

2. Petitioner will not be able to make any showing for the extension.

Further, while the case at hand has been filed Pro Se by me as the Sheriff of Edgar County requesting a Writ of Prohibition and a Complaint For Declaratory Judgment, by the terms of 735 ILCS 5/2-617 of the Civil Practice Act (entitled "Seeking wrong remedy not fatal") this Court has the authority to grant this Motion pursuant to the Complaint for Writ of Prohibition and/or by the terms of the Uniform Arbitration Act.

2. That on or about August 28 and 29, 2011, the Illinois Fraternal Order of Police Labor Council filed Grievances on behalf of Roger Hopper and Dee Burgin who were terminated from their employment as Deputy Sheriffs by me on August 24, 2011. Such was done after I concluded (after conducting an investigation) that Hopper and Burgin had never been legally appointed as full time Deputies pursuant to the procedures of the Sheriff's Merit System Law as found in 55 Illinois Compiled Statutes 5/3-8001et.seq.; specifically 5/3-8010 of said Law.

3. That on August 1, 2012 I (as the Sheriff of Edgar County, Illinois) filed Pro-Se with the this Honorable Court, Case No. 2012 MR 24, a Petition For Issuance of a Writ of Prohibition and Complaint for Declaratory Judgment asking this Honorable Court to rule that:

A) Arbitrator Bierig has no lawful authority to conduct an Arbitration pertaining to the termination of employment of Dee Burgin and Roger Hopper as Deputies of the Plaintiff Sheriff.

B) That the Illinois Fraternal Order of Police Labor Council has no lawful authority to proceed to Arbitration as to the Hopper and Burgin Grievances filed pursuant to the terms of the Collective Bargaining Agreement between the Illinois Fraternal Order of Police Labor Council and the County of Edgar/Edgar County Sheriff.

4. That on Wednesday, October 24, 2012 Arbitrator Steven M. Bierig is scheduled to conduct the consolidated Arbitration Hearing as to the Grievances filed by the Illinois Fraternal

5. That no decision has been issued as to the above mentioned Case No. 2012 MR 24 by this Honorable Court. Please take note that the sitting Judges of the Edgar County Circuit Court recused themselves from hearing the case. Subsequently, the Chief Judge of the Fifth Judicial Circuit (of which Edgar County is a part) assigned Case No. 2012 MR 24 to the Honorable Judge Tracy Resch of Clark County, Illinois and transferred the case to the Circuit Court of Clark, County, Illinois. Additionally, Judge Resch has before him Case No. 12 MR 32 which deals with the State's Attorney of Edgar County seeking to Attorney Thomas F. McGuire of Long Grove, Illinois appointed Special Assistant State's Attorney to handle the Hopper and Burgin matters mentioned in this writing.

6. That staying the Arbitration Hearing presently scheduled for October 24, 2012 for a short amount of time will allow this Honorable Court time to decide whether or not the Illinois Fraternal Order of Police Labor Council has lawful authority to proceed to Arbitration as to the Hopper-Burgin Grievances.

7. That granting this Motion To Stay, while this Honorable Court has time to decide whether or not the Illinois Fraternal Order of Police Labor Council has lawful authority to proceed to Arbitration as to the Hopper-Burgin Grievances, will save the taxpayers of Edgar County a substantial amount of money.

8. That denying this Motion To Stay Arbitration Hearing for a short amount of time while this Honorable Court has time to decide whether or not the Illinois Fraternal Order of Police Labor Council has lawful authority to proceed to Arbitration as to the Hopper-Burgin

Grievances may cause such an Arbitration to be an exercise in futility if this Honorable Court rules in my favor.

WHEREFORE, I, as the Sheriff of Edgar County, Illinois, request you to Grant this Emergency Motion To Stay The Presently Pending And Undetermined Arbitration Hearing Before Arbitrator Steven M. Bierig presently scheduled for October 24, 2012 until this Honorable Court acts as to the Petition For Issuance of a Writ of Prohibition and Complaint for Declaratory Judgment; i.e., Case No. 2012 MR 24.

Respectfully Submitted,

Edward Motley Jr
Edward Motley-Sheriff of Edgar County,
Illinois