

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.1  
Eastern Division**

Gregory Koger

Plaintiff,

v.

Case No.: 1:13-cv-07150

Honorable Matthew F. Kennelly

Thomas J. Dart, et al.

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Monday, March 3, 2014:

MINUTE entry before the Honorable Matthew F. Kennelly: The Court denies defendant's motion to dismiss. As the Court previously stated in an oral ruling, the complaint states a claim; defendant's contention that the claim lacks merit because plaintiff suffered no actual damage but only nominal damage is legally frivolous, because the law permits a person to sue for violation of his constitutional rights in this situation even if he suffered no tangible monetary loss. Defendant also argues that plaintiff lacks standing to seek injunctive relief. Perhaps so—there is a strong probability that plaintiff will be unable to obtain a permanent injunction due to the absence of a likelihood that he will be subjected to the challenged practice in the future—but because plaintiff has stated a claim for damages that he clearly has standing to pursue, the Court need not determine definitively at this point exactly what types of relief plaintiff may obtain if he prevails. That is appropriately be taken up if and when it becomes an issue. The request for an injunction is not a separate claim for relief that the Court can or should deal with separately at this point; it is a request for a type of relief on the single claim that plaintiff has made. Defendant is directed to answer the complaint by no later than 3/17/2014, and both sides are directed to make Rule 26(a)(1) disclosures by that same date. The status hearing set for 3/5/2014 is vacated and reset to 3/19/2014 at 9:00 a.m. and will be held in chambers (Room 2188), for the purpose of setting a discovery and pretrial schedule. (mk)

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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