

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Elaine E. Bucklo	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	09 C 6577	DATE	9/1/2010
CASE TITLE	Knight vs. County of DuPage, Illinois		

DOCKET ENTRY TEXT

Motion by Defendants County of DuPage, Illinois, Naydenoff, Kerstein to dismiss [13] is granted. The County is directed to inform the Court whether it will indemnify Hakim and Asmussen in the event that they are added as defendants.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff Robin Knight filed a seven-count complaint against DuPage County and DuPage County Sheriff's Deputies Kerstein and Naydenoff, asserting causes of action under 42 U.S.C. § 1983 and Illinois state law. The defendants moved to dismiss Counts III, IV, and V, on the ground that the claims are time-barred; they also moved to dismiss Counts VI and VII on the ground that Knight could not hold the County liable under a theory of *respondeat superior*. Knight has conceded that Counts III, IV, and V are untimely; she also agrees that Count VI should be dismissed. As to these counts, defendants' motion to dismiss is granted. The remaining claim for indemnification in Count VII has been rendered moot by the County's stipulation in open court that it will pay any judgment against Kerstein and Naydenoff. See Minute Order of 3/4/10 (doc. 26).

Knight has recently sought to amend her complaint to allege that Deputies David Hakim and Mark Asmussen, not Kerstein and Naydenoff, were primarily responsible for her alleged injuries. She has also reasserted her claim for indemnification. The County is directed to inform the Court whether it will indemnify Hakim and Asmussen in the event that they are added as defendants.