

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

| | | |
|-------------------|---|--------------------------|
| Anthony Murdock, |) | |
| |) | |
| <i>Plaintiff,</i> |) | |
| |) | 20-cv-1440 |
| -vs- |) | |
| |) | <i>(Judge Feinerman)</i> |
| City of Chicago, |) | |
| |) | |
| <i>Defendant.</i> |) | |

JOINT INITIAL STATUS REPORT

A. Nature of the Case

1. Plaintiff is represented by Kenneth N. Flaxman (lead trial counsel) and Joel A. Flaxman.

Defendants are represented by Assistant Corporation Counsels Bret Kabacinski (lead counsel), Nicholas T. Peluso, and Stephanie Sotomayor.

2. Federal jurisdiction is based on 28 U.S.C. § 1343.

3. Plaintiff challenges, individually and for a putative class, an alleged written policy of the City of Chicago that requires that any person arrested on a warrant on a Saturday, Sunday, or court holiday may not post bond at the police station, even when—as in this case—the judge who issued the warrant determined the amount of bond and the arrestee has available to him (or her) cash to post bond. Plaintiff contends that this policy has deprived plaintiff and others similarly situated of rights secured by the

Fourth Amendment. Plaintiff seeks damages individually and for other similarly situated in an amount to be set by the jury.

Defendants deny all wrongdoing.

4. Defendant has answered the complaint. (ECF No. 27.)
5. The principle legal and factual issues will be:
 - a. Should the case proceed as a class action?
 - b. Has the challenged policy deprived plaintiff and others similarly situated of rights secured by the Fourth Amendment?
 - c. What is the appropriate amount of damages for each member of the putative class?
6. The single defendant, the City of Chicago, has been served.

B. Proceedings to Date

1. The Court denied defendant's Rule 12(b)(6) motion to dismiss on July 24, 2020. (ECF No. 25.)
2. Plaintiff filed a motion for class certification on July 23, 2020. (ECF No. 23.) A briefing schedule has not been set.

C. Discovery and Case Plan

1. The parties have not exchanged any discovery.

2. The parties do not expect that discovery will encompass electronically stored information that would warrant special procedures.

3. Proposed scheduling order:

| | |
|---|-----------|
| Deadline for Rule 26(a)(1) disclosures | 9/10/2020 |
| Deadline for issuing written discovery requests | 9/24/2020 |
| Deadline for completing fact discovery | 6/3/2021 |
| Whether discovery should proceed in phases | No |
| Whether expert discovery is contemplated and, if so, deadlines for Rule 26(a)(2) disclosures and expert depositions | No |
| Deadline for amending the pleadings and bringing in other parties | 5/3/2021 |
| Deadline for filing dispositive motions | 7/12/2021 |

4. Both parties have demanded a jury trial.

5. The parties estimate that trial will last five days.

D. Settlement

1. No settlement discussions have occurred.

2. The parties do not request a settlement conference at this time.

E. Magistrate Judge

1. The parties do not consent to proceed before a magistrate judge for all purposes.

2. No matters have been referred to the magistrate judge.

Respectfully submitted,

/s/ Joel A. Flaxman
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