

EXHIBIT

A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PERSONAL PAC, et al.,)	
)	
Plaintiffs,)	No. 12 C 1043
)	
v.)	
)	
WILLIAM M. McGUFFAGE, et al.,)	Judge Aspen
)	
Defendants.)	

STIPULATED ORDER AND CONSENT JUDGMENT

Plaintiffs — Personal PAC, Marcena Love, and Grace Allen Newton — and Defendants — William McGuffage, Jesse R. Smart, Harold D. Byers, Betty J. Coffrin, Ernest L. Gowen, Judith C. Rice, Bryan A. Schneider, and Charles W. Scholz, in their official capacities, as the members of the Illinois State Board of Elections — having agreed to entry of this Stipulated Order and Consent Judgment for the purpose of settling Plaintiffs’ claim for attorneys’ fees and costs, it is **HEREBY ORDERED, ADJUDGED, AND DECREED** that:

1. On February 14, 2012, Plaintiffs commenced this case by filing a complaint for declaratory and injunctive relief against Defendants McGuffage, Smart, Byers, Coffrin, Gowen, Rice, Schneider, and Scholz (“Action”). At the same time, Plaintiffs also filed a motion for a preliminary injunction, or, in the alternative, for expedited permanent injunctive relief, requesting that the Court enjoin Defendants from enforcing both: (a) 10 ILCS 5/9-8.5(d), as applied to funds raised, maintained, and spent for the purpose of independent expenditures; and (b) the prohibition, contained in 10 ILCS 5/9-2(d), against the establishment or

maintenance of more than one political action committee ("PAC"), by any natural person, trust, partnership, committee, association, corporation, or other organization or group of persons, to the extent it prohibits the formation of an additional PAC created solely with funds raised, maintained, and spent solely for the purpose of independent expenditures.

2. On March 13, 2012, the Court issued a Memorandum Opinion and Order, granting Plaintiffs' motion for expedited permanent injunctive relief. Dkt. #39. Specifically, the Court ordered that "Defendants not enforce the contribution limits set forth in the first sentence of 10 ILCS 5/9-8.5(d), as applied to contributions to any independent-expenditure-only PACS." The Court further ordered that "Defendants not enforce the prohibition against the establishment or maintenance of more than one PAC contained in the first sentence of 10 ILCS 5/9-2(d), as applied to the establishment or maintenance of independent-expenditure-only PACs." Memorandum Opinion & Order at 13, Dkt. #39.

3. The Court entered judgment on March 13, 2012. Dkt. 40. Defendants did not appeal that judgment.

4. Plaintiffs are "prevailing parties" entitled to attorneys' fees and nontaxable costs under 42 U.S.C. 1988. In addition, Plaintiffs are entitled to taxable costs and, as a result, filed a bill of costs in the amount of \$350 on April 3, 2012; Dkt. 41.

5. Following the Court's ruling and pursuant to Federal Rule of Civil Procedure 54 and Local Rule 54, Plaintiffs made a claim for attorney's fees, costs

and expenses. The parties wish to settle and compromise Plaintiffs' pending claim for attorney's fees, costs and expenses.

6. In consideration for the full and complete settlement of this claim, the Defendants agree to pay to Plaintiffs' counsel, no later than November 30, 2012, the sum of Seventy-Thousand Dollars (\$70,000.00) ("Settlement Amount"). Defendants agree to process all paperwork necessary to effectuate payment of the Settlement Amount from appropriations made to the Indemnification Fund administered by the Illinois Department of Central Management Services pursuant to the State Employee Indemnification Act. 5 ILCS 350/0.01 et seq. The parties acknowledge that the amount payable under this Stipulated Order and Consent Judgment is subject to state laws governing the State Comptroller's obligation to withhold funds for unpaid student loans, unpaid child support obligations, and unpaid state income tax liabilities that the Plaintiffs' counsel may owe to other persons or to state agencies. The Plaintiffs' counsel may contest the validity of these claims through applicable state procedures.

7. Defendants shall not be responsible for payment of any sum under this Stipulated Order and Consent Judgment in their individual capacities.

8. Upon timely receipt of the Settlement Amount, the Plaintiffs and their attorneys agree to release, waive and relinquish and hereby release and forever discharge the Defendants in their individual and official capacities, the Illinois State Board of Elections and the State of Illinois, their agents, former and present employees, successors, heirs and assigns and all other persons (hereinafter "Releasees") from all actions, claims, demands, setoffs, suits, causes of action, or

rights to attorney's fees, costs and expenses allegedly incurred or due in this Action pursuant to 42 U.S.C. Section 1988, or under any other statute, rule or common law provision.

9. No promise has been made to pay or give the Plaintiffs or their attorney any greater or further consideration other than as stated in this Stipulated Order and Consent Judgment. All agreements, covenants, representations and warranties, express or implied, oral or written, of the parties hereto concerning the subject matter of this Stipulated Order and Consent Judgment are contained in this Order. No other agreements, covenants, representations or warranties, express or implied, oral or written, have been made by any party hereto to any other party concerning the subject matter of this Stipulated Order and Consent Judgment. All prior and contemporaneous negotiations, possible and alleged agreements, representations, covenants and warranties, between the parties concerning the subject matter of this Stipulated Order and Consent Judgment are merged into this Order. This Order contains the entire agreement between the parties.

10. The Plaintiffs and their attorneys enter into this Stipulated Order and Consent Judgment as a free and voluntary act with full knowledge of its legal consequences. The Plaintiffs and their attorney have not relied on any information or representations that are not contained in this Order.

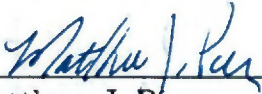
11. This Stipulated Order and Consent Judgment shall be construed and interpreted in accordance with the laws of the State of Illinois, without regard to principles of conflict of laws.

12. The parties request the Court retain jurisdiction to enforce the terms of their settlement agreement under the authority of *Kokkenen v. Guardian Life Insurance Co. of America*, 511 U.S. 375, 381-82 (1994).

13. By consent of the parties, the Court shall retain jurisdiction for the purpose of enforcing the terms of this Stipulated Order and Consent Judgment.

14. Except as necessary to enforce the terms of this Stipulated Order and Consent Judgment, this case is hereby dismissed with prejudice.

Approved,


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Rupert Borgsmiller
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IT IS SO ORDERED.

Marvin E. Aspen
United States District Judge