

# EXHIBIT A

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Coordinated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Advocate Aurora Health Care - Park Place  
1881 Chicago St., De Pere, WI 54115

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

**\*\*SEE ATTACHED RIDER\*\*** No person shall comply with a subpoena for mental health records or communications pursuant to Section 10 of the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/10, unless the subpoena is accompanied by a written order that authorizes the issuance of the subpoena and the disclosure of records or communications or by the written consent under Section 5 of that Act of the person whose records are being sought.

Place: LOEVY & LOEVY  
scott@lovey.com, thommy@lovey.com  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607

Date and Time:

05/31/2022 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 05/27/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ William E. Bazarek

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers, who issues or requests this subpoena, are:

William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 337, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* Advocate Aurora Health Care - Park Place  
was received by me on *(date)* 05/27/2022 .

☒ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
Advocate Aurora Health Care - Park Place via email to Mark.Bina@quarles.com  
\_\_\_\_\_ on *(date)* 05/27/2022 ; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: 05/27/2022 \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*  
Mirzeta Causevic, Paralegal  
Hale and Monico, LLC  
53 W. Jackson Blvd., Suite 330  
Chicago, IL 60602  
mcausevic@halemonico.com 312-870-6907  
\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i)** expressly make the claim; and
- (ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).



*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

## **RIDER**

Please provide all medical records, including mental health records, as allowed by the **AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**. Please note that the medical records are returnable to counsel for below individuals. Please also indicate on the response to each subpoena the total number of pages being provided by your facility in response to each subpoena. Such medical records shall include, but are not limited to, Mental health care information, drug and alcohol treatment/rehabilitation files, attending and/or treating physicians notes, nurses notes, progress reports, (including computer generated documents--the IBEX--and any and all crisis notes), laboratory reports, prescribed medications, diagnostic tests and assessments and any other accompanying reports, personal history, medical history, family history, inpatient and outpatient treatment, prognosis, charts, evaluations, treatment plans, social service interventions and notes of all medical personnel and social service and health care providers, and bills for services rendered, if any, for Plaintiffs listed below.

<b>Last Name</b>	<b>First Name</b>	<b>Civil Case No.</b>	<b>DOB</b>
Thomas	Phillip	18 C 5132	10/20/1959

**SEE ATTACHED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**  
**NO PERSONAL APPEARANCE IS REQUIRED.**

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

PHILLIP THOMAS,	)	
	)	
Plaintiff,	)	No. 18 C 5132
	)	
v.	)	Magistrate Judge Sheila M. Finnegan
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Wood and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***PHILLIP THOMAS***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to ***PHILLIP THOMAS*** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **PHILLIP THOMAS**, to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **PHILLIP THOMAS**, in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated

confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled “CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **PHILLIP THOMAS**, (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **PHILLIP THOMAS**, that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).


(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

7/23/2021

ENTER

  
\_\_\_\_\_  
Judge Shelia M. Finnegan

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Coordinated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Nuway Community Services  
110 East 79th Street, Chicago, IL 60619, P#773-723-2790

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*\*SEE ATTACHED RIDER \*\*\*\*

Place: LOEVY & LOEVY/Scott R. Rauscher/Thommy Purnell  
(scott@loevy.com and thommy@loevy.com)  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607

Date and Time:

07/27/2022 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 07/13/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Allyson L. West

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers, who issues or requests this subpoena, are:

Allyson L. West, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 337, Chicago, IL 60604, Direct: 312-870-6924 Email: awest@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* Nuway Community Services  
was received by me on *(date)* 07/13/2022 .

☒ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

Nuway Community Services via fax to F #773-723-2986

\_\_\_\_\_ on *(date)* 07/13/2022 ; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: 07/13/2022

/s/ Mirzeta Causevic

*Server's signature*

Mirzeta Causevic, Paralegal

*Printed name and title*

Hale and Monico LLC  
53 W. Jackson Blvd., Suite 330  
Chicago, IL 60604

mcausevic@halemonico.com, 630-523-2151

*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

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**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

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**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

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- (i)** expressly make the claim; and
- (ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

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**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).



*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

## **RIDER**

Please provide all medical records, including mental health records, as allowed by the **AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**. Please note that the medical records are returnable to counsel for below individual. Please also indicate on the response to each subpoena the total number of pages being provided by your facility in response to each subpoena. Such medical records shall include, but are not limited to, Mental health care information, drug and alcohol treatment/rehabilitation files, attending and/or treating physicians notes, nurses notes, progress reports, (including computer generated documents--the IBEX--and any and all crisis notes), laboratory reports, prescribed medications, diagnostic tests and assessments and any other accompanying reports, personal history, medical history, family history, inpatient and outpatient treatment, prognosis, charts, evaluations, treatment plans, social service interventions and notes of all medical personnel and social service and health care providers, and bills for services rendered, if any, for Plaintiff listed below.

<b>Last Name</b>	<b>First Name</b>	<b>Civil Case No.</b>	<b>DOB</b>
McNairy	Andre	18 C 5127	02/05/1964

**SEE ATTACHED AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**  
**NO PERSONAL APPEARANCE IS REQUIRED.**



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

ANDRE MCNAIRY,	)	
	)	
Plaintiff,	)	No. 18 C 5127
	)	
v.	)	Magistrate Judge Sheila M. Finnegan
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***ANDRE MCNAIRY***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to ***ANDRE MCNAIRY*** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining *ANDRE MCNAIRY*, to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of *ANDRE MCNAIRY*, in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

“CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **ANDRE MCNAIRY**, (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **ANDRE MCNAIRY**, that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

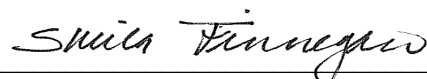
(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

3/22/2022

ENTER



Magistrate Judge Sheila Finnegan

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Consolidated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Gateway Treatment Center, Attn: Medical Records  
3828 W. Taylor Street, Chicago, IL 60624

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*\*SEE ATTACHED RIDER \*\*\*\*

Place: LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607Date and Time:  
10/18/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 10/04/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*\_\_\_\_\_  
/s/ William E. Bazarek\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers  
\_\_\_\_\_, who issues or requests this subpoena, are:

William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i)** expressly make the claim; and
- (ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

## **RIDER**

Please provide all medical records, including mental health records, as allowed by the **AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**. Please note that the medical records are returnable to counsel for below individuals. Please also indicate on the response to each subpoena the total number of pages being provided by IDOC in response to subpoena. Such medical records shall include, but are not limited to, Mental health care information, drug and alcohol treatment/rehabilitation files, attending and/or treating physicians notes, nurses notes, progress reports, (including computer generated documents--the IBEX--and any and all crisis notes), laboratory reports, prescribed medications, diagnostic tests and assessments and any other accompanying reports, personal history, medical history, family history, inpatient and outpatient treatment, prognosis, charts, evaluations, treatment plans, social service interventions and notes of all medical personnel and social service and health care providers, and bills for services rendered, if any, for Plaintiffs listed below.

<b>Last Name</b>	<b>First Name</b>	<b>Civil Case No.</b>	<b>DOB</b>
Ali	Chauncey	20 C 2914	03/08/1969
Delaney, Jr.	Milton	19 C 1083	04/13/1978
Harrison	Stefon	20 C 2918	04/26/1981
Herron	Tyrone	21 C 4813	07/22/1973
Lockett	Jesse	19 C 7232	02/28/1987
McDonald	Octayvia	19 C 1101	11/13/1987
McNairy	Andre	18 C 5127	02/05/1964
Thomas	Henry	18 C 5131	07/07/1980
Thomas	Phillip	18 C 5132	10/20/1959
White, Sr.	Lionel	17 C 2877	04/28/1970

**SEE ATTACHED HIPAA ORDER.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**  
**NO PERSONAL APPEARANCE IS REQUIRED.**

Please return records to:  
LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor  
Chicago, IL 60607



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

CHAUNCEY ALI,	)	
	)	
Plaintiff,	)	No. 20 C 2914
	)	
v.	)	Magistrate Judge Sheila M. Finnegan
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***CHAUNCEY ALI***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to ***CHAUNCEY ALI*** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **CHAUNCEY ALI**, to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **CHAUNCEY ALI**, in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

“CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **CHAUNCEY ALI**, (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **CHAUNCEY ALI**, that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

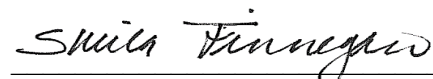
(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

Dated: 12/9/2021

ENTER

  
\_\_\_\_\_  
Judge Shelia M. Finnegan

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

MILTON DELANEY JR.,	)	
	)	
Plaintiff,	)	No. 19 C 1083
	)	
v.	)	Honorable Charles P. Kocoras
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Wood and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (**MILTON DELANEY, JR.**) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **MILTON DELANEY, JR.** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining **MILTON DELANEY, JR.** to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **MILTON DELANEY, JR.** in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

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- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **MILTON DELANEY, JR.** (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **MILTON DELANEY, JR.** that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

4/1/2022

ENTER

  
\_\_\_\_\_  
Judge Sheila Finnegan



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

STEFON HARRISON,	)	
	)	
Plaintiff,	)	No. 20 C 2918
	)	
v.	)	Magistrate Judge Sheila M. Finnegan
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***STEFON HARRISON***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to ***STEFON HARRISON*** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **STEFON HARRISON**, to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **STEFON HARRISON**, in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled



“CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **STEFON HARRISON**, (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **STEFON HARRISON**, that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

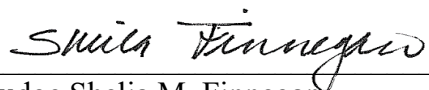
(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

Dated: 12/9/2021

ENTER

  
\_\_\_\_\_  
Judge Shelia M. Finnegan

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

TYRONE HERRON,	)	
	)	
Plaintiff,	)	No. 21 C 4813
	)	
v.	)	Magistrate Judge Sheila M. Finnegan
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***TYRONE HERRON***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to ***TYRONE HERRON*** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **TYRONE HERRON**, to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **TYRONE HERRON**, in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

“CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **TYRONE HERRON**, (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **TYRONE HERRON**, that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

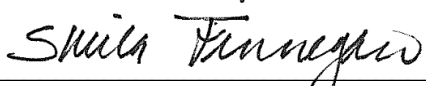
(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

Dated: 12/9/2021

ENTER

  
\_\_\_\_\_  
Judge Shelia M. Finnegan

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

JESSE LOCKETT,	)	
	)	
Plaintiff,	)	No. 19 C 7232
	)	
v.	)	Honorable Steven C. Seeger
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Judge Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (**JESSE LOCKETT**) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **JESSE LOCKETT** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not

limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or (c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining **JESSE LOCKETT** to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **JESSE LOCKETT** in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.



(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled “CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **JESSE LOCKETT** (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **JESSE LOCKETT** that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

9/20/2022  
ENTERED

  
Magistrate Judge Sheila M. Finnegan

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

OCTAYVIA MCDONALD,	)	
	)	
Plaintiff,	)	No. 19 C 1101
	)	
v.	)	Honorable Edmond E. Chang
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Judge Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (**OCTAYVIA MCDONALD**) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **OCTAYVIA MCDONALD** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not



limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or (c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **OCTAYVIA MCDONALD**, to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **OCTAYVIA MCDONALD**, in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled “CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **OCTAYVIA MCDONALD**, (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

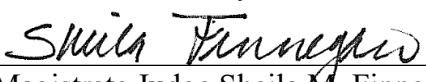
(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **OCTAYVIA MCDONALD**, that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

ENTERED: 7/8/2022

  
Magistrate Judge Sheila M. Finnegan

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

ANDRE MCNAIRY,	)	
	)	
Plaintiff,	)	No. 18 C 5127
	)	
v.	)	Magistrate Judge Sheila M. Finnegan
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***ANDRE MCNAIRY***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to ***ANDRE MCNAIRY*** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining *ANDRE MCNAIRY*, to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of *ANDRE MCNAIRY*, in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

“CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **ANDRE MCNAIRY**, (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **ANDRE MCNAIRY**, that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

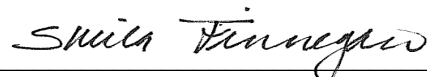
(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

3/22/2022

ENTER



Magistrate Judge Sheila Finnegan

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

HENRY THOMAS,	)	
	)	
Plaintiff,	)	No. 18 C 5131
	)	
v.	)	Magistrate Judge Sheila M. Finnegan
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***HENRY THOMAS***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to ***HENRY THOMAS*** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or



(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **HENRY THOMAS**, to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **HENRY THOMAS**, in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled



“CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **HENRY THOMAS**, (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **HENRY THOMAS**, that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

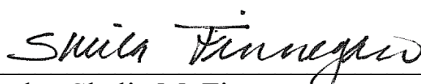
(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

12/8/2021

ENTER

  
\_\_\_\_\_  
Judge Shelia M. Finnegan

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

PHILLIP THOMAS,	)	
	)	
Plaintiff,	)	No. 18 C 5132
	)	
v.	)	Magistrate Judge Sheila M. Finnegan
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Wood and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***PHILLIP THOMAS***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to ***PHILLIP THOMAS*** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **PHILLIP THOMAS**, to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **PHILLIP THOMAS**, in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated

confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled “CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **PHILLIP THOMAS**, (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **PHILLIP THOMAS**, that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).


(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

7/23/2021

ENTER

  
\_\_\_\_\_  
Judge Shelia M. Finnegan

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

LIONEL WHITE, SR.,	)	
	)	
Plaintiff,	)	No. 17 C 2877
	)	
v.	)	Honorable Steven C. Seeger
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Wood and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (**LIONEL WHITE, SR.**) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **LIONEL WHITE, SR.** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining **LIONEL WHITE, SR.** to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **LIONEL WHITE, SR.** in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled



“CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **LIONEL WHITE, SR.** (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

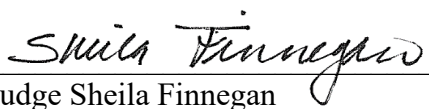
(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **LIONEL WHITE, SR.** that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

4/1/2022  
ENTER

  
Judge Sheila Finnegan



## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Consolidated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Chicago Department of Public Health, Englewood Mental Health Clinic, Attn: Pertiller Danielle, LCPC  
641 W. 63rd St., Chicago, IL 60621

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*\*SEE ATTACHED RIDER \*\*\*\*

Place: LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607Date and Time:  
10/27/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 10/13/2023

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ William E. Bazarek

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers  
, who issues or requests this subpoena, are:

William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i)** expressly make the claim; and
- (ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

## **RIDER**

Please provide all medical records, including mental health records, as allowed by the **AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**. Please note that the medical records are returnable to counsel for below individual. Please also indicate on the response to each subpoena the total number of pages being provided by IDOC in response to subpoena. Such medical records shall include, but are not limited to, Mental health care information, drug and alcohol treatment/rehabilitation files, attending and/or treating physicians notes, nurses notes, progress reports, (including computer generated documents--the IBEX--and any and all crisis notes), laboratory reports, prescribed medications, diagnostic tests and assessments and any other accompanying reports, personal history, medical history, family history, inpatient and outpatient treatment, prognosis, charts, evaluations, treatment plans, social service interventions and notes of all medical personnel and social service and health care providers, and bills for services rendered, if any, for Plaintiff listed below.

Last Name	First Name	Civil Case No.	DOB
McDonald	Octayvia	19 C 1101	11/13/1987

**SEE ATTACHED HIPAA ORDER.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**

**NO PERSONAL APPEARANCE IS REQUIRED.**

Please return records to:  
LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor  
Chicago, IL 60607

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

OCTAYVIA MCDONALD,	)	
	)	
Plaintiff,	)	No. 19 C 1101
	)	
v.	)	Honorable Edmond E. Chang
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Judge Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (**OCTAYVIA MCDONALD**) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **OCTAYVIA MCDONALD** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not

limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or (c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **OCTAYVIA MCDONALD**, to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **OCTAYVIA MCDONALD**, in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled “CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **OCTAYVIA MCDONALD**, (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

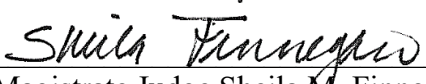
(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **OCTAYVIA MCDONALD**, that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

ENTERED: 7/8/2022

  
Magistrate Judge Sheila M. Finnegan



## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Consolidated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Provident Hospital, Attn: Medical Records, Green Michelle and Colbert Laura  
500 E 51st St, Chicago, Illinois 60615

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*\*SEE ATTACHED RIDER \*\*\*\*

Place: LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607Date and Time:  
10/27/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 10/13/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*\_\_\_\_\_  
/s/ William E. Bazarek\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers  
\_\_\_\_\_, who issues or requests this subpoena, are:

William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

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*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

## **RIDER**

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Last Name	First Name	Civil Case No.	DOB
White, Sr.	Lionel	17 C 2877	04/28/1970

**SEE ATTACHED HIPAA ORDER.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**

**NO PERSONAL APPEARANCE IS REQUIRED.**

Please return records to:  
LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor  
Chicago, IL 60607

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

LIONEL WHITE, SR.,	)	
	)	
Plaintiff,	)	No. 17 C 2877
	)	
v.	)	Honorable Steven C. Seeger
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Wood and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (**LIONEL WHITE, SR.**) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **LIONEL WHITE, SR.** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining **LIONEL WHITE, SR.** to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **LIONEL WHITE, SR.** in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

“CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **LIONEL WHITE, SR.** (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

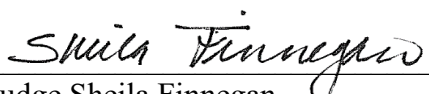
(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **LIONEL WHITE, SR.** that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

4/1/2022  
ENTER

  
Judge Sheila Finnegan



## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Consolidated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Provident Hospital, Attn: Medical Records and Plamoottil Isaac, MD  
8012 South Crandon, Chicago, Illinois 60617

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*\*SEE ATTACHED RIDER \*\*\*\*

Place: LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607

Date and Time:

10/27/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 10/13/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*\_\_\_\_\_  
/s/ William E. Bazarek\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers  
\_\_\_\_\_, who issues or requests this subpoena, are:

William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i)** expressly make the claim; and
- (ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

## **RIDER**

Please provide all medical records, including mental health records, as allowed by the **AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**. Please note that the medical records are returnable to counsel for below individual. Please also indicate on the response to each subpoena the total number of pages being provided by IDOC in response to subpoena. Such medical records shall include, but are not limited to, Mental health care information, drug and alcohol treatment/rehabilitation files, attending and/or treating physicians notes, nurses notes, progress reports, (including computer generated documents--the IBEX--and any and all crisis notes), laboratory reports, prescribed medications, diagnostic tests and assessments and any other accompanying reports, personal history, medical history, family history, inpatient and outpatient treatment, prognosis, charts, evaluations, treatment plans, social service interventions and notes of all medical personnel and social service and health care providers, and bills for services rendered, if any, for Plaintiff listed below.

Last Name	First Name	Civil Case No.	DOB
White, Sr.	Lionel	17 C 2877	04/28/1970

**SEE ATTACHED HIPAA ORDER.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**

**NO PERSONAL APPEARANCE IS REQUIRED.**

Please return records to:  
LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor  
Chicago, IL 60607

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

LIONEL WHITE, SR.,	)	
	)	
Plaintiff,	)	No. 17 C 2877
	)	
v.	)	Honorable Steven C. Seeger
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Wood and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***LIONEL WHITE, SR.***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to ***LIONEL WHITE, SR.*** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining **LIONEL WHITE, SR.** to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **LIONEL WHITE, SR.** in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

“CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **LIONEL WHITE, SR.** (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.


(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **LIONEL WHITE, SR.** that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

4/1/2022  
ENTER

  
Judge Sheila Finnegan



## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Consolidated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Dixon Correctional Center, Attn: Inmate Records Office  
2600 N. Brinton Avenue, Dixon, Illinois 61021

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*\*SEE ATTACHED RIDER \*\*\*\*

Place: LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607

Date and Time:

11/09/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 10/20/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*\_\_\_\_\_  
*/s/ William E. Bazarek*\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers, who issues or requests this subpoena, are:

William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

**(ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

**(ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

**(i)** expressly make the claim; and

**(ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

## **RIDER**

Please provide all medical records, including mental health records, as allowed by the **AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**. Please note that the medical records are returnable to counsel for below individual. Please also indicate on the response to each subpoena the total number of pages being provided by IDOC in response to subpoena. Such medical records shall include, but are not limited to, Mental health care information, drug and alcohol treatment/rehabilitation files, attending and/or treating physicians notes, nurses notes, progress reports, (including computer generated documents--the IBEX--and any and all crisis notes), laboratory reports, prescribed medications, diagnostic tests and assessments and any other accompanying reports, personal history, medical history, family history, inpatient and outpatient treatment, prognosis, charts, evaluations, treatment plans, social service interventions and notes of all medical personnel and social service and health care providers, and bills for services rendered, if any, for Plaintiff listed below.

<b>Last Name</b>	<b>First Name</b>	<b>Civil Case No.</b>	<b>DOB</b>	<b>IDOC No.</b>
Coleman	Bobby	19 C 1094	05/27/1980	R08666

**SEE ATTACHED HIPAA ORDER.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**

**NO PERSONAL APPEARANCE IS REQUIRED.**

**Please return records to:**

**LOEVY & LOEVY**

**gizzi@loevy.com; martinez@loevy.com**

**311 N. Aberdeen, 3rd Floor**

**Chicago, IL 60607**

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

BOBBY COLEMAN,	)	
	)	
Plaintiff,	)	No. 19 C 1094
	)	
v.	)	Honorable Lindsey C. Jenkins
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (**BOBBY COLEMAN**) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **BOBBY COLEMAN** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining **BOBBY COLEMAN** to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **BOBBY COLEMAN** in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

“CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **BOBBY COLEMAN** (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **BOBBY COLEMAN** that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

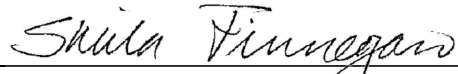
(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal.

10/11/2023

ENTER

  
\_\_\_\_\_  
Judge Shelia M. Finnegan



## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Consolidated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Stateville/Stateville NRC Correctional Center, Attn: Inmate Records Office  
16830 So. Broadway Street, P.O. Box 112, Joliet, Illinois 60434

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Please provide any and all prison records, including the master file, all disciplinary records, photographs, evaluations, reviews, parole hearings, and any other documents in the file for Bobby Coleman, IDOC #R08666.

Place: Hale & Monico, LLC  
53 W. Jackson Blvd., Suite 334, Chicago, IL 60604  
mcausevic@halemonico.com; web@halemonico.com

Date and Time:

11/09/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 10/20/2023

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ William E. Bazarek

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers, who issues or requests this subpoena, are:

William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

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**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

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**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Consolidated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Stateville/Stateville NRC Correctional Center, Attn: Inmate Records Office  
16830 So. Broadway Street, P.O. Box 112, Joliet, Illinois 60434

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*\*SEE ATTACHED RIDER \*\*\*\*

Place: LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607

Date and Time:

11/09/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 10/20/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*\_\_\_\_\_  
/s/ William E. Bazarek\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers  
\_\_\_\_\_, who issues or requests this subpoena, are:

William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

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**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

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*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

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<b>Last Name</b>	<b>First Name</b>	<b>Civil Case No.</b>	<b>DOB</b>	<b>IDOC No.</b>
Coleman	Bobby	19 C 1094	05/27/1980	R08666

**SEE ATTACHED HIPAA ORDER.**

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**NO PERSONAL APPEARANCE IS REQUIRED.**

**Please return records to:**

**LOEVY & LOEVY**

**gizzi@loevy.com; martinez@loevy.com**

**311 N. Aberdeen, 3rd Floor**

**Chicago, IL 60607**



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

BOBBY COLEMAN,	)	
	)	
Plaintiff,	)	No. 19 C 1094
	)	
v.	)	Honorable Lindsey C. Jenkins
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (**BOBBY COLEMAN**) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **BOBBY COLEMAN** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining **BOBBY COLEMAN** to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **BOBBY COLEMAN** in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

“CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **BOBBY COLEMAN** (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **BOBBY COLEMAN** that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

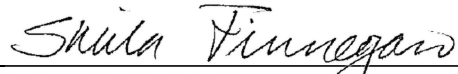
(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal.

10/11/2023

ENTER

  
Judge Shelia M. Finnegan

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Consolidated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Danville Correctional Center, Attn: Inmate Records Office  
3820 East Main Street, Danville, Illinois 61834

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*\*SEE ATTACHED RIDER \*\*\*\*

Place: LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607Date and Time:  
11/14/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 10/25/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*\_\_\_\_\_  
/s/ William E. Bazarek\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers  
\_\_\_\_\_, who issues or requests this subpoena, are:

William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i)** expressly make the claim; and
- (ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

## **RIDER**

Please provide all medical records, including mental health records, as allowed by the **AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**. Please note that the medical records are returnable to counsel for below individual. Please also indicate on the response to each subpoena the total number of pages being provided by IDOC in response to subpoena. Such medical records shall include, but are not limited to, Mental health care information, drug and alcohol treatment/rehabilitation files, attending and/or treating physicians notes, nurses notes, progress reports, (including computer generated documents--the IBEX--and any and all crisis notes), laboratory reports, prescribed medications, diagnostic tests and assessments and any other accompanying reports, personal history, medical history, family history, inpatient and outpatient treatment, prognosis, charts, evaluations, treatment plans, social service interventions and notes of all medical personnel and social service and health care providers, and bills for services rendered, if any, for Plaintiff listed below.

<b>Last Name</b>	<b>First Name</b>	<b>Civil Case No.</b>	<b>DOB</b>	<b>IDOC No.</b>
Ali	Chauncey	20 C 2914	03/08/1969	B30891

**SEE ATTACHED HIPAA ORDER.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**

**NO PERSONAL APPEARANCE IS REQUIRED.**

**Please return records to:**

**LOEVY & LOEVY**

**gizzi@loevy.com; martinez@loevy.com**

**311 N. Aberdeen, 3rd Floor**

**Chicago, IL 60607**



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

CHAUNCEY ALI,	)	
	)	
Plaintiff,	)	No. 20 C 2914
	)	
v.	)	Magistrate Judge Sheila M. Finnegan
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***CHAUNCEY ALI***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to ***CHAUNCEY ALI*** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **CHAUNCEY ALI**, to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **CHAUNCEY ALI**, in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

“CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **CHAUNCEY ALI**, (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **CHAUNCEY ALI**, that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

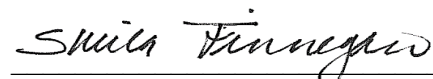
(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

Dated: 12/9/2021

ENTER

  
\_\_\_\_\_  
Judge Shelia M. Finnegan

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Consolidated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: East Moline Correctional Center, Attn: Inmate Records Office  
100 Hillcrest Road, East Moline, Illinois 61244

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*\*SEE ATTACHED RIDER \*\*\*\*

Place: LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607

Date and Time:

11/14/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 10/25/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*\_\_\_\_\_  
/s/ William E. Bazarek\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers  
\_\_\_\_\_, who issues or requests this subpoena, are:

William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

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**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

**(ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

**(ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

**(i)** expressly make the claim; and

**(ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

## **RIDER**

Please provide all medical records, including mental health records, as allowed by the **AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**. Please note that the medical records are returnable to counsel for below individual. Please also indicate on the response to each subpoena the total number of pages being provided by IDOC in response to subpoena. Such medical records shall include, but are not limited to, Mental health care information, drug and alcohol treatment/rehabilitation files, attending and/or treating physicians notes, nurses notes, progress reports, (including computer generated documents--the IBEX--and any and all crisis notes), laboratory reports, prescribed medications, diagnostic tests and assessments and any other accompanying reports, personal history, medical history, family history, inpatient and outpatient treatment, prognosis, charts, evaluations, treatment plans, social service interventions and notes of all medical personnel and social service and health care providers, and bills for services rendered, if any, for Plaintiff listed below.

<b>Last Name</b>	<b>First Name</b>	<b>Civil Case No.</b>	<b>DOB</b>	<b>IDOC No.</b>
Ali	Chauncey	20 C 2914	03/08/1969	B30891

**SEE ATTACHED HIPAA ORDER.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**

**NO PERSONAL APPEARANCE IS REQUIRED.**

**Please return records to:**

**LOEVY & LOEVY**

**gizzi@loevy.com; martinez@loevy.com**

**311 N. Aberdeen, 3rd Floor**

**Chicago, IL 60607**



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

CHAUNCEY ALI,	)	
	)	
Plaintiff,	)	No. 20 C 2914
	)	
v.	)	Magistrate Judge Sheila M. Finnegan
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***CHAUNCEY ALI***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to ***CHAUNCEY ALI*** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **CHAUNCEY ALI**, to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **CHAUNCEY ALI**, in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

Judge Shelia M. Finnegan

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Consolidated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Hill Correctional Center, Attn: Inmate Records Office  
600 South Linwood Road, P.O. Box 1700, Galesburg, Illinois 61402

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*\*SEE ATTACHED RIDER \*\*\*\*

Place: LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607

Date and Time:

11/14/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 10/25/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

/s/ William E. Bazarek

\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers  
\_\_\_\_\_, who issues or requests this subpoena, are:

William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

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**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i)** expressly make the claim; and
- (ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

## **RIDER**

Please provide all medical records, including mental health records, as allowed by the **AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**. Please note that the medical records are returnable to counsel for below individual. Please also indicate on the response to each subpoena the total number of pages being provided by IDOC in response to subpoena. Such medical records shall include, but are not limited to, Mental health care information, drug and alcohol treatment/rehabilitation files, attending and/or treating physicians notes, nurses notes, progress reports, (including computer generated documents--the IBEX--and any and all crisis notes), laboratory reports, prescribed medications, diagnostic tests and assessments and any other accompanying reports, personal history, medical history, family history, inpatient and outpatient treatment, prognosis, charts, evaluations, treatment plans, social service interventions and notes of all medical personnel and social service and health care providers, and bills for services rendered, if any, for Plaintiff listed below.

<b>Last Name</b>	<b>First Name</b>	<b>Civil Case No.</b>	<b>DOB</b>	<b>IDOC No.</b>
Ali	Chauncey	20 C 2914	03/08/1969	B30891

**SEE ATTACHED HIPAA ORDER.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**

**NO PERSONAL APPEARANCE IS REQUIRED.**

**Please return records to:**

**LOEVY & LOEVY**

**gizzi@loevy.com; martinez@loevy.com**

**311 N. Aberdeen, 3rd Floor**

**Chicago, IL 60607**



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

CHAUNCEY ALI,  
  
Plaintiff,  
  
v.  
  
CITY OF CHICAGO, *et al.*,  
  
Defendants

)  
)  
) No. 20 C 2914  
)  
) Magistrate Judge Sheila M. Finnegan  
)  
) Coordinated with:  
)  
) *In Re: WATTS COORDINATED PRETRIAL*  
) *PROCEEDINGS* (Judge Valderrama and  
) Magistrate Finnegan, 19 C 1717)

## AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***CHAUNCEY ALI***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit “protected health information” (also referred to herein as “PHI”), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **CHAUNCEY ALI** as protected by HIPAA (“Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, “PHI” or “protected health information” shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, “PHI” includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **CHAUNCEY ALI**, to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **CHAUNCEY ALI**, in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

“CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI, mental health information, and drug and alcohol treatment/rehabilitation information has been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

(9) Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered, or the time at which all trial and appellate proceedings have been exhausted as to any Defendant), that Defendant and any person or entity no longer involved in the litigation who is in possession of PHI, mental health information or drug and alcohol treatment/rehabilitation information pertaining to **CHAUNCEY ALI**, (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI, mental health information, and drug and alcohol treatment/rehabilitation information in their possession.

(10) This Order shall not control or limit the use of protected health information, mental health information, or drug and alcohol treatment/rehabilitation information pertaining to **CHAUNCEY ALI**, that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103) or from a “therapist” (as that term is defined in 740 ILCS 110/2).

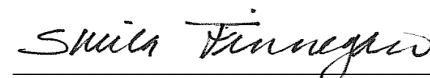
(11) Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

(12) Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery on the basis of relevance, materiality, privilege, overbreadth or any other valid objection to discovery. Nothing in this order shall be deemed a waiver of any evidentiary objection.

(13) This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if and when a party seeks to file Plaintiff’s protected health information under seal

Dated: 12/9/2021

ENTER



Judge Shelia M. Finnegan

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Consolidated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Illinois River Correctional Center, Attn: Inmate Records Office  
1300 W. Locust Street, P.O. Box 999, Canton, Illinois 61520

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*\*SEE ATTACHED RIDER \*\*\*\*

Place: LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607

Date and Time:

11/14/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 10/25/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

/s/ William E. Bazarek

\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers  
\_\_\_\_\_, who issues or requests this subpoena, are:

William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i)** expressly make the claim; and
- (ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

## **RIDER**

Please provide all medical records, including mental health records, as allowed by the **AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**. Please note that the medical records are returnable to counsel for below individual. Please also indicate on the response to each subpoena the total number of pages being provided by IDOC in response to subpoena. Such medical records shall include, but are not limited to, Mental health care information, drug and alcohol treatment/rehabilitation files, attending and/or treating physicians notes, nurses notes, progress reports, (including computer generated documents--the IBEX--and any and all crisis notes), laboratory reports, prescribed medications, diagnostic tests and assessments and any other accompanying reports, personal history, medical history, family history, inpatient and outpatient treatment, prognosis, charts, evaluations, treatment plans, social service interventions and notes of all medical personnel and social service and health care providers, and bills for services rendered, if any, for Plaintiff listed below.

<b>Last Name</b>	<b>First Name</b>	<b>Civil Case No.</b>	<b>DOB</b>	<b>IDOC No.</b>
Ali	Chauncey	20 C 2914	03/08/1969	B30891

**SEE ATTACHED HIPAA ORDER.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**

**NO PERSONAL APPEARANCE IS REQUIRED.**

**Please return records to:**

**LOEVY & LOEVY**

**gizzi@loevy.com; martinez@loevy.com**

**311 N. Aberdeen, 3rd Floor**

**Chicago, IL 60607**



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

CHAUNCEY ALI,	)	
	)	
Plaintiff,	)	No. 20 C 2914
	)	
v.	)	Magistrate Judge Sheila M. Finnegan
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***CHAUNCEY ALI***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to ***CHAUNCEY ALI*** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **CHAUNCEY ALI**, to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **CHAUNCEY ALI**, in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

Judge Shelia M. Finnegan

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Consolidated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Logan Correctional Center, Attn: Inmate Records Office  
1096 1350th Street, P.O. Box 1000, Lincoln, Illinois 62656

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*\*SEE ATTACHED RIDER \*\*\*\*

Place: LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607

Date and Time:

11/14/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 10/25/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*\_\_\_\_\_  
/s/ William E. Bazarek\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers  
\_\_\_\_\_, who issues or requests this subpoena, are:

William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

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\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

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tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

## **RIDER**

Please provide all medical records, including mental health records, as allowed by the **AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**. Please note that the medical records are returnable to counsel for below individual. Please also indicate on the response to each subpoena the total number of pages being provided by IDOC in response to subpoena. Such medical records shall include, but are not limited to, Mental health care information, drug and alcohol treatment/rehabilitation files, attending and/or treating physicians notes, nurses notes, progress reports, (including computer generated documents--the IBEX--and any and all crisis notes), laboratory reports, prescribed medications, diagnostic tests and assessments and any other accompanying reports, personal history, medical history, family history, inpatient and outpatient treatment, prognosis, charts, evaluations, treatment plans, social service interventions and notes of all medical personnel and social service and health care providers, and bills for services rendered, if any, for Plaintiff listed below.

<b>Last Name</b>	<b>First Name</b>	<b>Civil Case No.</b>	<b>DOB</b>	<b>IDOC No.</b>
Ali	Chauncey	20 C 2914	03/08/1969	B30891

**SEE ATTACHED HIPAA ORDER.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**

**NO PERSONAL APPEARANCE IS REQUIRED.**

**Please return records to:**

**LOEVY & LOEVY**

**gizzi@loevy.com; martinez@loevy.com**

**311 N. Aberdeen, 3rd Floor**

**Chicago, IL 60607**



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

CHAUNCEY ALI,	)	
	)	
Plaintiff,	)	No. 20 C 2914
	)	
v.	)	Magistrate Judge Sheila M. Finnegan
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***CHAUNCEY ALI***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to ***CHAUNCEY ALI*** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

Judge Shelia M. Finnegan

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Consolidated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Menard Correctional Center, Attn: Inmate Records Office  
711 Kaskaskia Street, P.O. Box 1000, Menard, Illinois 62259

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*\*SEE ATTACHED RIDER \*\*\*\*

Place: LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607Date and Time:  
11/14/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 10/25/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

/s/ William E. Bazarek

\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers, who issues or requests this subpoena, are:

William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i)** expressly make the claim; and
- (ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

## **RIDER**

Please provide all medical records, including mental health records, as allowed by the **AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**. Please note that the medical records are returnable to counsel for below individual. Please also indicate on the response to each subpoena the total number of pages being provided by IDOC in response to subpoena. Such medical records shall include, but are not limited to, Mental health care information, drug and alcohol treatment/rehabilitation files, attending and/or treating physicians notes, nurses notes, progress reports, (including computer generated documents--the IBEX--and any and all crisis notes), laboratory reports, prescribed medications, diagnostic tests and assessments and any other accompanying reports, personal history, medical history, family history, inpatient and outpatient treatment, prognosis, charts, evaluations, treatment plans, social service interventions and notes of all medical personnel and social service and health care providers, and bills for services rendered, if any, for Plaintiff listed below.

<b>Last Name</b>	<b>First Name</b>	<b>Civil Case No.</b>	<b>DOB</b>	<b>IDOC No.</b>
Ali	Chauncey	20 C 2914	03/08/1969	B30891

**SEE ATTACHED HIPAA ORDER.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**

**NO PERSONAL APPEARANCE IS REQUIRED.**

**Please return records to:**

**LOEVY & LOEVY**

**gizzi@loevy.com; martinez@loevy.com**

**311 N. Aberdeen, 3rd Floor**

**Chicago, IL 60607**



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

CHAUNCEY ALI,	)	
	)	
Plaintiff,	)	No. 20 C 2914
	)	
v.	)	Magistrate Judge Sheila M. Finnegan
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (**CHAUNCEY ALI**) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **CHAUNCEY ALI** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

Judge Shelia M. Finnegan

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Consolidated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Shawnee Correctional Center, Attn: Inmate Records Office  
6665 State Route 146 East, Vienna, Illinois 62995

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*\*SEE ATTACHED RIDER \*\*\*\*

Place: LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607

Date and Time:

11/14/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 10/25/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*\_\_\_\_\_  
/s/ William E. Bazarek\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers  
\_\_\_\_\_, who issues or requests this subpoena, are:

William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

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**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

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**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i)** expressly make the claim; and
- (ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

## **RIDER**

Please provide all medical records, including mental health records, as allowed by the **AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**. Please note that the medical records are returnable to counsel for below individual. Please also indicate on the response to each subpoena the total number of pages being provided by IDOC in response to subpoena. Such medical records shall include, but are not limited to, Mental health care information, drug and alcohol treatment/rehabilitation files, attending and/or treating physicians notes, nurses notes, progress reports, (including computer generated documents--the IBEX--and any and all crisis notes), laboratory reports, prescribed medications, diagnostic tests and assessments and any other accompanying reports, personal history, medical history, family history, inpatient and outpatient treatment, prognosis, charts, evaluations, treatment plans, social service interventions and notes of all medical personnel and social service and health care providers, and bills for services rendered, if any, for Plaintiff listed below.

<b>Last Name</b>	<b>First Name</b>	<b>Civil Case No.</b>	<b>DOB</b>	<b>IDOC No.</b>
Ali	Chauncey	20 C 2914	03/08/1969	B30891

**SEE ATTACHED HIPAA ORDER.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**

**NO PERSONAL APPEARANCE IS REQUIRED.**

**Please return records to:**

**LOEVY & LOEVY**

**gizzi@loevy.com; martinez@loevy.com**

**311 N. Aberdeen, 3rd Floor**

**Chicago, IL 60607**



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

CHAUNCEY ALI,	)	
	)	
Plaintiff,	)	No. 20 C 2914
	)	
v.	)	Magistrate Judge Sheila M. Finnegan
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***CHAUNCEY ALI***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to ***CHAUNCEY ALI*** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

Judge Shelia M. Finnegan

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Consolidated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Stateville/Stateville NRC Correctional Center, Attn: Inmate Records Office  
950 Kingshighway Street, P.O. Box 29, East St. Louis, Illinois 62203☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*\*SEE ATTACHED RIDER \*\*\*\*

Place: LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607Date and Time:  
11/14/2023 10:00 am☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 10/25/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*\_\_\_\_\_  
*/s/ William E. Bazarek*  
*Attorney's signature*The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers  
\_\_\_\_\_, who issues or requests this subpoena, are:William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

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- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

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**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

## **RIDER**

Please provide all medical records, including mental health records, as allowed by the **AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**. Please note that the medical records are returnable to counsel for below individual. Please also indicate on the response to each subpoena the total number of pages being provided by IDOC in response to subpoena. Such medical records shall include, but are not limited to, Mental health care information, drug and alcohol treatment/rehabilitation files, attending and/or treating physicians notes, nurses notes, progress reports, (including computer generated documents--the IBEX--and any and all crisis notes), laboratory reports, prescribed medications, diagnostic tests and assessments and any other accompanying reports, personal history, medical history, family history, inpatient and outpatient treatment, prognosis, charts, evaluations, treatment plans, social service interventions and notes of all medical personnel and social service and health care providers, and bills for services rendered, if any, for Plaintiff listed below.

<b>Last Name</b>	<b>First Name</b>	<b>Civil Case No.</b>	<b>DOB</b>	<b>IDOC No.</b>
Ali	Chauncey	20 C 2914	03/08/1969	B30891

**SEE ATTACHED HIPAA ORDER.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**

**NO PERSONAL APPEARANCE IS REQUIRED.**

**Please return records to:**

**LOEVY & LOEVY**

**gizzi@loevy.com; martinez@loevy.com**

**311 N. Aberdeen, 3rd Floor**

**Chicago, IL 60607**



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

CHAUNCEY ALI,	)	
	)	
Plaintiff,	)	No. 20 C 2914
	)	
v.	)	Magistrate Judge Sheila M. Finnegan
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***CHAUNCEY ALI***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to ***CHAUNCEY ALI*** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

Judge Shelia M. Finnegan

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Consolidated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Vienna Correctional Center, Attn: Inmate Records Office  
6695 State Route #146 East, Vienna, Illinois 62995

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*\*SEE ATTACHED RIDER \*\*\*\*

Place: LOEVY & LOEVY  
gizzi@loevy.com; martinez@loevy.com  
311 N. Aberdeen, 3rd Floor, Chicago, IL 60607

Date and Time:

11/14/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 10/25/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*\_\_\_\_\_  
/s/ William E. Bazarek\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers, who issues or requests this subpoena, are:

William E. Bazarek, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6902  
Email: web@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i)** expressly make the claim; and
- (ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

*In re: Watts Coordinated Pretrial Proceedings (19CV1717)*

## **RIDER**

Please provide all medical records, including mental health records, as allowed by the **AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**. Please note that the medical records are returnable to counsel for below individual. Please also indicate on the response to each subpoena the total number of pages being provided by IDOC in response to subpoena. Such medical records shall include, but are not limited to, Mental health care information, drug and alcohol treatment/rehabilitation files, attending and/or treating physicians notes, nurses notes, progress reports, (including computer generated documents--the IBEX--and any and all crisis notes), laboratory reports, prescribed medications, diagnostic tests and assessments and any other accompanying reports, personal history, medical history, family history, inpatient and outpatient treatment, prognosis, charts, evaluations, treatment plans, social service interventions and notes of all medical personnel and social service and health care providers, and bills for services rendered, if any, for Plaintiff listed below.

<b>Last Name</b>	<b>First Name</b>	<b>Civil Case No.</b>	<b>DOB</b>	<b>IDOC No.</b>
Ali	Chauncey	20 C 2914	03/08/1969	B30891

**SEE ATTACHED HIPAA ORDER.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**

**NO PERSONAL APPEARANCE IS REQUIRED.**

**Please return records to:**

**LOEVY & LOEVY**

**gizzi@loevy.com; martinez@loevy.com**

**311 N. Aberdeen, 3rd Floor**

**Chicago, IL 60607**



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

CHAUNCEY ALI,	)	
	)	
Plaintiff,	)	No. 20 C 2914
	)	
v.	)	Magistrate Judge Sheila M. Finnegan
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	Coordinated with:
	)	
Defendants	)	<i>In Re: WATTS COORDINATED PRETRIAL</i>
	)	<i>PROCEEDINGS</i> (Judge Valderrama and
	)	Magistrate Finnegan, 19 C 1717)

**AGREED HIPAA AND MENTAL HEALTH PROTECTIVE ORDER**

This matter having come on agreement by all parties for the Entry of Agreed HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises and entry of the Agreed HIPAA and Mental Health Protective Order is GRANTED.

The Court finds good cause exists for the entry of the Agreed HIPAA and Mental Health Protective Order for Plaintiff's (***CHAUNCEY ALI***) medical, mental health information, and drug and alcohol treatment/rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") and mental health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED as follows:

(1) The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI"), mental health information, and drug and alcohol treatment/rehabilitation information pertaining to ***CHAUNCEY ALI*** as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and drug and alcohol treatment/rehabilitation confidentiality statutes, 20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2 to the extent and subject to the conditions outlined herein.

(2) For the purposes of this Agreed HIPAA and Mental Health Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or

(c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

(3) Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

(4) Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

(5) Subject to the conditions set forth in paragraph seven, all “covered entities” (as defined by 45 CFR 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI, mental health information, and drug and alcohol treatment/rehabilitation information pertaining to **CHAUNCEY ALI**, to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(6) The parties and their attorneys shall be permitted to use the protected health information, mental health information, and drug and alcohol treatment/rehabilitation information of **CHAUNCEY ALI**, in any manner that is reasonably connected with the above-captioned litigation and for no other purpose. This includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys, support staff, agents, and consultants), the parties’ insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process. Prior to any such disclosure, counsel shall inform each recipient that the PHI may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving PHI do not use or disclose such information for any purpose other than this litigation.

(7) Any subpoena for medical records, mental health information, and drug and alcohol treatment/rehabilitation information must be returnable to Plaintiff’s counsel. Upon receipt by counsel for Plaintiff of responsive documentation, Plaintiff’s counsel will have (7) seven days to conduct a review and provide Defense counsel with a log for any documents withheld. The log shall include the name and address of the provider, dates of treatment along with bates numbering, and page count for any documents withheld. The log will include the basis for any documents withheld. All documents not subject to any asserted privilege or other lawful basis to withhold shall be produced to Defense counsel no later than (7) seven days after receipt by Plaintiff’s counsel. Any document withheld on a basis of relevance must comply with the court’s instruction given during the June 1, 2021 court hearing.

(8) Any documents that contain PHI, mental health information, or drug and alcohol treatment/rehabilitation information obtained pursuant to this order shall be designated confidential subject to this Agreed HIPAA and Mental Health Protective Order and labeled

Judge Shelia M. Finnegan

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Coordinated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Illinois Department of Corrections , Attn.: Intelligence Center  
1301 Concordia Court, PO BOX 19277, Springfield, IL 62794-9277

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*SEE ATTACHED RIDER\*\*\*

Place: Hale and Monico LLC  
jmarx@halemonico.com & mcausevic@halemonico.com  
53 W. Jackson Blvd., Suite 334, Chicago, IL 60604

Date and Time:

12/18/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 12/12/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*\_\_\_\_\_  
*/s/ Jason M. Marx*\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers

\_\_\_\_\_, who issues or requests this subpoena, are:

Jason M. Marx, Hale &amp; Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6912 Email: jmarx@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

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**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

**(ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

**(ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

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**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

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**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

**(i)** expressly make the claim; and

**(ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

*In re Watts Coordinated Pretrial Proceedings (19CV1717)*

**RIDER**

1. Please produce all calls between Allen Jackson, IDOC #S00127 and (312) 933-6236 (33 total) and all calls to (773) 430-0198 (19 total).

**PLEASE BE ADVISED THAT PLAINTIFFS OBJECT TO PRODUCTION OF THESE RECORDS AND THE COURT WILL CONSIDER AND RULE ON THAT OBJECTION. PLEASE ALSO PRESERVE INDEFINITELY BUT DO NOT PROVIDE RESPONSIVE RECORDS TO THIS SUBPOENA ABSENT FURTHER ORDER OF COURT. COUNSEL WILL CONTACT YOUR AGENCY AFTER THE COURT HAS RULED ON PLAINTIFFS' OBJECTION.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**  
**NO PERSONAL APPEARANCE IS REQUIRED.**



## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Coordinated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Illinois Department of Corrections , Attn.: Intelligence Center  
1301 Concordia Court, PO BOX 19277, Springfield, IL 62794-9277

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*SEE ATTACHED RIDER\*\*\*

Place: Hale and Monico LLC  
jmarx@halemonico.com & mcausevic@halemonico.com  
53 W. Jackson Blvd., Suite 334, Chicago, IL 60604

Date and Time:

12/18/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 12/12/2023

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Jason M. Marx

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers

, who issues or requests this subpoena, are:

Jason M. Marx, Hale &amp; Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6912 Email: jmarx@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

**(ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

**(ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

**(i)** expressly make the claim; and

**(ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

*In re Watts Coordinated Pretrial Proceedings (19CV1717)*

**RIDER**

1. Please produce all calls between Andre McNairy, IDOC #B10636 and Danielle Barnett (friend) at (219) 318-7159 (78 total) and all calls to Tina Patterson (sister) at (773) 879-6676 (45 total).

PLEASE BE ADVISED THAT PLAINTIFFS OBJECT TO PRODUCTION OF THESE RECORDS AND THE COURT WILL CONSIDER AND RULE ON THAT OBJECTION. PLEASE ALSO PRESERVE INDEFINITELY BUT DO NOT PROVIDE RESPONSIVE RECORDS TO THIS SUBPOENA ABSENT FURTHER ORDER OF COURT. COUNSEL WILL CONTACT YOUR AGENCY AFTER THE COURT HAS RULED ON PLAINTIFFS' OBJECTION.

**COMPLIANCE BY MAIL IS SUFFICIENT.**  
**NO PERSONAL APPEARANCE IS REQUIRED.**

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Coordinated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Illinois Department of Corrections , Attn.: Intelligence Center  
1301 Concordia Court, PO BOX 19277, Springfield, IL 62794-9277

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*SEE ATTACHED RIDER\*\*\*

Place: Hale and Monico LLC  
jmarx@halemonico.com & mcausevic@halemonico.com  
53 W. Jackson Blvd., Suite 334, Chicago, IL 60604Date and Time:  
12/18/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 12/12/2023

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Jason M. Marx

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers, who issues or requests this subpoena, are:

Jason M. Marx, Hale & Monico LLC, 53 W. Jackson Blvd., Suite 334, Chicago, IL 60604, Direct: 312-870-6912 Email: jmarx@halemonico.com

Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

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**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

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**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

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**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

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**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

**(i)** expressly make the claim; and

**(ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).



*In re Watts Coordinated Pretrial Proceedings (19CV1717)*

**RIDER**

1. Please produce all calls between Henry Thomas, IDOC #R01451 and (773) 812-7484 (104 total).

**PLEASE BE ADVISED THAT PLAINTIFFS OBJECT TO PRODUCTION OF THESE RECORDS AND THE COURT WILL CONSIDER AND RULE ON THAT OBJECTION. PLEASE ALSO PRESERVE INDEFINITELY BUT DO NOT PROVIDE RESPONSIVE RECORDS TO THIS SUBPOENA ABSENT FURTHER ORDER OF COURT. COUNSEL WILL CONTACT YOUR AGENCY AFTER THE COURT HAS RULED ON PLAINTIFFS' OBJECTION.**

**COMPLIANCE BY MAIL IS SUFFICIENT.**  
**NO PERSONAL APPEARANCE IS REQUIRED.**

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

In re Watts Coordinated Pretrial Proceedings,

*Plaintiff*

v.

*Defendant*

Civil Action No. 19 CV 1717 (Judge Finnegan)

(If the action is pending in another district, state where:

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OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Illinois Department of Corrections , Attn.: Intelligence Center  
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☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

\*\*\*SEE ATTACHED RIDER\*\*\*

Place: Hale and Monico LLC  
jmarx@halemonico.com & mcausevic@halemonico.com  
53 W. Jackson Blvd., Suite 334, Chicago, IL 60604

Date and Time:

12/18/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 12/12/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*\_\_\_\_\_  
*/s/ Jason M. Marx*\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant Officers, who issues or requests this subpoena, are:

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Civil Action No. 19 CV 1717 (Judge Finnegan)

**PROOF OF SERVICE**

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was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

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tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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*In re Watts Coordinated Pretrial Proceedings (19CV1717)*

**RIDER**

1. Please produce all calls between Philip Thomas, IDOC #R18126 and (618) 546-1442 and (773) 583-4567 (8 total).

**PLEASE BE ADVISED THAT PLAINTIFFS OBJECT TO PRODUCTION OF THESE RECORDS AND THE COURT WILL CONSIDER AND RULE ON THAT OBJECTION. PLEASE ALSO PRESERVE INDEFINITELY BUT DO NOT PROVIDE RESPONSIVE RECORDS TO THIS SUBPOENA ABSENT FURTHER ORDER OF COURT. COUNSEL WILL CONTACT YOUR AGENCY AFTER THE COURT HAS RULED ON PLAINTIFFS' OBJECTION.**

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