

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CHANCERY DIVISION**

CITY OF CALUMET CITY, an Illinois)
Municipal Corporation, and THADDEUS)
M. JONES, in his official capacity as Mayor)
of the City of Calumet City,)

Plaintiffs,)

v.)

ODELSON, MURPHY, FRAZIER,)
& MCGRATH, LTD., an Illinois company,)

Defendant.)

Case No. 2026 CH 02602

**PLAINTIFFS' EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER**

Plaintiffs, the CITY OF CALUMET CITY (“City”) and THADDEUS M. JONES, in his official capacity as Mayor of the City (“Mayor”), by their respective attorneys, ANCEL GLINK, P.C. (for the City) and PATRICK WALSH, (for Mayor Jones) move this Honorable Court pursuant to 735 ILCS 5/11-101, to enter a temporary restraining order on an emergency basis, without bond pursuant to 735 ILCS 5/11-103, against Defendant ODELSON, MURPHY, FRAZIER, MCGRATH, LTD. (“Odelson”). In support, the Plaintiffs state the following:

**I. FACTUAL BACKGROUND (FACTS PROVIDED FROM VERIFIED
COMPLAINT AND AFFIDAVIT)**

1. This emergency motion seeks to prevent Odelson from overstepping its authority by seeking to represent the City in matters that are being litigated by the City Attorney and the City’s Corporation Counsel.

2. In support of this Motion, Plaintiffs submits the Affidavits of the Mayor Jones (**Exhibit 1**) and the Verified Complaint for Declaratory and Related Injunctive Relief (**Exhibit 2**).

3. The City is a home-rule municipality and operates under an Aldermanic-City form of municipal government. (Ex. 2, ¶7).

4. The Mayor was duly elected to serve a second term as the City's Mayor on April 1, 2025. (Ex. 2, ¶8).

5. The Illinois Municipal Code gives the Mayor the power to appoint a City Attorney and Corporation Counsel with the advice and consent of the City Council. 65 ILCS 5/3.1-35-10.

6. On May 1, 2021, the law offices of ANCEL GLINK, P.C., was appointed as corporation counsel ("Corporation Counsel") for the City. The Corporation Counsel is assigned legal work by the Mayor and/or City Attorney to be done on behalf of the City and is to be compensated in like manner as the City Attorney. City Code §§ 2-491, 2-492.

7. On May 13, 2021, Michael J. Kasper was appointed City Attorney. The City Attorney is the chief legal officer of the City and advises the City on its legal matters.

8. The City Attorney and Corporation Counsel are appointed officers of the City under Section 3.1-30-5 of the Illinois Municipal Code. They have not been removed from office pursuant to section 3.1-35.10 of the Illinois Municipal Code provisions, which requires the mayor to commence any action to remove officers.

9. On December 18, 2025, the City passed Ordinance No. 25-22 which amended the City's municipal code to create the position of legislative counsel ("Legislative Counsel") to serve as an independent legal advisor to the Alderpersons ("the Alders") on matters related to legislative duties of the Alders. (Ex. A to Ex. 2).

10. In that same ordinance, Odelson, was appointed as the City's Legislative Counsel. (Ex. A to Ex. 2).

11. Despite Ordinance no. 25-22 expressly limiting the powers of the Legislative Counsel, the Plaintiffs are aware of at least two cases in which Odelson has sought to represent the City in litigation and usurp the power specifically delegated to the City Attorney and Corporation Counsel.

12. Presently, the Corporation Counsel is defending a federal litigation entitled *Kenneth Jones v. City of Calumet City and Thaddeus Jones, Mayor of Calumet City, individually*, Case no. 1:25-cv-14797 in the Northern District of Illinois, Eastern Division, (the “Federal Litigation”). (Ex. C to Ex. 2).

13. Corporation Counsel was assigned by the City’s insurance adjuster, Cannon Cochran Management Services, Inc. (“CCMSI”) to represent the City in said matter on September 15, 2025. (Ex. D to Ex. 2).

14. In the Federal Litigation, the plaintiff alleges that the Mayor sought a bribe from the plaintiff in order to retain his employment with the City and alleges Section 1983 and retaliation claims against the City, and the Mayor. (Ex. B to Ex. 2). There are no allegations maintained in the Federal Litigation against the City Council or its members. *Id.*

15. Despite the lack of any issue that would authorize the Legislative Counsel to appear in the Federal Litigation, Odelson filed its separate notice of appearance on behalf of the City. (Ex. E to Ex. 2). This notice of appearance was filed without seeking leave of court or any other such motion.

16. Separately, the Mayor and the City are involved in a matter before the Illinois Labor Relations Board (ILRB) regarding the voluntary recognition of the International Brotherhood of Teamsters Local 700 as a bargaining unit on behalf of some of the City’s employees. (Ex. F to Ex. 2). The Alders are not a party to that action.

17. On March 5, 2026, Odelson sent correspondence to the ILRB stating incorrectly that as Legislative Counsel, it represented the City before the ILRB. (Ex. G to Ex. 2).

18. Once again, Odelson is interceding in a matter that does not involve any of the matters specifically reserved to it under the City's municipal code and certainly does not represent the City before the ILRB.

19. As a result of the improper interventions by Odelson in the above cited legal matters, the ability of the Mayor, the City Attorney and the Corporation Counsel to represent the legal interests of the City are being impacted.

II. LEGAL STANDARD

20. Traditionally, the party moving for the temporary restraining order ("TRO") must show: (i) that it has a protectable right; (ii) that it will suffer irreparable harm if injunctive relief is not granted; (iii) a remedy at law is inadequate; and (iv) there is a likelihood of success on the merits of the disputed issue. See *Ill. Beta Chapter of Sigma Phi Epsilon Fraternity Alumni Bd. v. Ill. Inst. Of Tech.*, 409 Ill.App.3d 228, 231 (1st Dist. 2011). The Court must also consider whether the balance of hardships to each party supports granting such relief. *Callis, Papa, Jackstadt & Halloran, P.C. v. Norfolk & W. Ry. Co.*, 195 Ill.2d 356, 371 (2001).

21. However, it is well established that where a governmental agency is authorized to seek injunctive relief, it is not necessary to plead or establish the traditional equitable elements necessary to obtain an injunction. *Riverdale v. Allied Waste Transp.*, 334 Ill. App. 3d 224, 230-231 (1st Dist. 2002). In the enforcement of any statute or ordinance, there is a presumption that the public is harmed when the statute or ordinance is violated. *Id.* Thus, when a municipality, such as the Village, seeks to enforce its ordinances, it need only demonstrate a violation of its Code in order to obtain injunctive relief. *Id.*

22. The City seeks entry of the TRO in order that the interests of the City are safeguarded until such time as this Court can conduct a hearing on a preliminary injunction. 735 ILCS 5/11-101 (the TRO “shall expire by its terms within such time after signing of the order, not to exceed 10 days, as the court fixes”); see, also, *In re Estate of Wilson*, 373 Ill.App.3d 1066, 1075 (1st Dist. 2007) (citing *Kable Printing Co. v. Mt. Morris Bookbinders Union Local 65-B*, 63 Ill.2d 514, 524 (1976)).

III. ARGUMENT

23. Under Section 3.1-30-5 of the Illinois Municipal Code, 65 ILCS 5/3.1-30-5, the Mayor has the sole authority to appoint, with the advice and consent of the City Council, an attorney or corporation counsel.

24. Pursuant to the Municipal Code of Calumet City, Illinois (“City Code”), the City Attorney is to be appointed by the Mayor with the advice and consent of the City Council. City Code §2-601. Relevant excerpts from the City Code are attached hereto as **Exhibit 3**.

25. The City Attorney is authorized to perform all legal duties relating to the City. *Id.* at §603. The City Attorney was appointed by the Mayor with the approval of the Alders.

26. The City’s Legislative Counsel, created by Ordinance No. 25-22, is only granted the following authority:

It is in the best interests of the City of Calumet City for the City Council to retain legislative counsel independently to serve as legal advisor to the City Council and counsel on matters relating to their legislative duties, which may include, but are not limited to, the drafting of ordinances, contract documents, opinions on the powers of the legislative branch, analysis of the validity of actions taken by the City, review of litigation issues, representation of the corporate authorities regarding legislative matters in litigation, defend the City Council and its members against claims and lawsuits, advise the City Council on other proposed amendments to the Municipal Code of Calumet City, settlement of litigation, tax increment financing, economic development, other economic, finance, and tax related issues as may come before the City Council and any committees thereof,

and providing other advice on matters within the purview of the legislative branch of municipal government. (Ex. A. to Ex. 2).

27. Thus, Odelson has no authority to appear on the City's behalf in litigation matters and such actions exceed the authority granted to Odelson to represent the City Council under Ordinance No. 25-22, the City Code, and the Illinois Municipal Code.

28. The City Council, as the legislative branch of the City government, lacks legal authority to appoint a city attorney or outside corporation counsel to defend the City's interest in any litigation before a court or tribunal.

29. As the legislative body, the City Council may not enact or adopt any ordinance which infringes upon the Mayor's executive powers to appoint the City Attorney and Corporation Counsel. *Pechous v. Slawko*, 64 Ill. 2d 576, 580, 584-85 (1976); *Village of Westmont v. Lenihan*, 301 Ill. App. 3d 1050, 1059 (2nd Dist. 1998).

30. Odelson's actions are, in effect, removing the City Attorney and Corporation Counsel from office without following the statutory procedure required in Section 3.1-35-10.

31. Only the Mayor has authority under the Illinois Municipal Code and the City Code to appoint a City Attorney or Corporation Counsel to represent the City's interests before a court or tribunal. *Pechous*, 64 Ill. 2d at 584-85.

32. The Alders' actions of designating a different city attorney or corporation counsel without the executive following the statutory process of removing the City Attorney simply bypasses that, obliterating the appointment powers of the Mayor as the chief executive officer of the city. 65 ILCS 5/3.1-15-10.

33. Sec. 3.1-35-5 of the Illinois Municipal Code provides that the mayor shall perform all the duties which are prescribed by law, including ordinances, and shall take care that the laws and ordinances are faithfully executed.

34. The Alders are not parties to the Federal Litigation and the Corporation Counsel has filed an appearance on behalf of the City. The Mayor is represented by separate counsel in the Federal Litigation.

35. Thus, the Alders have no need for separate counsel in the Federal Litigation where they are not even parties.

36. Likewise, the Alders are not parties to any action pending before the ILRB, which governs public employers, not public officials, and are certainly not a party with respect to a voluntary recognition petition filed under 80 Ill. Adm. Code 1200.160.

37. Pursuant to 80 Ill. Adm. Code 1200.160, voluntary recognition petitions concern the Labor organization seeking to represent a bargaining unit and the employer, which in this case is the City itself.

38. As the City is a separate entity from the City Council (see 65 ILCS 5/1-1-2), the City Council and Legislative Counsel, have no ability to hold itself out as the public employer as defined under Section 3(o) of Illinois' Public Labor Relations Act.

39. While the Alders passed an ordinance creating the position of Legislative Counsel, some of the powers they have conferred upon Odelson actually take powers away from the Mayor.

40. Odelson's actions and conduct in attempting to intercede in the Federal Litigation and labor matter before the ILRB is causing irreparable harm to the City by impacting the City Attorney and Corporation Counsel's ability to represent the legal interests of the City.

41. The Mayor has the sole authority to appoint the City Attorney and Corporation Counsel. 65 ILCS 5/3.1-35-10, §§2-601, 2-491 of the Code.

42. The Mayor used his designated executive authority to appoint Mr. Kasper as City Attorney and Ancel Glink, P.C. as Corporation Counsel. (Ex. 1, ¶¶3-6).

43. The Corporation Counsel presently represents the City in the Federal Litigation and before the ILRB. (Ex. 1, ¶¶ 10-12).

44. Neither the Federal Litigation nor matters before the ILRB implicate any authority delegated to legislative counsel under the City's Code.

45. The City Attorney and Corporation Counsel have not been removed from office pursuant to the procedures set forth in the Illinois Municipal Code. 65 ILCS 5/3.1-35-10.

46. Odelson's actions in attempting to represent the City in litigation is operating as a removal of office of the City Attorney and/or Corporation Counsel without following the statutory process, which requires approval of the Mayor.

47. In violation of the City Code and the authority explicitly reserved to the Mayor, City Attorney and Corporation Counsel, Odelson unilaterally decided to intervene and claim that it represents the City in the Federal Litigation and before the ILRB. (Exs. E & G to Ex. 2).

48. This usurpation by Odelson of the authority vested in the Mayor, City Attorney and Corporation Counsel is at odds with the separation of powers codified in Art II, § 1 of the Illinois Constitution. *See Kaltsas v. North Chicago*, 160 Ill. App. 3d 302, 307 (2d Dist. 1987) (municipal corporations are creatures of the legislature and must abide by the state constitution).

49. As the legislative body, the City Council may not enact or adopt any ordinance which infringes upon the Mayor's executive powers to appoint the City Attorney and Corporation Counsel. *Pechous v. Slawko*, 64 Ill. 2d 576, 580, 584-85 (1976); *Village of Westmont v. Lenihan*, 301 Ill. App. 3d 1050, 1059 (2nd Dist. 1998).

50. By holding itself out as the legal representative of the City in the Federal Litigation and before the ILRB, Odelson is impacting the ability of the City to protect its legal interests as only the City Attorney and Corporation Counsel are authorized to represent the City in legal matters pertaining to the City.

51. Based on Odelson's illegal actions, the City, Mayor and the City Attorney are authorized under City's Code to pursue injunctive relief against Odelson.

52. Separate from the violation of the City's Code, Plaintiffs can also demonstrate the traditional factors required to grant a TRO.

53. The Plaintiffs have a right to have the City's legal interests defended by the City Attorney and the Corporation Counsel that were appointed by the Mayor and confirmed by the City Council.

54. Here, where the Mayor has not removed the appointed City Attorney or Corporation Counsel, the Alders cannot simply ignore the power of the executive branch.

55. The Alders' actions of designating a different city attorney or corporation counsel without the executive following the statutory process of removing the City Attorney simply bypasses that, obliterating the appointment powers of the Mayor as the chief executive officer of the city. 65 ILCS 5/3.1-15-10.

56. Sec. 3.1-35-5 of the Illinois Municipal Code provides that the Mayor shall perform all the duties which are prescribed by law, including ordinances, and shall take care that the laws and ordinances are faithfully executed.

57. The Alders are not parties to the Federal Litigation and the Corporation Counsel has filed an appearance on behalf of the City. The Mayor is represented by separate counsel in the Federal Litigation.

58. Thus, the Alders have no need for separate counsel in the Federal Litigation where they are not even parties.

59. Likewise, the Alders are not parties to any action pending before the ILRB, which governs public employers, not public officials, and are certainly not a party with respect to a voluntary recognition petition filed under 80 Ill. Adm. Code 1200.160.

60. Pursuant to 80 Ill. Adm. Code 1200.160, voluntary recognition petitions concern the Labor organization seeking to represent a bargaining unit and the employer, which in this case is the City itself.

61. As the City is a separate entity from the City Council (*see* 65 ILCS 5/1-1-2), the Alders and Odelson, have no ability to hold themselves out as the public employer as defined under Section 3(o) of Illinois' Public Labor Relations Act.

62. While the Alders passed an ordinance creating the position of Legislative Counsel, some of the powers they have conferred upon the legislative counsel actually take powers away from the Mayor and infringes on the executive branch of government.

63. Plaintiffs are being irreparably harmed and will continue to be irreparably harmed by Odelson's attempts to intercede in litigation matters of the City because Plaintiffs' ability to represent itself through its chosen legal counsel is being frustrated.

64. This state of affairs is causing irreparable harm to Plaintiffs' position and ability to represent its interests in the affected legal matters.

65. Plaintiffs have no adequate remedy at law and is seeking a permanent injunction against Odelson requiring it to withdraw from litigation matters in which it has filed an appearance on the City's behalf and refrain from interceding in any other litigation matters of the City.

66. Plaintiffs have a likelihood of success on the merit based upon the provisions of Illinois' Municipal Code and the City's Code and the violations thereof by Odelson.

67. As the City is seeking to enforce provisions of Illinois' Municipal Code as well as the City's Code by having the City Attorney and Corporation Counsel represent the City in pending litigation, the equities certainly favor the City's request for an entry of a TRO. In sharp contrast, Odelson cannot provide any reason why they should represent the City in either the Federal Litigation or before the ILRB.

68. Finally, granting the TRO will maintain the last peaceable status quo which was prior to Odelson intervening in matters exclusively reserved for the City Attorney and Corporation Counsel.

IV. CONCLUSION

WHEREFORE, Plaintiff, Calumet City, and Plaintiff Mayor Jones request this Court grant the following relief based on Defendant, Odelson, Murphey, Frazier and McGrath, Ltd.'s, violation of the City's Code:

- A. Enter a preliminary injunction and a permanent injunction requiring Defendant Odelson, Murphey, Frazier and McGrath, Ltd. to cease all legal work on behalf of the City that is not at the direction of the Mayor or the City Attorney.
- B. Require Defendant Odelson, Murphey, Frazier and McGrath, Ltd. to withdraw its notice of appearance in the Federal Litigation and any claim of representation of the City before the ILRB.
- C. Grant the Village its costs and attorney's fees incurred in this case due to the prosecution of this action.
- D. For such other and further or different relief as may be equitable and just.

CITY OF CALUMET CITY

MAYOR THADDEUS JONES

By: /s/ Keri-Lyn J. Krafthefer
One of its attorneys

By: /s/ Patrick Walsh
One of his attorneys

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