

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
COLES COUNTY ILLINOIS**

In Re Quo Warranto Request

18-MR- 208

**PETITION TO FILE A QUO WARRANTO
REQUEST**

Now comes Rex Dukeman and Robb Perry, citizens of Coles County, by and through their attorney Todd M. Reardon, do hereby bring this petition for a court order granting them leave as citizens to file a quo warranto complaint pursuant to 735 ILCS 5/18-102. The petition should be granted for the following reasons:

1. The legal prerequisites of 725 ILCS 5/18-102 for the Court granting leave to file a citizen complaint have been satisfied as explained below.
2. 735 ILCS 5/18-102 requires prior to a citizen complaint being filed that both the Attorney General and State's Attorney receive notice and have had an opportunity to file the complaint first and that leave be obtained from the circuit court prior to filing the intended quo warranto complaint:

Sec 18-102. Parties. The proceeding shall be brought in the name of the People of the State of Illinois by the Attorney General or State's Attorney of the proper county, either of his or her own accord or at the instance of an individual relator; or by any citizen having an interest in the question ON HIS OR HER OWN RELATION, WHEN HE OR SHE HAS REQUESTED THE Attorney General and State's Attorney to bring the same and the Attorney General and State's Attorney have refused or failed to do so, and when, after notice to the Attorney General and State's Attorney, and to the adverse party, of the intended application, leave has been granted by the circuit court.

3. On about January 10, 2018, Rex Dukeman and Robb Perry provided by letter such notice to the Attorney General and State's Attorney. Ex. A. The letter which was misdated February 10, 2018, instead of January 10, 2018. The letter contains the factual basis for the quo warranto petition. (A copy of said letter is attached hereto as Exhibit A).

4. On or about January 16, 2018, the Coles County State's Attorney, responding by letter, declined to file a quo warranto action pursuant to 735 ILCS 5/18-102.

5. On March 12, 2018, Rex Dukeman spoke to Mike Matulis from the Attorney General's office in Springfield, Illinois who told him that they were not going to act on the quo warranto petition. Mr. Matulis stated that the Attorney General's office would confirm this in writing. Ex. B.

6. Neither Mr. Dukeman nor Mr. Perry have received anything in writing from the Attorney General's office.

7. Thus, the Attorney General and State's Attorney have received notice and have had opportunity to file the quo warranto complaint first and have not done so.

8. Since these legal prerequisites of 735 ILCS 5/18-102 have been satisfied, the Court now may grant Mr. Dukeman and Mr. Perry leave to file a quo warranto petition.

Wherefore, the Petitioners respectfully request that the Court issue an order granting them leave to file the quo warranto complaint under 735 ILCS 5/18-102.

DATED:

/s/ Todd M. Reardon
Todd M. Reardon

VERIFICATION

Under Penalties as provided by law and 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.

/s/ Rex Dukeman
Rex Dukeman

VERIFICATION

Under Penalties as provided by law and 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.

/s/ Robb Perry
Robb Perry

Todd M. Reardon #628998
518 6th Street
Charleston, IL 61920
217-345-5291
217-348-5291 fax

In re: The Application of Rex Dukeman and Robb Perry

735 ILCS 5/18-102 Petition for Order Granting
Citizens Leave to File Quo Warranto Complaint

Rex Dukeman and Robb Perry, citizens of Coles County, hereby bring this petition for a court order granting them leave as citizens to file a quo warranto complaint under 735 ILCS 5/18-102. The petition should be granted for the following reasons:

1. The legal prerequisites of 725 ILCS 5/18-102 for the Court granting leave to file a citizen complaint have been satisfied as explained below.
2. 735 ILCS 5/18-102 requires prior to a citizen complaint being filed that both the Attorney General and State's Attorney receive notice and have had an opportunity to file the complaint first and that leave be obtained from the circuit court prior to filing the intended quo warranto complaint:

Sec 18-102. Parties. The proceeding shall be brought in the name of the People of the State of Illinois by the Attorney General or State's Attorney of the proper county, either of his or her own accord or at the instance of any individual relator; or by any citizen having an interest in the question on his or her own relation, when he or she has requested the Attorney General and State's Attorney to bring the same and the Attorney General and State's Attorney have refused or failed to do so, and when, after notice to the Attorney General and State's Attorney, and to the adverse party, of the intended application, leave has been granted by the circuit court.

(Source: P.A. 82-280).

3. On about January 10, 2018, Rex Dukeman and Robb Perry provided by letter such notice to the Attorney General and State's Attorney. Ex. A. The letter which was misdated February 10, 2018, instead of January 10, 2018. The letter contains the factual basis for the quo warranto petition. For the sake of brevity, the allegations are not repeated herein, but incorporated by reference.
4. On or about January 16, 2018, the Coles County State's Attorney, responding by letter, declined to file a quo warranto action pursuant to 735 ILCS 5/18-102. He wrote, "In arriving at this position, it is my belief that determination of employment vs.

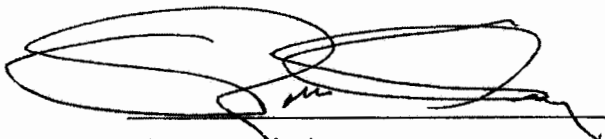
independent contractor is not conclusive and remains a question of fact for the judge to determine.” Ex. B.

5. On March 12, 2018, Rex Dukeman spoke to Mike Matulis from the Attorney General’s office in Springfield, Illinois who told him that they were not going to act on the quo warranto petition. Mr. Matulis stated that the Attorney General’s office would confirm this in writing. Ex. C.
6. Neither Mr. Dukeman nor Mr. Perry have received anything in writing from the Attorney General’s office.
7. Thus, the Attorney General and State’s Attorney have received notice and have had opportunity to file the quo warranto complaint first and have not done so.
8. Since these legal prerequisites of 735 ILCS 5/18-102 have been satisfied, the Court now may grant Mr. Dukeman and Mr. Perry leave to file a quo warranto petition.

Now, therefore, the Petitioners respectfully request that the Court issue an order granting them leave to file the quo warranto complaint under 735 ILCS 5/18-102.

DATED: *5-14-2018*


Signature Block


Signature Block

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
COLES COUNTY ILLINOIS

In Re Quo Warranto Request

18-MR-
2018MR208

AFFIDAVIT

I, REX DUKEMAN, being sworn under oath do hereby state as follows:

- 1 That I am 59 years of age, and under no legal disability.
- 2 That I am a Petitioner in this cause.
3. That on March 12, 2018 I spoke to Mike Matulis from the Illinois Attorney General's Office in Springfield.
4. In this conversation the Attorney General's Office acknowledge receipt of letter written by Robb Perry and myself.
5. Mr. Matulis, stated that the Attorney General's Office of Illinois would not be acting on our request and that we would be receiving a writing in the mail acknowledging the Attorney General's position of non-action.
6. That to date we have not received anything in the mail declining to pursue this action.

AFFIANT FURTHER SAYETH NAUGHT

Date: 6/7/18

STATE OF ILLINOIS)
)
COUNTY OF COLES)

SS

Respectfully Submitted,

Rex Dukeman
Rex Dukeman

I, the undersigned, a Notary Public in and for said County, in the State aforementioned do hereby certify that REX DUKEMAN, being personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed, and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth. Given under my hand this 7th Day of June 2018

Todd M. Reardon
Notary Public

