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

MICHAEL ERIKSON, individually and on)
behalf of all others similarly situated,) No. 99 CH 18873
) (Consolidated with 99 CH 11536,
Plaintiff,) 00 L 011474, 00 L 00500, 01 CH 3373)
v.)
)
AMERITECH CORPORATION,)
)
Defendant.)
)

MOTION BY THE FEDERAL TRADE COMMISSION FOR LEAVE TO FILE MEMORANDUM OF LAW AS AMICUS CURIAE

The Federal Trade Commission ("FTC") respectfully moves for leave to file a memorandum of law as *amicus curiae* opposing the proposed settlement given preliminary approval by the Court on February 28, 2002. The Illinois Supreme Court has held that the Circuit Court has discretion to appoint an amicus in the special circumstance of an investigation and hearing of a contempt matter.

People v. Goss, 10 Ill. 2d 533, 546, 141 N.E.2d 385, 391-92 (1957); and In re Mortimer, 44 Ill.

App. 3d 249, 251, 358 N.E.2d 92, 94 (1st Dist. 1976), appeal denied, 66 Ill. 2d 626 (1977). The FTC is the Nation's principal consumer protection agency, with a broad mandate to prevent "unfair or deceptive acts or practices in or affecting commerce." 5 U.S.C. § 45(a)(2).

As explained in the attached *amicus* memorandum, the FTC has considerable experience challenging allegedly deceptive marketing practices similar to those at issue in this case, issuing administrative orders and obtaining federal court injunctions prohibiting such practices, and implementing redress programs for consumers injured by such practices. In light of this experience, we contend that the FTC's views would likely be useful to the Court as it considers whether to give final

approval to the proposed settlement.

We further submit that the Court's acceptance of the FTC's *amicus* memorandum need not result in any delay in the Court's consideration of the proposed settlement because the hearing to consider final approval of the proposed settlement is scheduled on July 25, 2002. For the foregoing reasons, the FTC respectfully moves for leave to file the Memorandum of Law of *Amicus Curiae* being lodged with this motion.

Dated: June 21, 2002 Respectfully submitted,

WILLIAM E. KOVACIC General Counsel

DAVID A. O'TOOLE Attorney, Midwest Region Federal Trade Commission 55 E. Monroe Street Suite 1860 Chicago, Illinois 60603-5701 (312) 960-5601 Illinois Atty. No. 6227010

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

MICHAEL ERIKSON, individually and on behalf of all others similarly situated, Plaintiff, v.)) No. 99 CH 18873) (Consolidated with 99 CH 11536,) 00 L 011474, 00 L 00500, 01 CH 3373))
)
AMERITECH CORPORATION,)
Defendant.	
	/
OI	RDER
This cause, coming to be heard on the Mo	ation by the Federal Trade Commission for Leave to
File Memorandum of Law as Amicus Curiae in the	ne above-captioned action, due notice having been
given, and the Court being fully advised in the prer	mised,
IT IS HEREBY ORDERED:	
The Federal Trade Commission's Motion	is hereby GRANTED, and the Federal Trade
Commission is granted leave to file its Memorandu	um of Law instanter. The Clerk is DIRECTED to file
the Memorandum of Law of Amicus Curiae the F	Federal Trade Commission lodged with the Motion.
SO ORDERED, this day of	, 2002.
	Robert V. Boharic
	Circuit Court Judge

CERTIFICATE OF SERVICE

I, David A. O'Toole, an attorney, hereby certify that, on this 21st day of June, 2002, I have caused to be served copies of the foregoing Notice of Hearing; Motion by the Federal Trade Commission for Leave to File Memorandum of Law as *Amicus Curiae*; Proposed Order; and Memorandum of Law as *Amicus Curiae*, by overnight delivery, on each of the following:

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David A. O'Toole	