

FILED

JAN 25 2013

Karen D. Halloran
Circuit Clerk, 5th Judicial Circuit Edgar County

STATE OF ILLINOIS
IN THE FIFTH JUDICIAL CIRCUIT
PARIS, EDGAR COUNTY, ILLINOIS

JOHN KRAFT

and

KIRK ALLEN

Plaintiffs,

vs.

Case No: 13 m r 8

EDGAR COUNTY
ELECTORAL BOARD

and

AUGUST GRIFFIN, acting in his
official capacity as board chairman

and

MARK ISAF, acting in his official
capacity as board member

and

KAREN HALLORAN, acting in her
official capacity as board member

Defendants.

COMPLAINT FOR DECLATORY JUDGMENT,
RELIEF BY MANDAMUS AND INJUNCTIVE RELIEF

NOW COME Plaintiffs, John Kraft and Kirk Allen, who pray that this court
render a declaratory judgment and grant relief by mandamus and grant injunctive relief
under the Open Meetings Act (OMA), 5 ILCS 120/1, *et seq.* For this Complaint as
follows:

1. Plaintiffs – John Kraft and Kirk Allen. The Plaintiffs are residents of Illinois, the County of Edgar, and the Clark-Edgar Rural Water District (CERWD).

2. Defendants – Edgar County Electoral Board (ECEB), a “public body” as that term is defined by 5 ILCS 120/1.02, August Griffin, in his official capacity as ECEB chairman, Mark Isaf, in his official capacity as ECEB member, and Karen Halloran, in her official capacity as ECEB member.

3. On January 11, 2013, the ECEB held an open public meeting. Public comments were disallowed during this meeting, even after requests were made from attendees for a public session to address the board. Pursuant to 5 ILCS 120/ 2.06 (g), any person shall be permitted an opportunity to address public officials during public meetings. Disallowing comments violated the letter and intent of this paragraph. A true and correct copy of the January 11, 2013 meeting agenda is attached hereto and incorporated herein as Exhibit A.

4. On January 23, 2013, the ECEB held an open public meeting. Public comments were disallowed during this meeting, even after requests were made from attendees for a public session to address the board. Pursuant to 5 ILCS 120/ 2.06 (g), any person shall be permitted an opportunity to address public officials during public meetings. Disallowing comments violated the letter and intent of this paragraph. A true and correct copy of the January 23, 2013 meeting agenda is attached hereto and incorporated herein as Exhibit B.

5. On January 25, 2013, the ECEB will hold an open public meeting. A true and correct copy of the January 25, 2013 meeting agenda is attached hereto and incorporated herein as Exhibit C.

COUNT ONE

(Violation of the Open Meetings Act, 5 ILCS 120/1, *et seq.*)

6. Plaintiffs reaffirm paragraphs 1-5 as though fully restated herein.

7. Plaintiffs have been irreparably harmed by Defendants' failure to allow any person to address public officials during the public meeting on January 11, 2013.

8. Plaintiffs have no adequate remedy at law.

COUNT TWO

(Violation of the Open Meetings Act, 5 ILCS 120/1, *et seq.*)

6. Plaintiffs reaffirm paragraphs 1-5 as though fully restated herein.

7. Plaintiffs have been irreparably harmed by Defendants' failure to allow any person to address public officials during the public meeting on January 23, 2013.

8. Plaintiffs have no adequate remedy at law.

COUNT THREE

(Violation of the Open Meetings Act, 5 ILCS 120/1, *et seq.*)

6. Plaintiffs reaffirm paragraphs 1-5 as though fully restated herein.

7. Plaintiffs have probable cause to believe they will be irreparably harmed by Defendants' failure to allow any person to address public officials during the public meeting to be held on January 25, 2013.

8. Plaintiffs have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that the Court:

A. Declare the Defendants to be in violation of the Open Meetings Act, 5 ILCS 120//1, *et seq.*; and,

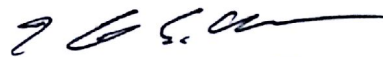
- B. Grant a Relief by Mandamus by requiring that future ECEB meetings allow any person to address public officials during the public meeting; and,
- C. Grant an injunction against future violations of the Open Meetings Act; and,
- D. Award Plaintiffs attorney's fees and other litigation costs reasonably incurred; and,
- E. Order such other and further relief, as outlined in 5 ILCS 120/4.

Dated: January 25, 2013

Respectfully submitted,



John Kraft
7060 Illinois Highway 1
Paris, Illinois 61944
Tel: (217) 808-2527
Plaintiff



Kirk Allen
3894 Coach Road
Kansas, Illinois 61933
Tel: (217) 508-0564
Plaintiff

Signed and Sworn
Before me this 25th
Day of January, 2013

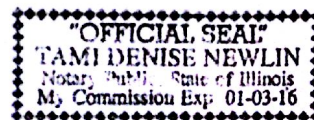
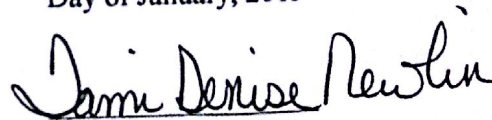


Exhibit A

EDGAR COUNTY ELECTORAL BOARD

INITIAL MEETING

January 11, 2013

2:00 p.m.

Courtroom #2

Edgar County Courthouse

AGENDA

1. Call to Order
2. Introduction of Board
3. Purpose of Meeting
4. Adoption of Rules of Procedure
5. Call of Docket
6. Set Hearing Date
7. Employ Counsel and Court Reporter
8. Adjourn

**EDGAR COUNTY ELECTORAL BOARD
HEARINGS**

**OF OBJECTIONS TO NOMINATION PAPERS
OF CERTAIN CANDIDATES FOR TRUSTEE OF
THE CLARK-EDGAR RURAL WATER DISTRICT**

January 23, 2013
9:00 a.m.
Courtroom #2
Edgar County Courthouse

AGENDA

1. Call to Order
2. Pre-Hearing Business
3. Cases To Be Heard

1. Sandra S. Neal	vs	Richard E. Wilken, Jr.	ECOEB-2013-1
2. Kirk Allen & John Kraft	vs	Gerald T. Meeks	ECOEB-2013-2
3. Kirk Allen & John Kraft	vs	David Sprigg	ECOEB-2013-3
4. Kirk Allen & John Kraft	vs	James H. Griffin	ECOEB-2013-4
5. Kirk Allen & John Kraft	vs	Tom Jones	ECOEB-2013-5
6. Kirk Allen & John Kraft	vs	Phil Adams	ECOEB-2013-6
7. Kirk Allen & John Kraft	vs	Roger Brown	ECOEB-2013-7

3. Adjourn

EDGAR COUNTY ELECTORAL BOARD

HEARINGS

NOTICE OF PUBLIC HEARING TO THE ELECTIONS, COMMISSIONERS
AND VOTERS OF EDGAR COUNTY, ILLINOIS, TO BE HEARD AT THE
EDGAR COUNTY BOARD OF SUPERVISORS, 1000 WEST 10TH STREET

WEDNESDAY, JULY 10, 2013

1:00 P.M.

EDGAR COUNTY BOARD OF SUPERVISORS

EDGAR COUNTY, ILLINOIS

AGENDA

1. Call to Order

2. Pre-Hearing Business

3. Cases To Be Heard

1. Sandra B. Neal	vs.	Richard E. Wilkins	EX-08-B-2013-1
2. Kirk Allen & John Kraft	vs.	Garrett J. Moska	EX-08-B-2013-2
3. Kirk Allen & John Kraft	vs.	David Spragg	EX-08-B-2013-3
4. Kirk Allen & John Kraft	vs.	James H. Griffin	EX-08-B-2013-4
5. Kirk Allen & John Kraft	vs.	Tom Jenson	EX-08-B-2013-5
6. Kirk Allen & John Kraft	vs.	Phil Adams	EX-08-B-2013-6
7. Kirk Allen & John Kraft	vs.	Regan Brown	EX-08-B-2013-7

4. Adjourn

CIRCUIT CLERK KAREN D HALLORAN
JUDICIAL CIRCUIT #05
COUNTY OF Edgar
COURTHOUSE - 115 W COURT RM H
PARIS IL 61944-0000
217/466-7447

C A S H R E C E I P T

1/25/2013 8:26:35

Receipt no. 280265
Receipt date 1/25/2013
Reclass date
Case number 2013MR0000008P 001V001
KRAFT, JOHN ET AL
VS.
EDGAR COUNTY ELECTORAL BOARD ET AL
KRAFT, JOHN

Pavor	
Comment	
Agency	
Misc.	
Payment type	Personal check
Check in	1005
Check out	0000000000
Overpayment	
Clerk	.00
Automation	80.00
Law Library	15.00
Judicial Security	6.00
Document Storage	25.00
Total	15.00

	141.00

Workstation QZRCRVS
User ID NII
Branch

** REMEMBER OUR 16TH PRESIDENT-ABE LINCOLN **