

2022 IL 128205

IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS

(Docket No. 128205)

JULIEANNE AUSTIN, as Parent or Legal Guardian of T.L. and L.A., *et al.*, Respondents,
v. THE BOARD OF EDUCATION OF COMMUNITY UNIT SCHOOL DISTRICT
No. 300 *et al.* (Jay Robert Pritzker, Governor, *et al.*, Petitioners).

Filed February 28, 2022.

JUSTICE MICHAEL J. BURKE, concurring in part and dissenting in part:

¶ 1 I agree with my colleagues that the motion for expedited consideration of the petition for leave to appeal should be allowed. However, I disagree with my colleagues that the appeal has been “rendered moot by happenstance,” and I would allow the petition for leave to appeal. I agree with the partial concurrence and partial dissent from the appellate court’s order that only part of the case has been rendered moot by the Joint Committee on Administrative Rules (JCAR) decision to suspend the renewal of the rules affected by the temporary restraining order (TRO). See 2022 IL App (4th) 220090-U, ¶ 19 (Holder White, J., concurring in part and dissenting in part). The TRO can be read as applying to the validity and enforceability of the Governor’s executive orders themselves, and this is an important issue that should be resolved by this court. I would deny the motion to

FILED

FEB 28 2022

**SUPREME COURT
CLERK**

stay the TRO pending resolution of the appeal, but I would stay any contempt proceedings arising out of the TRO.

¶ 2 JUSTICE OVERSTREET joins in this dissent.