

IN THE CIRCUIT COURT
FOR THE FOURTH JUDICIAL CIRCUIT
MONTGOMERY COUNTY, ILLINOIS

MARK AND EMILY HUGHES as the,)
parents and guardians of student G.H and)
L.H., as well as on behalf of all parents and)
guardians of students similarly situated.)

Plaintiffs,)

VS.)

HILLSBORO COMMUNITY SCHOOL)
DISTRICT #3, a body politic and corporate,)
DAVID POWELL as Superintendent of)
HILLSBORO COMMUNITY SCHOOL)
#3)

Defendants.)

2021MR112

Case No. 2021-MR-_____

ORDER FOR TEMPORARY RESTRAINING ORDER WITH NOTICE

This cause coming to be heard on Plaintiffs, MARK AND EMILY HUGHES (“Hughes”), on their own accord as the parents and guardians of students G.H and L.H. (collectively referred to as the “Children”), as well as on behalf of all parents and guardians of children similarly situated, Motion for Temporary Restraining Order, notice having been given; the Court having considered Emergency Motion for a Temporary Restraining Order finds as follows:

1. Plaintiffs have filed a Verified Complaint for Declaratory Judgment and Writ of Injunction, as well as a Verified Motion for Temporary Restraining Order and Preliminary Injunction.

2. Plaintiffs have shown there exists a clearly ascertainable right in need of protection, namely that the Children, while on school property, are being forced to utilize a device to allegedly prevent the spread of an infectious disease without a lawful order of quarantine having issued against them by the local health department.

3. Plaintiff has shown there is a fair question that Plaintiff's will succeed on the merits in that the Children cannot be required to utilize a device to allegedly prevent the spread of an infectious disease absent, *inter alia*, an order of quarantine issuing against any or all of the Children from the local health department.

4. Plaintiffs have shown they will suffer irreparable harm if an injunction does not issue, namely the Children are being refused access to their education unless they unwillingly utilize a device to allegedly prevent the spread of an infectious disease even in the absence of a quarantine order against them; and

5. Nothing in this order would preclude the local health department from issuing a lawful order of quarantine against any or all of the children attending school within the District, which order might compel them to utilize a device to prevent the spread of an infectious disease.

6. This lawful remedy, which has long been available to the health department to protect the public health, balances the equities in favor of the issuance of this order.

7. Plaintiffs have shown they have no adequate remedy at law or in equity in that absent the issuance of a temporary restraining order, the Plaintiffs have no way to temporarily maintain the Children's right to be free from having a device forced upon them to allegedly prevent the spread of an infectious disease.

WHEREFORE, IT IS HEREBY ORDERED:

A. While any and all students of the District are on school property, the Defendants, are enjoined from requiring any or all of the Children to utilize any type of device, including a mask, for the purposes of allegedly preventing the spread of an infectious disease unless the parent or legal guardian of a student consents or

there is a lawful order of quarantine having been issued against a particular

student from the local health department, provided, however, the School may still isolate symptomatic students pursuant to applicable law.

B. Nothing in this order shall prohibit the local health department, or the Illinois

Department of Health, from issuing an order of quarantine against any or all of the children attending school within the district as allowed by law.

C. This Temporary Restraining Order shall remain in full force and effect for

 days from the date hereof or until [a.m.] [p.m.] on , 2021, unless sooner modified or dissolved by this Court.

D. Bond is waived for good cause for the Court is satisfied that under no set of facts

will the Defendants suffer any significant financial harm as a result of this temporary order.

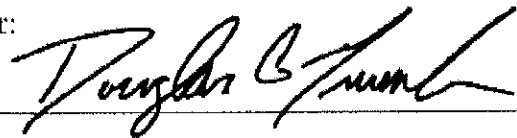
Status Conference

E. A hearing on a Preliminary Injunction is set at 9:00 [a.m.] [p.m.] on November 2, 2021,

F. This Temporary Restraining Order is entered at 2:00 [a.m.] [p.m.] on September 17, 2021.

Dated: September 17, 2021.

Enter:



Judge

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ORDER CERTIFYING THE CLASS

This cause coming to be heard on Plaintiffs, MARK AND EMILY HUGHES (“Hughes”), on their own accord as the parents and guardians of students G.H and L.H. (collectively referred to as the “Children”), as well as on behalf of all parents and guardians of children similarly situated, Motion to certify the Class, the Court been advised in the premises, finds as follows:

1. Mark and Emily Hughes (“Hughes”) have filed this cause against the Defendants seeking declaratory and injunctive relief.
2. Hughes seeks to represent a class of other parents and legal guardians who have children who attend school within the District.
3. Because the proposed class includes all parents and legal guardians whose 1,583 children attend school within District, the number of putative class plaintiffs is so numerous that joinder of all members is impracticable.

4. Whether students can be required to utilize a device, such as a mask, while present in the facilities within the District without consent of the parents or legal guardians, or without a lawful order of quarantine from the local health department is a question common to all putative class Plaintiffs.
5. This common question controls the outcome of this matter and, therefore, predominates over any questions affecting only the individual parents named specifically herein.
6. The representative party are parents who have children which attend one or more of the schools operating within the District.
7. Hughes has retained qualified counsel to pursue their rights under the laws of this State.
8. As such, the representative plaintiff will fairly and adequately protect the interest of the class.
9. Moreover, no class member will be prejudiced in this cause as each parent or legal guardian can merely choose to voluntarily require their children to utilize a device such as mask regardless of whether an order of quarantine might issue against their child by the local health department.
10. The class action is an appropriate method for the fair and efficient adjudication of the controversy, as the outcome will be controlled by a central legal question common to all putative class members.

WHEREFORE, IT IS HEREBY ORDERED:

- A. This matter is hereby certified as a class action which class shall cover all parents and guardians on behalf of their students which attend school within the District.

Dated: September 17, 2021.

Enter:



Judge

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