

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

JEFFREY ORR, et al.,	)	
	)	
Plaintiffs,	)	
	)	
-vs.-	)	No. 08-2232
	)	
WILLARD O. ELYEA, M.D.,	)	
MICHAEL PRUISIS, and WEXFORD CORP.,	)	
	)	
Defendants.	)	

MOTION TO AMEND

Now Comes the Plaintiff, JEFFREY ORR, et al., by his attorneys, HELLER, HOLMES & ASSOCIATES, P.C., and for his Motion to Amend, says:

1. That as noted by the certificate of merit attached to this motion as EXHIBIT A, authored by Dr. Martin Prosky, and is further noted by the United States District Court in the state of Washington in the cause of *B.E. v. Teeter*, the current standard of care for the treatment of Hepatitis C is to prescribe Direct-Acting Antiviral agents unless the patient has one of the well-recognized contraindications to that treatment.

2. That the failure to comply with the standard of care constitutes medical negligence.

3. That the malpractice action arises as a result of a common nucleus of operative facts as does the claim for deliberate indifference in the civil rights cause of action.

4. That the Plaintiffs should be allowed to amend their Complaint to seek monetary damages against the treating physicians including Wexford, as employer of the treating physicians, and the individual doctors at the University of Illinois identified as the Defendants who have treated but refused to prescribe Direct-Acting Antiviral agents for the Plaintiffs based upon their fibrosis scores.

5. That discovery is currently stayed such that an amendment of the pleadings to allow a claim of medical negligence against the treating physicians would not delay this case.

6. That there is pending before this Court the case of *Adrian Harris v. IDOC*, #16-cv-1300. These Plaintiffs similarly situated to Plaintiffs in *Harris* would adopt Count II of that Complaint as and for their claim for monetary damages in this cause.

WHEREFORE, Plaintiffs pray that this Court enter an Order allowing Plaintiffs to file an Amendment to the Complaint adding counts for medical negligence against Wexford and its agents, and the treating physicians participating with the Department of Corrections from the University of Illinois.

JEFFREY ORR, et al., Plaintiff

By /s/ H. Kent Heller
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CERTIFICATE OF SERVICE

I, the undersigned, certify that a true and correct copy of the foregoing was electronically served this 10th day of August, 2016, to the following:

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Subscribed and sworn to before me
this 10th day of August, 2016.

/s/ Katherine J. Storm
Notary Public

c:orr 16005 6.2.16 motion to amend