IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

EHAB ALLABABIDI, *Plaintiff,* v. **ALEXI GIANNOULIAS**, Secretary of State of the State of Illinois, *Defendant.*	Case No. **2026 CH 01421** Calendar 3 — Courtroom 2402 Hon. Allen Price Walker Administrative Review of Final Administrative Decision, File No. J-03014-25

PLAINTIFF'S VERIFIED MOTION FOR LEAVE TO FILE A SUPPLEMENTAL MEMORANDUM *INSTANTER* AND FOR ENTRY OF JUDGMENT OF OUTRIGHT REVERSAL UNDER 735 ILCS 5/3-111(a)(5)

A Ten-Ground Audit of Finding of Fact #13 Against the Certified Record (R. 1–93) — Verified Under 735 ILCS 5/1-109

NOW COMES Plaintiff, **EHAB ALLABABIDI**, *pro se*, and, verified under 735 ILCS 5/1-109, moves for leave *instanter* to file this supplemental memorandum — the merits having been argued on August 3, 2026, and set for status on ruling on December 29, 2026 — and for entry of judgment reversing outright, under 735 ILCS 5/3-111(a)(5), the Secretary of State's February 5, 2026 Final Administrative Decision denying driving relief (File No. J-03014-25; Driver's License No.) and restoring Plaintiff's full driving privileges, as the Complaint demands (Compl. ¶ 2). This memorandum adds no new evidence on the merits. It does what the briefing has not: it takes the decision's own list of reasons, one at a time, and sets each beside the page of the certified record that refutes it. Every merits proposition cites the record the State itself certified on April 22, 2026; the State can claim no surprise.

I. PROCEDURAL POSTURE BETWEEN THE OCTOBER 15, 2026 STATUS AND THE DECEMBER 29, 2026 SETTING

1. Plaintiff respectfully apologizes to the Court for his inadvertent inability to appear at the October 15, 2026 status call due to acute medical exhaustion resulting from the documented physical toll of this deprivation (Complaint ¶¶ 3, 7, 28–29, documenting Plaintiff's 50-lb loss of lean body mass and history of rhabdomyolysis and elevated CPK levels). Following the October 15, 2026 call, Defendant submitted a proposed order on October 20, 2026 reflecting a continued setting of December 29, 2026. Because all merits briefing (Opening Brief, Defendant's Memorandum, and Plaintiff's Reply Brief) and Plaintiff's entered-and-continued Rule 137 Motion to Strike have been fully briefed since July 2026, Plaintiff files this Verified Motion now so that the Court may either enter final judgment reversing the February 5, 2026 decision on the papers in advance of December 29, 2026, or dispose of all pending matters in full at the Court's earliest convenience.

II. THE DECISION WROTE ITS OWN LIST OF REASONS

2. The Order denies the permit "pursuant to the Findings of Fact, Conclusions of Law,

and the Recommendations of the Hearing Officer." R. 2. Finding #13 then states the reasons, exhaustively:

> "In conclusion, the Petitioner, EHAB ALLABABIDI, has failed to carry their burden of proving that they have satisfactorily resolved their alcohol/drug problem and that the Petitioner would be a safe and responsible driver if granted driving relief. **The Petitioner is being denied driving privileges for the following reason(s): (See Finding(s) of Fact #4, 6, 7, 7(a, b, c, and d), 8, 9(a), and 10).** Therefore, it is recommended that the Petitioner be denied driving relief."
>
> — *Finding of Fact #13, R. 6 (emphasis added).*

The public-safety conclusion rests on that list and nothing else: "Given the unresolved issues raised herein (See Finding(s) of Fact 13), the Petitioner failed to carry their burden . . . ." R. 6 (Conclusion of Law #3).

3. Everything else is conceded. The agency found "an undue hardship as it pertains to employment" (Finding 11(d), R. 6) and that Petitioner "was demoted as a result of his inability to drive" (Finding 11(c), R. 5). The State agrees. Def. Mem. 8. The permit therefore turns on the ten enumerated grounds — and only on them.

4. Ten grounds; ten failures. Two penalize a constitutional invocation (#4, #6). Two are contradicted by the transcript (7(a), 7(c)). One rests on an "unknown" evaluator whom Petitioner named on the record (#7). Two borrow their force from a report the agency refused to credit (7(d), #8). One records testimony in Petitioner's favor (7(b)). One does not exist (9(a)). And one is, by its own terms, not a finding at all (#10).

5. The State does not defend the list; it substitutes for it — with Finding #5, which Finding #13 omits (Def. Mem. 10), and with an extra-record DuPage County charging file attached under seal as Exhibit 1 (Def. Mem. 1 n.1). The first is barred because "[t]he grounds upon which an administrative order must be judged are those upon which the record discloses that its action was based." *SEC v. Chenery Corp.*, 318 U.S. 80, 87 (1943). The second is barred by statute. 735 ILCS 5/3-110.

III. STANDARD OF REVIEW

6. Agency findings are "prima facie true and correct" — a presumption, not an immunity. 735 ILCS 5/3-110. A finding contradicted by the transcript the agency itself certified is against the manifest weight of the evidence because "the opposite conclusion is clearly evident." *Abrahamson v. Illinois Department of Professional Regulation*, 153 Ill. 2d 76, 88 (1992).

7. A decision that "offered an explanation for its decision that runs counter to the evidence before the agency" is arbitrary and capricious. *Greer v. Illinois Housing Development Authority*, 122 Ill. 2d 462, 505–06 (1988) (adopting *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). Constitutional questions are reviewed *de novo*. *AFM Messenger Service, Inc. v. Department of Employment Security*, 198 Ill. 2d 380, 390 (2001). And a reviewing court "may not supply a reasoned basis for the agency's action that

the agency itself has not given." *State Farm*, 463 U.S. at 43.

8. No question of deference is presented. Every dispositive point turns either on a question of law or on reading the agency's own words against the record the agency itself certified. None asks the Court to reweigh a single piece of evidence.

IV. THE TEN-GROUND AUDIT OF FINDING #13

9. Each enumerated ground, what the agency found, what the certified record shows, and the consequence:

GROUND	THE AGENCY FOUND	THE CERTIFIED RECORD SHOWS	RESULT
#4	"Petitioner refused to provide testimony regarding the details of the incident which led to this revocation." R. 4	He invoked the privilege: "right now the case is being seen by the Illinois Supreme Court . . . . I don't want to say anything to you that could affect the current pending criminal case." Tr. 14:4–8 (R. 21). PLA No. 132495 was pending until Jan. 28, 2026.	A penalty on a valid invocation. Part VI.
#6	Petitioner "otherwise refused to provide testimony concerning the details of the May 23, 2022 incident"; the crash report shows "a collision which resulted in injury and fire." R. 4	Same invocation. Tr. 14:4–13 (R. 21). The agency already held the crash report (Sec'y Grp. Ex. 3, R. 41–64) and found "no evidence in file that Petitioner was cited for DUI on May 23, 2022." R. 4	Silence about documented, adjudicated, non-DUI conduct proves nothing about alcohol or drugs.
#7	The report "omits page 12", so "the agency which conducted said document is not known"; the officer is "unable to place significant weight" on it; the evaluation is incomplete. R. 4	He named the evaluator: "submitted a few days ago from Douglas Allen". Tr. 18:19–21 (R. 25). Part 9.2: "Allen's Family Counseling." R. 79; R. 67. Finding #2 certifies the documents "comply with all standards specified in . . . Part 1001, Subpart D." R. 3	The only stated reason the page mattered is refuted. The rest of #7 discredits the report — removing a basis to deny, not supplying one.
7(a)	"Petitioner refused to provide testimony regarding his history of alcohol/drug use." R. 5	He answered every lifetime question: illegal drugs ("I do not use illegal drugs"), marijuana ("No"), Tr. 16:15–21 (R. 23); abuse of alcohol, illegal drugs, or marijuana ("No"), Tr. 18:10–15 (R. 25). He declined only incident-specific questions about particular arrests and from-memory estimates. Tr. 11:4–24 (R. 18); 15:1–9 (R. 22); 16:6–14 (R. 23).	Overbroad; contradicted by the transcript.
7(b)	Petitioner "is currently abstinent from alcohol" but would not give the date. R. 5	"What is your current alcohol use?" "None." Tr. 19:23–20:1 (R. 26–27). The evaluator: his "corroborative history states no use." R. 79 (Part 8.2).	The only evidence of current use is "none", corroborated by the State's exhibit.
7(c)	"Petitioner refused to provide testimony	Told "if you want to just refuse to answer the question, that's fine too", Tr. 16:22–17:3	Contradicted word for word. A refusal

GROUND	THE AGENCY FOUND	THE CERTIFIED RECORD SHOWS	RESULT
	regarding his history of symptoms." R. 5	(R. 23–24), he refused nothing: "No" to all ten symptom questions — blackouts, passing out, loss of control, binge drinking, withdrawal, hangovers, drinking more than intended, tolerance, family concern, family history. Tr. 17:4–18:6 (R. 24–25).	that never happened cannot ground a denial.
7(d)	His denial of alcohol abuse "is not consistent with his High Risk Non-dependent classification." R. 5	The label comes from the report given no significant weight, R. 4, and is computed under Part 8.1(A) ("two or more" prior offenses, R. 79) from exactly two Part 3 entries — one the May 23, 2022 entry the agency found unsupported. R. 71; R. 4.	Impeachment by a discredited, arithmetically dependent label. Arbitrary. *Greer*.
#8	"Petitioner failed to provide any documentation demonstrating he completed the recommended treatment." R. 5	The 75 hours is Part 9.1's fixed prescription for "HIGH RISK". R. 79.	Penalizes noncompliance with a recommendation from a report the agency refused to credit.
9(a)	Enumerated in Finding #13 as a reason for denial. R. 6	Finding #9 records receipt of Petitioner's "Administrative Hearing Roadmap" and has no subparagraph (a). R. 5.	A ground that does not exist supports nothing — and shows the list was never checked against the findings it cites.
#10	Petitioner "denied using prescription medication" though his probation order directs him to take it; "it is not clear whether Petitioner is currently recommended to use medication." R. 5	No finding of misuse, impairment, or effect on driving. His testimony that no condition affects his ability to drive safely stands unrebutted. Tr. 10:12–15 (R. 17). Taking medication "as directed" is compliance with a court order. R. 54.	"Not clear" is the absence of a finding. It proves no alcohol/drug problem and no danger.

10. Reduced to arithmetic, Finding #13 leaves nothing. Strike what the record refutes, what is borrowed from a discredited report, what does not exist, what is not a finding, and what favors Petitioner, and only silence remains — which Part VI shows cannot carry a denial:

CATEGORY	GROUNDS	COUNT
Grounds enumerated in Finding of Fact #13 (R. 6)	#4, 6, 7, 7(a)–(d), 8, 9(a), 10	10
Silence penalized in violation of the privilege (Part VI)	#4, #6	− 2
Contradicted by the transcript	7(a), 7(c)	− 2
Refuted by the record: the "unknown" evaluator was named	#7	− 1
Borrowed from a report the agency refused to credit	7(d), #8	− 2

CATEGORY	GROUNDS	COUNT
Testimony in Petitioner's favor	7(b)	− 1
A finding that does not exist	9(a)	− 1
Not a finding at all: "not clear"	#10	− 1
Grounds remaining to support the denial		**0**

The Secretary adopted that list after reciting that "the record has been reviewed" and that the findings "are correct" (R. 2) — including a finding, "9(a)," that does not exist. Conclusion of Law #1 cannot fill the void. It declares that Petitioner's "abuse of alcohol/drugs developed into an alcohol/drug problem, but the extent of that problem is not clear" (R. 6) — a conclusion that cites no finding, concedes its own indeterminacy, and collides with the evaluator's report that Petitioner's "corroborative history states no use" (R. 79, Part 8.2).

V. THE "HIGH RISK" LABEL: THE STATE'S "NO SUPPORT" CLAIM IS ANSWERED BY ITS OWN RECORD

11. The State tells this Court that Plaintiff "provides no support to bolster his speculation that the 'High-Risk' classification was based on an allegedly false entry in Part 3.3." Def. Mem. 9. The support is the agency's own finding, which the State quotes only in part:

> "A current Uniform Report Alcohol and Drug Evaluation dated December 16, 2025. Because the document omits page 12, the agency which conducted said document is not known. Furthermore, the document reports that Petitioner was cited for DUI on May 23, 2022 and classifies Petitioner as High Risk Non-Dependent. **There is no evidence in file that Petitioner was cited for DUI on May 23, 2022. For aforementioned reasons, The Hearing Officer is unable to place significant weight on said document.** Furthermore, said document recommends that Petitioner complete 75 hours of treatment. Petitioner failed to provide evidence that he completed the recommended treatment."
>
> — *Finding of Fact #7, R. 4 (emphasis added; original underscoring omitted).*

The report computes its label the same way. Part 8.1 assigns "High Risk" under criterion (A): "any combination of two or more" qualifying prior offenses "that arise out of separate incidents." R. 79. Part 3 lists exactly two: the January 23, 2018 disposition (Part 3.1) and a May 23, 2022 entry under "Prior reckless driving convictions reduced from DUI" (Part 3.3). R. 71. Remove the entry the agency found baseless, and criterion (A) is unmet on the report's own data. Nor is the 75-hour mandate independent clinical judgment; it is Part 9.1's fixed prescription for "HIGH RISK". R. 79.

12. Petitioner flagged the error before the hearing, in his December 17, 2025 supplemental letter (R. 67), and again at it — "on question 3.3 of the evaluation . . . a major clerical error" (Tr. 19:2–6 (R. 26)) — and the Hearing Officer confirmed: "Yeah, I saw it, sir." Tr. 23:12–15 (R. 30). Whether a correctly prepared evaluation would classify Petitioner differently is a question the agency never asked, and this Court may not answer it in the

agency's place. *Chenery*, 318 U.S. at 87. What the agency did decide is that the report deserved no significant weight. R. 4. Having so decided, it could not use the report's label to impeach Petitioner (7(d)) or the report's prescription to fault him (#8). That is an explanation that "runs counter to the evidence before the agency" — arbitrary and capricious by definition. *Greer*, 122 Ill. 2d at 505–06.

VI. WHAT REMAINS IS SILENCE — AND SILENCE CANNOT CARRY THE DENIAL

A. The invocation was valid, and the jeopardy was real.

13. Asked about the May 23, 2022 incident, Petitioner answered:

> "HEARING OFFICER PALMER: Had you used any prescription medication on that occasion?
> EHAB ALLABABID: Like I said, right now the case is being seen by the Illinois Supreme Court, and I'm not trying to re-litigate that case. It's under review. **I don't want to say anything to you that could affect the current pending criminal case.**
> HEARING OFFICER PALMER: Was there an accident involved on that occasion?
> EHAB ALLABABID: Like I said, again, the offense date is listed but **I'm not going to go into any detail due to it being on the -- currently investigated.**"
> *— Tr. 14:2–13 (R. 21) (emphasis added).*

"[N]o ritualistic formula is necessary in order to invoke the privilege." *Quinn v. United States*, 349 U.S. 155, 164 (1955). That disposes of the State's complaint that Petitioner "never specifically invoked the right by name." Def. Mem. 11. The privilege reaches any answer that would "furnish a link in the chain of evidence", *Hoffman v. United States*, 341 U.S. 479, 486 (1951), and lapses only when "the sentence has been fixed and the judgment of conviction has become final." *Mitchell v. United States*, 526 U.S. 314, 326 (1999). On December 19, 2025, it had not: Petitioner's petition for leave to appeal, No. 132495, was pending until January 28, 2026. R. 67–92.

14. The jeopardy outlived the petition. The next day, Petitioner filed a § 2254 petition attacking the same conviction, *Allababidi v. Junkin*, No. 1:26-cv-01077 (N.D. Ill.) (Doc. 1, filed Jan. 29, 2026), and on May 14, 2026, the State petitioned to revoke his probation in No. 23 CF 1146 (Pl.'s June 25, 2026 Mot. to Strike, Ex. D) — a proceeding in which the court may impose "any other sentence that was available" at the original sentencing. 730 ILCS 5/5-6-4(e). Both are court records this Court may judicially notice. Ill. R. Evid. 201(b), (d); *People v. Davis*, 65 Ill. 2d 157, 161 (1976). Plaintiff asks the Court to notice only that those proceedings exist and what they expose him to, not the truth of any allegation in them.

B. The State's only distinction of Garrity is refuted by Finding 11(c).

15. The State distinguishes *Garrity v. New Jersey*, 385 U.S. 493 (1967), in one sentence:

> "Unlike the policemen in *Garrity*, Plaintiff was at no risk of losing his

employment."

— Def. Mem. 12.

"**Petitioner was demoted as a result of his inability to drive.** If he were issued driving privileges, then his previous position would be available to him."

— Finding of Fact #11(c), R. 5 (emphasis added).

The second quotation is the agency's own adopted finding. Four pages before its *Garrity* sentence, the State concedes "undue hardship related to employment." Def. Mem. 8. Nor was the doctrine ever confined to public employment. The State may not condition a professional license, *Spevack v. Klein*, 385 U.S. 511, 516 (1967) (plurality opinion); public contracts, *Lefkowitz v. Turley*, 414 U.S. 70, 82–85 (1973); or party office, *Lefkowitz v. Cunningham*, 431 U.S. 801, 805–08 (1977), on surrender of the privilege. *Garrity*, 385 U.S. at 500.

C. Baxter — and the State's own Giampa — permit an inference only beside independent proof.

16. A civil factfinder may draw an adverse inference from silence only as one part of a record that independently supports the result. *Baxter v. Palmigiano*, 425 U.S. 308, 317–18 (1976); *LaSalle Bank Lake View v. Seguban*, 54 F.3d 387, 390–91 (7th Cir. 1995). As the State itself describes it, *Giampa v. Illinois Civil Service Comm'n*, 89 Ill. App. 3d 606, 613–14 (1st Dist. 1980), sustained a discharge because it was "not due solely" to the refusal to testify. Def. Mem. 14. Here, once the audit is run, silence is not one factor among many. It is the residue.

D. The tribunal invited the refusal it then penalized — and recorded one that never happened.

17. Before questioning Petitioner about his "entire life", the Hearing Officer set the ground rules, and Petitioner answered every question:

"HEARING OFFICER PALMER: I'm going to ask you a series of questions about symptoms. We want to know if you've ever experienced these symptoms in your entire life. Please answer yes or no, or I don't understand the question, **or if you want to just refuse to answer the question, that's fine too, okay.** Blackouts?
EHAB ALLABABID: Okay. **No.**
HEARING OFFICER PALMER: Passing out?
EHAB ALLABABID: **No.**
HEARING OFFICER PALMER: Loss of control of your alcohol use?
EHAB ALLABABID: **No.**"

— Tr. 16:22–17:10 (R. 23–24) (emphasis added); see Tr. 17:11–18:6 (R. 24–25) (seven more questions, seven more answers of "No").

Due process forbids "convicting a citizen for exercising a privilege which the State clearly had told him was available to him" — "the most indefensible sort of entrapment by the State." *Raley v. Ohio*, 360 U.S. 423, 438 (1959). The agency went further: Finding 7(c) lists, as a reason for denial, a refusal that never occurred.

VII. EVERY EXIT IS CLOSED: SIX FORKS, ONE RESULT

The State has six ways to defend the decision. Each is a fork, and every tine leads to reversal.

18. The report. Either the December 16, 2025 evaluation deserves weight or it does not. If it does not — as the agency found (R. 4) — its High Risk label and the 75-hour mandate that label generates can neither impeach Petitioner (7(d)) nor fault him (#8). If it does, it names the evaluator (R. 79, Part 9.2), refuting #7; it records that Petitioner's "corroborative history states no use" (R. 79, Part 8.2), refuting Conclusion of Law #1; and its only claimed defect — a missing page 12 that "normally has" the evaluator's identity (Tr. 18:22–24 (R. 25)) — is cured by that identity on the face of the record (R. 25, R. 79). Credit the report or reject it: every ground that depends on it falls.

19. The offense conduct. Either the details of the May 23, 2022 incident bear on driving relief or they do not. If they do not — the agency found that incident was not a DUI (R. 4) and already held the crash report (R. 41–64) — then silence about them (#4, #6) proves nothing. If they do, the questions sought testimony about conduct under live criminal jeopardy (Paragraphs 13–14), and the State may not penalize the answer the Constitution permits. *Garrity*, 385 U.S. at 500; *Spevack*, 385 U.S. at 516. Either way, #4 and #6 fall.

20. The burden of proof. The State's last refuge is that Petitioner "failed to carry" his burden (R. 6). But the decision names what he failed to prove, and each item could be proved only by waiving the privilege (#4, #6) or by obeying a report the agency itself rejected (#8). A burden that can be carried only by surrendering the privilege is the penalty itself: "government cannot penalize assertion of the constitutional privilege against compelled self-incrimination by imposing sanctions to compel testimony which has not been immunized." *Lefkowitz v. Cunningham*, 431 U.S. 801, 806 (1977). And Conclusion of Law #1 demands proof that Petitioner resolved a problem whose "extent" the agency itself calls "not clear" (R. 6). No evidence can satisfy a standard the factfinder cannot define, and a standard no evidence can satisfy is arbitrary by definition.

21. The arrests. Either the 2018 and 2022 arrests supported denial or they did not. The agency had them before it in Finding #5 — "two arrest(s) and zero convictions" (R. 4) — and left them off Finding #13's list of reasons (R. 6). If they supported denial, the agency would have said so; it did not, and the State may not say so for it. *Chenery*, 318 U.S. at 87. If they did not, they cannot support it now.

22. Remand. Either a remand would leave the agency something lawful to decide or it would not. On this closed record (735 ILCS 5/3-110) — hardship found (R. 6), the ten grounds vacated, the arrests passed over by the agency itself, and Petitioner's silence about the 2022 offense off limits — nothing remains to weigh against him. A remand that can end only one way is not a remand; it is delay, and Section 3-111(a)(5) empowers this Court to end it.

23. The scope of relief. Either the vacated findings govern Petitioner's future applications or they do not. The decision says they do: documentation addressing them "must be submitted at Petitioner's next Formal Hearing," and failure "may result in the denial of future applications for driving relief" (R. 7). If they govern future relief, their vacatur reaches it — and the revocation's projected termination date has passed (R. 3). If they do not, nothing in

the decision stands between Petitioner and reinstatement. Either way, full restoration follows.

VIII. EXHIBIT 1 AND THE STATE'S SUBSTITUTE GROUNDS MUST BE STRICKEN

24. "No new or additional evidence in support of or in opposition to any finding, order, determination or decision of the administrative agency shall be heard by the court." 735 ILCS 5/3-110. Exhibit 1 to the State's sealed July 14, 2026 Memorandum — the charging file in *City of Elmhurst v. Allababidi*, No. 18DT165 (DuPage County) — appears nowhere in R. 1–93. Def. Mem. 1 n.1. It must be stricken.

25. The State's substitute grounds fall with it. Finding #5 (the 2018 and December 2022 arrests) is not among Finding #13's enumerated reasons (R. 6), yet the State offers it as the "other evidence" on which the decision supposedly rests. Def. Mem. 10. The State likewise upgrades Finding #10's "not clear" into "discrepancies in his testimony" warranting denial. Def. Mem. 4, 8, 10. The Court reviews the decision the agency wrote, not the one its counsel prefers. *Chenery*, 318 U.S. at 87. And Finding #5 misstates the very record the State invokes: it says Petitioner refused to testify "whether this arrest involved a motor vehicle collision" (R. 4); asked "Was there an accident involved on that occasion?", he answered "No." Tr. 15:19–21 (R. 22).

IX. THE REMEDY IS OUTRIGHT REVERSAL AND FULL RESTORATION

26. Section 3-111(a)(5) empowers this Court "to affirm or reverse the decision in whole or in part." Reversal is the correct exercise of that power here. The record is closed. 735 ILCS 5/3-110. Hardship is found. R. 6. Every enumerated public-safety ground fails on the record the agency itself compiled. Remand on these findings would not fill a gap in proof; it would license the agency to supply a rationale it never gave.

27. The Complaint seeks full reversal and complete reinstatement, not a restricted permit. Compl. ¶ 2 and Prayer for Relief (b). That relief is now ripe. Petitioner has been without driving privileges since October 3, 2025 (R. 4) — nearly thirteen months — and the revocation's projected termination date, October 3, 2026 (R. 3), has passed. Once the enumerated grounds are vacated, the decision identifies no remaining basis to withhold restoration.

28. The controversy is live. The decision directs Petitioner to address "the issues that formed the basis for denial" at his "next Formal Hearing" and warns that failure "may result in the denial of future applications for driving relief." R. 7. Unless vacated, the same ten grounds will gate every petition that follows. Only if the Court declines outright reversal should it remand under Section 3-111(a)(6), with the instructions requested in Paragraph F.

X. MATTERS OFFERED ONLY ON THE PENDING RULE 137 MOTION AND FOR PRESERVATION

29. Section 3-110 binds both parties, and Plaintiff honors it: nothing in this Part is offered on the merits. It is offered on Plaintiff's Motion to Strike under Illinois Supreme Court Rule 137 — entered and continued on July 6, 2026, and argued on August 3, 2026 — and in

support of the preservation directive requested below.

30. One Office, two positions. On July 2, 2026, the Attorney General told the federal court in No. 1:26-cv-01077:

> "To that end, counsel has begun gathering record materials and has arranged with the court reporter's office to have petitioner's guilty plea proceedings transcribed (**on information and belief, no record was prepared for petitioner's direct appeal**)."
>
> *— Resp'ts' Mot. for Extension of Time ¶ 3, Allababidi v. Junkin, No. 1:26-cv-01077, Doc. 45 (N.D. Ill. July 2, 2026) (Pl.'s July 14, 2026 Supp. Notice, Ex. F) (emphasis added).*

Twelve days later, the same Office, from the same 115 South LaSalle Street address, asked this Court to sustain a denial premised in part on Petitioner's silence about that same conviction. Def. Mem. 10–14.

31. Both Lake County custodians of No. 23 CF 1146 are gone from the county's mail system. The mailbox of ASA Francis P. DeRosa IV auto-replied at 1:14 p.m. on June 23, 2026, one minute after Plaintiff's written preservation demand. At 8:09:38 p.m. on July 13, 2026 — less than sixteen hours before the State filed its Memorandum — Lake County's server rejected the address: "550 5.1.10 RESOLVER.ADR.RecipientNotFound." (Pl.'s July 14, 2026 Supp. Notice, Ex. G.)

32. Service on ASA Nicholas Shepherd — who swore to the May 14, 2026 revocation petition (Pl.'s June 25, 2026 Mot. to Strike, Ex. D) and was copied on Plaintiff's May 23, 2026 Rule 137 notice in this case — failed too. At 9:40:41 p.m. CDT on September 25, 2026, Lake County's mail gateway (lakecountyil-gov.mail.protection.outlook.com) rejected service in No. 23 CF 1146 addressed to him: "550 5.4.1 Recipient address rejected: Access denied." The same address had accepted Plaintiff's May 23, 2026 Rule 137 notice without any failure notice, and no other recipient of the September 25 transmission drew one. (Supp. Ex. 1.) On information and belief, ASA Shepherd has separated from the Lake County State's Attorney's Office for private practice. In Microsoft Exchange Online Protection, SMTP status 550 5.4.1 Recipient address rejected: Access denied establishes either that ASA Shepherd's county account was disabled following his separation from the Lake County State's Attorney's Office for private practice, or that Lake County's mail server selectively blocked incoming electronic service to the specific complaining-witness prosecutor who swore to the May 14, 2026 petition while accepting the identical transmission for BDillon@lakecountyil.gov and statesattorney@lakecountyil.gov (Supp. Ex. 1).

33. The provenance of Exhibit 1 remains unexplained. Plaintiff asked the Office for its communications with Lake County custodians from July 11 through July 26, 2026 — the window in which Exhibit 1 reached this Court. On August 3, 2026, the Office closed the request: "[T]his office has conducted a search of its records, and we have located no records responsive to your request." Supp. Ex. 2 at 4 (2026 FOIA 079127). Most notably, Page 2 of the Office's August 3, 2026 closing letter prints "Nicholas Shepherd" spelled correctly under External Correspondents, yet farther down the same page — in the very subject-matter list

defining what records are responsive — corrupts the federal case caption to "Allababidi v. Sr.epherd, No. 1 :26-cv-06738" alongside "Allababidi v. Gjannoulias," "Warrant No. 31°4270," "Allababidi v. Juhkin," "the May 28, 20:~6 warrant," and "used oy those custodians" (attached hereto as Supplemental Exhibit 2, at pp. 1–2). The letter presents every one of them as what Plaintiff "requested" (*id.* at 1); Plaintiff's request as sent spelled every one of them correctly. Supp. Ex. 3. The letter discloses no search string, system, custodian, or run date. Plaintiff assigns no cause; he asks only that the native search logs, custodian parameters, and Exhibit 1 intake records be preserved.

XI. RELIEF REQUESTED

WHEREFORE, Plaintiff **EHAB ALLABABIDI** respectfully requests that this Court, on the fully briefed papers in advance of December 29, 2026, or at that setting:

A. Grant leave *instanter* to file this Verified Motion and Supplemental Memorandum, and take judicial notice of the court records identified in Paragraph 14;

B. Grant Plaintiff's pending Motion to Strike to the extent of striking Exhibit 1 to Defendant's July 14, 2026 Memorandum and its footnote 1 under 735 ILCS 5/3-110, and disregard the Memorandum's reliance on grounds that Finding #13 does not enumerate (Def. Mem. 4, 8, 10);

C. Reverse outright, under 735 ILCS 5/3-111(a)(5), the February 5, 2026 Final Administrative Decision, File No. J-03014-25, and vacate Finding of Fact #13 and Conclusions of Law 1 through 4;

D. The revocation's projected termination date of October 3, 2026 (R. 3) having passed, order Defendant to restore Plaintiff's full driving privileges under Driver's License No. forthwith (and in no event later than fourteen (14) days from entry of judgment), upon satisfaction of ministerial prerequisites — proof of financial responsibility (R. 42) and statutory fees — as the Complaint demands (Compl. ¶ 2; Prayer for Relief (b));

E. Order that in any further proceeding Defendant shall not rely on (i) vacated Finding of Fact #13 or Conclusions of Law 1 through 4; (ii) the Part 3.3 entry or any classification, recommendation, or treatment mandate derived from it; (iii) Plaintiff's invocation of the privilege against self-incrimination as to the conduct underlying *People v. Allababidi*, No. 23 CF 1146; or (iv) Exhibit 1;

F. Solely in the alternative to Paragraphs C and D, reverse and remand under 735 ILCS 5/3-111(a)(6) for a new formal hearing on full reinstatement, within thirty (30) days and before a different hearing officer, subject to Paragraph E, at which Plaintiff may supply the omitted page of the December 16, 2025 evaluation;

G. Direct Defendant and the Office of the Illinois Attorney General to preserve all records concerning the procurement of Exhibit 1; the search parameters, custodian lists, and run dates of 2026 FOIA 079012, 079127, 079196, and 079280; and all communications with @lakecountyil.gov custodians concerning Plaintiff — and retain jurisdiction over Plaintiff's pending Rule 137 motion; and

H. Grant such further relief as is just.

Respectfully submitted,

/s/ Ehab Allababidi

EHAB ALLABABIDI, *Plaintiff, Pro Se*
Cook County Attorney Code 99500

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Dated: **November 2, 2026**

VERIFICATION BY CERTIFICATION — 735 ILCS 5/1-109

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Ehab Allababidi — November 2, 2026

CERTIFICATE OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that on November 2, 2026 he caused this Verified Motion, the Notice of Motion, Supplemental Exhibits 1 through 3, and the proposed Final Order and Judgment to be served on Monica Chou, Assistant Attorney General, General Law Bureau, Office of the Illinois Attorney General, 115 South LaSalle Street, Chicago, Illinois 60603 (Monica.Chou@ilag.gov), counsel for Defendant, through the Odyssey eFileIL system and by email; and, by email courtesy copy, the Office of the Lake County State's Attorney, 18 North County Street, Waukegan, Illinois 60085 (statesattorney@lakecountyil.gov); and, by courtesy copy through the Odyssey eFileIL system and by email, Benjamin Dillon (BDillon@lakecountyil.gov). — /s/ *Ehab Allababidi*