

**IN THE CIRCUIT COURT
FOR THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS**

VELVET DARNELL, JULINA KIRBY,)
REBECCA BLIEFNICK, JENNIFER)
HERMANN, ROSALBA MCCOY,)
ALISA LECKBEE.)

MARY MCNALLY, WILLIAM)
BLACKFORD, KIM NORTON,)
BRANDI RUZICH, SARAH KNIGHT.)

Plaintiffs,)

VS.)

Case No. 2021-MR-_____

QUINCY PHYSICIANS AND SURGEONS))
CLINIC, S.C., an Illinois corporation,)

BLESSING CORPORATE SERVICES,)
INC, an Illinois not-for-profit corporation)

Defendants.)

**PETITION FOR DECLARATORY RELIEF AND
FOR WRIT OF INJUNCTION**

COMES NOW Plaintiffs, VELVET DARNELL, JULINA KIRBY, REBECCA BLIEFNICK, JENNIFER HERMANN, ROSALBA MCCOY, ALISA LECKBEE, (Darnell through Leckbee are collectively referred to as the “Blessing Staff”) and MARY MCNALLY, WILLIAM BLACKFORD, KIM NORTON, BRANDI RUZICH, SARAH KNIGHT, (McNally through Knight are collectively referred to as the “Quincy Staff”) by and through their attorney, Thomas G. DeVore of the Silver Lake Group, Ltd., and for their Petition for Declaratory Relief and for Writ of Injunction against Defendants, QUINCY PHYSICIANS AND SURGEONS CLINIC, S.C., an Illinois corporation, (“QMG”) and, BLESSING CORPORATE SERVICES, INC, an Illinois not-for-profit corporation, (“Blessing”), and hereby alleges as follows:

PARTIES

1. QMG is health care facility which provides health care services in the State of Illinois.
2. QMG operates under the assumed names of QP&S Clinic, S.C., Quincy Medical Group, Fresh Med Spa and Quincy Medical Group Surgery Center.
3. The Quincy Staff are all health care personnel who work for QMG.
4. The Quincy Staff are all currently facing imminent termination of their employment this week solely due to not agreeing to be vaccinated or submit to testing for COVID-19.
5. Blessing is health care facility which provides health care services in the State of Illinois.
6. Blessing operates under the assumed names of Palmyra Clinic, Hamilton-Warsa Clinic NFP, Blessing Health System, Body Motion Center NFP, Blessing Physician Services, Be Well Online, Be Well With Blessing Health System, Be Well With Diabetes, Be Well for Life, Be Well At Work, Blessing Care on Demand, Performance Spine and Sports Center, Paris Family Medical Clinic and Kahoka Medical Clinic.
7. The Blessing Staff are all health care personnel who work at Blessing.
8. The Blessing Staff are all currently facing imminent termination of their employment solely due to not agreeing to be vaccinated or submit to testing for COVID-19.

FACTUAL BASIS

9. On or about the beginning of September 2021, QMG notified the Quincy Staff that each would be required to either become vaccinated for COVID-19 or submit to weekly testing for the COVID-19 virus. (See Exhibit A)
10. QMG has stated to the QMG Staff its vaccination or test policy is being compelled upon them by an executive order from the Governor. (See Exhibit A)
11. On or about the beginning of September 2021, Blessing notified the Blessing Staff that

each would be required to either become vaccinated for COVID-19 or submit to weekly testing for the COVID-19 virus. (See Exhibit B)

12. Blessing has stated to the Blessing Staff its vaccination or test policy is being compelled upon them by an executive order from the Governor. (See Exhibit B)

13. At this time, none of the Blessing Staff or Quincy Staff are positive for the COVID-19 virus, or any other infectious disease, and are not currently exhibiting any symptoms consistent with the COVID-19 virus or any other infectious disease.

14. The Blessing Staff object to being vaccinated or tested for the Coronavirus as it violates their moral conscience.

15. The Quincy Staff object to being vaccinated or tested for the Coronavirus as it violates their moral conscience.

16. The three vaccines available to Quincy Staff and Blessing Staff have only had emergency use authorization for less than one year. ¹

17. According to the CDC, the survival rate of all persons who have contracted COVID-19 nation-wide, based on reported numbers, is 98.40%. ²

18. According to the CDC, the survival rate of all persons who have contracted COVID-19 nation-wide, when adjusted for all unreported COVID cases, is 99.36%. ³

19. According to IDPH statistics, the survival rate of all persons who have contracted COVID-19 in Illinois, based on reported numbers, is 98.46%. ⁴

20. According to IDPH statistics, the survival rate of all persons who have contracted COVID-

¹ <https://www.dph.illinois.gov/covid19/vaccination-plan>

² <https://covid.cdc.gov/covid-data-tracker/#datatracker-home>

³ <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/burden.html> (this report of the CDC adjusts the reporting based upon the asymptomatic cases which never get reported to the government agencies)

⁴ <https://www.dph.illinois.gov/covid19/covid19-statistics>

19 in Illinois, when adjusted for all unreported COVID cases, is 99.52%.

21. While the CDC acknowledges serious side effects may occur with the taking of the COVID-19 vaccine, it is their opinion the benefits outweigh the risks.⁵

RELEVANT LEGAL AUTHORITY

22. The Department of Public Health may require any facility licensed by the Department to implement an influenza vaccination program (hereinafter the “Influenza Vaccine Law”) that ensures the employees of the facility are offered the opportunity to be vaccinated against seasonal influenza and any other novel or pandemic influenza viruses as vaccines become available. (See 20 ILCS 2310/2310-650)

23. COVID-19 is not an influenza virus.⁶

24. The Department may adopt rules setting forth the requirements of the Influenza Vaccination Law. *Id.*

25. A health care employee may only decline the offer of influenza vaccination if the vaccine is medically contraindicated, if the vaccination is against the employee's religious beliefs, or if the employee has already been vaccinated.

26. General philosophical or moral reluctance to influenza vaccinations does not provide a sufficient basis for an exemption to the influenza vaccine. *Id.*⁷

27. As authorized by the legislature, the Department of Public Health adopted rules and regulations for which health care employers such as Blessing and QMG can implement a compulsory vaccination program for health care employees. (See Ill. Adm. Code 956.30)

⁵

<https://www.cdc.gov/mmwr/volumes/70/wr/mm7032e4.htm#:~:text=Rare%20serious%20adverse%20events%20have,COVID%2D19%20vaccination.>

⁶ [https://www.cdc.gov/flu/symptoms/flu-vs-covid19.htm#:~:text=Influenza%20\(flu\)%20and,infection%20with%20influenza%20viruses.](https://www.cdc.gov/flu/symptoms/flu-vs-covid19.htm#:~:text=Influenza%20(flu)%20and,infection%20with%20influenza%20viruses.)

⁷ The Health Care Right of Conscience Act does not contain this express limitation regarding conscience objection.

28. The Illinois Legislature has not adopted a related statute authorizing the Department of Health to require facilities licensed by the Department to implement a compulsory vaccination program that its health care employees be vaccinated against seasonal coronavirus and any other novel or pandemic coronaviruses. (Emphasis Added)

29. The State Department of Public Health has general supervision of the interests of the health and lives of the people of the State. (See 20 ILCS 2305(2)(a)).

30. Except as provided in this Section, no person or a group of persons may be ordered to be quarantined or isolated and no place may be ordered to be closed and made off limits to the public except with the consent of the person or owner of the place or upon the prior order of a court of competent jurisdiction. The Department may, however, order a person or a group of persons to be quarantined or isolated or may order a place to be closed and made off limits to the public on an immediate basis without prior consent or court order if, in the reasonable judgment of the Department, immediate action is required to protect the public from a dangerously contagious or infectious disease. In the event of an immediate order issued without prior consent or court order, the Department shall, as soon as practical, within 48 hours after issuing the order, obtain the consent of the person or owner or file a petition requesting a court order authorizing the isolation or quarantine or closure. When exigent circumstances exist that cause the court system to be unavailable or that make it impossible to obtain consent or file a petition within 48 hours after issuance of an immediate order, the Department must obtain consent or file a petition requesting a court order as soon as reasonably possible. To obtain a court order, the Department, by clear and convincing evidence, must prove that the public's health and welfare are significantly endangered by a person or group of persons that has, that is suspected of having, that has been exposed to, or that is reasonably believed to have been exposed to a dangerously

contagious or infectious disease including non-compliant tuberculosis patients or by a place where there is a significant amount of activity likely to spread a dangerously contagious or infectious disease. The Department must also prove that all other reasonable means of correcting the problem have been exhausted and no less restrictive alternative exists. (See 20 ILCS 2305(2)(c)).

31. The Department may order physical examinations and tests and collect laboratory specimens as necessary for the diagnosis or treatment of individuals in order to prevent the probable spread of a dangerously contagious or infectious disease. Physical examinations, tests, or collection of laboratory specimens must not be such as are reasonably likely to lead to serious harm to the affected individual. To prevent the spread of a dangerously contagious or infectious disease, the Department may, pursuant to the provisions of subsection (c) of this Section, isolate or quarantine any person whose refusal of physical examination or testing or collection of laboratory specimens results in uncertainty regarding whether he or she has been exposed to or is infected with a dangerously contagious or infectious disease or otherwise poses a danger to the public's health. An individual may refuse to consent to a physical examination, test, or collection of laboratory specimens. An individual shall be given a written notice that shall include notice of the following: (i) that the individual may refuse to consent to physical examination, test, or collection of laboratory specimens; (ii) that if the individual consents to physical examination, tests, or collection of laboratory specimens, the results of that examination, test, or collection of laboratory specimens may subject the individual to isolation or quarantine pursuant to the provisions of subsection (c) of this Section; (iii) that if the individual refuses to consent to physical examination, tests, or collection of laboratory specimens and that refusal results in uncertainty regarding whether he or she has been exposed to or is infected with a dangerously

contagious or infectious disease or otherwise poses a danger to the public's health, the individual may be subject to isolation or quarantine pursuant to the provisions of subsection (c) of this Section; and (iv) that if the individual refuses to consent to physical examinations, tests, or collection of laboratory specimens and becomes subject to isolation and quarantine as provided in this subsection (d), he or she shall have the right to counsel pursuant to the provisions of subsection (c) of this Section. To the extent feasible without endangering the public's health, the Department shall respect and accommodate the religious beliefs of individuals in implementing this subsection. (See 20 ILCS 2305(2)(d))

32. The Department may order the administration of vaccines, medications, or other treatments to persons as necessary in order to prevent the probable spread of a dangerously contagious or infectious disease. A vaccine, medication, or other treatment to be administered must not be such as is reasonably likely to lead to serious harm to the affected individual. To prevent the spread of a dangerously contagious or infectious disease, the Department may, pursuant to the provisions of subsection (c) of this Section, isolate or quarantine persons who are unable or unwilling to receive vaccines, medications, or other treatments pursuant to this Section. An individual may refuse to receive vaccines, medications, or other treatments. An individual shall be given a written notice that shall include notice of the following: (i) that the individual may refuse to consent to vaccines, medications, or other treatments; (ii) that if the individual refuses to receive vaccines, medications, or other treatments, the individual may be subject to isolation or quarantine pursuant to the provisions of subsection (c) of this Section; and (iii) that if the individual refuses to receive vaccines, medications, or other treatments and becomes subject to isolation or quarantine as provided in this subsection (e), he or she shall have the right to counsel pursuant to the provisions of subsection (c) of this Section. To the extent feasible

without endangering the public's health, the Department shall respect and accommodate the religious beliefs of individuals in implementing this subsection. (See 20 ILCS 2305(2)(e)).

33. An individual may refuse to consent to a physical examination, test, or collection of laboratory specimens, but shall remain subject to isolation or quarantine, provided that, if those persons are isolated or quarantined, they may request a hearing in accordance with this Subpart. (See 20 ILCS 2305(2)(d))

34. An individual may refuse to receive vaccinations, medications, or other treatments, but shall remain subject to isolation or quarantine, provided that, if the individual is isolated or quarantined, he or she may request a hearing in accordance with this Subpart. (See 20 ILCS 2305(2)(e)).

35. The General Assembly finds and declares that people and organizations hold different beliefs about whether certain health care services are morally acceptable. It is the public policy of the State of Illinois to respect and protect the right of conscience of all persons who refuse to obtain, receive or accept, or who are engaged in, the delivery of, arrangement for, or payment of health care services and medical care whether acting individually, corporately, or in association with other persons; and to prohibit all forms of discrimination, disqualification, coercion, disability or imposition of liability upon such persons or entities by reason of their refusing to act contrary to their conscience or conscientious convictions in providing, paying for, or refusing to obtain, receive, accept, deliver, pay for, or arrange for the payment of health care services and medical care. It is also the public policy of the State of Illinois to ensure that patients receive timely access to information and medically appropriate care. (See 745 ILCS 70/2)

36. It shall be unlawful for any person, public or private institution, or public official to discriminate against any person in any manner, including but not limited to, licensing, hiring,

promotion, transfer, staff appointment, hospital, managed care entity, or any other privileges, because of such person's conscientious refusal to receive, obtain, accept, perform, assist, counsel, suggest, recommend, refer or participate in any way in any particular form of health care services contrary to his or her conscience. (See 745 ILCS 70/5)

37. It shall be unlawful for any public or private employer, entity, agency, institution, official or person, including but not limited to, a medical, nursing or other medical training institution, to deny admission because of, to place any reference in its application form concerning, to orally question about, to impose any burdens in terms or conditions of employment on, or to otherwise discriminate against, any applicant, in terms of employment, admission to or participation in any programs for which the applicant is eligible, or to discriminate in relation thereto, in any other manner, on account of the applicant's refusal to receive, obtain, accept, perform, counsel, suggest, recommend, refer, assist or participate in any way in any forms of health care services contrary to his or her conscience. (See 745 ILCS 70/7)

COUNT I
DECLARATORY JUDGMENT
BLESSING AND QMG ARE NOT AUTHORIZED BY LAW
TO IMPLEMENT A COMPULSORY VACCINE OR TEST PROGRAM

38. The Blessing Staff and Quincy Staff restate and incorporate by reference Paragraphs 1 through 37 as though fully set forth herein.

39. The Blessing Staff and Quincy Staff have a right to insist they not be compelled to be vaccinated or to submit to testing for COVID-19 unless the same be authorized by law.

40. Blessing and QMG rely upon an executive order of the Governor as authority which compels them to require the Blessing Staff and Quincy staff be vaccinated or subject themselves to invasive testing for COVID-19.

41. The Illinois legislature saw fit to create the Influenza Vaccine Law which authorized the Department of Health (“IDPH”) to create rules which Blessing and QMG could rely upon to implement compulsory influenza vaccination programs.

42. Given the lawful action of the legislature, and the resulting IDPH rules, the Blessing Staff and Quincy Staff acknowledge each is subject to the Influenza Vaccine Law and resulting rules under Ill. Adm. Code 956.30 *et seq.*

43. If the Illinois legislature saw fit to create such similar law for the coronavirus, it would have done so.

44. Absent action by the legislature similar to the Influenza Vaccine Law, Blessing and QMG are not authorized by law to require the Blessing Staff and Quincy Staff to be vaccinated or to submit to testing for COVID-19.

45. Nonetheless, Blessing and QMG have, under color of law, adopted policies which mandate the Blessing Staff and Quincy Staff become vaccinated or submit to invasive testing.

46. The only law which might be relevant to vaccination or testing of the coronavirus lies with IDPH under the Department of Public Health Act. (See 20 ILCS 2305 *et seq.*)

47. Should IDPH, desire to seek the Blessing Staff and Quincy Staff be vaccinated for something other than the influenza virus, this can only be accomplished by following procedural and substantive due process requirements under 20 ILCS 2305(2)(e).

48. Even under this provision of the law, the Blessing Staff and Quincy Staff may refuse to be vaccinated, but could otherwise then be subjected to isolation or quarantine, provided that, if one of them became isolated or quarantined for refusing to be vaccinated, he or she must be provided a hearing in accordance with this Subpart. *Id.*

49. Should IDPH, desire to compel the Blessing Staff and Quincy Staff to submit to testing for

COVID-19, this can only be accomplished by following procedural and substantive due process requirements under 20 ILCS 2305(2)(d).

50. Even under this provision of the law, the Blessing Staff and Quincy Staff may refuse to be tested, but could otherwise then be subjected to isolation or quarantine, provided that, if one of them became isolated or quarantined for refusing to be tested, he or she must be provided a hearing in accordance with this Subpart. *Id.*

51. As such, under the clear provision of the Department of Health Act, the Blessing Staff and Quincy Staff can lawfully refuse to submit to a vaccination for COVID-19.

52. As such, under the clear provisions the Department of Health Act, the Blessing Staff and Quincy Staff can lawfully refuse to submit to be tested for COVID-19.

53. An actual controversy exists between the parties in regard to the lawful authority of Blessing and QMG to compel the Blessing Staff and Quincy Staff to submit to vaccinating or testing for the COVID-19 to allegedly prevent the spread of an infectious disease.

54. An immediate and definitive determination is necessary to clarify the rights and interests of all parties affected.

WHEREFORE, VELVET DARNELL, JULINA KIRBY, REBECCA BLIEFNICK, JENNIFER HERMANN, ROSALBA MCCOY, ALISA LECKBEE, MARY MCNALLY, WILLIAM BLACKFORD, KIM NORTON, BRANDI RUZICH, SARAH KNIGHT, pray for an order of this Court;

A. Declaring no law exists requiring QMG and Blessing to implement vaccination or testing for COVID-19 as a condition of employment towards the Quincy Staff and the Blessing Staff; and

B. Declaring the Illinois Department of Health is delegated the authority to seek vaccination or testing of citizens of the Quincy Staff or the Blessing Staff to allegedly prevent the spread of

COVID-19; and

C. Declaring Illinois law grants the Quincy Staff and Blessing Staff with procedural and substantive due process rights to object to any vaccination or testing requirement for the coronavirus to allegedly prevent the spread of the infectious disease;

D. That the Court grant such other and further relief as is just and proper.

COUNT II
DECLARATORY JUDGMENT
VACCINATION OR TESTING PROGRAM
VIOLATES THE HEALTH CARE RIGHT
OF CONSCIOUS ACT

55. Plaintiff restates and incorporate by reference Paragraphs 1 through 54 as though fully set forth herein.

56. The Quincy Staff and Blessing Staff have a statutory right to object to being subjected to health care services.

57. The Quincy Staff and Blessing Staff object to the vaccination and testing of the Coronavirus as both health care services violate their moral conscience.

58. Health care means any phase of patient care rendered by a physician or physicians, nurses, paraprofessionals or health care facility, intended for the physical, emotional, and mental well-being of a person. (See 745 ILCS 70/3)

59. Should the Quincy Staff and Blessing staff object to these proposed health care services, the law prohibits QMG and Blessing from discriminating against them. (See 745 ILCS 70/5)

60. QMG and Blessing are prohibited from placing any burden on the Quincy Staff and Blessing Staff on their employment for refusing the vaccination or testing of the coronavirus. (See 745 ILCS 70/7)

61. QMG and Blessing are threatening imminent termination of employment towards the

Quincy Staff and Blessing staff for refusing to accept health care services that contradict with their moral conscience.

62. If the legislature intended for the Quincy Staff and the Blessing Staff to be compelled to comply with measures to limit the spread of the coronavirus, they would have adopted additional provisions in the compulsory vaccination law requiring QMG and Blessing to adopt a vaccination policy, and the Quincy Staff and the Blessing Staff be obligated to comply, just as they did for the influenza virus within 20 ILCS 2310/2310-650.

63. The overall survival rate nationwide for COVID-19 is in excess of 99%.

64. The overall survival rate in Illinois for COVID-19 is in excess of 99%.

65. While the CDC opines the risks of contracting COVID-19 outweigh the risks associated with the vaccine, the Quincy Staff and the Blessing staff have a right to object to vaccination as it violates their moral conscience.

66. The vaccinations have only been authorized for less than one year.

67. The long-term effects for this vaccine are unknown.

68. An actual controversy exists between the parties in regard to the Blessing Staff and Quincy Staff right to object to health care services being compelled upon them in violation of their moral conscience.

69. An immediate and definitive determination is necessary to clarify the rights and interests of all parties affected.

WHEREFORE, VELVET DARNELL, JULINA KIRBY, REBECCA BLIEFNICK, JENNIFER HERMANN, ROSALBA MCCOY, ALISA LECKBEE, MARY MCNALLY, WILLIAM BLACKFORD, KIM NORTON, BRANDI RUZICH, SARAH KNIGHT, pray for an order of this Court;

- A) Declaring the Quincy Staff and the Blessing Staff have a right under the Health Care Right of Conscience Act to object to being compelled to accept vaccination and testing as a form of health care services as it violates their moral conscience; and
- B) Declaring QMG and Blessing cannot discriminate against the Quincy Staff and Blessing Staff for refusing to accept vaccination and testing of COVID-19 as a form of health care service as it violates their moral conscience; and
- C) Declaring should the Quincy Staff and Blessing Staff be terminated for refusing to accept vaccination and testing as a form of health care services as it violates their moral conscience, each may have a cause of action for damages against QMG or Blessing under 20 ILCS 70/13; and
- D) That the Court grant such other and further relief as is just and proper.

COUNT III
DECLARATORY JUDGMENT
TERMINATION OF ANY QMG STAFF OR BLESSING STAFF
WOULD BE WRONGFUL IN VIOLATION OF PUBLIC POLICY

70. Plaintiff restates and incorporate by reference Paragraphs 1 through 69 as though fully set forth herein.
71. The foundation of retaliatory discharge lies in the protection of public policy.
72. Matters of public policy are found in our Illinois Constitution and Statutes.
73. As a matter of public policy, the Illinois legislature has created law which addresses vaccination requirements for certain respiratory diseases.
74. To protect the public health, the legislature has created authority in regard to the respiratory disease of influenza virus for which the Illinois Department of Health was required to implement rules which must be followed by QMG, Blessing, the Quincy Staff and the Blessing Staff.
75. The legislature has done no such thing in regard to the respiratory disease of the coronavirus.

76. As such, should the Illinois Department of Health find it necessary to protect the public health from the Quincy Staff or Blessing Staff due to an alleged coronavirus infection, this must be accomplished by providing these persons with the procedural and substantive due process protections embodied in 20 ILCS 2305 *et seq.*

77. It is clear by the adoption of 20 ILCS 2310/2310-650 in regard to the influenza virus, the Illinois legislature intended the individual rights of the Quincy Staff and Blessing Staff must yield to the overall public good in regard to the respiratory disease of influenza.

78. It is also clear by the inaction of the Illinois legislature to pass similar legislation in regard to the coronavirus, the Illinois legislature still affords procedural due and substantive due process rights to the QMG Staff and Blessing Staff in regard to vaccination or testing for the coronavirus as provided in 20 ILCS 2305 *et seq.*

79. Furthermore, the Health Care Right of Conscience Act provides an additional safeguard for the QMG Staff and Blessing Staff to object to health care services which violate their moral conscience.

80. Notwithstanding these clear public policies which protect the QMG Staff and Blessing Staff, QMG and Blessing have declared their intentions to terminate these employees for failure to give up their statutory rights.

81. The Quincy Staff and Blessing Staff have a statutory right to not be terminated from their employment in violation of public policy.

82. The Quincy Staff and Blessing Staff are insisting their statutory rights be followed by QMG and Blessing but these employers are knowingly and willingly violating their rights.

83. An actual controversy exists between the parties in regard to the Blessing Staff and Quincy Staff having their employment terminated in clear violation of public policy.

84. An immediate and definitive determination is necessary to clarify the rights and interests of all parties affected.

WHEREFORE, VELVET DARNELL, JULINA KIRBY, REBECCA BLIEFNICK, JENNIFER HERMANN, ROSALBA MCCOY, ALISA LECKBEE, MARY MCNALLY, WILLIAM BLACKFORD, KIM NORTON, BRANDI RUZICH, SARAH KNIGHT, pray for an order of this Court;

A) Declaring terminating the QMG Staff or Blessing Staff would be wrongful as it contravenes public policy as the vaccination or testing policy being compelled upon them is not authorized by law; and

B) Declaring terminating the QMG Staff or Blessing Staff would be wrongful as it contravenes public policy as the vaccination or testing policy being compelled upon them does not afford them with the procedural and substantive due process protections of 20 ILCS 2305 *et seq.*; and

C) Declaring terminating the QMG Staff or Blessing Staff would be wrongful as it contravenes public policy as the vaccination or testing policy being compelled upon them violates the Health Care Right of Conscience Act to the extent the vaccination and testing policy is contradictory to their moral convictions; and

D) That the Court grant such other and further relief as is just and proper.

**COUNT IV
REQUEST FOR INJUNCTION**

85. Plaintiff restates and incorporate by reference Paragraphs 1 through 84 as though fully set forth herein.

86. The QMG Staff and Blessing Staff have a right insist they not be compelled to be vaccinated or tested for COVID-19 to purportedly limit the spread of an infectious disease unless authorized by law.

87. There can be no doubt QMG and Blessing are attempting to compel the QMG Staff and Blessing Staff to become vaccinated or submit to testing to try and limit the spread of the COVID-19 virus solely due to an executive order of the Governor.
88. The Illinois legislature is the branch of government which can vest power to compel vaccination and testing of the citizens of the state.
89. The Illinois legislature has delegated certain authority the Illinois Department of Health regarding vaccination and testing.
90. As of today, the Illinois legislature has only delegated power to the Illinois Department of Health to create compulsory rules regarding the influenza virus.
91. Except for the influenza virus which is addressed under 20 ILCS 2310/2310-650, Illinois law clearly provides the Quincy Staff and Blessing Staff have a statutory right to object to these invasive vaccination and testing procedures pursuant to 20 ILCS 2305(2)(c)(d)(e).
92. Furthermore, the Health Care Right of Conscience Act is additional legislative authority which provides the Quincy Staff the right to object to these health care services.
93. Notwithstanding these legislative mandates, QMG and Blessing have taken action against the Quincy Staff and Blessing Staff and their termination of employment is imminent as soon as this week.
94. QMG and Blessing are prohibited under Illinois law to force vaccination and testing to allegedly protect the public health.
95. Illinois law provides under two separate legislative provisions the Quincy Staff and Blessing Staff may refuse to be vaccinated or subjected to testing for the coronavirus.
96. Quite simply, QMG and Blessing have infringed upon the lawful right of the Quincy Staff and Blessing Staff to be free to choose for themselves what health and safety measures they feel

are appropriate absent further enactments by the Illinois legislature to amend the law.

97. The Quincy Staff and Blessing Staff have no adequate remedy at law in which to seek relief from the irreparable harm being caused as money damages alone cannot adequately compensate for the harms being inflicted by the acts of the Defendants.

98. If the Quincy Staff and Blessing Staff are in fact a danger to the public health such that they should be compelled to vaccinated or tested to purportedly to limit the spread of an infectious disease, the Department of Health is vested with the legislative power to isolate or quarantine these individuals.

99. For all these reasons, balancing the equities in this cause bodes completely in favor of granting the Quincy Staff and Blessing Staff their requested relief.

WHEREFORE, VELVET DARNELL, JULINA KIRBY, REBECCA BLIEFNICK, JENNIFER HERMANN, ROSALBA MCCOY, ALISA LECKBEE, MARY MCNALLY, WILLIAM BLACKFORD, KIM NORTON, BRANDI RUZICH, SARAH KNIGHT, pray for an order of this Court;

A. Finding under the facts presented herein, QMG and Blessing cannot compel the Quincy Staff and Blessing Staff to be vaccinated purportedly to limit the spread of an infectious disease; and

B. Finding under the facts presented herein, QMG and Blessing cannot compel the Quincy Staff and Blessing Staff to submit to testing purportedly to limit the spread of an infectious disease; and

C. Entering an injunction against QMG and Blessing, barring them from terminating, or taking any adverse action against the employment of the Quincy Staff or Blessing Staff, solely due to their refusal to submit to the COVID-19 vaccination; and

- D. Entering an injunction against QMG and Blessing, barring them from terminating, or taking any adverse action against the employment of the Quincy Staff or Blessing Staff, solely due to their refusal to submit to the COVID-19 testing; and
- E. For such other relief as this Court deems just and proper.

Respectfully submitted,

By: /s/ Thomas Devore
Thomas G. DeVore
IL Bar Reg. No. 06305737
silver lake group ltd.
Attorneys for Plaintiff
118 N. 2nd St.
Greenville, IL 62246
Telephone - 618-664-9439

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: September 27, 2021

By: /s/ Velvet Darnell

VELVET DARNELL

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: September 27, 2021

By: /s/ Rebecca Bliefnick

REBECCA BLIEFNICK

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: September 27, 2021

By: /s/ Alisa Leckbee

ALISA LECKBEE

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: September 27, 2021

By: /s/ Julina Kirby_____

JULINA KIRBY

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: September 27, 2021

By: /s/ Jennifer Hermann

JENNIFER HERMANN

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: September 27, 2021

By: /s/Rosalba McCoy

ROSALBA MCCOY

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: September 27, 2021

By: /s/William Blackford

WILLIAM BLACKFORD

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: September 27, 2021

By: /s/ Mary McNally

MARY MCNALLY

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: September 27, 2021

By: /s/ Kin Norton

KIM NORTON

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: September 27, 2021

By: /s/ Brandi Ruzich

BRANDI RUZICH

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: September 27, 2021

By: /s/ Sarah Knight

SARAH KNIGHT



COVID-19 Surveillance Testing Protocol (as of 9/16/2021)

Effective September 19, 2021, COVID-19 Surveillance Testing is required for any Physician, APP, or Employee that is not “fully vaccinated” working in a healthcare facility per the Executive Order (EO) issued by Illinois Governor Pritzker on August 26, 2021.

To adhere to the EO issued by the Illinois Governor, the following will apply to QMG Physicians, APPs, or Employees:

- If not fully vaccinated¹ and working in a healthcare facility, weekly surveillance testing is required.
- If approved to work remotely, surveillance testing is required prior to entry into a healthcare facility.
- If working in an approved non-healthcare facility², testing is required prior to entry into a healthcare facility.
- If PRN employment status, testing is required prior to entry into a healthcare facility.
- Surveillance testing is available to any QMG employee, upon request.

Testing Location: Quincy: Conference Room B1 and B2 (Entry from lunchroom, Exit into hallway by restrooms)
Rural Locations: IL – contact Rindi Hobson, MO/IL – contact Brittney Thompson, HQ Eyes – contact Colleen Bishop

Testing Days/Times: Quincy: Monday through Friday 11AM – 1PM, sign-up using the following link:
<https://www.signupgenius.com/go/20F0B48ADA72FA3FE3-covid1>
Rural Locations: IL – contact Rindi Hobson and MO/IL – contact Brittney Thompson

Testing Procedures:

- Employee will sign up for surveillance testing through sign-up link to select their preferred testing day and time. It is the employee’s responsibility to ensure weekly testing or testing upon entry is complete.
- Employee will present to the testing location on scheduled day and time for testing. If employee cannot present on their scheduled day (i.e. PTO, out sick), it is the employee’s responsibility to request and arrange an alternative day for testing. Contact Occ Med at ext. 3562 or email employeehealth@quincymedgroup.com.
- Employee testing at an approved, outside testing location, must send results to employeehealth@quincymedgroup.com.
- Testing will be completed by trained staff per standing order.
- Testing will be performed per the test kit’s instructions.
- Information on the test kits will be available for staff, upon request.
- Trained staff will receive the test results (rapid or through send-out).
- Employee may work while they await their results.
- Positive or inconclusive results will be communicated to employee with clinical guidance by trained staff per protocol and filed in the Occ Med Department. Negative results will be filed in the Occ Med Department.
- If return to work is not authorized due to positive test finding, People and Culture will be notified and will contact employee for benefit guidance.
- Occ Med will monitor weekly employee compliance to ensure Executive Order compliance.
- Occ Med will notify People and Culture if an employee fails to meet this testing requirement.
- Failure to consistently meet the testing requirement may result in disciplinary action.

****This protocol is NOT for symptomatic employees. Please contact your PCP if you are experiencing symptoms****

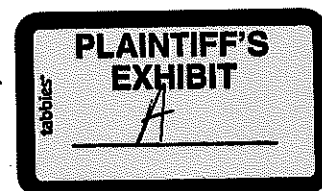
For surveillance testing and scheduling questions, please email employeehealth@quincymedgroup.com.

For benefit related questions, please email benefits@quincymedgroup.com.

For all other related questions, please contact your Leader.

¹ Fully vaccinated is defined per the EO as two weeks post completion of COVID-19 vaccination series.

² Approved Non-Healthcare Facilities include: 235 N 12th Street & Quincy Development Center (QDC),





BLESSING
Health System

About the Employee COVID Testing Process

Blessing Health System has developed a COVID testing process for employees who are not fully vaccinated against COVID-19, in response to an Executive Order issued by Illinois Governor JB Pritzker on August 26, 2021. The state says a person is "fully vaccinated" two weeks after receiving the second dose of the Pfizer or Moderna vaccine, or two weeks after receiving the single dose Johnson & Johnson vaccine.

The Blessing testing process begins on Thursday, September 9. The tests are self-administered using a nasal swab. At this time Blessing is not able to process saliva testing. There is no cost to employees. Testing will be done on the schedule included in this communication each week at any time during the employee's work shift. If an employee is not working during a particular week on the day they are scheduled to test, they should test during their next scheduled work shift.

Thank you in advance for working with Blessing to comply with this state Executive Order.

WHO WILL BE TESTED

In order to continue working in their current position, any Blessing Health System employee who is not fully vaccinated against COVID-19 (*except those listed below*) and works in a Blessing facility in Illinois is required by the Executive Order to have a COVID test weekly.

This includes remote workers who are not 100 percent remote and have occasion to report for work/meetings to a Blessing facility in Illinois, per the Executive Order. Remote workers who come to a campus occasionally need to test only on the days they are on campus, and not weekly.

Testing also includes Blessing students and faculty.

See testing schedule on the next page.

STAFF EXCLUDED FROM TESTING

- Workers who are 100% remote
- Child Care
- Denman (*unless present on a clinical campus*)
- Marketing, Communications & Community Relations (*unless present on a clinical campus*)
- Wellness Centers
- Blessing Foundation
- Blessing Business Center
- Blessing Education Center (Blessing Hospice and Blessing Home Care already conduct testing)

WHERE TESTING STATIONS WILL BE LOCATED

Blessing Hospital (testing sites open 24/7)

- Former Patient Discharge Lounge, inside Moorman Pavilion North Entrance
- Human Resources Conference Room (first floor, down the hall from Elevator C and Educational Services classroom.)

The following sites are open during business hours, Monday through Friday:

- Blessing Health Center 927 Broadway, Suite G35
- Blessing Health Center 4800 Maine Work Room (2nd floor, near conference rooms)
- Blessing-Rieman College of Nursing & Health Sciences (back hallway area)
- Surgery Center of Quincy



(initials)

- Illini Community Hospital (outpatient waiting area, behind lab)

Off campus/outlying clinics and Home Care/Hospice employees will conduct their own testing.

HOW TESTING WILL WORK

- Testing begins Thursday, Sept. 9, and will be self-administered by the employee at any time during their work shift at one of the testing sites of the employee's choosing, listed in this communication. There is no need to wait in a line at the testing site. Testing can be done at ANY TIME during a work shift.
- The weekly testing schedule is divided by the first letter of an employee's last name:
 - Thursdays: A-E
 - Fridays: F-J
 - Mondays: K-P
 - Tuesdays: Q-U
 - Wednesdays: V-Z
 - Weekend staff tests the day of their scheduled shift
- If an employee is not working on the day they are scheduled to test during a particular week, they should test again during their next scheduled work shift.
- A video will be posted to the BRAIN, no later than the morning of Wednesday, Sept. 8, that shows how to use a testing kit. Each testing station will also have a computer that will display test steps.
- Testing swabs being used are sterile and safe to use. They are sterilized by using a gas called ethylene oxide, a common process in use in healthcare for the last 90 years. The test kit manufacturer must follow regulatory requirements by international standards and controls to ensure negligible residue remains on the product after exposure to the gas. There is no evidence that it is harmful to swab with the sterilized test swabs.
- Results will be texted to employees in 24-72 hours.
- Staff do not have to quarantine between the time they test and when results are provided.
- Employees are asked not to call any department. (i.e., Infection Prevention, Occupational Health or Laboratory) for results. Results will be texted when they are available.
- If a positive result is received, in addition to receiving a text they will be contacted by Infection Prevention and/or Occupational Health with guidance on care/quarantine and when to test next.
- Before an employee who tests positive returns to work after quarantine, they must call Occupation Health, 217-277-5920, to be cleared to return to work.
- Also, if a positive result is received, employees should consider taking a screen shot of the text for their personal use/records, as the link with results is only available for 24 hours.
- Leaders are responsible for making sure employees who are not fully vaccinated against COVID-19 are tested weekly. Leaders have access to the Manager Self-Serve dashboard in Virtual HR, that will show the most recent test date for their employees who are not fully vaccinated against COVID-19, but not show test results.

Employee COVID testing is a new process. You may have questions now and over the coming weeks. Please ask your leaders the questions you may have. If they do not know the answer, they will find the answer for you. Thank you for your patience and understanding.