

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

JOSE CRUZ,	)	
	)	Case No. 23-cv-4268
Plaintiff,	)	
	)	District Judge Georgia Alexakis
v.	)	Magistrate Judge Gabriel Fuentes
	)	
FORMER DETECTIVE REYNALDO	)	
GUEVARA, et al.,	)	
	)	
Defendants.	)	

**DEFENDANT GUEVARA’S STATUS REPORT**

Defendant, Reynaldo Guevara, (“Defendant”) by and through his undersigned counsel, pursuant to this Court’s instruction at the September 26, 2024, status and motion hearing submits the following Status Report regarding progress on Defendant Guevara’s subpoenas for documents and any related unresolved motions:

On September 5, 2024, with leave of court, Defendant Guevara issued six subpoenas for documents with a return date of September 16, 2024. Defendant Guevara included the status of respondents’ document production and counsel’s discussions related to any objections and/or privileges raised by Respondents. The below summarizations provide further update as to status of disputes relating to Defendant Guevara’s document requests and briefing on any unresolved motions:

**1. Margaret Byrne**

The parties are currently briefing Defendant Guevara’s Motion to Compel (Dkt. 246). Defendant, along with journalist Margaret Byrne’s counsel, Brendan Healey, have agreed to the

following briefing schedule: Margaret Byrne's response is due by Wednesday, October 9, 2024, and defendant's reply is due by Wednesday, October 16, 2024. Undersigned counsel also inquired about Mr. Healey's availability for a hearing during the weeks of October 21 and October 28 and are awaiting his response. The defendant will further update the Court as to these communications no later than October 4, 2024.

## **2. Maite Amorebrieta**

On Friday, September 27, 2024, NBC Universal's legal counsel, Amanda Leith, on behalf of Maite Amorebrieta, an investigator for NBC, and counsel for Defendant participated in a 37.2 conference. Following the conference, the parties exchanged further correspondence regarding Ms. Amorebrieta's Rule 45 objections. Defendant's counsel have contacted Ms. Leith to confirm her availability for a briefing schedule and subsequent hearing and are awaiting her response. Defendant will further update the Court as these communications no later than October 4, 2024. Defendant's counsel provided counsel for Ms. Amorebrieta, Ms. Leith, with a copy of this Court's September 26 Order (Dckt. No. 257) relating to a uniform briefing and hearing schedule.

## **3. Jericka Duncan**

On September 13, 2024, counsel received a signed certified mail receipt from Ms. Duncan. On September 19, 2024, counsel conferred with Ms. Duncan about the outstanding document production. Ms. Duncan stated that she did not have the requested documents readily available and would need additional time to gather any relevant materials in her possession. To the best of counsel's knowledge, Ms. Duncan has not retained legal representation. Ms. Duncan has not raised any substantive objections to the subpoena and the matter is not yet ripe for judicial intervention.

While Defendant intends to endeavor to give Ms. Duncan a reasonable amount of additional time to respond as necessary (so long as this Court permits same), Defendant will bring any unresolved dispute to the attention of this Court within the next seven days if necessary or such shorter time as desired by this Court.

#### **4. Melissa Segura**

On September 17, 2024, counsel for BuzzFeed, Christopher Hicks acknowledged receipt of the subpoena and requested an extension of time to September 24, 2024 to review and produce responsive documents. On September 25, 2024, undersigned counsel received correspondence from Ms. Segura's attorney, Matt Topic. Counsel for the defendant and Mr. Topic are currently engaged in discussions under Rule 37.2, and the matter is not yet ripe for judicial intervention. However, Defendant anticipates that Ms. Segura will stand on certain objections and, thus, judicial intervention will likely be needed. Defendant's counsel provided counsel for Ms. Segura, Mr. Topic, with a copy of this Court's September 26 Order (Dckt. No. 257) relating to a uniform briefing and hearing schedule.

#### **5. Scott Budnick**

On September 10, 2024, counsel learned that they could not complete service at the provided address. Counsel then conducted extensive efforts to locate Mr. Budnick and secured a secondary address. On September 20, 2024, counsel issued a new subpoena for document production to the secondary address, with a return date of September 27, 2024. However, on September 23, 2024, counsel discovered that the secondary address was invalid after attempting service. Counsel for the defendant continues to seek a valid address to ensure successful service.

**6. Esther Hernandez**

After discovering they could not successfully serve their initial subpoena, counsel promptly issued a second subpoena for document production on September 10, 2024, with a return date of September 24, 2024. On September 18, 2024, counsel was informed that Ms. Hernandez was represented by the law firm Loevy & Loevy. As set forth in Defendant's September 19, 2024 status report, Ms. Hernandez's counsel raised issues with respect to Ms. Hernandez being served personally with the subpoena rather than through counsel. However, Ms. Hernandez did not raise any substantive objections to the materials sought in the subpoena. Given that the date for compliance has now since passed, Defendant intends to file a motion to compel in the event that responsive materials are not received shortly. As with the other respondents, Defendant intends to endeavor to give Ms. Hernandez a reasonable amount of additional time to respond as necessary (so long as this Court permits same). However, Defendant will promptly file a motion to compel in the event that any further dispute or delay arises within the next seven days or such shorter time as desired by this Court.

Date: October 1, 2024

Respectfully submitted,

/s/Andrea Checkai  
ANDREA F. CHECKAI  
*One of the Attorneys for Defendant  
Guevara*

Steven B. Borkan  
Timothy P. Scahill  
Graham P. Miller  
Emily E. Schmidt  
Molly Boekeloo

Whitney Hutchinson  
Mischa Itchhaporia  
Andrea Checkai  
Krystal Gonzalez  
Borkan & Scahill, Ltd.  
20 S. Clark St., Suite 1700  
Chicago, Illinois 60603  
P: (312) 580-1030  
[kgonzalez@borkanscahill.com](mailto:kgonzalez@borkanscahill.com)  
[eschnidt@borkanscahill.com](mailto:eschnidt@borkanscahill.com)

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury pursuant to 28 U.S.C.A. § 1746 that the foregoing is true and correct, that October 1, 2024, , I electronically filed the foregoing **Defendants' Status Report** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants listed in the below service list.

**Attorneys for Plaintiff**

Stuart J. Chanen ([Stuart@ChanenOlstein.com](mailto:Stuart@ChanenOlstein.com))  
Ariel Olstein ([Ariel@ChanenOlstein.com](mailto:Ariel@ChanenOlstein.com))  
CHANEN & OLSTEIN LLP  
7373 Lincoln Ave., Suite 100  
Lincolnwood, IL 60712  
P: 847-469-4669

Jack Samuel Tenenbaum  
Northwestern Pritzker School of Law  
375 E. Chicago Ave., Suite 411  
Chicago, IL 60611  
P: 312-503-4808  
[s-tenenbaum@law.northwestern.edu](mailto:s-tenenbaum@law.northwestern.edu)

**Attorneys for the City of Chicago**

Eileen E. Rosen ([erosen@rfclaw.com](mailto:erosen@rfclaw.com))  
Andrew J. Grill ([agrill@rfclaw.com](mailto:agrill@rfclaw.com))  
Austin G. Rahe ([arahe@rfclaw.com](mailto:arahe@rfclaw.com))  
Catherine M. Barber ([cbarber@rfclaw.com](mailto:cbarber@rfclaw.com))  
Jessica Zehner ([jzehner@rfclaw.com](mailto:jzehner@rfclaw.com))  
Lauren M. Ferrise ([lferrise@rfclaw.com](mailto:lferrise@rfclaw.com))  
Theresa B. Carney ([tcarney@rfclaw.com](mailto:tcarney@rfclaw.com))  
Rock, Fusco & Connelly  
333 West Wacker Drive, 19th Floor  
Chicago, IL 60606  
P: (312) 494-1000

**Attorneys for Reynaldo Guevara**

Steven B. Borkan ([Sborkan@borkanscahill.com](mailto:Sborkan@borkanscahill.com))  
Timothy P. Scahill ([tscahill@borkanscahill.com](mailto:tscahill@borkanscahill.com))  
Graham P. Miller ([gmiller@borkanscahill.com](mailto:gmilller@borkanscahill.com))  
Emily E. Schnidt ([eschnidt@borkanscahill.com](mailto:eschnidt@borkanscahill.com))  
Molly Boekeloo ([mboekeloo@borkanscahill.com](mailto:mboekeloo@borkanscahill.com))  
Whitney Hutchinson ([whutchinson@borkanscahill.com](mailto:whutchinson@borkanscahill.com))  
Mischa Itchhaporria ([mitchhaporria@borkanscahill.com](mailto:mitchhaporria@borkanscahill.com))  
Andrea F. Checkai ([acheckai@borkanscahill.com](mailto:acheckai@borkanscahill.com))  
Krystal Gonzalez ([kgonzalez@borkanscahill.com](mailto:kgonzalez@borkanscahill.com))  
Borkan & Scahill

20 S. Clark Street, Suite 1700  
Chicago, IL 60603  
P: (312)-580-1030

**Attorneys for Edward Maloney**

William B. Oberts ([wboberts@obertsgalasso.com](mailto:wboberts@obertsgalasso.com))

Kevin C. Kirk ([kckirk@obertsgalasso.com](mailto:kckirk@obertsgalasso.com))

Oberts Galasso Law Group.  
161 N. Clark Street, Suite 1600  
Chicago, IL 60601  
P: (312) 741-1024

