

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

Madeline Mendoza,)
)
)
 Plaintiff,) No. 23-cv-2441
)
)
 -vs-) (*Judge Durkin*)
)
)
City of Chicago, et al.) (*Magistrate Judge Kim*)
)
)
 Defendants.)
)
Marilyn Mulero,)
)
)
 Plaintiff,) No. 23-cv-4795
)
)
 -vs-) (*Judge Durkin*)
)
)
Reynaldo Guevara, et. al.,) (*Magistrate Judge Kim*)
)
)
 Defendants.)

OPPOSITION TO MOTION FOR EXTENSION

Plaintiffs, by counsel, file this memorandum in opposition to defendants' motion for extension. (ECF No. 103.)

1. The Court should deny the motion because defendants have not complied with Local Rule 37.2.
2. Defendants candidly admit (ECF No. 103 ¶ 9) that they did not provide plaintiffs' counsel reasonable time to review their motion: defendants shared the draft with plaintiffs' counsel at 3:35 p.m. on February 25, 2025, then filed the motion the same day at 7:58 p.m.

3. The Court should also deny the motion because defendants have not been diligent in attempting to schedule the depositions of the following witnesses: Michael Krejci, a representative of the Cook County State's Attorney's Office, Sandra Greer, and Adolpho Davis.

4. Defendants waited until January 31, 2025 to attempt to serve subpoenas on Michael Krejci (Exhibit 1) and the Cook County State's Attorney's Office. (Exhibit 2.) Defendants also waited until that date to serve Father Jeremiah Lynch and Justin Brooks.

5. The nine areas of inquiry in defendants' subpoena to the State's Attorney's Office (Exhibit 2) show that defendants want to hold a mini-trial on the positions taken by the State's Attorney in response to plaintiffs' post-conviction petitions and petitions for certificates of innocence.

6. The Court should not extend discovery to allow defendants to fish for irrelevant evidence, especially when that fishing expedition will be the subject of motion practice on the privileges the State's Attorney's Office customarily asserts in wrongful conviction cases. *See, e.g.*, Motions to Compel in 23-cv-3210, ECF Nos. 157, 160.

7. Defendants admit that they have not made any attempts to serve subpoenas on Sandra Greer and Adolpho Davis (ECF No. 103 ¶ 7(g)), whose depositions are not likely to result in relevant information.

8. Plaintiffs do not agree with defendants' unsupported characterization of the testimony about these two witnesses. But even accepting defendants' description (ECF No. 103 ¶ 7(g)), this testimony would be nothing more than an attempt to secure extrinsic evidence to impeach on a collateral issue.

9. Plaintiffs do not oppose the defendants' request to undertake the depositions of Father Jeremiah Lynch, Justin Brooks, Yvette Rodriguez, and Demaris Gonzalez after February 28, 2025.

Respectfully submitted,

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