

PHILIP WEISS et al., Plaintiffs v. CHICAGO TEACHERS UNION, LOCAL 1. Defendant.	No. 2024 CH 09334 Judge David B. Atkins Calendar 16
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PLAINTIFFS’ MEMORANDUM OF LAW IN OPPOSITION TO
DEFENDANT’S MOTION TO FOR A PROTECTIVE ORDER AND IN
SUPPORT OF PLAINTIFF’S CROSS-MOTION TO COMPEL DISCOVERY

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INTRODUCTION

Through its motion for a protective order, Defendant seeks to further postpone discovery in a case that has been pending for nearly a year. Defendant makes two arguments: that the discovery sought by Plaintiffs is overbroad, and that discovery should not proceed because Defendant's motion for summary judgment is pending. As discussed in more detail below, the first argument must be rejected because Defendant did not first meet and confer to attempt to narrow the scope of discovery, as required by Ill. S. Ct. R. 201(k). The second argument must be rejected because discovery was already postponed during pendency of the motion to dismiss, and the motion for summary judgment simply repeats arguments that were rejected by the Court. As discovery has already been delayed in this matter, the Court should deny Defendant's motion and grant Plaintiffs' motion to compel.

BACKGROUND

Plaintiffs are longtime CTU members who are employed as teachers and staff members throughout Chicago Public Schools, including a social worker and a diverse learning teacher. Compl. ¶¶ 2–5. CTU's Constitution, which represents a binding contract between the Union and its members, requires that "[e]ach year, the Financial Secretary shall furnish an audited report of the Union which shall be printed in the Union's publication." Compl. ¶ 18. CTU has failed to meet that obligation since December of 2020. Compl. ¶ 19. Plaintiffs' October 8, 2024, Complaint seeks declaratory judgment clarifying CTU's obligation to furnish annual

financial audits of the Union, and specific performance directing CTU to furnish the missing audited financial reports of the Union. Compl. ¶ 7.

CTU responded to the Complaint with a Motion to Dismiss on February 4, 2025, arguing, among other things, that the case was moot because CTU had produced limited summaries of financial statements. The Court denied the Motion to Dismiss on May 14, 2025, rejecting Defendant's argument "that the matter is moot because Plaintiff Weiss has now been provided individual access to summary 'Audit Reports' for the relevant years"—finding that "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." MTD Order at 2. Following the next status conference, Plaintiffs served interrogatories and requests to produce documents on August 6. Def.'s Exs. B, C.; McGee Decl. Ex. 1. Defendant then filed a summary judgment motion on August 13, essentially repeating arguments rejected by the Court on in the Motion to Dismiss. Plaintiffs declined to stay discovery pending the Motion for Summary Judgment but offered to meet and confer regarding discovery. McGee Decl. ¶ 5. Instead of responding to that suggestion, Defendant filed this Motion for a Protective Order on August 26, 2025, and has not responded to Plaintiffs' discovery demands or a follow up offer to meet and confer. McGee Decl. ¶¶ 6, 8.

ARGUMENT

Supreme Court Rule 201(b)(1) allows a party to "obtain by discovery full disclosure regarding any matter relevant to the subject matter involved in the

pending action.” “Discovery is intended to be, and should be, a cooperative undertaking by counsel and the parties conducted largely without court intervention.” *In re Marriage of Lugo*, 2025 IL App (1st) 231478, ¶ 92 (quoting *Custer v. Cerro Flow Prods.*, 2019 IL App (5th) 190285, ¶ 32). The circuit court is authorized to supervise discovery when disputes or perceived abuses arise. *Id.*; see Ill. S. Ct. R. 201(c). If a party fails to answer or comply with discovery requests, a court may compel compliance. See Ill. S. Ct. R. 219(a). Trial courts have “great latitude in determining the scope of discovery.” *D.C. v. S.A.*, 178 Ill. 2d 551, 561 (1997). “[T]he concept of relevance for discovery purposes encompasses not only what is admissible at trial, but also that which may lead to the discovery of admissible evidence.” *Tomczak v. Ingalls Mem’l Hosp.*, 359 Ill. App. 3d 448, 456 (1st Dist. 2005).

Defendant argues that discovery should be stayed because (1) Plaintiffs’ discovery demands are overbroad, and (2) judicial economy would be served by waiting for a decision on their motion to dismiss. Neither argument is compelling.

First, Defendant argues that “wide-ranging discovery” is not warranted in this case. Plaintiffs reject the characterization of the discovery demands as wide-ranging. Plaintiffs are entitled to the “full disclosure regarding any matter relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking disclosure or of any other party.” Ill. S. Ct. R. 201(b)(1). All documents and information requested in Plaintiffs’ discovery demands are relevant to either the claims Plaintiffs allege or Defendant’s affirmative

defenses, which include assertions of mootness that cannot be evaluated without discovery into the underlying documents that Defendant claims render the case moot.

In any event, this argument must be rejected because Defendant's motion lacks "a statement that counsel . . . after personal consultation and reasonable attempts to resolve differences have been unable to reach an accord or that opposing counsel made himself or herself unavailable . . . or was unreasonable in attempts to resolve differences." Ill. S. Ct. R. 201(k). Defendant's counsel sought consent for a stay by email dated August 25, 2025. *See* McGee Decl. Ex. 2. When Plaintiffs' counsel offered to discuss the scope of discovery in response, Defendant's counsel made no reply. *See* McGee Decl. ¶ 5 In anticipation of this cross-motion, Plaintiffs' counsel requested the chance to meet and confer about discovery again by email dated September 30, 2025. *See* McGee Decl. Ex. 3. At all times, Plaintiffs were ready and willing to meet and confer about the scope of discovery in light of the pending motion for summary judgment. It would be inequitable to allow Defendant to freeze discovery after failing to engage in the good-faith discovery discussions required by the Court.

Second, Defendant seeks to stay discovery on the assumption that its Motion for Summary Judgment will be successful. But on the motion to dismiss, the Court already rejected Defendant's argument that mootness is evident without further discovery. To that end, the Court recognized that whether Defendant's truncated

financial summaries are sufficient to meet Defendant's obligation is a disputed matter of material fact at the heart of this case (MTD Order at 2), which means that Defendant is not likely to prevail on its motion for summary judgment. *See Berlin v. Sarah Bush Lincoln Health Ctr.*, 179 Ill. 2d 1, 7 (1997) ("Summary judgment is to be granted only if the pleadings, affidavits, depositions, admissions, and exhibits on file, when reviewed in the light most favorable to the nonmovant, show there is no genuine issue as to any material fact.").

A court may consider factors such as the "orderly administration of justice and judicial economy," when determining whether a stay is appropriate. *TIG Ins. Co. v. Canel*, 389 Ill. App. 3d 366, 375 (1st Dist. 2009). Plaintiffs, keeping judicial economy in mind, did not serve discovery demands until the Court denied Defendant's motion to dismiss. But Defendant should not be allowed to kick the can farther down the road with gamesmanship meant to avoid disclosure. Staying discovery pending the motion for summary judgment would only serve to extend the Court's involvement in this dispute and Defendant's willful noncompliance. That is not the "orderly administration of justice."

CONCLUSION

For the foregoing reasons, Defendant's motion for a protective order staying discovery until the disposition of its motion for summary judgment should be denied, and Plaintiffs' cross-motion to compel discovery should be granted.

Date: October 6, 2025

/s/ Dean McGee

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CERTIFICATE OF SERVICE

I, James McQuaid, an attorney, certify that on October 6, 2025, I served the foregoing on counsel for all parties by filing it electronically via the Odyssey eFile IL service.

/s/ James McQuaid