

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION
Civil Action No. 1:19-cv-00386

MARY SMITH as Administrator of the ESTATE)	
OF MARCUS DEON SMITH, deceased,)	PLAINTIFF’S BRIEF IN SUPPORT
)	OF HER MOTION TO REOPEN
Plaintiff,)	DISCOVERY FOR THE LIMITED
)	PURPOSE OF PRODUCTION OF
v.)	ADDITIONAL BWC FOOTAGE,
)	RE-DEPOSING CERTAIN
CITY OF GREENSBORO, et al.,)	DEFENDANTS AND OTHER
)	MATERIAL WITNESSES AND FOR
Defendants.)	OTHER RELATED RELIEF

Plaintiff, by and through her undersigned counsel, hereby submits this brief in support of her Motion to Reopen Discovery for the Limited Purpose of Production of Additional BWC Footage, Re-Deposing Certain Defendants and Other Material Witnesses, and for Other Related Relief.

NATURE OF THE MATTER BEFORE THE COURT

Since the inception of the discovery process in the summer and fall of 2020, Plaintiff has sought highly material evidence concerning other incidents of police hogtying (“maximum restraint”) by the Officer Defendants and other Greensboro police officers as proof in support of her *Monell* policy and practice claim and as Federal Rule of Evidence 404(b) evidence against the Officer Defendants. The City repeatedly and vociferously resisted this production at every opportunity, necessitating extensive motion practice which resulted, after several court orders, in the City’s production, under its designation of “Highly Confidential,” of the body worn camera (BWC) footage of 50 prior incidents of hogtying. Due to the City’s pattern of resistance, these

materials were not produced until two weeks after discovery was closed.¹ Upon receiving the footage by Federal Express on July 20, Plaintiff's four-person legal team embarked on an intense program of viewing all of the produced footage, an exhaustive task that they have now completed. As a result of the viewing of these highly disturbing videos, Plaintiff has confirmed that many of them depict brutal, unconstitutional conduct by the Defendants and their fellow officers, that demonstrates both a pattern and practice and deliberate, racially motivated indifference. As a result, Plaintiff is compelled to seek reopening of discovery for the limited purpose of production of BWC footage of 28 additional incidents involving the Officer Defendants, production of BWC footage of any and all hogtying incidents from September 8, 2018 until the GPD discontinued hogtying on November 30, 2018, and deposing or re-deposing certain selected Defendants and other designated material witnesses on the hogtying incidents captured on the BWC videos. Furthermore, Plaintiff will be separately filing a motion seeking an order permitting the detailed summaries of the incidents, attached hereto, and the BWC footage itself, both now filed under seal, to be filed, with appropriate redactions in the footage to protect the privacy of the hogtie victims, in open court, and that the protective order be modified to permit the unredacted footage to be tendered to the Greensboro City Council for viewing.

FACTUAL BACKGROUND

A. Plaintiff's Allegations

This is a civil rights case, brought pursuant to 42 U.S.C. § 1983, involving the death of Marcus Deon Smith, a 38 year-old Black man who was hogtied and killed by Greensboro police officers on September 8, 2018. Plaintiff alleges that the eight Defendant Greensboro police

¹ Discovery closed by order of Judge Webster on July 2, 2021. Pursuant to Judge Biggs' subsequent order, the BWC footage was to be produced on or before July 16, 2021. On that date, the City, at Plaintiff's counsel's request, sent an external hard drive containing the footage to their Chicago offices, with it arriving on Tuesday, July 20, 2021.

officers (the Officer Defendants) killed Marcus by hogtying him while he was prone on the ground. *See* Complaint, Dkt. 1. The crux of Plaintiff’s claims against the Officer Defendants is that the brutal and unreasonable manner in which they hogtied Marcus—who was unarmed, had committed no crime, was not violent, did not pose a threat to anyone, and was not actively resisting arrest—constituted excessive force in violation of the Fourth Amendment. *Id.* Specifically, Plaintiff alleges that when the Officer Defendants applied a RIPP Hobble restraint device to hogtie Marcus, they used extreme and unreasonable force to push his feet toward the small of his back while he was lying prone on the ground, bending his knees well beyond a 90 degree angle toward his body and they maintained this level of extreme force and pressure as they secured the strap on the restraint device, which placed extreme stress on his diaphragm and severely compromised his ability to breathe, causing his death. *Id.*

Plaintiff has also brought a *Monell* claim against Defendant City of Greensboro, alleging, *inter alia*, that the GPD failed to adequately train its officers to use hogtie restraints, including failing to train its officers, pursuant to its own regulations, as to whether, under what circumstances, and/or how to use hogtie restraint devices to bind a subject’s hands and feet together behind his back, particularly when in a prone position; and in the dangers of use of hogtie restraint devices, especially for people whose physical and mental state make them particularly vulnerable to the lethal effects of hogtie restraint devices. *Id.*

B. Plaintiff’s Discovery Request for Prior RIPP Hobble Incidents

On June 15, 2020, Plaintiff issued a Request for Production to the City for all “documents” related to instances in which GPD officers used the RIPP Hobble device to restrain and hogtie citizens. Dkt. 85-1. The Request for Production included a definition of “documents” that specifically encompassed “videotapes.” *Id.* In response to this Request, the City produced,

over approximately five months, thousands of pages of police reports involving 275 instances, from 2014 to 2018, in which GPD officers used the RIPP Hobble during the course of an arrest—with approximately 68% of the victims being Black, and approximately 17% being in the throes of a mental health crisis—but did not produce any BWC footage of these incidents. Dkt. 91-1. Approximately fifty of these instances involved one or more of the Defendants, including one that occurred hours before the hogtying of Marcus Smith. *Id.*

C. Plaintiff’s More Specific Request for BWC Footage and Efforts to Resolve the Discovery Dispute

The police reports of these prior RIPP Hobble incidents did not include a description of the manner in which the RIPP Hobble was applied. The reports stated generally that officer(s) used a RIPP Hobble to “maximally restrain” a subject, but they did not describe whether the subject was prone on the ground, whether the RIPP Hobble was used to link the subject’s handcuffed hands to their feet, whether the subject’s legs were bent beyond a 90 degree angle toward their body, or how much force was used to effect the hogtie.

On November 20, 2020, Plaintiff specifically requested that the City Defendants produce all BWC footage that corresponded to the prior RIPP Hobble incidents reflected in the four years’ worth of police reports it had produced, since obtaining that footage would be the only way for Plaintiff to discover the manner in which the hobble was applied in these prior incidents. Dkt. 85-4. On December 4, 2020, the City responded by letter refusing to produce any BWC footage of prior RIPP Hobble incidents; on December 19, 2020, Plaintiff responded in writing, further explaining her position and agreeing to significantly limit the temporal scope of her request to two years prior to the incident, plus all BWC footage of the prior incidents involving the Officer Defendants during the four years preceding Marcus’ death; on January 5, 2021, the City responded by letter, persisting in its refusal to produce the requested materials;

and on January 6, 2021, the parties conferred by phone, but were not able to reach an accord. *See* Dkt. 85-6, 85-7, 85-8.

Nine days later Plaintiff moved to compel production of the sought after BWC footage, seeking (1) BWC footage that corresponded to the police reports produced by the City involving prior RIPP Hobble incidents that occurred within two years prior to the date of the underlying incident (i.e., from September 8, 2016 to September 8, 2018); and (2) BWC footage that corresponded to the police reports produced by the City involving all RIPP Hobble incidents in which any of the Officer Defendants were involved, either as a participant, witness or supervisor, without limitation as to time. *See* Dkt. 85.

D. Judge Webster’s Order and the City’s Continued Resistance to Production

The City Defendants opposed the motion, and on April 28, 2021, Judge Webster rendered an 18 page opinion granting the motion and ordering the Defendants to produce, within 45 days, “footage corresponding to 50 incidents. . . . [T]hese 50 incidents shall be the ones in which the RIPP Hobble device was used that most closely precede the death of Mr. Smith on September 8, 2018.” *See* Dkt. 96.

As the discovery period wound to a close, the City filed four successive motions challenging and seeking to stay Judge Webster’s order, including filing objections to Judge Biggs. *See* Dkt. 97, 100, 116, 118. By the time that all of the briefing was concluded and Judge Biggs had expeditiously heard arguments, overruled the objections, and granted a two week extension to produce the BWC footage, discovery had closed. *See* Dkt. 135.

E. The BWC Footage

Plaintiff’s legal team began its intensive review of the body worn camera footage on July 20, 2021 and has now viewed, summarized and analyzed all of the video footage produced.

We determined that the 50 incidents produced were in an 8 2/3 month range from December 19, 2017 to September 7, 2018, and that 12 purportedly involved one or more of the Officer Defendants. A detailed summary of these 12 is attached as Ex. 1 (under seal); a detailed summary of the 38 incidents involving non-defendants is attached as Ex. 2 (under seal); and the 50 BWC videos themselves are attached as Ex. 3 (under seal). While Plaintiff feels constrained by the “Highly Confidential” designation attached by the City to all BWC hogtie related evidence and by the privacy interests of the hogtie victims, to refrain from recounting these details in full here, counsel, in response to the public statements by City Attorney Chuck Watts, open court arguments by Defendants’ Attorney Alan Duncan, and by the non-confidential deposition testimony of City Councilwoman Michelle Kennedy, submits the following general summary of the BWC incidents produced.

1. The Defendants

- Payne, who pushed Marcus Smith’s legs to his back with extreme force, is involved in two other incidents within the time period and may have been involved in two more;
- Duncan, who repeatedly called for Marcus Smith’s hogtying and produced the RIPP Hobble, is involved in four incidents;
- Andrews, who had his knee on Marcus Smith’s upper back during the hogtying, is involved in one incident;
- Sgt. Bradshaw, who did not intervene to stop the hogtying of Marcus Smith, may have been involved in two incidents;
- Lewis, who aided Payne in controlling Marcus Smith’s legs, was involved in one other incident;
- Bailey was involved in one incident.

The Defendant videos in general show, *inter alia*:

- A Black woman hogtied by a Defendant with her legs at less than 90 degrees from her body, left prone on the ground for more than five minutes, with her breasts exposed, yelling and screaming in pain, outrage and humiliation;
- Other persons expressing pain with one also saying he cannot breathe;
- Indifference and verbal abuse by the Defendant hog-tiers to the pain and suffering of the victims;
- Numerous examples of persons with their legs bent at an angle of less than 90 degrees from their back, including during an incident only hours before Marcus Smith was hogtied;
- The tightening of the RIPP Hobble beyond the 90 degree angle despite being told by a fellow officer not to do so;
- A Defendant complaining that they “don’t make the Ripp Hobbles like they used to,” and that the new ones hurt more;
- A Defendant responding to an older Black woman peacefully asking for her lawyer by hogtying her while she screams out in pain;
- A Defendant, while hogtying a black victim without apparent cause, saying that he ends up Ripp Hobbling people all the time for some reason;
- Of the 12 incidents within the produced range, 9 of the victims are Black, one is a Pakistani-American, 2 are white, and two are females.

See Ex. 4 (Declaration of G. Flint Taylor, ¶¶ 7-8).

2. Non-Defendant Officers (38 incidents)

- Comments about training, including one officer doing on-the-job training, with commentary, on a victim;
- During that “training,” the officer saying just about every time he’s had to use a RIPP Hobble, he’s had to go back and get a new one because it’s covered in blood;
- On one occasion, an officer has knee on the neck of a pregnant Black female victim, similar to how George Floyd was fatally restrained, for more than 2 minutes while she is being hogtied; she is prone and crying out that she can’t breathe;

- An elderly woman suffering from dementia is RIPP Hobbled while she repeatedly complains that it is hurting her arms. She is crying, on the ground, facedown, with her dress up throughout the RIPP Hobbling.
- In between 10 and 12 incidents, officers pushed legs to less than 90 degrees from the victim's back while or after hogtying;
- Officers put pressure put on the head, back, buttocks, on numerous occasions while hog-tying;
- An Officer pushed a victim's face into the ground;
- In seven incidents, the victim cried out that they could not breathe;
- Victims were left in a prone position after hogtying on numerous occasions;
- Several Hogtied victims placed face down in squad car;
- 29 of the 38 victims were Black, 15 of whom were female and 4 were juveniles;
- 21 of the 38 victims were women, including 3 juveniles.

See Ex. 4 (Declaration of G. Flint Taylor, ¶ 9).

Thus, of the 50 incidents produced, 38 of the victims (76%) are Black, and 39 (78%) are of color, again confirming the recent grudging admission by Greensboro Assistant City Manager (and former GPD Commander) Nathaniel "Trey" Davis that there was "some" racial "disproportionality," as to who was hogtied. *See* Ex. 4 (Declaration of G. Flint Taylor, ¶ 10); Ex. 5 (Kennedy Dep., pp. 231-233). Additionally, the vast majority of the hog-tiers (84%) are white, 24 of the victims (48%) were women, and all of these women were hogtied either by all male officers (58%) or by a crew of majority white officers (42%). *See* Ex. 4 (Declaration of G. Flint Taylor, ¶ 11).

F. Additional Incidents of Hogtying by Defendants

The 12 produced BWC incidents that were connected to the Defendants by the incident reports spanned the time period from April 4, 2018 to September 8, 2018, a five-month period.

As a result, the majority of the incidents that involved the Defendants from 2014 to 2018 (28 in total) have not been produced. Most significantly, the BWC footage from 12 of the 16 incidents that Defendant Payne, who violently pushed Marcus Smith's legs to his back, have not been produced. Similarly, none of the footage includes Defendant Strader, a supervising corporal who was actively involved in hogtying Marcus Smith, despite the fact that he is named in four prior incidents, three from 2017. Likewise, Sergeant Bradshaw, who stood by and did not intervene, is named in eight prior incidents, while Defendants Andrews and Duncan, who were also major players in Marcus Smith's homicide, are named in four and two incidents respectively.

G. BWC footage from September 8, 2018 to November 30, 2018

The GPD did not issue a Special Order to its officers to stop hogtying people until the Medical Examiner's findings of homicide due to prone restraint were made public on November 30, 2018. Thus, any hogtying that took place by the Defendants and other GPD officers during the three months after Marcus Smith's death would be relevant to the unconstitutional pattern and practice, deliberate indifference, and cover-up components of Plaintiff's failure to train *Monell* claim, and may also reveal additional 404(b) evidence against the Defendants.

H. Prior Depositions of Defendants, and Training and Policy-Making Witnesses

Unaided by the relevant BWC footage, Plaintiff's counsel, using the woefully inadequate police reports, questioned the above-named Defendants and the City's training and policy making witnesses about these and other "maximum restraint" incidents as well as about "maximum restraint" training, reporting, and policies and practices. Almost without exception, the Defendants professed a complete lack of recall with regard to the relevant details of the hogtying, did not reveal the inculpatory details set forth above, and, in the few instances where they did profess to have a memory, the BWC footage exposes that they have given false and

incomplete testimony. *See* Ex. 4 (Declaration of G. Flint Taylor, ¶¶ 12-14). Similarly, the City's training and policy making witnesses were able to avoid confrontation on the brutal, unconstitutional, and racially discriminatory pattern of conduct depicted on the BWC footage. Additionally, Plaintiff's counsel was unaware of the most egregious episodes of hogtying by non-Defendant GPD officers who were therefore not deposed.

QUESTIONS PRESENTED

1. Whether the Court should reopen discovery for the limited purpose of permitting Plaintiff to re-depose Defendants Payne, Duncan, Andrews, Bradshaw, Lewis, Strader and Bailey, and certain training and policy-making witnesses and to depose a limited number of non-defendant witnesses on the hogtying incidents captured on the newly produced BWC footage?

2. Whether the Court should reconsider its order on Plaintiff's motion to compel insofar as it limited the production to BWC footage of the 50 incidents that immediately preceded Marcus Smith's death, and order Defendant City to produce BWC footage of the 28 additional hogtying incidents² within the four years preceding Marcus Smith's death in which any of the Officer Defendants were involved, either as a participant, witness or supervisor, and to produce the BWC footage of any and all hogtying incidents from September 8, 2018 to November 30, 2018.

² Plaintiff believes that the number of additional incidents is 28 based on the police reports that have been produced by the City. The number could be slightly higher or lower depending on what BWC footage exists, which only the City can definitely determine since it has sole possession of the BWC footage.

ARGUMENT

I. Legal Standard

A. Reopening discovery

“A schedule may be modified only for good cause and with the judge's consent.” Fed. R. Civ. P. 16(b)(4). “The good cause inquiry does not focus on the prejudice to the non-movant or bad faith of the moving party, but rather on the moving party's diligence.” *H/S Wilson Outparcels, LLC v. Kroger Ltd. P'ship I*, 2018 U.S. Dist. LEXIS 51654, at *12 (E.D.N.C. Mar. 28, 2018); *see also Cook v. Howard*, 484 F. App'x 805, 815 (4th Cir. 2012) (“‘Good cause’ requires ‘the party seeking relief [to] show that the deadlines cannot reasonably be met despite the party’s diligence,’ and whatever other factors are also considered, ‘the good-cause standard will not be satisfied if the [district] court concludes that the party seeking relief (or that party’s attorney) has not acted diligently in compliance with the schedule.’”) (quoting 6A Wright & Miller, Federal Practice and Procedure § 1522.2 (3d ed. 2010)); Fed. R. Civ. P. 16(b), advisory committee’s note (1983 amendment) (“[T]he court may modify the schedule on a showing of good cause if it cannot reasonably be met despite the diligence of the party seeking the extension.”)

Relevant factors in considering specifically whether to reopen discovery are “(1) is the trial imminent; (2) is the request opposed; (3) would the non-moving party be prejudiced; (4) was the moving party diligent during the discovery period; (5) was the request foreseeable based upon the time line set forth by the court; and (6) will the new evidence be relevant to the stated inquiry.” *H/S Wilson Outparcels, LLC*, 2018 U.S. Dist. LEXIS 51654, at *13; *Chester v. Adams Auto Wash, Inc.*, 2015 U.S. Dist. LEXIS 168841 (E.D.N.C. Dec. 17, 2015). The court “has wide latitude in controlling discovery and . . . [t]he latitude given the district court extends as well to

the manner in which it orders the course and scope of discovery.” *Ardrey v. United Parcel Service*, 798 F.2d 679, 682 (4th Cir. 1986) (collecting cases). Whether to reopen discovery is within the discretion of the court. *See Sepracor, Inc. v. Barr Pharmaceuticals, Inc.*, 2010 U.S. Dist. LEXIS 82583 (E.D.N.C. Aug. 9, 2010); *see also Vodrey v. Golden*, 864 F.2d 28, 32 (4th Cir. 1988).

B. Reconsideration of interlocutory order

Federal Rule of Civil Procedure 54(b) governs reconsideration of orders that do not constitute final judgments in a case. Rule 54(b) provides that “any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties . . . may be revised at any time before the entry of judgment adjudicating all the claims and all the parties' rights and liabilities.” Fed. R. Civ. P. 54(b).

In the Fourth Circuit, the precise standard that should govern a motion for reconsideration of an interlocutory order is unclear. *Fayetteville Investors v. Commercial Builders, Inc.*, 936 F.2d 1462, 1472 (4th Cir. 1991). In determining whether it should reconsider an interlocutory order, a district court’s consideration is not bound by the Rule 60(b) standard, though the court may at least reference parts of the Rule 60(b) standard. *Id.* at 1470; *Am. Canoe Ass’n v. Murphy Farms, Inc.*, 326 F.3d 505, 514 (4th Cir. 2003) (“Motions for reconsideration of interlocutory orders are not subject to the strict standards applicable to motions for reconsideration of a final judgment.”). Thus, the court’s analysis is guided by Rule 60(b) but is not bound by its strictures. Under Rule 60(b), a party may obtain relief from a judgment or final order based upon

(1) mistake, inadvertence, surprise, or excusable neglect; (2) *newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b)*; (3) fraud . . . misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released or discharged; it is based on an earlier judgment that has been reversed or vacated; or

applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b) (emphasis added).

II. Plaintiff Has Shown Good Cause to Reopen Discovery For the Limited Purpose of Re-deposing Certain Defendants and Other Material Witnesses on the Hogtying Incidents Captured on the Newly Produced BWC Videos

The factors to be considered by the Court in deciding whether to grant a motion to reopen discovery weigh heavily in favor of doing so here given the present circumstances. *First*, the trial is not imminent; indeed, no trial date has been set. *Second*, Defendant City would not be unfairly prejudiced by reopening discovery, particularly given the limited nature of the additional discovery Plaintiff seeks, which amounts to the re-depositions of Defendants Payne, Duncan, Andrews, Bradshaw, Lewis, Strader and Bailey, the depositions of a limited number of non-defendant officers, and the re-depositions of a limited number of the City's policymaking officials with questioning limited to what is relevant to that which is contained on the BWC videos of incidents. *Third*, these depositions are certain to yield evidence that is highly relevant to Plaintiff's claims against the Officer Defendants and her *Monell* claim against the City. Now that Plaintiff has the BWC footage of prior hogtying incidents, she will be able to force the Defendants to answer questions regarding their specific involvement in those prior instances that they previously were able to evade answering and to confront the training and policy making City witnesses about the unconstitutional pattern and practice revealed by the footage. *Fourth*, as reflected in the procedural history set forth above, Plaintiff has been diligent at every step in pursuing the BWC footage that Defendant City has fought tooth and nail to withhold. The fact that this key evidence was finally produced more than two weeks after discovery had already closed, militates strongly in favor of reopening discovery.

III. This Court Should Reconsider its Order on Plaintiff's Motion to Compel and Order Defendant City to Produce BWC Footage of 28 Additional Incidents in Which the Defendant Officers Were Involved and All BWC Footage From September 8, 2018 to November 30, 2018

Pursuant to Fed. R. Civ. P. 54(b) Plaintiff requests, based on newly discovered evidence that, with reasonable diligence, could not have been discovered any sooner, that the Court reconsider its order of April 28, 2021 granting Plaintiff's motion to compel insofar as it limited the production to BWC footage of the 50 incidents that preceded Marcus Smith's death. *See* Fed. R. Civ. P. 60(b)(2). Specifically, Plaintiff requests that the Court order Defendant City to produce BWC footage of 28 additional hogtying incidents, from January 2014 to December 2017, in which Defendants Payne, Duncan, Lewis, Bradshaw, Andrews, Strader and Bailey were involved, and all BWC footage from September 8 to November 30, 2018.

Plaintiff has demonstrated good cause for this relief because, in light of the newly discovered BWC evidence, and as shown above, the 50 incident limitation unduly limited the BWC footage with regard to the Officer Defendants to a five-month period, and excluded the vast majority of the prior incidents that involved the key Officer Defendants in this case. Further, as shown by the powerful relevance of the newly discovered BWC footage already produced, the additional footage of prior incidents would most certainly also contain relevant evidence on the issues of the Officer Defendants' motivation, lack of mistake, intent, and joint action as would any additional footage from September 8 to November 30, 2018; additionally it would also show the continuing nature of the unconstitutional pattern and practice of hogtying and further demonstrate a continuing municipal deliberate indifference with regard to unconstitutional hogtying.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court: (1) grant Plaintiff's motion to reopen discovery to permit Plaintiff to re-depose Defendants Payne, Duncan, Andrews, Bradshaw, Lewis, Strader and Bailey, to re-depose a limited number of the City's police trainers, City policymakers, and GPD command and supervisory personnel, and to depose a limited number of other material witnesses recently revealed in the BWC footage, on the subject matters contained in said footage; and (2) reconsider its April 28, 2021 order on Plaintiff's motion to compel insofar as it limited the production to BWC footage of the 50 incidents that immediately preceded Marcus Smith's death, and order Defendant City to produce BWC footage of the 28 additional hogtying incidents within the four years preceding Marcus Smith's death in which Defendants Payne, Duncan, Lewis, Bradshaw, Andrews, Strader and Bailey were involved, either as a participant, witness or supervisor, and all BWC footage of hogtying incidents from September 8, 2018 to November 30, 2018.

Dated: August 2, 2021

Respectfully submitted,

/s/ Graham Holt
One of Plaintiff's Attorneys

Graham Holt
THE LAW OFFICE OF GRAHAM HOLT
Post Office Box 41023
Greensboro, North Carolina 27404
Phone: (336) 501-2001

G. Flint Taylor, Ben H. Elson
PEOPLE'S LAW OFFICE
1180 N. Milwaukee Ave.
Chicago, Illinois 60642
Phone: (773) 235-0070

CERTIFICATE OF COMPLIANCE WITH WORD COUNT

The undersigned hereby certifies that the foregoing document complies with Local Rule 7.3(d)'s limitation of no more than 6,250 words (excluding captions, signature lines, certificate of service and any cover page or index) as counted by word processing software.

Dated: August 2, 2021

/s/ Graham Holt
Graham Holt

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Graham Holt
Graham Holt