

E-FILED
5/11/2020 8:33 AM
Carolyn Taft Grosboll
SUPREME COURT CLERK

No. 125952

IN THE
SUPREME COURT OF ILLINOIS

DARREN BAILEY,	)	Motion for Direct Appeal Under
	)	Illinois Supreme Court Rule 302(b)
Plaintiff-Respondent,	)	and/or Supervisory Order under
	)	Illinois Supreme Court Rule 383
and)	
)	
THE HONORABLE JUDGE	)	On Appeal from the Circuit Court
MICHAEL D. McHANEY,	)	for the Fourth Judicial Circuit,
	)	Clay County, Illinois, No. 2020 CH
Respondent,	)	6, to the Appellate Court of Illinois,
	)	Fifth Judicial District, No. 5-20-
v.	)	0148
)	
GOVERNOR JAY ROBERT)	
PRITZKER, in his official capacity,	)	The Honorable
	)	MICHAEL D. McHANEY,
Defendant-Petitioner.	)	Judge Presiding.

**PETITIONER'S SECOND MOTION TO CITE SUPPLEMENTAL
AUTHORITY IN SUPPORT OF EMERGENCY MOTION FOR
SUPERVISORY ORDER**

Defendant-Petitioner Governor J.B. Pritzker moves this court for further leave to cite the order entered by the Circuit Court of Cook County on May 8, 2020, in *Mahwikizi v. Pritzker*, No. 20-CH-04089, as supplemental authority in support of his request for this Court to exercise its supervisory authority based on Illinois Supreme Court Rule 383 to resolve the important legal question raised by this case (and other pending cases) and stay the circuit court proceedings pending resolution of that issue. As explained in prior filings in this matter, that question is whether the Governor acted within the scope of his authority under the Illinois Emergency Management Act ("Act"), 20 ILCS 3305/1 *et seq.*, and the Illinois Constitution when

he issued disaster proclamations and executive orders in response to COVID-19 pandemic. The circuit court's May 8, 2020 order, which is attached to this motion, directly addresses that question, and conflicts with the circuit court's order in this case. In support of this motion, the Governor states as follows.

1. On April 29, 2020, the Governor filed a motion with this Court asking, among other things, for supervisory relief from this Court, and on May 1, 2020, he moved to supplement that motion in light of developments in this case.

2. As part of his request for supervisory relief, the Governor asked this Court to resolve the important legal question set forth above and stay the circuit court proceedings in this case pending resolution of that question.

3. In asking this Court for such relief, the Governor explained that there are other cases pending that present the same legal question. Because of that, he asked this Court for a prompt and definitive answer to this question of Illinois law.

4. On May 8, 2020, the circuit court in *Mahwikizi* entered an order in which it denied the plaintiff there a temporary restraining order, and in doing so addressed whether the Governor acted within the scope of his statutory authority when he issued disaster proclamations and executive orders to address the COVID-19 pandemic. The circuit court determined that he had acted within that authority because the Act does not limit the Governor to a single proclamation per disaster. *Mahwikizi* at 5.

5. Specifically, the circuit court stated that a "reasonable interpretation of the Act grants Governor Pritzker the authority to extend his power beyond an

initial 30-day period where, as here, the disaster is ongoing and has not abated.”

Id. The circuit court continued: “When an emergency epidemic of disease occurs and a pandemic ensues, the Governor has the authority under the Act to utilize emergency powers beyond a single 30-day period to protect the community and residents of the State.” *Id.* at 6. And the circuit court observed, although the Act does not give the Governor “unfettered power,” the emergency here has not yet abated; the “risk of COVID-19 is still real for Illinoisans and continues to be fatal.” *Id.*

6. Moreover, the circuit court explained that it was “persuaded by the well-reasoned (albeit non-binding)” order entered on May 3, 2020, by the United States District Court for the Northern District of Illinois in *Cassell v. Snyders*, No. 20-C-50153, *id.*, which the Governor cited as supplemental authority to this Court on May 4, 2020.

7. As with the federal district court’s order in *Cassell*, the circuit court order in *Mahwikizi* is in conflict with the circuit court’s order at issue here. This presents even more reason for this Court to exercise its supervisory authority to promptly and definitively answer the important legal question raised by this case (and other pending cases) at this critical time.

8. Indeed, in his May 1, 2020 filing in the Court, the Governor indicated that three other cases raising this same question were pending in various courts. *See* Petitioner’s Supplemental Emergency Motion for Supervisory Order Under Illinois Supreme Court Rule 383 at 6 n.12. Since then, two more cases raising this

question have been filed, including the one in which the circuit court entered the order that is the subject of this motion. *See* Complaint, *Cassell v. Snyder*, No. 20-cv-50153 (N.D. Ill., Apr. 30, 2020), appeal filed to 7th Cir. on May 4, 2020, No. 20-1757; Complaint, *Mahwikizi v. Pritzker*, No. 2020-CH-04089 (Cook Cty. Cir. Ct., May 5, 2020).

9. As the Governor noted in his May 1, 2020 filing in this Court, other courts will continue to be presented with litigation on the extent of the Governor's authority unless and until this Court renders a definitive answer on the question of Illinois law presented in this case.

WHEREFORE, the Governor asks this Court to consider the attached circuit court order, which provides an analysis of Illinois law that directly conflicts with the circuit court's analysis in this case, if it decides to exercise its supervisory authority to answer the legal question raised here.

Respectfully submitted,

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)	MICHAEL D. McHANEY,
Defendant-Petitioner.)	Judge Presiding.

SUPPLEMENTAL AUTHORITY

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION
GENERAL CHANCERY SECTION

JUSTIN MAHWIKIZI,

Plaintiff,

v.

GOVERNOR JAY ROBERT PRITZKER,
in his official capacity,

Case No. 20 CH 04089
Judge Celia Gamrath

Defendant.

ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER

This matter came to be heard on Plaintiff Justin Mahwikizi's Emergency Motion for Temporary Restraining Order and Verified Complaint for Declaratory Judgment and Injunctive Relief; due notice having been given to Defendant Governor Jay Robert Pritzker; Plaintiff appeared self-represented and Defendant appeared through the Office of the Attorney General; the Court having considered the Emergency Motion for Temporary Restraining Order, Defendant's Opposition Brief, and Plaintiff's Response, and having conducted oral argument via Zoom video conference on May 7, 2020; the Court being fully advised in the premises, THE COURT FINDS:

1. On March 9, 2020, Governor Jay Robert Pritzker ("Governor Pritzker") issued a proclamation declaring a disaster exists within Illinois due to the national and world-wide COVID-19 pandemic. COVID-19 is a "novel severe acute respiratory illness" that spreads rapidly "through respiratory transmission." To date, there have been more than 70,000 confirmed cases of COVID-19 in Illinois and approximately 3,000 deaths. What makes response efforts particularly formidable is that asymptomatic individuals may carry and spread the virus unknowingly, and there is no vaccine or effective treatment yet.
2. On March 9, 2020, to slow the spread of COVID-19, Governor Pritzker issued a proclamation pursuant to the authority granted him under the Illinois Emergency Management Agency Act (the "Act"), 20 ILCS 3305 *et seq.* The Act provides, "In the event of a disaster, as defined in Section 4, the Governor may by proclamation declare that a disaster exists." 20 ILCS 3305/7.
3. Section 4 of the Act defines a disaster as follows:

“Disaster” means 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 fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, public health emergencies, or acts of domestic terrorism. 20 ILCS 3305/4.

4. On March 20, 2020, Governor Pritzker issued a stay-at-home order, which he has since extended and modified before issuing his latest directive modifying existing restrictions at the end of April. Governor Pritzker’s Executive Order of April 30, 2020 (Executive Order 2020-32) extends the stay-at-home order through May 30, 2020, as the State moves into its “Restore Illinois” plan, which is a five-phase plan to re-open Illinois, guided by health metrics and with distinct business, education, and recreation activities characterizing each phase.
5. In essence, the stay-at-home orders direct Illinoisans to practice what experts call “social distancing,” or limiting activity outside the home, staying at least six feet apart from others, and refraining from congregating in groups of more than ten. As part of these efforts, “non-essential” businesses have been required to shutter their doors and schools have been forced to go remote and commence e-learning. Governor Pritzker, on the advice and counsel of the Illinois Department of Public Health, has determined that these orders were necessary to avoid fatality rates that would have been “between ten to twenty times higher.”
6. Part of Executive Order 2020-32 requires individuals to wear face-coverings in public places or when working. Specifically, Section 1.1 of Executive Order 2020-32 states, “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.”
7. Plaintiff Justin Mahwikizi (“Mahwikizi”) is a resident of Cook County, Illinois. Mahwikizi qualifies as an “essential worker” by providing rideshare services to the general public and other essential workers. Section 1.1 of Executive Order 2020-32 requires Mahwikizi to wear a mask within his vehicle when another person is present and requires passengers to wear a mask while in his car so long as they can medically tolerate it.
8. Mahwikizi seeks a temporary restraining order to enjoin Governor Pritzker, his officers, agents, employees, and all persons in active concert or participation with him from enforcing Executive Order 2020-32 as it pertains to forcing individuals to wear face-coverings in their cars, which he alleges places himself and citizens at great risk of bodily harm.

9. A temporary restraining order is a drastic, emergency remedy which may issue only in exceptional circumstances and for a brief duration. *Abdulhafedh v. Secretary of State*, 161 Ill. App. 3d 413, 416 (2d Dist. 1987). The purpose of a temporary restraining order is to allow the Court to preserve the status quo and prevent a threatened wrong or a continuing injury pending a hearing to determine whether it should grant a preliminary injunction. *Id.*
10. “The status quo to be preserved is the last actual, peaceable, uncontested status which preceded the pending controversy.” *Martin v. Eggert*, 174 Ill. App. 3d 71, 77 (2d Dist. 1988). While the term status quo has been the subject of often inconsistent interpretations, “[preliminary injunctive relief] is designed to prevent a threatened wrong or the further perpetration of an injurious act.” *Kalbfleisch v. Columbia Cmty. Unit Sch. Dist. Unit No. 4*, 396 Ill. App. 3d 1105, 1118 (5th Dist. 2009). Sometimes the status quo is “not a condition of rest but, rather, . . . a condition of action that [is] necessary to prevent irreparable harm.” *Id.* at 1117.
11. To obtain a temporary restraining order, Mahwikizi must establish: (1) a clearly ascertainable right in need of protection; (2) irreparable harm by the defendant’s conduct if an injunction does not issue; (3) there is no adequate remedy at law; and (4) likelihood of success on the merits. *Chi. Sch. Reform Bd. of Trs. v. Martin*, 309 Ill. App. 3d 924, 939 (1st Dist. 1999). Additionally, the Court may balance the equities or the relative hardships. *Scheffel & Co. v. Fessler*, 356 Ill.App.3d 308, 313 (5th Dist. 2005).
12. Injunctive relief is an extraordinary remedy, and the Court finds Mahwikizi has not carried his burden of proving the elements of irreparable injury and likelihood of success required for injunctive relief. While the Court sympathizes with Mahwikizi’s concerns and fear about COVID-19 safety measures and restrictions, an injunction will not issue to allay mere fears. Moreover, the balance of hardships weighs considerably against issuing an injunction, and weighs in favor of Governor Pritzker and his effort to protect the public at large.
13. The elements of irreparable injury and inadequate remedy at law required for a temporary restraining order are closely related. *Happy R. Sec., LLC v. Agri-Sources, LLC*, 2013 IL App (3d) 120509, ¶ 36. An irreparable injury is one which cannot be adequately compensated in damages or be measured by any certain pecuniary standard. *Diamond Sav. & Loan Co. v. Royal Glen Condo. Ass’n*, 173 Ill. App. 3d 431, 435 (2d Dist. 1988). Irreparable injury does not necessarily mean injury that is great or beyond the possibility of repair or compensation in damages, but is the type of harm of such constant or frequent recurrence that no fair or reasonable redress can be had in a Court of law. *Bally Mfg. Corp. v. JS&A Group, Inc.*, 88 Ill. App. 3d 87, 94 (1st Dist. 1980).
14. Mahwikizi alleges he suffers irreparable harm and danger each day by wearing a face-covering as required by Executive Order 2020-32. He alleges he is at great risk of bodily harm of: (1) losing consciousness while wearing the mask and potentially

colliding with pedestrians or other drivers; (2) being harmed by a belligerent or hostile rideshare client who objects to his attempts at enforcing the mask or face covering requirement; and (3) being severely harmed, or otherwise targeted, by self-organizing entities in the metropolitan areas of Cook County for wearing a mask or face-covering associated with a rival entity. Mahwikizi also complains that costs and logistics of purchasing hard-to-get masks give rise to irreparable harm.

15. The Court is not persuaded by Mahwikizi's perceived harms. First, Mahwikizi provides no support for his contention that requiring rideshare drivers to wear masks or face-coverings while driving results in driver fatigue or loss of consciousness. He points to a single incident in New Jersey where a driver lost consciousness while driving and wearing a heavy-duty N95 mask for hours. However, Executive Order 2020-32 does not require N95 masks or medical-grade face masks. In fact, Governor Pritzker has made clear N95 masks should be reserved for medical professionals. The New Jersey case is an isolated event unique to the facts of the particular case, including the age and health of the individual, number of hours he wore the N95 mask, and the heavy-duty nature of N95 masks. The risk of Mahwikizi falling prey to the same fate is purely speculative and unsupported by any specific facts.
16. Further, Executive Order 2020-32 carves out exceptions for people under two years of age and those unable to medically tolerate a face-covering. The face-covering requirement is also limited to public places and when working and unable to maintain a six-foot social distance. Thus, if Mahwikizi is alone in his vehicle or able to maintain a six-foot distance, or if he is medically unable to wear face-coverings, he is excused from the face-coverings requirement and runs no risk of the remote harm he fears.
17. Second, the Court is aware of the tragic incident in Michigan in which a security guard was shot over his refusal to permit a family to enter a store without wearing a face-covering. However, this isolated incident bears no relation to Mahwikizi's factual situation as a rideshare driver. Gun violence is a long-standing concern, but there is no acute reason to suspect that requiring a rideshare driver or passengers to wear face-coverings will result in an increase in gun violence. If Mahwikizi truly fears for his safety, he may cease operating as a rideshare driver while Executive Order 2020-32 remains in place. He is also under no obligation to serve passengers who refuse to wear a face-covering, nor is he required to enforce the law by demanding a passenger wear a mask. Mahwikizi's fear that a police officer may pull him over and cause an altercation if a passenger does not wear a mask is much too speculative to support injunctive relief.
18. Third, the Court is unpersuaded by Mahwikizi's portrayal of the risk of driving through metropolitan Cook County wearing a mask or face covering representing the colors of various "self-organizing entities." Again, Mahwikizi fails to provide any factual support for this contention or point to any instances in which a self-organizing entity has targeted a rideshare driver or passenger wearing a particular color of mask or face-covering. Mahwikizi's irreparable harm must be substantial and imminent, but this claim is purely speculative. Rideshare drivers are free to operate their services in the areas and

neighborhoods of their choice. Mahwikizi is certainly able to tailor his geographic area of service to avoid the areas in which he feels his safety is at risk. This holds true in times of COVID-19 and non-COVID-19. While this may impact his rideshare route, the damage if any is monetary; it is far too remote and not irreparable to justify extraordinary injunctive relief on an emergency basis.

19. Fourth, Mahwikizi is not in danger of irreparable harm by allegedly being forced to destroy his clothing to make a mask or wear specialized or one-time-use masks that are difficult to obtain. Governor Pritzker, along with the CDC, has expressly advised non-healthcare workers against the use of surgical masks and N95 respirators. Executive Order 2020-32 allows for masks or face-coverings “fashioned from household items or made at home from common materials at low cost,” as described by the CDC. PPE and single-use masks sold by pharmacies are not required by Executive Order 2020-32. Homemade face coverings from old sheets, clothes, rags, bandanas, and the like may be worn and reused at little cost and effort, negating Plaintiff’s argument of irreparable harm.
20. In addition to failing to prove irreparable harm that is reasonable and imminent, Plaintiff has failed to show a likelihood of success on the merits to justify entry of an injunction. To show a likelihood of success on the merits, Plaintiff must: (1) raise a fair question as to the existence of the right claimed, (2) lead the Court to believe that she will probably be entitled to the relief prayed for if the proof sustains her allegations, and (3) make it appear advisable that the positions of the parties stay as they are until the Court has an opportunity to consider the merits of the case. *Abdulhafedh*, 161 Ill. App. 3d at 417. An element of the likelihood of success on the merits is whether the complaint states a cause of action sufficient to withstand a 2-615 motion to strike. *See Strata Marketing, Inc. v. Murphy*, 317 Ill. App. 3d 1054 (1st Dist. 2000).
21. Mahwikizi argues a likelihood of success on the merits of his claim based on the notion Governor Pritzker’s emergency powers have already ceased and he was without authority to enact Executive Order 2020-32. Plaintiff contends that Governor Pritzker’s March 9, 2020 proclamation declaring a state of disaster in Illinois limited his use of the emergency powers under the Act to a period of 30 days from the date of the proclamation declaring a disaster exists. *See* 20 ILCS 3305/7. As such, Mahwikizi contends, any Executive Orders issued after the first 30 days are without authority and unconstitutionally deprive Mahwikizi of his rights. The Court disagrees. A reasonable interpretation of the Act grants Governor Pritzker the authority to extend his power beyond an initial 30-day period where, as here, the disaster is ongoing and has not abated.
22. Mahwikizi correctly notes that the limit of 30 days in the Act encompasses the occurrence of a discrete event - one that stops and starts in a relatively short amount of time, necessitating implementation of emergency powers for 30 days. However, the Act also contemplates more, and is not to be read so narrowly.

23. COVID-19 is not a discrete or isolated disaster. It is a dynamic pandemic, still ongoing. This continuing disaster poses a threat that is underway and has not abated as quickly as a more typical natural disaster like an earthquake or tornado. When an emergency epidemic of disease occurs and a pandemic ensues, the Governor has authority under the Act to utilize emergency powers beyond a single 30-day period to protect the community and residents of the State.
24. The Court is persuaded by the well-reasoned (albeit non-binding) opinion of Judge Lee in *Stephen Cassell & The Beloved Church v. Snyders et al.*, 20 C 50153 (May 3, 2020). In *Cassell*, the Court addressed the interplay between Sections 4 and 7 of the Act and rejected the same argument Mahwikizi raises here, that the Governor exceeded his authority under the Act.
25. As explained in *Cassell*, in order to invoke the Act's emergency powers, the Governor must issue a proclamation declaring that a disaster exists. 20 ILCS 3305/7. Section 4 of the Act defines a disaster as "an occurrence or threat of widespread or severe damage, injury or loss of life...resulting from...[an] epidemic." 20 ILCS 3305/4. The unrefuted facts and objective data show that COVID-19 continues to infect and kill Illinois residents at a high rate. "[T]herefore, a 'threat of widespread or severe damage, injury or loss of life' continues to exist." *Cassell*, 20 C 50153 at 32.
26. In issuing the most recent disaster proclamation on April 30, 2020, Governor Pritzker references numerous facts to warrant the need for face-coverings, social distancing, and other measures designed as cornerstones of a statewide effort to slow the spread of COVID-19. Mahwikizi does not refute these factual underpinnings in his pleadings, but challenges only the Governor's authority to issue the April 30 emergency proclamation based on the same disaster identified on March 9. However, this argument ignores the disaster proclamation Governor Pritzker made on April 30. On April 30, Governor Pritzker determined and proclaimed a disaster still exists. Based on this proclamation, Governor Pritzker had the authority under the Act to continue to exercise his emergency powers for an additional 30 days and issue Executive Order 2020-32. *See* 20 ILCS 3305/7.
27. As aptly noted in *Cassell*, the Act does not give the Governor unfettered power. "To support each successive emergency declaration, the Governor must identify an 'occurrence or threat of widespread or severe damage, injury or loss of life.' [20 ILCS 3305/4.] Once an emergency has abated, the facts on the ground will no longer justify such findings, and the Governor's emergency powers will cease." *Cassell*, 20 C 50153 at 33. Unfortunately, Illinois is not yet at this stage, nor does Plaintiff claim it is. The risk of COVID-19 is still real for Illinoisans and continues to be fatal. Thus, Mahwikizi has not shown a likelihood of success on the merits of his claim that Governor Pritzker exceeded his power in issuing Executive Order 2020-32 under these exceptional circumstances.
28. Finally, the Court has balanced the equities and relative hardships of the parties and finds the balance weighs in favor of preventing the spread of this virulent and deadly virus

through the recommended social distancing guidelines and the wearing of face-coverings. Face-coverings are designed to protect those who come into contact with a person infected with the coronavirus. Because some people are asymptomatic, this makes wearing of masks even more essential in attempting to slow the spread. The Court recognizes the discomfort of wearing face-coverings and appreciates Mahwikizi's stated concerns for his safety and welfare as a rideshare driver, but the science is clear. COVID-19 has already resulted in thousands of deaths in America and the State of Illinois, and it is poised to threaten thousands more people if proper precautions are not taken. Enjoining enforcement of Executive Order 2020-32 would place at risk the many Illinoisans, including essential workers such as Mahwikizi and rideshare passengers. It would also affect critical funding for Illinois and limit implementation of additional necessary measures that are necessary components of the State's efforts to combat COVID-19.

29. In sum, the Court finds Mahwikizi has not met his burden of proof for issuance of an emergency temporary restraining order. He has not shown a likelihood of prevailing on his claim that Governor Pritzker exceeded his emergency powers under the Act by issuing Executive Order 2020-32 on April 30, 2020. Nor has he established he will suffer imminent irreparable harm or that the balance of hardships weigh in his favor.
30. This Court does not discount Mahwikizi's personal concerns and fears. However, Executive Order 2020-32 is a legitimate exercise of the Governor's power to protect the public health and safety of Illinoisans. Sometimes individual rights have to give way to the health safety and protection of the public at large. This dates back to the early 1900's. *See Jacobson v. Massachusetts*, 197 U.S. 11 (1905). Governor Pritzker's effort to slow the spread of COVID-19 by requiring face-coverings as recommended by the CDC is within his executive emergency powers and neither unreasonable nor arbitrarily imposed.

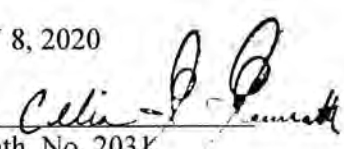
IT IS ORDERED: Plaintiff Justin Mahwikizi's Motion for Temporary Restraining Order against Defendant Governor Jay Robert Pritzker is denied.

Judge Celia G. Gamrath

MAY 08 2020

Circuit Court - 2031

ENTERED: MAY 8, 2020


Judge Celia Gamrath, No. 2031

Chancery Division

Circuit Court of Cook County

No. 125952

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GOVERNOR JAY ROBERT)	
PRITZKER, in his official capacity,)	The Honorable
)	MICHAEL D. McHANEY,
Defendant-Petitioner.)	Judge Presiding.

ORDER

THIS CAUSE COMING TO BE HEARD on motion of Defendant-Petitioner for leave to cite the order entered on May 8, 2020, by the Circuit Court of Cook County in *Mahwikizi v. Pritzker*, No. 20-CH-04089, as supplemental authority in support of his emergency motion for supervisory relief from this Court; due notice having been given; and the Court being fully advised,

IT IS HEREBY ORDERED that that the motion to cite supplemental authority is GRANTED / DENIED.

ENTER: _____

JUSTICE

DATED: _____

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CERTIFICATE OF FILING AND SERVICE

I certify that on May 11, 2020, I electronically filed both the foregoing Petitioner's Second Motion to Cite Supplemental Authority in Support of Emergency Motion for Supervisory Relief and separate Supplemental Authority with the Clerk of the Illinois Supreme Court by using the Odyssey eFileIL system.

I further certify that other participants in this appeal, named below, are registered service contact on the Odyssey eFileIL system, and thus will be served via the Odyssey eFileIL system.

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Jessica Scheller
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I further certify that another participant in this appeal, named below, is not a registered service contact on Odyssey eFileIL system, and thus I have caused the foregoing documents to be mailed by First-Class Mail, postage prepaid, by having them placed in the U.S. Mail at 100 West Randolph Street, Chicago, Illinois 60601, on May 11, 2020, and addressed to:

The Honorable Michael D. McHaney
Clay County Courthouse
111 Chestnut
Louisville, IL 62858

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/ Nadine J. Wichern
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