

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

PATRICK QUINN, IRENE ROBINSON,  
ANTWAIN MILLER, MARC KAPLAN,  
CHRISTOPHER BALL, DANIEL  
MORALES-DOYLE, AND JITU BROWN

Plaintiffs,

v.

BOARD OF EDUCATION OF THE CITY  
OF CHICAGO; JAMES MEEKS, STEVEN  
GILFORD, MELINDA LABARRE, CURT  
BRADSHAW, LULA FORD, CRAIG  
LINDVAHL, ELIGIO CERDA PIMENTEL,  
CESILIE PRICE, AND JOHN SANDERS,  
MEMBERS TO THE ILLINOIS STATE  
BOARD OF EDUCATION, IN THEIR  
OFFICIAL CAPACITIES, AND STATE OF  
ILLINOIS

Defendants.

Case No. 2016-cv- 9514

Judge Elaine E. Bucklo

Magistrate Judge Sheila Finnegan

**DEFENDANTS' JOINT MOTION TO EXTEND  
DEADLINE TO ANSWER OR OTHERWISE PLEAD**

Defendants Board of Education of the City of Chicago, by and through their attorneys, Pugh, Jones & Johnson, P.C., along with Defendants James Meeks, Steven Gilford, Melinda Labarre, Curt Bradshaw, Lula Ford, Craig Lindvahle, Eligio Cerda Pimentel, Ceslie Prince, and John Sanders, as Members of the Illinois State Board of Education, and the State of Illinois, by and through their attorneys, the Illinois Attorney General (collectively, "Defendants"), hereby respectfully move to extend the deadline to answer or otherwise plead to the Plaintiffs' Complaint by 45 days, or until December 19, 2016, and in support thereof state the following:

1. This action commenced on October 5, 2016 with the filing of a Complaint by the plaintiffs, Patrick Quinn, Irene Robinson, Antwain Miller, Marc Kaplan, Christopher Ball, Daniel Morales-Doyle, and Jitu Brown (“Plaintiffs”) (Dkt. 1.)

2. The Complaint contains four counts. The Plaintiffs attack the constitutionality of Section 34-3 of 105 ILCS 5/34-3 (the “School Code”). Specifically, Plaintiffs allege that the Code is in violation of equal protection because Chicago’s school board is composed of appointed members, whereas other Illinois citizens can elect their school board members by popular vote. Plaintiffs also claim that the taxes levied in connection with the school board amount to a violation of their due process rights. Lastly, several Plaintiffs contend that the Code is discriminatory and violates Section II of the Voting Rights Act, Title VI of the Civil Rights Act, and 42 U.S.C. §1983.

3. Concurrent with this litigation, the Plaintiffs have also filed a Complaint asserting similar claims in the Circuit Court of Cook County, wherein the Illinois Constitution is invoked in an effort to strike down Section 34-3.

4. The Defendants were each served on October 13, 2016. Pursuant to Rule 12(a)(1)(A), a response to the Complaint is due on November 3, 2016, 21 days after service of process was effectuated.

5. The Defendants are in the process of evaluating the legal and factual arguments raised by the Plaintiffs, which requires careful analysis of the statistics referenced, the constitutional history identified, and the legislative history of the Act.

6. In order to allow for sufficient evaluation and to prepare a thorough response to the Complaint, the Defendants jointly request that the Court extend the deadline for response from November 3, 2016 to December 19, 2016.

7. Counsel for the Defendants have conferred before the filing of this motion and have agreed to present this motion to this Court jointly.

8. For these reasons, Defendants respectfully request that the Court extend the deadline to answer or otherwise plead to the Complaint by 45 days, or until December 19, 2016.

9. This request to extend deadline to answer or otherwise plead to the Complaint is not made to delay, and the parties will not be prejudiced by the granting of this motion.

10. On November 1, 2016, Counsel for the Board of Education for the City of Chicago conducted a phone conference with Michael Persoon, one of the attorneys for Plaintiffs, relative to this motion. Despite the parties' efforts, an agreement could not be reached relative to the motion.

WHEREFORE, Defendants Board of Education of the City of Chicago, named members of the Illinois State Board of Education, and the State of Illinois respectfully request that the Court extend the deadline to answer or otherwise plead to the Complaint by until December 19, 2016.

Dated: November 2, 2016

Respectfully submitted,

CHICAGO BOARD OF EDUCATION

By: /s/ Stephen H. Pugh  
One of their Attorneys

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MEMBERS OF THE ILLINOIS STATE BOARD  
OF EDUCATION AND THE STATE OF  
ILLINOIS

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**CERTIFICATE OF SERVICE**

I, Stephen H. Pugh, an attorney, certify that I caused a copy of the foregoing *Defendants’ Joint Motion to Extend Deadline to Answer or Otherwise Plead* to be served upon the below-listed individual(s), by depositing the same in the U.S. Mail box at 180 North LaSalle Street, Chicago, Illinois 60601, postage prepaid, same-day personal delivery by messenger, FedEx overnight delivery, facsimile transmitted from (312) 768-7801, electronic mail, or Case Management/Electronic Case Filing System (“CM/ECF”), as indicated below, on November 2, 2016.

- CM/ECF
- Facsimile/\_\_\_ Pages
- Federal Express
- U.S. Mail
- Messenger
- Electronic Mail

***Attorney for Plaintiff***

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By:   /s/Stephen H. Pugh