

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

VONDELL WILBOURN, individually)	
and for others similarly situated,)	
)	
<i>Plaintiff,</i>)	
)	Case No. 23-cv-1782
-vs-)	
)	Honorable Manish S. Shah
SHERIFF OF COOK COUNTY and)	Magistrate Judge Young B. Kim
COOK COUNTY, ILLINOIS,)	
)	
<i>Defendants.</i>)	

DEFENDANTS’ UNOPPOSED MOTION TO FILE EXHIBIT UNDER SEAL

Defendants, SHERIFF OF COOK COUNTY and COOK COUNTY, ILLINOIS, by their attorney, EILEEN O’NEILL BURKE, State’s Attorney of Cook County, through her Special Assistant State’s Attorneys, JOHNSON & BELL, LTD., move for leave of court to file under seal an exhibit submitted by Plaintiff. In support of their motion, Defendants state as follows:

1. On September 12, 2024, the Court entered an agreed confidentiality order. (Order, ECF No. 43.) The order designates as confidential information, in part, “detainee incident reports (categorized as ‘EM – Reincarceration[’]) concerning any individual other than Plaintiff, Vondell Wilbourn, insofar as those reports contain the names and potentially other personal information, including the circumstances and reasons for the reincarceration, of individuals who are not a named party to the case.” (*Id.* at 2.) “Information or documents that are available to the public may not be designated as Confidential Information.” (*Id.*)

2. On September 13, 2024, Defendant Sheriff’s Office produced unredacted EM reincarceration incident reports marked confidential pursuant to the agreed confidentiality order. The incident reports contain the names, addresses, and other personal information, including the

circumstances and reasons for the reincarceration, of individuals who are not a named party to the case. The incident reports were produced from the Sheriff's Office internal records and not from any publicly available source.

3. On May 22, 2025, Plaintiff filed an exhibit with his motion for class certification (Pl.'s Ex. 1, ECF No. 57-2), and provisionally filed under seal the same exhibit, pursuant to Local Rule 26.2(3). (Pl.'s Ex. 1, ECF No. 58.) The docket entry for the publicly filed version (ECF No. 57-2) states that the exhibit has been "redacted," but the exhibit does not have any redactions and is identical to the unredacted version provisionally filed under seal. Defendants brought this to the attention of Plaintiff, who accepted responsibility for the inadvertent filing.

4. Plaintiff's exhibits (both the publicly filed version and the version provisionally filed under seal) contain confidential information produced under the agreed confidentiality agreement order. Plaintiff's exhibits contain the names, addresses, and other personal information, including the circumstances and reasons for the reincarceration, of individuals who are not a named party to the case.

5. Good cause exists to file the exhibits under seal. District courts routinely seal documents that contain personal information of non-parties. *See, e.g., Jezior v. City of Chicago*, No. 22 C 6907, 2025 U.S. Dist. LEXIS 41522, at *23 (N.D. Ill. Mar. 7, 2025) (granting defendant's "motion to seal certain personnel records containing confidential information of third parties"); *Jones v. Ill. Dep't of Corr.*, No. 18 C 2045, 2020 U.S. Dist. LEXIS 99781, at *19 (N.D. Ill. June 8, 2020) (placing document under seal because it "contain[ed] personal identifying information"); *Bob-Manuel v. Chipotle Mexican Grill, Inc.*, No. 12 C 750, 2015 U.S. Dist. LEXIS 202064, at *4 (N.D. Ill. Oct. 26, 2015) (allowing plaintiff to file documents under seal if they "contain personal identifying information"); *N.Y. Life Ins. Co. v. Peters*, No. 19 C 2269, 2021 U.S. Dist. LEXIS

12226, at *11 (N.D. Ill. Jan. 22, 2021) (placing documents “under seal because they include personal identifying information”).

6. Defense counsel discussed this motion with Plaintiff’s counsel, who stated that Plaintiff does not oppose the motion.

WHEREFORE, Defendants respectfully request that this Court grant Defendants’ motion to file Plaintiff’s Exhibit 1 under seal (both versions, ECF No. 57-2 and ECF No. 58), including sealing ECF No. 57-2, which is currently not sealed, and grant Plaintiff leave to substitute the intended redacted version.

Respectfully submitted,

EILEEN O’NEILL BURKE
State’s Attorney of Cook County

Dated: May 28, 2025

/s/ Samuel D. Branum
Special Assistant State’s Attorney

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