

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

Victor M. Gonzalez, Administrator of the Estate of Roger Gonzalez, deceased,)	
)	No. 15-cv-00776
Plaintiff,)	Judge Philip G. Reinhard
)	Magistrate Judge Iain D. Johnston
vs.)	
)	Jury Demanded
Wexford Health Sources, Inc.,)	
Arthur Davida, M.D., Dr. Stephen Israel, and Dr. Roderick L. Matticks.)	
)	
Defendants.)	

**DEFENDANTS, WEXFORD HEALTH SOURCES, INC. and
ARTHUR DAVIDA, M.D.'s, MOTION TO EXTEND SUPPLEMENTAL
RULE 26(a)(2)(B) and 26(a)(2)(C) DISCLOSURE DEADLINE**

NOW COME Defendants, WEXFORD HEALTH SOURCES, INC. and ARTHUR DAVIDA, M.D. (“Defendants”), through their attorneys CONNOLLY KRAUSE LLC, and hereby move this Honorable Court to extend the time to supplement their Rule 26(a)(2)(B) and 26(a)(2)(C) disclosures. (Dkt. 245). In support thereof, Defendants state as follows:

1. On July 13, 2020, Plaintiff filed his Sixth Amended Complaint (“Complaint”). (Dkt. 244).
2. On July 15, 2020, this Honorable Court entered an order for Defendants to answer Plaintiff’s Complaint by July 29, 2020 and supplement their Rule 26(a)(2)(B) and 26(a)(2)(C) disclosures based on Plaintiff’s Sixth Amended Complaint by August 14, 2020. (Dkt. 245).
3. Defendant Davida, concurrently with the instant motion, answered Plaintiff’s Complaint.
4. Defendant Wexford, concurrently with the instant motion, filed a Fed. R. Civ. P. 12(b)(6) Motion to Dismiss for (1) failure to plead separate counts in derogation of Fed. R. Civ. P.

10(b); (2) failure to state a claim for *respondeat superior* liability under Illinois law; and (3) failure to state a *Monell* claim.

5. That on the morning of July 29, 2020, counsel for Defendants, Robert S. Tengesdal, met with Defendants' Rule 26(a)(2)(B) expert, Dr. Arnold Berns, in person in preparation to supplement his Rule 26(a)(2)(B) report, but for the reasons elaborated in detail in Defendant Wexford's Motion to Dismiss, Dr. Berns was unable to formulate opinions and supplement his prior opinions due to the deficiencies in Plaintiff's Complaint, including but not limited to whether Plaintiff's *respondeat superior* claim against Wexford arose out of the actions of Defendant Dr. Davida, former defendant, Dr. Matticks, or newly identified Dr. Shah, and what breach(s) of the standard of care Plaintiff is alleging.

WHEREFORE, Defendants, WEXFORD HEALTH SOURCES, INC. and ARTHUR DAVIDA, M.D. respectfully request that this Honorable Court enter an order extending the deadline for Defendants to supplement their Rule 26(a)(2)(B) and 26 (a)(2)(C) disclosures until either 30 days after Plaintiff files a Seventh Amended Complaint curing the deficiencies of the Sixth Amended Complaint or 30 days after this Honorable Court issues a ruling on Wexford's Motion to Dismiss and for any further relief this court deems fair and just.

Respectfully submitted,

By: /s/Anthony M. DeLongis
One of the Attorneys for Defendants

Robert S. Tengesdal
Anthony M. DeLongis
CONNOLLY KRAUSE
500 W. Madison #2430
Chicago, IL 60661
312-253-6200
rtengesdal@cktrials.com
adelongis@cktrials.com

CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2020, I caused the foregoing document to be filed electronically with the Clerk of the Court through ECF. All of the participants in the case are registered CM/EFC users and will be served by the CM/EFC system.

By: /s/Anthony M. DeLongis