

NOTICE
Decision filed 05/29/20. 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) 200163-U

NO. 5-20-0163

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

JAMES MAINER, in His Individual Capacity and on)	Appeal from the
Behalf of All Citizens Similarly Situated, and HCL)	Circuit Court of
DELUXE TAN, LLC, an Illinois Limited Liability)	Clay County.
Company, on Its Behalf and on Behalf of All)	
Businesses Similarly Situated,)	
)	
Plaintiffs-Appellees,)	
)	
v.)	No. 20-CH-10
)	
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:* TRO is vacated and matter remanded to circuit court where plaintiffs filed a consent thereto.

¶ 2 On May 21, 2020, the plaintiffs, James Mainer, in his individual capacity and on behalf of all citizens similarly situated, and HCL Deluxe Tan, LLC, an Illinois limited liability company, on its behalf and on behalf of all businesses similarly situated, filed, in the circuit court of Clay County, a complaint against the defendant, Governor of Illinois

J.B. Pritzker, in his official capacity. The complaint sought a declaration that the defendant's Executive Order 32 is invalid and an injunction preventing the defendant from enforcing Executive Order 32 against the plaintiffs and all other individuals and businesses similarly situated. The plaintiffs additionally filed a motion for a temporary restraining order (TRO) and a preliminary injunction.

¶ 3 On May 22, 2020, the circuit court granted the plaintiffs' petition for a TRO enjoining the defendant from enforcing Executive Order 32 against the plaintiffs. However, the circuit court denied the plaintiffs' request for relief on behalf of all others similarly situated. On May 26, 2020, the defendant filed a timely notice of interlocutory appeal. On May 28, 2020, the plaintiffs filed in this court a document in which the plaintiffs stated that they consented to an order vacating the TRO entered by the circuit court and asking that the matter be remanded back to the circuit court for further proceedings. As a result of the plaintiffs' consent to the relief sought by the defendant and pursuant to the plaintiffs' request, we hereby vacate the TRO entered by the circuit court and remand this matter to the circuit court for further proceedings.

¶ 4 Vacated and remanded.