

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.3
Eastern Division**

Leoncio Elizarri, et al.

Plaintiff,

v.

Case No.: 1:17-cv-08120
Honorable Steven C. Seeger

Sheriff of Cook County, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, April 19, 2021:

MINUTE entry before the Honorable Steven C. Seeger: Plaintiffs' motion for leave to file an amended complaint and add a named plaintiff (Dckt. No. [132]) is hereby granted. Plaintiffs seek to add Ted Velleff as a proposed representative of the putative class because Defendants have returned all property to the named Plaintiffs. (Dckt. No. [129]) Plaintiffs also seek to add a claim under the Fifth Amendment. Id. According to the motion, Plaintiffs decided to add a Fifth Amendment claim after the Sheriff stated in his interrogatory answers that the Sheriff's Department began disposing of detainee property. Plaintiffs filed the motion to amend the complaint two months after receiving the interrogatory answers. So the proposed amendment was not exactly immediate, but it was relatively prompt. Also, the Fifth Amendment has lurked in the background of the case ever since this Court received the case after reassignment. In fact, in December 2019, after this Court flagged the fact that the Fifth Amendment is not part of the then-operative complaint, Plaintiffs filed a statement addressing the Fifth Amendment. (Dckt. No. [94]) True, that filing appeared about a year and a half ago, but the event that sparked the proposed amendment was the Sheriff's amended interrogatory answers, which appeared months later. Plaintiffs' motion to extend discovery (Dckt. No. [137]) is hereby granted, albeit with reluctance. This case was filed in 2017, and it is high time for discovery to end. As this Court recounted in its Order dated January 29, 2021, this Court has extended the fact discovery deadline at least six times. (Dckt. No. [136]) Still, the parties need a little time to gather any facts about the Fifth Amendment claim. Fact discovery will close on June 30, 2021. If any party believes that that deadline does not afford them sufficient time, they must file a statement by April 23, 2021, and explain why, supported with specifics. In their response, Defendants argue in blanket fashion that "extensive discovery... will be needed to defend against the proposed Second Amended Complaint" (Dckt. No. [133]), but the Court needs more details. This extension is the last. Separately, Plaintiffs expressed an interest in deposing Khara Coleman, the Assistant General Counsel to the Sheriff of Cook County. Coleman verified Defendants' interrogatory responses, so deposing her is fair game. But it appears that she does not have personal knowledge about any of the underlying events, either, and she is not on Defendants' list of witnesses with personal knowledge of the facts. So, before this deposition goes forward, the Court directs the parties to meet and confer and see if there is some other way to elicit whatever information Plaintiffs believe that they need. At this point, the parties should only take

additional discovery unless they truly need it. The parties must file a status report by July 1, 2021. Mailed notice. (jjr,)

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