

United States District Court
Northern District of Illinois – **CM/ECF LIVE, Ver 4.2 (Chicago)**
CIVIL DOCKET FOR CASE #: 1:05-cv-00544

Bertrand v. Maram et al
Assigned to: Honorable Virginia M. Kendall
Case in other court: 06-03705
Cause: 42:1983 Civil Rights Act

Date Filed: 01/31/2005
Date Terminated: 09/25/2006
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Christopher Bertrand
by and through his parents
other
Inez Bertrand
other
Daniel Bertrand

represented by **Robert Hugh Farley, Jr.**
Robert H. Farley, Jr., Ltd.
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Frank Patterson, Jr.
individually and behalf of a class
guardian ad litem
Frank Patterson, Sr.
guardian ad litem
Janice Patterson

V.

Defendant

Barry S Maram
in his official capacity as Director of the
Illinois Department of Public Aid

represented by **Karen Elaine Konieczny**
Illinois Attorney General's Office
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Defendant

Carol L Adams
*in her official capacity as Secretary of the
 Illinois Department of Human Services*

represented by **Karen Elaine Konieczny**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christopher Samuel Gange
 (See above for address)
ATTORNEY TO BE NOTICED

John E. Huston
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jerolene Johnson
*in her official capacity as Director of the
 Office of Developmental Disabilities*

represented by **Karen Elaine Konieczny**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christopher Samuel Gange
 (See above for address)
ATTORNEY TO BE NOTICED

John E. Huston
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/31/2005	<u>1</u>	COMPLAINT filed by plaintiff Christopher Bertrand for declaratory and injunctive relief; Exhibits. (eav,) Modified on 11/4/2005 (ym,). (Entered: 02/01/2005)
01/31/2005	<u>2</u>	CIVIL Cover Sheet (eav,) (Entered: 02/01/2005)
01/31/2005	<u>3</u>	ATTORNEY Appearance for Plaintiff by Robert Hugh Farley, Jr (eav,) (Entered: 02/01/2005)
02/01/2005	<u>5</u>	AMENDED complaint by plaintiffs against all defendants for declaratory and injunctive relief (Exhibits).(lcw, Lakisha) Modified on 1/20/2006 (aew,). (Entered: 02/03/2005)
02/04/2005	<u>6</u>	ATTORNEY Appearance for Defendants Barry S Maram, Carol L Adams, Jerolene Johnson by Christopher Samuel Gange, John E. Huston, Karen Elaine Konieczny (eav,) (Entered: 02/07/2005)
02/10/2005	<u>7</u>	MOTION by Plaintiffs Frank Patterson, Jr, Christopher Bertrand for leave of court for Thomas G. Morrissey to file an additional appearance (gma,) (Entered: 02/10/2005)
02/10/2005	<u>8</u>	MOTION by Plaintiffs Frank Patterson, Jr, Christopher Bertrand for class certification; Exhibits. (gma,) Modified on 1/30/2006 (ym,). (Entered: 02/10/2005)
02/10/2005	<u>9</u>	NOTICE of Motion by Robert Hugh Farley, Jr for presentment of motion for class certification <u>8</u> , motion for leave of court for Thomas G. Morrissey to file an additional appearance <u>7</u> before Honorable David H. Coar on 2/16/2005 at 09:00 AM. (gma,) (Entered: 02/10/2005)
02/10/2005	<u>10</u>	MEMORANDUM OF LAW by Frank Patterson, Jr, Christopher Bertrand in Support of class certification <u>8</u> (gma,) (Entered: 02/10/2005)
02/16/2005	<u>12</u>	MINUTE entry before Judge David H. Coar : Motion hearing held regarding [7 and 8]. Plaintiffs' motion for leave of Court for Thomas G. Morrissey to file an additional appearance is granted. <u>7</u> The briefing schedule as to the <u>8</u> motion for

		class certification is as follows: Answer brief due by 3/21/05; Reply brief due by 4/12/05. Motions taken under advisement – ruling will issue by mail. Mailed notice (eav,) (Entered: 02/25/2005)
02/16/2005	<u>13</u>	MINUTE entry before Judge David H. Coar : Discovery on the class certification is open. Enter agreed order in reference to confidentiality of personal health information of Bertrand and Patterson, Jr. and other documents. Mailed notice (eav,) (Entered: 02/25/2005)
02/16/2005	<u>14</u>	AGREED ORDER Signed by Judge David H. Coar on 2/16/2005: (eav,) (Entered: 02/25/2005)
02/22/2005	<u>11</u>	ANSWER and defenses to plaitniffs' amended complaint for declaratory and injunctive relief by Barry S Maram, Carol L Adams, Jerolene Johnson ; Notice of filing(eav,) (Entered: 02/25/2005)
03/17/2005	<u>15</u>	MOTION by Defendants to set discovery cut–off on class discovery and to enlarge the time to respond to plaintiffs' memorandum of law in support of class certification (gma,) (Entered: 03/18/2005)
03/17/2005	<u>16</u>	NOTICE of Motion by Karen Elaine Konieczny for presentment of MOTION by Defendants to set discovery cut–off on class discovery and to enlarge the time to respond to plaintiffs' memorandum of law in support of class certification <u>15</u> before Honorable David H. Coar on 3/28/2005 at 09:00 AM. (gma,) (Entered: 03/18/2005)
03/22/2005	<u>17</u>	RESPONSE by plaintiffs to defendants' motion to cut–off discovery and enlarge time to file class brief <u>15</u> (eav,) (Entered: 03/24/2005)
03/24/2005	<u>18</u>	REPLY by defendants to plaintiffs' response to defendants' motions to set discovery cut–off on class discovery and to enlarge the time to respond to plaintiffs' memorandum of law in support of class certification <u>15</u> ; Notice of filing (eav,) (Entered: 03/28/2005)
03/28/2005	<u>19</u>	MINUTE entry before Judge David H. Coar : Motion hearing held on 3/28/05 regarding # <u>15</u> . For the reasons stated on the record, the defendant's motion <u>15</u> to set discovery and to enlarge the time to respond to plaintiff's memorandum of law in support of class certification is granted to the extend that discvoery on the class certification issues shall close on 4/15/05. The briefing schedule on the plaintiff's motion <u>8</u> for class certification is extended as follows: Defendant's answer brief in opposition to the class certification motion shall be filed on or before 5/2/05; Plaintiff's response brief in support of class certification shall be filed on or before 5/17/05. Mailed notice (eav,) (Entered: 03/28/2005)
04/08/2005	<u>20</u>	MOTION by Plaintiffs Frank Patterson, Jr, Christopher Bertrand for entry of agreed protective order (gma,) (Entered: 04/08/2005)
04/08/2005	<u>21</u>	NOTICE of Motion by Robert Hugh Farley, Jr for presentment of MOTION by Plaintiffs Frank Patterson, Jr, Christopher Bertrand for entry of agreed protective order <u>20</u> before Honorable David H. Coar on 4/14/2005 at 09:00 AM. (gma,) (Entered: 04/08/2005)
04/14/2005	<u>22</u>	MINUTE entry before Judge David H. Coar : Motion hearing held. Motion for protective order # <u>20</u> is granted. Enter protective order in reference to records pertaining to Jason Drzewicki which are in the possession and control of the defendants. The parties are advised to adhere and follow Local Rule 5.8 when filing documents under seal pursuant to this protective order. Further, Local Rule 26.2 (and in particular 26.2(e)) shall apply unless otherwise ordered by this Court. Absent a motion from a party sealed documents will be placed in the public record after closing of the case as stated in L.R. 26.2(e). Enter Protective Order. No notice (eav,) (Entered: 04/18/2005)
04/14/2005	<u>23</u>	AGREED PROTECTIVE Order Signed by Judge David H. Coar on 4/14/2005:(eav,) (Entered: 04/18/2005)
04/21/2005	<u>24</u>	MOTION by Plaintiffs Frank Patterson, Jr, and Christopher Bertrand for leave of court to take in excess of ten depositions (las,) (Entered: 04/22/2005)

04/21/2005	<u>25</u>	NOTICE of Motion by Robert Hugh Farley, Jr for presentment of plaintiffs' motion for leave of court to take more than ten depositions <u>24</u> before Honorable David H. Coar on 4/27/2005 at 09:00 AM. (las,) (Entered: 04/22/2005)
04/27/2005	<u>26</u>	MINUTE entry before Judge David H. Coar : Plaintiff's Motion for leave of Court to take in excess of ten depositions <u>24</u> is moot as the Standing Order should read 20 and not 10. Motion hearing held on 4/27/2005 regarding motion for miscellaneous relief <u>24</u> No- notice (pm,) (Entered: 05/04/2005)
05/02/2005	<u>27</u>	RESPONSE by Defendants in opposition to plaintiffs' motion for class certification.(gcy,) (Entered: 05/05/2005)
05/12/2005	<u>28</u>	REPLY by Frank Patterson, Jr, Christopher Bertrandin to defendants response to plaintiffs motion for class certification <u>8</u> (eav,) (Entered: 05/16/2005)
06/08/2005	<u>29</u>	MINUTE entry before Judge David H. Coar : Status hearing held. Rule 16(b) Scheduling Conference set for 7/19/05 at 9:00 a.m. Report of Planning Conference pursuant to Rule 26(f) and Proposed Scheduling Order pursuant to Rule 16(b) to be filed in chambers. (Forms of report of planning conference and proposed scheduling order are available on the Court's web page or in chambers.) Mailed notice (eav,) (Entered: 06/08/2005)
06/08/2005	<u>31</u>	EXHIBITS by Plaintiffs of materials relief upon in support of summary judgement pursuant to Local Rule 56.1(a)(1) (2 Vols) (eav,) (Entered: 06/14/2005)
06/08/2005	<u>32</u>	MOTION by Plaintiffs for summary judgment (eav,) (Entered: 06/14/2005)
06/08/2005	<u>33</u>	MEMORANDUM by plaintiffs of law in Support of motion for summary judgment pursuant to Local Rule 56.1(a)(2) <u>32</u> (eav,) (Entered: 06/14/2005)
06/08/2005	<u>34</u>	STATEMENT OF MATERIAL FACTS PURSUANT TO LOCAL RULE 56 (a)(3) (eav,) (Entered: 06/14/2005)
06/08/2005	<u>35</u>	NOTICE of Motion by all plaintiffs for presentment of motion for summary judgment <u>32</u> before Honorable David H. Coar on 6/14/2005 at 9:00 AM; Notice of filing (eav,) (Entered: 06/14/2005)
06/10/2005	<u>30</u>	MINUTE entry before Judge David H. Coar : The Court's order of 6/8/2005 is amended and corrected to strike the phrase "Status hearing held". mailed notice (pm,) Modified on 6/13/2005 (pm,). (Entered: 06/10/2005)
06/14/2005		Motions Taken Under Advisement: MOTION by Plaintiffs Frank Patterson, Jr, Christopher Bertrand for summary judgment <u>32</u> (tjp,) (Entered: 06/14/2005)
06/14/2005	<u>36</u>	MINUTE entry before Judge David H. Coar : Defendant's answer to plaintiffs' motion for summary judgment is due 7/7/05 <u>32</u> ; reply due 7/25/05; motion taken under advisement. No notice (eav,) (Entered: 06/15/2005)
07/07/2005	<u>37</u>	MOTION by Defendants for summary judgment (gma,) (Entered: 07/07/2005)
07/07/2005	<u>38</u>	NOTICE of Motion by Karen Elaine Konieczny for presentment of MOTION by Defendants for summary judgment <u>37</u> before Honorable David H. Coar on 7/19/2005 at 09:00 AM. (gma,) (Entered: 07/07/2005)
07/07/2005	<u>39</u>	MEMORANDUM OF LAW by Barry S Maram, Carol L Adams, Jerolene Johnson in Support of MOTION by Defendants for summary judgment <u>37</u> (gma,) (Entered: 07/07/2005)
07/07/2005	<u>40</u>	NOTICE by defendants of filing MOTION by Defendants for summary judgment <u>37</u> (gma,) (Entered: 07/07/2005)
07/07/2005	<u>41</u>	LOCAL RULE 56.1(a)(3) STATEMENT by defendants of material facts for thier MOTION for summary judgment (gma,) (Entered: 07/07/2005)
07/07/2005	<u>42</u>	MOTION by Defendant Barry S Maram to strike certain materials plaintiffs relief on in support of their motion for summary judgment (gma,) (Entered: 07/07/2005)
07/07/2005	<u>43</u>	NOTICE of Motion by Karen Elaine Konieczny for presentment of MOTION by Defendant Barry S Maram to strike certain materials plaintiffs relief on in support of their motion for summary judgment <u>42</u> before Honorable David H. Coar on

		7/19/2005 at 09:00 AM. (gma,) (Entered: 07/07/2005)
07/07/2005	<u>44</u>	MEMORANDUM OF LAW by defendants in support of MOTION by Defendant Barry S Maram to strike certain materials plaintiffs relief on in support of their motion for summary judgment <u>42</u> (gma,) (Entered: 07/07/2005)
07/07/2005	<u>45</u>	NOTICE by defendants of filing MEMORANDUM OF LAW by defendants in support of MOTION by Defendant Barry S Maram to strike certain materials plaintiffs relief on in support of their motion for summary judgment <u>44</u> (gma,) (Entered: 07/07/2005)
07/07/2005	<u>46</u>	EXHIBITS by Defendants and supporting materials pursuant to Local Rule 56.1(a)(1) in support of their motion for summary judgment <u>37</u> and pursaunt to Local Rule 56.1(b)(1) in response to plaintiffs' motion for summary judgment(eav,) (Entered: 07/08/2005)
07/07/2005	<u>47</u>	RESPONSE by Defendants to plaintiffs' statement of material facts (eav,) (Entered: 07/11/2005)
07/07/2005	<u>48</u>	MEMORANDUM by defendants <u>32</u> of law in response to plaintiffs' motion for summary judgment; Notice of filing (eav,) (Entered: 07/11/2005)
07/13/2005	<u>49</u>	MOTION by Defendant Barry S Maram for leave to amend answer to plaintiffs' amended comaplint pursuant to Fed.R.Civ.P. 15(a) (gma,) (Entered: 07/14/2005)
07/13/2005	<u>50</u>	NOTICE of Motion by Karen Elaine Konieczny for presentment of MOTION by Defendant Barry S Maram for leave to amend answer to plaintiffs' amended comaplint pursuant to Fed.R.Civ.P. 15(a) <u>49</u> before Honorable David H. Coar on 7/19/2005 at 09:00 AM. (gma,) (Entered: 07/14/2005)
07/13/2005	<u>51</u>	NOTICE by Barry S Maram of filing MOTION by Defendant Barry S Maram for leave to amend answer to plaintiffs' amended comaplint pursuant to Fed.R.Civ.P. 15(a) <u>49</u> (gma,) (Entered: 07/14/2005)
07/19/2005	<u>52</u>	MINUTE entry before Judge David H. Coar : Motion hearing held on 7/19/2005 regarding motion to amend/correct <u>49</u> , motion for summary judgment <u>37</u> , motion to strike <u>42</u> . Defendant's Motion to amend answer and defenses to plaintiffs' amended complaint <u>49</u> is granted. Set deadlines as to Defendant's motion for summary judgment <u>37</u> : Responses due by 7/29/2005; Replies due by 8/12/2005. As to Motion to strike, the plaintiff is given to 7/29/205 to file a brief response. MOTION for summary judgment <u>37</u> is taken under advisement, Motion to strike <u>42</u> is taken under advisement. Mailed notice (pm,) (Entered: 07/19/2005)
07/19/2005	<u>53</u>	MINUTE entry before Judge David H. Coar : The Rule 16(b) scheduling conference scheduled for 7/19/2005 is held in abeyance until further order of court. no notice advised in open court. (pm,) (Entered: 07/19/2005)
07/20/2005	<u>54</u>	AMENDED Answer and defenses by Defendants Barry S Maram, Carol L Adams, Jerolene Johnson to plaintiffs' amended complaint for declaratory and injunctive relief; Notice of filing (eav,) (Entered: 07/22/2005)
07/25/2005	<u>55</u>	REPLY by Plaintiffs Frank Patterson, Jr, Christopher Bertrand to defendants response to plaitniffs motion for summary judgment (eav,) (Entered: 07/27/2005)
07/25/2005	<u>56</u>	RESPONSE by plaintiffs to defendants motion to strike certain materials plaintiffs relied upon in support of plaintiffs motion for summary judgment <u>42</u> (Attachments) (eav,) (Entered: 07/27/2005)
07/27/2005	<u>58</u>	MEMORANDUM by Frank Patterson, Jr, Christopher Bertrand of law in response to defendants' motion for summary judgment <u>37</u> (eav,) (Entered: 07/29/2005)
07/27/2005	<u>59</u>	RESPONSE by Plaintiffs Frank Patterson, Jr, Christopher Bertrand to defendants' statement of material facts pursuant to Local Rule 56.1(b)(3)(A) <u>34</u> and Plaintiffs' Statement of Additional Facts pursuant to Local Rule 56.1(b)(3)(B) (eav,) (Entered: 07/29/2005)
08/12/2005	<u>60</u>	REPLY Memorandum in Support of Defendants' Motion for Summary Judgment (Konieczny, Karen) (Entered: 08/12/2005)

08/12/2005	<u>61</u>	NOTICE by Barry S Maram, Carol L Adams, Jerolene Johnson re reply to response to motion <u>60</u> and <i>Certificate of Service</i> (Konieczny, Karen) (Entered: 08/12/2005)
08/12/2005	<u>62</u>	RESPONSE by Defendants to plaintiffs' statement of additional facts and exhibit in response to plaintiffs' statement of additional facts (Attachments); Notice of filing (eav,) (Entered: 08/16/2005)
11/02/2005	<u>63</u>	MOTION by Defendants Barry S Maram, Carol L Adams, Jerolene Johnson to supplement <i>Summary Judgment Memoranda with Additional Authority</i> (Huston, John) (Entered: 11/02/2005)
11/02/2005	<u>64</u>	NOTICE of Motion by John E. Huston for presentment of motion to supplement <u>63</u> before Honorable David H. Coar on 11/8/2005 at 09:00 AM. (Huston, John) (Entered: 11/02/2005)
11/03/2005	<u>65</u>	RESPONSE <i>To Defendants' Motion To Cite Additional Authority On Summary Judgment</i> (Farley, Robert) (Entered: 11/03/2005)
11/07/2005	<u>66</u>	MINUTE entry before Judge David H. Coar : Motion hearing held on 11/7/05 regarding <u>63</u> . Defendants' Motion to Cite Additional Authority on summary judgment is granted, and the Court will take into consideration the additional authority. (lcw,) (Entered: 12/07/2005)
01/23/2006	<u>68</u>	EXECUTIVE COMMITTEE ORDER: Case reassigned to Judge Virginia M. Kendall for all further proceedings. Signed by Executive Committee on 1/23/06. Mailed notice(cem,) (Entered: 01/26/2006)
01/24/2006	<u>67</u>	MINUTE entry before Judge Virginia M. Kendall : Initial status hearing set for 2/7/06 at 9:30 a.m. before Judge Kendall in Courtroom 1719. By 2/1/06, counsel are directed to confer, prepare, and file a Joint Status Report as directed in the Order Requiring Status Report and Setting Status Hearing for Newly Assigned Cases to the Calendar of Judge Kendall. Mailed notice (gmr,) (Entered: 01/25/2006)
01/31/2006	<u>69</u>	STATUS Report <i>JOINT</i> by Christopher Bertrand (Farley, Robert) (Entered: 01/31/2006)
02/07/2006	<u>70</u>	MINUTE entry before Judge Virginia M. Kendall : Status hearing held on 2/7/2006. Ruling on pending motion(s) will be by mail. Mailed notice (gmr,) (Entered: 02/07/2006)
07/19/2006	<u>71</u>	MOTION by Defendant Barry S MaramDefendants' Motion to Cite Additional Authority on Summary Judgment (Huston, John) (Entered: 07/19/2006)
07/19/2006	<u>72</u>	NOTICE of Motion by John E. Huston for presentment of motion for miscellaneous relief <u>71</u> before Honorable Virginia M. Kendall on 7/25/2006 at 09:00 AM. (Huston, John) (Entered: 07/19/2006)
07/20/2006	<u>73</u>	RESPONSE <i>by Plaintiffs' to Defendants' Motion To Cite Additional Authority On Summary Judgment</i> (Farley, Robert) (Entered: 07/20/2006)
07/24/2006	<u>74</u>	MINUTE entry before Judge Virginia M. Kendall : Motion to cite additional authority on summary judgment <u>71</u> is granted. The presentment date of 7/25/06 for said motion is stricken. Mailed notice (gmr,) (Entered: 07/24/2006)
09/25/2006	<u>75</u>	MINUTE entry before Judge Virginia M. Kendall : For the reasons set out in the Memorandum Opinion and Order, Defendants' Motion for Summary Judgment <u>37</u> is granted and Plaintiffs' Motion for Summary Judgment <u>32</u> is denied. Defendants' Motion to Strike Certain Exhibits <u>42</u> is denied. Plaintiffs' Motion for Class Certification <u>8</u> is denied as moot. The Court enters judgment in favor of Defendants Barry S. Maram, Carol L. Adams, and Jerolene Johnson and against Plaintiffs Christopher Bertrand and Frank Patterson, Jr. Mailed notice (gmr,) (Entered: 09/25/2006)
09/25/2006	<u>76</u>	MEMORANDUM Opinion and Order Signed by Judge Virginia M. Kendall on 9/25/2006:Mailed notice(gmr,) (Entered: 09/25/2006)

09/25/2006	<u>77</u>	ENTERED JUDGMENT on 9/25/2006:Mailed notice(gmr,) (Entered: 09/25/2006)
10/06/2006	<u>78</u>	NOTICE of appeal by Frank Patterson, Jr, Christopher Bertrand regarding orders <u>75</u> , <u>76</u> , <u>77</u> ; Filing fee \$455.00 paid; Receipt number 10719473. (cdh,) (Entered: 10/10/2006)
10/06/2006	<u>79</u>	DOCKETING Statement by Frank Patterson, Jr, Christopher Bertrand regarding notice of appeal <u>78</u> . (cdh,) (Entered: 10/10/2006)
10/10/2006	<u>80</u>	TRANSMITTED to the 7th Circuit the short record on notice of appeal <u>78</u> . Notified counsel (cdh,) (Entered: 10/10/2006)
10/11/2006	<u>81</u>	ACKNOWLEDGEMENT of receipt of short record on appeal regarding notice of appeal <u>78</u> ; USCA Case No. 06-3705. (gej,) (Entered: 10/13/2006)
10/19/2006	<u>82</u>	SEVENTH CIRCUIT transcript information sheet by Christopher Bertrand. (td,) (Entered: 10/24/2006)
11/02/2006	<u>83</u>	TRANSMITTED to the USCA for the 7th Circuit the long record on appeal <u>78</u> (USCA no. 06-3705) consisting of two volumes of pleadings and three exhibits. (cdh,) (Entered: 11/02/2006)
11/06/2006	<u>84</u>	USCA RECEIVED on 11/2/06 the long record regarding notice of appeal <u>78</u> . (cdh,) (Entered: 11/06/2006)
09/05/2007	<u>85</u>	OPINION from the USCA for the 7th Circuit; Argued 5/3/07; Decided 7/24/07 in USCA case no. 06-3705. (lcw,) (Entered: 09/07/2007)
09/05/2007	<u>86</u>	LETTER from the Seventh Circuit returning the record on appeal in USCA no. 06-3705 consisting of two volumes of pleadings and three volume of exhibits. (Previously Misplaced Document) (lcw,) Modified on 10/15/2007 (lcw,). (Entered: 10/15/2007)
09/05/2007	<u>87</u>	MANDATE of USCA dated 7/24/07 regarding notice of appeal <u>78</u> ; USCA No. 06-3705; The judgment of the District Court is Affirmed, with costs, in accordance with the decision of this court entered on this date. (Previously Misplaced Document) (lcw,) (Entered: 10/15/2007)