

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Council for Disability Rights,]	
an Illinois not for profit corporation,]	
Bruce Moore, Larry Quillinan,]	
Venzelma Cotton, Kent Smith, Doris]	
Stewart, Margaret Holzer, on their own]	No: 05 C 5689
behalf and on behalf of a class of similarly]	
situated persons,]	
]	Judge: Wayne R. Andersen
Plaintiff,]	
]	
v.]	Magistrate Judge: Nan R. Nolan
]	
City of Chicago, a municipal]	
corporation,]	Jury Demanded
]	
Defendant]	

**AGREED MOTION TO FILE
2ND AMENDED COMPLAINT**

Plaintiffs, Council for Disability Rights, an Illinois not for profit corporation, Bruce Moore, Larry Quillinan, Venzelma Cotton, Kent Smith, Doris Stewart, Margaret Holzer, on their own behalf and on behalf of a class of similarly situated persons, by their attorney Theodore A. Woerthwein, respectfully request leave to file their 2nd Amended Complaint, and in support thereof state as follows:

1. The original complaint, filed on October 3, 2005, alleged violations of the Americans with Disabilities Act.
2. The amended complaint was filed on October 25, 2005 and added claims

under Section 504 of the Rehabilitation Act of 1973.

3. This second amendment will streamline the amended complaint by:
 - a. Clarifying that Plaintiffs are seeking only injunctive relief and are not asking for damages;
 - b. Removing requests for relief directed to the Defendant's Transition Plan;
 - c. Listing certain locations which have been improperly installed or repaired within the past two (2) years; and
 - d. Inserting the City of Chicago as the Defendant in Paragraph 14 rather than the City of Illinois.

4. Defendant does not object to Plaintiffs' filing this 2nd Amended Complaint and the filing of a 2nd Amended Complaint will not unduly delay this matter.

5. A copy of the proposed 2nd Amended Complaint is attached hereto.

WHEREFORE the Plaintiffs respectfully request leave to file their 2nd Amended Complaint.

Respectfully submitted,

s/ Theodore A. Woerthwein

One of the Attorney for Plaintiffs

John L. Miller
Theodore A. Woerthwein
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CERTIFICATION OF SERVICE

Caroline K. Sheerin, Esq
Lisa E. Fike, Esq.
City of Chicago, Corporation Counsel
30 N. LaSalle, Suite 900
Chicago, Illinois 60602

This is to certify that on the 23rd day of November, 2005, the undersigned attorney caused a copy of the preceding AGREED MOTION TO FILE 2nd AMENDED COMPLAINT, to be delivered to the individuals listed above by electronic notification.

S/ Theodore A. Woerthwein

Theodore A. Woerthwein

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