

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TAMARA WUERFFEL,)
)
Plaintiff,)

v.)

COOK COUNTY SHERIFF’S OFFICE,)
THOMAS DART, in his individual)
capacity, RONALD ZYCHOWSKI,)
ZELDA WHITTLER, DANA WRIGHT,)
MARLON PARKS, HELEN BURKE,)
ALEXIS FIGUEROA, in their individual)
capacities, COOK COUNTY SHERIFF’S)
MERIT BOARD, JAMES P. NALLY,)
Chairman, BYRON BRAZIER,)
Vice Chairman, BRIAN RIORDAN,)
Board Member, JENNIFER E. BAE,)
Board Member, JOHN DALICANDRO,)
Secretary, VINCE WINTERS, Board)
Member, KIM R. WIDUP, Board)
Member, PATRICK BRADY, Board)
Member, and the COUNTY OF COOK,)
a unit of local Government,)

14 C 3990

Defendants.

ORDER

CHARLES P. KOCORAS, District Judge:

Now before the Court are three motions: (i) Motion to Dismiss the Individual Members of the Cook County Sheriff’s Merit Board and the Merit Board [38]; (ii) Partial Motion to Dismiss by the Cook County Sheriff’s Office and Defendants Sheriff Thomas Dart, Ronald Zychowski, Zelda Whittler, Dana Wright, Marlon Parks, Helen Burke, and Cook County [44]; and (iii) Defendant Alexis Figueroa’s

(“Figueroa”) Unopposed Motion for Extension of Time to file a responsive pleading [57] to Plaintiff Tamara Wuerffel’s (“Wuerffel”) First Amended Complaint. For the following reasons, Figueroa’s Unopposed Motion for Extension of Time to file a responsive pleading to Wuerffel’s First Amended Complaint is granted, and the Motions to Dismiss are denied without prejudice to refile on the schedule stated in this Order.

On December 4, 2015, Figueroa filed a Motion for Extension of Time to file a responsive pleading (“Motion for Extension of Time”) to Wuerffel’s First Amended Complaint. Presentment of Figueroa’s Motion for Extension of Time is set for December 15, 2015. An in court ruling date was set for December 15, 2015 to address the Motion to Dismiss filed on behalf of the Merit Board and the Merit Board Defendants and to address the Motion to Dismiss filed on behalf of the Cook County Sheriff’s Office, the individually named Sheriff’s Office Defendants, and Cook County. However, because Figueroa’s Motion for Extension of Time was filed unopposed, the Court will grant that motion and subsequently deny both Motions to Dismiss without prejudice. The Court notes that although it has granted Figueroa’s Motion for Extension of Time, Figueroa’s attorney has yet to file an appearance on his behalf. Therefore, Figueroa’s attorney must file an appearance on behalf of his client.

The Motions to Dismiss have been denied without prejudice in part because of Figueroa’s Motion for Extension of Time, which was unopposed, and in part because the Motions to Dismiss are rife with confusion. Both Motions to Dismiss are unclear as to which counts Defendants are moving to dismiss (in some places indicating that

only certain counts are at issue and in other places indicating that other counts are at issue) and both Motions to Dismiss fail to address all of the counts alleged in the First Amended Complaint. Additionally, one of the Motions to Dismiss consistently and repeatedly mislabels numerous counts and makes references to incorrect counts. The Court directs the Defendants, in any subsequent filings, to clearly articulate which counts they are moving to dismiss, to correctly label each count, and to address each of the alleged counts.

Figueroa will have until January 13, 2016 to file a responsive pleading to the First Amended Complaint. The remaining Defendants will also have until January 6, 2015 to refile their Motions to Dismiss. Plaintiff's response to the Motions to Dismiss will be due by January 27, 2016. Defendants' Replies are due by February 9, 2016. The Court will rule in court on March 17, 2016.

CONCLUSION

For the aforementioned reasons, the Motion for Extension of Time is granted, and the Motions to Dismiss are denied without prejudice.



Charles P. Kocoras
United States District Judge

Dated: 12/15/2015