

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

REV. JEFFREY ALLEN ROWE,

Plaintiff,

v.

DEB DOTSON, CHRIS DEEDS,
DOCTOR WOLFE, and
MELISSA “MISSY” PERRY,

Defendants.

Case No. 1:11-cv-00975-SEB-DKL

JOINT STATEMENT REGARDING RULE 706 EXPERT

Plaintiff Jeffrey Allen Rowe (“**Plaintiff**”) and Defendants William Wolfe, M.D., Melissa Bagiensky (f/k/a Perry), Deb Dotson, and Chris Deeds (collectively, the “**Defendants**”), in accordance with the Court’s January 29, 2016 Entry Concerning Selected Matters (Document 197) and February 2, 2016 Entry Directing Further Proceedings (Document 199), state as follows:

1. The parties agree that the duties of any expert gastroenterologist appointed by the Court under Rule 706 should include:

- a. reviewing Plaintiff’s medical records;
- b. performing a physical examination of Plaintiff;
- c. providing opinion(s) regarding the adequacy of the medical care Plaintiff received at the Pendleton Correctional Facility;
- d. appearing for a deposition; and
- e. appearing as a witness at trial.

2. Plaintiff believes that the expert’s duties should also include:

- a. reviewing any depositions taken in this case;

- b. reviewing the briefing, evidence, and order of this Court related to Defendants' Motion for Summary Judgment (Document 143, 145, 146, 150, 151, and 154); and
- c. reviewing the Seventh Circuit's decision in the appeal of Defendants' Motion for Summary Judgment—*Rowe v. Gibson*, 798 F.3d 622 (7th Cir. 2015).

3. Defendants believe that the expert's duties should include reviewing only Plaintiff's medical records, as reviewing additional briefing, evidence, and orders/decisions from this Court and the Seventh Circuit may improperly influence the neutrality of the appointed expert. Additionally, the arguments and opinions contained within the parties' briefing and the Court's orders/decisions are irrelevant for purposes of a neutral court-appointed expert rendering his or her independent opinion.

4. The parties believe that reasonable compensation for the expert is \$350/hour for review of documents; \$400/hour for testimony at deposition or trial; and reimbursement of mileage necessary for appearance at deposition or trial at a rate of 54 cents per mile.

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CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2016, a copy of the foregoing document was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Michele Lorbieski Anderson

Michele Lorbieski Anderson

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