

IN THE CIRCUIT COURT  
FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS  
COLES COUNTY, CHARLESTON, ILLINOIS

FILED  
JUL - 6 2017

Melissa Hurst  
Circuit Clerk COLES COUNTY, ILLINOIS

IN RE: )  
APPOINTMENT OF SPECIAL STATE'S ATTORNEY, )  
THE PEOPLE OF THE STATE OF ILLINOIS, )  
Petitioner. )

17-MR-152

**ORDER APPOINTING SPECIAL ASSISTANT STATE'S ATTORNEY**

THIS MATTER COMING ON FOR HEARING upon the Petition for Appointment of Special Assistant State's Attorney on file herein and the Court being fully advised in the premises finds as follows:

1. That Petition for Appointment of Special Assistant State's Attorney was filed by the Coles County State's Attorney seeking appointment of Keith Fruehling, Brian Smith, and Benjamin Ford of the law firm of Heyl Royster Voelker & Allen as Special State's Attorney pursuant to 55 ILCS 5/3-9008.

2. That a cause of action has been filed in the Federal District Court for the Central District of Illinois entitled Robbie J. Perry and James Rex Dukeman, on behalf of themselves and others similarly situated as Mattoon Township (Coles County, Illinois) commercial and industrial property owners v. Coles County cause number 17-CV-2133.

3. That within the said cause of action the County of Coles is the named party.

4. That the County of Coles possesses certain insurance policies which purportedly cover said cause of action.

5. That the County of Coles is the named party pursuant to 55 ILCS 5/3-9008. The Coles County State's Attorney is a possible witness in said matter.

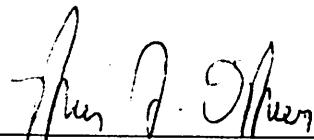
6. That Keith Fruehling, Brian Smith, and Benjamin Ford of the Law Office of Heyl Royster Voelker & Allen, 301 N. Neil Street, Suite 505, Champaign, Illinois, have offered to represent the County of Coles in the cause of action described herein.

7. That no public agency, attorney or entity exists possessing the expertise or knowledge necessary for the handling of this litigation at no cost.

8. That based upon the interest of Coles County being a party to the above mentioned federal proceeding, the resultant conflict as to the Coles County State's Attorney's Office, and the absence of a public agency to serve as special prosecutor at no cost to the county, the Petition for Appointment of Special Assistant State's Attorney is well taken and is hereby granted.

NOW BE IT THEREFORE ORDERED AND ADJUDGED, that the Petition for Appointment of Special Assistant State's Attorney is hereby granted and Keith Fruehling, Brian Smith, and Benjamin Ford of the law firm of Hely Royster Voelker & Allen, 301 N. Neil Street, Suite 505, Champaign, IL 61824, is appointed Special Assistant State's Attorney for the limited purpose of representation in the cause of action entitled Robbie J. Perry and James Rex Dukeman, on behalf of themselves and others similarly situated as Mattoon Township (Coles County, Illinois) commercial and industrial property owners v. Coles County bearing cause number 17-CV-2133.

ENTER this 6th day of July 2017.



J U D G E

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