

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

David Martin,)	
)	
Plaintiff,)	
)	Case No. 22-cv-6296
v.)	
)	Honorable Andrea R. Wood
Attorney General Kwame Raoul, Judge)	
Gregory Emmett Ahern Jr., Unnamed)	
Cook County Clerks, Cook County,)	
)	
Defendants.)	

**DEFENDANTS ATTORNEY GENERAL RAOUL AND JUDGE AHERN'S
MOTION TO DISMISS DEFENDANTS' MOTION TO DISMISS AS MOOT AND SET
DEADLINE TO RESPOND TO PLAINTIFF'S SECOND AMENDED COMPLAINT OR
EXTEND TIME TO RESPOND TO PLAINTIFF'S AMENDED COMPLAINT**

Defendants, Attorney General Kwame Raoul and Judge Gregory Emmett Ahern, Jr., by their attorney, Kwame Raoul, Attorney General of the State of Illinois, respectfully request that this Honorable Court dismiss Defendants' motion to dismiss Plaintiff's amended complaint as moot and allow Defendants to respond to Plaintiff's second amended complaint by September 20, 2023. Or, in the alternative, Defendants request a 14-day extension of time, until August 17, 2023, to file their reply in support of their motion to dismiss Plaintiff's amended complaint. In support of this motion, Defendants state as follows:

1. Plaintiff filed his amended complaint on March 6, 2023. ECF No. 10.
2. Defendants filed their motion to dismiss Plaintiff's amended complaint and supporting memorandum on May 8, 2022; Plaintiff filed his response in opposition to that motion on July 7, 2023. ECF Nos. 20-21 & 26. Defendants' reply is currently due on August 3, 2023. ECF No. 25.

3. On July 28, 2023, Plaintiff filed a motion for leave to file a second amended complaint. ECF No. 28.

4. Defendants do not oppose Plaintiff's motion for leave to amend his complaint.

5. If this Court grants Plaintiff's motion to file a second amended complaint, Defendants request that this Court dismiss the pending motion to dismiss as moot and enter an order for Defendants to respond to the second amended complaint by September 20, 2023.

6. Alternatively, if this Court denies Plaintiff's motion to amend his complaint, Defendants request a 14-day extension until August 17, 2023, to file their reply brief in support of their motion to dismiss Plaintiff's amended complaint.

7. This request is not made for an improper purpose or to cause delay and no party will be prejudiced if Defendants' motion is granted.

WHEREFORE, for the foregoing reasons, Defendants respectfully request that this Court either dismiss their pending motion to dismiss as moot and enter an order for Defendants to respond to Plaintiff's proposed second amended complaint by September 20, 2023, or grant their motion for an extension of time until August 17, 2023, to file their reply in support of their pending motion to dismiss Plaintiff's amended complaint.

KWAME RAOUL
Attorney General of Illinois

Respectfully Submitted,

/s/ Mary A. Johnston
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