

121598

No. 121598

11/22/2016

Supreme Court Clerk

**IN THE
SUPREME COURT OF ILLINOIS**

MARYAM AHMAD,)
)
 Ahmad – Appellee,)
v.)
CHICAGO BOARD OF ELECTION)
COMMISSIONERS, and its Members,)
MARISEL A. HERNANDEZ, Chairwoman,)
WILLIAM J. KRESSE, & JONATHAN T.)
SWAIN, and DAVID ORR, in his official)
capacity as COOK COUNTY CLERK,)
)
 Defendants – Appellees.)

First Dist.App.Ct. No.16-2811
Circuit Court No. 2016 COEL 000019
Trial Court: Hon. Alfred J. Paul
Appeal from Orders Dated:
10/24/2016 and 9/21/2016

RHONDA CRAWFORD and,)
ARLEMMIE M. THIRUS,)
)
 Petitioners – Appellants,)
v.)
CHICAGO BOARD OF ELECTION)
COMMISSIONERS, and its Members,)
MARISEL A. HERNANDEZ, Chairwoman,)
WILLIAM J. KRESSE, & JONATHAN T.)
SWAIN, and DAVID ORR, in his official)
capacity as COOK COUNTY CLERK, and)
MARYAM AHMAD,)
)
 Respondents – Appellees.)

**RESPONSE TO RHONDA CRAWFORD’S EMERGENCY
MOTION FOR SUPERVISORY ORDER**

NOW COMES Appellee, MARYAM AHMAD (“Ahmad”) by and through her attorneys,
Odelson & Sterk, Ltd., and in Response to Rhonda Crawford’s Emergency Motion for Supervisory
Order states as follows:

The facts of this exceptional case are not in dispute. This case initially involved the challenge to the eligibility of write-in candidate, Respondent-Appellee, Judge Maryam Ahmad (“Ahmad”), by Rhonda Crawford (“Crawford”), an indicted, legally unqualified candidate, whose law license was suspended on October 31, 2016, and who has been barred by this Honorable Court from taking the oath of office, should she be certified to win this election.

On November 7, 2016, the Appellate Court upheld the September 21, 2016 and October 24, 2016 decisions of the Trial Court, allowing Maryam Ahmad to be a write-in candidate. Crawford has not filed a Motion to Reconsider or a Petition for Leave to Appeal (PLA) of the order. On November 8, 2016, the election was held. The results of this election are due to be certified by the State Board of Elections on December 5, 2016.

On November 14, 2016, Ahmad filed a Petition for leave to file *Quo Warranto* Complaint in the Circuit Court of Cook County. The case is currently pending before Judge Gamrath and is set for hearing on December 2, 2016.

In her Motion for Supervisory order, Crawford asks this Court to 1.) reverse the Circuit Court of Cook County Orders of September 21, 2016 and October 24, 2016 and the First District Appellate court’s Order of November 7, 2016; 2.) order that write-in votes for Maryam Ahmad shall not be counted; and 3.) find that Maryam Ahmad is not eligible to take office. (Pet Mot, 1-14). Issues number 1 and 3 have already been addressed by the Circuit and Appellate Court. Issue 2 is a direct response the *quo warranto* proceeding pending in the Circuit Court.

In addition, Crawford’s Emergency Motion for Supervisory Order was filed on November 21, 2016, three weeks after the ruling by the Appellate Court. Despite having 3 weeks to do so, Crawford has not filed a PLA nor has she explained why she chose to file a motion for supervisory order, which she calls an “emergency,” instead of the PLA. This motion, which fails to fully

inform this court of the facts, is a combination of the issues raised before the Appellate and Circuit Courts in the prior matter involving Ahmad's candidacy, and issues that are currently pending in a *quo warranto* action in the Circuit Court as to Crawford's candidacy.

Initially, Ahmad maintains that the request for a Supervisory Order must be dismissed where Crawford has failed to afford herself of the appellate process where she has not filed a Petition for Leave to Appeal from the Appellate Court's November 7th decision. Supreme Court Rule 315(a) "makes explicit the considerations which normally will govern the granting of leave to appeal..." Ill S. Ct. Rule 315 (Committee Comments). For final judgments, those considerations are (a) the general importance of the question (b), the existence of a conflict with a decision of another Appellate Court or of the Supreme Court, and (c) the need for the exercise of this Court's supervisory authority and (d) the final or interlocutory character of the judgment sought to be reviewed. *Id.* Here, not only was there a final judgment in the Appellate Court, but, according to Crawford, there is the "the need for the exercise of this Court's supervisory authority." As such, Ahmad should be compelled to file her PLA, using the proper appellate procedure.

Secondly, a Supervisory Order is inappropriate in the case where she fails meet the elements of, or even address why a Supervisory Order is necessary. Supreme Court Rule 383(a) mandates that "a motion requesting the exercise of the Supreme Court's supervisory authority shall be supported by explanatory suggestions . . ." Ill S. Ct. Rule 383. In regards to Supervisory Orders, this Honorable Court has consistently held that:

"Beyond our leave to appeal docket, supervisory orders are disfavored. As a general rule, **this court will issue a supervisory order only when the normal appellate process will not afford adequate relief and the dispute involves a matter important to the administration of justice, or intervention is necessary to keep an inferior tribunal from acting beyond the scope of its authority . . .** *People ex rel. Birkett v. Bakalis*, 196 Ill.2d 510, 512-513 (2001) (emphasis added)

None of the above factors are present in this case, making supervisory relief improper. Crawford merely argues that it is an emergency because the election authorities will be certifying the votes by December 5, 2016. (Pet, Mo. at 1) In doing so, Crawford fails to address why the appellate process will not afford adequate relief, how her motion is important to the administration of justice or why intervention is necessary. She ignores the rulings of the Appellate and Circuit Court and re-argues issues already decided by those courts. Crawford also fails to inform this Court of all of the underlying facts. Finally, she argues the merits of the *quo warranto* action that is pending before the Circuit Court.

Such an order would represent an unwarranted extension of this Court's supervisory authority. "Supervisory orders are granted by our court only in limited circumstances. Their predominate use is to address issues which are brought to our attention in the context of petitions for leave to appeal, but which do not warrant full briefing, oral argument and issuance of an opinion." *Bakalis* at 513. These issues, which are clearly issues that warrant a full briefing are issues that are not proper for Supervisory Orders.

WHEREFORE, MARYAM AHMAD, respectfully requests this Court enter an order denying Rhonda Crawford's Motion for Supervisory Order on procedural grounds, should this court seek to address the substantive grounds the Ahmad shall be given leave to amend this response and for whatever other relief this Court deems just and fair.

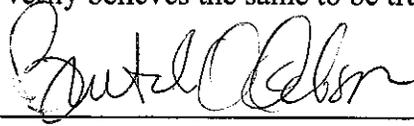
Respectfully submitted,
MARYAM AHMAD, Petitioner

By: /s/Burton S. Odelson

Burton S. Odelson, #2090457 (attyburt@aol.com)
Mary Ryan Norwell, #6186978 (mnorwell@odelsonsterk.com)
ODELSON & STERK, LTD.
3318 W. 95th Street
Evergreen Park, IL 60805
(708) 424-5678 – office/(708) 424-5755 – fax

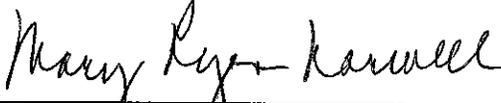
VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that he has read the RESPONSE TO RHONDA CRAWFORD'S EMERGENCY MOTION FOR SUPERVISORY ORDER and the statements set forth therein are true and correct, except as to matter therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Burton S. Odelson

Subscribed and Sworn to before me
this 22nd day of November, 2016.



NOTARY PUBLIC



Burton S. Odelson, #2090457
Mary Ryan Norwell, #6186978
ODELSON & STERK, LTD.
3318 W. 95th Street
Evergreen Park, IL 60805
(708) 424-5678 – office
(708) 424-5755 – fax
attyburt@aol.com
mnorwell@odelsonsterk.com

No. 121598

**IN THE
SUPREME COURT OF ILLINOIS**

MARYAM AHMAD,)	First Dist. App. Ct. No. 16-2811
)	
Plaintiff-Appellee,)	App. Ct. Order: 11/07/2016
v.)	
)	Circuit Court of Cook County
CHICAGO BOARD OF ELECTION)	No. 2016-COEL-019
COMMISSIONERS, and its members, MARISEL)	
A. HERNANDEZ, Chairwoman, WILLIAM J.)	Trial Judge: Hon. Alfred J. Paul
KRESSE, and JONATHON T. SWAIN, in their)	
official capacities, and DAVID ORR, in his official)	Circuit Court Orders on Appeal:
capacity as Cook County Clerk,)	9/21/2016 and 10/24/2016
)	
Defendants-Appellees.)	

RHONDA CRAWFORD and)
ARLEMMIE M. THIRUS,)
)
Petitioners-Appellants,)
v.)
)
CHICAGO BOARD OF ELECTION)
COMMISSIONERS, and its members, MARISEL)
A. HERNANDEZ, Chairwoman, WILLIAM J.)
KRESSE, and JONATHON T. SWAIN in their)
official capacities, and DAVID ORR, in his official)
capacity as Cook County Clerk and MARYAM)
AHMAD,)
)
Respondents-Appellees.)

***** Electronically Filed *****

121598

11/22/2016

Supreme Court Clerk

NOTICE OF FILING AND SERVICE

TO: See attached Service List

PLEASE TAKE NOTICE that on **November 22, 2016**, the undersigned electronically filed with the Clerk of the Illinois Supreme Court, **RESPONDENT-APPELLEE MARYAM AHMAD'S RESPONSE TO RHONDA CRAWFORD'S EMERGENCY MOTION FOR SUPERVISORY ORDER**, a copy of which is hereby served upon you.

By: /s/ Burton S. Odelson

CERTIFICATE OF SERVICE

I, Burton S. Odelson, an attorney, certify that on November 22, 2016, I caused a true and correct copy of **RESPONDENT-APPELLEE MARYAM AHMAD'S RESPONSE TO RHONDA CRAWFORD'S EMERGENCY MOTION FOR SUPERVISORY ORDER** to be served upon the parties, *via e-mail*, at the e-mail addresses indicated in the below Service List.

/s/Burton S. Odelson

One of Respondent-Appellee
Maryam Ahmad's Attorneys

Burton S. Odelson, #2090457
Mary Ryan Norwell, #6186978
ODELSON & STERK, LTD.
3318 W. 95th Street
Evergreen Park, IL 60805
(708) 424-5678 – office
(708) 424-5755 – fax
attyburt@aol.com
mnorwell@odelsonsterk.com

***** Electronically Filed *****

121598

11/22/2016

Supreme Court Clerk

SERVICE LIST

Andrew Finko
Attorney for Rhonda Crawford
180 W. Washington Street, Suite 400
Chicago, IL 60602
Via E-Mail: finkolaw@fastmail.fm

Ken Menzel
Attorney for Illinois State Board of Elections
100 W. Randolph Street, Suite 14-100
Chicago, IL 60601
Via E-Mail: KMenzel@elections.il.gov

Marie D. Spicuzza, Assistant State's Attorney
*Attorney for David Orr, in his official capacity
as Cook County Clerk*
Cook County State's Attorney's Office
500 Daley Center
Chicago, IL 60602
Via E-Mail: marie.spicuzza@cookcountyil.gov

Thomas Ioppolo
Attorney for Illinois State Board of Elections
Office of the Illinois Attorney General
100 W. Randolph Street, Suite 13th Floor
Chicago, IL 60601
Via E-Mail: TIoppolo@atg.state.il.us

James M. Scanlon
*Attorney for Chicago Board of Election
Commissioners and its Members*
27 N. Wacker Drive, Suite 502
Chicago, IL 60606
Via E-Mail: james.scanlon@jmsalaw.com