

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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MARK P. STAFFA,

Plaintiff,

-vs-

Case No. 13-CV-5

WILLIAM POLLARD, DR. DAVID BURNETT,  
DR. P. SUMNICHT, BELINDA SCHRUBBE,  
and JAMES GREER,

Defendants.

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**DECISION AND ORDER**

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The plaintiff has filed a Motion Request for Jury in which he requests that the Court convene a jury in this matter because he has defeated the defendants' motion for summary judgment. However, while the plaintiff's jury demand in this case is noted, the defendants' summary judgment is still pending. The motion is fully briefed and will be addressed in a subsequent order. Therefore, the plaintiff's motion will be denied.

On July 7, 2014, the plaintiff filed a Request for Intervention in which he asserts that it is time to grant his motion for temporary restraining order and injunction. According to the plaintiff, he had surgery on June 13 to remove a large lump on his left rib cage but the lump grew back in fourteen days. He states that he still has outbreaks that are highly contagious. The plaintiff requests to be told the truth about what the defendants have exposed him to and how much damage it has done. The Court previously denied the

plaintiff's two motions for temporary restraining order/injunction. (Docket ## 19, 26.) His previous motions revealed that he was receiving ongoing medical care for his condition, as does his current motion. As such, the motion will be denied.

On July 11, 2014, the defendants filed a motion to quash plaintiff's subpoena requesting production of personal medical records of other inmates and Wisconsin Department of Corrections (DOC) staff. The Court previously denied a similar motion to compel made by the plaintiff with regard to the defendants and DOC staff, finding that the request was irrelevant because the plaintiff's claim in this case is based on the alleged lack of treatment for MRSA, and not the transmission thereof, which allegedly took place during a MSRA outbreak at Waupun Correctional Institution in 2006. In addition, the defendants assert that they do not have access to DOC staff members' medical records and do not have access to other inmates' medical records without authorization. Accordingly, the defendants' motion to quash will be granted. *See* Fed. R. Civ. P. 45(d)(3).

On July 14, 2014, the plaintiff filed a Motion for Copy of Subpoenaed Evidence and Oral Argument of Evidence. However, because the Court granted the defendants' motion to quash, the plaintiff's motion will be denied.

**IT IS THEREFORE ORDERED** that the plaintiff's motion for jury (Docket # 106) is **DENIED**.

**IT IS FURTHER ORDERED** that the plaintiff's motion for temporary restraining order and injunction (Docket # 113) is **DENIED**.

**IT IS FURTHER ORDERED** that the defendants' motion to quash subpoena (Docket # 115) is **GRANTED**.

**IT IS FURTHER ORDERED** that the plaintiff's motion for copy of subpoenaed evidence and for oral argument of evidence (Docket # 116) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 28th day of July, 2014.

**SO ORDERED,**

  
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HON. RUDOLPH T. RANDA

U. S. District Judge