

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL DUMIAK and CHRISTOPHER)	
SIMMONS,)	
)	
Plaintiffs,)	
)	
v.)	No. 19-cv-5604
)	
VILLAGE OF DOWNERS GROVE;)	Honorable Robert W. Gettleman
Downers Grove Police Officers JEFFREY)	
GIERMANN, ROBERT JACOBS, JAY)	
JOHNSON, KENNETH LISTER, ALESSIA)	
MAROCCO, and JOSHUA NELSON, in)	
their individual and official capacities;)	
BRENDAN KELLY, Acting Director of the)	
Illinois State Police, in his official capacity;)	
And ROBERT BERLIN, DuPage County)	
State's Attorney, in his official capacity,)	
)	
Defendants.)	

~~DRAFT~~ **STIPULATED PRELIMINARY INJUNCTION ORDER**

Plaintiffs Michael Dumiak and Christopher Simmons have moved for a preliminary injunction to prevent enforcement of a particular section of the Illinois Vehicle Code, 625 ILCS 5/11-1006; and Defendants Brendan Kelly, the Director of the Illinois State Police, and Robert Berlin, the DuPage County State’s Attorney, do not oppose entry of an order enjoining their enforcement of one provision of that section, 625 ILCS 5/11-1006(c). Based on the lack of opposition to the proposed injunction against enforcement of 625 ILCS 5/11-1006(c), the Court has determined that entry of a preliminary injunction is proper.

The parties understand and agree that the Court has jurisdiction over this matter and that venue is proper. Defendants Kelly and Berlin further agree to waive the entry of findings of fact

and conclusions of law for the purposes of this Order pursuant to Rules 52 and 65 of the Federal Rules of Civil Procedure.

Accordingly, it is ORDERED:


1. Defendant Kelly, his successors, and any person or entity acting in the capacity of an officer, agent, servant, employee or attorney of the Illinois State Police, are preliminarily enjoined from enforcing 625 ILCS 5/11-1006(c), as amended by P.A. 88-589, §10, eff. August 14, 1994, until further order from this Court, or final disposition of this case.

2. Defendant Berlin, his successors, and any person or entity acting in the capacity of an officer, agent, servant, employee or attorney of the DuPage County State's Attorney's Office, are preliminarily enjoined from enforcing 625 ILCS 5/11-1006(c), as amended by P.A. 88-589, §10, eff. August 14, 1994, until further order from this Court, or final disposition of this case.

3. Plaintiffs' motion for a preliminary injunction with respect to the remainder of 625 ILCS 5/11-1006 and all other requests for preliminary injunctive relief are withdrawn without prejudice.

So Ordered.

Dated: January 14, 2020



U.S. District Judge