

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

Benjamin Mann)	
)	
)	
Plaintiffs,)	
)	
v.)	Case No. 17-cv-2300
)	
City of Urbana Police Officers Jennifer)	Judge Colin S. Bruce
Difanis, Colby G. Wright, Sara M. Links,)	
Seth R. King, Jay Loschen, Chad Burnett,)	Magistrate Judge Eric I. Long
Don C. McClellan, Adam Marcotte, John)	
Franquemont, Zach Mikalik, and as yet)	
Unknown Officers, the City of Urbana,)	
a municipal corporation, University of)	
Illinois Police Officer Chris Elston, and the)	
Board of Trustees of the University of Illinois,)	
)	
Defendants.)	

**PLAINTIFFS’ RESPONSE IN OPPOSITION TO DEFENDANTS’
MOTION FOR EXTENSION OF TIME FOR DISCOVERY**

Plaintiff Benjamin Mann (“Plaintiff”), by and through his undersigned attorneys, hereby submits his Response in Opposition to Defendants’ Motion for Extension of Time for Discovery (Dkt. No. 73). In support of his response, Plaintiff states as follows:

1. Defendants have unsuccessfully attempted to depose Samantha Wade and Norman Furnace multiple times.
2. Ms. Wade did not appear for her deposition on January 24, 2019. Defendants cancelled her deposition on June 19, 2019 for failure to serve the deposition subpoena.
3. Mr. Furnace’s June 13, 2019 deposition did not proceed due to Defendants’ inability serve his deposition subpoena. Similarly, Mr. Furnace’s July 1, 2019 deposition was cancelled due to Defendants’ inability to serve him.

4. The Court has already granted two motions by the Defendants to extend the fact discovery deadline. (*See* Text Order Dated February 7, 2019, attached hereto as Exhibit (“Ex.”) 1; Text Order Dated May 13, 2019, attached hereto as Ex. 2).

5. Defendants are now requesting a third extension on fact discovery to depose the same two witnesses, without giving any indication if the time frame for this extension. (*See* Dkt. No. 73).

6. Despite the inappropriate implication made by Defense Counsel that Plaintiff agrees to their motion (*see* Dkt. No. 73, ¶4), Plaintiff does indeed object to Defendants’ request for a third extension.

7. Rule 6(b) allows a court to grant an extension of time prior to the extension of a deadline for “good cause.” Fed. R. Civ. P. 6(b).

8. Defendants fail to provide why this third extension is necessary and what good cause exists for this extension. Given Defendants’ failure to articulate any good cause for this endless pursuit of Ms. Wade and Mr. Furnace, Defendants’ motion is baseless and should be denied.

9. Furthermore, the last time the Court granted Defendants request for an extension of time, the extension affected the previously set trial date, requiring the court to reschedule trial for to January 21, 2020. (*See* Ex. 2).

10. Given the amount of time that has already passed since the incidents as alleged in Plaintiff’s Complaint have occurred, an additional delay would only serve to prejudice Plaintiff.

11. To avoid resetting the trial date a second time, Defendants should not be allowed to spend any more time attempting to effectuate service on these witnesses.

WHEREFORE, Plaintiff respectfully requests that this Court deny Defendants’ Motion for

Extension of Time for Discovery.

Date: July 1, 2019

Respectfully Submitted,

/s/ Natalie Y. Adeeyo
Natalie Y. Adeeyo, Atty No. 632 3542

Shneur Nathan
Avi Kamionski
Helen O'Shaughnessy
Natalie Adeeyo
Nathan & Kamionski LLP
140 S. Dearborn St.
Suite 1510
Chicago, IL 60603
(312) 612-1072

CERTIFICATE OF SERVICE

I, Natalie Adeeyo, an attorney, hereby certify that on this day, the 1st day of July 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

By: /s/ Natalie Y. Adeeyo
Natalie Y. Adeeyo