

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

CITY OF CHICAGO,)	
)	
Plaintiff,)	
)	No. 2021 CH 5275
v.)	
)	
FRATERNAL ORDER OF POLICE,)	
LODGE 7, AND JOHN CATANZARA, JR.)	
)	
Defendant.)	

MEMORANDUM ORDER

This matter comes before the Court on the motion of Plaintiff, City of Chicago (the “City”), to extend the temporary restraining order entered by the Court on October 15, 2021, against Defendant, John Catanzara, Jr. (“Catanzara”), and to expand the temporary restraining order to include Defendant Fraternal Order of Police, Lodge 7 and its officers and officials. The Court, having reviewed the motion and heard argument, hereby finds as follows:

I. Background

In the late-afternoon of Friday, October 15, 2021, the City appeared before the Court seeking a temporary restraining order against the Fraternal Order of Police, Lodge 7 (the “Lodge”), and its president, Catanzara. The City alleged Catanzara made statements on YouTube, various social media, and the Lodge’s website, directing or encouraging Lodge members, more than 10,000 in number, to refuse to comply with the City’s vaccination policy and be placed on no-pay status, the effect of which would be a work-stoppage of, in Catanzara’s estimation, 50% of the police department over the weekend of October 15 and beyond.¹ The threat of a work-stoppage by half of the Chicago Police Department constituted a clear and present danger to the health, safety and welfare of the public.

The Court heard argument on the motion and determined that the City met the necessary requirements for a temporary restraining order against Catanzara: there was an ascertainable claim for relief; likelihood of success on the merits; irreparable harm in the

¹ The City’s vaccination policy requires, among other things, that City employees, including police officers, must be fully vaccinated by October 15, 2021, or undergo regular COVID-19 testing as a condition of employment. The policy further provides that employees who have not reported their vaccination status by October 15, 2021 will be placed on non-disciplinary no-pay status until they have reported their vaccination status.

absence of a temporary restraining order; and, an inadequate remedy at law.² In addition, the Court placed great weight on the public interest in keeping Chicago's citizens safe from the effects of a potential work-stoppage. The Court entered an order temporarily restraining Catanzara from engaging in further public directives to Lodge members to refuse to comply with the City's vaccination policy. By its terms, the temporary restraining order is set to expire on October 25th.

It is important to note that the Court was not asked to, and did not, make any finding as to the legal validity of the City's vaccination policy.

Plaintiff now brings the present Motion for Extension of Temporary Restraining Order and for Preliminary Injunction, asking the Court to extend its October 15th temporary restraining order against Catanzara, and expand it to include the Lodge and Lodge officials, some of whom, it is alleged, have been directing Lodge members via social media, its website, and email to disregard the City's vaccination policy and ignore any direct order concerning it issued by a superior.

II. Discussion

An injunction is an extraordinary remedy. *Callis, Papa, Jackstadt & Halloran, P.C. v. Norfolk & Western Ry.*, 195 Ill. 2d 356 (2001). It should be granted only with "great care." *Chicago School Reform Board of Trustees v. Martin*, 309 Ill. App. 3d 924 (1st Dist. 1999). As such, the remedy is only available in situations where an extreme emergency exists and serious harm would result if it were not issued. *Beahringer v. Page*, 204 Ill. 2d 363 (2003); *In re: Marriage of Eckersall*, 2014 IL App (1st) 132223, ¶ 21.

Temporary restraining orders are intended to provide immediate but durational relief. *McGinnis v. OAG Motorcycle Ventures, Inc.*, 2015 IL App (1st) 142644, ¶ 25; *Abdulhafedh v. Sec'y of State*, 161 Ill. App. 3d 413, 416 (2d Dist. 1987) (a temporary restraining order is a drastic remedy issued in exceptional circumstances to cover a brief period of time). Courts of equity have the inherent power to modify or dissolve their injunctions where the court finds that the law or facts have changed and equity no longer justifies a continuance of the injunction. *Bank of Wheaton v. Itasca*, 178 Ill. App. 3d 626, 632 (2d Dist. 1989), (citing *Benson v. Isaacs*, 22 Ill. 2d 606, 609 (1961)); *see also Nw. Steel & Wire Co. v. Indus. Comm'n*, 254 Ill. App. 3d 472, 476 (1st Dist. 1993) (a temporary restraining order may be modified when conditions have changed). A temporary restraining order should be dissolved "where the court finds that equity no longer justifies its continuance." *Lake Shore Club of Chi. v. Lakefront Realty Corp.*, 79 Ill. App. 3d 918, 927 (1st Dist. 1979).

² The Court denied two other requests by the City: that the Court enjoin the Lodge from engaging in a concerted refusal to comply with the City's vaccination policy; and, that the Court enter a mandatory injunction against Catanzara requiring him to retract or disavow his prior directives to Lodge members to refuse complying with the City's policy.

Critical to the Court's analysis in entering the October 15th temporary restraining order were the facts that the deadline for compliance with the City's vaccination policy had not yet passed, there was no way to know how many Chicago police officers would fail to comply with the City's vaccination policy, and there was a real and imminent threat of a work-stoppage by a large number of Chicago police officers that would jeopardize the health, safety and welfare of Chicago citizens. There is nothing before the Court suggesting that these critical facts are still present.

On the contrary, the evidence before the Court suggests that the situation has materially changed. The deadline for compliance with the City's vaccination policy has expired. The threatened work stoppage has not come to pass. The City has not presented evidence that it has extended the deadline for compliance or implemented the threatened penalties for violating its policy against the vast majority of violators.

Whether encouragement of non-compliance with the policy is effectively calling for an illegal strike, as alleged by the City, is of no moment. At this point, any Lodge member who has not submitted their vaccination status to the City is in violation of the policy as it is written. Any present concern that comments by Catanzaro or Lodge officials will influence Lodge members to violate the policy is moot since they are either already in violation or not. Since the October 15th deadline, the City has had 10 days to address its staffing needs and make a determination about whether or how it will implement its vaccination policy as it pertains to Lodge members who are out of compliance. With very limited exception, the City has not implemented no-pay status for those members who are not in compliance, and the threatened work-stoppage has not come to pass. What the parties will do next is unknown, but the threat of imminent harm requirement is not satisfied by the speculative possibility of injury. *Bell Fuels v. Butkovich*, 201 Ill. App. 3d 570, 573 (1st Dist. 1990).

III. Conclusion

The Court is sensitive to the challenges the City and the Lodge are facing, and encourages the parties to continue to work toward a feasible solution for the benefit of the citizens of Chicago and for the affected police officers. However, for the reasons stated above, Plaintiff's Motion for Extension of Temporary Restraining Order and for Preliminary Injunction is denied.

This matter is set for status on November 8, 2021, at 10:45 a.m. by Zoom videoconference.

ENTER:

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