

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

<b>BRIAN FORSHEY, an incapacitated</b>	:	<b>Civil No. 1:13-cv-0285</b>
<b>person, by the guardian of his person</b>	:	
<b>and estate, LINDA J. FORSHEY,</b>	:	
	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>HUNTINGDON COUNTY, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	<b>Judge Sylvia H. Rambo</b>

**ORDER**

AND NOW, this 12th day of January, 2017, **IT IS HEREBY ORDERED** as follows:

1) The Report and Recommendation of Magistrate Judge Mehalchick is adopted. (Doc. 73.)

2) Defendants’ partial motion for summary judgment (Doc. 61) is **GRANTED**

**IN PART AND DENIED IN PART** as follows:

- a. Defendants’ motion for summary judgment on Forshey’s conditions of confinement claim is **DENIED**;
- b. Defendants Bair and Black are not entitled to qualified immunity on Forshey’s conditions of confinement claim;
- c. The motion for summary judgment of Defendants Bair and Black, in their individual and official capacities, regarding Forshey’s deliberate indifference to a serious medical need is **GRANTED**;

- d. Defendants' motion for summary judgment on any *Monell* liability for Forshey's conditions of confinement claim related specifically to the running of showers while not in use is **DENIED**; and
- e. Defendants' motion for summary judgment on any *Monell* liability for Forshey's deliberate indifference claim arising from Nurse Watkins' conduct is **GRANTED**.
- 3) Counsel shall confer with each other and submit a revised joint case management plan for the disposition of this case. The plan shall be submitted by January 30, 2017.
- 4) A case management conference will be held on February 8, 2017 at 9:15 a.m. via telephone. The placement of the telephone conference call is the responsibility of Plaintiff. The telephone number of the court is 717-221-3960.

s/Sylvia Rambo  
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SYLVIA H. RAMBO  
United States District Judge