

PRISNR,SPADFORM,STANDARD

**United States District Court  
Middle District of Pennsylvania (Harrisburg)  
CIVIL DOCKET FOR CASE #: 1:18-cv-00176-JEJ**

Reid et al v. Wetzel et al  
Assigned to: Honorable John E. Jones, III  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 01/25/2018  
Jury Demand: Defendant  
Nature of Suit: 555 Prisoner Civil Rights  
(Prison Conditions)  
Jurisdiction: Federal Question

**Plaintiff**

**Anthony Reid**  
*on their own behalf and on behalf of a  
class of similarly situated persons*

represented by **Amy Fettig**  
ACLU National Prison Project  
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**Plaintiff**

**Ricardo Natividad**

*on their own behalf and on behalf of a  
class of similarly situated persons*

represented by **Amy Fettig**  
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**Witold J. Walczak**  
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**Plaintiff**

**Mark Newton Spatz**

*on their own behalf and on behalf of a  
class of similarly situated persons*

represented by **Amy Fettig**

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**Witold J. Walczak**

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**Plaintiff**

**Ronald Gibson**

*on their own behalf and on behalf of a  
class of similarly situated persons*

represented by **Amy Fetting**

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**Plaintiff**

**Jeremy Cox**  
*on their own behalf and on behalf of a  
class of similarly situated persons*

represented by **Amy Fettig**  
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**Witold J. Walczak**  
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V.

**Defendant**

**John Wetzel**  
*Secretary of Corrections of the  
Commonwealth of PA*

represented by **Theron R. Perez**  
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**Defendant**

**Robert D. Gilmore**  
*Superintendent of SCI Greene*

represented by **Theron R. Perez**  
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**LEAD ATTORNEY**  
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**Chase M. DeFelice**  
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**Joseph G. Fulginiti**  
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**Maria G. Macus**  
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**ATTORNEY TO BE NOTICED**

**Timothy A. Holmes**  
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**Defendant**

**Superintendent Cynthia Link**  
*Superintendent of SCI Graterford*

represented by **Theron R. Perez**  
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**Timothy A. Holmes**  
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Date Filed	#	Docket Text
01/25/2018	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$400, Receipt Number 0314-43116605), filed by Mark Newton Spotz, Anthony Reid, Jeremy Cox, Ronald Gibson, Ricardo Natividad. (Attachments: # <u>1</u> Civil Cover Sheet)(lh) (Entered: 01/25/2018)
01/25/2018	<u>2</u>	Summons Issued as to All Defendants and provided TO ATTORNEY ELECTRONICALLY VIA ECF for service on Defendant(s)in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure. (NOTICE TO ATTORNEYS RECEIVING THE SUMMONS ELECTRONICALLY: You must print the summons and the attachment when you receive it in your e-mail and serve them with the complaint on all defendants in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure). (lh) (Additional attachment(s) added on 1/25/2018: # <u>1</u> Summons packet) (lh). (Entered: 01/25/2018)
01/29/2018		SPECIAL ADMISSION FORM and ECF REGISTRATION FORM mailed to Attorney Sholes, Attorney Fettig, Attorney Fathi, Attorney Morgan, Attorney Brown, Attorney Gross, Attorney Baylson and Attorney Taticci. (lg) (Entered: 01/29/2018)
02/02/2018	<u>3</u>	NOTICE of Appearance by Chase M. DeFelice on behalf of Robert D. Gilmore, Cynthia Link, John Wetzel (DeFelice, Chase) (Entered: 02/02/2018)
02/05/2018	<u>4</u>	SCHEDULING ORDER: Case Management Conference set for 3/29/2018 02:30 PM before Honorable John E. Jones III. See attached court calendar which dates must be utilized in the JCMP. (eo) (Entered: 02/05/2018)
02/06/2018	<u>5</u>	NOTICE of Appearance by Maria G. Macus on behalf of Robert D. Gilmore, Cynthia Link, John Wetzel (Macus, Maria) (Entered: 02/06/2018)
02/06/2018	<u>6</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Witold J. Walczak on behalf of All Plaintiffs Attorney Amy Fettig is seeking special admission. Filing fee \$ 50, receipt number 0314-4328846., filed by on behalf of All Plaintiffs.(Walczak, Witold) (Entered: 02/06/2018)
02/06/2018	<u>7</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Witold J. Walczak on behalf of All Plaintiffs Attorney David Fathi is seeking special admission. Filing fee \$ 50, receipt number 0314-4328863., filed by on behalf of All Plaintiffs.(Walczak,



		Witold) (Entered: 02/06/2018)
02/06/2018	<u>8</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Witold J. Walczak on behalf of All Plaintiffs Attorney Desiree Hart Sholes is seeking special admission. Filing fee \$ 50, receipt number 0314-4328872., filed by on behalf of All Plaintiffs.(Walczak, Witold) (Entered: 02/06/2018)
02/06/2018		DOCKET ANNOTATION: Petitioning attorneys and associate counsel's bar status verified. (aaa) (Entered: 02/06/2018)
02/06/2018	<u>9</u>	SPECIAL ADMISSIONS FORMS APPROVED as to Amy Fettig, David Cyrus Fathi and Desiree Hart Sholes (eo) (Entered: 02/06/2018)
02/07/2018	<u>10</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Bret D. Grote on behalf of All Plaintiffs Attorney Jamelia Morgan is seeking special admission. Filing fee \$ 50, receipt number 0314-4330578., filed by on behalf of All Plaintiffs.(Grote, Bret) (Entered: 02/07/2018)
02/07/2018		DOCKET ANNOTATION: Petitioner Jamelia Morgan & Associate Counsel Bret Grote – Bar Status Verified. (ve) (Entered: 02/07/2018)
02/08/2018	<u>11</u>	NOTICE of Appearance by Joseph G. Fulginiti on behalf of All Defendants (Fulginiti, Joseph) (Entered: 02/08/2018)
02/09/2018	<u>12</u>	SPECIAL ADMISSIONS FORM APPROVED as to Jamelia Morgan (eo) (Entered: 02/09/2018)
02/09/2018	<u>13</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by Robert D. Gilmore, Cynthia Link, John Wetzel. (Attachments: # <u>1</u> Proposed Order)(Fulginiti, Joseph) (Entered: 02/09/2018)
02/09/2018	<u>14</u>	ORDER granting <u>13</u> Motion for Extension of Time to Answer (eo) (Entered: 02/09/2018)
02/13/2018	<u>15</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Wilson M. Brown, III on behalf of Jeremy Cox, Ronald Gibson, Ricardo Natividad, Anthony Reid, Mark Newton Spotz Attorney Wilson M. Brown is seeking special admission. Filing fee \$ 50, receipt number 0314-4337121.. (Brown, Wilson) (Entered: 02/13/2018)
02/13/2018	<u>16</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Barry Gross on behalf of Jeremy Cox, Ronald Gibson, Ricardo Natividad, Anthony Reid, Mark Newton Spotz Attorney Barry Gross is seeking special admission. Filing fee \$ 50, receipt number 0314-4337142.. (Gross, Barry) (Entered: 02/13/2018)
02/13/2018	<u>17</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Mira Baylson on behalf of Jeremy Cox, Ronald Gibson, Ricardo Natividad, Anthony Reid, Mark Newton Spotz Attorney Mira E. Baylson is seeking special admission. Filing fee \$ 50, receipt number 0314-4337154.. (Baylson, Mira) (Entered: 02/13/2018)
02/13/2018	<u>18</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Mark Taticchi on behalf of Jeremy Cox, Ronald Gibson, Ricardo Natividad, Anthony Reid, Mark Newton Spotz Attorney Mark D. Taticchi is seeking special admission. Filing fee \$ 50, receipt number 0314-4337164.. (Taticchi, Mark) (Entered: 02/13/2018)
02/14/2018		DOCKET ANNOTATION: Petitioning attorneys and associate counsel's bar status verified. (aaa) (Entered: 02/14/2018)
02/14/2018	<u>19</u>	SPECIAL ADMISSIONS FORMS APPROVED as to Wilson M. Brown III, Barry Gross, Mira E. Baylson and Mark D. (eo) (Entered: 02/14/2018)
03/16/2018	<u>20</u>	ANSWER to <u>1</u> Complaint by Robert D. Gilmore, Cynthia Link, John Wetzel.(Fulginiti, Joseph) (Entered: 03/16/2018)
03/19/2018	<u>21</u>	NOTICE of Appearance by Timothy A. Holmes on behalf of Robert D. Gilmore, Cynthia Link, John Wetzel (Holmes, Timothy) (Entered: 03/19/2018)
03/20/2018	<u>22</u>	NOTICE of Appearance by Theron R. Perez on behalf of Robert D. Gilmore, Cynthia Link, John Wetzel (Perez, Theron) (Entered: 03/20/2018)

03/22/2018	<u>23</u>	CASE MANAGEMENT PLAN ( <i>JOINT</i> ) by Jeremy Cox, Ronald Gibson, Ricardo Natividad, Anthony Reid, Mark Newton Spotz. (Walczak, Witold) (Entered: 03/22/2018)
03/29/2018	<u>25</u>	ORDER #1– STANDARD CASE MANAGEMENT TRACK Jury Selection set for 7/2/2019 09:30AM before Honorable John E. Jones III. Pretrial Conference set for 6/3/2019 09:00. See order for all deadlines. (eo) Modified on 4/19/2018 (eo). (Entered: 03/29/2018)
03/29/2018	<u>26</u>	Order #2– PRACTICE ORDER (eo) (Entered: 03/29/2018)
03/29/2018	<u>27</u>	Unopposed MOTION to Certify Class <i>AND APPOINT CLASS COUNSEL</i> by Jeremy Cox, Ronald Gibson, Ricardo Natividad, Anthony Reid, Mark Newton Spotz. (Attachments: # <u>1</u> Proposed Order)(Brown, Wilson) (Entered: 03/29/2018)
03/29/2018	<u>28</u>	MEMORANDUM OF LAW by Jeremy Cox, Ronald Gibson, Ricardo Natividad, Anthony Reid, Mark Newton Spotz re <u>27</u> Unopposed MOTION to Certify Class <i>AND APPOINT CLASS COUNSEL</i> . (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Exhibit(s) B, # <u>3</u> Exhibit(s) C, # <u>4</u> Exhibit(s) D, # <u>5</u> Exhibit(s) E, # <u>6</u> Exhibit(s) F, # <u>7</u> Unpublished Opinion(s) Ashker v Governor, # <u>8</u> Unpublished Opinion(s) Cole v Livingston, # <u>9</u> Unpublished Opinion(s) Colon v Passaic County, # <u>10</u> Unpublished Opinion(s) Graham v Parker, # <u>11</u> Unpublished Opinion(s) In re OSB Antitrust Litig, # <u>12</u> Unpublished Opinion(s) Ingles v City of New York, # <u>13</u> Unpublished Opinion(s) McGee v Pallito)(Brown, Wilson) (Entered: 03/29/2018)
04/03/2018	<u>29</u>	ORDER granting <u>27</u> Motion to Certify Class (eo) (Entered: 04/03/2018)
04/19/2018		Set/Reset Hearings: Jury Selection set for 7/2/2019 09:30AM before Honorable John E. Jones III. (eo) (Entered: 04/19/2018)
07/26/2018	<u>30</u>	WITHDRAWAL OF ATTORNEY APPEARANCE – Attorney Mira Baylson terminated on behalf of Anthony Reid, Ricardo Natividad, Mark Newton Spotz, Ronald Gibson, and Jermont Cox,. (Baylson, Mira) (Entered: 07/26/2018)
08/27/2018	<u>31</u>	Joint MOTION for Extension of Time to Complete Discovery by Jeremy Cox, Ronald Gibson, Ricardo Natividad, Anthony Reid, Mark Newton Spotz. (Attachments: # <u>1</u> Proposed Stipulated Order)(Walczak, Witold) (Entered: 08/27/2018)
08/29/2018	<u>32</u>	ORDER granting <u>31</u> Motion for Extension of Time to Complete Discovery Discovery due by 1/31/2019. (eo) (Entered: 08/29/2018)
12/04/2018	<u>33</u>	Joint MOTION to Reset Trial Date <i>Extend Discovery and Set Status Conference</i> by Jeremy Cox, Ronald Gibson, Ricardo Natividad, Anthony Reid, Mark Newton Spotz. (Attachments: # <u>1</u> Proposed Order)(Walczak, Witold) (Entered: 12/04/2018)
12/06/2018	<u>34</u>	SCHEDULING ORDER: Telephone Status Conference set for 12/14/2018 09:30 AM before Honorable John E. Jones III. See order for details. (eo) (Entered: 12/06/2018)
12/14/2018	<u>35</u>	ORDER –granting <u>33</u> Joint MOTION to Reset Trial Date <i>Extend Discovery and Set Status Conference</i> . Discovery deadline: 5/31/2109. Final Pretrial Conference set for 10/1/2019 in Harrisburg before the Honorable John E. Jones III. Jury Selection is set for 11/4/2019 at 9:30 AM in Harrisburg before the Honorable John E. Jones III. Dispositive Motions Deadline: 7/1/2019.Signed by the Honorable John E. Jones, III on December 14, 2018. (kjn) (Entered: 12/14/2018)
03/22/2019	<u>36</u>	MOTION to Take Deposition from Ricardo Natividad, Jermont Cox, Mark Spotz, Ronald Gibson, Anthony Reid <i>pursuant to Rule 30</i> by Robert D. Gilmore, Cynthia Link, John Wetzel. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Concurrence)(Fulginiti, Joseph) (Entered: 03/22/2019)
03/25/2019	<u>37</u>	ORDER granting <u>36</u> Motion to Take Deposition from Plaintiff (eo) (Entered: 03/25/2019)
04/08/2019	<u>38</u>	(Withdrawn) MOTION to Compel <i>Mental Health Examination of Plaintiffs Pursuant to Rule 35(a)(1)</i> by Robert D. Gilmore, Cynthia Link, John Wetzel. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Nonconcurrence, # <u>3</u> Exhibit(s) Dr. Metzner CV, # <u>4</u> Exhibit(s) Dr. Metzner list of cases)(Fulginiti, Joseph) Modified on 4/18/2019 (eo). (Entered: 04/08/2019)

04/08/2019	<u>39</u>	BRIEF IN SUPPORT re <u>38</u> MOTION to Compel <i>Mental Health Examination of Plaintiffs Pursuant to Rule 35(a)(1)</i> filed by Robert D. Gilmore, Cynthia Link, John Wetzel.(Fulginiti, Joseph) (Entered: 04/08/2019)
04/17/2019	<u>40</u>	MOTION to Withdraw <u>38</u> MOTION to Compel <i>Mental Health Examination of Plaintiffs Pursuant to Rule 35(a)(1) without prejudice to refiling, if necessary</i> by Robert D. Gilmore, Cynthia Link, John Wetzel. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Concurrence)(Fulginiti, Joseph) (Entered: 04/17/2019)
04/18/2019	<u>41</u>	ORDER granting <u>40</u> Motion to Withdraw (eo) (Entered: 04/18/2019)
04/24/2019	<u>42</u>	Joint MOTION TO MODIFY SCHEDULING ORDER by Jeremy Cox, Ronald Gibson, Ricardo Natividad, Anthony Reid, Mark Newton Spotz. (Attachments: # <u>1</u> Proposed Order)(Brown, Wilson) (Entered: 04/24/2019)
04/24/2019	<u>43</u>	SCHEDULING ORDER – IT IS ORDERED that the <u>42</u> Joint MOTION TO MODIFY SCHEDULING ORDER is GRANTED as follows: Discovery is now due by 7/15/2019. Trial is RESCHEDULED for 11/4/2019 AT 09:30 AM in Harrisburg before Honorable John E. Jones III.Signed by Honorable John E. Jones, III on 4/24/2019. SEE ORDER. (sc) (Entered: 04/24/2019)
05/09/2019		Set/Reset Hearings: Jury Selection set for 1/6/2020 09:30AM before Honorable John E. Jones III. Pretrial Conference set for 12/2/2019 (eo) (Entered: 05/09/2019)
07/16/2019	<u>44</u>	Letter from Joseph Fulginiti and Mark Taticchi <i>regarding status of case</i> . (Fulginiti, Joseph) (Entered: 07/16/2019)
11/04/2019	<u>45</u>	ORDER The Court has been advised that a settlement in this matter is forthcoming and thereafter, a settlement agreement shall be submitted to the Court for approval. Accordingly, the pretrial conference scheduled for December 2, 2019 is CANCELLED. The parties shall file the appropriate motion for the Courts approval of the settlement agreement by or before December 31, 2019.(eo) (Entered: 11/04/2019)
11/18/2019	<u>46</u>	Joint MOTION for Settlement [ <i>PRELIMINARY APPROVAL OF [CLASS ACTION SETTLEMENT]</i> ] by Jeremy Cox, Ronald Gibson, Ricardo Natividad, Anthony Reid, Mark Newton Spotz. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit(s) 1, # <u>3</u> Exhibit(s) 2)(Brown, Wilson) (Entered: 11/18/2019)
11/18/2019	<u>47</u>	BRIEF IN SUPPORT re <u>46</u> Joint MOTION for Settlement [ <i>PRELIMINARY APPROVAL OF [CLASS ACTION SETTLEMENT]</i> ] filed by Jeremy Cox, Ronald Gibson, Ricardo Natividad, Anthony Reid, Mark Newton Spotz.(Brown, Wilson) (Entered: 11/18/2019)
11/20/2019	<u>48</u>	ORDER 1. The Motion for Preliminary Approval of Class Settlement (Doc. 46) is GRANTED and the Settlement Agreement jointly submitted by the parties is preliminarily APPROVED. 2. On or before December 4, 2019, the Notice to the Class shall be distributed to each class member and posted in the Capital Case Units at SCI-Greene and SCI-Phoenix. The Notice shall remain posted until at least January 13, 2020. Defendants shall ensure that complete copies of the Settlement Agreement are available for review in the dayroom/library of each Capital Case Unit. 3. Written objections to or comments on the Settlement Agreement will be considered by the Court at the Fairness Hearing. All objections or comments must be marked Class Settlement in Reid v. Wetzel, No. 18-cv-176 and sent to the Court at the address below: Clerk of Court, United States District Court Ronald Reagan Federal Building & U.S. Courthouse 228 Walnut Street Harrisburg, Pennsylvania 171014. All objections must be postmarked by January 6, 2020. Once received, comments and objections will be posted to the docket. 5. On or before January 21, 2020, briefs relating to the settlement approval shall be filed. 6. A fairness Hearing to address any objections or comments to the proposed Settlement Agreement shall be held on February 12, 2020 at 9:30 a.m. in Courtroom #2, Harrisburg Federal Courthouse, 228 Walnut Street, Harrisburg Pennsylvania.(eo) (Entered: 11/20/2019)
11/20/2019		Set/Reset Hearings: E Fairness Hearing set for 2/12/2020 09:30 AM in Harrisburg – Courtroom 2 before Honorable John E. Jones III. (eo) (Entered: 11/20/2019)