

IN THE SUPREME COURT OF ILLINOIS

No. _____

BUILDING OWNERS AND MANAGERS ASSOCIATION, <i>et al.</i>,	)	Petition for Leave to
	)	Appeal from the Appellate
	)	Court of Illinois for the First
<i>Petitioner-Appellant,</i>	)	Judicial District, Fifth Division
	)	Appellate Court Nos. 1-24-0417, and 1-24-
v.	)	0431, consolidated
)	
BOARD OF ELECTION	)	There Heard on
COMMISSIONERS FOR THE CITY OF	)	Appeal from the Circuit Court of
CHICAGO, <i>et al.</i>,	)	Cook County, County Department,
	)	County Division, No. 24-COEL-1
<i>Respondents – Appellees.</i>)	
	)	Honorable Kathleen M. Burke,
	)	Judge Presiding.
)	

**EMERGENCY MOTION FOR EXPEDITED CONSIDERATION OF
 PETITION FOR LEAVE TO APPEAL**

NOW COME the Petitioners, BUILDING OWNERS AND MANAGERS ASSOCIATION, et al., by and through their attorneys Michael J. Kasper and Michael T. Del Galdo, and in support of their motion for expedited consideration, pursuant to Illinois Supreme Court Rule 311(g) and 361(g), state:

1. Petitioners have filed a petition for leave to appeal pursuant to Illinois Supreme Court Rule 315.
2. The petition challenges the decision of the First District Appellate Court reversing the Circuit Court of Cook County’s grant of a judgment on the pleadings in favor of the Petitioners and striking down a referendum as violating the “free and equal elections” clause of Article III, Section 3 of the Illinois Constitution as well as provisions of the Illinois Municipal Code.
3. As outlined in the Petition for Leave to Appeal, the Appellate Court decision raises

substantial grounds for reversal in that it goes against decades of precedent to the contrary on referenda, endangers the “free and equal elections” clause central to Illinois’ Constitution, and newly creates two different standards for referenda nowhere found in constitutional, statutory or common law.

4. There are also no material disputed facts. Nor are any controlling facts in dispute.

5. This case concerns important constitutional issues that apply to the process itself and must be considered before the March 19, 2024 election.

6. The Appellate Court placed this matter on an accelerated docket pursuant to Illinois Supreme Court Rule 311(d), with the appellant brief being required to be filed on March 1, appellee brief on March 4, a reply on March 5, no oral argument, and a decision on March 6, 2024.

6. That in order to allow this Court to expeditiously consider the merits of this Appeal, it is respectfully requested that this Court direct the Clerk of the Illinois Appellate Court, First Judicial District to prepare the Record, and transmit the Record to this Court as soon as possible.

7. Pursuant to Illinois Supreme Court Rule 311(b) and 361(g), the Affidavit of Michael J. Kasper is attached hereto and incorporated herein as *Exhibit A*. A proposed order is also attached.

WHEREFORE, the Petitioners, the BUILDING OWNERS AND MANAGERS ASSOCIATION, *et al.*, respectfully request the following:

- A. That the Emergency Motion for Expedited Consideration be granted;
- B. That an order to expedite the preparation of the Record on Appeal be entered;
- C.. That if this Honorable Court grants the petition for Leave to Appeal, that this Court enter an expedited briefing schedule;
- D. For such other and further relief as this Court deems just.

Respectfully Submitted,

Plaintiffs

By : /s/ Michael Kasper

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By: /s/ Michael T. Del Galdo

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AFFIDAVIT OF MICHAEL J. KASPER

Affiant, Michael J. Kasper, having first been duly sworn under oath, deposes and states as follows:

1. I am an attorney in good standing, licensed to practice law by the Supreme Court of Illinois. I am competent to testify to the matters stated in this Affidavit based on my own personal knowledge.
2. I am one of the attorneys of record for the Petitioners.
3. The Circuit Court of Cook County granted Petitioners' motion for judgment on the pleadings on February 23, 2024 as violative the Illinois Constitution and the Illinois Municipal Code.
4. The Illinois Appellate Court reversed on March 6, 2024 and directed that judgment be entered for Respondents.
5. As outlined in the petition for leave to appeal and referenced in this motion, this concerns constitutional regarding the voting rights protections provided by the "free and equal elections" provision of the Illinois Constitution..
6. Petitioners are concurrently filing their petition for leave to appeal.
7. I have read the emergency motion for expedited consideration and hereby incorporate same.

I certify under penalties provided by law pursuant to Section 1-109 of the Code of Civil Procedure 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 certifies as aforesaid that he verily believes the same to be true.

By: /s/ Michael J. Kasper

Dated: March 11, 2024

EXHIBIT A

IN THE SUPREME COURT OF ILLINOIS

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<i>Respondents – Appellees.</i>)	
)	Honorable Kathleen M. Burke,
)	Judge Presiding.
)	

ORDER

This cause coming on to be heard on the Petitioners’-Trustees’ Emergency Motion for Expedited Consideration of the Petition for Leave to Appeal,

IT IS HEREBY ORDERED:

1. The Emergency Motion for Expedited Consideration is GRANTED / DENIED;.
2. The Clerk of the Appellate Court SHALL / SHALL NOT expeditiously prepare the Record on Appeal.
3. The Appellant Brief shall be filed by _____, the Appellees Brief by _____; with no reply.

ENTERED:

Justice

Justice

Justice

Justice

Justice

Justice

Dated: _____, 2024

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<i>Respondents – Appellees.</i>)	
)	Honorable Kathleen M. Burke,
)	Judge Presiding.
)	

NOTICE OF FILING

To: See service list.

PLEASE TAKE NOTICE that on March 11, 2024, I caused to be filed the Petitioner-Appellant’s EMERGENCY MOTION FOR EXPEDITED CONSIDERATION OF PETITION FOR LEAVE TO APPEAL with the Clerk of the Illinois Supreme Court, a copy of which is attached.

Respectfully submitted,

By: /s/ Cynthia S. Grandfield
Cynthia S. Grandfield

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CERTIFICATE OF SERVICE

I, Cynthia S. Grandfield, an attorney, do hereby certify that I caused a copy of this notice and EMERGENCY MOTION FOR EXPEDITED CONSIDERATION OF PETITION FOR LEAVE TO APPEAL to be served on all counsel of record via email on March 11, 2024.

[x] Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements in this instrument are true and correct.

By: /s/ Cynthia S. Grandfield

SERVICE LIST

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