

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CHRISTOPHER A. BRIGGS

Plaintiff,

v.

**JOHN G. RADOSEVICH,
PEGGY J. WICKLINE-BRIGGS,
DONALD C. BATTAGLIA**

Defendants.

Civil Action No. 01CV02689 (RMC)

MEMORANDUM OPINION

Christopher A. Briggs has sued his wife, her attorney and the Honorable John C. Radisovich, Associate Judge in the Nineteenth Judicial Circuit, Lake County, Illinois. Plaintiff alleges that he was a defendant in a case before Judge Radisovich and a trial date was set without notice to him. Although its exact nature is not described, the lawsuit was between Mr. Briggs and Ms. Wickline-Briggs. Her attorney was Donald C. Battaglia, the third defendant here. It appears from the complaint that Mr. Briggs missed a trial set for December 3, 2001, because of severe chest pains that required hospitalization until December 7, 2001. He alleges that the trial was re-set for December 10, 2001, and, in fact, occurred on that date without notice to him and without his participation. He seeks punitive damages of ten million dollars from each defendant.

The complaint was filed on December 31, 2001, and the record contains returns of service for Mr. Battaglia on January 9, 2002, and Ms. Wickline-Briggs on January 27, 2002. No answers to the complaint having been filed by either of these defendants, Mr. Briggs obtained an entry of default against each of them on December 11, 2002.

It is unclear when service was perfected as to Judge Radisovich. Through the Attorney General for the State of Illinois, he filed a motion to dismiss on January 31, 2002. Mr. Briggs has filed no response.

The Attorney General argues that Judge Radisovich has no contacts whatsoever with the District of Columbia sufficient to justify personal jurisdiction over him in the District. FED. R. CIV. P. 4(k). *See Moskovits v. Drug Enforcement Admin.*, 774 F. Supp. 649,652 (D.D.C. 1991). She states that venue is not proper in the United States District Court for the District of Columbia because none of the defendants is alleged to reside in the District and none of the events relating to the claim occurred in the District of Columbia. 28 U.S.C. § 1391(b). Because the Judge is sued for his judicial acts in the conduct of a civil case, the Attorney General claims absolute immunity for him from suit and damages. *See Stump v. Sparkman*, 435 U.S. 349 (1978). She adds that Mr. Briggs previously sued 32 current and former judges of the Nineteenth Judicial Circuit, including Judge Radisovich, and that case was dismissed. *Briggs v. Waller, et al.*, No. 02 C 163 (N.D. Ill. June 27, 2002). Therefore, she argues, the complaint here is barred by the doctrine of res judicata, as to all claims that were brought, or could have been brought, in the lawsuit in Illinois. *See Allen v. McCurry*, 449 90, 94 (1980).

The Attorney General is right on all points. The motion to dismiss [10] is **GRANTED** and the complaint against Judge Radisovich is **DISMISSED** with prejudice.

A separate Order accompanies this Memorandum Opinion.

ROSEMARY M. COLLYER
United States District Judge

Date: March 7, 2003