

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

Lionetta White, Special Administrator of the)
Estate of LIONEL WHITE, SR.,)
)
 Plaintiff,)
) Case No. 17 C 2877
 v.)
)
 CITY OF CHICAGO, RONALD WATTS,)
 ALVIN JONES, ELSWORTH SMITH JR.,) Magistrate Judge Laura K. McNally
 KALLATT MOHAMED, MANUEL)
 LEANO, BRIAN BOLTON, ROBERT)
 GONZALEZ, and DOUGLAS NICHOLS,)
)
 Defendants.)

**UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL AND FOR LEAVE TO
FILE EXCESS PAGES**

Plaintiff respectfully requests leave to file one of his *Daubert* motions under seal, for leave to file certain exhibits to another one of her *Daubert* motions under seal, and for leave to file excess pages for one *Daubert* motion. In support, Plaintiff states as follows:

1. **Sealed motion:** Plaintiff is moving to exclude certain proffered opinions from defense expert Michael Brown, a former FBI agent. Mr. Brown opines about a joint investigation in Defendant Ronald Watts and others. His report references information that the federal government designated as Confidential in the *Watts* Coordinated Proceedings. The parties recently addressed redactions of this type of information in the case captioned as *Baker v. City of Chicago, et al.*, Case No. 16-cv-8940 and in *Gipson v. City of Chicago, et al.*, Case No. 18-cv-5120. In connection with a *Daubert* ruling on Brown's testimony (and Plaintiff's counter-expert, Jeffrey Danik) in the *Baker* case, as well as in connection with the parties' summary judgment

filings, the federal government requested that the parties redact the names of potential confidential informants or cooperators, as well as the names of federal employees who worked on the investigation. With one exception relating to a declaration that the federal government filed on the public docket, the parties agreed to make those redactions, and Judge Valderrama ordered them to do so. See Dkt. 443 in Case No. 16-cv-8940. Judge Valderrama also redacted the name of a cooperating witness before issuing a public opinion about the scope of Brown's testimony. *Id.*

Plaintiff's *Daubert* motion for Brown in this case references one cooperating witness, and the expert reports of Brown and Danik reference additional names that should be redacted. Therefore, consistent with the positions that the federal government has previously expressed and with Judge Valderrama's rulings in *Baker*, Plaintiff requests leave to file the motion along with the exhibits to the motion under seal, and then to subsequently file redacted versions of the motion and exhibits.

2. **Sealed exhibits to second motion:** Plaintiff is also moving to limit the testimony of the Defendants' Monell expert, Jeffrey Noble. Certain exhibits to that motion were marked as Confidential during discovery, and Plaintiff requests leave to file those exhibits under seal. Some of those exhibits also contain information subject to a separate FBI protective order entered in the *Watts* Coordinated Proceedings case. See Dkt. 531 in Case No. 19-cv-1717.

3. **Request for excess pages:** Plaintiff requests leave to file a *Daubert* brief of 25 pages to bar opinions by Defendants' Monell expert Jeffrey Noble. Mr. Noble submitted a report in *Gipson* consisting of 130 numbered paragraphs (not including subparagraphs), a separate 127-page appendix containing additional analysis and opinions adopted by him, and a 35-page disclosure from a state-court lawsuit that Mr. Noble also adopted, and a supplemental report in

Carter v. City of Chicago, et al., Case No. 17-cv-7241 that consisted of 19 numbered paragraphs (not including subparagraphs) that he incorporated into his supplemental report for this case, which included an additional 18 numbered paragraphs (not including subparagraphs). Plaintiff submits that additional pages are warranted considering the breadth of Mr. Noble's disclosures.

4. Plaintiff has conferred with the City, who does not oppose the requests in this motion.

WHEREFORE, Plaintiff requests that the Court grant the relief requested in this motion.

Respectfully Submitted,

/s/ Scott Rauscher
One of Plaintiff's Attorneys

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