

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

Ronald Scarlato, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	09 C 1497
	)	
Village of Bellwood, Illinois,	)	
et al.,	)	
	)	
Defendants.	)	

MEMORANDUM ORDER

Based on this Court’s December 4, 2009 partial oral ruling and some further comments that it made on that same date, all applicable to the host of asserted defenses (“ADs”) advanced by defendants in this action, defense counsel have taken a fresh look at a number of those ADs and have filed a December 30 memorandum that withdraws some ADs and elaborates on some others. Based on defense counsel’s most recent submission:

1. This Court accepts defendants’ voluntary withdrawal without prejudice of ADs 7, 8, 19 through 21, 23 and 24, subject to the possible future assertion of one or more of those ADs if the evidence developed during discovery supports such action.
2. This Court further accepts a like voluntary withdrawal of AD 25 by co-defendants Anthony Bruno and Illinois Development Services Corporation.
3. As to AD 4, plaintiffs’ counsel are ordered to file a further submission explaining why in their view

745 ILCS 10/2-201 and the case law applying it do not insulate the public officer defendants, despite plaintiffs' allegations that those defendants' actions constituted willful and wanton misconduct or were prompted by corrupt or malicious motives.

4. Finally, as to the arguable application of AD 25 to the same public officer defendants, this Court reserves ultimate ruling until the facts are further fleshed out through discovery -- discovery that may reveal whether or not those individuals were motivated by personal gain and personal satisfaction in whole or in part, rather than acting solely for the benefit of the Village of Bellwood.



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Milton I. Shadur  
Senior United States District Judge

Date: January 4, 2009