

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SALVATORE ZICCARELLI,)	
)	
Plaintiff,)	
)	Case No. 17 C 3179
v.)	
)	Hon. John J. Tharp
THOMAS J. DART, Sheriff of Cook County,)	
Illinois and COOK COUNTY, ILLINOIS, a)	
Municipal Corporation and Body Politic,)	
)	
Defendants.)	

**DEFENDANTS' RENEWED RULE 50(b) MOTION, RULE 59 MOTION, AND, IN
THE ALTERNATIVE, MOTION FOR REMITTITUR**

Pursuant to Rule 50(b), Defendants, Thomas J. Dart in his official capacity as Sheriff of Cook County ("the Sheriff's Office") and Cook County as indemnitor, move this Court for the entry of judgment as a matter of law in Defendants' favor and against Plaintiff, Salvatore Zicarelli, move to alter judgment or for a new trial under Rule 59, or seek remittitur of the damages award. In support of this Motion, Defendants submit an accompanying Memorandum.

For reasons more fully set forth in the Memorandum, Defendants request that this Court grant judgment as a matter of law on Plaintiff's claim, order a new trial, or, in the alternative order suggest a remittitur instead of a new trial because (1) no reasonable jury could find that the Sheriff's Office interfered with his Family and Medical Leave Act of 1993 ("FMLA"), 29 U.S.C. § 2601 rights, (2) no reasonable jury could award \$240,000 based on the evidence presented, and (3) the FMLA does not apply because Plaintiff could not return within in the amount of FMLA leave he had remaining.

Defendants' counsel has conferred with Plaintiff's counsel and Plaintiff seeks 28 days to respond to the motion. Defendants seek 14 days to submit a Reply brief.

Dated: April 9, 2024

Respectfully submitted,

KIMBERLY M. FOXX
State's Attorney of Cook County

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