

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - LAW DIVISION

Kossiwa Yehouenou, )  
 )  
Plaintiff, )  
 ) No. 11 L 7248  
vs. )  
 )  
St. Joseph Hospital, )  
Kimberley Darey, M.D., )  
Madhuri Verma, M.D., and )  
Defendant(s). )

Plaintiff's Emergency Motion for 28 Days to File Written Response to  
Defendants' Motion to Dismiss This Medical Malpractice Case with Prejudice

Plaintiff Kossiwa Yehouenou by and through her attorney, 'Lanre O. Amu, moves this Honorable Court for 28 days time period to file a written response to defendants' motion to dismiss this medical malpractice case with prejudice. In support thereof, 'Lanre O. Amu states as follows:

1. This case came before the court for the very first time on November 8, 2011 on the 9:45 a.m. call on defendant's motion to dismiss. The parties had not appeared together before Judge Eileen Brewer on this case prior to that date.
2. The due process right to a fair and impartial hearing before a fair and an impartial judge is a Constitutional guarantee under the Due Process Clause of the Unites States and State of Illinois Constitutions. No person regardless of title or position can legally engage in conduct that in essence abridges another person's fundamental right in a court proceeding.
3. The parties in this case had never appeared before this court on this case prior to November 8, 2011.
4. After formal greeting, the very first statement of Plaintiff's counsel 'Lanre O. Amu concerning this case to judge Eileen Brewer is that plaintiff would like to respond to whatever is before the court in writing.

5. Plaintiff has an absolute right to respond in writing and failure to honor that right or circumvent that right can only extinguish plaintiff's other rights.
6. When plaintiff's counsel stepped up to the bench on November 8, 2011, he informed Judge Eileen Brewer that he would like to respond in writing, but rather than enter a briefing schedule, Judge Eileen Brewer nonetheless tacitly forced plaintiff's counsel to engage in oral explanation of his response and in the same breadth she was cutting him off. Plaintiff's counsel resents this condescending behavior of Judge Eileen Brewer and demands that this not be repeated again otherwise plaintiff's counsel will lodge a formal complaint against Judge Brewer for this pattern and practice of abuse with the Presiding Judge, the Chief Judge and the Judicial Inquiry Board. The fact that Judge Brewer is a judge does not make her superior to a lawyer appearing before her. She simply holds an honorable position and must conduct herself honorably in that position. Repeatedly asking multiple Sheriffs to get plaintiff's counsel 'Lanre O. Amu out of her courtroom a practice she has repeatedly engaged in on countless times without counsel's protest, and was again repeated today. Plaintiff's counsel 'Lanre O. Amu now respectfully demand that it stop. A judge's right to preside over a case is premised on the implicit understanding that the judge will be fair and impartial.
7. Judge Brewer's fiat ruling that plaintiff respond in 7 days to a dispositive motion to dismiss a medical malpractice case when plaintiff's counsel told her he simply could not respond in 7 days is a deliberate affront and a provocation by Judge Eileen Brewer. It is also an abridgement of plaintiff's right to a fair and impartial hearing before a fair and impartial judge. Plaintiff's counsel told judge Brewer that he cannot fairly respond to the motion in 7 days and that he need 28 days to respond. A honorable judge would honor that request and enter the appropriate briefing schedule. Judge Brewer tacitly manipulated the court proceedings to

prevent plaintiff's counsel from explaining on the record why he could not respond in 7 days and quickly called the next case so as to deny plaintiff's counsel and plaintiff a fair and impartial opportunity to make the case for the 28 days briefing schedule in open court. Plaintiff's counsel had no other recourse but to reduced one of the reasons that he could not respond in 7 days into the bottom of the court order drafted by my opponent stating,"I 'Lanre O. Amu cannot respond in 7 days in part because I have a family emergency and I would need 28 days to respond. There is no basis for Sanctions" When the order was presented to Judge Brewer, Judge Brewer read what plaintiff's counsel wrote and angrily tore up the order and asked two uniformed and armed Sheriffs to get plaintiff's counsel out of her courtroom. Plaintiff's counsel was matched out of the courtroom. This is an abuse that is unwarranted. Why plaintiff's counsel was being matched out of the courtroom, Judge Brewer then announced to about twenty plus lawyers in her courtroom that," that is how you have been behaving, filing frivolous complaints in other courtrooms, get him out of my courtroom" to which plaintiff's counsel was matched out by two uniformed Sheriffs.

8. With all due respect, this pattern of harassment must now stop. A judge must conduct a dignified hearing. A judge has no moral, ethical, legal right or authority to deny any person a right to a fair and an impartial hearing in a courtroom. More so an officer of the Court.
9. Plaintiff's counsel 'Lanre O. Amu now renews his request to be granted 28 days to respond to defendants' motion to dismiss with prejudice because he cannot fairly respond within 7 days in part due to a family emergency.
10. We appeared before you on November 8, 2011 for the first time on this case. The complaint in this case was filed on July 13, 2011. Defendant St. Joseph Hospital was served on or about August 12, 2011. All of the defendants in this case are represented by the law firm of Barker

and Castro. On November 2, 2011, over two months after the defendants had the complaint, this Court granted the defendants additional 14 days extension of time to answer or otherwise plead. The defendants filed 2-619 motion to dismiss with prejudice on November 2, 2011, I received it on or about November 3, 2011. The motion is 133 pages total, including 10 exhibits. On presentment of the defendant's motion in your courtroom today November 8, 2011, I asked for 28 days to respond in writing to defendants' 2-619 dispositive motion of this medical malpractice case, and you said no. You ordered that I must respond within 7 days. You will not listen to my reason for asking for 28 days. You said you will dismiss the complaint. You also said that you will grant defendant's Rule 137 motions for sanctions, when no motion for sanctions has been filed. You will not allow me to explain on the record why I need 28 days to respond in writing to a dispositive motion.

11. Plaintiff's counsel has a death in the family, the burial this month, and plaintiff's counsel has a lot of other cases that require his involvement and is unable to respond to the motion within 7 days.
12. Judge Eileen Brewer granted the defendants extension of time to file an answer and respond. Yet restricts plaintiff to 7 days to respond to a dispositive motion. How is that fair?

WHEREFORE plaintiff Kossiwa Yehouenou by and through her attorney, 'Lanre O. Amu, moves for an order granting her 28 days to file a written response to defendants' motion to dismiss with prejudice.

Respectfully submitted,

/s/'lanre O. Amu

'Lanre O. Amu  
Attorney for plaintiff

CERTIFICATION

Under penalties as provided by law pursuant to the Illinois Code of Civil Procedure, 735 ILCS 5/1-109, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters therein stated the undersigned certifies as aforesaid that s/he verily believes the same to be true.

<u>Lanre O. Amu</u>	<u>/s/ Lanre O. Amu</u>	<u>11/8/11</u>
Name	Signature	Date

Lanre O. Amu  
407 S. Dearborn, Suite 1550  
Chicago, Illinois 60605  
Tel: (312) 922-1221

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NOTICE OF EMERGENCY MOTION

To:  
Patricia Barker, Esq.  
Barker & Castro  
115 South LaSalle Street  
Chicago, Illinois 60603  
312-855-9300 f312-855-9310

PLEASE TAKE NOTICE that on 11/10/11, at 9:15 a.m., or as soon thereafter as could be heard, plaintiff will appear before the **HONORABLE PRESIDING JUDGE** in Room 2204, at the Richard J. Daley Center in Chicago, Illinois, and there present the following attached motion, a copy of which is hereby served on you.

CERTIFICATE OF SERVICE

I, Lanre Amu, an attorney, certify that I caused a copy of this certificate and the attached document(s) to be served on the above listed party by:

- personal Delivery at the above address  
 By fax to 312-855-9310  
 depositing a true copy thereof, in a sealed envelope, at the U.S. mail facility located at or about 407 S. Dearborn Street, in Chicago, with proper postage prepaid

on 11/8/11

/s/ Lanre O. Amu  
Lanre O. Amu

Lanre O. Amu, #34055  
407 S. Dearborn, Suite 1550  
Chicago, Illinois 60605  
(312) 922-1221

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**ORDER**

This matter coming to be heard before the Court on Plaintiff's Motion for a 28 days time period to file response to defendants' motion to dismiss with prejudice, due notice given, the court advised in the premises,

**IT IS ORDERED THAT:**

1. Plaintiff's motion is Denied.

ENTER: /s/ Eileen Brewer  
JUDGE

Date: \_\_\_\_\_

'Lanre O. Amu, #34055  
407 S. Dearborn, Suite 1550  
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Tel: (312) 922-1221