

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

In re: WATT'S COORDINATED
PRETRIAL PROCEEDINGS

)
) Master Docket Case No. 19-cv-01717
)
) Judge Valderrama
)
) Magistrate Judge Finnegan
)

THIS MOTION RELATES TO CASE NO. 22-CV-5777, *LIPSCOMB V. CHICAGO ET AL.*

UNOPPOSED MOTION TO SUBSTITUTE PLAINTIFF

Tara Mays respectfully moves for leave of court to substitute herself as plaintiff in this action pursuant to Federal Rule of Civil Procedure 25. In support thereof, Tara Mays states as follows:

1. In 2022, Russ Lipscomb filed a lawsuit to seek redress for alleged violations of his civil rights.

2. Russ Lipscomb's case was assigned to Judge Coleman as Case No. 22-cv-5777. Mr. Lipscomb's case is also part of the *Watts* Coordinated Proceedings, Case No. 19-cv-1917, a group of more than 175 cases that are coordinated for pretrial proceedings.

3. The Magistrate Judge set December 18, 2023 as the fact discovery deadline for the test cases. Dkt. 419. Discovery was closed on December 18, 2023, except to extent outlined in Dkt. 658. Russ Lipscomb's case is not one of those test cases and discovery in his case, along with the other non-test cases, is currently stayed.

4. Russ Lipscomb has unfortunately passed away.

5. The Section 1983 claims advanced in Russ Lipscomb's complaint survive the death of Russ Lipscomb.

6. Tara Mays is Russ Lipscomb's sister and has expressed a willingness to continue this suit for the benefit of her brother's estate.

7. Tara Mays retained a probate law firm, opened an estate for Russ Lipscomb, and was appointed as independent administrator of Russ Lipscomb's Estate by the Cook County Probate Court.

8. Tara Mays now seeks to be substituted as plaintiff in her role as Independent Administrator of the Estate of Russ Lipscomb.

9. The Seventh Circuit held in *Anderson v. Romero*, 42 F.3d 1121 (7th Cir. 1994) that a federal court has the power to appoint a special administrator to continue the prosecution of a Section 1983 action, as long as that action survives the death of the plaintiff.

10. The Court of Appeals applied *Anderson* in *Stewart v. Special Adm'r of Estate of Mesrobian*, 559 F. App'x 543, 548 (7th Cir. 2014) and in *Gilliam v. City of Chicago*, No. 17-1679 (7th Cir. December 6, 2017).

11. Several judges in this district have also applied *Anderson* in cases where the plaintiff died during the pendency of a Section 1983 case, including in *White v. City of Chicago*, 17-cv-2877, ECF No. 161 (Maldonado, J.), *White v. City of Chicago*, 18-cv-5133, ECF No. 69 (Wood, J.), *Moore v. City of Chicago*, 19-cv-1092, ECF No. 79 (Seeger, J.), and *Thomas v. City of Chicago*, 18-cv-4085, as ordered in *In re Watts Coordinated Pretrial Proceedings*, 19-cv-1717, ECF 615 (Valderrama, J.) all of which are part of the *Watts* Coordinated Proceedings. See also *Thomas v. Chicago*, 19-cv-133, ECF No. 52 (Pallemeyer, C.J.); *Smith v. Chicago*, 14-cv-7718, ECF No. 102 (Wood, J.); *Elizarri v. Sheriff*, 17-cv-8120, ECF No. 73 (Durkin, J.); *Lepinay v. City of Chicago*, 16-cv-10695, ECF No. 27 (Feinerman, J.); *Gray v. Village of Riverdale*, 16-

cv-4856, ECF No. 17 Bucklo, J); *Medved v. Butkovic*, 09-cv-3699, ECF No. 16 (Gottschall, J.); *Smentek v. Sheriff*, 09-cv-529, ECF No. 484 (Lefkow, J.)

12. Pursuant to Case Management Order No. 1 in the *Watts* Coordinated Proceedings, Tara Mays is filing this motion under Docket Number 22-cv-5777 and 19-cv-1717. Dkt. 1 (“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).”).

13. Defendants in this matter have indicated that they do not oppose Tara Mays being substituted as Plaintiff.

WHEREFORE, it is therefore respectfully requested that the Court substitute Tara Mays as plaintiff in her role as Independent Administrator of the Estate of Russ Lipscomb.

Respectfully submitted,

/s/ Sean Starr
*One of the Attorneys for the Plaintiffs
Represented by Loevy & Loevy in the
Coordinated Proceedings*

Arthur Loevy
Jon Loevy
Scott Rauscher
Joshua Tepfer
Theresa Kleinhaus
Sean Starr
Wallace Hilke
Gianna Gizzi
Loevy & Loevy
311 N. Aberdeen St., 3rd Floor
Chicago, IL 60607