

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

REGIS GRICE,

Plaintiff,

v.

Case No: 18-CV-0923

TAPIO, et al.,

Defendants.

**RESPONSE TO PLAINTIFF'S PROPOSED FINDINGS OF FACT
ON BEHALF OF CHERYL JEANPIERRE**

The above-named defendant, Cheryl Jeanpierre, D.O., by her attorneys **GUTGLASS, ERICKSON, LARSON & SCHNEIDER, S.C.**, hereby responds to plaintiff's proposed findings of facts as follows.

1. Plaintiff Regis Grice is currently incarcerated at Waupun Correctional Institution. Plaintiff is a United States citizen and adult resident of the State of Wisconsin. At all relevant[sic] times to this action plaintiff was confined as a inmate [sic] to the Department of Corrections.

RESPONSE TO NO. 1:

This fact lacks evidentiary support as required by the Federal Rules of Civil Procedure. Undisputed for purposes of summary judgment.

2. Defendants Ryan (CPS) Kuepper, Kristina (PSU) Deblanc, Kyle (Capt) Tritt, Donna NCI Larson, Crystal HSU Manager Marchant are employed at Waupun Correctional Inst address 200 S Madison St Waupun, WI 53963. Defendants Nathan (ACP) Tapio and Bailey (social worker) Frame are employed at Dodge Correction Inst Address: 1 W Lincoln St P.O. Box 661 Waupun, WI 53963. Defendant Cheryl (ACP) Jeanpierre 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 TO NO. 2:

For purposes of summary judgment, it is undisputed that Dr. Jeanpierre was employed at Waupun Correctional Institution from May of 2018 through June 2019, that she is a United State citizen and resident of Wisconsin. (*See* Dkt. #90, PFOF #17). The proposed fact is immaterial to plaintiff's motion against Dr. Jeanpierre as it pertains to the remaining defendants and therefore Dr. Jeanpeirre does not dispute those facts for purposes of summary judgment.

3. On 3/16/19 the plaintiff had an x-ray done and the finding was discovered (Hip UNI or W/O Pelvis 2-3 V. left findings. The bones are of normal mineralization and alignment no lytic or blastic lessions [sic] or fractures are present there are no significant degenerative changes. There is complete joint

space loss pleural society erosion of articular surfaces and marginal osteophyte formation conclusion: severe degenerative change left hip (Grice Declaration 11-30-19..Par. 4...Ex. 1)

RESPONSE TO NO. 3:

Disputed as Exhibit 1 is dated March 16, 2018, not March 16, 2019 as alleged. Dr. Jeanpierre does not dispute that this fact is a recitation of radiology report from plaintiff's March 16, 2018 x-ray, although it is disputed that this is a complete and accurate recitation of the report as the report contains additional information and findings not cited.

4. On 4/7/18 the plaintiff wrote a HSR saying the following: I receive pain pills meloxicam [sic] for my left hip I suppose to take ones [sic] a day. Its not relieving [sic] me of pain and its starting to hurt more 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... Ex 2)

RESPONSE TO NO. 4:

Undisputed that plaintiff correctly recited the contents of the April 7, 2018 Health Service Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's

care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

5. On 4-12-18 the doctor state the plaintiff would get tylenol alternating with Ibuprofen and F/U at placement facility for physical therapy (Grice Declaration 11-30-19, Par 6. Ex. 3)

RESPONSE TO NO. 5:

Undisputed that plaintiff recites one portion of an April 12, 2018 note signed by Nancy Garica. However, it disputed that this is a complete and accurate recitation of the medical record, which contains additional information, assessment, and findings. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

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, Ex. 4).

RESPONSE TO NO. 6:

Undisputed for purposes of summary judgment that Grice was transferred to Waupun Correctional Institution on April 23, 2018 and that Grice had a "transfer screening"

and that Exhibit 4 is a copy of the record from that screening. (*See* Dkt. # 90, PFOF #26). Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

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 will I start therapy for hip. Nurse Ann wrote back upon your arrival here at (WCI) RN Andersen placed you on the N/O list for follow up regarding your hip. He would have to write orders for your hip PT if he feels its necessary after assessing you your records from Dodge would have to be printed out if you were to review your files (Grice Declaration 11-30-19..Par 8...Ex. 5)

RESPONSE TO NO. 7:

Undisputed that plaintiff correctly recited the contents of the May 3, 2018 Health Service Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

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 it right) But I think it's getting worser. 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., Ex. 6)

RESPONSE TO NO. 8:

Undisputed that plaintiff correctly recited the contents of the May 8, 2018 Health Service Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

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). Its 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..Ex 7)

RESPONSE TO NO. 9:

Undisputed that plaintiff correctly recited the contents of the May 15, 2018 Health

Service Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

10. On 5-30-18 I wrote a request to HSM Marchant saying: I've been waiting 3 weeks to see HUS/or a specialist on regards of my hip. I have been sleeping about 2 hours a night do [sic] to the pain and uncomfortability of laying in my bed. The pain is overwhelming and the medication aint 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 whats going on. Nurse Jensen wrote back you have a appointment to see N/P Tapio (Grice Declaration 11-30-19...Par 11..Ex. 8)

RESPONSE TO NO. 10:

Undisputed that plaintiff recites portions of a May 30, 2018 document entitled "Interview/Information Request." However this fact is disputed to the extent it lacks evidentiary support pursuant to the Federal Rules of Civil Procedure as there is nothing on the document to support that it was written to "HSM Marchant." Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at

this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

11. Around this time, “this is my forth [sic] 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 join 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 TO NO. 11:

Disputed as Grice cites to no documentary evidence to support this fact and submits no evidence to suggest that he waited 40 days in pain. Further, by Grice’s own admission, he had been provided pain medications. (*See* Grice’s PFOF #12). Further, this fact is immaterial to the plaintiff’s motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff’s care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

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 am still in so much pain why must is suffer because I’m

young with a bad hip. The health department no [sic] about this issue, “why don’t I still have meds you order for me. You also said you was gone [sic] send information on depression meds I forgot the name it was because I can’t sleep. Please find out whats going on and write me back. (Grice Declaration 11-30-19...Par 13... Ex. 9)

RESPONSE TO NO. 12:

Undisputed that plaintiff correctly recited the contents of what he wrote on the July 1, 2018 Interview/Information Request, but dispute that this is a complete recitation of the entire document, including the response from HSU. Further, this fact is immaterial to the plaintiff’s motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff’s care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

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

RESPONSE TO NO. 13:

Disputed as Grice cites to no documentary evidence to support this fact. Further, this fact is contradicted by the medical records and Grice’s own admission in his PFOF #12 as Grice was prescribed pain medications during this time, including Ibuprofen and Acetaminophen as well as topic cream. (Dkt. #91, HSU 145). Further, this fact

is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

14. On 7-24-18 I wrote HSM Marchant saying: on 5-30-18 I wrote a request informing the HSU Manager about taken [sic] 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 on 6-20-18 it took over a month to get seen about the pain I was having from my hip and have to wait that long, to have suffered from a health condition thats on record with the department should be unacceptable. I request a full investigation on why HSU slips aint being answer [sic] 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 too [sic] HSU manger[sic]. The request was answer by Jenson is that you? If not was this person HSU manager? On 7-26-18 HSM Marchant responded saying: After review you submit a request to see medical provider you were placed on provider list and if your symptoms worse to 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...Ex 10)

RESPONSE TO NO. 14:

Undisputed that plaintiff correctly recited the contents of the July 24, 2018 Interview/Information Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

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 [sic] like my medical condition is being ignored. HSU wrote back discuss concerns at appt. (Grice Declaration 11-30-19, ..Par 16.. Ex 11)

RESPONSE TO NO. 15:

Undisputed that plaintiff correctly recited the contents of the August 23, 2018 Health Service Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period

16. On 9-2-18 I wrote a HSR 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 4-5

months now the (ACP) person order me a pillow for discomfort laying down and I'm yet to receive it. Whats going on? I understand you got me on 2 or 3 pain pills but I know my hip is getter worsen 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.. Ex. 12)

RESPONSE TO NO. 16:

Undisputed that plaintiff correctly recited the contents of the September 2, 2018 Health Service Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period

17. On 9-4-18 I wrote Tapio I would like to no [sic] when the next time I will be called to see you. The last time I came 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 aint 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 lists for MRI, ortho consult, physical therapy 2-3

months is expected – you will be called over for Elevil refusal (Grice Declaration 11-30-19.. Par 18.. Ex. 13)

RESPONSE TO NO. 17:

Undisputed that plaintiff correctly recited the contents of the September 4, 2018 Interview/Information Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period

18. On 9-13-18 I wrote a HSR saying I need to be call to HSU right away I need new meds for pain I'm having from my hip this is a emergency laying down I feel pain walking I feel pain. It's the worse feeling and and all I have is the cream and a couple more pills that aint really helping. I'm suffering. HSU responded Appt scheduled (ACP) (Grice Declaration 11-30-19... Par 19.. Ex. 14)

RESPONSE TO NO. 18:

Undisputed that plaintiff correctly recited the contents of the September 13, 2018 Health Service Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on

claims against Dr. Jeanpierre for this time period

19. On 9-20-18 (7 days after the fact I wrote HSU 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 thats not good by itself. I don't want to ?? refill of meds because they don't work. So please have someone call me up right away. I'm writing this to you HSU Manager. I wrote two HSU slips and said it was emergency and I'm still waiting to be called. They wrote ACP Appt on schedule. 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... Ex. 15)

RESPONSE TO NO. 19:

Undisputed that plaintiff correctly recited the contents of the September 20, 2018 Interview/Information Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on

claims against Dr. Jeanpierre for this time period

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.. Par 21)

RESPONSE TO NO. 20:

Dispute, as this fact is not adequately supported as plaintiff does not cite to or submit the actual medical record from this appointment. For the sake of completeness, this fact is also disputed as it is an incomplete recitation of the appointment with Nathan Tapio, which actually occurred on September 24, 2018, and the treatment he was provided for his hip at this appointment (Dkt. #91 , Ex. A, HSU 37). Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

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 [sic] 100 mg. since 9-24-18. The meds I'm on is not relieving me its something seriously wrong with me and today it's the most pain I been in yet. (Grice Declaration 11-30-19,.. Par 22.. Ex. 18)

RESPONSE TO NO. 21:

Undisputed that plaintiff correctly recited the contents of what he wrote on the October 28, 2018 Health Service Request but dispute that this is a complete recitation of the document as HSU responded that “Celecoxib dispensed.” Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

22. On 10-30-18 I wrote HSM Marchant saying: Today I just received my celecoxilo [sic] 100 mg and I would like to bring to your attention that I been waiting 4/5 weeks just for these meds. They was ordered on 9-25-18 and I just received it today. The meds are for the pain I'm in for my degenerative hip. I tryed [sic] to be patient but it's 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 you the HSU manager to look into the issue. I will be patient and see if these meds with the other meds I 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.. Ex. 19)

RESPONSE TO NO. 22:

Undisputed that plaintiff correctly recited the contents of the October 30, 2018 Interview/Information Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

23. I saw A/P 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 sayin it's a emergency on 9-13-18 until the date I receive medication makes 47 days

I had been in pain waiting on meds. (Grice Declaration 11-30-19... Par 24)

RESPONSE TO NO. 23:

Dispute, as this fact is not adequately supported as plaintiff does not cite to or submit the actual medical records to support that he did not receive any pain medication for this period. For the sake of completeness, this fact is also disputed as contrary to the medical records, which shows that Grice received pain medications during this time period. (Dkt. #91 , Ex. A, HSU 143). Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not

involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

24. I was in constant pain were [sic] 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 NO. 24:

Dispute as this fact lacks evidentiary support as required by the Federal Rules of Civil Procedure. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

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. Nurses can't order medication. Me and the nurse talking about medication and Lyria being a medication that might work. At that moment I believe the nurse order me the medication Lyria and I believe Tapio canceled it. (Grice Declaration 11-30-19.. Par 26)

RESPONSE TO NO. 25:

Dispute as this fact lacks evidentiary support as required by the Federal Rules of Civil

Procedure as there is no medical record or document attached and the fact relies upon hearsay and Grice's opinion only. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

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 came to WCI I had to get reasset [sic] for something that was recommend at Dodge that was suppose to follow me to my next prison. I waited 6 months for PT double the time expected HSU (Grice Declaration 11-30-19... Par 27)

RESPONSE TO NO. 26:

Dispute as this fact lacks evidentiary support as required by the Federal Rules of Civil Procedure as there is no medical record, order, or document attached and the fact relies upon hearsay and Grice's opinion only. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

27. On 10-24-18 PT therapeutic Bartz. Richard physical therapy form stated

additional information PT present with L hip pain started June 2017 insideous onset incarcerated April 2017 x-ray at Dodge suggest DJD severe. (Grice Declaration 11-30-19... Par 20.. Ex.59)

RESPONSE TO NO. 27:

Undisputed that plaintiff recites one portion of the October 24, 2018 physical therapy appointment with Richard Bartz. However it is disputed that this is a complete and accurate recitation of this medical record, which contains additional information and additional pages which are not submitted. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

28. At this moment I also qualified for a medical/double mattress per policy 300.07 (Grice Declaration 11-30-19.. Par 29. Ex 63A/63B)

RESPONSE TO NO. 28:

Dispute to the extent that the cited documents in Exhibit 63B states that mattress decisions are subject to "committee/nurse review." Further dispute as this fact solely states Grice's opinion. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time, was not on the special needs committee and

Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period or in regards to any claim regarding a mattress.

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

RESPONSE TO NO. 29:

Undisputed for purposes of summary judgment that Dr. Jeanpierre did not become involved in Grice's care and treatment until November 2018. (*See* Dkt. #90, PFOF #32).

30. On 11-7-18 I went 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 activitys [sic]. (Grice Declaration 11-30-19.. Par. 31.. Ex 20)

RESPONSE TO NO. 30:

Undisputed for purposes of summary judgment that Grice refused physical therapy on November 7, 2018 or that he listed the reason for refusing therapy as his pain, pain medication not working, and that he could not tolerate activity. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

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 am 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. 32..Ex. 30)

RESPONSE TO NO. 31:

Undisputed that plaintiff correctly recited the contents of the November 20, 2018 Health Service Request. However, it is disputed that this is a complete recitation of the document as it indicates on November 21, 2018 he was scheduled to be seen in the special needs committee and HSU responded to "See memo 11-29-18.". Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period or for any claim regarding a mattress.

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 I been in excruciating pain and its from my left hip. I done had 3 xrays 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 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 Grice

is not doing anything. The HSM Marchant wrote back after reviewing your file you were perscribed [sic] Nortripoly [sic] which your reported was not working so provider has you now taking Delucxtine [sic] which you jsut started 11-31-18 you may discuss further concerns at next appt. (Grice Declaration 11-30-19.. Par. 33.. Ex. 21)

RESPONSE TO NO. 32:

Undisputed that plaintiff correctly recited the contents of what he wrote in his November 21, 2018 Interview/Information Request but dispute that Grice correctly recites the response from HSU, which also states “MRI, ortho consult, f/u with MD all scheduled within next 2 months.” Grice, in fact, submits two separate documents labeled “Exhibit 21.” Further, this fact is immaterial to the plaintiff’s motion for summary judgment against Dr. Jeanpierre as Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

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.. Ex. 22)

RESPONSE TO NO. 33:

Undisputed that plaintiff correctly recited one portion of the record from his

November 21, 2018 physical therapy visit with Richard Bartz. However, it is disputed that this is a complete recitation of this medical record, which contains additional information, treatment, and observations by the therapist. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

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 CO's Pt and my (ACP) person. The meds I'm on is not working at all and I continue to tell people I have a 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 month. (Grice Declaration 11-30-19.. Par 35.. Ex. 23)

RESPONSE TO NO. 34:

Undisputed that plaintiff correctly recited the contents of his November 21, 2018 Health Service Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

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

Par. 36)

RESPONSE TO NO. 35:

Dispute as this fact lacks evidentiary support as required by the Federal Rules of Civil Procedure as there is no medical record, order, or document attached and the fact relies upon hearsay and Grice's opinion only. Further, this fact is contrary to the evidentiary record as Dr. Jeanpierre saw Grice on November 7, 2018 and prescribed him new medication (Dkt. #90, PFOF #32-37) and is immaterial to Grice's motion for summary judgment against Dr. Jeanpierre as Grice is not allowed to proceed on claims against her for this time period.

36. On 11-28-19 I wrote Dr. Jeanpierre saying I'm still waiting to see the HSU for new meds. Its like I'm forced to walk around in pain for months because HSU fails to adequally [sic] treat me this pain is being recongnized [sic] by CO's HSU staff on PT. Why am I refused medication that works. On November 21st 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 still waiting to be called. I'm suffering needless pain because the HSU is taking forever to call me up. Then when I get called up and get orderd [sic] new meds they take forever to come just to not work. I write HSU manager because when I put blue slips in I either get no response or it says MR scheduled. I no

[sic] that already but thats not helping me while I wait in pain for a MRI that was order a 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 TO NO. 36:

Undisputed that plaintiff correctly recited the contents of portions of the November 28, 2018 Interview/Information Request. However, it is disputed that this is a full recitation of the response from HSU, as Dr. Jeanpierre also responded that she “cannot change appt., ortho appts are full.” Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

37. I wrote a inmate complaint 11-29-18 for being denied a medical mattress.
(Grice Declaration 11-30-19, Par. 38, Ex. 31)

RESPONSE TO NO. 37:

Undisputed wrote an inmate complaint, but deny that it was written on November 29, as the date Grice signed it was December 9, 2018. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period or for any

claim regarding a mattress.

38. When I went up to HSU I told staff more than a couple of 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 TO NO. 38:

Dispute as this fact solely states Grice's opinion and lacks the evidentiary support as required under the Federal Rules of Civil Procedure. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as she is not on the special needs committee and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period or in regards to a mattress.

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 and the meds I'm on have no effect at all m 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.. Par 40.. Ex 25)

RESPONSE TO NO. 39:

Undisputed that plaintiff correctly recited the contents of portions of the December 1, 2018 Health Service Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Grice is not allowed to

proceed on claims against Dr. Jeanpierre for this time period or in regards to a mattress.

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 ain't working and nothing is happening. The PT went in the room and told the doctor on November 21 and she still ain't 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 the nurse room. I told Mr. Ahlborg can we talk to her so I can get new meds. Please can I get new meds none of the ones I'm 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 TO NO. 40:

Undisputed that plaintiff correctly recited the contents of portions of the December 4, 2018 Interview/Information Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Grice is not

allowed to proceed on claims against Dr. Jeanpierre for this time period.

41. On 12-9-18 I wrote HSU saying: Please I cry out that I be called for new meds the ones I'm on ain't 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 doctor the ones I'm on ain't working please do something for my pain from hip. (Grice Declaration 11-30-19.. Par. 42.. Ex. 28)

RESPONSE TO NO. 41:

Undisputed that plaintiff correctly recited the contents of portions of the December 9, 2018 Health Service Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period. Additionally, it must be noted that Dr. Jeanpierre refilled Grice's Capsaicin cream prescription on December 6, 2018. (Dkt. #90, PFOF #39).

42. On 12-12-18 I wrote HSR saying whats going on I write and write and still ain't been called for new meds. I'm 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 [sic] so much pain. Please stop looking over my cry for help look at my x-ray my hip is bad and the pain is badder. (Grice Declaration 11-30-19.. Par 43.. Ex. 28)

RESPONSE TO NO. 42:

Undisputed that plaintiff correctly recited the contents of portions of the December 12, 2018 Health Service Request. However, it is disputed that this is a full recitation of the response from HSU, as on December 14, 2018, HSU responded that Grice was “seen 12/13/18 by Dr. Jeanpierre.” Further, this fact is immaterial to the plaintiff’s motion for summary judgment against Dr. Jeanpierre as Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

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 doing physical therapy also has a consult to orthopedics. (Grice Declaration 11-30-19.. Par 44.. Ex. 32)

RESPONSE TO NO. 43:

Undisputed for purposes of summary judgment that Grice’s appeal of his denial of a medical mattress was dismissed on December 12, 2019. Further, this fact is immaterial to the plaintiff’s motion for summary judgment against Dr. Jeanpierre as she is not on the special needs committee and Grice is not allowed to proceed on

claims against Dr. Jeanpierre for this time period or in regards to a mattress.

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

RESPONSE TO NO. 44:

Undisputed for purposes of summary judgment that Grice's appeal of his denial of a medical mattress was dismissed on December 12, 2019. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as is not on the special needs committee and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period or in regards to a mattress.

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 was in the office of Jeanpierre Cheryl A. and told her the meds I'm on wasn't working and I need to be called down right way. Today December 12, 2018 I am thankful to be called down but I feel that waiting 3 weeks to gets 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 TO NO. 45:

Undisputed that plaintiff correctly recited the contents of his December 13, 2018 Interview/Information Request. Of note, also on December 13, 2018, Grice saw Dr. Jeanpierre in person. (Dkt. #90, PFOF # 40-44). Further, this fact is immaterial to the plaintiff’s motion for summary judgment against Dr. Jeanpierre as Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

46. On 12-14-18 reviewing authorities dismissed ICE regarding denial of extra mattress. (Grice Declaration 11-30-19.. Par 47.. Ex. 33)

RESPONSE TO NO. 46:

Undisputed for purposes of summary judgment that the review of Grice’s denial of a medical mattress was dismissed on December 14, 2018. Further, this fact is immaterial to the plaintiff’s motion for summary judgment against Dr. Jeanpierre as she is not on the special needs committee and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period or in regards to a mattress.

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 severe and the mattress I got is really thin. I feel like I'm laying on concrete. 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 307.07. (Grice Declaration 11-30-19... Par 48... Ex. 34)

RESPONSE TO NO. 47:

Undisputed that plaintiff correctly recited the contents of his January 6, 2018 Health Service Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as was not on the special needs committee and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period or in regards to a mattress.

48. On 1-8-19 my diagnostic radiology report reads impression severe degenerative arthritis involving the left hip joint. (Grice Declaration 11-3-19.. Par. 49.. Ex. 35).

RESPONSE TO NO. 48:

Undisputed that plaintiff correctly recited one portion of "Diagnostic Radiology Report" from January 8, 2019 authored by Dr. Thomas Tolly. However, it is disputed that this is a complete recitation of this medical record, which contains additional

information and observations by Dr. Tolly. Further, this fact negates that Grice received an MRI to his hip on December 26, 2018 as well and saw Dr. Eric Nelson, orthopedic surgeon, on this date. (*See* Dkt. #90, PFOF #45, 49).

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 TO NO. 49:

Dispute as this fact lacks evidentiary support as required by the Federal Rules of Civil Procedure as there is no medical record, order, or document attached and the fact relies upon hearsay and Grice's opinion and self-serving declaration only. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not on the special needs committee and thus could not approve a medical mattress. (Dkt. #90, PFOF #21). Grice is also not allowed to proceed on any claims against Dr. Jeanpierre related to a mattress.

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.. Ex. 36.

RESPONSE TO NO. 50:

Undisputed that plaintiff correctly recited the contents of portions of the January 13,

2019 Health Service Request. However, it is disputed that this is a full recitation of the response from HSU, as January 17, 2019, HSU responded that “single cell request forwarded to single cell committee. Medical mattress– see memo 1-17-19.” Further, this fact is immaterial to the plaintiff’s motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not on the special needs committee and did not make decisions regarding single cell assignments or medical mattresses and plaintiff is not allowed to proceed on any claim against Dr. Jeanpierre in regards to these issues. (Dkt. #90, PFOF #21).

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 your request does not meet policy and procedure 300.07. (Grice Declaration 11-30-19.. Par. 52.. Ex. 37)

RESPONSE TO NO. 51:

Undisputed for purposes of summary judgment that the special needs committee denied Grice’s request for a medical mattress on January 17, 2019. Further, this fact is immaterial to the plaintiff’s motion for summary judgment against Dr. Jeanpierre as was not on the special needs committee and Grice is not allowed to proceed on claims against Dr. Jeanpierre regarding a mattress.

52. On 1-8-19 I went to Waupun Memorial Hospital for my MRI Eric 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 inaccurate understatement of the extent of his disease. (Grice Declaration 11-30-19.. Par 53.. Ex. full report 38-40)

RESPONSE TO NO. 52:

Undisputed that plaintiff correctly recited one line of Dr. Nelson's January 8, 2019 "Office Clinic Note- Orthopedics" medical records. However, it is disputed that this is a complete recitation of this medical record, which is three pages in total and contains numerous other facts, observations, recommendations, and opinions from Dr. Nelson.(See Dkt. #90, PFOF #49).

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.. Par. 54.. Ex. 41-43)

RESPONSE TO NO. 53:

Undisputed that plaintiff wrote HSM Marchant on January 24, 2019 and that the letter referenced in Exhibits 42 and 43 discusses his desire for a medical mattress and single cell. However, dispute that this is a full and accurate recitation of the letter, which is

two pages and contains a response from HSU dated January 25, 2019. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as was not on the special needs committee and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period or in regards to any claim regarding a mattress or single cell assignment.

54. On 1-28-19 I wrote a HSR to HSM Marchant saying: If you are not going to answer this question fully and you 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 [sic] names and position thank you. On 1-31-19 HSM Marchant responded [sic] CPS Kueppers, Social Worker PSU - Deblanc Capt. Trilt, HSM Marchant. (Grice Declaration 11-30-19.. Par 55.. Ex. 44)

RESPONSE TO NO. 54:

Undisputed that plaintiff correctly recited the contents of his January 28, 2019 Health Service Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as was not on the special needs committee as indicated in the Health Service request response cited and Grice is not allowed to proceed on claims against Dr. Jeanpierre regarding a mattress.

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 [sic]. I can't understand

why I get the run around just to get medical health services I wrote on the 21st of this month and got called up on the 28th to see Nurse Tapline. I told him about my pain and Grice 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 [sic] the my issue and I'm still waiting this can easy be done by you signing off knowing from the MIR I have illegitimate problems. HSU Jensen responses 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.. Par 56.. Ex. 45

RESPONSE TO NO. 55:

Undisputed that plaintiff correctly recited the contents of his January 31, 2019 Interview/Information Request. Further, during January and February 2019, Dr. Jeanpierre placed orders for Grice to receive injections in his hip. (Dkt. #90, PFOF #52). Further, Dr. Jeanpierre significantly increased Grice's pain medication. (Dkt. #90, PFOF #51). She also was not at WCI for a period of time. (Dkt. #90, PFOF #57). As one of the only advanced care providers at WCI, Dr. Jeanpierre also had to respond to urgent and emergent medical issues for inmates which could lead to

change in her schedule. (Dkt. #90, PFOF #20). Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as was not on the special needs committee and Grice is not allowed to proceed on claims against Dr. Jeanpierre regarding a mattress.

56. Dr. Jeanpierre cancelled over 3 of my appointments for pain management with her for no reason. (Grice Declaration 11-30-19, Par 57)

RESPONSE TO NO. 56:

Undisputed that Dr. Jeanpierre occasionally had to cancel appointments with Grice, but dispute that the cancellations were for "no reason." Grice provides no evidentiary support for this allegation as required by the Federal Rules of Civil Procedure. Further, during January and February 2019, Dr. Jeanpierre placed orders for Grice to receive injections in his hip. (Dkt. #90, PFOF #52). Further, Dr. Jeanpierre significantly increased Grice's pain medication. (Dkt. #90, PFOF #51). She also was not at WCI for a period of time. (Dkt. #90, PFOF #57). As one of the only advanced care providers at WCI, Dr. Jeanpierre also had to respond to urgent and emergent medical issues for inmates which could lead to change in her schedule. (Dkt. #90, PFOF #20).

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 ain't helping at all and I need medical care really bad right now please. (Grice Declaration 11-30-19.. Par 58.. E 46.

RESPONSE TO NO. 57:

Undisputed that plaintiff correctly recited the contents of February 11, 2019 Health Service Request. However, it is disputed that this is a full recitation of the response from HSU, as on February 12, 2019, HSU responded that Grice was “scheduled for injection of hip very soon; gabapentin recently increased; I see you haven’t been taking your celocxib regularly for pain. 30 day supply sent 84 days ago; you also haven’t been using the acetaminophen or capsaicin cream. You should be using all of these in combination for pain.” Thus, Grice ignores that he was not taking all of his prescribed medications.

58. On 2-14-19 I wrote HSR to special needs committee seeing [sic]: Please allow for me to get a medical matter [sic] and flagged for singel [sic] cell. From the orthopedic notes you can conclued [sic] 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.. Ex. 47)

RESPONSE TO NO. 58:

Undisputed that plaintiff correctly recited the contents of the February 14, 2019 Health Service Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as was not on the special needs committee as indicated in the Health Service request and Grice is not allowed to proceed on claims against Dr. Jeanpierre in regards to any claim regarding a mattress.

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 your had the left hip injection with fluoroscopic [sic] guidance [sic] 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 you single cell request that was forward to single cell committee. (Grice Declaration 11-30-19.. Par 60.. Ex. 48-49)

RESPONSE TO NO. 59:

Undisputed that plaintiff correctly recited the contents of the February 24, 2019 Health Service Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as was not on the special needs committee or responsible for single cell assignments.

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 NO. 60:

Disputed as this fact is not supported by evidence as required by the Federal Rules of Civil Procedure and contains Grice's opinion. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as was not on the special needs committee as indicated in the Health Service request and Grice is not allowed to proceed on claims against Dr. Jeanpierre regarding a mattress.

61. On 3-7-19 I was grated [sic] a extra mattress. (Grice Declaration 11-30-19.. Par 61)

RESPONSE TO NO. 61:

Undisputed for purposes of summary judgment. (Dkt. #90, PFOF #68). For the sake of completeness, Dr. Jeanpierre saw Grice on March 6, 2019 and placed a recommendation for a medical mattress. (Dkt. #90, PFOF #67).

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

RESPONSE TO NO. 62:

Disputed as to Dr. Jeanpierre as Dr. Jeanpierre did not become involved in Grice's care and treatment until November 2018 and thus would not have had access to any radiology results or reports until at minimum that date. (Dkt. #90, PFOF #32-36). Further, Grice underwent multiple radiology examinations, including an MRI on December 26, 2018. (Dkt. #90, PFOF #45). It is unclear what radiology reports Grice is referencing.

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 badley [sic] mattress for months. This mattress was causing me pain. (Grice Declaration 11-30-19. Par 64.

RESPONSE TO NO. 63:

Disputed as this fact is not supported by evidence as required by the Federal Rules of Civil Procedure and contains Grice's opinion. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as was not on the special needs committee Grice is not allowed to proceed on claims against Dr. Jeanpierre regarding a mattress.

64. For the most part Tapio and Jeanpierre down played my condition always saying I'm to [sic] young to have a hip replacement. (Grice Declaration 11-30-19, Par 65.

RESPONSE TO NO. 64:

Disputed as this fact is not supported by evidence as required by the Federal Rules of Civil Procedure and contains hearsay and Grice's opinion. Additionally, the medical record and documentary evidence disputes this fact as Dr. Jeanpierre sought approval and worked with the medical director, Dr. Bekx, to have Grice approved for hip replacement surgery, which he ultimately had on December 4, 2019. (Dkt. #90, PFOF #74-76, #89).

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

RESPONSE TO NO. 65:

Undisputed for purposes of summary judgment that Grice had left hip injections on February 21, 2019 which Dr. Jeanpierre placed orders for. (Dkt #90, PFOF# 52). As to whether the injections helped, Grice cites to no evidentiary support for this contention as required by the Federal Rules of Civil Procedure and thus this part of the fact must be disregarded by the court.

66. On 4-18-10 I had off-site appt with UW Ortho the physician explained that my pain was valid under the circumstance that my hip is bone on bone. The physician recommendation was I had 2 options continue as it is or undergo total hip replacement I agreed with surgery. (Grice Declaration 11-30-19, Par

67. Ex. 60B)

RESPONSE TO NO. 66:

Undisputed for purposes of summary judgment that Grice saw Dr. David Hennessy and Dr. Jordan Shaw at the University of Wisconsin Hospital and Clinics and that the recommendation from the physicians was that Grice either continue as is or undergo left hip replacement surgery. (Dkt. #90, PFOF #69-70). However, dispute that the physicians' opinions were that his "pain was valid" as it was due to being bone on bone Grice's citation to Ex. 60B contains no evidentiary support for this proposition.

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 Gabapentine is probably innappropriate [sic] since Pt doesn't even have a diagnosis of neuroaplh [sic] Has a working diagnosis of osteoarthritis of the left hip. (Grice Declaration 11-30-19.. Par 68.. Ex 53.)

RESPONSE TO NO. 67:

Undisputed that Dr. Jeanpierre saw Grice on June 10, 2019 or that pharmacist John Tuten wrote in Exhibit 53 that "Gabapentin is probably inappropriate since PT doesn't even have a diagnosis of neuropathy. Has a working Diagnosis of Osteoarthritis of the left hip." However, dispute on the basis that John Tuten is a pharmacist, not a medical doctor like Dr. Jeanpierre and Dr. Jeanpierre is entitled to utilize her

professional medical judgment on which medications are appropriate for Grice. Notably, Grice requested refills for his Gabapentin medication in the past, signifying it must have had an affect. (Dkt. #90, PFOF #51). Further, John Tuten noted he would not recommend Pregablin due to “polysubstance abuse” history.

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. Phamacy [sic] 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 HS and nothing happen right way. HSU wrote back saying appointment scheduled with ACP, while a waiting surgery. (Grice Declaration 11-30-19, Par 69.. Ex. 54).

RESPONSE TO NO. 68:

Undisputed that plaintiff correctly recited the contents of portions of the July 15, 2019 Interview/Information Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was no longer at WCI in July of 2019 and no longer involved in Grice's care and treatment.

69. On 7-20-19 I wrote HSM Marchant saying if I didn't have a cane or mattress my pain would be max all the time and I would've been insane but I need surgery ASAP. I went to HSU on Friday and saw (ACP) Moore and I didn't ask the date or the 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 yet set for my surgery. Marchant this is a serious matter the meds ain't been helping my hip need surgery 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 can't 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 TO NO. 69:

Undisputed that plaintiff correctly recited the contents of portions of the July 15, 2019 Interview/Information Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was no longer at WCI in July of 2019 and no longer involved in Grice's care and treatment.

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 saw Moore last week and she said she would order me new medication and I still don't get them. Why when it came to me and my request that I get left in my condition (this is suffering) I'm in pain please look at my _____ and I been waiting for new meds. Please don't respond saying meds are coming and you don't _____ the right thing and make sure I get some new med. HSM Marchantwrote back after review of file and salsalate [sic] was received from CPS and sent out. (Grice Declaration 11-30-19, Par 71.. Ex. 56)

RESPONSE TO NO. 70:

Undisputed that plaintiff correctly recited the contents of portions of the July 24, 2019 Interview/Information Request that is legible on the copy of Grice's proposed finding of fact. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was no longer at WCI in July of 2019 and no longer involved in Grice's care and treatment.

71. On 7-29-19 I wrote HSU Ms. Moore saying thank you Ms. Moore for sending new medication with my new medication and cane and medical mattress and med ICE I do feel relief and pain can be valued at a 4-5 I write this request just thanking you and reminding you to please make sure a surgery date get

schudeled [sic] for hip replacement. Everything helps above but I need surgery no matter what. HS wrote back order is in process of being scheduled.

(Grice Declaration 11-30-19.. Par 72.. Ex. 57)

RESPONSE TO NO. 71:

Undisputed that plaintiff correctly recited the contents of portions of the July 29, 2019 Interview/Information Request. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was no longer at WCI in July of 2019 and no longer involved in Grice's care and treatment.

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 NO. 72:

Disputed. Grice was prescribed medication by Dr. Jeanpierre, including Naproxen at a higher dosage than Grice had ever had previously and Grice refused the medication. (Dkt. #90, PFOF #84).

73. I have a serious case of osteoarthritis [sic] this is 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 [sic], but treatment can help to reduce 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 NO. 73:

Disputed. This fact is not specifically supported by any evidence as required by the Federal Rules of Civil Procedure and contains Grice's own opinions on his medical conditions. Grice has no medical training and Grice is not a physician. Further, to the extent Grice is alleging in this fact that he did not receive care and treatment from Dr. Jeanpierre, this fact is disputed based upon the medical records and evidentiary support as he had consistent, varied care and treatment for his hip at all times while Dr. Jeanpierre treated him. (See Dkt. #90, #32-87).

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 [sic] floor with a nail in your hip for me. The medical mattress been called for since I have to lay on a severe left hip. Joint Disease. The cane helped me keep weight of [sic] my left legs and hip and it works (Grice Declaration 11-30-19.. Par 75)

RESPONSE TO NO. 74:

Disputed. This fact is not supported by any evidence as required by the Federal Rules

of Civil Procedure and contains Grice's own opinions on his medical conditions. Grice has no medical training and Grice is not a physician. Further, to the extent Grice is alleging in this fact that he did not receive care and treatment from Dr. Jeanpierre, this fact is disputed based upon the medical records and evidentiary support as he had consistent, varied care and treatment for his hip at all times while Dr. Jeanpierre treated him, including multiple pain medications and hip injections. (See Dkt. #90, #32-87). Further, the allegations in this fact regarding a medical mattress is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as she was not on the special needs committee and Grice is not allowed to proceed on claims against Dr Jeanpierre regarding a mattress.

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

RESPONSE TO NO. 75

Disputed as Grice cites no specific evidence in support of this fact as required by the Federal Rules of Civil Procedure and the fact contains his opinion about "interference" and staff being "liable" as a result.

76. The staff Bartz R stated: Writer Information of Patient Inabilty [sic] to particpate in PT. Ongoing left hip pain secondary to DJD. Ordered follw up x-ray to evaluate for internal change: MRI/Ortho pending: Message to

scheduling staff to have on site provider evaluate: Message to offsite scheduler to expedite MRI and orthopedics. (Grice Declaration 11-30-19.. Par 77..Ex. 16)

RESPONSE TO NO. 76:

Dispute as the quoted language from Exhibit 16 appears to be a note from Nathan Tapio, not R. Bartz. Further, this fact is immaterial to the plaintiff's motion for summary judgment against Dr. Jeanpierre as Dr. Jeanpierre was not involved with plaintiff's care and treatment at this time and Grice is not allowed to proceed on claims against Dr. Jeanpierre for this time period.

77. On 6-2-19 I wrote HSU/Jeanpierre saying please call me up I had a 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 & is coming up soon. (Grice Declaration 11-30-19.. Par. 78.. Ex. 64)

RESPONSE TO NO. 77 :

Undisputed that plaintiff correctly recites the contents of his June 2, 2019 Interview/Information Request.

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 stomach 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 appt with you. (Grice Declaration 11-30-19, Par 79.. Ex 65).

RESPONSE TO NO. 78:

Undisputed that plaintiff correctly recites the contents of his June 5, 2019 Interview/Information Request. Further, Dr. Jeanpierre saw Grice only five days later in person at which time she put in a request for a non-formulary drug for his pain and placed a single cell request. (Dkt. #90, PFOF #80-82). Further, on June 2, 2018, Grice was approved for his left hip replacement and Dr. Jeanpierre assisted in that process. (Dkt. #90, PFOF #76-77).

79. On 2-19-19 I wrote HSM Marchant saying: Today I had a pass to see Jeanpierre at 8:30 a.m. in the morning that was canceled. This is the thrid [sic] passed cancelled. I would like to know why my pass was cancelled today? HSM Marchant wrote back saying there was a chang [sic] in her schedule. (Grice Declaration 11-30-19.. Par 80..Ex. 62)

RESPONSE TO NO. 79:

Undisputed that plaintiff correctly recites the contents of his February 19, 2019 Health Service Request. (See Dkt. #90, PFOF #58). To the extent that Grice is alleging that

he did not receive care and treatment, during January and February 2019, Dr. Jeanpierre placed orders for Grice to receive injections in his hip and Grice received the injections on February 21, 2019. (Dkt. #90, PFOF #52 and 59). She also was not at WCI for a period of time. (Dkt. #90, PFOF #57). As one of the only advanced care providers at WCI, Dr. Jeanpierre also had to respond to urgent and emergent medical issues for inmates which could lead to change in her schedule. (Dkt. #90, PFOF #20). Further, Dr. Jeanpierre significantly increased Grice's pain medication in January 2019. (Dkt. #90, PFOF #51).

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 I can wait for the appt. Thats not right. The HSU is in the position to give me new meds today and yet denies me treatment. I understand the 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 wote back you are schedule [sic] to see provider can discuss at your visit. (Grice Declaration 11-30-19.. Par 81..Ex. 61)

RESPONSE TO NO. 80:

Undisputed that plaintiff correctly recites the contents of his February 7, 2019 Interview/Information Request. To the extent that Grice is alleging that he did not receive care and treatment, during January and February 2019, Dr. Jeanpierre placed orders for Grice to receive injections in his hip. (Dkt. #90, PFOF #52). She also was not at WCI for a period of time. (Dkt. #90, PFOF #57). As one of the only advanced care providers at WCI, Dr. Jeanpierre also had to respond to urgent and emergent medical issues for inmates which could lead to change in her schedule. (Dkt. #90, PFOF #20). Further, Dr. Jeanpierre significantly increased Grice's pain medication in January 2019. (Dkt. #90, PFOF #51).

81. On 11-14-18 Bartz Richard order me a cane to unload degenerative L Hip
(Grice Declaration 11-30-19.. Par. 82.. Ex. 58)

RESPONSE TO NO. 81:

Undisputed for purposes of summary judgment.

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 83.. Ex. 52)

RESPONSE TO NO. 82:

Undisputed that Dr. Hennessy and Dr. Shaw at the University of Wisconsin Hospital and Clinics recommended a left total hip replacement. (Dkt. #90, PFOF #69-70).

Further, for the sake of completeness, Dr. Jeanpierre was involved with obtaining authorization for Grice to undergo hip replacement surgery (Dkt. # 90, PFOF #74-77) and Grice ultimately had hip replacement surgery on December 4, 2019. (Dkt. #90, PFOF #89).

83. As of today I still have not received the needed surgery that was recommendation at UW Hospital on 4-18-19. As of today 11-31-19 I been waiting 7 months. (Grice Declaration 11-30-19,.. Par. 84)

RESPONSE TO NO. 83:

Dispute. Grice had hip replacement surgery on December 4, 2019. (Dkt. #90, PFOF #89)

84. On 1-2-19 my appeal was acknowledged involving the denial of a extra mattress (Grice Declaration 11-30-19.. Par 86)

RESPONSE TO NO. 84:

Undisputed for purposes of summary judgment. Further, this fact is immaterial to Grice's motion for summary judgment against Grice as he is not allowed to proceed on claim against Dr. Jeanpierre regarding a mattress.

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 NO. 85:

Disputed as Grice cites to no specific evidentiary support of this fact. Regardless, it is undisputed for purposes of summary judgment that Dr. Jeanpierre was aware of Grice's left hip complaints and provided significant care and treatment between November 2018 and June 2019. (Dkt. #90, PFOF #32-89).

86. On 8-20-19 A declaration was written by Lavon Motley #606378 surround witnesses Grice pain and frustration from denial of extra mattress. (Grice Declaration 11-30-19.. Par 87.. Ex. 68 Dkt 34)

RESPONSE TO NO. 86:

Undisputed that Grice submitted a declaration of Lavon Motley with his summary judgment filings. (Dkt. #58). However, this declaration provides no specific factual dates or information other than generalities and it is unclear when Mr. Motley made his observations. As such, the contents of the declaration are disputed for purposes of summary judgment and to the extent the declaration contains observations from Mr. Motley from before January 2019 or after June 2019 or involve the medical mattress, these observations are irrelevant to Grice's motion for summary judgment against Dr. Jeanpierre.

87. Lavon Motley declaration was Exhibit 60 but a exhibit already exist [sic] under 60 so Lavon Motley declaration is Exhibit 68. (Grice Declaration 11-

30-19.. Par. 88)

RESPONSE TO NO. 87:

Dr. Jeanpiere can neither admit or deny this fact. For purposes of summary judgment, Lavon Motley submitted a declaration that is Docket #58 in this case. It is unclear if this is the same declaration Grice is referencing as no such declaration is attached as an exhibit.

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

RESPONSE TO NO. 88:

Disputed to the extent Grice is alleging he is on “so many medications for his hip currently.” Exhibit 67 was printed on October 23, 2019 and Grice underwent hip replacement surgery on December 4, 2019. (Dkt. #90, PFOF #89). For the purposes of summary judgment, it is not disputed that Grice was prescribed multiple different pain medications for his left hip pain by Dr. Jeanpierre during the time she cared for him. (Dkt. #90, PFOF #32-86).

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 TO NO. 89:

Undisputed that plaintiff recites a portion of the December 4, 2018 Progress Note from Robert C. Ahlborg, but dispute that this fact is a complete recitation of the note, which contains multiple observations and factual information related to Grice. It also states “He is scheduled for two different offsites related to his left hip in the near future.”

90. On December 4, 2019 I finally underwent surgery for my left hip. (Grice Declaration 11-30-19.. Par 91.. Ex. 71)

RESPONSE TO NO. 90:

Undisputed for purposes of summary judgment.

91. My hip was so serious I had a total hip replacement and will have metal implants in the left hip for the rest of my life. (Grice Declaration 6-9-20.. Par. 92.. Ex. 72)

RESPONSE TO NO. 91:

Undisputed for purpose of summary judgment that Exhibit 72 is a letter from Dr. David Hennessy stating that Grice “had a left hip replacement and will have metal implants in the left hip for his lifetime.”

92. To understand more exactly were [sic] my pain came from I requested information from the health department and the following 4 page was sent Title Arthritis and Other Joint Disorders. (Grice Declaration 6-9-20, par. 93,

Ex. 73-76).

RESPONSE TO NO. 92:

Disputed. Grice has provided no evidentiary support that Exhibits 73-76 came from the “health department.” Further, there is no citation to the specific medical text these exhibits allegedly came from and there is no foundation that the exhibits are applicable to Grice’s specific situation with his hip.

Dated this 3rd day of August 2020

GUTGLASS, ERICKSON, LARSON & SCHNEIDER, S.C.

/s/ Maria K. Schneider

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