

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

PAULA MCGOWEN,)	
)	
Plaintiff,)	
)	No. 22-cv-03981
v.)	
)	Judge Andrea R. Wood
DAN MILINKO, et al.,)	
)	
Defendants.)	

ORDER

Defendants’ motion to dismiss [32] is granted in part and denied in part. Defendants Joseph Soto and Drew Ellis are dismissed without prejudice. Defendants’ motions to stay discovery pending ruling on the motion to dismiss [41], [45] are denied as moot. However, the previously set fact discovery deadline of 1/31/2024 is vacated. By 4/1/2024, the parties shall file a joint status report setting forth: (1) the status of their settlement discussions, (2) a revised discovery schedule, and (3) any matters the parties would like to discuss with the Court at a status hearing. See the accompanying Statement for details.

STATEMENT

Plaintiff Paula McGowen is a resident of Milton Township, Illinois (“Milton”), who briefly worked as a receptionist for the Milton Township Supervisor (“Supervisor”), Defendant John Monino. Despite her affiliation with and active support of the local Republican Party, McGowen worked with individuals affiliated with the Democratic Party to promote a measure that would establish a community mental health facility in Milton. McGowen believes that her advocacy for that measure upset two members of Milton’s Board of Trustees (“Board”), Defendants Dan Milinko and Jeff Castle. In turn, Milinko and Castle allegedly retaliated against McGowen by successfully pressuring Monino to terminate her employment at the Supervisor’s office. Claiming that she was unconstitutionally terminated for exercising her First Amendment rights, McGowen has brought the present action against Milinko, Castle, Monino, and Milton, as well as two other Board members, Defendants Drew Ellis and Joseph Soto.¹ Defendants now ask the Court to dismiss McGowen’s complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). For the reasons that follow, Defendants’ motion is granted in part and denied in part.

¹ The complaint also lists Milton as a Defendant. In their opening brief, Defendants argue that McGowen’s allegations fail to plead Milton’s liability under *Monell v. Department of Social Services*, 436 U.S. 658 (1978). McGowen clarifies in her response that she does not intend to state a *Monell* claim against Milton and names it only for indemnification purposes.

I.

For the purposes of the motion to dismiss, the Court accepts all well-pleaded facts in the complaint as true and views those facts in the light most favorable to McGowen as the non-moving party. *Killingsworth v. HSBC Bank Nev., N.A.*, 507 F.3d 614, 618 (7th Cir. 2007). The complaint alleges as follows.

In September 2021, McGowen was hired to work as a receptionist at the office of Milton’s Supervisor. (Compl. ¶¶ 7, 43, Dkt. No. 1.) Monino served as Milton’s Supervisor at the time, having been elected to that position in 2020. (*Id.* ¶ 30.) In the role of Supervisor, Monino acted as Milton’s Chief Executive Officer as well as Chief Operating Officer of Milton’s Board. (*Id.* ¶¶ 31–32.)

McGowen was active in local politics and served as a committeeperson for Milton’s Republican organization. (*Id.* ¶¶ 37–39.) One measure that McGowen supported was the 708 Bipartisan Bill, which would establish a community mental health facility in Milton. (*Id.* ¶¶ 35–36.) After a referendum on whether to adopt the 708 Bipartisan Bill had been scheduled,² McGowen became involved in the campaign supporting the bill. (*Id.* ¶ 36.) In connection with that effort, McGowen worked with local Democrats to distribute literature and have conversations with community members. (*Id.* ¶ 40.)

According to McGowen, her support of the 708 Bipartisan Bill upset Board members Milinko and Castle. (*Id.* ¶ 41.) Although McGowen herself was an active Republican, Milinko and Castle believed that her work with Democrats in support of the bill was indicative of her broader Democratic sympathies. (*Id.* ¶¶ 41–42.) In particular, Milinko and Castle suspected that McGowen was working covertly to overturn Milton’s Republican majority. (*Id.*) Thus, shortly after McGowen began working as a receptionist in the Supervisor’s office, Milinko and Castle pressured Monino to terminate her. (*Id.* ¶ 44.) Monino complied. (*Id.*)

As a result of her termination, McGowen brought the present lawsuit. In her complaint, asserts claims under 42 U.S.C. § 1983 alleging that she was terminated in retaliation for exercising her First Amendment rights to free speech and political association.

II.

To survive a motion under Rule 12(b)(6), “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). This pleading standard does not necessarily require a complaint to contain detailed factual allegations. *Twombly*, 550 U.S. at 555. Rather, “[a] claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Adams v. City of Indianapolis*, 742 F.3d 720, 728 (7th Cir. 2014) (quoting *Iqbal*, 556 U.S. at 678).

² The complaint is not clear as to the date of the referendum.