

RECEIVED

No. 1-08-_____

OCT - 9 2008

IN THE SUPREME COURT OF ILLINOIS

CLERK
SUPREME COURT
CHICAGO OFFICE

THE CHICAGO BAR ASSOCIATION, <i>et al.</i>,	)	There Heard on Appeal from the
	)	Circuit Court of Cook County,
Plaintiffs-Appellants,	)	Illinois, County Department,
	)	County Division.
v.)	
)	
JESSE WHITE, in his official capacity as Illinois Secretary of State, <i>et al.</i> ,)	
	)	Nos. 2008 COEL 11 and
Defendants -Appellees.	)	2008 COEL 12
	)	(consolidated)
<hr/>		
ROBERT K. COSTELLO, <i>et al.</i> ,)	
)	
Plaintiffs-Appellants,)	
)	
v.)	
)	
THE HONORABLE JESSE WHITE, SECRETARY OF STATE,	)	The Honorable
	)	NATHANIEL R. HOWSE, JR.,
Defendant-Appellee.	)	Judge Presiding

**MOTION BY COSTELLO PLAINTIFFS TO
TRANSFER APPEAL TO THE SUPREME COURT PURSUANT TO RULE 302(b)**

Pursuant to Illinois Supreme Court Rule 302(b), Plaintiffs Robert K. Costello, Elizabeth Blatz, Russell J. Lorraine, and Richard Lorenc (the Costello Plaintiffs), hereby move to transfer the appeal in this matter to the Supreme Court of Illinois. In support of this motion, plaintiffs state as follows:

1. At the general election in November 2008, Illinois voters will be presented with a referendum on whether to call a constitutional convention. The referendum is mandated by Article XIV of the Illinois Constitution.

2. This case arises from a controversy over the propriety of the ballot to be presented to the voters. The Circuit Court of Cook County ruled that certain language on the ballot was “false” and “downright misleading,” and thereby violated the right of voters to Free and Fair Elections pursuant to Article III, Section 3 of the Constitution. The circuit court’s ruling focused on the “Notice” and the “Explanation of Proposed Call,” both essential parts of the ballot. The circuit court’s final judgment dated October 6, 2008 is attached to this motion as Exhibit A.

3. The circuit court’s ruling nevertheless allows the ballot with the unconstitutional language to be presented to the voters. Instead of ordering the misleading ballot to be fixed, the court ordered that voters be given a flyer, together with the ballot, advising that the ballot was “inaccurate and incorrect” in certain unspecified respects, and urging voters to “disregard the “Notice” and “Explanation of Proposed Call” on the ballot and, instead, to consider information contained in the flyer. These issues were at the crux of plaintiffs’ complaint and motions for declaratory judgment. They were the primary subjects of argument in the circuit court. The circuit court’s final judgment disposes of all these and related claims. Among other things, this appeal disputes the remedy the circuit court ordered to cure the misleading and unconstitutional ballot to be presented to the voters.

4. Illinois Supreme Court Rule 302(b) allows for direct appeals to the Supreme Court in cases in which the public interest requires expeditious determination of the case. That is precisely the situation here. The integrity and the legality of the referendum will suffer irreparably if an unconstitutional ballot is used. The referendum stands to be void if voters are allowed to read the portions of the ballot that are misleading and do not pass constitutional muster.

5. The integrity of the Illinois Constitution and the peoples’ right to amend it free of unconstitutional interference are at stake in this case. The compact between the people and their

government, and the peoples' right to amend and re-write their constitution, are questions of the highest order for citizens in a free and civil society. This case thus presents policy and political issues of the most important kind concerning the public interest.

6. The general election will be held on November 4, 2008, so an expeditious determination of this dispute is necessary. Minutes after the Circuit Court's judgment On October 6, Plaintiff Chicago Bar Association (CBA) filed its Notice of Appeal (Ex. B) and requested preparation of the record for appeal. Plaintiff Lt. Governor Patrick Quinn and the Costello Plaintiffs also have filed Notices of Appeal. (Exs. C and D, respectively.)

7. On Tuesday, October 7, the CBA Plaintiffs' filed an Emergency Motion for Expedited Briefing and Hearing and for Stay Regarding Use of Unconstitutional Ballot. The Costello Plaintiffs joined the motion. The afternoon of October 8, 2008, the Appellate Court ordered the defendants to file their responses to the CBA Plaintiffs' Emergency Motion almost a week later, by Noon on October 14, 2008. Oral argument on the Emergency Motion is scheduled for the afternoon of October 15, 2008. (Order attached as Ex. E.) Thus, it seems unlikely that the Appellate Court will even reach the merits of this appeal until the end of October.

8. On October 8, 2008, the Chicago Board of Election Commissioners stated that it has mailed 20,212 absentee ballots, 43 percent more were mailed during the same time period in the 2004 election in opposing the CBA Plaintiffs' Motion for Stay. This illustrates why this court should take this case and move it to an expeditious determination: thousands of people are receiving and voting on an unconstitutional ballot.

9. Time is of the essence. The circuit court lifted a stay, entered on October 1, 2008, preventing Intervening Defendants, the Cook County Clerk and the Chicago Board of Election Commissioners, from using the current ballot. Absentee and military voting is now underway.

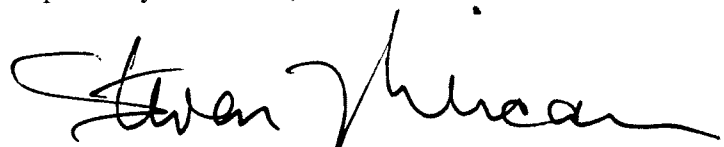
Grace period voting begins on October 8, 2008. Early voting begins on October 13, 2008. If this election is to be salvaged, it is essential to stop the continued use of the unconstitutional ballot immediately and to order the use of a proper ballot. The sooner this appeal can be decided, the better.

8. The losing parties in the court of appeals are likely to seek review in the supreme court. Given the seriousness of the issues involved in this case, and the time sensitivity of the situation, plaintiffs request this court accept this case pursuant to Illinois Supreme Court Rule 302(b). *See Berk v. Will County*, 34 Ill.2d 588 (1966) (Supreme Court exercised jurisdiction because the matter was of extraordinary importance and required immediate action).

Wherefore, plaintiffs request the following:

- a. that this appeal be transferred to the Supreme Court of Illinois
- b. that a briefing schedule be fixed to accommodate a decision within seven days
- c. that all briefs filed in the Court of Appeals be allowed to stand as the parties' briefs in the supreme court.

Respectfully submitted,



One of the attorneys for plaintiffs

For Plaintiff-Appellants
Robert K. Costello, Elizaeth Blatz,
Russell J. Lorraine, Richard Lorenc

Steven Merican
Steven R. Merican, P.C.
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630-579-6460

Bruno Behrend
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IN THE SUPREME COURT OF ILLINOIS

THE CHICAGO BAR ASSOCIATION,)	There Heard on Appeal from the
<i>et al.</i> ,)	Circuit Court of Cook County,
)	Illinois, County Department,
Plaintiffs-Appellants,)	County Division.
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v.)	
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JESSE WHITE, in his official capacity as)	
Illinois Secretary of State, <i>et al.</i> ,)	
)	Nos. 2008 COEL 11 and
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_____)	
ROBERT K. COSTELLO, <i>et al.</i> ,)	
)	
Plaintiffs-Appellants,)	
)	
v.)	
)	
THE HONORABLE JESSE WHITE,)	The Honorable
SECRETARY OF STATE,	)	NATHANIEL R. HOWSE, JR.,
	)	Judge Presiding
Defendant-Appellee.)	

AFFIDAVIT OF STEVEN MERICAN

I, Steven Merican, declare and state:

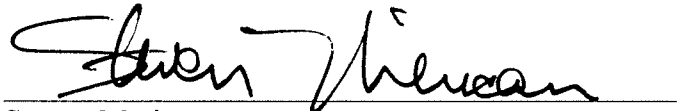
1. I am an attorney authorized to practice law in the State of Illinois. I am one of the attorneys representing Plaintiffs Robert K. Costello, Elizabeth Blatz, Russell J. Lorraine, and Richard Lorenc in this litigation. This affidavit is in support of the Motion by Costello Plaintiffs to Transfer Appeal to the Supreme Court Pursuant to Rule 302(b). I have personal knowledge of the facts stated in that motion and in this affidavit. If called upon, I could competently testify to the facts recited in this affidavit.

2. Certain exhibits are attached to the motion. Those exhibits are true and accurate copies of the originals that were filed in the Circuit Court of Cook County, Illinois in this litigation.

3. The facts stated in the Joint Motion by Plaintiffs to Transfer Appeal to the Supreme Court Pursuant to Rule 302(b) are, to the best of my knowledge and belief, true and correct.

4. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Further Affiant Sayeth Nought.


Steven Merican

Steven Merican
Steven R. Merican, P.C.
3840 Vardon Court, Suite 200
Woodridge, IL 60517
630-579-6460

EXHIBIT A

3. Judgment is hereby entered in favor of the Plaintiffs, and against all Defendants, on Counts II, III, and IV of the Amended Complaint for the reasons stated in open court on October 1, 2008 and October 3, 2008 and in favor of the Defendants, and against all Plaintiffs, on Counts I, V, VI, VII, VIII, and IX of the Amended Complaint.
4. IT IS HEREBY DECLARED that the language on the ballot regarding the Con-Con Referendum as described in the Court's Order of October 1, 2008 (*i.e.*, the capitalized NOTICE about the effect of not voting and the last three sentences of the Explanation of Proposed Call) is unconstitutional for the reasons stated in open court on October 1, 2008 and October 3, 2008.
5. IT IS HEREBY ORDERED that a permanent injunction is hereby issued against Defendants, and any persons acting in active concert or participation with them, requiring use of a corrective Notice, in the form of that attached hereto (the "Corrective Notice"), in conjunction with the Certified Ballot as follows:
 - a. The State Board shall immediately transmit the Corrective Notice to all election officials in the State, advising that a court has determined that: (1) language on the ballot regarding the Con-Con Referendum is unconstitutional; and (2) the accompanying Corrective Notice must be provided voters for absentee, military, grace period, early, and Election Day voting as follows:
 - (1) An election judge shall give each voter who uses an optical scan ballot the Corrective Notice, on blue paper, together with the ballot.
 - (2) An election judge shall give each voter who uses a touchscreen ballot the Corrective Notice, on blue paper, together with the activation card, if one is used by the voter.
 - (3) An election judge shall read the Corrective Notice to each visually impaired voter.
 - (4) The Corrective Notice, printed on blue paper, shall be posted inside each voting booth whenever possible.
 - (5) The Corrective Notice, printed on blue paper, shall be included with ballots mailed to absentee and military voters.
 - (6) In precincts that are required by federal law to have ballots in any foreign languages, the Corrective Notice shall be provided to each voter in the same language as their ballot.
 - (7) Election authorities that have on their website copies of any ballots that include the Con-Con Referendum shall either remove those ballots from their websites or remove the unconstitutional language from the ballots on their websites (*i.e.*, the capitalized NOTICE about the effect of not voting and the last three sentences of the Explanation of Proposed Call).

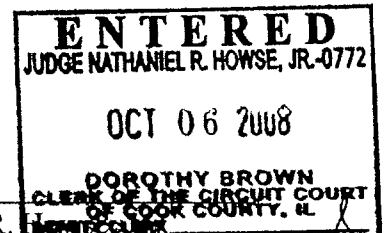
- (8) Election authorities that have on their website information about the Con-Con Referendum shall include links to the Corrective Notice adjacent to, and as prominent as, links to information about the referendum.

b. The Secretary shall:

- (1) Immediately include a link on the “Constitutional Convention Voter Educational Materials” on the Secretary’s website, immediately preceding and as prominent as each link to the pamphlet (and in the same foreign language for the links to pamphlets in foreign languages), labeled “Important Information About Constitutional Convention Referendum” (or an equivalent phrase in the applicable foreign language) that links to the Corrective Notice in English or the applicable foreign language; and
- (2) Publish a modified notice which omits the language the Court found unconstitutional and adds the last two sentences of the Explanation of Proposed Call found on the Corrective Notice one time in each of the newspapers in which the Secretary previously published notices regarding the Con-Con Referendum, and in at least as prominent a manner as the previous published notices.
- (3) Publish the Corrective Notice on two occasions in each of the newspapers in which the Secretary previously published notices regarding the Con-Con Referendum, and in at least as prominent a manner as the previous published notices.

6. The stay entered on October 1, 2008 is VACATED.

Hon. Nathaniel R.



ATTENTION VOTERS

PROPOSED CALL FOR AN ILLINOIS CONSTITUTIONAL CONVENTION



Please read before voting.

You will vote a ballot that includes a referendum asking whether Illinois should hold a state Constitutional Convention. The ballot contains a "Notice" and an "Explanation of Proposed Call" that a court has ruled is inaccurate and incorrect and should be ignored.

You should disregard the "Notice" and "Explanation of Proposed Call" on the ballot and, instead, consider the following information before voting:

PROPOSED CALL FOR A CONSTITUTIONAL CONVENTION

EXPLANATION OF PROPOSED CALL

This proposal deals with a call for a state Constitutional Convention. The last such convention was held in 1969-70, and a new Constitution was adopted in 1970. The 1970 Illinois Constitution requires that the question of calling a convention be placed before the voters every 20 years. If you support the calling of a Constitutional Convention, vote "YES." If you oppose the calling of a Constitutional Convention, vote "NO."

You may vote on this question at the location on the ballot (**not on this sheet**) that states:

NOT A BALLOT	YES	For the calling of a Constitutional Convention. SAMPLE ONLY
NOT A BALLOT	NO	

IMPORTANT

PLEASE READ BEFORE VOTING

EXHIBIT B

corrective Notice be employed to remedy the unconstitutional language in the ballot for the Constitutional Convention referendum (the "Con-Con Referendum").

- The Final Judgment entered on October 6, 2008 (the "Judgment"), to the extent it (1) dismissed with prejudice Counts I, V, VI, VII, VIII, and IX of Plaintiffs' Amended Complaint, and (2) directed that a corrective Notice be employed to remedy the unconstitutional language in the ballot for the Con-Con Referendum

Plaintiffs request that the Appellate Court (1) vacate the October 1 Order with respect to the dismissal of counts I, V, VI, VII and VIII of Plaintiffs' Complaint; (2) vacate the October 3 Order with respect to the determination of remedies and reinstate the stay entered on October 1 pending the disposition of the appeal; (3) reverse the Judgment to the extent it dismissed with prejudice Counts I, V, VI, VII, VIII, and IX of Plaintiffs' Amended Complaint and remand with instructions to enter judgment on those counts in favor of Plaintiffs; and (4) vacate the Judgment to the extent it directed that a corrective Notice be employed to remedy the unconstitutional language in the ballot for the Con-Con Referendum, and remand with instructions to enter a permanent injunction requiring use of a separate ballot for the Con-Con Referendum that complies with Article XIV, Section 1(c) of the Constitution or, at a minimum, that requires use of ballot that eliminates the unconstitutional and unlawful language from the current ballot.

Dated: October 6, 2008

Respectfully submitted,

THE CHICAGO BAR ASSOCIATION and
TERRENCE M. MURPHY

By Mark Gardner
One of Their Attorneys

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Attorneys for Plaintiffs
THE CHICAGO BAR ASSOCIATION
and TERRENCE M. MURPHY

CERTIFICATE OF SERVICE

I, Mary E. Gardner, an attorney, hereby certify that I caused a true and correct copy of the foregoing **NOTICE OF APPEAL** to be served upon the following by email on this 6th day of October 2008:

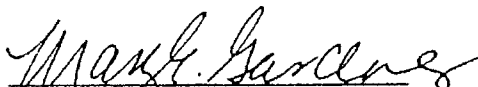
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Board of Elections; Albert Porter; Bryan
Schneider; Patrick A. Brady; John R. Keith;
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Wanda L. Rednour; and Robert J. Walters*

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*Attorney for Intervening Defendant, David
Orr, County Clerk of Cook County*

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*Attorney for Intervening Defendant,
Chicago Board of Election*


Mary E. Gardner

**APPEAL TO THE ILLINOIS APPELLATE COURT
FIRST DISTRICT
FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, COUNTY DIVISION**

THE CHICAGO BAR ASSOCIATION,)
et al.,)

Plaintiffs-Appellants,)

v.)

JESSE WHITE, in his official capacity as)
Illinois Secretary of State, *et al.*,)

Defendants -Appellees.)

Nos. 2008 COEL 11 and
2008 COEL 12
(consolidated)

Hon. Nathaniel R. Howse, Jr.

ROBERT K. COSTELLO, *et al.*,)

Plaintiffs-Appellants,)

v.)

THE HONORABLE JESSE WHITE,)
SECRETARY OF STATE, *et al.*,)

Defendants-Appellees.)

FILED
2008 OCT - 6 PM 4:00
CLERK OF CIRCUIT COURT
COUNTY DIVISION

NOTICE OF FILING OF NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN, pursuant to Supreme Court Rule 303, that Plaintiffs-Appellants Chicago Bar Association and Terrence M. Murphy filed a Notice of Appeal in this action, a copy of which is attached hereto as Attachment 1, on October 6, 2008.

Dated: October 6, 2008

Respectfully submitted,

THE CHICAGO BAR ASSOCIATION and
TERRENCE M. MURPHY

By Mary E. Gardner
One of Their Attorneys

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Attorney No. 71221

Attorneys for Plaintiffs
THE CHICAGO BAR ASSOCIATION
and TERRENCE M. MURPHY

EXHIBIT C

Notice of Appeal

(8/13/08) CCG 0256

APPEAL TO THE APPELLATE COURT OF ILLINOIS FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT, COUNTY DIVISION/DISTRICT

Chicago Bar Association, et. al., Costello, et. al., and Lt. Gov. Pat Quinn (Plaintiff-Intervenor)

Plaintiff/ Appellant

v.

Secretary of State Jesse White, State Board of Elections, et. al.

Defendant/ Appellant

Reviewing Court No.

Circuit Court No. 2008 COEL 11; 2008 COEL 12 (consolidated)

NOTICE OF APPEAL

(Check if applicable. See Ill. Sup. Ct. Rule 303(a)(3).)

[X] Joining Prior Appeal [] Separate Appeal [] Cross Appeal

Appellant's Name: Lieutenant Governor Pat Quinn, pro se

Appellant's Attorney (if applicable): Sean Vinck

Address: James R. Thompson Center, Suite 15-200 100 West Randolph Street

City/State/Zip: Chicago, Illinois 60601

Telephone Number: 312-814-5375

[X] Cook County Attorney Code: 42598 or [] Pro se 99500 (Choose one)

Appellee's Name: Secretary of State Jesse White, State Board of Elections, et. al.

Appellee's Attorney (if applicable): Attorney General Lisa Madigan, Mr. Michael Scodro, esq. & Ms. Mary Welsh, esq.

Address: James R. Thompson Center, 12th Floor, 100 W. Randolph St.

City/State/Zip: Chicago, Illinois 60601

Telephone Number: 312-814-7198

[X] Cook County Attorney Code: 99000 or [] Pro se 99500 (Choose one)

An appeal is taken from the order or judgment described below:

Date of the judgment/order being appealed: 10/06/08

Name of judge who entered the judgment/order being appealed: The Honorable Nathaniel R. Howse, Jr.

Relief sought from Reviewing Court: Plaintiff-Intervenor adopts plaintiff Chicago Bar Association's substantive pleadings and the prayers for relief contained therein.

FILED 2008 OCT - 7 PM 12:01 DEPT. OF CLERK OF CIRCUIT COURT COOK COUNTY ILLINOIS

I understand that a "Request for Preparation of Record on Appeal" form (CCA 0025) must be completed and the initial payment of \$110 made prior to the preparation of the Record on Appeal. The Clerk's Office will not begin preparation of the ROA until the Request form and payment are received. Failure to request preparation of the ROA in a timely manner, i.e., at least 30 days before the ROA is due to the Appellate Court, may require the Appellant to file a request for extension of time with the Appellate Court. A "Request for Preparation of Supplemental Record on Appeal" form (CCA 0023) must be completed prior to the preparation of the Supplemental ROA.

Sean C. Vinck (To be signed by the Appellant or Appellant's Attorney)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Exhibit C

EXHIBIT D

**APPEAL TO THE APPELLATE COURT OF ILLINOIS, FIRST DISTRICT
FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, COUNTY DIVISION**

THE CHICAGO BAR ASSOCIATION,)
et al.,)

Plaintiffs,)

v.)

JESSE WHITE, in his official capacity as)
Illinois Secretary of State, *et al.*,)

Defendants.)

Nos. 2008 COEL 11 and
2008 COEL 12
(consolidated)

ROBERT K. COSTELLO, *et al.*,)

Plaintiffs,)

v.)

THE HONORABLE JESSE WHITE,)
SECRETARY OF STATE, *et al.*,)

Defendants.)

FILED-7
 CIRCUIT COURT OF COOK
 COUNTY, ILLINOIS
2008 OCT -8 AM 8:45
 CIVIL APPEALS DIVISION
 DOROTHY BROWN
 CLERK

NOTICE OF APPEAL
JOINING PRIOR APPEAL

Plaintiffs-Appellees, ROBERT K. COSTELLO, ELIZABETH BLATZ, RUSSELL J. LORRAINE, and RICHARD LORENC, by and through their attorneys, hereby, pursuant to Illinois Supreme Court Rule 303 join in the prior noticed appeal of Plaintiff-Appellees the Chicago Bar Association and Terrence M. Murphy of the judgment entered in cases 2008 COEL 11 and 2008 COEL 12 in the Circuit Court of Cook County, County Department, County Division, entered on October 6, 2008, and all prior non-final orders.

Respectfully submitted,

**ROBERT K. COSTELLO, ELIZABETH
BLATZ, RUSSELL J. LORRAINE, and
RICHARD LORENC,**
Plaintiffs,

By: 
One of their Attorneys

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ANTHONY B. SANDERS
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BRUNO BEHREND
Attorney at Law
823 Forrest Ave.
River Forrest, Illinois 60305
(847) 343-4250

**APPEAL TO THE APPELLATE COURT OF ILLINOIS, FIRST DISTRICT
FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, COUNTY DIVISION**

THE CHICAGO BAR ASSOCIATION,)
et al.,)
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 Plaintiffs,)
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 v.)
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 JESSE WHITE, in his official capacity as)
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)
 Defendants.)
 _____)
 ROBERT K. COSTELLO, *et al.*,)
)
 Plaintiffs,)
)
 v.)
)
 THE HONORABLE JESSE WHITE,)
 SECRETARY OF STATE, *et al.*,)
)
 Defendants.)

Nos. 2008 COEL 11 and
 2008 COEL 12
 (consolidated)

FILED-1
 CIRCUIT COURT OF COOK
 COUNTY, ILLINOIS
2008 OCT -8 AM 8:46
 CIVIL APPEALS DIVISION
 DOROTHY BROWN
 CLERK

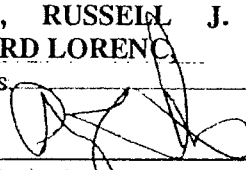
NOTICE OF FILING

TO: SEE ATTACHED CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE that on **October 8, 2008**, I filed with the Clerk of the Circuit Court of Cook County, County Department, County Division, located at the Richard J. Daley Center, Chicago, Illinois, 60602, the attached NOTICE OF APPEAL OF PLAINTIFF-APPELLEES ROBERT K. COSTELLO, ELIZABETH BLATZ, RUSSELL J. LORRAINE, and RICHARD LORENC, a copy of which is hereby served upon you.

Respectfully submitted,

**ROBERT K. COSTELLO, ELIZABETH
BLATZ, RUSSELL J. LORRAINE, and
RICHARD LORENCO**
Plaintiffs

By: 
One of their Attorneys

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Telephone: (312) 236-0415

BRUNO BEHREND
Attorney at Law
823 Forrest Ave.
River Forrest, Illinois 60305
(847) 343-4250

CERTIFICATE OF SERVICE

I, Anthony B. Sanders, an attorney, hereby certify that I caused a true and correct copy of the forgoing NOTICE OF APPEAL OF PLAINTIFF-APPELLEES ROBERT K. COSTELLO, ELIZABETH BLATZ, RUSSELL J. LORRAINE, and RICHARD LORENC to be served upon the following by email on this 8th day of October, 2008:

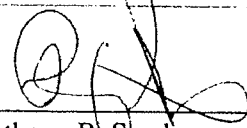
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Attorney for Chicago Bar Association and Terrence M. Murphy

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Office of Lieutenant Governor Pat Quinn
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100 W. Randolph Street
Chicago, IL 60601
Phone: (312) 814-5375
Email: Sean.Vinck@Illinois.gov

A handwritten signature in black ink, appearing to read 'AS', is written over a horizontal line.

Anthony B. Sanders
Attorney for ROBERT K.
COSTELLO, ELIZABETH BLATZ,
RUSSELL J. LORRAINE, and
RICHARD LORENC,

EXHIBIT E

No. 1-08-2741

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE CHICAGO BAR ASSOCIATION, <i>et al.</i>,	)	Appeal from the Circuit
Plaintiffs-Appellants,	)	Court of Cook County.
)	
v.	)	Nos. 2008 COEL 11 and
	)	2008 COEL 12
JESSE WHITE, in his official capacity as Illinois Secretary)	(consolidated)
of State, <i>et al.</i> ,)	
Defendants-Appellees.)	
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ROBERT K. COSTELLO, <i>et al.</i> ,)	
Plaintiffs-Appellants,)	
)	
v.)	
)	
THE HONORABLE JESSE WHITE,)	
SECRETARY OF STATE,	)	Honorable Nathaniel R. Howse, Jr.,
Defendant-Appellee.	)	Judge Presiding.

ORDER

This cause coming to be heard on the Plaintiffs-Appellants' Emergency Motion for Expedited Briefing and Hearing, and for Stay Regarding Use of Unconstitutional Ballot, due notice having been given and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that responses to Plaintiffs-Appellants' Emergency Motion for Expedited Briefing and Hearing, and for Stay Regarding Use of Unconstitutional Ballot, as well as all circuit court transcripts pertinent to this matter, shall be filed no later than Noon, Tuesday, October 14, 2008.

IT IS FURTHER ORDERED that oral arguments on the relief requested shall be held at 1:30 p.m. on Wednesday, October 15, 2008, at the First District Illinois Appellate Court.

ORDER ENTERED

OCT 08 2008

APPELLATE COURT, FIRST DISTRICT


PRESIDING JUSTICE DENISE O'MALLEY


JUSTICE JOSEPH GORDON


JUSTICE ROBERT CAHILL

CERTIFICATE OF SERVICE

I, Steven Merican, an attorney, hereby certify that I caused a true and correct copy of the foregoing **MOTION BY COSTELLO PLAINTIFFS TO TRANSFER APPEAL TO THE SUPREME COURT PURSUANT TO RULE 302(b)** to be served upon the following by fedex, email or hand delivery on this 9th day of October 2008:

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A handwritten signature in black ink, appearing to read "Kevin Merida", is written over a horizontal line.