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Exhibit 7

IN THE CIRCUIT COURT OF McLEAN COUNTY, ILLINOIS

JOMAREUN RICHARDSON, KEVIN DION, REBEKAH MANGELS, AIDAN MARCIKIC, STEVEN LAZAROFF, JOSEPH BLOOM-BOEDEFELD, and DANIEL KIMBALL,	)	
Plaintiffs,	)	
v.	)	No. 2024CH000014
ANDREW MORGAN, in his capacity as Dean of Students at the Illinois State University; The BOARD OF TRUSTEES of Illinois State University, in their official capacities; AONDOVER TARHULE, in his official capacity as President of the Illinois State University, and the ILLINOIS STATE UNIVERSITY,	)	
Defendants.	)	

PLAINTIFFS' VERIFIED PETITION FOR TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION

Plaintiffs JOMAREUN RICHARDSON, KEVIN DION, REBEKAH MANGELS, AIDAN MARCIKIC, STEVEN LAZAROFF, JOSEPH BLOOM-BOEDEFELD, and DANIEL KIMBALL, by and through their undersigned counsel, hereby respectfully move this Honorable Court for an Order restraining, enjoining, and prohibiting Defendants from any actions, including student discipline, which would constitute a violation of Plaintiffs' First Amendment Rights and prohibit them from academic participation, and in support thereof state as follows:

Background

Plaintiffs are students at the Illinois State University – notably, a *public* college - who engaged in a peaceful, lawful protest at Hovey Hall, a designated public forum. Despite their status as a *public* institution, however, Defendants made the conscious decision to support Israel and not Palestine in the ongoing Israeli-Palestinian conflict. To that end, Defendant Andrew Morgan, Dean

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of Students at Illinois State University, even posed for pictures on social media with the Israeli flag. Consistent with this pro-Israel policy, Defendants banned pro-Palestine protesters, including the Plaintiffs. Based on *that* policy, as alleged in the Complaint, the Defendants had the Plaintiffs arrested for trespassing and disciplined them when no similar discipline was or would be meted out to pro-Israel protesters.[1]

As a public college, the law required, and continues to require, Defendants to refrain from engaging in content-based regulation of students' speech in designated public fora. The law required, and continues to require, Defendants to refrain from punishing students simply because of the message or content of those students' speech. Nevertheless, Defendants here elected to prioritize and permit one group of protesters – pro-Israel groups – whilst prohibiting and punishing the Defendants *because* the Defendants' message was pro-Palestine. As will be shown, *the First Amendment does not permit a publicly funded college to discriminate against students on the basis of the content of their speech.*

Despite this, the Defendants, in addition to the punishments set forth in Plaintiffs' complaint, required the following discipline sent to each Plaintiff via notice on July 9, 2024:

[1] Based on those arrests, the Plaintiffs are the defendants in ongoing criminal cases in which the Defendants are the complaining witnesses. This Court can take Judicial Notice of those cases: State of Illinois v. Mangels, 2024CM000367; State of Illinois v. Lazaroff, 2024CM000368; State of Illinois v. Kimball, 2024CM000369; State of Illinois v. Dion, 2024CM000370; State of Illinois v. Bloom-Boedefeld, 2024CM000371; State of Illinois v. Aidan Richard Marcikic, 2024CM000372; State of Illinois v. Richardson, 2024CM000373. *See People v. Floyd F. (In re N.G.)*, 425 Ill. Dec. 547, 584 (Ill. 2018) (holding that taking judicial notice of related cases is "well within the … court's authority.").

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1. SS2 . Disciplinary Probation
   Start Date: Monday, June 24, 2024
   Complete by: Tuesday, June 24, 2025
   You are hereby placed on a Disciplinary Probation effective the date referenced as "start date" above through at least the date referenced as "deadline" above. Disciplinary Probation is a serious encumbrance on the student's good standing in the University community, and serves as a recognition that the student is no longer in good disciplinary standing with the University. Disciplinary Probation will last at least one semester (eighteen academic calendar weeks) and any subsequent violations during the probationary period will be viewed as both a violation of University regulations and a violation of the probation. No more than three Disciplinary Probation sanctions may be imposed on a student prior to that student being removed from the University community, though the student may be removed prior to this condition.

   A student on disciplinary probation may not hold any elected or appointed office at the University and is ineligible for a sophomore housing exemption to move to a fraternity or sorority house. At the end of the disciplinary probation period, all lost privileges shall be restored.

2. SS60 . Other Sanction
   Complete by: Wednesday, July 24, 2024
   You are required to write a plan for demonstrating/protesting on Illinois State University's campus, while complying with University policies/regulations. This written plan must be no less than 1,000 words in length (typed, double-spaced, and focused solely on the topic assigned) and must be submitted to SCCRHelp@ilstu.edu by no later than the date listed above. Please make sure to write your name and case number in the top right corner of your paper. Be further advised that this paper may not serve to justify your own actions, evaluate the actions of others, or assess University policies/regulations. The paper should utilize appropriate language, grammar, and spelling. You are not to use Chat GPT or any other AI generative tools to complete this sanction. Additionally, you are prohibited from working with others to complete this sanction and must submit work that is entirely your own.

In particular, this second sanction amounts to compelled speech and is a further violation of Plaintiffs' First Amendment rights. Further, it is specifically designed *by Defendants* to force Plaintiffs to waive their Fifth Amendment rights against self-incrimination, because Defendants are also the complaining witnesses in the ongoing criminal cases against Plaintiffs. In short, to punish Plaintiffs for the content of their speech being pro-Palestine, Defendants are *requiring* Plaintiffs to generate speech which could then be used against them in the criminal proceedings *begun* by the same Defendants. This is a blatant violation of Plaintiffs' First and Fifth Amendment rights.

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Under Illinois law, "[a] temporary restraining order issued with notice and a preliminary injunction issued with notice are the same type of relief and, whether referred to under either term, require the same elements of proof." *In re Estate of Wilson*, 373 Ill. App. 3d 1066, 1075, 869 N.E.2d 824, 833 (2007).

> The purpose of preliminary injunctive relief is not to determine controverted rights or decide the merits of the case, but to prevent a threatened wrong or continuing injury and preserve the status quo with the least injury to the parties concerned. In order to obtain preliminary injunctive relief, the plaintiff must establish: (1) a clearly ascertained right in need of protection; (2) irreparable injury in the absence of an injunction; (3) the lack of an adequate remedy at law; and (4) a likelihood of success on the merits of the case. If these elements are met, then the court must balance the hardships and consider the public interests involved. To obtain a preliminary injunction, the plaintiff must raise a "fair question" that each of the elements is satisfied.

Makindu v. Illinois High Sch. Ass'n, 2015 IL App (2d) 141201, ¶ 31, 40 N.E.3d 182, 190. Clearly, those elements are met here. Plaintiffs wish only to be allowed to continue their studies and not be forced to speak until the merits of this case and the parallel criminal cases can be decided. "A party seeking an injunction need not wait until an injury occurs." *In re Marriage of Weber*, 182 Ill. App. 3d 212, 220, 537 N.E.2d 1024, 1029 (1989).

I. Plaintiffs Have Clearly Ascertained Rights In Need of Protection

Here, Plaintiffs have multiple constitutional rights which the Defendants are either ignoring or outright violating. An ascertainable right is defined as "some substantive interest recognized by statute or common law." *Kilhafner v. Harshbarger*, 245 Ill. App. 3d 227, 229, 614 N.E.2d 897, 899 (1993).

First is Plaintiffs' First Amendment right to free speech. "The First Amendment reflects a 'profound national commitment' to the principle that debate on public issues should be uninhibited and robust, and the Supreme Court has consistently commented on the central importance of

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protecting speech on public issues." *Lawson v. City of Kankakee, Ill.*, 81 F. Supp. 2d 930, 936 (C.D. Ill. 2000). Here, the Defendants have a clear First Amendment right not only to speak on matters of public concern, but also to be protected from compelled speech and from being punished for speaking.

Similarly, Plaintiffs have a Fifth Amendment right to remain silent which Defendants purport to require them to violate. It is categorically unconstitutional for a government entity to compel a witness to speak. *See People v. Dmitriyev*, 302 Ill. App. 3d 814, 820 (Ill. App. Ct. 1998). *See also People v. Scott*, 148 Ill. 2d 479, 509 (Ill. 1992). A public college compelling speech which can then be used against the plaintiffs at criminal proceedings commenced *by* that public college is in direct contravention of the Plaintiffs' Fifth Amendment rights: "the defense of self-incrimination is a privilege that belongs to the party testifying and is not available to third parties." *People v. Shockey*, 67 Ill. App. 2d 133, 139 (Ill. App. Ct. 1966). "Independently of *Miranda* and its Federal voluntariness principles, Illinois courts have long held that, to be admissible, a confession must be "voluntary" in a State-law sense and that a defendant's mental ability, familiarity with the English language, age, education, and experience are among factors to be weighed in determining from the totality of the circumstances whether a confession or waiver of rights is "voluntary" in that sense." *People v. Bernasco*, 138 Ill. 2d 349, 365 (Ill. 1990).

II. Irreparable Injury Will Result From Defendants' Conduct

This factor is clearly satisfied. "It has repeatedly been recognized by the federal courts at all levels that violation of constitutional rights constitutes irreparable harm as a matter of law." *Cohen v. Coahoma County, Miss.*, 805 F. Supp. 398, 406 (N.D. Miss. 1992) (collecting cases). Indeed, "[t]he loss of First Amendment freedoms is presumed to constitute an irreparable injury for which money damages are not adequate, and injunctions protecting First Amendment

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freedoms are always in the public interest. " *Christian Legal Society v. Walker*, 453 F.3d 853, 859 (7th Cir. 2006). As the U.S. Supreme Court explained, "[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976). The same is true of Plaintiffs' Fifth Amendment rights. *See benShalom v. Marsh*, 690 F. Supp. 774, 775 (E.D. Wis. 1988). *See also Higher Soc'y Indiana v. Tippecanoe Cnty.*, 858 F.3d 1113, 1116 (7th Cir. 2017).

III. Plaintiffs Have No Adequate Remedy At Law

"The lack of an adequate remedy at law ordinarily means that money damages would not suffice. " *Hall v. National Collegiate Athletic Ass'n*, 985 F. Supp. 782, 800 (N.D. Ill. 1997). However, "[t]he mere existence of a remedy at law, or the fact that a monetary judgment may be the ultimate relief, does not deprive the trial court of its power to grant injunctive relief if that remedy is inadequate. An adequate remedy at law is one that is clear, complete, and as practical and efficient to the ends of justice and its prompt administration as the equitable remedy." *Ron & Mark Ward, LLC v. Bank of Herrin*, 2024 Ill. App. 5th 230274, 23-24 (Ill. App. Ct. 2024) (internal quotation marks and citations omitted). The ability to sue for damages after a constitutional violation is complete does not mean there is an adequate remedy at law. *See Hammer v. City of Blue Island*, 2024 Ill. App. 232464, 14 (Ill. App. Ct. 2024).

Here, money damages will not compensate Plaintiffs for the loss of their constitutional rights. As multiple courts have explained, "money damages are always inadequate where First Amendment rights are at stake." *Lela v. Bd. of Trs. of Cmty. Coll. Dist. No. 516*, No. 14 CV 5417, at *9 (N.D. Ill. Jan. 21, 2015). *See also Joelner, Fish v. Village of Washington Park*, 378 F.3d 613, 620 (7th Cir. 2004). The same is true of Plaintiffs' Fifth Amendment rights. *Id*.

IV. The Plaintiffs Have A Likelihood of Success on the Merits

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At this point in the proceedings, "to establish a likelihood of success, [Plaintiffs] need only raise a fair question regarding the existence of a claimed right and a fair question that he will be entitled to the relief prayed for if the proof sustains the allegations." *Kalbfleisch ex rel. Kalbfleisch v. Columbia Cmty. Unit Sch. No. 4*, 396 Ill. App. 3d 1105, 1114, 920 N.E.2d 651, 660 (2009). Clearly, that is true here.

It must be reiterated that the Illinois State University is a *public* institution which is obligated to protect Plaintiffs' constitutional rights. As the U.S. Supreme Court observed a half-century ago:

> For at least a quarter-century, this Court has made clear that even though a person has no "right" to a valuable governmental benefit and even though the government may deny him the benefit for any number of reasons, there are some reasons upon which the government may not rely. **It may not deny a benefit to a person on a basis that infringes his constitutionally protected interests — especially, his interest in freedom of speech. For if the government could deny a benefit to a person because of his constitutionally protected speech or associations, his exercise of those freedoms would in effect be penalized and inhibited**. This would allow the government to produce a result which it could not command directly. **Such interference with constitutional rights is impermissible**.

Perry v. Sindermann, 408 U.S. 593, 597 (1972) (internal quotation marks and citations omitted; emphasis supplied).

It is black letter law that "once a university creates a forum, it must 'justify its discriminations and exclusions under applicable constitutional norms[.]'" *Orin v. Barclay*, 272 F.3d 1207, 1215 (9th Cir. 2001) (citing *Widmar v. Vincent*, 454 U.S. 263 (1981)). For instance, in *Spartacus, Etc. v. Board of Trustees of Illinois*, 502 F. Supp. 789, 800 (N.D. Ill. 1980), the court concluded that the student union was a public forum subject to First Amendment protections. Federal courts have also noted that "university spaces made available for uses typical of public

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fora" transform university spaces into designated public fora. *Helms v. Zubaty*, 495 F.3d 252, 256 (6th Cir. 2007). In *Widmar*, "the Court found that public university meeting places constitute designated public fora." *Kreimer v. Bu. of Police for Town of Morris*, 958 F.2d 1242, 1257 (3d Cir. 1992). That is true of Hovey Hall here.

Hovey Hall has a long history of being the site of protests and First Amendment activity. For example, in October 2022, a protest in and around Hovey Hall entitled the "March for Queer Rights" protested homophobia on ISU's campus. In April 2022, AFSCME Local 1110 members marched through Hovey Hall for hours in a protest against ISU administration for better wages. In March 2021, the ISU Graduate Workers Union held a protest against ISU administration in and around Hovey Hall for better wages and working conditions. In 2019, Hovey Hall was the site of a protest against anti-Black racism. In 1970, protests in and around Hovey Hall were part of the infamous "flagpole standoff" over racial integration at ISU. In fact, the ISU's central administration building has long been a public forum for protests and marches of all kinds, even before it was named "Hovey Hall". In 1919, students marched for women's suffrage in and around what was then the college's central administration building.

But though closing the doors to Hovey Hall to Plaintiffs because of the content of their message is a grave First Amendment violation on its face, worse still is the demand for compelled speech contained within the purported "discipline." "Some of this Court's leading First Amendment precedents have established the principle that freedom of speech prohibits the government from telling people what they must say." *Rumsfeld v. Forum for Academic*, 547 U.S. 47, 61 (2006). That is all the more true where the government is ordering speech which is relevant to an ongoing criminal proceeding, essentially demanding that a party forego its Fifth Amendment right to remain silent. Where a government actor "[requires] speech that a speaker would not

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otherwise make, that [actor] necessarily alters the content of the speech." *Entertainment Software Ass'n v. Blagojevich*, 469 F.3d 641, 651 (7th Cir. 2006) (internal quotation marks and citations omitted).

So make no mistake: the actions by Defendants here *are* content-based. *Schultz v. City of Cumberland*, 228 F.3d 831, 843 (7th Cir. 2000). What the Defendants demand and require from Plaintiffs here is nothing short of a pro-Israel message, or an acquiescence that pro-Palestinian speech is entitled to less protection and deference. The Defendants permit other speakers to engage in exactly the same conduct alleged of Plaintiffs here, but take no such drastic disciplinary action against *those* speakers because they have messages of which the Defendants approve. That the regulations cited by Defendants may be facially content-neutral, they are *applied* in a manner that is plainly content-specific, and that is not permitted by our constitution. *Turner Broadcasting System, Inc. v. Federal Communications Commission*, 512 U.S. 622, 642-43 (1994)

"At the heart of the First Amendment lies the principle that each person should decide for himself or herself the ideas and beliefs deserving of expression, consideration, and adherence. For this reason, the first amendment does not generally countenance governmental control over the content of messages expressed by private individuals." *People v. Jones*, 188 Ill. 2d 352, 357 (Ill. 1999) (citing *Turner*, 512 U.S. at 642). Nor can Defendants argue that punishing pro-Palestinian speech is somehow beneficial; "under the First Amendment a content-based regulation is no less suspect because the intent of the governmental body enacting it was benign." *Deida v. City of Milwaukee*, No. 01-C-0324, at *1 (E.D. Wis. Dec. 19, 2001).

In short, because the Defendants are engaged in punishment against Plaintiffs *because of the message the Plaintiffs conveyed*, the Defendants must show that their actions against Plaintiffs are the least restrictive means to further a compelling government interest. *Sable Communications*

of California, Inc. v. Federal Communications Commission, 492 U.S. 115, 126 (1989). But Illinois State University has no compelling state interest in protecting Israel from criticism, nor is there a compelling state interest furthered by allowing pro-Israeli messages but not pro-Palestinian ones.

V. **The Balance of Hardships Favors Plaintiffs**

Defendants will suffer no prejudice whatsoever from Plaintiffs not writing an essay. They will suffer no hardship from providing the service for which Plaintiffs have paid handsomely in tuition. No damage will be done to Defendants at all from preserving the status quo until this litigation is complete. On the other hand, the Plaintiffs will suffer greatly from the loss of their constitutional rights. This factor plainly weighs in Plaintiffs' favor.

VI. Plaintiffs Request An Evidentiary Hearing

As set forth in *Passon v. TCR, Inc.*, 242 Ill. App. 3d 259, 263 (Ill. App. Ct. 1993), Plaintiffs request an evidentiary hearing on this matter.

Respectfully Submitted,
JOMAREUN RICHARDSON, KEVIN DION, REBEKAH MANGELS, AIDAN MARCIKIC, STEVEN LAZAROFF, JOSEPH BLOOM-BOEDEFELD, and DANIEL KIMBALL

/s/ Sheryl Weikal
By their counsel

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IN THE CIRCUIT COURT OF McLEAN COUNTY, ILLINOIS

JOMAREUN RICHARDSON, KEVIN DION, REBEKAH MANGELS, AIDAN MARCIKIC, STEVEN LAZAROFF, JOSEPH BLOOM-BOEDEFELD, and DANIEL KIMBALL,	)	
Plaintiffs,	)	
v.	)	No. 2024CH000014
ANDREW MORGAN, in his capacity as Dean of Students at the Illinois State University; The BOARD OF TRUSTEES of Illinois State University, in their official capacities; AONDOVER TARHULE, in her official capacity as President of the Illinois State University, and the ILLINOIS STATE UNIVERSITY,	)	
Defendants.	)	

AFFIDAVIT OF JOMAREUN RICHARDSON, KEVIN DION, REBEKAH MANGELS, AIDAN MARCIKIC, STEVEN LAZAROFF, JOSEPH BLOOM-BOEDEFELD, and DANIEL KIMBALL

We, the affiants, state and affirm under penalty of perjury as set forth in Section 1-109 of the Illinois Code of Civil Procedure that the facts set forth herein, and in the Complaint we filed in this matter, are true and correct to the best of our knowledge and belief. By this affidavit we do not waive our rights under the Fifth Amendment to the United States Constitution.

Dated: July 30, 2024

[signature] 07 / 30 / 2024
JOSEPH BLOOM-BOEDEFELD

[signature] 08 / 01 / 2024
KEVIN DION

[signature] 07 / 30 / 2024
DANIEL KIMBALL

[signature] 07 / 30 / 2024
STEVEN LAZAROFF

[signature] 07 / 31 / 2024
REBEKAH MANGELS,

[signature] 07 / 30 / 2024
AIDAN MARCIKIC,

[signature] 08 / 01 / 2024
JOMAREUN RICHARDSON

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