

No. 118585

03/04/2015

Supreme Court Clerk

IN THE SUPREME COURT OF ILLINOIS *****

IN RE:)
)
 PENSION REFORM LITIGATION) Direct Appeal
 (Doris Heaton, et al.,)
)
 Plaintiff-Appellees,) Appeal from the Circuit Court for the
) Seventh Judicial Circuit, Sangamon County,
) Illinois, No. 2014 MR 1
 vs.) Honorable John W. Belz,
) Judge Presiding
 PAT QUINN, Governor)
 of Illinois, et al.,)
)
 Defendant-Appellants))

RESPONSE OF STATE UNIVERSITIES ANNUITANTS ASSOCIATION
 TO CROSS-MOTION OF ISEA PLAINTIFFS, ET AL.
TO RESOLVE IMPASSE REGARDING ORAL ARGUMENT

Introduction

1. SUAA’s motion on this subject is short and straightforward. SUAA has filed one brief and the ISEA Plaintiffs have filed a second, unified brief. SUAA expects that at oral argument there will be questions from the bench directed to each brief. SUAA’s counsel can speak to its brief and ISEA’s counsel can speak to its brief, but neither is capable of speaking for the other. SUAA believes it that it can defend its brief in 10 minutes and ISEA should be able to the same.

Response

2. If ISEA gives the impression that SUAA’s counsel failed to negotiate in good faith, or tried to duck its calls, it is mistaken. SUAA opened the dialogue suggesting that each of the two briefs had to be represented at oral argument.

- a. SUAA suggested that each brief be represented by 10 minutes of oral argument. However, later SUAA suggested that if ISEA were to ask the Court to extend the time so SUAA would argue for 10 minutes and ISEA could argue for 20 minutes, and if in response the State were to request additional time, of any amount, SUAA would raise no objection. At no time did SUAA demand half of whatever time might be allotted for Plaintiffs' arguments.
 - b. The parties held a scheduled conference call on Wednesday, 2/25/15, again on Friday, 2/27/15, and an unscheduled call on Monday 3/2/15. On Wednesday, Aaron Maduff had laryngitis, but in any event, Michael Maduff was SUAA's designated primary spokesman. On Friday Aaron Maduff was not even present and again Michael Maduff was SUAA's primary spokesman. On Monday morning John Shapiro called the Maduff & Maduff office and, on asking for Aaron Maduff was told that he was unavailable, but that he could, and should, talk to Michael Maduff and was given his cell number. Mr. Shapiro finally called Michael Maduff at 8:00 p.m. and they spoke for nearly two hours with Michael Reagan joining the conversation mid-way through.
3. Frankly, the first two conference calls were somewhat acrimonious and non-productive. The third was more collegial and substantive although no agreement was reached. In that third call, of the content of oral argument was not a major topic as ISEA suggests since SUAA expects the oral argument to be primarily driven from the bench. Instead, there was an attempt to distinguish the parties'

briefs to determine if they should be argued separately. At Mr. Shapiro's request Michael Maduff identified some examples where the parties had different approaches.¹ Mr. Shapiro declined a similar request from Michael Maduff. Most importantly, when Michael Maduff gave some examples of dissimilarities both Mr. Shapiro and Mr. Reagan became concerned and urged Michael Maduff not to pursue those issues. Obviously, Michael Maduff did not share their view. SUAA believes that this kind of disagreement between it and ISEA makes it imperative that both take part in oral argument.

Respectfully submitted,

s/ Michael L. Maduff
One of the attorneys for the State
Universities Annuity Association

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¹ The case has been briefed by all parties and it would be inappropriate to discuss substantive issues in this Response.

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IN RE:)	
)	
PENSION REFORM LITIGATION)	Direct Appeal
(Doris Heaton, et al.,)	
)	Appeal from the Circuit Court for the
Plaintiff-Appellees,)	Seventh Judicial Circuit, Sangamon County,
)	Illinois, No. 2014 MR 1
vs.)	Honorable John W. Belz,
)	Judge Presiding
PAT QUINN, Governor)	
of Illinois, et al.,)	
)	
Defendant-Appellants))	

DECLARATION OF MICHAEL L. MADUFF IN SUPPORT OF
STATE UNIVERSITIES ANNUITANTS ASSOCIATION'S
RESPONSE TO CROSS-MOTION OF ISEA PLAINTIFFS, ET AL.
TO RESOLVE IMPASSE REGARDING ORAL ARGUMENT

1. My name is Michael L. Maduff, I am an attorney licensed to practice law in the State of Illinois. I am one of the attorneys representing the State Universities Annuitants Association in this case.
2. This declaration is provided in support of the Response of State Universities Annuitants Association to the Cross-Motion of ISEA Plaintiffs, et al., To Resolve Impasse Regarding Oral Argument.
3. When discussing the oral argument SUAA opened the dialogue suggesting that each of the two briefs had to be represented at oral argument.
 - a. SUAA suggested that each brief be represented by 10 minutes of oral argument. However, later SUAA suggested that if ISEA were to ask the

Court to extend the time so SUAA would argue for 10 minutes and ISEA could argue for 20 minutes, and if in response the State were to request additional time, of any amount, SUAA would raise no objection. At no time did SUAA demand half of whatever time might be allotted for Plaintiffs' arguments.

- b. The parties scheduled a conference call on Wednesday, 2/25/15, again on Friday, 2/27/15, and had an unscheduled call on Monday 3/2/15. On Wednesday, Aaron Maduff had laryngitis, but in any event, I was SUAA's designated primary spokesman.
 - c. On Friday, 2/27/15 Aaron Maduff was not even present on the call and I continued as SUAA's primary spokesman.
 - d. On Monday morning John Shapiro called the Maduff & Maduff office and, on asking for Aaron Maduff was told that he was unavailable, but that he could, and should, talk to me and was given my cell number. Mr. Shapiro finally called my cell phone at 8:00 p.m. and we spoke for nearly two hours with Michael Reagan joining the conversation mid-way through.
4. The first two conference calls were somewhat acrimonious and non-productive. The third was more collegial and substantive although no agreement was reached. In that third call, of the content of oral argument was not a major topic as ISEA suggests since SUAA expects the oral argument to be primarily driven from the bench. Instead, there was an attempt to distinguish the parties' briefs to determine if they should be argued separately. At Mr. Shapiro's request, I identified some

examples where the parties had different approaches. Mr. Shapiro declined a similar request. Most importantly, when I gave some examples of dissimilarities both Mr. Shapiro and Mr. Reagan became concerned and urged that SUAA not pursue those issues. I did not share their view.

Verification by Certification

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned attorney certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Respectfully submitted,

s/ Michael L. Maduff
One of the attorneys for the State
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NOTICE OF FILING and PROOF OF SERVICE

IN THE SUPREME COURT OF ILLINOIS

IN RE:)	
)	
PENSION REFORM LITIGATION)	
(Doris Heaton, et al.,)	
)	***** Electronically Filed *****
Plaintiff-Appellees,)	No. 118585
)	118585
vs.)	03/04/2015
)	Supreme Court Clerk
PAT QUINN, Governor)	*****
of Illinois, et al.,)	
)	
Defendant-Appellants))	

The undersigned states that he electronically filed the Response of State Universities Annuity Association To Cross-Motion Of ISEA Plaintiffs, Et Al. To Resolve Impasse Regarding Oral Argument and Michael L. Maduff's Declaration in Support of the Response with the above court and that he also served copies of the above by sending an email and by depositing the same in the United States Mail at Chicago, Illinois on the 4th day of March, 2015 properly stamped and addressed to:

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