

IN THE CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT
CLINTON COUNTY, ILLINOIS

FILED

SEP 15 2021

Pat Kucela
CIRCUIT CLERK, CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT
CLINTON COUNTY, ILLINOIS

NICHOLAS AND BRANDI GEHRS
as the parents and guardians of students
G.G. and H.G.

Plaintiffs,

VS.

Case No. 2021-MR-89

CARLYLE C.U.S.D. #1, a body politic
and corporate, ANNIE GRAY as
Superintendent of CARLYLE
C.U.S.D. #10,

Defendants.

ORDER FOR TEMPORARY RESTRAINING ORDER WITHOUT NOTICE

This cause coming to be heard on Plaintiff's Motion for Temporary Restraining Order, notice having been given; the Court having considered Emergency Motion for a Temporary Restraining Order finds as follows:

1. Plaintiffs have filed a Verified Complaint for Declaratory Judgment and Writ of Injunction, as well as a Verified Motion for Temporary Restraining Order and Preliminary Injunction.

2. Plaintiffs have shown there exists a clearly ascertainable right in need of protection, namely that the Children, while on school property, are being forced to utilize a device to allegedly prevent the spread of an infectious disease without a lawful order of quarantine having issued against them by the local health department.

3. Plaintiff has shown, have shown there is a fair question that Plaintiff's will succeed on the merits in that the Children cannot be required to utilize a device to allegedly

prevent the spread of an infectious disease absent, *inter alia*, an order of quarantine issuing against any or all of the Children from the local health department.

4. Plaintiffs have shown they will suffer irreparable harm if an injunction does not issue, namely the Children are being refused access to their education unless they unwillingly utilize a device to allegedly prevent the spread of an infectious disease even in the absence of a quarantine order against them; and

5. It is clear from the pleadings that given in this order precludes the local health department from issuing a lawful order of quarantine against any or all of the Children, which could compel them to utilize a device to prevent the spread of an infectious disease.

6. This lawful remedy which has long been available to the health department to protect the public health balances the equities in favor of the issuance of this order.

7. Plaintiff's have shown that it has no adequate remedy at law or in equity in that absent the issuance of a temporary restraining order, the Plaintiffs have no way to temporarily maintain the Children's right to be free from having a device forced upon them to allegedly prevent the spread of an infectious disease.

WHEREFORE, IT IS HEREBY ORDERED:

A. While the Children are on school property, the Defendants, are enjoined from ^{who attend within the school district} requiring any or all of the Children to utilize any type of device, including a mask, for the purposes of allegedly preventing the spread of an infectious disease unless an order of quarantine has issues against any or all of the Children from the local health department as required by the Illinois State Board of Education.

- B. Nothing in this order shall prohibit the local health department, or the Illinois Department of Health, from issuing a lawful order of quarantine against any or all of the Children as allowed by law.
- C. This Temporary Restraining Order shall remain in full force and effect for 30 days from the date hereof or until Oct. 15, 2021 ^{9:00} [a.m.] [p.m.] on _____, 2021, unless sooner modified or dissolved by this Court.
- D. Bond is waived for good cause for the Court is satisfied that under no set of facts will the Defendants suffer any significant financial harm as a result of this temporary order.
- E. A hearing on a Preliminary Injunction is set at _____ [a.m.] [p.m.] on _____, 2021,
- F. This Temporary Restraining Order is entered at Sept. 15, 2021 ^{3:20} [a.m.] (p.m.) on _____, 2021

Dated: Sept. 15, 2021

Enter:

D. Shy

Judge

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