

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

ANTHONY MAYS, <i>et al.</i> ,	)	Case No. 1:20-cv-2134
	)	
Plaintiffs-Petitioners,	)	The Hon. Matthew F. Kennelly
	)	Emergency Judge
v.	)	
	)	The Hon. Robert Gettleman
THOMAS J. DART, Sheriff of Cook	)	Presiding Judge
County,	)	
	)	The Hon. David Weisman
Defendant-Respondent.	)	Magistrate Judge

ORDER

The Court has received the Parties’ Joint Motion to Extend the Preliminary Injunction and to Stay Discovery Pending Appeal (ECF 137) (“Joint Motion”). For the reasons set forth in the Joint Motion and further described below, the Court grants the Motion as follows:

1. Plaintiffs brought this case pursuant to 42 U.S.C. § 1983 for injunctive relief on behalf of a class of individuals detained at the Cook County Jail regarding the Sheriff’s response to the coronavirus. (Joint Motion ¶ 1.) In response, the Sheriff has maintained that his actions have been objectively reasonable. (Joint Motion ¶ 1.)

2. On April 27, 2020, the Court granted Plaintiffs’ motion for a preliminary injunction in part, directing the Sheriff to take certain actions regarding testing, social distancing, hygiene materials, sanitation, and facemasks. (Joint Motion ¶ 4.) In granting the motion, the Court found that the injunctive relief it had ordered “narrowly drawn, extends no further than necessary, and is the least intrusive means necessary to address” the constitutional violation as required under 18 U.S.C. § 3626(a)(1). (Joint Motion ¶ 4; Dkt. 73 at 82.)

3. The Sheriff has appealed the Court’s April 27, 2020 preliminary injunction order. (Joint Motion ¶ 5.) On June 19, 2020, the Seventh Circuit Court of Appeals stayed that part of

the injunction requiring the Sheriff to establish and put into effect a policy “precluding group housing or double celling of detained persons.” (Joint Motion ¶ 6.)

4. The Prison Litigation Reform Act (“PLRA”) provides that a preliminary injunction will expire 90 days after its entry absent further action by the Court. *See* 18 U.S.C. § 3626(a)(2). Under that provision, the Court’s April 27, 2020 preliminary injunction order would expire on July 27, 2020 absent further action by the Court.

5. The Court finds that it has authority and jurisdiction to extend the duration of the preliminary injunction pending resolution of the Sheriff’s appeal of the Court’s April 27, 2020 preliminary injunction order.

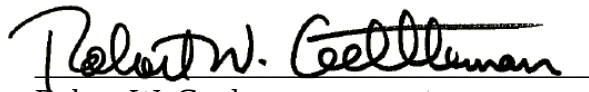
6. In the interests of judicial economy and in an effort to maintain the status quo for the duration of the appeal, as well as other reasons set forth in the parties’ Joint Motion and elsewhere in this Order, the Court therefore grants the parties’ motion and **ORDERS** that its April 27, 2020 preliminary injunction order, subject to the appellate court’s partial stay order, be extended until such time as the Court can take proper action following the return of the mandate to this Court from the Seventh Circuit Court of Appeals. This Order does not prohibit either party from requesting modification of the preliminary injunction.

7. The Court enters this Order without waiver of the Sheriff’s arguments regarding the propriety of the Court’s findings and the entry of the preliminary injunction as set forth throughout the proceedings before this Court and now in the appellate court.

8. In their Joint Motion the parties further agreed and jointly proposed that discovery in the underlying case should be stayed until such time as the Court can take proper action following the return of the mandate to this Court from the Seventh Circuit Court of Appeals. (Joint Motion ¶ 11.) In the interests of judicial economy and in an effort to maintain the status

quo during the duration of the appeal, as well as other reasons set forth in the parties' Joint Motion and elsewhere in this Order, the Court therefore grants the parties' motion and **ORDERS** that all discovery in this case is stayed until such time as the Court can take proper action following the return of the mandate to this Court from the Seventh Circuit Court of Appeal. The Court further **ORDERS** that Plaintiffs' motion for discovery (ECF 135) and the Sheriff's motion to stay discovery pending appeal (ECF 129) are withdrawn.

Date: July 9, 2020


Robert W. Gettleman
United States District Judge