

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

JOSE TINAJERO, )  
Plaintiff, ) Case No. 24-cv-1598  
v. ) Honorable Judge John F. Kness  
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. )

**DEFENDANTS' JOINT UNOPPOSED MOTION FOR AN  
EXTENSION TO ANSWER OR OTHERWISE PLEAD**

NOW COME Defendants, Reynaldo Guevara, Hector Vergara, Randy Troche, Edward Mingeay, and the City of Chicago, by and through their undersigned counsel and respectfully move this Honorable Court for a twenty-one day extension of time, until June 19, 2024, to file their responsive pleadings, and state as follows:

1. On February 26, 2024, Tinajero filed his complaint arising out of his reversed conviction for the 1998 first-degree murder of Daniel Garcia against the above captions Defendants. (*See generally* Dkt. 1.)
2. On March 21, 2024, waivers of service were executed for Defendants Guevara, Vergara, Troche and Mingeay. (Dkt. 22.) On April 9, 2024, a waiver of service was executed for Defendant City of Chicago. (Dkt. 26.) Based on the executed waivers, Defendants answers were due on or before April 29, 2024. (Dkt. 22, 26.)

3. Defendants thereafter moved for a thirty-day extension of time, up until May 29, 2024, to file their responsive pleading, (Dkt. 48.), which was granted by this Court. (Dkt 52.)
4. While Defendants have been diligently working to complete their responsive pleadings, Defendants need additional time to finalize the same.
5. This court may “ . . . for good cause, extend the time with or without motion...if a request is made, before the original time or its extension expires.” Federal Rule of Civil Procedure 6(b)(1)(A).
6. Three of the named defendants, Ernest Halvorsen, Joseph Mohan, and Francis Cappitelli, are deceased. Plaintiff has filed an unopposed motion seeking appointment of special representatives for these deceased defendants and included his proposed amended complaint as an exhibit. (Dkt. 24, Dkt. 24-1). Plaintiff also submitted an agreed order to the Court on April 17, 2024, appointing the special representatives. That order has not yet been entered by the Court. Once that order is entered, an amended complaint will need to be filed to reflect the appointment of the special representatives.
7. In addition, Laura Ranum, one of the attorneys for Defendants Vergara, Troche, and Mingey, suffered a family emergency – namely, both of her parents were hospitalized with serious illnesses – causing Ms. Ranum to be out of the office since May 17, 2024.
8. Furthermore, many of the attorneys for the City of Chicago and for Defendants Vergara, Troche and Mingey have been briefing summary judgment motions and/or replies in large reverse conviction cases including in *Iglesias v. Guevara*, 19-CV-6508, *Solache/Reyes v. Guevera*, 18-CV-1028 & 18-CV-2312, *Sierra v. Guevara*, 18-CV-3029, *Savory v. Cannon*, 23-CV-1184, and *Johnson v. Guevara*, 20-CV-4156.

9. In order to avoid piecemeal responsive pleadings once special representatives are appointed, and due to defense counsels' obligations on other matters as noted above, Defendants respectfully request an additional 21 days, up to and including June 19, 2024, to finalize and file their responsive pleadings.
10. This extension will not cause any delay in the proceedings and no party will be prejudiced by the granting of this extension; the parties are continuing to brief consolidation of the *Tinajero* case with the related *Martinez* case, with Defendants' reply due June 7, 2024, in front of Judge Durkin. (See *Martinez v. Guevara*, 23-CV-1741, Dkt. 156, 157, 159.)
11. On May 28, 2024, and May 29, 2024, counsel for Defendants contacted Plaintiff's counsel, Joel Flaxman, at which time he indicated he did not oppose the relief sought herein.

WHEREFORE, Reynaldo Guevara, Hector Vergara, Randy Troche, Edward Mingey, and the City of Chicago respectfully request an extension to answer or otherwise plead to *Tinajero*'s complaint up to and including June 19, 2024.

Dated: May 29, 2024

Respectfully submitted,

/s/ Allison Romelfanger  
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**CERTIFICATE OF SERVICE**

I certify that on May 29, 2024, I electronically filed the foregoing **Defendants' Joint Unopposed Motion for an Extension to Answer or Otherwise Plead** 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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