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APPEAL TO THE  
SUPREME COURT OF ILLINOIS  
SUPREME COURT CLERK

*Anthony P. Kelly*  
Clerk of the  
Circuit Court

From the Circuit Court for the Seventh Judicial Circuit,  
Sangamon County, Illinois

ORIGINAL

IN RE: PENSION REFORM LITIGATION ) No. 2014 MR 1  
 ) Hon. John W. Belz ✓

DORIS HEATON, *et al.*, )  
 ~~Plaintiffs~~-Appellees, ) Originally Filed as  
 v. ) Cook County Case  
 PAT QUINN, Governor of Illinois, *et al.*, ) No. 2013 CH 28406  
 ~~Defendants~~-Appellants. )

RETIRED STATE EMPLOYEES ASS'N RETIREES, *et al.*, )  
 ~~Plaintiffs~~-Appellees, ) Originally Filed as  
 v. ) Sangamon County Case  
 PATRICK QUINN, Governor of Illinois, *et al.*, ) No. 2014 MR 1  
 ~~Defendants~~-Appellants. )

ILLINOIS STATE EMPLOYEES ASS'N, *et al.*, )  
 ~~Plaintiffs~~-Appellees, ) Originally Filed as  
 v. ) Sangamon County Case  
 BOARD OF TRUSTEES OF STATE EMPLOYEES ) No. 2014 CH 3  
 RETIREMENT SYSTEM OF ILLINOIS, *et al.*, )  
 ~~Defendants~~-Appellants. )

GWENDOLYN A. HARRISON, *et al.*, )  
 ~~Plaintiffs~~-Appellees, ) Originally Filed as  
 v. ) Sangamon County Case  
 PATRICK QUINN, Governor of Illinois, *et al.*, ) No. 2014 CH 48  
 ~~Defendants~~-Appellants. )

STATE UNIVERSITIES ANNUITANTS ASS'N, *et al.*, )  
 ~~Plaintiffs~~-Appellees, ) Originally Filed as  
 v. ) Champaign County Case  
 STATE UNIVERSITIES RETIREMENT SYSTEM, *et al.*, ) No. 2014 MR 207  
 ~~Defendants~~-Appellants. )

Notice of Appeal

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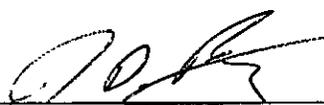
DEC - 3 2014

SUPREME COURT  
CLERK

Defendants, Illinois Governor Pat Quinn, *et al.*, by their counsel, Illinois Attorney General Lisa Madigan, (1) appeal to the Supreme Court, pursuant to Supreme Court Rule 302(a), from the circuit court's November 21, 2014 order, as supplemented by the circuit court's November 25, 2014 findings pursuant to Supreme Court Rule 18 (copies of which are attached as Exhibits A and B) (collectively, the "Judgment"), which, among other things, (a) entered judgment in favor of all of the plaintiffs in these consolidated cases on their claims that various provisions of Public Act 98-599 (the "Act") violate the Pension Clause of the Illinois Constitution (art. XIII, § 5), (b) declared the Act void in its entirety, and (c) entered a finding pursuant to Supreme Court Rule 304(a) that there is no just reason to delay enforcement or appeal; and (2) request (a) reversal of the Judgment, (b) remand for the purposes of addressing the merits of all of the plaintiffs' claims, including the merits of the plaintiffs' Pension Clause claims in light of the affirmative matter alleged in the defendants' answers, and (c) such further relief as is warranted.

Respectfully submitted,

LISA MADIGAN  
Attorney General of Illinois

By: 

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Brent D. Stratton  
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**IN THE CIRCUIT COURT FOR THE SEVENTH JUDICIAL CIRCUIT  
SANGAMON COUNTY, ILLINOIS**

*Anthony P. Delaney*  
Clerk of the  
Circuit Court

IN RE: PENSION LITIGATION

) No. 2014 MR 1  
) Hon. John W. Belz  
)

**ORDER**

This matter comes before the Court in these consolidated cases on the plaintiffs' joint motion for partial summary judgment, the *ISEA, RSEA, Heaton and Harrison* plaintiffs' joint motion for judgment on the pleadings as to the affirmative defense, or in the alternative, to strike the affirmative defense, and the *SUAA* plaintiffs' motion to strike the affirmative defense (the "Plaintiffs' Motions").

The plaintiffs in these consolidated cases allege that Public Act 98-0599 (the "Act") violates the Pension Protection Clause of the Illinois Constitution (Article XIII, §5) and that the Act is unconstitutional and void in its entirety. In their affirmative defense, the Defendants assert that the Act is justified as an exercise of the State's reserved sovereign powers or police powers. The Court hereby rules in favor of the plaintiffs on each motion and further finds and orders as follows:

1. The Pension Protection Clause of the Illinois Constitution states: "Membership in any pension or retirement system of the State, any unit of local government or school district, or any agency or instrumentality thereof, shall be an enforceable contractual relationship, the benefits of which shall not be diminished or impaired." (Illinois Constitution, Article XIII, §5.) This constitutional language is "plain" and "unambiguous," and, therefore, the Pension Protection Clause is "given effect without resort to other aids for construction." *Kanerva v. Weems*, 2014 IL 115811, ¶¶ 36, 41-42. Under the Pension Protection Clause, "it is clear that if something qualifies as a benefit of the enforceable contractual relationship resulting from membership in one of the State's pension or retirement systems, it cannot be diminished or impaired." *Id.*, ¶ 38. The Illinois

**EXHIBIT A**

legislature could not have been more clear that any attempt to diminish or impair pension rights is unconstitutional.

2. The Court finds that, on its face, the Act impairs and diminishes the benefits of membership in State retirement systems in multiple ways, including the following:

a. The Act adds new language to the Pension Code which provides that, on or after the Act's effective date, the 3% compounded automatic annual increases (AAIs) that have been mandated by the Pension Code for many years shall instead be "calculated as 3% of the lesser of (1) the total annuity payable at the time of the increase, including previous increases granted, or (2) \$1,000 multiplied by the number of years of creditable service upon which the annuity is based . . . ."

See the Act's amendments to 40 ILCS 5/2-119.1(a-1), 40 ILCS 5/15-136(d-1), 40 ILCS 5/16-133.1(a-1); see also the Act's amendments to 40 ILCS 5/14-114(a-1). The defendants admit that these amendments will reduce the AAI amounts that certain pension system members receive. See, e.g., Answer to *Heaton* Amended Complaint, ¶¶ 43, 45, 47, 51, 55, 57, 61, 65; Answer to *Harrison* Complaint, ¶¶ 93-96, 133-140.

b. The Act also provides that State retirement system members who have not begun to receive a retirement annuity before July 1, 2014, will receive no AAI at all on alternating years for varying lengths of time, depending on their age. See the Act's amendments to 40 ILCS 5/2-119.1(a-2), 40 ILCS 5/14-114(a-2), 40 ILCS 5/15-136(d-2), 40 ILCS 5/16-133.1(a-2). The defendants admit that these amendments will reduce the AAI amounts that certain pension system members receive. See, e.g., Answer to *Heaton* Amended Complaint, ¶¶ 13, 47, 51, 57, 61, 65; Answer to *Harrison* Complaint, ¶ 98; Answer to *SUAA* Amended Complaint, ¶¶ 142-45.

c. The defendants admit that Public Act 98-0599 also imposes a new cap on the

pensionable salary of members of certain State retirement systems. See, e.g., the Act's amendments to 40 ILCS 5/16-121; see also, e.g., Answer to *Harrison* Complaint, ¶¶ 100-04; Answer to *Heaton* Amended Complaint, ¶¶ 49, 67. That cap is the greater of: (1) the salary cap that previously applied only to members who joined the retirement system on or after January 1, 2011; (2) the member's annualized salary as of June 1, 2014; or (3) the member's annualized salary immediately preceding the expiration, renewal, or amendment of an employment contract or collective bargaining agreement in effect on June 1, 2014. See the Act's amendments to 40 ILCS 5/14-103.10(h), 40 ILCS 5/15-111(c), 40 ILCS 5/16-121; see also the Act's amendments to 40 ILCS 5/2-108. The new cap will reduce annuity payments, which are based in part on a pension system member's pensionable salary.

d. Public Act 98-0599 also raises the retirement age for members of certain State retirement systems on a sliding scale based upon one's age. See the Act's amendments to 40 ILCS 5/2-119(a-1), 40 ILCS 5/14-107(c), 40 ILCS 5/15-135(a-3), 40 ILCS 5/16-132; see also, e.g., Answer to *Harrison* Complaint, ¶¶ 106-07; Answer to *Heaton* Amended Complaint, ¶¶ 48, 52, 58, 62, 66; Answer to *SUAA* Amended Complaint, ¶ 68.

e. The Act also alters "the method for determining the 'effective rate of interest' used to calculate pensions for members under the money-purchase formulas included in Articles 15 and 16 of the Pension Code." See Defendants' Affirmative Matter, ¶ 10; Answer to *SUAA* Amended Complaint, ¶¶ 64-67; see also the Act's amendments to 40 ILCS 5/15-125 and 40 ILCS 5/16-112. It is uncontested that this change, too, would reduce pension annuity payments.

3. The Act without question diminishes and impairs the benefits of membership in State retirement systems. Illinois Courts have consistently held over time that the Illinois Pension Clause's protection against the diminishment or impairment of pension benefits is absolute and

without exception. The Illinois Supreme Court has “consistently invalidated amendment to the Pension Code where the result is to diminish benefits.” *McNamee v. State*, 173 Ill. 2d 433, 445 (1996). In their affirmative matter, the defendants assert that the Act is nonetheless justified as an exercise of the State’s reserved sovereign powers or police powers. The Court finds as a matter of law that the defendants’ affirmative matter provides no legally valid defense. The Court “may not rewrite the pension protection clause to include restrictions and limitations that the drafters did not express and the citizens of Illinois did not approve.” *Kanerva*, 2014 IL 115811, ¶ 41. The Pension Protection Clause contains no exception, restriction or limitation for an exercise of the State’s police powers or reserved sovereign powers. Illinois courts, therefore, have rejected the argument that the State retains an implied or reserved power to diminish or impair pension benefits. See *Felt v. Bd. of Trustees of Judges Retirement System*, 107 Ill.2d 158, 167-68 (1985) (holding that, to recognize such a power, “we would have to ignore the plain language of the Constitution of Illinois”); *Kraus v. Bd. of Trustees of Police Pension Fund of Vill. of Niles*, 72 Ill. App. 3d 833, 851 (1979).

4. Because the Act diminishes and impairs pension benefits and there is no legally cognizable affirmative defense, the Court must conclude that the Act violates the Pension Protection Clause of the Illinois Constitution. The Court holds that Public Act 98-0599 is unconstitutional.

5. The Act contains a “[s]everability and inseverability” clause. See Public Act 98-0599, §97. That provision states that the Act’s changes to 39 distinct sections and subsections of various statutes “are mutually dependent and inseverable from one another,” but that the Act is severable as a general proposition. *Id.* That list of 39 inseverable provisions includes certain of the benefit-reduction provisions that this Court has held to be unconstitutional. Therefore, all 39 provisions identified in the Act’s “[s]everability and inseverability” clause must fail. Those

inseverable provisions are significant to the overall operation of the Act. They include, for example, the Act's mechanism for supposedly guaranteeing funding of the State pension systems. See Public Act 98-0599, §97. In addition, "severability" language is not dispositive. Notwithstanding the presence of a severability clause, legislation is not severable where, as here, it is a broad legislative package intended to impose sweeping changes in a subject area, and the unconstitutional provisions of that package are important elements of it. See *Cincinnati Ins. Co. v. Chapman*, 181 Ill.2d 65, 81-86 (1998); see also *Best v. Taylor Mach. Works*, 179 Ill.2d 367, 459-67 (1997). The Act's provisions "are all part of an integral bipartisan package." See 98th Ill. Gen. Assem., Senate Pro., Dec. 3, 2013, at 4 (Sen. Raoul). The Court holds that Public Act 98-0599 is inseverable and void in its entirety.

6. The defendants have attempted to create a factual record to the effect that, if a reserved sovereign power to diminish or impair pensions existed, the facts would justify an exercise of that power. The defendants can cite to no Illinois case that would allow this affirmative defense. Because the Court finds that no such power exists, it need not and does not reach the issue of whether the facts would justify the exercise of such a power if it existed, and the Court will not require the plaintiffs to respond to the defendants' evidentiary submissions. The plaintiffs having obtained complete relief, the Court also need not address at this time the plaintiffs' additional claims that the Act is unconstitutional or illegal on other grounds. See *Kanerva*, 2014 IL 115811, ¶ 58. In summary, the State of Illinois made a constitutionally protected promise to its employees concerning their pension benefits. Under established and uncontroverted Illinois law, the State of Illinois cannot break this promise.

WHEREFORE, the Court orders as follows:

a. The Plaintiffs' Motions are granted. The defendants' cross-motion for summary judgment is denied, with prejudice, because the Court finds that there is no police power or reserved

sovereign power to diminish pension benefits. Pursuant to 735 ILCS 5/2-701, the Court enters a final declaratory judgment that Public Act 98-0599 is unconstitutional and void in its entirety;

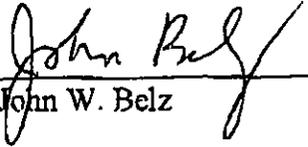
b. The temporary restraining order and preliminary injunction entered previously in this case is hereby made permanent. The defendants are permanently enjoined from enforcing or implementing any provision of Public Act 98-0599;

c. Pursuant to Illinois Supreme Court Rule 304(a), the Court finds that there is no just reason for delaying either enforcement of this order or appeal or both.

Date:

11/21/14

ENTERED:

  
\_\_\_\_\_  
Judge John W. Belz

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NOV 25 2014 CIV-1

IN THE CIRCUIT COURT FOR THE SEVENTH JUDICIAL CIRCUIT  
SANGAMON COUNTY ILLINOIS

Clerk of the  
Circuit Court

IN RE: PENSION LITIGATION

No. 2014 MR 1  
Honorable John W. Belz

**Illinois Supreme Court Rule 18 Findings**

On November 21, 2014, this Court entered an order granting plaintiffs' joint motion for partial summary judgment, granting plaintiffs' joint motion for judgment on the pleadings on defendants' affirmative defense and the SUAA plaintiffs' motion to strike defendants' affirmative defense, denying defendants' cross-motion for summary judgment, permanently restraining enforcement or implementation of the Act, and finding that no just reason to delay enforcement or appeal of the order existed. Because the November 21, 2014 order, which is incorporated herein by reference, invalidated a state statute, the Court enters these findings pursuant to Illinois Supreme Court Rule 18:

1. Public Act 98-0599 (the "Act") is unconstitutional in its entirety;
2. The Act violates the Pension Protection Clause of the Illinois Constitution, Ill. Const. art. XIII, § 5;
3. The Act is unconstitutional on its face;
4. The Act cannot be reasonably construed in a manner that would preserve its validity;
5. The finding of unconstitutionality of the Act is necessary to the judgment rendered and such judgment cannot rest upon an alternative ground; and
6. The notice required by Illinois Supreme Court Rule 19 has been served and those with such notice have been given adequate time and opportunity under the circumstances to defend the Act.

Date:

11/25/14

Enter:

John Belz

EXHIBIT B

**Certificate of Filing and Service**

I, Joshua D. Ratz, an attorney, hereby certify that on November 26, 2014, the foregoing Notice of Appeal was filed in the Circuit Court for the Seventh Judicial Circuit, Sangamon County, and that true and correct copies of the foregoing Notice of Appeal were served by electronic mail and by United States Mail, first class postage prepaid, upon all counsel of record as follows:

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\_\_\_\_\_  
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Phone: (217) 782-2077  
Fax: (217) 524-5091

Declaratory Judgment

2014 MR 000001 Judge: BELZ JOHN

From 0/00/0000 To 99/99/999

User: LINDAH  
Wsid: PC28S1G0

Case Names _____	Attorney Names _____
RETIRE STATE EMPLOYEE ASMYERS JOHN M	
WORT LAWRENCE	MYERS JOHN M
HAJEK GLADYS	MYERS JOHN M
GUELDENER LINDA	MYERS JOHN M
RICHTER MAURINE	MYERS JOHN M
ILLINOIS STATE EMPLOYEES	CRAVEN DONALD
SILGER ROBERT	CRAVEN DONALD
KLINGLER GWENN	CRAVEN DONALD
SCHOB BARBARA	CRAVEN DONALD
MAXEINER BARBARA	CRAVEN DONALD
MUNDSTOCK JOHN	CRAVEN DONALD
HARRISON GWENDOLYN A	FREEBORN MICHAEL D
KROESCHEL GARY F	SHAPIRO JOHN T
BONDI CHRISTINE M	STEVENS JOHN E
YOUNG JULIE A	SHEAHAN TERRENCE J
MITTONS STEPHEN C	
BUTTS MONICA S	
CIACCIO GARY L	
TATE THOMAS W	
PRADO JOSE M	
CORRIGAN EDWARD F	
WADLEY-FOY CARYL E	
LARRIMORE ELLEN M	
AYERS LEE A	
SHERIDAN JAMES J	
LOUDEN J. T	
DUGAN KENNETH N	
EDWARDS JENNIFER L	
URISH D'ANN	
HERRINGTON JAMES P	
GIFFORD TERRI L	
DAY MICHAEL E	
FUNFSINN DENISE M	
FERGUSON ELAINE G	
KOERNER MARLENE M	
BEHYMER DAVID L	
WE ARE ONE ILLINOIS COALI	
STATE UNIVERSITIES ANNUITCARR JOHN D	
HEATON DORIS	HAUSSMANN BRIAN C
VS	
QUINN PATRICK	RATZ JOSHUA D
TOPINKA JUDY B	REES R DOUGLAS
RUTHERFORD DAN	HUSZAGH RICHARD S
THE BOARD OF TRUSTEES OF RATZ JOSHUA D	
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STATE UNIVERSITIES RETIRE	
KLOSE JEROME B	

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All Entries For  
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Date

1/02/2014 Declaratory Judgment Fee \$241.00

Plaintiff RETIRED STATE EMPLOYEE ASSOCIA Defendant QUINN PATRICK

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## Declaratory Judgment

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Time: 10/49/57

Page: 2

2014 MR 000001 Judge: BELZ JOHN

From 0/00/0000 To 99/99/999

User: LINDAH

Date  
1/02/2014 Summons Issued

1/09/2014 Proof of Service  
Document POFI Not Printed

1/13/2014 Summons Jan 10,2014 04:11PM Corporation/Government Service  
Defendant THE BOARD OF TRUSTEES OF THE S  
Board of Trustees of the State Employees' Retirement System. Summons  
left with Gerry Mitchell, Chief Information Officer.

1/13/2014 Summons Jan 10,2014 02:48PM Corporation/Government Service  
Defendant QUINN PATRICK  
Governor of the State of Illinois. Summons left with Meredith Jamison,  
Executive Assistant.

1/13/2014 Summons Jan 10,2014 02:47PM Corporation/Government Service  
Defendant RUTHERFORD DAN  
Treasurer of State of Illinois. Summons left with Lea Capranica,  
Executive Assistant.

1/13/2014 Summons Jan 10,2014 02:45PM Corporation/Government Service  
Defendant TOPINKA JUDY B  
Comptroller of State of Illinois. Summons left with Chelsey Thompson,  
Admin. Assistant.

1/29/2014 Motion to Consolidate Filed  
and Transfer Cases Pending in Multiple Judicial Circuits

1/29/2014 Motion to Consolidate Filed  
and Transfer Cases Pending in Multiple Judicial Circuits Defendants'  
Supporting Record

1/29/2014 Notice of Filing Filed  
Assistant Attorney General OFFICE OF ATTORNEY GENERAL

1/29/2014 Proof of Service Amended  
Assistant Attorney General OFFICE OF ATTORNEY GENERAL  
Document POFI Not Printed

2/03/2014 Objection to Motion to Consolidate and Transfer Filed by  
Atty MYERS JOHN M

2/07/2014 Record Supporting of Gwendolyn Harrison,ET AL. and We Are One Filed by  
Attorney Filing is Not on the Case  
Illinois Coalition to Consolidate and Transfer to the Circuit Clerk  
For Sangamon County Cases Challenging Constitutionality of Public Act  
98-599 by John Stevens

2/07/2014 Motion to Consolidate and Transfer to the Circuit Clerk For Sangamon  
Filed by Plaintiff's Law Firm  
County Cases Challenging Constitutionality of Public Act 98-599

CONTINUED ON NEXT PAGE

## Declaratory Judgment

te: 12/01/2014

Time: 10/49/57

Page: 3

2014 MR 000001 Judge: BELZ JOHN

From 0/00/0000 To 99/99/999

User: LINDAH

Date  
2/10/2014 Objection to Harrison Plaintiffs' Rule 384 Motion to Transfer Heaton  
Filed by Attorney Filing is Not on the Case  
V. Quinn by Gino DiVito

2/10/2014 Notice of Filing Filed by Attorney Filing is Not on the Case  
By Gino DiVito

2/10/2014 Response in Partial Opposition to Defendants' Rule 384 Motion to  
Filed by Plaintiff's Law Firm  
Consolidate and Transfer Cases Pending in Multiple Judicial Circuits

2/13/2014 Response to the Rule 384 Motion of Gwendolyn Harrison, et al, and the  
Filed by Atty MYERS JOHN M  
We are One Illinois Coalition

2/18/2014 Motion For Leave Filed by Attorney Filing is Not on the Case  
To File Reply in Support of Motion to Consolidate and Transfer to  
Circuit Court of Sangamon County by John Shapiro

2/18/2014 Response to Motion to Consolidate and Transfer Cases to Sangamon Filed b  
Assistant Attorney General OFFICE OF ATTORNEY GENERAL  
County

2/18/2014 Response to Rule 384 Motion of Gwendolyn Harrison, et al, and the We  
Filed by Attorney Filing is Not on the Case  
One Illinois Coalition by Donald Craven

3/06/2014 Order From the Supreme Court Motion Denied as Moot

3/06/2014 Order to Consolidate Signed Judge GRAVES LESLIE

3/19/2014 Proof of Service Mar 19, 2014 Sent  
Document POF Not Printed

3/25/2014 Entry  
Present the Plaintiffs by Attorneys JOHN M. MYERS, DONALD M. CRAVEN,  
JOHN M. FITZGERALD, JOHN T. SHAPIRO, and JOHN E. STEVENS. Present the  
Defendants by AAG's RICHARD S. HUSZAGH, BRENT D. STRATTON, and JOSHUA  
D. RATZ. Cause called for hearing. The Court makes disclosures of  
potential conflicts for the record. All parties waive any potential  
conflicts. Arguments heard on the State's motion for a consolidated  
complaint; motion denied. The Court allows Defendants until May 15,  
2014 to file responsive pleadings. All future filings in this matter  
are to be filed in 14-MR-1. Matter set for further status/case  
management on May 22, 2014 at 1:30 PM in front of the Honorable Judge  
JOHN W. BELZ.  
Case Management Conference May 22, 2014 01:30PM  
Judge: BELZ JOHN Rep: EVANS MARYBETH Clerk: CMH H

4/09/2014 Order For Consolidation Signed  
By the Supreme Court Court of Illinois

CONTINUED ON NEXT PAGE

## Declaratory Judgment

te: 12/01/2014

Time: 10/49/57

Page: 4

2014 MR 000001 Judge: BELZ JOHN

From 0/00/0000 To 99/99/999

User: LINDAH

Date

- 5/02/2014 Exhibit List Filed by Attorney Filing is Not on the Case  
To Motion For Injunctive Relief by Aaron Baduff
- 5/02/2014 Motion For Injunctive Relief Filed by  
Attorney Filing is Not on the Case  
By Aaron Maduff on behalf of State Universities Annuitants'  
Association
- 5/12/2014 Memorandum in Support of their Motion For A Temporary Restraining  
Filed by Attorney Filing is Not on the Case  
Order and Preliminary Injunction by John Stevens
- 5/12/2014 Motion to Enter Agreed Interim Order Filed by  
Attorney Filing is Not on the Case  
By Brent Stratton and Aaron Maduff
- 5/12/2014 Notice of Filing Filed by Attorney Filing is Not on the Case  
By John Stevens
- 5/12/2014 Motion of We Are One Illinois Coalition Plaintiffs For A Temporary  
Filed by Attorney Filing is Not on the Case  
Restraining Order and Preliminary Injunction by John Stevens
- 5/13/2014 Notice of Motion Filed by Attorney Filing is Not on the Case  
Filed by John Stevens.  
Motion or Petition Hearing May 14,2014 01:30PM Rm7C
- 5/14/2014 Notice of Filing Filed by  
Office of the Attorney General OFFICE OF THE ATTORNEY GENERA
- 5/14/2014 Entry Hearing on Temporary Restraining Order  
Present the Plaintiffs by Attorneys MICHAEL D. FREEBORN, JOHN T.  
SHAPIRO, TERRENCE SHEAHAN, AARON B. MADUFF, JOHN D. CARR, JOHN M.  
MYERS, DONALD M. CRAVEN, JOHN E. STEVENS, BRIAN C. HAUSSMANN, JOHN M.  
FITZGERALD, and ESTHER J. SEITZ. Present the Defendants by Assistant  
Chief Deputy Attorney General R. DOUGLAS REES and Chief Deputy  
Attorney General BRENT D. STRATTON. Cause called for hearing.  
Arguments heard on We Are One Illinois Coalition Plaintiffs'  
Memorandum in Support of Their Motion for a Temporary Restraining  
Order and Preliminary Injunction; rulings on admissibility of exhibits  
is a matter of record. Arguments heard on Motion of We Are One  
Illinois Coalition Plaintiffs' for a Temporary Restraining Order and  
Preliminary Injunction; all other parties join in the motion. The  
Court grants the motion and signs a preliminary Order Granting Motion  
for Temporary Restraining Order and Preliminary Injunction. Parties  
are to submit a cleaned up order. Matter remains set for hearing on  
May 22, 2014 at 1:30 PM in front of the Honorable Judge JOHN W. BELZ.  
Also present in court, private court reporter Carla Boehl.  
Case Management Conference May 22,2014 01:30PM Rm7C  
Judge:BELZ JOHN Clerk:CMH H
- 5/14/2014 Order Granting Motion for Temporary Restraining Order and Preliminary  
Signed Judge BELZ JOHN

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## Declaratory Judgment

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2014 MR 000001 Judge: BELZ JOHN

From 0/00/0000 To 99/99/999

User: LINDAH

Date

5/14/2014 Injunction (preliminary version)

5/14/2014 Response of RSEA Plaintiffs to Joint Motion of State Universities  
Filed by Atty MYERS JOHN M  
Annuitants Association and Defendant State Universities Retirement  
System

5/14/2014 Response of Retired State Employees Association, ET AL. to We are  
Filed by Atty MYERS JOHN M  
One Illinois Coalition Plaintiffs' Motion For Temporary Restraining  
Order and Preliminary Injunctive Relief

5/15/2014 Order Granting Motion for Temporary Restraining Order and Preliminary  
Signed Judge BELZ JOHN  
Injunction (final clean form)

5/15/2014 Answer and Defenses to Original Case 14-CH-3 Filed by  
Assistant Attorney General OFFICE OF ATTORNEY GENERAL

5/15/2014 Answer and Defenses to Original Case 14-CH-48 Filed by  
Assistant Attorney General OFFICE OF ATTORNEY GENERAL

5/15/2014 Answer and Defenses to Original Case Champaign 14-MR-207 Filed by  
Assistant Attorney General OFFICE OF ATTORNEY GENERAL

5/15/2014 Answer and Defenses to Original Case 14-MR-1 Filed by  
Assistant Attorney General OFFICE OF ATTORNEY GENERAL

5/15/2014 Answer and Defenses to Original Case Cook 13-CH-28406 Filed by  
Assistant Attorney General OFFICE OF ATTORNEY GENERAL

5/22/2014 Entry Hearing on Case Management/Status  
Present the Plaintiffs by Attorneys JOHN M. MYERS, JOHN D. CARR, AARON  
B. MADUFF, JOHN M. FITZGERALD, JOHN T. SHAPIRO, and DONALD M. CRAVEN.  
Present the Defendants by AAG RICHARD S. HUSZAGH, Assistant Chief  
Deputy Attorney General R. DOUGLAS REES, and Chief Deputy Attorney  
General BRENT D. STRATTON. Cause called for status hearing/case  
management conference. The Court directs Plaintiffs' Attorneys to  
submit class certification. Plaintiffs to submit Motion to Certify  
Classes before next hearing date. Unopposed Order on Substituting  
Pages in Defendants' Answers is presented signed in open court.  
State's discovery process to continue. State to file a list of  
witnesses by June 13, 2014. Cause continued for further status to  
June 13, 2014 at 1:30 PM in front of the Honorable Judge JOHN W. BELZ.  
Also present in court, private court reporter Carla Boehl.  
Motion or Petition Hearing Jun 13, 2014 01:30PM Canceled  
Judge: BELZ JOHN Clerk: CMH H

5/22/2014 Order on Substituting Pages in Defendants' Answers Signed  
Judge BELZ JOHN

5/23/2014 Motion Fee \$141.00 Filed by Defendant THE BOARD OF TRUSTEES OF THE GE

## Declaratory Judgment

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2014 MR 000001 Judge: BELZ JOHN

From 0/00/0000 To 99/99/999

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Date  
5/23/2014 Check Fee \$100.00 Defendant THE BOARD OF TRUSEES OF THE GE

5/23/2014 Copies Fee \$89.50 Plaintiff RETIRED STATE EMPLOYEE ASSOCIA

5/23/2014 Petition For Leave to Intervene Filed by  
Defendant THE BOARD OF TRUSEES OF THE GE

5/23/2014 Motion to Intervene in this Litigation for the Court to Consider and  
Filed by Intervener KLOSE JEROME B  
Rule on the Legal Issues Presented

5/29/2014 Supplemental to Intervener's Motion For the Court to Hold Article  
Filed by Intervener KLOSE JEROME B  
XIII, Section 5 of the Illinois Constitution to be Unconstitutional

6/04/2014 Agreed Order of Continuance Signed Judge BELZ JOHN  
Status Hearing Jun 26, 2014 01:30PM

6/11/2014 Order Denying the Petition to Intervene Signed Judge BELZ JOHN

6/11/2014 Entry Judge BELZ JOHN  
The Court denies Petition to Intervene by written order. Clerk to  
send copy of written order to all parties of record and Attorney  
Jerome Klose.

6/11/2014 Proof of Service Sent Atty MYERS JOHN M Atty CRAVEN DONALD  
Atty FREEBORN MICHAEL D  
Document POF Was Printed

6/11/2014 Proof of Service Sent Atty SHAPIRO JOHN T Atty STEVENS JOHN E  
Atty SHEAHAN TERRENCE J  
Document POF Not Printed

6/11/2014 Proof of Service Sent Atty MADUFF AARON B Atty CARR JOHN D  
Atty FITZGERALD JOHN M  
Document POF Not Printed

6/11/2014 Proof of Service Sent Atty HAUSSMANN BRIAN C Atty STRATTON BRENT D  
Atty REES R DOUGLAS  
Document POF Not Printed

6/11/2014 Proof of Service Sent Atty HUSZAGH RICHARD S Atty RATZ JOSHUA D  
Intervener KLOSE JEROME B  
Document POF Was Printed

6/12/2014 Motion for Leave to Withdraw Filed by Atty STEVENS JOHN E  
Attorney Filing is Not on the Case  
Class Allegations Instanter also filed by Gino DiVito

6/12/2014 Notice of Motion Filed by Atty STEVENS JOHN E  
Motion or Petition Hearing Jun 26, 2014 01:30PM Rm7D

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## Declaratory Judgment

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6/13/2014 Answer to Affirmative Matter Filed by Atty STEVENS JOHN E  
Also filed by Gino DiVito

6/13/2014 Disclosure of Witness Filed by Atty STRATTON BRENT D

6/25/2014 Memorandum of Law Filed by Atty MYERS JOHN M Atty CRAVEN DONALD  
In Support of Motion For Summary Judgment

6/25/2014 Motion for Summary Judgment Filed by Atty MYERS JOHN M  
Atty CRAVEN DONALD

6/25/2014 Appendix Filed by Atty MYERS JOHN M Atty CRAVEN DONALD  
To Memorandum of Law in Support of Plaintiffs' Joint Motion For  
Partial Summary Judgment

6/25/2014 Notice of Filing Filed by Atty STEVENS JOHN E

6/25/2014 Notice of Motion Filed by Atty STEVENS JOHN E  
Motion or Petition Hearing Jun 26, 2014 01:30PM

6/25/2014 Certification of Service Filed by Atty SHAPIRO JOHN T

6/25/2014 Motion for Summary Judgment Filed by Atty STEVENS JOHN E  
Partial also filed by Gino DiVito

6/25/2014 Memorandum of Law Filed by Atty STEVENS JOHN E  
In Support of Plaintiffs' Joint Motion For Partial Summary Judgment  
also filed by Gino DiVito

6/26/2014 Order Regarding Motion for Leave to Appeal Jun 25, 2014 Denied,  
Court 4TH DISTRICT APPELLATE COURT

This cause comes on for consideration upon the filing by the prospective intervenor for leave to appeal the denial of his petition to intervene in Sangamon County Case No. 2014-MR-1. That order is interlocutory in nature. Supreme Court Rule 306(a) specifies on discreet types of orders which may be appealed on an interlocutory basis. The instant Petition for Leave to Appeal fails to fall into one of the nine types of orders that may be appealed under this Rule. The Motion for Leave to Appeal is DENIED. 4-14-0554

6/26/2014 Entry Status Hearing

Present the Plaintiffs by Attorneys GINO L. DIVITO, JOHN M. FITZGERALD, DONALD M. CRAVEN, AARON B. MADUFF, JOHN D. CARR, JOHN M. MYERS, ESTHER J. SEITZ, JOHN T. SHAPIRO, and JOHN E. STEVENS. Present the Defendants by AAG RICHARD S. HUSZAGH, Assistant Chief Deputy Attorney General R. DOUGLAS REES, and Chief Deputy Attorney General BRENT D. STRATTON. Cause called for status hearing/case management conference. The Court allows Plaintiffs' Joint Motion for Leave to Withdraw Class Allegations Instantly without prejudice. The parties discuss case management and discovery scheduling. The parties are to submit an agreed case management scheduling order to the Court by June 30, 2014. Matter is set for a further status hearing on July 22, 2014

C O N T I N U E D O N N E X T P A G E

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Date  
6/26/2014 at 1:30 PM in front of the Honorable Judge JOHN W. BELZ.  
Status Hearing Jul 22, 2014 01:30PM  
Judge: BELZ JOHN Rep: EVANS MARYBETH Clerk: CMH H

6/30/2014 Case Management Conference Order Jun 30, 2014 Signed Judge BELZ JOHN

7/02/2014 Order Withdrawing Class Allegations Signed Judge BELZ JOHN

7/02/2014 Proof of Service Sent Atty MYERS JOHN M Atty CRAVEN DONALD  
Atty FREEBORN MICHAEL D  
Copy of Order Withdrawing Class Allegations  
Document POF Not Printed

7/02/2014 Proof of Service Sent Atty SHAPIRO JOHN T Atty STEVENS JOHN E  
Atty SHEAHAN TERRENCE J  
Copy of Order Withdrawing Class Allegations  
Document POF Not Printed

7/02/2014 Proof of Service Sent Atty MADUFF AARON B Atty CARR JOHN D  
Atty FITZGERALD JOHN M  
Copy of Order Withdrawing Class Allegations  
Document POF Not Printed

7/02/2014 Proof of Service Sent Atty HAUSSMANN BRIAN C Atty STRATTON BRENT D  
Atty REES R DOUGLAS  
Copy of Order Withdrawing Class Allegations  
Document POF Not Printed

7/02/2014 Proof of Service Sent Atty HUSZAGH RICHARD S Atty RATZ JOSHUA D  
Copy of Order Withdrawing Class Allegations  
Document POF Was Printed

7/22/2014 Entry Status Hearing Held  
Present the Plaintiffs by Attorneys DONALD M. CRAVEN, JOHN M. MYERS,  
JOHN E. STEVENS, and AARON B. MADUFF in person, and telephonically  
JOHN T. SHAPIRO, JOHN M. FITZGERALD, JACK BARBER, and URI ABT.  
Present the State by Chief Deputy Attorney General BRENT D. STRATTON  
in person, and telephonically Assistant Chief Deputy Attorney General  
R. DOUGLAS REES, AAG RICHARD S. HUSZAGH, and AAG GARY CAPLAN. Cause  
called for status hearing. Status hearing held. The parties advise  
the Court on their progress. By agreement of the parties this matter  
is set for further status hearing on September 4, 2014 at 1:30 PM in  
front of the Honorable Judge JOHN W. BELZ.  
Status Hearing Sep 04, 2014 01:30PM  
Judge: BELZ JOHN Clerk: CMH D

7/29/2014 Disclosure of Witness Amended  
Assistant Attorney General OFFICE OF ATTORNEY GENERAL

7/31/2014 Mandate Denied Appellate Court 4TH DISTRICT APPELLATE COURT

8/21/2014 Motion and Memorandum to Strike the Reserved Sovereign Powers Filed by  
Defendant's Law Firm

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## Declaratory Judgment

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2014 MR 000001 Judge: BELZ JOHN

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Date

8/21/2014 Affirmative Defenses

8/21/2014 Notice of Motion Filed by Atty MYERS JOHN M

Motion or Petition Hearing Sep 04, 2014 01:30PM Rm7B

8/21/2014 Motion For Judgment Filed by Atty CRAVEN DONALD Atty MYERS JOHN M

Atty FITZGERALD JOHN M

Also Filed by John Shapiro

9/04/2014 Entry Status Hearing held

Present the Plaintiffs by Attorneys DONALD M. CRAVEN, JOHN M. MYERS, JOHN E. STEVENS, JOHN T. SHAPIRO, JOHN M. FITZGERALD, and AARON B. MADUFF. Present the Defendants by Chief Deputy Attorney General BRENT D. STRATTON and Assistant Chief Deputy Attorney General R. DOUGLAS REES. Cause called for status hearing. The Parties inform the Court of amended case management dates, see written order. The Court signs the Joint Stipulation and Proposed Order Regarding Rule 213(f)(3) Expert Discovery in open court. Matter is set for further status hearing on October 8, 2014 at 2:00 PM in front of the Honorable Judge JOHN W. BELZ. Also present in court, private court reporter Carla Boehl.

Status Hearing Oct 08, 2014 02:00PM Rm7D

Judge: BELZ JOHN Clerk: CMH H

9/04/2014 Order Amending Schedule Signed Judge BELZ JOHN

9/04/2014 Pleading Joint Stipulation and Proposed Order Regarding Rule 213(f)(3)

Signed Judge BELZ JOHN

Expert Discovery

9/24/2014 Proof of Service Sep 24, 2014 Sent

Document POF Not Printed

10/03/2014 Appendix Filed Atty RATZ JOSHUA D

To Defendants' Statement of Facts in Support of Motion For Summary Judgment

10/03/2014 Motion for Summary Judgment Filed by Atty RATZ JOSHUA D

10/03/2014 Memorandum of Law Filed by Atty RATZ JOSHUA D

In Support of Defendants' Motion For Summary Judgment

10/03/2014 Memorandum in Opposition to Plaintiffs' Motions For Summary Judgment

Filed by Atty RATZ JOSHUA D

10/08/2014 Entry Setting Motions Hearing

Plaintiffs present by Attorneys John Shapiro, John Stevens, Jack Barber, John Fitzgerald, Aaron Maduff, John Myers, and Don Craven. Defendants present by Attorneys Brent Stratton and Joshua Ratz. Plaintiffs' deadline to file reply memorandums is 10/31/14. Arguments on Plaintiffs' motions to be heard before Judge Belz on 11/20/14 at 1:30 P.M. Hearing recorded by Carla Boehl, Davis Reporting.

Motion or Petition Hearing Nov 20, 2014 01:30PM

Judge: BELZ JOHN Clerk: CJ H

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2014 MR 000001 Judge: BELZ JOHN

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Date  
10/31/2014 Reply Memorandum of Law Filed by  
Plaintiff WE ARE ONE ILLINOIS COALITION Plaintiff HEATON DORIS  
In Further Support of Their Joint Motions for Partial Summary Judgment  
and for Judgment on the Pleadings.

10/31/2014 Notice of Filing Filed by Plaintiff WE ARE ONE ILLINOIS COALITION  
Plaintiff HEATON DORIS  
Reply Memorandum of Law

10/31/2014 Reply Memorandum of Law in Support of Joint Motion Filed by  
Atty MYERS JOHN M  
For Partial Summary Judgment and Joint Motion for Judgment on the  
Pleadings

10/31/2014 Certificate of Service Filed by Atty MADUFF AARON B

10/31/2014 Reply of SUAA ET AL. in Support of Their Motions Filed by  
Atty MADUFF AARON B  
For Partial Summary Judgment and to Strike the Affirmative Defense

11/12/2014 Correspondence Filed by Atty MADUFF AARON B

11/20/2014 Entry Regarding Plaintiff's Motion of Judgment Judge BELZ JOHN  
Plaintiffs present by Attorneys JOHN MYERS, JOHN STEVENS, JOHN  
SHAPIRO, JOHN CARR, AARON MADUFF, JOHN FITZGERALD, GINO DIVITO, and  
DONALD CRAVEN. Defendants present by Attorneys RICH HUSZAGH, DOUG  
REES, and BRENT STRATTON. Cause comes on for Plaintiff's motion of  
judgment in matter of law. Arguments heard in open court. Case taken  
under advisement, ruling to be posted by 2 PM Friday by the Honorable  
Judge JOHN BELZ. Hearing recorded by CARLA BOEHL for Davis Reporting.  
Judge:BELZ JOHN Clerk:CJ D

11/21/2014 Order on Motion for Partial Summary Judgment Signed Judge BELZ JOHN

11/26/2014 Notice of Appeal Nov 21,2014 Filed by Atty RATZ JOSHUA D  
Document NOAPP Not Printed  
Status:Case on Appeal Report:Appeal Nov 21,2014

12/01/2014 Copy of Notice of Appeal and Docket Sheet Mailed  
Supreme Court of Illinois SUPREME COURT OF ILLINOIS  
Miscellaneous MCLLELLAND MONICA