

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

<b>JONATHAN SHORTALL,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 08 C 3493</b>
	)	<b>Judge Norgle</b>
<b>CITY OF CHICAGO,</b>	)	<b>Magistrate Judge Cole</b>
	)	
<b>Defendant.</b>	)	

**SHORTALL’S MOTION TO STAND ON FIRST AMENDED COMPLAINT  
AND FOR ENTRY OF RULE 58 JUDGMENT**

Plaintiff, Jonathan Shortall, respectfully moves as follows:

1. On October 9, 2008, Shortall filed his First Amended Complaint.
2. On November 10, 2008, the City of Chicago filed its motion to dismiss.
3. On November 21, 2008, this Court granted the City’s motion to dismiss. The

November 21, 2008 Order reads as follows:

Defendant’s Motion to Dismiss Plaintiff’s First Amended Complaint is granted. Plaintiff is granted leave to file an amended complaint by December 17, 2008. Civil case terminated.

4. Shortall determined not to file an amended complaint and, instead, filed a Notice of Appeal on December 17, 2008.

5. The Court of Appeals has raised the question of the finality of this Court’s November 21, 2008 Order. To resolve any doubt, plaintiff now moves to stand on its First Amended Complaint and for entry of a Rule 58 judgment.

**Wherefore**, Plaintiff Jonathan Shortall moves to stand on his First Amended Complaint and for entry of a Rule 58 judgment.

Dated: January 5, 2009

Respectfully submitted,

JONATHAN SHORTALL

By: /s/ Thomas C. Cronin  
One of his Attorneys

Thomas C. Cronin  
James V. Capparelli  
Cronin & Co., Ltd.  
33 North Dearborn Street  
Suite 2350  
Chicago, Illinois 60602  
T: 312.201.7100  
F: 312.201.7101