

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

ASHOOR RASHO,)
)
Plaintiff,)
)
v.)
) Case No. 11-cv-1308
DIRECTOR ROGER E. WALKER, JR.,)
DR. WILLARD ELYEA, DR. WENDY) The Honorable Michael M. Mihm
NAVARRO, EDDIE JONES, DR. JOHN)
GARLICK, and DR. MICHAEL F.)
MASSA,)
)
Defendants.)

**PLAINTIFF ASHOOR RASHO’S OBJECTIONS AND RESPONSES TO DEFENDANTS
WALKER, JONES, ELYEA, NAVARRO, AND GARLICK’S INTERROGATORIES**

Plaintiff Ashoor Rasho (“**Plaintiff**”), through his attorneys, and in accordance with Federal Rules of Civil Procedure 26 and 33, hereby submits the following objections and responses to Defendants Walker, Jones, Elyea, Navarro, and Garlick’s (the “**IDOC Defendants**”) Interrogatories (the “**Interrogatories**”).

GENERAL OBJECTIONS AND RESPONSES TO THE INTERROGATORIES

In addition to the objections stated in the specific responses to the Interrogatories, the following objections (the “**General Objections**”) apply to all of the Interrogatories. The following General Objections are hereby incorporated by reference into the individual responses to the Interrogatories, and have the same force and effect as if fully set forth in the responses to the Interrogatories. Plaintiff objects as follows:

1. Plaintiff objects to the Interrogatories to the extent that they seek information that is not relevant to the subject matter of this proceeding or is not reasonably calculated to lead to the discovery of admissible evidence.

2. Plaintiff objects to the Interrogatories as improper and unduly burdensome to the extent that they purport to impose upon Plaintiff any obligations or requirements broader than those set forth in the Federal Rules of Civil Procedure or rules otherwise applicable to this matter.

3. Plaintiff objects to the Interrogatories to the extent that they call for information that is a matter of public record or otherwise routinely available to all parties.

4. Plaintiff objects to the Interrogatories to the extent that they are duplicative or designed to harass.

5. Plaintiff objects to the Interrogatories to the extent that they seek information that is protected from disclosure by the attorney-client privilege, the work product doctrine, or any other privilege or immunity from discovery. Inadvertent disclosure of any such privileged information shall not constitute a waiver of any applicable privilege or any other ground for objecting to discovery with respect to such privileged information.

6. Plaintiff objects to the Interrogatories to the extent that they seek information regarding documents or materials that are not in Plaintiff's possession, custody, or control.

7. Plaintiff objects to the Interrogatories to the extent that they state a legal conclusion, or assume or appear to assume that any fact, event, or assumption is true. By responding to any such Interrogatory, Plaintiff does not concede the correctness of any such conclusion or assumption.

8. Plaintiff objects to the Interrogatories on the ground that they are unduly burdensome and premature in light of the fact that Plaintiff is still conducting discovery and that many of the facts are already known by the IDOC Defendants and/or are within the IDOC Defendants' control. Plaintiff has made a good faith effort to respond to each Interrogatory in a

timely manner. Plaintiff's responses herein are necessarily based solely on the information that is available to Plaintiff on the date of these responses. Plaintiff's investigation is ongoing, and Plaintiff reserves the right to amend, supplement, or withdraw any response or objection to the Interrogatories as he deems necessary or appropriate in light of information or knowledge obtained as discovery progresses in this action. In particular, and without limiting the scope of this objection, Plaintiff observes that he only recently received a complete response from Pontiac Correctional Center to requests for all of Plaintiff's medical and mental health records even though Plaintiff made the requests in July 2011. To the extent that such materials or any other materials not discussed below are determined to be responsive to the Interrogatories, Plaintiff will supplement his responses accordingly.

9. In responding to the Interrogatories, Plaintiff does not concede that any of the information provided is relevant or material to the subject matter of this litigation or reasonably calculated to lead to the discovery of admissible evidence. Plaintiff reserves the right to object to the admissibility at trial of any of the information produced in response to the Interrogatories.

SPECIFIC OBJECTIONS AND RESPONSES TO THE INTERROGATORIES

Interrogatory No. 1. With what mental disability or disabilities have you been diagnosed?

RESPONSE: Plaintiff hereby incorporates the General Objections stated above as if set forth in full herein. Without waiving the General Objections, Plaintiff states that he has been diagnosed with the following mental disabilities:

- Dysthymic Disorder
- Depressive Disorder
- Adjustments Disorder with Depressed Mood Improved
- Mixed Personality Disorder
- Organic Mood Disorder
- Severe Dyslexia
- Antisocial Personality Disorder
- Adjustment Disorder with mixed emotional features

- Strong borderline and antisocial personality disorder traits
- History of polysubstance dependence/poly substance abuse
- Adult attention deficit disorder
- Narcissistic Personality Disorder
- Dysthymic Disorder with an intermittent explosive element
- Dissociative Disorder, provisional
- Borderline Intellectual Functioning
- Personality Disorder secondary to trauma, provisional
- Borderline Personality Disorder
- Psychomotor Epilepsy, provisional
- Intermittent Explosive Disorder
- Impulse Control Disorder specifically an Intermittent
- Explosive Disorder
- Malingering
- Atypical Psychosis
- Psychosis NOS, provisional
- Major depressive disorder, recurrent, with psychotic features
- Schizophrenia
- Schizotypal personality disorder
- Dementia
- Obsessive Compulsive Disorder
- Bipolar Disorder Type I – with childhood onset

Plaintiff will supplement this response if Plaintiff recalls additional information that is responsive to this Interrogatory and/or additional information is revealed through discovery.

Interrogatory No. 2. For each disability, on what date were you first diagnosed as having that disability?

RESPONSE: Plaintiff hereby incorporates the General Objections stated above as if set forth in full herein. Without waiving the General Objections, Plaintiff states that he was first diagnosed with the following mental disabilities on the following dates or earlier:

- Dysthymic Disorder – April 24, 1995
- Depressive Disorder – July 20, 1995
- Adjustments Disorder with Depressed Mood Improved – July 24, 1995
- Mixed Personality Disorder – July 24, 1995
- Organic Mood Disorder – October 4, 1995
- Severe Dyslexia – October 4, 1995
- Antisocial Personality Disorder – October 21, 1996
- Adjustment Disorder with mixed emotional features – May 10, 1997

- Strong borderline and antisocial personality disorder traits – May 10, 1997
- History of polysubstance dependence/poly substance abuse – September 8, 1997
- Adult attention deficit disorder – April 2, 1997/1998
- Narcissistic Personality Disorder – April 2, 1997/1998
- Dysthymic Disorder with an intermittent explosive element – June 18, 1998
- Dissociative Disorder, provisional – June 18, 1998
- Borderline Intellectual Functioning – June 18, 1998
- Personality Disorder secondary to trauma, provisional – July 28, 1998
- Borderline Personality Disorder – July 28, 1998
- Psychomotor Epilepsy, provisional – July 28, 1998
- Intermittent Explosive Disorder – August 5, 1998
- Impulse Control Disorder specifically an Intermittent – August 7, 1998
- Explosive Disorder – August 7, 1998
- Malingering – August 23, 1998
- Atypical Psychosis – August 25, 1998
- Psychosis NOS, provisional – September 2, 1998
- Major depressive disorder, recurrent, with psychotic features – April 1999
- Schizophrenia – April 1999
- Schizotypal personality disorder – April 1999
- Dementia – March 31, 2004
- Obsessive Compulsive Disorder – November 7, 2005
- Bipolar Disorder Type I – with childhood onset – November 7, 2005

Plaintiff will supplement this response if Plaintiff recalls additional information that is responsive to this Interrogatory and/or additional information is revealed through discovery.

Interrogatory No. 3. For each disability, who diagnosed that disability?

RESPONSE: Plaintiff hereby incorporates the General Objections stated above as if set forth in full herein. Without waiving the General Objections, Plaintiff states that he was diagnosed with the following mental disabilities by the following individuals:

- Dysthymic Disorder – Richard Newman, M.D.; Katherine Lingle, LCSW; Jill Stevens, M.A.; Kelly A. Rhodes, PhD; Frank W. Hayes, M.D.
- Depressive Disorder – B. Mark Aaron, MSW-LSW
- Adjustments Disorder with Depressed Mood Improved – James E. Adams, M.D.
- Mixed Personality Disorder – James E. Adams, M.D.
- Organic Mood Disorder – Kenneth Gilbert, M.D.
- Severe Dyslexia – Kenneth Gilbert, M.D.
- Antisocial Personality Disorder – Jan Stampley, M.D.; Katherine Lingle, MSW, LSW; Frank W. Hayes, M.D.; Jill Stevens, M.A.; Kelly A. Rhodes, PhD; Dr. Mark

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- Fischer; Dr. Rakesh Chandra; Christine L. Fletcher, M.D., Psychiatrist; Robert E. Chapman, M.D., MBA
- Adjustment Disorder with mixed emotional features – Andrew Kowalkowski, M.D.
 - Strong borderline and antisocial personality disorder traits – Andrew Kowalkowski, M.D.
 - History of polysubstance dependence/poly substance abuse – Andrew Kowalkowski, M.D.; Kenneth Gilbert, M.D.
 - Adult attention deficit disorder – Kenneth Gilbert, M.D.; Robert E. Chapman, M.D., MBA
 - Narcissistic Personality Disorder – Kenneth Gilbert, M.D.
 - Dysthymic Disorder with an intermittent explosive element – Frank W. Hayes, M.D.
 - Dissociative Disorder, provisional – Frank W. Hayes, M.D.; Katherine Lingle, LCSW
 - Borderline Intellectual Functioning – Frank W. Hayes, M.D.
 - Personality Disorder secondary to trauma, provisional – Frank W. Hayes, M.D.
 - Borderline Personality Disorder – Frank W. Hayes, M.D.; Kelly A. Rhodes, PhD; Jill Stevens, M.A.; Katherine Lingle, LCSW; Dr. Mark Fischer; Dr. Jose Mathews; Dr. Rakesh Chandra; Robert E. Chapman, M.D., MBA
 - Psychomotor Epilepsy, provisional – Frank W. Hayes, M.D.
 - Intermittent Explosive Disorder – Katherine Lingle, LCSW; Kelly A. Rhodes, PhD; Frank W. Hayes, M.D.; Jill Stevens, M.A.
 - Impulse Control Disorder specifically an Intermittent – Frank W. Hayes, M.D.
 - Explosive Disorder – Frank W. Hayes, M.D.
 - Malingering – Jill Stevens, M.A.; Katherine Lingle, LCSW
 - Atypical Psychosis – Frank W. Hayes, M.D.
 - Psychosis NOS, provisional – Frank W. Hayes, M.D.
 - Major depressive disorder, recurrent, with psychotic features – Kathryn A. Burns, MD
 - Schizophrenia – Kathryn A. Burns, MD
 - Schizotypal personality disorder – Kathryn A. Burns, MD
 - Dementia – Kathryn A. Burns, MD, MPH; Robert E. Chapman, M.D., MBA
 - Obsessive Compulsive Disorder – Robert E. Chapman, M.D., MBA
 - Bipolar Disorder Type I – with childhood onset – Robert E. Chapman, M.D., MBA

Plaintiff will supplement this response if Plaintiff recalls additional information that is responsive to this Interrogatory and/or additional information is revealed through discovery.

Interrogatory No. 4. Have you ever received mental health treatment outside of the Illinois Department of Corrections? If so, state the name of the mental health professional who provided the treatment and describe the course of treatment.

RESPONSE: Plaintiff hereby incorporates the General Objections stated above as if set forth in full herein. Without waiving the General Objections, Plaintiff states that he has received mental health treatment outside of the IDOC. Plaintiff believes that he received mental health treatment at Chicago-Read Mental Health Center. Plaintiff does not recall the name(s) of the mental health professional(s) who provided treatment, but will supplement this response if Plaintiff recalls the name(s) and/or the name(s) are revealed through discovery. Plaintiff recalls receiving psychotropic medication from Chicago-Read Mental Health Center. Plaintiff was first placed on psychotropic medicine at age eight (8).

Interrogatory No. 5. Has a mental health professional diagnosed the above psychological problem(s) as being causally related to your incarceration within the Illinois Department of Corrections? If so, state the name of the mental health professional.

RESPONSE: Plaintiff hereby incorporates the General Objections stated above as if set forth in full herein. Plaintiff objects to Interrogatory No. 5 on the grounds that it is vague and ambiguous as to “causally related.” Without waiving the General Objections or these specific objections, Plaintiff states that Kathryn A. Burns, MD, MPH, has stated that Plaintiff’s behaviors while within the IDOC were a result of Plaintiff’s serious mental illness. Plaintiff will supplement this response if Plaintiff recalls additional information that is responsive to this Interrogatory and/or additional information is revealed through discovery.

Interrogatory No. 6. Have you experienced any physical injuries related to any psychological problems you have experienced within the Illinois Department of Corrections? If so, state the date and nature of the physical injury or injuries.

RESPONSE: Plaintiff hereby incorporates the General Objections stated above as if set forth in full herein. Without waiving the General Objections, Plaintiff states that he has

experienced physical injuries related to psychological problems he experienced within the IDOC.

[list]. Furthermore, Plaintiff states that the allegations contained in his First Severed Complaint describe additional information that may be responsive to Interrogatory No. 6. Plaintiff will supplement this response if Plaintiff recalls additional incidents that are responsive to this Interrogatory and/or additional incidents are revealed through discovery.

Interrogatory No. 7. State the date and nature of any punishment you have received from IDOC staff in response to behavior resulting from your mental disabilities.

RESPONSE: Plaintiff hereby incorporates the General Objections stated above as if set forth in full herein. Plaintiff objects to Interrogatory No. 7 on the grounds that it is vague and ambiguous. Without waiving the General Objections or this specific objection, Plaintiff states that he has received punishment from IDOC staff in response to behavior resulting from his mental disabilities on multiple occasions. Plaintiff states in 2006 and 2007 he was repeatedly placed on crisis watch and/or suicide watch as punishment for his behavior resulting from his mental disabilities. [convictions while in IDOC]. Furthermore, Plaintiff states that the allegations contained in his First Severed Complaint describe additional instances and means by which he was punished by IDOC staff in response to behavior resulting from his mental disabilities. Plaintiff will supplement this response if Plaintiff recalls additional incidents that are responsive to this Interrogatory and/or additional incidents are revealed through discovery.

Interrogatory No. 8. List each date on which you have been forced to take medications against your will.

RESPONSE: Plaintiff hereby incorporates the General Objections stated above as if set forth in full herein. Plaintiff objects to Interrogatory No. 8 on the grounds that it is overbroad. Without waiving the General Objections or this specific objection, Plaintiff states that he has

received enforced medication at various times and as early as 2000 but does not recall the specific dates that he has received enforced medication, nor are the specific dates revealed in the discovery that has taken place at this time. However, the records produced by Pontiac Correctional Center reveal that Plaintiff was on enforced medication as of: June 27, 2003; October 8, 2003; October 15, 2003; November 17, 2003; November 24, 2003; December 22, 2003; and January 19, 2004. Plaintiff will supplement this response if Plaintiff recalls the specific dates and/or additional the specific dates are revealed through discovery.

Interrogatory No. 9. Describe all the relevant information regarding your mental health history that is not included in your mental health records at Tamms Correctional Center.

RESPONSE: Plaintiff hereby incorporates the General Objections stated above as if set forth in full herein. Plaintiff objects to Interrogatory No. 9 on the grounds that it is vague and ambiguous. Plaintiff is unaware of what, if any, mental health records are at Tamms Correctional Center. Plaintiff has received mental health records from Pontiac Correctional Center and these records have been produced to the Defendants. Furthermore, Interrogatory No. 9 is vague and ambiguous as to “all the relevant information regarding your mental health history.” Plaintiff additionally objects to Interrogatory No. 9 on the grounds that it is unduly burdensome. Without waiving the General Objections or these specific objections, Plaintiff states that he believes the information described in his response to Interrogatory 4 may also be responsive to Interrogatory No. 9. In addition, Plaintiff has heard voices since approximately the age of thirteen (13). Furthermore, Plaintiff states that the allegations contained in his First Severed Complaint describe additional information that may be responsive to Interrogatory No. 9. Plaintiff will supplement this response if Plaintiff recalls additional information that is responsive to this Interrogatory and/or additional information is revealed through discovery.

Interrogatory No. 10. List any witness who has information relevant to this case and the nature of their knowledge.

RESPONSE: Plaintiff hereby incorporates the General Objections stated above as if set forth in full herein. Plaintiff objects to Interrogatory No. 10 on the grounds that it is vague and ambiguous, and premature and unduly burdensome given that discovery is still ongoing and Plaintiff has not received responses to his outstanding discovery requests. Without waiving the General Objections or these specific objections, Plaintiff states that he believes the information described in his response to Interrogatory 3 may also be responsive to Interrogatory No. 9. Additionally, Plaintiff states that he believes the following individuals may have information relevant to this case:

- Officer Dustin Baylor (had contact with Plaintiff while at Pontiac)
- Lori Hiller (a nurse who had contact with Plaintiff while at Pontiac)
- LPN Lisa Beckett (had contact with Plaintiff while at Pontiac)
- Lt. Samson (had contact with Plaintiff while at Pontiac)
- Alton Angus, MS, LCPC (evaluated Plaintiff while at Pontiac)
- Lt. David French (had contact with Plaintiff while at Pontiac)
- Dr. Edward Smith, Psy. D. (evaluated Plaintiff while at Pontiac)

Plaintiff will supplement this response if Plaintiff recalls additional information that is responsive to this Interrogatory and/or additional information is revealed through discovery.

Interrogatory No. 11. What amount of damages are you seeking in this case and what is the factual basis supporting those claims?

RESPONSE: Plaintiff hereby incorporates the General Objections stated above as if set forth in full herein. Plaintiff objects to Interrogatory No. 11 to the extent that it requires the production of information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege or immunity. Plaintiff further objects to Interrogatory No. 11 as premature given that discovery in this case is ongoing, and because Defendants have

not yet produced all relevant documents and information necessary to determine the amount of damages suffered by Plaintiff as a result of Defendants' deliberate indifference. Without waiving the General Objections or these specific objections, Plaintiff states that he believes his suffering as a result of Defendants' deliberate indifference is ongoing, and that the amount of damages owed to Plaintiff therefore is undetermined and continues to accrue. Furthermore, Plaintiff states that the allegations contained in his First Severed Complaint and his responses to these Interrogatories describe additional factual bases supporting his claims in this case.

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Dated: May 11, 2012

s/ William R. Stone
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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on **May 11**, 2012, he caused the foregoing **Plaintiff Ashoor Rasho's Objections and Responses to Defendants Walker, Jones, Elyea, Navarro, and Garlick's Interrogatories** to be served via **[]** on the following:

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Dated: **May 11**, 2012

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