

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

In re: WATTS COORDINATED  
PRETRIAL PROCEEDINGS

)  
) Master Docket Case No. 19-cv-01717  
)  
) Judge Franklin U. Valderrama  
)  
) Magistrate Judge Sheila M. Finnegan  
)

THIS DOCUMENT RELATES TO ALL CASES

**JOINT STATUS REPORT**

All parties to the coordinated proceedings respectfully submit the following joint status report pursuant to Magistrate Judge Finnegan's Order of March 13, 2023, addressing the topics raised in that order. Dkt. 446.

**A. CR Production.** The City has collected more than 1,000 of the CRs that they have agreed to produce. The City has retained a vendor to scan these CRs for production, at an estimated cost of approximately \$26,000. Plaintiffs have agreed to split this cost with the City. The City will report the status of the production at the next status hearing.

**B. Rule 30(b)(6) Notice.** Plaintiffs and the City have exchanged correspondence about Plaintiffs' Rule 30(b)(6) notice and they have held two lengthy telephonic meet and confers. These conferrals have been productive. Although the parties have not reached concrete agreements yet, they are hopeful that given the progress so far they will reach agreement on the Rule 30(b)(6) notice or will at least have a narrow range of disputed issues to present to the Court. The parties have scheduled another telephonic meet and confer for May 25, 2023.

**C. Deposition scheduling.** Defendants have recently conducted a number of depositions of fact and damage witnesses, and they continue to schedule additional depositions of

such witnesses. They are also coordinating with Plaintiffs about deposition dates for Plaintiffs who have not yet been deposed. The parties have also agreed on dates to complete the depositions for most of the defendants regarding their involvement in the arrests at issue in the test cases (other than Defendant Ridgell). They are conferring about dates for a small number of defendants and expect to have firm dates soon. In addition, depositions of certain supervisory defendants and other supervisory officials are scheduled for June and July.

**D. Subpoena for ASA Depositions.**

a. Subpoenas for Records

Counsel for Defendants have continued to meet and confer via email with ASAs from the State's Attorney's Office ("the Office"). As of April 25, 2023, the Office indicated that it would begin working shortly to review emails responsive to one request, and that it would continue to work with the parties to provide emails responsive to another request seeking emails between the Office and attorneys from the various firms in this litigation.

b. Subpoenas for the Depositions of former ASAs Joseph Magats, Eric Sussman, and Marc Rotert, and ASA Nancy Adduci.

On April 27, 2023, Defendants provided the Office with a list of topics on which Defendants believe deliberative process has been waived. To date, Defendants have not received any response regarding said list.

**E. FBI Depositions.**

Plaintiffs have issued deposition subpoenas for three agents or former FBI agents who were involved in the investigation of Defendants Watts and Mohammed. The U.S. Attorney's Office has accepted service of two of those subpoenas, and Plaintiffs are working on serving the third subpoena directly on the former agent.

At the FBI's request, the parties have also provided a list of topics to Assistant United States Attorney Don Lorenzen and a statement of the relevancy of those topics. Plaintiffs have asked Mr. Lorenzen to meet and confer on those topics and any other objections that the FBI has regarding the depositions to the extent the FBI objects to any of the proposed topics. Mr. Lorenzen has indicated that the FBI does not believe it is appropriate for the parties to begin such negotiations until the Court rules on the pending motion regarding the FBI and DEA recordings. Plaintiffs expect to proceed with the depositions in July, as noticed, and have asked the FBI to raise any objections so they can be timely addressed. The FBI has had Plaintiffs' topics and relevancy statements for several months but, as of today, has raised no objections to the depositions or proposed topics.

**F. Fact Discovery**

Fact discovery is currently scheduled to close in the nineteen test cases on December 18, 2023. Defendants note that since the last status conference with the Court, one Watts-related case pending in state court, *Waddy v. City of Chicago*, 19 L 10035, was placed on the trial call. In *Waddy*, defense counsel informed the court about the pending federal cases and the test case procedure, and requested that *Waddy* track the schedule the parties agreed to in the test cases. The court rejected the Defendants' request and set the matter for trial on October 16, 2023. There is significant discovery that needs to be completed in that case prior to trial. For example, Plaintiff has not been deposed and only three Defendant Officers have been deposed. Additionally, the parties anticipate expert disclosures, depositions, and dispositive motions. Defendants have requested that Plaintiffs meet and confer with them to discuss the parties' respective positions on the impact of the *Waddy* trial on the discovery schedule for the test cases. Plaintiffs will work with

Defendants to find a time to meet and confer, and the parties will provide a further update to the Court at the next status hearing.

**F. Expert discovery and summary judgment**

The parties propose that they continue to defer a decision on the schedule for expert disclosures and summary judgment until they have a better sense of when the City will complete the CR production.

Respectfully submitted,

/s/ Scott Rauscher

One of the Attorneys for the Plaintiffs Represented by Loevy & Loevy in the Coordinated Proceedings

Arthur Loevy  
Jon Loevy  
Scott Rauscher  
Josh Tepfer  
Theresa Kleinhaus  
Sean Starr  
Wallace Hilke  
Gianna Gizzi  
LOEVY & LOEVY  
311 N. Aberdeen St., Third Floor  
Chicago, IL 60607

/s/ Joel A. Flaxman

One of the Attorneys for Plaintiffs Represented by Kenneth N. Flaxman, P.C. in the Coordinated Proceedings

Joel A. Flaxman  
Kenneth N. Flaxman  
200 S Michigan Ave, Ste 201  
Chicago, IL 60604  
(312) 427-3200

/s/ Kelly Olivier

Special Assistant Corporation Counsel  
One of the Attorneys for Defendants Alvin Jones, Robert Gonzalez, Miguel Cabrales, Douglas Nichols, Jr., Manuel S. Leano, Brian Bolton, Kenneth Young, Jr., David Soltis, Elsworth J.

Smith, Jr., Gerome Summers, Jr., Calvin Ridgell, Jr., John Rodriguez, Lamonica Lewis, Frankie Lane, Katherine Moses-Hughes, Darryl Edwards, and Nobel Williams

Andrew M. Hale  
William E. Bazarek  
Anthony E. Zecchin  
Brian J. Stefanich  
Allyson L. West  
Kelly Olivier  
HALE & MONICO LLC  
Special Assistant Corporation Counsel  
53 W. Jackson Blvd., Suite 330  
Chicago, IL 60604  
(312) 341-9646

/s/ Eric S. Palles  
One of the Attorneys for Defendant Kallatt Mohammed

Eric S. Palles  
Sean M. Sullivan  
Raymond H. Groble IIIDALEY MOHAN GROBLE PC  
Special Assistant Corporation Counsel  
55 W. Monroe Street, Suite 1600  
Chicago, Illinois 60603  
(312) 422-9999

/s/ Brian Gainer  
One of the Attorneys for Defendant Ronald Watts

Brian P. Gainer  
Monica Burkoth  
JOHNSON & BELL, LTD.  
Special Assistant Corporation Counsel  
33 West Monroe Street, Suite 2700  
Chicago, Illinois 60603  
(312) 372-0770

/s/ Paul A. Michalik  
One of the Attorneys for Defendants  
City of Chicago, Philip Cline, Debra Kirby, Karen Rowan, Jerrold Bosak, Dana Starks, and  
Terry Hillard

Terrence M. Burns  
Paul A. Michalik  
Daniel M. Noland  
Elizabeth A. Ekl

Katherine C.  
Morrison REITER  
BURNS LLP  
Special Assistant  
Corporation Counsel  
311 S. Wacker Dr., Suite 5200  
Chicago, IL 60606  
(312) 982-0090

/s/ Megan K. McGrath

One of the Attorneys for Defendants Michael Spaargaren and Matthew Cadman

James V. Daffada  
Thomas M. Leinenweber  
Kevin E. Zibolski  
Michael J. Schalka  
Megan K. McGrath  
Special Assistant Corporation Counsel  
LEINENWEBER BARONI & DAFFADA LLC  
120 North LaSalle Street, Suite 2000  
Chicago, Illinois 60602  
(312) 606-8695