

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

Anthony Murdock, et al.,

Plaintiff,

v.

City of Chicago,

Defendant.

Case No. 20-cv-1440

Hon. Gary S. Feinerman

**CITY OF CHICAGO'S UNOPPOSED MOTION FOR LEAVE TO
FILE A BRIEF IN EXCESS OF 15 PAGES**

Defendant the City of Chicago (hereinafter, the “City”), by and through its undersigned counsel, respectfully moves this Court, pursuant to Northern District of Illinois Local Rule 7.1, for leave to file a brief in excess of 15 pages. In support of its motion, the City states as follows:

1. In April of 2021, Plaintiffs, individually and on behalf of a putative class, filed an amended class action complaint against the City under to 42 U.S.C. § 1983. (See Dkt. 56.) Plaintiffs allege that the City violated their Fourth and Fourteenth Amendment rights when, following Plaintiffs’ arrests pursuant to valid warrants, the City did not allow Plaintiffs’ to post cash bail at the police station pursuant to Special Order S06-12-02. (See *id.*) Plaintiffs claim that the City’s policy is unconstitutional because it results in post-arrest detention of unreasonable duration. (See *id.* ¶ 12.)

2. On July 1, 2022, the City moved to stay discovery and class certification proceedings in order to file a dispositive motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c), based on the Seventh Circuit’s recent decision in *Mitchell v. Doherty*, 37 F.4th 1277 (7th Cir. 2022). (Dkt. 109.) *Mitchell* holds that the “Fourth Amendment

does not require a bail hearing within forty-eight hours after arrest . . . [and] that bail hearings held within sixty-eight hours . . . are constitutional under the Fourth Amendment.” 37 F.4th at 1289.

3. On July 11, 2022, this Court granted the motion to stay in part, staying discovery but continuing the motion to stay class certification until after the City filed its Rule 12(c) motion and Plaintiffs responded. (Dkt. 112.) This Court ordered the City to file its Rule 12(c) motion by July 19, 2022. (*Id.*)

4. Pursuant to Local Rule 7.1, the City’s brief in support of its Rule 12(c) motion may not exceed 15 pages without prior leave of court.

5. *Mitchell* addresses the constitutionally required timing of a bail hearing, which is “an issue of first impression.” *Mitchell*, 37 F.4th at 1282. The City’s brief in support of its Rule 12(c) motion addresses this new authority and explains Plaintiffs’ Amended Complaint should be dismissed.

6. Further, five Plaintiffs remain in this putative class action. The City’s brief in support of its Rule 12(c) motion examines the circumstances and duration of each Plaintiff’s detention, as well as the underlying Special Order that Plaintiffs challenge.

7. Because the City’s Rule 12(c) motion is based on new authority from the Seventh Circuit that addresses an issue of first impression, which the City submits is dispositive of Plaintiffs’ claims, and for the other reasons set forth above, the City respectfully requests leave to file an oversized brief of 18 pages in support of its Rule 12(c) motion, exclusive of the table of contents and table of cases required by Local Rule 7.1.

8. Undersigned counsel has consulted with Plaintiffs’ counsel regarding the City’s request for additional pages, and Plaintiffs do not oppose this request.

WHEREFORE, the City respectfully requests that this Court enter an order: (1) granting the City leave to file an 18-page brief in support of its Rule 12(c) motion for judgment on the pleadings; and (2) granting any other and further relief that this Court deems equitable and just.

Dated: July 18, 2022

Respectfully submitted,

CITY OF CHICAGO

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