

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

Darren Bailey)	
)	
Plaintiff,)	2020CH6
)	
vs.)	Case No. 2020-CH-_____
)	
Governor Jay Robert Pritzker,)	
in his official capacity.)	EXPEDITED CONSIDERATION
)	REQUESTED
Defendant.)	

**VERIFIED MOTION FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION WITH NOTICE**

COMES NOW Plaintiff, Darren Bailey, by and through his attorneys, Thomas G. DeVore, Erik Hyam, and DeVore Law Offices, LLC, and for his Verified Motion for Temporary Restraining and Preliminary Injunction in this matter, allege as follows:

1. A verified petition and its exhibits (“Petition”), which includes as Count II a request for an adjudication of injunctive relief, has been filed in this matter which Petition is incorporated herein by reference.
2. In support of the Petition, Bailey also filed a legal brief in support, which legal brief shall be incorporated herein by reference.
3. The Petition alleges that a certain part of Pritzker’s April 01 Executive Order, which extended the March 20 Executive Order until April 30, 2020, was in excess of the authority granted him under The Act.
4. The Petition alleges the March 20 Executive Order was required by law to lapse on or before April 08, 2020 due to the COVID-19 pandemic having been declared a disaster on March 09, 2020.

5. Bailey has an absolute right to insist any executive order issued pursuant to The Act be lawful and not beyond the power granted to Pritzker by the legislature.
6. Immediate and irreparable harm is being suffered by Bailey every day which passes wherein he is being ordered by Pritzker to stay at home, or at his place of residence, as well as limiting his ability to travel within the state.
7. Bailey requires a temporary restraining order and preliminary injunction issue to enjoin enforcement of the terms of the March 20 Executive Order, as extended by the April 01 Executive Order, until the Court renders a final verdict in this matter.
8. Additionally, as of April 23, 2020, Pritzker publicly announced his intention to continue his ultra vires executive order until at least May 30, 2020.
9. Any such extension which is to be issued to continue the emergency orders would also be ultra vires.
10. Bailey has no other adequate remedy at law to prohibit enforcement against him until such time as the Court renders a final verdict in this matter.
11. There is a reasonable likelihood that Bailey will succeed on the merits of the case as shown by the Petition, and legal brief, both of which are incorporated herein by reference.

WHEREFORE, the Plaintiff, Darren Bailey, respectfully prays that this Court enter an order that provides for:

- A. Entry of a Temporary Restraining Order enjoining Pritzker, or anyone on his behalf, from taking any action to enforce the March 20, 2020 Executive Order against Darren Bailey; and

- B. Entry of a Temporary Injunction enjoining Pritzker, or anyone on his behalf, from taking any action to enforce the provisions of the March 20, 2019 Executive Order against Darren Bailey; and
- C. Entry of a Temporary Restraining Order enjoining Pritzker, or anyone on his behalf, from taking any action to enter further executive orders, continuances or otherwise, as a result of the COVID-19 disaster declaration which orders Darren Bailey to stay at home, or at his place of residence, as well as limiting his ability to travel within the state; and
- D. Entry of a Temporary Injunction enjoining Pritzker, or anyone on his behalf, from taking any action to enter further executive orders, continuances or otherwise, as a result of the COVID-19 disaster declaration which orders Darren Bailey to stay at home, or at his place of residence, as well as limiting his ability to travel within the state; and
- E. Such further relief as this Court deems just and equitable.

Respectfully submitted,

By: /s/ Thomas Devore
Thomas G. DeVore
IL Bar Reg. No. 6305737
DeVore Law Offices, LLC
Attorneys for Plaintiff
118 N. 2nd St.
Greenville, IL 62246
Telephone - 618-664-9439
tom@silverlakelaw.com

VERIFICATION

Fax (618) 664.9486
erik@silverlakelaw.com

VERIFICATION

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct except as to matters therein stated to be on information and belief, if any, and as to such matters the undersigned certifies as aforesaid that the undersigned verily believes the same to be true.

Date: 4-23, 2020

By:  _____

Darren Bailey