

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN DORN,

Plaintiff,

v.

MICHIGAN DEPARTMENT OF
CORRECTIONS (“MDOC”); HARESH
PANDYA, individually and in his official
capacity as the Regional Medical Officer for the
Southern Region of MDOC; JEFFREY STIEVE,
individually and in his official capacity as the
Chief Medical Officer of the MDOC; THOMAS
FINCO, individually and in his official capacity
as Correctional Facilities Administration Deputy
Director of the MDOC; DANIEL H. HEYNS,
individually and in his official capacity as
Director of the MDOC; and BILL SCHUETTE,
in his official capacity as Attorney General of
Michigan,

Defendants.

CASE NO. 1:15-cv-359

HON. PAUL L. MALONEY

ORAL ARGUMENT REQUESTED

PLAINTIFF’S MOTION FOR RECONSIDERATION
OR, IN THE ALTERNATIVE, FOR CERTIFICATION OF ISSUES FOR APPEAL

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*Application for admission pending

Attorneys for Plaintiff

Under Federal Rule of Civil Procedure 54 and Local Rules of Civil Procedure and Practice of the United States District Court for the Western District of Michigan 7.4(a), Plaintiff John Dorn respectfully moves for reconsideration of the Court's decision on Defendants' motion(s) to dismiss, for the reasons set forth in the accompanying brief. Plaintiff's counsel conferred regarding this motion with defense counsel during the teleconference prior to the Rule 16 Scheduling Conference. Defense counsel did not consent to the relief requested in this motion. At the Rule 16 Scheduling Conference, the Court set a deadline of August 31, 2017, for the filing of this motion.

RELIEF REQUESTED

The Plaintiff respectfully requests that the Court reinstate his claims under the Rehabilitation Act and the Americans with Disabilities Act against the Michigan Department of Corrections and all other defendants acting in their official capacities. In the alternative, if the Court denies the motion for reconsideration with respect to the Rehabilitation Act, Plaintiff requests that the Court certify all relevant issues for interlocutory appeal under Federal Rule of Civil Procedure 54.

DATED: Aug. 31, 2017

Respectfully Submitted,

/s/ Scott A. Schoettes

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CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2017, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing as well as via US mail to all non-ECF participants.

/s/ Scott A. Schoettes

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