

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

APRIL ORTIZ, as Administrator)	
for the ESTATES OF MAY MOLINA)	
and MICHAEL ORTIZ, Deceased,)	
and SHANNON GUZMAN,)	
)	
Plaintiffs,)	
)	
v.)	No. 04 C 7423
)	
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION

Before the court is plaintiffs' motion for leave to file an amended complaint.

Plaintiffs will be granted leave to amend the complaint to add allegations regarding the "over-detention" of Michael Ortiz, the "over-detention" of May Molina, and the denial of medical attention to May Molina. Plaintiffs also will be granted leave to add an equal protection claim. We are mindful of the liberal approach to amendments set forth in Federal Rule of Civil Procedure 15. The proposed amendments cannot be considered an unfair surprise to defendants, and defendants have not shown that they will be prejudiced. Moreover, it is not apparent that the amendments are futile, as defendants contend.

Plaintiffs may also add the allegation that unidentified City employees committed constitutional violations (for purposes of the Monell claim) but should not add these unknowns as parties or include them in the case caption.

Several issues raised by defendants are now moot. Plaintiffs no longer seek leave to supplement their allegations of damages under the Illinois Wrongful Death Act. They have also indicated that the amended complaint will not refer to Jeff Nelson and that April Ortiz's claims will be asserted only in her capacity as administrator of the estates of Michael Ortiz and May Molina.

Defendants' arguments regarding the disorganized nature of previous complaints are well taken. The amended complaint should not include previously-dismissed claims or parties. Each claim should specify which plaintiffs are asserting the claim and should list, by name, each defendant against whom the claim is asserted.

CONCLUSION

Plaintiffs' motion for leave to file an amended complaint is granted, and plaintiffs may file by May 7, 2008 a Fifth Amended Complaint that comports with this opinion.

DATE: April 25, 2008

ENTER:



John F. Grady, United States District Judge