

Exhibit 3

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

Derrick Schaeffer,)
Plaintiff,) Case No. 19-cv-7711
-vs-) Judge Dow
City of Chicago, et al.)
Defendants.)

**DEFENDANTS' JOINT ANSWERS TO PLAINTIFF'S FIRST
SET OF REQUESTS FOR PRODUCTION**

Defendant City of Chicago (“the City”), by and through its attorney, Mark A. Flessner, Corporation Counsel for the City of Chicago, and Defendant Officers, by and through one of their attorneys, Evan K. Scott, Assistant Corporation Counsel, (collectively “Defendants”) for their answers to Plaintiff’s Requests for Production to All Defendants, states as follows:

1. All reports, photographs, recordings, or other material related to the incident described in the Complaint, including, but not limited to the following material that relates to the arrest of plaintiff on February 1, 2017:

- a. police reports;
- b. case reports;
- c. supplementary reports;
- d. arrest reports;
- e. TRR's;
- f. battery reports;
- g. narratives;
- h. incident reports;
- i. inventory reports;
- j. tow sheets/reports;
- k. GPR's/progress notes;
- l. criminal Complaints;
- m. documents related to an indictment of plaintiff;

- n. any other documents related to initiating a criminal matter;
- o. use of force reports;
- p. any documents from OEMC or dispatchers including event or unit queries;
- q. any MDT/PDT unit activity reports;
- r. any photographs of the plaintiff;
- s. any "rap sheet" concerning the plaintiff;
- t. all documents relating to any investigation of the incident (including investigations by COPA, IPRA, IAD or any other department or division);
- u. any physical evidence obtained due to any such investigation;
- v. the complete "U-file" pertaining to this incident;
- w. the complete "Area file" pertaining to this incident; and
- x. any other documents or materials referring or relating in any fashion to the plaintiff or the incident that led to this lawsuit.

RESPONSE: Defendants object to this request for production on the grounds that it is overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further objects to this request as vague and ambiguous ("related to," "narratives," "progress notes," "related to an indictment of plaintiff," "any other documents related to initiating a criminal matter," "use of force reports," and "any other documents or materials referring or relating in any fashion to the plaintiff or the incident that led to this lawsuit.") Subject to and without waiving any objections, Defendants directs Plaintiff to previously produced documents, including, but not limited to, Plaintiff's arrest report, FCRL 000002-6; Plaintiff's booking photos, FCRL000030-31; Case reports, FCRL 000033-44; Plaintiff's criminal history, FCRL000045-51; inventory items, FCRL 000054-55; name check, FCRL 000056-58; contact cards, FCRL 000090-129; Fingerprint, FCRL 000130; Investigative file FCRL 000154-176; Daily Prisoner Log, FCRL 000177-179; and Watch Incident Log, FCRL 000198-200. Defendants further produce the following documents: Area file, FCRL 000257-279; FCRL 000284-291 and OEMC records,

FCRL 000292-513. Defendants have obtained the Cook County Criminal Court file and will produce it seasonably. Defendants have requested additional documents, and will produce any they receive seasonably upon receipt.

2. All reports, photographs, recordings, or other material related to evidence or property recovered by officers in relation to the arrest of plaintiff on February 1, 2017.

RESPONSE: Defendants object to this request as overly broad, unduly burdensome, not proportional to the needs of the case, as vague and ambiguous (“related to,” “in relation to”) and to the extent such items are in the possession of third parties. Subject to and without waiving any objections, Defendants refer Plaintiff to previously produced documents, including investigative file FCRL 000154-176; and inventory items, FCRL 000054-55. Should any additional documents be discovered, Defendants will produce them seasonably upon receipt.

3. All reports, photographs, recordings, or other material related to plaintiff’s detention in a Police Department following his arrest on February 1, 2017. This request includes, but is not limited to, any documents that document/record the plaintiff’s incarceration in the police department such as cell checks, jailer notes, etc., as well as documents which record the times/dates that the plaintiff was incarcerated in the department.

RESPONSE: Defendants object to this request as overly broad, unduly burdensome, not proportional to the needs of the case and vague and ambiguous (“other material,” “related to,” “cell checks,” “jailer notes”). Subject to and without waiving any objections, the City refers Plaintiff to documents previously produced as Plaintiff’s arrest report, FCRL 000002-6; Plaintiff’s booking photos, FCRL000030-31; Case reports, FCRL 000033-44; Plaintiff’s criminal history, FCRL000045-51; Fingerprints, FCRL 000130; Investigative file FCRL 000154-176; Daily Prisoner Log, FCRL 000177-179; and Watch Incident Log, FCRL 000198-200. Should additional documents be discovered, Defendants will produce them seasonably upon receipt.

4. All CAD System reports, OEMC data, event queries, unit queries, or other similar reports generated or created by dispatchers, regarding or referencing plaintiff's arrest on February 1, 2017.

RESPONSE: Defendants object to this request as overly broad. Subject to and without waiving any objections, the City refers Plaintiff to previously produced documents, including FCRL 0002009-237. Defendants hereby produce the following documents: OEMC records, FCRL 000292-513. Should additional responsive documents be discovered, Defendants will produce them seasonably upon receipt.

5. Any other material regarding or referencing the plaintiff in the possession or control of any of the defendants, including, but not limited to:

- a. all documents related to plaintiff's prosecution that followed his arrest on February 1, 2017, including, but not limited to, court records, transcripts, orders, pleadings or any court papers.
- b. all documents referencing other arrests of the plaintiff by any police department (including, but not limited to, any contact cards, police reports, case reports, supplementary reports, arrest reports, TRR's, battery reports, narratives, incident reports, inventory reports, tow sheets/reports, progress notes, criminal Complaints, use of force reports, etc., related to any other arrest of the plaintiff);
- c. all documents relating to any CR's or citizen complaints made by the plaintiff at any time or related to plaintiff's arrest on February 1, 2017; and
- d. any documents that any department or division of the City of Chicago has concerning the plaintiff, whether relating to the arrest that led to this lawsuit or not, including, but not limited to, contact cards referencing the plaintiff.

RESPONSE: Defendants object to this request as unduly burdensome, not reasonably limited in time or scope, to the extent it calls for inadmissible character evidence, to the extent it is grossly disproportional to the needs of the case, as vague and ambiguous ("referencing the plaintiff," "related to," "use of force reports" and "concerning the Plaintiff"), to the extent it seeks

documents that are equally available to Plaintiff, in the possession of third parties, or that would deprive a court reporter of their rightful income. Subject to and without waiving any objections, the City refers Plaintiff to previously produced documents, including Plaintiff's arrest report, FCRL 000002-6; Plaintiff's criminal history, FCRL000045-51; name check, FCRL 000056-58; contact cards, FCRL 000090-129. Defendants further produce the following documents: court notifications for Defendants, FCRL 000284-291. Defendants have received the Cook County Court Clerk's file for Plaintiff's criminal case and will produce it seasonably. As stated in Defendants' MIDP disclosures, Defendants possess but are withholding a number of court transcripts from Plaintiff's criminal case under the aforementioned objections pending the outcome of Plaintiff's motion to compel. Defendants have requested additional responsive documents of the Chicago Police Department and the Civilian Office of Police Accountability, and will produce any they receive seasonably upon receipt. Defendants have not and will not request "any documents that any department or division of the City of Chicago has concerning the plaintiff, whether relating to the arrest that led to this lawsuit or not," because requesting such documents of every potential division of the City is overly burdensome and grossly disproportional to the needs of the case.

6. Any civilian complaints or internal investigations, and all documents related to such complaints or investigations, naming

- a. Officer James A. Brandon #7634,
- b. Officer Mario Perez #18936,
- c. Officer James Kinsey #16189, and
- d. Detective Jocelyn Gregoire-Watkins, #20974

RESPONSE: Defendants object to this requests as not reasonably limited in time or scope, to the extent it calls for inadmissible character evidence, on the grounds that it is disproportionate to the needs of the case, as vague and ambiguous ("civilian complaints," "internal investigations,"

“related to”), that it is overly broad. Subject to and without waiving any objections, Defendants direct Plaintiff to the Five Year Employee Complaint Register Histories and the Employee Complaint Histories from CRMS for the Defendants, FCRL 000248-256, which include log files for Complaint Registers (“CRs”) for events that arose from 10 years prior to Plaintiff’s February 1, 2017 arrest to present. Defendants state that they have requested and will produce, subject to the Confidentiality Order entered in this case, the CLEAR file materials for log files of CRs that arose from events taking place from 10 years prior to Plaintiff’s February 1, 2017 arrest to present, and that have been found to be “sustained” or that contain allegations similar to those being made in this matter (whether “sustained,” “unsustained” or otherwise), and the Face Sheets, Quick View print-outs and/or Complaints Against Department Member for any remaining CRs listed in the histories. Answering further, Defendants are not searching for and will not be producing CR and/or Log files outside of the time period listed herein or any hard copy working files, hard drive computer-based working files, or other ESI, COPA evidence specialist files, or re-open request files not otherwise uploaded into the CLEAR or Column CMS systems for any CRs and/or log files because doing so would be overly burdensome and not proportional to the needs of the case, as the respective CR and/or Log files materials contained on the CLEAR and/or Column CMS systems for the ten-plus year period of time will provide all necessary information in this matter without overly burdening Defendants. Answering further, Defendants reserve the right to withhold responsive documents on the basis of the attorney-client, attorney work product, investigative, evidentiary, or deliberative process privileges and will produce a privilege log in the event any documents are withheld on these bases. Answering further, Defendants have requested their respective SPAR histories and will produce them seasonably upon receipt.

7. The complete personnel files of
 - a. Officer James A. Brandon #7634,
 - b. Officer Mario Perez #18936,
 - c. Officer James Kinsey #16189, and
 - d. Detective Jocelyn Gregoire-Watkins, #20974

This request includes but is not limited to, the “unit files” referred to in the letter attached as Exhibit 1.

RESPONSE: Defendants object to this request as seeking sensitive material that presents a safety concern for police officers, as seeking materials that are irrelevant to any party’s claims or defenses, as disproportionate to the needs of the case, and as not reasonably limited in time or scope. Subject to and without waiving any objections, Defendants state that they have requested responsive documents and will produce them seasonably upon receipt under the terms of the confidentiality order.

8. All documents related to, referenced in, or supportive of any defendants answers to plaintiff’s Interrogatories.

RESPONSE: Defendants object to this request to the extent it seeks documents protected by the attorney-client privilege, the co-defense privilege, or the attorney work-product doctrine. Subject to and without waiving these objections, Defendants refer Plaintiff to previously produced documents, including but not limited to Plaintiff’s arrest report (FCRL000002-000008); the transcript from Plaintiff’s preliminary hearing, CCSAO 000002-17, as well as documents that are being produced forthwith or will be seasonably produced, including the area file for the case, FCRL 000257-279, and the criminal complaint in the case, which is contained in the Cook County Circuit Court’s file for Plaintiff’s criminal case and which will be produced seasonably.

9. All financial statements signed by the following individuals in the past ten years:

- a. Officer James A. Brandon #7634,
- b. Officer Mario Perez #18936,
- c. Officer James Kinsey #16189, and
- d. Detective Jocelyn Gregoire-Watkins, #20974

RESPONSE: Defendants object to this request as premature as it is unclear whether the individual defendants will be mounting an inability-to-pay defense against potential punitive damages, as not limited to a reasonable time frame, as vague and ambiguous (“all financial statements”), seeks information that is not relevant to any party’s claims or defenses, seeks information that is not proportional to the needs of this case, infringes upon the Defendant Officers’ and their family’s privacy and security interests, calls for speculation, and is premature as liability has not been established and the disclosure of such information could put the Defendant Officers and their family at risk. Subject to and without waiving said objections, Defendants reserve the right to present evidence of their financial status as a defense against punitive damages, and will timely disclose information sufficient to establish their financial status should they decide to pursue such a defense.

10. All documents received in response to subpoenas.

RESPONSE: Defendants have obtained the Cook County Court Clerk’s file and will produce it seasonably. Defendants will seasonably produce to Plaintiff any additional documents it receives in response to subpoenas.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have served this notice and the attached document **Defendants'** **Joint Answer to Plaintiff's First Set of Requests for Production** by e-mailing it to the following on this 4th day of September, 2020.

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