

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

JOSEPH PERRY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 23-cv-14364
)	
CITY OF CHICAGO, Former CHICAGO)	Honorable Robert W. Gettleman
POLICE SERGEANT RONALD WATTS,)	Magistrate Judge Gabriel A. Fuentes
Former CHICAGO POLICE OFFICER)	
KALLATT MOHAMMED, OFFICER)	
DOUGLAS NICHOLS, OFFICER ROBERT)	
GONZALEZ, OFFICER ELSWORTH)	
SMITH JR., OFFICER BRIAN BOLTON,)	
PHILIP CLINE, and other as-yet-unidentified)	
officers of the Chicago Police Department,)	
)	
Defendants.)	

**PLAINTIFF'S MOTION FOR ADDITIONAL
TIME TO SERVE CERTAIN DEFENDANTS**

Plaintiff Joseph Perry respectfully requests additional time to serve Defendants City of Chicago, Ronald Watts, Kallatt Mohammed, Douglas Nichols, Robert Gonzalez, Elsworth Smith Jr., Brian Bolton, and Philip Cline, stating in support as follows:

1. On October 2, 2023, Plaintiff filed his complaint against Ronald Watts, Kallatt Mohammed, Douglas Nichols, Robert Gonzalez, Elsworth Smith Jr., Brian Bolton, Philip Cline, and the City of Chicago. (Dkt. 1).
2. This lawsuit is part of the *In re Watts Coordinated Proceedings*, Case No. 19-1717, which are coordinated for pretrial proceedings before Judge Valderrama and Magistrate Judge Finnegan (“Coordinated Proceedings”). (Dkt. 2).

3. On October 2, 2023, Plaintiff requested that all Defendants waive service of summons pursuant to Federal Rule of Civil Procedure 4.

4. Plaintiffs have 90 days from the date of filing to serve their complaint on the named defendants. *See Fed. R. Civ. P. 4 (m)*. Thus, Plaintiff has until December 31, 2023 to serve the defendants in this case.

5. Defendants are also named defendants in multiple other cases that are part of the Coordinated Proceedings, and they have waived service in all of those cases.

6. In keeping with the historical practice in the Coordinated Proceedings, Plaintiff anticipates that the Defendants will waive service of process in this case.

7. On December 19, 2023, Plaintiff's counsel followed up with counsel for Defendants about whether they will need additional time to waive service, which counsel indicated that they did.

8. Courts, in their discretion, may extend the time for perfecting service under Federal Rule of Civil Procedure 4(m) when a party demonstrates good cause for the delay in service. *Fed. R. Civ. P. 4(m); Coleman v. Milwaukee Bd. of Sch. Directors*, 290 F.3d 932, 933-34 (7th Cir. 2002).

9. Good cause exists here for such an extension. As discussed above, Plaintiff's counsel has worked diligently and taken the appropriate measures so that process can be effectuated upon the Defendants in an expedited manner. And given the reasonable expectation that all Defendants will waive service of process, granting the requested extension will allow the parties to avoid the costs of formal service of process.

10. This case is part of the *In re Watts Coordinated Proceedings*, Case No. 19-cv-1917, which are pending before Judge Valderrama. Pursuant to Case Management Order No. 1

in the Coordinated Proceedings, Plaintiff is filing this motion on the dockets of both Case No. 19-cv-1717 and Case No. 23-cv-14364. *See* Dkt. 1 ¶ 7 in Case No. 19-cv-1717 (“Unless otherwise ordered, when a party intends for a filing to apply only to one or certain of the consolidated actions, the filing party should file it under both Master Docket Case No. 19-cv-01717 and the individual case number(s) assigned to the particular case(s).”).

11. Therefore, to avoid the costs of effectuating service, Plaintiff requests a 60-day extension of time to serve all Defendants.

Respectfully Submitted,

/s/ Gianna Gизzi
One of Plaintiff's attorneys

Jon Loevy
Arthur Loevy
Scott Rauscher
Joshua Tepfer
Theresa Kleinhaus
Sean Starr
Gianna Gизzi
LOEVY & LOEVY
311 North Aberdeen Street, 3rd Floor
Chicago, Illinois 60607
(312) 243-5900
gизzi@loevy.com