



3. Counts I and II of Plaintiff's Amended Complaint again allege that Lisa Madigan, Illinois Attorney General, the Office of the Attorney General, and the State of Illinois discriminated against Plaintiff on the basis of gender in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000 ("Title VII") and on the basis of age in violation of the Age Discrimination in Employment Act, 29 U.S.C. § 621 ("ADEA").

4. Newly added Count III alleges that the original three Defendants, plus Lisa Madigan, individually, and four other senior members of the Office of the Attorney General, individually, discriminated against Plaintiff on the basis of gender in violation of the Equal Protection Clause of the United States Constitution. Newly added Count IV alleges that the original three Defendants, plus Lisa Madigan, individually, and four other senior members of the Office of the Attorney General discriminated against Plaintiff on the basis of age in violation of the Equal Protection Clause of the United States Constitution

5. Plaintiff's Equal Protection claim for age discrimination in Count IV should be dismissed because the ADEA is the exclusive federal remedy for age discrimination.

6. Plaintiff's Amended Complaint should be dismissed in its entirety because Plaintiff fails to plead the *prima facie* elements for any claim and, if his pleadings are deemed sufficient, Plaintiff pleads facts which demonstrate he is not entitled to relief.

7. Plaintiff's Equal Protection damages claims for age and gender discrimination in Counts III and IV should be dismissed because the Defendants are entitled to qualified immunity.

8. Plaintiff's status as a former employee precludes his request for injunctive relief.

9. Defendants move to dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6) because Plaintiff can state no set of facts that would permit him to recover.

10. Defendants incorporate the attached Memorandum in Support of their 12(b)(6) Motion to Dismiss in support of this motion.

**WHEREFORE**, Defendants, LISA MADIGAN, Individually, ANN SPILLANE, individually, ALAN ROSEN, individually, ROGER FLAHAVEN, individually, and DEBORAH HAGAN, individually, pray that this Court enter an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing with prejudice Plaintiff's claims against them.

Respectfully submitted,

**LISA MADIGAN, Individually, ANN SPILLANE, Individually, ALAN ROSEN, Individually, ROGER P. FLAHAVEN, Individually, and DEBORAH HAGAN, Individually,**

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