

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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REGIS GRICE,

Plaintiff,

v.

Case No. 18-CV-923

NATHAN TAPIO et al.,

Defendants.

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**DEFENDANTS' RESPONSE TO PLAINTIFF'S PROPOSED FINDINGS  
OF FACT**

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Defendants, Nathan Tapio, Chrystal Marchant, Ryan Kuepper, Bailey Frame, Kristina Deblanc, Kyle Tritt and Donna Larson, by their attorneys, Wisconsin Attorney General Joshua L. Kaul and Assistant Attorney General Eliot M. Held, respond to Plaintiff's Proposed Findings of Fact, as follows:

1. Plaintiff Regis Grice is currently incarcerated at Waupun Correction Institution. Plaintiff is a United States Citizen and Adult resident of the State of Wisconsin. At all relevant times to this Action Plaintiff was confined as a inmate to the Department of Corrections.

**RESPONSE: Undisputed.**

2. Defendants: Ryan Kuepper (CPS), Kristina Deblanc (PSU), Kyle Tritt (CAPT), Donna Carson (NCI), Chrystal Marchant (HSU Manager) are

employed at Waupun Correctional Inst Address 200 S Madison St Waupun, WI 53963. Address: 1 W Lincoln St PO Box 661 Waupun, WI 53963. Defendant Cheryl Jeanpierre (ACP) at the Dates Allege in the above case was employed at Waupun Correctional Inst Address: 200 S Madison St Waupun, WI 53963. All defendants are United States citizen and Adult resident of the state of Wisconsin.

**RESPONSE: Undisputed but not material.**

3. On 3-16-19 the Plaintiff had a X-Ray done and the Finding was discovered [ Hip UNI W OR W/O Pelvis 2-3 V. Left Findings: The Bones are of normal mineralization and alignment no lytic or blastic lessions or fractures are present there are no significant degenerative changes. There is complete Joint Space Loss Pleural Society Erosion of artieula surfaces and marginal osteophyte Formation Conclusion: Severe degenerative Change Left hip (Grice Declaration 11-30-19..Par 4...Ex 1)

**RESPONSE: Undisputed.**

4. On 4-7-18 the Plaintiff wrote a HSR saying the following: I receive pain pills meloxicam for my left hip I suppose to take ones a day. Its not releaving me of pain and it's starting to hurt more now when I lay in bed a sleep, can't I get better meds? And I would like to know will I be called in a couple months for a follow up or surgery, on 4-10-18 they wrote back appt. scheduled (see Grice Declaration, 11-30-19 Par 5.. Ex2)

**RESPONSE: Undisputed.**

5. On 4-12-18 the doctor stated the plaintiff would get Tylenol alternating with ibuprofen and F/U at placement facility for Physical Therapy. (Grice Declaration 11-30-19.. Par 6. Ex3)

**RESPONSE: Undisputed.**

6. On 4-23-18 Grice was transferred to Waupun Corr. Inst and a transfer screening order DOC – 3532 was filled out by Nurse at (WCI) Grice Declaration 11-30-19.. Par 7.. Ex4)

**RESPONSE: Undisputed.**

7. On 5-3-18 the Plaintiff wrote a HSR saying: Would I be able to see my health care records from Dodge and the Milwaukee county jail, I am looking for records regarding my left hip. I also just came from Dodge and want to know when I will start therapy for hip. Nurse Ann wrote back upon your arrival here at (WCI) RN Anderson placed you on the N/P list for follow up regarding your hip. He would have to write orders for your hip PT if he feels it's necessary after accessing your records. From Dodge would have to be printed out if you were to review your files (Grice Declaration 11-30-19.. Par 8 .. Ex5)

**RESPONSE: Undisputed.**

8. On 5-8-18 I wrote a HSR saying: When I was at Dodge I learned I have a degenerative hip (Don't know if I'm spelling that right) But I think it's getting worse. I still take the meds but my lower back is hurting my hip is

hurting and the mat I got is badly thin. When will I start therapy for hip and need follow-up. They wrote back scheduled Acp- you are scheduled to be seen discuss concerns at that time. (Grice Declaration 11-30-19..par..9..Ex6)

**RESPONSE: Undisputed.**

9. On 5-15-18 I wrote HSR saying: I'm dealing with severe hip pain I have been going through this since County Jail and (DCI) It's very hard to get any sleep. I'm requesting to be seen by a specialist. I should not be charged co-pay HSU wrote back Scheduled ACP already scheduled to be seen. (Grice Declaration 11-30-19..Par 10..Ex7)

**RESPONSE: Undisputed.**

10. On 5-30-18 I wrote a request to HSM Marchant saying: I've been waiting 3 weeks to see HSU/or a specialist on regards of my hip. I have been sleeping for about two hours a night do to the pain uncomfortability of laying in my bed. The pain is overwhelming and the medication ain't working. I don't understand why I haven't been seen and I wrote HSU now I'm writing someone Higher Up. Please find out what's going on. Nurse Jensen wrote back you have a appointment to see N/P Tapio (Grice Declaration..11-30-19..Par 11.. Ex8)

**RESPONSE: Undisputed.**

11. Around this time, "this is my fourth attempt trying to notify HSU staff of my pain I tried to tell HSU about my badly thin mattress, about my pain and about the severe degenerative Joint Disease I had. I even notified

HSM Marchant. After writing HSU I finally was called down to be seen June, 20, 18. From my first request until I was seen makes over 40 days of waiting in pain. (Grice Declaration 11-30-19.. P12)

**RESPONSE: Undisputed that NP Tapio first saw Plaintiff on June 20, 2018.**

12. On 7-1-18 I wrote a HSU Slip saying: I was called to HSU 6-20-18 and was suppose to receive New meds because my old ones was not working. I have yet to receive them. I still am in so much pain why must I suffer because I'm young with a bad hip. The Health Department No about this issue, "Why don't I still have meds you order for me. You also said you was gone send information on depression meds I forgot the name it was because I can't sleep. Please find out what's going on and write me back. (Grice Declaration 11-30-19..Par 13..Ex9)

**RESPONSE: Undisputed. There were no orders for depression meds. The Naproxen had been ordered. (See *id.*)**

13. Around this time after being seen on 6-20-18 I still didn't have medication that could releave me from my pain. (Grice Declaration 11-30-19..Par 14)

**RESPONSE: Undisputed that Plaintiff first received his naproxen on July 3, 2018. (Dkt. 92, at 7 ¶ 32.)**

14. On 7-24-18 I wrote HSM Marchant saying: On 5-30-18 I wrote a requesting informing the HSU manager about taken so long to be called to (HSU) and telling about the pain I was in. Was you the person that Answer that request? The name on it says Jenson. I started putting in HSU slips to be seen about my hip since 5-3-18 and was called down there for my hip, and to have to wait that long, to have suffered for a health condition that's on record with the Department should be unacceptable. I request a full investigation on why HSU Slips ain't being answer Timely Please. And I would like to know did you ever get the request sent on 5-30-18 because I followed the resource list given here at (WCI) and the request didn't have your name on it but it was to HSU Manager. The request was HSM Marchant responded saying: After review you submit a request to see medical provider you were placed on a provider list and if your symptoms worse Notify HSU and you could have been seen by Nursing you were seen on 6-20-18 by provider. (Grice Declaration 11-30-19..Par..15..Ex10)

**RESPONSE: Undisputed.**

15. On 8-23-18 I wrote a HSR Slip saying: I have been waiting over a month to start therapy and see a specialist about my hip. When will I start therapy and see a specialist. It seem like my medical condition is being ignored. HSU wrote back discuss concerns at appt. (Grice Declaration 11-30-19. Par 16.. Ex 11)

**RESPONSE: Undisputed.**

16. On 9-2-18 I wrote a HSR Slip saying: I would like to know WHEN will I see a specialist about my hip and when will I start (PT). I have been waiting 4 or 5 months now The (ACP) person order me a pillow for discomfort laying down and I'm yet to receive it. What's going on? I understand you got me on 2 or 3 pain pills but I know my hip is getting worser I feel pain walking. HSU wrote back Being arranged to see specialist physical therapy on waiting list no order for pillow found. (Grice Declaration 11-30-19..Par 17..Ex12)

**RESPONSE: Undisputed.**

17. On 9-4-18 I wrote Tapio I would like to no when the next time I will be called to see you. The last time I cam in you told me you was going to order me a pillow because I told you about the discomfort I have laying down. Lately the meds ain't been keeping me from pain when I walk I try to get off my legs as fast as I can. Please find out when will I start (PT) or see specialist. I think its getting worse that's why the meds work for a couple weeks then have no effect at all. And please take me off the Elavil meds. The nurse wrote back there are long waiting list for MRI, Ortho Consult, Physical Therapy 2-3 month is expected- - you will be called over for Elavil refusal. (Grice Declaration 11-30-19..Par 18..Ex 13)

**RESPONSE: Undisputed.**

18. On 9-13-18 I wrote an HSR saying I need to be called to HSU right away I need new meds for pain I'm having from my hip this is a emergency laying down I pain walking I feel pain. It's the worse feeling and all I have is the cream and a couple more pills that ain't really helping. I'm suffering. HSU responded Appt Scheduled (ACP) (Grice Declaration 11-30-19 .. Par 19..Ex14)

**RESPONSE: Undisputed.**

19. On 9-20-18 (7 day after the fact I wrote AHSU stating this is a emergency) I wrote HSM Marchant saying can you please look into my medical situation I suppose to been started therapy for my hip and been seen a specialist about it. I am on meds and they don't work. I wrote up there a week or two ago to ask to get called up there right away so I can get new meds I don't have no more meds Just a little cream for the pain that's not good by itself. I don't want to put refill of meds because they don't work. So please have someone call me up right away. I'm writing this to your HSU Manager. I wrote two slips and said it was emergency and I'm still waiting to be called. They wrote ACP Appointment scheduled. HSU Manager Marchant wrote Mr. Grice there is a waiting list for PT you are on the list and when your appt. arrives you will be called up also you seen provider on 9-26-18 and started medication. (Grice Declaration 11-30-19..Par 20..E15)

**RESPONSE: Undisputed.**



20. On 9-26-18 I had a on site visit with N/P Tapio to talk about my pain and medication and future appointment. At the visit I complained about the pain I had walking and laying on my side. (Grice Declaration 11-30-19..Par21)

**RESPONSE: Undisputed, except as to the exact date. (See Dkt. 92, at 8–9, ¶¶ 37–43.)**

21. On 10-28-18 I wrote HSR saying Please call me down right away I'm in a lot of pain I am still waiting to receive some celecoxilo 100mg since 9-24-18. The meds I'm on is not relieving me It's something seriously wrong with me and today is the most pain I been in yet. (Grice Declaration 11-30-19..Par 22. Ex18)

**RESPONSE: Undisputed.**

22. On 10-30-18 I wrote HSM Marchant saying: Today I just received my celecoxilo 100mg and I would like to bring to your attention that I been waiting 4/5 weeks just for these meds. They was order on 9-25-18 and I just received it today. The meds are for the pain I'm in for my degenerative hip. I tried to be patient but its very hard with the pain I have I wait for these meds and when I get them they don't give me relief. When I go to the HSU I see Tapio, Nathan and I believe somebody need to talk to him or somebody about the lateness to receive meds I write to you the HSU Manager to look into the Issue. I will be patient and see if these meds with the other meds I'm also on

work. Thank you, On 11-6-18 HSM Marchant responded saying the above has been looked into and adjustments made for you to receive the medication in a timely manner. (Grice Declaration 11-30-19..Par 23..Ex19)

**RESPONSE: Undisputed.**

23. I saw SCP Tapio on 9-26-18 After writing saying its an emergency on 9-13-18. From 9-13-18 to 9-26-18 Date of Appt. I received meds (the ones HSM Marchant stated I already had on 10-30-19. The HSM response admitted that the matter was looked into and adjustment will be made from my request saying its a emergency on 9-13-18 until the date I receive medication makes 47 days I had been in pain waiting on eds. (Grice Declaration 11-30-18.. Par 24)

**RESPONSE: Undisputed as to the appointment with NP Tapio, except as to the exact date. (See Dkt. 92, at 8–9, ¶¶ 37–43.) The remainder of this proposed fact is too unintelligible to respond to.**

24. I was in constant pain were at times I couldn't walk and at this moment this was the second time I was left in serious pain for weeks. (Grice Declaration 11-30-19..Par 25)

**RESPONSE: To the extent this does not call for a legal conclusion, Defendants have no knowledge of Plaintiff's subjective symptoms.**

25. Around this time I went to HSU to see provider Tapio however I seen another (ACP) I learned that the person I saw was not a (ACP) but was a nurse. Nurse's can't order medication. Me and the nurse talked about medication and Lyria being a medication that might work. At that moment I believe the Nurse order me the medication Lyria and I believed Tapio cancelled it. (Grice Declaration 11-30-18.. Par 26)

**RESPONSE: This proposed fact is not material to any claim against any Defendant. There is no evidence of a Lyrica prescription or NP Tapio cancelling one, or that Plaintiff had any condition indicating such a prescription. (Dkt. 92, at 9 ¶¶ 44–47.)**

26. I finally started Physical Therapy around the end of September or mid October Physical therapy was requested, “order”, recommended at Dodge correctional April 2018. When I come to WCI I had to get reassessed for something that was recommend at Dodge that was suppose to follow me to my next prison. I waited 6 month for PT Double the time expected HSU (see Ex 13) (Grice Declaration 11-30-19..Par 27)

**RESPONSE: Undisputed as to the dates. No genuine dispute that the wait was not abnormal or due to indifference. (Dkt. 92, at 12–13 ¶¶ 61–66.)**

27. On 10-24-2018 PT therapeutic Bartz. Richard Physical therapy from stated additional information PT: SUBJECTIVE: Pt presents with L Hip Pain started June 2017 insidious onset. incarcerated April 2017. X-ray at Dodge suggest DJD Severe (Grice declaration 11-30-19.. Par 29..Ex59)

**RESPONSE: Undisputed.**

28. At this moment Bartz Richards reviewed Dodge X-Rays and saw that it said Severe DJD. At this moment I also qualified for a medical mattress/double mattress per policy 300.07 (Grice Declaration 11-30-19..Par 29 Ex 63A/63B)

**RESPONSE: Disputed. A physical therapist's notes concerning x-ray results is not the same as a medical provider making a diagnosis. As of this date, the latest x-ray indicated a moderate condition. (Dkt. 92, at 5 ¶ 17.)**

29. On 11-7-18 I was given a new provider Jeanpierre. (Grice Declaration 11-30-19..Par 30)

**RESPONSE: Undisputed.**

30. On 11-7-18 I went to HSU for Physical therapy and I had to refuse it because I was in so much pain. My medication was not working and I just couldn't tolerate PT activities. (Grice Declaration 11-30-19..Par 31..Ex20)

**RESPONSE: To the extent this does not call for a legal conclusion, Defendants have no knowledge of Plaintiff's subjective symptoms.**

31. On 11-20-18 I wrote my first HSR to Special Needs Committee Saying Address to the Special Needs Committee: Due to my severe degenerative hip issue I requesting a extra mattress and/or medical mattress due to the pain I'm in along with chronic medication that work. (Grice Declaration 11-30-19...Par..Ex30)

**RESPONSE: Undisputed.**

32. On 11-21-18 I wrote a request slip to HSM Marchant saying: I'm writing to you HSM Manager to inform you that IO been in excruciating pain and it's from my left hip. I had done 3X-rays and its still the same. The HSU at Dodge sign me up for PT and to see a specialist. I just got PT 3 / 4 weeks ago and still waiting to see a specialist. I done told Tapio, other staff the meds haven't been working. It hurts when I lay down, sit up and even more when I walk to put it in the most plain words the meds I'm on is useless and staff know and is not doing anything. The HSM Marchant wrote back after reviewing your file you were prescribed Nortripoly which you reported it was not working so provider has you now taking Delucxtine which you just started 11-31-18. You may discuss further concerns at next appt. (Grice Declaration 11-30-19..Par 33.. Ex21)

**RESPONSE: Undisputed.**

33. On 11-21-18 Pt spoke with Nurse Practitioner Re Pt situation Re Pt inability to help Pt Assoc to pain resting 7 of 10 and therefore unable to tolerate Pt activities. N/P Jeanpierre stated she will review Pt chart verbalizing she thought pt was to have an MRI (Grice Declaration 11-30-19..Par 34..Ex22)

**RESPONSE: Undisputed.**

34. On 11-21-18 I wrote HSU Saying: I have been in excruciating pain walking sitting on my bed and standing and I have been telling COS Pt, and my (ACP) Person. The meds I'm on is not working at all and I continue to tell people I have DJD hip and it really having me in pain uncomfortable: On 11-22-18 they wrote back MRI, Ortho Consult and Follow up with Dr. Jeanpierre in next 2 months. (Grice Declaration 11-30-19... Par 35) Ex 23

**RESPONSE: Undisputed.**

35. Around this time I'm force to wait for a MRI before I have a chance to get new medication. I wrote HSM Merchant, ACP Jeanpierre and even the PT Bartz R. Informed staff and yet I have to sit in pain. (Grice Declaration 11-30-19..Par 36)

**RESPONSE: To the extent this states a legal conclusion, no response is required. The documents speak for themselves.**

36. On 11-28-19 I wrote Dr. Jeanpierre saying I'm still waiting to see the HSU for new meds. Its like Im forced to walk around in pain for months

because HSU fails to adequately treat me this pain is being recognized by COS HSU Staff on PT. Why Am I refused medication that works. On November 21<sup>st</sup> the PT went into the Doctor/Nurse Office and told her the meds aint working and I'm having trouble participating in Therapy and yet I'm I'm still waiting to be called. I'm suffering needles pain because the HSU is taking forever to call me up. Then when I get called up and get ordered new meds they take forever to come just not to work. I write HSU manager because when I put Blue Slips in I either get no response or it says MRI scheduled. I know that already but that's not helping me while I wait in pain for an MRI that was ordered at Dodge Need better meds. HSU wrote back scheduled with your doctor after MRI and Ortho consult. These 3 appt are all within 6 weeks I will forward this to your doctor to decide if they want to see you sooner. (Grice Declaration 11-30-19..Par 37.. Ex 24)

**RESPONSE: Undisputed.**

37. I wrote an inmate complaint 11-29-18 being denied a medical mattress. (Grice Declaration 11-30-19.. Par 33 Ex 31)

**RESPONSE: Undisputed.**

38. When I went up to HSU I told staff more than a couple times I was qualified under 300.07 Policy to have a medical mattress and still was denied (Grice Declaration 11-30-19 Par 39)

**RESPONSE: Undisputed as to Plaintiff's alleged comments.**

39. On 12-1-18 I wrote HSR saying please have my doctor call me down to get better medication. I sit here in pain that's a 10 from 1-10 scale and the meds Im on have no effect at all my hip is so tender I can't lay down walk or sit up and I wrote about a extra mattress and still haven't been called. (Grice Declaration 11-30-19..Par40..Ex25)

**RESPONSE: Undisputed.**

40. On 12-4-18 I wrote HSM Marchant: Today I had a pass to HSU to see Mr. AhlBorg and I informed him of the pain I'm in and how it hurts when I walk the most. I requested to be seen to get new meds and today was called up there only to hear the same thing (A MRI Scheduled) I keep telling ya'll the meds aint working and nothing is happening. The PT went in the room and told the doctor on November 21 and she still aint called me down. The HSU is looking over my pain and showing by not doing anything that they don't care. I even seen the Doctor lady in the hallway smiling, talking not busy when I was in Nurse room. I told Mr. Ahlbord can we talk to her so I can get new meds Please can I get new meds none of the ones Im on work and I take them all On 12-7-18 HSU Marchant wrote: Mr. Regis I reviewed your record and moved you up to see provider. (Grice Declaration 11-30-19 Par 41.. Ex 26)

**RESPONSE: Undisputed.**

41. On 12-19-18 I wrote HSU saying: Please I cry out that I be called for new meds the ones Im on aint working. I don't have no more pain meds and



don't want to refill them because they never worked. I been waiting for new meds since PT told the docot the ones im on aint working. Please do something for my pain from hip (Grice Declaration 11-30-19 Par. 42..Ex27)

**RESPONSE: Undisputed.**

42. On 12-12-18 I wrote HSR saying whats going on I write and write and still aint been called for new meds. Im in distress and pain from left hip why ya'll not calling me down. This is not right to have me sitting in here is so much pain. Please stop looking over my cry for help and look at my X-Ray my hip is bad and the pain is badder. (Grice Declaration 11-30-19..Par 43..Ex28)

**RESPONSE: Undisputed. Plaintiff was seen the next day by Dr. Jeanpierre. (See *id.*)**

43. On 12-12-18 my ICE appeal was dismissed. HSM Marchant Report "After review patients medical concern of requesting an extra mattress, Per special need appendix 300.07 patient medical history does not meet the requirement for a thick mattress Patient is diagnosed with degenerative Joint disease of left hip pain his degenerative Joint disease is Indicated moderate DJD. He has pain medication and been doin Physical Therapy also has a consult to Orthopedics. (Grice Declaration 11-30-19..Par44 Ex 32)

**RESPONSE: Undisputed.**

44. On 12-12-18 I got denied a double/medical mattress I really needed the mattress I was laying on was thin I already got a bad hip and now I'm force

to lay on the mattress. I also was still waiting to see (ACP) Person Jeanpierre (Grice Declaration 11-30-19 Par 45)

**RESPONSE: To the extent this states a legal conclusion, no response is required. Otherwise, undisputed as to the denial.**

45. On 12-13-18 I wrote HSM Marchant saying: I would like to bring to your attention that on November 21, 2018 the PT sat me in the hallway and went in the office of Jeanpierre Cherly A and told her the meds Im on wasn't working and I need to be called down right away. Today December 12, 2018 I am thankful to be called down but I feel that waiting 3 weeks to get meds for my pain from my DJD left hip should be unacceptable. Something really have to change so inmate can be seen sooner If they pain is 7 out of ten. Me speaking for myself the days I was waiting I missed meals because I didn't want to walk on leg; I was in distress and the pain was weighing on my attitude. I just hope things change so I don't have to never sit in pain: On 12-18-18 marchant responded saying you are scheduled to see provider..(Grice Declaration 11-30-19..Par 46 Ex 29)

**RESPONSE: Undisputed.**

46. On 12-14-18 reviewing Authoritys Dismissed ICE denial of Extra mattress (Grice Declaration 11-30-19 .. Par 41 .. Ex 33)

**RESPONSE: Undisputed.**

47. On 1-6-19 I wrote Specialist Needs Committee saying: I would like to ask that you change your decision and allow me to get a medical mattress. I have a (DJD) hip that's severe and the mattress I got is really thin. I feel like Im laying on concret. Since this is a max prison and I'm locked in my room a lot the medical mattress is called for. On 1-8-19 Special Needs Committee Responded you don't meet criteria per policy procedure 3007.07. (Grice Declaration 11-30-19 .. par 48.. Ex 34)

**RESPONSE: Undisputed.**

48. On 1-8-19 My Diagnostic Radiology report reads impression severe degenerative arthritis involving the left hip joint (Grice Declaration 11-30-19.. Par 49..Ex35)

**RESPONSE: Undisputed.**

49. Under DOC Policy 300.07 I fit the criteria for a double mattress. I told (ACP) Jeanpierre, HSM Marchant, and (SNC) in writing, face to face visits and they kept denying my request (Grice Declaration 11-30-19..Par 50)

**RESPONSE: Undisputed as to Plaintiff's alleged comments and that he eventually fit the criteria for the mattress, which he received.**

50. On 1-13-19 I wrote a HSR saying I would like a file review please/and I would like to request a single medical handicap cell & medical mattress from doctor (Grice Declaration 11-30-19 ..Par 51..Ex36)

**RESPONSE: Undisputed.**

51. On 1-17-19 Special Need Committee sent memo regarding mattress saying your request for following has been denied there is no medical indication and our request does not meet policy and procedure 300.07 (Grice Declaration..11-30-19..Par 52 .. Ex 37)

**RESPONSE: Undisputed.**

52. On 1-8-19 I went to Waupun memorial hospital for my MRI Eric R. Nelson MD Office Clinic Notes (Orthopedic) were to summarize: Imaging hip and pelvis films are reviewed the left hip shows advanced degenerative change. The radiologic report from the MRI document what they describe as only moderate degenerative change but having seen the plain films I think that the adjective moderate is an in accurate understatement of the extent of his disease. (Grice Declaration..11-30-19..Par 53..Ex Full Report 38-40)

**RESPONSE: Undisputed.**

53. On 1-24-19 I wrote HSM Marchant in regards to being denied a medical double mattress and asking about a single cell because of my severe DJD (Grice Declaration 11-30-19... Par54..Ex41-43)

**RESPONSE: Undisputed.**

54. On 1-28-19 I wrote A HSR to HSM Marchant saying: If you are not going to answer this question fully and your not the (HSM) don't answer, this is for a complaint and I have to go through the HSM, who is the Special Needs

Committee? I need there names and position Thank you. On 1-31-19 HSM Marchant responded CPS Kueppers, Social worker Frame PSU-Beblanc Capt Tritt, HSM Marchant. (Grice Declaration 11-30-19..Par 55...Ex44)

**RESPONSE: Undisputed.**

55. On 1-31-19 I wrote Dr. Jeanpierre Saying: Ms Jeanpierre I wrote the HSU to be seen by you because my hip pain is getting bader. I cant understand why I get the run around just to get medical health services. I wrote on the 21<sup>st</sup> of this month and got called up on the 28<sup>th</sup> to see Nurse Taphne. I told him about my pain and issues about medical mattress for my hip because my bed is badly thin and the handicap single cell. The Nurse put on the computer to you my provider that I need to be seen ASAP and I'm yet to still get called up. He said he was going to try to get me a single cell before the day was over do the my issue and I'm still waiting this can be easy be done by you signing off knowing from the MRI I have legitimate problems. HSU Jenson Responded 2-2-19 his order for you to see Dr. Jeanpierre was cancelled by Dr. Jeanpierre; Medical mattress previously denied, no order for single cell. (Grice Declaration 11-30-19..Par56..Ex45)

**RESPONSE: Undisputed.**

56. Dr. Jeanpierre cancelled over 3 of my appointments for pain medication with her for no reason. (Grice Declaration 11-30-19..Par57)

**RESPONSE: The cited evidence does not support the claim that appointments were cancelled “for no reason.”**

57. On 2-11-19 I wrote HSR saying I’m lost for words how I’m feeling right now. My left hip is killing me. My pain is 10 out of 10 and I can’t even focus right now. I need new meds. I need a better mattress my meds aint helping at all and I need medical care really bad right now please. (Grice Declaration 11-30-19..Par 58..Ex46)

**RESPONSE: Undisputed.**

58. On 2-14-19 I wrote HSR to Special Needs Committee seeing: Please allow for me to get a medical matter and flagged for Single Cell. From the orthopedic notes you can concluded that my hip disease serious. It’s a understatement to say its moderate and with my condition should be allowed to have medical mattress and handicap single cell. On 2-20-19 Donna Larson Responded referred to Single Cell Committee. (Grice Declaration 11-30-19..Par 59..Ex47)

**RESPONSE: Undisputed.**

59. On 2-24-19 I wrote HSM Marchant regarding my appt getting cancelled to see Dr. Jeanpierre for some reason, “about a medical mattress and handicap single cell. On 2-27-19 HSM Marchant wrote after review of your medical file on 2-21-19 you had the left hip injection with F/woroscopic geudence Dr. Nelson wrote recommendation when you went to clinic visit on

1-8-19 your provider here placed the order and you were scheduled and had completed on 2-21-19 as for your single cell request that was forward to single cell committee (Grice Declaration 11-30-19 PAR 60..Ex 48-49)

**RESPONSE: Undisputed.**

60. I wrote over and over telling staff about the pain I was in laying on my bogus mattress. The mattress I had was not adequate for my condition. Under DOC policy I did IN meet criteria. (Grice Declaration 11-30-19..par 61)

**RESPONSE: To the extent this does not call for a legal conclusion, Defendants have no knowledge of Plaintiff's subjective symptoms.**

61. On 3-7-19 I was granted a extra mattress (Grice Declaration 11-30-19..Par 62)

**RESPONSE: Undisputed.**

62. As early as 3-16-18 the defendants has access to the information of my radiology result which conclusion was severe degenerative left hip. (Grice Declaration 11-30-19..par 63..Ex 51)

**RESPONSE: Disputed. A follow-up x-ray on April 13, 2018 indicated a moderate condition. (Dkt. 9, at 5 ¶¶ 15–16.)**

63. I was in so much pain from my mattress. I slept 2 maybe 3 hours rolling from one side to the other. I had to lay on my hip on a BaDDley mattress

for months. This mattress was causing me pain. (Grice Declaration 11-30-19.. Par 64)

**RESPONSE: To the extent this does not call for a legal conclusion, Defendants have no knowledge of Plaintiff's subjective symptoms.**

64. For the most part Tapio and Jeanpierre down played my condition always saying Im to young to have a hip replacement. (Grice Declaration 11-30-19..Par 65)

**RESPONSE: To the extent this does not call for a legal conclusion, disputed if Plaintiff means to imply NP Tapio did not treat him based on his professional judgment. (Dkt. 92, at 10–11 ¶ 53.).**

65. On 2-21-19 I had a left hip injection shot of fluorosiody that didn't help (Grice Declaration 11-30-19..Par 66.. Ex 60A)

**RESPONSE: Undisputed.**

66. On 4-18-19 I had off-site appt with UW ortho the physician explained that my pain was valid under the circumstance that my hip bone is on bone. The physician recommendation was I had 2 option continue as it is or undergo total hip replacement surgery. (Grice Declaration 11-30-19.. Par 67..Ex60B)

**RESPONSE: Undisputed as to left hip.**



67. On 6-10-19 I had on site visit with Jeanpierre about getting new medication and about surgery appt. After review of my medication chart per pharmacy stated Gabapetine is probably inappropriate since Pt doesn't even have a diagnosis of Neuroaplh. Has a working diagnosis of osteoarthritis of the left hip. (Grice Declaration 11-30-19 .. Par 68..Ex53)

**RESPONSE: Undisputed.**

68. On 7-15-19 I wrote HSM Marchant saying please can I get called up ASAP. I don't know what exactly going on but the last time I was up there was 6-10-19 and Jeanpierre order me new meds because old ones wasn't working. Pharmacy denied order and I wrote asking for new meds. The same meds Jeanpierre order was reordered and I'm waiting for new meds still. I'm in pain from hip and waiting for surgery for replacement can you also move surgery up because meds been a joke and this is stressful to keep having to write up here to HSU and nothing happen right away. HSU wrote back saying appointment scheduled with ACP, while waiting for surgery. (Grice Declaration 11-30-19 Par 69..Ex 54)

**RESPONSE: Undisputed.**

69. On 7-20-19 I wrote HSM Marchant saying If I didn't have cane or mattress my pain would be max all the time and I would've be insane but I need surgery ASAP. I went to HSU on Friday and saw (ACP) Moore and I didn't ask the date of month of my surgery I just ask is it coming up? Is it this year?

Ms. Moore surprised me with her answer telling me there isn't a date set yet for my surgery. Merchant this is a serious matter the meds aint been helping my hip need replacing its bone on bone. The response you gave me on 7-16-19 says (while awaiting surgery) How can I be awaiting surgery with no date set yet. Please can you not look over this and make sure my health or pain don't get put to the side. My pain been 9-10 and I cant wait for surgery meds don't work HSM Marchant wrote back in process of being scheduled will discuss with scheduler. (Grice Declaration 11-30-19 .. Par 70 . Ex 55)

**RESPONSE: Undisputed.**

70. On 7-24-19 I wrote HSM Marchant saying: HSU Manager as I noted before I been waiting for new medication since Jeanpierre last seen me 6-10-19. I was Moore last week and she said she would order me new medication and I still don't got them. Why when it come to me and my request that I get left in my condition. (This is suffering) I'm in pain please look at my chart and see I been waiting for new meds. Please don't respond saying meds are coming and you don't look in the situation can you do the right thing and make sure I get some new meds. HSM Marchant wrote back after review of file the Salsalate was received from CPS and sent out. (Grice Declaration 11-30-19.. Par 71..Ex56)

**RESPONSE: Undisputed.**

71. On 7-29-19 I wrote HSU Ms. Moore saying Thank you Ms. Moore for sending new medication with medication and can and medical mattress and med ice I do feel relief and pain can be valued at 4/5. I write this request just thanking you and reminding you to please make sure a surgery date get scheduled for hip replacement. Everything helps above but I need surgery no matter what. HSU wrote back order is in process of being scheduled. (Grice Declaration 11-30-19.. Par 72.. Ex 57)

**RESPONSE: Undisputed.**

72. I waited and was in need of medication from 6-10-19 until the date I got the meds 7-25-19. The amount of days I waited was 46 days (Grice Declaration 11-30-19.. Par 73)

**RESPONSE: To the extent this does not call for a legal conclusion, undisputed as to the time.**

73. I have a serious case of osteoarthritis this this something that doesn't go away. The pain tends to increase over the years and can limit activity. There's no known cure for osteoarthritis but treatment can help to reduce the pain and maintain joint movement so that you can go about your daily tasks medication and joint replacement surgery are key components of treatment for osteoarthritis. (Grice Declaration 11-30-19 Par 74)

**RESPONSE: To the extent this does not call for a legal conclusion, Defendants have no knowledge of Plaintiff's subjective symptoms. Plaintiff is not a medical expert.**

74. Medication and joint replacement is treatment for my disease. When I wrote HSR Slip and had to wait weeks at a time for medication, prolonged my pain. I wrote over and over about new medication needed and I wrote about my bogus mattress. It was like sleeping on bear floor with a nail in your hip for me. The medical mattress been called for since I have to lay on a serve left hip joint disease. The can helped me keep weight if my left legs and hip and it works (Grice Declaration 11-30-19 Par 75)

**RESPONSE: *See Response to No. 73.***

75. I would write to a specific person/staff and someone else would answer the HSU Slip or request. This interfering on allowing a staff to be liable. (Grice Declaration 11-30-19 .. Par 76)

**RESPONSE: This states a legal conclusion, and no response is required.**

76. The staff Bartz. R stated: Writer informal of patient inability to participate in PT ongoing left hip pain secondary to DJD. Ordered follow up X-Ray to evaluate for internal change: MRI/Ortho pending: message to scheduling staff to have on site provider evaluate: message to off site scheduler to expedite MRI and Orthopedics. (Grice Declaration 11-30-19 .. Par 77.. Ex16)

**RESPONSE: Undisputed.**

77. On 6-2-19 I wrote HSU/Jeanpierre saying please call me up I had appt with you but it got cancelled. Please call me up But hip. On 6-3-19 HSU wrote back the appointment has already been rescheduled it is coming up soon. (Grice Declaration 11-30-19 .. Par 78 .. Ex 64)

**RESPONSE: Undisputed.**

78. On 6-5-19 I wrote Jeanpierre saying: Today I had a appt with you and again the pass was cancel. Please can I know why my appt get cancelled? These appt was to talk about medication, surgery and the stamuch pain and problems using the bathroom. I told the nurse all this and she put the appt in for me to see you. Now they keep getting cancelled. HSU wrote back rescheduled MD must have had something come up that she couldn't keep that appointment with you. (Grice Declaration 11-30-19 Par 79.. Ex 65)

**RESPONSE: Undisputed.**

79. On 2-19-19 I wrote HSM Marchant Saying: Today I had a pass to see Jeanpierre at 8:30am in the morning that was cancelled at 8:20am. This is the third passed cancelled. I would like to know why my pass was cancelled today? HSM Marchant wrote back there was a change in her scheduled. (Grice Declaration 11-30-19.. Par 80.. Ex 62)

**RESPONSE: Undisputed.**

80. On 2-7-19 I wrote HSM Marchant saying: Its feeling like my pain, my health condition is set aside. I wrote you HSM and I wrote Jeanpierre asking to get called up for new meds or a higher dose when I was called up I saw Taplin (Nurse) that sent a memo telling Jeanpierre to call me ASAP. That appt was cancelled for reason that I had a appt coming up. I sat in pain all week because the HSU feel that I can wait for the appt. That's not right. The HSU is in the position to give me new meds today and yet denies me treatment. I understand that shot might help when I get it but what about now? I wait in pain in hope that this injection shot might work please have Jeanpierre call me to HSU so I can get new meds or higher dose waiting for shot that might not work is pointless. HSM Marchant wrote back you are scheduled to see provider can discuss at your visit. (Grice Declaration 11-30-19.. Par 81 .. Ex 61)

**RESPONSE: Undisputed.**

81. On 11-14-18 Bartz Richard order me a cane to upload degenerative l, hip. (Grice Declaration 11-30-19.. Par 82.. Ex 58)

**RESPONSE: Undisputed that Dr. Jeanpierre ordered the cane. (*See id.*)**

82. My condition is in fact so severe that UW ortho sent back an off-site suggesting total hip replacement (Grice Declaration 11-30-19 Par 8.. Ex 52)

**RESPONSE: Undisputed.**

83. As of today I still have not received the needed surgery that was recommend at UW hospital on 4-18-19. As of today 11-31-19 I been waiting 7 months. (Grice Declaration 11-30-19 Par 94)

**RESPONSE: Undisputed as of 11-31-19.**

84. On 1-2-2019 my appeal was acknowledged involving the denial of a extra mattress (Grice Declaration 11-30-19 Par 85 .. Ex 66)

**RESPONSE: Undisputed.**

85. I put staff on notice with HSU Slips and information request about my pain and ineffective medication and my need for physical therapy and a better mattress. (Grice Declaration 11-30-19 Par 86)

**RESPONSE: To the extent this states a legal conclusion, no response is required. The cited documents speak for themselves.**

86. On 8-20-19 A Declaration was written by Lavan Motley #606378 Surrounding witnessing Grice pain and frustration from denial of extra mattress. (Grice Declaration 11-30-19

**RESPONSE: Undisputed that the declaration exists.**

87. Lavan Motley Declaration was Exhibit 60 but A Exhibit already Exist under 60 so Lavan Motley Declaration is Exhibit 68) (Grice Declaration 11-30-19 .. Par 88)

**RESPONSE: See Response to No. 86.**

88. I am on so many medication for my severe degenerative hip disease. (Grice Declaration 11-30-19.. Par 89.. Ex 67)

**RESPONSE: This exclamation is not a proposed fact. Undisputed that Plaintiff has been given various medications for his pain.**

89. On 12-4-18 Ahlborg: Robert Progress notes stated patient has been on several different medications for his left hip pain with limited success (Grice Declaration 11-30-19 .. Par 90 .. Ex 69)

**RESPONSE: Undisputed.**

90. On December 4, 2019 I finally under went surgery for my left hip. (Grice Declaration 6-9-2020.. Par 91..Ex71)

**RESPONSE: Undisputed.**

91. My hip was so serious I had a total hip replacement, and wil have metal implants in the left hip for the rest of my life. (Grice Declaration 6-9-2020.. Par 92..Ex72)

**RESPONSE: Undisputed.**

92. I understand more exactly were my pain come from I requested information from the health department and the following 4 page was sent. Title Arthritis and Other Joint Disorder. (Grice Declaration 6-9-2020.. Par 93..Ex73-76)



**RESPONSE: This is not a proposed fact. To the extent it is,  
it is not intelligible.**

Dated: August 12, 2020

Respectfully submitted,

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Electronically signed by:

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