

EXHIBIT A

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

SEAN McCLENDON,)
)
Plaintiff,)
)
vs.) No. 22 C 05472
)
CITY OF CHICAGO;) Judge Coleman
MILOT CADICHON, #17711;) Magistrate Judge Valdez
BRYANT McDERMOTT, #12659;)
ROBERT McHALE, #15902;)
DONALD SMITH, #10257,)
)
Defendants.)

The video-recorded deposition of SEAN McCLENDON, taken pursuant to the Federal Rules of Civil Procedure, before Donna M. Urlaub, Certified Shorthand Reporter No. 084-000993, at 33 West Monroe Street, Suite 1830, Chicago, Illinois, Illinois, on Monday, October 30, 2023, commencing at 10:08 a.m. pursuant to notice.

APPEARANCES:

KENNETH N. FLAXMAN, PC, by
MR. JOEL A. FLAXMAN
(200 South Michigan Avenue, Suite 201
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appeared on behalf of the plaintiff;

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1 A. That's my friend that's a doctor.

2 **Q. Man or woman?**

3 A. A man. A childhood friend.

4 **Q. Then going further down there's a name**

5 **Peter Limperis?**

6 A. That's my lawyer that I had on my case.

7 **Q. That was your lawyer in -- in your 2016**

8 **trial?**

9 A. Yeah, that was my lawyer for the trial

10 that the police put the gun on me, yeah.

11 **Q. And had you ever used him as your**

12 **lawyer before?**

13 A. No. No, I have, I have. I have used

14 him before but -- for a -- I want to say the case

15 was -- I -- was it a ... a motor vehicle or

16 something like that. But I have used him before.

17 That's my second time using him.

18 **Q. Okay. So you used him some point**

19 **before?**

20 A. Yes.

21 **Q. And who put you in contact with him, or**

22 **how did you contact him about this particular case?**

23 A. I used him before for my first case.

24 **Q. So you already knew him.**

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1 A. I already knew him, yes. He's actually

2 like attorney for the family.

3 **Q. Has he -- okay. And this -- it looks**

4 **like the first date he's listed as visiting you is**

5 **November 3rd, 2016. That's after your trial, right?**

6 A. After my trial, yes. That's after my

7 trial, yes.

8 **Q. You had spoken to him before your**

9 **trial, right?**

10 A. Yes.

11 **Q. So if he didn't -- before you were**

12 **bonded out in 2015, did you speak to Mr. Limperis**

13 **while you were in Cook County Jail?**

14 A. While I was in Cook County Jail? You

15 saying before I bonded out?

16 **Q. Right.**

17 A. Did I talk to him? No, I did not, no.

18 **Q. Did anyone talk to him on your behalf**

19 **before you bonded out?**

20 A. I think my mom reached out to him and

21 told him we might need his -- his -- his duties.

22 Might need him to fight this case for us. I

23 haven't -- but I didn't talk to Mr. Limperis until

24 I bonded out. But I think my mom did reach out to

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1 him while I was still incarcerated, though.

2 **Q. And when you were still incarcerated**

3 **and your mom reached out to him, did she ever then**

4 **get back in touch with you to tell you what he had**

5 **said?**

6 A. Yes. He's my lawyer.

7 **Q. So your mom was kind of -- is it fair**

8 **to say while you were incarcerated in Cook County**

9 **Jail, your mom passed messages between you and**

10 **Mr. Limperis?**

11 A. I'm not gonna say she passed messages.

12 It was really just making sure that he was coming

13 to the court dates and letting him know that he's

14 hired for the case.

15 **Q. And before you bonded out then, is it**

16 **fair to say that the way that you and Mr. Limperis**

17 **spoke was through your mother?**

18 A. No. He was either -- at court. I had

19 talked to him before on the phone, but it wasn't

20 like, you know, probably like once or twice maybe.

21 But, you know, I had court once a month. I was in

22 the County for, what, six months that say? So all

23 our conversations really, We'll meet here. Come

24 talk to me before I even come out.

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1 **Q. Going back up to the first page,**

2 **Plaintiff's 666, looking at the columns for the**

3 **Contact ID Name, End Visit, Start Date, do you**

4 **see -- I can even make this a little bigger now.**

5 **There's only one visit listed in 2014, and that's**

6 **Lajeria Bailey. Do you see that here?**

7 A. Yeah.

8 **Q. Do you recall only having one visitor**

9 **in 2014?**

10 A. Yes. I -- yes.

11 **Q. Okay.**

12 A. That's -- that was so long ago, I'm

13 not -- you know, that was a long time, man. I

14 don't know. But if it says it, then I guess.

15 I'm still tripping on the other case

16 you showed me that say I was locked up for 8 days.

17 I don't even remember that at all, so ...

18 **Q. All right. Let's look at --**

19 A. I feel like, I don't know.

20 **Q. Let's look at I think what we'll have**

21 **marked as Exhibit 3. And these are documents Bates**

22 **labeled Officers 754 to 849.**

23 **And you can see at the very top of**

24 **the first page it says, Cook County Illinois Call**

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1 **Detail Report? Do you see that, Mr. McClendon?**
 2 A. Yes, Cook County Call Detail Report,
 3 yes.
 4 **Q. Okay. And, again, on the first page,**
 5 **which is Bates labeled Officers 754, it's got a**
 6 **number of -- it's like an Excel sheet with a number**
 7 **of rows and columns. Do you see that?**
 8 A. Yes.
 9 **Q. And there -- in the -- kind of in the**
 10 **center it has a First Name column, and that's Sean,**
 11 **and Last Name, McClendon, which is you; correct?**
 12 A. Right.
 13 **Q. Okay. And earlier on it's got a column**
 14 **that says, Dialed Number, and then it's got some**
 15 **phone numbers here. Do you see that?**
 16 A. Yes.
 17 **Q. And I can represent to you this is a**
 18 **list of phone calls made that we received from the**
 19 **Cook County Jail.**
 20 A. Okay.
 21 **Q. And then also it's got a column for**
 22 **Start Time and End Time for each call. Do you see**
 23 **that?**
 24 A. Yes.

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1 **Q. Okay. So you were -- the barbecue was**
 2 **the evening of October 10th; correct?**
 3 A. Yes.
 4 **Q. So you were brought then and processed**
 5 **at Cook County Jail. By the time you were there,**
 6 **it was October 11th; is that right?**
 7 A. Yes.
 8 **Q. Okay. And so here, looking at the**
 9 **start and end time for the very first call, you can**
 10 **see there was one call made on October 11th and**
 11 **only one, right? The next call was October 12th.**
 12 **Do you see that?**
 13 A. Yes.
 14 **Q. So the call you made on October 11th**
 15 **was to [REDACTED]. Do you know whose number that**
 16 **is?**
 17 A. That's my mom number.
 18 **Q. Okay. So the -- the first and only**
 19 **person your called on October 11th was your mother.**
 20 A. Yes.
 21 **Q. Okay. And she had not yet been to the**
 22 **police station to actually visit you in person,**
 23 **right?**
 24 A. No.

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1 **Q. Okay. So was this the first time that**
 2 **you were telling her what was happening to you?**
 3 A. Exactly.
 4 **Q. Okay. What did you tell her?**
 5 A. I called my mom and told her that the
 6 police just put a gun on me, and I don't know
 7 what's gonna happen at -- at court the next day.
 8 And please make sure you talk to Peter Limperis so
 9 I could have my attorney at court.
 10 **Q. What was your mom's reaction?**
 11 A. She was devastated. She was mad. She
 12 was hurt.
 13 **Q. Did you tell her the circumstances of**
 14 **your actual arrest, how it happened?**
 15 A. No, I didn't go into too much detail.
 16 I just told her what happened. Basically of them
 17 putting that gun on me and just make sure that I
 18 have my lawyer at court.
 19 **Q. What did she say when you told her that**
 20 **the police were putting a gun on you?**
 21 A. She was hurt. She was hurt. She was
 22 devastated. She like, Wow, that's crazy.
 23 But, you know, like growing up
 24 in my area, that's not really hard to believe or

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1 far-fetched. They did it all the time. They still
 2 doing it today.
 3 **Q. Do you remember if she asked you any**
 4 **questions about -- about what happened?**
 5 A. No, I don't remember. I don't recall.
 6 I don't recall.
 7 **Q. Other than saying the police had put a**
 8 **gun on you and asking --**
 9 A. She probably did. She probably did,
 10 I don't recall, though. I just know the main thing
 11 I was focused on was making sure that my lawyer was
 12 coming to court the next day and let her know that
 13 the dirty cop put a gun on me.
 14 **Q. Sure. Other than those two things,**
 15 **asking about Mr. Limperis and saying that a cop put**
 16 **a gun on you --**
 17 A. Yeah.
 18 **Q. -- do you remember anything else you**
 19 **said to her on that call?**
 20 A. No, I don't.
 21 **Q. Let me blow this up a little bit**
 22 **because I'm just focusing right now on --**
 23 A. Please do. I'm over here squinting.
 24 Thank you.

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1 Q. Yeah. I'm just focusing on these,
2 like, one -- on these columns, the dialed numbers
3 here. So I can keep going if you need to be able
4 to see the numbers. Does that help?

5 A. Yeah, that's -- that's perfect.

6 Q. Okay. So we've already talked about on
7 October 11 you called your mother, and that seems
8 to be the only person you called; correct?

9 A. Yes.

10 Q. On October 12th, the first call you
11 made is to a phone number [REDACTED]. Do you
12 recognize that number?

13 A. Yes.

14 Q. Whose number is that?

15 A. That's Moneka. Moneka Curtis, my
16 ex-wife number.

17 Q. Who you eventually married, but at this
18 time you weren't married to yet?

19 A. Yes. That's -- that was the one I
20 married when I was in jail. She was the one I
21 married when I was in jail. I was in prison.

22 Q. Okay.

23 A. At this time she was my girlfriend.

24 Q. Okay. And is this the first time, like

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1 questions about what happened?

2 A. No, I don't remember that.

3 Q. Returning just earlier to the call you
4 made on the 11th to your mother, do you recall if
5 you told your mother that you knew the gun actually
6 belonged to Ken Ross?

7 A. No.

8 Q. No, you don't remember, or no, you
9 didn't say that?

10 A. No, I didn't say that.

11 Q. Okay. And when you talked to
12 Ms. Curtis --

13 A. Neither one.

14 Q. -- you didn't tell Ms. Curtis that the
15 gun belonged to Ms. Ross either?

16 A. No, sir.

17 Q. I'm sorry. Mr. Ross.

18 Okay. And then later on on the
19 12th, after speaking to Ms. Curtis, you eventually
20 called, it looks like, your mother's number again?

21 A. Yes.

22 Q. And what did you talk about on that
23 call?

24 A. What date that is again?

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1 it was with your mother before, is this the first
2 time that you're telling Ms. Curtis what happened
3 to you?

4 A. Yes, sir.

5 Q. And what -- what did you tell her?

6 A. The same thing I told my mom.

7 Q. So you mentioned that the police had
8 put a gun on you?

9 A. Yes, sir.

10 Q. Do you remember anything else you told
11 her on that call?

12 A. I'm pretty sure I told her, too, to
13 make sure that if my mom need any help financially
14 with a lawyer, to make sure that she helps her.

15 Q. Anything else you remember talking
16 about with Ms. Curtis on that call?

17 A. No.

18 Q. And do you remember what she said to
19 you when you mentioned that the police had put a
20 gun on you?

21 A. She was -- she was mad. She was hurt
22 too. She was saying that was crazy, just saying
23 it's just -- upset about the whole situation.

24 Q. Do you remember if she asked you any

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1 Q. Still October 12th.

2 A. 12th?

3 Q. The dates are right here, yep.

4 A. Oh, wow. I guess -- I don't recall.

5 Probably said the same stuff, see what's going on
6 with the lawyer, checking on the status, and seeing
7 how she is holding up.

8 Q. So is it safe to say, then, as of
9 October 12th, you're still probably talking to your
10 mother about -- about the case?

11 A. Not on the phone.

12 Q. Well, you said on this call you talked
13 to her about the same stuff about your lawyer, so
14 you're -- you're talking about the case on this
15 call; is that correct?

16 A. Meaning, like, make sure I have my
17 lawyer to come to court and see how much he was
18 charging and stuff like that, yes.

19 Q. Do you remember anything else you spoke
20 about with your mother on this call?

21 A. No.

22 Q. All right. Going on to the next page,
23 the same columns, we're still on October 12th,
24 and it looks like there's two more calls to your

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1 mother. Do you see that?

2 A. Yeah.

3 Q. And do you remember what you spoke

4 about with your mother on either of those two calls?

5 A. I don't know. I don't remember.

6 Q. Okay. That's all the calls for

7 October 12th.

8 October 13th, this is, what, three

9 days after -- two to three days after you were

10 brought in to jail. There's a call to [REDACTED].

11 Do you recognize that number?

12 A. No.

13 Q. Do you have any idea who you were

14 calling?

15 A. No, I don't. I don't even remember

16 that number, who that number is.

17 Q. And underneath that there's a call to

18 number [REDACTED]. Do you recognize that number?

19 A. I think that's Diamond number, Diamond

20 Glover.

21 Q. Diamond Glover?

22 A. Yes.

23 Q. And why would you be calling Diamond

24 Glover from jail?

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1 A. You said why?

2 Q. Why, yeah.

3 A. That's a friend.

4 Q. And this would be the first time then

5 that you and Ms. Glover had spoken since you were

6 arrested, right?

7 A. Yes.

8 Q. So is this the first time she's

9 learning about what's happening to you?

10 A. Yes.

11 Q. Do you remember what you told her?

12 A. I told her the same thing told my mom,

13 same thing I told my girl at the time, Moneka, that

14 the police put a gun on me.

15 Q. By the way, I promise I'm not going to

16 go through every single call on this list.

17 A. I was finna say, man, it's gonna be a

18 lot of numbers, though.

19 Q. No, no.

20 A. Man, I don't --

21 Q. We're not going to do that. I'm just --

22 I'm just interested in asking you about the first

23 few days that you were in jail.

24 A. Of course.

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1 Q. Okay. So this [REDACTED] number, you're not

2 sure who that was. The [REDACTED] you think was Diamond

3 Glover; correct?

4 A. Diamond Glover, yes.

5 Q. Okay. And then that's -- those are the

6 only two calls you made on October 13th.

7 On October 14th it looks like the

8 first two calls are to your mother; correct?

9 A. Yes.

10 Q. And then the 9345, two more calls. And

11 we've already discussed, I think --

12 A. That's Moneka.

13 Q. -- that one is Moneka, right?

14 A. Yes.

15 Q. So maybe I can short circuit this a

16 little bit.

17 So we already talked about how in

18 2014 you only remember having one visitor, Lajeria

19 Bailey, right?

20 A. Yes.

21 Q. Okay. So is it fair to say then for

22 all the phone calls you made in 2014, other than if

23 you talked to Lajeria Bailey, those calls would be

24 the first time that your family and friends you're

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1 speaking to are learning about what happened to you?

2 A. Yes.

3 MR. FLAXMAN: Objection; foundation.

4 BY MR. WILSON:

5 Q. And do you remember who else besides

6 Ms. Glover, Ms. Curtis, and your mother, who else

7 you told that the police had put a gun on you?

8 A. No, I don't remember.

9 Q. You don't remember?

10 A. No.

11 Q. Do you remember Ken Ross's number in

12 2014, the one you used to talk to him?

13 A. No, I don't. It been so long, I don't

14 remember his number.

15 Q. Do you remember any phone numbers for

16 him at any point in time?

17 A. You talking about like offhand?

18 Q. Yeah.

19 A. No, I don't.

20 Q. Do you have a number saved for him in

21 your phone currently?

22 A. Currently, yes.

23 Q. And do you have your phone on you?

24 A. Yes.