

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

ANDREW WALLACE JR., SHERRY)
WALLACE, and ANTONIO WALLACE,)
)
Plaintiffs,)

Case No. 14-cv-1457

v.)

CITY OF WASHINGTON, GARY M.)
MARINER, BOARD OF POLICE)
COMMISSIONERS, DON VOLK, JEFF)
STEVENSON, UNKNOWN SWORN)
OFFICERS, and GRANITE)
BROADCASTING CORP., D/B/A WEEK-)
TV, AKA, CHANNEL 25,)
)
Defendants.)

ORDER & OPINION

This matter is before the Court on the City Defendants’ Motion to Strike (Doc. 17), and Plaintiffs’ Motion to Strike Defendant Granite Broadcasting Corporation’s Third Affirmative Defense. (Doc. 27). Magistrate Judge Schanzle-Haskins issued a Report & Recommendation (“R&R”) (Doc. 31) recommending that Defendants’ Motion to Strike be granted in part and denied in part and Plaintiffs’ Motion to Strike be denied.

The parties were notified that failure to object to Judge Schanzle-Haskins’s March 25, 2015 R&R within fourteen days after service of the R&R would constitute a waiver of any objections. (Doc. 31 at 14). *See* 28 U.S.C. § 636(b)(1); *Video Views, Inc. v. Studio 21, Ltd.*, 797 F.2d 538, 539 (7th Cir. 1986). Objections to the R&R

were due by April 13, 2015, and none were made. This Court has reviewed the R&R, and will adopt it in its entirety.

IT IS THEREFORE ORDERED that the Court ADOPTS the Report and Recommendation of the Magistrate Judge (Doc. 31) in full. Thus, Defendants' Motion to Strike (Doc. 17) is GRANTED IN PART and DENIED IN PART. All claims brought against the Individual Defendants in their official capacities are stricken. However, since Plaintiffs brought all claims against the Individual Defendants in their individual and official capacities, those claims may proceed against the Individual Defendants in their individual capacities. Plaintiffs' prayers for punitive damages against the City of Washington in Counts I and II are stricken, and Plaintiff's prayer for punitive damages against Defendant Gary M. Mariner in Count II is stricken. Plaintiffs' Motion to Strike Defendant Granite Broadcasting Corporation's Third Affirmative Defense is DENIED.

Entered this 14th day of April, 2015.

s/Joe B. McDade
JOE BILLY McDADE
United States Senior District Judge