

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

EARL MARSHALL SMITH, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. 06 C 2888
)	
SERGEANT GERALD R. ALTER,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

On June 24, 2010 this Court approved and issued the final pretrial order ("FPTO") that had been jointly prepared and presented by counsel for the parties (plaintiff Earl Smith, Jr. ["Smith"], who originally filed his 42 U.S.C. §1983 ["Section 1983"] Complaint pro se, is currently represented by a second lawyer appointed from among members of the trial bar, Julie Koerner ["Koerner"]).

Now Smith has written a personal letter to this Court complaining about attorney Koerner's handling of the case. That personal communication would of course have been a prohibited ex parte communication, but that problem has been eliminated by the Clerk's Office having docketed the letter on its receipt (Dkt. 128), so that both sides' counsel have the document available electronically on the docket. At the same time, Smith must recognize that anything in the letter that would ordinarily be privileged because it reflects communications between lawyer and

client is now a matter of public record.

In any event, it is inappropriate for this Court to intervene in any areas of disagreement between Smith and attorney Koerner. Unless and until an issue is properly posed for presentment to this Court, it will take no action--but because Clerk's Office personnel have caused the letter to be listed as a "motion in limine" so that it appears on this Court's pending motion list, it is stricken as such a "motion."



Milton I. Shadur
Senior United States District Judge

Date: July 20, 2010