

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

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|--|---|----------------------------|
| DIANA KRADLE AND JOSHUA SISLER, |) | |
| as Co-Independent Administrators of the |) | |
| Estate of JACKSON KRADLE, Deceased, |) | |
| |) | |
| Plaintiffs, |) | Case No. 3:25-cv-50314 |
| |) | |
| v. |) | Judge Rebecca R. Pallmeyer |
| |) | |
| MATTHEW HERPSTREITH, |) | Magistrate Judge |
| AMY HUBLE, |) | Margaret J. Schneider |
| REBECCA FREDERICK, |) | |
| SHERIFF OF CARROLL COUNTY, ILLINOIS, |) | |
| CARROLL COUNTY, ILLINOIS, |) | |
| SCOTT MARTH, |) | |
| CITY OF MT. CARROLL, ILLINOIS, |) | |
| CITY OF SAVANNA, ILLINOIS, |) | |
| SAVANNA COMMUNITY AMBULANCE |) | |
| ASSOCIATION, |) | |
| 834 S JACKSON, LLC d/b/a THE COPPER COW, |) | |
| SIPPI-SIDE PUB & LIQUOR STORE INC., and |) | |
| SANDBURR RUN, LLC, |) | |
| |) | |
| Defendants. |) | |

**STIPULATION OF DISMISSAL OF DEFENDANTS SCOTT MARTH AND CITY OF
MT. CARROLL, ILLINOIS**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs asserted a claim against Defendant Marth pursuant to the First Amendment and Fourteenth Amendment for deprivation of right of access to the courts in Count VII to preserve this claim prior to the statute of limitations elapsing.

By agreement, Plaintiffs and Defendants Marth and the City of Mt. Carroll, Illinois stipulate this claim is not ripe and respectfully request that this Court voluntarily dismiss Count VII against Scott Marth and Count XIX against City of Mt. Carroll, Illinois without prejudice with leave to refile any claims within the applicable statute of limitations. Defendant Marth reserves the right to raise his qualified immunity defense and any other affirmative defenses to be asserted by Marth at the appropriate time.

All claims against Defendants Scott Marth and the City of Mt. Carroll, Illinois are dismissed from this case without prejudice. Defendants Scott Marth and the City of Mt. Carroll, Illinois no longer request a stay in participating in any discovery as raised in Paragraph 3.b of the Report of Parties 26(f) Planning Meeting. *See* Dkt. 91.

This lawsuit remains active to all other remaining defendants.

/s/ James C. Pullos

James C. Pullos

CLIFFORD LAW OFFICES, P.C.

120 N. LaSalle St., Suite 3600

Chicago, IL 60602

(312) 899-9090

jcp@cliffordlaw.com

Attorney for Plaintiffs

/s/ Brian P. Gainer

Brian P. Gainer

Jack A. Gainer

Lisa M. McElroy

JOHNSON & BELL, LTD.

33 W. Monroe St., Suite 2700

Chicago, IL 60603

(312) 372-0770

gainerj@jbltd.com; mcelroyl@jbltd.com; gainerb@jbltd.com;

Attorneys For Defendants Scott Marth and City of Mount Carroll, Illinois