

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.8 (rev. 1.8.2)
Eastern Division**

Alexander Gray

Plaintiff,

v.

Case No.: 1:23-cv-01931

Honorable Steven C. Seeger

City Evanston of, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, January 30, 2025:

MINUTE entry before the Honorable Steven C. Seeger: The parties filed cross motions for summary judgment, and one of those motions (filed by Defendants) remains pending. This Court took another look at the docket, and has two observations. First, this Court sees that Plaintiff filed a Statement of Additional Facts (Dckt. No. [47]) in response to Defendants' motion for summary judgment. By the look of things, Defendants did not file a response to Plaintiff's Statement of Additional Facts. The Court assumes that the omission was an oversight, because Defendants did respond to those facts in other filings. An oversight would be understandable, given the flurry of filings and corrected filings on the docket. This Court could readily look through those filings to see the facts and assess whether there is a dispute. Even so, receiving a response is a better way to go. So, to clear up any possible confusion, this Court will allow defense counsel another opportunity to file a response. This Court grants Defendants leave to file a response to Plaintiff's Statement of Additional Facts (Dckt. No. [47]) by February 11, 2025. Second, it appears that Plaintiff mislabeled one of his filings, and that mislabeling made its way into this Court's previous summary judgment decision. Again, by way of background, the parties filed cross motions for summary judgment. Defendants filed a Statement of Facts (Dckt. No. [40]) to support their own motion for summary judgment. Defendants also filed a Statement of Additional Facts (Dckt. No. [41]–1) as part of their response to Plaintiff's motion for summary judgment. Plaintiff tried to file responses to both statements. Plaintiff tried to file his Response to Defendants' Statement of Facts, as well as his Response to Defendant's Statement of Additional Facts. But Plaintiff inadvertently uploaded his Response to the Defendants' Statement of Facts twice under the two separate docket entries intended for the two different documents (Dckt. Nos. [48], [49]). In other words, Plaintiff uploaded two copies of the same document (but labeled them as two different documents), when he meant to actually upload two different documents. After realizing the mistake, Plaintiff filed his actual Response to Defendant's Statement of Additional Facts as a separate docket entry (Dckt. No. [53]). That file needed another correction, so Plaintiff then filed a corrected Response to Defendants 9; Statement of Additional Facts (Dckt. No. [55]). After all this, the Court issued a ruling on one of the two motions for summary judgment. Specifically, this Court denied (Dckt. No. [56]) Plaintiff Gray's motion for summary judgment (Dckt. No. [30]). In that ruling, this Court cited the filing at Docket No. 48 as the "Pl.'s Resp. to Defs.' Statement of Additional Facts." This Court

relied on the document's description on the docket as Plaintiff's Response to Defendants' Statement of Additional Facts (Dckt. No. [48]). But as explained above, that filing was mislabeled on the docket. It was not truly Plaintiff's Response to Defendants' Statement of Additional Facts (meaning the statement of facts that undermined Plaintiff's motion). Instead, it was Plaintiff's Response to Defendants' Statement of Facts (meaning the statement of facts that supported Defendant's own motion). That confusion led to an errant citation in this Court's summary judgment decision. In that opinion, this Court should have cited Plaintiff's Response to Defendants' Statement of Additional Facts (Dckt. No. [55]) to resolve Plaintiff's motion for summary judgment, not Plaintiff's Response to Defendants' Statement of Facts (Dckt. No. [48]). Plaintiff's response to Defendants' Statement of Facts had to do with Defendants' motion for summary judgment, not Plaintiff's motion for summary judgment. But in the end, it is a distinction without a difference. The parties filed cross motions for summary judgment, and the docket includes lots of statements of facts and corresponding responses (and various corrections). For each motion, each side has a statement of facts and a response to the other side's statement of facts. That's eight (or there should be eight) statements of facts and corresponding responses. The record as a whole contains plenty of facts. And based on this Court's review of the overall record, this Court remains convinced that Plaintiff was not entitled to summary judgment. All of this is a long-winded way of saying the following: this Court acknowledges the citation mistake in its prior ruling as a result of the misfiling, but it makes no difference. Mailed notice. (jjr,)

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