

February 18, 2022

OFFICE OF THE ATTORNEY GENERAL ISSUES STATEMENT REGARDING 4TH DISTRICT APPELLATE COURT DECISION

Chicago — Attorney General Kwame Raoul today issued the following statement regarding the late-night decision issued by the Illinois Appellate Court of the 4th District.

“Late last night the Appellate Court declined to issue a substantive decision in the appeal, and we are disappointed by the court’s ruling. The Appellate Court’s failure to address the important legal issues in question has added to the confusion resulting from the circuit court’s decision prioritizing a relatively small group of plaintiffs who refuse to acknowledge science or the need for public health measures to protect vulnerable Illinois residents.

“The Appellate Court’s ruling focuses exclusively on the emergency rulemaking process used by the Illinois Department of Public Health with respect to a single technical rule. That rule does not affect the executive orders issued by the governor under the Illinois Emergency Management Agency Act, including the governor’s executive order requiring the use of masks in school, the exclusion from school of persons exposed to COVID-19, and testing of unvaccinated school employees working on school premises. That order continues to apply to all persons not specifically named as plaintiffs in the Allen, Austin, Graves and Hughes matters.

“While the Appellate Court’s ruling does not affect the enforceability of the governor’s executive orders, the decision does fundamentally misapply important principles of Illinois law related to the issuance of temporary restraining orders, such as the order issued by the trial court. Attorney General Raoul intends to immediately ask the Illinois Supreme Court to address these significant legal errors and preserve the integrity of the rule of law in Illinois. The COVID-19 pandemic is not over, and the Attorney General is committed to defending the governor’s actions to mitigate the spread of a virus that has resulted in more than 32,000 deaths in Illinois alone, and to protecting the health and safety of all Illinois residents.”