

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

LARRY DUBOSE,)	
)	
Plaintiff,)	
)	
vs.)	No. 19 CV 8255
)	
SHERIFF OF COOK COUNTY)	Judge Marvin E. Aspen
THOMAS J. DART, in his official capacity,)	
et. al.)	JURY TRIAL DEMANDED
)	
Defendants.)	

DEFENDANTS' OPPOSED MOTION TO STAY ANSWER TO THIRD AMENDED COMPLAINT

Defendants, Dr. David Kelner, John Hallinan, and Cook County (“Defendants”), by their attorney, KIMBERLY M. FOXX, State’s Attorney of Cook County, through her Assistant State’s Attorneys, Rachael D. Wilson and Cory J. Cassis, respectfully moves this Court stay the time for filing Defendants’ Answer to Plaintiff’s Third Amended Complaint until the Court rules on the pending motion. In support thereof, Defendants state as follows:

1. On March 24, 2021, Defendant Cook County filed its Motion to Dismiss the Healing Arts Malpractice portion of Plaintiff’s Third Amended Complaint. (Dkt. 43.)
2. In its Motion to Dismiss, Defendants requested a stay of deadlines for responsive pleadings until the Court ruled on its motion to dismiss. (Dkt. 43 at 11.)
3. On March 26, 2021, the Court set a briefing schedule for the motion to dismiss but did not reference Defendants’ request to stay pleading obligations for the remaining allegations. (Dkt. 44.)
4. Defendant Cook County’s Motion to Dismiss is an appropriate response to Plaintiff’s Third Amended Complaint. Fed. R. Civ. Pro. 8; Fed. R. Civ. Pro. 12(b). Because a

motion to dismiss challenges the sufficiency of the complaint, Defendants request a stay of the time to answer to prevent piecemeal pleadings and encourage consistency of the docket.

5. Defendants contacted Plaintiff and requested to file their motion by agreement, however, Plaintiff objects to Defendants' request.

6. To preserve resources and promote a clear docket, Defendants request that this Court stay their pleading obligations until the Court has ruled on Defendant Cook County's motion so that one answer may be filed addressing all remaining claims.

7. Despite Plaintiff's objection, Plaintiff will not be prejudiced by a stay of Defendants' answering obligations until the Court rules on Cook County's Motion to Dismiss.

WHEREFORE, Defendants respectfully requests that this Honorable Court:

- 1) Stay Defendants' obligation to file a responsive pleading until after the Court Rules on Defendant Cook County's Motion to Dismiss; and
- 2) Any other relief this Court deems necessary and just.

Respectfully submitted,

KIMBERLY FOXX
State's Attorney of Cook County

By: /s/ Rachael D. Wilson
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CERTIFICATE OF SERVICE

I, Rachael D. Wilson, hereby certify that, in accordance with Fed. R. Civ. P. 5, LR 5.5 and the General Order on Electronic Case Filing (ECF), **Defendants' Motion to Stay Answer to Third Amended Complaint** was served pursuant to the District Court's ECF system on March 29, 2021.

/s/ Rachael D. Wilson
Rachael D. Wilson