

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

**REPLY IN SUPPORT OF MOTION TO FILE
AMENDED COMPLAINT AND TO ADD PLAINTIFF**

Defendants ask the Court to rule on plaintiff's motion to amend without considering the Sheriff's revelation on September 28, 2020 that it had misled plaintiffs about the detainee property that is the focus of this case. The Court should reject defendants' proposed blinders and grant plaintiff's motion.

In its initial response to plaintiff's second set of interrogatories (attached as Exhibit 1, App. 1-3), the Sheriff (through Khara Coleman, Assistant General Counsel) averred that it was continuing to retain the property of former detainees:

INTERROGATORY NO. 4. Describe the Sheriff's current procedure, if any, for disposition of property sent to the warehouse, as referred to in the Court's order of April 1, 2019 at 4.

ANSWER: Due to the pendency of the *Elizarri* litigation, the subject detainee property that might have been disposed of pursuant to the policies and procedures of the Cook County Department of Corrections, including Procedure 109 and Policies 305, 315 or 717, or pursuant to 20 Ill. Adm. Code 701.60(d), is not currently being disposed of by the Office of the Cook County Sheriff.

(Answer to Interrogatory 4, Exhibit 1 at 2, Appendix 2.) The Sheriff served this interrogatory answer on July 12, 2019. (Certificate of Service, Exhibit 2, App. 4.)

On September 28, 2020, the Sheriff served an amended interrogatory answer admitting that it had misled plaintiffs throughout this lawsuit. (Certificate of Service, Exhibit 3.) In its “AMENDED ANSWER TO SECOND SET OF INTERROGATORY NO. 4,” attached as Exhibit 4 (App. 6-8), the Sheriff (in a declaration again signed by Assistant General Counsel Khara Coleman) revealed for the first time that the Sheriff had begun to destroy unclaimed detainee property starting in “late 2018.”¹ (Amended Interrogatory Answer 4, Exhibit 4 at 2, App. 7.) That is, the Sheriff began destroying

¹ The Sheriff states in relevant part:

Currently and as of late 2018, this Defendant has been following its policies, procedures and the law related to the destruction of detainee property. As such, Defendant currently does not hold property after the specified time period and has followed its policies, procedures and the law regarding the disposal of property.

(Amended Interrogatory Answer 4, Exhibit 4 at 2.)

detainee property at least seven months before stating in its original response to Interrogatory 4 that it was not destroying detainee property.

Attorney Coleman did not provide any explanation for the contradiction between these two sworn statements. The Sheriff's amended answer to Interrogatory 4 also contradicts the Sheriff's statement (in another declaration signed by Assistant General Counsel Khara Coleman) that, as of May 14, 2019, the Sheriff "has not decided whether it would dispose of or return any of the unclaimed former detainee property" and was considering "whether it would dispose of or return any of the unclaimed former detainee property." (Amended Answer to Interrogatory 7, Exhibit 5 at 5, App. 13.) Defendant again does not provide any explanation for this contradiction.

The amended interrogatory answers served on September 28, 2020 also revealed "shrinkage" in the number of items of detainee property that the Sheriff was holding. An inventory conducted for the Sheriff in 2011 enumerated 57,740 property bags. (Exhibit 6 at 43, Testimony of Steve Kranyec, Tr. 104:20-23, *Elizarri (I) v. Sheriff*, 07-cv-2427, App. 58.) These 57,740 property bags, including some with "cash and jewelry" (*Id.* 35, Tr. 96:11-13) shrunk to what attorney Coleman avers were "approximately

5,000” property bags as of September 25, 2020. (Exhibit 4 at 2, App. 7.) Attorney Coleman does not explain the shrinkage.

The Sheriff overlooks these inexplicable contradictions when it asserts that plaintiff is responsible for the delay in presenting the proposed amended complaint. (ECF No. 133 at 6.) Plaintiffs, however, acted promptly in seeking leave to amend after the Sheriff came clean about its misrepresentations and after settlement efforts were unsuccessful. The Sheriff served its amended interrogatory answers on September 28, 2020. The parties conferred with the Magistrate Judge about settlement on October 19, 2020, and plaintiffs sought to amend on November 25, 2020. This is not unreasonable delay. “Two months and three weeks is hardly an undue delay, especially where no significant activity has occurred in the action.” *County of Cook v. Philip Morris, Inc.*, No. 97 C 3295, 1997 WL 667777, at *2 (N.D. Ill. Oct. 17, 1997). The Court should therefore reject defendants’ argument about delay.

The Court should also reject defendants’ objections to the addition of Ted Velleff as an additional named plaintiff. Contrary to defendants’ argument, addition or substitution of a named plaintiff is not limited to cases which have been certified as a class action. (ECF No. 133 at 5.)

In *United States Parole Commission v. Geraghty*, 445 U.S. 388, 393 (1980), the plaintiff filed suit, individually and for a putative class, to challenge the federal parole guidelines. The named plaintiff was released on parole during the pendency of the case; the question before the Supreme Court was whether the named plaintiff could prosecute an appeal from the denial of class certification. The Court held for the plaintiff:

A plaintiff who brings a class action presents two separate issues for judicial resolution. One is the claim on the merits; the other is the claim that he is entitled to represent a class.

United States Parole Commission v. Geraghty, 445 U.S. at 402. The Court did not reach the question of whether Geraghty could serve as a class representative:

We need not decide here whether Geraghty is a proper representative for the purpose of representing the class on the merits. No class as yet has been certified. Upon remand, the District Court can determine whether Geraghty may continue to press the class claims or whether another representative would be appropriate. We decide only that Geraghty was a proper representative for the purpose of appealing the ruling denying certification of the class that he initially defined. Thus, it was not improper for the Court of Appeals to consider whether the District Court should have granted class certification.

Geraghty, 445 U.S. at 407.

The Seventh Circuit applied *Geraghty* in *Wiesmueller v. Kosobucki*, 513 F.3d 784 (7th Cir. 2008): “The named plaintiff who no longer

has a stake may not be a suitable class representative, but that is not a matter of jurisdiction and would not disqualify him from continuing as class representative until a more suitable member of the class was found to replace him.” *Id.* at 786.

The Seventh Circuit recently disposed of an argument similar to that advanced by the Sheriff in this case in *Lacy v. Cook County*, 897 F.3d 847 (7th Cir. 2018):

In their reply brief, the defendants submit that Mr. Lacy did not have standing to seek injunctive relief on behalf of the class because he was discharged into the custody of the Illinois Department of Corrections before the district court issued any decisions granting injunctive relief. Consequently, they claim, he is not an adequate representative of the class. Even if the defendants are correct and Mr. Lacy no longer had constitutional standing at that point, this conclusion does not undermine the certification of the class or the court’s subsequent decisions regarding class-wide injunctive relief. *See Kohen v. Pac. Inv. Mgmt. Co.*, 571 F.3d 672, 676 (7th Cir. 2009) (“The named plaintiff who no longer has a stake may not be a suitable class representative, but that is not a matter of jurisdiction and would not disqualify him from continuing as class representative until a more suitable member of the class was found to replace him.” (quoting *Wiesmueller v. Kosobucki*, 513 F.3d 784, 786 (7th Cir. 2008))). This rule makes good sense given the transient population that typically brings litigation on behalf of prisoners. Here, there was no shortage of suitable class members to replace Mr. Lacy.

Id. at 867 n.40.

Defendants are mistaken in asserting that counsel knew that Elizarri and Jordan were “inappropriate candidates to be class representatives.” (ECF No. 133 at 7.) Mr. Elizarri became an “inappropriate candidate” when, after the lawsuit was filed, he succumbed to his final illness. The purported flaw in Jordan’s ability to serve as a class representative is that defendants, as ordered by the Court (ECF No. 102), returned Jordan’s property to him. (ECF No. 121.) But Jordan had a live claim when he filed the case; that is sufficient for him to serve as a class representative. *Robinson v. City of Chicago*, 868 F.2d 959, 968 (7th Cir. 1989) (citing *United States Parole Comm’n v. Geraghty*, 445 U.S. 388, 403-04 (1980).) Defendants do not offer any other basis for rejecting Jordan as “inappropriate.”

Finally, there is no merit in defendants’ argument that amendment should not be permitted because plaintiffs advance a new theory of liability in the proposed amended complaint. (ECF No. 133 at 5-6.) Plaintiff seeks to add a new theory of liability because the Sheriff waited until September of 2020 before revealing that it had started to destroy detainee property and was unable to account for 50,000 bags of such property. *See above* at 2-4. Thus, rather than seeking only injunctive relief to require the Sheriff to provide notice and establish a procedure for returning the detainee property

(as plaintiff Elizarri sought in his original complaint), the putative plaintiff class now seeks damages for the loss or destruction of their property. Plaintiffs could not have complained about the destruction of their property while the Sheriff maintained that it was storing their property. (Answer to Interrogatory 4, Exhibit 1 at 2, App. 2.)

For these reasons and those previously stated, the Court should grant plaintiffs leave to file the proposed amended complaint.

Respectfully submitted,

/s/ Kenneth N. Flaxman
Kenneth N. Flaxman
ARDC No. 830399
Joel A. Flaxman
200 S Michigan Ave, Ste 201
Chicago, IL 60604
(312) 427-3200
Attorneys for plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LEONCIO ELIZARRI and GREGORY L.)
JORDAN, individually and for others)
similarly situated,)
Plaintiffs,)
v.) No. 17 cv 8120
SHERIFF OF COOK COUNTY and) Judge Thomas M. Durkin
COOK COUNTY, ILLINOIS,)
Defendants.)

DEFENDANT, SHERIFF OF COOK COUNTY'S
ANSWERS TO SECOND SET OF INTERROGATORIES

NOW COMES the Defendant, SHERIFF OF COOK COUNTY, by and through its attorneys, SANCHEZ DANIELS & HOFFMAN LLP and as its Answers to Plaintiff's Second Set of Interrogatories, states as follows:

1. State the name and position of the person or persons answering these interrogatories.

ANSWER: The individual representative of the Office of the Cook County Sheriff verifying these interrogatories, as required by Rule 33(b), is Khara Coleman, Assistant General Counsel, Department of Legal and Labor Affairs. Ms. Coleman may be contacted through counsel of record, listed below.

2. Has the Sheriff issued any written directives on or after July 1, 2013 of any sort concerning the disposition of property sent to the warehouse, as referred to in the Court's order of April 17, 2019 at 4?

ANSWER: The Office of the Cook County Sheriff has issued and reissued policies and procedures related to the transfer of relevant property.

3. Unless your answer to the preceding interrogatory is an unqualified "no," please identify by date, title, and current custodian, all such written directives.

ANSWER: The Office of the Cook County Sheriff has issued and reissued the Cook County Department of Corrections Inmate Information Handbook - effective June 2018, Chapter 9, Cook County Department of Corrections Policy 717 - reissued

on October 1, 2018, Procedure 109 - reissued on October 1, 2018, Cook County Department of Corrections Policy 305, Lexipol LLC dated February 1, 2019 and Cook County Department of Corrections Policy 315, Lexipol LLC dated February 1, 2019.

4. Describe the Sheriff's current procedure, if any, for disposition of property sent to the warehouse, as referred to in the Court's order of April 1, 2019 at 4.

ANSWER: Due to the pendency of the *Elizarri* litigation, the subject detainee property that might have been disposed of pursuant to the policies and procedures of the Cook County Department of Corrections, including Procedure 109 and Policies 305, 315 or 717, or pursuant to 20 Ill. Adm. Code 701.60(d), is not currently being disposed of by the Office of the Cook County Sheriff.

Gerald M. Dombrowski (#6210375)
Yifan Xu Sanchez (#6301220)
Special Assistant State's Attorneys
SANCHEZ DANIELS & HOFFMAN LLP
Attorneys for Defendant, SHERIFF OF COOK COUNTY
333 West Wacker Drive
Suite 500
Chicago, Illinois 60606
gdombrowski@sanchezdh.com
ysanchez@sanchezdh.com

VERIFICATION

Under penalty of perjury as provided by law pursuant to Federal Rules of civil Procedure 33(b)(5), the below states that the information contained in Defendant Sheriff of Cook County's Answer to Plaintiff's Second Set of Interrogatories is true and correct to the best of my knowledge, information and belief, based on upon the information made available to me, and, therefore, the foregoing objections and answer to Defendant Sheriff of Cook County's Answer to Plaintiff's Second Set of Interrogatories is based on behalf of me in this litigation.


Khara Coleman

Gerald M. Dombrowski (#6210375)
Yifan Xu Sanchez (#6301220)
Special Assistant State's Attorneys
SANCHEZ DANIELS & HOFFMAN LLP
Attorneys for Defendant, SHERIFF OF COOK COUNTY
333 West Wacker Drive
Suite 500
Chicago, Illinois 60606
(312) 641-1555
gdombrowski@sanchezdh.com
ysanchez@sanchezdh.com

FIRM I.D. 42258

GMD/YXS/vmp

DCC-77165

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LEONCIO ELIZARRI, individually and for others)
similarly situated,)
Plaintiff,)
v.) No. 17 CV 8120
SHERIFF OF COOK COUNTY and) Judge Thomas M. Durkin
COOK COUNTY, ILLINOIS,)
Defendants.) Magistrate Judge Daniel G. Martin

CERTIFICATE OF SERVICE

To: Mr. Joel A. Flaxman (jaf@kenlaw.com)
Mr. Kenneth N. Flaxman (knf@kenlaw.com)
200 South Michigan Avenue
Suite 201
Chicago, Illinois 60604-2430

Ms. Danielle Mikhail danielle.mikhail@cookcountyl.gov
Cook County State's Attorney's Office
500 Richard J. Daley Center
Chicago, Illinois 60602

The undersigned, a non-attorney, certifies and states that she served **DEFENDANT,**
SHERIFF OF COOK COUNTY'S ANSWERS TO SECOND SET OF
INTERROGATORIES by emailing a copy to the addressee(s) at the email(s) indicated above
from 333 West Wacker Dr., Suite 500, Chicago, IL 60606 at or before 5:00 p.m. on July 12,
2019 and that this statement as set forth is true and correct.

/s/Victoria M. Pustelak

Gerald M. Dombrowski (#6210375)
Yifan Xu Sanchez (#6301220)
SANCHEZ DANIELS & HOFFMAN LLP
Attorneys for Defendant, SHERIFF OF COOK COUNTY
333 West Wacker Drive
Suite 500
Chicago, Illinois 60606
(312) 641-1555

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LEONCIO ELIZARRI and GREGORY L.)
JORDAN, individually and for others)
similarly situated,)
Plaintiffs,)
v.) No. 17 cv 8120
SHERIFF OF COOK COUNTY and) Judge Thomas M. Durkin
COOK COUNTY, ILLINOIS,)
Defendants.)

CERTIFICATE OF SERVICE

To: Mr. Joel A. Flaxman (jaf@kenlaw.com)
Mr. Kenneth N. Flaxman (knf@kenlaw.com)
200 South Michigan Avenue
Suite 201
Chicago, Illinois 60604-2430

Ms. Danielle Mikhail danielle.mikhail@cookcountylil.gov
Cook County State's Attorney's Office
500 Richard J. Daley Center
Chicago, Illinois 60602

The undersigned certifies and states that he caused to be served **DEFENDANT,**
SHERIFF OF COOK COUNTY'S AMENDED ANSWER TO SECOND SET OF
INTERROGATORY NO. 4 by emailing a copy of same to the above listed attorneys at the
email addresses indicated by 5:00 p.m. on September 28, 2020.

/s/Gerald M. Dombrowski

Gerald M. Dombrowski (#6210375)
Yifan Xu Sanchez (#6301220)
SANCHEZ DANIELS & HOFFMAN LLP
Attorneys for Defendant, SHERIFF OF COOK COUNTY
333 West Wacker Drive
Suite 500
Chicago, Illinois 60606
(312) 641-1555
gdombrowski@sanchezdh.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LEONCIO ELIZARRI and GREGORY L.)
JORDAN, individually and for others)
similarly situated,)
Plaintiffs,)
v.) No. 17 cv 8120
SHERIFF OF COOK COUNTY and) Judge Thomas M. Durkin
COOK COUNTY, ILLINOIS,)
Defendants.)

**DEFENDANT, SHERIFF OF COOK COUNTY'S
AMENDED ANSWER TO SECOND SET OF INTERROGATORY NO. 4**

NOW COMES the Defendant, SHERIFF OF COOK COUNTY, by and through its attorneys, SANCHEZ DANIELS & HOFFMAN LLP and as its Amended Answer to Plaintiff's Second Set of Interrogatory No. 4, previously answered June 2019 states as follows:

4. Describe the Sheriff's current procedure, if any, for disposition of property sent to the warehouse, as referred to in the Court's order of April 1, 2019 at 4.

ANSWER: Due to the pendency of the *Elizarri* litigation, the subject detainee property that might have been disposed of pursuant to the policies and procedures of the Cook County Department of Corrections, including Procedure 109 and Policies 305, 315 or 717, or pursuant to 20 Ill. Adm. Code 701.60(d), is not currently being disposed of by the Office of the Cook County Sheriff.

AMENDED ANSWER:

Defendant objects to the Interrogatory as vague to the extent that it seeks information on a process for "disposition of property sent to the warehouse", as the operative Complaint contains no references related to a warehouse, and there appears to be no dispute of a legal or factual issue concerning "disposition of property sent to the warehouse", as opposed to general issue of disposition of compliant property bags that were not destroyed pursuant to CCDOC policies in effect at the time, regardless of where they may have been stored.

To the extent that Plaintiff's Second Interrogatory No. 4 seeks information for disposition of a collection of compliant property that was not destroyed pursuant to CCDOC policies in effect at the time that they were collected, as described in paragraphs 14-21 and 33-36 of the Amended Complaint. (ECF Dkt. 42), such property remains in the custody of the CCDOC. Those property bag number approximately 5,000.

To the extent that Plaintiff's Second Interrogatory No. 4 seeks to know the *current* procedure for the disposition of detainee property, Defendant directs Plaintiff to CCDOC procedure 109 and policies 305, 315, 717 or pursuant 20 Ill. Adm. Code 701.60(d), previously produced by this Defendant.

With respect to the subject compliant property bags which were previously eligible for destruction, but had not been destroyed, the Office of the Cook County Sheriff did not destroy such bags. Those bags are among the approximately 5,000 inventoried at this time. However, the Sheriff's Office did not continue to accumulate compliant property bags which were otherwise eligible for destruction, and now follows its property retention and destruction policies.

Currently and as of late 2018, this Defendant has been following its policies, procedures and the law related to the destruction of detainee property. As such, Defendant currently does not hold property after the specified time period and has followed its policies, procedures and the law regarding the disposal of property,

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I, Khara Coleman, Assistant General Counsel with the Office of the Cook County Sheriff, state under penalty of perjury, and pursuant to Federal Rule of Civil Procedure 33(b)(5), that the information contained in Sheriff of Cook County's Amended Answer to Plaintiff's Second Set of Interrogatory No. 4, *Elizarri et al v. Sheriff et al*, 17 cv 8120, is true and correct to the best of my knowledge, information and belief. The Responses provided herein are not based on my sole recollection, memory or knowledge, but rather were drafted based upon consultation with employees of the Office of the Cook County Sheriff, based upon review of records and documents in the possession of the Cook County Sheriff's Office, and upon advice and consultation of our attorneys.

Date: 9-25-2020



Khara Coleman
Assistant General Counsel – Civil Litigation & Torts
Office of the Cook County Sheriff

Gerald M. Dombrowski (#6210375)
Special Assistant State's Attorney
SANCHEZ DANIELS & HOFFMAN LLP
Attorneys for Defendant, SHERIFF OF COOK COUNTY
333 West Wacker Drive
Suite 500
Chicago, Illinois 60606
(312) 641-1555
gdombrowski@sanchezdh.com

FIRM I.D. 42258

GMD/YXS/vmp

DCC-77165

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

LEONCIO ELIZARRI, individually and for others)
similarly situated,)
Plaintiff,)
v.) No. 17 CV 8120
SHERIFF OF COOK COUNTY and) Judge Thomas M. Durkin
COOK COUNTY, ILLINOIS,) Magistrate Judge Daniel G. Martin
Defendants.)

AMENDED ANSWERS TO INTERROGATORIES

NOW COMES the Defendant, SHERIFF OF COOK COUNTY, by and through its attorneys, SANCHEZ DANIELS & HOFFMAN LLP and as its Amended Answers to Plaintiff's Interrogatories Nos. 2-8, states as follows:

INTERROGATORY NO. 2: For each of the persons identified on the attached Exhibit 1, state:

- a) The amount of funds, if any, currently being held in each person's "Resident Account" in connection with the identification number set out in Exhibit 1, and
- b) The property, if any, currently being held by the Sheriff that had been inventoried when each person identified in Exhibit 1 entered the Cook County Jail and was assigned the specified identification number set out in Exhibit 1.

AMENDED ANSWER: See attached Sheriff 499-698.

INTERROGATORY NO. 3. Has the Sheriff issued any written directives on or after July 1, 2013 of any sort concerning transferring property from the Cook County Jail to the facility at 2323 South Rockwell, Chicago, Illinois 60608?

AMENDED ANSWER: Yes. The following policies and procedures concern transferring property to the warehouse located at 2323 South Rockwell, Chicago, Illinois 60608.

- Sheriff Policy 109 as of February 1, 2019, 109.3 (Sheriff 433), 109.7.4 (Sheriff 447), 109.8 (Sheriff 447).

- Sheriff Policy 109 as of November 1, 2018, 109.3 (Sheriff 222), 109.7.4 (Sheriff 235), 109.8 (Sheriff 236).
- Sheriff Policy 109 as of October 1, 2018, 109.3 (Sheriff 291), 109.7.4 (Sheriff 304), 109.8 (Sheriff 305).
- Sheriff Policy 109 as of February 1, 2018, 109.3 (Sheriff 382), 109.7.4 (Sheriff 394), 109.8 (Sheriff 395).
- Sheriff Policy 109 as of November 1, 2017, 109.3 (Sheriff 416), 109.7.4 (Sheriff 428), 109.8 (Sheriff 428-29).
- Sheriff Policy 109 as of September 29, 2017, 109.3 (Sheriff 399), 109.7.4 (Sheriff 411), 109.8 (Sheriff 411).
- Sheriff Policy 109 as of September 1, 2017, 109.3 (Sheriff 252), 109.7.4 (Sheriff 263), 109.8 (Sheriff 263).

INTERROGATORY NO. 4. Unless your answer to the preceding interrogatory is an unqualified “no,” please identify by date, title, and current custodian, all such written directives.

AMENDED ANSWER: See Answer to Interrogatory No. 3; and all the policies identified in Amended Answer to Interrogatory No. 3 are published, Lexipol policies.

INTERROGATORY NO. 5. Does the Sheriff have any plan to notify any of the former detainees that their personal property is being held at the facility at 2323 South Rockwell, Chicago, Illinois 60608?

AMENDED ANSWER: Defendant objects to this Interrogatory as it is overly broad, unduly general, vague as to the term “plan” and unlimited as to the time period relevant for any specific former detainee. Further objecting, it assumes a fact not in the evidence that former detainees would necessarily have personal property held at the warehouse located at 2323 South Rockwell, Chicago, Illinois in that Policy 109 distinguishes “unclaimed” property and “donated” property and provides in 109.8 that “items that are not designated for donation should be transferred to the warehouse for destruction.”

Subject to and without waiving said objections, the Inmate Handbook provides information for former detainees to contact Property Office regarding any of their personal property potentially held at CCDOC.

- Handbook from January 2013 to February 2017 provides that “property will be kept in the Property Office for 90 days after you leave the CCDOC, then it will be disposed of in accordance with the CCDOC general order. For more information, call the Property Office at 773.674.5780.” (Sheriff 121).
- Handbook from February, 2017 to July, 2017 provides that “upon transfer to another facility, property will be kept in the Clothing Room for 45 days after you leave the CCDOC, after which time it will be disposed of in accordance with CCDOC policy. For more information, call the Property Office by telephone at (773) 674-0110 for males or (773) 674-0044 for females.” (Sheriff 091).
- Handbook from July, 2017 to June 2018 provides that “your personal compliant property (items listed above that you were in possession of) will be kept in the CCDOC Clothing

Room, located at 2700 S. California. If you are being discharged, you will be escorted to the Clothing Room and your property will be returned. Upon transfer to another facility, you will be provided an opportunity to designate someone to come to CCDOC and claim your property. Property will be kept for 45 days after you leave CCDOC. After this time, if your designated recipient has not claimed your property, it will be disposed of in accordance with CCDOC policy" and "for more information, call the Property Office by telephone at (773) 674-5410. (773) 674-0110 for males or (773) 674-0044 for females are also available as secondary phone numbers. (Sheriff 164-65).

- Handbook from June 2018 to the Present provides that "upon transfer to another facility, compliant property will be kept in the Clothing Room for 45 days after you leave the CCDOC unless retrieved by a designated individual as explained above. After this time it will be managed in accordance with CCDOC policy and will be disposed of. For more information, call the Property Office by telephone at (773) 674-5410. (773) 674-0110 for males or (773) 674-0044 for females are also available as secondary phone numbers." (Sheriff 206).

Further answering, at all relevant times, it is public information, available on the website of the Cook County Sheriff" Office, that for recovering of inmate's property, the telephone number to call is 773-674-5245. See below screen capture of the webpage from Cook County Sheriff's Office:

← → C https://www.cookcountysheriff.org/cook-county-department-of-corrections/doc-phone-numbers/

Apps Google Welcome to 20/20... Cook County Asses... Illinois Northern Ba... Odyssey Identity Pr

Corrections Phone Numbers

Home > Corrections > Corrections Phone Numbers

Contact us:

Main Phone Number: 773-674-7100

Customer Service Line: 773-674-1945
7 days a week, 8 a.m. to 8:30 p.m.

Automated Help Line: 773-674-5245 English or Español

1. Search for an inmate or pay inmate's bond
2. Women's Justice Program, Electronic Monitoring
3. Visitation Information
4. Inmate Trust Account
5. Information about an inmate's medical or mental health condition
6. Recovering inmate's property
7. Commissary and refunds
8. Inmate Services (e.g. notify inmate of a death)
9. Mailroom
10. Inmate Records
11. Divisional supervisor

Other Important Telephone numbers:

Business Office:	773-674-6866
Legal Office:	773-674-7683
Office of the Executive Director:	773-674-2859
Inmate Services:	773-674-1979
Records Department:	773-674-5200
Training Academy:	708-974-5700
Trust / Personal Property:	773-674-6864
Visitor Information Center	773-674-8225
Electronic Monitoring	877-326-9198

Lastly, although it is not established that the Sheriff has an affirmative legal obligation to notify each and every former detainee as to whether the former detainee's property was not claimed and remains in the warehouse located at 2323 South Rockwell, Chicago, Illinois 60608, eventually, the Sheriff hopes to notify former detainees whose property remains in the possession of the Sheriff's Office. However, at this time, the Sheriff has not established any specific policies or procedures and has no course of actions planned to do so given the volume of the property and difficulty in locating former detainees.

INTERROGATORY NO. 6. Unless your answer to the preceding interrogatory is an unqualified "no," please describe any such plans and identify the person or persons with the most knowledge of such plans.

AMENDED ANSWER: See Amended Answer to Interrogatory No. 5.

INTERROGATORY NO. 7. Does the Sheriff intend to return or otherwise dispose of any of the property of former detainees that the Sheriff is currently holding at the facility at 2323 South Rockwell, Chicago, Illinois 60608?

AMENDED ANSWER: Under the CCDOC policies and procedures referenced in the Inmate Handbooks, unclaimed inmate's property can be disposed of by the CCDOC, and the Sheriff reserves the right, pursuant to due notice to any former inmate, to dispose of any unclaimed former detainee property. However, at this time, the Sheriff has not decided whether it would dispose of or return any of the unclaimed former detainee property. Further see Amended Answer to Interrogatory No. 5, although it is not established that the Sheriff has an affirmative legal obligation to notify each and every former detainee as to whether the former detainee's property was not claimed and remains in the warehouse located at 2323 South Rockwell, Chicago, Illinois 60608, eventually, the Sheriff hopes to notify former detainees whose property remains in the possession of the Sheriff's Office. However, at this time, the Sheriff has not established any specific policies or procedures and has no course of actions planned to do so given the volume of the property and difficulty in locating former detainees.

8. Unless your answer to the preceding interrogatory is an unqualified "no," please describe any such plans and identify the person or persons with the most knowledge of such plans.

AMENDED ANSWER: See Amended Answer to Interrogatory No. 7.

Respectfully submitted,

SANCHEZ DANIELS & HOFFMAN LLP



Yifan Xu Sanchez

Gerald M. Dombrowski (#6210375)
Yifan Xu Sanchez (#6301220)
Special Assistant State's Attorneys
SANCHEZ DANIELS & HOFFMAN LLP
Attorneys for Defendant, SHERIFF OF COOK COUNTY
333 West Wacker Drive
Suite 500
Chicago, Illinois 60606

(312) 641-1555
ysanchez@sanchezdh.com

VERIFICATION

Pursuant to Federal Rule of Civil Procedure 33(b), I, Khara Coleman, Assistant General Counsel for the Office of the Cook County Sheriff, hereby affirm under oath that Defendant Sheriff Thomas Dart's AMENDED Answers to Plaintiff's Interrogatories, in *Elizarri v. Sheriff, et al*, 17 CV 8120, are true and correct to the best of my inquiry, knowledge, information, and belief. The Responses provided herein are not based on my sole recollection, memory or knowledge, but rather were gathered by reviewing the records and documents in the possession of the Cook County Sheriff's Office and by consulting counsel of record and persons employed in the Cook County Sheriff's Office.

Submitted: May 14, 2019



Khara Coleman, Assistant General Counsel
for the Office of the Cook County Sheriff

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

3 LEONCIO ELIZARRI, et al., }
4 Plaintiffs, } Case No. 07 C 2427
5 -vs- } Chicago, Illinois
6 SHERIFF OF COOK COUNTY, et } January 25, 2016
al., } 1:34 p.m.
7 Defendants. }

VOLUME 1
TRANSCRIPT OF PROCEEDINGS - TRIAL
BEFORE THE HONORABLE JOAN B. GOTTSCHALL AND A JURY

APPEARANCES:

For the Plaintiffs: MR. KENNETH N. FLAXMAN
MR. JOEL A. FLAXMAN
Kenneth N. Flaxman, P.C.
200 South Michigan Avenue
Suite 201
Chicago, IL 60604-6107
(312) 427-3200
E-mail: Knf@kenlaw.com
Jaf@kenlaw.com

MR. THOMAS GERARD MORRISSEY
MR. PATRICK WILLIAM MORRISSEY
Thomas G. Morrissey, Ltd.
10150 South Western Avenue, Suite Rear
Chicago, IL 60643
(773) 233-7900
E-mail: Tgmorrisseylaw@gmail.com
Patrickmorrissey1920@gmail.com

Court Reporter:

KATHLEEN M. FENNEL, CSR, RPR, RMR, FCRR
Official Court Reporter
United States District Court
219 South Dearborn Street, Suite 2524-A
Chicago, Illinois 60604
Telephone: (312) 435-5569
Kathleen_Fennell@ilnd.uscourts.gov

1 THE COURT: And, sir, would you step up here, please.

2 One other thing I want to say, ladies and gentlemen,
3 while the witness is coming up here, if you want to bring
4 bottles of water into the courtroom or glasses of water, it is
5 perfectly fine. I can't let you bring milkshakes or coffee or
6 anything, but water is fine.

7 And, sir, could you please stand and raise your right
8 hand.

9 (Witness sworn.)

09:26:36 10 THE COURT: Please be seated.

11 STEVE KRANYEC, PLAINTIFFS' WITNESS, DULY SAWN,

12 DIRECT EXAMINATION

13 BY MR. K. FLAXMAN:

14 Q. Good morning, sir. Could you state your name and spell
09:26:42 15 your last name for the court reporter, please.

16 A. My name is Steve Kranyec, K-R-A-N-Y-E-C.

17 Q. And what's your business or occupation?

18 A. Currently I am on disability.

19 Q. Before you started disability.

09:26:57 20 A. I was an engineer, and I was the president of two
21 companies simultaneously, Hold It Right There and Return Key
22 Systems.

23 Q. And how old are you, sir?

24 A. I am 58.

09:27:11 25 Q. When did you first become an engineer?

1 A. On graduating out of college.

2 Q. And when was that?

3 A. In 1980.

09:27:27 4 Q. And about how long did you work as a -- in engineering

5 before you became disabled?

6 A. Nearly 30 years.

7 Q. And what kind of engineering did you do?

8 A. I did -- I have a degree in electrical engineering, but I
9 did primarily mechanical engineering.

09:27:41 10 Q. Okay. And do you live in Chicago?

11 A. No, I live in the Houston, Texas area.

12 Q. And -- you agreed to come up here to testify today?

13 A. I did.

14 Q. And the plaintiffs are paying for your travel expenses and
09:28:02 15 meal -- room and board and compensating you for your time away
16 from Texas?

17 A. That is correct.

18 Q. Okay. And we're paying you \$50 an hour for 24 hours --
19 three days of work.

09:28:13 20 A. That's correct.

21 Q. Okay. And does the fact that we're compensating you for
22 your time here have -- have any impact on whether you'll tell
23 the truth or not?

24 Q. A. No. The truth is the truth. I just want to tell what I
09:28:27 25 know.

1 Q. Okay. Now, at some point in time, did you become involved
2 with -- in a professional capacity with the Sheriff of Cook
3 County?

4 A. Yes.

09:28:43 5 Q. With the Office of the Sheriff of Cook County?

6 A. Yes.

7 Q. Do you remember when that first was?

8 A. We had been operating a business at O'Hare Airport for a
9 little over a year. It was a service that allowed people to
09:28:56 10 mail home their pocket knives if they got caught by TSA rather
11 than forfeiting them.

12 That had been a very successful project. It had gone
13 on for almost a year, and we were contacted by the Cook County
14 Sheriff's Department to come in and discuss using that type of
09:29:17 15 service at their courthouses and jails for prohibited items.

16 Q. And you said we had been operating. Who's the "we"?

17 A. That was the company of the name Return Key Systems. That
18 was operating at O'Hare and at Midway.

19 Q. And what exactly did Return Key Systems do?

09:29:37 20 A. It was a fully automated mailing system that was located
21 inside the TSA checkpoint so that if you got caught with your
22 pocket knife, rather than forfeit it, TSA would deposit the
23 item in the kiosk for you, and you would enter your name and
24 address, pay a shipping charge, and we would mail the item
09:30:00 25 home to you.

1 Q. Did you have to build any special equipment for that?

2 A. Yeah, that was all custom. In fact, we have a patent on
3 that device.

4 Q. Is Return Key Systems still in business?

09:30:13 5 A. No. Return Key business is not in business.

6 Q. What happened to it?

7 A. About two years ago, we were operating both Return Key and
8 Hold It Right There. It was a very taxing job to handle both
9 companies.

09:30:29 10 The mailing business at the airports was a marginal
11 business, and we had a competitor that had been interested in
12 purchasing it. So the investors at Return Key Systems decided
13 to sell the company to a competitor, and we closed Return Key
14 Systems as a result.

09:30:50 15 Q. And is there a system like that in effect at O'Hare today?

16 A. I do not believe it's still in place at O'Hare. It's in a
17 number of other airports around the country.

18 Q. Was there more than one patent involved in that?

19 A. On the Hold It -- on the Return Key Systems for the
09:31:10 20 mailing at the airport, there was one patent.

21 Q. And was that patent assigned to the people who bought
22 Return Key Systems?

23 A. Yes. It was on my name, and I assigned it over to Return
24 Key Systems.

09:31:22 25 Q. You also mentioned something called Hold It Right There.

1 Was there an abbreviation that Hold It Right There was known
2 by?

3 A. It stood for HIRT, H-I-R-T.

4 Q. And what kind of work did HIRT do?

09:31:34 5 A. When we were contacted by the Sheriff's Department, they
6 were concerned about items entering courthouses and jails that
7 were prohibited, like cellphones, like pocket knives, and they
8 asked if we could use our mailing system, and I explained to
9 the Sheriff's Department that I don't think anybody would be
09:31:56 10 happy paying a fee and having to wait a day or two to receive
11 their phone back in the mail just because they had to go into
12 the courthouse for 15 or 30 minutes.

13 I proposed that we could develop a separate storage
14 device for that service, and the sheriff asked us to put
09:32:18 15 together a proposal, which we did.

16 Q. And did HIRT install equipment to do that at courthouses
17 in Cook County?

18 A. Yes, we did. We formed HIRT, we developed a product, we
19 built it, and we installed it at the 26th Street courthouse at
09:32:39 20 the main jail. We had it at the Daley Center. We had it at
21 Markham, or it might have been Maywood, I don't recall, and we
22 had it temporarily at the juvenile center courthouse.

23 Q. And what kind of equipment did you use for the HIRT work?

24 A. We took basically a vending machine, took all the insides
09:33:09 25 out, built our own electronics to control it. It was a

1 carousel-type vending machine that would have little
2 compartments.

3 The machine was designed so that we would take a
4 picture of the person putting the item in. We'd take a
5 picture of the item. We could view the person standing in
6 front of the machine, so if somebody said, oh, I don't
7 remember where I put my item or I lost my card, we could
8 actually remotely access that device, look at the person
9 standing in front of it, look at our database, see where they
10 put the item in and we would know what the item was, we'd
11 verify what the item was, and then we could rotate the
12 carousel so the customer could retrieve their item.

13 Q. Are those devices still in use in Cook County?

14 A. They are not in use to my knowledge at this time in Cook
15 County.

16 Q. Now, after you were up and running with the machines at
17 the courthouses, did you -- did the sheriff ask you to do more
18 work?

19 A. Yes. We were told that the sheriff was having a
20 problem --

21 MS. O'CONNOR: Objection. Hearsay.

22 MR. K. FLAXMAN: Let me go back.

23 BY MR. K. FLAXMAN:

24 Q. You said we were told. Who told you?

25 A. I was told by Patricia Horne.

1 Q. Do you know who Patricia Horne was?

2 A. At the time, I was told she was --

3 MS. O'CONNOR: Objection. Hearsay.

4 BY THE WITNESS:

09:34:35 5 A. -- I believe --

6 THE COURT: Wait, hold on a minute.

7 The issue is the witness relying on hearsay for the
8 identity of Patricia Horne? Is that what we're talking about,
9 Mr. Flaxman?

09:34:52 10 MR. K. FLAXMAN: I think that's what the question
11 was. I'll be glad to lay more foundation for this.

12 THE COURT: Well, is there an exception to the
13 hearsay rule that would allow it is what I'm asking you.

14 MR. K. FLAXMAN: It's a party. She's a party
09:35:03 15 representative at that time.

16 MS. O'CONNOR: She's not a witness --

17 THE COURT: You know what, I'm going to sustain the
18 objection to that question.

19 BY MR. K. FLAXMAN:

09:35:10 20 Q. Well, let me ask you to look at what's been previously
21 marked as Plaintiffs' Exhibit 26 which might be on your
22 screen. Do you see that?

23 MS. O'CONNOR: Your Honor, I object to this exhibit
24 as far as this witness is not going to be able to establish
09:35:48 25 the proper foundation. His name is not on it --

1 THE COURT: First of all, the exhibit has not been
2 introduced, it has not been moved into evidence, and I haven't
3 heard the foundation yet, so I think you're a little bit
4 premature.

09:36:00 5 Go ahead, Mr. Flaxman.

6 BY MR. K. FLAXMAN:

7 Q. Do you have that in front of you?

8 A. I do.

9 Q. Have you ever seen this document, the first page of this
09:36:06 10 document, before?

11 A. Yes, I have.

12 Q. How did you have occasion to see it?

13 A. It was provided to me by Patricia Horne.

14 Q. And was Patricia Horne acting as the Integrity and
09:36:20 15 Compliance Branch of the Office of Professional Review of the
16 Sheriff of Cook County when she gave it to you?

17 A. She was.

18 MR. K. FLAXMAN: We would move into evidence of
19 Exhibit 26.

09:36:30 20 THE COURT: All right. And the objection is?

21 MS. O'CONNOR: Your Honor, this witness is not
22 identified in this exhibit at all. This witness cannot lay
23 the proper foundation for this business record. Whether or
24 not he saw it is irrelevant.

09:36:40 25 THE COURT: Okay. So to begin with, I don't have the

1 whole document. Is it just this one page that you're moving
2 in?

3 MR. K. FLAXMAN: No.

4 THE COURT: Well, you'd better give me the exhibit.

09:36:49 5 MR. K. FLAXMAN: This is one of the stipulated
6 exhibits in the pretrial order, your Honor.

7 THE COURT: It's a stipulated exhibit.

8 MS. O'CONNOR: It's a stipulated exhibit, but not as
9 far as this witness to introduce it.

09:36:56 10 THE COURT: Well, then we don't need a witness to
11 introduce it. If it's a stipulated exhibit and the witness
12 can use it, then it's in evidence, right? That's what you
13 stipulated to.

14 MR. K. FLAXMAN: Yes.

09:37:04 15 THE COURT: All right. It's in evidence. Let's go
16 ahead.

17 MR. K. FLAXMAN: We could hand a paper copy to your
18 Honor.

19 THE COURT: I don't even need to rule on it. Thank
20 you.

21 MR. K. FLAXMAN: Thank you.

22 BY MR. K. FLAXMAN:

23 Q. All right. When Patricia Horne, you talked about we were
24 told and then you said Patricia Horne told -- told -- told us,
25 and -- do you remember that?

1 A. Yes.

2 Q. When she told you that, was it your understanding that she
3 was acting on behalf of the Sheriff of Cook County?

4 A. Yes.

09:37:34 5 Q. And what did Ms. Horne, acting on behalf of the Office of
6 the Sheriff of Cook County, ask you, HIRT, to do?

7 A. We were informed that there were problems at Cook County
8 Sheriff's Department handling arrestee property, specifically
9 noncompliant property, and that they were having a difficult
09:38:02 10 time keeping databases and records of what property was where
11 and how it was stored.

12 She asked us to develop a system that could be
13 implemented to correct these problems and create a logical
14 database of this property.

09:38:24 15 Q. Okay. And when you said we were informed, that she asked
16 us, were you referring to the same person?

17 A. Yes.

18 Q. And who was that?

19 A. Patricia Horne.

09:38:30 20 Q. Okay. And did you respond to her request?

21 A. We did. We -- we held several discussions with Patricia
22 Horne and other people at the jail regarding the requirements,
23 and it was initially discussed that we would mail the property
24 to the arrestee at an address that he designated when he was
09:39:01 25 arrested, but there was a problem using that service because

1 it would have been cost prohibitive.

2 Q. Let's go back. When Ms. Horne asked you to perform this
3 work, what was your understanding of what kind of property you
4 were going to be storing?

09:39:20 5 A. It was dealing with the terminology noncompliant property.
6 Noncompliant meant that it was -- it was not the arrestee's
7 money. What it was was things like their -- any documents
8 they might have, their wallet, a piece of clothing. Things
9 like that. That was considered noncompliant. There were
09:39:50 10 seven total items that were considered noncompliant.

11 Compliant, so you have an understanding, are things
12 like the person's cash. If he was arrested and he had \$500
13 cash on him, that was considered compliant property. That was
14 handled a different way.

09:40:07 15 Their wedding ring was considered compliant property.
16 Their Bible or religious articles would be considered
17 compliant property. We did not handle those. We handled
18 noncompliant.

19 Q. Now, who did this property come from? Who did it belong
09:40:23 20 to?

21 A. Well, noncompliant property belonged to the person that
22 was being arrested, whether they were arrested through the
23 City of Chicago or by the Cook County Sheriff's Department.

24 Q. Well, but let's go back to the work that you were asked to
09:40:37 25 do with the noncompliant and compliant.

1 What people were giving up that property? Were those
2 people who were arrested by the -- at Markham and the other
3 courthouse?

4 A. Yeah, they were people that were being arrested and in the
09:40:53 5 process of being booked at either Maywood, Markham or at the
6 main jail.

7 Q. And before -- am I correct that before you started this,
8 this project for the sheriff, all of the detainees' property,
9 the arrestees' property, was being shipped to the jail?

09:41:13 10 A. That is correct.

11 Q. And what would happen with the noncompliant property under
12 your project?

13 A. Under our project, rather than shipping the property to
14 the jail, we maintained control of the arrestee's property and
09:41:26 15 warehoused it and cataloged it and documented where the
16 property was being stored so that it could be returned to the
17 arrestee upon his release.

18 Q. And how would you go about maintaining control of the
19 arrestee's noncompliant property?

09:41:43 20 A. When somebody was in the process of being booked, they
21 would stand with the booking officer by our machine that we
22 set up in Maywood and Markham.

23 The machine was a computer screen. It had bar code
24 readers. It had fingerprint scanners. It had video evidence
09:42:09 25 recording equipment, so all the arrestee's property would be

1 laid out on the table individually so that it could be
2 recorded digitally and we could have a video record of what
3 they were turning over to the Sheriff's Department.

4 At the same time, the booking officer would enter the
09:42:28 5 arrestee's name, date of birth, Social Security number and
6 mailing address and any other pertinent information regarding
7 that arrestee into the system. Once it was all entered, our
8 system generated a bar code number, a unique number for that
9 transaction with the arrestee's information on the label. All
09:42:52 10 the property was put into a heavy duty heat-sealed bag. It
11 was sealed in front of the arrestee, all on camera, and the
12 arrestee, we will put the label on the package. The arrestee
13 was given a receipt for his property, and we immediately
14 transmitted a record of that transaction to the Trust
09:43:18 15 Department of the Cook County Sheriff's Department, and we
16 kept a copy of the information for ourselves.

17 Then we had a storage cabinet that was computer
18 controlled. Once that was done, the door would open and allow
19 the sheriff's officer to deposit that package into the kiosk
09:43:39 20 and the door would close, and we were the only ones who had
21 access to the kiosk and the property.

22 Once a day, we would have our staff in the afternoon
23 go to Maywood and go to Markham to these machines, open the
24 machines, pull all the property out, and take it to our office
09:44:00 25 location on West 63rd Street, where it was catalogued and put

1 on storage shelves in numerical order.

2 Q. Who paid for this work you were doing?

3 A. In actuality, the arrestee. It was the decision that Cook
4 County was charging the arrestees for holding that property.

09:44:24 5 There was a 19.95 -- \$19.95 fee associated with storing that
6 property, but in order to be paid, what we agreed with Cook
7 County is Cook County took that 19.95 from the arrestee as
8 soon as they were booked, so when they were booked and they
9 had compliant property, cash, that cash we didn't handle.

09:44:55 10 That was handled by Cook County. That went to the arrestee's
11 trustee account.

12 Every arrestee had a separate account set up where
13 they -- their money would be put in or outside, you know,
14 family members could put money in so that they could use it at
09:45:12 15 a commissary or so that they could use it to bail themselves
16 out.

17 So when we transmitted the transaction to the Trustee
18 Department, they knew instantly that this person's property
19 was handled and turned over to us so that the County could
09:45:37 20 immediately take the 19.95 out of their account and transfer
21 it to us.

22 Q. Let me stop you and ask you another question.

23 A. Sure.

24 Q. You referred to Cook County. Were you dealing with Cook
09:45:50 25 County or with the Sheriff of Cook County?

1 A. I apologize. When I say Cook County, I mean the Cook
2 County Sheriff's Department.

3 Q. And were you collecting the 19.95 directly from the
4 prisoner?

09:46:02 5 A. I was not. The Sheriff's Department was.

6 Q. And who was sending the money to you?

7 A. The Trust Department.

8 Q. Of the Sheriff's Department?

9 A. Yes.

09:46:09 10 Q. And did you have to wait for the detainee, the arrestee,
11 to have money before you got paid?

12 A. No. We got paid on every transaction.

13 Q. Now, you said that you would store the arrestee's
14 property, the prisoner's property, in a secure location on
09:46:26 15 63rd Street.

16 Would the arrestees, when they got out, come to pick
17 it up at 63rd Street?

18 A. Yes, they would -- the receipt that they got gave a
19 complete explanation of the process. It showed the address,
09:46:41 20 phone number, and their bar code of their transaction, so when
21 they brought their paper to our office, we could look up their
22 transaction.

23 We went one step further and also tied their
24 transaction to their fingerprint, so when they were being
09:47:01 25 booked in and their property was being recorded, we would

1 record their fingerprint so if they lost their piece of paper,
2 they could come to our office and from their fingerprint, our
3 software database would pull up their transaction, and we
4 would know where their package was.

09:47:21 5 Q. Did you ever have any trouble finding a prisoner's
6 property?

7 A. No, not a single one.

8 Q. Why is that?

9 A. Well, we kept everything in a very logical and orderly
09:47:31 10 fashion with proper identification on the outside of the
11 packages, so it was easy to locate.

12 Q. When you were running this project, did you, HIRT, allow
13 the prisoner to come and open his or her bag and check to see
14 everything was there?

09:47:48 15 A. In fact, we encouraged the inmate to open their package
16 right as we gave it to them and inspect because we didn't want
17 them going away and saying, hey, I didn't have a certain item.

18 We had a number of instances where somebody would
19 say, hey, I had this kind of a watch or I had this item in my
09:48:09 20 possession.

21 We were actually able to pull up the video of their
22 booking so that when their property was coming in, we could
23 play it for them right at our office so they could see that
24 that property was not there at the time of their booking, so
09:48:27 25 there was never any question about missing property.

1 Q. Did you have to build any special equipment for this
2 project?

3 A. All of it was custom, all of it was -- all the software
4 was custom developed.

09:48:39 5 Q. And was the hardware custom fabricated?

6 A. Yes. Everything was assembled by us according to what we
7 wanted the system to do.

8 Q. Are there any patents on this?

9 A. Yes. We have a patent on that process.

09:48:52 10 Q. Okay. Now, at some point -- well, is that compliant and
11 noncompliant project still in operation?

12 A. No. It was started as a six-month pilot by Cook County to
13 see how the system worked, to see how it was received at the
14 Maywood and Markham booking centers.

09:49:17 15 Q. Did anybody from the Office of the Sheriff ever tell you
16 why it was that they wanted to separate compliant property
17 from noncompliant property?

18 MS. O'CONNOR: Objection. Calls for hearsay.

19 THE COURT: Well, it depends, I guess, who's saying
09:49:29 20 it. It could -- I don't know if it's an admission or what.
21 Let's find out who it is, who said it.

22 BY MR. K. FLAXMAN:

23 Q. Okay. Well, did any high-ranking official in the Office
24 of the Sheriff of Cook County tell you why they wanted to
09:49:45 25 separate compliant from noncompliant property?

1 MS. O'CONNOR: Same objection.

2 THE COURT: We have to find out who the person is.

3 BY MR. K. FLAXMAN:

4 Q. Well, that's a yes or no question.

09:49:53 5 A. Yes.

6 Q. Was it more than one person who told you that?

7 A. Yes.

8 Q. Well, who's the first person you can think of who told
9 you -- what's the highest ranking person who told you that you
09:50:02 10 could think of?

11 A. The highest ranking would be Sheriff Dart.

12 Q. Okay. And how many conversations did you have with
13 Sheriff Dart?

14 A. Two or three that I can recall that specifically stand
09:50:15 15 out.

16 Q. And where did those conversations take place?

17 A. At the Daley Center.

18 Q. And what part of the Daley Center?

19 A. Well, we had two of the temporary storage machines for the
09:50:26 20 cellphones in the basement of the Daley Center, and we used to
21 do repair and maintenance on those machines after hours, after
22 the court was closed for a couple hours, so that we wouldn't
23 inconvenience anybody trying to retrieve their item.

24 They were right beside the door where Sheriff Dart's
09:50:49 25 limo was, and he would exit the building, and whenever I was

1 there working on it, he would come over, and we would talk
2 about the service that we were providing there with the
3 temporary storage and the Maywood and Markham arrestee
4 property.

09:51:09 5 Q. Do you remember the dates of any of these conversations?

6 A. I could not give you a date.

7 Q. Was anybody else present during any of these
8 conversations?

9 A. My software developer, Robert Marshall.

09:51:21 10 Q. And he's in Texas now, right?

11 A. He's in Texas.

12 Q. What did Sheriff Dart tell you about why they were
13 separating compliant property from noncompliant property?

14 A. The understanding was that under law, they had to separate
09:51:41 15 compliant and noncompliant property, and the compliant
16 property was not a major issue for them because they had
17 procedures put in place to handle the money and handle those
18 items that traveled with the arrestee, but the noncompliant
19 problem was one that was created not just by Cook County
20 Sheriff's Department.

21 They were receiving property coming in from Chicago
22 that was a lot of noncompliant property as people were being
23 arrested, and they were trying -- I was told they were trying
24 to cut down on how much property was coming in and to find a
09:52:32 25 better way to handle it because they were not able to keep up

1 with the volume.

2 Q. Did Sheriff Dart ever tell you that they were trying to
3 limit liability for noncompliant property?

4 A. Yes.

09:52:44 5 Q. And were they trying to limit liability for noncompliant
6 property by just not letting it come into the jail?

7 MS. O'CONNOR: Objection, leading.

8 THE COURT: Sustained.

9 MR. K. FLAXMAN: I'll withdraw the question.

09:53:03 10 BY MR. K. FLAXMAN:

11 Q. Did Sheriff Dart ever tell you that they had a problem
12 storing noncompliant property?

13 MS. O'CONNOR: Same objection.

14 THE COURT: Sustained. The questions are leading,
09:53:13 15 Mr. Flaxman.

16 BY MR. K. FLAXMAN:

17 Q. Okay. Did Sheriff Dart tell you anything else about the
18 noncompliant property?

19 A. He told me that he was really pleased that we were
09:53:21 20 involved because we were solving a problem for him.

21 Q. Now, did you ever meet a man named Salvador Godinez?

22 A. Yes. He was the director of the jail.

23 Q. Was he the executive -- was he in charge of the jail?

24 A. Yes.

09:53:38 25 Q. Okay. Did you ever have any discussions with him about

1 the noncompliant and compliant property?

2 A. Yes. When we were --

3 Q. Hold -- before you tell us about it, how many
4 conversations did you have with him?

09:53:49 5 A. At least three or four.

6 Q. And where did those conversations take place?

7 A. At the main jail at his office in the administration
8 building.

9 Q. Was anybody else present during those conversations?

09:54:02 10 A. My software developer, Robert Marshall.

11 Q. Okay. Can you remember the dates of any of those
12 conversations?

13 A. I could not give you any date.

14 Q. Do you remember any of those conversations specifically
09:54:12 15 different from other conversations?

16 A. Yes. When we were in negotiations and discussions of
17 handling noncompliant property, we were taken on a tour of the
18 jail facility, the main lockup over on 26th Street, and shown
19 the property storage rooms.

09:54:29 20 There were three storage rooms at the jail, one on
21 the main floor of the administration building and two in the
22 basement of the jail. And when we were taken in and shown the
23 noncompliant property that had been stacked up, we were
24 told --

09:54:49 25 MS. O'CONNOR: Objection. Hearsay.

1 THE COURT: Told by?

2 BY THE WITNESS:

3 A. Director Godinez.

4 THE COURT: Overruled.

09:54:55 5 BY THE WITNESS:

6 A. That as you can see, we have a big problem here. The room
7 was a large room filled with hundreds of boxes that were
8 falling over, that were wet from previous floods, that were
9 clearly tampered with, and we were told that they needed to
10 find a solution to this problem.

11 MR. K. FLAXMAN: Okay. I want to show you what's
12 been marked, I think, as Exhibit 65-1.

13 (Video played to the witness.)

14 BY MR. K. FLAXMAN:

09:55:56 15 Q. Do you have that in front of you? Could you tell us what
16 it is just without -- is it a video you took?

17 A. Yes. Just so you know, it looks like the video stopped.

18 Q. Well, I paused it to identify it.

19 A. Okay. When the --

09:56:12 20 Q. Before we say what's in it --

21 THE COURT: I'm sorry.

22 MS. O'CONNOR: We don't have the exhibit on the
23 screen.

24 THE COURT: You know, is this because of the
25 technology problems we're having?

1 MR. K. FLAXMAN: It's on the cart screen.

2 THE COURT: Why don't you come up and look at it and
3 at the next break, we'll try to get the whole system, which it
4 almost never works, we'll try to get it working.

09:56:34

5 MS. O'CONNOR: It was working earlier.

6 THE COURT: Oh, it is working. Okay.

7 MS. O'CONNOR: It was today.

8 BY MR. K. FLAXMAN:

9 Q. Is Exhibit 65-1 a video that you took?

09:56:43

10 A. Yes, when --

11 Q. Before you explain, and was it a video you took of the --
12 well, was it a video you took when you were touring the
13 storage areas in Cook County Jail?

14 A. Yes.

09:56:56

15 MR. K. FLAXMAN: We would move into evidence
16 Exhibit 65-1.

17 THE COURT: Any objection?

18 MS. O'CONNOR: No objection.

19 THE COURT: It is received.

09:57:08

20 (Plaintiffs' Exhibit No. 65-1 was received in evidence.)

21 MR. K. FLAXMAN: May we publish it to the jury?

22 THE COURT: Yes, it may be published.

23 So does each juror have a screen? Oh, good. That's
24 an improvement on the way things used to be.

09:57:19

25 And can you all see it? Excellent.

1 (Video published to the jury.)

2 BY MR. K. FLAXMAN:

3 Q. Let me pause it. Now that we've seen a little bit of it,
4 could you tell us what we're looking at?

09:57:30 5 A. This is the main storage room for the noncompliant
6 property of people that were admitted into the jail. This
7 dates from approximately 2006 through 2011.

8 This is one of the rooms. There were two long
9 corridors. Boxes were stacked on shelves on both sides of the
09:57:57 10 corridor in the aisles and just haphazardly distributed.

11 Q. Was this a video of the condition of that basement storage
12 area before you started doing any work there?

13 A. Yes. This is prior to us installing any equipment.

14 MR. K. FLAXMAN: Let me finish playing the video.

09:58:21 15 (Video resumed.)

16 BY MR. K. FLAXMAN:

17 Q. Now, if you look at where it stopped on -- I see there are
18 bankers boxes and pieces of paper taped to the front of those
19 boxes. Do you know what those pieces of paper are?

09:58:41 20 A. I was told by Nancy Donahoe --

21 Q. Well, let's go back. Who is Nancy Donahoe?

22 A. She was one of my contacts regarding the backlog property
23 inventory.

24 Q. Is she one of the general counsel for the sheriff?

09:58:57 25 A. I believe so, yes.

1 Q. What did she tell you about those pieces of paper?

2 A. She informed me that a year or two previous, they had
3 sheriff cadets come into the room and go through every single
4 box and list a transaction number of each package that was in
5 the box on the outside of the box. This was done to try and
6 get an idea of what was present in the inventory room.

7 Q. Now, at some point after you started a project that we'll
8 talk about in a minute, were you able to check to see if those
9 listings on the front of the boxes corresponded to what was
10 inside each box?

11 A. We did not, and the reason was twofold. One --

12 Q. Well --

13 A. Okay.

14 Q. That's enough.

09:59:53 15 I want to show you -- can we unpublish the video? --
16 what's been marked as Exhibit 65-2. Is this another video
17 that you took when you were touring the basement storage area?
18 And I paused it --

19 A. Yes.

10:00:30 20 Q. -- while you're answering the question.

21 A. Yes.

22 MR. K. FLAXMAN: We would move the admission into
23 evidence of 65-2.

24 THE COURT: Any objection?

10:00:36 25 MS. O'CONNOR: No objection.

1 THE COURT: 65-2 is received.

2 (Plaintiffs' Exhibit No. 65-2 was received in evidence.)

3 MR. K. FLAXMAN: May I publish it to the jury?

4 THE COURT: You may.

10:00:44 5 MR. K. FLAXMAN: Thank you.

6 (Video published to the jury.)

7 BY MR. K. FLAXMAN:

8 Q. Let me pause it. Can you tell us what we're looking at?

9 A. This was a typical arrestee property bags in the banker
10 boxes. They contained all kinds of items I don't want to get
11 into at this point, but a lot of the boxes did not have lids.
12 There were a lot of bags that were obviously tampered with,
13 had been torn open.

14 MS. O'CONNOR: Objection. Speculation.

10:01:32 15 THE COURT: Overruled.

16 BY MR. K. FLAXMAN:

17 Q. Let me ask a question about that.

18 When you say obviously tampered with, how could you
19 tell that the bags had been obviously tampered with?

20 A. Well, they were a type of plastic that's hard to tear.
21 You know, we all know what it's like when you try to tear a
22 piece of plastic and it stretches.

23 Well, there were bags that were stretched wide before
24 they would burst open, and you could see all the contents that
25 were in the bag. There were many bags where there was jewelry

1 obviously in the bag that had been torn open.

2 Q. Okay. Now, why were you making these videos?

3 A. Well, it was for two reasons. One, we wanted to make sure
4 that we had a good understanding of the area because we had to
10:02:26 5 set up work stations in there. We had to make sure that we
6 had proper electricity, proper mounting surfaces for the
7 cameras, and the other reason was I wanted to be able to show
8 the scope of the project to the investors of Hold It Right
9 There.

10:02:46 10 Q. And, well, what was -- what was the scope of the project?

11 A. Well, initially, we were informed that there were
12 approximately --

13 MS. O'CONNOR: Objection. Hearsay.

14 THE COURT: Tell us who.

10:02:59 15 BY MR. K. FLAXMAN:

16 Q. Who -- initially you were told by whom?

17 A. Patricia Horne, Director Godinez, Director Miller, Nancy
18 Donahoe.

19 THE COURT: Overruled.

10:03:12 20 BY MR. K. FLAXMAN:

21 Q. Did they all give you information about the size of the
22 project you were going to undertake?

23 A. Yes. Everybody estimated that there was 80,000 packages
24 in the basement of arrestee property that needed to be
25 cataloged.

1 Q. And at some point, did you actually count them?

2 A. Well, yes. As we did the project, we went through and
3 there was not 80,000.

4 Q. Do you remember how many there were?

10:03:36 5 A. I believe it was somewhere in the 50,000 range.

6 Q. Now, well, when you -- were you -- well, what did these
7 pictures show your investors? By your investors, I mean the
8 people who were putting up money for HIRT to do this work.

9 A. There was an indication of the volume of the business so
10 that we could justify spending, you know, a few hundred
11 thousand dollars on equipment and software.

12 Q. Well, what kind of equipment -- well, we haven't gotten to
13 the thing yet.

14 Let's finish playing the video. Thank you.

15 (Video resumed.)

16 BY MR. K. FLAXMAN:

17 Q. Now, were there boxes on top of boxes on top of boxes?

18 MS. O'CONNOR: Objection. Leading.

19 THE COURT: Sustained.

10:04:32 20 BY MR. K. FLAXMAN:

21 Q. Well, what did we see about boxes in that last video we
22 just watched?

23 A. There was very little room in that room for additional
24 storage, so it became necessary for them to start stacking
25 boxes higher and higher and in front of other shelves.

10:05:12

1 This became a problem because, one, you didn't know
2 what was behind a row of boxes; and, secondly, some of the
3 boxes were heavy. They started getting crushed. And on at
4 least two occasions, I witnessed that room flooding with six
5 inches of water.

6 So the boxes that were on the bottom sitting on the
7 floor just got soaked, wicked up all the moisture, and the
8 weight of the boxes on top just made them crash and then
9 stacks would fall over.

10:05:29

10 Q. Now, let me just show you one more if I could unpublish
11 from the jury.

12 This is a -- first of all, could you tell us you're
13 looking at Exhibit 65-4; is that correct?

14 A. Yes.

10:06:10

15 Q. And what is it?

16 A. This is a view from the back of the room looking towards
17 the front of the room where the entrance to the room is. At
18 the far end, you could see my software developer. He is
19 sitting there setting up a laptop to test our connectivity.

10:06:32

20 Q. Now, did you take this picture?

21 A. I -- I did.

22 Q. Does it truly and accurately depict the condition of the
23 basement storage room when you viewed it?

24 A. Yes.

10:06:42

25 Q. Do you remember the date that you viewed it?

1 A. I believe it was in January of 2011.

2 Q. Well, if the project started on January 10th of 2011, was
3 it --

4 A. It was -- it was either January -- early January or
10:07:01 December.

6 MR. K. FLAXMAN: Okay. We would move the admission
7 into evidence of 65-4.

8 THE COURT: Any objection?

9 MS. O'CONNOR: No objection.

10 10 THE COURT: 65-4 is received, and you may publish it.
11 (Plaintiffs' Exhibit No. 65-4 was received in evidence
12 and published to the jury.)

13 BY MR. K. FLAXMAN:

14 Q. Now, after you -- I think you told us that you were
10:07:33 15 viewing the basement storage area for a project. What was the
16 project?

17 A. The project was to go through each and every box and
18 catalog the contents of each package. The goal was to record
19 as much information about the arrestee as possible, any names,
20 any addresses, phone numbers, Social Security numbers, and any
21 valuable contents that may be in the packages --

22 Q. And --

23 A. -- and create a database for the Sheriff's Department.

24 Q. Could you describe to us -- well, did you build equipment
10:08:14 25 to do this?

1 A. Yes, we did.

2 Q. Could you describe for us what that equipment was?

3 A. We set up six work stations. Each work station had a
4 camera that was pointing down at the surface area. We had
10:08:27 5 computers with bar code scanners, heat sealer for bags, and a
6 keyboard.

7 When we opened up a package, the -- our employee
8 would touch the screen to start the transaction. That would
9 generate a custom video record of that transaction. We would
10:08:53 10 start videotaping. We would lay the package out under the
11 camera, open the package, and take the contents out and look
12 for documentation, look for cash, look for jewelry.

13 That would all get entered into the database by the
14 employee. It would all be wrapped back up again and sealed in
15 a new bag that was heat sealed. We would generate a bar code
16 label with the arrestee information that we gained and the
17 custom number. That would go on the outside of the bag, so we
18 had a chronological list of the items that were in there so
19 you could search either by the bar code or you could search
10:09:39 20 for a specific name.

21 Q. How many work stations did you build for this project?

22 A. We had six work stations that were manned eight hours a
23 day for two shifts, so sixteen hours a day.

24 Q. Did the sheriff advance you the money to build these work
10:09:59 25 stations?

1 A. No. That was advanced by our investors.

2 Q. And about what did it cost to build these work stations?

3 A. Well, building the work stations, writing the software,
4 shipping all the equipment and installing, it was a few
5 hundred thousand dollars.

10:10:15

6 Q. Okay. Now, at some point, you got paid by the sheriff for
7 doing this work?

8 A. That's correct.

9 Q. And you got -- do you remember how much you got?

10:10:28

10 A. Approximately 500,000.

11 Q. Okay. Do you have any bad feelings towards the sheriff
12 about not paying you?

13 A. No.

10:10:40

14 Q. Do you have any axe to grind against the Sheriff of Cook
15 County?

16 A. No.

17 Q. Okay. And did you get paid for all the work you did?

18 A. Yes.

10:11:02

19 Q. Okay. Now, once you started doing this inventory
20 project -- well, was there a written agreement with the
21 sheriff to do this inventory project?

22 A. Yes, there was.

23 Q. Was there -- did they pay you -- how were you going to get
24 paid for doing this work?

10:11:15

25 A. We were getting paid \$9.95 per package that was processed.

1 We would submit a weekly total to the Trust Department and
2 within a day or two, the Trust Department would cut us a check
3 for the items that were processed.

4 Q. Now, when you started actually working on the project, did
10:11:41 5 you ask for more space?

6 And that's a yes or no. And the next question would
7 be who did you ask?

8 A. Yes. We asked Director Godinez and Director Miller and
9 Nancy Donahoe. The reason was we had -- we were putting all
10:12:02 10 these items in new boxes, and we wanted to keep things in a
11 logical order.

12 Because there was not enough room in that room to
13 begin with, we asked for an additional storage room where we
14 could start stacking boxes and keep everything in a logical
10:12:22 15 order, but we were told that there were no additional rooms
16 available.

17 Q. Who told you that?

18 A. Director Godinez and Director Miller.

19 Q. Okay. Is Director Godinez above Director Miller?

10:12:36 20 A. Yes.

21 Q. Okay. Did you make any other requests for equipment or
22 space?

23 MS. O'CONNOR: Objection. Leading.

24 THE COURT: Sustained.

10:12:44 25 BY MR. K. FLAXMAN:

1 Q. Okay. When the project got underway, how -- well, when
2 the project got underway, you talked about the bags being
3 opened. Did you -- what did you do with -- well, did you find
4 any contents of the bags that you did not replace back into
10:13:08 5 the plastic bags?

6 A. No.

7 MS. O'CONNOR: Objection. Leading.

8 THE COURT: You know, it is leading, but I don't know
9 how else you can ask -- I'm going to overrule that objection.

10 BY THE WITNESS:

11 A. When we were opening the bags, we were finding what we
12 expected, noncompliant property, but we started finding other
13 things, too, like cash and jewelry. And it was our agreement
14 that Cook County Sheriff's Department was going to provide us
10:13:39 15 with a lockbox so that we could take the cash that we found,
16 put it in the lockbox so that money could be transferred to
17 the Trust Department so that it could be assigned to whoever
18 owned that property.

19 However, when we started finding cash, the Sheriff's
10:14:05 20 Department failed to give us the lockbox. We offered to
21 purchase one. We were told not to bother and to put all the
22 contents back in the bag, including the cash.

23 The only thing we were told to remove from the bag
24 were prescription drugs and cigarettes and lighters, and we
10:14:29 25 were given trash bins where we would put all the prescription

1 drugs and another one for cigarettes and lighters, and the
2 Sheriff's Department would come in and dispose of the
3 medications and the cigarettes on their own.

4 Q. Okay. I want to show you what's previously been marked as
10:14:51 5 Exhibit 65-7.

6 (Video played to the witness.)

7 BY MR. K. FLAXMAN:

8 Q. And are you able to tell us what that is a video of?

9 A. Yes. This is a video of what our cameras captured at our
10:15:29 10 work stations. This is a sample of our employee opening one
11 of the bags and going through the process.

12 Q. Now, you had a chance to look at all these videos before
13 testifying here today; is that right?

14 A. I did.

15 Q. Okay. We'd move -- does this video truly and accurately
16 depict what happened during your work?

17 A. Yes.

18 MR. K. FLAXMAN: Move the admission into evidence of
19 65-7 and request to publish it.

10:15:55 20 THE COURT: Any objection?

21 MS. O'CONNOR: No objection.

22 THE COURT: It's received and it may be published.

23 (Plaintiff's Exhibit No. 65-7 was received in evidence.)

24 MR. K. FLAXMAN: Thank you, your Honor.

10:16:03 25 (Video published to the jury.)

1 BY MR. K. FLAXMAN:

2 Q. Now, let me pause the video, and the first question, the
3 video seemed to be jumpy. Is that -- well, why was that?

4 A. The reason it is jumpy is because we had to cut down on
5 the number of frames that we took video of because we had six
6 stations running 12 hours a day plus two additional cameras in
7 the room, and we knew it was going to be a four- or five-month
8 project.

9 And so the volume of space that it would take to
10 record a higher definition video was unrealistic, so we cut
11 down the frames so that we could fit the video on the storage
12 devices that we had.

13 Q. Now, what did we just -- could you describe for the
14 written record what it was we just saw in the video?

15 A. Well, our employee opened up the exterior bag and inside
16 found what looks like shoelaces or string from a hoodie and an
17 envelope. They were instructed to go through all the contents
18 to try and find supporting documentation. When they opened up
19 the envelope that was inside, it is clear that there was cash
20 in the envelope.

21 Q. Is there anything on that worker's hands?

22 A. Yes. They were wearing gloves because prior to this,
23 there had been a flood in the storage room, that the floor
24 flooded about six inches, so any of the boxes that were on the
25 ground were soaking and very nasty, and so we had our

1 employees wearing gloves and masks during this time because it
2 was -- it was disgusting.

3 Q. Was it a flood of water?

4 A. It was a flood of water.

10:18:40 5 Q. Do you know where it came from?

6 MS. O'CONNOR: Objection. Speculation.

7 THE COURT: Well, I think there needs to be a
8 foundation.

9 BY MR. K. FLAXMAN:

10:18:45 10 Q. Well, did you ever see any indication of where the water
11 entered the basement storage area?

12 THE COURT: Okay. So this is based on the witness's
13 own observation.

14 MR. K. FLAXMAN: Yes.

10:18:55 15 THE COURT: Overruled.

16 BY THE WITNESS:

17 A. It came in through a secondary door that was outside the
18 storage room, and it flooded the corridor and went into the
19 storage room. So they had a major flood, and we were told
20 that it was rainwater discharge from snow melt.

21 BY MR. K. FLAXMAN:

22 Q. When you say we were told, again, who was it who told you?

23 A. Director Miller.

24 Q. Okay. Thank you. Let's finish watching the video.

10:19:26 25 (Video resumed.)

1 BY MR. K. FLAXMAN:

2 Q. Do you see the worker doing anything with that money?

3 A. Yes. She is counting the money so that it can be
4 cataloged in the database.

10:20:31 5 Q. And does that mean that she -- well, what does that mean,
6 cataloging the database?

7 A. We kept a record of all cash that was found in the
8 arrestee bags.

9 Q. So if we looked at your database, we would be able to find
10:20:45 10 this cash?

11 A. Yes.

12 Q. Okay.

13 THE COURT: And, Mr. Flaxman, at some -- sorry. At
14 some point I'd like to take a ten-minute morning recess.

15 MR. K. FLAXMAN: Let's do it right now.

16 THE COURT: Is this a good time?

17 MR. K. FLAXMAN: Yes.

18 THE COURT: I thought it might be.

19 Okay, ladies and gentlemen, let's take a ten-minute
10:21:04 20 break. Just for your planning, I have a commitment that is
21 going to require me to take a very long lunch today. We're
22 going to break at 11:30 and start again at 1:15. That is I
23 hope the longest lunch break that we will ever have to take,
24 but just so you know, that's what's going to happen today.

25 So we'll come back at about 10:30, we'll go until

1 about 11:30, and then we'll break until 1:15.

2 THE LAW CLERK: All rise.

3 (Jury exits courtroom.)

4 THE COURT: Okay. Let's try to be back no later than
10:22:05 5 ten minutes from now, everybody. And I gather there's some
6 kind of technology fix that is going to happen? No?

7 MS. O'CONNOR: Yeah, it was working this morning.

8 MR. K. FLAXMAN: You don't think we're doing well
9 with the technology? It's not bad.

10 THE COURT: Well, my whole system has crashed. I
11 don't have realtime or e-mail or anything anymore, so I don't
12 know. I think a plug fell out, but I don't know. I tried to
13 put it back in and all these electric shocks came, so I figure
14 I was putting in the wrong place, so I gave up.

15 (Recess from 10:22 to 10:30 a.m.)

16 THE CLERK: All rise.

17 (Jury enters courtroom.)

18 THE COURT: Please be seated, everyone.

19 Mr. Flaxman.

20 MR. K. FLAXMAN: I'm going to finish showing this
21 video, which is Exhibit 65-7.

22 (Video resumed.)

23 BY MR. K. FLAXMAN:

24 Q. Could you tell us what we're watching?

25 A. The employee is instructed to count the money that is

1 found, record it into the database and return the money to the
2 bag, so she is counting.

3 Q. Now, if you see her recording it in the database in the
4 video, would you speak up, and I'll stop the video.

10:33:29 5 A. Okay.

6 (Video resumed.)

7 BY THE WITNESS:

8 A. Here she's entering it.

9 BY MR. K. FLAXMAN:

10:34:10 10 Q. All right. Could you tell us what it was -- let me stop
11 the video again -- what it was you saw her do?

12 A. She was entering the dollar amount that was recovered into
13 the database.

14 Q. And how was she entering it?

10:34:23 15 A. There is a keyboard sitting right there on the table. You
16 can see a small corner of the keyboard on the screen.

17 Q. Where did the database come from that she was using?

18 A. It is a database that we created to capture as much
19 information as possible.

20 Q. When the project was over, what did you do with the
21 database?

22 A. That was turned over to Cook County Sheriff's Department.

23 Q. And in preparing for your testimony today, have you seen a
24 spreadsheet of the transactions that you logged?

25 A. I did.

1 Q. And did I show it to you last night?

2 A. You did.

3 Q. Let me, if we could unpublish this and show the witness
4 another exhibit.

10:35:07 5 Do you see that on your screen?

6 A. Yes.

7 Q. Is that -- well, what is it that you see?

8 A. This is part of the database for each transaction that we
9 created.

10:35:29 10 MR. K. FLAXMAN: And we would move the admission into
11 evidence of Plaintiffs' Exhibit 67.

12 THE COURT: Plaintiffs' 67?

13 MR. K. FLAXMAN: Yes.

14 THE COURT: Any objection?

10:35:38 15 MS. O'CONNOR: Your Honor, I have no objection.

16 THE COURT: 67 is received.

17 (Plaintiff's Exhibit No. 67 was received in evidence.)

18 THE COURT: And would you like to publish it?

19 MR. K. FLAXMAN: We could publish it while we're --

10:35:48 20 THE COURT: Sure.

21 MR. K. FLAXMAN: -- doing it, yes. Thank you, your
22 Honor.

23 BY MR. K. FLAXMAN:

24 Q. If we look at the left of the spreadsheet, we see --
10:35:58 25 what's the number for the first entry?

1 A. It is a record number. I do not recall specifically what
2 the ID number represented --

3 Q. But is it Row 2?

4 A. Oh, it is Row 2, yes.

10:36:10 5 Q. Okay. And if we go to the end of the spreadsheet, which
6 I'll do -- if we go to the end of the spreadsheet -- oh,
7 great.

8 If we go to the end of the spreadsheet, will we see
9 the row number of the last entry?

10:36:41 10 A. I believe it's in the 50,000 range.

11 Q. And if we subtract two from that number, what will we see?

12 A. The number of envelopes that we processed.

13 Q. All right. So we're looking at the wrong -- all right.

14 Let's go -- let me just go back to where we were. It looks

10:37:07 15 like the last -- well, could you -- this is very distressing.
16 I will yield to someone younger.

17 All right. Do you see the row for the last entry in
18 the database?

19 A. Yes. 56,742.

10:37:28 20 Q. So if we subtract two from -- well, if we started
21 numbering from two, does that mean there are 56,741 bags that
22 you inventoried?

23 A. Yes, or 40.

24 Q. And am I correct that one of the columns that you used in
10:37:47 25 the spreadsheet was called -- was for cash?

1 A. Yes.

2 Q. And that's what you -- what we just saw the worker
3 entering that \$500?

4 A. Yes, that's correct.

10:37:57 5 Q. And if we look at the second tab in this spreadsheet, you
6 see a highlighted -- highlighted row, and that's number 39676,
7 and if we go to the end, the cash column, do we see -- what
8 amount do we see?

9 A. \$500.

10:38:21 10 Q. So -- and that's the entry that was made -- is that the
11 entry that was made in the database for the \$500 cash that we
12 just looked at?

13 A. Yes.

14 Q. Thank you.

10:38:33 15 Why did you create this database for the sheriff?

16 MS. O'CONNOR: Objection. This was already asked and
17 answered several times.

18 THE COURT: Overruled.

19 BY THE WITNESS:

10:38:46 20 A. We created the database so that there would be a record of
21 all the arrestees' property in the storage room, in the
22 storage rooms at the jail.

23 The -- initially, we were trying to remove cash so
24 that it could be forwarded to the proper arrestee, but we were
25 told to abandon that, so we were just told to put together a

1 complete inventory of what was in that room so that the
2 Sheriff's Department would be able to explain and justify
3 where and what property there was.

4 Q. Did you ever add up the total amount of cash that was
10:39:38 5 placed back?

6 A. Yes.

7 Q. And do you remember what that was?

8 A. It was thirty-some-thousand dollars.

9 Q. Well, let's see if we can go to that. If looking at
10:40:02 10 Tab 2, sorted by cash, which is column W --

11 A. Got to go to the left.

12 Q. Well, what's the row number for the last -- the first
13 entry that doesn't have any cash?

14 A. 3016.

15 Q. If we sum -- well, you're familiar with how to do sums of
16 columns in spreadsheets, right?

17 A. Yes. You add all the columns from the highest to the
18 smallest amount.

19 Q. And I've just highlighted cell number N 3014. Do you see
10:41:02 20 a formula in that cell?

21 A. Yes. It's a sum of W 1 through W 3014.

22 Q. Is that going to give you the sum of the cash that you
23 found?

24 A. That is correct.

10:41:10 25 Q. And what's that number?

1 A. \$38,541.

2 Q. And is that the amount of money that you found in those
3 bags and put back in those bags?

4 A. Yes.

10:41:19 5 Q. Now, at some point -- could we unpubish to the jury?

6 THE COURT: You may.

7 BY MR. K. FLAXMAN:

8 Q. At some point after you started the inventory project --
9 well, when you did the inventory project for the sheriff,
10 where were you when you did it?

11 A. We were in the basement storage backlog inventory storage.
12 It was at the main jail -- I'm trying to think of the name of
13 the building -- it was something 5.

14 Q. Division 5?

10:42:06 15 A. Division 5.

16 Q. Okay. And was that a locked room?

17 A. It was a locked room.

18 Q. Did you have a key to it?

19 A. We had a key to it.

20 Q. Do you know if anybody else had access to that room?

21 A. My understanding when we started the project, I was told
22 by Director Godinez that there were only two keys to the room.
23 He was keeping one, and he was giving one to us.

24 We subsequently, within the first day's work,

25 realized that we needed to have two keys because our morning

1 shift had to be able to unlock the door and then our night
2 shift needed to be able to lock the door, so we needed two
3 keys. We went to Director Godinez, and he promptly got us a
4 second key. So to my knowledge, there were three keys.

10:43:02 5 Q. Do you know if anybody else had access to that area?

6 A. Yes. We were surprised to learn that people from the
7 personnel department had access to the storage room, and it
8 might sound a little bit strange, but there was a second room
9 attached to this main storage room that was nothing but filing
10 cabinets, and those filing cabinets contained all the current
11 personnel files for the guards at the jail, and they were
12 active files.

13 And we were surprised because we kept the door locked
14 at all times because there were inmates, you know, that were
10:43:47 15 passing by the door within 20 or 30 feet, so we kept the door
16 locked at all times, and out of the clear blue, a secretary
17 came in with a key, walked right past us into the secondary
18 room and accessed personnel files, and I thought that was a
19 little bit strange, so I notified all my contacts that that --
20 that somebody other than the sheriffs or the director had a
21 key to that room.

22 Q. When you stored property at your warehouse for the
23 courthouse project, did -- who had access to the property?

24 A. Only our employees.

10:44:38 25 Q. Did you keep any personnel files there?

1 A. No.

2 Q. Now, I want to show you a video that is marked as 65-5.
3 (Video played to the witness.)

4 BY MR. K. FLAXMAN:

10:45:14 5 Q. Could you tell us what Exhibit 65-5 is?

6 A. This is one camera angle that we had in the backlog
7 storage room. As I mentioned earlier, we had a camera on each
8 work station, but we also had two cameras up in the far
9 corners so that we could get this shot so we could watch our
10 employees on this side, and the other camera was on the other
11 side so we could keep track of who was in the room, who was
12 working, and we could keep an eye on our employees.

13 Q. Why did you want to keep an eye on your employees?

14 A. Safety and security of the property.

10:45:55 15 Q. Now -- and does this video truly and accurately depict
16 what was happening during the inventory process in the
17 basement of Division 5?

18 A. Yes. This video actually --

19 MR. K. FLAXMAN: Wait, wait.

10:46:07 20 I move the admission into evidence of Exhibit 65-5.

21 THE COURT: Any objection?

22 MS. O'CONNOR: No objection.

23 THE COURT: It is received.

24 (Plaintiff's Exhibit No. 65-5 was received in evidence.)

10:46:12 25 MR. K. FLAXMAN: May I publish it?

1 THE COURT: And you may.

2 BY MR. K. FLAXMAN:

3 Q. I'm going to play it, and then I'll stop it.

4 A. Okay.

10:46:18 5 (Video published to the jury.)

6 BY MR. K. FLAXMAN:

7 Q. Now, do you see people walking past the work stations?

8 A. Yes, I do.

9 Q. And do you also -- do you also see yourself in that video?

10:46:40 10 A. I wasn't paying close enough attention, but I'm sure I
11 come into the video.

12 Q. Did you ever learn who those people were?

13 A. They were representatives of the Sheriff's Department. I
14 cannot recall their names.

10:46:55 15 Q. Does the name Director Carmen Desadier, D-E-S-A-D-I-E-R,
16 refresh your recollection?

17 MS. O'CONNOR: Objection. Leading.

18 BY THE WITNESS:

19 A. It does.

10:47:09 20 THE COURT: The objection is?

21 MS. O'CONNOR: Leading.

22 THE COURT: I think the witness's recollection is
23 just being refreshed, so overruled.

24 BY MR. K. FLAXMAN:

10:47:17 25 Q. Does the name for the man who's in charge, Steve

1 Patterson, refresh your recollection?

2 A. Yes.

3 Q. A director is some high ranking -- well, is a director --
4 what do you understand director to mean?

10:47:33 5 A. Upper management.

6 Q. And did you know then what Steve Patterson's job was?

7 A. I did not.

8 Q. Okay. Now, what did those people do when they came to
9 visit your work?

10:47:49 10 A. They showed up in the room with the equivalent of a TV or
11 camera crew.

12 Q. Okay.

13 A. And they started filming our people and the contents of
14 the room.

10:48:06 15 MR. K. FLAXMAN: Okay. Let me play some more of the
16 video.

17 (Video resumed.)

18 BY MR. K. FLAXMAN:

19 Q. Do you see yourself in the video?

10:48:19 20 A. Yes. I'm in the red checked shirt.

21 (Video resumed.)

22 BY MR. K. FLAXMAN:

23 Q. I think we did it. Okay.

24 After -- well, did you have a conversation with
10:48:44 25 Director Desadier?

1 A. Yes.

2 Q. Was that in the basement when she came in?

3 A. Yes.

4 Q. And who else was present?

10:48:54 5 A. All my employees and my software developer, Robert
6 Marshall.

7 Q. Did Director Desadier take the film crew for a tour?

8 A. She did.

9 Q. And was the film crew filming or video recording during
10:49:10 10 the tour?

11 A. Yes, they were.

12 MR. K. FLAXMAN: Okay. I'd like to now show you,
13 unpublished mode, Exhibit 45-1.

14 (Video played to the witness.)

10:49:46 15 BY MR. K. FLAXMAN:

16 Q. All right. What's -- what's shown in Exhibit 45-1?

17 A. It shows some of the boxes that still needed to be
18 processed in the backlog room.

19 Q. And when you had a chance to watch this video before, was
10:50:04 20 there sound?

21 A. Yes, there was.

22 Q. And did you hear the sound of Director Desadier --

23 A. Yes.

24 Q. -- her voice?

10:50:11 25 Do you remember the date when this happened?

1 A. I do not recall.

2 Q. Does January 18th, 2011 refresh your recollection?

3 A. That's -- sounds correct.

4 MR. K. FLAXMAN: We would move the admission into
10:50:22 evidence of Exhibit 45-1.

6 THE COURT: Any objection?

7 MS. O'CONNOR: No objection.

8 THE COURT: 45-1 is received, and you may publish it.

9 (Plaintiffs' Exhibit No. 45-1 was received in evidence.)

10 MR. K. FLAXMAN: May we publish it with sound?

11 THE COURT: You may.

12 (Video published to the jury.)

13 BY MR. K. FLAXMAN:

14 Q. Now, when your workers went through the property, did they
10:51:08 15 find food?

16 A. Yes.

17 Q. Did they find medicine?

18 A. Yes.

19 Q. Did they find money?

20 A. Yes.

21 Q. Did they find some where the bags had been torn open?

22 A. Yes.

23 Q. Did you ever see a catalog of items that were found in
24 these bags before you started your project?

25 MS. O'CONNOR: Objection. Leading.

1 THE COURT: Overruled.

2 BY THE WITNESS:

3 A. We found a database of items that had been previously
4 discarded and thrown away.

10:51:45

5 BY MR. K. FLAXMAN:

6 Q. Did you ever find a database of food?

7 A. No.

8 Q. Did you ever find a database of money?

9 A. No.

10:51:57

10 MR. K. FLAXMAN: I'd like to move -- well, I'd like
11 to move the admission into evidence of 45-2 without laying a
12 foundation if there's no objection.

13 MS. O'CONNOR: No objection.

14 THE COURT: 45-2 is received.

10:52:08

15 (Plaintiff's Exhibit No. 45-2 was received in evidence.)

16 MR. K. FLAXMAN: Thank you. May I publish it?

17 THE COURT: You may.

18 (Video published to the jury.)

19 BY MR. K. FLAXMAN:

10:52:35

20 Q. Did you hear a voice say, "It looks like medicine in
21 there, can you believe it?"

22 A. Yes.

23 Q. Could you believe it?

10:52:47

24 A. Yes, because we found thousands of prescriptions in these
25 packages.

1 Q. Now, is this video any different than the video from your
2 surveillance cameras?

3 A. Well, this video does not show the contents, the true
4 contents of the packages that -- they haven't been opened, but
10:53:09 5 it's representative of how the boxes are arranged and how the
6 packages inside the boxes are just random.

7 MR. K. FLAXMAN: Let me move the admission into
8 evidence of 45-4 and ask to publish it?

9 MS. O'CONNOR: No objection.

10 10 THE COURT: 45-4 is received and may be published.
11 (Plaintiff's Exhibit No. 45-4 was received in evidence
12 and published to the jury.)

13 BY MR. K. FLAXMAN:

14 Q. Did you hear somebody say, "This is a nightmare"?

15 A. Yes.

16 Q. Was that Director Desadier?

17 A. Yes, it was.

18 Q. Did you hear somebody say, "We're going to be here for a
19 while"?

20 A. Yes.

21 Q. Who was that?

22 A. I believe that was that Steve --

23 Q. Mr. Patterson?

24 A. Yes.

25 Q. Was it a nightmare to work in the basement storage --

1 property storage room?

2 MS. O'CONNOR: Objection. Leading.

3 THE COURT: Overruled.

4 BY THE WITNESS:

10:54:16 5 A. It was a rather glum, unpleasant place. There was just
6 artificial lights. It was very mildewy because of the
7 flooding. Wasn't good air circulation. It was an abysmal
8 place to work.

9 MR. K. FLAXMAN: Let me move the admission into
10 evidence of 45-6.

11 THE COURT: Any objection?

12 MS. O'CONNOR: No objection.

13 THE COURT: 45-6 is received and it may be published.
14 (Plaintiff's Exhibit No. 45-6 was received in evidence.)

10:54:47 15 MR. K. FLAXMAN: Thank you, your Honor.

16 (Video published to the jury.)

17 BY MR. K. FLAXMAN:

18 Q. Did you hear somebody say, "I don't see how any of this
19 could be organized"?

10:55:15 20 A. Yes.

21 Q. And did you hear other people laugh?

22 A. Yes.

23 Q. Was that you laughing?

24 A. No. That was the film crew.

10:55:21 25 Q. And was that -- who was it who said, "I don't see how any

1 of this could be organized"?

2 A. I believe that was Steve Patterson saying that.

3 Q. Would it have been possible to organize the property that
4 you found in that basement storage room?

10:55:34 5 A. As it was when we found it, I don't believe it would be
6 possible.

7 Q. Well, if you had more room?

8 A. If we had more room and we had everything documented, yes.
9 That was our goal.

10:55:47 10 Q. And the sheriff never gave you more room, did he?

11 A. No.

12 Q. After this -- the walk through by the video crew, did you
13 complain to anybody?

14 A. I did. I notified Patricia Horne, I believe Nancy Donahoe
15 and Director Miller about the video crew coming through.

16 Q. Did Mr. Patterson tell you anything about what their goal
17 was?

18 MS. O'CONNOR: Objection. Leading.

19 THE COURT: Overruled.

10:56:33 20 BY THE WITNESS:

21 A. Yes, he did.

22 BY MR. K. FLAXMAN:

23 Q. And who else was there when he told you that?

24 A. My software engineer, Robert Marshall, and my employees.

10:56:44 25 Q. And was that during this walk through in January 18th of

1 2011?

2 A. Yes, at the conclusion.

3 Q. What did Mr. Patterson tell you that his goal was?

10:56:59

4 A. I asked him specifically what is -- what are you planning
5 to do with this video? And I was told by Mr. Patterson that
6 the video was being produced so that the sheriff's account --
7 department could show the judge in a pending lawsuit that the
8 County was in the process of cleaning up the problem.

9 And I said, Well, how do you explain how bad it was?

10:57:31

10 A. And he said, We don't need to do that. We can
11 manipulate media and tell the story that we want to tell.

12 Q. After the film crew, the sheriff's film crew did their
13 work, did you have -- was there another flood?

14 A. There was a second flood, yes.

10:57:57

15 Q. And were you able to get a new room that wasn't flooding?

16 A. No.

17 Q. Did you ask anyone for a new room?

18 MS. O'CONNOR: Objection. Leading.

19 THE COURT: Overruled.

10:58:08

20 BY THE WITNESS:

21 A. Yes. We asked for additional room, and when none was
22 available, we asked for pallets so we could put some pallets
23 on the floor and stack the boxes on pallets so that they
24 wouldn't be in direct contact with the floor.

10:58:24

25 BY MR. K. FLAXMAN:

1 Q. Did you get pallets?

2 A. We got some, yes.

3 Q. Who did you ask for additional storage room?

4 A. Director Miller.

10:58:30 5 Q. Okay. And after all the work was done, did you get -- you
6 got paid.

7 A. Yes.

8 Q. Now, I want to show you what's been previously marked as
9 Exhibit 65-9, which, if there's no objection, I would move
10 into evidence.

11 THE COURT: Any objection?

12 MS. O'CONNOR: No objection.

13 THE COURT: 65-9 is received.

14 (Plaintiffs' Exhibit No. 65-9 was received in evidence.)

10:59:18 15 MR. K. FLAXMAN: Oh, may we publish it to the jury?

16 THE COURT: You may.

17 (Video published to the jury.)

18 BY MR. K. FLAXMAN:

19 Q. Could you tell us what Exhibit 65-9 shows?

10:59:41 20 A. It shows our employee finding a ring and a bracelet.

21 Q. Did you have any way of noting when there was a high value
22 piece of jewelry that you found?

23 A. Yes. In order to know whether the diamonds -- because we
24 found a lot of diamonds, we bought a diamond tester so that
25 the employee could test the diamond so we would know whether

1 it was authentic so we could say whether it was or was not of
2 high value.

3 Q. Did you personally see the diamond rings that were found?

4 A. I did.

11:00:25 5 Q. Did you see any that appeared to be of exceptionally high
6 value?

7 MS. O'CONNOR: Objection. Speculation.

8 THE COURT: Overruled.

9 BY THE WITNESS:

11:00:35 10 A. Yes. I witnessed at least one diamond that was 2 to 3
11 carats which was probably a \$30,000 ring.

12 BY MR. K. FLAXMAN:

13 Q. Now, what do you -- well, do you have any experience in
14 evaluating the worth of diamonds?

11:00:51 15 A. In my younger days, I dealt in semiprecious and precious
16 stones, so I had experience buying and selling diamonds.

17 Q. Okay. And was this 2- to 3-carat diamond that you thought
18 was worth 30,000 or more, would that pass that diamond tester?

19 A. It did. It passed the diamond test. It was authentic.

11:01:17 20 MR. K. FLAXMAN: Let's watch a little more of the
21 video.

22 (Video resumed.)

23 BY MR. K. FLAXMAN:

24 Q. There's an item in the person's hand. Could you tell us
11:01:35 25 what that item is?

1 A. Yeah, that is an electronic diamond tester.

2 Q. Okay. And it looks like it's a woman who's doing it. If
3 she determined that it was a high value item, would she make
4 an entry in the database?

11:01:52 5 A. Yes. She would make an entry that it was high value. We
6 did not put a dollar amount on the high value. We just said
7 high value.

8 Q. Was there some cutoff for what high value was?

9 A. At this point, I honestly don't remember whether it was
10 one hundred or a thousand. I think it was a hundred or above
11 we considered high value.

12 MR. K. FLAXMAN: Let me play more of the video.

13 (Video resumed.)

14 MR. K. FLAXMAN: I think we played the whole video.
15 Now, if we go to that spreadsheet that we showed you before.
16 Could we unpublish it from the jury?

17 THE COURT: Sure.

18 MR. K. FLAXMAN: Thank you.

19 BY MR. K. FLAXMAN:

11:02:41 20 Q. If you go to the spreadsheet with the tab Sorted By Value,
21 do we see on Row 19 that ID 5141, and then if we go over to
22 the column Y, do you see value -- what's the value telling
23 you?

24 A. High value.

11:03:12 25 MR. K. FLAXMAN: And may we publish this to the jury?

1 THE COURT: You may.

2 MR. K. FLAXMAN: Thank you.

3 BY MR. K. FLAXMAN:

4 Q. In addition -- what information -- in U we have high
11:03:25 value. In Y, what information is shown?

6 A. A description of the item, diamond ring.

7 Q. And there's other --

8 A. And -- and a chain and a cheap watch.

9 MR. K. FLAXMAN: Thank you.

10 11:03:40 If we could unpublish it now, your Honor, if we may?

11 THE COURT: Okay.

12 BY MR. K. FLAXMAN:

13 Q. And that 31, that line that we just saw, that was the same
14 as the video, as the surveillance video that we just looked at
11:04:06 15 before?

16 A. I believe so.

17 Q. Okay. And was this database set up so that somebody could
18 just type in a particular name or -- and get the video played?

19 A. The database was comprised of, well, a database that you
20 can see where it's a spreadsheet, and we also gave the video
21 data.

22 Searching video data was a little more tedious
23 because you had to know which video you're looking for and
24 find it in the sequence, but you could find a copy of every
25 transaction.

1 The database was set up so you could search on a name
2 or an item or virtually any field that's present.

3 Q. Now, at some point, the project, the courthouse project,
4 you talked about a courthouse in Markham, is that in Markham,
11:05:08 5 Illinois?

6 A. Yes.

7 Q. Have you ever been there?

8 A. Yes.

9 Q. And you talked about another courthouse in Maywood. Is
11:05:13 10 that Maywood, Illinois?

11 A. Yes.

12 Q. Is -- is HIRT still in business with property at those
13 courthouses?

14 MS. O'CONNOR: Objection. Asked and answered.

11:05:27 15 BY THE WITNESS:

16 A. No.

17 THE COURT: Overruled.

18 BY THE WITNESS:

19 A. No.

11:05:29 20 BY MR. K. FLAXMAN:

21 Q. Do you remember when that stopped?

22 A. Around the -- I believe it was May of 2011.

23 Q. And have you had -- once you finished this inventory
24 project that we were watching the videos about, have you done
11:05:47 25 any other work for Cook County?

1 A. No.

2 Q. Was doing this job for Cook County, the backlog inventory
3 project, did you hope to get other business from doing that?

4 A. Yes. This was a new business that we saw an opportunity.

11:06:12 5 We assumed that other sheriffs' counties would require the
6 same service, and as we were -- began rolling out in Maywood
7 and Markham, we were told by Cook County --

8 MS. O'CONNOR: Objection. Calls for hearsay.

9 THE COURT: I'm sorry, what?

11:06:32 10 MS. O'CONNOR: Calls for hearsay.

11 THE COURT: Identify who.

12 BY MR. K. FLAXMAN:

13 Q. Okay. Can you tell us who told you?

14 A. Pat Horne.

11:06:38 15 Q. Excuse me?

16 A. Patricia Horne.

17 THE COURT: Overruled.

18 BY MR. K. FLAXMAN:

19 Q. What did she tell you?

11:06:42 20 A. She told me that we were going to be able to offer this
21 service to Chicago Police Department also and expand our
22 business, and the goal was to use our service so that it would
23 limit the number of items coming into the Sheriff's Department
24 and eliminating that liability for those items.

11:07:09 25 Q. Were you hoping to grow this project?

1 A. Absolutely.

2 Q. And were you hoping to make a lot of money doing it?

3 A. Well, that's what a for-profit business is.

4 Q. Okay. Do you view yourself as an entrepreneur?

11:07:25 5 A. Yes.

6 Q. Do you hold any grudges against anybody because it didn't
7 work out?

8 A. No.

9 MR. K. FLAXMAN: If I could just have a minute, your
11:07:31 10 Honor?

11 THE COURT: Sure.

12 (Counsel conferring.)

13 BY MR. K. FLAXMAN:

14 Q. You talked about the pilot program at the courthouses. Do
11:07:45 15 you remember when that started and when it ended?

16 A. I -- honestly, I cannot remember the dates. I would
17 assume, I'm guessing it was sometime around October or
18 November of 2010.

19 Q. Well, is there anything that would refresh your
11:08:09 20 recollection about when it started?

21 A. We have transaction records that were submitted to the
22 Trust Department for when we processed somebody's item. The
23 second we processed it, it sent them an e-mail and we billed
24 them accordingly, so it could be there, or it could be in one
11:08:40 25 of our pilot program contracts.

1 Q. Well, if you looked at -- let me ask you to look at what's
2 on the screen, Exhibit 26-001, and ask if that refreshes your
3 recollection about when you started the work?

4 A. Yeah, it was earlier in 2010.

11:09:16 5 Q. And how long did the project go for?

6 A. Six months.

7 Q. Well, do you remember signing an agreement on June --
8 July 28th of 2010?

9 A. Likely.

11:09:41 10 Q. All right. It's okay.

11 Was it HIRT's idea to stop doing the pilot project at
12 the courthouse?

13 A. No. It was Cook County Sheriff's Department.

14 MR. K. FLAXMAN: All right. Thank you very much,
15 sir.

16 THE COURT: Cross-examination.

17 CROSS-EXAMINATION

18 BY MS. O'CONNOR:

19 Q. Good morning, Mr. Kranyec. Can you hear me okay?

11:10:35 20 A. Yes, I can.

21 Q. Okay. Mr. Kranyec, I want to talk a little bit about your
22 experience and the various companies that you had.

23 You had a company called Shipping Supply at one
24 point, correct?

11:10:46 25 A. That was a startup that never went anywhere.