

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)
Jason Enos,)
Defendants.)

NOTICE OF APPEAL

Notice is hereby given that Curtis Lamond Oats, Sr., plaintiff above named, hereby appeals to the United States Court of Appeals from the judgment entered in this case on August 15, 2024.

/s/ Kenneth N. Flaxman
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IN THE UNITED STATES DISTRICT COURT
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Curtis Lamond Oats, Sr.,)
) No. 3:22-cv-50113
Plaintiff,)
)
-vs-) (Judge Johnston)
)
McHenry County, Illinois, and)
Jason Enos,)
)
Defendants.)

DOCKETING STATEMENT

Plaintiff Curtis Lamond Oats, Sr., invoked the jurisdiction of the district court under 28 U.S.C. § 1333 to assert claims arising under 42 U.S.C. § 1983 against defendant McHenry County, Illinois and Jason Enos, an employee of the County.

The district court resolved all claims of all parties in its order and judgment of August 15, 2024. Plaintiff did not file any post-judgment motion.

Plaintiff filed his notice of appeal on August 29, 2024 and invokes the jurisdiction of the Court of Appeals pursuant to 28 U.S.C. § 1291.

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

CURTIS LAMONT OATS, SR.,

Plaintiff,

v.

NO. 3:22-cv-50113

MCHENRY COUNTY *et al.*,

HONORABLE IAIN D. JOHNSTON

Defendants.

MEMORANDUM OPINION AND ORDER

Plaintiff Curtis Lamond Oats, Sr., brings this action against McHenry County, Illinois, and its employee Jason Enos. He asserts an entitlement to relief against Enos for the violation of his rights under the Fourth Amendment, and against the county for the violation of his rights under the First Amendment as well as its malicious prosecution of him under state law. Before the Court is the defendants' motion for summary judgment. For the following reasons, the motion is granted and this action is terminated.

BACKGROUND

In August of 2021, Jason Enos, a McHenry County animal control officer, was sent to Curtis Oats' house to investigate a complaint about a barking dog. Dkt. 70 ¶¶ 1, 2, 9. The dog, chained in Oats' front yard, greeted Enos with yet more barking upon his arrival. *See id.* at ¶¶ 10-11. Oats himself was more taciturn. Though he told Enos the dog's name and the name of its veterinarian, he refused to give his own name. *Id.* ¶ 15. Enos thereafter repaired to his car. As he left, however, in an

apparent attempt to learn Oats' name, he went to his mailbox. Dkt. 74 ¶¶ 3. Oats' account is that he saw him open it and look through a few pieces of mail before putting the mail back inside. *Id.* Later that same day, Oats complained about Enos' conduct at the McHenry County Animal Control office. Dkt. 70 ¶ 28. Several months later, he was issued ordinance violations for failing to appropriately vaccinate or register the dog; he says that their issuance was on account of his complaints. *Id.* ¶ 31; Dkt. 74 ¶¶ 4-7. The charges were ultimately dropped. Dkt. 74 ¶ 8.

ANALYSIS

Section 1983 – Fourth Amendment

Even accepting Oats' account of Enos' actions—that he “stopped by the mailbox, opened it up, searched through a few pieces of mail, [and] put the mail back in the mailbox,” Dkt. 74 ¶ 3—Enos is entitled to immunity from suit.¹

Under the doctrine of qualified immunity, when an official’s conduct does not violate clearly established rights of which a reasonable person would have been aware, that official is immune from suit. *Pearson v. Callahan*, 555 U.S. 223, 231

¹ Oats attempts to avoid this result on procedural grounds, asserting that Enos' failure to mention qualified immunity in his motion for summary judgment—though it is clearly raised in his memorandum of law, filed at the same time—means that he has forfeited the argument. Dkt. 71 at 1-3 (citing Fed. R. Civ. P. 7(b)(1)(B), which requires that motions “state with particularity the grounds for seeking the order,” and equating it with an attempt to amend one’s complaint in one’s response brief). The case that purportedly supports this proposition, however, held only that “otherwise timely skeletal motions that fail to satisfy the requirements of Fed.R.Civ.P. 7(b)(1) do not postpone the 30-day period for filing a notice of appeal, even if the party supplements the motion with additional detail” after the motion is no longer timely. *Elustra v. Mineo*, 595 F.3d 699, 707 (7th Cir. 2010) (glossing *Martinez v. Trainor*, 556 F.2d 818, 819-21 (7th Cir. 1977)). In light of the purpose of Rule 7—“to provide notice to the court and the opposing party,” *id.* at 708—and in the absence of any authority to the contrary, it would seem to be an unreasonable elevation of form over substance to interpret Rule 7 as Oats urges and refuse to consider the motion and the brief, simultaneously filed, as a unit. Because the brief adequately develops an argument in favor of qualified immunity, it may rightfully be considered.

(2009). A court may conclude that qualified immunity applies without reaching the underlying question of whether a right was violated if that right was not clearly established at the time of its alleged violation. *Id.* at 242. “A Government official’s conduct violates clearly established law when, at the time of the challenged conduct, the contours of a right are sufficiently clear that every reasonable official would have understood that *what he is doing* violates that right.” *Ashcroft v. al-Kidd*, 563 U.S. 731, 741 (2011) (cleaned up) (emphasis added). That is, it must have been clear to a “reasonable officer” that his conduct was unlawful “in the situation he confronted.” *Ziglar v. Abbasi*, 582 U.S. 120, 152 (2017).

Because Enos has invoked qualified immunity, Oats bears the burden of showing that Enos is *not* immune from suit. *Archer v. Chisholm*, 870 F.3d 603, 613 (7th Cir. 2017). So, unless he can point to a case that is “on point,” or “closely analogous” to the situation Enos confronted, *Sebesta v. Davis*, 878 F.3d 226, 234 (7th Cir. 2017), Enos is immune.

The only right Oats argues was implicated by Enos’ conduct was his Fourth Amendment right to be free from unreasonable search. Dkt. 71 at 1. None of his five citations shows that, in the concrete circumstances of the alleged violation, such a right was clearly established.

- *Florida v. Jardines* applied the general principle that warrantless searches conducted in the curtilage of the home violate the Fourth Amendment to find that the use of a drug-sniffing dog on the porch of the house constituted an unreasonable search. 569 U.S. 1, 12 (2013).
- *Collins v. Virginia* applied the same principle to find that the automobile exception did not authorize a search of a motorcycle parked on the curtilage of a home. 584 U.S. 586, 601 (2018).

- *U.S. Postal Serv. v. Council of Greenburgh Civic Associations* did not involve the Fourth Amendment at all. *See* 453 U.S. 114, 114-155.
- 18 U.S.C. § 1725 forbids depositing mail “on which no postage has been paid in any letter box established, approved, or accepted by the Postal Service” and is thus irrelevant.
- 18 U.S.C. § 1708 imposes criminal liability on anyone who “steals, takes, or abstracts . . . from or out of any . . . letter box . . . any letter, postal card, package, or mail.” Even if this can be read to vest some statutory right in Oats, and Enos can be understood to have violated it, Oats’ theory of his case—a Fourth Amendment violation—requires that he produce some further evidence clearly establishing that under these circumstances, Enos would have known his conduct amounted to an unreasonable search. He has not done so.

Because Oats has not demonstrated the existence of a clearly established right that Enos violated, he is entitled to qualified immunity.

Section 1983 – First Amendment

Oats’ only theory of *Monell* liability is that his prosecution was initiated by a final policymaking authority for McHenry County. Dkt. 71 at 11-12. Under Illinois law, which governs the determination of whether one is such an authority, *Pembaur v. City of Cincinnati*, 475 U.S. 469, 482-83 (1986), the corporate powers of the counties are vested in the county board. 55 ILCS 5/5-1004. Oats fails to develop any argument that the county board has conferred its authority on the employee who initiated the prosecution or ratified the action, *see Gernetzke v. Kenosha Unified Sch. Dist. No. 1*, 274 F.3d 464, 469-470 (7th Cir. 2001), so *Monell* liability cannot attach.

Illinois law – Malicious prosecution

McHenry County attacks Oats’ malicious prosecution theory on the basis that he has not produced any evidence of damages suffered on account of the prosecution, Dkt. 68 at 3-4, an element of the *prima facie* tort under Illinois law. *See Swick v.*

Liautaud, 169 Ill. 2d 504, 512 (1996). To this Oats makes no reply, *see* Dkt. 71 at 12-13, not even arguing that he is seeking nominal damages or some other form of damages, to the extent they are available, thus forfeiting the point and making liability impossible.²

* * *

The defendants are entitled to summary judgment on Oats' claims, and it is hereby granted.

Date: August 15, 2024



HON. IAIN D. JOHNSTON
United States District Judge

² His Local Rule 56.1 Statement does assert that he is seeking certain "costs," Dkt. 74 ¶ 10, but legal costs are not damages.

United States District Court
Northern District of Illinois - CM/ECF NextGen 1.7.1.1 (Rockford)
CIVIL DOCKET FOR CASE #: 3:22-cv-50113
Internal Use Only

Oats, Sr. v. McHenry County Animal Control And Its Officers And Administration
Assigned to: Honorable Iain D. Johnston
Referred to: Honorable Margaret J. Schneider
Cause: 42:1983 Civil Rights Act

Date Filed: 04/14/2022
Date Terminated: 08/15/2024
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Curtis Lamond Oats, Sr.

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ATTORNEY TO BE NOTICED

V.

Defendant

McHenry County Animal Control And Its Officers And Administration
TERMINATED: 08/08/2022

Defendant

McHenry County

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Defendant

John Doe
TERMINATED: 04/10/2023

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ATTORNEY TO BE NOTICED

Andrew Garrison Hamilton
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jason Enos

represented by **Andrew Garrison Hamilton**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Troy Owens
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/14/2022	<u>1</u>	RECEIVED Complaint and 0 copies by Curtis Lamond Oats, Sr. (pg,) (Entered: 04/14/2022)
04/14/2022	<u>2</u>	CIVIL Cover Sheet (pg,) (Entered: 04/14/2022)
04/14/2022	<u>3</u>	PRO SE Appearance by Plaintiff Curtis Lamond Oats, Sr. (pg,) (Entered: 04/14/2022)
04/14/2022	<u>4</u>	MOTION by Plaintiff Curtis Lamond Oats, Sr. for attorney representation (pg,) (Entered: 04/14/2022)
04/14/2022	<u>5</u>	APPLICATION by Plaintiff Curtis Lamond Oats, Sr. for leave to proceed in forma pauperis (pg,) (Entered: 04/14/2022)
04/14/2022		CASE ASSIGNED to the Honorable Iain D. Johnston and Honorable Margaret J. Schneider. Designated as Magistrate Judge the Honorable Margaret J. Schneider. Case assignment: Random assignment. (pg,) (Entered: 04/14/2022)
04/14/2022		CLERK'S NOTICE: Pursuant to Local Rule 73.1(b), a United States Magistrate Judge of this court is available to conduct all proceedings in this civil action. If all parties consent to have the currently assigned United States Magistrate Judge conduct all proceedings in this case, including trial, the entry of final judgment, and all post-trial proceedings, all parties must sign their names on the attached <u>Consent To</u> form. This consent form is eligible for filing only if executed by all parties. The parties can also express their consent to jurisdiction by a magistrate judge in any joint filing, including the Joint Initial Status Report or proposed Case Management Order. (pg,) (Entered: 04/14/2022)
04/14/2022		MAILED copy of the Clerk's Notice entry along with the Joint Consent Form to Curtis Lamond Oats, Sr. (jp,) (Entered: 04/14/2022)
04/15/2022	<u>6</u>	MINUTE entry before the Honorable Iain D. Johnston: Plaintiff's motion to proceed in forma pauperis is granted in part <u>5</u> . Plaintiff receives disability payments and earns some money part-time. Thus, the Court reduces his filing fee to \$200. He must pay the reduced filing fee by May 6, 2022, or this case will be dismissed for want of prosecution under Federal Rule of Civil Procedure 41(b). Plaintiff is warned, however, that if he proceeds with this case, the Court will be obligated to screen his complaint under 28 U.S.C. § 1915(e)(2)(B). Under that statute, the Court is required to screen and dismiss cases that fail to state a claim, are frivolous, or seek damages from an immune official. Furthermore, because Plaintiff has explained that state proceedings are ongoing, the Court will expect the parties to explain why this Court should not abstain from exercising federal jurisdiction in deference to those proceedings. See Younger v. Harris, 401 U.S. 37 (1971). The motion for attorney representation <u>4</u> is denied without prejudice to refile if Plaintiff proceeds with this case. Plaintiff is directed to the "Representing Yourself" page on the Court's website. https://www.ilnd.uscourts.gov/OnlineForms.aspx?/qYVnglgEnsP0UIGZRbKuyo9G0K5AoRrKzSKr0iA5CFYkpOIso0U1A== . Mailed notice (yxp,) (Entered: 04/15/2022)
05/02/2022		Paid Filing Fee Of \$200.00 on 5/2/2022. #46243006843 (pg,) (Entered: 05/02/2022)
05/03/2022	<u>7</u>	ORDER; Plaintiff's First Amendment claim is sufficient and may proceed. His Fourth Amendment claim is dismissed without prejudice. Plaintiff may amend his complaint by 5/27/2022. If Plaintiff declines the opportunity to amend, the Court's dismissal of his Fourth Amendment claim will become with prejudice without further action by the Court. See the attached for details. Signed by the Honorable Iain D. Johnston on 5/3/2022: Mailed notice (yxp,) (Entered: 05/04/2022)
05/11/2022		(Court only) Confirmation of receipt of payment from Curtis Lamond Oats for Curtis Lamond Oats in the amount of \$200.00. Transaction posted on 5/2/2022. Receipt number 46243006843 processed by pg. (tg,) (Entered: 05/11/2022)
05/17/2022	<u>8</u>	AMENDED complaint by Curtis Lamond Oats, Sr. against McHenry County Animal Control And Its Officers And Administration (pg,) (Entered: 05/17/2022)
05/18/2022	<u>9</u>	MINUTE entry before the Honorable Iain D. Johnston: The Court previously dismissed Plaintiff Curtis Oats' Fourth Amendment claim for failure to state a claim. On amendment, he has clarified that his claim is based on a government agent (who is not a postal worker) accessing his private mailbox that is not located on the curb, or otherwise easily accessible by the public. At this stage, the allegations are sufficient to pass the Court's mandatory screening under 28 U.S.C. § 1915(e)(2)(B). The claim may proceed. Mailed notice (yxp,) (Entered: 05/18/2022)
06/13/2022	<u>10</u>	ATTORNEY Appearance for Plaintiff Curtis Lamond Oats, Sr. by Kenneth N Flaxman (Flaxman, Kenneth) (Entered: 06/13/2022)
06/13/2022	<u>11</u>	ATTORNEY Appearance for Plaintiff Curtis Lamond Oats, Sr. by Joel A. Flaxman (Flaxman, Joel) (Entered: 06/13/2022)
07/22/2022	<u>12</u>	MINUTE entry before the Honorable Margaret J. Schneider: By 07/29/22, Plaintiff shall file a status report updating the Court on the status of service on Defendant McHenry County Animal Control and its Officers and Administration. Mailed notice. (jxk) (Entered: 07/22/2022)
07/31/2022	<u>13</u>	STATUS Report by Curtis Lamond Oats, Sr. (Flaxman, Kenneth) (Entered: 07/31/2022)

08/08/2022	<u>14</u>	MOTION by Plaintiff Curtis Lamond Oats, Sr. for leave to file <i>second amended complaint</i> (Flaxman, Kenneth) (Entered: 08/08/2022)
08/08/2022	<u>15</u>	MINUTE entry before the Honorable Margaret J. Schneider: Motion for Leave to File Second Amended Complaint and to Add Defendants <u>14</u> is granted. Counsel is directed to file the Second Amended Complaint in a separate docket entry. Mailed notice. (jxk) (Entered: 08/08/2022)
08/08/2022	<u>16</u>	SECOND AMENDED complaint by Curtis Lamond Oats, Sr. against McHenry County, John Doe and terminating McHenry County Animal Control And Its Officers And Administration (Flaxman, Kenneth) (Entered: 08/08/2022)
10/18/2022	<u>17</u>	MINUTE entry before the Honorable Margaret J. Schneider: Plaintiff filed his second amended complaint on 08/08/22, but has failed to provide notice of service of Defendants to the Court. Plaintiff has until 11/15/22 to serve Defendants and provide proof of service to the Court. Failure to comply may result in dismissal of this action. Mailed notice. (jxk) (Entered: 10/18/2022)
10/31/2022	<u>18</u>	SUMMONS Returned Executed by Curtis Lamond Oats, Sr. as to McHenry County on 10/28/2022, answer due 11/18/2022. (Flaxman, Joel) (Entered: 10/31/2022)
11/18/2022	<u>19</u>	ATTORNEY Appearance for Defendants McHenry County, John Doe by Andrew Garrison Hamilton (Hamilton, Andrew) (Entered: 11/18/2022)
11/18/2022	<u>20</u>	First MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Defendants McHenry County, John Doe, McHenry County Animal Control And Its Officers And Administration (Hamilton, Andrew) (Entered: 11/18/2022)
11/18/2022	<u>21</u>	MEMORANDUM by McHenry County, John Doe, McHenry County Animal Control And Its Officers And Administration in support of Motion to Dismiss for Failure to State a Claim <u>20</u> (Hamilton, Andrew) (Entered: 11/18/2022)
11/21/2022	<u>22</u>	MINUTE entry before the Honorable Margaret J. Schneider: As to Defendants' motion to dismiss <u>20</u> , Plaintiff has until 12/20/22 to respond. Defendants have until 01/05/23 to reply. Mailed notice. (jxk) (Entered: 11/21/2022)
11/21/2022	<u>23</u>	MINUTE entry before the Honorable Margaret J. Schneider: Initial telephonic status hearing set for 01/17/23 at 9:30 a.m. The Court will be utilizing the Cisco Webex platform. Public access is available via the following call-in number: 1-(650)-479-3207 and enter ACCESS CODE: 180-822-8235#. Counsel with full knowledge of the case must appear at the initial status hearing. The parties shall jointly complete the PDF fillable initial status report form found on Judge Schneider's webpage and file by 01/10/23. Counsel of record will receive an email the day prior to the start of the telephonic hearing with instructions to join the call. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions. Mailed notice. (jxk) (Entered: 11/21/2022)
12/07/2022	<u>24</u>	ATTORNEY Appearance for Defendants McHenry County, John Doe by Troy Owens (Owens, Troy) (Entered: 12/07/2022)
12/08/2022	<u>25</u>	Western Division ADR Notification (jp,) (Entered: 12/08/2022)
12/20/2022	<u>26</u>	MEMORANDUM by Curtis Lamond Oats, Sr. in Opposition to Motion to Dismiss for Failure to State a Claim <u>20</u> (Flaxman, Kenneth) (Entered: 12/20/2022)
12/29/2022	<u>27</u>	ANNUAL REMINDER: Pursuant to <u>Local Rule 3.2 (Notification of Affiliates)</u> , any nongovernmental party, other than an individual or sole proprietorship, must file a statement identifying all its affiliates known to the party after diligent review or, if the party has identified no affiliates, then a statement reflecting that fact must be filed. An affiliate is defined as follows: any entity or individual owning, directly or indirectly (through ownership of one or more other entities), 5% or more of a party. The statement is to be electronically filed as a PDF in conjunction with entering the affiliates in CM/ECF as prompted. As a reminder to counsel, parties must supplement their statements of affiliates within thirty (30) days of any change in the information previously reported. This minute order is being issued to all counsel of record to remind counsel of their obligation to provide updated information as to additional affiliates if such updating is necessary. If counsel has any questions regarding this process, this <u>LINK</u> will provide additional information. Signed by the Executive Committee on 12/29/2022: Mailed notice. (tg,) (Entered: 12/30/2022)
01/05/2023	<u>28</u>	REPLY by McHenry County, John Doe, McHenry County Animal Control And Its Officers And Administration to memorandum in opposition to motion <u>26</u> (Hamilton, Andrew) (Entered: 01/05/2023)
01/06/2023	<u>29</u>	MOTION by Plaintiff Curtis Lamond Oats, Sr. for leave to file <i>corrected memorandum</i> (Flaxman, Kenneth) (Entered: 01/06/2023)
01/06/2023	<u>30</u>	MOTION by Defendants McHenry County, John Doe, McHenry County Animal Control And Its Officers And Administration for leave to file <i>Corrected Memorandum for it's Reply to Plaintiff's Response to Defendant's Motion to Dismiss</i> (Attachments: # <u>1</u> Exhibit A)(Hamilton, Andrew) (Entered: 01/06/2023)
01/06/2023	<u>31</u>	MINUTE entry before the Honorable Margaret J. Schneider: Plaintiff's Motion for Leave to File Corrected Memorandum in Opposition to Motion to Dismiss <u>29</u> , is granted over objection. Plaintiff is directed to file a clean version of his corrected memorandum in a separate docket entry. Additionally, Defendants' Motion for Leave to File Corrected Memorandum for its Reply to Plaintiff's Response to Defendants' Motion to Dismiss <u>30</u> , is granted. Defendants are directed to file a clean version of their corrected memorandum in a separate docket entry. If Defendants wish, Defendants may add to their corrected memorandum any additional, brief argument as it would relate to the changes contained in Plaintiff's corrected memorandum. Defendants' corrected/supplemented reply brief is due no later than 01/20/23. Mailed notice. (jxk) (Entered: 01/06/2023)
01/06/2023	<u>32</u>	MEMORANDUM by Curtis Lamond Oats, Sr. in Opposition to Motion to Dismiss for Failure to State a Claim <u>20</u> <i>[amended]</i> (Flaxman, Kenneth) (Entered: 01/06/2023)
01/10/2023	<u>33</u>	STATUS Report <i>[JOINT INITIAL]</i> by Curtis Lamond Oats, Sr. (Flaxman, Kenneth) (Entered: 01/10/2023)

01/11/2023	<u>34</u>	REPLY by McHenry County, John Doe, McHenry County Animal Control And Its Officers And Administration to memorandum in opposition to motion <u>32</u> <i>Amended</i> (Hamilton, Andrew) (Entered: 01/11/2023)
01/17/2023	<u>35</u>	MINUTE entry before the Honorable Margaret J. Schneider: Initial telephonic status conference held on 01/17/23 to discuss the status of the case. The parties are directed to file a proposed case management order using the form located on the Court's website at www.ilnd.uscourts.gov by 01/31/23. The Court will set further dates following receipt of the proposed case management order. Mailed notice. (jxk) (Entered: 01/17/2023)
01/31/2023	<u>36</u>	PROPOSED Case Management Order by Curtis Lamond Oats, Sr. <i>[JOINT]</i> (Flaxman, Kenneth) (Entered: 01/31/2023)
02/01/2023	<u>37</u>	MINUTE entry before the Honorable Margaret J. Schneider: The parties' Proposed Case Management Order <u>36</u> is adopted as modified as follows: Rule 26(a)(1) disclosures due 02/28/23; 25 interrogatories and 25 requests for admission by each party to any other party; 5 fact depositions by Plaintiff and 5 fact depositions by Defendant, each deposition shall be limited to a maximum of 4 hours; file amended pleadings, add counts or parties, and file third-party complaints by 06/30/23; Rule 26(a)(2) (C) disclosures due by 07/31/23; Rule 26(e) supplements due by 07/31/23; fact discovery ends 08/30/23. Any retained expert discovery and dispositive motions are reserved at this time. The parties are directed to file a joint status report by 04/03/23, updating the Court on the status of discovery. Mailed notice. (jxk) (Entered: 02/01/2023)
04/07/2023	<u>38</u>	MINUTE entry before the Honorable Margaret J. Schneider: On 02/01/23, the Court ordered the parties to file a joint status report by 04/03/23. <u>37</u> . No joint status report has been filed. The parties have until 04/12/23 to file a joint status report. Mailed notice (jp,) (Entered: 04/07/2023)
04/10/2023	<u>39</u>	<i>Third AMENDED</i> complaint by Curtis Lamond Oats, Sr. against McHenry County, Jason Enos and terminating John Doe <i>[with agreement of defendants]</i> (Flaxman, Kenneth) (Entered: 04/10/2023)
04/10/2023	<u>40</u>	STATUS Report <i>[JOINT]</i> by Curtis Lamond Oats, Sr. (Flaxman, Kenneth) (Entered: 04/10/2023)
04/10/2023	<u>41</u>	MINUTE entry before the Honorable Margaret J. Schneider: The Court has reviewed the parties' Joint Status Report <u>40</u> . Joint status report due 06/21/23, updating the Court on the status of discovery and any settlement discussions. Additionally, as Plaintiff has filed a third amended complaint (the filing of which is unopposed) <u>39</u> , Defendants' motion to dismiss <u>20</u> , is stricken as moot. Defendants' answer or other responsive pleading is due 04/24/23. Mailed notice. (jxk) (Entered: 04/10/2023)
04/24/2023	<u>42</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Defendants McHenry County, Jason Enos, McHenry County Animal Control And Its Officers And Administration (Hamilton, Andrew) (Entered: 04/24/2023)
04/24/2023	<u>43</u>	MEMORANDUM by McHenry County, Jason Enos, McHenry County Animal Control And Its Officers And Administration in support of Motion to Dismiss for Failure to State a Claim <u>42</u> (Hamilton, Andrew) (Entered: 04/24/2023)
04/24/2023	<u>44</u>	MINUTE entry before the Honorable Margaret J. Schneider: As to Defendants' motion to dismiss <u>42</u> , Plaintiff has until 05/24/23 to respond. Defendants have until 06/07/23 to reply. Mailed notice. (jxk) (Entered: 04/24/2023)
05/24/2023	<u>45</u>	RESPONSE by Curtis Lamond Oats, Sr. in Opposition to MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Defendants McHenry County, Jason Enos, McHenry County Animal Control And Its Officers And Administration <u>42</u> (Flaxman, Kenneth) (Entered: 05/24/2023)
06/07/2023	<u>46</u>	REPLY by McHenry County, John Doe, Jason Enos, McHenry County Animal Control And Its Officers And Administration to response in opposition to motion, <u>45</u> (Hamilton, Andrew) (Entered: 06/07/2023)
06/22/2023	<u>47</u>	MINUTE entry before the Honorable Margaret J. Schneider: On 04/10/23, the Court directed the parties to file a joint status report by 06/21/23 <u>41</u> . No report has been filed. The parties have until 07/05/23 to file a joint status report updating the Court on the status of discovery and any settlement discussions. Mailed notice. (jxk) (Entered: 06/22/2023)
06/30/2023	<u>48</u>	MOTION by Defendants McHenry County, John Doe to stay <i>Discovery</i> Presented before Magistrate Judge , MOTION by Defendants McHenry County, John Doe to reset <i>Discovery</i> Presented before Magistrate Judge (Owens, Troy) (Entered: 06/30/2023)
07/05/2023	<u>49</u>	MINUTE entry before the Honorable Margaret J. Schneider: Agreed Motion to Stay and Reset Discovery <u>48</u> , is denied. A pending FRCP 12(b)(6) motion is not sufficient grounds to stay discovery. However, the Court will strike the case management order entered on 02/01/23 <u>37</u> . The Court directs the parties to file a revised proposed case management order by 07/19/23 to include deadlines which better reflect a realistic schedule. The Court will set further dates following receipt of the proposed order. Mailed notice. (jxk) (Entered: 07/05/2023)
07/17/2023	<u>50</u>	PROPOSED Case Management Order by Curtis Lamond Oats, Sr. (Flaxman, Kenneth) (Entered: 07/17/2023)
07/18/2023	<u>51</u>	MINUTE entry before the Honorable Margaret J. Schneider: The parties' Proposed Case Management Order <u>50</u> is adopted as modified as follows: 25 interrogatories and 25 requests for admission by each party to any other party; 5 fact depositions by Plaintiff and 5 fact depositions by Defendant, each deposition shall be limited to a maximum of 4 hours; file amended pleadings, add counts or parties, and file third-party complaints by 09/29/23; Rule 26(a)(2)(C) disclosures, if any, due by 09/29/23; Rule 26(e) supplements due by 10/27/23; fact discovery ends 11/30/23. Any retained expert discovery and dispositive motions are reserved at this time. The parties are directed to file a joint status report by 09/18/23, updating the Court on the status of discovery. Mailed notice. (jxk) (Entered: 07/18/2023)
09/18/2023	<u>52</u>	STATUS Report <i>[JOINT]</i> by Curtis Lamond Oats, Sr.

		Presented before Magistrate Judge (Flaxman, Kenneth) (Entered: 09/18/2023)
09/19/2023	<u>53</u>	MINUTE entry before the Honorable Margaret J. Schneider: The Court has reviewed the parties' Joint Status Report <u>52</u> . Joint status report due 11/01/23 updating the Court on the status of discovery. Mailed notice. (jxk) (Entered: 09/19/2023)
11/01/2023	<u>54</u>	STATUS Report <i>[JOINT]</i> by Curtis Lamond Oats, Sr. Presented before Magistrate Judge (Flaxman, Kenneth) (Entered: 11/01/2023)
11/02/2023	<u>55</u>	MINUTE entry before the Honorable Margaret J. Schneider: The Court has received the parties' Joint Status Report <u>54</u> . A telephonic status conference is set for 12/05/23 at 10:00 a.m. The parties should be prepared to discuss the close of fact discovery and any next steps. The Court will be utilizing the Cisco Webex platform. Public access is available via the following call-in number: 1-(650)-479-3207 and enter ACCESS CODE: 180-822-8235#. Counsel for all parties are directed to appear. Counsel of record will receive an email the day prior to the start of the telephonic hearing with instructions to join the call. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions. Mailed notice. (jxk) (Entered: 11/02/2023)
11/03/2023	<u>56</u>	MINUTE entry before the Honorable Margaret J. Schneider: At the request of Plaintiff's counsel, telephonic status conference set for 12/05/23 at 10:00 a.m. is reset to 10:30 a.m. The parties should be prepared to discuss the close of fact discovery and any next steps. The Court will be utilizing the Cisco Webex platform. Public access is available via the following call-in number: 1-(650)-479-3207 and enter ACCESS CODE: 180-822-8235#. Counsel for all parties are directed to appear. Counsel of record will receive an email the day prior to the start of the telephonic hearing with instructions to join the call. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions. Mailed notice. (jxk) (Entered: 11/03/2023)
11/20/2023	<u>57</u>	MOTION by Defendants McHenry County, John Doe, Jason Enos, McHenry County Animal Control And Its Officers And Administration for extension of time <i>Agreed Motion to Extend Fact Discovery Cut-Off</i> Presented before Magistrate Judge (Hamilton, Andrew) (Entered: 11/20/2023)
11/21/2023	<u>58</u>	MINUTE entry before the Honorable Margaret J. Schneider: Agreed Motion to Extend Fact Discovery Cut-Off <u>57</u> , is granted. Fact discovery is extended to 12/15/23. Telephonic status conference set for 12/05/23 is stricken and reset to 12/19/23 at 10:15 a.m. The parties should be prepared to discuss the close of fact discovery and any next steps. The Court will be utilizing the Cisco Webex platform. Public access is available via the following call-in number: 1-(650)-479-3207 and enter ACCESS CODE: 180-822-8235#. Counsel for all parties are directed to appear. Counsel of record will receive an email the day prior to the start of the telephonic hearing with instructions to join the call. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions.Mailed notice. (jxk) (Entered: 11/21/2023)
12/05/2023	<u>59</u>	MINUTE entry before the Honorable Margaret J. Schneider: At the request of Plaintiff's counsel, the 12/19/23 telephonic status conference is stricken and reset to 01/09/24 at 10:15. The parties should be prepared to discuss the close of fact discovery and any next steps. The Court will be utilizing the Cisco Webex platform. Public access is available via the following call-in number: 1-(650)-479-3207 and enter ACCESS CODE: 180-822-8235#. Counsel for all parties are directed to appear. Counsel of record will receive an email the day prior to the start of the telephonic hearing with instructions to join the call. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions. Mailed notice. (jxk) (Entered: 12/05/2023)
12/12/2023	<u>60</u>	MOTION by Defendants McHenry County, Jason Enos, McHenry County Animal Control And Its Officers And Administration for extension of time to complete discovery <i>Agreed</i> Presented before Magistrate Judge (Hamilton, Andrew) (Entered: 12/12/2023)
12/13/2023	<u>61</u>	MINUTE entry before the Honorable Margaret J. Schneider: Agreed Motion to Extend Fact Discovery Cut-Off <u>60</u> is granted. Fact discovery deadline is extended to 02/20/24 to facilitate Plaintiff's deposition. The 01/09/24 telephonic status conference is stricken and reset to 02/27/24 at 9:30. The parties should be prepared to discuss the close of fact discovery and any next steps. The Court will be utilizing the Cisco Webex platform. Public access is available via the following call-in number: 1-(650)-479-3207 and enter ACCESS CODE: 180-822-8235#. Counsel for all parties are directed to appear. Counsel of record will receive an email the day prior to the start of the telephonic hearing with instructions to join the call. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions. Mailed notice. (jxk) (Entered: 12/13/2023)
12/19/2023	<u>62</u>	MEMORANDUM Opinion and Order: Defendants' motion to dismiss <u>42</u> is denied. See attached order for details. Signed by the Honorable Iain D. Johnston on 12/19/2023: (yxp,) (Entered: 12/19/2023)
12/28/2023	<u>63</u>	ANNUAL REMINDER: Pursuant to <u>Local Rule 3.2 (Notification of Affiliates)</u> , any nongovernmental party, other than an individual or sole proprietorship, must file a statement identifying all its affiliates known to the party after diligent review or, if the party has identified no affiliates, then a statement reflecting that fact must be filed. An affiliate is defined as follows: any

		entity or individual owning, directly or indirectly (through ownership of one or more other entities), 5% or more of a party. The statement is to be electronically filed as a PDF in conjunction with entering the affiliates in CM/ECF as prompted. As a reminder to counsel, parties must supplement their statements of affiliates within thirty (30) days of any change in the information previously reported. This minute order is being issued to all counsel of record to remind counsel of their obligation to provide updated information as to additional affiliates if such updating is necessary. If counsel has any questions regarding this process, this LINK will provide additional information. Signed by the Executive Committee on 12/28/2023: Mailed notice. (tg,) (Entered: 12/29/2023)
02/27/2024	64	MINUTE entry before the Honorable Margaret J. Schneider: Telephonic status conference held on 02/27/24 to discuss the status of the case. Plaintiffs' counsel failed to appear. Defendants reported that fact discovery is complete. Due to Plaintiffs' counsel not being present, the telephonic status conference is continued to 03/05/24 at 10:45 a.m. to discuss the close of fact discovery and next steps in the case. The Court will be utilizing the Cisco Webex platform. Public access is available via the following call-in number: 1-(650)-479-3207 and enter ACCESS CODE: 180-822-8235#. Counsel for all parties are directed to appear. Counsel of record will receive an email the day prior to the start of the telephonic hearing with instructions to join the call. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions. Mailed notice. (jxk) (Entered: 02/27/2024)
03/05/2024	65	MINUTE entry before the Honorable Margaret J. Schneider: Telephonic status conference held on 03/05/24 to discuss the close of fact discovery and next steps in the case. Parties reported fact discovery is closed and neither party will be pursuing expert discovery. Defendants reported they will not respond to Plaintiff's settlement demand and intend to file a motion for summary judgment. The parties are instructed to review and comply with Judge Iain D. Johnston's standing order on summary judgment motions and confer regarding a date and time for a prefiling summary judgment conference. Further dates will be set by Judge Johnston. Mailed notice. (jxk) (Entered: 03/05/2024)
04/01/2024	66	MINUTE entry before the Honorable Iain D. Johnston: The Court excuses the parties from participating in a prefiling conference in this case. The defendants' motion for summary judgment shall be filed by 5/2/2024, the plaintiff shall respond by 6/3/2024, and the defendants shall reply by 6/17/2024. The defendants need not set their motion for summary judgment for presentment. (yxp,) (Entered: 04/01/2024)
05/02/2024	67	MOTION by Defendants McHenry County, Jason Enos for summary judgment Presented before District Judge (Owens, Troy) (Entered: 05/02/2024)
05/02/2024	68	MEMORANDUM by McHenry County, Jason Enos in support of motion for summary judgment 67 (Owens, Troy) (Entered: 05/02/2024)
05/02/2024	69	RULE 56 56.1 Statement by McHenry County, Jason Enos regarding motion for summary judgment 67 (Attachments: # 1 Errata A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(Owens, Troy) (Entered: 05/02/2024)
06/03/2024	70	RULE 56 56.1 Statement by Curtis Lamond Oats, Sr. regarding motion for summary judgment 67 (Flaxman, Kenneth) (Entered: 06/03/2024)
06/03/2024	71	MEMORANDUM by Curtis Lamond Oats, Sr. in Opposition to motion for summary judgment 67 (Flaxman, Kenneth) (Entered: 06/03/2024)
06/03/2024	72	RULE 56 56.1(b)(3) Statement by Curtis Lamond Oats, Sr. regarding motion for summary judgment 67 (Attachments: # 1 Exhibit index, # 2 Exhibit Notice to Appear, Complaint for Violation of Ordinance (rabies vaccination), # 3 Exhibit Notice to Appear, Complaint for Violation of Ordinance (registration fee), # 4 Exhibit Log, Animal Contgrol 8/18/21-3/4/22, # 5 Exhibit Disposition of Ordinance Violations, 2022)V00313)(Flaxman, Kenneth) (Entered: 06/03/2024)
06/17/2024	73	REPLY by Defendants McHenry County, Jason Enos <i>in Support of Summary Judgment</i> (Owens, Troy) (Entered: 06/17/2024)
06/17/2024	74	RESPONSE by Defendants McHenry County, Jason Enos <i>to Plaintiff's Statement of Additional Facts</i> (Owens, Troy) (Entered: 06/17/2024)
08/15/2024	75	MEMORANDUM Opinion and Order: The defendants' motion for summary judgment 67 is granted. The case is dismissed with prejudice. See attached order for details. Signed by the Honorable Iain D. Johnston on 8/15/2024: (yxp,) (Entered: 08/15/2024)
08/15/2024	76	ENTERED JUDGMENT, Civil case terminated. (yxp,) (Entered: 08/15/2024)
08/29/2024	77	NOTICE of appeal by Curtis Lamond Oats, Sr. regarding orders 75 , 76 Filing fee \$ 605, receipt number AILNDC-22421420. Receipt number: n (Flaxman, Kenneth) (Entered: 08/29/2024)
08/29/2024	78	DOCKETING Statement by Curtis Lamond Oats, Sr. regarding notice of appeal 77 (Flaxman, Kenneth) (Entered: 08/29/2024)