

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

)  
In re: WATTS COORDINATED ) Master Docket Case No. 19-cv-01717  
PRETRIAL PROCEEDINGS ) Judge Andrea R. Wood  
)  
) Magistrate Judge Sheila M. Finnegan  
)

**Plaintiffs' Opposition to Defendants' Motion for Leave to Supplement their  
Opposition to Plaintiffs' Motion For A Protective Order**

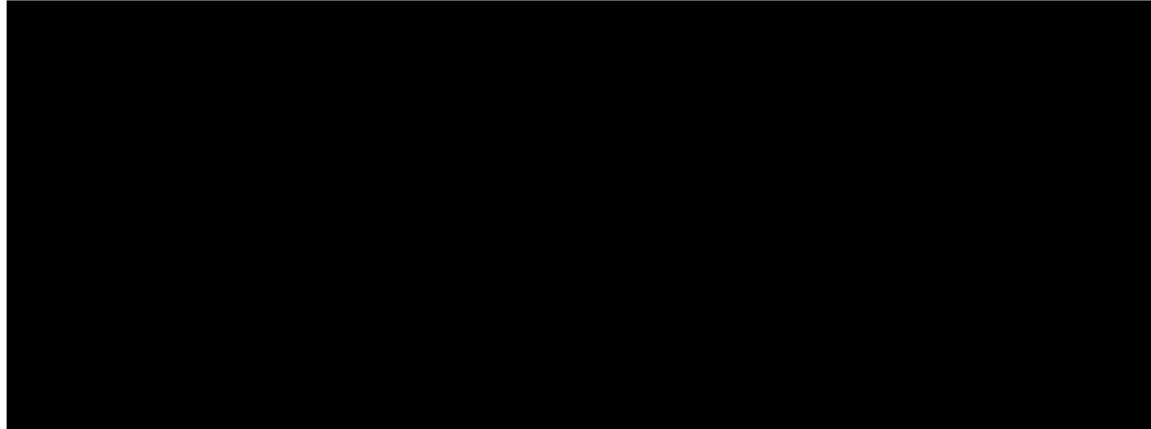
**ARGUMENT**

Defendants had almost two months to respond to the Loevy & Loevy Plaintiffs' pending motion for a protective order, and they have now had approximately six weeks to review Plaintiffs' reply in support of their motion. Nonetheless, without explanation, they seek to "supplement" their motion with documents that they claim support an argument that they already briefed, and which Plaintiff addressed in the reply they filed six weeks ago. Although they do not characterize it as such, Defendants ask to file a sur-reply. The Court should deny Defendants' motion.

Initially, as Plaintiffs explained in their reply brief, the issue that Defendants seek to supplement has nothing to do with Plaintiffs' motion for a protective order. Defendants contend that they should be able to explore the relationship between two specific Plaintiffs – Ben Baker and Jamar Lewis. Even Defendants acknowledge that Plaintiffs have not moved for a protective order on that issue. Dkt. 138 at 12; *see also* Dkt. 140 at 10 (Plaintiffs' reply making same point). An additional brief addressing a

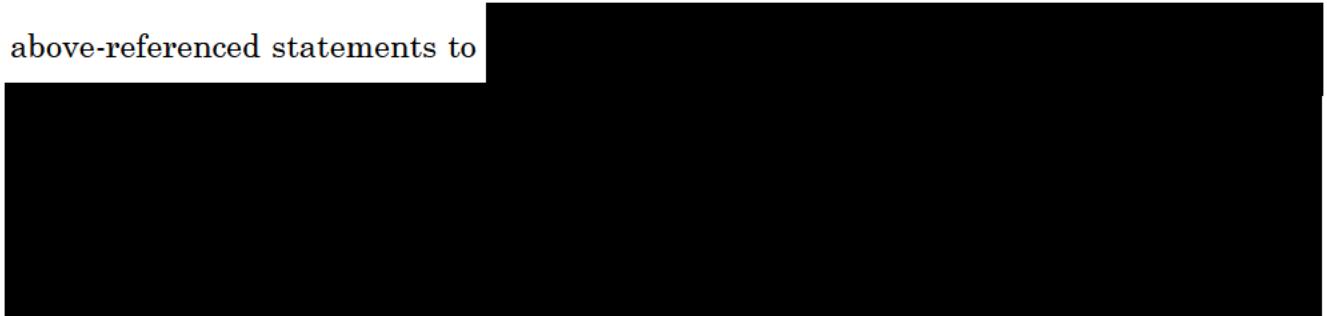
point that both sides agree is irrelevant to the motion will not aid the Court's decision making. If relevance was the only issue with Defendants' motion for leave, Plaintiffs likely would not have filed this opposition. As discussed below, however, Defendants' factual statement is false and prejudicial, and so a response is in order.

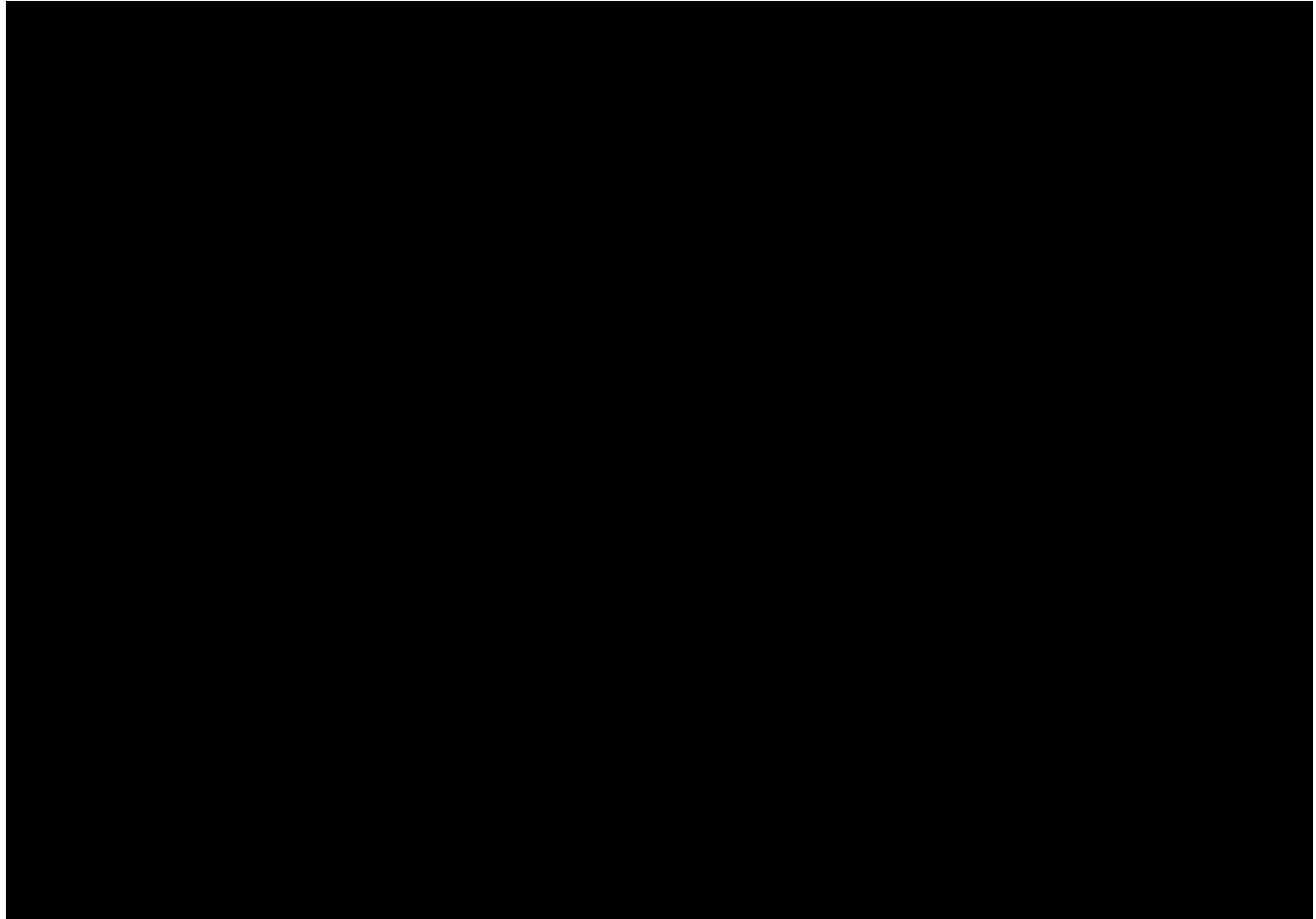
As Plaintiffs explained in their reply brief, Defendants are wrong on the merits. Defendants said the following in their opposition brief:

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Dkt. 138 at 11. After Plaintiffs pointed out in their reply that Defendants failed to attach any FBI documents and also pointed out that Plaintiffs were not aware of any FBI documents matching that description, Defendants did nothing for six weeks.

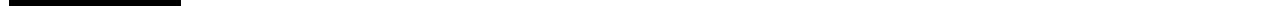
Now, without any explanation for the delay or any reasonable explanation for failing to even cite to any relevant documents in their opposition brief, Defendants seek leave to file a "supplement" to explain why they believe that their statement was correct. In short, Defendants assert that they believe they were right to attribute the above-referenced statements to

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## **CONCLUSION**

Contrary to Defendants' assertions otherwise, their "supplement" will not aid the Court in deciding the pending motion for a protective order. The argument that they seek to supplement is not relevant to the pending motion because both sides acknowledge that Defendants are not prohibited from questioning Plaintiffs about the topics addressed in the cited FBI documents. And the purported factual assertion that formed the basis of their argument,

 is not true, which Plaintiffs pointed out before Defendants actually

identified any specific FBI documents, and which they have confirmed now that Defendants have identified a specific document.<sup>1</sup>

Defendants' motion to supplement should be denied.

Respectfully submitted,

/s/ Scott Rauscher

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<sup>1</sup> Defendants also reference a need for unredacted versions of the FBI documents. Perhaps needless to say, but Plaintiffs did not make the redactions to the FBI documents, and they would also welcome unredacted copies. Indeed, Plaintiffs have moved to compel the production of certain additional documents from the FBI, and that motion remains pending.