

Tuesday, August 11, 2020  
11:24 AM

THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

4575  
4315  
446-D



Lina Kouk and )  
Legal Aid Chicago, )  
 )  
Plaintiffs, )  
 )  
-v- )  
 )  
Dorothy Brown, Clerk, )  
Circuit Court of Cook County, Illinois, )  
 )  
Defendant. )

No. 20 CH 5200  
Cal. 9  
Hon. Sanjay Tailor

**ORDER GRANTING TRO ON PLAINTIFFS' CLAIM FOR MANDAMUS**

This cause comes before the Court for hearing on Plaintiffs' Motion for Temporary Restraining Order; Defendant having received due notice; and counsel for the parties having appeared remotely and made arguments before the Court, which is duly advised in the premises. **This Court hereby finds as follows:**

1. Plaintiffs have met their burden to establish the need and right to the entry of a temporary restraining order.
2. Section 222 of the Illinois Domestic Violence Act requires that,  
  
“(a) Entry and issuance. Upon issuance of any order of protection, the clerk shall immediately (i) enter the order on the record and file it in accordance with the circuit court procedures and (ii) provide a file stamped copy of the order to respondent, if present, and to petitioner.  
  
(b) Filing with sheriff. The clerk of the issuing judge shall, or the petitioner may, on the same day that an order of protection is issued, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records or charged with serving the order upon respondent.”  
  
750 ILCS 60/222(a), (b).
3. The Civil No Contact Order Act and Stalking No Contact Order Act contain identical

mandatory timing requirements for Defendant to enter and issue these orders. *See* 740 ILCS 21/115; 740 ILCS 22/218.

4. Defendant's duty to (1) immediately enter protective orders on the record and transmit them to the parties and (2) transmit them to the Cook County Sheriff's office on the same day are not discretionary.
5. The Court finds that the word "immediate" triggers a duty for Defendant to transmit the protective orders on the same day they are entered.
6. The public interest exception to the mootness doctrine is triggered because the issue of the Clerk's failure to immediately transmit orders to litigants and daily transmit them to the Sheriff affect the public interest and is likely to reoccur.
7. Plaintiff, Lina Kouk, has standing to bring this Complaint. The Court reserves ruling on the issue of Legal Aid Chicago's standing.
8. The allegations in Plaintiffs' Complaint raise a fair question as to whether Defendant has violated 750 ILCS 6/222, 740 ILCS 21/115, and 740 ILCS 22/218.
9. There is no adequate remedy at law as protective orders are in the nature of injunctive relief, are emergencies themselves, and Defendant's failure to transmit those orders immediately further prolongs the issue that gave rise to the emergency.
10. Without this order, there is irreparable harm in that a protective order is without any use or value unless it is entered in the record, and transmitted to the parties and to the Sheriff for purposes of enforcement.
11. Plaintiff has raised a fair question as to the likelihood of success on the merits of their claims for mandamus.

**The Court hereby orders as follows:**

12. Defendant shall immediately comply with her obligations pursuant to 750 ILCS 60/222, 740 ILCS 21/115, and 740 ILCS 22/218 to transmit copies of protective orders to the Cook County Sheriff for entry into the Law Enforcement Agency Database the same day they are issued.
13. Defendant shall immediately comply with her obligations to provide copies of protective orders to litigants pursuant to these statutes.
14. In particular, Defendant shall provide all protective orders to the respondent, if the respondent participated in the proceeding, and to every petitioner before 8:00 p.m. on the day the orders are entered.
15. This matter is continued for status on Defendant's compliance on September 9, 2020 at 9:00 a.m.
16. Defendant's Motion to Strike Exhibits M, O, P, Q, and R of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction is denied as moot.

ENTER:

/s/ Sanjay T. Tailor



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