

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

JOINT STATUS REPORT

The parties submit the following in compliance with the Court's Order of March 3, 2021:

1. Discovery Completed Thus Far

The parties have exchanged written discovery requests and responses. The individual defendants will serve their response to plaintiff's production request by May 18, 2021.

The parties have conferred about defendants' proposed modifications to the District's Model Confidentiality Order, but have been unable to agree to an Order. Accordingly, Defendants intend to present their motion for entry of a confidentiality order on or before May 24, 2021.

2. Discovery that Remains to be Taken

The Office of the Cook County State's Attorney requires extra time to

respond to a subpoena for the file from plaintiff's criminal prosecution, which was served on the Cook County State's Attorney's Office by Defendant City of Chicago on January 20, 2021. The State's Attorney has stated that it will produce responsive materials to the subpoenas by May 14, 2021. On March 16, 2021, plaintiff's counsel requested that the State's Attorney's Office comply with an order entered by Judge Reddick to disclose the grand jury transcripts from plaintiff's state court case to plaintiff. The State's Attorney's Office indicated that it will produce the grand jury transcripts related to plaintiff's state court case by May 14, 2021 as well.

The parties expect the following oral discovery: depositions of plaintiff, the four individual defendants, other witnesses to plaintiff's arrest on February 18, 2019, the Assistant Cook County State's Attorneys involved in plaintiff's state court case that forms the basis of his malicious prosecution claim against the City, and any additional witnesses identified in the course of completion of written discovery.

3. Foreseeable Obstacles to Meeting Deadlines

Defendants' asserted need for a confidentiality order, as well as the State's Attorney's need for additional time to respond to the City's subpoena and plaintiff's request for the grand jury materials, mean that the parties require additional time to complete discovery. Additionally, an attorney for the City will be starting a trial on June 7, 2021 before Judge Blakey that is expected

to last three weeks. (*United States v. Williams*, 18-cr-339) and another attorney for the City, will be starting a trial on June 1, 2021 in Lake County, Illinois that is expected to last approximately one week. (*Frank v. Guben*, Case No. 18 CH 1001). Accordingly, the parties jointly request that the Court extend the fact discovery deadline by 90 days, from June 2, 2021 to August 31, 2021.

4. Settlement

Plaintiff submitted a settlement demand to defendants on March 22, 2021. Defendants are in the process of evaluating Plaintiff's demand. The parties do not jointly request a settlement conference at this time.

5. Need for Status Hearing

Plaintiff respectfully requests that the Court reset the May 18, 2021 status hearing to a date convenient to the Court after May 24, 2021 in order to discuss resolving the disputes about defendants' proposed confidentiality order without briefing.

Defendants position is that they will file their motion for entry of a confidentiality order for presentment for hearing by the Court and the Court can hear the parties' positions with respect to the confidentiality order at that time.

[signatures on next page]

Respectfully submitted,

/s/ Joel A. Flaxman

Joel A. Flaxman
Kenneth N. Flaxman
200 S Michigan Ave Ste 201
Chicago, IL 60604-2430
(312) 427-3200
jaf@kenlaw.com
Attorneys for Plaintiff

/s/ Elaine C. Davenport

Elaine C. Davenport
Special Assistant Corporation Counsel
SANCHEZ DANIELS & HOFFMAN LLP
333 West Wacker Drive
Suite 500
Chicago, Illinois 60606
(312) 641-1555
edavenport@sanchezdh.com
Attorney for Defendants Garduno, Spicuzza, Ortiz, Davros, and Doolin

/s/ Anne L. Yonover

Allan T. Slagel
Elizabeth E. Babbitt
Anne L. Yonover
Adam W. Decker
Special Assistant Corporation Counsel
TAFT STETTINIUS & HOLLISTER LLP
111 East Wacker Drive
Suite 2800
Chicago, Illinois 60601
(312) 527-4000
aslagel@taftlaw.com
ebabbitt@taftlaw.com
ayonover@taftlaw.com
adecker@taftlaw.com
Attorneys for Defendant City of Chicago