

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

**PHILIP WEISS, BRIDGET CUEVAS, )  
ROSEMARY SWEARINGEN, )  
THEODORE KALAGERESIS, )  
and KENNETH MERACLE, )**

**Plaintiffs, )**

**vs. )**

**CHICAGO TEACHERS UNION, )  
LOCAL 1, IFT-AFT, AFL-CIO; )  
STACY DAVIS GATES, President; )  
and MARIA T. MORENO, Financial )  
Secretary, )**

**Defendants. )**

**Case No. 2024CH09334**

**Judge David B. Atkins**

**Calendar 16**

**DEFENDANTS' MOTION TO STRIKE  
SCANDALOUS AND IMPERTINENT PORTIONS OF  
PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION  
TO DISMISS AND THE SUPPORTING DECLARATION OF PHILIP WEISS**

**INTRODUCTION**

1. Plaintiffs argue in their February 27, 2025 Response in Opposition to Defendants' Motion to Dismiss ("Response") that they have no harm for which they seek monetary loss (Response at 7-8). Instead, they say they seek only specific performance by Defendants (Response at 8). Despite this, Plaintiffs' Response complains of various ways in which Defendants have supposedly mistreated them in the past, even though Plaintiffs say they seek no remedy for this. Those sections of the Response should be stricken as scurrilous and impertinent, since they serve only to attack Defendants in a public forum and have no bearing on the issues in this case. Likewise, the same portions of the Declaration of Philip Weiss should be stricken.

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## FACTUAL BACKGROUND

2. On the first page of their Complaint, Plaintiffs say that they “bring this lawsuit for breach of contract.” Specifically, they contend that Defendant Chicago Teachers Union (“CTU”) has bylaws governing publication of various audit materials and that those bylaws form a contract with Plaintiffs which CTU has not lived up to.

3. Defendants filed a 2-619.1 Motion to Dismiss (“Motion”) on February 4, 2025, arguing in part that the Complaint should be dismissed because Plaintiffs failed to plead any details about their damages, which is an essential element of a claim for breach of contract. *Latex Glove Co. v. Gruen*, 146 Ill. App. 3d 868, 874 (1st Dist. 1986).

4. In their Response, Defendants state that they seek specific performance only and thus need not show damages. Nevertheless, the Response contains factual allegations that:

- (a) Plaintiffs previously requested to view copies of the audit materials in the past without success;
- (b) Plaintiffs retained *pro bono* counsel to assist them; and
- (c) Defendants attacked Plaintiffs publicly as being “extreme right wing” and affiliated with “Project 2025.” Plaintiffs establish this facts through a supporting declaration of Plaintiff Philip Weiss (“Weiss Declaration”). (*See*, Response at 4-5; Weiss Declaration ¶¶ 7-13.)

5. Notably, Plaintiffs do not rely on these accusations of supposed poor treatment by Defendants in the past for any of their legal arguments.

## ARGUMENT

6. A court may strike “scandalous and impertinent” statements in a pleading or brief. *Biggs v. Cummins*, 16 Ill. 2d 424, 425 (1959); *Benitez v. KFC National Management Co.*, 305 Ill. App. 3d 1027, 1037 (2nd Dist. 1999), appeal denied 186 Ill. 2d 565 (1999).

7. The Weiss Declaration’s statements in paragraph 7 through 13 and the related sections of Plaintiffs’ Response are indeed scandalous and impertinent, and should be stricken.

They serve only as an attempt to smear Defendants in this public forum. They have no bearing on the case.

8. The scandalous and impertinent nature of these factual claims is made clear by the fact that the Response's argument section makes no use of them. Indeed, the argument in the Response brief is that Plaintiffs are not seeking any relief for past mistreatment. The Response asserts they are seeking only prospective relief through specific performance.

9. Thus, the scandalous and impertinent nature of these factual claims is shown in two ways: (a) Plaintiffs do not actually connect these allegations to their arguments in the Response's argument section; and (b) the actual arguments the Response makes state that past harm to Plaintiffs is irrelevant. There is no justification for filing these allegations and they should be stricken. *Biggs v. Cummins*, 16 Ill. 2d 424, 425 (1959); *Benitez v. KFC National Management Co.*, 305 Ill. App. 3d 1027, 1037 (2nd Dist. 1999), appeal denied 186 Ill. 2d 565 (1999).

### CONCLUSION

10. WHEREFORE, the Court should strike paragraphs 7 through 13 of the Weiss declaration and the corresponding sections of the Response that appear on pages 4 and 5.

Robert E. Bloch (#6187400)  
 Josiah A. Groff (#6289628)  
 DOWD, BLOCH, BENNETT, CERVONE,  
 AUERBACH & YOKICH, LLP (#12929)  
 8 S. Michigan Avenue, 19th Floor  
 Chicago, Illinois 60603  
 (312) 372-1361  
 JGroff@laboradvocates.com

Respectfully submitted,

/s/ Josiah A. Groff

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