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

JOHN MARTINEZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**No. 23 C 1741**
	)	
REYNALDO GUEVARA, et al.,	)	**Judge Georgia N. Alexakis**
	)	**Magistrate Judge Finnegan**
Defendants.	)	

ORDER

John Martinez, together with his criminal co-defendants Jose Tinajero and Thomas Kelly, served more than 20 years in prison for the 1998 murder of Daniel Garcia. All three had their convictions vacated, obtained certificates of innocence, and filed separate lawsuits against the City of Chicago, individual Chicago Police Department officers, Cook County, and a Cook County Assistant State's Attorney, alleging that they were wrongfully prosecuted and convicted of the crime. Currently in dispute are certain withheld and redacted records of non-party Cook County State's Attorney's Office ("CCSAO") relating to the three Plaintiffs' criminal prosecutions. In response to a subpoena from the individual defendant officers (hereinafter "Defendants"), the CCSAO produced more than 15,400 pages of documents from the criminal files but withheld materials it says are protected from disclosure by the work product privilege, the deliberative process privilege, and state statutes. The CCSAO also redacted personal identifying information from hundreds of records. Defendants have moved to compel production of the withheld and redacted documents (Doc. 177), arguing that the CCSAO waived any privileges by failing to assert them in a timely manner with an appropriate privilege log, and the privileges in

question do not apply in any event. For reasons discussed below, the motion is granted in part and denied in part.

DISCUSSION

I. Waiver

Defendants argue that the CCSAO must produce all of the documents identified on the privilege log because it waived the right to assert any privileges over the materials. "Rule 45 requires a person commanded to produce documents by a subpoena to serve a written objection 'before the earlier of the time specified for compliance or 14 days after the subpoena is served.'" *Young v. City of Chicago*, No. 13 C 5651, 2017 WL 25170, at *6 (N.D. Ill. Jan. 3, 2017) (quoting FED. R. CIV. P. 45(d)(2)(B)). In addition, a person withholding subpoenaed material based on a claim of privilege must "expressly make the claim" and prepare a privilege log. *Id*. (citing FED. R. CIV. P. 45(e)(2)(A)(i)). Defendants contend that the CCSAO ran afoul of these requirements by improperly asserting a blanket privilege over its entire file without producing a privilege log, asserting new privileges months later, and then producing an inadequate privilege log.

A. Timing of Privilege Log

Defendants issued a subpoena for Plaintiffs' criminal prosecution file on September 6, 2023. (Doc. 177-1). After securing an extension, the CCSAO asserted the law enforcement investigatory privilege over the entire file on November 29, 2023.[1] (Doc. 177-3, Letter from D. Adelman to A. Romelfanger of 11/29/2023). The CCSAO explained that it would not produce files for "an active prosecution" and that post-conviction proceedings were still pending as to Kelly and Tinajero, who were seeking to have their

[1] Since neither party specified the precise length of the extension, the Court is satisfied that the CCSAO's November 29, 2023 letter constituted a timely response to the subpoena.

convictions vacated.[2] (*Id*.; Doc. 184-5, at 7). During subsequent meet and confer efforts, Defendants argued that the prosecution file was highly relevant to the federal case, and asserted generally that the CCSAO's blanket assertion of the law enforcement investigatory privilege was improper. (Doc. 128-7, at 2, 9). Defendants' written communications did mention waiver but only with respect to that one privilege, and they said nothing about a privilege log. (*Id*.) (stating that waiver of the law enforcement investigatory privilege had occurred when the CCSAO disclosed the file to the criminal defendants (Plaintiffs in this lawsuit)).

Defendants filed a motion to compel arguing for the first time that the CCSAO had waived *all* possible privileges by (1) failing to raise them within 14 days of service; (2) failing to provide a privilege log; and (3) disclosing the file to the criminal defendants. (Doc. 128). Shortly after the CCSAO responded to the motion, the parties filed a joint stipulation that the CCSAO would produce: (1) "the underlying criminal file for all three criminal defendants . . . on or before April 4, 2024"; and (2) "the remaining Post-Conviction and Certificate of Innocence files no later than May 14, 2024, provided all pending Post-Conviction and Certificate of Innocence proceedings are disposed of prior to May 1, 2024." (Doc. 142). Defendants thus withdrew the motion to compel without prejudice and this Court had no occasion to consider the arguments. (*Id*.; Doc. 143).

On April 15, 2024, the CCSAO produced the criminal file but withheld 400 pages of records on privilege grounds and redacted some personal identifying information. The CCSAO also produced a privilege log asserting the work product privilege, the deliberative process privilege, and certain Illinois statutes. (Doc. 177-4). Defendants

[2] Martinez's November 22, 2023 petition for a certificate of innocence was also pending at that time and had been scheduled for a hearing in April 2024. (Docs. 184-1, 184-2).

challenged the withholdings and filed this second and pending motion to compel after meet and confer efforts failed. (Docs. 177-5, 177-6). Defendants once again argue that the CCSAO waived the right to assert any privileges by claiming a blanket privilege over the criminal file and waiting several months before producing a privilege log. (Doc. 177, at 4-5; Doc. 193, at 2).

This argument fails because Defendants never asked the CCSAO to produce a privilege log after it timely asserted the law enforcement investigatory privilege, and the CCSAO explained that it was unable even to obtain the file, much less conduct any sort of comprehensive privilege review, until the post-conviction proceedings ended. (Doc. 184, at 4, 7) ("[T]he CCSAO asserted law enforcement investigatory privilege which preempted any review of the file due to ongoing post-conviction and Certificate of Innocence claim[s]."). Defendants do not dispute this representation or cite any case finding waiver in similar circumstances. *Cf. Glass v. Village of Maywood*, No. 22 C 164, 2023 WL 6461364, at *1, 2 (N.D. Ill. Oct. 4, 2023) (finding waiver where the CCSAO failed to assert any privilege at all "for roughly seven months between the date it received service of the subpoena (November 10, 2022) and when it produced a privilege log and responsive documents (May 2, 2023)."); *Young*, 2017 WL 25170, at *6 (finding waiver where defendant failed to assert any privileges or produce a privilege log for more than two-and-a-half months); (Doc. 177-7, *Cruz v. Guevara*, No. 23 C 4268, Hearing Tr., at 7-20 (N.D. Ill. Mar. 22, 2024) (stating the Court would "begin to get concerned about waiver" after the CCSAO "had multiple opportunities to assert [privileges] and . . . haven't done it right.")).

For similar reasons, the CCSAO did not waive its work product, deliberative process, or other privileges by raising them after initially asserting only the law enforcement investigatory privilege. The CCSAO made clear that it deemed the criminal file to be privileged and made specific privilege designations once it had an opportunity to review the documents. (Doc. 184, at 4) ("[T]he CCSAO timely asserted the law enforcement investigatory privilege on multiple occasions before the file was available and [then,] upon issuance of the production . . . asserted attorney work product and deliberative process privileges."). Moreover, contrary to Defendants' suggestion, the CCSAO did not raise these privileges sequentially after Defendants successfully rebutted a different privilege. *Cf. Glass*, 2023 WL 6461364, at *2 ("[T]he CCSAO's sequential assertion of its privilege claims – first, the deliberative process privilege and, later, after plaintiff rebutted the deliberative process privilege . . . the work product privilege – is inconsistent with good faith and suggestive of foot-dragging and a cavalier attitude towards the requirements of Rule 45.").

Since the CCSAO timely asserted privilege over the prosecution file, the Court declines to penalize the CCSAO, a non-party, because there was a delay in gaining access to the documents for an open case file, which it says caused a resulting delay in conducting a specific privilege review. This aspect of Defendants' motion to compel is denied.[3]

[3] The CCSAO devotes two pages to an argument that it did not waive any privileges by disclosing the prosecution file to the criminal defendants. (Doc. 184, at 5-8). This was an issue Defendants raised solely in their first motion to compel and is not currently before the Court. (Doc. 193, at 2-3).

B. Adequacy of the Privilege Log

Defendants argue that the CCSAO waived its privileges another way, by producing an inadequate privilege log. "Courts in this district have required that a privilege log identify for each separate document the following information: the date, the author and all recipients, along with their capacities, the subject matter of the document, the purpose for its production and a specific explanation of why the document is privileged." *Urban 8 Fox Lake Corp. v. Nationwide Affordable Housing Fund 4, LLC*, 334 F.R.D. 149, 156 (N.D. Ill. 2020) (quoting *RBS Citizens, N.A. v. Husain*, 291 F.R.D. 209, 218 (N.D. Ill. 2013)). Defendants object that the CCSAO's privilege log does not satisfy these requirements, leaving it "unworkable to assess the validity of the privilege claim." (Doc. 177, at 5-6).

Defendants are correct that "failure to produce an adequate log can, where appropriate, result in a waiver of the privilege." *U.S. ex rel. McGee v. IBM Corp.*, No. 11 C 3482, 2017 WL 1232616, at *4 (N.D. Ill. Apr. 4, 2017). And the privilege log is missing certain elements, such as dates, authors, and subject matter. Regardless, "blanket waiver is not a favored remedy for technical inadequacies in a privilege log." *Muro v. Target Corp.*, 250 F.R.D. 350, 360 (N.D. Ill. 2007). Such a finding would be particularly inappropriate here given the CCSAO's status as a non-party to these proceedings and the absence of any evidence of bad faith or foot-dragging. *See Am. Nat'l Bank & Trust Co. of Chicago v. Equitable Life Ass. Soc'y of U.S.*, 406 F.3d 867, 879 (7th Cir. 2005) (it was an abuse of discretion to find that defects in a privilege log merited a sanction of blanket waiver absent a finding of bad faith). Defendants' motion to compel production based on any inadequacies in the privilege is denied.

II. Withheld Documents

Turning to the merits, Defendants seek to compel production of documents covering five topics: (1) Assistant State's Attorney ("ASA") notes; (2) lineup photos; (3) presentence investigation reports; (4) Law Enforcement Agencies Data System ("LEADS") reports; and (5) victim Daniel Garcia's medical records. (Doc. 177, at 3). The Court considers each in turn.

A. ASA Notes

The CCSAO has withheld 31 pages of documents described as ASA notes pursuant to the deliberative process and work product privileges. The CCSAO divides the withheld ASA notes into three categories: (1) "ASA handwritten notes from trial that convey the thought process behind the trial"; (2) "ASA case notes written throughout the actual preparation of the case leading up to trial which convey the thought process behind the way the prosecutor presented the information he had"; and (3) "drafts of trial preparation materials that convey the planning of arguing the State's positions, including internal worksheets." (Doc. 184, at 10).

Defendants argue that the mere fact that the notes may contain mental impressions and thought processes from the criminal proceedings is insufficient to shield them from disclosure pursuant to the deliberative process privilege. (Doc. 193, at 6) ("The CCSAO cannot contend that every thought a prosecutor has during a criminal proceeding is tantamount to policy formulation."). This Court agrees. "The deliberative process privilege protects communications that are part of the decision-making process of a governmental agency." *U.S. v. Farley*, 11 F.3d 1385, 1389 (7th Cir. 1993) (citing *N.L.R.B. v. Sears, Roebuck & Co.*, 421 U.S. 132, 150-51 (1975)). The Seventh Circuit requires

the government to make "a two-fold showing to support the withholding of [information] based on the deliberative process privilege." *Nat'l Immigrant Justice Ctr. v. U.S. Dep't of Justice*, 953 F.3d 503, 508 (7th Cir. 2020). "First, the [information] must be pre-decisional, meaning that it must be generated *before* the adoption of an agency policy. Second, the [information] in question must [concern] deliberative communications and therefore reflect the give-and-take of the consultative process." *Id.* (internal quotation marks and citations omitted).

Here, the CCSAO has not identified the specific trial-related decisions about which CCSAO lawyers allegedly deliberated that are revealed in the documents. Nor has it identified a case in which a court has applied the privilege to a prosecutor's deliberations over trial preparation and strategy decisions -- as opposed to pre-decisional deliberations over whether to seek an indictment or vacate a conviction. But this Court need not decide whether the deliberative process privilege shields deliberations about trial-related decisions because no such deliberations were found within the ASA notes that were examined *in camera.* Documents 14-24 set out a factual timeline of events in the case; documents 1387-1400 generally record court dates and activities after the indictment was filed; and documents 25-27 and 500-502 appear to be notes about jury instructions. Since the documents do not reveal the author's own deliberations or deliberations with others about trial decisions, the Court finds no basis for shielding them under the deliberative process privilege even assuming the privilege extends to such decisions. *See, e.g., Bahena v. City of Chicago*, No. 17 C 8532, 2018 WL 2905747, at *3 (N.D. Ill. June 11, 2018) ("[A]n objective summary of the facts developed during the investigation . . . are not protected by the deliberative process privilege."); *Rodriguez v. City of Chicago*, 329

F.R.D. 182, 187 (N.D. Ill. 2019) (ordering production of emails that "convey merely factual information that are devoid of any subjective commentary."); *Saunders v. City of Chicago*, No. 12 C 9158, 2015 WL 4765424, at *12-15 (N.D. Ill. Aug. 12, 2015) (CCSAO must produce a series of documents, including a Blueback used to record activities in court and significant events, because they did not contain deliberative material); *Hill v. City of Chicago*, No. 13 C 4847, 2015 WL 12844948, at *4 (N.D. Ill. May 28, 2015) (ASA notes concerning court dates occurring after the filing of felony charges were not pre-decisional).

Turning to the work product privilege, Rule 26(b)(3)(A) provides that "[o]rdinarily, a party may not discover documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative (including the other party's attorney, consultant, ... or agent)." FED. R. CIV. P. 26(b)(3)(A). But the law on its application to third parties in litigation is "not so clear." *DeLeon-Reyes v. Guevara*, No. 18 C 1028, 2021 WL 3109662, at *6 (N.D. Ill. July 22, 2021) (*comparing Hill*, 2015 WL 12844948, at *2 (finding that the CCSAO, as a non-party, was not entitled to work product protection in civil rights litigation); *Cook v. City of Chicago*, No. 06 C 5930, 2010 WL 331737, at *1 (N.D. Ill. Jan 26, 2010) ("a non-party may not assert the work product doctrine to protect its files or documents."); *Hernandez v. Longini*, No. 96 C 6203, 1997 WL 754041 at *2 (N.D. Ill. Nov. 13, 1997) ("Courts have expressly found the privilege unavailable when a prosecutor in a prior criminal investigation later objects to discovery of her work product by a litigant in a related civil lawsuit—exactly the situation confronting the Court in this case."); *with Webster Bank, N.A. v. Pierce & Associates, P.C.*, No. 16 C 2522, 2018 WL 704693, at *4 (N.D. Ill. Feb 5, 2018) ("However, in a situation such as that

presented here, where the underlying and present litigation are related, the doctrine still applies."); *Hobley v. Burge*, 433 F.3d 946, 949 (7th Cir. 2006) (work product protection "endures after termination of the proceedings for which the documents were created, especially if the old and new matters are related.").

Based on its *in camera* review, the Court is satisfied that nothing in the ASA notes qualifies as opinion work product entitled to heightened protection. *See Meier v. Pacific Life Ins. Co.*, No. 20 C 50096, 2021 WL 6125774, at *3 (N.D. Ill. Mar. 19, 2021) ("[I]mmunity from discovery for opinion work product [counsel's mental impressions, conclusions, opinions, or legal theories] is absolute or nearly absolute."). Though the documents may be fact work product, the CCSAO has neither addressed Defendants' claim that the privilege does not apply to third parties nor discussed the relevant case law. (Doc. 184, at 8) (stating in conclusory fashion and without explanation that the ASA notes are "actual attorney work product/notes"). *See Moore on behalf of P.M. v. Lauer*, No. 22 C 50354, 2024 WL 268418, at *2 (N.D. Ill. Jan. 24, 2024) (the party asserting the privilege "bears the burden of showing that the work-product doctrine applies to each document."). In such circumstances, the CCSAO's claim of privilege is overruled and the Court need not offer an opinion as to whether the work product privilege applies to third parties. *DeLeon-Reyes*, 2021 WL 3109662, at *6-7 ("perfunctory and undeveloped argument does not warrant the Court's opinion on whether the work product privilege applies and extends to a third-party in this case.").

In sum, the CCSAO has not demonstrated that the ASA notes are protected by the deliberative process or work product privileges and Defendants' motion to compel their

production is granted. The CCSAO may, however, redact any personal identifying information in the notes as discussed below.

B. Lineup Photos

Defendants next seek to compel the CCSAO to produce photographs of the live lineups that occurred in the criminal case, explaining that they are relevant to Plaintiffs' claims that officers "conducted unduly suggestive identifications when witnesses viewed and identified them from the lineups." (Doc. 177, at 12). According to the CCSAO's privilege log, these documents have been withheld pursuant to 725 ILCS 5/107A-2(i). (Doc. 177-4, at 3). Defendants argue that the cited provision has no application here as it merely sets forth procedures that law enforcement agencies must follow when conducting lineups, including disclosing photographs, recordings, and the official report of the lineup to counsel for the accused. (Doc. 177, at 11-12) (citing 725 ILCS 5/107A-2(i)). The CCSAO has not responded to this argument or provided any explanation for how the state statute justifies withholding the lineup photos in response to a federal subpoena. *See Bonte v. U.S. Bank, N.A.*, 624 F.3d 461, 466 (7th Cir. 2010) ("Failure to respond to an argument . . . results in waiver."). Defendants' motion to compel production of the lineup photos is therefore granted.

C. Presentence Investigation Reports

The third category of withheld documents consists of presentence investigation reports ("PSI reports"). Defendants argue that these reports contain important information about Plaintiffs' living circumstances, backgrounds (family, academic, and criminal histories), and mental health prior to incarceration that is relevant to evaluating their claims of significant emotional damages and coerced false confessions. (Doc. 177, at

12-13) (citing *Dassey v. Dittmann*, 877 F.3d 297, 304 (7th Cir. 2017)) ("In assessing voluntariness, courts must weigh the tactics and setting of the interrogation alongside any particular vulnerabilities of the suspect . . . Relevant factors include the suspect's age, intelligence, and education, as well as his familiarity with the criminal justice system.").

Relying on another state statute, 730 ILCS 5/5-3-4, the CCSAO insists that Defendants are not authorized to receive PSI reports, "especially since they were not parties to the criminal case." (Doc. 184, at 14-15). The statute in question identifies the persons and entities who may inspect PSI reports, such as the sentencing court, the state's attorney, the defendant's attorney, an appellate court, and any probation department. 730 ILCS 5/5-3-4(b). Notably, disclosure is also permitted "to any other person . . . as ordered by the court." 730 ILCS 5/5-3-4(b)(7). The CCSAO posits that the PSI reports "may contain information protected under the Mental Health and Developmental Disabilities Confidentiality Act ("MHDDCA"), 740 ILCS 110/10, or under the Juvenile Court Act of 1987, 705 ILCS 405/1-7, 1-8," but points to no specific record that it is withholding on that basis. (Doc. 184, at 15).

On November 13, 2024, the Court held a hearing to pose questions about the objections to production of the PSI reports. During the hearing, the CCSAO indicated that based on its review of the PSI reports, the information in the reports does not appear to be protected under the MHDDCA. As for the Juvenile Court Act, the CCSAO stated that the PSI reports include criminal history from when the Plaintiffs were juveniles, so the Act would apply at least to these portions of the reports. But the CCSAO's opposition brief did not provide any supporting analysis or even identify specific provisions of the Act on which it relied. And at most, the Juvenile Court Act would foreclose production of only

small portions of the reports. Notably, the Court confirmed during the hearing that Plaintiffs took no position on the motion to compel the PSI reports that disclosed their criminal history and other personal information.

Under these circumstances, and absent a citation to any authority demonstrating that the CCSAO can withhold PSI reports pursuant to a state law when responding to a federal subpoena, Defendants' motion to compel the reports is granted.[4]

D. LEADS Reports

LEADS is a statewide computerized system generated and maintained by the Illinois State Police that collects and disseminates criminal record and background check information to designated agencies like the Chicago Police Department and the CCSAO. (Doc. 177, at 13; Doc. 184, at 13). The CCSAO does not challenge Defendants' assertion that these records are relevant for purposes of impeachment, and to evaluate Plaintiffs' malicious prosecution claims by assessing the existence of probable cause. (Doc. 177, at 13-14) (citing *Andersen v. City of Chicago*, No. 16 C 1963, 2019 WL 423144, at *3 (N.D. Ill. Feb. 4, 2019) ("[A]s a general rule, criminal history may be used to impeach a witness's credibility . . . pursuant to Federal Rule of Evidence 609."); *Holloway v. City of Milwaukee*, 43 F.4th 760, 769 (7th Cir. 2022) (in a reversed conviction case involving

[4] To the Court's surprise, the parties were unable to identify any prior rulings from courts in the Northern District of Illinois (written or otherwise) addressing objections to subpoenas seeking production of PSI reports in related wrongful conviction cases. Defendant Officers explained the absence of such rulings by noting that while PSI reports have routinely been subpoenaed in the past, the CCSAO has produced them and only recently has begun refusing to do so based on objections. The CCSAO disagreed that it had not objected in the past but was unable to identify any cases in which courts ruled on those objections. At the close of the hearing, the Court requested the CCSAO to provide the PSI reports for *in camera* review since it had never seen such a report in a Cook County criminal case. Based on that review, the Court confirmed that the reports are similar in appearance and content to those prepared in federal criminal cases prior to sentencing, and the motion to compel accurately described the information in the reports.

burglary and sexual assault, the plaintiff's former criminal history "[t]aken together" with other evidence, "establish[ed] probable cause.")).

The CCSAO instead argues that it properly withheld the LEADS reports because Defendants do not qualify as a criminal justice agency, police department, or other entity "legally authorized to have access to the information." 20 Ill. Admin. Code 1240.30, 1240.80(d). But courts in this district have found that the Illinois Administrative Code does not usurp the authority of federal courts to order discovery of LEADS reports. (Doc. 177-8, Order, *Cruz v. Guevara*, No. 23 C 4268, Doc. 147, at *12 (N.D. Ill. Apr. 10, 2024) (granting motion to compel LEADS reports where the CCSAO "never attempt[ed] to explain how [state] statutes, or the state administrative regulations they authorize, limit federal civil discovery of LEADS information.")); *Andersen*, 2019 WL 423144, at *3 (Illinois state statute and regulations "do not govern discoverability of the [LEADS] document . . . in this federal question case."); *Schaeffer v. City of Chicago*, No. 19 C 7711, 2020 WL 7395217, at *2 (N.D. Ill. Dec. 15, 2020) (same)). The CCSAO does not address these cases or point to any contrary authority.

The CCSAO likewise cannot withhold the LEADS reports pursuant to 28 U.S.C. §§ 20.20 and 20.25. To begin, neither of these provisions is mentioned on the privilege log. In any event, the CCSAO's primary objection is that by releasing the reports, it "would be subject to penalties including access to the LEADS network, which would severely hamper CCSAO's ability to perform its statutory criminal justice duties." (Doc. 184, at 14). Yet the CCSAO does not identify a single instance when penalties were threatened or imposed because it disclosed LEADS reports in response to a federal subpoena. In such

circumstances, Defendants' motion to compel production of the LEADS reports is granted.

E. Victim's Medical Records

The CCSAO has withheld approximately 123 pages of documents described as "medical records" pursuant to the Health Insurance Portability and Accountability Act ("HIPAA"). (Doc. 177-4). Defendants believe these documents reflect medical treatment that victim Daniel Garcia received at two hospitals and a nursing home before he died, and say they are relevant "to show the victim's cause of death, including the specific wounds he sustained from the October 12 beating, which can corroborate the statements given to police by the Plaintiffs and witnesses." (Doc. 177, at 14). The CCSAO does not challenge Defendants' showing of relevance but insists it cannot produce the records without a court order or valid HIPAA waiver. (Doc. 184, at 13).

Given the relevance of the documents, this Court now provides the CCSAO with the required order. Defendants' motion to compel production of the medical records is granted, and the CCSAO is ordered to produce the documents in accordance with the April 26, 2024 Confidentiality Protective Order (Doc. 155).

III. Redactions

The final issue concerns the CCSAO's redaction of personal identity information from certain records, "including, but not limited to, phone numbers, addresses, social security numbers, dates of birth, and the names of those citizens doing their civic duty as jurors." (Doc. 184, at 11). In their reply brief, Defendants concede that they do not need social security numbers or dates of birth (Doc. 193, at 10), so their motion to compel is denied as to this information. Defendants also agree that in accordance with the

Confidentiality Protective Order, the CCSAO may properly redact "'home address, home and cellular telephone number(s), personal email address(es), the names of family members and the names of insurance beneficiaries,' if it refers to current or former state's attorneys or police officers." (*Id*. at 10 n.8). The motion is denied as to this information as well.

As to the remaining categories of personal identity information, the motion is denied without prejudice. Defendants say they need the information to locate witnesses and "show where witnesses resided at the time of the incident that may bolster or negate their credibility about the familiarity with the scene, gangs in the area, and Plaintiffs." (*Id*. at 10). To the extent Defendants are able to make a showing of this need as to a particular witness, the CCSAO will be required to produce the information. But the Court is unwilling to broadly order production of such personal identifying information as to all individuals identified within the records since the information may only be needed for a subset of those individuals. Defendants have the names of witnesses about whom they require the redacted information and may identify them to the CCSAO. If the CCSAO remains unwilling to produce the redacted information, Defendants may present specific requests for additional information to this Court for consideration.

CONCLUSION

For the reasons stated above, Defendant Officers' Motion to Compel the Cook County State's Attorney's Office to Comply with Records Subpoena [177] is granted in part and denied in part.

ENTER:

Dated: November 15, 2024

SHEILA FINNEGAN
United States Magistrate Judge