

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

JULIE CONTRERAS, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	Case No. 1:21-cv-3139
	)	
v.	)	Circuit Judge Michael B. Brennan
	)	Chief District Judge Jon E. DeGuilio
ILLINOIS STATE BOARD OF	)	District Judge Robert M. Dow, Jr.
ELECTIONS, <i>et al.</i> ,	)	
	)	Three-Judge Court
Defendants.	)	Pursuant to 28 U.S.C. § 2284(a)
	)	

**DEFENDANTS THE ILLINOIS STATE BOARD OF ELECTIONS AND ITS  
MEMBERS’ MOTION TO WITHDRAW THEIR MOTION TO DISMISS  
PLAINTIFFS’ SECOND AMENDED COMPLAINT**

Defendants the Illinois State Board of Elections (the “Board”), together with Ian K. Linnabary, William M. McGuffage, William J. Cadigan, Laura K. Donahue, Cassandra B. Watson, Rick S. Terven, Sr., and Katherine S. McCrory (collectively, the “Board Members”), in their official capacities as members of the Illinois State Board of Elections, by their attorney, Kwame Raoul, Attorney General of Illinois, move to withdraw their motion to dismiss Plaintiffs’ second amended complaint:

1. Plaintiffs filed their second amended complaint on October 1, 2021. ECF No. 98. The Board and Board Members filed their motion to dismiss and supporting memorandum on October 15, 2021. ECF Nos. 111-112.

2. On October 19, 2021, the Court denied the Board and Board Members’ motion to dismiss the first amended complaint and ruled against the Board and Board Members on Plaintiffs’ motion for summary judgment. ECF No. 117.

3. The Court further indicated it will not require formal dispositive motion practice on the second amended complaint. *Id.*

4. In light of this ruling, the Board and Board Members move to withdraw their pending motion to dismiss Plaintiffs' second amended complaint. ECF Nos. 111-112.

5. The Board does not waive its argument that the Fourteenth Amendment claims against the Board raised in the second amended complaint (ECF No. 98 at Counts I and II) are barred by the Eleventh Amendment.

WHEREFORE, the Board and Board Members request that their motion to withdraw their motion to dismiss Plaintiffs' second amended complaint be granted and their answer to the second amended complaint be stayed as previously ordered (ECF No. 124).

October 29, 2021

Respectfully submitted,

KWAME RAOUL  
Attorney General of Illinois

/s/ Mary A. Johnston

Mary A. Johnston  
Office of the Illinois Attorney General  
100 West Randolph Street  
Chicago, Illinois 60601  
(312) 814-4417  
[Mary.johnston@ilag.gov](mailto:Mary.johnston@ilag.gov)

*Counsel for Defendants the Illinois State  
Board of Elections and its Members*