

**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

**PLAINTIFFS' NOTICE OF INTENT TO USE THE CONVICTIONS OF DEFENDANTS
WATTS AND MOHAMMED UNDER FEDERAL RULE OF EVIDENCE 609**

Coordinated Plaintiffs, by and through their counsel and pursuant to Federal Rule of Evidence 609, provide this Notice to the Court and Defendants of their intent to seek admission of the federal convictions of Defendants Watts and Mohammed at plaintiffs' respective trials under Federal Rule of Evidence 609.

1. Federal Rule of Evidence 609 provides the rules that apply to attacking a witness' character for truthfulness by evidence of a criminal conviction. Such convictions are admissible, subject to Rule 403, as long as the trial is held within ten years of the individual's release from confinement. *U.S. v. Rogers*, 542 F.3d 197, 200-01 (7th Cir. 2008). After ten years from release from confinement, there is a notice requirement and a different admissibility requirement. *Id.* at 201; Fed. R. Evid. 609(b).

2. Defendant Watts was convicted of theft of government funds on July 19, 2013 and released from confinement on November 10, 2014, Ex. 1.

3. Defendant Mohammed was convicted of theft of government funds on August 17, 2012 and released from confinement on May 19, 2014. Ex. 2.

4. The Baker/Glenn matter is the only trial currently scheduled. It is set to begin on January 8, 2025, or roughly 8.5 years after the case was filed and just over ten years after both Defendants Watts and Mohammed were released from custody.

5. Since more than ten years will have passed by the time any Plaintiff's case goes to trial, Plaintiffs in the Coordinated Proceedings are giving their notice of intent now. *See Fed. R. Evid. 609(b)(2).*

6. By giving this notice pursuant to Rule 609(b)(2), Plaintiffs do not waive any argument that the convictions of Defendants Watts and Mohammed are admissible on any other basis, including but not limited to Rule 609(a)(1)(A) on the grounds that the ten-year limitation should not apply given the length of time these matters have taken to get to trial.

Respectfully Submitted,

/s/ Joshua Tepfer

One of the Attorneys for Plaintiffs Represented by Loevy & Loevy

Jon Loevy
Arthur Loevy
Scott Rauscher
Josh Tepfer
Theresa Kleinhaus
Sean Starr
Gianna Gizzi
Wallace Hilke
LOEY & LOEY
311 North Aberdeen Street,
Chicago, IL 60607
(312) 243-5900

/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