

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

WILLIAM A. WHITE, #13888-084,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 18-cv-1682-JPG

MEMORANDUM AND ORDER

This matter comes before the Court for case management purposes. In an order dated June 17, 2021, the Court granted the United States' motion for summary judgment on several of plaintiff William A. White's claims under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346(b) & 2671-80, that asserted medical malpractice claims under Illinois law. Specifically, the Court granted summary judgment on Counts 7 on the grounds that White had failed to file a timely certificate of merit that complies with 735 ILCS 5/2-622(a) as required by Illinois law, and granted summary judgment on Count 8 (to the extent it was based on anything other than falsifying medical records) as duplicative of Count 7. The Court dismissed Count 7 without prejudice but allowed White until August 20, 2021, to obtain a certificate of merit for Count 7 that complies with 735 ILCS 5/2-622(a) and to file a motion for reinstatement of Count 7 attaching that certificate. It further warned White that if he failed to file a timely and adequate certificate of merit, it would dismiss Count 7 with prejudice. It is well past August 20, 2021, and White has not filed a motion to reinstate Count 7. Accordingly, as it warned it would, the Court **DISMISSES** Count 7 **with prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case. Thus, the only remaining claim in this case is an FTCA claim asserting negligent infliction of emotional distress for falsifying medical records.

The Court also addresses the question of sealing certain of White's filings. The Court has placed White's motion to seal two pages of exhibits previously filed (Doc. 52), his reply in support of his motion for an extension of time to file a motion to reinstate (Doc. 53), and his motion for leave to file an amended complaint (Doc. 54) under seal temporarily pursuant to the March 12, 2021, order (Doc. 7) in *White v. Collis*, No. 20-cv-1117-JPG, to prevent White from filing information that poses a public security threat. The Court has reviewed White's filings and finds that they pose no such threat and accordingly **DIRECTS** the Clerk of Court to unseal them (Docs. 52, 53, and 54).

The Court turns to White's motion to seal specific pages that bear his social security number and date of birth. The Court notes that it was White's attorneys who filed the documents in this case after he filed them *pro se* in another case, No. 16-cv-948-JPG, so he has little room to complain about their being public. Additionally, CM/ECF does not allow sealing of individual pages, only entire documents. Nevertheless, the Court **GRANTS** the motion to seal (Doc. 52) and will seal each entire document that contains White's confidential information. Accordingly, the Court **DIRECTS** the Clerk of Court to place under seal Documents 15-6 and 15-8 in this case.

The Court **RESERVES RULING** on White's motion for leave to file a second amended complaint (Doc. 54) completion of the briefing.

Summary of Rulings

The Court:

- **DISMISSES** Count 7 **with prejudice**;
- **DIRECTS** the Clerk of Court to unseal White's motion to seal two pages of exhibits previously filed (Doc. 52), his reply in support of his motion for an extension of time to file a motion to reinstate (Doc. 53), and his motion for leave to file an amended complaint (Doc. 54);

- **GRANTS** the motion to seal Docs. 15-6 and 15-8 (Doc. 52);
- **DIRECTS** the Clerk of Court to place those documents under seal;
- **RESERVES RULING** on White's motion for leave to file a second amended complaint (Doc. 54); and
- **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case.

IT IS SO ORDERED.

DATED: September 9, 2021

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE