

April 5, 2011

Memorandum: HCCF Active Case Status Report

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Memorandum

Date: April 5, 2011

To: Ms. Machele Brush

Cc: Ms. Erika Cotton & Ms. Ann Parker - CCA

From: Pentecost & Glenn, PLLC

Melissa Tart – Legal Assistant

RE: HCCF Active Case Status Report

ANDERSON, Steven

#1:10-1029

U.S. Western District

TDOC #230640

Filed: 2-5-10

Plaintiff filed a Complaint in District Court alleging interference with his alleged religious freedom and some type of allegations as to his received discipline.

Defendants are Joe Easterling, Rosie Kendrix, Robert Strickland, Fontella Mason, and Darlene Matthews

The District Court has issued an order for the complaint of the plaintiff to be reviewed by the pro se litigant review panel. At this time there has been no service of the complaint. We continue to review regarding any order of the court allowing the plaintiff's claims to continue.

BAILEY, Jamie

#16958

Hardeman Co. Chancery

TDOC #374857

Filed: 3-23-10

Plaintiff has filed a complaint in the Chancery Court of Hardeman County alleging conversion or destruction of his personal property. He has brought a claim for \$40.00.

Defendant is HCCF

This matter was settled, with the facility crediting \$40.00 to the inmate's trust account and CCA being responsible for the court costs. An order dismissing this case was entered and we will now close this file.

BAKER, Harvey
TDOC #348018

#09-1143

U.S. Western District
Filed: 6-29-09

Plaintiff has filed a complaint in District Court alleging deliberate indifference to his medical needs arising from treatment he received for a hernia.

Defendants are Dr. Crismaru and Barbara Buford

We have filed an answer to Plaintiff's complaint and have reviewed the extensive medical records of the plaintiff. We have engaged in some limited discovery with Plaintiff based upon certain terms of the scheduling order. We are now in the process of filing the motion for summary judgment.

BANKS, Danny
TDOC #221910

#1:08-1058

U.S. Western District
Filed: 3-17-08

Plaintiff filed a Complaint in District Court alleging denial of medical care and deliberate indifference by Dr. Stipanuk and numerous employees of HCCF. Plaintiff's alleged claims relate to his Multiple Sclerosis and the medication that he claims he is to receive for his MS condition. He seeks \$250,000.00 in compensatory damages and \$500,000.00 in punitive damages

Defendants are Gerald Stipanuk, Barbara Bufford, Joe Easterling, Rosie Kendrix, Donna White, TDOC, George Little

Our Motion for Summary Judgment was recently granted by Judge Todd. We obtained summary judgment as to all of the Plaintiff's claims. The Plaintiff's time to appeal this decision concludes during the first week of April and if there is no Notice of Appeal, we will close this file at that time.

DOTY, Anthony **#8908** **Hardeman Co. Circuit**
TDOC #W246639 **Filed: 6-2-98**

Plaintiff alleges that upon his transfer from Wisconsin he was advised that he could not keep certain items of his personal property at HCCF. Plaintiff states that he arranged for Beth Resop to come to HCCF and pickup the items; however upon her arrival the items could not be located. Plaintiffs allege that Ms. Resop had to stay in Hardeman County and incurred several expenses and almost lost her job due to the detainment in TN

HCCF is the Defendant in this matter.

An Order was entered by the trial court holding this matter in abeyance (the Judge has placed the case on "hold") due to the Plaintiff's incarceration. However, the Plaintiff is serving a life sentence. Our office continues to monitor this case.

ERVIN, Bobby **#17193** **Hardeman Co. Chancery Ct.**
TDOC #143371 **Filed: 1-6-11**

Plaintiff has filed a claim in District Ct. regarding deliberate indifference as to his dental care. Plaintiff alleges he suffered severe tooth aches over a prolonged period of time without receiving proper dental care. Plaintiff alleges he made numerous requests for dental care and was denied said care.

Defendants are Joe Easterling and James Ester

We have filed a motion to dismiss Plaintiffs claims as a result of them being filed untimely. This motion is set to be heard on April 12, 2011 in the Chancery Court of Hardeman Co.

GARDNER, Ricky **#11-1062** **U.S. Western District Ct.**
TDOC# **Filed: 3-14-11**

The representatives of the deceased inmate have brought a cause of action in Federal

Court alleging a wrongful death action under civil rights and negligence. The allegations are that we failed to protect the decedent from his cellmate who killed by strangulation.

Defendants are CCA, Joe Easterling and HCCFC

We have just received this file and are beginning in our investigation. The plaintiffs allege violations both as to the underlying facts and the policies and procedures.

HALE, Derrick
TDOC #287105

#10-1113

U.S. Western District Ct
Filed: 5-12-10

Plaintiff was stabbed by another inmate and brought suit against several individuals, as well as the TDOC and CCA. On its initial reviewing order, the Court dismissed the TDOC, CCA and Medical Director Burford. Plaintiff claims Classification Coordinator Swinea should have known of the risk of harm by housing Inmate James Thweatt near Plaintiff. He also alleges failure to protect claims against C/Os Spencer and Leigh. He also claims inadequate medical care against Dr. Crismaru and that Warden Easterling denied him certain treatments.

Defendants are Joe Easterling, Raye Swinea, B. Leigh, Tommy Spencer and Dr. Crismaru

We have filed a motion for extension and are preparing a responsive pleading.

HARLAN, Marcellas
TDOC #211002

#04-1218

U.S. Western District Ct
Filed: 9-9-04

Plaintiff has filed a claim in District Ct. regarding numerous claims of segregation, interference with grievances, conditions of confinement and then retaliation as to C/O Robertson. All claims and other defendants, including CCA, have been dismissed by the review order of the Court.

Defendants are Shirley Robertson

We have filed an Answer in this matter and propounded discovery to the Plaintiff. The non-jury trial has been set for January 9, 2012.

Plaintiff claims a denial of medical care. He asserts that he broke his finger in a basketball game at the facility, that he received x-rays, pain medications and was scheduled to see a doctor. After two months passed, he had not seen a doctor. By that time, his finger had healed improperly and it had to be re-broken and later required surgery. Nurse Lashon Conner is the only remaining named defendant in this matter, as Warden Easterling was dismissed. Plaintiff seeks pain and suffering damages along with loss of future wages.

Defendants are L. Connor

We are finalizing a Motion for Summary Judgment concerning the Plaintiff's claims that will be filed by mid-April. Written discovery has been completed and this case is currently set for trial for August 1, 2011.

REED, Henry Joseph #17019 Hardeman County Chancery
TDOC # 436754

Plaintiff alleges he is being denied the right to practice his Native American ceremonies. This matter is filed in the Chancery Court of Hardeman County and the State of Tennessee is also a named defendant. The plaintiff seeks injunctive relief and unspecified damages.

Defendants are Joe Easterling, Danny Dodd, Rosie Kendrix and Michael Peterson

Our motion to dismiss has been granted and we are currently wanting for the appeals time to pass prior to closing the file. We have learned of a companion case of this inmate and others but yet it is still being reviewed by the pro se litigation review panel since it is filed in Federal Court.

WATERS, Reginol #07-02-0262 Hardeman County Circuit
TDOC #259758

Plaintiff has brought this action in the Hardeman County Circuit court alleging that his

Constitutional rights were violated through the gathering of his DNA sample. Plaintiff seeks \$400,000 in compensatory damages as well as punitive damages.

Defendants are Patsy Clark, Sandra Gates, Nina Moss, Thomas Brea, Robert E. Woods and Sharhonda Crowder.

After the trial court dismissed his case, Plaintiff filed a motion to reconsider. The trial court still has not ruled on Plaintiff's motion. (It has been approximately two years since Plaintiff's motion was filed).

WILHITE, Calvin
TDOC #103401

#2:09-2196

U.S. Western District Court

Plaintiff alleges that Defendants failed to protect him and violated his due process rights. Plaintiff claims that he was violently attacked by another inmate and that Defendants failed to maintain a safe environment and failed to supervise their employees. Plaintiff has sued for \$1,000,000 in compensatory damages and unspecified injunctive relief.

Defendants are CCA, State of TN, HCCF, Joe Easterling and Jermaine Hugeley

Our Motion for Summary Judgment was granted. Plaintiff filed an appeal to the Sixth Circuit Court of Appeals. We filed a motion to dismiss the appeal because there is no final, appealable judgment, as the case is still pending against the co-Defendant. The Court of Appeals granted our motion to dismiss in early January 2011. Co-Defendant Jermaine Hughey (who attacked Wilhite) filed a motion to dismiss (that was remarkably similar to CCA's motion to dismiss), and that motion has been pending since November 2010. Until that motion is ruled on, we do not have a final appealable order and are thus left to monitor this case.