

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

NICHOLAS A. GLADU,)	
)	
Plaintiff,)	
)	
v.)	2:15-cv-00384-JAW
)	
CORRECT CARE SOLUTIONS, et al.,))	
)	
Defendants.)	

**ORDER ON MOTION TO EXPEDITE, OBJECTION TO ORDER ON
MOTIONS TO STAY, AND MOTION TO STAY**

On September 23, 2015, Nicholas A. Gladu filed a complaint with this Court against Correct Care Solutions and a number of individual defendants, alleging that while confined in the Maine State Prison and Maine Correctional Center, he did not receive proper medical treatment for bilateral hip pain and that the Defendants had retaliated against him for his filing grievances within the prison system. *Verified Compl. for Damages and Inj. Relief* (ECF No. 1) (*Compl.*).

Following the filing of his complaint, Mr. Gladu filed a number of motions and objections. *Mot. for Leave to File Am. Compl.* (ECF No. 157); *Mot. for Prelim. Inj.* (ECF No. 158); *Mot. for Permission to Refile Malpractice Cl.* (ECF No. 161); *Obj.* (ECF No. 223); *Obj. to Scheduling Order* (ECF No. 228); *Obj.* (ECF No. 229); *Obj.* (ECF No. 230). The Magistrate Judge issued two recommended decisions. *Recommended Decision on Pl.'s Mot. for Leave to Amend Compl. and Mot. for Leave to Refile Malpractice Cl.* (ECF No. 216); *Recommended Decision on Pl.'s Mot. for Prelim. Inj.*

(ECF No. 217). The Magistrate Judge also issued orders. *Order on Pl.'s Mot. for Physical and Mental Exam.* (ECF No. 218); *Order Den. Mot. to Compel* (ECF No. 219). The District Court resolved all pending matters on December 5, 2016. *Order Affirming Recommended Decisions and Rulings on Orders of the Magistrate Judge* (ECF No. 236). On December 12, 2012, Mr. Gladu filed a notice of interlocutory appeal to the Court of Appeals for the First Circuit from the adverse rulings in the District Court's December 5, 2016 order. *Notice of Appeal* (ECF No. 242).

Meanwhile, on August 10, 2016, Mr. Gladu moved to compel the production of his "complete healthcare file," which he estimated consisted of 600 [front and back] printed pages." *Pl.'s Mot. to Compel* (ECF No. 164). On November 7, 2016, the Magistrate Judge denied the motion. *Order* (ECF No. 219). On November 21, 2016, Mr. Gladu objected to the Magistrate Judge's order. *Pl.'s Obj. to the Proposed Recommendation of the Magistrate on Pl.'s Mot. to Compel* (ECF No. 230). On February 17, 2017, this Court overruled Mr. Gladu's objection to the denial of his motion to compel. *Order on Obj. to Magistrate Judge's Order on Med. Records* (ECF No. 306). On March 6, 2017, Mr. Gladu filed a notice of appeal to the Court of Appeals for the First Circuit from the orders denying his motion to compel. *Notice of Appeal* (ECF No. 317).

Contemporaneous with these activities, on November 21, 2016, Mr. Gladu moved to stay the proceedings. *Mot. to Am. Scheduling Order and to Stay Proceedings* (ECF No. 227). On December 6, 2016, the Defendants responded to Mr. Gladu's November 21, 2016 motion. *Defs. Correct Care Solutions, Robert Clinton, M.D.,*

George Stockwell, D.O. and Wendy Riebe's Obj. to Pl.'s Mot. to Amend the Scheduling Order and Req. for a Stay of the Proceedings (ECF No. 237). On January 9, 2017, Mr. Gladu filed another motion to stay. *Mot. to Stay Pending Interlocutory Appeal* (ECF No. 273). On January 30, 2017, the Defendants responded to Mr. Gladu's second motion to stay. *Def's. Correct Care Solutions, Robert Clinton, M.D., George Stockwell, D.O., and Wendy Riebe's Obj. to Pl.'s Mot. for Stay Pending Resolution of Interlocutory Appeal* (ECF No. 287). On February 24, 2017, the Magistrate Judge denied Mr. Gladu's motions to stay. *Order on Mots. to Stay* (ECF No. 310).

On March 6, 2017, Mr. Gladu filed an objection to the Magistrate Judge's February 24, 2017 order. *Pl.'s Obj. to Magistrate Judge's Recommended Order on Mots. to Stay* (ECF No. 315). On March 8, 2017, he filed a motion to expedite ruling on his objection to the motion to stay. *Mot. to Expedite Ruling* (ECF No. 321). The basis of his motion to expedite is that he is currently proceeding with interlocutory appeals on several issues, and he desires that his "request for stay be ripe for appellate review, so to allow the companion issues to be heard together." *Id.*

Finally, Mr. Gladu filed yet another motion to stay on March 8, 2017, asking that the Court stay the proceedings "pending certification and interlocutory appeal to the First Circuit on the discovery matter concerning his medical records." *Mot. to Stay* (ECF No. 322).

In summary, there are three matters before this Court: (1) Mr. Gladu's March 6, 2017 objection to the Magistrate Judge's February 24, 2017 order denying his

motions to stay, (2) Mr. Gladu's motion to expedite a ruling on his March 6, 2017 objection, and (3) Mr. Gladu's newest motion to stay.

The Court is issuing this Order today, three days after he filed his objection to the February 24, 2017 order, and therefore the Court GRANTS Nicholas Gladu's Motion to Expedite Ruling (ECF No. 321).

Turning to his objection to the Magistrate Judge's Order on Motions to Stay, under 28 U.S.C. § 636(b)(1)(A) and Federal Rule of Civil Procedure 72(a), a district court reviews the decision of a magistrate judge on a non-dispositive matter to determine whether it is "clearly erroneous or contrary to law." The Court readily concludes that the Magistrate Judge's Order on Motions to Stay is neither clearly erroneous nor contrary to law, and therefore the Court OVERRULES Nicholas Gladu's Objection to the Magistrate Judge's Recommended Order on Motions to Stay (ECF No. 315).

Finally, the Court will address Mr. Gladu's March 8, 2017 Motion to Stay (ECF No. 322). The basis of his newest request to stay is to allow him to proceed with his interlocutory appeal to the Court of Appeals for the First Circuit from the Court's orders concerning access to his medical records. *Id.* at 1. The Magistrate Judge's reasons for denying his motions to stay also support a denial of his request that the Court stay his case pending resolution of his appeal of the discovery orders concerning access to his medical records. Mr. Gladu's case has been pending since September 23, 2015, *Compl.*, and the resolution of the interlocutory appeal should not affect the parties' ability to proceed with discovery since the Court determined that Mr. Gladu

did in fact have access to his medical records, though not in the form and with the ease he wished. Finally, the Court observes that Mr. Gladu has demonstrated a proclivity for interlocutory appeals, having now filed two of them and having stated that he intends to file a third. If past is prologue, the Court anticipates that Mr. Gladu may resort to additional interlocutory appeals in the future, and if the Court adopts the start and stop litigation procedure that Mr. Gladu recommends, the Court has no confidence that this case will reach an expeditious final result. The Court therefore DENIES Nicholas A. Gladu's Motion to Stay (ECF No. 322).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 9th day of March, 2017