

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

JOSE CRUZ,

Plaintiff,

v.

FORMER DETECTIVE REYNALDO

GUEVARA, et al.,

Defendants.

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Case No. 23-cv-4268

Honorable Judge Alexakis

Magistrate Judge Fuentes

**OFFICER DEFENDANTS' MOTION TO STRIKE
GENERAL OBJECTION #4 TO
PLAINTIFF'S RESPONSE TO DEFENDANTS BORIS'S AND WOJCICK'S
CONTENTION INTERROGATORIES**

Defendants Stephen Gawrys, Robert Rutherford, Anthony Riccio, Edward Mingey, Anthony Wojcik, Robert Boris, and Geri Lynn Yanow, as Special Representative for Ernest Halvorsen, deceased (collectively, "Officer Defendants"), through their attorneys of The Sotos Law Firm, P.C., hereby move this Honorable Court to strike General Objection #4 to Cruz's Response to Defendant Boris's and Wojcik's Contention Interrogatories, and state:

1. On October 23, 2024, Plaintiff Jose Cruz ("Cruz") served his Response to Defendants Boris's and Wojcik's Contention Interrogatories ("Response") upon Defendants. (Exhibit A, Plaintiff's Response to Defendants Boris's and Wojcik's Contention Interrogatories.)

2. Cruz begins his Response by asserting five "General Objections" to the contention interrogatories. (Ex. A, pp. 1-3.) General Objection #4 states as follows:

Plaintiff Cruz objects to each of Defendant's interrogatories that seek information protected by the attorney-client privilege ("Attorney-Client Privilege Objection.")

(Ex. A, p. 3.)

3. On October 25, 2024, counsel for the Officer Defendants had a telephonic conference with Plaintiff's counsel regarding Cruz's Response to Defendants' Boris's and Wojcik's Contention Interrogatories, including General Objection #4. On October 26, 2024, Plaintiff's counsel sent Defense counsel an email which said the following, in relevant part:

Jeff, I told you I would get back to you on the issue of Mr. Cruz asserting the attorney-client privilege (General Objection #4) in his Contention Interrogatory responses, but I do not have anything more to add than what I said during our call, which is that Mr. Cruz stands by all of the written and oral privilege assertions he made during discovery (including but not limited to: (1) the privilege log accompanying the CWC document production, (2) the two claw-back motions, and (3) the oral objections and directions not to answer questions invading the privilege at Mr. Cruz's and/or Mr. Swygert's depositions). On the other hand, General Objection #4 was not meant to suggest any specific new assertion of attorney-client privilege in response to Defendants' Contention Interrogatories, only that all such prior assertions were being preserved in relation to the contention interrogatory responses.

(Exhibit B, 10/26/2024 Email, p. 1.)

4. Cruz has waived his attorney-client privilege with regards to his criminal defense counsel and the topics raised in Defendants' Motion for Additional Time to Depose Plaintiff Jose Cruz. (Dkt. 288.)

5. Thus, for the reasons set forth in Defendants' Motion for Additional Time to Depose Plaintiff Jose Cruz (Dkt. 288), which are incorporated fully herein, Officer Defendants now move this Honorable Court to strike Plaintiff's General Objection #4, and Cruz's contention interrogatory answers which incorporate it, and to order Cruz to supplement his answers to Defendant Boris's and Wojcik's Contention Interrogatories, to the extent Cruz has withheld any responsive information on the basis of attorney-client privilege with regards to his criminal defense counsel and the topics raised in Defendants' Motion for Additional Time to Depose Plaintiff Jose Cruz. (Dkt. 288.)

CONCLUSION

WHEREFORE, Officer Defendants respectfully request that this Honorable Court grant the following relief:

- A. Strike General Objection #4 to Plaintiff's Response to Defendant Boris's and Wojcik's Contention Interrogatories, and Cruz's contention interrogatory answers which incorporate it; and
- B. Order Plaintiff to supplement his Answers to Defendant Boris's and Wojick's Contention Interrogatories to the extent Cruz has withheld any responsive information on the basis of attorney-client privilege with regards to his criminal defense counsel and the topics raised in Defendants' Motion for Additional Time to Depose Plaintiff Jose Cruz. (Dkt. 288.)

Dated: October 29, 2024

Respectfully submitted,

/s/ Jeffrey C. Grossich

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CERTIFICATE OF SERVICE

I certify under penalty of perjury pursuant to 28 U.S.C.A. § 1746 that the foregoing is true and correct, that on October 29, 2024, I electronically filed the foregoing **Officer Defendants' Motion to Strike General Objection #4 to Plaintiff's Response to Defendants Boris's and Wojcik's Contention Interrogatories** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants listed in the below service list.

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