

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

MICHAEL JONES,)
Plaintiff,) Case No. 2023-cv-04975
v.)
CITY OF CHICAGO, et al.,) Honorable Judge Joan Gottschall
Defendants.) Magistrate Judge Jeffrey Cole

DEFENDANT OFFICERS' MOTION TO JOIN CO-DEFENDANT CITY OF CHICAGO'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT

NOW COME Defendants, OFFICER BRYAN COX, SGT. PETER THEODORE and DETECTIVE ROCCO PRUGER, by and through their attorneys, QUERREY & HARROW, LTD., and for their Motion to Join Co-Defendant City of Chicago's Motion to Dismiss Plaintiff's Complaint, state as follows:

1. Plaintiff, Michael Jones, has filed his Complaint alleging various § 1983 claims against Defendant Officers, as well as *Monell* and Malicious Prosecution claims against Defendant City. This cause of action stems from the circumstances surrounding Plaintiff's March 31, 2015 arrest and his 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 Officers. First, Plaintiffs' use of group pleading fails to provide adequate notice to Defendant Officers as to which exact claims are being brought against them. Further, Plaintiff's Complaint fails to satisfy Section 1983's personal involvement requirement because it does not adequately identify a plausible prospect of relief as to each individual Defendant Officer. Additionally, any Fourth Amendment False Arrest claim is barred by the statute of limitations. Plaintiff's Section 1983 Failure to Intervene should also be dismissed because it has no basis in the Constitution. Lastly, dismissal is also proper as to the Section Failure to Intervene and

Conspiracy claims because Plaintiff has failed to sufficiently plead an underlying constitutional violation.

3. Accordingly, Defendant Officer Cox, Sgt. Theodore, and Detective Pruger respectfully request to join Co-Defendant City's Motion to Dismiss and adopt the arguments therein because the arguments raised by Co-Defendant City are equally applicable to these individual Defendant Officers.

WHEREFORE, Defendants, OFFICER BRYAN COX, SGT. PETER THEODORE and DETECTIVE ROCCO PRUGER, respectfully request that this Court allow them to join Co-Defendant City of Chicago's Motion to Dismiss Plaintiff's Complaint, and for any other relief this Court deems just.

Respectfully Submitted,

By: /s/ Larry S. Kowalczyk
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