

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.1.1
Eastern Division**

Geoffrey J Petzel, et al.

Plaintiff,

v.

Case No.: 1:16–cv–05435
Honorable Sharon Johnson
Coleman

Kane County Department of Transportation,
et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, April 17, 2017:

MINUTE entry before the Honorable Sharon Johnson Coleman: Motion hearing held on 4/17/2017 on intervenor plaintiff Stop Longmeadow's motion to intervene [73] and motion for temporary restraining order [73]. The Court grants the motion to intervene pursuant to Rule 24. This Court finds that a brief stay to the project is warranted. There is no question that no adequate remedy at law exists. While the federal defendants, joined by the Kane County defendants, argue that Stop Longmeadow has not complied with the 60–day notice requirement and cannot show irreparable harm since federal funding has not been approved, the defendants do not dispute that construction is set to begin today. The rusty patched bumble bee was placed on the endangered species list on March 21, 2017, and a press release issued on April 11, 2017, announcing commencement of work on the project. Thus, plaintiffs have not delayed in seeking this relief. Defendants contend that construction is scheduled to begin on different section that would not affect the rusty patched bumble bee habitat. This Court finds that the balance of harms weighs in favor of the plaintiffs and against the public's interest in reduced traffic congestion. This Court will also grant a brief temporary restraining order until April 28, 2017, at 5:00 p.m. The Court expects on that date for the plaintiffs to have submitted a motion for preliminary injunction with additional support for their position and addressing the issues raised by the defendants. Notice to the federal defendants under the Endangered Species Act should also have issued if plaintiffs will be pursuing that claim. Status hearing set for Friday, April 28, 2017, at 11:00 a.m. Mailed notice(rth,)

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