

U.S. District Court
Southern District of Florida (Ft Pierce)
CIVIL DOCKET FOR CASE #: 2:12-cv-14065-JEM

Raffone v. Bhadja et al
Assigned to: Judge Jose E. Martinez
Referred to: Magistrate Judge Patrick A. White
Cause: 42:1983 State Prisoner Civil Rights

Date Filed: 02/17/2012
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Salvatore Raffone
079281
South Florida Reception Center–South
Unit
Inmate Mail/Parcels
13910 NW 41st Street
Doral, FL 33178

represented by **John Kevin Griffin**
John Kevin Griffin
1020 S. 15th Street
Fort Pierce, FL 34950
772-489-7776
Fax: 888-956-5252
Email: griffinlaw@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Dr. Haridas Bhadja
Chief Health Officer

represented by **John Bajger**
Attorney General Office
1515 N Flagler Drive
9th Floor
West Palm Beach, FL 33401-3432
Email: John.Bajger@myfloridalegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

ARNP William Bass
Physician's Assistant

represented by **John Bajger**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DeDe Vasquez
Dermatologist

Date Filed	#	Docket Text
02/17/2012	<u>1</u>	A COMPLAINT Under The Civil Rights Act, 42 U.S.C. §1983 against William Bass, Dr. Haridas Bhadja, DeDe Vasquez. Filing fee \$ 350.00. IFP Filed, filed by Salvatore Raffone. (Attachments: # <u>1</u> Summon(s))(cqs) (Entered: 02/21/2012)
02/17/2012	2	Judge Assignment to Judge Jose E. Martinez (cqs) (Entered: 02/21/2012)
02/17/2012	3	Clerks Notice of Magistrate Judge Assignment to Magistrate Judge Patrick A. White. Pursuant to Administrative Order 2003-19 for a ruling on all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters. (cqs) (Entered: 02/21/2012)
02/17/2012	<u>4</u>	MOTION for Leave to Proceed in forma pauperis with inmate account statement attached by Salvatore Raffone. (cqs) (Entered: 02/21/2012)
02/17/2012	<u>5</u>	MOTION for Appointment of Counsel by Salvatore Raffone. Responses due by 3/5/2012 (cqs) (Entered: 02/21/2012)

02/23/2012	<u>6</u>	ORDER denying <u>5</u> Motion to Appoint Counsel. Signed by Magistrate Judge Patrick A. White on 2/23/2012. (cz) (Entered: 02/23/2012)
02/24/2012	<u>7</u>	ORDER OF INSTRUCTIONS TO PRO SE CIVIL RIGHTS LITIGANTS. Signed by Magistrate Judge Patrick A. White on 2/23/2012. (tw) (Entered: 02/24/2012)
02/24/2012	<u>8</u>	ORDER PERMITTING PLAINTIFF TO PROCEED WITHOUT PREPAYMENT OF FILING FEE BUT ESTABLISHING DEBT TO CLERK OF \$350.00 and Granting <u>4</u> Motion for Leave to Proceed in forma pauperis. Signed by Magistrate Judge Patrick A. White on 2/23/2012. (tw) (Entered: 02/24/2012)
02/27/2012	<u>9</u>	NOTICE to the Court Regarding Defendant's Address by Salvatore Raffone (jua) (Entered: 02/27/2012)
04/03/2012	<u>10</u>	NOTICE of Inquiry by Salvatore Raffone (docket sheet sent) (cbr) (Entered: 04/03/2012)
04/09/2012	<u>11</u>	MOTION for Appointment of Special Process Server by Salvatore Raffone. Responses due by 4/26/2012 (cbr) (Entered: 04/09/2012)
04/10/2012	<u>12</u>	ORDER denying <u>11</u> Motion to Appoint Special Process Server, complaint has not yet been screened.. Signed by Magistrate Judge Patrick A. White on 4/10/2012. (cz) (Entered: 04/10/2012)
04/19/2012	<u>13</u>	REPORT AND RECOMMENDATIONS on 42 USC 1983 case re <u>1</u> Complaint filed by Salvatore Raffone. Recommending 1. The case shall proceed against Dr. Bhadja, William Bass and Dr. Vasquez for denial of adequate medical treatment. 2. Service will be ordered by separate order. Objections to RRdue by 5/7/2012. Signed by Magistrate Judge Patrick A. White on 4/19/2012. (tw) (Entered: 04/19/2012)
04/19/2012	<u>14</u>	ORDER RE SERVICE OF PROCESS REQUIRING PERSONAL SERVICE UPON AN INDIVIDUAL. The United States Marshal shall serve a copy of the complaint and appropriate summons upon:Haridas Bhadja, M.D., Okeechobee Correctional Inst., 3420 N.E. 168th Street, Okeechobee, FL 34972-4824; William Bass, ARNP, Okeechobee Correctional Inst., 3420 N.E. 168th Street, Okeechobee, FL 34972-4824 and DeeDee Vasquez, PA, 10301 Hagen Ranch Road, C-110, Boynton Beach, FL 33437. Signed by Magistrate Judge Patrick A. White on 4/18/2012. (tw) (Entered: 04/19/2012)
04/20/2012	<u>15</u>	Summons Issued as to William Bass. (br) (Entered: 04/20/2012)
04/20/2012	<u>16</u>	Summons Issued as to Dr. Haridas Bhadja. (br) (Entered: 04/20/2012)
04/20/2012	<u>17</u>	Summons Issued as to DeDe Vasquez. (br) (Entered: 04/20/2012)
05/15/2012	<u>18</u>	ORDER ADOPTING REPORT AND RECOMMENDATIONS for <u>13</u> Report and Recommendations. Certificate of Appealability: No Ruling. Signed by Judge Jose E. Martinez on 5/15/2012. (lk) (Entered: 05/15/2012)
05/22/2012	<u>19</u>	MOTION to Compel <i>Defendants to Answer All Documnets Served</i> by Dr. Haridas Bhadja. Responses due by 6/8/2012 (cbr) (Entered: 05/22/2012)
05/22/2012	<u>20</u>	MOTION to Amend <u>1</u> Complaint by Salvatore Raffone. Responses due by 6/8/2012 (cbr) (Entered: 05/22/2012)
05/24/2012	<u>21</u>	ORDER deferring ruling on <u>19</u> Motion to Compel, the defendants shall reply to this motion ; granting <u>20</u> Motion to Amend/Correct to add grievances etc. however, they were not reviewed in the preliminary screening.. Signed by Magistrate Judge Patrick A. White on 5/24/2012. (cz) (Entered: 05/24/2012)
06/26/2012	<u>22</u>	ORDER denying <u>19</u> Motion to Compel, summonses have been issued but not yet served. Signed by Magistrate Judge Patrick A. White on 6/26/2012. (cz) (Entered: 06/26/2012)
09/11/2012	<u>23</u>	SUMMONS (Affidavit) Returned Executed on <u>1</u> Complaint by Salvatore Raffone. William Bass served on 9/4/2012, answer due 9/25/2012. (ail) (Entered: 09/12/2012)

09/13/2012	<u>24</u>	Summons (Affidavit) Returned Unexecuted by Salvatore Raffone as to DeDe Vasquez. (ail) (Entered: 09/14/2012)
09/17/2012	<u>26</u>	NOTICE of Inquiry by Salvatore Raffone (copy of docket sheet mailed 9/19/2012) (ail) (Entered: 09/19/2012)
09/18/2012	<u>25</u>	ORDER that the plaintiff shall supply the Court with a current address for Vasques, or risk dismissal of this defendant. Signed by Magistrate Judge Patrick A. White on 9/18/2012. (tw) (Entered: 09/18/2012)
09/25/2012	<u>27</u>	MOTION for Extension of Time to File Answer RE: Complaints re <u>1</u> Complaint by William Bass. (Attachments: # <u>1</u> Text of Proposed Order)(Bajger, John) (Entered: 09/25/2012)
09/26/2012	<u>28</u>	OBJECTIONS to <u>13</u> Report and Recommendations by Salvatore Raffone. (ail) (Entered: 09/27/2012)
09/27/2012	<u>29</u>	ORDER Affirming re <u>25</u> ORDER that the plaintiff shall supply the Court with a current address for Vasques, or risk dismissal of this defendant. Signed by Judge Jose E. Martinez on 9/27/2012. (ail) (Entered: 09/28/2012)
09/28/2012	<u>31</u>	NOTICE of filing Letter to the Court by Salvatore Raffone (ail) (Entered: 10/01/2012)
10/01/2012	30	Paperless ORDER granting <u>27</u> Motion for Extension of Time. Defendant may have until October 15, 2012 to file a response to Defendant's motion. Signed by Judge Jose E. Martinez on 9/28/2011. (ajs) (Entered: 10/01/2012)
10/03/2012	<u>32</u>	MOTION for Clerks Entry of Default as to William Bass by Salvatore Raffone. (ail) (Entered: 10/04/2012)
10/04/2012	33	PAPERLESS ORDER by Clerk of Non-Entry of Default re <u>32</u> Motion for Clerks Entry of Default as to William Bass. Reason: Responsive pleading, Motion for Extention of Time to File Answer to Complaint has been filed and Granted by the Court. Signed by DEPUTY CLERK on 10/4/2012. (ail) (Entered: 10/04/2012)
10/08/2012	<u>34</u>	ANSWER and Affirmative Defenses to Complaint with Jury Demand by William Bass, Dr. Haridas Bhadja.(Bajger, John) (Entered: 10/08/2012)
10/11/2012	<u>35</u>	SCHEDULING ORDER: Amended Pleadings due by 2/25/2013. Discovery due by 2/11/2013. Joinder of Parties due by 2/25/2013. Motions due by 3/19/2013. Signed by Magistrate Judge Patrick A. White on 10/10/2012. (tw) (Entered: 10/11/2012)
10/19/2012	<u>36</u>	MOTION for Directions by Salvatore Raffone. (ail) (Entered: 10/22/2012)
10/22/2012	<u>37</u>	MOTION for Appointment of Special Process Server by Salvatore Raffone. Responses due by 11/8/2012 (ail) (Entered: 10/22/2012)
10/29/2012	38	ORDER denying <u>36</u> Motion ; denying <u>37</u> Motion to Appoint Special Process Serve to act as investigator. The plaintiff must provide the Court with the address of his defendants. Signed by Magistrate Judge Patrick A. White on 10/29/2012. (cz) (Entered: 10/29/2012)
11/01/2012	<u>39</u>	MEMORANDUM of Law re <u>37</u> MOTION for Appointment of Special Process Server by Salvatore Raffone. (ail) (Entered: 11/02/2012)
11/01/2012	<u>40</u>	NOTICE of Cronological Order of Events by Salvatore Raffone (ail) (Entered: 11/02/2012)
11/01/2012	<u>41</u>	Plaintiff's NOTICE of First Interrogatories for Defendant by Salvatore Raffone (ail) (Entered: 11/02/2012)
11/19/2012	<u>42</u>	Plaintiff's NOTICE of First Interrogatories for Defendant by Salvatore Raffone (ail) (Entered: 11/20/2012)
11/19/2012	<u>43</u>	MOTION to Compel <i>Discovery</i> by Salvatore Raffone. Responses due by 12/6/2012 (ail) (Entered: 11/20/2012)
11/19/2012	<u>44</u>	MOTION to Compel <i>Discovery</i> by Salvatore Raffone. Responses due by 12/6/2012 (ail) (Entered: 11/20/2012)

11/26/2012	<u>45</u>	ORDER deferring ruling on <u>43</u> Motion to Compel until a response is filed by defendant Bass forthwith; denying <u>44</u> Motion to Compel, the plaintiff includes a petition for a subpoena but provides no evidence that an actual subpoena was issued and sent to the non parties. Signed by Magistrate Judge Patrick A. White on 11/26/2012. (cz) (Entered: 11/26/2012)
11/26/2012	<u>46</u>	RESPONSE to Motion re <u>43</u> MOTION to Compel <i>Discovery</i> filed by William Bass. Replies due by 12/6/2012. (Attachments: # <u>1</u> Exhibit A)(Bajger, John) (Entered: 11/26/2012)
11/27/2012	<u>47</u>	ORDER denying <u>43</u> Motion to Compel for the reason stated in the defendant's response. See DE#46. Signed by Magistrate Judge Patrick A. White on 11/27/2012. (cz) (Entered: 11/27/2012)
12/12/2012	<u>48</u>	MOTION to Strike <u>46</u> Response to Motion by Salvatore Raffone. Responses due by 12/31/2012 (ail) (Entered: 12/13/2012)
12/17/2012	<u>49</u>	ORDER denying <u>48</u> Motion to Strike Signed by Magistrate Judge Patrick A. White on 12/17/2012. (cz) (Entered: 12/17/2012)
12/26/2012	<u>50</u>	MOTION to Compel <i>Defendant William Bass to Comply with Discovery</i> by Salvatore Raffone. Responses due by 1/14/2013 (ail) (Entered: 12/27/2012)
01/08/2013	<u>51</u>	ORDER deferring ruling on <u>50</u> Motion to Compel, DEFENDANTS SHALL REPLY. Signed by Magistrate Judge Patrick A. White on 1/8/2013. (cz) (Entered: 01/08/2013)
01/09/2013	<u>52</u>	RESPONSE to Motion re <u>50</u> MOTION to Compel <i>Defendant William Bass to Comply with Discovery</i> filed by William Bass, Dr. Haridas Bhadja. Replies due by 1/22/2013. (Attachments: # <u>1</u> Exhibit A)(Bajger, John) (Entered: 01/09/2013)
01/09/2013	<u>53</u>	MOTION to Take Deposition from Salvatore Raffone by William Bass, Dr. Haridas Bhadja. (Attachments: # <u>1</u> Text of Proposed Order)(Bajger, John) (Entered: 01/09/2013)
01/10/2013	<u>54</u>	NOTICE of Striking <u>52</u> Response to Motion filed by William Bass, Dr. Haridas Bhadja by William Bass, Dr. Haridas Bhadja (Bajger, John) (Entered: 01/10/2013)
01/10/2013	<u>55</u>	RESPONSE to Motion re <u>50</u> MOTION to Compel <i>Defendant William Bass to Comply with Discovery</i> filed by William Bass, Dr. Haridas Bhadja. Replies due by 1/22/2013. (Attachments: # <u>1</u> Exhibit A)(Bajger, John) (Entered: 01/10/2013)
01/10/2013	<u>56</u>	ORDER denying <u>50</u> Motion to Compel for the reasons stated in defendants response; granting <u>53</u> Motion to Take Deposition from Salvatore Raffone, this is an unrepresented plaintiff and the defendants shall government themselves accordingly Signed by Magistrate Judge Patrick A. White on 1/10/2013. (cz) (Entered: 01/10/2013)
01/22/2013	<u>57</u>	MOTION to Stay the taking of Deposition by Salvatore Raffone. Responses due by 2/8/2013 (ail) (Entered: 01/23/2013)
01/24/2013	<u>58</u>	MOTION for Extension of Time Pretrial Proceedings Schedule <i>180 days</i> re <u>35</u> Scheduling Order by Salvatore Raffone. Responses due by 2/11/2013 (Griffin, John) (Entered: 01/24/2013)
01/24/2013	<u>59</u>	ORDER granting <u>57</u> Motion to Stay deposition; granting <u>58</u> Motion for Extension of Time, all dates entered in the pre-trial scheduling order are extended for sixty days from the dates in that order to provide an opportunity for Counsel Griffin to file a notice of appearance should he choose to do so. Signed by Magistrate Judge Patrick A. White on 1/24/2013. (cz) (Entered: 01/24/2013)
01/29/2013	<u>60</u>	NOTICE of Attorney Appearance by John Kevin Griffin on behalf of Salvatore Raffone (Griffin, John) (Entered: 01/29/2013)
03/08/2013	<u>61</u>	MOTION for Discovery <i>Request Rule 26(a) Disclosures</i> by Salvatore Raffone. Responses due by 3/25/2013 (Griffin, John) (Entered: 03/08/2013)
03/13/2013	<u>62</u>	RESPONSE to Motion re <u>61</u> MOTION for Discovery <i>Request Rule 26(a) Disclosures</i> filed by William Bass, Dr. Haridas Bhadja. Replies due by 3/25/2013. (Attachments: # <u>1</u> Exhibit)(Bajger, John) (Entered: 03/13/2013)

03/15/2013	<u>63</u>	Second MOTION for Extension of Time to Complete Discovery <i>Unopposed</i> by Salvatore Raffone. (Griffin, John) (Entered: 03/15/2013)
03/18/2013	64	ORDER denying as moot <u>61</u> Motion for Discovery; granting <u>63</u> Motion for Extension of Time to Complete Discovery, the discovery date is extended for 180 days from the date of this order, and additional defendants must be added 30 days after that, the dispositive motions are due 30 days following that date. Signed by Magistrate Judge Patrick A. White on 3/18/2013. (cz) (Entered: 03/18/2013)
04/29/2013	<u>65</u>	NOTICE of Change of Address by John Kevin Griffin (Griffin, John) (Entered: 04/29/2013)
08/30/2013	<u>66</u>	Unopposed MOTION for Extension of Time pre-trial scheduling order <i>90 days from 9/16/2013</i> . re 59 Order on Motion to Stay, Order on Motion for Extension of Time,, by Salvatore Raffone. Responses due by 9/16/2013 (Griffin, John) (Entered: 08/30/2013)
09/16/2013	67	ORDER granting <u>66</u> Motion for Extension of Time for an additional 90 days. No further extensions will be granted. Signed by Magistrate Judge Patrick A. White on 9/16/2013. (cz) (Entered: 09/16/2013)
10/02/2013	<u>68</u>	First MOTION to Withdraw as Attorney by John Kevin Griffin. by Salvatore Raffone. Responses due by 10/21/2013 (Attachments: # <u>1</u> Text of Proposed Order)(Griffin, John) (Entered: 10/02/2013)
10/03/2013	69	ORDER RESPECTFULLY DEFERRING RULING on <u>68</u> Motion to Withdraw as Attorney TO THE UNITED STATES DISTRICT JUDGE JOSE E. MARTINEZ. Signed by Magistrate Judge Patrick A. White on 10/3/2013. (cz) (Entered: 10/03/2013)
11/01/2013	<u>70</u>	MOTION for Extension of Time to Conduct Discovery by Salvatore Raffone. (ail) (Entered: 11/01/2013)
11/06/2013	71	ORDER dismissing <u>70</u> Motion for Extension of Time to Complete Discovery without prejudice, there has been no filing ruling on counsel's motion to withdraw. Signed by Magistrate Judge Patrick A. White on 11/6/2013. (cz) (Entered: 11/06/2013)
12/06/2013	<u>72</u>	MOTION for Disclosure/First Set of Request For Admissions to Defendants by Salvatore Raffone. (ots) (Entered: 12/06/2013)
12/06/2013	<u>73</u>	MOTION for Disclosure/First Set of Requests For Admissions to Defendants by Salvatore Raffone. (ots) (Entered: 12/06/2013)
12/06/2013	<u>74</u>	MOTION for Disclosure/First Set of Requests For Admissions to the Defendants by Salvatore Raffone. (ots) (Entered: 12/06/2013)

(e)(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that -

* * *

(B) the action or appeal -

* * *

(i) is frivolous or malicious;

(ii) fails to state a claim on which relief may be granted; or

(iii) seeks monetary relief from a defendant who is immune from such relief.

A complaint is "frivolous under section 1915(e) "where it lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989); Bilal v. Driver, 251 F.3d 1346, 1349 (11 Cir.), cert. denied, 534 U.S. 1044 (2001). Dismissals on this ground should only be ordered when the legal theories are "indisputably meritless," id., 490 U.S. at 327, or when the claims rely on factual allegations that are "clearly baseless." Denton v. Hernandez, 504 U.S. 25, 31 (1992). Dismissals for failure to state a claim are governed by the same standard as Federal Rule of Civil Procedure 12(b)(6). Mitchell v. Farcass, 112 F.3d 1483, 1490 (11 Cir. 1997)("The language of section 1915(e)(2)(B)(ii) tracks the language of Federal Rule of Civil Procedure 12(b)(6)"). In order

to state a claim, a plaintiff must show that conduct under color of state law, complained of in the civil rights suit, violated the plaintiff's rights, privileges, or immunities under the Constitution or laws of the United States. Arrington v. Cobb County, 139 F.3d 865, 872 (11 Cir. 1998).

Pro se complaints are held to "less stringent standards than formal pleadings drafted by lawyers and can only be dismissed for failure to state a claim if it appears 'beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.'" Estelle v. Gamble, 429 U.S. 97, 106 (1979) (quoting Haines v. Kerner, 404 U.S. 519, 520-21 (1972)). The allegations of the complaint are taken as true and are construed in the light most favorable to Plaintiff. Davis v. Monroe County Bd. Of Educ., 120 F.3d 1390, 1393 (11 Cir. 1997).

To determine whether a complaint fails to state a claim upon which relief can be granted, the Court must engage in a two-step inquiry. First, the Court must identify the allegations in the complaint that are not entitled to the assumption of truth. Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)). Twombly applies to §1983 prisoner actions. See Douglas v. Yates, 535 F.3d 1316, 1321 (11 Cir. 2008). These include "legal conclusions" and "[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements." Second, the Court must determine whether the complaint states a plausible claim for relief. Id. This is a "context-specific task that requires the reviewing court to draw on its judicial experience and common sense." The plaintiff is required to plead facts that show more than the "mere possibility of misconduct." The Court must review the factual allegations in the complaint "to determine if they plausibly suggest an entitlement to relief." When faced with

alternative explanations for the alleged misconduct, the Court may exercise its judgment in determining whether plaintiff's proffered conclusion is the most plausible or whether it is more likely that no misconduct occurred.¹

Statement of Claims

The plaintiff names Dr. Haridas Bhadja, Chief Health Officer, ARNR William Bass, employed at the Okeechobee CI, and Dermatologist DeeDee² Vasquez, employed at the South Florida Reception Center, as defendants. He states he has osteoarthritis and squamous cell carcinoma. The plaintiff alleges that beginning in December of 2006 through November of 2008 he complained of rashes. He filed a grievance on November 12, 2008, and Bhadja refused to provide a referral to the dermatologist for the skin cancer. Finally, after six or more visits to the clinic and two grievances, one was submitted and approved in 2009. The diagnosis of squamous cell carcinoma was confirmed.

He was seen at the Okeechobee Clinic on April 17, 2009 by Dr. DeeDee Vasquez who did five or more biopsies due to the procrastination of Dr. Bhadja and Bass, and he required treatment.

In May of 2009 additional cells were removed. He was continually seen by the dermatologist in July and October of 2009 and 2010. In 2010, despite right cheek excision leakage and puss, he was told by Bhadja and Bass there was nothing wrong. Bhadja ordered antibiotics for 14 days. He was seen by two outside doctors, including a plastic surgeon who performed a biopsy and put

¹ The application of the Twombly standard was clarified in Ashcroft v. Iqbal, 129 S.Ct. 1937 (2009).

² The plaintiff corrected the spelling of Dr. Vasquez's name (DE#9).

him on antibiotics. He was returned to Okeechobee on February 8, 2011, and was informed the antibiotics were no longer having a healing effect. His wound size grew to a crater like opening, and he contends he suffered a life threatening cancer diagnosis. He was taken to Kendall Hospital and a skin graft done and the cancer removed. He was returned to Okeechobee with pain killers. Dr. Bhadja told him he did not need the pills and prescribed "IBP" 3 times a day.

In conclusion, he alleges that Bass denied and delayed treatment of his osteoarthritis and squamous cell carcinoma from October 2006 to June 8, 2011.³ He alleges that Dr. Bhadja failed to evaluate and treat his condition, and change medications, which caused him pain to the point of being bed ridden. Lastly, he alleges that Dr. Vasquez provided surgery, but failed to perform a biopsy or provide wound care.

Denial of Medical treatment

The Eighth Amendment prohibits any punishment which violates civilized standards of decency or "involve[s] the unnecessary and wanton infliction of pain." Estelle v. Gamble, 429 U.S. 97, 102-03 (1976) (quoting Gregg v. Georgia, 428 U.S. 153, 173(1976)); see also Campbell v. Sikes, 169 F.3d 1353, 1363 (11 Cir. 1999). "However, not 'every claim by a prisoner that he has not received adequate medical treatment states a violation of the Eighth

³ Events occurring before 2008 are time barred by the Statute of limitations which provides a four year time period for 1983 claims.

State Law governs the limitations period in §1983 cases, and "§1983 claims are best characterized as personal injury actions." Wilson v. Garcia, 471 U.S. 261, 280 (1985). "[W]here state law provides multiple statutes of limitations for personal injury actions, courts considering §1983 claims should borrow the general or residual statute for personal injury actions." Owens v. Okure, 488 U.S. 235, 249-50 (1989). Florida law provides multiple statutes of limitations for personal injury actions, and a residual limitations period of four years. Fla. Stat. §95.11(3)(p); Baker v. Gulf & W. Indus., 850 F.2d 1480, 1481-83 (11 Cir. 1988).

Amendment.'" McEligott v. Foley, 182 F.3d 1248, 1254 (11 Cir. 1999) (citation omitted). An Eighth Amendment claim contains both an objective and a subjective component. Taylor v. Adams, 221 F.3d 1254, 1257 (11 Cir. 2000); Adams v. Poag, 61 F.3d 1537, 1543 (11 Cir. 1995). First, a plaintiff must set forth evidence of an objectively serious medical need. Taylor, 221 F.3d at 1258; Adams, 61 F.3d at 1543. Second, a plaintiff must prove that the prison official acted with an attitude of "deliberate indifference" to that serious medical need. Farmer, 511 U.S. at 834; McEligott, 182 F.3d at 1254; Campbell, 169 F.3d at 1363. The objective component requires the plaintiff to demonstrate that he has been subjected to specific deprivations that are so serious that they deny him "the minimal civilized measure of life's necessities." Rhodes v. Chapman, 452 U.S. 337, 347 (1981); see also Hudson v. McMillian, 503 U.S. 1, 8-9 (1992).

A serious medical need is considered "one that has been diagnosed by a physician as mandating treatment or one that is so obvious that even a lay person would easily recognize the necessity for a doctor's attention." Hill v. DeKalb Reg'l Youth Det. Ctr., 40 F.3d 1176, 1187 (11 Cir. 1994) (quotation marks and citation omitted). The subjective component requires the plaintiff to demonstrate that the prison officials acted wantonly, with deliberate indifference to the plaintiff's serious needs. See Farmer v. Brennan, 511 U.S. 825, 834 (1994); Wilson v. Seiter, 501 U.S. 294, 298-99 (1991). Deliberate indifference is the reckless disregard of a substantial risk of serious harm; mere negligence will not suffice. Id. at 835-36. Consequently, allegations of medical malpractice or negligent diagnosis and treatment fail to state an Eighth Amendment claim of cruel and unusual punishment. See Estelle, 429 U.S. at 106. The inadvertent or negligent failure to provide adequate medical care "cannot be said to constitute 'an

unnecessary and wanton infliction of pain.'" Estelle, 429 U.S. at 105-06; Wilson, 501 U.S. at 298.

Further to rise to a level of an Eighth Amendment violation the plaintiff must demonstrate inhumane conditions of confinement. Farmer v Brennan, 511 U.S., 825 (1994), These conditions must show a deprivation of a normal civilized measure of life's necessities, see Toney v Fuqua, 09 WL 1451645 (11 Cir. 2009) (denial of tooth paste and tooth brush for a period of time did not rise to an Eighth Amendment violation).

Deliberate indifference can be established by evidence that necessary medical treatment has been withheld or delayed for non-medical or unexplained reasons. Farrow v West, 320 F.3d 1235, 1247 (11th Cir.2003) (finding jury question on issue of deliberate indifference because of unexplained fifteen-month delay in treatment). The tolerable length of delay in providing medical attention depends on the nature of the medical need and the reason for the delay. Harris v. Coweta County, 21 F.3d 388, 393-94 (11 Cir. 1994). A plaintiff may also establish deliberate indifference with evidence of treatment "so cursory as to amount to no treatment at all." Ancata v. Prison Health Servs., Inc., 769 F.2d 700, 704 (11 Cir. 1985). If prison officials delay or deny access to medical care or intentionally interfere with treatment once prescribed, they may violate the Eighth Amendment. Estelle, 429 U.S. at 104.

The plaintiff has demonstrated that he suffered from a skin cancer and alleges that the defendants delayed and failed to provide treatment as required. At this early stage, it is recommended that the complaint be allowed to proceed.

III. Recommendation

It is therefore recommended as follows:

1. The case shall proceed against Dr. Bhadja, William Bass and Dr. Vasquez for denial of adequate medical treatment.
2. Service will be ordered by separate order.

Objections to this Report may be filed with the District Judge within fourteen days following receipt.

Dated at Miami, Florida, this 19th day of April, 2012.



UNITED STATES MAGISTRATE JUDGE

cc: Salvatore Raffone, Pro Se
#079281
South Florida Reception Center
Address of record

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Fort Pierce Division
Case Number:11-14065-CIV-MARTINEZ-WHITE

SALVATORE RAFFONE,
Plaintiff,

vs.

HARIDAS BHADJA, et al.,
Defendants.

ORDER ADOPTING REPORT OF MAGISTRATE JUDGE WHITE

THE MATTER was referred to the Honorable Patrick A. White, United States Magistrate Judge for a Report on Plaintiff's pro se civil rights complaint. Magistrate Judge White filed a Report, recommending that this case proceed against Dr. Bhadja, William Bass, and Dr. Vasquez for denial of adequate medical treatment. The Court has reviewed the entire file and notes that no objections have been filed. After careful consideration, the Court affirms and adopts Magistrate Judge White's Report. It is hereby:

ADJUDGED that United States Magistrate Judge White's Report (D.E. No. 13) is **AFFIRMED** and **ADOPTED**. Accordingly, it is

ADJUDGED that

1. This case shall proceed against Dr. Bhadja, William Bass, and Dr. Vasquez for denial of adequate medical treatment.
2. Service shall be ordered by Magistrate Judge White in a separate order.

DONE AND ORDERED in Chambers at Miami, Florida, this 15 day of May, 2012.



JOSE E. MARTINEZ/
UNITED STATES DISTRICT JUDGE

Copies provided to:
Magistrate Judge White
All Counsel of Record

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
12-14065-CIV-MARTINEZ

SALVATORE RAFFONE,

Plaintiff,

v.

DR. HARIDAS BHADJA, CHO; WILLIAM
BASS, ARNP; DEEDEE VAZQUEZ,
DERMATOLOGIST,

Defendants.

**DR. HARIDAS BHADJA AND WILLIAM BASS' ANSWER AND AFFIRMATIVE
DEFENSES TO PLAINTIFF'S COMPLAINT**

COMES NOW, Defendants DR. HARIDAS BHADJA and WILLIAM BASS (collectively referred to as Defendants), by and through undersigned counsel, pursuant to Fed. R. Civ. P. 8(b) and (c) and hereby files this Answer and Affirmative Defenses to Plaintiff's Complaint and states:

STATEMENT OF CLAIM

1. Admitted that Dr. Haridas Bhadja is a physician employed by the Florida Department of Corrections at Okeechobee Correctional Institution. In all other respects, paragraph 1 is denied.
2. Paragraph 2 is denied.
3. Paragraph 3 is denied.
4. Admitted that Plaintiff is housed at Okeechobee CI and that he was also housed at Polk C.I. In all other respects, paragraph 4 is denied.

5. Paragraph 5 is denied.

6. Admitted that Plaintiff has attached grievances to his complaint. In all other respects, paragraph 6 is denied.

7. Paragraph 7 is denied.

8. Paragraph 8 is denied.

9. Paragraph 9 is denied.

10. Paragraph 10 is denied.

11. Paragraph 11 is denied.

12. Paragraph 12 is denied.

13. Paragraph 13 is denied.

14. Paragraph 14 is denied.

15. Paragraph 15 is denied.

16. Paragraph 16 is denied.

17. Paragraph 17 is denied.

18. Paragraph 18 is denied.

19. Paragraph 19 is denied.

20. Paragraph 20 is denied.

21. Paragraph 21 is denied.

22. Paragraph 22 is denied.

23. Paragraph 23 is denied.

24. Admitted that William Bass is a physician's assistant at Okeechobee Correctional Institution. In all other respects, paragraph 24 is denied.

25. Paragraph 24 is denied.

26. Paragraph 26 is denied.

27. Paragraph 27 is denied.

28. Paragraph 28 is denied.

29. Paragraph 29 is denied.

30. Paragraph 30 is denied.

31. Paragraph 31 is denied.

32. Paragraph 32 is denied.

33. Paragraph 33 is denied.

34. Paragraph 34 is denied.

35. Admit that Plaintiff was housed in both Okeechobee Correctional Institution and South Florida Reception center at various times. In all other respects, paragraph 35 is denied.

36. Paragraph 36 is denied.

37. Paragraph 37 is denied.

38. Paragraph 38 is denied.

39. Paragraph 39 is denied.

40. Paragraph 40 is denied.

41. Paragraph 41 is denied.

42. Paragraph 42 is denied.

43-50. Paragraphs 43 – 50 are addressed to another unserved defendant and are therefore denied.

To the extent the allegations could be construed as requiring a response from the Defendants, the allegations are denied.

51. Paragraph 51 is denied.

52. Paragraph 52 is denied.

53. Paragraph 53 is denied.

54. Paragraph 54 is denied.

55. Paragraph 55 is addressed to another unserved Defendant and is therefore denied. To the extent these allegations could be construed to require a response from the Defendants, paragraph 55 is denied.

56. Paragraph 56 is addressed to another unserved Defendant and is therefore denied. To the extent these allegations could be construed to require a response from the Defendants, paragraph 55 is denied.

57. Paragraph 57 is denied.

LEGAL CLAIMS

Defendants reaffirm, and incorporate by reference, its responses to paragraphs 1-57. The Defendants deny that the Plaintiff states a cause of action for deliberate indifference, and denies that the Plaintiff is entitled to the relief he seeks.

Any and all allegations not specifically addressed above, including all "WHEREFORE" clauses and any and all requests for relief, are hereby denied. In addition, the Defendants demand a jury trial for all claims so triable.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Defendants acted reasonably within the discretion of their positions and the course and scope of their employment and did not violate any clearly established statutory or constitutional

right of the Plaintiff with which a reasonable person would have known, and therefore are entitled to qualified immunity from suit.

SECOND AFFIRMATIVE DEFENSE

Plaintiff has failed to state a claim upon which relief can be granted under 42 U.S.C. 1983, and has failed to state a claim for denial of medical treatment in violation of the Eighth Amendment to the United States Constitution.

THIRD AFFIRMATIVE DEFENSE

Defendants assert that any and all injuries or damages suffered by Plaintiff were caused in whole or in part by Plaintiff's negligence or wrongful acts and/or misconduct.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part by the applicable statute of limitations.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claim for damages is barred pursuant to the Prison Litigation Reform Act of 1995 (PLRA) based on failure to exhaust administrative remedies.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff cannot establish an objective showing of deprivation or injury that is sufficiently serious to constitute a denial of the minimal civilized measure of life's necessities; and Plaintiff cannot make a subjective showing that Defendant had a sufficiently culpable state of mind. Therefore, Defendant is not liable for damages pursuant to Plaintiff's claim under the Eighth Amendment.

SEVENTH AFFIRMATIVE DEFENSE

Pursuant to 42 U.S.C. § 1997(e)(3), Plaintiff is not entitled to damages for mental or emotional injury suffered because he is unable to show that he suffered a physical injury.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff's claims for injunctive relief are moot.

NINTH AFFIRMATIVE DEFENSE

Plaintiff is not entitled to injunctive relief in as much as he sues the Defendant's individually. Furthermore, Plaintiff is not entitled to injunctive and declaratory relief because his request is retrospective in nature and would require the Defendants to expend state resources to remedy alleged past wrongs. As such, Plaintiff's requests for injunctive and declaratory relief are barred by the Eleventh Amendment to the United States Constitution.

In addition, to the extent the Plaintiff seeks monetary damages against the Defendants in their official capacity, any and all such claims are likewise barred by the Eleventh Amendment to the United States Constitution.

TENTH AFFIRMATIVE DEFENSE

Plaintiff is not entitled to injunctive relief in this case: he cannot show an "imminent" future harm to his rights under the Eighth Amendment; he cannot demonstrate a substantial likelihood of injury to his rights under the Eighth Amendment; and the harm to the Defendants that would be caused by issuing an injunction as the Plaintiff requests far outweighs any alleged injury the Plaintiff may suffer.

Defendants reserve the right to amend and supplement these affirmative defenses adding such additional affirmative defenses as are appropriate upon further discovery being conducted in this case.

Respectfully submitted,

PAMELA JO BONDI
ATTORNEY GENERAL

/S John J. Bajger

JOHN J. BAJGER (Florida Bar number 027459)
E-mail address: john.bajger@myfloridalegal.com
Office of the Attorney General
Counsel for Defendants
1515 N. Flagler, Suite 900
West Palm Beach, Florida 33401
Tel. (561) 837-5000
Fax. (561) 837-5102

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically and served by U.S. mail on this ____ day of October, 2012 on all counsel or parties of record on the attached service list.

/S/John J. Bajger

John J. Bajger
Assistant Attorney General

SERVICE LIST

Salvatore Raffone v. Dr. Haridas Bhadja, et al.
12-14065-CIV-MARTINEZ

Salvatore Raffone, DC# 079281
South Florida Reception Center
13910 N.W. 41st Street
Doral, FL 33178-3014
[via US Mail]

s/John J. Bajger

John J. Bajger
Assistant Attorney General

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-14065-CIV-MARTINEZ
MAGISTRATE JUDGE P. A. WHITE

SALVATORE RAFFONE, :
 :
 Plaintiff, :
 : ORDER SCHEDULING PRETRIAL
 v. : PROCEEDINGS WHEN PLAINTIFF
 : IS PROCEEDING PRO SE
 DR. HARIDAS BHADJA, et al., :
 :
 Defendants. :

The plaintiff in this case is incarcerated, without counsel, so that it would be difficult for either the plaintiff or the defendants to comply fully with the pretrial procedures required by Local Rule 16.1 of this Court. It is thereupon

ORDERED AND ADJUDGED as follows:

1. All discovery methods listed in Rule 26(a), Federal Rules of Civil Procedure, shall be completed by **February 11, 2013**. This shall include all motions relating to discovery.

2. All motions to join additional parties or amend the pleadings shall be filed by **February 25, 2013**.

3. All motions to dismiss and/or for summary judgment shall be filed by **March 19, 2013**.

4. On or before **April 9, 2013**, the plaintiff shall file with the Court and serve upon counsel for the defendants a document called "Pretrial Statement." The Pretrial Statement shall contain the following things:

- (a) A brief general statement of what the case is about;
- (b) A written statement of the facts that will be offered by oral or documentary evidence at trial; this means that the plaintiff must explain what he intends to prove at trial and how he intends to prove it;
- (c) A list of all exhibits to be offered into evidence at the trial of the case;
- (d) A list of the full names and addresses of places of employment for all the non-inmate witnesses that the plaintiff intends to call (the plaintiff must notify the Court of any changes in their addresses);
- (e) A list of the full names, inmate numbers, and places of incarceration of all the inmate witness that plaintiff intends to call (the plaintiff must notify the Court of any changes in their places of incarceration); and
- (f) A summary of the testimony that the plaintiff expects each of his witnesses to give.

5. On or before **April 23, 2013**, defendants shall file and serve upon plaintiff a "Pretrial Statement," which shall comply with paragraph 4(a)-(f).

6. Failure of the parties to disclose fully in the Pretrial Statement the substance of the evidence to be offered at trial may result in the exclusion of that evidence at the trial. Exceptions will be (1) matters which the Court determines were not discover-

able at the time of the pretrial conference, (2) privileged matters, and (3) matters to be used solely for impeachment purposes.

7. If the plaintiff fails to file a Pretrial Statement, as required by paragraph 4 of this order, paragraph 5 of this order shall be suspended and the defendants shall notify the Court of plaintiff's failure to comply. The plaintiff is cautioned that failure to file the Pretrial Statement may result in dismissal of this case for lack of prosecution.

8. The plaintiff shall serve upon defense counsel, at the address given for him/her in this order, a copy of every pleading, motion, memorandum, or other paper submitted for consideration by the Court and shall include on the original document filed with the Clerk of the Court a certificate stating the date that a true and correct copy of the pleading, motion, memorandum, or other paper was mailed to counsel. All pleadings, motions, memoranda, or other papers shall be filed with the Clerk and must include a certificate of service or they will be disregarded by the Court.

9. A pretrial conference may be set pursuant to Local Rule 16.1 of the United States District Court for the Southern District of Florida, after the pretrial statements have been filed. Prior to such a conference, the parties or their counsel shall meet in a good faith effort to:

- (a) discuss the possibility of settlement;
- (b) stipulate (agree) in writing to as many facts and issues as possible to avoid unnecessary evidence;
- (c) examine all exhibits and documents proposed to be used at the trial, except

that impeachment documents need not be revealed;

- (d) mark all exhibits and prepare an exhibit list;
- (e) initial and date opposing party's exhibits;
- (f) prepare a list of motions or other matters which require Court attention; and
- (g) discuss any other matters that may help in concluding this case.

10. All motions filed by defense counsel must include a proposed order for the undersigned Magistrate Judge's signature.

DONE AND ORDERED at Miami, Florida, this 10th day of October, 2012.

s/Patrick A. White
UNITED STATES MAGISTRATE JUDGE

cc: Salvatore Raffone, Pro Se
DC #079281
South Florida Reception Center-South Unit
13910 N.W. 41st Street
Doral, FL 33178

John Bajger, AAG
Office of the Attorney General
1515 North Flagler Drive, #900
West Palm Beach, FL 33401-3428

Hon. Jose E. Martinez, United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

2:12-cv-14065-Martinez/White

SALVATORE RAFFONE,

Plaintiff,

v.

DR. HARIDAS BHADJA, et al.

Defendants.

_____ /

PLAINTIFF'S MOTION FOR EXTENSION OF TIME

Plaintiff, SALVATORE RAFFONE, through the undersigned attorney respectfully moves to extend by 180 days each item listed in the [35] Order Scheduling Pretrial Proceedings, and further, pursuant to Local Rule 7.1(a)(1)(J), shows:

This is an incarcerated prisoner's §1983 Civil Rights claim of deliberate indifference in providing medical treatment for skin cancer. The pro se' plaintiff, is now represented in this action by an attorney member of the Volunteer Lawyers Project for the Southern District of Florida (VLP) per Local Rule 11.1(d)(1).

Finally, as an incarcerated pro se' the plaintiff was having a difficult time prosecuting his Eighth Amendment claim alone. Discovery is scheduled to close on February 11, 2013. WHEREFORE plaintiff requests the Court extend by 180 days all of the items listed in the [35] Order Scheduling Pretrial Proceedings.

Attorney for the Plaintiff,
Volunteer Lawyers' Project for the
Southern District of Florida

/s/John Kevin Griffin
Fla Bar #850179

Certificate of Service

I hereby certify that on January 24, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ John Kevin Griffin
(Florida Bar No.: 850179)
John Kevin Griffin, P.A.
P.O. Box 12895
Fort Pierce, FL 34979
772 489-7776
Fax 888 956-5252
griffin@treasurecoastlaw.com

Service list:
Attorney for the Defendants

John Bajger, AAG
Office of the Attorney General
1515 North Flagler Drive, #900
West Palm Beach, FL 33401-3428
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Fax:561 837-5102
john.bajger@myfloridalegal.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

2:12-cv-14065-Martinez/White

SALVATORE RAFFONE,
Plaintiff,

v.

DR. HARIDAS BHADJA, et al.
Defendants.

_____ /

PLAINTIFF'S UNOPPOSED
MOTION TO EXTEND TIME FOR DISCOVERY

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Now comes SALVATORE RAFFONE, Plaintiff, and files this unopposed Motion for Extension for Discovery , and in support of this Motion would show the following:

1. The Court, on January 24, 2013, rendered [59] ORDER ... granting 58 Motion for Extension of Time, all dates entered in the pre-trial scheduling order are extended for sixty days from the dates in that order ... (Entered: 01/24/2013).
2. Accordingly that Order would cut off Discovery on March 23, 2013.
3. The parties have been unable to complete discovery, several depositions including the plaintiff's deposition have not been scheduled but can be completed within the extension period.
4. Also, communication between plaintiff and the undersigned is somewhat more time consuming because of the plaintiff's residence and the scheduling conflicts inherent in making contact with the plaintiff. The plaintiff's last face to face conference with counsel took up an entire day on March 8, 2013.
5. The plaintiff has discovered the present location of Deedee Vazquez, the physician assistant who was employed by American Mobile

Dermatology, LLC, and she was allegedly supervised at all times pertinent to the allegations in the complaint by the Managing Member of that business, James J. Devoursney, M.D. who's address is the same as on the Deedee Vasquez summons [17] in this case; 10301 Hagen Ranch Road C-110, Boynton Beach, FL 33437. Liability for the acts of a physician assistant is fixed by law on the supervising physician in Florida Statute § 458.347.

6. The defendant Dr. BHADJA, according to the defense was not Deedee Vazquez's supervising physician.
7. *Each supervising physician using a physician assistant is liable for any acts or omissions of the physician assistant acting under the physician's supervision and control. Florida Statute § 458.347.*
8. There is just not enough time to complete discovery and serve Deedee Vazquez, Physician Assistant, and add James J. Devoursney, M.D., as a defendant by March 23, 2013 the discovery cut-off date.
9. Defendants counsel, Assistant Attorney General, has authorized me to communicate that he does not object to an extension of time to complete discovery.

WHEREFORE plaintiff requests the Court extend by 180 days the discovery cut-off in this case.

Attorney for the Plaintiff,
/s/John Kevin Griffin
Fla Bar #850179,
Volunteer Lawyers' Project for the
Southern District of Florida

Certificate of Service

I hereby certify that on March 15, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the

foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ John Kevin Griffin
(Florida Bar No.: 850179)
John Kevin Griffin, P.A.
P.O. Box 12895
Fort Pierce, FL 34979
772 489-7776
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griffin@treasurecoastlaw.com

Service list:
Attorney for the Defendants

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Office of the Attorney General
1515 North Flagler Drive, #900
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

2:12-cv-14065-Martinez/White

SALVATORE RAFFONE,

Plaintiff,

v.

DR. HARIDAS BHADJA, et al.

Defendants.

_____ /

PLAINTIFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME

Plaintiff, SALVATORE RAFFONE, through the undersigned attorney respectfully moves for an extension of time of 90 days to the pretrial schedule [35] extended by order [59]. In support the plaintiff states: This motion is unopposed by the defendants.

Several depositions are scheduled but not all depositions can be scheduled within the present discovery cut off period. The defendants and several essential witnesses are yet to be taken. The plaintiff's deposition is scheduled for September 10, 2013. Since this motion is unopposed we ask the court to grant the extension of time.

WHEREFORE plaintiff requests the Court extend by 90 days the Pretrial Scheduling Order [35] as extended by [59] Order extending Scheduling Pretrial Proceedings.

Attorney for the Plaintiff,
Volunteer Lawyers' Project for the
Southern District of Florida

/s/John Kevin Griffin
Fla Bar #850179

Certificate of Service

I hereby certify that on August 30, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ John Kevin Griffin
(Florida Bar No.: 850179)
John Kevin Griffin, P.A.
P.O. Box 12895
Fort Pierce, FL 34979
772 489-7776
Fax 888 956-5252
griffin@treasurecoastlaw.com

Service list:
Attorney for the Defendants

John Bajger, AAG
Office of the Attorney General
1515 North Flagler Drive, #900
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561 837-5000
Fax:561 837-5102
john.bajger@myfloridalegal.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

2:12-cv-14065-Martinez/White

SALVATORE RAFFONE,

Plaintiff,

v.

DR. HARIDAS BHADJA, et al.

Defendants.

MOTION FOR LEAVE TO WITHDRAW AS ATTORNEY

The attorney for the plaintiff, John Kevin Griffin, moves for leave of the court to withdraw from further representation of the plaintiff in this action. Irreconcilable differences between this attorney and the plaintiff make further representation untenable. Notice was provided pursuant to local rule 11.1 (d)(3) to the plaintiff, and opposing counsel, and the staff at the Volunteer Lawyers Project. Plaintiff's address is provided on the service list herein.

WHEREFORE the undersigned, requests the court grant leave to withdraw from further representation of plaintiff.

/s/John Kevin Griffin

Fla Bar #850179

P.O. Box 12895

Fort Pierce, FL 34979

Certificate of Service

I hereby certify that on October 2, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ John Kevin Griffin
(Florida Bar No.: 850179)
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P.O. Box 12895
Fort Pierce, FL 34979
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Fax 888 956-5252
griffin@treasurecoastlaw.com

Service list:

Attorney for the Defendants
John Bajger, AAG
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1515 North Flagler Drive, #900
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561 837-5000
Fax:561 837-5102
john.bajger@myfloridalegal.com

Plaintiff
Salvatore Raffone
Inmate # 079281
South Florida Reception CTR SU
13910 NW 41st Street
Doral, Florida 33178

VOLUNTEER LAWYERS' PROJECT
THE SOUTHERN DISTRICT OF FLORIDA
3750 Miami Tower
100 Southeast Second Street
MIAMI, FLORIDA 33131-2309

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

2:12-cv-14065-Martinez/White

SALVATORE RAFFONE,

Plaintiff,

v.

DR. HARIDAS BHADJA, et al.

Defendants.

_____ /

ORDER

This matter came before the Court on attorney John Kevin Griffin's Motion for Leave to Withdraw as Attorney for the plaintiff. The motion having been considered and the Court otherwise being fully advised in the premises, hereby, grants the motion, and further,

Provided to

South Florida Reception Center

on 10/29/13 for mailing.

I/M Initials [Signature]

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

FILED by PG D.C.
NOV 01 2013
STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S. D. of FLA. - MIAMI

SALVATORE RAFFONE,
Plaintiff,

vs

CASE NO.: 12-14065 – CIV
Magistrate White / Martinez

Haridas BHadja, *et al.*,
Defendants.

PLAINTIFF’S MOTION TO EXTEND TIME TO CONDUCT DISCOVERY

Plaintiff, Salvatore Raffone, moves [under Fed. R. Civ. P. 6(b)] for an order allowing the Plaintiff an Extension of ninety (90) days (from the date of the current deadline) to complete Discovery. In support, the Plaintiff states:

Attorney of Record, John Kevin Griffin, filed a Motion for Leave to Withdraw (as Plaintiff’s Attorney), citing irreconcilable differences of representation of Plaintiff, in response to a letter Plaintiff wrote to said Attorney on 9-17-13 (a rough draft of that letter is enclosed herewith). Mr. Griffin’s letter to me, which accompanied a copy of the Motion to Withdraw, asked me where I wanted him to send the case file that he possessed. I responded that he should send the file to my current address (which is given below). Two (2) weeks have passed, but I have not received said file.

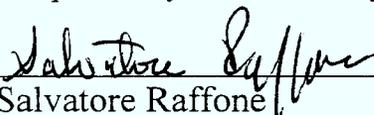
Supposedly, I am scheduled for trial in November; however, I have no clue as to what, if anything, council of record has accomplished (such as Defendant depositions, witness interviews, admissions, stipulation to authenticity and admissibility of documents, requests for expert testimony, technicians, etc.

Attorney of record allowed Assistant Attorney General (council for Defendants) to depose Plaintiff for six (6) hours, with no prior notice. The deposition is a time when opposing council gauges Plaintiff's demeanor, and strength of presentation of facts. During Plaintiff's deposition, opposing council Bajger asked Plaintiff what it would take to resolve the complaint, to which Plaintiff replied, \$200,000.⁰⁰. The opposing Attorney responded he was only authorized to offer \$50,000.⁰⁰, which offer Plaintiff then declined. To Plaintiff's knowledge, no counter offers have been made (Attorney of record has not kept Plaintiff informed of proceedings, strategies, or other pertinent issues of the case).

I believe that the voluminous Department of Corrections documentation I have presented leaves little chance of anything other than a win (for Plaintiff), and I would like to resolve this issue, and move on with my life. While I am fearful of future medical complications, as a result of the Defendant's deliberate indifference, and the private medical contractor's inability to provide specialists, should I elect surgery to replace shoulders, and repair the hole in my right cheek, those issues are not insurmountable, and can be resolved through the communications of each of the parties.

Should the Defendants prefer to go to trial, I will be ready (without further delay), if this Honorable Court will just GRANT this Motion for an Extension of ninety (90) days.

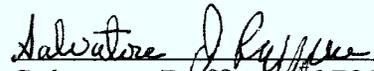
Respectfully submitted by:



Salvatore Raffone

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Plaintiff's Motion to Extend Time to Conduct Discovery has been furnished to John J. Bajger, Assistant Attorney General, 1515 North Flagler Drive, Suite 900, West Palm Beach, FL 33401-3428, by handing it to the mailroom official at the South Unit, South Florida Reception Center, for mailing on this 29 day of October 2013.



Salvatore Raffone #079281
SU, South Florida Reception Center
13910 NW 41st Street
Doral, Florida 33178-3014

Courtesy copies to:

John K. Grippio, Attorney
P.O. Box 12895
Font Pierce, Fl. 34979

Volunteer Lawyers Project for
The Southern District of Florida
3750 Miami Towers
100 ~~SE~~ 2nd St
Miami, Fl. 33131-2309

Prison Healthcare Providers Have Faced Many Suits

- **Two companies hired to provide medical care for Florida Inmates have been sued hundreds of times – a fact they weren't required to disclose.**

By DAN CHRISTENSEN

Miami Herald, Friday, October 4, 2013

The Florida Department of Corrections awarded a five-year \$1.2 billion contract to provide medical care for thousands of state prisoners in North and Central Florida to a Tennessee company that was sued 660 times on malpractice accusations in the past five years.

Nearly half of those cases remain open. Of those that are closed, 91 – one in four – ended with confidential settlements that the company, Corizon, declined to discuss. Corizon began work in August providing care at 41 correctional facilities.

A second contractor, Pittsburg-based Wexford Health Sources, signed a five-year, \$240 million contract in December to provide medical services to state inmates in nine institutions in South Florida.

Wexford was hit with 1,092 malpractice claims – suits, notices of intent to sue, and letters from aggrieved inmates from January 1, 2008, through 2012. Records say Wexford settled 34 of 610 closed matters for a total of \$5.4 million, as well as another case that ended in a \$270,000 jury verdict against the company.

The Department of Corrections, headed by Secretary Michael D. Crews, hired Corizon and Wexford to lead Florida toward millions of dollars in savings promised by the massive privatization of inmate healthcare enacted by Gov. Rick Scott and the Republican-controlled Legislature.

Along the way, however, the corrections department never asked the corporations bidding for those lucrative jobs to disclose their litigation histories.

Neither Crews nor Dr. Olugbenga Ogunsanwo, the assistant secretary for medical and health services, agreed to be interviewed for this story. Corrections spokeswoman Misty Cash, however, called the state's contracting process “comprehensive.”

“The selection of Wexford and Corizon was transparent,” she said. Government

agencies elsewhere in Florida typically require corporate bidders to provide litigation histories in order to assess the quality and reliability of their services, as well as their ability to limit potential liability.

BSO RECORDS

BrowardBulldog.org obtained the litigation records from the Broward Sheriff's Office using Florida's public-records laws.

BSO obtained them from Corizon and Wexford during their unsuccessful bids this summer to provide healthcare services for inmates at the Broward County Jail. Each company complied, to varying degrees.

Neither Corizon nor Wexford would comment for this article.

While Corizon told BSO it had been sued 660 times, it did not provide the requested list of cases.

One example, however, can be found in the court files of 24-year old Brett Fields.

Fields was sent to the Lee County Jail on July 6, 2007, after being convicted of two misdemeanors. He was healthy, except for a bump "about half the size of a tennis ball" on his left arm – the result of a spider bite, the court records say.

On August 6, after a month of sporadic, ineffective, and "lax" treatment by Corizon staff, Fields "felt his back go sore and numb." the next day, his legs began to twitch uncontrollably, with the pain becoming unbearable after midnight on August 8, records say.

Fields could no longer walk by the time he saw a physician's assistant about 9 a.m. Fields was given Tylenol and returned to his cell.

Early on August 9, Fields "felt his intestines escaping from his rectum." Fellow inmates begged Corizon's staff to take him to the hospital. Instead, nurse Bettie Joyce Allen "obtained some K-Y Jelly, and pushed the intestines back in," the records say. Hours later, at a hospital, doctors found an abscess compressing his spine.

A jury awarded Fields \$1.2 million in 2011 after finding Corizon solely responsible for what happened. In addition to the lawsuits and claims filed against them,

Corizon and Wexford both have faced withering official criticism about the delivery of care to inmates.

- **Idaho:** In 2011, The Associated Press reported that Corizon was fined \$382,000 by the state “for failing to meet some of the most basic healthcare requirements outlined by the state.”
- **Pennsylvania:** Corizon paid a \$1.85 million fine to Philadelphia after investigators determined the company had used a front company as a subcontractor to meet city requirements for minority-owned vendors.
- **Maine:** In 2011, a state-agency review of Corizon's operations found that the company maintained medical records poorly and had failed to fulfill contract obligations.
- **Mississippi:** In December 2007, A joint legislative committee criticized Wexford and the state’s Department of Corrections for failing to ensure that all inmates received timely access to quality medical care.
- **Arizona:** Wexford and the state's corrections department agreed in January to terminate Wexford's contract in the wake of accusations the company improperly dispensed medicine to inmates and wasted state resources, according to the Arizona Republic.

ISSUES IN FLORIDA

Florida has had its own problems with the two companies. In 2006, Corizon, then known as Prison Health Services, backed out of a 10-year state prison health-care contract saying it wasn't making enough money. The company had won the contract only months before.

In 2004, Florida legislative auditors called Wexford's medical care “problematic,” according to the Miami Herald. In 2002, the newspaper reported that the Florida Correctional Medical Authority had reprimanded Wexford the year before for poor medical care following the deaths of two inmates.

Florida let bygones be bygones when it hired Corizon and Wexford to help achieve the 7 percent in cost savings mandated for privatization by the legislature.

John Kevin Griffin, Attorney

Civil litigation/State and Federal Courts
John Kevin Griffin* Florida Bar 1990

P.O. Box 12895
Fort Pierce, FL 34979
(772) 489-7776

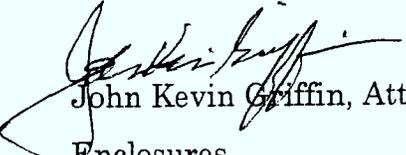
October 1, 2013

Salvatore Raffone
Inmate # 079281
South Florida Reception Center, SU
13910 NW 41st Street
Doral, Florida 33178

Re: Notice of Filing Leave to Withdraw as Counsel

Mr. Raffone,

Please find attached a copy of the motion to withdraw as your attorney which I have filed with the court. I await your instructions as to where to deliver your file.


John Kevin Griffin, Attorney

Enclosures

cc: Volunteer Lawyers Project

9-16-13

Mr Griffin:

This is a formal letter to notify you, if your neglect and lethargy continue in regards to the trial preparation of Ruffone v Shadya, et al I will motion the court in a motion for "Irreconcilable Differences" and ask you be dismissed from my civil suit. I will notice volunteer lawyer's Project - Yolanda Siders - Lewis of negligent Attitude and File a complaint with the Florida Bar. I will not let you sabotage a civil suit the Federal court, magistrate white has basically given me on a silver platter.

Whatever would possess you to allow the state to depose me with no prior notice. Allowing them an advantage of any ill prepared statement to be used against me during trial.

To outright lie to me concerning Dec Dec Vasquez, stating you would add her expertise to defendant's AND insure service of summons. Neither which has been done.

During deposition you asked me for a time line that a blind man could see from the facts in the motion. That tells me the 180 days you motioned the court for to study the case was yet another lie.

I have no time to play games Mr Griffin either get on board and do the job I hired you to do or withdraw and I'll proceed alone.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

2:12-cv-14065-Martinez/White

SALVATORE RAFFONE,

Plaintiff,

v.

DR. HARIDAS BHADJA, et al.

Defendants.

MOTION FOR LEAVE TO WITHDRAW AS ATTORNEY

The attorney for the plaintiff, John Kevin Griffin, moves for leave of the court to withdraw from further representation of the plaintiff in this action. Irreconcilable differences between this attorney and the plaintiff make further representation untenable. Notice pursuant to local rule 11.1 (d) (3) has been furnished to the plaintiff, and opposing counsel, and the staff at the Volunteer Lawyers Project.

WHEREFORE the undersigned, requests the court grant leave to withdraw from further representation of plaintiff.

/s/John Kevin Griffin

Fla Bar #850179
P.O. Box 12895
Fort Pierce, FL 34979

Certificate of Service

I hereby certify that on October 1, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ John Kevin Griffin
(Florida Bar No.: 850179)
John Kevin Griffin, P.A.
P.O. Box 12895
Fort Pierce, FL 34979
772 489-7776
Fax 888 956-5252
griffin@treasurecoastlaw.com

Service list:

Attorney for the Defendants
John Bajger, AAG
Office of the Attorney General
1515 North Flagler Drive, #900
West Palm Beach, FL 33401-3428
561 837-5000
Fax: 561 837-5102
john.bajger@myfloridalegal.com

Plaintiff
Salvatore Raffone
Inmate # 079281
South Florida Reception CTR SU
13910 NW 41st Street
Doral, Florida 33178

VOLUNTEER LAWYERS' PROJECT
THE SOUTHERN DISTRICT OF FLORIDA
3750 Miami Tower
100 Southeast Second Street
MIAMI, FLORIDA 33131-2309

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

FILED by [Signature] D.C.
DEC 06 2013
STEVEN M. LACROIX
CLERK U.S. DISTRICT COURT
S. DISTRICT OF FLORIDA

Provided to

South Florida Reception Center

on 12/4/13 for mailing.

I/M initials [Signature]

CASE NO.: 2:12-civ-14065

Judge: Martinez

Magistrate: P. White

SALVATORE RAFFONE,
Plaintiff,

vs

Haridas Bhadja, *et al.*,
Defendants.

_____ /

PLAINTIFF'S FIRST SET OF REQUESTS FOR ADMISSIONS TO DEFENDANTS

Plaintiff requests that the defendants Haridas Bhadja and William Bass, pursuant to Fed. R. Civ. P. 36, make the following admissions within thirty (30) days: That all of the below listed documents are Florida Department of Corrections medical documents, business or public records, each reflecting diagnosis, treatment, or consultation:

1. 12/17/87 Consultation: Orthopedic examination – complete work-up of present history; physical examination with x-rays of shoulders, impression, plan. Evaluation done by Dr. Joseph E. Ferrer, who suggested total shoulder replacements.
2. 5/6/88 Consultation: Orthopedic – Dr. Ferrer x-rayed both shoulders; diagnosed Rheumatoid Arthritis; suggests future lateral shoulder replacements, which Plaintiff declined, instead opting for cortizone injection therapy.
3. 10/10/06 Health Information Transfer / Arrival Summary, at Okeechobe Correctional Institution, listed OA – osteoarthritis in shoulders, along with other medical issues for noting and follow-up care.

4. 10/12/06 Chronological record of health care: shoulder joint pains.
5. 10/25/06 Chronic Illness Clinic: chief complaint – shoulder joint pains.
6. 5/27/07 Chronological record of health care: see fracture/sprain assessment, pains in both shoulders.
7. 6/1/07 Chronological record of health care: shoulder pains.
8. 6/26/07 Generic nursing assessment: Arthritis pains in both shoulders.
9. 9/24/07 Chronological record of health care: shoulder pains.
10. 9/28/07 Chronological record of health care: see back pain assessment: right shoulder and left shoulder pains.

I see no obvious shoulder pain complaints for 2008 and 2009. In 2010, I began to experience extreme pains in my right side and right back, apparently due to the ingestion of Ibuprofen (800 mg.) twice a day, along with Zantac, Vasotec, and other medications, as evidenced in the Motion for Admissions. “Abnormal Labs”: 2008, 2009, and 2010 (inclusive).

Respectfully submitted by:



Salvatore Raffone #079281

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Plaintiff's First Set of Requests for Admissions to Defendants has been furnished to John J. Bajger, Assistant Attorney General, 1515 North Flagler Drive, Suite 900, West Palm Beach, FL 33401-3428, by handing it to the mailroom official at the South Unit, South Florida Reception Center, for mailing on this 4 day of December 2013.

Salvatore Raffone 079281
Salvatore Raffone 079281
SU, South Florida Reception Center
13910 NW 41st Street
Doral, Florida 33178-3014

OATH
(§92.525, Fla. Stat.)

UNDER PENALTIES OF PERJURY, I declare that I have read the foregoing

Requests For Admissions and that the facts stated in it are true.

Julianne Ruffalo
Senatore Raffalo # 079287
SU, South Florida Reception Center
13910 NW 41st Street
Doral, Florida 33178-3014

FILED by *[Signature]* D.C.
DEC 08 2013
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. - MIAMI

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

Provided to

South Florida Reception Center

on 12/4/13 for mailing.

I/M initials *[Signature]*

CASE NO.: 2:12-civ-14065

Judge: Martinez

Magistrate: P. White

SALVATORE RAFFONE,
Plaintiff,

vs

Haridas Bhadja, *et al.*,
Defendants.

PLAINTIFF'S FIRST SET OF REQUESTS FOR ADMISSIONS TO DEFENDANTS

Plaintiff requests that the defendants Haridas Bhadja and William Bass, pursuant to Fed. R. Civ. P. 36, make the following admissions within thirty (30) days: That all grievances herein listed are authentic Florida Department of Corrections issues grieved, against Medical, between the below specified dates:

Chronological Order of Grievances Filed Against Medical for Deliberate Indifference:

1. 11/12/08 Medical: Rash on Neck – Log #0811-404-051 – Denied: Problem Ignored
2. 11/13/08 Medical: Solar Keratoses: Actinic Keratosis – Log #0811-404-061 – Denied: reason given: “Grievance is same as 11/12/08”
3. 3/18/11 Medical: Deliberate Indifference, Negligence – seeking help from medical personnel for clinical referral to surgery to remove a nodule on right cheek (Squamous Cell Carcenoma – “Cancer”) – Log #1103-404-078 – Denied: based on a gastric intestinal flu, which caused compound to be locked-down for non life-threatening illnesses, ignoring that “Cancer” is life-threatening

4. 3/27/11 Emergency Medical Grievance for violation of HIPAA standards and procedures – Log #11-6-09794 – Returned: without action – response stated that I did not follow Grievance Procedures, thereby leaving me in an unaddressed life-threatening situation [see Chapter 33-103.006(8)(d), which waives administrative review in emergency situations]
5. 4/15/11 Grievance of Reprisal /HIPAA Violations – Log #11-6-12270 – Returned: without action (not accepted as Grievance of Reprisal). An inmate in transit (with medical hold in medical jacket) is handled contrary to FDOC procedures, resulting in further medical complications, and infection (“MRSA”) [see Chapter 33-103.006(8)(d), Fla. Admin. Code]
6. 9/21/11 “Deliberate Indifference” to documented medical ailments (osteoarthritis – OA) – Log #1109-402-051 – Grievance denied: stating the oncologist scheduled a CAT scan for my skin cancer, which is unrelated to shoulder joint pains, back, and knee. Appeal denied – Log #11-6-32097
7. 10/09/11 Denial of Medical Records – Log #1110-402-019 – Denied: response stated that Grievant had never been denied access to Medical Records. Appeal: denied, stating Grievant was given access to records on 11/21/11 (after the fact)
8. 12/11/11 Denial of participation in § 944.804, Fla. Stat. (2011) – Elderly Offenders Correctional Facilities program of 2000. Result: returned, telling Grievant to submit Request to Recreation for participation in a program (but, security would not allow). Appeal – Log #12-6-01970 – Returned: without action

9. 2/12/12 Submittal of § 944.804, Fla. Stat. (2011) – Elderly Offenders Correctional Facilities program of 2000 – Log #1202-402-054 – Denied: stating that a diet is provided by clinical referral only. § 944.804, Fla. Stat. (2011), states that all (in the program) will receive a special diet. As is usually the case, the FDOC’s response does not address the issue being grieved
10. 2/21/12 Resubmittal of above [Log #1202-402-054] – Given new Log #12-6-06683
11. 12/06/12 “Deliberate Indifference” by not following infectious disease procedures in treatments from Dee Dee Vasquez, acting dermatologist, whose slovenly medical procedures caused me to get MRSA, ultimately resulting in the need for a skin graft, as well as a near-death experience. The request to have Ms. Vasquez dismissed was ignored, and Grievant was admonished for interference in FDOC matters – Log #1202-402-053 – Denied
12. 2-21-13 Appeal of above medical grievance [Log #1202-402-053] for not having infectious disease prevention procedure that resulted in infection (MRSA), ultimately resulting in the need for a skin graft, as well as a near-death experience – Log #12-6-06685, *denied*.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Plaintiff's First Set of Requests for Admissions to Defendants has been furnished to John J. Bajger, Assistant Attorney General, 1515 North Flagler Drive, Suite 900, West Palm Beach, FL 33401-3428, by handing it to the mailroom official at the South Unit, South Florida Reception Center, for mailing on this 4 day of December 2013.


Salvatore Raffone 079281
SU, South Florida Reception Center
13910 NW 41st Street
Doral, Florida 33178-3014

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in the above Request For Admissions and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Salvatore Raffone 079281
Salvatore Raffone # 079281
SU, South Florida Reception Center
13910 NW 41st Street
Doral, Florida 33178-3014

NOTARIZATION

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to (or affirmed), and signed before me, on 12/4/13,

by RAFFONE, SALVATORE # 079281

[Signature]
NOTARY PUBLIC

(Print, type, or stamp commissioned name of notary.)



BERNARDO CORDOVES
MY COMMISSION # EE 180087
EXPIRES: April 17, 2016
Bonded Thru Budget Notary Services

Personally known
 Produced identification

Type of identification produced: Department of Corrections for State of Florida Inmate Photo ID.

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

FILED by [Signature] D.C.
DEC 06 2013
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. - MIAMI

Provided to
South Florida Reception Center
on 12/31/13 for mailing.
I/M initials [Signature]

SALVATORE RAFFONE,
Plaintiff,

vs.

CASE NO.:12-14065-CIV – Martinez
Magistrate Judge P. A. White

Dr. Haridas BHadja, et al.,
Defendants.

_____ /

**PLAINTIFF'S FIRST SET OF REQUESTS FOR ADMISSIONS
TO THE DEFENDANT'S.**

Plaintiff requests that the defendants Haridas Bhadja, William Bass make the following admissions. Within 30 days pursuant to Fed. R. Civ, P. 36.

- A. That documents listed herein are Department of Corrections medical records or business or public records, grievances related to medical issues.
- B. Each of the documents reflect the chronological record of health care of the Plaintiff from 2003 to 2012 in 1 through 25 of descriptive chart. For skin cancer.
- C. That flow chart provides in page 7 through 15 are actual reflection of treatment provided the Plaintiff from 2003 to 2012.
- D. That all facts contained therein, medical, business or public record provided herein are true and correct.

“DESCRIPTIVE CHART”

1. That Plaintiff was diagnosed with actinic keratosis at Orlando Reception Center. While housed at Sumter Correctional Institution in 3/6/03, again at Polk Correctional Institution in 7/22/06 – 9/18/06 followup in 60 days.

2. Defendants were aware of Plaintiff's skin cancer as evidenced in arrival health information transfer summary at Okeechobee Correctional Institution on 10/10/06. Noted in transfer summary was Basal Cell Carcinoma, actinic keratosis in summary and box for consult pending was checked. Noted. 9/18/06 dermatologist visit. F/U 60 days.

3. Plaintiff was denied access to pending consultation in medical jacket. See blue consult dated 9-18-06 stating follow up 60 days.

4. Defendants Bhadja and Bass denied the Plaintiff clinical referral to dermatologists from (10/10/2006) until 4/17/09, approximately 29 months.

5. On 4/17/09 Plaintiff had multiple areas diagnosed by dermatologist of Actinic Keratosis, some lesions-bleeding. See care path biopsy diagnosis 4/21/09 requested by Dr. BHadja. Report stated, I have squamous cell carcinoma or (*scc*). *Scc* often starts as a precancerous growth called an actinic keratosis. When it first appears, it may look like a patch of tiny blood vessels on the surface of your skin. The telltale sign that a skin growth is actinic keratosis is that it feels scaly or tough, like sandpaper. The larger the actinic keratosis or (*ak*) becomes and the longer it is

left on your skin, the more likely it is to develop into scc. About 60% of scc are from ak if an ak becomes cancerous, it will slowly develop into a firm, small, irritated lump (nodule). The nodule may rapidly increase in size and may break down to form an open sore.

The delay in clinical referral to dermatologists, resulted in diagnosis of squamous cell carcinoma as evidenced in R. cheek, L. cheek, ear and eye. See diagnosis of biopsy done on 4/17/09.

6. 5/14/09 chronological Health Care Record. R. cheek and L. cheek biopsy done by dermatologist Dee Dee Vasquez.

7. 5/20/09 medication and treatment record: wound care not done . Given band aid-ointment, by medical personal and told, "Do it myself".

8. 5/29/09 consultation visiting dermatologist Dee Dee Vasquez at Okeechobee Correctional Institution L. cheek – R. cheek excision done. Biopsy done, wound care ordered, not done.

9. 6/5/09 Medication and treatment record: sutures removed R. cheek.

10. 7/17/09 consultation: visiting dermatologist, Physician's assistant Dee Dee Vasquez treated R. cheek, R. ear L. cheek, L. ear. Rash on chest-eye brows-beard. Wound care ordered.

11. 10/28/09 consultation: Transferred to South Florida Reception Center, Main Unit. P.A. Dee Dee Vasquez acting dermatologist performed 2nd excision of

right cheek due to cancer left behind on 5/29/09. biopsy done, wound care ordered. Excision done among filth and squalor of visiting institutions treatment room. HIPAA violations, **Note:** "All Inmate treatment area's at South Florida Reception Center, Main Unit are rapidly deteriorating, unsanitary, and obsolete. Treatment of inmates promoting cross contaminating and threatens health of life."

12. 10/30/09 surgical pathology report of 2nd excision of R. cheek.

13. 8/19/10 chronological record of health care: complaint excision of 10/28/09 discolored, painful. R. lateral eye R. temple.

14. 8/26/10 Chronological record of health care: complaint, scc on R. cheek – R. lateral eye – R. temple.

15. 12/20/10 Chronological record of health care: complaint excision R. cheek of 10/28/09 infected - seeping pus – discolored, painful to touch, put on antibiotics: bactherin 14 days.

16. 12/30/10 Chronological record of health care, complaint R. cheek excision of 10/28/09 worsening bigger. Antibiotics not working.

17. 1/18/11 Health information transfer/Arrival summery transferred to South Florida Reception Center, Main Unit awaiting dermatology consultation.

18. 1/24/11 Consultation with dermatology P.A. Dee Dee Vasquez fired from DOC contract: Dr. . Suarez acting dermatologist culture taken of excision done on 10/28/09 of infected large nodule. Dr. Suarez stated, "infection should have had

treatment long before allowed to deteriorate into large nodule”. Recommended immediate plastic surgeon consult. Wound care ordered, not done. Antibiotic treatment continued. Culture and treatment done in filth and squalor of visiting institution treatment room. HIPAA violations, **Note:** “All Inmate treatment area's at South Florida Reception Center, Main Unit are rapidly deteriorating, unsanitary, and obsolete. Treatment of inmates promoting cross contaminating and threatens health of life.

19. 1/28/11 Plastic Surgeon Orlando Lloriente did additional culture of nodule on R cheek in filth and squalor of South Florida Reception Center, Main Unit visiting institutions treatment room in HIPAA violations, **Note:** “All Inmate treatment area's at South Florida Reception Center, Main Unit are rapidly deteriorating, unsanitary, and obsolete. Treatment of inmates promoting cross contaminating and threatens health of life.”

20. 2/9/11 Chronological record of health care; Open wound nodule scc. Wound care ordered. Antibiotics continued.

3/6/11 Chronological record of health care: To medical for wound care worsening 2.25 centimeters, opening in nodule 0.5 on wx. 025 and 1.75 red – draining. I'm pleading for surgery removal of nodule. To prevent cancer from going into vital organs. See formal grievance 3/18/11 formal grievance deliberate indifference log #1103-404-078 in which I plead for medical intervention to remove nodule of

cancer from my face/MRSA diagnosed by P.A. Bass on 2/9/11 upon return from South Florida Reception Center. Though no infection disease control was done. Further bumbling that put my life at risk. See also medical emergency grievance log #11-6-09199. Rejected as grievance of medical emergency by health services in Tallahassee. Cancer, a life threatening disease as stated by Okeechobee Correctional Institution medical P.A. Bass is not an accepted medical emergency by health services in Tallahassee,

21. 2/18/11 Health information transfer/arrival summary from South Florida Reception Center, Main Unit to Okeechobee Correctional Institution put on doctors list of appointment. Open wound R. cheek.

22. 3/31/11 I was taken to Kendall Regency Medical for plastic surgery. Removal of nodule on R. cheek, skin graft from right abdominal area to R. cheek. Upon return to Okeechobee, Dr. BHadja confiscated Percocet 4 times per day prescribed by Dr. Lloriente for pain. Substituting Ibuprofen 3 times per day. Leaving me in pain for days.

23 4/12/11 Transferred from Okeechobee Correctional Institution with medical hold in place for wound care and f/u by both plastic surgeon and dermatologist pending. Dr. BHadja released me from hold. Reprisal for grievances, subjecting me to further infection and neglect. I went from

Okeechobee Correctional Institution to South Florida Reception Center, Main Unit. Then to Lake Butler, from there to Washington Correctional Institution at no time was I allowed wound care or followup appointments, while in transit.

The transfer permission was done in reprisal by Dr. BHadja and in violation of health codes and medical infectious disease procedures

24. 7/27/11 Cat scan in contrast done at Kendall Regional.

25. 9/26/11 Consultation Oncologist Dr. Roman read result of cat scan.

Negative F/U 3-4 months, ordered additional cat scan

**CHRONOLOGICAL ORDER OF DIAGNOSIS AND TREATMENT OF
SKIN CANCER 2003 – 2012
“FLOW CHART”**

3/6/03 Diagnosed with actinic keratosis: At Orlando Reception Center while housed at Sumter Correctional Institution.

7/27/06 Treated for Basil Cell Carcinoma at Orlando Reception Center. R. cheek lesions-bleeding, rash on neck, while housed at Polk Correctional Institution.

9/18/06 Treated for Basil Cell Carcinoma at Orlando Reception Center. R. cheek, L. cheek – lesions-bleeding. F/U 60 days while at Polk Correctional Institution.

10/10/06 Transferred to Okeechobee Correctional Institution arrival health information transfer summery done of previous ailments at other institutions. Summery noted pending dermatologist consultation for 60 day F/U from 9/18/06

done at Orlando Reception Center for BCC.

12/18/06. Sickcall complaint; Rash on neck, requested dermatologist consult for skin cancer – skin disorders.

1/17/07 Chronic clinic: Basil cell complaint, rash on neck.

2/20/07 Chronological Record of health care: rash on neck.

4/27/07 Basil Cell Carcinoma (BCC) complaint. Face, arm, skin disorder – rash on neck.

4/27/07 Skin infection/rash assessment: arm/neck/face.

5/18/07 Doctors Clinic BCC. complaint

6/01/07 Doctors Clinic BCC. complaint

6/26/07 General nurses assessment: Arthritis/rash on neck.

6/28/07 Chronological order of health care: Rash on neck, BCC complaint

7/01/07 Chronic illness clinic: rash.

9/28/07 Chronological record of health care: Rash on neck.

5/27/08 Skin infection assessment: Rash on neck – Scc face.

6/02/08 Chronological record of health care: Rash on neck.

6/20/08 BCC complaint, BCC L. cheek.

6/23/08 Chronic illness clinic: Rash

7/15/08 Chronological record of health care: SCC L. cheek/Rash on neck.

10/13/08 Chronological record of health care: Rash on neck.

11/12/08 Grievance, Rash on neck.

11/13/08 Grievance, Solar keratosis; Actinic Solar keratosis; Dr. BHadja refuses to give a clinical referral to dermatologist with history of skin cancer. Grievance returned unanswered stating same as 11/12/08 grievance addressing rash on neck. Skin cancer: Squamous cell carcinoma/Rash: Skin disorder are not similar in diagnosis.

2/09/09 Chronological record of health care: SCC R. cheek.

3/09/09 Chronic illness clinic: SCC L. cheek, R. cheek. Recommended dermatology consultation. 29 months from arrival at Okeechobee Correctional Institution 10/10/06.

3/11/09 Chronological record of health care: Medical hold established.

4/17/09 Consultation: dermatologist visiting on site P.A. Dee Dee Vasquez multiple SCC areas, R. cheek, L. cheek, ear biopsys taken.

4/20/09 Medication and treatment record: wound care.

4/21/09 Pathology report of 4/17/09 Biopsy findings of multiple areas of SCC ordered by Dr. BHadja. Explains actinic keratosis, "the larger it becomes and the longer it is left on the skin, the more likely it is to develop into SCC, once actinic keratosis becomes cancerous, it will develop into a firm, small, irritated lump (nodule) that may increase in size, break down and form open sore".

5/14/09 Chronological record of health care: R. cheek, L cheek, R. ear, biopsy done.

- 5/19/09 Chronological health care record: Dermatologist consultation recommended.
- 5/20/09 Medication and treatment record: wound care. Ordered, not done.
- 5/29/09 Consultation on site Dee Dee Vasquez, acting dermatologist visited Okeechobee Correctional Institution treated L. cheek, R. cheek excision done. Biopsy taken.
- 6/01/09 Surgical Pathology consultation: R. cheek excision report of 5/29/09.
- 6/05/09 Chronological record of health care: Suture removal.
- 6/12/09 Chronological record of health care: BCC, SCC.
- 7/17/09 Consultation dermatologist on site Okeechobee Correctional Institution P.A. Dee Dee Vasquez, (1) F/U excision R. cheek 5/29/09. (2) F/U Pending BX 4/17/09 L. ear, scc L. cheek, rash chest, eyebrow, beard, grainy and flakey.
- 8/14/09 Chronological record of health care: F/U one month dermatology SCC, BCC dermatology, biopsy.
- 8/30/09 Skin infection/rash assessment: itching, red, back, chest.
- 9/04/09 Chronological record of health care: sickcall rash: BCC refer.
- 9/30/09 Chronological record of health care: Rash.
- 10/28/09 Consultation: P.A. Dee Dee Vasquez, excision R.cheek SCC second excision, cancer left behind on 5/29/09, done at South Florida Reception Center, Main Unit, visiting institutions treatment room done in filth and squalor. HIPAA violations.

- 10/30/09 Surgical pathology consultation from 10/28/09
- 11/06/09 Medication and treatment record. Sutures removed.
- 11/17/09 Chronic clinic BCC, SCC. Rash.
- 11/20/09 Chronological record of health care: dermatology submitted consultation.
- 12/01/09 Chronological record of health care: BCC, SCC.
- 12/23/09 Transferred from Okeechobee Correctional Institution to South Florida Reception Center for dermatology consultation, dermatology treatment F/U excision R. cheek new growths on R. temple R. lateral eye, rash on chest, wound care.
- 12/28/09 Surgical pathology consultation: Diagnosis: R. lateral eye shave biopsy actinic keratosis, R. temple shave biopsy , actinic keratosis.
- 1/13/10 Chronological record of health care: followup of dermatology consultation, biopsy, rash.
- 2/08/10 Chronological record of health care: Doctors clinic rash, BCC, SCC.
- 3/25/10 Chronological record of health care: Doctors clinic, rash, BCC, SCC.
- 5/12/10 Chronic Illness clinic: BCC, SCC.
- 5/27/10 Chronological record of health care: BCC, SCC.
- 8/19/10 Chronological record of health care: S/C due to skin condition improved R. temple/R. Lateral eye/R. cheek.
- 8/26/10 Chronological record of health care: BCC, SCC. R. temple/R. Lateral eye/R. cheek.

12/20/10 Chronological record of health care: R. excision of 10/28/09 infected; Put on antibiotic, bacterin 14 days.

12/30/10 Chronological record of health care: R. cheek swelling SCC/antibiotic not helping put on bacterin.

12/30/10 Transferred from Okeechobee Correctional Institution to South Florida Reception Center pending dermatology consultation.

1/18/11 Health information transfer/arrival summary South Florida Reception Center pending medical consultation.

1/24/11 Consultation at South Florida Reception Center Dr. Suarez: acting dermatologist, R. cheek infected, area getting larger and pussier daily. continued on bacterin recommendation SCC of nodule to plastic surgeon Dr. Lloriente. Culture taken. L. ear SCC.

1/25/11 Chronological record of health care: SCC R. cheek seen by dermatologist, recommended plastic surgery, Submitted.

1/28/11 Plastic surgeon consultation SCC, R. cheek, continue antibiotics, wound care, schedule BX. not done, culture taken.

1/28/11 Spectra Laboratories culture wound report; rare gran positive cocci detected on smear of 1/25/11 by dermatologist.

2/3/11 Chronological record of health care: F/U R. cheek SCC. Continue bacterin wound care not done.

2/8/11 Health information transfer/arrival summary/South Florida Reception Center to Okeechobee Correctional Institution.

2/9/11 Chronological record of health care: Inmate to medical open wound on face, wound care/bacterin continued.

2/14/11 Chronological record of health care: F/U rash R. cheek open wound noted. Sign blue form for biopsy. Not done.

2/25/11 Plastic surgeon. Recurrent SCC R. cheek. Last seen plastic surgeon 1/28/11 recommended to schedule biopsy/lesion R. cheek rolled edges eschur Center, red and inflamed. S/P antibiotic therapy.

2/25/11 Chronological record of health care: SCC R. cheek recurrent, open wound not healing, rolled borders eschur center SCC.

2/26/11 Chronological record of health care: SCC wound care on R. cheek painful sore leaking.

3/6/11 Chronological record of health care: SCC R. cheek wound care: worsening. Measured wound

3/7/11 Consultation request submitted for approval. At chronological record of health care: 3/7/11.

3/9/11 Chronological record of health care: Blue consent for urgent dermatologist written and submitted. Wasted effort, dermatologist recommended immediate surgery 1/25/11. See formal grievance below addressing this issue.

3/18/11 See formal grievance: Deliberate Indifference. Log #1103-404-078.

3/18/11 Grievance formal: Deliberate Indifference negligence denied based on a gastric/intestinal flu "quarantine" a non life threatening illness. Ignoring a life threatening cancer disease.

3/18/11 Chronological record of health care: F/U 3 weeks rash medical clearance, SCC R. cheek.

3/27/11 Emergency Medical Grievance, denied based on non existing policy emergency grievance by pass normal Chapter 33 procedure. Dr. BHadja said the cancer was "Life threatening and needed immediate attention. (More under 3/18/11.)

3/29/11 Chronological record of health care: Inmate scheduled for plastic surgery on 3/31/11 by Dr. Lloriente: For plastic surgery SCC R. cheek.

3/31/11 Plastic surgery/skin-graft completed at Kendall Regional.

3/31/11 Ambulatory surgery discharge instructions: Kendall Regional; Dr. Orlando Lloriente, Plastic surgeon, 2 pages.

3/31/11 Kendall Regional "Physician's order" 2 pages percocet 5/325 mg. Two tablets by mouth every 4 hrs. when necessary for pain. Denied by Dr. BHadja, given Ibuprofen.

4/5/11 Consultation Plastic Surgeon, recommended F/U 1 week. Removed of sutures.

4/12/11 Transferred from Okeechobee Correctional Institution to South Florida

Reception Center with medical hold in place (metastatic workup). To South Florida Reception Center to Lake Butler – Washington Correctional Institution and back to Okeechobee Correctional Institution via Butler – South Florida Reception Center in reverse order

5/27/11 Consultation surgery, Good: recommended F/U Oncologist plus dermatologist.

7/11/11 Consultation – Oncology – Eric Roman. Recommended ct scan neck and chest. Pathology report for 3/31/11. Can't find in Kendall medical files “discharge packet.”

7/27/11 Cat scan for neck with contrast at Kendall Regional recommend additional Cat scan due to arachnoid cyst found during CT scan.

9/26/11 Oncologist Cat scan results negative. F/U 3-4 months.

1/27/12 Plastic Surgeon Lloriente, recommended reconstruction surgery. Medical and Tallahassee, denied it.

1/30/12 Consultation Oncologist: To view additional cat scan for arachnoid cyst viewed in 9/26/11 cat scan ordered. Never done.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true copy of the inclosed motion for Requeats of Admissions has been mailed this 4 day, December 2013 to John Bajger, AAG 1515 North Flagler Dr. #900 West Palm Beach, Florida 33401-3428.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in the above Request For Admissions that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Salvatore Raffone
Salvatore Raffone # 079281
SU, South Florida Reception Center
13910 NW 41st Street
Doral, Florida 33178-3014

NOTARIZATION

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to (or affirmed), and signed before me, on 12/4/13,

by RAFFONE, SALVATORE #J. 079281


NOTARY PUBLIC

[Print, type, or stamp commissioned name of notary.]



BERNARDO CORDOVES
MY COMMISSION # EE 190087
EXPIRES: April 17, 2016
Bonded Thru Budget Notary Service

Personally known

Produced identification

Type of identification produced: Department of Corrections for State of Florida Inmate Photo ID.