### IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, COUNTY DIVISION

FILED 3/11/2020 4:23 PM DOROTHY BROWN CIRCUIT CLERK COOK COUNTY, IL 2020COEL000010 Sullivan, Sharon

IN RE:	)	<b>-</b>
PETITION OF THE COOK COUNTY	) }	
CLERK FOR AN ORDER OF COURT	Case No.	2020COEL000010
ALLOWING FOR CHANGE OF	)	
BALLOTING PROCEDURES FOR	,	
RESIDENTS OF NURSING HOME	, ,	
AND LONG-TERM CARE	`	
FACILITIES IN COOK COUNTY	,	
ILLINOIS		

#### **NOTICE OF EMERGENCY MOTION**

TO: Attached Service List

PLEASE TAKE NOTICE that on March 12, 2020, at 9:30 a.m. or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Sharon M. Sullivan or whomever is sitting in her stead in Room 1703 of the Richard J. Daley Center and then and there present the attached Verified Complaint for Declaratory and Injunctive Relief, a copy of which is hereby served upon you.

KIMBERLY M. FOXX State's Attorney of Cook County

By: Marie D. Spicuzza

Marie D. Spicuzza

Assistant State's Attorney
500 Richard J. Daley Center
Chicago, Illinois 60602

Tel.: (312) 603-5489

Fax: (312) 603-3000

Attorney No. 10295

#### **CERTIFICATE OF SERVICE**

I, Marie D. Spicuzza, Assistant State's Attorney, hereby certify that I caused to be served this Notice and Petition to those persons listed on the attached Service List by depositing the same in the U.S. Mail at the Richard J. Daley Center, Chicago, Illinois 60602, postage prepaid, at or before 5:00 p.m. on March 11, 2020.

Marie D. Spicuzza
Marie D. Spicuzza, A.S.A.

#### SERVICE LIST

Joseph Berrios, Chairman Cook County Democratic Central Committee 134 North LaSalle Street, Suite 1420 Chicago, Illinois 60602 Fax: (312) 263-0216

Cook County Republican Party Chicago Office: Chris Cleveland Email:Chris.Cleveland@ChicagoGOP.com

Cook County Republican Suburban Office: Cook County Republican Party Sean M. Morrison 312-489-8580 Email:CookGOP@comcast.net

State of Illinois Board of Elections
Attn: Chairman Charles W. Scholz
Bernadette Matthews, Asst. Executive Director
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Chicago, IL 60601
Fax: (312) 814-6485
bmatthews@elections.il.gov

John R. Lausch, Jr.
U.S. Attorney, Northern District of Illinois
219 S. Dearborn St., Suite 500
Chicago, IL 60604
Attn: A.U.S.A. Terry Kinney
Tel: 312-353-1931
Terry.kinney2@usdoj.gov

Kwame Raoul
Illinois Attorney General
100 W. Randolph St., 12<sup>th</sup> Floor
Chicago, IL 60601
Attn: AAG David Van de Burgt
Tel: 312-814-2822
Fax: 312-814-3589/8536
dvandeburgt@atg.state.il.us

Adam Lasker Lasker Law LLC 100 W. Randolph St. FILED 3/11/2020 4:23 PM DOROTHY BROWN CIRCUIT CLERK COOK COUNTY, IL 2020COEL000010 Sullivan, Sharon P.O. Box 64749 Chicago, Illinois 60664 ElectionAttorney@gmail.com

General Counsel Chicago Board of Election Commissioners 69 W. Washington St., Ste. 800 Chicago, Illinois 60602 (312) 269-7900 FILED 3/11/2020 4:23 PM DOROTHY BROWN CIRCUIT CLERK COOK COUNTY, IL 2020COEL000010 Suilivan, Sharon

### IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, COUNTY DIVISION

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IN RE:	) 202 Sulli
PETITION OF THE COOK COUNTY CLERK FOR AN ORDER OF COURT ALLOWING FOR CHANGE OF	) Case No. 2020COEL000010
BALLOTING PROCEDURES FOR RESIDENTS OF NURSING HOME	
AND LONG-TERM CARE FACILITIES IN COOK COUNTY	<b>)</b>
ILLINOIS	

#### VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff/Petitioner, KAREN A. YARBROUGH, Cook County Clerk (the "Clerk"), by KIMBERLY FOXX, Cook County State's Attorney, through her Assistant State's Attorney, Marie D. Spicuzza, pursuant to the Illinois Code of Civil Procedure 735 ILCS 5/11-101 et seq. and 735 ILCS 2-701, and the Illinois Election Code, 10 ILCS 5/1 -1 et seq., seeks declaratory and injunctive relief in relation to balloting procedures for residents of Nursing Homes and Long-Term Care facilities in Cook County, Illinois. In support of this Complaint it is stated as follows:

- 1. Jurisdiction of this Court is invoked pursuant to Section 11-101 et seq. and Section 2 701 of the Illinois Code of Civil Procedure, as well as the Illinois Election Code. Specifically, this Complaint seeks to change of procedures for residents of Nursing Homes and Long-Term Care Facilities for voting for the March 17, 2020 Presidential Primary Election.
- 2. Pursuant to Section 6 5/1 3 (8) of the Election Code, the Cook County Clerk is the election authority having charge of conducting all elections in Cook County outside the boundaries of the City of Chicago.

- 3. Pursuant to 10 ILCS 5/19 12.2, the Clerk was scheduled to conduct voting in nursing homes and long-term care facilities for residents of those facilities between the Friday and Monday prior to the election date (March 12 16, 2020). The Clerk had previously scheduled Nursing home voting to take place on the premises of approximately 115 nursing homes and long-term care facilities on Friday, March 13, 2020 in suburban Cook County. A list of these facilities is attached hereto as Exhibit A.
- 4. On March 9, 2020, the Hon. JB Pritzker, Governor of the State of Illinois, issued a Disaster Proclamation as a result of the rapid spread of the Covid 19 (Corona) virus. The Disaster Proclamation proclaimed that Covid 19 virus constitutes a "public health emergency under Section 4 of the Illinois Emergency Management Agency Act". It further proclaimed that the virus presents "known health risks for older adults and people who have severe chronic medical conditions" (Exhibit B attached)
- 5. The Governor's Office further advised the conduct of elections and polling in places which are nursing homes or senior care facilities should be discouraged as a result of the known health risks associated with the populations residing in such facilities.
- 6. Pursuant to 10 ILCS 5/19 12.2, the Clerk had previously scheduled on-site nursing home voting to take place in these approximately 115 facilities on Friday, March 13, 2020. As a result of this Public Health Emergency, numerous nursing homes and long-term care facilities have contacted the office of the Clerk and informed the Clerk that they cannot accommodate on-site voting, due to the risk of having election judges, poll watchers and other persons, having contact with the vulnerable populations who reside in these facilities.
- 7. As a result of the Public Health Emergency, and for the safety of residents of these facilities, the Clerk requests that this Honorable Court enter an order allowing the Clerk to

supply ballots to residents of these facilities who have requested ballots for the March 17, 2020 Presidential Primary rather than conduct on premises voting at these facilities.

- 8. The Clerk will deliver ballots to each of these facilities through its authorized agents to the administrator of the facility. The administrator of the facility will be instructed to provide these ballots to the voters who have requested them. The voter will be allowed to vote on the ballot and will be provided a postage-paid return envelope to mail the ballot back to the Clerk. The administrator of the facility will be advised to sign a certification that the ballot was provided to the resident that the resident was allowed to vote the ballot in private, that upon completion of the voting, the ballot was sealed in the return envelope and mailed to the Clerk. In the event that the voter requested assistance, the normal certification of assistance to a voter would be completed by the person chosen by the voter to assist them and this certification would be returned along with the ballot in the postage-paid envelope.
- 9. The Plaintiff/Petitioner herein, and the voters of the affected facilities, will have no adequate remedy of law to preserve their rights to vote and the integrity of the election process, and there is no legal remedy which will adequately provide voters their right to cast their ballot.

WHEREFORE, Plaintiff/Petitioner prays that the Court enter an order declaring the due to the Public Health Emergency, the alternative balloting procedures set forth in this pleading may be employed by the Cook County Clerk to allow residents of nursing homes and long-term care facilities to cast ballots as requested, and order that the ballots be distributed and certifications provided by the administrators of the facilities as set forth herein, and for such other relief as this Court deems appropriate for the March 17, 2020 Presidential Primary Election.

Respectfully submitted,

KIMBERLY M. FOXX State's Attorney of Cook County

By: /s/ Marie D. Spicuzza

Marie D. Spicuzza

Assistant State's Attorney

Marie.spicuzza@cookcountyil.gov

Atty. No. 10295 KIMBERLY M. FOXX State's Attorney of Cook County Marie D. Spicuzza Assistant State's Attorney 500 Richard J. Daley Center Chicago, Illinois 60602 (312)603-5489

#### **VERIFICATION BY CERTIFICATION**

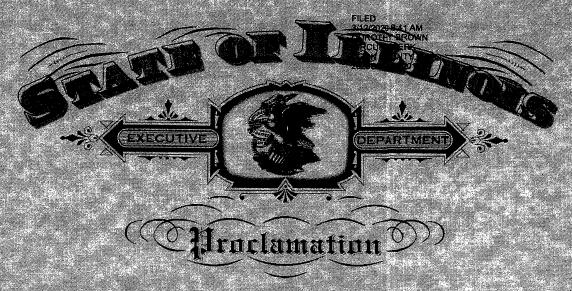
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Under penalties provided by Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the attached instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Edmund Michalowski, Deputy Clerk Elections Cook County Clerk

FILED 3/12/2020 8:41 AM DOROTHY BROWN CIRCUIT CLERK COOK COUNTY, IL 2020COEL000010

# Exhibit A



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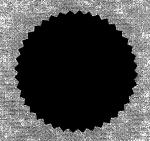
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## In Witness Whereof, I have hereunto set my hand and eaused the Great Seal of the State of Illinois to be affixed.



Desse White SECRETARY OF STATE PRA

GOVERNOR

#### GUBERNATORIAL DISASTER PROCLAMATION

WHEREAS, in late 2019, a new and significant outbreak of Coronavirus Disease 2019 (COVID-19) emerged in China; and,

WHEREAS, COVID-19 is a novel severe acute respiratory illness that can spread among people through respiratory transmissions and present with symptoms similar to those of influenza; and,

WHEREAS, certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease; and,

WHEREAS, we are continuing our efforts to prepare for any eventuality given that this is a novel illness and given the known health risks it poses for the elderly and those with serious chronic medical conditions; and,

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United-States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and,

WHEREAS, the World Health Organization has reported 109,578 confirmed cases of COVID-19 and 3,809 deaths attributable to COVID-19 globally as of March 9, 2020; and,

WHEREAS, in response to the recent COVID-19 outbreaks in China, Iran, Italy and South Korea, the Centers for Disease Control and Prevention ("CDC") has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and,

WHEREAS, the CDC has advised older travelers and those with chronic medical conditions to avoid nonessential travel, and has advised all travelers to exercise enhanced precautions; and,

WHEREAS, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue, washing hands often with soap and water for at least 20 seconds, use of alcohol-based hand sanitizers with at least 60% alcohol if soap and water are not readily available, and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and,

WHEREAS, a vaccine or drug is currently not available for COVID-19; and,

WHEREAS, in communities with confirmed COVID-19 cases, the CDC currently recommends mitigation measures, including staying at home when sick, when a household

member is sick with respiratory disease symptoms or when instructed to do so by public health officials or a health care provider and keeping away from others who are sick; and,

WHEREAS, despite efforts to contain COVID-19, the World Health Organization and the CDC indicate that it is expected to spread; and,

WHEREAS, there are currently 11 confirmed cases of COVID-19 and an additional 260 persons under investigation in Illinois; and,

WHEREAS, one of the confirmed cases of COVID-19 in Illinois has not been linked to any travel activity or to an already-confirmed COVID-19 case, which indicates community transmission in Illinois; and,

WHEREAS, based on the foregoing, the circumstances surrounding COVID-19 constitute a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

WHEREAS, it is the policy of the State of Illinois that the State will be prepared to address any disasters and, therefore, it is necessary and appropriate to make additional State resources available to ensure that the effects of COVID-19 are mitigated and minimized and that residents and visitors in the State remain safe and secure; and,

WHEREAS, this proclamation will assist Illinois agencies in coordinating State and Federal resources, including the Strategic National Stockpile of medicines and protective equipment, to support local governments in preparation for any action that may be necessary related to the potential impact of COVID-19 in the State of Illinois; and,

WHEREAS, these conditions provide legal justification under Section 7 of the Illinois Emergency Management Agency Act for the issuance of a proclamation of disaster;

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare all counties in the State of Illinois as a disaster area.

Section 2. The Illinois Department of Public Health and the Illinois Emergency Management Agency are directed to coordinate with each other with respect to planning for and responding to the present public health emergency.

Section 3. The Illinois Department of Public Health is further directed to cooperate with the Governor, other State agencies and local authorities, including local public health authorities, in the development of strategies and plans to protect the public health in connection with the present public health emergency.

- **Section 4**. The Illinois Emergency Management Agency is directed to implement the State Emergency Operations Plan to coordinate State resources to support local governments in disaster response and recovery operations.
- Section 5. To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law. If necessary, and in accordance with Section 7(1) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1), the Governor may take appropriate executive action to suspend additional statutes, orders, rules, and regulations.
- **Section 6.** Pursuant to Section 7(3) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(3), this proclamation activates the Governor's authority, as necessary, to transfer the direction, personnel or functions of State departments and agencies or units thereof for the purpose of performing or facilitating emergency response programs.
- Section 7. The Illinois Department of Public Health, Illinois Department of Insurance and the Illinois Department of Healthcare and Family Services are directed to recommend, and, as appropriate, take necessary actions to ensure consumers do not face financial barriers in accessing diagnostic testing and treatment services for COVID-19.
- **Section 8.** The Illinois State Board of Education is directed to recommend, and, as appropriate, take necessary actions to address chronic absenteeism due to transmission of COVID-19 and to alleviate any barriers to the use of e-learning during the effect of this proclamation that exist in the Illinois School Code, 105 ILCS 5/1-1 et. seq.
- Section 9. Pursuant to Section 7(14) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(14), increases in the selling price of goods or services, including medical supplies, protective equipment, medications and other commodities intended to assist in the prevention of or treatment and recovery of COVID-19, shall be prohibited in the State of Illinois while this proclamation is in effect:
- Section 10. This proclamation can facilitate a request for Federal emergency and/or disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.
- **Section 11**. This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor March 9, 2020 Filed by the Secretary of State March 9, 2020

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# Exhibit B

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85-6	83-11	71-7	80-14	96-20	82-3	99-2	75.3	82-5	96-16	95-7	88-5	77-1	8	80-27	77-7	79-12	9-98	93-7	82-5	87-2	72-7	74-6	93-3	95-2	97-20	97-11	88-7	88 6-88	75-3	79-5	79-8	80-12	97-19	85-3	89-1	2 6	87-13	72-13	71-6	92-6	83-9	80-30	82-2	78-15	79-5	87-7	83-7	95-7	85-5	~	6-68
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NILES, IL 60714	GLENVIEW, IL 60026	GLENWOOD, IL 60425	DES PLAINES, IL 60016	WHEELING, IL 60090	NILES, IL 60714	BERWYN, IL 60402	EVANSION, IL BUZUZ	SKURIE, IL BUU//	WHEELING, IL 60090	HARVET, IL 60426	HICKORY HILLS, IL 60457	PALOS PARK, IL 60464	RICHTON PARK, IL 60471	DES PLAINES, IL 60018	LEMONT, IL 60439	LA GRANGE, IL 60525	ORLAND PARK, IL 60462	SCHAUMBURG, IL 60193	SKOKIE, IL 60076	PALATINE, IL 60067	ROBBINS, IL 60472	ARLINGTON HEIGHTS, IL 60005	ELK GROVE VILLAGE, IL 60007	HOMEWOOD, IL 60430	OAK LAWN, IL 60453	OAK LAWN, IL 60453	PALOS HEIGHTS, IL 60463	PALOS HEIGHTS, IL 60463	EVANSTON, IL 60201	LA GRANGE, IL 60525	BRIDGEVIEW, IL 60455	NILES, IL 60714	DAK LAWN, IL 60453	DAK PAKK, IL BOSUZ	CRESTWOOD, II 60418	PARK RIDGE, IL 60068	ROLLING MEADOWS, IL 60008	HAZEL CREST, IL 60429	CHICAGO HEIGHTS, IL 60411	SOUTH HOLLAND, IL 60473	GLENVIEW, IL 60025	DES PLAINES, IL 60016	NILES, IL 60714	NORTHLAKE, IL 60164	USTICE, IL 60458	INVERNESS, IL 60067	NORTHBROOK, IL 60062	NORTH RIVERSIDE, IL 60546	SKOKIE, IL 60076	SOUTH HOLLAND, IL 60473	HILLSIDE, IL 60162
7000 N NEWARK AVE	1511 GREENWOOD RD	19330 S COTTAGE GROVE AVE	9555 GOLF RD	220 N 1ST ST	6601 W TOUHY AVE	3601 HARLEM AVE	SOO ASBURY AVE	SOUCH LAVERGINE AVE	1500 MUSENKI KU	COAC COOPERED	9246 S ROBERTS RD	12220 WILL COOK RD	22660 CICERO AVE	1301 LEE ST	12450 WALKER RD	4735 WILLOW SPRINGS RD	14601 JOHN HUMPHREY DR	675 S ROSELLE RD	9700 GROSS POINT RD	80 W NORTHWEST HWY	13901 S LYDIA AVE	715 W CENTRAL RD	1920 NERGERD	940 MAPLE RD	9401 S KOSTNER AVE	6300 W 95TH ST	7850 W COLLEGE DR	11860 SOUTHWEST HWY	425 DAVIS ST	339 9TH AVE	8540 S HARLEM AVE	9777 N GREENWOOD AVE	9525 S MAYFIELD AVE	923 OAK BIDGE AVE	13259 SCENTRAL AVE		RD CR:	00 175TH ST	· .	AVE	ш	_	AVE	<del></del>		W COLONIAL PKWY	LAKE COOK RD	DESPLAINES AVE	GOLF RD		4600 FRONTAGE RD H
GLEN SAINT ANDREW LIVING COMMUNITY	GLENVIEW TERRACE NURSING CENTER	GLENWOOD HEALTHCARE & REHAB	GOLF VIEW DEVELOPMENTAL CENTER	GREEK AMERICAN REHAB & CARE CTR	GROSSE POINTE MANOR	GROVE OF BERWYN, THE	GROVE OF EVANSION L' & N, THE	MARBOR LOUISE	MANBOR MOUSE LEATURD LEATURABE CENTED	MCAINER HEALINCARE CEIVIER	HICKORY NUMBING PAVILKON	HOLY FAMILY VILLA	LANDMARK OF RICHTON PARK	LEE MANOR REHABILITATION AND NURSING	LEMONT NURSING AND REHAB CENTER	LEXINGION OF LA GRANGE	LEXINGTON OF ORLAND PARK	LEXINGTON OF SCHAUMBURG	LIEBERMAN CENTER FOR HEALTH & REHAB	LITTLE SISTERS OF PALATINE	LYDIA HEALTHCARE	MANORCARE OF ARLINGTON HEIGHTS	MANORCARE OF ELK GROVE VILLAGE	MANORCARE OF HOMEWOOD	MANORCARE OF OAK LAWN EAST	MANORCARE OF OAK LAWN WEST	MANORCARE OF PALOS HTS EAST	MANORCARE OF PALOS HTS WEST	MATHER, THE	MEADOWBROOK MANOR LA GRANGE	MIDWAY NEUROLOGICAL/REHAB CTR	NILES NRSG & REHAB CENTER	OAK LAWN RESPIRATORY & REHAB	OAK PAN OASIS	PALOS HEIGHTS REHAB	PARK RIDGE CARE CENTER	PEARL OF ROLLING MEADOWS, THE	PINE CREST HEALTH CARE	PRAIRIE MANOR NURSING & REHAB CTR	PRAIRIE OASIS	PRESENCE MARYHAVEN NSG & REHAB	PRESENCE NAZARETHVILLE	PRESENCE SAINT BENEDICT NER	PRESENCE VILLA SCALABRINI NER	ROSARY HILL HOME	ROSEWOOD CARE CIR INVERNESS	ROSEWOOD CARE CTR NORTHBROOK	SCOTTISH HOME, THE	SKURIE MEAUOWS BEHAVIORAL CIR	SOUTH HOLLAND MANOR HTH&RHB	SYMPHONY AT AKIA
55582	76237	32839	42614	44149	45203	55442	230/0	EECCAA	22045	CHCC2	52029	45393	55491	24356	46201	38083	41855	36095	26195	27045	54114	50302	49387	49437	49668	49551	49478	49353	48777	47274	47175	•	51144			39255	. 55095							v				5116 5			

53256	SYMPHONY EVANSTON HEALTHCARE	820 FOSTER ST	EVANSTON, IL 60201	282	7501002	17		75-3		11:00AM
51805	SYMPHONY OF CRESTWOOD	14255 CICERO AVE	CRESTWOOD, IL 60418	117	7200013	53		72-5		02:00PM
55400	TRI-STATE VILLAGE NRSG&RHB	2500 175TH ST	LANSING, IL 60438	1340	9500026	18	•	95-10		02:00PM
45161	VI AT THE GLEN	2401 INDIGO LN	GLENVIEW, IL 60026	720	8300007	9		83-9		09:00AM
52340	52340 · VILLA AT SOUTH HOLLAND, THE	16300 WAUSAU AVE	SOUTH HOLLAND, IL 60473	1321	9500037	0		92-6		02:00PM
51417	VILLA OF PALOS HEIGHTS, THE	12550 S RIDGELAND AVE	PALOS HEIGHTS, IL 60463	1594	9700095	4		97-3	•••	03:00PM
48595		971 BODE RD	ELGIN, IL 60120	329	7600029	15		76-7	•••	02:00PM
47373	WESTCHESTER HEALTH & REHAB CTR	2901 WOLF RD	WESTCHESTER, IL 60154	1047	8900035	23		89-32	***	10:00AM
12930	WESTMINSTER PLACE	3200 GRANTST	EVANSTON, IL 60201	312	7506006	77		75-2	3/13/2020	10:00AM
49502	WINDSOR ESTATES NSG & REHAB	18300 LAVERGNE AVE	COUNTRY CLUB HILLS, IL 60478	14	7200040	88		72-10	•••	01:30PM

#### **SERVICE LIST**

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