

**U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CIVIL DOCKET FOR CASE #: 2:13-cv-00350-MPK**

CHANCE v. KULIK et al
Assigned to: Magistrate Judge Maureen P. Kelly
Cause: 42:1983pr Prisoner Civil Rights

Date Filed: 03/11/2013
Date Terminated: 10/20/2014
Jury Demand: Both
Nature of Suit: 555 Prisoner Civil Rights
(Prison Condition)
Jurisdiction: Federal Question

Plaintiff

WESLEY CHANCE

represented by **Bryan D. Rohm**
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V.

Defendant

KULIK

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Defendant

SUHAN

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Defendant

BOGDEN

represented by **Mary Lynch Friedline**
(See above for address)
LEAD ATTORNEY
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Yana L. Warshafsky
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

MCCANVILLE

represented by **Mary Lynch Friedline**
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Yana L. Warshafsky
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Defendant

FOLINO

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Yana L. Warshafsky
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Defendant

MR. WETZEL

Secretary of Corrections
TERMINATED: 04/02/2014

represented by **Mary Lynch Friedline**
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Date Filed	#	Docket Text
03/11/2013	<u>1</u>	MOTION for Leave to Proceed in forma pauperis by WESLEY CHANCE. (Attachments: # <u>1</u> Complaint, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Consent to Proceed Before U.S. Magistrate Judge, # <u>6</u> Authorization, # <u>7</u> Envelope) (jsp) (Entered: 03/11/2013)

04/04/2013	<u>3</u>	COMPLAINT against BOGDEN, FOLINO, KULIK, MCCANVILLE, SUHAN, WETZEL, filed by WESLEY CHANCE. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (jsp) (Entered: 04/08/2013)
04/04/2013	<u>4</u>	Authorization permitting withdrawal of prison account funds to pay filing fee by WESLEY CHANCE. (jsp) (Entered: 04/08/2013)
04/04/2013	<u>5</u>	CONSENT to Trial/Jurisdiction by US Magistrate Judge by WESLEY CHANCE. (jsp) (Entered: 04/08/2013)
04/05/2013	<u>2</u>	ORDER that request for in forma pauperis status <u>1</u> is granted and the Clerk is instructed to file the Complaint, Exhibits A,B,C, Authorization Form and Consent to Jurisdiction by United States Magistrate Judge. The filing fee is \$350.00 and Plaintiff having been granted leave to prosecute in forma pauperis, pursuant to the Prison Litigation Reform Act, the Superintendent/warden of the Institution where this inmate is incarcerated is directed to remit from the prisoner's account, in monthly installments, the full \$350.00 fee. Further ordered that the agency having custody of plaintiff shall forward to the Clerk of Court payments from prisoner's account to the Clerk of Court for the Western District of Pennsylvania in accordance with order. Signed by Magistrate Judge Maureen P. Kelly on 4/4/2013. Copy of this order mailed to Plaintiff and Inmate Accounting at SCI Rockview on 4/5/2013. (dgg) (Entered: 04/05/2013)
04/29/2013	<u>6</u>	Partial Payment of Filing Fee by WESLEY CHANCE. Fee \$20.00, receipt number 24668020954. (gmp) (Entered: 05/01/2013)
05/06/2013	<u>7</u>	ORDER that the Marshal is directed to mail a copy of the complaint, notice of lawsuit, request for waiver of service of summons, waiver, and this order to defendants as directed by plaintiff. Costs shall be advanced by the government.Signed by Magistrate Judge Maureen P. Kelly on 5/6/2013. Copy of this order mailed to Plaintiff at address of record on 5/6/2013. (dgg) (Entered: 05/06/2013)
05/06/2013		Service papers forwarded to Marshal's Office for service on 5/6/2013 (this excludes the Marshal's 285 forms as plaintiff did not provide those forms to the Court. The Marshal's Office will be sending Plaintiff letter to Plaintiff to complete those forms and return to Marshal's Office so that service may be effectuated) (dgg) (Entered: 05/06/2013)
05/07/2013	<u>8</u>	MOTION to Appoint Counsel by WESLEY CHANCE. (Attachments: # <u>1</u> Declaration in Support, # <u>2</u> Letter to the Court, # <u>3</u> Envelope) (jsp) (Entered: 05/08/2013)
06/06/2013		ORDER granting <u>8</u> Motion for Appointment of Counsel. J. Nicholas Ranjan, Esquire appointed for WESLEY CHANCE for purposes of trial only. Signed by Magistrate Judge Maureen P. Kelly on 6/6/2013. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dgg) (Entered: 06/06/2013)
06/10/2013	<u>9</u>	NOTICE of Appearance by Bryan D. Rohm on behalf of WESLEY CHANCE. (Rohm, Bryan) (Entered: 06/10/2013)
06/14/2013	<u>10</u>	NOTICE of Appearance by Denise N. Yasinow on behalf of WESLEY CHANCE. (Yasinow, Denise) (Entered: 06/14/2013)
06/17/2013	<u>11</u>	WAIVER OF SERVICE Returned Executed MCCANVILLE waiver sent on 5/22/2013, answer due 7/22/2013. (jsp) (Entered: 06/18/2013)
06/17/2013	<u>12</u>	WAIVER OF SERVICE Returned Executed FOLINO waiver sent on 5/22/2013, answer due 7/22/2013. (jsp) (Entered: 06/18/2013)
06/17/2013	<u>13</u>	WAIVER OF SERVICE Returned Executed WETZEL waiver sent on 5/22/2013, answer due 7/22/2013. (jsp) (Entered: 06/18/2013)
06/21/2013	<u>14</u>	NOTICE of Appearance by Mary Lynch Friedline on behalf of BOGDEN, FOLINO, MCCANVILLE, SUHAN, WETZEL. (Friedline, Mary) (Entered: 06/21/2013)
06/24/2013	<u>15</u>	WAIVER OF SERVICE Returned Executed by KULIK. KULIK waiver sent on 5/22/2013, answer due 7/22/2013. (Paladina, Jeffrey) (Entered: 06/24/2013)
07/03/2013	<u>16</u>	NOTICE of Appearance by Jeffrey M. Paladina on behalf of KULIK. (Paladina, Jeffrey) (Entered: 07/03/2013)

07/03/2013		w/ <u>16</u> DEMAND for Trial by Jury by KULIK. (jsp) (Entered: 07/05/2013)
07/05/2013		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>16</u> Notice of Appearance. ERROR: Document should have been filed as two separate documents. CORRECTION: Attorney advised in future that documents of that nature are to be filed as separate documents. Clerk of Court docketed Jury Demand. This message is for informational purposes only. (jsp) (Entered: 07/05/2013)
07/12/2013	<u>17</u>	WAIVER OF SERVICE Returned Executed BOGDEN waiver sent on 5/22/2013, answer due 7/22/2013. (jsp) (Entered: 07/12/2013)
07/12/2013	<u>18</u>	WAIVER OF SERVICE Returned Executed SUHAN waiver sent on 5/22/2013, answer due 7/22/2013. (jsp) (Entered: 07/12/2013)
07/12/2013	<u>19</u>	WAIVER OF SERVICE Returned Executed KULIK waiver sent 5/22/2013, answer due 7/22/2013. (jsp) (Entered: 07/12/2013)
07/19/2013	<u>20</u>	Partial MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by BOGDEN, FOLINO, MCCANVILLE, SUHAN, WETZEL. (Attachments: # <u>1</u> Proposed Order) (Friedline, Mary) (Entered: 07/19/2013)
07/19/2013	<u>21</u>	BRIEF in Support re <u>20</u> Motion to Dismiss for Failure to State a Claim filed by BOGDEN, FOLINO, MCCANVILLE, SUHAN, WETZEL. (Friedline, Mary) (Entered: 07/19/2013)
07/22/2013	<u>22</u>	ANSWER to <u>3</u> Complaint with Affirmative Defenses by KULIK. (Paladina, Jeffrey) (Entered: 07/22/2013)
07/22/2013	<u>23</u>	Partial Payment of Filing Fee by WESLEY CHANCE. Fee \$20.00, receipt number 24668022123. (gmp) (Entered: 07/23/2013)
07/25/2013		ORDER that Plaintiff's Response re <u>20</u> Partial Motion to Dismiss for Failure to State a Claim due by 8/19/2013. Since this case is assigned to a Magistrate Judge, each party must execute and file within twenty-one (21) days of its appearance, a form consenting to the jurisdiction of the Magistrate Judge or electing to have the case randomly assigned to a District Judge. The applicable form is available on the Court's website at www.pawd.uscourts.gov in the forms section. If a party elects to have the case assigned to a District Judge, the Magistrate Judge will continue to manage the case as provided for in Local Rule 72G. Signed by Magistrate Judge Maureen P. Kelly on 7/25/2013. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dgg) (Entered: 07/25/2013)
07/25/2013	<u>24</u>	CONSENT to Trial/Jurisdiction by US Magistrate Judge by BOGDEN, FOLINO, MCCANVILLE, SUHAN, WETZEL. (Friedline, Mary) (Entered: 07/25/2013)
07/25/2013	<u>25</u>	CONSENT to Trial/Jurisdiction by US Magistrate Judge by WESLEY CHANCE. (Yasinow, Denise) (Entered: 07/25/2013)
07/26/2013	<u>26</u>	NOTICE of Change of Address by WESLEY CHANCE. FILER advised that the change of address has been made on above captioned matter only. If you wish to have address changed on other matters before this court, it is your responsibility to file such a notice at each case number. This NEF has been mailed to WESLEY CHANCE. (mjl) (Entered: 07/26/2013)
07/26/2013	<u>27</u>	CONSENT to Trial/Jurisdiction by US Magistrate Judge by KULIK. (Paladina, Jeffrey) (Entered: 07/26/2013)
08/12/2013	<u>28</u>	First AMENDED COMPLAINT against KULIK, SUHAN, BOGDEN, MCCANVILLE, FOLINO, WETZEL filed by WESLEY CHANCE. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Yasinow, Denise) Modified on 8/13/2013. (jsp) (Entered: 08/12/2013)
08/12/2013	<u>30</u>	Partial Payment of Filing Fee by WESLEY CHANCE. Fee \$8.00, receipt number 24668022436. (mjl) (Entered: 08/13/2013)
08/13/2013		ORDER – Plaintiff having filed a First Amended Complaint, Defendants Bogden, Folino, McCanville, Suhan and Wetzels' Partial Motion to Dismiss <u>20</u> is dismissed as moot. All Defendants are to file Responses to Plaintiff's First Amended Complaint by 8/27/2013. Signed by Magistrate Judge Maureen P. Kelly on 8/13/2013. Text-only

		entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dgg) (Entered: 08/13/2013)
08/13/2013		Update Answer Deadline: Answers to First Amended Complaint due by 8/27/2013. (dgg) (Entered: 08/13/2013)
08/13/2013	<u>29</u>	NOTICE of Voluntary Dismissal of Defendant John Wetzel without prejudice by WESLEY CHANCE (Yasinow, Denise) Modified on 8/14/2013. (jsp) (Entered: 08/13/2013)
08/14/2013	<u>31</u>	ORDER approving <u>29</u> Notice of Voluntary Dismissal without prejudice as to Defendant John Wetzel, filed by WESLEY CHANCE. Signed by Magistrate Judge Maureen P. Kelly on 8/14/2013. (dgg) (Entered: 08/14/2013)
08/20/2013	<u>32</u>	Partial MOTION to Dismiss <i>for Failure to State a Claim</i> re <u>28</u> Amended Complaint by KULIK. (Attachments: # <u>1</u> Proposed Order) (Paladina, Jeffrey) Modified on 8/21/2013 to edit docket text. (ksa) (Entered: 08/20/2013)
08/20/2013	<u>33</u>	BRIEF in Support re <u>32</u> Motion to Dismiss filed by KULIK. (Paladina, Jeffrey) (Entered: 08/20/2013)
08/21/2013		ORDER that Plaintiff's Response re <u>32</u> Motion to Dismiss filed by Defendant Kulik is due by 9/20/2013. Signed by Magistrate Judge Maureen P. Kelly on 8/21/2013. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dgg) (Entered: 08/21/2013)
08/23/2013	<u>34</u>	Partial MOTION to Dismiss re <u>28</u> Amended Complaint by BOGDEN, FOLINO, MCCANVILLE, SUHAN. (Attachments: # <u>1</u> Proposed Order) (Friedline, Mary) (Entered: 08/23/2013)
08/23/2013	<u>35</u>	BRIEF in Support re <u>34</u> Partial Motion to Dismiss filed by BOGDEN, FOLINO, MCCANVILLE, SUHAN. (Friedline, Mary) Modified on 8/26/2013. (jsp) (Entered: 08/23/2013)
08/26/2013		ORDER that Plaintiff's Response re <u>34</u> Partial Motion to Dismiss Amended Complaint filed by Defendants Bogden, Folino, McCanville and Suhan is due by 9/26/2013. Signed by Magistrate Judge Maureen P. Kelly on 8/26/2013. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dgg) (Entered: 08/26/2013)
09/06/2013	<u>36</u>	Partial Payment of Filing Fee by WESLEY CHANCE. Fee \$14.00, receipt number 24668022758. (gmp) (Entered: 09/09/2013)
09/17/2013	<u>37</u>	OMNIBUS BRIEF in Opposition re <u>32</u> Motion to Dismiss for Failure to State a Claim, <u>34</u> Motion to Dismiss filed by WESLEY CHANCE. (Yasinow, Denise) Modified on 9/18/2013. (jsp) (Entered: 09/17/2013)
11/01/2013	<u>38</u>	SUPPLEMENT by WESLEY CHANCE to <u>37</u> Brief in Opposition to Motion. (Yasinow, Denise) (Entered: 11/01/2013)
11/05/2013	<u>39</u>	Partial Payment of Filing Fee by WESLEY CHANCE. Fee \$8.00, receipt number 24668023559. (mjl) (Entered: 11/05/2013)
12/05/2013	<u>40</u>	Partial Payment of Filing Fee by WESLEY CHANCE. Fee \$8.00, receipt number 24668024040. (mjl) (Entered: 12/06/2013)
01/08/2014	<u>41</u>	Partial Payment of Filing Fee by WESLEY CHANCE. Fee \$9.00, receipt number 24668024438. (mjl) (Entered: 01/09/2014)
02/06/2014	<u>42</u>	Partial Payment of Filing Fee by WESLEY CHANCE. Fee \$18.00, receipt number 24668024860. (gmp) (Entered: 02/06/2014)
03/05/2014	<u>43</u>	Partial Payment of Filing Fee by WESLEY CHANCE. Fee \$6.00, receipt number 24668025235. (mjl) (Entered: 03/06/2014)
03/12/2014	<u>44</u>	Plaintiff having indicated in his Supplement to Omnibus Brief in Opposition to Defendants' Partial Motions to Dismiss First Amended Complaint, ECF No. <u>38</u> , that he may wish to amend the First Amended Complaint to add a claim of conspiracy to commit excessive force, IT IS HEREBY ORDERED that Plaintiff has until 3/26/2014,

		to file a Second Amended Complaint so as to include the claim of conspiracy to commit excessive force if he wishes to pursue such a claim. FURTHER ORDERED that Defendant Kulik's Partial Motion to Dismiss, ECF No. <u>32</u> , and the Motion to Dismiss the Amended Complaint submitted on behalf of Defendants Bogden, Folino, McCanville and Suhan, ECF No. <u>34</u> , which are currently pending, are denied without prejudice to refiling should Plaintiff decline to file a Second Amended Complaint by 3/26/2014. Signed by Magistrate Judge Maureen P. Kelly on 3/12/2014. (dgg) Modified on 3/13/2014. (jsp) (Entered: 03/12/2014)
03/12/2014		Second Amended Complaint due by 3/26/2014. (dgg) (Entered: 03/12/2014)
03/26/2014	<u>45</u>	Second AMENDED COMPLAINT against KULIK, SUHAN, BOGDEN, MCCANVILLE, FOLINO, WETZEL, filed by WESLEY CHANCE. (Yasinow, Denise) Modified on 3/27/2014. (jsp) (Entered: 03/26/2014)
04/01/2014	<u>46</u>	Errata re <u>45</u> Second Amended Complaint by WESLEY CHANCE. Reason for Correction: Incorrect caption. (Yasinow, Denise) Modified on 4/2/2014. (jsp) (Entered: 04/01/2014)
04/02/2014		ORDER – Defendants' Response re: Plaintiff's Second Amended Complaint <u>45</u> due by 4/9/2014. Signed by Magistrate Judge Maureen P. Kelly on 4/2/2014. Text–only entry; no PDF document will issue. This text–only entry constitutes the Order of the Court or Notice on the matter. (dgg) (Entered: 04/02/2014)
04/03/2014		ORDER scheduling telephone status conference for Monday, April 7, 2014 at 2:15 p.m. The purpose of the call is to discuss the interest of the parties in mediation at this stage of the case. Plaintiff's counsel is to get defense counsel on the call and then call chambers. Signed by Magistrate Judge Maureen P. Kelly on 4/3/14. Text–only entry; no PDF document will issue. This text–only entry constitutes the Order of the Court or Notice on the matter. (Kelly, Maureen) (Entered: 04/03/2014)
04/07/2014	<u>47</u>	Minute Entry for Telephone Status Conference held before Magistrate Judge Maureen P. Kelly on 4/7/2014. Court Reporter: None. OUTCOME: 1. Reviewed current posture of the case. 2. All parties are interested in participating in a mediation with the Court. Mediation to take place on Thursday, 5/29/2014 at 9:00 a.m. 3. Defendants to produce identified documents to counsel for Plaintiff by 5/9/2014. Parties have agreed to enter into an attorneys eyes only protective order. Plaintiff to submit demand to Defendants by 5/19/2014. 4. Defense counsel to arrange logistics at the institution for Plaintiff to participate. To provide update as to logistics by email to all counsel and the Court. 5. The requirement that Defendants file an Answer to the Second Amended Complaint is hereby stayed until after the mediation, pending further order of this Court. (dgg) (Entered: 04/07/2014)
05/06/2014	<u>48</u>	Partial Payment of Filing Fee by WESLEY CHANCE. Fee \$8.00, receipt number 24668026094. (gv) (Entered: 05/07/2014)
05/30/2014	<u>49</u>	Minute Entry for proceedings held before Magistrate Judge Maureen P. Kelly: Settlement Conference held on 5/30/2014. OUTCOME: 1. Plaintiff Wesley Chance participated by telephone; 2. Extensive discussions conducted. Case was not resolved at this point. Final offer made and Plaintiff to respond within 10 days; 3. Counsel for Commonwealth Defendants to look into treatment in 3 categories; 4. Identified informal discovery to be produced by Defendants to Plaintiff by 6/6/14 subject to confidentiality agreement; 5. Status conference scheduled for 7/1/14 at 9:00 a.m. Harrisburg counsel may participate by phone; 6. Defendants to file Answers to Second Amended Complaint by 6/27/14; 7. Trial tentatively set for 11/3/14. (Court Reporter: none) (bb) (Entered: 05/30/2014)
05/30/2014		Calendar Entry: Jury Trial set for 11/3/2014 09:00 AM in Courtroom 9C before Magistrate Judge Maureen P. Kelly; Status Conference set for 7/1/2014 09:00 AM in Courtroom 9C before Magistrate Judge Maureen P. Kelly; Update Answer Deadline: Answer due from All Defendants 6/27/2014. (bb) (Entered: 05/30/2014)
06/06/2014	<u>50</u>	Partial Payment of Filing Fee by WESLEY CHANCE. Fee \$16.00, receipt number 24668026578. (mjl) (Entered: 06/06/2014)
06/25/2014	<u>51</u>	ANSWER to <u>45</u> Second Amended Complaint by BOGDEN, FOLINO, MCCANVILLE, SUHAN. (Friedline, Mary) Modified on 6/26/2014. (jsp) (Entered: 06/25/2014)

		06/25/2014)
06/26/2014	<u>52</u>	ANSWER to <u>45</u> Second Amended Complaint with Affirmative Defenses by KULIK. (Paladina, Jeffrey) Modified on 6/27/2014. (jsp) (Entered: 06/26/2014)
07/01/2014	<u>53</u>	Minute Entry for Status Conference held before Magistrate Judge Maureen P. Kelly on 7/1/2014. (Court Reporter: None). OUTCOME: 1. Reviewed outstanding claims. 2. Discussed documents requested by Plaintiff to date. Defense counsel will produce today the misconduct printout and the mental health records post-incident. 3. Addressed planned depositions and discovery. Discovery will close on 9/30/2014. Counsel to enter into protective order as to personnel, investigative and medical records. 4. Defense anticipates filing partial motion for summary judgment. A separate summary judgment scheduling order will issue. 5. Post-Discovery status conference set for 9/30/2014 at 9:00 a.m. 6. Due to required discovery and expected summary judgment motion, trial date of 11/3/2014 is cancelled. 7. Following ruling on motion for summary judgment, an expert schedule will be issued. (dgg) (Entered: 07/01/2014)
07/01/2014		Post-Discovery Status Conference set for 9/30/2014 at 09:00 AM before Magistrate Judge Maureen P. Kelly. (dgg) (Entered: 07/01/2014)
07/01/2014	<u>54</u>	SCHEDULING ORDER – 1) Any Motions for Summary Judgment due by 10/15/2014. 2) Any Response in Opposition to a Motion for Summary Judgment due by 11/14/2014. 3) All Motions for Summary Judgment and Responses thereto shall comply with Local Rule 56. In addition, all references to evidence made in the parties' respective briefs shall be supported by citations directly to the record evidence included in the Appendix. 4) Any Replies to Responses due by 11/21/2014 and shall not exceed five (5) pages. Sur-replies are only permitted by leave of Court. 5) If a Brief or Materials submitted in Support of or in Opposition to a Motion for Summary Judgment are in excess of twenty (20) pages, the filing party is directed to provide the Court with a courtesy hard-copy of the filed copy, which includes the ECF notation at the top of each page. 6) Given the unique circumstances of this case, the parties will prepare a Joint Statement of Undisputed Facts, to the extent possible. It must be filed by 10/15/2014. Signed by Magistrate Judge Maureen P. Kelly on 7/1/2014. (dgg) (Entered: 07/01/2014)
07/01/2014		ORDER – The Post-Discovery Status Conference originally set for 9/30/2014 at 9:00 a.m. is rescheduled to 9/30/2014 at 10:00 a.m. before Magistrate Judge Maureen P. Kelly. Signed by Magistrate Judge Maureen P. Kelly on 7/1/2014. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dgg) (Entered: 07/01/2014)
07/18/2014	<u>55</u>	Partial Payment of Filing Fee by WESLEY CHANCE. Fee \$12.00, receipt number 24668027194. (gmp) (Entered: 07/18/2014)
07/28/2014	<u>56</u>	MOTION to Take Deposition from Plaintiff Wesley Chance, Prisoner Witnesses Erik Cathell and Robert Kline by BOGDEN, FOLINO, MCCANVILLE, SUHAN. (Attachment: # <u>1</u> Proposed Order) (Friedline, Mary) Modified on 7/29/2014. (jsp) (Entered: 07/28/2014)
07/29/2014		ORDER granting <u>56</u> Defendants' Motion for Leave to Take Depositions of Prisoner Witnesses/Plaintiff. The parties are granted leave to depose the following prisoner witnesses and plaintiff, who are in the custody of the PA Department of Corrections: Wesley Chance, GP-3374 (plaintiff), Erik Cathell, DY-6920 (witness), Robert Kline, EJ-6584 (witness). Signed by Magistrate Judge Maureen P. Kelly on 7/29/2014. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dgg) (Entered: 07/29/2014)
08/08/2014	<u>57</u>	Partial Payment of Filing Fee by WESLEY CHANCE. Fee \$8.00, receipt number 24668027520. (gmp) (Entered: 08/08/2014)
08/27/2014		ORDER – Status Conference set for 9/3/2014 at 10:30 AM before Magistrate Judge Maureen P. Kelly. Signed by Magistrate Judge Maureen P. Kelly on 8/27/2014. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dgg) (Entered: 08/27/2014)
08/28/2014		ORDER – The Status Conference scheduled for 9/3/2014 at 10:30 a.m. will be conducted via telephone. Plaintiff's counsel is to get defense counsel on the phone and

		then call chambers at the time of the conference. Signed by Magistrate Judge Maureen P. Kelly on 8/28/2014. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dgg) (Entered: 08/28/2014)
09/03/2014	<u>58</u>	Minute Entry for Telephone Status Conference held before Magistrate Judge Maureen P. Kelly on 9/3/2014. Court Reporter: None. OUTCOME: 1. Update provided as to status of discovery. Parties anticipate completing discovery by 9/30/2014. 2. Counsel for Plaintiff inquired as to 3 medical treatment items that DOC had offered to look into. Information provided by defense counsel as to same. Defense counsel will send a letter to counsel for Plaintiff identifying these efforts. The Court noted that no settlement was reached at the settlement conference, and, as such, these efforts to look into issues were undertaken as a courtesy to the Court. 3. Discussed possible resolution of this matter. The parties are encouraged to further explore constructive resolution of this matter. The Court requested that Plaintiff's counsel address possible settlement with him. 4. All counsel are to have discussed settlement with their clients and are to be prepared to discuss during post-discovery status conference on 9/30/2014. (dgg) (Entered: 09/03/2014)
09/10/2014	<u>59</u>	Partial Payment of Filing Fee by WESLEY CHANCE. Fee \$5.00, receipt number 24668027923. (sms) (Entered: 09/10/2014)
09/29/2014	<u>60</u>	NOTICE of Appearance by Yana L. Warshafsky on behalf of BOGDEN, FOLINO, MCCANVILLE, SUHAN. (Warshafsky, Yana) (Entered: 09/29/2014)
09/30/2014	<u>61</u>	Minute Entry for Post-Discovery Status Conference held before Magistrate Judge Maureen P. Kelly on 9/30/2014. Court Reporter: None. OUTCOME: 1. Discovery completed. No open issues. 2. Court raised the possibility of settlement with all counsel. Settlement Conference scheduled for Tuesday, 10/21/2014 at 1:30 p.m. in Judge Kelly's courtroom. All counsel to appear. Defense counsel to make arrangements for Mr. Chance to participate via video conference. Plaintiff to submit demand by 10/9/2014 to defense counsel. Defense counsel to submit response by 10/16/2014. 3. A separate order will be issued slightly modifying the summary judgment briefing schedule. 4. The parties were encouraged to work towards a reasonable resolution of this matter. (dgg) (Entered: 09/30/2014)
09/30/2014	<u>62</u>	AMENDED SCHEDULING ORDER: Motions for Summary Judgment and Briefs due by 11/14/2014. Any Responses to a Motion for Summary Judgment and accompanying Brief in Support due by 12/12/2014. All Motions for Summary Judgment and Responses shall comply with Local Rule 56. In addition, all references to evidence made in the parties' respective briefs shall be supported by citations directly to the record evidence included in the Appendix. Any Replies to Responses are due by 12/19/2014 and shall not exceed five (5) pages. Sur-replies are only permitted by leave of Court. If a Brief or Materials submitted in Support of or in Opposition to a Motion for Summary Judgment are in excess of twenty (20) pages, the filing party is directed to provide the Court with a courtesy hard-copy of the filed copy, which includes the ECF notation at the top of each page. Given the unique circumstances of this case, the parties will prepare a Joint Statement of Undisputed Facts, to the extent possible. It must be filed by 11/14/2014. Signed by Magistrate Judge Maureen P. Kelly on 9/30/2014. (dgg) (Entered: 09/30/2014)
10/08/2014	<u>63</u>	JOINT MOTION to Extend Settlement Demand Deadline by WESLEY CHANCE. (Attachment: # <u>1</u> Proposed Order) (Yasinow, Denise) Modified on 10/9/2014. (jsp) (Entered: 10/08/2014)
10/15/2014	<u>64</u>	ORDER granting <u>63</u> Joint Motion to Extend Settlement Demand Deadline. Plaintiff's Settlement Demand deadline is extended to 10/15/2014. Signed by Magistrate Judge Maureen P. Kelly on 10/15/2014. (dgg) (Entered: 10/15/2014)
10/17/2014	<u>65</u>	JOINT REPORT of Settlement by WESLEY CHANCE (Ranjan, J.) Modified on 10/20/2014. (jsp) (Entered: 10/17/2014)
10/20/2014		ORDER – The Court having been advised that this action has settled, the settlement conference scheduled for 10/21/2014 is CANCELLED. Signed by Magistrate Judge Maureen P. Kelly on 10/20/2014. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dgg) (Entered: 10/20/2014)

10/20/2014	<u>66</u>	ORDER – It appearing that this case has been resolved, the Clerk of Court is directed to mark this case closed inasmuch as no further action by the Court is contemplated at this time. Nothing contained in this Order shall be considered a dismissal or disposition of this matter and, should further proceedings in it become necessary or desirable, either party may initiate it in the same manner as if this order has not been entered. Signed by Magistrate Judge Maureen P. Kelly on 10/20/2014. (dgg) (Entered: 10/20/2014)
11/24/2014	<u>67</u>	MOTION for Expenses Reimbursement by WESLEY CHANCE. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Exhibit A---costs for copying medical records, # <u>3</u> Exhibit B---reporter's fee/deposition transcripts for Kulik and Bogden, # <u>4</u> Exhibit C---reporter's fee/deposition transcripts for McConville and Folino, # <u>5</u> Exhibit D---reporter's fee/deposition transcripts for Suhan, Leggett, Armstrong, and Haywood, # <u>6</u> Exhibit E---reporter's fee/deposition transcript for Cathell, # <u>7</u> Exhibit F---reporter's fee/deposition transcript for Chance) (Yasinow, Denise) Modified on 11/25/2014. (jsp) (Entered: 11/24/2014)
12/01/2014	<u>68</u>	ORDER granting <u>67</u> Motion for Expenses Reimbursement, filed by Court Appointed Counsel for Plaintiff. The Law Firm of K&L Gates LLP shall be reimbursed in the amount of \$2,813.21 from the Attorney Admission Fund. Signed by Chief Magistrate Judge Maureen P. Kelly on 12/1/2014. (dgg) (Entered: 12/01/2014)
12/10/2014	<u>69</u>	Partial Payment of Filing Fee by WESLEY CHANCE. Fee \$12.00, receipt number 24668029375. (mjl) (Entered: 12/10/2014)
01/13/2015	<u>70</u>	Final Payment of Filing Fee by WESLEY CHANCE. Fee \$ 178.00, receipt number 24668029880 (sms) (Entered: 01/13/2015)