

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

IN THE MATTER OF:)
)
STANLEY SIMRAYH, as a MEMBER OF THE)
INTERNATIONAL UNION OF OPERATING)
ENGINEERS, LOCAL #750, AFL-CIO and the)
INTERNATIONAL UNION OF OPERATING)
ENGINEERS, LOCAL #750, AFL-CIO)
) STATE FILE NO. 15-H-JN07-0853
)
and)
)
ASSOCIATED GENERAL CONTRACTORS OF ILLINOIS)
ET AL.)
)
Petitioner(s))
)
v.)
)
JOSEPH COSTIGAN, DIRECTOR OF)
LABOR and the ILLINOIS DEPARTMENT OF)
LABOR,)
)
Respondent(s))
)
Martin Flanagan, as a member of the Laborers)
International Union of North America et al.)
)
Intervenor(s))
)

ORDER

This matter coming before the undersigned on September 22, 2014 for further pre-hearing conference and ruling on pending motions; all parties having appeared and participated; and the undersigned having fully considered the arguments of all parties,

IT IS ORDERED (as announced orally on September 22, 2014):

1. Brown, Hay & Stephens LLP is granted leave to withdraw as counsel for Downstate Laborers and Hogan Marren, Ltd. is granted leave to substitute as counsel;
2. The Hispanic American Construction Industry Association, through counsel Hesse Martone, P.C., is granted leave to withdraw from Contractors' Objection;

3. Contractors' oral motion to amend its Petition to Intervene to include the Illinois Road & Transportation Builders Association is allowed;
4. Contractors shall participate in the instant consolidated proceeding as Objector/Intervenor;
5. Operators Local 150's Motion to Narrow Issues is construed to be a motion for partial summary judgment and is denied, as the movant has failed to demonstrate that there is no genuine issue as to any material fact and is entitled to a judgment as a matter of law;
6. The issues of "classification" and "rate" shall be bifurcated at hearing, with the issue of "classification" to be heard first;
7. By agreement of the parties, witness lists and any documents that the parties may seek to offer into evidence during their case in chief on the issue of "classification" shall be exchanged on or before September 29, 2014;
8. By agreement of the parties, any documents that the parties may seek to offer into evidence during their case in chief on the issue of "rate" shall be exchanged on or before October 6, 2014;
9. This matter is continued to October 14, 2014 at 9:30 a.m. for hearing and shall continue, as necessary, through October 17, 2014.

Entered: September 26, 2014

Michael Haggerty, Administrative Law Judge

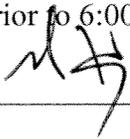
CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing

ORDER

to be served on the following individuals/entities at the e-mail address shown below

prior to 6:00 p.m. on September 26, 2014.



Michael Haggerty

Marc R. Poulos, Esq.
Melissa L. Binetti, Esq.
Indiana Illinois and Iowa Foundation for Fair Contracting
6170 Joliet Rd., Ste. 200
Countryside, IL 60525
815-254-3332
mpoulos@iiffc.org
mbinetti@iiffc.org

Valerie A. Puccini, Esq.
Assistant General Counsel
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601
312-793-1811
valerie.puccini@illinois.gov

Andrew J. Martone, Esq.
Matthew B. Robinson, Esq.
Hesse Martone, P.C.
13354 Manchester Rd., Suite 100
St. Louis, MO 63131
314-862-0300
andymartone@hessemartone.com
mattrobinson@hessemartone.com

Edward M. Hogan, Esq.
Nicholas M. Hudalla, Esq.
Hogan Marren, Ltd.
321 N. Clark St., Suite 1301
Chicago, IL 60654
312-946-1800
emh@hmltd.com
nh@hmltd.com

John J. Toomey, Esq.
Arnold & Kadjan
203 N. LaSalle St., Suite 1650
Chicago, IL 60601
312-236-0415
jtoomey100@hotmail.com

Ellen Schanzle-Haskins, Esq.
Brown, Hay & Stephens, LLP
205 S. Fifth, Suite 700
P.O. Box 2459
Springfield, IL 62705
217-544-8491
eschanzle-haskins@bhslaw.com