

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

**JANE DOE - 2, a Minor through her  
mother and next Friend, JULIE DOE - 2, and  
JULIE DOE - 2,**

**Plaintiffs,**

**v.**

**JON WHITE, URBANA SCHOOL DISTRICT  
116 BOARD OF DIRECTORS, et al.,**

**Defendants.**

**Case No. 08-CV-2169**

**ORDER**

Reports and Recommendations (#73, #74, #75, #76) were filed by Magistrate Judge David G. Bernthal in the above cause on December 15 and 17, 2008. On January 5, 2009, Plaintiffs filed Objections (#77, #78) to the Reports and Recommendations. On January 13 and 15, 2009, Defendants filed Responses to Plaintiffs' Objections (#82, #83, #84). On January 21, 2009, Plaintiffs filed a Motion for Leave to File Supplemental Authority (#85). On January 22, 2009, Defendants filed an Objection to Plaintiff's Motion for Leave to File Supplemental Authority (#86), arguing that the alleged supplemental authority provides no guidance regarding the issues before this court.

This court notes that, in her Objections (#78), Plaintiff requested that this court grant her Motion for Leave to File Second Amended Complaint (#71) so that the Second Amended Complaint can be considered during this court's de novo review. This court therefore GRANTS Plaintiff's Motion for Leave to File Second Amended Complaint (#71). This court also GRANTS Plaintiff's Motion for Leave to File Supplemental Authority (#86).

This court has conducted a careful and thorough de novo review of Judge Bernthal's

reasoning, Plaintiffs' Objections, Defendants' Responses, and the case law cited by the parties. This court has also considered Plaintiffs' additional allegations in their Second Amended Complaint and the Supplemental Authority cited by Plaintiffs. Following this careful review, this court agrees with Judge Bernthal's Reports and Recommendations (#73, #74, #75, #76). This court further concludes that Plaintiffs' allegations in their Second Amended Complaint do not alter the conclusions that the claims against Defendants McLean County Unit District No. 5 Board of Directors, Jim Braksick, Alan Chapman, Dale Heidbreder, Edward Heinemann and John Pye must be dismissed. In addition, this court concludes that the supplemental authority cited by Plaintiffs is not applicable to the issues before this court. This court accepts, in their entirety, Judge Bernthal's Reports and Recommendations.

IT IS THEREFORE ORDERED THAT:

(1) Plaintiffs' Motion for Leave to File Second Amended Complaint (#71) is GRANTED. The clerk is directed to file the Second Amended Complaint attached as Exhibit B to Plaintiffs' Motion.

(2) Plaintiffs' Motion for Leave to File Supplemental Authority (#85) is GRANTED.

(3) The Reports and Recommendations (#73, #74, #75, #76) are accepted by this court.

(4) The Motion to Dismiss (#35) filed by Defendant Dale Heidbreder is GRANTED.

(5) The Motion to Dismiss (#37) filed by Defendant McLean County District No. 5 Board of Directors is GRANTED.

(6) The Motion to Dismiss (#39) filed by Defendants Alan Chapman, Edward Heinemann and John Pye is GRANTED.

(7) The Motion to Dismiss (#41) filed by Defendant Jim Braksick is GRANTED.

(8) Counts XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, XXX, XXXI, XXXII, and XXXIII of the First Amended Complaint (#14) and Second Amended Complaint are dismissed with prejudice.

(9) Counts II and III of Plaintiffs' Second Amended Complaint remain pending against Defendant Jon White.

(10) This case is referred to Judge Bernthal for further proceedings.

ENTERED this 3rd day of January, 2009

**s/ Michael P. McCuskey**  
MICHAEL P. McCUSKEY  
CHIEF U.S. DISTRICT JUDGE