

FINNEGAN,TERMED

**United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 6.3.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:15-cv-02407**

Vergara et al v. Dal Ponte et al
Assigned to: Honorable Andrea R. Wood
Case in other court: 18-01266
Cause: 42:1981 Civil Rights

Date Filed: 03/19/2015
Date Terminated: 01/31/2018
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

John Vergara

represented by **Kara Brooke Amouyal**
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TERMINATED: 05/27/2015

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Plaintiff

Carlos Ruiz

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Katherine Tapie Fay
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TERMINATED: 05/27/2015

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Plaintiff

Jose Garcia

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Katherine Tapie Fay
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Blake Wolfe Horwitz

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V.

Defendant

J. V. Dal Ponte
Officer, #18823

represented by **Jorge V. Cazares**
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TERMINATED: 06/01/2016

Defendant

B. Srisutch
Officer, #7575

represented by **Jorge V. Cazares**
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ATTORNEY TO BE NOTICED

Walter Jones , Jr.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan Booker Cifonelli
(See above for address)
ATTORNEY TO BE NOTICED

Rachel C. Steiner
(See above for address)
TERMINATED: 06/01/2016

Defendant

P. J. Nigro
Officer, #670

represented by **Jorge V. Cazares**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Walter Jones , Jr.
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Jonathan Booker Cifonelli
(See above for address)
ATTORNEY TO BE NOTICED

Rachel C. Steiner
(See above for address)
TERMINATED: 06/01/2016

Defendant

Unknown Officers

Defendant

City of Chicago

represented by **Jorge V. Cazares**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Walter Jones , Jr.
(See above for address)
LEAD ATTORNEY
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Jonathan Booker Cifonelli
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ATTORNEY TO BE NOTICED

Rachel C. Steiner
(See above for address)
TERMINATED: 06/01/2016

Date Filed	#	Docket Text
03/19/2015	<u>1</u>	COMPLAINT filed by John Vergara, Jose Garcia, Carlos Ruiz; Jury Demand. Filing fee \$ 400, receipt number 0752-10459698.(Horwitz, Blake) (Entered: 03/19/2015)
03/19/2015	<u>2</u>	CIVIL Cover Sheet (Horwitz, Blake) (Entered: 03/19/2015)
03/19/2015	<u>3</u>	ATTORNEY Appearance for Plaintiffs Jose Garcia, Carlos Ruiz, John Vergara by Blake Wolfe Horwitz (Horwitz, Blake) (Entered: 03/19/2015)
03/20/2015		CASE ASSIGNED to the Honorable Andrea R. Wood. Designated as Magistrate Judge the Honorable Sheila Finnegan. (aee,) (Entered: 03/20/2015)
03/20/2015		SUMMONS Issued as to Defendants City of Chicago, J. V. Dal Ponte, P. J. Nigro, B. Srisutch (pg,) (Entered: 03/20/2015)
03/20/2015	<u>4</u>	MINUTE entry before the Honorable Andrea R. Wood: Initial status hearing set for 5/27/2015 at 9:00 AM. The parties are directed to meet and conduct a planning conference pursuant to Federal Rule of Civil Procedure 26(f). At least seven days before the initial status hearing, the parties shall file a joint written status report, not to exceed five pages in length. The initial status report shall provide the information described on the Court's website at www.ilnd.uscourts.gov under District Judges, Judge Andrea R. Wood, Initial Status Conference. Mailed notice (ef,) (Entered: 03/20/2015)

03/25/2015	<u>5</u>	ATTORNEY Appearance for Plaintiffs Jose Garcia, Carlos Ruiz, John Vergara by Blake Wolfe Horwitz (Horwitz, Blake) (Entered: 03/25/2015)
03/25/2015	<u>6</u>	ATTORNEY Appearance for Plaintiffs Jose Garcia, Carlos Ruiz, John Vergara by Katherine Tapie Fay <i>AMENDED</i> (Fay, Katherine) (Entered: 03/25/2015)
03/26/2015	<u>7</u>	ATTORNEY Appearance for Plaintiffs Jose Garcia, Carlos Ruiz, John Vergara by Kara Brooke Amouyal (Amouyal, Kara) (Entered: 03/26/2015)
04/13/2015	<u>8</u>	ATTORNEY Appearance for Defendants City of Chicago, B. Srisutch by Walter Jones, Jr (Jones, Walter) (Entered: 04/13/2015)
04/13/2015	<u>9</u>	ATTORNEY Appearance for Defendants City of Chicago, B. Srisutch by Jorge V. Cazares (Cazares, Jorge) (Entered: 04/13/2015)
04/13/2015	<u>10</u>	ATTORNEY Appearance for Defendants City of Chicago, B. Srisutch by Jonathan Booker Cifonelli (Cifonelli, Jonathan) (Entered: 04/13/2015)
04/13/2015	<u>11</u>	ATTORNEY Appearance for Defendants City of Chicago, B. Srisutch by Rachel C. Steiner (Steiner, Rachel) (Entered: 04/13/2015)
04/13/2015	<u>12</u>	MOTION by Defendants City of Chicago, B. Srisutch for extension of time to file answer regarding complaint <u>1</u> (Cifonelli, Jonathan) (Entered: 04/13/2015)
04/13/2015	<u>13</u>	NOTICE of Motion by Jonathan Booker Cifonelli for presentment of motion for extension of time to file answer, motion for relief <u>12</u> before Honorable Andrea R. Wood on 4/16/2015 at 09:15 AM. (Cifonelli, Jonathan) (Entered: 04/13/2015)
04/14/2015	<u>14</u>	MINUTE entry before the Honorable Andrea R. Wood: Motion Hearing set for 4/16/2015 at 9:15 AM <u>13</u> is stricken and reset for 4/16/2015 at 9:00 AM. TIME CHANGE ONLY. In the future, defendants must comply with the specified date and time of motion hearings. The days and times on which particular judges hear motions is available online at http://www.ilnd.uscourts.gov/home/judges/JudgesMotionSchedule.aspx . Mailed notice (ef,) (Entered: 04/14/2015)
04/15/2015	<u>15</u>	MINUTE entry before the Honorable Andrea R. Wood: Defendants City of Chicago and Officer Srisuth Motion for extension of time to answer <u>12</u> is granted. The deadline for Defendants City of Chicago and Officer Srisuth to answer or otherwise plead to Plaintiff's complaint is extended to 5/13/2015. The motion presentment date of 4/16/2015 is stricken. Parties need not appear. Mailed notice (ef,) (Entered: 04/15/2015)
04/30/2015	<u>16</u>	ATTORNEY Appearance for Defendant J. V. Dal Ponte by Walter Jones, Jr (Jones, Walter) (Entered: 04/30/2015)
04/30/2015	<u>17</u>	ATTORNEY Appearance for Defendant J. V. Dal Ponte by Jorge V. Cazares (Cazares, Jorge) (Entered: 04/30/2015)
04/30/2015	<u>18</u>	ATTORNEY Appearance for Defendant J. V. Dal Ponte by Jonathan Booker Cifonelli (Cifonelli, Jonathan) (Entered: 04/30/2015)
04/30/2015	<u>19</u>	MOTION by Defendant J. V. Dal Ponte for extension of time <i>to answer or otherwise respond to Plaintiff's Complaint</i> (Cifonelli, Jonathan) (Entered: 04/30/2015)
04/30/2015	<u>20</u>	NOTICE of Motion by Jonathan Booker Cifonelli for presentment of extension of time <u>19</u> before Honorable Andrea R. Wood on 5/6/2015 at 09:00 AM. (Cifonelli, Jonathan) (Entered: 04/30/2015)
05/05/2015	<u>21</u>	MINUTE entry before the Honorable Andrea R. Wood: Defendant Dal Ponte's unopposed motion for extension of time to answer or otherwise plead <u>19</u> is granted. The deadline for Defendant Ponte to answer or otherwise plead to Plaintiff's complaint is extended to 5/13/2015. The motion presentment date of 5/6/2015 is stricken. Parties need not appear. Mailed notice (ef,) (Entered: 05/05/2015)
05/13/2015	<u>22</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (Jones, Walter) (Entered: 05/13/2015)
05/13/2015	<u>23</u>	NOTICE of Motion by Walter Jones, Jr for presentment of Motion to Dismiss for Failure to State a Claim <u>22</u> before Honorable Andrea R. Wood on 5/19/2015 at 09:00

		AM. (Jones, Walter) (Entered: 05/13/2015)
05/18/2015	<u>24</u>	ATTORNEY Appearance for Defendant P. J. Nigro by Jorge V. Cazares (Cazares, Jorge) (Entered: 05/18/2015)
05/18/2015	<u>25</u>	ATTORNEY Appearance for Defendant P. J. Nigro by Walter Jones, Jr (Jones, Walter) (Entered: 05/18/2015)
05/18/2015	<u>26</u>	ATTORNEY Appearance for Defendant P. J. Nigro by Jonathan Booker Cifonelli (Cifonelli, Jonathan) (Entered: 05/18/2015)
05/18/2015	<u>27</u>	ATTORNEY Appearance for Defendants J. V. Dal Ponte, P. J. Nigro by Rachel C. Steiner (Steiner, Rachel) (Entered: 05/18/2015)
05/19/2015	<u>28</u>	MINUTE entry before the Honorable Andrea R. Wood: Motion hearing held. Plaintiffs shall respond to Defendant's motion to dismiss <u>22</u> by 6/9/2015. Defendants shall reply thereto by 6/23/2015. The initial status hearing set for 5/27/2015 <u>4</u> remains firm. Mailed notice (ef,) (Entered: 05/20/2015)
05/20/2015	<u>29</u>	STATUS Report <i>JOINT</i> by Jose Garcia, Carlos Ruiz, John Vergara (Horwitz, Blake) (Entered: 05/20/2015)
05/22/2015	<u>30</u>	MOTION by Defendants City of Chicago, J. V. Dal Ponte, P. J. Nigro, B. Srisutch to stay <i>Discovery Pending Resolution of Motion to Dismiss Plaintiffs' Complaint With Prejudice</i> (Jones, Walter) (Entered: 05/22/2015)
05/22/2015	<u>31</u>	NOTICE of Motion by Walter Jones, Jr for presentment of motion to stay <u>30</u> before Honorable Andrea R. Wood on 5/28/2015 at 09:00 AM. (Jones, Walter) (Entered: 05/22/2015)
05/27/2015	<u>32</u>	MINUTE entry before the Honorable Andrea R. Wood: Status hearing held. Defendants' Motion to Stay <u>30</u> is granted. Discovery is stayed pending the resolution of the Motion to Dismiss. Hearing set for 5/28/15 is stricken. Plaintiffs' oral motion to withdraw as counsel is granted. Attorney Katherine Fay is granted leave to withdraw her appearance on behalf of Plaintiffs. Status hearing set for 8/6/15 at 9:00 a.m. Mailed notice (ep,) (Entered: 05/27/2015)
06/08/2015	<u>33</u>	RESPONSE by Jose Garcia, Carlos Ruiz, John Vergara in Opposition to MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <u>22</u> (Horwitz, Blake) (Entered: 06/08/2015)
06/23/2015	<u>34</u>	REPLY by City of Chicago, J. V. Dal Ponte, P. J. Nigro, B. Srisutch to response in opposition to motion <u>33</u> (Cifonelli, Jonathan) (Entered: 06/23/2015)
07/23/2015	<u>35</u>	MINUTE entry before the Honorable Andrea R. Wood: On the Court's own motion, the status hearing set for 8/6/2015 is stricken and reset for 8/18/2015 at 09:00 AM. Mailed notice (ef,) (Entered: 07/23/2015)
08/17/2015	<u>36</u>	MINUTE entry before the Honorable Andrea R. Wood: On the Court's own motion, the status hearing set for 8/18/2015 is stricken and reset for 10/7/2015 at 09:00 AM. Mailed notice (ef,) (Entered: 08/17/2015)
10/06/2015	<u>37</u>	MINUTE entry before the Honorable Andrea R. Wood: On the Court's on motion, the status hearing set for 10/7/2015 is stricken and reset for 10/21/2015 at 09:00 AM. Mailed notice (ef,) (Entered: 10/06/2015)
10/20/2015	<u>38</u>	MINUTE entry before the Honorable Andrea R. Wood: On the Court's on motion, the status hearing set for 10/21/2015 is stricken and reset for 11/20/2015 at 09:00 AM. Mailed notice (ef,) (Entered: 10/20/2015)
11/20/2015	<u>39</u>	MINUTE entry before the Honorable Andrea R. Wood: Status hearing set for 11/20/2015 at 9:00 AM is stricken. The Court's ruling on Defendants' motion to dismiss <u>22</u> to follow by separate order. Mailed notice (ef,) (Entered: 11/20/2015)
01/13/2016	<u>40</u>	MOTION by Plaintiffs Jose Garcia, Carlos Ruiz, John Vergara for discovery <i>LIFT STAY OF DISCOVERY AND LEAVE TO FILE AMENDED COMPLAINT</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K)(Horwitz, Blake) (Entered: 01/13/2016)

01/13/2016	<u>41</u>	NOTICE of Motion by Blake Wolfe Horwitz for presentment of motion for discovery, <u>40</u> before Honorable Andrea R. Wood on 1/19/2016 at 09:00 AM. (Horwitz, Blake) (Entered: 01/13/2016)
01/19/2016	<u>42</u>	MINUTE entry before the Honorable Andrea R. Wood: Plaintiffs' motion to lift stay of discovery and for leave to file first amended complaint <u>40</u> is taken under advisement along with Defendants' motion to dismiss <u>22</u> . No further briefing is required at this time. The Court will rule on the pending motions before the end of the week. The motion presentment hearing set for 1/19/2016 is stricken. Parties need not appear. Mailed notice (ef,) (Entered: 01/19/2016)
03/31/2016	<u>43</u>	MINUTE entry before the Honorable Andrea R. Wood: For the reasons set forth in the Memorandum Opinion and Order to follow, the Defendants Motion to Dismiss <u>22</u> is granted. Plaintiffs' claims are dismissed with prejudice. Plaintiffs' motion to lift stay of discovery and for leave to file and amended complaint <u>40</u> is denied as moot. Mailed notice(aw,) (Entered: 03/31/2016)
05/31/2016	<u>44</u>	MOTION by Attorney Rachel C. Steiner to withdraw as attorney for City of Chicago, J. V. Dal Ponte, P. J. Nigro, B. Srisutch. No party information provided (Steiner, Rachel) (Entered: 05/31/2016)
05/31/2016	<u>45</u>	NOTICE of Motion by Rachel C. Steiner for presentment of motion to withdraw as attorney <u>44</u> before Honorable Andrea R. Wood on 6/2/2016 at 09:00 AM. (Steiner, Rachel) (Entered: 05/31/2016)
06/01/2016	<u>46</u>	MINUTE entry before the Honorable Andrea R. Wood: Motion by counsel to withdraw as attorney <u>44</u> is granted. Attorney Rachel C. Steiner is withdrawn as counsel of record for Defendants. The motion presentment date of 6/2/2016 is stricken. Parties need not appear. Mailed notice (ef,) (Entered: 06/01/2016)
01/31/2018	<u>47</u>	MEMORANDUM Opinion and Order signed by the Honorable Andrea R. Wood on 1/31/2018.Mailed notice(ef,) (Entered: 01/31/2018)
01/31/2018	<u>48</u>	MINUTE entry before the Honorable Andrea R. Wood: Consistent with the Court's Memorandum Opinion and Order, Defendants' motion to dismiss is granted, Plaintiffs' claims are dismissed with prejudice, and the Clerk of Court is directed to enter Judgment in favor of Defendants. Civil case terminated. Mailed notice (ef,) (Entered: 01/31/2018)
01/31/2018	<u>49</u>	ENTERED JUDGMENT. Mailed notice(ef,) (Entered: 01/31/2018)
02/06/2018	<u>50</u>	NOTICE of appeal by Jose Garcia, Carlos Ruiz, John Vergara regarding orders <u>49</u> , <u>47</u> Filing fee \$ 505, receipt number 0752-14093994. (Horwitz, Blake) (Entered: 02/06/2018)
02/06/2018	<u>51</u>	DOCKETING Statement by Jose Garcia, Carlos Ruiz, John Vergara regarding notice of appeal <u>50</u> (Horwitz, Blake) (Entered: 02/06/2018)
02/07/2018	<u>52</u>	NOTICE of Appeal Due letter sent to counsel of record regarding notice of appeal <u>50</u> (ek,) (Entered: 02/07/2018)
02/07/2018	<u>53</u>	TRANSMITTED to the 7th Circuit the short record on notice of appeal <u>50</u> . Notified counsel (ek,) (Entered: 02/07/2018)
02/07/2018	<u>54</u>	ACKNOWLEDGMENT of receipt of short record on appeal regarding notice of appeal <u>50</u> ; USCA Case No. 18-1266. (ph,) (Entered: 02/07/2018)
10/22/2019	<u>55</u>	MANDATE of USCA dated 10/22/2019 regarding notice of appeal <u>50</u> ;USCA No.18-1266 ; No record to be returned. (kp,) (Entered: 10/22/2019)
10/22/2019	<u>56</u>	BILL of Costs from the USCA, appeal no. 18-1266. (kp,) (Entered: 10/22/2019)
10/22/2019	<u>57</u>	CERTIFIED COPY OF USCA JUDGMENT dated 9/30/2019 regarding notice of appeal <u>50</u> ; USCA No. 18-1266 ; The judgment of the District Court is AFFIRMED, with costs, in accordance with the decision of this court entered on this date. (kp,) (Entered: 10/22/2019)
10/22/2019	<u>58</u>	CERTIFIED COPY OF OPINION from the USCA for the 7th Circuit; Argued 4/17/2019; Decided 9/30/2019 in USCA case no. 18-1266. (kp,) Modified on 10/23/2019 (kp,). (Entered: 10/22/2019)