

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

CHARLES GOLBERT, COOK COUNTY PUBLIC	)	
GUARDIAN, ET AL.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 23-300
	)	
MARC D. SMITH, ET AL.,	)	Judge Martha M. Pacold
	)	
Defendants.	)	

**DEFENDANTS' MOTION TO DISMISS AND**  
**MOTION TO STRIKE CLASS ALLEGATIONS**

NOW COME the Defendants, Marc D. Smith, Debra Dyer-Webster, Beverly J. Walker, Lauren Williams, Ryan Goodwin, Antwan Turpeau, Janet Wukas Ahern, Jacquelin Dortch, Keith Polan, Ashley Deckert, Sari Rowitz, Karen Austin-Antoine, and the Illinois Department of Children and Family Services, by their attorney, Kwame Raoul, Attorney General for the State of Illinois, and pursuant to Fed. R. Civ. P. 12(b)(5) and 12(b)(6) move this Court to dismiss this action, and pursuant to Fed. R. Civ. P. 12(f) move to strike the class allegations, for the following reasons.

1. Plaintiffs' constitutional claims are barred by the Eleventh Amendment. In addition, Plaintiffs do not plead the elements of an individual capacity claim premised on personal involvement in a constitutional tort. Plaintiffs also do not identify the constitutional right that they claim Defendants violated. And Defendants are entitled to qualified immunity.

2. Plaintiffs do not state a claim for relief under the Rehabilitation Act or the Americans with Disabilities Act.

3. Plaintiffs' class allegations are facially and inherently deficient, and should be stricken.

4. Defendants have filed a memorandum in support of their motion to dismiss and motion to strike class allegations.

WHEREFORE, for the foregoing reasons and for the reasons stated in Defendants' memorandum in support of their motion to dismiss and motion to strike class allegations, Defendants respectfully request that this Honorable Court grant their motion to dismiss and motion to strike class allegations.

Dated: June 1, 2023  
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Respectfully submitted,  
KWAME RAOUL  
Illinois Attorney General  
By: s/Barbara L. Greenspan  
Barbara L. Greenspan

**CERTIFICATE OF SERVICE**

The undersigned, an attorney of record, hereby certifies that, on June 1, 2023, she caused to be filed through the Court's CM/ECF system a copy of Defendants' Motion to Dismiss and Motion to Strike Class Claims. Parties of record may obtain a copy of this filing through the Court's CM/ECF system.

/s/ Barbara L. Greenspan  
Barbara L. Greenspan