

STATE OF ILLINOIS  
IN THE FOURTH JUDICIAL CIRCUIT  
CLAY COUNTY

JAMES MAINER, KALI MAINER, as the )  
parents and guardians of H.J.M, C.J.M, )  
L.E.M. )

Plaintiffs, )

Vs. )

Case No. 2020-CH-\_\_\_\_\_

ILLINOIS DEPARTMENT OF PUBLIC )  
HEALTH and DR. NGOZI EZIKE, in her )  
official capacity as Director of the Illinois )  
Department of Public Health, ILLINOIS )  
STATE BOARD OF EDUCATION, )  
DR. CARMEN I. AYALA in her official )  
capacity as Director of the Illinois State )  
Board of Education. )

2020CH13

Defendants. )

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**PLAINTIFFS' VERIFIED MOTION FOR A TEMPORARY RESTRAINING ORDER**

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Plaintiffs, JAMES MAINER and KALI MAINER, as the parents and guardians of their three minor children, H.J.M, C.J.M. and L.E.M., by and through their attorneys, Thomas G. DeVore, Erik D. Hyam, and the Silver Lake Group, Ltd., for the reasons set forth in their Verified Complaint, pursuant 735 ILCS 5/11-102, which is adopted and incorporated herein by reference, respectfully request this Court issue a temporary restraining order against Defendants. In support of this Motion, Plaintiffs state as follows:

1. As set forth more fully in the Verified Complaint, on June 23, 2020, IDPH and ISBE published a their Directive outlining certain mandates for school children when school

begins for the 2020-2021 school year.

2. In enacting the Directive, IDPH and ISBE have promulgated unlawful, arbitrary and capricious mandates all of which place an unreasonable burden on Plaintiff's minor children.

3. Absent the issuance of a restraining order, the IDPH and ISBE unlawful, arbitrary and capricious rule making will result in immediate and irreparable harm to Plaintiff's children until such time as this Court can rule on the merits.

4. Plaintiffs have no adequate remedy at law because they are forced with the dilemma of either accepting IDPH and ISBE "guidelines" or risk their minor children's public education.

5. Plaintiffs clearly have protectable rights and interests at stake to be free from unlawful, arbitrary and capricious rule making.

6. Plaintiffs are likely to succeed on the merits as the Defendants rule making merely to prevent the spread of an infectious disease is unlawful.

7. Plaintiffs are further likely to succeed on the merits as the Defendants rule making is arbitrary and capricious in that it discriminates based upon the type of building being entered into by the Plaintiff's minor children.

WHEREFORE, the Plaintiffs respectfully pray this Court enter an order that provides for:

- A. Entry of a Temporary Restraining Order immediately enjoining Defendants from enforcing inside a school building their face-mask requirement, temperature check requirement, and limitation on groups of more than 50 people, against the Plaintiff's minor children; and
- B. Such further relief as this Court deems just and equitable.

Respectfully submitted,

JAMES MAINER, KALI MAINER,  
as the parents and guardians of  
H.J.M, C.J.M. and L.E.M. Plaintiffs.

By: /s/ Thomas G. DeVore  
One of Their Attorneys

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**Verification**

Under penalties 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 Verified Motion for Temporary Restraining Order are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

June 30, 2020  
Date

/s/ James Mainer  
JAMES MAINER