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Mariyana T. Spyropoulos  
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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

MARCELLUS LONG,	)	
	)	
Plaintiff,	)	Case No. 2025L007458
	)	
v.	)	Judge Thomas M. Donnelly
	)	
CDW GOVERNMENT, LLC.,	)	Calendar W
	)	
Defendant.	)	

**DEFENDANT'S MOTION TO STRIKE PLAINTIFF'S JURY DEMAND**

Defendant, CDW Government, LLC. ("CDWG" or "Defendant"), submits this Motion to Strike Plaintiff Marcellus Long's ("Long" or "Plaintiff") Jury Demand, and states as follows:

**STATEMENT OF FACTS**

1. On June 10, 2025, Plaintiff filed his Complaint with this Court.
2. On July 23, 2025, Defendant filed its answer to Plaintiff's Complaint.
3. On October 31, 2025, Plaintiff filed his First Amended Complaint.
4. On November 5, 2025, Plaintiff filed a Jury Demand.
5. On December 2, 2025, this Court struck Plaintiff's First Amended Complaint and granted him leave to re-plead by January 2, 2026.
6. On December 3, 2025, the Court entered an order among other things giving Defendant 30 days, until January 2, 2026, to file a motion addressing Plaintiff's Jury Demand.

**INTRODUCTION**

Plaintiff filed his Jury Demand asking this Court for a trial by jury of twelve persons on all issues in this action so triable. (*P. Mot. Jury. at 1.*) Plaintiff's jury demand should be stricken

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as untimely. Alternatively, Plaintiff's jury demand should be limited only to his non-Illinois Wage Payment Collection Act claims.

## ARGUMENT

### **I. PLAINTIFF'S JURY DEMAND IS UNTIMELY**

Plaintiff's jury demand is untimely. Section 2-1105(a) of the Illinois Code of Civil Procedure states: "A plaintiff desirous of a trial by jury must file a demand therefor with the clerk at the time the action is commenced. A defendant desirous of a trial by jury must file a demand therefor not later than the filing of his or her answer. Otherwise, the party waives a jury." (735 ILCS 5/2-1105). Plaintiff commenced this action when he filed his original Complaint on June 10, 2025. He filed that Complaint without a jury demand, he filed his first Amended Complaint without a jury demand, and at no point has Defendant asked for a jury. Therefore, in compliance with Illinois law, Plaintiff's untimely jury demand should be stricken. (735 ILCS 5/2-1105).

### **II. PLAINTIFF'S UNTIMELY JURY DEMAND LACKS GOOD CAUSE**

While Plaintiff's Amended Complaint was stricken, it is possible for a jury demand to survive on its own. As such, the Court does have discretion to allow a late jury demand, but only if it finds there is good cause to do so. *Roszell v. Gniadek*, 109 N.E.2d 222, 225 (Ill. App. 3d Dist. 1952). "A party seeking to file a late jury demand must show good cause for the delay and an absence of prejudice or inconvenience." *Baldassari v. Chelsa Development Group, Inc.* (1990), 195 Ill.App.3d 1073, 1077, 142 Ill.Dec. 748, 553 N.E.2d 98. Inadvertence is not a basis for good cause. *Greene v. City of Chicago* (1978), 73 Ill.2d 100, 108, 22 Ill.Dec. 507, 382 N.E.2d 1205. *Pechan v. DynaPro, Inc.*, 622 N.E.2d 108, 122 (Ill. App. 2d Dist. 1993). Similarly, a showing of lack of prejudice is not a showing of good cause justifying a late jury demand.

*Margolies v. Landy & Rothbaum* (1985), 136 Ill.App.3d 635, 637, 91 Ill.Dec. 280, 483 N.E.2d 626.

Plaintiff's untimely jury demand is absent any statement describing good cause, nor does it state how the Defendant would not be prejudiced if the untimely demand were to be granted. *See Wehde v. Regl. Transp. Auth.*, 604 N.E.2d 446 (Ill. App. 2d Dist. 1992) (trial court did not abuse its discretion in striking untimely jury demand by plaintiffs who presented no explanation or citation to case law for proposition that filing amended complaint constituted good cause for late filing of jury demand.)

Even if Plaintiff had made a showing of a lack of prejudice towards the Defendant in his jury demand, which he did not, a lack of prejudice itself is not sufficient to establish good cause for granting a late jury demand. *Greene v. City of Chicago*, 73 Ill. 2d 100, 107 (1978). Plaintiff has no good cause here. Even in a situation where a Plaintiff, similar to our own case, filed an amended complaint, Illinois Courts have held that this alone is not good cause for filing an untimely jury demand. *Wehde v. Regl. Transp. Auth.*, 604 N.E.2d 446 (Ill. App. 2d Dist. 1992) (The trial court did not abuse its discretion in striking untimely jury demand by plaintiffs who presented no explanation or citation to case law for proposition that filing amended complaint constituted good cause for late filing of jury demand.) Therefore, Plaintiff's untimely jury demand should be stricken.

### **III. PLAINTIFF'S IWPCA CLAIMS CANNOT BE HEARD BY A JURY.**

On December 2, 2025, this Court struck Plaintiff's First Amended Complaint and granted him leave to re-plead by January 2, 2026. The First Amended Complaint was the operative complaint at the time Plaintiff filed his jury demand and included claims of failure to pay wages and retaliation under the Illinois Wage Payment Collection Act ("IWPCA"). Presumably

Plaintiff intends to continue to try and assert claims under the IWPCA. Any claims by Plaintiff that he has asserted or plans to assert under the IWPCA cannot be tried to a jury. The IWPCA creates a cause of action distinct from a common-law action for breach of contract, and therefore the Illinois Constitution does not confer the right to a jury trial for actions filed pursuant to the Act, and, in the absence of a statute conferring the right to a jury trial, no such right exists. *Catania v. Loc. 4250/5050 of Commun. Workers of Am.*, 834 N.E.2d 966 (Ill. App. 1st Dist. 2005); *Covinsky v. Hannah Marine Corp.*, 903 N.E.2d 422, 434 (Ill. App. 1st Dist. 2009) (no right to a jury trial for actions filed under the Wage Act). Therefore, regardless of whether Plaintiff's belated jury demand is granted with respect to his other claims, Plaintiff's IWPCA claims cannot be heard by a jury.

### CONCLUSION

Allowing a late jury demand in this matter where there may be some claims that could be tried to a jury and other claims that cannot be tried to a jury would unduly burden the Court and prejudice Defendant. For this reason and the additional reasons detailed in this motion, Defendant respectfully requests that Plaintiff's late jury demand be denied as untimely, lacking any good cause and stricken.

Dated: January 2, 2026

Respectfully submitted,

CDW GOVERNMENT, LLC.,

s/Joel Zeid

Attorney for Defendant

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that on January 2, 2026, they electronically filed the foregoing **DEFENDANT’S MOTION TO STRIKE PLAINTIFF’S UNTIMELY JURY DEMAND** with the Clerk of the Circuit Court of Cook County, Illinois, Law Division, by using the Odyssey EfileIL system.

The undersigned, an attorney, further certifies that the following *pro se* plaintiff, is a registered service contact on the Odyssey eFileIL system, and thus will be served a copy of the foregoing **MOTION** via the Odyssey eFileIL system:

Marcellus Long ([legal@marcelluslong.com](mailto:legal@marcelluslong.com))

Under penalties as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct to the best of my knowledge, information, and belief.

s/Joel Zeid  
Attorney for Defendant  
Joel Zeid

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