

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

MILDRED CRESPO,)
vs.)
Plaintiff,)
vs.)
ROSITA LOPEZ,)
Defendant.)
No. 2025L009086
Calendar Y

ORDER ON DEFENDANT'S MOTION TO DISMISS

This matter came before the Court for hearing on Defendant's Motion to Dismiss Plaintiff's Complaint pursuant to 735 ILCS 5/2-619(a)(1) and 735 ILCS 5/2-615. The Court has considered the Motion, Plaintiff's Response, Defendant's Reply, Plaintiff's Sur-Reply, oral arguments of counsel, and the supporting exhibits.

The Court finds that the Complaint sufficiently alleges conduct that, if proven, would constitute action beyond the scope of any advisory authority. Accordingly, the Court cannot conclude at this stage that the claims are barred by the State Lawsuit Immunity Act or the Court of Claims Act, and the motion is denied.

BACKGROUND

Plaintiff was appointed Interim Director of Northeastern Illinois University's El Centro campus for a fixed term from November 1, 2024 to June 30, 2025. Defendant serves as Chair of the El Centro Advisory Council, an unpaid community advisory body. Plaintiff alleges that Defendant engaged in a campaign of false and disparaging statements to NEIU administrators, faculty, and staff, resulting in Plaintiff's premature removal as Interim Director and foreclosing further advancement. Plaintiff asserts claims for tortious interference with prospective economic advantage (Count I), tortious interference with contract (Count II), and defamation (Count III).

ANALYSIS

I. § 2-619(a)(1) — Subject Matter Jurisdiction / Sovereign Immunity

Defendant contends that Plaintiff's claims are barred by the State Lawsuit Immunity Act and the Illinois Court of Claims Act because the claims are, in substance, claims against the State of Illinois. The Court disagrees.

In determining whether an action nominally brought against an individual is actually against the State, courts look to the issues involved and the relief sought, rather than the formal designation of the parties. *Currie v. Lao*, 148 Ill. 2d 151, 158 (1992). Sovereign immunity applies

only where there are no allegations that the defendant acted beyond the scope of authority, the duty allegedly breached arises solely from state employment, and the conduct complained of involves matters ordinarily within the defendant's official functions. *Healy v. Vaupel*, 133 Ill. 2d 295, 309 (1990).

Accepting the well-pleaded allegations as true, Plaintiff alleges that Defendant exceeded any authorized advisory role, including making false and disparaging statements to NEIU administrators and employees, encouraging staff complaints, and advocating for Plaintiff's removal and exclusion from future opportunities. These allegations plausibly assert conduct undertaken outside the limited advisory functions described in the El Centro Advisory Council bylaws.

At this stage, it is not clearly apparent that Defendant's alleged conduct fell wholly within the scope of any state-authorized role or that the duties allegedly breached arose solely from state employment. Accordingly, the Court cannot conclude as a matter of law that Plaintiff's claims are, in substance, claims against the State subject to the exclusive jurisdiction of the Court of Claims.

The Court's conclusion is consistent with the First District's recent decision in *Blakemore v. Catholic Charities*, 2025 IL App (1st) 240985, which cautions against dismissal on sovereign-immunity grounds where scope-of-authority and agency issues are not "so clear" as to be undisputed" and may require factual development. *Id.* ¶ 38.

Defendant's motion to dismiss pursuant to § 2-619(a)(1) is accordingly denied.

II. § 2-615 — Failure to State a Claim

To the extent Defendant's motion also seeks dismissal under § 2-615 (Mot. at 10-13), the motion is denied.

Viewed in the light most favorable to Plaintiff, *see Marshall v. Burger King Corp.*, 222 Ill. 2d 422, 429 (2006), the Complaint sufficiently pleads the essential elements of tortious interference with prospective economic advantage, tortious interference with contract, and defamation. The Court does not weigh factual disputes at this stage, and it is not clearly apparent that no set of facts could be proven that would entitle Plaintiff to relief. *Id.*

Moreover, Plaintiff has provided her appointment letter (Resp. Ex. B), which rebuts any presumption of at-will employment (Mot. at 12-13) and adequately pleads a contractual relationship for purposes of Count II. (Ex. B also cures any alleged deficiency under 735 ILCS 5/2-606.)

Defendant's § 2-615-style arguments largely depend on disputed characterizations of Defendant's role and authority and therefore are not suitable for resolution on the pleadings.

CONCLUSION

IT IS HEREBY ORDERED:

1. Defendant's Motion to Dismiss is DENIED;
2. Defendant shall file an Answer to the Complaint within 21 days;
3. This case is continued for status and case management to February 9, 2026 at 9:00 a.m.; and
4. The parties may appear either in person or remotely via Zoom. Meeting ID: 999 8063 6139; Password: 645477.

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ENTERED:

/s/John J. Tully, Jr.

Judge John J. Tully, Jr. - 2354

J. Tully #2354

ENTERED
Associate Judge John J. Tully, Jr.-2354
JAN 12 2026
MARIYANA T. SPYROPOULOS CLERK OF THE CIRCUIT COURT OF COOK COUNTY, IL