

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

Joseph Lovera,)	
)	
<i>Plaintiff</i>)	
)	No. 21-cv-6837
-vs-)	
)	(Judge Pacold)
Wexford Health Sources, Inc.,)	
Dr. Kul Sood, Dr. Marlene Henze, and)	(Magistrate Judge Fuentes)
Dr. Kurt Osmundson,)	
)	
<i>Defendants.</i>)	

STATUS REPORT

Plaintiff's counsel files the following as a report on status:

1. Undersigned counsel has verified that plaintiff is the Joseph Lovera whose obituary was reported on August 7, 2023. <https://www.legacy.com/us/obituaries/name/joseph-lovera-obituary?id=52639477>.

2. The claim asserted in this case is based on statements allegedly made to Mr. Lovera by one of the physician defendants. Mr. Lovera likely would have asserted that these alleged statements were not memorialized in the medical records, but that now appears impossible to prove without Mr. Lovera's testimony.

3. As Defendants' answers were stayed by the Court (ECF #54) and no answer or motion for summary judgment having been filed by any Defendant, pursuant to Fed. Rules Civ. Proc. R. 41(a)(1)(A)(i) counsel for Plaintiff therefore suggests that the Court dismiss this case without prejudice.

Defense counsel has reviewed this report and sees no valid basis to object to Plaintiff's counsel's suggestion to dismiss this case without prejudice.

Respectfully submitted,

/s/ Kenneth N. Flaxman
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Agreed to:

/s/ Victor Price (with consent)
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