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DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2018CH08263

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

**LYONS TOWNSHIP TRUSTEES OF)
SCHOOLS, TOWNSHIP 38 NORTH,)
RANGE 12 EAST,)
)
) **Plaintiff,**)
)
) **vs.**)
)
) **LYONS TOWNSHIP HIGH SCHOOL**)
) **DISTRICT 204,**)
)
) **Defendant.**)**

**No. 18 CH 8263
Calendar 07
Judge Eve M. Reilly**

6730677

PLAINTIFF’S MOTION TO VOLUNTARILY DISMISS ITS COMPLAINT

Plaintiff, Lyons Township Trustees of Schools, Township 38 North, Range 12 East (the “Trustees”), by their undersigned counsel, THE QUINLAN LAW FIRM, LLC and MILLER, CANFIELD, PADDOCK & STONE, PLC, and pursuant to 735 ILCS 5/2-1009, hereby move to voluntarily dismiss their Complaint and, in support, state as follows:

1. There is currently another lawsuit pending between the parties, filed in October 2013, Case No. 13 CH 23386. This first case was assigned to Judge Sophia H. Hall, but was recently transferred to Judge Thomas R. Mulroy. The Trustees had sought leave to amend their complaint pending in front of Judge Hall to permit the claims in *this* lawsuit to be raised in the earlier-filed lawsuit, as there is substantial duplication of the facts and legal issues. The Court denied that request to amend, prompting the filing of this lawsuit.

2. On September 16, 2019, however, Judge Mulroy granted the Trustees renewed request to file an amended pleading which now includes the claims raised in this lawsuit. Accordingly, the Trustees’ claims in this lawsuit are now also pending before Judge Mulroy. The resources of the parties and the Court are best served by permitting the Trustees to voluntarily

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dismiss their Complaint in this action to permit Judge Mulroy to hear the full scope of the parties' dispute.

3. 735 ILCS 5/2-1009 provides that a plaintiff may, at any time before trial, voluntarily dismiss its action without prejudice. The Trustees, therefore, request that this Court grant their motion and enter an order voluntarily dismissing the Trustees' Complaint in this action without prejudice and provide such further relief as may be appropriate. This will moot the pending motion to strike the Defendant's Affirmative Defense.

Respectfully submitted,

LYONS TOWNSHIP TRUSTEES OF SCHOOLS
TOWNSHIP 38 NORTH, RANGE 12 EAST

By: /s/ Barry P. Kaltenbach
One of its attorneys.

William J. Quinlan
wjq@quinlanfirm.com
Gerald E. Kubasiak
gekubasiak@quinlanfirm.com
Gretchen M. Kubasiak
gmkubasiak@quinlanfirm.com
The Quinlan Law Firm, LLC
231 S. Wacker Drive, Suite 6142
Chicago, Illinois 60606
(312) 212-8204
Firm No. 43429

Barry P. Kaltenbach
kaltenbach@millercanfield.com
Miller, Canfield, Paddock & Stone, P.L.C.
225 West Washington, Suite 2600
Chicago, Illinois 60606
(312) 460-4200
Firm No. 44233

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2019, I electronically filed **PLAINTIFF'S MOTION TO VOLUNTARILY DISMISS** with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/Barry P. Kaltenbach

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