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STANDARD,STAYED

**U.S. District Court
District of Maine (Bangor)
CIVIL DOCKET FOR CASE #: 1:19-cv-00081-NT**

LOISEL v. CLINTON et al
Assigned to: JUDGE NANCY TORRESEN
Referred to: MAGISTRATE JUDGE JOHN C.
NIVISON
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 02/21/2019
Jury Demand: Both
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

MATHIEW LOISEL
*Individually and on behalf of a class
of similarly situated persons*

represented by **MIRIAM A. JOHNSON**
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V.

Defendant

ROBERT CLINTON, MD
TERMINATED: 07/08/2021

represented by **ELIZABETH K. PECK**
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Defendant

RICHARD LIBERTY
TERMINATED: 07/08/2021

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BENJAMIN WAHRER
(See above for address)
ATTORNEY TO BE NOTICED

ROBERT C. HATCH
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Defendant

WELLPATH LLC

represented by **BENJAMIN WAHRER**
(See above for address)
ATTORNEY TO BE NOTICED

ROBERT C. HATCH
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Defendant

**MAINE DEPARTMENT OF
CORRECTIONS**

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Defendant**RANDALL LIBERTY***Commissioner of Maine Department
of Corrections*represented by **ALISA ROSS***(See above for address)
ATTORNEY TO BE NOTICED***JONATHAN R. BOLTON***(See above for address)
ATTORNEY TO BE NOTICED***Defendant****MATTHEW MAGNUSSON***Warden of Maine State Prison
TERMINATED: 07/08/2021*represented by **ALISA ROSS***(See above for address)
ATTORNEY TO BE NOTICED***JONATHAN R. BOLTON***(See above for address)
ATTORNEY TO BE NOTICED***Notice Only Party****MAINE ATTORNEY GENERAL
- PRISONER CASES**

Date Filed	#	Docket Text
02/21/2019	<u>1</u>	COMPLAINT against ROBERT CLINTON, RICHARD LIBERTY, filed by MATHIEW LOISEL. (Service of Process Deadline 5/22/2019) (Attachments: # <u>1</u> Envelope)(sfw) (Entered: 02/21/2019)
02/21/2019	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by MATHIEW LOISEL (Attachments: # <u>1</u> Affidavit in support of Motion for IFP, # <u>2</u> Certificate of Account, # <u>3</u> Trust Account Statement)(sfw) (Entered: 02/21/2019)
02/21/2019	3	NOTICE re <u>2</u> MOTION for Leave to Proceed in forma pauperis filed by MATHIEW LOISEL. Although the Clerk's Office has no obligation to review pleadings for personal identifiers, please note that the above-referenced document contains personal identifiers in violation of Fed.R.Civ.P. 5.2 or Fed.R.Crim.P. 49.1. This will be the only Notice of Violation of Fed.R.Civ.P. 5.2 or Fed.R.Crim.P. 49.1 you will receive in this case. The filing party may remedy this violation by filing a redacted version of the document adding REDACTED to the top of the filing along with, a Motion to Seal the previously filed unredacted document. If no action is taken, the

		unredacted document will remain publicly available. (sfw) (Entered: 02/21/2019)
02/22/2019	4	ORDER granting 2 Motion for Leave to Proceed in forma pauperis. Plaintiff's intent to proceed due 3/15/2019. By MAGISTRATE JUDGE JOHN C. NIVISON. (MFS) (Entered: 02/22/2019)
02/22/2019		Set Deadlines: Prisoner Intent to Proceed Deadline 3/15/2019. (MFS) (Entered: 02/22/2019)
03/04/2019	5	INDICATION by Prisoner MATHIEW LOISEL of Intent to Proceed; Prison Business office notified. (Attachments: # 1 Envelope)(mnw) (Entered: 03/05/2019)
03/04/2019	6	MOTION to Extend Time to pay initial partial filing fee by MATHIEW LOISEL. No PDF document is attached to this docket entry. The motion to extend time is incorporated within intent to proceed #5. To view PDF document, see ECF No. 5. (mnw) (Entered: 03/05/2019)
03/05/2019	7	LETTER from the Clerk's Office regarding the collection of fees. (mnw) (Entered: 03/05/2019)
03/05/2019	8	ORDER granting 6 Motion to Extend Time to Pay Initial Partial Filing Fee. Time is extended as requested. The partial filing fee will be forwarded to the Court by the Institution in accordance with the Court's order granting Plaintiff's request to proceed in forma pauperis. (Order, ECF No. 4.) By MAGISTRATE JUDGE JOHN C. NIVISON. (NIVISON, JOHN) (Entered: 03/05/2019)
03/07/2019	9	ORDER FOR SERVICE: The Clerk is directed to prepare the necessary documents for service by the U.S. Marshal. The U.S. Marshal may attempt service by waivers in the first instance. If no waiver(s) is/are timely returned, the Clerk is directed to prepare summons(es) for service in hand by the U.S. Marshal. By MAGISTRATE JUDGE JOHN C. NIVISON. (slg) (Entered: 03/07/2019)
03/07/2019		USM Service Form 285 and appropriate Service Documents completed and given to the U.S. Marshal Service along with a copy of the Complaint and Order Directing Service. (slg) (Entered: 03/07/2019)
03/11/2019	10	MAIL (NEF of ECF No. 9 Order for Service & NEF of USM Service Entry) sent to Mathiew Loisel returned as undeliverable. Reason: Refused, Unable to Forward. (mnw) (Entered: 03/11/2019)

04/26/2019	<u>11</u>	WAIVER OF SERVICE Returned Executed as to ROBERT CLINTON. Waiver sent on 3/12/2019. Answer due by 5/13/2019. (mnw) (Entered: 04/29/2019)
04/26/2019	<u>12</u>	WAIVER OF SERVICE Returned Executed as to RICHARD LIBERTY. Waiver sent on 3/12/2019. Answer due by 5/13/2019. (mnw) (Entered: 04/29/2019)
05/15/2019		Set Deadlines : No answer or responsive pleading filed by ROBERT CLINTON & RICHARD LIBERTY : Check for the Filing of a Motion for Entry of Default on 6/14/2019. (mnw) (Entered: 05/15/2019)
05/17/2019	<u>13</u>	LETTER by MATHIEW LOISEL. (Attachments: # <u>1</u> Envelope)(mjlt) (Entered: 05/17/2019)
05/22/2019	<u>14</u>	MOTION for Entry of Default as to Defendants Robert Clinton and Richard Liberty filed by MATHIEW LOISEL (Attachments: # <u>1</u> Declaration of Mathiew Loisel, # <u>2</u> Envelope)(mnw) (Entered: 05/22/2019)
05/29/2019	<u>15</u>	NOTICE of Appearance by ROBERT C. HATCH on behalf of ROBERT CLINTON, RICHARD LIBERTY (HATCH, ROBERT) (Entered: 05/29/2019)
05/29/2019	<u>16</u>	MOTION to Set Aside <u>14</u> MOTION for Entry of Default by ROBERT CLINTON, RICHARD LIBERTY Responses due by 6/19/2019. (Attachments: # <u>1</u> Exhibit A-Affidavit of Robert C. Hatch, # <u>2</u> Exhibit B-Proposed Answer)(HATCH, ROBERT) Modified on 5/30/2019 to clean up duplicate exhibit text (mnw). Added MOTION for Leave to File Late Answer on 5/30/2019 (mnw). (Entered: 05/29/2019)
05/30/2019	<u>17</u>	NOTICE of Appearance by BENJAMIN WAHRER on behalf of All Defendants (WAHRER, BENJAMIN) (Entered: 05/30/2019)
05/30/2019	18	ORDER granting <u>14</u> Motion for Entry of Default (no answer or responsive pleading having been filed) as to ROBERT CLINTON and RICHARD LIBERTY. By Melody Whitten, Deputy Clerk (mnw) (Entered: 05/30/2019)
06/17/2019	<u>19</u>	NOTICE of Appearance by PETER G. MANCUSO on behalf of MATHIEW LOISEL (MANCUSO, PETER) (Entered: 06/17/2019)
06/17/2019	<u>20</u>	NOTICE of Appearance by ANDREW A. SCHMIDT on behalf of MATHIEW LOISEL (SCHMIDT, ANDREW) (Entered: 06/17/2019)

06/18/2019	<u>21</u>	NOTICE of Appearance by TAYLOR ANDREW ASEN on behalf of MATHIEW LOISEL (ASEN, TAYLOR) (Entered: 06/18/2019)
06/18/2019	<u>22</u>	Unopposed MOTION to Amend <i>for Leave to File Amended Complaint</i> by MATHIEW LOISEL Responses due by 7/9/2019. (ASEN, TAYLOR) (Entered: 06/18/2019)
06/19/2019	<u>23</u>	NOTICE of Appearance by MIRIAM A. JOHNSON on behalf of MATHIEW LOISEL (JOHNSON, MIRIAM) (Entered: 06/19/2019)
06/19/2019	24	ORDER granting <u>22</u> Motion for Leave to File Amended Complaint. Plaintiff shall file the amended complaint on or before June 26, 2019. By MAGISTRATE JUDGE JOHN C. NIVISON. (NIVISON, JOHN) (Entered: 06/19/2019)
06/19/2019		Set Deadlines per order #24: Amended Complaint due by 6/26/2019. (clp) (Entered: 06/19/2019)
06/21/2019	<u>25</u>	ORDER ON DEFENDANTS' MOTION TO SET ASIDE DEFAULT granting <u>16</u> Motion to Set Aside Default; granting <u>16</u> Motion for Leave to File Response By MAGISTRATE JUDGE JOHN C. NIVISON. (slg) (Entered: 06/21/2019)
06/26/2019	<u>26</u>	First AMENDED COMPLAINT (<i>Demand for Jury Trial, Injunctive Relief, and Class Certification Requested</i>) against All Defendants, filed by MATHIEW LOISEL. (Service of Process Deadline 9/24/2019) (Attachments: # <u>1</u> Exhibit DOC email obtained via FOAA request)(ASEN, TAYLOR) (Entered: 06/26/2019)
06/27/2019	<u>27</u>	Summons Issued as to WELLPATH LLC. Counsel shall print the embossed summons and effect service in the manner in accordance with Fed.R.Civ.P.4. Note-If you are using Version 6 of Adobe Acrobat, be sure the PRINT WHAT field is set to DOCUMENTS AND COMMENTS (Click File, then Print to check this setting). (bfa) (Entered: 06/27/2019)
06/28/2019	28	NOTICE: The Court has completed its preliminary review and ordered the complaint to be served. Pursuant to the Agreement on Service between the Clerk of Court and the Maine Attorney General, this Notice constitutes service as directed by the Court. The Maine Attorney General shall file notice of acceptance or

		declination of acceptance of service within 30 days. (Deadline to File Acceptance or Declination of Acceptance of Service is 7/29/2019) (mnw) (Entered: 06/28/2019)
07/01/2019	29	AGREEMENT of Acceptance of Service by RANDALL LIBERTY, MATTHEW MAGNUSSON, MAINE DEPARTMENT OF CORRECTIONS (ROSS, ALISA) (Entered: 07/01/2019)
07/01/2019		Set Answer Deadline for RANDALL LIBERTY, MATTHEW MAGNUSSON, MAINE DEPARTMENT OF CORRECTIONS Per Notice #28: Answer due by 8/27/2019. (slg) (Entered: 07/01/2019)
07/03/2019	30	NOTICE of Appearance by JONATHAN R. BOLTON on behalf of RANDALL LIBERTY, MATTHEW MAGNUSSON, MAINE DEPARTMENT OF CORRECTIONS (BOLTON, JONATHAN) (Entered: 07/03/2019)
07/03/2019	31	NOTICE of Appearance by ALISA ROSS on behalf of RANDALL LIBERTY, MATTHEW MAGNUSSON, MAINE DEPARTMENT OF CORRECTIONS (ROSS, ALISA) (Entered: 07/03/2019)
07/08/2019	32	Consent MOTION to Extend Time to File Answer re 26 Amended Complaint by ROBERT CLINTON, MD & RICHARD LIBERTY. Responses due by 7/29/2019. (HATCH, ROBERT) Modified on 7/9/2019 to remove Wellpath LLC as filer (mnw). (Entered: 07/08/2019)
07/09/2019	33	NOTICE of Docket Entry Modification regarding 32 Consent MOTION to Extend Time to File Answer re 26 Amended Complaint : Docket entry modified by the Clerk's Office to remove Wellpath LLC as filer as the request to extend time is only being made on behalf of defendants Robert Clinton and Richard Liberty. (mnw) (Entered: 07/09/2019)
07/09/2019	34	ORDER granting 32 Motion to Extend Time to File Response to Amended Complaint. Time is extended to July 24, 2019. By MAGISTRATE JUDGE JOHN C. NIVISON. (NIVISON, JOHN) (Entered: 07/09/2019)
07/09/2019		Reset Answer Deadline for ROBERT CLINTON, MD & RICHARD LIBERTY : Per Order #34: Answer due by 7/24/2019. (mnw) (Entered: 07/09/2019)

07/10/2019	<u>35</u>	SUMMONS Returned Executed by MATHIEW LOISEL. WELLPATH LLC served on 7/3/2019. (ASEN, TAYLOR) (Entered: 07/10/2019)
07/10/2019		Set Answer Deadline for WELLPATH LLC - Per Summons Returned Executed #35: Answer due by 7/24/2019. (mnw) (Entered: 07/10/2019)
07/24/2019	<u>36</u>	CORPORATE DISCLOSURE STATEMENT by ROBERT CLINTON, MD, RICHARD LIBERTY, WELLPATH LLC. (HATCH, ROBERT) (Entered: 07/24/2019)
07/24/2019	<u>37</u>	ANSWER to <u>26</u> Amended Complaint, by ROBERT CLINTON, MD, RICHARD LIBERTY, WELLPATH LLC.(HATCH, ROBERT) (Entered: 07/24/2019)
08/27/2019	<u>38</u>	ANSWER to <u>26</u> Amended Complaint, by RANDALL LIBERTY, MATTHEW MAGNUSSON, MAINE DEPARTMENT OF CORRECTIONS.(BOLTON, JONATHAN) (Entered: 08/27/2019)
08/28/2019	<u>39</u>	SCHEDULING ORDER: Discovery due by 1/15/2020. Written Notice of Intent to File Summary Judgment Motion and Request for Pre-Filing Conference due by 1/22/2020. Motions due by 2/5/2020. Ready for Trial on 4/7/2020. By MAGISTRATE JUDGE JOHN C. NIVISON. (MFS) (Entered: 08/28/2019)
09/18/2019	40	Minute Entry for proceedings held before MAGISTRATE JUDGE JOHN C. NIVISON: Telephone Conference held. (Court Reporter: Melissa Merenberg) (MFS) (Entered: 09/18/2019)
09/24/2019	<u>41</u>	ORDER setting Settlement Conference for 11/21/2019 at 8:30 AM in Magistrate Judge Nivison's Chambers before MAGISTRATE JUDGE JOHN C. NIVISON. In Camera Settlement Papers due by 11/14/2019. By MAGISTRATE JUDGE JOHN C. NIVISON. (MFS). Modified on 9/24/2019 to add main document (jgd). (Entered: 09/24/2019)
10/15/2019	<u>42</u>	(Access to document is restricted to case participants only) MOTION for Writ of Habeas Corpus ad Testificandum of Mathiew Loisel by MATHIEW LOISEL (JOHNSON, MIRIAM) (Entered: 10/15/2019)

10/16/2019	43	ORDER granting 42 Motion for Writ of Habeas Corpus ad Testificandum. Writ Issued. By MAGISTRATE JUDGE JOHN C. NIVISON. (jwr) (Entered: 10/16/2019)
10/16/2019	44	(Access to document is restricted to case participants only) WRIT of Habeas Corpus Ad Testificandum issued (jwr) (Entered: 10/16/2019)
10/30/2019	45	NOTICE of Hearing: Telephone Conference set for 11/8/2019 at 9:00 AM before MAGISTRATE JUDGE JOHN C. NIVISON. The parties have been provided with the Court's call-in information. (MFS) (Entered: 10/30/2019)
11/08/2019	46	Minute Entry for proceedings held before MAGISTRATE JUDGE JOHN C. NIVISON: Telephone Conference held. (Court Reporter: Julie Edgecomb) (MFS) (Entered: 11/08/2019)
11/21/2019	47	Minute Entry for proceedings held before MAGISTRATE JUDGE JOHN C. NIVISON: Settlement Conference held. Settlement discussions to continue. (Court Reporter: No court reporter present) (MFS) (Entered: 11/21/2019)
11/22/2019	48	NOTICE of Hearing: Telephone Conference set for 1/14/2020 at 11:30 AM before MAGISTRATE JUDGE JOHN C. NIVISON. The parties have been provided with the Court's call-in information. (MFS) (Entered: 11/22/2019)
11/22/2019	49	NOTICE of Hearing: Telephone Conference set for 2/11/2020 at 11:30 AM before MAGISTRATE JUDGE JOHN C. NIVISON. The parties have been provided with the Court's call-in information. (MFS) (Entered: 11/22/2019)
11/22/2019	50	NOTICE of Hearing: Telephone Conference of Counsel set for 3/16/2020 at 10:00 AM in Magistrate Judge Nivison's Chambers before MAGISTRATE JUDGE JOHN C. NIVISON. (MFS) Modified on 1/14/2020 to indicate this will be telephonic (jwr). (Entered: 11/22/2019)
01/14/2020	51	Minute Entry for proceedings held before MAGISTRATE JUDGE JOHN C. NIVISON: Telephone Conference held. (Court Reporter: No court reporter present) (MFS) (Entered: 01/14/2020)
01/14/2020	52	NOTICE of Canceled Hearing. The 2/11/2020 telephone conference is canceled. (MFS) (Entered: 01/14/2020)
01/14/2020	53	PROCEDURAL ORDER. By MAGISTRATE JUDGE JOHN C. NIVISON. (MFS) (Entered: 01/14/2020)

01/17/2020	54	NOTICE of Hearing: Conference of Counsel set for 4/28/2020 at 10:00 AM in Magistrate Judge Nivison's Chambers before MAGISTRATE JUDGE JOHN C. NIVISON. (MFS) (Entered: 01/17/2020)
03/15/2020	55	NOTICE OF CANCELLED HEARING. The telephone conference scheduled for 3/16/2020 at 10:00 a.m. with MAGISTRATE JUDGE JOHN C. NIVISON has been cancelled and will be rescheduled to a later date. (jwr) (Entered: 03/15/2020)
03/20/2020	56	NOTICE of Canceled Hearing: The conference of counsel scheduled for 4/28/2020 at 10:00 a.m. has been canceled in accordance with General Order-2 issued by Chief Judge Jon D. Levy on 3/18/2020 and will be rescheduled to a later date. (MFS) (Entered: 03/20/2020)
06/10/2020	57	NOTICE of Hearing: Telephone Conference set for 6/23/2020 at 9:00 AM before MAGISTRATE JUDGE JOHN C. NIVISON. The parties have been provided with the Court's call-in information.(MFS) (Entered: 06/10/2020)
06/23/2020	58	Minute Entry for proceedings held before MAGISTRATE JUDGE JOHN C. NIVISON: Telephone Conference held. (Court Reporter: Melissa Merenberg) (MFS) (Entered: 06/23/2020)
07/24/2020	59	Joint MOTION to Stay <i>Proceedings</i> by ROBERT CLINTON, MD, RICHARD LIBERTY, WELLPATH LLC Responses due by 8/14/2020. (WAHRER, BENJAMIN) (Entered: 07/24/2020)
07/27/2020	60	ORDER granting 59 Motion to Stay. In accordance with the parties' agreement, the matter is stayed until further order of the Court. The parties shall file a status report on or about December 15, 2020. By MAGISTRATE JUDGE JOHN C. NIVISON. (NIVISON, JOHN) (Entered: 07/27/2020)
07/27/2020		Set Deadlines - Per Order #60: Status Report due by 12/15/2020. (mnd) (Entered: 07/27/2020)
12/15/2020	61	Joint Status Report of the Parties by RANDALL LIBERTY, MATTHEW MAGNUSSON, MAINE DEPARTMENT OF CORRECTIONS. (ROSS, ALISA) Modified on 12/16/2020 to clean up text (mnd). (Entered: 12/15/2020)
12/17/2020	62	ORDER - Upon review of the parties' status report (ECF No. 61), the matter shall remain stayed until further order of the Court. The parties shall file a status report on or about June 1, 2021. By

		MAGISTRATE JUDGE JOHN C. NIVISON. (mnd) (Entered: 12/17/2020)
12/17/2020		Set Deadlines - Per Order #62: Status Report due by 6/1/2021. (mnd) (Entered: 12/17/2020)
06/01/2021	63	STATUS REPORT <i>Joint Status Report of the Parties</i> by RANDALL LIBERTY, MATTHEW MAGNUSSON, MAINE DEPARTMENT OF CORRECTIONS. (ROSS, ALISA) (Entered: 06/01/2021)
06/01/2021	64	ORDER - Upon review of the parties' status report (ECF no. 63), the matter shall remain stayed until further order of the Court. The parties shall file a status report on or about September 1, 2021. By MAGISTRATE JUDGE JOHN C. NIVISON. (slg) (Entered: 06/01/2021)
06/01/2021		Per Order #64 Deadlines Set: Status Report due by 9/1/2021. (slg) (Entered: 06/01/2021)
07/08/2021	65	*FILED IN ERROR* STIPULATION of Dismissal <i>By the Parties as to Certain Defendants</i> by ROBERT CLINTON, MD, RICHARD LIBERTY, WELLPATH LLC. (BRADEN, TWAIN) Modified on 7/8/2021 to add filed in error notation, counsel to re-file (mnd). (Entered: 07/08/2021)
07/08/2021	66	NOTICE of Docket Entry Modification regarding 65 Stipulation of Dismissal : Docket entry modified by the Clerk's Office to reflect that it was filed in error and will be re-filed by counsel. (mnd) (Entered: 07/08/2021)
07/08/2021	67	STIPULATION of Dismissal <i>By the Parties as to Certain Defendants</i> by ROBERT CLINTON, MD, RICHARD LIBERTY, WELLPATH LLC. (HATCH, ROBERT) (Entered: 07/08/2021)
09/01/2021	68	STATUS REPORT <i>Joint</i> by WELLPATH LLC. (PECK, ELIZABETH) (Entered: 09/01/2021)
09/02/2021	69	ORDER-Upon review of the parties' status report (ECF No. 68), the matter shall remain stayed until further order of the Court. The parties shall file a status report on or about November 1, 2021. By MAGISTRATE JUDGE JOHN C. NIVISON. (clp) (Entered: 09/02/2021)

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