

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.)

JOINT STATUS REPORT

The parties, by and through counsel, submit this report in accordance with the Court's order (Doc. 73).

On August 10, 2024, this Court set a non-Monell discovery deadline of January 10, 2024, and instructed the parties to advise the court of the following:

1) Depositions completed

The parties have completed the following depositions:

- i. Defendant Reynaldo Guevara, completed on September 24, 2024;
- ii. Defendant Anthony Riccio, completed on October 18, 2024;
- iii. Third-party Lawrence Poli, completed on October 30, 2024
- iv. Defendant Steven Gawyrs, completed on November 8, 2024.

2) Depositions each side still requires and scheduled

The parties have scheduled the following additional depositions:

- i. Defendant Robert Biebel, scheduled for November 22, 2024;
- ii. Third-party witness Jacqueline Montanez, scheduled for December 3, 2024;
- iii. Plaintiff Marilyn Mulero, scheduled for December 23, 2024; and
- iv. Plaintiff Madeline Mendoza, scheduled for December 27, 2024

3) Depositions each side still requires but not scheduled

The parties are seeking to locate the following individuals to schedule their depositions:

- i. Third-party witness Joan Roberts Santiago;
- ii. Third-party witness Rhonda Riley;
- iii. Third-party witness Marilyn Serrano;
- iv. Third-party witness Antonio Perez
- v. Third-party witness Yvette Rodriguez;
- vi. Third-party witness Iris Perez;
- vii. Third party witness Maria Suez;
- viii. Third-party witness Jack Smeeton; and
- ix. Third-party witness Maria Mendoza

Plaintiffs are also seeking to schedule the deposition of former-Assistant State's Attorney John Dillon, and Plaintiffs' counsel is conferring with the attorneys who represent Dillon in other lawsuits.

4) Whether each side plans on retaining experts.

Plaintiff Mulero intends on retaining at least three experts.

Plaintiff Mendoza intends on retaining at least three experts.

Defendants are not yet able to determine which expert witnesses they will retain, as the number largely depends on how many experts Plaintiffs disclose and for what topics. Defendants anticipate disclosing witnesses to rebut Plaintiffs' experts.

5) Additional discovery issues

Pursuant to the Court's prior ruling (Doc. 73), Plaintiffs' counsel has obtained files from the multiple offices of Plaintiffs' prior counsel and supplemented their document production accordingly. However, outstanding documents include:

- *Ms. Lauren Myerscough-Mueller from The Exoneration Project.* Plaintiff Mulero continues to follow-up regarding the status of their production and will keep the defense apprised;
- *Office of the Illinois Appellate Defender.* Plaintiff Mulero received these records, and on October 24, 2024, advised the defense that the records were produced in hard form and comprised thousands of pages in multiple bankers boxes. Plaintiff Mulero offered to allow Defendants to either inspect the documents or have the documents digitized and bates labeled for production. Defendants opted for the latter. Plaintiff Mulero is working to complete said process and advised the defense that the documents will be produced upon completion, and that a privilege log will accompany the production.
- *Cook County Public Defender.* The Public Defender's Office represented plaintiff Mendoza in an appeal of a post-conviction petition. Plaintiff Mendoza continues to follow-up on the Office's attempt to locate this file. A representative of the Office has stated that the file will not contain anything except filed pleadings and transcripts.

The parties have held discussions regarding priority in questioning for Jacqueline Montanez's deposition and they may seek court intervention if the matter is not resolved promptly.

Dated: November 8, 2024

Respectfully submitted,

/s/ Carter Grant

Steven A. Hart
Brian Eldridge
Carter Grant
John Marrese
Hart McLaughlin & Eldridge, LLC
One South Dearborn St, Ste 1400
Chicago, Illinois 60603
(312) 955-0545
shart@hmelegal.com
beldridge@hmelegal.com
cgrant@hmelegal.com
jmarrese@hmelegal.com

/s/ Joel A. Flaxman

Joel A. Flaxman
Kenneth N. Flaxman
200 S Michigan Ave Ste 201
Chicago, IL 60604-2430
(312) 427-3200
jaf@kenlaw.com
knf@kenlaw.com
Attorneys for Plaintiff Mendoza

Antonio M. Romanucci
Bhavani Raveendran
Sam Harton
Patrick Driscoll
Romanucci & Blandin, LLC
321 N. Clark Street, Ste 900
Chicago, Illinois 60654
(312) 458-1000
aromanucci@rblaw.net
b.raveendran@rblaw.net
sharton@rblaw.net
PDriscoll@rblaw.net
Attorneys for Plaintiff Mulero

/s/ Catherine M. Barber

*Counsel for Defendant City of Chicago.
Special Assistant Corporation Counsel*

Eileen E. Rosen
Austin G. Rahe
Catherine M. Barber,
Theresa B. Carney,
Lauren Ferrise,
Jessica Zehner,

Rock, Fusco, & Connelly
333 W. Wacker, 19th Floor
Chicago, Illinois 60606
(312) 494-1000

/s/ Josh Engquist

*Counsel for Geri Lynn Yanow, as Special
Representative for Ernest Halvorsen,
Deceased, Stephen Gawrys, and Anthony
Riccio, Special Assistant Corporation
Counsel*

James Sotos
Josh M. Engquist
John Timbo
Elizabeth Fleming
Thomas Sotos
George Yamin, Jr.

THE SOTOS LAW FIRM, P.C.
141 West Jackson Blvd. #1204A
Chicago, Illinois 60604

/s/ Andrea F. Checkai
Counsel for Defendant Guevara
Special Assistant Corporation Counsel

Steven B. Borkan
Timothy P. Scahill
Krystal R. Gonzalez
Andrea F. Checkai

BORKAN & SCAHILL, LTD.
20 South Clark Street, Suite 1700
Chicago, Illinois 60603
(312) 580-1030