

**United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 6.3.2 (Rockford)
CIVIL DOCKET FOR CASE #: 3:20–cv–50153**

The Beloved Church et al v. Pritzker et al
Assigned to: Honorable John Z. Lee
Referred to: Honorable Iain D. Johnston
Demand: \$75,000
Case in other court: 20–01757
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 04/30/2020
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Stephen Cassell

represented by **Peter Christopher Breen**
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Plaintiff

The Beloved Church
an Illinois Not–for–Profit Corporation

represented by **Martin J. Whittaker**
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V.

Defendant

David Snyders
Sheriff of Stephenson County, Illinois

represented by **Benjamin Matthew Jacobi**
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Defendant

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Defendant

Craig Beintema
*Administrator of the Department of
Public Health of Stephenson County,
Illinois*

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Defendant

Steve Schaible
Chief of Police of the Village of Lena,
Illinois

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Date Filed	#	Docket Text
04/30/2020	<u>1</u>	COMPLAINT filed by Stephen Cassell; Filing fee \$ 400, receipt number 0752-16976245. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D)(Whittaker, Martin) (Entered: 04/30/2020)
04/30/2020	<u>2</u>	CIVIL Cover Sheet (Whittaker, Martin) (Entered: 04/30/2020)
04/30/2020	<u>3</u>	ATTORNEY Appearance for Plaintiffs Stephen Cassell, The Beloved Church by Martin J. Whittaker (Whittaker, Martin) (Entered: 04/30/2020)
04/30/2020	<u>4</u>	ATTORNEY Appearance for Plaintiffs Stephen Cassell, The Beloved Church by Martin J. Whittaker (Whittaker, Martin) (Entered: 04/30/2020)
04/30/2020	<u>5</u>	ATTORNEY Appearance for Plaintiffs Stephen Cassell, The Beloved Church by Peter Christopher Breen (Breen, Peter) (Entered: 04/30/2020)
04/30/2020	<u>6</u>	MOTION by Plaintiffs Stephen Cassell, The Beloved Church for temporary restraining order , MOTION by Plaintiffs Stephen Cassell, The Beloved Church for preliminary injunction (Breen, Peter) (Entered: 04/30/2020)
04/30/2020	<u>7</u>	MEMORANDUM by Stephen Cassell, The Beloved Church in support of motion for temporary restraining order, motion for preliminary injunction <u>6</u> (Attachments: # <u>1</u> Exhibit A – Proclamation, 3–9–20, # <u>2</u> Exhibit B – Proclamation, 4–1–20, # <u>3</u> Exhibit C – EO 2020–18)(Breen, Peter) (Entered: 04/30/2020)
04/30/2020		CASE ASSIGNED to the Honorable John Z. Lee and Honorable Iain D. Johnston. Designated as Magistrate Judge the Honorable Iain D. Johnston. Case assignment: Random assignment. (jp,) (Entered: 04/30/2020)
04/30/2020	<u>8</u>	Pursuant to the Fourth Amended General Order 19–0007, dated 6/27/2019, this case is assigned to the Honorable John Z. Lee and referred generally to the Honorable Iain D. Johnston. Signed by Executive Committee on 6/27/2019. (jp,) (Entered: 04/30/2020)
04/30/2020	<u>9</u>	ORDER Third Amended General Order 20–0012 IN RE: CORONAVIRUS COVID–19 PUBLIC EMERGENCY Signed by the Chief Judge Rebecca R. Pallmeyer on April 24, 2020. All open cases are impacted by this Third Amended General Order. Parties are must carefully review all obligations under this Order, including the requirement listed in paragraph number 5 to file a joint written status report in most civil cases. See attached Order. Signed by the Honorable Rebecca R. Pallmeyer on 4/24/2020. Mailed notice (jp,) (Entered: 04/30/2020)
04/30/2020	<u>10</u>	MINUTE entry before the Honorable Robert M. Dow, Jr: This matter is before Judge Dow as emergency judge. Plaintiffs have filed a motion for temporary restraining order and preliminary injunction [docket number 592 on the emergency docket and docket number 6 on the regular civil docket in Case No. 3:20–cv–50153]. The motion will be handled by the assigned judge, Judge Lee. The Clerk is directed to terminate the motion on the emergency docket, as all further filings and rulings will be made on the regular civil docket. Mailed notice (cdh,) (Entered: 04/30/2020)
04/30/2020	<u>11</u>	MINUTE entry before the Honorable John Z. Lee: Plaintiffs have filed a complaint, a motion for temporary restraining order and for preliminary injunction <u>6</u> as well as a supporting memorandum and attachments <u>7</u> . Plaintiffs' counsel attests that the materials have been provided via email to Benjamin Jacobi (at a okgc.com email address), who (according to Plaintiffs' counsel) is an attorney for Defendants Snyders and Beintema; Defendant Schaible (at what appears to be a personal email address); and Sarah Hunger, a Deputy Solicitor General at the Office of the Illinois Attorney General. It is unclear, however, whether Plaintiffs have verified that that the recipients have received the materials. Accordingly, Plaintiffs' counsel is ordered to file a short statement no later than 5:00 p.m. today, Thursday, April 30, 2020, attesting that the intended recipients have received the materials. Plaintiffs' counsel also is ordered to meet and confer with Defendants and/or their counsel to explore ways of resolving this issue, including whether the parties would agree to a standstill agreement while the motion is briefed and considered. Plaintiffs also are ordered to effectuate service pursuant to Fed. R. Civ. P. 4, as soon as possible, but no later than 5:00 p.m., on Friday, May 1, 2020. Defendants are ordered to file a response to Plaintiffs' motion for temporary restraining order and for preliminary injunction <u>6</u> no later than 5:00 p.m. on

		Friday, May 1, 2020. The memorandum should address, among other things, whether the parties have met and conferred as ordered above and the results of those discussions, as well as what, if any, enforcement actions the Sheriff of Stephenson County and the Chief of Police of Stephenson County would take, in the event Plaintiffs convened for services this Sunday with or without observing the facial mask and social distancing restrictions. Plaintiffs need not, but may, file a reply memorandum no later than 2:00 p.m. on Saturday, May 2, 2020. Once the briefs have been received, the Court will take the motion under advisement and issue a ruling as soon as practicable. Furthermore, given that Plaintiffs waited a week after Governor Pritzker's extension of the stay-at-home order before filing this action and have not provided any reasons for their delay, Plaintiffs should not expect the Court to rule on the motion prior to this Sunday. To the extent that there are any exigent circumstances between today and this Sunday, much can be attributed to Plaintiffs' own actions. Mailed notice (ca,) (Entered: 04/30/2020)
04/30/2020	<u>12</u>	Counsel statement re actual, informal service STATEMENT by Stephen Cassell (Whittaker, Martin) (Entered: 04/30/2020)
04/30/2020	<u>13</u>	ATTORNEY Appearance for Defendants Craig Beintema, David Snyders by Benjamin Matthew Jacobi (Jacobi, Benjamin) (Entered: 04/30/2020)
05/01/2020	<u>14</u>	ATTORNEY Appearance for Defendant Steve Schaible by Robert C. Pottinger (Pottinger, Robert) (Entered: 05/01/2020)
05/01/2020	<u>15</u>	ATTORNEY Appearance for Defendant Steve Schaible by Darron M. Burke (Burke, Darron) (Entered: 05/01/2020)
05/01/2020	<u>16</u>	MINUTE entry before the Honorable John Z. Lee: Illinois Executive Order 2020-32, dated April 30, 2020, permits individuals to leave their residences "[t]o engage in the free exercise of religion, provided that such exercise [] comply with Social Distancing Requirements and the limit on gatherings of more than ten people in keeping with CDC guidelines for the protection of public health." The order continues, "Religious organizations and houses of worship are encouraged to use online or drive-in services to protect the health and safety of their congregants." It is clear that online services are not subject to the 10-person limitation. In their response to Plaintiffs' motion for temporary restraining order and preliminary injunction, Defendants should address how the State defines "drive-in services" and whether such services would be subject to the 10-person limitation. Mailed notice (ca,) (Entered: 05/01/2020)
05/01/2020	<u>17</u>	ATTORNEY Appearance for Defendant Jay Robert Pritzker by Kelly C. Bauer (Bauer, Kelly) (Entered: 05/01/2020)
05/01/2020	<u>18</u>	ATTORNEY Appearance for Defendant Steve Schaible by Dominick L Lanzito (Lanzito, Dominick) (Entered: 05/01/2020)
05/01/2020	<u>19</u>	ATTORNEY Appearance for Defendant Steve Schaible by Paul A O'Grady (O'Grady, Paul) (Entered: 05/01/2020)
05/01/2020	<u>20</u>	ATTORNEY Appearance for Defendant Steve Schaible by Kevin Mark Casey (Casey, Kevin) (Entered: 05/01/2020)
05/01/2020	<u>21</u>	ATTORNEY Appearance for Defendant Steve Schaible by Jennifer Lynn Turiello (Turiello, Jennifer) (Entered: 05/01/2020)
05/01/2020	<u>22</u>	ATTORNEY Appearance for Defendant Jay Robert Pritzker by Hal Dworkin (Dworkin, Hal) (Entered: 05/01/2020)
05/01/2020	<u>23</u>	ATTORNEY Appearance for Defendant Jay Robert Pritzker by Christopher Graham Wells (Wells, Christopher) (Entered: 05/01/2020)
05/01/2020	<u>24</u>	ATTORNEY Appearance for Defendant Steve Schaible by Thomas A. Green (Green, Thomas) (Entered: 05/01/2020)
05/01/2020	<u>25</u>	ATTORNEY Appearance for Defendant Jay Robert Pritzker by R. Douglas Rees (Rees, R.) (Entered: 05/01/2020)
05/01/2020	<u>26</u>	MEMORANDUM by Jay Robert Pritzker in Opposition to motion for temporary restraining order, motion for preliminary injunction <u>6</u> (Attachments: # <u>1</u> Exhibit Exhibit A - Current Executive Order (EO 2020-32))(Wells, Christopher) (Entered: 05/01/2020)

		05/01/2020)
05/01/2020	<u>27</u>	RESPONSE by Craig Beintema, David Snydersin Opposition to MOTION by Plaintiffs Stephen Cassell, The Beloved Church for temporary restraining order MOTION by Plaintiffs Stephen Cassell, The Beloved Church for preliminary injunction <u>6</u> (Jacobi, Benjamin) (Entered: 05/01/2020)
05/01/2020	<u>28</u>	MOTION by Defendant Jay Robert Pritzker for leave to file excess pages <i>instanter</i> (Bauer, Kelly) (Entered: 05/01/2020)
05/01/2020	<u>29</u>	RESPONSE by Defendant Steve Schaible to motion for temporary restraining order, motion for preliminary injunction <u>6</u> (O'Grady, Paul) (Entered: 05/01/2020)
05/01/2020	<u>30</u>	NOTICE by Steve Schaible re Response <u>29</u> (O'Grady, Paul) (Entered: 05/01/2020)
05/01/2020	<u>31</u>	ATTORNEY Appearance for Defendant Jay Robert Pritzker by Sarah Hughes Newman (Newman, Sarah) (Entered: 05/01/2020)
05/01/2020	<u>32</u>	RESPONSE by Defendant Jay Robert Pritzker to text entry,, <u>16</u> <i>Response to the Court's Minute Order re: Drive-In Services</i> (Wells, Christopher) (Entered: 05/01/2020)
05/02/2020	<u>33</u>	REPLY by Stephen Cassell, The Beloved Church to memorandum in support of motion, <u>7</u> , MOTION by Plaintiffs Stephen Cassell, The Beloved Church for temporary restraining order MOTION by Plaintiffs Stephen Cassell, The Beloved Church for preliminary injunction <u>6</u> , memorandum in opposition to motion <u>26</u> , response in opposition to motion, <u>27</u> , Response <u>32</u> , Response <u>29</u> (Breen, Peter) (Entered: 05/02/2020)
05/02/2020	<u>34</u>	DECLARATION of Stephen Cassell regarding reply to response to motion, <u>33</u> (Breen, Peter) (Entered: 05/02/2020)
05/02/2020	<u>35</u>	MOTION by Plaintiff The Beloved Church Leave to file oversized Reply (Whittaker, Martin) (Entered: 05/02/2020)
05/02/2020	<u>36</u>	EXHIBIT by Plaintiffs Stephen Cassell, The Beloved Church <i>5-2-20 Order of 6th Cir in Maryville Baptist Church, Inc, et al v. Andy Beshear, Case No. 20-5427</i> regarding reply to response to motion, <u>33</u> (Breen, Peter) (Entered: 05/02/2020)
05/02/2020	<u>37</u>	MINUTE entry before the Honorable John Z. Lee: Plaintiffs The Beloved Church and Stephen Carrell filed a motion for temporary restraining order and preliminary injunction on 4/30/2020. In their motion, Plaintiffs seek injunctive relief to permit them to gather for worship at their church on Sunday, 5/3/20, despite Governor Pritzker's Executive Order 2020-32 (dated 4/30/2020). The Court ordered expedited briefing, and Defendants filed their responses at 5:00 p.m. on 5/1/20, and Plaintiffs filed their reply at 2:00 p.m. on 5/2/20. After due consideration, the Court denies Plaintiffs' motion for temporary restraining order and preliminary injunction <u>6</u> . The Court will issue a written opinion and order explaining its ruling shortly. Mailed notice (ca,) (Entered: 05/02/2020)
05/02/2020	<u>38</u>	MINUTE entry before the Honorable John Z. Lee: Motions to file oversized briefs <u>28</u> and <u>35</u> are granted.Mailed notice (ca,) (Entered: 05/02/2020)
05/03/2020	<u>39</u>	MEMORANDUM Opinion and Order Signed by the Honorable John Z. Lee on 5/3/20.Mailed notice(ca,) (Entered: 05/03/2020)
05/04/2020	<u>40</u>	WAIVER OF SERVICE returned executed by Stephen Cassell, The Beloved Church. Craig Beintema waiver sent on 4/30/2020, answer due 6/29/2020. (Whittaker, Martin) (Entered: 05/04/2020)
05/04/2020	<u>41</u>	WAIVER OF SERVICE returned executed by Stephen Cassell, The Beloved Church. David Snyders waiver sent on 4/30/2020, answer due 6/29/2020. (Whittaker, Martin) (Entered: 05/04/2020)
05/04/2020	<u>42</u>	WAIVER OF SERVICE returned executed by Stephen Cassell, The Beloved Church. Jay Robert Pritzker waiver sent on 4/30/2020, answer due 6/29/2020. (Whittaker, Martin) (Entered: 05/04/2020)

05/04/2020	<u>43</u>	ATTORNEY Appearance for Plaintiffs Stephen Cassell, The Beloved Church by Thomas L. Brejcha, Jr (Brejcha, Thomas) (Entered: 05/04/2020)
05/04/2020	<u>44</u>	Western Division ADR Notification (jp,) (Entered: 05/04/2020)
05/04/2020	<u>45</u>	WAIVER OF SERVICE returned executed by Steve Schaible. Steve Schaible waiver sent on 4/30/2020, answer due 6/29/2020. (Pottinger, Robert) (Entered: 05/04/2020)
05/04/2020	<u>46</u>	NOTICE of appeal by Stephen Cassell, The Beloved Church regarding orders <u>37</u> , <u>39</u> Filing fee \$ 505, receipt number 0752-16986311. Receipt number: n (Whittaker, Martin) (Entered: 05/04/2020)
05/05/2020	<u>47</u>	MOTION by Plaintiffs Stephen Cassell, The Beloved ChurchInjunction Pending Appeal (Whittaker, Martin) (Entered: 05/05/2020)
05/05/2020	<u>48</u>	MINUTE entry before the Honorable John Z. Lee: Defendant's response to Plaintiffs' emergency motion for injunction pending appeal <u>47</u> is due by 3:00 p.m. on 5/6/20. The Court will issue a ruling once the response is filed.Mailed notice (ca,) (Entered: 05/05/2020)
05/05/2020	<u>49</u>	MINUTE entry before the Honorable John Z. Lee:Minute order <u>48</u> is amended: Defendants' response to Plaintiffs' emergency motion is limited to five pages.Mailed notice (ca,) (Entered: 05/05/2020)
05/06/2020	<u>50</u>	RESPONSE by Craig Beintema, David Snyders to MOTION by Plaintiffs Stephen Cassell, The Beloved ChurchInjunction Pending Appeal <u>47</u> (Jacobi, Benjamin) (Entered: 05/06/2020)
05/06/2020	<u>51</u>	RESPONSE by Jay Robert Pritzkerin Opposition to MOTION by Plaintiffs Stephen Cassell, The Beloved ChurchInjunction Pending Appeal <u>47</u> (Wells, Christopher) (Entered: 05/06/2020)
05/06/2020	<u>52</u>	RESPONSE by Steve Schaible to MOTION by Plaintiffs Stephen Cassell, The Beloved ChurchInjunction Pending Appeal <u>47</u> (O'Grady, Paul) (Entered: 05/06/2020)
05/06/2020	<u>53</u>	NOTICE by Steve Schaible re response to motion <u>52</u> (O'Grady, Paul) (Entered: 05/06/2020)
05/06/2020	<u>54</u>	TRANSMITTED to the 7th Circuit the short record on notice of appeal <u>46</u> . (jp,) (Entered: 05/06/2020)
05/06/2020	<u>55</u>	ORDER : The Court previously denied Plaintiffs' motion for a temporary restraining order and a preliminary injunction requesting that the Court enjoin Governor Pritzker from enforcing his latest stay-at-home order of April 30, 2020. See 5/3/2020 Memorandum Opinion and Order, ECF No. 39 ("May 3 Order"). Having filed a notice of appeal, Plaintiffs now urge the Court to enjoin enforcement of Pritzker's order while the appeal is pending. See Fed. R. Civ. P. 62. As the Seventh Circuit has explained, the standard for deciding motions for injunctions pending appeal is no different "from that applicable to a motion to stay the district court's judgment." <i>Cavel Int'l, Inc. v. Madigan</i> , 500 F.3d 544, 547 (7th Cir. 2007). In turn, "[t]he standard for granting a stay pending appeal mirrors that for granting a preliminary injunction." <i>In re A & F Enterprises, Inc. II</i> , 742 F.3d 763, 766 (7th Cir. 2014) (citation omitted). That means that courts "consider the moving party's likelihood of success on the merits, the irreparable harm that will result to each side if the stay is granted or denied in error, and whether the public interest favors one side or the other." <i>Id.</i> Given that the same standard applies, and that Plaintiffs have failed to introduce any new facts or arguments in support of the present motion, the Court denies Plaintiffs' request for an injunction pending appeal for the reasons explained in the May 3 Order denying Plaintiffs' motion for a temporary restraining order and a preliminary injunction. Signed by the Honorable John Z. Lee on 5/6/20. Mailed notice(ca,) (Entered: 05/06/2020)
05/06/2020	<u>56</u>	ACKNOWLEDGMENT of receipt of short record on appeal regarding notice of appeal <u>46</u> ; USCA Case No. 20-1757. (jp,) (Entered: 05/06/2020)