

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

JOSE TINAJERO,)
Plaintiff,) Case No. 24-cv-1598
v.) Honorable Judge Alexakis
REYNALDO GUEVARARA, et al) Magistrate Judge McNally

**DEFENDANTS' UNOPPOSED MOTION
FOR EXTENSION OF TIME TO COMPLETE FACT DISCOVERY**

Defendants, Reynaldo Guevara, Hector Vergara, Randy Troche, Edward Mingey, Geri Lynn Yanow, as special representative for Ernest Halvorsen and Joseph Mohan, deceased, Kevin Rogers, as special representative for Francis Cappitelli, deceased, Jake Rubinstein, the City of Chicago, and Cook County, by their undersigned counsel, move this Court for a sixty-day extension of time, until May 30, 2025, to complete fact discovery, and state:

1. This matter is a consolidation of three cases brought by Plaintiffs John Martinez, Jose Tinajero, and Thomas Kelly, arising out of Plaintiffs' alleged wrongful convictions that occurred twenty-four years ago. (Dkt. 164.)
2. Fact discovery is currently set to close on March 31, 2025. (Dkt. 197.)
3. Defendants request this Court grant a sixty-day extension, until May 30, 2025, to complete fact discovery.
4. The parties have been working diligently to complete fact discovery. The parties have propounded and answered written discovery. Defendants have produced approximately 35,000 pages of documents. Plaintiffs have produced approximately 27,000 pages of documents. Defendants have issued upwards of seventeen records subpoenas, including subpoenas to the

Cook County State's Attorney's Office, Cook County Department of Corrections, Cermak Health Services, Chicago Public Schools, Center on Wrongful Convictions, the Exoneration Project, and the Office of the State Appellate Defender. Defendants recently resolved an issue with their records subpoenas to the Illinois Department of Corrections ("IDOC"), which took Defense counsel numerous conferrals with the IDOC.

5. The parties have also taken the oral depositions of Defendant Guevara, Defendant Vergara, Defendant Troche, Officer Steven Wilson (scene officer), Felony Review ASA Brian Suth, Rubi Garcia (victim's family member and scene witness), Angel Serrano (identified as a co-suspect per police reports), John DeLeon (Martinez's criminal defense attorney), Jeremy Martinez (Plaintiff Martinez's damage's witness), Darlene Solis (Plaintiff Tinajero's damage's witness), Ada Rivera (Plaintiff Tinajero's damage's witness), and Leslie Tinajero (Plaintiff Tinajero's damage's witness).

6. Defendants anticipate that the parties have approximately sixteen additional depositions. This includes all three Plaintiffs and Defendant Rubinstein; Plaintiffs' remaining damages witnesses; witnesses with knowledge of the underlying crime, including Melloney Parker, Jesus Fuentes, Esteban Rodriguez, and Manuel Rodriguez; Plaintiff Kelly's and Tinajero's criminal defense attorneys; the prosecutor who took Plaintiff Tinajero's written statement at the police station; and the trial ASAs who prosecuted the underlying criminal case. Many of these witnesses have been served and their depositions scheduled.

7. The depositions of all three Plaintiffs were previously set for late January and early February 2025, by agreement of the parties. However, at the request of Plaintiffs' counsel, all three depositions were rescheduled.

8. Plaintiff Tinajero has requested a date for the deposition of Defendant Rubinstein.

9. Plaintiff Tinajero has served a deposition subpoena on Judge Melissa Durkin, the prosecutor who took Plaintiff Tinajero's written statement at the police station. That deposition is tentatively scheduled for May 22, 2025.

10. Additionally, despite their best efforts, the parties have experienced difficulties locating and serving key witnesses, including Melloney Parker, Jesus Fuentes, Esteban Rodriguez, and Manuel Rodriguez.

11. This motion is not brought for the purposes of delay and will not prejudice any party.

12. On February 12, 2025, Defense counsel communicated with Plaintiffs' counsel via email regarding this extension. Then, on March 5, 2025, Defense counsel provided Plaintiff's counsel with this motion for their review. Counsel for all three Plaintiffs indicated that they do not object to the requested extension of time.

WHEREFORE, Defendants respectfully request that this Honorable Court grant this unopposed motion and extend the deadline to complete fact discovery by sixty days, until May 30, 2025, and grant such other relief as this Court deems equitable and just.

Date: March 10, 2025

Respectfully Submitted,

/s/ Austin G. Rahe

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CERTIFICATE OF SERVICE

I, hereby certify under penalty of perjury pursuant to 28 U.S.C.A. § 1746 that the foregoing is true and correct, that on March 10, 2025, I electronically filed the forgoing **Defendant's Unopposed Motion for Extension of Time to Complete Fact Discovery** 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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