



FOR IMMEDIATE RELEASE

UPDATE: [Kansas Justice Institute](#) Files Motion for Preliminary Injunction in Bar Curfew Case

Lawrence Small Business Owner Continues Suit For Due Process Rights

October 22 – Peach Madl, owner of [The Sandbar in Lawrence](#), and Kansas Justice Institute filed a motion today for a preliminary injunction to provide protection and relief from an Order enacted by the Lawrence-Douglas County Health Department earlier this month.

The Sandbar is seeking immediate relief from the county-wide emergency Order issued by Dr. Marcellino on grounds that the Order violates the Fourteenth Amendment’s procedural due process guarantee. The Order does not provide for any kind of a hearing related to business closures, curfews, or restrictions.

The Lawrence-Douglas County emergency order requires 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. This order obviously continues to hurt establishments in the area and prohibits them from sales during peak hours.

Peach Madl partnered with the Kansas Justice Institute to file a lawsuit against the Lawrence-Douglas County health officer for non-monetary relief. Kansas Justice Institute claims this Order disregards Constitutional rights such as due process and equal protection.

Litigation Director for the Kansas Justice Institute, Sam MacRoberts says, “This motion continues our fight against government overreach. Business owners should be afforded a due process hearing. A one-size-fits-all approach simply does not work. Peach and The Sandbar have a right to procedural due process, even during a pandemic. If we don’t stand up for our rights, we’ll lose them.”

Peach Madl said, “I want the chance to have a hearing so we can stay open and be safe.”

“We are asking the court to apply procedural due process requirements to the health officer’s Order,” says MacRoberts.

The hearing for the preliminary injunction has not yet been scheduled.

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.

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