

Return Date: No return date scheduled
Hearing Date: No hearing scheduled
Courtroom Number: No hearing scheduled
Location: No hearing scheduled

FILED
7/27/2018 1:23 PM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2013CH17450

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CHANCERY DIVISION

MICHAEL W. UNDERWOOD, *et al.*,

Plaintiffs

-vs-

CITY OF CHICAGO,
a Municipal Corporation,

and

TRUSTEES OF THE POLICEMEN'S
ANNUITY AND BENEFIT FUND OF
CHICAGO, *et al.*,

Defendants.

2013 CH 17450

Honorable Neil H. Cohen

**TRUSTEES OF THE POLICEMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO
RESPONSE TO PLAINTIFFS' FOURTH AMENDED COMPLAINT**

Defendant, TRUSTEES OF THE POLICEMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO (the "PABF"), by this response does now address Plaintiffs' Fourth Amended Complaint.

The PABF has already filed a response to motions filed by the plaintiffs in regard to matters involving: (1) the responsible party for the payment of the subsidies pursuant to the 1983 and 1985 amendments to the Illinois Pension Code; and (2) whether the PABF is obligated under the provisions of the 1983 statute to "contract for" healthcare insurance for its annuitants.

As the PABF has identified in prior filed memorandums, the Appellate Court, in its June 29, 2017, opinion, remanded this case back to this Court for one purpose only, and that was to find a "workable solution" as to how the subsidies would be funded by the City. All other issues in

this matter and raised by the plaintiffs in their Fourth Amended Complaint were considered resolved, including the fact that the language “contracted for” in so far as requiring the PABF to provide a group healthcare plan to certain annuitants was not a protected benefit. In reading plaintiff’s Fourth Amended Complaint, it is apparent, as the PABF previously noted, it is plaintiffs’ intent to repeatedly raise the same arguments and assert the same positions irrespective of the fact that all issues have already been adjudicated. Continuing to repeat the same arguments and positions does not change the Court’s opinion, and to reiterate, the only issues that remains is that of finings a “workable solution” as to how the subsidies would be funded by the City.

The PABF, having reviewed the responses drafted by the Trustees of the Laborers’ and Retirement Board Employees’ Annuity and Benefit Fund of Chicago, Trustees of the Firemen’s Annuity and Benefit Fund of Chicago, and Trustees of the Municipal Employees’ Annuity and Benefit Fund of Chicago (together, the “Other Funds”), provides that there is nothing more to add other than repetitive positions. As a result, the PABF would adopt the arguments made by the Other Funds, and support the position that plaintiffs’ Fourth Amended Complaint shall be dismissed in its entirety with prejudice.

Respectfully submitted,

TRUSTEES OF THE POLICEMEN’S ANNUITY
AND BENEFIT FUND OF CHICAGO

/s/ Justin B. Kugler
One of Its Attorneys

David R. Kugler, Atty. 71296
Justin B. Kugler, Atty. 61114
The Retirement Board of the Policemen’s
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ANNUITY AND BENEFIT FUND OF
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Defendants.

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NOTICE OF FILING

TO: See Service List

PLEASE TAKE NOTICE that on this 27th day of July 2018, Defendant, Trustees of the Policemen's Annuity and Benefit Fund of Chicago, by and through one of its attorneys, Justin B. Kugler, filed with the Clerk of the Circuit Court its **Response to Plaintiffs' Fourth Amended Complaint**, a copy of which is attached hereto and served upon you.

Respectfully submitted,

/s/ Justin B. Kugler
One of Its Attorneys

David R. Kugler, Atty. 71296
Justin B. Kugler, Atty. 61114
The Retirement Board of the Policemen's
Annuity and Benefit Fund, City of Chicago
221 North LaSalle Street - Room 1626
Chicago, IL 60601
(312) 744-3891

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies he served the above notice and a copy of Defendant's, Trustees of the Policemen's Annuity and Benefit Fund of Chicago, **Response to Plaintiffs' Fourth Amended Complaint**, upon the following via email on or before 5:00 p.m. this 27th day of July 2018:

/s/ Justin B. Kugler
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