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

QUINTIN SCOTT, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 17-cv-7135
	)	
SHERIFF OF COOK COUNTY and COOK COUNTY, ILLINOIS	)	Hon. Martha M. Pacold
	)	Magistrate Hon. David Weisman
	)	
Defendants.	)	

DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' SECOND AMENDED COMPLAINT

Defendants, SHERIFF OF COOK COUNTY, and COOK COUNTY, ILLINOIS, by their attorney EILEEN O'NEILL BURKE, State's Attorney of Cook County, through her Special Assistant State's Attorneys, JOHNSON & BELL, LTD., move to dismiss Plaintiffs' second amended complaint. In support of their motion, Defendants state as follows:

BACKGROUND

On January 23, 2023, Plaintiff Quintin Scott accepted Defendants' offer of judgment. (Notice of Acceptance, ECF No. 182.) Defendants' offer of judgment was "in return for termination of all proceedings pending in the district court on Plaintiff's individual claim against all named and unnamed defendants indemnified or potentially indemnified by Defendants." (*Id.* at 2.) The offer of judgment extinguished Plaintiff's individual claims. (*Id.* at 4.)

On June 17, 2025, Plaintiffs Quintin Scott, James DeSavieu, Ernest Brown, Mohammad Abid, and Darius L. Scott, Sr. filed a second amended complaint.[1] (Pls.' 2d Am. Compl., ECF No. 247.) Plaintiffs allege that they were injured based on the timing of when they received oral

[1] Plaintiff Darius L. Scott, Sr. accepted an offer of judgment on July 3, 2025. (Notice of Acceptance, ECF No. 253.)

surgery. (*Id.* ¶¶ 25–41.) Plaintiffs allege that Defendant Cook County is liable because of a "policy of sending detainees requiring [oral surgery] services to Stroger Hospital." (*Id.* ¶ 17.) Plaintiffs allege that Defendant Sheriff's Office is liable because of a policy of "fail[ing] to provide sufficient resources to transport detainees requiring oral surgery services to Stroger Hospital." (*Id.* ¶ 18.) Plaintiffs do not allege that Defendants are liable based on a widespread practice or a decision by a final policymaker. (*See generally* Pls.' 2d Am. Compl.)

STANDARD OF REVIEW

"To survive a motion to dismiss, the complaint must 'state a claim to relief that is plausible on its face.'" *Roberts v. City of Chicago*, 817 F.3d 561, 564 (7th Cir. 2016) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* at 564–65.

The factual allegations must be sufficient to raise the possibility of relief above a "speculative level." *E.E.O.C. v. Concentra Health Servs., Inc.*, 496 F.3d 773, 777 (7th Cir. 2007) (quoting *Twombly*, 550 U.S. at 555). A plaintiff's complaint must contain more than "highly generalized factual allegations"; it must contain "enough specific factual allegations to state a plausible claim." *Engel v. Buchan*, 710 F.3d 698, 709 (7th Cir. 2013).

ARGUMENT

I. This Court Should Dismiss Any *Monell* Claims Based on an Alleged Widespread Practice or Decision by a Final Policymaker Because Plaintiff Pleads Only an Express Policy *Monell* Claim.

In ruling on a motion to dismiss, courts "begin by taking note of the elements a plaintiff must plead to state a claim . . . ." *Ashcroft v. Iqbal*, 556 U.S. 662, 675 (2009). In the present case, Plaintiffs are not suing any individual medical professional whom they believe caused an injury. Rather, Plaintiffs are suing the Sheriff of Cook County and Cook County, Illinois.

Under Supreme Court precedent, "a local government may not be sued under § 1983 for an injury inflicted solely by its employees or agents." *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 694 (1978). "Instead, it is when execution of a government's policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, inflicts the injury that the government as an entity is responsible under § 1983." *Id.*

The Seventh Circuit has "identified three different ways in which a municipality or other local governmental unit might violate § 1983: (1) through an express policy that, when enforced, causes a constitutional deprivation; (2) through a 'wide-spread practice' that although not authorized by written law and express policy, is so permanent and well-settled as to constitute a 'custom or usage' with the force of law; or (3) through an allegation that the constitutional injury was caused by a person with 'final decision policymaking authority.'" *Calhoun v. Ramsey*, 408 F.3d 375, 379 (7th Cir. 2005) (quoting *McTigue v. City of Chicago*, 60 F.3d 381, 382 (7th Cir. 1995)).

Here, Plaintiffs do not allege they were denied dental treatment. Rather, Plaintiffs allege they were injured based on the timing of when they received oral surgery. (Pls.' 2d Am. Compl. ¶¶ 25–41.) According to Plaintiffs, their injuries were allegedly caused by two express policies of Defendants. First, Plaintiffs allege that Cook County is liable because of a "policy of sending detainees requiring [oral surgery] services to Stroger Hospital." (*Id.* ¶ 17.) Second, Plaintiffs allege that the Sheriff's Office is liable because of a policy of "fail[ing] to provide sufficient resources to transport detainees requiring oral surgery services to Stroger Hospital." (*Id.* ¶ 18.)

Plaintiffs are challenging an express "policy" in this case. (Joint Status Report ¶ 4(e), ECF No. 256.) Plaintiffs do not allege that Defendants are liable based on a widespread practice or a decision by a final policymaker. (*See generally* Pls.' 2d Am. Compl.)

The Seventh Circuit has acknowledged that motions to dismiss are beneficial to streamline litigation and may be used "to narrow issues." *See Bell v. Publix Super Mkts., Inc.*, 982 F.3d 468, 489 (7th Cir. 2020). Because Plaintiffs allege only that Defendants are liable for express policies, this Court should dismiss any *Monell* claims based on a widespread practice or decision by a final policymaker because Plaintiffs have not pleaded those claims. *See Adams v. City of Indianapolis*, 742 F.3d 720, 728 (7th Cir. 2014). Dismissing these claims would narrow the issues in the case and streamline the litigation. *See Bell*, 982 F.3d at 489.

II. This Court Should Dismiss the Individual Claims Alleged by Plaintiff Quintin Scott Because He Accepted an Offer of Judgment that Extinguished Those Claims.

Plaintiff Quintin Scott asks the Court to award him "appropriate monetary damages, including fees and costs" based on allegations that he "experienced gratuitous pain" and "incurred personal injuries." (Pls.' 2d Am. Compl. at 8 & ¶ 47.) However, on January 23, 2023, Plaintiff Scott accepted an offer of judgment in exchange for terminating all individual claims he brought against Defendants. (Notice of Acceptance, ECF No. 182.) As such, the allegations related to Plaintiff Scott's individual claims are no longer operative. (*See id.*)

This Court should dismiss Plaintiffs' second amended complaint because it alleges claims that were extinguished when Plaintiff Scott accepted Defendants' offer of judgment. Plaintiffs should be ordered to file an amended complaint that accurately reflects the claims in the case instead of re-alleging claims that no longer exist.

CONCLUSION

For the reasons stated above, Defendants, SHERIFF OF COOK COUNTY, and COOK COUNTY, ILLINOIS, respectfully request that this Honorable Court dismiss Plaintiffs' second amended complaint and for such further relief the Court finds just and reasonable.

PROPOSED BRIEFING SCHEDULE

The parties are discussing whether an agreement can be reached on some of the issues raised in this motion and are continuing to meet and confer. In the event the parties are unable to reach an agreement, Plaintiffs request three weeks, until August 12, 2025, to file a response, and Defendants request two weeks, until August 26, 2025, to file a reply.

Respectfully submitted,

EILEEN O'NEILL BURKE
State's Attorney of Cook County

Dated: July 22, 2025

/s/ *Samuel D. Branum*
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