

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

EAST ST. LOUIS BRANCH NAACP, ILLINOIS)
STATE CONFERENCE OF THE NAACP, and)
UNITED CONGRESS OF COMMUNITY AND)
RELIGIOUS ORGANIZATIONS,)

Case No. 21-cv-5512

Judge Jorge L. Alonso

Plaintiffs,)

v.)

ILLINOIS STATE BOARD OF ELECTIONS,)
WILLIAM J. CADIGAN, LAURA K. DONAHUE,)
IAN K. LINNABARY, CATHERINE S.)
MCCRORY, WILLIAM M. MCGUFFAGE, RICK)
S. TERVEN, SR., and CASANDRA B. WATSON,)
in their official capacities as members of the Illinois)
State Board of Elections, DON HARMON in his)
official capacity as President of the Illinois Senate,)
THE OFFICE OF THE PRESIDENT OF THE)
ILLINOIS SENATE, EMANUEL CHRISTOPHER)
WELCH, in his official capacity as Speaker of the)
Illinois House of Representatives, and THE)
OFFICE OF THE SPEAKER OF THE ILLINOIS)
HOUSE OF REPRESENTATIVES,)

Defendants.)

Order

Plaintiffs’ unopposed motion to reassign [5] is granted. The Court finds that this case is related to *McConchie et al v. Illinois State Board of Elections et al*, 21-cv-3091 and *Contreras et al v. Illinois State Board of Elections et al*, 21-cv-3139 and requests that the Executive Committee reassign this case to the three-judge panel currently overseeing *McConchie et al v. Illinois State Board of Elections et al*, 21-cv-3091 and *Contreras et al v. Illinois State Board of Elections et al*, 21-cv-3139.

Statement

Plaintiffs have filed a motion to consolidate this case with the already pending cases *McConchie et al v. Illinois State Board of Elections et al*, 21-cv-3091 (hereafter “*McConchie*”) and *Contreras et al v. Illinois State Board of Elections et al*, 21-cv-3139 (hereafter “*Contreras*”). Plaintiffs challenge the redistricting map (Public Act No. 102-0663, also referred to as “S.B. 927”) enacted by the Illinois General Assembly and signed into law by Governor J.B. Pritzker on

June 4, 2021. The plaintiffs in *McConchie* and *Contreras* have also filed lawsuits challenging the constitutionality of S.B. 927. In fact, the three-judge panel overseeing *McConchie* and *Contreras* recently issued an order granting the various plaintiffs' motion for summary judgment and finding that S.B. 927 violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. *See* [*McConchie*, 131], [*Contreras*, 117]. The panel is currently in the process of evaluating alternatives to S.B. 927, which is occurring on an expedited schedule due to this issue's time-sensitive nature—candidates for office in next year's Illinois primaries will need to begin gathering signatures in a few months and the State Board of Elections must accomplish several tasks even sooner.

Here, Plaintiffs move under Local Rule 40.4(b) to reassign this action and consolidate it with *McConchie* and *Contreras*. Local Rule 40 provides that “[t]wo or more civil cases may be related if one or more of the following conditions are met: (1) the cases involve the same property; (2) the cases involve some of the same issues of fact or law; (3) the cases grow out of the same transaction or occurrence; or (4) in class action suits, one or more of the classes involved in the cases is or are the same.” L.R. 40.4(a). The rule further provides that a case may be reassigned to another judge overseeing an earlier-numbered case if “(1) both cases are pending in this Court; (2) the handling of both cases by the same judge is likely to result in a substantial saving of judicial time and effort; (3) the earlier case has not progressed to the point where designating a later filed case as related would be likely to delay the proceedings in the earlier case substantially; and (4) the cases are susceptible of disposition in a single proceeding.” L.R. 40.4(b).

With this framework in mind, the Court finds that this case is related to the actions in *McConchie* and *Contreras* and that analysis of the relevant factors under Local Rule 40.4(b) warrants reassignment. First, the cases are related because they both address the same issue of law: the constitutionality of S.B. 927. The plaintiffs in *McConchie* and *Contreras* challenge S.B. 927 on the grounds that it violates the Equal Protection Clause of the Fourteenth Amendment, like the Plaintiffs in this case. Therefore, all three cases involve the same issues of fact and law and grow out of the same occurrence.

Second, the Court finds that the factors under Local Rule 40.4(b) are satisfied. All three cases are pending in the Northern District of Illinois; the handling of the cases by the same three judge panel—Plaintiffs here have also requested a three-judge panel under 28 U.S.C. 2284—will save judicial time and resources because these cases challenge the same statute and address the same legal issues. What's more, all three cases are susceptible of disposition in a single action as evidenced by the fact that the panel issued an order covering both the *McConchie* and *Contreras* plaintiffs' motions for summary judgment. Moreover, although the three-judge panel in *McConchie* and *Contreras* ruled on the plaintiffs' motions for summary judgment, that ruling will not preclude the Plaintiffs here from meaningfully participating in those proceedings. The substantive ruling in *McConchie* and *Contreras* essentially resolves the challenges raised in this action, and reassignment of this case will permit these Plaintiffs to participate in alternative redistricting plans that are currently being submitted and evaluated in *McConchie* and *Contreras*.

Additionally, although Defendants have not yet appeared in this case, the Court notes that Plaintiffs' counsel indicates that their motion to reassign is unopposed. The Court accepts

Plaintiffs' counsel's representation as officers of the court. Furthermore, all Defendants in this action are named defendants in *McConchie* and *Contreras*. It stands to reason, therefore, that the Defendants, as they did in those other cases, would favor consolidation. The Court further suggests, given the accelerated schedule set in *McConchie* and *Contreras*, that the Plaintiffs in this case file a motion for reassignment in the lowest numbered case to expedite reassignment of this case.

Accordingly, the Court grants Plaintiffs' motion for reassignment [5]. The Court finds that this case is related to *McConchie* and *Contreras* and requests that the Executive Committee reassign this case to the three-judge panel currently overseeing *McConchie et al v. Illinois State Board of Elections et al*, 21-cv-3091 and *Contreras et al v. Illinois State Board of Elections et al*, 21-cv-3139.

SO ORDERED.

ENTERED: October 21, 2021

A handwritten signature in black ink, appearing to read 'J. Alonso', enclosed within a large, loopy oval shape.

JORGE L. ALONSO
United States District Judge