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

Anthony Murdock, *et al.*,	)	
	)	
Plaintiffs,	)	
	)	20-cv-1440
-vs-	)	
	)	*(Judge Feinerman)*
City of Chicago,	)	
	)	
Defendant.	)	

PLAINTIFFS' MOTION FOR LEAVE TO FILE SUGGESTION OF SUPPLEMENTAL AUTHORITY

While researching another matter, plaintiffs' counsel learned about a line of cases from the Illinois Supreme Court discussing the power of a circuit court to promulgate rules. These cases, while not involving a General Administrative Order issued by the Chief Judge of a Circuit Court, appear relevant to the question before the Court on defendant's motion for judgment on the pleadings. Plaintiffs therefore seek leave to file the following as a suggestion of supplemental authority:

1. *Kinsley v. Kinsley*, 388 Ill. 194, 57 N.E.2d 449 (1944) involved a rule of the Superior Court of Cook County that prohibited entry of a divorce decree unless the plaintiff appeared in open court. The Illinois Supreme Court held that the rule was invalid because circuit courts are without authority to change the substantive law of the land. 388 Ill. at 197, 57 N.E.2d at 450. The Court explained:

> Matters of form, of practice, of procedure and for the orderly regulation of the business of the court are all proper subjects for rules, but matters of substance which impose additional burdens upon a litigant, not contemplated by the statute, are invalid. [citing] *People ex rel. Barnes v. Chytraus*, 228 Ill. 194, 81 N.E. 844 (1907).

Kinsley v. Kinsley, 388 Ill. at 197, 57 N.E.2d at 450.

2. The Illinois Supreme Court reaffirmed *Kinsley* in *Arnold, Ltd. v. Northern Trust Co.*, 116 Ill.2d 157, 506 N.E.2d 1279 (1987), when it considered a rule of the Lake County Circuit Court that placed a cap on contingent fee contracts. In upholding the rule, the Court held that "rules of the circuit court must be procedural in nature; they cannot change the substantive law." *Id.* at 227, 506 N.E.2d at 1282.

Respectfully submitted,

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