

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

**Laura Ravago, Mary Kate Knorr,
Jasmine Hauser, Anthony
Kawalkowski, Courtney Connolly,
Charlotte Wager, Mary Beth
Peterson, and Jane Doe #1,**

Plaintiffs,

v.

Lori Lightfoot, in her official capacity
as Mayor of the City of Chicago; and
Allison Arwady, M.D., in her official
capacity as Commissioner of Health of
the City of Chicago;
Toni Preckwinkle, in her official
capacity as President of the Cook
County Board of Commissioners;
Israel Rocha Jr., in his official
capacity as CEO of the Cook County
Department of Public Health;
The City of Chicago, an Illinois
municipal corporation; and
The County of Cook, an Illinois
county government;

Defendants.

No. 1: 22-cv-745

Complaint

INTRODUCTION

1. As the Omicron variant of COVID-19 (“Omicron”) spreads through our country and communities, headlines from the nation’s leading newspapers confirm what we all know in our own lives: vaccination does not stop the spread of Omicron. *See, e.g.,* Stephanie Nolen, *Most of the World’s Vaccines Likely Won’t Prevent Infection*

From Omicron, N.Y. Times (Dec. 19, 2021);¹ Debbie Elliot, *Do vaccines stop infections from the omicron variant? Early results are released*, Nat. Public Radio (Dec. 8, 2021);² Herb Scribner, *3 COVID-19 vaccine shots won't stop omicron variant, BioNTech leader says*, Deseret News (Dec. 26, 2021);³ *COVID-19 vaccines may be less effective against Omicron – WHO*, Reuters (Dec. 15, 2021).⁴ Even the U.S. Centers for Disease Control and Prevention acknowledges this fact, “CDC expects that anyone with Omicron infection can spread the virus to others, even if they are vaccinated . . .” Herb Scribner, *Can fully vaccinated people spread the omicron variant to others? What the CDC says*, Deseret News (Dec. 28, 2021).⁵

2. Yet, despite the fact that the world knew in mid- to late-December that vaccination was no barrier to transmission of Omicron, the President of the Cook County Board of Commissioners and Mayor of Chicago nevertheless imposed a vaccine passport requirement starting on January 3, 2022, on citizens daring to venture out to restaurants, bars, and sporting events. This show-your-papers mandate, which says it is designed to stop the transmission of Omicron, will do nothing of the sort, and is patently irrational.

¹ <https://www.nytimes.com/2021/12/19/health/omicron-vaccines-efficacy.html>.

² <https://www.npr.org/2021/12/08/1062319963/do-vaccines-stop-infections-from-the-omicron-variant-early-results-are-released>.

³ <https://www.deseret.com/coronavirus/2021/12/26/22848390/covid-vaccine-booster-shots-omicron-variant>.

⁴ <https://www.reuters.com/business/healthcare-pharmaceuticals/covid-19-vaccines-may-be-less-effective-against-omicron-who-2021-12-15/>.

⁵ <https://www.deseret.com/coronavirus/2021/12/28/22855392/fully-vaccinated-people-spread-omicron-variant-to-others-cdc>.

3. It also violates fundamental rights to privacy and public access guaranteed by the Illinois Constitution. Cook County's mandate, which exempts sports stars and music acts, also violates the religious liberty guaranteed by the First Amendment to the U.S. Constitution. Chicago's mandate violates its own municipal code.

4. The Plaintiffs, a group of Chicago and Cook County residents bring this suit under 42 U.S.C. § 1983, seeking declaratory and injunctive relief.

PARTIES

5. Laura Ravago is an adult resident of the City of Wilmette, Illinois, and the mother of two minor children. She and both of her children have not received the COVID-19 vaccine. Prior to the vaccine passport requirement, she and her children regularly dined in at restaurants and visited museums, parks, and other public venues in Chicago and surrounding Cook County. Her children cannot go to her gym for swim lessons due to the vaccine mandates. She does not consent to the vaccine passport requirement and was not given a due process hearing to object to the vaccine passport requirement.

6. Mary Kate Knorr is an adult resident of the City of Chicago, Illinois. She is a former executive director and current board member of Illinois Right to Life. Her Christian faith has taught her to respect the sanctity of all human life, and as a result she has a sincere and deep religious conviction that she cannot accept any of the currently available COVID-19 vaccines because of the way they were researched, developed, and/or produced. She regularly dined in at restaurants and visited public

venues in Chicago and surrounding Cook County prior to the vaccine passport requirement. She does not consent to the vaccine passport requirement and was not given a due process hearing to object to the vaccine passport requirement.

7. Jasmine Hauser is an adult resident of Cook County, Illinois. She has not received the COVID-19 vaccine. She regularly dined at restaurants and visited public venues in Chicago and surrounding Cook County prior to the vaccine passport requirement. She does not consent to the vaccine passport requirement and was not given a due process hearing to object to the vaccine passport requirement.

8. Anthony Kawalkowski is an adult resident of the City of Chicago, Illinois. Prior to the vaccine passport requirement, he worked regularly as a musician at Chicago-area venues. Although non-resident musicians are exempt from the mandate, as a resident he is subject to the requirement. He also previously tended bar part-time at a Chicago theater. His manager has told him he is no longer able to take shifts because he cannot present proof of vaccination. Prior to the vaccine passport requirement, he regularly dined at restaurants and visited public venues in Chicago and surrounding Cook County. He has a deeply held religious belief as to the sanctity of human life that prevents him from accepting any of the currently available COVID-19 vaccines. He does not consent to the vaccine passport requirement and was not given a due process hearing to object to the vaccine passport requirement.

9. Courtney Connolly is an adult resident of the City of Chicago, Illinois, and the mother of three minor children. She and all three of her children have not received the COVID-19 vaccine. Prior to the vaccine passport requirement, she and

her children regularly dined at restaurants and visited museums, parks, and other public venues in Chicago and surrounding Cook County. She does not consent to the vaccine passport requirement and was not given a due process hearing to object to the vaccine passport requirement.

10. Charlotte Wager is an adult resident of the City of Arlington Heights, Illinois, and the mother of a minor child. She and her child have not received the COVID-19 vaccine. Prior to the vaccine passport requirement, she and her child regularly dined at restaurants and visited museums and other public venues in Chicago and surrounding Cook County. She does not consent to the vaccine passport requirement and was not given a due process hearing to object to the vaccine passport requirement.

11. Mary Beth Peterson is an adult resident of Cook County, Illinois. She works for a public school and is therefore subject to a state vaccination mandate, but she has secured a religious exemption based on her deeply held Christian beliefs. She has not received the COVID-19 vaccine. Prior to the vaccine passport requirement, she regularly dined at restaurants and public venues in Chicago and surrounding Cook County. She does not consent to the vaccine passport requirement and was not given a due process hearing to object to the vaccine passport requirement.

12. Jane Doe #1 is an adult resident of Cook County, Illinois.⁶ She works for a public school and is therefore subject to a state vaccination mandate, but she has

⁶ Jane Doe #1 intends to proceed anonymously. She will ask for permission to do so by separate motion. *See Doe 3 v. Elmbrook Sch. Dist.*, 658 F.3d 710, 721-24 (7th Cir. 2011), *aff'd en banc in relevant part*, *Doe v. Elmbrook Sch. Dist.*, 687 F.3d 840, 842-

secured a religious exemption based on her deeply held Christian beliefs. She has not received the COVID-19 vaccine. Prior to the vaccine passport requirement, she regularly dined at restaurants and public venues in Chicago and surrounding Cook County. She does not consent to the vaccine passport requirement and was not given a due process hearing to object to the vaccine passport requirement.

13. Defendant Lori Lightfoot is sued in her official capacity as Mayor of the City of Chicago. Her address for service of process is 121 N. LaSalle St., Chicago City Hall 4th Floor, Chicago, IL 60602.

14. Defendant Allison Arwady is sued in her official capacity as commissioner of health of the City of Chicago. Her address for service of process is 333 S. State St., Room 200, Chicago, IL 60604.

15. Defendant Toni Preckwinkle is sued in her official capacity as president of the Cook County Board of Commissioners. Her address for service of process is 118 N. Clark St., Room 537, Chicago, IL 60602.

16. Defendant Israel Rocha Jr. is sued in his official capacity as Chief Executive Officer of the Cook County Department of Public Health. His address for service of process is 7556 W. Jackson Blvd., Forest Park, IL 60130.

17. The City of Chicago is an Illinois municipal corporation and may be served by service on the Mayor as its chief executive officer. F.R.C.P. 4(j)(2).

43 (7th Cir. 2012); *Doe v. NorthShore Univ. Healthsystem*, No. 21-cv-05683, 2021 U.S. Dist. LEXIS 228371, at *31 (N.D. Ill. Nov. 30, 2021).

18. The County of Cook is an Illinois political subdivision and may be served by service on the president of the board of commissioners as its chief executive officer. F.R.C.P. 4(j)(2).

JURISDICTION AND VENUE

19. This case raises claims under the First and Fourteenth Amendments of the United States Constitution and 42 U.S.C. § 1983. The Court has subject-matter jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343.

20. This case raises claims under the Illinois State Constitution which may be heard under this Court's supplemental jurisdiction, 28 U.S.C. § 1367.

21. Venue is appropriate under 28 U.S.C. § 1391(b)(1) and (2) because the Defendants are headquartered in and a substantial portion of the events giving rise to the claims occurred in the Northern District of Illinois.

FACTUAL ALLEGATIONS

The Cook County Order

22. On January 3, 2022, the Cook County Department of Public Health (the "Department") promulgated the final version of order No. 2021-11 (the "Order"), (attached as Exhibit A). The order states as its sole rationale that "the United States and the State of Illinois are in the early stages of a large surge of COVID-19 cases due to the Omicron variant."

23. In a press release announcing the new order, Dr. Rachel Rubin, CCDPH Co-Lead and Senior Medical Officer, said, "Omicron is here in suburban Cook County, and it spreads incredibly quickly and easily, so CCDPH must take measures to

contain the spread. We are concerned about how easily the Omicron variant can spread among people, especially in crowded indoor settings. It is very important that we implement these measures to help lower the risk of transmission.”⁷

24. On this basis, the Department requires that in “[i]ndoor settings where food or drink are served for on-premises consumption, and health and fitness centers” require “any individual 5 years of age and older to show proof that they are fully-vaccinated against COVID-19 with an approved vaccine in order to enter the establishment.”

25. The Department further requires that all employees of all businesses that serve food or drink for on-premises consumption and health and fitness centers must “be vaccinated or must weekly show proof of a negative COVID-19 test.”

26. Any person or business found violating the Order is subject to punishment under Cook County Ordinance 38-38, “Any person who violates the provisions of this article, or any regulations promulgated hereunder, or any Department orders authorized under this article or under applicable law shall be guilty of a Class B misdemeanor and shall be subject to arrest and a fine of \$1,000.00 for each violation.” Under Illinois law, a Class B misdemeanor carries a maximum penalty of up to 6 months (180 days) imprisonment in county jail and a maximum fine of \$1,500. The sentence may also include up to two years of supervision or probation. 730 ILCS 5/5-4.5-60.

⁷ <https://cookcountypublichealth.org/2021/12/23/cook-county-department-of-public-health-issues-new-mitigation-orders-amid-latest-covid-19-surge/>.

27. The Order exempts “[a] nonresident performing artist or nonresident person accompanying the artist who is not regularly performing in a business where the Order applies, but only while in the business for the duration of the performance.”

28. The Order similarly exempts “[a] nonresident professional or college athlete or nonresident person accompanying the athlete, who enters a covered location for purposes of the professional or collegiate athletic / sports team competition.”

29. The Order further exempts “[a]ny person entering a business subject to this Order for the purposes of voting in a municipal, state, or federal election; or, pursuant to law, assisting or accompanying a voter or observing such elections.”

30. Finally, the Order exempts “[i]ndividuals who have previously received a medical exemption, as long as proof of the medical exemption and a COVID-19 test administered by a medical professional within the last 24 hours prior to entering a business covered by the Order are provided to the business upon entry.”

The City of Chicago Order

31. On January 3, 2022, the City of Chicago Commissioner of Health issued Public Health Order 2021-2 (attached as Exhibit B⁸).

32. The City’s Public Health Order 2021-2 states that “On November 30, 2021, the SARS-CoV-2 Interagency Group classified the Omicron variant as a variant of concern in the United States.”

⁸ https://www.chicago.gov/content/dam/city/sites/covid/health-orders/Health%20Order%202021-2_12-30-21_FINAL.pdf.

33. The Chicago Order further states that “On December 7, 2021, the first infection of the Omicron variant in the City of Chicago was confirmed.”

34. And in its final justification, the Order states, “In light of the rapid and unpredictable spread of the Omicron variant, it is foreseeable that the vaccination requirements in this Order will be expanded in the near future.”

35. In an FAQ accompanying the Order, the Department answers the question why this is necessary: “This new requirement is in response to an alarming rise in COVID-19 cases both locally and nationally, driven in part by the Omicron variant . . .”⁹ In the next FAQ, the Department explains the requirement “will remain in effect until the City of Chicago is through this Omicron-driven surge . . .”

36. Under the Order, any “covered entity”—defined as a place that serves food or drink; a gym or fitness venue; or an entertainment and recreation venue in areas where food or beverages are served—must require proof of vaccination from patrons over age 5.

37. Any covered entity that fails to comply is subject to arrest, fines, and closure. City of Chicago Code 2-112-340 (fines up to \$500 per instance), 2-112-050 (arrest), and 2-112-170 (closure).

38. The Order exempts “[a] nonresident performing artist who does not regularly perform or render services in a covered location, or a nonresident individual

⁹ https://www.chicago.gov/content/dam/city/sites/covid-19-vaccine/Documents/vaccine_requirement/Chicago_Vaccine_Requirement_FAQ.pdf.

accompanying such a performing artist, while the performing artist or individual is in a covered location for the purposes of such artist's performance."

39. The Order also exempts "[a] nonresident professional or college athlete, or a nonresident individual accompanying such professional or college athlete, who enters a covered location as part of their regular employment for purposes of the professional or college athlete/sports team competition."

40. The order also exempts "[i]ndividuals who have previously received a medical or religious exemption, provided such patrons provide the covered entity proof of the medical or religious exemption and a COVID-19 test administered by a medical professional within the last 72 hours prior to entering a covered location."

41. The order further exempts "An individual who enters for the purposes of voting in a municipal, state, or federal election; or, pursuant to law, assisting or accompanying a voter or observing such election."

Vaccination and Omicron

42. According to CDC data analysis, Omicron is essentially COVID-19 in the United States today: it accounted for over 98 percent of new cases for the week ending January 8, 2022.¹⁰

43. The same is true in Chicago. In a press release on December 21, 2021, announcing the mandate, the City of Chicago said, "Chicago was already experiencing a COVID-19 surge thanks to the Delta variant, and as the much more contagious

¹⁰ <https://covid.cdc.gov/covid-data-tracker/#variant-proportions>.

Omicron variant has become dominant over the last week, that surge has dramatically worsened.”¹¹

44. As think tank American Commitment, in an amicus brief developed with epidemiologists Jay Bhattacharya of Stanford University and Andrew Bostom of Brown University, concluded recently: “Real-world evidence from at least four countries with significant experience with Omicron — Denmark, the United Kingdom, Germany, and Canada, all of which provide more detailed and transparent data than has been made available in the United States — evidences that these vaccines have substantially zero efficacy at preventing Omicron transmission . . .” Indeed, the studies cited suggest vaccination may actually have a negative impact on transmission, *i.e.*, vaccinated persons may be more likely to get and transmit Omicron than unvaccinated persons.

45. The conclusion is obvious: “The omicron coronavirus variant will infect ‘just about everybody’ regardless of vaccination status, [as] top U.S. infectious-disease expert Anthony S. Fauci said Tuesday [January 12].”¹²

46. If vaccination has zero impact on whether or not someone spreads Omicron to another person, and the point of the Orders is to stop the spread of Omicron, the Orders are not rational—vaccination status has zero impact on Omicron

¹¹

<https://www.chicago.gov/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2021/December/VaccineRequirementsIndoorPublicPlaces.pdf>.

¹² <https://twitter.com/mccormackjohn/status/1481341956403908608?s=27> (the Washington Post subsequently rewrote their story, but twitter memorialized the original phrasing).

transmission, such that unvaccinated individuals are at no higher risk of giving or receiving Omicron than vaccinated individuals in public settings.

47. Recognizing the evolving impact of Omicron, governors and public health officials in New Jersey, Connecticut, Delaware, Oregon, New York, and Massachusetts are all lifting their mask mandates.

48. Governor J.B. Pritzker has similarly announced an end for Illinois' mask mandate for indoor spaces at the end of February. But City and County officials have declined to make a similar commitment as to the vaccine passport.

COUNT I

By treating persons differently based on their COVID-19 vaccination status, the Defendants violate the Equal Protection Clause.

49. The allegations contained in all preceding paragraphs are incorporated herein by reference.

50. The Fourteenth Amendment guarantees that states (and their political subdivisions) must extend the equal protection of the laws to all citizens.

51. When government acts irrationally in differentiating between citizens, the court's duty is to strike down the regulation. *Hicks v. Peters*, 10 F. Supp. 2d 1003, 1006 (N.D. Ill. 1998).

52. Here, the Defendants have acted irrationally in imposing a vaccination mandate to combat the spread of the Omicron variant when medical consensus is clear that vaccination does nothing to stop the spread of Omicron.

53. The City and County orders lack a rational basis.

COUNT II

By failing to recognize any exemption for people of faith, the Cook County Defendants violate the First Amendment.

54. The allegations contained in all preceding paragraphs are incorporated herein by reference.

55. The First Amendment's guarantee of the free exercise of religion, which has been incorporated against the states and their political subdivisions, mandates that "government regulations are not neutral and generally applicable, and therefore trigger strict scrutiny under the Free Exercise Clause, whenever they treat *any* comparable secular activity more favorably than religious exercise." *Tandon v. Newsom*, 141 S. Ct. 1294, 1296 (2021). "Comparability is concerned with the risks various activities pose, not the reasons why people gather." *Id.*

56. The Cook County and City of Chicago orders both exempt visiting sports stars and music celebrities, and their entourages and hangers-on, who may nosh on backstage snacks and green room goodies to their hearts' content without showing proof of vaccination.

57. The Cook County and City of Chicago orders also exempt individuals entering an indoor space for "the purposes of voting in a municipal, state, or federal election; or, pursuant to law, assisting or accompanying a voter or observing such elections."

58. The City of Chicago exempts individuals "who have previously received a medical or religious exemption, provided such patrons provide the covered entity

proof of the medical or religious exemption and a COVID-19 test administered by a medical professional within the last 72 hours prior to entering a covered location.”

59. Cook County, by contrast, exempts individuals who have previously received a medical exemption, as long as they have proof of the exemption and a COVID-19 test from within the past 24 hours. But Cook County makes no exemption for people of faith with recognized religious exemptions.

60. Cook County’s denial of religious exemptions while permitting other exemptions for comparable secular activities violates the First Amendment.

61. Cook County’s denial of religious exemptions while permitting other exemptions for comparable secular activities cannot survive strict scrutiny; there is no compelling state interest in pampering pro athletes.

62. Cook County’s denial of religious exemptions especially burdens Plaintiffs who would otherwise have a right to access covered public accommodations regardless of their religious beliefs under Title II of the Civil Rights Act of 1964 (42 U.S.C. § 2000a).

63. Declaratory relief is especially urgent for public accommodations subject to Cook County’s Order, which places them in an impossible conflict between their obligation not to discriminate against people of faith under Title II and their obligation to exclude persons with a religious exemption under the Cook County Order.

COUNT III

**The Cook County Order violates the
Illinois Religious Freedom Restoration Act.**

64. The allegations contained in all preceding paragraphs are incorporated herein by reference.

65. The Illinois Religious Freedom Restoration Act provides, “The Illinois Religious Freedom Restoration Act provides, “Free exercise of religion protected. Government may not substantially burden a person’s exercise of religion, even if the burden results from a rule of general applicability, unless it demonstrates that application of the burden to the person (i) is in furtherance of a compelling governmental interest and (ii) is the least restrictive means of furthering that compelling governmental interest.” 775 ILCS 35/15.

66. Cook County is a political subdivision of Illinois governed by the act. 775 ILCS 35/5.

67. Cook County’s order does not have a religious objector exemption, and so conditions Plaintiff Knorr, Peterson, and Doe’s participation in society on receiving the vaccine.

68. This bar on their participation in public life, essentially turning them into social pariahs, is a substantial burden on their religious exercise.

69. The government lacks a compelling interest in its Order.

70. The Cook County order is not the least restrictive means of achieving its goals.

71. The Order’s lack of a religious exemption fails the strict scrutiny mandated by the statute.

COUNT IV

By enacting policies invading the informational privacy of Plaintiffs, the Defendants violate the Illinois Constitution's right to privacy.

72. The allegations contained in all preceding paragraphs are incorporated herein by reference.

73. The Illinois Constitution guarantees, “The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means.” Ill. Const. art. I, § 6.

74. The Illinois Constitution's right to privacy includes a right to medical information privacy. *Kunkel v. Walton*, 179 Ill. 2d 519, 537, 689 N.E.2d 1047, 1055 (1997) (“The confidentiality of personal medical information is, without question, at the core of what society regards as a fundamental component of individual privacy. . . . Moreover, some medical conditions are poorly understood by the public, and their disclosure may cause those afflicted to be unfairly stigmatized.”); *Hope Clinic for Women, Ltd. v. Flores*, 2013 IL 112673, ¶ 67, 991 N.E.2d 745, 762-63 (“[A] minor clearly has an expectation of privacy in her medical information, which includes the fact of her pregnancy.”).

75. Here the plaintiffs have an expectation of privacy with respect to their medical records because Illinois law plainly treats medical records as private information. *See, e.g.*, 5 ILCS 140/2(c-5) (“private information” includes “medical records” for purposes of FOIA), 410 ILCS 50.3(d) (prohibiting unauthorized disclosure

of medical records); 735 ILCS 5/8-802 (prohibiting disclosure of patient medical records in a civil proceeding absent one of ten exceptions).

76. These Orders are an unreasonable invasion of privacy. Individuals reasonably expect a high degree of privacy in their personal medical decision-making and personal medical privacy. Invasions of these rights are especially intrusive, and are made all the more so in the highly politically charged atmosphere of policy around vaccination and COVID-19 in our society.

COUNT V

The City's Order violates its own municipal ordinance on vaccination.

77. The allegations contained in all preceding paragraphs are incorporated herein by reference.

78. Chicago Municipal Code 2-112-150 limits the authority of Defendant Commissioner Arwady by prohibiting “any rule which will compel any person to submit to immunization or to any medication against his will or without his consent, . . . except when there shall be an epidemic of a disease, or an epidemic is or appears to be imminent, and such a rule is necessary to arrest the epidemic and safeguard the health of the City.”

79. The vaccine passport system functions as a vaccination mandate; it conditions participation in public life on vaccination.

80. The vaccine passport mandate is not necessary to arrest the Omicron epidemic and will do little to safeguard the health of the city.

81. When a city violates its own municipal ordinances, courts are empowered to enjoin their disobedience. “[A] municipality must follow its own ordinances. If a municipality violates its own valid ordinance, the municipality’s action is illegal and courts have jurisdiction to enjoin the illegal action.” *Tierney v. Schaumburg*, 182 Ill. App. 3d 1055, 1059, 538 N.E.2d 904, 907 (1989) (citations omitted).

COUNT VI

The Cook County’s Order violates its own Regulations Governing Quarantine and Isolation Measures and Cook County Ordinance § 38-33.

82. The allegations contained in all preceding paragraphs are incorporated herein by reference.

83. Cook County Regulations Governing Quarantine and Isolation Measures (the “Regulations”) and Cook County Ordinance § 38-33 require the Department to obtain consent from those affected by a public health order of quarantine, isolation, or closure.

84. Plaintiffs do not consent to being subject to the Cook County Order.

85. If no consent can be obtained, the Regulations and Ordinance § 38-33 require the Department to file a petition in Cook County Circuit Court for a legal determination on whether the Cook County Order can continue in effect against nonconsenting persons.

86. Cook County has filed no such court petition. Therefore, it is in violation of its own regulations and ordinance.

87. In addition, the Cook County Order violates its Regulations' limitations that an order of isolation or quarantine apply only to "potentially infectious" individuals, last only "during the infectious period," and set forth "clinical and/or circumstantial facts" supporting the order. Regulations VI. A. at 6; *see also* Regulations VI. B. at 6. It also violates the Regulations' requirement that "prophylactic treatment . . . prevent illness or disease transmission." Regulations VIII. A. at 8.

88. Also, the Cook County Order violates the Regulations' requirement that an order of quarantine, isolation, or closure "shall be based upon the determination of the [Department] that a less restrictive and equally efficacious measure is not reasonably available." Regulations V. A. at 4-5; *see also* Regulations V. F. at 6.

89. The Department made no such determination.

90. For all these reasons, the Cook County Order violates the Regulations and Ordinance § 38-33.

COUNT VII

The Orders Constitute a Procedural Due Process Violation of the Fourteenth Amendment.

91. The allegations contained in all preceding paragraphs are incorporated herein by reference.

92. The Orders deprive Plaintiffs of their liberty by restricting them from full participation in public life.

93. "An essential principle of due process is that a deprivation of life, liberty, or property be preceded by notice and opportunity for hearing appropriate to the

nature of the case.” *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542, 105 S. Ct. 1487, 1493 (1985) (cleaned up).

94. Plaintiffs were not given notice or opportunity for hearing before being deprived of their liberty because the Chicago and Cook County Public Health Directors issued the Orders with no notice, no hearing, no ratification by any legislative body, and no judicial determination

95. Therefore, the Orders violate the minimum procedure required under the Fourteenth Amendment Due Process clause.

PRAYER FOR RELIEF

Plaintiffs respectfully request that this Court:

a. Declare that treating individuals differently based on vaccination status due to the spread of Omicron violates the Equal Protection Clause of the Fourteenth Amendment.

b. Declare that extending exemptions to comparable secular persons and activities while denying exemptions to people of faith violates the Free Exercise Clause of the First Amendment.

c. Declare that compelling individuals to accept vaccination as a condition of continued employment violates the Illinois State Constitution’s right to privacy.

d. Declare that compelling individuals to disclose their vaccination status to access public accommodations violates the Illinois State Constitution’s right to privacy.

e. Declare that compelling individuals to submit to vaccination is not necessary and thus violates Chicago Municipal Code 2-112-150.

f. Declare that quarantining individuals without their consent and without a due process hearing violates Cook County Ordinance § 38-33.

g. Enjoin Defendants from enforcing their January 3, 2022 orders;

h. Award Plaintiffs nominal and actual damages;

i. Award Plaintiffs their costs and attorneys' fees under 42 U.S.C. § 1988; and

j. Award any further relief to which Plaintiffs may be entitled.

Dated: February 10, 2022

Respectfully Submitted,

LAURA RAVAGO, MARY KATE KNORR,
JASMINE HAUSER, ANTHONY
KAWALKOWSKI, COURTNEY CONNOLLY,
CHARLOTTE WAGER, MARY BETH
PETERSON, and JANE DOE #1

By: /s/ Daniel R. Suhr

Daniel R. Suhr
Jeffrey M. Schwab
Liberty Justice Center
141 W. Jackson St. Suite 1065
Chicago, Illinois 60604
Telephone: (312) 263-7668
dsuhr@libertyjusticecenter.org
jschwab@libertyjusticecenter.org

Attorneys for Plaintiffs