

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Lionetta White, Special Administrator of the)
Estate of LIONEL WHITE, SR.,)
)
Plaintiff,) Case No. 17 C 2877
)
v.) Judge Sara L. Ellis
)
CITY OF CHICAGO, RONALD WATTS,)
ALVIN JONES, ELSWORTH SMITH JR.,)
KALLATT MOHAMED, MANUEL)
LEANO, BRIAN BOLTON, ROBERT)
GONZALEZ, and DOUGLAS NICHOLS,)
)
Defendants.)

CITY OF CHICAGO'S MOTION FOR SUMMARY JUDGMENT

Defendant, City of Chicago (“City”), by its attorneys, pursuant to Federal Rule of Civil Procedure 56, hereby moves this Court for summary judgment in its favor. In support thereof, the City states:

1. This lawsuit arises out of Lionel White’s arrest on April 24, 2006. White was charged and prosecuted for drug crimes arising out of the arrest.
2. Plaintiff has filed Complaint against the City and present and former Chicago police officers Ronald Watts, Alvin Jones, Kallatt Mohammed, Elsworth Smith, Jr., Manuel Leano, Brian Bolton, Robert Gonzalez, and Douglas Nichols (“Defendant Officers”).¹ *See generally* Dkt. #1. Plaintiff’s Complaint asserts claims alleging violations of the Fourth and Fourteenth Amendments, and purports to include a §1983 claim against the City under *Monell v. New York City Dept. of Social Services*, 436 U.S. 658 (1978). The Complaint also asserts a state law malicious prosecution claim against the City only.

¹ Supervisory Defendants Philip Cline and Debra Kirby have been dismissed with prejudice from this action. (Dkt. ## 204, 205).

3. For the reasons set forth in the City's Memorandum of Law in Support of Its Motion for Summary Judgment, Plaintiff has failed to produce evidence that creates a genuine issue of material fact as to his *Monell* claim against the City. Plaintiff has failed to adduce evidence establishing the existence of a widespread practice for the purpose of establishing *Monell* liability. As an additional and independent basis for summary judgment, the evidence establishes the City was *not* deliberately indifferent to the alleged misconduct of the Defendant Officers. Plaintiff similarly has failed to prove that a City practice or policy was the moving force behind the constitutional injuries alleged by Plaintiff. Plaintiff's failure to develop sufficient evidence to prove any of the three fundamental elements necessary to prevail on a "widespread practice" *Monell* claim renders appropriate summary judgment in favor of the City on the §1983 *Monell* claim in Plaintiff's Complaint.

4. Independently, for the reasons set forth in the Defendant Officers' motion for summary judgment, additional grounds support the entry of summary judgment in favor of the City. Lionel White is deceased and passed away without providing admissible testimony to support the claims in Plaintiff's complaint. Absent White's testimony, Plaintiff is without admissible evidence sufficient to resist summary judgment. In addition, for the reasons set forth in the Defendant Officers' motion for summary judgment, Plaintiff's claims arising from White's 2006 arrest are barred because his guilty plea to a criminal charge arising from that arrest extinguishes any claims for antecedent misconduct.

5. The City also is entitled to summary judgment on Plaintiff's state law claim for malicious prosecution for yet another reason. Plaintiff as a matter of law cannot establish the criminal misconduct allegedly perpetrated by the Defendant Officers constituted acts committed within the scope of their employment. Necessarily predicated on the doctrine of *respondeat superior*, Plaintiff's malicious prosecution therefore fails as asserted against the City.

6. As noted, Defendant Officers have separately moved for summary judgment as to the federal §1983 claims asserted against them in the complaint. To the extent Plaintiff seeks to recover vicariously against the City based on the liability of the Defendant Officers, the City herein joins and adopts the motion for summary judgment filed by the Defendant Officers to the extent applicable. In the event summary judgment is entered in favor of the Defendant Officers on any of Plaintiff's claims against them, there would be no remaining basis to impose vicarious liability on the City for those claims through a derivative *Monell* claim or corresponding indemnity claim.

WHEREFORE, the City requests that summary judgment be entered in its favor and against Plaintiff on the *Monell* and state law claims asserted in Plaintiff's Complaint, and for costs. Separately and independently, to the extent summary judgment is entered in favor of the Defendant Officers on any of Plaintiff's claims, there would be no remaining basis to impose vicarious liability or seek indemnity from the City for those claims, and summary judgment should likewise be entered in favor of the City.

Respectfully submitted,

MARY B. RICHARDSON-LOWRY

Corporation Counsel, City of Chicago

By: s/ Paul A. Michalik
Special Assistant Corporation Counsel

Terrence M. Burns
Paul A. Michalik
Daniel M. Noland
Daniel J. Burns
Burns Noland LLP
311 South Wacker Drive
Suite 5200
Chicago, IL 60606
(312) 982-0090 (telephone)

Attorneys for Defendant City of Chicago

CERTIFICATE OF SERVICE

I hereby certify that on **March 31, 2025**, I electronically filed the foregoing **Defendant City of Chicago's Motion for Summary Judgment** with the Clerk of the Court using the ECF system, which sent electronic notification of the filing on the same day to counsel of record.

s/ Paul A. Michalik