

2240/20-7628.NU

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION

CORY JACKSON,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 2:20-cv-02054-CSB-EIL
)	
CITY OF URBANA, ILLINOIS; a)	
municipal corporation; THE CITY OF)	JUDGE COLIN S. BRUCE
CHAMPAIGN, ILLINOIS, a municipal)	
corporation; JEFFERY STEINBERG;)	
DUANE SMITH; MATTHEW BAIN;)	MAGISTRATE JUDGE LONG
ELIZABETH ALFONSO; DAVE)	
ROESCH; MICHAEL CERVANTES;)	
JAMES KERNER; MATTHEW)	
QUINLAY; JAY LOSCHEN; DAVE)	
GRIFFET, and UNKNOWN)	
EMPLOYEES OF THE CITY OF)	
URBANA,)	
)	
Defendants.)	

**MOTION TO DISMISS PLAINTIFF’S COMPLAINT AT LAW BY
DEFENDANTS ROESCH, CERVANTES, KERNER, AND LOSCHEN**

NOW COME the Defendants, DAVE ROESCH, MICHAEL CERVANTES, JAMES KERNER, and JAY LOSCHEN, pursuant to Fed. R. Civ. P. 12(b)(6) and by and through their attorneys, WILLIAM W. KURNIK and MICHAEL J. ATKUS of KNIGHT HOPPE KURNIK & KNIGHT, LTD., and move this Honorable Court to dismiss the Complaint at Law against them, and state as follows:

1. This cases arises out of the pretrial detention of Plaintiff following his arrest on first degree murder charges and eventual acquittal.

2. As more fully argued in the accompanying Memorandum of Law in Support, the Plaintiff's Complaint at Law fails to state claims against these Defendant that demonstrate plausible entitlement to relief.

WHEREFORE, these Defendants, DAVE ROESCH, MICHAEL CERVANTES, JAMES KERNER, and JAY LOSCHEN, respectfully request that this Honorable Court dismiss them from this action with prejudice.

Respectfully submitted by

/s/ William W. Kurnik

WILLIAM W. KURNIK, #01550632

E-Mail: bkurnik@khkklaw.com

/s/ Michael J. Atkus

MICHAEL J. ATKUS, #6285666

E-Mail: matkus@khkklaw.com

KNIGHT HOPPE KURNIK & KNIGHT, LTD.
Attorneys for Defendants DAVE ROESCH,
MICHAEL CERVANTES, JAMES KERNER
and JAY LOSCHEN
5600 North River Road, Suite 600
Rosemont, Illinois 60018
Telephone: 847/261-0700
Facsimile: 847-261-0700

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2020, the foregoing **MOTION TO DISMISS PLAINTIFF'S COMPLAINT AT LAW BY DEFENDANTS ROESCH, CERVANTES, KERNER, AND LOSCHEN** was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants.

Shneur Z. Nathan, snathan@nklawllp.com

Avi Tzvi Kamionski, akamionski@nklawllp.com

Natalie Yetunde Adeeyo, nadeeyo@nklawllp.com

David E. Krchak, DEK@ThomasMamer.com

Justin Nathaniel Brunner, JNB@ThomasMamer.com

William W. Kurnik, bkurnik@khkklaw.com, kstocco@khkklaw.com

Matthew S. Clark, mclark@khkklaw.com, lgreenberg@khkklaw.com

Michael J. Atkus, matkus@khkklaw.com, lgreenberg@khkklaw.com

/s/ William W. Kurnik

WILLIAM W. KURNIK, #01550632

KNIGHT HOPPE KURNIK & KNIGHT, LTD.

Attorneys for Defendants DAVE ROESCH,
MICHAEL CERVANTES, JAMES KERNER
and JAY LOSCHEN

5600 North River Road, Suite 600

Rosemont, Illinois 60018

Telephone: 847/261-0700

Facsimile: 847-261-0700

E-Mail: bkurnik@khkklaw.com

matkus@khkklaw.com