

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

MEMORANDUM IN OPPPOSITION TO MOTION TO STAY

Plaintiff filed this lawsuit on December 17, 2019. More than fifteen months later, after a thorough ruling on defendants' first motion to dismiss, the case is ready to be litigated. Without any legal basis, defendants have asked the Court to impose an additional delay. The Court should deny defendants' motion to stay.

Defendant Cook County has filed a second motion to dismiss aimed at just one of plaintiff's claims, the state law medical malpractice claim. Just 5 paragraphs in plaintiff's 33-paragraph complaint relate solely to this claim, and the claim is brought against only defendant Cook County. (ECF No. 45 ¶¶ 28-32.) The Court set the following briefing schedule on the partial motion to dismiss: Plaintiff's response due on or before 4/15/2021; Defendant's reply due on or before 4/29/2021. (ECF No. 44.)

Even though defendant Cook County is the only party seeking partial dismissal, all defendants seek “a stay of the time to answer [the remaining claims] to prevent piecemeal pleadings and encourage consistency of the docket.” (ECF No. 45 ¶ 4.) Defendants do not explain what prejudice they would suffer from “piecemeal pleadings.”

Multiple defendants routinely file multiple answers. Nor do defendants explain what they mean by “consistency of the docket.” Finally, defendants fail to cite any precedent that supports their request.

Instead, defendants boldly claim that “Plaintiff will not be prejudiced by a stay of Defendants’ answering obligations until the Court rules on Cook County’s Motion to Dismiss.” (ECF No. 45 ¶ 7.) This is incorrect. Plaintiff wants his lawsuit resolved. He has already been prejudiced by the delay caused by defendants’ first non-meritorious motion to dismiss. Further delay is further prejudice.

The Court should therefore deny defendants’ motion to stay.

Respectfully submitted,

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