

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
SANGAMON COUNTY, ILLINOIS**

**Tony McCombie, John Curran, Neil Anderson,)
Li Arellano Jr., Chris Balkema, Terri Bryant,)
Jason Bunting, John Cabello, Mike Coffey, CD)
Davidsmeyer, Regan Deering, Donald DeWitte,)
Amy Elik, Dale Fowler, Brad Fritts, Amy Grant,)
Jackie Haas, Norine Hammond, Erica Harriss,)
Bill Hauter, Darby Hills, Paul Jacobs, Jeff)
Keicher, Nicole La Ha, Seth Lewis, Steve)
McClure, Charles Meier, Kyle Moore, Jason)
Plummer, Sue Rezin, Chapin Rose, Wayne)
Rosenthal, Jennifer Sanalitra, Brandun)
Schweizer, Dave Severin, Ryan Spain, Brad)
Stephens, Dan Swanson, Dave Syverson, Dennis)
Tipsword, Jil Tracy, Sally Turner, Dan Ugaste,)
Travis Weaver, Tom Weber, Craig Wilcox, and)
Patrick Windhorst,)**

Case No. : 2025MR000281

Plaintiffs,

vs.

**Emmanuel “Chris” Welch, in his Capacity as)
Speaker of the Illinois House of Representatives)
and Don Harmon in his capacity as President of)
the Illinois Senate,)**

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Now come Plaintiffs Tony McCombie, John Curran, Neil Anderson, Li Arellano Jr., Chris Balkema, Terri Bryant, Jason Bunting, John Cabello, Mike Coffey, CD Davidsmeyer, Regan Deering, Donald DeWitte, Amy Elik, Dale Fowler, Brad Fritts, Amy Grant, Jackie Haas, Norine Hammond, Erica Harriss, Bill Hauter, Darby Hills, Paul Jacobs, Jeff Keicher, Nicole LaHa, Seth Lewis, Steve McClure, Charles Meier, Kyle Moore, Jason Plummer, Sue Rezin, Chapin Rose, Wayne Rosenthal, Jennifer Sanalitra, Brandun Schweizer, Dave Severin, Ryan Spain, Brad Stephens, Dan Swanson, Dave Syverson, Dennis Tipsword, Jil Tracy, Sally Turner,

Dan Ugaste, Travis Weaver, Tom Weber, Craig Wilcox, and Patrick Windhorst, by and through their counsel, the Law Office of John Fogarty, Jr., and for their Complaint for Declaratory Judgment and Injunctive Relief, state as follows:

Introduction

1. This action seeks to prevent SB 328, passed by the Illinois General Assembly on June 1, 2025, from being signed into law.

2. To be sure, SB 328 is a dubious piece of legislation. It purports to massively expand the general jurisdiction of Illinois Courts over foreign corporations in toxic tort litigation. The bill is yet another anti-business measure that is designed to enrich trial attorneys at the hands of businesses, and ultimately workers and taxpayers.

3. This particular challenge to SB 328, though, is not directed to its lack of substantive merit. Rather, this complaint is aimed at the unconstitutional manner in which the General Assembly passed SB 328. The bill's final language was sprung on the General Assembly on May 31, 2025, in the waning hours of this spring's legislative session, by a floor amendment (House Floor Amendment 2) that completely replaced the language that had existed in SB 328 to that point, which had addressed the totally unrelated topic of amendments to pleadings and e-filing under Section 2-616 of the Code of Civil Procedure.

4. By this now-familiar "gut and replace" method, SB 328 – a major piece of anti-business legislation – was introduced and passed in a matter of mere hours.

5. When legislation is introduced and rushed through the General Assembly at the last minute, immediately prior to adjournment, skipping over the truly deliberative process for which legislation is intended, everyone loses. Legislators of both parties as well as the general public are deprived of any real opportunity to know about, or to debate the merits of a piece of

legislation. This “gut and replace” practice is not just bad policy. It contravenes the Illinois Constitution.

6. Article IV, Section 8 of the Illinois Constitution governs how the legislature must pass bills. Paragraph (d) of the section requires that “[a] bill shall be read by title on three different days in each house.” ILL. CONST. ART. IV SEC. 8, par. (d). This provision in the Constitution is intended to be a check on the power of the Legislature and its leadership, and to prevent exactly what happened here: the rushed passage of a bill without the opportunity for either members of the General Assembly or the public to weigh in on the legislation.

7. The Three Readings Rule is a constitutional requirement that serves important enumerated purposes: (1) it provides members of the legislature meaningful opportunity to know, understand and debate the merits of a piece of proposed legislation; and (2) it ensures that the public has reasonable notice to know about and comment on proposed legislation. *Caulkins v. Pritzker*, 2023 IL 129453 at ¶ 109 (2023)(Holder White Dissent, citing *League of Women Voters of Honolulu v. State of Hawaii*, 499 P.3d 382 (2021)); *Giebelhausen v. Daley*, 95 N.E.2d 84, 95 (Ill. 1950)(discussing three readings requirement under prior constitution). The United States Supreme Court has similarly commented on the importance of three readings requirements, noting that the three readings requirement functions to ensure that “each House knows what it is passing, and passes what it wants.” *Schwegmann Brothers v. Calvert Distillers Corp.*, 341 U.S. 384, 396, 71 S.Ct. 745; 95 L.Ed. 1035 (1951).

8. The passage of SB 328 violated the Three Readings Rule, and should therefore be voided. While the bill passed as a shell through the legislative process, not until May 31, 2025 – the last full day of the spring legislative session – was the substance of SB 328 introduced via the “gut and replace” method.

9. House Floor Amendment 2, introduced on May 31, 2025, replaced everything in SB 328 after the enacting clause. House Amendment 2, which completely replaced the existing language in SB 328, and “became the bill,” was read to neither chamber in the General Assembly on three different days, and neither chamber, nor the general public was afforded the opportunity to comment on the legislation.

10. Following House Amendment 2, SB 328 bore no resemblance to the innocuous language contained in it prior that amendment. Because the passage of SB 328 offends the Three Readings Rule, it must be invalidated.

11. Unfortunately, abuse of the constitutional protection afforded by the Three Readings Rule has gone on for decades. In addition to containing the three readings requirement, Article IV, Section 8, paragraph (d) of the Illinois Constitution requires that “[t]he Speaker of the House of Representatives and the President of the Senate shall sign each bill that passes both houses to certify that the procedural requirements for passage have been met.” ILL. CONST. ART. IV SEC. 8, par. (d). This provision, which has come to be known as the Enrolled Bill Doctrine, allows the Speaker of the House and Senate President to sign off on a bill having met the requirements of the Three Readings Rule regardless of whether the bill has been read to both houses on three separate days. The Enrolled Bill Doctrine has permitted an unconstitutional abuse of the legislative process for many years. The Speaker and the Senate President have signed off on SB 328 as having met procedural requirements under Article IV, Section 8, paragraph (d).

12. Former challenges to legislation as having not met the Three Readings Rule have been countered by the Enrolled Bill Doctrine. See, e.g., *Geja’s Café v. Metropolitan Pier and Exposition Authority*, 606 N.E.2d 1212 (Ill. 1992); *Fuehrmeyer v. City of Chicago*, 311 N.E.2d

116 (Ill. 1974). Illinois Courts have held that the legislative leaders' sign-off creates the presumption that all procedural requirements -- including the Three Readings Rule -- have been met. *Fuehrmeyer* at 119; *Cutinello v. Whitley*, 641 N.E.2d 360 (Ill. 1994); *Cincinnati Ins. Co. v. Chapman*, 691 N.E.2d 374 (Ill. 1998); *Friends of the Parks v. Chicago Park District*, 786 N.E.2d 161 (Ill. 2003).

13. Judicial adherence to the Enrolled Bill Doctrine is far from unanimous, however. In *People v. Dunigan*, Justice Heiple drafted a pointed dissent questioning the logical underpinnings of the Enrolled Bill Doctrine as well as the majority's problematic reliance on the testimony of delegates to the 1970 Constitutional Convention to support it. Justice Heiple wrote:

The interpretation of a constitutional provision depends, in the first instance, on the plain meaning of its language. Next, it depends on the common understanding of the citizens who, by ratifying the constitution, have given it life. A court looks to the debates of the convention delegates only when a constitutional provision is ambiguous. [Internal citation omitted] There is no ambiguity in the provision requiring the legislature to read a bill on three different days in each house, the provision that a bill receive a majority vote in each house, or the provision requiring the Speaker of the House and the President of the Senate to sign each bill to certify that the procedural requirements for passage have been met.

If it were deemed desirable to foreclose inquiries into the regularity of the passage of bills, language similar to the enrolled-bill doctrine could have been included within the constitution. There is no such language. Moreover, the Illinois Constitution was adopted at a referendum. It did not become the law of the State by either the discussions of the delegates or by their votes. The constitutional convention merely submitted the document to the public for a vote. There is no way that a voter could interpret the language of the constitution to mean that procedural requirements for the passage of a bill could be overridden by the signatures of two State officers. In truth, the signatures of the officers are merely *prima facie* evidence that the General Assembly has abided by the requirements of the constitution. In other words, it raises a rebuttable presumption that the requirements for passage have been met.

A literal adherence to this so-called enrolled-bill doctrine means that a bill need never be read or presented in either house, need never receive a majority vote, and need never even be voted on. Two people, the Speaker of the House and the President of the Senate, need merely sign and certify a bill and, unless vetoed

by the Governor pursuant to article IV, section 9, the bill becomes *ipso facto* the law of Illinois. Contrary to today's ruling, I believe that the constitutional requirements for the enactment of a bill should be followed and enforced. While separation of powers is a valid doctrine and a presumption of legislative regularity is its proper corollary, this court should reserve the right of review to ensure the General Assembly's compliance with constitutional mandates.

Dunigan at 257-258.

14. Justice Heiple's dissent in *Dunigan* has led to increased (and justified) judicial criticism of the Enrolled Bill Doctrine and its abuses. See, e.g., *Caulkins v. Pritzker*, *supra*; *Accuracy Firearms v. Pritzker*, 2025 IL App (5th) 240112-U (Boie dissent).

15. While not invalidating the Enrolled Bill Doctrine, the Illinois Supreme Court reiterated in *Friends of the Parks* that the legislature has "shown remarkably poor self-discipline in policing itself in regard to the three-readings requirement." *Friends of the Park* at 329, citing *Geja's Café*.

16. The Court in *Geja's Café* reserved for itself the right to revisit the Enrolled Bill Doctrine in light of its abuse by legislative leaders. The time to revisit the vitality of that odious doctrine is now. As explained in the dissent in *Caulkins v. Pritzker*, "[g]iven the legislature's repeated failures, continued adherence to the enrolled-bill doctrine should no longer be countenanced." *Caulkins* at ¶ 99.

17. In this case, SB 328 was passed in contravention of the Three Readings Rule. While the Speaker and Senate President certified that SB 328 was passed in accordance with constitutional requirements, the plain facts overcome any presumption of constitutionality that may otherwise be afforded SB 328 via the Enrolled Bill Doctrine.

The Parties

18. Plaintiff Tony McCombie is a resident and registered voter in the State of Illinois. Tony McCombie is also a Representative in the General Assembly, representing the 89th

Representative District. Tony McCombie also serves as the Minority Leader in the Illinois House of Representatives.

19. Plaintiff John Curran is a resident and registered voter in the State of Illinois. John Curran is also a State Senator, representing the 41st Legislative District. John Curran also serves as the Minority Leader in the Illinois Senate.

20. Plaintiff Neil Anderson is a resident and registered voter in the State of Illinois. Neil Anderson is also a State Senator, representing the 47th Legislative District.

21. Plaintiff Li Arellano Jr. is a resident and registered voter in the State of Illinois. Li Arellano Jr. is also a State Senator, representing the 37th Legislative District.

22. Plaintiff Chris Balkema is a resident and registered voter in the State of Illinois. Chris Balkema is also a State Senator, representing the 53rd Legislative District.

23. Plaintiff Terri Bryant is a resident and registered voter in the State of Illinois. Terri Bryant is also a State Senator, representing the 58th Legislative District.

24. Plaintiff Jason Bunting is a resident and registered voter in the State of Illinois. Jason Bunting is also a Representative in the General Assembly, representing the 106th Representative District.

25. Plaintiff John Cabello is a resident and registered voter in the State of Illinois. John Cabello is also a Representative in the General Assembly, representing the 90th Representative District.

26. Plaintiff Mike Coffey is a resident and registered voter in the State of Illinois. Mike Coffey is also a Representative in the General Assembly, representing the 95th Representative District.

27. Plaintiff CD Davidsmeyer is a resident and registered voter in the State of Illinois. CD Davidsmeyer is also a Representative in the General Assembly, representing the 100th Representative District.

28. Plaintiff Regan Deering is a resident and registered voter in the State of Illinois. Regan Deering is also a Representative in the General Assembly, representing the 88th Representative District.

29. Plaintiff Donald DeWitte is a resident and registered voter in the State of Illinois. Donald DeWitte is also a State Senator, representing the 33rd Legislative District.

30. Plaintiff Amy Elik is a resident and registered voter in the State of Illinois. Amy Elik is also a Representative in the General Assembly, representing the 111th Representative District.

31. Plaintiff Dale Fowler is a resident and registered voter in the State of Illinois. Dale Fowler is also a State Senator, representing the 59th Legislative District.

32. Plaintiff Brad Fritts is a resident and registered voter in the State of Illinois. Brad Fritts is also a Representative in the General Assembly, representing the 74th Representative District.

33. Plaintiff Amy Grant is a resident and registered voter in the State of Illinois. Amy Grant is also a Representative in the General Assembly, representing the 47th Representative District.

34. Plaintiff Jackie Haas is a resident and registered voter in the State of Illinois. Jackie Haas is also a Representative in the General Assembly, representing the 79th Representative District.

35. Plaintiff Norine Hammond is a resident and registered voter in the State of Illinois. Norinne Hammond is also a Representative in the General Assembly, representing the 94th Representative District.

36. Plaintiff Erica Harriss is a resident and registered voter in the State of Illinois. Erica Harriss is also a State Senator, representing the 56th Legislative District.

37. Plaintiff Bill Hauter is a resident and registered voter in the State of Illinois. Bill Hauter is also a Representative in the General Assembly, representing the 87th Representative District.

38. Plaintiff Darby Hills is a resident and registered voter in the State of Illinois. Darby Hills is also a State Senator, representing the 26th Legislative District.

39. Plaintiff Paul Jacobs is a resident and registered voter in the State of Illinois. Paul Jacobs is also a Representative in the General Assembly, representing the 118th Representative District.

40. Plaintiff Jeff Keicher is a resident and registered voter in the State of Illinois. Jeff Keicher is also a Representative in the General Assembly, representing the 70th Representative District.

41. Plaintiff Nicole La Ha is a resident and registered voter in the State of Illinois. Nicole La Ha is also a Representative in the General Assembly, representing the 82nd Representative District.

42. Plaintiff Seth Lewis is a resident and registered voter in the State of Illinois. Seth Lewis is also a State Senator, representing the 24th Legislative District.

43. Plaintiff Steve McClure is a resident and registered voter in the State of Illinois. Steve McClure is also a State Senator, representing the 54th Legislative District.

44. Plaintiff Charles Meier is a resident and registered voter in the State of Illinois. Charles Meier is also a Representative in the General Assembly, representing the 109th Representative District.

45. Plaintiff Kyle Moore is a resident and registered voter in the State of Illinois. Kyle Moore is also a Representative in the General Assembly, representing the 99th Representative District.

46. Plaintiff Jason Plummer is a resident and registered voter in the State of Illinois. Jason Plummer is also a State Senator, representing the 55th Legislative District.

47. Plaintiff Sue Rezin is a resident and registered voter in the State of Illinois. Sue Rezin is also a State Senator, representing the 38th Legislative District.

48. Plaintiff Chapin Rose is a resident and registered voter in the State of Illinois. Chapin Rose is also a State Senator, representing the 51st Legislative District.

49. Plaintiff Wayne Rosenthal is a resident and registered voter in the State of Illinois. Wayne Rosenthal is also a Representative in the General Assembly, representing the 108th Representative District.

50. Plaintiff Jennifer Sanalidro is a resident and registered voter in the State of Illinois. Jennifer Sanalidro is also a Representative in the General Assembly, representing the 48th Representative District.

51. Plaintiff Brandun Schweizer is a resident and registered voter in the State of Illinois. Brandun Schweizer is also a Representative in the General Assembly, representing the 104th Representative District.

52. Plaintiff Dave Severin is a resident and registered voter in the State of Illinois. Dave Severin is also a Representative in the General Assembly, representing the 116th Representative District.

53. Plaintiff Ryan Spain is a resident and registered voter in the State of Illinois. Ryan Spain is also a Representative in the General Assembly, representing the 73rd Representative District.

54. Plaintiff Brad Stephens is a resident and registered voter in the State of Illinois. Brad Stephens is also a Representative in the General Assembly, representing the 20th Representative District.

55. Plaintiff Dan Swanson is a resident and registered voter in the State of Illinois. Dan Swanson is also a Representative in the General Assembly, representing the 71st Representative District.

56. Plaintiff Dave Syverson is a resident and registered voter in the State of Illinois. Dave Syverson is also a State Senator, representing the 35th Legislative District.

57. Plaintiff Dennis Tipsword is a resident and registered voter in the State of Illinois. Dennis Tipsword is also a Representative in the General Assembly, representing the 105th Representative District.

58. Plaintiff Jil Tracy is a resident and registered voter in the State of Illinois. Jil Tracy is also a State Senator, representing the 50th Legislative District.

59. Plaintiff Sally Turner is a resident and registered voter in the State of Illinois. Sally Turner is also a State Senator, representing the 44th Legislative District.

60. Plaintiff Dan Ugaste is a resident and registered voter in the State of Illinois. Dan Ugaste is also a Representative in the General Assembly, representing the 65th Representative District.

61. Plaintiff Travis Weaver is a resident and registered voter in the State of Illinois. Travis Weaver is also a Representative in the General Assembly, representing the 93rd Representative District.

62. Plaintiff Tom Weber is a resident and registered voter in the State of Illinois. Tom Weber is also a Representative in the General Assembly, representing the 64th Representative District.

63. Plaintiff Craig Wilcox is a resident and registered voter in the State of Illinois. Craig Wilcox is also a State Senator, representing the 32nd Legislative District.

64. Plaintiff Patrick Windhorst is a resident and registered voter in the State of Illinois. Patrick Windhorst is also a Representative in the General Assembly, representing the 117th Representative District.

65. Defendant Emmanuel “Chris” Welch is the Speaker of the Illinois House of Representatives. He is sued in his official capacity only.

66. Defendant Don Harmon is the President of the Illinois Senate. He is sued in his official capacity only.

Jurisdiction and Venue

67. This Court has subject matter jurisdiction here because this matter involves the application of a provision of the Illinois Constitution.

68. This Court has personal jurisdiction over Defendants because they serve in Illinois constitutional offices and maintain offices in the State of Illinois.

69. Venue is proper in Sangamon County given both the subject matter of the lawsuit and the location of the acts giving rise to the suit, which occurred in Sangamon County.

Count I – Declaratory Judgment

70. Paragraphs 1 through 69 of the Complaint are hereby incorporated by reference as though the same were fully set forth herein.

71. Defendants Harmon and Welch certified that the procedural requirements for the passage of SB 328 have been met, when they actually had not.

72. Plaintiffs, as Illinois citizens and as state legislators, have been deprived of their constitutionally-protected right to adequately assess and debate the merits of SB 328 due to the failure to adhere to the Three Readings Rule.

73. Having failed to meet the requirements of Article IV, Section 8 of the Illinois Constitution, SB 328 should be declared void.

74. A true and actual conflict exists between the parties which this Court is empowered to resolve.

WHEREFORE, Plaintiffs pray that this Court find that the Defendants have improperly certified SB 328 as having met constitutionally-required procedural mandates; that the procedure by which SB 328 has been passed fails to satisfy the Three Readings Rule as set forth in Article IV, Section 8 of the Illinois Constitution; that SB 328 is therefore void and for such other and further relief this Court deems just.

Count II Petition for Injunctive Relief

75. Paragraphs 1 through 74 of the Complaint are hereby incorporated by reference as though the same were fully set forth herein.

76. Plaintiffs possess a protectable right as citizens and as legislators in having any piece of legislation that is passed by the General Assembly follow the process outlines in the Illinois Constitution.

77. Plaintiffs will suffer irreparable injury as legislators and as citizens if injunctive relief is not granted.

78. Plaintiffs do not possess a remedy at law.

79. Plaintiffs possess a high likelihood of succeeding on the merits. SB 328, as introduced and passed on the final day of legislative session, bears no resemblance to the shell that was ushered through the legislature. SB 328, as introduced and passed on the final day of legislative session, was not read to both chambers on three separate days.

WHEREFORE, Plaintiffs request that this Honorable Court enter an Order in their favor finding that the Defendants have improperly certified SB 328 as having met constitutionally-required procedural mandates; that the procedure by which SB 328 has been passed fails to satisfy the Three Readings Rule as set forth in Article IV, Section 8 of the Illinois Constitution; that SB 328 is therefore void and for such other and further relief this Court deems just.

Respectfully submitted,

Plaintiffs Tony McCombie, John Curran,
Neil Anderson, Li Arellano Jr., Chris
Balkema, Terri Bryant, Jason Bunting,
John Cabello, Mike Coffey, CD
Davidsmeyer, Regan Deering, Donald
DeWitte, Amy Elik, Dale Fowler, Brad
Fritts, Amy Grant, Jackie Haas, Norine
Hammond, Erica Harriss, Bill Hauter, Darby
Hills, Paul Jacobs, Jeff Keicher, Nicole La
Ha, Seth Lewis, Steve McClure, Charles
Meier, Kyle Moore, Jason Plummer, Sue
Rezin, Chapin Rose, Wayne Rosenthal,
Jennifer Sanalitro, Brandun Schweizer,
Dave Severin, Ryan Spain, Brad Stephens,

Dan Swanson, Dave Syverson, Dennis
Tipsword, Jil Tracy, Sally Turner, Dan
Ugaste, Travis Weaver, Tom Weber, Craig
Wilcox, and Patrick Windhorst

/s/ **John Fogarty, Jr.**

By one of their attorneys

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