

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THE AMERICAN CIVIL LIBERTIES)	
UNION OF ILLINOIS, on behalf of itself)	
and all similarly situated organizations;)	
and MARY DIXON, on behalf of herself)	
and all similarly situated persons,)	Case No. 09 C 7706
)	
Plaintiffs,)	The Hon. Joan B. Gottschall
)	
v.)	
)	
JESSE WHITE, Illinois Secretary of State,)	
in his official capacity,)	
)	
Defendant.)	

ORDER

Plaintiffs, The American Civil Liberties Union of Illinois and Mary Dixon on behalf of their respective classes, by their attorneys, and pursuant to Rule 65(a)(2) of the Federal Rules of Civil Procedure, have filed a motion to consolidate the trial on the merits with the hearing on plaintiffs’ motion for preliminary injunction as to the plaintiffs’ claim regarding the Defendant’s excessive lobbying registration fee structure. Following consolidation, plaintiffs requested under Fed. R. Civ. P. 54(b) that the Court enter final relief on the excessive fee claim in the form of a declaratory judgment and a permanent injunction. Defendant does not oppose consolidation or the entry of a final judgment pursuant to Rule 54(b). For the reasons stated below, the court grants both of these unopposed motions and enters a declaratory judgment and permanent injunction in favor of the plaintiffs regarding their excessive fee claim.

On the basis of the evidentiary record and briefing heretofore submitted in the preliminary injunction hearing and for the reasons explained in this court's Memorandum and Order of February 12, 2010 granting the preliminary injunction, this court declares that the Lobbyist Registration Act as amended by Public Act 96-555, effective January 1, 2010 violates the First Amendment to the United States Constitution by setting a lobbyist registration fee that is unconstitutionally excessive. Further, this court enjoins the Defendant Jesse White, in his official capacity as Illinois Secretary of State and all the Defendant's officers, agents, servants, employees and attorneys and any other persons who are in active concert with Defendant or his officers agents servants, employees and attorneys, from requiring any members of the certified entity lobbyist and individual lobbyist classes to pay the \$1,000 fee set forth in the Lobbyist Registration Act as amended by Public Act 96-555, effective January 1, 2010.

The court finds that entry of final judgment on the excessive fee claim is appropriate here because (1) that claim is separate from the exemptions claim and (2) there is no just reason for delay. *See* Fed. R. Civ. P. 54(b); *R.D. Lottie v. West American Ins. Co.*, 408 F.3d 935, 939 (7th Cir. 2005). Further, defendant has no objection to the entry of a final judgment on the excessive fee claim under Rule 54(b).

Since, the Court finds that the claims are separate and that there is plainly no just reason for delay, the Court orders that the declaratory judgment and permanent injunction on the excessive fee claim be entered as a final judgment pursuant to Rule 54(b).

Plaintiffs' claims regarding religious and media exemptions and their fees, costs, and expenses are reserved for subsequent adjudication.

ENTER:

 /s/
JOAN B. GOTTSCHALL
United States District Judge

DATED: March 5, 2010