NO. 131420

IN THE
SUPREME COURT OF ILLINOIS

KEVIN HAASE and RILEY HAASE, Plaintiffs-Appellees, vs. KANKAKEE SCHOOL DISTRICT 111 and DARREN WILBUR DAYHOFF, Defendants-Appellants.	)	On Appeal from the Appellate Court of Illinois, Third Judicial District Appeal No. 3-23-369 There Heard on Appeal from the Circuit Court of the 21st Judicial Circuit, Kankakee County Illinois, Case No. 2018-L-000012, The Honorable Lindsay Parkhurst, Judge Presiding

BRIEF OF *AMICUS CURIAE* BY THE ILLINOIS ASSOCIATION OF SCHOOL BOARDS IN SUPPORT OF DEFENDANTS-APPELLANTS

Caroline A. Roselli (6279709) (croselli@robbins-schwartz.com)
Nikoleta Lamprinakos (6274018) (nlamprinakos@robbins-schwartz.com)
Matthew M. Swift (6324734) (mswift@robbins-schwartz.com)
Katie N. DiPiero (6332334) (kdipiero@robbins-schwartz.com)
Holly E. Jacobs (6345803) (hjacobs@robbins-schwartz.com)
ROBBINS SCHWARTZ
190 South LaSalle St, Suite 2550
Chicago, Illinois 60603-3410
Telephone: (312) 332-7760
Facsimile: (312) 332-7768

Counsel for proposed Amicus Curiae by the Illinois Association of School Boards

E-FILED
5/8/2025 1:56 PM
CYNTHIA A. GRANT
SUPREME COURT CLERK

POINTS AND AUTHORITIES

INTEREST OF AMICUS CURIAE

The Illinois Association of School Boards ("IASB") is an incorporated, not-for-profit, voluntary association. It is organized under Article 23 of the School Code (105 ILCS 5/23-1) to assist and train school board members in performing their statutory functions and to promote, support, and advance the interests of quality public education throughout Illinois. As the legislatively recognized statewide representative of local boards of education, IASB currently has 848 members, comprising over 99% of all Illinois public school boards. Collectively, IASB's member boards educate nearly two million students.

IASB, as an advocate for Illinois school boards, has an interest in this case stemming from its mission to protect the interests of Illinois public school districts. IASB is uniquely qualified to speak on the importance of the issues in the instant case due to IASB's expertise and experience with school districts across the State of Illinois. The disposition of this appeal will unequivocally affect member school districts, as affirming the Appellate Court's decision would force them to prepare for potential liability from countless discretionary decisions that education professionals make related to managing student behavior and student information. This type of hyper-vigilance would prevent school districts from operating in the best interests of students and would divert critical resources from their education.

IASB has developed a subscription policy service that provides most school districts throughout the state with sample board policies to assist them in their efforts to maintain compliant processes. The Illinois School Code, as well as the sample policies offered by IASB (as adopted by school boards), require school districts to consider non-exclusionary measures available to maintain discipline in schools. Similarly, the School

Code and the IASB sample policies incorporate language from Senate Bill 100, discussed herein, related to the required limitation of exclusionary discipline "to the greatest extent practicable." 105 ILCS 5/10-22.6(b-5). School districts must be allowed discretion to enact and apply their policies related to student discipline and privacy, using the professional judgment and responsibility delegated to them by state and federal statutes. Limiting school district immunity as the Appellate Court does here would set a precedent under which boards of education, school districts, administrators, and educators cannot operate as intended to serve their students and local communities.

The motion of IASB for leave to file this amicus curiae brief has been submitted contemporaneously with the brief.

STATEMENT OF THE ISSUES

Amicus adopts Defendants-Appellants' Statement of the Issues.

STATEMENT OF FACTS

Amicus adopts Defendants-Appellants' Statement of Facts.

ARGUMENT

I. The Appellate Court Improperly Found That the District and Dayhoff May Have Engaged in Willful and Wanton Conduct.

Under well-established Illinois precedent related to willful and wanton conduct in the education context, the evidence in this case cannot support that the alleged failures were willful and wanton, as a matter of law. The concept of "willful and wanton conduct" is one crucial part of the analysis of tort claims against public schools, particularly with regard to injuries. Typically, ordinary negligence claims are shielded by Section 3-108 of the *Local Governmental and Governmental Employees Tort Immunity Act* ("Tort Immunity Act" or "TIA"). 745 ILCS 10/3-108. However, claims of willful and wanton

conduct can expose public entities to liability. This legal standard requires a higher degree of culpability than mere negligence, demonstrating an intentional or reckless disregard for safety.

Justice Hettel's dissenting opinion persuasively explained why the failures alleged in this case do not rise to the level of willful and wanton conduct as a matter of law. In support of his position, he identified twenty-five previous Appellate Court opinions consistently holding that allegations of inadequate supervision alone could not sustain a claim for willful and wanton conduct as a matter of law. These cases establish long-standing precedent that failure to supervise activities during which a student is injured does not constitute willful and wanton conduct.

Courts in Illinois have long defined willful and wanton conduct as a course of action that either intentionally causes harm or, if not intentional, demonstrates an utter indifference to or conscious disregard for the safety of others. To state a claim for willful and wanton conduct, a plaintiff must establish the basic elements of a negligence claim – duty, breach of duty, and proximate cause – and either "a deliberate intention to harm or a conscious disregard for the plaintiff's welfare." *Jane Doe-3 v. McLean Cty. Unit Dist. No. 5 Bd. of Directors,* 2012 IL 112479, ¶ 19. In the context of schools, this standard means that a plaintiff (e.g., a student injured in school) must prove not just that the school was negligent, but also that its actions or omissions were intentionally harmful or demonstrated a conscious disregard for the student's safety.

Further, a plaintiff must allege a conscious course of action on the part of the school or its staff that proximately caused plaintiff's injuries "either with knowledge of the serious danger to others involved in it or with knowledge of facts which would

disclose this danger to any reasonable man." *Floyd ex rel. Floyd v. Rockford Park Dist.*, 355 Ill. App. 3d 695, 701, (2d Dist. 2005). The "course of action" requirement is necessary to establish liability, including in the context of an action based on a willful and wanton failure to supervise. *Id*. Accordingly, a plaintiff must not only establish a duty, breach and proximate cause, but also allege that the defendant engaged in a course of action that demonstrated a deliberate intention to harm or an utter indifference to or conscious disregard for the plaintiff's welfare. *Id*. at 700. To establish a course of action, a plaintiff must show that a defendant had knowledge that prior similar acts resulted in an injury, and the injury must be similar to the injury suffered by the plaintiff. See *Id*. The course of action requirement is distinct from the other elements of willful and wanton conduct, i.e., "an actual or deliberate intention to cause harm or which, if not intentional, shows an utter indifference to or conscious disregard for the safety of others or their property." *Id*. at 703. Inadvertence, incompetence, or unskillfulness does not constitute willful and wanton conduct under Section 1-210. *Id*. at 701.

Here, Dayhoff did not have knowledge of Student A's prior disciplinary history. More importantly, Dayhoff had never witnessed Student A engage in any physically aggressive behavior, nor had he ever witnessed any signs of conflict brewing between Student A and plaintiff. It is important to note that the students in this case were engaged in a soccer game which inevitably leads to physical contact between the players. The Appellate Court's holding would require a school district and its staff to foresee and prevent every possible injurious contact between two students in physical education classes which would necessarily establish a new avenue of strict liability. If the Appellate Court's decision is allowed to stand, the whole landscape of the Tort Immunity Act

defenses in Illinois will result in a very narrow path to immunity for all local governmental entities and their employees.

II. The Appellate Court Improperly Found That the District Failed to Demonstrate an Exercise of Policy Discretion.

The Appellate Court ended its analysis, prematurely, after finding that it could not determine as a matter of law that Dayhoff and the District's conduct was not willful and wanton, and that there was a dispute about whether Dayhoff made any conscious decision about Student A's participation. However, the analysis should not have ended there. Even if there is a finding of willful and wanton conduct, the Appellate Court's analysis failed to fully address other potential immunities. Both statutory text and precedent make clear that 2-201 immunity can apply to such conduct by both teachers and school administrators, and the evidence supports that both Dayhoff and administrators made discretionary decisions that immunize the District from liability.

A. Longstanding Precedent Provides Tort Immunity for Local Discretion.

Prior to the creation of the Tort Immunity Act (745 ILCS 10/1-101, *et. seq*.), Illinois followed the doctrine of sovereign immunity, which protected government entities from litigation. However, this immunity eroded over time, most notably due to the abolition of immunity for school districts by the 1959 Illinois Supreme Court decision in *Molitor v. Kaneland Community Unit District No. 302*. 18 Ill.2d 11, 163 N.E.2d 89 (1959). This decision led to a patchwork of laws granting varying degrees of immunity to different entities. However, in 1964, the Illinois Supreme Court effectively prompted a uniform legislative solution to this problem by ruling that the inconsistent application of immunity violated the Illinois Constitution's prohibition against special legislation. *Harvey v. Clyde Park District,* 32 Ill. 2d 60 (1964). The next year, the General Assembly enacted the Tort

Immunity Act. The primary purpose of the TIA was to provide uniform protection to local public entities and their employees from liability arising from the operation of government, ensuring consistency and fairness across jurisdictions.

The TIA delineates immunities for local public entities and their employees, particularly in areas involving policy decisions and discretionary functions. Specifically, Section 2-201 immunizes public employees serving in positions that involve the determination of policy or the exercise of discretion, protecting them from liability when an injury results from their acts or omissions in determining policy, even if such discretion is abused. 745 ILCS 10/2-201; *Albers v. Breen*, 346 Ill.App.3d 799 (4th Dist. 2004).

Local policy discretion is critical in the instant appeal, not only because it allows school districts to operate independently in meeting the particular needs of their local communities and individual students, but also because Illinois courts have consistently and repeatedly held that determining and implementing appropriate student discipline and behavioral interventions (and the dissemination of related information) are discretionary policy decisions within the scope of Section 2-201. This critical point was erroneously omitted from the Appellate Court's analysis. See, generally*, Castillo v. Bd. of Educ. of City of Chi.,* 2018 IL App (1st) 171053; *Mulvey v. Carl Sandburg High Sch.*, 2016 IL App (1st), 151615; *Hascall v. Williams*, 2013 IL App (4th) 121131; *Albers v. Breen*, 346 Ill.App.3d 799 (4th Dist. 2004); *D.M. ex. Rel. C.H. v. Nat'l Sch. Bus Serv. Inc.*, 305 Ill.App.3d. 735 (2d Dist. 1999). As explained by the Appellate Court in *White v. Village of Homewood*, "this grant of immunity to public officials is based upon the idea that public officials should be allowed to exercise their judgment without fear that a good faith mistake might subject them to a lawsuit." 285 Ill. App. 3d 496, 502, 673 N.E.2d 1092, 1096 (1st Dist. 1996).

B. Discretion Is Inherent in Managing Student Behavior and Information.

1. Managing Student Behavior and Discipline

School administrators and teachers necessarily exercise discretion every day in the performance of their job duties. Not only have they been trained professionally to carry out these responsibilities, but they are also legally required to do so. To become a licensed teacher in Illinois, generally an individual must hold a bachelor's degree and must complete an approved educator preparation program containing coursework focused on instructional methods. *See* 23 Ill. Admin. Code § 25.25. To obtain an endorsement to become a principal or other administrator, individuals must complete a set number of years as a teacher, then complete additional coursework as set forth by the Illinois State Board of Education ("ISBE"). *See* 23 Ill. Admin. Code §§ 25.300 – 25.365; 23 Ill. Admin. Code § 29.10 *et seq.*

In addition to initial licensure requirements, teachers and administrators must successfully fulfill continuing education requirements set forth by the Illinois School Code. For example, teachers must complete 120 hours of professional development training in order to renew their license as is required once every five years. 105 ILCS 21B-45; 23 Ill. Admin. Code § 25.800. As such, teachers and administrators are both legally and practically positioned to be experts in the delivery of education services, and they exercise discretion constantly in doing so.

Illinois law also recognizes that school officials must regularly exercise discretion in the interpretation and implementation of student discipline law and policy. For example, significant discipline reforms passed in 2015, colloquially referred to as Senate Bill 100, which require educators to "limit the number and duration of expulsions and suspensions to the greatest extent practicable" and recommends that educators "consider forms of non-

exclusionary discipline prior to using out-of-school suspensions or expulsions." 105 ILCS 5/10-22.6(b-5). The application of Section 10-22.6 requires judgment about the nature of a student's behavior and the appropriate type of discipline. *See id*. Further, the School Code anticipates that teachers and other licensed staff will exercise discretion because it places those employees in *loco parentis. See* 105 ILCS 5/24-24. Section 5/24-24 requires "teachers" and "other licensed educational employees" to "maintain discipline in the schools," stating that in "all matters relating to the discipline in and conduct of the schools and the school children," such school officials "stand in the relation of parents and guardians to the pupils." *Id.* Notably, this relationship extends, by law, to physical education in addition to athletic and extracurricular activities. *Id.* As such, school officials are not following a legally prescribed formula when issuing student discipline. Instead, School Code requirements like those set forth in Section 10-22.6 and 5/24-24 codify the principle that educators should exercise discretion.

The Appellate Court's decision would not only supplant the expertise and training of local school officials with regard to managing student behavior, but would also create liability for educators in their efforts to comply with the law. For example, an administrator or educator who follows the requirements of Senate Bill 100 and makes the decision to discipline a student by means of counseling or parent contact without exclusionary discipline may be at greater risk of liability under the Appellate Court's decision for a subsequent physical altercation caused by that student because an additional precaution or the precaution of more significant discipline was available. This would place education professionals across the entire State of Illinois, and the school districts they work for, in the impossible position of having to decide between liability for issuing exclusionary

discipline in violation of Senate Bill 100 or liability for harms a student causes after a disciplinary determination is made.

Here, evidence supports that both Dayhoff and administrators made conscious decisions related to managing Student A's behavior. Regarding Dayhoff, the Appellate Court notes that Dayhoff observed Student A playing soccer, but it does not acknowledge that Dayhoff necessarily made a conscious decision in that moment, however informally, not to intervene in Student A's participation. There is no evidence to support that Dayhoff did not observe Student A participating. Consequently, Dayhoff exercised discretion that warrants immunity. The Appellate Court also does not address at all whether administrators and other employees exercised discretion regarding Student A. However, the evidence supports that Assistant Principal Walz had investigated the referrals and disciplined Student A on numerous occasions and also implemented non-exclusionary remedial measures. As a result, other District employees also clearly exercised discretion regarding Student A.

2. Managing Access to and Dissemination of Student Information

State and federal student privacy laws also make clear that policy discretion and professional judgment are inherent parts of how school districts manage student discipline information. The *Illinois School Student Records Act* (ISSRA) limits the disclosure of "school student records" and information within those records, including information about student discipline, without permission from a student's parent or guardian. 105 ILCS 10/6. While ISSRA carves out various exceptions to this general rule, even disclosures of student discipline within the school district generally must be made to "to an employee or official of the school or school district or State Board with current demonstrable educational or

administrative interest in the student, in furtherance of such interest." 105 ILCS 10/6(a)(2). Similarly, the *Family Educational Rights and Privacy Act* (FERPA) protects personally identifiable information about students, while allowing disclosure to school officials "who have been determined by such agency or institution to have legitimate educational interests." 20 U.S.C. 1232g(b)(1)(A); *see also* 20 U.S.C. 1232g(h); 34 C.F.R. 99.31.

Related FERPA regulations and guidance further confirm the role of school districts' policy discretion and professional judgment in determining what disclosures are consistent with educational and administrative interests. The Department of Education has long recognized that "A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility" and rejected calls to prescribe a more specific nationwide standard. See U.S. Department of Education, FERPA Final Rule, 61 Fed. Reg. 59,292, 59,297 (Nov. 21, 1996), 1996 WL 669735; U.S. Department of Education, FERPA Final Rule, 53 Fed. Reg. 11,942, 11,954-11,955 (April 11, 1998), 1988 WL 280295. Instead, FERPA regulations specifically describe that school districts may exercise policy discretion, for example, by making determinations about whether certain employees need specific discipline information in order to fulfill their professional responsibilities. 34 CFR 99.7(a)(3)(iii).

As a result, decisions about disclosing student discipline information are immunized under §2-201 of the Tort Immunity Act. Regularly sharing disciplinary information about every student in each of a teacher's classes will rarely be necessary, and therefore rarely permissible under student privacy laws. For teachers with multiple classes, each with dozens of students, reviewing such information regularly may not even be feasible. Instead, teachers and school administrators must exercise discretion in sharing or

accessing disciplinary information on a case-by-case basis. Such decisions, like other decisions relevant to managing student behavior, are not ministerial and therefore are entitled to immunity under §2-201. See *Albers v. Breen*, 346 Ill. App. 3d 799, 809, 806 N.E.2d 667, 675 (4th Dist. 2004) (finding disclosure of student name related to bullying was discretionary and immune under §2-201).

In this case, District administrators and staff made conscious discretionary decisions about its policies for disseminating and accessing student disciplinary information and about Student A's conduct, immunizing them and the District from liability. The fact that employees exercised discretion not to access or disseminate student information is precisely the type of professional judgment—required by student privacy laws—that Section 2-201 of the Tort Immunity Act is intended to protect.

III. The Appellate Court's Approach Will Impose Unmanageable Burdens on School Districts and Courts.

Moreover, the longstanding policy considerations behind the immunities granted to educational employees apply squarely to the instant case. The Illinois legislature and Illinois courts have determined and maintained that "orderly conduct of the schools and the maintenance of a sound learning atmosphere require that there be a personal relationship between teacher and student in which the teacher has disciplinary and supervisory authority," and such relationships would be jeopardized if teachers and school districts were subject to liability for accidents in the course of the exercises of such authority. *See Gerrity v. Beatty*, 71 Ill. 2d 47, 51, 373 N.E.2d 1323, 1325 (1978) (discussing exposure of school employees to negligence claims). These policy concerns are at the core of the Tort Immunity Act and continue to ring true, especially in situations where, as in the instant case, the District has implemented significant measures to manage student behavior

through layers of disciplinary and supervisory authority. Here, Student A had been referred for discipline numerous times, and disciplined for some of these referrals, after each was investigated by Assistant Principal Walz. As is standard practice in school districts across the state, Walz used discretion in deciding whether to discipline, the appropriate level of discipline, and whether to inform staff about Student A's history or the discipline imposed.

Relatedly, the U.S. Supreme Court has consistently recognized that "local autonomy of school districts is a vital national tradition." *Dayton Bd. of Educ. v. Brinkman*, 433 U.S. 406, 410 (1977) (internal citations omitted). Most notably, the U.S. Supreme Court has specifically cautioned against judicial entanglement in the daily policy affairs of school districts, opining that courts should refrain from second-guessing the disciplinary decisions made by school administrators. *Davis v. Monroe County Bd. of Ed.*, 526 US 629, 648 (1999). In *San Antonio*, the Court also reasoned that local control is beneficial because the existence of many small districts facilitates "a multiplicity of viewpoints" and a "diversity of approaches" in public education, which fosters "experimentation, innovation, and a healthy competition for educational excellence." *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 50 (1973).

Courts' recognition of the benefits of local control reflects the practical reality of public education across the State of Illinois. There are 866 school districts in Illinois, comprised of 3,835 schools and nearly 2 million students.[1] Teachers and administrators in these school districts make discretionary decisions regarding student discipline every day. In the 2023-2024 school year alone, 253,314 disciplinary incidents involving 111,477

[1] *See* ILLINOIS STATE BOARD OF EDUCATION, ILLINOIS REPORT CARD 2023-2024: STATE SNAPSHOT, https://www.illinoisreportcard.com/State.aspx.

students resulted in expulsions, out-of-school suspensions, or in-school suspensions and were reported to ISBE.[2] Every day, school employees make countless other decisions to manage student behavior through other forms of discipline or no discipline. Each school district has its own socioeconomic demographics and serves a community with particular needs, priorities, and constraints. In fact, the Illinois General Assembly has codified local control and community input in this context by partnering school boards with parent-teacher advisory committees to develop discipline guidelines. 105 ILCS 5/10-20.14.

Teachers and administrators working at school districts are the public servants who are in the best position to understand their local communities and students. They are therefore also in the best position to make discretionary decisions of policy regarding their students. The Appellate Court's decision would open the door to many cases about student behavior being heard in courtrooms far removed from not only the education professionals who interact with them daily, but also the students' communities and circumstances. Contrary to admonitions by the U.S. Supreme Court, this holding puts the courts in the position of serving as super-personnel who must engage in "second-guessing the disciplinary decisions made by school administrators" without knowing the individualized needs of students, the typical strategies or best practices for managing unexpected behaviors, the resources available to each instructor and their district, or the relationships between the students and staff who were involved. See *Davis v. Monroe County Bd. of Ed.*, 526 U.S. 629, 648 (1999). Attempting to avoid liability while anticipating this type of

[2] *See* ILLINOIS STATE BOARD OF EDUCATION, ILLINOIS REPORT CARD 2023-2024: STUDENT DISCIPLINE, https://www.illinoisreportcard.com/State.aspx?source=studentcharacteristics&source2=studentdiscipline&Stateid=IL.

retroactive and microscopic review of school district operations would significantly hamper the ability of Illinois teachers and administrators to serve students effectively.

The Circuit Court correctly held that the District was immune under §2-201 for its decisions related to the disciplinary and remedial measures imposed on Student A following its investigation of his referrals for discipline. The Circuit Court also correctly found that §2-201 immunity applied to Dayhoff's decisions related to his class on the day of the incident, including the activities chosen, how to supervise his class, and whether to intervene. Each involved balancing competing interests related to instruction, efficiency, time, and student safety and making a judgment call as to which solution worked best for his class.

In addition, the Appellate decision's departure from longstanding Illinois legislation and case law would expose these public employees to liability for everyday decisions made in their trained, professional judgment and discretion, contrary to the legislature's intent and overwhelming principles of judicial economy. Following the Appellate Court's reasoning to its logical conclusion, every failure to prevent injury may incur liability if teachers or administrators did not pursue available precautions for a commonplace student behavior issue. Because school officials make countless informal, discretionary determinations to handle student behavior without discipline or without sharing protected student information on a daily basis, the potential burden that related litigation could impose on them and the courts is extreme, potentially requiring Illinois courts to review an unmanageable volume of cases related to student behavior every year. As a result, subjecting everyday school operations to potential tort liability, as the Appellate

Court's decision does, would be inconsistent with both principles of judicial economy and U.S. Supreme Court and Illinois precedent, as described above.

CONCLUSION

The District's actions and alleged failures regarding Student A, as a matter of law, were not willful and wanton misconduct under longstanding Illinois precedent. Further, the District's administrators and staff exercised professional discretion in managing Student A's behavior and disseminating information about that behavior, as required by the School Code and relevant student privacy laws. Holding that Sections 2-201 and 3-108 of the Tort Immunity Act do not protect school districts from potential liability for handling countless everyday student discipline issues and related student information—even if negligent supervision were involved—would effectively gut the TIA for public schools and overturn dozens of decisions that provide critical protection for education professionals. Such a result would be contrary to both well-established law and principles of judicial economy. For the foregoing reasons, the Appellate Court's order should be reversed.

Respectfully submitted,

Illinois Association of School Boards,
Proposed *Amicus Curiae*

By: */s/ Nikoleta Lamprinakos*

Caroline A. Roselli (6279709) (croselli@robbins-schwartz.com)
Nikoleta Lamprinakos (6274018) (nlamprinakos@robbins-schwartz.com)
Matthew M. Swift (6324734) (mswift@robbins-schwartz.com)
Katie N. DiPiero (6332334) (kdipiero@robbins-schwartz.com)
Holly E. Jacobs (6345803) (hjacobs@robbins-schwartz.com)
ROBBINS SCHWARTZ
190 South LaSalle St, Suite 2550
Chicago, Illinois 60603-3410
Telephone: (312) 332-7760
Facsimile: (312) 332-7768

CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 21 pages.

/s/ Nikoleta Lamprinakos

CERTIFICATE OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies I, Nikoleta Lamprinakos, an attorney, certify that on April 30, 2025, a true and correct copy of the foregoing Brief of Amicus Curiae by the Illinois Association of School Boards in Support of Defendants-Petitioners was served upon:

Robert J. Napleton
Brion W. Doherty
NAPLETON & PARTNERS
140 S. Dearborn, Suite 1500
Chicago, IL 60603
bnapleton@rjnlawoffice.com
bdoherty@rjnlawoffice.com

Lynn D. Dowd
Patrick C. Anderson
Law Offices of Lynn D. Dowd
29 W. Benton Avenue
Naperville, IL 60540
office@lynndowdlaw.com
patrick@juriswriter.com

Attorneys for Plaintiffs/Appellees

Erin Walsh
Franczek, P.C.
300 S. Wacker Drive, Suite 3400
Chicago, IL 60606
ekw@franczek.com

Attorney for Defendant/Appellant

via electronic mail.

/s/*Nikoleta Lamprinakos*

E-FILED
5/8/2025 1:56 PM
CYNTHIA A. GRANT
SUPREME COURT CLERK