

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

| | | |
|---------------------------------------|---|----------------|
| Leoncio Elizarri, by his Special Ad- |) | |
| ministrator Leticia Perez, Gregory L. |) | |
| Jordan, and Ted Velleff, individually |) | |
| and for others similarly situated |) | |
| <i>Plaintiffs,</i> |) | |
| |) | No. 17-cv-8120 |
| -vs- |) | |
| |) | (Judge Seeger) |
| Sheriff of Cook County and Cook |) | |
| County, Illinois, |) | |
| |) | |
| <i>Defendants.</i> |) | |

NOTICE OF APPEAL

Plaintiff Ted Velleff, one of the plaintiffs above named, hereby appeals to the United States Court of Appeals from the judgment entered in this case on August 21, 2023.

/s/ Kenneth N. Flaxman
Kenneth N. Flaxman
ARDC No. 0830399
Joel A. Flaxman
200 S Michigan Ave Ste 201
Chicago, IL 60604-2430
(312) 427-3200
knf@kenlaw.com
Attorneys for Plaintiff

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

| | | |
|---|---|-----------------------|
| Leoncio Elizarri, by his Special |) | |
| Administrator Leticia Perez, Gregory L. |) | |
| Jordan, and Ted Velleff, individually and |) | |
| for others similarly situated, |) | |
| |) | |
| <i>Plaintiffs,</i> |) | |
| |) | No. 17-cv-8120 |
| -vs- |) | |
| |) | <i>(Judge Seeger)</i> |
| Sheriff of Cook County and Cook |) | |
| County, Illinois, |) | |
| |) | |
| <i>Defendants.</i> |) | |

DOCKETING STATEMENT

Plaintiff Leoncio Elizarri invoked the jurisdiction of the district court under 28 U.S.C. § 1343 to assert claims, individually for a putative class, arising under 42 U.S.C. § 1983. Elizarri succumbed to his final illness in 2019 and the district court Leticia Perez, Elizarri's sister, to appear as special administrator. (ECF No. 73.)

Gregory L. Jordan joined the case as a plaintiff in an amended complaint filed on September 5, 2018. (ECF No. 42.)

Ted Velleff joined the case as a plaintiff on April 19, 2021. (ECF No. 140).

The district court entered judgment in favor of defendants and against all plaintiffs on April 23, 2023. (ECF No. 210.) This was a final resolution of all claims by all plaintiffs.

Plaintiff Ted Velleff filed a notice of appeal on September 10, 2023. (ECF No. 211.)

Plaintiff Velleff invoked the jurisdiction of this Court pursuant to 28 U.S.C. § 1291.

/s/ Kenneth N. Flaxman
Kenneth N. Flaxman
ARDC No. 08830399
Joel A. Flaxman
200 South Michigan Ave Ste 201
Chicago, Illinois 60604
(312) 427-3200
Attorneys for Plaintiff

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

| | | |
|---|---|-----------------------|
| Leoncio Elizarri, by his Special |) | |
| Administrator Leticia Perez, Gregory L. |) | |
| Jordan, and Ted Velleff, individually and |) | |
| for others similarly situated, |) | |
| |) | |
| <i>Plaintiffs,</i> |) | |
| |) | No. 17-cv-8120 |
| -vs- |) | |
| |) | <i>(Judge Seeger)</i> |
| Sheriff of Cook County and Cook |) | |
| County, Illinois, |) | |
| |) | |
| <i>Defendants.</i> |) | |

AMENDED DOCKETING STATEMENT

To correct an error in the date of entry of judgment, plaintiff-appellant files the following amended docketing statement:

Plaintiff Leoncio Elizarri invoked the jurisdiction of the district court under 28 U.S.C. § 1343 to assert claims, individually for a putative class, arising under 42 U.S.C. § 1983. Elizarri succumbed to his final illness in 2019 and the district court Leticia Perez, Elizarri's sister, to appear as special administrator. (ECF No. 73.)

Gregory L. Jordan joined the case as a plaintiff in an amended complaint filed on September 5, 2018. (ECF No. 42.)

Ted Velleff joined the case as a plaintiff on April 19, 2021. (ECF No. 140).

The district court entered judgment in favor of defendants and against all plaintiffs on August 23, 2023. (ECF No. 210.) This was a final resolution of all claims by all plaintiffs.

Plaintiff Ted Velleff filed a notice of appeal on September 10, 2023. (ECF No. 211.)

Plaintiff Velleff invoked the jurisdiction of this Court pursuant to 28 U.S.C. § 1291.

/s/ Kenneth N. Flaxman
Kenneth N. Flaxman
ARDC No. 08830399
Joel A. Flaxman
200 South Michigan Ave Ste 201
Chicago, Illinois 60604
(312) 427-3200
Attorneys for Plaintiff

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

LEONCIO ELIZARRI, by his Special)
Administrator LETICIA PEREZ,)
GREGORY L. JORDAN, and)
TED VELLEFF,)

Plaintiffs,)

v.)

SHERIFF OF COOK COUNTY and)
COOK COUNTY, ILLINOIS,)

Defendants.)
_____)

Case No. 17-cv-8120

Hon. Steven C. Seeger

MEMORANDUM OPINION AND ORDER

Plaintiffs Leoncio Elizarrri, Greg Jordan, and Ted Velleff entered the Cook County Jail and surrendered their personal property, including government-issued identification cards. They were later transferred to the custody of the Illinois Department of Corrections. But they didn't take their property with them. The ID cards stayed behind.

The reason had to do with how the Cook County Jail handles personal property. Detainees often enter the Cook County Jail with personal property, and they have to surrender it at the door. The Cook County Jail will hold their property for a while, but not forever.

The Jail has a policy of requiring detainees or their designees to pick up their personal property within a fixed period of time after they leave. And if they don't, the Sheriff's office will destroy the property.

The Cook County Jail followed that protocol for Elizarrri, Jordan, and Velleff. Before they left the Cook County Jail, each of them signed forms acknowledging that the Sheriff would destroy their personal property unless someone picked it up. And no one picked it up.

The detainees later filed suit, alleging that the Cook County Jail violated their Fifth and Fourteenth Amendment rights by withholding and destroying their property. As it turns out, in a twist, the Cook County Jail located most of their property in the middle of this lawsuit. So the detainees shifted gears and allege that the Sheriff violated their rights by depriving them of the use and enjoyment of their property.

Defendants later moved for summary judgment. For the reasons that follow, Defendants' motion for summary judgment is hereby granted.

Background

Before diving in, the Court makes one brief observation. The case is about detainees' ability to get their hands on their government-issued identification cards after leaving the Cook County Jail. At first blush, it might seem like a small thing. But it isn't a small thing.

Detainees and prisoners need to get back on their feet after they leave incarceration. They need jobs, apartments, and so on. They often need to drive, too. They need identification to do many of the things that they need to do to reintegrate into society. (Try entering a federal courthouse without an ID, and see what happens.)

Detainees and prisoners might not have a compelling need for government-issued ID cards while they are incarcerated. But once they rejoin free society, things change. It is that much harder for former detainees and prisoners to reintegrate into the community if they cannot show who they are.

I. Policies and Practices about Detainees' Property

When a detainee enters the Cook County Jail, he surrenders his clothing and personal property to the Sheriff for storage and safekeeping. From that point, where the property goes

depends on what happens to the detainee. *See generally* 3/14/22 Mem. Opin. & Order, at 2–3 (Dckt. No. 169).

If the jail discharges the detainee, the Sheriff returns his property. *Id.* But if the jail transfers the detainee to the IDOC, the Sheriff follows a different procedure. *Id.*

Basically, the IDOC limits the types of property that it accepts from a prisoner arriving from a County Jail. *See* Pls.’ Resp. to Def.’s Statement of Facts, at ¶ 8 (Dckt. No. 201). The Cook County Jail and IDOC draw a line between “compliant property” and “non-compliant property.” As the names suggest, the IDOC will accept “IDOC compliant” property, but will not accept “IDOC non-compliant” property. *Id.*

Government-issued identification cards are among the items that are classified as “compliant property.” *See* Def.’s Resp. to Pl.’s Statement of Facts, at ¶ 2 (Dckt. No. 205). The IDOC allows inmates to have “identification cards, legal mail, personal mail, one religious book such as a Bible or Koran, eyeglasses and a wedding band (no stones).” *See* 6/7/05 IDOC Letter to Sheriffs (Dckt. No. 150-2, at 2 of 2); *see also* Engleson Dep., at 11:11 – 12:19 (Dckt. No. 150-6) (confirming that the 2005 list of allowed property – including identification cards – was still in effect in 2013).

Examples of IDOC non-compliant property include clothing, credit and debit cards, transit cards, personal keys, belts, and shoelaces. *See* Pls.’ Resp. to Def.’s Statement of Facts, at ¶ 9 (Dckt. No. 201).

The Sheriff stores all “compliant property” until the detainee leaves the Jail. *See* Def.’s Resp. to Pl.’s Statement of Facts, at ¶ 3 (Dckt. No. 205). But the storage isn’t forever.

Compliant property *could* go from the Cook County Jail to the IDOC, meaning that the IDOC would accept it. And in particular, the IDOC would accept government-issued

identification cards from the Sheriff when a prisoner is transferred from the Jail to serve a term of imprisonment in the IDOC. *Id.* at ¶ 4.

But the fact that the IDOC will accept government-issued identification cards does not mean that the Sheriff actually sends the ID cards to the IDOC. In fact, the Sheriff does not send government-issued identification cards to the IDOC along with sentenced prisoners, even though the IDOC would accept them. *Id.* at ¶ 5.

The Cook County Jail typically retains government-issued identification cards – and all other compliant property – for some period of time after a detainee is transferred to the IDOC. *Id.* at ¶ 6. At some point, if the property has not been claimed by the prisoner or a designee, the Sheriff ships the property to a warehouse. *Id.* And then, the Sheriff typically destroys the property after waiting another week to ten days. *Id.*; *see also* Horne Dep., at 14:5-9 (Dckt. No. 202, at 105 of 124).

In other words, the Sheriff treats government-issued ID cards like it treats other compliant property. The Cook County Jail does not send ID cards to the IDOC, even though the IDOC would allow them. Instead, detainees can designate someone to pick them up. If no one picks up the ID cards or other compliant property after a certain period of time, then the Sheriff sends the property to a warehouse, and it is usually disposed of within a week or two. *See* Def.'s Answer to Plaintiff's Fourth Set of Special Interrogatories, at 2 (Dckt. No. 172-2) ("In further response to this special interrogatory, Defendant Sheriff Dart submits that the CCSO/CCDOC has no policy that requires all government-issued ID cards to be destroyed after a detainee is transferred to the custody of the IDOC, but rather has a policy that would permit government-issued ID cards, along with other 'compliant property' to be destroyed if, upon transfer to the IDOC, the detainee fails to designate someone to pick up his or her 'compliant property,' or if no

designee picks up the ‘complaint property,’ including any government-issued ID card, after 45 days.”).

Detainees know the drill before they leave the Cook County Jail. The Cook County Sheriff’s office provides a preprinted form to detainees who leave the Jail for the IDOC. The form permits a detainee to designate someone to pick up their IDOC non-compliant property, but also contains a preprinted warning to the detainee that the Sheriff will dispose of property that is not picked up by a designee within a specific period of time. *See* Pls.’ Resp. to Def.’s Statement of Facts, at ¶ 10 (Dckt. No. 201).

The property disposition form provides as follows:

When you were admitted to the Department of Corrections, you may have had clothing items and/or personal property that was inventoried during admission and held during your detention. Belongings known as compliant property were placed in a sealed bag by the arresting agency.

You are being shipped to the Illinois Department of Corrections or to another facility and cannot take any of the items above with you. You have two choices. You can donate the items or designate someone to pick them up. Below are two sections, Donation Authorization and Authorization for Property Pickup. DO NOT FILL OUT BOTH SECTIONS.

See Shipment Donation/Designation Form (Dckt. No. 172-1).¹

The handbook from the Cook County Jail includes a section about property. Chapter 9 explains that a detainee’s property “will be disposed of” if the detainee does not take prompt action after leaving the Jail:

What happens to my money and property while I am in the CCDOC?

Your personal property (cell phone, keys[,] ID cards, etc.,) are kept at the CCDOC Property Office, located at 2700 S. California Avenue, Chicago,

¹ Plaintiffs filed this form in connection with their motion for reconsideration of the class certification ruling. The filing did not reveal when, exactly, the Sheriff used this particular form. The Court offers the form as an example, by way of background only. The forms actually signed by Elizarri, Jordan, and Velleff are in the record, as discussed below.

Illinois. When you are discharged, you must show the Property Office your photo ID to have your property returned. 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.

Clothing

Unclaimed personal clothing items shall be placed in the divisional unclaimed clothing (poor box).

Releasing Personal Property

You may authorize an individual to retrieve your personal property. Upon the request of the inmate, CRW's will assist in the release of personal property to another individual or agency. The inmate will sign a release form identifying the name and address of the person authorized to receive the property. The receiving party must have valid picture identification.

See Cook County Jail Handbook (Dckt. No. 199-14);² *see also* 2017 Cook County Jail Handbook (Dckt. No. 172-4, at 34 of 35) (the Feb. 2017 edition); 2017 Cook County Jail Handbook (Dckt. No. 172-5, at 42 of 44) (the July 2017 edition); 2018 Cook County Jail Handbook (Dckt. No. 172-5, at 40 of 43) (the June 2018 edition).³

II. The Plaintiffs

This case involves the fate of government-issued ID cards belonging to three former detainees: Leoncio Elizarrri, Gregory Jordan, and Theodore Velleff.

² Defendant cited and attached the handbook in the summary judgment filings, without revealing which version of the handbook it is (meaning which edition). Based on the context, the Court understands that this version was in place when Plaintiff Jordan was incarcerated in 2014. *See* Def.'s Statement of Facts, at ¶¶ 29–45 (Dckt. No. 199) (describing Jordan's detention at the Cook County Jail in 2014–2015). Plaintiffs also submitted the version of the handbook from July 2017. *See* 2017 Cook County Jail Handbook (Dckt. No. 202, at 57 of 124). And the parties submitted a larger collection in connection with the class certification filings (as cited above). The text is different, but the thrust is largely the same. The Sheriff notified inmates that he would keep their personal property for only a certain period of time after they left the Cook County Jail. And at that point, if no one picked it up, the Sheriff would dispose of the property. In the end, it does not matter which version of the handbook applied in the periods in question. No party argues that the outcome of the motion turns on which version of the handbook governed.

³ Plaintiffs attached the various manuals in support of the motion for reconsideration of the class certification ruling. *See* Pls.' Mtn. for Reconsideration (Dckt. No. 172). That filing explains when each manual was in effect. Again, the Court offers them as background only, for any interested reader who wants the full backstory.

The thrust of each story is basically the same. They entered the Cook County Jail with personal property, including government-issued ID cards. But they left the Jail without it. And they eventually got their property back (for the most part) during this litigation.

A. Elizarri

Leoncio Elizarri was admitted to the Cook County Jail on or about December 30, 2015. *See* Pls.’ Resp. to Def.’s Statement of Facts, at ¶ 15 (Dckt. No. 201). Elizarri’s property was inventoried by the Sheriff and then placed into a property bag. *Id.* at ¶ 16.

On May 12, 2016, Elizarri was transferred from the Cook County Jail to the IDOC. *Id.* at ¶ 17. That day, Elizarri signed the Sheriff’s property disposal form, and designated Jose Carrasquillo of Chicago, Illinois to pick up his property from the Sheriff. *Id.* at ¶ 18. (But apparently, he never picked it up.)

The property disposal form notified Elizarri that his property would be destroyed unless someone picked it up. Elizarri signed a preprinted property disposal form with the following notice to the detainee: “If the property is **NOT** picked up within forty-five (45) days of the date of this letter, it will be removed from storage and disposed of accordingly.” *Id.* at ¶ 19; *see also* Elizarri Property Disposal Form (Dckt. No. 199-9) (emphasis in original form).

The property disposal form that Elizarri signed also contained the following notice to the detainee: “I, _____, Detainee’s ID# _____ do hereby agree that for any reason this letter, mailed by myself, does not reach the designated person, and/or the designated person does not respond within forty-five (45) days from the date of shipment (see above) my property will be disposed of.” *See* Pls.’ Resp. to Def.’s Statement of Facts, at ¶ 20 (Dckt. No. 201).

The form was signed. The name “Leoncio Elizarri” is handwritten after “I,” and the number “#20151230177” is handwritten after “Detainee’s ID #.” *Id.* at ¶ 21. Below the second

preprinted notice is a field marked “Detainee’s signature” with a signature on the signature line. *Id.* at ¶ 22.

Despite the forewarning, the Cook County Jail did not destroy Elizarri’s property. The property bag containing Elizarri’s property remained in the possession of the Cook County Jail until it was tendered to Plaintiffs’ counsel on December 6, 2019. *Id.* at ¶ 23.

B. Jordan

Gregory Jordan entered and left the Cook County Jail, twice.

On July 3, 2014, Jordan was admitted to the Cook County Jail. *See* Pls.’ Resp. to Def.’s Statement of Facts, at ¶ 24 (Dckt. No. 201). He entered the Jail with personal property. *Id.* at ¶ 25.

That day, Jordan signed a document entitled “Cook County Sheriff’s Office Received Clothing.” *Id.* at ¶ 26. That document accurately memorializes the items that Jordan relinquished when he entered the Jail. *Id.* at ¶ 27.

Jordan didn’t stay in the Cook County Jail long. He was released on July 24, 2014. *Id.* at ¶ 28.

But three days later, he returned. On July 27, 2014, Jordan was once again admitted to the Cook County Jail. *Id.* at ¶ 29.

As a detainee, Jordan was shown a copy of the Inmate Handbook. *Id.* at ¶ 30. Chapter 9 of the Inmate Handbook is titled “Property.” *Id.* at ¶ 31. A subsection is titled “Releasing Personal Property.” *Id.* Chapter 9 of the Inmate Handbook describes the procedure by which a detainee may authorize another person to retrieve his or her personal property. *Id.* at ¶ 32.

Jordan testified that he did not read Chapter 9, but he “somewhat” understood that the Cook County Jail could dispose of his property if no one picked it up. *Id.* at ¶¶ 33–34. So he

wanted to designate his mother, Rose Jordan, to pick up his personal property. *Id.* at ¶ 35. But for whatever reason, that designation never happened.

On March 13, 2015, Jordan was transferred from the Cook County Jail to the IDOC. *Id.* at ¶ 45.

That day, Plaintiff Jordan signed the Cook County Jail's disposal of property form. *Id.* at ¶ 36. The language of that form was the same as the language in the form signed by Elizarri.

Jordan signed the preprinted property disposal form with the following notice to the detainee: "If the property is **NOT** picked up within forty-five (45) days of the date of this letter, it will be removed from storage and disposed of accordingly." *Id.* at ¶ 37; *see also* Jordan Property Disposal Form (Dckt. No. 199-10) (emphasis in original form).

Once again, the preprinted form contained the following notice to the detainee: "I, _____, Detainee's ID# _____, do hereby agree that for any reason this letter, mailed by myself, does not reach the designated person, and/or the designated person does not respond within forty-five (45) days from the date of shipment (see above) my property will be disposed of." *See* Pls.' Resp. to Def.'s Statement of Facts, at ¶ 38 (Dckt. No. 201).

Jordan signed the form. The name "Gregory Jordan" is handwritten after "I," and the number "#20140727148" is handwritten after "Detainee's ID #." *Id.* at ¶ 39. Below the second preprinted notice is a field marked "Detainee's signature" with a signature on the signature line. *Id.* at ¶ 40. Plaintiff Jordan signed his name next to "Detainee's signature." *Id.* at ¶ 41; *see also id.* at ¶ 42 (summarizing Jordan's testimony about signing the form).

Jordan did not write his mother's name anywhere on the preprinted property designation form. *Id.* at ¶ 43. And his mother did not make any attempt to retrieve his personal property, either. *Id.* at ¶ 44.⁴

Despite the forewarning, the Cook County Jail did not destroy Jordan's property. The property bag containing Jordan's property remained in the possession of the Cook County Jail until it was tendered to Plaintiffs' counsel on October 28, 2020. *Id.* at ¶ 46.

C. Velleff

Theodore Velleff has gone in and out of the Cook County Jail, multiple times.

Velleff was admitted to CCDOC on July 9, 2010, on December 23, 2010, on September 9 or September 25, 2013, and again on September 27, 2016. *Id.* at ¶ 47.

He relinquished possession of personal property to CCDOC, including clothing, identification cards, keys, belt, and shoelaces. *Id.* at ¶ 48.

On January 24, 2014, and again on August 1, 2017, Velleff signed CCDOC's preprinted disposal of property form. *Id.* at ¶ 49.

Once again, the preprinted property form included a notice to the detainee about the disposal of property. *Id.* at ¶ 50. It covered "clothing/belongings" that the detainee was not taking to the penitentiary. *See* Velleff 2014 Property Disposal Form (Dckt. No. 199-11). The form contained the following forewarning: "If this clothing is not picked up within thirty (30) days of the date of this letter, it will be removed from storage and disposed of." *See* Pls.' Resp.

⁴ The form included handwriting that suggested that Jordan wanted the Cook County Jail to donate his property. In the place where the detainee could designate a person for picking up the property, the form includes "DONATE" in large, handwritten letters. *See* Jordan Property Disposal Form (Dckt. No. 199-10). But in his responses to requests to admit, Jordan denied that he wrote the word "DONATE." *See* Pl. Jordan's Resp. to Def.'s Requests to Admit, at ¶ 12 (Dckt. No. 199-13). The Court does not place any importance on that word, one way or the other.

to Def.'s Statement of Facts, at ¶ 50 (Dckt. No. 201); *see also* Velleff 2014 Property Disposal Form.

Velleff could have designated a person to pick up the property. Instead, large handwritten letters appear: "N/A." *See* Velleff 2014 Property Disposal Form (Dckt. No. 199-11).

Below that notice to the detainee is a field preprinted "Detainee Signature." Plaintiff Velleff signed his name next to that field. *See* Pls.' Resp. to Def.'s Statement of Facts, at ¶ 51 (Dckt. No. 201). Plaintiff Velleff signed the disposal of property form on January 24, 2014. *Id.* at ¶ 52. By signing the form, Velleff acknowledged that his property "will be disposed of" after 30 days if he or his designee did not pick it up. *Id.*

A few years later, on August 1, 2017, Velleff signed another preprinted property disposal form. The 2017 form contained the following forewarning: "If the property is **NOT** picked up within forty-five (45) days of the date of this letter, it will be removed from storage and disposed of accordingly." *Id.* at ¶ 53; *see also* Velleff 2017 Property Disposal Form (Dckt. No. 199-12).

The August 1, 2017 property disposal form included the following notice to the detainee: "I, _____, Detainee's ID# _____, do hereby agree that for any reason this letter, mailed by myself, does not reach the designated person, and/or the designated person does not respond within forty-five (45) days from the date of shipment (see above) my property will be disposed of." *See* Pls.' Resp. to Def.'s Statement of Facts, at ¶ 54 (Dckt. No. 201).

Velleff signed the 2017 form. The name "Velleff, Theodore" is handwritten after "I," and the number "#20160927058" is handwritten after "Detainee's ID#." *Id.* at ¶ 55. Below the second preprinted notice is a field marked "Detainee's signature" with a signature on the signature line. *Id.* at ¶ 56. Velleff signed his name next to "Detainee's signature." *Id.* at ¶ 57.

At deposition, Velleff acknowledged signing the disposal of property form. *Id.* at ¶¶ 58–59. He also acknowledged knowing that, if no one picked up his property within 45 days from the date of his signature, the Cook County Jail would dispose of his property. *Id.*; *see also* Velleff Dep., at 56:13 – 58:7, 66:13-17 (Dckt. No. 153-1).

Velleff has never designated anyone to pick up his property from the Cook County Jail. *See* Pls.’ Resp. to Def.’s Statement of Facts, at ¶ 61 (Dckt. No. 201); *see also* Velleff Dep., at 51:16 – 52:3, 58:19-24 (Dckt. No. 153-1).

Velleff left the Cook County Jail on January 24, 2014, and again on August 1, 2017, and was transferred to the IDOC. *See* Pls.’ Resp. to Def.’s Statement of Facts, at ¶ 62 (Dckt. No. 201).

A property bag with a ship date of January 24, 2014 containing personal property of Plaintiff Velleff was tendered to Plaintiffs’ counsel on June 17, 2021. *Id.* at ¶ 63.

III. Procedural History

In 2017, Plaintiff Leoncio Elizarrri (only) filed this putative class action against the Sheriff of Cook County and against Cook County itself. *See* Cplt. (Dckt. No. 1). Taking a step back, this case wasn’t the first time that Elizarrri had filed suit against the Sheriff and Cook County about his property. In 2007, he filed a class action lawsuit about the Sheriff’s failure to prevent the theft or loss of detainees’ belongings. *See Elizarrri v. Sheriff of Cook Cnty.*, 901 F.3d 787 (7th Cir. 2018) (affirming a jury verdict in defendants’ favor).

While that appeal was pending, Elizarrri filed this second suit, meaning the case currently before this Court. He made another challenge about his property, but he offered a new theory. And since filing his original complaint in the case at hand, Elizarrri has changed his claims a few times, too.

The case at hand is about the Sheriff's failure to send property to the IDOC. Elizarri claimed that the Sheriff had failed to send "compliant property" – meaning property that the IDOC would accept – to the IDOC when Elizarri left the Jail and entered IDOC custody. *See* Cplt., at ¶ 26 (Dckt. No. 1). When he was arrested, Elizarri had \$22.50, a driver's license, a Social Security card, a cell phone, and a few other belongings. *Id.* at ¶ 22.

Instead of sending the property to the IDOC, the Sheriff "continu[ed] to hold plaintiff's personal property" in violation of the Fourth and Fourteenth Amendments.⁵ *Id.* at ¶¶ 27–28. Elizarri sought an injunction "requiring the Sheriff to return all property belonging to former detainees at the Jail and to make appropriate restitution for property that has been lost, misplaced, or stolen." *Id.* at 7.

Elizarri later filed an amended complaint that added Gregory Jordan as a named plaintiff. *See* First Am. Cplt. (Dckt. No. 42). When Jordan was arrested, his personal property included keys, a state identification card, a Social Security card, a wallet, and a belt. *Id.* at ¶ 30.

About a year later, the case was reassigned from Judge Durkin to this Court. At the initial status hearing (during the so-called cattle call for each of the 342 reassigned cases), defense counsel made a significant revelation. *See* 11/8/19 Tr., at 17–23 (Dckt. No. 89).

Defense counsel reported that Defendants had located the property of the two named Plaintiffs. In fact, defense counsel sent a letter to Plaintiffs' counsel in August 2018 – more than a year earlier – about the discovery of the property. *See* 11/14/19 Letter (Dckt. No. 88) (attaching letters to counsel dated August 17, 2018 and September 23, 2019); *see also* Initial Status Report for Reassigned Case, at 2 (Dckt. No. 79) ("The Sheriff has notified the Plaintiffs that specific items of their property have been located.").

⁵ The operative complaint is the Second Amended Complaint. Plaintiffs no longer invoke the Fourth Amendment. *See* Second Am. Cplt. (Dckt. No. 140).

But nothing had been done.

Defendants were ready to return the property to Plaintiffs, and Plaintiffs were ready to receive it from Defendants. *See* 11/8/19 Order (Dckt. No. 85) (“Defendants do not object to returning the Plaintiffs’ property, and Plaintiffs do not object to the return of their property. Everyone agreed at the hearing that the property should be returned.”). Plaintiffs wanted their property, and Defendants wanted to give it back.

Peace, seemingly, was breaking out. This Court did not see a need for an injunction to compel Defendants to do something that they were willing to do voluntarily. So, this Court directed the parties to come back to the courthouse at a later time, and complete the property exchange. *Id.* The parties agreed to the property exchange, without objection:

The Court: But to the best of your knowledge, do the defendants still have the plaintiffs’ personal property?

Defense Counsel: Yes.

The Court: Do you know where it is? I mean, your clients, do they know where it is and can they get it?

Defense Counsel: I believe they can, Judge.

* * *

The Court: Have the plaintiffs made any attempt to retrieve their property?

Plaintiffs’ Counsel: No. Well, I mean, not after filing the lawsuit.

The Court: In – since 2017, have the plaintiffs made any attempt to retrieve their property?

Plaintiffs’ Counsel: No.

* * *

The Court: I'll be real direct with you. When I read this report, I thought to myself, should I just order the defendants to bring the property to my courtroom and we'll just do a little handoff. Would anyone object to that?

Defense Counsel: No.

Defense Counsel: We have no objection.

Plaintiffs' Counsel: We would not object.

* * *

The Court: But it seems to me, candidly, like it's a waste of time and money and resources to continue to do the lawsuit, especially the expense of discovery, when peace seems to be on the verge of breaking out.

See 11/8/19 Tr., at 18:19-24, 21:20 – 22:1, 22:11-18, 24:15-18 (Dckt. No. 89).

That property exchange took place outside the courtroom on December 6, 2019. *See* 12/6/19 Order (Dckt. No. 96). The parties filed a stipulation to memorialize the return of the property. *See* Letter (Dckt. No. 95); Stipulation (Dckt. No. 97).

For Elizarri, the returned property included an Illinois identification card,⁶ a Chicago library card, sunglasses and cases, two Links cards, jewelry, and a few other items. *See* 12/6/19 Letter (Dckt. No. 95). For Jordan, the returned property included a wallet, business cards, CTA fare cards, a Social Security card attachment, a Social Security letter, part of a dollar bill, and so on. *Id.*

Defendants later found another bag containing Jordan's property, and a second property exchange took place. *See* 1/17/20 Status Report (Dckt. No. 100); 1/22/20 Order (Dckt. No. 102); 4/27/20 Order (Dckt. No. 114); 7/26/20 Status Report (Dckt. No. 121); 10/22/20 Order (Dckt.

⁶ The Court understands the Illinois identification card to be a driver's license. *See* 8/17/18 Letter (Dckt. No. 150-7).

No. 126); 10/28/20 Status Report (Dckt. No. 127); 10/30/20 Order (Dckt. No. 128). The returned property included a “copy” of an Illinois identification card. *See* 7/26/20 Status Report.

At that point, the return of the property was complete. Elizarri and Jordan agreed that they received all of their property. Simply put, “Defendants have returned all the property belonging to the named plaintiffs.” *See* 10/28/20 Status Report (Dckt. No. 127).

The return of the property called into question whether Elizarri and Jordan could serve as adequate class representatives. *See* 11/16/20 Order (Dckt. No. 129). Elizarri and Jordan can’t represent a class of people seeking the return of their property if Elizarri and Jordan aren’t seeking the return of their property. But the answer could be different to the extent that they seek compensation (if any) for the deprivation of their property in the past. It may depend on whether the class is seeking prospective or retrospective relief.

Plaintiffs then requested and received leave to amend the complaint yet again, adding Ted Velleff as a class representative. *See* Mtn. to Amend Cplt. (Dckt. No. 132); 4/19/21 Order (Dckt. No. 136); Second Am. Cplt. (Dckt. No. 140). Plaintiffs expressly did so in light of the concern about whether Elizarri and Jordan could continue to serve as class representatives, given the return of their property. *See* Mtn. to Amend Cplt., at 2 (“The proposed amended complaint therefore adds Ted Velleff, a former detainee at the Jail, as a plaintiff to ensure that the putative class will be adequately represented.”).

When Velleff was arrested, he had a state identification card, a belt, white shoelaces, and a few documents in his possession. *See* Second Am. Cplt., at 29 (Dckt. No. 140); 7/14/21 Status Report (Dckt. No. 148).

The Second Amended Complaint includes three claims about Defendants’ handling of detainees’ clothing and government identification. Before, Plaintiffs only brought claims about

compliant property (like ID cards). But the Second Amended Complaint added claims about detainee clothing, which is non-compliant property for the IDOC (meaning that prisoners weren't allowed to have it). *See* Second Am. Cplt., at ¶ 16 (Dckt. No. 140) (confirming that clothing is compliant property for the Cook County Jail, but is non-compliant property for the IDOC).

First, Plaintiffs allege that Defendants took detainees' clothing and gave it away in violation of the Takings Clause of the Fifth Amendment. *Id.* at ¶¶ 17–22. The Fifth Amendment claim is about clothes, as revealed by the text and the heading: “THE TAKINGS CLAIM: DETAINEE CLOTHING.” *Id.* at 4.

Second, they claim that Defendants destroyed “stored detainee property” – including identification cards and other items – without notice in violation of the Fourteenth Amendment. *Id.* at ¶¶ 23–39. Plaintiffs allege that the Sheriff stopped destroying IDOC non-complaint property in 2008, but resumed that practice in 2018. *Id.* at ¶¶ 24, 36. That claim didn't fit well with two (if not three) of the named Plaintiffs. The Sheriff “returned the Elizarri property during the pendency of this ligation,” and “located and returned two of the bags inventoried from plaintiff Jordan.” *Id.* at ¶¶ 30, 31.

Third, Plaintiffs allege that Defendants failed to give notice to detainees that their property was available for pickup, in violation of the Due Process Clause of the Fourteenth Amendment. *Id.* at ¶¶ 40–43.

Plaintiffs later moved for class certification. *See* Pls.' Mtn. for Class Certification (Dckt. No. 146). Plaintiffs originally sought to certify four subclasses.

Plaintiffs sought certification of a “clothing” subclass, called the “Fifth Amendment Takings Subclass.” *Id.* at 1. Plaintiffs also requested certification of three “Fourteenth

Amendment Damages Subclasses.” *Id.* The first Fourteenth Amendment subclass was a “government identification” subclass. *Id.* Another Fourteenth Amendment subclass involved property that was sold, destroyed, or lost after November 9, 2015. *Id.* The final Fourteenth Amendment subclass involved property that remains in the Sheriff’s custody. *Id.*

Plaintiffs then backtracked and narrowed their request for class certification. In their supporting memorandum, Plaintiffs requested certification of two subclasses, not four. The first subclass included “[p]ersons whose clothing was taken by the Sheriff to be used by detainees upon release from the Cook County Jail (Fifth Amendment Takings Subclass).” *See* Pls.’ Mem., at 1–2 (Dckt. No. 150). The second subclass included “[p]ersons whose government issued identification remained in the custody of the Sheriff of Cook County (Fifth and Fourteenth Amendment Damages Subclass).” *Id.*

In their reply brief, Plaintiffs continued to whittle. Plaintiffs acknowledged that the Seventh Circuit’s decision in *Conyers v. City of Chicago*, 10 F.4th 704 (7th Cir. 2021), undercut the request for certification of a “clothing” subclass. *See* Pls.’ Reply, at 1 (Dckt. No. 155). So Plaintiffs “withdr[e]w their request for certification of the ‘clothing’ subclass.” *Id.*

After that whittling, Plaintiffs explained that the “‘government identification’ claim challenges the Sheriff’s policy of refusing to send government issued identification to the Illinois Department of Corrections when transferring a prisoner from the Cook County Jail to the IDOC.” *See* Pls.’ Reply, at 2 (Dckt. No. 155). Plaintiffs asked the Court to certify a class of “[a]ll persons who left the Cook County Jail to serve a sentence in the Illinois Department of Corrections on and after November 9, 2015 and whose government issued identification remained in the custody of the Sheriff of Cook County.” *Id.* at 8; *see also* Pls.’ Mtn. for Class Certification, at 1 (Dckt. No. 146).

This Court ultimately denied the motion for class certification. *See* 3/14/22 Mem. Opin. & Order (Dckt. No. 169). The Court concluded that Plaintiffs had failed to satisfy the numerosity requirement of Rule 23. *Id.* The record was thin, if not barren. Plaintiffs offered 42 declarations, but 40 of the 42 declarants were not members of the putative class. *Id.* at 2.

Plaintiffs later filed a motion for reconsideration of the class certification ruling, which this Court denied. *See* Pls.’ Mtn. to Reconsider (Dckt. No. 172); 8/16/22 Mem. Opin. & Order (Dckt. No. 188).

Meanwhile, Defendants located property belonging to Velleff (from his detention in 2013–2014), and returned those items on June 16, 2021. *See* 7/14/21 Status Report (Dckt. No. 148); 7/27/21 Order (Dckt. No. 151). For Velleff, the returned property included an Illinois identification card, a belt, shoelaces, and some documents. *See* 7/14/21 Status Report; *see also* 6/18/21 Letter (Dckt. No. 148) (summarizing the property exchange).

Velleff questioned whether the Jail also has more property, from his detentions in 2009, and again in 2010, and again in 2016. *See* 8/6/21 Status Report (Dckt. No. 152). But Defendants could not locate any such property. *Id.* at 2.

Velleff doesn’t know if Defendants have returned all of his property. Velleff is “unable to form at the present time a belief, consistent with Rule 11 . . . about whether the Sheriff continues to possess the property listed in the preceding paragraph.” *Id.* at 2.

Legal Standard

A district court “shall grant” summary judgment “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” *See* Fed. R. Civ. P. 56(a). A genuine dispute of material fact exists if “the evidence is such that a reasonable jury could return a verdict for the nonmoving party.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). The party seeking summary judgment has the burden of

establishing that there is no genuine dispute as to any material fact. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). To survive summary judgment, the opposing party must go beyond the pleadings and identify specific facts showing the existence of a genuine issue for trial. *See Anderson*, 477 U.S. at 256.

The Court construes all facts in the light most favorable to the nonmoving party, giving him the benefit of all reasonable inferences. *See Chaib v. Geo Grp., Inc.*, 819 F.3d 337, 341 (7th Cir. 2016). The Court does not weigh the evidence, judge credibility, or determine the truth of the matter, but rather determines only whether a genuine issue of triable fact exists. *See Nat'l Athletic Sportswear, Inc. v. Westfield Ins. Co.*, 528 F.3d 508, 512 (7th Cir. 2008). Summary judgment is appropriate if, on the evidence provided, no reasonable jury could return a verdict in favor of the non-movant. *See Celotex Corp.*, 477 U.S. at 322; *Gordon v. FedEx Freight, Inc.*, 674 F.3d 769, 772–73 (7th Cir. 2012).

Analysis

Out of the box, Plaintiffs begin their motion for summary judgment by abandoning many parts of their case. Plaintiffs acknowledge that they limited their motion for class certification to the “Sheriff’s policy of refusing to send government-issued identification to the Illinois Department of Corrections when transferring a prisoner from the Cook County Jail to the IDOC.” *See* Pls.’ S.J. Brf., at 1 (Dckt. No. 200).

That whittling extends to the claims on the merits, too. “Plaintiffs adhere to this narrowing of their claims and knowingly and intentionally waive all claims, including claims involving detainee clothing, other than those discussed below.” *Id.*

Based on that concession, the Court grants Defendants summary judgment on all claims involving any property other than government-issued identification cards. The claims about the ID cards are all that is left.

The parties agree that Elizarri, Jordan, and Velleff surrendered government-issued ID cards when they arrived at the Cook County Jail. The parties also agree that the Sheriff located the ID cards during the pendency of this case. And the parties agree that the Sheriff returned the ID cards. *See* Def.'s Resp. to Pl.'s Statement of Facts, at ¶ 9 (Dckt. No. 205) ("An Illinois state identification card was included in the property that defendant Sheriff returned to counsel for original plaintiff Leoncio Elizarri on December 6, 2019."); *id.* at ¶ 11 ("An Illinois state identification card was included in the property that defendant Sheriff returned to counsel for plaintiff Gregory Jordan on July 20, 2019."); *id.* at ¶ 12 ("The Sheriff retained until June 17, 2021 the property, including a government issued ID card, that had been taken from plaintiff Velleff in 2013."). Elizarri and Jordan received all of their property back, and Velleff received all of his property from the 2013 incarceration.

At most, there is an open question about what happened to any property that Velleff surrendered in connection with his 2016 incarceration. That property became eligible for destruction on January 25, 2018. *See id.* at ¶ 13. There is no reason to think that such property still exists. The Sheriff has not located it, and Velleff previously stated that he was "unable to form at the present time a belief, consistent with Rule 11 . . . about whether the Sheriff continues to possess the property listed in the preceding paragraph." *See* 8/6/21 Status Report, at 2 (Dckt. No. 152).

The punchline is that Plaintiffs entered the Cook County Jail with government-issued ID cards. They later were transferred to the custody of the IDOC. The Sheriff, however, did not

transfer those ID cards to the IDOC, even though the IDOC would have accepted them. But the Sheriff did not destroy the ID cards, either. Instead, the Sheriff hung on to the ID cards – for *years*. And during this lawsuit, the Sheriff returned the ID cards to Plaintiffs’ counsel, so Plaintiffs and their ID cards were reunited.

The question on the table is whether the claims involving the ID cards pass muster and can go to trial. The Court concludes that they cannot. The claims run headlong into a wall of case law from the Seventh Circuit.

The Seventh Circuit addressed a similar claim in *Conyers v. City of Chicago*, 10 F.4th 704 (7th Cir. 2021). There, arrestees challenged the City’s handling of property seized during an arrest. Sometimes arrestees will possess property that is not permitted in the Cook County Jail, like cell phones. In that case, the City had a policy of storing the property for 30 days. If the property was not picked up by then, the City disposed of it.

Several arrestees challenged the City’s policy with a smattering of arguments under the Fourth, Fifth, and Fourteenth Amendments. The Seventh Circuit rejected them all.

For starters, the Fourth Amendment was an ill fit for a claim about the continued retention of property, when there was no question whether the government properly seized the property in the first place. *See id.* at 710 (“[T]hat issue falls more naturally under the Due Process Clause of the Fourteenth Amendment, or perhaps the Takings Clause of the Fifth Amendment.”). The Fourth Amendment does not govern if the government lawfully seized the property at the inception.

The Seventh Circuit rejected the takings claim under the Fifth Amendment, too. The Court of Appeals held that the City was entitled to treat the property as abandoned. “Nothing compels the City to hold property forever.” *Id.* at 711.

Along the way, the Seventh Circuit pointed out that the arrestees had notice that the City would dispose of their property. And the arrestees had a way to make sure that the City would not destroy it. “First, the detainee knows exactly what has been taken from him and when that confiscation occurred. Second, the detainee is told both how (either personally or through a representative) to get his property back and how quickly he must do so. Finally, the hard-copy Notice plainly states that ‘[i]f you do not contact the CPD to get your property back *within 30 days of the date on this receipt*, it will be considered abandoned under Chicago Municipal Code Section 2-84-160, and the forfeiture process will begin’” *Id.* (emphasis in original).

Based on that notice and opportunity to act, the Seventh Circuit held that the City was “entitle[d] . . . to treat as abandoned any property that remains unclaimed after 30 days have gone by.” *Id.* at 712. And once the property was abandoned, it did not belong to anyone. *Id.* So no one had any property rights, which means that no one could bring a takings claim. *Id.*

The final claim involved due process under the Fourteenth Amendment. The Seventh Circuit reached the same conclusion, for similar reasons. “Due process demands both adequate notice and an opportunity to be heard before the state may take property.” *Id.* at 712. But the arrestees had adequate notice of the City’s policy. *Id.* at 712–15. And they had an adequate opportunity to retrieve their property, too. *Id.*

At bottom, the Seventh Circuit made clear that the City did not have a constitutional obligation to retain an arrestee’s property forever. “[W]e can find no support in due-process cases for the proposition that the City must serve as an involuntary bailee of property for lengthy periods of time, incurring all of the costs and responsibilities that such a status would implicate.” *Id.* at 715.

The Seventh Circuit built upon *Conyers* in *Kelley-Lomax v. City of Chicago*, 49 F.4th 1124 (7th Cir. 2022). Arrestees once again challenged the City’s policy about seizing property, and then disposing of it in 30 days if no one picked it up. But this time, the arrestees challenged the City’s policy as a violation of substantive due process.

Substantive due process depends on a right with “deep roots in our history and traditions.” *Id.* at 1125. And there was no longstanding right to have the government serve as a custodian for property *ad infinitum*.

The question was not whether property ownership was a fundamental right. The question was whether there was a historical tradition of the state holding property for extended periods of time. “Instead the plaintiff must address the actual policy at stake: the government’s unwillingness to serve as unpaid bailee for indefinite periods. And on that score Kelley-Lomax does not even try to show that such a role for government has historical provenance.” *Id.* 1125.

Conyers and *Kelley-Lomax* foreclose any claim by Plaintiffs here. The Sheriff informed detainees that it would not transport their property to the IDOC. The Sheriff let them know that someone could pick up their property within a fixed period of time. And the Sheriff let them know that if no one retrieved the property, the Sheriff would pitch it.

Elizarri, Jordan, and Velleff received adequate notice about the Sheriff’s plans for the property. Each of them signed a property disposition form, and each form forewarned them that the Cook County Jail would not keep their property forever.

Plaintiffs do not argue that the notice was constitutionally deficient. And Plaintiffs do not claim that they lacked an adequate opportunity to preserve their property. So, the record shows that the Sheriff satisfied both requirements of due process. The detainees received

adequate notice, and they had an adequate opportunity to protect their interests and get their belongings.

Plaintiffs contend that this case is different than *Conyers* and *Kelley-Lomax* because this case involves property that the Sheriff could have sent to the IDOC. That is, in *Conyers* and *Kelley-Lomax*, the City seized property that the Cook County Jail would not accept. But here, the property in question involves government-issued ID cards, and the IDOC would have accepted the ID cards if the Cook County Jail had sent them.

That's a distinction without a difference. Nothing in *Conyers* or *Kelley-Lomax* turned on the type of property at issue. And the outcomes did not turn on whether the property had somewhere else to go. It did not matter if the other facility would have accepted the property. The constitutional requirements do not change based on whether another facility would take the property.

What matters is whether the government gave the inmates adequate notice about what would happen to their property, and gave them an adequate chance to retrieve it. And here, as in *Conyers* and *Kelley-Lomax*, the government did.

The Constitution did not require the Sheriff to ship the property to the IDOC, either. The Fourteenth Amendment requires notice and an opportunity for retrieval before destroying personal property. But the Constitution does not require transportation services, or free shipping.

Plaintiffs end by offering a smattering of cases about the historical tradition of the government serving as a custodian for property. The cases do not move the needle. The cases hover at a high level of generality. They basically acknowledge that the government has some responsibility for property that it seizes. *See* Pls.' S.J. Brf., at 6–7 (Dckt. No. 200). But the cases do not stand for the proposition that the government must keep property forever. And the cases

do not call into question the practice of disposing of property after giving inmates fair notice and a fair chance to retrieve it.

Lurking over everything is a fact that looms large. At the end of the day, Elizarri and Jordan received all of their property back. The Sheriff returned their property – including government-issued ID cards – during this litigation. Velleff also received much of his property back, including a government-issued ID card. (Again, Velleff believes that he also surrendered an ID card during his incarceration in 2016. But he went to the IDOC in 2017, and that property became eligible for destruction in early 2018. For the sake of argument, the Court assumes that the Sheriff disposed of that ID card.).

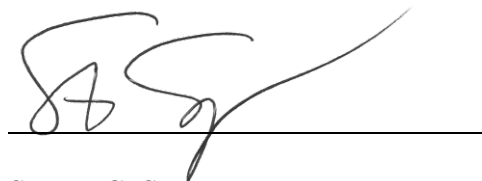
On this record, the Sheriff would not have committed a constitutional injury even if he had destroyed their property. So it is hard to see how the Plaintiffs could have suffered an injury when they got their property *back*.

Maybe they could advance a theory that they lost the use and enjoyment of their property in the meantime. But if the government could have destroyed their property without violating their rights (because of the adequate notice), then the government did not violate their rights by withholding it for a while, and then giving it back.

Conclusion

For those reasons, Defendants’ motion for summary judgment is hereby granted.

Date: August 21, 2023

A handwritten signature in black ink, appearing to read 'S. Seeger', is written over a horizontal line.

Steven C. Seeger
United States District Judge

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

LEONCIO ELIZARRI, by his Special
Administrator LETICIA PEREZ,
GREGORY L. JORDAN, and
TED VELLEFF,

Plaintiffs,

v.

SHERIFF OF COOK COUNTY and COOK
COUNTY, ILLINOIS,

Defendants.

Case No. 1:17-cv-08120

Judge Steven C. Seeger

JUDGMENT IN A CIVIL CASE

Judgment is hereby entered (check appropriate box):

☐ in favor of plaintiff(s)
and against defendant(s)
in the amount of \$ _____,

which ☐ includes _____ pre-judgment interest.
☐ does not include pre-judgment interest.

Post-judgment interest accrues on that amount at the rate provided by law from the date of this judgment.
Plaintiff(s) shall recover costs from defendant(s).

☒ in favor of defendants Sheriff of Cook County and Cook County, IL.
and against plaintiff Leticia Perez, independent administrator for the estate of Leoncio Elizarrri,
Gregory L. Jordon and Theodore Velleff.

☐ other:

This action was (*check one*):

- ☐ tried by a jury with Judge _____ presiding, and the jury has rendered a verdict.
☐ tried by Judge _____ without a jury and the above decision was reached.
☒ decided by Judge Steven C. Seeger on defendants' motion for summary judgment (Dckt. No. [197]).

Date: 8/21/2023

Thomas G. Bruton, Clerk of Court

Jessica J. Ramos, Deputy Clerk

APPEAL,HARJANI,TERMED

United States District Court
Northern District of Illinois - CM/ECF NextGen 1.7.1.1 (Chicago)
CIVIL DOCKET FOR CASE #: 1:17-cv-08120
Internal Use Only

Elizarri et al. v. Cook County et al.
Assigned to: Honorable Steven C. Seeger
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 11/09/2017
Date Terminated: 08/21/2023
Jury Demand: Both
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Leoncio Elizarri
*individually and for others similarly
situated*

represented by **Kenneth N Flaxman**
Kenneth N. Flaxman, P.C.
200 South Michigan Avenue
Suite 201
Chicago, IL 60604-6107
(312) 427-3200
Email: knf@kenlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joel A. Flaxman
Kenneth N. Flaxman P.C.
200 S Michigan Ave Ste 201
Chicago, IL 60604
(312) 427-3200
Email: jaf@kenlaw.com
ATTORNEY TO BE NOTICED

Plaintiff

Gregory L jordan

represented by **Kenneth N Flaxman**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Ted Velleff

represented by **Kenneth N Flaxman**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Sheriff of Cook County

represented by **Edward M. Brener**
Cook County State's Attorney
Civil Litigation Bureau

50 W. Washington
5th Floor
Chicago, IL 60602
(312) 603-5971
Email: edward.brener@cookcountyil.gov
TERMINATED: 02/14/2023
LEAD ATTORNEY

Jessica Wasserman
Cook County State's Attorney's Office
500 Richard J. Daley Center
50 W. Washington Street
Ste 500
Chicago, IL 60602
312-603-5967
Email:
jessica.wasserman@cookcountyil.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elaine Cindy Davenport
Metra Law Department
547 West Jackson Blvd
15th Floor
Chicago, IL 60661
(312) 322-8002
Email: edavenport@metrarr.com
TERMINATED: 12/22/2021

Elizabeth Francine Brogan
Cook County State's Attorney's Office
Civil Actions Bureau - Complex Litigation
Section
500 Richard J. Daley Center
Chicago, IL 60602
(312) 603-6638
Email:
elizabeth.brogan@cookcountyil.gov
TERMINATED: 10/27/2022

Gerald Michael Dombrowski
Sanchez & Daniels
333 West Wacker Drive
Suite 500
Chicago, IL 60606
(312) 641-1555
Email: gdombrowski@sanchezdh.com
TERMINATED: 06/15/2022

Hugh C. O'Donnell

Whiteside & Goldberg, Ltd.
155 N. Michigan Ave.
Suite 540
Chicago, Suite 540
Chicago, IL 60601
312-334-6875
Email: hodonnell@wglawgroup.com
TERMINATED: 06/15/2022

Meghan Domenica Childers
Sanchez Daniels & Hoffman
333 West Wacker Drive
Suite 500
Chicago, IL 60606
(312) 641-1555
Email: mchilders@sanchezdh.com
TERMINATED: 06/15/2022

Rebecca J Laue
Cook County State's Attorney's Office
Civil Actions Bureau
500 Richard J. Daley Center
Chicago, IL 60602
312-603-4327
Email: rebecca.laue@cookcountyil.gov
ATTORNEY TO BE NOTICED

Robert Franklin Kunkel
Lewis Brisbois Bisgaard & Smith
550 W. Adams St.
Suite 300
Chicago, IL 60661
3123451718
Email: Robert.Kunkel@lewisbrisbois.com
TERMINATED: 06/15/2022

Yifan Xu Sanchez
Sanchez Daniels & Hoffman
333 W. Wacker Dr.
Ste. 500
Chicago, IL 60606
(312) 641-1555
Email: ysanchez@sanchezdh.com
TERMINATED: 06/15/2022

Defendant

Cook County Illinois

represented by **Edward M. Brener**
(See above for address)
TERMINATED: 02/14/2023
LEAD ATTORNEY

Jessica Wasserman

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Anthony E. Zecchin**

Hale & Monico LLC

53 West Jackson Blvd.

Suite 330

Chicago, IL 60604

(312) 870-6933

Email: azecchin@halemonico.com

*TERMINATED: 02/21/2019***Danielle Mikhail**

Hinshaw & Culbertson LLP

151 North Franklin Street

Suite 2500

Chicago, IL 60606

312-704-3047

Email: dmikhail@hinshawlaw.com

*TERMINATED: 02/07/2022***Elizabeth Francine Brogan**

(See above for address)

*TERMINATED: 10/27/2022***Gretchen Jean Nordhausen**

Cook County State's Attorneys Office

500 Richard J Daley Center

Chicago, IL 60601

(224) 325-5352

Email:














gretchen.nordhausen@cookcountyil.gov















*TERMINATED: 06/13/2022***Rebecca J Laue**













(See above for address)














ATTORNEY TO BE NOTICED













| Date Filed | # | Select all / clear | Docket Text |
|------------|-------------------|---|--|
| 11/09/2017 | 1 | <input type="checkbox"/> 37.0 KB | COMPLAINT filed by Leoncio Elizarri; Jury Demand. Filing fee \$ 400, receipt number 0752-13782354.(Flaxman, Kenneth) (Entered: 11/09/2017) |
| 11/09/2017 | 2 | <input type="checkbox"/> 34.4 KB | CIVIL Cover Sheet (Flaxman, Kenneth) (Entered: 11/09/2017) |












| | | | |
|------------|--------------------|--|---|
| 11/09/2017 | | | CASE ASSIGNED to the Honorable Thomas M. Durkin. Designated as Magistrate Judge the Honorable Daniel G. Martin. (daj,) (Entered: 11/09/2017) |
| 11/09/2017 | | | SUMMONS Issued as to Defendants Sheriff Cook County, Cook County Illinois. (kms) (Entered: 11/09/2017) |
| 11/10/2017 | 3 |  22.7 KB | ATTORNEY Appearance for Plaintiff Leoncio Elizarri by Joel A. Flaxman (Flaxman, Joel) (Entered: 11/10/2017) |
| 11/10/2017 | 4 |  27.4 KB | ATTORNEY Appearance for Plaintiff Leoncio Elizarri by Kenneth N Flaxman (Flaxman, Kenneth) (Entered: 11/10/2017) |
| 11/17/2017 | 5 |  195.1 KB | SUMMONS Returned Executed by Leoncio Elizarri as to Cook County Illinois on 11/17/2017, answer due 12/8/2017; Sheriff of Cook County on 11/17/2017, answer due 12/8/2017. (Flaxman, Joel) (Entered: 11/17/2017) |
| 11/28/2017 | 6 |  96.3 KB | ATTORNEY Appearance for Defendant Cook County Illinois by Anthony E. Zecchin (Zecchin, Anthony) (Entered: 11/28/2017) |
| 12/04/2017 | 7 |  32.9 KB | ATTORNEY Appearance for Defendant Sheriff of Cook County by Gerald Michael Dombrowski (Dombrowski, Gerald) (Entered: 12/04/2017) |
| 12/06/2017 | 8 |  38.8 KB | ATTORNEY Appearance for Defendant Sheriff of Cook County by Meghan Domenica White (White, Meghan) (Entered: 12/06/2017) |
| 12/06/2017 | 9 |  142.6 KB | MOTION by Defendant Sheriff of Cook County for extension of time to file answer <i>or otherwise plead</i> (Dombrowski, Gerald) (Entered: 12/06/2017) |
| 12/06/2017 | 10 |  83.1 KB | NOTICE of Motion by Gerald Michael Dombrowski for presentment of motion for extension of time to file answer 9 before Honorable Thomas M. Durkin on 12/11/2017 at 09:00 AM. (Dombrowski, Gerald) (Entered: 12/06/2017) |
| 12/07/2017 | 11 |  4.3 KB | MINUTE entry before the Honorable Thomas M. Durkin:Defendant Sheriff of Cook County's unopposed motion for extension of time to 12/29/2017 to answer or otherwise plead 9 is granted. No appearance is required on 12/11/2017. Mailed notice (srn,) (Entered: 12/07/2017) |
| 12/21/2017 | 12 |  69.1 KB | ATTORNEY Appearance for Defendant Sheriff of Cook County by Yifan Xu Sanchez (Sanchez, Yifan) (Entered: 12/21/2017) |
| 12/21/2017 | 13 |  191.4 KB | MOTION by Defendant Sheriff of Cook County to dismiss (Attachments: # 1 Exhibit A)(Sanchez, Yifan) (Entered: 12/21/2017) |
| 12/21/2017 | 14 |  15.6 KB | NOTICE of Motion by Yifan Xu Sanchez for presentment of motion to dismiss 13 before Honorable Thomas M. Durkin on 1/4/2018 at 09:00 AM. (Sanchez, Yifan) (Entered: 12/21/2017) |
| 01/04/2018 | 15 |  4.3 KB | MINUTE entry before the Honorable Thomas M. Durkin:Motion hearing held on 1/4/2018. Plaintiff's response to defendant Sheriff of Cook County's motion to dismiss 13 is due by 1/25/2018. Defendant's reply is due by 2/8/2018. Status hearing set for 2/27/2018 at 09:00 AM.Mailed notice (srn,) (Entered: 01/04/2018) |




| | | | |
|------------|--------------------|--|---|
| 01/25/2018 | 16 |  740.0 KB | RESPONSE by Leoncio Elizarrin Opposition to MOTION by Defendant Sheriff of Cook County to dismiss 13 (Flaxman, Joel) (Entered: 01/25/2018) |
| 02/08/2018 | 17 |  1.8 MB | REPLY by Sheriff of Cook County to response in opposition to motion 16 to Dismiss (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Notice of Filing)(Sanchez, Yifan) (Entered: 02/08/2018) |
| 02/15/2018 | 18 |  611.6 KB | MOTION by Plaintiff Leoncio Elizarrin to strike reply to response to motion 17 (Flaxman, Kenneth) (Entered: 02/15/2018) |
| 02/15/2018 | 19 |  22.5 KB | NOTICE of Motion by Kenneth N Flaxman for presentment of motion to strike 18 before Honorable Thomas M. Durkin on 2/21/2018 at 09:00 AM. (Flaxman, Kenneth) (Entered: 02/15/2018) |
| 02/21/2018 | 20 |  4.3 KB | MINUTE entry before the Honorable Thomas M. Durkin:Plaintiff's motion to strike defendants' reply memorandum 18 is entered and continued to the 2/27/2018 9:00 a.m. status hearing. Motion hearing held on 2/21/2018. Mailed notice (srn,) (Entered: 02/21/2018) |
| 02/26/2018 | 21 |  4.4 KB | MINUTE entry before the Honorable Thomas M. Durkin:By agreement of the parties, plaintiff's motion to strike reply 18 is withdrawn. Defendants' reply in support of its motion to dismiss 17 is also withdrawn. Defendants' have to 3/13/2018 in which to file a revised reply in support of their motion to dismiss. The 2/27/2018 status date is vacated. Mailed notice (srn,) (Entered: 02/26/2018) |
| 03/13/2018 | 22 |  2.9 MB | REPLY by Defendant Sheriff of Cook County to Motion to Dismiss (Revised) (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Notice of Filing)(Sanchez, Yifan) (Entered: 03/13/2018) |
| 05/04/2018 | 23 |  78.0 KB | MEMORANDUM Opinion and Order: The Sheriff's motion to dismiss 13 is denied. Signed by the Honorable Thomas M. Durkin on 5/4/2018:Mailed notice(srn,) (Entered: 05/04/2018) |
| 05/04/2018 | 24 |  4.2 KB | MINUTE entry before the Honorable Thomas M. Durkin: Status hearing set for 5/11/2018 at 09:00 AM.Mailed notice (srn,) (Entered: 05/04/2018) |
| 05/11/2018 | 25 |  4.3 KB | MINUTE entry before the Honorable Thomas M. Durkin:Status hearing held on 5/11/2018. Defendants' answer is to be filed by 6/8/2018. Status hearing set for 7/16/2018 at 09:00 AM. A joint status report is to be filed by 7/12/2018. Mailed notice (srn,) (Entered: 05/11/2018) |
| 06/08/2018 | 26 |  49.2 KB | ANSWER to Complaint and Affirmative Defenses by Sheriff of Cook County (Attachments: # 1 Notice of Filing)(Sanchez, Yifan) (Entered: 06/08/2018) |
| 07/11/2018 | 27 |  96.0 KB | ATTORNEY Appearance for Defendant Cook County Illinois by Danielle Mikhail (Mikhail, Danielle) (Entered: 07/11/2018) |
| 07/11/2018 | 28 |  137.3 KB | MOTION by Defendant Cook County Illinois for extension of time to Answer or Otherwise Plead (Mikhail, Danielle) (Entered: 07/11/2018) |
| 07/11/2018 | 29 |  136.4 KB | NOTICE of Motion by Danielle Mikhail for presentment of extension of time 28 before Honorable Thomas M. Durkin on 7/16/2018 at 09:00 AM. (Mikhail, Danielle) (Entered: 07/11/2018) |






| | | | |
|------------|--------------------|--|--|
| 07/12/2018 | 30 |  46.8 KB | Rule 26(f) Report for Mandatory Initial Discovery Pilot (MIDP) , filed by Plaintiff Leoncio Elizarrri. (Flaxman, Kenneth) (Entered: 07/12/2018) |
| 07/16/2018 | 31 |  4.4 KB | MINUTE entry before the Honorable Thomas M. Durkin:Defendant Cook County's motion for extension of time to 8/6/2018 to answer 28 is granted. Status hearing held on 7/16/2018. Written discovery is to be responded to by 11/2/2018. Class discovery is closed 12/7/2018. Status hearing set for 8/17/2018 at 09:00 AM.Mailed notice (srn,) (Entered: 07/17/2018) |
| 08/06/2018 | 32 |  136.5 KB | MOTION by Defendant Cook County Illinois for order <i>in lieu of an answer</i> (Mikhail, Danielle) (Entered: 08/06/2018) |
| 08/06/2018 | 33 |  131.2 KB | NOTICE of Motion by Danielle Mikhail for presentment of motion for order 32 before Honorable Thomas M. Durkin on 8/13/2018 at 09:00 AM. (Mikhail, Danielle) (Entered: 08/06/2018) |
| 08/08/2018 | 34 |  4.3 KB | MINUTE entry before the Honorable Thomas M. Durkin:Defendant Cook County's motion for an order in lieu of an answer 32 is granted. No appearance is required on 8/13/2018. The 8/17/2018 stands. Mailed notice (srn,) (Entered: 08/08/2018) |
| 08/17/2018 | 35 |  4.3 KB | MINUTE entry before the Honorable Thomas M. Durkin:Status hearing held on 8/17/2018. Plaintiff failed to appear. Status hearing set for 8/31/2018 at 09:00 AM. Plaintiff is directed to be present at the 8/31/2018 status hearing.Mailed notice (srn,) (Entered: 08/17/2018) |
| 08/30/2018 | 36 |  22.3 KB | NOTICE of Service of Responses to Mandatory Initial Discovery (MIDP) , filed by Plaintiff Leoncio Elizarrri. (Flaxman, Kenneth) (Entered: 08/30/2018) |
| 08/30/2018 | 37 |  16.2 KB | CERTIFICATE of Service <i>for Mandatory Initial Discovery</i> by Yifan Xu Sanchez on behalf of Sheriff of Cook County (Sanchez, Yifan) (Entered: 08/30/2018) |
| 08/30/2018 | 38 |  115.4 KB | MOTION by Plaintiff Leoncio Elizarrri to amend/correct complaint 1 and to add plaintiff (Flaxman, Kenneth) (Entered: 08/30/2018) |
| 08/30/2018 | 39 |  22.6 KB | NOTICE of Motion by Kenneth N Flaxman for presentment of motion to amend/correct 38 before Honorable Thomas M. Durkin on 9/6/2018 at 09:00 AM. (Flaxman, Kenneth) (Entered: 08/30/2018) |
| 08/31/2018 | 40 |  4.4 KB | MINUTE entry before the Honorable Thomas M. Durkin:Status hearing held on 8/31/2018. Defendants are to inform the court as to whether they have any objection to plaintiff's motion for leave to file an amended complaint. If no objection, the 9/6/2018 notice motion hearing will be vacated. Status hearing set for 10/17/2018 at 09:00 AM.Mailed notice (srn,) (Entered: 08/31/2018) |
| 09/05/2018 | 41 |  4.3 KB | MINUTE entry before the Honorable Thomas M. Durkin:Plaintiff's motion for leave to file an amended complaint to add a plaintiff 38 is granted without objection. No appearance is required on 9/6/2018. Mailed notice (srn,) (Entered: 09/05/2018) |









| | | | |
|------------|--------------------|--|--|
| 09/05/2018 | 42 |  39.5 KB | AMENDED complaint by Leoncio Elizarrri, Gregory L jordan against All Defendants (Flaxman, Kenneth) (Entered: 09/05/2018) |
| 10/15/2018 | 43 |  13.0 KB | MOTION by Defendant Sheriff of Cook County for extension of time to <i>Answer or Otherwise Plead (Unopposed)</i> (Sanchez, Yifan) (Entered: 10/15/2018) |
| 10/15/2018 | 44 |  15.8 KB | NOTICE of Motion by Yifan Xu Sanchez for presentment of extension of time 43 before Honorable Thomas M. Durkin on 10/22/2018 at 09:00 AM. (Sanchez, Yifan) (Entered: 10/15/2018) |
| 10/16/2018 | 45 |  4.3 KB | MINUTE entry before the Honorable Thomas M. Durkin:Defendant Sheriff of Cook County's motion for extension of time to 10/29/2018 to answer or otherwise plead 43 is granted. The 10/16/2018 status hearing is vacated and reset for 11/1/2018 at 09:00 AM. No appearance is required on 10/22/2018. Mailed notice (srn,) (Entered: 10/16/2018) |
| 10/29/2018 | 46 |  21.0 KB | CERTIFICATE of Service <i>for Request to Admit to Plaintiff</i> by Yifan Xu Sanchez on behalf of Sheriff of Cook County (Sanchez, Yifan) (Entered: 10/29/2018) |
| 10/29/2018 | 47 |  26.9 KB | MOTION by Defendant Sheriff of Cook County to dismiss <i>Pursuant to Rule 12(b)(6)</i> (Kunkel, Robert) (Entered: 10/29/2018) |
| 10/29/2018 | 48 |  15.8 KB | NOTICE of Motion by Robert Franklin Kunkel for presentment of motion to dismiss 47 before Honorable Thomas M. Durkin on 11/1/2018 at 09:00 AM. (Kunkel, Robert) (Entered: 10/29/2018) |
| 11/01/2018 | 49 |  4.4 KB | MINUTE entry before the Honorable Thomas M. Durkin:Status hearing held on 11/1/2018. Plaintiff's response to defendant Sheriff of Cook County's motion to dismiss 47 is due by 11/26/2018. Defendant's reply is due by 12/10/2018. Status hearing set for 12/20/2018 at 09:00 AM. The answer previously filed by defendant Cook County will stand as the answer to the amended complaint.Mailed notice (srn,) (Entered: 11/01/2018) |
| 11/26/2018 | 50 |  38.6 KB | MEMORANDUM by Leoncio Elizarrri, Gregory L jordan in Opposition to motion to dismiss 47 (Flaxman, Joel) (Entered: 11/26/2018) |
| 12/10/2018 | 51 |  49.4 KB | REPLY by Defendant Sheriff of Cook County to memorandum in opposition to motion 50 (Attachments: # 1 Notice of Filing)(Kunkel, Robert) (Entered: 12/10/2018) |
| 12/17/2018 | 52 |  124.1 KB | MEMORANDUM Opinion and Order; For the foregoing reasons, the Court denies the Sheriff's motion to dismiss 47 . Signed by the Honorable Thomas M. Durkin on 12/17/2018:Mailed notice(srn,) (Entered: 12/17/2018) |
| 12/18/2018 | 53 |  4.2 KB | MINUTE entry before the Honorable Thomas M. Durkin: Status hearing set for 12/20/2018 at 09:00 AM.Mailed notice (srn,) (Entered: 12/18/2018) |
| 12/20/2018 | 54 |  4.3 KB | MINUTE entry before the Honorable Thomas M. Durkin: Status hearing held. Answer to the amended complaint shall be filed by 1/17/2019. Answers to interrogatories shall also be completed by 1/17/2019. Fact discovery cutoff is 6/18/2019. Status hearing is set for 2/20/2019 at 9:00 |





| | | | |
|------------|--------------------|--|--|
| | | | a.m. Mailed notice (ags,) (Entered: 12/20/2018) |
| 12/28/2018 | 55 |  1.1 MB | CERTIFICATE of Service by Plaintiffs Leoncio Elizarrri, Gregory L jordan (Attachments: # 1 Exhibit Letter to Defendants)(Flaxman, Joel) (Entered: 12/28/2018) |
| 01/17/2019 | 56 |  83.3 KB | CERTIFICATE of Service <i>First Set of Interrogatories to Plaintiff Leoncio Elizarrri and Plaintiff Gregory Jordan</i> by Gerald Michael Dombrowski on behalf of Sheriff of Cook County (Dombrowski, Gerald) (Entered: 01/17/2019) |
| 01/17/2019 | 57 |  54.1 KB | ANSWER to amended complaint <i>and Affirmative Defenses</i> by Sheriff of Cook County (Attachments: # 1 Notice of Filing)(Sanchez, Yifan) (Entered: 01/17/2019) |
| 02/12/2019 | 58 |  962.7 KB | MOTION by Plaintiffs Leoncio Elizarrri, Gregory L jordan to compel (Flaxman, Joel) (Entered: 02/12/2019) |
| 02/12/2019 | 59 |  21.8 KB | NOTICE of Motion by Joel A. Flaxman for presentment of motion to compel 58 before Honorable Thomas M. Durkin on 2/20/2019 at 09:00 AM. (Flaxman, Joel) (Entered: 02/12/2019) |
| 02/20/2019 | 60 |  4.3 KB | MINUTE entry before the Honorable Thomas M. Durkin:Motion hearing held on 2/20/2019. Defendants' response to plaintiff's motion to compel 58 is due by 3/22/2019. Plaintiff's reply is due by 4/5/2019. Status hearing set for 4/23/2019 at 09:00 AM.Mailed notice (srn,) (Entered: 02/20/2019) |
| 02/21/2019 | 61 |  14.0 KB | MOTION by Attorney Anthony Zecchin to withdraw as attorney for Cook County Illinois. No party information provided (Mikhail, Danielle) (Entered: 02/21/2019) |
| 02/21/2019 | 62 |  85.0 KB | NOTICE of Motion by Danielle Mikhail for presentment of motion to withdraw as attorney 61 before Honorable Thomas M. Durkin on 2/28/2019 at 09:00 AM. (Mikhail, Danielle) (Entered: 02/21/2019) |
| 02/21/2019 | 63 |  4.3 KB | MINUTE entry before the Honorable Thomas M. Durkin:Defendant Cook County's motion to withdraw attorney 61 is granted; Attorney Anthony E. Zecchin terminated. No appearance is required on 2/28/2019. Mailed notice (srn,) (Entered: 02/21/2019) |
| 03/22/2019 | 64 |  5.7 MB | RESPONSE by Sheriff of Cook County to MOTION by Plaintiffs Leoncio Elizarrri, Gregory L jordan to compel 58 (Attachments: # 1 Exhibit A, # 2 Exhibit A1, # 3 Exhibit A2, # 4 Exhibit A3, # 5 Exhibit B, # 6 Exhibit C, # 7 Exhibit D, # 8 Certificate of Service)(Dombrowski, Gerald) (Entered: 03/22/2019) |
| 04/05/2019 | 65 |  954.4 KB | REPLY by Plaintiffs Leoncio Elizarrri, Gregory L jordan to response to motion, 64 (Flaxman, Kenneth) (Entered: 04/05/2019) |
| 04/17/2019 | 66 |  97.0 KB | ORDER: Accordingly, Plaintiffs' motion to compel, R. 58 , is granted as to Interrogatory 2, and granted as to Interrogatories 3-8 to the extent they seek discovery of Defendants' policies, practices and intent post-dating the class period in Elizarrri's first lawsuit. Defendants are directed to respond in writing to Interrogatories 3-8even if their answer is that there is or were no policies or practices in place or that there is no plan to notify putative class members or return or dispose of property (as applicable). |








| | | | |
|------------|--------------------|--|--|
| | | | Signed by the Honorable Thomas M. Durkin on 4/17/2019:Mailed notice(srn,) (Entered: 04/17/2019) |
| 04/18/2019 | 67 |  4.3 KB | MINUTE entry before the Honorable Thomas M. Durkin:The 4/23/2019 status hearing is vacated and reset for 6/18/2019 at 09:00 AM.Mailed notice (srn,) (Entered: 04/18/2019) |
| 06/07/2019 | 68 |  44.9 KB | MOTION by Plaintiff Gregory L jordan for extension of time to complete discovery <i>[AGREED]</i> (Flaxman, Kenneth) (Entered: 06/07/2019) |
| 06/07/2019 | 69 |  22.5 KB | <i>[AGREED]</i> NOTICE of Motion by Kenneth N Flaxman for presentment of motion for extension of time to complete discovery 68 before Honorable Thomas M. Durkin on 6/12/2019 at 09:00 AM. (Flaxman, Kenneth) (Entered: 06/07/2019) |
| 06/10/2019 | 70 |  4.3 KB | MINUTE entry before the Honorable Thomas M. Durkin:Plaintiff's agreed motion for extension of time to complete discovery 68 is granted. Fact discovery ordered closed by 9/17/2019. The 6/18/2019 status hearing is vacated and reset for 9/17/2019 at 09:00 AM.Mailed notice (srn,) (Entered: 06/10/2019) |
| 07/31/2019 | 71 |  144.9 KB | MOTION by Plaintiff Gregory L jordan appoint special administrator for deceased plaintiff <i>Leoncio Elizarri</i> (Flaxman, Kenneth) (Entered: 07/31/2019) |
| 07/31/2019 | 72 |  22.4 KB | NOTICE of Motion by Kenneth N Flaxman for presentment of motion for miscellaneous relief 71 before Honorable Thomas M. Durkin on 8/5/2019 at 09:00 AM. (Flaxman, Kenneth) (Entered: 07/31/2019) |
| 08/05/2019 | 73 |  28.6 KB | ORDER: Plaintiff's motion to appoint a special administrator of the Estate of Leoncio Elizarri is granted 71 . The Court hereby appoints Leticia Perez as special administrator of the Estate of Leoncio Elizarri. No appearance is required on 8/5/2019. Signed by the Honorable Thomas M. Durkin on 8/5/2019. Mailed notice(las,) (Entered: 08/05/2019) |
| 09/04/2019 | 74 |  72.7 KB | MOTION by Defendant Sheriff of Cook County for extension of time to complete discovery <i>Agreed</i> (Dombrowski, Gerald) (Entered: 09/04/2019) |
| 09/04/2019 | 75 |  12.5 KB | NOTICE of Motion by Gerald Michael Dombrowski for presentment of motion for extension of time to complete discovery 74 before Honorable Thomas M. Durkin on 9/11/2019 at 09:00 AM. (Dombrowski, Gerald) (Entered: 09/04/2019) |
| 09/05/2019 | 76 |  4.3 KB | MINUTE entry before the Honorable Thomas M. Durkin:Defendants' agreed motion for extension of time to complete discovery 74 is granted. Discovery ordered closed by 11/18/2019. The 9/17/2019 status hearing is vacated and reset for 11/18/2019 at 09:00 AM. No appearance is required on 9/11/2019.Mailed notice (srn,) (Entered: 09/05/2019) |
| 09/16/2019 | 77 |  711.0 KB | EXECUTIVE COMMITTEE ORDER: GENERAL ORDER 19-0029 - Pursuant that to the Executive Committee Order entered on September 12, 2019 the civil cases on the attached list have been selected for reassignment to form the initial calendar of the Honorable Steven Seeger; therefore IT IS HEREBY ORDERED that the attached list of 342 cases be reassigned to the Honorable Steven Seeger; and IT IS FURTHER ORDERED that all parties affected by this Order must review the |







| | | | |
|------------|--------------------|--|---|
| | | | Honorable Stevens webpage on the Courts website for the purpose of reviewing instructions regarding scheduling and case management procedures; and IT IS FURTHER ORDERED that any civil case that has been reassigned pursuant to this Order will not be randomly reassigned to create the initial calendar of a new district judge for twelve months from the date of this Order; and IT IS FURTHER ORDERED that the Clerk of Court is directed to add the Honorable Steven Seeger to the Courts civil case assignment system during the next business day, so that he shall receive a full share of such cases. Case reassigned to the Honorable Steven C. Seeger for all further proceedings. Honorable Thomas M. Durkin no longer assigned to the case. Signed by Honorable Rebecca R. Pallmeyer on 9/16/2019.(sm,) (Entered: 09/16/2019) |
| 09/23/2019 | 78 |  88.5 KB | STANDING ORDER dated 9/23/19: This Standing Order applies to all civil cases reassigned to the calendar of District Judge Steven C. Seeger. All previously-set status or motion hearing dates are vacated. Any trials set for September 23, 2019 through October 31, 2019 are cancelled and will be re-set by the Court. Unless otherwise ordered, all other previously-set deadlines and schedules remain intact. The Court will set a date for a reassignment status conference after the parties have filed the joint status report. The Court will address already-pending motions at that conference. The parties are directed not to notice or re-notice any motions, with the exception of emergency motions, before appearing at the reassignment status conference. All emergency motions arising before September 30, 2019 should be noticed before the emergency judge. For all emergency motions arising after September 30, 2019, but before the date of the reassignment conference, the parties are directed to contact chambers at (312) 435-5588. Emergency matters must be true emergencies, meaning that a delay in hearing them would cause serious and irreparable harm to one or more of the parties. To help the Court learn about the case, counsel shall confer, prepare, and file a joint status report by October 1, 2019. If defense counsel has not yet filed an appearance, plaintiff's counsel should prepare the status report. The report shall contain the information requested in the Initial Status Report For Reassigned Case. A Word version of the Initial Status Report is available on Judge Seeger's website at www.ilnd.uscourts.gov. The parties must deliver two (2) copies of the Initial Status Report to the courtroom deputy's drop-box outside room 1728 by October 2, 2019. (See order for further details.) Signed by the Honorable Steven C. Seeger on 9/23/2019: Mailed notice. (sm,) (Entered: 09/23/2019) |
| 10/01/2019 | 79 |  81.0 KB | STATUS Report (<i>Joint Initial Status Report for Reassigned Case</i>) by Leoncio Elizarri, Gregory L jordan (Flaxman, Joel) (Entered: 10/01/2019) |
| 10/18/2019 | 80 |  4.3 KB | MINUTE entry before the Honorable Steven C. Seeger: The initial status hearing is hereby set before Judge Steven C. Seeger on October 24, 2019 at 3:00 p.m. in Courtroom 1725. Mailed notice. (jjr,) (Entered: 10/18/2019) |






| | | | |
|------------|--------------------|---|--|
| 10/21/2019 | 81 |  4.3 KB | MINUTE entry before the Honorable Steven C. Seeger: At the parties' request, the October 24, 2019 initial status hearing (Dckt No. 80) is vacated and reset for October 25, 2019 at 9:30 a.m. Mailed notice. (jjr,) (Entered: 10/21/2019) |
| 10/22/2019 | 82 |  32.7 KB | ATTORNEY Appearance for Defendant Sheriff of Cook County by Elaine Cindy Davenport (Davenport, Elaine) (Entered: 10/22/2019) |
| 10/25/2019 | 83 |  4.4 KB | MINUTE entry before the Honorable Steven C. Seeger: Status hearing held on October 25, 2019. Counsel discussed the Initial Status Report for Reassigned Case. Because one of the parties was unable to attend the status hearing due to a medical emergency, the Court directs the parties to confer and propose a new time for their status hearing. Mailed notice. (jjr,) (Entered: 10/28/2019) |
| 10/28/2019 | 84 |  4.3 KB | MINUTE entry before the Honorable Steven C. Seeger: At the parties' request, a status hearing is hereby set for November 8, 2019 at 9:30 a.m. Mailed notice. (jjr,) (Entered: 10/28/2019) |
| 11/08/2019 | 85 |  5.6 KB | MINUTE entry before the Honorable Steven C. Seeger: Status hearing held November 8, 2019. Counsel discussed the Initial Status Report for Reassigned Case and the subject matter of the litigation. Counsel agreed that this case concerns property that Plaintiffs surrendered when they were incarcerated at the Cook County Jail, but was not returned to Plaintiffs. Defendants do not object to returning the Plaintiffs' property, and Plaintiffs do not object to the return of their property. Everyone agreed at the hearing that the property should be returned. By November 15, 2019, Defendants must file a statement disclosing each time Defendants have offered or attempted to return Plaintiffs' property, and shall attach any supporting evidence. By November 22, 2019, Plaintiffs must file an itemized list of the property belonging to the two named Plaintiffs that is at issue in this lawsuit, meaning the specific property surrendered by the named Plaintiffs at the time of their incarceration at the Cook County Jail. For each item, Plaintiffs must specify: (a) whether the property was "compliant" or "non-compliant" under the Illinois Department of Corrections rules; and (b) whether Plaintiffs allege that the specific property was lost, misplaced, or stolen. By November 22, 2019, Plaintiffs also must file a statement that identifies each and every time that the named Plaintiffs (or their agent or successor) attempted to retrieve the specific property at issue in this lawsuit. Simply put, Plaintiffs must identify with particularity the property at issue in this lawsuit, and must identify any and all efforts that they made to get it back from one or both of the Defendants. Next status hearing set for December 6, 2019 at 9:00 a.m. By agreement of the parties, the parties shall complete a property exchange before the hearing. The Court directs Defendants' counsel to bring the property in question belonging to the named Plaintiffs to the December 6 hearing. The Court directs Defendants' counsel to deliver the property to Plaintiffs' counsel at 8:45 a.m. on December 6, 2019, before the 9:00 a.m. hearing, and to be prepared to report on the property exchange at the hearing. Finally, the Court hereby refers this case to the designated Magistrate Judge for a settlement conference. Mailed notice. (jjr,) (Entered: 11/12/2019) |







| | | | |
|------------|--|--|--|
| 11/12/2019 | 86 |  3.9 KB | Pursuant to Local Rule 72.1, this case is hereby referred to the calendar of Honorable Sunil R. Harjani for the purpose of holding proceedings related to: settlement conference. Mailed notice. (jjr,) (Entered: 11/12/2019) |
| 11/13/2019 | 87 |  4.3 KB | MINUTE entry before the Honorable Sunil R. Harjani: This case has been referred to Judge Harjani to conduct a settlement conference. Initial status hearing is set for 11/21/2019 at 9:15 a.m. in Courtroom 1858 to set a settlement conference. Mailed notice (lxs,) (Entered: 11/13/2019) |
| 11/14/2019 | 88 |  279.3 KB | Sheriff's Statement Regarding Plaintiffs' Property STATEMENT by Sheriff of Cook County (Dombrowski, Gerald) (Entered: 11/14/2019) |
| 11/15/2019 |  89 |  167.4 KB | <p>TRANSCRIPT OF PROCEEDINGS held on 11-08-2019 before the Honorable Steven C. Seeger. Order Number: 36720. Court Reporter Contact Information: Amy Spee, amyofficialtranscripts@gmail.com.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 12/6/2019. Redacted Transcript Deadline set for 12/16/2019. Release of Transcript Restriction set for 2/13/2020. (Spee, Amy) (Entered: 11/15/2019)</p> |
| 11/21/2019 | 90 |  4.6 KB | MINUTE entry before the Honorable Sunil R. Harjani: Initial status hearing held. A preliminary settlement discussion with lead counsel is scheduled for 1/17/2020 at 10:30 a.m. by telephone. Plaintiffs' counsel shall initiate the call to Defendants' counsel and jointly contact chambers at (312) 435-3000. Plaintiffs' settlement letter is due by 12/13/2019. Defendants' settlement letter is due by 1/6/2020. Counsel cannot agree to amend the letter exchange deadlines amongst themselves. Parties are reminded that Magistrate Judge Harjani requires compliance with his Standing Order for Settlement Conference, which is available on the court's website at www.ilnd.uscourts.gov. Mailed notice (lxs,) (Entered: 11/21/2019) |
| 11/22/2019 | 91 |  355.2 KB | RESPONSE by Plaintiff Gregory L jordan <i>to questions posed by the Court</i> (Flaxman, Kenneth) (Entered: 11/22/2019) |
| 12/05/2019 | 92 |  5.6 MB | MOTION by Plaintiffs Leoncio Elizarri, Gregory L jordan to certify class (Attachments: # 1 Exhibit 1: Inmate Handbook, # 2 Exhibit 2: Interrogatory Answers, # 3 Exhibit 3: Amended Interrogatory Answers, # 4 Exhibit 4: Excerpt of Elizarri (I) Trial (Kranyec Testimony), # 5 Exhibit 5: Excerpt of Elizarri (I) Trial (Donahoe Testimony), # 6 Exhibit 6: CCSO Booking Table Fields, # 7 Exhibit 7: Screenshot, Records of Items Sent to Warehouse)(Flaxman, Kenneth) (Entered: 12/05/2019) |










| | | | |
|------------|--------------------|--|---|
| 12/05/2019 | 93 |  22.3 KB | NOTICE of Motion by Kenneth N Flaxman for presentment of motion to certify class, 92 before Honorable Steven C. Seeger on 12/17/2019 at 09:00 AM. (Flaxman, Kenneth) (Entered: 12/05/2019) |
| 12/06/2019 | 94 |  29.4 KB | MEMORANDUM by Leoncio Elizarri, Gregory L jordan <i>on availability of Fifth Amendment theory without further amendment of complaint</i> (Flaxman, Kenneth) (Entered: 12/06/2019) |
| 12/06/2019 | 95 |  285.4 KB | Sheriff's synopsis of property transfer by Sheriff of Cook County (Dombrowski, Gerald) (Entered: 12/06/2019) |
| 12/06/2019 | 96 |  5.9 KB | MINUTE entry before the Honorable Steven C. Seeger: Status hearing held on December 6, 2019. The Court and counsel discussed the Sheriff's statement regarding the various attempts to return Plaintiffs' property (Dckt. No. 88), including letters dated August 17, 2018 and September 23, 2019. Plaintiffs' counsel asserts that he did not respond to the letter dated Aug. 17, 2018, but that he did respond orally or in writing to the Sheriff's Sept. 23, 2019 letter (at least in part he may have inquired about a second small property bag belonging to Gregory Jordan). To complete the record, the Court directs the Plaintiff to file the response (if any) to the letter dated September 23, 2019 on the Court's docket by December 13, 2019. In addition, Plaintiffs must file a short explanation of the relationship between this case and the prior case filed by Elizarri ("Elizarri I") by December 13, 2019. The Court and counsel discussed Plaintiffs' Response to Questions Posed by the Court (Dckt. No. 91). Counsel reported to the Court about the exchange of personal property belonging to the named Plaintiffs that occurred this morning in Judge Seeger's attorney/witness room. As stated in open court, fourteen items from the property bag belonging to Plaintiff Gregory Jordan were returned by Defense counsel to Plaintiff's counsel. Twelve items from Plaintiff Leoncio Elizarri's property bag were also successfully returned. The parties will file a stipulation listing the specific items that were returned to Plaintiffs' counsel during this morning's property exchange. To the best of the parties' knowledge, Defendant has returned all of the property obtained from Plaintiff Jordan in 2014, except perhaps his mother's keys. This morning's property exchange did not include the 2011 property from Plaintiff Jordan (bag no. 128713). By January 18, 2020, the Sheriff's shall report to the Court on its search for the 2011 property belonging to Mr. Jordan, and will advise the Court if the search is impracticable. If the 2011 property from Plaintiff Jordan cannot be located, the parties must file a statement by January 25, 2020 explaining whether such property was adjudicated in Elizarri I. This morning's property exchange did include all of the property belonging to Plaintiff Elizarri. By agreement of the parties, the Court extends the deadline for the close of fact discovery to February 28, 2020. The Court will defer briefing on the motion for class certification (Dckt. No. 92). The motion hearing set for December 17, 2019 is hereby stricken. The Court discussed the assertion in the Motion for Class Certification (Dckt. No. 92) that Plaintiffs are bringing claims under the Fifth Amendment. By December 20, 2019, Plaintiffs shall file a statement identifying when and where (by docket number) they first asserted the Fifth Amendment in this case. Mailed notice. (jjr,) (Entered: 12/06/2019) |




| | | | |
|------------|---------------------|--|---|
| 12/12/2019 | 97 |  114.2 KB | STIPULATION regarding other 95 <i>Property of Plaintiff Leoncio Elizarri and Plaintiff Gregory L. Jordan</i> (Dombrowski, Gerald) (Entered: 12/12/2019) |
| 12/12/2019 | 98 |  22.9 KB | MEMORANDUM status hearing,,,,,,,,,,,,, terminate hearings,,,,,,,,,,,,, set deadlines,,,,,,,,,,,,, 96 by Leoncio Elizarri, Gregory L jordan (Flaxman, Kenneth) (Entered: 12/12/2019) |
| 12/26/2019 | 99 |  4.5 KB | MINUTE entry before the Honorable Sunil R. Harjani: Counsel's request for a short extension is granted without objection. Defendants' settlement letter is now due by 1/9/2020. Preliminary settlement discussion with lead counsel previously scheduled for 1/17/2020 at 10:30 a.m. by telephone shall stand. Plaintiffs' counsel shall initiate the call to Defendants' counsel and jointly contact chambers at (312) 435-3000. Parties are reminded that Magistrate Judge Harjani requires compliance with his Standing Order for Settlement Conference, which is available on the court's website at www.ilnd.uscourts.gov. Mailed notice (lxs,) (Entered: 12/26/2019) |
| 01/17/2020 | 100 |  149.3 KB | STATUS Report to <i>Judge Seeger</i> by Sheriff of Cook County (Attachments: # 1 Exhibit A)(Dombrowski, Gerald) (Entered: 01/17/2020) |
| 01/17/2020 | 101 |  4.5 KB | MINUTE entry before the Honorable Sunil R. Harjani: Preliminary settlement discussion held by telephone and continued to 3/13/20 at 10:00 a.m. The parties and the Court had a productive discussion regarding settlement. However, the defendants need time to discuss within the Sheriff's office policies and procedures before putting forth a more specific counter-proposal. Accordingly, the defendants shall submit a revised settlement letter to the Court and opposing counsel by 3/6/20. The Court will discuss the revised proposal with the parties during the next settlement telephone call. Mailed notice (lxs,) (Entered: 01/17/2020) |
| 01/22/2020 | 102 |  4.7 KB | MINUTE entry before the Honorable Steven C. Seeger: On January 17, 2020, Defendants' counsel filed a letter (Dckt. No. 100) informing the Court that the Sheriff of Cook County had located a "small property bag" that "likely belongs to Mr. Jordan." Defendants' counsel informed Plaintiffs' counsel of the discovery of the bag by email on December 20, 2019, and asked to discuss how to proceed. (Dckt. No. 100 -1). The letter dated January 17, 2020 stated that counsel for the parties will coordinate a transfer of the bag from the Defendants to the Plaintiffs, "similar to the previous property transfers ordered by the Court, if the Court sanctions this transfer." This Court hereby approves and orders the return of the bag in question from Defendants' counsel to Plaintiffs' counsel. Counsel shall work out the protocol amongst themselves. If they cannot agree, defense counsel shall file a motion by January 29, 2020. After the transfer, the parties shall file a joint statement on the Court's docket, identifying with particularity what property was returned (meaning the precise contents of the bag), and when. Mailed notice. (jjr,) (Entered: 01/22/2020) |
| 02/21/2020 | 103 |  114.8 KB | MOTION by Defendant Sheriff of Cook CountyAgreed Motion to Stay Fact Discovery, or in the Alternative, Extend Fact Discovery (Dombrowski, Gerald) (Entered: 02/21/2020) |








| | | | |
|------------|---------------------|--|---|
| 02/21/2020 | 104 |  99.0 KB | NOTICE of Motion by Gerald Michael Dombrowski for presentment of motion for miscellaneous relief 103 before Honorable Steven C. Seeger on 3/2/2020 at 09:00 AM. (Dombrowski, Gerald) (Entered: 02/21/2020) |
| 03/02/2020 | 105 |  4.6 KB | MINUTE entry before the Honorable Steven C. Seeger: Motion hearing held on March 2, 2020. Counsel informed the Court that the supplemental exchange of property (Dckt. No. 100) has not occurred, and therefore no joint statement was filed as previously ordered by the Court on January 22, 2020. (Dckt. No. 102) The parties expect to complete the exchange later this week, and will file a joint statement identifying with particularity what property was returned and when. Defendant's Agreed Motion to Stay Fact Discovery, or in the Alternative, Extend Fact Discovery (Dckt. No. 103) is hereby granted in light of an upcoming settlement conference. Fact discovery is hereby extended to May 13, 2020. Absent exceptional circumstances, the parties should expect this extension of discovery to be the last. Status hearing set for May 26, 2020 at 9:00 a.m. Mailed notice. (jjr,) (Entered: 03/02/2020) |
| 03/13/2020 | 106 |  12.1 KB | MINUTE entry before the Honorable Sunil R. Harjani: Settlement discussion held by telephone and continued to 4/3/20 at 10:00 a.m. The parties have made significant progress in settlement discussions, and counsel for Defendants need to regroup with their clients on matters discussed today during the conference. Defendant Sheriff's office supplemental settlement letter is due 3/30/20 regarding the issues discussed during the call today. Mailed notice (lxs,) Modified on 3/13/2020 (lxs,). (Entered: 03/13/2020) |
| 03/16/2020 | 107 |  372.1 KB | ORDER Amended General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY Signed by the Chief Judge Rebecca R. Pallmeyer on March 16, 2020. All open cases are impacted by this Amended General Order. See attached Order for guidance.Signed by the Honorable Rebecca R. Pallmeyer on 3/16/2020: Mailed notice. (pj,) (Entered: 03/17/2020) |
| 03/18/2020 | 108 |  4.3 KB | MINUTE entry before the Honorable Sunil R. Harjani: Settlement discussion by telephone continued to 4/3/20 at 10:00 a.m. is stricken. New date to follow.Mailed notice (lxs,) (Entered: 03/18/2020) |
| 03/18/2020 | 109 |  29.3 KB | ORDER In light of the public health situation, the Court encourages all parties and their counsel to take precautions, be reasonable, and use common sense in pending cases. In General Order No. 20-0012 dated March 16, 2020 (and amended on March 17), the U.S. District Court for the Northern District of Illinois extended all deadlines in civil cases by three weeks. Parties should assume that this Court will accommodate reasonable requests for extensions in the coming weeks, and counsel should show flexibility and accommodate each other too. This Court will grant a six-week extension of fact discovery if requested (and there is no need for an immediate request). Parties should not take depositions before April 17 unless (1) they take place telephonically; and (2) all parties and the witness(es) consent. Even a telephonic deposition often requires an in-person meeting to prepare the witness, so telephonic depositions can go forward only if everyone agrees. If any party or witness wants a deposition to take place in person, the deposition will take place after |

| | | | |
|------------|---------------------|---|---|
| | | | April 17. Needless to say, that date may change as the public health situation continues to evolve. Parties should continue to make progress in their cases when possible, but in a manner that is consistent with public health and safety. In the meantime, continue to work together cooperatively in the best traditions of our shared profession. The Court thanks all parties and their counsel for their patience and understanding during this difficult time. Signed by the Honorable Steven C. Seeger on 3/18/2020: Mailed notice. (docket1,) (Entered: 03/18/2020) |
| 03/19/2020 | 110 |  4.4 KB | MINUTE entry before the Honorable Sunil R. Harjani: Preliminary settlement discussion with lead counsel is reset for 4/23/2020 at 10:30 a.m. by telephone. Plaintiffs' counsel shall initiate the call to Defendants' counsel and jointly contact chambers at (312) 435-3000. Mailed notice (lxs,) (Entered: 03/19/2020) |
| 03/30/2020 | 111 |  49.5 KB | ORDER Seconded Amended General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY Signed by the Chief Judge Rebecca R. Pallmeyer on March 30, 2020. All open cases are impacted by this Second Amended General Order. Amended General Order 20-0012, entered on March 17, 2020, and General Order 20-0014, entered on March 20, 2020, are vacated and superseded by this Second Amended General. See attached Order for guidance. Signed by the Honorable Rebecca R. Pallmeyer on 3/30/2020: Mailed notice. (docket1,) (Entered: 03/31/2020) |
| 04/01/2020 | 112 |  4.4 KB | MINUTE entry before the Honorable Sunil R. Harjani: Preliminary settlement discussion with lead counsel set for 4/23/2020 at 10:30 a.m. stands. Lead counsel are instructed to promptly call into the Court's conference call-in number at (888) 684-8852, and use Access Code 7354516. Mailed notice (lxs,) (Entered: 04/01/2020) |
| 04/22/2020 | 113 |  4.6 KB | MINUTE entry before the Honorable Sunil R. Harjani: Preliminary settlement discussion by telephone set for 4/23/20 is reset to 6/10/20 at 10:30 a.m. Counsel for the Sheriff's office reported, via email, that the Sheriff's office is currently dealing with the pandemic and unable to participate actively in settlement discussions at this time. As a result, the Court has reset the call and the parties shall use the same conference call-in number. Prior to that call, on or before 6/8/20, defendants shall submit a revised settlement letter that identifies the latest proposal for resolution of the matter and briefly addresses the open issues the Court identified in the last phone call. Mailed notice (lxs,) (Entered: 04/22/2020) |
| 04/24/2020 | 115 |  50.2 KB | ORDER Third Amended General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY Signed by the Chief Judge Rebecca R. Pallmeyer on April 24, 2020. All open cases are impacted by this Third Amended General Order. Parties are must carefully review all obligations under this Order, including the requirement listed in paragraph number 5 to file a joint written status report in most civil cases. See attached Order. Signed by the Honorable Rebecca R. Pallmeyer on 4/24/2020: Mailed notice. (docket1,) (Entered: 04/27/2020) |








| | | | |
|------------|---------------------|--|---|
| 04/27/2020 | 114 |  4.8 KB | MINUTE entry before the Honorable Steven C. Seeger: On January 17, 2020, Defendants' counsel filed a letter (Dckt. No. 100) informing the Court that the Sheriff had located a small bag that likely belongs to Mr. Jordan. The letter stated that the parties planned to do a property exchange, as before. This Court approved the return of the property in an minute order dated January 22, 2020. (Dckt. No. 102) During a hearing on March 2, 2020, counsel reported that they had not yet completed the property exchange, but expected to do so by Thursday, March 5, 2020. The parties reported that they would promptly file a joint status report summarizing the property exchange. (Dckt. No. 105) Since then, the parties have not filed any report. The Court does not know whether the anticipated property exchange, which the parties first raised on January 17, 2020, has ever taken place. Accordingly, by May 11, 2020, the parties shall file a joint status report that updates the Court on the status of the property exchange. Needless to say, the Court is not directing the parties to complete the property exchange in the midst of a pandemic. Even so, the parties should update the docket on where things stand. Also, the status report should update the Court on the status of the case generally, and should propose a schedule. The status report also should update the Court on the status of good faith settlement discussions. Mailed notice. (jjr,) (Entered: 04/27/2020) |
| 05/06/2020 | 116 |  4.4 KB | MINUTE entry before the Honorable Steven C. Seeger: In light of the Third Amended General Order 20-0012, the status hearing set for May 26, 2020 is stricken. The parties must comply with the requirements listed in the Order. A Word version of the Joint Initial Status Report is available on the Court's website. Mailed notice. (jjr,) (Entered: 05/06/2020) |
| 05/08/2020 | 117 |  106.4 KB | STATUS Report <i>[JOINT]</i> by Leoncio Elizarrri (Flaxman, Kenneth) (Entered: 05/08/2020) |
| 05/26/2020 | 118 |  39.3 KB | ORDER ORDER Fourth Amended General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY Signed by the Chief Judge Rebecca R. Pallmeyer on May 26, 2020. This Order does not extend or modify any deadlines set in civil cases. For non-emergency motions, no motion may be noticed for presentment on a date earlier than July 15, 2020. See attached Order. Signed by the Honorable Rebecca R. Pallmeyer on 5/26/2020: Mailed notice. (docket3,) (Entered: 05/26/2020) |
| 06/08/2020 | 119 |  4.4 KB | MINUTE entry before the Honorable Sunil R. Harjani: Preliminary settlement conference set for June 10, 2020 is reset to 8/5/2020 at 10:15 A.M. by telephone. Defendants have informed the Court that the COVID-19 crisis is consuming their resources and they are unable to present a counterproposal at this time. As a result, Defendants counterproposal is now due July 31, 2020. Mailed notice (lxs,) (Entered: 06/08/2020) |
| 07/10/2020 | 120 |  44.4 KB | ORDER Fifth Amended General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY Signed by the Chief Judge Rebecca R. Pallmeyer on July 10, 2020. This Order does not extend or modify any deadlines set in civil cases. No motions may be noticed for in-person presentment; the presiding judge will notify parties of the need, if any, for a hearing by electronic means or in-court |






| | | | |
|------------|---|---|--|
| | | | proceeding. See attached Order. Signed by the Honorable Rebecca R. Pallmeyer on 7/10/2020: Mailed notice. (Clerk3, Docket) (Entered: 07/10/2020) |
| 07/26/2020 | 121 |  45.6 KB | STATUS Report <i>[on transfer of property]</i> by Leoncio Elizarrri (Flaxman, Kenneth) (Entered: 07/26/2020) |
| 08/03/2020 | 122 |  4.3 KB | MINUTE entry before the Honorable Sunil R. Harjani: Defendants have requested additional time to formulate a counter proposal given the continued challenges caused by the COVID-19 crisis. Settlement call set for 8/5/2020 is reset to 10/5/2020 at 10 a.m. Mailed notice (lxs,) (Entered: 08/03/2020) |
| 09/24/2020 | 123 |  4.3 KB | MINUTE entry before the Honorable Sunil R. Harjani: At counsel's request, Settlement call previously reset for 10/5/2020 is stricken and reset to 10/19/2020 at 10:00 AM. Mailed notice (lxs,) (Entered: 09/24/2020) |
| 10/13/2020 |  | | (Court only) Set/Reset Hearings: Virtual Settlement Conference set for 11/5/2020 at 01:00 PM. (lxs,) (Entered: 10/13/2020) |
| 10/13/2020 |  | | (Court only) ***Deadlines regarding virtual settlement conference terminated (incorrect docket - clerical error). (lxs,) (Entered: 10/13/2020) |
| 10/19/2020 | 124 |  4.4 KB | MINUTE entry before the Honorable Sunil R. Harjani: Lead counsel are instructed to promptly call into the Court's conference call-in number at (888) 684-8852, and use Access Code 7354516 for the preliminary settlement call set to begin at 10 a.m. Mailed notice (lxs,) (Entered: 10/19/2020) |
| 10/19/2020 | 125 |  4.4 KB | MINUTE entry before the Honorable Sunil R. Harjani: Settlement discussion held by telephone. Both parties have exchanged numerous proposals but have been unable to find any middle ground that they can agree on. As a result, the Court believes that further settlement discussions would not be productive and the parties should simply litigate the matter. The referral is closed at this time. Mailed notice (lxs,) (Entered: 10/19/2020) |
| 10/19/2020 |  | | (Court only) ***Set/Clear Flags, Judge Honorable Sunil R. Harjani no longer referred to the case. (lxs,) (Entered: 10/19/2020) |
| 10/22/2020 | 126 |  4.7 KB | MINUTE entry before the Honorable Steven C. Seeger: The parties recently completed a settlement conference, but were unable to settle. (Dckt. No. 125) On May 8, 2020, the parties filed a Joint Status Report that proposed a fact discovery deadline of October 30, 2020. That is, the parties requested roughly a one-month extension of the deadline of September 28, 2020 (meaning the revised deadline, after taking into account the General Orders). By October 28, 2020, the parties shall file a status report and let the Court know whether they have completed discovery. And if not, they should propose an appropriate (but short) extension. Any request for an extension must include details about what discovery remains, if any. Any request for an extension must bear in mind that this case was filed in 2017. The status report also should provide an update on the exchange of any remaining property belonging to any of the named Plaintiffs, if any. Simply put, have Defendants returned all of the |











| | | | |
|------------|---------------------|--|---|
| | | | property belonging to the named Plaintiffs? If not, what property remains outstanding? Mailed notice. (jjr,) (Entered: 10/22/2020) |
| 10/28/2020 | 127 |  438.3 KB | STATUS Report <i>[JOINT]</i> by Leoncio Elizarrri, Gregory L jordan (Flaxman, Kenneth) (Entered: 10/28/2020) |
| 10/30/2020 | 128 |  4.4 KB | MINUTE entry before the Honorable Steven C. Seeger: The Court reviewed the status report (Dckt. No. 127). The parties reported that Defendants have returned all of the personal property to the named Plaintiffs. The parties requested a four-month extension of the fact discovery deadline of September 28, 2020. The request is granted. As requested, the Court extends the fact discovery deadline to January 29, 2021. Given the age of the case, this extension is the last. Mailed notice. (jjr,) (Entered: 10/30/2020) |
| 11/16/2020 | 129 |  6.0 KB | MINUTE entry before the Honorable Steven C. Seeger: The motion for class certification (Dckt. No. 92) is hereby denied without prejudice. During the hearing on December 6, 2019, the parties agreed to complete additional discovery before Defendants would respond to the motion. See 12/6/19 Tr; 12/6/19 Order (Dckt. No. 96). The Court later stayed discovery, and held the motion for class certification in abeyance, in light of ongoing settlement negotiations. (Dckt. Nos. 105 , 117) The parties recently completed a settlement conference but did not settle. (Dckt. No. 125) The landscape of the case has changed, perhaps materially, since Plaintiffs filed the motion for class certification. Plaintiffs requested certification of a class of "[a]ll persons transferred to the Illinois Department of Corrections from the Cook County Jail whose property remains in the custody of the Sheriff of Cook County." Id. But in recent months, Defendants have returned all of the property belonging to the named Plaintiffs. (Dckt. Nos. 95 , 97 , 121 , 127) On October 28, 2020, the parties filed a Joint Status Report and confirmed that "Defendants have returned all the property belonging to the named plaintiffs." (Dckt. No. 127) The return of the property raises the question whether the named Plaintiffs could be adequate class representatives. A named plaintiff must be a member of the class to be the class representative. That rule comes from the text of Rule 23(a) itself. "One or more members of a class may sue or be sued as representative parties on behalf of all members...." See Fed. R. Civ. P. 23(a); see also Wal-Mart Stores, Inc. v. Dukes, 564 U.S. 338, 348 (2011) ("[A] class representative must be part of the class...."); Sali v. Corona Regional Med. Ctr., 909 F.3d 996, 1007 (9th Cir. 2018) ("A named plaintiff must be a member of the class she seeks to represent...."); James Wm. Moore, et al., Moore's Federal Practice § 23.21 2 (3d ed. 1999) ("For a class action to proceed, the court must apply the class definition to each proposed class representative and find that the class representative is a member of that class."). The Joint Status Report also revealed that "Plaintiffs may also seek to amend the operative complaint (and add additional plaintiffs)." (Dckt. No. 127) By November 23, 2020, the parties must meet and confer and propose a schedule for the balance of the case, including deadlines for the filing of an amended complaint (if any), a motion for class certification, and dispositive motions. This Order does not, in and of itself, grant leave to file an amended complaint. Instead, the Court is simply requiring a |








| | | | |
|------------|---------------------|--|--|
| | | | proposed schedule with a deadline to seek leave to file an amended complaint. The proposed schedule must assume that the fact discovery deadline of January 29, 2021 (Dckt. No. 128) will remain in place. Mailed notice. (jjr,) (Entered: 11/16/2020) |
| 11/23/2020 | 130 |  25.5 KB | STATUS Report <i>[JOINT]</i> by Leoncio Elizarrri (Flaxman, Kenneth) (Entered: 11/23/2020) |
| 11/24/2020 | 131 |  4.5 KB | MINUTE entry before the Honorable Steven C. Seeger: The Court reviewed the Joint Status Report (Dckt. No. 130) and hereby adopts the proposed schedule. Plaintiff will file a motion for leave to file an amended complaint by November 25, 2020. Any response is due by December 9, 2020. A reply is due by December 16, 2020. The fact discovery deadline remains in place: January 29, 2021. The parties will file a schedule for a motion for class certification and dispositive motions at a later time. Mailed notice. (jjr,) (Entered: 11/24/2020) |
| 11/25/2020 | 132 |  1.6 MB | MOTION by Plaintiffs Leoncio Elizarrri, Gregory L jordan to amend/correct amended complaint 42 (Attachments: # 1 Exhibit Proposed Second Amended Complaint, # 2 Exhibit Redline of SecondAmendedComplaint)(Flaxman, Kenneth) (Entered: 11/25/2020) |
| 12/09/2020 | 133 |  250.2 KB | OBJECTIONS <i>Joint to Plaintiffs' Motion to File Amended Complaint and to Add Plaintiff</i> (Dombrowski, Gerald) (Entered: 12/09/2020) |
| 12/16/2020 | 134 |  1.2 MB | REPLY by Plaintiffs Leoncio Elizarrri, Gregory L jordan to objections 133 (Flaxman, Kenneth) (Entered: 12/16/2020) |
| 01/28/2021 | 135 |  43.8 KB | MOTION by Plaintiffs Leoncio Elizarrri, Gregory L jordan for extension of time to complete discovery <i>[to authorize one deposition]</i> (Flaxman, Kenneth) (Entered: 01/28/2021) |
| 01/29/2021 | 136 |  5.7 KB | MINUTE entry before the Honorable Steven C. Seeger: Plaintiffs' motion to authorize one deposition beyond discovery deadline (Dckt. No. 135) is denied without prejudice. Judge Durkin (this Court's predecessor) originally set a fact discovery deadline of June 18, 2019, a year and a half ago. (Dckt. No. 54) Since then, the Court has extended fact discovery multiple times. Each time, the Court did so at the request of the parties. As the parties requested, the Court extended the deadline to September 17, 2019 (Dckt. No. 70), and then to November 18, 2019 (Dckt. No. 76), and then to February 28, 2020 (Dckt. No. 96), and then to May 13, 2020 (Dckt. No. 105), and then to October 30, 2020 (Dckt. No. 126), and then, finally, to January 29, 2021 (Dckt. No. 128). When this Court extended fact discovery on March 2, 2020, meaning 10 months ago, this Court forewarned that "the parties should expect this extension of discovery to be the last." (Dckt. No. 105) On October 22, 2020, this Court stated that "[a]ny request for an extension must bear in mind that this case was filed in 2017." (Dckt. No. 126) And on October 30, 2020, the Court made clear that it would not move the deadline again: "Given the age of the case, this extension is the last." (Dckt. No. 128) Now, Plaintiffs want another month to take a deposition. (Dckt. No. 135) Plaintiffs want to depose an assistant general counsel of the Sheriff, who verified the Sheriff's interrogatory responses. Plaintiffs do not provide a lot of details, but simply say that they noticed the deposition for January 15, 2021. |






| | | | |
|------------|---------------------|-------------------------------------|---|
| | | | <p>Plaintiffs do not reveal when she verified the interrogatory responses, or when Plaintiffs served the deposition notice, or how long the parties have been discussing this issue. Plaintiffs simply add they "negotiations have taken longer than expected." So has discovery. The Court denies the motion without prejudice because it does not have enough information to evaluate whether Plaintiffs acted promptly in seeking this deposition and attempting to resolve the issue. If the witness verified the interrogatory responses not long ago, and if Plaintiffs promptly requested the deposition and made repeated attempts to resolve the issue, that's one thing. But the Court does not know how things unfolded. Given the age of the case, the repeated extensions, and the repeated warnings, Plaintiffs would need to make a convincing showing that they need this deposition and that they acted promptly. But in the meantime, in the absence of that showing, the request is denied. Mailed notice. (jjr,) (Entered: 01/29/2021)</p> |
| 01/29/2021 | 137 | <input type="checkbox"/> 47.4 KB | <p>MOTION by Plaintiff Leoncio Elizarrri for extension of time to complete discovery <i>[RENEWED]</i> (Flaxman, Kenneth) (Entered: 01/29/2021)</p> |
| 02/03/2021 | 138 | <input type="checkbox"/> 1.7 MB | <p>RESPONSE by Sheriff of Cook Countyin Opposition to MOTION by Plaintiff Leoncio Elizarrri for extension of time to complete discovery <i>[RENEWED]</i> 137 (Dombrowski, Gerald) (Entered: 02/03/2021)</p> |
| 04/19/2021 | 139 | <input type="checkbox"/> 6.0 KB | <p>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</p> |














| | | | |
|------------|---------------------|---|---|
| | | | 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,) (Entered: 04/19/2021) |
| 04/19/2021 | 140 |  1.3 MB | <i>SECOND</i> AMENDED complaint by Ted Velleff against All Defendants (Flaxman, Kenneth) (Entered: 04/19/2021) |
| 04/23/2021 | 141 |  46.3 KB | MOTION by Plaintiff Ted Velleff to reset deadline of June 30, 2021 to complete discovery <i>[JOINT]</i> (Flaxman, Kenneth) (Entered: 04/23/2021) |
| 04/26/2021 | 142 |  4.8 KB | MINUTE entry before the Honorable Steven C. Seeger: The joint motion to reset discovery close date (Dckt. No. 141) is hereby granted, with more than a little reluctance. As requested, the Court extends the close of fact discovery from June 30 to September 30, 2021 in light of the recent filing of the second amended complaint. This extension is the last, full stop. The deadline will not move absent something akin to a medical emergency. The Court reminds counsel of the proportionality standards under the Federal Rules. The Court also reminds counsel that the Federal Rules create a presumptive limit of 10 depositions by each side. See Fed. R. Civ. P. 30(a)(2)(A)(i). So the parties must carefully reflect on what depositions they truly need, and must seek leave of Court to take more than 10 depositions (including depositions already taken). The parties must file a status report by August 31, 2021. The status report must include an update on discovery and on settlement discussions, including whether the parties seek a settlement conference. The Court directs counsel to meet and confer about settlement before filing that statement. Mailed notice. (jjr,) (Entered: 04/26/2021) |
| 05/03/2021 | 143 |  104.8 KB | MOTION by Defendant Cook County Illinois for order <i>in lieu of an answer (unopposed)</i> (Mikhail, Danielle) (Entered: 05/03/2021) |
| 05/04/2021 | 144 |  4.4 KB | MINUTE entry before the Honorable Steven C. Seeger: Defendant Cook County's unopposed motion for entry of an order in lieu of an answer (Dckt. No. 143) is hereby granted. Cook County remains in this case as a necessary party solely for purposes of indemnifying Sheriff Thomas Dart, who is a defendant in this action. By agreement, Cook Count is exempt from submitting a responsive pleading given that it is a party in this case for indemnification purposes only. Mailed notice. (jjr,) (Entered: 05/04/2021) |
| 05/21/2021 | 145 |  196.6 KB | ANSWER to amended complaint by Sheriff of Cook County(Dombrowski, Gerald) (Entered: 05/21/2021) |
| 06/16/2021 | 146 |  48.0 KB | MOTION by Plaintiffs Leoncio Elizarri, Ted Velleff, Gregory L Jordan to certify class <i>[PROTECTIVE]</i> (Flaxman, Kenneth) (Entered: 06/16/2021) |




| | | | |
|------------|---------------------|--|--|
| 07/09/2021 | 147 |  4.9 KB | MINUTE entry before the Honorable Steven C. Seeger: The Court reviewed Plaintiffs' three-page "protective" motion for class certification, without a supporting memorandum. (Dckt. No. 146) Plaintiffs requested that the Court stay briefing until after the close of fact discovery on September 30, 2021. Rule 23(c)(1)(A) provides that the Court must determine whether to certify a proposed class at an "early practicable time." See Fed. R. Civ. P. 23(c)(1)(A). This case was filed in 2017, and this motion is not "early." The Court sees no reason why the parties cannot brief the issue now, especially given the age of the case and the multiple extensions of discovery. Plaintiffs' memorandum in support is due by July 23, 2021. Defendants' response is due by August 20, 2021. Plaintiff's reply is due by September 3, 2021. The fact discovery deadline of September 30, 2021 remains firmly in place. On April 19, 2021, this Court ordered the parties to file a status report by July 1, 2021. (Dckt. No. 139) This Court later ordered a status report by August 31, 2021 (Dckt. No. 142), but that status report was in addition to, not in lieu of, the status report that was due on July 1. The parties did not comply with this Court's directive to file a status report by July 1. The status report is due by July 14, 2021. Another one is due (as previously ordered) on August 31, 2021. Mailed notice. (jjr,) (Entered: 07/09/2021) |
| 07/14/2021 | 148 |  603.5 KB | STATUS Report <i>[JOINT]</i> by Ted Velleff (Flaxman, Kenneth) (Entered: 07/14/2021) |
| 07/16/2021 | 149 |  32.6 KB | ATTORNEY Appearance for Defendant Sheriff of Cook County by Hugh C. O'Donnell (O'Donnell, Hugh) (Entered: 07/16/2021) |
| 07/23/2021 | 150 |  4.6 MB | MEMORANDUM by Leoncio Elizarrri, Ted Velleff, Gregory L jordan in support of motion to certify class 146 (Attachments: # 1 Exhibit List of Exhibits, # 2 Exhibit 1 20 Administrative Code 701, # 3 Exhibit 2 Letters from IDOC to Sheriff, # 4 Exhibit 3 Jordan Deposition, # 5 Exhibit 4 CCDOC Procedure 109, # 6 Exhibit 5 Engleson Deposition, # 7 Exhibit 6 Letter re Elizarrri Property, # 8 Exhibit 7 ECF 121, # 9 Exhibit 8 ECF148_B, # 10 Exhibit 9 CCJ Data Fields, # 11 Exhibit 10 Amended Answer to Interrogatory 2(b), # 12 Exhibit 11 Section 1746 Declarations) (Flaxman, Kenneth) (Entered: 07/23/2021) |
| 07/27/2021 | 151 |  4.6 KB | MINUTE entry before the Honorable Steven C. Seeger: The Court reviewed the Joint Status Report (Dckt. No. 148). Ted Velleff joined the case as a plaintiff on April 19, 2021, when plaintiffs filed the second amended complaint. The Joint Status Report states that Defendant Sheriff "located personal property belonging to plaintiff Velleff and returned those items on June 16, 2021." Id. The parties apparently confirmed the transfer of property at his deposition on June 17, 2021. (Dckt. No. 148) By August 6, 2021, the parties must file a joint statement and confirm whether the Sheriff possesses any other personal property belonging to plaintiff Velleff. If Velleff believes that the Sheriff does possess such property, then Velleff must identify all such property with specificity. The fact discovery deadline of September 30, 2021 remains firmly in place. Mailed notice. (jjr,) (Entered: 07/27/2021) |











| | | | |
|------------|---------------------|---|---|
| 08/06/2021 | 152 |  66.8 KB | Joint Statement Pursuant to Order of July 27, 2021 (ECF No. 151) STATEMENT by Ted Velleff (Flaxman, Kenneth) (Entered: 08/06/2021) |
| 08/20/2021 | 153 |  5.3 MB | RESPONSE by Sheriff of Cook Countyin Opposition to MOTION by Plaintiffs Leoncio Elizarr, Ted Velleff, Gregory L jordan to certify class [PROTECTIVE] 146 (Attachments: # 1 Exhibit Transcript of Plaintiff, # 2 Exhibit Transcript of Orneelas)(Dombrowski, Gerald) (Entered: 08/20/2021) |
| 08/30/2021 | 154 |  64.9 KB | STATUS Report [JOINT] by Leoncio Elizarr (Flaxman, Kenneth) (Entered: 08/30/2021) |
| 09/03/2021 | 155 |  336.0 KB | REPLY by Plaintiffs Leoncio Elizarr, Ted Velleff, Gregory L jordan to response in opposition to motion, 153 (Flaxman, Kenneth) (Entered: 09/03/2021) |
| 09/20/2021 | 156 |  4.4 KB | MINUTE entry before the Honorable Steven C. Seeger: The Court reviewed the status report (Dckt. No. 152) about the status of depositions. The parties must file a status report one week after the close of fact discovery. The parties must confirm that they have completed all depositions, and must state whether there is a joint request for a settlement conference. Mailed notice. (jjr,) (Entered: 09/20/2021) |
| 10/07/2021 | 157 |  44.4 KB | STATUS Report [joint] by Leoncio Elizarr (Flaxman, Kenneth) (Entered: 10/07/2021) |
| 10/07/2021 | 158 |  268.3 KB | MOTION by Plaintiff Leoncio Elizarr to compel Rule 30(b)(6) deposition (Attachments: # 1 Exhibit Rule 30(b)(6) Notice, # 2 Exhibit Def Proposed Interrogatory)(Flaxman, Kenneth) (Entered: 10/07/2021) |
| 10/18/2021 | 159 |  4.3 KB | MINUTE entry before the Honorable Steven C. Seeger: Defendants must respond to the motion to compel (Dckt. No. 158) by October 22, 2021. No reply. Mailed notice. (jjr,) (Entered: 10/18/2021) |
| 10/22/2021 | 160 |  2.7 MB | RESPONSE by Sheriff of Cook County to MOTION by Plaintiff Leoncio Elizarr to compel Rule 30(b)(6) deposition 158 (Dombrowski, Gerald) (Entered: 10/22/2021) |
| 11/30/2021 | 161 |  5.9 KB | MINUTE entry before the Honorable Steven C. Seeger: Plaintiffs' motion to compel a 30(b)(6) deposition (Dckt. No. 158) is hereby granted in part. Plaintiffs seek to depose a representative of the Sheriff of Cook County about a single topic (Topic #3): "The reasons, if any, for the decision of the Sheriff to hold detainee property that would be accepted by the Illinois Department of Corrections when transferring a detainee to IDOC." Based on the motion, it appears that the issue involves a decision not to send "government issued identification" to the IDOC. Id. at para. 5, 7, 8. Defendant objects that the motion is untimely because Plaintiffs filed it one week after the close of fact discovery. But the parties had been discussing this issue for weeks, with a fair amount of back-and-forth, and the Court finds that Plaintiffs were reasonably diligent (but cut it close). Defendant also argues that Plaintiffs could have explored this issue with other witnesses. Perhaps so. But they did not speak on behalf of the entity itself. At the tail end of its response, Defendant argues that the Seventh Circuit's decision in Conyers v. City of Chicago, 10 F.4th (7th Cir. 2021), |










| | | | |
|------------|---------------------|---|---|
| | | | has undercut the entire premise of Plaintiffs' case. Perhaps so. The Court offers no opinion on that issue at this time (partly because the parties have not briefed it, and largely because the Court does not need to reach it here). The question now is simply whether to allow a limited deposition on one limited topic. The Court authorizes Plaintiffs to take a 30(b)(6) deposition as follows. The deposition will be limited to Topic #3 (only). The deposition is limited to two hours. The witness can rely on prior interrogatory answers, and Plaintiffs' counsel can follow-up as necessary and appropriate (e.g., to the extent that the interrogatory response does not address the issue in full). The deposition must take place before December 17, 2021. If Defendant believes that Plaintiff's counsel has already covered this topic with other witnesses, testifying in their individual capacities, then defense counsel can send a letter to Plaintiffs' counsel no later than two days before the deposition that adopts particular passages from those depositions (by page and line number) as corporate testimony within the meaning of Rule 30(b)(6). That process should streamline the examination, to the extent that Plaintiffs' counsel plowed the ground already. The parties must file a statement by December 20, 2021 confirming the completion of the deposition. Mailed notice (jjr,) (Entered: 11/30/2021) |
| 12/20/2021 | 162 |  134.4 KB | STATUS Report <i>[JOINT]</i> by Leoncio Elizarrri (Flaxman, Kenneth) (Entered: 12/20/2021) |
| 12/22/2021 | 163 |  110.7 KB | MOTION by Attorney Elaine C. Davenport to withdraw as attorney for Sheriff of Cook County. No party information provided (Davenport, Elaine) (Entered: 12/22/2021) |
| 12/22/2021 | 164 |  4.3 KB | MINUTE entry before the Honorable Steven C. Seeger: The Court grants the motion to withdraw the appearance of attorney Elaine C. Davenport as counsel for defendant Sheriff of Cook County (Dckt. No. 163). Attorney Elaine Cindy Davenport is terminated as counsel. Mailed notice. (jjr,) (Entered: 12/22/2021) |
| 01/03/2022 | 165 |  4.5 KB | MINUTE entry before the Honorable Steven C. Seeger: The Court reviewed the status report (Dckt. No. 162) about the recent 30(b)(6) deposition. The parties have a dispute about whether the witness in question answered the questions. But there is no pending motion on that issue, as required by the Federal Rules to tee up any discovery dispute. And taking a step back, having read the report, enough is enough. Fact discovery in this 2017 case is finally closed. Mailed notice (jjr,) (Entered: 01/03/2022) |
| 02/07/2022 | 166 |  77.1 KB | ATTORNEY Appearance for Defendant Cook County Illinois by Gretchen Jean Nordhausen (Nordhausen, Gretchen) (Entered: 02/07/2022) |
| 02/07/2022 | 167 |  149.7 KB | MOTION by Attorney Danielle Mikhail to withdraw as attorney for Cook County Illinois. No party information provided (Mikhail, Danielle) (Entered: 02/07/2022) |
| 02/07/2022 | 168 |  4.3 KB | MINUTE entry before the Honorable Steven C. Seeger: The motion to withdraw Danielle A. Mikhail as counsel for Defendant Cook County (Dckt. No. 167) is granted. Attorney Danielle Mikhail is terminated as |







| | | | |
|------------|---------------------|--|---|
| | | | counsel of record. Mailed notice. (jjr,) (Entered: 02/07/2022) |
| 03/14/2022 | 169 |  222.8 KB | MEMORANDUM Opinion and Order Signed by the Honorable Steven C. Seeger on 3/14/2022. For the foregoing reasons, Plaintiffs' motion for class certification (Dckt. No. 146) is denied. Mailed notice. (jjr,) (Entered: 03/14/2022) |
| 03/14/2022 | 170 |  4.6 KB | MINUTE entry before the Honorable Steven C. Seeger: The Court sets a telephonic status hearing for March 22, 2022 at 9:30 a.m. Members of the public and media will be able to call in to listen to this hearing. The call-in number is (888) 684-8852 and the access code is 9369830. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (jjr,) (Entered: 03/14/2022) |
| 03/22/2022 | 171 |  4.5 KB | MINUTE entry before the Honorable Steven C. Seeger: Status hearing held on March 22, 2022. The parties discuss next steps in the case. As of March 14, 2022, the Court denied plaintiff's motion for class certification. Plaintiff is contemplating seeking an interlocutory appeal under Rule 23(f). The parties must file a status report no later than one week after the deadline to seek an interlocutory appeal, or one week after the resolution of any such petition and/or appeal under Rule 23(f). The status report must include a proposed schedule for the completion of the case. Mailed notice. (jjr,) (Entered: 03/24/2022) |
| 03/28/2022 | 172 |  8.6 MB | MOTION by Plaintiffs Leoncio Elizarrri, Ted Velleff, Gregory L jordan for reconsideration regarding order on motion to certify class, memorandum opinion and order 169 (Attachments: # 1 Exhibit Ex 1-Current Property Form, # 2 Exhibit Ex 2-Interrogatory Answers, # 3 Exhibit Ex 3-Policy 109, # 4 Exhibit Ex 4-Prisoner Handbook, 2017, # 5 Exhibit Ex 5-Prisoner Handbook, 2017-18, # 6 Exhibit Ex 6-Prisoner Handbook, 2018-present, # 7 Exhibit Ex 7-Destruction Velleff Property) (Flaxman, Kenneth) (Entered: 03/28/2022) |
| 04/06/2022 | 173 |  4.7 KB | MINUTE entry before the Honorable Steven C. Seeger: Defendants' response to the motion for reconsideration (Dckt. No. 172) is due by April 18, 2022. The motion attached a collection of documents that Plaintiffs did not submit with their motion for class certification. Among other things, the Court would be interested to know when Defendants produced the documents, or when they served the interrogatory responses, attached to Plaintiffs' motion. For example, Plaintiffs attached Defendant Sheriff of Cook County's Answer to Plaintiff's Fourth Set of Special Interrogatories (Dckt. No. 172 -2), but it was undated (and, as an aside, unverified). Defendants should address whether Plaintiffs could have submitted these materials in connection with its motion for class certification. Also, among other things, Defendants should address whether it was possible for detainees at the Cook County Jail to have a designee (such as a friend or relative) pick up the government-issued identified cards, along with other compliant property. Mailed notice (jjr,) |

| | | | |
|------------|---------------------|--|--|
| | | | (Entered: 04/06/2022) |
| 04/18/2022 | 174 |  606.6 KB | RESPONSE by Defendant Sheriff of Cook County to motion for reconsideration,, 172 (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Dombrowski, Gerald) (Entered: 04/18/2022) |
| 06/13/2022 | 175 |  96.8 KB | ATTORNEY Appearance for Defendant Cook County Illinois by Edward M. Brener (Brener, Edward) (Entered: 06/13/2022) |
| 06/13/2022 | 176 |  96.8 KB | ATTORNEY Appearance for Defendant Sheriff of Cook County by Edward M. Brener (Brener, Edward) (Entered: 06/13/2022) |
| 06/13/2022 | 177 |  119.1 KB | ATTORNEY Appearance for Defendants Cook County Illinois, Sheriff of Cook County by Elizabeth Francine Brogan (Brogan, Elizabeth) (Entered: 06/13/2022) |
| 06/13/2022 | 178 |  110.6 KB | ENTERED in Error (Brener, Edward) (Docket text modified on 6/15/2022) (jjr,). (Entered: 06/13/2022) |
| 06/13/2022 | 179 |  160.2 KB | MOTION by Defendant Sheriff of Cook County to substitute attorney [<i>By Agreement of Sanchez Daniels & Hoffman</i>] (Brener, Edward) (Entered: 06/13/2022) |
| 06/13/2022 | 180 |  110.2 KB | WITHDRAWING <i>Gretchen Jean Nordhausen [Corrected]</i> as counsel for Defendant Cook County Illinois and substituting Edward M. Brener as counsel of record (Brener, Edward) (Entered: 06/13/2022) |
| 06/15/2022 | 181 |  4.4 KB | MINUTE entry before the Honorable Steven C. Seeger: The motion to withdraw appearance of Sanchez Daniels & Hoffman, and substitution of the Cook County State's Attorney's Office, as Counsel for Defendant Cook County sheriff Thomas J. Dart (Dckt. No. 179) is granted. Attorney Robert Franklin Kunkel, Hugh C. O'Donnell, Yifan Xu Sanchez, Meghan Domenica Childers and Gerald Michael Dombrowski are terminated as counsel of record. Mailed notice. (jjr,) (Entered: 06/15/2022) |
| 06/28/2022 | 182 |  214.6 KB | MOTION by Defendants Cook County Illinois, Sheriff of Cook County to consolidate cases [<i>opposed</i>] (Brener, Edward) (Entered: 06/28/2022) |
| 07/05/2022 | 183 |  4.3 KB | MINUTE entry before the Honorable Steven C. Seeger: The Court reviewed Defendants' joint motion to consolidate cases. (Dckt. No. 182) Plaintiff opposes the motion. The response is due by July 15, 2022. Mailed notice (jjr,) (Entered: 07/05/2022) |
| 07/15/2022 | 184 |  117.3 KB | RESPONSE by Ted Velleffin Opposition to MOTION by Defendants Cook County Illinois, Sheriff of Cook County to consolidate cases [<i>opposed</i>] 182 (Flaxman, Kenneth) (Entered: 07/15/2022) |
| 07/18/2022 | 185 |  142.7 KB | MOTION by Defendants Cook County Illinois, Sheriff of Cook County for leave to file <i>reply brief in support of motion to consolidate [Plaintiffs do not take a position]</i> (Brener, Edward) (Entered: 07/18/2022) |
| 07/27/2022 | 186 |  4.3 KB | MINUTE entry before the Honorable Steven C. Seeger: Defendant's joint motion for leave to file reply (Dckt. No. 185) is granted. Defendants' reply is due by August 4, 2022. Mailed notice. (jjr,) (Entered: 07/27/2022) |

| | | | |
|------------|---------------------|--|---|
| 08/04/2022 | 187 |  155.7 KB | REPLY by Defendants Cook County Illinois, Sheriff of Cook County to response in opposition to motion 184 , motion to consolidate cases 182 (Brener, Edward) (Entered: 08/04/2022) |
| 08/16/2022 | 188 |  196.1 KB | MEMORANDUM Opinion and Order Signed by the Honorable Steven C. Seeger on 8/16/2022. For the foregoing reasons, Plaintiffs' motion for reconsideration (Dckt. No. 172) is denied. Mailed notice. (jjr,) (Entered: 08/16/2022) |
| 10/11/2022 | 189 |  6.3 KB | MINUTE entry before the Honorable Steven C. Seeger: Defendants' motion to consolidate cases (Dckt. No. 182) is hereby denied. Defendants seek to consolidate this 2017 case with Carter v. Sheriff of Cook County (22-cv-1893), a relatively new case that is pending before another judge in this district. Basically, after this Court denied the motion for class certification, Carter filed his own case and seeks to represent a putative class, advancing the same basic claims that are pending before this Court in Elizarri II. There are a number of important similarities between that case and this case. Both cases involve allegations that pretrial detainees entered Cook County Jail with government-issued ID cards, and that the Cook County Jail did not transfer those ID cards to the IDOC with the detainees. The same attorneys represent the plaintiffs in each case, too. But, from a procedural standpoint, there are important differences. The Elizarri II case was filed in 2017, and the Carter case was filed in 2022. So, the Elizarri II is nearing the finish line, and the Carter case is just warming up. Defendants argue that Carter is a "necessary party" because there is a risk of inconsistent obligations, citing Rule 19(a)(1)(B)(ii). Not so. For starters, Carter is not a party in this case, because there is no class. He is a non-party. However this case ends, it will not impair Carter's rights one way or the other (at least not directly). See Smith v. Bayer Corp., 564 U.S. 299, 316 (2011) ("Neither a proposed class action nor a rejected class action may bind nonparties."). The fact that Carter is litigating in his own right in a separate lawsuit does not necessarily mean that he belongs in this lawsuit. And the fact that this Court denied the motion for class certification does not preclude Carter from filing his own lawsuit. Quite the contrary: filing his own lawsuit is the only way that Carter could vindicate any rights that he may have, because he isn't part of this lawsuit. There is little to no risk that Defendants will be subjected to inconsistent obligations (say, an injunction requiring X, and an injunction requiring not-X). Oftentimes combining cases with overlapping issues makes sense and saves judicial resources. This Court is often receptive to such motions. But this case is not one of those cases. The Court sees no reason to use its discretion to consolidate the cases under Rule 42(a)(2). While the cases here "involve a common question of law or fact," the proposed consolidation would not "promote convenience and judicial economy." Portis v. McKinney, 2021 WL 4125107, at *3 (N.D. Ill. 2021). In fact, it would do the opposite. This case is five years old, and counting. Asking the Court to bring in Carter at the eleventh hour would, in many ways, require the Court to start over. Hitting the reset button after five years would unnecessarily prolong the case currently before this Court, and would delay the day in court for the parties already in this case. Basically, Defendants want to link the two trains, but one of |

| | | | |
|------------|---------------------|--|---|
| | | | them had a five-year head start, and it is too far down the track. This case is pulling into the station at its final destination, and the other case is just getting warmed up at the starting line. Mailed notice. (jjr,) (Entered: 10/11/2022) |
| 10/11/2022 | 190 |  4.5 KB | MINUTE entry before the Honorable Steven C. Seeger: By October 14, 2022, the parties must file a joint status report and propose concrete next steps for the final resolution of the case. The case was filed in 2017, and it is time to bring it to a close. The parties must address whether any party intends to move for summary judgment, and if so, on what grounds (and when). If no party intends to move for summary judgment, the parties must provide a realistic estimate of the length of the (short) trial, and must reveal their trial availability. The parties also must provide an update on settlement negotiations, including whether any party seeks a settlement conference. Mailed notice (jjr,) (Entered: 10/11/2022) |
| 10/13/2022 | 191 |  376.2 KB | Appearance by Cook County Illinois, Sheriff of Cook County (Laue, Rebecca) (Entered: 10/13/2022) |
| 10/14/2022 | 192 |  137.0 KB | STATUS Report <i>[Joint]</i> by Cook County Illinois, Sheriff of Cook County (Brener, Edward) (Entered: 10/14/2022) |
| 10/18/2022 | 193 |  309.5 KB | ATTORNEY Appearance for Defendants Cook County Illinois, Sheriff of Cook County by Rebecca J Laue (Laue, Rebecca) (Entered: 10/18/2022) |
| 10/18/2022 | 194 |  4.6 KB | MINUTE entry before the Honorable Steven C. Seeger: The Court reviewed the status report. (Dckt. No. 192) Defendants intend to move for summary judgment, and request two months to do so. This Court is not inclined to stretch things out that long, unless there is a good reason. Dispositive motions are due by November 15, 2022. The response is due by December 16, 2022. The reply is due by January 6, 2023. If there is a compelling reason why Defendants need to two months to file a motion for summary judgment (e.g., being tied up in trial for the next four weeks), then Defendants can file a motion to amend the schedule by the end of this week. Otherwise, the schedule in this Order stands. Mailed notice. (jjr,) (Entered: 10/18/2022) |
| 10/26/2022 | 195 |  153.2 KB | MOTION by Attorney Elizabeth F. Brogan to withdraw as attorney for Cook County Illinois, Sheriff of Cook County. No party information provided (Brogan, Elizabeth) (Entered: 10/26/2022) |
| 10/27/2022 | 196 |  4.3 KB | MINUTE entry before the Honorable Steven C. Seeger: The Court grants the motion to withdraw appearance (Dckt. No. 195). Attorney Elizabeth Francine Brogan is terminated as counsel of record. Mailed notice. (jjr,) (Entered: 10/27/2022) |
| 11/15/2022 | 197 |  119.3 KB | MOTION by Defendants Cook County Illinois, Sheriff of Cook County for summary judgment (Brener, Edward) (Entered: 11/15/2022) |
| 11/15/2022 | 198 |  281.9 KB | RULE 56 56.1(a)(2) Statement by Cook County Illinois, Sheriff of Cook County regarding motion for summary judgment 197 <i>[Memorandum of Law]</i> (Brener, Edward) (Entered: 11/15/2022) |
| 11/15/2022 | 199 |  5.0 MB | RULE 56 56.1(a)(3) Statement by Cook County Illinois, Sheriff of Cook County regarding motion for summary judgment 197 <i>[Statement of</i> |

| | | | |
|------------|---------------------|---|---|
| | | | <i>Undisputed Material Facts</i>] (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16, # 17 Exhibit 17)(Brener, Edward) (Entered: 11/15/2022) |
| 12/16/2022 | 200 |  73.9 KB | MEMORANDUM by Leoncio Elizarri, Ted Velleff, Gregory L jordan in Opposition to motion for summary judgment 197 (Flaxman, Kenneth) (Entered: 12/16/2022) |
| 12/16/2022 | 201 |  155.8 KB | RULE 56.1 Statement by Leoncio Elizarri, Ted Velleff, Gregory L jordan regarding motion for summary judgment 197 (Flaxman, Kenneth) (Entered: 12/16/2022) |
| 12/16/2022 | 202 |  4.4 MB | RULE 56.1 {additional facts) Statement by Leoncio Elizarri, Ted Velleff, Gregory L jordan regarding motion for summary judgment 197 (Flaxman, Kenneth) (Entered: 12/16/2022) |
| 12/29/2022 | 203 |  84.1 KB | ANNUAL REMINDER: Pursuant to Local Rule 3.2 (Notification of Affiliates) , any nongovernmental party, other than an individual or sole proprietorship, must file a statement identifying all its affiliates known to the party after diligent review or, if the party has identified no affiliates, then a statement reflecting that fact must be filed. An affiliate is defined as follows: any entity or individual owning, directly or indirectly (through ownership of one or more other entities), 5% or more of a party. The statement is to be electronically filed as a PDF in conjunction with entering the affiliates in CM/ECF as prompted. As a reminder to counsel, parties must supplement their statements of affiliates within thirty (30) days of any change in the information previously reported. This minute order is being issued to all counsel of record to remind counsel of their obligation to provide updated information as to additional affiliates if such updating is necessary. If counsel has any questions regarding this process, this LINK will provide additional information. Signed by the Executive Committee on 12/29/2022: Mailed notice. (tg,) (Entered: 12/29/2022) |
| 01/06/2023 | 204 |  226.2 KB | REPLY by Defendants Cook County Illinois, Sheriff of Cook County to motion for summary judgment 197 , memorandum in opposition to motion 200 <i>in support of motion for summary judgment</i> (Brener, Edward) (Entered: 01/06/2023) |
| 01/06/2023 | 205 |  215.5 KB | RULE 56 56.1(a) Statement [<i>reply to Plaintiffs' Statement of Additional Facts (Dkt. 202)</i>] (Brener, Edward) (Entered: 01/06/2023) |
| 01/31/2023 | 206 |  95.0 KB | ATTORNEY Appearance for Defendants Cook County Illinois, Sheriff of Cook County by Jessica Wasserman (Wasserman, Jessica) (Entered: 01/31/2023) |
| 02/14/2023 | 207 |  131.5 KB | MOTION by Attorney Edward M. Brener to withdraw as attorney for Cook County Illinois, Sheriff of Cook County. No party information provided (Brener, Edward) (Entered: 02/14/2023) |
| 02/14/2023 | 208 |  4.3 KB | MINUTE entry before the Honorable Steven C. Seeger: The motion to withdraw Edward M. Brener as counsel for defendants (Dckt. No. 207) is granted. Attorney Edward M. Brener is terminated as counsel of |

| | | | |
|------------|---------------------|---|--|
| | | | record.Mailed notice. (jjr,) (Entered: 02/14/2023) |
| 08/21/2023 | 209 |  272.0 KB | MEMORANDUM Opinion and Order Signed by the Honorable Steven C. Seeger on 8/21/2023. For the foregoing reasons, Defendants' motion for summary judgment (Dckt. No. 197) is hereby granted. Civil case terminated. Mailed notice. (jjr,) (Entered: 08/21/2023) |
| 08/21/2023 | 210 |  71.3 KB | ENTERED JUDGMENT on 8/21/2023. Mailed notice. (jjr,) (Entered: 08/21/2023) |
| 09/10/2023 | 211 |  22.7 KB | NOTICE of appeal by Ted Velleff regarding orders 210 Filing fee \$ 505, receipt number AILNDC-21033578. Receipt number: n (Flaxman, Kenneth) (Entered: 09/10/2023) |
| 09/10/2023 | 212 |  25.7 KB | DOCKETING Statement by Ted Velleff regarding notice of appeal 211 (Flaxman, Kenneth) (Entered: 09/10/2023) |
| 09/11/2023 | 213 |  25.6 KB | DOCKETING Statement by Ted Velleff regarding notice of appeal 211 (Flaxman, Kenneth) (Entered: 09/11/2023) |
| 09/12/2023 | 214 |  146.8 KB | NOTICE of Appeal Due letter sent to counsel of record regarding notice of appeal 211 . (aee,) (Entered: 09/12/2023) |

Total filesize of selected documents (MB):

or Maximum filesize allowed: 30 MB