

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 11-CV-23821-SEITZ/WHITE

**The attached hand-written
document
has been scanned and is
also available in the
SUPPLEMENTAL
PAPER FILE**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT
STATE OF FLORIDA

FILED by *[Signature]* D.C.
OCT 24 2011
STEVEN M. LARIMORE
CLERK U.S. DIST. CT
S. D. of FLA. - MIAMI

PERMON THOMAS,
Plaintiff

V.

CASE NUMBER: 11-CV-23821-SEITZ/WHITE

PROVIDED TO
CHARLOTTE CI ON
OCT 19, 2011
P.F.
FOR MAILING *[initials]*

ASS. WARDEN SHONEY, ET AL.,
EVELYN GARST, ET AL.,
WARDEN CHURCHWELL, ET AL.,
TATE, ET AL.,
RIVERA, ET AL.,
URBINA, ET AL.,
MARTA VILLACORTA , ET AL.,
JOHN DOE, #1-4, ET AL.,
Defendants,

COMPLAINT UNDER THE CIVIL RIGHTS ACT
42 U.S.C. SECT. 1983

This is a civil action authorized by 42 U.S.C. Sect. 1983 to redress the deprivation, under the color of state law, of rights secured by the Constitution of the United States. This court has jurisdiction under 28 U.S.C. Sect. 1331 and 1334 (a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Sect. 2201 and 2202.

cat / div 1983/550/MTA
Case # _____
Judge _____ Mag PAW
Motn If p No Fee pd \$ 0
Receipt # _____

Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. Sect. 2283 and 2284 and Rule 65 of the Federal Rules of Civil Procedure.

II
PARTIES

- a). Name of Plaintiff: Permon Thomas
Inmate Number: 425550
Address: Charlotte Corr. Institution
33123 Oil Well Road
Punta Gorda, Fla. 33955
- b). Name of First Defendant: Classification Officer – Tate
Position: Classification Officer
Capacity: Official & Individual
Address: South Florida Reception Center (South Unit)
13910 N.W. 41 Street
Doral, Fl. 33178-3014
or
South Florida Reception Center (Male)
14000 N.W. 41 Street
Doral, Fl. 33178-3003
- c). Name of Second Defendant: Mr. Rivera, Javier
Position: Head of Classification
Capacity: Official and Individual
Address: Dade Correctional Institution
19000 S.W. 337th Street, Suite – 300
Florida City, Fla. 33034
- d). Name of Third Defendant: Urbina
Position: Captain
Capacity: Official and Individual
Address: Dade Correctional Institution
19000 S.W. 337th Street, Suite – 300
Florida City, Fla. 33034

- e). Name of Fourth Defendant: Churchwell, William
Position: Warden
Capacity: Official and Individual
Address: Dade Correctional Institution
19000 S.W. 337th Street, Suite – 300
Florida City, Fla. 33034

- f). Name of Fifth Defendant: Evelyn Garst
Position: Correctional Services Administrator
Capacity: Official and Individual
Address: Department of Corrections
501 South Calhoun Street
Tallahassee, Fla. 32399-2500

- g). Name of Sixth Defendant: Marta Villacorta
Position: Regional Director
Capacity: Official and Individual
Address: P.O. Box 297306
Pembroke Pines, Fla. 33029-7306

- h). Name of Seventh Defendant: John Does(s) #1-4
Position:
Capacity: Official and Individual
Address: Unknown

- i). Name of Eighth Defendant: Ass. Warden Shoney
Position: Assistant Warden
Capacity: Official and Individual
Address: Unknown

III
STATEMENT OF CLAIMS

A. The actions of Tate, Rivera, Urbina, John Doe(s) #1-3 and Shoney in refusing to honor Plaintiff's medical pass while assigning him a job assignment (See Statement of Facts, Parags. 8-18, 20-31); forcing him to work against doctor's orders (See Statement of Facts, Parags. 1-31); Affecting practices, customs, policies, and procedures that ignores Plaintiff's and other inmate(s) medical passes while assigning them jobs that health care providers prohibited (See Statement of Facts, Parags. 1-36); Failing to intervene in their subordinates and fellow workers actions (See Statement of Facts, Parags. 1-36); Failing to train their subordinates in the matters of medical restrictions in F.A.C. 33-602.101 (8) (See Statement of Facts, Parags. 1-36); Threatening to place Plaintiff in confinement if he did not work (See Statement of Facts, Parags. 16, 31); and interfering with treatment once prescribed by a health care provider (See Statement of Facts, Parags. 1-36); All constituted:

1. Wanton infliction of pain in violation of the United States Constitution's Eighth Amendment against cruel and unusual punishment.
2. Denial withholding of prescribed medical care in violation of the Eighth Amendment of the United States Constitution.
3. Conspiracy to effectuate the denial of the medical pass treatment in violation of the United States Constitution's 8th Amendment and 42 U.S.C. 1983, 1985.

4. Denial of due process of law in violation of the Fourteenth Amendment of the United States Constitution, and
5. Endangerment to Plaintiff's physical health by creating unsafe conditions in violation of the U.S. Constitution's prohibition against the Eighth Amendment cruel and unusual punishment clause.

The actions of Warden Churchwell, Marta Villacorta, Evelyn Garst, and Shoney's failing to intervene in Tate's, Rivera's, Urbina's actions forcing Plaintiff to work against doctor's orders once on notice of their actions(See Statement of Facts, Parags. 19, 23, 24, 32, 36)); failing to train their subordinates in medical pass restrictions pursuant to F.A.C. 33-602.101(8) (See Statement of Facts, Parags. 1-36); and affecting practices, policies, and procedures that ignores Plaintiff's and other inmates medical passes while assigning them work duties that health care providers prohibited (See Statement of Facts, Parags. 1-36); All constituted:

1. Wanton infliction of pain in violation of the United States Constitution's Eighth Amendment
2. Denial of prescribed medical care in violation of the 8th Amendment of the United States Constitution.
3. Denial of Due Process of Law in violation of the 14th Amendment of the United States Constitution.

4. Endangerment to Plaintiff's physical person in violation of the United States Constitution's 8th Amendment.

See F.A.C. 33-602.101 (8).

“All inmates shall be furnished medical care. Inmates with special medical holds, layins, or **medical restrictions shall not be assigned any activity until approval is given by the attending physician or clinical associate.**”

Defendants owed Plaintiff a duty of reasonable care to protect him from unsafe conditions, to protect him from cruel and unusual punishment, make appropriate accommodations for his serious medical need that was prescribed by the health care provider, and to correct any violations against him of its employees or fellow staff members that would bring harm on him by forcing him to work against the doctor's orders. The Defendants are charged with the care, custody, and control of the Plaintiff.

Defendant's breached that duty by failing to intervene in its employee's or fellow officer's actions, allowing them to force Plaintiff to work against doctor's orders; and by directly participating in forcing Plaintiff to work against doctor's orders.

The breach of duty resulted in damages of, 1). Pain (physically, mentally, and emotionally); 2). Fear of being disciplined if he refused to work; 3). swelling;

4). more torn ligaments, muscles, and tissues; 5). placed in a wheelchair unable to walk; 6). and falling while working causing more of the above injuries.

The breach of duty proximately caused these damages.

STATEMENT OF FACTS

1. Prior to the time of the events below, Plaintiff was diagnosed with the following symptoms in his right knee, based on the November 21, 2008 M.R.I.:

“1). Mild to moderate fluid in the joint and suprapatellar bursa; 2) Likely chronic tears of the anterior and posterior horns of the medical meniscus; 3) Medical collateral ligament tenosynovitis; and 4) Diffuse heterogeneous increased signal mostly involving the medial femoral condyle especially along the condylar surface. Again, this appears to represent a chronic process with possible osteochondral disease. Etiology may be possibly posttraumatic or inflammatory. Recommendations: plain film and bone scan and follow up orthopedic is suggested.” (Exhibit A).

2. Doctor Poveda noted the x-ray findings as **“abnormal”** on December 5, 2008 (Exhibit B).

3. The Orthopedic Ponce found that **“chronic pain in right knee; osteoarthritis in right knee; and medial tenosynovitis,”** on December 5, 2008 (Exhibit C).

4. On February 17, 2009 Orthopedist Ponce physical findings of Plaintiff's right knee were: “Tenderness right knee medial

compartment...patient walks with a limp.” Ponce’s X-ray findings were: “AP view shows severe degenerative changes at the medial compartment of the right knee and complete narrowing of the medial artivulate space and osteopleyte feruata...diagnosis: severe osteoarthritis right knee.” (Exhibit D).

5. Orthopedist Ponce ordered: “Studies ordered: I have explained to patient that an orthoscopic surgery is not indicated due the advanced osteoarthritis. I have explained that the only option is a total knee replacement, but the patient is still young for the procedure, nevertheless, there is no other possibility. If the patient agrees, a total knee replacement can be done as definitive treatment for his condition.” (Exhibit D).

6. Dr. Poveda, under Orthopedist Ponce’s direction wrote a no work pass (Exhibits E-J).

7. Plaintiff was diagnosed with osteoarthritis and osteochondritis as early as 1997 and was **being treated by Dr. Poveda and the** Orthopedist specialists for his degenerative joint disease since November 20, 2007.

Tate, Rivera, Urbina, and John Doe # 2-4, Shoney

8. On or about December 30, 2008 Plaintiff reported to the I.C.T. team for a job assignment and was advised by classification supervisor Rivera he was being assigned to Inside Grounds.

9. Plaintiff showed Defendant Rivera, Defendant Tate, and Defendant Urbina his medical pass while explaining to them the doctor ordered him not to work or do any walking or standing over 5 minutes, that he was in pain.

10. Defendant Urbina told Plaintiff: “That’s alright, you can still work. We’ll find something for you to do. You can pick up paper or something” Defendant’s Rivera and Tate agreed and both said, “you’re being assigned to inside grounds, you better go get that pass changed to light duty, we don’t do no-work passes.” Plaintiff observed them do this to other inmates with medical passes that day.

11. Plaintiff reported to inside grounds officer Padarora the next morning and showed him his no-work pass. Officer Padarora said Plaintiff had to pick up paper until he got his job changed. So Plaintiff worked until 10:45 a.m. picking up paper in pain. About 10:45 Plaintiff reported to medical and spoke with Dr. Poveda, advising him the I.C.T. team was forcing Plaintiff to work. Dr. Poveda advised Plaintiff they could not force him to work, have them call him, he would straighten it out.

12. Plaintiff saw classification Officer Clark in the lobby and explained the situation to him. Mr. Clark agreed with Dr. Poveda and said he was going to have me assigned to unassigned after first consulting with and gaining approval from his supervisor Rivera.

13. Plaintiff reported back to inside ground officer Padoraro for work.

14. On or about January 7, 2009 Plaintiff reported to I.C.T. and was advised by Defendant's Tate, Rivera, and Urbina that he would be assigned as a houseman. Again, Plaintiff produced his medical pass for no-work and was advised by the I.C.T. Team again that he had to work. They again told him to go and get the pass altered to light duty. Thereafter Plaintiff worked cleaning the dorm in pain until his next reassignment.

15. On or about February 13, 2009, Plaintiff reported back to the I.C.T. team and was reassigned as a law clerk by Defendant Tate, Rivera, and John Doe #4.

16. Plaintiff advised Defendants he had a no-work pass from the doctor and showed it to them. They each explained to Plaintiff he had no choice because no inmate could have a no-work pass and get gain time, that Plaintiff had better go get the pass changed to light duty, or else be placed in confinement if Plaintiff refused to work.

17. Plaintiff reported to the library in pain and produced the no-work pass to Ms. Stover (library Supervisor) and explained he could not work, he was in pain.

18. Ms. Stover told Plaintiff that was his problem. The I.C.T. team assigned him to the library so he had to work. In pain, Plaintiff went to work assisting other inmates with their legal work and filling inmate requests orders from confinement, pulling books off of the shelves, walking back and forward in physical and mental pain, being threatened by Mr. Stover to deliver law work to confinement like she had done a few months earlier which caused Plaintiff's knee to degenerate more while serving the inmates in confinement, upstairs and downstairs.

19. On March 10, 2009 Plaintiff wrote a letter to Ms. Villacorta (regional director)¹ one to Ms. Tina Hayes (in Tallahassee), and an emergency grievance to Tallahassee requesting that he be allowed to denounce his law clerk certificate because he was being forced to work against doctor's orders and he medical no-work pass. (Exhibits K-N).

20. On or about March 19, 2009 Ms. Stover told Plaintiff Dr. Poveda wanted to see Plaintiff at 1:00 pm. Plaintiff reported to the medical lobby after the afternoon meal to wait to be called by Dr. Poveda.

¹ Plaintiff wrote a second letter to Ms. Villacorta claiming that though she gave the institution directives to assign me as unassigned, he was not changed to unassigned. (Exhibit L)

21. While waiting for Dr. Poveda, Defendant Rivera walked out the classification door and asked, "is Permon Thomas in here?" Plaintiff said, "yes". Rivera asked, "have you seen Poveda yet?" Plaintiff said, "no." Rivera said, "Well, when you finish seeing him you come and see me." Rivera repeated this a second time about 15 minutes later. Finally Plaintiff was called to see Dr. Poveda who said he hadn't called for Plaintiff, it was Rivera who wanted to see Plaintiff Poveda insisted. But prior to leaving Poveda's office Poveda asked Plaintiff, "do you have your no-work pass?" Plaintiff said "yes." Poveda said, "Ok, good".

22. Plaintiff then reported to Defendant Rivera's office when Rivera asked Plaintiff. "have you talked to Dr. Poveda?" Plaintiff said "yes". Rivera asked, "what did you all talk about?" Plaintiff said, "my no work pass." Rivera said, "that's all", Plaintiff said, "yes". Rivera said, "do I have to go and get Dr. Poveda and let him tell you what he told me?" Plaintiff said, "yes". Rivera said Dr. Poveda told him Plaintiff could work; that he called Dr. Poveda and asked him could Plaintiff work and Dr. Poveda asked him what kind of work did Plaintiff do. He said he told Poveda all Plaintiff do is sit down the Poveda said Plaintiff could work. Plaintiff told Rivera that's not true; Plaintiff had to constantly get up and sit down, walking back and forward to the service counter to assist inmates with their legal matters while standing up for long periods of

time ; he has to pull books off the bookshelves for inmates in confinement for the request taking them to get copied; also for inmates coming to the service counter along with other duties, while also being threatened to make confinement runs again.

23. Rivera told Plaintiff that if Plaintiff has a no-work pass he has “to be locked in the infirmary 24 hours a day and get no gain-time,² no inmate could be on the compound with a no-work pass.” Plaintiff told Rivera that is not a rule. Rivera said it was. Plaintiff said, “let me see it because I know its not.” Rivera said, “I’ll show it to you but first we have to resolve this issue.” Rivera said Plaintiff has to alter the pass to light duty or be locked in the infirmary 24 hours a day and get no gain time.

24. Rivera explained that he had received two (2) faxes, one from Ms. Marta Villacorta, and one from Tallahassee and we were going to resolve this before we leave this office so he could answer the faxes concerning Plaintiff’s grievance/requests to denounce his law clerk certificate as he complained about being forced to work against doctor’s orders.

25. Plaintiff said, well do what you have to do. Rivera told Plaintiff and classification officer Clark who was present, “lets go see Dr. Poveda and get this pass changed.”

² There were many inmates on the compound with no-work pass at the time.

26. Defendant Rivera led Plaintiff and Clark to the medical records room door and called Dr. Poveda into the hallway and said, “you have to alter Thomas’ no-work pass to light duty or else Plaintiff would be locked in the infirmary 24 hours a day and receive no gain-time.” Dr. Poveda said, “But his knee is no good and is in bad shape, he has to have surgery.”³ Rivera said if Poveda did not alter the pass Poveda would have to admit Plaintiff to the infirmary and Plaintiff could not receive any gain-time. Poveda reluctantly agreed.

27. Prior to departing one another in the infirmary area, Defendant Rivera told Plaintiff there was, “no need to be writing the grievances, because its not going to do no good anyway.”

28. Prior to leaving medical, Plaintiff asked Nurse Morales is it true that if an inmate had a no-work pass he has to be locked in the infirmary 24 hours a day and get no gain time. She said no. I asked her to ask Dr. Poveda to not alter my pass because I was keeping the no work pass. She went back and brought me a pass back to see Dr. Poveda the next morning on his direction.

29. While waiting to see Dr. Poveda the next morning Defendant Rivera walked through the medical lobby when Plaintiff advised him he was keeping his no work pass so Defendant could go ahead and admit him to the infirmary.

³ Plaintiff was recommended for total knee replacement surgery by the Orthopedist Specialist on February 178, 2009.

Rivera simply said, “Dr. Poveda has to do that, I don’t have nothing to do with that.”

30. When Plaintiff saw Dr. Poveda and told him he was keeping his no-work pass, Dr. Poveda said, “Good! I got a copy and you got a copy. I’m medical and he’s (Rivera) classification. He can’t tell me what to do. I had my license 21 years and I’m not going to let him make me lose my license. You keep your pass.”

31. A few days later March 25, 2009, Plaintiff was placed on I.C.T. call out and assigned to a houseman job by Defendant Tate, Shoney, and Colonel John Doe in spite the fact Plaintiff produced his no work pass to them while complaining of pain and the upcoming surgery. Plaintiff went of to tell them he had writer Ms. Villacorta about being forced to work and she straightened the situation out. They each ignored Plaintiff and said he would be assigned as a houseman or be housed in confinement if he refused to work.

32. Ms. Villacorta had written Plaintiff a letter on March 23, 2009 advising him: “Your letter has been received reviewed. You were changed to unassigned and will not have a job assignment in accordance with your most recent medical pass by Dr. Poveda.” And her second April 22, 2009 letter in response to Plaintiff’s second complaint dated April 7, 2009, stating, “Your letter has been received and reviewed. You will be placed on the April 21,

2009 I.C.T. docket and reassigned to unassigned until the medical department issues further instructions concerning your medical situation” (Plaintiff was never changed to unassigned); and correctional services administrator Evelyn D. Garst wrote Plaintiff a letter dated March 31, 2009, stating, “Health services will be reviewing your medical issues and will address any job changes or special housing needs with your classification officer to ensure there is no conflict between your medical passes and your job assignment. Additionally, your certification as a law clerk cannot be revoked...the institutional classification team deemed the assignment as a law clerk was appropriate based on the certification.” (Exhibit O-Q)

WARDEN CHURCHWELL

33. A copy of Evelyn Garst’s March 31, 2009 letter was forwarded to Warden Churchwell who failed to remedy the issue. (Evelyn Garst was McNeil’s Rep.) (Exhibit Q).

34. These letter’s responses were never adhered to by the Defendants up until this day. Churchwell and McNeil did nothing.

35. On June 24, 2009, Plaintiff fell in the dorm while working as a houseman cleaning and twisted his already injured right knee while hitting it hard on the floor, and plaintiff was admitted to the infirmary and placed in a wheel chair. (Exhibit R-S).

36. On July 08, 2009, Plaintiff underwent total knee replacement surgery.

V
EXHAUSTION OF ADMINISTRATIVE REMEDIES

During the interim Plaintiff fully exhausted all administrative remedies available to him at all levels: Tallahassee in an Emergency Medical Grievance on March 11, 2009 pursuant to F.A.C., 33-103.006(2)(g), which was returned/rejected because, "it is not an emergency." (Exhibit N); letter to the Regional Director, Ms. Marta Villacorta on March 10, 2009; a March 10, 2009, letter to Tina Hayes in Tallahassee answered by Evelyn D. Garst, Correctional Services Administrator; and letter to Ms. Marta Villacorta on April 7, 2009. Plaintiff did not submit a grievance to the Warden after the denial of his Emergency grievance because of Ms. Villacorta's letter stating Plaintiff was assigned as unassigned and that Plaintiff believed that his emergency grievance was in fact an emergency and should have been handled as such by McNeil approved and the situation corrected by McNeil; plus the fact that Evelyn Garst had promised there would be no conflict between Plaintiff's no work pass and any job assignment. No other administrative remedies are available to Plaintiff, thus, this suit timely follows. (Exhibits K-Q).

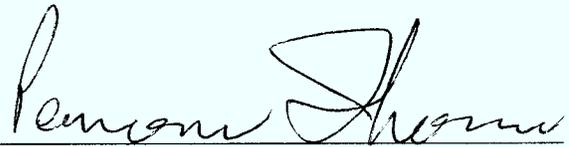
VI

RELIEF

Plaintiff requests all forms of monetary damages, including but limited to compensatory damages from each Defendant for each claim of \$500,000.00, and punitive damages from each Defendant for each claim of \$20,000.00 as determined by a jury for each Defendant and each claim, further requests declaratory judgment as deemed appropriate by this Court. Plaintiff's requests that an order protecting Plaintiff from retaliatory actions by Defendants or their officers be issued and from retaliatory transfers. Plaintiff further requests costs of suit and fees.

VII
JURY DEMAND

Do you demand a jury trial? YES NO . Signed on this 19 day of October, 2011

/s/ 
Permon Thomas, DC #425550

UNNOTARIZED OATH

I DO HEREBY SWEAR under the penalties of perjury that the foregoing is true, and correct, under Fla. Stat. §92.525 sworn to by.

Executed on this 19 day of October, 2011.

/s/  _____

Permon Thomas, DC #425550
Charlotte Correctional Institution
33123 Oil Well Road
Punta Gorda, FL. 33955
Appellant, *pro se*

EXHIBIT - A

RE: Thomas, Permon
Date: 11/21/2008

Page: 2 of 2

MAGNETIC RESONANCE IMAGING OF THE RIGHT KNEE - CONTINUED:

CONCLUSION:

THE MRI EVALUATION OF THE RIGHT KNEE DEMONSTRATES THE FOLLOWING:

1. MILD TO MODERATE FLUID IN THE KNEE JOINT AND SUPRAPATELLAR BURSA WITH PROBABLE SYNOVIAL HYPERTROPHY IN THE SUPRAPATELLAR BURSA.
2. LIKELY CHRONIC TEARS OF THE ANTERIOR AND POSTERIOR HORNS OF THE MEDIAL MENISCUS.
3. MEDIAL COLLATERAL LIGAMENT TENOSYNOVITIS.
4. DIFFUSE HETEROGENEOUS INCREASED SIGNAL MOSTLY INVOLVING THE MEDIAL FEMORAL CONDYLE ESPECIALLY ALONG THE CONDYLAR SURFACE. AGAIN, THIS APPEARS TO REPRESENT A CHRONIC PROCESS WITH POSSIBLE OSTEOCHONDRAL DISEASE. ETIOLOGY MAY BE POSSIBLY POST TRAUMATIC OR INFLAMMATORY.

RECOMMENDATIONS:

PLAIN FILM AND BONE SCAN AND FOLLOWUP ORTHOPEDIC EVALUATION IS SUGGESTED.

already defined - orthopedist

Please pull chart

Call 5/11/08 + Today 11/21/08

Thomas

JULIO POVEDA MD
CHIEF HEALTH OFFICER

THIS REPORT WAS ELECTRONICALLY SIGNED
Robert S. Elias, MD
 Radiologist
 RSE:ms DD:11/25/08 DT:11/26/08

EXHIBIT - B

Department of Corrections - Office of Health Services
Request for Prior Approval of Health Care Services
Surgery, Procedures, Scheduled Hospital Admission and Ancillary Services

ALL BLANKS MUST BE COMPLETED - MANDATORY

Attach all pertinent documentation to expedite the approval process:
DC4-701, Laboratory and X-ray Reports, Consultation Reports, etc.

Day Routine _____ Urgent _____ Emergent _____

Sending Institution: _____ Date of Request _____

DIAGNOSIS: Adrenal x Ray of RT knee

Date of Onset _____ Preexisting Condition _____

Surgery/Procedure Requested thyroidectomy

Facility where Surgery/Procedure/Other to be Scheduled:
RMC _____ RMC-MSU _____ MMCJ _____ FHE _____ Other _____ (Identify)

Attending Physician Julio Poverda MD Telephone Number (305) 242-2350

Estimated -LOS: _____ Hospital Cost _____ Physician Cost _____

Total Estimated Costs: _____ Date Faxed to UM Julio C. Poverda MD

Signature of Chief Health Officer _____ Lic# _____

Date Prior-approval Received in Utilization Management _____

Date Approved _____ Signature of Nurse Reviewer _____

Date Referred to Physician Advisor _____

Date Reviewed by Physician Advisor _____ Approved Y ___ N ___

If the Physician Advisor does not approve Request, a Memorandum will be sent to the Chief Health Officer.

Institutions will be notified of status of approval process via fax (in the future will be e-mailed). Institutional logs should be carefully maintained to reflect the status of approval process and completion date of surgery/procedure. If you have any questions regarding the approval process, please call the Utilization Management Section at Reception Medical Center (386-496-6720).

Inmate Name Thomas Lewis Custody Level _____
DC# 42550 - Race/Sex Blk - EOS Date _____
Date of Birth 4-6-68 - SS# _____
Institution: Dcy

EXHIBIT - C

CONSULTANT'S REPORT

NO PROCEDURE(S) MAY BE PERFORMED WITHOUT PRIOR APPROVAL BY THE REGIONAL MEDICAL EXECUTIVE DIRECTOR, DEPARTMENT OF CORRECTIONS

Additional History:

This is a 39 y/o male patient c/o pain at the right knee. Patient underwent arthroscopy surgery at Lanken Hospital in 1989.

Findings:

At examination there is tenderness at the medial and lateral compartments of the R knee.

MRI of the R knee from 11/21/08 evaluated

Dx: Chronic pain right knee.
right knee osteoarthrosis.
ACL tears/ruptures

Julio C. Poveda MD
Lic#

OK for DC 701
dated 12/15/08

Plan: - Injected R knee 3 cc of lidocaine + 1 cc Kenalog. Patient tolerated procedure well

Recommendations:

- Adviced knee brace.

On my opinion patient will not benefit with surgical procedures at this present time. Should continue conservative treatment. F/u consult in 3 months is advised

Consultant Signature/Stamp:

Date:

12/19/08
AGUILAR
W.D.
CADE CI
12/15/08

IT IS ABSOLUTELY NECESSARY THAT INMATES ARE NOT MADE AWARE OF ANY INFORMATION PENDING ANY APPOINTMENT OUTSIDE THE INSTITUTION

Inmate Name _____
DC# _____ Race/Sex _____
Date of Birth _____
Institution _____

USE ADDITIONAL SHEET(S) AS NECESSARY

This form is not to be amended, revised, or altered without approval of the Deputy Director of Health Services Administration

EXHIBIT - D

ID: 42550
DOB: 5/6/69

Jose Luis Ponce de Leon, M.D.
9746 Coralway Miami Fl 33165
ORTHOPEDIC CONSULTANT



PATIENT'S NAME: Thomas Permon DATE: 02/17/09

PATIENT STATES: that had severe pain at the right knee. The pain is worse during ambulation. Patient states that the pain started in 1989 while was resting and twisted the right knee. Patient states that underwent arthroscopic surgery in 1989 and a cast was placed was removed.

PHYSICAL EXAMINATION: Tenderness right knee medial compartment, FL crepitus, minimal effusion. Patient walks with a limp.

per 7/20/11
714 B 7:30 B
date 1/17/09
15:20 hours

REVIEW OF PAST MEDICAL HISTORY:
Arthroscopic surgery R knee 1989
Arthroscopic surgery L knee 1993

Julio C. Poveda MD.
Lic.#

ALLERGIES: NKDA

Jose Luis Ponce de Leon, M.D.

9746 Coralway Miami Fl 33165

X Rays of the R and L Knees Standing
AP view shows severe degenerative

changes at the medial compartment of
the R knee and complete narrowing of
the medial articular space and osteophyte formation.
There is also narrowing of the medial articular
space of the left knee with mild degenerative
changes.

DIAGNOSIS: Severe osteoarthritis Right knee
- Mild osteoarthritis left knee.

TREATMENT: Injected Right knee 3cc of Lidocaine
+ 1cc Kenalog. Aspiration of the knee was
done previously and no synovial fluid obtained.
Patient tolerated procedure well.

STUDIES ORDERED: I have explained to patient that an
arthroscopic surgery is not indicated due to the
advanced osteoarthritis. I have explained that
the only option is a total knee replacement, but
the patient is still young for the procedure,
nevertheless, there is no other possibility.

RESTRICTIONS AND LIMITATIONS: If the patient agrees, a total knee replacement
can be done as definitive treatment for his condition

Please see
DC 7701
4, Oct
2/17/69
1515 (mm)
Julio C. Poveda MD
Lic#