

No. \_\_\_\_\_

In The  
**Supreme Court of Illinois**

---

JOHN C. BAMBENEK, ADAM ANDRZEJEWSKI, and JOHN TILLMAN, citizens of  
the state of Illinois

*Plaintiffs*

v.

MILORAD R. BLAGOJEVICH, in his official capacity as GOVERNOR of the State of  
Illinois

*Defendant*

---

**MOTION FOR LEAVE TO FILE A COMPLAINT TO REMOVE GOVERNOR  
MILORAD R. BLAGOJEVICH FROM OFFICE UNDER ARTICLE V, SECTION  
6 OF THE ILLINOIS CONSTITUTION**

---

Bruno Behrend  
ATTORNEY AT LAW  
823 Forest Avenue  
River Forest, IL 60305

*Counsel for Plaintiffs*

JOHN C. BAMBENEK, ADAM  
ANDRZEJEWSKI and JOHN  
TILLMAN

**AN ORIGINAL PROCEEDING**

**MOTION FOR LEAVE TO FILE A COMPLAINT FOR AN ORIGINAL ACTION  
PURSUANT TO ARTICLE V, SECTION 6(d) OF THE ILLINOIS  
CONSTITUTION**

Now come the Plaintiffs, JOHN C. BAMBENEK, ADAM ANDRZEJEWSKI, and JOHN TILLMAN, as Illinois citizens and registered voters, by and through their attorney Bruno Behrend, and moves this Honorable Court for leave to file a Complaint requesting this Honorable Court to determine that the Governor, Defendant MILORAD “ROD” R. BLAGOJEVICH, is unable to serve in his office and to remove Blagojevich from the office of Governor. In support, pursuant to Illinois Supreme Court Rule 382(a), Plaintiff submits the attached Complaint and brief in support. Plaintiff’s request is summarized as follows:

1. Article V, Section 6(d) of the Illinois Constitution states that “The General Assembly by law shall specify by whom and by what procedures the ability of the Governor to serve or to resume office may be questioned and determined. The Supreme Court shall have original and exclusive jurisdiction to review such a law and any such determination and, in the absence of such a law, shall make the determination under such rules as it may adopt.”

2. The Illinois legislature has not adopted such a law, other than providing for the order of Gubernatorial succession. This Court, however, has adopted Rule 382, which allows for this Action.

3. Article V, Section 6(b) of the Illinois Constitution states “If the Governor is unable to serve because of death, conviction on impeachment, failure to qualify, resignation *or other disability*, the office of Governor shall be filled by the officer next in

line of succession for the remainder of the term or until the disability is removed.”

(Emphasis added.)

4. Blagojevich is currently suffering from an “other disability” covered by Article V, Section 6(b). He has been arrested by the United States government for, *inter alia*, attempting to sell the appointment of a United States Senator, and agreeing to sign bills passed by the General Assembly, and distribute public funds, under *quid pro quo* arrangements to financially benefit his personal interests. An indictment from a federal grand jury is pending.

5. Under the conditions stated in Paragraph 4, Blagojevich is under a disability and must be removed from office.

6. John Bambenek, et. al, along with all other citizens of the State of Illinois, has and will be harmed by the Governor’s continuing occupation of the office, and therefore has standing to bring this Action.

Respectfully submitted,

**JOHN BAMBENEK, et al.,**  
Plaintiff,

By: \_\_\_\_\_  
One of their Attorneys

**BRUNO BEHREND**  
Attorney at Law  
823 Forrest Ave.  
River Forrest, Illinois 60305  
ARDC No. 6205385

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION FOR LEAVE TO FILE COMPLAINT TO REMOVE GOVERNOR MILORAD R. BLAGOJEVICH FROM OFFICE UNDER ARTICLE V, SECTION 6 OF THE ILLINOIS CONSTITUTION was filed with the Clerk of the Court this \_\_\_\_th day of December, 2008. I further certify that three copies of the foregoing Brief were served this day via first-class mail, postage prepaid upon each of the following:

Lisa Madigan  
Illinois Attorney General  
100 West Randolph Street  
Chicago, IL 60601

Rod Blagojevich  
Governor of Illinois  
207 State House  
Springfield, IL 62706

---

BRUNO BEHREND