

E-FILED  
2/22/2022 12:08 PM  
CYNTHIA A. GRANT  
SUPREME COURT CLERK

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF ILLINOIS

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JULIEANNE AUSTIN, as the Parent	)	Petition for Leave to Appeal from
or Legal Guardian of T.L. and L.A, <i>et</i>	)	the Appellate Court of Illinois,
<i>al.</i> , <sup>1</sup>	)	Fourth Judicial District,
	)	Nos. 4-22-0090, 4-22-0092,
Plaintiffs-Respondents,	)	4-22-0093, 4-22-0094 (cons.)
	)	
v.	)	There Heard on Appeal from the
	)	Circuit Court for the Seventh
THE BOARD OF EDUCATION OF	)	Judicial Circuit, Sangamon
COMMUNITY UNIT SCHOOL	)	County, Illinois
DISTRICT 300, <i>et al.</i> ,	)	
	)	Nos. 2021-CH-500002
Defendants,	)	2021-CH-500003
	)	2021-CH-500005
(The Board of Education of	)	2021-CH-500007
Community Unit School District	)	
300, <i>et al.</i> , Defendants-Petitioners).	)	The Honorable
	)	RAYLENE GRISCHOW,
	)	Judge Presiding.

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**EMERGENCY MOTION FOR LEAVE TO FILE AN  
OVERSIZE PETITION FOR LEAVE TO APPEAL**

Defendants-Petitioners Governor JB Pritzker, the Illinois State Board of Education (“ISBE”), the Illinois Department of Public Health (“IDPH”), Dr. Ngozi Ezike, in her official capacity as IDPH Director, and Dr. Carmen I. Ayala, in her official capacity as ISBE Superintendent (collectively, “State defendants”), respectfully move this Court, on an emergency basis, for an order allowing them to

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<sup>1</sup> The appendix accompanying the State defendants’ petition for leave to appeal contains a list of all plaintiffs-respondents, defendants, and defendants-petitioners. *See* A80-111.

file a petition for leave to appeal under Illinois Supreme Court Rule 315 that does not exceed 13,000 words in length, and allowing Plaintiffs-Respondents to file any answer to the petition up to the same length. State defendants' proposed oversize petition for leave to appeal, and the petition's appendix, are attached as exhibits to this motion. In support of this motion, State defendants attach a verification by certification and state the following.

1. On February 4, 2022, the circuit court entered a temporary restraining order ("TRO") in this matter. On February 17, 2022, the appellate court entered an order dismissing the State defendants' appeal from that TRO as moot.

2. State defendants are filing a petition for leave to appeal to this Court from the appellate court's order under Illinois Supreme Court Rule 315. Based on Illinois Supreme Court Rule 315(e), a petition for leave to appeal "shall be limited to 20 pages or, alternatively, 6,000 words, excluding any items identified as excluded from the length limitation in Rule 341(b)(1)."

3. State defendants also are filing a motion with this Court requesting that, if their petition for leave to appeal is granted, the Court then hear this appeal on an expedited schedule, as contemplated by Illinois Supreme Court Rule 311(b). *See State Defendants' Motion for Expedited Consideration.* As part of that expedited schedule, and because the reasons for granting the petition overlap with the merits of the appeal, State defendants are electing that their petition for leave to appeal also stand as their opening brief. *See id.* Therefore, State defendants request that they be allowed to file the oversize petition for leave to appeal attached

as Exhibit A, which consists of 12,960 words, to fully and efficiently address both the reasons for granting review and the merits of the appeal in the event this Court grants the petition.

4. Also in its motion requesting that this Court hear this appeal on an expedited schedule, State defendants similarly request that any answer that plaintiffs file to State defendants' petition should stand as plaintiffs' response brief if the petition is granted by this Court. *See id.* State defendants therefore request that plaintiffs be permitted to file any answer to the petition for leave to appeal that does not exceed 13,000 words.

WHEREFORE, State defendants request that this Court grant them, on an emergency basis, leave to file an oversize petition for leave to appeal and allow any answer to that petition to be oversize as well.

Respectfully submitted,

**KWAME RAOUL**  
Attorney General  
State of Illinois

**JANE ELINOR NOTZ**  
Solicitor General

**SARAH A. HUNGER**  
**ALEX HEMMER**  
Deputy Solicitors General

/s/ Jane Elinor Notz  
**JANE ELINOR NOTZ**  
Solicitor General  
**NADINE J. WICHERN**  
**EVAN SIEGEL**  
**CARSON R. GRIFFIS**  
**JONATHAN J. SHEFFIELD**

LEIGH J. JAHNIG  
Assistant Attorneys General  
100 West Randolph Street  
12th Floor  
Chicago, Illinois 60601  
(312) 814-5376 (office)  
(312) 909-4218 (cell)  
CivilAppeals@ilag.gov (primary)  
Jane.Notz@ilag.gov (secondary)

Attorneys for State Defendants-  
Petitioners

No. \_\_\_\_\_

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Defendants,	)	2021-CH-500003
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(The Board of Education of	)	2021-CH-500007
Community Unit School District	)	
300, <i>et al.</i> , Defendants-Petitioners).	)	The Honorable
	)	RAYLENE GRISCHOW,
	)	Judge Presiding.

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THIS CAUSE COMING TO BE HEARD on motion of State Defendants-Petitioners for an emergency order allowing them to file a petition for leave to appeal under Illinois Supreme Court Rule 315, and allowing Plaintiffs-Respondents to file any answer to the petition, that do not exceed 13,000 words in length;

IT IS HEREBY ORDERED that the motion is GRANTED / DENIED.

ENTER:

\_\_\_\_\_  
JUSTICE

\_\_\_\_\_  
JUSTICE

\_\_\_\_\_  
JUSTICE

\_\_\_\_\_  
JUSTICE

\_\_\_\_\_  
JUSTICE

\_\_\_\_\_  
JUSTICE

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JUSTICE

DATED: \_\_\_\_\_

JANE ELINOR NOTZ  
Solicitor General  
100 West Randolph Street  
12th Floor  
Chicago, Illinois 60601  
(312) 814-5376 (office)  
(312) 909-4218 (cell)  
CivilAppeals@ilag.gov (primary)  
Jane.Notz@ilag.gov (secondary)

**CERTIFICATE OF FILING AND SERVICE**

I certify that on February 22, 2022, I electronically filed the foregoing **Emergency Motion for Leave to File an Oversize Petition for Leave to Appeal, and the accompanying Petition for Leave to Appeal and Appendix**, with the Clerk of the Court for the Supreme Court of Illinois, by using the Odyssey eFileIL system.

I further certify that the other participants in this case, named below, are not registered service contacts on the Odyssey eFileIL system, and thus will be served by transmitting a copy to all primary and secondary e-mail addresses of record designated by those participants on February 22, 2022.

**Counsel of Record for Plaintiffs**

Thomas G. DeVore  
tom@silverlakelaw.com

William J. Gerber  
will@gerberlaw.net

Lance C. Ziebell  
lziebell@lavellelaw.com

**Counsel of Record for School District Defendants,  
Intervenors, And Amici**

Merry C. Rhoades  
Christine L. Self  
mrhoades@tuethkeeney.com  
cself@tuethkeeney.com

Robert E. Swain  
Stephanie E. Jones  
rob@krihaboucek.com  
stephanie@krihaboucek.com

James A. Petrungaro  
Paulette A. Petretti  
Adam Dauksas  
jpetrungaro@edlawyer.com  
ppetretti@edlawyer.com  
adauksas@edlawyer.com

Caitlin Frazier Satterly  
Jason T. Manning  
fsatterly@hlerk.com  
jmanning@hlerk.com

Charles A. LeMoine  
clemoine@dykema.com

H. Allen Yow  
ayow@rblawyers.net

William R. Pokorny  
Shelli L. Anderson  
Jennifer A. Smith  
Dana Fattore Crumley  
Nicki Bazer  
Scott Metcalf  
Melissa Sabota  
Koga Ndikum-Moffor  
Caroline K. Kane  
wrp@franczek.com  
sla@franczek.com  
jas@franczek.com  
dfc@franczek.com  
nbb@franczek.com  
srm@franczek.com  
mds@franczek.com  
knm@franczek.com  
ckk@franczek.com

David J. Braun  
S. Jeff Funk  
Luke M. Feeney  
Brandon K. Wright  
dbraun@millertracy.com  
jfunk@millertracy.com  
lfeeney@millertracy.com  
bwright@millertracy.com

Lisa R. Callaway  
Dawn M. Hinkle  
Abigail C. Rogers  
lcallaway@ecbslaw.com  
dhinkle@ecbslaw.com  
arogers@ecbslaw.com

Loretta K. Haggard  
Natalie J. Teague  
lkh@scwattorney.com  
njt@scwattorney.com

John Shapiro  
Richard Self  
Dylan Smith  
jshapiro@freeborn.com  
rself@freeborn.com  
dsmith@freeborn.com

Jay E. Greening  
Robert B McCoy  
Jeffrey J. Gaster  
jay.greening@mhtlaw.com  
robert.mccoy@mhtlaw.com  
jeffrey.gaster@mhtlaw.com

Nikoleta Lamprinakos  
Susan E. Nicholas  
Dennis L. Weedman  
Hailey M. Golds  
nlamprinakos@robbins-schwartz.com  
snicholas@robbins-schwartz.com  
dweedman@robbins-schwartz.com  
hgolds@robbins-schwartz.com

Vincent D. Resse  
Melanie Renken  
vreese@mickesotoole.com  
mrenken@mickesotoole.com

John O'Driscoll  
Jodriscoll@tresslerllp.com

Jerrold H. Stocks  
jstocks@decatour.legal

Mallory A. Milluzzi  
mamilluzzi@ktjlaw.com

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.

/s/ Nadine J. Wichern  
Assistant Attorney General  
100 West Randolph Street  
12th Floor  
Chicago, Illinois 60601  
(312) 814-5659 (office)  
(773) 590-7119 (cell)  
CivilAppeals@ilag.gov (primary)  
Nadine.Wichern@ilag.gov (secondary)