

**IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI**

THE STATE OF MISSOURI EX)	
REL. ERIC SCMITT)	
)	
Plaintiff(s),)	Cause No. 21SL-CC03334
)	
vs.)	Division 18
)	
)	
SAM PAGE, ET AL)	
)	
Defendant(s).)	

COURT ORDER

Cause was called on August 3, 2021 for Plaintiff’s Motion for a Temporary Restraining Order against Defendant Page, Defendant Khan and Defendant St. Louis County Department of Public Health. The parties appeared by and through counsel. The court took argument on the motion and now being fully apprised in the matter does hereby find:

1. The narrow issue presented to this court in the Motion for Temporary Restraining Order is whether or not the majority vote of the St. Louis County Council to terminate the July 26, 2021 Face Covering Order prevails over Defendant Page, Defendant Kahn, and Defendant St. Louis County Department of Public Health’s statements that their July 26, 2021 Face Covering Order remains in full force and effect.
2. As it stands the residents of St. Louis County are caught between the July 26, 2021 Face Covering Order and the July 27, 2021 majority vote of the St. Louis County Council to terminate the Face Covering Order. If this court were not to act in this moment the residents who support the face covering measure and those who oppose the measure are left to their own devices in deciding whether or not to wear a mask while in public places.
3. This courts decision is purely one of the relevant law. The court notes that the COVID-19 Pandemic has been a political issue since it first emerged in this Country and has continued to be a political flash point for many. In making this decision the court is not entering the politicization of wearing a mask but

determining if Section 67.265 RSMO gives the St. Louis County Counsel the power and authority to terminate the July 26, 2021 Face Covering Order. The court's ruling in no way speaks to or determines the wisdom of the St. Louis County Counsel vote to terminate the Face Covering Order.

4. The court notes that although some will take this court's ruling as a victory there is no victory while the COVID-19 virus remains a significant threat to public health and there is no question it remains a significant threat to public health. There can be no victory until the residents of St. Louis County and the State of Missouri are no longer risking their health, well being and lives at the hands of COVID-19 virus.
5. The court finds there is a likelihood of success on the merits that Section 67.265 RSMO gives the St. Louis County Counsel the authority to terminate the July 26, 2021 Face Covering Order issued by the County Defendants. The St. Louis County Counsel is the governing body for St. Louis County. The July 26, 2021 Face Covering Order is a public health order issued by a political subdivision as defined by Section 67.750 RSMO. The July 26, 2021 Face Covering Order was issued in response to the COVID-19 virus which is an actual threat to public health and issued for the purpose of preventing the spread of a contagious disease, COVID-19.
6. The court further finds the Plaintiff have met their burden as to is irreparable harm if the court does not enter this temporary restraining order as there are conflicting rulings by separate branches of the St. Louis County Government leaving the residents of St. Louis County with no clear statement of their legal rights and obligations as it relates to the July 26, 2021 Face Covering Order.
7. Pursuant to Rule 92.02 this court hereby enters a temporary restraining order against Defendant Page, Defendant Kahn, and the St. Louis County Department of Public Health. These Defendants are temporarily enjoined from taking any and all action to enforce the July 26, 2021 Face Covering Order. Pursuant to Rule 92.02(d) no bond is required in this matter.
8. Cause is set for a preliminary injunction hearing on August 17, 2021 at 9:30am. The parties shall prepare a scheduling order consistent with the hearing date to the court no later than August 4, 2021 at 5pm. If the parties are unable to agree upon

the scheduling order they shall immediately contact the court for a hearing to resolve the scheduling order.

Wherefore for the reasons stated above this court hereby enters a temporary restraining order against Defendant Page, Defendant Kahn, and Defendant St. Louis County Department of Public Health to enjoin these defendants from taking any and all action to enforce the July 26, 2021 Face Covering Order. Said temporary restraining order shall be in effect until the August 17, 2021 hearing.

SO ORDERED:



Judge

Division 18

August 03, 2021

INEME KIBAUUO

Circuit Judge, Division 18

_____ entered at 1pm

cc: to all other parties, through counsel of record, via the court's electronic filing system.