

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

MADELINE MENDOZA,)
)
)
 Plaintiff,)
)
) No. 23-cv-2441
-vs-)
)
 Judge Durkin)
REYNALDO GUEVARA, *et al.*,)
)
)
 Defendants.)

MARILYN MULERO,)
)
)
 Plaintiff,)
)
) No. 23-cv-4795
-vs-)
)
 Judge Durkin)
REYNALDO GUEVARA, *et al.*,)
)
)
 Defendants.)

**DEFENDANTS' MOTION FOR LIMITED EXTENSION OF TIME
TO COMPLETE CERTAIN DEPOSITIONS**

NOW COMES Defendants, by and through their undersigned attorneys, and move this Court for an extension of time to complete certain depositions. In support of its motion, Defendants state as follows:

1. The parties have been diligently conducting both written and oral discovery in these two complex consolidated matters.
2. On November 9, 2024, this Court entered an order requiring the parties to complete the depositions of (1) Defendant Robert Biebel (November 22); (2) Jacqueline Montanez (December 3); (3) Plaintiff Marilyn Mulero (December 23); and (4) Plaintiff Madeline Mendoza (December 27).

This Court further ordered a joint status report confirming the deposition schedule for at least five of the third-party witnesses identified in Dckt. 83. Finally, this Court extended the non-Monell fact discovery deadline to February 28, 2025.

3. On December 30, 2024, the Parties filed a joint status report detailing the status of the Court Ordered Depositions. Dckt 99. These included depositions of both Plaintiffs, Defendant Biebel, and the remainder third party witness Jacqueline Montanez. *Id.*

4. In this joint status report, the parties also detailed their intent to depose a number of other third party witnesses. *See* Dckt. No. 99 at Part B.

5. Among these depositions were Assistant States Attorney John Dillon, criminal defense lawyer Jack Smeeton, and criminal defense lawyer Allan Sincox. The former two of these witnesses were deposed in January and February. The latter (Mr. Sincox) is scheduled to be deposed on February 28, 2025, prior to the current non-*Monell* fact discovery cut-off date.

6. The parties have also narrowed down the list of remaining depositions to be taken and removed a number of witnesses who were previously on the list of possible depositions.

7. However, for reasons outside the control of Defendants, a number of depositions that were previously noticed and served have not been able to proceed as scheduled. Specifically:

a. Father Jeremiah Lynch's deposition was subpoenaed and noticed for February 25, 2025. Several days before his deposition was to proceed, Father Lynch, who is currently a jail chaplain at the Cook County Jail, advised that his pastoral commitments there interfered with him being able to sit for his deposition on that date. Father Lynch requested that his deposition proceed on March 3, 2025. All parties are available for this deposition to proceed on this date and intend to complete it as scheduled that date with permission of this Court.

- b. Mr. Justin Brooks, Plaintiff Mulero's prior criminal defense attorney, was subpoenaed and noticed for February 17, 2025. On February 12, 2025, counsel for Plaintiff Marilyn Mulero indicated their office had a conflict on the scheduled date. Mr. Brooks has been cooperative with discussing available dates and Defendants believe his deposition can be completed in the next 45 days without any further difficulty.
- c. On January 31, 2025, Mr. Michael Krejci, former Assistant State's Attorney, was subpoenaed through CCSAO and his deposition noticed for February 14, 2025. Defendants were unable to confirm this deposition prior to the scheduled date and the deposition, thus, did not proceed. On February 24, 2025, CCSAO indicated that they would be reaching out to Mr. Krejci and would let Defendants know if they could accept service. Defendants believe that this deposition can be completed within the next 45 days without issue.
- d. On January 31, 2025, the CCSAO was subpoenaed for a 30(b)(6) deposition to proceed February 24, 2025. On February 21th, the Friday before the deposition was to proceed, CCSAO advised Defendants that the deposition would not proceed as noticed and indicated that their "outside counsel" would be in contact regarding the deposition(s). To date, CCSAO has not provided further dates for the deposition(s) nor indicated whether they would be objecting, in whole or in part, to Defendants' subpoena. On February 24, 2025, CCSAO indicated that they would be "discussing internally" and would respond. Defendants can complete the deposition(s) in the next 45 days or will bring any dispute about such deposition(s) before this Court in the event CCSAO interposes any objections thereto.

- e. Ms. Yvette Rodriguez is a witness who previously testified regarding her interactions and observations with Plaintiffs on the night of the murders. At one point this witness was accused of being involved in the murders by Plaintiffs' co-defendant, Jackie "Loca D" Montanez. On January 2, 2025, Ms. Rodriguez was located and served at Mount Sinai Hospital in Miami Florida. Since that time, counsel has been in discussions with Ms. Rodriguez about her deposition. The parties and the witness came to an agreement for her to appear at a court reporter's office near her home (transportation and assistance being provided to her due to her issues with being able to ambulate) and the deposition taking place with all counsel being remote to ease any concern she had about her safety. However, counsel has recently been made aware that Ms. Rodriguez has some other health issues that may affect her ability to give sworn testimony. In order to resolve that issue, counsel is now attempting to discuss this health issue with her treating doctor. Defendants believe that this issue can be resolved within the next 45 days.
- f. On February 12, 2025, counsel for Plaintiff Mulero issued an amended Rule 26(a)(1) disclosures list, disclosing a new damages witness, Ms. Demaris Gonzalez. Defendants intend to depose Ms. Gonzalez and can complete said deposition.
- g. On February 20, at the second half of Jacqueline Montanez's deposition, Ms. Montanez testified that she had conversations with two individuals, Sandra Greer and Adolpho Davis, who were being used as intermediaries between herself and the respective Plaintiffs in this case. At their depositions in this case, both Plaintiffs denied having had such communications. Accordingly,

Defendant seek to serve and depose such persons in this case. Defendants anticipate that such depositions will be short and can be completed within the next 45 days.

8. This request is not intended to cause undue delay or harm, and will not prejudice any Party. Indeed, there remains discovery to be completed in this case on *Monell* issues as well as expert discovery. Accordingly, granting this brief extension to complete the above depositions will not materially delay this case advancing forward.

9. Defendants asked Plaintiffs' position on this motion and Plaintiffs indicated that they "may not oppose an extension that is limited to holding deposition of witnesses [Defendants] have been diligent about trying to schedule" and requested a draft of the present motion to assess their final position. Defendants provided a draft of this motion at 3:35 pm on February 25, 2025, but did not hear back on Plaintiffs' position prior to the filing of this motion.

WHEREFORE, Defendants, REYNALDO GUEVARA, THE CITY OF CHICAGO, GERI LYNN YANOW as Special Representative for ERNEST HALVORSEN, deceased, STEPHEN GAWRYS, and ANTHONY RICCIO, respectfully request this Court grant Defendants' Motion for Extension of Time to Complete Certain Depositions and for any other relief as this Court deems just and reasonable.

Respectfully submitted,

By: /s/ Timothy P. Scahill
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