

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

## JOINT INITIAL STATUS REPORT

The parties, by counsel, submit this joint initial status report pursuant to the Court's Order of August 22, 2023:

This case is part of the Watts Coordinated Pretrial Proceedings, 19-cv-1717, a group of more than 100 cases that are coordinated for pretrial proceedings. ECF No. 20. The coordinated proceedings are assigned to Judge Valderrama, and Magistrate Judge Finnegan is supervising discovery. Discovery in this case is stayed.

## I. Nature of the Case

A. Attorneys of record:

- Plaintiff is represented by Joel A. Flaxman and Kenneth N. Flaxman of the Law Office of Kenneth N. Flaxman.

- Defendant City of Chicago is represented by Daniel M. Noland, Terrence M. Burns, Paul A. Michalik, Dhaviella N. Harris, and Daniel J. Burns of Reiter Burns LLP.
- Defendant Watts is represented by Brian P. Gainer, Monica Burkoth, and Lisa McElroy of Johnson & Bell, Ltd.
- Defendant Mohammed is represented by Eric S. Palles, Sean M. Sullivan, and Lisa Altukhova of Mohan Groble Scolaro, PC.
- Defendant Ridgell is represented by Timothy P Scahill and Steven Blair Borkan of Borkan & Seahill, Ltd.
- The remaining defendants are represented by William E. Bazarek, Andrew M. Hale, Anthony E. Zecchin, Jason M. Marx, and Kelly M. Olivier of Hale & Monico LLC.

B. Nature of claims: Plaintiff claims that the defendant police officers falsely arrested him for drug possession in 2004, and that he was wrongfully prosecuted. Plaintiff claims that the officers' conduct was caused by the failure of high-ranking officials within the Chicago Police Department to stop the defendant officers, by the code of silence within the Chicago Police Department, and by the Chicago Police Department's defective discipline policy. Defendants deny Plaintiff was falsely arrested or wrongfully prosecuted, and deny liability to plaintiff for the federal and state law claims.

Various defendants will be asserting affirmative defenses, including qualified immunity.

C. Major legal and factual issues: Whether the evidence supports plaintiff's claims.

D. Relief sought: Plaintiff seeks compensatory and punitive damages and fees and costs.

## **II. Jurisdiction**

Federal jurisdiction is based on 28 U.S.C. § 1343 because of plaintiff's claims under 42 U.S.C. § 1983. Jurisdiction over plaintiff's state law malicious prosecution claims is based on supplemental jurisdiction, 28 U.S.C. § 1337.

## **III. Status of Service**

All parties have waived service and have appeared or will appear shortly.

## **IV. Consent to Proceed Before a United States Magistrate Judge**

The parties do not unanimously consent to proceed before a magistrate judge.

## **V. Motions**

There are no pending motions.

## **VI. Case Plan**

As explained below, discovery in this case is stayed. On January 20, 2023, the parties in the Watts Coordinated Pretrial Proceedings, 19-cv-1717,

submitted a joint status report in the coordinated proceedings, indicating that the parties have agreed on a list of 19 proposed “test cases.” ECF No. 393 in Case No. 19-cv-1717. The parties will focus on litigating the 19 “test cases” to their conclusion to help the parties assess the value and merit of the remaining cases. This case is not one of the test cases.

On April 11, 2023, the parties submitted a joint status report in the coordinated proceedings, stating their agreement to stay discovery in non-test cases. Because this case is not a test case, discovery in this case is stayed.

## **VII. Status of Settlement Discussions**

Magistrate Judge Finnegan is supervising settlement discussions in the coordinated proceedings.

Respectfully submitted,

/s/ Joel A. Flaxman  
Joel A. Flaxman  
ARDC No. 6292818  
Kenneth N. Flaxman  
200 S Michigan Ave, Ste 201  
Chicago, IL 60604  
(312) 427-3200  
*attorneys for plaintiff*

/s/ Paul A. Michalik (by consent)  
Daniel M. Noland  
Terrence M. Burns  
Paul A. Michalik  
Katherine C. Morrison  
Daniel J. Burns  
Dhaviella N. Harris  
Reiter Burns LLP  
311 S. Wacker Dr., Suite 5200

Chicago, IL 60606  
(312) 982-0090  
*attorneys for defendants City of Chicago*

/s/ Brian P. Gainer (by consent)  
Brian P. Gainer  
Monica Burkoth  
Lisa M. McElroy  
Johnson & Bell, Ltd.  
33 West Monroe St., Ste 2700  
Chicago, IL 60603  
(312) 372-0770  
*attorneys for defendant Ronald Watts*

/s/ Eric S. Palles (by consent)  
Eric S. Palles  
Sean M. Sullivan  
Lisa Altukhova  
Daley Mohan Groble P.C  
55 West Monroe St., Ste 1600  
Chicago, IL 60603  
(312) 422-9999  
*attorneys for defendant Mohammed*

/s/ Timothy P. Scahill (by consent)  
Steven B. Borkan  
Timothy P. Scahill  
Borkan & Seahill, Ltd.  
20 S. Clark St., Suite 1700  
Chicago, IL 60302  
(312) 580-1030  
*attorneys for defendant Ridgell*

/s/ Kelly M. Olivier (by consent)  
Special Assistant Corporation Counsel  
William E. Bazarek  
Andrew M. Hale  
Anthony E. Zecchin  
Jason M. Marx  
Kelly M. Olivier  
Hale & Monico LLC  
53 West Jackson Blvd., Ste 334

Chicago, IL 60604  
(312) 341-9646  
*attorneys for remaining defendants*