

**United States District Court
Northern District of Illinois – CM/ECF NextGen 1.7.1.1 (Chicago)
CIVIL DOCKET FOR CASE #: 1:16-cv-01891**

Kowalski v. Cook County Officers' Electoral Board et al
Assigned to: Honorable John W. Darrah
Cause: 42:1983 Civil Rights Act

Date Filed: 02/02/2016
Date Terminated: 09/13/2016
Jury Demand: Both
Nature of Suit: 441 Civil Rights: Voting
Jurisdiction: Federal Question

Plaintiff

Jan Kowalski

represented by **Robert Michael Kowalski**
Robert M. Kowalski, Attorney at Law
1918 W. Cermak
Chicago, IL 60608
(773) 696-9698
Fax: Not a member
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Ziff Sistrunk

represented by **Ziff Sistrunk**
PRO SE

V.

Defendant

Cook County Officers' Electoral Board

represented by **Daniel Patrick Madden**
Daniel P. Madden
Attorney at Law
118 North Clark Street
Room 301
Chicago, IL 60602
312-603-2567
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marie D Spicuzza
Cook County State's Attorneys Office (50 W)
50 West Washington Avenue
Chicago, IL 60602
312-603-5489
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Email: marie.spicuzza@cookcountyil.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

David Orr
*in his official capacity as Cook County
Clerk and Chairman*

represented by **Daniel Patrick Madden**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marie D Spicuzza
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Anita Alvarez
*in her official capacity as Cook County
 State's Attorney and Member*

represented by **Daniel Patrick Madden**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marie D Spicuzza
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Dorothy Brown
*in her official capacity as Clerk of the
 Circuit Court of Cook County and
 Member*

represented by **Daniel Patrick Madden**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marie D Spicuzza
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/02/2016	<u>1</u>	COMPLAINT filed by Jan Kowalski; Jury Demand. (Exhibits) (ph,) (Entered: 02/03/2016)
02/02/2016	<u>2</u>	CIVIL Cover Sheet. (ph,) (Entered: 02/03/2016)
02/02/2016	<u>3</u>	PRO SE Appearance by Plaintiff Jan Kowalski. (ph,) (Entered: 02/03/2016)
02/02/2016	<u>5</u>	SUMMONS Issued as to Defendants Anita Alvarez, Dorothy Brown, Cook County Officers' Electoral Board, David Orr. (ph,) (Entered: 02/03/2016)
02/03/2016	<u>6</u>	ORDER: Initial status hearing is set for February 16, 2016 at 9:30 a.m. Signed by the Honorable John W. Darrah on 2/3/2016. Mailed notice (ph,) (Entered: 02/03/2016)
02/03/2016	<u>7</u>	MOTION by Plaintiff Jan Kowalski for Injunctive Relief and Mandamus. (ph,) (Entered: 02/04/2016)
02/03/2016	<u>8</u>	EMERGENCY NOTICE of Motion by Jan Kowalski for presentment of Motion for Injunctive Relief and Mandamus <u>7</u> before Honorable John W. Darrah on 2/9/2016 at 09:30 AM. (ph,) (Entered: 02/04/2016)
02/08/2016	<u>9</u>	ATTORNEY Appearance for Defendants Anita Alvarez, Dorothy Brown, Cook County Officers' Electoral Board, David Orr by Marie D Spicuzza (Spicuzza, Marie) (Entered: 02/08/2016)
02/08/2016	<u>10</u>	NOTICE by Anita Alvarez, Dorothy Brown, Cook County Officers' Electoral Board, David Orr re attorney appearance <u>9</u> (Spicuzza, Marie) (Entered: 02/08/2016)
02/09/2016	<u>11</u>	ATTORNEY Appearance for Defendants Anita Alvarez, Dorothy Brown, Cook County Officers' Electoral Board, David Orr by Daniel Patrick Madden (Madden, Daniel) (Entered: 02/09/2016)
02/09/2016	<u>12</u>	MOTION by Plaintiff Jan Kowalski for leave to file amended complaint. (ph,) (Entered: 02/09/2016)
02/09/2016	<u>13</u>	NOTICE of Motion by Jan Kowalski for presentment of motion for leave to file amended complaint <u>12</u> before Honorable John W. Darrah on 2/16/2016 at 09:30 AM. (ph,) (Entered: 02/09/2016)
02/09/2016	<u>14</u>	ATTORNEY Appearance for Plaintiff Jan Kowalski by Robert Michael Kowalski. (ph,) (Entered: 02/09/2016)

02/09/2016	<u>15</u>	ORDER: In court hearing held. MOTION by Plaintiff Jan Kowalski for Injunctive Relief and Mandamus <u>7</u> is entered and briefed as follows: response by 2/16/16. Status hearing/ruling is set for 3/1/16 at 9:30 a.m. Status hearing set for 2/16/16 is vacated. Signed by the Honorable John W. Darrah on 2/9/16. Mailed notice (ph,) (Entered: 02/09/2016)
02/09/2016	<u>16</u>	SUMMONS Returned Executed by Jan Kowalski as to Cook County Officers' Electoral Board on 2/3/2016, answer due 2/24/2016; David Orr on 2/3/2016, answer due 2/24/2016; Anita Alvarez on 2/3/2016, answer due 2/24/2016; Dorothy Brown on 2/3/2016, answer due 2/24/2016. (Attachments: # <u>1</u> David Orr, # <u>2</u> Anita Alvarez, # <u>3</u> Dorothy Brown) (ph,) (Entered: 02/10/2016)
02/09/2016	<u>17</u>	NOTICE by Jan Kowalski re summons returned executed, <u>16</u> . (ph,) (Entered: 02/10/2016)
02/16/2016	<u>18</u>	RESPONSE by Anita Alvarez, Dorothy Brown, Cook County Officers' Electoral Board, David Orr to MOTION by Plaintiff Jan Kowalski <u>7</u> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Spicuzza, Marie) (Entered: 02/16/2016)
02/16/2016	<u>19</u>	NOTICE by Anita Alvarez, Dorothy Brown, Cook County Officers' Electoral Board, David Orr re response to motion <u>18</u> (Spicuzza, Marie) (Entered: 02/16/2016)
02/16/2016	<u>20</u>	MOTION by Plaintiff Jan Kowalski to disqualify. (ph,) (Entered: 02/16/2016)
02/16/2016	<u>21</u>	ORDER: Ruling on motion hearing held. MOTION by Plaintiff for leave to file amended complaint <u>12</u> is granted. Defendants to file responsive pleadings by 3/22/16. Signed by the Honorable John W. Darrah on 2/16/16. Mailed notice (ph,) (Entered: 02/16/2016)
02/16/2016	<u>22</u>	MINUTE entry before the Honorable John W. Darrah: Motion by plaintiff to disqualify counsel <u>20</u> is withdrawn without prejudice with leave to re-file. Mailed notice(maf) (Entered: 02/17/2016)
02/16/2016	<u>23</u>	AMENDED Count I: Complaint for Civil Rights Violation Under 42 U.S.C. §1983; Count II: Complaint for Violation of Section 2 of the Voting Rights Act of 1965; And Count III: Complaint for Violation of the Racketeer Influenced and Corrupt Organizations Act ("RICO") Under 18 U.S.C. §1962(C) by Jan Kowalski against Anita Alvarez, Dorothy Brown, Cook County Officers' Electoral Board, David Orr. (ph,) (Entered: 02/17/2016)
02/24/2016	<u>24</u>	MOTION by Defendants Anita Alvarez, Dorothy Brown, Cook County Officers' Electoral Board, David Orr for leave to file <i>Supplemental Response to Motion for Injunctive Relief and Attach Illinois Appellate Court Order Under Illinois Supreme Court Rule 23(e)(1)</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Spicuzza, Marie) (Entered: 02/24/2016)
02/24/2016	<u>25</u>	NOTICE of Motion by Marie D Spicuzza for presentment of motion for leave to file, <u>24</u> before Honorable John W. Darrah on 3/1/2016 at 09:30 AM. (Spicuzza, Marie) (Entered: 02/24/2016)
02/25/2016	<u>26</u>	REPLY to Motion for Injunctive Relief and Mandamus by Plaintiff Jan Kowalski. (ph,) (Entered: 02/26/2016)
02/25/2016	<u>27</u>	NOTICE of Filing by Jan Kowalski re Reply to Motion for Injunctive Relief and Mandamus <u>26</u> . (ph,) (Entered: 02/26/2016)
03/01/2016	<u>28</u>	ORDER Status hearing and ruling on motion hearing held. For the reasons stated in the attached memorandum opinion and order, Plaintiff's Motion for Injunctive Relief and Mandamus <u>7</u> is denied. Enter Memorandum Opinion and Order. Status hearing set for 4/5/16 at 9:30 a.m. Rule 26(a)(1) disclosures to be exchanged by 3/31/16. Signed by the Honorable John W. Darrah on 3/1/2016. Mailed notice(sj,) (Entered: 03/01/2016)
03/01/2016	<u>29</u>	MEMORANDUM Opinion and Order Signed by the Honorable John W. Darrah on 3/1/2016. Mailed notice(sj,) (Entered: 03/01/2016)
03/03/2016	<u>30</u>	MOTION by Plaintiff Jan Kowalski for reconsideration of the March 1, 2016 Memorandum Opinion and Order. (Exhibits) (ph,) (Entered: 03/03/2016)

03/03/2016	<u>31</u>	NOTICE of Motion by Jan Kowalski for presentment of motion for reconsideration of the March 1, 2016 Memorandum Opinion and Order <u>30</u> before Honorable John W. Darrah on 3/10/2016 at 09:30 AM. (ph,) (Entered: 03/03/2016)
03/10/2016	<u>32</u>	ORDER: In court hearing held. MOTION by Plaintiff Jan Kowalski for reconsideration of the March 1, 2016 Memorandum Opinion and Order <u>30</u> is taken under advisement. Ruling by mail on 3/11/16. Signed by the Honorable John W. Darrah on 3/10/16. Mailed notice (ph,) (Entered: 03/10/2016)
03/10/2016	<u>33</u>	MOTION by Defendants Anita Alvarez, Dorothy Brown, Cook County Officers' Electoral Board, David Orr for leave to file <i>Supplemental Response to motion for Reconsideration and Attach Illinois Appellate Court Order Under Illinois Supreme Court Rule 23(c)(1)</i> (Attachments: # <u>1</u> Exhibit Illinois Appellate Court Order)(Spicuzza, Marie) (Entered: 03/10/2016)
03/10/2016	<u>34</u>	NOTICE by Anita Alvarez, Dorothy Brown, Cook County Officers' Electoral Board, David Orr re MOTION by Defendants Anita Alvarez, Dorothy Brown, Cook County Officers' Electoral Board, David Orr for leave to file <i>Supplemental Response to motion for Reconsideration and Attach Illinois Appellate Court Order Under Illinois Supreme Court Rule <u>33</u></i> (Spicuzza, Marie) (Entered: 03/10/2016)
03/11/2016	<u>35</u>	MINUTE entry before the Honorable John W. Darrah: Plaintiffs' Motion for Reconsideration <u>30</u> is denied. "Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence." Caisse Nationale de Credit Agricole v. CBI Indus., Inc., 90 F.3d 1264, 1269 (7th Cir. 1996). A manifest error "is not demonstrated by the disappointment of the losing party"; it is the "wholesale disregard, misapplication, or failure to recognize controlling precedent." Oto v. Metropolitan Life Ins., 224 F.3d 601, 606 (7th Cir. 2000) (internal quotation marks omitted). Plaintiffs have not presented new evidence or demonstrated a manifest error of law or fact on the merits. Plaintiffs also argue that res judicata does not bar the request for mandamus or injunctive relief because the parties in the present action are not the same as in state court. However, "[s]trict identity of the parties is not necessary" for res judicata when "successive parties... adequately represent the same legal interests." Donovan v. Estate of Fitzsimmons, 778 F.2d 298, 301 (7th Cir. 1985). Here, Plaintiff Kowalski added Plaintiff Sistrunk after filing her Complaint. Kowalski adequately represented the same legal interests as Sistrunk at the state-court level and res judicata still applies. Mailed notice(maf) (Entered: 03/11/2016)
03/11/2016	<u>36</u>	MINUTE entry before the Honorable John W. Darrah: Defendants' Motions to File Supplemental Response [24, 33] are granted. Mailed notice(maf) (Entered: 03/11/2016)
03/11/2016	<u>37</u>	RESPONSE by Plaintiffs Jan Kowalski, Ziff Sistrunk to Motion for leave to file supplemental response to motion for reconsideration and attach Illinois Appellate Court order under Illinois Supreme Court Rule 23(e)(1). (Exhibits) (ph,) (Entered: 03/11/2016)
03/18/2016	<u>38</u>	MOTION by Defendants Anita Alvarez, Dorothy Brown, Cook County Officers' Electoral Board, David Orr for extension of time to <i>Answer, Motion to Dismiss or other Responsive Pleading</i> (Spicuzza, Marie) (Entered: 03/18/2016)
03/18/2016	<u>39</u>	NOTICE of Motion by Marie D Spicuzza for presentment of extension of time <u>38</u> before Honorable John W. Darrah on 3/25/2016 at 09:30 AM. (Spicuzza, Marie) (Entered: 03/18/2016)
03/22/2016	<u>40</u>	NOTICE of Motion by Marie D Spicuzza for presentment of extension of time <u>38</u> before Honorable John W. Darrah on 4/5/2016 at 09:30 AM. (Spicuzza, Marie) (Entered: 03/22/2016)
04/04/2016	<u>41</u>	MOTION by Defendants Anita Alvarez, Dorothy Brown, Cook County Officers' Electoral Board, David Orr for leave to file <i>Defendant's Motion to Dismiss Plaintiff's Amended Complaint</i> (Spicuzza, Marie) (Entered: 04/04/2016)
04/04/2016	<u>42</u>	NOTICE of Motion by Marie D Spicuzza for presentment of motion for leave to file <u>41</u> before Honorable John W. Darrah on 4/13/2016 at 09:30 AM. (Spicuzza, Marie) (Entered: 04/04/2016)

04/05/2016	<u>43</u>	ORDER: Status hearing and ruling on motion hearing held. MOTION by Defendants for extension of time to Answer, Motion to Dismiss or other Responsive Pleading <u>38</u> is granted. Status hearing set for 4/13/16 at 9:30 a.m. All parties shall be present. Signed by the Honorable John W. Darrah on 4/5/16. Mailed notice (ph,) (Entered: 04/05/2016)
04/13/2016	<u>44</u>	ORDER: Status hearing held. Defendants' motion to dismiss <u>41</u> is entered and briefed as follows: response by 5/17/16, reply by 6/1/16. Status hearing/ruling is set for 8/17/16 at 9:30 a.m. Signed by the Honorable John W. Darrah on 4/13/16. Mailed notice (ph,) (Entered: 04/13/2016)
05/18/2016	<u>45</u>	MOTION by Plaintiff's for extension of time to respond to Defendants' Motion to Dismiss. (ph,) (Entered: 05/19/2016)
05/18/2016	<u>46</u>	NOTICE of Motion by All Plaintiffs for presentment of motion for extension of time to respond to Defendants' Motion to Dismiss <u>45</u> before Honorable John W. Darrah on 5/24/2016 at 09:30 AM. (ph,) (Entered: 05/19/2016)
05/19/2016	<u>47</u>	ORDER: Plaintiffs' unopposed Motion for Extension of Time to Respond to Defendants' Motion to Dismiss <u>45</u> is granted. Plaintiffs shall file their response by 6/1/2016 and Defendants their reply by 6/15/2016. No appearances necessary on 5/24/2016. All other dates remain as scheduled. Signed by the Honorable John W. Darrah on 5/19/2016. Mailed notice (ph,) (Entered: 05/19/2016)
06/01/2016	<u>48</u>	RESPONSE by Jan Kowalski, Ziff Sistrunk to MOTION by Defendants Anita Alvarez, Dorothy Brown, Cook County Officers' Electoral Board, David Orr for leave to file <i>Defendant's Motion to Dismiss Plaintiff's Amended Complaint</i> <u>41</u> . (ph,) (Entered: 06/02/2016)
06/01/2016	<u>49</u>	NOTICE of filing by Jan Kowalski, Ziff Sistrunk. (ph,) (Entered: 06/02/2016)
06/15/2016	<u>50</u>	REPLY by Defendants Anita Alvarez, Dorothy Brown, Cook County Officers' Electoral Board, David Orr <i>in Support of Defendants' Motion to Dismiss Plaintiff's Amended Complaint</i> (Spicuzza, Marie) (Entered: 06/15/2016)
06/15/2016	<u>51</u>	NOTICE by Anita Alvarez, Dorothy Brown, Cook County Officers' Electoral Board, David Orr re reply <u>50</u> (Spicuzza, Marie) (Entered: 06/15/2016)
08/15/2016	<u>52</u>	MINUTE entry before the Honorable John W. Darrah: Status hearing/ruling set for 8/17/16 is re-set to 10/4/16 at 9:30 a.m. re: Defendants' motion to dismiss <u>41</u> . Mailed notice (maf) (Entered: 08/15/2016)
09/13/2016	<u>53</u>	ORDER: For the reasons stated in the attached memorandum opinion and order, Defendants' Motion to Dismiss Plaintiffs' Amended Complaint <u>41</u> is granted with prejudice. Enter Memorandum Opinion and Order. Civil case closed. Signed by the Honorable John W. Darrah on 9/13/16. Mailed notice (ph,) (Entered: 09/13/2016)
09/13/2016	<u>54</u>	MEMORANDUM Opinion and Order Signed by the Honorable John W. Darrah on September 13, 2016. Mailed notice (ph,) (Entered: 09/13/2016)