

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

B.H., et al.,

Plaintiffs,

v.

**BEVERLY J. WALKER, Acting Director,
Illinois Department of Children and Family
Services,**

Defendant.

Case No. 88 C 5599

**Hon. Jorge L. Alonso
Judge Presiding**

ORDER OF APPOINTMENT OF SPECIAL MASTER

This matter was submitted to the Court on the Plaintiffs' request for appointment of a Special Master pursuant to Fed. R. Civ. P. 53. The Court having determined that the appointment of a special master is appropriate based on the existence of exceptional circumstances in relation to the Department's ongoing efforts to achieve compliance with the Restated Consent Decree [*see* Dkt. 456-2, Ex. A ("Consent Decree")] and the Amended and Revised Implementation Plan [Dkt. 531] ("Implementation Plan"), and the parties having agreed upon the proposed appointment, IT IS HEREBY ORDERED:

1. Hon. (Ret.) Geraldine Soat Brown is appointed Special Master, pursuant to Fed. R. Civ. P. 53, for the purpose of mediation and dispute resolution, such as:
 - a. Facilitating the exchange of information between the Defendant and Plaintiffs pursuant to the *B.H.* Decree and / or the Implementation Plan.¹
 - b. Facilitating the exchange of information between Defendant, Plaintiffs, and the

¹ "Defendant" shall mean Beverly J. Walker, Acting Director of the Illinois Department of Children and Family Services, in her official capacity, and the Illinois Department of Children and Family Services.

Court's appointed experts [Dkt. 507] – Marci White and Mark Testa (the “Expert Panel”) – with respect to the Implementation Plan.

- c. Resolving disputes regarding whether (i) information requested from the Department is within the scope that the Department is obligated to provide as noted in paragraphs 1.a. and 1.b. hereof; and/or (ii) production of such information would impose an undue burden on the Department. This includes without limitation resolution of disputed requests under paragraph seven (7) of the Stipulation [Dkt. Nos. 628, 635].
- d. Assisting the Parties in framing and negotiating resolution of disputes regarding the extent of the Department's obligations under the Consent Decree or Implementation Plan and/or Plaintiffs' demands for enforcement of provisions thereunder.
- e. Overseeing and assisting with other such issues or activities by agreement of the Parties or request of the Court.

2. The Special Master is directed to proceed with all reasonable diligence to complete the tasks assigned by this order.

3. The Special Master shall determine the appropriate procedures for resolution of all assigned matters (e.g., timing and form of requests for relief and supporting legal argument) and shall have broad authority to take all appropriate measures to perform the assigned duties, including, but not limited to, requesting written submissions from the Parties and the Expert Panel and holding in-person or telephonic hearings or conferences.

4. The Special Master shall maintain a record of documents provided by the parties, written requests for relief, and supporting briefs submitted by the parties. Disputes resolved by

agreement shall be memorialized in writing signed by the parties and approved by the Special Master. Where no agreement is reached, the Special Master shall issue a Report and Recommendation, which shall be filed with the Court and served on the parties. All evidentiary material that the Special Master relied upon for findings and proposed rulings shall be appended as Exhibits to the Report and Recommendation. To the extent any such exhibits require redaction for privacy or confidentiality, the Special Master may direct the parties to provide appropriately redacted materials.

5. The Special Master shall be free to engage in ex parte contacts with Plaintiffs and with Defendant. If the Special Master finds that ex parte communications with the Expert Panel would be beneficial, the Special Master will so inform the parties, and if agreement on the issue cannot be reached, appropriate amendment of this Order may be sought.

6. Any party seeking review of any ruling of the Special Master shall comply with the procedures and time limits specified in Fed. R. Civ. P. 53(f)(1)&(2). In proceedings for review of a Report and Recommendation, the parties shall be free to submit evidentiary matter beyond the materials appended to the Report and Recommendation only if that evidence was timely presented to the Special Master before the Report and Recommendation was issued. Fact findings and all rulings of the Special Master will be subject to *de novo* review.

7. The Special Master shall be paid \$475.00 per hour for the work done pursuant to this Order and shall be reimbursed for all reasonable expenses incurred. Pursuant to Paragraph 72 of the Consent Decree, the Department is responsible for timely processing of requests for payment to the Illinois Comptroller, which issues payments.

8. The Special Master may notify the Court by letter, with copies to the Expert Panel and the Parties, in the event that she finds her services are no longer necessary.

9. This order may be amended at any time after notice to the parties and an opportunity to be heard.

ENTERED:

December 7, 2018

A handwritten signature in black ink, consisting of a large, loopy initial 'J' followed by 'L. Alonso'.

Jorge L. Alonso
United States District Judge