

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

**ILLINOIS LIBERTY PAC, a Political Action  
Committee registered with the Illinois State Board  
of Elections; EDGAR BACHRACH; and KYLE  
MCCARTER,** )

**Plaintiffs,** )

**v.** )

**LISA M. MADIGAN, Attorney General of the State  
of Illinois;** )

**WILLIAM McGUFFAGE, Chairman  
of the Illinois State Board of Elections;** )

**JESSE R. SMART, Vice-Chairman of the Illinois  
State Board of Elections;** )

**HAROLD D. BYERS, Member of the Illinois  
State Board of Elections;** )

**BETTY J. COFFRIN, Member of the Illinois  
State Board of Elections;** )

**ERNEST L. GOWEN, Member of the Illinois State  
Board of Elections,** )

**JUDITH C. RICE, Member of the Illinois  
State Board of Elections;** )

**BRYAN A. SCHNEIDER, Member of the Illinois  
State Board of Elections; and** )

**CHARLES W. SCHOLZ, Member of the  
Illinois State Board of Elections, all in their  
official capacities,** )

**Defendants.** )

**Judge Gary Feinerman  
Magistrate Judge Susan E. Cox  
No. 12 CV 05811**

**SECOND AMENDED COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs Illinois Liberty PAC, Edgar Bachrach and Kyle McCarter, by their attorneys Diane Cohen and Jacob H. Huebert of the Liberty Justice Center, for their Second Amended Complaint against Defendants state as follows:

## INTRODUCTION

1. Plaintiffs seek to have provisions of the Illinois Disclosure and Regulation of Campaign Contribution and Expenditures Act (the “Act”), declared unconstitutional facially and as applied to them, and to have the Court permanently enjoin Defendants’ enforcement of the unconstitutional provisions of the Act under the First and Fourteenth Amendments to the U.S. Constitution.

2. The Act establishes a set of temporal and differential campaign contribution limits that apply to individuals, political action committees, corporations, and candidates, and which are dependent on whether independent expenditures or candidate self-funding occurs. At the same time, the Act places contingent limits on the campaign contributions of individuals, political action committees and others, and it authorizes the creation of special fundraising channels that allow senior legislative leaders, namely the Speaker of the House, Senate Majority Leader, and the House and Senate minority leaders, to raise money and make unlimited contributions. The Act not only represents “business as usual” in Illinois, it “makes matters worse,” because “[o]ther limits on contributions are meaningless when Party Leaders can continue to give unlimited amounts of cash to their chosen candidate.” Ill. H.R., 96th Gen. Assemb.-81st Legis. Day, at 130-31 (October 29, 2009). (Exh. 1.)

3. While courts tend to examine campaign contribution limits piecemeal, it is the combination of regulations in the Illinois Act – the temporal limits, the existence of loopholes and creation of exemptions for legislative leaders – which evinces that the purpose of the scheme is not to prevent corruption or the appearance thereof. Though the Act was enacted under the

guise of fighting corruption in Illinois politics, the Act actually creates structures that enhance the potential for corruption and the appearance thereof, not prevent it.

### **JURISDICTION AND VENUE**

4. Plaintiffs bring this suit pursuant to 42 U.S.C. § 1983 and § 1988 to seek relief for state violations of their constitutional rights. This Court therefore has jurisdiction under 28 U.S.C. §§ 1331, 1343 (a)(3) and (4), 2201 and 2202.

5. Venue is proper under 28 U.S.C. § 1391(b).

### **PARTIES**

6. Plaintiff Illinois Liberty PAC exercises its rights to free speech and association by donating funds and providing political and marketing consulting to the state candidates it supports. Illinois Liberty PAC is a “political action committee” (“PAC”) as defined by Illinois law, 10 ILCS 5/9-1.8, because it accepts contributions and makes expenditures on behalf of or in opposition to candidates for public office in an aggregate amount exceeding \$3,000 during a 12-month period.

7. Plaintiff Edgar Bachrach is an individual who exercises his rights to free speech and association by making contributions to PACs and candidates he supports.

8. Plaintiff Kyle McCarter is a resident of Lebanon, Illinois, a citizen of the United States, and an Illinois State Senator, currently serving in the General Assembly, representing the 51<sup>st</sup> District. He exercises his rights to free speech and association by running for elected office, fundraising in order to run a competitive campaign, and spending contributions he receives to support his candidacy. McCarter plans to run for reelection during the 2013-14 election cycle, but he does not want to be dependent on receiving campaign contributions from either a

legislative caucus committee or a political party in order to be able to amass the funds needed to run a competitive race. Instead, McCarter would like to be able to amass enough resources to run a competitive race by fundraising from individuals and groups in excess of what the Act allows him, so as to maintain his independence from, and not be dependent on, party and legislative caucus money.

9. In this lawsuit, Plaintiffs are committed to enforcing the First and Fourteenth Amendments, and they intend to expose how the Act's arbitrary and irrational scheme creates an electoral system worse than would otherwise exist free from such regulation.

10. Defendants enforce the Illinois statute that Illinois Liberty PAC and Bachrach challenge in this action. They are sued in their official capacities and are proper persons to defend the interest of the State in this action.

11. Defendant Lisa Madigan is the Attorney General of the State of Illinois and maintains an office in Cook County, Illinois. General Madigan and the State's Attorneys have the power to prosecute violations of the challenged provisions under 10 ILCS 5/9-25.2.

12. Defendant William McGuffage is the Chairman and a member of the Illinois State Board of Elections ("the Board"), which maintains an office in Cook County. The Board receives complaints of campaign-finance-law violations under 10 ILCS 5/9-20. The Board is empowered to hold preliminary hearings to determine whether complaints of violations have "justifiable grounds" under 10 ILCS 5/9-21. The Board holds public hearings and may impose fines, report violations to the Attorney General or the appropriate State's Attorney, and seek injunctions and enforce civil penalties in the Illinois state circuit courts. *See* 10 ILCS 5/9-3, 21, 23, 24, 25.2, 26.

13. Defendant Jesse R. Smart is the Vice Chairman and a member of the Board.

14. Defendant Bryan A. Schneider is a member of the Board.
15. Defendant Betty J. Coffrin is a member of the Board.
16. Defendant Harold D. Byers is a member of the Board.
17. Defendant Judith C. Rice is a member of the Board.
18. Defendant Charles W. Scholz is a member of the Board.
19. Defendant Ernest L. Gowen is a member of the Board.

### **FACTS**

20. In 2009, the Illinois General Assembly passed Public Act 96-832, which establishes a series of limits on the contributions that individuals, political action committees, corporations, unions, and other associations can make to candidates for state elective office in Illinois. The law also contains some limits on what political parties can contribute to candidates, but these limits only apply in primary elections and are substantially higher than the limits on Illinois Liberty PAC, Bachrach, and other nonparties. 10 ILCS 5/9-8.5(b).

21. Both the 2009 Act and 2012 amendments thereto were passed on party-line votes, with Democrats, including the House Speaker and Senate Leader, supporting the bill, and most Republicans, including the House and Senate Minority Leaders, opposing it.

22. The Act limits contributions that nonparty political speakers, such as Plaintiffs Illinois Liberty PAC and Bachrach, may make to candidates, and thus limits what candidates such as Plaintiff McCarter can receive, during a general election: individuals may give \$5,000; PACs may give \$50,000; and other nonparty political speakers, including corporations, labor organizations, and other associations, may give \$10,000. Political parties and legislative caucus

committees, however, are expressly exempted from any limitations: they may contribute unlimited amounts to candidates. 10 ILCS 5/9-8.5(b), (c) and (d). (*See* Exh. 2.)

23. The Act also limits contributions to PACs: individuals, corporations, labor organizations, and associations may contribute \$10,000 to PACs; political party and legislative caucus committees may contribute \$20,000 to PACs; and PACs and candidate committees may contribute \$50,000. 10 ILCS 5/9-8.5(d).

24. The only limits the Act places on political party and legislative caucus committee contributions to candidates apply during primary elections. However, these limits in a statewide race are forty times the amount that individuals such as Plaintiff Bachrach may contribute – \$200,000 versus \$5,000 – and four times the amount PACs such as Plaintiff Illinois Liberty PAC can contribute – \$200,000 versus \$50,000. 10 ILCS 5/9-8.5(b).

25. Currently there are limits on what a party and legislative caucus committee can receive in a primary election – \$50,000 from a candidate and \$50,000 from another party – but the Act eliminates these limits entirely effective July 1, 2013. 10 ILCS 5/9-8.5(c). While there are limits on what individuals, PACs and other nonparties can contribute to political parties and legislative caucus committees, parties and legislative caucus committees may receive unlimited contributions from candidates and other political parties (although caucus committees cannot receive contributions from other caucus committees). 10 ILCS 5/9-8.5 (b), (c).

**The Act's limits are temporal and dependent on third-party speech**

26. The Act eliminates all contribution limits in a race if a self-financed candidate spends more than \$250,000 for a statewide race or more than \$100,000 for any other elective office. 10 ILCS 5/9-8.5(h). The Act also eliminates all contribution limits in a race if an

individual's or committee's independent expenditures exceed \$250,000 (for a statewide race) or \$100,000 (for any other elective office). 10 ILCS 5/9-8.5(h-5).

27. Accordingly, under the Act, the right of individuals, PACs, candidates and other nonparties to engage in free speech through making and/or receiving campaign contributions is dependent on the conduct of third parties.

28. The Act does not eliminate contribution limits based on what a political party or legislative caucus committee spends in any race, including when a political party or legislative caucus committee spends more than \$250,000 in a statewide race or more than \$100,000 in any other race.

29. At the time the law and its amendments were enacted, political party and legislative leader spending in races consistently surpassed the amounts that trigger the elimination of all contribution limits when a self-funded candidate or independent expenditure exceeds the same amounts. (*See* Exh. 3.)

**Political Parties as Defined under the Act**

30. Political parties are referred to as "political party committees" under the Act and include the state and county central committees of a political party, a legislative caucus committee, and a committee formed by a ward or township committeeman of a political party. 10 ILCS 5/9-1.8(c). Party committees are empowered to give unlimited contributions to candidates (with the limited exception for primary election campaigns as noted above in ¶¶ 24, 25). 10 ILCS 5/9-8.5(b).

### **Legislative Caucus Committees**

31. The Act defines a “legislative caucus committee” as a committee established for the purpose of electing candidates to the General Assembly by the person elected President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, Minority Leader of the House, or a committee established by 5 or more members of the same caucus of the Senate or by 10 or more members of the same caucus of the House. 10 ILCS 5/9-1.8(c). Legislative caucus committees are empowered to give unlimited contributions to candidates (with the limited exception for primary election campaigns as noted above). 10 ILCS 5/9-8.5(b).

32. While the Act designates legislative caucus committees as political party committees, legislative caucus committees are different from other political party committees. For example, unlike political party committees, whose primary purpose is to simply elect candidates to office, legislative caucus committees manage the institutional authority provided to the legislative leaders who create them and also play a crucial role in the legislative policymaking process. Further, while the Act authorizes the creation of these legislative caucus committees for the purpose of electing candidates to the General Assembly, it does not limit their contributions to this purpose.

33. “Legislative caucus committees” allow legislative leaders to establish special campaign committees that give them special fundraising channels and advantages over other speakers, including Plaintiffs, to collect unlimited amounts of money from political parties and candidate committees, raise funds from political action committees and other special interest groups, and contribute those funds to candidates, in contravention of the limits that apply to others, including Plaintiffs. (*See* Exh. 4 at p. 14; *see also* Osborn, Exh. 5.)



34. Thus, while the Act limits the contributions of some speakers on the one hand, in drafting the Act, legislators ensured that there was superior fundraising and contribution power protected and preserved for legislative leaders.

35. In order to enforce policymaking discipline and prevent challengers to their leadership, legislative leaders can use organizational rewards and punishments, including rewarding or punishing candidates through the provision or withholding of electoral support through their legislative caucus committees.

**How the Act disparately treats political party, legislative caucus and other committee membership**

36. The Act expressly prohibits individuals and other groups of persons (*e.g.*, committees, associations, corporations) from forming more than one political action committee. 10 ILCS 5/9-2(d). The Act does not prohibit a candidate from serving as the officer of both a candidate committee and other committees simultaneously, such as a party and legislative caucus committee, nor does it prohibit an individual from serving as an officer of multiple party committees or legislative caucus committees. (Exh. 4, committees created by the Act.)

37. While the Act prohibits officers of Illinois Liberty PAC from forming another PAC, the Act does not, for example, prohibit Speaker of the House Michael Madigan from serving as the Treasurer of his own candidate committee, Friends of Michael J. Madigan, while also serving as the chairman of a party committee, the Democratic Party of Illinois, and a legislative caucus committee, the Democratic Majority. Further, the Act's statutory scheme expressly ensures that the Speaker can make unlimited contributions from his candidate committee to the party committee and legislative caucus committee that he chairs, and then make

unlimited contributions from these committees to candidates, including himself. 10 ILCS 9-8.5 (c), (b); *see also* Exhs. 2-4.

**Injury to all Plaintiffs**

38. All contributions Illinois Liberty PAC and Bachrach have made (and will continue to make if the Act is not enjoined), and contributions McCarter has accepted and will continue to accept, have been and will continue to be in compliance with Illinois law and the Act's contribution limits.

**Injury to Illinois Liberty PAC**

39. But for the contribution limits in the Act, Illinois Liberty PAC is ready, willing and able to make contributions to candidates in excess of what the Act allows.

40. But for the contribution limits in the Act, Illinois Liberty PAC is ready and willing to accept contributions from others in excess of what the Act allows.

41. But for the contribution limits in the Act, Illinois Liberty PAC would have the freedom to direct its in-kind and monetary contributions in a manner that best advances its principles and strategic purposes, just as legislative caucus committees are allowed to do. Instead, the law prohibits Illinois Liberty PAC from contributing amounts that comport with its strategic decisions on allocating its resources in supporting candidates.

42. But for the contribution limits in the Act, Illinois Liberty PAC would not be forced to alter its contribution decision making. For example, the Act's contribution limits force Illinois Liberty PAC to make smaller contributions to candidates than it wishes and sometimes to decline to contribute at all if a smaller contribution would not make an impact in a race.

43. But for the contribution limits in the Act, Illinois Liberty PAC could make larger contributions to the candidates it supports. Instead of being forced to make small, incremental, contributions, it could make more substantial contributions that could significantly impact the competitiveness of an electoral race, as legislative caucus committees and political parties can do in races through their ability to make unlimited contributions.

**Injury to individual contributor Edward Bachrach**

44. During the 2012 election cycle, Bachrach contributed the maximum amounts allowable, \$5,000 to a state senate candidate committee and \$10,000 to a political action committee. But for the Act, Bachrach would have contributed in excess of what the Act allowed to the state senate candidate committee and to the political action committee. Bachrach would like to do the same in the 2013-2014 election cycle, that is contribute in excess of the contribution limits that apply to a candidate committee (or committees) and political action committee (or committees) of his choosing.

**Injury to candidate McCarter**

45. The Act's contribution limits prevent candidates from mounting effective campaigns because candidates such as Plaintiff McCarter must accept the reciprocal duties and obligations that come from accepting party and legislative caucus money, or strike out on their own and attempt to amass the resources necessary to mount a competitive race without party or legislative caucus money support. But for the Act's provisions that limit the amounts of contributions candidates may receive from individuals, corporations, labor organizations, associations and PACs, Plaintiff McCarter would seek to raise funds and accept contributions in excess of what the Act allows.

46. For these reasons, the Act has injured and continues to injure Illinois Liberty PAC, Bachrach, and McCarter. Unless Illinois Liberty PAC and Bachrach are relieved of the Act's restrictions on their ability to contribute to candidates and/or PACs, and McCarter is relieved of the Act's restriction on his ability to amass the resources he needs to run a competitive campaign, they will lose their ability to participate as fully as they can and would like to in the 2013-14 election cycle.

### **COUNT I**

#### **(FIRST AND FOURTEENTH AMENDMENT- FREE SPEECH AND ASSOCIATION)**

47. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 46 as if fully set forth herein.

#### **The Act fails to serve a proper purpose and, therefore, cannot withstand any scrutiny**

48. Under the First and Fourteenth Amendments to the U.S. Constitution, *Buckley v. Valeo*, 424 U.S. 1 (1976), and its progeny, including *Federal Election Comm'n v. Wisconsin Right to Life, Inc.*, 127 S. Ct. 2652 (2007), and *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, 131 S. Ct. 2806, 2824 (2001), a state cannot burden individuals' or groups' rights to speak freely without a compelling state interest justifying such a burden.

49. Preventing quid pro quo corruption or the appearance of corruption is the only government interest that justifies burdening Plaintiffs' and other political speakers' First Amendment rights to free speech.

50. The Act's scheme cannot withstand strict, exacting or intermediate scrutiny because the scheme advances impermissible purposes. *Buckley*, 442 U.S. at 16-18.

51. The Act's scheme of favoritism to legislative leaders through the authorization of legislative caucus committees, as well as to political parties to make unlimited contributions to candidates and legislative caucus committees, and its tethering of the exercise of free speech and association to third-party conduct, *i.e.*, whether and how much noncorrupting speech enters a race, trigger strict scrutiny because these provisions impose a special and significant burden on the exercise of core free speech rights. *Bennett*, 131 S. Ct at 2818.

52. The Act favors legislative leaders and political parties and burdens the speech of Plaintiffs because it limits contributions from and to PACs, and from individuals and nonparty political committees to candidates, unless a candidate's self-funding or independent expenditures in a race exceed a statutorily prescribed amount, but it does not limit party contributions and legislative caucus contributions to candidates in general elections under any circumstances, nor does political party or legislative caucus spending in excess of these same statutory limits trigger the elimination of limits on PACs, individuals and all other speakers. 10 ILCS 5/9-8.5(b), (h), (h-5).

53. The Act is engineered to entrench the power of legislative leaders through the creation of legislative caucus committees.

**The Act's expendable limits in response to per se noncorrupting speech evince its improper purpose**

54. The Act's scheme of expiring party contribution limits and selective elimination of contribution limits evinces that the Act's contribution limits do not serve an anticorruption purpose but instead serve the impermissible purpose of favoring legislative leaders through the authorization of legislative caucus committees, as well as political parties and their leaders, over Plaintiffs and all other speakers.

55. Making Plaintiffs' exercise of free speech dependent on the speech of others, namely whether self-funded candidates or entities that make independent expenditures spend a statutorily prescribed amount in a race, undermines the legitimacy of all the Act's contribution limits.

56. The Act is built on the premise that the potential for corruption through campaign contributions disappears when independent political speech reaches a particular amount in a race.

57. If the Act's purpose were truly aimed at preventing quid pro corruption or the appearance thereof, the scheme would not be eliminated when faced with noncorrupting speech.

58. If the Act were not aimed at protecting political parties, then the Act's limits would be eliminated when party speech exceeds \$250,000 in statewide races and \$100,000 in all other races.

59. Temporal contribution limits "implement[] governmental judgments about which speech should be permitted to contribute to the outcome of an election" and when. *See Bennett*, 131 S. Ct at 2826.

**The Act's contribution limits on individuals versus corporations unconstitutionally treat similarly situated speakers differently**

60. The Act treats Plaintiff Bachrach differently from similarly situated corporations, labor organizations and associations, by imposing more stringent limits on individual contributions to candidates and PACs. 10 ILCS 5/9-8.5(b)-(d).

61. By allowing corporations, labor unions, and associations to contribute double the amounts that individuals may contribute to candidates, PACs and parties, the Act favors those organizations' speech over individuals' speech and fails to serve an anticorruption purpose.

62. The Act favors candidates whose support derives from corporations, labor unions and associations over candidates, such as Plaintiff McCarter, whose support derives from individuals.

63. Discrimination against particular political speakers violates the First Amendment and the Equal Protection Clause of the Fourteenth Amendment. *See Citizens United v. FEC*, 130 S. Ct. 876, 899 (2010) (state may not “impose restrictions on certain disfavored speakers”); *cf. Buckley*, 424 U.S. at 31-32 (rejecting challenge to limits alleged to favor incumbents where all candidates faced the “same limitations” and the record lacked evidence of “invidious discrimination”).

64. “Prohibited, too, are restrictions distinguishing among different speakers, allowing speech by some but not others.” “Political speech must prevail against laws that would suppress it, whether by design or inadvertence.” *Citizens United*, 130 S. Ct. at 898-99.

65. Because it is improper to discriminate against corporations that engage in political speech by treating them less favorably than individuals, it is at least as improper to treat individuals’ political speech less favorably than that of corporations. *See Citizens United*, 130 S. Ct. at 898.

**The Act is not narrowly tailored nor closely drawn to serve an anti-corruption purpose**

66. In the alternative, even if the scheme advances a permissible purpose, the Act is not narrowly tailored or closely drawn to serve that purpose. The Act fails to properly safeguard against the dangers of corruption and/or circumvention by allowing political parties and legislative leaders through “legislative caucus committees,” to accept contributions and make unlimited contributions and thereby evade the limits that apply to Plaintiffs.

67. The Act's limits that treat Bachrach less favorably than corporations, labor organizations and associations are neither narrowly tailored nor closely drawn to serve a compelling or important state interest.

68. The Act identifies certain preferred speakers, taking the right to speak from some and giving it to others, depriving the disadvantaged person or class of the right to use speech to strive to establish worth, standing, and respect for the speaker's voice. *See Citizens United*, 130 S. Ct. at 898-99.

69. The Court should not defer to the legislature's judgment on the scope of the corruption threat and the constitutionality of responses thereto because the political leaders who enacted the Act were motivated by protecting their hold on power. *See Randall v. Sorrell*, 548 U.S. 230, 270 n.2 (2006) (Thomas, J., concurring).

70. Deference to legislative intent must yield to the First Amendment in any event. *Citizens United*, 130 S. Ct. at 911 ("When Congress finds that a problem exists, we must give that finding due deference; but Congress may not choose an unconstitutional remedy.").

71. Plaintiffs have directly suffered and will continue to suffer irreparable injury to their free speech and association rights under the First Amendment. Plaintiffs have no adequate remedy at law for this infringement of their constitutional rights.

## **COUNT II**

### **(ENTITLEMENT TO DECLARATORY RELIEF)**

72. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 71 as if fully set forth herein.



73. For reasons including but not limited to those stated in this Complaint, an actual and live controversy exists between Plaintiffs and Defendants. The parties have genuine and opposing interests; these interests are direct and substantial; and a judicial determination of the parties' controversy will be final and conclusive.

74. Plaintiffs are therefore entitled to a declaratory judgment that the Act is unconstitutional, as well as such other and further relief as may follow from entry of such a declaratory judgment.

### **COUNT III**

#### **(ENTITLEMENT TO INJUNCTIVE RELIEF)**

75. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 74 as if fully set forth herein.

76. For reasons including but not limited to those stated in this Second Amended Complaint, Plaintiffs have no adequate legal, administrative, or other remedy by which to prevent or minimize the continuing and/or threatened irreparable harm to their constitutional rights. They have a likelihood of success on the merits of their constitutional claims, and the public interest and equities favor issuing an injunction barring enforcement of the Act's contribution-limit scheme.

77. Plaintiffs are therefore entitled to an injunction prohibiting Defendants from enforcing the provisions of the Act that violate Plaintiffs' constitutional rights, as well as such other and further relief as may follow from entry of such injunctive relief.

### **REQUEST FOR RELIEF**

Plaintiffs Illinois Liberty PAC, Bachrach and McCarter request that this Court:

- A. Declare that the discriminatory contribution limits in 10 ILCS 5/9-8.5(a)-(d) violate Plaintiffs' right to free speech under the First and Fourteenth Amendments to the United States Constitution;
- B. Declare that temporal limits fail to serve any anti-corruption purpose;
- C. Enjoin Defendants from enforcing 10 ILCS 5/9-8.5(a)-(d) in its entirety;
- D. In the alternative, enjoin Defendants from enforcing the provisions of 10 ILCS 5/9-8.5(a)-(d) that create specialized political action committees that impermissibly favor the speech of legislative caucuses over all nonparty speech, including Plaintiffs';
- E. Enjoin Defendants from enforcing the provisions that impermissibly favor the speech of corporations, labor organizations and associations over the speech of individuals;
- F. Award Plaintiffs their attorney's fees, costs, and expenses in this action pursuant to 42 U.S.C. § 1988; and
- G. Grant further relief as this Court deems just and proper.

**DATED: MAY 10, 2013**

Respectfully Submitted,

By: s/Diane S. Cohen  
Diane S. Cohen (#6199493)  
Jacob Huebert (#6305339)  
Attorneys for Plaintiffs

Liberty Justice Center  
190 S. LaSalle Street, Ste. 1630  
Chicago, Illinois 60603  
(312) 263-7668

**CERTIFICATE OF SERVICE**

I, Diane S. Cohen, an attorney, hereby certify that Plaintiffs' Second Amended Complaint was filed on May 10, 2013, through the Court's CM/ECF system. Parties of record may obtain a copy of the paper through the Court's CM/ECF system.

By:

/s/ Diane S. Cohen