

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHN DOES 1-4 and JANE DOE,)	
)	
)	No. 16 C 4847
Plaintiffs,)	
)	
v.)	
)	
LISA MADIGAN, Attorney General of the)	Judge Norgle
State of Illinois and LEO P. SCHMITZ,)	Magistrate Judge Finnegan
Director of the Illinois State Police.)	
)	
Defendants.)	

STATUS REPORT

The parties, through their respective counsel, respectfully submit the following joint status report:

Nature of the Case

In this §1983 case, Plaintiffs challenge the constitutionality of five Illinois statutes regulating where people classified as “child sex offenders” are permitted to be present. ECF No. 1, Complaint at ¶1–9. In particular, Plaintiffs challenge the following statutes: (1) 720 ILCS 5/11-9.3(c), which prohibits child sex offenders from knowingly being present at any “facility providing programs or services exclusively directed toward persons under the age of 18”; (2) 720 ILCS 5/11-9.3(c-2), which makes it unlawful for a child sex offender “to participate in a holiday event involving children under 18 years of age”; (3) 720 ILCS 5/11-9.4-1(b), which makes it unlawful for a child sex offender to “knowingly be present in any public park building or on real property comprising any public park”; (4) 720 ILCS 5/11-9.4-1(c),

which makes it unlawful to “knowingly loiter on a public way within 500 feet of a public park building or real property comprising any public park”; and (5) 720 ILCS 5/11-9.3(b) which makes it unlawful for a child sex offender to “knowingly loiter within 500 feet of a school building or real property comprising any school while persons under the age of 18 are present in the building or on the grounds.” Plaintiffs contend that these laws are unconstitutionally vague and violate their rights under the First and Fourteenth Amendments of the United States Constitution. Plaintiffs seek injunctive and declaratory relief.

This court has jurisdiction pursuant to 28 U.S.C. §1331 because this case arises under federal law.

The parties have advised their respective clients that they may proceed before a Magistrate Judge with unanimous consent of the parties. The parties have not unanimously consented to proceed before a magistrate.

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Status of the Case and Proceedings to Date

Plaintiffs filed their complaint on May 2, 2016. ECF No. 1. Defendant filed a motion to dismiss on July 28, 2016. ECF No. 28. The Court denied the motion to dismiss on March 7, 2017. ECF No. 56. Defendant has not yet answered and requests until June 29, 2018 to answer. This action was temporarily stayed (ECF No. 56) pending the decisions of the U.S. Supreme Court in *Packingham v. North Carolina* and the Illinois Supreme Court in *People v. Pepitone*. As set forth in the parties' joint filings (ECF Nos. 59 and 61), both of these cases now have been decided. The Court lifted the stay on April 19. ECF No. 66.

Anticipated Motions

Plaintiffs intend to file a motion for a preliminary injunction on enforcement of the challenged statutes. The parties jointly request a briefing schedule on Plaintiffs' motion for a preliminary injunction. The parties propose the following schedule:

July 30, 2018: Plaintiffs' Motion for a preliminary injunction;

August 27, 2018: Defendant's Response;

September 10, 2018: Plaintiffs' Reply.

Status of Settlement Discussions

Because Plaintiffs seek injunctive and declaratory relief, the parties do not believe that settlement discussions will be fruitful until after a court ruling on the constitutionality of the statutes.

Respectfully submitted,

/s/ Adele D. Nicholas

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