

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted December 7, 2020

Decided December 8, 2020

Before

FRANK H. EASTERBROOK, *Circuit Judge*

DANIEL A. MANION, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 19-3395

JEANETTE S.R. LIPINSKI,
Plaintiff-Appellant,

Appeal from the United States
District Court for the Northern
District of Illinois, Eastern Division.

v.

No. 16 C 7153

YOLANDA CASTANEDA, et al.,
Defendants-Appellees.

Jorge L. Alonso,
Judge.

ORDER

In this suit alleging an unreasonable arrest, Jeanette Lipinski lost at summary judgment because she failed to comply with a local rule, of which she had notice, requiring her to cite evidence supporting her claim. After the defendants moved for summary judgment, the district court applied that rule to deem their facts admitted, and based on those admissions it entered summary judgment. Because district courts

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

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may reasonably require that even pro se litigants strictly comply with local rules, the district court did not abuse its discretion, and therefore we affirm.

Lipinski was charged in 2014 with poisoning her neighbors' dog. According to the defendants, the neighbors called the police when they smelled bleach and saw dead grass in their yard after their dog had become sick. The two police officers who responded observed the dead grass and an "overwhelming" bleach smell. The neighbors told the officers that they suspected that Lipinski had poured bleach in their yard and that it had sickened their dog, who now had whitened paws. Lipinski admitted to an officer that she had poured bleach along the fence between her yard and the neighbors'. The officer then arrested her. She was later charged with knowingly poisoning a domestic animal, see 510 ILCS 70/6 (2002), but acquitted after a trial.

After her acquittal, Lipinski brought this suit alleging two claims that she lost at summary judgment for lack of proof. The first count, under 42 U.S.C. § 1983 against the officers, alleges that they arrested her in violation of the Fourth Amendment; the second count is a state-law claim for malicious prosecution against the officers and the neighbors. (The district court dismissed Lipinski's other claims, and she does not contest those dismissals.) The defendants moved for summary judgment and filed a joint statement of material facts. Lipinski's response to that statement disputed several facts, but she cited no supporting evidence and did not offer facts of her own to show a genuine dispute. Because the defendants had supported their facts, which refuted liability, with admissible evidence and Lipinski offered no evidence to contest those facts, the court deemed each of the defendants' facts admitted under Local Rule 56.1. See N.D. Ill. L.R. 56.1(b)(3)(B) (non-movant's response "shall contain ... specific references" to the record). The court also noted that, by not filing a memorandum of law opposing summary judgment, Lipinski had waived opposition. Based on the admitted facts, the court granted summary judgment for the defendants.

Within the time to do so, Lipinski moved for reconsideration, advancing two arguments. First, she contended that she had tried to file a brief opposing summary judgment, but the clerk's office never docketed it. Second, she continued to dispute several of the defendants' stated facts. The court denied the motion because Lipinski had not shown "excusable neglect" under Rule 60(b) for failing to file a memorandum. In the court's view, because she electronically filed her documents, she needed to check that her filings were properly docketed, and neglecting to do so was not "excusable." In any event, the court continued, it rejected Lipinski's purported factual disputes for the

No. 19-3395

Page 3

same reason—her noncompliance with the local rule requiring her to cite evidence—that it gave in its summary-judgment ruling.

Lipinski raises only one argument on appeal: the district court abused its discretion when it applied Local Rule 56.1 to deem admitted the defendants' version of the facts. She points to her pro se status, asserts that by disputing the defendants' statement of facts under penalty of perjury she acted in good faith, and concludes that the court should have given her a chance to cure her defective response. Essentially, she argues that the district court erred by applying its local rule strictly. But "we have repeatedly held that district judges may strictly enforce local summary-judgment rules." *McCurry v. Kenco Logistics Servs., LLC*, 942 F.3d 783, 787 (7th Cir. 2019). And "pro se litigants are not excused from compliance with procedural rules." *Pearle Vision, Inc. v. Romm*, 541 F.3d 751, 758 (7th Cir. 2008). In light of the "substantial deference" we give to a judge's enforcement of local summary-judgment rules, *McCurry*, 942 F.3d at 787 n.2, Lipinski has given us no adequate reason to conclude that the district court abused its broad discretion.

Furthermore, even if ignorance of the local rule might lead a district court in its discretion to excuse noncompliance, Lipinski was not ignorant. She does not dispute that she had twice received instructions of her obligations under the local rule and the consequences for failing to meet them. Both the neighbors and the officers served her the required notices explaining that when a pro se litigant opposes a motion for summary judgment, the party must cite evidence disputing the defendants' facts, and that failure to do so could lead the court to deem those facts admitted. See N.D. ILL. L.R. 56.2 (providing text for notice that must be served on pro se litigants opposing summary judgment motion); *Timms v. Frank*, 953 F.2d 281, 285 (7th Cir. 1992) (requiring that pro se litigants opposing summary-judgment motion receive notice with consequences of inadequate response). Thus for this reason as well, the district court permissibly enforced Local Rule 56.1 after Lipinski had received notice of its requirements. See *Outlaw v. Newkirk*, 259 F.3d 833, 841-42 (7th Cir. 2001).

AFFIRMED

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 465-8850
www.us7courts.gov

ORDER

December 23, 2020

By the Court:

No. 19-3395	JEANETTE S.R. LIPINSKI, Plaintiff - Appellant v. YOLANDA CASTANEDA, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 1:16-cv-07153 Northern District of Illinois, Eastern Division District Judge Jorge L. Alonzo	

Upon consideration of the APPELLANT'S MOTION FOR EXTENSION OF TIME, filed on December 22, 2020, by the pro se appellant,

IT IS ORDERED that the motion is **DENIED**.

form name: *O_Order_BTC* (form ID: 178)

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

Aramark Uniform Servs., Inc., 368 F.3d 809, 817-18 (7th Cir. 2004). This does not, however, absolve the party putting forth the fact of the duty to support the fact with admissible evidence. See *Keeton v. Morningstar, Inc.*, 667 F.3d 877, 880 (7th Cir. 2012). The Court does not consider any facts that parties failed to include in their statements of fact, because to do so would rob the other party of the opportunity to show that the fact is disputed.

In this case, defendants put forth a joint statement of facts. Plaintiff has filed a response, in which plaintiff agrees that many of the facts are undisputed. Plaintiff states that other facts are disputed, but she does not cite any evidence to support her assertions that such facts are disputed. Thus, the Court has deemed admitted those facts that defendants have supported with admissible evidence, because plaintiff failed to controvert those facts with citation to evidence. The following facts are undisputed unless otherwise noted.

In July 2014, plaintiff and the Castanedas were next-door neighbors. Their backyards were separated by a fence.

On the afternoon of July 14, 2014, Yolanda Castaneda was in her backyard when she noticed an area of dead grass along her side of the fence that separated her yard from plaintiff's. She also noticed that the area smelled like bleach. A few days before, the Castanedas' dog had been vomiting, and, after Yolanda Castaneda noticed the smell of bleach, she also noticed her dog's paw pads were white, rather than black. When her husband, Alonso Castaneda, arrived home, he inspected the backyard and the dog. He, too, observed dead patches of grass, smelled the bleach and noticed the discolored paw pads on the dog. Yolanda Castaneda telephoned 911. She informed the operator that someone had poured bleach in her yard.

Soon, two officers, Lt. Bomter and Officer Cap, arrived at the Castanedas' house. The Castanedas told the officers that bleach had been poured into their yard. The Castanedas also

told the officers that they suspected their neighbor, plaintiff, had poured the bleach, because the bleach was along their shared fence line and because plaintiff had expressed her dislike of the Castanedas' dog. The Castanedas told the officers that the dog had been ill and that its paw pads were white. It is undisputed that everything the Castanedas told the officers was true.

The officers proceeded to the Castanedas' backyard to investigate. Lt. Bonner and Officer Cap noticed the dead grass along the fence line, and each also noticed the "overwhelming" smell of bleach.

The officers returned to the Police Station, where Officer Cap began writing an incident report. Lt. Bonner, for his part, telephoned plaintiff and invited her for an interview at the station, where she admitted to having poured bleach along the fence line.

The State of Illinois brought charges against plaintiff for poisoning a domestic animal. Yolanda Castaneda was subpoenaed and testified truthfully. She also tendered to the State's Attorney a bill she had paid for veterinary care, as well as a letter from a veterinarian, who stated the dog had exhibited symptoms of exposure to a chemical. Plaintiff was acquitted and filed this suit.

II. STANDARD ON A MOTION FOR SUMMARY JUDGMENT

Summary judgment shall be granted "if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed.R.Civ.P. 56(a). When considering a motion for summary judgment, the Court must construe the evidence and make all reasonable inferences in favor of the non-moving party. *Hutchison v. Fitzgerald Equip. Co., Inc.*, 910 F.3d 1016, 1021 (7th Cir. 2018). Summary judgment is appropriate when the non-moving party "fails to make a showing sufficient to establish the existence of an element essential to the party's case and on which that party will bear the burden of proof at trial."

Celotex v. Catrett, 477 U.S. 317, 322, 106 S.Ct. 2548, 91 L.Ed.2d 265 (1986). "A genuine issue of material fact arises only if sufficient evidence favoring the nonmoving party exists to permit a jury to return a verdict for that party." *Brummett v. Sinclair Broadcast Group, Inc.*, 414 F.3d 686, 692 (7th Cir. 2005).

III. DISCUSSION

The Court notes that while plaintiff filed a response to the statement of facts (without citation to evidence), she did not file a memorandum of law in opposition to defendants' motions or otherwise cite any legal authority. Thus, any arguments she might have made are waived. See *Little v. Mitsubishi Motors North Amer., Inc.*, 261 Fed. Appx. 901, 903 (7th Cir. 2008) (failure "to present facts or develop any legal arguments" in response to motion for summary judgment constituted abandonment of claims); see also *Burton v. Board of Regents of the Univ. of Wisc. Sys.*, 851 F.3d 690, 695 (7th Cir. 2017) ("[I]t is a well-settled rule that a party opposing a summary judgment motion must inform the trial judge of the reasons, legal or factual, why summary judgment should not be entered. If the [nonmoving party] does not do so, and loses the motion, it cannot raise such reasons on appeal.") (citations omitted).

A. Plaintiff's claims against the officers

Against Lt. Bonner and Officer Cap, plaintiff asserts a claim for false arrest under § 1983 and a claim for malicious prosecution. As defendants point out, both claims fall for the same reason: defendants had probable cause to arrest plaintiff.¹

"To prevail on a false-arrest claim under § 1983, a plaintiff must show that there was no probable cause for his arrest." *Neita v. City of Chi.*, 830 F.3d 494, 497 (7th Cir. 2016). Probable

¹ It appears to the Court that plaintiff brings her malicious prosecution claim under state law, but to the extent it is a claim under § 1983, the Court notes that it, too, falls on account of probable cause. *Anderson v. City of Rockford*, 932 F.3d 494, 512 (7th Cir. 2019). Furthermore, plaintiff has not established that she was held in custody. *Anderson*, 932 F.3d at 512.

cause, likewise, defeats a claim for malicious prosecution. *Martin v. Martinez*, 934 F.3d 594, ___, 2019 WL 377361 at *3 (7th Cir. 2019) (“[T]he existence of probable cause for the arrest would also bar recovery on a theory of malicious prosecution.”); *Coleman v. City of Peoria*, 925 F.3d 336, 350 (7th Cir. 2019) (“Although [false arrest] is a federal constitutional claim and [malicious prosecution] is a state tort, the existence of probable cause defeats both.”).

“Probable cause exists where the police officer is aware of facts and circumstances ‘sufficient to warrant a prudent man in believing that the petitioner had committed or was committing an offense.’” *Coleman*, 925 F.3d at 350 (quoting *Beck v. Ohio*, 379 U.S. 89, 91 (1964)). The crime with which plaintiff was charged was poisoning a domestic animal. Illinois law makes it a crime to “knowingly poison or cause to be poisoned any dog or other domestic animal.” 510 ILCS 70/6. Lt. Bonner and Officer Cap had probable cause to think plaintiff had caused the Castanedas’ dog to be poisoned. These defendants were told by the Castanedas: (1) that someone had poured bleach in their backyard; (2) that the bleach had affected their dog in that his paw pads had become white and he had vomited; and (3) that they suspected the culprit was their neighbor, who had expressed her dislike of their dog and with whom they shared the fence line along which the bleach had been poured. The officers then investigated the backyard and witnessed both the dead grass along the fence line and the smell of bleach. If that were not enough, when Lt. Bonner interviewed plaintiff, she told him she had poured bleach along the fence line. Lt. Bonner and Officer Cap had probable cause, as a matter of law.

Thus, Lt. Bonner and Officer Cap are entitled to judgment as a matter of law on Counts III and IV. Their motion for summary judgment is granted, and they are granted summary judgment on Counts III and IV.

B. Plaintiff's claim against the Castanedas

Plaintiff also brings Count III for malicious prosecution against the Castanedas.

As the Illinois Supreme Court has explained repeatedly, "suits for malicious prosecution are not favored in the law." *Benham v. Freesmeyer*, __ N.E.3d __, 2019 IL 122654 at ¶ 24 (Ill. 2019) (citing *Joiner v. Benton Community Bank*, 82 Ill.2d 40, 44 (Ill. 1980); *Schwartz v. Schwartz*, 366 Ill. 247, 250 (Ill. 1937); *Shedd v. Patterson*, 302 Ill. 355, 359-60 (Ill. 1922)); see also *Logan v. Caterpillar, Inc.*, 246 F.3d 912, 921 (7th Cir. 2001) ("At the outset, we note that malicious prosecution suits are disfavored by law because of the potential deterrent effect on the reporting of crime."). The reason the Illinois Supreme Court disfavors malicious prosecution is that public policy "favors the exposure of crime, and the cooperation of citizens possessing knowledge thereof is essential to effective implementation of that policy." *Id.*

To prevail on this claim, plaintiff must establish: "(1) the commencement or continuation of an original criminal or civil judicial proceeding by the defendant; (2) the termination of the proceeding in favor of the plaintiff; (3) the absence of probable cause for such proceeding; (4) the presence of malice; and (5) damages." *Johnson v. Saville*, 575 F.3d 656, 659 (7th Cir. 2009). In Illinois, "criminal proceedings are commenced by the filing of a complaint, an indictment, or an information." *Logan*, 246 F.3d at 922. "Thus, a private citizen does not commence a criminal action merely by reporting information to the police—even if the information later turns out to be incorrect." *Logan*, 246 F.3d at 922. Instead, a private citizen commences or continues a prosecution "only if the plaintiff can demonstrate that the defendant (1) instituted the proceedings against the plaintiff; (2) knowingly made false statements to the police; or (3) requested, directed, or pressured the officer into swearing out the complaint for the plaintiff's arrest." *Logan*, 246 F.3d at 922.

Here, plaintiff has put forth no evidence that the Castanedas filed a complaint against plaintiff or otherwise pressured the police or prosecutor to pursue criminal charges against plaintiff. In addition, it is undisputed that the Castanedas gave only truthful information to the police. In any case, as explained above, plaintiff's arrest was supported by probable cause.

Accordingly, the Castanedas are entitled to judgment as a matter of law on Count III. Their motion for summary judgment is granted, and they are granted summary judgment as to Count III.

C. Castanedas' remaining claims

Defendants Yolanda Castaneda and Alonso Castaneda filed against plaintiff two counterclaims for negligence (Counterclaim I) and trespass (Counterclaim II). The Castanedas have not moved for summary judgment on those claims. Because the Court has resolved all of the federal claims over which it has original jurisdiction, the Court exercises its discretion to dismiss without prejudice the Castanedas' counterclaims, which they may pursue in state court, if they choose. *Al's Service Ctr. v. BP Products North Amer., Inc.*, 599 F.3d 720, 727 (7th Cir. 2010) ("When all federal claims in a suit in federal court are dismissed before trial, the presumption is that the court will relinquish federal jurisdiction over any supplemental state-law claims, which the plaintiff can then prosecute in state court.") (internal citations omitted).

Accordingly, the counterclaims are dismissed without prejudice.

IV. CONCLUSION

For all of these reasons, the Court grants the Castanedas' motion [130] for summary judgment. Yolanda Castaneda and Alonso Castaneda are granted summary judgment on Count III. The Court also grants the motion [134] for summary judgment filed by Lt. Bonner and Officer Cap. Lt. Bonner and Officer Cap are granted summary judgment on Counts III and IV.

The Court relinquishes jurisdiction over the Castanedas' counterclaims and dismisses Counterclaims I and II without prejudice. Civil case terminated.

SO ORDERED.

ENTERED: September 13, 2019

A handwritten signature in black ink, appearing to be "J. Alonso", enclosed within a large, loopy oval shape.

HON. JORGE ALONSO
United States District Judge

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Robert McKinley (Arkam United States Court of Appeals)
 Room 2722 • 219 S. Dearborn Street
 Chicago, Illinois 60601



Text

Office of the Clerk
 Phone: (312) 435-5800
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FINAL JUDGMENT

December 8, 2020

Before:

FRANK H. EASTERBROOK, Circuit Judge

DANIEL A. MANION, Circuit Judge

AMY J. ST. EVE, Circuit Judge

CERTIFIED COPY

A True Copy

True

By _____
 Clerk of the United States
 Court of Appeals for the
 Seventh Circuit

No. 18-3395	JEANETTE S.R. LISTINSKI, Plaintiff - Appellant v. YOLANDA CASTANEDA, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 1:16-cv-07153 Northern District of Illinois, Eastern Division District Judge Jorge L. Alonso	

The judgment of the District Court is **AFFIRMED**, with costs, in accordance with the decision of this court entered on this date.

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Enron Energy Services, Inc. v. Enron Energy Services, Inc.
Room 2722 - 310 N. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Room 2722 - 310 N. Dearborn Street
Chicago, Illinois 60604
www.uscourts.gov

NOTICE OF ISSUANCE OF MANDATE

December 30, 2020

To: Thomas G. Bruton
UNITED STATES DISTRICT COURT
Northern District of Illinois
Chicago, IL 60604-0000

No. 19-3395	JEANETTE S.R. LIPINSKI, Plaintiff - Appellant v. YOLANDA CASTANEDA, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 1:16-cv-07153 Northern District of Illinois, Eastern Division District Judge Jorge L. Alonso	

Herewith is the mandate of this court in this appeal, along with the Bill of Costs, if any. A certified copy of the opinion/order of the court and judgment, if any, and any direction as to costs shall constitute the mandate.

RECORD ON APPEAL STATUS:

No record to be returned

NOTE TO COUNSEL:

If any physical and large documentary exhibits have been filed in the above-entitled cause, they are to be withdrawn ten (10) days from the date of this notice. Exhibits not withdrawn during this period will be disposed of.

Please acknowledge receipt of these documents on the enclosed copy of this notice.

.....

Received above mandate and record, if any, from the Clerk, U.S. Court of Appeals for the Seventh Circuit.

Date:

Received by:

form name: e7_Mandate(form ID: 135)

Monday, June 15, 2020

RECORD ON APPEAL.

CASE NAME: Lipinski v. Castaneda et al
CASE: # 1:16-CV-07153 Northern District of Illinois
CASE: # 19-3395 Seventh Circuit Court of Appeals

Dear Clerk of Northern District of Illinois Circuit Court,

I respectfully request you to prepare the Record on Appeal for my case #1:16-cv-07153, for Appeals case # 19-3395

Thank You,

Jeanette S.R. Lipinski
Jeanette S.R. Lipinski
14121 S. Greenbay Ave.
Burnham, IL 60633
shoshana3@me.com

FILED

JUN 23 2019

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

**Additional material
from this filing is
available in the
Clerk's Office.**

 **Jeannette Lipinski**
14121 S Green Bay Ave.
Barrington, IL 60015-1517

Case 1:16-cv-07153 Document #: 182 Filed 06/23/20 Page 2 of 2 PageID #:1424

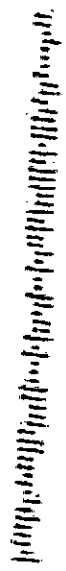
15 JUL 2020 PM 4:11

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*Ernest McPherson United States Courthouse
Northern District of Illinois Clerk's Office
219 South Dearborn Street Room
Chicago, IL 60604 #204*

EO60431534





UNITED STATES DISTRICT COURT
Northern District of Illinois
219 South Dearborn Street
Chicago, Illinois 60604

Thomas G. Bruton
Clerk

312-435-5670

Date: 06/29/2020

Case Number: 1:16-cv-07153

Case Title: Lipinski v. Castaneda et al

Judge: Jorge L. Alonso

NOTICE OF CORRECTION

The following errors/deficiencies have been identified in document # [182].

- ☐ The document is on the incorrect case. (If this is a motion, the docket clerk has termed the motion)
- ☐ The document is on the correct case but the case number and title do not match.
- ☐ The incorrect document [pdf] was linked to the entry.
- ☐ The incorrect file date was entered.
- ☐ The incorrect event was used. The title of the document does not match the text of the entry.
- ☐ The entry is a duplicate of entry [].
- ☒ Other: File Stamped with incorrect date.

Corrective action taken by the Clerk:

- ☒ The text of the entry has been replaced with *Entered In Error*.
- ☐ The following notation has been added to the text of the entry: *Linked document has the incorrect case title, or, Linked document has the incorrect case number.*
- ☐ The correct document [pdf] has been re-filed.
- ☐ The file date has been corrected.
- ☐ The text of the entry has been edited to reflect
- ☐ The text of the entry has been edited to read, *Duplicate filing of document number []*.
- ☐ Other:

Corrective action required by the filer:

- ☐ Counsel must re-file the document
- ☐ Other:

Thomas G. Bruton, Clerk
By: /s/ Roberto Comejo
Deputy Clerk

Re: 8/1/18

Federal Rules of Appellate Procedure Form 1. Notice of Appeal to a Court of Appeals
From a Judgment or Order of a District Court.

FILED

DEC - 3 2019

THOMAS G. BRUCE,
CLERK, U.S. DISTRICT COURT

United States District Court for the District of
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
File Number 16-CV-7153

JEANETTE S.R. LIPINSKI

Plaintiff,

v

YOLANDA CASTANEDA,

ET AL.,

Defendants.

Notice of Appeal

Notice is hereby given that JEANETTE LIPINSKI (plaintiffs)
(defendants) in the above-named case, hereby appeal to the United States Court of Appeals for
the SEVENTH Circuit (from the final judgment) (from an order (describing it)) entered in this
action on the 5 day of NOVEMBER 2019.

JEANETTE LIPINSKI

JEANETTE LIPINSKI

Attorney for PRO SE

Address: 14121 S. GREENBAY AVE

BURNHAM, IL 60633

DECEMBER 3, 2019

[Note to Inmate filers: If you are an inmate confined in an institution and you seek the timing benefit of Fed. R. App. P. 4(c)(1), complete Form 7 (Declaration of Inmate Filing) and file that declaration along with this Notice of Appeal.]

*See Rule 3(c) for permissible ways of identifying appellants

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

Jeanette S.R. Lipinski,
Plaintiff, Counter Defendant

v.

Case no. 1:16-cv-07153

Judge Jorge L. Alonso

Yolanda Castaneda,
Alonso Castaneda,
L.A. Bonner, and
Officer Andrielle Cap,
Defendants.

FILED
DEC - 3 2019
THOMAS G. BRUTCH
CLERK, U.S. DISTRICT COURT

Docketing Statement

Plaintiff Jeanette S.R. Lipinski hereby files her Docketing Statement pursuant to Circuit Rule 3(c):

District Court Jurisdiction: The United States District Court for the Northern District of Illinois had jurisdiction over this case under 28 U.S.C. §1331 based on the existence of a federal question.

Appellate Court Jurisdiction: The United States Court of Appeals for the Seventh Circuit has jurisdiction over this case under 28 U.S.C. §1291. Plaintiffs appeal from a final judgment entered on November 5, 2019 by the United States District Court for the Northern District of Illinois. Plaintiffs' Notice of Appeal was filed on December 3, 2019.

Respectfully submitted,

18 JEANETTE LIPINSKI
Jeanette S.R. Lipinski
14121 S. GREENBAY AVE.
BURNHAM, IL 60633

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

JEANETTE S.R. LIPINSKI,

Plaintiff,

v.

YOLANDA CASTANEDA,
ALONSO CASTANEDA,
LT. BONNER, and
OFFICER ANDRIELLE CAP,

Defendants.

Case No. 16-cv-7152

Hon. Jorge L. Alonso

ORDER

Plaintiff's motion [163] for leave to proceed *in forma pauperis* on appeal is granted.

STATEMENT

Pursuant to Rule 24 of the Federal Rules of Appellate Procedure, a "party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization, unless" the district court "certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis" Fed R. App. P. 24(a)(3).

In this case, plaintiff was granted leave to proceed *in forma pauperis* in the district-court action [Docket 6]. This Court has not certified (and does not intend to) that the appeal is not taken in good faith. Nothing in plaintiff's affidavit suggests she is not otherwise entitled to proceed *in forma pauperis*. Accordingly, plaintiff's motion to proceed *in forma pauperis* on appeal is granted.

Date: 12/6/2019



Jorge L. Alonso
United States District Judge

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

JEANETTE S.R. LIPINSKI,

Plaintiff,

v.

YOLANDA CASTANEDA,
ALONSO CASTANEDA,
LT. BONNER, and
OFFICER ANDRIELLE CAP,

Defendants,

Case No. 16-cv-7153

Hon. Jorge L. Alonso

ORDER

Plaintiff's motion [170] for waiver of fees for transcripts on appeal is denied without prejudice.

STATEMENT

Pursuant to statute, "Fees for transcripts furnished in other proceedings to persons permitted to appeal *in forma pauperis* shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question)." 28 U.S.C. § 753(f). "An appeal raises a 'substantial question' if it presents 'a 'close' question or one that very well could be decided the other way.'" *United States v. Eaken*, 995 F.2d 740, 741 (7th Cir. 1993) (quoting *United States v. Shoffner*, 791 F.2d 586, 589 (7th Cir. 1986)). Courts also consider "whether the requesting party has demonstrated a particular need for the requested transcripts." *Westbrook v. Boy Scouts of Am.*, Case No. 10 C 4161, 2013 WL 2936488 at *4 (N.D. Ill. June 13, 2014).

Plaintiff asks that transcript fees be waived, which is to say she asks that the United States pay for her transcripts. The request is denied without prejudice for two primary reasons. First, plaintiff does not say which transcripts she is requesting and does not say why the transcripts are necessary for her appeal. She appears to be appealing the Court's decision to grant summary judgment in favor of defendants, but the Court did not hold a hearing on that motion. Thus, it is not obvious what transcripts plaintiff believes are necessary for her appeal. Next, plaintiff does not explain why her appeal presents a substantial question.

Accordingly, the Court denies without prejudice plaintiff's motion for waiver of fees for transcripts on appeal.

Date: 12/12/2019

A handwritten signature in black ink, appearing to be "JL Alonso", written over a horizontal line.

Jorge L. Alonso
United States District Judge

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

JEANETTE S.R. LIPINSKI,

Plaintiff,

v

YOLANDA CASTANEDA,
ALONSO CASTANEDA,
LT BONNER, and
OFFICER ANDRIELLE CAP.

Defendants

Case No 16-cv-7153

Hon Jorge L. Alonso

ORDER

Plaintiff's motion [178] for appointment of counsel is denied

STATEMENT

On September 13, 2019, the Court entered judgment in this case against plaintiff and in favor of defendants. On December 3, 2019, plaintiff filed a notice of appeal.

Plaintiff has now filed with this Court a motion for appointment of counsel, presumably to represent her on appeal. Ordinarily, the filing of a notice of appeal divests a district court of jurisdiction. *Ameritech Corp. v. International Bd. of Elec. Workers, Local 21*, 543 F.3d 414, 418 (7th Cir. 2008) ("This rule conserves judicial resources by preventing overlapping and potentially inconsistent decisions; whipsawing litigants between two courts is just as inconvenient for courts as it is for parties."). Thus, the Court lacks jurisdiction over plaintiff's motion.

In any case, plaintiff has already asked the Court of Appeals for appointment of counsel, and the Court of Appeals has denied the motion. This Court will not second-guess that decision.

Accordingly, the motion is denied.

Date: 3/10/2020


Jorge L. Alonso
United States District Judge

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Jeanette S.R. Lipinski — PETITIONER

VS.

Yolanda Castaneda et al, — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Seventh Circuit

PETITION FOR WRIT OF CERTIORARI

Jeanette S. R. Lipinski
14121 S. Green bay Avenue
Burnham, IL 60633
773-240-7701

Am

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

JEANETTE S.R. LIPINSKI)

Plaintiff.)

v.)

YOLANDA CASTANEDA, an individual;)

ALONSO CASTANEDA, an individual;)

LT. BONNER #79; in his individual; and)
officer capacity;)

OFFICER ANDRIELLE CAP. #77; in her)
individual and officer capacity;)

and VILLAGE OF BURNHAM, a)
municipal corporation.)

Defendants.)

Case No. 16-cv-7153

Honorable: Jorge L. Alonso

Magistrate: Judge Susan Cox

FILED

OCT 11 2019 ✓

THOMAS G DRUTON
CLERK, U.S. DISTRICT COURT

PLAINTIFF'S MOTION TO RECONSIDER OR FOR RELIEF FROM
JUDGEMENT

Now comes Plaintiff Jeanette Lipinski Pro Se (Lipinski) moves pursuant to FRCP 59 for the Court to Reconsider its September 13, 2019 memorandum opinion and September 13, 2019 judgement and in the alternative moves that the Court grant her relief from that order and judgement pursuant to FRCP 60 (b)(1) based upon mistake, inadvertence and excusable neglect or in the alternative pursuant to FRCP 60 (b)(6) based upon reasons that justifies relief.

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There were manifest errors of law and fact.

The Veterinarian report dated 7/15/14 was previously submitted to the Court said nothing about poisoning. A copy is attached hereto as Exhibit A-3 Pgs.

Judicial notice can be taken of certain scientific facts. See F.R. Evidence 201.

Lipinski had attempted to file a response to the Castanedas' et al, motion for summary judgement, the Castanedas' supporting memorandum dvm, and joint statement of material facts. A copy is attached hereto as Exhibit B-12 Pgs dated 10/30/18. This Response was never docketed by the clerk nor presumably read by the Court. On 10/31/18 docket #140, Response by Plaintiff Jeanette S.R., Lipinski to motion for summary judgement #130, motion for summary judgement #134 (Lipinski, Jeanette) (Entered:10/31/18); but not the Plaintiff's RESPONSE to Castanedas ET AL, Motion For Summary Judgement. Both documents were submitted together.

The situation before the court also constitutes mistake, inadvertence and excusable neglect or other reason justifying relief under FRCP 60(h).

On 10/1/18 usdc_cef_ilnd@ilnd.uscourts.gov, sends Ten electronic emails from the Defendants to Plaintiff. That amount of information is over whelming for Pro Se Plaintiff, usdc_cef_ilnd@ilnd.uscourts.gov, and the Hibbler Pro Se help desk. Service appointments are only every two weeks for 45 minutes, and only if an appointment is available, which is often unavailable due not enough attorney volunteers. The Hibbler Pro Se Help desk 45 minute limit availability to service Pro Se clients is not adequate enough

time to service large amounts of information in one visit. They are very limited to their attorney services to the many Pro Se clients that need their services to meet their needs. The Federal Court system fails to help Pro Se clients cases properly and adequately overwhelming their employees, clients, and judges with large work loads. Which is in humane to accomplish their tasks properly and accurately. This is also a well known unethical attorney misconduct maneuver to overload work to the clients of Pro Se cases who are not lawyers. Refusing to represent clients professionally for political, religious, nationality, or other unethical motives.. Reference: Case 1:07-cv-00739 Document Durham County, NC prosecutor, Mike Nifong, gained national infamy for a pattern of attorney misconduct; 2006 Duke University lacrosse team scandal.

ERRORS

The decision on 9/13/19 was in error primary because it stated that the Defendant's dog was allegedly poisoned, when in fact it was not, and Plaintiff admitted she poured full strength bleach into the yard of Defendants when in fact she did not—her only admittance was a very small diluted solution outside by Plaintiff's garage in alley put on concrete cleaning unhealthy dog urine odor when she was doing her yearly garage maintenance and removing her vehicle oil from her garage floor.

The veterinary letter and bill was never entered into Markham Court as evidence of poisoning of the dog. It was only provided to this honorable court as evidence of no

poisoning of Def's dog, that in case, Defendants simply made false allegations, and repeated them to the police and then had Plaintiff Jeanette Lipinski falsely arrested. The Castanedas and BV police made no small claims on how much they hated their neighbor Plaintiff. When a Handicap sign was put in front of Plaintiff's house for her and her mother, Yolanda Castaneda angrily yelled at Plaintiff in Spanish who could not understand her nor hear her very well. The Castanedas resented they had to move one of their three cars, non-working white car parked in front of their house into their brand new two car garage. Injured Plaintiff with a broken right heel and broken left wrist shoveled a path to the street to get her mother on her own street walkway to be picked up to go the doctor, safely in the Arctic Fall-Spring 2013-2014 for her second wrist surgery. Plaintiff put a friendly note on Def. Alonso's car to please be considerate to move his car that was in front of Plaintiff's walkway so her elderly mother can get to the doctor. She can't walk threw the deep snow. Def. Alonso did not comply even after the Handicap sign was put up and the police also ignored Def. violating Plaintiff's Handicap sign. A BV police officer went to school with Def. Yolanda Castaneda and was her friend. It is believed that Plaintiff's false arrest was a conspiracy to hurt Plaintiff JEANETTE LIPINSKI. Psalm 142:3 When my spirit was overwhelmed within me. Then You knew my path, in the way in which I walk. They have secretly set a snare for me. With all due respect to the court, there is complete absence of any logical analysis of the "Castaneda Evidence" or "facts." Many points are just plain inconceivable. 1) The allegation that bleach poured on a lawn

will turn black dog paws white. Bleach does not turn dark skin white. Paws and skin contain a pigment melanin which is not affected by bleach. Doing laundry is not the same as putting bleach on dark or black skin. African Americans have known for years you cannot bleach black skin. 2) As brought up by this court before. Defendants again make outrageous claims not supported by any science that bleach creates white dry paws on their dog, as pointed out in Vets letter. Dog urine is acidic and kills grass Yellow. 3) Bleach if used for killing weeds in grass takes one to three days to turn brown, not yellow, which is the color of their dog urine in their grass.

¹ Defendants Castanedas recently provided a vet bill, but it was clearly for an illness and not a poisoning. The bill does not mention poison or bleach and it notes a high temperature in the dog and the vet prescribed antibiotics and not a poison antidote.

² Hydroquinone is a popular "skin bleaching product." It is not chlorine bleach and what it does is decrease production of melanin in human skin. Chlorine bleach works in a completely different fashion by actually destroying dyes, grease and dirt molecules on contact. Therefore it is an outrageous lie on the part of Defendants that the black paw pads of their dog suddenly turned white. <https://www.healthline.com/search?q1=Hydroquinone> They should be sanctioned for making outrageous and impossible lies.

³ How to kill grass with bleach: homeguides.sfgate.com. #3 Wait one to three days and when the grass turns BROWN and dry, pull it up to remove. It doesn't turn yellow.

Clearly no dog/animal was poisoned, the police either knew or should have known these facts and that the Castanedas were clearly lying about the entire matter to hurt the Plaintiff.

Plaintiff made it clear that Def. Yolanda Castaneda took her dog, a large yellow Labrador retriever for a walk the very next morning at 5a. and at the criminal trial Plaintiff Jeanette told the judge about the Defendant walking her dog the very next day and the criminal case was dismissed because the Castanedas did not produce the Veterinary letter and bill, it was all hear-say.

While the court argues that Plaintiff failed to file a Response including argument on the facts and Legal Argument, she did in fact prepare a Response, and filed it, but it got lost in the system. It is attached hereto as Exhibit B-12 Pgs dated 10/30/2018.

This is the second time a error has happened by the court system. The Plaintiff brought to your Honor's Alonso's attention of the missing Def. ANDRIELLE CAP name from the Docket. Your Honor searched his computer and saw it was missing, and it was returned to the Docket. This newly discovered evidence of error, missing Response dated 10/30/18 by the Plaintiff was not notice until your Honorable judges recent order.

Plaintiff has repeatedly moved this honorable court to appoint her counsel in this case to help her with her case because she is elderly, indigent, disabled, and under great distress. She is now requesting that this court allow her to file this document at this time. Plaintiff hopes and believes this error was inadvertent and unintentional.

LEGAL ARGUMENT

Plaintiff reiterates that Defendants are clearly not entitled to Summary Judgment as a matter of law against any of the Defendants. The Castanedas clearly made false statements of facts, and the police repeated these false statement of facts of bleaching dark dog skin pads white with bleach. It is their dog urine that killed the grass yellow. The court, with all due respect, stated that Plaintiff Jeanette hated dogs; she does not hate dogs and is very friendly with them and concerned about animals; the Castanedas should walk their dog around the block every day and not just turn it out for minutes/hours in their small yard by itself without food and water. Plaintiff raised her Pedigree Toy Poodles for seventeen years with three litters. She loves dogs.

The Castanedas never tendered any vet letter or bill to the state at the criminal trial, nor did they show any evidence the dog was sick. Everything was hear-say by them and police. Why didn't the police check the Castaneda's outside yard security cameras facing the backyard and alley. In fact, Plaintiff Jeanette has video tape footage on her outside security cameras of the very next day at 5a showing Yolanda Castaneda happily walking her dog for the first time ever seen, with the dog happily walking with her and was perfectly fine. And Plaintiff shows no crime by her on her backyard security camera.

LEGAL ARGUMENT

Summary judgment is an extremely drastic remedy. 3 Barron & Holtzoff, Federal Practice and Procedure § 1231 (Wright ed.), quoted in Hoffman v. Bahltz Bros. Trading Co., 203 F.2d 636, 637 n. 1 (9th Cir. 1953). Accordingly, summary judgment should be rendered only "if the pleadings, depositions, answers to the interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed.R.Civ.P. 56(c). See also Consolidated Electric Co. v. United States, 355 F.2d 437 (9th Cir. 1966), A. Cherney Disposal Co. v. CHICAGO & S.W. REFUSE DIS. ASS'N, 484 F.2d 751 (7th Cir., 1973).

A genuine dispute of material fact exists "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986). We "consider all of the evidence in the record in the light most favorable to the non-moving party, and we draw all reasonable inferences from that evidence in favor of the party opposing summary judgment." Feliberty v. Kemper Corp., 98 F.3d 274, 276-77 (7th Cir. 1996), Skiba v. Ill. Cent. R.R. Co., 884 F.3d 708 (7th Cir., 2018)

In this case, Defendants have not shown that Summary Judgment is warranted. The Castanedas alleged a number of obvious untrue statements and facts which were then repeated by the police. It simply is well known, or the Defendants should have known

that, 1.) bleach does not turn black paws white, 2.) their dog urine killed the grass yellow. The police repeated there untrue statements and facts and treated Plaintiff rudely and in a hostile manner. Lies should never substitute for "probable cause" Plaintiff Jeannette never said she hated or even disliked their dog; in fact she was very concerned that the dog was never walked by the Castanedas and all they did was let the dog out into their backyard for minutes/hours unattended with no food or water outside. She believed that the dog deserved a daily walk for at least 15 minutes around the block. She was also, as a Christian minister, perfectly willing to clean up the dog urine and feces of her neighbors and other neighbors. There is no evidence she ever complained about that. She was loving her neighbors. Matthew 22: King James Version (KJV) 36 Master, which is the great commandment in the law? 37 Jesus said unto him, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. 38 This is the first and great commandment. 39 And the second is like unto it. Thou shalt love thy neighbour as thyself, Exodus 20:16 Thou shalt not bear false witness against thy neighbour.

FIRST AMENDMENT

The freedom of religion is a cherished liberty protected by the First Amendment.

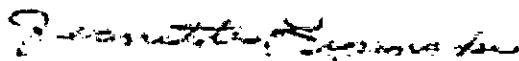
The Supreme Court noted, in *Lee v. Weisman*, that the First Amendment's two religion clauses "mean that religious beliefs and religious expression are too precious to be either proscribed or prescribed by the State."

To honorable Judge Alonso from Plaintiff Minister Jeanette Lipinski. It is her and God's decision to bring the Defendants to proper Justice in this earthly court. So that when they stand in His Heavenly Court on their Judgement day; that in this case, those who have sinned will stand before him justified and that the sin will not be made bigger before Him from a wrong judgement decision on earth. For He will rightly and justly Judge the Defendants and punish, either greater or lesser based on this courts earthly decision. She Prays in the words on the court room wall. IN GOD WE TRUST. To do the right judgement in God's eye's and mind. Amen. Proverbs 19:20-21 KJV Hear counsel, and receive instruction, that thou mayest be wise in thy latter end. There are many devices in a man's heart; nevertheless the counsel of the Lord, that shall stand.

For all of the foregoing reasons, Plaintiff Jeanette Lipinski respectfully requests reconsideration of the Court's September 13, 2019 order, and the case set for trial.

RESPECTFULLY SUBMITTED,

By: /s/jeanettelipinski Plaintiff, Pro se



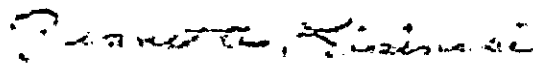
Prepared by:

Jeanette Lipinski, Plaintiff, Pro Se 14121 S. Greenbay Ave, Burnham, IL, 60633
708-933-0367 shoshann3@icloud.com

VERIFICATION

I hereby verify that all statements made herein are true and correct to the best of my knowledge and memory. Where based upon information and belief are believed to be true at the time the statements were made.

/s/Jeanette Lipinski



Jeanette Lipinski, Plaintiff Pro se

CERTIFICATE OF SERVICE

I hereby certify that on Friday October 11, 2019, I served via email a copy of the foregoing pleading to all entities who have filed an appearance by email to the addresses noted below.

John William Patton, Jr.

James A. Garfield

Joseph T. Kasiak

Jerome R. Weitzel

Jessica Fricke Garro

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Larry J. Lipka

1616 South Dearborn Street, Suite 200

Justin Dobek

1616 South Dearborn Street, Suite 200

Paul D. Motz

1616 South Dearborn Street, Suite 200

Michael R. Luchsinger

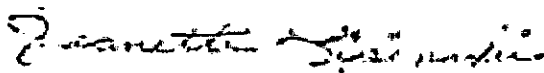
1616 South Dearborn Street, Suite 200

NOTICE OF FILING

/s/Jeanette Lipinski/, plaintiff, Pro Se

I herewith certify that on Friday October 11, 2019, I caused the above document to be filed with the Clerk of Court by hand delivery to the Clerk's office at 219 S. Dearborn, Chicago, IL 60603

/s/Jeanette Lipinski/


Jeanette Lipinski

Tuesday, July 15, 2014

LANSING VETERINARY LETTER -- EXHIBIT A - 3 PAGES

Re. "Rex", male, yellow lab, Born 11-30-2008, Belonging to Alonso Castaneda of 14119 Greenbay Ave, Burnham, Ill.

Rex was examined by me today Due to a complaint that he has vomitting and diarrhea off and on for over the past month. He has also been coughing and sneezing the past few days.

On exam his temperature was 104.4 f (normal is 101.5 f.) oral exam and abdominal palpation were normal. Exam of his paw pads showed they are dry with the surface white instead of black. His heart and lungs are normal.

Recommended treatment consists of antibiotics and a liquid to give by mouth that is a protectorant to sooth the lining of the stomach and bowel.

Sincerely,

Larry W. Booher, D.V. M,



Lansing Animal Hospital

11111 Lansing Ave
Lansing, MI 48215
Ph: 313.474.0021
Fax: 313.474.0517
www.lansingpetvet.com

7-15-14

RE: "REI", MILE, YELLOW LAB, BORN 11-30-2013, BELONGING
TO ALONSO CASTANEDA OF 14114 GREENWAY AVE,
BURNHAM, ILL.

REI WAS EXAMINED BY ME TODAY DUE TO A
COMPLAINT THAT HE HAS HAD VOMITING AND DIARRHEA
OFF AND ON OVER THE PAST MONTH. HE HAS ALSO
BEEN COUGHING AND SNEEZING THE PAST FEW DAYS.

ON EXAM HIS TEMPERATURE WAS 104.4 F (NORMAL
IS 101.5 F) ORAL EXAM AND ABDOMINAL PALPATIONS
WERE NORMAL. EXAM OF HIS PAW PADS SHOWED
THAT HIS DIRT WITH THE SUFFERER WHITE IN
COLOR INSTEAD OF PINK. HIS HEART AND LUNGS
WEE NORMAL.

RECOMMENDED TREATMENT CONSISTS OF
ANTIBIOTICS AND A NEEDLE TO GIVE HIM MONTHLY
THAT IS A PROTECTANT TO STOP THE LARVAE
OF THE STOMACH AND BOWEL.

Sincerely

L.W. BORNER, DVM.

L.W. BORNER, DVM

CASTANEDA 0017

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Lansing Animal Hospital
17918 Terrace Avenue
Lansing, IL 60438
(708) 474-0031

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Alonso Castaneda
14118 Green bay Ave
Chicago, IL 60633

Client ID: 1585
Invoice #: 61301
Date: 7/15/2014

Patient ID: 3499	Species: Canine	Weight: 18.70 pounds	Birthdate: 11/03/2008	Sex: Male
Patient Name: Rex	Breed: Retriever Labrador			
Date	Description	Staff Name	Quantity	Total
7/15/2014	Examination Physical	Larry Booher DVM	1.00	\$44.75
	Canisate (Sucralfate) liquid per ML		30.00	\$10.00
	Symphorol 200 mg tablet		7.00	\$29.75
		Patient Subtotal:		\$83.50

Remittance:

7/15/2014 Net Amount Paid to Date: \$0.00

7/15/2015 Examination Physical

Invoice Total:	\$83.50
Total:	\$83.50
Balance Due:	\$83.50
Previous Balance:	\$0.00
Balance Due:	\$83.50
Cash:	(\$100.00)
Less Payment:	(\$100.00)
Change Given:	\$0.50
Balance Due:	\$0.00

Introducing our new Preventative Care Packages which provide monthly payments for your pet's recommended yearly care! If your pet isn't already signed up for one please ask our staff for details!

CASTANEDA 0018

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EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JEANETTE LIPINSKI Plaintiff.	No. 16 CV 7153
v.	Hon. Jorge L. Alonso
YOLANDA CASTANEDA, an individual; ALONSO CASTANEDA, an individual; L.T. BONNER #79, in his individual and officer capacity; OFFICER ANDRIELLE CAP #77; in her individual and officer capacity; and Susan E. Cox VILLAGE OF BURNHAM, a municipal corporation	Magistrate Hon. Susan Cox JURY TRIAL DEMANDED

RESPONSE TO CASTENADA'S ET AL. MOTION FOR SUMARY JUDGMENT

This is in response to "The Castaneda's Motion for Summary Judgment Against Lipinski" doct # 130 filed on 10/1/18, and the "Castenedas' Memorandum In Support of their Motion for Summary Judgment against Lipinski" doct #133 filed 10/1/18 and "Defendants' Joint Statement of Material Facts Entitling Them to Summary Judgment Against Lipinski", Doct No. 132 filed 10/1/18. At the outset it is somewhat confusing that the Castanedas filed a Motion for Summary Judgment against Lipinski, and submitted a Memorandum of Law in Support of the Motion, but the Statement of Material fact is filed by all the defendants, the Castanedas, and Officers Cap and Bonner. Nonetheless, the Motion should be denied because there are numerous allegations of material fact which are disputed, including the Castaneda's assertions that Plaintiff Jeanette Lipinski tried to

Plaintiff Lipinski's Answers to the Interrogatories of the Castaneda's

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poison their dog, but in reality she was trying to clean the alley of dog urine smell, and also whether the Castanedas lied to the police maliciously and told them the dog had died, and whether the Officers Bonner and Cap changed police records from "the dog had died" and removed that from their records. These and other claims should be set for a jury trial on the merits.

A. Response to Motion for Summary Judgment (Doct #133)

With respect to the Motion for Summary Judgment, the Castanedas argue 1) that there is no dispute of any material fact and that in doct. #52, the court dismissed all of Plaintiff Jeanette's claims except for Malicious Prosecution. Plaintiff Jeanette will be filing a Fourth Amended complaint soon to correct those errors. In the meantime the Castanedas argue that Plaintiff Jeanette only suffered \$4,500 in damages and summary judgment should be granted for that amount. However, Plaintiff Jeanette also suffered emotional and physical damages in an amount to be determined by a jury trial.

B. The Castanedas' Memorandum of Law in Support of their Motion for Summary Judgment

In their Motion for Summary Judgment, it should be noted at the bottom of page 1, Defts Castanedas admit that the State was unable to prove their case against Plaintiff Jeanette Lipinski, a Christian minister, ("Plaintiff Jeanette") for poisoning of an animal. (it should be noted that the statute regarding animal poisoning does not include the word "malicious") While the Castanedas assert that they told the police the truth, Plaintiff Jeanette disputes that assertion. The police were told that the dog had to be taken to the vet and that it had died. None of this was true, it turned out.

At the top of page 2 of their Motion for Summary Judgment, the Defs. Castanedas assert that Plaintiff Jeanette's only claim remaining is for Malicious Prosecution and against the Officers for False Arrest. Plaintiff Jeanette disputes that and believes she has claims pending against the Castanedas for Malicious Prosecution, Abuse of Process and Intentional Infliction of Emotional Distress. She further believes she has standing a 42 USC 1983 claim for deprivation of rights under color of authority, as well as False Arrest, Malicious Prosecution, Abuse of Process and Intentional Infliction of Emotional Distress. Plaintiff Jeanette believes she has plenty of evidence that the Castanedas lied to the police about the condition of her dog, that she deliberately tried to harm a dog (Plaintiff Jeanette is an animal lover) and all she was doing was her civil duty of cleaning the alley way of strong dog urine smells during the summer. She denies she stepped on the Castaneda property, and she further denies she poured pure bleach anywhere. The solution she used was dilute.

With respect to the Castanedas' Argument at the bottom of page 4, Plaintiff Jeanette believes that she will be able to show a jury that 1) the Castanedas commenced and continued a criminal proceeding; 2) it is established by court records that the Criminal charges were terminated in favor of Plaintiff Jeanette and there was no probable cause to support the proceedings; 3) that the hostility shown to Plaintiff Jeanette over a period of time and the fabrications told to the police at the time of the arrest showed malice and 5) Lipinski suffered actual damages, and emotional damages.

Plaintiff Lipinski's Answers to the Interrogatories of the Castaneda's

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In an amount to proved at trial, it is not true that Plaintiff Jeanette does not have a shred of evidence that she can prove the essential elements of Malicious Prosecution.

With respect to the Castanedas' Argument at page 3 regarding "legal causation", Plaintiff Lipinski believes she can show a jury that that Defendant Castanedas knowingly made numerous false statements to a police officer that their dog was poisoned and it died, and they suffered vet bills. None of this is true because the dog was seen the very next day, healthy and happy on a walk. In addition, the Castanedas produced no vet records at trial and it is presumed they have none. While people are free to file police reports, the police reports must not be filled with lies and misrepresentations.

With respect to the statement at the top of page 4, it is not true that what the Castanedas said to the police was merely factual reporting; it was more onerous than that, and the police report shows that the Castanedas knew 1) Plaintiff Jeanette had been regularly cleaning the alley (for years?) with dilute bleach; 2) the dog was kept in the yard, away from the bleach solution; and 3) the bleach solution was only applied to the pavement. Again, these appear to be disputed facts which should be heard by jury during trial and must not be dismissed on Summary Judgment

At the bottom of page 4, the Castanedas assert that they never told the police that the dog had died; Plaintiff Jeanette has an early report (Exhibit A, hereto) that shows the Castanedas told the police the dog had died. Later, it appears, after the filing of this lawsuit, the records were changed.

At the top of page 5, the Castanedas assert that Plaintiff Jeanette testified that she never heard them say their dog had died. However, it is explained later in the deposition that Officer Kus told her later in a conversation that Officer Kus said it had been reported that the dog had died and it was in the police report too. (Depn of Ptf. Jeanette, p 48).

With respect to the allegation that only Plaintiff Jeanette has a copy of her court testimony, she has none and it is not required. The police records she has speak for themselves. Exhibit A hereto.

At the bottom of page 5, Defendants basically admit that Ptf. Jeanette was told by Officer Kus that the Castanedas told the Officer that their dog had died.

With respect to the allegation that the Castanedas made the statement long after the trial, this is apparently not true, since Plaintiff Jeanette has a police report with this information on it from the date of the incident.

Next at the top of page 7, the Defendants appear to make the fairly preposterous claim that the 5/5/16 report is a scrivener's error. It is hard to believe that "The dog later died from ingesting bleach" is some type of error. If the dog had in fact died, this would have been a most salient point of the case. The reality is, everyone agrees the bleach was in the alley, the dog was in the yard. No one walked the dog into the alley.

Next, at the top of page 8, Defendants make the allegation that grass "along the Castanedas' property line and smelled the bleach while observing the area." First, if the

grass were dead, that would have likely have been from neighborhood dogs repeatedly urinating on it. If Plaintiff Lipinski within the hour put bleach on the grass, it likely would not be dead within minutes. That would likely take a day or two. In fact, the makers of Chlorox claim it does not kill grass, and most ordinary soil has a good deal of chlorine in it already. <https://www.hunker.com/13406517/will-chlorox-kill-grass>. Chlorox claims you can wash your boat or sidewalk with Chlorox and it will not kill your grass. However, everyone knows, and has observed, that dog pee does kill grass and it makes it difficult or near impossible to grow back in that area. Uric acid is very damaging to grass and soil.

However, dog urine will kill grass easily. From www.pet-blog.com:

Because dogs are carnivores and eat a high level of protein in their diet, they break the protein down and excrete it as nitrogen in the urine. The result is a killing of the grass from an overload of nitrogen. You will get the same kind of burn if you put a concentrated handful of fertilizer in one spot.

While the police made some sort of an investigation, they never talked to Plaintiff Jeanette about the claim of dog poisoning before arresting her, and it was the Castanedas' numerous lies that appeared to have directly instigated an arrest and then continued many long months of endless court calls for Plaintiff Jeanette until she was eventually acquitted. She was arrested on 7/14/14 and then acquitted on 7/23/15. No where have the Castanedas shown any vet bills, any vet examination. The entire event, according to the Castaneda' Memorandum of law on page 1 was based on them and

the officers "observing an illness" but an illness that apparently never required any vet care or bills.

Accordingly, it would appear that all the defendants worked together to falsely criminally charge Plaintiff Jeanette based on fairly outrageous claims that bleach kills grass, when in fact it does not, while dog urine would not be the cause of dead grass, when everyone knows dog urine kills grass easily.

At the bottom of page 8, Defendants cite Lindsey v. Orland (citation omitted) for the proposition that "there is no liability where the person merely appears as a witness and thereby aides in the prosecution of the charges which he knows to be groundless." But this is not what happened. All of the defendants worked from the beginning to claim a dog had died when it did not, there were no vet bills as proof of illness, just observations of lay people-- the Castanedas and the police, who were not licensed vets, and finally a claim that bleach killed some grass, when it is well known that dog urine can kill grass, while Chlorox claims its product does not kill grass. This would all appear to be issues for the jury.

On page 9, Defendant argues that "probable cause" is a complete defense to malicious prosecution. However, here we have a case, where no one saw Plaintiff Jeanette apply bleach to the alley concrete, there were no direct witnesses, there was an observation of a "sick dog" which was never examined by a vet, there was dead grass allegedly caused by bleach, when in fact bleach does not kill grass, dog urine does. Plaintiff Jeanette explains that she was cleaning the alley of dog urine with a

Plaintiff Lipinski's Answers to the Interrogatories of the Castaneda's:

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diffuse bleach solution, but no one asked her prior to the arrest. There is a definite issue of whether or not the police should be arresting elderly disabled women for merely cleaning an alley with bleach and water. Plaintiff Jeanette in her deposition testified that the water was not enough that day to clean up dark brown smelly urine stains so she resorted to some bleach mixed with water. This is not unreasonable and in no manner shape or form would anyone want the police to arrest good honest citizens for cleaning up yucky stinky dog urine on hot summer days. And it begs the question, what about janitors cleaning up bathrooms with bleach, pool caretakers, etc.? The list is endless of people using bleach to clean up unsanitary messes. There is most assuredly no probable cause for cleaning up anything with bleach, especially when the Castenada dog rarely went for a walk or left the backyard, and the bleach was used in the alley

On page 10, Defendants want to limit Plaintiff Jeanette's damages to her actual damages because she is disabled. However, Plaintiff is entitled to her emotional damages for depression, anxiety, etc. In addition, it may appear to the jury that there was a high degree of malice and a complete lack of probable cause for arresting a Christian Minister who frequently cleaned her alley of the smell of dog urine and feces, but when on one particularly miserable hot day, she found that water was not enough so she added in some bleach. This does appear to be particularly vindictive and malicious.

On page 11, while Plaintiff Jeanette is disabled, she does work from home selling glow in the dark crosses and stuffed baby Jesus lambs for infants. The arrest and its

emotional toll has prevented her from performing these functions to supplement her income.

A Response to Defendants' Statement of Undisputed Facts is also provided herewith.

LEGAL ARGUMENT

summary judgment is an extremely drastic remedy. 3 Barron & Holtzoff, Federal Practice and Procedure § 1231 (Wright ed.), quoted in Hoffman v. Babbitt Bros. Trading Co., 203 F.2d 636, 637 n. 1 (9th Cir. 1953). Accordingly, summary judgment should be rendered only "if the pleadings, depositions, answers to the interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed.R.Civ.P. 56(c). See also Consolidated Electric Co. v. United States, 355 F.2d 437 (9th Cir. 1966); A. Cherney Disposal Co. v. CHICAGO & SUB. REFUSE DIS. ASS'N, 484 F.2d 751 (7th Cir., 1973).

A genuine dispute of material fact exists "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 108 S.Ct. 2505, 91 L.Ed.2d 202 (1986). We "consider all of the evidence in the record in the light most favorable to the non-moving party, and we draw all reasonable inferences from that evidence in favor of the party opposing

summary judgment." *Feliberty v. Kemper Corp.*, 98 F.3d 274, 276-77 (7th Cir. 1996).
Skiba v. Ill. Cent. R.R. Co., 884 F.3d 708 (7th Cir., 2018)

In this case, defendants have not shown that Summary Judgment is warranted. The Castanedas alleged a number of obvious lies which were then repeated by the police. It simply is well known, or the defendants should have known that 1) bleach does not turn black paws white; and 2) that bleach kills grass, rather dog urine kills grass. The police repeated lies and treated Plaintiff rudely and in a hostile manner. Lies should never substitute for "probable cause" Plaintiff Jeanette never said she hated or even disliked the dog; In fact she was very concerned that the dog was never walked by the Castanedas and all they did was turn the dog out into their backyard for hours unattended. And when they did walk the dog it was only behind their garage in the alley. She believed that the dog deserved a daily walk for at least 15 minutes around the block. She was also, as a Christian minister, perfectly willing to clean up the dog urine and feces of her neighbors and other neighbors. There is no evidence she ever complained about that.

Conclusion

Plaintiff Lipinski is entitled to her jury trial on the causes of action remaining, and she will be amending her complaint to add in facts to support her Abuse of Process claim and a second false arrest. Summary Judgment should be denied because Defendants are not entitled to relief as a matter of law and there are many disputed

facts entitling Plaintiff to a jury trial on the issues of liability presented in her Complaint.

RESPECTFULLY SUBMITTED.

By, /s/Jeanette Lipinski
Plaintiff, Pro se

Prepared by:
Jeanette Lipinski, Plaintiff, Pro Se
14121 S. Greenbay Ave.
Burnham, IL 60633
708-933-0367
shoshana3@icloud.com

VERIFICATION:

I hereby verify that all of the foregoing Answers to Interrogatories are true and correct to the best of my knowledge and memory. Where based upon information and belief are believed to be true at the time the statements were made, I declare under penalty of perjury under the laws of the US that the foregoing is true and correct as of the date shown below

/s/Jeanette Lipinski/

CERTIFICATE OF SERVICE

Plaintiff Lipinski's Answers to the Interrogatories of the Castaneda's

Page 11 of 12

26 of 27

I hereby certify that on Oct. 30, 2018 I served via email a copy of the foregoing pleading to all entities who have filed an appearance by email to the addresses noted below.

John William Patton, Jr.
Michael Robert Luchsinger
Paul Donald Motz
PATTON & RYAN, LLC
330 North Wabash Avenue, Ste. 3800
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/s/JeanetteLipinski/, plaintiff, Pro Se

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NOTICE OF FILING

You are hereby notified that on Oct. 30, 2018, I caused the foregoing Response to Defs Motion for Summary Judgment to be filed with the ND Ill. Clerk of Court.

/s/JeanetteLipinski/
Jeanette Lipinski, plaintiff, pro se

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 07-28-2010 BY 60322/UCBAW/STP/KRM

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

JEANETTE S.R. LIPINSKI,

Plaintiff,

v.

YOLANDA CASTANEDA,
ALONSO CASTANEDA,
LT. BONNER, and
OFFICER ANDRIELIE CAP,

Defendants.

Case No. 16-cv-7153

Hon. Jorge L. Alonso

ORDER

Plaintiff's motion [161] for relief from judgment is denied.

STATEMENT

After granting defendants' motions for summary judgment on plaintiff's claims and relinquishing jurisdiction over defendants' state-law counterclaims, the Court entered judgment. Plaintiff Jeanette S.R. Lipinski ("Lipinski"), has filed a motion for reconsideration and relief from judgment.

A court may alter or amend a judgment if the movant "demonstrate[s] manifest error of law or fact or present[s] newly discovered evidence." *Fesely v. Armistist LLC*, 762 F.3d 661, 666 (7th Cir. 2014). Such a motion, however, is not a means to rehash previously rejected arguments or to take a second bite at the apple. *Fesely*, 762 F.3d at 666. In this case, plaintiff has pointed out neither a manifest error of law, nor an error of fact. Plaintiff's arguments are those she made or could have made previously. She seems to disagree with her opponent about the facts, but the time to dispute a fact is in response to the other party's statement of facts, not in a post-judgment motion.


Pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, a district court may relieve a party of a judgment for, among other things, "mistake, inadvertence, surprise, or excusable neglect[.]" Fed.R.Civ.P. 60(b). Here, plaintiff states that she "attempted to file a response" brief in opposition to the motion for summary judgment at the same time that she filed her (properly-filed) response to the statement of facts. Plaintiff states that "[b]oth documents were submitted together," but the response brief "was never docketed by the clerk nor presumably read by the Court."

Thus, plaintiff seems to be blaming the Clerk's office for the fact that her response brief was not filed. The argument might be compelling if plaintiff could show she had attempted to file the document in the clerk's office but was thwarted. That is not what happened. Plaintiff is an electronic filer, and it is clear from the electronic-filing receipt that it was plaintiff who electronically filed her response [140] to defendants' statement of facts. Plaintiff admits both documents were "submitted together," which means it was plaintiff who is responsible for the fact that her brief was not filed. As an electronic filer, plaintiff had the responsibility of filing her brief and of checking the docket to make sure her filing was docketed. *Major v. Induna*, Case No. 2:17-cv-12-JEM, 2019 WL 1894874 at *2 (N.D. Ind. April 29, 2019) (denying motion to reconsider where party had failed to file brief, explaining the party "was responsible for making sure his documents were properly filed"). Plaintiff's failure to file her brief qualifies as neglect, but it is not excusable neglect.

In any case, the Court has read the brief that plaintiff failed to file, which brief she attached to this motion. Nothing in it persuades the Court that it erred in granting the motion for summary judgment.

Because plaintiff has not shown that relief from the judgment is appropriate, the Court denies plaintiff's motion.

Date: 11/5/2019



Jorge L. Alonso
United States District Judge

IN THE UNITED STATE DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JEANETTE S.R. LIPINSKI,

Plaintiff,

v.

YOLANDA CASTANEDA, an individual;

ALONSO CASTANEDA, an individual;

LT. BONNER #79, in his individual and
officer capacity;

OFFICER ANDRIELLE CAP, in
her individual capacity and officer capacity;
et al.

Defendants.

Case No. 16 CV 7153

Judge Jorge L. Alonso

Jury Trial Demanded

**PLAINTIFF JEANETTE S.R. LIPINSKI ANSWER TO YOLANDA AND ALONSO
CASTANEDA'S COUNTERCLAIMS**

NOW COMES Plaintiff, JEANETTE S.R. LIPINSKI, PRO SE hereby submits this
Answer to Defendant's Yolanda and Alonso's Castaneda's Counterclaims, Pursuant to Rules 26
and 36 of the Federal Rules of Civil Procedure.

Counterclaims Paragraph 1-23 alleges:

Yolanda and Alonso Castaneda state their Counterclaims against Jeanette S.R. Lipinski
as follows.

Parties

1. Yolanda Castaneda is an individual residing at 14119 Greenbay Ave.,
Burnham, IL, 60633 (the "Property").

ANSWER: Admits.

2. Alonso Castaneda is an individual residing at the Property.

ANSWER: Admits.

3. The Castaneda's are married and jointly own the property.

ANSWER: Plaintiff lacks knowledge and information sufficient to form a belief about the truth of the allegations in this paragraph:

4. Jeanette S. R. Lipinski is the next-door neighbor of the Castaneda's and an individual residing at 14121 S. Greenbay Ave., Burnham, IL 60633.

ANSWER: Admit.

Jurisdiction and Venue

5. This Court has supplemental jurisdiction over this counterclaim pursuant To 28 U.S.C. § 1367.

ANSWER: Admits.

6. Venue is appropriate in the Northern District of Illinois as Lipinski resides within the district.

ANSWER: Admits.

Facts Common to All Counterclaims

7. On or about July 14, 2014 Lipinski intentionally poured a large amount of sodium hypochlorite (bleach) onto a grassy area of the Property adjacent to Lipinski's home where the Castaneda's dog, Rex frequently relieves himself.

ANSWER: Deny in part, as to where the water and small amount of bleach and bleach was poured. Admit, on July 14, 2014 a small amount of water and bleach

disinfectant was poured onto a 3 inch size crack on the concrete block in the alley adjacent to the Castaneda's and Lipinski's property. Where the Castaneda's dog frequently urinates through the fence onto the alley concrete block crack. And where many local dog walkers let their dogs urinate on the same cracked spot as the Castaneda's dog urinates. Creating an obnoxious unhealthy odor from the heat of the summer, that is harmful to our health, her mother's, and many children who walk to school and play in the alley.

8. As a result of Lipinski's actions, the Castanedss' dog began vomiting and suffered from loss stool. The dog's paws also became discolored due to exposure to the bleached.

ANSWER: Lacking knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph. But, observed on July 15, 2014 at 5a.Ms Lipinski's front yard security camera captured Yolanda Castaneda happily walking her dog for the first time and the dog looked perfectly normal and happy to be walked.

9. The Castanedas took their dog to the vet for treatment of these symptoms.

ANSWER: Lacking knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

10. Also as a result of Lipinski's actions, the grass on the area of the property where the bleach was poured turned brown and died.

ANSWER: Deny. no bleach disinfectant was poured on the Castaneda's property grass. The Castaneda's grass and Ms. Lipinski's grass turned brown and died from the Castaneda's dog feces and frequently urinating on it through their property fence. And the neighborhood dogs urinating through the Castaneda's alley fence adjacent to the unmanicured concrete block in the alley.

11. Lipinski has expressed animus regarding the Castanedas and their neighbors in light of their Latin American decent.

ANSWER: Deny. Ms. Lipinski is a minister of the Gospel of Jesus Christ, called by God, not by man. Ms. Lipinski Loves all nationalities, including Latin American. God would never have called her if she was prejudice. Ms. Lipinski never expressed animus regarding the Castaneda's and neighbors in light of their Latin American decent. She believes she was obeying God in His First and Greatest Commandment, to love the Lord thy God with all thy heart, and Second to Love thy neighbor as thyself. Ms. Lipinski in fact is frequently harassed, property damaged, and vandalized by the Hispanics from the false allegations the Castaneda's have told them. Ms. Lipinski was falsely arrested twice and acquitted by Hispanic neighbors on both sides of her house and daily despised by them. Ms. Lipinski prays. God forgive them for they know not what they are doing.

COUNT I
NEGLIGENCE

12. The Castanedas incorporate by reference paragraphs 1 through 11 of their counterclaims.

13. In her use of bleach, Lipinski owed a duty of care to the Castanedas insofar as her use therefore was required to not harm the Castanedas or their property.

Answer: Deny. Ms Lipinski was not negligent of the law in duty of care to the Castaneda's or their property. Duty of care is a requirement that a person act toward others and the public with the watchfulness, attention, caution and prudence that a reasonable person in the circumstances would use. Ms Lipinski acted with much care to protect her mother and neighbors from the Castaneda's negligence to clean up after their dog and prevent harmful odors, germs and disease. And acted in the fear of God to obey His commandment to love thy neighbor.

14. Lipinski breached such duty when she failed to use this noxious liquid in a reasonable manner by saturating a parcel of Property with the chemical, knowing full well the Castanedas' dog walked and grass grew in that area.

Answer: Deny. Ms Lipinski breached no such duty, nor failed to use cleaning liquid disinfectant in an unreasonable manner, and never saturated a parcel of Castaneda's property with the cleaning liquid disinfectant, to harm the Castaneda's' dog or grass. Ms Lipinski was cleaning her garage when she saw that the Castaneda's were getting ready to

cut their backyard grass, and that they put their dog in the house, Ms Lipinski felt it was the best time to help love her neighbors by cleaning the obnoxious dogs urine odor in the alley. Note, there is no grass in the alley except on Ms Lipinski's property, and the dog is never walked in the alley or elsewhere.

15. Lipinski knew or should have known of the danger to the Castaneda's dog and their property of the pouring of the noxious liquid onto the property.

ANSWER: Deny, pouring Noxious liquid to Castaneda's property. Nor put their dog in danger. Ms. Lipinski knew there was no danger to the dog or property because the dog was in the house and not of their property. Ms Lipinski took every precaution as to not harm the dog or their property, but only to help prevent harm to them. Her concern was for the health, safety, and concern for her neighbors and loved ones. Ms. Lipinski loves dogs and raised two generations of toy poodles for 17 yrs. It is the Village of Burnham alley's property. It is our responsibility to maintain the area around our homes according to the Village ordinances. Sec. 2-323 (1) to keep the streets and alleys of the village clean and free of obstructions. The dog urine saturated concrete in the alley was never cleaned and a health hazard in the making. Ms. Lipinski chose simply to prevent harm from happening.

16. In fact, the warning label affixed to bottles of bleach identifies the substance as corrosive and cautions against its contact to skin. It further warns to rinse skin if contaminated with bleach and to consult a physician in event of contact immediately.

ANSWER: Admits: the label for Disinfecting use says: Do not use full strength for cleaning surfaces. Always dilute with water strictly in accordance with the directions for prolonged use. Wear gloves. Disinfects hard, nonporous surfaces against, Salmonella, enterica, Staphylococcus aureus, Escherichia coli (E157:H7) and influenza A virus. Bleach is also used in the laundry clothes against stains. Ms. Lipinski read the directions and followed the instructions.

17. Lipinski's actions were willful, wanton, and malicious.

ANSWER: Deny, malicious to cause harm to dog or property. Admits, willful to protect the health and safety of her neighbors, her mother and self. Denys, willful wanton to harm others. For it is a sin to deliberately harm others, that would cost her, her salvation and eternal life.

18. The injury to the Castaneda's property, namely their dog and their grass, was proximately caused by Lipinski's pouring of bleach onto the property.

ANSWER, Deny. Ms. Lipinski did not pour bleach onto the Castaneda's property grass to harm or injure their dog.

19. The Castanedas were damaged in the amount of the veterinary bills incurred for treatment of their dog and sodding purchased to repair their grass.

ANSWER: Deny. There was never veterinary bills for treatment of their dog being poisoned presented in court. And sodding was never done to their property.

COUNT II
TRESPASS TO PROPERTY

20 The Castanedas incorporate by reference paragraphs 1 through 11 of their counterclaims.

21 In her use of bleach, Lipinski owed a duty of care to the Castanedas insofar as her use thereof was required to not harm the Castanedas or their property.

ANSWER: Deny. Plaintiff Ms. Jeanene S.R. Lipinski was found not guilty of poisoning their dog or harming their property by a standing Judge. Ms. Lipinski did not use bleach on the Castaneda's property, nor to harm their dog. She only cared for others, even the Castaneda's, and their dog.

22 Lipinski's actions were willful, wanton and malicious.

ANSWER: Deny. Ms. Lipinski's actions were not willful, wanton, and malicious. But only to please God and her neighbors, and to obey God's Greatest commandment to Love Him and thy neighbor as oneself.

23 As a result of Lipinski's trespass, the grass on the Castanedas' Property was damaged.

ANSWER: Deny, the Castaneda's property grass was damaged by Ms. Lipinski. The true facts are that their grass was damaged only from their dog urination and feces.

and neighborhood dogs. And Ms. Lipinski's property was severely damaged from their dog urinating through their fence connected to Ms. Lipinski's property, and from not picking up their dog feces, and letting it run down into Ms. Lipinski's backyard and garage when it rains.

WHEREFORE, Plaintiff Ms. Jeanette S.R. Lipinski prays that this Court enter judgement in her favor and against Yolanda Castaneda and Alonso Castaneda, and dismiss their Counterclaims with prejudice, and award Plaintiff Ms. Lipinski's for damages caused to her property together with interest, costs, punitive damages and whatever further relief this Court deems appropriate.

Respectfully Submitted,

By: Jeanette Lipinski

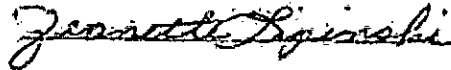
Pro Se

Jeanette S.R. Lipinski
14121 S. Greenbay Ave.
Burnham, IL 60633-1617

CERTIFICATE OF SERVICE

The undersigned Pro Se Jeanette Lipinski, on oath, certifies that on May 07, 2018, she served Yolanda and Alonso Castaneda's Motion for entry to Dismiss their Counter Claimants.

Respectfully Submitted,



____s Jeanette Lipinski____
Pro Se

Jerome R. Weitzel
Jessica Fricke Garro
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mluchsing@pattonryan.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JEANETTE LIPINSKI Plaintiff	No. 16 CV 7153
v.	Hon. Jorge L. Alonso
YOLANDA CASTANEDA, an individual; ALONSO CASTANEDA, an individual; L.T. BONNER #79, in his individual and officer capacity; OFFICER ANDRIELLE CAP #77; in her individual and officer capacity; and Susan E. Cox VILLAGE OF BURNHAM, a municipal corporation	Magistrate Hon. Susan Cox JURY TRIAL DEMANDED

RESPONSE TO DEFENDANT'S JOINT STATEMENT OF MATERIAL FACTS
ENTITLING THEM TO SUMMARY JUDGMENT

This is in response to "The Castaneda's Motion for Summary Judgment Against Lipinski" doct #130 filed on 10/1/18, and the "Castaneda's Memorandum in Support of their Motion for Summary Judgment against Lipinski" doct #133 filed 10/1/18 and "Defendants' Joint Settlement of Material Facts Entitling The to Summary Judgment Against Lipinski," Doct No.132 filed 10/1/18.

STATEMENTS:

Statements 1 to 8 are not disputed.

9. Plaintiff disputes and demands strict proof thereof.

Plaintiff Lipinski's Answers to the Interrogatories of the Castaneda's

Page 1 of 5

10. Disputed the grass died from bleach. Agreed the dog relieved himself in that approximate area.

11. Disputed.

12. Disputed. Plaintiff had not used bleach in the area "a few days earlier,

13. Disputed that bleach caused any discoloration of paw pads or death of grass.

14. Disputed. Plaintiff disputed she poured bleach in the Castaneda's yard or that bleach kills grass; dog urine kills grass.

15. Disputed. Plaintiff never expressed a dislike of the dog. She is an animal lover. She admits that she did not like the fact the Castaneda's never walked their dog, but she never blamed the dog for what the Castaneda's failed to do to properly care for their dog. The Castaneda's have a large dog which should be walked every day and they never walk their dog. Plaintiff Jeanette in the past often cleaned the alley of dog urine and feces and she never complained because she felt she was doing something good for the community and on that basis she was glad to do it. It was her Christian duty to do this with a joyful heart because she knew she was helping others.

16. Disputed. Office Kus said this and so did a police report.

17. Disputed that there was a "strong smell of chemicals" or that someone's throat "would burn" from bleach. Bleach is used all the times in public bathrooms, swimming pools, and in clothes laundry. It is considered a safe effective disinfecting agent. It is likely the smell was from the bleach and dog urine combined.

18. Denied that any complaints Plaintiff Jeanette filed were unfounded. But Plaintiff objects to this statement as overly vague. What "unfounded complaints?"
19. Disputed as to what happened after the officers returned to the station and Plaintiff demands strict proof thereof.
20. Not in dispute.
21. Disputed as to taking the dog to a vet, and what was said, and Plaintiff demands strict proof thereof. Antibiotics are not prescribed for poison. They are prescribed for a bacterial illness. If the dog had been poisoned, the vet would have given the dog a drug to produce vomiting or pumped the dog's stomach. A stomach soothing agent would have been prescribed for a sick dog (bacterial infection) that had been vomiting.
22. Undisputed.
23. Disputed as to Yolanda Castaneda being subpoenaed to court. Plaintiff demands strict proof thereof.
24. Disputed as to what Deft. Yolanda Castaneda handed to the States Attorney.
25. Undisputed as to the trial, disputed or unknown as to what Deft. Yolanda Castaneda was subpoenaed.
26. Disputed as to what Deft. Yolanda Castaneda testified to. Plaintiff Jeanette did not record the trial, does not remember, and the court reporter told her the transcript for some reason is not available.

27. Not disputed.

28. Not Disputed except for the court file and records being destroyed. Plaintiff has no idea what happens with expunged files; she believes they are still there but not available to the public without further court order.

29. Not disputed. The dog is alive and healthy and was at all times.

RESPECTFULLY SUBMITTED.

By: /s/jeanettelipinski
Plaintiff, Pro se

Prepared by:
Jeanette Lipinski, Plaintiff, Pro Se
14121 S. Greenbay Ave.
Burnham, IL 60633
708-933-0367
shoshana3@icloud.com

VERIFICATION;

I hereby verify that all of the foregoing Answers to Interrogatories are true and correct to the best of my knowledge and memory. Where based upon information and belief are believed to be true at the time the statements were made. I declare under penalty of perjury under the laws of the US that the foregoing is true and correct as of the date shown below.

/s/jeanettelipinski/

CERTIFICATE OF SERVICE

I hereby certify that on Oct. 31, 2018 I served via email a copy of the foregoing pleading to all entities who have filed an appearance by email to the addresses noted below.

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/s/jeanettelipinski/, plaintiff, Pro Se

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NOTICE OF FILING

You are hereby notified that on Oct. 31, 2018, I caused the foregoing Response to Def't's Motion for Summary Judgment to be filed with the ND Ill. Clerk of Court.

/s/JeanetteLipinski/

Jeanette Lipinski, plaintiff, pro se

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 001

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 14603558901

C

S LIPINSKI

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County/Local Prosecutor has filed a complaint with the Clerk of the Circuit Court.

Charging the above named defendant with:

510 70/6

M

POSSSIONG OF ANIMAL

The following disposition(s) was/were rendered before the Honorable Judge(s):

08/18/14 BOND SET BY RULE OF COURT	09/10/14 0680
09/10/14 APPEARANCE FILED	
HAYES, ELIZABETH MARY	
09/10/14 CONTINUANCE BY AGREEMENT	10/17/14 0680
NOT DISCO G. CWX. STATUS	
HAYES, ELIZABETH MARY	
10/17/14 CONTINUANCE BY AGREEMENT	11/25/14 0680
DISCOV TEND, STATUS	
CARROLL, THOMAS J.	
11/25/14 CONTINUANCE BY AGREEMENT	01/13/15 0680
STATUS	
CARROLL, THOMAS J.	
01/13/15 CONTINUANCE BY AGREEMENT	04/20/15 0677
WFC	
O'HARA THOMAS J.	
01/13/15 TRANSFER INSTANTEE	01/13/15 0677
CARROLL, THOMAS J.	
04/20/15 CONTINUANCE BY AGREEMENT	07/23/15 0680
WFB	
CARROLL, THOMAS J.	
07/23/15 PLEA OF NOT GUILTY	
CARROLL, THOMAS J.	
07/23/15 JURY WAIVED	
CARROLL, THOMAS J.	
07/23/15 FINDING OF NOT GUILTY	0001
CARROLL, THOMAS J.	

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 002

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 14600558901

J

S LIPINSKI

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County/Local Prosecutor has filed a complaint with the Clerk of the Circuit Court.

I hereby certify that the foregoing has been entered of record on the above captioned case.

Date 06/07/16

Dorothy Brown
DOROTHY BROWN

CLERK OF THE CIRCUIT COURT/OF COOK COUNTY

6-7-16

Cl.

Jeanette S.R. Lipinski - 8/7/2018

<p>53</p> <p>1 Q Can you tell me about the incident in 2 May of 2016? 3 A I'm trying to think back. I would have to 4 have the police report in front of me, which I do, I 5 have it upstairs. But the police were called, I'm 6 not sure exactly why. It was something that the 7 Castanedas had done. And Kus and another officer 8 went over and talked with them, and then he came back 9 and told me that the dog had died. I said no, the 10 dog didn't die, there was nothing wrong with the dog. 11 Q Ms. Lipinski, when was the last time you saw 12 the dog? 13 A Yesterday. 14 Q Ms. Lipinski, did either Yolanda or 15 Alonso Castaneda give you permission to pour bleach 16 on to their backyard? 17 A I didn't pour bleach in their backyard. 18 Q That wasn't my question, Ms. Lipinski. 19 A No. 20 Q Ms. Lipinski, you testified earlier that 21 the -- that you were in shock due to the false 22 arrest? 23 A Yes. 24 Q Did you suffer any monetary damages as a</p>	<p>55</p> <p>1 Lipinski Exhibit J. It's a copy of your disclosures. 2 Okay? 3 A Okay. 4 Q All right, Ms. Lipinski, I want to turn to 5 Page 2. About halfway down, it says Yesenia Chavez, 6 you listed as a neighbor, who has knowledge of false 7 arrest charges and resides at that address listed 8 there? 9 A Yes. 10 Q Who is Yesenia Chavez? 11 A She's the daughter of Irma Chavez, my 12 neighbor. 13 Q Okay. So your house, you have two neighbors 14 on either side, right? 15 A Yes. 16 Q Or excuse me. One neighbor on either side? 17 A Uh-huh. 18 Q And the Chavezes are -- 19 A South side. 20 Q South side. 21 And the Castanedas are the north side 22 neighbors? 23 A Yes. 24 Q Why would Yesenia Chavez have knowledge of</p>
<p>54</p> <p>1 result of this trial? 2 A Yes. 3 Q Can you please tell me what those damages 4 are? 5 A I can't, Excuse me. 6 Q Ms. Lipinski, if you aren't able to expand 7 any further, that was my only question I had today. 8 Maybe we could take a break before finalizing. 9 THE VIDEOGRAPHER: We're going off the record at 10 1:01 p.m. 11 (Recess was taken.) 12 THE VIDEOGRAPHER: Good afternoon. We are back 13 on the video record at 1:08 p.m. 14 FURTHER EXAMINATION 15 BY MR. DOBEN: 16 Q Ms. Lipinski, we're -- we're almost done. I 17 just want to go through your Rule 26(a)(1) initial 18 disclosures. Okay? 19 A Okay. 20 (Whereupon Lipinski Deposition Exhibit J 21 was marked for identification.) 22 BY MR. DOBEN: 23 Q What I'm going to hand you -- What the court 24 reporter's going to hand you is going to be marked as</p>	<p>56</p> <p>1 the false arrest? 2 A Because Yolanda Castaneda told her. 3 Q How do you know that Yolanda Castaneda told 4 Yesenia Chavez? 5 A Because we were friends until Yolanda talked 6 to them. 7 Q The next neighbor is Edward and 8 Shirley Brook? 9 A Correct. 10 Q Who are Edward and Shirley Brook? 11 A They're the second house north of the next to 12 the Castaneda. 13 Q And why would they have knowledge of the 14 false arrest charges? 15 A Because they talked to each other all the 16 time. 17 Q Did you ever hear them over -- Did you ever 18 overhear them talking about it? 19 A No, I knew they were having conversations, 20 but, like, I could not make out what they were 21 saying. 22 Q Turning to the third page, ma'am. It looks 23 like Officer Jesus Avila, he would have knowledge -- 24 or he's an officer of the police -- Burnham Police</p>

14 (Pages 53 to 56)

Epig Court Reporting Solutions - Chicago
312.396.2000

Tuesday, July 15, 2014

LANSING VETERINARY LETTER --- EXHIBIT A - 3 PAGES

Re: "Rex", male, yellow lab, Born 11-30-2008, Belonging to Alonso Castaneda of 14119 Greenbay Ave. Burnham, Ill.

Rex was examined by me today Due to a complaint that he has vomitting and diarrhea off and on for over the past month. He has also been coughing and sneezing the past few days.

On exam his temperature was 104.4 f (normal is 101.5 f.) oral exam and abdominal palpation were normal. Exam of his paw pads showed they are dry with the surface white instead of black. His heart and lungs are normal.

Recommended treatment consists of antibiotics and a liquid to give by mouth that is a protectorant to sooth the lining of the stomach and bowel.

Sincerely,

Larry W. Booher, D.V. M.

13 of 27



Lansing Animal Hospital

1000 Lawrence Ave

Lansing, MI 48208

Ph: 313 424 0011

Fx: 313 424 0517

www.lansingpetvet.com

7-15-14

RE: "Red", male, yellow lab, born 11-30-2007, belonging
to ALONSO CASTANEDA at 14114 GREENBAY AVE,
BURNHAM, ILL.

"Red" was examined by me today due to a
complaint that he has had vomiting and diarrhea
off and on over the past month. He has also
been lethargic and anorectic the past few days.

On exam his temperature was 104.4 F (normal
is 101.5 F) oral exam and abdominal palpation
were normal. Exam of his paw pads showed
they are dry with the surface where the
corns instead of smooth. His heart and lungs
are normal.

Recommended treatment consists of
antibiotics and a laxative to give him mouth
that is a protectant to sooth the lining
of the stomach and bowel.

STACEYAN

L. W. BROKER, DVM

L. W. BROKER, DVM

CASTANEDA 0017

14 of 27

Lanark Animal Hospital
17818 Tamarack Avenue
Lansing, IL 60438
(708) 474-0031

Page 1 / 1

Alonso Castaneda
14118 Green Bay Ave
Chicago IL 60633

Client ID 1585
Invoice # 01501
Date 7/15/2014

Patient ID 3488	Breed/Color	Weight 75.70 pounds	Birthdate 11/30/2008	Sex Male
Patient Name Rex	Breed Retriever Labrador			
Description	Staff Name	Quantity	Total	
7/15/2014 Examination, Physical	Larry Bohner DVM	1.00	\$44.75	
Carefree (Sucralfate) liquid per ML		30.00	\$19.00	
Simplicof 200 mg tablet		7.00	\$23.76	
Patient Subtotal:			\$87.50	

Reminders:

7/15/2014 Rem. to include Patient in Chart Show

07/15/2014 Examination Physical

Invoice Total:	\$87.50
Total:	\$87.50
Balance Due:	\$87.50
Previous Balance:	\$0.00
Balance Due:	\$87.50
Cash:	(\$100.00)
Lines Payment:	(\$100.00)
Change Given:	\$0.00
Balance Due:	\$0.00

Introducing our new Preventative Care Packages which provide monthly payments for your pet's recommended yearly care! (If you haven't already signed up for one please ask our staff for details)

CASTANEDA 0018

15 of 27

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Robert M. Siskin, Clerk, United States Court of Appeals
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-3600
www.ca7.uscourts.gov

FINAL JUDGMENT

CERTIFIED COPY

December 8, 2020

Before:

FRANK H. EASTERBROOK, Circuit Judge

DANIEL A. MANION, Circuit Judge

AMY J. ST. EVE, Circuit Judge

A True Copy
Teste
[Signature]
Clerk of the United States
Court of Appeals for the
Seventh Circuit

No. 19-3395	JEANETTE S.R. LIPINSKI, Plaintiff - Appellant v. YOLANDA CASTANEDA, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 1:16-cv-07153 Northern District of Illinois, Eastern Division District Judge Jorge L. Alonso	

The judgment of the District Court is **AFFIRMED**, with costs, in accordance with the decision of this court entered on this date.

ILLINOIS STATE POLICE
BUREAU OF IDENTIFICATION
260 NORTH CHICAGO STREET
JOLIET, ILLINOIS 60432-4075

JEANETTE LIPINSKI
14121 S GREEN BAY AVE
BURNHAM, IL 60632

Dear Sir Madam,

A court order has been forwarded to the Illinois State Police (ISP) Bureau of Identification for processing regarding the individual listed below. The Illinois Criminal Identification Act defines the specific circumstances under which a criminal record can be sealed or expunged. The arrest record(s) contained in the court order has been processed based on the sealing and expungement provisions contained in the Illinois Criminal Identification Act. The processing conclusion appears in the RESULT field located in the Identifiers section below.

If the result indicates 'completed', the arrest record(s) have been sealed or expunged pursuant to the court order. If the result indicates 'referred', the ISP objects to the court order and has referred the matter to the Office of the Illinois Attorney General to have the court order vacated. Please refer to the second page of this correspondence to get a more detailed explanation of the reason for the referral. If the result indicates 'no record', a search of the files of the ISP Bureau of Identification failed to reveal any record(s) of the court ordered event.

If you have any questions regarding the result of your court order or questions concerning any other information contained in this correspondence, please contact the Illinois State Police at our customer support @isp.state.il.us or call (815) 405-5190. Thank you for allowing us an opportunity to address your needs.

IDENTIFIERS

TCN: COR1830L81384240
SUBMISSION TYPE: LNP&L
Name: LIPINSKI, JEANETTE
Sex Code: T

RESULT: COMPLETED - COURT ORDER

State Code: W

DOB: 04/05/1949

STATE USE ONLY

WARNING: Data on this form is for internal use only. It is not to be released to the public or used for any other purpose. If you are a law enforcement officer, you may use this information for law enforcement purposes only. If you are a private citizen, you may use this information for personal use only. If you are a government employee, you may use this information for official use only. If you are a contractor, you may use this information for official use only. If you are a vendor, you may use this information for official use only. If you are a consultant, you may use this information for official use only. If you are a subcontractor, you may use this information for official use only. If you are a supplier, you may use this information for official use only. If you are a distributor, you may use this information for official use only. If you are a retailer, you may use this information for official use only. If you are a wholesaler, you may use this information for official use only. If you are a manufacturer, you may use this information for official use only. If you are a service provider, you may use this information for official use only. If you are a contractor, you may use this information for official use only. If you are a subcontractor, you may use this information for official use only. If you are a supplier, you may use this information for official use only. If you are a distributor, you may use this information for official use only. If you are a retailer, you may use this information for official use only. If you are a wholesaler, you may use this information for official use only. If you are a manufacturer, you may use this information for official use only. If you are a service provider, you may use this information for official use only.

APPENDIXES U Pgs 1 of 2

isp - chris@isp.statepolice.il.gov - pls chris@isp.statepolice.il.gov - Report to Report - TCN: COR1830L81384240 - 10/16/2018

EXPUNGEMENT/SEAL PETITION RESULT

RESULT: PURSUANT TO ILLINOIS COMPILED STATUTES, 20 ILCS 2630.52, THE ILLINOIS STATE POLICE HAS EXPUNGED THE RECORD(S) LISTED BELOW

DECISION DATE: 08/30/2016

IDENTIFIERS

Charge: POISON DOMESTIC ANIMAL

Arrest Date: 07/14/2014

DCN: 018032509

Agency Case #:

Name: LIPINSKY, SHOSHANAH

Inchoate Code:

Arrest Agency: BURNHAM POLICE DEPARTMENT

CCN: 14000455001

DOB: 01/04/1949

STATE USE ONLY

WARNING: Release of this information to unauthorized individuals in a false or misleading manner is prohibited by Federal Law, 18 USC 1201, 3709, pertaining to criminal history information.

IL 2015-LEA 5106981

http://chicago-police.org/pls/chicago/batchpm/ResponseReport?L_TCN=COR183018135171051... 10/08/2016



BURNHAM POLICE DEPARTMENT

Department of Public Safety

Address: 1000 N. 1st St.
Burnham, MI 48411

Address: 1000 N. 1st St.
Burnham, MI 48411

Offense Code: 774
 Received By: 62342X 14
 Responding Officers: KLS & FEDER, V
 Responsible Officer: KLS
 When Reported: 10/25/18 05:25:10
 Dispatched: 10/25/18 05:25:10
 Occurred between: 10/25/18 05:25:10 and 10/25/18 05:25:10

Assigned To: [Blank]
 Status: Delay
 Date Assigned: 10/25/18
 Due Date: 10/25/18

Completed by: 62342X
 Left: 10/25/18
 Time: 05:25:10
 Road: 1
 Side: 1
 Date: 10/25/18
 Time: 05:25:10
 City: Burnham, MI 48411

Offense Codes
 Reported: 774
 Additional Offense: 774
 Circumstances

Responding Officers:
 KLS
 FEDER, V

Responsible Officer: KLS
 Received By: LINDON
 How Reported: 1
 When Reported: 10/25/18 05:25:10
 Judicial Status:
 Misc Entry:

Agency: BPD
 Last Radio Log: 10/25/18 05:25:10
 Clearance: 0
 Dispatched: NFR Date: 03/05/19
 Occurred between: 10/25/18 05:25:10
 and: 10/25/18 05:25:10

Vendor Opened: Description: Method:

Investigations

Date	Type	Description	Relationship
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EXHIBIT 8

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JEANETTE S.R. LIPINSKI,

Plaintiff,

v.

YOLANDA CASTANEDA, an individual;

ALONSO CASTANEDA, an individual;

L.T. BONNER #79, in his individual and officer
capacity; OFFICER ANDRIELLE CAP #77;

in her individual and officer capacity; and

VILLAGE OF BURNHAM, a municipal
corporation

Defendants.

No. 16-CV-7153

Hon. Jorge L. Alonso

Hon. Mng. Susan E. Cox

Jury Trial Demanded

PLAINTIFF LIPINSKI'S ANSWERS TO
YOLANDA AND ALONSO CASTANEDA'S
REQUESTS FOR ADMISSION TO JEANETTE LIPINSKI

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Yolanda and Alonso Castaneda (jointly the "Castanedas") hereby submit the following requests for admission to Jeanette Lipinski and request that each be separately answered under oath within 30 days:

Instructions

If you fail to respond or object to any request within 30 days of the service of these requests, the matter in such request shall be deemed admitted under Rule 36.

As is more fully set out in Rule 36(a), you must admit or deny each request, and, where necessary, specify the parts of each request to which you object or cannot in good faith admit or deny. If you object to only part of a request, you must

Text

admit or deny the remainder of the request. In the event you object to or deny any request or portion of a request, you must state the reasons for such objection or denial.

These requests for admission shall be deemed continuing, and supplemental answers shall be required if you directly or indirectly obtain further information after your initial response as provided by Rule 26(e).

Each request solicits all information obtainable by you, including information currently in the possession of your counsel, investigators, agents, employees and representatives. If you answer a request on the basis that you lack sufficient information to respond, you shall describe any and all efforts made to inform yourself of the facts and circumstances necessary to answer or respond.

Definitions

A. The terms "you," "your" and "yours" as used in this discovery request, shall refer to Jeanette Lipinski.

B. The term "Property" as used in this discovery request, shall refer to the Castaneda's residence at 14119 Greenbay Ave., Burnham, Illinois 60633.

First Set of Admissions

1. Admit that the you poured bleach onto the Property on or around July 14, 2014.

GENERAL OBJECTION

The Castaneda's keep asserting that Ms. Lipinski has stepped on their property or poured bleach on "their property"; however, they have not provided a Plat of Survey by a licensed Surveyor, nor have they had a Surveyor mark the boundaries of

their property with any type of marker or flag. Therefore, Plaintiff Jeanette reserves the right to update these answers which such a task has been complete. The court should order it to make sure the answers are correct. Why the Castenedas are asserting Trespass without having done so is a complete mystery.

RESPONSE: Denied, Jeanette poured a dilute bleach solution at all times not directly onto the Castenedas's property, but only on the adjacent concrete slab. Without a survey, I do not believe this is part of the "Castenedas's property." The Castenedas's must provide a diagram from their actual plat of survey to determine what portion of the alley belongs to Burnham Village ("Burnham Village") and what Portion they actually own.

2. Admit that Yolanda and Alonso Castaneda's dog had access to the area on which you poured bleach on or around July 14, 2014.

RESPONSE: Denied. Jeanette only cleaned up BV Property.

3. Admit that Yolanda Castaneda never told the police that her dog had died as a result of any alleged bleach poisoning.

RESPONSE: Denied. It was Yolanda Castaneda that told the police her dog died.

4. Admit that Alonso Castaneda never told the police that his dog had died as a result of any alleged bleach poisoning.

RESPONSE: Denied Jeanette has a copy of the unaltered original police report. Someone altered the original police report.

5. Admit that you never heard Yolanda Castaneda tell the police that her dog had died as a result of any alleged bleach poisoning.

RESPONSE: Admitted, Jeanette did not hear it, but the police officer said it and it's in the original police report.

6. Admit that you never heard Alonso Castaneda tell the police that his dog had died as a result of any alleged bleach poisoning.

RESPONSE: Admitted.

7. Admit that no one ever told you that Yolanda Castaneda told the police that her dog had died as a result of any alleged bleach poisoning.

RESPONSE: Denied.

8. Admit that no one ever told you that Alonso Castaneda told the police that his dog had died as a result of any alleged bleach poisoning.

RESPONSE: Vague and contains hearsay. Nonetheless denied to the extent it is understood that both the police and in their report said the dog died.

9. Admit that the Castanedas did not give you permission to enter the Property on or around July 14, 2014.

RESPONSE: Admitted the Castanedas did not give Jeanette permission to enter their property 7/14/14 and Jeanette did not do so.

10. Admit that the Castanedas did not give you permission to pour bleach onto the Property on or about July 14, 2014.

RESPONSE: Admitted the Castanedas never asked Jeanette to pour bleach on their property and Jeanette never did that regardless.

Respectfully submitted.

By: /s/ Jeanette Lipinski/
Pro Se Plaintiff

Prepared By
Jeanette Lipinski, Pro Se
14121 S. Greenbay Ave.
Burnham, IL 60633
708-933-0367
shoshana3@icloud.com

VERIFICATION:

I hereby certify that the foregoing Answers are true and correct to the best of my knowledge and memory. Where based upon information and belief are believed to be true at the time the statements are made.

/s/ Jeanette Lipinski/

CERTIFICATE OF SERVICE

I hereby certify that I serve a copy via email of my Answers on all parties who have filed an appearance in the above captioned cause of action on this March 30, 2018.

John William Patton, Jr.
se

/s/ Jeanette Lipinski/, plaintiff, pro

Michael Robert Luchsinger
Paul Donald Motz
PATTON & RYAN, LLC
330 North Wabash Avenue, Ste. 3800
Chicago, IL 60611
mluchsinger@pattonryan.com

Jerome R. Weitzel
Jessica Fricke Garro
KOZACKY WEITZEL MCGRATH P.C.
65 West Monroe Street, 24th Floor
Chicago, Illinois 60603
(312) 696-0900
JGarro@kwmlawyers.com

Page 5 of 5

Lipinski's answers to Castenada Requests for Admission