

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

Tariq Anderson,)
)
 Plaintiff)
) No. 23-cv-14208
 -vs-)
) (Judge Pallmeyer)
 Humberto Lozano,)
)
 Defendant.)

FINAL PRETRIAL ORDER

This matter having come before the court at a pretrial conference held pursuant to Federal Rule of Civil Procedure 16, Joel A. Flaxman and Kenneth N. Flaxman having appeared as counsel for plaintiff, and Manasseh A. Konadu having appeared as counsel for defendant, the following actions were taken:

(1) This is an action under 42 U.S.C. § 1983 for the use of excessive force in violation of the Eight Amendment, and the jurisdiction of the court is invoked under 28 U.S.C. § 1333. Jurisdiction is not disputed.

(2) The following stipulations and statements were submitted and are attached to and made a part of this Order:

a. Case statement: Plaintiff Tariq Anderson was a prisoner in the Illinois Department of Corrections in 2022. He alleges that defendant Humberto Lozano violated his constitutional

rights by using unnecessary and unjustified force. Lozano denies this.

b. Plaintiff's Exhibits

Number	Description	Label	Objection
P1	Video of Incident	Incident Video 11-30.avi	No objection
P2	Incident Report	IDOC000061	Hearsay
P3	Disciplinary Report	IDOC000072	Hearsay
P3	Report of Investigational Interview of defendant	IDOC000058-60	No objection
P4	Defendant's Interrogatory Answers	N/A	No objection

c. Defendant's Exhibits

Number	Description	Label	Objection
D1	Plaintiff's complaint	Complaint	Relevance. Nothing in the complaint constitutes an admission of any material fact.
D2	Plaintiff's Grievances	IDOC000001 IDOC000010	Relevance. None of the grievances are related to the facts of this case.

d. Plaintiff's Witnesses

Plaintiff will testify in his own behalf and will call defendant as an adverse witness. Plaintiff may call Investigator Jaburek #8787. Defendant has agreed to produce Investigator Jaburek #8787 for trial.

e. Defendant's Witnesses

Defendant will testify on his own behalf and may call Plaintiff as an adverse witness. Plaintiff may also call Investigator Jaburek #8787 and Nurse K. Thomas.

f. Damages: Plaintiff seeks compensatory and punitive damages in an amount less than \$100,000.

g. Proposed jury instructions are attached as Exhibit 1.

h. Proposed voir dire questions are attached as Exhibit 2.

i. Motions in limine will be filed separately.

(3) Trial of this case is expected to take two days. Trial is scheduled to commence on Friday, October 25, 2024.

(4) Type of trial: jury.

(5) The parties recommend that 8 jurors be selected at the commencement of the trial.

(6) The parties agree that the issues of liability and damages should not be bifurcated for trial.

(7) The parties do not consent to this case being reassigned to a magistrate judge for trial.

(8) This Order will control the course of the trial and may not be amended except by consent of the parties and the court, or by order of the court to prevent manifest injustice.

(9) Possibility of settlement of this case was considered by the parties: plaintiff served defendant with a settlement proposal on February 7, 2024; defendant has not responded to plaintiff's proposal as defendant is waiting confirmation of settlement authority.

Dated:

Rebecca R. Pallmeyer
United States District Judge

Prepared by,

/s/ Joel A. Flaxman
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