

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

ALLEN, et al.,)	
)	
Plaintiffs,)	
vs.)	Case No. 2021-CH-500007
)	
THE BOARD OF EDUCATION OF NORTH)	
MAC COMMUNITY UNIT SCHOOL DISTRICT)	
#34, et al.)	
)	
Defendants.)	

**PLAINTIFF’S EMERGENCY MOTION FOR ENTRY
OF A TEMPORARY RESTRAINING ORDER WITH NOTICE**

NOW COMES the Plaintiffs, LENA CARRILLO, ASHLEY RAFALIN, YALILA ASSRIA-HERRERA, MARGARITA MAYAS, MARY KELLY, VANESSA RODRIGUEZ, by and through their attorneys Thomas G. DeVore, and the Silver Lake Group, Ltd., and pursuant to 735 ILCS 5/11-101, moves this Court for entry of a Temporary Restraining Order against the Defendant, The Board of Education of the Chicago Public School District #299, and hereby plead:

1. Plaintiffs have filed a Verified Complaint in this cause which complaint is incorporated herein by reference.
2. The Plaintiffs have a right to insist they not be compelled to be vaccinated or subjected to testing, which is purported to limit the spread of an infectious disease, unless first being afforded their procedural and substantive due process rights as provided under the Illinois Constitution and further codified under Illinois law.
3. The Plaintiffs all are educators within the Chicago Public School District #299.
4. The Chicago Public School District #299 continues to force the Plaintiffs to submit to either vaccination or testing for the COVID-19, without any lawful authority to do so.
5. Ms. Ashley Connolly f/k/a Ms. Ashley Rafalin, has been notified she will be suspended from her

employment should she fail to subject herself to vaccination or testing by Friday, March 11, 2022. ¹ (See attached Exhibit A)

6. Ms. Vanessa Rodriguez, has been notified she will be suspended from her employment should she fail to subject herself to vaccination or testing by Friday, March 11, 2022. ² (See attached Exhibit B)
7. The remainder of the Plaintiffs have not yet been threatened with suspension as each has chosen to involuntarily sacrifice their bodily integrity and subject their bodies to testing due to the threats of discipline.
8. The Plaintiffs are suffering continuing harm in that each is being subjected to an unlawful vaccination or testing policy without being provided their statutorily protected rights of due process of law by the Chicago Public School District #299.
9. The Plaintiffs all have clear ascertainable procedural and substantive rights under Illinois law in need of protection by this Court and every day these rights are being disregarded is irreparable.
10. There is no adequate remedy at law to deter the Defendants continued violation of procedural and substantive due process as required under Illinois law in regard to forcing vaccination or testing on the Plaintiffs allegedly to prevent the spread of an infectious disease.
11. The Plaintiffs have shown a reasonably likelihood the Defendants are unlawfully violating the statutory procedural and substantive due process in regard to the Plaintiffs rights to not be subjected to vaccination or testing, which is alleged to prevent the spread of an infectious disease in a manner not authorized by law.

WHEREFORE, the Plaintiffs pray for an order:

¹ Ms. Connolly has not subjected her body to testing for several weeks without issue and now she has been advised she will be suspended/terminated from her employment if she fails to comply.

² Ms. Rodriguez has not subjected her body to testing for several weeks without issue and now she has been advised she will be suspended/terminated from her employment if she fails to comply.

- a) Find the Plaintiffs have statutorily protected rights of procedural and substantive due process to not be subjected to vaccination or testing, except as provided by law;
- b) Find the Plaintiffs will continue to suffer irreparable harm if the injunction is not granted in that the ongoing forcing of the vaccination or testing will continue, unless this Court enjoins the Defendants to comply with the law.
- c) Find the Plaintiffs have no adequate remedy at law to protect them from procedural and substantive violations being engaged by the Defendants;
- d) Find the Plaintiffs have shown a reasonable likelihood of success that Defendants are violating the procedural and substantive due process rights of the Plaintiffs as provided under Illinois law;
- e) Entering a temporary restraining order enjoining the Board of Education of Chicago Public School District #299, or any of its agents, from requiring Plaintiffs to either vaccinate or test for COVID-19 to prevent the spread of an infectious disease unless the Plaintiffs have first been afforded their procedural and substantive due process rights under *20 ILCS 2305 et seq.*
- f) For such other and further relief as this Court deems just and proper.

Respectfully submitted,

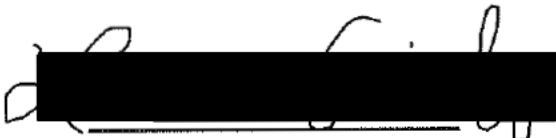
/s/ Thomas G. DeVore
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VERIFICATION

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: March 09, 2022

By:



LENA CARRILLO



ASHLEY RAFALIN



YALILA ASSRIA-HERRERA



MARGARITA MAYAS



MARY KELEY



VANESSA RODRIGUEZ

CERTIFICATE OF FILING AND SERVICE

STATE OF ILLINOIS)
) SS.
COUNTY OF BOND)

The undersigned hereby certifies, pursuant to the provisions of 735 ILCS 5/1-109, and the penalties therein provided, that a copy of the foregoing instrument was served upon each of the parties hereinafter set forth by electronic filing, on March 10, 2022:

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From: CPS COVID Test Compliance <covidtestcompliance@cps.edu>
Date: March 9, 2022 at 3:27:03 PM CST
To: arafalin@cps.edu
Subject: Final Notice re: non-compliance for Covid-19 vaccine/testing
Reply-To: covidtestcompliance@cps.edu

Dear Ashley Connolly,

You are receiving this notice regarding your non-compliance status with the COVID-19 vaccination or weekly testing requirement as a condition of employment at CPS. Staff members who have not provided proof of being up-to-date with doses and applicable boosters and are not getting tested weekly will be ineligible to work for CPS until they are in compliance with the Board's COVID-19 vaccination and testing requirements for staff.

Our records indicate you did not provide proof of vaccination or have not been in compliance with the required weekly COVID-19 testing. Pursuant to [Board Rule 6.4. Health-Related Requirements and Exclusions](#), if you remain non-compliance as of Friday, March 11, 2022, you will be ineligible to work and will be placed on a non-disciplinary administrative leave of absence until you become compliant. You will not be paid effective Monday, March 14. During this time, you are not to report to the school buildings, and benefit days and telework will not be available for use. Your continued noncompliance with the policy (providing proof of being vaccinated and failing to sign up for and submit to weekly testing) may subject you to formal discipline, up to and including termination.

You have a final opportunity to get in compliance.

- I. **If you are not vaccinated**, please click [here](#) to register and self-report your COVID-19 testing by **Friday, March 11 in order to avoid becoming ineligible to work on Monday, March 14**. In order to enter CPS/Board property, you must provide proof of testing (not results) to your supervisor upon entry.

For testing information, please visit our [COVID Testing FAQ](#) or email covidtesting@cps.edu.

- II. **If you are vaccinated** please use the [vaccination compliance site](#) to provide this information ASAP. **NOTE:** Partially vaccinated staff must complete weekly Covid-19 testing until they are up to date with their vaccinations. Staff facing issues in uploading the vaccination should email vaccines@cps.edu for help, including uploading a copy of the card on your behalf.

If you still need to get vaccinated, CPS offers vaccinations at several sites across the city. [Click here](#) to find a CPS vaccination site near you, or visit chicago.gov/COVIDVax for more locations across the city. You can also visit vaccines.gov for more information, text your zip code to 438829, or call 1-312-746-4835 to find other COVID-19 vaccine locations near you.

Talent Office

EXHIBIT A

From: CPS COVID Test Compliance <covidtestcompliance@cps.edu>
Date: Wed, Mar 9, 2022, 3:26 PM
Subject: Final Notice re: non-compliance for Covid-19 vaccine/testing
To: <VRODRIGUEZ66@cps.edu>

Dear Vanessa Rodriguez,

You are receiving this notice regarding your non-compliance status with the COVID-19 vaccination or weekly testing requirement as a condition of employment at CPS. Staff members who have not provided proof of being up-to-date with doses and applicable boosters and are not getting tested weekly will be ineligible to work for CPS until they are in compliance with the Board's COVID-19 vaccination and testing requirements for staff.

Our records indicate you did not provide proof of vaccination or have not been in compliance with the required weekly COVID-19 testing. Pursuant to Board Rule 6.4. Health-Related Requirements and Exclusions, if you remain non-compliance as of Friday, March 11, 2022, you will be ineligible to work and will be placed on a non-disciplinary administrative leave of absence until you become compliant. You will not be paid effective Monday, March 14. During this time, you are not to report to the school buildings, and benefit days and telework will not be available for use. Your continued noncompliance with the policy (providing proof of being vaccinated and failing to sign up for and submit to weekly testing) may subject you to formal discipline, up to and including termination.

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Talent Office

EXHIBIT B