

0015/14-3080.WG

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

BRENDA RICE-DAVIS,

Plaintiff,

VS.

LAKISHA BANNISTER,
HOUSING AUTHORITY OF COOK
COUNTY (HACC),
Defendants.

NO: 15-cv-06348

JUDGE: Sharon Johnson Coleman

MAGISTRATE: Susan E. Cox

**DEFENDANTS' 12(b)(6) MOTION
TO DISMISS PLAINTIFF'S COMPLAINT**

NOW COME, Defendants, LAKISHA BANNISTER and the HOUSING AUTHORITY OF COOK COUNTY (hereinafter collectively referred to as "Defendants"), by and through one of their attorneys, DEBORAH A. OSTVIG, of JUDGE, JAMES & KUJAWA, LLC, and, pursuant to Federal Rule of Civil Procedure 12(b)(6), respectfully pray that this Honorable Court enter an order dismissing the Complaint of Plaintiff BRENDA RICE-DAVIS, for failure to state claims upon which relief can be granted. In support of this motion, these Defendants state as follows unto this Honorable Court:

1. *Pro se* Plaintiff, Brend Rice-Davis, filed her original Complaint in this matter on June 22, 2015 in the Sixth Municipal District of the Circuit Court of Cook County asserting claims against Defendants pursuant to the Voting Rights Act of 1965 § 2 *et seq.*, 42 U.S.C.A. § 1973 *et seq.*

2. Subsequently, this matter was removed to Federal Court on July 21, 2015.

3. The purported Voting Act violations must be dismissed, because Plaintiff does not even begin to plead facts that would establish Defendants violated her Voting Rights. Plaintiff does not allege, because she cannot, that Ms. Bannister was any type of local voting official. Moreover, there are no claims that Plaintiff was not allowed to register to vote prior to the March 10, 2015 deadline. Moreover Plaintiff's claims do not establish any "serious and widespread" departure from propriety by local voting officials.

WHEREFORE Defendants, LAKISHA BANNISTER and the HOUSING AUTHORITY OF COOK COUNTY, respectfully pray that this Court grant their Motion to Dismiss Plaintiff's Complaint with prejudice pursuant to Rule 12(b)(6).

Respectfully Submitted,

s/ Deborah A. Ostvig

DEBORAH A. OSTVIG, Atty No. 628 7031
MICHAEL E. KUJAWA , Atty No. 6244621
JUDGE, JAMES & KUJAWA, LLC
Attorneys for Defendants,
LAKISHA BANNISTER and THE HOUSING
AUTHORITY OF COOK COUNTY

JUDGE, JAMES & KUJAWA, LLC
422 N. Northwest Highway, Suite 200
Park Ridge, Illinois 60068
847/292-1200
847/292-1208 (fax)

CERTIFICATE OF SERVICE VIA ELECTRONIC FILING AND U.S. MAIL

The undersigned, an attorney, hereby certifies she caused a copy of the foregoing Defendants' 12(b)(6) Motion to Dismiss Plaintiff's Complaint to be electronically filed and served via U.S. Mail upon:

Brenda Rice-Davis, *pro se*
15306 South Robey Ave. Unit 410
Harvey Illinois 60643

Dated: August 20, 2015

s/ Deborah A. Ostvig

JUDGE, JAMES & KUJAWA, LLC
DEBORAH A. OSTVIG, Atty No. 628 7031
MICHAEL E. KUJAWA , Atty No. 6244621
Attorneys for Defendants,
LAKISHA BANNISTER and THE HOUSING
AUTHORITY OF COOK COUNTY

JUDGE, JAMES & KUJAWA, LLC
422 N. Northwest Highway, Suite 200
Park Ridge, Illinois 60068
847/292-1200
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