

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

## JOINT STATUS REPORT

The parties submit the following joint status report on discovery progress:

1. Plaintiffs made the expert disclosures on May 12, 2022 from retained experts Jasdeep S. Mangat, MD and Melissa Gutierrez-Kapheim, MS.

2. Dr. Mangat addresses the questions identified by the Court in its order of November 29, 2020 (ECF No. 178) as well as contentions defendants have advanced in this litigation and offers the following opinions:

- a. Opioid use disorder (OUD) is a chronic medical condition and the medical consensus is that the standard of care for OUD is medication assisted treatment (MAT) with FDA-approved medications, such as methadone or buprenorphine.
- b. Forced opioid withdrawal of individuals with OUD, which includes tapering prescribed agonist medication, can cause undue harm and suffering, while placing these individuals at an increased risk of relapse, overdose, and death.

- c. A delay in the administration of OTP prescriptions, like methadone or buprenorphine, will result in the worsening of or onset of withdrawal symptoms.
- d. Withdrawal symptoms for individuals with OUD often require days or weeks to resolve, though some symptoms, such as cravings for opioids, may remain indefinitely.
- e. Withdrawal symptoms from opioids can be minimized, though not avoided, with a taper.
- f. Tapering individuals off their prescribed opioid agonist medication because the treatment will be discontinued in the event the detainee is transferred to IDOC causes unnecessary harm to the individuals who enter the Cook County Jail to serve a misdemeanor conviction and ignores the fact, per my understanding, that less than 15% of individuals who enter the Jail serve time in the Illinois Department of Corrections (IDOC).

3. Ms. Gutierrez-Kapheim offers an opinion about a methodology that plaintiffs will use to establish the accuracy of tables produced by plaintiffs' counsel from data produced by defendants. Plaintiffs have propounded these tables in the form of Rule 36 request to admit; the parties have scheduled a "meet and confer" (by Zoom) for May 19, 2022 to discuss and attempt to resolve defendants' objections to the requests to admit.

4. Counsel has commissioned a third expert report, from Adeyemi Fatoki, MD, MPH. Dr. Fatoki provided counsel with a draft on May 10, 2022 and informed counsel at 3:50 p.m. on May 12, 2022 that he intended to complete his report before midnight. Counsel understands that Dr. Fatoki underwent a medical procedure on May 2, 2022; counsel believes that Dr. Fatoki did not complete his report by May 12, 2022 because of this

procedure. Counsel intended to offer Dr. Fatoki's opinions on the harm the three named plaintiffs suffered from the delay in receiving methadone after admission to the Cook County Jail. This issue is not among the common questions presented for the class and is not addressed by Dr. Mangat. Counsel will promptly serve on defense counsel any report produced by Dr. Fatoki and, after discussion among counsel, present to the Court any dispute about the untimely report.

5. In addition to the expert reports, Plaintiffs propounded upon Defendants more than eighteen thousand (18,000) requests to admit between May 10, 2022 and the date of this report. Plaintiffs' counsel has also indicated that he will be producing corrected requests to admit based on supplemental data produced by defendants on May 11, 2022. The Defendants have objected on burden and timeliness grounds. Plaintiffs disagree with the timeliness objection but acknowledge the burdensome issue. Plaintiffs prepared the requests to admit from data produced by defendants and are optimistic that a meet and confer, scheduled for May 19, 2022, will result in a resolution, or significant narrowing, of this dispute. Defendants do not share this optimism. The parties suggest that they file a status report on this issue on May 25, 2022.

6. Defendants request an additional 30 days (to and including July 23, 2022) to make their expert disclosures, with similar adjustments to the other disclosure deadlines. This extension will allow Dr. Fatoki to complete his report and will permit the parties to attempt to resolve issues about the requests to admit. Plaintiffs do not oppose this request and appreciate defendants' courtesy to Dr. Fatoki.

Respectfully submitted,

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