

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

ANNABEL MELONGO,

Plaintiff,

v.

ASA ROBERT PODLASEK; ASA JULIE GUNNIGLE; INVESTIGATOR KATE O'HARA (Star No. 423); INVESTIGATOR JAMES DILLON (Star No. 1068); INVESTIGATOR ANTONIO RUBINO (Star No. 5043); INVESTIGATOR RICH LESIAK (Star No. 5000); UNKNOWN COOK COUNTY SHERIFF OFFICERS; DR. MATTHEW S. MARKOS; ASST. ATTY. GENERAL KYLE FRENCH; COOK COUNTY SHERIFF THOMAS DART; COOK COUNTY; INVESTIGATOR RANDY ROBERTS; SCHILLER PARK DET. WILLIAM MARTIN; VILLAGE OF SCHILLER PARK; CAROL SPIZZIRRI,  
Defendants.

No. 13-cv-4924

Judge John Z. Lee

**DEFENDANT CAROLE SPIZZIRRI'S MOTION TO VACATE ANY  
AND ALL DEFAULTS AND FOR LEAVE TO FILE HER RESPONSIVE PLEADING**

Defendant, CAROLE SPIZZIRRI, by her undersigned counsel, Donald J. Angelini, Jr. of the Law Firm of Angelini & Angelini, respectfully moves this Honorable Court to vacate any and all defaults entered against her and grant her leave to file her responsive pleading to Plaintiff's Second Amended Complaint within twenty one (21) days, on or before August 3, 2015. In support therefore, she states as follows:

1. On July 10, 2013, Plaintiff, ANNABEL MELONGO, filed her original Complaint. (Docket 1). Plaintiff subsequently filed her First Amended Complaint on June 5, 2014. (Dkt. 24). Thereafter, Plaintiff filed a Second Amended Complaint on November 5, 2014. (Dkt. 48).

2. The November 5, 2014 Second Amended Complaint was the first instance in which CAROLE SPIZZIRRI was named as a Defendant in this matter.
3. Plaintiff issued summons as to Defendant SPIZZIRRI on November 10, 2014. It appears on the Court's docket that summons was served on Defendant SPIZZIRRI on November 19, 2014, but the return of service was not filed by Plaintiff until June 18, 2015. (Dkt. 78). The Court's docket entry on June 18, 2015 states that Defendant SPIZZIRRI's answer was due six months prior – by December 10, 2014. (Dkt. 78).
4. According to the summons returned as executed, Defendant SPIZZIRRI was served by substitute service in San Marcos, California. (Dkt. 78).
5. Also on June 18, 2015, Plaintiff filed her Request for Default against Defendant SPIZZIRRI. (Dkt. 79). As far as Defendant's counsel can tell, as of the filing of this Motion, no entry of default had actually been entered against Defendant SPIZZIRRI.
6. Defendant SPIZZIRRI has now engaged her current counsel to represent her in this matter. Less than one month after the Request for Default, Defendant SPIZZIRRI's counsel filed his appearance, (Dkt. 85), and the instant Motion.
7. Fed. R. Civ. P. 55(c) allows this Court to “set aside an entry of default for good cause.”
8. If a default has been entered against Defendant SPIZZIRRI, she now respectfully requests this Court vacate any and all defaults entered against her in this matter.
9. Further, Defendant SPIZZIRRI respectfully requests this Court grant her 21 days, until August 3, 2015, to file her responsive pleading. This is still well before the Court's due date of August 21, 2015 for all parties to confer and file a joint proposed discovery schedule and the next status hearing of August 26, 2015. (Dkt. 77).

10. This is Defendant's first request for an extension of time, and the instant motion is not made for purposes of undue delay or any other improper purpose.

WHEREFORE, Defendant, CAROLE SPIZZIRRI, respectfully requests this Court vacate any and all defaults entered against her and grant her leave to file her responsive pleading to Plaintiff's Second Amended Complaint on or before August 3, 2015.

Dated: July 10, 2015

Respectfully Submitted,

/s/ Donald J. Angelini, Jr.  
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Counsel for Defendant  
CAROLE SPIZZIRRI

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(Star No. 423); INVESTIGATOR JAMES DILLON  
(Star No. 1068); INVESTIGATOR ANTONIO  
RUBINO (Star No. 5043); INVESTIGATOR RICH  
LESLIAK (Star No. 5000); UNKNOWN COOK  
COUNTY SHERIFF OFFICERS; DR. MATTHEW  
S. MARKOS; ASST. ATTY. GENERAL KYLE  
FRENCH; COOK COUNTY SHERIFF THOMAS  
DART; COOK COUNTY; INVESTIGATOR  
RANDY ROBERTS; SCHILLER PARK DET.  
WILLIAM MARTIN; VILLAGE OF SCHILLER  
PARK; CAROL SPIZZIRRI,

Defendants.

No. 13-cv-4924

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**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that on **July 28, 2015 at 9:00 a.m.**, or as soon thereafter as I may be heard, I shall appear before the Honorable Judge John Z. Lee or any judge sitting in his stead in Courtroom 1225 of the U.S. District Court of the Northern District of Illinois, Eastern Division, 219 South Dearborn St., Chicago, Illinois and shall present **Plaintiff's Motion to Vacate Any and All Defaults and for Leave to File her Responsive Pleading.**

**CERTIFICATE OF SERVICE**

I, Donald J. Angelini, Jr., hereby certifies that on July 10, 2015, I electronically filed a copy of the foregoing document with the Clerk of the Court using the Court's CM/ECF system, which will send notification of such filing to all counsel of record:

**SEE BELOW SERVICE LIST.**

**Dated: July 10, 2015**

/s/ Donald J. Angelini, Jr.

**SERVICE LIST – Melongo v. Spizzirri, et al.**

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