

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

**MIDWEST OPERATING ENGINEERS** )  
**WELFARE FUND, et al.,** )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
**MIDWEST UNDERGROUND, INC.,** )  
 a Dissolved Corporation, et al., )  
 )  
 Defendants. )

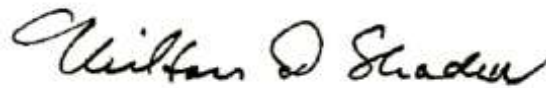
Case No. 16 C 11314

**MEMORANDUM ORDER**

This action is one of a very small group of cases that, after a case-by-case review of its entire calendar in late August of this year, this Court determined should be excepted from the reassignment to its colleagues under the computer-generated random assignment system applicable whenever a District Judge departs from his or her own regular receipt of newly-filed civil cases -- most frequently the result of a Judge's death or departure from the District Court, but in this instance the unsought consequence of the onset of what turned out to be spinal stenosis requiring major surgery, followed by a post-surgical program aimed at rehabilitating the nerves that had been damaged as a result of the stenosis. Each exception from the almost total September 1 group of reassignments was based on a special circumstance, in a large majority of the cases because counsel for the parties had earlier apprised this Court that the case had been settled and that implementation of the settlement was imminent.

Since then this Court's invaluable judicial assistant has been policing those cases at this Court's directive (unfortunately the timing of the above-described medical diagnosis, consequent

surgery and rehabilitative process has left this Court without law clerks or other supporting legal staff). Because the promised implementation of settlement has not been forthcoming in this action and in a very small group of other cases in the same category, this Court sees no further reason for retention of those few remaining cases. Instead this Court recommends to the Executive Committee that all future proceedings in this action be reassigned to another judge on this District Court under the same computer-generated random assignment system.



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Milton I. Shadur  
Senior United States District Judge

Date: October 11, 2017