

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

MICHAEL JONES,)	
)	
Plaintiff,)	Case No. 23 CV 4975
v.)	
)	Judge Alexakis
CITY OF CHICAGO; BRYAN COX,)	
PETER THEODORE, DAVID SALGADO,)	Magistrate Judge Berry
and ROCCO PRUGER,)	
)	
Defendants.)	Jury Demanded

**THE PARTIES' AGREED JOINT MOTION FOR EXTENSION OF TIME
TO COMPLETE FACT DISCOVERY**

Now come the Parties, by and through their respective counsel, and for their joint, agreed motion for an extension of time until October 31, 2025, to complete fact discovery, state as follows:

1. This case involves allegations stemming from the March 31, 2015 arrest and subsequent prosecution of Plaintiff. There are six parties in the case and at least several Assistant Cook County State's Attorney witnesses.

2. Fact discovery in this matter is set to close on August 4, 2025. (Dkt. 66).

3. On June 24, 2025, the Parties appeared before the Court via video conference for a status hearing at which the Parties detailed their discovery progress and informed the Court that discovery was proceeding smoothly and that there were no issues that required the Court's intervention. (Dkt. 96). During that status hearing, the Court also informed the Parties to file a motion before the fact discovery deadline expires if they require an extension of time. *Id.*

4. At this time, the City's motion to dismiss the *Monell* claim in Plaintiff's Second Amended Complaint (Dkt. 59) remains fully briefed and pending.

5. The Parties have continued to work cooperatively in this matter. However, for the reasons set forth below, the Parties request an extension of time through October 31, 2025, to complete fact discovery.

6. Defendants issued subpoenas to the Cook County Sheriff's Office, Cermak Health Services, the Minnesota Department of Corrections, St. Anthony Hospital, and Shawnee Correctional Center on June 20, 2025. To date, only Cermak Health Services has provided a response to the subpoena. The parties are still waiting on the subpoenaed records from the other entities. Defendants would like the opportunity to obtain and review all relevant records and documentation prior to taking party and third-party depositions. Further, the subpoenaed records may reveal additional witnesses that need to be deposed.

7. Additionally, Defendant City successfully moved to unseal Plaintiff's underlying criminal case which had been expunged, and is still awaiting those records and transcripts. Defendants believe that given the nature of Plaintiff's claims in this case, those records are needed before depositions can occur, especially the depositions of any prosecutors.

8. Next, Plaintiff is currently incarcerated at MCF Moose Lake in Moose Lake, Minnesota. Counsel is working together to schedule Plaintiff's in-person deposition for a date amenable to the attorneys who will need to travel to Moose Lake, Minnesota, and are currently trying to schedule his deposition for September 26, 2025. The Parties will file a Motion for Leave to Depose an Incarcerated Individual.

9. Defendant Salgado has required additional time to answer Plaintiff's discovery requests, and provided said responses on July 31, 2025.

10. Plaintiff has required additional time to schedule the depositions of the Defendants because of other professional obligations and because of the number of discovery documents

produced by defendants. Subject to Court approval, and with the agreement of Defendants, Plaintiff will take the depositions of the Defendants on the following schedule:

Defendant Cox September 16, 2025 at 10:00 a.m.

Defendant Salgado September 17, 2025 at 10:00 a.m.

Defendant Pruger September 24, 2025 at 10:00 a.m.

Defendant Theodore October 1, 2025 at 10:00 a.m.

9. The requested October 31, 2025 fact discovery closure date also considers the undersigned Counsel's schedules and deadlines in other matters. Specifically, Counsel for Defendants Theodore, Pruger, and Cox have a final pretrial order and other related deadlines in August and September 2025 in *Ebony Tate v. City of Chicago, et al.* (18 CV 7438) and are also engaged in substantial discovery in *Blassingame v. City of Chicago* (19 CV 7287), *Watson v. City of Chicago* (25 CV 2356), and *Crafton v. City of Chicago* (24 CV 13146). Counsel for all individual Defendants will also be briefing *Daubert* motions in August and September 2025 in *Roman v. City of Chicago* (20 CV 1717).

10. The parties have been working diligently on multiple fronts in this case to complete discovery as soon as possible. Plaintiffs and Defendants have conferred and agreed that more time is necessary to complete document and oral discovery prior to expert discovery and dispositive motions. The Parties also respectfully request that the respective expert disclosure, expert deposition, and dispositive motion deadlines be reset to follow thereafter. The parties respectfully request that the fact discovery deadline be extended to October 31, 2025. Given the current posture of the case, the remaining discovery to be completed, the Parties believe this is a feasible discovery closure date.

11. No prejudice would result from the Court's granting this Motion as it will allow the Parties sufficient time to conduct and complete discovery on the claims and defenses raised in this case.

WHEREFORE, the Parties respectfully request that this Court grant their Joint Agreed Motion and extend the fact discovery closure date as set forth above, commensurately reset the expert disclosure, expert deposition and dispositive motion deadlines, and grant any other relief the Court deems just.

Respectfully submitted,

/s/ Joel A. Flaxman (by consent)
One of Plaintiff's Attorneys

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/ Helen O'Shaughnessy (by consent)
Special Assistant Corporation Counsel

Shneur Z. Nathan
Avi Kamionski
Helen O'Shaughnessy
Breana Brill
Special Assistant Corporation Counsel
Nathan & Kamionski, LLP
206 S. Jefferson St.
Chicago, IL 60661
(312) 612-1702
bbrill@nklawllp.com
Attorneys for Defendant City of Chicago

/s/ Whitney N. Hutchinson (by consent)
Special Assistant Corporation Counsel

Timothy P. Scahill
Steve B. Borkan
Whitney N. Hutchinson
Kathryn E. Boyle
Andrew Cook
Borkan & Scahill, Ltd.
20 S. Clark Street, Ste 1700
Chicago, IL 60603
(312) 580-1030whutchinson@borkanscahill.com
Counsel for Defendant David Salgado

/s/ Larry S. Kowalczyk

Special Assistant Corporation Counsel

Larry S. Kowalczyk - Special Assistant Corporation Counsel
Megan K. Monaghan - Special Assistant Corporation Counsel
Mohan Groble Scolaro, P.C.
55 W. Monroe Street, Suite 1600
Chicago, Illinois 60603
312/422-9999
lkowalczyk@mohangroble.com
Counsel for Defendants Officer Cox, Sgt. Theodore, and Detective Pruger

CERTIFICATE OF SERVICE

I, Larry S. Kowalczyk, hereby certify that on July 31, 2025, I caused to be electronically filed the foregoing, 'The Parties' Agreed Joint Motion for Extension of Time to Complete Fact Discovery, with the Clerk of the Court using the ECF System which sent electronic notification of the filing on the same day to counsel of record.

/s/ Larry S. Kowalczyk

Larry S. Kowalczyk