

DOCKETED

FIRM I.D. NO. 42297

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

FILED
2013 DEC 19 AM 8:20
COURT CLERK OF COOK COUNTY
JANICE L. HARRIS

TOWNSHIP TRUTEES OF SCHOOLS
TOWNSHIP 38 NORTH, RANGE 12 EAST,

Plaintiff,

v.

LYONS TOWNSHIP HIGH SCHOOL DIST. 204,

Defendants.

No. 13 L 23386

Hon. Sophia H. Hall

NOTICE OF MOTION

To: Gerald E. Kubasiak
Douglas G. Hewitt
Kubasiak Fylstra Thorpe & Rotunno, PC
Two First National Plaza, 29th Floor
20 South Clark Street
Chicago, IL 60603

#2

PLEASE TAKE NOTICE that on **January 2**, 2014 at **10:00 a.m.**, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Sophia Hall, or any judge sitting in her stead, in the courtroom usually occupied by him in Room 2301 of the Richard J. Daley Center, and then and there present **Defendant's Motion For No Fee Filing and For Extension Of Time To Answer Or Otherwise Plead** a copy of which is attached hereto.

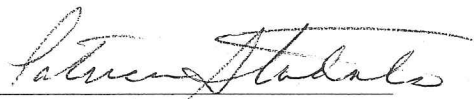
Name: Charles A. LeMoine
Rosa A. Tumialán
Stephen M. Mahieu
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Address: 10 South Wacker Drive
Telephone: (312) 876-1700
Attorney for: Defendant
City: Chicago, Illinois 60606

PROOF OF SERVICE BY FACSIMILE

The undersigned, a non-attorney, on oath state that I mailed a true and correct copy of this Notice of Routine Motion, and Routine Motion together with a copy of the document therein mentioned, upon all counsel of record by U.S. Mail on December 19, 2013, before 5:00 p.m.

(X) Under penalties as provided by law pursuant to ILL.REV.STAT. CHAP 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.



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

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

Plaintiff,

v.

LYONS TOWNSHIP HIGH SCHOOL DIST. 204,

Defendants.

No. 13 L 23386

Hon. Sophia H. Hall

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CLERK OF COURT
CHANCERY DIVISION

**DEFENDANT'S MOTION FOR NO-FEE FILING AND FOR
EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD**

Defendant, LYONS TOWNSHIP HIGH SCHOOL DISTRICT 204 ("District 204"), by and through its undersigned attorneys, respectfully moves this Honorable Court for leave to file its attorney appearance and jury demand, *instanter*, without fees in accordance with 705 ILCS 105/27.2a(dd)(2), and for an extension of time up to and including January 31, 2014, to answer or otherwise plead to the "Verified Complaint for Declaratory Relief" (the "Complaint") filed by plaintiff, TOWNSHIP TRUSTEES OF SCHOOLS TOWNSHIP 38 NORTH, RANGE 12 EAST ("Plaintiff"), and in support thereof states as follows:

1. Plaintiff filed its Complaint on October 16, 2013.
2. The Complaint alleges District 204 failed to pay its purported share of the compensation and expenses of the Lyons Township School Treasurers Office (the "TTO").
3. The Complaint involves payments allegedly due during at least thirteen different fiscal years dating back to 2000.
4. District 204 was served with the Complaint on November 4, 2013. After considering proposals from law firms in accordance with applicable policies and procedures,

District 204 recently engaged the undersigned counsel.

5. By rule, District 204's responsive pleading was due on December 4, 2013. By agreement, counsel for Plaintiff agreed to extend the time for District 204 to answer or otherwise plead to December 27, 2013.

6. District 204 and its attorneys are diligently investigating the claims set forth in the Complaint, which involve individuals and records dating back more than a decade. In addition, District 204 will be closed or have limited hours during the next two weeks due to the holidays. Despite District 204 and its attorneys' efforts, District 204 requires additional time to submit a meaningful responsive pleading to the Complaint.

7. Accordingly, District 204 respectfully requests that the Court vacate any technical default against District 204 and grant it an extension of time up to and including January 31, 2014, in which to answer or otherwise plead to the Complaint.

8. This Motion is not brought for purposes of delay, and no party will be prejudiced should the Court grant the requested extension of time.

9. District 204 further requests that the Court permit District 204 to file its attorney appearance and jury demand, *instanter*, without fees in accordance with 705 ILCS 105/27.2a(dd)(2), which states:

Sec. 27.2a. The fees of the clerks of the circuit court in all counties having a population of 3,000,000 or more inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, the clerk of the circuit court must charge the minimum fee listed and may charge up to the maximum fee if the county board has by resolution increased the fee. The fees shall be paid in advance and shall be as follows:

(dd) Exceptions.

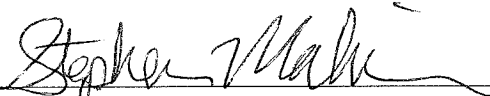
(2) No fee provided herein shall be charged to any unit of local government or school district. The fee requirements of this Section

shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

10. District 204 is exempted from paying court fees pursuant to 705 ILCS 105/27.2a(dd)(2).

WHEREFORE, defendant, LYONS TOWNSHIP HIGH SCHOOL DISTRICT 204, respectfully requests that this Court enter an order: (1) granting it leave to file its appearance and jury demand, *instanter*, without any fees; (2) vacating any technical default; and (3) granting Defendant an extension of time up to and including January 31, 2014, in which to answer or otherwise plead to Plaintiff's Verified Complaint for Declaratory Relief.

Dated: December 19, 2013

By: 
One of the Attorneys for Defendant,
LYONS TOWNSHIP HIGH SCHOOL DISTRICT
204

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