

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

Mai Martinez,)

Plaintiff,)

v.)

City of Chicago, a municipal corporation;)
Sgt. Patricia Stribling, individually and as agent)
of the City of Chicago; Michael Theis,)
individually and as agent of the City of Chicago;)
Simon Cotton, individually and as agent of the)
City of Chicago; James Miller, individually and)
as agent of the City of Chicago; Jack Kenter,)
individually and as agent of the City of Chicago;)
Erica Sangster, individually and as agent of the)
City of Chicago; and Brady Ruel, individually)
and as agent of the City of Chicago,)

Defendants,)

Nina Moore,)

Respondent in Discovery.)

No. 19 L 3785

ORDER

This matter is before the court on the City-defendants' combined motion to dismiss the plaintiff's amended complaint. See 735 ILCS 5/2-619.1. This court rules as follows:

1. A court considering a motion to dismiss under either 5/2-615 or 5/2-619 must accept as true all well-pleaded facts and reasonable inferences arising from them, *Doe v. Chicago Bd. of Ed.*, 213 Ill. 2d 19, 23-24 (2004), but not conclusions unsupported by facts, *Pooh-Bah*

Enterps., Inc. v. County of Cook, 232 Ill. 2d 463, 473 (2009). See also *Hanks v. Cotler*, 2011 IL App (1st) 101088, ¶ 17.

2. Based on that standard, this court grants and denies the defendants' 2-615 motion as follows:

Count 1 – Malicious Prosecution

(a) The motion is granted, without prejudice, as to paragraph 79 because the plaintiff has failed to plead sufficiently special damages; and

(b) The motion is denied as to the defendants' other arguments as the amended complaint is sufficiently pleaded, the truth of the allegations being subject to written and oral discovery.

Count 2 – Intentional Infliction of Emotional Distress

(a) The motion is granted, without prejudice, as to paragraph 85 because the plaintiff has failed to plead sufficiently severe emotional distress; and

(b) The motion is denied as to the defendants' other arguments as the amended complaint is sufficiently pleaded, the truth of the allegations being subject to written and oral discovery.

Count 3 – Civil Conspiracy

(a) The motion is denied.

3. This court denies the defendants' 2-619 motion.


4. The plaintiff shall file an amended complaint on or before May 22, 2020.

5. This matter will be heard for case management on a date to be scheduled by notification to the parties.

Judge John H. Ehrlich

APR 20 2020

Circuit Court 2075


John H. Ehrlich, Circuit Court Judge