

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TABITHA TRIPP,)
GARY SHEPHERD,)
FELICIA HOLLY,)
VERA HOLLY,)
RENEE COOK,)
ILL. GREEN PARTY, and)
CANDACE A. DAVIS,)
)
Plaintiffs,)

vs.)

Case No. 14-cv-0890-MJR-PMF

JESSE R. SMART, in his official)
capacity,)
CHARLES W. SCHOLZ, in his official)
capacity,)
BRYAN A. SCHNEIDER,)
BETTY J. COFFRIN,)
HAROLD D. BYERS,)
CASSANDRA B. WATSON,)
WILLIAM M. McGUFFAGE,)
ERNEST L. GOWEN, and)
RUPERT T. BORGSMILLER,)
)
Defendants.)

ORDER

REAGAN, Chief Judge:

This case comes before the Court on several preliminary matters in advance of tomorrow's motion hearing.

First, the Court **GRANTS (Doc. 66)** Plaintiffs' motion to submit additional authority in a supplemental brief. The authority Plaintiffs wish to invoke is a July 23 (i.e., a week ago) decision from the U.S. District Court in E.D. Pennsylvania. Plaintiffs

shall limit their filing to a copy of the E.D. Pa. decision and one page of argument discussing its relevance to the instant case. The Court intends to take the entire matter under advisement after tomorrow's hearing, and so a delay in Defendants' written response will not prejudice Defendants. Defendants' counterargument (also limited to one page) regarding the E.D. Pa. case shall be due on or before next Thursday, August 6, 2015.

Secondly, the Court **GRANTS** the unopposed motion to take judicial notice (**Doc. 58**) of the demographic and geographical information appended as exhibits to Plaintiffs' response. To streamline oral argument tomorrow, the parties should be armed with copies of the maps and tables that lay at the crux of their argument, and be prepared to use the Court's ELMO during argument.

Thirdly, the Court **ORDERS** short briefing on the res judicata / collateral estoppel effects of the cross-motions for summary judgment. There is some dispute as to just how much of the 90-day petitioning period was utilized by Plaintiffs in their efforts to get on the ballot. That issue was critical in denying Plaintiffs' motion for preliminary injunction last year, and will likely be important in analyzing the pending cross-motions. Given the possibility of a constitutional ruling based on Green Party efforts that did not maximize the statutory time period, the parties shall, on or before Thursday, August 13, 2015, file respective briefs (not to exceed three pages; three-page response briefs due August 20) on the preclusive effect of any ruling here as to future Green Party challenges to the constitutionality of election procedures in the 115th and 118th Representative Districts.

IT IS SO ORDERED.

DATE: July 30, 2015

s/ Michael J. Reagan

MICHAEL J. REAGAN

Chief Judge

UNITED STATES DISTRICT COURT