

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

JAMES MERRION,  
Plaintiff

v.

CORIZON HEALTH, INC., *et al.*,  
Defendants.

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: CIVIL NO. 13-cv-1757  
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*O R D E R*

AND NOW, this 23rd day of December, 2013, upon consideration of the report and recommendation of the magistrate judge (Doc. 45), filed October 17th, 2013, and the objections that were filed, it is ordered that:

1. The magistrate judge’s report (Doc. 45) is REJECTED in part and ADOPTED in part.
2. The portion of the magistrate judge’s report that recommends Plaintiff’s claims against Defendants Maxa, O’Rourke, Sherbine, Parlavecchio, Prison Health Services, Inc., and PHS Correctional Healthcare be dismissed, is REJECTED.
3. Plaintiff’s motion to strike (Doc. 40) Defendants’ Exhibit A (Doc. 37-1) is GRANTED.
4. Defendant’s motion to dismiss Counts I and II of the amended complaint with respect to Defendants Diaz, Gustitus, Lisiak, Iannuzzi, Andreuzzi, Maxa, O’Rourke, Sherbine, Parlavecchio, Prison Health Services, Inc., and PHS Correctional Healthcare is DENIED.

5. Plaintiff's damages claims against the individual defendants in their official capacities are DISMISSED WITH PREJUDICE.

6. Defendants' motion to dismiss Plaintiff's claims for punitive damages against the individual defendants in their personal capacities is DENIED.

7. This case is placed on the March 2014 trial list, which begins March 10, 2014, scheduling order to follow.

/s/ William W. Caldwell  
William W. Caldwell  
United States District Judge