

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

JONATHAN P. COLE,

Plaintiff,

v.

JON E. LITSCHER;
MICHAEL CATALANO;
PRISON HEALTH SERVICES, INC.;
PAM BARTELS;
JOHN DOES 1, 34, 35, 36, 37, 39, 82,
84, A, D and E; and GERALD A.
BERGE,

Defendants.

ORDER

04-C-0116-C

A hearing was held in this case on April 19, 2004, on the court's order that plaintiff Jonathan P. Cole show cause why sanctions should not be imposed on him for his representations that his former co-plaintiffs had signed documents in this case. Plaintiff appeared in person, without counsel. Defendants were represented by John Glinski and Monica Walrath.

Plaintiff told the court that he had not forged signatures to the documents he submitted to the United States District Court for the Eastern District of Wisconsin; rather,

at the outset of the litigation, he gathered many pages of signatures of his co-plaintiffs and then attached a page of signatures to any pleading he filed with the court. Plaintiff said that he had taken this approach because of the difficulties he encountered in sending copies of court matters to other prisoners within the Wisconsin correctional system. Although this explanation reinforces my doubts about the extent to which plaintiff's co-plaintiffs were kept informed of the proceedings in their case, it responds sufficiently to my concern that the signatures were forgeries to allow plaintiff to avoid sanctions. Consequently, I will lift the stay on proceedings imposed on March 15, 2004, and allow plaintiff to go forward with his case (and his alone).

Mr. Glinski asked for additional time in which to file and serve an answer on behalf of former Secretary Litscher, now that the stay of proceedings has been lifted. The request was granted. Defendant Litscher may have 19 days from the date of this order in which to file and serve his answer.

Plaintiff told the court that he was having problems obtaining research materials and reiterated his request for appointed counsel. He was informed that if he has problems relating to his access to the library or otherwise impeding his prosecution of this suit, he must bring a motion addressing the specific problem. If and when he does so, the court will address the problem. However, I continue to believe that plaintiff is capable of prosecuting this matter on his own behalf.

ORDER

IT IS ORDERED that plaintiff Jonathan P. Cole has shown cause why sanctions should not be imposed on him for forging signatures; FURTHER, IT IS ORDERED that the stay entered on March 15, 2004, is LIFTED and defendant Litscher may have 19 days from the date of this order in which to file and serve his answer.

Entered this 20th day of April, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge