

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

NICHOLAS BANNING,

Plaintiff,

v.

SHELBY COUNTY, SHELBY COUNTY
SHERIFF BRIAN MCREYNOLDS, DON
KOONCE, ADVANCED CORRECTIONAL
HEALTHCARE, INC., CWENTON
WILLIAMS, TONYA ATTEBERRY,
DEVON DURBIN, MEGAN WARNER,
MELISSA HAYNES, BRANDON
GATTON, CHRIS ZAKOWSKI, DAINE
BURKHEAD, KELLY ADAMS, and
JACQUELINE CLAYTON,

Defendants.

Case No. 21-CV-3100-JES-JEH

**PLAINTIFF’S MOTION TO AMEND THE COMPLAINT
TO DISMISS CERTAIN DEFENDANTS**

Plaintiff, Nicholas Banning, by and through his attorneys, Louis Meyer and Amanda Yarusso, moves this Honorable Court to amend his Complaint pursuant to Rule 15(a)(2), and states as follows:

1. Plaintiff and Defendant ACH have agreed to settle Plaintiff’s claims against ACH.
2. As part of that agreement, Plaintiff has agreed to dismiss the individual ACH-employed defendants Kelly Adams and Jacqueline Clayton.

3. Thus, Plaintiff brings this motion to amend the complaint to dismiss and remove defendants Adams and Clayton from the lawsuit, via interlineation.

4. After the dismissal of defendants Adams and Clayton via amendment, Plaintiff will proceed to file the motion to dismiss all remaining claims against all remaining defendants, pursuant to settlement. (Plaintiff had already reached a settlement agreement with the County defendants – see ECF filing 134.)

5. Furthermore, given that the parties have reached a settlement in principle and expect to execute the necessary agreement shortly, Plaintiff asks that the dispositive motion deadline be stricken as it pertains to the ACH Defendants. Alternatively, Plaintiff asks the Court to extend that deadline to March 24, 2025, to coincide with the extension requested in the County defendants' motion (ECF no. 134) and to allow for settlement to be finalized.

WHEREFORE, Plaintiff respectfully requests that this Court grant this motion and enter an Order allowing amendment of the via interlineation to remove and dismiss Defendants Kelly Adams and Jacqueline Clayton via interlineation, and to strike or extend the dispositive motion filing deadline of February 24, 2025.

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CERTIFICATE OF SERVICE

On February 22, 2025, I filed the foregoing document via the Court's Electronic Filing System for the Central District of Illinois, thereby causing electronic service on all parties of record, by their counsel.

/s/ Amanda S. Yarusso