

**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
INTERROGATORIES DIRECTED TO PLAINTIFF, ASHOOR RASHO, BY
DEFENDANT MICHAEL F. MASSA, M.D.**

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 the Interrogatories Directed to Plaintiff, Ashoor Rasho, by Defendant Michael F. Massa, M.D. (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 Defendant Michael F. Massa (“**Massa**”). 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 did not receive a complete response from Pontiac Correctional Center to requests for all of Plaintiff’s medical and mental health records until April 26, 2012, 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. Identify the actions or omissions you claim constitute deliberate indifference on the part of Michael F. Massa, M.D. For each and every act or omission identified, please identify the following:

- a. The date(s) each act or omission occurred.
- b. Who witnessed the occurrence.

- c. What injuries have you sustained as a result of the alleged act or omission.
- d. Did you experience any physical injuries as a result of any act or omission on the part of Dr. Massa? If so, identify how you were injured. Did you seek medical attention? If so, on what date.
- e. Identify each and every witness who will testify that the care and treatment provided by Dr. Massa as a result of any encounter he had with you fell outside the standard of care for a physician in his position under the same or similar circumstances.

RESPONSE: Plaintiff hereby incorporates the General Objections stated above as if set forth in full herein. Plaintiff objects to Interrogatory No. 1 on the grounds that it is vague, ambiguous, and duplicative. Plaintiff further objects to Interrogatory No. 1 on the grounds that it is premature given that discovery in this case is ongoing. Specifically, and without limiting the scope of the foregoing objections, Plaintiff is not yet required to make the disclosures required by Federal Rule of Civil Procedure 26(a)(2) and (3). Without waiving the General Objections or these specific objections, Plaintiff states that Massa's knowledge and disregard of Plaintiff's serious mental illnesses and the risks posed by such illnesses constitutes deliberate indifference. Massa determined to transfer Plaintiff out of the Mental Health Unit at Pontiac Correctional Center and into the North Segregation Unit and refused to have Plaintiff transferred back into the Mental Health Unit. Plaintiff further states that he does not recall and/or does not know the specific dates on which Massa was deliberately indifferent, and does not recall and/or does not know the name(s) of each individual who witnessed Massa's deliberate indifference. Plaintiff further states that the allegations contained in his First Severed Complaint and the documents and information produced to date by Plaintiff to Massa describe and/or contain additional

information that may be responsive to Interrogatory No. 1. 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. Identify the specific date on which you believe MICHAEL F. MASSA, M.D. was deliberately indifferent.

- a. For each date referenced, identify the complaint voiced by the patient and the care or response which you feel constituted deliberate indifference.
- b. For each method of treatment or lack of treatment you find constitutes deliberate indifference, please indicate, if known, what you or your witnesses will assert the proper treatment should have been.
- c. State the damages or injuries you claim to have sustained as a result of the alleged deliberate indifference.

RESPONSE: Plaintiff hereby incorporates the General Objections stated above as if set forth in full herein. Plaintiff objects to Interrogatory No. 2 on the grounds that it is duplicative of Interrogatory No. 1. Plaintiff further objects to Interrogatory No. 2 on the grounds that it is premature given that discovery in this case is ongoing. Specifically, and without limiting the scope of the foregoing objections, Plaintiff is not yet required to make the disclosures required by Federal Rule of Civil Procedure 26(a)(2) and (3), nor have the Defendants produced the 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 his response to Interrogatory No. 1 may contain information responsive to Interrogatory No. 2. Plaintiff further states that the allegations contained in his First Severed Complaint and the documents produced to date by Plaintiff to Massa describe

and/or contain additional information that may be responsive to Interrogatory No. 2. 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. Pursuant to the Federal Rule of Civil Procedure 26(a)(2)(B) and 26(a)(2)(C), provide the name, address and all information required by Rule for each witness who will offer testimony and state:

- a. The subject matter of which the witness is expected to testify.
- b. The conclusions and/or opinions of the witness and the basis therefore including reports of the witness, if any.
- c. The qualifications of each witness including a curriculum vitae and/or resume if any.
- d. The identify of any written reports of the witness regarding this occurrence.

RESPONSE: Plaintiff hereby incorporates the General Objections stated above as if set forth in full herein. Plaintiff objects to Interrogatory No. 3 on the grounds that it is duplicative of Interrogatories No. 1 and No. 2. Plaintiff further objects to Interrogatory No. 3 on the grounds that, pursuant to Federal Rule of Civil Procedure 26(a)(2)(D), the disclosure of expert testimony under Federal Rule of Civil Procedure 26(a)(2)(B) and (C) is not required until “the times . . . that the court orders.” Pursuant to the Amended Scheduling Order (Dkt. #23) (the “**Scheduling Order**”), Plaintiff must make the disclosures required by Federal Rule of Civil Procedure 26(a)(2)(B) and (C) by August 17, 2012. Plaintiff will provide the information required by Federal Rule of Civil Procedure 26(a)(2)(B) and (C) in accordance with the Scheduling Order.

Interrogatory No. 4. Pursuant to Federal Rule of Civil Procedure 26(a)(3), indicate whether or not you intend to call the person to testify at trial and provide all required information.

RESPONSE: Plaintiff hereby incorporates the General Objections stated above as if set forth in full herein. Plaintiff objects to Interrogatory No. 4 on the grounds that it is vague and ambiguous. Plaintiff further objects to Interrogatory No. 4 on the grounds that it is duplicative of Interrogatories No. 1 and No. 2. Plaintiff further objects to Interrogatory No. 4 on the grounds that the Pretrial Disclosures provided for by Federal Rule of Civil Procedure 26(a)(3) are not required to be made until “at least 30 days before trial,” which is currently scheduled for July 29, 2013. Plaintiff will provide the information required by Federal Rule of Civil Procedure 26(a)(3) in accordance with subsection (B) of that Rule.

Dated: May 29, 2012

William R. Stone

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VERIFICATION

I, Ashoor Rasho, verify that I have read the foregoing **Plaintiff Ashoor Rasho's Objections and Responses to Interrogatories Directed to Plaintiff, Ashoor Rasho, by Defendant Michael F. Massa, M.D.** and that the answers contained therein are true and correct to the best of my information, knowledge, and belief.

I verify under penalty of perjury that the foregoing is true and correct.

Executed on _____, 2012.

Ashoor Rasho

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on May 29, 2012, he caused the foregoing **Plaintiff Ashoor Rasho's Objections and Responses to Interrogatories Directed to Plaintiff, Ashoor Rasho, by Defendant Michael F. Massa, M.D.** to be served via United States mail, postage prepaid, and electronic mail on the following:

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Dated: May 29, 2012

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One of Plaintiff Ashoor Rasho's Attorneys