

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

Jevarreo Kelley-Lomax,)	
)	
<i>Plaintiff,</i>)	
)	
-vs-)	No. 20-cv-4595
)	
City of Chicago, Robert Garduno,)	<i>(Judge Shah)</i>
Anthony Spicuzza, and George)	
Davros,)	
)	
<i>Defendants.</i>)	

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Jevarreo Kelly-Lomax, plaintiff
above named, hereby appeals to the United States Court of Appeals for the
Seventh Circuit from the judgment entered on September 24, 2024.

Respectfully submitted,
/s/ Joel A. Flaxman
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Jevarreo Kelley-Lomax,)	
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<i>Plaintiff,</i>)	
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<i>-vs-</i>)	No. 20-cv-4595
)	
City of Chicago, Robert Garduno,)	<i>(Judge Shah)</i>
Anthony Spicuzza, and George)	
Davros,)	
)	
<i>Defendants.</i>)	

DOCKETING STATEMENT

Plaintiff invoked the jurisdiction of the district court under 28 U.S.C. § 1343 to assert claims arising under 42 U.S.C. § 1983 against the City of Chicago and Chicago Police Officers Robert Garduno, Anthony Spicuzza, and George Davros. Plaintiff invoked the jurisdiction of the district court under 28 U.S.C. § 1367 to assert a state law claim of malicious prosecution against the City of Chicago.

The district court granted defendants' motion for summary judgment on September 24, 2024, and the court entered judgment in favor of defendants on September 24, 2024. Plaintiff did not file any post-judgment motions and files his notice of appeal on September 24, 2024.

This is an appeal from a final decision resolving all claims against all parties.

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

Jevarreo Kelley-Lomax,

Plaintiff,

v.

City of Chicago, et al.,

Defendants.

Case No. 20-cv-04595

Judge Manish Shah

JUDGMENT IN A CIVIL CASE

Judgment is hereby entered (check appropriate box):

☐ in favor of plaintiff(s)
and against defendant(s)
in the amount of \$ _____,

which ☐ includes _____ pre-judgment interest.
☐ does not include pre-judgment interest.

Post-judgment interest accrues on that amount at the rate provided by law from the date of this judgment.

Plaintiff(s) shall recover costs from defendant(s).

☒ in favor of defendants City of Chicago, Roberto Garduno, Anthony Spicuzza, George Davros,
and against plaintiff Jevarreo Kelley-Lomax.

Defendants shall recover costs from plaintiff.

☐ other:

This action was (*check one*):

☐ tried by a jury with Judge Manish Shah presiding, and the jury has rendered a verdict.
☐ tried by Judge Manish Shah without a jury and the above decision was reached.
☒ decided by Judge Manish Shah on a motion.

Date: 9/24/2024

Thomas G. Bruton, Clerk of Court

/Susan McClintic, Deputy Clerk

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

JEVARREO KELLEY-LOMAX,

Plaintiff,

v.

CITY OF CHICAGO, ROBERTO GARDUNO,
ANTHONY SPICUZZA, and GEORGE
DAVROS,

Defendants.

No. 20 CV 04595

Judge Manish S. Shah

MEMORANDUM OPINION AND ORDER

Defendants Chicago Police Officers Roberto Garduno, Anthony Spicuzza, and George Davros responded to a 911 call about a group of men brandishing guns at a gas station. When they arrived, the defendants saw four men who partially resembled the caller's description sitting in an SUV. Plaintiff Jevarreo Kelley-Lomax was in the passenger seat, under which defendants later found a loaded gun. They arrested Kelley-Lomax for possessing a gun without a license. Defendants allegedly lied about the circumstances surrounding the arrest in their reports and when testifying before the grand jury. Kelley-Lomax was indicted but subsequently found not guilty for lack of evidence. Kelly-Lomax brought this case for false arrest and malicious prosecution. Defendants move for summary judgment.

I. Legal Standards

Summary judgment is warranted if there are no genuine disputes of material fact, and the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a). "Material facts" are facts that 'might affect the outcome of the suit,' and a dispute as

to those facts is ‘genuine’ if ‘the evidence is such that a reasonable jury could return a verdict for the nonmoving party.’” *Hunter v. Mueske*, 73 F.4th 561, 565 (7th Cir. 2023) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)). A court need consider only the cited materials, but it may consider other materials in the record. Fed. R. Civ. P. 56(c)(3). The non-moving party is given “the benefit of conflicting evidence and any favorable inferences that might be reasonably drawn from the evidence.” *Runkel v. City of Springfield*, 51 F.4th 736, 741 (7th Cir. 2022).

II. Facts

In February 2019, plaintiff Jeverreo Kelley-Lomax was arrested by defendants Roberto Garduno, Anthony Spicuzza, and George Davros, at a Shell gas station on the South Side of Chicago. [116] ¶¶ 1–2.¹ Defendants arrested Kelley-Lomax without an arrest warrant and without the belief that a warrant was outstanding for his arrest. [132] ¶ 3.

¹ Bracketed numbers refer to entries on the district court docket. Referenced page numbers are taken from the CM/ECF header placed at the top of filings, except in the case of citations to transcripts, which use the transcript’s original page number. When a document has numbered paragraphs, I cite to the paragraph, for example [1] ¶ 1. The facts are largely taken from Kelley-Lomax’s response to defendant’s Local Rule 56.1 statement, [116], and defendant’s response to Kelley-Lomax’s 56.1 statement of additional facts, [132], where both the asserted fact and the opposing party’s response are set forth in one document. Any fact not properly controverted is admitted. N.D. Ill. Local R. 56.1(e)(3); *see Cracco v. Vitran Exp., Inc.*, 559 F.3d 625, 632 (7th Cir. 2009). I disregard all immaterial facts. *See* [116] ¶¶ 28, 31–33; [132] ¶¶ 10–11. I also ignore facts included in statements or responses that are not supported by the parties’ cited evidence. N.D. Ill. Local R. 56.1(d)(2), (e)(3); *see* [116] ¶ 14, 28. Defendant’s objections to statements including the wrong defendant in the facts are sustained. [132] ¶¶ 2–3, 17, 25. General objections to how facts are characterized, *see* [116] ¶¶ 4, 8, 23, 25; [132] ¶¶ 8, 20, 27, 30, 32–33, 36–37, 39, are sustained and I omit the characterizations and rely on the underlying evidence when possible. Where the parties dispute facts and both rely on admissible evidence, I set forth both sides’ facts.

A 911 caller reported that he had seen about “5 to 12, maybe like 10 guys,” all African American males, standing around a truck “at pump 6 at the Shell gas station,” and “[t]hey just upped about two or three guns at this car.” [132] ¶ 4. The caller described one of the armed men as wearing a “black coat . . . with the stripe around [it].” [132] ¶ 5. In a follow up call, the caller further described the armed man as wearing “a black coat with a ring around the coat,” and “a black puffy coat with like a colored ring around, maybe red or something like that.” [132] ¶ 9. The caller said he thought the truck was “brown or an orange color” with “a lot of guys right there.” [132] ¶ 8.

The dispatcher broadcasted that “males were standing at pump #6 and pointed two guns at the caller’s vehicle.” [116] ¶ 6. The dispatcher advised defendants that one of the armed individuals was an African American male wearing a black coat with stripes. [116] ¶ 7.

When Garduno and Spicuzza arrived at the Shell station, they did not see anyone at pump #6. [132] ¶ 12. A blue SUV was at pump #5 with four occupants, including Kelley-Lomax. [132] ¶ 13. Pumps #5 and #6 were immediately adjacent to each other. [116] ¶ 11. All four of the SUV’s occupants were African American. [132] ¶ 14. Kelley-Lomax was wearing an open, black, hooded sweatshirt with a white shirt visible under it. [132] ¶ 15. Two other men wore black, hooded sweatshirts, and the fourth man wore a blue jacket with red and white stripes on the sleeves. [132] ¶ 14.

Garduno and Spicuzza approached the SUV, ordered the four men to get out, and handcuffed them. [116] ¶ 14–15. Davros arrived on the scene and began to assist.

[116] ¶ 17. Kelley-Lomax had been seated in the front passenger seat when the officers arrived. [116] ¶ 18. Davros searched the car and when kneeling to look under the passenger seat, saw a gun. [132] ¶ 18. The gun was not visible without looking under the seat. [132] ¶ 19. A soda bottle and chip bag were also under the seat behind and to the side of the gun. [116] ¶ 25.

While at the Shell station, defendants learned that Isaiah Kelley-Hawkins, who was present at the scene in another vehicle, had rented the SUV in which the gun was found. [132] ¶ 21. After speaking with Kelley-Hawkins, Garduno and another officer speculated that Kelley-Hawkins, who had a Firearm Owners Identification Card, owned the gun. [132] ¶ 22.

Garduno asked Kelley-Lomax if he had a Firearm Owners Identification Card or a Concealed Carry License. [116] ¶ 29. Kelley-Lomax responded he did not. *Id.* Garduno placed Kelley-Lomax under arrest for aggravated unlawful use of a weapon, 720 ILCS 5/24-1.6(a)(1), which makes it unlawful for a person to possess a gun on or about his person or in any vehicle. [116] ¶¶ 2, 30.

Garduno and Spicuzza wrote the “incident narrative” section of the Arrest Report together. [132] ¶ 23. The narrative stated, “caller related description of offenders are male balck [sic] wearing a black jacket. The second offender was a male balck [sic] and had a black jacket with a stripe.” [132] ¶ 24.

Garduno and Spicuzza also prepared the narrative section of the Original Case Incident Report, which stated that reporting officers “requested a call back to victim . . . with negative results.” [132] ¶ 25. The report also stated that reporting

officers “spoke to clerk at gas station . . . who related to [reporting officers] that she does not have access to security camera.” [132] ¶ 26. Spicuzza did not review, and Garduno does not recall whether he reviewed, the gas station’s security camera footage on the night of Kelley-Lomax’s arrest. [132] ¶ 27.

Spicuzza returned the next day to view the security footage. [132] ¶ 28. Spicuzza saw the SUV driving around in circles at the gas station from pump #6 to pump #5. [132] ¶ 29. Garduno recalls seeing this footage as well. [132] ¶ 36. Neither Spicuzza nor Garduno recalled whether they saw anyone pointing a gun in the video. [132] ¶ 30.

Spicuzza was unable to retrieve the video, so he attempted to record the video using his body-worn camera. [132] ¶¶ 28, 31. He does not know what happened to that recording, has not done anything to try to recover it, and defense counsel was unable to locate this video. [132] ¶ 31. Spicuzza does not recall whether he spoke to a prosecutor or anyone at the State’s Attorney’s office about the surveillance video. [132] ¶ 32. Spicuzza “probably should have” made a supplement written report regarding the video footage, but he did not. [132] ¶ 33.

Garduno was the only witness to testify before the grand jury. [132] ¶ 34. He testified that two of the car occupants fit the physical and clothing description given by the 911 caller. *Id.* He said that the SUV matched the 911 caller’s description of the armed individuals’ truck. [110-1] at 5:2–4. He also said that his “investigation reveal[ed] that depicted on the video surveillance system are subjects from the vehicle at pump six getting out of the vehicle with handguns and pointing them in the

direction of 87th Street and a Range Rover that [was] driving by,” and “one of the subjects armed with a handgun [was] wearing a jacket with stripes.” [132] ¶ 35.

Garduno was again the only witness at Kelley-Lomax’s trial. [132] ¶ 39. He testified that two of the car occupants, “one in the passenger seat, one in the rear, both . . . matched the description provided . . . by the [911] caller.” [107-8] at 8:18–22. He identified Kelley-Lomax as the occupant sitting in the passenger seat. [107-8] at 9:5–18. After the state presented Garduno’s testimony, the judge granted Kelley-Lomax’s motion for a directed finding of not guilty. [132] ¶ 40.

III. Analysis

A. Section 1983 Fourth Amendment False Arrest

“To state a claim under the Fourth Amendment, a plaintiff must show that a search or seizure occurred and that the search or seizure was unreasonable.” *Hess v. Garcia*, 72 F.4th 753, 761 (7th Cir. 2023). Warrantless seizures are *per se* unreasonable unless they fall within an exception, such as when an officer has probable cause to believe that the suspect committed a crime in the officer’s presence. *See Fitzgerald v. Santoro*, 707 F.3d 725, 730 (7th Cir. 2013); *District of Columbia v. Wesby*, 583 U.S. 48, 56 (2018) (discussing probable cause exception to warrant requirement for arrest). Probable cause is an absolute defense to claims of wrongful or false arrest under the Fourth Amendment in 42 U.S.C. § 1983 suits. *Braun v. Vill. of Palatine*, 56 F.4th 542, 548 (7th Cir. 2022).

An officer has probable cause to arrest an individual when “the facts and circumstances that are known to the officer reasonably support a belief that the individual has committed, is committing, or is about to commit a crime.” *Id.* This is a

“common-sense inquiry requiring only a probability of criminal activity.” *Id.* Probable cause exists when “an officer . . . has enough information to warrant a prudent person to believe criminal conduct has occurred.” *Id.*

Generally, a jury determines whether an arrest was supported by probable cause in § 1983 false arrest cases. *Madero v. McGuinness*, 97 F.4th 516, 522 (7th Cir. 2024) (citing *Abbott v. Sangamon Cnty., Ill.*, 705 F.3d 706, 714 (7th Cir. 2013)). But when the underlying facts are undisputed, a court can make that decision on summary judgment. *Id.*

Kelley-Lomax’s theory of false arrest is that defendants did not have probable cause to arrest him for unlawfully possessing a firearm.² [126] at 7. He argues that the officers could not have reasonably believed that Kelley-Lomax had possession of the gun under the statute. [126] at 9–11. A individual has constructive possession of a firearm when they have “knowledge of the presence of the weapon and exercise[] immediate and exclusive control over the area where the firearm is found.” *People v. Brown*, 2020 IL 124100, ¶ 11. According to Kelley-Lomax, defendants could not have reasonably believed that Kelley-Lomax knew about the gun because it was not easily visible under the seat, there was no evidence that Kelley-Lomax had placed the gun there, and he did not have exclusive control over the area. [126] at 10–12.

But probable cause “does not require evidence sufficient to support a conviction, or even evidence demonstrating that it is more likely than not that the

² Kelley-Lomax does not challenge whether the officers had probable cause to search the car, [126] at 7, or had the requisite suspicion to detain him before finding the gun.

suspect committed a crime. So long as the totality of the circumstances, viewed in a common sense manner, reveals a probability or substantial chance of criminal activity on the suspect's part, probable cause exists.” *United States v. Mounts*, 248 F.3d 712, 715 (7th Cir. 2001) (internal citations omitted).

Kelley-Lomax does not dispute that the gun was found under the passenger seat and that he was the passenger. [116] ¶¶ 18, 21, 34. The gun was therefore in a space accessible to him, within inches. A reasonable officer could conclude that Kelley-Lomax probably knew that the gun was under his seat.

There was also a soda bottle and a chip bag behind and to the side of the gun. [116] ¶¶ 26–27. The parties dispute whether this trash would have made it impossible for someone in the back seat to place the gun under the passenger seat without the passenger's knowledge. [116] ¶¶ 26–27. Even if the rear of the seat was not obstructed, a reasonable officer could still assume that Kelley-Lomax at least had joint possession of the gun. *See Young v. City of Chicago*, 987 F.3d 641, 645 (7th Cir. 2021) (“The exclusive dominion and control required to establish constructive possession is not diminished by evidence of others' access to the contraband. When the relationship of others to the contraband is sufficiently close to constitute possession, the result is not vindication of the defendant, but rather a situation of joint possession.”). Kelley-Lomax also argues that the orientation of the gun suggests that it was placed from the back of the seat. [126] at 12. But the gun's orientation does not undermine the other facts that reasonably support a belief that Kelley-Lomax possessed the gun—it was within reach and he had just been sitting on top of

it. Although competing inferences could be drawn about how the gun got there, they are not so compelling that an officer on the scene would be required to reject the probability that Kelley-Lomax shared responsibility for it; there's no evidence that it would be physically impossible for the passenger to toss a gun under the seat and have it fall in the position as seen by Davros. *See Beauchamp v. City of Noblesville, Ind.*, 320 F.3d 733, 745–46 (7th Cir. 2003) (it is not the function of the police to establish guilt; officers may leave it to the courts and prosecutors to sort out conflicting evidence).

Kelley-Lomax's appearance did not match the 911 caller's description of the individual brandishing the gun. The 911 caller said the armed man wore a puffy black coat with a colorful, potentially red, stripe around it, while Kelley-Lomax was in an unzipped black hoodie with a white shirt underneath. [132] ¶¶ 5, 9, 15. Those discrepancies would be material to whether the officers had probable cause to search the car, or whether officers could reasonably believe that Kelley-Lomax was one of the individuals who pointed the gun at the 911 caller's car. But Kelley-Lomax does not challenge the constitutionality of the search. [126] at 7. And the officers arrested Kelley-Lomax for unlawful use, i.e. possession, of the gun, not for pointing the gun at the caller's car. [116] ¶¶ 2, 30. After searching the car and finding the gun under his seat, the officers had probable cause to arrest Kelley-Lomax for unlawful use of a gun regardless of the 911 call.

Kelley-Lomax also cites to evidence that the officers speculated that Kelley-Hawkins owned the gun and therefore the officers knew Kelley-Lomax did not possess

the gun. [126] at 4. But who owned the gun is irrelevant to the issue of whether officers could reasonably believe Kelley-Lomax possessed the gun at the time of the arrest. While Kelley-Hawkins may have owned the gun, when the officers arrived, he was in another car and was not in physical proximity to the gun. [132] ¶ 21. In that moment, an officer could reasonably believe that Kelley-Lomax had constructive possession of the gun, even if there was joint possession. *See Young*, 987 F.3d at 645.

Applying the common-sense standard, the undisputed facts show that the officers had probable cause to arrest Kelley-Lomax for aggravated unlawful use of a weapon, 720 ILCS 5/24-1.6(a)(1). Defendants' motion for summary judgment on Kelley-Lomax's false arrest claim is granted.³

To the extent Kelley-Lomax brings a failure to intervene claim, defendants are also entitled to summary judgment. Failure-to-intervene claims require a showing that a plaintiff's constitutional rights were violated. *Harper v. Albert*, 400 F.3d 1052, 1064 (7th Cir. 2005). Kelley-Lomax cannot make that showing here. The undisputed facts show officers had probable cause to arrest him. No reasonable jury could find defendants violated Kelley-Lomax's constitutional rights—defendants' motion for summary judgment on any failure to intervene claim is granted.

³ Even if defendants did not have probable cause to arrest Kelley-Lomax, they would have qualified immunity because they had arguable probable cause. Qualified immunity shields officers from liability if “a reasonable officer in the same circumstances and possessing the same knowledge as the officer in question could have reasonably believed that probable cause existed in light of well-established law.” *Mwangangi v. Nielsen*, 48 F.4th 816, 825 (7th Cir. 2022) (explaining “arguable probable cause”). To the extent there is some room for debate, the officers at worst were reasonably mistaken that Kelley-Lomax had access to and knowledge of the gun because it was under his seat.

B. Malicious Prosecution Claims

Kelley-Lomax presents evidence that defendants lied in their reports, grand trial testimony, and trial testimony. The incident report stated that the defendants requested a call back to the 911 caller, which was unsuccessful. [132] ¶ 25. But dispatch did reach the caller, and he provided further information in the second call. [115-4] at 2. The arrest report states that the 911 caller provided a description of two armed men, but the caller only described one individual with any specificity. [132] ¶ 24; [115-2] at 2; [115-4] at 2. The arrest report also suggested that a black jacket alone fit the 911 caller's description, tracking Kelley-Lomax's black hoodie. But that hoodie was not a puffy coat with "a colored ring around [it], maybe red" as described by the caller. [132] ¶¶ 24; [115-2] at 2; [115-4] at 2.

Garduno's grand jury testimony also contradicts the reports and 911 calls. His testimony about the surveillance footage significantly differed from Spicuzza's description of it. [132] ¶¶ 29–30, 34–37. Garduno said that the video depicted the SUV occupants get out of the vehicle and point guns at a passing car. [110-1] at 4:2–7. Spicuzza only remembered seeing the car drive around the gas station, and the occupants occasionally getting out of the car and taking pictures. [107-4] at 49:19–56:10. Garduno also testified that the SUV matched the 911 caller's description, but the caller had described a brown or orange truck and the SUV was blue. [110-1] at 5:2–4; [132] ¶¶ 8, 13. He also stated that two occupants fit the caller's clothing description when none wore a black coat with a colored ring or stripe around it. [110-1] at 5:8–11; [115-2] at 2; [115-4] at 2.

Defendants dispute these discrepancies by citing to their deposition testimony, in which they state they do not recall the details of the surveillance video and the caller's descriptions. [132] ¶¶ 23–26; 34–37. But at summary judgment, I accept Kelley-Lomax's version of disputed facts. Nevertheless, even assuming the defendants lied and gilded the lily to put the gun in Kelley-Lomax's hands, they are entitled to summary judgment.

“[T]he gravamen of the Fourth Amendment claim for malicious prosecution . . . is the wrongful initiation of charges without probable cause.” *Thompson v. Clark*, 596 U.S. 36, 43 (2022). Thus, the independent existence of probable cause defeats any Fourth Amendment malicious prosecution claim. *See Wade v. Collier*, 783 F.3d 1081, 1087 (7th Cir. 2015) (holding that “[p]robable cause is a complete bar to a malicious prosecution claim,” notwithstanding evidence that grand jury indictment was based in part on false information).

Kelley-Lomax argues that the United States Supreme Court rejected this defense in *Manuel v. City of Joliet, Ill.*, 580 U.S. 357, 367 (2017), when a judicial determination of probable cause is based on fabricated evidence. [126] at 8. This is correct but inapposite to this case. *Manuel* “clarified that the constitutional injury arising from a wrongful pretrial detention rests on the fundamental Fourth Amendment principle that a pretrial detention is a ‘seizure’—both *before* formal legal process and *after*—and is justified only on probable cause.” *Lewis v. City of Chicago*, 914 F.3d 472, 476–77 (7th Cir. 2019) (citing *Manuel*, 580 U.S. at 367). *Manuel* alleged that his detention was not supported by probable cause because the judge's order

holding him for trial was based only on police fabrications. *Manuel*, 580 U.S. at 368. If that proved to be true, his detention was unreasonable in violation of the Fourth Amendment. *Id.*

Here, even assuming that defendants lied in their reports and testimony, Kelley-Lomax presents no facts that suggest the grand jury finding was based solely on these fabrications. *See Wade*, 783 F.3d at 1087.⁴ As discussed above, the officers had probable cause to arrest Kelley-Lomax after finding the gun under his seat, and that evidence was properly presented throughout the initiation and prosecution of the charge. There can be no malicious prosecution claim based on a proper seizure under the Fourth Amendment. *See id.*


Kelley-Lomax's state-law claim for malicious prosecution against the City of Chicago fails for the same reason that his Fourth Amendment claim fails—the officers had probable cause to detain him. *See Young*, 987 F.3d at 646 (“To state a claim for malicious prosecution under Illinois law, a plaintiff must allege that: (1) he was subjected to judicial proceedings; (2) for which there was no probable cause . . .”).

⁴ Kelley-Lomax's reliance on *Smith v. City of Chicago*, No. 19-2725, 2022 WL 2752603 (7th Cir. July 14, 2022) fails for the same reason. Smith's detention (after a probable-cause hearing) was unreasonable because it was based on illegally seized evidence knowingly tendered by the police. *Smith*, 2022 WL 2752603, at *1. “Legal process had been commenced against the defendant in a way that amounts to an unreasonable seizure under the Fourth Amendment.” *Id.* Kelley-Lomax does not challenge the search that resulted in the officers finding the gun under his seat. [126] at 7.

IV. Conclusion

Defendants' motion for summary judgment, [106], is granted. Enter judgment and terminate civil case.

ENTER:



Manish S. Shah
United States District Judge

Date: September 24, 2024

United States District Court
Northern District of Illinois - CM/ECF NextGen 1.7.1.1 (Chicago)
CIVIL DOCKET FOR CASE #: 1:20-cv-04595
Internal Use Only

Kelley-Lomax v. City Of Chicago et al
Assigned to: Honorable Manish S. Shah
Cause: 42:1983 Civil Rights Act

Date Filed: 08/05/2020
Date Terminated: 09/24/2024
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

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Defendant

Joel Ortiz
TERMINATED: 09/19/2022

represented by **Hugh C. O'Donnell**
(See above for address)
TERMINATED: 08/29/2023
LEAD ATTORNEY

Cathleen A. Bloedorn
(See above for address)
ATTORNEY TO BE NOTICED

Elaine Cindy Davenport
(See above for address)
TERMINATED: 12/17/2021

Stephen Michael Cady
(See above for address)
TERMINATED: 01/03/2022

Defendant

George Davros

represented by **Hugh C. O'Donnell**
(See above for address)
TERMINATED: 08/29/2023
LEAD ATTORNEY

Cathleen A. Bloedorn
(See above for address)
ATTORNEY TO BE NOTICED

Derrick M. Thompson
(See above for address)
ATTORNEY TO BE NOTICED

Elaine Cindy Davenport
(See above for address)
TERMINATED: 12/17/2021

Manuel Sanchez
(See above for address)

ATTORNEY TO BE NOTICED

Stephen Michael Cady
 (See above for address)
TERMINATED: 01/03/2022

Defendant

William Doolin
TERMINATED: 09/19/2022

represented by **Hugh C. O'Donnell**
 (See above for address)
TERMINATED: 08/29/2023
LEAD ATTORNEY

Cathleen A. Bloedorn
 (See above for address)
ATTORNEY TO BE NOTICED

Elaine Cindy Davenport
 (See above for address)
TERMINATED: 12/17/2021

V.

Respondent**Cook County State's Attorney's Office**

represented by **Megan E Inskeep**
 Cook County State's Attorney's Office
 50 W. Washington Street
 Suite 500
 Chicago, IL 60602
 (312) 603.1902
 Email: Megan.Inskeep@cookcountyil.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/10/2020	<u>6</u>	Fifth Amended General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY Signed by the Chief Judge Rebecca R. Pallmeyer on July 10, 2020. This Order does not extend or modify any deadlines set in civil cases. No motions may be noticed for in-person presentment; the presiding judge will notify parties of the need, if any, for a hearing by electronic means or in-court proceeding. See attached Order. Signed by the Honorable Rebecca R. Pallmeyer on 7/10/2020. Mailed notice. (sxb,) (Entered: 08/06/2020)
08/05/2020	<u>1</u>	COMPLAINT filed by Jeverreo Kelley-Lomax; Jury Demand. Filing fee \$ 400, receipt number 0752-17285957.(Flaxman, Joel) (Entered: 08/05/2020)
08/05/2020	<u>2</u>	CIVIL Cover Sheet (Flaxman, Joel) (Entered: 08/05/2020)
08/05/2020	<u>3</u>	ATTORNEY Appearance for Plaintiff Jeverreo Kelley-Lomax by Joel A. Flaxman (Flaxman, Joel) (Entered: 08/05/2020)
08/05/2020		CASE ASSIGNED to the Honorable Gary Feinerman. Designated as Magistrate Judge the Honorable Gabriel A. Fuentes. Case assignment: Random assignment. (cp,) (Entered: 08/05/2020)

08/05/2020	<u>4</u>	ATTORNEY Appearance for Plaintiff Jeverreo Kelley-Lomax by Kenneth N Flaxman (Flaxman, Kenneth) (Entered: 08/05/2020)
08/05/2020	<u>5</u>	MINUTE entry before the Honorable Gary Feinerman:Initial status hearing set for 10/9/2020 at 9:00 a.m. By 10/2/2020, the parties shall file an initial joint status report using the form on Judge Feinerman's web page on this District's website. Mailed notice. (jlj,) (Entered: 08/05/2020)
08/12/2020		SUMMONS Issued as to Defendants George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza (mp,) (Entered: 08/12/2020)
08/28/2020	<u>7</u>	WAIVER OF SERVICE returned executed by Jeverreo Kelley-Lomax. City Of Chicago waiver sent on 8/12/2020, answer due 10/13/2020. (Flaxman, Joel) (Entered: 08/28/2020)
09/01/2020	<u>8</u>	MINUTE entry before the Honorable Gary Feinerman:The initial status hearing set for 10/9/2020 <u>5</u> is stricken and re-set for 10/29/2020 at 9:00 a.m. The parties shall file an initial joint status report by 10/22/2020. Attorneys/Parties should appear for the hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (jlj,) (Entered: 09/01/2020)
09/09/2020	<u>9</u>	ATTORNEY Appearance for Defendants George Davros, Roberto Garduno, Joel Ortiz, Anthony Spicuzza by Elaine Cindy Davenport (Davenport, Elaine) (Entered: 09/09/2020)
09/28/2020	<u>10</u>	ATTORNEY Appearance for Defendant William Doolin by Elaine Cindy Davenport (Davenport, Elaine) (Entered: 09/28/2020)
10/12/2020	<u>11</u>	ATTORNEY Appearance for Defendant City Of Chicago by Allan T. Slagel (Slagel, Allan) (Entered: 10/12/2020)
10/12/2020	<u>12</u>	ATTORNEY Appearance for Defendant City Of Chicago by Elizabeth Erin Babbitt (Babbitt, Elizabeth) (Entered: 10/12/2020)
10/12/2020	<u>13</u>	ATTORNEY Appearance for Defendant City Of Chicago by Anne Louise Yonover (Yonover, Anne) (Entered: 10/12/2020)
10/12/2020	<u>14</u>	ATTORNEY Appearance for Defendant City Of Chicago by Adam William Decker (Decker, Adam) (Entered: 10/12/2020)
10/21/2020	<u>15</u>	MOTION by Defendants City Of Chicago, George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza for extension of time <i>to file answer or other responsive pleading to plaintiff's complaint, and to extend time to submit Joint Status Report: UNOPPOSED</i> (Davenport, Elaine) (Entered: 10/21/2020)
10/21/2020	<u>16</u>	UNOPPOSED NOTICE of Motion by Elaine Cindy Davenport for presentment of extension of time, <u>15</u> before Honorable Gary Feinerman on 10/26/2020 at 09:00 AM. (Davenport, Elaine) (Entered: 10/21/2020)
10/22/2020	<u>17</u>	MINUTE entry before the Honorable Gary Feinerman:Motion for extension of time <u>15</u> is granted. The deadline for Defendants to file their responsive pleading(s) is extended to 11/3/2020. The motion hearing set for 10/26/2020 <u>16</u> is stricken. The status hearing

		set for 10/29/2020 <u>8</u> is stricken. Initial status hearing set for 12/7/2020 at 9:30 a.m. The parties shall file an initial joint status report by 11/30/2020. Attorneys/Parties should appear for the hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (jlj,) (Entered: 10/22/2020)
11/03/2020	<u>18</u>	<i>COMBINED ANSWER to Complaint with Jury Demand and Affirmative Defenses</i> by George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza(Davenport, Elaine) (Entered: 11/03/2020)
11/03/2020	<u>19</u>	<i>ANSWER to Complaint City of Chicago's Answer and Affirmative Defenses to Complaint</i> by City Of Chicago(Slagel, Allan) (Entered: 11/03/2020)
11/05/2020	<u>20</u>	MINUTE entry before the Honorable Gary Feinerman:Rule 26(a)(1) disclosures shall be served by 12/2/2020.Mailed notice. (jlj,) (Entered: 11/05/2020)
11/30/2020	<u>21</u>	STATUS Report (<i>Joint Initial Status Report</i>) by Jevarreo Kelley-Lomax (Flaxman, Joel) (Entered: 11/30/2020)
12/01/2020	<u>22</u>	MINUTE entry before the Honorable Gary Feinerman:Rule 26(a)(1) disclosures shall be served by 12/2/2020. Written discovery requests shall be served no later than 1/15/2021. Motions to amend the pleadings or add new parties shall be filed by 4/2/2021. Fact discovery shall close 6/2/2021. Dispositive motions shall be filed by 7/2/2022. The status hearing set for 12/7/2020 <u>17</u> is stricken and re-set for 3/9/2021 at 9:00 a.m. By 3/2/2021, the parties shall file a joint status report addressing: (1) the discovery they have completed thus far; (2) the discovery that remains to be taken; (3) whether there are any foreseeable obstacles to meeting the deadlines set forth in this order; (4) whether both sides would like a settlement conference with the Magistrate Judge; and (5) whether there is a need for the 3/9/2021 status hearing. Attorneys/Parties should appear for the hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (jlj,) (Entered: 12/01/2020)
12/02/2020	<u>23</u>	<i>CERTIFICATE of Service of Defendants Fed.R.Civ.Pro 26(a) Disclosures</i> by Elaine Cindy Davenport on behalf of George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza (Davenport, Elaine) (Entered: 12/02/2020)
02/01/2021	<u>24</u>	<i>ATTORNEY Appearance for Respondent Cook County State's Attorney's Office</i> by Megan E Inskeep <i>Appearance for Respondent Cook County State's Attorney's Office</i> (Inskeep, Megan) (Entered: 02/01/2021)
03/02/2021	<u>25</u>	STATUS Report (<i>Joint Status Report</i>) by Jevarreo Kelley-Lomax (Flaxman, Joel) (Entered: 03/02/2021)
03/03/2021	<u>26</u>	MINUTE entry before the Honorable Gary Feinerman:Given the status report <u>25</u> , the status hearing set for 3/9/2021 <u>22</u> is stricken and re-set for 5/18/2021 at 9:00 a.m. By

		5/11/2021, the parties shall file a joint status report addressing: (1) the discovery they have completed thus far; (2) the discovery that remains to be taken; (3) whether there are any foreseeable obstacles to meeting the deadlines set forth in the 12/1/2020 order <u>22</u> ; (4) whether both sides would like a settlement conference with the Magistrate Judge; and (5) whether there is a need for the 5/18/2021 status hearing. Attorneys/Parties should appear for the hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (jlj,) (Entered: 03/03/2021)
05/11/2021	<u>27</u>	STATUS Report [<i>JOINT</i>] by Jevarreo Kelley-Lomax (Flaxman, Kenneth) (Entered: 05/11/2021)
05/12/2021	<u>28</u>	MINUTE entry before the Honorable Gary Feinerman:By agreement <u>27</u> , the status hearing set for 5/18/2021 <u>26</u> is stricken and re-set for 5/26/2021 at 9:00 a.m. By agreement <u>27</u> , the fact discovery deadline is extended to 8/31/2021. The dispositive motion deadline is extended to 10/5/2021. Attorneys/Parties should appear for the hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (jlj,) (Entered: 05/12/2021)
05/18/2021	<u>29</u>	ATTORNEY Appearance for Defendant City Of Chicago by Brianna Marie Skelly (Skelly, Brianna) (Entered: 05/18/2021)
05/20/2021	<u>30</u>	MOTION by Defendants City Of Chicago, George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza for protective order <i>Defendants' Motion for Entry of Confidentiality Order</i> (Attachments: # <u>1</u> Exhibit A-B)(Babbitt, Elizabeth) (Entered: 05/20/2021)
05/20/2021	<u>31</u>	NOTICE of Motion by Elizabeth Erin Babbitt for presentment of motion for protective order, <u>30</u> before Honorable Gary Feinerman on 5/26/2021 at 09:00 AM. (Babbitt, Elizabeth) (Entered: 05/20/2021)
05/26/2021	<u>32</u>	MINUTE entry before the Honorable Gary Feinerman:Status hearing held and continued to 7/27/2021 at 9:15 a.m. By 7/20/2021, the parties shall file a joint status report addressing: (1) the discovery they have completed thus far; (2) the discovery that remains to be taken; (3) whether there are any foreseeable obstacles to meeting the deadlines set forth in the 5/12/2021 order <u>28</u> ; (4) whether both sides would like a settlement conference with the Magistrate Judge; and (5) whether there is a need for the 7/27/2021 status hearing. Motion hearing held. Defendants' motion for entry of confidentiality order <u>30</u> is granted in part and denied in part. As to the disputed issues, the court agrees with Defendants on Paragraphs 6 and 4, and with Plaintiff on Paragraphs 2 and 3. Defendant shall submit a proposed order that reflects these decisions. Attorneys/Parties should appear for the 7/27/2021 hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and

		media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.Mailed notice. (jlj,) (Entered: 05/27/2021)
06/08/2021	<u>33</u>	PROTECTIVE Order Signed by the Honorable Gary Feinerman on 6/8/2021.Mailed notice.(jlj,) (Entered: 06/08/2021)
07/20/2021	<u>34</u>	STATUS Report (<i>Joint Status Report</i>) by Jevarreo Kelley-Lomax (Flaxman, Joel) (Entered: 07/20/2021)
07/22/2021	<u>35</u>	MINUTE entry before the Honorable Gary Feinerman:By agreement <u>34</u> , the fact discovery deadline is extended to 10/29/2021, and the dispositive motion deadline is extended to 12/3/2021. By agreement <u>34</u> , the status hearing set for 7/27/2021 <u>32</u> is stricken and re-set for 10/5/2021 at 9:15 a.m. By 9/28/2021, the parties shall file a joint status report addressing: (1) the discovery they have completed; (2) the discovery that remains to be taken; (3) any foreseeable obstacles to meeting the deadlines set forth in this order; (4) whether both sides would like a settlement conference with the Magistrate Judge; and (5) whether there is a need for the 10/5/2021 status hearing. Attorneys/Parties should appear for the 10/5/2021 hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.Mailed notice. (jlj,) (Entered: 07/22/2021)
08/11/2021	<u>36</u>	MOTION by Defendants George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza to reset Status Hearing <i>currently set for 05 October 2021 [JOINT AGREED]</i> (Davenport, Elaine) (Entered: 08/11/2021)
08/13/2021	<u>37</u>	MINUTE entry before the Honorable Gary Feinerman:Motion to reset status hearing <u>36</u> is granted. The status hearing set for 10/5/2021 <u>35</u> is stricken and re-set for 9/9/2021 at 9:00 a.m. Attorneys/Parties should appear for the 9/9/2021 hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.Mailed notice. (jlj,) (Entered: 08/13/2021)
08/27/2021	<u>38</u>	MINUTE entry before the Honorable Gary Feinerman:The status hearing set for 9/9/2021 <u>37</u> is stricken and re-set for 9/8/2021 at 9:00 a.m. Attorneys/Parties should appear for the 9/8/2021 hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are

		reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.Mailed notice. (jlj,) (Entered: 08/27/2021)
08/27/2021	<u>39</u>	MINUTE entry before the Honorable Gary Feinerman:By 9/3/2021, the parties shall file a joint status report regarding Defendants' efforts to locate the video footage in question.Mailed notice. (jlj,) (Entered: 08/27/2021)
09/03/2021	<u>40</u>	STATUS Report <i>[JOINT]</i> by George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza (Davenport, Elaine) (Entered: 09/03/2021)
09/07/2021	<u>41</u>	MINUTE entry before the Honorable Gary Feinerman:At the parties' request <u>40</u> , the status hearing set for 9/8/2021 <u>38</u> is stricken and re-set for 10/5/2021 at 9:00 a.m. By 9/28/2021, the parties shall file the status report requested in the 7/22/2021 order <u>35</u> . Attorneys/Parties should appear for the 10/5/2021 hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.Mailed notice. (jlj,) (Entered: 09/07/2021)
09/28/2021	<u>42</u>	STATUS Report <i>[JOINT]</i> by George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza (Davenport, Elaine) (Entered: 09/28/2021)
10/04/2021	<u>43</u>	MINUTE entry before the Honorable Gary Feinerman: By agreement <u>42</u> , the status hearing set for 10/5/2021 <u>41</u> is stricken and re-set for 10/14/2021 at 9:00 a.m. By 10/7/2021, the parties shall file a joint status report addressing: (1) the discovery they have completed; (2) the discovery that remains to be taken; (3) any foreseeable obstacles to meeting the deadlines set forth in the 7/22/2021 order <u>35</u> ; (4) whether both sides would like a settlement conference with the Magistrate Judge; and (5) whether there is a need for the 10/14/2021 status hearing. Attorneys/Parties should appear for the 10/14/2021 hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.Mailed notice. (jlj,) (Entered: 10/04/2021)
10/07/2021	<u>44</u>	STATUS Report <i>[JOINT]</i> by George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza (Davenport, Elaine) (Entered: 10/07/2021)
10/13/2021	<u>45</u>	ATTORNEY Appearance for Defendants George Davros, Roberto Garduno, Joel Ortiz, Anthony Spicuzza by Stephen Michael Cady (Cady, Stephen) (Entered: 10/13/2021)
10/14/2021	<u>46</u>	MINUTE entry before the Honorable Gary Feinerman:Status hearing held and continued to 12/17/2021 at 9:15 a.m. The fact discovery deadline is extended to 2/25/2022, and the dispositive motion deadline is extended to 4/1/2022. By 12/10/2021, the parties shall file a status report regarding the BWC footage issues. Attorneys/Parties should appear for the 12/17/2021 hearing by calling the Toll-Free

		Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.Mailed notice. (jlj,) (Entered: 10/14/2021)
11/17/2021	<u>47</u>	MOTION by Defendant City Of Chicago for rule to show cause <i>as to why Azam Khan should not be held in contempt of court</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Decker, Adam) (Entered: 11/17/2021)
11/17/2021	<u>48</u>	MOTION by Defendants City Of Chicago, George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza to amend/correct <i>Defendants' Unopposed Motion to Amend the Confidentiality Order</i> (Attachments: # <u>1</u> Exhibit A)(Skelly, Brianna) (Entered: 11/17/2021)
11/18/2021	<u>49</u>	MINUTE entry before the Honorable Gary Feinerman:Rule to show cause <u>47</u> is entered and continued. Non-Party Azam Khan shall respond to the motion by 12/3/2021; Defendants shall reply by 12/10/2021. Motion hearing set for 12/17/2021 at 9:15 a.m. Defendants shall send a copy of this order to Non-Party Azam Khan. If Non-Party Azam Khan complies with the subpoena and thereby moots the motion, Defendants shall inform the Courtroom Deputy. Attorneys/Parties should appear for the 12/17/2021 hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.Mailed notice. (jlj,) (Entered: 11/18/2021)
11/18/2021	<u>50</u>	MINUTE entry before the Honorable Gary Feinerman:Defendants' unopposed motion to amend the confidentiality order <u>48</u> is granted. Enter amendment to confidentiality order. Mailed notice. (jlj,) (Entered: 11/18/2021)
11/18/2021	<u>51</u>	PROTECTIVE Order Signed by the Honorable Gary Feinerman on 11/18/2021.Mailed notice.(jlj,) (Entered: 11/18/2021)
11/18/2021	<u>52</u>	CERTIFICATE of Service of Order entered on November 18, 2021 by Brianna Marie Skelly on behalf of City Of Chicago regarding order on rule to show cause,,,,, set/reset hearings,,,,, <u>49</u> (Skelly, Brianna) (Entered: 11/18/2021)
12/07/2021	<u>53</u>	CERTIFICATE of Service by Defendant City Of Chicago for <i>EAN HOLDINGS, LLC'S written responses to City of Chicago's Subpoena Requests and responsive documents rebranded as EANRESPTS_00000001 - EANRESPTS_00000047</i> (Skelly, Brianna) (Entered: 12/07/2021)
12/10/2021	<u>54</u>	REPLY by Defendant City Of Chicago to motion for rule to show cause <u>47</u> <i>as to why Azam Khan should not be held in contempt of court</i> (Decker, Adam) (Entered: 12/10/2021)

12/14/2021	<u>55</u>	MINUTE entry before the Honorable Gary Feinerman:The 10/14/2021 order <u>46</u> asked the parties to file a joint status report by 12/10/2021 regarding the BWC footage issues. No status report was filed. On the court's own motion, the deadline for filing the joint status report is extended to 12/15/2021. Mailed notice. (jlj,) (Entered: 12/14/2021)
12/14/2021	<u>56</u>	STATUS Report (<i>Joint Status Report</i>) by Jevarreo Kelley-Lomax (Flaxman, Joel) (Entered: 12/14/2021)
12/14/2021	<u>57</u>	MOTION by Defendant City Of Chicago to withdraw attorney appearance <u>12</u> <i>Motion to Withdraw the Appearance of Attorney Elizabeth E. Babbitt as Counsel for Defendant City of Chicago</i> (Babbitt, Elizabeth) (Entered: 12/14/2021)
12/14/2021	<u>58</u>	ATTORNEY Appearance for Defendant City Of Chicago by Derrick M. Thompson (Thompson, Derrick) (Entered: 12/14/2021)
12/15/2021	<u>59</u>	ATTORNEY Appearance for Defendant City Of Chicago by Stephanie Patrice Addison (Addison, Stephanie) (Entered: 12/15/2021)
12/15/2021	<u>60</u>	MOTION by Defendant City Of Chicago to withdraw attorney appearance <u>29</u> of <i>Brianna M. Skelly</i> (Skelly, Brianna) (Entered: 12/15/2021)
12/16/2021	<u>61</u>	MINUTE entry before the Honorable Gary Feinerman:Motions to withdraw as counsel <u>57</u> are granted. Attorneys Elizabeth Babbitt and Brianna Skelly are terminated as counsel for Defendant City of Chicago. Mailed notice. (jlj,) (Entered: 12/16/2021)
12/16/2021	<u>62</u>	ATTORNEY Appearance for Defendants George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza by Hugh C. O'Donnell (O'Donnell, Hugh) (Entered: 12/16/2021)
12/16/2021	<u>63</u>	MOTION by Attorney Elaine C. Davenport to withdraw as attorney for George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza. No party information provided (Davenport, Elaine) (Entered: 12/16/2021)
12/17/2021	<u>64</u>	MINUTE entry before the Honorable Gary Feinerman:Status hearing held to 2/17/2022 at 9:00 a.m. By 2/10/2022, the parties shall file a joint status report addressing: (1) the discovery they have completed thus far; (2) the discovery that remains to be taken; (3) whether there are any foreseeable obstacles to meeting the deadlines set forth in the 10/14/2021 order <u>46</u> ; (4) whether both sides would like a settlement conference with the Magistrate Judge; and (5) whether there is a need for the 2/17/2022 status hearing. Motion hearing held. For the reasons stated on the record, Defendant's motion for rule to show cause as to Azam Khan <u>47</u> is granted. Azam Khan is ordered to appear telephonically on 1/18/2022 at 9:30 a.m. to show cause why it should not be held in contempt for failing to comply with the subpoena. Plaintiff shall serve Defendant with a copy of this order via a means that allows for electronic confirmation of delivery. Motion with withdraw as counsel <u>63</u> is granted. Attorney Elaine C. Davenport is terminated as counsel for Defendants. Attorneys/Parties should appear for the 2/17/2022 hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (jlj,) (Entered: 12/18/2021)
12/21/2021	<u>65</u>	CERTIFICATE of Service by Derrick M. Thompson on behalf of City Of Chicago regarding order on rule to show cause,,,,,,,,, status hearing,,,,,,,,, set/reset hearings,,,,,,,,,

		<u>64</u> (Thompson, Derrick) (Entered: 12/21/2021)
12/30/2021	<u>66</u>	MOTION by Attorney Stephen M. Cady to withdraw as attorney for George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza. No party information provided (Cady, Stephen) (Entered: 12/30/2021)
01/03/2022	<u>67</u>	MINUTE entry before the Honorable Gary Feinerman: Motion to withdraw as attorney <u>63</u> is terminated as motion; see <u>64</u> . Motion to withdraw as attorney <u>66</u> is granted. Attorney Stephen Cady is terminated as counsel for Defendants. Mailed notice. (jlj,) (Entered: 01/03/2022)
01/12/2022	<u>68</u>	MINUTE entry before the Honorable Gary Feinerman: The show cause hearing set for 1/18/2022 at 9:30 a.m. <u>64</u> is re-set for 9:00 a.m. TIME CHANGE ONLY . Azam Khan is ordered to appear telephonically on 1/18/2022 at 9:00 a.m. to show cause why it should not be held in contempt for failing to comply with the subpoena. Plaintiff shall serve Defendant with a copy of this order via a means that allows for electronic confirmation of delivery. Attorneys/Parties should appear for the 1/18/2022 hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (jlj,) (Entered: 01/12/2022)
01/12/2022	<u>69</u>	CERTIFICATE of Service by Defendant City Of Chicago regarding terminate hearings,,,,, set/reset hearings,,,, <u>68</u> was served on Azam Khan by email and Federal Express on January 12, 2022 (Decker, Adam) (Entered: 01/12/2022)
01/18/2022	<u>70</u>	MINUTE entry before the Honorable Gary Feinerman: Show cause hearing held and continued to 1/31/2022 at 9:00 a.m. Non-party Azam Khan is ordered to appear telephonically on 1/31/2022 at 9:00 a.m. to show cause why he should not be held in contempt for failing to comply with the subpoena. Defendant City of Chicago shall serve non-party Azam Khan with a copy of this order via personal service. Attorneys/Parties should appear for the 1/31/2022 hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (jlj,) (Entered: 01/20/2022)
01/20/2022	<u>71</u>	CERTIFICATE of Service by Defendant City Of Chicago regarding show cause hearing,,,,, set/reset hearings,,,, <u>70</u> was provided to a process server to effect personal service on Azam Khan (Decker, Adam) (Entered: 01/20/2022)
01/31/2022	<u>72</u>	MINUTE entry before the Honorable Gary Feinerman: Show cause hearing held. By agreement, the show cause order <u>64</u> is discharged. Mailed notice. (jlj,) (Entered: 01/31/2022)
02/10/2022	<u>73</u>	STATUS Report (<i>Joint Status Report</i>) by Jevarreo Kelley-Lomax (Flaxman, Joel) (Entered: 02/10/2022)

02/11/2022	<u>74</u>	MINUTE entry before the Honorable Gary Feinerman:By agreement <u>73</u> , the discovery deadline is extended to 4/30/2022, and the dispositive motion deadline is extended to 6/3/2022. By agreement <u>73</u> , the status hearing set for 2/17/2022 <u>64</u> is stricken and re-set for 3/30/2022 at 9:00 a.m. By 3/23/2022, the parties shall file a joint status report addressing: (1) the discovery they have completed; (2) the discovery that remains to be taken; (3) whether there are any foreseeable obstacles to meeting the deadlines set forth in this order; (4) whether both sides would like a settlement conference with the Magistrate Judge; and (5) whether there is a need for the 3/30/2022 status hearing. Attorneys/Parties should appear for the 3/30/2022 hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (jlj,) (Entered: 02/11/2022)
02/14/2022	<u>75</u>	ATTORNEY Appearance for Defendants George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza by Cathleen A. Bloedorn (Bloedorn, Cathleen) (Entered: 02/14/2022)
03/24/2022	<u>76</u>	STATUS Report (<i>Joint Status Report</i>) by Jevareo Kelley-Lomax (Flaxman, Joel) (Entered: 03/24/2022)
03/24/2022	<u>77</u>	MINUTE entry before the Honorable Gary Feinerman:The 2/11/2022 order <u>74</u> asked the parties to file a joint status report by 3/23/2022. No status report was filed. On the court's own motion, the deadline for filing the joint status report is extended to 3/25/2022.Mailed notice. (jlj,) (Entered: 03/24/2022)
03/25/2022	<u>78</u>	MINUTE entry before the Honorable Gary Feinerman: By agreement <u>76</u> , the fact discovery deadline is extended to 6/15/2022, and the dispositive motion deadline is extended to 7/15/2022. By agreement <u>76</u> , the status hearing set for 3/30/2022 <u>74</u> is stricken and re-set for 5/17/2022 at 9:30 a.m. By 5/10/2022, the parties shall file a joint status report addressing: (1) the discovery they have completed; (2) the discovery that remains to be taken; (3) whether there are any foreseeable obstacles to meeting the deadlines set forth in this order; (4) whether both sides would like a settlement conference with the Magistrate Judge; and (5) whether there is a need for the 5/17/2022 status hearing. Attorneys/Parties should appear for the hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (jlj,) (Entered: 03/25/2022)
04/07/2022	<u>79</u>	MOTION by Attorney Anne L. Yonover to withdraw as attorney for City Of Chicago. No party information provided (Yonover, Anne) (Entered: 04/07/2022)
04/08/2022	<u>80</u>	MINUTE entry before the Honorable Gary Feinerman:Motion to withdraw as attorney <u>79</u> is granted. Attorney Anne Yonover is terminated as counsel for Defendant City of Chicago.Mailed notice. (jlj,) (Entered: 04/08/2022)

04/28/2022	<u>81</u>	MOTION by Defendants George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza to take deposition of Jeverreo Kelly-Lomax (IN PERSON DEP) (O'Donnell, Hugh) (Entered: 04/28/2022)
04/28/2022	<u>82</u>	MINUTE entry before the Honorable Gary Feinerman: Plaintiff's response to Defendants' motion for in person deposition <u>81</u> shall be filed by 4/28/2022 at 6:00 p.m. CT. The court will advise whether a motion hearing is necessary. Mailed notice (cn). (Entered: 04/28/2022)
04/28/2022	<u>83</u>	RESPONSE by Jeverreo Kelley-Lomaxin Opposition to MOTION by Defendants George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza to take deposition of Jeverreo Kelly-Lomax (IN PERSON DEP) <u>81</u> (Flaxman, Joel) (Entered: 04/28/2022)
04/29/2022	<u>84</u>	MINUTE entry before the Honorable Gary Feinerman: Defendants' joint opposed motion for in person deposition of plaintiff <u>81</u> is granted. The deposition shall take place in-person. Unless all physically present participants agree otherwise, everybody in the deposition room shall remain masked. Mailed notice (cn). (Entered: 04/29/2022)
05/10/2022	<u>85</u>	STATUS Report (<i>Joint Status Report</i>) by Jeverreo Kelley-Lomax (Flaxman, Joel) (Entered: 05/10/2022)
05/11/2022	<u>86</u>	MINUTE entry before the Honorable Gary Feinerman:By agreement <u>85</u> , the status hearing set for 5/17/2022 <u>78</u> is stricken and re-set for 6/27/2022 at 9:15 a.m. By 6/20/2022, the parties shall file a joint status report: (1) confirming that they have completed discovery; (2) stating whether either side intends to move for summary judgment; (3) stating whether both sides would like a settlement conference with the Magistrate Judge; and (4) stating whether there is a need for the 6/27/2022 status hearing. Attorneys/Parties should appear for the hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (jlj,) (Entered: 05/11/2022)
06/15/2022	<u>87</u>	MOTION by Defendants George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza to alter judgment , MOTION by Defendants George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza for extension of time to complete discovery , MOTION by Defendants George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza for extension of time to file (O'Donnell, Hugh) (Entered: 06/15/2022)
06/21/2022	<u>88</u>	STATUS Report (<i>Joint Status Report</i>) by Jeverreo Kelley-Lomax (Flaxman, Joel) (Entered: 06/21/2022)
06/21/2022	<u>89</u>	MINUTE entry before the Honorable Gary Feinerman:Defendant's joint motion to extend discovery and summary judgment closure date <u>87</u> is entered and continued. If Plaintiff opposes Defendants' motion for an extension of the discovery deadline <u>87</u> , he shall file his opposition by 6/23/2022. Motion hearing set for 6/27/2022 at 9:15 a.m. Attorneys/Parties should appear for the hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording,

		and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.Mailed notice. (jlj,) (Entered: 06/21/2022)
06/22/2022	<u>90</u>	RESPONSE by Jeverreo Kelley-Lomax to MOTION by Defendants George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza to alter judgment MOTION by Defendants George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza for extension of time to complete discovery MOTION by Defendants George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza for extension of time to file <u>87</u> (<i>Plaintiff Does Not Oppose</i>) (Flaxman, Joel) (Entered: 06/22/2022)
06/23/2022	<u>91</u>	MINUTE entry before the Honorable Gary Feinerman:The status/motion hearing set for 6/27/2022 at 9:15 a.m. is re-set for 9:05 a.m. TIME CHANGE ONLY . Attorneys/Parties should appear for the hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (jlj,) (Entered: 06/23/2022)
06/27/2022	<u>92</u>	MINUTE entry before the Honorable Gary Feinerman:Without objection <u>90</u> , motion for extension of time <u>87</u> is granted. The discovery deadline is extended to 8/15/2022 for the purpose of completing the discovery set forth in the motion, and the dispositive motion deadline is extended to 9/19/2022. The status/motion hearing set for 6/27/2022 <u>91</u> is stricken and re-set for 8/1/2022 at 9:00 a.m. By 7/25/2022, the parties shall file a joint status report addressing their progress in completing the remaining discovery. Attorneys/Parties should appear for the hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.Mailed notice. (jlj,) (Entered: 06/27/2022)
07/25/2022	<u>93</u>	STATUS Report <i>JOINT</i> by George Davros, William Doolin, Roberto Garduno, Joel Ortiz, Anthony Spicuzza (O'Donnell, Hugh) (Entered: 07/25/2022)
07/26/2022	<u>94</u>	MINUTE entry before the Honorable Gary Feinerman:By agreement <u>93</u> , the status/motion hearing set for 8/1/2022 <u>92</u> is stricken and re-set for 9/7/2022 at 9:15 a.m. By 8/31/2022, the parties shall file a joint status report: (1) confirming that fact discovery has been completed; (2) stating whether either side intends to file a dispositive motion; (3) stating whether both sides would like a settlement conference with the Magistrate Judge; and (4) stating whether there is a need for the 9/7/2022 status hearing. Attorneys/Parties should appear for the hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may

		result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.Mailed notice. (jlj,) (Entered: 07/26/2022)
08/31/2022	<u>95</u>	STATUS Report (<i>Joint Status Report</i>) by Jevarreo Kelley-Lomax (Flaxman, Joel) (Entered: 08/31/2022)
09/06/2022	<u>96</u>	MINUTE entry before the Honorable Gary Feinerman: By agreement <u>95</u> , Decovia Ellis, Isaiah Dukes, Isaiah Kelly-Hawkins, Gary Blue-Miller, and Officer Humberto Campos may be deposed, if necessary, after the court rules on any dispositive motions. By agreement <u>95</u> , the dispositive motion deadline is extended to 10/28/2022. The parties shall contact the District Judge's Courtroom Deputy if both sides would like to have a settlement conference with the Magistrate Judge. By agreement <u>95</u> , the status hearing set for 9/7/2022 <u>94</u> is stricken and re-set for 11/4/2022 at 9:15 a.m. Attorneys/Parties should appear for the hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.Mailed notice. (jlj,) (Entered: 09/06/2022)
09/16/2022	<u>97</u>	STIPULATION of Dismissal of <i>Defendants Ortiz and Doolin</i> (Flaxman, Joel) (Entered: 09/16/2022)
09/19/2022	<u>98</u>	MINUTE entry before the Honorable Gary Feinerman: Given the stipulation of dismissal <u>97</u> , the Clerk is directed to terminate Joel Ortiz and William Doolin as party defendants.Mailed notice. (jlj,) (Entered: 09/19/2022)
09/21/2022	<u>99</u>	UNOPPOSED MOTION TO INSPECT, PHOTOGRAPH, AND PRESERVE EVIDENCE IN CHICAGO POLICE CUSTODY by George Davros, Roberto Garduno, Anthony Spicuzza (Bloedorn, Cathleen) Modified on 9/22/2022 (jlj,). (Entered: 09/21/2022)
09/22/2022	<u>100</u>	MINUTE entry before the Honorable Gary Feinerman:Unopposed motion to inspect, photograph, and preserve evidence in Chicago Police custody <u>99</u> is granted. The parties may jointly inspect and photograph evidence in Chicago Police Department custody, and such evidence shall be preserved by its custodian.Mailed notice. (jlj,) (Entered: 09/22/2022)
10/25/2022	<u>101</u>	MOTION by Defendant City Of Chicago for Extension of Dispositive Motion Deadline (<i>Joint Motion</i>) (Thompson, Derrick) (Entered: 10/25/2022)
10/25/2022	<u>102</u>	MINUTE entry before the Honorable Gary Feinerman:Motion to extend deadline <u>101</u> is granted. The dispositive motion deadline is extended to 11/18/2022. The status hearing set for 11/4/2022 <u>96</u> is stricken and re-set for 11/29/2022 at 9:00 a.m. Attorneys/Parties should appear for the hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.Mailed notice. (jlj,) (Entered: 10/25/2022)

11/17/2022	<u>103</u>	MOTION by Defendants City Of Chicago, George Davros, Roberto Garduno, Anthony Spicuzza for extension of time <i>FOR DISPOSITIVE MOTION DEADLINE</i> (O'Donnell, Hugh) (Entered: 11/17/2022)
11/21/2022	<u>104</u>	MINUTE entry before the Honorable Gary Feinerman: Motion for extension of time <u>103</u> is granted. The dispositive motion deadline is extended to 12/9/2022. The status hearing set for 11/29/2022 <u>102</u> is stricken and re-set for 12/20/2022 at 9:00 a.m. Attorneys/Parties should appear for the hearing by calling the Toll-Free Number: (877) 336-1828, Access Code: 4082461. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please, please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (jlj,) (Entered: 11/21/2022)
12/09/2022	<u>105</u>	MOTION by Defendants City Of Chicago, George Davros, Roberto Garduno, Anthony Spicuzza for leave to file <i>under seal certain exhibits in support of their joint motion for summary judgment</i> (Thompson, Derrick) (Entered: 12/09/2022)
12/09/2022	<u>106</u>	MOTION by Defendants George Davros, Anthony Spicuzza, Roberto Garduno, City Of Chicago for summary judgment (<i>joint</i>) (Thompson, Derrick) (Entered: 12/09/2022)
12/09/2022	<u>107</u>	Defendants' Joint Statement of Material Facts STATEMENT by City Of Chicago, George Davros, Roberto Garduno, Anthony Spicuzza (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(Thompson, Derrick) (Entered: 12/09/2022)
12/09/2022	<u>108</u>	MEMORANDUM by City Of Chicago, George Davros, Roberto Garduno, Anthony Spicuzza in support of motion for summary judgment <u>106</u> (Thompson, Derrick) (Entered: 12/09/2022)
12/12/2022	<u>109</u>	MINUTE entry before the Honorable Gary Feinerman: Motion for leave to file <u>105</u> is granted. Defendants may file under seal the designated materials, so long as they publicly file a redacted copy of those materials. Motion for summary judgment <u>106</u> is entered and continued. Plaintiff shall respond to the motion by 1/13/2023; Defendants shall reply by 1/27/2023. The status hearing set for 12/20/2022 <u>104</u> is stricken. Motion hearing set for 2/8/2023 at 9:15 a.m. Mailed notice. (jlj,) (Entered: 12/12/2022)
12/12/2022	<u>110</u>	SEALED EXHIBIT by Defendants City Of Chicago, George Davros, Roberto Garduno, Anthony Spicuzza regarding statement, <u>107</u> (Attachments: # <u>1</u> Exhibit C, # <u>2</u> Exhibit F)(Thompson, Derrick) (Entered: 12/12/2022)
12/28/2022	<u>111</u>	ORDER OF THE EXECUTIVE COMMITTEE. The Honorable Gary S. Feinerman will resign his Commission as a United States District Judge effective December 31, 2022. IT IS HEREBY ORDERED That the civil cases on the attached list are to be reassigned to the other judges of this Court as indicated, pursuant to Local Rule 40.1(f). IT IS ALSO ORDERED That any civil case that was assigned to the Honorable Gary S. Feinerman and may require further judicial action in the future, shall be reassigned by lot to a judge of this Court Case reassigned to the Honorable Nancy L. Maldonado for all further proceedings. Honorable Gary Feinerman no longer assigned to the case. Signed by Executive Committee on 12/28/22.(gcy,) (Entered: 12/28/2022)
12/29/2022	<u>112</u>	MINUTE entry before the Honorable Nancy L. Maldonado: This case has recently been reassigned to the calendar of the Honorable Nancy L. Maldonado. By 2/6/2023,

		the parties shall file an Initial Status Report for Reassigned Case that complies with the Court's standing order, which can be found on the Court's website. The motion hearing set for 2/8/23 <u>109</u> is stricken. (ca,) (Entered: 12/29/2022)
12/29/2022	<u>113</u>	SEALED EXHIBIT by Defendants City Of Chicago, George Davros, Roberto Garduno, Anthony Spicuzza regarding order on motion for leave to file,, order on motion for summary judgment,, terminate hearings,, set/reset hearings, <u>109</u> (Attachments: # <u>1</u> Exhibit C, # <u>2</u> Exhibit F)(Decker, Adam) (Entered: 12/29/2022)
12/29/2022	<u>114</u>	Redacted Exhibits by City Of Chicago, George Davros, Roberto Garduno, Anthony Spicuzza (Attachments: # <u>1</u> Exhibit C, # <u>2</u> Exhibit F)(Decker, Adam) (Entered: 12/29/2022)
01/13/2023	<u>115</u>	EXHIBIT by Plaintiff Javarreo Kelley-Lomax (<i>Plaintiff's Summary Judgment Exhibits</i>) (Attachments: # <u>1</u> Exhibit 1 - First 911 Call Recording, # <u>2</u> Exhibit 2 - First 911 Call Transcript, # <u>3</u> Exhibit 3 - 911 Call Back Recording, # <u>4</u> Exhibit 4 - 911 Call Back Transcript, # <u>5</u> Exhibit 5 - Cuevas Body Camera Recording, # <u>6</u> Exhibit 6 - Davros Body Camera Recording, # <u>7</u> Exhibit 7 - Defendants' Answer to Complaint, # <u>8</u> Exhibit 8 - Garduno Body Camera Recording, # <u>9</u> Exhibit 9 - Arrest Report of Javarreo Kelley-Lomax, # <u>10</u> Exhibit 10 - Emails from Attorney Elaine C. Davenport, # <u>11</u> Exhibit 11 - Plaintiff's Interrogatory Answers)(Flaxman, Joel) (Entered: 01/13/2023)
01/13/2023	<u>116</u>	RULE 56 (b)(2) Statement (<i>Plaintiff's Response to Defendants' Local Rule 56.1(a)(2) Statement</i>) (Flaxman, Joel) (Entered: 01/13/2023)
01/13/2023	<u>117</u>	RULE 56 (b)(3) Statement (<i>Plaintiff's Local Rule 56.1(b)(3) Statement of Additional Facts - Public-Record Version</i>) (Flaxman, Joel) (Entered: 01/13/2023)
01/13/2023	<u>118</u>	SEALED RESPONSE by Javarreo Kelley-Lomax to Rule 56 statement <u>117</u> (<i>Plaintiff's Local Rule 56.1(b)(3) Statement of Additional Facts</i>) (Flaxman, Joel) (Entered: 01/13/2023)
01/13/2023	<u>119</u>	RESPONSE by Javarreo Kelley-Lomax in Opposition to MOTION by Defendants George Davros, Anthony Spicuzza, Roberto Garduno, City Of Chicago for summary judgment (<i>joint</i>) <u>106</u> (<i>Public-Record Version</i>) (Flaxman, Joel) (Entered: 01/13/2023)
01/13/2023	<u>120</u>	SEALED RESPONSE by Javarreo Kelley-Lomax to MOTION by Defendants George Davros, Anthony Spicuzza, Roberto Garduno, City Of Chicago for summary judgment (<i>joint</i>) <u>106</u> (Flaxman, Joel) (Entered: 01/13/2023)
01/13/2023	<u>121</u>	MOTION by Plaintiff Javarreo Kelley-Lomax to seal (<i>Motion to File Under Seal</i>) (Flaxman, Joel) (Entered: 01/13/2023)
01/17/2023	<u>122</u>	MOTION by Plaintiff Javarreo Kelley-Lomax to amend/correct response in opposition to motion <u>119</u> , sealed response <u>120</u> (<i>Unopposed Motion to Correct</i>) (Flaxman, Joel) (Entered: 01/17/2023)
01/17/2023	<u>123</u>	MINUTE entry before the Honorable Nancy L. Maldonado:Plaintiff's motion to file under seal <u>121</u> is granted. Attachments>(ca,) (Entered: 01/17/2023)
01/18/2023	<u>124</u>	MINUTE entry before the Honorable Nancy L. Maldonado: Plaintiff's unopposed motion to correct <u>122</u> is granted, for the reasons stated in the motion: the Clerk shall remove <u>119</u> and <u>120</u> from the docket, and by 1/20/23 Plaintiff shall file the corrected sealed and redacted versions of the Response to Defendants' Motion for Summary Judgment. (ca,) (Entered: 01/18/2023)
01/18/2023	<u>125</u>	RESPONSE by Javarreo Kelley-Lomax in Opposition to MOTION by Defendants George Davros, Anthony Spicuzza, Roberto Garduno, City Of Chicago for summary

		judgment (<i>joint</i>) <u>106</u> (<i>Public-Record Version, Corrected</i>) (Flaxman, Joel) (Entered: 01/18/2023)
01/18/2023	<u>126</u>	SEALED RESPONSE by Jeverreo Kelley-Lomax to MOTION by Defendants George Davros, Anthony Spicuzza, Roberto Garduno, City Of Chicago for summary judgment (<i>joint</i>) <u>106</u> (<i>Corrected</i>) (Flaxman, Joel) (Entered: 01/18/2023)
01/19/2023	<u>127</u>	DIGITAL EXHIBIT submitted by Jeverreo Kelley-Lomax regarding <u>115</u> For more information, please visit https://www.ilnd.uscourts.gov/ExhibitDrop . If you wish to download a digital exhibit, please send your request to the Certified Copy Desk (CCD) inbox at CCD_ILND@ilnd.uscourts.gov . You will be provided with an invoice and charged according to the Fee Schedule. Once your payment has been processed, you will receive a URL via email to download the exhibit. (jb,) (Entered: 01/19/2023)
01/26/2023	<u>129</u>	MOTION by Defendants City Of Chicago, George Davros, Roberto Garduno, Anthony Spicuzza for extension of time to file response/reply as to motion for summary judgment <u>106</u> <i>Defendants' Unopposed Motion for Extension of Time to File Reply in Support of Joint Motion for Summary Judgment</i> (Thompson, Derrick) (Entered: 01/26/2023)
01/27/2023	<u>130</u>	MINUTE entry before the Honorable Nancy L. Maldonado: Defendants' unopposed motion for an extension of time until February 10, 2023 to file a reply in support of the joint motion for summary judgment <u>129</u> is granted. (ca,) (Entered: 01/27/2023)
02/06/2023	<u>131</u>	STATUS Report (<i>Joint Status Report for Reassigned Case</i>) by Jeverreo Kelley-Lomax (Flaxman, Joel) (Entered: 02/06/2023)
02/10/2023	<u>132</u>	RESPONSE by Defendants City Of Chicago, George Davros, Roberto Garduno, Anthony Spicuzza to Rule 56 statement <u>117</u> <i>of additional facts (joint response)</i> (Decker, Adam) (Entered: 02/10/2023)
02/10/2023	<u>133</u>	REPLY by Defendants City Of Chicago, George Davros, Roberto Garduno, Anthony Spicuzza to motion for summary judgment <u>106</u> (Decker, Adam) (Entered: 02/10/2023)
08/28/2023	<u>134</u>	MOTION by Attorney Hugh C. O'Donnell to withdraw as attorney for George Davros, Roberto Garduno, Anthony Spicuzza. No party information provided (O'Donnell, Hugh) (Entered: 08/28/2023)
08/29/2023	<u>135</u>	MINUTE entry before the Honorable Nancy L. Maldonado: Motion to withdraw Hugh C. O'Donnell as attorney <u>134</u> is granted. (ca,) (Entered: 08/29/2023)
11/07/2023	<u>136</u>	ATTORNEY Appearance for Defendants George Davros, Roberto Garduno, Anthony Spicuzza by Manuel Sanchez (Sanchez, Manuel) (Entered: 11/07/2023)
12/28/2023	<u>137</u>	ANNUAL REMINDER: Pursuant to <u>Local Rule 3.2</u> (<u>Notification of Affiliates</u>), any nongovernmental party, other than an individual or sole proprietorship, must file a statement identifying all its affiliates known to the party after diligent review or, if the party has identified no affiliates, then a statement reflecting that fact must be filed. An affiliate is defined as follows: any entity or individual owning, directly or indirectly (through ownership of one or more other entities), 5% or more of a party. The statement is to be electronically filed as a PDF in conjunction with entering the affiliates in CM/ECF as prompted. As a reminder to counsel, parties must supplement their statements of affiliates within thirty (30) days of any change in the information previously reported. This minute order is being issued to all counsel of record to remind counsel of their obligation to provide updated information as to additional affiliates if such updating is necessary. If counsel has any questions regarding this

		process, this LINK will provide additional information. Signed by the Executive Committee on 12/28/2023: Mailed notice. (tg,) (Entered: 12/28/2023)
04/11/2024	138	MOTION by Attorney Stephanie P. Addison to withdraw as attorney for City Of Chicago. No party information provided (Addison, Stephanie) (Entered: 04/11/2024)
04/12/2024	139	MINUTE entry before the Honorable Nancy L. Maldonado: Motion to withdraw Stephanie Addison as attorney 138 is granted. (ca,) (Entered: 04/12/2024)
07/10/2024	140	EXECUTIVE COMMITTEE ORDER: The Honorable Nancy L. Maldonado has been confirmed for a seat on the Court of Appeals for the Seventh Circuit. It is hereby ordered that the cases on the attached list are to be reassigned to the other judges of this Court as indicated, pursuant to Local Rule 40.1(f).. Case reassigned to the Honorable Manish S. Shah for all further proceedings. Honorable Nancy L. Maldonado no longer assigned to the case. Signed by Honorable Rebecca R. Pallmeyer on 7/10/2024.(tg,) (Entered: 07/12/2024)
09/24/2024	141	MEMORANDUM Opinion and Order. Signed by the Honorable Manish S. Shah on 9/24/2024: Defendants' motion for summary judgment, 106 , is granted. Enter judgment and terminate civil case. [For further detail see attached order.] Notices mailed. (psm,) (Entered: 09/24/2024)
09/24/2024	142	ENTERED JUDGMENT. Notices mailed. (psm,) (Entered: 09/24/2024)
09/24/2024	143	NOTICE of appeal by Jeverreo Kelley-Lomax regarding orders 141 , 142 Filing fee \$ 605, receipt number AILNDC-22515425. Receipt number: n (Flaxman, Joel) (Entered: 09/24/2024)
09/24/2024	144	DOCKETING Statement by Jeverreo Kelley-Lomax regarding notice of appeal 143 (Flaxman, Joel) (Entered: 09/24/2024)
09/24/2024	145	NOTICE of Appeal Due letter sent to counsel of record regarding notice of appeal 143 . (smb,) (Entered: 09/24/2024)