IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
SANGAMON COUNTY, ILLINOIS

BLESSING HOSPITAL,	)	
	)	
PLAINTIFF,	)	Case No. 2022MR000238
	)	
v.	)	
	)	
ILLINOIS HEALTH FACILITIES AND SERVICES REVIEW BOARD, *et al.*	)	
	)	
	)	
DEFENDANTS.	)	

FILED
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Clerk of the Circuit Court

ORDER

This cause is before the Court on the Motion to Dismiss the Complaint filed by Defendants, Quincy Physicians & Surgeons Clinic, S.C. d/b/a Quincy Medical Group, Quincy Physicians & Surgeons Clinic, PLLC d/b/a Quincy Medical Group, and Quincy Medical Group Hospital, Inc. (collectively "**QMG**"), and the Motion to Dismiss the Complaint filed by Defendants Illinois Health Facilities and Services Review Board ("**HFSRB**"), Debra Savage, Kenneth Burnett, David Fox, Stacy Grundy, Antoinette Hardy-Waller, Gary Kaatz, Monica LeGrand, Sandra Martell, Linda Rae Murray, Illinois Department of Public Health ("**IDPH**"), and Amaal Tokars (collectively "**State Defendants**"). The matter has been fully briefed, and the Court heard and considered oral arguments on both motions from all parties on October 13, 2022. For the following reasons, the Court grants the Motion to Dismiss filed by QMGs and grants in part the Motion to Dismiss filed by the State Defendants.

A. Background

On April 26, 2022, the HFSRB approved, with a 7-1 vote, QMG's Certificate of Need ("CON") application to establish a 28-bed hospital in Quincy, Illinois (Project Number 20-044) and issued a permit letter to QMG on May 4, 2022. (Compl., ¶¶ 50, 55-56.)

On May 31, 2022, Plaintiff Blessing Hospital ("**Plaintiff**") filed a Complaint for Administrative Review ("**Complaint**") pursuant to Section 11 of the Illinois Health Facilities Planning Act ("**Planning Act**"), 20 ILCS 3960/1 *et seq.*, and Section 3-103 of the Illinois Administrative Review Law ("**ARL**"), 735 ILCS 5/3-101 *et seq.*, seeking judicial review of the HFSRB's decision to approve QMG's hospital project and alleging, among other things, that the HFSRB failed to comply with its rules. (Compl., ¶¶ 1, 17-18.) Plaintiff admits that Section 3-103 of the ARL mandates that the action be commenced, through the filing of a complaint and issuance of summons(es), within 35 days from the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision. (Compl., ¶¶ 17-18.) It is undisputed that while the Complaint was filed on May 31, 2022, summonses were not issued for any of the defendants until June 15, 2022 – 42 days after the permit letter issued.

i. Defendants Seek Dismissal of the Complaint with Prejudice for Plaintiff's Failure to Timely Issue Summonses.

QMG and the State Defendants filed Motions to Dismiss the Complaint with prejudice, pursuant to 735 ILCS 5/2-619 and 735 ILCS 5/3-101 *et seq.*, arguing that the Complaint must be dismissed with prejudice due to Plaintiff's failure to cause summonses to issue within 35 days of service of the HFSRB's written decision. (QMG's Motion to Dismiss, filed on July 15, 2022; State Defendants' Motion to Dismiss and Memorandum of Law in Support, filed on July 28, 2022.) Defendants acknowledged that courts have recognized a narrow exception to dismissal for failure to strictly comply with the ARL's requirement that summons timely issue, but only in cases where the plaintiff made a good-faith effort to comply but was unable to do so because of errors committed in the clerk's office or other factors beyond the plaintiff's control. Defendants argued there was no evidence to suggest that the good-faith-effort exception applied.

In response, Plaintiff argued that the good-faith exception to dismissal applied. (Plaintiff's Opposition to Defendants' Motions to Dismiss ("**Plaintiff's Response Brief**"), filed on August 15, 2022.) Plaintiff stated that the reason summonses were not timely issued was because it adhered to what it believed was Sangamon County's local practice, which Plaintiff asserted did not allow summonses to issue for administrative review cases until after judicial assignment and after a date for scheduling had been obtained from the clerk for the assigned judge. Plaintiff submitted affidavits from Plaintiff's counsel and a docketing/filing clerk at Plaintiff's counsel's office ("**Plaintiff's docketing clerk**"), which stated that prior to filing the Complaint, an unnamed clerk in the Sangamon County Circuit Clerk's Office ("**Clerk's Office**") instructed Plaintiff's docketing clerk to await notification of judicial assignment, follow up with the judge's clerk, obtain a date for appearance before the judge, and then summonses could be issued by the Clerk's Office. Plaintiff argued this instruction was consistent with Plaintiff's counsel's experience in 2018 related to two administrative review cases filed contemporaneously in Sangamon County.

Plaintiff then, it argued, assumed it would receive electronic notification of judicial assignment directly from the Clerk's Office, although Plaintiff does not indicate that anyone from the Clerk's Office ever stated there would be electronic notification of the judicial assignment. Plaintiff further admits it took no action in seeking to have summonses issued after it filed the Complaint and while awaiting such notification. (Plaintiff's Response Brief, p. 6.) When it had not received electronic notification of judicial assignment by June 14, 2022 (nearly two weeks after filing the Complaint and 41 days after the permit letter was issued to QMG), Plaintiff's docketing clerk contacted the Clerk's Office and was informed that judicial assignment had been made. Plaintiff's docketing clerk then took steps to cause summonses to issue. Summonses were issued on June 15, 2022, 42 days after the issuance of the permit letter.

Plaintiff also argued that dismissal was not appropriate because Plaintiff alleged the Defendants had not been prejudiced by the acknowledged delay in the issuance of the summonses. Plaintiff further argued that the ARL provisions and case law cited by the Defendants were not directly applicable to Plaintiff and that greater leniency was warranted because Plaintiff was not the applicant before the HFSRB.

QMG and the State Defendants submitted reply briefs arguing that Plaintiff had not demonstrated that the good-faith exception applied. (Defendants' Reply Briefs, filed on September 13, 2022.) QMG argued that Plaintiff failed to take any action to cause summonses to issue within the 35-day period, that the first action taken by Plaintiff was six days after the 35-day deadline when Plaintiff's docketing clerk contacted the Clerk's Office to determine if judicial assignment had occurred, and that there was no evidence of errors made by the Clerk's Office or other factors beyond Plaintiff's control that prevented summonses from timely issuing.

QMG submitted an affidavit from the Manager of the Clerk's Office regarding the local practice of the Clerk's Office. The Manager, an employee of the Clerk's Office for more than 20 years, attested that when a case is accepted from Efile, the case is opened by the Clerk's Office and a judge assigned automatically, with the assignment automatically posted on the Sangamon County Circuit Clerk's online docket and visible to the public. The Manager attested that the Clerk's Office does not provide electronic notice of judicial assignment to parties or counsel of record; that the Clerk's Office does not require that a judge be assigned, nor a return date obtained from the judge's clerk, before summonses can be filed or issued; and that judicial assignment in this matter would have been automatically posted to the online docket and visible to the public as of May 31, 2022. QMG also submitted a screenshot of the online docket, which listed a creation date of June 1, 2022 at 8:02 AM, reflecting judicial assignment. QMG argued that even if

summonses could not issue until a judge had been assigned, nothing prevented Plaintiff from exercising due diligence to determine when judicial assignment occurred nor from causing summonses to timely issue. QMG further argued that dismissal would be consistent with the purposes of the ARL and that, although alleged prejudice or harm was not a relevant factor in determining whether dismissal is appropriate in this context, it had in fact suffered the types of uncertainty and delay the ARL's provisions were designed to protect against.

ii. Defendants Seek Dismissal of the Complaint Because the Untimely Issued Summonses Were Deficient and Failed to Strictly Conform With the ARL's Requirements and Illinois Supreme Court Rules.

The Defendants argued that dismissal was further warranted because the summonses that were untimely issued failed to strictly comply with the requirements of the ARL and Illinois Supreme Court Rules, specifically, 735 ILCS 5/3-103, 735 ILCS 5/3-105, and Illinois Supreme Court Rule 291. The Defendants argued that the untimely issued summonses incorrectly stated that the defendants were required to file an appearance and answer/response within 30 days after service (rather than 35 days as set forth in Illinois Supreme Court Rule 291). QMG also noted that the summons issued to QMG Hospital, Inc. listed the incorrect agent and address for service and that QMG had not been served with the Complaint.

Plaintiff argued that the failure of the untimely issued summonses to strictly conform with cited requirements of the ARL (735 ILCS 5/3-103 and 735 ILCS 53-105) and Illinois Supreme Court Rule 291 did not warrant dismissal and that dismissal on these grounds would constitute a "hypertechnical excuse." (Plaintiff's Response, p. 17.)

iii. State Defendants Seek Dismissal of HFSRB Members, IDPH, and IDPH's Director as Unnecessary Parties.

In addition to seeking dismissal of the Complaint for failure to timely issue summonses, the State Defendants argued that the members of the HFSRB, along with IDPH and its Director,

Ammal Tokars, were improper parties to the action and should be dismissed pursuant to 735 ILCS 5/3-107(a) and *Rhoads v. Bd. of Trs. of the City of Calumet*, 293 Ill. App. 3d 1070, 1074 (1st Dist. 1997).

iv. Hearing on Motions to Dismiss.

An in-person hearing was held on October 13, 2022. (Transcript of Hearing, Oct. 13, 2022.) In addition to emphasizing the arguments in their briefs, the Defendants noted that Plaintiff's stated reason for not timely filing summonses was based on what Plaintiff described as an "apparent miscommunication" with the Clerk's Office as to "how" Plaintiff would be notified of judicial assignment. The Defendants argued that any miscommunication rested solely with Plaintiff as there was no evidence Plaintiff had been instructed by the Clerk's Office that it would receive electronic notification of the assignment. The Defendants argued this was an assumption by Plaintiff, and that, based on established case law, including *Carver v. Nall*, 186 Ill.2d 554 (1999), overruled on other grounds by *Nudell v. Forest Preserve District of Cook County*, 207 Ill.2d 409 (2003), assumptions do not constitute a good-faith effort.

The Defendants argued that the good-faith exception cannot swallow the rule, and that Plaintiff was seeking to expand a narrow, limited exception by asking the Court to find good faith where no action was taken by Plaintiff from the time it filed the Complaint until six days after the 35-day time deadline.

Plaintiff argued the Defendants had incorrectly framed the law, that strict compliance was not required, and that the Defendants were seeking to enhance the ARL's requirements to avoid administrative review. Plaintiff argued that the core question before the Court was whether the delay in the issuance of summonses resulted from good faith in following guidance it stated Plaintiff's docketing clerk received from the Clerk's Office prior to filing the Complaint. Plaintiff

argued that even if the instructions Plaintiff stated were provided by the clerk in the Clerk's Office were incorrect and not consistent with the local practice, Plaintiff relied upon that guidance and was entitled to protection under the good-faith exception.

Plaintiff further argued that both QMG and the State Defendants had actual knowledge of the lawsuit within the 35-day time period, and that no harm resulted to the Defendants and no advantage was gained by Plaintiff as a result of the delay. Plaintiff asserted that absent the Court concluding that Plaintiff's counsel and Plaintiff's docketing clerk had lied, Plaintiff was "entitled to the protection of the law," and that the motions should be denied.

While Plaintiff acknowledged there was a delay in the issuance of the summonses, Plaintiff subsequently raised questions as to when the 35-day deadline started to run and whether, as an affected party under the Planning Act, it was entitled to be served with a copy of the permit letter.

In response to questioning from the Court, Plaintiff's counsel acknowledged that no one from Plaintiff's counsel's office contacted the Clerk's Office in the thirteen days after the Complaint was filed to determine whether judicial assignment had been made. Plaintiff's counsel acknowledged that all communications with the Clerk's Office were made by Plaintiff's docketing clerk and that Plaintiff's counsel had not directly contacted the Clerk's Office regarding the matter. Plaintiff's counsel also acknowledged that in the 2018 cases in which summonses filed by Plaintiff's counsel's office had been rejected when filed with the Complaint, judicial assignment had, in fact, occurred within a couple days of filing the Complaint. In response to questioning from the Court as to the reasonableness of Plaintiff's inaction, especially given a reported history of filing cases in Sangamon County (including administrative review cases where summonses had been rejected) and because the clock was ticking, Plaintiff's counsel acknowledged that "[i]t would

appear it would have been advisable" to reach out to the Clerk's Office within a couple days of filing the Complaint and "perhaps he should have." (Transcript, p. 76-78.)

As to the naming of HFSRB members, IDPH, and IDPH's Director as Defendants, Plaintiff stated to the Court it was agreeable to dismissal so long as either the Office of the Attorney General acknowledge, or the Court holds, that these Defendants are not necessary parties to the litigation.

B. Legal Standard

A complaint is properly dismissed with prejudice under Section 2-619(a)(5) of the Code of Civil Procedure when "the action was not commenced within the time limited by law" and under Section 2-619(a)(9) where "the claim asserted . . . is barred by other affirmative matter avoiding the legal effect of or defeating the claim." 735 ILCS 5/2-619(a)(5); 735 ILCS 5/2-619(a)(9).

Section 3-102 of the ARL mandates that "[u]nless review is sought of an administrative decision within the time and in the manner herein provided, the parties to the proceeding before the administrative agency ***shall be barred*** from obtaining judicial review of such administrative decision." 735 ILCS 5/3-102 (emphasis added). Further, Section 3-103 of the ARL mandates that "[e]very action to review a final administrative decision shall be commenced by the filing of a complaint ***and the issuance of summons within 35 days*** from the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision." 735 ILCS 5/3-103 (emphasis added).

The ARL is a departure from common law, and "[t]herefore, a party seeking judicial review of an administrative decision must ***strictly adhere*** to the Act's procedures." *Carver v. Nall,* 186 Ill.2d 554, 559 (1999) (emphasis added), overruled on other grounds by *Nudell v. Forest Preserve District of Cook County*, 207 Ill.2d 409, 424 (2003)). The 35-day period is intended to

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"hasten the procedure" of administrative review and avoid undue delay. *Lockett v. Chicago Police Bd.*, 133 Ill.2d 349, 355 (1990) overruled in part on other grounds by *Nudell*, 207 Ill.2d at 424.

Courts have recognized a narrow exception to dismissal in cases where the plaintiff demonstrated a good-faith effort to comply. *Carver*, 186 Ill.2d at 559 (stating that "[t]he good-faith-effort exception to the requirement that summons timely issue is established, but narrow."). To avoid dismissal, "a litigant must show a good-faith ***effort*** to file the complaint and secure issuance of summons within the 35 days." *Carver*, 186 Ill.2d at 559 (emphasis added). Assumptions alone are not sufficient; the plaintiff must demonstrate that it diligently sought issuance of the summons in accordance with the ARL. *Id.* at 560. Good faith has been interpreted as "an effort by the plaintiff to effect service and a failure to strictly comply with the service requirements because of some factor beyond the plaintiff's control." *Beggs v. Board of Educ. of Murphysboro Community No. 186*, 2015 IL App (5th) 150018, ¶ 7; *Burns*, 342 Ill. App. 3d at 792.

C. Discussion

i. Summonses Were Not Timely Issued.

It is undisputed that summonses were not issued for any of the Defendants until June 15, 2022 – 42 days after the permit letter was issued to QMG. The 35-day statutory period began to run on the date the HFSRB sent written notification of its decision to QMG, or on May 4, 2022. *See Marion Hosp. Corp. v. Illinois Health Facilities Planning Bd.*, 324 Ill. App. 3d 451, 454 (2001) (concluding that the 35-day period began to run upon the HFSRB sending written notification of its decision to the CON applicant, Southern Illinois Hospital Services d/b/a Memorial Hospital of Carbondale); *see also* Complaint, ¶ 18 (referencing Plaintiff's statement that the Complaint was timely filed because it was presented less than 35 days from the date of the HFSRB's decision and HFSRB's issuance of its permit letter); *see also* Plaintiff's Response Brief, p. 5 (referencing

Plaintiff's statement that the Complaint was filed 27 days after issuance of the permit letter and "well within the ARL's 35-day period").

Pursuant to the ARL's mandatory requirements, summonses were required to be issued no later than June 8, 2022. This Court concludes that summonses were not timely issued.

ii. The Good-Faith-Effort Exception Does Not Apply, and Dismissal of the Action With Prejudice Is Required.

Illinois courts have consistently held that if a plaintiff fails to cause summonses to issue for any necessary party within the 35-day statutory period, dismissal is ***required*** unless the Court finds that the narrow, good-faith-effort exception applies. *See e.g., Carver*, 186 Ill.2d at 559 (emphasis added); *Gunther v. State of Ill. Civil Service Com'n*, 344 Ill. App. 3d 912, 914 (1st Dist. 2003) (concluding that "[a]bsent a good faith effort on the part of the plaintiff to name *and* serve a necessary party as required by the [ARL], dismissal of the complaint for review is required.") (emphasis added).

While Plaintiff timely filed the Complaint, Plaintiff failed to have summonses timely issue for any of the Defendants within the 35-day statutory period. Therefore, dismissal of the action with prejudice is required unless the good-faith-effort exception applies. Based on the information and arguments presented to the Court, the Court concludes that the good-faith-effort exception does not apply to this case, and dismissal with prejudice is required.

Plaintiff argues that it relied on guidance received from the Clerk's Office prior to filing the Complaint and that, even if this guidance was incorrect or inconsistent with local practice, Plaintiff's reliance on the guidance warrants application of the good-faith exception. (Transcript, p. 21-22, 24, 32, 41.) The Court notes that while Plaintiff has submitted affidavits of its counsel and Plaintiff's docketing clerk, Plaintiff has not provided the name of the clerk at the Clerk's Office that provided the guidance nor produced an affidavit from the Clerk's Office confirming the

guidance provided. Further, based on the information provided by Plaintiff during oral argument, it does not appear that any efforts were taken by Plaintiff to ascertain the identity of, or obtain an affidavit from, the clerk. (Transcript, p. 80-81.)

Even if this Court accepts as true that Plaintiff's docketing clerk received the guidance as described in his affidavit, nothing about the guidance prevented Plaintiff from seeking to have summonses timely issue. While Plaintiff's docketing clerk attested that he was instructed to await notification of judicial assignment, there is no evidence that Plaintiff's docketing clerk was instructed that the notification would be done electronically. Plaintiff did nothing but assume, without justification, that it would receive electronic notification from the Clerk's Office when judicial assignment occurred. An assumption, by itself, does not constitute a good-faith effort. *Carver*, 186 Ill.2d at 560. Further, as stated in the affidavit of the Manager of the Clerk's Office, the Clerk's Office does not provide electronic notice of judicial assignment to parties or counsel of record.

Nothing about the guidance Plaintiff states was provided by the clerk prevented Plaintiff or Plaintiff's law firm from accessing the Sangamon County Circuit Clerk's online docket or following up with the Clerk's Office after filing the Complaint and prior to the 35-day statutory period expiring. Based on the information provided, there were no factors beyond Plaintiff's control that prevented Plaintiff from having summonses issue within the 35-day statutory period. Despite the ramifications that would result if summonses were not timely issued, Plaintiff took no affirmative steps and made *no* efforts, much less those that could be considered diligent, reasonable, or in good faith, to have summonses issue within the 35-day period.

The facts of this case do not resemble those cases where plaintiffs made efforts to secure issuance of summonses, but, due to circumstances beyond their control, summonses were not

timely issued. In fact, this matter is significantly different from those cases upon which Plaintiff relies where the courts concluded the good-faith exception applied.

For example, in *Burns v. Department of Employment Sec.*, 342 Ill. App. 3d 780 (2003), both the complaint and summonses for all necessary parties were timely issued, and the issue on appeal was simply whether service was proper on one of the parties. *Id.* at 785, 787. Here, summonses were neither timely filed nor issued. In *Azim v. Department of Cent. Management Services*, 164 Ill. App. 3d 298 (1987), the complaint was received by the circuit clerk's office on the thirty-fourth day and the plaintiff's attorney told an employee in the clerk's office that the complaint needed to be file-stamped and served that day. *Id.* at 299-300. The employee did not indicate that plaintiff needed to prepare the summonses before they would be issued. As a result of that conversation, the plaintiff's attorney believed the complaint would be file-stamped and served on the defendants that day. *Id.* at 300. The appellate court found that, based on the record, plaintiff acted in good faith and exercised due diligence in seeking issuance of the summonses and that the delay in the issuance was caused solely by errors in the Clerk's Office.

Here, unlike in *Azim,* there is no evidence that Plaintiff asked the Clerk's Office to issue summonses, that Plaintiff believed the Clerk's Office would issue summonses, that Plaintiff attempted to file summonses, or that Plaintiff took any action to have summonses issued within the 35-day period. Rather, it is undisputed that Plaintiff ***took no action*** from the time it filed the Complaint on May 31, 2022, until 6 days ***after*** the 35-day period when it contacted the Clerk's Office. It is at that time that Plaintiff first learned of the judicial assignment (which, pursuant to the affidavit of the Manager of the Clerk's Office, had been made on May 31, 2022 shortly after the Complaint was filed) and only then did Plaintiff take affirmative steps to have summonses issue. This lack of action does not constitute a good-faith effort to comply with the ARL.

Similarly, the other cases relied upon by Plaintiff and cited in its Response Brief are factually distinguishable, as QMG detailed in its Reply Brief. (Plaintiff's Response Brief, p. 12-13; QMG's Reply Brief, p. 9-12.)

Plaintiff's lack of action in this matter more closely resembles those cases where the plaintiff failed to diligently seek issuance of summons as required under the ARL. For example, in *Carver,* the plaintiff's attorney mailed copies of the complaint to the circuit court with a letter stating: "It is **imperative** that this Complaint is filed no later than **November 26, 1997**" (emphasis in original), which was 35 days after the agency mailed its decision to the plaintiff. *Id.* at 556-57. The letter did not request that the clerk issue summonses; rather, the plaintiff's attorney assumed the clerk would prepare summonses to serve with the complaint. *Id.* at 557. The clerk did not issue the summonses. The circuit court dismissed the complaint due to the untimely issuance of summonses, and the appellate court upheld the dismissal. *Id.* The Illinois Supreme Court affirmed the dismissal, finding that the plaintiff did nothing but assume the clerk's office would issue summonses and concluding that the good-faith-effort exception did not apply. *Id.* at 560.

Here, Plaintiff took even less action than the plaintiff in *Carver* and similarly did nothing but assume that an action would be taken by the Clerk's Office. Assumptions, especially unfounded ones, do not constitute a good-faith effort.

This Court also agrees with the Defendants that lack of prejudice to the Defendants and actual knowledge of the complaint are not factors for this Court to consider in determining whether the good-faith-effort exception applies in this context. Furthermore, Plaintiff has not demonstrated that the Defendants were not prejudiced, and QMG has affirmatively stated that it *was* prejudiced by the delay in issuance of summonses and failure of service.

Therefore, the Court concludes that the good-faith-effort exception does not apply, and dismissal of the action with prejudice is required.

iii. ***The ARL Applies.***

Plaintiff asserts that "[b]ecause [Plaintiff] was not the applicant before the [HFSRB], the ARL provisions Defendants cite and the case law upon which they rely . . . are not directly applicable to [Plaintiff]." (Plaintiff's Response Brief, p. 10.) The Court finds this argument unpersuasive and without merit. Plaintiff admitted in its Complaint that it is seeking judicial review of the HFSRB's decision under the Planning Act and the ARL, and that the Court has jurisdiction of the matter pursuant to the ARL. (Complaint, ¶17.) Further, Section 11 of the Planning Act, which created and conferred power upon the HFSRB, explicitly states that "[t]he provisions of the [ARL] . . . and the rules adopted pursuant thereto shall apply to and govern all proceedings for the judicial review of final administrative decisions of the [HFSRB]." 20 ILCS 3960/11. The ARL provisions apply to and govern this proceeding.

iv. ***Deficiencies With Untimely Issued Summonses and Lack of Service.***

In light of the Court's conclusion that the good-faith-effort exception does not apply and that dismissal of the action is required, the Court need not address the remaining arguments as to the deficiencies with the untimely issued summonses nor QMG's argument that it has not been served with the Complaint. As such, the Court makes no ruling in this regard. The Court notes, however, that the cited deficiencies and lack of service, which Plaintiff has not disputed nor attempted to correct, further support dismissal of the action.

v. ***Dismissal of Unnecessary Parties.***

For the same reasons listed in Section C and subparagraph iv, this Court does not address the State Defendants' argument that the HFSRB members, IDPH, or IDPH's Director are

unnecessary parties to the proceeding and makes no ruling in this regard. The Court notes, however, that Plaintiff has cited no legal authority in its Response Brief to refute the State Defendants' argument that the HFSRB members, IDPH, or IDPH's Director are not necessary parties to the action.

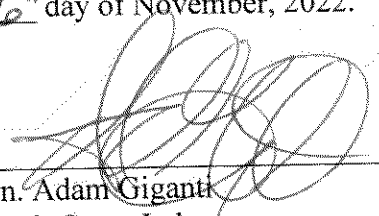
ACCORDINGLY, FOR THE REASONS SET FORTH ABOVE, IT IS HEREBY ORDERED THAT:

1. QMG's Motion to Dismiss the Complaint with prejudice is GRANTED;

2. The State Defendants' Motion to Dismiss is GRANTED in part. The Court grants the State Defendants' Motion to Dismiss the Complaint with prejudice due to Plaintiff's failure to cause summonses to timely issue. As to the State Defendants' request that the HFSRB members, IDPH, and IDPH's Director be dismissed as unnecessary parties to the litigation, the Court makes no finding.

3. Plaintiff's Complaint is dismissed with prejudice.

SO ORDERED, this 16th day of November, 2022.



Hon. Adam Gigantí
Circuit Court Judge
Seventh Judicial Circuit