

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

KENT MAYNARD, JR,	)	Case No. 24-cv-03612
	)	
Plaintiff,	)	
	)	Judge Sunil R. Harjani
v.	)	
	)	
THE CITY OF CHICAGO, a municipal corporation, and Chicago Police Officer CARMEN MOSTEK (Star 8664);	)	Mag. Judge Young B. Kim
	)	
Defendants.	)	JURY TRIAL DEMANDED
	)	

**PLAINTIFF'S OBJECTIONS TO AND APPEAL FROM PORTION OF
MAGISTRATE JUDGE'S AUGUST 26, 2026 ORDER PURSUANT TO FED. R. CIV. P.
72(a)**

Plaintiff Kent Maynard, Jr., through counsel, pursuant to Federal Rule of Civil Procedure 72(a), objects to and appeals from the portion of Magistrate Judge Young B. Kim's August 26, 2026 Order (ECF No. 196) that, after granting Plaintiff's request to de-designate the documents at issue, directs that Plaintiff "must limit his use of COPA Documents for purposes of presenting evidence at his upcoming trial and may not use them for any other purpose." Plaintiff respectfully asks the Court to set aside or modify that restriction because it is contrary to law, was imposed without a finding of good cause under Rule 26(c), and is broader than necessary to protect any identified interest.

BACKGROUND

On August 29, 2025, Plaintiff moved to compel production of the Civilian Office of Police Accountability ("COPA") Final Summary Report ("FSR") concerning the incident at issue. ECF Nos. 87, 109. The motion was granted on March 30, 2026. ECF No. 165.

The City produced the FSR and the Superintendent of Police's concurrence and non-concurrence materials, designating them "Confidential Pursuant to Protective Order." The production did not include the attachments to the FSR.

On May 14, 2026, Plaintiff moved to compel production of the attachments and requested de-designation of the COPA materials. ECF Nos. 177, 178.

On June 5, 2026, the Court granted the motion to compel and took the request for de-designation under advisement. ECF No. 185.

On August 26, 2026, Judge Kim granted Plaintiff's request to de-designate the COPA materials. ECF No. 196. The Order concluded that the City had not met its burden to show that the materials were properly designated confidential under the Protective Order because it had not established that they were exempt from disclosure under the Illinois Freedom of Information Act. *Id.* at 2-9.

The Order nevertheless imposed an additional restriction: "Plaintiff must limit his use of COPA Documents for purposes of presenting evidence at his upcoming trial and may not use them for any other purpose." *Id.* at 9. In support, the Order cited *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 33 (1984), for the proposition that restraints on discoverable materials may be appropriate because discovery may include information unrelated or only tangentially related to the claims.

The City did not request that separate use restriction, identify an interest requiring it, or attempt to establish good cause for it apart from the confidentiality designation that the Order rejected. Nor did the Order identify the particular harm that unrestricted use would cause or explain why a blanket prohibition on every non-trial use was necessary.

STANDARD OF REVIEW

Under Rule 72(a), the district judge must consider timely objections to a magistrate judge's nondispositive order and "modify or set aside any part of the order that is clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a). Whether the challenged restriction rests on an erroneous interpretation or application of Rule 26(c) is a legal question reviewed under the contrary-to-law standard.

ARGUMENT

I. The categorical restriction was imposed without the good-cause determination required by Rule 26(c).

Rule 26(c) authorizes a protective order only "for good cause" and only to protect a party or person from an identified form of annoyance, embarrassment, oppression, or undue burden or expense. Fed. R. Civ. P. 26(c)(1). Seattle Times does not dispense with that requirement. It upheld restraints imposed through a protective order entered on a particularized showing of good cause; it did not authorize an unrequested, categorical restriction on the use of de-designated discovery without such a showing. See *Seattle Times*, 467 U.S. at 34-37.

Here, the Order correctly held that the City had not justified confidential treatment under the governing Protective Order, ECF 57 (Ex. 1), 69. Having rejected the only confidentiality basis the City advanced, however, the Order imposed a new restriction without identifying a protectable interest, making a finding of good cause, or tailoring the restriction to a demonstrated risk. That portion of the Order is therefore contrary to Rule 26(c).

II. The phrase "for purposes of presenting evidence at his upcoming trial" is unduly narrow and creates substantial uncertainty concerning ordinary litigation use.

Read literally, the restriction could prohibit use of the COPA materials in pleadings, motion practice, witness preparation, expert preparation, settlement proceedings, motions in limine, and the proposed final pretrial order. Those are ordinary uses in this litigation and, in several instances, necessary predicates to presenting evidence at trial. The proposed final pretrial order is due October 1, 2026 and necessarily will identify and discuss the COPA investigation and related materials.

The restriction also leaves uncertain whether Plaintiff must seek leave to seal every filing that quotes, summarizes, or attaches a COPA document. Once discovery material is filed and used to influence a judicial decision, the presumptions governing public judicial records apply, and any request for secrecy must be supported by an appropriate, document-specific justification. See *Citizens First Nat'l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945-46 (7th Cir. 1999); *Baxter Int'l, Inc. v. Abbott Labs.*, 297 F.3d 544, 545-47 (7th Cir. 2002). A blanket "trial only" restriction should not predetermine that separate inquiry.

Plaintiff does not contend that de-designation automatically places every unfiled discovery document in the public judicial record, or that no protective restriction could ever be entered. The narrower point is that the restriction actually entered cannot be sustained without good cause and appropriate tailoring, and its present wording impairs uses necessary to litigate the case.

CONCLUSION

Plaintiff respectfully asks the Court to modify or set aside the final sentence of the August 26, 2026 Order. Plaintiff requests that the Court clarify that the COPA documents are not

confidential under the Protective Order and may be used for purposes of this litigation, including pleadings, discovery, motion practice, settlement proceedings, pretrial submissions, and trial, subject to the Federal Rules of Civil Procedure, the Local Rules, and any further order supported by the showing required by law. Alternatively, Plaintiff requests that the Court vacate the restriction prohibiting all use other than presenting evidence at trial.

Dated this 9th day of September, 2026.

Respectfully submitted,
KENT MAYNARD, JR.

By: */s/ James D. Benak*

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His Attorney

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