

**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
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

Judge John Z. Lee

AFFIRMATIVE DEFENSES OF DEFENDANT, CAROL SPIZZIRRI

NOW COMES Defendant, CAROL SPIZZIRRI, by and through her attorney, Donald J. Angelini, Jr. of the Law Firm of Angelini & Angelini, and for her Affirmative Defenses to Plaintiff, ANNABEL K. MELONGO's, Second Amended Complaint, states as follows:

**FIRST AFFIRMATIVE DEFENSE
Statute of Limitations**

To the extent Plaintiff filed suit against this Defendant for claims arising outside the applicable statutes of limitation, those claims are time-barred. The applicable statutes of limitations are: (1) one year for slander, (2) five years for fraud and civil conspiracy, (3) two years for negligent infliction of emotional distress, (4) two years for intentional infliction of

emotional distress, and (5) two years for false arrest, false imprisonment, malicious prosecution and conspiracy.

SECOND AFFIRMATIVE DEFENSE
Failure to Mitigate Damages

Despite her duty, Plaintiff failed to mitigate the damages she alleges she sustained.

THIRD AFFIRMATIVE DEFENSE
Contributory Acts of the Plaintiff

To the extent any injuries or damages claimed by Plaintiff were proximately caused, in whole or in part, by the negligent, willful, wanton and/or other wrongful conduct on the part of the Plaintiff, any verdict or judgment obtained by Plaintiff must be reduced by application of the principles of comparative fault, by an amount commensurate with the degree of fault attributed to Plaintiff by the jury in this cause.

FOURTH AFFIRMATIVE DEFENSE
Laches

Plaintiff's claims are barred by the doctrine of laches as Plaintiff failed to file her complaint against this Defendant in a reasonable time, and therefore this Defendant has been prejudiced.

WHEREFORE, Defendant, CAROL SPIZZIRRI, respectfully requests that this Court enter judgment in her favor and against Plaintiff, that this action be dismissed with prejudice, and that costs be assessed against Plaintiff.

Dated: August 19, 2015

Respectfully Submitted,

/s/ Donald J. Angelini, Jr.
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Counsel for Defendant, Carol Spizzirri.

