

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

Illinois Collaboration on Youth, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 James Dimas, Secretary of the Illinois)
 Department of Human Services, in his)
 official capacity, et al.,)
)
 Defendants.)

No. 16 CH 6172
 Honorable Rodolfo Garcia

2016 JUL -5 PM 1:36
 RECEIVED
 COURT CLERK

NOTICE OF MOTION

TO: Thomas H. Geoghegan
 Michael P. Persoon
 Sean Morales-Doyle
 Samantha Liskow, *Of Counsel*
 Despres, Schwartz & Geoghegan
 77 W. Washington Street, Suite 711
 Chicago, Illinois 60602

On July 13, 2016 at 10:00AM or as soon thereafter as can be heard, appearing before the **Honorable Rodolfo Garcia**, or any judge sitting in his stead in **Courtroom 2601** or the Courtroom usually occupied by him, at the Cook County Courthouse, located in the Richard J. Daley Center, Chicago, Illinois, and present the attached: **Defendants' Motion for Extension of Time to File Responsive Pleading and to Reset the Hearing Date.**

Respectfully Submitted,

LISA MADIGAN, #99000
 Attorney General of Illinois

By: Amy M. McCarthy
 AMY M. McCARTHY, AAG
 MICHAEL D. ARNOLD, AAG
 General Law Bureau
 100 W. Randolph Street, 13th Floor
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CERTIFICATE OF SERVICE

The undersigned attorney certifies that a copy of the aforementioned document was served upon the above named individuals, at the above address by U.S. Mail, postage prepaid, and via electronic mail delivery, on July 6, 2016.

Amy M. McCarthy

4. On May 25, 2016, Plaintiffs moved for leave to file their First Amended Complaint, seeking to add 17 organizations as party plaintiffs. Plaintiffs additionally sought leave to name Illinois Comptroller Leslie Munger as a party defendant, only for limited purposes of relief.

5. On the same date, Plaintiffs filed a Motion for Preliminary Injunction, asking this Court “to require the defendants and the defendant Comptroller to make payment of bills overdue by 60 days or more during the pendency of this case.” (Motion for Preliminary Injunction, pp. 2, 24).

6. On June 2, 2016, with leave from this Court, Plaintiffs filed their First Amended Complaint.

7. On June 7, 2016, this Court entered a briefing schedule with respect to Plaintiffs’ Motion for Preliminary Injunction. Defendants’ response was to be filed by June 28, 2016; Plaintiffs’ reply was to be filed by July 5, 2016; and a hearing is scheduled for July 13, 2016. (Exhibit A, June 7, 2016 Order).

8. On June 21, 2016, with leave from this Court, Plaintiffs filed their SAC, adding factual allegations regarding Governor Rauner’s June 10, 2016, veto of Senate Bill 2046.

9. On June 28, 2016, Plaintiffs’ counsel agreed to give Defendants an additional two-day extension, until June 30, 2016, to file their Motion to Dismiss Plaintiff’s SAC and Combined Memorandum of Law in Support of their Motion to Dismiss and in Response to Plaintiffs’ Motion for Preliminary Injunction.

10. On June 29, 2016, an Agreed Order was entered modifying the briefing schedule, with Defendants’ Motion to Dismiss Plaintiffs’ SAC and combined memorandum due on June 30, 2016; Plaintiffs’ Reply in Support of their Motion for Preliminary Injunction and Response

to Defendants' Motion to Dismiss due on July 6, 2016; and the July 13, 2016 hearing date on Plaintiffs' Motion for Preliminary Injunction and Defendants' Motion to Dismiss to stand. (Exhibit B, June 29, 2016 Order).

11. Defendants were prepared to file their responsive pleading on June 30, 2016. However, in light of the budget negotiations and pending legislative vote in Springfield, Plaintiffs' counsel agreed that Defendants did not need to file their responsive pleading on June 30, 2016.

12. On June 30, 2016, Senate Bill 2047 was passed by the General Assembly and was signed into law by Governor Rauner. This stopgap budget provided appropriations for approximately 65 percent (65%) of the social services provided under Plaintiffs' contracts with the State.

13. The passage of the stopgap budget undoubtedly changes the posture of this case.

14. As this case raises complex legal issues, Defendants request an extension of time to file their responsive pleading to Plaintiffs' SAC and Response to Plaintiffs' Motion for Preliminary Injunction.

15. If Defendants' Motion to Dismiss Plaintiffs' SAC is granted, then Plaintiffs cannot establish a likelihood of success on the merits to prevail on their pending Motion for Preliminary Injunction. *Hartlein v. Ill. Power Co.*, 151 Ill. 2d 142, 156 (1992).

16. Thus, in the interest of judicial economy, Plaintiffs' Motion for Preliminary Injunction and Defendants' Motion to Dismiss Plaintiffs' SAC should be briefed and argued concurrently.

17. Illinois Supreme Court Rule 183 provides that "[t]he court, for good cause shown on motion after notice to the opposite party may extend the time for filing any pleading or the

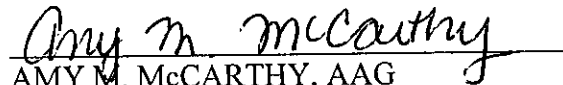
doing of any act which is required by the rules to be done within a limited period, either before or after the expiration of the time.” Ill. S. Ct. R. 183.

18. This motion is made in good faith and not for purposes of undue delay.

WHEREFORE, for the above and foregoing reasons, Defendants, Bruce Rauner, in his official capacity as Governor of the State of Illinois, *et al.*, respectfully request this Honorable Court to grant Defendants’ Motion for Extension of Time and allow Defendants an additional 14 days to file their Motion to Dismiss and Response to Plaintiffs’ Motion for Preliminary Injunction, and to reset the July 13, 2016 hearing date.

LISA MADIGAN, #99000
Attorney General of Illinois

Respectfully Submitted,


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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ICOY, et al.

v.

No. 16-CH-6172

Dimas, Secretary of IDHS, et al.

ORDER

This matter coming to be heard on Plaintiffs' Motion for a Preliminary Injunction and Amici's Motion for Leave to Appear, all parties having been heard, the Court being fully advised in the premises, it is hereby ordered:

- 1) Defendants have until June 28, 2016 to file a response to Plaintiffs' Motion;
- 2) Plaintiffs have until July 5, 2016 to file a reply; and
- 3) A hearing on both motions is set for July 13, 2016 at 2:00 p.m.; and
- 4) The case management hearing of September 1, 2016 is stricken.

Atty. No.: 70814

Name: Sean Morales-Duyle

Atty. for: ITC

Address: 77 W Washington St, Ste 711

City/State/Zip: Chicago IL 60602

Telephone: 312-372-2511

ENTERED:

ENTERED

Judge Rodolfo Garcia

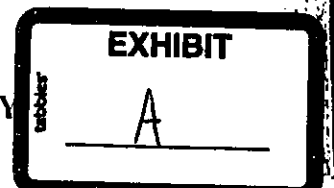
Dated: JUN 07 2016

Circuit Court - 1727

Judge

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CHANCERY DIVISION

Illinois Collaboration on Youth, et al.,)
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Plaintiffs,)
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v.) No. 16 CH 6172
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James Dimas, Secretary of the Illinois) Honorable Rodolfo Garcia
Department of Human Services, in his)
official capacity, et al.,)
)
Defendants.)

AGREED ORDER

This matter coming to be heard upon the Defendants' request to modify the June 7, 2016 briefing schedule on Plaintiffs' Motion for Preliminary Injunction, the parties being in agreement, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

1. Defendants are granted until June 30, 2016 to file their Motion to Dismiss Plaintiffs' Second Amended Complaint and Memorandum of Law in Support of their Motion to Dismiss and their Response to Plaintiffs' Motion for Preliminary Injunction;
2. Plaintiffs are granted until July 6, 2016 to file their Reply in Support of their Motion for Preliminary Injunction and Response to Defendants' Motion to Dismiss;
3. Courtesy copies are to be provided to the Court by July 6, 2016; and
4. The July 13, 2016 ^{@1:00pm} hearing date on Plaintiffs' Motion for Preliminary Injunction and Defendants' Motion to Dismiss is to stand.

Dated: June 28, 2016

ENTERED
ENTERED: Judge Rodolfo Garcia
JUN 29 2016

JUDGE _____ Judge's No.
Circuit Court - 1727

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Michael Arnold, AAG
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