

**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.,)	
)	Magistrate Judge Kim
Defendants.)	
MARILYN MULERO,)	
)	
Plaintiff,)	
)	No. 23-cv-4795
-vs-)	
)	Judge Durkin
REYNALDO GUEVARA, et al.,)	
)	Magistrate Judge Kim
<i>Defendants.</i>)	

**DEFENDANT CITY OF CHICAGO’S OBJECTIONS TO
PLAINTIFFS’ NOTICE OF VIDEOTAPED DEPOSITION
PURSUANT TO RULE 30(B)(6) OF CITY OF CHICAGO**

Pursuant to this Court’s order (Dkt. 122), the City submits its Objections to Plaintiffs’ Rule 30(b)(6) deposition notice as follows:

RIDER

Pursuant to Federal Rule of Civil Procedure 30(b)(6), The City of Chicago must designate one or more officers, directors or managing agents, or other persons to testify on its behalf on the following matters:

1. The City’s written and unwritten policies, practices, and customs in effect from 1976-1992, for detectives and officers, relating to the following:
 - a. Witness interrogations and interviews in homicide investigations, including interrogations and interviews of witnesses, eyewitnesses, criminal suspects and other witnesses. This request includes acceptable and prohibited techniques (e.g., the use of force or coercion, threats, deception, etc.) during interrogations and interviews; the length of such interrogations and interviews; supervision of

interrogations and interviews; documentation kept relating to such interviews and interrogations; and the administration of *Miranda* warnings and waivers.

- b. Documenting witness interrogations and interviews in homicide investigations, including, documenting the time, place and location of interrogations and interviews; all participants and witnesses to interrogations and interviews; and documenting the substance of interrogations and interviews, including material changes to witness answers, accounts, and stories provided in interrogations and interviews.
- c. Acceptable and prohibited techniques for interrogating and interviewing witnesses in custody about matters unrelated to the allegations against the witnesses, including promises of leniency, reduced sentences, and the use of force or coercion, threats, deception, etc., as well documenting said interrogations and interviews including the methods used.
- d. Acceptable and prohibited techniques for interrogating and interviewing jailhouse informants, including promises of leniency, reduced sentences, and the use of force or coercion, threats, deception, etc., as well as documenting said interrogations and interviews including the methods used.
- e. The use and conduct of, documentation of, and supervision of identification procedures for actual or potential witnesses, such as show-ups, live/in person line-ups, photographic lineups/arrays, and single-photo identification procedures. This request includes but is not limited to the written and unwritten practices, procedures, customs, rules, and techniques for performing these identification procedures; inventorying of evidence resulting from an identification procedure; selection and use of live and photographic fillers; the minimum and maximum number of suspects and fillers; process for taking photographs used in a photo lineup; number of witnesses permitted to view a single lineup; instructions given to participants subject to identification procedures, including communication of information about suspects or defendants; any other communications with witnesses subject to identification procedures; documentation of identification procedures and their results (including selection of suspects, fillers, or no identification); and creation and preservation of documentation relating to any of the foregoing subjects.
- f. The documentation and preservation of information learned during a homicide investigation. This request includes but is not limited to the use, storage, location and preservation of police reports, notes, witness statements, general offense reports, general progress reports, supplementary reports, lineup reports, evidence logs, inventory reports, and any other means of recording information learned during a homicide investigation.

OBJECTION: The City objects that the time frame in this request is overly broad and unduly burdensome. The City agrees that the time period should end in 1992 when the murders for which Plaintiffs were convicted were investigated, but 16 years prior is excessive. The City has litigated several cases involving Defendant Guevara where the plaintiffs raise substantially the same *Monell*

theories as here, and the parties have agreed to a narrower time period. In recent cases regarding Defendant Guevara, the plaintiffs have not demanded testimony for a time period earlier than 1986.

Additionally, topics 1(a), (d)-(f), and most of topic 1(b) appear to be copied from a previous Rule 30(b)(6) notice issued to the City in the consolidated cases of *Martinez v. Guevara et al*, *Tinajero v. Guevara et al*, and *Kelly v. Guevara et al*, where Plaintiff Mendoza's counsel represents one of the plaintiffs. In *Martinez/Tinajero/Kelly*, the parties agreed that the City would designate recent prior Rule 30(b)(6) testimony taken in recent cases involving Defendant Guevara, where the noticed topics were the same, rather than conducting a new deposition on the same topics again. This agreement was also reached in several other pending cases involving Defendant Guevara. The City presented the same proposal here, and Plaintiffs have not accepted it. While the City appreciates that the Plaintiffs' counsel may want the opportunity to ask the questions themselves, Plaintiffs chose to copy most of the notice from another case where the parties agreed to designated testimony, including Plaintiff Mendoza's counsel. Further, the *Monell* theories in cases involving Defendant Guevara are substantially the same. The City objects, therefore, to having to present a City representative again for testimony on the same topics for the same purpose.

As for the topics that are new to this case – 1(c), 1(d), and the portion of 1(b) stating “including material changes to witness answers, accounts, and stories provided in interrogations and interviews” – those topics are not sufficiently dissimilar to the more general topics included in topic 1(a) regarding witness interrogations and interviews to warrant new Rule 30(b)(6) testimony. In fact, as explained in the City's Objections to Plaintiffs' Request for Production and Interrogatories, the City is uncertain as to what Plaintiffs mean by the term “jailhouse informant,” or the phrase “about matters unrelated to the allegations against the witnesses.” And Plaintiffs do not make clear what they mean by “and officers.” As explained in the City's Objections to Plaintiffs' Request for Production and Interrogatories, only detective training is relevant in this case.

2. The training provided by the City to detectives and officers from 1976-1992 on the following:
 - a. Witness and suspect interrogations and interviews in homicide investigations, including training on: acceptable and prohibited techniques during interrogations and interviews; the length of such interrogations and interviews; the importance and requirement of documentation associated with such interviews or interrogations; and the administration of *Miranda* warnings and waivers.
 - b. Acceptable and prohibited techniques for interrogating and interviewing jailhouse informants, including promises of leniency, reduced sentences, and the use of force or coercion, threats, deception, etc., as well as the importance and requirement of documentation associated with such interviews or interrogations.
 - c. Acceptable and prohibited techniques for interrogating and interviewing witnesses in custody about matters unrelated to the allegations against the witnesses, including promises of leniency, reduced sentences, and the use of force or coercion, threats, deception, etc., as well as the importance and requirement of documentation associated with such interviews or interrogations.
 - d. The use and conduct of, documentation of, and supervision of identification

procedures for witnesses such as show-ups, line-ups, photo arrays, and single-photo identification procedures, including but not limited to training of techniques and performing these identification procedures, including but not limited to training on techniques for performing these identification procedures; inventorying of evidence resulting from an identification procedure; selection and use of live and photographic fillers; the minimum and maximum number of suspects and fillers; process for taking photographs used in a photo lineup; number of witnesses permitted to view a single lineup; instructions given to participants subject to identification procedures, including communication of information about suspects or defendants; and other communications with witnesses subject to identification procedures; documentation of identification procedures and their results (including selection of suspects, fillers, no identification); and creation and preservation of documentation relating to any of the foregoing subjects.

- e. The documentation and preservation of information learned during a homicide investigation, including but not limited to training on the use of police reports, notes, witness statement, general progress reports, supplementary reports, lineup reports, evidence logs, inventory reports, and any other means of recording information learned during a homicide investigation, as well as the importance and requirement of the use of such records.
- f. Obligations under *Brady v. Maryland*, including but not limited to training related to ensuring that exculpatory information favorable to the accused in a criminal investigation, which would tend to show that the accused was not guilty of a crime or which would tend to undermine the credibility of any prosecution witness, is disclosed to suspects, criminal defendants, their attorneys, and prosecutors.

OBJECTION: The City objects that the time frame in this request is overly broad and unduly burdensome. The City agrees that the time period should end in 1992 when the murders for which Plaintiffs were convicted were investigated, but 16 years prior is excessive. The City has litigated several cases involving Defendant Guevara where the plaintiffs raise substantially the same *Monell* theories, and the parties have agreed to a narrower time period. In recent cases regarding Defendant Guevara, the plaintiffs have not demanded testimony for a time period earlier than 1986.

Additionally, topics 2(a) and 2(d)-(f) appear to be copied from a previous Rule 30(b)(6) notice issued to the City in the consolidated cases of *Martinez v. Guevara et al*, *Tinajero v. Guevara et al*, and *Kelly v. Guevara et al*, where Plaintiff Mendoza's counsel represents one of the plaintiffs. In *Martinez/Tinajero/Kelly*, the parties agreed that the City would designate recent prior Rule 30(b)(6) testimony taken in recent cases involving Defendant Guevara, where the noticed topics were the same, rather than conducting a new deposition on the same topics again. This agreement was also reached in several other pending cases involving Defendant Guevara. The City presented the same proposal here, and Plaintiffs have not accepted it. While the City appreciates that the Plaintiffs' counsel may want the opportunity to ask the questions themselves, Plaintiffs chose to copy most of the notice from another case where the parties agreed to designated testimony, including Plaintiff Mendoza's counsel. Further, the *Monell* theories in cases involving Defendant Guevara are substantially the same. The City objects, therefore, to having to present a City representative again for testimony on the same topics for the same purpose.

As for the topics that are new to this case – 2(b) and 2(c) – those topics are not sufficiently dissimilar to the more general topics included in topic 2(a) regarding training witness interrogations and interviews to warrant new Rule 30(b)(6) testimony. In fact, as explained in the City’s Objections to Plaintiffs’ Request for Production and Interrogatories, the City is uncertain as to what Plaintiffs mean by the term “jailhouse informant,” or the phrase “about matters unrelated to the allegations against the witnesses.” And Plaintiffs do not make clear what they mean by “and officers.” As explained in the City’s Objections to Plaintiffs’ Request for Production and Interrogatories, only detective training is relevant in this case.

3. For the period of 1976 through 1992, the policies, practices, and procedures of the Chicago Police Department relating to investigations regarding misconduct, including but not limited to the discipline of Chicago police officers who were found to have engaged in misconduct contrary to City of Chicago policies.

OBJECTION: The City objects that the time frame in this request is overly broad and unduly burdensome. The City agrees that the time period should end in 1992 when the murders for which Plaintiffs were convicted were investigated, but 16 years prior is excessive. The City has litigated several cases involving Defendant Guevara where the plaintiffs raise substantially the same *Monell* theories, and the parties have agreed to a narrower time period. In recent cases regarding Defendant Guevara, the plaintiffs have not demanded testimony for a time period earlier than 1986.

Additionally, this topic appears to be copied from a previous Rule 30(b)(6) notice issued to the City in the consolidated cases of *Martinez v. Guevara et al*, *Tinajero v. Guevara et al*, and *Kelly v. Guevara et al*, where Plaintiff Mendoza’s counsel represents one of the plaintiffs. In *Martinez/Tinajero/Kelly*, the parties agreed that the City would designate recent prior Rule 30(b)(6) testimony taken in recent cases involving Defendant Guevara, where the noticed topics were the same, rather than conducting a new deposition on the same topics again. This agreement was also reached in several other pending cases involving Defendant Guevara. The City presented the same proposal here, and Plaintiffs have not accepted it. While the City appreciates that the Plaintiffs’ counsel may want the opportunity to ask the questions themselves, Plaintiffs chose to copy most of the notice from another case where the parties agreed to designated testimony, including Plaintiff Mendoza’s counsel. Further, the *Monell* theories in cases involving Defendant Guevara are substantially the same. The City objects, therefore, to having to present a City representative again for testimony on the same topics for the same purpose.

4. Other than the policies, practices, and procedures identified in response to Request #3: for the period from 1976 through 1992, any investigations or audits by the City of Chicago to identify, investigate, or prevent any of the following types of misconduct—including but not limited to investigations by Internal Affairs, the Office of Professional Standards, the Independent Police Review Authority, or any other agency, firm, or organization retained by the City of Chicago—to identify, investigate, prevent, or impose discipline, related to any of the types of misconduct set forth below. This request assumes that the City’s response to Request #3 will include the City’s policies, practices, and procedures related to civilian complaints and CR investigations, and accordingly this request *excludes* CR investigations and does *not* request that the City count up CR investigations related to the categories below. Instead, this request seeks to identify any other investigations or audits

the City conducted related to:

- a. The use of force, coercion or other prohibited techniques to obtain incriminating statements from witnesses or suspects.
- b. Misconduct in conducting, documenting, and supervising identification procedures for witnesses such as show-ups, line-ups, photo arrays, clothing lineups, and single-photo identification procedures. This includes, but is not limited to misconduct in structuring, performing, or initiating such identification procedures; failing to properly document an identification procedure; failing to properly inventory evidence resulting from an identification procedure; misconduct in the selection and use of fillers; misconduct in the communication of information about suspects or defendants to witnesses participating in identification procedures; and the failure to create and preserve Documentation relating to any of the foregoing subjects.
- c. Fabrication of inculpatory evidence.
- d. Failure to properly document or place *Brady* evidence in official police department files, or otherwise withholding material, exculpatory information from prosecutors, suspects, criminal defendants and their attorneys.
- e. Failure to document investigative activities and information learned during a homicide investigation.

OBJECTION: The City objects that the time frame in this request is overly broad and unduly burdensome. The City agrees that the time period should end in 1992 when the murders for which Plaintiffs were convicted were investigated, but 16 years prior is excessive. The City has litigated several cases involving Defendant Guevara where the plaintiffs raise substantially the same *Monell* theories, and the parties have agreed to a narrower time period. In recent cases regarding Defendant Guevara, the plaintiffs have not demanded testimony for a time period earlier than 1986.

Additionally, this topic appears to be copied from a previous Rule 30(b)(6) notice issued to the City in the consolidated cases of *Martinez v. Guevara et al*, *Tinajero v. Guevara et al*, and *Kelly v. Guevara et al*, where Plaintiff Mendoza's counsel represents one of the plaintiffs. In *Martinez/Tinajero/Kelly*, the parties agreed that the City would designate recent prior Rule 30(b)(6) testimony taken in recent cases involving Defendant Guevara, where the noticed topics were the same, rather than conducting a new deposition on the same topics again. This agreement was also reached in several other pending cases involving Defendant Guevara. The City presented the same proposal here, and Plaintiffs have not accepted it. While the City appreciates that the Plaintiffs' counsel may want the opportunity to ask the questions themselves, Plaintiffs chose to copy most of the notice from another case where the parties agreed to designated testimony, including Plaintiff Mendoza's counsel. Further, the *Monell* theories in cases involving Defendant Guevara are substantially the same. The City objects, therefore, to having to present a City representative again for testimony on the same topics for the same purpose.

5. For the period from 1976 through 1992, all efforts by the City of Chicago to identify, investigate, or prevent—including through investigations by Internal Affairs, the Office of

Professional Standards, the Independent Police Review Authority, any other agency, firm, or organization retained by the City of Chicago, or any other federal, state or local law enforcement agency—wrongful acts by Reynaldo Guevara.

OBJECTION: The City objects that the time frame in this request is overly broad and unduly burdensome. The City agrees that the time period should end in 1992 when the murders for which Plaintiffs were convicted were investigated, but 16 years prior is excessive. The City has litigated several cases involving Defendant Guevara where the plaintiffs raise substantially the same *Monell* theories, and the parties have agreed to a narrower time period. In recent cases regarding Defendant Guevara, the plaintiffs have not demanded testimony for a time period earlier than 1986.

Additionally, this topic appears to be copied from a previous Rule 30(b)(6) notice issued to the City in the consolidated cases of *Martinez v. Guevara et al*, *Tinajero v. Guevara et al*, and *Kelly v. Guevara et al*, where Plaintiff Mendoza's counsel represents one of the plaintiffs. In *Martinez/Tinajero/Kelly*, the parties agreed that the City would designate recent prior Rule 30(b)(6) testimony taken in recent cases involving Defendant Guevara, where the noticed topics were the same, rather than conducting a new deposition on the same topics again. This agreement was also reached in several other pending cases involving Defendant Guevara. The City presented the same proposal here, and Plaintiffs have not accepted it. While the City appreciates that the Plaintiffs' counsel may want the opportunity to ask the questions themselves, Plaintiffs chose to copy most of the notice from another case where the parties agreed to designated testimony, including Plaintiff Mendoza's counsel. Further, the *Monell* theories in cases involving Defendant Guevara are substantially the same. The City objects, therefore, to having to present a City representative again for testimony on the same topics for the same purpose.

6. Any and all changes made between 1976 through 1992 to the written and unwritten policies, General Orders, practices, customs, rules, and techniques identified in Request No. 1, and for each such change, how Chicago Police Department detectives were made aware of the changes identified above, including but not limited to how they were informed of the new policies and the timeframe in which all steps were taken to inform the officers of the policy change.

OBJECTION: The City objects that the time frame in this request is overly broad and unduly burdensome. The City agrees that the time period should end in 1992 when the murders for which Plaintiffs were convicted were investigated, but 16 years prior is excessive. The City has litigated several cases involving Defendant Guevara where the plaintiffs raise substantially the same *Monell* theories, and the parties have agreed to a narrower time period. In recent cases regarding Defendant Guevara, the plaintiffs have not demanded testimony for a time period earlier than 1986.

Additionally, this topic appears to be copied from a previous Rule 30(b)(6) notice issued to the City in the consolidated cases of *Martinez v. Guevara et al*, *Tinajero v. Guevara et al*, and *Kelly v. Guevara et al*, where Plaintiff Mendoza's counsel represents one of the plaintiffs. The City reached an agreement with the plaintiffs in those cases, as well as several other pending cases involving Defendant Guevara to take one consolidated deposition of the City's designee on this topic, and the agreement reached that includes the year 1992. The deposition is not yet confirmed but is expected to take place in June. Because that agreement in those cases includes counsel for Plaintiff Mendoza, the City proposes it designate the testimony for the upcoming deposition for this topic, rather than

conducting another deposition on the same topic for substantially the same *Monell* theories.

7. The identification of, participation in, and removal from the City of Chicago Behavioral Intervention Program (“BIP”) of Reynaldo Guevara, including the communications and basis that led to placement of Guevara in the BIP; the nature and extent of Guevara’s participation in the BIP; any supervision, counseling, and/or discipline that Guevara received in connection with the BIP; any action taken by the City of Chicago with respect to Guevara while he was in the BIP; the reasons for Guevara’s exit from the BIP; any contemporaneous documentation of any of the above topics; and the whereabouts, from the time of Guevara’s participation in the BIP to the present, of any documentation relating to the above topics.

OBJECTION: This topic is identical to the notice issued in the *Martinez/Tinajero/Kelly* cases. The City reached an agreement with the plaintiffs in those cases, as well as several other pending cases involving Defendant Guevara, to take one consolidated deposition of the City’s designee on this topic. The deposition is not yet confirmed but is expected to take place in June. Because that agreement in those cases includes counsel for Plaintiff Mendoza, the City proposes it designate the testimony for the upcoming deposition for this topic, rather than conducting another deposition on the same topic for substantially the same *Monell* theories.

8. For the period from 1999 through the present, all efforts by the City of Chicago to identify, investigate, or prevent—including through investigations by Internal Affairs, the Office of Professional Standards, the Independent Police Review Authority, any other agency, firm, or organization retained by the City of Chicago, or any other federal, state or local law enforcement agency—wrongful acts by Reynaldo Guevara Ernest Halvorsen, Stephen Gawrys, and Anthony Riccio. This request includes but is not limited to outside investigations, cold case units, and post-conviction petition investigations.

OBJECTION: This topic is identical to the notice issued in the *Martinez/Tinajero/Kelly* cases. The City reached an agreement with the plaintiffs in those cases, as well as several other pending cases involving Defendant Guevara, to take one consolidated deposition of the City’s designee on this topic as to Defendant Guevara. The deposition is not yet confirmed but is expected to take place in June. Because that agreement in those cases includes counsel for Plaintiff Mendoza, the City proposes it designates the testimony for the upcoming deposition as agreed for this topic, rather than conducting another deposition on the same topic for substantially the same *Monell* theories.

Because Plaintiffs have included Halvorsen, Gawrys, and Riccio in this topic, and they are not included in the Rule 30(b)(6) notice for the *Martinez/Tinajero/Kelly* cases, the City will agree to produce a designee to provide testimony on this topic as to them.

The person(s) designated pursuant to this Notice should produce, at least seven days prior to the deposition, any and all documents related to the above topics within their possession, custody, or control, or, if the documents have already been produced in this litigation, identify those documents by bates number.

Dated: May 30, 2025

Respectfully submitted,

/s/ Catherine M. Barber

Special Assistant Corporation Counsel
One of the Attorneys for City of Chicago

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