

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

Sean McClendon,)
)
 Plaintiff,)
)
 -vs-) No. 22-cv-5472
)
 City of Chicago, Milot Cadichon,) (*Judge Coleman*)
 #17711, Bryant McDermott,)
 #12659, Robert McHale, #15902,) (*Magistrate Judge Valdez*)
 Donald Smith, #10257,)
)
 Defendants.)

JOINT STATUS REPORT

The parties, by counsel, submit this report pursuant to the Court's Order of September 20, 2023:

Status of Completed Discovery: The majority of written discovery has been completed, with the only outstanding matters being discrete areas of discovery that involve the parties resolving objections to earlier requests and/or supplemental requests based on information that has been learned throughout the discovery process.

Only the plaintiff's deposition has occurred, but as discussed below, other uncontested depositions have been scheduled or the parties are cooperating to schedule them.

Status of Uncompleted Discovery: As noted above, isolated matters of written discovery remain unfinished. For example, Plaintiff and the City have been discussing objections the City initially raised in response to Plaintiff's document requests in order to coordinate a supplemental production of documents. Additionally, defendants contend that information learned in Plaintiff's deposition has created a renewed need to pursue certain recorded phone calls involving Plaintiff, phone-logs for third-party Emmanuel Poe's prison calls, and likely some of Plaintiff's medical records regarding treatment he received post-release from IDOC. Plaintiff opposes this additional discovery except for production of his medical records.

Regarding oral discovery, the uncontested depositions of defendant McDermott and McHale, and third-parties Emmanuel Poe and Ken Ross, are scheduled for this month. The uncontested depositions of defendants Smith and Cadichon, and third-parties Latoya McClendon, Lori Wesson and Officer Dorian Wright are being scheduled.

Given information learned in Plaintiff's deposition, Defendants intend to depose third-parties Moneka Curtis and Brittney Hill, and are considering deposing Plaintiff's criminal defense attorney. Plaintiff opposes the taking of these depositions based on the age of the case, relevance, and proportionality.

Extension of Time to Complete Discovery: All parties agree that an extension of time to complete discovery is needed.

Plaintiff believes that an extension until December 26, 2023 is sufficient and appropriate. The lengthy discovery period has already been extended once, and the primary reason that more time is needed is that defendants have repeatedly rescheduled their depositions. In plaintiff's view, the parties can and should complete the remaining depositions in November and December.

Defendants believe an extension until January 31, 2024 is necessary for several reasons that the Court will best understand if presented in a short motion instead of summarized in this status report, such as Plaintiff's disclosure in October of a witness who claims to be the owner of the recovered gun at the center of this lawsuit. Defendants will soon file a motion for a discovery extension explaining their basis for an extension to the end of January.

Plaintiff responds that plaintiff's deposition testimony that Ken Ross was the owner of the recovered gun is no basis for an extension. Defendants have known about Mr. Ross's involvement since the inception of this case based on trial testimony that plaintiff was arrested as Mr. Ross's house, and defendants will take Mr. Ross's deposition on November 6, 2023.

Contested Matters: As noted above, the parties agree a discovery extension is needed but disagree on the length of the extension. Defendants anticipate presenting this matter via a motion for the Court's fully-informed ruling.

Also as noted above, Plaintiff opposes Defendants deposing third-parties Moneka Curtis (Plaintiff's ex-wife), Brittney Hill (the mother of Plaintiff's child) and Plaintiff's criminal defense attorney Peter Limperis. Defendants' position is that if the parties are not able to resolve this disagreement, this too will likely be presented to the Court for a ruling. Plaintiff's position is that the Court has enough information to deny defendants' requests to conduct these depositions.

Finally, given information learned in Plaintiff's deposition, Defendants are confident that the relevancy of certain recorded phone calls involving Plaintiff and call-logs regarding third-party Emmanuel Poe has been established, and Defendants wish to review those logs and recordings. Plaintiff maintains that the record contains nothing that warrants Defendants listening to any of Plaintiff's jail or prison calls or obtaining Emmanuel Poe's phone logs. Defendants' position is that this issue will also likely need Court resolution. Plaintiff's position is that the parties can present this dispute in open court for ruling.

Respectfully submitted,

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