

**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.

§ § § § § § § § § § § §

NO. 23-CV-4072

Judge Mary M. Rowland

**PLAINTIFFS' REPLY IN SUPPORT OF
PLAINTIFFS' REFILED MOTION FOR CLASS CERTIFICATION**

TABLE OF CONTENTS

INTRODUCTION1

BACKGROUND3

ARGUMENT7

I. Rule 23(b)(2) Does Not Impose a Necessity Requirement.....7

II. The Class is Sufficiently Definite and Identifiable.....9

 A. The Class Definition Properly Encompasses The Full Scope Of
 CPD’s Discriminatory Program.9

 B. The Class Definition Is Not Overbroad.10

 C. Latino Drivers Appropriately Are Included In The Class.12

 D. Plaintiffs’ Class Definition Can Be Refined Later.12

III. Plaintiffs Have Met Rule 23’s Commonality Burden.....13

 A. Plaintiffs Have Presented Common Questions That Can Be
 Answered With Common Evidence.....13

 B. Plaintiffs Need Not Prove The Challenged Policy At Class
 Certification.16

 C. The City’s Challenges To Dr. Knox’s Statistical Methodology Are
 Inapt and Incorrect.19

IV. Injunctive Relief Is Appropriately Tailored To The Proposed Class.21

CONCLUSION.....22

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Am. Council of Blind of Metro. Chi. v. City of Chi.</i> , 589 F. Supp. 3d 904 (N.D. Ill. 2022)	8
<i>Amchem Prods. v. Windsor</i> , 521 U.S. 591 (1997).....	8
<i>Arandell Corp. v. Xcel Energy Inc.</i> , 149 F.4th 883 (7th Cir. 2025)	10
<i>Bell v. PNC Bank, Nat. Ass’n</i> , 800 F.3d 360 (7th Cir. 2015)	16, 17
<i>Brown v. Scott</i> , 602 F.2d 791 (7th Cir. 1979)	7
<i>Chicago Headline Club v. Noem</i> , 350 F.R.D. 612 (N.D. Ill. 2025).....	8
<i>Chicago Tchrs. Union, Loc. No. 1 v. Bd. of Educ. of City of Chicago</i> , 797 F.3d 426 (7th Cir. 2015)	14
<i>Dunn v. City of Chicago</i> , 231 F.R.D. 367 (N.D. Ill. 2005).....	16
<i>Flanagan v. Allstate Ins. Co.</i> , 228 F.R.D. 617 (N.D. Ill. 2005).....	13
<i>Floyd v. City of New York</i> , 283 F.R.D. 153 (S.D.N.Y. 2012)	15-16, 19
<i>Jamie S. v. Milwaukee Pub. Schs.</i> , 668 F.3d 481 (7th Cir. 2012)	14, 18
<i>Johns v. DeLeonardis</i> , 145 F.R.D. 480 (N.D. Ill. 1992).....	8
<i>K.C. v. Individual Members of Medical Licensing Bd. of Indiana</i> , 345 F.R.D. 328 (S.D. Ind. 2024).....	21
<i>Kohen v. Pac. Inv. Mgmt. Co.</i> , 571 F.3d 672 (7th Cir. 2009)	10, 11

<i>Littlewolf v. Hodel</i> , 681 F. Supp. 929 (D.D.C. 1988)	8
<i>Lujan v. Defs. of Wildlife</i> , 504 U.S. 555 (1992)	10
<i>Messner v. Northshore Univ. HealthSystem</i> , 669 F.3d 802 (7th Cir. 2012)	11, 13
<i>Mullins v. Direct Digit., LLC</i> , 795 F.3d 654 (7th Cir. 2015)	10
<i>Ortiz v. Fibreboard Corp.</i> , 527 U.S. 815 (1999)	10
<i>Parko v. Shell Oil Co.</i> , 739 F.3d 1083 (7th Cir. 2014)	11
<i>Ross v. Gossett</i> , 33 F.4th 433 (7th Cir. 2022)	2
<i>Sandoval v. City of Chicago</i> , No. CIV.A.07 C 2835, 2007 WL 3087136 (N.D. Ill. Oct. 18, 2007)	11
<i>Schleicher v. Wendt</i> , 618 F.3d 679 (7th Cir. 2010)	11
<i>Smith v. City of Chicago</i> , 340 F.R.D. 262 (N.D. Ill. 2021)	17
<i>Stinson v. City of New York</i> , 282 F.R.D. 360 (S.D.N.Y. 2012)	16
<i>Wal-Mart Stores, Inc. v. Dukes</i> , 564 U.S. 338 (2011)	<i>passim</i>

Other Authorities

Daniel Tenny, <i>There is Always a Need: The ‘Necessity Doctrine’ and Class Certification Against Government Agencies</i> , 105 Mich. L. Rev. 5, 1020 & n.11 (2005)	8
Federal Rules of Civil Procedure Rule 23	<i>passim</i>

INTRODUCTION

The City of Chicago's response brief (Dkt. No. 222) confirms that a Rule 23(b)(2) class should be certified. Critically, the City does not contest numerosity, typicality, or adequacy. And with regard to commonality, the City does not address the key evidence Plaintiffs proffered in their Motion for Class Certification (the "Motion"), including the expert testimony of Chief Chris Burbank that (i) CPD adopted and maintained a mass traffic stop program, *compare* Dkt. No. 194 at 2, 4-8 *with* Dkt. No. 222 (no response), (ii) that numerical targets were pushed from the Superintendent's office through area and district commanders to individual officers, *compare* Dkt. No. 194 at 10-12, 20-21 *with* Dkt. No. 222 (no response), and (iii) that this enforcement was concentrated in the same neighborhoods on the South and West Sides where the residents are predominantly Black and Latino and where, as the City's own data reflects, the overwhelming majority of all traffic stops occurred. *Compare* Dkt. No. 194 at 1-2, 7, 11 *with* Dkt. No. 222 (no response). And the City confirms other critical evidence of commonality, including that a single, centralized command structure directed traffic enforcement across Chicago, *compare* Dkt. No. 194 at 20 *with* Dkt. No. 222 at 6-7, 28. That is precisely the kind of common, top-down policy that Rule 23(b)(2) is designed to address in a single proceeding.

Indeed, the City's brief reads less like an opposition to class certification and more like a premature motion for summary judgment, and a misleading one at that. Rather than engaging with the actual evidence Plaintiffs proffered demonstrating that common evidence exists to resolve Plaintiffs' claims on a class-wide basis, the City devotes the bulk of its brief to contesting the merits: arguing simultaneously in the alternative that (i) there is no mass traffic stop policy, Dkt. No. 222 at 9, 19, (ii) that its mass traffic stop policy is race-neutral, *id.* at 26-28, 30, and (iii) that there are "legitimate public safety objectives" for its mass traffic stop policy. *Id.* at 9-11. In support of the last point, the City dissects a select handful of Plaintiffs' stops in minute detail, to proffer

that each Plaintiff was stopped for legitimate reasons. *Id.* at 11-15. Those are merits arguments.¹ They are not grounds to deny class certification. *See Ross v. Gossett*, 33 F.4th 433, 438-439 (7th Cir. 2022) (holding that defenses on the merits of Plaintiffs’ claims are “appropriate in a motion for summary judgment” but “not relevant to the class certification context.”).

Aside from challenging commonality, the City raises a hodgepodge of inapposite arguments about purported deficiencies in the proposed class, such as the “necessity” and poor “tailoring” of class-wide relief, as well as the alleged overbreadth of the class definition. Those issues are each based on an incorrect characterization of the law and what is necessary to decide at this juncture, which is straightforward: Plaintiffs must show that the challenged program, here the City’s centralized, quota-driven, geographically concentrated mass traffic stop policy, presents common questions capable of class-wide resolution through common evidence. Plaintiffs have done so. The internal emails and directives demanding stop volumes, the supervisory pressure translated from the Superintendent’s office into individual districts, the consistent geographic concentration of enforcement in communities where most residents are Black and Latino, and the statistical evidence of department-wide racial disparities is all evidence common to every member of the class. And stripped of its efforts to distract the Court from focusing on this commonality, the City has almost nothing to say about this evidence.

At bottom, the City’s opposition does not identify a single Rule 23 requirement that Plaintiffs have failed to meet on the evidence before this Court. Instead, it asks this Court to adjudicate the merits before the class has been certified, to demand a level of proof that no court

¹ The City’s suggestion (Dkt. No. 222 at 12-15) that CPD’s stops of the Plaintiffs were justified based on various traffic law violations also completely misses the point of Plaintiffs’ racial discrimination claims. Even if probable cause existed for every traffic stop of the Plaintiffs and proposed class members (which Plaintiffs dispute), the stops are still unlawful if the Court finds that they resulted from CPD’s mass traffic stop program and that the program is motivated by racial animus and/or that it disproportionately burdens Black and Latino drivers without a legitimate justification. *See* Pl. Am. Compl. (Dkt. No. 87), Counts I-II.

in this Circuit requires at the certification stage, and to deny the hundreds of thousands of Black and Latino Chicagoans subjected to CPD's mass traffic stop program the class treatment to which they are entitled. This Court should certify the class.

BACKGROUND

In his declaration supporting Plaintiffs' Motion, police practices expert and former Salt Lake City Chief of Police Chris Burbank adduced and examined evidence establishing the existence of CPD's mass traffic stop program. *See* Burbank Decl. (Dkt. No. 194-2) ¶ 11. Based on his knowledge and experience, including a review of 115 exhibits, Chief Burbank concluded that the City and CPD developed, implemented, and maintained the mass traffic stop program with these key elements: (i) CPD "conduct[s] extremely high volumes of traffic stops, frisks, and searches concentrated in Chicago neighborhoods where predominantly Black or Latino residents live;" and (ii) CPD has implemented "'activity targets and quotas for traffic stops that result in a disproportionate number of stops, frisks, and/or searches of Black and Latino individuals in the City of Chicago.'" *Id.*²

In its opposition, the City failed to rebut this evidentiary showing, which has now been corroborated and augmented by extensive deposition testimony, as well as subsequently

² *See also* Burbank. Decl. (Dkt. No. 194-2) ¶¶ 38-51 (discussing evidence and concluding "that from 2016 to the present, CPD instructed its officers to police proactively by saturating areas with significant majorities of Black and Latino residents with pretextual traffic stops of vehicles for low-level traffic violations"); ¶¶ 52-60 (discussing evidence and concluding that "CPD's practice of demoting officers who make fewer traffic stops, or rewarding officers who make more traffic stops" as well as "CPD's instructions for officers to increase their 'activity' or 'productivity' and setting goals and targets [function] as a quota system that requires officers to conduct high volumes of pretextual traffic stops"); ¶¶ 39-40, (discussing Dr. Knox's conclusions that citywide, Black and Latino drivers were approximately twice as likely to be stopped for alleged serious moving violations such as speeding, compared to white drivers committing similarly dangerous moving violations); and ¶¶ 12, 61-67 (discussing Plaintiffs' declarations and concluding "that the traffic stops that the named Plaintiffs experienced between 2016 and the date of this declaration are consistent with and the result of CPD's mass traffic stop program," including Plaintiffs Mahari Bell and Jacquez Beasley's traffic stops in Districts 1 and 18, where the majority of residents are white.)

discovered documents introduced as deposition exhibits. The City fails to respond directly to *any* of Chief Burbank's expert opinions or reasoning and ignores all but ten³ of the 115 CPD documents he relied upon in reaching his conclusions.

As Chief Burbank detailed, following its development and implementation in 2015-2016,⁴ the City's mass traffic stop program is evidenced in a decade of written General Orders, directives, memos, deployment plans, CompStat and Strategic Decision Support Center briefings, meeting notes, and thousands of emails. *See* Burbank Decl. ¶¶ 11-68. The record also shows that once set in motion, each interim and permanent CPD Superintendent who succeeded Superintendent Eddie Johnson (with the exception of current Superintendent Larry Snelling, whom Plaintiffs seek to depose⁵) made no changes to CPD's use of traffic stops to allegedly address all types of crime, or the way CPD collects and uses traffic stop activity.⁶

The City also failed to engage with Chief Burbank's opinion regarding the racially discriminatory intent and disparate racial impact of the mass traffic stop program: "CPD's and the

³ *See* Dkt. No. 222, at 29 n.16 (quoting Burbank Decl. Exs. 48, 59, 60, 62, 63, and 71) and Dkt. 222 Exs. 35, 39, 41, 43, *corresponding respectively to* Burbank Decl. Exs. 11, 76, 19, and 12.

⁴ Chief Burbank describes the development of CPD's mass traffic stop program in detail with particular focus on CPD's initiative to adopt the Milwaukee Police Department's strategy of using mass pretextual traffic stops as a purported means to reduce violent crime, robberies, and thefts. *See* Burbank Decl. at ¶¶ 13-37. This has been corroborated by subsequent deposition testimony. For example, former Deputy Chief David McNaughton admitted that he recommended this strategy for adoption and CPD did, in fact, adopt it. *See* Dkt. 222-42, Deposition of David McNaughton at 65:23-66:15 (admitting to recommending CPD adopt tactics of "more stops, not necessarily more tickets" and tracking traffic stops daily). Former Superintendent Eddie Johnson, CPD's final decisionmaker at the time, similarly admitted that CPD adopted these tactics. *See* Dkt. 222-8, Deposition of Eddie Johnson, at 116:2-117:14. Superintendent Johnson also testified that he did nothing to countermand Deputy Chief McNaughton's June 30, 2016 email to all CPD command staff stating "we need to see a marked increase in the number of stops." *Id.* at 146:9-147:22.

⁵ *See* Pl.'s Supp. Resp. to City's Mot. for Protective Order to Quash Deposition of CPD Superintendent Larry Snelling, Dkt. No. 246.

⁶ *See, e.g.,* Dkt. 222-61, Deposition of Eric Carter, at 144:2-145:2 (testifying that as Interim Superintendent, he did not change anything about Superintendent David Brown's crime reduction strategies, policies related to traffic stops, or expectations for officers); *see also* Dkt. 222-40, Deposition of Fred Waller at 106:6-9 (testifying that as Interim Superintendent, Waller did not change anything about the purposes for which CPD does traffic stops).

City of Chicago’s leadership would be well aware of the racial demographics of the areas targeted for high-volume traffic enforcement on the West and South sides of the city.” *See* Burbank Decl. ¶ 63. This opinion has been confirmed in the depositions of two dozen current and former CPD command staff, who consistently testified to their knowledge of the racial demographics of the communities within CPD districts and areas.⁷ These same witnesses also consistently admitted to approving and carrying out traffic stop saturation missions and targeted “hot spots” missions in areas where mostly Black or Latino people live.⁸

Other than asserting (falsely) that “Plaintiffs have no evidence of an express policy or quota system sufficient to tie together hundreds of thousands of discretionary law enforcement decisions,” Dkt. 222 at 30, the City does not address the actual evidence of activity targets and numeric quotas highlighted in the opening Motion. In particular, the City does not address Chief Burbank’s description of how CPD developed its quota system that saturated neighborhoods of majority Black and Latino residents. Burbank Decl. ¶¶ 52-60. As Chief Burbank noted, a “key element” of Milwaukee’s program that CPD adopted was daily traffic stop data reporting and tracking. *See id.* at ¶ 55; *see also* Dkt. 222-42, Deposition of David McNaughton, at 161:12-25. The City even admits, in reference to Deputy Chief McNaughton’s efforts to replicate the Milwaukee pretextual traffic stop program, that “[c]ommand staff were encouraged to increase traffic missions and enforcement in an effort to reduce violent crime in Chicago.” Dkt. 222. at 7. As Chief Burbank opined, “CPD leadership’s scrutiny of daily traffic stop reports resulted in

⁷ *See, e.g.*, Dkt. No. 222-8, Deposition of Eddie Johnson at 77:7-78:20 (testifying regarding racial demographics of Districts 5, 6, 11, 15, 17, and 18); *see also* Dkt. No. 222-63, Deposition of Kevin Ryan at 42:9-54:12 (testifying regarding knowledge of racial demographics of Area Central, Districts 1, 2, 3, 8, 9, 10, 12 and 18, and reliance on CPD’s published Unit Profile Reports containing racial demographic information).

⁸ *See* Burbank Decl. ¶¶ 38-51 (concluding based on CPD documents and publicly announced strategies that “from 2017 forward,” following the mass traffic’s stop program development, “CPD continued to target Black and Latino neighborhoods and individuals for mass pretextual traffic stops and searches.”).

significant pressure by commanding officers on their subordinates to make more and more traffic stops. They punished officers who completed too few traffic stops with demotion.” Burbank Decl. ¶ 56. The City does not meaningfully respond to the evidence Chief Burbank cited demonstrating the CompStat unit’s central role in traffic stop activity monitoring, *See* Burbank Decl. Ex. 46-46(11), or the many examples he cited of separate CPD command staff forwarding daily traffic stop summaries to their subordinates to praise their traffic stop numbers, or more often, demand more stops. *See* Burbank Decl. ¶¶ 52-53 & Exs. 46-46(11).

Nor does the City address the evidence Chief Burbank noted of express numerical quotas for traffic stops. *See* Burbank Decl. ¶¶ 56(k) & Ex. 61 (citing the testimony of Sgt. Stephen Boyd in *Paz, Jr. v. City of Chicago* (2021-L-514) regarding Superintendent David Brown’s goal for “CPD to conduct at least 10,000 traffic stops per week, Department-wide.”). Since filing the Motion, Plaintiffs have discovered additional examples of CPD command staff actively utilizing or evincing knowledge of express numerical traffic stop quotas. For example, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].⁹ [REDACTED] in an

⁹ See Ex. K (CITY00274639-40), [REDACTED] (Jan. 17, 2018); Ex. L (CITY00274668-69) “I would like to continue pushing 5 tss cards [p]er car each day. If we have three cars a day, 2 teams a day that's 60 per day. I think it's reasonable” (Feb. 1, 2018); Ex. M (CITY00349290-91), “Let's keep that number to 5 per car. It's not much. If u think we can tackle this another way let me know. That will bring us to 60 per day from tact which i [sic] believe is a manageable number” (Feb. 14, 2018); Ex. N (CITY00337248-50), “[Let's] make sure our day/night teams still with the number per car. (5) TSS cards a car per day/night. Thank you. We only had 8 yesterday” (Apr. 4, 2018); Ex. O (CITY00178533-34), [REDACTED] (May 8, 2018); Ex. P (CITY00178794-99), [REDACTED] (June 18, 2018); Ex. Q (CITY00178901-10), “PLEASE get the job done and emphasize this to your troops. We should be averaging 60 stops each day for Tact from both watches. 3 cars up per team at 5 TSS cards per car” (Sept. 25, 2018), and Ex. R (CITY00178544-52), [REDACTED]

April 2, 2020 training Needs Assessment memo authored by District 14 Commander Melvin Roman and circulated to a large group of CPD leaders and members.¹⁰ On June 12, 2022, Captain John Doherty referenced Superintendent Brown's 10,000 stops per week quota, characterizing it as "the Superintendent's mandate for 2000 traffic stops a day" on an email chain including dozens of current CPD exempt members, including Chief of Patrol Brian McDermott and then-CompStat Director Stephen Chung, none of whom replied to contradict Cpt. Doherty or inquire what the email was referring to.¹¹

ARGUMENT

I. Rule 23(b)(2) Does Not Impose a Necessity Requirement

Citing cases predominantly from the 1970s, the City's opposition asserts that Plaintiffs' class fails for a "lack of need" because Plaintiffs can purportedly "obtain[] individual injunctive and declaratory relief . . . [which] will benefit all Black and Latino drivers, regardless of whether a class is certified." Dkt. 222 at 16-17. This argument lacks a basis in Rule 23 and has been foreclosed by case law.

The Seventh Circuit has unequivocally rejected such a "necessity" test. *Brown v. Scott*, 602 F.2d 791, 795 (7th Cir. 1979) (finding where "the requirements of Rule 23 are satisfied class certification should not be refused because of a lack of need"); *see also* Daniel Tenny, *There is*

_____ " (June 17, 2019).

¹⁰ Ex. S (CITY00274736-98 at CITY00274767), District 14 Commander Melvin Roman writing in memo pursuant to CPD's 2020 Needs Assessment for officer training, "_____

_____ " (Apr. 02, 2020).

¹¹ Ex. T (CITY00837117-20), Email from CPD Captain John Doherty, replying to a mass invitation to Chicago Police Department Captain's Association ("CPDCA") dinner event, "Sorry, I won't be able to attend, I have to run traffic missions now and ensure strict compliance with the Superintendent's mandate of 2000 traffic stops a day." (June 12, 2022). The email sender, appearing on the document as "John D...<stopfor2@hotmail.com>" was identified as Cpt. John Doherty by the CPDCA pursuant to Plaintiffs' subpoena request. *See* Ex. U (CPDCA00000009-11), Am. Resp. to Subpoena Duces Tecum (December 17, 2025).

Always a Need: The ‘Necessity Doctrine’ and Class Certification Against Government Agencies, 105 Mich. L. Rev. 5, 1020 & n.11 (2005) (“the Seventh Circuit has completely rejected the necessity doctrine”). That is because “‘civil rights cases . . . are prime examples’ of what (b)(2) is meant to capture.” *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 361 (2011); *Amchem Prods. v. Windsor*, 521 U.S. 591, 614 (1997). And the necessity requirements the City is trying to impose “fl[y] in the face of the Federal Rules” by denying certification to parties seeking to enjoin civil rights violations. *Littlewolf v. Hodel*, 681 F. Supp. 929, 937 (D.D.C. 1988); *see also Wal-Mart*, 564 U.S. at 361.

As here, once the Rule 23(a) elements are satisfied, Rule 23(b)(2) presents a single remaining hurdle for class certification: Plaintiffs must, and did, show that “the party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief . . . is appropriate respecting the class as a whole.” Fed. R. Civ. P. 23(b)(2). That requirement says nothing about the “necessity” or “need” for certification. Indeed, Rule 23(b)(2) specifically relieves plaintiffs of the higher orders of proof in other certification standards. *See Amchem*, 521 U.S. at 616 (noting Rule 23(b)(3)’s additional requirements).

The rejection of a “need” requirement makes perfect sense given that “23(b)(2) is particularly appropriate in class actions brought to vindicate civil rights.” *Johns v. DeLeonardis*, 145 F.R.D. 480, 484 (N.D. Ill. 1992). Indeed, this Court has certified classes like Plaintiffs’ as recently as 2025. *See, e.g., Chicago Headline Club v. Noem*, 350 F.R.D. 612, 624–25 (N.D. Ill. 2025) (certifying class seeking injunctive relief of “persons who are or will . . . non-violently demonstrate . . . at [DHS] immigration enforcement and removal operations in the Northern District of Illinois”); *Am. Council of Blind of Metro. Chi. v. City of Chicago*, 589 F. Supp. 3d 904, 906 (N.D. Ill. 2022) (certifying class seeking injunctive relief as “all blind or low-vision

pedestrians who use City of Chicago’s . . . intersections. . . .”). Many of those class members—future protestors and low-vision Chicagoans, respectively—could theoretically have “receive[d] the same practical benefit through an individual plaintiff’s action.” Dkt. 222. at 17. In each case, however, this Court refused to undertake such an analysis and certified both classes. The Court should do so here.

II. The Class is Sufficiently Definite and Identifiable

The City raises a host of arguments that Plaintiffs’ class definition is too broad and “untenable.” Dkt. 222 at 18. The City is wrong; although it is large, Plaintiffs’ class is definite and identifiable.

A. The Class Definition Properly Encompasses The Full Scope Of CPD’s Discriminatory Program.

The City first contends that Plaintiffs’ class definition is overbroad because it includes individuals not subject to pretextual stops. Dkt. 222 at 19-20. This argument is fatally flawed for two reasons.

First, “pretextual stops” is purposely and properly absent from the proposed class definition because Plaintiffs seek to “end the City’s discriminatory traffic stop program” in its entirety, not end certain stops for certain reasons. Am. Compl. (Dkt. No. 87) ¶ 450 (“Pursuant to Federal Rules of Civil Procedure 23(a) and (b)(2), the named Plaintiffs seek to represent a certified Plaintiff Class . . . of all Black and Latino people who have been *subjected to the City’s mass traffic stop program* within the two years prior to the filing of this lawsuit on June 26, 2023”) (emphasis added). Plaintiffs’ class encompasses all those stopped by CPD, whether the stop was the product of a race-based pretextual stop, a discriminatory deployment to a neighborhood where a majority of residents are Black and/or Latino, or a quota that encouraged officers to make more traffic stops in such neighborhoods. There is no mismatch between the class and Plaintiffs’ claims.

Second, Plaintiffs’ class is sufficiently defined. There is no heightened ‘ascertainability’ test in the Seventh Circuit. *Mullins v. Direct Digit., LLC*, 795 F.3d 654, 660 (7th Cir. 2015). All that Rule 23 requires is that the class is “defined clearly and that membership be defined by objective criteria rather than by, for example, a class member’s state of mind.” *Id.* at 657. Plaintiffs’ class fits that bill. There is no requirement, as the City wants to impose, that the class definitions track or match the precise claims in the case. Dkt. 222 at 20-21. In fact, the opposite is true: the City’s proposed narrowing of the class would run the risk of creating an impermissible “fail-safe” class. *See Mullins*, 795 F.3d at 660. Such classes are improper when defined precisely along the merits—here, a class composed of only those subject to an illegal, race-based pretextual stop would improperly track the merits and prejudice the City.

B. The Class Definition Is Not Overbroad.

The City contends that Plaintiffs’ class definition fails because it “sweep[s] within it numerous persons who suffered no injury.” Dkt. 222 at 18-19, 20-22. To the extent that the City is referring to Article III’s injury-in-fact standing requirements of *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992), they misapprehend the Court’s mandate at the class certification stage. *See, e.g., Ortiz v. Fibreboard Corp.*, 527 U.S. 815, 831 (1999) (“the class certification issues are ... ‘logically antecedent’ to Article III concerns ... Rule 23 certification should be treated first....”).

Regardless, there is no requirement that every member of a class be injured by a defendant. *Arandell Corp. v. Xcel Energy Inc.*, 149 F.4th 883, 898 (7th Cir. 2025) (“To the extent the defendants suggest that before class certification, the plaintiffs must show all class members suffered some injury, that is not correct. We have said this repeatedly.”); *see also, e.g., Kohen v. Pac. Inv. Mgmt. Co.*, 571 F.3d 672, 677 (7th Cir. 2009) (“[A] class will often include persons who

have not been injured by the defendant’s conduct . . . Such a possibility or indeed inevitability does not preclude class certification[.]”).

While it is true that a class cannot include a *great* many individuals who could not have been subject to any harm by a defendant, the City conflates the distinction “between class members who *were not* harmed and those who *could not* have been harmed.” *Messner v. Northshore Univ. HealthSystem*, 669 F.3d 802, 825 (7th Cir. 2012) (emphasis added). The first question is merits based, which is not appropriately considered at the class certification phase. *See Parko v. Shell Oil Co.*, 739 F.3d 1083, 1085 (7th Cir. 2014) (“How many (if any) of the class members have a valid claim is the issue to be determined *after* the class is certified.”); *Schleicher v. Wendt*, 618 F.3d 679, 685 (7th Cir. 2010) (“Defendants have approached this case as if class certification is proper only when the class is sure to prevail on the merits. . . . Under the current rule, certification is largely independent of the merits. . . . Rule 23 allows certification of classes that are fated to lose as well as classes that are sure to win.”). The second question is one of impossibility, which is appropriately considered at the class certification phase but not relevant here because every member of the proposed class *could have* been harmed by the mass traffic stop policy, which results in hundreds of thousands of unnecessary stops of Black and Latino motorists every year.

The City liberally cites *Kohen* for the proposition that classes with a “great many persons who have suffered no injury at the hands of the defendant” must fail. 571 F.3d at 677 (cited at Dkt. 222 at 19, 22). Yet even *Kohen*’s “great many” language has been clarified: a class fails when “defined so broadly as to include many members who *could not bring a valid claim even under the best of circumstances*.” *Messner*, 669 F.3d at 825 (citing *Kohen*, 571 F.3d at 677) (emphasis added).¹² Here, Plaintiffs have shown it is possible that the class of all Black and Latino individuals

¹² The City’s reference to *Sandoval v. City of Chicago*, No. CIV.A.07 C 2835, 2007 WL 3087136 (N.D. Ill. Oct. 18, 2007) is inapposite for identical reasons. *See* Dkt. 222 at 21-22.

subject to traffic stops were stopped due to CPD's mass traffic stop policy. And, in fact, it is likely the vast majority of them were. Burbank Decl. ¶¶ 12, 61-67. The class is not overbroad.

C. Latino Drivers Appropriately Are Included In The Class.

The City argues that Latino drivers should be excluded from Plaintiffs' class because Dr. Knox's statistical expert report "lumps together data for Black drivers and Latino drivers," Dkt. 222 at 22, but the City fails to acknowledge that this methodology was necessitated by *the City's* own failure to produce the surname data Dr. Knox requested, precisely to do a complete analysis of disparities in moving violation stops of Latino drivers. *See* Knox Decl. (Dkt. No. 194-1) at ¶ 32.

Following the City's production of that data in January 2026, Dr. Knox has supplemented his analysis. Knox Supp. Decl., Ex. V. The supplemental analysis confirms that CPD disproportionately stops Latino drivers for moving violations. *Id.* at ¶¶ 10, 26-27. Specifically, "Latino drivers are 11.0% more likely to be stopped by CPD for alleged moving violations, compared to white drivers committing similarly dangerous moving violations." *Id.* at ¶ 10. Moreover, utilizing the recently produced surname data, Dr. Knox also determined that CPD officers misidentified as white more than 150,000 Latino drivers who were stopped, thereby significantly undercounting CPD's disproportionate stops of Latino drivers. *Id.* at ¶¶ 9, 17-19. By comparing this data to at-fault traffic crash data, Dr. Knox concluded that Latino drivers are approximately 1.11 times as likely, and Black drivers are approximately 1.85 times as likely, as white drivers to be stopped for moving violations. *Id.* at ¶ 27. Because the full data shows that the City's mass traffic stop policy has a discriminatory effect on both Black and Latino drivers, Plaintiffs' class definition appropriately includes both.

D. Plaintiffs' Class Definition Can Be Refined Later.

Even if the City's arguments about the class definition were valid, and they are not, any such issue can be remedied by revising the class definition. Given the difficulty of avoiding both

over-inclusiveness and the risk of a fail-safe class, “problem[s] can and often should be solved by refining the class definition rather than by flatly denying class certification” *Messner*, 669 F.3d at 825; *see also, e.g., Flanagan v. Allstate Ins. Co.*, 228 F.R.D. 617, 618–19 (N.D. Ill. 2005) (revising class definition to correct fail-safe class). The City contends that Plaintiffs cannot revise their definition but provide no compelling reason why. *See* Dkt. 222 at 24. In any event, Plaintiffs’ class definition is properly tailored and the City’s objections should be ignored.

III. Plaintiffs Have Met Rule 23’s Commonality Burden

The City contends that the class claims are “highly individualized” because traffic stops involve “discretionary decisions made by individual CPD officers” concerning “vehicle behavior, traffic conditions, officer observations, [and] specific justifications for each stop.” Dkt. 222 at 25–26. But this framing ignores the actual basis for Plaintiffs’ claims and the evidence supporting them. Plaintiffs do not challenge thousands of unrelated, independent exercises of officer discretion; they challenge the City’s deployment of a centralized mass traffic stop program, directed from the top of CPD’s command structure, that dictated *where* officers would be deployed, *how many* stops they were expected to make, and *who* would bear the brunt of that enforcement. The existence and lawfulness of that program are quintessential common questions, and they can be answered with evidence common to every member of the class.

A. Plaintiffs Have Presented Common Questions That Can Be Answered With Common Evidence.

The City’s effort to recast this case as one about thousands of unrelated, discretionary decisions, Dkt. 222 at 25–26, misreads *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338 (2011). *Wal-Mart* denied certification because there was no unifying policy connecting 1.5 million employment decisions—instead, each store manager exercised independent discretion over pay and promotions with no common direction from corporate headquarters. *Id.* at 355–57. Although “[m]erely

showing that [a] policy of discretion has produced an overall . . . disparity does not suffice[,]” *id.* at 357, an illegal “policy” *can* “provide the ‘glue’ necessary to litigate otherwise highly individualized claims as a class.” *Jamie S. v. Milwaukee Pub. Schs.*, 668 F.3d 481, 498 (7th Cir. 2012) (citing *Wal-Mart*, 564 U.S. at 352-53).

Here, Plaintiffs have identified precisely such a centralized program that provides that glue. The evidence, detailed in Plaintiffs’ Motion and supporting declarations (including that from Plaintiffs’ expert Chief Burbank), shows that unlike *Wal-Mart*, the mass traffic stop program directed officers to conduct traffic stops, told them how many stops to make, pressured them to meet those numbers, punished them for falling short, and concentrated their enforcement in predominantly Black and Latino neighborhoods.¹³ In particular, the evidence shows that “subjective, discretionary decisions” of CPD officers to conduct traffic stops, searches, and frisks, of Black and Latino drivers are the “the “outcome of . . . policies controlled by higher-level directors . . . all [exercising] discretion in a common way because of a company policy or practice.” *See Chicago Tchrs. Union, Loc. No. 1 v. Bd. of Educ. of City of Chicago*, 797 F.3d 426, 437-8, (7th Cir. 2015) (reversing district court’s denial of class certification under Rule 23(b)(2) because plaintiff educators demonstrated a common district-wide set of criteria for closing schools, and “even if some discretion exists, commonality may be found.”). At this stage, when “[t]he court need only resolve whether the ‘same conduct or practice by the same defendant gives rise to the same kind of claims from all of the class members,’” Plaintiffs have presented ample common evidence to meet their burden. *See id.* at 440.

¹³ The City also argues that “Plaintiffs cannot sustain their allegations of intentional discrimination.” Dkt. 222 at 30. Whether Plaintiffs have met their discriminatory intent burden is a merits question appropriate only for summary judgment filings, not class certification, and this Court need not consider it.

For instance, as Chief Burbank lays out (and the City does not respond to), then-Superintendent David Brown demanded at least 10,000 traffic stops per week department-wide (Burbank Decl. ¶ 56(k), Ex. 61), and Chief of Patrol Brian McDermott instructed districts to “ensure these [traffic] missions continue on a regular basis” because he would “have to report the numbers weekly” to the Superintendent and City Hall (*id.* ¶ 54, Ex. 47). Area and district commanders translated those demands into sustained pressure on subordinate officers, as reflected in dozens of internal emails concentrated in Districts 3, 7, 10, 11, and 15—South and West Side districts where most residents are Black or Latino and where CPD conducted the vast majority of its traffic stops. *Id.* ¶ 56, Ex. 48–71. Officers who fell short were criticized for “lack of productivity” (*id.* ¶ 56(o), (r), (t), Ex. 65, 68, n. 82), while those who made notable traffic stops were given a “Traffic Stop of the Month” award (*id.* ¶ 58, Ex. 73), reinforcing a culture in which officers were evaluated on sheer volume of stops or recovery of contraband at all costs, rather than the quality or legality of their stops (*id.* ¶ 60). And the statistical evidence confirms where this program was directed: the five districts with the highest traffic stop rates per officer all have more than 90% non-white residents (Knox Decl. Table 3, Fig. 7), and the per-capita stop rate in one Austin neighborhood ZIP code—where 93% of residents are Black and Latino—is 11.4 times higher than in Streeterville, where most residents are white (*id.* ¶ 40(d)).¹⁴

The City’s reliance on the fact that individual officers retain *some* discretion in executing traffic stops does not change the analysis. If the mere existence of officer-level discretion in carrying out a centralized policy defeated commonality, no policing class action could ever be certified. Courts have consistently rejected that position. *See Floyd v. City of New York*, 283 F.R.D.

¹⁴ As discussed in the next section, the City’s criticisms of Dr. Knox’s statistical analysis, *see* Dkt. No. 222 at 30–32, are nonsense. Moreover, these arguments go to the *weight* of the common evidence on the merits, not to whether the evidence is common or whether it raises common questions capable of classwide resolution.

153, 172–75 (S.D.N.Y. 2012) (certifying class and finding commonality based on centralized stop-and-frisk policy despite potential differences in individual stops and frisks); *Stinson v. City of New York*, 282 F.R.D. 360, 369–70 (S.D.N.Y. 2012) (certifying class based on NYPD quota policy notwithstanding differences in individual summonses); *Dunn v. City of Chicago*, 231 F.R.D. 367, 373 (N.D. Ill. 2005) (certifying a class of pre-arrest detainees who were subjected to abusive conditions in CPD custody, regardless of whether “certain detainees were treated marginally better on an ad hoc basis than others...”).

At the certification stage, commonality does not demand that every factual detail be identical across class members; it requires that the common contentions be “capable of classwide resolution” such that “determination of [their] truth or falsity will resolve an issue that is central to the validity of each one of the claims in one stroke.” *Wal-Mart*, 564 U.S. at 350. Here, Plaintiffs identified seven common questions whose resolution will “drive the resolution of the litigation.” *See* Dkt. 194 at 21. The City’s Response does not dispute that Plaintiffs have identified these questions. Instead, the City argues that Plaintiffs lack sufficient evidence to answer them. Dkt. 222. at 25–32. But the City’s argument goes to the *persuasiveness* of Plaintiffs’ evidence, not to whether the evidence is *common*.

B. Plaintiffs Need Not Prove The Challenged Policy At Class Certification.

The City’s argument that Plaintiffs lack “significant proof of an unlawful policy” Dkt. 222 at 24, both ignores Plaintiffs’ evidence (including Chief Burbank’s extended analysis that the City has a mass traffic stop policy, Dkt. No. 194-2) and attempts to convert Rule 23 into an assessment of the merits. This is not what Rule 23 requires. Plaintiffs may obtain class certification even if they do “not prove the merits of the underlying common question.” *Bell v. PNC Bank, Nat. Ass’n*, 800 F.3d 360, 376 (7th Cir. 2015). The relevant inquiry is whether the alleged policy can be proven

through evidence common to the class, not whether Plaintiffs can prove on the merits that the policy exists. *Id.*

The City incorrectly treats *Wal-Mart's* reference to “significant proof” as if it were an independent Rule 23 requirement. It is not. *Wal-Mart's* actual holding is about commonality, and whether the alleged common contention will generate a common answer “in one stroke.” *Wal-Mart*, 564 U.S. at 350. Properly read, *Wal-Mart* requires proof sufficient to show that the challenged policy or practice is susceptible to class-wide adjudication, not a conclusive merits showing that the policy exists and is unlawful. *Id.* As noted above, Plaintiffs have made this showing.

Smith (discussed at Dkt. 222 at 26-27) confirms this point in this context. Applying *Wal-Mart* to a challenge to CPD’s stop-and-frisk practices, the court certified a Rule 23(b)(2) Fourth Amendment class based on common questions, including whether CPD had a centrally-mandated practice of suspicionless stops. *Smith v. City of Chicago*, 340 F.R.D. 262, 270, 280 (N.D. Ill. 2021). Critically, the *Smith* court rejected the notion that plaintiffs had to prove that question on the merits at class certification, explaining that plaintiffs “need not prove that the answer to that question will be resolved in [their] favor.” *Id.* at 283 (quoting *Bell v. PNC Bank, Nat. Ass’n*, 800 F.3d 360, 376 (7th Cir. 2015)). As the City points out (Dkt. 222 at 26-27), *Smith* did not certify the plaintiffs’ proposed Fourteenth Amendment class, but that decision rested on the plaintiffs’ lack of *any* admissible evidence that CPD’s investigatory stops disproportionately burdened Black and Latino people or that CPD’s directive to “stop the right people” amounted to a policy of racially disparate stops. *Smith*, 340 F.R.D. at 286. The court expressly did “*not* suggest that Plaintiffs must *prove* intentional racial discrimination to justify class certification.” *Id.* (emphases added). Here, Plaintiffs’ factual record presents reams of statistical evidence of discrimination that was absent in

Smith, namely, Dr. Knox’s original (Dkt. No. 194-1)¹⁵ and supplemental (Ex. V) declarations. Further, Plaintiffs proffered Chief Burbank’s expert report establishing that: (a) the mass traffic stop program exists; (b) CPD leaders would be “well aware” of the policy’s discriminatory effects on Black and Latino drivers and neighborhoods on the West and South sides of Chicago; and (c) the Plaintiffs’ traffic stops were consistent with and the result of CPD’s mass traffic stop program. Burbank Decl. ¶¶ 11-12, 63, 67. As discussed above, this is more than sufficient evidence of a common policy. Whether that policy in fact exists, and whether it is unlawful, are exactly the type of common questions appropriate for class certification.

That is why *Jamie S.* (discussed at Dkt. 222 at 25, 32, 34) is beside the point. *Jamie S.* rejected certification of an amorphous IDEA class because the class was indefinite, the claims were highly individualized, and the requested relief depended on thousands of child-specific determinations. *Jamie S. v. Milwaukee Pub. Schs.*, 668 F.3d 481, 486, 489 (7th Cir. 2012). Unlike here, there was no unifying policy or practice that could yield a single answer for the class as a whole. *See id.* *Jamie S.* does not support the City’s argument that Plaintiffs must prove the challenged policy on the merits at certification; it shows only that certification fails where no common policy or practice ties the claims together.

Plaintiffs have done what Rule 23 requires. Plaintiffs do not ask the court to resolve traffic stop by traffic stop whether each officer acted lawfully. They challenge a City-run mass traffic stop program and identify common questions that go to the heart of class liability: whether the City uses saturation policing in predominantly Black and Latino neighborhoods, whether it imposes traffic-stop quotas or activity targets, and whether it targets Black and Latino drivers in

¹⁵ Indeed, Dr. Knox also finds that CPD’s traffic stop data is consistent with Plaintiffs’ allegations that the mass traffic stop program is the successor to CPD’s unlawful stop-and-frisk program at issue in *Smith*. Knox Decl. ¶¶ 12, 26; *see also* Am. Compl. ¶¶476, 481-85.

predominantly white neighborhoods for elevated stop volumes. *See* Dkt. 194 at 21. Those questions can be answered with common proof and will resolve the core merits issues for the class together. Rule 23 requires no more.

C. The City’s Challenges To Dr. Knox’s Statistical Methodology Are Inapt and Incorrect.

As with the City’s other misplaced merits arguments, the City’s criticisms of Dr. Knox’s statistical methodology (Dkt. 222 at 30-32) should be disregarded because Plaintiffs need not prove their claims at this stage. And if the Court were to consider such criticisms, it should find that they lack merit. Dr. Knox adduced ample evidence that CPD: disproportionately stops Black and Latino drivers for moving violations; disproportionately stops Black drivers for non-moving violations; makes more traffic stops per officer in police districts where Black and Latino residents make up a larger share of the population; and disproportionately stops Black drivers for non-moving violations in police districts with higher concentrations of white residents. *See* Knox. Decl. (Dkt. No. 194-1) at ¶¶ 13-15. These findings support each element of the common practices that comprise CPD’s mass traffic stop program.

Relying on *Floyd*, 283 F.R.D. at 168, the City complains that Dr. Knox’s analyses “do not control for crime.” Dkt. 222 at 31-2. But nothing in *Floyd*’s class certification opinion turned on any particular statistical methodology. *See Floyd*, 283 F.R.D. at 173-74. On the contrary, *Floyd* held that the plaintiffs satisfied Rule 26(a)’s commonality requirement because they established “centralized and hierarchical” stop-and-frisk practices by NYPD. *Id.* The *Floyd* plaintiffs’ expert controlled for crime rates because that case challenged unconstitutional *investigatory* stops (sometimes known as *Terry* stops), which are permissible if an officer has reasonable articulable suspicion that someone has committed a crime. The appropriate denominator against which to compare whether people of color in New York were disproportionately subjected to investigatory

stops was the rate at which people of color committed crimes. Here, the Plaintiffs challenge racially discriminatory traffic stops. As Dr. Knox explains in his Supplemental Declaration at ¶ 28, the appropriate denominator is the rate at which drivers of color commit traffic violations, because traffic stops are only legally justified if an officer has observed the driver commit a traffic violation.

The City further complains at that Dr. Knox’s analysis did not account for “household income” or “other social and economic factors” (Dkt. 222 at 31), but as Dr. Knox explains in his Supplemental Declaration at ¶ 29, socioeconomic disparities are not a valid consideration in determining whether someone has committed a traffic violation. To the extent the City is arguing that Black and Latino people are more likely to face economic hardship and be unable to afford vehicle equipment repairs or license/registration fees, Dr. Knox’s original analysis (at ¶¶ 36-37) directly addressed that issue and established that Black and Latino drivers would need to commit equipment, license and registration offenses at more than three times the rate of white drivers for CPD’s traffic stops based on those reasons to be race-neutral. Ex. V, Knox Suppl. Decl. at ¶ 29.

Finally, the City criticizes Dr. Knox’s analysis for failing to account for “allocation of police resources.” Dkt. 222 at 31. But Dr. Knox’s declaration (¶ 39) considered whether the number of officers assigned to each district could account for the observed racial disparities in traffic stops and found that officers make fewer traffic stops per year *per officer* in districts where most residents are white, compared with districts where a larger share of residents is Black and Latino. *Id.* Dr. Knox’s Supplemental Declaration utilizes new data obtained from CPD’s 2026 workforce allocation study to confirm his findings. He determined that the number of available hours for “proactive patrol” does not account for the disproportionate number of traffic stops in districts where the residents are predominantly Black and Latino. On the contrary, “for each

dangerous driving incident that a patrol officer has the opportunity to observe during the time allocated for proactive enforcement, officers in majority non-white districts are 46.7% more likely to make a moving-violation stop (compared to officers who have the same opportunity to observe dangerous driving incidents in majority-white districts). Thus, the allocation of police resources does not offer a non-discriminatory explanation for CPD stopping Latino and Black drivers at higher rates for moving violations, compared to white drivers engaged in similarly dangerous moving violations.” Ex. V, Knox Supp. Decl. ¶ 35.

Accordingly, even if the Court is inclined to entertain the City’s arguments about the persuasiveness of Dr. Knox’s analysis at the class certification stage, those arguments are wrong. Dr. Knox’s testimony fully supports the existence of a common policy of mass traffic stops that disproportionately burden Black and Latino drivers in Chicago.

IV. Injunctive Relief Is Appropriately Tailored To The Proposed Class.

Lastly, class certification does not demand a merits assessment of the Plaintiffs’ prayer for relief, as the City suggests (Dkt. No. 222 at 32). Certification requires that a defendant “has acted or refused to act on grounds that apply generally to the class, so that the final injunctive relief . . . is appropriate respecting the class as a whole.” Fed. R. Civ. P. 23(b)(2). The assessment is whether injunctive relief would apply to the class as a whole—not whether a defendant thinks that relief ought to be reworded or narrowed. *See K.C. v. Individual Members of Medical Licensing Bd. of Indiana*, 345 F.R.D. 328, 337 (S.D. Ind. 2024) (finding “injunctive relief would apply to the class as a whole . . . [t]hat is all that Rule 23(b)(2) requires . . .”).

The City’s complaints that injunctive relief would have implications “beyond the class of Black and Latino individuals” and “reshape the existing enforcement of traffic laws,” Dkt. 222 at 32-33, merely show that the City’s gripes are not with whether Plaintiffs have proven up their Rule

23(b)(2) class evidence, but with the theoretical post-trial relief the Court may enter in the future. Such questions are not a part of the class certification analysis. This Court should certify Plaintiffs' proposed injunctive relief class and address remedies at the appropriate juncture.

CONCLUSION

For the reasons explained above and in Plaintiffs' opening Motion, the Court should grant Plaintiffs' request for class certification.

Dated: May 8, 2026

Respectfully submitted,

/s/ Joseph DiCola

Joseph P. DiCola (ARDC # 6329608)
Alexandra K. Block (ARDC # 6285766)
Hirsh Joshi (ARDC #1137655)
ROGER BALDWIN FOUNDATION OF
ACLU, INC.
150 N. Michigan, Suite 600
Chicago, IL 60601
(312) 201-9740
ABlock@aclu-il.org
JDiCola@aclu-il.org
HJoshi@aclu-il.org

Daniel E. Raymond (ARDC # 6313789)
Emily Dorner (ARDC # 6318489)
Nicholas Zebrowski (ARDC # 6344386)
Jonathan Decker (ARDC # 6352932)
ARNOLD & PORTER KAYE SCHOLER LLP
300 N. LaSalle Dr, Suite 3500
Chicago, IL 60654
(312) 583-2300
daniel.raymond@arnoldporter.com
emily.dorner@arnoldporter.com
nicholas.zebrowski@arnoldporter.com
john.decker@arnoldporter.com

John A. Freedman (*pro hac vice*)
Stacey Menjivar (*pro hac vice*)
Julia Wingfield (*pro hac vice*)
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Ave., N.W.
Washington, D.C. 20001-3743
(202) 942-5000
john.freedman@arnoldporter.com
stacey.menjivar@arnoldporter.com
julia.wingfield@arnoldporter.com

Andrew Hannemann (*pro hac vice*)
ARNOLD & PORTER KAYE SCHOLER LLP
Three Embarcadero Center, 10th Floor
San Francisco, CA 94111-4024
(415) 471-3100
andrew.hannemann@arnoldporter.com

Mikaila O. Skaroff (*pro hac vice*)
ARNOLD & PORTER KAYE SCHOLER LLP
1144 Fifteenth Street, Suite 3100
Denver, CO 80202-2848
(303) 863-1000
mikaila.skaroff@arnoldporter.com

Sheldon L. Solow
shel.solow@gmail.com

Attorneys for Plaintiffs