

UNITED STATES DISTRICT COURT FOR
WESTERN DISTRICT OF WISCONSIN

2015 MAY 29 AM 11:07

Jeffrey D. Leiser, #330229
Stanley Correctional Institution
100 Corrections Drive
Stanley, WI 54768-6500
PLAINTIFF,
Vs.

15 0 328
[CASE NO.]
[JURY TRIAL DEMANDED]

Dr. Joan Hannula, MD.
Judy Bentley, Nurse Practitioner
Sandra Demars, Health Services Supervisor RN.
Christine McCall, Health Service Manager RN.
Jean Voeks, Health Services Manager RN.
Patty Scherreiks, RN.
Tracy Brunner, RN.
Lon Becher, Nursing Coordinator RN.
Ms. Thacker, RN.
Mr. Lynch, ADA Coordinator SCI.
Ms. Reime, Food Services Manager.
Ms. Bauer, Food Service Leader.
Ms. Webster, Work & Program Director.
Kimberly Richardson, Inmate Complaint Examiner SCI.
Holly A. Gunderson, Inmate Complaint Review Examiner.
Jodi Dougherty, Inmate Complaint Examiner.
Welcome Rose, Correctional Complaint Examiner.
Charles Cole, Office of the Secretary
Cindy O'Donnell, Office of Secretary
Charles Facktor, Correctional Complaint Examiner.

DEFENDANTS.

Plaintiff's Civil Complaint
Pursuant to 42 U.S.C. §1983.

I. INTRODUCTION

1. I Jeffrey D. Leiser brings this law suit against all named defendnat's for their part in failing to treat my serious medical needs of herinated disk that are pinching the nerves in the THORACIC RACIO SPINE T7-T8, T8-T9, and LUMBAR SPINE L4-L5, and their failure to inter-vene once they were aware of the serious medical need.

2. A M.R.I. was done in 2010 that revealed "At the t7-t8 level there is mild central disc herniation noted which does appear to impinge upon the right anterior aspect of the spinal cord." "At t8-t9 level there is again noted subligamentous disc herniated centrally and to the right which also appears to cause impingement upon the right anterior aspect of the spinal cord, although it does not appear to cause significant impingement upon the right lateral recess and nerve root."(See Ex 101)

3. In November 2013, I underwent another M.R.I. of my lower lumbar do to severe right-side and right-testicle and leg pain. Which revealed that the L4-L5 "There is mild circumferential disk bulge with a small posterior annular fissure and there is a small central disk protrusion indenting the thecal sac. There is also bilateral mild to moderate facet arthropathy and mild hypertrophy of the ligamentum flavum. This results in mild to moderate central spinal stenosis, as well as mild narrowing of the lateral recesses bilaterally. There is also bilateral neural foraminal narrowing." (See Ex 102)

4. I also present within this suit ~~most~~ the times I complained to HSU about my Right-side right-testicle & leg pain of severe pain I was in that fell on deaf ears do to Dr. Hannula and N.P. Bentley's orders not to do anything for my spinal injury.

5. I request this court to liberally construe these claims presented in this complaint pursuant to Haines v. Kerner 404 U.S. 519 (1972); Boad v. MacDougal 454 U.S. 364 (1984); Pabon v. Write 459 F.3d 214 (7 Cir 2006).

6. I hereby respectfully reserve the right to amend this complaint at any time if needed.

7. The Seventh Circuit held "self reporting is often the only indication a doctor has of a patients condition. The fact that a condition does not produce objective symptoms does not entitle the medical staff to ignore it ... Subjective non-verifiable complaints are in some cases the only symptom to serious medical conditions...."

8. I did not show atypical symptoms of severe L4-L5 spinal injury that now has become a permanent major nerve damage that produces severe constant pain in my lower back, right-side and right testicle and leg pain. That is caused by the defendnants deliberate indifference to my serious medical needs.

9. The courts require a prisoner to demonstrate a "Subjective" element of a denial of medical care (pain and suffering or permanent injury) claims that the defendnants acted with sufficiently capable state of mind. See Gutierrez v. Peters 111 F.3d 1364 (7th Cir 1997). At

minimum that the defendants were aware of and disregarded a substantial right of prisoners health, both physically and mentally. Greeno v. Daily 414 F.3d 645, 653 (7th Cir 2005).

10. The subjective element of deliberate indifference is what did they know? "All defendants knew that I was in serious pain on the right side and right testicle all the time, and suffered medication withdraws." "HOW" I told them, verbally and in written complaints; Health Service Requests (HSR's) See Greeno v. Daily 414 F.3d 645; Snipes v. Detella, 95 F.3d 586 (7th Cir 1996); Jackson v. Kotter 541 F.3d 688 (7th Cir 2008); Berry v. Peterman 604 F.3d 435 (7th Cir 2010). Farmer v. Brennan 511 U.S. 825 (1994)

11. "Ability to intervene and failure to do so is sufficient to support a claim of deliberate indifference." See Filimore v. Page 358 F.3d 496, 505-506 (7th Cir 2004); Miller v. Smith 220 F.3d 491 (7th Cir 2000) (Eventhough this case deals with a police officer, the plaintiff's rights are the same.)

12. The following defendants had the ability to intervene, but failed to. "DeMars, McCall, Voeks, Becher, Richardson, Gunderson, Dougherty, Rose, Cole, O'Donnell, Facktor." When they were informed of my complaints ICE's, proves their "State of Minds" of "WHO CARES!"

II. JURISDICTION AND VENUE.

13. This court is the appropriate venue under 28 U.S.C. §1391 (b) (2), the events giving rise to the claims herein occurred in the Western District of Wisconsin. Leiser will seek damages to be asked for in this complaint, as individual defendant's culpability is determined. Degree of Deliberate Indifference to Leiser's physical pain and suffering, mental torture, and severity of the nerve damage, my permanent disability rating is developed within the future judicial proceedings.

14. This court has subject-matter jurisdiction over Leiser's federal law claims under 28 U.S.C. §1331, 1334(A)(3). The Court has supplemental jurisdiction over Leiser's state-law claims pursuant to 28 U.S.C. §1367. This case arises under the constitution and laws of

the United States, 28 U.S.C. §1343. This action seeks redress and damages for violation of 42 U.S.C. §1983, and 1985. In addition Leiser is claiming violations of the Americans with Disability Act, and Rehabilitation Act 45 U.S.C. §12102 et.seq., and 29 U.S.C. §705 (8)(9).

15. At all times relevant to the events described herein, all defendants acted under the color of state law. In their official and individual capacities as either health care providers, or correctional staff, from Stanley Correctional Institution, Inmate Complaint Examiners of the Department of Corrections in Madison Wisconsin.

III. PARTIES INVOLVED

16. Plaintiff Jeffrey D. Leiser, is a prisoner at Stanley Correctional Institution located at 100 Corrections Drive, Stanley, WI 54768. Herein after as "SCI" during all times described in this complaint.

17. Dr. Joan Hannula MD, is the head doctor for SCI, and is responsible for my health care and is named in both her official and individual capacities.

18. Judy Bentley is SIC's Nurse Practitioner, who is also responsible for my health care at SCI, and is named in her official and individual capacities.

19. Sandra DeMars R.N. is currently health services Unit manager at SCI and is named in her official and individual capacities.

20. Christine McCall R.N. "WAS" the most recent health services unit manager at SCI and is named in her official and individual capacities.

21. Jeanie Ann Voeks R.N. was the prior health service unit manager at SCI and is named in her official and individual capacities.

22. Tracy Brunner R.N. is a nurse at SCI, and is named in her official and individual capacities.

23. Lon Becher R.N. is the nursing coordinator for SCI and is named in his official and individual capacities.

24. Ms. Thacker R.N. is a nurse that works or worked for SCI, and is named in her official and individual capacities.

25. Patrick Lynch is the American with Disability Act Coordinator for SCI and is named in his official and individual capacities.

26. Ms. Reime, is the food services manager for SCI and is named in her official and individual capacities.

27. Ms Bauer is the food service leader and is named in her official and individual capacities.

28. Ms. Webster is the Work and Program Director for SCI and is named in her official and individual capacities.

29. Kimberly Richardson was the inmate complaint examiner at SCI and is named in her official and individual capacities.

30. Holly A Gunderson is the inmate complaint review examiner for SCI and is named in her official and individual capacities.

31. Jodi Dougherty is the inmate complaint review examiner for SCI and is named in her official and individual capacities.

32. Welcome Rose is a correctional complaint examiner or (CCE) located in Madison head quarters "DOC" and is named in his official and individual capacities.

33. Charles Cole is complaint review examiner in DOC head quarters as the (OOS)(Office of Secretary) named in his official and individual capacities.

34. Cindy O'Donnell is from the DOC head quarters as another (OOS) and is named in her official and individual capacities.

35. Charles Fracktor, is a CCE in the DOC head quarters and is named in his official and individual capacities.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES.

36. I hereby state that all administrative remedies which were available to me have been completed concerning all facts presented in this action. According to the Prison Litigation Reform Act 1997.

V. FACTS AND SUMMARY OF CASE.

37. Leiser brings this action to obtain redress from the defendants deliberate indifference to his known serious medical condition/medical need, for the injuries sustained through cruel and unusual punishment.

Due to the lengthy delay of necessary spinal surgery/treatment, for the denial of any treatment, inadequate pain medication and management, medication withdrawals, that amount to torture, physical and mental torture. Having to take sleeping medication do to sleep deprivation and night-mares, mental anguish. Constant lower and thoracic spinal pain. Right testicle pain, right-side pain, leg pain, pain when I wipe my butt, unable to bend to wash dishes, fold cloths, any activity, walk, stand, sit for long periods of time. Having problems paying attention, feeling nervous, always on guard, severe anger towards DOC Staff.

38. LEISER SEPARATES EACH DEFENDANT BY NAMES INSTEAD OF DATES.

38. Both Hannula, and Bentley, have denied me the medical treatment necessary to stop or reduce the severe pain I suffer in daily, do to their deliberate indifference and cruel and unusual punishment under the 8th amendment of the United States Constitution. Both Hannula and Bentley's failure to treat me amounts to torture. My pain level is between 8 and 10 daily.

39. I was sent to SCI on 10-28-10, I submitted a HSR stating "I had spinal surgery on 6-9-10. I'm still having pain "pinching" in the back-trap-shoulder on the left side. I also have 2 herniated disc at t7-t8, t8-t9, that cause spasms and shooting pain in the middle part of my back and ribs. This is an on going issue." Thank You"

40. My complaint of spinal & muscle spasms and severe pain is well documented. Which all defendants named has failed to provide treatment for. It has been 5 years and I'm still suffering in needless pain.

41. On 11-4-10, I was seen by Hannula, and she informed me that there was nothing she can do for my herniated disc. Hannula's orders was I go to what is called HSU Physical Therapy, which is done in the Gym by yourself. You are the therapist. I was allowed to walk the basketball court, or use the glider, or weight-lift. Hannula also ordered a P.T. Eval.

42. I explained to Hannula that I have been in therapy for years at Waupun Correctional Institution, with no relief, Hannula stated again that is the only thing I will do for you. You need to lose 25-50

pounds, and it will significantly help the pain your having from diffuse degenerative disease. Hannula did not order anything for the intense pain I was in.

43. On 12-21-10 I was seen for the HSR I submitted. I was seen by R.N. Anderson, I informed her of the "thoracic pain that begins below the shoulder and travels to ankles. Reports that at times he has balance problems due to pain. Currently uses cane full time, pain when sitting on metal stools. Ibuprofen ineffectiveness for pain in back. I will be referred to provider (Hannula) for pain eval.

44. On 1-3-11, I was seen by Hannula I complained of thoracic and left shoulder pain, muscle spasms in back and ribs. Hannula's treatment was "Start Ketoprofen 50 mg (NSAIDS) HSU-PT for glider & Bike, was given abdominal binder to help with back discomfort (Not a back brace). Advised to stay as active as possible, her goal was to keep me functional.

45. Hannula refused to address my serious pain in my thoracic is deliberate indifference to my serious medical needs.

46. On 2-15-11 I was seen by HSU to request a catheter, because of the severe pain in my thoracic I cannot empty my bladder. I was given catheters, however, my complaint of back pain was denied.

47. On 5-28-11, I was taken up to HSU in a wheel chair because I was in severe pain, I reported to the R.N. of severe pain in lower lumbar and legs, I could not walk without suffering in severe pain. I was transported to Our Lady of Victory Hospital E.R. where I was given a pain pill and sent back to SCI. While in the ER no imaging was taken.

48. On 5-29-11, I had the unit officer call HSU at 10:00a.m. to report that Leiser was having/continued to have severe lower back pain. I reported "It feels like it did the last time my fusion snapped." Reports difficulty starting and stopping urinary stream, with some urgency presented, Reports of neurogenic bladder does straight cath when needed. Reports bilateral numbness to feet when standing. Reports difficulty lifting his right leg. Pain in lower back rated 8-9/10 pain medication given at E.R. and HSU "Only took edge off." (See Ex 100)

49. The R.N. notified Hannula at home and it was a holiday weekend was told by Hannula "He has to wait till I'm back on Tuesday!"

50. I continued to suffer in needless pain due to Hannula's failure to do anything but make me wait until she got back on Tuesday for medical treatment. Which she didn't do anything. (See Ex 100)

51. On 5-31-11, I was seen by Hannula for my serious lower back pain. However, Hannula failed to provide adequate medical treatment. Hannula knows I suffer from "Pinched Nerves" in the Thoracic spine.

52. On 5-28-11, the E.R. Doctor Dodwad that seen me for my severe back pain made a recommendation "TO SEE A NEUROLOGIST OR NEUROSURGEON." However, Hannula refused that recommendation. Stating there is nothing they can do for your spine. (See Ex 104)

53. I was on Cyclobenzaprin & Baclofen for almost 3 years that was ordered by the Doctor at Waupun Correctional. On 6-28-11, Hannula stopped the medication without warning. I was left to suffer medication withdraws. When I complained to Hannula, her response was "Muscle Relaxers are used for a limited time only." Hannula and defendant Inmate Complaint Examiner Richardson and Gunderson failed to hold Hannula accountable for leaving me suffer in withdraws for stopping the medication without weaning me off first. This amounts to deliberate indifference. The above named defendants knew it caused withdraws and failed to do anything about it.

54. When an inmate or person is on Cyclobenzaprin & Baclofen for 3 years a competent doctor or medical staff would know that you cannot "JUST STOP" these two medications. That a person would suffer severe side effects, as I did. I was forced to suffer in withdraws of chest pain, sickness, shaking, sweats, vomiting, due to Hannulas reckless disregard of my health, shows her state of mind, and violates my right to be free from unwanted infliction of pain, cruel and unusual punishment.

55. On Oct 20th 2011, I complained that the 600 mg ibuprofen Hannula ordered was inadequate pain medication for the herniated disc's

t7-t8, t8-t9, according to the 2005 M.R.I. that clearly shows they are pinching the nerves. Showing broad disc bulges are demonstrated at t6-t7, t7-t8-t8-t9. The M.R.I. was done at UW Madison Hospital. I again was refused adequate pain medication and made to suffer.

56. On 1-20-10, I had a M.R.I. at Waupun Memorial Hospital which reads "Impression: At the t7-t8, level there is mild central disc herniation noted which does appear to impinge upon the right anterior aspect of the spinal cord. At t8-t9 level there is again noted subligamentous disc herniation centrally and to the right which also appears to cause impingement upon the right anterior aspect of the spinal cord.

57. This is a diagnosis by a Doctor, who reports that treatment is apparently needed, so that further damage is not done to the nerve root.

58. On 8-3-11 I was seen by Hannula and told her that I'm in constant pain from the herniated disc's pinching the thoracic spinal cord, cause by the t7-t8, t8-t9, disc's. That there causing muscle spasms all the time and the pinching in the left shoulder won't go way. Hannula again stated there is nothing I'm going to do for your back, there is nothing that can be done. Hannula failed to provide any medical treatment for the constant pain I'm in all the time.

59. I quite complaining to Hannula because she refused to do anything to help me deal with the constant pain. I filed my complaints and it fell on deaf ears. I have suffered and continue to suffer in needless pain due to Hannulas deliberate indifference.

60. On 5-13-13 I was seen by Hannula for right side and scrotal (testicle) pain. (On 4-29-13 I reported that I was in severe right side and right testicle pain, See defendants Thacker & Bentley I was given Infection medication for 15 days and I submitted another HSR stating it didn't help!) Hannula then seen me on 5-13-13 for right-side and right tersticle pain. I reported that minimal improvement in spite of being on antibiotics for 2 weeks. Ultra-sound pending for this week. I asked Hannula for pain medication that works because the NSAIDS do not help the right side an testicle pain Hannula said no.

61. On 5-25-13 I was seen per my HSR do to increase right side and testicle pain. I stated to the R.N. "Something is going to get done now" I can't sleep on right side, can't sit in chair, any pressure causes severe pain. Pain is going into stomach, pain in both testicles, feels like their caught in a vise grips. I was told to keep using Tylenal & Ibuprofen. Again nothing was done to releveive my pain.

62. On 5-25-13 at 1400hrs (2:00p.m.) According to R.N. Milas, MD (Hannula) updated no new orders follow-up appointment scheduled early next week with provider. I was issued ANTI-GAS-PILLS! (Ordered by Hannula) I was told by R.N. I had to wait until Hannula came back to the institution. It's a HOLIDAY WEEKEND(Memorial Day Weekend) I was denied medical treatment do to a holiday weekend. This shows Hannula's State of Mind, that regardless of how much pain your in, don't bother me on a holiday weekend, because you will wait for treatment.(See EX 126)

63. On 6-9-13 Seen in HSU per my request, complaint of testicle pain. Pain level a 9-10, nothing done again for my pain.

64. On 6-11-13 I was seen by Hannula for right lower quadrant and right testicle pain. I reported to Hannula that I continue to have severe pain in my right side, and testicle pain and even my left testicle hurts. That the infection medication did nothing for the pain, NSAIDs I'm on doesn't help. Hannula started me on tamsulosin 0.4mg daily, Hannula still refused to order anything more then NSAIDs, even after I informed her that they did not help the severe pain I was in all the time.

65. On 6-15-13 I was seen again per HSR do to intense pain in right side and right testicle. Again the R.N. refused to help me.

66. On 8-6-13, seen per HSR of right side and testicle pain level 15 pain, sharp shooting pain started at noon going into testicle and back, hurts to walk, stand, sit. R.N. informed me to deep breath and relaxation techniques, and gave me a handout on how to breath. I told the R.N. Deep Breathing isn't going to take this intense pain away! Again no medical treatment was provided.

67. On 8-7-13 seen for follow up I complained of contined right side, right testicle pain. Pain continues standing, laying, walking, again no medical treatment was offerred, or provided for my severe pain.

68. On 2-13-14 at 10:30P.M. I was taken to HSU for the severe upper right quadrant pain, which started 2 days prior. I informed the R.N. "I've never felt pain like this!" Pain level is at a 10. R.N. gave me something to poop, sent me back to my unit. Provided no pain medication for the severe pain I was in, told me thats all she can do.

69. On 2-14-13 seen for follow-up right upper quadrant pain. No change in pain Hannula was called to examine me and said it was shingles. "Was not shingles." Hannula told me to watch and see if rash starts.

70. On 2-20-14 seen for follow-up RUQ pain I told the R.N. that the pain remains and nothing I take helps the pain! I can feel it in my back. The R.N. stated "reassurrance provided, will continue to monitor. No medication for pain, nothing done to help me deal with pain.

71. On 3-19-14 seen Hannula, complained of pain in testicle and right side, stomach, and back. Can only walk 4 laps, uses elliptical for short period of time and is limited by pain in the testicle. Hannula stated to me that we don't know whats wrong with you. I stated it's my back and herniated disc. Hannula said I've already told you there is nothing I can do for your back. Even a surgeon would not do anything for you.

72. On 6-24-14 seen Hannula to discuss testicle and back pain. Between Hannula and Dr. Luxford (Psychiatry) determined I should try "DULOXETINE" 40mg its a psychiatric and pain medication. I was on the psyc medication "CITALOPRAM 30 MG FOR 9½ years. Neither Doctor weaned me off the Citalopram first before starting Duloxetine 40 mgs. I was told by Hannula that I did not need to be weaned off they were similar medications for my mental state.

73. On 8-8-14 I was seen per my HSR complaining of severe back and testicle pain. Again I was told there was nothing they will do to help me and my pain. I have to learn to live with it.

74. On 8-28-14 I was seen by Hannula who states MRI of the lumbar spine done in November 2013, which revealed degenerative disc disease most significant at L4-L5, moderate bilateral facet arthropathy and mild to moderate central spinal stenosis ... He reports today he would like a neurosurgery evaluation to see if something surgically can be done to relieve his testicle pain. (Leiser did not state this. Leiser stated I need this testicle pain to stop, I want you to request it be amputated because I cannot stand the pain any more either you do it or I'll do it myself!!!! Hannula did not make any notes to that statement. Hannula never puts what I complain about on paper.) Hannula stated that by the MRI and clinical exam he has no indication for surgery ... Discussed a possible ilioinguinal nerve block to see if this would relieve his testicle pain.

75. I was seen by Dr. Endress in Black River Falls Hospital pain clinic twice. The first time Dr. Endress injected me on the right side, and on 12-30-14 the second time I was seen Dr. Endress injected me bilaterally. Dr. Endress also recommended that I start Physical Therapy in the window of opportunity after the shots.

76. On 1-16-15 I was seen per HSR complaining of back and testicle pain, informed R.N. shots did not help relieve my pain. I asked the R.N. about P.T., I was told I'm on the waiting list. R.N. did nothing for my complaint of pain. Sent me back to my unit.

77. On 1-13-15 complained of back pain and testicle and leg pain. I informed R.N. that I spoke with HSU Manager DeMars on 1-30-15 and she told me to write a blue slip (HSR) "I stated something has to be done it hurts to walk, sit, stand, I'm also having problems urinating again." R.N. did as normal "NOTHING" gave me a refile of aedameniofin, reassurance given PT is on list to see Physical Therapy, continue muscle rub, Ice, Hot Showers and exercise, stretching. I told the R.N. I do all that daily without relief. R.N. told me she would get me into P.T sooner. However she never did. It was a 4 month waiting list for physical therapy here at SCI.

78. On 2-4-15 seen per HSR complained of back and testicular pain spasms in mid back. Again I was denied medical treatment for my serious medical needs.

79. When Dr. Endress ordered Physical therapy for the bilateral shots he did on 12-30-14, he ordered/recommended that P.T. start right away. However, it took 4 months to obtain P.T.

80. On 4-4-15, when I was seeing the physical therapist he informed me that your nerves are like foam pinch it for 10 minutes and let it go and it pops back up. Now take that same foam and use a vice grips for 10 minutes and release it. Only this time it won't pop back up. Your nerves are like that because of the length they have been pinched they will never regenerate or pop back into place. You are stuck this was. It's permanent nerve damage, and all I can do is help you/show you how to sit and stand better, how to strengthen your inner core.

81. Hannula's failure to treat my serious spinal injury has now become permanent. I will suffer in needless pain for the rest of my life due to her reckless disregard for my health. Hannula has constantly shown her state of mind. Hannula's inactions prove her deliberate indifference, cruel and unusual punishment and unwanted infliction of pain in violation of the 8th amendment.

82. I hereby request this court to grant my request for trial based on the fact that, the above is true and correct, and cannot be disputed by the defendant. A Jury could easily find in my favor.

83. Leiser's proof is based on the MRI that was done on 11-26-13, which reads " Degenerative Disk disease most significant at L4-L5 with small posterior disk protrusion and annular fissure indenting the thecal sac and causing in conjunction with moderate bilateral facet arthropathy and hypertrophy of the ligamentum flavum, mild to moderate central spinal stenosis and mild narrowing of the lateral recesses bilaterally, as well as mild bilateral neural foraminal narrowing.

DEFENDANT BENTLEY NURSE PRACTITIONER

84. On 5-31-13, I was seen by defendant Bentley for right-side and right testicle pain. I told Bentley that I couldn't sleep/lay on my or put any pressure on the right testicle. Cannot lay on my back, it hurts to walk, sit, stand, and currant medications I'm on do not help. The NSAIDs don't help the pain.(See EX 126)

85. Bentley makes the statement on 5-31-13 progress notes that "He request that I help him wean of Baclafen." Leiser Swears under the penalty of perjury 28 U.S.C. §1746, that I "NEVER" made such a request of any such thing. I state that Bentley is a pathological liar. If I'm in severe pain why would I request to be weaned off a muscle relaxer? How absurd!

86. On 6-25-13 at 9:00a.m. I was seen by Bentley for my severe pain in right-side; and right testicle, to discuse the 2 medical reports from a CT Scan for a possible herniation, and a urology report, both were nagative for either problem. Bentley's statement that "he may have to come to the realization that there is idiopathis discomfort, when no reason can be found ... I reiterated that the treatment for any pain without pathophysiology is going to be anti-inflammatory based...." Bentley ordered Salsalate 750mg for pain.

87. On 7-8-13 I filed a complaint with HSU stating that Bentley ordered salsalte 750 on 6-25-13. As of this dated 7-8-13 have not recieved the medication Bentley ordered. Also were's my testicle support, was ordered 3½ weeks prior to 7-8-13. I complained of constant pain. However, the reply from HSU was "we ordered both no control over when shipped will notify." Another response dated 7-8-13 was "Meds re-ordered today." This clearly demonstrates deliberate indifference and cruel and unusual punishment to wait 12 days to order medication and a month for a testicle support. Leaving me suffer in needless pain.

88. On 8-14-13, I was taken to Madison University Hospital to see a General Surgeon named Dr. Jung he stated that it was not in the abdomen and nothing he could do, however, Dr. Jung wrote Bentley stating "I wonder if this was neurologic and related to his back issue, but would defer that to a spinal specialist." See Ex 103. I was taken to Madison Hospital because Bentley and Hannula could not figer out

what was wrong with me, and all the pain I was in. This wasn't the first doctor to state I should be seen by a neurologic or neurosurgeon. Dr. Dodwad from Our Lady of Victor Hospital Emergency room stated the same thing. (See Ex 104) However, both recommendations have been ignored by Bentley and Hannula.

89. On 9-10-13 I was seen by Bentley for the surgical consultation and I requested an MRI . Bentley stated "an MRI is done if surgical intervention is an option." Bentley's plan was bring patient's request for MRI to class III committee. Request non-formal Lyrica.

90. On 9-25-13, Bentley first submitted Prior Authorization for Therapeutic Level of Care (DOC 3436A) for the MRI we discussed on 9-10-13. (See Ex 105). This form provides the following information:

1. Urgency of need Vs. Time of Sentence. "Long Sentence, No loss of functionality."
 2. Overall Necessity, RE Morbidity, Mortality, and Functional Disability "No loss of functionality"
 3. Pre-Existing Condition Prior to Incarceration. "NO"
 4. Risk/Benefit "Minimal risk of MRI/Benefit if pathophysiology is even present and notable."
 5. Cost/ Benefit. "The Cost of MRI/ benefit if pathophysiology is even present and notable."
 6. Alternative. "Watchful waiting"
 7. Pain Complaints/Pain behavior. "Reports constant ache level 8/10 to right abdomen and right testicle. Spasms of discomfort will increase the pain to level 23 (Twenty Three) on the 1-10 scale.
- COMMITTEE COMMENTS AND RECOMMENDATION.** At the Time committee review, the patient was reported to be doing better and the request cancelled by the provider. (SEE EX 105) This was cancelled by Bentley.

91. On 9-30-13 Bentley seen me while I was at HSU med pass, she asked to see me and took me into an exam room to see if the Lyrica is helpful for his discomfort. According to Bentley's written progress note "Patient feels the Lyrica is helpful for his discomfort, but that he feels he is not describing his right-side ache well enough to me. He reports that currently the discomfort is coming from his right mid back and traveling around to his right groin. There is no longer pain into the testicle, he notices that his discomfort is increased after long walks, after sitting in one place for too long, request muscle

rub to help with his current symptoms." "BENTLEY THEN ADDED AN ADDEM-
DUM TO MRI REQUEST. CANCELLED!!" (See EX 106)

92. Again I state Bentley is a pathological liar on her 9-30-13 statement that "Patient feels the lyrica is helpful for his discomfort." Bentley's statement makes no sense. Why would I then say "but that he feels he is not describing his right-side ache well enough to me. He reports that currently the discomfort is coming from his right mid back and traveling around to his groin, there is no longer pain into his testicle." My Groin is my testicle! And if I'm complaining of pain in the right side mid back, that would tell a reasonable person that the lyrica is not helpful. I never told Bentley "There is no longer pain into the testicle! When I told Bentley it hurts to walk, sit, or stand was for no loner then 10 minutes at a time.

93. Bentley cancelled the MRI due to her reckless disregard of my serious back injury and pain, and suffering. Bentley actions make clear as well as her progress note statement. (See Ex 106) "an MRI is done if surgical intervention is an option ... He asked what I was going to do about the discomfort (I stated Pain) because the non-steroidal anti-inflammatory medication have provided no relief. Bentley explained to patient that I could not in good conscience offer narcotic analgesic as a solution to a problem which cannot be objectified...."

94. Yet, Bentley can in good conscience leave me suffer in severe right-side and right-testicle pain! This is cruel and unusual punishment by Bentley. Further evidence of Bentley's deliberate indifference can be found on the Prior Authorization for Therapeutic Care (See ¶90 above) Number 6, "Watchful waiting" meaning she prefers to watch me suffer in pain, and wait for me to snap or is waiting for my nerve to close completely, and watch me end-up in a wheel chair for life.

95. On 11-1-13, I was seen by Bentley for my right-side right-testicle pain. Bentley made the following statement when I walked into her office "ARE YOU SURE IT'S YOUR BACK THIS TIME!" PATIENT IS SURE NOW THAT HIS LOWER QUARDRANT PAIN ORIGINATES IN HIS BACK AND TRAVELS AROUND TO HIS

RIGHT LOWER QUADRANT AND RIGHT TESTICLE. Bentley asked the patient if he knew where his pain was coming from like he's some kind of doctor! I complained to Bentley that it's a constant pain, with increased stabbing pain when he defecates or twist the wrong way or wipes his butt. Hurts to urinate, to walk, sit, stands for longer then 10 minutes. Leiser asked Bentley about the MRI you said you were going to request back in September? (This was before I reviewed my Medical File and Seen Bentley Cancelled it!!) Bentley stated it's pending.

96. Bentley's statement/Assessment of 11-1-13 states in relevant part "The patient's complaints do not follow any nerve pathways." Bentley's statement/assessment demonstrates her deliberate indifference to my serious medical needs. The nerves that are effected are called "Illioinguinal nerve & Genital Branch of Genitofemoral nerves" (See Ex-107)

97. On 11-26-13, I was finally taken for the MRI of the lower lumbar which was read by Doctor Jan Stauss from Our Lady of Victory Hospital here in Stanley. Her findings are as follows: "L4-L5 There is mild circumferential disk bulge with a small posterior annular fissure and there is a small central disk protrusion indenting the thecal sac. There is also bilateral mild to moderate facet arthropathy and mild hypertrophy of the ligamentum flavum. This results in mild to moderate central spinal stenosis, as well as mild narrowing of the lateral recesses bilaterally. There is also mild bilateral neural foraminal narrowing." (See Ex 102)

98. On 12-16-13, I seen Bentley regarding the results of the MRI done on 11-26-13. Bentley read the MRI to me, stating "That the tear/rip in my disk was only on my left side, therefore would not effect the right side pain and testicle. That I would have to learn to live with this pain! That nothing could or would be done for it! I asked Bentley if I could read the report for myself? Bentley stated "No you can request a copy or do a file review. Bentley then escorted me out of her office.

99. On 1-7-14 I had a file review and copied the 11-26-13 MRI report. At which time I filed an Inmate Complaint #SCI-2014-1766, complaining that Bentley lied to me on what the MRI report stated! However, like all Inmate Complaints filed at SCI it was denied/dismissed, by all the Inmate Complaint Examiners list as defendants in this case.

100. Bentley **told** me in the 12-16-13 meeting of what the MRI stated. See ¶98 above. Bentley told me that the MRI stated a tear/rip in my disk was only on the left-side and would not be causing the pain I'm having. As you can see the MRI says no such thing. (See Ex. 108 & 102)

101. Bentley made a statement in her 9-30-13 progress note that, "I could not in good conscience offer narcotics analgesic as a solution!" However, Bentley has no conscience. She has the MRI report that clearly demonstrates I have severe spinal injury to the L4-L5, which is the cause of all my pain on my right-side and right testicle and back pain. However, she has no problem lying and still refuses to give me any type of medication that will help decrease the pain. Instead, I'm forced to live like this for the rest of my life!

102. Bentley's failure to treat or provide adequate pain medication, failure to take steps to provide needed medical treatment amounts to deliberate indifference. As of 11-26-13 Bentley was given written notice by the MRI report, that states I have a serious medical need. That the pain in my right-side and right-testicle and lower back and leg pain are now a permanent spinal injury.

103. My injury was explained best by the physical therapist here at SCI. "Think of your disc as a memory foam mattress. If you pinch that mattress for 10 minutes and let go it pops back into normal shape. Now if you take that same piece of mattress and pinch it with a vice grips for 10 minutes and let it go, what happens?? You would think it would pop back into normal shape. However, because it was pinch so tight by the vice grips, it will never pop back into place." I asked him what that meant that it won't pop back up? He stated that my nerves have been pinch for so long that they will never pop back up to normal state. Making my injury permanent.

DEFENDANT THACKER R.N.

104. On 4-29-13, at 6:50a.m. I went to the officers desk and spoke with C/O Chmelik and asked him to call HSU and inform them that I'm in severe pain in the testicle and that there was swelling and burning. C/O Chmelik called HSU and explained to Thacker what I explained to him. Thacker told Chmelik I could go to HSU after count.

105. At about 7:20a.m. Chmelik came to Leiser's cell and told him that HSU R.N. Milas said I could not come to HSU because they were too busy and to put in a blue slip. I told Chmelik I could not stand the pain. Chmelik told me to talk to the Unit Surgeant Bergman after count.

106. After count I went to talk with Sgt Bergman and explained that my testicle hurt and burning pain. Bergman told me that Unit Manager Lynch was in 1-C you could talk to him, I went to speak with Lynch and he told Bergman to call HSU. Bergman called and spoke with R.N. Thacker, who again said they were too busy to see Leiser and put in a blue slip (HSR) Bergman told her that Leiser was in serious pain and that he told me that his testicle was swollen. Leiser was not seen for this severe testicle pain and burning, because HSU was too busy.

107. On 4-29-13 at about 3:20p.m. I was leaving the Library due to a Legal Pass (legal passes have to go no matter what) Officer Bove caught Leiser as he was leaving and told him HSU wanted to see me. I went to HSU thinking that I was going to be seen for the testicle & burning pain and swelling.

108. I was seen by I believe Thacker, (but not sure) proceeded to tell me that Dr. Hannula didn't need to call him back on Friday and that blood tests were ordered and an appointment was made with Dr. Ray, the endocrinologist.

109. I said that's all your calling me up for? The R.N. said yes. I proceeded to tell her that I had the officer call this morning and tell R.N.'s HSU I needed to be seen for the severe testicle & burning pain & swelling I was in/having. Yet, you call me up to HSU for this?? I told the R.N. that I needed to be seen because I was in severe pain.

in the testicle, and the burning pain, when I pee and when I didn't. I told the R.N. that I believe I had an infection from the catheters, and a hernia, and that I needed it checked right now because the burning hurts really bad. I also told her that the testicle was swollen and in pain. The R.N. asked me what he thought she would give him for this, I stated you can give me a pee cup, and get the doctor, because I'm not leaving until I'm seen!. When I came back from peeing in the cup, N.P. Bentley said to me "Since when is testicle pain an emergency??" I replied why don't you let me step on your testicles and see how much of an emergency it is, when you can't sit, stand, walk, pee, sleep, or move without pain in the testicle. Bentley diagnosed me with an infection of the testicle, and gave me Ciprofloxacin 500mg for 15 days. I asked for pain medication and Bentley said the only thing I'll give you is Ibuprofen 600 mg. I told Bentley they do not help.

110. I filed my complaint to the then HSU Manager McCall, I wrote: Leiser's major complaint. When a male inmate complains to an officer that he needs to be seen by HSU for testicle & burning pain & swelling that is severe it is considered URGENT CARE!!! "NOT" told to put a blue slip in and wait 24hrs to be seen. While it could have been that HSU was busy that morning, it doesn't mean that I could not have been called in the afternoon for the urgent care of his testicle & burning pain & swelling, or that the inside of your penis was burning like someone placed it into a fire pit!! It sure didn't look like HSU was too busy, considering I seen Hannula and Bentley walking the outside track. HSU surely wasn't busy when they called me to tell me of the bloodtest/ appointment with the endocrinologist. When I had to force an R.N. to treat me, because the pain was so bad.

111. Thacker's refusal to see Leiser is deliberate indifference to a serious medical need. Leiser's testicle pain & burning & swelling is a serious issue. It is cruel and unusual punishment to leave a man suffer in that kind of pain in the testicles. The 8th prohibits unwanted pain & suffering. Thacker violated that right and needs to be held accountable. Her actions amount to deliberate indifference. I have presented sufficient facts that are true that would allow a jury to decide their deliberate indifference.

DEFENDANT SCHERREIKS R.N.

112. I was on the medication Citalipram 30 mg for about 9½ years and after discussing it with my psychiatric Doctor Luxford, and SCI's medical Doctor Hannula. It was recommended that I try "DULOXETINE 40mgs:" According to both doctors I did not need to be weaned off the citalipram before starting duloxetine.

113. On 7-18-14, I submitted an HSR complaining that the Duloxetine was giving me chest pains when my blood pressure got up.[This meant that if I walked too fast, or did anything strenous.]

114. On 7-19-14, I was called to HSU per HSR and R.N. Scherreiks came to the door (attitude and all) handed me a refusal of recommended health care form DOC 3220). I told Scherreiks that I'm not refusing the medication, they give me chest pains! Scherreiks said angrily "this is the procedure you 'must' follow." I again said, I'm not refusing! They cause me chest pains when my blood pressure gets up! Scherreiks slammed the door on me.(See Ex 109)

115. I tried to explain to the HSU officer that this medication cannot just be stopped. I tried to explain that because I was not weaned off the citalipram first I would get sick from withdrawals. The officer told me to return to my unit.

116. Scherreiks did not examine me, nor ask me any questions as to what I'm doing when the chest pains start. How long I was on them, nor did she know that I was on citalipram for 9½yrs. Had she done her job and investigated like a proper nurse would have, she would have been able to ascertain that I was on citalipram, that I was not weaned off of it first. That this type of medication Duloxetine and Citalipram are mental medications that have severe effects on the brain.

117. Scherreiks not only denied me medical treatment for the chest pains, she willfully failed to treat my serious medical needs. She has a duty to protect and not do harm to other's. Deliberate indifference state of mind requirement is clearly shown by her slamming the door on me getting loud while I'm trying to explain things to her. Her in-actions cause me to suffer from medication withdraws.

118. On 7-21-14, I sent in a HSR asking "What is SCI protocol when an inmate complains of chest pains 'due to medication?" On 7-22-14 a R.N. responded stating "Mr. Leiser, I'm not sure how to answer your question. When someone complains of chest pain we see them. Its just good nursing practice, not a specific protocol. If medications are the cause it will be discussed with the provider and appropriate adjustments will be made or meds decreased or stopped." (See Ex 110)

119. I was denied medical treatment by Scherreiks, she refused to provide any medical treatment for my complaint of chest pains. I was forced to suffer in withdrawals do to Scherreiks forcing me to sign the refusal form when I informed her I would suffer withdrawals if I'm not weaned off. Scherreiks did not care and refused to honor the oath she took upon receiving her license "Shall do no harm."

120. Scherreiks was deliberate indifferent to my serious medical needs. Because of her, I suffered severe withdrawals from "stopping" the medication without first being weaned off. I was sick, sweats, shakes, dizziness, vomitting, stomach cramps, diarrhea.

121. I filed my inmate complaint to HSU manager DeMars and the ICE department which again denies all inmate complaints. At SCI it's everyone protects everyone, they can do no wrong, and are above the law (Ex 125)

122. Scherreiks also made the comment/statement, "If you don't like the treatment don't come to prison!" This is deliberate indifference to my serious medical need. Her statement and actions demonstrate cruel and unusual punishment in violation of the 8th amendment. A jury could find that Scherreiks violated my civil rights to be free from unwanted pain & suffering. I therefore request that this court allow me to proceed on this claim. I can prove I suffered withdrawal and that they were cause by Scherreiks.

123. Further proof of Scherreiks, deliberate indifference can be found in her progress note which is dated 7-21-14 2 days after I was forced to sign the refusal of medication. Scherreiks stated "Signed refusal for duloxetine 'gives me chest pains when my B/P is up.'" See Ex 111 . Shows that Scherreiks deliberate indifference when the main cause of my serious potential of life threatening withdrawals and physical and mental torture.

DEFENDANT BRUNNER R.N.

124. On 7-23-14 at 3 p.m. I went to the officer's desk on Unit 1-A and spoke with Officer Pfeiffer, I asked him to call HSU "specificly to Dr. Luxford (Psychiatry) and inform her that I'm going through withdrawals do to not bring waned off the Duloxetine 40 mg, that replaced the citalipram 30mg I was on for 9½ years. As previously stated above ¶120, the citalipram was not weaned off first, before starting the duloxetine. Officer Pfeiffer stated R.N. Brunner would look into it.

125. At 6:00p.m. I again went to the officers disk and told phiffer and explained that I'm going through major medication withdrawals due to not having the medications in 4 days, that I'm dizzy, severe stomach pain, vomiting, sweats, shakes, mental distress. Pfeiffer called HSU again and spoke with Brunner. Brunner told Pfeiffer that HSU would not see me because I stopped taking the medication. (This was due to Scherreiks forcing me to sign the refusal, and the medication causing me chest pains)

126. At 8:00p.m. I again went to the Officers desk and both Officer Pfeiffer and Sgt Angelyer was there. I again explained everthing to Angelyer and he called and spoke with R.N. Brunner. While I was standing at the desk Sgt. Angelyer told Brunner how sick I was and Brunner stated, "Because he refused the duloxetine, there was nothing she would do to help him. That he can wait until morning."

127. Brunner failed to make any progress note/record of my request to be seen for withdrawals, until I filed my complaint to HSU Manager DeMars. The progress note report Stated "Late entry: 7-29-14" (7-23-14 Recieved call from officer on unit he states Mr. Leiser wants Citalopram I informed officer that is MD. Judgment and he should follow up with Luxford in a.m. Brunner R.N.)(See Ex 111)

128. However, because she did not inform anyone, or log it in my medical file for 6 days after the fact on 7-29-14, when I complained of withdrawals on 7-23-14, I was not seen by anyone until I forced the unit officer to call HSU and demand that I be seen!!

129. I filed my Inmate Complaint and again nothing was done to Brunner for her willful disregard, and criminal recklessness for my Health & safty, left me suffer in severe withdrawals due to her deliberate indifference to my serious medical needs.

130. Brunner's decision to leave me suffer in needless pain and severe sickness by going home, and not informing any other nurse of the fact that I was going through withdrawals, proves her state of mind that she don't care if inmates live or die, if we suffer in needless sickness & pain, because she 'don't care. Her deliberate indifference is seen by the fact that she did not enter anything in my medical records for 6 days. Even then she doesn't get it right. She failed to state what I heard the Officer's tell her, and it wasn't what she wrote.

131. This is not negligence on Brunner's part. It is her deliberate choice not to do anything about what could have been a life threatening condition. The 8th amendment prohibits cruel and unusual punishment; unwanted infliction of pain. I suffered severely because of Brunner.

132. I filed my complaint to Brunners supervisor HSU Manager, DeMars, who failed to do anything to Brunner. I filed my Inmate Complaint with the inmate complaint system and of course it fell on deaf ears, all named defendants that have to do with the Inmate Complaint System denied my complaint. Once again protecting the illegal actions of their staff here at SCI.

133. I request this Court to allow me to proceed on this claim against Brunner. I can prove that she willfully left me suffer in withdrawals. That she willfully violated my 8th amendment rights, and that she willfully inflicted pain upon me. A jury would find that Brunner violated my constitutional rights, and was deliberate indifferent to my serious medical need.

DEFENDANT VOEKS HSU MANAGER.

134. Between Feb 4th 2011, and March 3rd 2011 HSU manager Voeks and defendant Richardson (ICE) reviewed my file for a complaint I filed, that denied a "Thick Mattress" by both the ADA Coordinator and the "Special Needs Committee." (Which constituted of who know!) As my health record demonstrates I suffer from herniated impingement of the thoracic T7-T8, T8-T9, disc. I had requested a second mattress to help deal with the severe pain and spasms I'm having. I was denied by all defendants.

135. According to Voeks and Richardson I did not meet the criteria Policy 300.07 Appendix 1 states " Double mattresses should not be used. Use thick mattresses only. Black or navy blue mattresses are considered thick mattresses. Double thick mattresses are not allowed. 2. Exceptions would be--severe disabling degenerative joint disease; and temporarily for new post-op joint replacement during healing.

136. I meet the requirements. According to the defendants I have degenerated disc disease, which is a form of joint disease, that they refuse to treat. What they prefer to do is leave me suffer in needless pain when there is ways to help relieve the pain. Like a double mattress and the fact that I cannot stand or sit, longer then 10 minutes, it would only make sense to help relieve the pain, when I'm forced to lay down all the time. I told staff that laying down all the time causes more pain due to the mattress, and steel I lay on. This is not a comfort issue or item, it's a need, to reduce the unwanted infliction of pain cause by the defendants failure to treat my spinal injury/medical needs.

137. On 6-28-11, Dr. Hannula stopped the Cyclobenzaprin & Baclofen, I was on for 3 years prior to being sent to SCI. I filed my complaint with HSU Manager Voeks and ICE Richardson again "Allegedly" reviewed my file. Had Voeks reviewed my file she would have seen that I was on both medications for 3 years. She would have seen that I was right that this medication cannot just be stopped as Hannula ordered. Had anyone listened to the patient (ME), They would have been told that they just cannot stop the medication. That I would get sick, and suffer severe medication withdraws as I did, because of staff's deliberate indifferent to my serious medical needs. I was not weaned off either medication. A Jury could find that defendant Voeks and Richardson were deliberate indifferent, and allowed staff to inflict unwanted pain and suffering.

138. In August 2011, I wrote Voeks complaining that Dr. Hannula refused to provide/give proper pain medication for my herniated disc T7 thru T9. That I was in severe pain all the time and Hannula refused to provide medical treatment for the impinged nerves.

139. According to Voeks "Hannula notes neurosurgery's comment at evaluation on April 21st 2010, was that patient is not myelopathic and as a result did not feel like his thoracic disc needs to be addressed at this time. Ms. Voeks determined that Inmate Leiser's physical exam did not show that he needed any different treatment than what was provided." According to Voeks, Hannula's examination of Leiser was proper to leave him suffer in needless pain. I also contested the April 21, 2010 report. I was given a choice as to which one I wanted fixed first. The C6-C7, or the thoracic. I choose the C6-C7, because I could not use my hands to hold things, that I would drop anything I tried to hold my hands-arms went num all the time.

140. According to Voeks statement Hannula did nothing wrong. Voeks approved the fact that I was complaining of severe thoracic pain, according to Voeks statement my thoracic spine would not have been myelopathic or that the neurosurgery's comments were misconstrued. After all I was there and know what me and the surgeon discussed. That was to fix the C6-C7 first then fix the thoracic. Yet I'm left to suffer because Voeks refused to investigate or interview Leiser. Simply did what all HSU staff do, protect each other.

141. On 10-20-11, I filed an inmate complaint to Voeks. I stating "Being denied adequate pain medication of the three herniated disc in my thoracic T6 thru T9 the MRI clearly shows that they are pinching the nerves. Leiser has continued to complain to your medical staff of the pain in my chest and the constant muscle spasms I have from the pinched nerves. I'm in constant pain and Ibuprofen 600mg do not help the pain. This is cruel treatment which violates the Wisconsin and U.S. Constitution.

142. This HSU continuous denial of adequate pain medication, there is no pain management plan in place to help Leiser deal with this constant pain. Leiser is forced to suffer in needless pain, even though there are pain medications that can help, however, HSU staff fails to provide them to me. My request is simple, I request adequate pain medication for my herniated disc, which causes back pains, muscle spasms in my back and ribs. (See Ex 112)

143. Voeks responded to my complaint stating "Mr. Leiser, you came too SCI a year ago and in that year have had 42 encounters with HSU that include prescribers' appointments, nurse appointments, sick calls physcial theraphy appointments, lab appointments, and X-rays. This does not included the times you have been sent out for off-site appointments or to be evaluated at the local hospital. We have responded to and have been sinsitive to your health care needs, addressing them professionally, appropratily, and always in your best interest. One of the issues that is hard for some people to understand is pain-control. Narcotics are neither recommended, nor are they safe for long-term use. They may work temporailly, but they can cause more problems than they are worth. More important are the self-management items that you are able to do for yourself to increase your own control of pain. These includes back exercises given to you, weight control ... and the non-narcotic analgesics recommended. Meditation and relazation can also help with stress that has a impact on pain. There are multiple ways to deal with pain and they do not all have to do with narcotics. Both Hannula and Bentley have given you options for analgesia. I recommend you try their recommendations, as well as the HSU PT and other items as mentioned above."(See Ex 113)

144. Voeks fails to realize, that I've done all that faithfully for years and when a person complains that it does nothing to releave the pain, that NSAID's are ineffective, that medication and "Other" recommendations do nothing to help control the pain due to it being cause by nerve impingement. Narcotics are sometimes the only answer. Of course If they did the surgery, or didn't wait so long to treat me I might not have this intense pain 24/7. Instead Voeks Like Hannula and Bentley lie, so they don't have to treat the cause of the pain.

145. I have gone through my medical file and Voeks states I was seen 42 times. How many times was that for my thoracic spinal injury? Answer 10 times, and that includes they time they were forced to take me to the emergency room here in Stanley. I was seen for my spinal injury complaints 4 times by Hannula on 11-4-11, 5-31-11, 6-14-11, 9-13-11. Therefore a Jury could find Voeks deliberate indifferent to

my serious medical needs. The other 6 times I was seen were by Nurses, on 10-30-10, 12-21-10, 5-28-11, 5-29-11, 9-13-11, 10-6-11. A Nurse cannot order medication, nor can she send me to see a neurosurgeon. Everytime I seen a Nurse, it was so they could take my B/P temp, and make notes of my complaint nothing more. Voeks lied in her report/ response as to the number of times I was actually seen for my thoracic. A reasonable Jury could find in my favor that Voeks was deliberate indifferent to my serious medical needs. I ask that this court allow to proceed on this defendant.

149:

DEFENDANT McCALL

149. On May 3rd 2013, I filed a complaint with Ms. McCall, Health Service Unit Manager at the time. I wrote her a 3 page complaint about the denial of Urgent Medical care I recieved on 4-29-13. This complaint is part of the Inmate Complaint Systems Number #SCI-2013-9660. I complained that I was denied Urgent Care of the severe right-side and right-testicle pain I was in. That the Nurse Thacker refused to see me on 4-29-13.

150. The basis of my complaint can be found above in ¶104-¶111. The gist of the complaint was that I had an officer call and request that I be seen by the doctor. I was in severe right-side and right-testicle pain. First R.N. Thacker told me I could come up then called back and HSU said I had to submit a blue slip. Because they were to busy. However they called me to HSU at 3:20p.m. just to tell my why the Doctor didn't need to see me that Friday before.

151. McCall failed to respond to my complaint. However she did respond to the ICE Richardson, and nothing was done. McCall refused to investigate or file any response to my complaint.

152. It is my arguement that McCall refused to get involved in this complaint because she knew what they did was wrong. That her failure to respond is an admission of their guilt. Regardless of what her reason for not responding. because of her untrained staff I was forced to suffer needlessly.

153. On May 31st 2013, I filed another complaint to McCall, complaining of "Deliberate avoidance to my serious medical condition by Hannula and Bentley, I also complained that it took 26 days to obtain a testicle sling, and that the medication I was on Tylenal, Meloxicam and Ice, or the Cipro 500mg antibiotics was ineffective. I was on the Cipro for 30 days. As previously stated above on 5-25-13 I was called to HSU per my HSR for a testicle sling. I told the R.N. That I need to be seen for the severe pain I was in on the right side right testicle. R.N. Milas seen me. R.N. Milas said she would call Doctor Hannula at home and inform her of my complaint of severe pain.

154. At about 2p.m. R.N. Milas called me back to HSU and conveyed what Hannula told her to tell me."That I had to wait until she returned to work on Tuesday 5-28-13."(See Ex 114 ; 4pgs) McCall failed to do anything about the denial of medical treatment I recieved from Hannula. McCalls failure to respond to my complaint agains shows her deliberate indifference to my serious medical needs. A reasonable Jury could find in my favor, that McCall did not care what her staff did.

DEFENDANT DEMARS

155. I have submitted complaints to HSU Manager Demars and it is clearly to me that DeMars believes her staff can do no wrong. She willfully avoids my complaint of staff misconduct and deliberate indifference to my serious medical needs.

156. On January 16th 2014 I submitted a written complaint to DeMars about N.P. Bentley lying to me as to what the MRI Report really stated. I complained that On 12-16-13 Bentley read the MRI report to me of the finding of the L4-L5, Bentley did not tell me that the spinal injury was bilateral. Bentley told me it was on my left side, and because my majority of my pain is on my right side there is nothing that can be done. Bentley also stated that the testicle pain I have is not related to my spinal injury. Again she is wrong there are nerves that run from my spine to my testicle. This is according to my Grays Anatomy Book.

157. Bilateral means according to the Medical Dictionary "BOTH SIDES" therefore I feel that SCI is denying me proper medical treatment, and adequate pain medication. I requested the remedy that I be taken to see a neurosurgeon. (See Ex 115)

158. DeMars states "It is my understanding that your medical needs are being appropriately addressed by our HSU provider. Your next appointment is in March with one of the providers you may address these issues at that time." This is a clear avoidance of the issue. DeMars fails to address anything I wrote to her in my complaint. She refused to investigate my complaint or review my MRI report. This shows her deliberate indifference to my serious medical needs. By DeMars failing to intervene, shows her reckless state of mind that her staff can do no wrong. Her failure to investigate my claims that her staff "BENTLEY" is lying to inmates as to what their medical imaging correctly states is deliberate indifference.

159. On July 25th 2014, I filed a complaint to DeMars stating that "Second shift nurse refused to see me" "Staff Misconduct under DOC 310.00.01)(Left me suffer in withdrawals) This complaint is about Defendant Brunner R.N.'s failure to see me for the severe withdrawals I was in do to not having the medication Citalopram (See ¶¶124-133 & Ex 111) I write "On 7-23-14, I went to the officers desk in Unit 1-A at about 3p.m. I asked the officer to call HSU, because I was suffering from severe withdrawals from not having the medication I was on for 9 years. I requested to be seen, which was denied by the nurse. (At this time I did not know her name.) I informed the officer to tell the nurse that I'm having withdrawals, and it was do to the Duloxetine 40 mg, that I was forced to stop taking because of chest pains. "(For the record I was on Citalopram for 9 years, which was replaced by Duloxetine, without being weaned off the citalopram first.) The Officer Pfeiffer called and spoke with a nurse(T) name starts with, she told him she would look into it and get back to him. At 6p.m. I again went to the officers desk and asked Pfeiffer to call HSU, because I was suffering from withdrawals, again he called HSU and again the R.N. told him she was looking into it, and HSU did nothing.

At 8p.m. I went to the officers desk and spoke with Sgt Anglemyer and asked him to call HSU again because I was sick, sweating, shaking, chills mental distressed, I was told by Sgt the R.N. said because I refused the Duloxetine there was nothing she would do. I had to suffer till morning. 'I DID NOT REFUSE THEY GAVE ME CHEST PAINS!!!' It is completely absurd that a R.N. would leave a person who is complaining of severe withdrawals and in such complete distress!!! A well trained and educated compassionate nurse would have seen the patient and would not have left them suffer in needless pain. This is the definition of denial of medical treatment in violation of the 8th amendment's cruel and unusual punishment, to willfully leave an inmate in pain & suffering, physical and mentally is completely PATHETIC on the part of your poorly trained nurse, who worked second shift on 7-23-14."

Remedy Sought: I want her full name first and last, correctly spelt, and fired!!! Just because I'm an inmate means your staff can deliberately mistreat me, which is what she did." (See Ex 116)

160. On 8-14-14 DeMars responded stating "Mr. leiser I have reviewed your concerns including a review of your medical records and communications with appropriate staff. There is no evidence of any mistreatment. Your medical needs were appropriately reviewed on 7/23/& 7/24/14."

161. By this very admission DeMars approved the leaving me suffer in withdrawals by Nurse Brunner on 7/23/14. It is also an admission that it's okay for her staff not to log anything in my medical records until 7/29/14 by Nurse Brunner. (See Ex 109) DeMars clearly wrote that it was appropriate medical treatment by her Nurse. (See Ex 117 HSR)

162. Deliberate indifference is shown by the admission of DeMars. It shows her state of mind that, it doesn't matter if an inmate is suffering withdrawals or severe sickness, the nurses do not have to treat you. That it would not matter if I died. DeMars would not have held her staff accountable for her actions. When your on a medication for 9½ years and suddenly stopping it can cause just that Death!!!

I have proven DeMars deliberate indifference to my serious medical need, and this court must allow me to proceed on this claim before they kill some one. Opps they already have!

163. On July 25th 2014, I submitted a written complaint to HSU Manager DeMars, complaining that Nurse Patty S. (Now known as Nurse Patty Scherreiks) Gross incompetence for telling me that I had to fill-out a medication Refusal Form DOC 3220 when I was not refusing to take the medication. I had to stop taking the duloxetine because it gave me chest pains. This is not a refusal, it's a medical side effect, that can cause serious and deadly consequence's. I further complained that Patty "DID NOT" follow proper nursing protocols, she failed to check my blood pressure, heart beat, or check and see how long I was on the medication for, in case of withdrawal factors, what the medication was for. A proper prudent nurse would have done something, unlike R.N. Patty who did nothing. Her actions was a complete denial of medical treatment it was deliberate indifferent to my serious medical needs. Patty did not ask me if my chest still hurt, if I was having any pain, or discomfort, if I was having withdraw symptoms. Gave me the form and told me to fill it out nothing more. I was on Duloxetine 40mg ordered by Dr. Hannula. This medication served TWO purposes, First, was a mental medication, similar to Citalopram, I was on for 9 years, Second it was suppose to help with the severe back and testicle nerve pain from the herniated disc in the L4-L5 Spinal Cord. (Note Leiser mistated the L3-L4 instead of the L4-L5) This was recommended by Dr. Hannula and argeed upon by Dr. Luxford (Psyc Doctor) to switch mental medications. The Duloxetine replaced the citalopram as my mental medication. Had patty, asked me what the medication was for, or better yet read my file as a competent nurse would have, she would have known that after being on citalopram 30 mgs for 9 years and completely stopping them without being weaned off, would cause severe withdrawals. Had Patty done anything besides handing me a refusal form, I would not have suffered needless pain, sweats, sickness, and caused me severe mental distress for no other reason then patty's deliberate indifference to my serious medical needs. **REMEDY:** I want Patty fired, she is a serious danger to inmates safety and health, do to her complete incompetence and deliberate disregard of her job duties and protocols.

164. Leiser received two responses from DeMars. The first was dated 7-28-14 (See Ex 118) which states: " Mr. Leiser--SCI follows the BHS policy for nursing protocols when an inmate reports specific symptoms that require an assessment. All of the nurses in our HSU who perform assessments are Registered Nurses in the State of Wisconsin. Training is on going."

165. On 8-15-14, I received the second response from DeMars which is also dated 7-29-14 and 8-14-14 (See Ex 119) stating: "Mr Leiser I have reviewed your concerns. on 7-19-14 you signed a refusal of recommended health care related to a specific medication. It's my understanding you did not present to HSU with any symptoms at that time thus there was no assessment & no co-pay. Please submit an HSR if this has changed."

166. Once again Demars missed the entire issue. She failed to address the issue that her Nurse refused to see me, assess me, talk to me, about my health on 7-19-14. DeMars cannot read a complaint. Had she, it was made clear in it that Patty did nothing but hand me a form. So how did nurse Patty Scherreiks know if I presented with symptoms if she never examined me. This is deliberate indifference by DeMars. To sit and lie, to fail to treat, to fail to review the video tape of HSU's waiting room to see what Nurse Scherreiks failed to do. Demars writes "Please submit an HSR if this has changed." The date of her response is almost a month later 8-14-14. (See Ex 119)

167. The deliberate indifference has a state of mind requirement. It can easily be seen where DeMars state of mind is!! Not on the inmate but on protecting her staff. By stating their all professional nurses and that I didn't present any symptoms. How would she know? She asked Scherreik the same nurse that handed me the refusal form and said sign it, and sent me back to my unit. The same nurse that slammed the door on me. The same nurse that did not enter it until 7-21-14, when I was at HSU on 7-19-14. How much more deliberate indifference do I have to prove. I'm lucky she didn't kill me. I request that you

168. I request that this court allow me to present this case to the jury, a reasonable jury can find that Demars is deliberate indifference to my serious medical needs.

DEFENDANT LON BECHER

169 In November or December 2011 I was interviewed by Becher, who is the Nursing Coordinator for the Bureau of Health Services in the DOC head quarters in Madison. Becher was investigating SCI's Health Service Unit. I was one of the persons he spoke with.

170. "I informed Becher that my medical needs were not being meet by SCI's HSU staff, and that I was constently told there is nothing they can do, nor will they do to help me releave my pain. As you may remember I have had a MRI done on my spinal cord in 2010, and it showed that I have herniated disk impingeing the nerve root on the right-side. I have filed my inmate complaints and am told by ICE that I was seen 41 times for my back pain ... I did a file review and only found 11 or 12 times I was seen and most of the times are from nurses who can't do anything for me anyways.... You told me you would look into this and as of this letter have not heard a response from you concerning my medical treatment for my herniated disk, I do know there is a report that says Leiser is not mylopathy in the thoracic that was over a year and half ago, this report is wrong.... I have asked Dr. Hannula to send me back to UWM for further eval and was denied. I asked for a better pain medication and was denied. Instead of giving me medication that helps with the constant pain, Dr. Hannula, decreased the doesage of the Ibuprofen from 3 times a day to twice a day. You told me that one of BHS beliefs are that no one should suffer in pain needlessly.. Well Mr. Becher, I'm in pain every day and nothing is being done about it. The ICE Ms. Richardson is siding with the meidcal staff and is also mistating what is in my medical file that I was seen 41 times sense Oct 28th 2010 when I got to SCI. I truly believed you when you said you would review my medical file and let me know what should be done and that no one should suffer in needless pain. If you look at my file and the MRI dated Jan 20, 2010 you would see that Leiser is telling the truth that he is in pain and that he should be taken back to UWM for further treatment by a Neural Surgeon and not a réguler M.D. who does

not have the required special medical training in nerve damage or nerve pain as I'm having. Leiser believes that he is being denied adequate medical treatment because he does not show he is in pain. Leiser hides his pain because he is around 100 or more inmates that could at anytime decide to do something stupid and try to cause Leiser more pain if they know he's injured. I ask that you please, please help me obtain adequate medical treatment and adequate pain medication. I wake up everyday in pain and go to sleep everynight in pain. I'm tired of all this needless pain when there is medication that can help release some of the pain so that I do not have to suffer. I truly thank you for your time in this matter, and hope to hear from you soon regarding this complaint of denial of adequate medical treatment." (See Ex 120)

171. On January 6th 2012, I recieved a response from Becher stating the following: "I spoke with Ms. Voeks, Nursing supervisor. I asked that she provide me with some information inside your medical record. I reviewed your MRI completed January 20,2010. The impression indicated disc herniation causing mild impingement. I also reviewed the document- ation from your appointment at UW Health on December 23 2010. It appears that the capsaicin cream burned your skin so you preferred not to use it. Other suggestions included a trial of an alternative non-steroidal anti-inflammatory medication as ibuprofen may become ineffective. Other suggestions were to consider a lidoderm patch or another trial of Gabapentin. You indicated that your does of ibuprofen was reduced. I verified that in the does of 1800 mg (600 mg 3 times a day) was decreased to 1600mg (800 mg twice a day) occurred on 12/8/2011. I was not able to determine the rational for that change in my discussion with Ms. Voeks. I suggest you complete a health services request for follow up appointment for pain control after your last appointment on 12/8/2011 since one month has gone by and you still remain uncomfortable. Because I do not have direct access to your medical record I cannot comment on the number of appointments you've had or whom they were with. Each discipline in health services has a responsibility in the evaluation and treatment for your ongoing medical needs. My suggestion is that you continue to verbalize your concerns directly with Dr. Hannula and

Ms. Voeks. I am confident that they will look at your subjective and objective findings and work toward finding ways to improve your quality of life. If you are not satisfied with the response that you received you can then file a written complaint using the Inmate Complaint Process as defined in Chapter DOC 310 Complaint Procedure. (See Ex 121)

172. It is clear by Becher's letter that I have a serious medical need and it is not being addressed. However, like the rest of the health services staff nothing is done. He acknowledges there is a medical need but fails to do anything about it. Becher has the power to submit my complaint to the head doctor of BHS.

173. As a medical professional he has an obligation/duty to do so. The law requires that when a medical professional becomes aware of a serious medical need such as my herniated disk that are impinging the nerves, and can cause serious or permanent injury must take action. As Becher told me in our face to face meeting here at SCI in 2011. "That no one should suffer in needless pain." As can be seen he does not practice what he preaches. Becher had the opportunity to help a human being and instead he walked away doing nothing at all. This is deliberate indifference to my serious medical needs that he states I have.

174. On 6/10/13 I filed inmate complaint number SCI-2013-11344, my complaint was that Dr. Hannula and NP Bentley are deliberately avoiding my serious medical condition. Mr. Becher was part of the Inmate Complaint Examiner Richardson investigation into this complaint. According to the ICE: "This ICE along with Mr. Becher, Nursing Coordinator reviewed his medical file. On 6/21/13 inmate Leiser saw Marshfield Clinic Urology for evaluation and CT scan. On 6/25/13 he was seen by NP Bentley for his testicular discomfort. Notes indicate discussion regarding negative findings for herniation by 2 outside physicians in regards to his discomfort. He was prescribed salsalate for his pain and labs were ordered. Recommendation for surgical consult will be reviewed after lab results are in. While the inmate makes it clear that he is not satisfied with the care offered, the type of specific care or treatment are matters of professional medical judgment. Those judgments have been made as

they pertain to the inmate's medical concerns. The ICE is not in a position to question that. The ICE was dismissed."

175. According to the ICE Becher was well aware that I was not receiving the proper medical treatment. Hannual and Bentley did not want to except that it could have been from my spine. Had Becher intervened and reviewed my file, he would or could have stated that an MRI should be done. Or better yet, he could have requested the Director of BHS to intervene. Instead he agreed to leave me suffer in needless pain. Again going against what he told me the first time I met him. " That one of the BHS belief's are that no one should suffer in pain needlessly." Here I sit suffering in needless pain because of the deliberate indifference to my serious medical needs have left me with a permanent injury.

176. On 8-08-14 I filed my complaint concerning Defendant Brunner leaving me suffer from withdrawals and her refusal to treat me. Becher again agreed with the Inmate Complaint Examiner Complaint Number SCI-2014-15662. Becher failed to investigate this very serious life threatening medication withdraws. Becher's deliberate indifference is seen by his failure to bring this to the attention of the head of BHS. His failure to intervene and force that nurse to be fired. He sent a message to SCI's Health Service Staff by his denial of the ICE. That statement is "It's okay to leave an inmate suffer in withdrawals, that it's okay for a nurse to do nothing when an inmate is suffering. That it's okay to kill someone. That it's okay to recklessly endanger someones life. It tells the HSU staff that there is no punishment for your deliberate indifference, reckless disregard for human life. A Jury could find in Leiser's favor and hold Becher accountable for his failures as a nurse. His actions violate the 8th amendment cruel and unusual punishment to inflict unwanted pain and suffering.

177. The seventh circuit court of appeals held in Filimore v. Page 358 F.3d 496, 505-506 (7th Cir 2004) "Ability to interveve and failure to do so is sufficient to support a claim of deliberate indifference." See Also Miller v. Smith 220 F.3d 491 (7th Cir 2000) I ask this court to honor that ruling and grant me to proceed on this defendant.

178. On 8/03/14 I filed another ICE and defendant Becher was the ICRS Reviewer. ICE Number SCI-2014-15663. My complaint was, that R.N. Scherreiks forced me to sign a refusal of medication form. That because of Scherreiks I suffered severe withdrawals. This also connects ICE SCI-2014-15662. The withdrawals I was having was due to Scherreiks not weaning me off the Duloxetine first, before she stopped it. I was suffering Chest pains from the medication and I was not weaned off the Citalopram first.

179. Becher agreed with the ICE and dismissed the complaint once again showing his deliberate indifferent to my serious medical needs. Betcher is a nurse and knows that it is a deliberate disregard of medical needs to tell someone that it's okay to leave someone suffer. Again Becher, is protecting and contradicting himself that BHS does not believe anyone should suffer needlessly. Yet he agrees with the ICE. The DOC staff members for it's health services is nothing more then a joke. Deliberate Indifference, is proven when the state of mind is shown, of the defendants reckless disregard for human life, or failure to act. Becher has a duty to protect inmates from harm not help cover it up.

180. Leiser can prove that, Becher's deliberate indifference. It's based on what he knew. He knew that I suffered servere withdrawals do to HSU Nurses. He knew this because I told him in the Inmate Complaint that I filed the same report that he was suppose to read. I can prove his reckless disregard for my health and safety.

DEFENDANT LYNCH, REIMER BAUER, WEBSTER ALL VIOLATED THE AMERICANS WITH DISABILITY ACT 42 U.S.C. 12112, AND 12113.

181. The above named defendants were all took part in allowing Reime and Bauer to fire me from my 3rd shift bakery job. I worked as a sub-bakery worker and my duties included: "rolling dough, cutting cookes, counting cookes, spreading dough into pans, greasing bread pans, stacking bread on shelves."

182. On 6-26-13, I was called to the main kitchen at 5:30p.m. for work, when I got there Ms Bauer told me to wait in the break area.

Reimer along with Bauer came out and Reimer proceeded to tell me that due to the medical restriction of #40 pounds you cannot work in the kitchen. I corrected Reimer that I had a #50 pound lifting restriction which is the standard moderate activity level of 50 pounds that I was hired with. That your staff knew about when they hired me. I also told Reimer that I was hired with the restriction and that I have been doing my job without any problem. Reimer then stated she contacted someone at HSU (Reimer refused to give me her name) and said well even with your restriction being 50 pounds I don't have to honor them nor do I have to give you light duty because the injury did not happen at work. Reimer then told me to leave. In other words I was fired. (See Ex 124)

183. On 6-27-13 I spoke with the Unit 1 manager Lynch who is also the ADA Coordenator for SCI. I informed him that I was fired because of my medical restriction and that the action violated the Americans with Disilities act(ADA). Mr Lynch told me he would look into it and get back to me by Wednesday 7-3-13. Lynch informed me that Reimer could fire me. I told Lynch that I would be filing my ADA Claim for reasonable accommodations and my ICE. I filed both and the ICE Richardson told me I had to contact Ms. Webster SCI's Program Director.

184. I wrote Webster and she denied my request to give me my job back and back pay for being illegally fired. I wrote the following to Webster: ICE told me I had to contact you first. According to the ADA § 12112(5)(A) Discrimination 'not making reasonable accommodations to a known physical, or mental limitations of an otherwise qualified individual with a disability is a applicant or employee unless such covered entity can demonstrate that the accommodations would impose an undue hardship on the operation of the business of such covered entity.' I was hired with the restriction. My restriction would not impose a hardship on anyone in the kitchen, seeing how this restriction limits me from lifting over 50 pounds, and the only job I couldn't do is lift the dough out of the big mixing bowls and that's the basis of Reimer firing me. That I could not lift the wet dough out of the pans. For the record there are 6 bread crew members that could easily lift the dough out of the pan(Bowl) Riemer states I'm the only one who

has to do it. This is not true. There are 4 cake crew members that could lift the dough out of the pans if required too. There exists no just cause to fire me when I can complete all but one aspect of a bakery worker. Furthermore, for the record: the document that Ms. Reimer used to fire me the written reason is false. Reimer stated that I can only lift 40 pounds. When the moderate activity level clearly states 50 pounds, therefore she is lying. My medical restriction clearly states 50 pounds. On DOC form 1408, Reimer stated that the minimum requirement for the bakery job is "50 pounds." therefore I meet the minimum requirements. Yet Reimer still fired me, without any type of reasonable accommodations as it stands, the kitchen does not hire, or make reasonable accommodations for inmates who have a disability. Also, if an inmate is employed by the kitchen and gets hurt outside the kitchen he is terminated A.S.A.P. (See Ex 122)

184. Reimer and Bauer both lied about what my restrictions stated. Bauer was one of my bosses that worked nights at times. She knew I did not ask for help or favoritism from any crew member. Bauer did not have a problem with me until HSU sent the kitchen a medical restriction that only stated I was to have soft restraints for off site transports. Reimer & Bauer stated that my restriction stated 40 pounds. When it was 50 pounds. They both tried to tell me that you had to be able to lift 100 pounds to work in the kitchen. I corrected them both by stating that no where does it state you have to lift 100 pounds to work here.

185. I wrote to the ADA Coordinator Lynch after talking to him in the unit. Lynch told me and my brother which was my celly at the time, that he would find me another job, and that if not he would force Bauer, and Reimer to make a reasonable accommodation that I don't lift the dough out of the bowl. However Lynch did not do either.

186. I wrote Lynch the following: "My request for accommodations/modifications is being "exempt" from lifting over 50 pounds. I was fired because of a medical classification/medical restriction of no lifting over 50 pounds. I was hired with this restriction, and not fired because of this restriction. This violates the American with Disability

act 42 U.S.C. §§ 12112, and 12113. I'm being discriminated against because of this medical disability by the SCI's main Kitchen Staff. Until 6-26-13 I was a qualified individual who performed his job duties without any complaints pertaining to the medication restriction. Riemer stated she did not have to give me light duty because the injury did not happen at work, nor did she have to accommodate my restrictions.

187. Lynch writes on DOC Form 2530 (See Ex123) Request Denied- Requested accommodation requires a fundamental change to the health and safety precautions required for employment in the SCI main kitchen. Mr. Leiser was not fired but rather removed for his health restriction.

188. This is the same thing that the ADA is supposed to prevent. The removal of a job due to a person's health or restrictions. Lynch admits that the whole reason for my firing was due to the restriction, that I don't lift more than 50 pounds, when I was a qualified individual person performing the job prior. Lynch stated that I did not disclose the restriction. There was no need to. I was able to lift 50 pounds. The job requirement was that an inmate be able to lift 50 pounds. Therefore I did not violate any job requirements, nor was there a need to tell anyone. Furthermore I was never asked if I could lift over 50 pounds. The person that hired me Berjenski (Misspelt) had all the paper work filled out and had us sign it nothing more.

189. I have provided sufficient factual basis to proceed on this claim. It is based on the medical restrictions I have for the herniated disc in the thoracic spine T6-T9. It is part of the denial of medical treatment. The defendants gave me a medical restriction due to the medical injury, they fired me from the bakery job due to the medical restriction/injury. Reimer & Bauer's statement that they do not have to give me light duty, or accommodate my injury because it didn't happen on the job is evidence that they willfully violated the Americans with Disabilities Act.

THE FOLLOWING DEFENDANTS ARE ALL INMATE COMPLAINT EXAMINERS OR REVIEW EXAMINERS FOR THE DOC."Kimberly Richardson, Holly Gunderson, Jodi Dougherty, Welcome Rose, Charles Cole, Cindy O'Donnell, Charles Facktor."

190. I have filed numerous inmate complaint's pertaining to the issue's raised within. All of the defendants are responsible for failing to intervene when they were made aware of my serious medical needs/ complaints.

191. Complaint number SCI-2011-2679 a complaint that I was denied a "thick Mattress" Richardson, Gunderson, Rose, Cole, all denied this claim even though I have herniated disc's in the thoracic spine. They allowed me to suffer in needless infliction of pain daily.

192. Complaint Number SCI-2011-12653 A complaint that Dr. Hannula left me suffer in withdrawals, Richardson, Gunderson, denied my complaint I was forced to suffer in withdrawals due to their deliberate indifference to a serious medical issue.

193. Complaint Number SCI-2011-15922, I complained that Hannula refused to give me proper pain medication for my herniated disc. Richardson, Gunderson, Rose, Cole, all denied my complaint, and left me suffer in pain as I still do today.

194. Complaint Number SCI-2011-22582 I complained that HSU is denying me adequate medication for his herniated disc. Richardson, Gunderson, denied my complaint and left me suffer in unwanted pain.

195. Complaint Number SCI-2013-9660 I complained that I was denied Urgent medical care. I complained that I had severe right testicle pain and asked to be seen by HSU, which was denied. Richardson, Lon Becher, Facktor, O'Donnell, all denied my claim and I now suffer from a permanent nerve damage. Their denial is deliberate indifferent to my serious medical need.

196. Complaint Number SCI-2013-11344 I complained that Hannula & Bentley are deliberately avoiding my serious medical condition. Richardson, Gunderson, Facktor, O'Donnell, all denied my serious medical need and I now suffer in permanent nerve damage of the L4-L5 and Right testicle.

197. Complaint number SCI-2014-1766, I complained that Np Bentley lied to me about that the MRI report stated that the L4-L5 was being pinched bilaterally, and that it was not the cause of my testicle and right-side pain. Richardson, Becher, were deliberate indifference to my serious medical needs. Facktor, O'Donnell denied my request for help.

198. Complaint number SCI-2014-15662 I complained that I was denied medical treatment for medication withdrawals by R.N. Brenner. Dougherty, Becher, O'Donnell, Facktor all denied my claim of suffering in withdrawal and that nothing was done to the nurses who were responsible for it is deliberate indifference to my serious life threatening medical needs.

199. Complaint number SCI-2014-15663 I filed a complaint that nurse Patty (Scherreiks) forced me to sign a refusal of medication form. I suffered serious medication withdrawals due to her deliberate indifference to my serious complaint of chest pain that was caused by the medication. Dougherty, Becher, O'Donnell, Facktor are just as responsible for my permanent nerve damage/injury to my spinal cord. They recklessly disregarded my complaint of serious medical needs.

200. The above named Inmate Complaint Examiners are **not entitled to immunity** from this suit. I have proven their culpability and their reckless disregard for my medical needs. Their job is to intervene when staff fail to do their jobs, when they violate the law and administrative code. They were all told that I was injured severely.

201. As this court knows that once an inmate alerts staff, medical professionals, administrative staff, they owe a duty to protect under the color of state law. All these defendants failed to protect me from a permanent injury. I pray you will allow me to proceed to a jury trial on the above named defendants ICE's.

CONCLUSION

This complaint is based on undisputable facts, made from the record and inmate complaints as well as letters to the proper defendants in what the DOC calls their "CHAIN OF COMMAND REQUIREMENTS" each

defendant was put on notice of my severe back, right-side and right testicle pain. I have filed many HSR's complaining that I'm suffering in sever pain. All my complaints fell on deaf ears. All the defendants could care less if I suffered in pain.

Because of all the defendants deliberate indifference's I know suffer with a permenant spinal injury. My L4-L5 are impringeing the nerve root and has been pinching the nerve root for 2 years now and I'm told by the Physical Therapist that I will never heal. Meaning that the nerve root will never regenerate, or return to normal. I'm left with this severe testicle pain for the rest of my life.

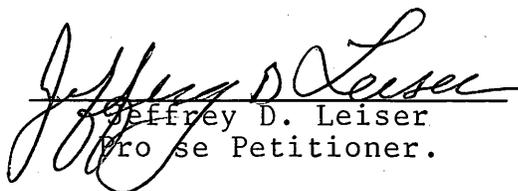
My pain is so bad that I have asked to have the testicle amputate. However, that request was also denied. Hannula refused to enter it into the record.

I have proved sufficent true fact, that a reasonable jury would find in my favor. I can and will prove that all the defendants are deliberate indifferenceto my serious and ongoing medical needs.

I can and will prove that even now the continuation of denial of needed medical treatment. All the defendants have refused to send me to a neuro surgeon. I believe that if that happens I will have my expert that can conclusively demonstrate that I should have been treated much, much sooner. Instead of being left. He would also determine my total disibility.

I ask this court to grant this law suit and allow me to proceed against all named defendants. The amount of damages sought will be determined at a later date.

Dated this 26th day of May 2015.


Jeffrey D. Leiser
Pro se Petitioner.

CC: File