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February 6, 2018

Via Electronic Mail

Kenneth N. Flaxman  
Kenneth N. Flaxman, P.C.  
200 S Michigan Ave, Ste 201  
Chicago, IL 60604  
[knf@kenlaw.com](mailto:knf@kenlaw.com)

Re: ***Jermaine Wilson v. City of Evanston (Case No. 14-CV-8347)***

Dear Mr. Flaxman:

This letter is sent in response to your correspondence dated February 2, 2018.

The Court's December 13, 2017 Minute Entry (Dkt. 81) ordered the City of Evanston ("City") to supplement discovery related to the identity of potential class members. Please be advised that on January 18, 2018, pursuant to that Minute Entry, the City produced supplemental documents identifying additional potential class members in which arrestee property was disposed. The City cannot speak on your expectations for the potential class size in this case. However, the City complied with the Court's Minute Entry.

Contrary to the assertions in your February 2<sup>nd</sup> correspondence, the City has not changed the contents of the "Prisoner Property Receipt" form that is at issue in this case. This is consistent with Michael Wasowicz's (Management Analyst for the Evanston Police Department) deposition testimony. Also consistent with his deposition testimony is the fact that despite the 30-day property retrieval period identified on the "Prisoner Property Receipt," the Police Department "generally stuck to a practice of maintaining property for at least 90 days or longer in order to afford people the opportunity to come in and reclaim their property." Wasowicz Dep. at 40:14-19.

The summary of our February 1, 2018 telephone conversation in your February 2<sup>nd</sup> correspondence is incorrect. During that call, the City reiterated that it produced documents in compliance with the Court's December 13, 2017 Minute Entry. The City stated that it did not produce incorrect documents and that it did not change its written "policy" concerning inventoried arrestee property identified in the "Prisoner Property Receipt." The City stated that it made a legal decision to temporarily hold off on the disposal of any additional inventoried arrestee property, outside of the disposed

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arrestee property identified in produced "Chain of Custody Reports," while this class action lawsuit pends.

As explained during our phone conversation, the City's temporary legal decision to refrain from the disposal of inventoried arrestee property was done in order to reduce the City's potential damages, if liability is proven by Plaintiffs. Counsel for the City will not waive any attorney-client privilege and/or attorney work product exception concerning communications on the same. The City never agreed to supplement its Rule 26 disclosures identifying a "new policy" because the contents of the "Prisoner Property Receipt" at issue are still the same.

We are set for status tomorrow morning and look forward to discussing this matter further at that time.

Sincerely,

A handwritten signature in black ink, appearing to be "HJ Ford", with a large, sweeping flourish extending to the right.

Henry J. Ford, Jr.  
Assistant City Attorney