

**IN THE CIRCUIT COURT OF THE 20TH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS**

Caritas Family Solutions, *et al.*,)
)
 Plaintiffs,)
)
 v.)
)
 James Dimas, Secretary of the Illinois)
 Department of Human Services, in his official)
 capacity, *et al.*,)
)
 Defendants.)

No. 17-CH-112

The Honorable Robert P. LeChien



PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Plaintiffs, by their undersigned counsel, respectfully move that this Court: (1) set an immediate hearing date for; and (2) grant a preliminary injunction requiring the defendant state officials and defendant Controller to pay on a timely basis the bills and vouchers already submitted and not paid and that will be submitted by the plaintiff organizations for the duration of the fiscal year. If deemed appropriate by this Court, plaintiffs request that this motion for a preliminary injunction be advanced as a hearing for a permanent injunction on the merits. In support of this motion, plaintiffs states as follows:

1. Plaintiffs have contemporaneously filed a motion seeking leave to file a memorandum of law in excess of ten pages that sets forth the grounds for preliminary injunctive relief.
2. Plaintiffs have also attached the affidavits of Gary Huelsmann, the CEO of Caritas Family Solutions, located in Belleville Illinois; Charley Smith, the Executive Director of Haven Youth and Family Services; and Nora Collins-Mandeville, the policy director of the Illinois Collaboration on Youth.
3. As set forth in the memorandum of law, the plaintiff organizations meet the prerequisites for a preliminary injunction.

4. Plaintiffs have an ascertainable right to payment—a payment right that is undisputed by defendants.

5. From lack of timely payment, or any payment, plaintiffs are suffering irreparable injury to their capacity to deliver services to the needy of this State and perform their organizational missions.

6. Plaintiffs have no adequate remedy at law in the Court of Claims or for legal relief in damages.

7. Plaintiffs are likely to succeed on the merits of their legal claims that the defendant officers have acted in excess of their authority and abused the powers of their office and should be liable for prospective injunctive relief. Furthermore, the defendants—in the so-called “Stop Gap,” Public Act 99-524—have impaired the obligation of contracts in violation of Article I, section 16 of the Illinois Constitution. Defendants have also impaired the obligation of contracts by operating the State and routinely entering contracts with third parties without the budget required by Article VIII of the Illinois Constitution.

WHEREFORE plaintiffs move that this Court grant the relief sought above.

Dated: February 21, 2017

By: s/ Sean Morales-Doyle
One of Plaintiffs’ Attorneys

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Certificate of Service

The undersigned attorney certifies that the foregoing Plaintiff's Motion for Preliminary Injunction was served upon the parties listed below on February 21, 2017, by personal delivery.

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Dated: February 21, 2017

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One of Plaintiffs' Attorneys

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