

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

Michael Braun, et al.,)	
)	
Plaintiffs,)	Case No. 21 C 50003
)	
vs.)	
)	
City of McHenry, et al.,)	Judge Philip G. Reinhard
)	
Defendants.)	

ORDER

The court has diversity of citizenship jurisdiction. 28 U.S.C. § 1332(a). Plaintiffs’ motion [102] is granted. Jennifer Samuels is dismissed as a plaintiff. All claims against all defendants are dismissed with prejudice except for the state law malicious prosecution claim. The claim that remains is the claim by Braun under Illinois law against Powers, Sgt. Cox, Sgt. McKeen, Ofc. Polidori, Ofc. Lorenz, Ofc. Pardue, and the City of McHenry (on a *respondeat superior* theory) for malicious prosecution.

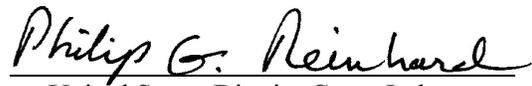
STATEMENT-OPINION

Defendants have filed their statements of citizenship. [99] [100] [101] All defendants are citizens of Illinois. Plaintiffs have filed a motion [102] in which Jennifer Samuels asks to withdraw as a plaintiff and Michael Braun moves to proceed in this court on the single malicious prosecution state law claim, thus invoking this court’s diversity of citizenship jurisdiction. Braun is a citizen of Wisconsin and the amount in controversy exceeds \$75,000 so the court has diversity jurisdiction. 28 U.S.C. § 1332(a).

Braun and Samuels motion [102] is granted. Jennifer Samuels is dismissed as a plaintiff in this case. All claims against all defendants are dismissed with prejudice except for the state law malicious prosecution claim. The claim that remains is the claim by Braun under Illinois law against Powers, Sgt. Cox, Sgt. McKeen, Ofc. Polidori, Ofc. Lorenz, Ofc. Pardue, and the City of McHenry (on a *respondeat superior* theory) for malicious prosecution. *See Beamon v. Freesmeyer*, No. 125617, 2021 WL 3204481, * 20 (Ill. July 29, 2021) (a recovery on a *respondeat superior* theory may be pursued under Illinois law where a state-law malicious prosecution claim is pled.)

Date: 3/08/2022

ENTER:


 United States District Court Judge