

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

LENIL COLBERT, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	No. 07 C 4737
	)	
v.	)	Judge Joan Humphrey Lefkow
	)	
PATRICK QUINN, in his	)	Magistrate Judge Jeffrey T. Gilbert
official capacity as Governor of the	)	
State of Illinois, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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**JOINT STATUS REPORT**

Plaintiffs and Defendants, through their counsel, hereby submit the following status joint report:

1. This lawsuit involves an already certified class of all Medicaid-eligible adults with disabilities in Cook County, Illinois, who are being, or may in the future be, unnecessarily confined to nursing facilities when, with appropriate supports and services, are or may be able to live in a community setting. Plaintiffs allege that Defendants, various Illinois state officials, are violating the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Social Security Act, and the Nursing Home Reform Act by effectively requiring people with disabilities to enter nursing facilities in order to obtain long-term care and assistance, and thereby forcing them to forego liberty, privacy, independence, and the opportunity to live in the communities of their choice.

2. All Defendants have answered and deny the substantive allegations in the Complaint. No counterclaims or third-party complaints have been filed.

3. Plaintiffs seek declaratory and injunctive relief, as well as attorneys' fees and costs as provided by applicable law. There is no present claim for monetary damages. Plaintiffs seek a declaration that Defendants' failure to provide Plaintiffs with services in an integrated setting appropriate to their needs violates Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, Title XIX of the Social Security Act, and the federal Nursing Home Care Act. Plaintiffs further request that the Court require Defendants (1) to inform Plaintiffs and class members that they may be eligible for community services and that they have the choice of such services; (2) to provide comprehensive assessments, evaluations and screenings to determine Plaintiffs' and class members' eligibility for community services, both prior to and after admission to nursing facilities; and (3) to provide, as appropriate, Plaintiffs and class members with long-term care services and supports in the community and refrain from providing long-term care only in institutions.

4. On February 25, 2009, District Court Judge Joan Humphrey Lefkow referred the case to this Court for purpose of holding proceedings relating to discovery supervision.

5. There are no pending motions in this Court or before Judge Lefkow.

6. Thirty-one depositions have been taken, and hundreds of thousands of pages of documents have been produced by hard copy, on CDs or by identification to websites. There are several additional depositions to be taken, and one deposition to be completed. Expert discovery (exchange of reports and depositions) is scheduled for the fall of 2010.

7. Discovery is set to close on June 30, 2010. There is no scheduled pretrial order or trial dates.

8. The parties have engaged in extensive ESI discovery. There are no current disagreements on any ESI issues.

9. The parties do not consent to a trial before a Magistrate Judge.
10. The parties are engaged in active and serious settlement negotiations.

Dated: June 7, 2010

RESPECTFULLY SUBMITTED,

s/ Edward B. Mullen III  
One of the Attorneys for Plaintiffs

/s/ Andrew L. Dryjanski  
Brent D. Stratton  
Andrew L. Dryjanski  
Assistant Attorney General  
General Law Bureau  
100 West Randolph, 13<sup>th</sup> Floor  
Chicago, IL 60601  
[bstratton@atg.state.il.us](mailto:bstratton@atg.state.il.us)  
[adryjanski@atg.state.il.us](mailto:adryjanski@atg.state.il.us)

*Attorney for Defendants*

/s/ Karen Konieczny  
Karen Konieczny  
Assistant Attorney General  
Welfare Litigation Bureau  
160 N. LaSalle Street, Suite N-1000  
Chicago, Illinois 60601  
(312) 793-2380  
[Karen.Konieczny@illinois.gov](mailto:Karen.Konieczny@illinois.gov)

*On Behalf of Defendant Julie Hamos*

/s/ Stephen D. Libowsky  
Stephen D. Libowsky (No. 6187081)  
Greg T. Fouts  
HOWREY LLP  
321 North Clark Street – Suite 3400  
Chicago, IL 60654  
Telephone: 312.595.2252  
Facsimile: 312.264.0372  
[libowskys@howrey.com](mailto:libowskys@howrey.com)  
[foutsg@howrey.com](mailto:foutsg@howrey.com)

Edward B. Mullen III  
Kim Borowicz  
ACCESS LIVING  
155 W. Chicago Avenue  
Chicago, IL 60610  
Telephone: 312.640.2131  
Facsimile: 312.640.2139  
[emullen@accessliving.org](mailto:emullen@accessliving.org)

Benjamin S. Wolf  
AMERICAN CIVIL LIBERTIES  
UNION OF ILLINOIS  
180 N. Michigan Avenue – Suite 2300  
Chicago, IL 60601  
Telephone: 312.201.9740  
Facsimile: 312.253.7001  
[wolf@aclu-il.org](mailto:wolf@aclu-il.org)

Karen I. Ward  
EQUIP FOR EQUALITY  
20 N. Michigan Avenue - Suite 300  
Chicago, IL 60602  
Tel: 312.341.0022  
Fax: 312.341.0295  
[karen@equipforequality.org](mailto:karen@equipforequality.org)

Stephen F. Gold  
LAW OFFICES OF STEPHEN F.  
GOLD  
125 South Ninth Street - Suite 700  
Philadelphia, PA 19107  
[stevegoldada@cs.com](mailto:stevegoldada@cs.com)

*Attorneys for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

I, Stephen D. Libowsky, certify that I caused a copy of the parties' Joint Status Report to be served by e-mail to counsel of record via the ECF system of the U.S. District Court, Northern District of Illinois, Eastern Division, on this 7<sup>th</sup> day of June, 2010.

/s/ Stephen D. Libowsky  
Stephen D. Libowsky