

1 APPEARANCES:

2
3 MS. REBECCA A. HIRSCH
4 CITY OF CHICAGO LAW DEPARTMENT
5 121 N. LaSalle Street
6 Suite 600
7 Chicago, Illinois 60602
8 Rebecca.Hirsch2@cityofchicago.org
9 appeared on behalf of the Plaintiff;
10 EVERYTOWN LAW

11 MR. JAMES E. MILLER
12 450 Lexington Avenue
13 New York, New York
14 jedmiller@everytown.org
15 appeared on behalf of the Plaintiff;

16 MAYER BROWN, LLP
17 MR. MICHAEL GILL
18 1221 Avenue of the Americas
19 New York, New York 10020

20 appeared on behalf of the Plaintiff;
21 WIEDNER & McAULIFFE, LTD.

22 MR. MICHAEL VATES
23 One N. Franklin Street
24 Suite 1900
Chicago, Illinois 60606
rsnevarez@wmlw.com

appeared on behalf of the Defendant;

25 SCOTT L. BRAUM & ASSOCIATES
26 MR. TIMOTHY R. RUDD
27 812 E. Franklin Street, Suite C
28 Dayton, Ohio 45459

29 appeared on behalf of the Defendant.

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Report of Proceedings: 4 - 5

1 THE COURT: City of Chicago versus Westforth
2 Sports, Inc., 21 CH 1987. Can the parties introduce
3 themselves for the record.

4 MR. MILLER: Jed Miller from Everytown Law on
5 behalf of the City of Chicago.

6 MS. LEFKOWITZ: Alla Lefkowitz, also from
7 Everytown Law, on behalf of the City of Chicago.

8 MR. GILL: Michael Gill from Mayer Brown on
9 behalf of the City.

10 MS. HIRSCH: Rebecca Hirsch, Chicago Law
11 Department on behalf of the City.

12 MR. RUDD: Tim Rudd on behalf of defendant
13 Westforth.

14 THE COURT: Anybody else? We're here this
15 morning for a ruling on Westforth's motion to
16 dismiss for lack of personal jurisdiction.

17 I do have a written decision. I am not going
18 to read into the record. I am granting the
19 defendant's motion to dismiss for lack of personal
20 jurisdiction.

21 We will e-mail the written decision to the
22 parties this morning. Like I said, I am not going
23 to read it out loud, but I want to tell you what it
24 is over Zoom, and we'll email the written order to

1 the parties later this afternoon. Thank you.

2 MR. MILLER: If I may, Judge. Can we discuss
3 leave to replead?

4 THE COURT: What do you mean?

5 MR. MILLER: I don't know whether your ruling
6 is with or without prejudice. I was hoping to make
7 that clear on the record.

8 And then assuming it's without prejudice to
9 replead, for the City to have a deadline to replead
10 of 30 days.

11 MR. RUDD: To be honest with you, I would like
12 something in writing requesting that so I have time
13 to think about that.

14 THE COURT: The motion seeks to have it
15 dismissed with prejudice for lack of personal
16 jurisdiction, correct, Mr. Rudd?

17 MR. RUDD: Correct.

18 THE COURT: I am granting the motion to
19 dismiss. So if you have any motions to file,
20 obviously, you're welcome to file them.

21 MR. MILLER: We'll do that timely.

22 THE COURT: Thank you.

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STATE OF ILLINOIS)
) ss:
COUNTY OF C O O K)

VICTORIA D. ROCKS, C.S.R., Notary
Public, being first duly sworn, deposes and says
that she is a Certified Shorthand Reporter, doing
business in the City of Chicago, County of Cook,
State of Illinois and reported proceedings in the
Courts in said County;

That she reported in shorthand and
thereafter transcribed the foregoing proceedings;

That the within and foregoing
transcript is a true, accurate, and complete record
of the proceedings had upon the hearing in the
County of Cook, State of Illinois, on this 8th day
of June, 2023.

Victoria Rocks

VICTORIA D. ROCKS, C.S.R.
License No. 084-002692

&	8	chicago 1:5,13 2:3,4,17 4:1,5,7 4:10 6:8	decision 4:17 4:21
& 2:15,20	812 2:21	circuit 1:3	defendant 1:9 2:18,23 4:12
0	8th 6:16	city 1:5,13 2:3 4:1,5,7,9,11 5:9 6:8	defendant's 4:19
084-002692 6:21	a	cityofchicago... 2:5	deparment 2:3 department 1:3 4:11
1	a.d. 1:16	clare 1:13	deposes 6:6
10020 2:12	a.m. 1:16	clear 5:7	discuss 5:2
10:30 1:15	above 1:12	commencing 1:15	dismiss 4:16,19 5:19
121 2:3	accurate 6:14	complete 6:14	dismissed 5:15
1221 2:12	afternoon 5:1	cook 1:3,14 6:8 6:16	division 1:3
12754 6:19	alla 4:6	corporation 1:5	doing 6:7
1900 2:16	americas 2:12	correct 5:16,17	duly 6:6
1987 1:7 4:2	anybody 4:14	county 1:2,3,3 1:13 6:3,8,10 6:16	e
2	appearances 2:1	court 1:3 4:1 4:14 5:4,14,18 5:22	e 2:7,21 3:1 4:21
2023 1:16 6:17	appeared 2:6 2:10,14,18,23	courts 6:10	email 4:24
21 1:7 4:2	associates 2:20	csr 1:15	entitled 1:12
25th 1:16	assuming 5:8	d	everytown 2:7 4:4,7
3	avenue 2:8,12		everytown.org 2:9
30 5:10	b		f
4	behalf 2:6,10 2:14,18,23 4:5 4:7,9,11,12		file 5:19,20
4 3:3	braum 2:20		first 6:6
450 2:8	brown 2:11 4:8		foregoing 6:12 6:13
45459 2:21	business 6:8		franklin 2:16 2:21
5	c		
5 3:3	c 1:2 2:21 6:3		
6	c.s.r. 6:5,20		
600 2:4	cause 1:12		
60602 2:4	certified 6:7		
60606 2:17	ch 1:7 4:2		
	chancery 1:3		

g	l	o	reported 6:9,11 reporter 6:7 requesting 5:12 rocks 1:14 6:5 6:20 rsnevarez 2:17 rudd 2:20 4:12 4:12 5:11,16 5:17 ruling 4:15 5:5
gill 2:11 4:8,8 going 4:17,22 granting 4:18 5:18	l 2:20 lack 4:16,19 5:15 lasalle 2:3 law 2:3,7 4:4,7 4:10 leave 5:3 lefkowitz 4:6,6 lexington 2:8 license 6:21 llp 2:11 loud 4:23	o 1:2,2 6:3,3 o'clock 1:15 obviously 5:20 ohio 2:21 order 4:24	
h	m	p	s says 6:6 scott 2:20 seeks 5:14 shorthand 6:7 6:11 signature 6:19 sports 1:8 4:2 ss 1:1 6:2 state 1:1,14 6:1 6:9,16 street 2:3,16,21 suite 2:4,16,21 sworn 6:6
hearing 1:12 6:15 hirsch 2:2 4:10 4:10 hon 1:12 honest 5:11 hoping 5:6	mail 4:21 make 5:6 mayer 2:11 4:8 mcauliffe 2:15 mean 5:4 michael 2:11 2:15 4:8 miller 2:7 4:4,4 5:2,5,21 morning 4:15 4:22 motion 4:15,19 5:14,18 motions 5:19 municipal 1:5	parties 4:2,22 5:1 personal 4:16 4:19 5:15 plaintiff 1:6 2:6 2:10,14 prejudice 5:6,8 5:15 proceedings 1:11 3:3 6:9,12 6:15 public 1:15 6:6	
i	n	q	t tell 4:23 thank 5:1,22 think 5:13 tim 4:12 time 5:12 timely 5:21 timothy 2:20 transcribed 6:12
illinois 1:1,3,5 1:14 2:4,17 6:1 6:9,16 introduce 4:2	n 2:3,16 3:1 new 2:8,8,12,12 notary 1:15 6:5	quish 1:13	
j		r	
j 1:13 james 2:7 jed 4:4 jedmiller 2:9 judge 5:2 june 6:17 jurisdiction 4:16,20 5:16		r 2:20 read 4:18,23 rebecca 2:2 4:10 rebecca.hirsc... 2:5 record 1:11 4:3 4:18 5:7 6:14 remote 1:11 replead 5:3,9,9 report 3:3	
k			
k 1:2 6:3 know 5:5			

transcript 6:14 true 6:14
v
vates 2:15 versus 4:1 victoria 1:14 6:5,20 vs 1:7
w
want 4:23 welcome 5:20 westforth 1:8 4:1,13 westforth's 4:15 wiedner 2:15 wmlw.com 2:17 writing 5:12 written 4:17,21 4:24
x
x 3:1
y
york 2:8,8,12 2:12
z
zoom 4:24

Illinois Code of Civil Procedure

Article II, Part E

Rule 207, Signing and Filing Depositions

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(a) Submission to Deponent; Changes; Signing.

Unless signature is waived by the deponent, the officer shall instruct the deponent that if the testimony is transcribed the deponent will be afforded an opportunity to examine the deposition at the office of the officer or reporter, or elsewhere, by reasonable arrangement at the deponent's expense, and that corrections based on errors in reporting or transcription which the deponent desires to make will be entered upon the deposition with a statement by the deponent that the reporter erred in reporting or transcribing the answer or answers involved. The deponent may not otherwise change either the form or substance of his or her answers. The deponent shall provide the officer with an electronic or physical address to which notice is to be sent when the transcript is available for examination and signing. When the deposition is fully transcribed, the officer shall deliver to the deponent, at the address supplied,

notice that it is available and may be examined at a stated place at stated times, or pursuant to arrangement. After the deponent has examined the deposition, the officer shall enter upon it any changes the deponent desires to make, with the reasons the deponent gives for making them. If the deponent does not appear at the place specified in the notice within 28 days after the mailing of the notice, or within the same 28 days make other arrangements for examination of the deposition, or after examining the deposition refuses to sign it, or after it has been made available to the deponent by arrangement it remains unsigned for 28 days, the officer's certificate shall state the reason for the omission of the signature, including any reason given by the deponent for a refusal to sign. The deposition may then be used as fully as though signed, unless on a motion to suppress under Rule 211(d) the court holds that the reasons given by the deponent for a refusal to sign require rejection of the deposition in whole or in part.

(b) Certification, Filing, and Notice of Filing.

(1) If the testimony is transcribed, the officer

shall certify within the deposition transcript that the deponent was duly sworn by the officer and that the deposition is a true record of the testimony given by the deponent. A deposition so certified requires no further proof of authenticity

(2) Deposition transcripts shall not be filed with the clerk of the court as a matter of course. The party filing a deposition shall promptly serve notice thereof on the other parties and shall file the transcript and any exhibits in the form and manner specified by local rule.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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