

IN THE CIRCUIT COURT FOR THE SEVENTH JUDICIAL CIRCUIT
SANGAMON COUNTY, ILLINOIS

LISA MARIE MOORE et al.,

Plaintiffs,

v.

JB PRITZKER, Governor of the State of Illinois;
and the ILLINOIS HIGH SCHOOL
ASSOCIATION,

Defendants.

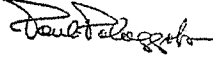
No. 2021 MR 295

Honorable Raylene D. Grischow

FILED

JUN 02 2021

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 Clerk of the
Circuit Court

ORDER ON THE GOVERNOR'S 5/2-615 MOTION TO DISMISS

This matter comes on for hearing on the Governor's Motion to Dismiss pursuant to 735 ILCS 615. The parties briefed the issue and agreed to waive oral arguments and consented to the Court issuing a ruling based on the pleadings. After considering the pleadings, the record, and applicable statutes and case law, the Court hereby FINDS:

The question presented by a section 2-615 motion to dismiss is whether the allegations of the complaint, when viewed in a light most favorable to the plaintiff, are sufficient to state a cause of action upon which relief can be granted." *Beahringer v. Page*, 204 Ill. 2d 363, 369 (2003). In reviewing the sufficiency of a complaint, a court must "accept as true all well-pleaded facts and all reasonable inferences that may be drawn from those facts." *Marshall v. Burger King Corp.*, 222 Ill. 2d 422, 429 (2006). "Moreover, Illinois is a fact-pleading jurisdiction." *Beahringer*, 204 Ill. 2d at 369. As such, a plaintiff "must allege facts that set forth the essential elements of the cause of action" and may not rely on "conclusions of law [or] conclusory allegations not supported by specific facts." *Visvardis v. Ferleger, P.C.*, 375 Ill. App. 3d 719, 724 (1st Dist. 2007). However, "the plaintiff is not required to set out evidence." *Chandler v. Illinois Cent. R.R.*, 207 Ill. 2d 331, 348 (2003). Instead, the plaintiff need only allege the ultimate

facts to be proved, “not the evidentiary facts tending to prove such ultimate facts.” *Id.* Therefore, “[t]o survive a [section 2-615] motion to dismiss, a complaint must present a legally recognized claim as its basis for recovery, and it must plead sufficient facts which, if proved, would demonstrate a right to relief.” *Derby Meadows Util. Co. v. Inter-Cont'l Real Estate*, 202 Ill. App. 3d 345, 358 (1st Dist. 1990). Further, a court should dismiss a cause of action on the pleadings “only if it is clearly apparent that no set of facts can be proven which will entitle the plaintiff to recovery.” *Chanel v. Topinka*, 212 Ill. 2d 311, 318 (2004). It is within this framework that the Court analyzes defendant's motion to dismiss.

Based on what is contained in the pleadings and exhibits, the facts as pled do show a possibility of recovery. As such, the 2-615 motion to dismiss is denied. Defendant is to file an answer within 21 days, on or before, June 23, 2021

IT IS SO ORDERED.

Date: June 2, 2021

By: Raylene Grischow
Raylene Grischow, *Circuit Court Judge*