

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION

ASHOOR RASHO, #B38970,

Plaintiff,

Law No, Il-cv-1308-MMM-JAG

ROGER E. WALKER, JR., DR.
WILLARD ELYEA, DR. WENDY
NAVARRO, EDDIE JONES, DR, JOHN
GARLICK, and DR. MICHAEL F.
MASSA,

Defendants.

ANSWERS To PLAINTIFF'S FIRST SET OF INTERROGATORIES

NOW COMES the Defendant, MICHAEL F. MASSA, M.D., by his attorney, THERESA
M. POWELL, of HEYL, ROYSTER, VOELKER & ALLEN, and for his answers to Plaintiffs
First Set of Interrogatories states:

Interrogatory No. 1

Describe, in detail, the reason(s) that Plaintiff was transferred out of the Mental Health
Unit in 2006.

Answer: See Defendant Massa's separately served Objection to Interrogatory

As pertains to the unobjectionable aspect of this question, see plaintiff's mental health records from the Pontiac correctional facility near or about the time I recommended that Plaintiff be transferred out of the Mental Health Unit, May, 2006. The basis for plaintiff's transfer relies both on the material contained in plaintiff's records directly and my discussions with other mental health staff whose names are also contained in plaintiff's mental health records near or about the time of my recommendation and before.

It is my recollection as well that Mr. Rasho did not want to be in the Mental Health Unit at certain times relevant to this case. Mr. Rasho did not cooperate with his care and treatment. Mr. Rasho's behavior

was not sufficiently modified by the treatment provided to him, suggesting that he did not suffer the mental health condition that was previously considered to be causing his behavior,

Interrogatory No. 2

Describe, in detail, the mental health treatment Plaintiff received while in the North Segregation Unit.

Answer: See Defendant Massa's separately served Objection to Interrogatory

As it pertains to the unobjectionable portion of the interrogatory, I do not recall treating Mr. Rasho when he was in the North Segregation Unit. Pursuant to Federal Rule 33(d), see plaintiff's mental health records for those dates he was seen by mental health staff while he was living in North Segregation Unit.

Interrogatory No. 3

Describe, in detail, the mental health treatment Plaintiff received while in the Mental Health Unit.

Answer: See Defendant Massa's separately served Objection to Interrogatory No. 3.

Pursuant to Federal Rule 33(d), see plaintiff's mental health records for those dates he was seen by mental health staff while plaintiff was in the Mental Health Unit. The mental health treatment is outlined in the records,

Interrogatory No. 4

Identify the person(s) and/or entity(ies) who provided medical treatment, including but not limited to mental health treatment, to Plaintiff.

Answer: Pursuant to Federal Rule 33(d), see plaintiff's medical records and mental health records provided to plaintiff's counsel through discovery in this case, The records contain the names of all persons who have treated the plaintiff for both his medical issues and his mental health needs.

Interrogatory No.

Identify the person(s) and/or entity(ies) who directed, ordered, recommended, or were otherwise involved in Plaintiffs transfer out of the Mental Health Unit in 2006.

Answer: I recommended that plaintiff, Rasho, be transferred out of the Mental Health Unit in 2006. (See my record dated 5/25/2006 plaintiff" s AR104), The decision to transfer Mr. Rasho out of the Mental Health Unit was made by various employees for the IDOC. IDOC staff had access to recommendations from mental health staff regarding Mr. Rasho's placement at that time. I am not certain who ultimately gave the order to transfer Mr. Rasho out of the MHU. It may have been one person or a combination of persons.

Interrogatory No. 6

Describe, in detail, any policies, procedures, protocols, and/or orders concerning the medical treatment, including but not limited to the mental health treatment, of prisoners at Pontiac.

Answer: I was employed as a psychiatrist to evaluate, diagnose, and treat inmates with mental health issues and/or those who may potentially suffer from mental health issues. My treatment of patients for purely medical issues was very limited. I believe that there were policies regarding medical treatment, but I do not recall them, nor do I have them in my personal possession. Likewise, there were policies, procedures and protocols which related to mental health treatment, but I do not recall them in detail, nor do I have a copy in my personal possession. I no longer work at the facility and cannot recite them all verbatim.

Interrogatory No. 7

Describe, in detail, how any policies, procedures, protocols, and/or orders concerning the medical treatment, including but not limited to the mental health treatment, of prisoners at Pontiac affected, influenced, and/or determined the mental health treatment that Plaintiff received,

Answer: I do not recall any specific policy, procedure or protocol affecting, influencing or determining the mental health treatment that plaintiff, Rasho, received while I worked at the Pontiac correctional facility, I am aware that at times Mr. Rasho was considered for enforced medications as pertains to medicine that had already been prescribed to him. There is a procedure for determining whether or not that is to be done. I believe that on at least one occasion, Mr. Rasho did receive enforced medication as a result of that procedure. On other occasions, it was recommended that he not be forced to take his medications, and

he was encouraged to take or accept his medication voluntarily. Other than that, I do not recall any procedures or policies affecting Mr. Rasho's treatment,

Interrogatory No. 8

State and describe the basis for, and identify all information and documents relevant to, your statement, contained in the Answer, that "Defendant Massa denies that Ashoor Rasho suffered from serious medical conditions. Defendant denies that Mr. Rasho suffered from serious mental illnesses at all times,"

Answer: See Defendant Massa's separately served Objection to Interrogatory

Defendant objects to Interrogatory No. 8 as it calls for a legal conclusion on the part of Dr. Massa. In addition, Dr. Massa is not required yet to provide his opinions concerning all relevant matters in this case. At certain times, Mr. Rasho was diagnosed by medical professionals as having certain medical and mental health issues. At other times, Mr, Rasho was found not to suffer from those mental or medical issues.

In my opinion, Mr. Rasho did not require or merit placement in the Mental Health Unit at Pontiac in 2006 when I made the recommendation to transfer him off the unit. Defendant Massa reserves the right to supplement with any additional opinions when required to do so.

Interrogatory No.

State and describe the basis for, and identify all information and documents relevant to,
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your statement, contained in the Answer, that "Defendant denies that enforcement of medication is due solely to the severity of Mr. Rasho's mental problems,"

Answer: See Defendant Massa's separately served Objection to Interrogatory

Defendant objects to Interrogatory No. 9 as Defendant's answers to the complaint are drafted by counsel and were not directly answered by Dr. Massa, but by his counsel. Neither answers nor complaints are verified in Federal Court and therefore this question is also irrelevant,

Interrogatory No. 10

State and describe the basis for, and identify all information and documents relevant to, your denial, contained in the Answer, of the allegations of paragraph 33 of the Complaint.

Answer: See Defendant Massa's separately served Objection to Interrogatory No. 10.

Defendant objects to Interrogatory No. 10 as Defendant's answers to the complaint are drafted by counsel and were not directly answered by Dr. Massa. Neither answers nor complaints are verified in Federal Court and therefore this question is also irrelevant,

Interrogatory No. 11

State and describe the basis for, and identify all information and documents relevant to, your denial, contained in the Answer, of the allegations of paragraph 34 of the Complaint.

Answer: See Defendant Massa's separately served Objection to Interrogatory No. 11.

Defendant objects to Interrogatory No. 11 as Defendant's answers to the complaint are drafted by counsel and were not directly answered by Dr. Massa. Neither answers nor complaints are verified in Federal Court and therefore this question is also irrelevant,

Interrogatory No.

State and describe the basis for, and identify all information and documents relevant to, your denial, contained in the Answer, of the allegations of paragraph of the Complaint.

Answer: See Defendant Massa's separately served Objection to Interrogatory No. 12

35

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Defendant objects to Interrogatory No. 12 as Defendant's answers to the complaint are drafted by counsel and were not directly answered by Dr. Massa. Neither answers nor complaints are verified in Federal Court and therefore this question is also irrelevant.

Interrogatory No. 13

State and describe the basis for, and identify all information and documents relevant to, your denial, contained in the Answer, of the allegations of paragraph 36 of the Complaint.

Answer: See Defendant Massa's separately served Objection to Interrogatory No. 13.

Defendant objects to Interrogatory No. 13 as Defendant's answers to the complaint are drafted by counsel and were not directly answered by Dr. Massa. Neither answers nor complaints are verified in Federal Court and therefore this question is also irrelevant.

Interrogatory No. 14

State and describe the basis for, and identify all information and documents relevant to, your denial, contained in the Answer, of the allegations of paragraph 37 of the Complaint,

Answer: See Defendant Massa's separately served Objection to Interrogatory No. 14.

Defendant objects to Interrogatory No, 14 as Defendant's answers to the complaint are drafted by counsel and were not directly answered

Interrogatory No.

State and describe the basis for, and identify all information and documents relevant to, your denial, contained in the Answer, of the allegations of paragraph of the Complaint.

Answer: See Defendant Massa's separately served Objection to Interrogatory No. by Dr, Massa. Neither answers nor complaints are verified in Federal Court and therefore this question is also irrelevant.

110-1308

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15.

Defendant objects to Interrogatory No. 15 as Defendant's answers to the complaint are drafted by counsel and were not directly answered by Dr. Massa, Neither answers nor complaints are verified in Federal Court and therefore this question is also irrelevant.

Interrogatory No. 16

State and describe the basis for, and identify all information and documents relevant to, your denial, contained in the Answer, of the allegations of paragraph 40 of the Complaint.

Answer: See Defendant Massa's separately served Objection to Interrogatory No, 16.

Defendant objects to Interrogatory No. 16 as Defendant's answers to the complaint are drafted by counsel and were not directly answered by Dr, Massa. Neither answers nor complaints are verified in Federal Court and therefore this question is also irrelevant.

II-cv-1308

Page 7 of 11

Interrogatory No.

State and describe the basis for, and identify all information and documents relevant to, your denial, contained in the Answer, of the allegations of paragraph of the Complaint.

Answer: See Defendant Massa's separately served Objection to Interrogatory No.

Interrogatory No. 17

State and describe the basis for, and identify all information and documents relevant to, your denial, contained in the Answer, of the allegations of paragraph 41 of the Complaint.

Answer: See Defendant Massa's separately served Objection to Interrogatory No. 17.

Defendant objects to Interrogatory No. 17 as Defendant's answers to the complaint are drafted by counsel and were not directly answered by Dr. Massa. Neither answers nor complaints are verified in Federal Court and therefore this question is also irrelevant.

Interrogatory No.

State and describe the basis for, and identify all information and documents relevant to, your denial, contained in the Answer, of the allegations of paragraph of the Complaint.

Answer: See Defendant Massa's separately served Objection to Interrogatory
No.
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42

18,

Defendant objects to Interrogatory No. 18 as Defendant's answers to the complaint are drafted by counsel and were not directly answered by Dr, Massa. Neither answers nor complaints are verified in Federal Court and therefore this question is also irrelevant.

Interrogatory No. 19

State and describe the basis for, and identify all information and documents relevant to, your contention, set forth in the Answer as Affirmative Defense No. 1, that "Defendant Massa is entitled to qualified immunity,"

Answer: See Defendant Massa's separately served Objection to Interrogatory No. 19.

Defendant objects to Interrogatory No. 19 as Defendant's answers to the complaint are drafted by counsel and were not directly answered by Dr, Massa. Neither answers nor complaints are verified in Federal Court and therefore this question is also irrelevant,

Interrogatory No. 20

State and describe the basis for, and identify all information and documents relevant to, your contention, set forth in the Answer as Affirmative Defense No. 2, that "[t]o the extent Plaintiffs cause of action was filed beyond the statute of limitations, Defendant Massa is entitled to judgment as a matter of law. "

Answer: See Defendant Massa's separately served Objection to Interrogatory No, 20.

Defendant objects to Interrogatory No. 20 as Defendant's answers to the complaint are drafted by counsel and were not directly answered by Dr, Massa. Neither answers nor complaints are verified in Federal Court and therefore this question is also irrelevant.

Interrogatory No. 21

State and describe the basis for, and identify all information and documents relevant to, your contention, set forth in the Answer as Affirmative Defense No. 3, that "Plaintiff is not entitled to bring any claims based upon vicarious liability or respondeat superior. "

Answer: See Defendant Massa's separately served Objection to Interrogatory No. 21.

Defendant objects to Interrogatory No. 21 as Defendant's answers to the complaint are drafted by counsel and were not directly answered by Dr. Massa. Neither answers nor complaints are verified in Federal Court and therefore this question is also irrelevant.

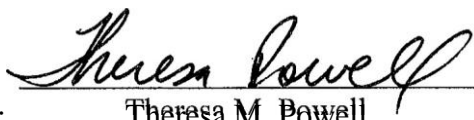
Interrogatory No. 22

State and describe the basis for, and identify all information and documents relevant to, your contention, set forth in the Answer as Affirmative Defense No, 4, that "Defendant Massa lacks sufficient personal involvement. "

Answer: See Defendant Massa's separately served Objection to Interrogatory No. 22.

Defendant objects to Interrogatory No. 22 as Defendant's answers to the complaint are drafted by counsel and were not directly answered by Dr, Massa. Neither answers nor complaints are verified in Federal Court and therefore this question is also irrelevant.

MICHAEL F. MASSA, M.D., Defendant

By: 
Theresa M. Powell
IL ARDC 6230402

HEYL, ROYSTER, VOELKER & ALLEN
Suite 575, PNC Bank Building
One North Old State Capitol Plaza
P. O. Box 1687
Springfield, IL 62705-1687
217.522.8822 Phone, Ext, 222
217.523.3902 Fax
tpowell@heyloyster.com

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES was served upon the attorneys of record of all parties to the above cause by enclosing same in an envelope with postage prepaid, and by depositing said envelope in a United States Post Office mail box in Springfield, Illinois on the 2[@]-day of June, 2012, addressed to such parties at their address as disclosed by the pleadings of record herein,

Mr. Alan Mills
UPTOWN PEOPLE'S LAW CENTER
4413 N. Sheridan Rd,
Chicago, IL 60640

Mr. William R. Stone
Mr. Alan Mills
Mr. Marc R. Kadish
Mr. Matthew V. Wargin
MAYER BROWN LLP
71 South Wacker Drive
Chicago, IL 60606

Ms, Heidi Hildebrand
Mr. Christopher L. Higginson
Assistant Attorney Generals
Illinois Attorney General's Office
500 South Second Street

Springfield, IL 62706



Theresa M. Powell

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