

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

MICHAEL J. BOST; LAURA POLLASTRINI;
and SUSAN SWEENEY,

Plaintiffs,

v.

THE ILLINOIS STATE BOARD OF
ELECTIONS; and BERNADETTE
MATTHEWS, in her capacity as the Executive
Director of the Illinois State Board of Elections,

Defendants.

No. 1:22-cv-02754

Hon. John F. Kness

**DEMOCRATIC PARTY OF ILLINOIS'S OPPOSED MOTION TO PARTICIPATE IN
ARGUMENT AS AMICUS CURIAE**

The Democratic Party of Illinois ("DPI") hereby moves for leave to participate as amicus curiae in the oral argument on Defendants' motion to dismiss scheduled for December 7, 2022 in the above-captioned matter.

Plaintiffs have previously consented to DPI's participation in this matter as amicus curiae. *See* Pls. Mem. in Opp'n to DPI's Mot. to Intervene, Dkt. 27 at 2. In its October 11 Memorandum Opinion and Order denying DPI's motion to intervene, Dkt. 56, the Court granted DPI leave to designate its already-filed substantive memoranda as those of an amicus curiae in support of Defendants' Motion to Dismiss. On October 12, DPI asked the court to consider the arguments set forth in its Proposed Motion to Dismiss, Dkt. 13-1, and Proposed Memorandum in Opposition to Plaintiffs' Motion for Partial Summary Judgment, ECF No. 44, as those of an amicus curiae. On November 7, 2022, the Court indicated in a minute entry that "the decisional process for [Defendants' motion to dismiss] would be aided by oral argument," and accordingly scheduled

oral argument for December 5, 2022. The argument was rescheduled for December 7, 2022 by agreement of the parties.

DPI believes that its participation as *amicus* in the December 7 argument would materially aid the Court's resolution of Defendants' motion to dismiss. Whether to grant leave to participate as *amicus* is within the discretion of the district court. *Chamberlain Grp., Inc. v. Interlogix, Inc.*, No. 01 C 6157, 2004 WL 1197258, at *2 (N.D. Ill. May 28, 2004). "Leave to appear *amicus curiae* has been granted where it may be useful or otherwise desirable to the Court." *Adams v. City of Chicago*, No. 94 C 5727, 1995 WL 491496, at *1 (Aug. 11, 1995); *see also U.S. v. Bd. of Educ. of City of Chi.*, 663 F. Supp. 2d 649, 661 (N.D. Ill. 2009) (welcoming participation of amici that "contributed to the clarity of the issues"); *Chamberlain Grp.*, 2004 WL 1197258, at *1 (permitting filing of *amicus* brief where *amicus* identified and analyzed additional relevant authority).

Accordingly, DPI respectfully requests the Court grant it leave to appear and present argument as *amicus curiae* at the December 7 argument in this matter.

DPI asked the parties for their position on this motion. Plaintiffs oppose this motion and Defendants take no position.

November 14, 2022

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Coral A. Negrón, certify that on November 14, 2022 I electronically filed the foregoing **MOTION TO PARTICIPATE IN ORAL ARGUMENT** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

I certify under penalty of perjury that the foregoing is true and correct.

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