

April 1, 2011

Memorandum: SCCC Active Case Status Report

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Memorandum

Date: April 1, 2011
To: Grey Abrams/Karen Boyer
Cc: Ms. Kelly Atwood - CCA
From: Pentecost & Glenn, PLLC
Melissa Tart – Legal Assistant
RE: SCCC Active Case Status Report

BESTER, Latoney **#1:09-0072** **U.S. Middle District**
TDOC # 324260/paroled **Filed: 10-26-09**

Plaintiff claims he was denied medical care during lockdown and has filed his complaint in the U.S. District Court. He has alleged civil rights violations against Warden Lindamood and C/O Hill.

Defendants are SCCC, Cherry Lindamood, and Christopher Hill

This matter was settled with the Plaintiff, who is no longer incarcerated. An order dismissing this case was entered and is now final. We are now closing this file.

FIELDS, Orlando **#2010CV4790** **Wayne Co. Chancery Ct.**
TDOC #263062 **Filed: 6-18-2010**

Plaintiff alleges an officer broke his TV.

Defendants are Corrections Corporation of America, Cherry Lindamood, Leigh Kilzer, Tracy Sweat, and Phyllis Hodge

We have filed an Answer to Plaintiff's Complaint and filed a Motion to Dismiss. The State has filed a motion to dismiss which is appropriate to many of the plaintiff's claims. Our motion is set for review by the Wayne County Chancery Court on April 28, 2011 and we will await the Judge's decision. There may be some claims of the plaintiff that would remain after the ruling but will keep all informed.

GRAVES, Eddie Frank #10-100-IV Davidson Co Chancery Ct.
TDOC #261761 Filed: 1-21-10

Petitioner claims to have been falsely accused of assault on an inmate by the disciplinary committee.

Defendants are Cherry Lindamood

Our Motion to Dismiss was granted, but the Plaintiff filed a notice of appeal on November 17, 2010 appealing the final judgment entered on November 1, 2010. The Notice of Appeal was filed prior to our Order of Dismissal and references the date which the Tennessee Department of Corrections defendants were dismissed. COA clerk only has TDOC as party in appeal, and we are continuing to monitor, but have not filed any notice at Appellate level.

GREEN, Shawn #10-0068 U.S. Middle District Ct.
TDOC #222170 Filed : 7-26-10

Plaintiff alleges he is being denied his monthly hygiene kit.

Defendants are Corrections Corporation of America/South Central Correctional Facility, Cherry Lindamood, Leigh Kilzer, Mark Hacker, Sabrina Tomlinson, and Kristen Buttram

The facility and all personnel have followed the proper policies and procedures as established by the TDOC regarding the determination as to who can receive the indigent hygiene kits. Plaintiff does not meet the criteria and therefore is not entitled to a kit. What has been done for the plaintiff is provide to him a kit when he is in need and could

not pay for the kit out of his trust funds. What does occur is that certain stamps and other items are removed when the indigent kit is given to plaintiff because he does not meet the indigent standards. We have filed a response to the Plaintiff's complaint and have also filed a Motion for Summary Judgment. Plaintiff has filed numerous motions with the Court concerning amendments and discovery issues; we continue to respond to these motions as we await a ruling on our MSJ.

HENDERSON, Henry **#1:07-0055** **U.S. Middle District Ct**
TDOC #112868 **Filed: 7-10-07**

Plaintiff alleges that CCA and its employees have violated a previous settlement agreement entered into in compromise of a prior lawsuit by depriving him of his property. Namely, Plaintiff alleges that the deprivation of his typewriter constituted a violation of his right to access to the court.

Defendants are (from SCCC) Cherry Lindamood, Daniel Pritchard, Clarence Potts, Joe Patterson, Brenda Caperton, Bobby Maples, Sonya Hefner, S McClain, Dwight Bumpus, Loreta Russell and Kevin Myers (from WCF) Steve Dotson, Grady Perry, Beverly Austin Perry, Rosa Gant, Brandon Moore and Sabrina Williams Palmer

We have still not received a briefing letter from the Sixth Circuit on this appeal. We are drafting a motion to dismiss the appeal based upon the Plaintiff's failure to pay the partial filing fee and general failure to comply with the Federal Rules of Appellate Procedure.

HICKS, Tony **#11-0010** **U.S. Middle District**
TDOC #123429 **Filed: 2-14-11**

Plaintiff claims that he hurt his back while working at the facility and that his injury has not improved with our current treatment. He makes a demand of \$250,000 in compensatory damages. He has also sued for injunctive relief requesting to be sent for another medical opinion and an MRI.

Defendants are Damon Hininger and Angela Steadmon

The original order of the Court dismissed his claim for damages. We have prepared a motion requesting an extension to file a response in this matter and will be preparing an

initial response to solely the injunctive claim.

HIMES, Walter
TDOC #422067

#2011cv4895

Wayne Co. Chancery
Filed: 3-2-11

Petitioner has filed in Wayne County Chancery Court a Petition for Writ of Certiorari seeking review a disciplinary action in which Petitioner was found guilty of prison gang activity. Petitioner claims proper disciplinary hearing protocol was not carried out by the facility thereby violating his due process rights. Petitioner seeks to have the disciplinary hearing decision rescinded; return of any fines or good time credit lost; and back pay from prison job. Further, Petitioner asks to be returned to general population.

Defendants are CCA, Cherry Lindamood, Ryan Detherage, Elva Dicus, Gloria Lang and James Sturgill-Thompson.

We have filed a Motion to Dismiss in this action. Our motion is set for review by the Wayne County Chancery Court on April 28, 2011 and we will await the Judge's decision.

JOHNSON, Norman
TDOC #

#4485

Wayne Co. Circuit
Filed: 5-24-10

Plaintiff filed a negligence and failure to protect action in the circuit court of Wayne County concerning injuries he received as a result of being stabbed by another inmate. We removed this matter to District Court.

Defendants are CCA

We will be filing our motion for summary judgment within the next 30 days. Based upon Plaintiff's claim being brought only against CCA, we believe there is a high probability of success on motion for summary judgment due to the adequacy of facility policies.

MARTIN, Holly
TDOC #

#4498

Wayne Co. Circuit
Filed: 12-16-10

Plaintiff has filed a proceeding in the Circuit Court of Wayne County alleging negligence of the facility and CCA regarding the escape of inmate Hester and his kidnapping and imprisonment of plaintiff during the escape

Defendants are SCCC/ CCA

We have just received this complaint and further factual investigation is necessary. We do know that the public duty doctrine will be pled along with the fault and actions of the inmate. We have made contact with the plaintiff's attorney and continue to discuss the claims. We have received an open ended extension to answer the complaint and discovery.

MEANS, Courtney
TDOC # 375663

#2010-cv-4778

Wayne Co. Chancery
Filed: 6-1-10

Plaintiff seeks review of a disciplinary hearing which he was charged with solicitation of staff.

Defendants are Cherry Lindamood, Corrections Corporation of America, Jessica Garrett, and Trinity Waters

Our Motion to Dismiss has been granted and the Plaintiff has not filed an appeal; therefore we have now closed this file.

MITCHELL, Robert L. **1:10-0105**
TDOC #211035

U.S. Middle District
Filed: 11-8-10

Plaintiff alleges he fell down a staircase while returning from a job assignment. He alleges that this fall caused injuries to his hip and back. He alleges that while the facility did take the Plaintiff to outside physicians for examination, the facility did not follow-up with the recommended treatments/procedures, thereby being deliberately indifferent to his serious medical need.

Defendants are Damon Hininger, Cherry Lindamood, Angela Steadman, and Daniel Pritchard.

We have filed an Answer in response to Plaintiff's complaint.

MILLS, David
TDOC # 381853

1:10-0015

U.S. Middle District
Filed: 3-9-10

Plaintiff has brought a negligence and deliberate indifference to his medical needs and health and safety action in District Court. Plaintiff alleges that his cell was repeatedly filled with water due to an adjacent shower that was leaking. He alleges that he was exposed to harmful conditions (dirty water from showers, mold, etc). He further alleges that he slipped and was injured as a result, and that he was denied proper medical care.

Defendants are Lindamood, Strickland, Pool, Cogswell, Hendrix, Killingsworth, Bass, Leibach, Riley, Brantly, Kilzer, Boyd, Ulmer, McKintosh, and Corrections Corporation of America

The Court dismissed all of Plaintiff's claims. Plaintiff then filed an untimely notice of appeal. We have filed a motion to dismiss his appeal due to untimeliness. The Sixth Circuit has issued a show cause order to Plaintiff ordering that Plaintiff explain why his case should not be dismissed for untimeliness. His response is due in mid-April.

MONTAGUE, Charles
TDOC # 142349

#3:10-0443

U.S. Middle District
Filed: 4-23-10

Plaintiff brought an action in District Court alleging a property deprivation because he did not receive a Christmas package that was allegedly mailed to him and that he was allegedly exposed to mold. Plaintiff also alleges religious discrimination because he and other Muslims are not permitted to pool their trust fund accounts to purchase religious aids for their common use.

Defendants are Corrections Corporation of America, Cherry Lindamood, Leigh Kilzer, Randall Runions, Joe Patterson, Tanya Rich and Daniel Pritchard

We continue to respond and defeat plaintiff's motions for default, preliminary injunction, extensions and to compel and we believe that we have finally resolved all discovery disputes alleged by the plaintiff. Now that these procedural matters are resolved then we will move for judgment and dismissal.

SHARKEY, Dewayne
TDOC#371383

#07C2143

Davidson Co. Circuit Ct.
Filed: 7-27-07

Plaintiff alleges that Defendants were deliberately indifferent to Plaintiff's medical needs.

Defendants are CCA and Cherry Lindamood

By agreement with Plaintiff's counsel, we stayed a hearing on our motion for summary judgment pending the resolution of Plaintiff's appeal of the summary judgment granted to Dr. O'Toole. The Court of Appeals recently entered an order affirming Dr. O'Toole's dismissal and we have made attempts to contact Plaintiff's counsel for an agreed dismissal but have received no response. We will continue our efforts to reach an agreed dismissal.

SUTHERLAND, Carl
TDOC#323381

#02-4390

Wayne Co Circuit Ct
Filed:

Plaintiff alleges he did not receive a job because of discrimination and that we violated his civil rights as to the 1st amendment and due process regarding the filing of grievances. Plaintiff seeks nominal damages and alleged lost wages of \$7.00 per hour because of the lack of a job. Plaintiff also seeks punitive damages of \$7,500.

Defendants are Cherry Lindamood, Gene Maples, Teresa Cogswell, Heather Reeves, Leigh Kilzer

The Court of Appeals has upheld the dismissal of the trial court and entered an Opinion and Judgment in this matter. Plaintiff has appealed to the Tenn. Supreme Court and we are monitoring.

WILLIAMS, Jr., Eddie
TDOC#121015

#1:08-0057

U.S. Middle District
Filed: 1-23-08

Plaintiff alleges violation of his constitutional rights because of his limited access to the law library.

Defendants are Warden Cherry Lindamood, Sara Deltedesco, Chris Lambert, Josh Chabera, and Leigh Kilzer

The Court of Appeals permitted Plaintiff to proceed IFP and also appointed him counsel. No counsel has actually yet been appointed and we are waiting for a briefing schedule.

WILLIAMS, Michael
TDOC# 101154

#1:09-0054

U.S. Middle District
Filed: 8-25-09

Plaintiff asserts a 1983 claim that his civil rights were violated because Defendants failed to protect him from alleged injuries he received from gang violence.

Defendants are Mark Hacker, Jesse Stilwagen and Thomas Wallace

We will be filing a motion for summary judgment within the next 30 days. We believe that all facts and discovery clearly show that we did not violate his constitutional rights and that plaintiff did not properly file his case.