

**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 CASE NO. 16-CV-8940

## **JOINT POSITION STATEMENT FOR SEALED ORDER**

Plaintiffs and Defendants jointly submit this statement pursuant to the Court's August 22, 2024 Order (Dkt 385):

1. On August 22, 2024, the Court issued a sealed order regarding Plaintiffs' motion to bar proposed defense expert Michael Brown and Defendants' motion to bar proposed Plaintiffs' expert Jeffrey Danik. *See* Dkt. 385.
2. In its ruling, the Court directed the parties to file a joint position statement by September 12, 2024 as to whether any redactions were needed in the text of the sealed order. *See* Dkt. 385, n. 1.
3. Plaintiffs' position is that under applicable Seventh Circuit precedent, no redactions are necessary for the sealed order pertaining to Brown and Danik.
4. The parties note that they made many of the proposed redactions in their briefing on the motions to bar Brown and Danik because they related to documents that the federal government had designated as Confidential under the Agreed Privacy Act Order entered on the *In re: Watts Coordinated Proceedings* docket on December 20, 2019. Dkt. 84 in Case No. 19-cv-1717. Accordingly, it is defendants' position that the sealed order should be shared with the federal government (specifically AUSA Don Lorenzen, the lawyer who has been representing

the federal government in these proceedings) to review the sealed order and advise the parties and Court of the federal government's position on whether anything should be redacted.

5. Defendant City also requests that it be allowed to share its Memorandum of Law in support of its Motion for Summary Judgment, and its Statement of Facts in support of its Motion for Summary Judgment, with Mr. Lorenzen. As with the sealed order relative to the ruling on Danik and Brown, many of the redactions that would be required in the City's briefing on summary judgment and its statement of facts relates to documents that the federal government designated as Confidential under the Agreed Privacy Act Order.

6. For purposes of efficiency and conservation of resources, the City suggests providing these documents to Mr. Lorenzen before defendants make and submit proposed redactions is sensible. By way of example, if it is the federal government's position that anything in this Court's order, the City's memorandum in support of summary judgment, and the City's statement of facts, that derives from documents marked confidential under the Privacy Act order should be redacted, then the defendants will have clear guidance on each sentence in these documents that must be redacted under the Privacy Act order. If on the other hand the federal government does not require anything to be redacted, then the redactions that would need to be made would be less substantial and take less time. Because today is the due date for the City to file public versions of its memorandum in support of summary judgment and its statement of facts, the City hereby requests an extension of time to file those public versions until the federal government has a chance to weigh in.

7. Plaintiffs do not object to the City's request to provide its summary judgment materials to the federal government or to the City's request for an extension of time to file public versions of those documents. Nor do Plaintiffs object to providing the sealed order to Mr.

Lorenzen or to allowing him time to file a statement with the Court as to whether the federal government believes any portion of the sealed order should be sealed. That said, Plaintiffs do not believe that the parties need to wait until they hear the federal government's position before providing their own positions with respect to the Court's order regarding Brown and Danik. As noted above, Plaintiffs' position is that nothing in the sealed order needs to be redacted.

Respectfully submitted,

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