No. 123123

IN THE
SUPREME COURT OF ILLINOIS

LMP SERVICES, INC. *Plaintiff-Petitioner*,	)	On Petition for Leave to Appeal from Appellate Court of Illinois First District, No. 16-3390
	)	On Appeal from Circuit Court of Cook County, Case No. 12 CH 41235
	)	Trial Judge: Hon. Helen Demacopoulos
THE CITY OF CHICAGO *Defendant-Respondent*.	)	

MOTION OF ILLINOIS FOOD TRUCK OWNERS ASSOCIATION, NATIONAL FOOD TRUCK ASSOCIATION, AND CATO INSTITUTE FOR LEAVE TO FILE A BRIEF *AMICI CURIAE* IN SUPPORT OF PETITIONER LMP SERVICES, INC.

MATTHEW A. CLEMENTE
(Bar #6255757)
SIDLEY AUSTIN LLP
1 South Dearborn St.
Chicago, IL 60603
Telephone: (312) 853-7914
Fax: (202) 736-8711
*additional counsel listed on inside cover

GORDON D. TODD
NOAH T. KATZEN
DAVID A. MILLER
MACKENZI SIEBERT
SIDLEY AUSTIN LLP
1501 K Street, NW
Washington, D.C. 20005
Telephone: (202) 736-8000
Fax: (202) 736-8711

February 21, 2018

The Illinois Food Truck Owners Association, the National Food Truck Association, and the Cato Institute (collectively, "Proposed *amici*"), respectfully move pursuant to Illinois Supreme Court Rule 345 for leave to file a brief as *amici curiae* in support of the Petition for Leave to Appeal of Plaintiff-Petitioner LMP Services, Inc. ("LMP Services").

Attached hereto are: (1) the proposed brief of *amici curiae*; and (2) a proposed order.

Interests of the Proposed *Amici*

The Illinois Food Truck Owners Association is a community of food truck operators, which supports the well-being of mobile food vendors, including promoting sensible regulation to allow food trucks to flourish in Chicago. Its members are directly affected by the challenged ordinances in this case.

The National Food Truck Association is an organization of regional food truck associations. Its purpose to leverage their members experience and knowledge to ensure that food trucks nationwide have sufficient resources and access to information. Among other things, it assists vendors and regional associations in working cooperatively with municipalities and governmental bureaucracies to review codes, ordinances, and procedures so they can better address the realities of the new food truck industry.

The Cato Institute is a nonpartisan public-policy research foundation dedicated to advancing the principles of individual liberty, free markets, and limited government. Cato's Robert A. Levy Center for Constitutional Studies helps restore the principles of limited constitutional government that are the foundation of liberty. Toward those ends,

Cato publishes books and studies, conducts conferences, and produces the annual *Cato Supreme Court Review*.

Proposed *amici* have a strong interest in the issues at stake in this matter, including freedom from unreasonable searches and seizures, the protection of economic liberty, and the ability of new businesses to compete with entrenched economic interests.

Proposed *amici* respectfully submit that the attached brief of *amici curiae* will assist the Court in consider LMP Services' Petition. Proposed *amici* National Food Trucks Association and Illinois Food Truck Owners Association are uniquely situated to explain the impact of the challenged ordinances on the food truck industry and other new businesses. *Amicus* Cato Institute is a well known advocate on behalf of liberty and is uniquely situated to explain the impact of the Appellate Court's decision on freedom from unreasonable searches and economic rights.

The attached brief is less than 10 pages and is not repetitive of LMP Services' arguments. It is intended to supplement, not restate, those arguments, and is being filed well in advance of any answer from Respondent, thus giving Respondent ample time to respond. While Rule 345 does not specifically authorize consideration of *amicus* briefs in support of a petition for leave to appeal, Proposed *amici* submit that this brief will assist the Court because it offers information and a unique perspective beyond that provided by counsel for parties. For the reasons stated above, Proposed *amici* respectfully request that the Court consider the attached brief.

WHEREFORE, Proposed *amici* respectfully request that the Court grant them leave to file their brief as *amici curiae*.

February 21, 2018

Respectfully Submitted,

/s/ Matthew A. Clemente

MATTHEW A. CLEMENTE
(Bar #6255757)
SIDLEY AUSTIN LLP
1 South Dearborn St.
Chicago, IL 60603
Telephone: (312) 853-7914
Fax: (202) 736-8711

GORDON D. TODD
NOAH T. KATZEN
DAVID A. MILLER
MACKENZI SIEBERT
SIDLEY AUSTIN LLP
1501 K Street, NW
Washington, D.C. 20005
Telephone: (202) 736-8000
Fax: (202) 736-8711

PROOF OF SERVICE

I, Matthew A. Clemente, an attorney, hereby certify that on February 21, 2018, I caused a true and correct copy of the foregoing Motion and its two attachments to be served via email upon the following listed below:

Robert Frommer
Robert Gall
Erica J. Smith
Institute for Justice
901 North Glebe Road, Suite 900
Arlington, VA. 22203
(703(682-9320
rfrommer@ij.org; bgall@ij.org;
esmith@ij.org

James W. Joseph
Eimer Stahl, LLP
224 South Michigan Ave., Suite 1100
Chicago, IL. 60604
(312) 660-7612
jjoseph@eimerstahl.com

Counsel for the Plaintiff

Suzanne M. Loose
City of Chicago, Department of Law
Appeals Division
30 North LaSelle Street, Suite 800
Chicago, IL. 60602
Suzanne.loose@cityofchicago.org

Counsel for Defendant

/s/ Matthew A. Clemente
Matthew A. Clemente
Sidley Austin LLP
Counsel for Amici Curie

Exhibit 1
Proposed Brief of Amici

No. 123123

IN THE
SUPREME COURT OF ILLINOIS

LMP SERVICES, INC. *Plaintiff-Petitioner*,	)))))))))))))	On Petition for Leave to Appeal from Appellate Court of Illinois First District, No. 16-3390 On Appeal from Circuit Court of Cook County, Case No. 12 CH 41235 Trial Judge: Hon. Helen Demacopoulos
THE CITY OF CHICAGO *Defendant-Respondent*.		

PROPOSED BRIEF OF *AMICI CURIAE* ILLINOIS FOOD TRUCK OWNERS ASSOCIATION, NATIONAL FOOD TRUCK ASSOCIATION, AND CATO INSTITUTE IN SUPPORT OF PETITIONER LMP SERVICES, INC.

MATTHEW A. CLEMENTE
(Bar #6255757)
SIDLEY AUSTIN LLP
1 South Dearborn St.
Chicago, IL 60603
Telephone: (312) 853-7914
Fax: (202) 736-8711
*additional counsel listed on inside cover

GORDON D. TODD
NOAH T. KATZEN
DAVID A. MILLER
MACKENZI SIEBERT
SIDLEY AUSTIN LLP
1501 K Street, NW
Washington, D.C. 20005
Telephone: (202) 736-8000
Fax: (202) 736-8711

February 21, 2018

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

Cases

Statutes and Regulations

Other Authorities

PRELIMINARY STATEMENT

The decision below sustains two challenged ordinances on bases that strike at the heart of liberty. *Amici curiae* ("*amici*") respectfully urge this Court to grant the petition and reverse the Appellate Court's decision on both points.

First, in upholding the GPS Requirement, the Appellate Court took an unduly constrained view of *United States v. Jones*, 565 U.S. 400 (2012), and an unduly enlarged view of local government's authority to attach conditions to licenses. The Appellate Court's reasoning would allow the government to evade constitutional protections against unreasonable searches altogether simply by requiring the searched party to perform a self-search, or by making the search a condition of licensure. Such a rule would eviscerate the constitutional protection set forth in *Jones* and open the door to virtually unlimited surveillance.

Second, in upholding the 200-foot Rule, the Appellate Court endorsed pure economic favoritism as a "legitimate interest" sufficient to satisfy rational basis review. If rational basis is to provide any protection whatsoever, it must—at the very least—prohibit the government from favoring entrenched economic interests over their competitors. On this point, too, the Appellate Court's reasoning would lead to indefensible results if applied in other contexts.

INTERESTS OF *AMICI CURIAE*

The Illinois Food Truck Owners Association is a community of food truck operators, which supports the well-being of mobile food vendors, including promoting sensible regulation to allow food trucks to flourish in Chicago. Its members are directly affected by the challenged ordinances in this case.

The National Food Truck Association is an organization of regional food truck associations. Its purpose to leverage their members experience and knowledge to ensure that food trucks nationwide have sufficient resources and access to information. Among other things, it assists vendors and regional associations in working cooperatively with municipalities and governmental bureaucracies to review codes, ordinances, and procedures so they can better address the realities of the new food truck industry.

The Cato Institute is a nonpartisan public-policy research foundation dedicated to advancing the principles of individual liberty, free markets, and limited government. Cato's Robert A. Levy Center for Constitutional Studies helps restore the principles of limited constitutional government that are the foundation of liberty. Toward those ends, Cato publishes books and studies, conducts conferences, and produces the annual *Cato Supreme Court Review*.

ARGUMENT

I. THE APPELLATE COURT'S RULING ON THE GPS REQUIREMENT IS INCONSISTENT WITH *UNITED STATES v. JONES* AND WOULD EVISCERATE CONSTITUTIONAL PROTECTIONS AGAINST UNREASONABLE SEARCHES.

In *Jones*, 565 U.S. 400, the U.S. Supreme Court held that the government conducts a "search" for purposes of the Fourth Amendment when it installs a GPS tracking device on a vehicle for the purpose of tracking its movements. *Id.* at 404.[1] In this case, the City of Chicago has enacted an ordinance that achieves precisely the same result by requiring food truck owners to do what *Jones* held the government can not do

[1] This ruling is equally applicable to Ill. Const. art 1, § 6. *People v. Thomas*, 198 Ill. 2d 103, 109 (2001).

without a warrant.[2] The Appellate Court's ruling that this ordinance does not effect a search is contrary to the logic of *Jones* and would produce constitutionally intolerable results. *Amici* therefore urge this Court to grant the petition for review and overturn the Appellate Court's erroneous holding that Article I, Section 6 of the Illinois Constitution, has no application to the GPS Requirement.

A. The GPS Requirement Plainly Effects a Search Under the *Jones* Framework

Under *Jones*, a search occurs where the government (i) physically intrudes on (ii) a constitutionally protected area (iii) for the purpose of gathering information. *See, e.g.*, *id.* at 406 n.3, 407. According to the Appellate Court, the GPS Requirement does not constitute a physical intrusion because it does not permit or require the City of Chicago to "physically enter[]" food trucks. The Appellate Court also suggested that the GPS Requirement is exempt from *Jones* because it is a condition of licensure. This reasoning is deeply flawed.

First, the Appellate Court's narrow view of what constitutes a physical intrusion contradicts a well-established principle of Fourth Amendment jurisprudence: the government cannot avoid constitutional scrutiny by requiring a private citizen to do what the government itself cannot do without conducting a search. *See Skinner v. Ry. Labor Executives' Ass'n*, 489 U.S. 602, 614-15 (1989). In *Skinner*, the U.S. Supreme Court held that federal regulation requiring private railroad companies to collect blood and

---

[2] Chi. Mun. Code § 7-38-115(l) (1990) requires that each licensed food truck "be equipped with a permanently installed functioning" GPS device that "sends real-time data to any service that has a publicly accessible application program interface (API)." Additionally, a board of health rule imposes additional requirements on the GPS functionality and GPS service providers. *See* Chi. Bd. of Health, Rules & Regs. for Mobile Food Vehicles, R. 8 (eff. Aug. 7, 2014). As used herein, "GPS Requirement" refers to the totality of these requirements.

urine samples from employees involved in certain accidents was a "search" within the meaning of the Fourth Amendment. Although the government itself did not conduct this physical intrusion upon the persons of railroad employees, any railroad that complied with the regulation did so "by compulsion of sovereign authority." *Id.* at 614. Even a less-compulsory regulation that authorized but did not require blood and urine tests of certain employees effected a search because any tests conducted would not be "primarily the result of private initiative." *Id.* at 615; *cf. Coolidge v. New Hampshire*, 403 U.S. 443, 487 (1971) (defining "the test" for state action in the Fourth Amendment context to be "whether … in light of all the circumstances of the case" a private party "must be regarded as having acted as an 'instrument' or agent of the state").

Here, as in *Skinner*, the government compels a private party to carry out what would indisputably be a "search" if performed by the government. But for the government's GPS Requirement, there would be no GPS device installation nor subsequent tracking of food trucks locations and retention of data. Because the government cannot avoid constitutional limitations on searches by conscripting food truck owners—or, indeed, vehicle owners generally—as agents to conduct searches of their own vehicles, the Appellate Court's holding that no search occurred should be reversed.

Second, the Appellate Court also mistakenly held that no search occurred because the right to operate a food truck is a revocable license and that a food truck vendor consents to abide by the GPS requirement as a condition of obtaining that license. *See LMP Servs. Inc. v. City of Chicago*, 2017 IL App (1st) 163390, ¶¶ 54-57 ("Op.") (citing *Grigoleit v. Bd. of Trs.*, 599 N.E.2d 51 (Ill. App. 1992)). As an initial matter, this

conflates the question whether the GPS Requirement effects a "search" with the question whether that search was reasonable.[3] *See Florida v. Jimeno*, 500 U.S. 248, 250-51 (1991) (holding that whether consent to search was given goes to whether search was reasonable). Moreover, *Grigoleit* stands only for the proposition that no "unconsented search" occurs when the government conditions a special privilege to dispose of industrial wastewater on real property owned by the public on the license-holder agreeing to inspection. *Grigoleit*, 599 N.E.2d at 554. If the Appellate Court is correct that *Grigoleit* allows the government to condition the issuance any license on the license-holder agreeing to a search, it would permit the Illinois government to condition even the issuance of drivers licenses on drivers' consenting to random police searches of their vehicles, or on the installation of GPS trackers in all vehicles, thus negating longstanding jurisprudence applying constitutional protections against unreasonable searches to motor vehicles. *See generally Arizona v. Gant*, 556 U.S. 332 (2009) (applying Fourth Amendment to search of vehicle).

B. The Consequences of Affirming the Appellate Court's Holding and Reasoning Threaten Pervasive, Unchecked Mass Surveillance

The Appellate Court's reasoning, if applied in other cases, would produce indefensible results. The troubling implications of the Appellate Court's decision make it imperative that this Court grant LMP Services' petition for review.

---

[3] Whether or not it is *reasonable* as an administrative search or otherwise for the GPS Requirement to mandate such an invasion of personal property as a condition to operate a food truck is an entirely separate and distinct inquiry the Appellate Court did not reach. *Cf. City of Los Angeles v. Patel*, 135 S. Ct. 2443, 2452 (2015) (holding unconstitutional a statute requiring hotels to comply with administrative searches of their records without affording them the opportunity for preclearance review before a neutral decision-maker).

Take, for example, the Appellate Court's premise that the government can avoid constitutional limitations on its power to conduct a "search" if, instead of performing the act constituting the search itself, it compels the property owner to do so. If true, the government could evade constitutional limitations in almost any circumstances. All would agree that a "search" occurs if police officers enter a home and look through the homeowner's closet to find incriminating evidence. But under the Appellate Court's reasoning, no search would occur if the police instead demanded that the homeowner look through his own closet and produce its contents or, perhaps, videotape them for the police.

The Appellate Court's suggestion that Chicago can condition license to operate a food truck on the GPS Requirement without conducting a search would produce similar problems. If no condition of licensure is a search, then licensure requirements could practically negate the *Jones*. There is no doubt that police conduct a search when they enter a vehicle to obtain information. *See, e.g.*, *Gant*, 556 U.S. 332. Indeed, *Jones* itself involves a physical trespass on a vehicle. But if the Appellate Court is correct that no search occurs when the government conditions issuance of a license on consent to a physical intrusion upon the property, then there would be no constitutional bar to a state law condition issuance of a driver's license on the driver's consent to precisely the type of search the government conducted in *Jones*.

Or, to take another example, the Appellate Court's reasoning could open the door unfettered, limitless, dragnet unwarranted surveillance of all persons—the very evil the Fourth Amendment is designed to prevent. *See Jones*, 565 U.S. at 413-18 (Sotomayor, J., concurring). Many Americans have smart phones and all such devices have GPS

tracking technology. By requiring cell phone users to install software on their phone allowing government access to their location as a condition to being able to use limited spectrum with a cell phone, the government could obtain the location data of all persons and use it for any purpose without conducting a search—thereby avoiding any constitutional scrutiny for reasonableness and making an end-run around *Riley v. California*, 134 S. Ct. 2473 (2014)(unanimously ruling that police may not, without a warrant, search the information on a cellphone seized from an arrested individual).

The Court need not countenance such consequences. It need only hold that the GPS Requirement effects a "search" under *Jones*, and is therefore subject to the strictures of the Fourth Amendment and Article I, Section 6 of the Illinois Constitution.

II. THE APPELLATE COURT'S RULING ON THE 200-FOOT RULE MAKES RIGHTS CONTINGENT UPON THE AMOUNT OF TAXES PAID AND HARMS A POPULAR INDUSTRY.

The Appellate Court also erred in upholding the 200-foot rule,[4] which prohibits those who sell food in trucks from carrying on their trade in certain locations in order to favor those who sell food in brick-and-mortar restaurants.

While state and local governments have significant discretion under rational basis to adopt economic regulations, *see City of New Orleans v. Dukes*, 427 U.S. 297, 303 (1976) (per curiam), "rational basis review . . . is not 'toothless.'" *Peoples Rights Org., Inc. v. City of Columbus*, 152 F.3d 522, 532 (6th Cir. 1998) (citing *Mathews v. Lucas*, 427 U.S. 495, 510 (1976)); *see also McLean v. Dept. of Rev.*, 184 Ill. 2d 341, 353 (1998) (noting that with regard to the due process clause of the Illinois and United States

[4] "No operator of a mobile food vehicle shall park or stand such vehicle within 200 feet of any principal customer entrance to a restaurant which is located on the street level; provided, however, the restriction in this subsection shall not apply between 12 a.m. and 2 a.m." *See* Chi. Mun. Code. § 7-38-115(c) (amended July 25, 2012)

constitutions, "the standard[] [of] validity under both constitutions [is] identical"). "[P]rotecting a discrete interest group from economic competition is not a legitimate governmental purpose." *Craigmiles v. Giles*, 312 F.3d 220, 224 (6th Cir. 2002); *see also Del. River Basin Comm'n v. Bucks Cnty. Water & Sewer Auth.*, 641 F.2d 1087, 1099-1100 (3d Cir. 1981); *cf.* James Madison, Property (1792), *reprinted in* Madison: Writings 516 (Jack N. Rakove ed., 1999) ("What must be the spirit of legislation where a manufacturer of linen cloth is forbidden to bury his own child in a linen shroud, in order to favour his neighbor who manufactures woolen cloth . . . !").

Nevertheless, the Appellate Court's decision renders rational basis review meaningless. *See* Op. at ¶¶ 29, 31. The Appellate Court's rationale was explicitly protectionist: "We reject LMP's assertion that the City may not protect brick-and-mortar restaurants and uphold the 200-foot rule as a rational means of promoting the general welfare of the City of Chicago." *Id.* ¶ 32. According the Appellate Court, the City of Chicago's decision to show favoritism to one class of merchants (restaurants) over their competitors (food trucks) was justified by the need to "strike a balance" between higher-tax-paying restaurants and lower-tax-paying food trucks. *Id.* ¶ 32-33. [5]

This Court should reverse this holding for the reasons set forth in LMP Services' petition, as well as at least two additional reasons.

First, Appellate Court's rationale creates moral hazard by endorsing the principle that rights may be adjusted according to how much an individual or entity pays in taxes. Just as "wealth or fee paying has . . . no relation to voting qualifications," *Harper v. Va.*

[5] The Appellate Court observed that the City of Chicago offered two additional justifications for the 200-foot rule—namely, to spread retail to underserved parts of the city and to control sidewalk congestion. *Amici* note, however, that the Appellate Court did not address either rationale.

State Bd. of Educ., 383 U.S. 663, 670 (1966), the amount of taxes a business pays has no relation to its ability to serve customers' needs. A contrary holding would open the door to discriminatory treatment of more than just food trucks. It would, for example permit local governments to favor physical stores that pay higher property and sales taxes over online retailers. *See, e.g.*, Chris Tomlinson, *Taxes big reason online shopping is killing brick and mortar*, Hous. Chron. (Sept. 25, 2017).[6]

Second, the negative impact of over-regulation of the food truck industry is clear. The consequences of anti-competitive local ordinances are often hard to measure because they consist in large measure of lost opportunities and businesses that are never founded. *See* Frederic Bastiat, That Which Is Seen and That Which Is Not Seen (1850), http://bastiat.org/en/twisatwins.html. But it is clear that laws punishing food trucks have had a "dramatic" effect. Baylen J. Linnekin, Jeffrey Dermer & Matthew Geller, *The New Food Truck Advocacy: Social Media, Mobile Food Vending Associations, Truck Lots, & Litigation in California & Beyond*, 17 Nexus: Chap. J. L. & Pol'y 35, 42 (2012). In Chicago, "[t]he voices of food-truck owners [have been] drowned out by the voices of restauranteurs," Beth Kregor, *Food Trucks, Incremental Innovation, and Regulatory Ruts*, 82 Chi. L. Rev. 1, 12 (2017), and discriminatory treatment of food trucks has had a disastrous effect on that industry. *See generally* Julia Thiel, *Why Chicago's once-promising food truck scene stalled out*, Chi. Reader (Mar. 29, 2017), http://bit.ly/2GoSw38. Indeed, the number of food trucks has declined from 120-130 in

[6] *Available at* https://www.houstonchronicle.com/business/columnists/tomlinson/article/Taxes-big-reason-online-shopping-is-killing-brick-12226102.php.

2012 to about 70 in 2017. *Id.* By comparison, Los Angeles County has 2,600 permits for food trucks, and Austin, Texas, has 1,250. *Id.*

The opinion below makes a business' rights dependent on the amount of taxes it pays and upholds a regulation seriously harmful to a popular and useful industry. This Court should put a stop to Chicago's efforts to use its police power on behalf of restaurants against their up-and-coming food-truck competitors.

CONCLUSION

For the foregoing reasons, *amici* respectfully request that the Court grant LMP Services' Petition and reverse the Appellate Court's decision.

February 21, 2018

Respectfully Submitted,

/s/ Matthew A. Clemente

MATTHEW A. CLEMENTE
(Bar #6255757)
SIDLEY AUSTIN LLP
1 South Dearborn St.
Chicago, IL 60603
Telephone: (312) 853-7914
Fax: (202) 736-8711

GORDON D. TODD
NOAH T. KATZEN
DAVID A. MILLER
MACKENZI SIEBERT
SIDLEY AUSTIN LLP
1501 K Street, NW
Washington, D.C. 20005
Telephone: (202) 736-8000
Fax: (202) 736-8711
Counsel for Proposed Amici Curiae
Cato Institute
National Food Truck Association
Illinois Food Truck Owners Association

CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a) is 10 pages and 2,731 words.

/s/ Matthew A. Clemente
Matthew A. Clemente

PROOF OF SERVICE

I, Matthew A. Clemente, an attorney, hereby certify that on February 21, 2018, I caused a true and correct copy of the foregoing Proposed Amicus Brief to be served via email upon each of the following listed below:

Robert Frommer
Robert Gall
Erica J. Smith
Institute for Justice
901 North Glebe Road, Suite 900
Arlington, VA. 22203
(703(682-9320
rfrommer@ij.org; bgall@ij.org;
esmith@ij.org

James W. Joseph
Eimer Stahl, LLP
224 South Michigan Ave., Suite 1100
Chicago, IL. 60604
(312) 660-7612
jjoseph@eimerstahl.com

Counsel for the Plaintiff

Suzanne M. Loose
City of Chicago, Department of Law
Appeals Division
30 North LaSelle Street, Suite 800
Chicago, IL. 60602
Suzanne.loose@cityofchicago.org

Counsel for Defendant

/s/ Matthew A. Clemente
Matthew A. Clemente
Sidley Austin LLP

Exhibit 2
Proposed Order

No. 123123

IN THE
SUPREME COURT OF ILLINOIS

LMP SERVICES, INC. *Plaintiff-Petitioner*,	)	On Petition for Leave to Appeal from Appellate Court of Illinois First District, No. 16-3390
	)	On Appeal from Circuit Court of Cook County Case No. 12 CH 41235
	)	Trial Judge: Hon. Helen Demacopoulos
THE CITY OF CHICAGO *Defendant-Respondent*.	)	

[PROPOSED] ORDER GRANTING ILLINOIS FOOD TRUCK OWNERS ASSOCIATION, NATIONAL FOOD TRUCK ASSOCIATION, AND CATO INSTITUTE LEAVE TO FILE A BRIEF *AMICI CURIAE* IN SUPPORT OF PETITIONER LMP SERVICES, INC.

This matter coming to be heard on the motion of the Illinois Food Truck Owners Association, the National Food Truck Association, and the Cato Institute for leave to file their proposed brief as *amici curiae* in support of the Petition for Leave to Appeal of Plaintiff-Petitioner LMP Services, Inc., the motion is hereby GRANTED / DENIED.

Date: _____ Entered: _____
JUSTICE