

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

JOSE TINAJERO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No. 24-cv-1598
CITY OF CHICAGO, REYNALDO	)	
GUEVARA, ERNEST HALVORSEN,	)	Honorable Judge John F. Kness
deceased, HECTOR VERGARA, JOSEPH	)	
MOHAN, deceased, RANDY TROCHE,	)	
FRANCIS CAPPITELLI, deceased,	)	
EDWARD MINGEY, JACOB	)	
RUBINSTEIN, and COOK COUNTY,	)	
	)	
Defendants.	)	

**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*

Eileen E. Rosen  
Andrew J. Grill  
Austin G. Rahe  
Catherine M. Barber  
Jessica Zehner  
Lauren M. Ferrise  
Theresa B. Carney  
Erica Fatima  
Rock, Fusco & Connolly  
333 West Wacker Drive, 19th Floor  
Chicago, IL 60606  
P: (312) 494-1000  
[arahe@rfclaw.com](mailto:arahe@rfclaw.com)

/s/ Jeffrey C. Grossich

JEFFREY C. GROSSICH, Atty. No. 6316511  
*Special Assistant Corporation Counsel for  
Defendants Vergara, Troche, and Minge*

James G. Sotos  
Josh M. Engquist  
Laura M. Ranum  
Allison L. Romelfanger  
Kyle T. Christie  
Maurice C. Hunt  
Jeffrey C. Grossich  
THE SOTOS LAW FIRM, P.C.  
141 W. Jackson Blvd, Suite 1240A  
Chicago, IL 60604  
p: (630) 735-3300

/s/ Tim Scahill

TIM SCAHILL, Atty No. 6287296  
*One of the Attorneys for Guevara*  
Steven B. Borkan  
Timothy P. Scahill  
Graham P. Miller  
Emily E. Schmidt  
Molly Boekeloo  
Whitney Hutchinson  
Mischa Itchhaporia  
Kathryn E. Boyle  
Krystal Gonzalez  
Christine E. Murray  
Amanda C. Guertler  
Borkan & Scahill  
20 S. Clark Street, Suite 1700  
Chicago, IL 60603  
P: (312)-580-1030  
[tscahill@borkanscahill.com](mailto:tscahill@borkanscahill.com)

**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.

**Attorneys for Plaintiff**

Kenneth N Flaxman  
Joel A. Flaxman  
Kenneth N. Flaxman, P.C.  
200 S. Michigan Avenue, Suite 201  
Chicago, IL 60604-6107  
P: (312) 427-3200  
[knf@kenlaw.com](mailto:knf@kenlaw.com)  
[jaf@kenlaw.com](mailto:jaf@kenlaw.com)

**Attorneys for the City of Chicago**

Eileen E. Rosen ([erosen@rfclaw.com](mailto:erosen@rfclaw.com))  
Andrew J. Grill ([agrill@rfclaw.com](mailto:agrill@rfclaw.com))  
Austin G. Rahe ([arahe@rfclaw.com](mailto:arahe@rfclaw.com))  
Catherine M. Barber ([cbarber@rfclaw.com](mailto:cbarber@rfclaw.com))  
Jessica Zehner ([jzehner@rfclaw.com](mailto:jzehner@rfclaw.com))  
Lauren M. Ferrise ([lferrise@rfclaw.com](mailto:lferrise@rfclaw.com))  
Theresa B. Carney ([tcarney@rfclaw.com](mailto:tcarney@rfclaw.com))  
Erica Fatima ([efatima@rfclaw.com](mailto:efatima@rfclaw.com))  
Rock, Fusco & Connolly  
333 West Wacker Drive, 19th Floor  
Chicago, IL 60606  
P: (312) 494-1000

**Attorneys for Reynaldo Guevara**

Steven B. Borkan ([Sborkan@borkanscahill.com](mailto:Sborkan@borkanscahill.com))  
Timothy P. Scahill ([tscahill@borkanscahill.com](mailto:tscahill@borkanscahill.com))  
Graham P. Miller ([gmiller@borkanscahill.com](mailto:gmiller@borkanscahill.com))  
Emily E. Schnidt ([eschnidt@borkanscahill.com](mailto:eschnidt@borkanscahill.com))  
Molly Boekeloo ([mboekeloo@borkanscahill.com](mailto:mboekeloo@borkanscahill.com))  
Whitney Hutchinson ([whutchinson@borkanscahill.com](mailto:whutchinson@borkanscahill.com))  
Mischa Itchhaporia ([mitchhaporia@borkanscahill.com](mailto:mitchhaporia@borkanscahill.com))  
Kathryn E. Boyle ([kboyle@borkanscahill.com](mailto:kboyle@borkanscahill.com))  
Krystal Gonzalez ([kgonzalez@borkanscahill.com](mailto:kgonzalez@borkanscahill.com))  
Christine E. Murray ([Cmurray@borkanscahill.com](mailto:Cmurray@borkanscahill.com))  
Amanda C. Guertler ([aguertler@borkanscahill.com](mailto:aguertler@borkanscahill.com))  
Borkan & Scahill  
20 S. Clark Street, Suite 1700

Chicago, IL 60603  
P: (312)-580-1030

**Attorneys for Cook County**

Kelli Huntsman ([kelli.huntsman@cookcountysao.org](mailto:kelli.huntsman@cookcountysao.org))  
Cook County State's Attorney's Office  
Civil Actions Bureau-Affirmative & Complex Litigation  
500 Richard J. Daley Center  
50 W. Washington, Room 500  
Chicago, IL 60602  
P: (312)-603-3151

**Attorneys for Jake Rubenstein:**

Kenneth M. Battle ([kbattle@mokblaw.com](mailto:kbattle@mokblaw.com))  
Michele J. Braun ([mbräu@mokblaw.com](mailto:mbräu@mokblaw.com))  
O'Connor & Battle, LLP  
111 W. Jackson Blvd, Suite 1700  
Chicago, IL 60604  
P: (312) 786-4600

/s/ Jeffrey C. Grossich

JEFFREY C. GROSSICH, Atty. No 6316511