

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

RONALD SCARLATO, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 09 C 1497
)	
VILLAGE OF BELLWOOD, ILLINOIS,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This Court’s brief January 4, 2010 memorandum order addressed a number of the asserted defenses (“ADs”) that defendants had advanced in this action. In part it ordered plaintiffs’ counsel to file a further submission as to AD 4, “explaining why in their view 745 ILCS 10/2-201 and the caselaw applying it do not insulate the public officer defendants, despite plaintiffs’ allegations that those defendants’ allegations constituted willful and wanton misconduct or were prompted by corrupt or malicious motives.”

Plaintiffs’ counsel rose to that challenge, drawing to this Court’s attention the strikingly applicable decision in Vill. of Sleepy Hollow v. Pulte Home Corp., 336 Ill.App.3d 506, 783 N.E.2d 1093 (2d Dist. 2003). Sleepy Hollow explained persuasively why an immunity claim sought to be advanced under the auspices of Vill. of Bloomingdale v. PDG Enters., Inc., 196 Ill.2d 484, 752 N.E.2d 1090 (2001) is inapplicable to a situation such as the

current one. Accordingly this Court strikes AD 4.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive style with a large, prominent initial "M".

Milton I. Shadur
Senior United States District Judge

Date: February 3, 2010