

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.8 (rev. 1.8.3)
Eastern Division**

Madeline Mendoza, et al.

Plaintiff,

v.

Case No.: 1:23–cv–02441

Honorable Thomas M. Durkin

City Of Chicago, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, September 8, 2025:

MINUTE entry before the Honorable Young B. Kim: Defendants' motion for extension of time [154]---treated as a motion for leave to depose nonparty Kimberly M. Foxx---is granted. The motion hearing scheduled for tomorrow is canceled because the court reviewed and considered Plaintiffs' opposition to the motion, (R. 157). Plaintiffs are correct that Rule 30(b)(6) does not grant Defendants the discretion to pick and choose CCSAO's Rule 30(b)(6) designees. However, as a Rule 30(b)(6) deponent, CCSAO has an obligation to prepare its designees to reasonably address the topics identified at the deposition. Unfortunately, CCSAO failed to do so, at least according to the motion, and Plaintiffs do not dispute that neither Carol Rogala nor Adam Weber was able to answer questions about the basis for electing not to oppose Plaintiffs' request for post-conviction relief. The designees' failure to answer certain questions and what they did offer in testimony appear to contradict public statements CCSAO made through Foxx---namely, that the office performed a comprehensive case-by-case-review and such investigation led to the office not opposing Plaintiffs' requests for post-conviction relief. Under the circumstances of this case, where Defendants did nothing wrong and a third-party respondent failed to adequately prepare its designees, this court could impose sanctions on CCSAO and require it to produce another designee who can answer the questions---presumably only after conferring with Foxx---or allow Defendants to cut out the middleman and depose Foxx. The latter approach appears to be more efficient and in line with the objectives of Rule 1. As such, the court grants Defendants leave to depose Foxx by September 30, 2025. But if Defendants opt for this latter option, the deposition of Foxx remedies all outstanding Rule 30(b)(6) issues they have with CCSAO. Finally, the parties are advised that Defendant City's May 30, 2025 objections to Plaintiffs' Monell discovery requests remain pending. (ec,)

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