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CIRCUIT CLERK
COOK COUNTY, IL
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**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' 2-619.1 MOTION TO DISMISS

Defendant Chicago Teachers Union, AFT-IFT Local 1, (“Defendant,” “Union,” or “CTU”), and its officers as co-defendants, by and through their attorneys, Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich, LLP, request an order extending time to answer or otherwise plead for all defendants. In support of its Motion, the Union states as follows:

1. This is a lawsuit by alleged members of CTU, asking for unspecified damages for CTU’s supposed failure to provide them with CTU financial information. Plaintiffs allege that CTU’s constitution and bylaws form a contract with them, requiring CTU to provide them with this financial information. In addition to suing CTU itself, Plaintiffs sue CTU’s President Stacy Davis Gates and CTU’s Financial Secretary, Maria T. Moreno (together, the “Officer Defendants”). This lawsuit should be dismissed.

2. The Officer Defendants must be dismissed under Section 2-615. In Illinois, a party with a claim against a Union does not have a claim against individual Union representatives. The claim is against the Union only. *Zander v. Carlson*, 2020 IL 125691.

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3. Plaintiff's stated contract claim against CTU must be dismissed under Section 2-615 because Plaintiffs fail to plead any facts about their damages, such as the nature of their damages or the extent of damages. This makes their complaint invalid under Illinois fact-pleading standards. *See, e.g., Akinyemi v. JP Morgan Chase Bank, N.A.*, 391 Ill. App. 3d 334, 338 (1st Dist. 2009).

4. If Plaintiffs had instead styled their claim against CTU as being for specific performance, that claim would be properly dismissed as moot, since CTU has provided Plaintiffs with the information they seek. This Court cannot "grant effective relief" because any possible order to give the Plaintiffs the audit reports will already been complied with, making any specific performance claim moot. *See, e.g., Garlick v. Bloomingdale Township*, 2018 IL App (2d) 171013, ¶ 38.

5. Defendants are filing a memorandum of law in support of this motion, which provides additional facts and legal authorities showing that dismissal is warranted.

WHEREFORE, for the foregoing reasons, Defendant Chicago Teachers Union AFT-IFT Local 1, and its officer co-defendants, respectfully request that this Honorable Court enter an order dismissing Plaintiffs' Complaint.

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Respectfully submitted,

/s/ Josiah A. Groff

February 4, 2025

CERTIFICATE OF SERVICE

I, Josiah A. Groff, an attorney, hereby certify that, on February 4, 2025 served the foregoing Defendants' 2-619.1 Motion to Dismiss, with a supporting memorandum of law, to all attorneys of record by using the Odyssey eFileIL service, and to the following by email:

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/s/ Josiah A. Groff