

**U.S. District Court
CENTRAL DISTRICT OF ILLINOIS (Springfield)
CIVIL DOCKET FOR CASE #: 3:20-cv-03107-SEM-TSH**

Bambenek et al v. Althoff et al
Assigned to: Judge Sue E. Myerscough
Referred to: Magistrate Judge Tom Schanzle-Haskins
Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 04/27/2020
Date Terminated: 11/09/2020
Jury Demand: None
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

John Bambenek

represented by **Pericles Camberis Abbasi**
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ATTORNEY TO BE NOTICED

Samuel J Cahnman
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Plaintiff

Lisa Kendall

represented by **Pericles Camberis Abbasi**
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Samuel J Cahnman
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Plaintiff

John Phillips

represented by **Pericles Camberis Abbasi**
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Plaintiff

Reform Champaign County
*an unincorporated political
association*

represented by **Pericles Camberis Abbasi**

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ATTORNEY TO BE NOTICED

Samuel J Cahnman

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Plaintiff

Decatur Dispensary Project
*an unincorporated political
association*

represented by **Pericles Camberis Abbasi**

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ATTORNEY TO BE NOTICED

Samuel J Cahnman

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ATTORNEY TO BE NOTICED

V.

Defendant

Kim Althoff
*in her official capacity as the
Decatur City Clerk*

represented by **John T Robinson**

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Aaron Ammons
*in his official capacity as
Champaign County Clerk*

represented by **Barbara Joan Mann**

CHAMPAIGN COUNTY STATES

ATTORNEYS OFFICE

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ATTORNEY TO BE NOTICED

Defendant

Josh Tanner
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County Clerk*

represented by **Edward F Flynn**
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Defendant

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Defendant

Katherine S. O'Brien

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Defendant

Laura K. Donahue

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Defendant

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Defendant

William M. McGuffage

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Defendant

Jesse White
in his official capacity as Illinois
Secretary of State

represented by **Michael Thomas Dierkes**
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Date Filed	#	Docket Text
04/27/2020	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0753-3360695.), filed by Decatur Dispensary Project, Lisa Kendall, John Bambenek, John Phillips, Reform Champaign County. (Attachments: # <u>1</u> Exhibit Petition - State, # <u>2</u> Exhibit Petition - Champ. Co., # <u>3</u> Exhibit Declaration - Bambenek, # <u>4</u> Exhibit Petition - Decatur, # <u>5</u> Exhibit Declaration - Kendall, # <u>6</u> Exhibit Declaration - Phillips, # <u>7</u> Exhibit Inj. Order-Lib. case, # <u>8</u> Civil Cover Sheet)(Cahnman, Samuel) (Entered: 04/27/2020)
04/27/2020	<u>2</u>	MOTION for Preliminary Injunction by Plaintiffs John Bambenek, Decatur Dispensary Project, Lisa Kendall, John Phillips, Reform Champaign County. Responses due by 5/11/2020 (Cahnman, Samuel) (Entered: 04/27/2020)
04/28/2020	<u>3</u>	MEMORANDUM <i>supporting motion for preliminary injunction</i> by John Bambenek, Decatur Dispensary Project, Lisa Kendall, John Phillips, Reform Champaign County. (Cahnman, Samuel) (Entered: 04/28/2020)

04/28/2020	4	First MOTION for Hearing re 3 Memorandum, 2 MOTION for Preliminary Injunction <i>immediate or expedited</i> by Plaintiffs John Bambenek, Decatur Dispensary Project, Lisa Kendall, John Phillips, Reform Champaign County. Responses due by 5/12/2020 (Attachments: # 1 Exhibit Email to Defendants' counsels, # 2 Exhibit MA pet. for electr. signatures)(Cahnman, Samuel) (Entered: 04/28/2020)
04/28/2020	5	TEXT ORDER: Plaintiff' Emergency Motion for Immediate or Expedited Hearing on Emergency Motion for Preliminary Injunction (d/e 4) is GRANTED. Plaintiffs' Emergency Motion for Preliminary or Permanent Injunction (d/e 2) is set for a hearing via video on Friday, May 1, 2020, at 1:30 p.m. Instructions for connecting to Judge Myerscough's virtual courtroom are attached. The parties are directed to notify the Court who will be participating by 5:00 p.m. on Thursday, April 30, 2020. Plaintiffs are directed to provide proof of service of the Complaint, Motion for Preliminary or Permanent Injunction and Memorandum in support of that motion, and this text order with attached instructions by 5:00 p.m. on Wednesday, April 29, 2020. The parties are directed promptly to confer regarding a proposed resolution of their dispute. Defendants' response(s) to the Motion for Preliminary or Permanent Injunction, if any, shall be filed by 5:00 p.m. on Thursday, April 30, 2020. Entered by Judge Sue E. Myerscough on 04/28/2020. (DM, ilcd) (Entered: 04/28/2020)
04/29/2020	6	DOCUMENT STRICKEN PER THE COURT'S TEXT ORDER OF 5/5/2020 NOTICE of Appearance of Attorney by Jerrold H Stocks on behalf of Josh Tanner (Stocks, Jerrold) Modified on 5/5/2020 (MAS, ilcd). (Entered: 04/29/2020)
04/29/2020	7	NOTICE of Appearance of Attorney by Jerrold H Stocks on behalf of Josh Tanner (Stocks, Jerrold) (Entered: 04/29/2020)
04/29/2020	8	NOTICE of Appearance of Attorney by Michael Thomas Dierkes on behalf of Jesse White (Dierkes, Michael) (Entered: 04/29/2020)
04/29/2020	9	<i>Josh Tanner</i> ANSWER to 1 Complaint,, by Josh Tanner. (Attachments: # 1 Exhibit to Answer, # 2 Exhibit to Answer, # 3 Affidavit, # 4 Exhibit to Declaration, # 5 Exhibit to Declaration)(Stocks, Jerrold) (Entered: 04/29/2020)
04/29/2020	10	MEMORANDUM in Opposition re 2 MOTION for Preliminary Injunction filed by Defendant Josh Tanner. (Stocks, Jerrold) (Entered: 04/29/2020)

04/29/2020	11	NOTICE of Appearance of Attorney by Erin Walsh on behalf of William J. Cadigan, Laura K. Donahue, William R. Haine, Ian K. Linnabary, William M. McGuffage, Katherine S. O'Brien, Charles W. Scholz, Cassandra B. Watson (Walsh, Erin) (Entered: 04/29/2020)
04/29/2020	12	NOTICE of Appearance of Attorney by John T Robinson on behalf of Kim Althoff. (Robinson, John) Modified on 4/30/2020 to correct docketing error (KM, ilcd). (Entered: 04/29/2020)
04/29/2020	13	CERTIFICATE OF SERVICE by John Bambenek, Decatur Dispensary Project, Lisa Kendall, John Phillips, Reform Champaign County (Cahnman, Samuel) (Entered: 04/29/2020)
04/30/2020	14	NOTICE of Appearance of Attorney by Pericles Camberis Abbasi on behalf of All Plaintiffs (Abbasi, Pericles) (Entered: 04/30/2020)
04/30/2020	15	RESPONSE to Motion re 2 MOTION for Preliminary Injunction filed by Defendant Jesse White. (Attachments: # 1 Exhibit 1)(Dierkes, Michael) (Entered: 04/30/2020)
04/30/2020	16	RESPONSE to Motion re 2 MOTION for Preliminary Injunction filed by Defendant Kim Althoff. (Robinson, John) (Entered: 04/30/2020)
04/30/2020	17	RESPONSE to Motion re 2 MOTION for Preliminary Injunction filed by Defendants William J. Cadigan, Laura K. Donahue, William R. Haine, Ian K. Linnabary, William M. McGuffage, Katherine S. O'Brien, Charles W. Scholz, Cassandra B. Watson. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Walsh, Erin) (Entered: 04/30/2020)
04/30/2020	18	MEMORANDUM of Law in Support of the Decatur City Clerk's Response to Plaintiff's Emergency Motion re 16 Response to Motion by Kim Althoff. (Robinson, John) (Entered: 04/30/2020)
04/30/2020	19	NOTICE of Appearance of Attorney by Barbara Joan Mann on behalf of Aaron Ammons (Mann, Barbara) (Entered: 04/30/2020)
04/30/2020	20	AMENDED COMPLAINT against All Defendants, filed by Decatur Dispensary Project, Lisa Kendall, John Bambenek, John Phillips, Reform Champaign County. (Attachments: # 1 Exhibit Petition -Const. Amend., # 2 Exhibit Petition - Champ. Co., # 3 Exhibit Declaration - Bambenek, # 4 Exhibit Petition - Decatur, # 5 Exhibit Declaration - Kendall, # 6 Exhibit Declaration - Phillips, # 7 Exhibit Prelim. Inj. Order - Lib case, # 8 Exhibit Declaration - Vaught)(Cahnman, Samuel) (Entered: 04/30/2020)

05/01/2020	21	AFFIDAVIT in Opposition re 2 MOTION for Preliminary Injunction <i>and in support of State Board of Elections Defendants' Response to Plaintiffs' Emergency Motion for Preliminary or Permanent Injunction and Declaration as a Matter of Law</i> filed by Defendants William J. Cadigan, Laura K. Donahue, William R. Haine, Ian K. Linnabary, William M. McGuffage, Katherine S. O'Brien, Charles W. Scholz, Cassandra B. Watson. (Walsh, Erin) (Entered: 05/01/2020)
05/01/2020	22	REPLY to Response to Motion re 2 MOTION for Preliminary Injunction filed by Plaintiffs John Bambenek, Decatur Dispensary Project, Lisa Kendall, John Phillips, Reform Champaign County. (Attachments: # 1 Exhibit Motion to Reconsider Morgan v White, # 2 Exhibit Judge Pallmeyer Docket Entry Morgan v White, # 3 Exhibit Transcript Morgan v White, # 4 Exhibit Mass Sup Ct Dennis v Galvan, # 5 Exhibit NJ Governor Executive Order)(Abbasi, Pericles) (Entered: 05/01/2020)
05/01/2020	23	NOTICE of Appearance of Attorney by Edward F Flynn on behalf of Josh Tanner (Flynn, Edward) (Entered: 05/01/2020)
05/01/2020		Minute Entry for proceedings held before Judge Sue E. Myerscough: MOTION HEARING held on 05/01/2020 re Emergency Motion for Preliminary or Permanent Injunction and Declaration as Matter of Law 2 . Court and court personnel present via video and audio. Attorneys Samuel Cahnman and Pericles Camberis Abbasi present via video on behalf of Plaintiffs John Bambenek, Lisa Kendall, John Phillips, Reform Champaign County and Decatur Dispensary Project. Attorney John Robinson present via audio on behalf of Defendant Kim Althoff. Attorney Barbara Mann present via video on behalf of Defendant Aaron Ammons. Attorneys Jerrold Stock and Edward Flynn present via audio on behalf of Defendant Josh Tanner. Attorney Erin Walsh present via video on behalf of Defendants William Cadigan, Katherine O'Brien, Laura Donahue, Cassandra Watson, William Haine, Ian Linnabary, Charles Scholz and William McGuffage. Attorney Michael Dierkes present via audio on behalf of Jesse White. Disclosure by Court as to Defendant Scholz. Acknowledgment of Court as to filed documents. No further evidence presented. Arguments of Plaintiffs' counsel heard. Brief break taken. Arguments of Defendants' counsel heard. Oral ruling rendered with justification stated. Motion denied. Written order to follow. Court adjourned. (Court Reporter KS.) (DM, ilcd) (Entered: 05/01/2020)
05/01/2020	24	ORDER by U.S. District Judge Sue E. Myerscough: SEE WRITTEN ORDER. Plaintiffs have not met their burden in

		showing that a preliminary injunction is warranted. Therefore, Plaintiffs' Emergency Motion for Preliminary or Permanent Injunction and Declaration as a Matter of Law (d/e 2) is DENIED. Entered on 05/01/2020. (DM, ilcd) (Entered: 05/01/2020)
05/02/2020	25	NOTICE of Appearance of Attorney by Michael B Baggett on behalf of Josh Tanner (Baggett, Michael) (Entered: 05/02/2020)
05/05/2020		TEXT ORDER: The incorrectly filed Appearance of Counsel at d/e 6 is STRUCK. The Court notes that Attorney Edward F. Flynn has filed a corrected Appearance at d/e 23 . Entered by Judge Sue E. Myerscough on 5/5/2020. (MAS, ilcd) (Entered: 05/05/2020)
05/15/2020	26	<p>NOTICE OF FILING OFFICIAL TRANSCRIPT of Proceedings (Motion Hearing) held on 5/1/2020, before Judge Sue E. Myerscough. Court Reporter/Transcriber K.S., Telephone number (217) 492-4810. Transcript purchased by: Samuel Cahnman.</p> <p>IMPORTANT: The parties have seven (7) business days to file with the Court a Notice of Intent to Request Redaction of this transcript. Within 21 days of the filing of the transcript, a Motion of Requested Redactions shall be e-filed with the Court. Access to this motion will be restricted to the Court and the attorneys of record in the case. If no such Notice and Motion are filed, the transcript may be made remotely, electronically available to the public, without redaction, 90 days from the date initially filed. Any party needing a copy of the transcript to review for redaction purposes may view the transcript at the Clerk's Office public terminal or contact the Court Reporter for purchase. Counsel are strongly urged to share this notice with all clients so that an informed decision about the inclusion of certain materials may be made. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk and Court Reporter will not review each transcript for compliance with this rule.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/5/2020. Redacted Transcript Deadline set for 6/15/2020. Release of Transcript Restriction set for 8/13/2020. (MAS, ilcd) (Entered: 05/15/2020)</p>
05/29/2020	27	MOTION for Reconsideration re 24 Order, by Plaintiffs John Bambenek, Decatur Dispensary Project, Lisa Kendall, John Phillips, Reform Champaign County. Responses due by 6/12/2020

		(Attachments: # 1 Exhibit Governor Pritzker 5 29 20 Disaster Proclamation, # 2 Exhibit Governor Pritzker 5 29 20 Executive Order, # 3 Exhibit Restore Illinois Plan)(Abbasi, Pericles) (Entered: 05/29/2020)
06/01/2020		TEXT ORDER: Defendants are directed to file their responses to Plaintiffs' Emergency Motion of Reconsideration With Regards to Local Referenda (d/e 27) by and including June 5, 2020. Entered by Judge Sue E. Myerscough on 6/1/2020. (MAS, ilcd) (Entered: 06/01/2020)
06/04/2020	28	RESPONSE to Motion re 27 MOTION for Reconsideration re 24 Order, filed by Defendant Kim Althoff. (Robinson, John) (Entered: 06/04/2020)
06/05/2020	29	RESPONSE to Motion re 27 MOTION for Reconsideration re 24 Order, filed by Defendant Josh Tanner. (Attachments: # 1 Exhibit Stipulation from McGorray)(Stocks, Jerrold) (Entered: 06/05/2020)
06/05/2020	30	RESPONSE to Motion re 27 MOTION for Reconsideration re 24 Order, filed by Defendant Aaron Ammons. (Mann, Barbara) (Entered: 06/05/2020)
06/07/2020	31	MOTION for Leave to File <i>REPLY TO RESPONSES BY DEFENDANTS (DKT 28, 29, 30)</i> by Plaintiffs John Bambenek, Decatur Dispensary Project, Lisa Kendall, John Phillips, Reform Champaign County. Responses due by 6/22/2020 (Abbasi, Pericles) (Entered: 06/07/2020)
06/09/2020		TEXT ORDER: Plaintiffs' Local Rule 7.1(B)(3) Motion for Leave to Reply to the Defendants' Responses to Emergency Motion for Reconsideration (d/e 31) is GRANTED. Plaintiffs' Reply in support of their Emergency Motion of Reconsideration With Regards to Local Referenda (d/e 27) shall be filed by and including June 12, 2020. Entered by Judge Sue E. Myerscough on 06/09/2020. (DM, ilcd) (Entered: 06/09/2020)
06/12/2020	32	REPLY to Response to Motion re 27 MOTION for Reconsideration re 24 Order, <i>RESPONSES BY DEFENDANTS (DKT 28, 29, 30)</i> filed by Plaintiffs John Bambenek, Decatur Dispensary Project, Lisa Kendall, John Phillips, Reform Champaign County. (Attachments: # 1 Exhibit Motion to Reconsider Order in Morgan v White)(Abbasi, Pericles) (Entered: 06/12/2020)
06/15/2020	33	Exhibit re 32 Reply to Response to Motion, <i>Example of Petition Sheet with Electronically Collected signature</i> by John Bambenek,

		Decatur Dispensary Project, Lisa Kendall, John Phillips, Reform Champaign County. (Abbasi, Pericles) (Entered: 06/15/2020)
06/22/2020	34	NOTICE <i>Of Supplemental Authority</i> (Attachments: # 1 Supplement Order of U.S. Court Of Appeals For the Seventh Circuit)(Cahnman, Samuel) (Entered: 06/22/2020)
07/02/2020	35	ORDER entered by Judge Sue E. Myerscough on 7/2/2020. Plaintiffs' Emergency Motion of Reconsideration With Regards to Local Referenda, d/e 27 , is DENIED. (SEE WRITTEN ORDER) (MAS, ilcd) (Entered: 07/02/2020)
10/26/2020		ORDER TO SHOW CAUSE by U.S. Magistrate Judge Tom Schanzle-Haskins. Plaintiff has taken no steps to pursue this matter after the District Court entered the Order on 7/2/2020 35 denying Plaintiff's Emergency Motion of Reconsideration With Regards to Local Referenda 27 . It appears to the Court that Plaintiff is no longer interested in prosecuting this case. This Court therefore directs Plaintiff to show cause by 11/6/2020 why this Court should not recommend that this matter be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). (LB, ilcd) (Entered: 10/26/2020)
11/06/2020	36	MOTION to Dismiss <i>Voluntarily with Prejudice for Mootness</i> by Plaintiffs John Bambenek, Decatur Dispensary Project, Lisa Kendall, John Phillips, Reform Champaign County. Responses due by 11/20/2020 (Abbasi, Pericles) (Entered: 11/06/2020)
11/09/2020		TEXT ORDER: Plaintiffs' Rule 41 Motion to Voluntarily Dismiss Case as Moot (d/e 36) is GRANTED. Pursuant to the motion, this case is DISMISSED WITH PREJUDICE. Parties to bear their own costs. No judgment to enter. CASE CLOSED. Entered by Judge Sue E. Myerscough on 11/9/2020. (MAS, ilcd) (Entered: 11/09/2020)

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