

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
PUTNAM COUNTY

Julie Moore;
Amy Cimei and Jason Cimei;
Hubert J. and Cheryl Mennie; and
Robert Borri and Nancy Borri,
Individually and on behalf of
all residents, voters, and potential
candidates for election residing in
of Congressional Township 32 North,
Range 1 West of the Third Principal
Meridian vs. Plaintiffs

PUTNAM COUNTY COMMUNITY
SCHOOL DISTRICT #535,
A Body Politic,

Defendant

No. 06-MR-10

SUMMONS

To each defendant: *Dir. CUSD 535
PRESIDENT
Board of Education*

You are summoned and required to file an answer in this case, or otherwise file your appearance in the Office of
the Clerk of this Court *Putnam County Courthouse* building, room _____
120 N. 4th *Harvard*, Illinois, within 30 days after service of this summons,
(Address) (City)
not counting the day of service. IF YOU FAIL TO DO SO, A JUDGEMENT OR DECREE BY DEFAULT MAY BE TAKEN
AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with indorse-
ment of sevice and fees, if any, immediately after service. If service cannot be made, summons shall be returned so
indorsed.

This summons may not be served later than 30 days after its date.

(Seal of Court)

WITNESS *December 20, 2006*
Cathy J. Olivieri
(Clerk of the Circuit Court)
By: *Cherlene M. Powers*
(Deputy)

(Plaintiff's Attorney or Plaintiff if he is not represented by an Attorney)

Name *John Grivetti*
Attorney for *PLAINTIFFS*
Address *Box 50*
City *STANDARD, IL 61363*
Telephone *815 690 3822*

Date of service:

(To be inserted by officer on the copy left with
defendant or other person.)

EXHIBIT

A

IN THE CIRCUIT COURT
TENTH JUDICIAL CIRCUIT
PUTNAM COUNTY, ILLINOIS

Julie Moore;
Amy Cimei and Jason Cimei;
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Individually and on behalf of
all residents, voters, and potential
candidates for election residing in
of Congressional Township
32 North, Range 1 West
of the Third Principal Meridian,
Plaintiffs

-vs-

PUTNAM COUNTY COMMUNITY
SCHOOL DISTRICT # 535,
A Body Politic,
Defendant

FILED

DEC 20 2006

Cathy J. Oliver
Circuit Clerk Putnam County, Illinois

06 - MR - 10

THIS CASE IS SET FOR A CASE MANAGEMENT
CONFERENCE ON 3/29/07
AT 9:30 AM IN THIS COURT. IF DEFENDANT
ANSWERS MORE THAN 35 DAYS BEFORE THIS
DATE, THE PARTIES SHALL SCHEDULE A CASE
MANAGEMENT CONFERENCE WITHIN 35 DAYS
OF THE DATE THE ANSWER IS FILED.

COMPLAINT

**VIOLATION OF EQUAL PROTECTION GUARANTEES
DECLARATORY RELIEF**

1. Plaintiffs are legal residents and voters in Township 32N, R1W of the Third Principal Meridian, Putnam County, Illinois, and as such is entitled to vote in elections for governing bodies of all governmental units in said Township. Plaintiffs have participated in all elections which have selected the current members of the Board of Education of Putnam County Community Unit District # 535, will vote in future elections, and are potential candidates for election to said board.
2. Defendant Putnam County Community School District #535 is a body politic organized under the provisions of the Illinois School Code, more specifically 105 ILCS 5/11A-8, now repealed.
3. As a body politic and governmental agency purportedly authorized and existing under the laws of the State of Illinois, Defendant is governed by and

subject to all provisions of the Constitutions of the United States and the State of Illinois, as well as the laws thereof.

4. The United States Constitution, pursuant to the Fourteenth Amendment thereto, guarantees each and every resident of the United States equal protection of the laws.
5. The Constitution of the State of Illinois, pursuant to Article 1, Section 2, guarantees each resident of the State of Illinois equal protection of the laws.
6. The Constitution of the State of Illinois, pursuant to Article 3, Section 3, provides that all elections in the State of Illinois shall be free and equal. A free and equal election is one in which the votes of all potential voters have equal weight, and all candidates have an equal chance for election to office.
7. The Supreme Court of the United States has held that the votes of each citizen of the United States shall be entitled to equal weight.
8. 42 U.S.C. Section 1983 provides that every person who, under color of law, subjects any person to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.
9. Township 32N R1W of the 3rd Principal Meridian has a majority of the population, as of the last official census, of Putnam County Community Unit District # 535. Said Township has more than double the population of any other congressional township in Putnam County.
10. Under the provisions of 105 ILCS 5/11A-8, succeeded by 105 ILCS 5/9, only three of the seven members of the Board of Education of Putnam County Unit District # 535 may reside in Township 32N R1W of the 3rd Principal Meridian, notwithstanding the fact that a majority of the residents of said District reside in said township.
11. 105 ILCS 5/11A-8, succeeded by 105 ILCS 5/9, insofar as it prohibits plaintiffs and other similarly situated residents of Township 32 N. R1W from voting for and electing their choice of fellow residents of said township as a majority of the members of the Board of Education of Putnam County Community Unit District # 535, or from being elected to said board despite having received more votes than residents of other townships in said District, is violative of the 14th Amendment of the Constitution of the United States, as well as Article 1, Section 2 and Article 3, Section 3 of the Constitution of the State of Illinois. Said sections provide an electoral scheme for school board which varies based upon the date a district was formed, and form a clearly and invidiously discriminatory electoral scheme violating the civil rights of voters

and potential candidates residing in Congressional Township 32 N, R 1W of the 3rd Principal Meridian.

12. As a result of the prohibitions on the residency of members of the Board of Education of Putnam County Community Unit District # 535, Plaintiffs and all similarly situated residents of Township 32 N, R 1W of the 3rd Principal Meridian have been denied the equal protections of the law.
13. The Board of Education of Putnam County Community Unit District # 535, having been elected in an unconstitutional and discriminatory manner, is not entitled to govern the affairs and property of Putnam County Community District # 535.

WHEREFORE, Plaintiffs prays as follows:

A. That this court declare that 105 ILCS 5/11A-8, succeeded by 105 ILCS 5/9, insofar as it provides that residents of a Township containing a majority of the population in a school district cannot vote for a majority of the members of the board of education of a school district, and that residents of Township 32 N, R1W of the Third Principal Meridian cannot be elected to the Board of Education of Community Unit District # 535, even if they receive more votes than residents of other townships, violates the Constitution of the United States and the State of Illinois.

B. That this court hold and declare that the Board of Education of Putnam County Community Unit District # 535, having been elected in violation of the Constitutions of the United States and the State of Illinois, is invalid.

C. That this court direct that an election be held for a new Board of Education of Putnam County Community Unit District # 535 at the next election date provided in the Illinois Election Code, with no prohibition to the township of residence of said members.

D. That this court appoint a trustee to govern the ordinary, day to day, operations of Putnam County Community Unit District # 535 until a constitutionally valid Board of Education can be elected in a fair and free election.

E. That this court grant plaintiffs such other and further relief as shall be appropriate and necessary under the circumstances to guarantee himself and all residents and voters and candidates residing in Congressional Township 32 N, R 1W of the 3rd Principal Meridian the equal protection of the law.

F. That plaintiffs be awarded all attorney fees and cost incurred in the prosecution of this action.

COUNT TWO
INJUNCTIVE RELIEF

Now come the Plaintiffs, by John Grivetti, their attorney, and for Count Two of their complaint, says as follows:

1-13. Plaintiffs readopt and reallege Paragraphs 1 through 13 of Count One as and for Paragraphs 1 through 13 of Count Two.

14. Plaintiffs have no adequate remedy at law to redress the violation of constitutional and legal rights which has occurred as a result of the application of 105 ILCS 5/11A-8, and which will occur with the application of 105 ILCS 5/9 to future elections.

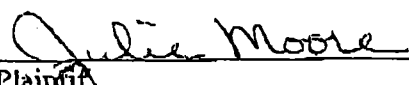
A. That this court enjoin and prohibit the current Board of Education of Putnam County Community Unit District # 535 from entering into any new contracts, agreements, or arrangements affecting any District property until such time as a constitutionally and legally valid board is elected and seated.

B. That this court direct that any election for members of the board of education of Putnam County Community Unit District # 535 be conducted in such a manner that the ballot form prescribed in 105 ILCS 5/9-12, Format 2 be uses, and that candidates receiving the highest number of votes be elected to said board, irrespective of their place of residence in said district.

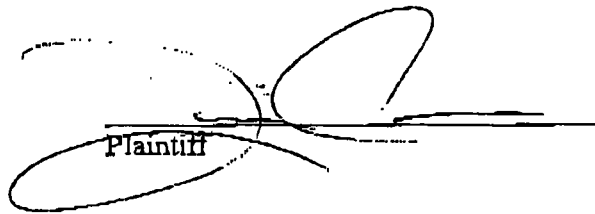
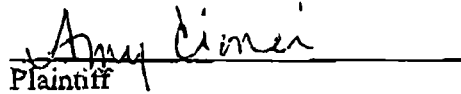
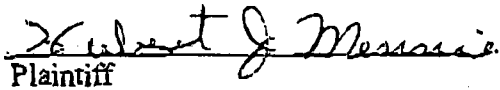
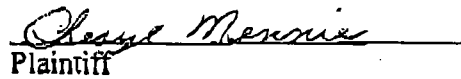
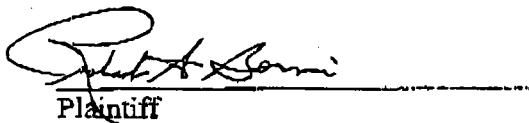
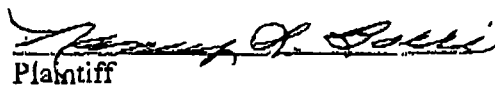
B. That this court appoint a trustee to govern the ordinary, day to day, operations of Putnam County Community Unit District # 535 until a constitutionally valid Board of Education can be elected in a fair and free election.

C. That this court grant plaintiffs such other and further relief as shall be appropriate and necessary under the circumstances to guarantee himself and all residents and voters of Congressional Township 32 N, R 1W of the 3rd Principal Meridian the equal protection of the law.

D. That plaintiffs be awarded all attorney fees and cost incurred in the prosecution of this action.

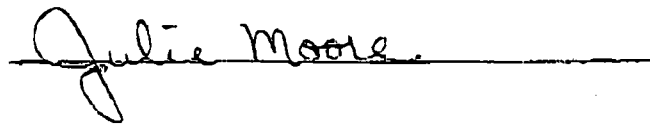


Plaintiff


Plaintiff
Plaintiff
Plaintiff
Plaintiff
Plaintiff
Plaintiff

CERTIFICATION

Julie Moore, one of the plaintiffs herein, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby certifies and affirms that the contents of the foregoing complaint are true and correct, to the best of her knowledge, information, and belief.


Julie Moore

John Grivetti
Attorney at Law
ARDC # 1063375
Box 50
Standard, IL 61363
815.690.3822
john@grivettilaw.com

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

JULIE MOORE; AMY CIMEI and JASON
CIMEI; HUBERT J. and CHERYL MENNIE;
and ROBERT BORRI and NANCY BORRI;
Individually and on behalf of all residents,
and potential candidates for election residing
in of [sic] Congressional Township 32 North,
Range 1 West of the Third Principal Meridian,

Plaintiffs,

vs.

PUTNAM COUNTY COMMUNITY
SCHOOL DISTRICT # 535, A Body Politic,

Defendants.

Case No.

Tenth Judicial Circuit
Putnam County, Illinois
(Case No. 06-MR-10)

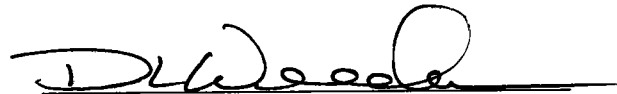
AFFIDAVIT

STATE OF ILLINOIS)
) ss.
COUNTY OF MACON)

Dennis L. Weedman, being first duly sworn upon oath, says and deposes as follows:

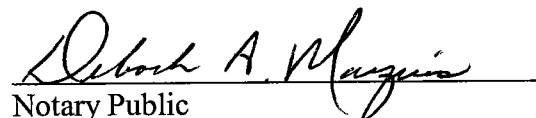
1. That he is one of the attorneys for the Defendants, Putnam County Community School District #535, in this cause.
2. That he has prepared and read the Notice of Removal filed in this cause and has personal knowledge of the facts and matters contained therein; and
3. That the facts and allegations contained in this Notice of Removal are true and correct to the best of his knowledge and belief.

Affiant further saith not.


Dennis L. Weedman

Subscribed and sworn to before me this 11th day of January, 2007.




Notary Public

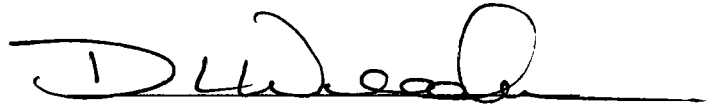
PROOF OF SERVICE

The undersigned does hereby certify that a copy of the foregoing **Notice of Removal** was served on the following named individual at his address shown below, by depositing said copy in the United States Mail at a Post Office Box in the City of Decatur, Illinois, on the 11th day of January, 2007:

John Grivetti
Attorney At Law
P.O. Box 50
Standard, IL 61363

and does further certify that a copy of said **Notice of Removal** has been filed with the Clerk of the Tenth Judicial Circuit Court, Putnam County, Illinois at her address shown below:

Cathy J. Oliveri
Clerk of Court
Putnam County Courthouse
120 N. Fourth Street
P.O. Box 207
Hennepin, IL 61327

A handwritten signature in black ink, appearing to read "D. Weedman", with a long horizontal line extending to the right.

Everett E. Nicholas, Jr.
Dennis L. Weedman
Mathias W. Delort
ROBBINS, SCHWARTZ, NICHOLAS,
LIFTON & TAYLOR, Ltd.
132 South Water St, Suite 420
Decatur, IL 62523-1332
Telephone: (217) 428-2100
FAX: (217) 428-2186