

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

# **UNOPPOSED MOTION TO APPOINT SPECIAL ADMINISTRATOR FOR DECEASED PLAINTIFF**

Johnny Spencer, by counsel and without opposition by defendants, moves the Court to appoint him as Special Administrator of the Estate of Derrick Schaeffer, his deceased son.

Grounds for this motion are as follows:

1. Derrick Schaeffer filed this lawsuit on November 12, 2019.
2. Mr. Schaeffer died on April 4, 2021.
3. The Section 1983 claims advanced in the complaint survive the death of Mr. Schaeffer.
4. Johnny Spencer is Mr. Schaeffer's father and has expressed a willingness to continue this suit for the benefit of his son's estate.
5. An estate has not been opened for Mr. Schaeffer, whose assets at the time of his death consisted only of this lawsuit.

6. Mr. Schaeffer was unmarried. His mother and father are living. He had three siblings. And he had no children.

7. 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.

8. 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).

9. Judges in this district have also applied *Anderson* in cases where the plaintiff died during the pendency of a Section 1983 case. *Thomas v. Chicago*, 19-cv-0133, ECF No. 52 (Pallmeyer, 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.)

10. Defendants do not oppose this motion.

It is therefore respectfully requested that the Court appoint Johnny Spencer as special administrator of the Estate of Derrick Schaeffer.

Respectfully submitted

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