

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

DAVID MEYER, et al.,

Plaintiffs,

v.

KWAME RAOUL, in his official capacity
as Attorney General of Illinois, et al.,

Defendants.

No. 3:21-cv-00518-SMY

Hon. Staci M. Yandle

**FAYETTE AND KENDALL COUNTY DEFENDANTS' RESPONSE
TO PLAINTIFFS' CROSS MOTION FOR SUMMARY JUDGMENT**

County Defendants (1) Brenda Mathis, in her official capacity as Fayette County State's Attorney, (2) Ronnie Stevens, in his official capacity as Fayette County Sheriff, (3) Eric Weiss, in his official capacity as Kendall County State's Attorney, and (4) Dwight Baird, in his official capacity as Kendall County Sheriff; by their attorneys OKGC Law, LLC; hereby respond to plaintiffs' cross motion for summary judgment, ECF #98, stating as follows:

1. Plaintiffs filed a motion for summary judgment and memorandum in support in which they argue the legal merits of their second amendment challenge to four Illinois statutes they allege prohibit 18-to-20 year old's from carrying firearms outside of the home. ECF #'s 98, 99.

2. Plaintiffs' summary judgment motion does not advance any arguments specific to the nominal County Defendants and does not assert any material facts that require a denial or admission as undisputed. *See* ECF #99.

3. The State Defendants (Director of Illinois State Police, Attorney General) moved for summary judgment and, in part, argued the merits of the second amendment challenge. ECF #101 at 15-25.

4. The County Defendants moved for summary judgment arguing (1) the claims against the Fayette County defendants are moot and (2) the claims against the Kendall County defendants fail because there is no case or controversy between these parties. ECF #100.

5. To the extent the Court finds any of the County Defendants are proper parties, and to the extent plaintiffs' motion for summary judgment seeks judgment in their favor against the County Defendants, the County Defendants again defer to, adopt and incorporate the State Defendants' arguments regarding the limits of the Organizational Plaintiffs' standing and the merits of the constitutional challenge. *See* ECF #100 at 5 (adopting State Defendants' arguments); *see* State Defs.' Resp. in Opp'n to Pls.' Mot. for Summ. J., ECF #117.

6. The County Defendants acknowledge this case involves an important question regarding plaintiff Eva Davis' right to keep and bear arms under the Second Amendment. However, that question is best addressed by plaintiffs and the State Defendants.

WHEREFORE, the County Defendants request the Court deny plaintiffs' motion for summary judgment, ECF #98, and instead grant judgment in the County Defendants' favor.

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Respectfully submitted,

**Brenda Mathis, Fayette County
State's Attorney; Ronnie Stevens,
Fayette County Sheriff; Eric Weiss,
Kendall County State's Attorney;
and Dwight Baird, Kendall County
Sheriff, each in his or her official capacity**

By: s/ Joseph D. Bracey, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2023, I caused the foregoing **Fayette and Kendall County Defendants' Response to Plaintiffs' Cross Motion for Summary Judgment** to be electronically filed with the Clerk of Court using the CM/ECF system, which will send notification to the following registered participants:

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By: s/ Joseph D. Bracey, Jr.