

**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

This Court has ordered the parties “to file a JSR setting forth their position on a scheduling order, including one that allows the Baker/Glenn case to be ready for trial in 2024.” (Dkt. 540, 552). The parties set forth their positions separately.

PLAINTIFFS' POSITION

1. Plaintiffs' position is that any schedule should comply with Judge Valderrama's expectation that the Baker/Glenn case will proceed to trial in 2024, Dkt. 521, and interprets this Court's orders (dkts. 540, 552) to be stating the same.

2. Save for Daubert motions, Plaintiffs proposed the remaining schedule for the Baker/Glenn matter in the prior Joint Status Report. (Dkt. 537). Plaintiffs propose the same schedule (adding Daubert motions and response/reply briefing) and reproduce it below:

- a. January 17, 2024 – Plaintiffs’ expert disclosures
- b. March 18, 2024 – Deadline for defense expert disclosures; depositions of Plaintiffs’ experts
- c. April 17, 2024 – Defendants’ motion for summary judgment and Daubert motions due

- d. May 17, 2024 – Deadline for depositions of defense expert witnesses
- e. June 3, 2024 – Response to Defendants' motion for summary judgment
- f. June 10, 2024 – All parties' responses to Daubert motions
- g. June 24, 2024 – All parties' replies to Daubert motions.
- h. July 5, 2024 – Defendants' reply to summary judgment

3. Plaintiffs propose that the parties continue to meet and confer on a schedule for the remaining test cases. Plaintiffs recognize that the Defendants understand this Court's orders in Dkts. 540 and 552 differently as described by Plaintiffs in paragraph 1 (as further explained by Defendants below). However, if Plaintiffs' interpretation is correct, it appears the parties are in general agreement that some category of test cases can conclude fact discovery on the current (or at least similar) schedule and that some will require extensions to the current schedule. Plaintiffs believe that with additional time to confer the parties may be able to reach an agreement on those cases, and accordingly propose a further, more detailed agreed scheduling order at a later date. Accordingly, after obtaining further guidance from the Court on the threshold question regarding a 2024 Baker/Glenn trial date, Plaintiff proposes filing a subsequent JSR on or before September 1, 2024, or five days prior to the next status hearing. In this JSR, the parties will alert the court if they have reached an agreement or otherwise detail their positions and a remaining schedule for the test cases.

4. If the Court is not inclined to give the parties additional time to confer, Plaintiffs propose that the schedule for the 18 other test cases (see Dkt. 393) be staggered into groups chronologically based on the age of each case as follows:

The White, Sr., Carter, and Gipson (and co-arrestees) cases should remain on the same Baker/Glenn schedule noted above

Two months additional time for fact discovery and all other deadlines noted above for Henry Thomas (and co-arrestees)

Four months additional time for fact discovery and all other deadlines noted above for Phillip Thomas, Andre McNairy, and Allen Jackson

Six months additional time for fact discovery and all other deadlines noted above for Milton Delaney, Jesse Lockett, and Octavia McDonald

DEFENDANTS' POSITION

5. This Court's July 20, 2023, Order requested the parties' position on scheduling, including a schedule that allows Baker/Glenn to be ready for trial in 2024.

6. Defendants' position is that due to the *Waddy* trial schedule and the amount of resources being diverted to get that case ready for trial, a four month extension of time to complete fact discovery in the 19 test cases is necessary. Defendants propose the following schedule for the 19 test cases.

- a. April 30, 2024 – Fact discovery closes
- b. May 30, 2024 – Plaintiffs' expert disclosures due
- c. July 29, 2024 – Defendants depose Plaintiffs' experts
- d. August 28, 2024 – Defendants' expert disclosures due
- e. October 28, 2024 – Plaintiffs depose Defendants' experts

7. It is Defendants' position that 19 summary judgment motions cannot all be done at once. Therefore, Defendants believe grouping cases together will make the process more manageable. Defendants propose the following summary judgment schedule.

Group 1: Baker/Glenn, Jackson, Lockett, and White Sr.

December 20, 2024 – Defendants' motions for summary judgment and Daubert motions are due

February 18, 2025 – Plaintiffs' responses to summary judgment and Daubert motions are due

April 21, 2025 – Defendants' replies to summary judgment and Daubert motions are due

Group 2: Giles, Gipson, Lomax, Coleman, and Ollie

January 20, 2025 – Defendants' motions for summary judgment and Daubert motions are due

March 21, 2025 – Plaintiffs' responses to summary judgment and Daubert motions are due

May 20, 2025 – Defendants' replies to summary judgment and Daubert motions are due

Group 3: Ali, Herron, Harrison, H. Thomas, and Roberts

February 19, 2025 – Defendants' motions for summary judgment and Daubert motions are due

April 21, 2025 – Plaintiffs' responses to summary judgment and Daubert motions are due

June 20, 2025 – Defendants' replies to summary judgment and Daubert motions are due

Group 4: McNairy, Carter, Delaney, McDonald, and P. Thomas

March 21, 2025 – Defendants' motions for summary judgment and Daubert motions are due

May 20, 2025 – Plaintiffs' responses to summary judgment and Daubert motions are due

July 21, 2025 – Defendants' replies to summary judgment and Daubert motions are due

8. In order for Baker/Glenn to be ready for trial in 2024, Defendants propose the

following schedule:

- a. January 31, 2024 – Close of fact discovery for Baker/Glenn only
- b. February 14, 2024 – Plaintiffs' expert disclosures due in Baker/Glenn only
- c. March 15, 2024 – Defendants depose Plaintiff's experts¹
- d. April 22, 2024 – Defendants' expert disclosures due in Baker/Glenn only
- e. May 20, 2024 – Plaintiffs depose Defendants' experts
- f. June 10, 2024 – Daubert motions due
- g. July 1, 2024 – Responses to Daubert motions due
- h. July 31, 2024 – Summary judgment motions due

¹ These dates assume that no motion practice will be necessary regarding production of expert materials.

- i. August 28, 2024 – Responses to summary judgment motions due
- j. September 18, 2024 – Reply briefs due

Defendants agree that there are likely a handful of additional test cases that the parties could complete on this same schedule. The parties are still working on identifying the additional cases and will continue to meet and confer on that issue.

Respectfully submitted,

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