

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

Theresa Kennedy, Santiago Bravo, and John
Plummer, individually and for others
similarly situated,

Plaintiffs,

v.

City of Chicago,

Defendant.

Case No. 20-cv-1440

Hon. Thomas M. Durkin

**CITY OF CHICAGO'S UNOPPOSED MOTION FOR LEAVE TO
FILE REPLY BRIEF IN EXCESS OF 10 PAGES**

Defendant the City of Chicago (“City”), by and through its undersigned counsel, and pursuant to this Court’s Motion Practice Standing Order, respectfully moves for leave to file a reply brief in excess of 10 pages. In support thereof, the City states as follows:

1. Plaintiffs, individually and on behalf of a putative class, bring claims against the City under 42 U.S.C. § 1983. (*See* Dkts. 56, 163.) 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* Dkt. 56.) Plaintiffs claim that the City’s policy is unconstitutional because it results in post-arrest detention of unreasonable duration. (*See id.* ¶ 12.)

2. On November 15, 2023, the City moved for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c) (Dkt. 168), based on the Seventh Circuit’s recent decision in *Alcorn v. City of Chicago*, 83 F.4th 1063 (7th Cir. 2023), and also moved to stay discovery and class certification proceedings to allow the Court to rule on the City’s potentially case-dispositive motion. (Dkt. 169.)

3. Plaintiffs timely filed their opposition on December 13, 2023. (Dkt. 175.) Plaintiffs make various arguments for why the Court should not apply *Alcorn* to the facts of this case and dispose of their alleged Fourth Amendment claims. Plaintiffs also assert that their rights under the Fourteenth Amendment's Equal Protection Clause were violated, including by asserting class-of-one claims that were not alleged in the original Complaint, Amendment Complaint, or Amendment to Amended Complaint. (*See generally id.*)

4. The City's reply in support of the Rule 12(c) motion is currently due on or before January 3, 2024. (Dkt. 173.)

5. Pursuant to the Court's Motion Practice Standing Order, the City's reply brief is limited to 10 pages unless the Court orders otherwise.

6. The City respectfully requests that the Court grant it leave to file a 15-page reply brief in order to address Plaintiffs' arguments concerning their alleged Fourth Amendment claims, Equal Protection claims, and the newly-asserted class-of-one Equal Protection claims.

7. The City's counsel has conferred 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 granting the City leave to file a 15-page reply brief in support of its Rule 12(c) motion for judgment on the pleadings, and any other and further relief that this Court deems equitable and just.

Dated: December 29, 2023

Respectfully submitted,

CITY OF CHICAGO

/s/ Elizabeth E. Babbitt

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