

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

ERIC WILKINS, MAHARI BELL,
ESSENCE JEFFERSON, JOSE
MANUEL ALMANZA, JR., AND
JACQUEZ BEASLEY,

Plaintiffs,

V.

CITY OF CHICAGO,

Defendant.

Case No. 23-cv-4072

Hon. Mary M. Rowland

**PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANT'S MOTIONS
TO QUASH DEPOSITION NOTICES**

In this case alleging that Defendant City of Chicago (“City”) employs a racially discriminatory mass traffic stop program that results in hundreds of thousands of Black and Latino drivers being subjected to ineffective pretextual traffic stops every year by the Chicago Police Department, *see* Pl. First Am. Compl., Dkt. 87, the City moves to quash deposition notices directed to current CPD Superintendent Larry Snelling, Mayor Brandon Johnson, and Deputy Mayor of Community Safety Garien Gatewood. *See* Dkt. 203, 204.¹

Plaintiffs oppose the motion to quash Superintendent Snelling's deposition because he is the current final decisionmaker for the City's traffic stop policies, practices and directives, he

¹ At this time, Plaintiffs withdraw without prejudice their notices of deposition for Mayor Johnson and Deputy Mayor Gatewood, based upon the parties' recent stipulation that the CPD Superintendent (and not the Mayor or Deputy Mayor) is the final decisionmaker with respect to the City's traffic stop policies, practices and directives. Plaintiffs reserve the right to serve amended deposition notices for the testimony of Mayor Johnson or Deputy Mayor Gatewood should additional information come to light during discovery indicating that these witnesses' testimony is necessary. Additionally, Plaintiffs will serve Requests for Admission directed to various statements by Johnson and/or Gatewood that constitute party admissions relevant to this matter.

possesses information not available from any other source, alternative discovery methods are insufficient to obtain that information, and Plaintiffs' need for this discovery outweighs any scheduling concerns. As such, the "apex doctrine" does not warrant quashing Superintendent Snelling's deposition.

I. Legal Standard

In moving to quash Snelling's deposition, the City invokes the "apex doctrine," which "isn't so much a 'doctrine' as it is a notion that valuable executive time shouldn't be wasted if the officer has no real information." *Fleury v. Union Pac. R.R. Comp.*, No. 20 C 390, 2024 WL 1791739, at *1 (N.D. Ill. Apr. 23, 2024). As such, "[t]he party hoping to avoid the deposition has the burden of showing that the apex doctrine should be applied to prevent it." *Id.* at *1 (citing *Connelly v. Cook Cnty. Assessor's Off.*, 2022 WL 17718411, at *2 (N.D. Ill. Dec. 15, 2022)). "A strong showing is required before a party will be denied entirely the right to take a deposition." *Boyd v. Lazer Spot, Inc.*, No. 19 C 8173, 2022 WL 2865881, at *5 (N.D. Ill. July 6, 2022) (quoting *City of Rockford v. Mallinckrodt ARD, Inc.*, 2020 WL 1675593, at *2 (N.D. Ill. Apr. 6, 2020)).

"[T]he rational[e]" behind the apex doctrine "is that parties should not be incentivized to force a settlement in a nuisance case by using harassing discovery." *In re Deere & Co. Repair Servs. Antitrust Litig.*, No. 22-cv-50188, 2025 WL 1435061, at *1 (N.D. Ill. May 19, 2025) (denying motion to quash). But "that rational[e] is not present in this action." *Id.* at *1, fn 1. "This action is not a nuisance case[] [a]nd [the City] isn't going to fold simply because [Superintendent Snelling] is deposed." *Id.* As such, this Court should not apply the apex doctrine to shield Snelling from a deposition.

The apex doctrine does not bar Superintendent Snelling's deposition in this matter for several reasons. First, unlike the City's cited cases, Plaintiffs in this matter bring a *Monell* claim

seeking to enjoin a pattern and practice of discrimination ratified by the City's final decisionmaker: the CPD Superintendent. Second, as shown by his prior public statements, Superintendent Snelling has unique personal knowledge important to the instant case, making him a critical deponent. Third, alternative discovery methods such as requests for production of documents and interrogatories have been inadequate. And finally, the City's argument that Superintendent Snelling is too busy to be deposed does not outweigh Plaintiffs' need for his testimony where the City has stipulated that CPD's superintendent is the final decisionmaker regarding the challenged policy, *i.e.*, CPD's mass traffic stop program, and the Superintendent has failed to show that sitting for a deposition would affect his ability to do his job.

II. The Apex Doctrine Does Not Apply to this *Monell* Claim for Injunctive Relief

Plaintiffs allege that the City has a pattern, policy, or practice of pretextually stopping Black and Latino drivers in violation of their rights under the Equal Protection Clause and the Illinois Civil Rights Act. First Am. Compl. (Dkt. 87) ¶ 26. Plaintiffs allege that the City has maintained this discriminatory mass traffic stop program since at least 2016 and through the present date. *Id.* ¶ 2. They seek a class-wide injunction prohibiting the City from maintaining the mass traffic stop program, and, specifically, prohibiting the City from: (a) targeting Black and Latino neighborhoods in Chicago for saturation with pretextual traffic stops; (b) targeting Black and Latino drivers throughout the City for pretextual traffic stops; and (c) maintaining quotas or activity expectations for the number of traffic stops made by CPD personnel. *Id.* at 152. Plaintiffs specifically allege that the City's discriminatory mass traffic stop program has been "developed, implemented, enforced, encouraged, and sanctioned" by the City's "final policymakers." *Id.* ¶ 771; *see also* ¶

772 (alleging that “[d]espite [the] known or obvious risk of constitutional violations, the City and its final policymakers have condoned and failed to stop the mass traffic stop program.”).²

Because a case seeking class-wide injunctive relief prevents future, ongoing harm, apex deponents with “relevant information concerning” “[the] continuation of [] [unlawful] conduct through the present” can be deposed. *City of Rockford*, 2020 WL 1675593, at *3 (rejecting apex doctrine argument in case for injunction). *City of Rockford* dealt with alleged antitrust violations where several high-ranking, current executives moved to prevent their depositions. *Id.* at *1. Those executives lost their motion because they had “direct knowledge of the conduct underlying Rockford’s claims,” *id.* at *4, and “Rockford [] pointed to an email which tends to indicate that [witness] had some level o[f] knowledge about pricing strategy.” *Id.* at *5. That court ultimately concluded that those defendants “provided no evidence of ... abuse or harassment” and permitted their depositions. *Id.*

As another example, a court in this district recently permitted a deposition of U.S. Border Patrol’s Commander-at-Large Gregory Bovino over the federal government’s apex doctrine objections. *See Chicago Headline Club v. Noem*, 1:25-cv-12173, Dkt. 85 (N.D. Ill. Oct. 20, 2025) (granting motion for expedited discovery at Dkt. 54). Bovino was the “commander of Operation Midway Blitz responsible for all of the operations on the ground” and was “onsite at Broadview[’s ICE detention facility] ... and has been hands-on directing arrests and use of force against demonstrators.” *Id.* Dkt. 75, Tr. Oct. 20, 2025 at 103:2–104:9. The same is true of Superintendent Snelling, and thus warrants his deposition.

² *See Monell v. Dep’t of Social Servs. of City of New York*, 436 U.S. 658, 690–91 (1978) (holding that local governments may be sued under 42 U.S.C. § 1983 for unconstitutional policies and “constitutional deprivations visited pursuant to governmental ‘custom’ ...”).

By contrast, the cases cited by the City (Dkt. 203 at 5–9, Dkt. 204 at 5–9) generally involved a sole plaintiff alleging a discrete unlawful act in a suit for damages, who sought to depose an entity’s highest-ranking official about their individual matter. *See Patterson v. Avery Dennison Corp.*, 281 F.3d 676, 678–79 (7th Cir. 2002) (Title VII claim for damages); *Bless v. Cook Cnty. Sheriff’s Off.*, 9 F.4th 565, 570 (7th Cir. 2021) (Title VII and § 1983 termination suit); *Stagman v. Ryan*, 176 F.3d 986, 993 (7th Cir. 1999) (free speech termination); *Olivieri v. Rodriguez*, 122 F.3d 406, 407 (7th Cir. 1997) (damages for defamation and due process violation); *Rogers v. City of Indianapolis*, No. 1:24-cv-02055-RLY-MJD, 2025 WL 2932756, at *1 (S.D. Ind. Oct. 15, 2025) (damages for officer-involved shooting); *Donald v. City of Chicago*, No. 20 C 6815, 2022 WL 621814, at *1 (N.D. Ill. Mar. 3, 2022) (Title VII claim for damages); *Lee v. City of Chicago*, No. 20 CV 1508, 2021 WL 2399999, at *1 (N.D. Ill. June 11, 2021) (single instance of excessive force); *Little v. JB Pritzker for Governor*, No. 18 C 6954, 2020 WL 868528, at *1 (N.D. Ill. Feb. 21, 2020) (defamation and § 1981 claims); *LaPorta v. City of Chicago*, 102 F. Supp. 3d 1014, 1017 (N.D. Ill. 2015) (various claims for damages after shooting); *Hudkins v. City of Indianapolis*, No. 1:13-cv-01179-SEB-DML, 2015 WL 4664592, at *8 (S.D. Ind. Aug. 6, 2015) (excessive force, defamation, and various state law torts); *Cannon v. Burge*, No. 05 C 2192, 2007 WL 2410392, at *1 (N.D. Ill. Aug. 20, 2007) (torture during interrogation).³

These are individual employment-related or personal injury-type cases, not class-wide injunctive relief cases. The distinction matters because the highest decisionmaker of an agency is

³ The City cites one only case requesting injunctive relief, *see Chicago Reader v. Sheahan*, 192 F.R.D. 586, 587 (N.D. Ill. 2000) (cited in Dkt. 204 at 6), but that was a First Amendment retaliation case brought on behalf of one reporter seeking jail access, not a pattern and practice case. *See Chicago Reader v. Sheahan*, 141 F. Supp. 2d 1142, 1143 (N.D. Ill. 2001). Further, someone besides the apex deponent “made the decision to exclude [plaintiff],” so the apex deposition was not necessary. *See Chicago Reader*, 192 F.R.D. at 587.

more likely to have relevant information about that agency's policies—and whether those policies are ongoing—than to have information about a single litigant's past termination or injury.

The City does not cite any cases that prohibited or limited a plaintiff's ability to depose a final decisionmaker, such as Superintendent Snelling, in a Section 1983 case seeking to enjoin a pattern and practice of unconstitutional conduct on a class-wide basis. Plaintiffs are not aware of any such decisions within the Seventh Circuit. The City's legal analysis therefore is unavailing.

III. Superintendent Snelling Has Critical and Unique Information about the City's Mass Traffic Stop Program

The City also argues that Plaintiffs do not need to depose Superintendent Snelling because other witnesses can provide the necessary testimony about CPD traffic stops. Not so. Superintendent Snelling has unique knowledge specific to the instant case.

Because he is the final decisionmaker with respect to CPD's traffic stops policies and directives, Superintendent Snelling alone has the ability to testify regarding how he has instructed CPD personnel to implement his policies, and he alone can explain why he has maintained the mass traffic stop program, and any justification for maintaining this program notwithstanding the well-known racial disparities that result.

Importantly, Superintendent Snelling's public statements regarding CPD's traffic stop policies and practices have been inconsistent. They are also contradicted by deposition testimony from other witnesses in this case, as explained further below. These circumstances necessitate taking Snelling's deposition.

At a public hearing on June 11, 2024, in the CPD consent decree matter, *Illinois v. Chicago*, 17-cv-06260, Dkt. 1195 at 12:11–16 (attached in excerpted form as Ex. 1 hereto), Superintendent Snelling stated that he personally was reviewing and changing CPD's traffic stop policy: "I, myself, personally looked at the way that traffic stops have been conducted through body-worn

camera.... And I acknowledge that there is absolutely a need to reform the way that we do traffic stops.” He stated that, since he “became superintendent, [he] made it clear that [his] focus is more around violent crimes...” as compared to doing traffic stops. *Id.* at 11:3–4. Superintendent Snelling went on to say that he “put all of [his] command staff through training [about traffic stops] because [he] believe[s] everything has to start from the top, and it has to trickle down.... The leadership has been trained on what the expectation are coming from [him], the superintendent.” *Id.* at 172:18–20. Further, Superintendent Snelling testified approvingly that the number of traffic stops made by CPD has decreased on his watch: “Since talking and training [his] command staff about this, traffic stops th[at] year...have been reduced by 87,000.” *Id.* at 173:1–3.

But while at times he has been critical of CPD’s mass traffic stop policies, more recently, Superintendent Snelling has defended CPD’s current traffic stop policies and opposed a ban on pretextual traffic stops, stating “[w]e have to be very careful about going outside of the law and making our policies so restrictive that our officers can’t make stops that are going to keep the public safe....”⁴ This statement seemingly contradicts his 2024 statements recognizing the need for reform of CPD traffic stop policies and training. Plaintiffs should be allowed to examine Superintendent Snelling regarding the apparent contradictions between these several statements and what, exactly, CPD’s current policies regarding pretextual traffic stops are, and will be in the future. And Superintendent Snelling should have to explain why he has maintained the core aspects of the policies adopted by his predecessors to date, despite his public recognition in 2024 that CPD’s policies and training are in need of reform. This testimony is critical to Plaintiffs’ claim for forward-looking injunctive relief.

⁴ Heather Cherone, *Top Cop Defends Proposal That Would Allow Officer to Make Traffic Stop to Find Evidence of Unrelated Crimes*, WTTW, Apr. 28, 2025, <https://news.wttw.com/2025/04/28/top-cop-defends-proposal-would-allow-officers-make-traffic-stops-find-evidence-unrelated>.

Snelling's testimony also is needed because other witnesses have not been able to explain Snelling's public comments. For example, Fred Waller, a former interim Superintendent and current Deputy within the Office of the Superintendent and Snelling's top aide, testified that he does not know what Snelling meant by his 2024 remarks about shifting his policies away from traffic stops and toward addressing violent crime and he did not "want to speculate." *See* Waller Dep. 51:23–52:1 (Ex. 2). Waller also testified that he could not explain the meaning or factual basis of the Superintendent's assertion that traffic stops were reduced by 87,000. *Id.* at 54:21–55:8.

Moreover, multiple high-ranking members of CPD under Snelling, including Waller, former First Deputy Superintendent Yolanda Talley, former Chief of Patrol Brian McDermott, and District 7 commander Lewis Courts, have testified—contrary to Superintendent Snelling's 2024 statements that he was planning to "reform the way that we do traffic stops"—that they did not see any new written policies, directives, emails, or the like announcing any changes related to traffic stops under Superintendent Snelling, nor were they present at any meetings where Superintendent Snelling or any designee announced any changes related to CPD traffic stops.⁵ Each of these

⁵ *See* Ex. 2, Excerpt of Deposition of Fred Waller, 68:20–69:24 ("Q: ... [B]efore we took a break, we were talking about Superintendent Snelling's change in focus regarding traffic stops....[W]ould you expect that this change of focus would be communicated in writing?...[Waller]: Possibly....[Q]: Have you seen any messages from anyone in CPD communicating a change of focus about traffic stops under Superintendent Snelling?...[Waller]: Not that I recall. Sorry.... [Q]: Have you been present at any meetings where a change in focus about traffic stops has been discussed? [Waller]: No."); Ex. 3, Excerpt of Deposition of Yolanda Talley, 48:11–49:14 ("Did Superintendent Snelling make any changes to the strategic use of traffic missions or traffic stops when he became superintendent? [Talley]: Not that I can recall....Q: When you were first deputy, did you change anything about how CPD uses data of traffic stops? [Talley]: No."); Ex. 4, Excerpt of Deposition of Lewis Courts, 115:20–117:6 ("Q: Since Larry Snelling became the [CPD] supervisor, has [CPD] issued any directives related to traffic stops?...[Courts]: No, not that I recall.... [Q]: Has he issued any directives about the method by which...officers conduct traffic stops?...[Courts]: No. Again, other than just constitutional policing, no."); Ex. 5, Excerpt of Deposition of Brian McDermott, 307:15–311:11 ("Q: ...[D]id Larry Snelling issue any new CPD directives related to traffic stops when he became superintendent? [McDermott]: I don't recall. I don't believe he did...Q: Do you recall -- did Superintendent Snelling disseminate any to/from memos to exempt members, deputy chiefs and commanders, regarding the use of traffic stops as a crime reduction tactic when he became superintendent? [McDermott]: I don't recall specific memos that he sent out. Q: Do you remember any CompStat meetings where Superintendent

witnesses testified they had not discussed with Superintendent Snelling making any substantive changes to CPD's strategies, tactics, or policies regarding traffic stops.

Therefore, Superintendent Snelling himself is the only individual who can shed further light on the plans he announced in 2024 to reform CPD traffic stops, and whether and why he changed his mind.

The City argues that Plaintiffs do not need to depose Superintendent Snelling because the City has produced a "large" volume of emails and text messages in discovery. Dkt. 203 at 6. But the City does not point to any particular emails or texts that shed light on Snelling's thought processes as described above, let alone any documents codifying CPD's traffic stop policies or strategies under Snelling's administration, and Plaintiffs are not aware of any such documents being produced by the City. Moreover, the City has produced few responsive documents covering the majority of Superintendent Snelling's tenure: notably, the City's collection and production of written discovery ended as of August 30, 2024—less than a year after Superintendent assumed his position on September 27, 2023—and has not been supplemented. Plaintiffs therefore need Superintendent Snelling's deposition testimony to shed light on his traffic stop policies and directives, whether they have changed while he has been in office, and the reasons for any changes or failure to change past policies and practices.

Snelling communicated a new policy regarding the use of traffic stops to those present at the CompStat meeting?... [McDermott]: I don't recall him coming up with anything new at a CompStat meeting....Q: At any time from when Larry Snelling became superintendent to when you retired from CPD, did he communicate to the department ... that officers should deemphasize traffic enforcement?... [McDermott]: Not to my knowledge....Q: "[Y]ou don't recall seeing a memo or an email about Larry Snelling deemphasizing the use of traffic stops?... [McDermott]: I do not. No....Q: ... [A]t any time after Larry Snelling became superintendent, do you recall him communicating to the department or directing someone to convey the message that the...total numbers of traffic stops should change? [McDermott]: No. I don't recall that being communicated.").

IV. Alternative Discovery Methods Have Been Insufficient

Plaintiffs have attempted alternative means of obtaining this evidence without success. Plaintiffs have served two sets of requests for production of documents and a set of interrogatories on the City which, among many other things, sought all documents regarding CPD's traffic stop policies, practices, strategies and tactics, as well as any changes and the justifications therefor. Plaintiffs have deposed eighteen (18) witnesses from CPD. None of the discovery to date has explained Superintendent Snelling's claims that he has changed or intends to change CPD's policies and strategies regarding traffic stops. None of the discovery to date has explained why Snelling has, thus far, maintained the same mass traffic stop program as his predecessors, despite its resulting racial disparities, and failed to implement any promised changes. Nor has it explained the seeming contradictions between his 2024 testimony recognizing the need for reform and his 2025 public statements doubling down on CPD's use of pretextual traffic stops.

The City complains that Plaintiffs should have served interrogatories specifically regarding Snelling before seeking his deposition. *See* Dkt. 203 at 7–8. The City is wrong. The breadth of the subjects described above—including but not limited to Snelling's policies and directives regarding CPD traffic stops; his assessment, changes and revisions (if any) to the mass traffic stop program and directives of prior Superintendents; his decision to maintain the mass traffic stop program; his expectations for the number of traffic stops; whether, how and why these policies, directives and expectations differed from prior Superintendents; and how he conveyed these commands throughout CPD; all for the period September 27, 2023, to the present—do not lend themselves to full answers via written interrogatories.

In any event, Plaintiffs *did* serve a prior set of interrogatories on the City in December 2023, and the parties are still at odds regarding the adequacy of the City's answers, leading to

ongoing, unresolved, motion practice. *See, e.g.*, Dkt. 207 (explaining that the City has failed to sufficiently answer plaintiffs’ interrogatories, despite plaintiffs’ motion to compel and multiple conferences with counsel). In this situation, serving additional interrogatories on the City is futile.

Further, the cases the City relies on for its argument (Dkt. 203 at 7–8) that interrogatories must precede Superintendent Snelling’s deposition are easily distinguished. In several of the City’s cases, the plaintiff had not yet established the personal involvement of the apex deponent. In *Patterson*, 281 F.3d at 681–82, for instance, a plaintiff in a wrongful termination lawsuit sought to depose a corporate vice president who “worked more than 1,000 miles away” and whose personal involvement in the termination decision had not been established via less burdensome means such as interrogatories, so the court denied the plaintiff’s motion to compel the deposition. Similarly, in *Donald*, 2022 WL 621814, at *2, a plaintiff in an employment discrimination lawsuit sought to depose then-Mayor Lori Lightfoot, after pleading that then-CPD Superintendent Eddie Johnson made the decision to demote her. The Court held that the plaintiff should first serve interrogatories to establish the mayor’s involvement in the termination decision before seeking the mayor’s deposition. *Id.* By contrast, in this matter it is now undisputed that Superintendent Snelling is the final decisionmaker with respect to CPD’s traffic stops policies,⁶ and thus his personal involvement

⁶ In addition to the parties’ stipulation that the superintendent is the final decisionmaker with respect to CPD’s traffic stops policies, strategies and tactics, several other deponents have testified that CPD’s Superintendent sets its strategy and is CPD’s final decisionmaker. *See* Ex. 6, Excerpt of Deposition of Garry McCarthy (former CPD Superintendent), 108:7-111:22 (“Q: Is it true that you signed all general orders that were issued by CPD when you were superintendent? [McCarthy]: I believe I did....Q: When you were running CompStat meetings, would you consider yourself the final decision-maker about decisions that came out of those meetings?...[McCarthy]: Probably, yeah....Q: Okay. And I think earlier today you said generally Mayor Emanuel let you run the police department. Is that right?...[McCarthy]: It wasn’t generally. It was the first tenet of me taking the job. And I said he pretty much stuck to it. Once in a while, I had to argue with him about it, but I got my way.”); Ex. 2, Excerpt of Deposition of Fred Waller (former Interim Superintendent/current Deputy Director in Superintendent’s Office) at 80:12–81:5 (“Q:...[W]ho decides the crime prevention strategy?...[Waller]: Ultimately it would be the superintendent...”); *id.* at 225:20–226:7 (“The Mayor gave then-superintendent Johnson – he allowed him to run the police department...he allowed Eddie Johnson to run the police department.”); Ex. 3, Excerpt of Deposition of Yolanda Talley

and knowledge is already established. Serving interrogatories to establish his role as decisionmaker is not necessary.

The other cases cited by the City are distinguishable because those plaintiffs did not establish a genuine need for the testimony. In *LaPorta*, No. 14 C 9665, 2016 WL 4429746, at *2 (N.D. Ill. Aug. 22, 2016), a plaintiff in a police misconduct matter sought to depose then-Mayor Rahm Emmanuel regarding his public statements acknowledging the City’s history of a police “code of silence” covering up officer wrongdoing. The plaintiff’s only explanation for seeking the deposition was to establish that the mayor made these statements, but the court reasoned that the plaintiff could simply introduce the mayor’s public remarks as evidence, without the need for a deposition. *Id.* Similarly, *Olivieri* denied a deposition because the plaintiff sought to depose CPD’s superintendent only “to get an answer under oath to [one] simple question.” 122 F.3d. at 410. In the instant case, however, Plaintiffs seek more than an answer to a single question or an acknowledgement that Superintendent Snelling made the remarks cited in Section III, *supra*. Plaintiffs require Superintendent Snelling to explain the *basis* for his statements of policy in 2024 and 2025 and how he reconciles his seemingly inconsistent positions, as well as how his traffic stop policies have been communicated and implemented during his tenure.

(former First Deputy Superintendent), at 23:12–24 (“Q: The superintendent of the Chicago Police Department is the final decision maker for the department; is that right?... [Talley]: Yes... Q: And does the superintendent set the department’s crime-fighting strategy?...[Talley]: The overall strategy, yes.”); Ex. 5, Excerpt of Deposition of Brian McDermott (former Chief of Patrol), at 246:10–13 (“And your job was to implement the superintendent’s strategy for the department. And this is what you were required to do; right? [McDermott]: Correct.”); Ex. 7, Excerpt of Deposition of Anthony Riccio (former First Deputy Superintendent), 22:16–19 (“Q: It’s your understanding that the superintendent decides strategy for CPD, right?... [Riccio]: Yes.”); Ex. 8, Excerpt of Deposition of Eric Carter (former Interim Superintendent and First Deputy Superintendent), 87:18–88:4 (“Q: And the superintendent is the final decision-maker for the whole department, right? [Carter]: Yes...Q: On strategy and policy, the superintendent is the final-decisionmaker?...[Carter]: His policy is what everybody follows.”).

Accordingly, Plaintiffs have shown a genuine need to take Superintendent Snelling's deposition that has not been and cannot be satisfied by alternative means of discovery.⁷

V. The City's Hardship Argument is Unavailing

Finally, the Court should not credit the City's argument that Snelling is too busy to be deposed. "As is usually the case in apex doctrine analyses, this argument is the least persuasive." *Peaster v. McDonald's Corp.*, No. 22 CV 7037, 2024 WL 6940771, at *5 (N.D. Ill. Jan. 30, 2024) (denying motion to quash). "Indeed, many courts have given short shrift to arguments based on a high-ranking executive's self-described busyness." *Nucap Indus., Inc. v. Robert Bosch LLC*, No. 15 CV 2207, 2017 WL 6059770, at *4 (N.D. Ill. Dec. 7, 2017). As this Court recently noted, "the bedrock presumption" "that high ranking officers' time is more valuable or that they are busier than front-line employees—who unlike higher-ranking officers do not enjoy the privilege of delegating their responsibilities to others—has no basis." *Williams v. City of Chicago*, No. 23 CV 14905, 2025 WL 3072652, at *2 (N.D. Ill. Nov. 4, 2025).

Courts in other jurisdictions have held that, simply because a police superintendent or sheriff is the highest-ranking law enforcement officer does not exempt him from giving a deposition, especially where he failed to demonstrate that testifying "would have substantial deleterious consequences or substantially inhibit his ability to perform his duties...." *See Odom v. Roberts*, 337 F.R.D. 359, 365 (N.D. Fla. 2020) (authorizing deposition of county sheriff); *see also*

⁷ The City also argues (Dkt. 203 at 8) that Plaintiffs' prior proposal that the parties enter a stipulation "implicitly acknowledged" that Superintendent Snelling's deposition is unnecessary, but that argument is plainly wrong, as the parties' final stipulation shows. The Plaintiffs' proposal was that the parties stipulate which leader—the Superintendent or the Mayor—is the City's final decisionmaker as to CPD's traffic stop policies and practices. The parties stipulated that the superintendent is the final decisionmaker. That agreement increases, rather than decreases, Plaintiffs' need for Superintendent Snelling's deposition, for the reasons explained above.

Green v. Baca, 226 F.R.D. 624, 648–50 (C.D. Cal. 2005) (denying sheriff’s motion in limine to preclude plaintiff from calling him as a witness in a civil rights trial).

Undoubtedly Superintendent Snelling has a demanding position. But the City has proffered no declaration or other evidence that sitting for a deposition would have negative consequences for public safety in Chicago or for Superintendent Snelling’s ability to do his job. The City’s only evidence is that Snelling’s calendar has a lot of meetings. *See* Dkt. 203-3. That is true for many people. Tellingly, the City has not proffered an affidavit from Superintendent Snelling (or anyone else) that setting aside time to give a deposition would detrimentally affect his job performance. Nor has the City or Superintendent Snelling provided evidence that there are other individuals within CPD who can provide testimony in his stead. As shown above, all testimony to date indicates that other CPD witnesses *cannot* explain Superintendent Snelling’s contradictory statements regarding CPD traffic stop policies. Thus, the City has not made the necessary “strong showing” to carry its burden to quash the deposition, *see City of Rockford*, 2020 WL 1675593, at *2, and Plaintiffs should be allowed to take Superintendent Snelling’s testimony as the undisputed final decisionmaker with respect to the policy at issue.

CONCLUSION

For the reasons stated above, the City’s motion to quash Superintendent Snelling’s deposition (Dkt. 203) should be denied. The City’s motion to quash Mayor Johnson and Deputy Mayor Gatewood’s depositions (Dkt. 204) should be denied as moot in light of Plaintiffs’ withdrawal of those deposition notices without prejudice.

Dated: January 9, 2026

Respectfully Submitted,

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