

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

THE BELOVED CHURCH, an Illinois not-
for-profit corporation, and PASTOR
STEPHEN CASSELL, an individual,

Plaintiffs,

v.

GOVERNOR JB PRITZKER, *et al.*,

Defendants.

No. 20-C-50153

Honorable John Z. Lee

**THE GOVERNOR’S SUPPLEMENTAL FILING IN RESPONSE TO THE COURT’S
MAY 1, 2020 MINUTE ORDER REGARDING DRIVE-IN SERVICES (ECF NO. 16)**

After filing appearances and the Governor’s brief in opposition to Plaintiffs’ motion for a temporary restraining order (“TRO”), counsel for the Governor learned of a previously entered minute order by the Court in which the Court asks Defendants to address “how the State defines ‘drive-in services’ and whether such services would be subject to the 10-person limitation.” (ECF No. 16.) The Governor submits this supplemental filing to address the questions posed by the Court.

As an initial matter, the 10-person limitation on gatherings would not apply to a drive-in worship service. As long as congregants remain in their respective vehicles and no single vehicle has more than 10 people, excluding a vehicle containing only members of the same household, a drive-in service would not violate the 10-person limitation on gatherings regardless of how many vehicles or people attended.

With respect to how a drive-in service is defined, the Current Executive Order mentions drive-in services to incorporate by reference the approach adopted by houses of worship throughout the country in response to the COVID-19 pandemic. *See, e.g., Legacy Church, Inc. v.*

Kunkel, No. CIV 20-0327JB\SCY, 2020 WL 1905586, at *5 (D. N.M. April 17, 2020); *see also* Andrew R. Chow, “‘Come As You Are in the Family Car’: Drive-In Church Services Are Taking Off Curing the Coronavirus Pandemic,” *TIME*, March 28, 2020, <https://time.com/5811387/drive-in-church-coronavirus/> (last visited May 1, 2020). A drive-in service occurs when attendees drive their cars to a common location, such as a parking lot, where they can listen on their phones, radio, other electronic device, or loudspeaker, to a worship leader conduct a worship service in the same location. Worship activities, such as singing, reading of scripture, prayer, and other such activities, would all be permissible as long as congregants observe social distancing requirements by remaining in their vehicles.

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Respectfully Submitted,

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