

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 a Telephonic Status and Respondents' Motion to Extend Time for Respondents to Answer Petitioners' Objection and Request for Section 9 hearing, 56 Illinois Administrative Code 120.400 (a) (1-6) and 100-670 all parties having been duly advised on the premises issues this order;

**FINDINGS:**

The parties have conferred and agree that this matter is unable to be settled. The parties believe a decision regarding this matter from the administrative law judge is a matter of law and the best course to proceed forward is either on a Motion to Dismiss and/or Cross-Motions Motion(s) for Summary Judgment basis.

**IT IS HEREBY ORDERED:**

1. All **Motion(s) to Dismiss** shall be filed on or before **January 22, 2018**. Any and all **responses** to a Motion to Dismiss shall be filed on or before **February 22, 2018**.
2. Should **Respondent** file a **Motion for Summary Judgment** as opposed to a **Motion to Dismiss**. **Respondent** shall file an **answer** to the Objection on **January 22, 2018**.
3. All **Motion(s) for Summary Judgment** shall be filed on or before **January 29, 2018**. Any and all responses to a **Motion(s) for Summary Judgment** are due **March 1, 2018**.
4. This matter is scheduled for telephonic oral argument on the Motions then pending on **March 8, 2018 at 11:30 a.m.**

DATE: 11/22/17

/s/ Claudia D. Manley

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](mailto:DOL.hearings@illinois.gov)

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 22 day of November, 2017 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/](http://www.state.il.us/agency/idol/)

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Ann Harrison, Executive Secretary II  
Illinois Department of Labor