

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Robert W. Gettleman	Sitting Judge if Other than Assigned Judge	Michael T. Mason
CASE NUMBER	05 C 448	DATE	5/16/2006
CASE TITLE	McDorman vs. Smith, et al.,		

DOCKET ENTRY TEXT

Plaintiffs' motion for miscellaneous discovery relief is denied.

■ [For further details see text below.]

Docketing to mail notices.
*Copy to judge/magistrate judge.

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STATEMENT

Before the Court is plaintiffs' motion for miscellaneous discovery relief. Plaintiffs ask this Court to bar Arlene Martin, counsel for the City of Chicago police officers, and/or any other defense counsel from speaking to the paramedics that treated any of the parties to this matter (except their own clients) until medical releases are signed. Plaintiffs argue that under the Petrillo doctrine, defense counsel should not be permitted to have *ex parte* communications with the paramedics because they treated McDorman. *See Petrillo v. Syntex Laboratories, Inc.*, 148 Ill.App.3d 581, 587-88, 499 N.E.2d 952 (5th Dist. 1986) (holding that *ex parte* conferences between defense counsel and a plaintiff's treating physician are prohibited as against public policy). First, it is not clear that the Petrillo doctrine even applies to paramedics. Plaintiffs have not provided this Court with a single case where the Petrillo doctrine was extended to paramedics and our research has revealed none.

Second, even if this Court was inclined to extend the Petrillo doctrine to paramedics, we find that such an extension is inappropriate under the somewhat unusual circumstances of this case. After reviewing plaintiffs' motion and defendants' response, this Court finds that an attorney-client relationship exists between Ms. Martin and the paramedics. Such a relationship is entirely appropriate here. *See Guillen v. City of Chicago, et al.*, 956 F. Supp. 1416, 1426 (N.D. Ill. 1997). The paramedics in question are City of Chicago Fire Department paramedics. Therefore, any statements they make potentially could be construed as party admissions against the City. Furthermore, based on the conspiracy allegations included in plaintiffs' complaint, Ms. Martin was not off base in concluding that the paramedics were potential parties to this lawsuit. Because Ms. Martin represents the paramedics, it makes no sense to bar her from engaging in so-called *ex parte* communications with her clients. Consequently, this Court declines to extend the Petrillo doctrine to the paramedics in this case.

Plaintiffs also ask this Court to order Ms. Martin to reduce to writing any communications that she has had with the paramedics and tender the same to plaintiffs' counsel. Because this Court has found that an attorney-client relationship does in fact exist between Ms. Martin and the paramedics, plaintiffs' request in this regard is denied.

STATEMENT

Based on the foregoing, plaintiffs' motion for miscellaneous discovery relief is denied.