

No. 1-24-0437
IN THE APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

STEVEN DANIEL ANDERSON, CHARLES)
J. HOLLEY, JACK L. HICKMAN, RALPH E.)
CINTRON, and DARRYL P. BAKER,)
)
Petitioners-Appellees,)
)
Circuit Court No.: 2024 COEL 13
)
v.)
)
Hon. Tracie R. Porter,
)
)
Judge Presiding
)
DONALD J. TRUMP,)
)
)
Respondent-Appellant, and)
)
)
the ILLINOIS STATE BOARD OF ELEC-)
TIONS sitting as the State Officers Electoral)
Board, and its Members CASSANDRA B.)
WATSON, LAURA K. DONAHUE, JEN-)
NIFER M. BALLARD CROFT, CRISTINA D.)
CRAY, TONYA L. GENOVESE CATHE-)
RINE S. MCCRORY, RICK S. TERVIN, SR.,)
and JACK VRETT,)
)
)
other Respondents below.)

NOTICE OF FILING

To: HUGHES SOCOL PIERS RESNICK &
DYM, LTD.
Matthew Piers
Caryn Lederer
70 W. Madison St., Ste. 4000
Chicago, IL 60602
Matthew J. Piers
MPiers@hsplegal.com
clederer@hsplegal.com

Sarah Newman
Christopher M. R. Turner
State of Illinois Assistant Attorneys General
100 W. Randolph Street, 13th Floor
Chicago, Illinois 60601

FREE SPEECH FOR PEOPLE
Ronald Fein (pro hac vice)
Amira Mattar (pro hac vice)
Courtney Hostetler (pro hac vice)
John Bonifaz (pro hac vice)
Ben Clements (pro hac vice)
1320 Centre St. #405
Newton, MA 02459
rfein@freespeechforpeople.org
amira@freespeechforpeople.org
chostetler@freespeechforpeople.org
jbonifaz@freespeechforpeople.org
bclements@freespeechforpeople.org

MULLEN LAW FIRM
Ed Mullen (ARDC: 6286924)

CivilAppeals@ilag.gov
Sarah.Newman@ilag.gov
Christopher.Turner@ilag.gov

1505 W. Morse Ave.
Chicago, IL 60626
ed_mullen@mac.com

PLEASE TAKE NOTICE that on March 14, 2024, the undersigned filed RESPONDENT-APPELLANT DONALD J. TRUMP'S MOTION FOR LEAVE TO FILE SUPPORTING RECORD with the Clerk of the Illinois Appellate Court, First District, a copy of which is attached and hereby served upon you.

Dated: March 14, 2024

Respectfully submitted,

RESPONDENT-APPELLANT DONALD J. TRUMP

By: /s/ Adam P. Merrill
One of his attorneys

Scott E. Gessler
GESSLER BLUE LLC
7350 E. Progress Place, Ste. 100
Greenwood Village, CO 80111
720-839-6637
sgessler@gesslerblue.com

Adam P. Merrill (6229850)
WATERSHED LAW LLC (No. 64892)
55 W. Monroe, Suite 3200
Chicago, Illinois 60603
312.368.5932
AMerrill@Watershed-Law.com

Nicholas J. Nelson (pro hac vice)
CROSS CASTLE PLLC
333 Washington Ave. N.,
STE 300-9078
Minneapolis, MN 55401
612.429.8100
nicholas.nelson@crosscastle.com

No. 1-24-0437
IN THE APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

STEVEN DANIEL ANDERSON, CHARLES)	Appeal from the Circuit Court of
J. HOLLEY, JACK L. HICKMAN, RALPH E.)	Cook County, Illinois, County De-
CINTRON, and DARRYL P. BAKER,)	partment, County Division
)	
Petitioners-Appellees,)	Circuit Court No.: 2024 COEL 13
)	
v.)	Hon. Tracie R. Porter,
)	Judge Presiding
DONALD J. TRUMP,)	
)	
Respondent-Appellant, and)	
)	
the ILLINOIS STATE BOARD OF ELEC-)	
TIONS sitting as the State Officers Electoral)	
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RINE S. MCCRORY, RICK S. TERVIN, SR.,)	
and JACK VRETT,)	
)	
other Respondents below.)	

**RESPONDENT-APPELLANT DONALD J. TRUMP’S MOTION
FOR LEAVE TO FILE SUPPORTING RECORD**

Pursuant to Illinois Supreme Court Rules, including Rule 361, and Illinois Appellate Court, First District Rules, including Rule 4, Respondent-Appellant Donald J. Trump (“President Trump” or the “Candidate”) moves this Court for an Order permitting the Rule 328 Supporting Record, filed on March 8, 2024 (Envelope # 26750104) (the “Supporting Record”), to be accepted as the supporting record for Respondent’s Motion to Vacate Based on U.S. Supreme Court Decision, which was filed on March 12, 2024 (Envelope # 26791170) (the “Motion to Vacate”), and in support states as follows:

On Friday, March 8, 2024, pursuant to Rule 361 and in anticipation of filing the Motion to Vacate, Respondent filed the “Supporting Record” with pleadings, orders, *etc.*, marked as “Supp. R. ___” (See 3/14/2024 Affidavit of Adam Merrill (“Merrill Aff.”), a copy of which is attached, ¶ 2.)

For a variety of reasons, including coordinating review and comment by other counsel, the undersigned counsel was unable to finalize and file the Motion to Vacate until Tuesday, March 12, 2024. (Merrill Aff., ¶ 3.)

The Motion to Vacate has been “accepted” by the Clerk’s office, but because the Supporting Record was not filed the same day as the Motion to Vacate, the Supporting Record has not yet been accepted. (Merrill Aff., ¶ 4.)

The Clerk’s office advised Respondent’s counsel that in order to “accept” the Supporting Record and associate it with the Motion to Vacate, they would need an Order permitting the Clerk to do so. Accordingly, Respondent hereby files this motion for leave to file the Supporting Record. (Merrill Aff., ¶ 5.)

Earlier today, Respondent’s counsel emailed Petitioners’ counsel a copy of Respondent’s proposed order granting this motion for leave to file the supporting record and asked whether they would agree to the relief sought by this motion. Although Petitioners have indicated they oppose the Motion to Vacate and intend to file an opposition thereto, Petitioners’ counsel indicated they have “[n]o objection” to the entry of Respondent’s proposed order with respect to this motion for leave. (Merrill Aff., ¶ 6.)

WHEREFORE, Petitioner-Appellant Donald J. Trump respectfully requests the entry of an order granting this motion for leave and permitting the Supporting Record to be accepted as the supporting record for the Motion to Vacate.

Dated: March 14, 2024

Respectfully submitted,

RESPONDENT-APPELLANT DONALD J. TRUMP

By: /s/ Adam P. Merrill
One of his attorneys

Scott E. Gessler
GESSLER BLUE LLC
7350 E. Progress Place, Ste. 100
Greenwood Village, CO 80111
720-839-6637
sgessler@gesslerblue.com

Adam P. Merrill (6229850)
WATERSHED LAW LLC (No. 64892)
55 W. Monroe, Suite 3200
Chicago, Illinois 60603
312.368.5932
AMerrill@Watershed-Law.com

Nicholas J. Nelson (pro hac vice)
CROSS CASTLE PLLC
333 Washington Ave. N.,
STE 300-9078
Minneapolis, MN 55401
612.429.8100
nicholas.nelson@crosscastle.com

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TERVIN, SR., and JACK VRETT,)
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other Respondents below.)

Appeal from the Circuit Court of
Cook County, Illinois, County
Department, County Division
Circuit Court No.: 2024 COEL 13
Hon. Tracie R. Porter,
Judge Presiding

AFFIDAVIT

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned counsel certifies that the statements set forth herein 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:

1. I am a member of the bar of the State of Illinois. I am a Partner with the law firm of Watershed Law LLC (“Watershed”). I represent Respondent-Appellant in the above-captioned matter. I offer this affidavit in support of Respondent-Appellant’s Donald J. Trump’s Motion for Leave to File Supporting Record (the “Motion”).

2. On Friday, March 8, 2024, pursuant to Rule 361 and in anticipation of filing the Motion to Vacate, Respondent filed the “Supporting Record” with pleadings, orders, *etc.*, marked as “Supp. R. ___”

3. For a variety of reasons, including coordinating review and comment by other counsel, I was unable to finalize and file the Motion to Vacate until Tuesday, March 12, 2024.

4. The Motion to Vacate has been “accepted” by the Clerk’s office, but because the Supporting Record was not filed the same day as the Motion to Vacate, the Supporting Record has not yet been accepted.

5. The Clerk’s office advised Respondent’s counsel that in order to “accept” the Supporting Record and associate it with the Motion to Vacate, they would need an Order permitting the Clerk to do so. Accordingly, Respondent hereby files this motion for leave to file the Supporting Record.

6. Earlier today, Respondent’s counsel emailed Petitioners’ counsel a copy of Respondent’s proposed order granting this motion for leave to file the supporting record and asked whether they would agree to the relief sought by this motion. Although Petitioners have indicated they oppose the Motion to Vacate and intend to file an opposition thereto, Petitioners’ counsel indicated they have “[n]o objection” to the entry of Respondent’s proposed order with respect to this Motion.

FURTHER AFFIANT SAYETH NOT.

/s/ Adam P. Merrill
Adam P. Merrill

CERTIFICATE OF SERVICE

I, Adam P. Merrill, hereby certify that on March 14, 2024, I caused a true and correct copy of the foregoing RESPONDENT-APPELLANT DONALD J. TRUMP'S MOTION FOR LEAVE TO FILE SUPPORTING RECORD to be served upon all parties/ counsel of record via the Court's Electronic Filing System, and upon the following via electronic mail message:

HUGHES SOCOL PIERS RESNICK &
DYM, LTD.
Matthew Piers
Caryn Lederer
70 W. Madison St., Ste. 4000
Chicago, IL 60602
Matthew J. Piers
MPiers@hsplegal.com
clederer@hsplegal.com

Sarah Newman
Christopher M. R. Turner
State of Illinois Assistant Attorneys General
100 W. Randolph Street, 13th Floor
Chicago, Illinois 60601
CivilAppeals@ilag.gov
Sarah.Newman@ilag.gov
Christopher.Turner@ilag.gov

FREE SPEECH FOR PEOPLE
Ronald Fein (pro hac vice)
Amira Mattar (pro hac vice)
Courtney Hostetler (pro hac vice)
John Bonifaz (pro hac vice)
Ben Clements (pro hac vice)
1320 Centre St. #405
Newton, MA 02459
rfein@freespeechforpeople.org
amira@freespeechforpeople.org
chostetler@freespeechforpeople.org
jbonifaz@freespeechforpeople.org
bclements@freespeechforpeople.org

MULLEN LAW FIRM
Ed Mullen (ARDC: 6286924)
1505 W. Morse Ave.
Chicago, IL 60626
ed_mullen@mac.com

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this certificate of service 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.

/s/ Adam P. Merrill

Adam P. Merrill