
No. 13-3029

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

JOHN J. CULLERTON, individually and in his
official capacity as President of the Illinois Senate,
and MICHAEL J. MADIGAN, individually and in
his official capacity as Speaker of the Illinois House
of Representatives,

Plaintiffs-Appellees,

v.

PAT QUINN, Governor of the State of Illinois, in his
official capacity,

Defendant-Appellant,

-and-

JUDY BAAR TOPINKA, Comptroller of the State of
Illinois, in her official capacity,

Defendant.

Appeal from the Circuit Court
of Cook County, Illinois,
County Department,
Chancery Division,
No. 13 CH 17921

The Hon. Neil H. Cohen
Judge Presiding

**SUPPLEMENTAL AFFIDAVIT OF STEVEN F. PFLAUM IN SUPPORT
OF EMERGENCY MOTION BY GOVERNOR PAT QUINN
FOR STAY OF JUDGMENT PENDING APPEAL**

Steven F. Pflaum avers as follows:

1. I submit this affidavit to apprise the Court of additional information and developments bearing on the Emergency Motion by Governor Pat Quinn for Stay Pending Appeal. I have firsthand knowledge of, and would testify competently to, the matters stated below.

2. I appeared on behalf of Governor Quinn at this morning's hearing before Judge Neil H. Cohen on the Governor's emergency motion in the circuit court for stay of judgment pending appeal. Judge Cohen denied both the Governor's request for a stay pending decision of the appeal and the request, in the alternative, for a stay pending the decision by this Court of the Governor's then-forthcoming emergency motion in this Court for a stay pending appeal. A copy of the order entered by Judge Cohen is attached as Appendix "I."

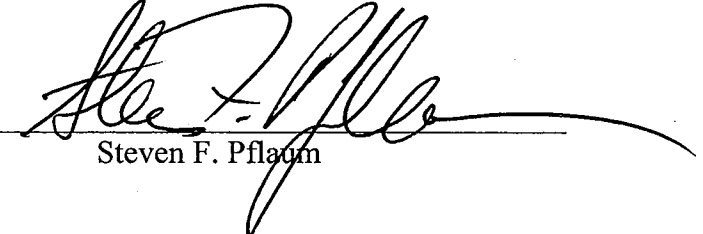
3. I spoke this morning with Chief Deputy Attorney General Brent D. Stratton regarding the status of the Comptroller's issuance of payments to the legislators. Mr. Stratton informed me that:

- a. The electronic payments for October salaries will be processed at 3 p.m. this afternoon (September 27). Those payments will be received at the banks of the legislators who are paid electronically next Monday, September 30. It would be possible, until midnight tonight, to block those payments from being completed.
- b. The Comptroller made the payments for August and September electronically at midnight last night. Those funds are expected to be received this morning at the banks of those legislators who are paid electronically.
- c. The supplemental payments received by legislative leaders are made by check, as are the regular salary payments of 21 legislators who do not receive payment electronically. The checks for August and September have been printed and are scheduled to be mailed sometime today.

4. Issuance of a stay by this Court today is needed to prevent the October payments, as well as any future payments, from occurring before this appeal is decided. Although this Court may not be able to “unring the bell” for the August and September payments at this point, the Court’s issuance of a stay will enable the important issues regarding ripeness and the constitutionality of the Governor’s veto to be adjudicated in a context that “preserve[s] the fruits of a meritorious appeal” to the maximum extent possible. *Stacke v. Bates*, 138 Ill. 2d 295, 302, 562 N.E.2d 192, 195 (1990).

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.

Dated: September 27, 2013


Steven F. Pflaum

CERTIFICATE OF SERVICE

I, Steven F. Pflaum, an attorney, hereby certify that I caused a copy of the foregoing **SUPPLEMENTAL AFFIDAVIT OF STEVEN F. PFLAUM IN SUPPORT OF EMERGENCY MOTION BY GOVERNOR PAT QUINN FOR STAY PENDING APPEAL** to be served upon:

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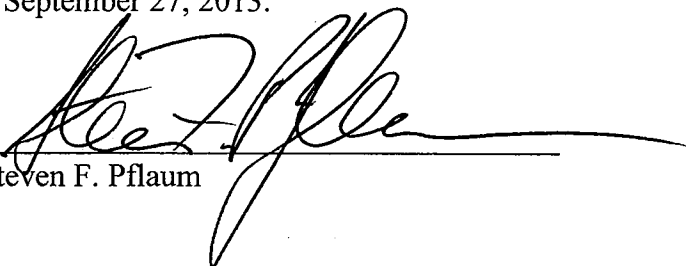
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by email and first-class, postage prepaid U.S. Mail on September 27, 2013.



Steven F. Pflaum

Appendix I

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

JOHN J. CULLERTON, individually and in
his official capacity as President of the Illinois
Senate, and MICHAEL J. MADIGAN,
individually and in his official capacity as
Speaker of the Illinois House of
Representatives,

Plaintiffs,

v.

PAT QUINN, Governor of the State of Illinois,
in his official capacity, and JUDY BAAR
TOPINKA, Comptroller of the State of Illinois,
in her official capacity,

Defendants.

Case No. 13 CH 17921

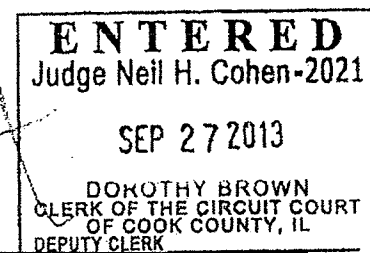
Hon. Neil H. Cohen

ORDER ON MOTION BY GOVERNOR PAT QUINN FOR STAY PENDING APPEAL

This matter coming before the Court on the Motion by Governor Pat Quinn for stay pending appeal, all parties being present through counsel, and the Court being duly advised of the premises, IT IS HEREBY ORDERED that:

1. The motion for stay is *denied.*
2. *The October 7, 2013 status is cricken*

Entered this 27th day of September, 2013.



Hon. Neil H. Cohen

Prepared by:
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