

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

**IN THE MATTER OF THE** )  
**CONSERVATION OF NEXTLEVEL** ) **No. 2020 CH 4431**  
**HEALTH PARTNERS, INC.** )

**PEOPLE OF THE STATE OF ILLINOIS'**  
**RESPONSE TO PETITION TO INTERVENE**

The People of the State of Illinois, upon the relation of Dana Popish Severinghaus, Acting Director of the Illinois Department of Insurance (the “Director”), by and through their attorney, Kwame Raoul, the Illinois Attorney General, respectfully request that this Honorable Court deny Jacqueline Stevens’ Petition to Intervene to the extent she seeks to intervene beyond the limited purpose of vacating the Order of Sequestration. In support thereof, the Director states as follows:

**INTRODUCTION**

On August 30, 2021, Jacqueline Stevens filed a “Petition to File Intervenor Motion, Pursuant to 735 ILCS 5/2-408.” Stevens’ Petition asks this Court to allow her to intervene into this case for the purposes of (1) vacating the Order of Sequestration entered on June 4, 2020, (2) declaring unconstitutional section 188.1 of the Illinois Insurance Code, 215 ILCS 5/188.1, and (3) requiring that all future proceedings initiated by the Illinois Department of Insurance be subject to section 16 of the Clerks of Courts Act, 705 ILCS 105/16. While the Director does not object to Stevens intervening into this case for the discrete purpose of vacating the Order of Sequestration, intervention into this case for any additional purpose would be unnecessary and would seek relief outside the scope of this case.

**ARGUMENT**

To the extent Stevens seeks to intervene into this case for purposes beyond vacating the Order of Sequestration, her Petition to Intervene should be denied. Section 2-408 of the Illinois Code of Civil Procedure permits a court to “grant intervention either permissively or as a matter of right.” *Pekin Ins. Co. v. Rada Dev., LLC*, 2014 IL App (1st) 133947, ¶ 22; *see also* 735 ILCS 5/2-408. This section is to be liberally construed “so as to avoid the unnecessary relitigation of issues in a second suit.” *In re Estate of K.E.S.*, 347 Ill. App. 3d 452, 465 (4th Dist. 2004).

For intervention as a matter of right, section 2-408(a) states that “anyone shall be permitted as of right to intervene in an action: (1) when a statute confers an unconditional right to intervene; or (2) when the representation of the applicant’s interest by existing parties is or may be inadequate and the applicant will or may be bound by an order or judgment in the action; or (3) when the applicant is so situated as to be adversely affected by a distribution or other disposition of property in the custody or subject to the control or disposition of the court or a court officer.” 735 ILCS 5/2-408(a). While under section 2-408(b), “anyone may in the discretion of the court be permitted to intervene in an action: (1) when a statute confers a conditional right to intervene; or (2) when an applicant’s claim or defense and the main action have a question of law or fact in common.” 735 ILCS 5/2-408(b).

Stevens’ intervention into this case to obtain a declaration of unconstitutionality and an order requiring future proceedings to be subject to a specific statute would go beyond the parameters of section 2-408 for several reasons. *First*, for both intervention as a matter of right

and permissive intervention, Stevens has not identified any statute that confers any right to intervene into conservation proceedings to challenge their constitutionality.

*Second*, in addition to failing to identify any statute, Stevens also cannot establish the remaining elements for intervention as a matter of right. Significantly, any resolution of this case will not have any binding effect on Stevens. A final order in this case also will not require any action from Stevens. And Stevens has not demonstrated that she is “so situated as to be adversely affected by a distribution or other disposition of property in the custody or subject to the control or disposition of the court or a court officer.” 735 ILCS 5/2-408(a).

*Third* and finally, Stevens cannot establish permissive intervention because this action does not have a question of law or fact in common with the relief sought by Stevens, *i.e.* a declaration of unconstitutionality of section 188.1 of the Illinois Insurance Code. Nor could it as this relief would improperly introduce new claims and issues into this case that would unduly complicate it. *See Home Ins. Co. v. Lorelei Restaurant Co.*, 83 Ill. App. 3d 1083, 1087 (1st Dist. 1980) (“[A]n intervenor must take a case as he finds it and cannot change a proceeding by introducing new matters not relevant to the controversy or which unduly complicate it”), *Chicago, M. S. P. & P. R. Co. v. Harris Trust & Sav. Bank*, 63 Ill. App. 3d 1012, 1022 (“[W]here intervention would result in the injection of many new and complicated issues, it may be denied.”). And significantly, this Court can resolve this case without addressing the constitutionality of sequestering these proceedings pursuant to section 188.1 of the Illinois Insurance Code. *See Lyon v. Dep’t of Children & Family Servs.*, 209 Ill. 2d 264, 271 (2004) (“We will not reach constitutional questions if a case can be resolved on other grounds.”). Thus, with the exception of vacating sequestration, any inclusion of the remaining issues raised by

Stevens would be unnecessary as the Court would not need to reach those issues to resolve the case.

Based on the foregoing, Stevens cannot intervene into this case to raise constitutional questions or to seek an order requiring that all future proceedings to be subject to section 16 of the Court Clerks Act. Such an intervention would complicate this proceeding by injecting new claims and issues that are unnecessary to the resolution of this case. Accordingly, Stevens' intervention into this case should be limited to the discrete purpose of seeking to vacate the Order of Sequestration. Any intervention beyond this limited purpose should be denied.

WHEREFORE, for the foregoing reasons, the People of the State of Illinois respectfully request that this Court deny Jacqueline Stevens' Petition to Intervene to the extent it seeks intervention beyond vacating the Order of Sequestration.

Respectfully Submitted,

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