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3-20. During the time the matter was pending, the Defendants filed multiple motions obtained multiple orders, addressing the Plaintiff's failure to fully comply with discovery, on a variety of bases. The details of the discovery violations are contained in Defendants' 4-24-19 Motion To Bar and in the Defendants' Renewed Motion To Bar of 2-20-20.

In the Renewed Motion To Bar, the Defendants revealed that at the evidence deposition of Dr. Coats, which took place on 2-10-20, Dr. Coats completely disavowed that the additional medical treatments rendered to the Plaintiff, previously disclosed in the 8-9-17 email from Plaintiff's counsel, were, in fact, related to, and/or caused by any negligence on the part of the Defendants and the Plaintiff's injuries on 9-14-14. Moreover, at the conclusion of Dr. Coats' deposition, Plaintiff's counsel himself admitted that the additional medical services of Dr. Coats were not, in fact, related to the original injuries of the Plaintiff.

On 2-18-20, this Court had read the Defendants' Renewed Motion To Bar, denied the motion to completely bar Dr. Coats as a Rule (F)(2) witness for the Plaintiff, denied the motion to strike the evidence deposition of Dr. Coats, denied the motion to bar the Plaintiff from testifying that the 3-3-20 trial, but granted it for an award of attorneys' fees and costs, relating to the Dr. Coats' treatments of 7-17-17 to 4-28-18 being claimed *versus* not being claimed. Because the trial of the case was imminent, the Court instructed the parties to proceed with the trial and all Rule 219(c) issues would be dealt with post-trial.

The Court has read the briefs of the parties, and has considered the arguments raised therein, including the arguments of the Plaintiff that many of the activities being claimed as being unrelated to the Dr. Coats' issue, beyond the scope of the 2-18-20 court order, that many of the services were unnecessary, duplicative, etc.

The Court has also considered its own experience in this case, during the time the matter was pending before it, and the repeated efforts of defense counsel to obtain compliance (as well as accuracy and truth) from the Plaintiff on discovery issues.

The Court already granted the Defendants' Renewed Motion To Bar, as to the liability of Plaintiff's counsel for attorneys' fees and costs. However, for purposes of this order, the Court is further expanding the truncated ruling of 2-18-20. The Court finds that the actions of the Plaintiff's counsel, in repeatedly asserting that Dr. Coats' additional treatment was related to the 9-14-14 injuries, not only in the initial email, but throughout subsequent supplemented discovery responses, up to and including the revelation at the end of the Dr. Coats' evidence deposition on 2-10-20 that the services were not related, are violative of the provisions of Supreme Court Rule 219(c).

There was no cause or justification for the extraordinary delay on the part of

Plaintiff's counsel in correcting the false medical information, or failing to properly investigate it, or refusing to investigate it, failing to obtain Dr. Coats' records by their own subpoenas, failing to review the records, failing to confirm with Plaintiff himself, failing to contact Dr. Coats to confirm whether or not the additional services were related.

There was an ongoing duty under the Supreme Court Rules to "seasonably supplement" discovery, but this does not only mean to "add" more to the discovery. It also means to remove or withdraw irrelevant answers, items which are no longer at issue, and most important, information which is no longer, or never had been true, in the first place. Plaintiff's counsel had over to (2) years to verify the veracity and connection of the additional services of Dr. Coats, but did not do so. This conduct was wilful, knowing, in direct contravention of multiple orders to fully supplement prior discovery, and caused the Defendants to incur additional time, costs, fees, expert witness, surveillance, etc., in order to defend against these claimed medical services and bills.

The Court has examined the itemizations presented by defense counsel, and finds that there are certain categories of expenses for attorneys' fees and costs which are either not compensable under Illinois law, such as legal research, and those items have been deleted. Some services were either duplicative, redundant, amplified in time spent beyond what would be reasonable, and these have been deleted as well. Some services and costs were not shown to be related to the Dr. Coats' issue at all, and those have been deleted.

In order to more easily establish which attorneys' fees and costs are being deleted and which are being awarded, the Court has taken the itemizations from the Defendants' Motion, and Reply, and has physically marked each service and/or cost with the designation "OK" or "OUT." AT the bottom of each page of itemization, there is a "PAGE TOTAL." There are a total of 43 pages, which are attached to this order as "A-1" (22 pages) and "A-2" (21 pages), due to ease of scanning.

Based on the foregoing, the Court orders as follows:

1. The Motion of the Defendants, Darrell Miller and Century Trade Show Services, Inc., for an award of attorneys' fees and costs, pursuant to Supreme Court Rule 219(c) is granted;
2. The total attorneys' fees awarded is the sum of \$8,617.50, payable to Lowell D. Snorf, by Plaintiff ~~within fourteen (14) days, no later than 1-25-21;~~ within fourteen (14) days, no later than 1-25-21;
3. The total costs awarded is the sum of \$19,692.08, payable to Lowell D. Snorf, by

Plaintiff [REDACTED], within fourteen (14) days, no later than 1-25-21.

ENTER:

JUDGE

NO.

ENTER

JAN 11 2021