

No. 17-1322

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

MARSHA WETZEL,

Plaintiff-Appellant,

v.

GLEN ST. ANDREW LIVING COMMUNITY, LLC, *et. al.*,

Defendants-Appellees.

Appeal from the United States District Court for the
Northern District of Illinois, Eastern Division.
No. 16 C 7598 — **Samuel Der-Yeghiayan**, *Judge.*

**MOTION TO STAY ISSUANCE OF MANDATE 30 DAYS TO ENABLE APPELLEES
TO MOVE SUPREME COURT TO STAY THE MANDATE**

Now come Defendants-Appellees, Glen St. Andrew Living Community, LLC, Glen St. Andrew Living Community Real Estate, LLC, Glen Health & Home Management, Inc., Alyssa Flavin, Carolyn Driscoll, and Sandra Cubas (collectively “Defendants” or “Appellees”), by their attorneys, LISA A. HAUSTEN and CLAUSEN MILLER P.C., pursuant to Fed. R. App. P. 41(d)(2), and hereby move this Court for entry of an order staying the mandate in the above-captioned case for 30 days pending the filing of a motion to stay the mandate before the United States Supreme Court. In support of said motion, Appellees state as follows:

1. On August 27, 2018, this Court issued its opinion in the above-captioned case. On September 14, 2018, Appellees filed a motion to stay the mandate pending the filing and disposition of their writ of certiorari to the Supreme Court of the United States which they intend

to file by November 26, 2018. (Doc. 51). The Court denied said motion on September 19, 2018. (Doc. 52).

2. Appellees intend to file a motion in the United States Supreme Court no later than Monday, September 24, 2018, seeking to have the mandate stayed pending the filing and disposition of Appellees' petition for writ of certiorari pursuant to Supreme Court Rule 23.

3. This is a case of first impression and it makes no sense to litigate the case below until the Supreme Court has had an opportunity to clarify the law. If the Supreme Court accepts certiorari and reverses the decision, moreover, the proceedings below will have been for not. The parties will have unnecessarily incurred extensive time and expense in litigation costs that will not be recoverable. Appellant is not subject to any harm from this minor delay as there are no on-going obligations owed to Appellant who resides elsewhere; it is simply a question of whether Appellant can recover damages for past injuries. In short, no harm will come to the parties if a 30-day stay of the mandate is issued while Appellees move the Supreme Court to stay the mandate.

WHEREFORE, for the reasons stated above, Defendants-Appellees, Glen St. Andrew Living Community, LLC, Glen St. Andrew Living Community Real Estate, LLC, Glen Health & Home Management, Inc., Alyssa Flavin, Carol Driscoll, and Sandra Cubas, pray that this Court stay the mandate for 30-days.

Respectfully submitted,
Glen St. Andrew Living Community, LLC,
Glen St. Andrew Living Community Real Estate, LLC,
Glen Health & Home Management, Inc.,
Alyssa Flavin, Carolyn Driscoll and Sandra Cubas

By: /s/Lisa A. Hausten
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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2018, the foregoing was electronically filed with the Clerk of the United States Court of Appeals for the Seventh Circuit, using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

By: /s/ Lisa A. Hausten