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Scott Rauscher <scott@loevy.com>

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## Watts cases

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Scott Rauscher <scott@loevy.com>

Sun, Nov 5, 2023 at 8:12 AM

To: William Bazarek <web@halemonico.com>

Cc: "Daniel M. Noland" <dnloland@reiterburns.com>, Joel Flaxman <jaf@kenlaw.com>, Mirzeta Causevic <mcausevic@halemonico.com>, "Paul A. Michalik" <pmichalik@reiterburns.com>, "Terrence M. Burns" <tburns@reiterburns.com>

Bill,

Hopefully I am reading too much into your email, but it seems like a transparent effort to create a record for Defendants' belated request to extend discovery.

Having seen the example of your request for clarification, I don't think it would be a reasonable position for Defendants to say that they were confused as to whether the April 2023 disclosures completely replaced the February 2019 ones. As for the contact information, we have done our best to comply with Rule 26(a)(1) by providing the information we have. The suggestion that you would have sent notices of deposition for every witness if we would have had complete contact information does not track the history of how these cases were litigated. As far as we know, you have not made any effort to depose a number of the below witnesses who we have provided contact information for (and in fact you asked about some of these specific witnesses by email in April 2019, and we explained that we did not represent them). For example, your firm produced the interview that COPA conducted of Lester Boyd, which appears to have taken place at the VA hospital where he worked, and COPA-WATTS000195, a document produced by the City and which both sides have, lists his place of work and his cell phone, but I do not recall seeing your side serve a subpoena for Mr. Boyd's deposition. All parties need to make choices about what they are going to do in discovery, and there's no requirement that all potential witnesses be deposed. Moreover, even if you started sending subpoenas out today for the witnesses you just told us last night that you'd like to depose, it is highly unlikely that those depositions could be completed by 12/18 (though as you know we are not opposed to double or triple tracking depositions, so if you are able to get subpoenas out to witnesses, we will staff the depositions).

To the extent that Defendants are going to argue that they need more time for discovery because Plaintiffs have disclosed an unreasonably high number of witnesses, the record will not support that position either. Along those lines, I would note that Defendants' disclosures list a substantial number of officers who appear to have been involved in arresting our clients for things that are completely unrelated to these cases. Plaintiffs, unlike Defendants, have significantly limited their 404(b) disclosures. Defendants' decision to not limit their own 404(b) witnesses seems particularly inappropriate given that in Waddy, we learned that almost none of the officers disclosed for other arrests had any memory of the arrests they were disclosed to testify about, and some of them were not even alive.

If you'd like to discuss this further, please give me a call tomorrow.

Scott

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**Scott Rauscher** (He/Him)

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On Fri, Nov 3, 2023 at 6:05 PM William Bazarek <web@halemonico.com> wrote:

Scott - Right, I understand the co-defendants who are plaintiffs and assume they are potential witnesses. Thanks for clarification as to the other witnesses. Let us know when test case Plaintiffs obtain contact information for all other witnesses they disclosed but provided no addresses and/or other contact information so that defendants may serve them with subpoenas for depositions.

Thanks

On Fri, Nov 3, 2023 at 5:10 PM Scott Rauscher <[scott@loevy.com](mailto:scott@loevy.com)> wrote:

No, they do not replace the earlier disclosures for the specific Plaintiffs. As you can see in the April disclosures, we added certain witnesses specific to that case who may have not been disclosed before, and we updated contact information for others if we believed we had updated contact information. But we weren't removing his co-defendants in the underlying incidents as witnesses (including other test case Plaintiffs), and I assumed you wouldn't have read the disclosures in that way.

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On Fri, Nov 3, 2023 at 4:53 PM <[web@halemonico.com](mailto:web@halemonico.com)> wrote:

Scott -

By way of example – I found no initial 26a1 disclosures for Henry Thomas. Do the April 6, 2023 disclosures supplant the February 4, 2019 disclosures.

#### **Plaintiff Henry Thomas's Additional Rule 26(a)(1)(A)(i) Disclosures Feb 4, 2019**

431. Stanley Beck – Plaintiff's co-defendant – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

432. Lester Boyd – Plaintiff's **co-defendant** – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

433. Gregory Robertson – Plaintiff's **co-defendant** – may have knowledge of the circumstances surrounding his arrest – phone/address unknown at this time.

434. Eugene Thompson – Plaintiff's **co-defendant** – may have knowledge of the circumstances surrounding his arrest – may be contacted through counsel.

435. Patrick Frazier – Plaintiff's friend – may have knowledge of Plaintiff's damages, as well as the circumstances surrounding his arrest – 312-953-7536; [4012 S Oakenwald Chicago, IL 60653](http://4012 S Oakenwald Chicago, IL 60653).

436. LaToya Lewis – Plaintiff's friend – may have knowledge of Plaintiff's damages, as well as the circumstances surrounding his arrest – 773-538-7503; [7639 S Marshfield Chicago, IL](http://7639 S Marshfield Chicago, IL).

437. Penny Owens – Plaintiff's friend – may have knowledge of Plaintiff's damages, as well as the circumstances surrounding his arrest – phone/address unknown at this time.

438. Andrea Michelle Johnson – Plaintiff's friend – may have knowledge of Plaintiff's damages, as well as the circumstances surrounding his 2006 false arrests – phone/address unknown at this time.

439. Stefon Harrison – Plaintiff's **co-defendant** – may have knowledge of the circumstances surrounding his 2006 arrest – may be contacted through Plaintiff's counsel.

440. Chauncey Ali – Plaintiff's **co-defendant** – may have knowledge of the circumstances surrounding his 2006 arrest – phone/address unknown at this time.

441. Tyrone Herron – Plaintiff's **co-defendant** – may have knowledge of the circumstances surrounding his 2006 arrest – phone/address unknown at this time.

442. Cameo Potts – Plaintiff's **co-defendant** – may have knowledge of the circumstances surrounding his 2006 arrest – phone/address unknown at this time.

443. Antion Payton– Plaintiff's **co-defendant** – may have knowledge of the circumstances surrounding his 2006 arrest – phone/address unknown at this time.

444. Corey Owens – Plaintiff's **friend** – may have knowledge of the circumstances surrounding his 2006 arrest for **trespassing**– phone/address unknown at this time.

445. Gregory Owens – Plaintiff's **friend** – may have knowledge of the circumstances surrounding his 2006 arrest for **trespassing** – phone/address unknown at this time.

446. Terrell Williams – Plaintiff's **co-defendant** – may have knowledge of the

circumstances surrounding his 2006 arrest for trespassing – phone/address unknown at this time.

447. Mcclinnon Smith – Plaintiff's co-defendant – may have knowledge of the circumstances surrounding his 2006 arrest for trespassing – phone/address unknown at this time.

448. Jeffrey Brown – Plaintiff's co-defendant – may have knowledge of the circumstances surrounding his 2006 arrest for trespassing – phone/address unknown at this time.

449. Alfreda Pritchett – Plaintiff's co-defendant – may have knowledge of the circumstances surrounding his 2006 arrest for trespassing – phone/address unknown at this time.

450. Gerard Butler – Plaintiff's co-defendant – may have knowledge of the circumstances surrounding his 2006 arrest for trespassing – phone/address unknown at this time.

451. Robert Simmons – Plaintiff's co-defendant – may have knowledge of the circumstances surrounding his 2006 arrest for trespassing – phone/address unknown at this time.

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#### **Henry Thomas witnesses April 6, 2023 supplemental disclosures**

**1. Anthony Thomas** – This is one of Plaintiff's brothers who may have knowledge of Plaintiff's damages, as well as the circumstances surrounding his false arrests and the subsequent convictions; <108 Nashua Street, Park Forest, Illinois 60466>, (847) 921-5987.

**2. Crystal Hammond** – This is Plaintiff's sister who may have knowledge of Plaintiff's damages, as well as the circumstances surrounding his false arrests and the subsequent convictions; <6842 South Bishop St., Floor 1, Chicago, Illinois 60636>, (312) 487-0556.

**3. Linda Owens** – This is Plaintiff's former girlfriend, who may have knowledge of his damages and the circumstances surrounding Plaintiff's false arrests and the subsequent convictions; <5816 S. Prairie Ave., 3rd Floor, Chicago, Illinois 60637>, (773) 812-7484.

**4. Cameo Potts** – Plaintiff incorporates his earlier disclosure and provides the following

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contact information; 8127 S. Ingleside Ave., Chicago, Illinois 60619. His phone number  
is unknown at this time.

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**5. Antion Payton** – Plaintiff incorporates his earlier disclosure and provides the following contact information; [5727 S. Loomis Blvd., Chicago, Illinois 60636](#). His phone number is unknown at this time.

**6. Terrell Williams** – This is one of Plaintiff's co-defendants/co-arrestees, who may have knowledge of the circumstances surrounding his own and Plaintiff's November 9, 2006 arrests, as well as their interactions with certain Defendant Officers; [2638 W. Gregory St., Chicago, Illinois](#). His phone number is unknown.

**7. Mcclinnon Smith** – This is one of Plaintiff's co-arrestees, who may have knowledge of the circumstances surrounding his own and Plaintiff's November 9, 2006 arrests, as well as their interactions with certain Defendant Officers; [7932 S. Elizabeth St., Chicago, Illinois](#). His phone number is unknown.

**8. Jeffrey Brown** – Plaintiff incorporates his earlier disclosure and provides the following contact information; [1000 E 53rd St., Unit 412, Chicago, Illinois 60615](#). His phone number is currently unknown.

**9. Alfreda Pritchett** – Plaintiff incorporates his earlier disclosure and provides the following contact information; [8246 S. Drexel Ave., Apt. 1A, Chicago, Illinois](#). Her phone number is unknown.

**10. Gerard Butler** – Plaintiff incorporates his earlier disclosure and provides the following contact information; [20724 Bensley Ave., Lynwood, Illinois 60411](#). His phone number is unknown.

**11. Frank Marek** – This individual was the assistant state's attorney who prosecuted Plaintiff in Case No. 07CR421, and likely has knowledge of Plaintiff's criminal proceedings and the resulting conviction. Contact information is unknown.

**12. Unknown Public Defender(s)** – Plaintiff's public defenders for Case Nos. 03CR04666 and 07CR00421 likely have knowledge of Plaintiff's criminal proceedings that stemmed from both false arrests, and the circumstances surrounding Plaintiff's arrests and wrongful convictions. Contact information is unknown.