

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

Michelle Higgins, et al. v. The Lake County Circuit Court Clerk’s
Office, et al.

No. 17-cv-07637 · No. No. 17-cv-07637 · Decided December 18, 2025

SUMMARY

The court ruled on defendants’ post-trial motion under Federal Rules of Civil Procedure 50(b), 59(a), and 59(e) following a jury verdict for former employees of the Lake County Circuit Court Clerk’s Office. The plaintiffs alleged that they were terminated because they supported the incumbent clerk’s political campaign, in violation of their First Amendment association rights. The court denied judgment as a matter of law on the Elrod-Branti political-affiliation exception and addressed defendants’ challenges to the damages awards for lost wages and pension benefits; the provided text ends during that discussion.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Andrea R. Wood
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	December 18, 2025
DOCKET	No. 17-cv-07637
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved after a jury verdict under Federal Rules of Civil Procedure 50(b), 59(a), and 59(e) for judgment as a matter of law, alteration or amendment of the judgment, and a new trial.
STANDARD OF REVIEW	For Rule 50(b), the court strictly construed the evidence in favor of the prevailing party, did not weigh evidence or make credibility determinations, and asked whether a rational jury had a legally sufficient evidentiary basis for its verdict. For Rule 59(e), relief required a manifest error of fact or law or newly discovered evidence. For Rule 59(a), a new trial was warranted only if the verdict was against the manifest weight of the evidence or the trial was unfair.

PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive value only
PARTIES	Erin Cartwright Weinstein, Lake County Circuit Court Clerk's Office v. Michelle Higgins, Tiffany Deram, Joshua Smothers

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QUESTIONS PRESENTED

1. Whether the Elrod-Branti exception permitted Weinstein to terminate Higgins and Deram because political affiliation was an appropriate requirement for their Department Chief positions.
2. Whether the jury's awards for lost wages and lost pension benefits were unavailable against Weinstein in her individual capacity or barred by the Eleventh Amendment.
3. Whether the plaintiffs' lay testimony concerning the present value of lost pension benefits required expert testimony or lacked a sufficient factual foundation.
4. Whether the plaintiffs' remaining claims for injunctive relief against the Clerk's Office should be dismissed because they no longer sought reinstatement or front pay.
5. Whether alleged errors in ruling on challenges for cause during jury selection required a new trial.

HOLDINGS

1. Defendants failed to establish as a matter of law that political loyalty was a valid qualification for the Department Chief positions. A rational jury could find that the positions involved professional rather than political discretion and did not provide access to confidential, politically sensitive information.
2. The jury could award net lost wages and lost benefits as compensatory damages against Weinstein in her individual capacity, and the Eleventh Amendment did not bar those damages.
3. Expert testimony was not required for the plaintiffs' basic present-value calculations because the calculations used uncontested information from IMRF records and a standard formula from publicly available sources.
4. The plaintiffs' remaining claims for injunctive relief against the Clerk's Office were dismissed because the plaintiffs no longer sought reinstatement or front pay and the jury had not awarded Smothers front pay.
5. The alleged errors in denying challenges for cause did not require a new trial because the challenged jurors did not sit on the jury, the defendants used peremptory strikes to remove them, and the jury-selection process was not exceptionally confused.

KEY QUOTATIONS

“The Court may disturb the jury’s verdict only if no rational jury could have found for the nonmovant.”

“Accordingly, lost wages and benefits are appropriate compensatory damages against Weinstein in her individual capacity.”

“The basic present value calculation performed by Deram and Smothers is fairly described as the sort of “reasoning familiar in everyday life” to which a lay person may testify.”

“In short, the Court cannot conclude that the jury lacked a sufficient evidentiary basis from which to find in favor of Higgins and Deram on the Elrod-Branti issue.”

FACTUAL BACKGROUND

Michelle Higgins, Tiffany Deram, and Joshua Smothers were employees of the Lake County Circuit Court Clerk’s Office who supported incumbent Clerk Keith Brin in the 2016 election against Erin Cartwright Weinstein. After Weinstein defeated Brin and assumed office, she placed the plaintiffs on administrative leave and terminated them the next day. The jury found that political support was a motivating reason for the terminations and awarded the plaintiffs compensatory and punitive damages, including amounts for lost wages and pension benefits.

PROCEDURAL HISTORY

Plaintiffs sued under 42 U.S.C. § 1983, alleging that Clerk Weinstein terminated them because they supported her election opponent, in violation of the First Amendment. After a ten-day jury trial, the jury found Weinstein liable and awarded each plaintiff compensatory and punitive damages. Defendants then challenged the verdict, the awards for lost wages and pension benefits, the application of the Elrod-Branti exception, and the jury-selection process. The court denied the post-trial challenges except that it dismissed the plaintiffs’ remaining claims for injunctive relief against the Clerk’s Office.

DISPOSITION

other

CASES CITED

- *Empress Casino Joliet Corp. v. Balmoral Racing Club, Inc.*, 831 F.3d 815 (7th Cir. 2016)
- *Passananti v. Cook County*, 689 F.3d 655 (7th Cir. 2012)
- *Ruiz-Cortez v. City of Chicago*, 931 F.3d 592 (7th Cir. 2019)
- *Robinson v. Waterman*, 1 F.4th 480 (7th Cir. 2021)
- *A&C Construction & Installation, Co. WLL v. Zurich American Insurance Co.*, 963 F.3d 705 (7th Cir. 2020)
- *Ohr ex rel. NLRB v. Latino Express, Inc.*, 776 F.3d 469 (7th Cir. 2015)
- *Lewis v. McLean*, 941 F.3d 886 (7th Cir. 2019)
- *Estate of Burford v. Accounting Practice Sales, Inc.*, 851 F.3d 641 (7th Cir. 2017)
- *Hanson v. LeVan*, 967 F.3d 584 (7th Cir. 2020)

- *Bogart v. Vermilion County*, 909 F.3d 210 (7th Cir. 2018)
- *Branti v. Finkel*, 445 U.S. 507 (1980)
- *Elrod v. Burns*, 427 U.S. 347 (1976)
- *Kiddy-Brown v. Blagojevich*, 408 F.3d 346 (7th Cir. 2005)
- *Hagan v. Quinn*, 867 F.3d 816 (7th Cir. 2017)
- *Allman v. Smith*, 6 F. Supp. 3d 889 (S.D. Ind. 2014), *aff'd*, 790 F.3d 762 (7th Cir. 2015)
- *Lenea v. Lane*, 882 F.2d 1171 (7th Cir. 1989)
- *Maduko v. Illinois*, No. 07 C 4701, 2008 WL 4279982 (N.D. Ill. Sept. 17, 2008)
- *Sakelaris v. Danikolas*, No. 2:05-CV-158, 2007 WL 1832119 (N.D. Ind. June 22, 2007)
- *Benton v. Robinson*, No. 85 C 10324, 1990 WL 251745 (N.D. Ill. Dec. 21, 1990)
- *Memphis Community School District v. Stachura*, 477 U.S. 299 (1986)
- *Indiana Protection & Advocacy Services v. Indiana Family & Social Services Administration*, 603 F.3d 365 (7th Cir. 2010)
- *Luder v. Endicott*, 253 F.3d 1020 (7th Cir. 2001)
- *Haynes v. Indiana University*, 902 F.3d 724 (7th Cir. 2018)
- *Pennhurst State School & Hospital v. Halderman*, 465 U.S. 89 (1984)
- *Negron-Almeda v. Santiago*, 528 F.3d 15 (1st Cir. 2008)
- *United States v. Christian*, 673 F.3d 702 (7th Cir. 2012)
- *Hall v. Sterling Park District*, No. 08 C 50116, 2012 WL 1050302 (N.D. Ill. Mar. 28, 2012)
- *Griffin v. Bell*, 694 F.3d 817 (7th Cir. 2012)
- *United States v. Martinez-Salazar*, 528 U.S. 304 (2000)
- *United States v. Brodnicki*, 516 F.3d 570 (7th Cir. 2008)
- *Jimenez v. City of Chicago*, 732 F.3d 710 (7th Cir. 2013)
- *United States v. Harbin*, 250 F.3d 532 (7th Cir. 2001)
- *Thompson v. Altheimer & Gray*, 248 F.3d 621 (7th Cir. 2001)