

IN THE
SUPREME COURT OF ILLINOIS

JEREMY PATE,)	
	)	In the Circuit Court for the Seventh
Plaintiff,	)	Judicial Circuit, Sangamon County,
	)	Illinois,
v.)	
	)	On Motion to Transfer and
GOVERNOR JAY ROBERT	)	Consolidate this case with cases in the
PRITZKER, in his official capacity; DR.	)	Circuit Courts of Cook, Kendall,
CARMEN AYALA, in her official	)	Macoupin, Montgomery, and
capacity as Director of the Illinois State	)	Vermilion Counties,
Board of Education,)	
	)	No. 2021-MR-1259
Defendants.)	

B.C., a minor, by and through his)	
mother, TRACY A. COSLEY,)	
	)	In the Circuit Court of Cook County,
Plaintiffs,	)	Illinois,
)	
v.	)	On Motion to Consolidate this case
	)	with cases from the Circuit Courts of
GOVERNOR JAY ROBERT	)	Kendall, Macoupin, Montgomery,
PRITZKER, in his official capacity; DR.	)	Sangamon, and Vermilion Counties,
CARMEN I. AYALA, in her official)	
capacity as Director of the Illinois State	)	No. 2021-CH-4914
Board of Education; TOWNSHIP)	
HIGH SCHOOL DISTRICT 214,)	
)	
Defendants.)	

MARK and EMILY HUGHES, as the)	
parents of G.H. and L.H. and on behalf)	
of all parents similarly situated,)	
	)	In the Circuit Court for the Fourth
Plaintiffs,	)	Judicial Circuit, Montgomery County,
	)	Illinois,
v.)	
	)	On Motion to Transfer and
HILLSBORO COMMUNITY SCHOOL	)	Consolidate this case with cases from
DISTRICT #3; DAVID POWELL as	)	the Circuit Courts of Cook, Kendall,

Superintendent of Hillsboro	)	Macoupin, Sangamon, and Vermilion
Community School District #3;	)	Counties,
ILLINOIS DEPARTMENT OF)	
PUBLIC HEALTH; DR. NGOZI	)	No. 2021-MR-112
EZIKE, in her official capacity as)	
Director of the Illinois Department of)	
Public Health; ILLINOIS STATE)	
BOARD OF EDUCATION; DR.)	
CARMEN I. AYALA, in her official)	
capacity as Director of the Illinois State)	
Board of Education; GOVERNOR JAY)	
ROBERT PRITZKER, in his official)	
capacity,)	
)	
Defendants.)	

ROBERT GRAVES and KIM GRAVES)	
as Parents and Guardians of K.G,)	
NATHAN C. THOMPSON and)	
BARBARA J. THOMPSON, as Parents	)	In the Circuit Court for the Twenty-
and Guardians of G.T.,	)	Third Judicial Circuit, Kendall
	)	County, Illinois,
Plaintiffs,)	
)	
v.	)	On Motion to Transfer and
	)	Consolidate this case with cases from
GOVERNOR JAY ROBERT	)	the Circuit Courts of Cook, Macoupin,
PRITZKER, in his official capacity;	)	Montgomery, Sangamon, and
PLAINFIELD COMMUNITY	)	Vermilion Counties,
CONSOLIDATED DISTRICT #202,)	
LANE ABRELL, Superintendent of	)	No. 2021-MR-255
District #202, YORKVILLE)	
COMMUNITY UNIT SCHOOL)	
DISTRICT #115, TIMOTHY SHIMP,)	
Superintendent of District #115)	
ILLINOIS STATE BOARD OF)	
EDUCATION and DR. CARMEN I.)	
AYALA, in her official capacity,)	
ILLINOIS PUBLIC HEALTH)	
DEPARTMENT and DR. NGOZI)	
EZIKE, in her official capacity,)	
)	
Defendants.)	

JULIEANNE AUSTIN, as the parent or legal guardian of T.L, L.A. et al.,	)	In the Circuit Court for the Seventh
	)	Judicial Circuit, Macoupin County,
	)	Illinois,
Plaintiffs,)	
	)	On Motion to Transfer and
v.	)	Consolidate this case with cases from
	)	the Circuit Courts of Cook, Kendall,
THE BOARD OF EDUCATION OF	)	Montgomery, Sangamon, and
COMMUNITY UNIT SCHOOL	)	Vermilion Counties,
DISTRICT #300, et al.,)	
	)	No. 2021-MR-91
Defendants.)	

JASON WATSON and JESSICA)	
WATSON as the parents and guardians)	
of P.W.; APRIL JONES as the parent	)	In the Circuit Court for the Fifth
and guardian of A.J.; MATTHEW	)	Judicial Circuit, Vermilion County,
LANGE and JESSICA LANGE as the	)	Illinois,
parents and guardians of K.L.; as well)	
as on behalf of all parents and	)	On Motion to Transfer and
guardians of students similarly	)	Consolidate this case with cases from
situated.,	)	the Circuit Courts of Cook, Kendall,
	)	Macoupin, Montgomery, and
Plaintiffs,	)	Sangamon Counties,
)	
v.	)	No. 2021-MR-432
)	
HOOPESTON AREA SCHOOL)	
DISTRICT #11, ROBERT)	
RICHARDSON as its Superintendent,)	
ILLINOIS DEPARTMENT OF)	
PUBLIC HEALTH, ILLINOIS STATE)	
BOARD OF EDUCATION,)	
GOVERNOR JAY ROBERT)	
PRITZKER, in his official capacity,)	
)	
Defendants.)	
)	

LAURA MURRAY, individually and as	)	In the Circuit Court for the Seventh
next friend of T.M. and T.M;	)	Judicial Circuit, Sangamon County,
CHRISTINE POLHEBER, individually	)	Illinois,

and as next friend of J.T.G.; and ERIC)	
CLARK, individually and as next friend	)	On Motion to Transfer and
of C.C., R.L., K.C., C.C., A.C., and on	)	Consolidate this case with cases in the
behalf of all others similarly situated,	)	Circuit Courts of Cook, Kendall,
	)	Macoupin, Montgomery, and
Plaintiffs,	)	Vermilion Counties,
)	
v.	)	No. 2021-CH-79
)	
GOVERNOR JAY ROBERT)	
PRITZKER, in his official capacity;)	
ILLINOIS DEPARTMENT OF)	
PUBLIC HEALTH; and DR. NGOZI)	
EZIKE, in her official capacity,)	
)	
Defendants.)	

**RESPONSE TO THE STATES MOTION TO CONSOLIDATE CASES
PURSUANT TO ILLINOIS SUPREME COURT RULE 384**

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In response to Governor Jay Robert Pritzker, in his official capacity, the Illinois Department of Public Health, the Illinois State Board of Education, Dr. Carmen I. Ayala, in her official capacity as the director of the Illinois State Board of Education, and Dr. Ngozi Ezike, in her official capacity as Director of the Illinois Department of Public Health (“State Defendants”), request to transfer and consolidate the pending matters in the Circuit Courts of Kendall (No. 2021-MR-255), Macoupin (No. 2021-MR-91), Montgomery (No. 2021-MR-112), Sangamon (Nos. 2021-MR-1259 & 2021-CH-79), Vermilion Counties (No. 2021-MR-432), and Cook County; (No. 2021 CH 4914), into either Cook County or Sangamon County, the plaintiffs of Macoupin (No. 2021-MR-91) and Montgomery (No. 2021-MR-112), (hereinafter referred to as “Plaintiffs”) state as follows:

BACKGROUND

1. Over a period of the last couple of months, parents in several counties across the state, represented by Attorney Thomas DeVore, have sought out declaratory and injunctive relief against their respective school districts in regard to their school districts authority to promulgate policy regarding compulsory mask use, as well as exclusion policies due to a students alleged close contact to a positive COVID case.
2. Those relevant county cases against school districts for which Attorney DeVore represented the Plaintiffs are as follows for which the Court can take judicial notice.
 - a) Adams County – 2021-MR-186
 - b) Madison County – 2021-MR-933
 - c) Clinton County – 2021-MR-89
 - d) Effingham County – 2021-MR-140
 - e) Bond County – 2021-MR-39

f) Marion County – 2021-MR-149 and 2021-MR-150

g) Montgomery County – 2021-MR-112

h) Macoupin County 2021-MR-88, 2021-MR-89, 2021-MR-91

3. Every one of those cases which went to hearing resulted in injunctive relief being granted against the local school district.

4. Temporary restraining orders were issued either enjoining the school district to rescind their mandatory mask policy or to be unable to exclude a student from the school premises unless the parent consented or an order of quarantine was issued by the local health department.

5. In all of those county cases, neither the Governor, ISBE, or IDPH were initially named as party defendants.

6. Upon information and belief, as a result of these various injunctive orders being entered in the above-mentioned cases, Governor Pritzker began issuing new executive orders, and IDPH, as well as ISBE, began issuing new emergency rules which potentially impacted the matters pending in the above-mentioned cases.

7. On September 22, 2021, Judge Troemper in Macoupin County (No. 2021-MR-91) ordered the Governor, IDPH and Dr. Ezike be added as party defendants as she found each to be a necessary party to the action.

8. Shortly thereafter, on October 01, 2021, the Appellate Court of the 5th Appellate District, when hearing an interlocutory appeal in Bond County Case (No. 2021-MR-39), ruled in a published opinion that the Governor, IDPH and ISBE were necessary parties to the Bond County case.

9. Given the legal matters raised in the Bond County case were substantively similar in nature to the other cases pending in the other counties, it was only logical to conclude the Governor, IDPH and ISBE were necessary parties in all of those actions as well.

10. As a result of Judge Troemper's ruling making the Governor and IDPH necessary parties in Macoupin County (No. 2021-MR-91), as well as the 5th Appellate Court's opinion, Attorney DeVore had conversation with Attorney Thomas Verticchio of the Attorney General's Office.

11. Attorney DeVore had conversations with Attorney Verticchio about the efficacy of consolidating all of the pending matters into one of the existing cases for the obvious reasons of judicial economy and to deter the problems which might arise from conflicting court opinions given the Governor, and the state agencies, would now be common parties to each action.

12. Attorney Verticchio proposed to Attorney DeVore that all matters be consolidated into Macoupin County, and at no time did he even propose any other county for consideration. ¹
(Emphasis Added)

13. After consulting with his clients, Attorney DeVore agreed to this proposal.

14. Attorney DeVore had agreed to take the necessary action to consolidate, or otherwise transfer, all of the cases for which he was involved into Macoupin County. The Attorney Generals Office was going to take the lead to address the transfer of the few other related cases across the state for which Attorney DeVore was not involved. ²

¹ Attorney DeVore has no particular understanding as to why Macoupin County was chosen by the Attorney Generals Office. This county court is a part of the 7th Judicial Circuit which includes Sangamon County where our state capitol lies, so Attorney DeVore had no reason to object to this proposition.

² Attorney DeVore had no knowledge of the other related matters for which he was not counsel of record. All he knew was that Attorney Verticchio would address those other pending matters and either obtain voluntary consolidation from those other parties and their counsel, or if he had no choice, he would seek an order from this Court compelling transfer to Macoupin County. It appears from the answer filed by Attorney Gerber on behalf of his clients in Kendall County, Attorney Verticchio did seek an agreement from Attorney Gerber to either file or otherwise transfer his case into Macoupin County.

15. As a result of those conversation with Attorney Verticchio, on October 08, 2021, Attorney DeVore, who included in the correspondence Attorney Verticchio, advised the Macoupin County court of the agreement and further advised the consolidated matter would likely include all existing cases from the other counties, in addition to any new cases against other school districts which might arise, and further advised the amended action would be filed with the court in a timely fashion. (See Exhibit A)

16. As such, on October 20, 2021, the amended complaint was filed in Macoupin County, which included within it, all of the other school district cases for which Attorney DeVore had pending in the other counties, except for Montgomery County case 2021-MR-112.

17. In Macoupin County (No. 2021-MR-91), a process server has taken possession of the summons, and other pleadings, and is currently in the process of serving all named defendants.

18. Also as agreed, the related matters in Adams County, Madison County, Effingham County, Marion County, Bond County, and Clinton County have been dismissed without prejudice given each were replead into the consolidated matter in Macoupin County.

19. For procedural reasons, the parties in the Montgomery County (No. 2021-MR-112) were unable to come to an agreement to transfer and consolidate that cause into Macoupin County.

20. As such, as agreed by Attorney DeVore with Attorney Verticchio, Attorney DeVore is currently seeking this Court's supervisory authority to transfer Montgomery County (No. 2021-MR-112) into Macoupin County (No. 2021-MR-91)

21. On or about October 28, 2021, the Attorney Generals Office filed this motion to transfer and consolidate all matters into either Cook County or Sangamon County.

22. While Attorney DeVore fully expected the Attorney General may need to file such a motion to address pending matter for which no agreement to transfer to Macoupin County could

be reached, it was not expected transfer and consolidation would be requested into either Cook or Sangamon County, as such a request violated the agreement reached between Attorney DeVore and the Attorney General's Office. (See Exhibit A)

ARGUMENT

A) STATE DEFENDANTS REQUEST SHOULD BE DENIED

23. The Plaintiffs have no objection to transfer and consolidating all of these matters together.

24. Based upon the offer made by the Attorney General's Office on behalf of the State Defendants, the Plaintiffs in fact agreed to transfer and consolidation, or otherwise agreed to have the matter heard in Macoupin County.³

25. Specifically, the Plaintiffs who each had their own independent case pending in their respective county, agreed to either dismissal or otherwise transfer to Macoupin County based upon the mutual promise by the Attorney General's Office to seek transfer and consolidation of any other similar existing cases into Macoupin County as well.

26. Specifically, the Plaintiffs who each agreed to have their new matter filed in Macoupin County based their decision upon the mutual promise by the Attorney General's Office to hear the matter in Macoupin County as well.

27. This agreement was reduced to writing and the circuit court of Macoupin County was advised of the same.⁴

³ There are 711 individual Plaintiffs in over 50 counties in Macoupin County (No. 2021-MR-91). These parties agreed to Macoupin County based on the agreement that the State Defendants agreed to this venue also. Why else would these plaintiffs otherwise voluntarily agree to a forum other than their own local forum.

⁴ While Attorney DeVore needed to apprise the Macoupin County court of the status of matters, the written correspondence was also sent on October 08, 2021 to memorialize the agreement which was made between counsel of the parties. Attorney Verticchio was included on that correspondence and at no time raised any objection as to any mischaracterization of the agreement.

28. Consistent with that agreement, Attorney Verticchio had conversation with at least with Attorney Gerber in regard to the Kendell County case where Attorney Gerber was advised of the agreement and was asked to bring his action in Macoupin County. (See Attorney Gerber's answer to this matter)

29. For reasons unknown to Attorney DeVore, the State Defendants broke the agreement and instructed the Attorney General's Office to request transfer of all matters to a county other than Macoupin.

30. Should this Honorable Court allow this relief to the State Defendants, the Plaintiffs which agreed to have their matters consolidated into Macoupin County, will have given up their rights without the State Defendants having to follow through with the agreement.

31. The agreement was clear and reduced to writing.

a) "Mr. Verticchio and I have agreed in principle to consolidate all existing cases of parents or teachers against school districts into Macoupin County." (See Exhibit A)

b) "Also, any new plaintiff cases which would include the same causes of action and same parties except for their individual school districts would be included as well." (See Exhibit A)

32. The Plaintiffs upheld their end of the agreement and have complied with all promises made.

33. The Macoupin County clerks office engaged in great efforts to process the paperwork and prepare some 150 summons for the Defendants.

34. The Plaintiffs have begun the process of having all of these summons served upon the Defendants and should this case be transferred somewhere else, the logistical uncertainty of how one might go about changing all of that in mid-stream is indeterminable.

35. The State Defendants have breached the agreement and seek consolidation into a county other than the one agreed upon.

36. Notwithstanding the State Defendants breach of the agreement, the logistical complexity alone should warrant Macoupin County retaining this matter.

37. For these reasons, this Honorable Court should deny the State Defendants their requested relief and consolidate all matters into Macoupin County consistent with the clear agreement of the parties.

B) IN THE ALTERNATIVE, MATTERS SHOULD BE TRANSFERRED AND CONSOLIDATED INTO SANGAMON COUNTY AND ASSIGN THE MATTER TO THE HONORABLE JUDGE APRIL TROEMPER

38. Before addressing this argument, it should be pointed out to the Court the State Defendants have grossly misstated the law regarding venue of public corporations to the Court.

39. In paragraph 29, the State Defendants aver 735 ILCS 5/2-103 would dictate this matter could forcefully be litigated in 53 counties absent consolidation by this Court.

40. When multiple public corporations, as defined in section 2-103(a), with principal offices in different counties are joined as defendants in a single action, sections 2-103(a) and 2-101 must be read in together. *Lawless v. Village of Park Forest South*, 108 Ill.App.3d 191 (1982)

41. In such situations, the “principal office” of a public corporation is equivalent to its “residence” under section 2-101. *Id.*

42. Accordingly, in such a situation, venue is proper in the county of residence of any public corporation joined in good faith. *Id.*

43. As such, while it is not a matter which requires a lot of attention here, there is no venue issue in Macoupin County as the North Mac School District was joined in good faith and as such is proper venue for all properly joined defendants.

44. The State Defendants make a creative argument that Cook County is somehow the best location to have this matter heard given the number of districts and students which could be potentially impacted.

45. Such analysis is not found anywhere in Illinois jurisprudence and is assuredly venue shopping at its finest.

46. Every case to date which has been transferred based on forum at the request of the State Defendants has been to Sangamon County.

47. While Cook County makes no sense, Sangamon County makes sense for a great deal of reasons as it is our state capitol which is centrally located in the state and where all the state agencies are located. ⁵

48. Being centrally located, makes it convenient for travel for all parties involved.

49. Had the State Defendants proposed Sangamon County to Attorney DeVore instead of Macoupin County, there would have been no objection by Attorney DeVore to such a proposition.

50. Even though Sangamon County would be an adequate venue, now that all of the pleadings have been filed, and the summons are all out for service, even a change to Sangamon County could present a tremendous paperwork problem to try and sort out.

51. Given both of these counties are in the same judicial circuit perhaps there is a possibility to integrate the management of the case file some way but nonetheless is a problem that only presents itself due to a breach of promise by the State Defendants.

⁵ This Court should ask itself why the State Defendants are seeking transfer to Sangamon County given its in the same judicial circuit as Macoupin. The only readily apparent reason is judge shopping. These two counties are in the same judicial circuit and are contiguous to each other. The judges are a part of the same group. Other than geography, they are for all intents and purposes the same court. The only practical difference between Sangamon and Macoupin could potentially be the judge that hears the case. While the State Defendants could seek a substitution of judge, there are procedural and political hurdles which might present themselves which can be avoided in a substitution of judge motion which is cloaked in a change of venue request.

52. Nonetheless, if this Court believes that Macoupin County should not be the proper forum notwithstanding the agreement of the Plaintiffs and the State Defendants, Sangamon County is the location for which this matter should be heard.

53. Beyond venue is the issue of a judge to hear this case.

54. As a matter of judicial economy, and what could turn into being an exhaustive substitution of judge exercise, this Court should assign this matter to one judge.

55. Combined the parties have hundreds of opportunities to substitute judges as a matter of right.

56. While the State Defendants have not asked for a judge to be assigned to this matter, the Court should address this issue as requested by the Plaintiffs in their separately filed Rule 383 motion.

57. Under the presumption, this Court may choose Macoupin or Sangamon County as the venue for this matter to be heard, the Court should assign the Honorable Judge April Troemper to hear the matter.⁶

58. She is a judge within the 7th Judicial Circuit which includes both Macoupin and Sangamon.

59. Macoupin County (No. 2021-MR-91) has been the most active case and contains most of the parties involved in this cause.

60. She has been the judge presiding over the Macoupin County (No. 2021-MR-91) since its inception approximately two months ago.

⁶ Such a recommendation is not to suggest the other assigned judges in the other two cases in Sangamon are not just as equally suited to hear this matter, as the recommendation is made solely due to the fact that the matters pending in Sangamon are somewhat different than the Macoupin County case of which Judge Troemper has been presiding upon from the beginning.

CONCLUSION

For these reasons, this Honorable Court should deny the State Defendants their requested relief and transfer and consolidate all matters into Macoupin County based upon the agreement of the Plaintiffs and State Defendants. In the alternative, this Honorable Court should transfer and consolidate all matters in Sangamon County while continuing to have the Honorable Judge April Troemper, who has at all times been presiding over Macoupin County (No. 2021-MR-91), remain as the circuit judge to hear the matter.

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CERTIFICATE OF FILING AND SERVICE

I certify that on November 02, 2021, I electronically filed the foregoing Response to the State Defendants Motion to Transfer and Consolidate Cases Under Illinois Supreme Court Rule 384 with the Clerk of the Supreme Court of Illinois by using the Odyssey eFileIL system.

I further certify that counsel for the following other participants in this matter are not registered service contacts on the Odyssey eFileIL system for this matter, and that on November 02, 2021, I served them by transmitting a copy from my e-mail address to the primary and secondary e-mail addresses designated by those participants.

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I further certify that the other participants in this matter are not registered service contacts on the Odyssey eFileIL system for this matter and have not entered appearances in this matter, and that on November 02, 2021, I served them by transmitting a copy from my e-mail address to the following e-mail addresses for those participants.

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The Board of Education of Ball
Chatham Community Unit School
District #5
dwood@bc5d5.org

The Board of Education of Elmhurst
School District #205
kcampbell@elmhurst205.org

The Board of Education of
Germantown Hills School District
#69
dmair@ghills69.com

The Board of Education of Lemont-
Bromberek Combined School District
#113A
amcconnell@sd113a.org

The Board of Education of Plainfield
School District #202
labrell@psd202.org

The Board of Education of Rockridge
Community Unit School District
#300
pmiller@rr300.org

The Board of Education of Eureka
Community Unit School District
#140

robert.bardwell@district140.org

The Board of Education of Lake
Forest Community High School
District #115

mmontgomery@lfschools.net

The Board of Education of Quincy
School District #172

webbro@qps.org

The Board of Education of School
District #45 DuPage County

apalmisano@d45.org

The Board of Education of Ramsey
Community Unit School District
#204

mritter@ramseycusd.org

The Board of Education of
Community High School District
#128

denise.herrmann@d128.org

The Board of Education of Schuyler-
Industry Community Unit School
District #5

bfretueg@sid5.com

The Board of Education of
Community Unit School District
#200

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The Board of Education of Warsaw
Community School District #136

Bob.Gound@warsawschool.com

The Board of Education of Straunton
Community Unit School District #6

The Board of Education of Maine
Township High School District #207

kwallace@maine207.org

The Board of Education of Palos
Community Consolidated School
District #118

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The Board of Education of Payson
Community Unit School District #1

dveile@cusd1.org

The Board of Education of DuPage
High School District #88

jbarbanente@dupage88.net

The Board of Education of
Winnebago Community Unit School
district #323

Schwuchowj@winnebagoschools.org

The Board of Education of Riverview
Community Consolidated School
District #2

tturner@rgsting.org

The Board of Education of
Community High School District
#117

jim.mckay@chsd117.org

The Board of Education of Wesclin
Community Unit School District #3

filyawj@wesclin.org

The Board of Education of Valley
View Community Unit School
District #365U

kinderrj@vvsd.org

The Board of Education of Glencoe
School District #35

mkelly@stauntonschools.org

wangc@glencoeschools.org

The Board of Education of Orland
School District #135
jbryk@orland135.org

The Board of Education of Addison
School District #4
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The Board of Education of Carthage
Elementary School District #317
dday@cesd317.org

The Board of Education of
Lincolnshire-Prairieview School
District #103
swarren@d103.org

The Board of Education of Pleasant
Hill Community Unit School District
#103
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The Board of Education of City of
Chicago School District #299
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The Board of Education of Homer
Community Consolidated School
District #33C
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The Board of Education of Macomb
Community Unit School District
#185
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The Board of Education of
Channahon School District #17
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The Board of Education of Gifford
Community Consolidated School
District #188
Ed.D.smith@gifford.k12.il.us

The Board of Education of Erie
Community Unit School District #1
cmilem@ecusd.info

The Board of Education of Dieterich
Community Unit School District #30
cjackson@dieterich.k12.il.us

The Board of Education of Prairie
Central Community Unit School
District #8
pcrane@prairiecentral.org

The Board of Education of Carlinville
Community Unit School District #1
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The Board of Education of Roanoke
Benson Community Unit School
District #60
twelsh@rb60.com

The Board of Education of Minooka
Community High School District
#111
klee@mchs.net

The Board of Education of Hiawatha
Community Unit School District
#426

The Board of Education of Mahomet-
Seymour Community Unit School
District #3

jared.poynter@d426.org

The Board of Education of River
Bend Community Unit School
District #2
dhogue@riverbendschools.net

The Board of Education of Warren
Township High School District #121
jahlgrim@wthhs.net

The Board of Education of Herscher
Community Unit School District #2
decmanr@hsd2.k12.il.us

The Board of Education of
Barrington Community Unit School
District #220
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The Board of Education of Mount
Prospect School District #57
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The Board of Education of Lisbon
Community Consolidated School
District #90
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The Board of Education of St.
Charles Community Unit School
District #303
jason.pearson@d303.org

The Board of Education of Brimfield
Community Unit School District
#309
tony.shinall@brimfield309.com

The Board of Education of Columbia
Community Unit School District #4
grode.christopher@columbia4.org

lhall@ms.k12.il.us

The Board of Education of McHenry
Community Consolidated School
District #15
jreitz@d15.org

The Board of Education of
Woodstock Community Unit School
District #200
mmoan@wcusd200.org

The Board of Education of Hinsdale
Township High School District #86
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The Board of Education of Winnetka
School District #36
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The Board of Education of Metamora
Community Consolidated School
District #1
blee@mgsredbirds.org

The Board of Education of Geneva
Community Unit School District
#304
kmutchler@geneva304.org

The Board of Education of Bradley
Bourbonnais Community School
District #303
mvosberg@bbchs.org

The Board of Education of Marion
Community Unit School District #2
koates@marionunit2.org

The Board of Education of Hinsdale
Community Consolidated School
District #181

The Board of Education of
Community High School District #99
hthiele@csd99.org

The Board of Education of Lockport
Township High School District #205
rmcbride@lths.org

The Board of Education of
Mascoutah Community Unit District
#19
fiegele@msd19.org

The Board of Education of Arlington
Heights School District #25
lbein@sd25.org

The Board of Education of Bluford
Unit School District #318
sgordon@blufordschools.org

The Board of Education of El Paso-
Gridley Community School District
#11
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The Board of Education of
Community High School District
#218
ty.harting@chsd218.org

The Board of Education of Elwood
Community Consolidated School
District #203
t.page@elwoodschool.com

The Board of Education of School
District U-46
tonysanders@u-46.org

hgarcia@d181.org

The Board of Education of St. Anne
Community Consolidated School
District #256
stegallc@apps.sags256.org

The Board of Education of Wauconda
Community Unit School District
#118
dwilm@d118.org

The Board of Education of Lemont
Township High School District #210
mticknor@lhs210.net

The Board of Education of Township
High School District #214
david.schuler@d214.org

The Board of Education of Morton
Community Unit School District
#709
jeff.hill@mcusd709.org

The Board of Education of Red Bud
Community Unit School District
#132
jtallman@redbud132.org

The Board of Education of Limestone
Community High School District
#310
agresham@limestone310.org

The Board of Education of Burbank
School District #111
ffleck@bsd111.org

The Board of Education of North
Mac Community Unit School District
#34

jgoble@northmacschools.org

Jay Goble, as the Superintendent of
North Mac Community Unit School
District #34
jgoble@northmacschools.org

The Board of Education of Carlyle
Community Unit School District #1
agray@clinton.k12.il.us

The Board of Education of Teutopolis
Community Unit School District #50
sturgeonm@ttown.k12.il.us

The Board of Education of Central
A&M Community Unit School
District #21
dheck@camraiders.com

The Board of Education of Worth
School District #127
mfleming@worthschools.org

Timothy Shimp,
Superintendent of District #115
tshimp@Y115.org

I further certify that I served the Clerks of the Circuit Courts of Cook, Kendall, Macoupin, Montgomery, Sangamon, and Vermilion Counties, Illinois, pursuant to Illinois Supreme Court Rule 384(c)(2), by placing a copy of said motion in an envelope bearing proper prepaid postage and directed to each address indicated below, and depositing each envelope in the United States mail at 118 N. 2nd Street, Greenville, IL 62246, before 5:00 p.m. on November 02, 2021.

Clerk of the Circuit Court
of Cook County
Iris Y. Martinez
50 W. Washington Street
Suite 1001
Chicago, IL 60602-1305

Clerk of the Circuit Court
of Kendall County
Matthew Prochaska
807 West John Street
Yorkville, IL 60560-0259

Clerk of the Circuit Court
of Macoupin County
Lee Ross
P.O. Box 197
Carlinville, IL 62626-1824

Clerk of the Circuit
Court of Montgomery
County Holly Lemons
120 N. Main Street, Rm. 125
Hillsboro, IL 62049-0210

Clerk of the Circuit
Court of Sangamon
County Paul
Palazzolo
200 S. 9th St., Rm. 405
Springfield, IL 62701-1299

Clerk of the Circuit
Court of Vermilion
County Melissa Quick
7 North Vermilion St
Danville, IL 61832-
5806

Under penalties as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct to the best of my knowledge, information, and belief.

/s/Thomas G. DeVore
Thomas G. DeVore
IL Bar No. 06305737
Attorneys for Plaintiff
silver lake group, ltd.
118 N 2nd Street
Greenville, IL 62246
tom@silverlakelaw.com

Subject: RE: 2021-MR-91
Date: Friday, October 8, 2021 at 12:09:13 PM Central Daylight Time
From: April Troemper
To: Thomas G. DeVore, fsatterly@hlerk.com, 'Thomas Verticchio'
CC: 'Haley Stephens'

Counsel,

Thank you for this update.
If consolidated, please forward me courtesy copies of anything that is filed.
Also, if you would like to schedule a status conference, we can do that as well.

Judge Troemper

From: Thomas G. DeVore <tom@silverlakelaw.com>
Sent: Friday, October 8, 2021 7:34 AM
To: April Troemper <april.troemper@macoupincountyil.gov>; fsatterly@hlerk.com; Thomas Verticchio <tverticchio@atg.state.il.us>
Subject: 2021-MR-91

Your Honor,

Sorry for the delay but Mr. Verticchio and I have been working to resolve some procedural matters in light of recent developments including the 5th appellate court ruling regarding necessary parties. Given the Governor is now going to be a party Mr. Verticchio and I concur that should the Supreme Court be asked in a rule 384 request to consolidate all of the existing and forthcoming parent and teacher cases in regard to masks, vaccination or testing, the supreme court would assuredly consolidate all of them into one location.

As such, Mr. Verticchio and I have agreed in principle to consolidate all existing cases of parents or teachers against school districts into Macoupin County. Also, any new Plaintiff cases which would include the same causes of action and same parties except for their indivisible school district would be included as well.

Without oversimplifying matters, one big complaint with all the parties, which complaint covers the outstanding legal questions regarding exclusion from school, mask wearing, as well as vaccination or testing.

I've talked to several of the attorneys for the school districts in pending and forthcoming cases and none so far have objected to the consolidation as each understands given the new parties to the actions.

The plan is to have the complaint prepared and presented to the Court and counsel by the end of next Friday. Certainly no later than it being in the system by the time the court opens for business on Monday the 18th.

Should the Court have any comment or concerns, maybe a quick conference call might be necessary.

Respectfully,

Thomas G. DeVore
Attorney at Law

silver lake group, ltd.
Glen Carbon - Greenville - Highland - Litchfield

118 N. Second Street | Greenville, Illinois 62246

BX A.

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Subject: FW: 19 MR 91

Date: Tuesday, September 28, 2021 at 12:31:16 PM Central Daylight Time

From: Verticchio, Thomas

To: Thomas G. DeVore

Did you ever respond to the below?

Do you have time tomorrow to discuss a going forward plan?

From: April Troemper <april.troemper@macoupincountyil.gov>

Sent: Thursday, September 23, 2021 9:46 PM

To: Thomas G. DeVore <tom@silverlakelaw.com>

Cc: Frazier Satterly <FSatterly@hlerk.com>; Haley Stephens <haley.stephens@macoupincountyil.gov>; Verticchio, Thomas <Thomas.Verticchio@ilag.gov>; Lee Ross <lee.ross@macoupincountyil.gov>

Subject: Re: 19 MR 91

Counsel. I already consolidated 21 MR 94 into the existing case of 21 MR 91. Please clarify whether that is the case you intend to file an amended complaint. If not- then you will have to file a proper motion to unconsolidate because the clerk's will not accept any new pleadings in 21 MR 94 at this time.

Thank you.

Judge Troemper

Get Outlook for iOS

From: Thomas G. DeVore <tom@silverlakelaw.com>

Sent: Thursday, September 23, 2021 5:42:34 PM

To: April Troemper <april.troemper@macoupincountyil.gov>

Cc: Frazier Satterly <FSatterly@hlerk.com>; Haley Stephens <haley.stephens@macoupincountyil.gov>; Thomas Verticchio <tverticchio@atg.state.il.us>

Subject: Re: 19 MR 91

Judge,

I talked to Mr. Verticchio from the AG's office. As for the new case against IDPH, we have agreed to amend the pleading to bring everything within this case. The parties will be IDPH, ISBE, the Governor and the local health department. I expect to get it on file by the end of next week.

Thomas G. DeVore

Attorney at Law

silver lake group, ltd.

Glen Carbon - Greenville - Highland - Litchfield

118 N. Second Street | Greenville, Illinois 62246

Tel. 618.664.9439 | Fax 618.664.9486 | tom@silverlakelaw.com

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On Sep 23, 2021, at 12:05 PM, April Troemper <april.troemper@macoupincountyil.gov> wrote:

Thank you.
Haley has already started working on the transcript.

AGT

From: Frazier Satterly <FSatterly@hlerk.com>
Sent: Thursday, September 23, 2021 10:41 AM
To: April Troemper <april.troemper@macoupincountyil.gov>; 'Thomas G. DeVore' <tom@silverlakelaw.com>
Cc: 'Haley Stephens' <haley.stephens@macoupincountyil.gov>
Subject: RE: 19 MR 91

Thank you, Judge. I would also like to renew my request for a copy of the transcript from Tuesday's hearing. I will contact the Clerk's office directly, but wanted to follow up here as well.

Thank you,
Frazier

From: April Troemper <april.troemper@macoupincountyil.gov>
Sent: Thursday, September 23, 2021 10:29 AM
To: 'Thomas G. DeVore' <tom@silverlakelaw.com>; Frazier Satterly <FSatterly@hlerk.com>
Cc: 'Haley Stephens' <haley.stephens@macoupincountyil.gov>
Subject: FW: 19 MR 91

Counsel,
Attached are courtesy copies of the following:

Order re: Class Certification	entered 9/21/21
Order re: Preliminary Injunction	entered 9/22/21
Order re: Joinder of Necessary Parties	entered 9/22/21

Thank you,

Judge Troemper