

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

JOHN MARTINEZ,)	
)	
Plaintiff,	)	Case No. 23 CV 1741
)	
v.	)	Honorable Judge Georgia N. Alexakis
	)	Hon. Magistrate Judge Laura K. McNally
)	
RENALDO GUEVARA, et al.)	
)	
Defendants.	)	JURY TRIAL DEMANDED

JOSE TINAJERO,)	
)	
Plaintiff,	)	Case No. 24 CV 1598
)	
v.	)	Honorable Judge Georgia N. Alexakis
	)	Hon. Magistrate Judge Laura K. McNally
)	
RENALDO GUEVARA, et al.)	
)	
Defendants.	)	JURY TRIAL DEMANDED

THOMAS KELLY,)	
)	
Plaintiff,	)	Case No. 24 CV 05354
)	
v.	)	Honorable Judge Georgia N. Alexakis
	)	Hon. Magistrate Judge Laura K. McNally
)	
RENALDO GUEVARA, et al.)	
)	
Defendants.	)	JURY TRIAL DEMANDED

JOINT STATUS REPORT

The Parties, by their respective undersigned counsel, and pursuant to this Court's April 3, 2025, Minute Entry, (*Martinez* Dkt. 240), submit the following joint status report for the three above-captioned cases:

A. Progress of Discovery

The fact discovery deadline in these cases is May 30, 2025.

Written Discovery: Per the last JSR, the Parties noted that the Cook County State's Attorney's Office acknowledge receipt of Plaintiff's subpoena regarding any payments to third-party witnesses. Plaintiff received production from the CCSAO and produced all documents to the Parties.

The parties are continuing to work toward a potential written stipulation addressing the scope of Rule 404(b) witnesses who Plaintiff may disclose in discovery and, accordingly, may be called to offer live testimony at trial. Defendants provided a revised proposal and are awaiting a response from Plaintiffs. If no agreement is reached, Defendants anticipate filing a motion to limit Plaintiffs' over two-hundred Rule 404(b) disclosures. Regardless, Defendants will require disclosure of impeachment witnesses and may require depositions of Plaintiff's disclosed Rule 404(b) witnesses. Plaintiffs' position is that is that they received Defendants' revisions yesterday and are currently reviewing those edits to the proposed stipulation.

Additionally, Plaintiffs continue to negotiate about the scope of Plaintiffs' ESI requests and the relevance of same. The most recent conferral occurred on May 8, 2025, and the City is waiting for additional information from Plaintiffs' counsel to assist the City with the additional investigation that Plaintiffs' have requested the City to conduct. The City plans to produce by the end of the week a number of documents it recently obtained (full set of arrest reports for Thomas

Kelly, Jose Tinajero, Angel Fonesca (Angel Serrano), Margarita Casiano, and Daniel Garcia, certain CPD facility floor plans), and shortly thereafter some additional documents (photographs of Defendant Officers and a verification of completed search for the Investigative File). As it relates to the documents which Plaintiffs seek in response to their allegations of Defendant Guevara's connection to the prosecutions of Joseph Miedzianowski and Jon Woodall, the city lodged objections to those requests and to date, the Parties have not conferred. Additionally, the Plaintiffs are seeking additional already requested documents. The discovery Plaintiffs are seeking is responsive to earlier requests and has been the subject of discussions among the parties.

B. Oral Discovery

In the Parties' March 19, 2025, JSR, they informed the Court that they completed eleven depositions. (*Martinez* Dkt. 222.)

Completed depositions: Since the last JSR, the Parties completed the following 14 depositions:

1. March 21: Plaintiff Jose Tinajero.
2. March 25: Plaintiff Thomas Kelly.
3. March 31: Defendant Jacob Rubenstein.
4. April 4: Lawrence Sommers, Plaintiff Tinajero's trial attorney.
5. April 21: John Martinez, Jr., Plaintiff Martinez's damages witness.
6. April 29: Sonia Rosado, Plaintiff Kelly's damages witness.
7. May 2: Norma Rodriguez, Plaintiff Martinez's damages witness.
8. May 8: Gregory Swygert, Plaintiff Kelly's post-conviction attorney.
9. May 8: Elizabeth Felicano, Plaintiff Martinez's alibi and damages witness.

10. May 9: Caesar Rodriguez, Plaintiff Martinez's damages witness.
11. May 13: Shannon DeJesus, Plaintiff Kelly's damages witness.
12. May 13: Rozanne Kelly, Plaintiff Kelly's damages witness.
13. May 16, Edward Mingey, former Defendant.
14. May 19: Dennis Giovannini, Plaintiff Kelly's trial attorney

Remaining depositions: The following two depositions are scheduled:

1. May 22: Melissa Durkin, one of the three felony review Assistant State's Attorney assigned to evaluate charging Plaintiffs for the underlying incident.
2. June 3: Melloney Parker, an eyewitness to the underlying incident, who testified against Plaintiffs at their criminal trial. The Court was previously advised that Ms. Parker did not appear for her May 6, 2025, deposition. (*Martinez*, Pl's Mot. for Rule to Show Cause, Dkt. 242.) Per this Court's May 13 order, Ms. Parker is to be personally served with another deposition subpoena, Plaintiff's Motion (*Martinez*, Dkt. 242), and this Court's order by May 23. (*Martinez*, Dkt. 245.) The deposition is to take place no later than June 13, 2025. (*Id.*) Plaintiff is in the process of re-serving Ms. Parker for her June 3 deposition. Defendants informed Plaintiff on May 14, that June 4 works for all Defendants' counsel for Ms. Parker's deposition. Defendants were not informed until May 20 that Plaintiff was serving Ms. Parker with a deposition subpoena for June 3. Defendants are trying to determine their availability for June 3.

The Parties are working to reschedule additional depositions:

3. John DeLeon, Plaintiff Martinez's trial attorney. Defendants seek to conduct a second deposition of John DeLeon that would be limited to one hour to ask DeLeon about his

communications with Martinez. Specifically, Defendants seeks to ask DeLeon questions that he was instructed not to answer during his first deposition based on the attorney-client privilege and new information learned during Martinez's deposition, including, per Martinez's deposition testimony, that DeLeon instructed Martinez to testify false at his criminal trial. The Parties were close to reaching a stipulation to conduct the second deposition. The Parties agreed that the deposition should be limited to one hour. The Parties, however, reached an impasse on the scope of the deposition, specifically the extent to which there was waiver of the attorney-client privilege. Defendants are preparing to file a motion to resolve this dispute and for leave under Federal Rule of Civil Procedure 30(a)(2)(A)(ii) to conduct a second deposition of DeLeon.

4. Don Lyman, the trial Assistant State's Attorney, who prosecuted Plaintiffs. Defendant Officers served Mr. Lyman with a deposition subpoena on April 9, 2025, to sit for a deposition on May 20. Mr. Lyman obtained Kevin Kirk and Bill Oberts from Oberts Galasso Law Group to represent him during the deposition. Mr. Lyman's counsel informed Defendant Officers' counsel that they were unable to present Mr. Lyman for his May 20 deposition because of scheduling conflicts, and they initially proposed June 16, 17, and 18 as alternative dates. Defendant Officers' counsel informed Mr. Lyman's counsel that these dates are outside the fact discovery deadline and he would have to file a motion under Rule 45(d) requesting that the Court modify Defendant Officers' subpoena by permitting compliance to take place after the fact discovery cutoff. On May 13, Defendant Officers' counsel informed the Parties of this issue. Subsequently, on May 14, Lyman's counsel offered May 30 as an alternative date for

- My. Lyman to sit for his deposition. That same day, Defendant Officers' counsel informed the Parties that Mr. Lyman could sit for his deposition on May 30. Plaintiffs Martinez and Kelly's counsel, however, is unable to make that date work because of scheduling conflicts.
5. Karl Leonard, who was Plaintiff Martinez's post-conviction attorney. Mr. Leonard's deposition was noticed up on March 31, 2025 and scheduled for May 6. On the morning of May 5, Martinez's counsel informed Defendants' counsel that Leonard had a scheduling conflict due to teaching obligations and needed to reschedule his deposition.
 6. John Woodall, a third-party police officer. Mr. Woodall has been undergoing medical treatment for serious medical issues that are preventing him from being able to sit for the deposition prior to the close of fact discovery. The parties are still conferring on a potential date for Mr. Woodall.
 7. Consolidated deposition of City's Rule 30(b)(6) designee. The parties are holding June 17 and 18 while Plaintiffs' counsels across Guevara cases confer on these proposed dates.

The Parties have been working in good faith to complete all fact discovery before the May 30, 2025, fact discovery deadline, and have made significant progress in doing so. But as noted above, there is limited discovery that still needs to be completed that could not be completed within the May 30 deadline because of either scheduling conflicts or ongoing conferrals over the scope of depositions. The Parties agreed to seek a three-week extension for the sole purpose of completing this limited discovery.

Additionally, Defendant Officers' counsel informed the Parties that they have made exhaustive yet unsuccessful attempts to locate Jesus Fuentes and Esteban Rodriguez, who testified at Plaintiffs' trials as eyewitnesses, and Manuel Rodriguez, who also testified at Plaintiffs' trials as being with the victim the day before the incident and saw him steal drugs from the area he was later found beaten. Plaintiffs' counsels have also been unsuccessful in locating these three witnesses. Accordingly, the Parties entered into this agreement: if these witnesses are located prior to the filing of the draft pretrial order by the parties, the parties will jointly seek leave of court to take their depositions.

C. Monell Discovery

Plaintiffs' position is that since Monell discovery is phased, it should start now and last 90 days. These same firms have conducted extensive *Monell* discovery across the Guevara cases and Plaintiffs believe that beginning that phase of litigation now would be most economical and efficient.

Defendants position is that the Court has deferred *Monell* discovery, and as such, the Parties should focus on completion of non-*Monell* fact discovery at this time. *Martinez*, Dkt. 40. The City also does not know the full scope of Plaintiffs' *Monell* discovery in this case, and though extensive *Monell* discovery has been conducted in other cases, Plaintiff Martinez has already issued additional interrogatories on *Monell* discovery. Given the Court's order deferring *Monell* discovery, and the additional discovery already issued, the City cannot commit to a deadline until it knows the full scope of *Monell* discovery.

D. Settlement

The City Defendants have not received a settlement demand from Plaintiffs. The Cook County Defendants and Plaintiffs Martinez and Kelly have settled and those claims have

been dismissed. Defendant Cook County responded to Plaintiff Tinajero's initial settlement demand on January 6, 2025 with an initial offer. Plaintiff Tinajero responded on January 8, 2025 with a counter. Cook County has not responded to plaintiff Tinajero's counter.

DATED: May 20, 2025

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Kyle Christie, an attorney, certify that on May 20, 2025, I filed the foregoing JOINT STATUS REPORT using the Court's CM/ECF system, which effected service on all counsel of record.

/s/ Kyle Christie

*Counsel for Defendants Vergara, Troche,
Mingey, and Special Representatives Yanow
and Rogers*