

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

VELVET DARNELL et al.,)
)
Plaintiffs,)
)
vs.)
)
)
QUINCY PHYSICIANS AND SURGEONS)
)
CLINIC, S.C., an Illinois corporation and)
)
BLESSING CORPORATE SERVICES,)
)
INC., an Illinois not-for-profit corporation)
)
Defendants.)

Case No. 2021 MR 193

FILED
OCT 01 2021
Shirley R. Bachwender
Clerk Circuit Court 8th Judicial Circuit
ILLINOIS, ADAMS CO.

ORDER FOR TEMPORARY RESTRAINING ORDER

This cause comes before the court on the Plaintiffs' Motion for Temporary Restraining Order pursuant to 735 ILCS 5/11-101. Counsel for Plaintiffs, Thomas DeVore appears as do Plaintiffs. David Penn and James Hansen appear as counsel for Quincy Physicians and Surgeons Clinic, S.C. (hereinafter QP&S). Christopher Scholz appears for Blessing Corporate Services, Inc. (hereinafter Blessing). Arguments are heard and the court having considered the verified Petition for Declaratory Relief, the Verified Motion for Temporary Restraining and Preliminary Injunction as well as the attachments thereto, the legal arguments of counsel and the applicable legal authorities hereby finds as follows:

1. The Plaintiffs have shown that there is a fair question and clear right that is in need of protection, namely their respective rights to refuse and be free from compulsory vaccination for the COVID-19 virus and/or mandatory testing for the presence of the COVID-19 virus as a condition for continued employment and in the exercise of their normal and typical employment functions. Those rights to refuse to obtain, receive or accept health care services related to COVID-19 are clearly articulated and enshrined in Illinois law and policy as plainly set forth by the Illinois General Assembly in the Health Care Right of Conscience Act. 745 ILCS 70/1 et seq.
2. The Plaintiffs have shown that they will suffer irreparable harm if a temporary restraining order is not issued in that they will be separated from their respective employment, normal and customary job functions, livelihood and profession as a result of their respective decisions of conscience regarding their own respective health care choices.
3. The Plaintiffs have shown that their only adequate remedy for the retention of their respective employment, livelihood and profession is through the issuance of a temporary restraining order. The possibility of monetary damages as provided in section 12 of the Health Care Right of


Conscience Act is inadequate to address the Plaintiffs' statutorily preserved right to exercise their respective decisions of conscience regarding their own personal health care choices.

4. Bond is not feasible and is impractical under the circumstances presented to the court.

Now therefore, it is the order of the court:

- A. The Defendants QP&S and Blessing are enjoined from suspending from employment or terminating the employment of the named Plaintiffs based upon the named Plaintiffs' refusal or declination of any COVID-19 vaccination or the Plaintiffs' refusal to be tested for the presence of the COVID-19 virus.
- B. The Defendants are further enjoined from requiring any substantial deviation from the Plaintiffs' respective normal and customary job or employment duties without the consent of the employee.
- C. This order shall remain in effect until October 6, 2021 at 9:00a.m. at which time a hearing shall be held to determine whether a temporary injunction will issue. Counsel will be advised of the courtroom in which the hearing will occur by the Adams County Circuit Clerk's Office.
- D. All parties are granted leave to file further or amended pleadings as deemed appropriate by counsel. In the event of further pleadings or legal memoranda, counsel shall provide the undersigned with an electronic copy of any such pleadings and memoranda and where possible, shall provide the undersigned with a hard copy of the same.
- E. The Circuit Clerk shall provide copies of this order to all counsel and shall provide courtesy copies of this order to the Office of the Governor of the State of Illinois and the Office of the Director of the Illinois Department of Public Health.
- F. This temporary restraining order was orally announced in open court on September 30, 2021 at approximately 3:15p.m. and this written order is entered on September 30, 2021 at 5:35 p.m.
- G. Bond is waived for good cause.

9/30/2021
ENTER


Tad Brenner, Circuit Judge

CC: T. DeVore

J. Hansen

D. Penn

C. Scholz

Office of the Governor of the State of Illinois (courtesy)

Office of the Director if the Illinois Department of Public Health (courtesy)

I hereby certify that a copy hereof was:

Mailed, postage prepaid Faxed

Personally delivered Emailed

AO PO Counsel Gov. Priskers

Plaintiff Defendant DPH Springfield

10/1/21 Date DMA Deputy Clerk