

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
MACON COUNTY, ILLINOIS

FILED

FEB 08 2023

SHERRY A. DOTY
CIRCUIT CLERK

DAN CAULKINS et al.,

Plaintiffs,

v.

No. 2023 CH 3

JB PRITZKER et al.,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS'
COMBINED MOTION FOR DECLARATORY JUDGMENT PURSUANT
TO 735 ILCS 5/2-701 AND/OR FOR TEMPORARY (WITH NOTICE) OR
PRELIMINARY INJUNCTION PURSUANT TO 735 ILCS 5/11-101**

This cause came to be heard on February 3, 2023, on *Plaintiffs' Combined Motion for Declaratory Judgment Pursuant to 735 ILCS 5/2-701 and/or for Temporary (with Notice) or Preliminary Injunction Pursuant to 735 ILCS 5/11-101*. Plaintiffs and Defendants JB Pritzker and Kwame Raoul were present through counsel. The Court heard argument and took the matter under advisement.

Plaintiffs' complaint asserts six claims that Public Act 102-1116 violates the Illinois Constitution in whole or in part. At the hearing, Plaintiffs represented to the Court that, at this time, they are pursuing only their request for a temporary restraining order on Count IV (equal protection) and Count V (special legislation) of their complaint. Accordingly, Plaintiffs' motion is denied with respect to all other requests for relief without prejudice to renewal at an appropriate time.

The Court finds it is bound by *Accuracy Firearms, LLC v. Pritzker*, 2023 IL App (5th) 230035, which affirmed the Effingham County circuit court's entry of a temporary restraining order on an equal protection claim materially identical to the one asserted by Plaintiffs in this

action. The Court further finds "special legislation and equal protection challenges are judged by the same standard." *In re Estate of Jolliff*, 199 Ill. 2d 510, 520 (2002). Accordingly, the Court is required by precedent to enter a temporary restraining order on Count IV (equal protection) and Count V (special legislation) of Plaintiffs' complaint.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. A temporary restraining order is entered enjoining Defendants and their officers, agents, employees, and attorneys from enforcing 720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10 against Plaintiffs Dan Caulkins, Perry Lewin, and Decatur Jewelry & Antiques, Inc. and the members of Plaintiff Law-Abiding Gun Owners of Macon County identified in Exhibit A.

2. In all other respects, *Plaintiffs' Combined Motion for Declaratory Judgment Pursuant to 735 ILCS 5/2-701 and/or for Temporary (with Notice) or Preliminary Injunction Pursuant to 735 ILCS 5/11-101* is denied without prejudice.

3. A status is set for 3/20/23 at 10:30 a.m., courtroom 5A.

Dated:

2/8/23



Honorable Rodney S. Forbes
Associate Judge

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
MACON COUNTY, ILLINOIS**

Dan Caulkins, Perry Lewin, Decatur Jewelry &
Antiques, Inc and Law-Abiding Gun Owners
of Macon County, a voluntary unincorporated
Association,

Plaintiffs,

Governor JAY ROBERT PRITZKER, in his
Official capacity.

EMANUEL CHRISTOPHER WELCH, in his
capacity as Speaker of the House.

DONALD F. HARMON, in his capacity as Senate
President.

KWAME RAOUL, in his capacity as Attorney
General.

Defendants.

2023-CH-3

LAW-ABIDING GUN OWNERS of MACON COUNTY, a voluntary unincorporated association

Member Roster: February 3, 2023

I, Daniel P. Caulkins, do hereby certify as follows:

1. I am an organizer of LAW-ABIDING GUN OWNERS of MACON COUNTY and a custodian of the member requests to join.
2. Attachment A incorporated herein, is the Roster of voluntary members in the association as of February 3, 2023, prior to hearing.
3. Membership is open to active FOID card holders and voluntary commitment to the common purpose of 2nd Amendment advocacy, including, but not limited to, litigation in Macon County, IL.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

February 5, 2023

/s/ Dan Caulkins
Dan Caulkins

Ex A.