

**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, JOHN BLAHUSIAK, as a parent or legal guardian of minor Students J.B., J.B., and THERESA GUDITIS, as a parent or legal guardian of minor Students J.G., J.G., whose student(s) attend public school in the City of Chicago School District #299 at the Mt. Greenwood Elementary School, by and through their counsel, Thomas DeVore and the Silver Lake Group Ltd., and for their Petition for Rule to Show Cause as to why Mr. Pedro Martinez, Chief Executive Officer, agent of the named Defendant, THE BOARD OF EDUCATION OF CITY OF CHICAGO SCHOOL DISTRICT #299, as well as Ms. Catherine Reidy, principal of Mt. Greenwood Elementary School, agent of the named Defendant, THE BOARD OF EDUCATION OF CITY OF CHICAGO SCHOOL DISTRICT #299, and finally THE BOARD OF EDUCATION OF CITY OF CHICAGO SCHOOL DISTRICT #299, all three 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 City of Chicago School District #299.

2. The TRO enjoined The Board of Education of City of Chicago School District #299 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 duly appointed Chief Executive Officer of the City of Chicago School District #299 is Mr. Pedro Martinez.
4. Ms. Catherine Reidy is the currently acting principal of Mt. Greenwood Elementary which operates in the City of Chicago School District #299.
5. Since the entry of this Court's order, up until today, the students of the Petitioners have attended school without interference from Respondents.
6. Without explanation, the Petitioners were advised today by Ms. Reidy that their students must wear a mask or leave the premises of the district.
7. The actions of the Respondents being complained of herein could not be more derogatory to this Court's authority and dignity, as The Board of Education of City of Chicago school district #299, and their agents Mr. Pedro Martinez, and Ms. Catherine Reidy, arbitrarily have decided to disregard the procedural and substantive due process rights of the children notwithstanding this Court's order.

8. 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.
9. These willful actions of The Board of Education of City of Chicago school district #299, and their agents Mr. Pedro Martinez, and Ms. Catherine Reidy, 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 Plaintiffs, JOHN BLAHUSIAK and THERESA GUDITIS, respectfully requests that this court grant his Petition for Rule to Show Cause and issue and Order requiring The Board of Education of City of Chicago school district #299, and their agents Mr. Pedro Martinez, and Ms. Catherine Reidy, all 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
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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/ John Blahusiak
JOHN BLAHUSIAK

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/ Theresa Guditis
THERESA GUDITIS