

No. 118585

IN THE SUPREME COURT OF THE STATE OF ILLINOIS

IN RE: PENSION LITIGATION	)	Appeal from the Circuit Court for the
	)	Seventh Judicial Circuit, Sangamon
	)	County, Illinois
	)	Consolidated as No. 2014 MR 1
	)	Hon. John W. Belz, Judge Presiding
DORIS HEATON, <i>et al.</i> ,	)	
Plaintiffs-Appellees,	)	Originally Filed as
v.	)	Cook County Case
PAT QUINN, Governor of Illinois, <i>et al.</i> ,	)	No. 2013 CH 28406
Defendants-Appellants.	)	
RETIRED STATE EMPLOYEES ASS'N, <i>et</i>	)	
<i>al.</i> ,	)	
Plaintiffs-Appellees,	)	Originally Filed as
v.	)	Sangamon County Case
PATRICK QUINN, Governor of Illinois, <i>et</i>	)	No. 2014 MR 1
<i>al.</i> ,	)	
Defendants-Appellants.	)	
ILLINOIS STATE EMPLOYEES ASS'N, <i>et</i>	)	
<i>al.</i> ,	)	
Plaintiffs-Appellees,	)	Originally Filed as
v.	)	Sangamon County Case
BOARD OF TRUSTEES OF STATE	)	No. 2014 CH 3
EMPLOYEES RETIREMENT SYSTEM	)	
OF ILLINOIS, <i>et al.</i> ,	)	
Defendants-Appellants.	)	
GWENDOLYN A. HARRISON, <i>et al.</i> and	)	
WE ARE ONE ILLINOIS COALITION,	)	
Plaintiffs-Appellees,	)	Originally Filed as
v.	)	Sangamon County Case
PATRICK QUINN, Governor of Illinois, <i>et</i>	)	No. 2014 CH 48
<i>al.</i> ,	)	
Defendants-Appellants.	)	
STATE UNIVERSITIES ANNUITANTS	)	
ASS'N, <i>et al.</i> ,	)	
Plaintiffs-Appellees,	)	Originally Filed as
v.	)	Champaign County Case
STATE UNIVERSITIES RETIREMENT	)	No. 2014 MR 207
SYSTEM, <i>et al.</i> ,	)	
Defendants-Appellants.	)	

MOTION FOR EXTENSION OF TIME TO FILE APPELLEES' BRIEFS

FILED

JAN 20 2015

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SUPREME COURT CLERK

Pursuant to Supreme Court Rule 361(f), Plaintiffs-Appellees respectfully move for an order extending their deadline to file their appellees' briefs by 28 days, from February 16 to March 16. In support of this motion, Plaintiffs respectfully state as follows:

1. On December 10, 2014, this Court granted Defendants' motion for an accelerated docket and entered an order requiring Defendants to file their brief by January 12, 2015, Plaintiffs to file their briefs by February 16, and Defendants to file their reply brief by February 27. The order further provided that the Court would schedule oral argument for the March 2015 term.

2. When Defendants moved for an accelerated docket, they did not disclose that they were coordinating an effort by which 10 proposed *amicus* briefs would be filed simultaneously with their brief.

3. On January 12, the following entities and individuals filed motions for leave to file *amicus* briefs in support of Defendants:

Putative <i>amicus</i>	Length of proposed <i>amicus</i> brief
The Civic Committee of the Commercial Club of Chicago	50 pages
The City of Chicago	49 pages
The International Municipal Lawyers Association	29 pages
The Civic Federation	29 pages
The Chicago Public Schools, the Chicago Transit Authority and the Chicago Park District	22 pages
The Illinois Policy Institute	19 pages
The Illinois Municipal League	18 pages

Will-Grundy Center for Independent Living, Transitions Mental Health Services, Mental Health Centers of Illinois, Youth Network Council (d/b/a Illinois Collaboration on Youth), Marcfirst, and Omni Youth Services	18 pages
Constitutional Law Professors Tom Ginsburg, Tonja Jacobi, Zoe Robinson, Mark D. Rosen and Christopher W. Schmidt	18 pages
Contract Law Professors Katherine Baker, Wendy Epstein and Adrian Walters	13 pages
TOTAL	265 pages

4. All of this *amicus* briefing is, of course, in addition to Defendants' own 50-page brief. Accordingly, Plaintiffs now are in the position of having to respond to a total of 315 pages of briefing by February 16. Moreover, at least some of the putative *amici* seek to inject new issues and arguments into the case. *See, e.g.*, Proposed *Amicus* Brief of International Municipal Lawyers Association at 23 (advocating for a "beyond any reasonable doubt" standard of judicial deference to legislative enactments); *id.* at 27 (arguing that the Pension Protection Clause of the Illinois Constitution resulted from "self-dealing"); *see also* Proposed *Amicus* Brief of the Civic Committee of the Commercial Club of Chicago at 18-19 n. 7 (arguing that Defendants' own expert witness submissions substantially miscalculated the effects of Public Act 98-0599).

5. In light of the number and volume of the proposed *amicus* briefs, Plaintiffs need more time to prepare their appellees' briefs, which will respond not only to Defendants' arguments but also to arguments raised by Defendants' *amici*.

6. Accordingly, Plaintiffs request a 28-day extension of time to March 16, 2015, in which to file their appellees' briefs. Plaintiffs have received no previous extensions of time to file their appellees' briefs.

7. No one will be prejudiced by the requested 28-day extension. Even if Defendants were to prevail in this appeal, their notice of appeal requests an opportunity to litigate certain issues on remand, and any such remand litigation could not be resolved for some time in any event.

8. Plaintiffs respect the Court's prerogative to schedule oral argument for a date of its choosing, and leave to the Court's discretion when to require Defendants to file their reply brief. Accordingly, both of these points are left unspecified in Plaintiffs' proposed order.

#### **VERIFICATION BY CERTIFICATION**

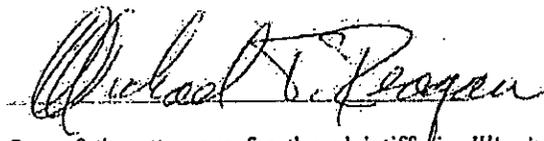
Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned attorneys certify that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned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

Respectfully submitted,



One of the attorneys for the plaintiffs in *Heaton v. Quinn*, Cook County No. 2013 CH 28406

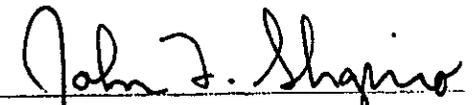
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Plaintiffs-Appellees,	)	Originally Filed as
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PAT QUINN, Governor of Illinois, <i>et al.</i> ,	)	No. 2013 CH 28406
Defendants-Appellants.	)	
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SYSTEM, <i>et al.</i> ,	)	
Defendants-Appellants.	)	

NOTICE OF FILING

**FILED**

JAN 20 2015

**SUPREME COURT  
CLERK**

TO: See attached Certificate of Service

PLEASE TAKE NOTICE that on January 20, 2015, the undersigned counsel filed with the Clerk of the Illinois Supreme Court, 200 East Capitol Avenue, Springfield, Illinois 62701, the original and one copy of Plaintiffs-Appellees' Motion for Extension of Time to File Appellees' Briefs, a copy of which is hereby served upon you.

Dated: January 20, 2015

Respectfully submitted on behalf of all  
Plaintiffs-Appellees,



A handwritten signature in cursive script, reading "John T. Shapiro", is written over a horizontal line.

One of the attorneys for the plaintiffs in  
*Harrison, et al. and We Are One Illinois Coalition*  
*v. Quinn*, Seventh Judicial Circuit No. 2014 CH 48

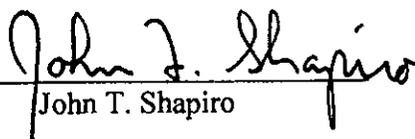
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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that on January 20, 2015 he caused a copy of the Notice of Filing and Plaintiff-Appellees' Motion for Extension of Time to File Appellees' Briefs to be served on the persons indicated below via email and via U.S. mail, by depositing copies of the Notice of Filing and Motion for Extension of Time to File Appellees' Briefs in the U.S. mail drop located at 311 S. Wacker Drive, Chicago, Illinois 60606, before 5:00 p.m., in postage prepaid envelopes addressed to the persons and with the addresses indicated below:

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<p>Michael T. Reagan mreagan@reagan-law.com LAW OFFICES OF MICHAEL T. REAGAN 633 La Salle Street, Suite 409 Ottawa, IL 61350</p>	<p>Donald M. Craven don@cravenlawoffice.com Esther J. Seitz esther@cravenlawoffice.com DONALD M. CRAVEN, P.C. 1005 North Seventh Street Springfield, IL 62702</p>
	<p>Aaron B. Maduff abmaduff@madufflaw.com Michael L. Maduff mlmaduff@madufflaw.com Walker R. Lawrence wrlawrence@madufflaw.com MADUFF &amp; MADUFF, LLC 205 N. Michigan Ave., Suite 2050 Chicago, IL 60601</p>

By:   
John T. Shapiro

**FILED**

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CLERK**

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[PROPOSED] ORDER

This matter coming to be heard on Plaintiff-Appellees' Motion for an Extension of Time to File Appellees' Briefs, due notice having been given and the Court having been duly advised, IT IS HEREBY ORDERED AS FOLLOWS:

The motion is ALLOWED / DENIED.

Plaintiffs-Appellees shall file their briefs on or before March 16, 2015.

Defendants-Appellants shall file their reply brief on or before \_\_\_\_\_.

ENTERED:

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