

No. 1-10-3482

BURNELL GATREAU, TIMOTHY RANGE	)	Appeal from the
and FRANK SELBY, Individually, and on	)	Circuit Court of
Behalf of All Others Similarly Situated,	)	Cook County, Illinois,
	)	Chancery Division.
Plaintiffs-Appellants,	)	
	)	
v.	)	No. 08 CH 11825
	)	
DKW ENTERPRISES, LLC, KDW	)	
ENTERPRISES, LLC, KDW WESTERN,	)	Honorable
LLC, MRA RESTAURANT, DARRELL	)	Michael B. Hyman
WINBUSH and KATINA WINBUSH,	)	Judge Presiding.
	)	
Defendants-Appellees.	)	

JUSTICE FITZGERALD SMITH delivered the judgment of the court, with opinion. Justices Pucinski and Sterba concurred in the judgment and opinion.

**OPINION**

¶ 1 The plaintiffs, Burnell Gatreau, Timothy Range and Frank Selby, individually and on behalf of all others similarly situated, filed a class action complaint against the defendants, DKW Enterprises, LLC, KDW Enterprises LLC, KDW Western LLC, MRA Restaurants, Darrell Winbush and Katina Winbush, alleging numerous violations of the Illinois Minimum Wage Law (820 ILCS 105/1 *et seq.* (West 2006)) and the Illinois Wage Payment and Collection Act (820 ILCS 115/1 *et seq.* (West 2006)). Before the plaintiffs filed a motion for class certification, the defendants made a tender to each of the three named plaintiffs of "all amounts allegedly due to each such plaintiff." After the plaintiffs rejected this offer, the defendants filed a motion to dismiss pursuant to sections 2-615 and 2-619 of the Code of Civil Procedure (Code) (735 ILCS