

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**ST. JOHN’S UNITED CHURCH OF
CHRIST, an Illinois not-for-profit
corporation; HELEN RUNGE; SHIRLEY
STEELE; VILLAGE OF BENSENVILLE,
ILLINOIS, an Illinois municipal
corporation; ROXANNE MITCHELL; and
the VILLAGE OF ELK GROVE,
ILLINOIS, an Illinois municipal
corporation,**

Plaintiffs,

v.

**THE CITY OF CHICAGO, an Illinois
municipal corporation; the FEDERAL
AVIATION ADMINISTRATION;
MARION C. BLAKEY, Administrator of
the Federal Aviation Administration;**

Defendants.

Case No. 03 C 3726

Judge David H. Coar

**PLAINTIFFS’ MOTION FOR LEAVE
TO FILE SECOND AMENDED COMPLAINT**

Plaintiffs hereby seek leave to file the attached Second Amended Complaint instanter. In support thereof, plaintiffs state the following:

1. On October 11, 2005, the Court entered its Memorandum Opinion and Order, and granted the parties through October 26, 2005 to respond in writing to the issues raised by the Court.
2. Plaintiffs have filed this date (October 26, 2005) their Response To The Court’s Show Cause Order Of October 11, 2005.
3. Plaintiffs hereby also respond by submitting their proposed Second Amended Complaint, which addresses the issues raised by the Court.

4. In accord with the Court's Memorandum Opinion and Order, the proposed Second Amended Complaint removes Rest Haven Cemetery Association, Robert Placek and Leroy H. Heinrich as plaintiffs, and Richard M. Daley as defendant.

5. As pleaded in the Second Amended Complaint, and discussed in Plaintiffs' Response To The Court's Show Cause Order Of October 11, 2005, Plaintiffs believe that based on the amended allegations FAA is a proper defendant and should remain in the case, and that the Village of Bensenville, Roxanne Mitchell and the Village of Elk Grove should remain as plaintiffs.

WHEREFORE, Plaintiffs respectfully request that the Court grant them leave to file their Second Amended Complaint, which is attached hereto as Exhibit 1.

October 26, 2005

Respectfully submitted,

Joseph V. Karaganis
A. Bruce White
John W. Kalich
KARAGANIS, WHITE & MAGEL LTD.
414 North Orleans, Suite 810
Chicago, IL 60610
(312) 836-1177

**ST. JOHN'S UNITED CHURCH OF
CHRIST; HELEN RUNGE; SHIRLEY
STEELE; VILLAGE OF BENSENVILLE,
ILLINOIS; ROXANNE MITCHELL; and
the VILLAGE OF ELK GROVE, ILLINOIS**

By: _____

Anthony R. Picarello, Jr.
Derek L. Gaubatz
Roman P. Storzer
THE BECKET FUND FOR RELIGIOUS
LIBERTY
1350 Connecticut Ave., NW, Suite 605
Washington, D.C. 20036
(202) 955-0095
Admissions *Pro Hac Vice* Pending)

John Mauck
Andy Norman
Hannah Valdez Garst
MAUCK & BAKER
One N. LaSalle #2001
Chicago IL 60602
(312) 726-1243