

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

Maurice Delphi, )  
 )  
 Plaintiff, )  
 ) No. 23-cv-14864  
 -vs- )  
 ) (Judge Kness)  
 City of Chicago, Ronald Watts, )  
 Brian Bolton, Robert Gonzalez, )  
 Alvin Jones, Kallatt Mohammed, )  
 Calvin Ridgell, and Michael )  
 Spaargaren, )  
 )  
 Defendants. )

## JOINT INITIAL STATUS REPORT

The parties, by counsel, submit this joint initial status report pursuant to the Court's Order of February 2, 2024:

This case is part of the Watts Coordinated Pretrial Proceedings, 19-cv-1717, a group of more than 170 cases that are coordinated for pretrial proceedings. The coordinated proceedings are assigned to Judge Valderrama, and Magistrate Judge Finnegan is supervising discovery. As explained below, 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, Elizabeth A. Ekl, Katherine Carole Morrison, 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 & Scahill, Ltd.
- Defendant Spaargaren is represented by James V. Daffada, Thomas M. Leinenweber, Kevin E. Zibolski, Michael J. Schalka, and Megan K. McGrath of Leinenweber Baroni & Daffada LLC.
- 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. 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.

C. 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.

D. Plaintiff asserts constitutional claims under 42 U.S.C. § 1983 and a state law claim of malicious prosecution.

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

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

G. All defendants have waived service of process.

## **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. Case Scheduling and Discovery**

Discovery in this case is stayed. On January 20, 2023, the parties 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 February 13, 2023, Magistrate Judge Finnegan set a fact discovery deadline in the test cases of December 18, 2023. ECF No. 419 in Case No. 19-cv-1717. On January 13, 2024, Magistrate Judge Finnegan entered an order allowing some discovery to be taken after the deadline.

On April 13, 2023, Magistrate Judge Finnegan stayed discovery in non-test cases, including this one, for at least six months, when the issue will be revisited. ECF No. 491 in Case No. 19-cv-1717. Magistrate Judge Finnegan recently requested that the parties confer about a plan for discovery in the non-test cases.

### **IV. Trial**

- A. Plaintiff has demanded a jury trial, and all defendants are expected to demand a jury trial.
- B. Trial is estimated to last 5 days.

**V. Settlement, Referrals, and Consent**

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

B. The parties do not unanimously consent to proceeding before the assigned Magistrate Judge for all purposes, including trial and entry of final judgment.

Respectfully submitted,

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