

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

MADELINE MENDOZA,)	
)	
Plaintiff,)	
)	No. 23-cv-2441
-vs-)	
)	Judge Thomas M. Durkin
REYNALDO GUEVARA, <i>et al.</i> ,)	Magistrate Judge Young B. Kim
)	
Defendants.)	
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MARILYN MULERO,)	
)	
Plaintiff,)	
)	No. 23-cv-4795
-vs-)	
)	Judge Thomas M. Durkin
REYNALDO GUEVARA, <i>et al.</i> ,)	Magistrate Judge Young B. Kim
)	
Defendants.)	

DECLARATION OF BRIAN ELDRIDGE

I, Brian Eldridge, am over the age of 18, am of sound mind, have personal knowledge of the below, and if called as a witness would testify as follows:

1. I have been preparing with Ms. Mulero in anticipation of her deposition proceeding on December 23, 2024, as scheduled. Without waiving any privileged communications, Ms. Mulero has told me that she very much wants her deposition to be “over with.”
2. I have met with Ms. Mulero twice to prepare for her deposition, but the preparation has not been completed. Ms. Mulero’s case spans over 30 years and within the extensive document production in this case there are a number of statements she has made, or which have been made about her that I have yet to review with her.

3. We had long scheduled out our preparation sessions, such that the final session with Ms. Mulero would be on December 20, 2024, and that, if needed, we would also meet over the weekend before her deposition on Monday, December 23.

4. Earlier this week, on December 18, 2024, Ms. Mulero contacted me and advised that she was sick with flu-like symptoms. I notified defense counsel of this fact but reported that I was optimistic that she would be better in time for her deposition to proceed on Monday, December 23. At the same time, I advised defense counsel that I had scheduled a meeting with Ms. Mulero for Friday, December 20, to continue and complete preparation for her deposition, and that the deposition could not proceed unless we were able to complete our preparation. Defense counsel was respectful and expressed his understanding.

5. On the early afternoon of December 19, 2024, I spoke to Ms. Mulero on the telephone to check in on her health. She sounded terrible, but said she was feeling better. I then disclosed this conversation to all defense counsel and said that I would keep them closely advised. Later that same night, I spoke to Ms. Mulero again on the telephone to check in on how she was doing. At that time, she sounded better and was feeling better, so I confirmed arrangements to meet with her on December 20 to complete her deposition preparation. I also immediately advised defense counsel that Ms. Mulero's deposition would proceed on December 23, as scheduled.

6. During the middle of the night, at 3:48 a.m., Ms. Mulero texted me to report that she was not feeling well and that her body was aching again, consistent with flu-like symptoms. When I received the text in the morning, I immediately reported this development to defense counsel — advising that I may have spoken too soon on Ms. Mulero's health — and said that I would update them as soon as I spoke to Ms. Mulero.

7. I subsequently spoke to Ms. Mulero by telephone. She again sounded terrible and, notwithstanding her desire to complete her deposition on December 23, and more importantly, this Court's order that it be completed on that date, neither she nor I believe she is in a condition to meet with me or prepare for her deposition.

8. Based upon my professional experience and training, and consistent with the obligations that I take very seriously to my clients, including Ms. Mulero, I believe that fully and adequately preparing Ms. Mulero for a seven-hour deposition covering a 30+ year period of time is imperative and part of my professional obligation. I do not believe I can meet his professional obligation owed to Ms. Mulero without fully and adequately preparing her to give deposition testimony.

9. I am lead counsel for Ms. Mulero and I am the attorney she hired to represent her. While other attorneys on Ms. Mulero's team have and will continue to be responsible for other depositions and case-related matters, it is necessary that I be intimately involved in the preparation of Ms. Mulero and produce her for her deposition. I have a long-planned, already-paid vacation with my wife and three daughters from December 30, 2024 to January 6, 2025.

10. Should this Court have any questions, I would be happy to answer them.

VERIFICATION PURSUANT TO 28 U.S.C. § 1746

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Date: 12/20/2024

/s/ Brian Eldridge