

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

MICHAEL MOORE; CHARLES HOOKS;)
PEGGY FLETCHER; JON MAIER; SECOND)
AMENDMENT FOUNDATION, INC.; and)
ILLINOIS CARRY,)

Plaintiffs,)

-vs-)

No. 11-3134

LISA MADIGAN, in her Official Capacity as)
Attorney General of the State of Illinois; and)
HIRAM GRAU, in his Official Capacity as)
Director of the Illinois State Police,)

Defendants.)

DEFENDANTS' RENEWED MOTION TO DISMISS AS MOOT

NOW COME defendants, Lisa Madigan, Attorney General of the State of Illinois, and HIRAM GRAU, Director of the Illinois State Police, by their attorney, Lisa Madigan, Attorney General of the State of Illinois, and, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, hereby move this honorable Court to dismiss this case as moot.

In support thereof, it is stated:

1. Defendants asked this Court to dismiss this case as moot after enactment of the Illinois Firearm Concealed Carry Act.

2. Plaintiffs objected to the motion to dismiss, noting that the Seventh Circuit decision left the issue of relief to be decided by the District Court and arguing that the issue of attorney fees also remained to be decided.

3. This Court denied the motion to dismiss, noting that the statutes challenged by plaintiffs had merely been amended, not repealed and that, because of the 180 day period in the statute for establishing a permitting process no one was, as of the date of the Court's order, authorized to carry concealed weapons.

4. Because plaintiffs had not gotten the relief sought in the complaint, the Court held that the case was not moot.

5. Less than two weeks after the Court issued its ruling, a status conference was held at which plaintiffs admitted that they did not desire any relief with respect to the current laws of the State of Illinois.

6. The Seventh Circuit has now held that any challenges to the current law must be brought in a separate proceeding. *Shepard v. Madigan*, No. 11-405.

7. Because plaintiffs are seeking an additional relief on the merits and this Court cannot grant relief regarding the former law, this case is now moot.

8. The question of attorney fees is an ancillary question to be decided after final judgment.

9. The only appropriate final order the Court can enter on the merits of this case is an order of dismissal

WHEREFORE, defendants respectfully request that this honorable Court grant their motion to dismiss as moot.

Respectfully submitted,

LISA MADIGAN, et al.
Defendants,

LISA MADIGAN, Attorney General,
State of Illinois,

Attorney for Defendants.

By: /s/Terence J. Corrigan

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Certificate of Service

I hereby certify that on May 5, 2014, I electronically filed Defendants' Renewed Motion to Dismiss with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

dsigale@sigalelaw.com
David@djensenpllc.com

and I hereby certify that on May 5, 2014, I mailed by United States Postal Service, the document to the following non-registered participant:

Respectfully submitted,

s/Terence J. Corrigan
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