

UNITED STATES DISTRICT COURT
Northern District of Illinois

B.H., et al,

Plaintiffs,

**Beverly Walker, Acting Director,
Illinois DCFS**

Defendant.

Case No: 88-cv-05599

Hon. Jorge L. Alonso

JAMS Ref. No: 1340016609

**SPECIAL MASTER’S AGREED ORDER ON PROCEDURE REGARDING
REQUESTS TO DEFENDANT FOR INFORMATION**

The parties having stipulated to the following procedure, pursuant to the previously ordered Stipulation Addressing Procedure for Defendant’s Response to Requests for Information [dkt 628, 635], and the Order of Appointment of Special Master [dkt 680], the Special Master hereby orders as follows:

1. Information requests by Plaintiffs and the Expert Panel to the Defendant (the “Department”) may follow a format different from discovery procedures under the Federal Rules of Civil Procedure, but all requests must be in writing and clearly numbered.

2. Plaintiffs and the Expert Panel shall not be restricted as to the number or frequency of information requests. Plaintiffs may request information in accordance with the terms of

Paragraph 68 of the Restated Consent Decree, and the Expert Panel may request information in accordance with the terms of the Order of Appointment.

3. When Plaintiffs or the Expert Panel submit a written request for information,¹ the Department must provide its initial response within 14 days. The Department's initial response will advise (1) whether the requested information is available in whole or in part; (2) whether the information sought is more readily available in a format different from the format requested; (3) whether the Department objects to all or part of the information request; and (4) the Department's anticipated timeline for production of all parts of an information request. Once the Department initially responds, if the Department changes its position (e.g., the Department decides that it is *not* willing to make a responsive production, or amends its stance regarding burden and the like), the Department must promptly notify Plaintiffs of the Department's change in position, and no later than 48 hours after the Department's decision to amend its response.

4. If the Department's initial response and/or responsive production is not acceptable to whomever made the request at issue, a meet and confer will be conducted with the Department within 14 days. If the dispute cannot be resolved by agreement, a telephone conference with the Special Master will be requested. Each side to the dispute will submit a brief statement (no more than two pages, double-spaced) summarizing its position in advance of the call.

5. If the dispute still has not been resolved after the telephone consultation with the Special Master, each side will submit briefing to the Special Master as follows: (a) any motion to compel must be filed with the Special Master no later than 7 days after the telephone consultation; (b) a

¹ According to past practice and prior Court orders, "information" includes, without limitation, data and documents.

response shall be filed no later than 5 days after the motion is filed; (c) a reply may be filed no later than 5 days after the response is filed.

6. The Special Master shall issue an order ruling on the dispute, and shall file the order and the parties' briefs on the District Court docket. Any appeal to the District Judge from the Special Master's order on information requests will comply with Fed. R. Civ. P. 53(f) and Northern District of Illinois L.R. 5.3 and will be filed and noticed for presentment to the District Judge no later than 21 days after the Special Master's order.

DATED: January 10, 2018

/s/ Geraldine Soat Brown

Hon. Geraldine Soat Brown (Ret.)
Special Master

JAMS

71 S. Wacker Dr. Suite 2400

Chicago, IL 60606

312-655-0555

CERTIFICATE OF SERVICE

I certify that a copy of the attached Special Master's Order on Procedure Regarding Requests to Defendant for Information was served upon counsel of record by electronic filing on January 10, 2019, and that the Expert Panel members listed below, who are not ECF filers, were served by email on January 10, 2019.

/s/ Geraldine Soat Brown

Hon. Geraldine Soat Brown (Ret.)

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