

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF ILLINOIS, et al.,

Defendants.

Case No. 25-cv-1285

Judge Lindsay C. Jenkins

**DEFENDANTS' CONSOLIDATED RESPONSE TO THE COURT'S APRIL 15 ORDER
REGARDING SUMMARY JUDGMENT BRIEFING AND DISCOVERY**

Defendants submit this response to the Court's April 15 minute order, ECF 61, regarding their "position on a briefing schedule and discovery in light of the United States' motion for summary judgment."

Defendants' position is that the Court should take the United States' summary judgment motion, ECF 58-60, under advisement and stay briefing on it at least until after the Court decides the pending motions to dismiss, ECF 24-35. The motions to dismiss, which will be fully briefed one week from now, ECF 47, are likely to fully resolve all claims before this Court. But even if the Court does not grant the motions to dismiss in their entirety and some claims remain, the Court's ruling regarding those motions is likely to impact the scope of discovery. As such, Defendants respectfully suggest that in the event the motions to dismiss do not fully resolve the pending claims, the Court order the parties to conduct a Rule 26(f) conference within fourteen days of the issuance of the Court's ruling on those motions.

Defendants believe that setting a briefing schedule on the United States' summary judgment motion is infeasible at this time. The fourteen-page declaration submitted by the United

States in support of its summary judgment motion makes various factual assertions that at least some Defendants would seek to probe through discovery.¹ Some of the factual assertions in the declaration also lack sufficient detail to enable Defendants to admit or deny their accuracy. *See, e.g.*, ECF 60-1 ¶¶ 18, 20-21, 24-27. Other factual assertions in the declaration are based on information within the United States’ possession that Defendants cannot access or scrutinize without discovery. *See, e.g., id.* ¶¶ 18-19, 23, 33. Ultimately, many of these factual assertions may be immaterial, as the United States itself concedes in noting “the legal issues that predominate the United States’ claims.” ECF 59 at 3, n.2. But Defendants are not prepared to forego all discovery at this time in order to respond to the United States’ early-filed summary judgment motion.

Defendants respectfully submit that the United States has not provided a compelling reason to deviate from the typical sequence of litigation under the Federal Rules of Civil Procedure. Consistent with this sequence, Defendants request that the Court enter an order: (1) taking the United States’ summary judgment motion, ECF 58-60, under advisement and staying briefing on that motion until further order of the Court; and (2) instructing the parties to conduct a Rule 26(f) discovery conference within fourteen days of the Court’s ruling on Defendants’ pending motions to dismiss, ECF 24-34, to the extent any claims remain.

Date: April 22, 2025

Respectfully submitted,

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KWAME RAOUL
Illinois Attorney General

By: /s/Andrew W. Worseck

By: /s/Christopher G. Wells

Andrew W. Worseck
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Christopher G. Wells
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¹ Counsel for the County Defendants have prepared a declaration in accordance with Rule 56(d) outlining discovery they believe is necessary in order to “present facts essential to justify [their] opposition” to the federal government’s summary judgment motion. *See* ECF 62-1, Declaration of Assistant State’s Attorney Prathima Yeddanapudi. The remaining Defendants reserve their right to submit a declaration under Rule 56(d) at the appropriate stage of the case if they determine such a declaration is necessary.

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

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF ILLINOIS, *et al.*,

Defendants.

No. 25-cv-01285

Hon. Lindsay C. Jenkins

DECLARATION OF ASSISTANT STATE'S ATTORNEY
PRATHIMA YEDDANAPUDI PURSUANT TO 28 U.S.C. § 1746

I, Prathima Yeddanapudi, under penalty of perjury, declare and testify as follows:

1. I am currently employed as an Assistant State's Attorney for the Cook County State's Attorney's Office.
2. I have personal knowledge of the facts asserted herein.
3. I am one of the attorneys representing the county defendants in this matter.
4. The county defendants have moved to dismiss the complaint and accordingly have not filed an answer to the complaint.
5. The parties have not exchanged discovery disclosures or conducted any discovery in this matter.
6. The government has filed a pre-answer motion for summary judgment against the county defendants.
7. Due to the unavailability of facts essential to defending against the government's motion for summary judgment, the county defendants request time to conduct discovery before responding to the government's motion.

8. The government's motion provides numerous examples of purported facts upon which the defendants need to conduct discovery before they can respond.

9. For example, the government argues that all of the defendants' policies jointly interfere with ICE's ability to obtain judicial arrest warrants for immigrants it seeks to detain by systematically denying ICE information about those immigrants or pre-arrest access to those immigrants. The government cites this allegation as an example of defendants' conduct which conflicts with its ability to enforce federal immigration law. See ECF No. 59 at 4. The government does not clarify whether it asserts this allegation against all of the defendants or only some of the defendants.

10. Discovery is necessary to allow the county defendants to ascertain a number of facts necessary to mounting an effective defense to this allegation, including but not limited to:

- a. The truth of this allegation on its face;
- b. Whether the government brings this allegation against the county defendants;
- c. Whether the government has actually sought judicial warrants for the arrest of immigrants in the custody of the county defendants;
- d. Whether the government has in fact tried to obtain the information it claims to seek in order to pursue the issuance of a judicial warrant;
- e. Whether the government has in fact sought and been denied a judicial warrant for an immigrant in the county defendants' custody based on incomplete information;
- f. Whether the government has pursued the information it purports to seek through any other avenues available to it; and

- g. Whether the government has actually failed to take custody of any specific immigrant it sought to arrest because it could not obtain a judicial warrant for that immigrant who was in the custody of the county defendants.

11. The government goes on to assert that ICE officers are exposed to “additional obstacles, among them risks to officer and public safety” as a result of the defendants’ policies. ECF No. 59 at 5. The government fails to discuss those risks in its brief but cites its L.R. 56.1 statement of undisputed materials facts, which sheds light on this allegation.

12. Specifically, the government accuses some or all of the defendants of sometimes directing ICE officers to leave when they are assembled outside of an Illinois state or local detention facility on public property, and further accuses the defendants of having “delayed the release of an alien when they are aware of ICE’s presence outside the state or local facility.” ECF No. 60 at ¶ 37-38.

13. Discovery is necessary to allow the county defendants to ascertain a number of facts necessary to mounting an effective defense to this allegation, including but not limited to:

- a. The truth of these allegations on their face;
- b. Whether the government asserts these allegations against the county defendants;
- c. The source of the declarant’s purported knowledge of these allegations;
- d. Whether ICE officers have ever left public property at the instruction of any of the county defendants;
- e. Whether an ICE officer or member of the public has ever been injured as a result of the county defendants directing ICE officers to leave public property;
- f. Whether an ICE officer or member of the public has ever been injured as a result of a county defendant delaying the release of an immigrant ICE seeks to arrest;

- g. Whether the government has actually failed to take custody of any specific immigrant as a result of a county defendant directing ICE officers to leave public property; and
- h. Whether the government has actually failed to take custody of any specific immigrant as a result of a county defendant delaying the release of said immigrant from custody while ICE is present.

14. The government makes further assertions of fact which the county defendants need to investigate in discovery before they can prepare a vigorous defense to the government's motion. See, e.g., ECF No. 59 at 4 ("ICE *often* needs to interview an alien to obtain the requisite facts for a judicial warrant."); See also *id.* at 7 ("[S]uccessful transfers of inmates into federal custody *generally* hinge on the relevant jurisdiction honoring detainers and administrative warrants) (emphasis added.) The county defendants need to explore these allegations because the qualifying language imply that these assertions the government raises against them may be true sometimes, but not always.

15. There are material facts necessary to the county defendants' opposition to the government's motion which are currently unavailable. Discovery would allow the county defendants to gather information on these allegations necessary to defend against the same.

16. Pursuant to Fed. R. Civ. P. 56(d), the county defendants request discovery.

17. Pursuant to ECF No. 61, the county defendants request that this court stay their obligation to respond to the government's motion until such time as discovery is completed so that they will be in position to gather all facts necessary to prepare an appropriate response thereto.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 22, 2025 in Chicago, Illinois.

/s/ Prathima Yeddanapudi
Assistant State's Attorney

Respectfully submitted,

Dated April 22, 2025

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