

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**THORNCREEK APARTMENTS III, LLC, )  
a foreign limited liability company, )  
D/B/A THE LOFTS AT THORNCREEK; )  
THORNCREEK MANAGEMENT, LLC, )  
a foreign limited liability company, )**

**Plaintiffs,**

**v.**

**VILLAGE OF PARK FOREST, an )  
Illinois Municipal corporation; )  
TOM MICK, in his individual capacity )  
and as Village Manager, MAE )  
BRANDON, in her individual capacity )  
and as Village Trustee; BONITA )  
DILLARD, in her individual capacity )  
and as Village Trustee; GARY )  
KOPYCINSKI, in his individual )  
capacity and as Village Trustee; )  
KENNETH W. KRAMER, in his )  
individual capacity and as Village )  
Trustee; ROBERT McCRAY, in )  
his individual capacity and as )  
Village Trustee; GEORGIA O'NEILL, )  
in her individual capacity and as )  
Village Trustee; LAWRENCE )  
KERESTES, in his individual )  
capacity and as Village Director of )  
Community Development; JOHN A. )  
OSTENBURG, in his individual )  
capacity and as Mayor of the )  
Village of Park Forest; SHEILA )  
McGANN, in her capacity as Village )  
Clerk only; and JOHN and JANE DOE, )  
individual employees, officers, )  
and/or agents of The Village of Park )  
Forest. )**

**Defendants.**

**No. 08 C 1225**

**Hon. Gary Feinerman  
Magistrate Judge Schenkier**

**Consolidated With  
Case No. 08 C 869  
Case No. 08 C 4303**

**THE INDIVIDUAL DEFENDANTS' JOINT MOTION PURSUANT TO RULE 50 FOR  
JUDGMENT AS A MATTER OF LAW ON PLAINTIFFS' FEDERAL AND STATE  
EQUAL PROTECTION AND CONSPIRACY-RELATED CLAIMS**

The Individual Defendants, by and through their attorneys, STEPHEN R. MILLER and NIKOLETA LAMPRINAKOS of ROBBINS SCHWARTZ NICHOLAS LIFTON & TAYLOR LTD., and in support of their motion for judgment as a matter of law pursuant to Federal Rule of Civil Procedure 50 (hereafter, “Fed. R. Civ. P. 50”) on Plaintiff’s Federal and State Equal Protection Claims and state law conspiracy-related claims [state as follows](#):

3. Pursuant to Fed. R. Civ. P. 50, the Individual Defendants are entitled to judgment as a matter of law because Plaintiffs have been fully heard and have failed to present a legally sufficient evidentiary basis for a reasonable jury to find in Plaintiffs’ favor on their state and federal equal protection claims:

- a. As to the race-based equal protection claims, Plaintiffs failed to establish that they were treated differently than any similarly situated multi-family housing owner whose tenants are not primarily African-American;
- b. As to the class-of-one equal protection claims, Plaintiffs failed to establish that they were treated differently than any similarly situated multi-family housing owner; and
- c. As to the class-of-one equal protection claims, Plaintiffs failed to establish that Defendants had no rational basis for the difference in treatment about which they complain in this litigation.

4. Pursuant to Fed. R. Civ. P. 50, the Individual Defendants are entitled to judgment as a matter of law on Plaintiffs’ civil conspiracy-related claims because Plaintiffs have been fully heard and have failed to present a legally sufficient evidentiary basis for a reasonable jury to find that Defendants entered into an agreement to violate Plaintiffs’ rights or commit a tortuous act, or took any action in furtherance of an agreement to commit an unlawful act.

For the foregoing reasons, the Individual Defendant's Motion for Judgment as a Matter of Law Pursuant to Fed. R. Civ. P. 50 on Plaintiff's Federal and State Equal Protection Claims should be granted.

Dated: April 17, 2014

Respectfully submitted,

**TOM MICK, MAE BRANDON, BONITA  
DILLARD, GARY KOPYCINSKI, KENNETH  
KRAMER, ROBERT McCRAY, GEORGIA  
O'NEILL, LAWRENCE KERESTES and  
JOHN A. OSTENBURG,**

By: /s/ Stephen R. Miller  
Stephen R. Miller

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### **CERTIFICATE OF SERVICE**

I, Stephen R. Miller, the undersigned attorney, hereby certify that the foregoing ***Defendants' Joint Motion for Judgment as a Matter of Law Pursuant to Rule 50***, was electronically filed with the United States District Court for the Northern District of Illinois, Eastern Division, and that a copy of the same was served upon all counsel of record via electronic mail, this **17<sup>th</sup>** day of **April, 2014**.

By: /s/ Stephen R. Miller  
Stephen R. Miller

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