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

DAN MCCONCHIE, in his official capacity as Minority Leader of the Illinois Senate and individually as a registered voter, JIM DURKIN, in his official capacity as Minority Leader of the Illinois House of Representatives and individually as a registered voter, the REPUBLICAN CAUCUS OF THE ILLINOIS SENATE, the REPUBLICAN CAUCUS OF THE ILLINOIS HOUSE OF REPRESENTATIVES, and the ILLINOIS REPUBLICAN PARTY,

Plaintiffs,

vs.

CHARLES W. SCHOLZ, IAN K. LINNABARY, WILLIAM M. MCGUFFAGE, WILLIAM J. CADIGAN, KATHERINE S. O'BRIEN, LAURA K. DONAHUE, CASANDRA B. WATSON, and WILLIAM R. HAINE, in their official capacities as members of the Illinois State Board of Elections, EMANUEL CHRISTOPHER WELCH, in his official capacity as Speaker of the Illinois House of Representatives, the OFFICE OF SPEAKER OF THE ILLINOIS HOUSE OF REPRESENTATIVES, DON HARMON, in his official capacity as President of the Illinois Senate, and the OFFICE OF THE PRESIDENT OF THE ILLINOIS SENATE,

Defendants.

Case No. 1:21-cv-03091

Circuit Judge Michael B. Brennan
Chief District Judge Jon E. DeGuilio
District Judge Robert M. Dow, Jr.

Three-Judge Court
Pursuant to 28 U.S.C. § 2284(a)

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Plaintiffs Dan McConchie, in his official capacity as Minority Leader of the Illinois Senate and individually as a registered voter, Jim Durkin, in his official capacity as Minority Leader of the Illinois House of Representatives and individually as a registered voter, the Republican Caucus of the Illinois Senate, the Republican Caucus of the Illinois House of Representatives, and the Illinois Republican Party (collectively, the "Plaintiffs") hereby move this Court, pursuant to

Federal Rule of Civil Procedure 56 and Northern District of Illinois Local Rule 56.1, to grant summary judgment in favor of Plaintiffs with respect to both claims in the First Amended Complaint for Declaratory Relief [Dkt. No. 51] ("FAC"). In support of this motion, Plaintiffs rely on the accompanying Memorandum of Law, Statement of Material Facts Pursuant to Local Rule 56.1, and the exhibits thereto. Plaintiffs further state that:

1. The U.S. Supreme Court has adopted a clear, bright-line rule for determining whether a state legislative map complies with the Equal Protection Clause's "one person, one vote" requirement. If the maximum population deviation—i.e., the sum of the percentage deviations from perfect population equality of the most- and least-populated districts—exceeds 10%, the map is "presumptively impermissible." *Evenwel v. Abbott*, 577 U.S. 937, ---, 136 S. Ct. 1120, 1124 (2016).

2. The legislative map passed by the Illinois General Assembly and approved by Governor Pritzker in June has a maximum population deviation nearly ***three times*** the Supreme Court's limit: **29.88%** for House Districts and **20.25%** for Senate Districts. Thus, the map is unconstitutional, invalid, and void *ab initio*.

3. The Census Bureau released the official population data on August 12, 2021. The data confirm that the maximum population deviations in the House and Senate Districts far exceed the 10% threshold adopted by the Supreme Court. Even if the State could point to any legitimate policy justification for these deviations—which it cannot—the level of deviation is simply too large and exceeds any tolerable limits under the Equal Protection Clause.

4. There are no disputes of material fact preventing entry of summary judgment in Plaintiffs' favor with respect to the two claims alleged in the FAC.

5. First, Plaintiffs are entitled to prospective relief under 42 U.S.C. § 1983 to prevent the ongoing Equal Protection violation created by the unequal districts in the redistricting plan.

6. Second, Plaintiffs are entitled to declaratory relief to resolve the actual controversy between the parties regarding the constitutionality, validity, and effectiveness of the redistricting plan.

WHEREFORE, for the reasons set forth above and in the accompanying Memorandum of Law, Statement of Material Facts Pursuant to Local Rule 56.1, and the exhibits thereto, Plaintiffs respectfully request that the Court grant summary judgment in their favor with respect to both claims in the Amended Complaint and award Plaintiffs their requested declaratory, injunctive, and prospective equitable relief.

Dated: August 19, 2021

Respectfully submitted,

/s/ Phillip A. Luetkehans
Phillip A. Luetkehans
Brian J. Armstrong
LUETKEHANS, BRADY, GARNER & ARMSTRONG, LLC
105 E. Irving Park Road
Itasca, Illinois 60143
Tel: (630) 760-4601
Fax: (630) 773-1006
pal@lbgalaw.com
bja@lbgalaw.com

Counsel for Plaintiffs Dan McConchie, in his official capacity as Minority Leader of the Illinois Senate and individually as a registered voter, Jim Durkin, in his official capacity as Minority Leader of the Illinois House of Representatives and individually as a registered voter, the Republican Caucus of the Illinois Senate, and the Republican Caucus of the Illinois House of Representatives

/s/ Charles E. Harris, II
Charles E. Harris, II
Mitchell D. Holzrichter
Thomas V. Panoff
Christopher S. Comstock
Heather A. Weiner
Christopher A. Knight
Joseph D. Blackhurst
MAYER BROWN LLP
71 South Wacker Drive
Chicago, Illinois 60606
Tel: (312) 782-0600
Fax: (312) 701-7711
charris@mayerbrown.com
mholzrichter@mayerbrown.com
tpanoff@mayerbrown.com
ccomstock@mayerbrown.com
hweiner@mayerbrown.com
cknight@mayerbrown.com
jblackhurst@mayerbrown.com

Counsel for Plaintiffs Dan McConchie, in his official capacity as Minority Leader of the Illinois Senate and individually as a

/s/ Ricardo Meza
Ricardo Meza
Meza Law
161 N. Clark Street, Suite 1600
Tel: (312) 802-0336
rmeza@meza.law

Counsel for Plaintiffs Dan McConchie, in his official capacity as Minority Leader of the Illinois Senate and individually as a registered voter, Jim Durkin, in his official capacity as Minority Leader of the Illinois House of Representatives and individually as a registered voter, the Republican Caucus of the Illinois Senate, and the Republican Caucus of the Illinois House of Representatives

/s/ John G. Fogarty
John G. Fogarty
Clark Hill PLC
130 E. Randolph St., Suite 3900
Chicago, Illinois 60601
Tel: (312) 985-5900
Fax: (312) 985-5999
jfogarty@clarkhill.com

Counsel for Plaintiff the Illinois Republican Party

CERTIFICATE OF SERVICE

The undersigned certifies that on August 19, 2021, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will provide notice to all counsel of record in this matter.

/s/ Charles E. Harris, II
Charles E. Harris, II