

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

Curtis Lamond Oats, Sr.,)	
)	No. 22-cv-50113
Plaintiff,)	
)	
vs.)	Judge Johnston
)	
McHenry County, Illinois)	
and Jason Enos,)	Magistrate Judge Schneider
)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants McHenry County, Illinois and McHenry County Animal Control Officer Jason Enos, through Patrick Kenneally, McHenry County State's Attorney, and his duly authorized Assistant State's Attorneys, Andrew Hamilton and Troy Owens, and for their Motion for Summary Judgment submits the following.

1. Plaintiff brought the instant action as a §1983 lawsuit alleging claims of malicious prosecution, violation of the Fourth Amendment and First Amendment retaliation.
2. Plaintiff alleges that agents of McHenry County, including Defendant Enos, subjected him to a malicious prosecution, violated his Fourth Amendment rights, and subjected him to retaliation for the expression of content protected by the First Amendment. Plaintiff further alleges, that Defendant McHenry County is liable to the Plaintiff for constitutional violations by its agents based upon the doctrine of *respondeat superior*.
3. Discovery has been undertaken by the parties and completed.
4. Pursuant to Rule 56 of the Federal Rules of Civil Procedure, as well as Rule 56.1 of the Local Practice Rules for the United States District Court for the Northern District of

Illinois, Defendants request of the Court that it enter summary judgment, with prejudice, in favor of Defendant, and against Plaintiff, on the following bases:

- (a) As it relates to Defendant Enos, there is no genuine issue of material fact that Defendant Enos did not commence the civil prosecution complained of by Plaintiff, or that Defendant Enos did not commence said case based on malice.
- (b) As it relates to Defendant Enos and Defendant McHenry County, there is no genuine issue of material fact that Plaintiff has not suffered any damages recoverable by law.
- (c) As it relates to Defendant Enos and Defendant McHenry County, pursuant to Plaintiff's Fourth Amendment violation claim, there is no genuine issue of material fact that:
 - (i) Defendant Enos engaged in conduct violative of the Fourth Amendment;
 - (ii) Plaintiff had a legitimate expectation of privacy recognized by the Fourth Amendment in the property claimed by Plaintiff to be covered by the Fourth Amendment;
 - (iii) Plaintiff has failed to meet the elements of *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978) for purposes of extending the doctrine of *respondeat superior* to Defendant McHenry County, based upon the conduct of its agents in this action.
- (d) As it relates to Defendant Enos and Defendant McHenry County, pursuant to Plaintiff's First Amendment retaliation claim, there is no genuine issue of material fact that:

- (i) Plaintiff cannot establish that any agent of Defendant McHenry County initiated the civil prosecution issue in this lawsuit, based upon any First Amendment expression of Plaintiff.
- (ii) Plaintiff has failed to meet the elements of *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978) for purposes of extending the doctrine of *respondeat superior* to Defendant McHenry County, based upon on the conduct of its agents in this action.

5. Defendants have filed a Memorandum in Support of Summary Judgment, containing the arguments that Defendants seek to have the Court rely upon to enter summary judgment. Defendants incorporate the arguments made in said Memorandum into this motion.

WHEREFORE, Defendants request of this Honorable Court, that it enter an order granting summary judgment, in favor of Defendants, and against Plaintiff, with prejudice, together with any, and all other relief that this Court deems just and proper.

Respectfully submitted,

By: /s/ Troy C. Owens
Assistant State's Attorney

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CERTIFICATE OF SERVICE

I, Troy Owens, an attorney, hereby certify that on May 2, 2024, I caused the foregoing to be filed using the Court's CM/ECF system, which effected service on all parties.

/s/ Troy Owens