

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

THOMAS KELLY,

Plaintiff,

v.

REYNALDO GUEVARA, *et al.*,

Defendants.

Case No. 24 C 05354

Hon. Judge Georgia N. Alexakis
District Judge

Hon. Laura K. McNally
Magistrate Judge

JOSE TINAJERO,

Plaintiff,

v.

REYNALDO GUEVARA, *et al.*,

Defendants.

Case No. 24 C 01598

Hon. Judge Georgia N. Alexakis
District Judge

Hon. Laura K. McNally
Magistrate Judge

JOHN MARTINEZ,

Plaintiff,

v.

REYNALDO GUEVARA, *et al.*,

Defendants.

Case No. 23 C 01741

Hon. Judge Georgia N. Alexakis
District Judge

Hon. Laura K. McNally
Magistrate Judge

JOINT STATUS REPORT

The parties, by their respective undersigned counsel, and pursuant to this Court's January 6, 2025 Minute Entry (Dkt. 216) respectfully submit the following joint status report for the three above-captioned cases:

1. Progress of Discovery

The current fact discovery deadline in these cases is March 31, 2025. Dkt. 197.

Written Discovery: On January 10, counsel for Plaintiffs Martinez and Kelly provided notice of their intent to subpoena the Cook County State's Attorney's Office regarding any payments to third-party witnesses. All defendants responded to plaintiff Tinajero's written discovery requests within the last week. Plaintiff Tinajero is reviewing the responses.

Defendants are still securing full compliance from the Illinois Department of Corrections over their subpoena request for Plaintiffs' call logs and pan lists. Defendants do not anticipate litigation will be required to compel compliance. Upon receipt of these records, Defendants anticipate issuing a subsequent subpoena to IDOC for a specified set of Plaintiffs' phone call recordings. Based on experience, the subpoena request to obtain Plaintiffs' phone recordings may require litigation between the parties.

Oral Discovery: Since the September 26, 2024 status report, the Parties have taken the depositions of Defendant Vergara, Defendant Troche, and Jeremy Martinez. Depositions have been noticed and served for the following dates:

- a. January 31: John DeLeon
- b. February 3: Ada Rivera
- c. February 5: Leslie Tinajero and Darlene Solis
- d. February 6: Plaintiff Thomas Kelly

- e. February 7: Jesus Fuentes
- f. February 11: Plaintiff John Martinez
- g. February 12: Melloney Parker
- h. February 17: Lawrence Sommers
- i. February 20: Brian Suth
- j. March 5: Angel Serrano

Plaintiffs have also served Judge Melissa Durkin and are working with her attorneys to schedule a date for her deposition. Plaintiffs have requested and are awaiting a date for Officer Jon Woodall's deposition. Plaintiffs have sent out a Notice of Deposition for the depositions of Detective D. Jacobs, and Officer S. Wilson and will work with Defendants to schedule dates.

Plaintiffs have been conferring with the City regarding the 30(b)(6) deposition across all of counsel's current cases in which Detective Guevara is a defendant. The Parties have made progress in designating testimony from prior Guevara cases for topics Plaintiffs have requested in these cases and will continue to confer.

Defendants have served court reporter Joseph Szybist and are working with him to schedule a date for his deposition. Defendants have requested and are awaiting dates in February and March to depose Plaintiff Martinez's damages/alibi witnesses, including Elizabeth Feliciano, and Plaintiff Kelly's damages witnesses Shannon DeJesus, Roxanne Kelly, and Sonia Rosadao.

3. Settlement

a. Defendant Cook County and Plaintiff Tinajero reported the following about settlement in a status reported filed with Judge Alexakis on January 10, 2025 (ECF No. 110 in 24-cv-1598): Defendant Cook County responded to Plaintiff Tinajero's settlement demand on January 6, 2025. Plaintiff Tinajero responded on January 8, 2025. Plaintiff Tinajero proposed

that Cook County further respond on or before January 22, 2025. Plaintiff also requests a referral to the assigned magistrate judge to assist with settlement negotiations. Defendant Cook County does not agree to respond by a certain date to Plaintiff's January 8th response but acknowledges receipt and is reviewing it. Defendant Cook County does not believe a settlement conference will be fruitful at this time.

b. No other party requests a settlement conference at this time.

RESPECTFULLY SUBMITTED,

/s/ Annie Prossnitz
Counsel for Plaintiff Martinez and Plaintiff Kelly

Jon Loevy
Anand Swaminathan
Steven Art
Sean Starr
Annie Prossnitz
LOEVY & LOEVY
311 N. Aberdeen
Chicago, Illinois 60607
(312) 243-5900
prossnitz@loevy.com

/s/ Joel Flaxman
Counsel for Plaintiff Tinajero

Joel Flaxman
Kenneth Flaxman
Law Offices of Kenneth N. Flaxman
200 S. Michigan Ave., Ste 201
Chicago, IL 60604
(312) 427-3200

/s/ Kyle T. Christie
Special Assistant Corporation Counsel for Defendants Vergara, Troche, Mingey, and Special Representatives Yanow and Rogers

James G. Sotos
Josh M. Engquist
Laura M. Ranum
Allison L. Romelfanger
Kyle T. Christie
Maurice C. Hunt
Jeffrey C. Grossich
THE SOTOS LAW FIRM, P.C.
141 W. Jackson Blvd., Suite 1240A
Chicago, IL 60604
P: (630) 735-3300

/s/ Eileen E. Rosen
Counsel for the City of Chicago

Eileen E. Rosen
Catherine M. Barber
Theresa B. Carney
Austin G. Rahe
Lauren Ferrise
Jessica Zehner
Andrew J. Grill
Special Assistant Corporation Counsel
Rock Fusco & Connelly, LLC
333 W. Wacker, 19th Floor
Chicago, Illinois 60606
(312) 494-1000
erosen@rfclaw.com

/s/ Molly Boekeloo

One of the Attorneys for Defendant Guevara

Steven B. Borkan
Timothy P. Scahill
Graham P. Miller
Emily E. Schnidt
Molly Boekeloo
Whitney Hutchinson
Borkan & Scahill
20 S. Clark Street, Suite 1700
Chicago, IL 60603
P: (312) 580-1030

/s/ Kelli Huntsman

One of the Attorneys for Cook County

Kelli Huntsman
Cook County State's Attorney's Office
Civil Actions Bureau – Affirmative &
Complex Litigation
500 Richard Daley Center 50 W. Washington,
Room 500
Kelli.huntsman@cookcountysao.org

/s/ Michele J. Braun

One of the Attorneys for Jake Rubinstein

Kenneth Battle
Michele J. Braun
Christopher Sloss
O'Connor & Battle, LLP
111 W. Jackson Blvd, Suite 1700
Chicago, IL 60604
P: (312) 786-4600

CERTIFICATE OF SERVICE

I, Annie Prossnitz, an attorney, certify that on January 17, 2025, I filed the foregoing JOINT STATUS REPORT using the Court's CM/ECF system, which effected service on all counsel of record.

/s/ Annie Prossnitz
One of Plaintiff's Attorneys