

IN THE UNITED STATES DISTRICT COURT  
 FOR THE CENTRAL DISTRICT OF ILLINOIS  
 URBANA DIVISION

WILLIAM BROWN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 14-2324
	)	
CITY OF CHAMPAIGN,	)	
Champaign Police Officers	)	
MATT RUSH, Star 7114, and	)	
MONTRELL COLEMAN, Star 7116,	)	
	)	
Defendants.	)	

**MOTION TO DISMISS COUNT III OF THE COMPLAINT**

NOW COMES the Defendant, CITY OF CHAMPAIGN, a municipal corporation, by its attorney, David E. Krchak, and as a Motion to Dismiss Count III of the Complaint, states as follows:

1. The Complaint was filed in this matter on December 23, 2014.
2. The City of Champaign was provided notice of this Complaint on January 5, 2015, when it received the Notice of a Lawsuit and Request to Waive Service of Summons.
3. The CITY OF CHAMPAIGN had no notification of the lawsuit prior to the receipt of said notice.
4. Count III alleges that on June 2, 2013, events occurred which could cause the CITY OF CHAMPAIGN to be liable for a judgment.
5. Section 8-101(a) of the Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/8-101(a), states that 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.

6. Under Erie v. Tompkins, 304 United States 64 (1938), the statute of limitations bars the suit against the City of Champaign under these circumstances.

WHEREFORE, Defendant, CITY OF CHAMPAIGN, prays that Count III of the Complaint be dismissed with prejudice and for costs.

Respectfully submitted,

CITY OF CHAMPAIGN

BY: THOMAS, MAMER & HAUGHEY, LLP

s/ David E. Krchak

BY: \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 12, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Louis J. Meyer and Daniel P. Kiss.

s/ David E. Krchak

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