

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

Leoncio Elizarrri, et al.,)	
)	
)	
<i>Plaintiff,</i>)	
)	No. 17-cv-8120
-vs-)	
)	<i>(Judge Seeger)</i>
Sheriff of Cook County and Cook)	
County, Illinois,)	
)	
<i>Defendants.</i>)	

JOINT MOTION TO RESET DISCOVERY CLOSE DATE

The parties file this joint statement in accordance with the Court's order of April 19, 2021 to explain that the deadline of June 30, 2021 does not allow the parties sufficient time to complete discovery.

1. The deadline of June 30, 2021 will allow defendant to depose Ted Velleff, the newly added plaintiff and will allow plaintiff to depose Khara Coleman or other persons who have personal knowledge of the Sheriff's decision to destroy inmate personal property. The June 30th deadline, however, is too short to permit the parties to prepare for trial on the Takings Claim.

2. As part of their Takings Claim, plaintiffs seek to establish the existence of a widespread practice at the Cook County Jail pertaining to the personal property of detainees who are transferred from the Jail to the

Illinois Department of Corrections. The Sheriff has a written policy to provide such detainees with an opportunity to designate, on a form made available to the detainee on or before the day of transfer, a person to take custody of the detainee's "IDOC non-compliant property." Plaintiffs contend that Jail personnel do not follow this written policy and instead follow a widespread practice "to seize the clothing of detainees leaving the Jail for the Illinois Department of Corrections and either destroy the clothing or make it available to other detainees being released from the Jail who do not have appropriate street clothing." (Second Amended Complaint, par. 18.) Defendant Sheriff disputes the existence of this alleged practice.

3. Plaintiffs seeks to prove the existence of the alleged widespread practice with testimony from member of the putative class and has identified 35 potential exemplars in Exhibit 1 to the second amended complaint, ECF No. 140 at 12.

4. Defendant Sheriff requires 30 days to scour its records to obtain the form it contends was signed by the exemplars before being transferred to the Illinois Department of Corrections. Thereafter, the Sheriff will seek to depose not more than ten of the putative exemplars. Plaintiffs will seek to depose the correctional officers who claim to have witnessed the exemplars sign the form. Plaintiffs will also seek to depose

the persons with knowledge about the alleged destruction of the formerly stored property.

5. The parties agree that these tasks cannot reasonably be completed by June 30, 2021 and respectfully request that the Court set a fact discovery close date of September 30, 2021.

Respectfully submitted,

/s/ Kenneth N. Flaxman
Kenneth N. Flaxman
ARDC No. 08830399
Joel A. Flaxman
200 S Michigan Ave, Ste 201
Chicago, IL 60604
(312) 427-3200
attorneys for plaintiff

/s/ Gerald M. Dombrowski
(with consent)
Gerald M. Dombrowski
Sanchez Daniels & Hoffman LLP
333 W Wacker Dr, Ste 500
Chicago, IL 60606
Attorneys for Defendant Sheriff

/s/ Danielle Mikhail
(with consent)
Danielle Mikhail
Assistant State's Attorney
500 Daley Center
Chicago, IL 60602
*Attorneys for Defendant
Cook County*