

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|--------------------------------|---|-------------------------|
| K. R., by and through his |) | |
| Next friend, RICK ROBINSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Cause No. 4:12CV956 FRB |
| vs. |) | |
| |) | |
| THE STATE OF MISSOURI, et al., |) | |
| |) | |
| Defendants. |) | |

PLAINTIFF’S RULE 26(A)(1) DISCLOSURES

COMES NOW K. R., and his NEXT FRIEND, RICK ROBINSON, Plaintiff, by and through their attorney, Mitchell D. Jacobs, and submit the following disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and the Case Management Order:

A. Plaintiff identifies the following individuals pursuant to Rule 26(a)(1)(A).

1. K.R., Minor.

K. R., a minor, is an individual and is familiar with the initial injury to his hand, his repeated requests for treatment after his incarceration, his treatment, and the denial of treatment by the remaining named defendants.

2. Rick Robinson, Father.

Rick Robinson, Father of the minor, K.R., is an individual and is familiar with the initial injury to his son’s hand, his and his son’s repeated requests for treatment after his son’s incarceration, his son’s treatment with. Mary E. Rashid, M D, and the denial of treatment by the remaining named defendants.

3. Don Pokorny, Defendant

Don Pokorny, defendant, is an individual and was the administrator in charge of the facility in which K.R. was incarcerated during the denial of treatment. He is expected to be familiar with his conduct and that of his subordinates as it relates to

the minor, K.R., as well as K.R, Rick Robinson's, and their counsel's requests for treatment for K.R., as well as the identity of other personnel who may have knowledge of the allegations in Plaintiff's First Amended Complaint.

4. Chad Davenport, Defendant

Chad Davenport, defendant, is an individual and was a junior administrator, more closely involved with the day to day operations of the facility in which K.R. was incarcerated during the denial of treatment He is expected to be familiar with his conduct and that of his subordinates as it relates to the minor, K.R., as well as K.R, Rick Robinson's, and their counsel's requests for treatment for K.R., as well as the identity of other personnel who may have knowledge of the allegations in Plaintiff's First Amended Complaint.

5. Mary E. Rashid, M D, Plaintiff's Physician
303 N William Kumpf Blvd
Peoria, IL 61605
Phone: (309) 676-5546

Dr. Rashid is expected as a witness in that she reported on the need for care of K.R. and his hand injury, and as seen in her report attached, and is expected to further testify about the medical aspects of K.R.'s hand, the failure to provide timely medical care, and the options and costs now that exist for treatment given the past failure to provide needed medical care by Defendants.

6. Plaintiff's experts, when designated

Plaintiff has yet to designate all of its experts in this matter. Plaintiff's physician is expected to serve in this role.

Additional experts may be designated to testify about the medical aspects of K.R.'s hand, the failure to provide timely medical care, and the options and costs now that exist for treatment given the past failure to provide needed medical care by Defendants, and at such time, these disclosures shall be supplemented.

7. Other State employees

Other State employees involved in the incarceration of the minor, K.R., may have information about K.R.'s injury, requests for treatment, and denials of those requests, as wells as others' requests for treatment and their denials by the defendants.

8. Other incarcerated persons

Other persons incarcerated with the minor, K.R., may have information about K.R.'s injury, requests for treatment, and denials of those requests, as well as others' requests for treatment and their denials by the defendants.

9. Other medical providers

Plaintiff was treated by other medical providers related to his hand injury and those persons may have information pertaining to K R 's care and treatment. The potential witnesses include personnel at Mercy Hospital St. Louis, 615 S. New Ballas Road, St. Louis, MO 63141 (records enclosed).

B. Plaintiff identifies the following documents pursuant to Rule 26(a)(1)(B).

1. The medical records of treatment generated relating to the minor, K.R., and particularly related to his hand. Particularly, the report from Plaintiff's Physician which outlines his need for care for repair of his hand injury, as is attached. Also attached are medical records from Mercy Hospital.
2. Records from the Defendant's employer relating to medical care at the facilities in which the minor was incarcerated.
3. Employment records and personnel files related to the defendants and those under their supervision who may have come in contact with the minor while he was incarcerated.
4. Written request for treatment from Plaintiff's counsel, attached.

Any of these items which are in the Plaintiff's custody or control are available for inspection and copying at the Law Offices of Plaintiff's counsel, upon reasonable notice. Other items are in the custody and control of the Defendants or others.

- C. Plaintiff is claiming damages in the amount yet to be determined but expected to exceed \$75,000.00 for the costs of the needed surgery and pain and suffering caused by the refusal of proper medical treatment and resulting disfigurement, plus his attorneys fees to be determined and costs, all pursuant to Rule 26(a)(1)(C).
- D. Plaintiff are not attaching an insurance agreement pursuant to Rule 26(a)(1)(D), as no such agreement exists to which is applicable to this situation, to Plaintiff's knowledge., but expect Defendants to provide such information.

Respectfully submitted,

/S/ Mitchell D. Jacobs
Mitchell D. Jacobs, #30826
Attorney for Plaintiff
225 S. Meramec Ave., Ste. 1021
Clayton, Missouri 63105
(314) 726-6030; Fax: (314) 726-6772

Certificate of Service

A copy of the above and foregoing was mailed this 4th day of January, 2013 to:

Denise G. McElvein
Assistant Attorney General
Counsel for Defendants
PO Box 861
St. Louis, MO 63188

/S/ Mitchell D. Jacobs