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

**IN THE MATTER OF THE )  
CONSERVATION OF NEXTLEVEL ) No. 2020 CH 4431  
HEALTH PARTNERS, INC. )**

**AFFIDAVIT OF STEPHEN W. SCHWAB**

I, Stephen W. Schwab, having been duly sworn, depose and state:

1. I submit this affidavit in support of NextLevel Health Partners, Inc.’s position in respect of various motions that the Intervenor has filed in this case, including but not limited to the pending request for relief pursuant to Ill. S. Ct. Rule 137 and as a supplement to my declaration dated June 17, 2022.

2. I am licensed and admitted to practice law in the State of Illinois and other jurisdictions, and at all times have been in good standing since November 1982.

3. I am over 18 years old and reside in Cook County, Illinois.

4. I am a partner in the law firm DLA Piper LLP (US) and represent NextLevel Health Partners, Inc. in this action.

5. I have personal knowledge of the facts contained in this affidavit as well as knowledge that has been confirmed by my review of the relevant records referenced in this affidavit. If called as a witness, I will testify to and in accord with these facts and believe that I could do so competently.

6. Attached to my Declaration as Exhibit 2 is a true and correct copy of an email that I sent by to Judge Meyerson (the “Court”) on December 1, 2021, along with attachments. As that email shows, I sent copies to counsel of record.

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7. It is my professional habit to retain copies of all email messages and other communications that I send to or receive from third parties in connection with a litigated matter.


8. To the best of my recollection, from December 6, 2021 forward, I did not have, and do not have any record of, any *ex parte* or “off-the-record” communications with the Court (*i.e.*, that did not include Intervenor and other counsel of record) regarding the lifting of sequestration in these proceedings, and/or the filing of replacement copies of those documents ordered to be maintained under seal or redacted pursuant to the Court’s order of November 29, 2021.

9. My file does not include or reflect, and I do not recall having, any *ex parte* or “off-the-record” communication with the Court or her chambers relating to my Declaration Exhibit 2 or the draft order submitted with it at any time after I sent it to the Court.

10. I later received a copy of the Court’s November 29, 2021 order through the Clerk’s office after I first learned that such order apparently had been entered when I received and reviewed Intervenor’s January 31, 2022 First Amended Intervenor Motion to Vacate; see p. 9 n. 18, p. 23 par. 83, and p. 24 n. 80.

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, 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 the undersigned certifies as aforesaid that he verily believes the same to be true.

Dated: June 27, 2022

By:   
Stephen W. Schwab