

FILED

IN THE FOURTH JUDICIAL CIRCUIT COURT OF ILLINOIS
SHELBY COUNTY

AUG 04 2026

Peter A. Costa
Clerk of the Circuit Court
Fourth Judicial Circuit
Shelby County, IL.

COALITION OPPOSING GOVERNMENTAL SECRECY
AND EDGAR COUNTY WATCHDOGS, INC.

Plaintiffs,

vs.

SHELBY COUNTY STATE'S ATTORNEY,
Defendant.

Case No. 2025-CH-9

ORDER

THIS CAUSE coming on to be heard on Defendant SHELBY COUNTY STATE'S ATTORNEY's (hereinafter "Defendant") "Defendant Shelby County State's Attorney's Motion to Dismiss Pursuant to Section 2-615" previously filed herein; and the Court having heard arguments of the parties, having reviewed the pleadings filed by the parties, and having conducted its own research, FINDS and ORDERS as follows:

1. The Court takes this matter out of advisement.
2. The Court has jurisdiction over the parties hereto and the subject-matter hereof.
3. Defendant filed its motion to dismiss pursuant to 735 ILCS 5/2-615(a) thereby alleging Plaintiffs' "Complaint" failed to allege sufficient facts to state a cause of action upon which relief may be granted.
4. A section 2-615(a) motion to dismiss tests the legal sufficiency of the complaint based on defects apparent on its face. *Reynolds v. Jimmy John's Enterprises, LLC*, 988 N.E.2d 984, 992 (4th Dist. 2013). A section 2-615 motion presents the question of whether the facts alleged in the complaint, viewed in the light most favorable to the plaintiff, and taking all well-pleaded facts and all reasonable

inferences that may be drawn from those facts as true, are sufficient to state a cause of action upon which relief may be granted. *Id.* “[A] cause of action should not be dismissed pursuant to section 2–615 unless it is clearly apparent that no set of facts can be proved that would entitle the plaintiff to recovery.” *Marshall v. Burger King Corp.*, 222 Ill.2d 422, 429 (2006). In ruling on a section 2–615 motion, the court only considers (1) those facts apparent from the face of the pleadings, (2) matters subject to judicial notice, and (3) judicial admissions in the record. *Jimmy John's*, 988 N.E.2d at 992. A plaintiff is not required to prove his case in the pleading stage, but he must allege sufficient facts to state all the elements which are necessary to sustain his cause of action. *Axion RMS, Ltd. v. Booth*, 2019 IL App (1st) 180724, ¶19.

5. After considering all well-pleaded facts pled in Plaintiffs’ “Complaint” and taking said facts and any reasonable inferences from those facts as true, and having rejected unsupported conclusions of fact and legal conclusions, and having viewed the aforementioned facts and inferences in the light most favorable to the Plaintiffs, the Court finds that Plaintiffs have alleged facts sufficient to state a cause of action upon which relief can be granted.

6. As a result of the foregoing, Defendant’s “Defendant Shelby County State’s Attorney’s Motion to Dismiss Pursuant to Section 2-615” is denied.

7. Defendant is ordered to file a responsive pleading to Plaintiffs’ “Complaint” within 45 days. Further court proceedings to be scheduled upon request and in coordination with the Shelby County Circuit Clerk’s Office.

8. The Shelby County Circuit Clerk shall forward a copy of this Order to all attorneys of record.

DATE: _____

8/4/26



JUDGE OF THE CIRCUIT COURT