

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
WILL COUNTY, ILLINOIS**

FILED  
2025 JUL 22 10:11:34  
CLERK OF THE CIRCUIT COURT  
WILL COUNTY, ILLINOIS

BRIAN BOLEK, as independent administrator of )		
THE ESTATE OF JOEY LYNN BOLEK, deceased, )		
Plaintiff, )		Case No. 2024 LA 000902
v. )		
VILLAGE OF BOLINGBROOK )		
Defendant. )		

**ORDER GRANTING DEFENDANT’S MOTION TO DISMISS**

This cause comes on for decision on Defendant Bolingbrook’s Section 2-619.1 Motion to Dismiss. The motion was fully briefed, argued on April 6, 2025, and taken under advisement. The court is fully apprised. For the reasons stated herein the motion is granted and Plaintiff’s complaint is dismissed without prejudice.

For purposes of this motion, the court assumes the truth of well-pled facts. On October 31, 2023, Joey Lynn Bolek made suicidal threats. The following day her husband contacted the Bolingbrook Police Department requesting the department perform a wellness check on his wife. Brian advised the department that his wife had threatened to hang herself the night before, had not been taking her medication, and previously attempted to take her own life. Police officers and EMT’s arrived at Joey Lynn Bolek’s home multiple times after Brian’s call and because of prior interactions with Joey Lynn were aware of medical diagnoses, and previous suicide attempts. The plaintiff alleges the Police and EMT’s did not evaluate or assess her, did not call a physician or other qualified personnel to see if Joey Lynn should be transported to a mental health facility for evaluation, and did not transport her themselves for treatment, all in willful or wanton disregard for Joey Lynn’s safety. Shortly after the police and EMT’s left the residence, Joey Lynn committed suicide.

The Mental Health Code provides a peace officer may take a person into custody and transport him to a mental health facility when the peace officer has reasonable grounds to

believe the person is subject to involuntary admission on an inpatient basis and in need of immediate hospitalization to protect the person or others from physical harm. 405 ILCS 5/3-606. However, the determination whether to take a person into custody in these circumstances is discretionary. Further, Section 607(a)(1) immunizes local public entities and public employees from “injuries resulting from determining in accordance with any applicable enactment . . . (1) whether to confine a person for mental illness or addiction.” 745 ILCS 10/6-107(a)(1). Accordingly, the officers’ decision not to take custody of Joey Lynn (under the factual circumstances set forth in the complaint) and transport her to a mental health facility is not actionable.

Plaintiff contends the officers’ inaction - failing to ascertain whether Joey Lynn required confined or evaluation - takes the case outside the scope of the immunity. The court disagrees. The gravamen of the complaint is Joey Lynn died because Village employees failed to take her into custody and confine her for treatment. Implicit in the allegations is village employees decided so after responding to Brian Bolek’s call for a welfare check. Immunity applies.

Similar immunity provided by Sections 6-105 and 6-106 of the Act applies here as to the EMT’s, inasmuch as there are no allegations of professional negligence on the EMT’s part.

ACCORDINGLY, IT IS HEREBY ORDERED AS FOLLOWS:

1. Defendant’s 2-619.1 motion to dismiss is granted. Counts I and II are dismissed, Plaintiff is given 28 days to replead.
2. Status hearing of July 23, 2025 is stricken and reset to September 2, 2025 at 9:15 A.M. for status as to whether an amended complaint has been filed.

ENTER:

Date: July 22, 2025



Judge