



Mainstay of Downtown Lawrence Sues to Ensure Rights, Due Process COVID Bar Curfew Is Arbitrary, No Recourse for Appeal

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Lawrence, KS – A Lawrence-Douglas County local health officer updated an emergency order requiring restaurants and bars to stop serving alcohol at 11:00 pm and to close their doors at midnight, regardless of the establishment's existing COVID mitigation procedures and protocols.

Peach Madl partnered with the Kansas Justice Institute to file a lawsuit against the Lawrence-Douglas County health officer for non-monetary relief. Peach is the longtime owner of The Sandbar, an iconic local establishment that has been serving Lawrence since 1989. Kansas Justice Institute claims this Order disregards Constitutional rights such as due process, and equal protection.

Peach Madl says, "We have taken so many measures to prepare a safe social space. We all want the same thing, healthy and happy customers, but if we aren't permitted to have normal hours soon, we might not ever get the chance to be a part of team Lawrence again."

The latest health order prohibits a bar from utilizing outdoor seating after midnight but permits certain indoor restaurants to remain open.

Multiple COVID-health orders have been challenged in courts around the country dealing with the arbitrary nature of the orders, the process by which they were issued, and the lack of Constitutional rights to due process on behalf of those impacted.

Earlier this year KJI successfully challenged a Linn County health officer's order involving warrantless searches and seizures.

Litigation Director for the Kansas Justice Institute, Sam MacRoberts says, "Business owners should be afforded a due process hearing when an unelected, politically unaccountable health officer issues an order impacting their business. It's a matter of fairness. There's no mechanism to challenge the restaurant and bar curfew order, and that should change."

The Lawrence-Douglas Health Department has indicated that businesses in violation of the health order may be closed and individuals may be subject to a Class A misdemeanor, which could result in a fine of up to \$2,500 and one year in jail.

Kansas Justice Institute holds that restaurant and bar owners in Douglas County are being denied their civil liberties, including the right to earn a living and to operate a commercial enterprise, without due process of law.

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Kansas Justice Institute is the litigation arm of the Kansas Policy Institute. KJI has been involved in several COVID-related actions and won their first suit in 2019 to protect the First Amendment rights of raw milk dairies in Kansas.