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IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT

ADAMS COUNTY, ILLINOIS

Scott and Jamie Hamby,
As parents and guardians of student C.H.;
Christina Terwelp, as parent and guardian of student L.T.,
And Travis and Ashley Oshner, as parents and guardians of K.O.,
Petitioners,

Vs.

FILED

SEP 03 2021

Shari R. Buchwaldner
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

2021 MR 186

School District 172, Adams County, Illinois and
Superintendent of QPS, Roy Webb,
(corrected from initial filing as QPS Public School
District #172, a body politic and corporate, and
Roy Webb, Superintendent of QPS),
Defendants.

ORDER FOR TEMPORARY RESTRAINING ORDER WITH NOTICE

The cause comes on for hearing on Plaintiff's Motion for Temporary Restraining Order with notice having been given. Plaintiffs appear in person and with counsel, Thomas, DeVore. Defendants appear in person by Roy Webb with counsel, David Penn, and School District 172, Adams County, Illinois by counsel, David Penn. Arguments are heard. The Court has considered the verified Petition with attached exhibits and Defendant's Response to the Motion for Temporary Restraining Order as well as the parties' legal arguments and the applicable legal authority. The Court finds as follows:

1. The Plaintiffs have filed a verified Emergency Motion for Temporary Restraining Order.
2. Defendants have filed a Responsive Memorandum of Law.
3. Plaintiffs have shown there is a fair question that the Plaintiffs will succeed on the merits in that in-person learning is required absent, inter alia, an active order of quarantine issuing against C.H., L.T. or K.O. from the Health Department.
4. Plaintiffs have shown they will suffer irreparable harm if an injunction does not issue, in that they may not stay engaged, to learn effectively and may not maintain social-emotional wellness. See, Revised Public Health Guidance for Schools, August 2021, Executive Summary. The minors will be prohibited from exercising their right to an in-person education even in the

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absence of a quarantine order.

5. Nothing in this order precludes the Adams County Health Department from issuing an order of quarantine, which would authorize the Defendants to exclude C.H., L.T. or K.O. from in-person learning.

6. Plaintiffs have shown that the only adequate remedy is to issue the Temporary Restraining Orders for each Plaintiff. Without such order they have no way to temporarily restore their rights to in-person learning.

Wherefore, **It Is Ordered:**

A. Defendants are enjoined from excluding C.H., L.T. or K.O. from the facilities of School District 172, Adams County, Illinois for being an individual public health risk unless an active Order of Quarantine issues against C.H., L.T. or K.O. from the local Health Department as required by the Illinois State Board of Education.

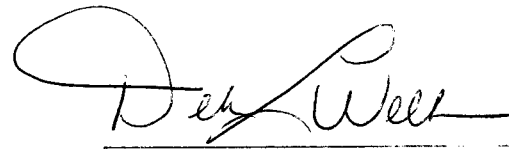
B. This Temporary Restraining Order shall remain in full force and effect for ten days from the date hereof, unless sooner modified or dissolved by this Court.

C. Bond is waived for good cause shown. The Court finds no circumstance in which this order will cause Defendants to suffer financial harm.

D. This Temporary Restraining Order is entered at 7:15 p.m. September 2, 2021.

E. A hearing on the Preliminary Injunction is set for Friday, September 10, 2021 at 9:00 a.m. at the Adams County Courthouse, unless for good cause shown or on Defendants' request the date is extended.

Entered: September 2, 2021
7.15 p.m.



Debra L. Wellborn, Judge

CC: Atty. DeVore
Atty. David Penn

I hereby certify that a copy hereof was:
Mailed, postage prepaid Faxed
Personally delivered Emailed
GAO PO Counsel
Plaintiff Defendant
9-3-21 [Signature]
Date Deputy Clerk