

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

JOSE TINAJERO,

Plaintiff,

v.

CITY OF CHICAGO, REYNALDO

GUEVARA, ERNEST HALVORSEN,

deceased, HECTOR VERGARA, JOSEPH

MOHAN, deceased, RANDY TROCHE,

FRANCIS CAPPITELLI, deceased,

EDWARD MINGEY, JACOB

RUBINSTEIN, and COOK COUNTY,

Defendants.

Case No. 24-cv-1598

Honorable Judge John F. Kness

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE RESPONSIVE PLEADINGS**

NOW COME the Defendants, Reynaldo Guevara, Hector Vergara, Randy Troche, Edward Mingey, and the City of Chicago, by and through their undersigned counsel, and respectfully move this Honorable Court for a thirty-day extension of time, until May 29, 2024, to file their responsive pleadings, and state as follows:

1. On February 26, 2024, Plaintiff filed his Complaint at Law. (Dkt. 1).
2. On February 28, 2024, Plaintiff issued requests for waiver of service to Defendants Reynaldo Guevara, Hector Vergara, Randy Troche, Edward Mingey, and the City of Chicago. (Dkt. 22, 26).
3. On March 21, 2024, waivers of service for Defendants Guevara, Vergara, Troche, and Mingey were returned executed. (Dkt 22). On April 9, 2024, a waiver of service for Defendant City of Chicago was returned executed. (Dkt. 26).
4. Defendants Guevara, Vergara, Troche, Mingey, and the City of Chicago's

responsive pleadings are currently due on April 29, 2024. (Dkt. 22, 26).

5. Defendants Guevara, Vergara, Troche, Mingey, and the City of Chicago now respectfully request that this Honorable Court grant them a thirty-day extension of time, until May 29, 2024, to file their responsive pleadings.

6. Defendants will be filing a motion for reassignment and consolidation of this case with the case *John Martinez v. Reynaldo Guevara*, et al, No. 23-cv-01741 (N.D. Ill.), pending before Judge Thomas M. Durkin. *Martinez* and *Tinajero* are virtually-identical lawsuits filed against the same Defendants. Both cases involve the same issues of fact and law and arise from the same occurrence – the Plaintiffs’ arrests for the 1998-murder of Daniel Garcia, their subsequent prosecutions and convictions, and the reversals of their convictions. Defendants will be moving for reassignment of this case to Judge Durkin, pursuant to Local Rule 40.4, and for consolidation of the *Tinajero* and *Martinez* cases pursuant to Federal Rule of Civil Procedure 42.

7. Because Defendants will be filing this motion for reassignment and consolidation, Defendants now move this Honorable Court for an extension of time to file their responsive pleadings.

8. This is Defendants’ first request for an extension of time to file their responsive pleadings.

9. This motion is not brought for the purpose of delay and will not cause prejudice to any party.

10. On April 26, 2024, Defense counsel conferred with Plaintiff’s counsel regarding this motion. Plaintiff’s counsel indicated that Plaintiff does not object to this motion.

WHEREFORE, Defendants respectfully request that this Honorable Court grant Defendants a thirty-day extension of time, until May 29, 2024, to file their responsive pleadings.

Dated: April 26, 2024

Respectfully submitted,

/s/ Austin Rahe

AUSTIN RAHE, Atty No. 6317608

One of the Attorneys for City of Chicago

/s/ Jeffrey C. Grossich

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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 April 26, 2024, I electronically filed the forgoing **Defendants' Unopposed Motion for Extension of Time to File Responsive Pleadings** 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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