

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
PRELIMINARY INJUNCTION**

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, which is adopted and incorporated herein by reference, pursuant 735 ILCS 5/11-102, respectfully requests this Court issue a preliminary injunction against Defendants. In support of their Motion, Plaintiff 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 children similarly situated in the State of Illinois must comply should they desire to participate in sporting activities.

2. The IHSA and Anderson, by Anderson's own admission, have promulgated rules beyond their authority and which are otherwise in violation of Illinois law.

3. As of the filing of this complaint, HUSD#3 is mandating student athletes within its district must comply with the IHSA and Anderson's rules to participate in sporting activities.

4. 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.

5. Absent the issuance of this preliminary injunction, the enforcement of the Plan and 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, rights to access sporting activities until such time as this Court can enter a final ruling on the merits.

6. 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 the IHSA and Anderson's rules, or be denied the opportunity to engage in sporting activities.

7. 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 restrained by rules which are beyond the authority of the IHSA and Anderson to promulgate and enforce when such rules are ultra vires and otherwise in violation of Illinois law.

8. 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 Plan and Amended Plan are beyond the authority of the IHSA and Anderson to promulgate and enforce when such rules are 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 Preliminary Injunction immediately enjoining the IHSA and Anderson from enforcing the Plan against any school district which is a member of the IHSA; and
- B. Entry of a Preliminary Injunction immediately enjoining the IHSA and Anderson from enforcing the Amended Plan against any school district which is a member of the IHSA; and
- C. Entry of a Preliminary Injunction immediately enjoining HUSD#3 from enforcing the Plan and Amended Plan against Plaintiff's minor children A.D and M.D.; and
- D. Entry of a Preliminary Injunction immediately enjoining any IHSA member school from enforcing the Plan and Amended Plan against all parents and guardians and their minor children who find themselves similarly situated in the State of Illinois; 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 Attorneys

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

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