

REFER,RULE 16 CONFERENCE HELD,TRANSF

**U.S. District Court
CENTRAL DISTRICT OF ILLINOIS (Peoria)
CIVIL DOCKET FOR CASE #: 1:18-cv-01101-SEM-TSH**

Andrews v. Rauner et al
Assigned to: Judge Sue E. Myerscough
Referred to: Magistrate Judge Tom Schanzle-Haskins
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/11/2018
Jury Demand: Both
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Kelli Andrews
*as Administrator of the Estate of Tiffany
Ann Rusher, deceased*

represented by **Alexis G Chardon**
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V.

Defendant

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Defendant

State of Illinois

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Defendant

John R Baldwin

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Defendant

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Mary Kaitlyn Clark-Joseph
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Defendant

He Yuan, M.D.

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Defendant

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Mary Kaitlyn Clark-Joseph
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Defendant

Wexford Health Sources Inc.

represented by **Karen L McNaught**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/11/2018	<u>1</u>	COMPLAINT against All Plaintiffs (Filing fee \$ 400.), filed by Kelli Andrews. (Attachments: # <u>1</u> Civil Cover Sheet)(Mills, Alan) (Attachment 1 replaced on 3/12/2018) (RK, ilcd). (Entered: 03/11/2018)
03/11/2018	<u>2</u>	NOTICE of Appearance of Attorney by Nicole Rae Schult on behalf of All Plaintiffs (Schult, Nicole) (Entered: 03/11/2018)
03/12/2018		Filing fee: \$ 400.00, receipt number 14626031532 (RK, ilcd) (Entered: 03/12/2018)
03/12/2018		TEXT ORDER: The Plaintiff has filed a Complaint in this case and it appears the Complaint should have been filed in the Springfield Division of the United States District Court for the Central District of Illinois. The events forming the basis of the Complaint are alleged to have taken place at Logan Correctional Center which is in Logan County within the Springfield Division. Accordingly, the Clerk is directed to transfer this case to the Springfield Division. See Local Rule 40.1 ("All complaints and subsequent filings in cases which arise from the following counties:... Logan... will be filed at SPRINGFIELD, ILLINOIS"). Entered by Magistrate Judge Jonathan E. Hawley on 3/12/2018. (KZ, ilcd) (Entered: 03/12/2018)
03/12/2018		Judge Sue E. Myerscough and Magistrate Judge Tom Schanzle-Haskins added. Magistrate Judge Jonathan E. Hawley and Judge Joe Billy McDade no longer assigned to case. (RK, ilcd) (Entered: 03/12/2018)
03/22/2018	<u>3</u>	NOTICE of Appearance of Attorney by Stephen H Weil on behalf of Kelli Andrews (Weil, Stephen) (Entered: 03/22/2018)
03/26/2018	<u>4</u>	NOTICE of Appearance of Attorney by Alexis G Chardon on behalf of Kelli Andrews (Chardon, Alexis) (Entered: 03/26/2018)
04/17/2018	<u>5</u>	STRICKEN NOTICE of Appearance of Attorney by Joseph E Okon on behalf of John R Baldwin, Illinois Department of Corrections (Okon, Joseph) Stricken on 4/18/2018 per text order entered on 4/18/2018 (SKN, ilcd). (Entered: 04/17/2018)
04/17/2018	<u>6</u>	MOTION to Strike <u>5</u> Notice of Appearance of Attorney by Defendants John R Baldwin, Illinois Department of Corrections. Responses due by 5/1/2018 (Tyrrell, Jeremy) (Entered: 04/17/2018)
04/17/2018	<u>7</u>	NOTICE of Appearance of Attorney by Jeremy C Tyrrell on behalf of John R Baldwin, Illinois Department of Corrections (Tyrrell, Jeremy) (Entered: 04/17/2018)
04/18/2018		TEXT ORDER: Defendant John R. Baldwin and Illinois Department of Corrections' Motion to Strike <u>6</u> is GRANTED. The Clerk is DIRECTED to strike the Notice of Appearance of Attorney filed at docket entry <u>5</u> . Entered by Judge Sue E. Myerscough on 04/18/2018. (SKN, ilcd) (Entered: 04/18/2018)
04/19/2018	<u>8</u>	STRICKEN NOTICE of Appearance of Attorney by Mary Kaitlyn Clark-Joseph on behalf of John R Baldwin, Illinois Department of Corrections, Jeff Sim (Clark-Joseph, Mary) STICKEN on 4/20/2018 per text order entered on 4/20/2018 (SKN, ilcd). (Entered: 04/19/2018)
04/19/2018	<u>9</u>	NOTICE of Appearance of Attorney by Jeremy C Tyrrell on behalf of Jeff Sim (Tyrrell, Jeremy) (Entered: 04/19/2018)
04/19/2018	<u>10</u>	MOTION to Strike <u>8</u> Notice of Appearance of Attorney by Defendants John R Baldwin, Illinois Department of Corrections, Jeff Sim. Responses due by 5/3/2018 (Tyrrell, Jeremy) (Entered: 04/19/2018)
04/20/2018		TEXT ORDER by U.S. Magistrate Judge Tom Schanzle-Haskins: Defendants' Motion to Strike Document 8 <u>10</u> is ALLOWED. The Clerk is directed to strike the Notice of Appearance filed at docket entry 8. (LB, ilcd) (Entered: 04/20/2018)
05/21/2018	<u>11</u>	NOTICE of Appearance of Attorney by Jeremy C Tyrrell on behalf of Bruce Rauner, State of Illinois (Tyrrell, Jeremy) (Entered: 05/21/2018)

05/21/2018	<u>12</u>	NOTICE of Appearance of Attorney by Karen L McNaught on behalf of Brian Richardson, Wexford Health Sources Inc. (McNaught, Karen) (Entered: 05/21/2018)
05/21/2018	<u>13</u>	ANSWER to <u>1</u> Complaint AND AFFIRMATIVE DEFENSES by Brian Richardson, Wexford Health Sources Inc..(McNaught, Karen) (Entered: 05/21/2018)
05/21/2018	<u>14</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by Defendants John R Baldwin, Illinois Department of Corrections, Bruce Rauner, Jeff Sim, State of Illinois. Responses due by 6/4/2018 (Tyrrell, Jeremy) (Entered: 05/21/2018)
05/22/2018		TEXT ORDER by U.S. Magistrate Judge Tom Schanzle-Haskins. Defendants' Unopposed Motion for Extension of Time to File Responsive Pleadings <u>14</u> is ALLOWED. Extension granted to 6/4/2018 for Defendants John R Baldwin, Illinois Department of Corrections, Bruce Rauner, Jeff Sims, and State of Illinois to answer or otherwise plead. (LB, ilcd) (Entered: 05/22/2018)
06/04/2018	<u>15</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Counts II and III of Plaintiff's Complaint</i> by Defendants John R Baldwin, Illinois Department of Corrections, Bruce Rauner, State of Illinois. Responses due by 6/18/2018 (Tyrrell, Jeremy) (Entered: 06/04/2018)
06/04/2018	<u>16</u>	MEMORANDUM in Support re <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Counts II and III of Plaintiff's Complaint</i> filed by Defendants John R Baldwin, Illinois Department of Corrections, Bruce Rauner, State of Illinois. (Tyrrell, Jeremy) (Entered: 06/04/2018)
06/04/2018	<u>17</u>	ANSWER to <u>1</u> Complaint AND AFFIRMATIVE DEFENSES by John R Baldwin, Bruce Rauner, Jeff Sim.(Tyrrell, Jeremy) (Entered: 06/04/2018)
06/05/2018	<u>18</u>	ORDER CONCERNING CONSENT TO MAGISTRATE JUDGE IN CASES INVOLVING INITIAL DISPOSITIVE MOTION entered by U.S. Magistrate Judge Tom Schanzle-Haskins on 6/5/2018. (LB, ilcd) (Entered: 06/05/2018)
06/12/2018	<u>19</u>	NOTICE of Appearance of Attorney by Charles Zachary Vaughn on behalf of Brian Richardson (Vaughn, Charles) (Entered: 06/12/2018)
06/12/2018	<u>20</u>	NOTICE of Appearance of Attorney by Alexander Brewster Chosid on behalf of Brian Richardson (Chosid, Alexander) (Entered: 06/12/2018)
06/14/2018		TEXT ORDER by U.S. Magistrate Judge Tom Schanzle-Haskins. The Court notes the Complaint in this case was filed in the Central District of Illinois on 3/11/2018 and that the court file does not reflect proper service upon Defendant He Yuan, M.D. Federal Rule of Civil Procedure 4(m) directs that a Plaintiff must serve a Defendant within 90 days of filing of the Complaint. Plaintiff is directed to file a status report by 6/21/2018 and show cause why the case should not be dismissed without prejudice for want of prosecution as to Defendant He Yuan, M.D. (LB, ilcd) (Entered: 06/14/2018)
06/18/2018	<u>21</u>	MEMORANDUM in Opposition re <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Counts II and III of Plaintiff's Complaint</i> filed by Plaintiff Kelli Andrews. (Chardon, Alexis) (Entered: 06/18/2018)
06/21/2018	<u>22</u>	STATUS REPORT by Kelli Andrews. (Chardon, Alexis) (Entered: 06/21/2018)
06/22/2018		TEXT ORDER by U.S. Magistrate Judge Tom Schanzle-Haskins. Before the Court is Plaintiff's Status Report <u>22</u> as to completion of service of process on Defendant He Yuan, M.D. Plaintiff's request is ALLOWED. For reasons as set forth in Plaintiff's report, Plaintiff is granted an extension to 8/8/2018 to effect service on Defendant Yuan. (LB, ilcd) (Entered: 06/22/2018)
06/26/2018	<u>23</u>	NOTICE of Appearance of Attorney by Elizabeth N Mazur on behalf of All Plaintiffs (Mazur, Elizabeth) (Entered: 06/26/2018)
07/03/2018	<u>24</u>	MOTION for Protective Order by Defendant Brian Richardson. Responses due by 7/17/2018 (Vaughn, Charles) (Entered: 07/03/2018)
07/11/2018		TEXT ORDER by U.S. Magistrate Judge Tom Schanzle-Haskins. Motion for HIPAA Qualified Protective Order <u>24</u> ALLOWED. Written order to follow. (LB, ilcd) (Entered: 07/11/2018)

07/11/2018	<u>25</u>	HIPAA QUALIFIED PROTECTIVE ORDER entered by U.S. Magistrate Judge Tom Schanzle-Haskins on 7/11/2018. (LB, ilcd) (Entered: 07/11/2018)
07/16/2018	<u>26</u>	CERTIFICATE of Service. (Chosid, Alexander) (Entered: 07/16/2018)
08/02/2018	<u>27</u>	Return of Service Executed by Kelli Andrews as to He Yuan, M.D. 6/29/2018. (Schult, Nicole) (Entered: 08/02/2018)
08/06/2018	<u>28</u>	OPINION: For the reasons stated in the Opinion, the Motion to Dismiss Counts II and III of Plaintiff's Complaint <u>15</u> filed by Defendants John R. Baldwin, Bruce Rauner, Illinois Department of Corrections, and State of Illinois is DENIED. These defendants shall file an amended answer on or before August 20, 2018. SEE WRITTEN OPINION. Entered by Judge Sue E. Myerscough on 08/03/2018. (SKN, ilcd) (Entered: 08/06/2018)
08/20/2018	<u>29</u>	Amended ANSWER to <u>1</u> Complaint AND AFFIRMATIVE DEFENSES by John R Baldwin, Illinois Department of Corrections, Bruce Rauner, State of Illinois.(Tyrrell, Jeremy) (Entered: 08/20/2018)
08/28/2018	<u>30</u>	NOTICE of Appearance of Attorney by Karen L McNaught on behalf of He Yuan, M.D. (McNaught, Karen) (Entered: 08/28/2018)
08/28/2018	<u>31</u>	ANSWER to <u>1</u> Complaint AND AFFIRMATIVE DEFENSES by He Yuan, M.D..(McNaught, Karen) (Entered: 08/28/2018)
08/28/2018		NOTICE OF HEARING: Telephonic Rule 16 Scheduling Conference set Wednesday, 10/3/2018, at 9:30 AM (court will place call) before U.S. Magistrate Judge Tom Schanzle-Haskins. Attorneys are directed to comply with Federal Rule of Civil Procedure 26(f) by meeting as soon as practicable, and in any event at least fourteen (14) days prior to the scheduling conference, and are to submit a proposed discovery plan in writing to the Court on or before 10/1/2018. Such a plan must include, at a minimum, those items listed in CDIL-LR 26.2(3), Rule 16(b), Rule 26(f), and CDIL-LR 16.2(E) with proposed deadlines. The parties are directed to specifically address the provisions, if any, for discovery or disclosure of electronically stored information, and to discuss agreements, if any, the parties reach for asserting claims of privilege or of protection as trial preparation material, after inadvertent production. Any plan filed shall specifically address the need, or lack thereof, concerning discovery of electronically stored information. If a discovery plan is not submitted as required, the scheduling hearing will not be held and costs may be assessed. Lead counsel or other counsel of record with knowledge of the case should be available to participate in the Rule 16 scheduling hearing. (LB, ilcd) (Entered: 08/28/2018)
10/01/2018	<u>32</u>	REPORT of Rule 26(f) Planning Meeting by Kelli Andrews. (Weil, Stephen) (Entered: 10/01/2018)
10/03/2018	<u>33</u>	MINUTE ENTRY for proceedings held before U.S. Magistrate Judge Tom Schanzle-Haskins: Telephonic Rule 16 Scheduling Conference held on 10/3/2018 with Attorneys Elizabeth Mazur, Stephen Weil, Jeremy Tyrrell, Karen McNaught, and Alexander Chosid. The parties have submitted to the Court a disagreement regarding the proposed language to be placed in their protocol for discovery of electronically stored information (ESI). The Court overrules Defendants' objections to the inclusion of paragraph 1(c) contained on page three of the parties' Report of Rule 26(f) Planning Meeting <u>32</u> . That paragraph shall be included in the ESI protocol governing discovery of electronically stored information in this case. Information contained in paragraph 1(c) conforms with the provisions of Rule 34(b)(2)(E) of the Federal Rules of Civil Procedure. The language in the first paragraph of Areas of Disagreement (d/e <u>32</u> , pg 2) shall be modified by elimination of the first paragraph as the dispute was resolved by the above ruling by the Court. Plaintiff is to tender a protective order to the Defendants which will eliminate the need for redaction of the original or native form of material to be produced pursuant to paragraph 1(c) of the ESI protocol. Plaintiff shall tender the proposed protective order within seven days. The parties shall confer and attempt to agree on the nature of the protective order. If there is a disagreement, the parties shall present the disagreement to the Court for ruling by motion. The Defendants have the option to produce the material described in paragraph 1(c) to the Plaintiff in both PDF and original or native form if the Defendants think such production might eliminate the possibility of improper modifications in the ESI produced. Defendants are not required to produce the information in both PDF and

		original or native form as Rule 34(b)(2)(E)(iii) states a party is not required to produce the same electronically stored information in more than one form. A written Scheduling Order will be entered. Parties are reminded of their option to consent to proceed before U.S. Magistrate Judge. See attached form. (LB, ilcd) (Entered: 10/04/2018)
10/03/2018	<u>34</u>	SCHEDULING ORDER entered by U.S. Magistrate Judge Tom Schanzle–Haskins. TIME LIMITS AND SETTINGS ARE ORDERED AS FOLLOWS: Initial Disclosures due by 11/15/2018; Joinder of Parties due by 4/2/2019; Amended Pleadings due by 4/2/2019; Fact Discovery due by 7/15/2019; Plaintiff's Expert Disclosure due by 9/30/2019; Defendant's Expert Disclosure due by 1/17/2020; Expert Discovery due by 4/14/2020; Dispositive Motions due by 6/12/2020. Final Pretrial Conference set 10/5/2020 at 2:00 PM in Courtroom 1 in Springfield before U.S. District Judge Sue E. Myerscough. Jury Trial set 10/20/2020 at 9:00 AM before Judge Myerscough. Telephonic Status Conference set Wednesday, 4/15/2020, at 10:30 AM (court will place call) before Magistrate Judge Schanzle–Haskins. See written order. (Attachments: #(1) Mediation Memo, #(2) Courtroom Technology Brochure) (LB, ilcd) (Entered: 10/04/2018)
10/25/2018	<u>35</u>	CERTIFICATE of Service. (Chosid, Alexander) (Entered: 10/25/2018)
11/08/2018	<u>36</u>	NOTICE of Subpoenas (McNaught, Karen) (Entered: 11/08/2018)
11/15/2018	<u>37</u>	CERTIFICATE of Service/Counsel for Rule 26 Initial Disclosures by Karen L McNaught on behalf of Brian Richardson, Wexford Health Sources Inc., He Yuan, M.D. (McNaught, Karen) (Entered: 11/15/2018)
11/27/2018	<u>38</u>	MOTION for Protective Order by Plaintiff Kelli Andrews. Responses due by 12/11/2018 (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Weil, Stephen) (Entered: 11/27/2018)
12/11/2018	<u>39</u>	RESPONSE to Motion re <u>38</u> MOTION for Protective Order filed by Defendants John R Baldwin, Illinois Department of Corrections, Bruce Rauner, Jeff Sim, State of Illinois. (Tyrrell, Jeremy) (Entered: 12/11/2018)
12/13/2018	<u>40</u>	OPINION entered by U.S. Magistrate Judge Tom Schanzle–Haskins. Plaintiff's Motion for Entry of a Confidentiality Order <u>38</u> is ALLOWED. The Court will enter the Proposed Order attached to the Motion. (LB, ilcd) (Entered: 12/13/2018)
12/13/2018	<u>41</u>	CONFIDENTIALITY ORDER entered by U.S. Magistrate Judge Tom Schanzle–Haskins on 12/13/2018. (LB, ilcd) (Entered: 12/13/2018)
01/04/2019	<u>42</u>	MOTION for Extension of Time to Complete Discovery by Defendants Brian Richardson, Wexford Health Sources Inc., He Yuan, M.D.. Responses due by 1/18/2019 (McNaught, Karen) (Entered: 01/04/2019)
01/04/2019		TEXT ORDER by U.S. Magistrate Judge Tom Schanzle–Haskins. Defendants' Agreed Motion for Extension of Time <u>42</u> is ALLOWED. Defendants Brian Richardson, Dr. He Yuan, and Wexford Health Sources, Inc. are granted an extension to 2/4/2019 to respond to Plaintiff's interrogatories and request for production of documents. (LB, ilcd) (Entered: 01/04/2019)
01/04/2019	<u>43</u>	MOTION for Extension of Time to File Response/Reply to Discovery Requests (Unopposed) by Defendants John R Baldwin, Illinois Department of Corrections, Bruce Rauner, Jeff Sim, State of Illinois. Responses due by 1/18/2019 (Tyrrell, Jeremy) (Entered: 01/04/2019)
01/07/2019		TEXT ORDER by U.S. Magistrate Judge Tom Schanzle–Haskins. Defendants' Unopposed Motion for Extension of Time to Respond to Discovery Requests <u>43</u> ALLOWED. Defendants John Baldwin, Bruce Rauner, Jeff Sim, Illinois Department of Corrections, and State of Illinois are granted an extension to February 4, 2019 to respond to Plaintiff's discovery requests. (LB, ilcd) (Entered: 01/07/2019)