

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).

On February 19, 2021, petitioner renewed his request that the Court extend the time to appeal by filing a separate motion to extend the time to appeal. (ECF No. 116.) The district court had not ruled on the motion by February 24, 2021, the 30th day following entry of the final decision of January 25, 2021.

Petitioner therefore filed a notice of appeal that day. That appeal is pending in the Court of Appeals as Case Number 21-1353.

The district court granted the motion to extend on March 11, 2021 (ECF No. 123), allowing petitioner until March 26, 2021 to file a notice of appeal. The district court denied Miller's petition to intervene on March 24, 2021. (ECF No. 124.) Miller files his notice of appeal on March 25, 2021 and invokes the jurisdiction of the Court of Appeals pursuant to 28 U.S.C. § 1291.

Respectfully submitted,

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