



Illinois Appellate Court Rules Against Restaurant and In Favor of Governor Pritzker

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On November 6th, an Illinois Appellate Court reversed a lower court decision which granted a temporary restraining order (TRO) precluding Governor Pritzker from implementing an Executive Order which banned indoor bar and restaurant seating in certain Illinois counties.

Fox Fire Restaurant was granted a TRO in a lower court decision. The Appellate Court reversed this decision, because the lower court abused its discretion in issuing the TRO. Under a TRO a party seeking the TRO, must have a likelihood of prevailing on the merits.

Fox Fire claimed that Governor Pritzker's Executive Order which was issued on March 9, 2020, was no longer enforceable against them. Governor Pritzker utilized his emergency powers pursuant to the Illinois Emergency Powers Act, which allows the Governor to exercise his emergency power within 30 days of the proclamation.

Since March, Governor Pritzker has issued nine executive orders pursuant to the Emergency Powers Act. Fox Fire's claim that the Governor was only allowed 30 days to act under the Emergency Powers Act was rejected by the Appellate Court.

Acknowledging that there is a 30-day limitation to the Governor's power, the Court determined that there was nothing that prohibited the Governor from issuing successive proclamation during the same emergency.

Sean O'Leary, the Irish Liquor Lawyer, stated that "This decision provides Governor Pritzker great powers, the Appellate Court ruled the statutory limitation are overruled when the Governor makes another proclamation."

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Irish Liquor Lawyer

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