

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SALVATORE CHIMENTI, ET AL.	:	CIVIL ACTION
	:	
v.	:	
	:	
PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.	:	NO. 15-3333

ORDER

AND NOW, this 7th day of August, 2017, upon consideration of the “DOC Defendants’ Motion to Dismiss Amended Complaint” (Docket No. 56), the Motion to Dismiss the Amended Complaint filed by Defendants Wexford Health Sources, Inc., Correct Care Solutions, LLC, Dr. Jay Cowan, Dr. John Kephart, and Dr. James Frommer (the “Medical Defendants”) (Docket No. 63), and all documents filed in connection therewith, and for the reasons stated in the Memorandum filed on this date, **IT IS HEREBY ORDERED** as follows:

1. The DOC Defendants’ Motion to Dismiss Amended Complaint (Docket No. 56) is **GRANTED IN PART AND DENIED IN PART**. The Motion is **GRANTED** as to all claims asserted against the Pennsylvania Department of Corrections and Rich Wenhold, and those Defendants are **DISMISSED** as Defendants in this action. The Motion is also **GRANTED** as to the claim for monetary damages asserted in Count II and as to any claim for injunctive relief asserted in Count II against Dr. Noel and Count II is **DISMISSED** to the extent it seeks monetary damages from Defendant Wetzel and both monetary damages and injunctive relief as against Dr. Noel. The Motion is further **GRANTED** as to the claim asserted against Defendant John Wetzel in Count III and Count III is **DISMISSED** as against Defendant Wetzel. The DOC Defendants’ Motion to Dismiss Amended Complaint is **DENIED** in all other respects.

2. The Motion to Dismiss the Amended Complaint filed by the Medical Defendants (Docket No. 63) is **GRANTED IN PART AND DENIED IN PART**. The Motion is **GRANTED** as to the claims asserted in Count I against Defendants Wexford, Correct Care Solutions, and Dr. Jay Cowan and Count I is **DISMISSED** against those Defendants. The Motion is also **GRANTED** as to the claims for injunctive relief asserted in Count I against Dr. Kephart and Dr. Frommer. The claims for injunctive relief asserted in Count I against Dr. Kephart and Dr. Frommer are **DISMISSED**.¹ The Motion to Dismiss is further **GRANTED** as to the claims asserted in Count II against the Medical Defendants and Count II is **DISMISSED** as against the Medical Defendants. The Medical Defendants' Motion to Dismiss the Amended Complaint is denied in all other respects.

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.

¹The claim for injunctive relief asserted against Dr. Frommer is dismissed as of the day he leaves his employment position at SCI Smithfield.