

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Jermaine Wilson,)
)
)
Plaintiff,)
) 14-cv-8347
-vs-)
) (Judge Lee)
City of Evanston, Illinois,)
)
)
Defendant.)

PLAINTIFF'S INTERROGATORY ANSWERS

The undersigned, under penalties of perjury as provided by law, certifies that the following interrogatory answers are true:

1. State your full name, any alias names used by you, your residence address at the time of your subject arrest in this litigation, your current residence address, date of birth, marital status, driver's license number and issuing state, state identification number (if no driver's license), and social security number.

Response: My name is Jermaine Deshawn Wilson. I am sometimes known as "Shoeshine Lenny." My current address is [REDACTED] Sherman Avenue, Evanston, Illinois. I was born on July [REDACTED]. I am unmarried. I do not have a driver's license. My Illinois state id number is 4 [REDACTED] My social security number is [REDACTED] 5074.

2. State the name, address and telephone number of each individual who may have knowledge of the facts alleged in the Amended Complaint and for each individual identified, the subject of that individual's knowledge. This Interrogatory also requests that you identify all family members, friends, and persons at the Cook County Jail (or Cook County Department of Corrections) that have knowledge of the incident alleged in the Amended Complaint, including the name, relationship to Plaintiff, and contact information.

Response: Objection on grounds of proportionality, pursuant to Rule 26(d) of the Federal Rules of Civil Procedure. Without waiving this objection,

the police personnel involved in my arrest and detention, whose names I do not know, as well as various employees of the Sheriff of Cook County, whose names I also do not know, have knowledge of the facts alleged in the amended complaint.

3. Identify each and every element of actual damages and any and all other expenses or losses claimed by Plaintiff as a result of the City's alleged conduct as alleged in the Amended Complaint, including but not limited to, the amount attributed to each element and the manner of calculating each such amount, and receipts showing the make, brand, monetary value of Plaintiff's personal property items at issue (as alleged in Paragraphs 24 and 27 of the Amended Complaint). For this Interrogatory, also identify all documents and communications that support your claims for actual damages, losses, and expenses, including your claims for damages disclosed in your Rule 26(a) Disclosures.

Response: Objection on grounds of proportionality, pursuant to Rule 26(d) of the Federal Rules of Civil Procedure. Without waiving this objection,

Ring: replacement value of about one thousand dollars.

Phone: replacement value of about \$200.

Shoe shine equipment and supplies (in back pack): replacement value of about \$200.

4. Identify each and every employee of the City with whom you have had any communication referring or relating to any of the matters alleged in the Amended Complaint in this case since July 10, 2013; identify each and every such communication; and identify all documents referring to or relating to each communication.

Response: Objection on grounds of proportionality, pursuant to Rule 26(d) of the Federal Rules of Civil Procedure. Without waiving this objection, Richard Eddington, Chief of Police, responded to my freedom of information request in February of 2014. I do not presently recall any other communications.

5. Identify any communications between Plaintiff, on the one hand, and potential class members in this litigation, on the other hand, concerning the allegations in the Amended Complaint; identify each and every such communication; and identify all documents referring to or relating to each communication.

Response: Objection on grounds of proportionality, pursuant to Rule 26(d) of the Federal Rules of Civil Procedure. Without waiving this objection, None.

6. Identify by name, address and phone number, any persons interviewed by you, your attorney, an investigator, or anyone on your behalf, regarding the allegations contained in the Amended Complaint and state the nature and subject matter of each interview and identify any and all documents relating thereto.

Response: Objection on grounds of proportionality, pursuant to Rule 26(d) of the Federal Rules of Civil Procedure, and work product. Without waiving this objection, I have not interviewed anyone.

7. State in detail the circumstances related to your arrest by the City on or about July 10, 2013, as alleged in the Amended Complaint, including but not limited to, charges filed against you, and any and all oral conversations had and/or written communications you received from City police officers regarding your arrest, personal property, and transfer of custody to the Cook County Department of Corrections (or Cook County Jail).

Response: Objection on grounds of proportionality, pursuant to Rule 26(d) of the Federal Rules of Civil Procedure. Without waiving this objection, I was arrested for being intoxicated and then for battery to a police officer. I do not recall any conversations, other than being told by an Evanston officer to sign the "prisoner property receipt" form.

8. State in detail any and all attempts made by you, or any person authorized by you, to retrieve your personal property retained by the City as alleged in the Amended Complaint, including specific dates, method and manner of communications, and names of the individuals at the City, Cook County Department of Corrections, and/or any other third parties/individuals whom Plaintiff contacted about the attempted retrieval of his personal property.

Response: I sent a freedom of information act request, to which Richard Eddington responded on February 13, 2014.

9. Identify all instances where you have been arrested, detained, or cited by the Evanston Police Department (including juvenile offenses, ordinance, and traffic or code violations) prior and/or subsequent to the July 10, 2013 arrest alleged in the Amended Complaint? For each such arrest, detention, or citation, identify: the dates that you were arrested, cited, or detained; the charges filed or cited against you; whether you were transferred to the Cook County Department of Corrections for

any of these instances; any documents received from the City regarding your personal property; whether for any of these instances you had personal property retained by the Evanston Police Department; whether for any of these instances you were able to retrieve your personal property retained by the City while in custody with the Cook County Department of Corrections; and whether for any of these instances you were able to retrieve your personal property retained by the City.

Response: Objection on grounds of proportionality, pursuant to Rule 26(d) of the Federal Rules of Civil Procedure. Without waiving this objection, aside from my arrest on July 10, 2013, I have been arrested by police officers of the Evanston Police Department from 2005 as follows:

- a) On or about February 19, 2007 for residential burglary. To the best of my current recollection, I spent time at the Cook County Jail before pleading guilty and being sentenced to four years in the Illinois Department of Corrections. I do not recall anything about documents from the City of Evanston or the property I had when I was arrested.
- b) On or about November 3, 2005 for trespass and possession of drug paraphenelia. I spent about a week at the Cook County Jail. I do not recall anything about documents from the City of Evanston or the property I had when I was arrested. These charges were dismissed.
- c) On or about Ovtober 19, 2005 for disorderly conduct. I pleaded guilty and was sentenced to time considered served. I do not recall if I spent any time at the Cook County Jail. I do not recall anything about documents from the City of Evanston or the property I had when I was arrested.

10. State in detail the factual basis for the allegations contained in Paragraph 5 of the Amended Complaint.

Response: I do not have personal knowledge of the factual basis of this allegation. The following answer is provided by my attorney: 20 Illinois Administrative Code 720.25(h).

11. State in detail the factual basis for the allegations contained in Paragraph 19 of the Amended Complaint.

Response: I do not have personal knowledge of the factual basis of this allegation. The following answer is provided by my attorney: The City does not provide actual notice at expiration of the 30 day period.

12. State in detail the factual basis for the class allegations contained in Paragraphs 2 and 29 of the Amended Complaint.

Response: Plaintiff objects because the factual basis for the class allegations of paragraphs 2 and 19 is not likely to result in the discovery of relevant evidence and is not proportional.

13. State in detail the factual basis for the Fourteenth Amendment allegations contained in Paragraphs 30 and 31 of the Amended Complaint.

Response: Objection on grounds of proportionality, pursuant to Rule 26(d) of the Federal Rules of Civil Procedure.

14. State in detail the reason why Plaintiff failed to execute and sign the "Owner's Acknowledgement" portion of the "Notification Regarding Your Property" contained in Plaintiffs "Prisoner Property Receipt" produced to the City with Plaintiffs Rule 26(a) Disclosures.

Response: An Evanston officer told me to sign the form on the Release to Owner section.

15. Have you ever filed a civil lawsuit, of any nature in the ten (10) years prior to the date of the filing of this lawsuit and/or at any time subsequent the filing of this lawsuit? If so, please provide the case name, case number, a brief description of the allegations, and the injuries that were claimed in the lawsuit(s).

Response: To the best of my present recollection, no.

16. Identify whether you had any social networking accounts during the time of the arrest alleged in the Amended Complaint, including but not limited to, accounts on Facebook, Google +, Instagram, Twitter, MySpace, LinkedIn, and Livejournal. If so, please state the social networking site(s) you belong to, your profile name(s), whether you posted any information to any of these sites concerning the allegations contained in the Amended Complaint, and whether you still have the social networking account(s).

Response: Objection on grounds of proportionality, pursuant to Rule 26(d) of the Federal Rules of Civil Procedure.

Dated: April 9, 2016



Jermaine Wilson

RULE 26(g) CERTIFICATION

The undersigned, an attorney of record for plaintiff, certifies that the foregoing discovery response is in accord with Rule 26(g) of the Federal Rules of Civil Procedure.

/s/ Kenneth N. Flaxman
Kenneth N. Flaxman
Joel A. Flaxman
200 S Michigan Ave Ste 201
Chicago, Illinois, IL 60604-2107
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attorneys for plaintiff

CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing on

W. Grant Farrar
Henry J. Ford, Jr.
City of Evanston, Law Department
2100 Ridge Ave. #4400
Evanston, IL 60201

by email to gfarrar@cityofevanston.org and hford@cityofevanston.org this

11th day of April, 2016.

/s/ Kenneth N. Flaxman
Kenneth N. Flaxman
an attorney for plaintiff