

**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 C 1717**
)
) **Judge Franklin U. Valderrama**
) **Magistrate Judge Sheila Finnegan**

ORDER

Plaintiffs have each filed individual lawsuits alleging that current and former Chicago Police Department officers – led by former Sergeant Ronald Watts and, in a majority of cases, former Officer Kallat Mohammed – fabricated drug or gun charges against Plaintiffs, leading to their false arrests and wrongful convictions. The cases were consolidated for coordinated pretrial proceedings in 2018. Since then, the number of related cases has grown exponentially to approximately 175, leading the parties to request that 19 test cases be tried first to help them assess the value and merit of the lawsuits. Currently before the Court is Plaintiffs’ joint motion to compel the deposition of Defendant Calvin Ridgell (Doc. 427), a current Chicago Police Officer who has been sued in over 50 of the consolidated cases and 8 of the test cases. Plaintiffs have been attempting to schedule Ridgell’s deposition since March 2020 without success, so finally seek a court order. For reasons discussed below, the motion to compel his deposition is granted.

DISCUSSION

A. Background

Under this Court’s order and at the request of the parties, discovery in the 19 test cases has been prioritized to ensure that they may proceed to trial expeditiously.

Extensive fact discovery in those 19 cases must be completed by December 18, 2023 when the parties will turn to expert discovery and the filing of dispositive motions. Defendant Ridgell has been sued in 50 of the consolidated cases, 8 of which are test cases, and Plaintiffs have been attempting to depose him for over three years. Given the looming close of fact discovery in the test cases (six months away), these efforts have intensified, culminating in the filing of the pending motion for a court order to compel Ridgell to appear on a date certain to be deposed.

Based on email communications, it appears that Plaintiffs first requested available dates for Ridgell's deposition on June 17, 2020 but received no response.¹ By the time Plaintiffs appear to have followed up (December 22, 2020), Ridgell was on a medical leave that began on October 12, 2020 and lasted until July 20, 2021 (9 months). Even after this and despite Ridgell's return to active duty as a police officer, he did not make himself available for a deposition when requested. Specifically, on July 30, 2021, Plaintiffs contacted his counsel seeking a "commitment" to a date, complaining that they had been waiting for a "very, very long time." (Doc. 483-1, at 12). While his counsel indicated they were working with Ridgell and would be able to get available dates for his deposition by the week of August 16th, this did not happen. Plaintiffs again inquired about a deposition date on December 8, 2021, noting that at this point they had been seeking one for almost two years. In a response on January 18, 2021, Ridgell's counsel observed that Ridgell was meeting with privately-retained counsel. Plaintiffs next sought an update on February 2, 2022 but received no response. During this entire time period (July 2021 through February 2022), Ridgell was working as an active duty police officer.

¹ The email communications are found at Doc. 483-1.

Another month passed. On March 1, 2022, Plaintiffs again sought an update and Ridgell's lawyer finally offered a specific date for the deposition (March 18, 2023) that Plaintiffs accepted. What Plaintiffs did not know, however, is that Ridgell was beginning a second medical leave just days later, on March 5, 2022. They presumably learned this when Ridgell's lawyer requested to meet on March 8, 2022. After this, the planned deposition date was reset to May 5, 2022. Later, Ridgell's lawyer informed Plaintiffs that the date needed to be reset to June 17, 2022, and then to July 18, 2022 because Ridgell's medical leave was extended along with the reevaluation date for his return to duty. Upon learning of that latest extension, Plaintiffs responded that they assumed Ridgell was medically unable to sit for a deposition but made clear that the examination would need to proceed at some point and proposed dividing the deposition into separate dates for a couple of hours at a time. It does not appear that Ridgell's lawyer responded to this communication.

Plaintiffs next inquired about a deposition date on August 4, 2022, and learned that Ridgell would be evaluated for return to active duty on August 18, 2022. But on August 22, 2022, the evaluation date was reportedly extended another month. At that point, Plaintiffs sought more specific information about the reason for delaying the deposition, asking whether Ridgell cannot sit "at all" due to "his medical condition" or "can't sit for seven hours in a day." (*Id.* at 14). Plaintiffs also indicated that they wanted a doctor's note, and Ridgell's attorney agreed to provide one. Another month then passed. On September 22, 2022, Plaintiffs sought an update on getting the doctor's note, and learned the doctor was out of town for a couple of weeks. Finally, in the last email communication in the record on November 17, 2022, Plaintiffs inquired whether Ridgell was ready to sit

for a deposition. If so, they said no doctor's note would be needed. Plaintiffs asked for an answer by the next day.

According to Plaintiffs' motion, "after consultation with Defendant Ridgell's counsel," they served a notice for Ridgell to give deposition testimony on February 28, 2023. When Plaintiffs learned from counsel that Ridgell did not intend to appear, they filed the pending motion to compel his appearance.

B. Analysis

Federal Rule of Civil Procedure 30(a) "confers upon parties 'a general right to compel any person to appear at a deposition.'" *Gonzalez v. Scaletta*, No. 17 C 7080, 2018 WL 6573227, at *3 (N.D. Ill. Dec. 12, 2018) (quoting *CSC Holdings, Inc. v. Redis*, 309 F.3d 988, 993 (7th Cir. 2002)). A district court "exercises significant discretion in ruling on a motion to compel," and the "burden rests upon the objecting party to show why a particular discovery request is improper." *Id.* (quoting *Gile v. United Airlines, Inc.*, 95 F.3d 492, 495-96 (7th Cir. 1996) and *Charvat v. Valente*, 82 F. Supp. 3d 713, 717 (N.D. Ill. 2015)).

Based on the evidence presented to the Court, Defendant Ridgell has not met his burden of demonstrating that he is unable to proceed with his deposition at this time and that there is justification for further delaying his deposition. In his opposition brief, Ridgell argued that he "should not be compelled to sit for his deposition until he has returned to active duty and his medical concerns have been addressed." (Doc. 438, at 1). In support, he cited and attached an internal protocol from the Chicago Police Department entitled "Sworn Medical Roll – Injury on Duty Status." (Doc. 438-1). Ridgell did not direct the Court to any specific language within the four-page document. The only sentence that

appears pertinent states that an injured officer who is scheduled to appear in court, a grand jury proceeding, or other governmental hearing “and is unable to do so because of an injury or illness will, when feasible, notify a supervisor...to allow for the notification of another member to appear.” (*Id.* at 4). But this sheds no light on the fundamental question of whether Ridgell is unable at this time to testify in a deposition because of an “injury or illness.” If anything, and as Plaintiffs argue, the document “actually indicates there is a presumption that an officer on medical leave will testify and is required to notify a supervisor only if he cannot appear because of the medical condition.” (Doc. 483, at 2).

After reviewing that exhibit and Ridgell’s short response to the motion, this Court entered an order on March 9, 2023 identifying specific information that Ridgell should gather that bears on the key question here:

(1) date when the defendant went on medical leave; (2) projected date when he will return to active duty; (3) detailed information on the frequency and nature of treatment while on leave and particularly since the deposition notice was first issued in Feb. 2020; (4) any limitations on his physical or mental ability to sit for a deposition and respond to questions (if there are any, a doctor’s note must be obtained that describes these); and (5) what activities the defendant engages in while on medical leave.

(Doc. 439). During a status hearing on March 13, 2023, Ridgell’s counsel handed the Court and the other attorneys of record a short Attorneys’ Eyes Only email from a physician regarding Ridgell’s medical condition. After reviewing it, the Court determined that the document was “far too vague.” (Doc. 446). In the order that day, the Court explicitly stated that information from Ridgell’s physician “must be set forth in a detailed letter signed by that physician.” (*Id.*). In addition, the Court required that any other factual information (not from a physician) “must be in the form of an affidavit signed by Defendant

Ridgell.” (*Id.*). Finally, the order cautioned that if Ridgell failed to provide the requested information by March 27, 2023, the Court expected to grant the motion to compel. (*Id.*).

On March 27, 2023, Ridgell filed a response to the above order, and also emailed to the Court and counsel of record a signed letter from his physician. (Doc. 474).² In the response, Ridgell stated (without a supporting affidavit) that he was on a medical leave from October 12, 2020 to July 20, 2021, and again beginning March 5, 2022. This second leave period reportedly expired in March 2023 and he was awaiting a fitness for duty evaluation to determine whether he could return to work. (*Id.* at 1). The response was silent on the topic of “what activities the defendant engages in while on medical leave.” Ridgell’s counsel reportedly requested her client to provide an affidavit on this topic. The day before the response was due, Ridgell provided counsel “with information, but not in the form of an affidavit.” (*Id.* at 2). Counsel again requested an affidavit from Ridgell, and promised in the March 27, 2023 response that “[o]nce the affidavit is received, counsel will provide it to the parties and the Court.” (*Id.*). As of the date of this order (June 15, 2023), no affidavit has been provided. This alone supports granting Plaintiffs’ motion to compel as Defendant Ridgell has failed to provide key information bearing on his ability to sit for a deposition that was specifically requested by the Court. Indeed, the Court cautioned that it expected to grant the motion to compel if Ridgell did not provide the information by March 27, 2023. Under these circumstances, Defendant Ridgell is unable to satisfy his burden of showing justification for delaying his deposition.

In addition, while Defendant Ridgell has now provided a more detailed (one page) statement from his doctor, the information in it remains too general to persuade the Court

² The letter is stamped “Confidential – Attorneys’ Eyes Only.”

that Ridgell's deposition testimony should be delayed "for a minimum period of six months" as recommended. This Court agrees with Plaintiffs that there is an insufficient basis to "accept Defendant Ridgell's position that his medical condition would allow him to handle the stress of working as an active-duty police officer yet would not allow him to truthfully answer questions in an office setting while represented by counsel." (Doc. 483, at 5). Moreover, in considering the recently-provided information, the Court does so not in a vacuum but in the context of the numerous communications about scheduling of Defendant Ridgell's deposition that transpired over a three-year period as summarized earlier. What these communications suggest is that Ridgell avoided sitting for a deposition even during long periods when he was *not* on a medical leave. The Court agrees that "through his actions, Defendant Ridgell has demonstrated that he is not interested in participating in this litigation." (Doc. 483, at 4).

Finally and contrary to Defendant Ridgell's assertion, his proposed six-month delay is likely to prejudice Plaintiffs. (Doc. 474, at 2). Based on his conduct so far, this Court shares Plaintiffs' concern that Ridgell will not ultimately agree six months from now that his medical condition has improved enough to sit for a deposition, particularly since Ridgell's physician has indicated that six months is the "minimum" amount of additional time he needs. In addition, six months from now fact discovery in the 19 test cases will be concluding, and the parties will be using that discovery as they move to expert discovery and dispositive motions.

For all of these reasons, the Court finds that Defendant Ridgell has not presented sufficient evidence to substantiate his claimed need to delay his deposition. He is a named Defendant in 50 cases, including 8 test cases, and must start participating in the

discovery process. Plaintiffs may notice his deposition. If Defendant Ridgell fails to appear for his next scheduled deposition, he risks a default judgment or other appropriate sanctions.

CONCLUSION

For the reasons stated above, Plaintiffs' Motion to Compel the Deposition of Defendant Ridgell [427] is granted.

Dated: June 15, 2023

ENTER:

A handwritten signature in black ink, appearing to read "Sheila Finnegan", is written over a horizontal line.

SHEILA FINNEGAN
United States Magistrate Judge