

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

MICHAEL MOORE; CHARLES HOOKS;)
PEGGY FECHTER; 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.)

MOTION FOR LEAVE TO CONDUCT DISCOVERY

COMES NOW the defendant, 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, by and through her counsel, LISA MADIGAN, Attorney General of the State of Illinois, and hereby request leave of court to conduct discovery. In support thereof, the following statements are made.

1. Plaintiffs filed the instant complaint claiming a constitutional violation and requested, *inter alia*, attorneys fees.
2. On February 3, 2012, this Court entered docket entry [38] granting the defendants' motion to dismiss [24] and denying the plaintiff's motion for preliminary injunction [13] and motion for permanent injunction.
3. A notice of appeal was filed on February 3, 2012 [40].
4. No scheduling order was ever entered in this matter and therefore no discovery was ever conducted by the defendants.

5. On December 16, 2013, plaintiffs filed a motion for attorneys fees and supporting documents [58-65] claiming that they were entitled to nearly \$400,000.00 in attorneys fees and more than \$8,000.00 in costs.

6. Defendants have an obligation to the taxpayers of the state of Illinois, to conduct discovery to determine the reasonableness of the plaintiffs' counsels' claims of entitlement to fees and costs.

7. Defendants request that they be allowed to conduct some discovery limited to interrogatories and, if necessary, depositions of plaintiffs' counsel on the issue of fees and costs.

8. Defendants would be prejudiced, if they are not allowed to conduct discovery.

9. This motion is not made for the purpose of delay, but is made to adequately defend the fee petition and bill of costs.

WHEREFORE for the above and foregoing reasons, defendants, 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, respectfully request this honorable Court to grant them leave to conduct discovery.

Respectfully submitted,

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,

LISA MADIGAN, Attorney General,
State of Illinois,

Attorney for Defendants.

By: /s/Karen L. McNaught
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Certificate of Service

I hereby certify that on December 30, 2013, I electronically filed Motion for Leave to Conduct Discovery 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 December 30, 2013, I mailed by United States Postal Service, the document to the following non-registered participant:

Respectfully submitted,

/s/Karen L. McNaught
Karen L. McNaught #6200462
Assistant Attorney General
Attorney for Defendants
500 South Second Street
Springfield, IL 62706
Telephone: (217) 782-1841
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