

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

WAYNE CHARLESTON, JR.	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 17-3039
CORIZON HEALTH, INC., et al	:	

ORDER

AND NOW, this 12th day of April 2018, upon considering Defendants' Motions for summary judgment and partial summary judgment (ECF Doc. Nos. 133, 135, 136, 137) with supporting Appendices, Plaintiff's Oppositions (ECF Doc. Nos. 161, 162, 163, and 164) with supporting Appendix, and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. Robin Clemons M.D.'s Motion for partial summary judgment (ECF Doc. No. 133) is **GRANTED** in part and **DENIED** in part and we proceed to trial on Mr. Charleston's Fourteenth Amendment claim for deliberate indifference arising on or after November 5, 2015 and his negligence claim seeking compensatory and punitive damages against Robin Clemons, M.D.

2. Bruce Blatt M.D.'s Motion for summary judgment (ECF Doc. No. 135) is **GRANTED** in part and **DENIED** in part and we proceed to trial on Mr. Charleston's Fourteenth Amendment claim for deliberate indifference arising on or after November 5, 2015 and his negligence claim seeking compensatory and punitive damages against Bruce Blatt, M.D.

3. City of Philadelphia's Motion for summary judgment (ECF Doc. No. 136) is **GRANTED** and we **dismiss** the City of Philadelphia.

4. Michelle Farrell and Frederick Abello's Motion for summary judgment (ECF Doc. No. 136) is **GRANTED** in part and **DENIED** in part and we proceed to trial on Mr.

Charleston's Fourteenth Amendment claim for deliberate indifference arising on or after September 7, 2015 seeking compensatory and punitive damages against Michelle Farrell and Frederick Abello.

5. Corizon Health, Inc.'s Motion for partial summary judgment (ECF Doc. No. 137) is **GRANTED** in part and **DENIED** in part and we proceed to trial on Mr. Charleston's *Monell* civil rights claim seeking compensatory and punitive damages and his negligence claim seeking compensatory damages.

6. Kristin Popelak R.N., Dulie Rene R.N., Karen McKinney P.A., Marie Whatley R.N., Danielle McGettigan L.P.N., Anita Diorio R.N., Mary Duffy R.N., Charlotte Hamilton N.P., Roseanne Green N.P., Christina Marshall R.N., and Constance Orji P.A.'s Motion for partial summary judgment (ECF Doc. No. 137) is **GRANTED** and we proceed to trial on Mr. Charleston's negligence claim seeking compensatory damages.

7. Defendant Elmeada Frias's Motion for summary judgment (ECF Doc. No. 137) is **GRANTED** as to all claims and we **dismiss** Ms. Frias.



KEARNEY, J.