

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

THE BELOVED CHURCH, an Illinois Not-for-)
Profit Corporation, and PASTOR STEPHEN)
CASSELL, an individual,)

No.

Plaintiffs,)

v.)

JAY ROBERT PRITZKER, Governor of the)
State of Illinois, DAVID SNYDERS, Sheriff of)
Stephenson County, Illinois, STEVE)
SCHAIBLE, Chief of Police of the Village of)
Lena, Illinois, and CRAIG BEINTEMA,)
Administrator of the Department of Public)
Health of Stephenson County, Illinois, in their)
official capacities,)

JURY TRIAL DEMANDED

Defendants.)

VERIFIED COMPLAINT

Plaintiffs, The Beloved Church of Lena, Illinois, and Pastor Stephen Cassell, by and through their counsel, the Thomas More Society, complain of Defendants Jay Robert Pritzker, David Snyders, Steve Schaible, and Craig Beintema, as follows:

I. Introduction

1. Fear of the coronavirus epidemic has gripped Illinois, the nation, and the world. In response to the initial surge in coronavirus cases, numerous states imposed “stay-at-home” orders, in order to “flatten the curve” of the spread of the virus. Due to the unified efforts of the American people, the curve has flattened nationally, and in Illinois.

2. In many states, these stay-at-home orders protected the constitutional rights of churches and religious believers during the coronavirus epidemic, but not so in the Land of Lincoln.

3. Defendant Pritzker in his orders declared churches and church ministries “non-essential” and commanded them to shut down.¹ Pritzker has forbidden congregants from leaving their homes to attend church or church ministries. On the eve of Easter, the holiest day on the Christian calendar, Pritzker expressly prohibited even no-contact, drive-in services in Illinois church parking lots. At the same time, he declared a laundry list of businesses to be “essential,” from liquor stores to lawyers to landscapers.

4. Pritzker’s statements and actions during the coronavirus epidemic demonstrate an illegal and discriminatory hostility to religious practice, churches, and people of faith. He has flagrantly violated the fundamental religious liberties of Illinoisans, in violation of the First Amendment’s Free Exercise clause and parallel provisions of the Illinois Constitution and statute.

5. In recent days, a number of law enforcement officials (*e.g.*, Douglas County Sheriff Joshua Blackwell, Energy Police Chief Shawn Ladd, Woodford County State's Attorney Greg Minger, Tazewell County Sheriff Jeff Lower) have publicly announced they will refuse to enforce Pritzker’s orders, some going so far as to state they are unconstitutional, such that enforcement would be a violation of their oath of office.²

¹ Defendant Pritzker’s stay-at-home orders divide businesses into “essential” and “non-essential,” with essential businesses allowed to operate with minimal alterations while non-essential businesses are closed to the public.

² And even Chicago Mayor Lori Lightfoot, a former federal prosecutor, recently stated that her police force would not enforce Pritzker’s impending mask requirement. *See*, <https://www.nbcchicago.com/news/local/what-to-know-about-the-new-mask-requirement-when-do-you-need-one-how-will-it-be-enforced/2261209/> (“Chicago Mayor Lori Lightfoot said she

6. At least one of these law enforcers cited as support a widely circulated and reported memo recently sent by the Chief Deputy Director of the Illinois Appellate Prosecutor's Office to the Director, for use in that Office's role as advisor to Illinois State's Attorneys, casting substantial doubt on the constitutionality of numerous provisions of Pritzker's executive orders. The Chief Deputy Director's memo specifically references the restrictions on religious activity therein, noting that "the EO is very broad and does not appear to meet strict scrutiny -- this is not to mention the EO appears to be beyond the framework of the specific Act it cites as support." See, <https://www.policeone.com/coronavirus-covid-19/articles/ill-chief-police-hold-no-interest-in-enforcing-stay-at-home-order-DNteArzdzYDmvGh2/> (citing Memo found at <https://edgarcountywatchdogs.com/wp-content/uploads/2020/04/COVID-19-Memo-4.21.20-003.pdf>).

7. On Tuesday, April 27, an Illinois Circuit Court agreed with this assessment and issued a temporary restraining order to a local state legislator against the current executive order. See, *Bailey v. Pritzker*, Clay Co. No. 20-CH-6. On Wednesday, April 28, another lawsuit was filed by a state legislator in Winnebago County Circuit Court, alleging Pritzker's orders exceeded his statutory and constitutional power. See, *Cabello v. Pritzker*, Winnebago Co. No. 2020-CH-210.

8. Despite the deep statewide concerns about the shaky legal foundations of his orders, Pritzker has not yielded to those concerns, but instead doubled down, announcing he will extend his orders to the end of May and beyond. Throughout, the Illinois State Police has threatened criminal enforcement of the orders statewide, even when local law enforcement decides not to do so. See, e.g., <https://newschannel20.com/news/local/isp-clarifies-enforcement->

opposed making masks a requirement . . . she doesn't plan on arresting or citing people who don't wear a mask . . .")

of-stay-at-home-order (“While the goal is voluntary compliance, citizens should be aware that non-compliance with the Executive Order can result in criminal and civil sanctions,” said an Illinois State Police spokesperson.”) & <https://www.wglt.org/post/pekin-country-club-golf-course-closes-after-state-police-intervene#stream/0> (“Illinois State Police delivered a cease-and-desist letter to the private venue to force compliance with Gov. J.B. Pritzker's stay-at-home executive order. . . . Tazewell County Sheriff's Office had expressed ‘no issue’ with continued golfing at the Pekin Country Club”).

9. It has also been publicly reported that prominent government officials have violated Pritzker’s orders, without consequence. Mayor Lightfoot famously violated the orders and got a haircut, despite the hair stylists and barbers of the state being shut down, with no income and still being unable to access unemployment benefits nearly 6 weeks into the mandatory shutdown.³

10. Plaintiffs believe that, in these dark times, Illinoisans need the Spirit of Almighty God, but Pritzker’s orders have left them to settle for the lesser spirits dispensed out of the state’s liquor stores. The churches and pastors of Illinois are no less “essential” than its liquor stores to the health and well-being of its residents. Defendants have thus intentionally denigrated Illinois churches and pastors and people of faith by relegating them to second-class citizenship.

Defendants have no compelling justification for their discriminatory treatment of churches and

³ The First Lady of Illinois has also been reported to be in residence at Pritzker’s vacation home in Florida, which would be a violation of Pritzker’s travel orders, if she did not leave before their effective date almost a month and a half ago. *See*, <https://ilrisingaction.org/first-lady-mk-pritzker-violates-stay-at-home-order-by-traveling-to-familys-florida-compound/> (citing <https://patch.com/illinois/chicago/does-all-illinois-slogan-apply-billionaire-govs-family>). Pritzker refused to answer questions related to the issue at his April 29 press conference. *See*, <https://twitter.com/MarkMaxwellTV/status/1255590975826808833>.

pastors and people of faith, nor have they attempted in any way to tailor their regulations to the least restrictive means necessary to meet any arguable compelling interest.

11. Plaintiffs intend to reopen and hold public worship services this Sunday, May 3. They justifiably fear arrest and prosecution if they do so, without immediate relief from this Court.

12. Plaintiffs seek temporary and permanent injunctive relief against Pritzker's orders shuttering their church, church ministries, and pastoral activities, as illegal and unconstitutional on their face and as applied to Plaintiffs.

II. Parties

13. The Beloved Church ("the Church") is an evangelical Christian church, organized as an Illinois not-for-profit corporation, located in the Village of Lena, Stephenson County, Illinois. Its principal asset is a church building located in the Village of Lena. The Church sues in its own capacity and on behalf of its congregants.

14. Plaintiff, Stephen Cassell, is pastor of the Church and a resident of Pearl City, Stephenson County, Illinois.

15. Defendant, Jay Robert Pritzker, is the governor of the state of Illinois.

16. Defendant, David Snyders, is the Sheriff of Stephenson County, Illinois, and has been serving in that office at all times relevant to this Complaint.

17. Defendant, Steve Schaible, is the Police Chief of the Village of Lena, in Stephenson County, Illinois, and has been serving in that office at all times relevant to this Complaint.

18. Defendant, Craig Beintema, is the Public Health Administrator of Stephenson County, Illinois, and has been serving in that office at all times relevant to this Complaint.

III. Venue

19. Plaintiffs and the local Defendants (Snyders, Schaible, and Beintema) are resident in the Northern District, Western Division. Many of the acts and omissions, and the effects of the acts and omissions, giving rise to this case occurred in Stephenson County, which is in the Northern District, Western Division. Venue is thus proper in this District under 28 U.S.C. § 1391.

IV. Jurisdiction

20. This court has jurisdiction over the federal claims asserted here under the federal question provision of the Judicial Code, 28 U.S.C. § 1331.

21. This court has jurisdiction over the claims asserting violations of the Illinois Constitution and Religious Freedom Restoration Act, 775 ILCS 35/1, *et seq.*, under the supplemental jurisdiction provision of the Judicial Code, 28 U.S.C. § 1367(a).

22. As alleged more fully below, all of Defendants' actions that have deprived Plaintiffs of rights under the U.S. Constitution have been taken under color of law.

23. This Court has the authority to grant the requested injunctive relief under 28 U.S.C. § 1343(3), declaratory relief under 28 U.S.C. §§ 2201 and 2202, the claim for damages under 42 U.S.C. § 1983, and to grant costs, including reasonable attorney's fees, under 42 U.S.C. § 1988 and 28 U.S.C. § 1920.

V. Facts

A. Plaintiffs Sincerely Believe, Teach, and Preach the Gospel of Jesus Christ

24. Pastor Cassell founded the Church on the truths of God's unconditional Love, amazing Grace and majestic Restoration available through the completed work of Jesus Christ. Plaintiffs hold firm to these life-changing foundations as they joyfully undertake their mission to the community.

25. Among other beliefs, Plaintiffs believe that the entire bible, Old and New Testaments, are a completed and infallible work called the Word of God. This work contains a completed revelation of God for mankind and the final authority for all Christian faith and practice. *See*, 2 Timothy 3:15-17, Psalms 19:7-11.

26. Plaintiffs are passionate to share the love of God with their congregants, who form what they believe is their Church family. Plaintiffs believe that through connecting with those in need, they can assist them in building a Godly and rock-solid foundation that cannot be shaken under any circumstance. To that end, Plaintiffs bring their understanding and personal experience with the issues and problems facing us all in today's world, including the coronavirus epidemic. Pastor Cassell lives, works, and ministers among and alongside his Church family. Plaintiffs are dedicated to being available to congregants and community members for counsel and assistance in any area of their lives. Plaintiffs believe there is no problem or situation too big or small for their gracious Savior to overcome.

27. From the time that he first founded the Church, Pastor Cassell has presided over Sunday religious services at the Church, as well as other religious services, to which all members of the Church are invited and strongly encouraged to attend. Those services have been held for the last five years in the Church's building in Lena, Illinois. Approximately 80 people attend Sunday services at the Church.

28. These weekly Sunday services include the proclamation of portions of scripture by Pastor Cassell to the assembled congregation; a message preached on the chosen scriptural passage by Pastor Cassell to the assembled congregation; oral, communal proclamation of prayers by both Pastor Cassell and the assembled congregation; and communal singing of praise and worship by Pastor Cassell and the assembled congregation.

29. During and after each Sunday service, the assembled members of the congregation are encouraged by Pastor Cassell to converse in, and on the grounds adjacent to, the church building to build fellowship and morale, individually and collectively, among congregation members so they may better perform the congregation's scripturally mandated evangelical function.

30. The assembly of members of the congregation at these Sunday services, the communal prayer and singing, the communal preaching and fellowship, and the informal conversation and fellowship among congregation members after the services are all essential parts of a functioning Christian congregation.

31. The weekly Sunday worship and prayer services are the central religious rites of the Church congregation. *See, e.g.*, James 5:14 ("Is any sick among you? Let him call for the elders of the church; and let them pray over him, anointing him with oil in the name of the Lord . . .") & Hebrews 10:24-25 ("And let us consider how we may spur one another on toward love and good deeds, not giving up meeting together, as some are in the habit of doing, but encouraging one another—and all the more as you see the Day approaching."). The congregation cannot truly "work from home," without forfeiting many of the great spiritual and religious benefits and comforts they receive from Plaintiffs.

32. From the time that he founded the Church, Pastor Cassell has also engaged in visits to and meetings with his congregants and community members for the purpose of prayer and spiritual counseling and support. *See, e.g.*, Matthew 18:20 ("For where two or three are gathered in my name, there am I in the midst of them."). In today's crisis, with many in Stephenson County and surrounding areas out of work or suffering other economic, psychological, or emotional distress, Pastor Cassell's spiritual visits and counseling are vitally necessary to the health and well-being of the community. For a father out of work, a young

person at risk for suicide, or a mom dealing with substance abuse, a “Zoom meeting” just doesn’t cut it.

33. Pastor Cassell’s organization of Sunday services, his role as senior pastor and preacher, and his prayer and spiritual counseling visits and meetings are central functions of his leadership of the Church. Pastor Cassell believes and teaches these functions are scripturally mandated for anyone claiming to hold the office of pastor of a Christian congregation. They are, therefore, religiously required for Pastor Cassell to perform.

B. Defendants Have Illegally Shuttered Illinois’ Churches By Declaring Them “Non-Essential” And Forbidden Residents From Leaving Their Homes For Church Or Religious Purposes.

34. On March 9, 2020, Defendant Pritzker declared the entire State of Illinois a “disaster area” due to the coronavirus epidemic and invoked his powers under the Illinois Emergency Management Agency Act (“IEMA Act”). (linked at <https://coronavirus.illinois.gov/s/resources-for-executive-orders>).

35. The IEMA Act, at 20 ILCS 3305/7, provides that, “In the event of a disaster, as defined in Section 4, the Governor may, by proclamation declare that a disaster exists. Upon such proclamation, the Governor shall have and may exercise for a period not to exceed 30 days the following emergency powers.” The Act defines “disaster” to mean “an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to . . . epidemic”

36. On April 2, 2020, Defendant Pritzker issued another proclamation in relation to the coronavirus epidemic purporting to extend his powers another 30 days under IEMA Act, and stating that, “I find that a continuing disaster exists This proclamation continues the Governor’s authority to exercise all of the emergency powers provided in” the Act. (linked at <https://coronavirus.illinois.gov/s/resources-for-executive-orders>).

37. On or about April 23, 2020, Defendant Pritzker stated his intent to issue another disaster proclamation in relation to the coronavirus epidemic purporting to extend his powers an additional 30 days.

38. Defendant Pritzker has issued a number of executive orders in relation to the coronavirus epidemic and purporting to exercise his authority under the IEMA Act, including his first “stay-at-home order” in Executive Order (“EO”) 2020-10, issued March 20, 2020, which is attached hereto as Exhibit A. He purported to extend that stay-at-home order, in relevant part, in EO 2020-18. On or about April 23, 2020, he stated his intent to extend that purported stay-at-home order until May 30, 2020. The intended new stay-at-home order released to the media by the Pritzker Administration, which is attached hereto as Exhibit B, adds dog grooming, golfing, and fishing to the list of “essentials.” (Found at <https://chicago.suntimes.com/2020/4/24/21235051/extended-say-at-home-order-illinois-full-text-pritzker-read-masks>). Under the new order, while congregants will be able to travel to take their pets for grooming, they will still be forbidden to travel for religious purposes and their churches will continue to be shut down as “non-essential,” until at least May 30.

39. EO 2020-10⁴ commands that, “With exceptions as outlined below, all individuals currently living within the State of Illinois are ordered to stay at home or at their place of residence except as allowed in this Executive Order....All persons may leave their homes or place of residence only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses and Operations, all as defined below.” Sec. 1, par. 1.

⁴ All citations are to EO 2020-10 as the model for the relevant executive orders. EO 2020-18 purported to extend 2020-10 until the end of April without changes. *See*, <https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-18.aspx> (“Executive Order 2020-10 is continued and extended in its entirety for the duration of the Gubernatorial Disaster Proclamations, which currently extends through April 30, 2020.”) The upcoming announced EO inserts a new section 1 and moves the current section 1 into new EO section 2.

40. EO 2020-10 further prohibits “all public and private gatherings of any number of people outside a single household.” Sec. 1, par. 3.

41. EO 2020-10 sweeps within its ambit any “non-profit ... entities,” including the Church (and all Illinois churches), in its definition section, as follows: “**Businesses covered by this Executive Order.** For the purposes of this Executive Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure.” Sec. 1, par. 11.

42. EO 2020-10 separates all businesses into one of two categories, “essential” and “non-essential,” commanding that, “**Non-essential business and operations must cease.** All businesses and operations in the State, except Essential Businesses and Operations as defined below, are required to cease all activities within the State except Minimum Basic Operations, as defined below.” Sec. 1, par. 2.

43. EO 2020-10 expressly recognizes religious nonprofits and allows for them to operate as “essential businesses,” but only “when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.” Sec. 1 par. 12(c).

44. Under a plain reading of EO 2020-10, the Church is subject to its regulations as a “business.” But Plaintiffs’ prayer and worship services, ministries, and pastoral and spiritual visits are entirely prohibited, insofar as they do not involve the provision of “food, shelter, and social services,” etc.⁵ Further, while the Church’s congregants may leave their homes for alleged

⁵ EO 2020-10 allows an exception for “non-essential businesses” to continue “Minimum Basic Operations,” which it defines as including in relevant part, “The minimum necessary activities to maintain the value of the business’s inventory, preserve the condition of the business’s physical plant and equipment, ensure security, process payroll and employee benefits, or for related

“essential” purposes, they and Pastor Cassell are barred from leaving their homes to attend the Church’s services and ministries.

45. Defendant Pritzker has further expressed official hostility to religious exercise, going so far as to reaffirm his ban on even drive-in parking lot church services. *See*, https://www.news-gazette.com/coronavirus/saturdays-coronavirus-updates-pritzker-cautions-against-easter-drive-in-services-3-new-cases-in-champaign/article_b02a195c-7c10-11ea-abff-0b35a3b4cc97.html (“On Easter eve, Gov. J.B. Pritzker cautioned against churches holding drive-in services in their parking lots.”). Local officials in Illinois have enforced Pritzker’s ban on drive-in church services. (*See, e.g.*, Peoria County (<https://www.centralillinoisproud.com/news/local-news/peoria-county-officers-break-up-parking-lot-church-service-remind-people-not-to-attend-religious-services-to-prevent-possible-covid-19-spread/>) & Sangamon County (<https://www.illinoistimes.com/springfield/going-to-church-or-pot/Content?oid=12070231>).

46. Defendant Pritzker has repeatedly confirmed that criminal enforcement and penalties attach to violations of his orders. *See, e.g.*, <https://newschannel20.com/news/local/pritzker-police-can-charge-violators-of-stay-at-home-order> (“If they refuse and if they repeatedly refuse, there is the ability by the police officers to charge them with reckless conduct and take them into custody.”).

C. Defendants Forcibly Closed The Church And Threatened To Prosecute Pastor Cassell

47. On or about March 31, 2020, Defendant Beintema delivered a “Cease and Desist Notice” to Pastor Cassell, a true and accurate copy of which is attached hereto as Exhibit C.

functions.” Sec. 1, par. 13. Church prayer and worship services, pastoral ministries, and other church ministries do not fall within this exception.

48. On March 31, 2020, the “Cease and Desist Notice” was personally served on Pastor Cassell by deputies employed by Defendant Snyders’ office.

49. The Notice instructed Pastor Cassell that “your establishment, The Beloved Church, is required to adhere to [EO 2020-10].” And further that “[i]f you do not adhere to this Executive Order, the Illinois Department of Public Health has the authority to order that a place be closed and made off limits to the public.” It also stated, “[i]n addition to such order of closure issued ... you may be subject to additional civil and criminal penalties.” And “[f]urthermore, police officers, sheriffs and all other officers in Illinois are authorized to enforce such orders.” The Notice specifically states that “Essential Businesses and Operations have not been defined to include *religious gatherings* of 10 or more people” (emphasis supplied).

50. In view of this Notice and Pritzker’s orders, Plaintiffs have suspended all communal activities at the Church building, including the Sunday services. Plaintiffs justifiably fear arrest, prosecution, fines, and jail time if they open their church building or hold religious services of any kind.

D. Pritzker’s Orders Allow Gatherings At Liquor Stores And Other Businesses Deemed “Essential,” While Entirely Forbidding Church Worship And Religious Gatherings

51. Pritzker’s Executive Orders allow so-called “Essential” businesses to operate with no limit on the number of individuals gathered therein, while every religious gathering of any number is prohibited. See, EO 2020-10, *passim*.

52. For instance, based on personal observation, Pastor Cassell has observed that local Menards and Walmart stores in Stephenson County routinely assemble many more than 10 customers in their facilities. He has further observed that neither store requires those customers to observe 6-foot social distancing as required by Pritzker’s Executive Orders. Defendants, however, have not threatened those businesses with forcible closure or criminal prosecution.

53. Pastor Cassell observes that Snak King, one of the largest snack food manufacturers in the country, operates a plant in Stephenson County that routinely has dozens if not hundreds of persons on site.

54. Pastor Cassell observes that “mental health and substance use providers” remain open for in-person counseling and services, under the “Healthcare and Public Health Operations” section of EO 2020-10. Defendant Pritzker recognizes the benefit of providing mental health and substance abuse support services—as long as they are *not* provided by pastors and churches.

55. Pastor Cassell is also aware of liquor stores and all manner of other businesses being open to the public in his community. These alleged “Essential Businesses” operate, while his Church, which he had understood before this epidemic stood in high regard and enjoyed special protection under the United States and Illinois Constitutions, remains shuttered. Plaintiffs contend the notion of regulating churches as “businesses” is already insulting—going further and declaring churches to then be “non-essential businesses” reeks of rank bigotry. Without relief from this Court, the churches of this State will remain shuttered for an indefinite future, subject to the unchallenged, unexplained, and unreasonable whim of one man: Defendant Pritzker.

E. Pritzker Lacks Statutory Authority To Extend His Emergency Powers Past 30 Days And Issue EO 2020-18 And His Announced Upcoming Order

56. The express terms of the Emergency Management Agency Act, the authority Pritzker invoked as the basis for his authority to impose EO 2020-10 and to extend it as set forth in EO 2020-18, limit the duration of the Governor’s power to thirty days per disaster. The Act provides:

In the event of a disaster ... the Governor may, by proclamation declare that a disaster exists. Upon such proclamation, the Governor shall have and may exercise for a period not to exceed 30 days [his] ... emergency powers.

20 ILCS 3305/7.

57. On March 9, 2020, Defendant Pritzker first declared all counties in the State of Illinois as a disaster area due to the COVID-19 epidemic. Accordingly, his authority to invoke and exercise his emergency powers terminated on April 8, 2020. There is only one disaster: the current COVID-19 epidemic.

58. Pritzker promulgated EO 2020-10 on March 9, 2020 and its term explicitly extended only to April 7, 2020.

59. Notwithstanding the explicit statutory temporal limitation on his emergency powers imposed by the Emergency Management Agency Act, on April 1, 2020, Defendant Pritzker again declared all counties in the State of Illinois as a disaster area due to COVID-19. Based on the alleged authority deriving from that April 1, 2020 disaster proclamation, Defendant Pritzker, subsequently issued EO 2020-18, by which he purported to “continue” and “extend” EO 2020-10 through April 30, 2020.

60. Defendant Pritzker’s emergency powers, including the power to “extend and continue” EO 2020-10 for thirty (30) days, by issuing EO 2020-18, do not extend beyond the 30 days beginning with his original March 9, 2020 COVID-19 disaster proclamation.

61. Outside of the 30-day period in which the Governor may exercise emergency powers, the Department of Public Health “has general supervision of the interests of the health and lives of the people of the State. It has supreme authority in matters of quarantine and isolation.” 20 ILCS 2305/2(a). When it exercises that isolation authority to order the forcible closure of premises to the public, however, it must give the owners of such premises the right to insist on proof of the necessity for closure in a court of law within 48 hours. 20 ILCS 2305/2(c).

62. Because Defendant Pritzker has arrogated that authority to himself by an unlawful purported enlargement of his emergency powers, Plaintiffs have been deprived of the protection

of the mandated procedures and protections that must attend closure of private premises—including the right for prompt judicial review.

F. Pritzker Lacks Statutory Authority To Quarantine or Isolate Residents or To Shut Down Churches

63. Defendant Pritzker lacks authority under the IEMA Act to impose a quarantine or isolation on Illinois residents, or to order shutdowns of Illinois churches. The Illinois Department of Public Health Act (“IDPH Act”) provides that IDPH has “supreme authority in matters of quarantine and isolation.” 20 ILCS 2305/2(a).

64. IDPH alone may order quarantines and isolations of individuals or groups or closures of places, “to prevent the probable spread of a dangerously contagious or infectious disease.” 20 ILCS 2305/2(b).

65. The IDPH Act provides the exclusive remedy for quarantine and isolation and closures, along with ensuring the due process rights of those who are subject to such measures. See, 20 ILCS 2305/2(c) (“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.”) & 77 Ill. Adm. Code 690.1330 (describing process for quarantine, isolation, and closure).

66. In shutting down Plaintiffs, Defendant Pritzker has not followed the strictures of the IDPH Act and the relevant sections of the Administrative Code. He has not provided Plaintiffs notice and a meaningful opportunity to be heard, nor any due process at all.

G. Pritzker’s Executive Orders Are Facially Unconstitutional In Violation Of The Constitutional Rights to Free Exercise of Religion, Free Speech, and Freedom of Assembly

67. EO 2020-10 and EO 2020-18, and the announced upcoming executive order, are facially unconstitutional because they discriminate against religious practice, speech and assembly, while giving favored status to numerous private businesses, including liquor stores, by designating them “Essential Businesses and Operations,” even though those favored businesses are certainly no more “essential” as evidenced by the protections afforded religious practice, speech and assembly by the First Amendment of the U.S. Constitution and sections 3, 4, and 5 of Article 1 of the Illinois Constitution, and pose an equivalent or even greater threat of the spread of COVID-19.

68. At least one other district court has protected religious exercise against another governor’s executive orders, recognizing that, “While these executive orders begin with a broad prohibition against mass gatherings, they proceed to carve out broad exemptions for a host of secular activities, many of which bear similarities to the sort of personal contact that will occur during in-person religious services. *Lukumi [Babalu Aye v. Hialeah]*, 508 U.S. 520 (1993)] indicates that a court should evaluate these exemptions in assessing a law’s neutrality.” *First Baptist Church v. Laura Kelly, Gov’r of Kansas*, No. 10-1102 (D. Kan., April 18, 2020) (A copy of the opinion is attached as Exhibit D.).

69. Moreover, the epidemic is in a much different place today than it was on March 9, 2020. At this point, it is widely reported that the coronavirus epidemic “curve” has been substantially “flattened” statewide. *See, e.g.,* <https://wgntv.com/news/coronavirus/over-2000-new-cases-of-covid-19-in-illinois-59-additional-deaths/> (“As infection rates seem to suggest a “flattening” of the coronavirus curve in Illinois, officials are scaling back the number of beds available at McCormick Place. Only 1,000 of the original 3,000 hospital beds at the alternate care facility will remain operational.”). With the temporary hospital at McCormick Place now being significantly scaled back, hospital and ICU capacity have clearly proven sufficient to meet

the coronavirus challenge. *See, e.g.*, <http://www.dph.illinois.gov/covid19/hospitalization-utilization>. “Flattening the curve” to preserve hospital capacity was the principal reason for Pritzker’s orders: that aim has now been achieved. *See, e.g.*, https://www.nbcchicago.com/news/local/pritzker-says-illinois-needs-38000-more-beds-for-covid-19/2243800/?_osource=SocialFlowTwt_CHBrand. Yet Pritzker’s orders as to churches and religious activities have not changed one iota from the early days of the coronavirus epidemic—when COVID-19 cases were growing exponentially, and policymakers feared millions would die—to today—when the level of coronavirus infections is stable. *See, e.g.*, rt.live (Illinois Rate of transmission, “Rt,” at .88, where “Values over 1.0 mean we should expect more cases in that area, values under 1.0 mean we should expect fewer.”).

70. There is no attempt at tailoring in the executive orders, much less narrow tailoring. Every church in the state has been shuttered, and every pastor and congregant placed under house arrest, save for “essential” non-religious activities. This has now gone on for almost a month and a half, with another month to come, and with no end in sight. No thought has been given to regional differences in these orders. No consideration has been made for church size. No allowance has been made in relation to particular individuals’ risk factors for coronavirus. No explanation has been offered to tie any spread of the coronavirus to a particular community. These orders cannot meet strict scrutiny.

H. Pritzker’s Executive Orders Are Unconstitutional As Applied to Plaintiffs

71. The executive orders are not narrowly tailored to the coronavirus situation in Stephenson County, Illinois. Numerous elected officials in Stephenson County, including the Mayor of Lena, Illinois, have begged Defendant Pritzker for localized relief from his orders, and they have expressed their readiness to address the issues presented by the coronavirus at the local level. *See, e.g.*, <https://cityoffreeport.org/press-release-city-and-stephenson-county-villages->

[letter-to-gov-pritzker/](#) (“we strongly request that you allow each community or region, that knows their businesses, their people, and the COVID impact on their community to make the proper decisions on reopening businesses. . . . we feel that a one-size-fits-all set of restrictions isn’t feasible for the entire state of Illinois. Stephenson County is not Cook County, and quite frankly, counties like ours have a different culture that, by nature, normally utilizes social distancing.”) & <https://wrex.com/2020/04/28/stephenson-co-board-members-send-letter-to-pritzker-urging-different-approach-to-covid-19/> (“ . . . the current one-size-fits all top down authoritarian approach to combating this health crisis is unrealistic. We believe the protection of public health can occur simultaneously with the preservation of freedom and liberty by focusing on personal responsibility, and by also allowing local officials to address the problem at the local level.”). The people of Stephenson County deserve relief, and an executive order that responds to their particular spiritual needs.

72. Nor are Pritzker’s orders narrowly tailored to Plaintiffs, their 80-person Sunday services, or their pastoral activities, nor has any tailoring been attempted. Plaintiffs are fully willing to comply with proper constitutional guidelines, provided by government officials with authority to issue those guidelines. But they cannot abide an indefinite shut down of their church.

COUNT I
VIOLATIONS OF THE FIRST AND FOURTEENTH AMENDMENTS OF
THE U.S. CONSTITUTION – FREE EXERCISE
(42 U.S.C. § 1983)

73. Plaintiffs incorporate paragraphs 1 through 72.

74. Plaintiffs’ religious activities are protected by the Free Exercise Clause of the First Amendment of the Constitution of the United States. Those protections constrain Defendants through the Due Process Clause of the Fourteenth Amendment.

75. The actions of Defendants in threatening forcible closure, prosecution, and fine under the “Cease and Desist Notice”, EO 2020-10 and EO 2020-18, and the upcoming announced EO, interfere with Plaintiffs’ free exercise by prohibiting any religious activity in the church building and otherwise prohibiting and interfering with the Church’s religious practices.

76. The “Cease and Desist Notice”, EO 2020-10 and EO 2020-18, and the upcoming announced EO, interfere with Plaintiffs’ ability to carry out their religious doctrine, faith, and mission.

77. The “Cease and Desist Notice”, EO 2020-10 and EO 2020-18, and the upcoming announced EO, do not serve any compelling government interest, and are not narrowly tailored to accomplish any government interest, compelling or otherwise, in the least restrictive manner.

78. The “Cease and Desist Notice”, EO 2020-10 and EO 2020-18, and the upcoming announced EO, violate the Free Exercise Clause of the First Amendment on their face and as applied to Plaintiffs.

79. Plaintiffs are entitled to at least nominal damages for this infringement of their rights.

80. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless Defendants are enjoined from implementing and enforcing the notice and orders.

81. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to declaratory relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining enforcement of the notice and orders.

82. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys’ fees pursuant to 42 U.S.C. § 1988.

COUNT II
VIOLATIONS OF ARTICLE 1, SECTION 3 OF
THE ILLINOIS CONSTITUTION – FREE EXERCISE

83. Plaintiffs incorporate paragraphs 1 through 82.

84. Plaintiffs’ religious activities are protected by the Free Exercise Clause of Article 1 of the Illinois Constitution.

85. The actions of Defendants in threatening forcible closure, prosecution, and fine under the “Cease and Desist Notice”, EO 2020-10 and EO 2020-18, and the upcoming announced EO, interfere with Plaintiffs’ free exercise by prohibiting any religious activity in the church building and otherwise prohibiting and interfering with the Church’s religious practices.

86. The “Cease and Desist Notice” and EO 2020-10 and EO 2020-18, and the upcoming announced EO, interfere with Plaintiffs’ ability to carry out their religious doctrine, faith, and mission.

87. The “Cease and Desist Notice”, EO 2020-10 and EO 2020-18, and the upcoming announced EO do not serve any compelling government interest and are not narrowly tailored to accomplish any government interest, compelling or otherwise, in the least restrictive manner.

88. The “Cease and Desist Notice”, EO 2020-10 and EO 2020-18, and the upcoming announced EO, violate the Free Exercise Clause of the Illinois Constitution, on their face and as applied to Plaintiffs.

89. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless Defendants are enjoined from implementing and enforcing the notice and orders.

COUNT III
VIOLATIONS OF THE FIRST AND FOURTEENTH AMENDMENTS OF
THE U.S. CONSTITUTION – FREE SPEECH
(42 U.S.C. § 1983)

90. Plaintiffs incorporate paragraphs 1 through 89.

91. Plaintiffs' rights to speak freely and peaceably assemble are protected by the Free Speech Clause of the First Amendment of the Constitution of the United States. Those protections constrain Defendants through the Due Process Clause of the Fourteenth Amendment.

92. The actions of Defendants in threatening forcible closure, prosecution, and fine under the "Cease and Desist Notice", EO 2020-10 and 2020-18 interfere with Plaintiffs' free speech by targeting and burdening their religious expression, including prohibiting any communal prayer and singing.

93. The "Cease and Desist Notice", EO 2020-10 and EO 2020-18, and the upcoming announced EO, do not serve any compelling government interest, and are not narrowly tailored to accomplish any government interest, compelling or otherwise, in the least restrictive manner. They are not reasonable time, place, or manner restrictions because they burden substantially more speech than necessary to achieve the government's interests and do not leave open ample alternative channels of communication.

94. The "Cease and Desist Notice", EO 2020-10 and EO 2020-18, and the upcoming announced EO, violate the Free Speech Clause of the First Amendment on their face and as applied to Plaintiffs.

95. Plaintiffs are entitled to at least nominal damages for this infringement of their rights.

96. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless Defendants are enjoined from implementing and enforcing the notice and orders.

97. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to declaratory relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining enforcement of the notice and orders.

98. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

COUNT IV
VIOLATIONS OF ARTICLE 1, SECTION 4 OF
THE ILLINOIS CONSTITUTION – FREE SPEECH

99. Plaintiffs incorporate paragraphs 1 through 98.

100. Plaintiffs' rights to speak freely are protected by the Free Speech clause of Article 1 of the Illinois Constitution.

101. The actions of Defendants in threatening forcible closure, prosecution, and fine under the "Cease and Desist Notice", EO 2020-10 and EO 2020-18, and the upcoming announced EO, interfere with Plaintiffs' free speech by targeting and burdening their religious expression, including prohibiting any communal prayer and singing.

102. The "Cease and Desist Notice", EO 2020-10 and EO 2020-18, and the upcoming announced EO, do not serve any compelling government interest, and are not narrowly tailored to accomplish any government interest, compelling or otherwise, in the least restrictive manner. They are not valid time, place, or manner restrictions on Plaintiffs' speech because they burden substantially more speech than necessary to achieve the government's interests and do not leave open ample alternative channels of communication.

103. The "Cease and Desist Notice", EO 2020-10 and EO 2020-18, and the upcoming announced EO, violate the Free Speech Clause of the Illinois Constitution both on their face and as applied to Plaintiffs.

104. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless Defendants are enjoined from implementing and enforcing the notice and orders.

COUNT V
VIOLATIONS OF THE FIRST AND FOURTEENTH AMENDMENTS OF
THE U.S. CONSTITUTION – FREEDOM TO ASSEMBLE
(42 U.S.C. § 1983)

105. Plaintiffs incorporate paragraphs 1 through 104.

106. Plaintiffs’ rights to peaceably assemble are protected by the First Amendment of the Constitution of the United States. Those protections constrain Defendants through the Due Process Clause of the Fourteenth Amendment.

107. The actions of Defendants in threatening forcible closure, prosecution, and fine under the “Cease and Desist Notice”, EO 2020-10 and EO 2020-18, and the upcoming announced EO, interfere with Plaintiffs’ freedom to assemble by prohibiting any communal activity in the church building.

108. The “Cease and Desist Notice”, EO 2020-10 and EO 2020-18, and the upcoming announced EO, do not serve any compelling government interest, and are not narrowly tailored to accomplish any government interest, compelling or otherwise, in the least restrictive manner. They also are not reasonable time, place, and manner restrictions because they burden substantially more speech than necessary to achieve the government’s interests and do not leave open ample alternative channels of communication.

109. The “Cease and Desist Notice”, EO 2020-10 and EO 2020-18, and the upcoming announced EO, violate the freedom to peaceably assemble protected by the First Amendment both on their face and as applied to Plaintiffs.

110. Plaintiffs are entitled to at least nominal damages for this infringement of their rights.

111. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless Defendants are enjoined from implementing and enforcing the notice and orders.

112. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to declaratory relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining enforcement of the notice and orders.

113. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

COUNT VI
VIOLATIONS OF ARTICLE 1., SECTION 5 OF
THE ILLINOIS CONSTITUTION – FREEDOM TO ASSEMBLE

114. Plaintiffs incorporate paragraphs 1 through 113.

115. Plaintiffs' rights to peaceably assemble are protected by the Freedom to Assemble clause of Article 1. of the Illinois Constitution.

116. The actions of Defendants in threatening forcible closure, prosecution, and fine under the "Cease and Desist Notice", EO 2020-10 and EO 2020-18, and the upcoming announced EO, interfere with Plaintiffs' freedom to peaceably assemble by prohibiting any communal activity in the church building.

117. The "Cease and Desist Notice", EO 2020-10 and EO 2020-18, and the upcoming announced EO, do not serve any compelling government interest, and are not narrowly tailored to accomplish any government interest, compelling or otherwise, in the least restrictive manner. They also are not reasonable time, place, and manner restrictions because they burden

substantially more speech than necessary to achieve the government's interests and do not leave open ample alternative channels of communication.

118. The "Cease and Desist Notice", EO 2020-10 and EO 2020-18, and the upcoming announced EO, violate the Freedom to Assemble Clause of the Illinois Constitution both on their face and as applied to the Plaintiffs.

119. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless Defendants are enjoined from implementing and enforcing the notice and orders.

COUNT VII
VIOLATIONS OF THE DUE PROCESS CLAUSE OF THE
FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION
(42 U.S.C. § 1983)

120. Plaintiffs incorporate paragraphs 1 through 119.

121. EO 2020-10 and EO 2020-18, and the upcoming announced EO, and Defendants' enforcement thereof violate Plaintiffs' substantive due process rights secured by the Fourteenth Amendment to the U.S. Constitution. Under the Due Process Clause of the Fourteenth Amendment, no State shall "deprive any person of life, liberty, or property, without due process of law." The fundamental liberties protected by this Clause include most of the rights enumerated in the Bill of Rights. *See, Duncan v. Louisiana*, 391 U.S. 145, 147–149 (1968). In addition, these liberties extend to certain personal choices central to individual dignity and autonomy, including intimate choices that define personal identity and beliefs. *See, e.g., Eisenstadt v. Baird*, 405 U.S. 438, 453 (1972); *Griswold v. Connecticut*, 381 U.S. 479, 484–486 (1965).

122. Plaintiffs' rights to freedom of religion, assembly, speech, and travel are fundamental rights protected by the U.S. Constitution. *See, e.g., Aptheker v. Secretary of State*, 378 U.S. 500, 520 (1964); *Kent v. Dulles*, 357 U.S. 116, 127 (1958).

123. When a government practice restricts fundamental rights such as the right to practice religion freely, assemble peacefully, speak, and travel, it is subject to "strict scrutiny" and can be justified only if it furthers a compelling government purpose, and, even then, only if no less restrictive alternative is available. *See, e.g. Memorial Hospital v. Maricopa County*, 415 U.S. 250, 257-258 (1974); *Dunn v. Blumstein*, 405 U.S. 330, 339-341 (1972); *Shapiro v. Thompson*, 394 U.S. 618, 89 (1969), *Maher v. Roe*, 432 U.S. 464, 488 (1977). The Due Process Clause of the Fourteenth Amendment includes the right to be free from any purported normative, legal guidelines bestowing unfettered discretion on government officials about interpretation or enforcement.

124. Strict scrutiny applies to Plaintiffs' claims because the EO 2020-10 and EO 2020-18, and the upcoming announced EO, mandate that Plaintiffs stay at home, impinging on their fundamental rights to freedom of religion, assembly, speech, and travel. These orders do not permit Plaintiffs to exercise these rights, unless Defendants deem them "essential" or as participating in "essential" activities.

125. Defendants' mandates are not "narrowly tailored" to further any compelling governmental interest. Defendants' have granted numerous exemptions for purportedly "essential" businesses and activities. Since these gatherings can be permitted, there can be no doubt that Defendants may, and therefore must, permit Plaintiffs to engage in equivalent constitutionally protected activities on the same or similar terms.

126. Plaintiffs are entitled to at least nominal damages for this infringement of their rights.

127. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless Defendants are enjoined from implementing and enforcing the notice and orders.

128. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to declaratory relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining enforcement of the notice and orders.

129. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

COUNT VIII
ILLINOIS RELIGIOUS FREEDOM RESTORATION ACT (775 ILCS 35)

130. Plaintiffs incorporate paragraphs 1 through 129.

131. Illinois' Religious Freedom Restoration Act ("RFRA") commands that Illinois government "may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless it demonstrates that application of the burden to the person (i) is in furtherance of a compelling governmental interest and (ii) is the least restrictive means of furthering that compelling governmental interest." 775 ILCS 35/15.

132. Defendants, who are agents of Illinois government and therefore subject to the RFRA, have violated RFRA by substantially burdening Plaintiffs' exercise of their religion without any valid justification.

133. Defendants' "Cease and Desist Notice", EO 2020-10 and EO 2020-18, and the upcoming announced EO, do not further a compelling governmental interest, and are not the least restrictive means of furthering any governmental interest, compelling or otherwise.

134. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless Defendants are enjoined from implementing and enforcing the orders.

135. Pursuant to 775 ILCS 35/20, Plaintiffs are entitled to declaratory relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining enforcement of the notice and orders.

136. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant to 775 ILCS 35/20.

COUNT IX
DECLARATORY JUDGMENT (28 USC § 2201)

137. Plaintiffs incorporate paragraphs 1 through 136.

138. As set forth herein, Defendants have and continue to and will enforce against Plaintiffs the provisions of EO 2020-10 and EO 2020-18, and the upcoming announced EO;

139. An actual controversy exists between Plaintiffs and Defendants as to whether Defendant Pritzker possesses the power and authority to issue EO 2020-18, by which he purported to extend the prohibitions set forth in EO 2020-10 through April 30, 2020.

140. An actual controversy exists between Plaintiffs and Defendants as to whether Defendant Pritzker possesses the power and authority to issue an executive order providing for any additional extension of the prohibitions set forth in EO 2020-10 and EO 2020-18 as he has publicly announced he intends to do.

141. An actual controversy exists between Plaintiffs and Defendants whether Defendant Pritzker possesses the power and authority to impose under the IEMA Act to impose a quarantine or isolation on Illinois residents, or to order shutdowns of Illinois churches, without

following the strictures of the IDPH Act and allowing residents and churches the due process provided them under the IDPH Act and related administrative rules.

142. Plaintiffs seek a declaration that Pritzker was without the power or authority to issue EO 2020-18, by which Defendant Pritzker purported to extend the prohibitions set forth in EO 2020-10 through April 30, 2020; that he is without the power or authority to issue any additional extension of the prohibitions set forth in EO 2020-18 and EO 2020-18 as he has publicly announced he intends to do; and that he is without the power or authority to quarantine or isolate Illinois residents or order shutdowns of Illinois churches, without following the strictures of the IDPH Act and allowing residents and churches the due process provided them under the IDPH Act and related administrative rules.

WHEREFORE, under Counts I through VIII, Plaintiffs, Stephen Cassell and The Beloved Church, pray for judgment in their favor against Defendants and ask that the Court grant:

- A. A temporary restraining order restraining Defendants from preventing or interfering with communal religious activities at the Lena church building and the pastoral activities of Plaintiffs wherever they occur;
- B. A preliminary injunction restraining Defendants from preventing or interfering with communal religious activities at the Lena church building and the pastoral activities of Plaintiffs wherever they occur;
- C. A permanent injunction restraining Defendants from preventing or interfering with communal religious activities at the Lena church building and the pastoral activities of Plaintiffs wherever they occur;
- D. A declaration that the “Cease and Desist Notice”, EO 2020-10 and EO 2020-18, and the upcoming announced EO, are illegal and unconstitutional facially and as applied to Plaintiffs;

- E. An award of nominal and actual damages against each of the Defendants;
- F. An award of costs and reasonable attorneys' fees incurred in the prosecution of this action; and,
- G. Any other relief the Court deems just and proper.

Under Count IX, Plaintiffs, Stephen Cassell and The Beloved Church pray for judgment in their favor against all Defendants and ask that the Court grant:

- A. A declaration that Defendant Pritzker was without the power or authority to issue EO 2020-18, by which Defendant Pritzker purported to extend the prohibitions set forth in EO 2020-10 through April 30, 2020;
- B. A declaration that Defendant Pritzker is without the power or authority to exercise his emergency powers beyond the 30 days permitted by the express terms of the Illinois Emergency Management Agency Act, including his announced but as yet unissued new COVID-19 executive order;
- C. A declaration that Defendant Pritzker is without the power or authority to quarantine or isolate Illinois residents or order shutdowns of Illinois churches, without following the strictures of the IDPH Act and allowing residents and churches the due process provided them under the IDPH Act and related administrative rules;
- D. A temporary restraining order restraining Defendants from seeking to enforce EO 2020-18 or any executive order or action undertaken by Defendant Pritzker by which he purports to further extend the prohibitions set forth in EO 2020-10 and EO 2020-18;
- E. A preliminary injunction further restraining Defendants from seeking to enforce EO 2020-18 or any executive order or action undertaken by Defendant Pritzker by

which he purports to further extend the prohibitions set forth in EO 2020-10 and EO 2020-18;

- F. A permanent injunction restraining Defendants from seeking to enforce EO 2020-18 or any executive order or action undertaken by Defendant Pritzker by which he purports to further extend the prohibitions set forth in EO 2020-10 and EO 2020-18; and,
- G. For such further relief as the Court may deem just and proper.

/s/ Martin Whittaker

/s/Peter Breen

Peter Breen

Thomas Brejcha

Martin Whittaker

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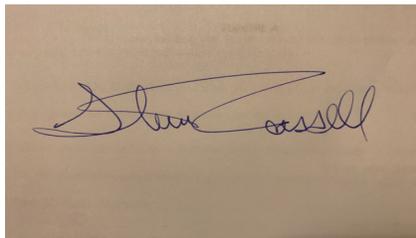
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Attorneys for Plaintiffs

Verification

I, Stephen Cassell, declare that I have personal knowledge of the factual matters set out in this Complaint and declare under penalty of perjury that the foregoing is true and correct. Executed on April 30, 2020.

A photograph of a handwritten signature in blue ink on a light-colored, textured paper. The signature is written in a cursive style and reads "Stephen Cassell".

Stephen Cassell

Exhibit B – Announced Upcoming Executive Order

April 30, 2020

Executive Order 2020-XX

EXECUTIVE ORDER IN RESPONSE TO COVID-19
(COVID-19 EXECUTIVE ORDER NO. XX)¹

WHEREAS, Coronavirus 2019 (COVID-19) is a novel severe acute respiratory illness that can spread among people through respiratory transmissions and present with symptoms similar to those of influenza; and,

WHEREAS, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic; and,

WHEREAS, despite efforts to contain COVID-19, the World Health Organization (WHO) and the federal Centers for Disease Control and Prevention (CDC) have declared that it is expected to continue spreading; and,

WHEREAS, certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease; and,

WHEREAS, in a short period of time, COVID-19 has rapidly spread throughout Illinois, necessitating updated and more stringent guidance from federal, state, and local public health officials; and,

WHEREAS, social distancing, which requires maintaining at least a six-foot distance between people, continues to be a paramount strategy for minimizing the spread of COVID-19 in our communities; and,

WHEREAS, current testing availability has identified further spread of confirmed cases throughout the State of Illinois, and it is expected that increased testing capacity would demonstrate that COVID-19 is circulating in communities across Illinois that currently have not identified a confirmed case; and,

WHEREAS, until testing and contact tracing become more widespread, it is critical to minimize the potential exposure of Illinoisans to COVID-19; and,

WHEREAS, the number of suspected COVID-19 cases in Illinois is increasing exponentially and across more locations in Illinois, indicating that drastic social distancing measures are needed, even in communities where confirmed cases have not yet been identified, to reduce the number of people who become sick at any given time and the possibility of exhausting our health care resources; and,

¹ This Executive Order will be filed on April 30, 2020. This pre-filing copy is being provided to media and the public in order to inform the public about the changes to expect as of May 1, 2020. The underlining and strike outs identify the changes to the current Executive Order.

WHEREAS, the CDC now recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain in order to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others; and,

WHEREAS, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 (the First Gubernatorial Disaster Proclamation) in response to the outbreak of COVID-19; and,

WHEREAS, I again declared all counties in the State of Illinois as a disaster area on April 1, 2020 (the Second Gubernatorial Disaster Proclamation) in response to the exponential spread of COVID-19; and,

WHEREAS, I again declared all counties in the State of Illinois as a disaster area on April XX, 2020 (the Third Gubernatorial Disaster Proclamation, and, together with the First Gubernatorial Disaster Proclamation and the Second Gubernatorial Disaster Proclamation, the Gubernatorial Disaster Proclamations) in response to the exponential spread of COVID-19; and,

WHEREAS, for the preservation of public health and safety throughout the entire State of Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I find it necessary to take additional measures consistent with public health guidance to slow and stop the spread of COVID-19;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following:

The Stay at Home Order (Executive Order 2020-10; COVID-19 Executive Order No. 8), hereby is extended through the duration of the Gubernatorial Disaster Proclamations, with modifications to the original Stay at Home Order reflected below. **This Executive Order is effective as of May 1, 2020:**

Section 1. Public Health Requirements for Individuals Leaving Home and for Businesses

- 1. Wearing a face covering in public places or when working. Any individual who is over age two and able to medically tolerate a face-covering (a mask or cloth face-covering) shall be required to cover their nose and mouth with a face-covering when in a public place and unable to maintain a six-foot social distance. Face-coverings are required in public indoor spaces such as stores.**
- 2. Requirements for essential stores. Retail stores (including, but not limited to, stores that sell groceries and medicine, hardware stores, and greenhouses, garden centers, and nurseries) designated as Essential Businesses and Operations under this Order shall to the greatest extent possible:**

- provide face coverings to all employees who are not able to maintain a minimum six-foot social distance at all times;
- cap occupancy at 50 percent of store capacity, or, alternatively, at the occupancy limits based on store square footage set by the Department of Commerce and Economic Opportunity;
- set up store aisles to be one-way where practicable to maximize spacing between customers and identify the one-way aisles with conspicuous signage and/or floor markings;
- communicate with customers through in-store signage, and public service announcements and advertisements, about the social distancing requirements set forth in this Order (Social Distancing Requirements); and
- discontinue use of reusable bags.

Households must limit the number of members who enter stores to the minimum necessary.

3. Requirements for non-essential stores. Retail stores not designated as Essential Businesses and Operations may re-open for the limited purposes of fulfilling telephone and online orders through pick-up outside the store and delivery – which are deemed to be Minimum Basic Operations. Employees working in the store must follow the social Distancing Requirements, and must wear a face covering when they may come within six feet of another employee or a customer.
4. Requirements for manufacturers. Manufacturers that continue to operate pursuant to this Order must follow Social Distancing Requirements and take appropriate precautions, which may include:
 - providing face coverings to all employees who are not able to maintain a minimum six-foot social distance at all times;
 - staggering shifts;
 - reducing line speeds;
 - operating only essential lines, while shutting down non-essential lines;
 - ensuring that all spaces where employees may gather, including locker rooms and lunchrooms, allow for social distancing; and
 - downsizing operations to the extent necessary to allow for social distancing and to provide a safe workplace in response to the COVID-19 emergency.
5. Requirements for all businesses. All businesses must evaluate which employees are able to work from home, and are encouraged to facilitate remote work from home when possible. All businesses that have employees physically reporting to a work-site must post the attached guidance from the Illinois Department of Public Health (IDPH) regarding workplace safety during the COVID-19 emergency.

Section 2. Stay at Home; Social Distancing Requirements; and Essential Businesses and Operations

- 1. Stay at home or place of residence.** With exceptions as outlined below, all individuals currently living within the State of Illinois are ordered to stay at home or at their place of residence except as allowed in this Executive Order. To the extent individuals are using shared or outdoor spaces when outside their residence, they must at all times and as much as reasonably possible maintain social distancing of at least six feet from any other person, consistent with the Social Distancing Requirements set forth in this Executive Order. All persons may leave their homes or place of residence only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses and Operations, all as defined below.

Individuals experiencing homelessness are exempt from this directive, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to use in their operation COVID-19 risk mitigation practices recommended by the U.S. Centers for Disease Control and Prevention (CDC) and the Illinois Department of Public Health (IDPH)). Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. For purposes of this Executive Order, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.

- 2. Non-essential business and operations must cease.** All businesses and operations in the State, except Essential Businesses and Operations as defined below, are required to cease all activities within the State except Minimum Basic Operations, as defined below. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).

All Essential Businesses and Operations ~~are encouraged to may~~ remain open **consistent with the express provisions of this Order and the intent of this Order as set forth in Section 1, Paragraph 16 below.** To the greatest extent feasible, Essential Businesses and Operations shall comply with Social Distancing Requirements as defined in this Executive Order, including by maintaining six-foot social distancing for both employees and members of the public at all times, including, but not limited to, when any customers are standing in line.

- 3. Prohibited activities.** All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes permitted by this Executive Order. Pursuant to current guidance from the CDC, any gathering of more than **ten** people is prohibited unless exempted by this Executive Order. Nothing in this Executive Order prohibits the gathering of members of a household or residence.

All places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and country clubs or social clubs shall be closed to the public.

~~This Executive Order supersedes Section 2 of Executive Order 2020-07 (COVID-19 Executive Order No. 5), which prohibited gatherings of 50 people or more.~~

4. **Prohibited and permitted travel.** All travel, including, but not limited to, travel by automobile, motorcycle, scooter, bicycle, train, plane, or public transit, except Essential Travel and Essential Activities as defined herein, is prohibited. People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible. This Executive Order allows travel into or out of the State to maintain Essential Businesses and Operations and Minimum Basic Operations.
5. **Leaving the home for essential activities is permitted.** For purposes of this Executive Order, individuals may leave their residence only to perform any of the following Essential Activities, **and must follow the Social Distancing Requirements set forth in this Order, including wearing face coverings when in public or at work:**
 - a. **For health and safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.
 - b. **For necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, household consumer products, supplies they need to work from home, and products necessary to maintain the safety, sanitation, and essential operation of residences.
 - c. **For outdoor activity.** To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements, as defined below, such as, by way of example and without limitation, walking, hiking, running, and biking. Individuals may go to public parks and open outdoor recreation areas, **including specific State parks that remain open for certain activities, as designated by the Illinois Department of Natural Resources. Fishing and boating in groups of no more than two people are permitted. Golf is permitted only when following the guidelines provided by the Illinois Department of Commerce**

and Economic Opportunity (DCEO). ~~However,~~ Playgrounds may increase spread of COVID-19, and therefore shall be closed.

- d. **For certain types of work.** To perform work providing essential products and services at Essential Businesses or Operations (which, as defined below, includes Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure) or to otherwise carry out activities specifically permitted in this Executive Order, including Minimum Basic Operations.
 - e. **To take care of others.** To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Executive Order.
6. **Elderly people and those who are vulnerable as a result of illness should take additional precautions.** People at high risk of severe illness from COVID-19, including elderly people and those who are sick, are urged to stay in their residence to the extent possible except as necessary to seek medical care. Nothing in this Executive Order prevents the Illinois Department of Public Health or local public health departments from issuing and enforcing isolation and quarantine orders pursuant to the Department of Public Health Act, 20 ILCS 2305.
7. **Healthcare and Public Health Operations.** For purposes of this Executive Order, individuals may leave their residence to work for or obtain services through Healthcare and Public Health Operations.

Healthcare and Public Health Operations includes, but is not limited to: hospitals; clinics; dental offices; pharmacies; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; licensed medical cannabis dispensaries and licensed cannabis cultivation centers; reproductive health care providers; eye care centers, including those that sell glasses and contact lenses; home healthcare services providers; mental health and substance use providers; other healthcare facilities and suppliers and providers of any related and/or ancillary healthcare services; and entities that transport and dispose of medical materials and remains.

Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

Healthcare and Public Health Operations also includes veterinary care and all healthcare **and grooming** services provided to animals.

Healthcare and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. Healthcare and Public Health Operations does not include fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities.

8. **Human Services Operations.** For purposes of this Executive Order, individuals may leave their residence to work for or obtain services at any Human Services Operations, including any provider funded by the Illinois Department of Human Services, Illinois Department of Children and Family Services, or Medicaid that is providing services to the public and including state-operated, institutional, or community-based settings providing human services to the public.

Human Services Operations includes, but is not limited to: long-term care facilities; all entities licensed pursuant to the Child Care Act, 225 ILCS 10, except for day care centers, day care homes, and group day care homes; day care centers licensed as specified in Section 2, Paragraph 12(s) of this of this Executive Order; day programs exempt from licensure under Title 89 of the Illinois Administrative Code, Sections 377.3(a)(1)-(a)(4), (b)(2), and (c); day programs exempt from licensure under Title 89 of the Illinois Administrative Code, Section 377.3(d) (subject to the conditions governing exempt day care homes set forth in Section 1, Paragraph 12(s) of this Executive Order); residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

9. **Essential Infrastructure.** For purposes of this Executive Order, individuals may leave their residence to provide any services or perform any work necessary to offer, provision, operate, maintain and repair Essential Infrastructure.

Essential Infrastructure includes, but is not limited to: food production, distribution, and sale; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, and housing construction); building management and maintenance; airport operations; operation and maintenance of utilities, including water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

10. **Essential Governmental Functions.** For purposes of this Executive Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support Essential Businesses and Operations are categorically exempt from this Executive Order.

Essential Government Functions means all services provided by the State or any municipal, township, county, subdivision or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Government Functions. Each government body shall determine its Essential Governmental Functions and identify employees and/or contractors necessary to the performance of those functions.

This Executive Order does not apply to the United States government. Nothing in this Executive Order shall prohibit any individual from performing or accessing Essential Governmental Functions.

11. **Businesses covered by this Executive Order.** For the purposes of this Executive Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure.
12. **Essential Businesses and Operations.** For the purposes of this Executive Order, Essential Businesses and Operations means Healthcare and Public Health Operations,

Human Services Operations, Essential Governmental Functions, and Essential Infrastructure, and the following:²

- a. **Stores that sell groceries and medicine.** Grocery stores, pharmacies, certified farmers' markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries, medicine, including medication not requiring a medical prescription, and also that sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and Essential Businesses and Operations;
- b. **Food, beverage, and cannabis production and agriculture.** Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; licensed medical and adult use cannabis dispensaries and licensed cannabis cultivation centers; and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities;
- c. **Organizations that provide charitable and social services.** Businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities;
- d. **Media.** Newspapers, television, radio, and other media services;
- e. **Gas stations and businesses needed for transportation.** Gas stations and auto-supply, auto-repair, and related facilities and bicycle shops and related facilities;
- f. **Financial institutions.** Banks, currency exchanges, consumer lenders, including but not limited, to payday lenders, pawnbrokers, consumer installment lenders and sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities

² On March 19, 2020, the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency, issued a *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*. The definition of Essential Businesses and Operations in this Order is meant to encompass the workers identified in that Memorandum.

that issue bonds, related financial institutions, and institutions selling financial products;

- g. **Hardware and supply stores and greenhouses, garden centers, and nurseries.** Hardware stores and businesses that sell electrical, plumbing, and heating material, and greenhouses, garden centers, and nurseries;
- h. **Critical trades.** Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations;
- i. **Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods or services to end users or through commercial channels;
- j. **Educational institutions.** Educational institutions—including public and private pre-K-12 schools, colleges, and universities—for purposes of facilitating distance learning, performing critical research, or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible. **Educational institutions may allow and establish procedures for pick-up of necessary supplies and/or student belongings and dormitory move-out if conducted in a manner consistent with public health guidelines, including Social Distancing Requirements.** This Executive Order is consistent with and does not amend or supersede Executive Order 2020-05 (COVID-19 Executive Order No. 3) or Executive Order 2020-06 (COVID-19 Executive Order No. 4) **except that affected schools have been closed past the April 7, 2020 date reflected in those Orders;**
- k. **Laundry services.** Laundromats, dry cleaners, industrial laundry services, and laundry service providers;
- l. **Restaurants for consumption off-premises.** Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Executive Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that

provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property. This Executive Order is consistent with and does not amend or supersede Section 1 of Executive Order 2020-07 (COVID-19 Executive Order No. 5) except that Section 1 is ordered to be extended through April 7, 2020;

- m. **Supplies to work from home.** Businesses that sell, manufacture, or supply products needed for people to work from home;
- n. **Supplies for Essential Businesses and Operations.** Businesses that sell, manufacture, or supply other Essential Businesses and Operations with the support or materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security;
- o. **Transportation.** Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Essential Activities and other purposes expressly authorized in this Executive Order;
- p. **Home-based care and services.** Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery;
- q. **Residential facilities and shelters.** Residential facilities and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;
- r. **Professional services.** Professional services, such as legal services, accounting services, insurance services, real estate services (including appraisal and title services);
- s. **Day care centers for employees exempted by this Executive Order.** Day care centers granted an emergency license pursuant to Title 89, Section 407.500 of the Illinois Administrative Code, governing Emergency Day Care Programs for

children of employees exempted by this Executive Order to work as permitted. The licensing requirements for day care homes pursuant to Section 4 of the Child Care Act, 225 ILCS 10/4, are hereby suspended for family homes that receive up to 6 children for the duration of the Gubernatorial Disaster Proclamation.

- t. **Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by other Essential Businesses and Operations.
 - u. **Critical labor union functions.** Labor Union essential activities including the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Businesses and Operations – provided that these checks should be done by telephone or remotely where possible.
 - v. **Hotels and motels.** Hotels and motels, to the extent used for lodging and delivery or carry-out food services.
 - w. **Funeral services.** Funeral, mortuary, cremation, burial, cemetery, and related services.
13. **Minimum Basic Operations.** For the purposes of this Executive Order, Minimum Basic Operations include the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:
- a. The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
 - b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
 - c. **For retail stores, fulfilling online and telephonic orders through pick-up outside the store or delivery.**
14. **Essential Travel.** For the purposes of this Executive Order, Essential Travel includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

- a. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations.
- b. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
- c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- d. Travel to return to a place of residence from outside the jurisdiction.
- e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
- f. Travel required for non-residents to return to their place of residence outside the State. Individuals are strongly encouraged to verify that their transportation out of the State remains available and functional prior to commencing such travel.

15. **Social Distancing, Face Covering, and PPE Requirements.** For purposes of this Executive Order, Social Distancing Requirements includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

- a. **Required measures.** Essential Businesses and Operations and businesses engaged in Minimum Basic Operations must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible:
 - i. **Designate six-foot distances.** Designating with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance;
 - ii. **Hand sanitizer and sanitizing products.** Having hand sanitizer and sanitizing products readily available for employees and customers;
 - iii. **Separate operating hours for vulnerable populations.** Implementing separate operating hours for elderly and vulnerable customers; and
 - iv. **Online and remote access.** Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

- v. **Face Coverings and PPE. Providing employees with appropriate face coverings and requiring that employees wear face coverings where maintaining a six-foot social distance is not possible at all times. When the work circumstances require, providing employees with other PPE in addition to face coverings.**

16. **Intent of this Executive Order.** The intent of this Executive Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the greatest extent possible. When people need to leave their places of residence, whether to perform Essential Activities, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times and as much as reasonably possible comply with Social Distancing Requirements. All provisions of this Executive Order should be interpreted to effectuate this intent. **Businesses not specifically addressed by this Executive Order generally should cease activities and reduce to Minimum Basic Operations.**

17. **Enforcement.** This Executive Order may be enforced by State and local law enforcement pursuant to, *inter alia*, Section 7, **Section 15**, Section 18, and Section 19 of the Illinois Emergency Management Agency Act, 20 ILCS 3305.

Businesses must follow guidance provided or published by: the Office of the Governor, the Illinois Department of Commerce and Economic Opportunity, and State and local law enforcement regarding whether they qualify as Essential; and the Illinois Department of Public Health, local public health departments, and the Workplace Rights Bureau of the Office of the Illinois Attorney General with respect to Social Distancing Requirements. Pursuant to Section 25(b) of the Whistleblower Act, 740 ILCS 174, businesses are prohibited from retaliating against an employee for disclosing information where the employee has reasonable cause to believe that the information discloses a violation of this Order.

18. **No limitation on authority.** Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing the State or any county, or local government body from ordering (1) any quarantine or isolation that may require an individual to remain inside a particular residential property or medical facility for a limited period of time, including the duration of this public health emergency, or (2) any closure of a specific location for a limited period of time, including the duration of this public health emergency. Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing a county or local government body to enact provisions that are stricter than those in this Executive Order.

Section 3. Savings clause.

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

JB Pritzker, Governor

Issued by the Governor April 30, 2020
Filed by the Secretary of State April 30, 2020