

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

RENEE FORNEY as Special Administrator of)	
the Estate of ROBERT FORNEY,)	
)	
Plaintiff,)	Case No. 18-cv-3474
)	
v.)	Judge Virginia M. Kendall
)	
CITY OF CHICAGO, et al.)	
)	
Defendants.)	
CALVIN ROBINSON,)	
)	
Plaintiff,)	Case No. 20-cv-2928
)	
v.)	Honorable Judge LaShonda A. Hunt
)	
CITY OF CHICAGO, et al.)	
)	
Defendants.)	

**DEFENDANTS' JOINT MOTION TO REASSIGN AND CONSOLIDATE TRIALS AND
PRETRIAL PROCEEDINGS (UNOPPOSED)**

Defendants Watts, Mohammed, Jones, Smith, Lewis, Cline, Kirby, Rowan and the City of Chicago, by and through their undersigned counsel, pursuant to Fed. R. Civ. P. 42 and Local Rule 40.4, for their joint motion to reassign and consolidate trials and pretrial proceedings in *Forney v. City of Chicago*, 18 CV 3474, and *Robinson v. City of Chicago*, 20 CV 2928, state as follows:

1. Plaintiff Renee Forney, as Independent Administrator of the Estate of Robert Forney, and Plaintiff, Calvin Robinson, both bring separate lawsuits stemming from their joint arrest on January 22, 2007, at the same time and at the same location. They have sued the same defendants with the same general allegations and the same claims. In light of the substantial factual and legal similarities in these cases, and in the interests of convenience and judicial economy, *Robinson* should be reassigned, and both cases should be consolidated for pretrial proceedings and

trial before the Honorable Virginia Kendall. *See* Local Rule 40.4(c) (recognizing any motion to reassign “shall be filed in the lowest-numbered case of the claimed related set and noticed before the judge assigned to that case.”). In this instance, the judge with the lowest numbered case in the set sought to be reassigned is Judge Kendall.

2. Federal Rule of Civil Procedure 1 makes clear that the rules “should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.” *See* Fed. R. Civ. P. 1. Consistent with this, Federal Rule of Civil Procedure 42(a) provides that “[i]f actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.” Fed. R. Civ. P. 42(a). “Th[is] rule is designed to give the court broad discretion to decide how cases on its docket are to be tried so that the business of the court may be dispatched with expedition and economy while providing justice to the parties.” *Palomares v. Second Fed. Sav. & Loan Ass’n of Chicago*, No. 10-cv-6124, 2010 WL 4672295, *2 (N.D. Ill. 2010) (Coleman, J.).

3. Relatedly, reassignment of separately filed cases to another judge is governed by Local Rule 40.4. A case is related under LR 40.4, in pertinent part, if one or more of the following conditions are met: the cases involve some of the same issues of fact or law; or the cases grow out of the same transaction or occurrence. L.R. 40.4(a). If the cases are so related under Rule 40.4(a), reassignment for purposes of trial may be ordered before the judge with earliest numbered case if “(1) both cases are pending in this Court; (2) the handling of both cases by the same judge is likely to result in a substantial saving of judicial time and effort; (3) the earlier case has not progressed to the point where designating a later filed case as related would be likely to delay the proceedings

in the earlier case substantially; and (4) the cases are susceptible of disposition in a single proceeding.” *Id.*

4. Cases are “susceptible to disposition in a single proceeding” where there is “substantial overlap” between them, including where the “witnesses, counsel, and many of the facts are the same or substantially similar.” *Urban 8 Fox Lake Corporation v. Nationwide Affordable Housing Fund 4*, 2019 WL 2515984, at *4 (N.D. Ill. 2019). “The Seventh Circuit has emphasized that related cases pending within the same court should be consolidated before a single judge to avoid wasteful overlap.” *Blocker v. City*, 2011 WL 1004137, *2 (N.D. Ill. 2011) (Coleman, J.). The primary purpose of consolidation is to promote convenience and judicial economy. *Estrada v. Aerovias de Mexico, S.A. de C.V.*, 2023 WL 8787794, at *2 (N.D. Ill. 2023).

5. In *Forney v. City of Chicago, et al.*, 18 CV 2474, Plaintiff Renee Forney, as Independent Administrator of the Estate of Robert Forney, asserts a claim arising out of Robert Forney’s January 22, 2007, arrest with Calvin Robinson, and a third-party, Deborah Jones, at 575 E. Browning by Defendant Officers Watts, Mohammed, Jones, Smith, and Lewis, and his subsequent prosecution for narcotics-related offenses. See 18 CV 2474, dkt. 1, at ¶¶ 17-31, attached hereto as Exhibit A¹. As a brief example of the allegations in his complaint, plaintiff Forney asserts as follows: “After arresting plaintiff, the individual officer defendants conspired, confederated, and agreed to fabricate a false story in an attempt to justify the unlawful arrest, to cover-up their wrongdoing, to cause plaintiff to be wrongfully detained and prosecuted.” *Id.*, at ¶ 19. Forney, through his attorneys at Kenneth N. Flaxman P.C., brings claims under the Fourth and Fourteenth Amendments, and a supplemental state law claim against the City of Chicago for malicious prosecution under Illinois law. *Id.*, at ¶¶ 68-69.

¹ In addition, Plaintiff Forney names the City of Chicago and former Superintendent Philip Cline, and Debra Kirby and Karen Rowan, as defendants.

6. Likewise, in *Robinson v. City of Chicago, et al.*, 20 CV 2928, plaintiff Calvin Robinson asserts a claim arising out of the same January 22, 2007 arrest with Robert Forney and Deborah Jones at 575 E. Browning by Defendant Officers Watts, Mohammed, Jones, Smith and Lewis, and his subsequent prosecution for narcotics-related offenses. See 20 CV 2928, dkt. 1, at ¶¶ 35-49, attached hereto as Exhibit B². Again, as a brief example of the allegations in his complaint, plaintiff Robinson asserts as follows: “Defendant Officers prepared false and fabricated reports related to this arrest... Defendant Officers never disclosed to the prosecutors they had fabricated evidence and falsified reports related to Mr. Robinson’s arrest.” *Id.*, at ¶¶ 44-48. Robinson, through his attorneys at Loevy & Loevy, also brings the same claims: Due Process (Count I), 42 U.S.C. § 1983 – Malicious Prosecution and Unlawful Pretrial Detention – Fourth and Fourteenth Amendment (Count II), 42 U.S. § 1983 – Failure to Intervene (Count III), 42 U.S.C. § 1983 Conspiracy to Deprive Constitutional Rights (Count IV), Illinois Law – Malicious Prosecution (Count V), Illinois Law – Intentional Infliction of Emotional Distress (Count VI), Illinois Law – Civil Conspiracy (Count VII), Illinois Law – Respondeat Superior (Count VIII), and Illinois Law – Indemnification (Count IX).

7. *Forney* and *Robinson* involve the same transaction, the same defendants, the same general allegations and the same claims. Both cases have fact discovery deadlines of June 13, 2025. Procedurally, both lawsuits are in the same posture. And because these lawsuits both involve the same arrest, they are capable of disposition in a single proceeding. See *Urban 8 Fox Lake Corporation*, 2019 WL 2515984, at *4. Pursuant to Fed. R. Civ. P. 42(a) and Local Rule 40.4(a), *Robinson* should be reassigned, and *Forney* and *Robinson* should be consolidated for pretrial proceedings and trial before Judge Kendall.

² In addition, Plaintiff Robinson names the City of Chicago and former Superintendent Philip Cline, and Debra Kirby and Karen Rowan, as defendants.

8. Counsel for Defendant City has communicated with Plaintiff Forney's counsel from Kenneth N. Flaxman P.C. and Plaintiff Robinson's counsel from Loevy and Loevy, who indicated Plaintiffs in both matters do not oppose the relief sought in this motion.

WHEREFORE, Defendants respectfully request that *Robinson v. City of Chicago*, 20 CV 2928, pending before Judge Hunt, be reassigned and consolidated with *Forney v. City of Chicago*, 18 CV 3474 for pretrial proceedings and trial before Judge Kendall.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on **June 12, 2025**, I electronically filed the foregoing **Defendants’ Joint Motion to Reassign and Consolidate Trials and Pretrial Proceedings (Unopposed)** with the Clerk of the Court using the ECF system, which sent electronic notification of the filing on the same day to all counsel of record via the Court’s CM/ECF system.

s/ Katherine C. Morrison