

STATE OF ILLINOIS  
IN THE SEVENTH JUDICIAL CIRCUIT  
SANGAMON COUNTY

KLA, Inc. d/b/a Fox Run Restaurant & Lounge an Illinois Corporation.	)	
	)	
Plaintiff,	)	2020MR000642
	)	
vs.	)	Case No. 2020-MR-_____
	)	
Mayor James Langfelder, in his official capacity.	)	
	)	
and	)	
	)	<b>EX PARTE REQUEST</b>
City of Springfield, a municipal corporation,	)	
	)	
Defendants.	)	

**MOTION FOR TEMPORARY RESTRAINING ORDER**  
**WITHOUT NOTICE**

COMES NOW Plaintiff, KLA, Inc. d/b/a Fox Run Restaurant & Lounge, by and through its counsel, Thomas DeVore, and DeVore Law Offices, LLC and for its Verified Motion for Temporary Restraining Order pursuant 735 ILCS 5/11-101 in this matter, allege as follows:

1. A verified petition and its exhibits (“Petition”), which includes as Count IV a request for an adjudication of injunctive relief, has been filed in this matter which Petition is incorporated herein by reference.
2. The Verified Petition alleges in Count I that the corporate authorities of Springfield promulgated their Emergency Ordinance which contained an ultra vires provision authorizing the executive of the municipality to re-proclaim the existence of an emergency for 30-day consecutive periods and without the color of authority of this ultra vires

provision Langfelder's emergency must have lapsed subsequent to the corporate authorities of Springfield's regular meeting on April 07, 2020.

3. The Verified Petition alleges in Count II that Langfelder failed to provide any findings, or facts supporting those findings, as required by Illinois Law, that an emergency existed within the corporate limits of Springfield and as such his Declaration and resulting emergency powers were void ab initio.
4. The Verified Petition alleges in Count III that Langfelder has no authority under Section 11 of the Illinois Emergency Management Agency Act to issue executive orders.
5. Fox Run has an absolute right to insist any executive order issued by Langfelder be lawful and enforceable.
6. Immediate and irreparable harm is being suffered by Fox Run as every day which passes his business interests are being harmed by Langfelder's, and those under his control, publicized threatened enforcement of these ultra vires executive orders.
7. 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 Fox Run as its business interests continue to suffer every day Langfelder's, and those under his control, threaten publicly the enforcement of these ultra vires executive orders.
8. Fox Run requires a temporary restraining order issue to enjoin enforcement of Langfelder's executive orders until the Court renders a final verdict in this matter.
9. Fox Run has no other adequate remedy at law to prohibit enforcement of Langfelder's executive orders until such time as the Court renders a final verdict in this matter.
10. There is a reasonable likelihood that Fox Run will succeed on the merits of this case in proving Langfelder has no authority under Section 11 of the Illinois Emergency

Management Agency Act.

11. There is a reasonable likelihood that Fox Run will succeed on the merits of this case in proving Langfelder failed to provide sufficient findings, and facts supporting those findings, that an emergency exists within the corporate limits of Springfield and as such his Declaration and resulting executive orders were void ab initio.
12. Notwithstanding the fatal flaw in paragraph 11 above, Fox Run has shown a likelihood of success on the merits that Langfelder's emergency power to issue executive orders must have lapsed as a matter of law following the adjournment of the regular meeting of the corporate authorities of Springfield on April 07, 2020 as any continuation of that power as provided in the corporate authorities of Springfield's Emergency Ordinance is void.

WHEREFORE, the Plaintiff, Fox Run, respectfully prays that this Court enter an order that provides for:

- A. Entry of a Temporary Restraining Order ordering Langfelder, and all administrative agencies under his control, are hereby immediately enjoined from in anyway enforcing any of the attached executive orders against Fox Run;
- B. Such further relief as this Court deems just and equitable.

Respectfully submitted,

By: /s/ Thomas Devore  
Thomas G. DeVore  
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## VERIFICATION

Under penalties of perjury 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 instrument are true and correct except as to matters therein stated to be on information and belief, if any, and as to such matters the undersigned certifies as aforesaid that the undersigned verily believes the same to be true.

Date: August 06, 2020

By: /s/ Keith L. Ayre  
KEITH L. AYRE