

**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS  
SPRINGFIELD DIVISION**

COLLEEN BAGLEY, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	05-3156
	)	
ROD BLAGOJEVICH, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION**

RICHARD MILLS, U.S. District Judge:

Before this Court once again is former Illinois Governor Rod Blagojevich’s converted motion for summary judgment [d/e 125]. The motion is granted.

Because this Court has already issued several opinions on the pertinent claims, this order will be brief. As noted in prior opinions, Plaintiffs seek to hold Blagojevich liable for (1) his elimination of the Correctional Captain position through the use of a line-item veto and (2) the denial of seniority to former Captains. Summary judgment is proper on these claims only if “the pleadings, the discovery and disclosure materials

on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c).

Turning first to the veto claim, this Court finds that summary judgment is appropriate. As discussed in previous orders, Blagojevich’s veto action was legislative in form and substance. Therefore, as explained in those orders, Blagojevich’s actions are protected by legislative immunity [d/e 94, 135].

Second, summary judgment is also appropriate with respect to the claims against Blagojevich regarding the denial of seniority. In this Court’s last opinion, a protective order was entered to prevent Blagojevich’s deposition because of a lack of evidence showing that Blagojevich’s deposition would lead to admissible evidence regarding the denial of seniority [d/e 135]. After so ruling, however, this Court refused to grant Blagojevich’s converted motion for summary judgment on that issue. Rather, Plaintiffs were invited to offer evidence connecting Blagojevich to the seniority decision. No such evidence was offered, however, and thus, for that reason and those discussed in the prior order, this Court now

grants summary judgment on the denial of seniority claim.

Ergo, Blagojevich's converted motion for summary judgment [d/e 125]  
is GRANTED.

IT IS SO ORDERED.

ENTERED:

February 20, 2009

FOR THE COURT:

/s Judge Richard Mills  
United States District Judge