DEFAULT-MUN

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS A DULY CONSTITUTED ELECTORAL BOARD**

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| Objections of: Paul Diguida | ) | |
| | ) | |
| | ) | |
| To the Nomination | ) | No.: 11-EB-MUN-016 |
| Papers of: Rahm Emanuel | ) | |
| | ) | Related Cases: 11-EB-MUN-001 thru -015, |
| | ) | -017 thru -024, -027 thru -029, -031, -037, |
| | ) | -039 |
| Candidate for the office of | ) | |
| Mayor of City of Chicago | ) | |

## FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal, Richard A. Cowen, and Marisel A. Hernandez, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections ("Objections") of Paul Diguida ("Objector") to the nomination papers ("Nomination Papers") of Rahm Emanuel, candidate for the office of Mayor of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 22, 2011, having convened on December 6, 2010, at 9:00 a.m., in Room 800, 69 West Washington Street, Chicago, Illinois, and having heard and determined the Objections to the Nomination Papers in the above-entitled matter, finds that:

1. Objections to the Nomination Papers of the Candidate herein were duly and timely filed.

2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman of the Electoral Board and served upon the members of the Electoral Board, the Objector and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing held on these Objections commenced on December 6, 2010 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Joseph A. Morris for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. On such date and time, the Hearing Officer called the case by calling aloud the case number, the name of the Objector and the name of the Candidate. The following persons, among others, answered and were present at such hearing: the Candidate, Rahm Emanuel, by attorneys Michael Kasper, Kevin M. Forde and Michael Forde.

7. The Objector, Paul Diguida, did not answer to the call nor did he appear at the hearing. The case was called again at least two more times at least 15 minutes apart on December 6, 2010 and at no time did the Objector or any person purporting to represent the Objector appear.

8. The Hearing Officer found that on December 1, 2010 the Cook County Sheriff served the Objector with a copy of the Call to the December 6, 2010 hearing in this matter.

9. The Electoral Board finds that the Objector did not appear at the December 6 hearing scheduled and conducted in this matter after being served with a copy of the Call by the means of service specified in the statute.

10. Therefore, the Electoral Board finds that the Objector in this matter has abandoned his Objections after failing to attend the hearing noticed and conducted in this cause and that the Objections should be dismissed for want of prosecution.

11. There are other objections pending against the Candidate's Nomination Papers that will determine whether such papers are valid or invalid.

IT IS THEREFORE ORDERED that the Objections of Paul Diguida to the Nomination Papers of Rahm Emanuel, candidate for election to the office of Mayor of the City of Chicago, are hereby DISMISSED.

Dated: Chicago, Illinois, on December 10, 2010.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner

Marisel A. Hernandez, Commissioner

**NOTICE: Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved of this decision and seeking judicial review of this decision must file a petition for judicial review with the Clerk of the Circuit Court of Cook County within 5 days after service of the decision of the Electoral Board.**