

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS**

CURTIS LOVELACE, LOGAN LOVELACE,
LINCOLN LOVELACE & CHRISTINE
LOVELACE ON BEHALF OF HER MINOR
SON LARSON LOVELACE,

Plaintiffs,

v.

DET. ADAM GIBSON, POLICE CHIEF
ROBERT COPLEY, SGT. JOHN SUMMERS,
LT. DINA DREYER, DET. ANJANETTE
BISWELL, UNKNOWN QUINCY POLICE
OFFICERS, GARY FARHA, CORONER
JAMES KELLER, THE CITY OF QUINCY,
AND COUNTY OF ADAMS,

Defendants.

Case No. 17 CV 01201

The Honorable Judge Sue Myerscough

**ORAL ARGUMENT AND HEARING
REQUESTED**

QUINCY DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT

NOW COME Det. Adam Gibson, Police Chief Robert Copley, Sgt. John Summers, Lt. Dina Dreyer, Det. Anjanette Biswell, and the City of Quincy (hereinafter “the Quincy Defendants”), and move this Court pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment in their favor, and in support of that Motion state the following:

1. Plaintiffs have filed an eleven-count Complaint against defendants seeking recovery under federal and state law arising out of his arrest and prosecution for the murder of Corey Lovelace on February 14, 2006.

2. In Count I, plaintiff Curtis Lovelace alleges a due process violation by all defendants under 42 U.S.C. §1983 for failure to make required disclosures under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194 (1963).

3. In Count II, plaintiff Curtis Lovelace alleges a malicious prosecution claim under 42 U.S.C. §1983 against all defendants for initiating, continuing, and perpetuating judicial proceedings against him without any probable cause to do so.

4. In Count III, plaintiffs Logan, Lincoln and Larson Lovelace allege unlawful detention against the Quincy Defendants under 42 U.S.C. §1983.

5. Count IV alleges a conspiracy count against all individual defendants under 42 U.S.C. §1983 for conspiracy to deprive plaintiffs of their constitutional rights.

6. In Count V, plaintiffs Logan, Lincoln and Larson Lovelace allege a state law claim for false imprisonment against the Quincy Defendants.

7. In Count VI, plaintiffs allege a claim for failure to intervene against all defendants under 42 U.S.C. §1983.

8. Count VII alleges a state law claim for intentional infliction of emotional distress by all plaintiffs against all defendants.

9. Count VIII alleges a state law claim for malicious prosecution by plaintiff Curtis Lovelace against all defendants.

10. In Count IX, plaintiffs alleges a state law claim for civil conspiracy against all individual defendants.

11. Counts X and XI are derivative claims brought by all plaintiffs against all defendants for *respondeat superior* and indemnification of the individual defendants.

12. In addition, counsel for plaintiffs has indicated to the undersigned counsel that plaintiffs are voluntarily dismissing defendant Det. Anjanette Biswell from the case.

13. Defendants are not moving for summary judgment on Counts III and V brought by Logan, Lincoln, and Larson Lovelace, but for all of the reasons set forth in the Quincy

Defendants' Memorandum of Law in Support of their Motion for Summary Judgment, the Quincy defendants are entitled to summary judgment on all of plaintiffs' other claims.

WHEREFORE, Defendants Det. Adam Gibson, Police Chief Robert Copley, Sgt. John Summers, Lt. Dina Dreyer, and the City of Quincy, pray that this court enter judgment in their favor and against the plaintiffs, and for an order dismissing Det. Anjanette Biswell as a defendant in this case.

Respectfully submitted,

/s/ Ellen K. Emery

ELLEN K. EMERY / ARDC# 6183693

One of the attorneys for Defendants

Adam Gibson, Robert Copley, John Summers,

Dina Dreyer, Anjanette Biswell and

the City of Quincy

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CERTIFICATE OF SERVICE

The undersigned, one of the attorneys of record herein, hereby certifies that on **July 8, 2019**, the foregoing **QUINCY DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** was e-mailed to the below counsel of record:

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

CURTIS LOVELACE, LOGAN LOVELACE,)
LINCOLN LOVELACE and CHRISTINE)
LOVELACE on behalf of her minor son,)
LARSON LOVELACE,)

Plaintiffs,)

vs.)

Case No. 17-cv-01201

DET. ADAM GIBSON, POLICE CHIEF)
ROBERT COPLEY, SGT. JOHN SUMMERS,)
LT. DINA DREYER, DET. ANJANETTE)
BISWELL, UNKNOWN QUINCY POLICE)
OFFICERS, GARY FARHA, CORONER)
JAMES KELLER, THE CITY OF QUINCY)
and COUNTY OF ADAMS,)

Defendants.)

**DEFENDANTS GARY FARHA, JAMES KELLER AND ADAMS COUNTY'S
MOTION FOR SUMMARY JUDGMENT**

Comes now Defendants Gary Farha, James Keller and Adams County ("Adams County Defendants"), by and through their attorneys Schmiedeskamp Robertson Neu & Mitchell, LLP, pursuant to Fed.R.Civ.Pro. 56 and Local Rule 7.1(D)(1), and hereby file their Motion for Summary Judgment on all Counts and state as follows:

1. Plaintiffs have filed an 11 Count Complaint on May 8, 2017 against the Defendants. Except for Counts 3, 5 and 10, the remaining Counts are directed against these Defendants.
2. After two (2) years of litigation, Plaintiffs have failed to come forth with evidence that creates a genuine issue of material fact as to the Adams County Defendants and therefore summary judgment is appropriate on behalf of the Defendants as a matter of law. The Adams

County Defendants seek summary judgment in their favor and against Plaintiffs on all Counts directed against them.

3. Defendants hereby adopt and incorporate by reference their Memorandum of Law in Support of their Motion for Summary Judgment under Rule 56 and Local Rule 7.1.

WHEREFORE, Defendants Gary Farha, James Keller and Adams County hereby request summary judgment be granted in their favor and against all Plaintiffs, on all counts, they be awarded their attorneys' fees, costs and expenses incurred in this litigation, and for such other and further relief as the Court deems just and proper.

By: /s/ James A. Hansen

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of July, 2019, I e-mailed the foregoing to the following:

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By: /s/ James A. Hansen

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