IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

John Doe,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Isaac Vega, Carl von Linné Elementary School, Chicago Board of Education, Chicago Public Schools a/k/a/ CPS, City of Chicago School District 299, and City of Chicago,	)	No. 19 L 2457
	)	
Defendants.	)	

MEMORANDUM OPINION AND ORDER

The Local Governmental and Governmental Employees Tort Immunity Act imposes a one-year statute of limitations on the filing of a lawsuit or, in the case of a minor, one year after reaching majority. Although the plaintiff turned 18 in 2003, he did not file his lawsuit until 2019. Since the plaintiff's claims are now stale, the defendant's motion to dismiss must be granted with prejudice.

Facts

John Doe was born on August 19, 1985. In the mid-1990s, defendant Isaac Vega frequented a park where Doe and other children played various sports. During that time, Vega began speaking with Doe and his family. Soon thereafter, the Chicago Board of Education hired Vega as a physical education teacher at von Linné Elementary School, where Doe attended.

In 1996 and 1997, Doe was in sixth grade and played on various sports teams under Vega's supervision. During that time, Vega learned details about Doe's home life, including his family's financial difficulties and his mother's illness. Also during that period, Vega

began staying at Doe's home and purchased items for the family, such as food, video games, and clothing. Vega slept in Doe's bedroom with Doe and sexually touched and abused Doe daily.

When Doe was in the seventh grade, Vega obtained use of a private office at von Linné, where he sexually touched and abused Doe three to four times each week before or after sports practices. This on-going pattern of sexual abuse continued until Doe completed the eighth grade, in other words, for approximately three years, from 1996 through 1999. Doe turned 18 years old on August 19, 2003.

On March 7, 2019, John Doe filed a complaint in the circuit court naming various defendants.[1] The complaint has four remaining counts. Count one is for willful and wanton conduct based on the Board of Education's failures, among other things, to investigate and supervise Vega and to warn Doe and his caretakers of Vega's propensities. Count six is a cause of action for direct liability against Vega and for vicarious liability against the Board based on Vega's sexual grooming, use of authority, and sexual exploitation of Doe. Count seven is for negligent retention arising from the Board's knowledge of or failure to know that Vega was a pederast. Count eight is a cause of action for negligence based on the Board knowing or failing to know of the serious threat Vega posed and, among other things, failing to supervise Vega, monitor his activities, investigate him, and prevent him from being alone with Doe.

On November 21, 2019, the Board filed a motion to dismiss these four remaining causes of action. The parties filed their response and reply briefs and then requested the opportunity to file supplemental briefs. This court granted their request. Doe filed an additional brief, however the Board did not.

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[1] On May 2, 2019, this court dismissed the City of Chicago for noninvolvement. On July 11, 2019, this court dismissed the Chicago Public Schools, Carl von Linné Elementary School, and the City of Chicago School District 299 as improperly named defendants.

Analysis

The Board has filed a motion to dismiss the remainder of Doe's complaint based on Code of Civil Procedure section 2-619. *See* 735 ILCS 5/2-619. A section 2-619 motion to dismiss authorizes the involuntary dismissal of a claim based on defects or defenses outside the pleadings. *See Illinois Graphics Co. v. Nickum*, 159 Ill. 2d 469, 485 (1994). Expired statutes of limitations or repose are substantive defects that authorize the dismissal of a complaint. 735 ILCS 5/2-619(a)(5) ("the action was not commenced within the time limited by law"). A court considering a section 2-619 motion must construe the pleadings and supporting documents in a light most favorable to the nonmoving party. *See Czarobski v. Lata*, 227 Ill. 2d 364, 369 (2008). All well-pleaded facts contained in the complaint and all inferences reasonably drawn from them are to be considered true. *See Calloway v. Kinkelaar*, 168 Ill. 2d 312, 324 (1995). As has been stated: "The purpose of a section 2-619 motion is to dispose of issues of law and easily proved issues of fact early in the litigation." *Czarobski*, 227 Ill. 2d at 369.

The parties' central arguments lie at the intersection of two statutes and their embedded statutes of limitations – the Local Governmental and Governmental Employees Tort Immunity Act (TIA), *see* 745 ILCS 10/8-101, and the Code of Civil Procedure, *see* 735 ILCS 5/13-202.2. When faced with the job of interpreting competing statutes, courts invariably turn to the tools of statutory construction, the cardinal rule of which is to "ascertain and effectuate the legislature's intent. . . ." *McElwain v. Illinois Sec'y of State*, 2015 IL 117170, ¶ 12. The primary source from which to infer this intent is the statute's language. *See id.* "If the language of the statute is clear, the court should give effect to it and not look to extrinsic aids for construction." *Bogseth v. Emanuel*, 166 Ill. 2d 507, 513 (1995). That admonishment extends even to legislative history. *See O'Casek v. Children's Home & Aid Soc'y*, 229 Ill. 2d 421, 446 (2008) (if statute is unambiguous, resort to legislative history is inappropriate). It is also plain that a court may not, "depart from plain statutory language by reading into [a] statute exceptions, limitations, or conditions not expressed by the legislature." *McElwain*, 2015 IL 117170, ¶ 12.

The rules of statutory construction further provide that a statute is to be viewed as a whole, and that a court is to construe words and phrases in light of other relevant statutory provisions. *See Chicago Teachers Union v. Board of Ed.*, 2012 IL 112566, ¶ 15 (citing cases). Words, clauses, and sentences are to be given a reasonable meaning and not rendered superfluous. *See id.* (citing cases). In construing a statute, a court may consider, "the problems sought to be remedied, the purposes to be achieved, and the consequences of construing the statute one way or another." *Id.* A court should attempt to construe potentially conflicting provisions together, *in pari materia*, if it is reasonable to do so, *see id.*, keeping in mind that a court is to presume that the legislature did not intend to create absurd, inconvenient, or unjust results. *See Price v. Phillip Morris, Inc.*, 2015 IL 117687, ¶ 30.

The more straightforward of the two statutes of limitations is the one contained in the TIA. Between November 25, 1986 and June 4, 2003, section 8-101 read as follows:

> No civil action may be commenced in any court against a local entity or any of its employees for any injury unless it is commenced within one year from the date that the injury was received or the cause of action accrued. For purposes of this Article, the term "civil action" includes any action, whether based upon the common law or statutes or Constitution of this State.

745 ILCS 10/8-101 (P.A. 84-1431, eff. Nov. 25, 1986). For the sake of clarity, Public Act 78-201, which went into effect on October 1, 1973, extended the statute of limitations from one to two years. Public Act 84-1431, which went into effect on November 25, 1986, returned the statute of limitations from two years to one year.

In 2003, the legislature amended section 8-101 to read, in part, as follows:

> (a) No civil action other than an action described in subsection (b) may be commenced in any court against a local entity or any of its employees for any injury unless it is commenced within one year from the date that the injury was received or the cause of action accrued.
> (c) For purposes of this Article, the term "civil action" includes any action, whether based upon the common law or statutes or Constitution of this State.

745 ICLS 10/8-101(a) & (c) (P.A. 93-11, eff. June 4, 2003). (The actions described in subsection (b) are inapplicable here.) The 2003 amendment is the current version of section 8-101.

The plain language of section 8-101 contains no tolling provision for persons who are minors at the time of their injury. That issue has, however, been resolved by the Supreme Court. In *Ferguson v. McKenzie*, the court determined that Code of Civil Procedure section 13-212(b) provided the applicable statute of repose to the minor's claims for medical malpractice arising out of her father's death. *See* 202 Ill. 2d 304, 312 (2001). Yet the court also held that, "the one-year limitations period of section 8-101 of the Tort Immunity Act *also* applied to [her] and began to run when she reached 18 years of age." *Id.* (emphasis added). The court reasoned that the implied tolling period, "protects the possible claims of minors against local governmental entities" since "[a] child with a meritorious cause of action but incapable of initiating any proceeding for its enforcement will not be left to the whim or mercy of some self-constituted next friend to enforce its rights." *Id.* at 313 (quoting *Antunes v. Sookhakitch*, 146 Ill. 2d 477, 493 (1992), quoting, in turn, *McDonald v. City of Spring Valley*, 285 Ill. 52, 56 (1918)).

The court subsequently clarified the scope of its ruling, writing that:

> According to *Ferguson*, "the legislature intended that section 8-101 of the Act apply 'broadly to any possible claim against a local governmental entity and its employees.'" Given the

> breadth of this intent, we conclude, in keeping with *Ferguson*, that the comprehensive protection afforded by section 8-101 necessarily controls over other statues of limitation or repose.

Paszkowski v. Metropolitan Water Recl. Dist., 213 Ill. 2d 1, 13 (2004) (internal citations omitted). The court's broad reading of section 8-101 has been subsequently followed. *See, e.g., Lee v. Naperville Cmty. Unit Sch. Dist. 203*, 2015 IL App (2d) 150143, ¶ 14 ("although [Code of Civil Procedure] section 13-211 tolls the limitations period until the plaintiff attains the age of 18, section 8-101 requires the action to be commenced within one year thereafter"); *cf. McKinnon v. Thompson*, 325 Ill. App. 3d 241, 244 (2d Dist. 2001) (section 8-101 not bar plaintiff's suit because complaint filed before nineteenth birthday).

The history of the statute of limitations for childhood sexual abuse contained in the Code of Civil Procedure is more complicated. In 1991, the Illinois Legislature enacted the Childhood Sexual Abuse Act. In its original form, the statute provided, in part, that:

> (b) An action for damages for personal injury based on childhood sexual abuse must be commenced within 2 years of the date the person abused discovers or through the use of reasonable diligence should discover that the act of childhood sexual abuse occurred and that the injury was caused by the childhood sexual abuse, but in no event may an action for personal injury based on childhood sexual abuse be commenced more than 12 years after the date on which the person abused attains the age of 18 years.
> (c) If the injury is caused by 2 or more acts of childhood sexual abuse that are part of a continuing series of acts of childhood sexual abuse by the same abuser, then the discovery period under subsection (b) shall be computed from the date the person abused discovers or through the use of reasonable diligence should discover (i) that the last act of childhood sexual abuse in the continuing series occurred and (ii) that the injury was caused by any act of childhood sexual abuse in the continuing series.

(d) The limitation periods under subsection (b) do not begin to run before the person abused attains the age of 18 years; and, if at the time the person abused attains the age of 18 years he or she is under other legal disability, the limitation periods under subsection (b) do not begin to run until the removal of the disability.
(e) This section applies to actions pending on the effective date of this amendatory act of 1990 as well as to actions commenced on or after that date.

735 ILCS 5/13-202.2(b) - (e) (P.A. 1346, eff. Jan. 1, 1991). The plain language of subsection (b) reflected the common-law discovery rule that, "the statute starts to run when a person knows or reasonably should know of his injury and also knows or reasonably should know that it was wrongfully caused." *Knox College v. Celotex Corp.*, 88 Ill. 2d 407, 414 (1981) (citing *Witherell v. Weimer*, 85 Ill. 2d 146, 156 (1981), and *Nolan v. Johns-Manville Asbestos*, 85 Ill. 2d 161, 171 (1981)). It is also important to note that the plain language of subsection (b) included a 12-year statute of repose starting when the victim turned 18 years of age. 735 ILCS 5/13-202.2(b).

Two years later, in 1993, the legislature amended subsections (b) and (e) only to read as follows:

(b) An action for damages for personal injury based on childhood sexual abuse must be commenced within 2 years of the date the person abused discovers or through the use of reasonable diligence should discover that the act of childhood sexual abuse occurred and that the injury was caused by the childhood sexual abuse.
(e) This Section applies to actions pending on the effective date of this amendatory Act of 1990 as well as to actions commenced on or after that date. The changes made by this amendatory act of 1993 shall apply only to actions commenced on or after the effective date of this amendatory act of 1993.

735 ILCS 5/13-202.2(b) & (e) (P.A. 88-127, eff. Jan. 1, 1994). In short, the changes were two: (1) the legislature eliminated the statute of repose by removing the last clause in subsection (b); and (2) the new last sentence of subsection (e) clarified the legislature's anti-retroactive intent of the amendment.

Over the years, the legislature enacted various other procedural amendments to section 13-202.2. *See* P.A. 93-356, eff. July 24, 2003; P.A. 96-1093, eff. Jan. 1, 2011. According to Doe, the 2014 amendment is "the most current version of the Act," Pltf's Second Resp. at 2, a statement that is incorrect. *See* 735 ILCS 5/13-202.2; P.A. 101-435, eff. Aug. 20, 2019. Yet if Doe wishes to rely on the 2014 amendment, this court will direct its analysis to that version of the statute. To that end, the 2014 version of the statute states, in part, that:

> (b) Notwithstanding any other provision of law, an action for damages for personal injury based on childhood sexual abuse must be commenced within 20 years of the date the limitation period begins to run under subsection (d) or within 20 years of the date the person abused discovers or through the use of reasonable diligence should discover both (i) that the act of childhood sexual abuse occurred and (ii) that the injury was caused by the childhood sexual abuse. The fact that the person abused discovers or through the use of reasonable diligence should discover that the act of childhood sexual abuse occurred is not, by itself, sufficient to start the discovery period under this subsection (b). Knowledge of the abuse does not constitute discovery of the injury or the causal relationship between any later-discovered injury and the abuse.
> (c) If the injury is caused by 2 or more acts of childhood sexual abuse that are part of a continuing series of acts of childhood sexual abuse by the same abuser, then the discovery period under subsection (b) shall be computed from the date the person abused discovers or through the use of reasonable diligence should discover both (i) that the last act of childhood sexual abuse in the continuing series occurred

and (ii) that the injury was caused by any act of childhood sexual abuse in the continuing series. The fact that the person abused discovers or through the use of reasonable diligence should discover that the last act of childhood sexual abuse in the continuing series occurred is not, by itself, sufficient to start the discovery period under subsection (b). Knowledge of the abuse does not constitute discovery of the injury or the causal relationship between any later-discovered injury and the abuse.

(d) The limitation periods under subsection (b) do not begin to run before the person abused attains the age of 18 years; and, if at the time the person abused attains the age of 18 years he or she is under other legal disability, the limitation periods under subsection (b) do not begin to run until the removal of the disability.

(e) This Section applies to actions pending on the effective date of this amendatory Act of 1990 as well as to actions commenced on or after that date. The changes made by this amendatory Act of 1993 shall apply only to actions commenced on or after the effective date of this amendatory Act of 1993. The changes made by this amendatory Act of the 93rd General Assembly apply to actions pending on the effective date of this amendatory Act of the 93rd General Assembly as well as actions commenced on or after that date. The changes made by this amendatory Act of the 96th General Assembly apply to actions commenced on or after the effective date of this amendatory Act of the 96th General Assembly if the action would not have been time barred under any statute of limitations or statute of repose prior to the effective date of this amendatory Act of the 96th General Assembly.

(f) Notwithstanding any other provision of law, an action for damages based on childhood sexual abuse may be commenced at any time; provided, however, that the changes made by this amendatory Act of the 98th General Assembly apply to actions commenced on or after the effective date of this amendatory Act of the 98th General Assembly if the action would not have been time barred under any statute of

limitations or statute of repose prior to the effective date of this amendatory Act of the 98th General Assembly.

735 ILCS 5/13-202.2 (P.A. 98-276, eff. Jan. 1, 2014). The additional language at the end of subsections (b) and (c) is transparently the legislature's response to the Supreme Court's rulings in *Clay v. Kuhl*, 189 Ill. 2d 603, 610-11 (2000), and *Parks v. Kownacki*, 193 Ill. 2d 164, 177-78 (2000), in which the court equated the victim's knowledge of abuse with knowledge of the causal relationship.

Given the textual changes to section 13-202.2 over the years, this court's first task is to decide which version of section 13-202.2 applies in this case. The Board argues that the applicable statutory version is from 1994. In contrast, Doe argues that the 2014 version applies. The choice is crucial because the versions are fundamentally distinct in two ways.

First, the 2014 version of section 13-202.2(b), but not the 1994 version, contains the opening phrase, "[n]otwithstanding any other provision of law. . . ." Several cases have explained the import of that phrase. For example, in *Doe v. Hinsdale Township High School District 86*, the court concluded that, "[i]n using this language, the legislature clearly intended section 13-202.2 of the Code to control over other provisions of law, such as section 8-101 of the Tort Immunity Act, which would otherwise bar the plaintiff's action." *See* 388 Ill. App. 3d 995, 1002 (2d Dist. 2009) (citing *Waliczek v. Retirement Bd. of the Fireman's Annuity & Benefit Fund*, 318 Ill. App. 3d 32, 36 (1st Dist. 2000), and *Paulson v. County of De Kalb*, 268 Ill. App. 3d 78, 82-83 (2d Dist. 1994)). "To hold otherwise would render meaningless the phrase '[n]otwithstanding any other provision of law.' This is a result that we must avoid." *Id.* (citing *Paulson*, 268 Ill. App. 3d at 83). In *Paulson*, the court found that the same precatory phrase, "was intended . . . to clarify the relationship between the Tort Immunity Act, which prohibits the assessment of punitive damages against a local public entity, and all other statutes or common law actions which may allow the assessment of punitive damages in certain circumstances." *Paulson*, 268 Ill. App. 3d at 82 (interpreting same precatory clause in 745 ILCS 10/2-202). *See also Holda v.*

County of Kane, 88 Ill. App. 3d 522, 528 (1980) (interpreting same precatory clause in 745 ILCS 10/2-102). In short, the use of the phrase in the 2014 version of section 13-202.2 means that the section's 20-year statute of limitations trumps the one-year statute contained in TIA section 8-101.

Second, the 1994 and 2014 versions of section 13-202.2 contain different anti-retroactivity provisions. The earlier amendment states that: "The changes made by this amendatory act of 1993 shall apply only to actions commenced on or after the effective date of this amendatory act of 1993." 735 ILCS 5/13-202.2(e) (1994 version). In contrast, the 2014 version states:

> the changes made by this amendatory Act of the 98th General Assembly [P.A. 98-276] apply to actions commenced on or after the effective date of this amendatory Act of the 98th General Assembly if the action would not have been time barred under any statute of limitations or statute of repose prior to the effective date of this amendatory Act of the 98th General Assembly.

735 ILCS 5/13-202.2(f) (2014 version).

The Illinois Supreme Court's most recent discussion of retroactivity clarified the confusing evolution in this area of jurisprudence. In *Perry v. Department of Financial and Professional Regulation*, the court cited to earlier precedent in which it adopted the United States Supreme Court's retroactivity analysis. 2018 IL 122349, ¶ 39, (citing *Commonwealth Edison Co. v. Will Cnty. Collector*, 196 Ill. 2d 27, 33 (2001), adopting *Landgraf v. USI Film Products*, 511 U.S. 244 (1994)). *Landgraf* established a two-part test to determine a legislative amendment's potentially retroactive application. The first issue is whether the legislative body clearly delineated the temporal reach of the amendment. *See Commonwealth Edison*, 196 Ill. 2d at 38; *Landgraf*, 511 U.S. at 280. If the amendment indicates when it applies, then, "absent a constitutional prohibition, that expression of legislative intent must be given effect." *Commonwealth Edison*, 196 Ill. 2d at 38; *Landgraf*,

511 U.S. at 280. By adopting *Landgraf*, the court "switched the focus of the first step of the retroactivity analysis from 'vested rights' to legislative intent." *Perry*, 2018 IL 122349, ¶ 39; *see also Doe A. v. Diocese of Dallas*, 234 Ill. 2d 393, 411 (2009).

The second part of *Landgraf* is triggered only if, "the statute contains no such express command. . . ." *Landgraf*, 511 U.S. at 280. In such an instance,

> the court must determine whether the new statute would have retroactive effect, *i.e.*, whether it would impair rights a party possessed when he acted, increase a party's liability for past conduct, or impose new duties with respect to transactions already completed. If the statute would operate retroactively, our traditional presumption teaches that it does not govern absent clear [legislative] intent favoring such a result.

Id.; *Commonwealth Edison*, 196 Ill. 2d at 38. If the amendment would not impair a party's rights or impose new ones, the new law may be applied retroactively. *See Commonwealth Edison*, 196 Ill. 2d at 38; *Landgraf*, 511 U.S. at 280. If, however, there would be an adverse impact, "then the court must presume that the legislature did not intend that it be so applied." *Commonwealth Edison*, 196 Ill. 2d at 38; *Landgraf*, 511 U.S. at 280.

In this case, there is no need to address the second part of the *Landgraf* test because the Illinois legislature explicitly delineated the temporal application of both the 1994 and 2014 amendments to section 13-202.2. As noted above, the 1994 amendment applies, "*only* to actions commenced on or after the effective date of this amendatory act of 1993," 735 ILCS 5/13-202.2(e) (emphasis added) (1994 version), which was January 1, 1994. Similarly, the 2014 version explicitly provides that it applies "to actions commenced on or after the effective date of this amendatory Act," 735 ILCS 5/13-202.2(e) (2014 version), which was January 1, 2014. Such plain language in each amendment indicates the legislature's intent – in each instance, the legislature

considered the potential retroactive application of the amendment and explicitly prohibited it.

Illinois law makes plain that this conclusion is also true in the converse. In other words, if a statute of limitations containing the "notwithstanding any other provision of law" phrase effectively trumps another statute providing a different limitations period, a statute of limitations not containing the phrase does not control over another statute providing otherwise. The plurality and concurring decisions in *Tosado v. Miller* reached this precise issue. In *Tosado*, the court held that the one-year statute of limitations in TIA section 8-101 controlled over the two-year provision in Code of Civil Procedure section 13-212 either because section 8-101 was more specific, 188 Ill. 2d 186, 194-95 (plurality op.), or because it was more general and "the legislature intended to make the general act controlling. . . ." *Id.* at 199 (Heiple, J., specially concurring & Freeman, C.J., specially concurring). *Tosado*'s holdings are, therefore, consistent with one of the foundational rules of statutory construction – that a court will not infer a limitations if it does not exist in the text. *See Shields v. Judges' Ret. Sys. of Illinois*, 204 Ill. 2d 488, 497, (2003) ("It is the dominion of the legislature to enact laws and the courts to construe those laws. We can neither restrict nor enlarge the meaning of an unambiguous statute.").

The Supreme Court's guidance in this area leads inexorably to the conclusion that Doe's causes of action are stale. The 1994 version of section 13-202.2 does not contain the "notwithstanding any other provision of law" phrase and provides that the statute applies to acts of childhood sexual assault occurring after January 1, 1994. Since the 1994 version of section 13-202.2 does not trump application of the one-year statute of limitations contained in TIA section 8-101, the two statutes can be read *in pari material* since they do not conflict. The result is that section 8-101 gave Doe one year after he turned 18 years of age to file suit, *i.e.*, August 19, 2004; consequently, his March 7, 2019 complaint is 15 years too late.

Doe argues that the language of the 2014 amendment makes his complaint timely. According to Doe:

> Each amendment of the Act . . . contained a paragraph detailing that the amendment applied to actions pending on the effective date of said amendment. . . . Whereas Plaintiff's matter was pending when each amendment to the Act was enacted, he gets the benefit of the updated statute of limitations in such amendments.

Pltf's Second Resp. at 2. Doe's argument is wrong for at least four reasons. First, Doe does not cite to any case law supporting his argument, and this court is unaware of any. Second, Doe's argument inverts the meaning and purpose of a statute of limitations. If a "pending" cause of action, *i.e.,* a suit that has yet to be filed, received by default the benefit of successive and lengthier statutes of limitations, there would be, in effect, no statute of limitations. That is plainly not the legislative intent in any version of section 13-202.2. Third, Doe's addition of the word "pending" is inconsistent with TIA section 8-101 providing that a "civil action" "includes any action, whether based upon the common law or statutes or Constitution of this State." 745 ILCS 10/8-101. In other words, a potential but unfiled lawsuit is not a civil action. Fourth, Doe's argument implicitly admits that he could have filed his suit before March 7, 2019, but, for some unexplained reason, chose not to. That runs counter to one of the purposes of statutes of limitations, "to encourage diligence in the bringing of actions." *Sundance Homes v. County of Du Page*, 195 Ill. 2d 257, 265-66 (2001) (citing *Tom Olesker's Exciting World of Fashion, Inc. v. Dun & Bradstreet, Inc.,* 61 Ill. 2d 129, 137 (1975)).

In sum, the 1994 version of section 13-202.2 applies to the facts of this case. That version of the statute does not foreclose the application of the one-year statute of limitations contained in TIA section 8-101. For those reasons, Doe's claims are stale and the Board's motion must be granted with prejudice.

Conclusion

For the reasons stated above, it is ordered that:

1. The Board's motion to dismiss is granted;
2. The Board is dismissed with prejudice;
3. Pursuant to Illinois Supreme Court Rule 304(a), this court finds that, as to this order, there is no just reason for delaying either enforcement of appeal or both; and
4. This case continues as to defendant Vega only.

John H. Ehrlich, Circuit Court Judge

Judge John H. Ehrlich

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