

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

Curtis Lamond Oats, Sr., )  
Plaintiff, ) No. 3:22-cv-50113  
 )  
-vs- ) (*Judge Johnston*)  
 )  
McHenry County, Illinois, and ) (*Magistrate Judge Schneider*)  
Jason Enos, )  
 )  
Defendants. )

**DEFENDANT'S RESPONSE TO PLAINTIFF'S STATEMENT  
OF ADDITIONAL FACTS**

1. After leaving Plaintiff's front porch, defendant Enos walked towards plaintiff's mailbox. (Oats Dep. 38:5-11, ECF No. 69-2 at 18.)

## RESPONSE: Admitted.

2. The mailbox was on plaintiff's property; it was not on the curb and was not easily accessible from the street: "You literally have to come onto the property in order to access it." (Oats Dep. 52:16-19, ECF No. 69-2 at 13.)

**RESPONSE:** Disputed. *Defendant's Statement of Undisputed Facts*, ¶25 (Plaintiff admitted that his mailbox was located two or steps from the street on his lawn).

3. After leaving plaintiff's front porch, defendant Enos "stopped by the mailbox, opened it up, searched through a few pieces of mail, put the mail back in the mailbox." (Oats Dep. 55:5-7, ECF No. 69-2 at 14; 63:5-10, ECF No. 69-2 at 16.)

**RESPONSE:** Disputed. *Defendant's Statement of Undisputed Facts*, ¶¶ 20-23 (Plaintiff admitted that he was unable to see Officer Enos search his mailbox and was unable to see if Officer Enos took anything out of his mailbox).

4. On November 13, 2021, plaintiff spoke by telephone with Janelle Carson, who summarized the conversation as follows:

[Oats] began to explain how he is being harassed and he has an attorney that he is working with to file a lawsuit against Animal Control. Curtis said he does not need to provide any information to me and there is not anything I can do about it. He stated the Officer came to his house and Curtis asked for the Officer to leave his property and the Officer went to his mailbox and obtained information from his mail. Curtis then explained how the Officer started questioning the “young lady” who was visiting him at his home to get more information on the dog of which the lady did not own but that his daughter owns the dog. I then explained to Curtis that it is his decision to pursue what he feels he needs to and I am just calling in regards to the owner of the dog and whether or not the dog resides in McHenry County. Curtis then responded no, that his daughter nor the dog are in the county. He then expressed how he received a ticket for something that we cannot do anything about. I chose to not discuss any further with the situation and will forward to Maryellen, Kara, and Janelle. I thanked him for the information and we ended the call.

(Exhibit 3, MC000223.)

**RESPONSE: Objection. This evidence is derived from unauthenticated hearsay, and without evidentiary foundations for any recognized exception to the hearsay rule.**

5. Because of plaintiff’s complaints about harassment and violation of the privacy of his mailbox (the “owner’s confrontational nature”), Carson prepared and mailed tickets for ordinance violations to plaintiff. (Exhibit 3, MC000223)

**RESPONSE: Objection. This evidence is derived from unauthenticated hearsay, and without evidentiary foundations for any recognized exception to the hearsay rule.**

6. On December 15, 2021, plaintiff spoke by telephone with Kathy Rondorf, an employee of defendant county. (Exhibit 3, MC000224.) Rondorf summarized the conversation as follows:

[Oats stated] that animal control is harrassing him regarding JD. I explained to him that if JD lives with him longer than 30 days the dog needs to be vaccinated and registered through McHenry County. Curtis said that the dog belongs to Kristina Randall who is his daughter. Kristina will be back at Christmas break to get the dog. Curtis went on that he is the only African American man in the neighborhood and thinks we are harassing him. He plans on contacting an

attorney and taking this through the federal court in Rockford. Again I asked if he could supply the vaccination records and we would be able to resolve this issue. Curtis again stated is feels that this is a racist issue and thinks that the office went through his mail box to get information which was not correct. I told him I am sorry he feels that way and if he wanted to leave a voicemail for Kara he could do so. Curtis asked that I transfer him

(Exhibit 3, MC000224.)

**RESPONSE: Objection. This evidence is derived from unauthenticated hearsay, and without evidentiary foundations for any recognized exception to the hearsay rule.**

7. On March 23, 2022, McHenry County Animal Control Officer Janelle Carlson initiated ordinance violation proceedings against plaintiff by signing and filing with the Circuit Court two “Notices to Appear”. (Plaintiff’s Exhibits 1 and 2.)

**RESPONSE: Admitted.**

8. The ordinance violation charges were dismissed by the prosecutor on June 16, 2022. (Plaintiff’s Exhibit 3.)

**RESPONSE: Admitted.**

9. Plaintiff is African American. (Coats Dep. 89:8-10, ECF No. 69- 2 at 23.

**RESPONSE: Admitted.**

10. Plaintiff is seeking, *inter alia*, the costs of this action as provided by statute and rule. (Oats Dep 80:11-14, ECF No. 69-2 at 20.)

**RESPONSE: Defendants admit that Plaintiff has accurately cited a portion of his deposition.**

/s/ Troy Owens  
Assistant State’s Attorney

Patrick D. Kenneally  
McHenry County State’s Attorney  
Troy C. Owens (ARDC No. 6208293)  
Andrew Hamilton (ARDC No. 6325652)

Assistant State's Attorney  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098  
815-334-4159 (phone)  
815-334-0872 (fax)  
tcowens@mchenrycountyil.gov  
aghhamilton@mchenrycountyil.gov

**CERTIFICATE OF SERVICE**

I, Troy Owens, an attorney, hereby certify that on June 17, 2024, I caused the foregoing to be filed using the Court's CM/ECF system, which effected service on all parties.

/s/ Troy Owens