

SCHENKIER,STAYED,TERMED

United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 5.0.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:07-cv-02393

Harper v. Sheriff of Cook County et al
Assigned to: Honorable John W. Darrah
Demand: \$100,000
Case in other court: 08-03413
Cause: 42:1983 Civil Rights Act

Date Filed: 05/01/2007
Date Terminated: 08/10/2010
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Robert Harper

represented by **Kenneth N Flaxman**
Kenneth N. Flaxman, P.C.
200 South Michigan Avenue
Suite 1240
Chicago, IL 60604
(312) 427-3200
Email: knf@kenlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas Gerard Morrissey
Thomas G. Morrissey
10249 South Western Avenue
Chicago, IL 60643
(773) 233-7900
Email: tgmlaw@ameritech.net
ATTORNEY TO BE NOTICED

V.

Defendant

Sheriff of Cook County

represented by **John Paul Heil , Jr.**
Cook County State's Attorney
500 Richard J. Daley Center
Chicago, IL 60602
(312) 603-5468
Fax: (312) 603-5797
Email: jheil@cookcountygov.com
ATTORNEY TO BE NOTICED

Maureen O'Donoghue Hannon
Cook County State's Attorney's Office
(69W)
69 W. Washington
Suite 3110
Chicago, IL 60602
(312) 603-1424
Email: maureen.hannon@cookcountyil.gov
ATTORNEY TO BE NOTICED

Richard Seth Shippee
Cook County States Attorney's Office
Daley Ctr.
500 Richard J. Daley Center
Chicago, IL 60602
(312)603-6299
Email: richard.shippee@cookcountyil.gov
ATTORNEY TO BE NOTICED

Defendant

Cook County, Illinois

represented by **John Paul Heil, Jr.**
 (See above for address)
ATTORNEY TO BE NOTICED

Maureen O'Donoghue Hannon
 (See above for address)
ATTORNEY TO BE NOTICED

Richard Seth Shippee
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/01/2007	<u>1</u>	COMPLAINT filed by Robert Harper; Jury Demand.(td,) (Entered: 05/02/2007)
05/01/2007	<u>2</u>	CIVIL Cover Sheet. (td,) (Entered: 05/02/2007)
05/01/2007	<u>3</u>	ATTORNEY Appearance for Plaintiff Robert Harper by Kenneth N Flaxman. (td,) (Entered: 05/02/2007)
05/07/2007	<u>5</u>	ATTORNEY Appearance for Plaintiff Robert Harper by Thomas Gerard Morrissey (Morrissey, Thomas) (Entered: 05/07/2007)
05/14/2007	<u>6</u>	MINUTE entry before Judge John W. Darrah : A status hearing is scheduled for June 28, 2007, at 9:00 a.m. Mailed notice (td,) (Entered: 05/15/2007)
06/22/2007	<u>7</u>	SUMMONS Issued as to Defendants Sheriff of Cook County, Cook County, Illinois. (td,) (Entered: 06/25/2007)
06/27/2007	<u>8</u>	MINUTE entry before Judge John W. Darrah : The status hearing set for 6/28/2007 at 9:00 a.m. is vacated and reset to 8/22/2007 at 9:00 a.m. Mailed notice (td,) (Entered: 06/28/2007)
07/06/2007	<u>9</u>	ATTORNEY Appearance for Defendants Sheriff of Cook County, Cook County, Illinois by Maureen O'Donoghue Hannon (Hannon, Maureen) (Entered: 07/06/2007)
07/06/2007	<u>10</u>	ATTORNEY Appearance for Defendants Sheriff of Cook County, Cook County, Illinois by John Paul Heil, Jr (Heil, John) (Entered: 07/06/2007)
07/06/2007	<u>11</u>	MOTION by Defendants Sheriff of Cook County, Cook County, Illinois for extension of time to file answer , <i>move, or otherwise plead</i> (Heil, John) (Entered: 07/06/2007)
07/06/2007	<u>12</u>	NOTICE of Motion by John Paul Heil, Jr for presentment of motion for extension of time to file answer <u>11</u> before Honorable John W. Darrah on 8/14/2007 at 09:00 AM. (Heil, John) (Entered: 07/06/2007)
07/11/2007	<u>13</u>	MINUTE entry before Judge John W. Darrah : Defendants' Agreed Motion for Enlargement of Time to Answer or Otherwise Plead <u>11</u> is granted. Responsive pleadings are to be filed on or before August 9, 2007. Mailed notice (td,) (Entered: 07/11/2007)
08/09/2007	<u>14</u>	MOTION by Defendants Sheriff of Cook County, Cook County, Illinois to dismiss <i>complaint</i> (Hannon, Maureen) (Entered: 08/09/2007)
08/09/2007	<u>15</u>	NOTICE of Motion by Maureen O'Donoghue Hannon for presentment of motion to dismiss <u>14</u> before Honorable John W. Darrah on 8/15/2007 at 09:00 AM. (Hannon, Maureen) (Entered: 08/09/2007)
08/09/2007	<u>16</u>	MEMORANDUM by Sheriff of Cook County, Cook County, Illinois in support of motion to dismiss <u>14</u> <i>complaint</i> (Attachments: # <u>1</u> Exhibit Exhibit A Complaint# <u>2</u> Exhibit B Jackson 1# <u>3</u> Exhibit C Jackson 2# <u>4</u> Exhibit D Young)(Hannon, Maureen) (Entered: 08/09/2007)
08/15/2007	<u>17</u>	MINUTE entry before Judge John W. Darrah : Defendants' motion to dismiss <u>14</u> is entered and briefed as follows: response by 8/22/07, reply by 8/29/07. Status

		hearing set for 9/19/07 at 9:00 a.m. (td,) (Entered: 08/16/2007)
08/22/2007	<u>18</u>	MEMORANDUM by Robert Harper in Opposition to motion to dismiss <u>14</u> (Flaxman, Kenneth) (Entered: 08/22/2007)
08/29/2007	<u>19</u>	REPLY by Defendants Sheriff of Cook County, Cook County, Illinois to <i>Plaintiff's response to Motion To Dismiss</i> (Hannon, Maureen) (Entered: 08/29/2007)
08/29/2007	<u>20</u>	NOTICE by Sheriff of Cook County, Cook County, Illinois of <i>filinig Reply</i> (Hannon, Maureen) (Entered: 08/29/2007)
09/19/2007	<u>21</u>	MINUTE entry before Judge John W. Darrah : Status hearing held and continued to 10/25/07 at 9:00 a.m. Defendant to file an answer to the complaint by 10/19/07. Rule 26(a)(1) disclosures to be exchanged by 10/10/07. (td,) (Entered: 09/20/2007)
09/19/2007	<u>22</u>	MINUTE entry before Judge John W. Darrah : Defendant's motion to dismiss is denied. <u>14</u> Mailed notice (td,) (Entered: 09/21/2007)
10/19/2007	<u>23</u>	ANSWER to Complaint with Jury Demand by Sheriff of Cook County, Cook County, Illinois(Hannon, Maureen) (Entered: 10/19/2007)
10/19/2007	<u>24</u>	NOTICE by Sheriff of Cook County, Cook County, Illinois <i>Notice of Filing of Answer</i> (Hannon, Maureen) (Entered: 10/19/2007)
10/25/2007	<u>25</u>	MINUTE entry before Judge John W. Darrah :Status hearing held and continued to 1/16/08 at 9:00 a.m. Mailed notice(maf,) (Entered: 10/25/2007)
01/16/2008	<u>26</u>	MINUTE entry before Judge John W. Darrah : Status hearing held. Plaintiff to answer interrogatories by 1/23/08. Rule 26(a)(1) disclosures to be exchanged by 1/30/08. Plaintiff to be deposed by 2/22/08. Plaintiff's motion for class certification to be filed by 2/8/08, response by 3/28/08, reply by 4/11/08. Status hearing set for 5/14/08 at 9:00 a.m. (td,) (Entered: 01/17/2008)
02/08/2008	<u>27</u>	MOTION by Plaintiff Robert Harper to certify class (Flaxman, Kenneth) (Entered: 02/08/2008)
03/10/2008	<u>28</u>	MOTION by Defendants Sheriff of Cook County, Cook County, Illinois for extension of time <i>TO Respond To Class Certification</i> (Hannon, Maureen) (Entered: 03/10/2008)
03/10/2008	<u>29</u>	NOTICE of Motion by Maureen O'Donoghue Hannon for presentment of extension of time <u>28</u> before Honorable John W. Darrah on 3/19/2008 at 09:00 AM. (Hannon, Maureen) (Entered: 03/10/2008)
03/11/2008	<u>30</u>	MINUTE entry before Judge John W. Darrah : Defendants' Motion for Enlargement of Time to Respond <u>28</u> , <u>29</u> is granted. Defendants' response brief is to be filed on or before April 4, 2008. Plaintiff's reply brief is to be filed on or before April 25, 2008. The status hearing scheduled for May 14, 2008, is stricken and reset to May 29, 2008, at 9:00 a.m. Mailed notice (td,) (Entered: 03/11/2008)
03/11/2008	<u>31</u>	MINUTE entry before Judge John W. Darrah :The Court's 3/11/08 minute order is amended as follows: Defendants' response brief to be filed by 4/11/08. Mailed notice(maf,) (Entered: 03/11/2008)
04/11/2008	<u>32</u>	RESPONSE by Defendants Sheriff of Cook County, Cook County, Illinois to motion to certify class <u>27</u> (Attachments: # <u>1</u> Exhibit A,B,C, # <u>2</u> Exhibit D part 1, # <u>3</u> Exhibit D part 2, # <u>4</u> Exhibit E,F,G,H, # <u>5</u> Exhibit I,J)(Hannon, Maureen) (Entered: 04/11/2008)
04/11/2008	<u>33</u>	NOTICE by Sheriff of Cook County, Cook County, Illinois re Response <u>32</u> <i>To Motion For Class Certification</i> (Hannon, Maureen) (Entered: 04/11/2008)
04/25/2008	<u>34</u>	REPLY by Robert Harper to Response <u>32</u> <i>in support of class certification</i> (Flaxman, Kenneth) (Entered: 04/25/2008)
05/06/2008	<u>35</u>	SUR-REPLY by Defendants Sheriff of Cook County, Cook County, Illinois <i>Motion For Leave to Take Depositions and File a SurReply</i> (Attachments: # <u>1</u> Exhibit Attachment 1)(Hannon, Maureen) (Entered: 05/06/2008)

05/06/2008	<u>36</u>	<i>Of Motion To take additiona depositions and file a surreply</i> NOTICE of Motion by Maureen O'Donoghue Hannon for presentment of before Honorable John W. Darrah on 5/13/2008 at 09:00 AM. (Hannon, Maureen) (Entered: 05/06/2008)
05/07/2008	<u>37</u>	MOTION by Defendants Sheriff of Cook County, Cook County, Illinois Leave to Take Depositions and File A Surreply, MOTION by Defendants Sheriff of Cook County, Cook County, Illinois for leave to file (Attachments: # <u>1</u> Exhibit Attachment 1)(Hannon, Maureen) (Entered: 05/07/2008)
05/07/2008	<u>38</u>	NOTICE of Motion by Maureen O'Donoghue Hannon for presentment of motion for miscellaneous relief,, motion for leave to file, <u>37</u> before Honorable John W. Darrah on 5/13/2008 at 09:00 AM. (Hannon, Maureen) (Entered: 05/07/2008)
05/08/2008	<u>39</u>	MEMORANDUM by Robert Harper in Opposition to motion for miscellaneous relief,, motion for leave to file, <u>37</u> (Flaxman, Kenneth) (Entered: 05/08/2008)
05/08/2008	<u>40</u>	MEMORANDUM by Robert Harper in Opposition to motion for miscellaneous relief,, motion for leave to file, <u>37</u> [corrected] (Flaxman, Kenneth) (Entered: 05/08/2008)
05/12/2008	<u>41</u>	MINUTE entry before Honorable John W. Darrah: Defendants Motion for Leave to Take Additional Depositions and File Surreply to Plaintiffs Motion for Class Certification <u>37</u> , <u>38</u> is denied. Mailed notice (kjc,) (Entered: 05/13/2008)
05/29/2008	<u>42</u>	MINUTE entry before the Honorable John W. Darrah: For the reasons stated in the attached memorandum opinion and order, plaintiff's motion to certify case as a class action is granted <u>27</u> . Enter Memorandum Opinion and Order. Status hearing set for 6/26/2008 stated in open Court is vacated and re-set to 6/18/2008 at 09:00 AM. Mailed notice (gmr,) (Entered: 06/02/2008)
05/29/2008	<u>43</u>	MEMORANDUM Opinion and Order Signed by the Honorable John W. Darrah on 5/29/2008. (gmr,) (Entered: 06/02/2008)
06/10/2008	<u>44</u>	MINUTE entry before the Honorable John W. Darrah: Status hearing set for 6/18/08 is re-set to 6/26/08 at 9:00 a.m. Mailed notice(maf,) (Entered: 06/10/2008)
06/26/2008	<u>45</u>	MINUTE entry before the Honorable John W. Darrah: Status hearing set for 6/26/08 is re-set to 9/2/08 at 9:00 a.m. Mailed notice (maf) (Entered: 06/26/2008)
07/17/2008	<u>46</u>	ATTORNEY Appearance for Defendants Sheriff of Cook County, Cook County, Illinois by Richard Seth Shippee (Shippee, Richard) (Entered: 07/17/2008)
08/29/2008	<u>47</u>	MINUTE entry before the Honorable John W. Darrah: Status hearing set for 9/2/08 is re-set to 10/2/08 at 9:00 a.m. Mailed notice(maf,) (Entered: 08/29/2008)
09/05/2008	<u>48</u>	USCA Order dated 9/5/2008 re USCA Appeal No. 08-8017; 1. Defendants' Petition for Permission to Appeal Pursuant to Federal Rule of Civil Procdedure 23(f), filed on June 12, 2008, by counsel for the petitioner; 2. Plaintiff's Response to Petition for Permission to Appeal, filed on June 30, 2008, by counsel for the respondent; It Is Ordered that #1 is Granted. (gmr,) (Entered: 09/09/2008)
09/05/2008	<u>50</u>	PURSUANT USCA order dated 9/5/08, Defendants' petition for permission to appeal dated 6/12/08 is to be the NOTICE of appeal by Sheriff of Cook County, Cook County, Illinois regarding orders <u>42</u> , <u>43</u> Filing fee \$ 455.00. Receipt #4624008680. (dj,) (Entered: 09/22/2008)
09/22/2008	<u>51</u>	NOTICE of Appeal Due letter sent to counsel of record (dj,) (Entered: 09/22/2008)
09/22/2008	<u>52</u>	TRANSMITTED to the 7th Circuit the short record on notice of appeal, <u>50</u> . Notified counsel (dj,) (Entered: 09/22/2008)
09/22/2008	<u>53</u>	ACKNOWLEDGEMENT of receipt of short record on appeal regarding notice of appeal, <u>50</u> ; USCA Case No. 08-3413. (gmr,) (Entered: 09/25/2008)
09/29/2008	<u>54</u>	MINUTE entry before the Honorable John W. Darrah: Status hearing set for 10/2/08 is re-set to 10/23/08 at 9:00 a.m. Mailed notice(maf,) (Entered: 09/29/2008)

10/07/2008	<u>55</u>	Rule 10 designation of Record on Appeal by Sheriff of Cook County, Cook County, Illinois (Hannon, Maureen) (Entered: 10/07/2008)
10/07/2008	<u>56</u>	DESIGNATION by Robert Harper of record on appeal : USCA Case No. 08-3413 (Flaxman, Kenneth) (Entered: 10/07/2008)
10/23/2008	<u>57</u>	TRANSMITTED to the USCA for the 7th Circuit the long record on appeal <u>50</u> (USCA no. 08-3413) consisting of 1 volume of pleadings. (dj,) (Entered: 10/23/2008)
10/23/2008	<u>58</u>	USCA RECEIVED on 10/23/08 the long record regarding notice of appeal, <u>50</u> (dj,) (Entered: 10/24/2008)
10/23/2008	<u>59</u>	MINUTE entry before the Honorable John W. Darrah: Status hearing held and continued to 4/23/09 at 9:00 a.m. This case is hereby stayed. (gmr,) (Entered: 10/24/2008)
04/23/2009	<u>60</u>	MINUTE entry before the Honorable John W. Darrah: Status hearing held and continued 10/21/09 at 9:00 a.m. Mailed notice (maf) (Entered: 04/23/2009)
10/21/2009	<u>61</u>	MINUTE entry before the Honorable John W. Darrah: Status hearing held and continued to 12/8/09 at 9:00 a.m. Mailed notice(maf) (Entered: 10/21/2009)
11/12/2009	<u>62</u>	ORDER dated 11/3/2009 from the 7th Circuit regarding notice of appeal, <u>50</u> ; Appellate case no.: 08-3413: On consideration of plaintiff-appellee's petition for rehearing and suggestion for rehearing en banc filed on September 21, 2009, in connection with the above-referenced case, no judge in active service has requested a vote on the petition for rehearing en banc and all of the judges on the original panel have voted to deny rehearing. It is, therefore, ordered that the petition for rehearing and suggestion for rehearing en banc is denied. (jj,) (Entered: 11/13/2009)
11/13/2009	<u>63</u>	LETTER from the USCA retaining the record on appeal in USCA no. 08-3413; Record to be returned later consisting of one volume of pleadings. (gmr,) (Entered: 11/16/2009)
11/13/2009	<u>64</u>	MANDATE of USCA dated 9/8/2009 regarding notice of appeal, <u>50</u> ; USCA No. 08-3413; The district court's certification of Harper's class is Vacated and the case is Remanded for resolution of Harper's individual claims. The above is in accordance with the decision of this court entered on this date. Each side should bear its own costs. (gmr,) (Entered: 11/16/2009)
11/13/2009	<u>65</u>	OPINION from the USCA for the Seventh Circuit; Argued 4/6/2009; Decided 9/8/2009 in USCA case no. 08-3413. (gmr,) (Entered: 11/16/2009)
11/13/2009	<u>66</u>	CERTIFIED copy of order dated 11/3/2009 from the Seventh Circuit regarding notice of appeal, <u>50</u> ; Appellate case no. : 08-3413; On consideration of plaintiff-appellee's petition for rehearing and suggestion for rehearing en banc filed on September 21, 2009, in connection with the above-referenced case, no judge in active service has requested a vote on the petition for rehearing en banc and all of the judges on the original panel have voted to deny rehearing. It is, therefore, Ordered that the petition for rehearing and suggestion for rehearing en banc is Denied. (gmr,) (Entered: 11/16/2009)
11/19/2009	<u>67</u>	LETTER from the Seventh Circuit returning the record on appeal in USCA no. 08-3413 consisting of one volume of pleadings. (gmr,) (Entered: 11/24/2009)
12/08/2009	<u>68</u>	MINUTE entry before the Honorable John W. Darrah: Status hearing held and continued to 4/28/10 at 9:00 a.m. Mailed notice(maf) (Entered: 12/08/2009)
04/08/2010	<u>69</u>	MINUTE entry before Honorable John W. Darrah: Status hearing set for 4/28/10 at 9:00 a.m. is re-set to 4/28/10 at 9:30 a.m. Mailed notice(maf) (Entered: 04/08/2010)
04/28/2010	<u>70</u>	MINUTE entry before Honorable John W. Darrah: Status hearing held and continued to 5/20/10 at 9:30 a.m. Mailed notice(maf) (Entered: 04/28/2010)
05/20/2010	<u>71</u>	MINUTE entry before Honorable John W. Darrah: Status hearing held. Discovery ordered closed on 8/18/10. Pretrial conference set for 2/2/11 at 1:30 p.m. Jury trial

		set for 2/7/11 at 9:00 a.m. Mailed notice(maf) (Entered: 05/20/2010)
08/09/2010	<u>72</u>	STIPULATION of Dismissal [<i>with prejudice and without costs</i>] (Flaxman, Kenneth) (Entered: 08/09/2010)
08/10/2010	<u>73</u>	MINUTE entry before Honorable John W. Darrah: Parties having filed a stipulation of dismissal, this case is dismissed with prejudice and without costs. Civil case terminated. Pretrial conference set for 2/2/11 and jury trial set for 2/7/11 is vacated.Mailed notice(maf) (Entered: 08/10/2010)