

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

Dennis Jackson,)
)
Plaintiff,) No. 22-cv-4337
)
-vs-) (*Judge Alonso*)
)
City of Chicago, et al.)
)
Defendants.)

**PLAINTIFF'S RESPONSE TO DEFENDANTS'
LOCAL RULE 56.1(a)(2) STATEMENT**

Plaintiff, by counsel and pursuant to Local Rule 56.1(b)(2), submits
the following response to defendants' Local Rule 56.1(a)(2) Statement:

1. Plaintiff, Dennis Jackson, is an individual who at all relevant times lived in Chicago, Illinois. (Ex. 1, Pl.'s Compl. 4.)

Response: Admit.

2. Officers Patrick Boyle, Jennifer Burmistrz, Matthew Evans, John Foertsch, Michael Higgins, Gerald Lau, Jeffrey Lawson, Efrain Carreno and Edward Garcia are individuals who at all relevant times were police officers employed by the City of Chicago. (Ex. 2, Defs.' Answer 3-5.)

Response: Admit.

3. This court has original jurisdiction over plaintiff's federal claims (see 28 U.S.C. §§ 1131, 1343), and supplemental jurisdiction over his state law indemnification claim (see 28 U.S.C. § 1367). (Ex. 2, Defs.' Answer 1.)

Response: Admit.

4. Venue in this judicial district is proper because all defendants reside in the Northern District of Illinois

and the events giving rise to this action occurred in Cook County, Illinois. See 28 U.S.C. § 1391. (Ex. 2, Defs.' Answer 3.)

Response: Admit.

5. On November 6, 2017, at approximately 10:00pm or 11:00pm, the plaintiff and James McIntyre were in the plaintiff's vehicle parked outside of his grandmother's house at 309 East 120th Place, Chicago, Illinois. (Ex. 3, Pl.'s Dep. 24:14-20; 25:13-24; 26:1.)

Response: Admit.

6. James McIntyre had just showed up at the above-mentioned location without previously communicating with plaintiff. (Ex 3, Pl.'s Dep. 31:17-19.)

Response: Admit.

7. The vehicle plaintiff was driving was parked on 120th Place, facing east. (Ex. 3, Pl.'s Dep. 35:3-22).

Response: Admit that the car was facing east. Disputed that plaintiff was driving because the car was parked. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 35:4-6.)

8. Plaintiff was seated in the driver's seat and McIntyre was seated in the front passenger seat. (Ex 3, Pl.'s Dep. 36:12-21).

Response: Admit.

9. McIntyre was dropped off by his girlfriend before entering plaintiff's vehicle. (Ex. 3, Pl.'s Dep. 32:8-10; 36:16-21.)

Response: Admit.

10. Plaintiff and McIntyre were in the vehicle together for 15 minutes. (Ex. 3, Pl.'s Dep. 40:8-11.)

Response: Admit.

11. Before McIntyre entered the vehicle, plaintiff was sitting in his vehicle on 120th Place for approximately 20 to 30 minutes. (Ex. 3, Pl.'s Dep. 39:20-24; 40:1-4.)

Response: Admit.

12. Meanwhile, Chicago police officers Carreno and Garcia arrived at work and informed their sergeant, Sgt.

Boyle, at the start of their shift on November 6, 2017, that they were going to conduct a narcotics investigation near 300 block of East 120th Place, Chicago, Illinois. (Ex. 5, Boyle's Dep. 6:4-9, 9:16-25; 13:1-4.)

Response: Admit.

13. Officers Jennifer Burmistrz, Matthew Evans, John Foertsch, Michael Higgins, Gerald Lau, and Jeffrey Lawson were on the same team as Officers Carreno and Garcia and agreed to assist in the investigation. (Ex. 5, Boyle's Dep. 7:2-6; Ex. 6, Burmistrz Dep. 8:1-7; Ex. 7, Evans' Dep. 9:9-14; Ex. 8, Lau's Dep. 8:14-16; Ex. 9, Foertsch's Dep. 8:8-12; Ex. 12, Lawson's Dep. 8:6-19; 10:4-12.)

Objection: Not material to plaintiff's claims against defendants Carreno, Garcia, and the City of Chicago; plaintiff does not oppose the grant of summary judgment to defendants Burmistrz, Evans, Foertsch, Higgins, Lau, and Lawson.

14. It was typical for two officers to lead a narcotics investigation as described to Sgt. Boyle. (Ex. 5, Boyle's Dep. 10:8-11.)

Objection: Not material to plaintiff's claims against defendants Carreno, Garcia, and the City of Chicago; plaintiff does not oppose the grant of summary judgment to defendants Burmistrz, Evans, Foertsch, Higgins, Lau, and Lawson.

15. Sgt. Boyle did not plan the surveillance operation conducted by Officers Carreno and Garcia. (Ex. 5, Boyle's Dep. 14:21-25.)

Objection: Not material to plaintiff's claims against defendants Carreno, Garcia, and the City of Chicago; plaintiff does not oppose the grant of summary judgment to defendants Burmistrz, Evans, Foertsch, Higgins, Lau, and Lawson.

16. Officers Carreno and Garcia set up surveillance across the street from 313 East 120th Place. (Ex. 4, Carreno's Dep. 22:8-11; 25:1-5.)

Response: Admit.

17. Officers Carreno and Garcia were positioned behind a fence which had gaps for them to look through. (Ex. 4, Carreno's Dep. 25:8-11.)

Response: Admit.

18. Officers Carreno and Garcia were the only officers conducting surveillance of the area near 313 East 120th Place. (Ex. 10, Garcia's Dep. 9:15-17; 16:22-25.)

Response: Admit.

19. Officers Carreno and Garcia were the officers who made the plan for the surveillance. (Ex. 10, Garcia's Dep. 14:24-25; 15:1.)

Response: Admit.

20. Sgt. Boyle and Officers Burmistrz, Evans, Foertsch, Higgins, Lau, and Lawson, meanwhile, were working in an enforcement capacity. Enforcement officers serve as back-up for the surveillance officers and are responsible for conducting investigatory stops of individuals who are suspected of engaging in illegal activity. They act based on information given to them by the surveillance officers. (Ex. 4, Carreno's Dep. 13-21; Ex. 10, Boyle's Dep. 15:5-25.)

Response: Admit.

21. While Officers Carreno and Garcia were conducting surveillance, they did not know where the enforcement officers were located. (Ex. 4, Carreno's Dep. 25:14-18.)

Objection: Not material to plaintiff's claims against defendants Carreno, Garcia, and the City of Chicago; plaintiff does not oppose the grant of summary judgment to defendants Burmistrz, Evans, Foertsch, Higgins, Lau, and Lawson.

22. Sgt. Boyle was a block or two north of 120th Street and east of where Officers Carreno and Garcia were conducting surveillance. (Ex. 5, Boyle's Dep. 16:14-17.)

Objection: Not material to plaintiff's claims against defendants Carreno, Garcia, and the City of Chicago; plaintiff does not oppose the grant of summary judgment to defendants Burmistrz, Evans, Foertsch, Higgins, Lau, and Lawson.

23. Officers Carreno and Garcia were announcing over the radio what they were observing to the enforcement officers. (Ex. 5, Boyle's Dep. 18:21-24.)

Objection: Boyle is not competent to testify to whether Garcia and Carrero were accurately stating over the radio what they were observing.

Response: Disputed. Garcia and Carrero did not truthfully state that they observed multiple individuals approach plaintiff and tender U.S. paper currency to him. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 41:11-23; Plaintiff's Exhibit 1, McIntyre Deposition 16:4-9.) Plaintiff testified that no one approached the vehicle. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 41:11-23.) McIntyre testified that he never left the car between the time he entered it and the time he was arrested and that he never went behind the building on the night of his arrest. (Plaintiff's Exhibit 1, McIntyre Deposition 11:10-12; 11:19-21.)

24. Officer Burmistrz was not present for the surveillance being conducted by Officers Carreno and Garcia. (Ex. 6, Burmistrz's Dep. 10:8-10.)

Objection: Not material to plaintiff's claims against defendants Carreno, Garcia, and the City of Chicago; plaintiff does not oppose the grant of summary judgment to defendants Burmistrz, Evans, Foertsch, Higgins, Lau, and Lawson.

25. Officer Burmistrz's was not present for any of the things that Officers Carreno and Garcia observed during the surveillance. (Ex. 6, Burmistrz's Dep. 10:24-25; 11:1-2.)

Objection: Not material to plaintiff's claims against defendants Carreno, Garcia, and the City of Chicago; plaintiff does not oppose the grant of summary judgment to defendants Burmistrz, Evans, Foertsch, Higgins, Lau, and Lawson.

26. Officer Lawson was Officer Burmistrz's partner during this incident. (Ex. 12, Lawson's Dep. 10:13-14.)

Objection: Not material to plaintiff's claims against defendants Carreno, Garcia, and the City of Chicago; plaintiff does not oppose the grant of summary judgment to defendants Burmistrz, Evans, Foertsch, Higgins, Lau, and Lawson.

27. Officer Lawson was also acting as an enforcement officer, listening to Carreno and Garcia communicate over the radio from a different location. (Ex 12, Lawson's Dep. 5-13.)

Objection: Not material to plaintiff's claims against defendants Carreno, Garcia, and the City of Chicago; plaintiff does not oppose the grant of

summary judgment to defendants Burmistrz, Evans, Foertsch, Higgins, Lau, and Lawson.

28. Officers Evans and Lau were partners on the night of November 6, 2017. (Ex. 7, Evans Dep. 13:19-25; 14:1-2.)

Objection: Not material to plaintiff's claims against defendants Carreno, Garcia, and the City of Chicago; plaintiff does not oppose the grant of summary judgment to defendants Burmistrz, Evans, Foertsch, Higgins, Lau, and Lawson.

29. Officers Carreno and Garcia observed multiple individuals approach plaintiff and tender U.S. paper currency to him. McIntyre would then exit the vehicle and go down a gangway to the rear of plaintiff's grandmother's residence. McIntyre would then return and tender a small item to the person waiting, who would then walk away. (Ex. 4, Carreno's Dep. 28:5-15; Ex. 10, Garcia's Dep. 23:8-10.)

Response: Disputed. Plaintiff and McIntyre dispute each assertion in this paragraph. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 41:11-23; Plaintiff's Exhibit 1, McIntyre Deposition 16:4-9.) Plaintiff testified that no one approached the vehicle. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 41:11-23.) McIntyre testified that he never left the car between the time he entered it and the time he was arrested and that he never went behind the building on the night of his arrest. (Plaintiff's Exhibit 1, McIntyre Deposition 11:10-12; 11:19-21.)

30. Officers Carreno and Garcia believed these transactions to be illegal drug transactions. (Ex. 4, Carreno's Dep. 28:1-4; Ex. 10, Garcia's Dep. 22:12-17.)

Objection: The subjective beliefs of Carreno and Garcia are not relevant.

Response: Disputed. Plaintiff and McIntyre dispute that any transactions occurred. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 41:11-23; Plaintiff's Exhibit 1, McIntyre Deposition 16:4-9.) Plaintiff testified that no one approached the vehicle. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 41:11-23.) McIntyre testified that he never left the car between the time he entered it and the time he was arrested and that he never went behind the building on the night of his arrest. (Plaintiff's Exhibit 1, McIntyre Deposition 11:10-12; 11:19-21.)

31. These alleged transactions were not video recorded or photographed. (Ex. 4, Carreno's Dep. 31:1-5.)

Response: Admit.

32. Officers Carreno and Garcia were observing plaintiff in this location for approximately 30 to 40 minutes. (Ex. 4, Carreno's Dep. 35:9-11.)

Response: Disputed. Plaintiff and McIntyre dispute that any transactions occurred. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 41:11-23; Plaintiff's Exhibit 1, McIntyre Deposition 16:4-9.) Plaintiff testified that no one approached the vehicle. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 41:11-23.) McIntyre testified that he never left the car between the time he entered it and the time he was arrested and that he never went behind the building on the night of his arrest. (Plaintiff's Exhibit 1, McIntyre Deposition 11:10-12; 11:19-21.)

33. Nate Johnson was present at the surveillance location. (Ex. 11, Johnson's Dep. 21:13-17; 22:2-9.)

Response: Admit.

34. Johnson saw plaintiff and McIntyre in that area before entering his girlfriend's car and exiting the area. (Ex. 11, Johnson's Dep. 22:20-23; 57:18-25.)

Response: Admit.

35. Officer Carreno testified that he observed Johnson engage in a hand-to-hand transaction with plaintiff and McIntyre. (Ex. 4, Carreno's Dep. 106: 1-24.)

Response: Disputed. Johnson did not engage in a hand-to-hand transaction with plaintiff and McIntyre. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 41:11-23; Defendants' Exhibit 11, ECF No. 66-11, Johnson Deposition 22:20-23; 57:18-25.)

36. After seeing the hand-to-hand transaction, Officer Carreno went over the radio and asked the enforcement officers to stop Johnson. Carreno radioed a description of the vehicle Johnson was in, along with his physical description and his direction of travel. (Ex. 4, Carreno's Dep. 36:7-11; 37:14-20; Ex. 7, Evans Dep. 13:19-25; 14:5-11.)

Response: Disputed. Johnson did not engage in a hand-to-hand transaction with plaintiff and McIntyre. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 41:11-23; Defendants' Exhibit 11, ECF No. 66-11, Johnson Deposition 22:20-23; 57:18-25.)

37. Officers Evans and Lau conducted a traffic stop and arrested Nathaniel Johnson based on the surveillance of Officer Carreno. (Ex. 7, Evans Dep. 14:5-15.) Officers Foertsch and Higgins were also present and assisted in the stop. (Ex. 9, Foertsch's Dep. 12:2-6; Ex. 15, Higgins' Dep. 6:17-25; 7:1-19.)

Response: Admit that these officers stopped Johnson; dispute Carreno's claimed observation. Johnson did not engage in a hand-to-hand transaction with plaintiff and McIntyre. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 41:11-23; Defendants' Exhibit 11, ECF No. 66-11, Johnson Deposition 22:20-23; 57:18-25.)

38. After stopping the car, the officers went directly to Johnson and asked only him to get out of the vehicle. Johnson was in the back seat, and two female individuals were in the front. (Ex. 11, Johnson's Dep. 8:17-23; 67:8-12; Ex. 7 Evans' Dep. 11:4-11; Ex. 8, Lau's Dep. 13:17- 25; 14:1-4; Ex. 9, Foertsch's Dep. 12:2-6; Ex. 15, Higgins' Dep. 6:17-25; 7:1-19.)

Response: Admit.

39. Officer Lau searched Johnson and found a knotted plastic bag of suspected heroin in his wallet. (Ex. 7, Evans Dep. 20:4-6; Ex. 8, Lau's Dep. 18:19-25; 19:1-7; Ex. 11, Johnson's Dep. 68:4-11.)

Response: Admit.

40. The officers did not search the two female occupants in the vehicle. (Ex. 8, Lau's Dep. 35:1-7.)

Response: Admit.

41. The officers placed Johnson in custody and allowed the vehicle with the two female individuals to leave. (Ex. 11, Johnson's Dep. 71:5-17.)

Response: Admit.

42. Officers Foertsch and Higgins' transported Nathaniel Johnson to the police station. (Ex. 9, Foertsch's Dep. 12:2-10; Ex. 15, Higgins' Dep. 6:17-25; 7:1-19.)

Response: Admit

43. [1] Officers Carreno and Garcia learned over the radio that narcotics were recovered from Nate Johnson; [2] thereafter, Officer Carreno relocated behind 309

East 120th Place to observe where McIntyre was relocating after plaintiff received the currency. (Ex. 4, Carreno's Dep. 35:15- 20; Ex. 10, Garcia's Dep. 29:10-15.)

Response: [1] Admit.

[2] Disputed. McIntyre testified that he never left the car between the time he entered it and the time he was arrested and that he never went behind the building on the night of his arrest. (Plaintiff's Exhibit 1, McIntyre Deposition 11:10-12; 11:19-21.) Plaintiff testified that he never received currency from anyone. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 41:11-23.)

44. Officer Carreno testified that he observed McIntyre go into a car that was parked behind the grandmother's residence on three occasions. (Ex. 4, Carreno's Dep. 40:23-25.)

Response: Disputed. McIntyre never went to the car parked behind the residence on the night of the arrest. (Plaintiff's Exhibit 1, McIntyre Deposition 11:10-12; 11:19-21.)

45. Officer Carreno explained that he observed Mr. McIntyre open the driver's side door of the vehicle, which prompted the dome light inside the vehicle to activate. According to Officer Carreno, McIntyre would lean into the front driver's seat area, grab something, close the door, and then walk back towards the gangway to the front of the residence. (Ex 4, Carreno's Dep. 40:1-11.)

Response: Disputed. McIntyre never went to the car parked behind the residence on the night of the arrest. (Plaintiff's Exhibit 1, McIntyre Deposition 11:10-12; 11:19-21.)

46. Officer Carreno radioed to Officer Garcia that he saw where McIntyre was going and described the vehicle parked behind the house. (Ex. 10, Garcia's Dep. 30:11-17.)

Response: Disputed. McIntyre never went to the car parked behind the residence on the night of the arrest. (Plaintiff's Exhibit 1, McIntyre Deposition 11:10-12; 11:19-21.)

47. After observing several more transactions, Officer Garcia relocated to the rear of the residence to meet with and provide backup for Officer Carreno. (Ex. 10, Garcia's Dep. 31:2- 19.)

Response: Disputed. Plaintiff and McIntyre deny that any transactions occurred. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 41:11-23; Plaintiff's Exhibit 1, McIntyre Deposition 16:4-9.)

48. Officer Garcia testified that he also observed McIntyre return to the vehicle in the rear of the residence, retrieve a plastic bag from the driver's side door area, close the door, and return to the front. (Ex. 10, Garcia's Dep. 32:10-14.)

Response: Disputed. McIntyre never went to the car parked behind the residence on the night of the arrest. (Plaintiff's Exhibit 1, McIntyre Deposition 11:10-12; 11:19-21.)

49. Officers Carreno and Garcia radioed the enforcement team to detain plaintiff and McIntyre. (Ex. 10, Garcia's Dep. 32:15-18.)

Response: Admit.

50. Officers Evans and Lau were further instructed over the radio by Officers Carreno and Garcia to relocate and arrest plaintiff and McIntyre. (Ex. 7, Evans Dep. 22:10-16; Ex. 8, Lau's Dep. 23: 15-17.)

Response: Admit.

51. Officers Evans and Lau did not see any of what Officers Carreno and Garica observed and relied on Officers Carreno and Garcia's radio communications. (Ex. 7, Evans Dep. 22:17-23; Ex. 8, Lau's Dep. 23:18-23.)

Objection: Not material to plaintiff's claims against defendants Carreno, Garcia, and the City of Chicago; plaintiff does not oppose the grant of summary judgment to defendants Burmistrz, Evans, Foertsch, Higgins, Lau, and Lawson.

52. Enforcement officers arrived on scene with vests and approached plaintiff's vehicle. (Ex. 3, Pl.'s Dep. 42:12-24; 43:1.)

Objection: Not material to plaintiff's claims against defendants Carreno, Garcia, and the City of Chicago; plaintiff does not oppose the grant of summary judgment to defendants Burmistrz, Evans, Foertsch, Higgins, Lau, and Lawson.

53. Enforcement officers verbally asked the plaintiff to get out of the vehicle, and plaintiff complied, exiting the vehicle. (Ex. 3, Pl.'s Dep. 43:7-11.)

Response: Admit.

54. Responding enforcement officers recovered plaintiff's keys and money out of his pocket. (Ex. 3, Pl.'s Dep. 44:11-13.)

Objection: Not material to plaintiff's claims against defendants Carreno, Garcia, and the City of Chicago; plaintiff does not oppose the grant of summary judgment to defendants Burmistrz, Evans, Foertsch, Higgins, Lau, and Lawson.

55. The enforcement officers recovered \$790.00 from the person of plaintiff. (Ex. 4, Def. Carreno's Dep. 125:9.)

Objection: Not material to plaintiff's claims against defendants Carreno, Garcia, and the City of Chicago; plaintiff does not oppose the grant of summary judgment to defendants Burmistrz, Evans, Foertsch, Higgins, Lau, and Lawson.

56. While the enforcement team was detaining plaintiff and McIntyre, Officers Garcia and Carreno broke surveillance and walked to the vehicle that was parked in the rear of the residence. They observed on the driver's side seat, in plain view, two clear plastic knotted bags containing multiple smaller items, which they suspected to be narcotics. (Ex. 4, Carreno's Dep. 45:10-17; Ex. 10, Garcia's Dep. 34:1-6.)

Response: Disputed. This testimony rests on Carreno and Garcia's disputed claim that they observed McIntyre go to "the vehicle" multiple times. At summary judgment, the Court must construe disputed facts in favor of plaintiff, the non-moving party. The Court must therefore accept McIntyre's deposition testimony that he never went to the car parked behind the residence on the night of the arrest. (Plaintiff's Exhibit 1, McIntyre Deposition 11:10-12; 11:19-21.)

57. Officer Garcia relocated to the front of the residence to tell the enforcement officers that he and Carreno had found suspect narcotics in the rear vehicle as well as to try and get keys for said vehicle. (Ex. 10, Garcia's Dep. 34: 14-22.)

Response: Disputed. This testimony rests on Carreno and Garcia's disputed claim that they observed McIntyre go to "the vehicle" multiple times. At summary judgment, the Court must construe disputed facts in favor of plaintiff, the non-moving party. The Court must therefore accept McIntyre's deposition testimony that he never went to the car parked

behind the residence on the night of the arrest. (Plaintiff's Exhibit 1, McIntyre Deposition 11:10-12; 11:19-21.)

58. Officer Carreno remained in the rear and eventually tried the driver door latch, which was unlocked. (Ex. 4, Carreno's Dep. 46:8-18.)

Response: Disputed. This testimony rests on Carreno and Garcia's disputed claim that they observed McIntyre go to "the vehicle" multiple times. At summary judgment, the Court must construe disputed facts in favor of plaintiff, the non-moving party. The Court must therefore accept McIntyre's deposition testimony that he never went to the car parked behind the residence on the night of the arrest. (Plaintiff's Exhibit 1, McIntyre Deposition 11:10-12; 11:19-21.)

59. Officer Carreno subsequently recovered two separate clear plastic bags containing smaller plastic bags of suspect crack cocaine. (Ex. 4, Carreno's Dep. 46:12-18.)

Response: Disputed. This testimony rests on Carreno and Garcia's disputed claim that they observed McIntyre go to "the vehicle" multiple times. At summary judgment, the Court must construe disputed facts in favor of plaintiff, the non-moving party. The Court must therefore accept McIntyre's deposition testimony that he never went to the car parked behind the residence on the night of the arrest. (Plaintiff's Exhibit 1, McIntyre Deposition 11:10-12; 11:19-21.)

60. Officer Carreno took possession of the suspect narcotics and kept them until after he arrived at the 5th District police station. (Ex. 4, Carreno's Dep. 12-15.)

Response: Disputed. This testimony rests on Carreno and Garcia's disputed claim that they observed McIntyre go to "the vehicle" multiple times. At summary judgment, the Court must construe disputed facts in favor of plaintiff, the non-moving party. The Court must therefore accept McIntyre's deposition testimony that he never went to the car parked behind the residence on the night of the arrest. (Plaintiff's Exhibit 1, McIntyre Deposition 11:10-12; 11:19-21.)

61. Officer Carreno linked up with Officer Garcia and the other enforcement officers who were detaining plaintiff and McIntyre in the front of the residence. (Ex. 4, Carreno's Dep. 47:20-25; Ex. 10, Garcia's Dep. 35:3-7.)

Response: Admit.

62. Officers Carreno and Garcia testified that they identified plaintiff and McIntyre as the individuals they observed engaging in the narcotics transactions. (Ex. 4, Carreno's Dep. 48:4- 14; Ex. 10: Garcia's Dep. 35:12-15.)

Response: Disputed. Plaintiff and McIntyre did not engage in any drug transactions. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 41:11-23; Plaintiff's Exhibit 1, McIntyre Deposition 16:4-9.)

63. Plaintiff and McIntyre were arrested and transported to the police station for processing. (Ex. 3, Pl.'s Dep. 77:7-23.)

Response: Admit.

64. [1] On the morning of November 7, 2017, [2] plaintiff went before a Cook County Judge and received an I-Bond. [3] Plaintiff was released that day with [4] no conditions of bond other than to reach out to a pre-trial officer. (Ex. 3, Pl.'s Dep. 78:8-14; Ex. 13, Pl.'s Order for Special Conditions of Bail dated Nov. 7, 2017.)

Response: [1] Disputed. Plaintiff's bond hearing was in the afternoon on November 7, 2017. (Plaintiff's Exhibit 6, Declaration of Dennis Jackson ¶ 6.) The cited portion of plaintiff's deposition does not include any reference to the time of the hearing.

[2] Admit.

[3] Admit.

[4] Disputed. Other conditions of plaintiff's bond were that he was not allowed to leave the State, he was required to make regular court appearances, and that he was subject to incarceration if he violated any of the conditions of his bond. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 113:13-114:1.)

65. Plaintiff was arraigned for this underlying incident on December 19, 2017. (Ex. 14, Case Summary 17CR1747501.)

Response: Admit.

66. Plaintiff was never remanded into the custody of the Cook County Department of Corrections during the

pendency of this criminal matter. (Ex. 14, Case Summary 17CR1747501.)

Response: Disputed. Plaintiff was in the custody of the Cook County Department of Corrections from April 15, 2018 to April 23, 2018. (Plaintiff's Exhibit 6, Declaration of Dennis Jackson ¶¶ 13-18.) The document on which defendants rely, Exhibit 14, ECF No. 66-14, shows that plaintiff was detained on a "no bail" order on April 15, 2018, that he was in custody on April 16, 2018, and that he was "Released on I Bond" on April 23, 2018. (Defendants' Exhibit 14, ECF No. 66-14, Electronic Case Summary, *People v. Jackson*, 17-CR-17475 at 8-9.)

67. On September 2, 2021, plaintiff was found not guilty after a bench trial. (Ex. 14, Case Summary 17CR1747501.)

Response: Admit.

68. On August 16, 2022, plaintiff filed his complaint in this civil matter. (Ex. 1, Pl.'s Compl.)

Response: Admit.

69. Plaintiff maintains that the defendant officers planted cocaine on him. (Ex. 3, Pl.'s Dep. 82:3-9.)

Response: Admit.

/s/ Joel A. Flaxman
Joel A. Flaxman
ARDC No. 6292818
Kenneth N. Flaxman
200 South Michigan Ave. Ste 201
Chicago, Illinois 60604
(312) 427-3200
Attorneys for Plaintiffs