

(A)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
NOV 25 2008
NOV 25 2008
MB

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

07cv 5816

Case No. 07c 5816

Judge: R. Pallmeyer

)
Ronald D. Lee)
v.)
Gary Del Re, et al.)
)

MOTION FOR JUDGEMENT BY DEFAULT

Now comes the plaintiff, Ronald D. Lee, plaintiff in the above titled cause ina a Motion For Judgement By Default. This motion is brought pursuant to Fed.R.Civ.P. 55 (b)(2).

In support of motion, plaintiff states the following facts.

1. On September 30, 2008, plaintiff filed a Motion To Compel Production regarding the Defendants/Daniel P. Fields' refusal to comply with the plaintiffs' multiple discovery requests. (SEE ATTACHED "CHRONOLOGY OF DEFENDANTS RESPONSES TO PLEADINGS/ DISCOVERY")
2. On October 23, 2008, the motion was granted and Daniel P. Field/Defendants were ordered to respond to all discovery requests submitted by the plaintiff. This included all requests for discovery submitted to defendants now dismissed.
3. The Court further directed these defendants to submit all requested discovery to the plaintiff on, or before, November 14, 2008. This they have not done.

4. Due to the defendants' absolute refusal to litigate and to conduct their defense under the Federal Rules of Civil Procedure, statutory guidelines, law of the circuit and direction of the Court, the plaintiff has been unable to obtain due process of law and pursue his lawful complaint under 42 U.S.C. §1983.
5. The plaintiff states that he filed his complaint on January 17, 2008 and that his complaint lingers in exactly the same status as the day it was filed, due to the defendants refusal to respond to the plaintiffs' discovery requests.
6. It took 117 days and a Court order to even get the defendants to file an answer.
7. The plaintiff made an extremely generous offer of settlement to the defendants, to which no response was received.
8. The plaintiff wrote two letters encouraging the defendants to reply and fulfill their legal responsibility under the rules of discovery, to which no reply was received.
9. The plaintiff spoke with counsel for defendants, Daniel P. Field by telephone, at which time he stated that the requested documents had been ready for two weeks prior and that " I just haven't had time to mail them."
10. The defendant Mark Curren, Jr., who is Sheriff of Lake County, Il. had time to create the minor media event called "I want to walk in inmates' shoes", on information and belief, with the guidance of counsel. But, they did not have time to litigate with the plaintiff in the diligent manner required in a federal court case.
11. This defendant was seen on WGN, CNN, and even in the Peoria Journal Star. The relatively minor nature of this case, as they go, does not change the fact that every individual that could possibly be a member of the jury pool has seen this spectacle.

12. The plaintiff states that he has been diligent and has promptly responded to every discovery request submitted by the defendants. He has proceeded under the Federal Rules of Civil Procedure and every legal requirement governing his complaint.

13. The plaintiff respectfully submits that the defendants have not been diligent, have not acted or litigated in good faith, have abused the patience of the Court and the plaintiff and are now in default pursuant to the Courts' order of October 23, 2008.

Wherefore, the plaintiff prays the Court grant the following relief:

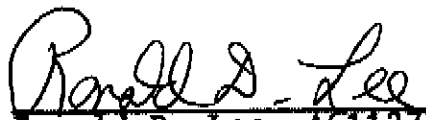
1. Declare the defendants Gary Del Re, Mark Curran, Jr. David Kirk and Susan Clare in default and enter judgement in favor of the plaintiff on counts 1-12 of his complaint.
2. Direct the defendants to pay costs of this motion and his motion to compel in the amount of \$500.00 .
3. In the matter of counts 1-12, award the plaintiff \$5000.00 compensatory damages and \$5000.00 punitive damages.
4. Direct the defendants to pay the plaintiff actual costs of \$1400.00 regarding the filing and preparation of his complaint, and maintaining his case .
5. Direct the defendants to return all medical records, reports, and any other document related to the plaintiffs' medical history and specify that they are to retain no copies or cause to be downloaded into any database, or stored or transferred to anyone in any manner.

6. Direct the defendants to provide to the plaintiff any and all documents and answers to interrogatories requested under the rules of discovery, as those requests are deemed by the plaintiff to be valid requests and still subject to the rules of discovery, as they were submitted before judgement was entered in this cause.

7. Should the Court decline to award damages upon judgement, plaintiff requests that a jury trial be scheduled to determine appropriate damages in this cause.

8. Grant any other relief that the Court may deem just and proper to achieve a fair and equitable outcome in this cause of action.

Respectfully submitted this 12th day of November, 2008.


Ronald D. Lee, A61127
Shawnee Corr. Center
6665 State Route 146-E.
Vienna, Il. 62995

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Ronald D. Lee

Case No. 07C 5816

V.

Gary Del Re, et al.

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CHRONOLOGY OF DEFENDANTS
RESPONSES TO PLEADINGS/DISCOVERY

1. Date complaint filed: 01-17-08
Date defendants served: 02-09-08
Date to answer: 03-03-08

2. Plaintiffs' Motion For Judgement By Default: 04-03-08
Plaintiffs' motion denied: 04-23-08
Defendants directed to answer within thirty days: No answer
Defendants answer to plaintiffs' complaint filed on 06-05-08,
12 days past the cut-off date ordered by the Court. 117 days
total to file answer to complaint.

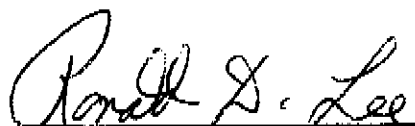
3. Plaintiffs' initial disclosures to the defendants (24) doc.
and plaintiffs' first request for production: 07-19-08 none
To answer: 08-22-08

4. Plaintiffs' second request for production: 08-08-08 none
To answer: 09-10-08

5. Plaintiffs' first interrogatories to defendants Kirk/Clare:
07-24-08 none
To answer: 08-27-08

6. Plaintiffs' first interrogatories to defendants Curran/Del Re
07-28-08
To answer: 08-29-08 none
7. Plaintiffs' first interrogatories to Stryker/Witherspoon:
08-04-08
To answer: 09-06-08 none
8. Plaintiffs' first interrogatories to defendants Firman/Klein:
08-10-08
To answer: 09-12-08 none
9. Letter of inquiry to Defendants/Daniel P. Field stating my
desire to have the requested materials and the interference
the untimely delay was/would cause: 08-19-08 No Reply
10. After the Status Conference of 09-04-08, Mr. Field stated to
the plaintiff that the defendants response to the plaintiffs'
request for production had been ready for two weeks, but he had
been busy and had not had a chance to mail it yet.
11. As of the date of this document, Defendants/Daniel P. Field
have defaulted on every statutory, court-ordered, and Fed.R.
Civ.P. mandated deadline as regards responses to discovery
requests and/or any other pleading. This attorney has not met
one such obligation.

Executed this 15th day of September, 2008.



Ronald D. Lee, A61127
Shawnee Corr. Center
6665 State Route 146-E.
Vienna, Il. 62995

CERTIFICATE OF SERVICE

This is to certify that I have delivered to the clerk of the Court this day three copies of the plaintiffs' Motion for Judgement By default and one copy to Daniel P. Field/Defendants by First Class United States Mail in a properly addressed envelope with adequate postage thereon.

Executed this 12th day of November, 2008.

Prisoner Correspondence
Clerks' Office
U.S. District Court
219 South Dearborn Street
Chicago, Il. 60604



Ronald D. Lee, A61127
Shawnee Corr. Center
6665 State Route 146-E.
Vienna, Il. 62995

Scariano, Himes & Petrarca
ATTN: Daniel P. Field
207 West Madison Street
Waukegan, Il 60085