

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

COUNTY OF COOK,	)	
	)	
Plaintiff,	)	
v.	)	
	)	
	)	
BANK OF AMERICA CORPORATION,	)	CIVIL ACTION NO.: 1:14-cv-2280
BANK OF AMERICA, N.A., COUNTRYWIDE	)	
FINANCIAL CORPORATION,	)	
COUNTRYWIDE HOME LOANS, INC.,	)	
COUNTRYWIDE BANK, FSB,	)	
COUNTRYWIDE WAREHOUSE LENDING,	)	
LLC, BAC HOME LOANS SERVICING, LP,	)	
MERRILL LYNCH & CO., INC., MERRILL	)	
LYNCH MORTGAGE CAPITAL INC., AND	)	
MERRILL LYNCH MORTGAGE LENDING,	)	
INC.,	)	
	)	
Defendants.	)	
	)	

**PLAINTIFF’S RESPONSE TO DEFENDANTS’  
NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiff County of Cook (“County” or “Plaintiff”), by and through counsel, responds to Defendants’ Motion For Leave To File Supplemental Authority, ECF No. 654, as follows.

Defendants’ Notice is irrelevant to the pending matter. This Court has ruled that Cook County is precluded from pursuing its property tax related damages, notwithstanding that Cook County’s alleged property tax damages are the direct result of Defendants’ discriminatory foreclosure practices – causation that is vastly different from the City of Oakland’s tax damage claims based solely on Defendants’ discriminatory lending practices.

Moreover, it should be noted that, while the Maryland District Court granted Wells Fargo’s renewed request for interlocutory appeal, the District Court specifically “affirmed its own

proximate cause analysis as set forth in its Third Memorandum Opinion.” Order at 9. In that decision the Maryland District Court found that the plaintiff counties adequately pled proximate cause at the motion to dismiss stage as to their property tax related damages and increased municipal expenditures caused by Defendants’ alleged discriminatory foreclosures. *See Prince George’s County, Md. v. Wells Fargo & Co.*, 520 F. Supp. 3d 747, 756-57 (D. Md. 2021). Accordingly, the District Court specifically limited the question certified on appeal solely to whether:

*At the motion to dismiss stage*, do the Counties' claims for economic injuries to their tax bases and for increased municipal services-which are based on regression analysis-satisfy the FHA's proximate cause requirement?

Order at 9 (emphasis added).

Dated: December 29, 2021

Respectfully Submitted,

**KIMBERLY M. FOXX,  
STATE’S ATTORNEY FOR COOK COUNTY**

/s/ Kenneth A. Wexler

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day I caused a true and correct copy of the foregoing PLAINTIFF'S RESPONSE TO DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY to be served upon counsel of record as of this date by electronic filing with the Clerk of Court for the United States District Court of the Northern District of Illinois by using the CM/ECF system.

Dated: December 29, 2021

/s/ Kenneth A. Wexler  
Kenneth A. Wexler