UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LEONCIO ELIZARRI, by his Special Administrator LETICIA PEREZ, GREGORY L. JORDAN, and TED VELEFF, individually and for others similarly situated, Plaintiffs,	)	
v.	)	No. 17 cv 8120
SHERIFF OF COOK COUNTY and COOK COUNTY, ILLINOIS, Defendants.	)	Judge Seeger

DEFENDANT SHERIFF OF COOK COUNTY'S RESPONSE IN OPPOSITION TO PLAINTIFF'S PROTECTIVE MOTION FOR CLASS CERTIFICATION AND MEMORANDUM

Defendant, SHERIFF OF COOK COUNTY, by its attorneys, Kimberly M. Foxx, State's Attorney of Cook County, by and through Special Assistant States' Attorneys, SANCHEZ DANIELS & HOFFMAN LLP and Gerald Dombrowski, pursuant to Federal Rule of Civil Procedure 23, submits the following Response in Opposition to Plaintiffs' Protective Motion for Class Certification and Memorandum.

I. INTRODUCTION

The three named Plaintiffs, Leoncia Elizarri, by his Special Administrator, Leticia Perez (Elizarri), Gregory L. Jordan (Jordan) and Ted Veleff (Veleff) are seeking to certify a class of detainees, beginning after November 9, 2015, (1) whose clothing was allegedly "taken" by the Sheriff of Cook County ("Sheriff") to be used by other detainees upon release from Cook County Jail, and (2) whose government issued identification cards were allegedly not forwarded by the Sheriff to the IDOC. (Memorandum in Support of Amended Motion for Class Certification, ECF 150). The operative complaint at this point in the litigation is the Plaintiffs' Second Amended Complaint, wherein the Plaintiffs added Veleff as a plaintiff and assert Fifth Amendment and Fourteenth Amendment claims related to each Plaintiff's property. (ECF 140).

This Court previously ruled on November 16, 2020 that the Plaintiffs' original Motion for Class Certification was denied without prejudice given that Sheriff returned all Elizarri's and Jordan's property. (ECF 129). The Plaintiffs were then allowed to file a Second Amended Complaint adding Veleff as a proposed class representative. (ECF 140). The Plaintiffs' present Protective Motion for Class Certification should also be denied as the underlying merits of the case and the proposed class itself are not supported by the facts and the law.

The present case is simply a reincarnation of the original *Elizarri v. Sheriff of Cook County, et al*, 901 F.3d 787 (7th Cir. 2018) (*Elizarri I*). In *Elizarri I*, former detainees brought a class action lawsuit under §1983 against the Sheriff and Cook County alleging that their Constitutional rights were violated by the Sheriff's failure to prevent the theft or loss of inmates' belongings. *Id.* at 787-789. At trial, a jury ruled in favor of the defendants and the 7th Circuit affirmed. *Id.* at 792. The court held that a failure to prosecute thieves does not violate the Constitution and jail guards' negligent loss of detainee belongings, while potentially tortious under state law, does not violate the Constitution. *Id.* at 789 citing *Castle Rock v. Gonzales,* 545 U.S. 748, 125 S.Ct. 2796 (2005); and *Daniels v. Williams*, 474 U.S. 327, 106 S.Ct. 677 (1986). The present matter, *Elizarri II*, is plainly an attempt to relitigate *Elizarri I* but with significantly weaker evidence and proposed class members who are unable to bring an individual claim much less adequately represent a class.

II. RULE 23 CLASS CERTIFICATION STANDARDS

Federal Rule of Civil Procedure 23 is more than a mere pleading standard. *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 350, 131 S.Ct. 2541 (2011). Thus, in evaluating Rule 23 factors, a court should not take a plaintiffs' allegations at face value, instead a court must go beyond the pleadings and, to the extent necessary, take evidence on disputed issues that are material to certification. *Beaton v. Speedy PC Software,* 907 F.3d 1018, 1025 (7th Cir. 2018).

This will often entail some overlap with the merits of the plaintiff's underlying claim. *Wal-Mart* at 351. Further, a court's preview of the merits must remain tethered to its Rule 23 analysis. *Beaton* at 1025.

III. FACTS

In this case, the claims of Elizarri and Jordan have vanished with the return of their property. This Court need only look at the facts and circumstances of Veleff's claims to analyze the present motion. Veleff has been incarcerated at the Illinois Department of Corrections (IDOC) approximately ten times over the last two decades. (See attached deposition of Ted Veleff incorporated herein as Exhibit A, p. 19.) In almost all of those incarcerations, Veleff was sent directly from Cook County Jail to IDOC's custody. (Exhibit A, pp. 19-35). Veleff was aware that when he was transferred to IDOC, he could designate an individual to pick up his property. (Exhibit A, p. 37) Veleff admitted that from 2010 to the present, he did not designate an individual to pick up his personal items when he was transferred to IDOC. (Exhibit A, pp. 51-52) Veleff acknowledged that he understood the policy of the Cook County Jail: if a detainee designated a person to pick up property and they did not do so within 45 days, the detainee's property would be disposed of. (Exhibit A, pp. 57-58)

Veleff conceded that on August 1, 2017, his most recent transfer to IDOC, he did not designate anyone to come and retrieve his property after he went to an IDOC facility. (Exhibit A, pp. 58-59) Veleff also conceded he did not care about that particular property. (Exhibit A, pp.59-60).

Veleff was also aware when he was transferred from Cook County Jail to IDOC in January 2014, if he did not designate an individual to pick up his property within 30 days of his transfer, then that particular property would be disposed of by the Sheriff. (Exhibit A, pp. 66-68) Veleff stated that during each of his numerous detentions in Cook County Jail which ended with

him being sent to IDOC, at times he did not want to retrieve his property, and, at other times, he expected the property to come with him to IDOC. (Exhibit A, pp. 66-71) Moreover, Veleff's property associated with his 2014 incarceration was returned to him. (ECF 148).

Deputy Roberto Ornelas (Ornelas), a 26-year veteran of the Cook County Sheriff's Office, testified that the Sheriff's Office presently uses an updated but substantially similar property form when a detainee is transferred from Cook County Jail to IDOC. (See attached deposition transcript of Deputy Robert Ornelas incorporated herein as Exhibit B, pp. 7-9; Exhibit 6 thereto) Ornelas testified that an officer assigned to detainee shipments for a particular day would hand the property form to the detainee and the detainee is given the choice to either donate the property or have a designated person pick up the property within 45 days. (Exhibit B, pp. 7-8). Ornelas stated that when a detainee does not either donate or designate someone to pick up their property, the Sheriff's Office often keeps the property well past the 45-day period. (Exhibit B, pp. 8-9). In those cases, Ornelas and other Sheriff personnel will wait to see if friends or family of the detainee decide to pick up the property. (Exhibit B, p. 9).

Detainee clothing is part of what the Sheriff's Office will retain. (Exhibit B, p. 9) When a detainee donates property to the Sheriff, that donation is sent to a warehouse. (Exhibit B, p. 16) In the case of donated clothing, the Cook County Jail sometimes uses pants, shirts, and jackets for other detainees upon discharge during inclement weather. (Exhibit B, pp. 16-17). On occasion, when a detainee is being transferred to IDOC, a property bag can be opened at the request of the detainee when there are items such as a wedding band or prescription glasses which can then be taken with the detainee to IDOC. (Exhibit B, pp. 17-19, 21).

IV. ILLINOIS LAW

The Plaintiffs misstate Illinois law regarding detainee property. The Illinois Administrative Code refers to "Release Procedures" and states: "(p)ersonal property of the

detainee being transferred to another facility shall be inventoried and items to be transferred with the detainee shall be documented and turned over to the transporting officer in the presence of the detainee. Personal property allowed by the receiving facility shall be transferred with the detainee. Items not transferred shall be disposed of by the transferring facility in accordance with its procedures, for example, having a relative pick up items, mailing items to a person designated by the detainee, etc." 20 Ill. Admin. Code §701.60 d) 4). Notably, there is no mention of personal identification cards or whether those cards are accepted by IDOC. 20 Ill. Admin. Code §701.60 f) 1).

Moreover, the Illinois Administrative Code allows for a committed person who applies for an identification card upon release, and who submits a certified copy of a birth certificate, Social Security card or other documentation authorized by the Secretary of State, to be issued a standard identification card by the IDOC at no cost. 92 Ill. Admin. Code §1030.26 a). Further, if an applicant returns to a Driver's Services Facility prior to the expiration of the IDOC identification card and presents certified documentation to the Illinois Secretary of State, a standard Illinois identification card will be issued at no fee. 92 Ill. Admin. Cod. §1030.26 (d).

The citation to IDOC Superintendent Tracy Engleson's testimony is not relevant. (ECF 150-6) Superintendent Engleson's deposition was taken on May 21, 2013 and is stale. It is in no way germane to what the IDOC will currently accept from transferred detainees. Thus, there is no evidence that Illinois law requires the Cook County Jail to ensure that a detainee's state or local identification cards, or most other property, accompany the detainee to IDOC, regardless of the facilities existing procedures.

Furthermore, the Illinois Administrative Code §701.40 g) (4) regarding jail detainees' personal property states that "all personal property of the detainee shall be securely stored until the detainee is released, discharged or transferred or the detainee approves, in writing, the release

of his or her property to a designated person or its disposal. The jail shall establish and maintain a policy for the disposal of abandoned property." 20 Ill. Admin. §701.40 g) (4). The evidence here establishes that this is exactly what the Sheriff does.

Thus, the relevant sections of the Illinois Administrative Code do not assist the Plaintiffs in this matter, nor do they create common questions of fact or law suitable for class action treatment.

Further, it is clear that no proposed class member would have any property rights when they decided to donate or to abandon property, as Veleff did. The detainees who donated essentially did so in the form of a gift, which by Illinois law is a voluntary, gratuitous transfer of property by one to another where the donor manifests an intent to make such a gift and absolutely and irrevocably delivers the property to the donee. *In re Marriage of Cook,* 117 Ill.App.3d 844, 849, 453 N.E.2d 1357. (1st Dist. 1983). In general, property is considered to be abandoned when the owner, intending to relinquish all rights to the property, leaves it free to be appropriated by any other person. *Michael v. First Chicago Corp.* 139 Ill.App.3d 374, 382, 487 N.E.2d 403 (2nd Dist. 1985). Therefore, those who donated their property or simply walked away from it have no rights to that property.

V. ARGUMENT

The Plaintiffs assert in their Motion that that the Sheriff has violated the Constitution by its property storage procedure. However, in *Conyers v. City of Chicago,* 2020 WL 2528534 (N.D. Ill. 2020), another case involving the same plaintiffs' counsel, the plaintiffs alleged Constitutional violations of the Fourth, Fifth and Fourteenth Amendments, *inter alia*, attacking the City of Chicago's similar policy regarding a 30-day period for an arrested individual to retrieve his property or it would be considered abandoned. *Id. at* *4. The Chicago policy also states, as here, that an incarcerated individual would be able to designate a representative in

writing to pick up their property at a designated location. *Id.* The court held that the City's policies regarding property satisfied the notice and hearing requirements of the due process clause of the Fourteenth Amendment. *Id.* at *11. The court also held that the plaintiffs failed to show the destruction of their property constituted a taking for public use under the Fifth Amendment. *Id.* On August 18, 2021, the 7th Circuit affirmed the trial court's order of summary judgment and held that the plaintiffs' Constitutional and civil rights claims fail as a matter of law. *Conyers v. City of Chicago,* No. 20-1934, pps. 18-19 (7th Cir. 2021). The Sheriff's policy is essentially the same as Chicago's policy but contains a longer period of 45 days to retrieve property. The Sheriff's policy similarly does not violate the Constitution and thus, the Plaintiffs' underlying claims cannot survive.

Moreover, to achieve certification, a proposed class under Rule 23 must meet the requirements of Rule 23(a) – numerosity, typicality, commonality, adequacy of representation – and one of the alternatives listed in Rule 23(b). *Messner v. Northshore Univ. HealthSystem*, 669 F.3d 802, 811 (7th Cir. 2012). A plaintiff bears the burden of proving, by a ponderance of the evidence, that their proposed class satisfies the requirements of Rule 23. *Id.* at 811. It is clear here the Plaintiffs cannot satisfy the numerosity, typicality and commonality provisions of Rule 23.

Further, some potential class members – under the Plaintiffs' overly broad definition - may have clearly and undisputedly chosen to abandon or donate clothing or other personal property. Plaintiffs fail to distinguish such persons or situations in their proposed class, despite that such circumstances may clearly affect identification of any group of ascertainable class members. Plaintiffs do not explain how or why such persons, between 2015 to the present, would be members of the either of Plaintiffs' two proposed classes. Furthermore, other detainees may have chosen to neither donate nor designate, and simply do not sign the property form.

Other detainees chose to request some permitted items be taken with them to IDOC, such as eyeglasses and wedding rings. (Exhibit B, pp. 17-18, 21) Finally, Plaintiffs cite Title 20 Ill Admin. Code Section 701.60 d)(4), but then fail to account for, or exclude, situations in which the Sheriff has complied with the final portion of the cited subsection regarding disposing of items. "Items not transferred shall be disposed of by the transferring facility in accordance with its procedures, for example, having a relative pick up items, mailing items to a person designated by the detainee, etc." There is clearly no common experience for detainees in the proposed subclasses. A myriad of decisions are made by detainees that cannot be grouped or categorized and most importantly, require individual inquiry regarding the reasonableness of the detainee's decision-making.

Veleff is an example of an individual who at times did not care about his property and did not want it. (Exhibit A, pp. 48, 59-60) At other times, he simply chose not to designate anyone to pick up his property. (Exhibit A, pp. 59-62)

Therefore, the underpinning merits of the case do not pass even a cursory examination and the proposed class should not be certified given that it cannot be defined in any rational manner.

A. THE PROPOSED CLASS IS NOT ASCERTAINABLE.

To avoid vagueness, class definitions generally need to identify a particular group, harmed during a particular timeframe, in a particular location, in a particular way. *Steimel v. Wernert,* 823 F.3d 902, 918 (7th Cir. 2016). The proposed class does not meet this requirement.

The Plaintiffs are now asserting, differently from their Second Amended Complaint, that a class should be formed of persons whose clothing was "taken" by the Sheriff to be used by other detainees upon release from the Cook County Jail and persons whose government issued identification remains in the custody of the Sheriff from November 9, 2015 to the present. (ECF

150). These two highly specific subclasses may not be easily compiled given that Plaintiffs are attempting to track and identify individual items of clothing and identification that in many cases were abandoned by the detainee or the detainee's designated individual did not pick up the property. At times, detainees wholly ignore their property and clearly do not want it. Further, some of these items can only be rightly considered abandoned property which the Sheriff, in an abundance of caution, keeps in case an individual seeks to pick up the property.

Such a diverse group of individuals with a host of personal items makes it very difficult for a class to be ascertained and designated. There are simply too many variables within the Plaintiffs' two proposed subclasses that would make it extremely difficult to establish and proceed in an efficient matter. Their interests are not the same. In *Mullins v. DirectDigital, LLC*, 795 F. 3d 654, 657 (7th Cir. 2015), a consumer fraud case, the Seventh Circuit held, that "[i]n class action jurisprudence, "ascertainability" refers to the requirement that plaintiffs prove at the certification stage that there is a "reliable and administratively feasible" way to identify all who fall within the class definition. Typically, this means that the determination can be made through objective criteria. Plaintiffs point to a spreadsheet of transferred persons claiming this is objective criteria. It is not objective in terms of establishing abandonment or designation, followed by abandonment. We presume that plaintiffs would then posit that through affidavits, the class can be determined. However, plaintiffs attempt to demonstrate numerosity using unsworn declarations shows the folly of that venture. Merely reviewing the declarations at ECF 150-12 demonstrates a lack cohesiveness in relation to the proposed class definition and the spreadsheet of transferees does not objectively prove or disprove intent regarding property disposition. What is certain, though is that when property is donated, it no longer is the property of the donor, rather it becomes the property of the donee and the proposed class presumes a continued interest in return of donated property. This formula demands individual inquiry of

those who expressed intent to abandon property or failed intent to designate a friend or family member to pick it up.

B. PLAINTIFFS FAIL TO ESTABLISH NUMEROSITY UNDER RULE 23(a)(1).

Numerosity under Rule 23(a)(1) is not satisfied. The numerosity requirement to procced with a class action is extremely challenging for the Plaintiffs here. The Plaintiffs first cite their declarations. The declarations do not assist the Plaintiffs in establishing class members. The declarants state detainees were transferred from Cook County Jail to IDOC and that none of their property came with them. (ECF 150-12). Nowhere in the declarations is it stated that the declarant designated an individual to come and pick up their property; nor do the declarations include information as to whether the declarant donated their property. (ECF 150-12). Further, no declarant refers to the property form that would have been presented to them prior to being transferred to IDOC. (ECF 150-12) The declarants do not even state whether they made a claim for return of their property, or have inquired about the property in the past. (ECF 150-12). Thus, the declarations fail to assist this Court in establishing the number of individuals who may have a relevant, valid claim against the Sheriff, or were actually harmed by any policy or practice of the Sherriff.

Further, the Plaintiffs cite to a very old list of detainees dating back to 2013 and 2014, apparently relating to *Elizarri I.* (ECF 150-11). This list provides no assistance to this Court regarding the present state of numerosity since the proposed class begins in 2015. (ECF 150-11).

C. PLAINTIFFS FAIL TO ESTABLISH COMMONALITY UNDER RULE 23(a)(2).

It is well-established that superficial common questions, like whether each class member suffered a violation of the same provision of law, do not suffice to satisfy Rule 23(a)(2). *Wal-Mart Stores*, 564 U.S. at 350. Rather, class claims must depend on a common contention that is

capable of class-wide resolution – which means that determination of its truth or falsity will resolve an issue that is central to the validity of each one of the claims in one stroke. *Id.* Dissimilarities within the proposed class are what have the potential to impede the generation of common answers. *Id.* (quoting Richard A. Nagareida, *Class Certification in the Age of Aggregate Proof, 84 N.Y.U.L.Rev. 97 132 (2009)).* In this proposed class, there is no commonality because of the number of choices given to and made by detainees when they are being transferred.

In *McFields v. Dart,* 982 F.3d 511 (7th Cir. 2020), another case that was brought by the Plaintiffs' counsel in the present litigation, detainees and others filed a putative class action lawsuit against the Sheriff and Cook County for allegedly denying detainees adequate dental care. The court, in quickly disposing of the commonality question, held that each patient experiencing dental problems presented the need for an individualized inquiry that depends in large part on what is disclosed on each detainee's health form, when it was submitted, what type of grievance it was and what level of pain it reveals. *Id.* at 516. The court reasoned that it matters immensely that each detainee presents a different situation that involved a different type of dental pain, took place at a different time, and involved different medical professionals and prison staff. *Id.* at 517 citing *Phillips v. Sheriff of Cook County,* 828 F.3d 541, 555 (7th Cir. 2016). The court upheld the district court's conclusion that evaluating the plaintiffs' claims requires a highly individualized inquiry; each plaintiffs' case is different and, therefore, no case is typical. *McFields* at 518 citing *Wrightsell v. Sheriff of Cook County,* No. 08 cv 5451, 2009 WL 4802370 at *2 (N.D. Ill. 2009)

Here, each detainee being transferred to IDOC is presented with several choices regarding their property, similar to the dental patients in *McFields.* They might have (1) chosen to donate their property, (2) chosen to designate someone to pick up their property, (3) refused to

sign the property form, or (4) chosen an item(s) of property that would be appropriate for them to take to IDOC, and taken only such selected property. Some former detainees might have even contacted the Sherriff and already obtained any retained property, despite the fact that such property was not initially designated for pickup or transferred to the IDOC.

Furthermore, Plaintiffs fail to cite any case law that would even cast doubt on the procedure followed by the Sheriff at the time of transfer.

What matters to class certification, then, is the capacity of a class-wide proceeding to generate common answers apt to drive the resolution of the litigation. *Suchanek v. Sturm Foods, Inc.,* 764 F.3d 750, 756 (7th Cir. 2014) quoting *Wal-mart,* 564 U.S. at 350. Commonality and typicality are similar, and if commonality fails, typicality tends to fail as well. *Id.*

Each proposed class member here has significant differences that cannot be overridden or ignored. Elizarri and Jordan's claims are different from Veleff's claims and cannot be reconciled. Elizarri and Jordan had their property returned, as did Veleff, but Veleff is now claiming he may want some additional property back, or that the partial return of his property was not sufficient. As to the declarants presented by Plaintiffs, the information within those declarations raises a myriad of specific, individual questions as to what happened in their particular circumstances when they were being transferred to the IDOC. Each transaction, as in *McFields,* is unique and decidedly not typical.

D. THE NAMED PLAINTIFFS ARE NOT ADEQUATE REPRESENTATIVES OF THE PROPOSED CLASS PURSUANT TO RULE 23(a)(4).

Federal Civil Procedure Rule 23(a) and 23(a)(4) are clear "One or more members of a class may sue or be sued as representative parties on behalf of all members only if: the representative parties will fairly and adequately protect the interests of the class". Fed.R.Civ.P. 23(a) and 23(a)(4). This Court confirmed on November 16, 2020, that the return of personal

property to Elizarri and Jordan "raises the question of whether the named Plaintiffs could be adequate class representatives". (ECF 129) Thus, the ultimate question now is whether Veleff is an adequate representative of the putative class. Pertinent to this inquiry, some of Veleff's property was also returned pursuant to a transfer of property from defense counsel to Plaintiffs' counsel on June 18, 2021. (ECF 148)

To serve as an adequate representative, the named plaintiff must be part of the class and possess the same interest and suffer the same injury as the class members. *Conrad v. Boiron, Inc.,* 869 F.3d 536, 539 (7th Cir. 2017). A class representative is not adequate if, for example, the proposed representative is subject to a defense to which other class members are not, or if the representative cannot prove the elements of the class's claim for the reasons unique to the representative. *C.E. Design, Ltd. v. King Architectural Metals, Inc.*, 637 F.3d 721, 724-725 (7th Cir. 2011).

Here, Veleff's extensive and varied criminal history, with different property issues, raises significant questions as to whether he could represent the proposed class. It is clear from Veleff's own testimony that sometimes he wanted his property and sometimes he did not, though he fully understood the rules and regulations during his numerous transfers to IDOC. (Exhibit A, pp. 37, 51-52, 57-60, 66-71.) There is no testimony or evidence that Veleff ever designated any individual to come and retrieve his property and, thus, he cannot speak to such individuals' potential claims. Moreover, at least some of his property has already been returned to him. Therefore, Veleff cannot adequately represent a class for which he may have very little in common.

E. PLAINTIFFS FAIL TO ESTABLISH PREDOMINANCE PURSUANT TO RULE 23(b)(3).

Federal Rule 23(b)(3) requires that questions of fact, common to class members, predominate over any questions effecting only individual members. *Howard v. Cook County Sheriff's Office,* 989 F.3d 587 (7th Cir. 2021). This requirement builds on commonality; whereas Rule 23(a)(2) requires the existence of a common question, Rule 23(b)(3) requires the common questions to predominate over the individual ones and as a result, predominance is far more demanding than commonality. *Id.* at 607 citing *Amchem Prod., Inc. v. Windsor,* 521 U.S. 591 624, 117 S.Ct. 2231 (1997). Further, to gauge whether a class action would be more efficient than individual suits, the predominance inquiry asks whether the common, aggregation-enabling issues in the cases are more prevalent or important than the noncommon, aggregation-defeating, individual issues. *Howard* at 607 citing *Tyson Foods, Inc. v. Bouaphakeo,* 136 S.Ct. 1036, 1045 (2016)

There are numerous questions of law and fact that are not common to the class because detainees have different experiences upon departing to IDOC. Not even Veleff's own experiences are similar or common and the experiences of Elizarri and Jordan were not common to any known class member.

Also, there is no predominance regarding what items individuals may claim to be missing, whether they asked for the items to be forwarded, whether they signed designation forms, or even whether they want those items back.

Furthermore, while it is true the Plaintiffs are challenging the policies of the Sheriff regarding compliant property, there has been no facts or law presented that squarely and adequately challenge the procedure in place. Overall, each detainee is given a choice and above

and beyond those choices, a detainee may retrieve specific items to take to IDOC upon request. Thus, the claims presented cannot be viewed as predominant or common to the proposed class.

III. CONCLUSION

A preliminary review of the merits, which is required given that the merits are intertwined with the proposed class certification, reveals that there is no meritorious claim here. Policies and procedures in place that were applied to the Plaintiffs and other detainees simply do not rise to the level of any Constitutional deficiency.

Moreover, the Plaintiffs have failed to establish that the stringent requirements of Rule 23 have been satisfied. This proposed class has failed to meet the requirements of numerosity, typicality, commonality, and adequacy of representation by the named Plaintiffs along with the requirement of predomination of common questions of law and fact.

Therefore, the Plaintiffs' Protective Motion for Class Certification should be denied, with prejudice.

WHEREFORE, Defendant, Sheriff of Cook County respectfully request that this Honorable Court enter an order denying Plaintiffs' Protective Motion for Class Certification with prejudice and for any other relief this Court deems just and equitable.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed **DEFENDANT SHERIFF OF COOK COUNTY'S RESPONSE IN OPPOSITION TO PLAINTIFF'S AMENDED MOTION FOR CLASS CERTIFICATION** via the ECF System and that a true and correct copy will be served electronically to all attorney(s) of record on August 20, 2021 and that this statement as set forth is true and correct.

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