

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

MICHAEL J. BOST, et al.,

Plaintiffs,

v.

THE ILLINOIS STATE BOARD OF
ELECTIONS, et al.,

Defendants.

Civil Action No. 1:22-cv-02754

Judge John F. Kness

DOCKETING STATEMENT

Plaintiffs Michael J. Bost, Laura Pollastrini, and Susan Sweeney (collectively, “Plaintiffs”), through counsel, hereby submits this Docketing Statement pursuant to Circuit Rule 3(c)(1):

1. District Court Jurisdiction

Plaintiffs filed their Complaint for declaratory and injunctive relief on May 25, 2022, claiming jurisdiction under 28 U.S.C. § 1331. Pursuant to 42 U.S.C. § 1983, Plaintiffs allege violations of the First and Fourteenth Amendments of the United States Constitution. Plaintiffs also brought claims for violations of 2 U.S.C. § 7 and 3 U.S.C. § 1.

2. Appellate Court Jurisdiction

This appeal is taken from the final decision of the U.S. District Court for the Northern District of Illinois entered by the Honorable John F. Kness. Dkt. 81 and 82. The United States Court of Appeals for the Seventh Circuit has jurisdiction to decide this case pursuant to 28 U.S.C. § 1291. An order dismissing an action without prejudice for lack of subject-matter jurisdiction is a final appealable order. *See Bovee v. Broom*, 732 F.3d.743 (7th Cir. 2013).

3. Timeliness of the Appeal

Plaintiffs timely filed its notice of appeal on August 18, 2023, which is within 30 days of entry of the district court's July 26, 2023 Order. *See* Fed. R. App. 4(a)(1)(A).

4. Prior Appellate Proceedings

The United States Court of Appeals for the Seventh Circuit previously reviewed and affirmed an earlier order by the district court denying intervention. *See Bost v. Ill. State Bd. of Elections*, No. 22-3034, 2023 U.S. App. LEXIS 19346 (7th Cir. July 27, 2023).

5. Parties Appearing in an Official Capacity

The Executive Director of the Illinois State Board of Elections appears in this litigation as a defendant in her official capacity. The current holder of that office is Bernadette Matthews.

6. Counsel of Record

Plaintiffs' counsel of record in this matter is T. Russell Nobile.

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August 18, 2023

s/ Russ Nobile

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