

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

RICHARD OATES,

Plaintiff,

v.

LORI DOEHLING, SHARON MOERCHEN,
DR. CHARLES HUIBREGTSE and
JOHN and JANE DOES 1-10,

Defendants.

ORDER

10-cv-816-bbc

Plaintiff Richard Oates was granted leave to proceed on his claim that defendants Laurie Doehling, Sharon Moerchen, Dr. Huibregtse and John and Jane Does 1-10 violated his Eighth Amendment rights by failing to provide him adequate medical treatment for his back pain. Now before the court are plaintiff's motions to compel disclosure of the names of the members of the Special Needs Committee, dkt. 31 and motion for enlargement of time to identify John and Jane Doe defendants, dkt. 32.

In response to plaintiff's request for the names of the persons on the RedGranite Special Needs Committee on or about January 7-January 17 and February 15 to 25, 2010, defendants provided the following names: Dr. Charles Huibregtse, Holy Puhl, Sharon Moerchen, and Lori Doehling. Plaintiff seeks to compel what he would consider more truthful answers to his request. Pursuant to Fed. R. Civ. P. 37(a)(3)(B), the purpose of a motion to compel is to compel a person to answer a request for discovery. Defendants' response to plaintiff's request is a sworn statement which the court presumes to be true absent evidence to the contrary. The exhibits that plaintiff has submitted are not evidence that defendants's response is untrue. Therefore, plaintiff's motion to compel will be denied.

Because plaintiff believes there are still other people on the Special Needs Committee that defendants are not disclosing, he requests an extension of time to file his amended complaint to name John and Jane Doe defendants. But again, the sworn discovery responses indicate that there are no members of the committee not already named defendants in this case. Therefore, plaintiff is probably not able to add any John or Jane Doe defendants. Even so, I will grant plaintiff extension until July 21, 2011, to file an amended complaint naming any doe defendants.

ORDER

IT IS ORDERED that:

1. Defendants' motion to compel, dkt. 31, is DENIED,
2. Plaintiff's motion for an extension of time to identify John or Jane Doe defendants, dkt. #32, is GRANTED until July 21, 2011.

Entered this 7th day of July, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge