

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEON LIPPETT,

Plaintiff,

v.

Case No. 2:18-cv-11175

District Judge Paul D. Borman

Magistrate Judge Anthony P. Patti

CORIZON HEALTH,
DR. BETH CARTER,
DIANE HERRING,
SHARON DRAYELLING,
LISA ADRAY,
OFFICER JORDAN, and
M. PIECUCH,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL ANSWERS
TO INTERROGATORIES (DE 22) and NOTICE OF HEARING ON
PLAINTIFF'S SECOND MOTION TO COMPEL (DE 28)**

Leon Lippett is currently incarcerated at the Michigan Department of Corrections (MDOC) Macomb Correctional Facility (MRF). *See* www.michigan.gov/corrections, "Offender Search." On April 13, 2018, via counsel, Mr. Lippett filed the instant lawsuit, the factual allegations of which stem from the events of June 25, 2017, when he "began to experience pain and swelling in one of his left toes," which was "later diagnosed as cellulitis." (DE 1 ¶¶ 20-58.) Plaintiff's causes of action include deliberate indifference to medical needs, gross negligence, and intentional infliction of emotional distress. (DE 1 ¶¶ 59-73.)

Currently before the Court is Plaintiff's January 4, 2019 motion to compel answers to interrogatories, regarding which Defendants Carter and Corizon have filed a response. (DEs 22, 23.) Judge Borman referred this motion to me for hearing and determination, and a hearing was noticed for February 22, 2019. (DEs 25, 26.) On that date, attorneys Mark R. Bendure and Wedad Ibrahim appeared. The Court entertained oral argument on the motion as narrowed by the joint list of unresolved issues, after which the Court issued its ruling from the bench.

For the reasons stated on the record, all of which are incorporated herein by reference, Plaintiff's January 4, 2019 motion to compel answers to interrogatories (DE 22), as narrowed by the parties' joint statement (DE 29), is **GRANTED**. Defendants' general objections are **OVERRULED**, as are their specific objections to the interrogatories at issue. Accordingly, no later than **Friday, March 15, 2019**, Defendants Carter and Corizon shall serve answers without objections to Interrogatory Nos. 4 and 8, which the Court modifies in consideration of the proportionality factors under Fed. R. Civ. P. 26(b)(1) and/or consistent with the parties' Joint Statement of Resolved/Unresolved Issues, as follows:

- **Interrogatory No. 4:** For the period of January 1, 2013 to June 26, 2017, please state whether any State, or prison authority of any State, has cancelled or decided not to renew any contract with Corizon for prison medical services. If so, please state:
(a) The State and date of cancellation or non-renewal; **(b)** All reasons cited by the State for cancellation or non-renewal; and, **(c)** If you will do so without a motion to compel, please provide

copies of all documents reflecting the State's decision to cancel or non-renew or the reasons for that decision.

- **Interrogatory No. 8:** Please identify all medical treatises, textbooks, studies or other writing that you believe are authoritative, as of June 2017 or which will be relied on at trial, on the subjects of the appropriate treatment of a patient with cellulitis or symptoms of infection.

Additionally, Plaintiff's February 15, 2019 second motion to compel discovery (DE 28), which was recently referred to me (DE 30), is hereby noticed for a hearing on **Monday, March 18, 2019 at 10 a.m.** Defendants Carter and Corizon's response is due on or before **Friday, March 1, 2019.** Plaintiff's reply is due on or before **Friday, March 8, 2019.** The parties' joint statement of resolved and unresolved issues is due on or before **Thursday, March 14, 2019.**

IT IS SO ORDERED.

Dated: February 24, 2019

s/Anthony P. Patti

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on February 25, 2019, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti