

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,) Judge Gary S. Feinerman
Anthony Spicuzza, Joel Ortiz, George)
Davros, and William Doolin,)
)
<i>Defendants.</i>)

JOINT MOTION TO RE-SET STATUS HEARING

The Parties, by counsel, submit the following joint motion to re-set the next status hearing from October 5, 2021 to a date in early September. The parties request this earlier date because of outstanding discovery material described below:

As stated in the parties' Joint Status Report of July 20, 2021, the parties expected to complete party depositions by August 21, 2021. (ECF No. 34.) However, shortly prior to the commencement of the depositions, counsel for the individual officer Defendants learned that relevant surveillance video footage may have been created but has not been produced. The footage, if it exists, would show events at the gas station where plaintiff was arrested before the officers arrived. Defense counsel learned that the footage may have been captured from a video screen at the gas station on a police body worn camera ("BWC") in the days or weeks following the occurrence. Counsel for the individual officer Defendants is in the process of reviewing documents and will review an anticipated extensive amount of

body camera footage to ascertain if the event had in fact been captured. The parties agree that counsel should exhaust efforts to locate this footage before the parties proceed with depositions.

As of the date of filing of this joint status report, counsel for the individual officer Defendants has requested body worn camera footage for a total of eight days in early 2019 for two officers. Based upon the amount of footage requested, counsel for Individual Officers was advised that it could take weeks to compile and forward the requested BWC footage. Once received, all of the requested footage must be reviewed to determine whether the relevant gas station video surveillance footage was captured on captured on body worn camera. If so, that BWC footage must be produced and reviewed by the parties prior to any depositions taking place.

Accordingly, the parties respectfully request that the Court re-set the next status hearing from October 5, 2021 to a date in early September for defense counsel to report on efforts to locate the above-described video footage.

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/ Brianna M. Skelly
Allan T. Slagel
Elizabeth E. Babbitt
Brianna M. Skelly
Anne L. Yonover
Adam W. Decker
Special Assistant Corporation Counsels
TAFT STETTINIUS & HOLLISTER LLP

/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*

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