

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

GEORGE M. LENIART,	:	
Plaintiff,	:	
	:	
v.	:	Case No. 3:20cv392(KAD)
	:	
RICARDO RUIZ, ET AL.,	:	
Defendants.	:	

RULING AND ORDER

Plaintiff, George M. Leniart (“Leniart”), a sentenced inmate who is currently incarcerated at Cheshire Correctional Institution, brings this civil rights action against Dr. Ricardo Ruiz, Nurses Shiniece Parker, Sandy Pepin and Jane Ventrella, Regional Chief Operating Officer (“RCOO”) Colleen Gallagher, and Health Services Review (“HSR”) Coordinator McClain, asserting claims of deliberate indifference to medical needs and other state law claims.¹ Leniart has filed a motion for leave to file an amended complaint to add a new defendant. *See* Mot. Amend, ECF No. 19. For the reasons set forth below, the motion to amend is granted.

Motion to Amend [ECF No. 19]

Leniart seeks leave to reassert the Eighth Amendment deliberate indifference to medical needs claims and the state constitutional and common law claims against Ruiz, Pepin, Ventrella, Parker, McClain and Gallagher, and to add Health Services Administrator (“HSA”) II Louis J. DeStefano as a defendant with respect to each of these claims. Leniart has submitted a proposed amended complaint with his motion. *See* ECF No. 19-1.

Rule 15(a)(1) of the Federal Rules of Civil Procedure provides that “[a] party

¹ Leniart’s original complaint included additional claims and defendants but they were either dismissed or severed upon Initial Review. *See* 28 U.S.C. §1915A.

may amend its pleading once as of [right] . . . (B) if the pleading is one to which a responsive pleading is required, [within] 21 days after service of a responsive pleading or 21 days after service of a motion” to dismiss, for more definite statement or to strike, “whichever is earlier.” Because the defendants have not filed an answer or a Rule 12(b)(6), 12(e) or 12(f) motion in response to the complaint, Leniart may amend once as a matter of right. Accordingly, the court grants the motion for leave to file an amended complaint.

Further, the Court has reviewed the Amended Complaint pursuant to 28 U.S.C. §1915A, as to the claims against DeStefano. The court does not herein repeat the applicable pleading requirements or the standards for plausibly alleging an Eighth Amendment claim of deliberate indifference to medical needs. *See*, ECF No. 8, Initial Review Order. Although the allegations against DeStefano are sparse, the Court will allow the claims to proceed for further development of the record.

ORDERS

Therefore, the court enters the following orders:

(1) The Motion to Amend, [ECF No. 19], to add Health Services Administrator II Louis J. DeStefano as a defendant is **GRANTED**. The Clerk is directed to docket the proposed Amended Complaint, [ECF No. 19-1], attached to the motion as the operative Amended Complaint.

The following claims, in addition to those already permitted by prior order against the other defendants, shall proceed against HS II DeStefano: the Eighth Amendment claims of deliberate indifference to Leniart’s serious injuries to his left shoulder and biceps; the Eighth Amendment claims of deliberate indifference to Leniart’s need for pain and mental health

medications and the serious symptoms of withdrawal experienced by Leniart after the discontinuation of those medications; and the state law causes of action asserted against DeStefano.

(2) On or before **May 17, 2021**, the Clerk shall verify the current work address of: Health Services Administrator II Louis J. DeStefano with the Department of Correction Office of Legal Affairs and mail a copy of the Amended Complaint, this Order and a waiver of service of process request packet to DeStefano in his individual capacity at the confirmed address. On the thirty-fifth (35th) day after mailing, the Clerk shall report to the court on the status of the request. If DeStefano fails to return the waiver request, the Clerk shall arrange for in-person service by the U.S. Marshals Service and DeStefano shall be required to pay the costs of such service in accordance with Federal Rule of Civil Procedure 4(d).

(3) Defendant DeStefano shall file a response to the Amended Complaint, either an answer or motion to dismiss, within thirty (30) days from the date the notice of lawsuit and waiver of service of summons forms are mailed to Defendant DeStefano. If he chooses to file an answer to the Amended Complaint, he shall admit or deny the allegations and respond to the cognizable claims recited above. He may also include all additional defenses permitted by the Federal Rules.

(4) Leniart is reminded that if he changes his address at any time during the litigation of this case, Local Court Rule 83.1(c)2 provides that he **MUST** notify the court. Failure to do so can result in the dismissal of the case. Leniart should write **PLEASE NOTE MY NEW ADDRESS** on the notice. If Leniart has more than one pending case, he should indicate all case

numbers in the notification of change of address. Leniart should also inform the attorney for the defendants of his new address.

SO ORDERED at Bridgeport, Connecticut this 26th day of April 2021.

/s/

Kari A. Dooley
United States District Judge