

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CUTBERTO VIRAMONTES, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 21 CV 4595
)	
THE COUNTY OF COOK, <i>et al.</i> ,)	Judge Rebecca R. Pallmeyer
)	
Defendants.)	

ORDER

Plaintiffs’ motion for stay [69] is denied without prejudice. The parties are directed to submit a proposed agreed briefing schedule for Defendants’ Motion for Summary Judgment [80].

STATEMENT

Plaintiffs moved to stay this case pending the resolution of *Harrel v. Raoul*, 3:23-cv-00141 (S.D. Ill.), which challenges the newly passed statewide assault weapons ban. (See [69], [70].) At a hearing on March 8, the parties discussed the interplay between this case, *Harrel*, and *Bevis v. City of Naperville*, No. 22-cv-4775 (N.D. Ill.), and the challenging issues presented by this motion. After careful consideration of those issues, and recognizing the merits of each side’s position, the court declines to enter a stay. The parties have already invested considerable resources preparing this case for trial, and Defendants have filed their motion for summary judgment. While *Bevis*—on appeal after Judge Kendall declined to issue a preliminary injunction—will reach the Seventh Circuit first, there is no guarantee that it will be resolved in a way that resolves this case, too. That leaves this case as the first one likely to reach the Seventh Circuit after a final judgment, on a fully-developed record. Given the importance of the issues and the substantial attention to the issue presented here, the public interest weighs in favor of presenting a case with substantial record to the Court of Appeals as quickly as possible. This case provides the best vehicle.

That said, the court will continue to monitor developments in related cases with the able assistance of the parties. The court may, for example, reconsider whether a stay is appropriate after the Seventh Circuit resolves the pending appeal in *Bevis*.

The parties are directed to submit a proposed agreed briefing schedule for Defendants' Motion for Summary Judgment [80].

ENTER:

Dated: March 8, 2023


REBECCA R. PALLMEYER
United States District Judge