

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

JEFFREY ORR, et al.,	)	
	)	
Plaintiffs,	)	
	)	
-vs-	)	No. 08-2232-HAB-DGB
	)	
WILLARD O. ELYEA, M.D., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**IDOC DEFENDANTS' MOTION TO STAY FULFILLMENT OF
ORDER ENTERED MARCH 25, 2019**

The Defendants, Dr. Louis Shicker, Dr. Steven Meeks, and the Illinois Department of Corrections, by and through their attorney, Kwame Raoul, Attorney General for the State of Illinois, move this Court to stay the fulfillment of its directives in an order entered March 25, 2019. [d/e 526].

In support of this motion to stay, Defendants provide the following:

1. On February 4, 2019, this Court entered an order certifying two classes pursuant to Federal Rule 23(b)(2) for injunctive relief. [d/e 503]. The order also granted preliminary injunctive relief to the Plaintiffs. [d/e 503].
2. On February 19, 2019, Defendants moved for reconsideration of the Court's February 4 order. [Mtn to Reconsider at d/e 508].
3. The parties also sought leave to appeal. The Plaintiffs' appeal was dismissed; however, the Defendants' appeals are pending and have been consolidated for purposes of briefing and disposition.
4. Co-Defendants moved to stay enforcement of the Court's order pending the appeals, and the Court denied their motion on March 25, 2019. [d/e 526]. The Court wrote that

it would “forge ahead absent an order to stay from the Seventh Circuit Court of Appeals.” [d/e 526, p. 1].

5. On April 18, 2019, the Seventh Circuit Court of Appeals granted a motion to stay the February 4, 2019, order pending resolution of the appeals. [See Order filed in district court at d/e 530].

6. In the same March 25, 2019, order, the Court denied Defendants’ motion to reconsider. [d/e 526, p. 2]. The Court also directed the IDOC Medical Director to identify and provide information related to the preliminary injunction to the Court by April 22, 2019. [d/e 526, pp. 3-4].

7. Because the Court’s original order entering the preliminary injunction has been stayed, the response deadline for the IDOC Medical Director should also be stayed. Any information provided at this time is likely to be outdated by the time the appeals are resolved.

8. Further, IDOC had been working to compile this information but it has been difficult to obtain. First, some of the identifying information related to the Plaintiffs is lacking. This means that IDOC is having difficulties locating records for named Plaintiffs. Second, a substantial number of the named Plaintiffs have already been discharged from IDOC custody. Third, the fibrosis levels of for the majority of HCV patients within IDOC are not maintained in a centralized location, which means that each medical file must be reviewed for such information. And, finally, once an inmate has received antiviral treatment and no longer carries HCV, he or she is generally left off the HCV list going forward, as that particular inmate no longer needs to be tracked. For these reasons, the information is difficult to compile.

9. Accordingly, the IDOC Defendants seek a stay to respond to the Court’s direction in the March 25 order. It appears that the directive at issue should be automatically stayed due to

the stay issued by the Seventh Circuit; however, that stay order only mentions the February 4 order. Defendants want to ensure a clear record in this matter and seek a formal stay of the Court's order entered March 25, as well. In the alternative, Defendants would require additional time to compile the information sought by the Court.

WHEREFORE, Defendants respectfully request that this Court stay its order entered March 25, 2019.

Respectfully submitted,

Dr. Louis Shicker, Dr. Steven Meeks, and
the Illinois Department of Corrections,

Defendants,

Kwame Raoul, Illinois Attorney General,

Attorney for Defendants,

Lisa Cook, #6298233
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62701
(217) 782-9014 Phone
(217) 524-5091 Fax
Email: lcook@atg.state.il.us

By: s/Lisa Cook
LISA COOK
Assistant Attorney General

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

JEFFREY ORR, et al.,	)	
	)	
Plaintiffs,	)	
	)	
-vs-	)	No. 08-2232-HAB-DGB
	)	
WILLARD O. ELYEA, M.D., <i>et al.</i> ,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2019, the foregoing document, *IDOC Defendants' Motion to Stay Fulfillment of Order Entered March 25, 2019*, was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Richard J. Gray
H. Kent Heller
Joseph Rupcich
James A. Borland
Russell L. Reed
Christopher Higgerson
Brent Stratton

Respectfully Submitted,

s/Lisa Cook

Lisa Cook, #6298233
Assistant Attorney General
Attorney for Defendants
500 South Second Street
Springfield, Illinois 62701
(217) 782-9014 Phone
(217) 524-5091 Fax
E-Mail: lcook@atg.state.il.us