

**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.)	

**PLAINTIFF MARILYN MULERO'S AGREED MOTION TO CONTINUE HER
PRESENTLY SET DEPOSITION ON 12/23/2024 TO 1/14/2025**

Plaintiff Marilyn Mulero, through her counsel, and with the agreement of all parties, hereby moves to continue her presently set deposition on December 23, 2024 to January 14, 2025. In support, Plaintiff states as follows:

1. Plaintiff Marilyn Mulero, with the agreement of all parties, asks for leave of court to continue her deposition on December 23, 2024 because she is sick.

2. On November 9, 2024, this Court ordered that Ms. Mulero's deposition, among other witness depositions, proceed as scheduled absent good cause and leave of court. (Dkt. 84).

At the time, Ms. Mulero's deposition was scheduled to take place on December 23, 2024.

3. Ms. Mulero and the undersigned counsel (whose Declaration is attached as Exhibit A) have been preparing for her deposition to proceed as scheduled. Without waiving any privileged communications, Ms. Mulero has expressed to the undersigned counsel that she very much wants her deposition to be “over with.” Ex. A, Eldridge Decl. at ¶ 1.

4. Earlier this week, on December 18, 2024, Ms. Mulero contacted the undersigned counsel and advised that she was sick with flu-like symptoms. *Id.* at ¶ 4. The undersigned counsel notified defense counsel of this fact but reported that he was optimistic that she would be better in time for her deposition to proceed on Monday, December 23. At the same time, the undersigned counsel candidly advised defense counsel that he had a meeting with Ms. Mulero scheduled for Friday, December 20, to continue and complete preparation with Ms. Mulero for her deposition. *Id.* at ¶¶ 3-4.

5. On the early afternoon of December 19, 2020, the undersigned counsel spoke to Ms. Mulero on the telephone to check in on her health. She sounded terrible, but said she was feeling better. The undersigned counsel disclosed this conversation to all defense counsel and said that he would keep them closely advised. Later that same night, the undersigned counsel 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, and arrangements were confirmed for Ms. Mulero to meet the undersigned counsel on December 20 to complete her deposition preparation.¹ The undersigned counsel promptly advised defense counsel that Ms. Mulero’s deposition would proceed on December 23, as scheduled. *Id.* at ¶ 5.

¹ In further candor, the undersigned counsel and Ms. Mulero agreed that if she was not ready for her deposition after the December 20 meeting, they would also make arrangements to meet over the weekend as well. *Id.* at ¶ 3.

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

7. The undersigned counsel 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, she is not in a condition to meet with counsel or prepare for her deposition. *Id.* at ¶ 7.

8. The undersigned counsel believes that preparing Ms. Mulero for a seven-hour deposition covering a 30+ year period of time is imperative and part of his professional obligation owed to his client. Said differently, the undersigned counsel cannot meet his professional obligation owed to his client without fully and adequately preparing her to give deposition testimony. *Id.* at ¶ 8.

9. All parties have been in frequent communication on this issue as it has evolved. While everyone would like the deposition to proceed, everyone has also been very respectful given the circumstances. Also, given these circumstances, defense counsel has expressed concern about being in close contact with Ms. Mulero on Monday, December 23.

10. The parties conferred on a date to re-schedule Ms. Mulero’s deposition. The undersigned counsel, who is lead counsel and the attorney Ms. Mulero hired to represent her in this matter, is out of town for a vacation with his family from December 30 to January 6. *Id.* at ¶

9. In light of everyone's schedules thereafter, the soonest available date where all parties are available for Ms. Mulero's deposition is January 14, 2025.

11. Plaintiff respectfully submits that the above presents good cause and a compelling reason to continue Ms. Mulero's deposition, as required by this Court's recent orders. *See* Dkt. 84 & 95.

12. The continuance of this deposition will not impede the progress of this case in any respect and will cause no prejudice to any party. In contrast, if Ms. Mulero were required to proceed with her deposition without completing preparation with her counsel, or while still sick, it would be prejudicial to both her case and the undersigned counsel's duty to adequately prepare his client.

WHEREFORE, Plaintiff Marilyn Mulero respectfully requests that this Court grant this motion and enter order allowing Ms. Mulero's deposition to be continued from December 23, 2024 to January 14, 2025.

Dated: December 20, 2024

Respectfully submitted,
/s/ Brian Eldridge

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