

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DAVID BOURKE,

Plaintiff,

V.

UNITED STATES OF AMERICA,

Defendant.

No. 20 C 4427

Judge Alonso

Magistrate Judge Valdez

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, through his attorney, submit the following joint status report:

1. Fact discovery in this complex medical malpractice case is set to close on March 5, 2024, following an unopposed motion by plaintiff to extend fact discovery. Dkt. 49.

2. Counsel for defendant has a 10-day trial in another complex medical malpractice case in mid-January (*K.G. v. USA*, No 20 C 2872 (N.D. Ill.)), and because of this upcoming trial and scheduling conflicts for the treating providers in this case, the United States will not be able to produce the treating providers for deposition prior to March 5, 2024. The United States intends to move for a second extension of the fact discovery deadline due to these circumstances, and plaintiff has represented that he will not oppose this motion. The United States will file this motion within 2 weeks, after conferring with plaintiff on a proposed extended discovery schedule.

3. Plaintiff has identified two VA providers to depose. Plaintiff will likely seek to depose additional VA providers after these initial depositions. The United States intends to depose plaintiff on February 13, 2024. And, should the court grant the impending motion for extension of the fact discovery deadline, the two identified VA providers will be scheduled to be deposed on March 12 and March 19.

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

Respectfully submitted,

MORRIS PASQUAL
Acting United States Attorney

By: s/ Nicole Flores (with consent)
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