

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

**UNOPPOSED MOTION TO STAY
BRIEFING ON MOTION TO DISMISS**

Plaintiff, without opposition from defendant City of Chicago, respectfully requests that the Court stay briefing on defendant's motion to dismiss plaintiff's *Monell* claim, ECF No. 103.

Grounds for this motion are as follows:

1. Plaintiff filed an amended complaint, ECF No. 93, after receiving a document in discovery stating that in-car camera video from the police car driven by defendants was “purged.”

2. The amended complaint includes a claim pursuant to *Monell v. Department of Soc. Servs.*, 436 U.S. 658, 694 (1978), that the video was deleted pursuant to official policies and practices of defendant City of Chicago and that plaintiff was harmed by the deletion.

3. Defendant filed a motion to dismiss the complaint on legal grounds, ECF No. 103, and the Court set the following briefing schedule: response is due by 2/19/2021; reply is due by 3/12/2021. (ECF No. 106.)

4. On February 9, 2021, defendant City of Chicago provided notice that it intends to produce a document showing that video was not recorded during the relevant time period and that the video that was “purged” has no relevance to plaintiff’s claim.

5. If the documents to be produced by the City are as described, plaintiff will likely abandon his *Monell* claim, rendering moot the motion to dismiss.

6. Accordingly, to conserve resources of counsel and the Court, plaintiff requests that the Court stay briefing on the motion to dismiss.

7. Defendant City of Chicago does not oppose this motion.

Respectfully submitted,

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