

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

DAVONTE D. WRIGHT,
JORDAN BOYER, and
MARSHERRIE FRANKLIN,
personally and o/b/o her minor child U.F.,

CASE No. 19-cv-2035-CSB-EIL

PLAINTIFFS,

v.

JURY TRIAL DEMANDED

CITY OF CHAMPAIGN POLICE OFFICER
TYLER DARLING (#775), individually, and
CITY OF CHAMPAIGN, ILLINOIS,
a municipal corporation,

DEFENDANTS.

DEFENDANTS’ MOTION FOR PARTIAL DISMISSAL
UNDER FED. R. CIV. P. 12(b)(6)

COME NOW the above-named Defendants, by their undersigned counsel, and move the Court under Fed. R. Civ. P. 12(b)(6):

1. to partially dismiss, with prejudice, Count IV—42 U.S.C. § 1983: Fabrication of Evidence & Unlawful Detention (Plaintiff Wright against Officer Darling);
2. to wholly dismiss Count V—Intentional Infliction of Emotional Distress (All Plaintiffs against Officer Darling);
3. to wholly dismiss Count VII—*Respondeat Superior* (All Plaintiffs against Defendant City of Champaign); and
4. to grant any other relief that is just.

In support of this motion, Defendants incorporate their contemporaneously-filed memorandum.

Defendants also submit a proposed order pursuant to CDIL-LR 5.9(B)(2).

Respectfully submitted,

Dated: March 18, 2019

s/ Justin N. Brunner
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2019, I caused the foregoing document:

*DEFENDANTS' MOTION FOR PARTIAL DISMISSAL
UNDER FED. R. CIV. P. 12(b)(6)*

along with the proposed order referenced therein, to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notice to all attorneys of record.

s/ Justin N. Brunner
Justin N. Brunner (#6323496)
THOMAS, MAMER & HAUGHEY, LLP