

**United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 6.1.1 (Chicago)
CIVIL DOCKET FOR CASE #: 1:03–cv–05617**

Bolden, et al v. Stroger, et al
Assigned to: Honorable Elaine E. Bucklo
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 08/12/2003
Date Terminated: 02/01/2005
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Cornell Bolden

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Plaintiff

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Laura J. Miller
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Tamara Lynn Seltzer
(See above for address)

Plaintiff

Charles Morgan
*each individually and on behalf of all
others similarly situated*

represented by **Byron L. Mason**
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Plaintiff

Keith Jackson

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Laura J. Miller
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V.

Defendant

John Stroger
*President, Cook County Board, in his
official capacity*

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Defendant

County of Cook

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Stephen L. Garcia
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Michael Sheahan
*Sheriff of Cook County, in his official
capacity*

represented by **Richard Thomas Sikes, Jr.**
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Defendant

Ruth Rothstein
 Director, Cook County Department of
 Health Services, in her official capacity

represented by **Louis R. Hegeman**
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ATTORNEY TO BE NOTICED

Stephen L. Garcia
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/12/2003	<u>1</u>	COMPLAINT – Civil cover sheet – Appearance(s) of Byron L. Mason, Laura J. Miller, Diane L. Redleaf, Barry Charlton Taylor as attorney(s) for plaintiff (No summons(es) issued.) (Documents: 1-1 through 1-3) (rmm) (Entered: 08/12/2003)
08/12/2003		RECEIPT regarding payment of filing fee paid; on 8/12/03 in the amount of \$ 150.00, receipt # 106 26149. (rmm) (Entered: 08/12/2003)
08/12/2003	<u>2</u>	MOTION by plaintiff for certification of two plaintiff classes (rmm) (Entered: 08/13/2003)
08/28/2003		SUMMONS issued (3 originals and 3 copies) as to Ruth Rothstein, John Stroger, Michael Sheahan (rmm) (Entered: 08/29/2003)
08/28/2003	<u>6</u>	MOTION by plaintiffs for certification of two plaintiff classes ; Notice (rmm) (Entered: 09/18/2003)
09/10/2003	<u>3</u>	APPLICATION for leave to appear pro hac vice for plaintiffs by Ira Abraham Burnim; Order entered granting leave by Hon. Elaine E. Bucklo (eav) (Entered: 09/17/2003)
09/10/2003	<u>4</u>	APPLICATION for leave to appear pro hac vice for plaintiffs by Jennifer Mathis ; Order entered granting leave by Hon. Elaine E. Bucklo (eav) (Entered: 09/17/2003)
09/14/2003	<u>5</u>	APPLICATION for leave to appear pro hac vice for plaintiffs by Tamara Lynn Seltzer ; Order entered granting leave by Hon. Elaine E. Bucklo (eav) (Entered: 09/17/2003)
09/17/2003		MAILED Rule 83.16 letter and appearance form to Ira Abraham Burnim, Jennifer Mathis and Tamara Lynn Seltzer (eav) (Entered: 09/17/2003)
09/17/2003	<u>7</u>	MINUTE ORDER of 9/17/03 by Hon. Elaine E. Bucklo: Response to motion for certification of two plaintiff classes [2-1] [6-1] is due by October 17, 2003; and any reply by October 31, 2003. Ruling on motion for certification of two plaintiff classes [2-1] [6-1] set for December 5, 2003 at 10:00 a.m. Mailed notice (rmm) (Entered: 09/18/2003)

09/23/2003	<u>8</u>	MINUTE ORDER of 9/23/03 by Hon. Elaine E. Bucklo: Pursuant to parties' joint request, plaintiffs have until October 24, 2003 to file a memorandum in support of the motion for class certification [2-1] [6-1]. Response is extended to November 24, 2003; and any reply to December 8, 2003. Ruling set for December 5, 2003 is reset to January 9, 2004 at 10:00 a.m. Defendants' proposed motion to dismiss will be due September 29, 2003; response by October 20, 2003; and any reply by October 27, 2003. Ruling set for December 5, 2003 at 10:00 a.m. Discovery is ordered closed on August 30, 2004. Pretrial order will be due by September 30, 2004; and response to any motions in limine by October 14, 2004. Pretrial conference set for October 22, 2004 at 3:00 p.m. and trial set for November 8, 2004 at 9:30 a.m. Mailed notice (rmm) (Entered: 09/24/2003)
09/29/2003	<u>9</u>	ATTORNEY APPEARANCE for defendants John Stroger, County of Cook, Ruth Rothstein by Louis R. Hegeman and Stephen L. Garcia; Notice (Attachment) (rmm) (Entered: 09/30/2003)
09/29/2003	<u>10</u>	MOTION by defendants John Stroger, County of Cook and Ruth Rothstein to transfer case , to dismiss; Memorandum in support (Attachments); Notice (rmm) Modified on 01/08/2004 (Entered: 10/02/2003)
10/01/2003	<u>11</u>	MINUTE ORDER of 10/1/03 by Hon. Elaine E. Bucklo: The briefing schedule set in the order dated September 23, 2003 with respect to defendant's motion to dismiss will be applied to defendant's motion to transfer or dismiss. Mailed notice (rmm) (Entered: 10/02/2003)
10/16/2003	<u>14</u>	MOTION by plaintiffs for default judgment against Sheriff Sheahan or, in the alternative, to set prompt deadline by which Sheriff shall answer or otherwise plead , and to amend pending briefing schedule on other defendants' motion to dismiss or transfer (Attachments); Notice (rmm) (Entered: 10/28/2003)
10/21/2003	<u>12</u>	ATTORNEY APPEARANCE for defendant Michael Sheahan by Richard Thomas Sikes Jr., Joseph P. Roddy, Daniel Edward Brown (rmm) (Entered: 10/22/2003)
10/23/2003	<u>13</u>	OPENING MEMORANDUM of law by plaintiffs in support of certification of two plaintiff classes [2-1], [6-1] (Attachments); Notice (rmm) (Entered: 10/24/2003)
10/27/2003	<u>15</u>	MINUTE ORDER of 10/27/03 by Hon. Elaine E. Bucklo: Plaintiff's motion for default judgment against Sheriff Sheahan is withdrawn [14-1]. Plaintiffs' motion to set prompt deadline to file answer or otherwise plead [14-2] and to amend pending briefing schedule on other defendants' motion to dismiss or transfer is granted [14-3]. Accordingly, defendant Sheahan has until 11/7/03 to answer or otherwise plead. If a motion to dismiss is filed, plaintiffs' responses to motions to dismiss will be extended to 11/17/03; and any replies to 11/24/03. Ruling set for 12/5/03 is reset for 12/18/03 at 10:00 a.m. Mailed notice (rmm) (Entered: 10/28/2003)
11/06/2003	<u>16</u>	NOTICE by plaintiffs' attorney, Ira Abraham Burnim of change of address (rmm) (Entered: 11/07/2003)
11/07/2003	<u>17</u>	MOTION by Sheriff Michael Sheahan to dismiss Counts I and II of plaintiffs' complaint against him , or transfer to the court overseeing the existing consent decree ; Memorandum in support (Attachments); Notice (rmm) (Entered: 11/10/2003)
11/07/2003	<u>20</u>	MOTION by defendants County of Cook, John H. Stroger, Jr., and Ruth Rothstein to stay briefing of plaintiffs' motion for class certification pending this court's adjudication of their amended motion to transfer or dismiss ; Notice (Attachment) (rmm) (Entered: 11/19/2003)
11/07/2003	<u>21</u>	MOTION by defendants John Stroger, County of Cook and Ruth Rothstein for leave to file defendants' amended motion to transfer or dismiss and supporting memorandum ; Notice (Attachment) (rmm) (Entered: 11/19/2003)
11/10/2003	<u>18</u>	ATTORNEY APPEARANCE for plaintiffs by Ira Burnim, Tamara Lynn Seltzer and Jennifer Mathis (rmm) (Entered: 11/12/2003)
11/13/2003	<u>22</u>	MOTION by defendant Sheriff Michael Sheahan for leave to join County defendants' motion to stay briefing on class certification issues ; Notice (Attachment) (rmm) (Entered: 11/19/2003)

11/14/2003	<u>19</u>	AMENDED MOTION by defendants John Stroger, County of Cook, Ruth Rothstein to dismiss or [10-1] transfer [10-2]; Memorandum in support (Attachments); Notice (hp) (Entered: 11/17/2003)
11/14/2003	<u>23</u>	MINUTE ORDER of 11/14/03 by Hon. Elaine E. Bucklo : Defendants' motion for leave to file amended motion to transfer or dismiss is granted [21-1]. Sheriff's motion for leave to join County defendants' motion to stay briefing on class certification issues is granted [22-1]. Defendants' motion to stay briefing of plaintiffs' motion for class certification pending this court's adjudication of their amended motion transfer or dismiss is also granted [20-1]. Sheriff has until 11/21/03 to file memorandum in support of the amended motion to transfer or dismiss. Response to the amended motion will be due by 12/12/03; and any reply by 12/29/03. Ruling set for 12/18/03 is reset for 1/30/04 at 10:00 a.m. Ruling set for 12/5/03 is vacated. Mailed notice (rmm) (Entered: 11/19/2003)
11/21/2003	<u>24</u>	MOTION by defendant Sheriff Michael Sheahan to join in parts of County defendants amended motion to dismiss or transfer (Attachments); Notice (rmm) Modified on 05/24/2004 (Entered: 11/24/2003)
12/12/2003	<u>25</u>	MOTION by plaintiff for leave to file an oversized brief ; Notice (rmm) (Entered: 12/16/2003)
12/12/2003	<u>26</u>	OPPOSITION by plaintiffs to defendants amended motion to dismiss or transfer [19-1] (Attachments); Notice (rmm) (Entered: 12/16/2003)
12/15/2003	<u>27</u>	MINUTE ORDER of 12/15/03 by Hon. Elaine E. Bucklo : Plaintiffs' motion for leave to file an oversized brief is granted [25-1]. Mailed notice (rmm) (Entered: 12/16/2003)
12/29/2003	<u>28</u>	JOINT MOTION by defendants Michael Sheahan, John Stroger, and Ruth Rothstein for an extension of time to file their reply to plaintiffs oversized brief ; Notice (rmm) (Entered: 12/31/2003)
12/30/2003	<u>29</u>	MINUTE ORDER of 12/30/03 by Hon. Elaine E. Bucklo: Defendants' joint motion for extension of time [28-1] until 1/7/04 to file their reply on motion to dismiss [10-2] [17-1] or transfer [10-1] [17-2] is granted. Mailed notice (rmm) (Entered: 12/31/2003)
01/07/2004	<u>30</u>	REPLY by Sheriff Michael Sheahan to plaintiffs' opposition to defendants' amended motion to dismiss or transfer [26-1] (Attachments); Notice (rmm) (Entered: 01/08/2004)
01/07/2004	<u>31</u>	REPLY by defendants John Stroger County of Cook and Ruth Rothstein to in support of their amended motion to dismiss or transfer (Attachments); Notice (rmm) (Entered: 01/08/2004)
03/02/2004	<u>32</u>	MINUTE ORDER of 3/2/04 by Hon. Elaine E. Bucklo : Enter Memorandum Opinion and Order granting defendants' motion to dismiss. This case is therefore dismissed without prejudice and plaintiffs may refile their claims before the appropriate presiding judges. Motions for certification of two plaintiff classes [2-1] [6-1] are denied as moot. Any other pending motion in this case is also denied as moot. Entered Memorandum Opinion and Order. , terminating case Mailed notice (rmm) (Entered: 03/03/2004)
03/02/2004	<u>33</u>	ENTERED JUDGMENT (rmm) (Entered: 03/03/2004)
03/15/2004	<u>34</u>	MOTION by plaintiffs to alter and amend judgment of 3/2/04 ; Notices (rmm) (Entered: 03/16/2004)
03/24/2004	<u>35</u>	MINUTE ORDER of 3/24/04 by Hon. Elaine E. Bucklo: Plaintiffs' motion to alter and amend judgment is denied [34-1]. It is, of course, up to the judge or judges in the other case to determine how to proceed. Mailed notice (rmm) (Entered: 03/25/2004)
04/16/2004	<u>36</u>	MOTION by plaintiffs for extension of time to file notice of appeal ; Notice (cdy) (Entered: 04/29/2004)
04/28/2004	<u>37</u>	MINUTE ORDER of 4/28/04 by Hon. Elaine E. Bucklo: Plaintiffs' motion for extension of time until 05/24/04 to file notice of appeal [36-1], is granted. Mailed notice (cdy) (Entered: 04/29/2004)

05/17/2004	<u>38</u>	MOTION by plaintiffs for relief from order of March 24, 2004 (Attachments); Notice (rmm) (Entered: 05/24/2004)
05/21/2004	<u>39</u>	MINUTE ORDER of 5/21/04 by Hon. Elaine E. Bucklo: Response to plaintiffs' motion for relief from order of 03/24/2004 [38-1] is due 6/4/2004; and any reply by 6/18/ 2004. Ruling on motion for relief from order of March 24, 2004 [38-1] will be made by mail by 7/2/2004. Mailed notice (rmm) (Entered: 05/24/2004)
05/24/2004	<u>40</u>	NOTICE OF APPEAL by plaintiffs Cornell Bolden, Michael Amato, Charles Morgan, and Keith Jackson motion minute order [32-3], Scheduling order terminating case [32-2], Scheduling order Entered Memorandum Opinion and Order. [32-1], judgment entered [33-1], motion minute order [35-1] (Fee Paid) (dj) (Entered: 05/25/2004)
05/25/2004		TRANSMITTED to the 7th Circuit the short record on appeal [40-1] . Mailed notice to all counsel. (dj) (Entered: 05/25/2004)
05/26/2004	<u>41</u>	ACKNOWLEDGEMENT of receipt of short record on appeal [40-1] USCA 04-2341 (rmm) (Entered: 05/27/2004)
06/04/2004	<u>42</u>	RESPONSE by Sheriff, Michael Sheahan, to plaintiffs' motion for relief from order of March 24, 2004 [38-1] (Attachments); Notice (rmm) (Entered: 06/07/2004)
06/04/2004	<u>43</u>	RESPONSE by defendants John Stroger, County of Cook and Ruth Rothstein in opposition to plaintiffs' motion for relief from order of March 24, 2004 [38-1] (Attachments); Notice (rmm) (Entered: 06/07/2004)
06/14/2004		TRANSMITTED to the 7th Circuit the long record on appeal no. 04-2341 consisting of 1 volume of pleadings and 2 loose pleadings. [40-1] Mailed notice to all counsel. (dj) (Entered: 06/14/2004)
06/18/2004	<u>44</u>	REPLY by plaintiffs in support of motion for relief from order of March 24, 2004 [38-1] (Attachment); Notice (rmm) (Entered: 06/21/2004)
10/26/2004	<u>45</u>	MINUTE ORDER of 10/26/04 by Hon. Elaine E. Bucklo: Plaintiffs' motion for relief from order of March 24, 2004 is granted [38-1], subject to dismissal of their appeal by the Seventh Circuit. Status hearing set for 12/10/04 at 10:00 a.m. (See reverse of minute order.) Mailed notice (ntf) Modified on 10/27/2004 (Entered: 10/27/2004)
12/10/2004		SCHEDULE set on 12/10/04 by Hon. Elaine E. Bucklo : Status hearing held. No notice (mpj) (Entered: 12/16/2004)
12/20/2004	<u>46</u>	MINUTE ORDER of 12/20/04 by Hon. Elaine E. Bucklo: The docket clerk is directed to re-open the case. The court will rule on the previously filed motion to dismiss by 02/21/05. Case reopened Mailed notice (cdy) (Entered: 12/21/2004)
01/10/2005	<u>47</u>	SUPPLEMENTAL REPLY by defendant Sheriff Michael Sheahan to plaintiffs' opposition to defendants' amended motion to dismiss or transfer; Notice (rmm) (Entered: 01/11/2005)
01/13/2005	<u>48</u>	CERTIFIED copy of Order dated 6/9/04 from the 7th Circuit. (04-2341) Upon consideration of the motion for limited remand, filed on June 4, 2004, by counsel for the appellants, It is ordered that the motion is denied as unnecessary. The district court has "the power to employ appropriate procedures for clarifying the issues raised by" a motion under Fed. R. Civ. P. 60(b). Boyko v. Anderson, 185 F.3d 672, 675 (7th Cir. 1999). It is further ordered that proceedings in this Court are temporarily stayed pending resolution of the Rule 60(b) motion by the district court. If the district court is inclined to grant the motion, then the district court should indicate its willingness to do so and this case will then be remanded for the purpose of modifying the judgment. Cir. R. 57. The parties are directed to file statements of position with this Court within seven days of the disposition of the Rule 60(b) motion by the district court. (rmm) (Entered: 01/14/2005)
02/01/2005	<u>49</u>	MINUTE entry before Judge Elaine E. Bucklo : Defendants' amended motion to dismiss plaintiffs' claims is granted. Accordingly, this action is dismissed and judgment is entered in favor of defendants and against plaintiffs. Any pending motion in this case is terminated as moot. Any schedule set in this case is now vacated. Defendants' motion to transfer is denied as moot. Enter Memorandum Opinion and Order. Case terminated. Mailed notice (vmj,) (Entered: 02/03/2005)

02/01/2005	<u>50</u>	MEMORANDUM Opinion and Order Signed by Judge Elaine E. Bucklo on 2/1/2005. (rbf,) (Entered: 02/03/2005)
02/01/2005	<u>51</u>	ENTERED JUDGMENT Signed by Judge Elaine E. Bucklo on 2/1/2005. (rbf,) (Entered: 02/03/2005)
03/03/2005	<u>52</u>	LETTER from the Seventh Circuit returning the record on appeal in USCA no. 04-2341 consisting of one (1) volume of pleadings and two (2) loose pleadings. (jmp,) (Entered: 03/08/2005)
03/03/2005	<u>53</u>	MANDATE of USCA dated 2/9/2005 regarding notice of appeal, <u>40</u> ; USCA No. 04-2341. It is ordered that the motion to dismiss appeal filed on 2/4/2005 is granted. The appeal is hereby dismissed. (jmp,) (Entered: 03/08/2005)