered: 07/17/2003)
07/17/2003	97	MEMORANDUM by Allen Brash in opposition to [95-2] motion for protective order regarding deposition of Dianne Rehtine, [94-1] motion for protective order regarding deposition of secretary James V. Crosby, [93-1] motion for protective order regarding deposition (Former Deputy Clerk) (Entered: 07/18/2003)
07/18/2003	98	OBJECTION by Wexford Health, David Rowe TO PLAINTIFF'S PROPOSED ORDER ATTACHED TO EMERGENCY MOTION FOR CONVERSION OF PRELIMINARY INJUNCTION INTO A PERMANENT INJUNCTION (at, Deputy Clerk) (Entered: 07/21/2003)
07/18/2003	99	REPLY by Dept. of Corrections to response to [95-2] motion for protective order regarding deposition of Dianne Rehtine, [94-1] motion for protective order regarding deposition of secretary James V. Crosby, [93-1] motion for protective order regarding deposition (at, Deputy Clerk) (Entered: 07/21/2003)
07/21/2003	100	OMNIBUS ORDER DENYING DEFENDANT'S EMERGENCY MOTIONS FOR PROTECTIVE ORDER REGARDING DEPOSITION OF SECRETARY JAMES V. CROSBY, JR FOR PROTECTIVE ORDER REGARDING DEPOSITION PURSUANT TO RULE 30(B)(6) AND TO QUASH SUBPOENA AND FOR PROTECTIVE ORDER REGARDING DEPOSITION OF DIANNE REHTINE denying [94-1] motion for protective order regarding deposition of secretary James V. Crosby, denying [93-1] motion for protective order regarding deposition, denying [95-2] motion for protective order regarding deposition of Dianne Rehtine (Signed by Judge James C. Paine on 7/21/03) [EOD Date: 7/21/03] (at, Deputy Clerk) (Entered: 07/21/2003)
07/21/2003	101	REPLY by Allen Brash to Defendants [98-1] objection to plaintiff's proposed order attached to emergency motion (at, Deputy Clerk) (Entered: 07/21/2003)
07/21/2003	102	RESPONSE by Dept. of Corrections to [88-1] motion for conversion of Preliminary Injunction into a permanent Injunction, [88-2] motion for Evidentiary Hearing prior to the entry of a permanent injunction (at, Deputy Clerk) (Entered: 07/22/2003)

07/21/2003	103	NOTICE of NON-OBJECTION TO PLAINTIFF'S MOTION FOR ORDER OF SUBSTITUTION by Dept. of Corrections (at, Deputy Clerk) (Entered: 07/22/2003)
07/22/2003	104	REPLY by Allen Brash to response to [88-1] motion for conversion of Preliminary Injunction into a permanent Injunction, [88-2] motion for Evidentiary Hearing prior to the entry of a permanent injunction (at, Deputy Clerk) (Entered: 07/23/2003)
07/24/2003	105	ORDER DENYING DEFENDANT JAMES V. CROSBY, JR'S MOTION FOR ENTRY OF ORDER: ORDER denying [90-1] motion for entry of order (Signed by Judge James C. Paine on 7/24/03) [EOD Date: 7/24/03] (Former Deputy Clerk) (Entered: 07/24/2003)
07/24/2003	106	ORDER granting [86-1] motion for entry of order, denying as moot [88-1] motion for conversion of Preliminary Injunction into a permanent Injunction, denying as moot [88-2] motion for Evidentiary Hearing prior to the entry of a permanent injunction. The Court finds that the preliminary injunction entered 4/28/03 and as clarified on 5/6/03 is hereby modified and made a permanent injunction pursuant to 18 USC 3626 (b)(4). Defendant Crosby shall ensure that the plaintiff be fully retreated with Pegylated Interferon and Ribavirin. Plaintiff is the prevailing party for purposes of awarding attorneys' fees and costs. The parties shall attempt to resolve the plaintiff's attorneys' claim for fees and costs within sixty (60) days of the entry of this Order. In the event that the parties are unable to resolve Plaintiff's claim for attorneys' fees and costs within sixty (60) days from the entry of this Order, the plaintiff shall file his motion for attorneys' fees and costs within ninety (90) days from the entry of this Order. All pending motions are denied as moot. The Court shall retain jurisdiction to consider and decide whether the Plaintiff's attorneys' fees, expenses, and costs are to be recovered. The Court shall retain jurisdiction over this Order for the full term of the Plaintiff's retreatment for Hepatitis C and cirrhosis. (Signed by Judge James C. Paine on 7/24/03) Date: 7/25/03] (at, Deputy Clerk) (Entered: 07/25/2003)
07/24/2003	107	ORDER The Court's preliminary injunction as to Defendants Wexford and Rowe shall be deemed a permanent injunction and that the plaintiff shall be provided one full course of retreatment with Pegylated Interferon and Ribavirin for his Hepatitis C and cirrhosis at Okeechobee Correctional Institution or any other facility under contract with Defendant Wexford where said retreatment can be properly provided. The Court shall retain jurisdiction to award attorneys' fees and costs, if any. The Court shall retain jurisdiction over this Order for one full course of the Plaintiff's retreatment with Pegylated Interferon and Ribavirin for Hepatitis C and cirrhosis. (Signed by Judge James C. Paine on 7/24/03) [EOD Date: 7/25/03] (at, Deputy Clerk) (Entered: 07/25/2003)
07/29/2003	108	ORDER ON PLAINTIFF'S MOTION FOR SUBSTITUTION:ORDER granting [87-1] motion for order of substitution. James Crosby shall hereinafter be substituted for defendant Michael Moore, Secretary, Florida Department of Corrections (Signed by Judge James C. Paine on 7/28/03) [EOD Date: 7/30/03] (Former Deputy Clerk) (Entered: 07/30/2003)
10/17/2003	109	MOTION WITH CONSENT by Allen Brash to extend time in which to file motion for attorney's fees and costs (at, Deputy Clerk) (Entered: 10/20/2003)

10/28/2003	110	ORDER granting [109-1] motion to extend time in which to file motion for attorney's fees and costs (Signed by Judge James C. Paine on 10/27/03) [EOD Date: 10/28/03] (Former Deputy Clerk) (Entered: 10/28/2003)
11/18/2003	111	NOTICE OF SETTLEMENT OF ATTORNEYS' FEES filed by Allen Brash (at, Deputy Clerk) (Entered: 11/20/2003)
01/12/2004	112	ORDER DIRECTING CLERK'S OFFICE TO CLOSE CASE The Court reserves jurisdiction to enforce the previously entered injunction and the settlement of the attorneys' fees issue. The Clerk's Office CLOSE this case and deny all pending motions without prejudice as MOOT. (Signed by Judge James C. Paine on 1/12/04) [EOD Date: 1/13/04] (at, Deputy Clerk) (Entered: 01/13/2004)
01/12/2004		CASE CLOSED. Case and Motions no longer referred to Magistrate. (at, Deputy Clerk) (Entered: 01/13/2004)
06/10/2004	113	REQUEST copies by Allen Brash (tb, Deputy Clerk) (Entered: 06/16/2004)

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