

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

Anthony Nance and Bettie Nance,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 06 CV 6608
	)	
City of Elgin,	)	Judge Manning
	)	
Defendant.	)	Magistrate Judge Denlow
	)	

**DEFENDANT’S RULE 50(A) MOTION FOR JUDGMENT AS A MATTER OF LAW**

Defendant, the City of Elgin (“the City”), pursuant to Federal Rule of Civil Procedure 50(a), moves for Judgment as a Matter of Law. The basis for this motion is that, based upon the evidence presented at trial, a reasonable jury would not have a legally sufficient evidentiary basis to find for Plaintiffs.

The evidence presented at trial establishes that the Elgin Liquor Control Commission made its determination to revoke the Plaintiffs’ liquor license based upon its honest and good faith judgment that Plaintiffs had violated Elgin liquor laws and the December 1, 2004 Stipulation and Agreed Order. The Elgin Liquor Control Commission based its decision on evidence presented at the December 17, 2004 hearing from police officers and Plaintiffs, documentary exhibits and video evidence. There is no evidence that the decision was based on anything other than that evidence and legitimate reasons. Furthermore, the Elgin Liquor Control Commission’s decision was affirmed by the State of Illinois Liquor Control Commission. No reasonable jury could find that the December 17, 2004 decision was motivated by Plaintiffs’ race.



**CERTIFICATE OF SERVICE**

I hereby certify that on September 29, 2010, I electronically filed the foregoing Defendant's Rule 50(a) Motion with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

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By /s/ Thomas J. Piskorski  
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