

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

Jevarreo Kelley-Lomax, individually)
and for a class)
)
Plaintiff,) No. 20-cv-4638
)
-vs-) (*Judge Lee*)
)
City of Chicago,) (*Magistrate Judge Cole*)
)
Defendant.)

JOINT INITIAL STATUS REPORT

1. The Nature of the Case:

a. Plaintiff is represented by Kenneth N. Flaxman (lead trial attorney) and Joel A. Flaxman. Defendant is represented by Allan T. Slagel (lead trial attorney), Elizabeth E. Babbitt, Anne L. Yonover, and Adam W. Decker.

b. Federal jurisdiction is invoked pursuant to 28 U.S.C. § 1333 because Plaintiff brings claims under 42 U.S.C. § 1983.

c. Plaintiff challenges Defendant's policy for returning personal property taken from arrestees. Under Defendant's policy, property not retrieved within 30 days is destroyed, confiscated, or sold at public auction. Plaintiff alleges that this policy was applied to his property, that he could not retrieve his property because he was detained at the Cook County Jail, and that he was unable to find a designee to retrieve his property. Plaintiff alleges that Defendant's policy is unconstitutional.

Defendant disputes that any policy with respect to the return of personal property seized incident to arrest is unconstitutional. Defendant further contends that Plaintiff cannot establish that his Fourth, Fifth, or Fourteenth Amendment rights have been violated as a result of the alleged policy at issue.

Plaintiff seeks to represent a class of similarly situated arrestees. Defendant denies that this case involves a class of individuals who are similarly situated, and therefore, objects to any class certification.

d. The major legal and factual issues will be the constitutionality of Defendant's practice, how the practice was applied to Plaintiff, and whether a class should be certified.

e. Plaintiff requests that judgment be entered in his favor and in favor of the proposed class for compensatory damages and that the Court grant whatsoever other relief as may be appropriate, including an award of fees and costs. Alternatively, Defendant seeks judgment in its favor and objects to any award of relief to Plaintiff, including any award of fees and costs.

2. Pending Motions and Case Plans

a. An initial status conference is set for a telephone hearing on Wednesday, October 21, 2020 at 9:30 a.m.

b. Defendant filed a motion to dismiss the amended complaint on October 13, 2020. The Court entered the following briefing schedule on

Defendant's motion to dismiss: Plaintiff's response is due on November 6, 2020;

Defendant's reply is due on November 20, 2020.

c. The parties will propose a discovery schedule after the Court rules on the pending motion to dismiss. The parties request that the Court stay discovery while Defendant's motion to dismiss is pending.

d. Plaintiff has demanded a jury trial. The parties estimate that trial will last 6 days.

3. Consent to Proceed Before a Magistrate Judge

The parties do not unanimously consent to proceed before a magistrate judge.

4. Status of Settlement Discussions

The parties agree that settlement discussions are premature while the motion to dismiss is pending.

Respectfully submitted,

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