

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

ELLEN MISHAGA,)	
)	
Plaintiff,)	
)	
-vs-)	No. 10-3187
)	
JONATHON MONKEN, Director of)	
the Illinois Department of State Police;)	
MICHAEL VORREYER, Master Sergeant,)	
Illinois Department of State Police,)	
)	
Defendant.)	

**DEFENDANTS’ RENEWED MOTION FOR SUMMARY JUDGMENT AND RESPONSE
TO PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT FILED OCTOBER 31, 2014**

NOW COME the Defendants, HIRAM GRAU, Director of the Illinois State Police¹, and MICHAEL W. VORREYER (“Defendants”), by and through their counsel, LISA MADIGAN, Attorney General for the State of Illinois, and adopt their previously-filed motion for summary judgment which has been filed previously with this court, as well as their previously-filed response to Plaintiff’s Motion for Summary Judgment filed on October 31, 2014.

This Court’s September 30, 2014 order (Doc. #37) denied both parties’ motions for summary judgment with leave to refile. The court asked the parties’ refiled briefs to address two additional questions. The Defendants have addressed those questions in Doc. #38, filed in response to the specific questions identified in the Court’s September 30 order. To the extent that the record needs to be made clear, Defendants, by this Response, re-adopt and re-file their previous motion for summary judgment and supporting memorandum (Doc. #19 & #20), their

¹Jonathan Monken is no longer the Director of the Illinois State Police (“Director”). As this matter is proceeding against the Director in his official capacity, Mr. Monken’s successor, Hiram Grau, is automatically substituted for Mr. Monken as a Defendant in this matter pursuant to Fed. R. Civ. P. 25(d).

response to Plaintiff's Motion for Summary Judgment (Doc. #23), and their reply to Plaintiff's Response to Defendant's Motion for Summary Judgment (Doc. #25). Defendants wish to preserve the record, and make clear that they wish to adopt and re-file their previously-filed motion for summary judgment, response and reply as their renewed motion for summary judgment, response and reply, but see no need to re-file pleadings which have already been filed or address issues which have already been addressed and thereby clutter the court's file with cumulative material.

WHEREFORE, Defendants adopt and re-file Documents numbered 19, 20, 23 and 25 as their renewed motion for summary judgment and as their reply to Plaintiff's motion for summary judgment, and ask the court to consider Doc. #38, filed in response to the Court's September 30, 2014 order, as part of their motion for summary judgment.

Respectfully Submitted,

HIRAM GRAU and MICHAEL
VORREYER,

Defendants,

LISA MADIGAN, Attorney General,
State of Illinois

Attorney for Defendants,

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-vs-)	No. 10-3187
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JONATHON MONKEN,)	
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Defendants.)	

CERTIFICATE OF SERVICE

I, Deborah Barnes, Assistant Attorney General, hereby certify that on November 14, 2014, I electronically filed the foregoing *Defendants’ Renewed Motion For Summary Judgment And Response To Plaintiff’s Motion For Summary Judgment Filed October 31, 2014* with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following counsel of record for Plaintiff:

Steven J. Lechner
lechner@mountainstateslegal.com

and I hereby certify that on November 14, 2014, I mailed by United States Postal Service, the document to the following non-registered participant:

None

s/ Deborah Barnes
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