

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

MADELINE MENDOZA,	)	
	)	
<i>Plaintiff,</i>	)	
	)	No. 23-cv-2441
-vs-	)	
	)	<i>(Judge Durkin)</i>
REYNALDO GUEVARA, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	
MARILYN MULERO,	)	
	)	
<i>Plaintiff,</i>	)	
	)	No. 23-cv-4795
-vs-	)	
	)	<i>(Judge Durkin)</i>
REYNALDO GUEVARA, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	

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**JOINT STATUS REPORT**

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On November 9, 2024, this Court ordered the parties to complete the depositions of: (1) Robert Biebel; (2) Jacqueline Montanez; (3) Plaintiff Marilyn Mulero; and (4) Plaintiff Madeline Mendoza. The Court further ordered the parties to file this joint status report confirming the completion of these four depositions, advising the court of the schedule for at least five third-party witnesses, and also extending the non-Monell discovery deadline to February 28, 2025. (Dkt. 84.)

**A. Status of Court Ordered Depositions**

**1. Robert Biebel**

Deposition completed on November 22, 2024.

## **2. Jacqueline Montanez**

Ms. Montanez has testified on the record for approximately three-and-half-hours, but due to the witness's personal health issue, the parties agreed to continue her deposition on February 7, 2025.

Ms. Montanez's deposition was originally scheduled for December 3, 2024. (Dkt. 84.) On November 22, 2024, Defendant Guevara filed a motion for entry of a protective order, requesting an order permitting the Defendants to question Ms. Montanez first. (Dkt. 87.) On November 25, 2024, this Court set a hearing on Defendant's motion for December 3, 2024 at 11:00 a.m. – the same day of Ms. Montanez's deposition. (Dkt. 89.) Because the order of questioning would determine the nature of the parties' respective questioning, together with Ms. Montanez role as a central figure in this case, the parties cancelled Ms. Montanez's deposition to obtain a ruling on the issue so all parties could sufficiently prepare for the deposition consistent with the Court's direction.

Plaintiffs then filed their response to Defendant Guevara's motion on November 27, 2024. (Dkt. 90.) The Court ruled on the papers, granted Defendant's motion, and struck the December 3<sup>rd</sup> hearing. (Dkt. 93.) However, Ms. Montanez's deposition had already been canceled, and the parties could not sufficiently prepare for Ms. Montanez's deposition in the time remaining before December 3<sup>rd</sup>.

Accordingly, Ms. Montanez's deposition proceeded on December 19, 2024. By agreement of the parties and Ms. Montanez, the deposition was to be limited to nine hours on the record – with Plaintiffs and the Defense to be afforded four-and-a-half hours each. Ms. Montanez informed the parties that she had a medical appointment at 3:00 p.m., and the parties agreed to end the deposition in time for the appointment. Ms. Montanez sat for approximately three-and-a-half hours

on the record on December 19, 2024. The parties and Ms. Montanez agreed to continue her deposition to February 7, 2025.

### **3. Plaintiff Marilyn Mulero**

Plaintiff Mulero's deposition has been rescheduled to January 14, 2025, consistent with Dkt. 96 and Dkt. 97.

### **4. Plaintiff Madeline Mendoza**

Plaintiff Mendoza's deposition has been rescheduled to January 10, 2025, consistent with Dkt. 94 and Dkt. 95.

## **B. Status of Additional Depositions**

In addition to the above-mentioned rescheduled depositions, the parties have scheduled and subpoenaed the following:

1. Third-party Marilyn Serrano, scheduled for January 9, 2025;
2. Third-party Yvette Rodriguez, scheduled for January 17, 2025;<sup>1</sup>
3. Former Assistant State's Attorney John Dillon, scheduled for January 21, 2025;
4. Third-party Joan Roberts, subpoena service pending;<sup>2</sup> and
5. Third-party Rhonda Riley, subpoena service pending.<sup>3</sup>

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<sup>1</sup> Defendants have been in contact with the witness but service is not yet complete.

<sup>2</sup> Plaintiff initially issued this subpoena on November 12, 2024. Service failed, but Plaintiff obtained a new address and issued an updated subpoena on November 25, 2024. Plaintiff believes this new address is good, but Plaintiff's process server is still working on obtaining service.

<sup>3</sup> Plaintiff initially issued this subpoena on November 12, 2024, but service failed. Due to the subject events occurring more than thirty-years-ago, Plaintiff is still working on obtaining the witness's current address. Defense counsel for The Sotos Law Firm has also been in the process of tracking down Ms. Riley, who contacted their investigator on December 19 and informed him she had received a copy of a subpoena Defendants attempted to serve on her at her address which was also left in her mailbox. That subpoena identifies a deposition date of January 22, 2025 to take place in downtown Joliet. It is unknown at this date whether Ms. Riley will abide by the subpoena although she does have notice of it.

6. Defendants are working to locate other additional witnesses, and intend to also conduct the depositions of Plaintiffs' damage witnesses, if any are identified in their respective depositions before the close of fact discovery as well as several other fact witnesses. These facts witnesses may include Andrew Berman, Michael McCormick, Justin Brooks, Alision Flaum, Elizabeth Polero, Jack Smeeton, and Jeremiah Lynch. Defendants believe other witnesses may also need to be deposed based upon the content of the other depositions to be taken in this case. In addition, Defendants are seeking to depose, Dr. Michael Kovar, who evaluated Plaintiff Mulero, and Michael Deppe, an investigator who in the 1990s investigated the statement purportedly given by witness Marilyn Serrano regarding her alleged view of the crime as it was occurring. Plaintiffs have agreed to help coordinate these depositions.

Dated: December 30, 2024

Respectfully submitted,

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