

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

MICHAEL JONES,)	
)	
Plaintiff,)	Case No. 2023-cv-04975
)	
v.)	
)	Georgia Alexakis, District Court Judge
CITY OF CHICAGO, et al.,)	
)	Albert Berry III, Magistrate Judge
Defendants.)	

**DEFENDANT CITY OF CHICAGO’S UNOPPOSED MOTION
FOR LEAVE TO FILE NOTICE OF SUPPLEMENTAL
AUTHORITY IN SUPPORT OF ITS MOTION TO DISMISS**

The City of Chicago, by and through its attorneys, Nathan & Kamionski LLP, Special Assistant Corporation Counsel for the City of Chicago, and seeks leave to file notice of supplemental authority in further support of its motion to dismiss Plaintiff’s *Monell* claim pursuant to Fed. R. Civ. P. 12(b)(6). In support of its motion, the City states as follows:

1. On December 12, 2024, Plaintiff Michael Jones filed his Amended Complaint alleging various civil rights violations as well as a *Monell* claim against the City based, in part, on an allegation that a “code of silence” existed with respect to evidence fabrication in the Chicago Police Department. (Dkt. No. 50).

2. The City filed a Motion to Dismiss Plaintiff’s *Monell* claim on January 24, 2025. (Dkt. No. 59). Plaintiff filed a response to the City’s motion on February 21, 2025. (Dkt. No. 70). The City filed its reply on March 14, 2025. (Dkt. No. 72). The motions are currently under review by this Court.

3. On July 21, 2025, the Honorable Judge Lindsay C. Jenkins in the matter *Darien Harris v. City of Chicago, et al.*, 24-cv-03215, 2025 WL 2044020 (N.D. Ill. July 21, 2025) ruled

on the defendant City of Chicago’s motion to dismiss the plaintiff’s *Monell* claim in that matter, which also alleged that the City had a widespread practice of a “code of silence” with respect to evidence fabrication. Judge Jenkins dismissed the plaintiff’s *Monell* claim in his amended complaint with prejudice. *Harris*, 2025 WL 2044020 at *10. The *Harris* plaintiff used many of the same reports, public figure comments, lawsuits, and publications to support his *Monell* claim as the instant Plaintiff utilizes in this case. *Id.* at *5-8. Specifically, Judge Jenkins held that the *Harris* plaintiff’s allegations of lawsuits and settlements by the City did not confirm “the existence of unconstitutional practices” and that those related allegations “say nothing about an organization’s actual policies” but instead “only what a plaintiff believes to be true about those policies.” *Id.* at *5. Judge Jenkins further found that the plaintiff’s code of silence allegations failed because they were unsupported by allegations specifying the “period of time any code of silence was active” or “how (or if) any code of silence contributed the constitutional issues in his case.” *Id.* at *7. Judge Jenkins also held the following:

“[T]he Goldstone [sic] Report is irrelevant because it is too temporally distant and concerns physical abuse, not evidence issues; the FD-302 Report is not instructive because it concerns conduct in the 1990s; and the DOJ Report concerns supervision and training (an issue that will be discussed separately). [Dkt. 58 at 14– 15.] As for the 2016 CPD Accountability Task Force Report, Harris does not allege in his complaint what time period that report covered, or the subject matter of any findings; his vague quote about CPD missing “opportunities to make accountability an organizational priority” doesn’t cut it. [Dkt. 60, ¶ 122.] Ultimately, none of the reports support Harris’s allegation that in 2011 CPD had a policy or practice of evidence fabrication and suppression.”

Id. at *6.

4. Because Judge Jenkins’s ruling addresses and analyzes nearly identical allegations, issues, and arguments, as those presented in this matter, and because that ruling was not issued until after briefing in this case was completed, the City respectfully requests this Court to grant the City leave to file notice of supplemental authority in support of its motion to dismiss.

5. Counsel for the City conferred with Plaintiff's counsel on July 23, 2025, and Plaintiff's counsel did not object to the City's motion provided that Plaintiff has twenty-one (21) days to submit his position on the supplemental authority.

WHEREFORE, the City of Chicago respectfully requests this Honorable Court grant the City leave to file notice of supplemental authority in support of its Motion to Dismiss Plaintiff's *Monell* claim pursuant to Fed. R. Civ. P. 12(b)(6).

Dated: July 23, 2025

Respectfully submitted,

/s/ Breana Brill

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CERTIFICATE OF SERVICE

I, Breana L. Brill, the undersigned attorney, hereby certify that I filed the foregoing document with the Court's CM/ECF system on the date stamped on the above margin, which simultaneously send electronic notice to all counsel of record.

/s/ Breana Brill