

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.3
Eastern Division**

Johnny Jones

Plaintiff,

v.

Case No.: 1:17-cv-08218

Honorable Mary M. Rowland

Wexford Health Sources, Inc., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, February 22, 2021:

MINUTE entry before the Honorable Mary M. Rowland: Defendant has moved for entry of final judgement of Plaintiff's deliberate indifference claim pursuant to Rule 54(b) [115]. This Court has discretion as to whether to enter final judgment for dismissed claims in ongoing litigation. See *Coleman v. McLaren*, 92 F.R.D. 754, 756 (N.D. Ill. 1981), *aff'd sub nom. Pigeaud v. McLaren*, 699 F.2d 401 (7th Cir. 1983). "However, Rule 54(b) entries are not to be made routinely or as an accommodation to counsel." *Great Am. Trading Corp. v. I.C.P. Cocoa, Inc.*, 629 F.2d 1282, 1286 (7th Cir. 1980); see *Snitzer v. Degnan*, No. 07 C 339, 2007 WL 9815657, at *1 (N.D. Ill. Dec. 20, 2007) ("[Plaintiff's] mere desire to have an appellate resolution of the dismissal ruling by this court is not sufficient to warrant granting his motion.") Due to the ongoing litigation, the Court declines to enter a final judgement as to the deliberate indifference claim. Defendant has requested, in the alternative, that the Court decline to exercise its supplemental jurisdiction over the Plaintiff's medical malpractice claim. This case has been pending in the federal court since November 2017. From the start it contained a federal constitutional claim and a state negligence claim. (Dkt. 1, Section 2–622 Certification). The federal court has ruled on a motion to dismiss, presided over years of discovery, (including disputed discovery motions and expert discovery), and resolved dispositive motions. Considerations of judicial efficiency weigh heavily in favor of the court maintaining jurisdiction. In addition, in light of the pandemic and the resulting backlog of cases in state court, this factor weighs more heavily in the court's consideration. Therefore, pursuant to 28 U.S.C. Sec. 1367 the Court shall continue to exercise jurisdiction over Plaintiff's negligence claim. Defendants' motion is denied. Status set for 4/30/21 at 9:30 AM to set a trial date. Counsel shall call 866–434–5269; access code 3751971. Mailed notice. (dm,)

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