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CYNTHIA A. GRANT
SUPREME COURT CLERK

No. 129453

IN THE
SUPREME COURT OF ILLINOIS

DAN CAULKINS; PERRY LEWIN;)	On Direct Appeal from the Circuit
DECATUR JEWELRY & ANTIQUES)	Court of the Sixth Judicial Circuit,
INC.; and LAW-ABIDING GUN)	Macon County, Illinois
OWNERS OF MACON COUNTY, a)	
Voluntary unincorporated association,)	
)	
Plaintiffs-Appellees)	
)	
v.)	No. 2023-CH-3
)	
Governor JAY ROBERT PRITZKER,)	
In his official capacity; KWAME RAOUL)	
In his capacity as Attorney General;)	
EMANUEL CHRISTOPHER WELCH, in)	
in his capacity as Speaker of the House; and)	
DONALD F. HARMON, in his capacity as)	
Senate President,)	The Honorable
)	RODNEY S. FORBES,
Defendants - Appellants.)	Judge Presiding.

**MOTION TO STAY ISSUANCE OF MANDATE PURSUANT TO ILLINOIS SUPREME
COURT RULE 368(c)**

Now Come Plaintiffs-Appellees, Dan Caulkins, Perry Lewin, Decatur Jewelry & Antiques, Inc, and Law-Abing Gun Owners of Macon County, a voluntary unincorporated association, by their attorneys, Jerrold H. Stocks and Brian D. Eck, Featherstun, Gaumer, Stocks, Flynn & Eck, LLP, and for their Motion to Stay Issuance of Mandate Pursuant to Illinois Supreme Court Rule 368(c), state:

1. Pursuant to Illinois Supreme Court Rule 368(c), the Supreme Court of Illinois or, a justice thereof, may stay issuance of a mandate as may be appropriate.

2. The Mandate in the instant matter is scheduled to issue September 15, 2023 with respect to the opinion filed August 11, 2023. The issuance of the Mandate will revest the trial court with jurisdiction.

3. It is the intent of the Plaintiffs to petition for *writ of certiorari* to the United States Supreme Court. A Petition for *writ of certiorari* must be filed with the United States Supreme Court within ninety (90) days of the entry of the judgment by the Illinois Supreme Court. Accordingly, the Petition is due on or before November 9, 2023.

4. At present, the intended Petition for *writ of certiorari* is expected to include, but not be limited to, requesting review of the certain Orders entered April 14, 2023 in response to the Plaintiff's Motion for Recusal/Disqualification asserting a denial of due process by the Illinois Supreme Court infringing upon due process protections under the United States Constitution, Fourteenth Amendment [see: *Caperton v A.T. Massey Coal Co* 556 U.S. 868 (2009)] and review of the Opinion reversing the Trial Court Judgment declaring the Act facially unconstitutional on the basis of the Second Amendment and Fourteenth Amendment of the United States Constitution.

5. No undue prejudice or injustice shall result by a delay in revesting the Trial Court with jurisdiction on the condition that a timely Petition for *writ of certiorari* is filed.

WHEREFORE, Plaintiffs/Movants respectfully request that this Honorable Court, or a Justice thereof, stay the issuance of the Mandate on the condition that a timely Petition for *writ of certiorari* is filed by the Plaintiffs/Movants or on such other conditions as may be appropriate.

Dan Caulkins, Perry Lewin, Decatur Jewelry & Antiques, Inc and Law-Abiding Gun Owners of Macon County, a voluntary unincorporated Association,

Plaintiffs/Appellees

FEATHERSTUN, GAUMER, STOCKS,
FLYNN & ECK, LLP, their Attorneys,

By: /s/ Jerrold H. Stocks

/s/ Brian D. Eck

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PROOF OF SERVICE ON MOTION TO STAY ISSUANCE OF MANDATE PURSUANT TO
ILLINOIS SUPREME COURT RULE 368(c)

I certify that on the 1st day of September 2023, I electronically filed the foregoing **Motion To Stay Issuance of Mandate Pursuant to Illinois Supreme Court Rule 368(c)** with the Clerk of the Supreme Court of Illinois by using the Odyssey eFileIL system. I further certify that the other participants in this appeal, named below, are registered service contacts on the Odyssey eFileIL system, and thus will be served via the Odyssey eFileIL system.

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Under the 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.

/s/ Jerrold H. Stocks

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Gun Owners of Macon County,
a voluntary unincorporated
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)	RODNEY S. FORBES,
Defendants - Appellants.)	Judge Presiding.

**PROPOSED ORDER ON MOTION TO STAY ISSUANCE OF MANDATE PURSUANT
TO ILLINOIS SUPREME COURT RULE 368(c)**

COMES NOW this matter for hearing on the Plaintiffs'-Appellees' Motion to Stay Issuance of Mandate Pursuant to Illinois Supreme Court Rule 368(c), and the Court, being fully advised in the premises Orders as follows:

_____. Motion Allowed.

_____. Motion Denied.

ENTERED this _____ day of _____, 2023.

Chief Justice

Justice

Justice

Justice

Justice

Justice

Justice