

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION
GENERAL CHANCERY SECTION

PEOPLE OF THE STATE OF ILLINOIS, *ex rel.*,
ROBERT H. MURIEL, Director of the Illinois
Department of Insurance,

Plaintiffs,

v.

NEXLEVEL HEALTH PARTNERS, INC., an
Illinois domestic Health Maintenance
Organization,

Defendant.

CASE NO. 20 CH 4431

CALENDAR 11

ORDER

THIS CAUSE coming to be heard on status on the Motion to Intervene, due notice having been given, all parties appearing; the Court having given the intervenor an update on the case's status; and the Court being fully advised in the premises,

IT IS HEREBY FOUND AND ORDERED:

1. Petitioner Jacqueline Stevens filed a "Petition to File Intervenor Motion, Pursuant to 735 ILCS 5/2-408." She sought to intervene to challenge the Court's June 4, 2020 Order entered pursuant to 215 ILCS 5/188.1 (4) and (5) of the Illinois Insurance Code (the "Privacy Provision") allowing the court file in this matter to be sequestered from public view and for the court proceedings to be closed to the public. Along with her Petition, Professor Stevens filed a proposed Intervenor Motion seeking to vacate the Sequestration Order and to declare the Privacy Provision unconstitutional.
2. In a separate but related motion, the Director of the Department of Insurance, acting in his capacity as regulator and represented in this proceeding by the Illinois Attorney General, moved to vacate the order of sequestration. On September 30, 2021, while Professor Stevens' Petition was pending, the Court granted that motion and continued the matter for further proceedings to determine the extent to which any court documents should remain under seal or be redacted. On November 29, 2021, the Court entered an order vacating the June 4, 2021 with a few exceptions.

3. The Court now grants Professor Steven's Petition and finds that she is entitled to intervene as a matter of right under 735 ILCS 5/2-408(a)(2). She has an interest as a journalist and a member of the public to have access to the court file. Acting through the Attorney General, the Director has succeeded in opening access to the file. However, Ms. Stevens' interests are not entirely the same as those of the Director. She makes constitutional arguments not made by the Director with respect to the Privacy Provision. The Court finds, without ruling on the merits of the constitutional arguments or whether the Court should reach those arguments, that the interests of the intervenor are not adequately represented by the existing parties and that the intervenor may be bound by orders with respect to the extent to which these proceedings are made public.
4. Professor Stevens is granted leave to intervene for the limited purpose of making arguments regarding the public nature of these proceedings. She is given leave to review the court file once it becomes public and to amend her Motion by January 28, 2022. The amended motion should address the issue of the extent to which the matter is now moot.
5. This matter is continued for status to February 7, 2022, at 10:15 a.m. via zoom. If an amended motion is filed, the Court will give all interested parties a chance to respond.

ENTERED



Judge Pamela McLean Meyerson

Judge Pamela McLean Meyerson

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Circuit Court - 2097