

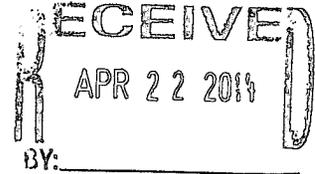
IN THE ILLINOIS INDEPENDENT TAX TRIBUNAL

JOHN M. CONNOLLY and )  
MICHAEL R. MCDONALD, )  
Petitioners, )  
 )  
v. )  
The ILLINOIS DEPARTMENT )  
OF REVENUE, )  
 )  
Defendants. )

No. 14 TT 66

Judge Brian F. Barov

NOTICE OF MOTION



To:

George W. Foster  
Special Assistant Attorney General  
Illinois Department of Revenue  
James R. Thompson Center  
100 West Randolph Street, Level 7  
Chicago, Illinois 60601

**PLEASE TAKE NOTICE** that on May 29, 2014 at 10:15 p.m. or as soon thereafter as counsel may be heard, I shall appear before Administrative Judge Brian Barov at the Illinois Independent Tax Tribunal, 160 N. LaSalle Street, Room N506, Chicago, IL 60601, and shall then and there present the **Plaintiff's Motion to Stay the Initial Status Conference**, a copy of which is attached hereto and hereby served upon you.

Respectfully submitted,

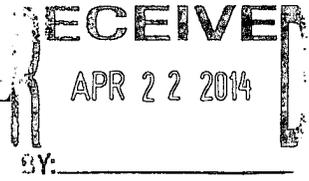
**JOHN M. CONNOLLY and  
MICHAEL R. MCDONALD**

A handwritten signature in black ink, appearing to be a stylized name.

\_\_\_\_\_  
One of Petitioners' Attorneys

Fred O. Marcus  
Christopher T. Lutz  
Horwood Marcus & Berk Chartered  
500 West Madison St., Ste. 3700  
Chicago, IL 60661  
(312) 606-3210

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**PETITIONERS' MOTION TO STAY THE INITIAL STATUS CONFERENCE**

Now come John M. Connolly and Michael R. McDonald ("Petitioners"), by and through their attorneys, Horwood Marcus & Berk Chartered, and moves the Administrative Law Judge in this matter to enter an order staying the initial status conference, and in support thereof states as follows:

1. On April 15, 2014, Petitioners filed their Petition with this Tribunal.
2. On April 16, 2014, this Tribunal entered an order setting the initial status conference in this matter for May 29, 2014 at 10:15 a.m. A true and accurate copy of the order is attached hereto as Petitioner's Exhibit 1.
3. Defendants have not yet filed their answer in the instant matter.
4. As noted in Petitioner's Petition, the underlying liability at issue in this matter involves penalties and interest incurred by Midwest Media Group, Inc. ("Midwest").
5. Midwest has petitioned the Board of Appeals, requesting that penalties and interest for the periods at issue be abated.
6. A hearing at the Board of Appeals is scheduled for May 21, 2014.
7. If Midwest's penalties are abated, Midwest has sufficient funds on deposit with the Department of Revenue such that the tax portion of the liability will be satisfied.

8. If the Board of Appeals grants Midwest's petition, Defendants' attempt to pursue Petitioners as responsible officers will be rendered moot.
9. Petitioners request that the Tribunal stay the initial status conference in this matter until the Board of Appeals has reached a conclusion with respect to the abatement of Midwest's liability.
10. Staying this matter until the Board of Appeals resolves Midwest's liability will make the resolution of this matter significantly more efficient and will reduce waste of judicial resources.
11. Petitioners file this Motion not for purposes of delay, but rather to facilitate the efficient resolution of this case.

**WHEREFORE**, Petitioners respectfully move the Administrative Law Judge to enter an order staying the initial status conference from May 29, 2014, until such time that the Board of Appeals issues a ruling regarding the underlying liability owed by Midwest.

Respectfully Submitted,

**JOHN M. CONNOLLY and  
MICHAEL R. MCDONALD**



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One of Petitioners' Attorneys

Fred O. Marcus  
Christopher T. Lutz  
Horwood Marcus & Berk Chartered  
500 West Madison St., Ste. 3700  
Chicago, IL 60661  
(312) 606-3210

# EXHIBIT 1



**CERTIFICATE OF SERVICE**

Undersigned counsel of record hereby certifies that he caused a copy of the foregoing **PETITIONERS' MOTION TO STAY THE INITIAL STATUS CONFERENCE** to be served on other counsel of record by messenger delivery before the hour of 5:00 p.m. on the 22 day of April, 2014, addressed as follows:

George W. Foster  
Special Assistant Attorney General  
Illinois Department of Revenue  
James R. Thompson Center  
100 West Randolph Street, Level 7  
Chicago, Illinois 60601

