

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

Khalid Ali,)
)
 Plaintiff,)
) No. 19-cv-00022
 -vs-)
)
 City of Chicago, et al.,) (Judge Chang)
)
 Defendants.)
)
 Glenn Miller,)
 Petitioning-Intervenor)

DOCKETING STATEMENT

The original plaintiff, Khalid Ali, invoked the jurisdiction of the district court pursuant to 28 U.S.C. § 1343 to assert a claim under 42 U.S.C. § 1983.

On January 29, 2020, the district court concluded that plaintiff Ali could not seek certification of the case as a class action because he had not provided defendant City of Chicago with advance notice of his intent to sue as a class representative. (ECF No. 59.) Plaintiff Ali sought interlocutory review, but the Court of Appeals denied Ali's Rule 23(f) petition for permission to appeal on February 12, 2020, 7th Cir. Case No. 20-8002.

Plaintiff Ali filed a motion for leave to file an amended complaint on February 12, 2020. (ECF No. 62.) Ali provided notice in his proposed amended complaint (ECF No. 62-1) that he was bringing the case individually and for a putative class. (Proposed Amended Complaint, ¶ 39, ECF No. 62-1 at 3-4). The

district court denied Ali leave to amend on November 30, 2020 as part of its ruling on the motion for summary judgment of the individual defendants. (ECF No. 103.)

Plaintiff Ali settled his claim and signed a written settlement agreement on January 20, 2021. The settlement agreement does not permit Ali to appeal the order denying class certification. The parties filed a stipulation to dismiss on January 25, 2021 (ECF No. 108), and the district court entered an order of dismissal on January 25, 2021. (ECF No. 109.)

Petitioner Glenn Miller, a member of the class plaintiff Ali sought to represent in this case, filed his petition to intervene on January 25, 2021. (ECF No. 110.) Petitioner called the district court's attention to *CE Design, Ltd. v. Cy's Crab House North, Inc.*, 731 F.3d 725 (7th Cir. 2013), and requested the district court to rule on intervention within 30 days after entry of the order of dismissal. (ECF No. 110 at 5.) In the alternative, petitioner requested the district court to "enlarge the time for filing an appeal (up to 30 days), as permitted by FED. R. APP. P. 4(a)(5)." *Id.*, quoting *Roe v. Town of Highland*, 909 F.2d 1097, 1099-100 (7th Cir. 1990).

The petition to intervene remains pending before the district court. On February 19, 2021, petitioner filed a motion to extend the time to appeal. (ECF No. 116.) That motion also remains undecided.

Petitioner filed his notice of appeal on February 24, 2021, the 30th day following entry of the final decision of January 25, 2021.

The Court has jurisdiction of this “springing appeal,” *CE Design, Ltd. v. Cy's Crab House North, Inc.*, 731 F.3d 725, 730 (7th Cir. 2013), under 28 U.S.C. § 1291, as explained in *Roe v. Town of Highland*, 909 F.2d 1097, 1099-100 (7th Cir. 1990).

Respectfully submitted,

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