

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

FRANK HANEY, in his individual capacity, SCOTT ANDERSON, RICHARD CROSBY, ED GEESER, JAN MANSFIELD, DAVID DALE JOHNSON, JOHANNA KOSLOFSKI, DEE PREMO, KEVIN HORTSMAN, SARAH PIPITONE, ANTHONY PIPITONE, DENNIS GREIER, JUDY GREIER, BECKY ECKER, MARK BEAULIEU, JANICE BUTITTA, JIM BUTITTA, JODI AMANS, JACKIE SCIORTINO, KEITH THOMPSON, BRENDAN BLACKLER, LORRAINE BLACKLER, KRISTIN DIXON, LESLIE HANEY, MARILYN PALADINO, JOHN PALADINO, NICK PALADINO, DOM GRISANZIO, BARB BETTS, BRENDA CHRISTIANSEN, KEN CHRISTIANSEN, PATRICIA ALMS, GARY ALMS, BILL GELSHEN, JANETTE GRISANZIO, VITO GRISANZIO, MICHAEL GRISANZIO, PHYLLIS GRISANZIO, FRANK GIAMMARESE, ROBERT HANEY, MARY JO HANEY, WILLIAM GEHLSSEN, MARY KAY GEHLSSEN, DOMINIC PALADINO, JENNIFER LAVASSEUR and BRIAN MAIER,

Plaintiff,

v.

No. 3:19-cv-50191

WINNEBAGO COUNTY BOARD, THE COUNTY OF WINNEBAGO, DAVID BOOMER, in his official capacity, DAVE FIDUCCIA, in his official capacity, JOE HOFFMAN, in his official capacity, FRED WESCOTT, in his official capacity, JIM WEBSTER, in his official capacity, JAMIE SALGADO, in his official capacity, ANGIE GORAL, in her official capacity, DOROTHY REDD, in her official capacity, DAVE TASSONI, in his official capacity, BURT GERL, in his official capacity, STEVE SCHULTZ, in his official capacity, KEITH MCDONALD, in his official capacity, and PAUL ARENA, in his official capacity,

Defendants.

PLAINTIFFS' MOTION FOR VOLUNTARY DISMISSAL
PURSUANT TO F.R.C.P. 41(a)(2)

Plaintiffs Frank Haney (“Haney”) and Scott Anderson, Richard Crosby, Ed Geeser, Jan Mansfield, David Dale Johnson, Johanna Koslofski, Dee Premo, Kevin Hortsman, Sarah Pipitone, Anthony Pipitone, Dennis Greier, Judy Greier, Becky Ecker, Mark Beaulieu, Janice Butitta, Jim Butitta, Jodi Amans, Jackie Sciortino, Keith Thompson, Brendan Blackler, Lorraine Blackler, Kristin Dixon, Leslie Haney, Marilyn Paladino, John Paladino, Nick Paladino, Dom Grisanzio, Barb Betts, Brenda Christiansen, Ken Christiansen, Patricia Alms, Gary Alms, Bill Gelshen, Janette Grisanzio, Vito Grisanzio, Michael Grisanzio, Phyllis Grisanzio, Frank Giammarese, Robert Haney, Mary Jo Haney, William Gehlsen, Mary Kay Gehlsen, Dominic Paladino, Jennifer Lavasseur and Brian Maier (“Citizen Plaintiffs”) (collectively, the “Plaintiffs”), by and through their attorneys, Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd. and Daniel Law Office, P.C., moves for voluntary dismissal, without prejudice, pursuant to the Federal Rules of Civil Procedure 41(a)(2), and in support thereof, states as follows:

1. On August 12, 2019, Plaintiffs filed a Verified Complaint for Injunctive and Declaratory Relief with this Court alleging that the Defendants violated the Plaintiffs’ right to vote, violated Haney’s due process and equal protection rights, and retaliated against Haney in violation of his freedom of speech when the Defendants restricted Haney’s ability to speak at Board meetings and passed and implemented various ordinances which stripped Haney of his duties and responsibilities for which he was elected and constructively terminated Haney from his position midterm.

2. On August 19, 2019, Plaintiffs filed a Motion for Preliminary Injunction.

3. On November 19, 2019, this Court held a hearing on Plaintiffs’ Motion for Preliminary Injunction.

4. On March 18, 2020, this Court entered an Order denying Plaintiffs' Motion for Preliminary Injunction.

5. Plaintiffs directed the undersigned attorneys to voluntarily dismiss this matter without prejudice. The requested dismissal will not prejudice Defendants as there are no pending counterclaims.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court grant its motion and enter an order dismissing the above-captioned matter in its entirety, without prejudice, pursuant to the Federal Rules of Civil Procedure 41(a)(2).

Respectfully submitted,

Haney and Citizen Plaintiffs

By: /s/ Kenneth M. Florey
One of their attorneys

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CERTIFICATE OF SERVICE BY ELECTRONIC MAILING

I hereby certify that I electronically filed Plaintiffs' Motion for Voluntary Dismissal Pursuant to F.R.C.P. 41(a)(2) with the Clerk of the Court using the CM/ECF system on this 12th day of August, 2020, which constitutes service on all counsel of record, registered filing users, pursuant to Fed. R. Civ. P. 5(b)(2)(E) and L.R. 5.9:

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/s/ Kenneth M. Florey

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