

**IN THE CIRCUIT COURT FOR THE SEVENTH JUDICIAL CIRCUIT
SANGAMON COUNTY, ILLINOIS**

CATHOLIC CHARITIES OF THE)
DIOCESE OF SPRINGFIELD-IN-ILLINOIS,)
an Illinois non-profit corporation,)
CATHOLIC CHARITIES OF THE)
DIOCESE OF PEORIA, an Illinois non-profit)
corporation, CATHOLIC CHARITIES OF)
THE DIOCESE OF JOLIET, INC., an Illinois)
non-profit corporation, and CATHOLIC)
SOCIAL SERVICES OF SOUTHERN)
ILLINOIS, DIOCESE OF BELLEVILLE, an)
Illinois non-profit corporation,)

Plaintiffs,)

v.)

STATE OF ILLINOIS, LISA MADIGAN, in)
her official capacity as the Attorney General)
of the State of Illinois, ERWIN McEWEN, in)
his official capacity as Director of the)
Department of Children and Family Services,)
State of Illinois, and the DEPARTMENT OF)
CHILDREN AND FAMILY SERVICES,)
State of Illinois, ROCCO J. CLAPPS in his)
official capacity as Director of the)
Department of Human Rights, State of)
Illinois, and the DEAPRTMENT OF)
HUMAN RIGHTS, State of Illinois,)

Defendants, and)

SUSAN TONE PIERCE, as Next Friend and)
on behalf of a certified class of all current and)
future foster children in custody of DCFS in a)
federal case titled *B.H. v. McEwen*, No. 88 cv)
5589 (N.D. Ill. 1988); SARAH RIDDLE and)
KATHERINE WESEMAN,)

Proposed Intervening Defendants.)

Case No. 11-MR-254

Hon. John Schmidt
Presiding Judge

**MOTION TO INTERVENE BY INTERVENORS SUSAN TONE PIERCE AND
KATHERINE WESEMAN AND SARAH RIDDLE**

Susan Tone Pierce and Katherine Weseman and Sarah Riddle (“Intervenors”) hereby move this Court, pursuant to 735 ILCS 5/2-408, for permission to intervene in the above-captioned matter and for leave to file the attached Motion to Dismiss, or in the Alternative, for Summary Judgment for Intervenors and its accompanying memorandum of law, through their undersigned counsel.

1. Susan Tone Pierce is the appointed next friend in *B.H. v. McEwen*, 88 C 5589 (N.D. Ill.), who represents the class of all current and future foster children in custody of the Department of Child and Family Services (“DCFS”).

2. Katherine Wesemen and Sarah Riddle have entered a civil union and intend in the future to become foster parents.

3. Susan Tone Pierce, on behalf of the *B.H.* plaintiff class, and Katherine Weseman and Sarah Riddle have the right to intervene under 735 ILCS 5/2-408(a)(2) because “the representation of the applicant's interest by existing parties is or may be inadequate and the applicant will or may be bound by an order or judgment in the action.”

4. In the alternative, Susan Tone Pierce and Katherine Weseman and Sarah Riddle seek leave to intervene by permission because their claims and defenses against Catholic Charities’ policies have in common questions of law and fact as in this case. *See* 735 ILCS 5/2-408(b).

5. This Motion is timely because Intervenors have filed their Motion before DCFS has filed any responsive pleadings and before DCFS and Catholic Charities have filed their cross-motions for summary judgment. Moreover, no parties would be prejudiced by granting intervention at this stage.

6. Contemporaneous with this Motion, Susan Tone Pierce and Katherine Weseman and Sarah Riddle are filing a brief in support of their motion to intervene which includes certified declarations from each Intervenor.

Date: July 29, 2011

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Date: July 29, 2011

One of Intervenors' attorneys