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

GERMIN SIMS AND ROBERT LINDSEY, Plaintiff, v. CITY OF CHICAGO, RONALD WATTS, PHILLIP CLINE, DEBRA KIRBY, BRIAN BOLTON, ROBERT GONZALEZ, ALVIN JONES, MANUEL LEANO, KALLATT MOHAMMED, DOUGLAS NICHOLS JR., AND ELSWORTH SMITH JR., Defendants.	)	Case No. 19 C 2347 Judge Rebecca R. Pallmeyer

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 Plaintiffs' arrests on October 15, 2009. Plaintiffs were charged and prosecuted for drug crimes arising out of the arrests.

2. Plaintiffs have filed their Complaint against the City and present and former Chicago police officers Ronald Watts, Brian Bolton, Robert Gonzalez, Alvin Jones, Manuel Leano, Kallatt Mohammed, Douglas Nichols Jr., and Elsworth Smith Jr. ("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. ## 186, 187).

3. For the reasons set forth in the City's Memorandum of Law in Support of Its Motion for Summary Judgment, Plaintiffs have failed to produce evidence that creates a genuine issue of material fact as to their *Monell* claim against the City. Plaintiffs have 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. Plaintiffs similarly have failed to prove that a City practice or policy was the moving force behind the constitutional injuries alleged by Plaintiffs. Plaintiffs' 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 Plaintiffs' Complaint.

4. The City also is entitled to summary judgment on Plaintiffs' state law claim for malicious prosecution. For the reasons set forth in the Individual Defendants' motion for summary judgment, Plaintiffs' claims arising from their 2009 arrest are barred because their guilty pleas to the criminal charges arising from those arrests extinguish any claims for antecedent misconduct. Independently, the City is entitled to summary judgment on the entire malicious prosecution claim for a more fundamental reason. Predicated on the doctrine of *respondeat superior*, Plaintiffs 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.

5. Defendant Officers have separately moved for summary judgment as to the federal §1983 claims asserted against them in the complaint. To the extent Plaintiffs seek 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 Plaintiffs'

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 Plaintiffs on the *Monell* and state law claims asserted in Plaintiffs' Complaint, and for costs. Finally, to the extent summary judgment is entered in favor of the Defendant Officers on any of Plaintiffs' 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,

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CERTIFICATE OF SERVICE

I hereby certify that on **June 2, 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*