

**United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 6,1 (Chicago)
CIVIL DOCKET FOR CASE #: 1:74-cv-03290**

Harrington v. Sheahan
Assigned to: Honorable Virginia M. Kendall
Demand: \$0
related Case: [1:74-cv-02949](#)
Cause: 28:1331 Federal Question

Date Filed: 11/03/1997
Date Terminated: 11/03/1997
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Gary Harrington

represented by **Diane L. Redleaf**
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V.

Defendant

Michael Sheahan

represented by **Daniel Francis Gallagher**
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Movant

Carol Adams
*Ph.D., Secretary of the Illinois
 Department of Human Services,
 TERMINATED: 07/07/2004*

represented by **Thomas A. Ioppolo**
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Date Filed	#	Docket Text
11/03/1997	1	MOTION by plaintiff for court appointment of an additional expert to assess defendants' compliance with the court's orders, , and for an order directing payment of expenses of the additional expert (Exhibits); Notice of motion (lal) (Entered: 11/20/1997)
11/06/1997	2	MINUTE ORDER of 11/6/97 by Hon. James B. Zagel : Plaintiff's motion for Court appointment of an additional expert to assess defendants' compliance with the court's orders and for an order directing payment of expenses of the additional expert granted. [1-1], [1-2] Charles Fasano of the John Howard Association is appointed as an additional expert for the limited purposes of assisting Jeffrey L. Metzner, M.D. The County defendants shall pay for the costs and reasonable expenses for the professional services of Mr. Fasano. Mailed notice (lal) (Entered: 11/20/1997)
02/26/1998	3	JOINT STATUS REPORT respecting: (1) court-appointed experts' inspection of Cermak Mental Health Facility; and (2) The Consent Decree; Notice of filing. (vmj) (Entered: 02/27/1998)
02/26/1998	4	MOTION by plaintiffs' for attorneys' fees, pursuant to the prison litigation reform act ; Notice of motion. (Temporarily unavailable for docketing) (vmj) (Entered: 03/11/1998)
03/02/1998		SCHEDULE set on 3/2/98 by Hon. James B. Zagel : Motion for attorneys' fees hearing set for 10:15 3/3/98 . No notice (drw) (Entered: 03/02/1998)
03/03/1998	5	MINUTE ORDER of 3/3/98 by Hon. James B. Zagel: Plaintiffs' motion for attorneys' fees, pursuant to the prison litigation reform act is granted [4-1]. Mailed notice (vmj) (Entered: 03/11/1998)
07/29/1998		SCHEDULE set on 7/29/98 by Hon. James B. Zagel : Motion for leave to file hearing set for 10:15 8/4/98 . Motion notice (drw) (Entered: 08/03/1998)
07/29/1998	6	MOTION by plaintiff for leave to file written status report , to present an oral status report and to set periodic status hearings in the case ; Notice of motion. (vmj) (Entered: 08/07/1998)
07/29/1998	8	STATUS REPORT regarding experts' reports, defendants' response, ongoing assessments and compliance with agreed order by plaintiff. (vmj) (Entered: 08/07/1998)
08/04/1998		SCHEDULE set on 8/4/98 by Hon. James B. Zagel : Status hearing set to 10:00 5/5/99 . In court notice (drw) (Entered: 08/06/1998)

08/04/1998	7	MINUTE ORDER of 8/4/98 by Hon. James B. Zagel: Plaintiff's motion for leave to file written status report [6-1], to present an oral status report [6-2] and to set periodic status hearings in the case is granted [6-3]. No notice (vmj) (Entered: 08/07/1998)
03/04/1999		NOTICE by Robert E Lehrer of change of address. (Original filed in 74 C 2949) (vmj) Modified on 03/08/1999 (Entered: 03/08/1999)
03/10/1999		SCHEDULE set on 3/10/99 by Hon. James B. Zagel : Noticed motion for attorneys' fees set for 10:15 3/23/99 No notice (drw) (Entered: 03/22/1999)
03/10/1999	9	UNOPPOSED MOTION by plaintiff for attorneys' fees, pursuant to the prison litigation reform act ; Notice of motion. (vmj) (Entered: 03/30/1999)
03/23/1999	10	MINUTE ORDER of 3/23/99 by Hon. James B. Zagel: Plaintiffs' unopposed motion for attorneys' fees, pursuant to the prison litigation reform act is granted [9-1]. Attorney's fees are awarded in the amount of \$7,938.00 and costs of \$48.02 to Lehrer and Redleaf. Mailed notice (vmj) (Entered: 03/30/1999)
04/19/1999		SCHEDULE set on 4/19/99 by Hon. James B. Zagel : Status hearing set for 5/5/99 reset to 10:00 5/26/99 . Mailed notice (drw) (Entered: 04/19/1999)
05/26/1999		SCHEDULE set on 5/26/99 by Hon. James B. Zagel : Status hearing held and continued to 10:00 11/17/99 . No notice (drw) (Entered: 06/06/1999)
11/12/1999	11	RESPONSE by plaintiff to court appointed experts' reports with principal parties joint request to set a status hearing on defendants' compliance efforts (Attachments); Notice (fce) (Entered: 11/15/1999)
11/12/1999	11	JOINT REQUEST by principal parties to set a status hearing on defendants' compliance efforts with plaintiffs' response to court appointed experts' reports (Attachments) Notice (fce) (Entered: 11/15/1999)
11/17/1999		SCHEDULE set on 11/17/99 by Hon. James B. Zagel : Status hearing held and continued to 10:00 2/16/00 . No notice (drw) (Entered: 11/22/1999)
01/20/2000	12	MINUTE ORDER of 1/20/00 by Hon. James B. Zagel: Motion to set a status hearing is granted. [11-1] No notice (dj) (Entered: 01/24/2000)
02/11/2000	14	UNOPPOSED MOTION by plaintiffs for attorneys' fees and for costs pursuant to the prison litigation reform act ; Notice (dj) Modified on 03/09/2000 (Entered: 03/06/2000)
02/15/2000	13	STATUS REPORT by defendant; Notice (yap) (Entered: 02/16/2000)
02/16/2000		SCHEDULE set on 2/16/00 by Hon. James B. Zagel : Status hearing held and continued to 10:00 4/26/00 . No notice (drw) (Entered: 02/25/2000)
02/16/2000	15	MINUTE ORDER of 2/16/00 by Hon. James B. Zagel: Unopposed motion for attorneys' fees and costs are granted. [14-1] [14-2] Fees and costs are awarded in the amount of \$3,695.50 to plaintiffs attorneys. No notice (dj) (Entered: 03/06/2000)
04/26/2000		SCHEDULE set on 4/26/00 by Hon. James B. Zagel : Status hearing held and continued to 10:00 5/20/00 . No notice (tlp) (Entered: 04/26/2000)
04/27/2000		SCHEDULE set on 4/27/00 by Hon. James B. Zagel : Status hearing reset to 10:00 7/20/00 . Mailed notice (drw) (Entered: 04/27/2000)
07/20/2000		SCHEDULE set on 7/20/00 by Hon. James B. Zagel : Status hearing held and continued to 10:00 9/21/00 . No notice (drw) (Entered: 07/25/2000)
09/20/2000		SCHEDULE set on 9/20/00 by Hon. James B. Zagel : Status hearing reset to 10:00 10/23/00 . Mailed notice (drw) (Entered: 09/20/2000)
10/23/2000		SCHEDULE set on 10/23/00 by Hon. James B. Zagel : Status hearing held and continued to 10:00 12/5/00 . No notice (drw) (Entered: 10/24/2000)
12/05/2000		SCHEDULE set on 12/5/00 by Hon. James B. Zagel : Status hearing held and continued to 10:00 1/23/01 . No notice (drw) (Entered: 12/12/2000)

01/19/2001		SCHEDULE set on 1/19/01 by Hon. James B. Zagel : Status hearing reset on request to 10:00 3/6/01 . Telephone notice (drw) (Entered: 01/19/2001)
03/01/2001		SCHEDULE set on 3/1/01 by Hon. James B. Zagel : Status hearing reset to 10:00 3/21/01 . Telephone notice (drw) (Entered: 03/01/2001)
03/05/2001	16	UNOPPOSED MOTION by plaintiffs for attorneys' fees and costs, pursuant to the Prison Litigation Reform Act ; Notice. (maf) (Entered: 03/22/2001)
03/21/2001		SCHEDULE set on 3/21/01 by Hon. James B. Zagel : Status hearing held and continued to 10:00 4/11/01 . No notice (drw) (Entered: 03/21/2001)
03/21/2001	<u>17</u>	MINUTE ORDER of 3/21/01 by Hon. James B. Zagel : Plaintiff's unopposed motion for attorneys' fees and costs, pursuant to the Prison Litigation Reform Act is granted [16-1]. Plaintiff's attorneys are awarded fees and costs in the total amount of \$16,638.15 for the work done in the calendar year 2000. Mailed notice (maf) (Entered: 03/22/2001)
04/11/2001		SCHEDULE set on 4/11/01 by Hon. James B. Zagel : Status hearing reset to 10:00 5/2/01 . Mailed notice (drw) (Entered: 04/11/2001)
04/23/2001		SCHEDULE set on 4/23/01 by Hon. James B. Zagel : Status hearing reset to 10:00 5/7/01 . Mailed notice (drw) (Entered: 04/23/2001)
04/27/2001		SCHEDULE set on 4/27/01 by Hon. James B. Zagel : Status hearing reset to 10:00 5/8/01 . Mailed notice (drw) (Entered: 04/27/2001)
05/08/2001		SCHEDULE set on 5/8/01 by Hon. James B. Zagel : Status hearing held and continued to 10:00 7/9/01 . No notice (drw) (Entered: 05/10/2001)
07/05/2001		SCHEDULE set on 7/5/01 by Hon. James B. Zagel : Status hearing reset to 10:00 8/20/01 . Telephone notice (drw) (Entered: 07/05/2001)
08/17/2001		SCHEDULE set on 8/17/01 by Hon. James B. Zagel : Status hearing reset to 1:30 8/20/01 . Telephone notice (drw) (Entered: 08/17/2001)
08/17/2001		SCHEDULE set on 8/17/01 by Hon. James B. Zagel : Status hearing reset to 10:00 10/2/01 . Telephone notice (drw) (Entered: 08/17/2001)
10/10/2001		SCHEDULE set on 10/10/01 by Hon. James B. Zagel : Status hearing reset to 10:00 10/29/01 . Mailed notice (drw) (Entered: 10/10/2001)
10/29/2001		SCHEDULE set on 10/29/01 by Hon. James B. Zagel : Status hearing held in chambers. No notice (drw) (Entered: 10/29/2001)
03/28/2002	<u>18</u>	UNOPPOSED MOTION by plaintiff for attorneys' fees and costs pursuant to the Prison Litigation Reform Act ; Notice (rmm) (Entered: 04/12/2002)
04/09/2002	<u>19</u>	MINUTE ORDER of 4/9/02 by Hon. James B. Zagel: Filed plaintiffs' unopposed motion for fees and costs [18-1]. Motion granted. Attorneys fees in the amount \$7,458.75 and an award of \$7.00 in costs are awarded to the law firm of Lehrer &Readleaf. Mailed notice (rmm) (Entered: 04/12/2002)
04/08/2003	<u>20</u>	UNOPPOSED MOTION by plaintiff for attorney fees and costs, pursuant to the Prison Litigation Reform Act ; Notice (cdy) (Entered: 04/16/2003)
04/10/2003	<u>21</u>	MINUTE ORDER of 4/10/03 by Hon. James B. Zagel: Plaintiff's unopposed motion for attorneys' fees and costs, pursuant to the Prison Litigation Reform Act [20-1], is granted. Telephoned notice (cdy) (Entered: 04/16/2003)
09/02/2003	<u>22</u>	MOTION by Carol Adams, Ph.D., to terminate Consent Decree as to the state defendant, The Secretary of the Illinois Department of Human Services ; Memorandum of law in support (Attachments); Notice (ar) (Entered: 09/15/2003)
09/09/2003	<u>23</u>	MINUTE ORDER of 9/9/03 by Hon. James B. Zagel : Status hearing set for 10:00 a.m. on 11/17/03. Carol Adams' motion to terminate Consent Decree as to the state defendant, The Secretary of the Illinois Department of Human Services [22-1], entered and continued generally. No notice (ar) (Entered: 09/15/2003)

11/17/2003		SCHEDULE set on 11/17/03 by Hon. James B. Zagel : Status hearing reset to 10:00 1/21/04 . Mailed notice (drw) (Entered: 11/17/2003)
11/17/2003	<u>24</u>	MINUTE ORDER of 11/17/03 by Hon. James B. Zagel : (Entered Agreed Order.) Mailed notice (aga) (Entered: 11/18/2003)
01/15/2004	<u>25</u>	MOTION by movant for leave to file supplemental authority (Attachment); Notice. (air) (Entered: 01/28/2004)
01/21/2004		SCHEDULE set on 1/21/04 by Hon. James B. Zagel : Status hearing held. No notice (drw) (Entered: 01/21/2004)
01/22/2004	<u>26</u>	MINUTE ORDER of 1/22/04 by Hon. James B. Zagel: Defendant's motion for leave to file supplemental authority is granted [25-1]. No notice (air) (Entered: 01/28/2004)
04/07/2004	<u>27</u>	MOTION by plaintiff to advise the court of pending proceedings related to this case, including the possibility that leave to file a supplemental complaint here may be requested shortly ; Notice. (jmm) (Entered: 04/14/2004)
04/13/2004	<u>28</u>	MINUTE ORDER of 4/13/04 by Hon. James B. Zagel: Plaintiff's motion to advise the court of pending proceedings related to this case, including the possibility that leave to file a supplemental complaint here may be requested shortly is granted [27-1]. No notice (jmm) (Entered: 04/14/2004)
04/14/2004	29	APPLICATION for leave to appear pro hac vice on behalf of Cornell Bolden, Keith Jackson, Michael Amato, Charles Morgan by Philip N. Yannella; Order entered granting leave by Hon. James B. Zagel (cdy) (Entered: 04/19/2004)
04/14/2004	<u>30</u>	APPLICATION for leave to appear pro hac vice for plaintiff by Philip Neil Yannella; Order entered granting leave by Hon. James B. Zagel (cdy) (Entered: 04/19/2004)
04/14/2004	<u>31</u>	APPLICATION for leave to appear pro hac vice for plaintiffs by Stephen J. McConnell; Order entered granting leave by Hon. James B. Zagel (cdy) (Entered: 04/19/2004)
04/27/2004	<u>32</u>	APPLICATION for leave to appear pro hac vice by Cheri R. Tolin; Order entered granting leave by Hon. James B. Zagel. (jmm) (Entered: 04/30/2004)
04/27/2004	<u>33</u>	APPLICATION for leave to appear pro hac vice by Joseph R. Heffern; Order entered granting leave by Hon. James B. Zagel. (jmm) (Entered: 04/30/2004)
05/17/2004	<u>34</u>	MOTION by defendant for leave to file a supplemental complaint (Attachments); Notice (cdy) (Entered: 05/25/2004)
05/21/2004	<u>35</u>	MINUTE ORDER of 5/21/04 by Hon. James B. Zagel: Plaintiff's motion for leave to file a supplemental complaint [34-1], is denied. After reviewing the claims in Harrington and Count II alleged by the Bolden plaintiffs, I find that the issues in each case are separate and distinct causes of action. Harrington grew out of the inadequate treatment of persons with illness while incarcerated in jail. Count II of the Bolden complaint, on the other hand, deals with the exclusion of persons with disabilities from pretrial release programs and the failure to make proper arrangement upon discharging inmates. Since Bolden deals with claims that arise at a completely different stages of the inmates interaction with the department of corrections, I find that it should be filed as a separate case. Mailed notice (cdy) (Entered: 05/25/2004)
07/07/2004	<u>37</u>	MINUTE ORDER of 7/7/04 by Hon. James B. Zagel: Enter order vacating the consent decree with respect to Secretary Adams and dismissing Secretary Adams with prejudice and without costs. (Entered Order.) No notice (air) (Entered: 07/13/2004)
07/07/2004	<u>36</u>	SETTLEMENT AGREEMENT and general release by plaintiff against movant in the amount of \$400. (air) (Entered: 07/13/2004)
09/21/2004	<u>38</u>	AGREED MOTION by plaintiff for attorneys' fees and costs, pursuant to the prison litigation reform act ; Notice (cdy) (Entered: 09/22/2004)

10/06/2004	<u>39</u>	MINUTE ORDER of 10/6/04 by Hon. James B. Zagel: Plaintiff's agreed motion for attorneys' fees and costs, pursuant to the prison litigation reform act is granted [38-1]. (Entered Agreed Order Awarding Attorneys' Fees and Costs.) Mailed notice (jmm) (Entered: 10/07/2004)
09/02/2009	<u>40</u>	MOTION to intervene by Larry M. Banks as a third party; Notice. (Exhibit). (ep,) (Entered: 09/04/2009)
05/27/2010	<u>41</u>	EXECUTIVE COMMITTEE ORDER: Case reassigned to the Honorable Virginia M. Kendall for all further proceedings in accordance with the provision of Local Rule 40.4. Signed by Executive Committee on 5/27/2010. (gmr,) (Entered: 06/01/2010)
08/17/2010	<u>42</u>	Motion to intervene <u>40</u> is denied; Motions terminated: Signed by the Honorable Virginia M. Kendall on 8/17/2010.(tsa,) (Entered: 08/17/2010)
06/02/2011	<u>43</u>	MOTION by Defendant Michael Sheahan to dismiss – <i>Defendants' Motion for an Order: Tentatively Approving the Voluntary Dismissal of Duran and Harrington as Fair, Reasonable and Adequate; Approving a Proposed Notice to the Plaintiff Classes of the Proposed Voluntary Dismissal; and Setting a Fairness Hearing Respecting Such Dismissal</i> (Attachments: # <u>1</u> Exhibit A)(Gallagher, Daniel) (Entered: 06/02/2011)
06/02/2011	<u>44</u>	NOTICE of Motion by Daniel Francis Gallagher for presentment of motion to dismiss, <u>43</u> before Honorable Virginia M. Kendall on 6/8/2011 at 09:00 AM. (Gallagher, Daniel) (Entered: 06/02/2011)
06/08/2011	<u>45</u>	MINUTE entry before Honorable Virginia M. Kendall: Defendant's motion for an order: Tentatively approving the voluntary dismissal of Duran and Harrington as fair, reasonable and adequate; approving a proposed notice of the plaintiff classes of the proposed voluntary dismissal; and setting fairness hearing respecting such dismissal <u>43</u> is granted. Fairness hearing set for 8/19/2011 @ 10:00 a.m. [For further detail see separate order(s).] Mailed notice (lp,) (Entered: 06/13/2011)
06/08/2011	<u>46</u>	ORDER Tentatively approving the voluntary dismissal of Duran and Harrington as fair, reasonable and adequate; Approving proposed notice to the plaintiff classes of the proposed voluntary dismissal; And setting a fairness hearing respecting such dismissal. (Exhibit) Signed by the Honorable Virginia M. Kendall on 6/8/2011:(lp,) (Entered: 06/13/2011)
08/12/2011	<u>47</u>	MOTION by Plaintiff Gary Harrington for attorney fees (<i>Agreed</i>) (Attachments: # <u>1</u> Exhibit A)(Lehrer, Robert) (Entered: 08/12/2011)
08/12/2011	<u>48</u>	NOTICE of Motion by Robert E. Lehrer for presentment of motion for attorney fees <u>47</u> before Honorable Virginia M. Kendall on 8/19/2011 at 10:00 AM. (Lehrer, Robert) (Entered: 08/12/2011)
08/12/2011	<u>49</u>	MEMORANDUM by Gary Harrington <i>Respecting the Proposed Voluntary Dismissal</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Lehrer, Robert) (Entered: 08/12/2011)
08/16/2011	<u>50</u>	MINUTE entry before Honorable Virginia M. Kendall:Plaintiffs' agreed motion for attorney fees <u>47</u> is entered and continued to 8/24/2011 @ 9:00 am. Fairness hearing reset to 8/24/2011 at 09:00 AM. Mailed notice (tsa,) (Entered: 08/16/2011)
08/17/2011	<u>51</u>	RESPONSE by Defendant Michael Sheahan to memorandum <u>49</u> – <i>Defendants' Joint Response to Plaintiffs' Memorandum in Support of the Proposed Voluntary Dismissal of These Cases and Reply to the Responses of Plaintiff Class Members</i> (Gallagher, Daniel) (Entered: 08/17/2011)
08/17/2011	<u>52</u>	NOTICE by Michael Sheahan re Response, <u>51</u> – <i>Defendants' Joint Response to Plaintiffs' Memorandum in Support of the Proposed Voluntary Dismissal of These Cases and Reply to the Responses of Plaintiff Class Members</i> (Gallagher, Daniel) (Entered: 08/17/2011)
08/24/2011	<u>53</u>	MINUTE entry before Honorable Virginia M. Kendall:Agreed MOTION by Plaintiff Gary Harrington for attorney fees <u>47</u> is granted.Advised in open court notice (tsa,) (Entered: 08/25/2011)

08/25/2011	<u>54</u>	MINUTE entry before Honorable Virginia M. Kendall: Enter agreed order awarding attorney's fees. [For further detail see separate order(s).] Mailed notice (lp,) (Entered: 08/30/2011)
08/25/2011	<u>55</u>	AGREED Order Awarding Attorneys' Fees Signed by the Honorable Virginia M. Kendall on 8/25/2011: (lp,) (Entered: 08/30/2011)
11/22/2011	<u>56</u>	MOTION by Plaintiff Gary Harrington for settlement (Attachments: # <u>1</u> Exhibit)(Lehrer, Robert) (Entered: 11/22/2011)
11/22/2011	<u>57</u>	NOTICE of Motion by Robert E. Lehrer for presentment of motion for settlement <u>56</u> before Honorable Virginia M. Kendall on 11/30/2011 at 09:00 AM. (Lehrer, Robert) (Entered: 11/22/2011)
11/30/2011	<u>58</u>	MINUTE entry before Honorable Virginia M. Kendall: MOTION by Plaintiff Gary Harrington for settlement <u>56</u> is granted. Mailed notice (tsa,) (Entered: 11/30/2011)
11/30/2011	<u>59</u>	MINUTE entry before Honorable Virginia M. Kendall: Enter order, pursuant to FRCP 23 (e), approving voluntary dismissal. [For further detail see separate order(s).] Mailed notice (lp,) (Entered: 12/05/2011)
11/30/2011	<u>60</u>	ORDER Signed by the Honorable Virginia M. Kendall on 11/30/2011: (lp,) (Entered: 12/05/2011)