

E-FILED
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CYNTHIA A. GRANT
SUPREME COURT CLERK

No. 129248

IN 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 REMAINDER OF RECORD ON
APPEAL INSTANTER AND IN ITS CURRENT FORMAT**

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 the remainder of the

record on appeal in this case instanter and in its current format. All parties agree to the relief sought in this motion.

In support of this motion, defendants-appellants 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, 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 remainder of the record 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. (The Court subsequently granted a motion permitting the clerk to file a corrected version of the *Rowe* record.)

3. Defendants-appellants understand that the clerk has now finished preparing the remainder of the record, and thus request that the Court permit the clerk to file that record *instanter*. All other deadlines will remain unchanged.

4. Defendants-appellants also understand that, as a result of the unique procedural posture of the case—in which 64 separate cases were filed in circuit courts throughout Illinois and then transferred and consolidated in Kankakee County—the remainder of the record does not fully comply with the Standards and Requirements for Electronic Filings the Record on Appeal, as required by this Court’s rules. *See* Ill. S. Ct. R. 324. Specifically, defendants-appellants understand that the records for those cases that were transferred to Kankakee County neither identify the specific documents that were filed in the transferor courts, nor “hyperlinks” to those documents, as required by the Court’s Standards and Requirements. Defendants-appellants likewise understand that it is not practically possible for the clerk of the circuit court to bring the remainder of the record into compliance with the standards, given the size of the record and the clerk’s other obligations. Defendants-appellants thus request that the Court permit the clerk to file the remainder of the record in its current format.

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

CONCLUSION

For these reasons, the Court should grant leave to file the remainder of the record on appeal in this case *instanter* and in its current format.

Respectfully submitted,

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State of Illinois

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February 3, 2023

JUSTICE

JUSTICE

JUSTICE

JUSTICE

JUSTICE

DATED: _____

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CERTIFICATE OF FILING AND SERVICE

I certify that on February 3, 2023, I electronically filed the foregoing **Agreed Motion for Leave to File Remainder of Record Instantly and in its Current Format** 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

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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

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