

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

In re: WATTS COORDINATED
PRETRIAL PROCEEDINGS) Master Docket Case No. 19-CV-01717
)
) Judge Franklin U. Valderrama
)
) Magistrate Judge Sheila M. Finnegan
)

THIS DOCUMENT RELATES TO

Ben Baker and Clarissa Glenn v. City of Chicago, et al., Case No. 16-CV-8940

**CITY DEFENDANTS' UNOPPOSED MOTION FOR CLARIFICATION OF
THE COURT'S MAY 13, 2024 ORDER REGARDING DEADLINE
FOR DAUBERT MOTION REGARDING PLAINTIFF'S *MONELL* EXPERT**

Defendants City of Chicago, Philip Cline, Debra Kirby, and Karen Rowan (collectively, City Defendants), by and through their counsel, Burns Noland LLP, move for clarification of this Court's May 13, 2024 Order as it relates to the deadlines for *Daubert* motions as to both plaintiffs' and Defendants' *Monell* experts. In support, Defendants state as follows:

1. On April 1, 2024, Plaintiffs Ben Baker and Clarissa Glenn disclosed five experts, including Dr. Jon Shane to support their *Monell* claim. Dr. Shane's report is 125 pages and he includes multiple exhibits consisting of hundreds of additional pages and an excel spreadsheet with 4,353 rows and 71 columns of data. By any account, Dr. Shane's report contains a substantial amount of information to consider.

2. On May 10, 2024, Magistrate Judge Sheila Finnegan granted the City's oral motion for a two-week extension of time (until May 27, 2024) to respond to plaintiffs' *Monell* expert, Dr. Shane, after consulting with this Court to ensure that the *Daubert* schedule could be adjusted to accommodate the extension. Plaintiffs were also given additional time (until June 17, 2024) to

depose the City's *Monell* expert (Jeffrey Noble). Judge Finnegan noted that this Court would be entering an order regarding the *Daubert* deadlines impacted by the extension to disclose Mr. Noble's report. (19-cv-01717, Dkt. No. 729).

3. Defendants understood the *Daubert* deadlines to be extended by this Court relates to both parties' *Monell* experts – Dr. Shane and Mr. Noble.¹ Specifically, on May 13, 2024, this Court entered the following order: "Due to the two-week extension of time related to Plaintiff's *Monell* expert [], the Court extends the *Daubert* deadlines related to *Monell* expert only: Daubert motions due 6/24/2024; Responses to Daubert motions due 7/15/2024; Replies to Daubert motions due 7/29/2024. All other deadlines (including the Daubert motion deadlines to all other experts) stand." (Dkt. No. 286).

4. The undersigned subsequently contacted plaintiffs' counsel to determine if plaintiffs had the same understanding of this Court's May 13 Order as Defendants - that this Court's reference to "Daubert motions" was intended to extend the deadlines related to both plaintiffs' and defendants' *Daubert* motions pertaining to Dr. Shane and Mr. Noble. Plaintiffs' counsel indicated they did not read the Court's Order to extend the deadline for Defendants' *Daubert* motion as it relates to Dr. Shane, but further advised they would not oppose a request for the same deadlines to apply to both *Monell* experts, as long the request will not jeopardize the trial date.

5. Trial of plaintiffs Ben Baker and Clarissa Glenn's claims is set for January 8, 2025. (Dkt. No. 270). Defendants see no reason why putting the deadline for both parties' *Monell* experts

¹ It should be noted that both Plaintiffs and Defendant City have disclosed retired FBI agents (Jeffrey Danik for Plaintiffs and Mike Brown for Defendants) to offer opinions which may also relate to the *Monell* claim, but no party is asking for an extension of time to file Daubert motions, if any, applicable to those experts.

on the dates already set by the Court for *Monell* “*Daubert* motions” (even if not initially intended by this Court) will impact the trial date.

6. With this motion, Defendants’ seek to clarify that, like Plaintiffs, they be allowed to file their *Daubert* motion addressing Dr. Shane’s opinions on or before June 24, 2024, the same date plaintiffs’ *Daubert* motion addressing Mr. Noble is due. In light of the amount of information and data in Dr. Shane’s report, Defendants would need until June 24, 2024 to complete their *Daubert* motion of Dr. Shane. Moreover, Defendants believe it would benefit both efficiency and economy to the Court to have Plaintiffs’ motion regarding Noble and Defendants’ motion regarding Dr. Shane on the same track.

Wherefore, Defendants respectfully ask this Court to clarify that it’s May 13, 2024 order extending the *Daubert* deadlines was intended to apply to *Daubert* motions for both plaintiffs’ and Defendants’ *Monell* experts (Dr. Shane and Jeff Noble). And, if the Order was initially intended to apply only to plaintiffs’ motion, that this Court modify the Order to equally extend the time for Defendants to file their *Daubert* motion as to the opinions of Dr. Shane as follows:

Daubert motions as to both parties’ *Monell* experts (Dr. Shane and Mr. Noble) due 6/24/2024;

Responses to *Daubert* motions of *Monell* experts due 7/15/2024;

Replies to *Daubert* motions of *Monell* experts due 7/29/2024.

All other deadlines (including the *Daubert* motion deadlines to all other experts) stand.

Dated: May 29, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on **May 29, 2024**, I electronically filed **City Defendants' Unopposed Motion for Clarification of the Court's May 13, 2024 Order Regarding Deadline for Daubert Motion Regarding Plaintiff's *Monell* Expert** with the Clerk of the Court using the ECF system, which sent electronic notification of the filing on the same day to counsel of record.

s/ Elizabeth A. Ekl