

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

William Carter,)
Plaintiff,)
No. 17-cv-7241
-vs-)
(Judge Hunt)
City of Chicago, et al.,)
)
Defendants.)

OPPOSED MOTION TO COMPEL

Plaintiff, by counsel, moves the Court to compel defendant Mohammed to sit for his deposition and reject Mohammed's attempts to limit the scope of the deposition.

Pursuant to the Court's requirements, the parties conferred about this motion. Defendant Mohammed objects to the motion and requests one week to respond. Plaintiff does not object to this request, but believes that the court could fairly resolve this motion without briefing.

1. On October 21, 2024, the Court granted defendant Mohammed's motion for leave to file an amended answer to plaintiff's complaint. (ECF No. 180.)

2. The motion was premised on Mohammed's willingness to sit for an additional deposition and answer questions to which he previously would have asserted his fifth amendment right not to answer. (ECF No. 162 ¶ 4.)

3. The Court expressly relied on this premise, finding that the request to amend “appears to have been presented with enough time before dispositive motions and trial to avoid any undue prejudice to Plaintiff.” (ECF No. 180.)

4. Defendant Mohammed has agreed to sit for an additional deposition and answer questions about plaintiff’s case and about the allegations of witnesses disclosed under Federal Rule of Civil Procedure 404(b).

5. Plaintiff also intends to ask Mohammed questions about the investigation that led to his federal conviction. Mohammed refuses to answer those questions.

6. Undersigned counsel conferred by phone with Eric Palles, attorney for defendant Mohammed on Wednesday November 20, 2024, in a good faith attempt to resolve differences.

7. The parties were unable to reach an accord. As explained in a follow up email attached as Exhibit 1, Mohammed’s position is that he will “not agree to questioning concerning the federal investigation other than in the context of Judge Finnegan’s November 2023 order. That means with the Loevy firm at a later date and only with written transcripts of the recordings in advance.” (Exhibit 1.)

8. Magistrate Judge Finnegan's Order of November 8, 2023 is attached as Exhibit 2. The Order notes that discovery was extended to permit questioning of defendant Mohammed on recordings produced by the FBI.

9. Plaintiff has proposed, consistent with Judge Finnegan's order, that questioning about the federal investigation in this case not include questioning about any recordings, with that questioning to be held at a later date.

10. Undersigned counsel conferred by phone with Eric Palles, attorney for defendant Mohammed on December 6, 2024 at about 9:30 a.m. about this proposal, and counsel for Mohammed would not agree.

11. Defendant Mohammed has not explained why questioning about the federal investigation cannot proceed in his deposition in this case. Nor has Mohammed sought a protective order to limit the scope of his deposition.

12. Accordingly, the Court should order defendant Mohammed to appear for his continued deposition and reject Mohammed's attempts to limit the scope of the deposition.

Respectfully submitted,

/s/ Joel A. Flaxman
Joel A. Flaxman
ARDC No. 6292818
Kenneth N. Flaxman
KENNETH N. FLAXMAN P.C.
200 S Michigan Ave, Ste 201
Chicago, IL 60604
(312) 427-3200
jaf@kenlaw.com
Attorneys for Plaintiff