

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAFINKA STOJCEVSKI,
as Personal Representative
of the Estate of DAVID STOJCEVSKI, Deceased,

Plaintiff,

v.

Case No. 15-cv-11019
Honorable Linda V. Parker

COUNTY OF MACOMB, et al.,

Defendant.

OPINION AND ORDER

On September 30, 2019, this Court issued an Opinion and Order disposing of several dispositive motions filed by Defendants. (*See* ECF No. 186.) Upon review of the decision, it appears that while summary judgment was granted to the following Defendants, the dismissal of Plaintiff's claims against them and their removal as parties was omitted: Natalie Pacitto, Amber Barber, Linda Parton, Thressa Williams, and Sarah Breen. (*See id.* at Pg ID 6986, 6973.) Therefore, the Court is now disposing of those Defendants as parties.

Further, the Court neglected to discuss Plaintiff's claims against Defendant Heather Ehrlich in its decision. But then again, so did Plaintiff in responding to the motion for summary judgment filed on behalf of Ehrlich and other defendants. (*See* ECF No. 158.) As Plaintiff did not set forth any arguments for why Ehrlich

should be found to have been deliberately indifferent to David’s serious medical needs, Plaintiff can be deemed to have abandoned the claims against her. *See McPherson v. Kelsey*, 125 F.3d 989, 995-96 (6th Cir. 1997) (explaining that “[i]ssues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are deemed waived.”); *see also Courser v. Mich. House of Representatives*, 831 F. App’x 161, 177-78 (6th Cir. 2020) (concluding that the plaintiff abandoned several claims by failing to make any arguments or “developed argumentation” concerning them).

In any event, Ehrlich’s involvement with David was limited to performing a COWS assessment during his first and second days at the jail. (*See* ECF No. 186 at Pg ID 6950.) The record does not reflect facts from which a reasonable juror could conclude that David exhibited signs of a serious medical condition when Ehrlich interacted with him so as to make her subjectively aware of the need for more care than she provided. The Court, therefore, is now granting summary judgment to Ehrlich and dismissing her as a party from this action.

IT IS SO ORDERED.

s/ Linda V. Parker

LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: September 22, 2021