

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

MICHAEL MARCAVAGE, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 06 C 3858
)	
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

After the issuance of this Court’s July 20, 2009 memorandum opinion and order (“Opinion”), which dispatched the claims of plaintiffs Michael Marcavage and James and Faith Deferio against the City of Chicago (“City”) and a number of City’s police personnel, plaintiffs’ counsel filed a timely Fed. R. Civ. P. (“Rule”) 59(e) motion to alter or amend the judgment against them (that was a final judgment, because Opinion at 33 had concluded with a Rule 54(b) determination). City and its officers have filed a response that confirms the poverty--and worse--of plaintiffs’ motion.

This is regrettably the second time during the course of this week that this Court has received a filing that reflects a lawyerly (or perhaps more accurately a nonlawyerly) mindset that facts can be reshaped to get out from under an adverse ruling. Not only the response of plaintiffs’ counsel to the current motion but also the DVD that portrays the circumstances of the case more precisely than words can do, plus the impermissible

shifts in counsel's current presentation in a number of respects, show that plaintiffs' counsel have it wrong and defense counsel have it right in all respects.

It is frankly an affront for a court to be called upon to pore through extensive evidentiary materials and legal memoranda en route to generating a careful and detailed analysis of the issues, only to be confronted with a distorted and revisionist version of the facts by the losing side. In short, the Rule 59(e) motion is denied as totally lacking in merit.

One matter unrelated to the motion and response bears mention. Opinion at 33 concluded by stating:

That leaves this action pending only as between plaintiffs and Authority, whose disputes have been referred to Magistrate Judge Michael Mason.

Judge Mason has just terminated that reference, stating that the remaining disputants had advised him that they were seeking a resolution between themselves on their own and no longer required his assistance. Because this Court had not previously set a next status hearing date, one is established for 9 a.m. September 1, 2009.



Milton I. Shadur
Senior United States District Judge

Date: August 21, 2009