

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

BEN BAKER and CLARISSA GLENN,)
)
Plaintiff,)
)
v.) Case No. 16 C 8940
)
CITY OF CHICAGO, Former CHICAGO) Judge Franklin U. Valderrama
POLICE SERGEANT RONALD WATTS,)
OFFICER KALLATT MOHAMMED,) Magistrate Judge Sheila M. Finnegan
SERGEANT ALVIN JONES, OFFICER)
ROBERT GONZALEZ, OFFICER)
CABRALES, OFFICER DOUGLAS)
NICHOLS, JR., OFFICER MANUEL S.)
LEANO, OFFICER BRIAN BOLTON,)
OFFICER KENNETH YOUNG, JR.,) (This case is part of <i>In re: Watts</i>
OFFICER ELSWORTH J. SMITH, JR.,) <i>Coordinated Pretrial Proceedings</i> , Master
PHILIP J. CLINE, KAREN ROWAN,) Docket Case No. 19 C 1717)
DEBRA KIRBY, and as-yet-unidentified)
officers of the Chicago Police Department.,)
)
Defendants.)

**DEFENDANTS' JOINT MOTION FOR LEAVE TO FILE AN OVERSIZED RESPONSE
TO PLAINTIFF'S MOTION TO EXCLUDE THE OPINIONS OF JEFFREY NOBLE
AND FOR LEAVE TO FILE THE RESPONSE AND EXHIBITS UNDER SEAL
(*UNOPPOSED*)**

Defendants, City of Chicago, Philip Cline, Debra Kirby, Karen Rowan, Alvin Jones, Robert Gonzalez, Miguel Cabrales, Douglas Nichols, Jr., Manuel Leano, Brian Bolton, Kenneth Young, Jr., Elsworth Smith, Jr., for their Motion for Leave to File An Oversized Response to Plaintiffs' Motion to Exclude the Opinions of Jeffrey Noble and for Leave to File the Response and Exhibits Under Seal, state:

1. On June 25, 2024, Plaintiffs filed a 25-page Motion to Exclude the Opinions of Jeffrey Noble, with certain exhibits under seal. Dkt. 325. Defendants' Response to Plaintiffs'

Daubert Motion to Exclude the Opinions of Jeffrey Noble is due to be filed July 15, 2024. Dkt. 286.

2. In order to adequately respond to Plaintiffs' oversized Motion, Defendants require additional pages to meaningfully respond to the challenges made to their expert witness, Jeffrey Noble.

3. "The proponent of the expert bears the burden of demonstrating that the expert's testimony would satisfy the *Daubert* standard." *Lewis v. CITGO Petroleum Corp.*, 561 F.3d 698, 705 (7th Cir. 2009). Therefore, Defendants request leave to file a 35-page Response to Plaintiffs' 25-page Daubert Motion to Exclude the Opinions of Jeffrey Noble. Defendants are mindful of the Court's time and resources. Nevertheless, this oversized Response is necessary in order to establish Mr. Noble's opinions comply with *Daubert*, in light of Plaintiffs' numerous challenges to his opinions.

4. Defendants also seek leave to file their Response under seal.

5. A Confidentiality Order, Agreed Privacy Act Order, and Amended Confidentiality Order have been entered in the *Coordinated Pretrial Proceedings*, Dkts. 3, 29, 57.

6. Defendants' Response cites, refers to, and attaches documents and materials that have been designated as "Confidential" and/or subject to the aforementioned Confidentiality and Privacy Act orders, including Exhibits 1-6.

7. Pursuant to Local Rule 26.2, Defendants will file a public version of Defendants' Response with redactions and without Exhibits 1-6, and will provisionally file an unredacted copy of Defendants' Response, in addition to Exhibits 1-6, under seal.

8. Defendants' counsel conferred with counsel for Plaintiffs, and they indicated that they do not oppose this motion.

WHEREFORE, Defendants respectfully request this Court grant their motion for leave to file an oversized response brief up to 35 pages and for leave to file an unredacted copy of Defendants' Response to Plaintiffs' Motion to Exclude the Testimony of Jeffrey Noble, and Exhibits 1-6 to said Response, under seal.

Respectfully submitted,

/s/ Kelly M. Olivier
Special Assistant Corporation Counsel

Andrew M. Hale
Anthony Zecchin
Kelly M. Olivier
William E. Bazarek
Jason M. Marx
Hannah Beswick-Hale
Hale & Monico LLC
53 W. Jackson Blvd.
Suite 330
Chicago, IL 60604
312-494-1000

*Attorneys for Defendants Alvin Jones,
Robert Gonzalez, Miguel Cabrales,
Douglas Nichols, Jr., Manuel Leano, Brian
Bolton, Kenneth Young, Jr., and Elsworth
Smith, Jr.*

/s/ Daniel M. Noland
Special Assistant Corporation Counsel

Terrence M. Burns
Daniel M. Noland
Paul A. Michalik
Elizabeth A. Ekl
Katherine C. Morrison
Daniel J. Burns
Dhaviella N. Harris
Burns Noland LLP
311 S. Wacker Dr., Suite 5200
Chicago, IL 60606
312-982-0090

*Attorneys for Defendants City of Chicago, Philip
Cline, Debra Kirby and Karen Rowan*

CERTIFICATE OF SERVICE

I hereby certify that on **July 15, 2024**, I electronically filed the foregoing **Defendants'** **Unopposed Motion for Leave to File An Oversized Response and For Leave to File Under Seal** 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/ Daniel M. Noland
