

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

ORLANDO EDWARDS and LEE)
EDWARDS)
)
Plaintiff,)
) No. 09 CV 1726
vs.)
) Hon. James F. Holderman
CHICAGO POLICE OFFIER J. , STAR NO.)
16873, and OFFICER P. PARK, STAR NO.)
13949)
)

Defendants.

FINAL AGREED ORDER VACATING JUDGMENT AND OF DISMISSAL

This matter coming before the Court on the Stipulation of the parties, the parties having reached agreement to settle this matter, and the respective parties being represented by counsel, plaintiffs, Orlando Edwards and Lee Edwards, by one of their attorneys, Jeffrey J. Neslund, and defendants, Paul Park and John Haritos, by one of their attorneys, Frank Nowicki and Reiko Satoh, and defendant City of Chicago, by its attorney, Stephen Patton, Corporation Counsel of the City of Chicago, and the parties having entered into a Agreement to Vacate Judgment, Release and Settle, and Stipulation to Vacate Judgment and to Dismiss and the Chicago City Council having enacted an ordinance authorizing the settlement agreement and payment of the funds agreed upon in the Agreement to Vacate Judgment, Release and Settle, the Court being otherwise fully advised in the premises, orders as follows:

The judgment entered in this cause on February 2, 2012 is vacated in its entirety and all of the remaining claims of plaintiffs, Orlando Edwards and Lee Edwards, against defendants, City of Chicago, Paul Park and John , are dismissed with prejudice and without leave to reinstate and with each party bearing its own costs and attorneys' fees.

ENTER:

James F. Holderman
Honorable Judge James F. Holderman

DATED: May 22, 2012

CE

United States District Court
Northern District of Illinois
Eastern Division

Barry Gilfand, et al

v.

JUDGMENT IN A CIVIL CASE

Case Number: 07 C 2566

Sgt. Jeffery Planey, et al

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that As to plaintiff AARON GILFAND the jury finds as follows: the Fourth Amendment Excessive Claim for Defendant Planey; the Fourth Amendment Claim for the City's Failure to Investigate and Discipline Off-Duty Excessive Force, for defendant for defendant City of Chicago; in favor of the plaintiff Aaron Gilfand's Battery Claim and against the defendant Planey and in favor of the defendants Powers, Barnes, Padilla and Matthews; the claim that defendant Planey was acting within the scope of his employment, the jury finds for defendant City of Chicago; as to the Assault Claim the jury finds in favor of defendant Barnes and against the defendant Matthews. As to plaintiff BARRY GILFAND, the jury finds as follows: the Fourth Amendment Excessive Claim , against defendant Planey; the Fourth Amendment Claim for the City's Failure to Investigate and Discipline Off-Duty Excessive Force, for defendant City of Chicago; as to the Battery Claim for plaintiff against Planey and in favor of defendants, Powers, Matthews, Barnes and Kereakes against the plaintiff; as to the claim that defendant Planey was acting within the Scope of his employment, for defendant City of Chicago; as to the Assault claim the jury finds for the plaintiff and against the defendant Matthews and for the defendant Barnes against the plaintiff. As to plaintiff SCOTT LOWRANCE: the Fourth Amendment Excessive Claim in favor of the plaintiff against Planey; the Fourth Amendment Claim for the City's failure to investigate and Discipline off-duty excessive force, in favor of the defendant City of Chicago; Battery Claim in favor of the plaintiff against defendants Planey and Padilla; the Claim that defendant Planey was acting within the scope of his employment in favor defendant City of Chicago; the Assault Claim in favor of the defendant Matthews. As to plaintiff ADAM MASTRUCCI: the Fourth Amendment Excessive Claim for defendant Planey; the Fourth Amendment Claim for the City's Failure to Investigate and Discipline Off-Duty Excessive Force for defendant City of Chicago; Battery Claim for defendant Planey, Padilla and Kereakes and against the defendant Barnes; the Claim that defendant Planey was acting within the scope of his employment for defendant City of Chicago; Assault Claim for defendant Matthews. IN ACCORDANCE WITH THE VERDICT, as to Aaron Gilfand's claim, the total amount of Compensatory damages is \$7,700. As to Barry Gilfand's claim, the total amount of Compensatory damages is \$3,000. As to Adam Mastrucci's claim, the total amount of Compensatory damages is \$3,000. As to Scott Lowrance's claim, the total amount of Compensatory damages is \$6,000. Punitive damages awarded as follows: \$9,400 against Planey, zero dollars against Powers, \$1,000 against Barnes, \$2,400 against Padilla, \$1,200 against Matthews, zero dollars against Kereakes.

Thomas G. Bruton, Clerk of Court

Date: 5/18/2012

/s/ Wanda A. Parker, Deputy Clerk

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Harry D. Leinenweber	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 2566	DATE	11/19/2012
CASE TITLE	Barry Gilfand, <i>et al.</i> vs. Sgt. Jeffrey Planey, <i>et al.</i>		

DOCKET ENTRY TEXT

ENTER MEMORANDUM OPINION AND ORDER: Defendants Barnes' and Powers' Fee Petition and Bill of Costs is denied. Defendants Woosely's and Kereakes' Bill of Costs is denied. Defendant City of Chicago's Bill of Costs is denied. Plaintiffs' Fee Petition is granted in part and denied in part. Plaintiffs are awarded the sum of \$467,162.40 for fees and costs.

■ [For further detail see separate order(s).]

Docketing to mail notices.

	Courtroom Deputy Initials:	WAP
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CMC

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

BARRY GILFAND, AARON GILFAND,)	
ADAM MASTRUCCI, and SCOTT)	
LOWRANCE,)	
)	No. 07 C 2566
Plaintiffs,)	
)	Judge Harry D. Leinenweber
v.)	
)	
SGT. JEFFREY PLANAY, et al.,)	
)	
Defendants.)	

ORDER FOR TURNOVER

This cause coming to be heard before the Honorable Judge Harry D. Leinenweber on Plaintiffs' Motion for Turnover of Funds, the Court being advised in the premises and having jurisdiction;

IT IS HEREBY ORDERED:

1. That the City of Chicago, Department of Finance is ordered to turn over all accumulated garnishment proceeds to date totaling \$18,273.40, of Defendant Jeffery Planey.

2. That said funds shall be turned over to the Plaintiffs through their attorneys, Smith, Johnson & Antholt, LLC, to satisfy in part the judgment entered herein.

ENTERED:

United States District Judge Harry D. Leinenweber

DATE: 5/30/2014

United States District Court
Northern District of Illinois
Eastern Division

Wells

JUDGMENT IN A CIVIL CASE

v.

Case Number: 09 C 1198

City of Chicago

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that An amended judgment is entered as follows: On Counts 1, 2, 3, 4, 5, 6, 7, 8, and 9 of plaintiff's third amended complaint, in favor of all defendants and against plaintiff; on Count 10 of plaintiff's third amended complaint, in favor of plaintiff and against defendants Michael Deneen, Galo Gutierrez, Maureen McMahon, and Elliott Musial, and in favor of all other defendants against plaintiff; on Count 11 of plaintiff's third amended complaint, in favor defendant City of Chicago and against plaintiff; and on Count 12 of plaintiffs third amended complaint, in favor of plaintiff and against defendant City of Chicago to the extent of the compensatory damages award on Count 10. Plaintiff shall recover compensatory damages of \$250,000 from defendants Michael Deneen, Galo Gutierrez, Maureen McMahon, Elliot Musial, and the City of Chicago, the latter pursuant to Count 12 only.

Thomas G. Bruton, Clerk of Court

Date: 10/1/2012

/s/ Olga Rouse, Deputy Clerk

United States District Court
Northern District of Illinois
Eastern Division

Wells

v.

City of Chicago

JUDGMENT IN A CIVIL CASE

Case Number: 09 C 1198

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that judgment is corrected as follows:

On Counts 1, 2, 3, 4, 5, 6, 7, 8, and 9 of plaintiff's third amended complaint, in favor of all defendants and against plaintiff; on Count 10 of plaintiff's third amended complaint, in favor of plaintiff and against defendants Michael Deneen, Galo Gutierrez, Maureen McMahon, and Elliott Musial, and in favor of all other defendants against plaintiff; on Count 11 of plaintiff's third amended complaint, in favor of plaintiff and against defendant City of Chicago; and on Count 12 of plaintiff's third amended complaint, in favor of plaintiff and against defendant City of Chicago to the extent of the compensatory damages award on Count 10. Plaintiff shall recover compensatory damages of \$1,000,000 from defendants Michael Deneen, Galo Gutierrez, Maureen McMahon, Elliot Musial, and the City of Chicago, and punitive damages of \$500 from defendant Michael Deneen, \$50,000 from defendant Galo Gutierrez, \$50,000 from defendant Maureen McMahon, and \$50,000 from defendant Elliot Musial.

Thomas G. Bruton, Clerk of Court

Date: 4/10/2012

/s/ Olga Rouse, Deputy Clerk

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

ANN DARLENE WELLS, as Representative of the Estate of Donald L. Wells, Deceased,)	09 CV 1198
)	Judge Matthew F. Kennelly
Plaintiff)	
v.)	Magistrate Judge Martin C. Ashman
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

**PLAINTIFF'S ACCEPTANCE OF A REDUCTION OF THE
COMPENSATORY DAMAGE AWARD**

Ann Darlene Wells, as representative of the estate of Donald L. Wells, hereby advises the court that she accepts a reduction of the compensatory damage award to \$250,000.00.

Respectfully submitted,

/s/ David C. Van Dyke

Ann Darlene Wells, as Representative of the Estate
of Donald L. Wells, Deceased, By One of Her
Attorneys

Scott C. Frost
David C. Van Dyke
Donna Rizzuto
Tiffany L. Carpenter
Howard and Howard Attorneys PLLC
200 South Michigan Ave., Ste. 1100
Chicago, Illinois 60604
(312) 372-4000

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

ANN DARLENE WELLS, as representative)
of the estate of Donald L. Wells, deceased,)
)
Plaintiff,)
)
vs.) Case No. 09 C 1198
)
CITY OF CHICAGO, et al.,)
)
Defendants.)

MEMORANDUM OPINION AND ORDER

MATTHEW F. KENNELLY, District Judge:

Ann Darlene Wells, as representative of the estate of Donald L. Wells, has sued the City of Chicago and a number of Chicago police officers and employees for claims arising from his arrest, confinement, and death. In April 2012, a jury returned a verdict for plaintiff against the City and four of the defendant officers on plaintiff's unlawful detention claim. The jury awarded plaintiff \$1 million in compensatory damages against all of the defendants and a total of \$150,500 in punitive damages against the four officers. The jury found for all defendants on plaintiff's claims relating to denial of medical care.

Defendants have moved for judgment as a matter of law on plaintiff's claim or, in the alternative, a new trial or remittitur on the issue of damages. For the reasons stated below, the Court grants defendants' motion in part and denies it in part.

Background

The present decision assumes familiarity with the Court's January 16, 2012

decision on the parties' summary judgment motions [docket no. 269].

On Friday April 25, 2008, Donald Wells (Wells), a resident of Michigan, drove his semi-trailer truck through a bus stop and into a Chicago Transit Authority "L" Station located on Cermak Road in Chinatown. Two women were killed, and twenty people were injured. Firefighters removed Wells from the cab of his truck, and paramedics transported him to a hospital.

At the hospital, Chicago police officer Joann Butkus and her partner Rachel Golubiak were waiting for Wells when he arrived in an ambulance shortly before 6 p.m. Butkus followed Wells into the emergency room and stayed close to him while he received treatment for his injuries. Shortly after Wells arrived at the hospital, police investigator Michael Deneen read Wells his *Miranda* rights and interviewed him for ten or fifteen minutes. Police investigator Elliott Musial formally arrested Wells at 10:20 p.m., and police transported him to a police station shortly thereafter. Wells was interviewed at the station and then placed in a holding cell during the early morning hours of April 26.

Wells remained at the police station until Sunday, April 27. During this time, police investigated the collision and considered, in consultation with the Cook County State's Attorney's Office, whether to charge Wells with a felony such as aggravated reckless driving or reckless homicide. Wells was never taken before a judge for a probable cause hearing. In the early afternoon on April 27, police learned that tests performed on Wells on April 25 showed that he had no illegal drugs or alcohol in his system after the accident. Ultimately he only received a traffic citation, though police kept investigating the collision until the time of his death.

On April 27, police captain John Farrell arrived at the station around 9:00 p.m. and told Wells that a decision on his release would be made shortly. Farrell then learned that Wells would not be charged with a felony. Farrell testified that before 9:30 p.m., he went to Wells's cell and told him that he was being released. Farrell noticed that Wells had removed all his clothes and became concerned that he might need medical attention and had nowhere to go once released. Farrell left Wells in the cell and went looking for the telephone number of one of Wells's family members. When he returned, Farrell found that Wells had again removed his clothes and saw signs that Wells had been urinating on the floor and defecating on himself. Farrell decided to send Wells to a hospital for evaluation. He initially called for a police vehicle, but after finding that Wells had difficulty walking once removed from his cell, Farrell instead called an ambulance. Wells's arrest record states that he was released from custody at 10:15 p.m. The ambulance arrived and took Wells from the police station at 10:56 p.m. Wells remained hospitalized for six weeks, suffering from pneumonia, renal failure, and failure of multiple organs, and he was never discharged before his death on June 13.

Plaintiff filed this suit in February 2009, claiming that police unlawfully detained Wells and improperly denied him medical care. The case was tried to a jury in March–April 2012. On the detention claim, the jury was instructed that it could find for the plaintiff on liability if it determined that (1) he was kept in custody for more than forty-eight hours before being released or taken before a judge, or (2) he was held in custody less than forty-eight hours, but his release was improperly delayed by keeping him in custody even though (a) there was no probable cause to arrest in the first place, or (b) the police obtained information that dissipated probable cause. See Jury Instructions at

16–17 (docket no. 344).

After trial, the jury rendered a verdict in which it found for defendants on plaintiff's claims related to medical care but for plaintiff on the unlawful detention claim. In particular, the jury found that defendants Michael Deneen, Galo Gutierrez, Maureen McMahon, and Elliott Musial had unlawfully detained Wells and that the City had a policy of unlawful detention. The jury awarded compensatory damages of \$1 million for pain and suffering and punitive damages in the amount of \$500 against Deneen, \$50,000 against Gutierrez, \$50,000 against McMahon, and \$50,000 against Musial.

Discussion

Defendants contend that they are entitled to judgment as a matter of law on the unlawful detention claim against the individual defendants and the policy claim against the City. They also contend that they are entitled to a new trial on the issues of compensatory and punitive damages.

A. Judgment as a matter of law

The Court may grant judgment as a matter of law when “a reasonable jury would not have a legally sufficient evidentiary basis to find for the [nonmoving] party.” Fed. R. Civ. P. 50(a)(1); see *Thomas v. Cook County Sheriff’s Dep’t*, 604 F.3d 293, 300–01 (7th Cir. 2009). The Court “do[es] not weigh evidence or assess the credibility of witnesses. Instead, [it] draw[s] all reasonable inferences in favor of the nonmoving party.” *Thomas*, 604 F.3d at 300–01 (citations omitted).

Defendants contend that there was insufficient evidence for a reasonable jury to find that the individual defendants unlawfully detained Wells and that the individual defendants are entitled to qualified immunity. They also contend that there was

insufficient evidence for a reasonable jury to conclude that Chicago had a policy or practice of unlawful detention.

1. Unlawful detention

A person arrested without a warrant is entitled under the Fourth Amendment to "a prompt judicial determination of probable cause." *County of Riverside v. McLaughlin*, 500 U.S. 44, 47 (1991). It is generally sufficient if the government provides a probable cause hearing within forty-eight hours of arrest. *Id.* at 56. If the arrested person is held less than forty-eight hours without a judicial probable cause determination, to establish a constitutional violation he must show that the hearing "was delayed unreasonably." *Id.* By contrast, if police hold an individual more than forty-eight hours without providing a probable cause hearing, the government has the burden of "demonstrat[ing] the existence of a bona fide emergency or other extraordinary circumstance" to show that the individual's Fourth Amendment rights were not violated. *Id.* at 57.

a. Detention of more than forty-eight hours

Defendants contend that plaintiff presented insufficient evidence for a reasonable jury to find that police held Wells for more than forty-eight hours or that they held him for less than forty-eight hours for an improper purpose. They argue that Wells was in police custody starting at 10:20 p.m. on April 25, when Musial formally arrested him, and ending around 9:15 p.m. on April 27, when Farrell told Wells that he was going to be released. Plaintiff contends that the defendants held Wells for more than forty-eight hours and that they held him for an improper purpose. Specifically, plaintiff claims that defendants they arrested Wells without probable cause and held him while investigating to justify his arrest and that they did not release him promptly when the evidence

showed he was not intoxicated, had gotten adequate sleep the night before the accident, and had a clean driving record. See *Riverside*, 500 U.S. at 56 (unreasonable to hold an arrestee while gathering information to justify his arrest).

The Court concludes that there was sufficient evidence for the jury to find that Wells was held more than forty-eight hours. First, a reasonable jury could have concluded that Wells was in custody before 10:20 p.m. on April 25. “An arrest requires either physical force . . . or . . . submission to the assertion of authority.” *California v. Hodari D.*, 499 U.S. 621, 626 (1991) (emphasis omitted). Police are considered to have made a “show of authority” to which a person can submit “only if, in view of all the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave.” *Id.* at 627-28 (quoting *United States v. Mendenhall*, 446 U.S. 544, 554 (1980) (plurality)) (internal quotation marks omitted). “Examples of circumstances that might indicate a seizure, even where the person did not attempt to leave, would be the threatening presence of several officers, the display of a weapon by an officer, some physical touching of the person of the citizen, or the use of language or tone of voice indicating that compliance with the officer’s request might be compelled.” *Mendenhall*, 446 U.S. at 554; see *Carlson v. Bukovic*, 621 F.3d 610, 619 (7th Cir. 2010) (adopting factors listed in *Mendenhall*). Other circumstances that could affect whether a reasonable person believes he is free to leave include whether he was ever told he was free to leave and “whether the suspect eventually departed the area without hindrance.” *Deluna v. City of Rockford*, 447 F.3d 1008, 1014 (7th Cir. 2006) (internal quotation marks omitted). “The reasonable person–free to leave standard is an objective one, and both the officer’s and the encountered individual’s subjective beliefs during the

encounter are not determinative as to whether a seizure occurred.” *Carlson*, 621 F.3d at 619 n.15.

Butkus testified that she and her partner Golubiak arrived at the scene of the accident and that their superior ordered them to follow the ambulance carrying Wells to the hospital. Def. Ex. C at 4–5. They arrived before Wells’s ambulance and relieved other police officers who were already there. *Id.* at 6–7. Butkus testified that they followed Wells into the trauma center and remained close to him. *Id.* at 7–8. Butkus asked Wells questions at the hospital, and Wells told her that he had not been able to stop his truck and prevent the accident. *Id.* at 8. Looking for identification, she reached into and searched Wells’s pants, which had been removed and placed under Wells’s gurney. *Id.* at 10. She removed his wallet from the pants in order to locate identification. *Id.* at 10, 27. Butkus testified that she and her partner observed the hospital staff treating Wells and remained within fifteen or twenty feet of him while he was at the hospital. *Id.* at 11. Butkus also spoke with a nurse and learned that initial toxicology tests performed on Wells were negative for drugs or alcohol. *Id.*

Butkus testified that she had been ordered to maintain custody of Wells, and the jury heard deposition testimony in which Butkus stated that she considered Wells her prisoner and that she did not have authority to let him leave. *Id.* at 22–23. She testified that maintaining custody of Wells meant that she was “monitoring him and his movements and his condition, et cetera.” *Id.* at 25. Butkus also stated that Golubiak followed Wells when Wells was taken from the emergency room to get a CT scan, and the jury heard deposition testimony in which Butkus stated that she herself had followed Wells at that time. *Id.* at 30–31.

Deneen arrived at the hospital at approximately 6:00 p.m., shortly after Wells, Butkus, and Golubiak had arrived. Def. Ex. C at 13–14; Def. Ex. D at 4. Deneen testified that he interviewed Wells for ten or fifteen minutes, and the jury heard deposition testimony in which Deneen acknowledged reading Wells his *Miranda* rights. Def. Ex. D at 5–6. He stated that he did not interfere with Wells's medical treatment but that any time medical staff moved away from Wells he moved back in to ask more questions. Def. Ex. E at 16. During that time, Butkus and Golubiak remained just outside the area where Wells was receiving treatment, within sight and less than twenty feet away. Def. Ex. C at 14. Butkus also testified that two other detectives arrived to question Wells later. *Id.* at 15–16. When Musial arrived at the hospital shortly after 10 p.m. to formally arrest Wells, he saw Butkus and Golubiak waiting near Wells. Both were wearing their police uniforms, and their sidearms were visible. *Id.* at 21–22.

Considering all of this evidence, a reasonable jury could have concluded that a reasonable person in Wells's situation would not have felt free to leave and that he was in custody as early as 6 p.m., long before Musial formally arrested him. The entire time that Wells was at the hospital, two uniformed officers remained close by while multiple detectives questioned him, one reading him his *Miranda* rights. Although Butkus's subjective intentions are not determinative, a reasonable jury could conclude that she demonstrated by her demeanor and actions that she would not have let Wells go and that a reasonable person in Wells's position observing this would have concluded that he was not free to leave. See *Mendenhall*, 446 U.S. at 554 n.6 (subjective intent can be relevant to the extent that it is conveyed to person in custody). Butkus testified that she freely questioned Wells and rifled through his pants to look for identification. In addition,

defendants do not point to any evidence indicating that they ever told Wells he was free to leave or could refuse to answer their questions. See *Deluna*, 447 F.3d at 1014.

Defendants contend that Wells could not have been seized by Butkus's actions at the hospital because a person is seized "only when there is governmental termination of freedom of movement through means intentionally applied." *Brower v. County of Inyo*, 489 U.S. 593, 597 (1989) (emphasis omitted). In *Brower*, however, the Supreme Court addressed a distinguishable situation in which a fleeing suspect had led the police on a twenty mile chase until he had crashed his car into a police barricade. *Id.* at 594. The Court recognized that a police action, placing the barricade, had stopped the suspect, but it held that there had been no seizure because the police had not intended for the suspect to hit the barricade. *Id.* at 596–97. Here, Butkus did not have to physically restrain Wells to prevent him from leaving, but the jury could find from other circumstances that a reasonable person in Wells's situation would not have felt free to leave.

Additionally, the Seventh Circuit has stated "that when a person has no desire to leave for reasons unrelated to the police presence, the coercive effect of the encounter can be measured better by asking whether a reasonable person would feel free to decline the officers' requests or otherwise terminate the encounter." *Carlson*, 621 F.3d at 620 (internal quotation marks omitted). Wells may not have had any desire to leave the trauma unit immediately because he was receiving treatment for his injuries. The jury reasonably could have found, however, that a reasonable person in his situation would not have felt free to tell the police to leave or refuse to answer their questions, when two uniformed and armed officers maintained constant contact with him, and

numerous officers and detectives appeared on the scene to ask questions.

Defendants also cite an Illinois state court case for the proposition that "a custodial situation cannot be created by the mere giving of *Miranda* warnings" and contend that the fact that Deneen gave *Miranda* warnings to Wells does not mean that Deneen seized Wells. *People v. McDaniel*, 249 Ill. App. 3d 621, 633, 619 N.E.2d 214, 224 (1993). Even if that is so, the fact that Deneen provided *Miranda* warnings to Wells is merely one of many items of evidence that the jury could have used to reasonably conclude that a reasonable person in Wells's situation would not have felt free to leave.

Additionally, a reasonable jury could have determined that Wells was not released at 9:15 p.m. on April 27 as defendants contend but instead was not released until nearly 11 p.m. that night. A principal item of evidence supporting this determination is the fact that Chicago Fire Department records state that the ambulance that picked up Wells from the police station was not dispatched until 10:35 p.m. and did not leave the police station until 10:55 p.m. Pl. Ex. 2. Although defendants contend that 10:55 p.m. was only the time that Wells actually left the station and that he was free to leave much earlier, the jury could reasonably decline to credit the testimony that supported defendants' position.

Farrell testified that he received a call telling him to release Wells at 9:15 p.m. and that the only reason that Wells was not released shortly after that was that he was disoriented, moving slowly, and taking his clothes off. Def. Ex. H at 55–57. Farrell acknowledged, however, that Wells's arrest report stated that he was released at 10:15 p.m. *Id.* at 66. He explained this fact by stating that Wells was free to leave earlier but that he had not gotten around to completing the paperwork because he was focused on

figuring out where Wells would go when he was released. *Id.* at 66–67. A reasonable jury, however, could have discredited Farrell’s testimony. Farrell was a defendant himself, and although the jury did not find him liable on any claim, it reasonably could have discounted his testimony as self-interested. In addition, McMahon testified that her squad was not notified that Wells should be released until 10:15 p.m. and only then called to the police station to tell them to release Wells. Def. Ex. G at 14–15. The jury could reasonably have chosen to believe her version of events instead of Farrell’s.

Furthermore, Farrell and Gutierrez testified that Wells did not actually leave his cell until Gutierrez and Deneen arrived at the station some time after Farrell had his conversations with Wells telling him that he was released. Def. Ex. B at 49–50; Def. Ex. H at 93. A reasonable jury could conclude that when Wells was still in his cell he was still in custody, even if Farrell may have told him that he was going to be released. When Farrell and the investigators removed Wells from his cell he was unsteady, so Farrell called an ambulance. Def. Ex. H at 93–94. Given that Fire Department records show that the ambulance was dispatched at 10:35 p.m., a reasonable jury could conclude that Wells was in his cell and still in custody a few minutes earlier. Finally, both before and after releasing Wells from his cell, Farrell stated that he was focused on getting Wells involuntarily admitted to a hospital for a mental examination. *Id.* at 92–94. Again, a reasonable jury could conclude that when the police are attempting to send someone in a police wagon or an ambulance to the hospital to be involuntarily admitted, that person was shown by a preponderance of the evidence to be in custody.

In sum, the Court concludes that a reasonable jury could have found that Wells was in custody for more than forty-eight hours and as much as fifty-three hours.

Defendants do not argue that there were extraordinary circumstances justifying detention for longer than forty-eight hours without a judicial probable cause determination. Accordingly, a reasonable jury could have found that Wells's Fourth Amendment rights were violated.

b. Unreasonable detention of less than forty-eight hours

The Court next addresses whether a reasonable jury could have found that Wells was held for less than forty-eight hours for an improper purpose. The Court does so to ensure a complete record in the event of an appeal and because the appropriate basis for a judgment against the defendants is relevant to the damages issues the Court addresses later in this decision. Plaintiff argues that the jury was entitled to find that defendants unlawfully detained Wells, because they never had probable cause to arrest him for anything beyond a traffic violation, or because any probable cause to arrest Wells for a more serious crime that may have existed dissipated long before the police finally released him.

First, plaintiff contends that Wells's entire detention was unlawful, because the defendants never had probable cause to arrest for anything but a traffic violation. Plaintiff's argument is based primarily on a single eyewitness, Darryl Holbert, who stated that he saw Wells slumped over the wheel at the time of the accident and told an unnamed police sergeant this. Pl. Ex. 3 at 4–7. Plaintiff contends that because of what this witness said, none of the police officers could have had probable cause to detain Wells for any crime that had an intent element, such as the felony charges that the police were investigating while Wells was in custody.

Probable cause, however, does not require the police "to act as a judge or jury to

determine whether a person's conduct satisfies all of the essential elements of a particular statute. Rather, probable cause involves the exercise of judgment." *Stokes v. Bd. of Educ.*, 599 F.3d 617, 622–23 (7th Cir. 2010) (citation omitted). In addition, one of the defendants, Musial, testified that he had learned from another witness that the truck was traveling at fifty miles per hour just before the crash. Def. Ex. F at 74. He also stated that he inspected the scene for skid and yaw marks, which would have indicated that Wells had tried to stop, but found none. *Id.* at 76–77. Deneen likewise testified that he had learned from witnesses that Wells was speeding and ran a red light just prior to the accident. Def. Ex. E at 26. Musial testified that he discounted a medical explanation of the crash, stating that if Wells had been unconscious at the time, he would not have been able to navigate the curving highway exit ramp onto Cermak Road or avoid, as he did, the large concrete pillars on either side of the train station. Def. Ex. F at 118–19. The police were not obliged to resolve inconsistencies in witness reports in order to have probable cause. *Spiegel v. Cortese*, 196 F.3d 717, 724 (7th Cir. 1999). Plaintiff also contends that several of the defendants testified that they did not consider Wells's mental state, but their subjective motivations do not invalidate probable cause. *Carmichael v. Vill. of Palatine*, 605 F.3d 451, 457 (7th Cir. 2010).

In sum, neither the police officers' failure to consider Wells mental state nor the testimony of a single eyewitness provides a basis for a reasonable jury to find that the defendants lacked probable cause to arrest Wells for a crime with an intent element such as aggravated reckless driving. Furthermore, plaintiff concedes that defendants had probable cause to believe that Wells had committed the traffic violation of negligent driving. Plaintiff also concedes that defendants could arrest Wells for negligent driving,

even though it is a violation that is punishable only by a fine. See *Virginia v. Moore*, 553 U.S. 164, 175–76 (2008) (Fourth Amendment does not forbid arrest for minor crimes, even when state law does not permit arrest). Accordingly, no reasonable jury could find that defendants lacked probable cause to arrest Wells.

Plaintiff next contends that even if defendants only had probable cause to arrest Wells for a traffic offense like negligent driving, the reasonable length of detention was no more than a few hours. Plaintiff bases this argument on *Portis v. City of Chicago*, 613 F.3d 702 (7th Cir. 2010), in which the court noted that a detention of as little as four hours could be unreasonably long for a crime that was punishable only by fine. *Id.* at 703, 705. The court stated that the proper inquiry was to compare the reasons for detention to its length. *Id.* at 705. As an initial matter, *Portis* is distinguishable because there the court dealt with a situation in which police were only holding arrestees until they completed processing and so the forty-eight-hour time limit did not apply. See *id.* at 704; *Chortek v. City of Milwaukee*, 356 F.3d 740, 746–47 (7th Cir. 2004).

More importantly, the instructions that the Court gave the jury said that defendants could not delay Wells's release for an improper purpose, which the instructions said existed only if (1) there was no probable cause to arrest Wells in the first place or (2) probable cause dissipated. Jury Instructions at 17 (docket no. 344). The instructions also listed four Illinois offenses that could form the basis for probable cause: aggravated reckless driving, reckless homicide, aggravated driving under the influence, and negligent driving. *Id.* at 19. The jury was not instructed that Wells's detention could have been for an improper purpose if his release was simply delayed too long relative to the severity of the crime that permitted arrest, and plaintiff did not

argue otherwise. See Plaintiff's Submitted Jury Instructions at 4 (docket no. 399). The Court cannot sustain the verdict on a theory that was not presented to, and thus not considered by, the jury. *Liu v. Price Waterhouse LLP*, 302 F.3d 749, 756 (7th Cir. 2002) (once jury instructions are settled, "the parties can only argue that the jury did not properly apply the instructions to the facts").

Finally, plaintiff contends that any probable cause defendants had to arrest Wells quickly dissipated because they learned that he did not have drugs or alcohol in his system. Plaintiff also notes that police learned that Wells had a valid license and adequate sleep and did not have a bad driving record or a criminal history. Plaintiff does not contend, however, that any of these factors would have caused probable cause to dissipate on the negligent driving charge.

c. Liability of individual defendants

Defendants contend that none of the individual defendants whom the jury found liable were responsible for Wells's detention because they did not initiate the detention and were not responsible for holding Wells. "An individual cannot be held liable in a § 1983 action unless he caused or participated in the alleged constitutional deprivation." *Starzinski v. City of Elkhart*, 87 F.3d 872, 879 (7th Cir. 1996) (emphasis, brackets, and internal quotation marks omitted); accord *Alejo v. Heller*, 328 F.3d 930, 936 (7th Cir. 2003).

A reasonable jury could have found that each of the individual defendants who was found liable in fact participated in unlawfully holding Wells in violation of his Fourth Amendment rights. Deneen testified that he was one of several officers who agreed to place hold papers on Wells, papers that informed the watch commanders, like Farrell,

and employees at the police lockup not to release Wells because of an ongoing investigation. Def. Ex. D at 20–22. Deneen testified that he, McMahon, Gutierrez, and Musial were responsible for holding Wells. Def. Ex. E at 7–8. Gutierrez testified that he was the lead investigator and worked with Deneen and Musial but that McMahon was his lieutenant. Def. Ex. B at 16–17, 28–29. Gutierrez stated that he received instructions from McMahon and kept her informed of the progress of the investigation. *Id.* at 16–17. Musial testified that he completed the hold papers, and Farrell’s testimony implied that Deneen or Musial gave the hold papers to him. Def. Ex. F at 52; Def. Ex. H at 75–76. McMahon testified that she was in charge of the Major Accident Investigation Squad and the investigation into Wells’s accident. Def. Ex. G at 3–4. She stated that the hold papers on Wells had been placed by her squad with her approval. *Id.* at 13. Farrell also testified that he told Wells that he was going to be released only after receiving a call from the Major Accident Squad telling him that Wells was not going to be charged with a felony at that time. Def. Ex. H at 55–56.

2. Qualified immunity

The individual defendants contend that even if they violated Wells’s Fourth Amendment rights, they are entitled to qualified immunity.

Qualified immunity shields government actors from liability for civil damages where their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have been aware. When making a qualified immunity determination, a court considers (1) whether the [evidence] show[s] that the defendant violated a constitutional right, and (2) whether that right was clearly established at the time of the defendant’s conduct.

Hernandez v. Foster, 657 F.3d 463, 473 (7th Cir. 2011) (citations and internal quotation marks omitted). “A right is clearly established when, at the time of the challenged

conduct, the contours of a right are sufficiently clear that every reasonable official would have understood that what he is doing violates that right.” *Id.* at 473–44 (brackets and internal quotation marks omitted). “This is not to say that an official action is protected by qualified immunity unless the very action in question has previously been held unlawful, but it is to say that in the light of pre-existing law the unlawfulness must be apparent.” *Anderson v. Creighton*, 438 U.S. 635, 640 (1987) (citation omitted).

Defendants concede that a reasonable officer would have known of the requirement to provide a person in custody with a judicial probable cause determination within forty-eight hours under ordinary circumstances, a requirement established by the Supreme Court in 1991. See *County of Riverside*, 500 U.S. at 47. They contend, however, that a reasonable police officer would not have known that Wells could be considered to be in custody before he was formally arrested by Musial at 10:20 p.m. on April 25 and after Farrell claims to have released him around 9:15 p.m. on April 27. But the Supreme Court also stated in 1991 that “[a] person has been seized within the meaning of the Fourth Amendment only if, in view of all the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave.” *Hodari D.*, 499 U.S. at 627–28; see also *Kaupp v. Texas*, 538 U.S. 626, 629–30 (2003) (stating that seizure occurs when reasonable person would not feel that he was free to ignore police presence and listing circumstances that may affect seizure determination).

In light of this clearly established law, no reasonable police officer could believe that the only thing that mattered for determining when Wells was in custody was when Musial formally arrested him and when Farrell told him that he was going to be released. As discussed above, the jury could have found that a reasonable person in

Wells's situation would not have felt free to leave before he was formally arrested, because (among other things) two uniformed police officers shadowed him at the hospital and numerous officers and detectives questioned him even as he received medical treatment for his injuries. Similarly, the jury could have determined that Wells was not free to leave the police station when he remained locked in his cell until after 10 p.m. and did not actually leave until around 10:56 p.m. Given established Supreme Court case law, reasonable officers would have known that these factors affected the determination of when Wells was in custody.

In sum, the Court concludes that the jury reasonably could have determined that Wells was detained in violation of his Fourth Amendments rights. The Court also holds that those rights and the standard for determining custody were clearly established, so that the individual defendants are not entitled to qualified immunity. Accordingly, the Court declines to grant judgment as a matter of law on this claim.

3. Policy claim

The City contends that there was insufficient evidence for the jury to find that it had a policy of unlawfully detaining people for impermissible purposes.

A local governing body may be liable for monetary damages under § 1983 if the unconstitutional act complained of is caused by: (1) an official policy adopted and promulgated by its officers; (2) a governmental practice or custom that, although not officially authorized, is widespread and well settled; or (3) an official with final policy-making authority. To demonstrate that the [City] is liable for a harmful custom or practice, the plaintiff must show that [City] policymakers were deliberately indifferent as to the known or obvious consequences. In other words, they must have been aware of the risk created by the custom or practice and must have failed to take appropriate steps to protect the plaintiff.

Thomas, 604 F.3d at 303 (citations and internal quotation marks omitted). "When a

plaintiff chooses to challenge a municipality's unconstitutional policy by establishing a widespread practice, proof of isolated acts of misconduct will not suffice; a series of violations must be presented to lay the premise of deliberate indifference." *Palmer v. Marion Cnty.*, 327 F.3d 588, 596 (7th Cir. 2003). Even multiple occurrences are not sufficient unless plaintiff "weave[s] these separate incidents together into a cognizable policy." *Phelan v. Cook Cnty.*, 463 F.3d 773, 790 (7th Cir. 2006).

Plaintiff contends that the City had a widespread practice or custom of unlawfully detaining person for improper purposes. The only evidence at trial that plaintiff cites to support this contention, however, is statements by several of the defendants that they treated Wells the same way they treated other arrestees. Gutierrez stated that he "would have done the same for anybody that's involved in an investigation." Def. Ex. B at 22. Musial was asked "[y]ou didn't treat [Wells] any different than any other arrestee, true?" Def. Ex. F at 66. He responded that he did not. Finally, plaintiff's counsel asked McMahon the following questions:

Q: You in your department, your division, treated Mr. Wells like any other arrestee, correct?

A: Correct.

Q: Mr. Wells was not treated any better or any worse than any other arrestee. Is that a fair statement?

A: That's a fair statement.

Def. Ex. G at 19–20. Plaintiff also argues that every officer who testified was asked if he or she treated Wells differently than other arrestees and that they all answered that they had not. Plaintiff does not provide any citations to transcripts of the trial to support this assertion. The Court nonetheless assumes, however, that plaintiff has recounted this testimony accurately.

Prior to trial, the Court granted summary judgment in the City's favor on plaintiff's claim that the City had a policy of holding arrestees for more than forty-eight hours before presenting them in court. This limited plaintiff's claim against the City to her contention that it had a practice of unreasonably delaying for an improper purpose the release or judicial presentment of arrested persons within forty-eight hours of arrest. The jury was instructed accordingly. Jury Instructions at 21 (docket no. 344). As discussed above, the Court has concluded that no reasonable jury could find that Wells was unreasonably detained even if he was held for less than forty-eight hours. Accordingly, the claim that the City had an unconstitutional policy of holding arrestees less than forty-eight hours fails, because any such policy did not cause a violation of Wells's rights. See *Houskins v. Sheahan*, 549 F.3d 480, 493–94 (7th Cir. 2008).

This aside, the evidence was insufficient to sustain plaintiff's policy claim. Plaintiff argues that the fact that several defendants stated that they treated Wells the same as other arrestees amounts to evidence that other arrestees were likewise subjected to improperly prolonged detention and thus that the City had a practice of unlawfully detaining arrestees. Plaintiff concedes, however, that she must establish a series of violations to demonstrate deliberate indifference. *Palmer*, 327 F.3d at 596. The handful of statements plaintiff cites are not evidence from which a reasonable jury could find that there had been a series of unlawful detentions. The cited questions and answers were broadly worded. Nothing about them or their context indicates whether the testimony referred to the investigation as a whole, the unlawful detention claim specifically, the arrest of Wells with or without probable cause, or the alleged denial of medical care. And none of the statements indicate that the defendants who were

testifying had dealt with or were referring to factually similar situations. In sum, the fact that these defendants stated they treated Wells the same as other arrestees did not permit a reasonable jury to find that “the same problem has arisen many times and the municipality has acquiesced in the outcome.” *Valentino v. Vill. of S. Chicago Heights*, 575 F.3d 664, 675 (7th Cir. 2009) (internal quotation marks omitted).

Accordingly, the Court grants judgment as a matter of law in favor of the City on this claim.

B. New trial

The individual defendants contend that the Court should order a remittitur or a new trial because the compensatory and punitive damages awarded on plaintiff’s claim that they unlawfully detained Wells are excessive.

1. Compensatory damages

The jury awarded plaintiff compensatory damages of \$1 million for Wells’s pain and suffering. “In reviewing an award of compensatory damages, [courts] are guided by three inquiries: (1) whether the award is monstrously excessive; (2) whether there is no rational connection between the award and the evidence; and (3) whether the award is roughly comparable to awards made in other cases.” *David v. Caterpillar, Inc.*, 324 F.3d 851, 864 (7th Cir. 2003). Defendants contend that the damages awarded by the jury are unmoored from the evidence in the case and are excessive, particularly when compared to other cases. Plaintiff argues that “the significant humiliation, degradation, and physical, mental, and emotional suffering Defendants caused Mr. Wells from the moment he was taken into police custody up through the moment he was carried out from police custody” justify the jury’s damage award.

There was ample evidence for the jury to find that Wells suffered significant physical pain during the time he was detained, as well as intense humiliation and severe mental and emotional distress. Plaintiff presented a video of Wells confined in a small interrogation room early in the morning of April 26, showing him staggering, lying on the floor and groaning, and urinating in the corner. Pl. Tr. Ex. 58. Musial testified that he saw Wells resting his head on the wall because the room was so small and sleeping on the floor because the only bench in the room was not big enough to accommodate him. Pl. Ex. F at 101, 104–05. A police procedures expert testified that during this time Wells had been denied food and bathroom access. Pl. Ex. 5 at 26–27. The man confined in the holding cell next to Wells later that morning stated that he heard Wells moaning and groaning as he tried to sleep; he stated that Wells sounded like he was uncomfortable and in pain. Def. Ex. A at 7–8, 10. Farrell testified that on the night of April 26, Wells was wearing nothing but his underwear until Farrell told him to put on more clothes. Def. Ex. H at 29–30.

Other testimony showed Wells's severe distress and pain on the night that he was to be released. Farrell informed Wells that he might be released soon but then returned a few minutes later to find that Wells had taken off all his clothes. *Id.* at 54–57. Farrell told Wells to put his clothes back on but testified that Wells was moving very slowly and that he became concerned about Wells's health. *Id.* at 58–59. Farrell walked away for a few minutes more and came back to find that Wells had again taken off his clothes. *Id.* at 60–61. Farrell also noticed that Wells had been urinating on the floor and that he had been defecating in his underwear. *Id.* at 91. Deneen testified that when he arrived at the station, Wells was not fully dressed, appeared sore and

confused, and was not responsive to questions. Def. Ex. D at 16–17. Gutierrez also testified that Wells was naked and said that he appeared groggy and off balance. Def. Ex. B at 50–51. Farrell testified that when Wells finally left his cell, he was so unsteady that Farrell felt obliged to grab his arm and call for an ambulance to take him to the hospital. Def. Ex. H at 93–94.

This evidence supports a substantial damage award for Wells's pain and suffering. A consideration of all the evidence, however, suggests that \$1 million for his pain and suffering is excessive. Wells was in custody for, at most, fifty-three hours. And as previously stated, the jury reasonably could determine only that the final five hours of his detention were unlawful, because no reasonable jury could conclude that defendants unreasonably detained Wells for a period under forty-eight hours. As such, the Court must consider whether the jury's award was grossly excessive compensation for Wells's pain and suffering during a five-hour period of unlawful detention.

Plaintiff cites an Illinois Supreme Court case for the proposition that it is inappropriate to calculate pain on a per hour or per day basis. *Caley v. Manicke*, 24 Ill. 2d 390, 392–94, 182 N.E.2d 206, 208–09 (1962). This is not what the Court is doing. In any event, *Caley* is distinguishable and is not binding in federal court. There, the court held that an attorney could not present a daily figure for pain and suffering to a jury and ask them to multiply that figure by the number of days the plaintiff had experienced the pain. *Id.* at 391, 182 N.E.2d at 207. Though the court held that this was an improper argument for counsel to make to the jury, it said nothing about the methods by which a court should review a jury's award of damages. Further, in a recent case, the Seventh Circuit expressly noted the per-minute amount of damages implied

by a jury award, suggesting that this might be one appropriate lens through which to assess a jury's award of damages. See *Fox v. Hayes*, 600 F.3d 819, 836 (7th Cir. 2010).

As indicated above, the Seventh Circuit has directed courts to consider whether a particular award of damages is roughly comparable to those in other cases. That does not mean, however, that damage awards by juries must or may be reduced to some sort of lowest common denominator. And as this Court has previously noted, this sort of comparative analysis must take account of the fact that our Constitution confers the determination of civil disputes upon lay juries, not judges:

[O]ur system has not chosen an adjudicatory model that sets, *de facto*, a schedule of compensation to be awarded for particular types of injuries. If we are to remain faithful to the Founders' vision, which includes submitting civil disputes to citizen juries, and if damages for physical and emotional pain and suffering are to be available, we must be willing to accept variations in how juries will assess those damages in different cases.

Deloughery v. City of Chicago, No. 02 C 2722, 2004 WL 1125897, at *5 (N.D. Ill. May 20, 2004).

Caution in making a comparative analysis of damage awards is warranted for other reasons as well. First, no evidence of supposedly comparable cases was presented to the jury at trial, and "there is something rather incongruous about the motion that a court should overturn a jury's verdict as excessive by comparison with other cases th[e] jury was not allowed to assess." *Id.* at *4. Second, the awards in reported cases are a small sample of all awards; the reported decisions may not describe the underlying facts sufficiently to permit comparison across cases; and comparisons with other cases ignore the inherently individual and subjective nature of

damages in general and of pain and suffering damages in particular. See *id.* at *5. Still, the results in other cases illustrate the thinking of some courts and juries regarding appropriate damages and provide some guidance for determining whether a particular award is grossly excessive or grossly deficient.

With these factors in mind, the Court considers several cases cited by the parties and others found through research. The Court examined federal district court and court of appeals decisions discussing pain and suffering damages awarded for periods of detention, and in particular decisions in cases in which the plaintiff suffered significant physical or emotional suffering. The cases referenced below are those in which the court most specifically addressed an amount of damages awarded for plaintiffs' detention and provided facts sufficient to determine the length of time and assess any similarity to the current case.

In *Fox v. Hayes*, the Seventh Circuit determined that \$1.7 million in damages for a thirty-six hour unlawful detention was excessive, and it reduced the damages to \$16,000. *Fox*, 600 F.3d at 846. Unlike Wells, Fox did not suffer physical pain or distress while in custody. But he did suffer emotional distress. Police officers accused him of murdering his daughter, showed him photos of the crime scene, coerced him into confessing to the murder, lied to him about the results of a polygraph test, threatened him with prison rape, and touched him in "sexually threatening" ways. *Id.* at 830–31. Eventually, Fox confessed just to stop the interrogation. *Id.* at 831. Nevertheless, the Seventh Circuit felt that an appropriate amount of damages was just under \$450 per hour of confinement.

In *Warfield v. City of Chicago*, 679 F. Supp. 2d 876 (N.D. Ill. 2010), a jury

awarded several plaintiffs compensatory damages for unlawful detention ranging from nominal damages to \$40,000. *Id.* at 880–81. The summary judgment decision in that case indicates that plaintiffs, who were not suspected of any crime but were only witnesses, were searched and held in custody by police following an evening shooting until 8 a.m. the next day. *Warfield v. City of Chicago*, 565 F. Supp. 2d 948, 953–58 (N.D. Ill. 2008). Two of the plaintiffs who received the larger awards were a mother and her eight-year-old son who claimed they were locked in a room so long that they had to bang on the door so that they could get out to use the bathroom. *Id.* at 956. The plaintiff who received the largest award was a fourteen-year-old girl who was without her parents all night. *Id.* at 953; see also *McCloud v. Fortune*, 510 F. Supp. 2d 649, 652–57, 600 (N.D. Fla. 2007) (mother and two teenagers awarded \$238,000 when detained for 3.5 hours and subject to intrusive searches, including a strip search on the side of the road, and abusive language). The largest jury award in *Warfield*, which the defendants in that case did not challenge, amounted to perhaps \$4,000 per hour of detention. See also *Burke v. McDonald*, 572 F.3d 51, 53–55 (1st Cir. 2009) (jury awarded \$400,000 compensatory damages when plaintiff was held forty-two days on charges of committing a well-publicized murder); *Marion v. LaFargue*, 186 F. App'x 96, 96 (2d Cir. 2007) (unpublished) (magistrate judge did not abuse discretion in remitting \$1 million award to \$180,000 when plaintiff had been involuntarily confined to a mental hospital for six days and forcibly medicated; in second trial on damages, jury awarded \$115,000); *Grauer v. Donovan*, No. 92 C 3186, 1996 WL 82462, at *6 (N.D. Ill. Feb. 23, 1996) (remitting jury award to \$25,000 compensatory damages (\$37,644 in 2012

dollars)¹ when plaintiff was detained for four hours for DUI and claimed embarrassment and damage to his professional standing).

None of the cases the Court has just discussed, however, involved any physical pain or suffering. Nor did *Swanigan v. City of Chicago*, No. 08 C 4780, 2012 WL 28696 (N.D. Ill. 2012), which the defendants cite as a comparable case. There, police held Swanigan for fifty-one and one-half hours while waiting for the state's attorney to approve robbery charges. *Id.* at *2. A jury awarded him \$60,000 compensatory damages for the unlawful detention. *Id.* Though Swanigan found the conditions "uncomfortable," there is no indication that he was injured or in physical pain. *Id.*

Other cases the Court has found involving relatively short periods of time combined with physical pain have involved damage awards considerably smaller than the damages awarded to plaintiff here. This is true even though some of the cases involved plaintiffs who were in physical pain because of injuries caused by the police. In *Arnold v. Wilder*, 657 F.3d 353 (6th Cir. 2011), a police officer placed plaintiff in a choke hold, sprayed her with pepper spray, kept her besieged in her house, and finally arrested her. *Id.* at 357–60. The entire ordeal took about six hours, and plaintiff's injuries were serious enough to require a trip to the hospital. *Id.* at 361–62. A jury awarded \$2,400 for plaintiff's physical injuries and \$50,000 for mental pain and suffering. *Id.* at 362. Even though the case involved excessive force as well as false arrest and unlawful detention, the jury awarded plaintiff the equivalent of \$8,700 per

¹ The Court calculates the inflation-adjusted amount of the award by using the inflation calculator provided at the Bureau of Labor Statistics website. CPI Inflation Calculator, http://www.bls.gov/data/inflation_calculator.htm (last visited Aug. 13, 2012).

hour of the time she was under attack and then in custody.

Similarly, *Sabir v. Jowett*, 214 F. Supp. 2d 226 (D. Conn. 2002), involved police injuring plaintiff in a scuffle, using pepper spray on him, and carrying him around by his neck. *Id.* at 234–35. They had to take plaintiff to the hospital to receive a brace for his ankle that they had injured. *Id.* at 235. Because plaintiff's pants would not fit over his brace, police then confined plaintiff overnight in the police barracks without pants even though temperatures outside were between ten and twenty degrees. *Id.* A jury awarded plaintiff compensatory damages of \$75,000. *Id.* at 234. Plaintiff suffered considerable discomfort from his injuries and inadequate clothing, but the jury's compensatory damage award amounted to less than \$5,000 per hour of confinement.

In *King v. City of New York*, No. 92 Civ. 7738 JGK, 1996 WL 737195 (S.D.N.Y. Dec. 24, 1996), police beat plaintiff, kicking him and hitting him with a radio and nightstick. *Id.* at *1–2. The police then detained plaintiff for thirty hours, during which he was in pain and received only a single trip to the hospital for the treatment of his injuries. *Id.* at *2–3. Plaintiff also suffered emotional distress and feared for his safety while in jail. *Id.* at *3. A jury awarded plaintiff \$300,000 in compensatory damages, but the court remitted the damages to \$200,000, the equivalent of \$292,515 in today's dollars, stating that the jury's award of \$300,000 was "so excessive as to shock the judicial conscience." *Id.* at *5.

In *Sulkowska v. City of New York*, 129 F. Supp. 2d 274 (S.D.N.Y. 2001), plaintiff received a relatively large award when viewed on an hourly basis. Plaintiff was arrested and held in custody for at least twelve hours after a dispute about licenses at her bar. *Id.* at 283–86. The defendant police officers "closed down the bar, vacating it of its

patrons and, as was ‘standard procedure,’ seizing its liquor stock.” *Id.* at 284. Plaintiff was then handcuffed to the bars of a holding cell and denied water and her asthma medication until she eventually had to be taken to the hospital. *Id.* at 285. After a bench trial, the court awarded plaintiff \$275,000 in compensatory damages. *Id.* at 309. The court also stated, however, that plaintiff’s suffering had continued over the two and one-half years since the arrest and that she had suffered from debilitating post-traumatic stress disorder as established by expert testimony. In the current case, by contrast, plaintiff may recover damages only for Wells’s suffering while wrongfully detained.

Likewise, in *Ismail v. Cohen*, 899 F.2d 183 (2d Cir. 1990), the court upheld a jury’s compensatory damage award of \$650,000 in a case in which a police officer beat plaintiff and then detained him for approximately sixty hours. *Id.* at 184–85. Accounting for inflation, the jury’s award would be \$1.2 million in today’s dollars, larger than the award to Wells, although still much less if considered on a per-hour basis. In that case, the police had caused plaintiff’s injuries, which included “two displaced vertebrae, a cracked rib, and serious head trauma.” *Id.* at 185. Plaintiff was also prosecuted based on the incident in which he was injured, and he underwent a criminal trial before he was acquitted of all charges. *Id.*

Given the basis upon which the Court has upheld the jury’s determination of liability on the unlawful detention claim, the Court concludes that defendants have shown that the compensatory damage award that the jury made is grossly excessive such that a remittitur is appropriate. That said, the damage award appropriately takes into account the severe level of disorientation and mental distress, not to mention

physical pain, that Wells suffered during his custody – distress that appears to have increased toward the end of his custody, which was the period during which he was unlawfully held. It is therefore appropriate to view the compensable injury in this case as significantly more severe than those in various other cases the Court has discussed. The Court concludes that the highest reasonable amount the jury properly could award, see *Jabat, Inc. v. Smith*, 201 F.3d 852, 858 (7th Cir. 2000), was \$250,000. The Court thus grants the individual defendants' motion to the extent it seeks a remittitur of the compensatory damage award. The Court will grant defendants' motion for a new trial on the issue of damages unless plaintiff accepts, within ten days of this order, a reduction of the compensatory damage award to \$250,000.

2. Punitive damages

The individual defendants contend that the jury's punitive damage award was unsupported by the evidence and, alternatively, that the amounts the jury awarded plaintiff are excessive and violate the defendants' due process rights. "A jury may award punitive damages in a § 1983 case if it finds that the defendant's conduct was motivated by evil intent or callous indifference to the plaintiff's federally protected rights." *Marshall v. Teske*, 284 F.3d 765, 772 (7th Cir. 2002).

As discussed above, Wells's Fourth Amendment rights were clearly established, and the jury reasonably was entitled to find that the individual defendants participated in violating those rights. There is little to indicate, however, that the defendants acted with evil intent or callous indifference to Wells's rights. Gutierrez, Deneen, and Musial testified that they believed there was probable cause to hold Wells for the offenses for which he was arrested, and Deneen and McMahon testified that they did not believe the

police held Wells for an improper purpose. Def. Ex. B at 55; Def. Ex. E at 25–26; Def. Ex. F at 91; Def. Ex. G at 32. Gutierrez, Deneen, and McMahon acknowledged that they could generally only hold an arrestee for forty-eight hours. Def. Ex. B at 18–19; Def. Ex. D at 19–20; Def. Ex. G at 15–16, 32. Musial and McMahon denied holding Wells for more than forty-eight hours. Def. Ex. F at 120; Def. Ex. G at 32. All of the defendants stated that they were holding Wells so they could investigate further and receive approval for charges from the state's attorney. Def. Ex. B at 19, 46; Def. Ex. D at 21; Def. Ex. F at 20–21, 92; Def. Ex. G at 13–14, 34. The jury appropriately could find that the officers were mistaken and did violate Wells's rights. Based on the evidence, however, the jury could not reasonably find that they acted out of malice or that their violation of Wells' rights stemmed from callous disregard of those rights.

In the Court's view, the situation here is similar to that in *Kyle v. Patterson*, 196 F.3d 695 (7th Cir. 1999), a case in which the Seventh Circuit decided as a matter of law that punitive damages were inappropriate on the plaintiff's unlawful detention claim. *Id.* at 698. In that case, police held Kyle for sixty-one hours while waiting for the state's attorney to approve murder charges against him. *Id.* at 696–67. The district court granted Kyle summary judgment on liability but held that Kyle was not entitled to compensatory damages (because he later pled guilty to the charge) or punitive damages. *Id.* at 697. Kyle challenged the punitive damage determination on appeal. The Seventh Circuit affirmed, stating that there was "not a scintilla of evidence suggesting evil motive on the part of the police defendants to deprive Kyle of his constitutional rights." *Id.* This case is similar, because although the jury could reasonably find that defendants violated Wells's Fourth Amendment rights for keeping

him in custody beyond forty-eight hours, the evidence is not indicating of evil motive or callous disregard.

Plaintiff contends that the punitive damages are appropriate because none of the defendants ever considered Wells's mental state when determining if there was probable cause, especially in light of the testimony of Holbert that Wells was slumped over the wheel of his truck before the accident. Even if this knowledge appropriately could be imputed to other officers for liability purposes, for purposes of punitive damages what counts is the particular defendant's state of mind. The individual defendants all testified that they did not speak to Holbert and were unaware of what he had claimed to see, Def. Ex. B at 54–55; Def. Ex. E at 31–32; Def. Ex. F at 117; Def. Ex. G at 25, 37, and plaintiff offered no contrary evidence. Additionally, all of the defendants acknowledged that probable cause could dissipate, and Gutierrez and Musial explained why they did not believe probable cause had dissipated when test results on April 27 showed that Wells had no drugs or alcohol in his system after the accident. Def. Ex. B at 20, 48–49; Def. Ex. D at 20; Def. Ex. F at 118, 132–33; Def. Ex. G at 16. In sum, there was no evidence from which the jury could conclude that the individual defendants ignored Wells's mental state and violated his rights because of evil intent or callous disregard for those rights.

Plaintiff also claims that another judge in this district upheld compensatory and punitive damages related to an unlawful detention claim in *Warfield v. City of Chicago*. Although the court in that case denied defendants' motions for a new trial and judgment as a matter of law, it does not appear that there was any particularized challenge to the punitive damage award. *Warfield*, 679 F. Supp. 2d at 881, 890–91, 893. Further, the

summary judgment decision in *Warfield* indicates that the case is distinguishable. *Warfield* involved several witnesses to a police shooting who were held and interrogated over night, so there were no issues related to whether officers thought they had probable cause or understood and attempted to follow the forty-eight hour rule as it pertains to suspects. *Warfield*, 565 F. Supp. 2d at 953–58, 965–67.

For these reasons, the Court determines that the evidence, even considered in the light most favorable to plaintiff, does not support an award of punitive damages.

Conclusion

For the reasons stated above, the Court grants defendants' post-trial motion in part and denies it in part [docket no. 383]. Specifically, the Court grants judgment as a matter of law with respect to the claim against Chicago and vacates the punitive damage awards against defendants Deneen, Gutierrez, McMahon, and Musial. In addition, unless plaintiff advises the Court on or before September 27, 2012 that she accepts a reduction of the compensatory damage award to \$250,000, the Court will grant the individual defendants' motion for a new trial to the extent they seek a new trial on the issue of compensatory damages. The Court otherwise denies defendants' motion. The case is set for a status hearing on October 1, 2012 at 9:30 a.m.

s/ Matthew F. Kennelly
MATTHEW F. KENNELLY
United States District Judge

Date: September 16, 2012

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

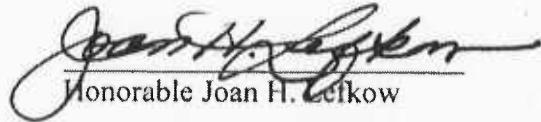
VICTOR DILLON)
Plaintiff,) No. 1:09-cv-05251
)
v.)
) Judge Lefkow
CITY OF CHICAGO, ILLINOIS and)
CHICAGO POLICE OFFICER)
M.D. KEENEY, Star #11437 and)
CHICAGO POLICE OFFICER)
A. TORRES, JR. Star #13091)
)
Defendants.)

AGREED ORDER

This matter coming before the court on the stipulation of the parties of record in this cause, the court having reviewed the stipulation and being fully advised

IT IS ORDERED:

1. The judgment entered against Defendant Cross in the amount of \$25,000 for the excessive force claim shall be paid in full satisfaction by City of Chicago as indemnitor pursuant to 745 ILCS 10/9-102.
2. The judgment entered against Defendant Cross for punitive damages in the amount of \$50,000 is hereby vacated.
3. Judgement for attorneys fees of plaintiffs' counsel pursuant to 42 U.S.C. §1988 and costs are entered in the amount of \$140,000 to be paid by City of Chicago as indemnitor pursuant to 745 ILCS 10/9-102.



Honorable Joan H. Calkow

Anthony Schumann
Grant Schumann, LLC
Attorney for Defendants
230 W. Monroe, Suite 240
Chicago, Illinois 60606
(312) 551-0111

6-5-2012

United States District Court
Northern District of Illinois
Eastern Division

Dillon

JUDGMENT IN A CIVIL CASE

v.

Case Number: 09 C 5251

City of Chicago, et al.

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED Judgment entered on the verdict. With respect to claim of False Arrest, for defendants Keeney, Cross, and Torres. With respect to claim of Excessive Force as to defendant Cross, for plaintiff. With respect to Failure to Intervene, for defendants Keeney and Torres. With respect to Malicious Prosecution, for defendants Keeney, Cross, and Torres. Plaintiff is awarded compensatory damages in the amount of \$25,000. Plaintiff is awarded punitive damages in the amount of \$50,000 against defendant Cross.

Thomas G. Bruton, Clerk of Court

Date: 4/10/2012

/s/ Michael Dooley, Deputy Clerk

N

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

LARRY G. NELSON,)
Plaintiff,) Case No. 1:09-cv-5357
v.) Judge Elaine E. Bucklo
DANNY SALGADO, NISSA J.) Magistrate Judge Sidney Schenkier
TORRES and CITY OF CHICAGO,)
Defendants.)

**AGREED ORDER FOR PAYMENT OF PLAINTIFF'S ADDITIONAL
ATTORNEYS' FEES AND DISMISSAL OF PLAINTIFF'S MOTION**

The Parties, Plaintiff Larry G. Nelson, by his attorney Irene K. Dymkar, and Defendants, Chicago Police Officer Danny Salgado ("Salgado"), Chicago Police Officer Nissa Torres ("Torres") and the City of Chicago ("the City"), by their attorneys Grant Schumann, LLC, through Anthony L. Schumann, hereby agree to the payment of Plaintiff's additional attorneys' fees and dismissal of Plaintiff's motion.

IT IS HEREBY ORDERED:

1. The Court finds that on March 28, 2013, Plaintiff caused to be filed Plaintiff's Motion for Additional Attorneys' Fees for Time Spent on Post-Trial Matters Including, but not limited to, Defending the Verdict from Post-Trial Motions and Preparing and Defending the Attorney Fee Petition, Plus Pre-Judgment Interest ("Plaintiff's Motion for Additional Fees").
CLERK
2013SEP19 PM 7:50
2. The Court finds that the Parties have entered into an Agreement for payment of said

additional attorneys' fees in the amount of \$40,000.00.

3. The Court finds that the City agrees to pay Plaintiff the total amount of \$40,000.00 herein within sixty (60) days of receipt by the Corporation Counsel's Office of all Confidential Matter tendered to Plaintiff and/or his counsel by Defendants under any and all protective orders entered in this matter and a court-entered order dismissing with prejudice Plaintiff's Motion for Additional Fees. This sum shall be payable solely by the City of Chicago, and Plaintiff and/or his attorney agree that they will not seek payment from any source other than the City of Chicago. The settlement check will be made payable to Plaintiff, Larry G. Nelson, and his attorneys, Irene K. Dymkar and Torreya L. Hamilton;

4. The Court further finds that pursuant to this Agreed Order and by consent of the Parties the Court shall retain jurisdiction for the limited purpose of enforcing the terms of this Agreed Order; and

5. Plaintiff's Motion for Additional Fees is dismissed with prejudice. Each Party shall bear its own attorney's fees and costs.

ENTER:


The Honorable Judge Elaine E. Bucklo
United States District Judge

Dated: 9/16/13

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

LARRY G. NELSON,)	
)	
Plaintiff,)	Case No. 1:09-cv-5357
)	
v.)	Judge Elaine E. Bucklo
)	
DANNY SALGADO, NISSA J. TORRES and CITY OF CHICAGO,)	Magistrate Judge Sidney Schenkier
)	
Defendants.)	

**STIPULATION TO DISMISS PLAINTIFF'S MOTION FOR ADDITIONAL
ATTORNEYS' FEES FOR TIME SPENT ON POST-TRIAL MATTERS
INCLUDING, BUT NOT LIMITED TO, DEFENDING THE VERDICT FROM
POST-TRIAL MOTIONS AND PREPARING AND DEFENDING THE
ATTORNEY FEE PETITION, PLUS PRE-JUDGMENT INTEREST**

IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto, by their respective attorneys of record, that this matter has been settled pursuant to an agreement of the parties and, therefore, Plaintiff's Motion for Additional Fees should be dismissed with prejudice and with each party bearing its own costs and attorneys' fees in accordance with the Parties agreement, as set forth in the Agreed Order, and the Agreed Order for Payment of Plaintiff's Additional Attorneys' Fees and Dismissal of Plaintiff's Motion.

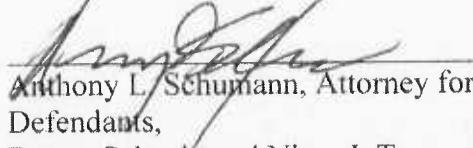

Irene K. Dymkar

Attorney for Plaintiff, Larry G. Nelson
Attorney at Law
300 West Adams, Suite 330
Chicago, Illinois 60606-5107
(312) 345-0123
Attorney No. 90785719
Dated: May 17, 2013

Respectfully submitted,
CITY OF CHICAGO
a Municipal Corporation

STEPHEN PATTON
Corporation Counsel
Attorney for City of Chicago

BY: 
Thomas Platt
Deputy Corporation Counsel
30 N. LaSalle St., Suite 900
Chicago, Illinois 60602
(312) 742-0170
Attorney No. OC 18126
Dated: May 22, 2013


Anthony L. Schumann, Attorney for
Defendants,
Danny Salgado and Nissa J. Torres
Grant Schumann, LLC
230 West Monroe, Suite 240
Chicago, Illinois 60606
(312) 551-0111
Attorney No. 6189233
Dated: May 14, 2013

CITY OF CHICAGO
DEPARTMENT OF PROCUREMENT SERVICES
FINANCIAL MANAGEMENT PROCUREMENT SYSTEM (FMPS FORM F-5A)

REQUEST FOR SUPPLIER CODE NUMBER
OR
NEW/ADDED SUPPLIER INFORMATION

INSTRUCTIONS: USE THIS FORM TO REQUEST ADDING A NEW SUPPLIER OR JOINT VENTURE TO THE FMPS SUPPLIER FILE. A UNIQUE SUPPLIER NUMBER WILL BE ASSIGNED. NOTE: FORWARD REQUEST TO DEPARTMENT OF PROCUREMENT SERVICES, DATA ENTRY/CODING SECTION, ROOM 403, CITY HALL, 121 NORTH LASALLE, CHICAGO, IL, 60620, TELEPHONE (312) 744-7664 or (312) 744-0728. FAX NUMBER (312) 742-5597.

REQUESTING DEPARTMENT INFORMATION

REQUEST DATE: February 6, 2013

REQUEST BY: Lorraine McGregor

DEPARTMENT Law-FCRL

TELEPHONE NO. 312-744-8977

FAX NO. 312-744-6566

ADDRESS 30 N., 900

SUPPLIER NO. lorraine.mcgregor@cityofchicago.org

(ASSIGNED BY PROCUREMENT DATA ENTRY/CODING SECTION)

*NEW OR ADDED SITE (Please Circle Only One)
SUPPLIER SITE REQUEST INFORMATION

*1099 Reporting: YES NO

BOX 3

BOX 7

BOX 14

\$ 46,332.86 FEES

*SUPPLIER (COMPANY or INDIVIDUAL) NAME: HAMILTON LAW OFFICE

*FEIN NUMBER/SOCIAL SECURITY NUMBER: 27-0819914

*SUPPLIER ADDRESS: 53 W. Jackson, Ste. 452

*(CITY, STATE AND ZIP CODE): Chicago, IL 60604

*SITE NAME
(I.E.: OFFICE, HEADQUARTERS OR SALES): Office

SUPPLIER:

*TELEPHONE NO. 312-726-3173

FAX NO. _____

EMAIL ADDRESS: _____

SUPPLIER CONTACT PERSON INFORMATION

*SUPPLIER CONTACT PERSON NAME
with PREFIX (Mr., Mrs., Miss): Torreya Hamilton

CONTACT PERSON TITLE: Attorney

CONTACT PERSON: 312-726-3173

FAX NO. _____

EMAIL ADDRESS: _____

PAYMENT ADDRESS (IF SAME, INDICATE "SAME AS ABOVE")

*SUPPLIER NAME FOR PAYMENT: Same as above

*ACCOUNT NUMBER (IF APPLICABLE): Same as above

*SUPPLIER ADDRESS: 53 W. Jackson, Ste. 452

(CITY, STATE AND ZIP CODE): Same as above

*ASTERISK DENOTES REQUIRED INFORMATION *

Rev. 01/15/09

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 5.1.1
Eastern Division**

Larry G. Nelson

Plaintiff,

v.

Case No.: 1:09-cv-05357

City Of Chicago, et al.

Honorable Elaine E. Bucklo

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, **December 20, 2012**:

MINUTE entry before Honorable Elaine E. Bucklo: Plaintiff's Petition and memorandum in support of petition for attorneys fees [123] is granted in part. Enter Final Order regarding fees and costs. Attorney Dymkar is awarded total fees in the amount of \$162,830.76. Attorney Hamilton is awarded total fees in the amount of \$46,190.55. There being no opposition to plaintiff's bill of costs in the amount of \$3,238.35, it is hereby ordered that the Clerk of the Court shall tax costs in the amount of \$3,238.35. Attorneys' fees and costs shall be paid by the City of Chicago within 30 days of the entry of this order. This is a final appealable order as defined by the federal rules. (For further detail, see order). Mailed notice (jdh)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

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

LARRY G. NELSON,)
Plaintiff,)
v.)
CITY OF CHICAGO, DANNY SALGADO,) No. 09 C 5357
NISSA J. TORRES,)
Defendants.)

FINAL ORDER REGARDING FEES AND COSTS

Following a jury trial, judgment was entered in favor of plaintiff Larry G. Nelson and against defendants Danny Salgado, Nissa J. Torres, and the City of Chicago pursuant to the jury verdict in this § 1983 lawsuit. Plaintiff filed a bill of costs on June 7, 2012, and a petition for attorneys' fees on August 8, 2012. Defendants did not oppose plaintiff's motion for taxation of costs but did dispute the matter of attorneys' fees, particularly the hourly rate of plaintiff's attorney Irene K. Dymkar. On October 19, 2012, I issued an order resolving most of the disputes between the parties regarding fees. This final order resolves all remaining issues and provides further reasoning for my decision.

Under 42 U.S.C. § 1988, the prevailing party in a § 1983 civil rights case is presumptively entitled to an award of reasonable attorneys' fees. In determining attorneys' fees, the "lodestar" method—reasonable hourly rates multiplied by hours reasonably

expended—is the most appropriate starting point.” *People Who Care v. Rockford Bd. of Educ., Sch. Dist. No. 205*, 90 F.3d 1307, 1310 (7th Cir. 1996) (citing *Hensley v. Eckerhart*, 461 U.S. 424, 433, 103 S.Ct. 1933 (1983)). I must exclude from the initial fee calculation “hours that are excessive, redundant, or otherwise unnecessary.” *Hensley*, 461 U.S. at 434. Once I determine the lodestar amount, I should also consider whether it is appropriate to adjust the award in light of the factors set forth in *Hensley*. *Id.* at 430 n. 3. Finally, taking into account these considerations, I must exercise my discretion in rendering “an appropriate award without being constrained by an precise formula.” *Davis v. Budz*, No. 99 C 3009, 2011 WL 1303477, at *2 (N.D. Ill. March 31, 2011) (citing *Hensley*, 461 U.S. at 436-37).

Having tried this case, observed plaintiff’s attorneys, and considered all of the evidence presented by the parties, I have determined that the following hourly rates are reasonable: Irene Dymkar, \$425; Torreya Hamilton, \$395; Chantelle Hill, \$100. Regarding the rate for attorney Dymkar, it is true that she does not have the experience of and has not tried the kinds of cases tried by some of the attorneys who have filed affidavits on her behalf. But there is ample evidence in the record, including the experience and demonstrated skill of both attorneys, to support their respective hourly rates.

I have also concluded that the total hours expended should only be reduced by the 28.7 hours spent on the motion for partial summary judgment. As I noted in my order denying the motion for partial summary judgment, it was unclear what purpose the motion served "precisely because the undisputed issues in the case [were] so evident." (Dkt. No. 58). As to defendants argument that attorney Dymkar performed tasks that should have been billed at a paralegal's rate, defendants have provided no legal authority to support the proposition that certain work performed by Dymkar consisted of routine tasks that should have been performed by a paralegal. Nor do defendants even discuss why they have singled out the specific tasks they list. As for the 4.1 hours paralegal Hill allegedly spent sitting in the courtroom on May 8, 2012, and May 9, 2012, during the defendant's case in chief, defendants fail to explain how they arrived at that figure. As plaintiff has pointed out, plaintiff's counsel cross-examined defendants, and it was not unreasonable for Hill to remain available to assist during that portion of the trial. The case defendants rely on in arguing that these 4.1 hours are unreasonable is inapposite, as time spent "waiting for the verdict" is not comparable to time spent in a supportive role during a trial. See *Warfield v. City of Chicago*, 733 F.Supp.2d 950, 959 (N.D. Ill. 2010). Plaintiff is entitled to the full amount of paralegal hours.

In figuring the lodestar amount, therefore, the following hours expended are reasonable: Dymkar, 369.1 hours; Hamilton, 115.6 hours; Hill, 41 hours. The Hensely factors do not indicate that a reduction in the lodestar amount would be appropriate in this case.

It is hereby

ORDERED that attorney Dymkar is awarded attorneys' fees in the amount of \$156,867.50, computed as follows: 369.1 hours times the rate of \$425/hour,

ORDERED that attorney Hamilton is awarded attorneys' fees in the amount of \$45,662.00, computed as follows: 115.6 hours times the rate of \$395/hour,

ORDERED that attorney Dymkar is awarded paralegal fees in the amount of \$4,100.00, computed as follows: 41 hours times the rate of \$100/hour.

The parties having agreed that pre-judgment interest should be set at 3.25% and should be assessed from July 8, 2012, which, as of December 20, 2012, is a period of 165 days, it is hereby

ORDERED that attorney Dymkar is awarded total fees in the amount of \$162,830.76, computed as follows:

\$156,867.50	attorneys' fees
\$ 2,304.66	pre-judgment interest (165/365 times 3.25% times \$156,867.50)
\$ 4,100.00	paralegal fees
\$ 60.24	pre-judgment interest (165/365 times 3.25% times \$4,100.00)

\$163,332.40

ORDERED that attorney Hamilton is awarded total fees in the amount of \$46,190.55, computed as follows:

\$ 45,662.00	attorneys' fees
\$ 670.86	pre-judgment interest (165/365 times 3.25% times \$45,662.00)

\$ 46,332.86

There being no opposition to plaintiff's bill of costs in the amount of \$3,238.35, it is hereby

ORDERED that the Court Clerk shall tax costs in the amount of \$3,238.35.

Attorneys' fees and costs shall be paid by the City of Chicago within 30 days of the entry of this order.

This order is a final appealable order as defined by the federal rules.

ENTER ORDER:

Elaine E. Bucklo
Elaine E. Bucklo
United States District Judge

Dated: December 20, 2012

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 5.1.1
Eastern Division**

Larry G. Nelson

Plaintiff,

v.

Case No.: 1:09-cv-05357

Honorable Elaine E. Bucklo

City Of Chicago, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, December 20, 2012:

MINUTE entry before Honorable Elaine E. Bucklo: Motion hearing held on 12/20/2012 regarding motion to compel, motion for order,, [139] ; Set deadlines/hearing as to motion to compel, motion for order,, [139] and continued to 1/4/2013 at 9:30 AM. Mailed notice (jdh)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

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

ANGEL MOORE,)	
ASIA MOORE,)	
)	
Plaintiffs,)	
)	10 C 5371
vs.)	Judge John W. Darrah
CITY OF CHICAGO, a municipal corporation)	
JENNIFER HARRIS, a City of Chicago)	
Police Officer, Star Number 14060, ADRIAN)	Magistrate Judge Jeffrey Cole
VIVANCO, a City of Chicago Police Officer,)	
Star Number 17269, RICHARD RODRIGUEZ)	
A City of Chicago Police Officer, Star Number)	
18290, SAMUEL RAWLS, a City of Chicago)	
Police Officer, Star Number 10205)	
)	
Defendants.)	

STIPULATION AS TO JUDGMENT, ATTORNEYS' FEES AND COSTS

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this case, by their respective attorneys of record with regard to the judgment entered in this cause, attorneys' fees and costs:

1. The judgment entered for compensatory damages in favor of plaintiff Angel Moore against defendant Officer Jennifer Harris in the amount of \$785,000.00 shall be reduced to \$750,000.00 and paid in full satisfaction by City of Chicago as indemnitor pursuant to 745 ILCS 10/9-102.
2. The judgment entered against Defendant Jennifer Harris for punitive damages in the amount of \$2,250.00 is hereby waived and vacated.
3. Judgment for attorneys' fees of plaintiff's counsel pursuant to 42 U.S.C. §1988 and costs pursuant to Rule 54(d) and 28 U.S.C. §1920 is entered in the amount

of \$110,000.00 and is to be paid in full satisfaction by City of Chicago as indemnitor pursuant to 745 ILCS 10/9-102.

4. An agreed judgment order is attached hereto as Exhibit A.

/s/ Kevin T. Lee

GREENE AND LETTS
Attorneys for Defendants
111 W. Washington Street, Suite 1650
Chicago, Illinois 60602
312/+346-1100

/s/ Richard J. Dvorak

Law Office of Richard J. Dvorak
One of the Attorneys for Plaintiffs
200 S. Wacker Dr. Suite 3148
Chicago, Illinois 60606
312/593-7146

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

ANGEL MOORE,)	
ASIA MOORE,)	
)	
Plaintiffs,)	10 C 5371
)	
vs.)	Judge John W. Darrah
)	
CITY OF CHICAGO, a municipal corporation)	
JENNIFER HARRIS, a City of Chicago)	Magistrate Judge Jeffrey Cole
Police Officer, Star Number 14060, ADRIAN)	
VIVANCO, a City of Chicago Police Officer,)	
Star Number 17269, RICHARD RODRIQUEZ)	
A City of Chicago Police Officer, Star Number)	
18290, SAMUEL RAWLS, a City of Chicago)	
Police Officer, Star Number 10205)	
)	
Defendants.)	

AGREED ORDER

This matter coming before the court on the stipulation of the parties of record in this cause, the court having reviewed the Stipulation as to Judgment, Attorneys' Fees and Costs and being advised:

IT IS ORDERED:

1. The judgment for compensatory damages in favor of plaintiff Angel Moore entered against defendant Officer Jennifer Harris in the amount of \$785,000.00 shall be reduced to \$750,000.00 and paid in full satisfaction by City of Chicago as indemnitor pursuant to 745 ILCS 10/9-102.
2. The judgment entered against Defendant Jennifer Harris for punitive damages in the amount of \$2,250.00 is hereby waived and vacated.



3. Judgment for attorneys' fees of plaintiff's counsel pursuant to 42 U.S.C. §1988 and costs pursuant to Rule 54(d) and 28 U.S.C. §1920 is entered in the amount of \$110,000.00 and is to be paid in full satisfaction by City of Chicago as indemnitor pursuant to 745 ILCS 10/9-102.

ENTERED :

Honorable John W. Darrah
United States District Court

Kevin T. Lee
GREENE AND LETTS
Attorneys for Defendants
111 W. Washington Street, Suite 1650
Chicago, Illinois 60602
312/346-1100

X:\CITY OF CHICAGO\MOORE 0059-00029\Settlement\Agreed ORder as to Judgment 7-17-12 (2).doc

CC

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

ANGEL MOORE,)	
ASIA MOORE,)	
)	
Plaintiffs,)	
)	10 C 5371
vs.)	Judge John W. Darrah
CITY OF CHICAGO, a municipal corporation)	
JENNIFER HARRIS, a City of Chicago)	Magistrate Judge Jeffrey Cole
Police Officer, Star Number 14060, ADRIAN)	
VIVANCO, a City of Chicago Police Officer,)	
Star Number 17269, RICHARD RODRIQUEZ)	
A City of Chicago Police Officer, Star Number)	
18290, SAMUEL RAWLS, a City of Chicago)	
Police Officer, Star Number 10205)	
)	
Defendants.)	

AGREED ORDER

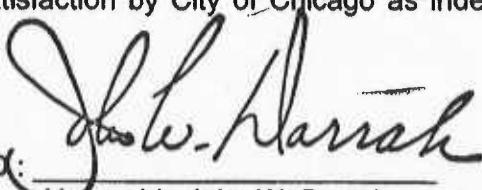
This matter coming before the court on the stipulation of the parties of record in this cause, the court having reviewed the Stipulation as to Judgment, Attorneys' Fees and Costs and being advised:

IT IS ORDERED:

1. The judgment for compensatory damages in favor of plaintiff Angel Moore entered against defendant Officer Jennifer Harris in the amount of \$785,000.00 shall be reduced to \$750,000.00 and paid in full satisfaction by City of Chicago as indemnitor pursuant to 745 ILCS 10/9-102.
2. The judgment entered against Defendant Jennifer Harris for punitive damages in the amount of \$2,250.00 is hereby waived and vacated.

3. Judgment for attorneys' fees of plaintiff's counsel pursuant to 42 U.S.C. §1988 and costs pursuant to Rule 54(d) and 28 U.S.C. §1920 is entered in the amount of \$110,000.00 and is to be paid in full satisfaction by City of Chicago as indemnitor pursuant to 745 ILCS 10/9-102.

ENTERED:


Honorable John W. Darrah
United States District Court

7-26-12

Kevin T. Lee
GREENE AND LETTS
Attorneys for Defendants
111 W. Washington Street, Suite 1650
Chicago, Illinois 60602
312/346-1100

X:\CITY OF CHICAGO\MOORE 0059-00029\Settlement\Agreed ORder as to Judgment 7-17-12 (2).doc

CL

United States District Court
Northern District of Illinois
Eastern Division

Andy Montanez

v.

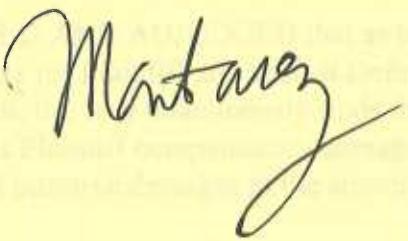
Fico, et al

JUDGMENT IN A CIVIL CASE

Case Number: 10 C 4708

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- Decision by Court. This action came before the Court for a trial by judge. The issues

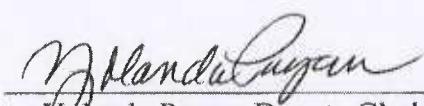
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ndant Fico.

Thomas G. Bruton, Clerk of Court

Date: 6/15/2012



Volanda Pagan, Deputy Clerk

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

FINAL JUDGMENT

June 18, 2014

Before: RICHARD A. POSNER, Circuit Judge
JOEL M. FLAUM, Circuit Judge
DIANE S. SYKES, Circuit Judge

CERTIFIED COPY

A True Copy
Teste:

Alex B. Baum
Deputy Clerk
of the United States
Court of Appeals for the
Seventh Circuit

No.: 13-1692	ANDY MONTANEZ, Plaintiff - Appellant v. VINCENT FICO, Star #6284, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 1:10-cv-04708 Northern District of Illinois, Eastern Division Magistrate Judge Sheila Finnegan	

The judgment of the District Court is AFFIRMED, with costs, in accordance with the decision of this court entered on this date.

form name: c7_FinalJudgment(form ID: 132)

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Sheila Finnegan	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	10 C 4708	DATE	3/18/2013
CASE TITLE	Andy Montanez vs. Chicago Police Officers Fico, et al.		

DOCKET ENTRY TEXT

Enter Memorandum Opinion and Order. Plaintiff's Motion for Attorneys' Fees and Expenses [123] is granted in the amount of \$109,503.86. Plaintiff's Motion for an Order Granting Prejudgment Interest on Attorneys' Fees [147] is also granted at a rate of 3.25 % from July 20, 2012 to the date of payment. Finally, Plaintiff is awarded \$3,051.94 in costs. Defendants' corresponding request for costs [115] is denied.

[For further detail see separate order(s).]

Mailed notice.

Courtroom Deputy	IS
------------------	----

M,

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

DEWITT HUGHES and BANKRUPTCY)
TRUSTEE BARRY A. CHATZ,)
Plaintiffs,) No. 08 C 627
v.) Judge Dow
CITY OF CHICAGO, CHICAGO POLICE)
OFFICER IZA, Star #12957, and) Magistrate Judge Cox
CHICAGO POLICE OFFICER UCZEN)
Star #6857,)
Defendants.)

AGREED ORDER

This matter coming before the court on the stipulation of the parties of record in this cause, the court having reviewed the Stipulation as to Judgment, Attorneys' Fees and Costs and being advised:

IT IS ORDERED:

1. The judgment entered for compensatory damages in favor of Plaintiff Dewitt Hughes in the amount of \$30,000.00, and Plaintiff Cherannzetta Stagger-Hughes in the amount of \$30,000.00 shall be reduced to \$29,250.00 in favor of Plaintiff Dewitt Hughes and to \$29,250.00 in favor of Plaintiff Bankruptcy Trustee Barry A. Chatz, as the real party in interest to the jury award made to Plaintiff Cherannzetta Stagger-Hughes, and paid in full satisfaction by City of Chicago as indemnitor pursuant to 745 ILCS 10/9-102.

2. The judgment entered against Defendant Mark Uczen for punitive damages in the amount of \$2,500.00, and against Defendant Debbie Iza for **punitive damages to Plaintiffs in the amount of \$2,500.00 is hereby waived and vacated.**

3. Judgment for attorneys' fees of plaintiffs' counsel pursuant to 42 U.S.C. §1988

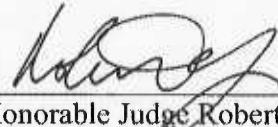
and costs pursuant to Rule 54(d) and 28 U.S.C. §1920 is entered in the amount of \$186,480.00 and is to be paid in full satisfaction by the City of Chicago as indemnitor pursuant to 745 ILCS 10/9-102.

4. The judgments against Defendant Mark Uczen and Defendant Debbie Iza are hereby waived and vacated and Defendant Mark Uczen and Defendant Debbie Iza are voluntarily dismissed from this matter with prejudice.

5. This judgment order is stayed for sixty ("60") days to allow payment to be made in accordance with the parties' stipulation as to judgment, attorneys' fees, and costs.

6. This case is dismissed without prejudice and with leave to reinstate within sixty ("60") days only in the event that payment is not made within that time period. After the expiration of that time period, the dismissal as to Defendants City of Chicago, and the voluntary dismissal as Defendant Mark Uczen and Defendant Debbie Iza, will be with prejudice without any further court action if no motion to reinstate is filed.

ENTERED:


Honorable Judge Robert M. Dow, Jr.
United States District Court

Susan E. Sullivan
Counsel for Defendants
330 North Wabash Avenue, Suite 3300
Chicago, Illinois 60611
Office: (312) 321-9100
Atty. No. 06238201
Email: ssullivan@smbtrials.com

Dated : April 29, 2013

**IN THE NORTHERN DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARKEE COOPER, SR., ZION COOPER, and)
MARKEE COOPER, JR., by and through their)
Parents and guardians, MARKEE COOPER, SR.)
and SHENITA COOPER)
Plaintiffs)
No.: 07 CV 2144
v.) Judge Dow
Chicago Police Officers S. DALEY, No. 10890,)
M. BONSTETTER, No. 15963, F. MACK, No.)
198404, J. FRANO, No. 11772, R. PUCILLO,)
No. 16850, W. JOHNSON, No. 17442, A.)
MONACO, No. 19253, S. LAURETTO, No. 5882,)
V. FICO, No. 6284, L. WILLEMS, No. 7394,)
M. NAPOLI, No. 9560, S. REINA, No. 2622,)
D. ROSS, No. 177, G. DESALVO, No. 218, and)
The CITY OF CHICAGO,)
Defendants.)

**ORDER AS TO THE JUDGMENT ENTERED IN THIS CAUSE
AND STATUTORY ATTORNEY'S FEES AND COSTS**

This matter coming before the court pursuant to the Stipulation As to the Judgment Entered in This Cause and Statutory Attorney's Fees and Costs signed and filed by the parties in this cause by their attorneys, the court having the reviewed the Stipulation and being advised, it is hereby ordered:

1. The judgment entered for compensatory damages in favor of plaintiff, Markee Cooper, Sr. in the amount of \$250,000 shall be reduced to \$125,000. The judgment entered for compensatory damages in favor of plaintiff, Zion Cooper for \$100,000, shall be reduced to \$45,000. The judgment entered for compensatory damages in favor of plaintiff, Markee Cooper, Jr., shall be reduced to \$45,000. The total of the reduced compensatory damages in the amount of \$215,000.00 shall be paid in full satisfaction by City of Chicago as indemnitor pursuant to 745 ILCS 10/9-102.

2. The judgments for punitive damages entered against Defendant Dennis Ross in the amount of \$5,000 and Defendant Sal Reina in the amount of \$10,000 are hereby waived and vacated. All pending Citations to Discover Assets or other supplemental proceedings to collect these damages are dismissed as moot.

3. The judgment for punitive damages against Sean Dailey in the amount of \$100,000.00 remains in effect.

4. Defendant City of Chicago is ordered to pay one million, two hundred fifty thousand and 0/100 dollars (\$1,250,000.00) in full satisfaction of plaintiff's attorneys' fees pursuant to 42 U.S.C. §1988 and costs on behalf of Defendants Dennis Ross, Sean Dailey, Sal Reina, City of Chicago including any previously dismissed defendants.

5. All pending motions are stricken as moot.

6. All pending matters having been resolved, this case is dismissed with prejudice pursuant to this stipulation.

ENTERED:



ROBERT M. DOW, JR.
UNITED STATES DISTRICT COURT

Date: August 6, 2013

IN THE NORTHERN DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MARKEE COOPER, SR., ZION COOPER, and)
MARKEE COOPER, JR., by and through their)
Parents and guardians, MARKEE COOPER, SR.)
and SHENITA COOPER)
Plaintiffs)
v.) No.: 07 CV 2144
Chicago Police Officers S. DALEY, No. 10890,)
M. BONSTETTER, No. 15963, F. MACK, No.)
198404, J. FRANO, No. 11772, R. PUCILLO,)
No. 16850, W. JOHNSON, No. 17442, A.)
MONACO, No. 19253, S. LAURETTO, No. 5882,)
V. FICO, No. 6284, L. WILLEMS, No. 7394,)
M. NAPOLI, No. 9360, S. REINA, No. 2622,)
D. ROSS, No. 177, G. DESALVO, No. 218, and)
The CITY OF CHICAGO,)
Defendants.)
Judge Dow

STIPULATION AS TO THE JUDGMENT ENTERED IN THIS CAUSE
AND STATUTORY ATTORNEYS' FEES AND COSTS

The parties, by their respective attorneys stipulate and agree as follows with regard to the judgment entered in this cause, attorney's fees and costs:

1. The judgment entered for compensatory damages in favor of plaintiff, Markee Cooper, Sr. in the amount of \$250,000 shall be reduced to \$125,000. The judgment entered for compensatory damages in favor of plaintiff, Zion Cooper for \$100,000, shall be reduced to \$45,000. The judgment entered for compensatory damages in favor of plaintiff, Markee Cooper, Jr., shall be reduced to \$45,000. The total of the reduced compensatory damages in the amount of \$215,000.00 shall be paid in full satisfaction by City of Chicago as indemnitor pursuant to 745 ILCS 10/9-102.

2. The judgments for punitive damages entered against Defendant Dennis Ross in the amount of \$5,000 and Defendant Sal Reina in the amount of \$10,000 are hereby waived and

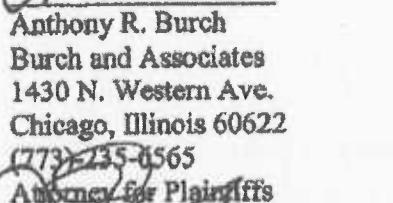
vacated. Plaintiffs agree to dismiss all pending Citations to Discover Assets or other supplemental proceedings to collect these damages.

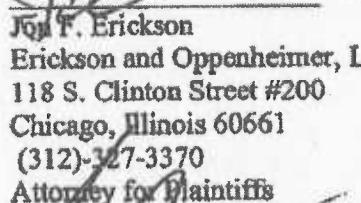
3. The judgment for punitive damages against Sean Dailey in the amount of \$100,000.00 remains in effect.

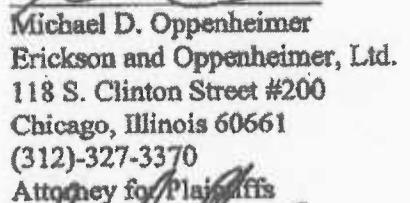
4. Plaintiffs agree to accept and Defendant City of Chicago agrees to pay one million, two hundred fifty thousand and 0/100 dollars (\$1,250,000.00) in full satisfaction of plaintiff's attorneys' fees pursuant to 42 U.S.C. §1988 and costs on behalf of Defendants Dennis Ross, Sean Dailey, Sal Reina, City of Chicago including any previously dismissed defendants.

5. The parties agree that the court should strike all pending motions as moot.

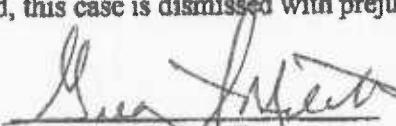
6. All pending matters having been resolved, this case is dismissed with prejudice pursuant to this stipulation.


Anthony R. Burch
Burch and Associates
1430 N. Western Ave.
Chicago, Illinois 60622
(773)-235-0565
Attorney for Plaintiffs


John F. Erickson
Erickson and Oppenheimer, Ltd.
118 S. Clinton Street #200
Chicago, Illinois 60661
(312)-327-3370
Attorney for Plaintiffs


Michael D. Oppenheimer
Erickson and Oppenheimer, Ltd.
118 S. Clinton Street #200
Chicago, Illinois 60661
(312)-327-3370
Attorney for Plaintiffs


Brianan Shiller
Mary Grieb
Shiller Preyar Law Offices
1100 W. Cermak Rd. # B401
Chicago, Illinois 60608
(773)-226-4590
Attorney for Plaintiffs


Gregory T. Mitchell
Law Office of Gregory T. Mitchell
18141 Dixie Highway
Suite 144-100
Homewood, Illinois 60430
(708)-799-9325
Attorney for Individual Defendants


Stephen R. Patton
Corporation Counsel, City of Chicago
BY: 

Thomas J. Plaff
Deputy Corporation Counsel
30 N. LaSalle Street
Suite 900
Chicago, Illinois 60602
(312)-744-4833

Dated: _____

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

THOMAS P. LALLY,)	
)	
Plaintiff,)	
v.)	No. 10 C 5011
CITY of CHICAGO, Municipal Corporation)	
and Body Politic, LT. JEFF GALE, SGT.)	Judge Dow
WILLIAM KAUPERT # 1884, OFFICER)	
NORBERG #13402, OFFICER A. RAMOS)	Magistrate Judge Kim
#13420,)	
Defendants.)	JURY DEMANDED
)	
)	

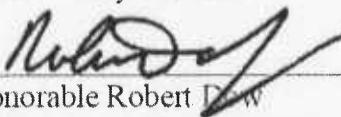
AGREED ORDER

This matter coming before the Court on the stipulation of the parties of record in this cause, the Court having reviewed the Agreed Stipulation as to Judgment, Attorney's Fees and Costs and being advised:

IT IS ORDERED:

1. The judgment entered for punitive damages in favor of Thomas Lally for \$10,000.00 against Defendant, Thomas Norberg has been fully satisfied.
2. The judgment entered against Defendant, Thomas Norberg, including any claim for pre-judgment or post-judgment interest has been released by the Plaintiff, Thomas Lally.

Enter: May 14, 2014


Honorable Robert Dow
United States District Court

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

THOMAS P. LALLY,)	
)	
Plaintiff,)	
v.)	
)	No. 10 C 5011
CITY of CHICAGO, Municipal Corporation)	
and Body Politic, LT. JEFF GALE, SGT.)	Judge Dow
WILLIAM KAUPERT # 1884, OFFICER)	
NORBERG #13402, OFFICER A. RAMOS)	Magistrate Judge Kim
#13420,)	
Defendants.)	JURY DEMANDED
)	
)	

AGREED ORDER

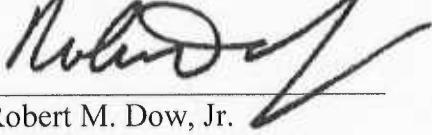
This matter coming before the Court on the stipulation of the parties of record in this cause, the Court having reviewed the Agreed Stipulation as to Judgment, Attorney's Fees and Costs and being advised:

IT IS ORDERED:

1. The judgment for compensatory damages in favor of Plaintiff, Thomas Lally, in the amount of \$1.00 shall be paid in full satisfaction by the City of Chicago as Defendant and indemnitor pursuant to 745 ILCS 10/9-102.
2. The judgment entered for punitive damages in favor of Thomas Lally for \$15,000.00 against Defendant, William Kaupert has been fully satisfied.
3. The judgment entered against Defendant, William Kaupert, including any claim for pre-judgment or post-judgment interest has been released by the Plaintiff, Thomas Lally.
4. Judgment for attorney's fees of Plaintiff's counsel pursuant to 42 U.S.C. § 1988 is entered in the amount of \$26,752.50 and is to be paid in full satisfaction by the City of Chicago as Defendant and indemnitor pursuant to 745 ILCS 10/9-102, less the judgment for Defendant's

costs awarded to Defendants in the amount of \$4,555.53 pursuant to Rule 54(d) and 28 U.S.C. S 1920. The total amount to be paid is \$22,196.97 and will be paid by the City of Chicago.

Dated: August 14, 2013



Robert M. Dow, Jr.
United States District Judge

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 5.1.1
Eastern Division**

Thomas P. Lally

Plaintiff,

v.

Case No.: 1:10-cv-05011

Honorable Robert M. Dow Jr.

City of Chicago, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, May 13, 2013:

MINUTE entry before Honorable Robert M. Dow, Jr: Pursuant to Memorandum Opinion and Order, dated May 13, 2013, the Court denies Defendants' motion for judgment as a matter of law pursuant to Fed. R. Civ. P. 50(b), and in the alternative, for a new trial pursuant to Fed. R. Civ. P. 59 [126]; grants in part and denies in part Plaintiff's motion for attorneys' fees [138]; denies Plaintiff's bill of costs [121]; and grants in part and denies in part Defendants' bill of costs [134]. The Court awards Plaintiff \$25,000.01, Plaintiff's attorney \$26,752.50, and Defendants \$4,555.53. Mailed notice(tbk,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

P1

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

MARY ELLEN EGAN,)
Plaintiff,) No. 10 CV 5518
v.) Honorable Robert M. Dow, Jr.
THE CITY OF CHICAGO, OFFICER)
NICOLAS HARRIS, OFFICER BILL)
GRAYWAL, OFFICER F. VARGAS,)
OFFICER WALTER GASKEW, JR.,)
Defendants.)

AGREED ORDER

This matter coming before the court pursuant to a stipulation among the parties to this cause as to the judgment entered in this cause and statutory attorneys' fees and costs, the Court being advised,

IT IS ORDERED:

1. The judgment for compensatory and punitive damages entered against Defendants Nicholas Harris, Bill Graywal and Fidel Vargas is hereby vacated and these defendants are dismissed from this cause with prejudice.
2. Defendant City of Chicago is ordered to pay one hundred thousand and 0/100 dollars (\$100,000.00) in full satisfaction of the judgment for compensatory damages entered against the remaining defendants, City of Chicago and Walter Gaskew, as indemnitor pursuant to 745 ILCS 10/9-102.
3. Plaintiff agrees to accept and Defendant City of Chicago agrees to pay one hundred twelve and 0/100 dollars (\$112,000) in full satisfaction of plaintiff's attorneys' fees claimed pursuant to 42 U.S.C. §1988 and costs as indemnitor pursuant to 745 ILCS 10/9-102.

ENTERED:

Honorable Robert M. Dow, Jr.

Dated: November 30, 2012

United States District Court
Northern District of Illinois
Eastern Division

Mary Ellen Egan

v.

JUDGMENT IN A CIVIL CASE

Case Number: 10 C 5518

Nicholas Harris, et al

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED: Jury verdict in favor of the Plaintiff, Mary Ellen Egan, and against Defendants Harris, Grawal, Vargas and Gaskew,Jr., on the claims of False Arrest and Malicious Prosecution. The jury awards Plaintiff Egan compensatory damages in the amount of \$100,000. The jury awards Plaintiff punitive damages against defendant Harris in the amount of \$4,000; against defendant Grawal in the amount of \$4,000; against defendant Vargas in the amount of \$8,000; and against defendant Gaskew,Jr. in the amount of \$10,000.

Judgment entered on the jury verdict in favor of Plaintiff Mary Ellen Egan and against Defendants Harris, Grawal, Vargas and Gaskew, Jr.

Thomas G. Bruton, Clerk of Court

Date: 10/16/2012

/s/ Theresa B. Kinney, Deputy Clerk

NY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

OFELIA GODINEZ, and)
HERIBERTO GODINEZ, SR.,)
Plaintiffs,) 11-CV-68
vs.)
CITY OF CHICAGO *et al.*,)
Defendants.) JUDGE LEFKOW

AGREED ORDER

This matter coming before the court pursuant to a stipulation among the parties to this cause as to the judgment entered in this cause and statutory attorneys' fees and costs, the court being advised,

IT IS ORDERED:

1. Defendant City of Chicago shall pay forty thousand and 0/100 dollars (\$40,000.00) in full satisfaction of the judgment for compensatory damages entered in favor of plaintiff Ofelia Godinez and against the defendants Estrada, and Verble as indemnitor pursuant to 745 ILCS 10/9-102.
2. Plaintiff agrees to accept and Defendant City of Chicago agrees to pay two hundred thousand and 0/100 dollars (\$200,000.00) in full satisfaction of plaintiff's attorney's fees under 42 U.S.C. §1988 and costs, as indemnitor, pursuant to 745 ILCS 10/9-102.
3. The judgment for punitive damages in favor of Plaintiff, Ofelia Godinez, is and against Defendant Estrada is hereby vacated.
4. All pending matters having been resolved, this cause is dismissed with prejudice.

Jess H. Heiman
Judge, U.S. District Court

FEB 11 2013

United States District Court
Northern District of Illinois
Eastern Division

Godinez, et al.

v.

JUDGMENT IN A CIVIL CASE

Case Number: 11 C 68

City of Chicago, et al.

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED as follows: with respect to plaintiff Ofelia Godinez' false arrest claim jury returns verdict for plaintiff as to defendant Estrada and for defendant as to defendant Verble. With respect to plaintiff Ofelia Godinez' unlawful entry claim jury returns verdict for plaintiff as to defendants Estrada and Verble. With respect to plaintiff Heriberto Godinez, Sr.'s unlawful entry claim, jury returns a verdict for defendants as to defendants Estrada, Verble and Gallas. With respect to plaintiff Ofelia Godinez' excessive force claim jury returns a verdict for plaintiff as to defendant Estrada. With respect to plaintiff Heriberto Godinez, Sr.'s excessive force claim jury returns verdict for defendants as to defendants Verble and Gallas. With respect to plaintiff Ofelia Godinez' failure to intervene claim jury returns a verdict for plaintiff as to defendant Verble and for defendants as to defendants Estrada and Gallas. With respect to plaintiff Heriberto Godinez, Sr.'s failure to intervene claim jury returns verdict for defendants as to defendants Estrada, Verble and Gallas. With respect to plaintiff Ofelia Godinez' malicious prosecution claim jury returns a verdict for plaintiff as to defendant Estrada and for defendants as to defendants Verble and Gallas. Plaintiff Ofelia Godinez is awarded compensatory damages in the amount of \$40,000. Plaintiff Heriberto Godinez, Sr.'s compensatory damages are \$0. Punitive damages are assessed against defendant Estrada in the amount of \$10,000. Judgment entered on the verdict.

Thomas G. Bruton, Clerk of Court

Date: 10/16/2012

/s/ Michael Dooley, Deputy Clerk

UNITED STATES DISTRICT COURT
for the
Northern District of Illinois

JENNIFER MCLIN _____)
Plaintiff _____)
v. _____)
CHICAGO OF CHICAGO, et alX _____)
Defendant _____)

Civil Action No. 10 C 5076
Matthew F. Kennelly

JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

- the plaintiff (*name*) _____ recover from the _____
defendant (*name*) _____ the amount of _____
interest at the rate of _____ %, plus postjudgment interest at the rate of _____ %, along with costs.
 the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) _____
recover costs from the plaintiff (*name*) _____

other:

Judgment is entered in favor of plaintiff and against defendant City of Chicago on Counts 1, 2, 3, and 4 of the third amended complaint, in favor of plaintiff and against defendant St. Clair on Count 5 of the third amended complaint, and in favor of plaintiff and against defendants St. Clair and Ugarte on Count 7 of the third amended complaint. Counts 1, 2, and 3 are dismissed as to defendant St. Clair. Count 4 is dismissed as to defendants St. Clair and Ugarte. Counts 6 and 8 are dismissed as to all defendants. Compensatory damages are awarded in favor of plaintiff and against defendants in the amount of \$4,573,700. Punitive damages are awarded in favor of plaintiff and against defendant St. Clair in the amount of \$10,000 and against defendant Ugarte in the amount of \$10,000.

This action was (*check one*):

- tried by a jury with Judge _____ presiding, and the jury has rendered a verdict.
 tried by Judge _____ without a jury and the above decision was reached.
 decided by Judge _____ on a motion for _____

Date: Nov 2, 2012

Thomas G. Bruton, Clerk of Court

/s/ Donald Walker, Deputy Clerk

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

JENNIFER McLIN, as Administrator of the Estate)
of WILLIAM HOPE, Jr.,)
Plaintiff,)
vs.) No. 10 C 5076
)
CITY OF CHICAGO, et al.,) Judge Kennelly
)
Defendants.)

**STIPULATION AS TO THE JUDGMENT ENTERED IN THIS CAUSE
AND STATUTORY ATTORNEY'S FEES AND COSTS**

It is hereby stipulated and agreed by and among the parties in this cause by and through their respective attorneys of record with regard to the judgment entered in this cause, attorney's fees and costs:

1. Defendant City of Chicago agrees to pay Four Million, Five Hundred Sixty-Seven Thousand, Eight Hundred Twenty Eight Dollars and no cents (\$4,567,828) by March 29, 2013 to Plaintiff Jennifer McLin, Administrator of the Estate of William Hope, Jr., and Parts & Spencer, Ltd.

2. Defendants agree to incorporate the events that formed the basis of this action into a Chicago Police Department training scenario. Defendants St. Clair and Ugarte agree to participate in development and presentation of the training scenario, in consideration of which Plaintiff agrees to waive collection of the punitive damage awards against these defendants.

3. This total sum to be paid and the additional terms of this stipulation represent full satisfaction of the entire judgment in this matter against all defendants, including attorneys' fees and costs.

Date: January 30, 2013

/s_ Mark Parts
Attorneys for Plaintiff

Mark Parts
Faith Spencer
Parts & Spencer, Ltd.
130 North Garland Court, #2005
Chicago, IL 60602
Atty. No. 6203617

/s_ Liza Franklin
Attorneys for Defendants

Liza Franklin
Colin White
30 North LaSalle Street
Suite 900
Chicago, IL 60602
Atty. No. 06216088

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

JENNIFER McLIN, as Administrator of the Estate)
of WILLIAM HOPE, Jr.,)
Plaintiff,)
vs.) No. 10 C 5076
)
CITY OF CHICAGO, et al.,) Judge Kennelly
)
Defendants.)

AGREED ORDER

This matter coming before the court pursuant to a stipulation among the parties in this cause as to the judgment entered in this cause and statutory attorneys' fees and costs, the court being advised,

IT IS ORDERED:

1. Defendant City of Chicago will pay Four Million, Five Hundred Sixty-Seven Thousand, Eight Hundred Twenty Eight Dollars and no cents (\$4,567,828) by March 29, 2013, to Plaintiff Jennifer McLin, Administrator of the Estate of William Hope, Jr., and Parts & Spencer, Ltd.
2. Defendants will incorporate the events that formed the basis of this action into a Chicago Police Department training scenario. Defendants St. Clair and Ugarte will participate in the development and presentation of the training scenario.
3. This total sum to be paid and the additional terms of the stipulation represent full satisfaction of the entire judgment in this matter against all defendants, including attorneys' fees and costs.

Entered:



MATTHEW F. KENNELLY
United States District Judge

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

JENNIFER McLIN, As Independent Administrator)	
of the Estate of WILLIAM HOPE, JR.,)	
Plaintiff,)	
)	
v.)	10 cv 5076
)	
CITY OF CHICAGO, a municipal corporation,)	
OFFICER MICHAEL ST CLAIR (#15527), and)	Judge Kennelly
OFFICER ARMANDO UGARTE (#15050),)	
Defendants.)	

AMENDED SUPPLEMENTAL ORDER ON DISTRIBUTION OF PROCEEDS OF
SATISFACTION OF JUDGMENT

Upon Plaintiff's Agreed Motion for entry of an Amended Supplemental Order approving the distribution of the proceeds of the satisfaction of judgment in this matter, the Court finds as follows:

1. The terms the parties have agreed to in satisfaction of the judgment in this matter are fair and reasonable.
2. Plaintiff's proposed distribution of the proceeds is approved as follows:
 - a. The net amount distributable to BMO Harris Bank, N.A., as Co-Guardian of the Estate of William Hope III is \$1,996,300.00.
 - b. A structured settlement annuity in the amount of \$1,000,000.00 shall be purchased by BHG Structured Settlements on behalf of the defendants. Periodic payments will be issued by Berkshire Hathaway Life Insurance Company of Nebraska (rated A++ (Superior) by A.M. Best). See attached Exhibit 1 for specific benefits/terms of this structured settlement annuity to be payable to William Hope III.

- c. Loretta Hendrix is entitled to reimbursement of funeral expenses in the amount of \$3,700.00.
 - d. The attorneys for Plaintiff are entitled to fees in the amount of \$1,500,000.00.
 - e. The attorneys for Plaintiff are entitled to reimbursement for expenses attributable to this lawsuit in the amount of \$67,828.00.
3. The amount distributable to the Estate of William Hope, III shall be paid to BMO Harris Bank, N.A., only after entry in the Probate Division of the Circuit Court of Cook County of an order approving the bond or other security required to administer the distribution provided for in this order.
4. The prior Supplemental Distribution Order of 2/26/13 (docket #123) is withdrawn.

Entered:


MATTHEW F. KENNELLY

United States District Judge

Date: March 13, 2013



WATERVILLE

FINAL STRUCTURED SETTLEMENT PLAN

WILLIAM HOPE, III

DATE OF BIRTH: Redacted

BERKSHIRE HATHAWAY LIFE INSURANCE COMPANY OF NEBRASKA

RATED A++, SUPERIOR BY A.M. BEST

FEBRUARY 15, 2013

* LOCKED-IN FEBRUARY 15TH, WITH A PURCHASE DATE OF MARCH 29, 2013 *

BENEFITS	GUARANTEED PAYOUT	LIFETIME PAYOUT	COST
Annual College Payments			
\$60,000.00 payable annually, guaranteed 5 years, beginning on Redacted (age 18), with the last guaranteed payment on Redacted	\$300,000.00	\$300,000.00	\$186,900.00
Monthly College Stipend			
\$1,000.00 payable monthly, guaranteed 5 years, beginning on Redacted (age 18), with the last guaranteed payment on Redacted	\$60,000.00	\$60,000.00	\$36,720.00
Lifetime Monthly Income			
\$2,620.00 for life, payable monthly, guaranteed 40 years, beginning on Redacted (age 23), increasing at a rate of 3.00% compounded annually, with the last guaranteed payment on Redacted	\$2,370,616.00	\$5,472,156.00	\$388,190.00
TOTAL:	\$2,730,616.00	\$5,832,154.00	\$1,000,000.00

FINAL: x


Settlement Consultant

February 15, 2013

Date

161 North Clark Street, Suite 2925, Chicago, IL 60601
Ph (312) 781-9340 Fax (312) 781-9345

Exhibit 1

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

ROBERT L. WINSTON,)	
)	
)	
Plaintiff,)	Case No. 10-cv-8218
)	
v.)	Honorable Judge Elaine Bucklo
)	
O'BRIEN & YATES,)	
)	
Defendants.)	
)	

RELEASE (SATISFACTION) OF JUDGMENT

WHEREAS, a Judgment was entered on November 27, 2012, in the office of the Clerk of the United States District Court, for the Northern District of Illinois, Eastern Division, against the Defendant in the sum of \$7,501 [Dkt. 88]; and

WHEREAS, an award of attorneys' fees was entered on June 13, 2013, against Defendant in the sum of \$187,467 [Dkt. 117];

WHEREAS, an award of attorneys' fees was entered on January 29, 2014, against Defendant in the sum of \$90,777 [Dkt. 150];

WHEREAS, the said Judgment and awards of attorneys' fees have been satisfied by the Defendant;

THEREFORE, Plaintiff Robert Winston, the Judgment creditor, having received full satisfaction and payment, releases said Judgment for \$7,501 and said awards of attorneys' fees totaling \$278,244.

Dated: February 29, 2016

Respectfully Submitted,

By: Alan N. Salpeter

/s/ Alan N. Salpeter
Attorney for Plaintiff

Alan N. Salpeter
Ross H. Neihaus
KAYE SCHOLER LLP
70 W. Madison St., Suite 4200
Chicago, IL 60602
Telephone: (312) 583-2300
Facsimile: (312) 583-2360

CERTIFICATE OF SERVICE

I, Alan N. Salpeter, an attorney, certify that on February 29, 2016, I caused the foregoing **RELEASE (SATISFACTION) OF JUDGMENT** to be filed through the Court's CM/ECF System, thereby serving the counsel of record in compliance with Local Rule 5.5 and the Court's General Order on Electronic Case Filing.

/s/ Alan N. Salpeter

Alan N. Salpeter

- (4) That Employer turn over to Plaintiff the withheld wages from the date of service of the wage deduction proceedings to the date of this Order, pursuant to the calculations set forth herein.
- (5) A lien obtained hereunder shall have priority over any subsequent lien obtained hereunder, except that liens for the support of a spouse or dependent children shall have priority over all other liens obtained hereunder. Employer is further directed to file an amended Answer with this Court and send a copy to the attorney for Plaintiff, or to the Plaintiff, informing the Court as to spouse/child support deductions received after the entry of this Order.
- (6) That this continuing Wage Deduction Order shall remain in effect until the judgment of \$ 7,501 plus attorneys' fees of \$ 278,244 are paid in full, the defendant ceases to be employed by the employer, the employee files a bankruptcy, or this Court enters an order modifying this order.
- (7) That any other liens or wage deduction proceedings (other than spouse/child support) shall be held and stacked in the order received by the employer and take effect only upon the conclusion of this Order.
- (8) That this Court retains jurisdiction of the parties hereto and subject matter hereof to amend this Order upon any changes in circumstances.

Dated: April 3, 2014

ENTERED: Elaine L Bushko

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

ROBERT L. WINSTON

Plaintiff

v.

OFFICER O'BRIEN, et al.

Defendant

Civil Action No. 10 C 8218

JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

- the plaintiff (*name*) defendant (*name*) recover from the the amount of dollars (\$), which includes prejudgment interest at the rate of %, plus postjudgment interest at the rate of %, along with costs.
- the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) recover costs from the plaintiff (*name*)

X other: Jury returns its verdict in favor of plaintiff and against defendant Officer O'Brien and awards compensatory damages to plaintiff in the amount of \$1.00 and punitive damages in the amount of \$7,500.00. The jury further finds in favor of defendant Officer Yates and against plaintiff.

This action was (*check one*):

X tried by a jury with Judge rendered a verdict.

Elaine E. Bucklo

presiding, and the jury has

tried by Judge was reached.

without a jury and the above decision

decided by Judge

on a motion for

Date: Nov. 27, 2012

Michael W. Dobbins, Clerk of Court

/s/ Jacquelyn H. Collier

Deputy Clerk

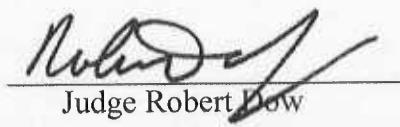
**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PARES RATLIFF)
)
Plaintiff,)
)
v.) Case No. 10 C 739
)
CITY OF CHICAGO, et al.,) Judge Dow
)
Defendants.)

JUDGMENT ORDER

THIS MATTER coming before the Court on the Parties' Agreed Motion for Judgment on Attorneys' Fees and Costs based on the verdict for plaintiff of November 30, 2012, and the Court being fully advised in the premises, the Court hereby enters Judgment as follows:

Judgment for attorneys' fees and costs is entered in favor of Plaintiff and against Defendant City of Chicago and Defendant City of Chicago is ordered to pay \$375,661.31 in full satisfaction of all of plaintiff's attorneys fees claimed pursuant to 42 U.S.C. Section 1988 and \$4,275.51 in costs as to defendants City of Chicago, James Carroll and Brian Murphy.

Enter: 

Judge Robert Dow

Dated: August 2, 2013

United States District Court for the Northern District of Illinois
Revised 03/11/2008

Case Number: 10cv739

Assigned/Issued By: ct

Judge Name:

Designated Magistrate Judge:

FEE INFORMATION

Amount Due:

\$350.00 \$39.00 \$5.00

IFP No Fee Other _____

\$455.00

Number of Service Copies _____

Date: _____

(For use by Fiscal Department Only)

Amount Paid: _____

Receipt #: _____

Date Payment Rec'd: _____

Fiscal Clerk: _____

ISSUANCES

Summons

Alias Summons

Third Party Summons

Lis Pendens

Non Wage Garnishment Summons

Abstract of Judgment

Wage-Deduction Garnishment Summons

_____ (Victim, Against and \$ Amount)

Citation to Discover Assets

Other

Writ _____

_____ (Type of issuance)

2 Original and 2 copies on 4/17/2013 as to OFFICER JAMES CARROL
(Date)

AND OFFICER BRIAN MURPHY

United States District Court
Northern District of Illinois
Eastern Division

PARES RATLIFF

v.

JUDGMENT IN A CIVIL CASE

Case Number: 10 C 739

OFFICER J. CARROLL, et al

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that Jury verdict of: As to defendant Carroll, on Claims 1,2 and 3, jury verdict in favor of the Plaintiff Pares Ratliff and against Defendant Carroll. As to defendant Murphy, jury verdict in favor of defendant Murphy on Claims 1 and 2 and against defendant Murphy on Claim 3. The jury awards compensatory damages in the amount of \$30,000. The jury awards punitive damages against defendant Carroll in the amount of \$15,000.75 and against defendant Murphy in the amount of \$5,000. Judgment entered on the jury verdict.

Thomas G. Bruton, Clerk of Court

Date: 11/30/2012

/s/ Theresa B. Kinney, Deputy Clerk

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 5.1.1
Eastern Division**

Pares Ratliff

Plaintiff,

v.

Case No.: 1:10-cv-00739

Honorable Robert M. Dow Jr.

J. Carroll, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, July 8, 2013:

MINUTE entry before Honorable Robert M. Dow, Jr: Pursuant to Memorandum Opinion and Order, dated July 8, 2013, the Court grants in part Plaintiff's petition for attorneys' fees and costs [156] and awards Plaintiff \$315,661.31 in fees and \$4,275.51 in costs. In addition, given that "[a]mple case law supports the proposition that when a prevailing party is forced to litigate to obtain a fee award, a component of that award may include a reasonable fee for the time expended in preparing and litigating the fee petition" (Trustees of the Chicago Plastering Institute Pension Trust v. Cork Plastering, Inc., 2008 WL 728897, at *6), in the event that the parties once again cannot come to an agreement, Plaintiff is given fourteen days from the date of this opinion to submit a request for compensation for hours spent litigating the fee petition since December 7, 2012. Defendants are given 14 days from the date of Plaintiff's supplemental filing, if any, to file any objections to Plaintiff's supplemental filing. Mailed notice(tbk,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

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

PARES RATLIFF)	
)	
Plaintiff,)	
)	
v.)	Case No. 10 C 739
)	
CITY OF CHICAGO, et al.,)	Judge Dow
)	
Defendants.)	

PLAINTIFF'S RENEWED MOTION TO COMPEL CITATION PROCEEDINGS

Plaintiff, Pares Ratliff, by and through undersigned counsel, respectfully moves this Honorable Court for an Order compelling Defendants Carroll and Murphy to submit to supplementary proceedings to discover assets. In support thereof, Plaintiff states as follows:

1. All claims against all parties were resolved by a jury trial, and on November 30, 2012, pursuant to Fed. R. Civ. P. 58, the Clerk of the Northern District of Illinois entered judgment against Defendant Murphy for \$5,000 and against Defendant Carroll for \$15,000.75 for their respective share of the punitive damages. The judgment was final and appealable.
2. On April 17, 2013, Plaintiff caused citations to be issued against Defendants Carroll and Murphy.
3. Defendants, without any legal basis whatsoever, refused to cooperate in the supplementary proceedings.
4. The parties filed cross motions related to the supplementary proceedings, with Plaintiff moving to compel and defendants moving to stay the proceedings. R. at 163 & 165.

5. On May 16, 2013, the Court denied defendants' motion to stay the proceedings and denied Plaintiff's motion to compel without prejudice. R. at 167. The Court suggested that Defendants provide some proof that they had the assets to obviate the need for further proceedings. Plaintiff agreed to accept the Court's recommendation. Defendants never provided the information.
6. The parties attempted to negotiate away the punitive damages award in connection with the agreed judgment on attorneys' fees, but, upon information and belief, at the last second the City refused to cover the award.
7. Since the entry of the agreed judgment, Plaintiff has made a renewed effort to resolve this dispute, without progress. Just like the underlying case, these supplementary proceedings enter their fourth month without *any* progress or any indication of a conclusion.
8. Illinois state law governs supplementary citation proceedings in the federal courts. Fed. R. Civ. P. 69(a).
9. 735 ILCS 5/2-1402 provides that,

"[a] judgment creditor ... is entitled to prosecute supplementary proceedings for the purposes of examining the judgment debtor or any other person to discover assets or income of the debtor not exempt from the enforcement of the judgment, a deduction order or garnishment, and of compelling the application of non-exempt assets or income discovered toward the payment of the amount due under the judgment."
10. The service of a citation to discover assets initiates supplemental proceedings. 735 ILCS 5/2-1402(a); Dexia Credit Local v. Rogan, 629 F.3d 612, 622 (7th Cir. 2010) (additional citations omitted).
11. 735 ILCS § 2-1402(a) provides also that, "[t]he court shall not grant a continuance of the supplementary proceeding except upon good cause shown."

12. As of August 12, 2013, Defendants have provided no response to the citation proceedings, despite repeated demands since the Court's Order of May 16, 2013.
13. Plaintiff certifies that pursuant to LR 37.2 he made good faith efforts to resolve this matter without Court intervention, and that this motion has been brought through no fault of his own.
14. Because the agreed judgment has resolved the issue of attorneys' fees and because the delays in this case have been extraordinary, Plaintiff seeks that the Court make an additional award of attorneys' fees pursuant to Fed. R. Civ. P. 37, as the Defendants have caused this dispute and a delay of it without good cause.

WHEREFORE, Plaintiff respectfully requests that this Court order Defendants Carroll and Murphy to participate in the supplemental proceeding and obey the citations, for attorneys' fees and costs in bringing the motion, and for any such other and further relief as this Court deems appropriate.

Respectfully Submitted,

By: /s Jared S. Kosoglad

One of Plaintiff's Attorneys

Jared S. Kosoglad, P.C.
118 S. Clinton Suite 200
Chicago, IL 60661
312-513-6000

CERTIFICATE OF SERVICE

The undersigned attorney, on oath, states that he served the above document upon the attorneys of record via electronic filing on August 12, 2013.

By: /s Jared S. Kosoglad

One of Plaintiff's Attorneys

United States District Court
Northern District of Illinois
Eastern Division

Kenny Randle, Jr.

v.

City Of Chicago et al

JUDGMENT IN A CIVIL CASE

Case Number: 11 C 6782

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that the Court enters Judgment in favor Plaintiff and against Defendants Officer Donald J. Carson and Officer David A. Solski on the claim of excessive force in the amount of \$10,000.00 in compensatory damages, in the amount of \$3,000.00 in punitive damages against defendant Officer Donald J. Carson, and in the amount of \$1,500.00 in punitive damages against defendant Officer David A. Solski. The Court enters Judgment in favor of Defendants Officer Donald J. Carson and Officer David A. Solski and against plaintiff on the claim of battery.

Thomas A. Bruton, Clerk of Court

Date: 6/26/2013

/s/ Jenny Jauregui, Deputy Clerk

United States District Court
Northern District of Illinois
Eastern Division

Kenny Randle, Jr.

v.

City Of Chicago et al

AMENDED JUDGMENT
IN A CIVIL CASE

Case Number: 11 C 6782

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that the Court enters Judgment in favor Plaintiff and against Defendants Officer Donald J. Carson and Officer David A. Solski on the claim of excessive force in the amount of \$10,000.00 in compensatory damages. The judgment for punitive damages in the amount of \$3,000.00 against defendant Officer Donald J. Carson and judgment for punitive damages in the amount of \$1,500.00 against defendant Officer David A. Solski are waived by plaintiff and are hereby vacated. The Court enters Judgment in favor of Defendants Officer Donald J. Carson and Officer David A. Solski and against plaintiff on the claim of battery. A judgment for attorney's fees of the plaintiff's counsel pursuant to 42 U.S.C. §1988 is entered in the amount of \$87,255.19 and \$5,696.81 for costs, and will be paid in full satisfaction by City of Chicago as to defendants Donald Carson, David Solski and City of Chicago.

Thomas A. Bruton, Clerk of Court

Date: 8/08/2013

/s/ Jenny Jauregui, Deputy Clerk

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

ALBERTO HINOJOSA,)
Plaintiff,)
v.) No. 11 C 67
CITY OF CHICAGO,)
Chicago Police Officers) Judge James B. Zagel
NICOLAS GARCIA, Star 9358,)
RUBEN MARTINEZ JR., Star 19547,)
JOHN DOE, JIM ROE, and JOSE MARQUEZ,)
Defendants.)

ORDER

IT IS HEREBY ORDERED:

Their respective attorneys of record with respect to the judgment entered in this cause, attorney's fees and costs:

1. The judgment for compensatory damages entered in favor of plaintiff and against Defendants Officers Nicholas Garcia, Ruben Martinez and Sergio Escobedo in the amount of \$50,600.00 will be paid in full satisfaction by the City of Chicago.
 2. The judgment for punitive damages in the amount of in the amount of \$1,500.00 against Officer Sergio Escobedo, \$1,000.00 against Officer Ruben Martinez and \$500.00 against Officer Nicholas Garcia is waived by plaintiff and hereby vacated.
 3. A judgment for attorney's fees of the plaintiff's counsel pursuant to 42 U.S.C. §1988 is entered in the amount of \$195,000.00 and \$3,500.00 for costs, and will be paid in full satisfaction by City of Chicago as to defendants Nicholas Garcia, Ruben Martinez and Sergio Escobedo and City of Chicago.

THE HONORABLE JUDGE JAMES B. ZAGEL
ENTERED: *B. Zagel*

**IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF ILLINOIS**

Hinojosa)
Plaintiff(s)) Case No. 11cv67
v.)
City of Chicago et al)
Defendant(s))

JUDGMENT IN A CIVIL CASE

Judgment is hereby entered (check appropriate box):

in favor of plaintiff(s)
and against defendant(s)
in the amount of \$,

which includes pre-judgment interest.
 does not include pre-judgment interest.

Post-judgment interest accrues on that amount at the rate provided by law from the date of this judgment.

Plaintiff(s) shall recover costs from defendant(s).

in favor of defendant(s)
and against plaintiff(s)

Defendant(s) shall recover costs from plaintiff(s).

other: in favor of Plaintiff as to Defendants Escobedo, Garcia and Martinez with respect to Plaintiff's false arrest claim and against Plaintiff as to Defendants Escobedo, Garcia and Martinez with respect to Plaintiff's failure to intervene; against Plaintiff as to all Defendants with respect to Plaintiff's claim of civil conspiracy. Plaintiff's total compensatory damages in the amount of \$50,600.00 and punitive damages in the amount of \$1500.00 as to Escobedo, \$500.00 as to Garcia and \$1000.00 as to Martinez.

This action was (*check one*):

- tried by a jury with Judge James B. Zagel presiding, and the jury has rendered a verdict.
 tried by Judge Select a Judge without a jury and the above decision was reached.
 decided by Judge Select a Judge on a motion for

Date: 1/3/2014

Thomas G. Bruton, Clerk of Court

/s/ Elisa Perez , Deputy Clerk

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

)
DEBRA CARGO,)
)
)
Plaintiff,) No. 11-C-2517
) Hon. Joan H. Lefkow
v.)
)
OFFICER LARRY DOTSON,)
ET AL.)
)
Defendants.)

ORDER

The parties having informed this Court that they have resolved this case and stipulated to fair and reasonable payment in full satisfaction of all attorney's fees and costs incurred in this matter and compensatory damages awarded in this matter, and the Court being advised, IT IS HEREBY ORDERED:

Plaintiff agrees to accept, and Defendant City of Chicago agrees to pay, two hundred and twenty thousand and 00/100 dollars (\$220,000.00) in full satisfaction of attorneys' fees claimed pursuant to 42 U.S.C. §1988 and costs and all compensatory damages awarded in the February 3, 2014 judgment against Defendants Larry Dotson and Jean Parker (R. 151). The Court further orders that the February 3, 2014 judgment against Defendants Larry Dotson and Jean Parker (R. 151), including the judgment against them for punitive damages, be vacated and that judgment be entered only against Defendant the City of Chicago only and solely for \$6,000.00 in compensatory damages.

11 C 2517

Joan H. Lefkow
Honorable Joan H. Lefkow
United States District Judge

APR 08 2014

Date

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

Debra Cargo _____)
Plaintiff _____)
v. _____) Civil Action No. 11 C 2517
Chicago Police Officer Dotson, et al. _____)
Defendant _____)

JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

- the plaintiff (*name*) recover from the defendant (*name*) the amount of dollars (\$), which includes prejudgment interest at the rate of %, plus postjudgment interest at the rate of %, along with costs.
- the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) recover costs from the plaintiff (*name*)

X other: The plaintiff awarded compensatory damages in the amount of \$6,000; the plaintiff awarded \$8,900 in punitive damages against defendant Dotson; and the plaintiff awarded \$6,650 in punitive damages against defendant Parker.

This action was (*check one*):

- x tried by a jury with Judge Joan H. Lefkow presiding, and the jury has rendered a verdict.
- tried by Judge without a jury and the above decision was reached.
- decided by Judge on a motion for

Date: Feb 3, 2014

Thomas G. Bruton, Clerk of Court

/s/ Michael Dooley

Deputy Clerk

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

NOEL PADILLA, et al.,)
Plaintiffs,)
v.) Case No. 06 C 5462
CITY OF CHICAGO, et al.,) Judge Milton I Shadur
Defendants.)

AGREED ORDER

The parties having informed this Court that Plaintiffs, Noel Padilla, Socorro Padilla and Lourdes Padilla, and Defendant, the City of Chicago, have agreed to the entry of an order as to the amount of attorneys' fee and costs due to Plaintiffs' in this matter,

IT IS HEREBY ORDERED:

1. Plaintiffs agree to accept and Defendant City of Chicago agrees to pay one million one hundred thousand and 00/100 dollars (\$1,100,000.00) in full satisfaction of Plaintiffs' attorneys' fees and costs claimed pursuant to 42 U.S.C. §1988 and costs on behalf of all Defendants.

2. Defendant City of Chicago is directed to pay Smith, Johnson & Antholt, LLC one million and one hundred thousand and 00/100 dollars (\$1,100,000.00) as Plaintiffs' reasonable attorneys' fees and expenses within sixty (60) days of entry of this Order.

DATE: July 21, 2014
nunc pro tunc July 17, 2014

ENTER: Milton I Shadur
Judge Milton I. Shadur
United States District Court Judge

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

NOEL PADILLA, et al.,)
)
Plaintiffs,)
)
v.) NO. 06 C 5462
)
CITY OF CHICAGO,) JUDGE SHADUR
et al.,)
)
Defendants.)

STIPULATION AS TO JUDGMENT FOR PUNITIVE DAMAGES

IT IS HERBY STIPULATED AND AGREED by and between plaintiffs Noel Padilla, Socorro Padilla and Lourdes Padilla (a.k.a Lourdes Cardenas) ("Plaintiffs") and defendant Paul Zogg ("Defendant"), by their respective attorneys of record with regard to the judgment for punitive damages awarded against Paul Zogg to Noel Padilla, Socorro Padilla and Lourdes Padilla (a.k.a Lourdes Cardenas) entered in this cause:

1. The judgment entered against Defendant Paul Zogg for punitive damages to Noel Padilla in the amount of \$5,000.00, for punitives damages to Socorro Padilla in the amount of \$ 3,000.00, and for punitive damages to Lourdes Padilla (a.k.a. Lourdes Cardenas) in the amount of \$2,500.00, totaling \$10,500.00, shall be combined, reduced to a total of \$1,000.00, and paid jointly in full satisfaction by Paul Zogg to Noel Padilla, Socorro Padilla and Lourdes Cardenas (a.k.a. Lourdes Padilla).

2. An agreed judgment order is attached hereto as Exhibit A.



Jonathan Clark Green
Senior Assistant Corporation Counsel
of the City of Chicago
Attorney for Defendant Paul Zogg
30 N. LaSalle Street
Suite 900
Chicago, IL 60602
(312) 744-0226



Christopher Smith
Smith, Johnson & Antholt, LLC
Attorney for Plaintiffs Noel
Padilla, Socorro Padilla and
Lourdes Padilla
(a.k.a. Lourdes Cardenas)
1 N. LaSalle Street
Suite 3040
Chicago, IL 60602
(312) 432-0400

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

NOEL PADILLA, et al.,)
Plaintiffs,)
v.) NO. 06 C 5462
CITY OF CHICAGO,) JUDGE SHADUR
et al.,)
Defendants.)

STIPULATION AS TO JUDGMENT FOR PUNITIVE DAMAGES

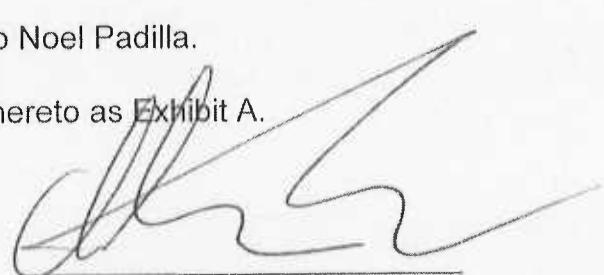
IT IS HERBY STIPULATED AND AGREED by and between plaintiff Noel Padilla ("Plaintiff") and defendant Donovan Markiewicz ("Defendant"), by their respective attorneys of record with regard to the judgment for punitive damages awarded against Donovan Markiewicz to Noel Padilla entered in this cause:

1. The judgment entered against Defendant Donovan Markiewicz for punitive damages to Noel Padilla in the amount of \$10,000.00 shall be reduced to \$1,000.00 and paid in full satisfaction by Donovan Markiewicz to Noel Padilla.

2. An agreed judgment order is attached hereto as Exhibit A.



Jonathan Clark Green
Senior Assistant Corporation Counsel
of the City of Chicago
Attorney for Defendant Donovan Markiewicz
30 N. LaSalle Street
Suite 900
Chicago, IL 60602
(312) 744-0226



Christopher Smith
Smith, Johnson & Antholt, LLC
Attorney for Plaintiff Noel Padilla
1 N. LaSalle Street
Suite 3040
Chicago, IL 60602
(312) 432-0400

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

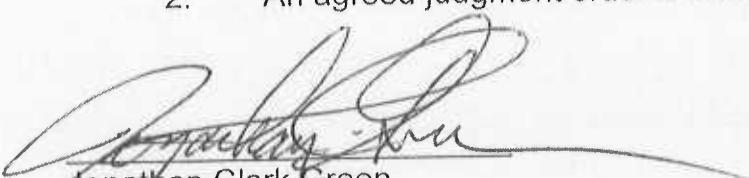
NOEL PADILLA, et al.,)
Plaintiffs,)
v.) NO. 06 C 5462
CITY OF CHICAGO,) JUDGE SHADUR
et al.,)
Defendants.)

STIPULATION AS TO JUDGMENT FOR PUNITIVE DAMAGES

IT IS HERBY STIPULATED AND AGREED by and between plaintiff Noel Padilla ("Plaintiff") and defendant Margaret Hopkins ("Defendant"), by their respective attorneys of record with regard to the judgment for punitive damages awarded against Margaret Hopkins to Noel Padilla entered in this cause:

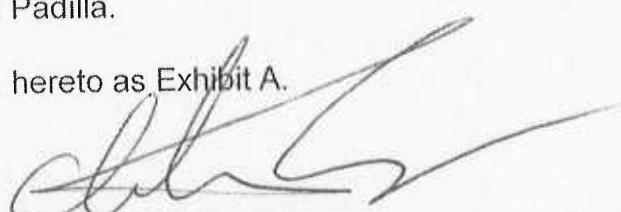
1. The judgment entered against Defendant Margaret Hopkins for punitive damages to Noel Padilla in the amount of \$5000.00 shall be reduced to \$500.00 and paid in full satisfaction by Margaret Hopkins to Noel Padilla.

2. An agreed judgment order is attached hereto as Exhibit A.



Jonathan Clark Green
Senior Assistant Corporation Counsel
of the City of Chicago

Attorney for Defendant Margaret Hopkins
30 N. LaSalle Street
Suite 900
Chicago, IL 60602
(312) 744-0226



Christopher Smith
Smith, Johnson & Antholt, LLC
Attorney for Plaintiff Noel Padilla
1 N. LaSalle Street
Suite 3040
Chicago, IL 60602
(312) 432-0400

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

NOEL PADILLA, et al.,)
Plaintiffs,)
v.) NO. 06 C 5462
CITY OF CHICAGO,) JUDGE SHADUR
et al.,)
Defendants.)

AGREED ORDER

This matter coming before the Court on the stipulation of the parties of record in this cause, the Court having reviewed the Agreed Stipulation as to the Judgments of punitive damages against Stephen Del Bosque, Margaret Hopkins, Donovan Markiewicz and Paul Zogg and being advised:

IT IS ORDERED:

1. The judgment entered for punitive damages in favor of Noel Padilla for \$20,000.00 against Defendant Stephen Del Bosque has been reduced, by stipulation of the parties, to \$2,000.00, and has been fully satisfied.
2. The judgment entered for punitive damages in favor of Noel Padilla for \$5,000.00 against Defendant Margaret Hopkins has been reduced, by stipulation of the parties, to \$500.00, and has been fully satisfied.
3. The judgment entered for punitive damages in favor of Noel Padilla for \$10,000.00 against Donovan Markiewicz has been reduced, by stipulation of the parties, to \$1,000.00, and has been fully satisfied.

4. The judgments entered for punitive damages in favor of Noel Padilla for \$5,000.00, in favor of Socorro Padilla for \$3,000.00, and in favor of Lourdes Padilla Cardenas (a.k.a Lourdes Cardenas or Lourdes Padilla) for \$2,500.00, together totaling \$10,500.00, against Defendant Paul Zogg, have been reduced and combined to a total of \$1,000.00, to be accepted jointly and severably by the Plaintiffs, by stipulation of the parties, and has been fully satisfied.

Dated: August 5, 2014

Enter:

Hon. Milton I. Shadur
United States District Court

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

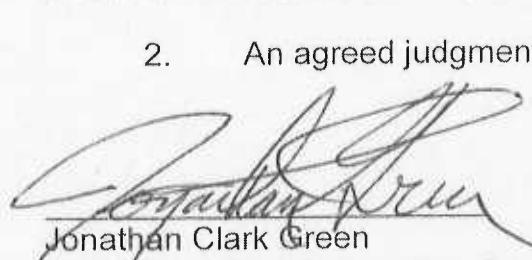
NOEL PADILLA, et al.,)
Plaintiffs,)
v.) NO. 06 C 5462
CITY OF CHICAGO,) JUDGE SHADUR
et al.,)
Defendants.)

STIPULATION AS TO JUDGMENT FOR PUNITIVE DAMAGES

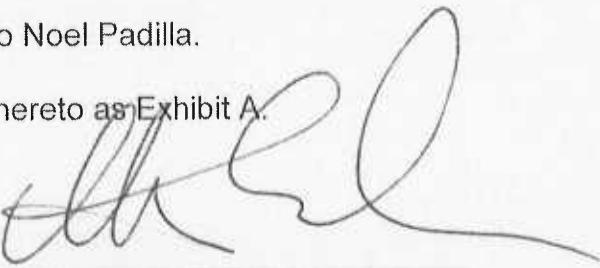
IT IS HERBY STIPULATED AND AGREED by and between plaintiff Noel Padilla ("Plaintiff") and defendant Stephen Del Bosque ("Defendant"), by their respective attorneys of record with regard to the judgment for punitive damages awarded against Margaret Hopkins to Noel Padilla entered in this cause:

1. The judgment entered against Defendant Stephen Del Bosque for punitive damages to Noel Padilla in the amount of \$20,000.00 shall be reduced to \$2,000.00 and paid in full satisfaction by Stephen Del Bosque to Noel Padilla.

2. An agreed judgment order is attached hereto as Exhibit A.



Jonathan Clark Green
Senior Assistant Corporation Counsel
of the City of Chicago
Attorney for Defendant Stephen Del Bosque
30 N. LaSalle Street
Suite 900
Chicago, IL 60602
(312) 744-0226



Christopher Smith
Smith, Johnson & Antholt, LLC
Attorney for Plaintiff Noel Padilla
1 N. LaSalle Street
Suite 3040
Chicago, IL 60602
(312) 432-0400

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

NOEL PADILLA, et al.,)
Plaintiffs,)
v.) NO. 06 C 5462
CITY OF CHICAGO,) JUDGE SHADUR
et al.,)
Defendants.)

AGREED ORDER

This matter coming before the Court on the stipulation of the parties of record in this cause, the Court having reviewed the Agreed Stipulation as to the Judgments of punitive damages against Stephen Del Bosque, Margaret Hopkins, Donovan Markiewicz and Paul Zogg and being advised:

IT IS ORDERED:

1. The judgment entered for punitive damages in favor of Noel Padilla for \$20,000.00 against Defendant Stephen Del Bosque has been reduced, by stipulation of the parties, to \$2,000.00, and has been fully satisfied.
2. The judgment entered for punitive damages in favor of Noel Padilla for \$5,000.00 against Defendant Margaret Hopkins has been reduced, by stipulation of the parties, to \$500.00, and has been fully satisfied.
3. The judgment entered for punitive damages in favor of Noel Padilla for \$10,000.00 against Donovan Markiewicz has been reduced, by stipulation of the parties, to \$1,000.00, and has been fully satisfied.

4. The judgments entered for punitive damages in favor of Noel Padilla for \$5,000.00, in favor of Socorro Padilla for \$3,000.00, and in favor of Lourdes Padilla Cardenas (a.k.a Lourdes Cardenas or Lourdes Padilla) for \$2,500.00, together totaling \$10,500.00, against Defendant Paul Zogg, have been reduced and combined to a total of \$1,000.00, to be accepted jointly and severably by the Plaintiffs, by stipulation of the parties, and has been fully satisfied.

Dated: August 5, 2014

Enter:

Hon. Milton I. Shadur
United States District Court

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

NOEL PADILLA, et al.,)
)
Plaintiffs,)
)
v.) NO. 06 C 5462
)
CITY OF CHICAGO,) JUDGE SHADUR
 et al.,)
)
Defendants.)

RELEASE AND SATISFACTION OF JUDGMENT

Plaintiff Noel Padilla, by and through his counsel, Smith, Johnson & Antholt, LLC ("Plaintiff"), and Defendant Stephen Del Bosque, by and through his counsel, Jonathan Clark Green, Senior Assistant Corporation Counsel of the City of Chicago ("Defendant"), hereby stipulate to the following release and satisfaction of judgment:

1. Judgment in favor of Plaintiff and against Defendant was entered by the Court by jury verdict on May 23, 2014. The jury awarded Plaintiff \$778,000.00 in compensatory damages and \$20,000.00 in punitive damages against Defendant. The City of Chicago has fully indemnified Defendant for the Compensatory Damage award in this judgment, and has paid to Plaintiff on July 31, 2014 the entire amount of the Compensatory Damages awarded against all Defendants in final and full satisfaction of those compensatory damages from this judgment.

2. By Stipulation filed with this Court on August 5, 2014, Plaintiff has agreed to accept \$2,000.00 directly from Defendant in final and full satisfaction of Plaintiff's Punitive Damages award against Defendant in this judgment.

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

NOEL PADILLA, et al.,)
Plaintiffs,)
)
v.) NO. 06 C 5462
)
CITY OF CHICAGO, et al.,) JUDGE SHADUR
)
Defendants.)

STIPULATION AS TO JUDGMENT FOR PUNITIVE DAMAGES

IT IS HERBY STIPULATED AND AGREED by and between plaintiffs, Noel Padilla, Socorro Padilla, and Lourdes Padilla (a.k.a. Lourdes Cardenas), ("Plaintiffs") and defendant Keith Herrera ("Defendant"), by their respective attorneys of record with regard to the judgments for punitive damages awarded against Keith Herrera to Plaintiffs entered in this cause:

1. The judgment entered against Defendant Keith Herrera in punitive damages to: Noel Padilla in the amount of \$45,000.00; Socorro Padilla in the amount of \$3,000.00; and Lourdes Padilla (a.k.a. Lourdes Cardenas) in the amount of \$2,500.00 totaling \$10,500.00, shall be combined, reduced to a total of \$3,000.00, and paid jointly in full satisfaction by Keith Herrera to Plaintiffs.

2. An agreed judgment order is attached.



Eileen E. Rosen
Rock Fusco & Connelly, LLC
Attorney for Defendant Herrera
321 N. Clark Street, Suite 2200
Chicago, Illinois 60654
(312) 494-1000



Christopher Smith
Smith, Johnson & Antholt, LLC
Attorney for Plaintiffs
1 N. LaSalle Street
Suite 3040
Chicago, IL 60602
(312) 432-0400

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

NOEL PADILLA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	NO. 06 C 5462
)	
CITY OF CHICAGO, et al.,)	JUDGE SHADUR
)	
Defendants.)	

AGREED ORDER

This matter coming before the Court on the stipulation of the parties of record in this cause, the Court having reviewed the Agreed Stipulation as to the Judgments of punitive damages against Keith Herrera and being advised:

IT IS ORDERED:

1. The judgments entered for punitive damages in favor of Noel Padilla for \$45,000.00, in favor of Socorro Padilla for \$3,000.00, and in favor of Lourdes Padilla Cardenas (a.k.a Lourdes Cardenas or Lourdes Padilla) for \$2,500.00, together totaling \$50,500.00, against Defendant Keith Herrera have been reduced and combined to a total of \$3,000.00, to be accepted jointly and severally by Plaintiffs, by stipulation of the parties, and has been fully satisfied.

Dated: November 19, 2014

Enter:

Hon. Milton I. Shadur
United States District Court

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

NOEL PADILLA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	NO. 06 C 5462
)	
CITY OF CHICAGO, et al.,)	JUDGE SHADUR
)	
Defendants.)	

RELEASE AND SATISFACTION OF JUDGMENT

Plaintiffs Noel Padilla, Socorro Padilla, and Lourdes Padilla (a.k.a. Lourdes Cardenas), by and through their counsel, Smith, Johnson & Antholt, LLC ("Plaintiffs"), and Defendant Keith Herrera, by and through his counsel, Eileen E. Rosen, Special Assistant Corporation Counsel of the City of Chicago ("Defendant"), hereby stipulate to the following release and satisfaction of judgment:

1. Judgment in favor of Plaintiffs and against Defendant was entered by the Court by jury verdict on May 23, 2014. The jury awarded Plaintiff Noel Padilla \$778,000.00 in compensatory damages and \$45,000.00 in punitive damages against Defendant. The jury awarded Plaintiff Socorro Padilla \$11,000.00 in compensatory damages and \$3,000.00 in punitive damages against Defendant. The jury awarded Plaintiff Lourdes Padilla (a.k.a. Lourdes Cardenas) \$7,500.00 in compensatory damages and \$2,500.00 in punitive damages against Defendant. The City of Chicago has fully indemnified Defendant for all three Compensatory Damage awards in this judgment listed above, and has paid to Plaintiffs on July 31, 2014 the entire amount of the

Compensatory Damages awarded against all Defendants in final and full satisfaction of those compensatory damages from this judgment.

2. By Stipulation to be filed with this Court, Plaintiffs have agreed to accept jointly a combined amount of \$3,000.00 directly from Defendant in final and full satisfaction of Plaintiffs' Punitive Damages award against Defendant in this judgment.

3. Defendant has provided Plaintiffs' counsel a check in the amount of \$3,000.00, made out to Plaintiffs and Plaintiffs' counsel, thereby satisfying the entire judgment against Defendant and in favor of all three Plaintiffs in this matter.

4. Acceptance of this \$3,000.00 check, indicated by the signatures of Plaintiffs and their Counsel, constitutes full and complete satisfaction of the entire judgment against Defendant Keith Herrera in regard to all three Plaintiffs in this matter.

5. Plaintiffs' counsel further stipulates that Defendant City of Chicago, and not Defendant, either has or will fully satisfy and pay any and all attorneys' fees and costs due to Plaintiff's counsel from all Defendants in this matter, pursuant to Plaintiff's counsel's acceptance of the Stipulation in that regard filed with this Court on July, 21, 2014.

SO STIPULATED, AND FURTHER DECLARED, UNDER PENALTY OF PERJURY
PURSUANT TO 28 USC §1746, THAT THE FOREGOING PARAGRAPHS 1
THROUGH 4 ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE.
DATED: November 11, 2014:

PLAINTIFF NOEL PADILLA,
by one of his attorneys, Smith, Johnson &
Anthelt, LLC, as Plaintiff's counsel:



PLAINTIFF NOEL PADILLA,
individually: by Christopher Smith



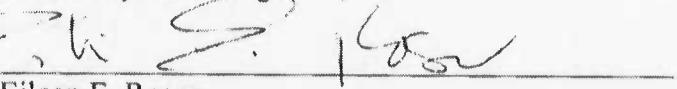
PLAINTIFF SOCORRO PADILLA,
individually: by Christopher Smith



PLAINTIFF LOURDES PADILLA (a.k.a. LOURDES CARDENAS),
individually: by Christopher Smith



DEFENDANT KEITH HERRERA
by one of his attorneys, Eileen E. Rosen,
Special Assistant Corporation Counsel
of the City of Chicago



Eileen E. Rosen
Special Assistant Corporation Counsel

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

NOEL PADILLA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	NO. 06 C 5462
)	
CITY OF CHICAGO,)	JUDGE SHADUR
et al.,)	
)	
Defendants.)	

RELEASE AND SATISFACTION OF JUDGMENT

Plaintiffs Noel Padilla, Socorro Padilla, and Lourdes Padilla (a.k.a. Lourdes Cardenas), by and through their counsel, Smith, Johnson & Antholt, LLC ("Plaintiffs"), and Defendant Paul Zogg, by and through his counsel, Jonathan Clark Green, Senior Assistant Corporation Counsel of the City of Chicago ("Defendant"), hereby stipulate to the following release and satisfaction of judgment:

1. Judgment in favor of Plaintiffs and against Defendant was entered by the Court by jury verdict on May 23, 2014. The jury awarded Plaintiff Noel Padilla \$778,000.00 in compensatory damages and \$10,000.00 in punitive damages against Defendant. The jury awarded Plaintiff Socorro Padilla \$11,000.00 in compensatory damages and \$3,000.00 in punitive damages against Defendant. The jury awarded Plaintiff Lourdes Padilla (a.k.a. Lourdes Cardenas) \$7,500.00 in compensatory damages and \$2,500.00 in punitive damages against Defendant. The City of Chicago has fully indemnified Defendant for all three Compensatory Damage awards in this judgment listed above, and has paid to Plaintiffs on July 31, 2014 the entire amount of the

Compensatory Damages awarded against all Defendants in final and full satisfaction of those compensatory damages from this judgment.

2. By Stipulation filed with this Court on August 5, 2014, Plaintiffs have agreed to accept jointly a combined amount of \$1,000.00 directly from Defendant in final and full satisfaction of Plaintiffs' Punitive Damages award against Defendant in this judgment.

3. On August 5, 2014, Defendant provided Plaintiffs' counsel a cashier's check in the amount of \$1,000.00, made out to all three Plaintiffs, thereby satisfying the entire judgment against Defendant and in favor of all three Plaintiffs in this matter.

4. Acceptance of this \$1,000.00 cashier's check, indicated by the signatures of Plaintiffs themselves Plaintiffs' Counsel below, constitutes full and complete satisfaction of the entire judgment against Defendant Paul Zogg in regard to all three Plaintiffs in this matter.

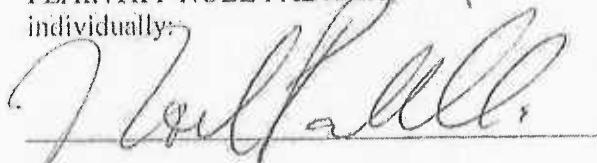
5. Plaintiff's counsel further stipulates that Defendant City of Chicago, and not Defendant, will fully satisfy and pay any and all attorneys' fees and costs due to Plaintiff's counsel from all Defendants in this matter, pursuant to Plaintiff's counsel's acceptance of the Stipulation in that regard filed with this Court on July, 21, 2014.

SO STIPULATED, AND FURTHER DECLARED, UNDER PENALTY OF PERJURY PURSUANT TO 28 USC §1746, THAT THE FOREGOING PARAGRAPHS 1 THROUGH 4 ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE.
DATED: August 5, 2014:

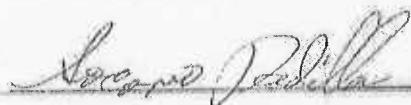
PLAINTIFF NOEL PADILLA,
by one of his attorneys, Smith, Johnson &
Anholt, LLC, as Plaintiff's counsel:



PLAINTIFF NOEL PADILLA,
individually:



PLAINTIFF SOCORRO PADILLA,
individually:



PLAINTIFF LOURDES PADILLA (a.k.a. LOURDES CARDENAS),
individually:



DEFENDANT PAUL ZOGG
by one of his attorneys, Jonathan Clark Green,
Senior Assistant Corporation Counsel
of the City of Chicago

/s/Jonathan Clark Green
Jonathan Clark Green
Senior Assistant Corporation Counsel

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

NOEL PADILLA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	NO. 06 C 5462
)	
CITY OF CHICAGO,)	JUDGE SHADUR
et al.,)	
)	
Defendants.)	

RELEASE AND SATISFACTION OF JUDGMENT

Plaintiff Noel Padilla, by and through his counsel, Smith, Johnson & Antholt, LLC (“Plaintiff”), and Defendant Donovan Markiewicz, by and through his counsel, Jonathan Clark Green, Senior Assistant Corporation Counsel of the City of Chicago (“Defendant”), hereby stipulate to the following release and satisfaction of judgment:

1. Judgment in favor of Plaintiff and against Defendant was entered by the Court by jury verdict on May 23, 2014. The jury awarded Plaintiff \$778,000.00 in compensatory damages and \$10,000.00 in punitive damages against Defendant. The City of Chicago has fully indemnified Defendant for the Compensatory Damage award in this judgment, and has paid to Plaintiff on July 31, 2014 the entire amount of the Compensatory Damages awarded against all Defendants in final and full satisfaction of those compensatory damages from this judgment.

2. By Stipulation filed with this Court on August 5, 2014, Plaintiff has agreed to accept \$1,000.00 directly from Defendant in final and full satisfaction of Plaintiff’s Punitive Damages award against Defendant in this judgment.

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

NOEL PADILLA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	NO. 06 C 5462
)	
CITY OF CHICAGO, et al.,)	JUDGE SHADUR
)	
)	
Defendants,)	

AGREED ORDER

This matter coming before the Court on the stipulation of the parties of record in this cause, the Court having reviewed the Agreed Stipulation as to the Judgments of punitive damages against Keith Herrera and being advised:

IT IS ORDERED:

1. The judgments entered for punitive damages in favor of Noel Padilla for \$45,000.00, in favor of Socorro Padilla for \$3,000.00, and in favor of Lourdes Padilla Cardenas (a.k.a Lourdes Cardenas or Lourdes Padilla) for \$2,500.00, together totaling \$50,500.00, against Defendant Keith Herrera have been reduced and combined to a total of \$3,000.00, to be accepted jointly and severally by Plaintiffs, by stipulation of the parties, and has been fully satisfied.

Dated: November 19, 2014

Enter:


Hon. Milton I. Shadur
United States District Court

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

NOEL PADILLA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	NO. 06 C 5462
)	
CITY OF CHICAGO, et al.,)	JUDGE SHADUR
)	
Defendants.)	

AGREED ORDER

This matter coming before the Court on the stipulation of the parties of record in this cause, the Court having reviewed the Agreed Stipulation as to the Judgments of punitive damages against Keith Herrera and being advised:

IT IS ORDERED:

1. The judgments entered for punitive damages in favor of Noel Padilla for \$45,000.00, in favor of Socorro Padilla for \$3,000.00, and in favor of Lourdes Padilla Cardenas (a.k.a Lourdes Cardenas or Lourdes Padilla) for \$2,500.00, together totaling \$50,500.00, against Defendant Keith Herrera have been reduced and combined to a total of \$3,000.00, to be accepted jointly and severally by Plaintiffs, by stipulation of the parties, and has been fully satisfied.

Dated: November 19, 2014

Enter:


Hon. Milton I. Shadur
United States District Court

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

NOEL PADILLA, et al.,)
)
Plaintiffs,)
)
v.) NO. 06 C 5462
)
CITY OF CHICAGO,) JUDGE SHADUR
et al.,)
)
Defendants.)

AGREED ORDER

This matter coming before the Court on the stipulation of the parties of record in this cause, the Court having reviewed the Agreed Stipulation as to the Judgments of punitive damages against Stephen Del Bosque, Margaret Hopkins, Donovan Markiewicz and Paul Zogg and being advised:

IT IS ORDERED:

1. The judgment entered for punitive damages in favor of Noel Padilla for \$20,000.00 against Defendant Stephen Del Bosque has been reduced, by stipulation of the parties, to \$2,000.00, and has been fully satisfied.
2. The judgment entered for punitive damages in favor of Noel Padilla for \$5,000.00 against Defendant Margaret Hopkins has been reduced, by stipulation of the parties, to \$500.00, and has been fully satisfied.
3. The judgment entered for punitive damages in favor of Noel Padilla for \$10,000.00 against Donovan Markiewicz has been reduced, by stipulation of the parties, to \$1,000.00, and has been fully satisfied.

4. The judgments entered for punitive damages in favor of Noel Padilla for \$5,000.00, in favor of Socorro Padilla for \$3,000.00, and in favor of Lourdes Padilla Cardenas (a.k.a Lourdes Cardenas or Lourdes Padilla) for \$2,500.00, together totaling \$10,500.00, against Defendant Paul Zogg, have been reduced and combined to a total of \$1,000.00, to be accepted jointly and severably by the Plaintiffs, by stipulation of the parties, and has been fully satisfied.

Dated: November 20, 2014

Enter:



Hon. Milton I. Shadur
United States District Court

**IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF ILLINOIS**

Richard Adamik)
Plaintiff(s)) Case No. 12 C 3810
v.)
Jason Motyka, Richard Tunzi, Robert Rubio,)
and the City of Chicago)
Defendant(s))

AMENDED JUDGMENT IN A CIVIL CASE

Judgment is hereby entered (check appropriate box):

- in favor of plaintiff(s)
and against defendant(s)
in the amount of \$,
which includes pre-judgment interest.
 does not include pre-judgment interest.

Post-judgment interest accrues on that amount at the rate provided by law from the date of this judgment.

Plaintiff(s) shall recover costs from defendant(s).

-
- in favor of defendant(s)
and against plaintiff(s)

Defendant(s) shall recover costs from plaintiff(s).

other: As to plaintiff's excessive force claim, judgment is entered in favor of the plaintiff as to defendant Tunzi, and in favor of the defendants Motyka and Rubio. As to plaintiff's failure to intervene claim, judgment is entered in favor of the defendants Motyka and Tunzi, and against defendant Rubio. Compensatory damages in the amount of \$92,200.91 are awarded to the plaintiff. Plaintiff is awarded punitive damages in the amount of \$6,000.00 against defendant Tunzi and \$6,000.00 against defendant Rubio. Judgment is entered against the City of Chicago on the indemnification claim (count IV).

This action was (*check one*):

- tried by a jury with Judge Thomas M. Durkin presiding, and the jury has rendered a verdict.
 tried by Judge without a jury and the above decision was reached.
 decided by Judge on a motion

/s/ Sandy Newland, Deputy Clerk

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

RICHARD ADAMIK,)
)
Plaintiff,) Appeal from the United States
v.) District Court for the Northern
) District of Illinois, Eastern Division
)
OFFICER JASON MOTYKA, Star 4427,) No. 12 C 3810
OFFICER RICHARD TUNZI, Star 9326,)
in their individual capacity, SERGEANT) The Honorable
ROBERT RUBIO, Star 876, in his) Thomas M. Durkin,
supervisory and individual capacity, and) Judge Presiding
the CITY OF CHICAGO, a municipal)
corporation,)
)
Defendants.)

NOTICE OF APPEAL

Defendants SERGEANT ROBERT RUBIO, OFFICER RICHARD TUNZI, and the CITY OF CHICAGO, by their attorney, Stephen R. Patton, Corporation Counsel of the City of Chicago, hereby appeal to the United States Court of Appeals for the Seventh Circuit from the judgment of the United States District Court, Northern District of Illinois, Eastern Division, entered on the docket November 4, 2015 (R. 142) (and corresponding minute order (R. 141)), which entered judgment in favor of plaintiff and against Officer Tunzi on plaintiff's excessive force claim, and in favor of plaintiff and against Sergeant Rubio on plaintiff's failure to intervene claim, and awarded plaintiff compensatory damages in the amount of \$92,200.91 and punitive damages in the amount of \$6,000 against Officer Tunzi and \$6,000

against Sergeant Rubio; and the order entered September 30, 2016 (R. 213), which denied defendants' motion for judgment notwithstanding the verdict and for a new trial, granted in part and denied in part defendants' motion to bar plaintiff's bill of costs, and granted in part and denied in part plaintiff's motion for attorney's fees and costs.

By this appeal, defendants SERGEANT ROBERT RUBIO, OFFICER RICHARD TUNZI, and the CITY OF CHICAGO will ask the court of appeals to reverse the judgment and orders of the district court and grant such other relief as it may be entitled to on this appeal.

Respectfully submitted,

STEPHEN R. PATTON
Corporation Counsel
of the City of Chicago

By: s/Josh M. Engquist
Josh M. Engquist

City of Chicago
Department of Law
30 N. LaSalle St., Suite 900
Chicago, IL 60602
(312) 744-7852
Fax: (312) 744-6566

CERTIFICATE OF SERVICE

The foregoing NOTICE OF APPEAL has been electronically filed on October 26, 2016. I certify that I have caused the foregoing NOTICE OF APPEAL to be served on all counsel of record via CM/ECF electronic notice on October 26, 2016.

By: /s/ Josh M. Engquist
Counsel for Defendant

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

ELIGIO TORRES, JR. and)
IRENE CORREA,)
Plaintiffs,) Case No. 12-cv-07844
v.)
CITY OF CHICAGO, HENRY PENA,)
HECTOR ROMERO and ANDREW ROWE)
Defendants.)

NOTICE OF APPEAL

Notice is hereby given that Defendant Henry Pena hereby appeals to the United States Court of Appeals for the Seventh Circuit from those parts of the district court's August 5, 2016 order denying his motions for judgment as a matter of law, for a new trial, to alter judgment, to amend the judgment, and, in the alternative, for remittitur (Dkt. 183 – Memorandum Opinion and Order) and from the district court's December 23, 2015 entry of judgment (Dkt. 142 – Judgment in a Civil Case).

Respectfully submitted,

/s Anthony L. Schumann
Anthony L. Schumann

Attorney for Defendant Henry Pena

Anthony L. Schumann
Quintairos, Prieto, Wood & Boyer, P.A.
Willis Tower
233 South Wacker Drive
70th Floor
Chicago, IL 60606
(312) 566-0040
Anthony.schumann@qpwblaw.com

CERTIFICATE OF SERVICE

I, Anthony L. Schumann, an attorney, certify that I shall cause to be served a copy of attached **Notice of Appeal**, upon the following individual(s), by deposit in the U.S. Mail box at 233 South Wacker Drive, Chicago, Illinois 60606, postage prepaid, same-day personal delivery by messenger, FedEx overnight delivery, facsimile transmitted from (312) 566-0041, or Case Management Electronic Case Filing System ("CM/ECF"), as indicated below, on September 2, 2016.

Counsel for Plaintiff

- CM/ECF
- Facsimile/ ___ Pages
- Email
- U.S. Mail
- Messenger

Lawrence Jackowiak
Amanda Yarusso
Adele D. Nicholas
Jackowiak Law Offices
20 North Clark Street, Suite 1700
Chicago, Illinois 60602
(312) 795-9595

/s Anthony L. Schumann
Anthony L. Schumann

Attorney for Defendant Henry Pena

Anthony L. Schumann
Quintairos, Prieto, Wood & Boyer, P.A.
Willis Tower
233 South Wacker Drive
70th Floor
Chicago, IL 60606
(312) 566-0040
Anthony.schumann@qpwblaw.com

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

ELIGIO TORRES, JR., and)	
IRENE CORREA,)	
)	
Plaintiffs,)	No. 12 C 7844
)	
vs.)	Judge Gottschall
)	
CITY OF CHICAGO,)	
HENRY PENA,)	
HECTOR ROMERO, and)	
ANDREW ROWE,)	
)	
Defendants.)	

NOTICE OF APPEAL

Notice is hereby given that Plaintiff, Eligio Torres, appeals to the United States Court of Appeals for the Seventh Circuit from the following final orders and/or entry of judgment:

- (1) The district court's order of August 5, 2016, denying Plaintiff's motion for judgment as a matter of law. (Dkt. 182, 183.)

CERTIFICATE OF SERVICE

I, Lawrence V. Jackowiak, certify that on September 15, 2016, I filed the foregoing Notice of Appeal through the District Court's CM/ECF electronic filing system thereby causing service upon all counsel of record.

*/s/ Lawrence V. Jackowiak
Counsel for the Plaintiff*

Lawrence V. Jackowiak
Amanda S. Yarusso
Jackowiak Law Offices
111 West Washington Street, Suite 1500
Chicago, Illinois 60602
(312) 795-9595

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.1
Eastern Division**

Eligio Torres, Jr., et al.

Plaintiff,

v.

Case No.: 1:12-cv-07844
Honorable Joan B. Gottschall

City of Chicago, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, December 23, 2015:

MINUTE entry before the Honorable Joan B. Gottschall: The court's 12/18/2015 order is amended as follows: Jury trial held on 12/18/2015. The jury found (1) in favor of defendants Pena and Romero and against plaintiff Torres on Torres' unreasonable seizure claim, (2) in favor of defendants Pena and Rowe and against plaintiff Torres on Torres' excessive force claim, and (3) in favor of defendant Pena and against plaintiff Correa on Correa's excessive force claim. The jury further found in favor of plaintiff Torres and against defendant Pena on Torres' malicious prosecution claim and awarded Torres \$40,000 in compensatory damages and \$60,000 in punitive damages. Finally, the jury found in favor of plaintiff Correa and against defendant Pena on Correa's malicious prosecution claim and awarded Correa \$30,000 in compensatory damages and \$45,000 in punitive damages. The clerk is directed to enter judgment accordingly. Post-trial motions are due by 2/18/16. Responses are due by 3/16/16 and replies are due by 3/30/16. Civil case terminated. Mailed notice(mjc,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

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

Dennis Dixon, Jr.

Plaintiff(s),

v.

City of Chicago, et al.

Defendant(s).

Case No. 10 C 5897
Judge Samuel Der-Yeghiayan

JUDGMENT IN A CIVIL CASE

Judgment is hereby entered (check appropriate box):

- in favor of plaintiff(s)
and against defendant(s)
in the amount of \$

which includes pre-judgment interest.
 does not include pre-judgment interest.

Post-judgment interest accrues on that amount at the rate provided by law from the date of this judgment.

Plaintiff(s) shall recover costs from defendant(s).

-
- in favor of defendant(s)
and against plaintiff(s)

Defendant(s) shall recover costs from plaintiff(s).

- other: Jury verdict in favor of Defendant Michael Butler and against Plaintiff Dennis Dixon, Jr.,
and in favor of Plaintiff Dennis Dixon, Jr. and against Defendant Collis Underwood.
Plaintiff awarded \$200,000.00 in compensatory and \$1,000.00 in punitive damages.
-

This action was (*check one*):

- tried by a jury with Judge Samuel Der-Yeghiayan presiding, and the jury has rendered a verdict.
 tried by Judge without a jury and the above decision was reached.
 decided by Judge on a motion

Date: March 2, 2016

Thomas G. Bruton, Clerk of Court

/s/ Michael Wing . Deputy Clerk