

No. 129248

E-FILED
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CYNTHIA A. GRANT
SUPREME COURT CLERKIN THE
SUPREME COURT OF ILLINOIS

JAMES R. ROWE, in his official)	On Appeal from the Circuit Court of
capacity as Kankakee County State’s)	the Twenty-First Judicial Circuit,
Attorney, and MICHAEL DOWNEY, in)	Kankakee County, Illinois.
his official capacity as Kankakee)	
County Sheriff,)	
)	
Plaintiffs-Appellees,)	
)	
v.)	
)	
KWAME RAOUL, in his official)	
capacity as Illinois Attorney General;)	No. 2022CH16
JAY ROBERT PRITZKER, in his)	
official capacity as Governor of the)	
State of Illinois; EMANUEL)	
CHRISTOPHER WELCH, in his official)	
capacity as Speaker of the Illinois)	
House of Representatives; and DON)	
HARMON, in his official capacity as)	
Illinois Senate President,)	The Honorable
)	THOMAS W. CUNNINGTON,
Defendants-Appellants.)	Judge Presiding.

**AGREED MOTION FOR LEAVE TO FILE CORRECTED RECORD ON
APPEAL IN LEAD CASE *ROWE v. RAOUL*, NO. 2022CH16, INSTANTER**

Pursuant to Supreme Court Rules 326 and 361, Defendants-Appellants

Kwame Raoul, in his official capacity as Attorney General of the State of Illinois; JB Pritzker, in his official capacity as Governor of Illinois; Emanuel Christopher Welch, in his official capacity as Speaker of the Illinois House of Representatives; and Don Harmon, in his official capacity as Illinois Senate President (“defendants-appellants”), by their attorneys, move this Court for leave to file a corrected record

on appeal in the lead case, *Rowe v. Raoul*, No. 2022CH16 (Kankakee Cnty.),
instanter. All parties agree to the relief sought in this motion.

In support of this motion, defendants state the following:

1. This appeal arises from 64 consolidated civil cases challenging the Illinois Safety, Accountability, Fairness and Equity-Today (“SAFE-T”) Act, Pub. Act No. 101-652 (2021). In October 2022, these cases were transferred and consolidated by this Court with the first-filed case, *Rowe v. Raoul*, No. 2022CH16, in the Circuit Court for the Twenty-First Judicial Circuit, in Kankakee County, Illinois. *See Rowe v. Raoul*, No. 129016 (Oct. 31, 2022). The circuit court entered an opinion resolving plaintiffs’ claims in December 2022; defendants-appellants appealed directly to this Court under Rule 302(a); and the Court granted a motion to accelerate the docket, thus establishing a briefing schedule for the appeal, on January 5, 2023.

2. The briefing schedule directed the Clerk of the Circuit Court for the Twenty-First Judicial Circuit, in Kankakee County, to file the record on appeal on or before January 20, 2023. Due to the size of the record—which totals over 40,000 pages in 64 separate cases—the clerk was unable to meet that deadline. The parties agreed that the record would be filed in two parts: (a) the record in the “lead” case, *Rowe v. Raoul*, No. 2022CH16 (Kankakee Cnty.), first; and (b) the record in the remaining 63 cases to follow. Defendants-appellants filed an agreed motion allowing the clerk to file the record in *Rowe* instanter on January 23, 2023, which the Court granted on the same day, permitting the record to be filed.

3. Defendants-appellants understand that the record filed on January 23 omits the notice of appeal, which is a required component of the record. *See* Ill. S. Ct. R. 321. Defendants-appellants thus request that the Court permit the clerk of the circuit court to file a corrected record on appeal in the lead case, *Rowe v. Raoul*, No. 2022CH16 (Kankakee Cnty.), *instanter*. All other deadlines will remain unchanged.

4. All parties agree to the relief sought in this motion.

CONCLUSION

For these reasons, the Court should grant leave to file a corrected record on appeal in the lead case, *Rowe v. Raoul*, No. 2022CH16 (Kankakee Cnty.), *instanter*.

Respectfully submitted,

KWAME RAOUL
Attorney General
State of Illinois

JANE ELINOR NOTZ
Solicitor General

/s/ Alex Hemmer
ALEX HEMMER
Deputy Solicitor General
100 West Randolph Street
12th Floor
Chicago, Illinois 60601
(312) 814-5526 (office)
(773) 590-7932 (cell)
CivilAppeals@ilag.gov (primary)
Alex.Hemmer@ilag.gov (secondary)

Attorneys for Attorney General
Raoul and Governor Pritzker

/s/ Adam R. Vaught
ADAM R. VAUGHT
Special Assistant Attorney General
Kilbride & Vaught, LLC
82 South LaGrange Road
Suite 208
LaGrange, Illinois 60525
(217) 720-1961
avaught@kilbridevaught.com

Attorney for Speaker Welch

/s/ Luke A. Casson
LUKE A. CASSON
Special Assistant Attorney General
Andreou & Casson, Ltd.
661 West Lake Street
Suite 2N
Chicago, Illinois 60661
(312) 935-2000
lcasson@andreou-casson.com

DEVON C. BRUCE
Special Assistant Attorney General
Power Rogers, LLP
70 West Madison Street
Suite 5500
Chicago, Illinois 60602
(312) 236-9381
dbruce@powerrogers.com

Attorneys for President Harmon

January 25, 2023

JUSTICE

JUSTICE

JUSTICE

JUSTICE

JUSTICE

DATED: _____

ALEX HEMMER
100 West Randolph Street, 12th Floor, Chicago, Illinois 60601
Primary e-service: CivilAppeals@ilag.gov
Secondary e-service: Alex.Hemmer@ilag.gov

CERTIFICATE OF FILING AND SERVICE

I certify that on January 25, 2023, I electronically filed the foregoing **Agreed Motion for Leave to File Corrected Record on Appeal in the Lead Case, *Rowe v. Raoul*, No. 2022CH16, Instanter** with the Clerk of the Supreme Court of Illinois by using the Odyssey eFileIL system.

I further certify that counsel for the other participants in this matter, named below, are registered service contacts on the Odyssey eFileIL system, and thus will be served by the Odyssey eFileIL system.

Counsel for Plaintiffs-Appellees

Kankakee County State's Attorney James R. Rowe
(jrowe@k3county.net)

Kendall County State's Attorney Eric C. Weis
(eweis@co.kendall.il.us)

McHenry County State's Attorney Patrick D. Kenneally
(pdkenneally@mchenrycountyil.gov)

Sangamon County State's Attorney Dan Wright
(dan.wright@sangamonil.gov)

Vermilion County State's Attorney Jacqueline M. Lacy
(salacy@vercounty.org)

Will County State's Attorney James W. Glasgow
(jglasgow@willcountyillinois.com)

I further certify that the Clerk of the Circuit Court for the Twenty-First Judicial Circuit, Kankakee County, is not a registered service contact on the Odyssey eFileIL system, and thus will be served via e-mail at the address below.

*Clerk of the Circuit Court for the Twenty-First Judicial Circuit,
Kankakee County*
scianci@k3county.net
dkolesar@k3county.net

Under penalties as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct to the best of my knowledge, information, and belief.

/s/ Alex Hemmer

ALEX HEMMER

Deputy Solicitor General

100 West Randolph Street

12th Floor

Chicago, Illinois 60601

(312) 814-5526 (office)

(773) 590-7932 (cell)

CivilAppeals@ilag.gov (primary)

Alex.Hemmer@ilag.gov (secondary)