

IN THE CIRCUIT COURT
FOR THE FOURTH JUDICIAL CIRCUIT
CLAY COUNTY, ILLINOIS

FILED

JUL 02 2020

Gayle Ballard
CIRCUIT CLERK OF THE
FOURTH JUDICIAL CIRCUIT
CLAY COUNTY ILLINOIS

Darren Bailey,

Plaintiff,

vs.

Governor Jay Robert Pritzker,
in his official capacity.

Defendant.

Case No. 2020-CH-06

ORDER

THIS CAUSE COMING TO BE HEARD for hearing on the Plaintiff's Motion for Summary Judgment on Counts I, II and III of Plaintiff's Amended Complaint, the Court having considered the pleadings, arguments of counsel, and having been otherwise apprised of matters with the record on Summary Judgment supplanted as ordered by the Court in the 7/2/20 record of proceedings.

IT IS HEREBY ORDERED:

- 1) Defendant's request to make an oral motion for summary judgment is considered and the request denied without prejudice to file a written motion for summary judgment.
- 2) Plaintiff's motion for summary judgment as to Count I is denied.
- 3) Plaintiff's motion for summary judgment as to Count II is granted as follows:
 - a) The Court declares Defendant issued Proclamation #2, as defined in the amended complaint, and Proclamation #3, as defined in the amended

complaint, for the same occurrence or threat which gave rise to the issuance of Proclamation #1, as defined in the amended complaint, on March 09, 2020;

b) The Court declares the 30-days of emergency powers provided under Section 7 of the IEMAA provided to the Defendant to address the COVID-19, lapsed on April 08, 2020;

c) The Court declares any executive orders in effect after April 08, 2020 relating to COVID-19, and finding their authority under the emergency powers of Section 7 of the IEMAA are void ab initio.

4) Plaintiff's motion for summary judgment as to Count III is granted as follows:

a) The Court declares Defendant had no Illinois constitutional authority as Governor to restrict a citizen's movement or activities and/or forcibly close business premises in EO 32;

b) The Court declares that none of the cited provisions of the IEMAA in EO 32 delegated Defendant any authority to restrict a citizen's movement or activities and/or forcibly close business premises;

c) The Court declares the proper authority to restrict a citizen's movement or activities and/or forcibly close their business due to any public health risks has been expressly delegated to the Department of Health under the Illinois Department of Public Health Act and the County Code;

5) On Plaintiff's oral motion, Count IV of his complaint is dismissed with prejudice.

6) Plaintiff's oral request that his Amended Complaint be a representative action and apply to all citizens of the State of Illinois is granted

DATE: 7-2-20

ENTER:

Michael S. McHenry
JUDGE

Prepared by:
Thomas G. DeVore
IL Bar No. 0630573
DeVore Law Offices, LLC
118 N. 2nd St.
Greenville, IL 62246
tom@silverlakelaw.com