



*“Advice and counsel that is concise, timely,
on-point and cost-effective.”*

Firm Attorneys Win Race Bias Suit

Firm attorneys Sarah Marmor, Morgan Churma and Suzanne Alexander won dismissal with prejudice of race bias claims against the Cook County State’s Attorney and six official capacity defendants in *Hudson v. Foxx* in the U.S. District Court for the Northern District of Illinois. A Black former State’s attorney sued the Cook County State’s Attorney’s Office and six employees in their official capacities, claiming his termination was racially motivated in violation of the Fourteenth Amendment. He also made claims for violation of the Family Medical Leave Act, the Federal Privacy Act, retaliation under the First Amendment, and Intentional Infliction of Emotional Distress.

Judge Andrea R. Wood granted the Firm’s Motion to Dismiss all counts with prejudice, primarily based on 11th Amendment immunity for state actors. She also dismissed claims against the individuals, without prejudice. The [attached opinion](#) reflects the excellent arguments made by the Scharf Banks Marmor attorneys which resulted in the dismissal. "Hudson fails to plead facts that could plausibly demonstrate that any defendant targeted him for harassment because he is African American or male," Judge Wood observed. The conduct alleged also did not rise to the level required for the state law claim of Intentional Infliction of Emotional Distress, and the Court held that the Federal Privacy Act could not apply to state actors.