

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

MONTRELL CARR and QUINTIN SCOTT, individually and for a class,)	
)	
)	
Plaintiffs,)	
)	Case No. 17-cv-7135
v.)	
)	Hon. Martha M. Pacold
SHERIFF OF COOK COUNTY and COOK COUNTY, ILLINOIS)	
)	Magistrate Hon. David Weisman
Defendants.)	

**DEFENDANT COOK COUNTY'S AGREED MOTION FOR LEAVE OF COURT
TO SUPPLEMENT ITS RESPONSE TO PLAINTIFFS' MOTION
TO CERTIFY CASE AS A CLASS ACTION**

Defendant COOK COUNTY, ILLINOIS, by its attorney KIMBERLY M. FOXX, State's Attorney of Cook County, through Special Assistant State's Attorney, JOHNSON & BELL, LTD., respectfully requests leave of Court to supplement its response in opposition to Plaintiffs' motion to certify the case as a class action. In support of its motion, Defendant states as follows:

1. On November 2, 2020, Plaintiffs filed a motion to certify the case as a class action. [Dkt. 129].
2. On December 7, 2020, Defendant filed a response to Plaintiffs' motion to certify the case as a class action. [Dkt. 135].
3. On December 8, 2020, the Seventh Circuit issued its opinion in *McFields v. Dart*, No. 20-1391, 2020 WL 7223689 (7th Cir. Dec. 8, 2020), affirming the district court's denial of class certification in a case involving dental care at the Cook County Jail.
4. The attorneys who represent the plaintiff in *McFields* also represent Plaintiffs in this case.

5. On December 17, 2020, Plaintiffs filed an agreed motion to extend time for filing a reply memorandum “because of the intervening professional obligation to prepare and file the petition for rehearing in *McFields* and to then include a discussion of *McFields* in the briefing in this case.” [Dkt. 140]. Plaintiffs’ counsel filed a petition for rehearing in *McFields* on December 22, 2020.

6. The Court granted Plaintiffs’ agreed motion for an extension of time to file a reply memorandum, setting a due date of December 28, 2020, for Plaintiffs’ reply memorandum. [Dkt. 141].

7. Given the similarity between *McFields* and the present case, Defendant believes supplemental briefing to discuss *McFields* would aid the Court in reaching a decision on Plaintiffs’ motion.

8. Attached to this motion is Defendant’s proposed supplemental response.

9. Plaintiffs’ counsel advised Defendant’s counsel that he does not oppose this motion if Defendant includes a request that the Court extend the deadline for Plaintiffs to file a reply memorandum to January 4, 2021. Defendant does not oppose Plaintiffs’ request to extend the reply deadline to January 4, 2021.

WHEREFORE, Defendant Cook County respectfully requests that this Honorable Court enter an order granting Defendant leave to supplement its response to Plaintiffs’ motion for class certification and granting reciprocal relief to Plaintiffs to extend the reply deadline to January 4, 2021.

Respectfully Submitted,

KIMBERLY M. FOXX
State's Attorney of Cook County

Dated: December 23, 2020

/s/ *Samuel D. Branum*
Special Assistant State's Attorney

Brian P. Gainer (gainerb@jbltd.com)
Monica Burkoth (burkothm@jbltd.com)
Lisa M. McElroy (mcelroyl@jbltd.com)
Samuel D. Branum (branums@jbltd.com)
Johnson & Bell, Ltd.
33 W. Monroe, Ste. 2700
Chicago, Illinois 60603
(312) 372-0770

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on **December 23, 2020**, I caused to be served the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Samuel D. Branum

Special Assistant State's Attorney