

STATE OF ILLINOIS – DEPARTMENT OF LABOR
160 N. LASALLE ST., STE. C-1300
CHICAGO, ILLINOIS 60601

BERNIE JIRICEK, as a Member of Local 126
of the INTERNATIONAL ASSOCIATION OF
MACHINISTS and AEROSPACE WORKERS,
and LOCAL 126 OF THE INTERNATIONAL
ASSOCIATION OF MACHINISTS AND
AEROSPACE WORKERS,

PETITIONER(S),

STATE FILE NO. 2018-H-AS09-1992

v.

JOSEPH BEYER, ACTING DIRECTOR OF THE
ILLINOIS DEPARTMENT OF LABOR, and
THE ILLINOIS DEPARTMENT OF LABOR,

RESPONDENTS.

ORDER

THIS MATTER COMING on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and Notice of Hearing issued there under; and, pursuant to Petitioner's Motion for Judgment on the Pleadings and Respondent's Motion to Extend Time for Respondent to File an Answer and/or Dispositive Motions, and for a Stay of These Proceedings, and Petitioner's Motion to Strike Respondent's Response to Petitioner's Judgment on the Pleadings, 56 Illinois Administrative Code 120.301 (a) – (j) all parties having been duly advised on the premises issues this order;

IT IS HEREBY ORDERD:

1. Petitioner's Motion to Strike Respondent's Response to Petitioner's Judgment on the Pleadings is denied. Respondent is granted leave to file after the seven-day period under 56 Ill. Adm. Code 120.301 (b).
2. Petitioner's Motion for Judgment on the Pleadings is denied.
3. Respondent's Motion to Extend Time for Respondent to File an Answer is moot, Respondent filed an Answer on or about February 9, 2018.
4. Given asserted service issues regarding the order of November 22, 2017, Respondent's Motion to Extend Time for the filing of a Dispositive Motion is granted. Respondents and Petitioners are granted until February 23, 2018 to file said motions.
5. Respondent's Motion for a Stay is denied.
6. Any and all responses to a Dispositive Motions are due on March 16, 2018.
7. Replies to Dispositive Motions are due March 23, 2018.
8. The March 8, 2018 date previously scheduled for oral argument on dispositive motions is stricken. Oral argument will be scheduled under separate order. If the dispositive motions do not resolve this matter, an expedited discovery schedule will be set with hearing date scheduled shortly thereafter.

DATE: 2/16/18

Claudia D. Manley
Chief Administrative Law Judge
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601
V: 312-793-1805
DOL.hearings@illinois.gov

/s/ Claudia D. Manley
Claudia D. Manley
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I Ann Harrison, a non-attorney, affirm, certify or on oath state, that I served notice of the attached Order upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Order in Case No. 2018-H-AS09-1992 and a copy of the Certificate of Service in an envelope addressed to each party or party's agent at the respective address shown on the Certificate of Service, having caused each envelope to be served by U.S. Mail at 100 W. Randolph Street, Chicago, Illinois on the 16 day of February, 2018 prior to 4:30 p.m. and placed on the Illinois Department of Labor's official website at and placed on the Illinois Department of Labor's official website at www.state.il.us/agency/idol/

Nicholas Hudalla, Esq.
Hogan, Marren, Babbo & Rose Ltd.
321 N. Clark St., Ste. 1301
Chicago, IL 60654
nh@hnbr.com

Via messenger:

Benno Weisberg, Esq.
Illinois Department of Labor
General Counsel
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601
benno.weisberg@illinois.gov



Ann Harrison, Executive Secretary
Illinois Department of Labor