

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

<b>EZELL, ET AL.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>No. 10-CV-5135</b>
	)	<b>Judge Virginia M. Kendall</b>
<b>CITY OF CHICAGO,</b>	)	
	)	
<b>Defendant.</b>	)	

**DEFENDANT’S EMERGENCY MOTION FOR EXTENSION OF TIME  
TO ANSWER OR OTHERWISE PLEAD TO PLAINTIFFS’ COMPLAINT**

Defendant City of Chicago (the “City”), by its attorney, Mara S. Georges, Corporation Counsel for the City of Chicago, respectfully requests an extension of time to answer Plaintiffs’ Complaint until October 25, 2010, and in support thereof, states as follows:

1. On August 16, 2010, Plaintiffs filed their Complaint in this action, alleging that the City’s Responsible Gun Owners Ordinance (the “Ordinance”) violates their constitutional rights by prohibiting shooting ranges and/or firearm training within the City. On the same day, Plaintiffs filed a motion for preliminary injunction and an accompanying memorandum of law in support thereof.

2. As this Court is well aware, since the time that Plaintiffs filed their Complaint approximately one month ago, the City and its counsel have devoted an extraordinary amount of time and energy defending against Plaintiffs’ allegations and various motions. Specifically, in the last month, the City has: (1) prepared for and attended three emergency hearings sought by Plaintiffs: two motions for a temporary restraining order and a motion to quash a deposition; (2) prepared three written memoranda in response to Plaintiffs’ two motions for temporary restraining order and their motion for a preliminary injunction; and (3) engaged in discovery in preparation for the preliminary

injunction hearing set for October 1, 2010, including propounding written discovery, reviewing discovery responses and documents produced by Plaintiffs, and preparing for and conducting ten depositions.

3. Furthermore, between now and October 1, the City's counsel must prepare for the preliminary injunction hearing, which will involve culling through deposition testimony and other evidence to identify support for its factual assertions, preparing its legal argument, preparing for direct and cross-examination of witnesses, drafting stipulations, preparing motions in limine, and identifying trial exhibits. The City also anticipates preparing and submitting a post-trial brief at the conclusion of the hearing.

4. Therefore, the City's time has been, and will continue to be, devoted to the substantive issues in the case in the next several weeks. The filing of a response to the Complaint is certainly not necessary to advance these substantive issues. Accordingly, the City respectfully requests that it be given until October 25 to file its answer or otherwise plead to Plaintiffs' Complaint.

5. When the City and Plaintiffs' counsel conferred via email about this issue on September 14, Plaintiffs' counsel stated that he would give the City until September 24 to file its response, regardless of the Court's ruling with respect to his second motion for temporary restraining order.

6. For the reasons explained above, September 24 is not a workable deadline for the City to file its response because it has been busy responding to Plaintiffs' motions and its time and attention will be consumed for the next few weeks with preparing for the preliminary injunction hearing. The City has clearly been actively participating in and defending against this case, and

Plaintiffs will not be prejudiced by granting the City until October 25, 2010 to file its answer.

WHEREFORE, the City respectfully requests that this Court grant the City leave to file its answer to Plaintiffs' Complaint on or before October 25, 2010, and grant it such further relief as the Court deems just and appropriate.

Date: September 22, 2010

Respectfully submitted,

MARA S. GEORGES,  
Corporation Counsel for the City of Chicago

By: /s/ Rebecca Alfert Hirsch  
Assistant Corporation Counsel

Michael A. Forti  
Mardell Nereim  
Andrew W. Worsack  
William Macy Aguiar  
Rebecca Alfert Hirsch  
City of Chicago, Department of Law  
Constitutional and Commercial Litigation Division  
30 North LaSalle Street, Suite 1230  
Chicago, Illinois 60602  
(312) 744-9018 / 6975 / 7129 / 4216

Attorneys for Defendants