

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

RICK FACCIN, in his official capacity as
Madison County Auditor,

Plaintiff,

v.

MADISON COUNTY BOARD,
KURT PRENZLER, in his official capacity as
Madison County Board Chairman,
DOUGLAS HULME, in his official capacity as
Madison County Administrator, and
CHRIS SLUSSER, in his official capacity as
Madison County Treasurer,

Defendants.

2019MR000431

19-MR-_____

FILED

APR 01 2019

CLERK OF CIRCUIT COURT #66
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

TEMPORARY RESTRAINING ORDER

This cause comes before the Court on Plaintiff's Verified Motion for Temporary Restraining Order, notice having been given and Defendants having appeared through counsel; the Court, having considered Plaintiff's Verified Complaint, Verified Motion, and the arguments of counsel, and being in all respects fully advised in the premises, finds as follows:

1. On March 20, 2019, the Board approved a "Resolution to Insure Access to the Madison County USL Financial System" (the "Resolution").
2. The Resolution provides that "the County Chairman and his/her designees, the County Administrators, as well as the County Treasurer, shall have read access to the County USL financial system in real time and the proper software installed on their County computers."
3. Plaintiff has established a clearly ascertainable right in need of protection, namely a statutory right to control the internal operations of the Auditor's office, the right to be free from the enforcement of unauthorized resolutions, and the prevention of unauthorized disclosure of private information contained in the USL Financials, Inc. ("USL") software utilized by the Auditor's office.
4. Plaintiff has shown that there is a fair question that Plaintiff will succeed on the merits of his claim for declaratory judgment.
5. Plaintiff has shown he will suffer irreparable harm if an injunction does not issue, namely, the invasion of statutory rights and duties by the implementation of an *ultra vires* resolution, the unauthorized disclosure of the private and protected data contained in hundreds of

thousands of records, which could expose the Auditor and the County to significant liability under federal and state law.

6. Plaintiff has shown that he has no adequate remedy at law or in equity to compensate him for the loss of statutory powers or losses incurred by unauthorized disclosure of private information.

IT IS THEREFORE ORDERED AS FOLLOWS:

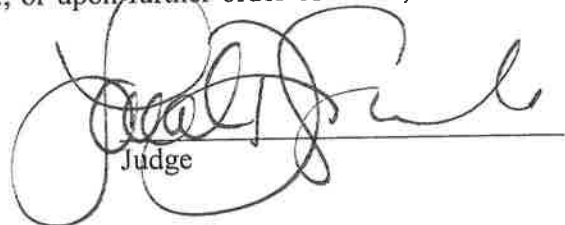
A. Defendants, Madison County Board, Kurt Prenzler, in his official capacity as Madison County Board Chairman, Douglas Hulme, in his official capacity as Madison County Administrator, and Chris Slusser, in his official capacity as Madison County Treasurer, and each of their respective managers, officers, agents, employees and anyone acting in concert with or at the direction of said Defendants having actual notice of this Order shall be and are hereby restrained and enjoined from implementing the Resolution or otherwise accessing, or attempting to access, the USL system unless expressly authorized to do so by the Auditor, until further order of Court or expiration of the restraining order by its terms, whichever occurs first.

B. For good cause shown, and pursuant to 735 ILCS 5/11-103, bond is waived.

C. This matter is set for hearing on plaintiff's Motion for Preliminary Injunction on April 23, 2019, at 9:00 a.m./p.m., in Courtroom 247 of the Madison County Courthouse, 155 N. Main Street, Edwardsville, Illinois.

D. This Order is issued on April 1, 2019, at 2:26 ^{pm} and, unless extended, shall expire at the conclusion of the hearing on plaintiff's Motion for Preliminary Injunction, on April 23, 2019, at 5:00 ^{am}, or upon further order of Court, whichever is earlier.

Date: April, 2019.


Judge