

No. 1-19-0782

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

VICTORIA KIRK, KARISSA)	Appeal from the Circuit Court of
ROTHKOPF, and RILEY JOHNSON,)	Cook County, Illinois, County
)	Department, Chancery Division
Plaintiffs-Appellants,)	
)	
vs.)	
)	No. 09 CH 3226
DAMON T. ARNOLD, M.D., in his)	
official capacity as State Registrar of)	
Vital Records,)	The Honorable
)	PETER FLYNN,
Defendant-Appellee.)	Judge Presiding.

BRIEF OF DEFENDANT-APPELLEE

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POINTS AND AUTHORITIES

PAGE

(No Points)

740 ILCS 23/1 et seq. (2018). 1

735 ILCS 5/2-1008(d) (2018). 1

ARGUMENT

The issue in this appeal is whether plaintiffs who prevail in actions under the Illinois Civil Rights Act of 2003, 740 ILCS 23/1 et seq. (2018), may recover attorneys' fees regardless of the fact that their counsel provided representation pro bono. The State Registrar of Vital Records* took no position on this issue in the circuit court and similarly takes no position on this issue on appeal.

* At the time that this action was commenced, Damon T. Arnold, M.D., was the Registrar. Ngozi Ezike, M.D., is now the Registrar and should be substituted for him in the case caption pursuant to section 2-1008(d) of the Code of Civil Procedure (735 ILCS 5/2-1008(d) (2018)).

CONCLUSION

Accordingly, the State Registrar of Vital Records submits this brief.

Respectfully submitted,

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SUPREME COURT RULE 341(c) CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 2 pages.

/s/ Paul Racette

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CERTIFICATE OF FILING AND SERVICE

I certify that on March 4, 2020, I electronically filed the foregoing Brief of Defendant-Appellee with the Clerk of the Court for the Illinois Appellate Court, First Judicial District, by using the Odyssey eFileIL system.

I further certify that the other participants in this appeal, named below, are registered service contacts on the Odyssey eFileIL system, and thus will be served via the Odyssey eFileIL system.

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Under penalties as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct to the best of my knowledge, information, and belief.

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