

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
CHAMPAIGN COUNTY, ILLINOIS

FILED  
SIXTH JUDICIAL CIRCUIT  
MAY 14 2020

In re:

D&K Fitness, Inc.  
d/b/a The Zone,

Respondent.

No. 20 MR 395

*[Signature]*  
CLERK OF THE CIRCUIT COURT  
CHAMPAIGN COUNTY, ILLINOIS

**MOTION FOR TEMPORARY RESTRAINING ORDER**

NOW COMES the Petitioner, the Champaign County Public Health Department, by and through Julia Rietz, State's Attorney of Champaign County, Illinois, and in accordance with the Champaign-Urbana Public Health District, Champaign County Emergency Management Agency, and the Champaign County Sheriff, respectfully requests that the Court enter a temporary restraining order pursuant to 735 ILCS 5/11-101 which immediately enjoins the Respondent, D&K Fitness, Inc. d/b/a The Zone, from operating as a personal fitness and exercise gym at Respondent's business premises located at 109 N. Main Street, St. Joseph, Illinois, 61873, and enjoins Respondent from allowing customers, gym members, members of the public, or its employees inside said premises other than as authorized in Illinois COVID-19 Executive Order No. 30 (which describes "minimum basic operations").

In support of this motion, Petitioner states as follows:

1. Respondent is the owner and operator of D&K Fitness, Inc. d/b/a The Zone, a fitness and exercise gym located at 109 N. Main Street, St. Joseph, Illinois, 61873 (hereinafter referred to as "The Zone").
2. On March 20, 2020, in response to the COVID-19 pandemic, Illinois Governor JB Pritzker issued COVID-19 Executive Order No. 8. COVID-19 Executive Order No. 8 prohibited all public and private gatherings and requires all non-essential business and operations to cease. On

*equipment, supplies and facilities of existing departments, offices and agencies of the State and of the political subdivisions of this State, to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the Governor, the Director and the emergency services and disaster agencies.” 20 ILCS 3305/19.*

4. As a fitness and exercise gym, Respondent’s business is non-essential under the Executive Order. While the exceptions listed in the Executive Order include “Healthcare and Public Health Operations” (as defined in the Executive Order), the Executive Order specifically states that “Healthcare and Public Health Operations *does not include fitness and exercise gyms*, spas, salons, barber shops, tattoo parlors, and similar facilities.” (emphasis added)

5. As a personal fitness and exercise gym, The Zone is a place where multiple individuals (gym members) from separate households are reasonably expected to congregate for extended periods of time (the length of their workouts), respirating as they exercise in an interior space, and sharing workout equipment, facilities, and other shared surfaces. The gym’s operation and the activities of individuals therein is naturally conducive to the spread of COVID-19.

6. Prior to opening its doors to gym members, Respondent, through their attorney, sent a letter (dated May 6, 2020, received May 11, 2020, entitled “Notice of Due Process Rights Being Invoked”) to the Champaign County State’s Attorney, the Champaign County Health Department, and the Champaign County Sheriff, explicitly providing “notice” that the Respondent intended to open. See Petitioner’s Exhibit 1, attached.

7. On May 12, 2020, prior to the Respondent opening The Zone to gym members on the morning of May 13, 2020, public health officials posted a “Cease and Desist” letter on the door of The Zone, essentially communicating that said opening was against the advice of public health officials. See Petitioner’s Exhibit 2, attached.

8. As of May 13, 2020, and again on May 14, 2020, Respondent has opened “The Zone” to its gym members and has both permitted and invited its gym members to come and exercise there, despite public health advice not to do so. Said opening has already been reported in the media.

a. See Petitioner’s Exhibit 3A (WCIA media story), attached.

b. See Petitioner’s Exhibit 3B (May 12, 2020 Facebook post), attached.

9. On May 13, 2020, CCPHD staff visited The Zone, handed an employee working there an additional copy of the “Cease and Desist” letter, and observed that gym members were in fact present and working out there. Public health employees also took a few photographs which show The Zone’s interior space.

a. See Petitioner’s Exhibit 4A (photograph), attached. Note that social distancing requirements do not appear to be enforced, and gym users appear to be exercising (walking on treadmills) right next to each other.

b. See Petitioner’s Exhibit 4B (photograph), attached. Note that social distancing requirements do not appear to be enforced, and gym users appear to be exercising (walking on treadmills) right next to each other.

c. See Petitioner’s Exhibit 4C (photograph), attached.

10. On May 13, 2020, the Respondent through their attorney sent another letter, to the Administrator of the Champaign-Urbana Public Health District, making clear that Respondent

“declines to consent” to the closure of The Zone and intends to remain open for business. See Petitioner’s Exhibit 5, attached.

11. On May 14, 2020, Respondent posted on its Facebook page “We are back to our normal staffed hours & 24hr access!” See Petitioner’s Exhibit 6.

12. From both Respondent’s actions in opening The Zone and its communications from Respondent’s attorney, it is clear that Respondent has no intention of closing The Zone absent court order.

13. COVID-19 is a novel severe acute respiratory illness in humans. COVID-19 can spread among people through the air by respiratory transmissions such as coughing and sneezing. COVID-19 presents a risk of severe illness, including possible death, especially for certain populations of higher risk individuals, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease.

14. On January 27, 2020, following the initial emergence and spread of COVID-19, the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency.

15. On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization (“WHO”) declared the outbreak of COVID-19 to be a Public Health Emergency of International Concern.

On March 9, 2020, Illinois Governor JB Pritzker issued a disaster proclamation regarding the outbreak of COVID-19 in Illinois, and said disaster proclamation has been repeatedly renewed to this date as the COVID-19 outbreak and pandemic continues.

16. To slow the spread of COVID-19 in Illinois, state officials have adopted the community-level strategy of requiring all non-essential business to cease and prohibiting all public and private gatherings. *See* COVID-19 Executive Order No. 8, as followed by COVID-19 Executive Order No. 30. In continuing to operate its place of business in violation of the Governor's Executive Order that was implemented in response to the COVID-19 pandemic, and against the advice of public health officials, Respondent is significantly endangering the public health and welfare.

17. Petitioner stands to suffer irreparable injury from Respondent's conduct through the further spread of COVID-19 within Champaign County between individuals exercising, working, or otherwise being present at The Zone.

18. An action at law cannot adequately address the injury because any infection(s) that has or would occur due to the continued operation of The Zone, either by gym members and/or employees infected at The Zone, or further individuals or members of the public later infected by infected persons coming from The Zone, would be irreversible.

19. Plaintiff will suffer irreparable injury unless this court issues an injunction because an outbreak would overwhelm the department of health and local hospital's ability to treat patients of COVID-19, and would be detrimental to the public health of Champaign County. Any harm suffered by Respondent would be solely financial. Therefore, the balance of harms weighs in favor of granting an injunction to protect the residents of Champaign County.

20. It is proper to grant a temporary restraining order without notice to the Respondent, because the irreversible injury to the public health of Champaign County is current and ongoing at all times the Respondent is continuing to operate The Zone, including at the present time.

WHEREFORE, Petitioner, in accordance with the Champaign County Public Health Department, Champaign-Urbana Public Health District, Champaign County Emergency Management Agency, and the Champaign County Sheriff, prays that this court enter a temporary restraining order pursuant to 735 ILCS 5/11-101, and that the temporary restraining order be granted immediately, enjoining the Respondent, D&K Fitness, Inc. d/b/a The Zone, from operating as a personal fitness and exercise gym at Respondent's business premises located at 109 N. Main Street, St. Joseph, Illinois, 61873, and enjoining Respondent from allowing customers, gym members, members of the public, or its employees inside said premises other than as authorized in Illinois COVID-19 Executive Order No. 30 (which describes "minimum basic operations").

Date: 5.14.2020, 2020

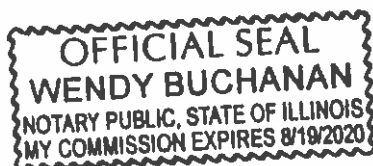
Julia Rietz, State's Attorney



Office of the State's Attorney  
Champaign County, Illinois  
101 E. Main Street  
Urbana, Illinois 61801

*Counsel for the Champaign County Public Health Department*

Wendy Buchanan  
NOTARY





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## NOTICE OF DUE PROCESS RIGHTS BEING INVOKED

May 06, 2020

Ms. Julia Rietz, Esq.  
Champaign County States Attorney  
101 E. Main Street  
Urbana, IL 61801

Mr. Dustin Heuerman  
Champaign County Sheriff  
204 E Main Street  
Urbana, IL 61801

Ms. Krista L Jones, Board President  
Champaign County Health Department  
201 West Kenyon Street  
Champaign, IL 61820

RE: D&K Fitness, Inc. dba The Zone

Dear Ms. Rietz, Ms. Jones, & Mr. Heuerman,

Please be advised our firm has been engaged to represent D&K Fitness, Inc. dba The Zone. The Zone has a business in Champaign County located at 109 N Main St, St. Joseph, IL 61873. My client is in receipt of the IDPH Directive attached herein which was issued directly from the Governor as well as the IDPH Director. The letter provides notice, given my client's business has been determined to be non-essential, it is to be closed as it allegedly constitutes a public health risk.

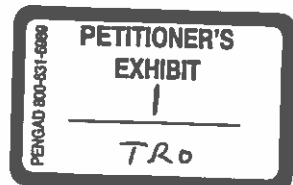
The directive issued by the Governor and the IDPH Director was sadly not provided to my client as required by Illinois law. Nonetheless, my client is now in receipt and acknowledges the same. My client respects the rule of law and hereby respectfully, and consistently with the Governor's and IDPH Director's enforcement directive which accurately identifies the statutory authority and administrative rules in place to protect its rights, puts each of the proper local enforcement authorities on notice of its position that being open does not constitute a public health risk.

My client does not intend to open immediately, which is allowable under Illinois law if it so chooses, but rather out of respect for each of you as the local officials charged with enforcement of the laws acknowledged in the directive, is providing 48-hours notice for the State's Attorney to seek an order of the Court to close its business, if the three agencies collectively deem the facts at

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hand rise to the level of the burden of proof required under the requisite legal authority, which legal authority has been acknowledged by the Governor and Director of IDPH.

If by the end of 48-hours following the local health department having received actual notice of my client's respectful and legally allowable objections to its closure, there has been no court action sought against it, my client will deem inaction as a determination by the proper local authorities that its business is not a public health risk. Should you decide to institute enforcement proceedings consistent with 20 ILCS 2305/2 *et seq.*, you have my client's permission to serve process of any action against it directly on me.

If I do not receive service of process regarding an action instituted against my client by the State's Attorney's Office within 48-hours following the local health department having received actual notice, my client will reopen its doors and will consider implementing any reasonable safety measure which the local board of health might want to suggest.

Kindest Regards,



Thomas G. DeVore

IL Bar No. 06305737

tom@silverlakelaw.com

CC: Mr. Dan Gordon



# ENFORCEMENT

## Executive Orders 2020-10 and 2020-18

JB PRITZKER, GOVERNOR

NGOZI O. EZIKE, MD, DIRECTOR

The World Health Organization has declared COVID-19 to be a pandemic. The President of United States has declared the COVID-19 outbreak to be a national emergency. The Governor of Illinois has proclaimed COVID-19 to be a state disaster and declared all counties in the state as a disaster area. Federal, state and local public officials have been required to take extraordinary measures to protect the health, safety and welfare of citizens.

Per Executive Order 2020-10, Section 1, which has been extended through April 30, 2020 by Executive Order 2020-18, Part 1: Beginning March 21, 2020, at 5 p.m., all Illinois citizens are ordered to stay at home or at their place of residence. All persons may leave their homes or place of residence only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses and Operations, as set forth in the Executive Order, and must at all times and as much as reasonably possible maintain social distancing of at least six feet from any other person. Essential activities include activities in furtherance of health and safety; obtaining necessary supplies and services; outdoor activity provided that social distancing is practiced; work related to essential businesses or operations; caring for family, friends, and pets; and obtaining public health or human services.

Per Executive Order 2020-10, Section 2, which has been extended through April 30, 2020 by Executive Order 2020-18, Part 1: Beginning March 21, 2020 at 5 p.m., all businesses and operations in the State, except certain Essential Businesses and Operations that are specifically defined in the Executive Order, are required to cease all activities, unless those activities involve employees working at their own residences. Essential Businesses and Operations include the following: stores that sell groceries and medicines; producers of food, beverages, or cannabis; charitable or social service organizations; media; gas stations and businesses needed for transportation; financial institutions; hardware and supply stores; critical trades; mail, post, shipping, logistics, and delivery and pick-up services; educational institutions (for the purpose of facilitating distance learning or other essential functions); laundry services; restaurants for consumption off premises; supplies to work from home; supplies for essential business and operations; travel; home care; residential care; legal, accounting and insurance services; certain day care locations; manufacture, distribution, and supply chain for critical products and industries; critical labor union functions; hotels and motels; and funeral functions.

Per Executive Order 2020-10, Section 3, which has been extended through April 30, 2020 by Executive Order 2020-18, Part 1: Beginning March 21, 2020 at 5 p.m., all public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for certain limited purposes. This Executive Order includes all places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks,



## ENFORCEMENT

### Executive Orders 2020-10 and 2020-18

JB PRITZKER, GOVERNOR

NGOZI O. EZIKE, MD, DIRECTOR

aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and country clubs or social clubs.

Per Executive Order 2020-10, Section 4, which has been extended through April 30, 2020 by Executive Order 2020-18, Part 1: All travel, except Essential Travel, is prohibited. People riding on public transit for essential business and personal activities must comply with Social Distancing Requirements to the greatest extent feasible.

Please be advised that your establishment is required to adhere to these Executive Orders, and that these steps are necessary and proper to prevent further spreading of COVID-19. This IDPH directive will apply to any subsequent Executive Orders ordering the same and will not terminate until such time the State of Illinois no longer has a proclamation of disaster related to the COVID-19 pandemic.

If you do not adhere to these Executive Orders, the Illinois Department of Public Health and Certified Local Health Departments have the authority, pursuant to the Department of Public Health Act (20 ILCS 2305/1-1.1 *et seq.*), the Civil Administrative Code of Illinois (Department of Public Health Powers and Duties Law) (20 ILCS 2310/1 *et seq.*) and the Control of Communicable Diseases Code (77 Ill. Adm. Code 690), to order that a place be closed and made off limits to the public "to prevent the probable spread of a dangerously contagious or infectious disease . . . until such time as the condition can be corrected or the danger to the public health eliminated or reduced in such a manner that no substantial danger to the public's health any longer exists." 20 ILCS 2305/2(b). The process of issuing such an order is set forth in 20 ILCS 2305/2(c). Furthermore, police officers, sheriffs and all other officers in Illinois are authorized to enforce such orders.

Signed:



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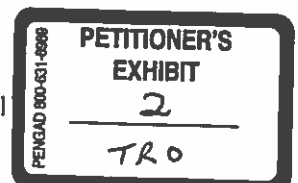
# CEASE AND DESIST NOTICE

The outbreak of COVID-19 has resulted in the following: (1) The World Health Organization declaring a pandemic, (2) the President of United States declaring a national emergency, and (3) the Governor of the State of Illinois, JB Pritzker, proclaiming a state disaster. Public officials at the federal, state, and local levels have employed extraordinary measures to protect the health, safety, and welfare of citizens. Consistent with general health and safety actions taken by many public officials throughout the country, on March 20, 2020, Governor Pritzker issued an Executive Order (COVID 19 EXECUTIVE ORDER NO. 8) mandating that effective 5:00 p.m. on March 21, 2020, the State of Illinois is subject to Stay at Home, Social Distancing, and Essential Businesses and Operations limitations. Please be advised that your business **does not** fall under the definition of Essential Business and therefore **is required to cease all activities** except Minimum Basic Operations as a result of this Executive Order. Minimum Basic Operations is defined as follows: a) The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions. b) The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences. Your failure to comply with this Executive Order may result in one or all of the following: (1) the rescission of licenses necessary to operate your business, (2) an order of closure issued by the state or local health department, or (3) civil and/criminal liability pursuant to 20 ILCS 3305. It is imperative that you comply to protect the safety and health of your staff as well as your customers and the general public. We appreciate your compliance during this public health crisis.

  
Julie A. Pryde, MSW, MPH \* Public Health Administrator

Date: MAY 13, 2020

Champaign-Urbana Public Health District \* 201 W. Kenyon Rd., Champaign, IL 61820 \* 21



69°

COVID-19 Live Coronavirus Tracker

NEWS

## Gym reopens against cease and desist order

by: Karina Rubio

Posted: May 13, 2020 / 07:13 PM CDT / Updated: May 13, 2020 / 07:13 PM CDT

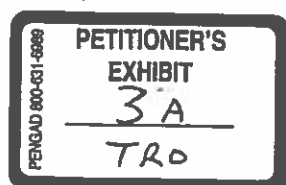
ST. JOSEPH, Ill. (WCIA) — The governor's five phase plan for reopening Illinois is receiving push back from politicians and businesses across the state, including The Zone gym in St. Joseph.

The Zone is getting help from attorney Thomas DeVore. He sent a letter to CUPHD several days ago stating that the gym was planning to reopen if it did not take formal, legal action against it. DeVore says instead of a response, he and his client were met with a cease and desist order.

Just as it planned, The Zone did open their doors to gym members Wednesday morning.

The first gym member that walked through the doors says he is in full support of his gym reopening.

"There are very few people in here, and we're not at risk. We know what we need to do to be healthy. So does the gym," says gym member Mike Dilley. "I think it's part of our constitutional right to be able to exercise our freedom, to go to a business, to workout, and continue life as it has been."



69° Dilley says The Zone is meeting safety standards and providing masks to the people that want one.

Shortly after the first few members walked in, the sheriff and health department followed, but they came back out minutes later.

DeVore says he did not appreciate officials intimidating his client or their customers.

"That's one of the most egregious actions I've had by any of the hundred plus clients I have trying to open their businesses fairly and respectfully," says DeVore.

He is helping businesses reopen across 40 counties. DeVore says if the health department believes The Zone is a health risk, it must close them in a legal manner instead.

"I respect that. Please have your state's attorney file what's called an action in quarantine that the law provides. And we will be in court and the honorable court will make a decision," says DeVore.

Until then, he says The Zone will remain open.

Champaign county State's Attorney Julia Rietz responded late Wednesday afternoon saying: "The cease and desist notice was the first step in the process. Given the response from the business and its legal counsel, we are working with CUPHD and appropriate state agencies on next steps."

Several other Zone locations have also opened for business. That includes a gym in Shelbyville.

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## RELATED CONTENT

**Gym served cease and desist notice**

**The Zone St. Joseph**  
View 12 at 2:10 PM '23

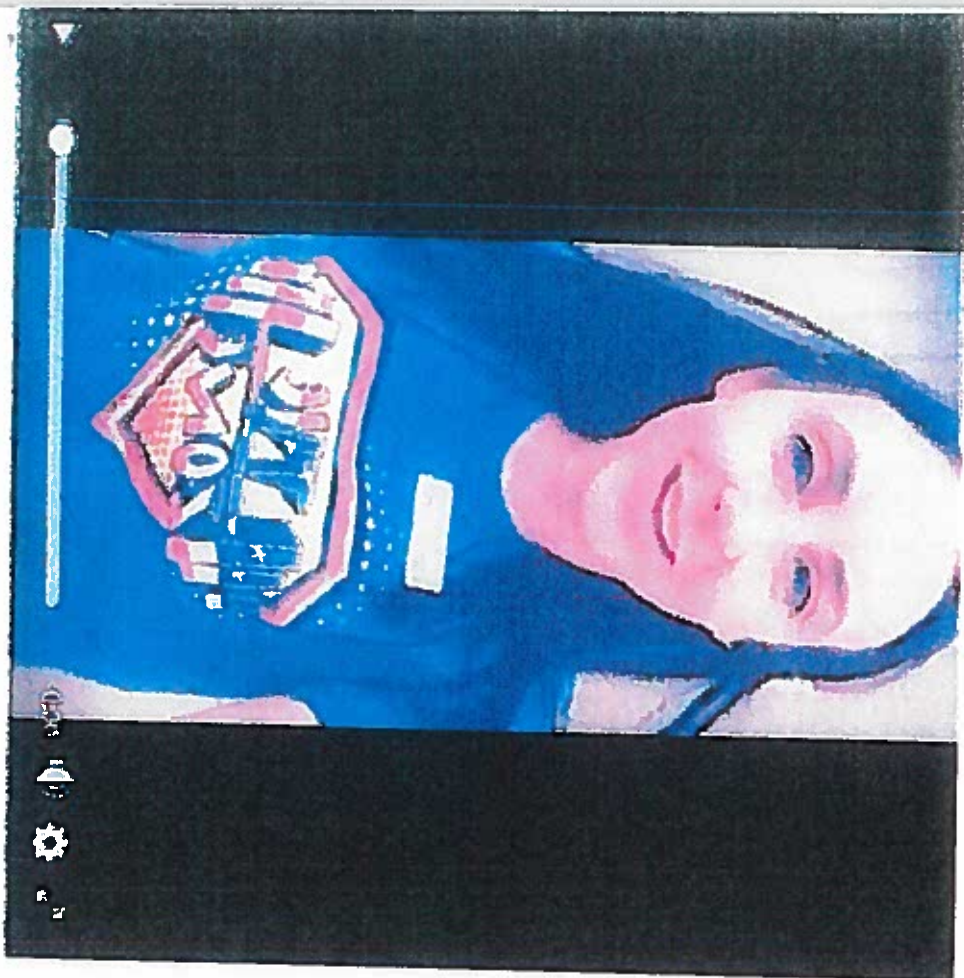
**GOOD NEWS Y'ALL !!**

Thank you to all our amazing members, we are opening tomorrow, WEDNESDAY at 3pm!

Thank you for sticking with us. Our members are truly some of the most amazing people!

We can't wait to get ST JO healthy again!

#thezoneisho







PENAD 800-631-0889

PETITIONER'S  
EXHIBIT  
4-A  
TRO

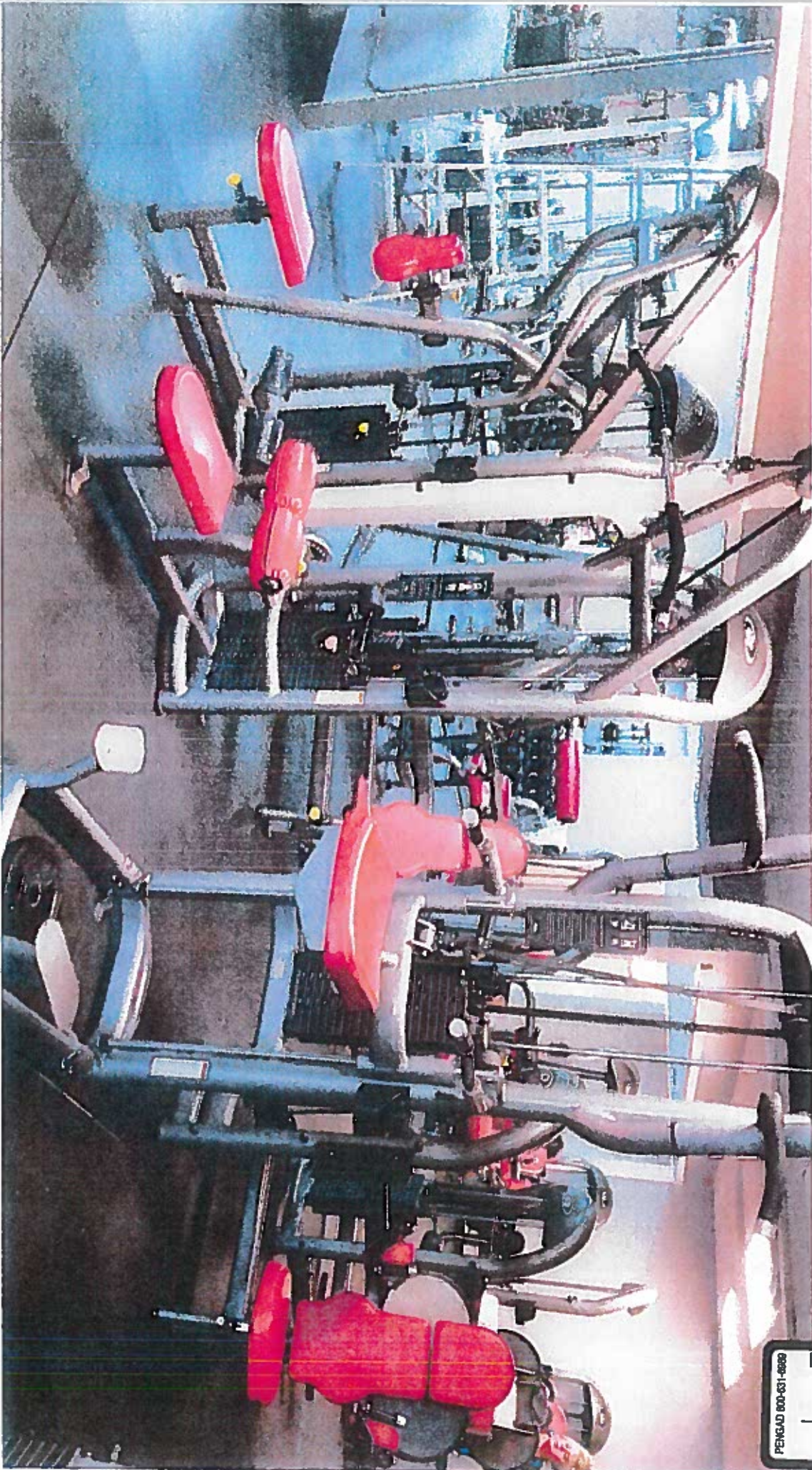




PETITIONER'S  
EXHIBIT  
4-B  
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PETITIONER'S  
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4-C  
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May 13, 2020

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**RECEIVED****MAY 13 2020**

Julie Pryde, Administrator  
Champaign-Urbana Public Health District  
201 W. Kenyon Rd.  
Champaign, IL 61820

**IN RE: THE ZONE, ST. JOSEPH, CHAMPAIGN COUNTY, ILLINOIS**

Dear Ms. Pryde,

As you were previously made aware by the letter you received on May 08, 2020, our firm represents D&K Fitness d/b/a The Zone in St. Joseph, Illinois. Our client has forwarded to us a copy of the Cease and Desist Notice that was taped to the front door of the building, presumably after hours on May 12th, and has provided a copy of the Cease and Desist Notice that was personally delivered to the facility by you and an armed deputy of the Champaign County Sheriff's office this morning.

It is unclear as to the purpose of the notices. It is assumed your intention was for those to serve as a notice that the facility is being closed by the local department of health, however, such will not constitute notice as required to invoke the health department's authority to close a business under Illinois law. Your letter states authority for this closure is grounded in the Governor's Executive Orders and specifically the determination that The Zone is a "non-essential" business. We can debate the metrics of determination of non-essential vs. essential for hours, however, our client contends, as do we, and a wide variety of attorneys and legal scholars throughout this State, that the Governor has no authority to unilaterally shutter a business, to deem a business "non-essential," nor to force the citizens of this State to stay at home.

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**PETITIONER'S  
EXHIBIT****5****TR0**

Ms. Julie Pryde  
In Re: The Zone - St. Joseph, IL  
May 13, 2020  
Page 2 of 4

To that very end, our letter received by you on May 08, 2020 specifically cites the authority of a local health department to shutter a business as being derived from the Illinois Department of Public Health Act, *20 ILCS 2305 et seq.* If you had reviewed such statutory authority, you would have found that in order to close a business, the Health Department must obtain (1) the consent of the business owner; (2) a Court Order closure; or (3) issue an immediate closure notice and seek a Court Order for the same within 48 hours of the closure. *See 20 ILCS 2305/2(c).* Please note that a "Cease and Desist Notice" does not remotely arise to the requirements of statute. We are sorry to see that you have wasted the resources of your department and the sheriff's office for what were presumably two separate visits to The Zone.

If your intent was to seek a voluntary closure of the business or to notify our client of the intent to seek a Court Ordered closure, our client respectfully declines to consent. Further, your Letter is constitutionally and statutorily deficient to constitute notice. Pursuant to statute, the health department must provide written notice, which notice shall include: "(1) notice of the right to counsel; (2) notice that if the person or owner is indigent, the court will appoint counsel for that person or owner; (3) notice of the reason for the order for isolation, quarantine, or closure; (4) notice of whether the order is an immediate order, and if so, the time frame for the Department to seek consent or to file a petition requesting a court order as set out in this subsection; and (5) notice of the anticipated duration of the isolation, quarantine, or closure." *20 ILCS 2305/2(c).* Anything less would be a violation of our client's constitutional right to due process.

If you intend to seek a court ordered closure of The Zone, please be advised our client intends to vigorously defend its rights under Illinois statute, the Illinois Constitution, and the U.S. Constitution, including but not limited to its rights to procedural and substantive due process. We assume your county's State's Attorney is versed in the law's requirements but point out to you the burden of proof required for the department to obtain a closure order is significant and must be factually specific to the business desired to be closed. Your mere conclusory allegations that the Governor issued an executive order and there exists a public health crisis, is severely inept, we believe. However, if you intend to seek such an order, you have our client's permission to serve process upon our office, as previously provided to you in our May 6, 2020 letter.

Your letter makes illusory threats to civil and criminal liability if our client remains open. We would request that you provide us specific citation to where that particular authority comes from, as in our voluminous research on the topic, nothing in Illinois or federal law seems to support such liability. Further, the last time our office reviewed the statutes, the department of public health is not a member of law enforcement. Therefore, before making general statements that appear intended to

Ms. Julia Pryde  
In Re: The Zone - St. Joseph, IL  
May 13, 2020  
Page 3 of 4

compel compliance with deprivations of liberty through coercion, we suggest you and the department educate yourselves as to the law. It is assumed that the appearance of the deputy sheriff this morning was intended for the same purpose of coercing compliance with such *ultra vires* orders. We further assume such threats have been parroted from the Governor's daily talking points where he has threatened the use of various State and local agencies to enforce his blatant use of executive fiat in defiance of the laws of Illinois and the United States. Or, possibly, your threat of civil liability is taken from the Governor's major campaign contributor, the Illinois Trial Lawyers Association, that has essentially threatened to bankrupt small businesses through litigation if the same do not heed the "orders" of their chosen candidate.

Our client informed our office that when you and the deputy appeared this morning, you personally demanded the production of business records other information. As previously notified, our client is represented by counsel and such requests should be made to counsel. We would note however, unless your agency has been granted broad powers to demand records that we are heretofore unaware of, we respectfully ask that you come armed with a court order or subpoena next time you seek such records.

Please be advised that if any agency or individual takes action against our client, to deprive it of liberties guaranteed by our Constitutions, whether such action is administrative, civil, or criminal, under color of authority, the same will be met with swift and decisive legal action against the agency(is) and individual(s). Such action includes any and all remedies available under state and federal law, including the immediate filing of federal and state civil rights claims against such individuals, officially and individually.


In closing, these times we find ourselves in are trying, to say the least, and we all desire to move toward a shred of normalcy and most importantly to provide for our families especially as so many find themselves without work. These are the exact times our constitutional framers envisioned when they penned the U.S. and Illinois Constitutions. Both of those beloved documents act to restrain the actions, not of the citizens, but of the government, and specifically provide for checks on the abuse of power by the various branches of government. Here, your agency's authority is subject to the checks and balances wielded by our mighty judiciary. Thank the Almighty that we live in a country where there is no monarchy and governmental power is not encapsulated in the hands of one man, be he the chief executive or the Administrator of a Department of Health.

Should you have any questions or need further information, please do not hesitate to contact me directly at (217) 324-6147.

Ms. Julie Pryde  
In Re: The Zone - St. Joseph, IL  
May 13, 2020  
Page 4 of 4

Very truly yours,

silver lake group, ltd.

  
\_\_\_\_\_  
Erik D. Hyam  
Attorney at Law

EDH/kt

Copy: Hon. Julia Rietz (*via facsimile 217-384-3816*)  
Sheriff Dustin Heuerman (*via email*)  
Mr. Dan Gordon (*via email*)  
File

**Aut**

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