

EXHIBIT A

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

10

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

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APPEARANCES:

KENNETH N. FLAXMAN, PC, by
MR. JOEL A. FLAXMAN
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appeared on behalf of the plaintiff

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appeared on behalf of the plaintiff;

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<p>1 A. That's my friend that's a doctor.</p> <p>2 Q. Man or woman?</p> <p>3 A. A man. A childhood friend.</p> <p>4 Q. Then going further down there's a name</p> <p>5 Peter Limperis?</p> <p>6 A. That's my lawyer that I had on my case.</p> <p>7 Q. That was your lawyer in -- in your 2016</p> <p>8 trial?</p> <p>9 A. Yeah, that was my lawyer for the trial</p> <p>10 that the police put the gun on me, yeah.</p> <p>11 Q. And had you ever used him as your</p> <p>12 lawyer before?</p> <p>13 A. No. No, I have, I have. I have used</p> <p>14 him before but -- for a -- I want to say the case</p> <p>15 was -- I -- was it a ... a motor vehicle or</p> <p>16 something like that. But I have used him before.</p> <p>17 That's my second time using him.</p> <p>18 Q. Okay. So you used him some point</p> <p>19 before?</p> <p>20 A. Yes.</p> <p>21 Q. And who put you in contact with him, or</p> <p>22 how did you contact him about this particular case?</p> <p>23 A. I used him before for my first case.</p> <p>24 Q. So you already knew him.</p>	<p>Page 150</p> <p>1 him while I was still incarcerated, though.</p> <p>2 Q. And when you were still incarcerated</p> <p>3 and your mom reached out to him, did she ever then</p> <p>4 get back in touch with you to tell you what he had</p> <p>5 said?</p> <p>6 A. Yes. He's my lawyer.</p> <p>7 Q. So your mom was kind of -- is it fair</p> <p>8 to say while you were incarcerated in Cook County</p> <p>9 Jail, your mom passed messages between you and</p> <p>10 Mr. Limperis?</p> <p>11 A. I'm not gonna say she passed messages.</p> <p>12 It was really just making sure that he was coming</p> <p>13 to the court dates and letting him know that he's</p> <p>14 hired for the case.</p> <p>15 Q. And before you bonded out then, is it</p> <p>16 fair to say that the way that you and Mr. Limperis</p> <p>17 spoke was through your mother?</p> <p>18 A. No. He was either -- at court. I had</p> <p>19 talked to him before on the phone, but it wasn't</p> <p>20 like, you know, probably like once or twice maybe.</p> <p>21 But, you know, I had court once a month. I was in</p> <p>22 the County for, what, six months that say? So all</p> <p>23 our conversations really, We'll meet here. Come</p> <p>24 talk to me before I even come out.</p>
<p>1 A. I already knew him, yes. He's actually</p> <p>2 like attorney for the family.</p> <p>3 Q. Has he -- okay. And this -- it looks</p> <p>4 like the first date he's listed as visiting you is</p> <p>5 November 3rd, 2016. That's after your trial, right?</p> <p>6 A. After my trial, yes. That's after my</p> <p>7 trial, yes.</p> <p>8 Q. You had spoken to him before your</p> <p>9 trial, right?</p> <p>10 A. Yes.</p> <p>11 Q. So if he didn't -- before you were</p> <p>12 bonded out in 2015, did you speak to Mr. Limperis</p> <p>13 while you were in Cook County Jail?</p> <p>14 A. While I was in Cook County Jail? You</p> <p>15 saying before I bonded out?</p> <p>16 Q. Right.</p> <p>17 A. Did I talk to him? No, I did not, no.</p> <p>18 Q. Did anyone talk to him on your behalf</p> <p>19 before you bonded out?</p> <p>20 A. I think my mom reached out to him and</p> <p>21 told him we might need his -- his -- his duties.</p> <p>22 Might need him to fight this case for us. I</p> <p>23 haven't -- but I didn't talk to Mr. Limperis until</p> <p>24 I bonded out. But I think my mom did reach out to</p>	<p>Page 151</p> <p>1 Q. Going back up to the first page,</p> <p>2 Plaintiff's 666, looking at the columns for the</p> <p>3 Contact ID Name, End Visit, Start Date, do you</p> <p>4 see -- I can even make this a little bigger now.</p> <p>5 There's only one visit listed in 2014, and that's</p> <p>6 Lajeria Bailey. Do you see that here?</p> <p>7 A. Yeah.</p> <p>8 Q. Do you recall only having one visitor</p> <p>9 in 2014?</p> <p>10 A. Yes. I -- yes.</p> <p>11 Q. Okay.</p> <p>12 A. That's -- that was so long ago, I'm</p> <p>13 not -- you know, that was a long time, man. I</p> <p>14 don't know. But if it says it, then I guess.</p> <p>15 I'm still tripping on the other case</p> <p>16 you showed me that say I was locked up for 8 days.</p> <p>17 I don't even remember that at all, so ...</p> <p>18 Q. All right. Let's look at --</p> <p>19 A. I feel like, I don't know.</p> <p>20 Q. Let's look at I think what we'll have</p> <p>21 marked as Exhibit 3. And these are documents Bates</p> <p>22 labeled Officers 754 to 849.</p> <p>23 And you can see at the very top of</p> <p>24 the first page it says, Cook County Illinois Call</p>

<p style="text-align: right;">Page 154</p> <p>1 Detail Report? Do you see that, Mr. McClendon?</p> <p>2 A. Yes, Cook County Call Detail Report,</p> <p>3 yes.</p> <p>4 Q. Okay. And, again, on the first page,</p> <p>5 which is Bates labeled Officers 754, it's got a</p> <p>6 number of -- it's like an Excel sheet with a number</p> <p>7 of rows and columns. Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And there -- in the -- kind of in the</p> <p>10 center it has a First Name column, and that's Sean,</p> <p>11 and Last Name, McClendon, which is you; correct?</p> <p>12 A. Right.</p> <p>13 Q. Okay. And earlier on it's got a column</p> <p>14 that says, Dialed Number, and then it's got some</p> <p>15 phone numbers here. Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And I can represent to you this is a</p> <p>18 list of phone calls made that we received from the</p> <p>19 Cook County Jail.</p> <p>20 A. Okay.</p> <p>21 Q. And then also it's got a column for</p> <p>22 Start Time and End Time for each call. Do you see</p> <p>23 that?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 156</p> <p>1 Q. Okay. So was this the first time that</p> <p>2 you were telling her what was happening to you?</p> <p>3 A. Exactly.</p> <p>4 Q. Okay. What did you tell her?</p> <p>5 A. I called my mom and told her that the</p> <p>6 police just put a gun on me, and I don't know</p> <p>7 what's gonna happen at -- at court the next day.</p> <p>8 And please make sure you talk to Peter Limperis so</p> <p>9 I could have my attorney at court.</p> <p>10 Q. What was your mom's reaction?</p> <p>11 A. She was devastated. She was mad. She</p> <p>12 was hurt.</p> <p>13 Q. Did you tell her the circumstances of</p> <p>14 your actual arrest, how it happened?</p> <p>15 A. No, I didn't go into too much detail.</p> <p>16 I just told her what happened. Basically of them</p> <p>17 putting that gun on me and just make sure that I</p> <p>18 have my lawyer at court.</p> <p>19 Q. What did she say when you told her that</p> <p>20 the police were putting a gun on you?</p> <p>21 A. She was hurt. She was hurt. She was</p> <p>22 devastated. She like, Wow, that's crazy.</p> <p>23 But, you know, like growing up</p> <p>24 in my area, that's not really hard to believe or</p>
<p style="text-align: right;">Page 155</p> <p>1 Q. Okay. So you were -- the barbecue was</p> <p>2 the evening of October 10th; correct?</p> <p>3 A. Yes.</p> <p>4 Q. So you were brought then and processed</p> <p>5 at Cook County Jail. By the time you were there,</p> <p>6 it was October 11th; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And so here, looking at the</p> <p>9 start and end time for the very first call, you can</p> <p>10 see there was one call made on October 11th and</p> <p>11 only one, right? The next call was October 12th.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. So the call you made on October 11th</p> <p>15 was to [REDACTED]. Do you know whose number that</p> <p>16 is?</p> <p>17 A. That's my mom number.</p> <p>18 Q. Okay. So the -- the first and only</p> <p>19 person you called on October 11th was your mother.</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And she had not yet been to the</p> <p>22 police station to actually visit you in person,</p> <p>23 right?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 157</p> <p>1 far-fetched. They did it all the time. They still</p> <p>2 doing it today.</p> <p>3 Q. Do you remember if she asked you any</p> <p>4 questions about -- about what happened?</p> <p>5 A. No, I don't remember. I don't recall.</p> <p>6 I don't recall.</p> <p>7 Q. Other than saying the police had put a</p> <p>8 gun on you and asking --</p> <p>9 A. She probably did. She probably did,</p> <p>10 I don't recall, though. I just know the main thing</p> <p>11 I was focused on was making sure that my lawyer was</p> <p>12 coming to court the next day and let her know that</p> <p>13 the dirty cop put a gun on me.</p> <p>14 Q. Sure. Other than those two things,</p> <p>15 asking about Mr. Limperis and saying that a cop put</p> <p>16 a gun on you --</p> <p>17 A. Yeah.</p> <p>18 Q. -- do you remember anything else you</p> <p>19 said to her on that call?</p> <p>20 A. No, I don't.</p> <p>21 Q. Let me blow this up a little bit</p> <p>22 because I'm just focusing right now on --</p> <p>23 A. Please do. I'm over here squinting.</p> <p>24 Thank you.</p>

<p style="text-align: right;">Page 158</p> <p>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?</p> <p>5 A. Yeah, that's -- that's perfect.</p> <p>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?</p> <p>9 A. Yes.</p> <p>10 Q. On October 12th, the first call you 11 made is to a phone number [REDACTED]. Do you 12 recognize that number?</p> <p>13 A. Yes.</p> <p>14 Q. Whose number is that?</p> <p>15 A. That's Moneka. Moneka Curtis, my 16 ex-wife number.</p> <p>17 Q. Who you eventually married, but at this 18 time you weren't married to yet?</p> <p>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.</p> <p>22 Q. Okay.</p> <p>23 A. At this time she was my girlfriend.</p> <p>24 Q. Okay. And is this the first time, like</p>	<p style="text-align: right;">Page 160</p> <p>1 questions about what happened?</p> <p>2 A. No, I don't remember that.</p> <p>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?</p> <p>7 A. No.</p> <p>8 Q. No, you don't remember, or no, you 9 didn't say that?</p> <p>10 A. No, I didn't say that.</p> <p>11 Q. Okay. And when you talked to 12 Ms. Curtis --</p> <p>13 A. Neither one.</p> <p>14 Q. -- you didn't tell Ms. Curtis that the 15 gun belonged to Ms. Ross either?</p> <p>16 A. No, sir.</p> <p>17 Q. I'm sorry. Mr. Ross.</p> <p>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?</p> <p>21 A. Yes.</p> <p>22 Q. And what did you talk about on that 23 call?</p> <p>24 A. What date that is again?</p>
<p style="text-align: right;">Page 159</p> <p>1 it was with your mother before, is this the first 2 time that you're telling Ms. Curtis what happened 3 to you?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And what -- what did you tell her?</p> <p>6 A. The same thing I told my mom.</p> <p>7 Q. So you mentioned that the police had 8 put a gun on you?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Do you remember anything else you told 11 her on that call?</p> <p>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.</p> <p>15 Q. Anything else you remember talking 16 about with Ms. Curtis on that call?</p> <p>17 A. No.</p> <p>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?</p> <p>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.</p> <p>24 Q. Do you remember if she asked you any</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. Still October 12th.</p> <p>2 A. 12th?</p> <p>3 Q. The dates are right here, yep.</p> <p>4 A. Oh, wow. I guess -- I don't recall.</p> <p>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.</p> <p>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?</p> <p>11 A. Not on the phone.</p> <p>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?</p> <p>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.</p> <p>19 Q. Do you remember anything else you spoke 20 about with your mother on this call?</p> <p>21 A. No.</p> <p>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</p>

<p>1 mother. Do you see that?</p> <p>2 A. Yeah.</p> <p>3 Q. And do you remember what you spoke</p> <p>4 about with your mother on either of those two calls?</p> <p>5 A. I don't know. I don't remember.</p> <p>6 Q. Okay. That's all the calls for</p> <p>7 October 12th.</p> <p>8 October 13th, this is, what, three</p> <p>9 days after -- two to three days after you were</p> <p>10 brought in to jail. There's a call to [REDACTED].</p> <p>11 Do you recognize that number?</p> <p>12 A. No.</p> <p>13 Q. Do you have any idea who you were</p> <p>14 calling?</p> <p>15 A. No, I don't. I don't even remember</p> <p>16 that number, who that number is.</p> <p>17 Q. And underneath that there's a call to</p> <p>18 number [REDACTED]. Do you recognize that number?</p> <p>19 A. I think that's Diamond number, Diamond</p> <p>20 Glover.</p> <p>21 Q. Diamond Glover?</p> <p>22 A. Yes.</p> <p>23 Q. And why would you be calling Diamond</p> <p>24 Glover from jail?</p>	Page 162	Page 164
<p>1 A. You said why?</p> <p>2 Q. Why, yeah.</p> <p>3 A. That's a friend.</p> <p>4 Q. And this would be the first time then</p> <p>5 that you and Ms. Glover had spoken since you were</p> <p>6 arrested, right?</p> <p>7 A. Yes.</p> <p>8 Q. So is this the first time she's</p> <p>9 learning about what's happening to you?</p> <p>10 A. Yes.</p> <p>11 Q. Do you remember what you told her?</p> <p>12 A. I told her the same thing told my mom,</p> <p>13 same thing I told my girl at the time, Moneka, that</p> <p>14 the police put a gun on me.</p> <p>15 Q. By the way, I promise I'm not going to</p> <p>16 go through every single call on this list.</p> <p>17 A. I was finna say, man, it's gonna be a</p> <p>18 lot of numbers, though.</p> <p>19 Q. No, no.</p> <p>20 A. Man, I don't --</p> <p>21 Q. We're not going to do that. I'm just --</p> <p>22 I'm just interested in asking you about the first</p> <p>23 few days that you were in jail.</p> <p>24 A. Of course.</p>	Page 163	Page 165