

No. 4-22-\_\_\_\_\_

IN THE  
APPELLATE COURT OF ILLINOIS  
FOURTH JUDICIAL DISTRICT

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ROBERT GRAVES and KIM	)	Interlocutory Appeal from the Circuit
GRAVES, as Parents and Guardian	)	Court of the Seventh Judicial Circuit,
of K.G.; NATHAN C. THOMPSON	)	Sangamon County, Illinois
and BARBARA J. THOMPSON, as	)	
Parents and Guardian of G.T.,	)	
	)	No. 2021-CH-500003
Plaintiffs-Respondents,	)	
	)	
v.	)	The Honorable
	)	RAYLENE D. GRISCHOW,
JAY ROBERT PRITZKER, in his	)	Judge Presiding.
capacity as Governor of Illinois;	)	
ILLINOIS STATE BOARD OF	)	
EDUCATION; DR. CARMEN I.	)	
AYALA, in her official capacity	)	
as State Superintendent of Education;	)	
ILLINOIS DEPARTMENT OF PUBLIC	)	
HEALTH; and DR. NGOZI EZIKE, in	)	
her official capacity as Director of the	)	
Illinois Department of Public Health,	)	
	)	
Defendants-Petitioners,	)	
	)	
and	)	
	)	
PLAINFIELD COMMUNITY	)	
SCHOOL DISTRICT #202; LANE	)	
ABRELL, Superintendent of District	)	
#202; YORKVILLE COMMUNITY	)	
UNIT SCHOOL DISTRICT #115; and	)	
TIMOTHY SHIMP, Superintendent of	)	
District #115,	)	
	)	
Defendants.	)	

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**PETITION OF STATE DEFENDANTS FOR REVIEW  
OF TEMPORARY RESTRAINING ORDER  
UNDER ILLINOIS SUPREME COURT RULE 307(d)**

Pursuant to Illinois Supreme Court Rule 307(d), Defendants-Petitioners JB Pritzker, in his official capacity as Governor of the State of Illinois; Illinois State Board of Education (“ISBE”); Dr. Carmen I. Ayala, in her official capacity as ISBE Superintendent; Illinois Department of Public Health (“IDPH”); and Dr. Ngozi Ezike, in her official capacity as IDPH Director (collectively, “State defendants”) request that this court grant the petition, and reverse, vacate, and dissolve the temporary restraining order (“TRO”) entered by the circuit court on February 4, 2022.

1. In response to the Covid-19 pandemic, the Governor issued executive orders requiring students and school personnel to wear masks inside schools and, if they test positive for or have been exposed to Covid-19, to stay home until it is safe for them to return. The Governor’s orders further require school personnel to undergo weekly Covid-19 testing if they are unvaccinated.

2. These executive orders also authorized state agencies, including IDPH and ISBE, to promulgate emergency rules to effectuate the masking, exclusion, and testing requirements. Accordingly, IDPH filed an Emergency Rule, *see* 45 Ill. Reg. 12123, stating that neither masking nor temporary exclusion from school constitutes a quarantine under the Department of Public Health Act, 20 ILCS 2305/1, *et seq.* And ISBE filed an Emergency Rule, *see* 45 Ill. Reg. at 11843 *et seq.*, that amended portions of Title 23 of the Illinois Administrative Code to implement the vaccination or testing requirement for school personnel.

3. Plaintiffs, parents of public-school students, brought this lawsuit challenging the executive orders and IDPH's emergency rules, insofar as those orders and rule implemented the masking and exclusion requirements.

4. On February 4, 2022, the circuit court entered a TRO that, among other things, enjoined State defendants from enforcing Executive Orders 2021-18, 2021-24, or 2021-25, declared IDPH's and ISBE's Emergency Rules null and void, and prohibited any implementation of masking, temporary exclusion or testing requirements in numerous public schools throughout the State without acquiring orders of quarantine under section 2 of the Department of Public Health Act, 20 ILCS 2305/2.

5. This court should reverse, vacate, and dissolve the circuit court's order of February 4, 2022, because plaintiffs failed to satisfy the standard to obtain a TRO. Plaintiffs did not show that they were likely to succeed on the merits, they would suffer any irreparable harm without emergency relief, or the balance of the equities favored them rather than defendants or the public.

6. In further support of this petition, State defendants incorporate a memorandum that will be filed after this petition.

WHEREFORE, State Defendants-Petitioners ask that this court grant the petition, and reverse, vacate, and dissolve the temporary restraining order entered by the circuit court on February 4, 2022.

Respectfully submitted,

KWAME RAOUL  
Attorney General

State of Illinois

By: /s/ Jonathan J. Sheffield  
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## CERTIFICATE OF FILING AND SERVICE

I certify that on February 7, 2022, I electronically filed the foregoing **Petition of State Defendants-Petitioners For Review Of Temporary Restraining Order Under Illinois Supreme Court Rule 307(d)** with the Clerk of the Circuit Court for the Illinois Appellate Court, Fourth Judicial District, by using the Odyssey eFileIL system.

I further certify that the other participants in this case, named below, are registered service contacts on the Odyssey eFileIL system, and thus will be served through the Odyssey eFileIL system.

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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.

By: /s/ Jonathan J. Sheffield  
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