

FILED  
4/4/2022 9:38 AM  
IRIS Y. MARTINEZ  
CIRCUIT CLERK  
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2020CH04431  
Calendar, 11  
17347901

# Exhibit 7

## Re: 2020 CH 4431 - Notice of filing of exhibits

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From: Guberman, Daniel <DGuberman@osdchi.com>

To jackiestevens@protonmail.comSchwab, Stephen W.stephen.schwab@dlapiper.com

CC Freilich, Mattmatt.freilich@dlapiper.comJones, MargaretMargaret.Jones@ilag.gov  
Mendelsohn, Daviddavid.mendelsohn@dlapiper.com

Date: Tuesday, March 29th, 2022 at 10:03 PM

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Professor Stevens,

I agree you confirmed to me your understanding of the order granting your petition for leave to intervene. In light of prevailing Illinois Supreme Court law, we disagree as to whether you are thereby a party for all purposes.

As to Kindred, at this time they are not entitled to notice. Their claim is presently pending with the Conservator, not before the court.

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**From:** Jackie Stevens <jackiestevens@protonmail.com>

**Sent:** Tuesday, March 29, 2022, 8:21 PM

**To:** Schwab, Stephen W. <stephen.schwab@dlapiper.com>

**Cc:** Guberman, Daniel <DGuberman@osdchi.com>; Freilich, Matt <matt.freilich@dlapiper.com>; Jones, Margaret <Margaret.Jones@ilag.gov>; Mendelsohn, David <david.mendelsohn@dlapiper.com>

**Subject:** RE: 2020 CH 4431 - Notice of filing of exhibits

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Mr. Schwab,

I confirmed to Mr. Guberman that the order granting me intervenor status limits the subject matter of the motions I file in this case. Pursuant to the IL civil code I previously quoted, the order granting my petition to file an intervenor motion is by definition an order stating I am an intervening party in 20 CH 04431, and indeed I am, according to the Chancery Division docket caption for this case. As an intervening party, I have a right to receive all motions submitted to the court by all parties to this proceeding (20 CH 04431). Kindred Hospital and any other claimant brought into these proceedings has a similar right to be noticed on motions and hearings, according to the rules for Illinois courts.

Ms. Jones, do you have any views on this?

Jacqueline Stevens  
Professor  
Northwestern University

----- Original Message -----

On Tuesday, March 29th, 2022 at 8:30 PM, Schwab, Stephen W.  
<stephen.schwab@dlapiper.com> wrote:

Ms. Stevens:

You are misstating your status. The Court's December 6, 2021 order is crystal clear that your intervenor status is "limited":



You are not a "party" and do not have the rights of a "party" to this proceeding. Only the Director of Insurance and Next Level are "parties" to this proceeding.

Kindly rethink and stand down from your erroneous position. Thanks.

Stephen W. Schwab

Partner

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stephen.schwab@us.dlapiper.com

**DLA Piper LLP (US)**  
[dlapiper.com](http://dlapiper.com)

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**From:** Jackie Stevens <jackiestevens@protonmail.com>  
**Sent:** Tuesday, March 29, 2022 6:23 PM  
**To:** Schwab, Stephen W. <Stephen.Schwab@us.dlapiper.com>  
**Cc:** Guberman, Daniel <DGuberman@osdchi.com>; Freilich, Matt <matt.freilich@dlapiper.com>; Jones, Margaret <Margaret.Jones@ilag.gov>; Mendelsohn, David <david.mendelsohn@us.dlapiper.com>  
**Subject:** RE: 2020 CH 4431 - Notice of filing of exhibits

⚠️ EXTERNAL MESSAGE

Based on the correspondence today, I will be filing a motion requesting an order that parties to this litigation comply with the rules of civil procedure. If you change your position please do let me know.

1. All parties must be noticed - 2.1 Notice of Hearing of Motions

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**(a) Notice required** - Except in actions appearing on the daily trial call or during the course of trial, written notice of the hearing of all motions shall be given to all parties who have appeared and have not theretofore been found by the court to be in default for failure to plead, and to all parties whose time to appear has not expired on the date of notice. Notice that additional relief has been sought shall be given in accordance with Supreme Court Rule 105.

2. Intervenorors have the rights of an original party

(735 ILCS 5/2-408) (from Ch. 110, par. 2-408)  
Sec. 2-408. Intervention....

"(f) An intervenor shall have all the rights of an original party, except that the court may in its order allowing intervention, whether discretionary or a matter of right, provide that the applicant shall be bound by orders or judgments, theretofore entered or by evidence theretofore received, that the applicant shall not raise issues which might more properly have been raised at an earlier stage of the proceeding, that the applicant shall not raise new issues or add new parties, or that in other respects the applicant shall not interfere with the control of the litigation, as justice and the avoidance of undue delay may require.

(Source: P.A. 82-783.)"

Jacqueline Stevens

Professor

Northwestern University

----- Original Message -----

On Tuesday, March 29th, 2022 at 6:40 PM, Schwab, Stephen W.

<[stephen.schwab@dlapiper.com](mailto:stephen.schwab@dlapiper.com)> wrote:

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Ms. Stevens:

The only notice that NextLevel has provided to you is pursuant to rule or court order. We agree with Mr. Guberman's conclusion.

Stephen W. Schwab

Partner

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**From:** Guberman, Daniel <[DGuberman@osdchi.com](mailto:DGuberman@osdchi.com)>  
**Sent:** Tuesday, March 29, 2022 4:56 PM  
**To:** Jackie Stevens <[jackiestevens@protonmail.com](mailto:jackiestevens@protonmail.com)>  
**Cc:** Freilich, Matt <[matt.freilich@dlapiper.com](mailto:matt.freilich@dlapiper.com)>; Jones, Margaret <[Margaret.Jones@ilag.gov](mailto:Margaret.Jones@ilag.gov)>; Schwab, Stephen W. <[Stephen.Schwab@us.dlapiper.com](mailto:Stephen.Schwab@us.dlapiper.com)>; Mendelsohn, David <[david.mendelsohn@us.dlapiper.com](mailto:david.mendelsohn@us.dlapiper.com)>  
**Subject:** Re: 2020 CH 4431 - Notice of filing of exhibits

 EXTERNAL MESSAGE

Professor Stevens,

Consistent with the Conservator's understanding of controlling Illinois caselaw and the Court's order allowing your intervention, the Conservator will not be providing you with notice of matters unrelated to your pending motion. Of course, I do not speak for the other parties to this proceeding.

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**From:** Jackie Stevens <[jackiestevens@protonmail.com](mailto:jackiestevens@protonmail.com)>  
**Sent:** Tuesday, March 29, 2022 4:46:57 PM  
**To:** Guberman, Daniel <[DGuberman@osdchi.com](mailto:DGuberman@osdchi.com)>  
**Cc:** Freilich, Matt <[matt.freilich@dlapiper.com](mailto:matt.freilich@dlapiper.com)>; Jones, Margaret <[Margaret.Jones@ilag.gov](mailto:Margaret.Jones@ilag.gov)>; Schwab, Stephen W. <[stephen.schwab@dlapiper.com](mailto:stephen.schwab@dlapiper.com)>; Mendelsohn, David <[david.mendelsohn@dlapiper.com](mailto:david.mendelsohn@dlapiper.com)>  
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Mr. Guberman,

Thank you for this note. You are correct that the order granting my petition to intervene was limited to making arguments about the public nature of the proceeding. That order means I am an intervening party in 20 CH 04431. I assume it is for that reason that NextLevel had been noticing me on motions and hearings separate from the first amendment litigation after the end of the sequestration; I appreciate the courtesy and was expecting that that this would continue with the additional party of Kindred Hospital, as occurred when I was noticed that their claims were added to 20 CH 04431.

I am asking only that the Attorney General, NextLevel, DOI, and Kindred copy me on all filings, and that I be noticed on all hearings and orders in a proceeding of which I am an intervening party.

There are obvious substantive reasons for this request, especially in light of parties filing motions under seal even after the sequestration order was lifted. That said, although it seems intuitive that all parties to a case should be noticed on all matters tied to the case, I have not researched relevant statutes or case law.

Thank you for considering. If you are not amenable to this request I will do more research.

Jacqueline Stevens

Professor

Northwestern University

----- Original Message -----

On Tuesday, March 29th, 2022 at 5:09 PM, Guberman, Daniel <[DGuberman@osdchi.com](mailto:DGuberman@osdchi.com)> wrote:

Professor Stevens,

You may recall that your petition for leave to intervene was granted for the limited purpose of your pursuing the relief sought in your [amended] motion. You are not a party to the proceedings for all purposes. Accordingly, you are not entitled to notice of motions involving matters other than your amended motion. You may, of course, keep track of the proceedings on your own through the Clerk's website

## Daniel A. Guberman

Senior Deputy General Counsel

Compliance and Conflict Officer

Office of the Special Deputy Receiver

222 Merchandise Mart Plaza

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Chicago, IL 60654

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**From:** Jackie Stevens <[jackiestevens@protonmail.com](mailto:jackiestevens@protonmail.com)>

**Sent:** Tuesday, March 29, 2022 4:01 PM

**To:** Freilich, Matt <[matt.freilich@dlapiper.com](mailto:matt.freilich@dlapiper.com)>

**Cc:** ccc chancerycalendar11 <[ccc.chancerycalendar11@cookcountyil.gov](mailto:ccc.chancerycalendar11@cookcountyil.gov)>; Guberman, Daniel <[DGuberman@osdchi.com](mailto:DGuberman@osdchi.com)>; Jones, Margaret <[Margaret.Jones@ilag.gov](mailto:Margaret.Jones@ilag.gov)>; Schwab, Stephen W. <[stephen.schwab@dlapiper.com](mailto:stephen.schwab@dlapiper.com)>; Mendelsohn, David <[david.mendelsohn@dlapiper.com](mailto:david.mendelsohn@dlapiper.com)>

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Mr. Freilich,

Thank you for this.

On a separate matter, do you or anyone else on this list anyone know if Kindred Hospital is being noticed on the hearings involving my intervenor motion? They are not copied here, for instance.

Also, will I be noticed on the hearings and motions involving Kindred Hospital?

Insofar as the order put the Kindred claims into this litigation it would seem sensible that all parties should be noticed on all filings and hearings.

I do not have the contact information for the Kindred attorneys. Is it possible, Mr. Freilich, to resend and copy the Kindred attorneys with these notices? I also will do so with mine going forward.

If you have a different view on this, please do let me know.

Jacqueline Stevens

Professor

Northwestern University

----- Original Message -----

On Tuesday, March 29th, 2022 at 1:41 PM, Freilich, Matt <[matt.freilich@dlapiper.com](mailto:matt.freilich@dlapiper.com)> wrote:

Good afternoon,

Attached is NextLevel's notice of filing of Exhibits 5 and 6 to the Declaration of Stephen W. Schwab in support of NextLevel's opposition to Prof. Stevens's intervenor motion.

Thank you,

Matt Freilich

Associate

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