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

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| KHALID ALI, | ) | |
| | ) | |
| Plaintiff, | ) | Case No.: 19-cv-22 |
| | ) | |
| v. | ) | Judge: Honorable Edmond E. Chang |
| | ) | |
| CITY OF CHICAGO, NORA VALDES, JOHN KELYANA, and KEVIN REPPEN, | ) | Magistrate Judge: Sidney I. Schenkier |
| | ) | |
| Defendants. | ) | |

**DEFENDANTS' REPLY IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Defendant Officers Nora Valdes, John Kelyana, Kevin Reppen, and Vincent Vogt. (collectively "Defendants"), through one of their attorneys, Jessica D. Ziswa, Assistant Corporation Counsel, hereby reply in support of their motion for summary judgment. In support thereof, Defendants state as follows:

## INTRODUCTION

Plaintiff concedes that there was reasonable suspicion to initiate a traffic stop and probable cause for the initial arrest pursuant to the warrant. *See* Plaintiff's Response Memorandum, ("Pl's Resp."), Dkt. No. 87 at 3. Plaintiff asserts that there are genuine issues of material fact as to whether there was probable cause for Plaintiff's continued detention after the actual copy of the warrant was faxed to the police station and whether Defendants refused to permit Plaintiff to post bond in violation of the Fourth Amendment. *Id.* Defendants contend Plaintiff's version of events should be disregarded by this Court. Ultimately, Plaintiff has failed to produce competent evidence to establish genuine issues of material fact to refute: (1) Defendants had probable cause to detain Plaintiff after the warrant was faxed; (2) Plaintiff's length of dentition was reasonable under the Fourth Amendment;

(3) Defendants Valdes and Kelyana had no personal involvement beyond the initial arrest and processing Plaintiff's arrest report; (4) Defendant Reppen lacked personal involvement in the alleged constitutional deprivation; (5) Defendant Vogt lacked personal involvement with Plaintiff's bond; and (6) Defendants are entitled to qualified immunity. Based on these undisputed facts Defendants are entitled to summary judgment on all of Plaintiff's claims as a matter of law.

## ARGUMENT

### I. Plaintiff's Detention Did Not Violate The Fourth Amendment of The United States Constitution.

Plaintiff argues his Fourth Amendment rights were violated because he was held on a warrant that he was not the subject of and that all Defendants reviewed the warrant that showed discrepancies of Plaintiff's information. *Id.* The fact that Plaintiff was not the intended subject of the warrant is not sufficient to create a genuine issue of fact because "the arrest of a person named in a valid warrant . . . even if it turns out to be the wrong individual, will not violate the Fourth Amendment unless the arresting officer acted unreasonably." *White v. Olig*, 56 F.3d 817, 819 (7th Cir. 1995).

Further, Defendants maintain that none of the officers saw the warrant, except for Defendant Vogt. *See* Defendants' Joint Rule 56.1 Statement of Undisputed Facts in Support of Their Motion for Summary Judgment ("SF"), ECF No. 79 at ¶¶ 26, 31. Additionally, Defendants maintain that although Defendant Vogt only reviewed the top half of the warrant to determine that the name on the warrant was the same as Plaintiff's. SF at ¶ 30. Nonetheless, even had all Defendants reviewed the warrant in its entirety, none of them should be held liable as a matter of law. Furthermore, Plaintiff's contention that all Defendants reviewed the warrant also fails to create an issue of genuine fact to defeat summary judgment.

**A. Defendants did not need to be absolutely certain that they arrested the correct person when there is a discrepancy between the description of the warrant and the description of the arrestee.**

Plaintiff argues it was unreasonable to hold him on the warrant because Plaintiff's date of birth, employment, height, weight, and address differed from the information contained in the warrant. Pl's Resp. at 7,9. Plaintiff provides no evidence that Defendants had knowledge that Plaintiff was never employed at S.A. Auto other than to offer that Defendants knew Plaintiff was a taxicab driver. Plaintiff's status as a taxicab driver does not preclude previous or additional employment at S.A. Auto. Additionally, the evidence shows that Plaintiff's height only varied by an inch from the description in the warrant. SF at ¶ 27. The evidence also shows that Plaintiff's race, eye color, and hair color all matched the description in the warrant. *See* EFC. 79-2; ECF 79-8. Nonetheless, Plaintiff's contention that his employment, height, weight, and address were different from the warrant does not create an issue of material fact. *See Tibbs v. City of Chicago*, 469 F.3d 661, 664 (7th Cir. 2006).

Further, Plaintiff's citation to *Phelan v. Village of Lyons*, 531 F.3d 484 (7th Cir. 2008) to support his argument is misplaced. *Phelan* involves a police stop of a white Cadillac sedan based on a LEADS report that contained information about a stolen black Honda motorcycle. *Id. Phelan* is inapplicable because it addresses an officer's failure to read the entire LEADS printout that clearly has a different description of the vehicle he pulled over. *Id.* Further, *Phelan*, fails to address the reasonableness standard when there are discrepancies between the description contained in an arrest warrant and the description of an arrestee. In fact, Plaintiff's response memorandum fails to address this issue at all. Instead, Plaintiff relies on the flawed, regurgitated conclusion that Defendants acted unreasonably solely because there are discrepancies between the Plaintiff's information and the description contained in the warrant.

In the Seventh Circuit, it is settled case law that an arresting officer's actions are reasonable when there are discrepancies between an arrest warrant and the arrestee's name, appearance, address,

date of birth, and even race. *See Tibbs* at 664; *Johnson v. Miller*, 680 F.2d 39, 40-41 (7th Cir.1982); *Patton v. Przybylski*, 822 F.2d 697, 698-700 (7th Cir.1987); *White v. Olig*, 56 F.3d 817, 818 (7th Cir. 1995); *Brown v. Patterson*, 823 F.2d 167 (7th Cir. 1987); *Lauer v.Dahlberg,* 717 F.Supp. 612, 614 (N.D. Ill. 1989); *Hernandez v. Sheahan,* 455 F.3d 772, 775 (7th Cir.2006).

Furthermore, Plaintiff erroneously attempts to distinguish the above authority, cited by Defendants, by arguing those cases involve split second judgments during the initial arrest. Pl's Resp at 13. Additionally, Plaintiff contends the above authority fails to consider facts similar to this case, "where the officers saw the warrant, knew that it did not describe plaintiff, and nonetheless continued to hold plaintiff on that warrant." Pl's Resp at 15. Plaintiff's interpretation of the authority is misguided.

In *Tibbs,* at the time the officers made an arrest on a warrant, they were aware that the arrestee's middle initial and birthdate did not match the description in the warrant. *Id* at 663. The arrestee ended up spending "two days in custody before his father posted a bond for his release." *Id.* At a later court hearing a judge determined, "[the arrestee] was not the person named in the warrant and dismissed the charges against him." *Id.*

In *Johnson*, the officer went to the arrestee's home for the purpose of arresting her on a warrant. *Johnson* at 40. The arrestee was held on a warrant for two and half hours, fingerprinted, charged with a crime, and posted bond. *Id.* Approximately a month later the arrestee appeared in court where it was determined that the arrestee was not the subject of the warrant. *Id.* The court analyzed, "the allegation is that the [officers] perhaps carelessly failed to notice that the description in the warrant did not match the appearance of Miss Johnson. This is not enough to bring section 1983 into play." *Id.* at 42 (emphasis in original). This is indication that the officer in *Johnson* was aware of the discrepancies between the arrestee and the warrant's description at the time of the arrest and yet the court found in favor of the officer.

In *Patton*, the officer did a warrant check pursuant to a traffic stop. The check showed a warrant for an individual with the same name as the arrestee but a different address and birthdate. *Patton* at 698. The arrestee was held overnight on a warrant and the next day was taken before a judicial officer who upon seeing the arrestee immediately realized the arrestee was not the subject of the warrant. *Id.* The court held that had the officer "studied the read-out on his car computer carefully, he would have noticed the discrepant address and birth date, but he would also have noticed that not only the name but the race and the year of birth were the same; and the person named in the warrant was a resident of Cook County and the person [the officer] had stopped was driving in Cook County." *Id* at 699-700. This is indication that the officer in *Patton* had information available to him at the time of the arrest regarding the discrepancies, and yet the court found in the officer's favor. Similarly, in *Brown*, at the time the officer made an arrest pursuant to a warrant, the officer was aware of discrepancies between the arrestee's name, address, and birthdate, yet the court found in favor of the officer. *Brown* at 168.

In *Lauer*, it was " undisputed that, at the time he arrested plaintiff, defendant conducted a warrant check on plaintiff through the Law Enforcement Data System ("LEADS") which indicated that there was an outstanding warrant for the plaintiff's arrest" and the Plaintiff." Lauer at 613. The court held that even though the arrestee presented the officers with a copy of the warrant recall order that the officers acted reasonably, because they verified the warrant with LEADS. *Id* at 614.

Finally, in *White*, a crime bureau teletype system revealed an outstanding civil body attachment order originating in a different county. *White* at 819. The teletype system described the subject as a white male. *Id.* The arrestee, who was a white male, was taken to a jail and it was discovered that the body attachment described the subject's race as a black male. *Id.* Despite the known discrepancy between the teletype system and the body attachment, the arrestee was held in jail for three days before appearing before a county judge where it was determined that the arrestee was not the subject of the warrant. *Id.*

All of the above authority cited in support of Defendants clearly apply to circumstances where the arresting officers were aware of the discrepancies between the description of the warrant and the arrestee. And it should be noted that in *Tibbs, Johnson, Patton, Brown, and White* it was left to the court, not the officers, to make the ultimate determination of whether the correct individual was arrested. The case law is clear that given the set of facts in this case, Defendants acted reasonably, and the discrepancies between Plaintiff's information and the description contained in the warrant are insufficient to create a genuine issue of material fact. *Id.* Additionally, Plaintiff offers no evidence that Defendants should have known Plaintiff was not the subject of the warrant other than the information contained in the warrant itself. Accordingly, discrepancies between an arrest warrant and Plaintiff's information as contained in his driver's license are insufficient to create a genuine issue of material fact.

**B. Defendants are entitled to rely on LEADS.**

As discussed above, Defendants acted reasonably when arresting and detaining Plaintiff on a valid warrant even though there were discrepancies between the arrest warrant and Plaintiff's information. Additionally, Defendants maintain that they may fully rely on the LEADS report which contained the same exact identifying information as Plaintiff's driver's license even when presented with a warrant that contains information different from Plaintiff's. *See Lauer v. Dahlberg,* 717 F.Supp. 612, 614 (N.D. Ill. 1989); *Hernadez* at 775.

Plaintiff, in essence, argues that Defendants should not have relied on the LEADS report because computer name checks are known to produce inaccurate results. Pl's Resp.at 6. In a footnote, Plaintiff cites to a July 1999 report of the National Task Force to the U.S. Attorney General (hereinafter "July 1999 report") in support of his contention. Not only is the July 1999 report over 20 years out-of-date, but it was created with the sole purpose to determine the "the accuracy of identifications resulting from name checks of the Interstate Identification Index (III) compared to

identifications resulting from fingerprint-based searches of the FBI's criminal history record files" and to give its recommendations. July 1999 report at 1. Therefore, the report has no factual correlation to the case at hand. Nor does it circumvent the Seventh Circuit case law holding that officers may fully rely on LEADS reports when executing arrest warrants. *See. Lauer* at 614; *Hernadez* at 775.

Plaintiff also contends that it is the standard operating procedure of the Chicago Police Department to verify that the arrestee and person wanted on the warrant are the same person. Pl's Resp. at.6. This argument does nothing to circumvent that Seventh Circuit holding that Defendants may rely on the LEADS report when presented with a warrant that contains discrepancies of Plaintiff's information. *See. Lauer* at 614; *Hernadez* at 775. Further, it was reasonable to rely on the LEADS report, especially given that the discrepancies were minor and that Defendants were not able to otherwise verify Plaintiff's fingerprints and there was no IR number contained on the warrant. *See* SF at ¶¶ 27, 28, 46; *See* EFC. 79-2; ECF 79-8.

## II. Plaintiff Was Lawfully Detained on Bond for a Reasonable Length of Time.

### A. Defendants did not refuse to permit Plaintiff to post bond.

Plaintiff fails to address that he is not entitled to post bond until the processing of his arrest is complete and until he receives a court date for his appearance. At most, Plaintiff seems to claim that he should have been released soon after the warrant was faxed to the station, however, this contention is not grounded in law. "[It] is within a police officer's scope of authority to detain an arrestee for administrating processing." *Doe v. Thomas*, 604 F. Supp. 1508 (N.D. Ill. 1989). There is no time limit for the period between an arrest and release on bond. *Portis v. City of Chicago,* 613 F.3d 702, 704 (7th Cir. 2010). The processing of Plaintiff's arrest was not complete until after 7:00 p.m. which is after the courts are closed. SF at ¶¶ 46-48, 50, 51. Therefore, Plaintiff would not have been able to receive a court date on April 15, 2018. SF at ¶¶ 49-51. Further, Plaintiff was transported to Cook

County Court immediately the following morning where he posted bond after receiving a court date. SF at ¶58.

As an alternative theory, the Circuit Court of Cook County of Illinois General Administrative Order No. 2015-06 (hereinafter "Circuit Court Policy") provides that all arrestees arrested on a warrant outside of Cook County must appear in bond court. SF at ¶ 55. The Circuit Court Policy asserts that all arresting agencies are required to comply with court order. SF at ¶ 56. Plaintiff argues that Defendants should have disregarded the Circuit Court Policy, because it is not equivalent to a court order. Pl's Resp. at 12. Plaintiff cites to, *Alcorn v. City of Chicago*, No. 17 C 5859, 2018 WL 3614010, at *8 (N.D. Ill. July 27, 2018) to support his contention. *Alcorn* is not binding authority, nor does it have any factual or legal correlation to this case.

In *Alcorn*, the police were accused of falsifying the arrest report to state that the bond information was not available and charged the arrestee with a nonbondable offense even though the police knew the arrestee was being arrested on a warrant for a bondable offense. *Alcorn* at 2. The defendants filed a motion to dismiss arguing that even if they did falsify the arrest report, Plaintiff could not have posted bond based on a general administrative order that provides that all arrestees arrested on a warrant outside of Cook County must appear in bond court. *Id* at 3. The court dismissed this argument holding that it is implausible to conclude that the officers relied on the general order because there would be no reason to falsify the arrest report to hold Plaintiff without bond. *Id.* In our case there are no such similar facts presented of fabrication regarding Plaintiff's bond or lack of reliance on the Circuit Court Policy, therefore *Alcon* is inapplicable.

Plaintiff additionally argues that even if the Circuit Court Policy "has the force of law, its concluding sentence makes plain that the Order does not prohibit the posting of bail by persons, like plaintiff, arrested on warrants from outside of Cook County; the final sentence states as follows: Further, when the defendant is able to post the bail set on the warrant issued by the demanding

authority, the defendant shall be admitted to bail and scheduled for a court appearance in the county of the demanding authority. ECF No. 79-18 (emphasis added)." Pl's Resp. at 12. The last sentence of the Circuit Court Policy supports Defendants' initial position that Plaintiff could not have been released on bond until a court date was obtained in the originating court, which Plaintiff fails to address. Accordingly, Plaintiff has failed to establish a genuine issue of material fact.

## III. Defendants' Level of Personal Involvement

Plaintiff's discussion regarding personal involvement relies heavily on his misplaced theory that Defendants reviewed the warrant in making a determination of probable cause to detain Plaintiff. Defendants reiterate, as previous discussed in this reply, even had Defendants reviewed the warrant they are not liable as a matter of law. *See Tibbs* at 664; *Johnson* at 40-41; *Patton* at 698-700; *White* at 818; *Brown* at 823; *Lauer* at 614; *Hernandez* at 775.

### A. Defendants Valdes and Kelyana did not review the warrant or have the authority to post Plaintiff's bond.

Neither Defendants Valdes nor Kelyana reviewed the warrant. SF at ¶ 31. Nor did they have any involvement with Plaintiff after his arrest was processed or have the authority to post Plaintiff's bond. Plaintiff offers no evidence to the contrary. In fact, Plaintiff's response does not mention either Defendant Valdes or Kelyana at all beyond their involvement in the initial arrest of Plaintiff. At most Plaintiff states in a section header that "All Defendants Knew the Warrant Did Not Describe Plaintiff" without offering any evidence or argument to support this conclusion as to Defendant Valdes or Kelyana. *See* Pl's Resp at 6.

**B. Defendant Reppen did not review the warrant or have any involvement with Plaintiff's bond.**

**i. Defendant Reppen did not review the warrant.**

Plaintiff disputes Defendant Reppen's lack of personal involvement on three grounds: (1) Defendant Reppen reviewed the warrant; and (2) Defendant Reppen approved the initial probable cause to arrest; (3)the affidavit submitted by Defendant Reppen should be disregarded.

First, Plaintiff is under the belief that Defendant Reppen must have reviewed the warrant, because "he spoke with two white-shirted officers and answered their questions about the discrepancies between himself and the person sought in the warrant" and that "Sergeants and lieutenants in the Chicago Police Department, wear white shirts if not working in an undercover position." Pl's Resp. at 8. This is not sufficient evidence to establish that Defendant Reppen reviewed the warrant, because it is based on the illogical conclusion that Defendant Reppen and Vogt were the only two officers at the police station that were wearing white shirts at the time of Plaintiff's arrest. Additionally, it fails to take into account that the "two white-shirted officers" could have very well been attempting to confirm the information in the LEADS report rather than the actual warrant. Accordingly, there is no genuine dispute regarding whether Defendant Reppen reviewed the warrant.

Second, Plaintiff argues that Defendant Reppen had personal involvement because he approved the initial probable cause to arrest. Pl's Resp.7. During his deposition, Defendant Reppen, testified that he was responsible for the initial approval of probable cause to detain Plaintiff pending the outcome of his processing. SF ¶¶ 38-39. Defendant Reppen also testified at his deposition that the initial approval of probable cause was determined by reviewing the arrest report submitted to him and determining whether there was probable cause to detain Plaintiff pending the outcome of his processing based on the arrest report. *Id.* Therefore, based on the deposition testimony alone it is clear that the initial approval of probable cause was administrative in nature and is based on what the arresting officers knew at the time they made the arrest.

Third, Plaintiff argues that the affidavit submitted by Defendant Reppen stating that his involvement with Plaintiff was administrative in nature should be disregarded by this Court. Pl's Resp. at 8. Plaintiff's contention that the affidavit submitted by Defendant Reppen should be disregarded holds no bearing on Federal Rule 56 which confirms that the moving party has a right to submit affidavits in support of a summary judgment motion. *See* Fed.R.Civ.P. 56. Additionally, *Howell*, which is cited by Plaintiff, also confirms that the moving party has a right to submit supporting affidavits. *See Howell v. Smith*, 853 F.3d 892, 899, footnote 18 (7th Cir. 2017).

In *Howell*, the defendant police officers filed a motion for summary regarding the reasonableness of the use of force. *Id* at 895. To support his response to the defendants' motion, the plaintiff submitted an affidavit that stated he felt pain during the use of force against him. *Id* at 899, footnote 18. During the plaintiff's deposition he explicitly testified that he did not feel pain during the defendant's use of force against him. *Id.* The court concluded that the affidavit directly conflicted with the plaintiff's previous deposition testimony holding, "Court of Appeals does not allow a party to contradict deposition testimony with later filed contradictory affidavits in order to create sham issues of fact with affidavits that contradict their prior depositions." *Id.* The court further held that a party may clarify or supplement prior deposition testimony through affidavits as long as the affidavits do not directly contradict previous deposition testimony. *Id.*

In this case, unlike in *Howell*, the affidavits do not contradict the deposition testimony. The affidavit only serves to supplement and in no way contradicts Defendant Reppen's previous testimony. Further, Plaintiff does not contend that Defendant Reppen's affidavit is contradictory to his deposition testimony in any way. See Pl's Resp. at 8. Plaintiff merely suggests that had Defendant Reppen used the phrase "administrative in nature" during his deposition this would have triggered an inquiry into what Defendant Reppen meant by that phrase. *Id.* This is not the standard set out by Rule

56 or in *Howell* which permit a moving party to submit supplemental affidavits as long as it is not directly contradictory to previous deposition testimony.

**ii. Defendant Reppen did not have any involvement with Plaintiff's bond.**

Plaintiff seems to claim that Defendant Reppen could have released Plaintiff on bond because the warrant was received one hour prior to Defendant Repgen's approval of initial probable cause to arrest at 4:14 p.m. Pl's Resp. at 7. This undeveloped argument should be rejected because it fails to take in account that Plaintiff could not be released on bond until the processing of his arrest was complete which occurred at approximately 7:00 p.m. Defendant Reppen had no involvement with Plaintiff whatsoever after he approved the initial probable cause to arrest, therefore Defendant Reppen had no personal involvement with Plaintiff's bond. SF ¶¶ 50, 54, 62.

**C. Defendant Vogt's approval of final charges and lack involvement with Plaintiff's bond after a court date could not be secured.**

**i. Defendant Vogt's approval of final charges.**

Plaintiff disputes Defendant Vogt's lack of personal involvement in regard to his approval of final charges. In Defendants' original memorandum in support of summary judgment, Defendants discussed Defendant Vogt's lack of personal involvement with Plaintiff's initial arrest and length of detention. Defendants no longer assert Defendant Vogt should be dismissed on the grounds that he was not personally involved with the approval of Plaintiff's charges.

Further, it should be noted that Plaintiff contests the validity of the affidavit submitted by Defendant Vogt. Plaintiff's contention only involves his argument regarding his Constitutional claims arising from Defendant's Vogt's involvement in approving the final charges and does not extend to Plaintiff's claims regarding bond. *See* Pl's Resp. at 5 Nonetheless, Defendants maintain that Defendant Vogt's affidavit is valid in support of his contention that Plaintiff was held for a reasonable length of time and that Defendant Vogt lacked personal involvement with Plaintiff's bond. *See* Fed.R.Civ.P. 56; *Howell* at 899, footnote 18.

**ii. Defendant Vogt lacked personal involvement with Plaintiff's bond after a court date could not be secured.**

Plaintiff falsely contends that Defendant Vogt failed to offer any explanation as to why he cannot be held liable for refusing to permit Plaintiff to post bond. Pl's Resp.5. After Plaintiff's arrest was processed at approximately 7:00 p.m., Defendant Vogt was not able to procure a court date for Plaintiff's appearance in DuPage County, because the court would have closed sometime between 4:00 p.m. and 5:00 p.m. SF ¶¶ 49- 51. Further, Defendant Vogt had no involvement or contact with Plaintiff after Defendant Vogt's tour of duty ended on April 15, 2018, therefore he would not have been involved in obtaining a court date the following morning before Plaintiff was transported to Cook County Court. SF ¶ 60.

## IV. Due Process Claim

In his response, Plaintiff abandons his Fourteenth Amendment claim and Defendants make no further argument. Pl's Resp. at 1, 3.

## V. Defendants Are Entitled to Qualified Immunity.

Plaintiff contends that Defendants are not entitled to Qualified Immunity because Defendants were not entitled to rely on the LEADS report rather than the warrant itself. Pl's Resp. at 15. Even if this Court concludes that Defendants are not entitled to rely on the LEADS report, Defendants are still entitled to qualified immunity because their actions were a reasonable, even if mistaken in making a probable cause assessment. *Tebbens v. Mushol*, 692 F.3d 807, 820 (7th Cir. 2012)(citations omitted). The name on the warrant matched Plaintiff's name after they received confirmation from LEADS that Plaintiff was the subject of the warrant. SF at ¶¶ 15, 27. Despite the additional discrepancies, it was reasonable to believe that Plaintiff was the subject of the warrant because: a) his name matched the name on the warrant; and b) Defendants received confirmation from LEADS that Plaintiff was indeed the intended subject. *Id.*

Further, it is typical that final approval of probable cause for an arrest on a warrant occurs after the fingerprints clear through the system, because fingerprints determine if the person arrested is the person that is subject of the warrant. *Id* at ¶60. In this case, Defendants could not compare Plaintiff's fingerprints, booking photo, or IR number to verify the warrant because, Plaintiff had no fingerprints, booking photo, or IR number on record. *Id.* at ¶¶ 28, 46-47. Nor did the warrant contain an IR number. *Id.* at ¶¶ 28.

Finally, Plaintiff fails to address whether Defendants are entitled to qualified immunity regarding his length of dentition prior to posting bond. Accordingly, qualified immunity is appropriate and summary judgment should be granted for Defendants in its entirety.

## CONCLUSION

**WHEREFORE**, for the reasons set forth above and those set forth in Defendants' Motion for Summary Judgment and Supporting Memorandum, Dkt. Nos. 65 and 67, Defendants respectfully request that this Honorable Court enter an Order granting summary judgement in their favor and against Plaintiff on all counts in his operating Complaint

Date: June 15, 2020

Respectfully submitted,

/s/ *Jessica D. Ziswa*
Assistant Corporation Counsel
Attorney No. 6315939

Mark Haines, Assistant Corporation Counsel
Scott Cohen, Supervising Assistant Corporation Counsel
*Attorneys for the Individual Defendants*
City of Chicago, Department of Law
Federal Civil Rights Litigation Division
30 N. LaSalle Street, Suite 900
Chicago, Illinois 60602
312.744.1056 (Phone)

**CERTIFICATE OF SERVICE**

I hereby certify that I have filed the foregoing **Defendants' Reply in Support of their Motion for Summary Judgment** with the United States District Court, Northern District of Illinois' ECF filing system on this 15th day of June 2020, thereby causing a copy of the foregoing to be served upon all counsel of record.

By: */s/ Jessica D. Ziswa*
Assistant Corporation Counsel
City of Chicago, Department of Law
Federal Civil Rights Litigation Division
30 N. LaSalle Street, Suite 900
Chicago, Illinois 60602
312.744.1056 (Phone)