

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

Robert Forney,)
)
 Plaintiff)
) No. 18-cv-3474
 -vs-)
) (Judge Kendall)
 City of Chicago, et al.,)
)
 Defendants.)

MOTION TO APPOINT SPECIAL ADMINISTRATOR FOR DECEASED PLAINTIFF

Renee Forney, by counsel, moves the Court to appoint her as Special Administrator of the Estate of Robert Forney, her deceased brother.

Grounds for this motion are as follows:

1. Robert Forney filed this lawsuit on May 16, 2018. This case is part of the Watts Coordinated Pretrial Proceedings, 19-cv-1717, a group of 150 cases that are coordinated for pretrial proceedings. Discovery in this case is stayed while the parties in the Coordinated Proceedings focus on litigating 19 “test cases” to their conclusion to help the parties assess the value and merit of the remaining cases.

2. Mr. Forney died on or about January 19, 2024.

3. The Section 1983 claims advanced in the complaint survive the death of Mr. Forney.

4. Renee Forney is Mr. Forney's sister and is willing to continue this case for the benefit of her brother's estate.

5. An estate has not been opened for Mr. Forney, whose assets at the time of his death consisted only of this lawsuit.

6. Mr. Forney was never married and had no children. His father predeceased him and his mother is living.

7. Mr. Forney had three siblings: two brothers who are deceased and Renee Forney. Neither of the brothers had children.

8. The Seventh Circuit held in *Anderson v. Romero*, 42 F.3d 1121 (7th Cir. 1994) that a federal court has the power to appoint a special administrator to continue the prosecution of a Section 1983 action when, as in this case, the action survives the death of the plaintiff.

9. The Court of Appeals applied *Anderson* in *Stewart v. Special Adm'r of Estate of Mesrobian*, 559 F. App'x 543, 548 (7th Cir. 2014) and in *Gilliam v. Chicago*, No. 17-1679 (7th Cir. December 6, 2017).

10. This Court recently applied *Anderson* and appointed a special administrator to continue the prosecution of a Section 1983 action after the death of the plaintiff in *Smith v. Chicago*, 18-cv-4918, ECF No. 101. Other judges in this district have done the same. *Thomas v. Chicago*, 19-cv-133, ECF No. 52 (Pallemyer, C.J.); *Smith v. Chicago*, 14-cv-7718, ECF No. 102

(Wood, J.); *Elizarri v. Sheriff*, 17-cv-8120, ECF No. 73 (Durkin, J.); *Lepinay v. City of Chicago*, 16-cv-10695, ECF No. 27 (Feinerman, J.); *Gray v. Village of Riverdale*, 16-cv-4856, ECF No. 17 (Bucklo, J.); *Medved v. Butkovic*, 09-cv-3699, ECF No. 16 (Gottschall, J.); *Smentek v. Sheriff*, 09-cv-529, ECF No. 484 (Lefkow, J.)

It is therefore respectfully requested that the Court appoint Renee Forney as Special Administrator of the Estate of Robert Forney.

Respectfully submitted

/s/ Joel A. Flaxman
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