

NOTICE  
Decision filed 05/01/20. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2020 IL App (5th) 200148-U

NOTICE  
This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

NO. 5-20-0148

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

|  |   |                     |
|--|---|---------------------|
| DARREN BAILEY,                                 | ) | Appeal from the     |
|  | ) | Circuit Court of    |
| Plaintiff-Appellee,                            | ) | Clay County.        |
|  | ) |                     |
| v.   | ) | No. 20-CH-6         |
|  | ) |                     |
| J.B. PRITZKER, in His Official Capacity as the | ) |                     |
| Governor of the State of Illinois,             | ) | Honorable           |
|  | ) | Michael D. McHaney, |
| Defendant-Appellant.                           | ) | Judge, presiding.   |

JUSTICE MOORE delivered the judgment of the court.  
Justices Barberis and Wharton concurred in the judgment.

**ORDER**

- ¶ 1 *Held:* Where the plaintiff-appellee consented to the requested relief sought by the defendant-appellant to vacate the circuit court’s entry of a temporary restraining order, such relief is granted.
  
- ¶ 2 On April 23, 2020, the plaintiff, Darren Bailey, filed a complaint against the defendant, Governor of Illinois J.B. Pritzker, in the circuit court of Clay County. The complaint sought a declaration that the defendant’s emergency powers lapsed 30 days following his initial disaster proclamation and an injunction preventing the defendant from enforcing a stay-at-home order against him. The plaintiff additionally filed a motion for a temporary restraining order (TRO) and a preliminary injunction. On April 27, 2020, the

circuit court granted the requested TRO enjoining the defendant from enforcing the stay-at-home order against the plaintiff and from further entering any similar executive orders against the plaintiff. On that same day, the defendant filed a timely notice of interlocutory appeal from said order. On April 30, 2020, the plaintiff filed in this court a consent to entry of order vacating temporary restraining order. In that motion, the plaintiff stated that he consented to the vacating of the TRO entered by the circuit court and asked that the TRO be vacated and the matter remanded back to the circuit court for further proceedings.

¶ 3 As a result of the plaintiff's consent to the relief sought by the defendant and pursuant to the plaintiff's request, we hereby vacate the TRO entered by the circuit court and this matter is remanded to the circuit court for further proceedings.

¶ 4 Vacated and remanded.