

**IN THE DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

MARK DAVENPORT,

Plaintiff,

v.

LATOYA HUGHES, et al.,

Defendants.

No. 1:25-cv-14346

**PLAINTIFF'S MOTION TO COMPEL DISCOVERY RESPONSES FROM
DEFENDANTS SAIYD JOYCE AND NEXT STEP RECOVERY HOMES, LLC**

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Pursuant to Fed. R. Civ. P. 37, Plaintiff moves the Court for an order directing Defendants Next Step Recovery Homes, LLC (“NSR”) and Saiyd Joyce (“Joyce”) (together, “Defendants”), with dates certain, to complete their responses to Plaintiff’s Requests for Production (“RFP”) as set forth in Exhibit A, Pl.’s Requests for Production to Defs. (Apr. 1, 2026).

I. BACKGROUND

A. Plaintiff’s First Unopposed Oral Motion to Compel

On April 1, 2026, Plaintiff served his initial discovery demands on Defendants. Ex. A. Defendants missed their May 1, 2026 deadline to respond to those demands and did not respond to Plaintiff’s May 5, 2026 e-mail requesting an update. Ex. B, E-mails Between Pl. & Defs. (May 2026). On May 12, Defendants requested “discovery be stayed pending attendance at a settlement conference,” although Defendants had not previously expressed interest in settlement or requested an extension. *Id.* at 2. Plaintiff responded that he would agree to an extension if the parties set a time certain for a settlement conference and if Defendants agreed to answer Plaintiff’s demands within a reasonable time prior to that conference. *Id.* at 1. The parties met on May 27 and agreed that Defendants would respond to Plaintiff’s demands by end of day June 15, and that the parties would request a settlement conference before this Court. Defendants did not produce any discovery or respond to Plaintiff’s discovery requests on June 15. Plaintiff sent Defendants a letter on June 17 informing Defendants that if they did not respond to Plaintiff’s discovery demands by close of business on June 22,

Plaintiff would initiate motion practice. Ex. C, First Discovery Ltr. from Pl. to Defs. (June 17, 2026).

On June 22, the parties appeared before Your Honor to schedule a settlement conference. Before Plaintiff's counsel could inform this Court that Defendants had not produced discovery, Defendants' counsel requested an order requiring his own client to produce discovery because counsel was "not getting a lot of cooperation, unfortunately, from [his] client." Ex. D, Dkt. No. 113, Status Conference Tr. (June 22, 2026), at 11:18–25. Defendants' counsel acknowledged that his client should have produced discovery "in good faith . . . a month or two ago." *Id.* at 12:2–3. Your Honor responded, "[I]t sounds like you're asking your client to do self-collection . . . I'm sure you wouldn't be actually asking your client to do self-collection." *Id.* at 13:4–6. Plaintiff's counsel added that Plaintiff's demands were tailored, and responsive discovery was necessary to facilitate meaningful settlement negotiations. *Id.* at 14:8–14. This Court ultimately entered an order requiring Defendants to comply with their discovery obligations by July 2, 2026. Dkt. No. 95.

B. Defendants' Initial Discovery Production Was Severely Deficient

On July 2, Defendants responded to Plaintiff's 32 requests for production with only 74 pages of Bates stamped material—55 pages of which constituted one document. Defendants also embedded several blurry and cut-off e-mails and text messages without Bates stamps. On July 8, Plaintiff requested that Defendants cure those and other deficiencies. Ex. E, E-mails Between Pl. & Defs. (July 2026), at 2. Defendants' counsel refused to Bates-stamp e-mails and text messages, but stated he would "go back to [his] client and see if he can separately produce the text

messages already provided.” *Id.* Counsel did not respond to any other deficiencies and ultimately failed to reproduce the text messages. On August 14, Plaintiff sent Defendants a second letter detailing the deficiencies and requesting a meeting pursuant to Local Rule 37.2 the following week. Ex. F, Second Discovery Ltr. from Pl. to Defs. (Aug. 14, 2026). Defendants’ counsel did not respond until August 27. The parties met to discuss these deficiencies on August 31, but they have not been cured.

i. Defendants failed to produce responsive e-mails and text messages.

Defendants produced no documents in response to Joyce RFP No. 1, which requests communications between Defendant Joyce and NSR staff or anyone acting on NSR’s behalf regarding Plaintiff. Defendants responded that the “request is nonsensical – Said (sic) is NSR,” despite previously admitting Defendant Joyce “gains the assistance of others” at NSR and denying he is “the only one who ‘takes part in house maintenance.’” Dkt. No. 84, NSR-Joyce Answer, at ¶ 16. Plaintiff has further grounds to believe Defendant Joyce employed other individuals during Plaintiff’s tenancy at NSR and that communications between Defendant Joyce and such individuals exist. This belief was confirmed by Defendants’ supplemental production. *See infra* § I.C.i.

In response to Joyce RFP Nos. 3 and 4 and NSR RFP Nos. 2, 6, and 7, Defendants produced several e-mails that were deficient in form, as they cut off sender, recipient(s), date, and attachment information. Defendants also failed to produce e-mails that Plaintiff has reason to believe exist. For example, Defendants only produced one e-mail exchange between NSR and IDOC despite IDOC policy

and related contract terms requiring NSR to transmit monthly progress reports regarding Plaintiff during his tenancy.

- ii. Defendants failed to produce responsive documents relevant to Plaintiff's claims.

In response to Joyce RFP No. 6 and NSR RFP Nos. 1, 4, and 11, Defendants produced only one resident progress report for October 2025, and one monthly program report for July 2025, despite Plaintiff being an NSR resident from July 3–December 23, 2025. Plaintiff has requested the rest of these reports because they show Defendants' knowledge of Plaintiff's physical health.

- iii. Defendants failed to disclose NSR's employee list.

In response to NSR RFP No. 15 requesting NSR's organizational charts and directory information, including employees "or anyone else acting or purporting to act on [NSR's] behalf," Defendants wrote "See attached," but failed to attach any documents.

C. Defendants' Supplemental Discovery Production Failed to Remedy Deficiencies

During the parties' August 31 meeting pursuant to Local Rule 37.2, Defendants agreed to supplement their production by September 14. Plaintiff informed Defendants that if that production was deficient, Plaintiff would move to compel. Defendants' counsel admitted he was not helping Defendant with discovery, but instead instructed Defendant to "go through each request word by word and paragraph by paragraph." Defendants' counsel also admitted that he did not run Plaintiff's proposed ESI terms for his initial production but would do so for his supplemental production—though, again, Defendants' counsel was not assisting his

client and refused to answer questions regarding whether his client understood how to conduct electronic discovery. Defendant's counsel stated, "We're just going to have to wait and see how [my client] does."

Defendants supplemented their production on September 14, but many of the documents were reproduced from the initial production, contained ESI without sender, recipient(s), date, or attachment information, and still withheld material responsive to Plaintiff's requests. Defendants also did not address Plaintiff's August 14 letter or address the numerous missing documents Plaintiff requested in that letter. *See* Ex. F. During a September 15, 2026 meeting, Plaintiff informed Defendants of his intent to move to compel unless Defendants remedied these deficiencies by September 22. Plaintiff also detailed these deficiencies by letter dated September 18, 2026. Ex. G, Third Discovery Ltr. from Pl. to Defs. (Sept. 18, 2026). During the September 15 meeting, Defendants' counsel disagreed that the production remained deficient but also stated discovery was within his clients' control. Defendants' counsel maintained that he cannot physically produce discovery himself, but can only "urge [his client] to do so and maybe the motion to compel might provide the fire underneath him, so I encourage you to send it." As of the date of this filing, Defendants have not responded to Plaintiff's September 18 letter.

i. Defendants continue to withhold responsive e-mails and text messages.

While Defendants did produce some text messages in response to Joyce RFP No. 1—likely between Defendant Joyce and Mark "Welby" Frampton—Defendants did not identify the names of the parties or the dates of several messages. Aside

from five screenshots of text messages from August 22, 2025, two from August 25, 2025, and one from September 26 (year omitted), Defendants did not produce correspondence between those two individuals. The screenshots also cut off some responsive messages. One of the text exchanges references what appears to be another NSR employee—“Frank.” Defendants have not produced any correspondence between Defendants and that individual aside from one e-mail dated October 30, 2025 from Defendants to IDOC, copying someone named “Frank Masby.”

In response to Joyce RFP No. 2, Defendants reproduced a partial screenshot of the referral e-mail IDOC sent Defendants regarding Plaintiff, again without information as to the sender, recipient(s), date/time, and attachments. The e-mail explicitly references attachments that contain Plaintiff’s health information, but because Defendants produced the e-mail in an unusable format, Defendants now claim that the e-mail produced “does not determine . . . whether every attachment was actually transmitted. Where the supplied screenshots do not establish transmission of an attachment, that limitation is noted.” In his September 18 letter, Plaintiff noted that Defendants did not produce any additional documents or ESI in response to Joyce RFP No. 2 and again asked Defendants to reproduce attachments and the e-mail itself—along with many others produced as partial screenshots—in a useable format. Ex. G. Defendants also did not produce any new documents in response to Joyce RFP No. 3. *Id.*

- ii. Defendants continue to withhold responsive documents relevant to Plaintiff’s claims.

In response to Joyce RFP No. 6 and NSR RFP Nos. 1, 4, and 11, Defendants reproduced the October 2025 progress report. The only new monthly report Defendants produced was from September 2025, leaving nine reports still outstanding. *See* Ex. G.

iii. Defendants refuse to identify NSR employees.

Despite numerous prior representations that Defendants employed individuals to work at NSR, and despite electronic discovery confirming that, Defendants still have not disclosed the identity of a single NSR employee other than Saiyd Joyce in response to NSR RFP No. 15. Instead, Defendants have only produced NSR's Certificate of Good Standing, S Corporation Election Notice, and Statement of Organizer identifying Defendant Joyce as owner. In his September 18 letter, Plaintiff—for the third time—requested a list of all employees or anyone else acting or purporting to act on NSR's behalf, including the names, position titles, and roles and responsibilities of those individuals. Ex. G.

iv. Defendants' counsel did not certify Defendants' supplemental responses.

Defendants' counsel did not sign or certify any of Defendants' supplemental responses to Plaintiff's initial discovery demands, as required by Fed. R. Civ. P. 26(g). *See* Ex. G.

II. ARGUMENT

A. Legal Standard

A party seeking discovery may move for an order to compel production pursuant to Fed. R. Civ. P. 37(a)(3)(b)(iv) when the responding party fails to produce documents requested under Fed. R. Civ. P. 34. “[A]n evasive or incomplete

disclosure, answer or response” constitutes “a failure to disclose, answer or respond” to a discovery request. Fed. R. Civ. P. 37(a)(4). Fed. R. Civ. P. 26(b)’s discovery standards apply to motions to compel. *Hoerchler v. Equifax Info. Servs., LLC*, 568 F. Supp. 3d 931, 934–35 (N.D. Ill. 2021). Under Fed. R. Civ. P. 26(b)(1), “parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party and proportional to the needs of the case.” The district court has broad discretion in deciding motions to compel. *Kodish v. Oakbrook Terrace Fire Prot. Dist.*, 235 F.R.D. 447, 450 (N.D. Ill. 2006).

The party seeking to compel production must make a preliminary showing that the sought discovery is within the scope of Fed. R. Civ. P. 26(b). *Malhotra v. CVS Health, Inc.*, No. 24 CV 4769, 2025 WL 2083670, at *1 (N.D. Ill. May 5, 2025). The burden then shifts to the responding party to show why the requested discovery is improper. *Gevas v. Manzano*, No. 23 C 50383, 2025 WL 4722630, at *2 (N.D. Ill. Mar. 17, 2025). A responding party’s objections that a request is improper are waived, however, if untimely raised without good cause. *Boyd v. Lazer Spot, Inc.*, No. 19 C 8173, 2022 WL 2865916, at *2 (N.D. Ill. Mar. 30, 2022), *opinion clarified on other grounds*, No. 19 C 8173, 2022 WL 2865906 (N.D. Ill. Apr. 13, 2022). Finally, Fed. R. Civ. P. 26(g) “requires *counsel and the client* to make a reasonable inquiry in responding to discovery.” *LKQ Corp. v. Kia Motors Am., Inc.*, 345 F.R.D. 152, 160 (N.D. Ill. 2023) (emphasis added) (“[C]ounsel must be diligent, make a careful inquiry, and act in good faith” when searching for documents).

B. Plaintiff’s Requests for Production Are Within the Scope of Fed. R. Civ. P. 26(b).

Plaintiff requested documents and communications between and among Defendant Joyce and his NSR staff regarding Plaintiff (Joyce RFP No. 1; NSR RFP Nos. 1, 2), Plaintiff's disability and reasonable accommodations (Joyce RFP No. 3; NSR RFP No. 4), and Plaintiff's placement at NSR (Joyce RFP No. 6; NSR RFP No. 11), including Plaintiff's alleged misconduct (Joyce RFP No. 4; NSR RFP No. 7), as well as any recordings of this alleged misconduct (Joyce RFP No. 7; NSR RFP No. 12). Plaintiff made similar requests for documents and communications between Defendants and IDOC regarding Plaintiff's disability, need for accommodations at NSR (Joyce RFP No. 2, 3; NSR RFP Nos. 3–5), and Plaintiff's alleged misconduct (Joyce RFP No. 4; NSR RFP No. 7). Plaintiff also requested an organizational chart and directory information for all staff employed by Defendants to identify custodians for paper discovery and depositions (NSR RFP No. 15). Ex. A.

i. Plaintiff's Requests are Relevant.

The documents and communications Plaintiff seek are relevant and within the scope of Fed. R. Civ. P. 26(b). Relevance is “construed broadly,” and as such, requested discovery is relevant “if there is any possibility that the information sought may be relevant to the subject matter of the action,” *Kodish*, 235 F.R.D. at 450, even if such requests apply “to issues [not] raised by the pleadings.” *Hoerchler, LLC*, 568 F. Supp. 3d at 935 (citing *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351, 98 S. Ct. 2380, 2389, 57 L. Ed. 2d 253 (1978)).

The requested documents and communications are relevant because they go directly to the elements of Plaintiff's claims, specifically that Defendants knew Plaintiff had a disability and required reasonable accommodations necessary for

him to use and enjoy his dwelling, but Defendants refused to provide those accommodations, *Valencia v. City of Springfield, Illinois*, 883 F.3d 959, 968 (7th Cir. 2018), and threatened to evict Plaintiff in retaliation to his requests. *Hunter v. WPD Mgmt., LLC*, 476 F. Supp. 3d 731, 737–38 (N.D. Ill. 2020). Defendants’ organizational charts and directory information are also relevant because they would “reveal individuals who may have information” about issues raised in this case. *Linnet Americas, Inc. v. Hill-Rom Holdings, Inc.*, No. 21 C 6890, 2025 WL 889480, at *4 (N.D. Ill. Mar. 17, 2025). Finally, Plaintiff’s requests, particularly those related to his alleged misconduct, are also relevant to Defendants’ intervening cause defense. Dkt. No. 84, at *31.

ii. Plaintiff’s Requests are Proportional to the Needs of the Case.

Plaintiff seeks documents and communications proportional to the needs of the case and within the scope of Fed. R. Civ. P. 26(b). Whether a discovery request is proportional to the needs of the case depends upon “the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.” Fed. R. Civ. P. 26(b)(1).

Incarcerated individuals in Illinois must have an IDOC-approved host site to be released on MSR upon completing their sentence. Dkt. No. 71, Am. Compl. ¶¶ 28–30. Indigent individuals like Plaintiff without resources or family support cannot secure their own host site and rely on IDOC’s network of transitional housing providers to be released into the community. *Id.* ¶¶ 30–36. Loss of one’s

host site constitutes an MSR violation and thus a basis for reincarceration. *Id.* ¶¶ 40–45. Plaintiff alleges that Defendants both failed to accommodate Plaintiff's disability-related needs and threatened to evict Plaintiff in response to such requests. *Id.* ¶¶ 138–52. This action raises important issues about the right of indigent, disabled individuals on MSR to receive necessary accommodations without fearing the retaliatory loss of their liberty. It seeks to vindicate a public value with importance beyond Plaintiff's requested remedy. *Morris v. Nextep Sys., Inc.*, No. 21 CV 2404, 2022 WL 23010577, at *5 (N.D. Ill. Aug. 1, 2022).

The amount in controversy is significant because alleged violations of the Fair Housing Act and Fair Housing Amendments Act frequently result in six-figure settlements and awards, including punitive damages. *See, e.g., Fair Housing Ctr. of Cent. Ind. v. Housing Auth. of the City of Anderson*, No. 1:16-cv-00785-TWP-DML, 2017 WL 6949214 (S.D. Ind. Sept. 26, 2017) (\$230,000 settlement); *Parris v. Pappas*, 844 F. Supp. 2d 271 (D. Conn. 2012) (\$112,407 compensatory, \$150,000 punitive).

The requested discovery is within Defendants' sole possession, and there is a significant disparity in the parties' resources. *See* Ex. H, Defs.' Fed. R. Civ. P. 26(a)(1) Initial Discls. (Mar. 30, 2026), at 2. While Plaintiff is indigent and currently incarcerated, Defendants own and operate multiple transitional housing properties. Dkt. No. 71 ¶ 16; *see Simon v. Nw. Univ.*, No. 1:15-CV-1433, 2017 WL 467677, at *3 (N.D. Ill. Feb. 3, 2017) (considering resource disparity between parties, weighing factor in favor of formerly incarcerated plaintiff).

Finally, the discovery Plaintiff seeks is important in resolving this case, and the burden to Defendants in producing this discovery is slight compared to its likely benefit. Plaintiff's tenancy at NSR lasted approximately six months, and thus the relevant period is limited. *See Meyer v. St. John's Hosp.*, No. 15-CV-3313, 2016 WL 7396688, at *4 (C.D. Ill. Dec. 21, 2016) (finding three-year time period not unduly burdensome). Plaintiff's requests are also narrowly tailored to the elements of his claims. *Supra* § II.B.viii.

C. Defendants Waived Any Objections that Plaintiff's Requests are Improper

Because Defendants failed to timely object to Plaintiff's requests for production, and cannot show good cause for that failure, they have waived their right to object. *Boyd*, 2022 WL 2865916, at *2. An objection to a discovery request is timely when made within the 30-day response window. *Buonauro v. City of Berwyn*, No. 08 C 6687, 2011 WL 116870, at *4 (N.D. Ill. Jan. 10, 2011), *on reconsideration in part*, No. 08 C 6687, 2011 WL 2110133 (N.D. Ill. May 25, 2011). Good cause to excuse an untimely objection does not exist where a responding party exhibits lack of due diligence, including being uncommunicative with the requesting party or failing to "pay heed to deadlines." *Autotech Techs. Ltd. P'ship v. Automationdirect.Com, Inc.*, 236 F.R.D. 396, 399 (N.D. Ill. 2006); *see also Hunt v. Hubler Chevrolet, Inc.*, No. 118CV01505RLYMJD, 2019 WL 1043163, at *3–4 (S.D. Ind. Mar. 4, 2019).

Defendants have waived all objections to Plaintiff's initial discovery demands. Defendants missed both the original May 1 and June 15, 2026 extended

deadlines without communicating with Plaintiff. *Supra* § I.A; *Buonauro*, 2011 WL 116870, at *4. Nearly six months after Defendants' original response deadline, any objections would be untimely and without good cause. *See Lock Realty Corp. v. U.S. Health L.P.*, No. 3:06-CV-487RLM, 2008 WL 4372411, at *2 (N.D. Ind. Sept. 22, 2008) (holding that objections were waived after month and a half delay); *Hunt*, 2019 WL 1043163, at *3–4 (finding no good cause where responding party failed to request an extension before the deadline).

III. CONCLUSION

Plaintiff engaged in extensive good faith efforts to resolve these discovery issues directly with Defendants, including: (i) granting Defendants 46 days of extensions prior to the Court granting Plaintiff's unopposed oral motion to compel, (ii) serving three letters explaining in detail the deficiencies in Defendants' production, and (iii) holding three meet and confers. *See* Pl's. Local Rule 37.2 Certificate. Yet, almost six months after Defendants' initial responses were due, their responses remain deficient. Plaintiff thus moves the Court to compel Defendants to comply with their discovery obligations.

IV. RELIEF REQUESTED

Plaintiff respectfully requests that the Court compel Defendants Saiyd Joyce and Next Step Recovery Homes, LLC to:

1. Cure deficiencies as to all discovery which was produced in a manner that cuts off discoverable content and which does not comport with Plaintiff's instructions and definitions.
2. Supplement their incomplete productions as to the following requests:

- a. Joyce RFP Nos. 1, 2, 3, 4, 6, and 7;
 - b. NSR RFP Nos. 1, 2, 3, 4, 5, 7, 11, 12, and 15.
3. Certify their September 14, 2026 discovery responses pursuant to Fed. R. Civ. P. 26(g).

Plaintiff requests that the Court award reasonable attorneys' fees and costs incurred by Plaintiff in connection with this motion pursuant to Fed. R. Civ. P. 37(a)(5)(A). Plaintiff further requests that the Court compel Defendants' counsel to be actively engaged in the search for and collection of responsive discovery pursuant to his responsibilities under Fed. R. Civ. P. 26(g).

Dated: September 24, 2026
Chicago, Illinois

Respectfully submitted:

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