

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CALEB BARNETT, <i>et al.</i> , <i>Plaintiffs</i> , v. KWAME RAOUL, <i>et al.</i> , <i>Defendants</i> .	Case No. 3:23-cv-209-SPM ** designated Lead Case
DANE HARRELL, <i>et al.</i> , <i>Plaintiffs</i> , v. KWAME RAOUL, <i>et al.</i> , <i>Defendants</i> .	Case No. 3:23-cv-141-SPM
JEREMY W. LANGLEY, <i>et al.</i> , <i>Plaintiffs</i> , v. BRENDEN KELLY, <i>et al.</i> , <i>Defendants</i> .	Case No. 3:23-cv-192-SPM
FEDERAL FIREARMS LICENSES OF ILLINOIS, <i>et al.</i> , <i>Plaintiffs</i> , v. JAY ROBERT “JB” PRITZKER, <i>et al.</i> , <i>Defendants</i> .	Case No. 3:23-cv-215-SPM

MCHEMRY COUNTY DEFENDANTS’ PROPOSED FINDING OF FACT

NOW COMES Defendants’ McHenry County by their attorneys, Patrick Kenneally, McHenry County State’s Attorney, and his duly appointed Assistant State’s Attorney, Troy Owens for their proposed Findings of Facts, State as follows:

PROPOSED FINDINGS OF FACT

1. McHenry County Defendants, Sheriff Robb Tadelman and State’s Attorney Patrick Kenneally (Collectively hereinafter referred to as “McHenry County Defendants”) have answered the complaint alleging that Plaintiffs have suffered constitutional injury based upon McHenry County

Defendants enforcement of the Protect Illinois Citizens Act (the “Act”). In their answer, McHenry County Defendants admitted all of the substantive allegations seeking declaratory relief that the Act is an unconstitutional infringement of Plaintiffs’ Second Amendment rights.

2. McHenry County Defendants have also denied that Plaintiffs are entitled payment of the attorneys fees and court costs, based upon the allegation that they did not take any action to enforce PICA against Plaintiffs.

3. There is no evidence in the record that McHenry County Defendants took any action to enforce PICA against Plaintiffs.

4. There is no evidence in the discovery record that McHenry County Defendants took any action to challenge or dispute the substantive allegations that Plaintiff made relating to the unconstitutional nature of PICA, as applied to Plaintiffs’ Second Amendment rights.

5. If the litigation in the instant action adversarial regarding the unconstitutional nature of PICA, as applied to Plaintiffs’ Second Amendment rights, McHenry County Defendants took no action to make it become so.

6. Plaintiffs are not entitled to payment of the attorneys fees and/or court costs from McHenry County Defendants because McHenry County Defendants have not engaged in any action warranting such an award.

Respectfully Submitted by:

/s/ Troy C. Owens
One of Plaintiff’s Attorneys

Patrick D. Kenneally
McHenry County State’s Attorney
Troy C. Owens
Assistant State’s Attorney
McHenry County Government Center
2200 North Seminary Avenue

Woodstock, IL 60098
815-334-4159 (phone)
TCOwens@mchenrycountyil.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of October, 2024, I electronically filed the McHenry County Defendants' Proposed Finding of Fact with the Clerk of the U.S. District Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Troy C. Owens
Troy C. Owens