

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

MICHAEL JONES,)
Plaintiff,)
v.)
CITY OF CHICAGO, BRYAN COX, PETER)
THEODORE, DAVID SALGADO, and)
ROCCO PRUGER,)
Defendants.)
Case No. 2023-cv-4975)
District Judge Joan B. Gottschall)

**DEFENDANT OFFICER SALGADO'S MOTION TO JOIN CO-DEFENDANT CITY
OF CHICAGO'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

NOW COMES Defendant, DAVID SALGADO, by and through his attorneys, Timothy P. Scahill, Steve B. Borkan, Whitney N. Hutchinson, and Kathryn E. Boyle, of BORKAN & SCAHILL, LTD., hereby submit his Motion to Joint Co-Defendant City of Chicago's Motion to Dismiss Plaintiff's Complaint, stating as follows:

1. Plaintiff, Michael Jones, has filed his Complaint alleging various Section 1983 claims against Defendant Officers, including Defendant Salgado, as well as *Monell* and Malicious Prosecution claims against Defendant City. Plaintiff's instant Complaint stems from circumstances and events surrounding Plaintiff's March 31, 2015, arrest, and subsequent criminal case.

2. Co-Defendant, City of Chicago, has filed its Motion to Dismiss Plaintiff's Complaint for reasons that are equally applicable to Defendant Officer Salgado. First, Plaintiff's Complaint completely runs afoul of Rule 8 with his use of group pleading. *See* Fed. R. Civ. P. 8(a). Plaintiff's use of group pleading fails to provide adequate notice to Defendant Salgado as to which exact claims are being brought against him versus the other co-defendants. In tandem with group pleading, Plaintiff

also fails to satisfy Section 1983's threshold requirement of personal involvement. In his Complaint, Plaintiff fails to adequately identify and tie a plausible prospect of relief to Defendant Salgado.

3. Next, while difficult to discern what claims seeks to bring against Defendant Salgado, to the extent he seeks to bring a Fourteenth Amendment claim for false arrest, his claim is barred by the statute of limitations.

4. Additionally, to the extent Plaintiff seeks to bring Section 1983 claims for failure to intervene and conspiracy against Defendant Salgado, his efforts also fail as these claims are not properly pled because Plaintiff has failed to plead any underlying constitutional violation.

5. Accordingly, Defendant Salgado respectfully requests to joint Co-Defendant City's Motion to Dismiss and adopt the arguments therein because these arguments are equally applicable to Defendant Salgado.

WHEREFORE, Defendant, DAVID SALGADO, respectfully requests that this Court permits him to join Co-Defendant City of Chicago's Motion to Dismiss Plaintiff's Complaint, and for any other relief this Court deems necessary and just.

Respectfully submitted,

DAVID SALGADO,

By: s/ Whitney N. Hutchinson
Special Assistant Corporation Counsel

Timothy P. Scahill
Steve B. Borkan
Whitney N. Hutchinson
Kathryn E. Boyle
BORKAN & SCAHILL, LTD
20 S. Clark Street, Ste 1700
Chicago, IL 60603
(312) 580-1030
tscahill@borkanscahill.com
sborkan@borkanscahill.com
whutchinson@borkanscahill.com
kboyle@borkanscahill.com

Counsel for Defendant, David Salgado

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

MICHAEL JONES)
)
 Plaintiff,)
)
 v.) Case No.: 23 C 4975
)
)
)
 CITY OF CHICAGO, BRYAN COX, PETER)
 THEODORE, DAVID SALGADO, and)
 ROCCO PRUGER)
)
 Defendants.)

NOTICE OF FILING

To: Attorneys of Record

YOU ARE HEREBY NOTIFIED that on October 20th, 2023, there was filed with the Clerk of the United States District Court for the Northern District of Illinois Defendant Officer Salgado's Motion to Join Co-Defendant City of Chicago's Motion to Dismiss Plaintiff's Complaint, a copy of which is attached hereto.

/s/ Borkan & Scahill, Ltd.
BORKAN & SCAHILL, LTD.

Steven B. Borkan (6193463)
Timothy P. Scahill (6287296)
BORKAN & SCAHILL, LTD.
Two First National Plaza
20 South Clark Street, Suite 1700
Chicago, Illinois 60603
(312) 580-1030

I certify that I served this Notice by electronically mailing a copy to each person to whom it is directed at the address above indicated by using the CM/ECF system on October 20th, 2023

/s/ Whitney N. Hutchinson
Whitney N. Hutchinson
Special Assistant Corporation Counsel