

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

---

DONNA DAWN KONITZER aka S.A. Konitzer,

Plaintiff,

v.

SINAI SAMARITAN MEDICAL CENTER,  
SECRETARY OF DEPARTMENT OF CORRECTIONS,  
GREG GRAMS, TIMOTHY DOUMA, JANEL NICKEL,  
DALIA SULIENE, TIMOTHY LUNDQUIST,  
KEVIN KALLAS, DAVID BURNETT, JAMES GREER,  
DANIEL WESTFIELD, J.B. VAN HOLLEN,  
COREY FINKELMEYER, JODY SCHMELZER,  
FRANCIS SULLIVAN, LILLIAN TENEBRUSCO and  
LORI ALSUM,

Defendants.

---

ORDER

12-cv-874-bbc

In an order entered in this case on December 4, 2012, I assessed plaintiff Donna Dawn Konitzer<sup>1</sup>, an initial partial payment of the \$350 filing fee in the amount of \$43.37. Plaintiff was directed to pay this amount no later than December 27, 2012, and was cautioned that if she failed to do so, then the court would assume that she wished to withdraw the action voluntarily and the case would be closed. Plaintiff did not submit the required payment and indeed, her case was closed on January 11, 2013. Now plaintiff has filed a motion for reconsideration in which she states that she was waiting for a ruling on her motion to correct the case caption before remitting the initial partial filing fee to the court.

On December 10, 2012 the court received from plaintiff an “Expedited Rule 60(a) Motion to Correct the Record in the Above Matter” in which she complains that clerk’s office staff opened the case with a caption listed as “Konitzer v. Sinai Samaritan Medical Center” when in fact, plaintiff is not suing the Sinai Samaritan Medical Center. Although plaintiff is correct that on page two of her complaint where she lists the parties to this action, she did not include Sinai Samaritan Medical Center as a defendant, however on the case caption of her complaint plaintiff clearly lists Sinai

---

<sup>1</sup> At Konitzer’s request in another case in this court, the court will refer to her using female pronouns.

Samaritan Medical Center as the lead defendant, followed by Secretary of Department of Corrections and others. It is standard court policy to include on the docket all parties that a plaintiff has named in the case caption as well as any additional parties that the plaintiff has named in the body of the complaint. If plaintiff did not want Sinai Samaritan Medical Center listed as a defendant, then she should not have listed it as a party in the caption of her complaint.

It also is standard court policy to address any substantive motions—such as plaintiff’s motion to correct the caption of the case—at the time of screening. As plaintiff is aware, screening under the Prison Litigation Reform Act does not take place until after an initial filing fee is paid. When plaintiff failed to submit her initial partial filing fee by the deadline as ordered, the court considered plaintiff to have voluntarily withdrawn the lawsuit. However because the court did not make clear when it would address plaintiff’s motion to correct the caption, I will address it now:

#### ORDER

It is ORDERED that:

(1) The caption of this case is AMENDED to remove defendant Sinai Samaritan Medical Center

(2) Plaintiff Donna Dawn Konitzer may have until February 21, 2013, in which to submit a check or money order made payable to the clerk of court in the amount of \$43.37 as the initial partial payment she was assessed in this case. If plaintiff complies with this deadline, her case will be reopened and screened on the merits pursuant to 28 U.S.C. § 1915(e)(2). Otherwise, the case will remain closed.

Entered this 28<sup>th</sup> day of January, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge