

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

## **JOINT STATUS REPORT**

Defendant United States of America, by its attorney, Morris Pasqual, Acting United States Attorney for the Northern District of Illinois, and plaintiff David Bourke submit the following joint status report:

1. This is a medical malpractice case, brought under the Federal Tort Claims Act. The fact discovery deadline is October 14, 2023. However, fact discovery will not be completed by that deadline for the reasons to be set out in an impending unopposed motion to extend the fact discovery deadline.

2. Plaintiff continues to review of the voluminous medical records produced by the defendant and expects to respond to defendant's interrogatories and requests for production by October 3, 2023.

3. The United States intends to issue third-party subpoenas to the plaintiff's healthcare providers outside of the VA system as soon as a protective order, requested in an agreed motion also filed today, is entered.

4. The parties have tentatively agreed to begin depositions the week of November 27, 2023. The United States intends to depose Bourke, while Bourke intends to depose several VA providers.

5. By the end of this week, Bourke will move, without objection from the United States, to extend the fact discovery deadline for 120 days.

6. The parties are not engaged in settlement discussions at this time.

Respectfully submitted,

MORRIS PASQUAL  
Acting United States Attorney

By: s/ Nicole Flores  
NICOLE FLORES  
Assistant United States Attorney  
219 South Dearborn Street  
Chicago, Illinois 60604  
(312) 886-9082  
nicole.flores3@usdoj.gov

s/ Kenneth N. Flaxman  
KENNETH N. FLAXMAN  
ARDC No. 830399  
Joel A. Flaxman  
200 S. Michigan Ave., Ste. 201  
Chicago, Illinois 60604  
(312) 427-3200  
knf@kenlaw.com