

EXHIBIT 8

UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division

Gamalier Rivera

Plaintiff,

v.

Case No.: 1:23-cv-01743
Honorable Edmond E. Chang

Reynaldo Guevara, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, January 22, 2024:

MINUTE entry before the Honorable Sunil R. Harjani: Plaintiff's motion to compel [66] and Defendant's cross-motion for a protective order [71] are both granted in part and denied in part. This dispute centers on who may question witnesses Madeline Burgos, Reynaldo DeJesus, and Nicholas Gonzalez first at their depositions. The Court has significant discretion in deciding the order of witness questioning under Federal Rule of Civil Procedure 26(c) and (d). The Court finds that Plaintiff may proceed first with DeJesus and Gonzalez, and Defendants may proceed first with Burgos. Plaintiff noticed and served the Rule 45 deposition subpoenas first and that fact has some persuasive power. In addition, Plaintiff also intend to call DeJesus and Gonzalez as third-party witnesses in their case-in-chief as alternative suspects and DeJesus and Gonzalez will be deposed about whether they are the real killers; thus they are adverse to Plaintiff, not in their control, and their testimony needs to be memorialized by Plaintiff in the event that they are unavailable for trial. As for Burgos, she is Plaintiff's sister-in-law and her contact information in a discovery disclosure was identified as Plaintiff's counsel. These facts demonstrate that Plaintiff can easily obtain information from Burgos voluntarily and obtain her appearance at trial without compelling her testimony, giving Defendants a firmer rationale for priority in questioning as a witness adverse to them. To be clear, the Court is not commenting on broader issues about the witness draft method or other arguments about witness alignment with this order, but rather is opting to decide this limited issue as to three witnesses only. Mailed notice(lxs,)

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