

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

MADELINE MENDOZA,)
Plaintiff,)
v.)
REYNALDO GUEVARA, et al.,)
Defendants.)

MARILYN MULERO,)
Plaintiff,)
v.)
REYNALDO GUEVARA, et al.,)
Defendants.)

Case No. 23-cv-2441

Case No. 23-cv-4795

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO COMPLETE
DEPOSITIONS OF CCSAO 30(B)(6) DESIGNEES**

NOW COME Defendants Reynaldo Guevara, Geri Lynn Yanow, as Special Representative for Ernest Halvorsen, deceased, Anthony Riccio, Stephen Gawrys, and the City of Chicago (collectively “Defendants”), by and through their undersigned counsel, and moving this Court for an extension of time to complete depositions of Cook County State’s Attorney personnel pursuant to Defendant’s Fed. R. Civ. P. 30(b)(6) notice. In support thereof, Defendants state as follows:

1. As this Court is well-aware, Defendants have been diligently attempting to secure certain testimony from the Cook County State's Attorney's Office pursuant to Fed. R. Civ. P. 30(b)(6) since January of this year.
2. The most recent filing by Defendants detailing this procedural history is set forth in Defendants' May 7, 2025, motion for limited extension of time to complete such depositions (which is hereby incorporated by reference). *See* Dckt. No. 123.
3. This Court granted this Motion and gave the parties until June 30, 2025 to complete the depositions subject to Defendants' notice for which this Court had previously granted leave. *See* Dckt. No. 125.
4. Through no fault of Defendants (or Plaintiffs), the parties have not been able to complete this discovery on that timeline.
5. To be clear, Defendants do not accuse CCSAO of unreasonable delay or lack of diligence in this regard. To the contrary, CCSAO has been quite responsive and has diligently attempted to secure the required discovery as requested from the most knowledgeable personnel as required under the Federal Rules.
6. In that regard, in late May, CCSAO identified one deponent to testify about Topics 1-4 of Defendants' 30(b)(6) notice and another to testify about Topic 9.¹
7. To this end, CCSAO provided proposed deposition dates for these deponents of June 25 and June 27, 2025.

¹ This Court previously gave Defendants leave to proceed with this discovery on Topics 1-4 with certain limitations and ordered Defendants to work with CCSAO to refine Topics 5-9. *See* Dckt. No. 125. Defendants engaged in such consultation with CCSAO and agreed to proceed only on Topic 9 and not seek any separate deponent on Topics 5-8 (except, of course, to the extent such Topics overlapped with the matters set forth in Topics 1-4 and 9). *Id.*

8. On June 10, however, CCSAO's Chief Deputy, ASA Jennifer Bagby, contacted the undersigned and indicated that one of the deponents, Adam Weber, was unavailable for the previously discussed deposition dates. Among other things, Mr. Weber was no longer with CCSAO and returned to the private sector as an Associate Dean at Chicago-Kent College of Law. ASA Bagby requested that this deposition proceed in early-mid-July to accommodate Mr. Weber.
9. ASA Bagby indicated that the other deponent, Carol Rogala, would be able to sit for her deposition as previously discussed on June 27.
10. The undersigned was out of the country when this request was made. When the undersigned returned to the office on June 16, the undersigned relayed this request to Plaintiffs' counsel who indicated that they could proceed with the deposition of ASA Rogala on the 27th and Mr. Weber the week of July 14 (subject to Court approval).
11. Thereafter, in the late afternoon on Friday, June 20, ASA Bagby indicated that, in the process of preparing ASA Rogala for her testimony, she had discovered some written discovery materials relating to Defendant's 30(b)(6) notice that were responsive to Defendants' February 2024 records subpoena to CCSAO that had not been produced but should have been. ASA Bagby noted that these materials appeared to modify the appropriate 30(b)(6) designees that CCSAO would need to produce and the scope of testimony for the previously identified deponents.
12. On Monday, June 23, after receiving this message, the undersigned spoke with ASA Bagby. At that time, ASA Bagby indicated that ASA Rogala would not be able to be prepared to testify on the previously discussed matters under Rule 30(b)(6) on June 27 as a result of the matters contained within the documents referenced by ASA Bagby.

13. ASA Bagby requested some additional time to sort out the designation(s) and prepare the appropriate personnel for depositions responsive to Defendants' notice.
14. Defendants' counsel advised that they did not have an opposition to this request but advised ASA Bagby that this Court had set a deadline of June 30 to complete this discovery.
15. Defendants suggested that they would request July 31 as the extended date from this Court to complete this 30(b)(6) discovery.
16. ASA Bagby advised that she understood and would provide, if necessary, whatever further background information might be necessary for this Court to grant this additional time.
17. Defendants promptly advised Plaintiffs' counsel of this communication with ASA Bagby and indicated that Defendants did not object to this request by CCSAO.
18. On the evening of June 23, ASA Bagby then produced 380 pages of documents responsive to Defendants' February 2024 subpoena.
19. These documents were marked "Confidential" so Defendants do not discuss the particulars of them or attach them hereto. However, the documents produced do, indeed, appear to be highly relevant to the circumstances leading to the vacating of Plaintiff's convictions and reveal the identity of persons involved in such process.
20. Once again, Defendants do not mean to imply any malfeasance or lack of diligence of the *present* CCSAO administration who have been tasked with producing 30(b)(6) discovery that relates chiefly to the acts of a *previous* administration. Defendants understand the difficulty and complexity of such tasks under the circumstances. And, of course, it benefits no party for CCSAO to produce an improper, inadequate or ill-prepared 30(b)(6) deponent.
21. Moreover, as this Court is aware, there remains discovery ongoing on *Monell* issues in this case. Thus, providing some additional time to allow CCSAO to identify, prepare, and

present the appropriate deponents will not prejudice any party and will be in the interests of justice.

22. Defendants ask for this Court to extend the deadline to complete this 30(b)(6) discovery to July 31, 2025 and will endeavor to complete the relevant discovery by that deadline. In the event this extended deadline appears to be unrealistic, Defendants will promptly advise the Court.

23. Plaintiffs do not oppose this Motion.

WHEREFORE Defendant prays this Court extend the deadline for completion of Defendants' Fed. R. Civ. P. 30(b)(6) discovery to July 31, 2025 and for whatever other relief this Court deems fit.

Respectfully submitted,

By: /s/ Timothy P. Scahill

Timothy P. Scahill
Special Assistant Corporation Counsel

Steven B. Borkan
Timothy P. Scahill
Andrea F. Checkai
Whitney N. Hutchinson
BORKAN & SCAHILL, LTD.
20 South Clark Street, Suite 1700
Chicago, Illinois 60603
Counsel for Reynaldo Guevara

/s/ Josh M. Engquist
Josh M. Engquist
Special Assistant Corporation Counsel

Josh M. Engquist
Caroline P. Golden
David A. Brueggen
Jeffrey R. Kivetz
Kyle T. Christie
Allison L. Romelfanger
Special Assistant Corporation Counsel
THE SOTOS LAW FIRM, P.C.
141 W. Jackson, Suite 1240A
Chicago, Illinois 60604
Counsel for Individual Defendants

/s/ Eileen E. Rosen
Special Assistant Corporation Counsel

Eileen E. Rosen
Catherine M. Barber
Lauren Ferrise
Rock, Fusco, & Connnelly
333 W. Wacker, 19th Floor
Chicago, Illinois 60606
Counsel for Defendant City of Chicago