

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

PETITION FOR APPOINTMENT OF SPECIAL ASSISTANT STATE'S ATTORNEY

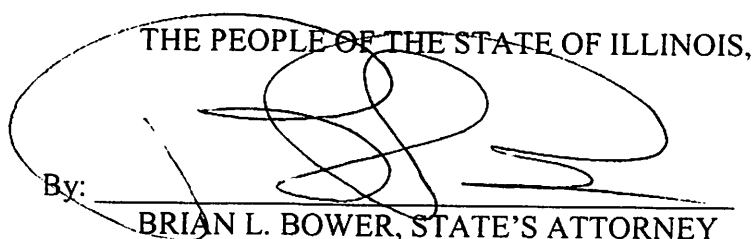
NOW COME the People of the State of Illinois by the Coles County State's Attorney, Brian L. Bower, and for their Petition for Appointment of Special Assistant State's Attorney pursuant to 55 ILCS 5/3-9008, represents unto this Honorable Court as follows:

1. 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 bearing cause number 17-CV-2133.
2. That within the said cause of action the County of Coles is the named party.
3. That the County of Coles possesses certain insurance policies which the county believes cover this cause of action.
4. That questions exist involving issues as to coverage.
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, it is appropriate and expedient that this Court enter its order appointing Keith Fruehling, Brian Smith, and Benjamin Ford of Hely Royster Voelker & Allen as Special Assistant State's Attorney for the limited purpose of representation in the cause of action described herein.

WHEREFORE, The People of the State of Illinois pray this Honorable Court enter its order appointing Keith Fruehling, Brian Smith, and Benjamin Ford of the law office of Heyl Royster Voelker & Allen, 301 N. Neil Street, Suite 505, Champaign, Illinois, as 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.

Dated this 6th day of July, 2017.

THE PEOPLE OF THE STATE OF ILLINOIS,

By: BRIAN L. BOWER, STATE'S ATTORNEY

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