

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

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|-----------------------|---|--------------------------|
| JIM HARRIS, JR., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 1:15-CV-26 SNLJ |
| |) | |
| CORIZON, LLC, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This case comes before the Court on four motions by the defendants. The “Corizon defendants” move to change the trial date (#103) and move for clarification of the grant of partial summary judgment (#106) entered by this Court. Defendant R. Eric Bessey, D.D.S. (“Dr. Bessey”) filed similar motions to change the trial date (#104) and for clarification of the same summary judgment memorandum and order (#108). Plaintiff did not respond to the motions to change the trial date but did respond to the defendants’ motions to clarify. The motions are ripe for disposition.

I. Motions to Change Trial Date

Following summary judgment, in the Order Relating to Trial, this action was set for a jury trial on October 23, 2017. However, both of the defendants’ attorneys have previously scheduled trial matters on that date. Pursuant to the Order Relating to Trial, the defendants timely moved to change the trial date. Because of conflicting schedules, defendants’ unopposed motions to change trial date (#103, #104) are granted. Counsel are directed to submit new proposed trial dates as soon as possible.

II. Motions to Clarify

The defendants' motions to clarify are granted consistent with this Court's determination in the original memorandum and order entered March 17, 2017, that the defendants' conduct was at most malpractice, not deliberate indifference.

Accordingly,

IT IS HEREBY ORDERED that the defendants' motions for summary judgment (#66, #69) are **GRANTED** as to plaintiff's claim that the defendants were deliberately indifferent to plaintiff's medical needs by prescribing plaintiff penicillin when he was allergic to it.

IT IS FURTHER ORDERED that the defendants' motions to change trial date (#103, #104) are **GRANTED**.

IT IS FURTHER ORDERED that counsel are directed to submit new proposed trial dates as soon as possible.

So ordered this 13th day of June, 2017.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE