

remainder of the record to follow. 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). Plaintiffs are the state’s attorneys (and, in some cases, sheriffs) of 64 counties, who brought facial challenges to the Act in the fall of 2022. Those 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).

2. On December 28, 2022, the circuit court entered an opinion resolving plaintiffs’ claims. The court held, among other things, that the provisions of the Act addressing pretrial detention are facially unconstitutional. Defendants-appellants appealed directly to this Court under Rule 302(a).

3. The parties subsequently filed an agreed motion to accelerate the docket under Rule 311(b), which this Court granted on January 5, 2023. The Court’s order set out the following deadlines:

Record on appeal:	Friday, January 20, 2023
Defendants-appellants’ opening brief:	Thursday, January 26, 2023
Plaintiffs-appellees’ response brief:	Friday, February 17, 2023
Defendants-appellants’ reply brief:	Monday, February 27, 2023
Oral argument:	In the March 2023 calendar

4. The Clerk of the Circuit Court for the Twenty-First Judicial Circuit, in Kankakee County, which is responsible for preparing and certifying the record on appeal, *see* Ill. S. Ct. R. 324, today informed defendants-appellants that despite its diligent work to prepare the record on appeal, given the size of the record—which totals over 40,000 pages in 64 separate cases—it was not able to meet the January 20, 2023 deadline for the filing of the record on appeal, and will require two additional weeks, during the time when the parties’ briefs are due, to prepare the entire record.

5. Given that the Court has ordered that this appeal be heard on an expedited basis, the parties and the clerk of the circuit court have conferred and obtained agreement on a proposal that will both accommodate the clerk’s request for additional time and simultaneously allow the parties to meet their obligations under the Court’s rules and the expedited scheduling order.

6. The parties anticipate that the record will be filed in two parts: (a) the record in the “lead” case, *Rowe v. Raoul*, No. 2022CH16 (Kankakee Cnty.), *instanter*; and (b) the record in the remaining, consolidated 63 cases on or before February 3, 2023. The parties thus respectfully request that the Court enter an order permitting the clerk to file the record in the lead case, *Rowe*, *instanter*. The parties agree that no other changes to the briefing schedule are needed.

7. This approach is justified for multiple reasons. As discussed, the record in these consolidated cases is lengthy—totaling over 40,000 pages—and the clerk has not been able to meet the deadline set on January 5 despite all possible diligence. The approach set out above will accommodate the clerk’s request for additional time

while permitting the parties to meet their obligations under the January 5 scheduling order. That is so because the parties do not anticipate needing to cite any materials beyond the *Rowe* record, and thus can prepare and file their briefs before the Court, and meet the deadlines set on January 5, relying only on the initial tranche of the record on appeal.

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

CONCLUSION

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

Respectfully submitted,

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January 23, 2023

JUSTICE

JUSTICE

JUSTICE

JUSTICE

JUSTICE

DATED: _____

ALEX HEMMER
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CERTIFICATE OF FILING AND SERVICE

I certify that on January 23, 2023, I electronically filed the foregoing **Agreed Motion for Leave to File the 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.

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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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