

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

In re: WATTS COORDINATED
PRETRIAL PROCEEDINGS)
) Master Docket Case No. 19-cv-1717
)
) Judge Franklin U. Valderrama
)
) Magistrate Judge Sheila M. Finnegan
)
)

DEFENDANTS' RESPONSE TO PLAINTIFF RICKEY HENDERSON'S MOTION TO STRIKE

Defendant, City of Chicago (the “City”), Philip Cline and Debra Kirby (“Supervisory Officials”), and Brian Bolton, Miguel Cabrales, Darryl Edwards, Robert Gonzalez, Alvin Jones, Manuel Leano, Douglas Nichols, Jr., Calvin Ridgell Jr., Elsworth J. Smith, Jr., Kenneth Young, David Soltis, John Rodriguez, Lamonica Lewis, Frankie Lane, Michael Spaargaren, Gerome Summers, Jr., Matthew Cadman, Kallatt Mohammed, and Ronald Watts (“Defendant Officers”) (collectively “defendants”), through their respective undersigned counsel, for their response to Flaxman Plaintiff Rickey Henderson’s Motion To Strike, state:

On December 15, 2020, Henderson moved to strike Defendants' Joint Motion To Dismiss Certain Claims In Flaxman Plaintiffs' Complaints ("Joint MTD"). (Dkt. #168.) The motion to strike asks the Court to direct that defendants withdraw their Joint MTD (Dkt. #165) and refile it without attaching Exhibit B (Dkt. #165-2 (Henderson's criminal history)) and without the single reference to Henderson's criminal history. (Motion to Strike, at 2, 6.)

Rather than litigate the issue and delay resolution of the Joint MTD, defendants will agree to voluntarily withdraw their Joint MTD and refile it without Exhibit B and without the reference to Henderson's criminal history, thereby mooted the motion to strike. This agreement is without prejudice to defendants' arguments on the admissibility and relevance of these matters.

Accordingly, defendants ask that the Court allow them to withdraw Dkt. #165 from the docket and refile the Joint MTD with the modifications discussed above. Further, Plaintiff Henderson's motion to strike can therefore be denied as moot.

Dated: December 16, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Amy A. Hijjawi, an attorney, hereby certify that, on the date stamped on the margin above, I served a copy of this pleading on all counsel of record via the ECF System.

/s/ Amy A. Hijjawi _____