

IN THE CIRCUIT COURT OF COOK COUNTY
LAW DIVISION

NATASHA DUNN,)
JIMMY DARNELL JONES')
SOUTH SHORE NEIGHBORS)
Petitioner,) No: 2023CH04609
)
v.)
CITY OF CHICAGO, &)
CHICAGO PUBLIC SCHOOLS,)
)
Respondents)

PLAINTIFFS’ MOTION FOR EMERGENCY TEMPORARY RESTRAINING ORDER

Plaintiffs NATASHA DUNN, JIMMY DARNELL JONES and SOUTH SHORE NEIGHBORS who are citizens of the State of Illinois, by their attorney, Frank Avila Law, hereby submit this Motion for Temporary Restraining Order (“TRO”) pursuant to 735 ILCS 5/11-101 (the “Motion”) against Defendant City of Chicago and Chicago Public Schools.

FACTUAL CONTEXT

1. South Shore High School, situated at 7529 S Constance Ave, Chicago, IL 60649, has long been a vital institution within the South Shore community, serving as an educational facility and a symbol of community pride for decades.
2. On March 13, 2019, the Chicago city council passed an ordinance, as stated in Section 1, which established a binding lease agreement between the City of Chicago as Tenant and the Board of Education of the City of Chicago as Landlord. This lease authorized the City's use of the former South Shore High

School located at 7601-7659 South Constance Avenue for the Chicago Police Department and Chicago Fire Department. The purpose of this lease was to allocate the building specifically for the use of these departments. Therefore, any action that deviates from this intended purpose, such as transforming the building into a refugee shelter, would be in violation of the lease agreement. See, Exhibit A.

3. On May 2, 2023, the defendant, City of Chicago, announced its intention to repurpose South Shore High School as a refugee center without seeking meaningful input from the community or conducting a transparent decision-making process.
4. The lack of community input regarding such a significant and transformative undertaking has caused considerable distress and concern among the residents of South Shore. The proposed conversion has the potential to significantly impact the community's character, infrastructure, and quality of life.
5. Additionally, there are substantial concerns regarding potential violations of the existing zoning laws associated with the conversion of South Shore High School into a refugee center. The zoning laws in place are designed to protect the integrity and stability of the community, ensuring that land use is compatible with the surrounding area.
6. The defendant's proposed action appears to disregard the zoning laws that are in place to safeguard the South Shore community. The failure to comply with these laws poses a significant threat to the rights and interests of the residents.

7. For the safety of the community and the safety of the refugees the city cannot convert the premises into a transitional residence until the building complies with all applicable code regulations; and all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

Plaintiff a neighbor of the school was not informed.

8. On Monday, May 2, 2023, the Plaintiff received a text message containing a screenshot from Mayor Lori Lightfoot's official Facebook page, announcing a community meeting to discuss the housing of Asylum Seekers in the old South Shore High School building.
9. Subsequent to the receipt of the aforementioned text message, the Plaintiff promptly contacted Alderman Michelle Harris to inquire about the lack of notification from her office. A representative from Alderman Harris's office informed the Plaintiff that the Alderman herself had only become aware of the situation on the same day (May 2), and the decision to house the Asylum Seekers had already been finalized.
10. The representative further revealed that the Asylum Seekers were scheduled to be accommodated in the building commencing the following week, and the purpose of the community meeting was merely to solicit public opinions, despite the decision having already been made.
11. Disturbingly, it has come to our attention that none of the Plaintiff's neighbors were properly notified by either the Alderman or the Mayor's Office concerning the community meeting and the proposed housing of Asylum Seekers.

12. By Tuesday, May 2, 2023, numerous neighbors expressed their dissatisfaction, as the meeting invitation had already been closed, thus precluding any further attendance.
13. On Wednesday, May 3, 2023, the Plaintiff drafted an open letter addressed to Mayor Lightfoot and Alderman Harris, subsequently transmitting it via email. The correspondence was also carbon copied to Mayor elect Johnson, elucidating the violations of the Plaintiff's rights to participate in decisions regarding the use of a public school building situated within 200 feet of their residential homes. Furthermore, concerns were raised regarding the placement of migrants in an already under-resourced and overburdened neighborhood.
14. The crux of this complaint encompasses the following pivotal issues:
 - a. Safety: During the brief public meeting held on May 4, 2023, the city authorities delineated rules and regulations applicable exclusively to the housed migrants within the facility. Nevertheless, no provisions have been established regarding expectations for their conduct within the surrounding residential area. This lack of clarity poses a potential threat to the safety, property, and overall well-being of the Plaintiff, particularly in light of the neighborhood's existing dearth of resources and high crime rates.
 - b. Resources and Lack of Transparency: The actions undertaken by Mayor Lightfoot and Alderman Harris have further exacerbated the erosion of trust between the community and its elected officials. Despite assurances made by Alderman Harris in 2013 pertaining to community input on the use of the old

South Shore building, the current proceedings have displayed a conspicuous absence of transparency.

c. Police Response Times: At the meeting held on May 4, 2023, the Police Commander in attendance reassured the attendees that the Asylum Seekers would receive 24-hour security protection. However, the Plaintiff has witnessed significant delays in police response times for incidents occurring within the neighborhood, with response times ranging from four to six hours. This contradiction raises concerns about the ability of the authorities to fulfill their assurances.

15. The most burdened neighborhoods continue to be ignored and the opinions of communities of color as well as their rights including but not limited to their constitutional rights continue to be overlooked by the City of Chicago.

16. The shelter is not only opposed by the neighbors but also by Immigrant advocates who understand that simply throwing refugees into a building that is not fit for housing and a residential neighborhood that does not have the resources to support these refugees is a recipe for disaster.

ARGUMENT

A. Applicable Law.

The purpose of a temporary restraining order is to preserve the status quo in an ongoing controversy until the court conducts a hearing to determine whether it should grant a preliminary injunction and/or until the case can be decided on the merits. *Delgado v. Bd. of Election Comm'rs*, 224 Ill.2d 481, 483 (2007). To be entitled

to temporary injunctive relief, the plaintiff must demonstrate that it: (1) possesses a protectable right; (2) is likely to be successful on the merits of its action; (3) has no adequate remedy at law; and (4) will suffer irreparable harm without the protection of an injunction. *Bartlow v. Shannon*, 399 Ill. App. 3d 560, 567 (5th Dist. 2010) (directing circuit court to enter TRO in plaintiff's favor).

1. Plaintiff Possesses a Protectable Right

Plaintiff, like any other resident of Chicago and the neighbors of South Shore High School like the neighbors of any other neighborhood of the city of Chicago are entitled to the zoning protections established by the city of Chicago. Communities of color have the same constitutional rights as any other community in the city of Chicago and the zoning requirements cannot be foregone when dealing with communities of color.

2. Plaintiff is Likely to be Successful on the Merits

Currently South Shore High School falls under a community with “R” zoning. The “R,” residential districts are intended to create, maintain and promote a variety of housing opportunities for individual households and to maintain the desired physical character of the city’s existing neighborhoods. If the City intends to change the zoning of South Shore High School it must comply with all statutory requirements such as notice, and public hearing. Here, the statutory requirements were not followed, it is unclear if the city applied for any special permit, it is unclear if the

building code requirements are in compliance with. These regulations were establish to protect the wellbeing of citizens, the city cannot forego them.

3. Plaintiff has No Adequate Remedy at Law & Plaintiff will Suffer Irreparable Harm without the Protection of an Injunction

In the absence of a temporary restraining order, the plaintiff has no practical or effective legal recourse to prevent or address the adverse impacts resulting from the proposed conversion. Monetary damages alone cannot restore the tranquility and character of the neighborhood, nor adequately compensate for the long-lasting harm to the plaintiff's quality of life and property. Additionally, the safety concerns which include concerns for the wellbeing of the refugees cannot be restored if the building is at a later point deemed uninhabitable. Thus, the absence of an adequate remedy at law underscores the necessity for the court's intervention through the issuance of a TRO. This impacts health and safety thus without the Protection of an Injunction Plaintiff will Suffer Irreparable Harm.

CONCLUSION

In light of the aforementioned arguments, the plaintiff respectfully requests that this honorable court grant the requested temporary restraining order immediately, to prevent the defendant from proceeding with the conversion of South Shore High School into a refugee center until the court has had the opportunity to fully consider the merits of the plaintiff's claims. Such an order will ensure the preservation of the status quo and provide the plaintiff with a fair chance to protect

their rights and interests through the legal process. Granting the temporary restraining order is vital to prevent irreparable harm to the plaintiff and the community, and to ensure that the court's eventual decision is based on a thorough examination of the legal issues at hand. Given the brevity of this TRO due to the immediacy of the issue presented the Plaintiff respectfully request a hearing on this Motion in which Plaintiff can fully set out its legal argument and answer any questions this honorable Court may have.

DATED: May 9, 2023

Respectfully Submitted,

By /s/ Frank Avila

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