

STATE OF ILLINOIS
 IN THE FOURTH JUDICIAL CIRCUIT
 MONTGOMERY COUNTY

THOMAS DEVORE and KATYA KING,)
 as the parents and guardians of A.D. and)
 M.D., on their behalf, and on behalf of all)
 parents and guardians of minor children)
 similarly situated in the State of Illinois.)

Plaintiffs,)

vs.)

Case No. 2020-MR-____)

ILLINOIS HIGH SCHOOL ASSOC.)
 BOARD OF DIRECTORS, CRAIG)
 ANDERSON in his individual capacity,)
 HILLSBORO COMMUNITY SCHOOL)
 DISTRICT #3 BOARD OF EDUCATION)

Defendants.)

**PLAINTIFF’S VERIFIED MOTION A
 TEMPORARY RESTRAINING ORDER WITHOUT NOTICE
 AS TO AMENDED PLAN ONLY**

Plaintiff, THOMAS DEVORE and KATYA KING, (“Plaintiff”) as the parents and guardians of A.D. and M.D., by and through their attorney, Thomas G. DeVore, for the reasons set forth in her Verified Complaint, Verified Motion for Preliminary Injunction, as well as affidavit of Thomas DeVore, all which is adopted and incorporated herein by reference, pursuant 735 ILCS 5/11-101, respectfully requests this Court issue a temporary restraining order against Defendants without notice only as to the Amended Plan. In support of their Verified Motion, Plaintiffs states as follows:

1. As set forth more fully in the Verified Complaint, the IHSA and Anderson published their “guidance” which Plaintiff’s minor children, and all parents and legal guardians children similarly situated in the State of Illinois must comply should they desire to participate in sporting activities.

2. The “guidance” is comprised of a Plan and an Amended Plan.

3. The Amended Plan mandated three additional requirements to be included in the Plan.

a) There cannot be any contact drills/physical contact among athletes.

b) All persons must always wear masks. (We are working to determine if this includes outside while social distancing.)

c) There must be a strict 50-person limit to all indoor activities, and that would include any spectators (people in those groups should also socially distance).

4. Exhibits attached to the Complaint evidence the Amended Plan was a requirement placed on the IHSA by the Governor’s Office and IDPH.

5. As evidenced by the Complaint and DeVore’s affidavit, the Amended Plan was never vetted or approved by the IHSA Committee of Sport’s Medicine or the IHSA Board.

6. As evidenced by DeVore’s Affidavit, the Committee of Sport’s Medicine generally disfavors masks being worn by children when engaged in strenuous physical activity.

7. The IHSA and Anderson, by Anderson’s own admission, have admitted to promulgating rules beyond their authority and which are otherwise in violation of Illinois law.

8. As of the filing of this complaint, at least the HUSD#3 school district, is mandating student athletes within its district must comply with the Amended Plan participate in sporting activities.

9. Plaintiffs, and all parents and guardians and their minor children who find themselves similarly situated in the State of Illinois, have a right to insist the IHSA and Anderson not promulgate rules beyond their authority and which are otherwise in violation of Illinois law which place an unlawful requirement on access by children to sporting activities.

10. Additionally, Plaintiffs, and all parents and guardians and their minor children who find themselves similarly situated in the State of Illinois, have a right to insist Anderson not arbitrarily promulgate rules on his own which have not been vetted and approved by the ISBA Board.

11. Immediate and irreparable harm is being suffered by Plaintiff's minor children's, and all parents and guardians and their minor children who find themselves similarly situated in the State of Illinois, as every hour which passes they are being subjected to the Amended Plan of the IHSA which Amended Plan was never properly approved by the IHSA Board.

12. Immediate and irreparable harm is being suffered by Plaintiff's minor children's, and all parents and guardians and their minor children who find themselves similarly situated in the State of Illinois, as every hour which passes they are being subjected to the Amended Plan of the IHSA which Amended Plan by Anderson's own admission was beyond the IHSA authority.

13. Immediate and irreparable harm is being suffered by Plaintiff's minor children's, and all parents and guardians and their minor children who find themselves similarly situated in the State of Illinois, as every hour which passes they are being subjected to the Amended Plan of the IHSA which includes provisions which the medical professionals of the Committee of Sports Medicine of the IHSA generally disapproves.

14. Waiting until such time as a hearing might be had on a determination on the merits of the injunction is too great a risk for Plaintiff's minor children's, and all parents and guardians

and their minor children who find themselves similarly situated in the State of Illinois, given medical uncertainty of the mandatory face-covering requirement taking into account the concerns of the Committee of Sports Medicine of the IHSA.

15. Absent the issuance of this temporary restraining order, the enforcement of the Amended Plan will result in immediate and irreparable harm to Plaintiff's minor children's, and all parents and guardians and their minor children who find themselves similarly situated in the State of Illinois, as medically questionable requirements have been placed on the minor children all without any oversight and approval of the IHSA Committee of Sports Medicine or the IHSA Board.

16. Plaintiff, and all parents and guardians and their minor children who find themselves similarly situated in the State of Illinois, have no adequate remedy at law because they are forced with the dilemma of either accepting Anderson's Amended Plan, or be denied the opportunity to engage in sporting activities.

17. Plaintiff minor children, and all parents and guardians and their minor children who find themselves similarly situated in the State of Illinois, clearly have protectable interests at stake to participate in sporting activities which are not subjected to the Amended Plan which was not only beyond the authority of the IHSA, but Anderson promulgated this Amended Plan arbitrarily on his own.

18. As provided in Plaintiff's Verified Complaint, Verified Motions, accompanying Exhibits and Plaintiff DeVore's affidavit, Plaintiff's have succeeded in providing this Court a likelihood of success on the merits of proving the Amended Plan is beyond the authority of the IHSA, and notwithstanding the IHSA's lack of authority, Anderson disregarded it, making the Amended Plan ultra vires and otherwise in violation of Illinois law.

WHEREFORE, the Plaintiffs, and all parents and guardians and their minor children who find themselves similarly situated in the State of Illinois, respectfully pray this Court enter an order that provides for:

- A. Entry of a Temporary Restraining Order immediately enjoining the IHSA and Anderson from enforcing the Amended Plan against any school district which is a member of the IHSA; and
- B. Entry of a Temporary Restraining Order immediately enjoining HUSD#3 from enforcing the Amended Plan against Plaintiff's minor children A.D and M.D.; and
- C. Entry of a Temporary Restraining Order immediately enjoining any IHSA member school from enforcing Amended Plan against all parents and guardians and their minor children who find themselves similarly situated in the State of Illinois; and
- D. Set this matter for a hearing on a Preliminary Injunction; and
- E. Such further relief as this Court deems just and equitable.

Respectfully submitted,

THOMAS DEVORE and KATYA KING,
as the parent and guardian of
J.L. Plaintiff.

By: /s/ Thomas G. DeVore
 Their Attorney

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 Motion for Injunctive Relief 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 she verily believes the same to be true.

July 13, 2020
Date

/s/ Thomas DeVore
THOMAS DEVORE

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 Motion for Injunctive Relief 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 she verily believes the same to be true.

July 13, 2020
Date

/s/ Katya King
Katya King

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