

**U.S. District Court
Middle District of Tennessee (Nashville)
CIVIL DOCKET FOR CASE #: 3:16-cv-01954**

Graham et al v. Parker et al
Assigned to: Chief Judge Waverly D. Crenshaw, Jr
Referred to: Magistrate Judge Joe Brown
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 07/25/2016
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Charles Graham
also known as
Charles Stevenson

represented by **Elizabeth S. Logsdon**
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Plaintiff

Russell L. Davis
*on behalf of themselves and all others
similarly situated*

represented by **Elizabeth S. Logsdon**
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Karla M. Campbell
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ATTORNEY TO BE NOTICED

Thomas H. Castelli
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Plaintiff

Calvin Landers

represented by **Calvin Landers**
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V.

Defendant

Tony C. Parker

*Commissioner, Tennessee Department of
Corrections, in his official capacity*

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TERMINATED: 03/30/2017

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Defendant

Marina Cadreche

*Dr., Assistant Commissioner of
Rehabilitative Services, Tennessee
Department of Corrections, in her official
capacity*

represented by **James R. Newsom , III**
(See above for address)
ATTORNEY TO BE NOTICED

Madeline B. Brough

(See above for address)
TERMINATED: 03/30/2017

Pamela S. Lorch

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ATTORNEY TO BE NOTICED

Steven Ashley Hart

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ATTORNEY TO BE NOTICED

Defendant

Kenneth Williams

*Dr., Medical Director, Tennessee
Department of Corrections, in his official
capacity*

represented by **James R. Newsom , III**
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ATTORNEY TO BE NOTICED

Madeline B. Brough

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TERMINATED: 03/30/2017

Pamela S. Lorch
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Steven Ashley Hart
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Date Filed	#	Docket Text
07/25/2016	<u>1</u>	COMPLAINT filed by Charles Graham & Russell L. Davis against Tony C. Parker, et al. (Filing fee \$400, Receipt number 0650-2249245). (Attachments: # <u>1</u> Exhibit A-Dept of Corrections protocol re testing/treating Hepatitis C dated 1/1/16, # <u>2</u> Exhibit B-Schofield 3-9-16 letter to TN House Finance, Ways and Means Committee, # <u>3</u> Exhibit C-TN Dept of Corrections Hepatitis C Management Guidance dated 5-20-16, # <u>4</u> Attachment Civil Cover Sheet)(af) (Entered: 07/25/2016)
07/26/2016	<u>2</u>	Summons issued as to Marina Cadreche, Tony C. Parker, Kenneth Williams. Summons fwd to Intake Dept. for pick up by counsel. (hb) (Entered: 07/26/2016)
07/26/2016	<u>3</u>	NOTICE/INFORMATION regarding Consent of the Parties to the Magistrate Judge. (hb) (Entered: 07/26/2016)
07/26/2016	<u>4</u>	NOTICE of Initial Case Management Conference set for 9/22/2016 at 10:30 AM in Courtroom 661 before Magistrate Judge E. Clifton Knowles. (hb) (Entered: 07/26/2016)
07/26/2016		TN BAR STATUS for Attys. Karla M. Campbell, Thomas H. Castelli, and Elizabeth S. Logsdon verified as active. (hb) (Entered: 07/26/2016)
07/26/2016	<u>5</u>	ORDER OF RECUSAL. Magistrate Judge E. Clifton Knowles recused. Case reassigned to Magistrate Judge Joe Brown for all further proceedings. Signed by Magistrate Judge E. Clifton Knowles on 7/26/2016. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.)(hb) (Entered: 07/26/2016)
07/28/2016	<u>6</u>	NOTICE of Initial Case Management Conference RESET for 9/22/2016 at 10:30 AM in Courtroom 783 before Magistrate Judge Joe Brown. (hb) (Entered: 07/28/2016)
08/02/2016	<u>7</u>	Letter from William J. Ferris, Inmate at Trousdale Turner Correctional Facility, Registration Inmate #348288, requesting copy of complaint. (af) (Entered: 08/03/2016)
08/03/2016	<u>8</u>	ORDER: This case is REFERRED to the Magistrate Judge for customized case management in accordance with Local Rule 16.01. Signed by District Judge Waverly D. Crenshaw, Jr on 8/3/2016. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.)(hb) (Entered: 08/03/2016)
08/22/2016	<u>9</u>	SUMMONS returned executed by Russell L. Davis, Charles Graham. Marina Cadreche served on 8/22/2016; Tony C. Parker served on 8/22/2016; Kenneth Williams served on 8/22/2016. (Campbell, Karla) (Entered: 08/22/2016)
08/31/2016	<u>10</u>	MOTION to Continue by Marina Cadreche, Tony C. Parker, Kenneth Williams. (Lorch, Pamela) (Entered: 08/31/2016)
09/01/2016	<u>11</u>	NOTICE of Appearance by Madeline B. Brough on behalf of Marina Cadreche, Tony C. Parker, Kenneth Williams (Brough, Madeline) (Entered: 09/01/2016)
09/01/2016	<u>12</u>	ORDER: Pending in this matter is Defendants' motion to continue the initial case management conference (Docket Entry <u>10</u>) presently set for 10:30 a.m. on Thursday, September 22, 2016. The motion is GRANTED, and the Initial Case Management Conference is reset for 10:00 a.m. on Thursday, October 27, 2016. It is so ORDERED. Signed by Magistrate Judge Joe Brown on 9/1/2016. (hb) (Entered: 09/01/2016)

09/12/2016	<u>13</u>	ANSWER to <u>1</u> Complaint, by Marina Cadreche, Tony C. Parker, Kenneth Williams.(Lorch, Pamela) (Entered: 09/12/2016)
09/16/2016	<u>14</u>	MOTION to Certify Class by Russell L. Davis, Charles Graham. (Attachments: # <u>1</u> Attachment Proposed Order)(Campbell, Karla) (Entered: 09/16/2016)
09/16/2016	<u>15</u>	MEMORANDUM in Support of <u>14</u> MOTION to Certify Class filed by Russell L. Davis, Charles Graham . (Campbell, Karla) (Entered: 09/16/2016)
09/16/2016	<u>16</u>	DECLARATION of Thomas H. Castelli filed by Russell L. Davis, Charles Graham re: <u>14</u> MOTION to Certify Class . (Campbell, Karla) (Entered: 09/16/2016)
09/28/2016	<u>17</u>	MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION to Certify Class by Marina Cadreche, Tony C. Parker, Kenneth Williams. (Lorch, Pamela) (Entered: 09/28/2016)
09/28/2016	<u>18</u>	ORDER The defendant has requested an extension of time to respond (Docket Entry 17). Counsel should comply with local rules and in the case caption include the names of the judges assigned to the case and if there is a jury demand. On motions for extension of time counsel should state if the opposing party(s) have been consulted and whether they agree or not. The Plaintiff will advise the court if they oppose this motion by October 3, 2017. Absent objection by that date the motion will be granted. (Brown, Joe) (Entered: 09/28/2016)
10/03/2016	<u>19</u>	ORDER granting <u>17</u> Motion for Extension of Time to File Response to <u>14</u> MOTION to Certify Class . Signed by Magistrate Judge Joe Brown on 10/3/16. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (dt) (Entered: 10/04/2016)
10/11/2016	<u>20</u>	RESPONSE in Opposition re <u>14</u> MOTION to Certify Class filed by Marina Cadreche, Tony C. Parker, Kenneth Williams. (Attachments: # <u>1</u> Attachment Affidavit of Dr. Williams)(Lorch, Pamela) (Entered: 10/11/2016)
10/24/2016	<u>21</u>	PROPOSED CASE MANAGEMENT ORDER filed by Russell L. Davis, Charles Graham. (Campbell, Karla) (Entered: 10/24/2016)
10/27/2016		Minute Entry for proceedings held before Magistrate Judge Joe Brown: Case Management Conference held on 10/27/2016. ICMO to enter. (Digital Audio: 27oct2016) (rd) (Entered: 10/27/2016)
10/28/2016	<u>22</u>	CASE MANAGEMENT ORDER: Amended Pleadings due by 4/10/2017. Discovery due by 7/21/2017. Dispositive Motions due by 12/29/2017. Telephone Conference set for 2/23/2017 10:00 AM before Magistrate Judge Joe Brown. Signed by Magistrate Judge Joe Brown on 10/28/2016. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (hb) (Entered: 10/28/2016)
11/04/2016	<u>23</u>	ORDER: Bench Trial set for 6/19/2018 09:00 AM in Courtroom A859 before District Judge Waverly D. Crenshaw Jr. Pretrial Conference set for 6/4/2018 10:30 AM in Courtroom A859 before District Judge Waverly D. Crenshaw Jr. Exhibit List due by 5/25/2018. Witness List due by 5/25/2018. Joint Proposed Pretrial Order due by 5/25/2018. Signed by District Judge Waverly D. Crenshaw, Jr on 11/4/2016. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (hb) (Entered: 11/04/2016)
11/30/2016	<u>24</u>	REPLY to Response to Motion re <u>14</u> MOTION to Certify Class filed by Russell L. Davis, Charles Graham. (Attachments: # <u>1</u> Exhibit Declaration of Dr. Michael S. Saag, M.D., # <u>2</u> Attachment Johannes v. Washington, 2015 WL 5634446 (E.D. Mich.), # <u>3</u> Attachment Turner v. Grant Cty. Det. Ctr., 2008 WL 821895 (E.D. Ky), # <u>4</u> Attachment Dowdy-El v. Caruso, 2012 WL 6642793 (E.D. Mich.), # <u>5</u> Attachment Dowdy-El v. Caruso, 2012 WL 6642763 (E.D. Mich.), # <u>6</u> Attachment Flynn v. Doyle, 2007 WL 805788 (E.D. Wis.))(Castelli, Thomas) (Entered: 11/30/2016)
12/19/2016	<u>25</u>	Letter to the Court requesting copy of docket sheet from Michael B. Lester. Docket sheet mailed to Mr. Lester. (hb) (Entered: 12/20/2016)
01/31/2017	<u>26</u>	MOTION for Extension of Time to Complete Discovery by Marina Cadreche, Tony C. Parker, Kenneth Williams. (Lorch, Pamela) (Entered: 01/31/2017)

01/31/2017	<u>27</u>	ORDER granting <u>26</u> Motion for Extension of Time to Complete Discovery. Signed by Magistrate Judge Joe Brown on 1/31/2017. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (hb) (Entered: 01/31/2017)
02/23/2017		Minute Entry for proceedings held before Magistrate Judge Joe Brown: Telephone Conference held on 2/23/2017. Order to enter. (rd) (Entered: 02/23/2017)
02/27/2017	<u>28</u>	ORDER: A telephone conference was held with the parties in this matter on February 23, 2017. The parties have been discussing ADR and the possibility of resolving this case. They have advised that in order to undertake complete resolution of this case they need to know whether this matter will be a class action or not. A motion to certify the class (Docket Entry 14) is presently pending. Signed by Magistrate Judge Joe Brown on 2/27/2017. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (eh) (Entered: 02/28/2017)
03/20/2017	<u>29</u>	Letter requesting copy of docket sheet from Mark Owen White. Copy of docket sheet mailed. (hb) (Entered: 03/21/2017)
04/03/2017	<u>30</u>	Letter from Michael B. Lester requesting copy of docket sheet. Copy of docket sheet mailed. (hb) (Entered: 04/04/2017)
04/28/2017	<u>31</u>	MOTION for Leave to Extension of time to file motion to decertify class by Marina Cadreche, Tony C. Parker, Kenneth Williams. (Lorch, Pamela) (Entered: 04/28/2017)
05/04/2017	<u>32</u>	MEMORANDUM signed by Chief Judge Waverly D. Crenshaw, Jr on 5/4/2017. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (hb) (Entered: 05/04/2017)
05/04/2017	<u>33</u>	ORDER: Pending before the Court is Plaintiffs' Motion for Class Certification (Doc. No. 14). For the reasons stated in the accompanying Memorandum, Plaintiffs' Motion is GRANTED. Signed by Chief Judge Waverly D. Crenshaw, Jr on 5/4/2017. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (hb) (Entered: 05/04/2017)
05/04/2017	<u>34</u>	ORDER: Presently pending is the Defendants' motion for additional time to file a motion to decertify the class (Docket Entry <u>31</u>). The motion is GRANTED. Plaintiff filed a motion to certify the class (Docket Entry 14) on September 16, 2016. That motion is fully briefed, but has not yet been decided by the District Judge. The scheduling order (Docket Entry <u>22</u>) provided in paragraph G that the Defendants' motion to decertify the class should be filed on or before April 28, 2017. In the event a class is certified, the Defendants may have 60 days after such an order to move to decertify the class, or until December 29, 2017, whichever is earlier. It is so ORDERED. Signed by Magistrate Judge Joe Brown on 5/4/2017. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (hb) (Entered: 05/04/2017)
06/09/2017	<u>35</u>	Joint MOTION for Extension of Time to Complete Discovery <i>and extend scheduling order deadlines and trial date</i> by Marina Cadreche, Tony C. Parker, Kenneth Williams. (Lorch, Pamela) (Entered: 06/09/2017)
06/15/2017	36	ORDER granting <u>35</u> Motion for Extension of Time to Complete Discovery. The parties have stated they are discussing ADR. They are encouraged to continue those efforts and to request assistance from the court if they believe it would be of any assistance. DISCOVERY: The parties shall complete all written discovery and depositions of all fact witnesses on or before January 22, 2018. DISCLOSURE OF EXPERTS: Plaintiffs shall identify and disclose all expert witnesses and expert reports on or before February 19, 2018. The defendants shall identify and disclose all expert witnesses and reports on or before March 19, 2018. Plaintiffs shall identify and disclose all rebuttal expert witnesses and rebuttal reports on or before April 6, 2018. DEPOSITIONS OF EXPERT WITNESSES: All experts shall be deposed by no later than April 27, 2018. DISPOSITIVE MOTIONS: Dispositive motions shall be filed by no later than June 29, 2018. Responses will be due 28 days after any such motions and replies limited to 10 pages will be due 14 days after responses. TRIAL DATE: The trial and final pretrial dates (Socket Entry 23) are cancelled and the Magistrate Judges recommends a new trial date be reset on or after 4 December 2018. (JBB) Modified on 6/16/2017 (dt). (Entered: 06/15/2017)

06/19/2017	<u>37</u>	NOTICE of Appearance by Steven Ashley Hart on behalf of All Defendants (Hart, Steven) (Entered: 06/19/2017)
06/20/2017	<u>38</u>	NOTICE of Appearance by James R. Newsom, III on behalf of Marina Cadreche, Tony C. Parker, Kenneth Williams (Newsom, James) (Entered: 06/20/2017)
06/21/2017		TN State Bar status verified as active for James R. Newsom, III. (dt) (Entered: 06/21/2017)
06/21/2017		TN State Bar status verified as active for Steven Ashley Hart. (dt) (Entered: 06/21/2017)
06/28/2017	<u>39</u>	ORDER: Bench Trial set for 12/4/2018 at 9:00 AM in Courtroom A859 before Chief Judge Waverly D. Crenshaw Jr. Pretrial Conference set for 11/19/2018 at 10:00 AM in Courtroom A859 before Chief Judge Waverly D. Crenshaw Jr. Signed by Chief Judge Waverly D. Crenshaw, Jr on 6/28/17. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (dt) (Entered: 06/29/2017)
07/11/2017	<u>40</u>	MOTION TO BE INCLUDED IN CLASS ACTION LAWSUIT by Calvin Landers. (am) (Entered: 07/12/2017)
08/10/2017	<u>41</u>	ORDER of USCA: The defendants' petition for leave to appeal is DENIED. (No Mandate to Issue.)(dt) (Entered: 08/10/2017)
08/24/2017	<u>42</u>	ORDER: Motion from Calvin Landers to be included in this class action lawsuit <u>40</u> is Denied at this point as moot. The Clerk will include with the mailing of this order a copy of Judge Crenshaw's order <u>33</u> . Signed by Magistrate Judge Joe Brown on 8/24/17. (xc:Pro se party by regular mail w/ copy of Order <u>33</u> .) (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.) (dt) (Entered: 08/24/2017)