

**U.S. District Court
Southern District of Illinois (East St. Louis)
CIVIL DOCKET FOR CASE #: 3:20-cv-00474-GCS**

Bailey v. Pritzker
Assigned to: Magistrate Judge Gilbert C. Sison
Case in other court: Clay County, Illinois, 2020 CH 6
Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 05/21/2020
Date Terminated: 06/30/2020
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

Darren Bailey

represented by **Steven M. Wallace**
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V.

Defendant

Governor Jay Robert Pritzker
in his official capacity

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V.

Interested Party

USA

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Date Filed	#	Docket Text
05/21/2020	<u>1</u>	NOTICE OF REMOVAL from Circuit Court for the Fourth Judicial Circuit, Clay County, case number 2020 CH 6 (Filing fee \$ 400 receipt

		number 0754-4185889), filed by Jay Robert Pritzker. (Attachments: # 1 Exhibit Exhibits to Notice of Removal)(Verticchio, Thomas) (Entered: 05/21/2020)
05/21/2020	2	NOTICE by Jay Robert Pritzker re 1 Notice of Removal, <i>Civil Cover Sheet</i> (Verticchio, Thomas) (Entered: 05/21/2020)
05/21/2020	3	NOTICE of Appearance by Thomas J. Verticchio on behalf of Jay Robert Pritzker (Verticchio, Thomas) (Entered: 05/21/2020)
05/21/2020	4	NOTICE of Appearance by R. Douglas Rees on behalf of Jay Robert Pritzker (Rees, R.) (Entered: 05/21/2020)
05/21/2020	5	NOTICE of Appearance by Steven M. Wallace on behalf of Darren Bailey (Wallace, Steven) (Entered: 05/21/2020)
05/21/2020	6	<p>NOTICE OF INITIAL ASSIGNMENT TO A U.S. MAGISTRATE JUDGE: This case has been randomly assigned to United States Magistrate Judge Gilbert C. Sison pursuant to Administrative Order No. 257. The parties are advised that their consent is required if the assigned Magistrate Judge is to conduct all further proceedings in the case, including trial and final entry of judgment pursuant to 28 U.S.C. 636(c) and Federal Rule of Civil Procedure 73. As set forth in Administrative Order No. 257, each party will be required to file a Notice and Consent to Proceed Before a Magistrate Judge Jurisdiction form indicating consent or nonconsent to the jurisdiction of the assigned Magistrate Judge. If all parties do not consent to the Magistrate Judge's jurisdiction, the case will be randomly assigned to a district judge for all further proceedings and the parties cannot later consent to reassignment of the case to a magistrate judge. The parties are further advised that they are free to withhold consent without adverse substantive consequences. Within 21 days of this Notice, the following party or parties must file the attached form indicating consent to proceed before the assigned Magistrate Judge or an affirmative declination to consent: Darren Bailey, Jay Robert Pritzker. A link regarding the magistrate judges in this district is attached for your convenience:</p> <p>http://www.ilsd.uscourts.gov/documents/BenefitsofConsent.pdf. All future documents must bear case number 20-474-GCS. Refer to Civil/Removal Case Processing Requirements, found on the ILSD website, for further service information. Consent due by 6/11/2020 (ack) (Entered: 05/21/2020)</p>
05/21/2020	7	Emergency MOTION to Remand to State Court by Darren Bailey. Responses due by 6/25/2020 (Wallace, Steven) (Entered: 05/21/2020)

05/21/2020	8	MEMORANDUM in Support re 7 Emergency MOTION to Remand to State Court filed by Darren Bailey. (Wallace, Steven) (Entered: 05/21/2020)
05/21/2020	9	MOTION re 7 Emergency MOTION to Remand to State Court (<i>to Expedite</i>) by Darren Bailey. (Wallace, Steven) (Entered: 05/21/2020)
05/22/2020	10	NOTICE of Hearing: Telephonic Status Conference set for 5/26/2020 at 1:00 PM before Magistrate Judge Gilbert C. Sison. Counsel is instructed to participate via telephone conference. Instructions for the conference call are as follows: (1) call toll-free, 888-273-3658 ; (2) when prompted, enter the seven-digit Access Code: 5699758 ; (3) when prompted, enter the four-digit Security Code: 0474 . (dmw2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/22/2020)
05/22/2020	11	MEMORANDUM in Opposition re 9 MOTION re 7 Emergency MOTION to Remand to State Court (<i>to Expedite</i>) filed by Jay Robert Pritzker. (Rees, R.) (Entered: 05/22/2020)
05/22/2020	12	NOTICE of Appearance by Steven D. Weinhoef on behalf of USA (Weinhoef, Steven) (Entered: 05/22/2020)
05/22/2020	13	NOTICE of Appearance by James M. Cutchin on behalf of USA (Cutchin, James) (Entered: 05/22/2020)
05/22/2020	14	NOTICE of Appearance by Peter T. Reed on behalf of USA (Reed, Peter) (Entered: 05/22/2020)
05/22/2020	15	NOTICE by USA <i>of Statement of Interest on Behalf of The United States of America</i> (Weinhoef, Steven) (Entered: 05/22/2020)
05/24/2020	16	MOTION for Leave to File <i>Reply to Objection to Motion to Expedite</i> by Darren Bailey. (Attachments: # 1 Supplement Proposed Reply to Objection to Motion to Expediter, # 2 Exhibit Exhibit to Proposed Reply)(Wallace, Steven) (Entered: 05/24/2020)
05/24/2020	17	ORDER granting 16 Motion for Leave to File. Plaintiff shall his reply to Defendant's response in opposition to the motion to expedite briefing <i>instanter</i> . Signed by Magistrate Judge Gilbert C. Sison on 5/24/2020. (kl)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/24/2020)
05/24/2020	18	REPLY to Response to Motion re 9 MOTION re 7 Emergency MOTION to Remand to State Court (<i>to Expedite</i>) filed by Darren Bailey.

		(Attachments: # 1 Exhibit Defendant's Supplemental Emergency Motion in Illinois Supreme Court)(Wallace, Steven) (Entered: 05/24/2020)
05/26/2020	19	NOTICE - Telephonic Status Hearing is set for 5/26/2020 at 1:00 PM before Judge Gilbert C. Sison. While the federal courthouse is currently closed to the public per Administrative Order #266, full access to this hearing is available remotely. Instructions to join the hearing are as follows: Call toll free 1-888-684-8852, when prompted enter Access Code 6102338. In light of the public health crisis due to the COVID-19 virus, the Court finds that full access to the press and public cannot be afforded for this hearing. Other alternatives to closure were considered, but at this time the Court only has the technological capability to allow access by teleconference. (lmt)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/26/2020)
05/26/2020	20	CONSENT/NON-CONSENT TO U.S. MAGISTRATE JUDGE - sealed pending receipt from all parties. (Wallace, Steven) Unsealed on 6/3/2020 (rah). (Entered: 05/26/2020)
05/26/2020	21	Minute Entry for proceedings held before Magistrate Judge Gilbert C. Sison: Telephonic Status Conference held on 5/26/2020. Attorney Steven Wallace present on behalf of Plaintiff Darren Bailey. Attorneys Douglas Rees and Thomas Verticchio present on behalf of Defendant Governor Jay Robert Pritzker. USA Steven Weinhoef present on behalf of the United States. The Court amends the deadline to consent to proceed before a magistrate judge to 6/2/2020. The Court GRANTS 9 MOTION re 7 Emergency MOTION to Remand to State Court (<i>to Expedite</i>) filed by Darren Bailey. Defendant's response to the Motion at Doc. 7 is due by 6/5/2020. Plaintiff's reply is due by 6/10/2020. (Court Reporter Karen Waugh.) (dmw2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/26/2020)
06/02/2020	22	FINAL CONSENT/NON-CONSENT TO U.S. MAGISTRATE JUDGE - sealed pending receipt from all parties. (Rees, R.) Unsealed on 6/3/2020 (rah). (Entered: 06/02/2020)
06/03/2020	23	NOTICE: All parties have consented to have a United States Magistrate Judge conduct all proceedings in this case. Accordingly, Magistrate Judge Gilbert C. Sison is ASSIGNED to conduct all proceedings in this case, including trial and final entry of judgment pursuant to 28 U.S.C. Sec. 636(c) and Federal Rule of Civil Procedure 73. All future documents must bear case number 20-474-GCS. Any District Judge previously assigned will no longer be assigned to this case. (rah)THIS

		TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 06/03/2020)
06/05/2020	24	MEMORANDUM in Opposition re 7 Emergency MOTION to Remand to State Court filed by Jay Robert Pritzker. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Verticchio, Thomas) (Entered: 06/05/2020)
06/10/2020	25	REPLY to Response to Motion re 7 Emergency MOTION to Remand to State Court filed by Darren Bailey. (Wallace, Steven) (Entered: 06/10/2020)
06/10/2020	26	MOTION to Strike 25 Reply to Response to Motion by Jay Robert Pritzker. (Verticchio, Thomas) (Entered: 06/10/2020)
06/10/2020	27	RESPONSE in Opposition re 26 MOTION to Strike 25 Reply to Response to Motion <i>Alternative Motion for Leave to File Reply in Excess of Page Limitations</i> filed by Darren Bailey. (Wallace, Steven) (Entered: 06/10/2020)
06/11/2020	28	ORDER granting in part and denying in part 26 Motion to Strike. The Court GRANTS Plaintiff's request for leave to file excess pages and will consider his reply in its entirety. Defendant's request to strike the reply is DENIED . Defendant is granted leave to file a sur-reply, not to exceed three pages, no later than Monday, June 15, 2020. Signed by Magistrate Judge Gilbert C. Sison on 6/11/2020. (kl)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 06/11/2020)
06/15/2020	29	REPLY to Response to Motion re 7 Emergency MOTION to Remand to State Court , 26 MOTION to Strike 25 Reply to Response to Motion filed by Jay Robert Pritzker. (Verticchio, Thomas) (Entered: 06/15/2020)
06/29/2020	30	ORDER granting 7 Motion to Remand to State Court. For the reasons stated in the attached Memorandum & Order, Plaintiff Darren Bailey's emergency motion to remand is GRANTED . It is hereby ORDERED that, pursuant to 28 U.S.C. 1447(c), this action be REMANDED to the Circuit Court for the Fourth Judicial Circuit, Clay County, Illinois. No fees or costs are awarded. The Clerk of Court is DIRECTED to transmit a certified copy of this Order to the clerk of the state court, and thereafter to CLOSE this case. Signed by Magistrate Judge Gilbert C. Sison on 6/29/2020. (kl) (Entered: 06/29/2020)
06/30/2020	31	Letter to Fourth Judicial Circuit, Clay County, Illinois regarding Order Remanding Case (amv) (Entered: 06/30/2020)

07/09/2020	32	Acknowledgment received from Clay County as to remand to State Court. (trb) (Entered: 07/09/2020)
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