

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

Dookie Set, Inc.,

Plaintiff,

v.

Governor Jay Robert Pritzker, in his official  
capacity,

Defendant.

No. 3:20-cv-00437

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that Defendant Governor JB Pritzker (“Governor”) hereby removes to this Court the State Court Action described below.

1. On May 11, 2020, Plaintiff commenced an action in the Circuit Court for the Fourth Judicial Circuit, Clinton County, Illinois, captioned *Dookie Set, Inc. v. Governor Jay Robert Pritzker, in his official capacity*, No. 2020 CH 11 (“State Court Action”). Plaintiff’s *Verified Complaint for Declaratory Judgment and Injunctive Relief Against Governor Jay Robert Pritzker* (“Complaint”) filed in the State Court Action on May 11, 2020, is attached as Exhibit 1. A civil cover sheet is attached as Exhibit 2.

2. The Governor is the only defendant named in the State Court Action. The Governor received a copy of the Complaint on May 11, 2020. The Governor’s Notice of Removal is therefore timely pursuant to 28 U.S.C. § 1446(b)(1) because it is filed in this Court within 30 days of receiving a copy of the Complaint.

3. The State Court Action is removable pursuant to 28 U.S.C. § 1441(a) because it arises under the Constitution, laws, or treaties of the United States and therefore the Court has original jurisdiction over it pursuant to 28 U.S.C. § 1331. The State Court Action arises under the

Constitution, laws, or treaties of the United States because Plaintiff alleges that Executive Order 2020-32—which it claims has required it to close its business—"violates [its] fundamental liberty interest and offers no procedural or substantive due process as required by [the] United States and Illinois Constitutions." Complaint ¶ 57. Plaintiff further alleges that any interpretation of Illinois law that would allow the Governor to issue Executive Order 2020-32 would be prohibited by the U.S. Constitution. *Id.* ¶¶ 57, 65–66. Consistent with these allegations, Plaintiff seeks a declaration "that to the extent any provision of the [Illinois Emergency Management Agency Act, 20 ILCS 3305] allowed [the Governor] to forcibly close [Plaintiff's] business premises, such provision of [Executive Order 2020-32] is void as it violates a fundamental right without due process as required by the United States and Illinois Constitutions." Complaint Count I prayer for relief ¶ F.

WHEREFORE, for all these reasons, the Governor removes the State Court Action to this Court.

Date: May 11, 2020

KWAME RAUOL  
Illinois Attorney General

R. Douglas Rees  
Thomas J. Verticchio  
Christopher G. Wells  
Darren Kinhead  
Isaac Freilich Jones  
Office of the Illinois Attorney General  
100 West Randolph Street, 12th Floor  
Chicago, Illinois 60601  
312-814-3000

*Counsel for the Governor*

Respectfully submitted,

/s/ R. Douglas Rees

Deputy Attorney General, Civil Division

Office of the Illinois Attorney General  
100 West Randolph Street, 12th Floor  
Chicago, Illinois 60601  
312-814-3498  
*rrees@atg.state.il.us*

**CERTIFICATE OF SERVICE**

I certify that on May 11, 2020, I caused a copy of the foregoing *Notice of Removal* to be served on the following counsel of record for Plaintiff in the State Court Action via the email addresses listed below:

Thomas G. DeVore  
Erik Hyam  
DeVore Law Offices, LLC  
118 N. 2nd St.  
Greenville, IL 62246  
618-664-9439  
tom@silverlakelaw.com  
erik@silverlakelaw.com

/s/ R. Douglas Rees

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