

**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. 3:20-cv-50153
	)	
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.	)	

**PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Plaintiffs, by and through counsel and pursuant to Fed. R. Civ. P. 7 and 65, and Local Rule 77.2(e), move the Court for a temporary restraining order and a preliminary injunction enjoining Defendants from applying the defendant Pritzker's Executive Orders 2020-10 and 2020-18 and his announced upcoming executive order to take effect May 1, 2020, in a manner that denies Plaintiffs and others not before the Court their constitutional rights of Free Speech, the Free Exercise of Religion, and the Right to Peaceably Assemble. In support of this motion, Plaintiffs have filed their Verified Complaint, and submit simultaneously herewith a memorandum of law in support of this motion.

Plaintiffs state that: (1) Plaintiffs are likely to succeed on the merits; (2) immediate relief is necessary to prevent immediate and irreparable harm to Plaintiffs' First and Fourteenth Amendment rights to Free Speech, the Free Exercise of Religion, and the Right to Peaceably Assemble, and Plaintiffs' rights under the Illinois Religious Freedom Restoration Act; (3) the threatened injury to Plaintiffs' constitutional rights far outweighs any possible harm an injunction would cause Defendants; and (4) issuing an injunction will serve the public interest by upholding rights guaranteed under the First and Fourteenth Amendments to the United States Constitution and the Illinois Religious Freedom Restoration Act.

Plaintiffs have also served courtesy copies of the Complaint and exhibits upon the defendants themselves or their known counsel, and will serve courtesy copies of this motion and memorandum immediately upon filing.

Unless this Court enjoins Defendants, Plaintiffs will suffer an immediate and grievous loss of First Amendment rights. Counsel for Plaintiffs has provided notice to Defendants of its intent to seek this emergency relief. The emergency nature of the proceedings stems from the recent announcement by Defendant Pritzker that he would issue a new executive order to keep every church and religious gathering and religious ministry, in all 102 counties in Illinois, entirely shuttered for at least another month, beginning Friday, May 1.

WHEREFORE, Plaintiffs respectfully request that this Court enter an immediate injunction restraining Defendants, their agents, employees, and those acting in concert with them from applying the Illinois Executive Orders 2020-10 and 2020-18 and his announced upcoming executive order to take effect May 1, 2020, in a manner infringing Plaintiffs' constitutionally protected activities and in particular Plaintiffs' right to conduct worship services, religious

gatherings, and religious ministry, and that a bond be waived or that only nominal bond be required.

Respectfully submitted,

/s/Martin Whittaker

Peter Breen

Thomas Brejcha

Martin Whittaker

THOMAS MORE SOCIETY

309 W. Washington St, Ste. 1250

Chicago, IL 60606

(312) 782-1680

pbreen@thomasmoresociety.org

tbrejcha@thomasmoresociety.org

mwhittaker@thomasmoresociety.org

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have this day served, via email, copies of the foregoing on the defendants, this 30th day of April, 2020, addressed as follows:

Benjamin M. Jacobi
bjacobi@okgc.com
Attorney for Defendants Snyders and Beintema

sschaible@yahoo.com
Defendant Steve Schaible

Sarah Hunger
Deputy Solicitor General
Office of the Illinois Attorney General
(312) 814-5202
shunger@atg.state.il.us
CivilAppeals@atg.state.il.us
Attorney for Defendant Pritzker

[/s/Martin Whittaker](#)
Attorney for Plaintiff