

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

Theresa Kennedy, )  
 )  
 Plaintiffs, )  
 ) No. 20-cv-1440  
 -vs- )  
 )  
 City of Chicago, ) (Judge Durkin)  
 )  
 Defendant. )

**MOTION FOR LEAVE TO ADD PLAINTIFFS AND TO  
FILE AMENDMENT TO AMENDED COMPLAINT**

Plaintiff, by counsel, moves the Court for leave to add Santiago Bravo and John Plummer, members of the putative class, as plaintiffs.

Grounds for this motion are as follows:

1. This case challenges an explicit policy of the City of Chicago that prohibits any person from posting cash bail at the police station when the person had been arrested on a warrant issued by a judge sitting outside of the City of Chicago. The policy also prohibits persons arrested on a warrant on a weekend or holiday from posting cash bail at the police station.

2. On December 1, 2022, the predecessor judge held that plaintiffs could not challenge application of the municipal policy to persons arrested on warrants issued by Illinois judges outside of Cook County.<sup>1</sup> This ruling,

<sup>1</sup> Plaintiff discusses this ruling in the memorandum filed with this motion.

which the predecessor judge reaffirmed on December 14, 2022 in denying plaintiffs' motion to reconsider, resulted in the dismissal of the claims of four of the five named plaintiffs.<sup>2</sup>

3. Theresa Kennedy, the sole remaining plaintiff, seeks to add as plaintiffs Santiago Bravo and John Plummer, two members of the putative class. *Phillips v. Ford Motor Co.*, 435 F.3d 785, 787 (7th Cir. 2006) (“[s]ubstitution of unnamed class members for named plaintiffs who fall out of the case because of settlement or other reasons is a common and normally an unexceptionable ('routine') feature of class action litigation both in the federal courts and in the Illinois courts.”)

4. The proposed amendment to the amended complaint, attached to this motion, shows that joining Bravo and Plummer as plaintiffs does not add new claims to this lawsuit, but serves “only to rearrange the seating chart within a single, ongoing action.” *In re Allstate Corp. Securities Litig.*, 966 F.3d 595, 616 (7th Cir. 2020).

---

<sup>2</sup> Judgment was entered in favor of defendant and against plaintiffs Murdock, Cruz, Fischer, and Neals on December 1, 2022. (ECF No. 135.) Because the judgment did not resolve all claims of all parties, it cannot be appealed until entry of a final decision absent the express finding specified by Rule 54(b). Plaintiff requested this finding, defendant objected, and the predecessor judge declined to make a Rule 54(b) finding. (ECF No. 142.)

5. Plaintiff sets out in her supporting memorandum additional arguments in support of adding Bravo and Plummer and permitting the amendment to the amended complaint.

Respectfully submitted,

/s/ Kenneth N. Flaxman  
KENNETH N. FLAXMAN  
ARDC No. 830399  
JOEL A. FLAXMAN  
200 S Michigan Ave Ste 201  
Chicago, IL 60604-2430  
(312) 427-3200  
*attorneys for plaintiffs*

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

Theresa Kennedy, Santiago )  
Bravo, and John Plummer, )  
                                 ) No. 20-cv-1440  
Plaintiffs,                )  
                                 )  
-vs-                        ) (Judge Durkin)  
                                 )  
City of Chicago,            )  
                                 )  
Defendant.                )

**AMENDMENT TO AMENDED COMPLAINT**

Pursuant to leave of Court, plaintiffs file this amendment to the amended complaint, adding the following paragraphs:

- 2a. Plaintiffs Santiago Bravo and John Plummer are residents of the Northern District of Illinois.
- 15a. Plaintiffs Bravo and Plummer were subject to an unconstitutional detention because of the municipal policy described in paragraphs 6-13 of the amended complaint: Bravo was not permitted to post bond at the police station because he had been arrested on a warrant issued by a court sitting in Cook County but outside of the First Municipal District; Plummer was not permitted to post bond at the police station because he was arrested on a Sunday.

87. Plaintiff Santiago Bravo was arrested by Chicago police officers on Tuesday, November 20, 2022 at about 12:28 P.M. The Chicago Police Department created a record of the arrest as CB number 30195155.

88. Chicago police officers determined that plaintiff Bravo was the subject of an outstanding warrant issued by a judge of the Second Municipal District and applied the above-described municipal policy to prevent Bravo from posting the cash bond that had been set on the warrant even though Bravo was able to pay that bond.

89. Acting pursuant to the above-described policy, Chicago police officers held plaintiff Bravo overnight at the police station until he was transported to “Central Bond Court” at the George N. Leighton Criminal Court Building, 2650 South California Avenue, Chicago, Illinois.

90. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff Bravo an identification number of 20221121039.

91. Employees of the Cook County Sheriff presented Bravo to a Judge on November 21, 2022, and the Judge permitted Bravo’s mother to post the bond that had been set on the warrant. Bravo’s mother had been ready, willing, and able to have posted the bond at the police station on November 20, 2022. Bravo was released in the late afternoon or early evening of November 22, 2022.

92. Plaintiff John Plummer was arrested by Chicago police officers on Sunday, June 19, 2022 at about 7:10 P.M. The Chicago Police Department created a record of the arrest as CB number 30147293.

93. Chicago police officers determined that plaintiff Plummer was the subject of an outstanding warrant issued by a judge of the First Municipal District and applied the above-described municipal policy to prevent Plummer from posting the cash bond that had been set on the warrant even though Plummer was able to pay that bond.

94. Acting pursuant to the above-described policy, Chicago police officers held plaintiff Plummer overnight at the police station until he was transported to “Central Bond Court” at the George N. Leighton Criminal Court Building, 2650 South California Avenue, Chicago, Illinois.

95. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff Plummer an identification number of 20220620010.

96. Employees of the Cook County Sheriff presented Plummer to a Judge on June 20, 2022, and the Judge permitted Plummer’s fiance to post the bond that had been set on the warrant. Plummer’s fiance had been ready, willing, and able to have posted the bond at the police station on June 19, 2022. Plummer was released in the late afternoon or early evening of June 20, 2022.

/s/ Kenneth N. Flaxman  
KENNETH N. FLAXMAN  
ARDC No. 830399  
JOEL A. FLAXMAN  
200 S Michigan Ave Ste 201  
Chicago, IL 60604-2430  
(312) 427-3200  
*attorneys for plaintiffs*