

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

ELGIN JORDAN.

Plaintiff,

V.

CITY OF CHICAGO, a municipal corporation, BRYAN COX, PETER THEODORE, DAVID SALGADO, and ROCCO PRUGER.

Defendants.

No. 20 CV 04012

Judge Joan B. Gottschall

**DEFENDANT DAVID SALGADO'S
MOTION FOR LEAVE TO JOIN
DEFENDANT CITY OF CHICAGO'S MOTION TO DISMISS**

NOW COMES Defendant David Salgado, (“Defendant Salgado”), by and through his attorneys, Borkan & Scahill, Ltd., and for his Motion to Join the Defendant, City of Chicago’s Motion to Dismiss Plaintiff’s Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), states as follows:

1. On July 8, 2020, Plaintiff Elgin Jordan filed his Complaint alleging, *inter alia*, violations of his Constitutional rights by Defendants arising from his March 31, 2015 arrest. Dkt. 1, at ¶ 5.

2. Defendant City of Chicago filed its Motion to Dismiss Plaintiff Jordan's Complaint on September 11, 2020. Dkt. 24. The City's Motion to Dismiss asserts, *inter alia*, that Plaintiff's claims fail to plead the necessary facts demonstrating personal involvement, his claims related to his pretrial detention fail as legally insufficient or are time-barred, the failure to intervene and conspiracy claims must be dismissed because the underlying claims are not actionable, and his state law claims are legally insufficient and barred by the Illinois Tort Immunity Act. *See id.*

3. The arguments put forth by the Defendant City of Chicago as to Plaintiff's complaint would also apply to Plaintiff's allegations against Defendant Salgado. Accordingly, Defendant Salgado respectfully requests to join the Defendant City's Motion to Dismiss, adopting the arguments set forth therein as applied to Defendant Salgado. By seeking to join this motion, Defendant Salgado is not making any affirmative statements and does not waive his prior request for a partial stay (*see* Dkt. 21).

4. Plaintiff will not be prejudiced by the inclusion of Defendant Salgado in the briefing on the Defendant City's motion and the present motion for leave to join is not brought to unnecessarily delay proceedings.

CONCLUSION

WHEREFORE Defendant, David Salgado, by and through his attorneys, requests leave to join and adopt the Defendant City of Chicago's Motion to Dismiss Plaintiff's Complaint as applied to Defendant Salgado and for such other relief this Court deems to be just and proper.

Respectfully submitted,

By: /s/ Andrew M. Cook

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