

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

ANNABEL K. MELONGO,)	
)	
Plaintiff,)	
)	
v.)	
)	
ASA ROBERT PODLASEK; ASA JULIE)	
GUNNIGLE; INVESTIGATOR KATE)	
O’HARA (Star No. 423; INVESTIGATOR)	Case No. 13-C-04924
JAMES DILLON (Star No. 1068;)	
INVESTIGATOR ANTONIO RUBINO)	Hon. John Z. Lee
(Star No. 5043; INVESTIGATOR RICH)	
LESIK (Star No. 5000; UNKNOWN)	
COOK COUNTY SHERIFF OFFICERS;)	
DR. MATTHEW S. MARKOS; LAUREL)	
LAUDIN; ASST. ATTY. GENERAL KYLE)	
FRENCH; COOK COUNTY SHERIFF)	
THOMAS DART; COOK COUNTY.,)	
Defendants.		

**DEFENDANT FORMER ASSISTANT ATTORNEY GENERAL KYLE FRENCH’S
MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO
PLAINTIFF’S SECOND AMENDED COMPLAINT**

DEFENDANT FORMER ASSISTANT ATTORNEY GENERAL KYLE FRENCH, by and through his counsel, LISA MADIGAN, Attorney General for the State of Illinois, respectfully requests an extension of time to answer or otherwise respond to Plaintiff’s second amended complaint.

1. Undersigned counsel contacted counsel for Plaintiff who indicated that she opposes the relief sought.
2. Defendant Kyle French was served with the summons and second amended complaint on Saturday, January 17, 2015.
3. Pursuant to Federal Rule of Civil Procedure 12, a defendant must serve an answer or other responsive pleading within 21 days after service.

4. Because the 21st day falls on a Saturday, Federal Rule of Civil Procedure 6 extends the date to the following Monday, February 9, 2015.

5. On January 9, 2015, other defendants in this matter filed motions to dismiss the second amended complaint.

6. Among those who moved to dismiss the complaint are the Cook County State's Attorney defendants.

7. As set forth in Plaintiff's complaint, the Plaintiff's claims against Defendant Kyle French as a former assistant attorney general are the same as those against the other prosecutors involved in the underlying criminal proceedings.

8. At the status hearing on January 13, 2015 (before Defendant French was served), the Court entered a briefing schedule on the motions to dismiss.

9. Pursuant to the Court's January 13, 2015 briefing schedule, Plaintiff is to submit her response to the motions by February 13, 2015 and the replies are then due on February 27, 2015.

10. Defendant French anticipates filing a motion to dismiss similar to the motion to dismiss filed on behalf of the Cook County State's Attorney defendants.

11. Because the determination of the pending motions to dismiss will necessarily determine the outcome of Defendant French's anticipated motion, there is no benefit to the parties to have Defendant French file his own motion to dismiss and initiate a separate briefing schedule.

12. For that reason, Defendant French requests an extension of time to answer or otherwise plead until one week following the Court's decision on the pending motions to dismiss.

13. Defendant French has not previously sought nor obtained an extension of time in this matter.

14. The instant motion is not made for the purposes of undue delay or any other improper purpose.

15. The instant motion may actually promote judicial economy by obviating the need for separate motions, briefing schedules, etc.

WHEREFORE, for the foregoing reasons, Defendant Kyle French, respectfully requests this Court to grant an extension of time to Answer or Otherwise Respond to the Complaint for one week following the Court's decision on the other defendants' pending motions to dismiss.

Date: January 23, 2015

Respectfully submitted,

\s\ Thor Y. Inouye
Thor Y. Inouye
Assistant Attorney General
General Law Bureau
100 West Randolph Street, 13th Floor
Chicago, Illinois 60601
PHONE: (312) 814-3889
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MARKOS; LAUREL LAUDIN; ASST. ATTY.)	
GENERAL KYLE FRENCH; COOK COUNTY)	
SHERIFF THOMAS DART; COOK COUNTY.,)	
Defendants.)	

NOTICE OF MOTION

TO: Jennifer Bonjean, 142 Joralemon St., Suite 5 A, Brooklyn, NY 10004
 Christopher Smith, 1 North LaSalle Street, Suite 3040, Chicago, IL 60602
 Stephen L. Garcia and Thomas Edward Nowinski, Cook County State's Attorney, 500 Richard J. Daley Center, Chicago, IL 60602
 Christopher S. Wunder and Eric D Kaplan, Kaplan Papadakis & Gournis, P.C., 180 N. LaSalle Street, Suite 2108, Chicago, IL 60601

PLEASE TAKE NOTICE that on January 29, 2015 at 9:00 a.m., or as soon thereafter as I may be heard, I shall present the attached motion for extension of time before the Honorable Judge John Z. Lee, or anyone sitting in his stead, in courtroom 1225.

Undersigned certifies that the notice and attached motion for extension of time to answer or otherwise plead was electronically served on the above listed individuals *via* CM/ECF.

Date: January 23, 2015

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