

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

Jerome Fears,)	
)	
Plaintiff,)	
)	
)	Case No. 24-cv-5101
Vs.)	Honorable Matthew F. Kennelly
)	
Officer Elias Agredano (#15210), and)	
CITY OF CHICAGO,)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR EXTENSION OF TIME
TO COMPLETE LIMITED FACT DISCOVERY**

Defendants, City of Chicago and Chicago Police Officer Elias Agredano, by and through their attorneys, JOHNSON & BELL, LTD., respectfully move this Honorable Court, for an extension of time, up to May 23, 2025, to complete specific fact discovery. The sole purpose of this motion is to depose Plaintiff, Jerome Fears. In support of the motion hereof, Defendants state the following:

1. On October 29, 2024, the Parties filed a Joint Status Report informing this Honorable Court, in pertinent part: (1) the parties have exchanged initial disclosures, and have served written discovery requests; and (2) "Defendants will be in a position to determine whether a response to Plaintiff's settlement demand is possible once the parties exchange written discovery responses, and once Plaintiff is deposed." [Dkt. 21].

2. On December 23, 2024, Plaintiff responded to Defendants' written Interrogatories and Requests for Production.

3. On December 31, 2024, the parties filed a Joint Status Report indicating that “the parties expect to take the depositions of the following individuals: Plaintiff and defendant Agredano.” [Dkt. 26].

4. On January 16, 2025, this Honorable Court granted Defendants’ Agreed Motion for Entry of Confidentiality Protective Order. [Dkt. 29].

5. On February 5, 2025, Defendants issued the following to Plaintiff: (1) correspondence pursuant to Rule 37, seeking to resolve numerous perceived deficiencies in Plaintiff’s Answers and Responses to written discovery; and (2) a video deposition notice for the deposition of Plaintiff, Jerome Fears, for February 21, 2025. *See Exhibit A*. Plaintiff’s counsel responded that he and Plaintiff were not available on February 21, 2025, and “it will take some time to respond to [Defendants’] lengthy letter about discovery.”

6. On February 14, 2025, Plaintiff replied to Defendants’ R. 37 letter and proposed February 27th or 28th for the deposition of Plaintiff. Further, Plaintiff, for the first time, sought confirmation that Defendants did not intend to ask questions at Plaintiff’s deposition regarding *Fears v. City of Chicago et al.*, 22-cv-5347, which is a separate lawsuit filed by this Plaintiff against other Chicago police officers. *See Exhibit B*. Plaintiff’s counsel in this case also represents Plaintiff in that case.

7. On February 28, 2025, the Parties filed a Joint Status Report informing the Court (in pertinent part): (a) the parties have answered written discovery; (b) “Plaintiff has responded to the [Rule 37] letter, and the parties are attempting to resolve those issues. Once those issues are resolved, the parties will schedule the depositions of Plaintiff and Defendant Agredano,” and (c) that Defendants will respond to Plaintiff’s settlement demand after Plaintiff has been deposed. [Dkt. 32].

8. Also on February 28, 2025, Defense Counsel sent e-mail correspondence to Plaintiff's counsel (1) to discuss Plaintiff's settlement demand, (2) to follow up on unresolved issues pertaining to Defendant's R. 37 letter, and (3) to discuss the scope of Plaintiff's deposition as it pertains to the entanglement between the instant matter (24-cv-5101) and Plaintiff's other pending case, *Fears v. City of Chicago et al* (22-cv-5347). See **Exhibit C**. Plaintiff's counsel never responded to Defense counsel's February 28, 2025 correspondence.

9. On April 8, 2025, Defense counsel contacted Plaintiff's counsel via telephone to follow up on Defense counsel's February 28, 2025 e-mail correspondence, to which Plaintiff's counsel failed to respond. As to the scope of Plaintiff's deposition, counsel for the parties discussed their respective positions about questioning Plaintiff regarding his other pending matter. Defendants' position is that, given the nature of Plaintiff's Complaint and the evidence in the instant matter, and given that bias is always relevant, the other pending lawsuit should be a subject of inquiry at the deposition. The parties agreed to take some time to consider these positions, and, further, discussed the prospect of settlement.

10. On April 22, 2024, Defense counsel conferred with Plaintiff's counsel to secure an agreement to an extension of the current fact discovery deadline. This was necessary because Plaintiff's counsel had not yet produced his client for his deposition, and because the parties had not yet finalized their discussions about the scope of that deposition. These discussions, when they were occurring, appeared to be cooperative discussions. To Defense counsel's surprise, and contrary to the Joint Status Reports and the conversation between parties on April 8, 2025, Plaintiff's counsel informed Defense counsel that he would oppose Defendant's Motion to extend and that he believed no additional discovery was needed.

11. This abrupt change in position has left Defendants without Plaintiff's deposition, despite the fact that they were trying to work cooperatively to address any issues raised by Plaintiff's counsel beforehand. Clearly, defense counsel's mistake was attempting to work cooperatively with Plaintiff's counsel. Defendants have been seeking Plaintiff's deposition for months and apparently should have filed a motion to compel or a motion for a protective order to force Plaintiff to be produced. Lesson learned.

12. Defendants seek to extend the current fact discovery deadline for thirty (30) days for the sole purpose of deposing Plaintiff, Jerome Fears. This should be sufficient, given that Plaintiff's position, now, is that no additional discovery is needed.

13. Plaintiff will not be prejudiced by this brief extension. Defendants will be significantly prejudiced should this extension be denied.

Defendants Elias Agredano and City of Chicago respectfully request that this Honorable Court grant Defendants an extension of thirty (30) days, until May 23, 2025, to facilitate the deposition of Plaintiff, Jerome Fears.

Respectfully submitted,

By: /s/ Brian P. Gainer
Attorney for Defendant, City of Chicago

Brian P. Gainer (gainerb@jbltd.com)
Lisa M. McElroy (mcelroyl@jbltd.com)
Jack A. Gainer (gainerj@jbltd.com)
Johnson & Bell, Ltd.
33 W. Monroe St., Ste. 2700
Chicago, Illinois 60603
(312) 372-0770

CERTIFICATE OF SERVICE

I, Brian P. Gainer, hereby certify that, in accordance with Fed. R. Civ. P. 5 and LR 5.5 and the General Order on Electronic Case Filing (ECF), I served this Motion, together with the documents herein referred, electronically via the ECF-CM system on April 23, 2025.

/s/ Brian P. Gainer

Brian P. Gainer