

**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' SUPPLEMENTAL RESPONSE TO THE CITY'S
MOTION FOR PROTECTIVE ORDER TO QUASH DEPOSITION OF
CPD SUPERINTENDENT LARRY SNELLING**

Pursuant to this Court’s Orders dated April 29, 2026 (Dkt. No. 245) and January 28, 2026 (Dkt. No. 218), Plaintiffs Eric Wilkins, Mahari Bell, Essence Jefferson, José Manuel Almanza, Jr., and Jacquez Beasley (collectively, “Plaintiffs”) file this supplementary brief in opposition to Defendant City of Chicago’s (“the City”) motion to quash (Dkt. No. 203) the deposition notice of Chicago Police Department (“CPD”) Superintendent Larry Snelling. Following the January 28, 2026, status conference, the Court took the motion to quash under advisement pending the completion of the depositions of Lts. Michael Kapustianyk and Jack Benigno and further briefing. On April 29, 2026, the Court permitted Plaintiffs to file this brief supplementing their opposition (Dkt. No. 213) to the City’s motion.

As detailed below, the depositions of current key CPD leaders and the Parties' stipulation (*see* Ex. 1) confirm that Superintendent Snelling is the current final decisionmaker for the City's traffic stop policies, practices, and directives. He possesses unique knowledge and information—not available from any other source—concerning such policies, practices, and directives relevant

to CPD's ongoing mass traffic stop program. Accordingly, Superintendent Snelling's testimony is relevant, proportional, and important to Plaintiffs' claims for prospective injunctive relief.

BACKGROUND

Plaintiffs noticed Superintendent Snelling's deposition on July 3, 2025. Dkt. No. 203-1. On December 17, 2025, the City moved to quash the notice, arguing that the so-called apex doctrine exempted Superintendent Snelling from deposition. *See* City Mot. For Protective Order, Dkt. No. 203. Plaintiffs responded on January 9, 2026, explaining that the apex doctrine does not apply to this proposed class-action under *Monell*, and in any event Plaintiffs seek Superintendent Snelling's deposition to examine his unique knowledge and information concerning CPD's traffic stop policies and strategies under his administration, including explaining apparently contradictory public statements from Superintendent Snelling. *See* Pl. Resp. in Opp. To Def.'s Motions to Quash Deposition Notices, Dkt. No. 213 at 4 (citing *Rockford v. Mallinckrodt ARD, Inc.*, 2020 WL 1675593 (N.D. Ill. Apr. 6, 2020) and *Chicago Headline Club v. Noem*, 1:25-cv-12173 (N.D. Ill. Oct. 20, 2025), both recognizing that apex doctrine does not apply to *Monell* claims seeking classwide prospective injunctive relief). In reply, the City argued, among other things, that the Plaintiffs' request to depose Superintendent Snelling was premature because Plaintiffs had not yet deposed CPD Chief of Patrol Jon Hein, Lt. Michael Kapustianyk, or Lt. Jack Benigno and that it was "astounding and implausible" for Plaintiffs to contend that Superintendent Snelling "possesses unique information" without having taken these depositions. *See* City Reply, Dkt. No. 217, at 1-2. Plaintiffs deposed Chief Hein on January 27, 2026.

The next day, the Court heard argument on the City's motion to quash. *See* Tr. 1/28/26 (Ex. 7). At the January 28 hearing, Plaintiffs reported that Chief Hein "was not able to answer for Superintendent Snelling" regarding the Superintendent's "decisions and intentions regarding CPD

traffic stop policy and practice.” *Id.* at 6:6-7:16. The Court stated, “Okay, so it sounds like Hein’s dep was critical here and something I need to read.” *Id.* at 7:17-18. The Court also stated that it wanted to “see what else” could be discovered from the then-upcoming depositions of Lts. Kapustianyk and Benigno, but if the Plaintiffs were “not getting enough, I’m going to give it [Superintendent Snelling’s deposition] to them.” *Id.* at 9:8-15.

The Court thus took the City’s motion to quash under advisement and ordered: “The Court requires further briefing on this matter following the two lieutenant depositions referenced in court.” Dkt. No. 218. Plaintiffs deposed Lts. Kapustianyk and Benigno, respectively, on April 14 and April 16, 2026.

Plaintiffs now file with the Court the three requested deposition transcripts:

- Lt. Michael Kapustianyk (Ex. 2)
- Lt. Jack Benigno (Ex. 3)
- Chief of Patrol Jon Hein (Ex. 4, redacted in accordance with the City’s confidentiality designations)

ARGUMENT

Federal Rule of Civil Procedure 26(b) provides, in part, that “Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case. . . .” Here, Plaintiffs allege that the City has adopted policies, practices, and directives which result in class-wide violations of constitutional rights and state law by discriminatorily stopping hundreds of thousands of Black and Latino motorists every year, and seek prospective injunctive relief.

The City has stipulated that the Superintendent is the chief decisionmaker for the City in conjunction with those traffic stop policies, practices, and directives. *See* Stipulation (Ex. 1), at ¶8 (“The Superintendent of Police was the final decisionmaker with respect to the Department’s traffic stop general orders, special orders, and directives... The Superintendent of Police and his

command staff had the responsibility of developing and implementing crime prevention and reduction plans, including the various policing strategies and tactics necessary to effectuate those plans.”); *id.* at ¶ 15 (“The development, supervision, and implementation of the traffic stop strategies and tactics was the responsibility of the Superintendent of Police and his command staff.”).

As a result of the Parties’ prior briefing and argument, the Court held the Defendant’s motion to quash in abeyance pending receipt of the deposition transcripts of Chief Hein and Lts. Kapustianyk and Benigno. As argued at the January 28 hearing and detailed below, none of these witnesses was able (or, in certain instances, permitted by the City’s counsel)¹ to explain Superintendent Snelling’s decisionmaking regarding any of the following matters:

(a) Superintendent Snelling’s reasoning or evidence, if any, supporting the draft traffic stop policy he approved and CPD published in April 2025 – this evidence is relevant both to the Plaintiffs’ allegations that the mass traffic stop program is ongoing, because the April 2025 policy merely codifies CPD’s current behavior, and the City’s defense that its policy is necessary to preserve public or roadway safety;

(b) Any changes (or the lack thereof) to traffic stop policy, training, strategy, tactics, or deployments that Superintendent Snelling initiated since he took office and the reasons behind them – again, this evidence relates to whether the City’s mass traffic stop policy is ongoing and to the City’s defense that its mass traffic stop policy is necessary for public safety or roadway safety;

(c) The reasons for the reduction in total CPD traffic stops since 2024 for which Superintendent Snelling publicly claimed credit – this evidence is relevant to determine whether

¹ The City’s inappropriate and unsupported invocation of “deliberative process” and other privileges, and instructions that witnesses not answer deposition questions about the development of the City’s traffic stop policy or training, is the subject of Rule 37.2 discussions between the parties and will be addressed in the joint status report to be filed on May 13, 2026. *See* Minute Order 4/29/26 (Dkt. No. 245).

the claimed reduction in stops is (1) supported by CPD's data, and (2) results from an intentional change in CPD policy, strategy, or training, or from other factors;

(d) The apparent contradiction between Superintendent Snelling's public statement (Ex. 5) in June 2024 that CPD's traffic stops need "oversight" and his statement in April 2025 (Ex. 6) that changes advocated by members of the community could reduce safety for officers or the public.

In short, as summarized below, none of the witnesses provided information about Superintendent Snelling's thought processes or the evidence supporting his decisions, and in many instances they testified that they had never even communicated with Snelling about these matters, confirming that Superintendent Snelling has unique information relevant to Plaintiffs' claims. The witnesses' testimony supports Plaintiffs' position that the motion to quash should be denied and Plaintiffs should be allowed take Superintendent Snelling's deposition.

I. Deposition of Lt. Michael Kapustianyk

The City proffered Lt. Kapustianyk as a witness knowledgeable about CPD's policies on traffic stops and racial profiling, Ex. 2 at 17:13-18:19, and promised in their briefing that he would be knowledgeable about the development of CPD's directives and proposed and recently implemented "policy changes." City's Reply, Dkt. No. 217 at 4.

Lt. Kapustianyk testified about the language in CPD's April 2025 draft traffic stop policy, including that Superintendent Snelling approved CPD posting it for public comments. Ex. 2 at 36:15-19. Lt. Kapustianyk also testified that he had approximately ten conversations with Superintendent Snelling during the course of developing that policy, but the City's counsel refused to allow Lt. Kapustianyk discuss the contents of those conversations or what directions Snelling—or any other CPD leaders—gave regarding the policy. *Id.* at 36:15-37:11; 39:3-9; 45:7-13. Lt. Kapustianyk testified he did not know the reason why Superintendent Snelling instructed CPD to

develop a traffic stop policy. *Id.* at 44:1-10. Nor did he know whether the draft traffic stop policy, in Superintendent Snelling's view, was meant to change anything about CPD's current traffic stop practices. *Id.* at 47:20-48:1.

Lt. Kapustianyk could not shed any light on Superintendent Snelling's traffic stop strategies or plans, including whether Snelling has given any instructions about increasing or decreasing the number of traffic stops that CPD makes. *Id.* at 130:4-132:10. Nor could he speak to Superintendent Snelling's views regarding the purposes for which traffic stops are used, or whether or why Snelling believes that public safety or roadway safety concerns preclude CPD from banning pretextual traffic stops. *Id.* at 56:2-14; 59:20-60:2.

Regarding Superintendent Snelling's remarks at a June 2024 court hearing about the CPD consent decree (Ex. 5), Lt. Kapustianyk could not explain what Superintendent Snelling meant when he stated that "oversight of our traffic stops is necessary," Ex. 2 at 138:6-9; whether Superintendent Snelling has changed, or will change, CPD's strategy of using traffic stops as an alleged tool for crime reduction, *id.* at 139:21-140:21; or what Superintendent Snelling meant when he gave an "acknowledgment" about community concerns regarding CPD traffic stops, *id.* at 141:13-23. Lt. Kapustianyk could not explain the data or reasoning behind any other statements Superintendent Snelling made at that hearing. *Id.* at 146:14-149:16; 154:8-155:20. When asked about the Superintendent's statements that traffic stops had decreased under his leadership, Lt. Kapustianyk testified: "Yeah, I don't know if I know the reasons. Like I said, I'm not involved in strategy decisions, direction the superintendent provides to leadership on his crime strategies ... I'm not privy to understanding why the direction the superintendent has given to department leadership on that." *Id.* at 145:8-19.

Lt. Kapustianyk was unable to explain or provide the evidence (if any) supporting Superintendent Snelling's statements published in an April 2025 news story (Ex. 6) defending CPD's draft traffic stop policy, and, specifically, Superintendent Snelling's claim that banning traffic stops for low level violations would make Chicago's streets more dangerous, *see* Ex. 2 at 157:1-9, or Superintendent Snelling's statements that "going outside of the law" would prevent CPD from "keep[ing] the public safe." *Id.* at 158:24-159:21.

When asked about the apparent change in Superintendent Snelling's thinking between June 2024 and April 2025, Lt. Kapustianyk testified that he did not know if Snelling's "view on traffic stops has evolved," he could not "explain the superintendent's statements in both circumstances," and he did not know whether Superintendent Snelling had received any information in that time period that would have changed his opinions. *Id.* at 161:24-162:22.

In conclusion, Lt. Kapustianyk did not and could not testify regarding Superintendent Snelling's policy or strategy choices concerning CPD traffic stops. On the contrary, he testified that only the Superintendent can give directions on traffic stop strategies, and he was "not privy to" those instructions. *Id.* at 145:11-19. Based on this testimony, the Superintendent has unique personal knowledge relevant to establishing that CPD's mass traffic stop program is ongoing and the City's defense that such a policy is necessary for safety reasons.

II. Deposition of Lt. Jack Benigno

Lt. Benigno had even less knowledge pertinent to Superintendent Snelling's directions or decisions as CPD's final policymaker regarding traffic stops.

The City disclosed Lt. Benigno as a witness knowledgeable about "the development and implementation of training programs involving traffic stops and CPD's prohibition against racial profiling and bias-based policing," Ex. 3 at 49:22-50:19, and promised in its briefing that he would

be knowledgeable about “the development of CPD’s . . . training program” and proposed and recently implemented “policy changes and related training.” Dkt. No. 217 at 4. However, Lt. Benigno testified that he never had any direct communication with Superintendent Snelling about CPD training concerning traffic stops or racial profiling. *See* Ex. 3 at 297:2-24; *see also id.* at 90:17-24; 95:10-22; 98:8-13; 170:16-23. And Lt. Benigno was instructed not to answer whether Superintendent Snelling provided guidance as to the contents of CPD’s constitutional policing training. *Id.* at 96:1-11.

With respect to a CPD bulletin dated April 2025, which included a quote attributed to Superintendent Snelling to the effect that CPD is focusing on training officers how to do traffic stops, Lt. Benigno could not explain the meaning or origin of the quote, and he stated that he had never discussed it with Superintendent Snelling. *Id.* at 282:18-283:22 (“I don’t know what was in Superintendent Snelling’s head. I don’t know what he was thinking...”); 288:7-18 (“I don’t know which [trainings] he’s referring to.”). And regarding the same document’s assertion that CPD completed fewer traffic stops in 2024 compared to 2023, Lt. Benigno could not explain the reasons for the claimed decrease and denied knowledge of any instructions from Superintendent Snelling about the number of traffic stops that officers complete. *Id.* at 293:23-294:15.

Lt. Benigno, in summary, has had essentially no relevant communications with Superintendent Snelling and is not knowledgeable about Snelling’s traffic stop strategies or instructions. His testimony cannot replace Superintendent Snelling’s.

III. Deposition of Chief of Patrol Jon Hein

Although CPD Chief of Patrol Jon Hein reports directly to Superintendent Snelling, Ex. 4 at 53:13-15, and the Defendant promised in its briefing that Hein was “in regular communication with the Superintendent on key aspects of patrol operations” and “how any focus on violent crimes

was implemented,” Dkt. No. 217 at 5, Chief Hein also was unable to explain Snelling’s strategies, decisions or future plans with regard to CPD’s mass traffic stop program.

Chief Hein testified he is responsible for, among other things, administration, operations and deployment decisions for the approximately 6,000 CPD members who work within the Bureau of Patrol. *Id.* at 37:14-39:14. Chief Hein further testified that he and Superintendent Snelling have had conversations about “how to make traffic stops better,” such as utilizing safe tactics and teaching officers how to interact civilly with members of the public. *Id.* at 61:5-63:16. Chief Hein further testified that he himself has given instructions to the commanders of CPD’s patrol districts to “please make sure our officers are doing these traffic stops in a safe, effective manner through constitutional policing.” *Id.* at 66:1-9.

Otherwise, Chief Hein testified that he does not recall Superintendent Snelling issuing any written orders, directives, memos, emails or verbal instructions about traffic stops. *Id.* at 68:8-70:3. Chief Hein testified he has not been privy to any instructions from Superintendent Snelling regarding whether CPD should use traffic stops for purposes of public safety, pedestrian safety, or avoidance of crashes. *Id.* at 74:2-76:19. Chief Hein stated he is not aware of Superintendent Snelling giving any specific public safety strategy instructions at all to CPD’s commanders. *Id.* at 144:11-20. Chief Hein testified he has “never witnessed” Superintendent Snelling giving instructions to anyone at CPD to deemphasize traffic stops as a public safety strategy. *Id.* at 144:21-24. Chief Hein testified he did not recall any directions from Superintendent Snelling that CPD supervisors should not set numerical expectations (quotas) for officers to complete a particular number of traffic stops. *Id.* at 281:19-23. And Chief Hein testified he has not discussed CPD’s draft traffic stop order dated April 2025 with Snelling. *Id.* at 120:13-15. In sum, Chief Hein could not speak to Superintendent Snelling’s views, as final decisionmaker for CPD, whether CPD should

continue and will continue to make traffic stops allegedly for the purpose of public safety or deterring crime—also known as pretextual traffic stops.

Importantly, Chief Hein could not explain Superintendent Snelling’s commitment at the June 2024 court hearing (Ex. 5) that “there is absolutely a need to reform the way that we [CPD] do traffic stops.” Ex. 4 at 132:11-133:14. Chief Hein testified that the only person who could explain that statement is Superintendent Snelling. *Id.* at 133:15-24. Chief Hein could not explain the factual basis for Superintendent Snelling’s claims in that hearing that he has been focusing traffic stops “more around violent crimes,” *id.* at 123:2-124:3, or that CPD has seen “a reduction of 87,000 stops” and “an increase of 500 felony arrests this year and overall more than 3,000 arrests.” *Id.* at 128:1-129:14. In fact, Chief Hein contradicted Superintendent Snelling’s comments and testified that CPD has not changed any policies or training in a way that resulted in fewer traffic stops, *id.* at 141:5-13, 142:2-8, and, further, he is not aware of Superintendent Snelling giving any directions that the number of traffic stops should be reduced, nor that the “focus” of CPD’s traffic stops strategy should change. *Id.* at 129:15-130:4.

Chief Hein was unable to provide the evidentiary basis for Superintendent Snelling’s statements to the press (Ex. 6) that if police officers are prevented from stopping drivers for certain vehicle registration or minor equipment violations (such as a burned-out headlight, taillight or license plate light), that the streets will become more dangerous for everyone. Ex. 4 at 146:1-148:22. Nor could Chief Hein explain Superintendent Snelling’s public statement that he did not want CPD’s traffic stop policy to go “outside the law.” *Id.* at 152:5-8.

In summary, Chief Hein did not and could not explain Superintendent Snelling’s thinking—as final decisionmaker for CPD—regarding any of the hallmarks of CPD’s mass traffic stop program, including setting quotas and activity expectations, deploying more officers and utilizing

more traffic stops as a public safety strategy in neighborhoods where the residents are mostly Black and Brown people, and stopping Black and Brown drivers disproportionately in neighborhoods where most residents are white. Chief Hein was not familiar with the evidence available to Superintendent Snelling that may support Snelling's decisions regarding CPD traffic stop strategy. And Chief Hein could not speak to Superintendent Snelling's future intentions to either maintain or change those strategies, tactics, or policies. All of these topics go directly to the heart of the disputes in this case: whether CPD maintains a discriminatory mass traffic stop program, and whether that program is necessary for public or roadway safety.

CONCLUSION

For the reasons explained above, the testimony of Lt. Kapustianyk, Lt. Benigno and Chief Hein did not obviate Plaintiffs' need to take Superintendent Snelling's deposition. These witnesses have confirmed that Superintendent Snelling has critical and unique information regarding how he has instructed CPD personnel to implement his policies. Superintendent Snelling 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. Superintendent Snelling alone can explain why he told another Court in this district in 2024 that he intended to reform CPD's traffic stops, and to "focus" those stops "around violent crimes," (Ex. 5), only to state the following year at a press conference that he did not intend to limit CPD's ability to make racially discriminatory pretextual traffic stops at all (Ex. 6). As the final decisionmaker responsible for CPD's mass traffic stop program, Superintendent Snelling's testimony about the program is crucial.

Accordingly, the City's motion to quash Superintendent Snelling's deposition should be denied, and the City should be ordered to produce Superintendent Snelling for a deposition within the next 90 days.

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