

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

## JOINT INITIAL STATUS REPORT

#### **A. Nature of the Case**

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

Defendant City of Chicago is represented by Allan T. Slagel (lead trial counsel), Elizabeth E. Babbitt, Anne L. Yonover, and Adam W. Decker.

Defendants Robert Garduno, Anthony Spicuzza, Joel Ortiz, George Davros, and William Doolin are represented by Elaine C. Davenport (lead trial counsel).

2. Federal jurisdiction is based on 28 U.S.C. § 1343 for plaintiff's federal constitutional claims brought under 42 U.S.C. § 1983 and 28 U.S.C. § 1337 for plaintiff's supplemental state law malicious prosecution claim.
3. Plaintiff alleges that he was deprived of rights when the individual defendants arrested him and caused him to be prosecuted. Plaintiff alleges that there was no basis for the arrest and prosecution. Plaintiff brings claims under the

Fourth and Fourteenth Amendments and for malicious prosecution under Illinois law. Defendants deny any and all wrongdoing.

4. Defendants have answered the complaint and have asserted various affirmative defenses.
5. The principle legal and factual issues will be whether the conduct alleged gives rise to a constitutional violation.
6. All defendants have been served.

**B. Proceedings to Date**

1. There have been no rulings.
2. There are no pending motions.

**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 any special procedures.
3. The parties propose the following scheduling order
  - a. Deadline for Rule 26(a)(1) disclosures: December 2, 2020 (already set by Order of November 5, 2020);
  - b. Deadline for issuing written discovery requests: January 15, 2021.
  - c. Deadline for completing fact discovery: June 2, 2021.
  - d. The parties do not request that discovery proceed in phases.
  - e. The parties do not anticipate expert discovery.
  - f. Deadline for amending the pleadings and bringing in other parties: April 2, 2021.

g. Deadline for filing dispositive motions: July 2, 2021.

**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 no 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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