

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

FRANK GROSS,)	
)	
Plaintiff,)	05 C 4392
)	
v.)	
)	Judge Norgle
TRINITY INTERNATIONAL UNIVERSITY,)	
MATTHEW PERRAULT, CATHY CONWAY,)	
BRIAN JEBROWSKY, individually)	Magistrate Judge Cole
JACOB OVERTON, individually, BRUCE BONE,)	
JOHN PRICE, individually, MARK BANAC,)	
Individually, JOHN DOE,)	
)	
Defendants.)	

DEFENDANTS’ MOTION TO DISMISS PLAINTIFF’S COMPLAINT AT LAW

NOW COME the Defendants, BRUCE BONE, KEVIN TRACZ, RON PRICE, incorrectly sued as John Price, and ERNIE BANAC, incorrectly sued as Mark Banac, (“Bannockburn Defendants”), by and through counsel, CHILTON YAMBERT PORTER & YOUNG LLP, and hereby move to dismiss with prejudice Counts I, II, III, IV, and V of Plaintiff’s Complaint at Law, pursuant to Fed. R. Civ. P. 12 (b)(6). In support of their motion, the Defendants state as follows:

1. On August 1, 2005 Plaintiff filed his Complaint at Law alleging civil rights violations against the Bannockburn Defendants and Trinity International University, Matthew Perrault, Cathy Conway, Brian Jaworski, Brian Olson (“University Defendants”) and Jacob Overton.

2. In his Complaint at Law, Plaintiff alleges four counts against Defendants Banac, Tracz, and Price including allegations of false imprisonment (Count I), negligent infliction of emotional distress (Count V), and Fourth and Fourteenth Amendment

violations under 42 U.S.C. § 1983 (Counts II and III). Plaintiff alleges one count against Defendant Bone, a *Bivens* action (Count IV).

3. As a result of the alleged above violations, Plaintiff is seeking compensatory and punitive damages.

4. Pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons set forth in Defendants' Memorandum at Law in support of this motion, Plaintiff fails to state a claim upon which relief can be granted and his Complaint must be dismissed with prejudice.

5. In further support of this Motion to Dismiss, Defendants have filed a Memorandum at Law.

6. The University Defendants have filed a separate Motion to Dismiss and Memorandum at Law. In further support of this Motion to Dismiss, the Bannockburn Defendants hereby adopt all relevant portions of University Defendants' Motion to Dismiss and Memorandum at Law.

WHEREFORE, Defendants Bruce Bone, Kevin Tracz, Ron Price, and Ernie Banac respectfully request that this Court enter an order dismissing Plaintiff's Complaint with prejudice.

Respectfully submitted,

s/Jospeph Vallort

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