

**STATE OF ILLINOIS
IN THE CIRCUIT COURT FOR THE SEVENTH JUDICIAL CIRCUIT
SANGAMON COUNTY, ILLINOIS**

AUSTIN, et al.,)	
)	
Plaintiffs,)	
vs.)	Case No. 2021-CH-500002
)	
THE BOARD OF EDUCATION OF)	
COMMUNITY UNIT SCHOOL DISTRICT)	
#300, et al.)	
)	
Defendants.)	

PETITION FOR RULE TO SHOW CAUSE

Comes now, Plaintiff, STEVEN ST. LOUIS, as a parent or legal guardian of minor Students J.S., S.S., who attend public school in the Community High School District #128, by and through their counsel, Thomas DeVore and the Silver Lake Group Ltd., and for his Petition for Rule to Show Cause as to why Mr. Brian McDonald, Athletic Director, agent of the named Defendant, THE BOARD OF EDUCATION OF COMMUNITY HIGH SCHOOL DISTRICT #128, and THE BOARD OF EDUCATION OF COMMUNITY HIGH SCHOOL DISTRICT #128, both who have willfully refused to comply with this Court’s Order should not be held in contempt, and states as follows:

1. On February 04, 2022, this Court issued a temporary restraining order (“TRO”) against The Board of Education of Community High School District #128.
2. The TRO enjoined The Board of Education of Community High School District #128 from, *inter alia*, ordering its school district:
 - A. to require the use of masks for students who occupy their buildings, if they object, except during the terms of lawful order of quarantine issued from their respective health department, in accordance with the IDPH Act;

- B. to refuse admittance to their buildings for students for specified periods of time if the student is deemed a "close contact" of a confirmed probable COVID-19 case without providing due process to that individual if they object, unless the local health department has deemed the individual a close contact after following the procedures outlined in 20 ILCS 2305 and 77 Ill. Adm. Code 690.1330.
3. The order is crystal clear the Respondents are enjoined from requiring masks be worn by the named student Plaintiffs while in the buildings.
 4. Mr. Brian McDonald is a duly appointed agent of THE BOARD OF EDUCATION OF CITY OF COMMUNITY HIGH SCHOOL DISTRICT #128 .
 5. In complete disregard to this Court's entry of the TRO, Mr. McDonald has advised Mr. Steven St. Louis, as the parent and legal guardian of J.S., S.S., that the students must wear a mask while in the buildings of the district at all other times unless they are actively engaged in learning. ¹
 6. Mr. Brian McDonald has advised Steven St. Louis this policy is based upon legal direction provided the district by its counsel.
 7. Such a proposition has no basis in the courts ruling and constitutes a bad faith effort on the part of Respondents to disregard this Court's February 04, 2022 order which protects the due process rights of Steven St. Louis's student(s) when they are occupying the school buildings.
 8. Any suggestion this Court's ruling only applies against the Respondent when a student is engaged in learning is made in bad faith and contemptuous.

¹ The suggestion that should a student enter the buildings of the district during other times such as extracurricular activities, or other events, is untenable. Counsel for the Plaintiff has no other districts in this matter trying such tactics. No good faith reading of the Court's order can construe its applicability to being dependent on why a student might be entering the premises. Due process of being free from quarantine while in the building is dependent upon why you enter the building? Such gamesmanship is unethical.

9. To the extent counsel for the Respondent did in fact offer such advice, such action by counsel would also be contemptuous.
10. The actions of the Respondents being complained of herein could not be more derogatory to this Court's authority and dignity, as they continue to disregard the procedural and substantive due process rights of the children who enter upon the premises of the District notwithstanding this Court's order.
11. The Illinois Supreme Court defined contempt as any act which is calculated to embarrass, hinder, or obstruct a court in the administration of justice, or which is calculated to lessen its authority or dignity.
12. These willful actions of the Respondents, constitute *prima facie* evidence of contemptuous acts which are calculated to embarrass, hinder, or obstruct this Honorable Court in its administration of justice, and are expressly calculated to derogate from its authority and dignity.

WHEREFORE, the Plaintiff, STEVEN ST. LOUIS, respectfully requests that this court grant his Petition for Rule to Show Cause and issue and Order requiring Mr. Brian McDonald, Athletic Director, agent of the named Defendant, The Board of Education of Community High School District #128, and The Board of Education of Community High School District #128, both to personally appear and show cause as to why each should not be held in indirect civil contempt for willfully failing to follow this Courts order, and that the court grant such other and further relief as is just and proper.

/s/ Thomas DeVore
Thomas G. DeVore
IL Bar No. 06305737
silver lake group, ltd.
118 N. 2nd St.
Greenville, IL 62246
Telephone - 618-664-9439
Facsimile 618-664-9486
tom@silverlakelaw.com

VERIFICATION

Under penalties as provided by law pursuant to §1-109 of the Illinois 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 and as to such matters the undersigned certifies as aforesaid that he or she verily believes the same to be true.

/s/ Steven St. Louis
STEVEN ST. LOUIS