

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

STATE OF ILLINOIS *ex rel.*)
BRIAN HIGGINS,)
)
Plaintiff,)
)
v.)
)
ALLIED SERVICES GROUP, INC.,)
JOHN STAMPS, JOHN KLACZAK,)
JAMIE RHEE, JOEL BROWN, and)
JOHN DOES 1-50,)
)
Defendants.)

No. 2017 L 007932

The Honorable Raymond W. Mitchell
Calendar S

Filed Under Seal

FILED-12
2017 SEP 18 AM 10:58
CIRCUIT COURT OF COOK COUNTY
LAW DIVISION

NOTICE OF MOTION

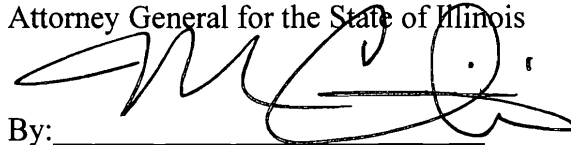
To: *See Certificate of Service*

You are hereby notified that, on behalf of the State of Illinois, I shall appear before the Honorable Raymond W. Mitchell, or any judge sitting in his stead, on September 26, 2017, at 9:30 a.m., in Courtroom 2004, Richard J. Daley Center, 50 W. Washington, Chicago, Illinois, and then and there present **The State of Illinois's Motion for Extension of Time to Elect Intervene and for Extension of the Seal**, a copy of which is hereby served upon you.

Dated: September 18, 2017

Respectfully submitted,

LISA MADIGAN
Attorney General for the State of Illinois

By: 

Matthew V. Chimienti
Assistant Attorney General
Office of the Illinois Attorney General
Special Litigation Bureau
100 West Randolph Street, 11th Floor
Chicago, Illinois 60601
(312) 814-3000
Attorney No. 99000

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, hereby certify that I caused to be served upon those listed on those individuals listed below a copy of **The Notice of Motion** by electronic mail on this 18th day of September, 2017:

Michael J. Malatesta
Malatesta Law Offices, LLC
134 North LaSalle Street, Suite 320
Chicago, IL 60602
(312) 445-0541
mike@malatestalaw.com

Counsel for Relator

A handwritten signature in black ink, appearing to read 'MVC', is written over a horizontal line.

Matthew V. Chimienti

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

Suppressed,)
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THE STATE OF ILLINOIS'S MOTION FOR EXTENSION OF TIME
TO ELECT TO INTERVENE AND FOR EXTENSION OF THE SEAL

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COUNTY DEPARTMENT, LAW DIVISION

STATE OF ILLINOIS *ex rel.*)
BRIAN HIGGINS,)
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**THE STATE OF ILLINOIS'S MOTION FOR EXTENSION OF TIME
TO ELECT TO INTERVENE AND FOR EXTENSION OF THE SEAL**

The State of Illinois, by the Attorney General, hereby moves for an extension of time in which to notify this Court of its decision regarding intervention, during which time this matter will remain under seal. In support of this motion, the State of Illinois states as follows:

1. On August 4, 2017, Relator Brian Higgins ("Relator") filed this suit on behalf of the State of Illinois (the "State") pursuant to the *qui tam* provisions of the Illinois False Claims Act ("IFCA"), 740 ILCS § 175/4.

2. Relator alleges that Defendant Allied Services Group, Inc. ("Allied") misrepresented information in its bid for the City of Chicago's contract to move deceased persons ("the contract"). Relator further alleges that Allied's actions were done through and with the knowledge of Defendants John Stamps and John Klaczak. Relator further alleges that Defendants Jamie Rhee and Joel Brown were aware of the misrepresentations and conspired to award the contract to Allied. Relator alleges that the actions of all Defendants led to Allied obtaining the contract.

3. Pursuant to 740 ILCS § 175/4(b)(2), the State has an initial 60 days from the date Relator serves it with a Complaint and related material to elect to intervene. The statute also explicitly provides for extensions beyond the initial 60 day period. 740 ILCS § 175/4(b)(3).

Sections 175/4(b)(2) and (3) provide:

(2) A copy of the Complaint and written disclosure of substantially all material evidence and information the person possess shall be served on the State. The Complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the Court so orders. The State may elect to intervene and proceed with the action within 60 days after it receives both the Complaint and the material evidence and information.

(3) The State may, for good cause shown, move the Court for extensions of time during which the Complaint remains under seal under paragraph (2).

5. Illinois courts have routinely granted the State seal extensions for good cause pursuant to 740 ILCS § 175/4(b)(3). *See Scachitti v. UBS Fin. Servs.*, 215 Ill. 2d 484, 510 (2005); *State ex rel. Beeler, Schad and Diamond, P.C. v. Burlington Coat Factory Warehouse Corp.*, 369 Ill. App. 3d 507, 514 (1st Dist. 2006).

6. The allegations in this Complaint involve complex legal issues of fact and law. The State promptly began investigating the allegations once it was served with the Complaint and has identified additional information necessary for a thorough understanding of the allegations. If the Court desires additional information regarding the State's investigation, the State respectfully requests an opportunity to provide such information *in camera*.

7. The State requires additional time to investigate the facts alleged in the Complaint. The opportunity to conduct a thorough investigation will enable the State to make an informed decision as to whether to intervene and to take over the prosecution of this matter pursuant to 740 ILCS § 175/4(c)(1).

8. The State's need to conduct additional investigation constitutes good cause for an

extension of the seal period in accordance with 740 ILCS § 175/4(b)(3). *See Scachitti*, 215 Ill. 2d at 510 (citing 740 ILCS § 175/4(b)(3) (“The Attorney General is entitled to extensions of time as necessary to complete an investigation”). The State therefore requests an extension of six months, up to and including April 3, 2018, to review the Relator’s allegations and make an intervention determination.

9. This is the State’s first request to extend the seal.

10. It is in the interest of justice and fairness that the allegations be carefully scrutinized before proceeding. Additionally, the State does not believe that this request will prejudice any party. Therefore, for all the reasons stated above, good cause exists for the extension.

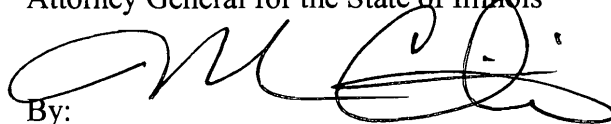
11. A proposed Order is attached as Exhibit A for the convenience of the Court.

WHEREFORE, the State requests that this Court extend the seal period in this case for a period of six months, up to and including April 3, 2018, to afford the State additional time to investigate the matter and notify the Court of its intervention decision.

Dated: September 18, 2017

Respectfully submitted,

LISA MADIGAN
Attorney General for the State of Illinois


By: _____

Matthew V. Chimienti
Assistant Attorney General
Office of the Illinois Attorney General
Special Litigation Bureau
100 West Randolph Street, 11th Floor
Chicago, Illinois 60601
(312) 814-3000
Attorney No. 99000

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, hereby certify that I caused to be served upon those listed on those individuals listed below copies of **The State of Illinois's Motion for Extension of Time to Elect to Intervene and for Extension of the Seal** by electronic mail on this 18th day of September, 2017 before 5:00 p.m.:

Michael J. Malatesta
Malatesta Law Offices, LLC
134 North LaSalle Street, Suite 320
Chicago, IL 60602
(312) 445-0541
mike@malatestalaw.com

Counsel for Relator

A handwritten signature in black ink, appearing to read 'M. Chimienti', written over a horizontal line.

Matthew V. Chimienti

EXHIBIT A

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

Suppressed,)	
)	
Plaintiff,)	No. 2017 L 007932
)	
v.)	The Honorable Raymond W. Mitchell
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Suppressed,)	
)	
Defendants.)	<u>Filed Under Seal</u>

ORDER

The State of Illinois's Motion for Extension of Time to Elect to Intervene and for Extension of the Seal is GRANTED, and IT IS HEREBY ORDERED:

- 1) That the State is granted an extension of six months, up to and including April 3, 2018, to render its intervention decision;
- 2) The complaint and all other filings in this matter shall remain under seal until the State renders its intervention decision;
- 3) This matter set is for status on _____, 201_ at _____.m.

ENTERED:

Dated: _____, 2017

Prepared by:

Matthew V. Chimienti
Assistant Attorney General
Office of the Illinois Attorney General
Special Litigation Bureau
100 West Randolph Street, 11th Floor
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(312) 814-3000
Attorney No. 99000