

**U.S. District Court  
Western District of Wisconsin (Madison)  
CIVIL DOCKET FOR CASE #: 3:16-cv-00181-jdp**

Juarez, Elpidio v. Walter, Carroll et al  
Assigned to: District Judge James D. Peterson  
Referred to: Magistrate Judge Stephen L. Crocker  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/22/2016  
Date Terminated: 07/07/2017  
Jury Demand: Plaintiff  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Elpidio Juarez**

represented by **Elpidio Juarez**  
#120590  
Redgranite Correctional Institution  
1006 County Rd. EE  
P.O. Box 925  
Redgranite, WI 54970-0925  
PRO SE

V.

**Defendant**

**Carol Walter**  
*Nurse*

represented by **Corey Francis Finkelmeyer**  
Wisconsin Department of Justice  
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*TERMINATED: 04/29/2016*  
*LEAD ATTORNEY*

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**Defendant**

**Jean Felber**  
*Nurse*

represented by **Corey Francis Finkelmeyer**  
(See above for address)  
*TERMINATED: 04/29/2016*  
*LEAD ATTORNEY*

**Ann M. Peacock**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Monica A. Burkert – Brist**  
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**Defendant**

**Anthony Hentz**  
 Nurse

represented by **Corey Francis Finkelmeyer**  
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 TERMINATED: 04/29/2016  
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**Ann M. Peacock**  
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**Monica A. Burkert – Brist**  
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Date Filed	#	Docket Text
03/23/2016	<u>1</u>	ORDER severing plaintiff Elpidio Juarez's claims from case 14-cv-414-jdp. The \$45.41 initial partial payment received by Juarez in case 14-cv-747-jdp shall be applied to this new case. Signed by District Judge James D. Peterson on 3/22/2016. (elc),(ps) (Entered: 03/23/2016)
03/23/2016	<u>2</u>	AMENDED COMPLAINT (same as dkt. <u>17</u> filed in case 14-cv-747-jdp). (elc),(ps) (Entered: 03/23/2016)
03/23/2016		Motion for In Forma Pauperis Screening. (elc),(ps) (Entered: 03/23/2016)
03/30/2016	<u>3</u>	Warden PLRA Letter. (elc),(ps) (Entered: 03/30/2016)
04/18/2016	<u>4</u>	ORDER on Leave to Proceed: Plaintiff granted leave to proceed against Defendants Anthony Hentz, Jean Felber, Carroll Walter. Materials delivered to DOJ for acceptance of service. Signed by District Judge James D. Peterson on 4/18/2016. (jef),(ps) (Entered: 04/18/2016)
04/29/2016	<u>5</u>	Notice of Appearance filed by Ann M. Peacock for Defendants Jean Felber, Anthony Hentz, Carroll Walter, (Attachments: # <u>1</u> Certificate of Service) (Peacock, Ann),(ps) (Entered: 04/29/2016)
04/29/2016	<u>6</u>	Acceptance of Service by DOJ on behalf of Defendants Jean Felber, Anthony Hentz, Carroll Walter. (Peacock, Ann),(ps) (Entered: 04/29/2016)
04/29/2016	<u>7</u>	Notice that for the remainder of this lawsuit plaintiff need only send a copy of his filings in this case to the court pursuant to an informal service agreement with the Wisconsin Department of Justice. (nlm),(ps) (Entered: 04/29/2016)
05/16/2016	<u>8</u>	Motion for Assistance in Recruiting Counsel by Plaintiff Elpidio Juarez. (Attachments: # <u>1</u> Attorney letters (3), # <u>2</u> Envelope) (jef),(ps) (Entered: 05/16/2016)
05/27/2016	<u>9</u>	ANSWER to Amended Complaint by Defendants Jean Felber, Anthony Hentz, Carroll Walter. (Attachments: # <u>1</u> Certificate of Service) (Peacock, Ann),(ps) (Entered: 05/27/2016)
05/27/2016		Set Telephone Pretrial Conference: Telephone Pretrial Conference set for 6/21/2016 at 02:00 PM before Magistrate Judge Stephen L. Crocker. Counsel for Defendants responsible for setting up the call to chambers at (608) 264-5153. [ <u>Notice Regarding the Telephone Preliminary Pretrial Conference</u> attached] (nlm),(ps) (Entered: 05/27/2016)
05/31/2016	<u>10</u>	Notice of Appearance of <i>Additional Counsel</i> filed by Monica A. Burkert – Brist for Defendants Jean Felber, Anthony Hentz, Carroll Walter, (Attachments: # <u>1</u> Certificate of Service) (Burkert – Brist, Monica),(ps) Modified on 6/1/2016: Deleted duplicate text. (lak) (Entered: 05/31/2016)

06/03/2016	<u>11</u>	Supplement to <u>8</u> Motion for Assistance in Recruiting Counsel filed by Elpidio Juarez (Attachments: # <u>1</u> Attorney Rejection Letter from the Jeff Scott Olson Law Firm, S.C., # <u>2</u> Envelope) (elc),(ps) (Entered: 06/03/2016)
06/27/2016	<u>12</u>	Pretrial Conference Order – Dispositive Motions for Failure to Exhaust Administrative Remedies due 8/5/2016. Dispositive Motions due 2/3/2017. Rule 26(a)(3) Disclosures and all motions in limine due 7/28/2017. Objections due 8/11/2017. Final Pretrial Conference set for 8/21/2017 at 08:30 AM. Jury Selection and Trial set for 8/21/2017 at 09:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 6/26/2016. (jef),(ps) (Entered: 06/27/2016)
06/27/2016		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference – Pro Se held on 6/21/2016. [:15] (nln),(ps) (Entered: 06/27/2016)
07/11/2016	<u>13</u>	First Request for Inspection and Production of Documents, by Plaintiff Elpidio Juarez. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope) (nln),(ps) (Entered: 07/11/2016)
07/13/2016	<u>14</u>	Letter from Clerk's Office in response to plaintiff's <u>13</u> discovery requests. (nln),(ps) (Entered: 07/13/2016)
08/08/2016	<u>15</u>	Request to use of release account funds to pay remainder of filing fee, by Plaintiff Elpidio Juarez. (Attachments: # <u>1</u> Envelope) (nln),(ps) (Entered: 08/08/2016)
08/11/2016	<u>16</u>	ORDER denying <u>15</u> motion for use of release account funds to pay remainder of filing fee. Signed by Magistrate Judge Peter A. Oppeneer on 8/11/2016. (nln),(ps) (Entered: 08/11/2016)
10/17/2016	<u>17</u>	Notice of Change of Address by Plaintiff Elpidio Juarez. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 10/17/2016)
11/03/2016	<u>18</u>	Notice of Change of Address by Plaintiff Elpidio Juarez. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 11/03/2016)
11/14/2016	<u>19</u>	Second Request for Production of Documents by Plaintiff Elpidio Juarez. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 11/14/2016)
11/17/2016	<u>20</u>	Letter from clerk's office in response to plaintiff's <u>19</u> Second Request for Production of Documents. (elc),(ps) (Entered: 11/17/2016)
12/05/2016	<u>21</u>	ORDER denying without prejudice <u>8</u> Motion for Assistance in Recruiting Counsel. Signed by District Judge James D. Peterson on 12/5/2016. (elc),(ps) (Entered: 12/05/2016)
12/09/2016	<u>22</u>	Letter requesting clarification regarding Expert Witness Disclosures by Plaintiff Elpidio Juarez. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 12/09/2016)
12/09/2016	<u>23</u>	Letter from clerk's office in response to <u>22</u> Letter from plaintiff. (elc),(ps) (Entered: 12/09/2016)
01/06/2017	<u>24</u>	Motion to Take Deposition from Elpidio Juarez by Defendants Jean Felber, Anthony Hentz, Carroll Walter. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Certificate of Service) (Peacock, Ann),(ps) (Entered: 01/06/2017)
01/09/2017	25	** TEXT ONLY ORDER ** ORDER granting <u>24</u> Motion to Take Deposition from Elpidio Juarez. Signed by Magistrate Judge Stephen L. Crocker on 1/9/2017. (nln),(ps) (Entered: 01/09/2017)
01/11/2017	26	** TEXT ONLY ORDER ** At trial, plaintiff intends to offer evidence from medical texts. Plaintiff has asked whether he needs to disclose these texts to defendants under F.R. Civ. Pro. 26(a)(2). The short answer is "No," because the expert-witness rules do not cover this type of

		evidence. But plaintiff should expect defendants' lawyer to request copies of these documents pursuant to F.R. Civ. Pro. 34, which allows partes to discover documents that their opponents intend to use at trial. Whether plaintiff's materials are relevant or admissible as evidence in this case—either at trial or during summary judgment motions practice—are questions that the presiding judge (Judge Peterson) will answer when the time is right. Signed by Magistrate Judge Stephen L. Crocker on 1/11/2017. (jef),(ps) (Entered: 01/11/2017)
01/19/2017	<u>27</u>	Second Motion for Assistance in Recruiting Counsel by Plaintiff Elpidio Juarez. (Attachments: # <u>1</u> Notice of Deposition, # <u>2</u> Envelope) (elc),(ps) (Entered: 01/19/2017)
02/02/2017	<u>28</u>	Motion for 20–Day Extension of Time to file Dispositive Motions by Plaintiff Elpidio Juarez. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 02/02/2017)
02/02/2017	29	** TEXT ONLY ORDER ** Plaintiff's <u>28</u> Motion for a 20–day extension of time to file a summary judgment motion is GRANTED. The deadline for all parties to file their dispositive motions is extended to February 23, 2017. Signed by Magistrate Judge Stephen L. Crocker on 2/2/2017. (elc),(ps) (Entered: 02/02/2017)
02/03/2017	<u>30</u>	Deposition of Elpidio Juarez taken on January 23, 2017 <i>With Exhibits 1–5 (bookmarked)</i> . (Attachments: # <u>1</u> Certificate of Service) (Peacock, Ann),(ps) Modified on 2/7/2017: Exhibits are not attached separately/described. Bookmarks are not described. (lak) (Entered: 02/03/2017)
02/03/2017	<u>31</u>	Deposition of Elpidio Juarez taken on January 23, 2017 ( <i>Condensed</i> ), (Attachments: # <u>1</u> Certificate of Service) (Peacock, Ann),(ps) Modified on 2/7/2017: Exhibits are not attached separately/described. Bookmarks are not described. (lak) (Entered: 02/03/2017)
02/22/2017	<u>32</u>	<b>MOTION FOR SUMMARY JUDGMENT</b> by Defendants Jean Felber, Anthony Hentz, Carroll Walter, (Attachments: # <u>1</u> Certificate of Service) (Peacock, Ann),(ps) (Entered: 02/22/2017)
02/22/2017	<u>33</u>	Brief in Support of <u>32</u> Motion for Summary Judgment by Defendants Jean Felber, Anthony Hentz, Carroll Walter. (Peacock, Ann),(ps) (Entered: 02/22/2017)
02/22/2017	<u>34</u>	Proposed Findings of Fact filed by Defendants Jean Felber, Anthony Hentz, Carroll Walter re: <u>32</u> Motion for Summary Judgment. (Peacock, Ann),(ps) (Entered: 02/22/2017)
02/22/2017	<u>35</u>	Affidavit of Betty Kruse filed by Defendants Jean Felber, Anthony Hentz, Carroll Walter re: <u>32</u> Motion for Summary Judgment, (Attachments: # <u>1</u> Exhibit 1001 – Notice of Claim) (Peacock, Ann),(ps) (Entered: 02/22/2017)
02/22/2017		Set Briefing Deadlines as to <u>32</u> MOTION FOR SUMMARY JUDGMENT . [ <u>Pro Se Summary Judgment Procedure for Cases Assigned to Judge Peterson</u> attached.] Plaintiff's Brief in Opposition due 3/24/2017. Defendants' Brief in Reply due 4/3/2017. (nlm),(ps) (Entered: 02/22/2017)
02/27/2017	<u>36</u>	<b>MOTION FOR SUMMARY JUDGMENT / Brief in Support</b> by Plaintiff Elpidio Juarez. (Attachments: # <u>1</u> Envelope) (jef),(ps) Note, no separate document titled motion was included. (jef) (Entered: 02/27/2017)
02/27/2017	<u>37</u>	Proposed Findings of Fact filed by Plaintiff Elpidio Juarez re: <u>36</u> Motion for Summary Judgment. (jef),(ps) (Entered: 02/27/2017)
02/27/2017	<u>38</u>	Declaration of filed by Plaintiff Elpidio Juarez re: <u>36</u> Motion for Summary Judgment. (Attachments: # <u>1</u> Exhibit 1 – DAI Policy #500.80.11 Medication delivery, administration and training, # <u>2</u> Exhibit 2 – DAI Policy #500.30.18 Nursing protocols, # <u>3</u> Exhibit 3 – Offender complaint documents) (jef),(ps) (Entered: 02/27/2017)

02/27/2017	<u>39</u>	Affidavit of Damali Mudina Kafi a/k/a Edward L. Jackson, Sr. filed by Plaintiff Elpidio Juarez re: <u>36</u> Motion for Summary Judgment. (jef),(ps) (Entered: 02/27/2017)
02/27/2017		Set/Reset Deadlines as to Plaintiff's <u>36</u> MOTION FOR SUMMARY JUDGMENT. [ <u>Pro Se Summary Judgment Procedure for Cases Assigned to Judge Peterson</u> attached.] Defendants' Brief in Opposition due 3/29/2017. Plaintiff's Brief in Reply due 4/10/2017. (jef),(ps) (Entered: 02/27/2017)
03/08/2017	<u>40</u>	Notice of surgery the week of March 19, 2017 by Plaintiff Elpidio Juarez. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 03/08/2017)
03/14/2017	<u>41</u>	** TEXT ONLY ORDER ** On March 8, 2017 plaintiff Elpidio Juarez filed a "Notice of Intent" ( <i>see</i> <u>40</u> ) in which plaintiff advises that he is scheduled for surgery the week of March 24 and will be moved to the infirmary at Dodge Correctional Institution for two to three weeks while he recovers from surgery. Although plaintiff does not ask for an extension of time to file his opposition to defendants' motion for summary judgment, because there is room in the schedule, the court will extend briefing on both parties' competing motions for summary judgment. Accordingly, both sides may have until April 19, 2017 to file their summary judgment opposition materials and until May 1, 2017 to submit a reply. Signed by Magistrate Judge Stephen L. Crocker on 3/13/2017. (elc),(ps) (Entered: 03/14/2017)
04/19/2017	<u>42</u>	Brief in Opposition by Defendants Jean Felber, Anthony Hentz, Carroll Walter re: <u>36</u> Motion for Summary Judgment filed by Elpidio Juarez, (Attachments: # <u>1</u> Certificate of Service) (Peacock, Ann),(ps) (Entered: 04/19/2017)
04/19/2017	<u>43</u>	Response to Proposed Findings of Fact filed by Defendants Jean Felber, Anthony Hentz, Carroll Walter re: <u>36</u> Motion for Summary Judgment. (Peacock, Ann),(ps) (Entered: 04/19/2017)
04/20/2017	<u>44</u>	Brief in Opposition by Plaintiff Elpidio Juarez re: <u>32</u> Motion for Summary Judgment filed by Carroll Walter, Jean Felber, Anthony Hentz. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 04/20/2017)
04/20/2017	<u>45</u>	Response to Proposed Findings of Fact filed by Plaintiff Elpidio Juarez re: <u>32</u> Motion for Summary Judgment. (jef),(ps) (Entered: 04/20/2017)
05/01/2017	<u>46</u>	Brief in Reply by Plaintiff Elpidio Juarez in Support of <u>36</u> Motion for Summary Judgment. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 05/01/2017)
05/01/2017	<u>47</u>	Declaration of Elpidio Juarez re: <u>32</u> Motion for Summary Judgment, <u>36</u> Motion for Summary Judgment. (Attachments: # <u>1</u> Off-Site Service Request and Report) (elc),(ps) (Entered: 05/01/2017)
05/01/2017	<u>48</u>	Brief in Reply by Defendants Jean Felber, Anthony Hentz, Carroll Walter in Support of <u>32</u> Motion for Summary Judgment, (Attachments: # <u>1</u> Certificate of Service) (Peacock, Ann),(ps) (Entered: 05/01/2017)
05/01/2017	<u>49</u>	Reply in Support of Proposed Findings of Fact filed by Defendants Jean Felber, Anthony Hentz, Carroll Walter re: <u>32</u> Motion for Summary Judgment. (Peacock, Ann),(ps) (Entered: 05/01/2017)
07/07/2017	<u>50</u>	ORDER granting <u>32</u> Motion for Summary Judgment; denying <u>36</u> Motion for Summary Judgment; denying <u>27</u> Motion for Assistance in Recruiting Counsel. The clerk of court is directed to enter judgment in favor of defendants and close this case. Signed by District Judge James D. Peterson on 7/7/2017. (jef),(ps) (Main Document 50 replaced on 7/7/2017) (jef). (Entered: 07/07/2017)
07/07/2017	<u>51</u>	JUDGMENT entered in favor of Defendants Jean Felber, Anthony Hentz, Carol Walter dismissing the case. Signed by Peter A. Oppeneer, Clerk of Court on 7/7/2017. (jef),(ps) (Entered: 07/07/2017)
07/19/2017	<u>52</u>	NOTICE OF APPEAL by Plaintiff Elpidio Juarez as to <u>50</u> Order on Motion for Summary Judgment, <u>51</u> Judgment. In forma pauperis pending. No Docketing Statement filed. (Attachments: # <u>1</u> Envelope) (nlm),(ps) (Entered: 07/19/2017)

07/19/2017	<u>53</u>	Appeal Information Packet. (nl), (ps) (Entered: 07/19/2017)
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