

EXHIBIT 1

Tim Scahill

From: Josh Tepfer <josh@loevy.com>
Sent: Wednesday, December 6, 2023 10:25 AM
To: Tim Scahill
Cc: Steven Borkan; Scott Rauscher; Joel Flaxman
Subject: Re: Ridgell

We are all available at 1 tomorrow.

Here is a call in number we can use if you'd like:

(US)[+1 575-616-5222](tel:+15756165222)
PIN: 273 727 087#

On Wed, Dec 6, 2023 at 9:08 AM Tim Scahill <TScahill@borkanscahill.com> wrote:

I conferred with other defense counsel and would suggest having a call tomorrow afternoon at 1 if that works for all of you. Let me know if you are available.

From: Tim Scahill <tscahill@borkanscahill.com>
Sent: Thursday, November 30, 2023 11:20 AM
To: Josh Tepfer <josh@loevy.com>
Cc: Steven Borkan <sborkan@borkanscahill.com>; Scott Rauscher <scott@loevy.com>; Joel Flaxman <jaf@kenlaw.com>
Subject: RE: Ridgell

Will do

From: Josh Tepfer <josh@loevy.com>
Sent: Thursday, November 30, 2023 11:19 AM
To: Tim Scahill <tscahill@borkanscahill.com>
Cc: Steven Borkan <sborkan@borkanscahill.com>; Scott Rauscher <scott@loevy.com>; Joel Flaxman <jaf@kenlaw.com>
Subject: Re: Ridgell

Hi Tim/Steve,

Let's set a time next week for final conferral on these issues. Can you coordinate with whomever you need to on the defense side and propose a time or two?

Thanks,

Josh

On Tue, Nov 28, 2023 at 2:56 PM Tim Scahill <tscahill@borkanscahill.com> wrote:

Just call the office number

312 580 1030

From: Josh Tepfer <josh@loevy.com>

Sent: Tuesday, November 28, 2023 2:24 PM

To: Tim Scahill <tscahill@borkanscahill.com>

Cc: Steven Borkan <sborkan@borkanscahill.com>; Scott Rauscher <scott@loevy.com>; Joel Flaxman <jaf@kenlaw.com>

Subject: Re: Ridgell

3 works. We can just call you directly if you want. What number is best?

On Nov 28, 2023, at 2:00 PM, Tim Scahill <tscahill@borkanscahill.com> wrote:

In court now, I can talk at 3 if that works

Sent from my iPhone

On Nov 28, 2023, at 1:45 PM, Josh Tepfer <josh@loevy.com> wrote:

Tim,

Are you available to meet and confer this afternoon? How about we do that and then we can see where we are at.

Josh

On Tue, Nov 28, 2023 at 1:24 PM Tim Scahill <TScahill@borkanscahill.com> wrote:

Josh,

We can postpone the deposition if you want and I will not object but please do not attempt to place the onus on that on me or my client or imply some malfeasance by us. I gave you a date and intended to abide by it as did my client. I also raised these substantive scope issues with you immediately when you noticed the deposition and have tried to have a dialogue about them with you which you do not appear to want to engage on right now for some reason. If we need to have the court rule on scope issues with this before the dep proceeds, that is fine. However, please do me the courtesy of not attempting to accuse me of delaying anything because I am obviously not. Jamar Lewis (and Landon Allen) being off limits was also something Allison raised with you in September and you appeared to agree on (from the e-mail anyway) and now you want to press on it anyway. Either way, I am not sure either of us can declare an impasse on any of this without having an actual topic by topic conversation under 37.2 So, if we are kicking this dep for now, please let me know when you might be able to connect on that so we can tee it up for the court in the proper fashion. Obviously Thursday is now free.

Thanks,

Tim

Timothy P. Scahill

Borkan & Scahill, Ltd.

Two First National Plaza

20 South Clark Street

Suite 1700

Chicago, Illinois 60603

Telephone: (312) 580-1030

Fax.: (312) 263-0128

From: Josh Tepfer <josh@loevy.com>
Sent: Tuesday, November 28, 2023 1:05 PM
To: Tim Scahill <TScahill@borkanscahill.com>
Cc: Steven Borkan <sborkan@borkanscahill.com>; Scott Rauscher <scott@loevy.com>; Joel Flaxman <jaf@kenlaw.com>
Subject: Re: Ridgell

Tim,

I hope you had a nice Thanksgiving as well.

I do not feel it will be productive to address your lengthy email topic by topic. Suffice it to say, in light of your position, we will need to postpone this deposition and bring these issues to the court. We are at impasse on all of them. We view your position as consistent with Mr. Ridgell's long-time refusal to be deposed or participate in discovery in these matters, and we see no issue where further conferral is warranted.

Every other defendant in these coordinated proceedings has been deposed long ago, all before any cases were stayed. Most have been deposed multiple times. In all instances, consistent with civil discovery rules, we could explore whatever topics we felt were appropriate, including the ones listed in this thread (such as the status of their employment). If there were issues with questions, objections were made. This deposition should not be treated any differently, and certainly we do not agree that your client can refuse to be deposed for years and then use the fact that certain cases are stayed as a sword to avoid being questioned on some of these same issues (like his employment status). On that same topic, Plaintiffs have agreed to answer Defendants' discovery into our 404b witnesses for Plaintiff cases that are otherwise stayed (like Jamar Lewis). It cannot be that discovery for Defendants is allowed on these issues but not us.

To be clear, we do not intend to ask questions that invade the attorney-client privilege. But it is our view that all of the substantive topics you have decided are off limits are appropriate inquiries that have been asked of all the other Defendants and for which we intend to inquire of your client as well.

Josh

On Mon, Nov 27, 2023 at 4:23 PM Tim Scahill <TScahill@borkanscahill.com> wrote:

Josh,

Hope you had a nice Thanksgiving and did not work too hard. As promised here is my more fulsome response to our ongoing discussion of scope for Mr. Ridgell's upcoming deposition. Sorry for the long e-mail but I want to make sure you are fully understanding where I am at with some of the issues I flagged earlier so we can proceed smoothly on Thursday.

First, so there is no misunderstanding, my e-mail to you on November 9 (and this one) are pursuant to Local Rule 37.2 and are attempts to resolve potential discovery disputes on some discrete issues in advance of this deposition proceeding. I am specifically asking for your justification under that Rule for asking questions on certain specific topics so we can either reach some agreement (which I cannot do without understanding your point of view) or so I can accurately describe your position to the court in the event I need to address the matter there. Your e-mail of November 9 seems to suggest that you will not provide this information to us to further this discussion. ("As far as the other issues you raise, in my experience, that is not really how depositions work. I agreed in good faith to answer your questions about topics, but there's no requirement that one party provide the opposing party a list of topics they plan to cover at a deposition, let alone provide a basis for asking about each of those topics."). Your past experience in addressing these kinds of issues is not really material because I believe the rules require this dialogue. So I would appreciate a more substantive response if you continue to disagree with my position so we can move forward on this if there continues to be a dispute.

As far as the proper scope of the cases subject to Thursday's deposition, no objection, of course, on the test cases where Ridgell is named as a defendant (i.e. Carter, Gipson, Coleman, Lomax, Ollie, Giles, Roberts, and Henry Thomas). Similarly, no objection to questions about the Ben Baker case insofar as that is a test case for which discovery is open and you have identified Ridgell as a potential witness via the reports.

With respect to the other cases which you referenced to Ms. West back in September (Jamar Lewis and Landon Allen), I believe Ms. West articulated her objection to questioning on behalf of Mr. Ridgell on cases where discovery is stayed (which specifically included both the Landon Allen and Jamar Lewis cases). According to the e-mail correspondence you had with Ms. West in September, you appear to have agreed to simply bring him back on those cases at the proper time. *See* September 15, 2023 e-mail ("We will bring back Mr. Ridgell on the Allen and Lewis cases and others, obviously, so he will be deposed again."). We concur that this is the proper way for this to

be handled right now. Once the Allen and Lewis cases are no longer stayed, Mr. Ridgell will come back and answer questions about those cases at a future deposition but not on Thursday.

As far as Mr. Ridgell's current employment status, I will not object to those matters to the extent you are simply seeking the current status of his employment and other such procedural facts on that (i.e. is he still employed by CPD, is he aware of the recommendation for separation, his current job status/duties, etc.). However, as you know, the underlying incident at issue in that case is the Jamar Lewis case. To the extent that you are seeking to question him specifically about the facts and circumstances of the Jamar Lewis case, his take on COPA's factual findings or reasoning, the evidence relied upon by COPA, or anything substantive of that ilk using his "employment status" as a putative basis, we object to that given the stay on the Jamar Lewis case as set forth above and will be instructing him not to answer based on the stay. You will have your opportunity to substantively question him at the appropriate time on those matters once discovery has commenced on the Lewis matter but I am not going to allow you to do stayed discovery on a pending case under the guise of asking about his employment status. This seems a not particularly subtle attempt to do an end around on the discovery stay.

With respect to the circumstances precipitating the withdrawal of Mr. Ridgell's past attorneys, you have not explained what you think is fair game or why. You have instead answered a question with a question ("It appears that there is a conflict between Ridgell and one or more of his co-defendants. Do you have an explanation that you are willing to share with us as to why that would not be relevant?"). That is non-responsive to resolving this dispute. I am not the one intending to ask these questions, you are. The nature of a person's relationship with his or her attorney in 2023 has nothing whatsoever to do with any of the claims or allegations in these cases which arose from incidents occurring two decades ago. It is not even close to satisfying the requirements of Rule 26. You are the one apparently determined to ask the questions so I am simply asking you to give me the explanation that you will be required to give the court if a motion is filed.

I specifically do not understand your statement that "[i]t appears that there is a conflict between Ridgell and one or more of his co-defendants" as a basis for relevance. Conflict is a concept that grows out of the rules of professional conduct governing *attorney* ethics and behavior. Last I checked Mr. Ridgell is not an attorney nor is he the one who withdrew from this case based on a conflict. Ms. West and her firm are the persons that withdrew. I frankly have no idea what you are referring to when you say that Mr. Ridgell has a "conflict" with another party. If you want to ask Mr. Ridgell whether he ever saw or knew about other defendants engaging in misconduct on the cases he

is testifying about at this deposition, we, of course, won't object to that. Frankly, Mr. Ridgell is already on record on that point so I think you know his answer. But go right ahead.

On the other hand, if you intend to probe into any discussions with his attorneys (past or present) or knowledge obtained from said attorneys about the circumstances preceding the withdrawal of these attorneys (i.e. the nature of the conflict derived from conversation with counsels), this is quite obviously privileged information under attorney-client privilege despite the fact that the relationship terminated. *See Simon v. Northwestern University*, 321 F.R.D. 328, 335 (N.D.Ill. 2017) (“A lawyer who has gathered information under the attorney-client relationship and later is conflicted from the representation continues to have an obligation to protect the privileged information she has gathered. A later arising conflict does not ‘strip away’ the privileged nature of pre-existing information obtained during the course of the representation.”); ABA Model Rules of Prof’l Conduct R. 1.9(c) (“A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter ... reveal information relating to the representation except as these Rules would permit or require with respect to a client.”); *United States v. Williams*, 698 F.3d 374, 392 (7th Cir. 2012) (“Rule 1.6 imposes no time limits on the duty of confidentiality, and paragraph 18 of the comment makes explicit that the duty of confidentiality continues after termination.”). So, again, if you think the nature of a legal conflict that an attorney has is fair game in a deposition of a client, please advise the basis of such contention so I can accurately describe this to the court if need be. However, at present, this subject matter is entirely off limits from our perspective and he will not be answering questions on the matter.

With respect to Mr. Ridgell’s prior treatment which precipitated prior delays in scheduling his deposition, this subject matter is similarly off limits. The circumstances of his prior cancellation of his deposition have nothing at all to do with the merits of the cases at issue. This is purely “discovery on discovery” which is not permitted under the rules. *See LKQ Corporation v. Kia Motors America, Inc.*, 2023 WL 4365899, at *3–4 (N.D.Ill., 2023) (Harjani, J.) (“Discovery on discovery concerns the process by which a party engaged in its discovery obligations. To be clear, the Federal Rules of Civil Procedure do not explicitly permit this type of discovery.”).

In this regard, your contention that Mr. Ridgell has waived privilege of any prior treatment is irrelevant even if true because it would be non-discoverable anyway (see above). It is also not true because Mr. Ridgell has not affirmatively introduced any condition as part of any claim or defense in this case; rather, this was purely a scheduling issue not an affirmative waiver of any privilege. As far as Thursday is concerned, your claims that you do not

have to take Mr. Ridgell's word for it that there is nothing that would interfere with his ability to answer questions then is also incorrect. Deponents frequently have depositions postponed because of various personal issues and maladies. While Mr. Ridgell's situation went on for a longer period than some, this does not open the door to inquiring into matters about the details of treatment which might have interfered with scheduling since he is now sitting for his deposition.

If Mr. Ridgell affirmatively relies on his prior treatment as a means to not answer a question, we may perhaps have a different scenario (and even then this is debatable). However, as with all deponents who answer the typical foundational question of "is there anything that would interfere with your ability to give truthful and accurate testimony?" in the negative, you very much are required to take his word for it. If the law was otherwise, every deponent who answers in this fashion would be required to open up the totality of their medical and mental health treatment based on the whims of a skeptical attorney. I am always happy to review whatever justification or authority you have to the contrary. But given the current dearth of that on this issue from you, Mr. Ridgell will not be answering any questions about his mental health or medical treatment or reasons he did not appear at any prior scheduled depositions in this case.

Hopefully this clarifies matters about the scope of the deposition this week. I am always willing to discuss further if there is some nuance I am missing that informs your position on any of the above topics.

Thanks,

Tim

Timothy P. Scahill

Borkan & Scahill, Ltd.

Two First National Plaza

20 South Clark Street

Suite 1700

Chicago, Illinois 60603

Telephone: (312) 580-1030

Fax.: (312) 263-0128

From: Josh Tepfer <josh@loevy.com>
Sent: Thursday, November 9, 2023 6:34 PM
To: Tim Scahill <TScahill@borkanscahill.com>
Cc: Steven Borkan <sborkan@borkanscahill.com>; Scott Rauscher <scott@loevy.com>
Subject: Re: Ridgell

Tim,

I will ask about all the test cases listed below in which your client is a defendant, plus the Baker mailbox case. I also gave Ms. West a short list of other cases I wanted to ask about where the witnesses were 404b or otherwise witnesses in test cases. It sounds like you have that correspondence and I would like to ask about those as well. If you would like me to forward you that correspondence, I can do so. Any other non-test cases in which your client is a defendant are stayed.

As far as the other issues you raise, in my experience, that is not really how depositions work. I agreed in good faith to answer your questions about topics, but there's no requirement that one party provide the opposing party a list of topics they plan to cover at a deposition, let alone provide a basis for asking about each of those topics. It appears that there is a conflict between Ridgell and one or more of his co-defendants. Do you have an explanation that you are willing to share with us as to why that would not be relevant? As for the mental health issues, those were introduced by your client as a reason to postpone his deposition, and we don't need to just take his word for it that he's competent to answer questions and not impacted by those issues.

I intend to question Ridgell about these issues, and if you will not agree, I'm afraid you will have to seek a protective order.

Josh

On Thu, Nov 9, 2023 at 5:12 PM Tim Scahill <TScahill@borkanscahill.com> wrote:

I'm of course not objecting to standard background questions asked at the beginning of all depositions. However, I'm also not interested in wasting time at a deposition arguing about matters on which there is apparently a preexisting dispute or trying to decipher your basis for asking about these issues on the fly. This is why I asked the questions in my email. Since we apparently have a disagreement, please provide your good faith basis for inquiring into such topics pursuant to 37.2. Maybe we can agree and maybe not. If we can't I will file a motion for protective order.

I already have the correspondence from Ms. West. I was asking to confirm that this remains the scope of the cases in play. Please confirm if it is or is not.

Sent from my iPhone

On Nov 9, 2023, at 4:43 PM, Josh Tepfer <josh@loevy.com> wrote:

Tim,

We intend to ask Officer Ridgell about every one of the topics you mention in your email. If during the deposition you think we are asking questions that call for information that is privileged, we expect you will make any objections like at any other deposition. We are happy to get on a call with you whenever you are available although we are not sure it is necessary.

Below is the relevant correspondence we had with Ms. West about which cases we will ask about and what we were told about your client's memory of those cases. Also, by way of further background, the first depositions of all of the Defendant Officers have started with the same types of general topics that would be asked at any deposition in any civil rights cases. This deposition will be the same as the others in that respect.

Thanks,

Josh

"Thank you for the information. To be transparent, I do intend to ask Mr. Ridgell about the Baker mailbox case as well.

On Mon, Sep 11, 2023 at 9:17 PM Allyson West
<awest@halemonico.com> wrote:

Hi all,

Officer Ridgell does not have an independent memory of the arrests related to the following test case plaintiffs: 1. William Carter, 2. Bobby Coleman, 3. Leonard Gipson, 4. Larry Lomax, 5. George Ollie, 6. Henry Thomas, 7. Marc Giles and 8. Clifford Roberts.

Thanks,

Allyson"

On Thu, Nov 9, 2023 at 4:18 PM Tim Scahill
<tscahill@borkanscahill.com> wrote:

Josh,

Typically I would expect more than a 3 minute lead time between asking us about a potential dep date and a dep notice following (especially since we were both in court yesterday—"hey Tim, good to see you, thinking about next week for your guy's dep, what do you think?"). In any event, I will try to confirm ASAP on my end. Either way, per the agreement of the parties, please

provide a list of any prior arrests/cases in which you intend to question Mr. Ridgell about at his deposition so we do not have any unnecessary disputes about scope. I know you had some discussions of that ilk with Ms. West, but please confirm again with me by tomorrow morning so we are on the same page.

Additionally, if there are any other ancillary matters on which you intend to question Mr. Ridgell other than matters about the actual cases in controversy here, I ask that you let us know explicitly now so we can have a dialogue well in advance of this deposition and avoid any further delays. I know that Ms. West and you had a dispute of some sort about employment status which we probably should touch base on just to close that loop. I don't anticipate a problem on this if I understand you correctly from our call last month but we should probably touch base anyway.

Also, if you intend to ask Mr. Ridgell any questions about his physical, mental or emotional condition beyond whether he is able to understand and answers questions at this deposition, please advise so we can discuss and address the matter with the court if necessary before this deposition proceeds. We object to any such topics being inquired into for what are probably obvious reasons (beyond the proper scope of Rule 26, privilege, etc.). I assume this won't occur but if you disagree please let us know right away.

Additionally, if you intend to attempt to inquire into any matter which precipitated his change of attorneys, any question about conflicts, or other matters which may even arguably touch upon these matters, please let us know immediately so we can discuss and address them with the court if necessary. Again, we obviously object to inquiry into such matters on the basis of privilege and beyond the proper scope of Rule 26. If you are contemplating any such questions, please let us know in advance so we can avoid any further delay.

In a nutshell, if you intend to go into any non-case specific matters, I encourage you to front this with me in advance so we can finally bring this aspect of the case to a close (at long last) and not get mired down in ancillary stuff.

Thanks,

Tim

Timothy P. Scahill

Borkan & Scahill, Ltd.

Two First National Plaza

20 South Clark Street

Suite 1700

Chicago, Illinois 60603

Telephone: (312) 580-1030

Fax.: (312) 263-0128

From: Josh Tepfer <josh@loevy.com>

Sent: Thursday, November 9, 2023 2:43 PM

To: Tim Scahill <tscahill@borkanscahill.com>; Steven Borkan
<sborkan@borkanscahill.com>

Cc: Scott Rauscher <scott@loevy.com>

Subject: Ridgell

Tim/Steve --

Plenty of time has passed for you to get up to speed so we are going to notice Ridgell's dep for Nov. 17.

Thanks,

Josh

--

Joshua Tepfer (He/Him)

<image001.jpg>

Office: (312) 243-5900
311 N Aberdeen St, Chicago, IL 60607
www.loevy.com

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Joshua Tepfer (He/Him)

<image001.jpg>

Office: (312) 243-5900
311 N Aberdeen St, Chicago, IL 60607
www.loevy.com

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Joshua Tepfer (He/Him)

<image001.jpg>

Office: (312) 243-5900
311 N Aberdeen St, Chicago, IL 60607
www.loevy.com

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311 N Aberdeen St, Chicago, IL 60607
www.loevy.com

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www.loevy.com

--

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311 N Aberdeen St, Chicago, IL 60607
www.loevy.com