

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.

OBJECTIONS 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 objections to Plaintiffs First Set of Interrogatories states:

DEFINITIONS

Defendant objects to definition L as it is vague and difficult to understand.

INSTRUCTIONS

Defendant objects to Plaintiff's Instructions to the extent they require the Defendant to provide responses not required by Federal Rules of Civil Procedure. Specifically, the Plaintiff's Instructions require more information and responses than do the Federal Rules of Civil Procedure, specifically as pertains to directions H, I, J and K.

Defendant objects to instruction M, Defendant cannot be required to provide answers that he does not possess in his personal knowledge at the time the interrogatories are answered,

## INTERROGATORIES

### Interrogatory No. 1

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

Objection: Defendant objects to Interrogatory Number 1 to the extent it calls for Dr, Massa to provide opinions. Dr. Massa's deadline for providing opinions in this case has not yet been required by the scheduling order currently in place.

### Interrogatory No. 2

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

Objection: Defendant objects to Interrogatory Number 2 to the extent it requires Dr. Massa to provide information outside the dates that Dr. Massa treated the patient.

### Interrogatory No. 3

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

Objection: Defendant objects to Interrogatory Number 3 to the extent it requires Dr, Massa to provide information outside the dates that Dr. Massa treated the patient,

### 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, 't

Objection: Defendant objects to Interrogatory Number 8 in that requires Dr. Massa to provide opinions which are not yet due under the Federal Rules of Civil Procedure nor under this Court's scheduling order. In addition, pleadings are the product of the attorneys not the party. To the extent any denial was based upon a legal defense, Defendant objects to asking Defendant Massa to explain his attorneys' position. Federal pleadings are not verified pleadings,

Interro ato No. 9

State and describe the basis for, and identify all information and documents relevant to, 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."

Objection: Defendant objects to Interrogatory Number 9 in that requires Dr, Massa to provide opinions which are not yet due under the Federal Rules of Civil Procedure nor under this Court's scheduling order. In addition, pleadings are the product of the attorneys not the party, To the extent any denial was based upon a legal defense, Defendant objects to asking Defendant Massa to explain his attorneys' position, Federal pleadings are not verified pleadings,

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.

Objection: Defendant objects to Interrogatory Number 10 in that requires Dr. Massa to provide opinions which are not yet due under the Federal Rules of Civil Procedure nor under this Court's scheduling order, In addition, pleadings are the product of the attorneys not the party, To the extent any denial was based upon a legal defense, Defendant objects to asking Defendant Massa to explain his attorneys' position.

Federal pleadings are not verified pleadings,

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. .

Objection: Defendant objects to Interrogatory Number 11 in that requires Dr, Massa to provide opinions which are not yet due under the Federal Rules of Civil Procedure nor under this Court's scheduling order. In addition, pleadings are the product of the attorneys not the party. To the extent any denial was based upon a legal defense, Defendant objects to asking Defendant Massa to explain his attorneys' position.

Federal pleadings are not verified pleadings.

Interrogatory No, 12

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 35 of the Complaint,

Objection: Defendant objects to Interrogatory Number 12 in that requires Dr.

Massa to provide opinions which are not yet due under the Federal Rules of Civil Procedure nor under this Court's scheduling order, In addition, pleadings are the product of the attorneys not the party. To the extent any denial was based upon a legal defense, Defendant objects to asking Defendant Massa to explain his attorneys' position. Federal pleadings are not verified pleadings.

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,

Objection: Defendant objects to Interrogatory Number 13 which asks the Defendant to identify all information and all documents relevant to his denials. Some of the information is protected by the attorney work product. Some of the information is protected by the attorneyclient privilege. In addition, pleadings are the product of the attorneys not the party, To the extent any denial was based upon a legal defense, Defendant objects to asking Defendant Massa to explain his attorneys' position. Federal pleadings are not verified pleadings.

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.

Objection: Defendant objects to Interrogatory Number 14 which asks the Defendant to identify all information and all documents relevant to his denials,

Some of the information is attorney work product. Some of the information is protected by the attorney-client privilege. In addition, pleadings are the product of the attorneys not the party. To the extent any denial was based upon a legal defense, Defendant objects to asking Defendant Massa to explain his attorneys' position. Federal pleadings are not verified pleadings.

Interrogatory No. 15

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 39 of the Complaint.

Objection: Defendant objects to Interrogatory Number 15 which asks the Defendant to identify all information and all documents relevant to his denials, Some of the information is attorney work product. Some of the information is protected by the attorney-client privilege, In addition, pleadings are the product of the attorneys not the party. To the extent any denial was based upon a legal defense, Defendant objects to asking Defendant Massa to explain his attorneys' position, Federal pleadings are not verified pleadings,

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.

Objection: Defendant objects to Interrogatory Number 16 which asks the Defendant to identify all information and all documents relevant to his denials, Some of the information is attorney work product. Some of the

information is protected by the attorney-client privilege, In addition, pleadings are the product of the attorneys not the party. To the extent any denial was based upon a legal defense, Defendant objects to asking Defendant Massa to explain his attorneys' position, Federal pleadings are not verified pleadings.

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.

Objection: Defendant objects to Interrogatory Number 17 which asks the Defendant to identify all information and all documents relevant to his denials. Some of the information is attorney work product. Some of the information is protected by the attorney-client privilege. In addition, pleadings are the product of the attorneys not the party, To the extent any denial was based upon a legal defense, Defendant objects to asking Defendant Massa to explain his attorneys' position. Federal pleadings are not verified pleadings.

Interrogatory No. 18

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 42 of the Complaint.

Objection: Defendant objects to Interrogatory Number 18 which asks the Defendant to identify all information and all documents relevant to his denials, Some of the information is attorney work product. Some of the information is protected by the attorney-client privilege. In addition,

pleadings are the product of the attorneys not the party. To the extent any denial was based upon a legal defense, Defendant objects to asking Defendant Massa to explain his attorneys' position. Federal pleadings are not verified pleadings.

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,"

Objection: Defendant objects to Interrogatory Number 19. Qualified immunity is a legal argument and not a proper question for individual defendants. Defendant objects to Plaintiff's interrogatories which seek legal conclusions from a physician.

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. "

Objection: Defendant objects to Interrogatory Number 20. Qualified immunity is a legal argument and not a proper question for individual defendants. Defendant objects to Plaintiff's interrogatories which seek legal conclusions from a physician.



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. ' ,


Objection: Defendant objects to Interrogatory Number 21. Qualified immunity is a legal argument and not a proper question for individual defendants. Defendant objects to Plaintiff's interrogatories which seek legal conclusions from a physician,

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. "

Objection: Defendant objects to Interrogatory Number 22, Qualified immunity is a legal argument and not a proper question for individual defendants. Defendant objects to Plaintiff's interrogatories which seek legal conclusions from a physician.

MICHAEL F. MASSA, M.D., Defendant

By:   
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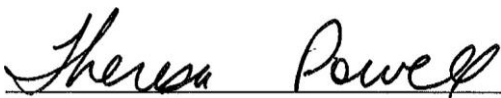
PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing OBJECTIONS 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 day of June, 2012, addressed to such parties at their address as disclosed by the pleadings of record herein.

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