

**IN THE CIRCUIT COURT
FOR THE THIRD JUDICIAL CIRCUIT
BONDCOUNTY, ILLINOIS**

JUSTIN T. LURKINS as the parent and)
guardian of student M.L.; MICHELLE)
LURKINS as the parent and guardian of)
J.M.; JEFFREY AND JENNIFER)
REHKEMPER as the parents and guardians)
of A.R., D.R. and G.R., as well as on behalf)
of all parents and guardians of students)
similarly situated.)

Plaintiffs,)

VS.)

Case No. 2021-MR-39)

BOND COUNTY COMMUNITY UNIT)
#2, a body politic and corporate,)
WES OLSON as Superintendent of)
BOND COUNTY COMMUNITY UNIT)
#2)

Defendants.)

ORDER FOR TEMPORARY RESTRAINING ORDER WITH NOTICE

This cause coming to be heard on Plaintiffs, Plaintiffs, JUSTIN T. LURKINS, as the parent and guardian of student M.L., MICHELLE LURKINS, as the parent and guardian of student J.M, JEFFREY AND JENNIFER REHKEMPER, as the parents and legal guardians of A.R., D.R. and G.R., 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 wear a mask

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. Plaintiffs have shown there is a fair question that Plaintiffs will succeed on the merits in that the Children cannot be required to wear a mask 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 wear a mask 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 wear a mask 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 being forced to wear a mask to allegedly prevent the spread of an infectious disease.

WHEREFORE, IT IS HEREBY ORDERED:

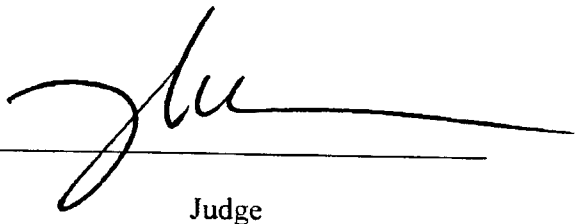
A. Only as to the named Plaintiffs, while they are on school property, the Defendants, are enjoined from requiring them to wear a mask for the purposes of allegedly preventing the spread of an infectious disease unless the parent or legal

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.

- 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 until 4:30 p.m. on October 26, 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.
- E. A hearing on a Preliminary Injunction is set at 9:00 (a.m.) [p.m.] on 10/26, 2021,
- F. This Temporary Restraining Order is entered at 3:00 p.m. on September 21, 2021.

Dated: September 21, 2021.

Enter:



Judge

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