

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

PHILIP WEISS, *et al.*,  
Plaintiff,

v.

CHICAGO TEACHERS UNION, *et al.*,  
Defendants.

No. 2024-CH-09334

Calendar 16

Judge David B. Atkins

**ORDER**

THIS CASE COMING TO BE HEARD on Defendant's Motion to Dismiss, and Defendant's Motion to Strike Scandalous and Impertinent Portions of Plaintiffs' Response, the court having considered the briefs submitted and being fully advised in the premises,

THE COURT HEREBY FINDS AND ORDERS:

1. This is an action for specific performance<sup>1</sup> based on Defendant Chicago Teachers Union ("CTU")'s alleged failure to provide contractually required financial audit reports over several years. Defendants now move to dismiss, and to strike certain portions of Plaintiff's Response to the Motion to Dismiss.
2. Turning first to the latter Motion, the court finds no reason to strike any portion of the Response or the Weiss Declaration attached thereto. The arguments therein (which are for the most part mere argument) are neither scandalous nor impertinent and go directly to the issue of what constitutes a proper audit report and whether such reports were provided to members in relevant years. At worst, paragraph 12 of the Declaration contains extraneous claims of political motivations<sup>2</sup> for Defendants' actions, which even then need not be struck.
3. As to the Motion to Dismiss itself, the court finds it partially well-founded in that the individual Defendants,<sup>3</sup> as they argue, are immune from any individual liability and the substance of this claim is against

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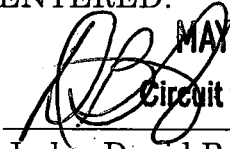
<sup>1</sup> Defendants make much of the fact that the sole Count of the Complaint is for breach of contract, but does not plead or seek damages; there is nothing improper about this, as specific performance is a remedy (one Plaintiffs are free to seek under theory of breach of contract), not an independent cause of action.

<sup>2</sup> Noteworthy here is that Defendants themselves likewise accuse the Plaintiffs of having "dubious motives for this lawsuit." Mot. At 2.

<sup>3</sup> In particular, Defendants Stacy Davis Gates (as President of the CTU) and Maria T. Moreno (as its Financial Secretary).

only the CTU itself.<sup>4</sup> The claim as against them is thus properly dismissed.

4. The core allegations of the Complaint, however, are sufficient. It is axiomatic that a complaint should only be dismissed where no set of facts would entitle a plaintiff to relief, and here Plaintiffs have alleged that the CTU is required by its Constitution to “furnish an audited report of the Union which shall be printed in the Union’s publication,” but has failed to do so since 2020.<sup>5</sup> The CTU does not even directly dispute this, instead arguing the provision is “outdated”<sup>6</sup> (because it no longer prints any publication), and that the matter is moot because Plaintiff Weiss has now been provided individual access to summary “Audit Reports” for the relevant years. Plaintiffs dispute that this satisfies the alleged obligation both in form and in substance.<sup>7</sup> Plaintiffs are entitled to have their allegations viewed in the light most favorable to them under the present posture, and under that standard the court cannot resolve those questions at the pleading stage.
5. For these reasons, Defendant’s Motion to Dismiss is granted in part in that all claims are hereby dismissed as against the individual Defendants Stacy Davis Gates and Maria T. Moreno. The Motion is denied in all other respects, and the Motion to Strike is also denied. Defendant Chicago Teachers Union shall answer the Complaint on or before June 16, 2025, and this matter is continued for further status to July 22, 2025 at 10:30 AM.

JUDGE DAVID B. ATKINS  
ENTERED:  
 MAY 14 2025  
Circuit Court-1879  
Judge David B. Atkins

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<sup>4</sup> *Zander v. Carlson*, 2020 IL 125691 (2020)

<sup>5</sup> Compl. ¶18

<sup>6</sup> Mot. Memo. at 2.

<sup>7</sup> In particular, Plaintiffs assert that both the summary reports (allegedly available to any CTU member on request), and more detailed “full” reports that Plaintiff Weiss accessed in person, are materially less detailed than those published prior to 2020.