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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DAVID MARTIN,)
)
Plaintiff,)
)
vs.) No. 22 CV 6296
)
ATTORNEY GENERAL KWAME RAOUL, JUDGE) Chicago, Illinois
GREGORY EMMETT AHERN, JR., UNNAMED) March 13, 2024
COOK COUNTY CLERKS, COOK COUNTY,) 10:39 a.m.
)
Defendants.)

TRANSCRIPT OF PROCEEDINGS - TELEPHONIC STATUS HEARING
BEFORE THE HONORABLE ANDREA R. WOOD

APPEARANCES:

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1 (Proceedings heard via telephone:)

2 THE COURT: Good morning. This is Judge Wood joining
3 the line. I believe we are ready at long last to call this
4 case so Laritza will go ahead and do that, and then I'll get
5 appearances from the parties.

6 Laritza.

7 THE CLERK: Calling case 22 CV 6296, Martin versus
8 Ahern, et al., for a status.

9 MR. MARTIN: Martin here.

10 THE COURT: Thank you, Mr. Martin.

11 MS. JOHNSTON: Good morning, Your Honor. Assistant
12 Attorney General Mary Alice Johnston.

13 THE COURT: Thank you, Ms. Johnston.

14 Thank you both for your patience. I was in court on
15 a matter with several dozen parties that ran a little bit
16 longer than anticipated, but you do have my undivided
17 attention this morning.

18 Okay. Let's check in on the status of this matter.
19 This case is called for a status. I did see that I do have
20 Mr. Johnson's motion for partial summary judgment that was
21 filed.

22 MR. MARTIN: Martin.

23 THE COURT: I'm sorry?

24 MR. MARTIN: Mr. Martin's motion for partial summary
25 judgment.

1 THE COURT: Yes. Did I not say "Mr. Martin"? I
2 apologize if I misspoke.

3 Mr. Martin's motion for partial summary judgment as
4 well as the fully briefed motions that are pending and which
5 the parties are waiting on an order from me on.

6 My trial schedule has delayed me in getting the order
7 to the parties; however, I will set short dates to make sure
8 that all of the pending motions are resolved and resolved in
9 short order and certainly before the end of the month but I
10 would hope within the next couple of days.

11 Let me do check in on any developments that I should
12 be aware of.

13 I believe Mr. Martin, in addition to filing the
14 motion for summary judgment, more recently had some ongoing
15 issues with respect to the state court judge. My
16 understanding is that there hadn't been any action taken on
17 any outstanding citation or order issued by the state court
18 judge so let me see if there's been any change in that
19 situation.

20 Mr. Martin.

21 MR. MARTIN: There's been no change, but I do want to
22 let you know that I did file a motion, a supporting motion,
23 for my partial summary judgment yesterday. It hasn't hit the
24 docket yet, but there's been no change.

25 THE COURT: It has not. What's the contents of that

1 filing? Is that an affidavit?

2 MR. MARTIN: No. It's just a supporting motion to
3 the motion for summary judgment. Just a supporting motion,
4 more information.

5 THE COURT: A brief with law or facts?

6 MR. MARTIN: Yes.

7 THE COURT: And you filed that yesterday?

8 MR. MARTIN: Yes.

9 THE COURT: Did you send that to the email box as a
10 PDF?

11 MR. MARTIN: What I did is that I used the pro se
12 submissions as I typically do. And they hadn't received it,
13 so they may be backlogged. So I did send an email to the
14 intake submission asking if they received it, but they could
15 be busy. All of this just happened yesterday, so I didn't
16 expect the Court to receive it today.

17 THE COURT: Yes. So I would expect that hopefully,
18 it will be on the docket at some point today. If it was
19 submitted yesterday, then it is probably in line to be
20 docketed today. So I will keep an eye out for it to make sure
21 that I consider anything that's in there in issuing any
22 written order for you, Mr. Martin.

23 MR. MARTIN: Okay.

24 THE COURT: Do you have any future court dates or are
25 you summoned to court for any future dates?

1 MR. MARTIN: So the gist of what's going on here is
2 that I do have claims that -- it's kind of a weird situation.
3 I do have claims, but it's not in the court. It's related to
4 domestic relations, but it's been sent to the law court.
5 Those claims are on hold until, you know, we resolve this.

6 I'm not going to proceed when I have obvious issues
7 with preserving the court record and things of that nature.
8 So we're pretty much good.

9 THE COURT: Thank you.

10 Ms. Johnston, do you have any update on any
11 developments or issues since our last status hearing?

12 MS. JOHNSTON: No, Your Honor, no update on my end.
13 I just do want to clarify one point.

14 There are a number of various filings in this case.
15 So I did receive an email from Mr. Martin this morning that I
16 believe is the motion in support of the partial summary
17 judgment motion that he submitted yesterday. It hasn't been
18 stamped yet, but he did send me a copy of that filing. So,
19 obviously, once it hits the docket, I'd be able to confirm
20 that that is -- everything is matching up and that I have a
21 copy of that.

22 I guess I'd just want to confirm whether or not I
23 have any deadline to respond or deadline to respond to the
24 partial motion for summary judgment.

25 Given that there are a number of issues that would

1 completely resolve the case that have been fully briefed and
2 are now pending, I think that adding to the docket additional
3 written responses seems perhaps unnecessary at this point, but
4 I certainly would not want to, you know, miss any deadlines or
5 not provide a response should the Court desire one.

6 THE COURT: So I will not set a schedule until I've
7 seen the filing and can assess what would be an appropriate
8 timeline for resolving it.

9 So I will take under advisement your request not to
10 have a date until the other issues are resolved. I will make
11 a decision once I see it which I would expect, again, within
12 the next 24 hours. I would expect it to get docketed at some
13 point today. I don't know how many filings, of course, were
14 made yesterday that they need to docket. And, you know, keep
15 an eye out for a schedule.

16 As I said, I do want to keep this on a short schedule
17 to make sure that the existing issues get resolved, and then I
18 can turn to summary judgment as appropriate.

19 So what I would say is assuming that this motion is
20 going to be docketed at some point today, I'd like to set a
21 continued status hearing to address any outstanding issues
22 after the other rulings for, I'm going to say, Friday,
23 March 29th at 9:30.

24 MR. MARTIN: Two things. First, I don't think the
25 defense responded to the motion for partial summary judgment.

1 So since they didn't respond to that motion, I think
2 responding to the supporting motion is moot.

3 THE COURT: I'm afraid I don't understand.

4 If you filed an additional document, I take it that
5 you provided more information. I haven't seen it so it's
6 difficult for me to respond to your argument suggesting that
7 any further response is moot.

8 MR. MARTIN: Okay. So I guess what I'm saying is
9 that they didn't respond to the motion for partial summary
10 judgment which was the first one, and so it sounds like now
11 they want to respond to the supporting motion.

12 I may just rescind the supporting motion just to
13 reduce the amount of work needed for the Court because the
14 supporting motion was really just a supporting motion, and if
15 they didn't --

16 THE COURT: Does it include additional information
17 that was not included in the original motion? Because the
18 original motion was brief. I also don't know that it
19 technically complies with the requirements for a Rule 56
20 motion in this district which does require a separate
21 statement, meaning a separate document, setting forth the
22 undisputed material facts with citations to record evidence in
23 addition to a supporting memorandum of law.

24 MR. MARTIN: You know what? Let me review that.

25 If you're saying the motion is insufficient, then I

1 think we should just start from there, and then I can resubmit
2 it or, you know, whatever you decide from there.

3 MS. JOHNSTON: Your Honor, I'll just --

4 THE COURT: Okay. We can only have one person speak
5 at a time.

6 So, Mr. Martin, your supplement that you filed
7 yesterday, are you withdrawing it, or are you wanting it to be
8 an active motion on the docket?

9 MR. MARTIN: That really depends. I don't mean to,
10 you know, be funny or anything, but that really depends on
11 whether or not it's going to warrant a response from the
12 defense. If they're going to try to respond to that and they
13 didn't respond to the first one, then I would just withdraw
14 it.

15 THE COURT: So here is what I'll propose, and then
16 I'll hear from Ms. Johnston. I will see what Mr. Martin has
17 filed. I am not going to order a response at this point.
18 There are things to be sorted out.

19 Normally, the summary judgment process does require
20 very strict adherence to certain rules. I certainly can issue
21 an order that gives guidance and advice to Mr. Martin on that
22 to the extent it's necessary.

23 What I would like to do is to hold off setting a
24 schedule on summary judgment until a continued status hearing
25 on the 29th if the parties are available for that at which

1 point you'll have rulings on all of the issues up to that
2 point as well as guidance, to the extent appropriate, on the
3 motion for partial summary judgment that's already been filed
4 which I intended to address in the order that addresses the
5 other aspects of the case that are pending.

6 So what I would suggest, Mr. Martin, is that you
7 don't have to make a decision to withdraw your supplemental
8 filing. I will take a look at it. If it is something that
9 warrants a response, you will have that opportunity at that
10 time when you see, "Oh, there's an order. Judge Wood has
11 ordered a written response to it." Then you can say, "I'm
12 going to voluntarily withdraw it rather than go forward with
13 briefing." And that way, you'll have the ability to do that.

14 Ms. Johnston, you will not have any obligation to
15 respond to that filing unless and until you have an order from
16 me directing you to do so.

17 Does that kind of clear up the schedule issue?

18 And then I'll keep an eye out for that filing. I'd
19 rather see it for myself at this point than have the parties
20 characterize it.

21 Ms. Johnston, were there any other developments you'd
22 like to raise?

23 MS. JOHNSTON: No, Your Honor. I just wanted to
24 again clarify that point and make sure that I wasn't missing
25 any deadlines.

1 THE COURT: Are you available to call in at 9:30 on
2 the 29th?

3 MS. JOHNSTON: Yes, Your Honor.

4 THE COURT: Mr. Martin, are you able to do that as
5 well?

6 MR. MARTIN: I have a lot of personal things that's
7 going to keep me pretty busy. I was wondering if we can push
8 that to April 29th or sometime in March. And it sounds like
9 it would probably --

10 THE COURT: You said sometime in March, meaning
11 another date in March other than the 29th?

12 MR. MARTIN: I'm sorry. May. I'm sorry. In May.
13 April 29th or sometime in May.

14 THE COURT: April 29th. April 29th is a Monday. Are
15 you available that day, Ms. Johnston?

16 MS. JOHNSTON: Let me just double check. At 9:30
17 again?

18 THE COURT: Yes, it can be set for 9:30.

19 And I will let the parties know that that is the only
20 thing that I will have set for that morning so you will not
21 have to worry about running into a delay based on any hearings
22 ahead of yours running overtime.

23 MS. JOHNSTON: Yes, Monday April 29th at 9:30 works
24 for me, Your Honor.

25 THE COURT: Is that a better date for you,

1 Mr. Martin?

2 MR. MARTIN: Yes, Your Honor.

3 THE COURT: Okay. I will take a look at your filing.
4 I will determine whether it requires a response. And I think
5 the question that I'd asked earlier is whether the filing that
6 you made yesterday adds additional information in support of
7 your summary judgment request that you made previously. Is
8 that what it does?

9 MR. MARTIN: There's some additional case law.

10 THE COURT: Okay. So that may be appropriate. We do
11 have a process for supplementing briefing to include
12 additional case law. I will take a look at it.

13 Keep an eye out for any order from me over the next
14 day or two to see if any additional briefing is required, and
15 things will push forward.

16 MR. MARTIN: Sounds good.

17 THE COURT: Very good.

18 MS. JOHNSTON: Thank you, Your Honor.

19 THE COURT: Thank you both. Have a good day.

20 MR. MARTIN: Have a good day. Thank you. Bye.

21 (Proceedings adjourned at 10:55 a.m.)

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C E R T I F I C A T E

I, Brenda S. Varney, certify that the foregoing is a complete, true, and accurate transcript from the record of proceedings on March 13, 2024, before the HON. ANDREA R. WOOD in the above-entitled matter.

<u>/s/Brenda S. Varney, CSR, RMR, CRR</u>	<u>June 17, 2024</u>
Official Court Reporter	Date
United States District Court	
Northern District of Illinois	
Eastern Division	