

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

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JOSEPH REINWAND,

Plaintiff,

v.

NATIONAL ELECTRICAL BENEFIT FUND,  
LAWRENCE J. BRADLEY and  
FRANK BLACKBURN, M.D.,

Defendants.  
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ORDER

14-cv-845-bbc

In this proposed civil action, pro se plaintiff Joseph Reinwand is proceeding on claims that his disability benefits were improperly terminated by defendants National Electrical Benefit Fund, Lawrence J. Bradley (the executive secretary and treasurer for the Fund) and Frank Blackburn (a doctor employed by the Fund to make disability determinations) under the Employee Retirement Income Security Act. In the order screening plaintiff's complaint, I concluded that he did not allege sufficient facts to proceed on a claim that defendants failed to give him documents about his claim, in violation of ERISA, but I gave him an opportunity to amend or supplement his complaint on the issue. Now before the court is plaintiff's proposed supplement to his complaint. Dkt. #6.

In this supplement, plaintiff alleges that he never received the documents related to his claim that he requested from defendants, which violates the ERISA regulations requiring

that plan administrators provide “a claimant . . . upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the claimant’s claim for benefits.” 29 C.F.R. § 2560.503-1(h)(2)(iii). Although plaintiff’s supplement lacks detail, his allegation provides notice to defendants of the essential elements of his claim, which is all that is required at this stage of the proceedings. Ashcroft v. Iqbal, 556 U.S. 662, 677 (2009). If plaintiff wishes to amend or add to his complaint in the future, he should do so by completely replacing his complaint with a new one that alleges all relevant facts and lists all defendants. There may be only one operative pleading in a case, and it cannot be added to in a piecemeal fashion.

Plaintiff also asks the court for assistance in recruiting counsel. Dkt. #7. As an initial matter, the court will assist plaintiff in recruiting counsel only if he is indigent. 28 U.S.C. § 1915(e)(1). Plaintiff has not filed an affidavit showing his indigency, which he must do before I can consider his motion. I have attached a blank affidavit to this order that plaintiff may fill out and file with the court.

Nevertheless, even if plaintiff’s motion were ready for review, I would deny it. Plaintiff says that he has made efforts on his own to recruit counsel and he lists three law offices and the Wisconsin Bar Association to which he says he has sent letters. It is this court’s general practice to require that plaintiffs provide copies of the *lawyers’* letters in response, not just a list of law offices contacted. In the future, plaintiff should send copies of those letters, and, if the lawyers he is writing do not respond, plaintiff should document the dates and provide the court a copy of the letters he sent them. Moreover, it is too early

in the proceedings to determine whether the case is so complicated that plaintiff will require assistance from a lawyer. Pruitt v. Mote, 503 F.3d 647, 654, 655 (7th Cir. 2007). So far, plaintiff's filings have been articulate and thorough, and he has been able to follow the court's instructions. Accordingly, plaintiff's motion will be denied without prejudice to his renewing it after he has shown his indigency and at a later stage in the case.

### ORDER

IT IS ORDERED that

1. Plaintiff Joseph Reinwand is GRANTED leave to proceed on his claim that defendants National Electrical Benefit Fund, Lawrence J. Bradley and Frank Blackburn failed to provide him documents as required under 29 C.F.R. § 2560.503-1(h)(2)(iii). His original complaint, dkt. #1, and the supplement, dkt. #6, together serve as the operative pleading in this case.

2. Plaintiff's motion for assistance in recruiting counsel, dkt. #7, is DENIED without prejudice.

Entered this 3d day of March, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge