

IN THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Benjamin K. Herrington,)	
)	
<i>Plaintiff,</i>)	
)	No. 24-cv-02940
-vs-)	
)	<i>(Judge Gottschall)</i>
Grundy County Sheriff's Deputy)	
Aaron Cory, and Grundy County,)	
Illinois,)	
)	
<i>Defendants.</i>)	

JOINT INITIAL STATUS

The parties submit the following joint status report:

I. Attorneys

Plaintiff is represented by Kenneth N. Flaxman (lead counsel) and Joel A. Flaxman, 200 S Michigan Avenue, Suite 201, Chicago, Illinois. (312) 427-3200.

Defendants are represented by John J. Kohnke (lead counsel) and Jordan K. Cray, Hawkins, Parnell & Young, LLP, One East Wacker Drive, Suite 400, Chicago, IL 60601. (312) 667-8422.

II. Jurisdiction

This is a Section 1983 action alleging the use of excessive force. The Court has jurisdiction under 42 U.S.C. § 1983.

III. Nature and Scope of the Case

The case arises from a single incident that occurred in Grundy County, Illinois on April 25, 2022. Plaintiff contends that after officers arrested him, defendant Cory (a canine officer) instructed his animal to bite plaintiff, causing plaintiff to receive personal injury.

Defendants contend that on April 25, 2022, plaintiff Herrington stole a Chicago Fire Department ambulance in the City of Chicago. During the 80-mile pursuit, plaintiff Herrington attempted to strike several Deputy Sheriffs with the stolen ambulance when they placed spike strips in front of the stolen ambulance. After the stolen ambulance was disabled, plaintiff Herrington resisted arrest despite several warnings and the K-9 assisted in Herrington's eventual arrest.

IV. Service, Magistrate Judge, and Type of Trial

All parties have been served. The parties do not unanimously consent to trial by a Magistrate Judge. A jury trial has been demanded.

V. Discovery

Defendant has made initial disclosures. Plaintiff will make initial disclosures by April 2, 2024. Discovery will proceed after entry of the Rule 16 Scheduling Order.

VI. Settlement

The parties agree that settlement is premature at this time. The parties will revisit settlement as discovery proceeds.

VII. Proposed Schedule

Event	Deadline
Completion of Fact Discovery	2/27/2026
Disclosure of Plaintiff's Expert Report(s)	3/27/2026
Deposition of Plaintiff's Expert	5/26/2026
Disclosure of Defendant's Expert Report(s)	6/28/2026
Deposition of Defendant's Expert	8/28/2026
Dispositive Motions	10/28/2026

The parties propose that they file the next status report in 63 days, on May 21, 2025.

/s/ Kenneth N. Flaxman
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