

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
General of the State of Illinois,)
)
Plaintiff,)
)
v.)
)
PATRICIA GROVES, individually,)
)
Defendant.)

No. 16-CH-8909

AGREED ORDER FOR IMMEDIATE AND PRELIMINARY INJUNCTION

This cause coming before the Court on Plaintiff's Motion for Immediate and Preliminary Injunction, due notice having been given, the Court having reviewed the Motion, the Plaintiff and Defendant PATRICIA GROVES, ("Parties to the Agreed Order") having agreed to the following Agreed Order for Immediate and Preliminary Injunction ("Agreed Order"), IT IS HEREBY ORDERED THAT:

This Court enters the following immediate and preliminary injunction against Defendant PATRICIA GROVES ("Defendant"), which shall remain in full force and effect until further order by this Court:

I. BACKGROUND

1. Plaintiff alleges in its Verified Complaint for Injunctive and Other Relief ("Verified Complaint") filed in this matter, which is incorporated by reference herein, that Defendant failed to mitigate lead hazards in the second-floor unit ("Apartment") of her apartment building located at at 1817 S. Grove Ave., Berwyn, IL ("Building"), in violation of a May 6, 2016 "Notice of Deficiency and Order to Mitigate" ("May 6, 2016 Order") issued to her by the Cook County Department of Public Health ("CCDPH"),

acting as delegate agency for the Illinois Department of Public Health (“IDPH”), and that she thereby violated and continues to violate the Illinois Lead Poisoning Prevention Act (“Act”), 410 ILCS 45/9(5) (2014), and related regulations.

II. GENERAL PROVISIONS

2. This Agreed Order shall apply to and bind the parties hereto.

3. This Agreed Order is not a final resolution on the merits of Plaintiff’s Verified Complaint filed herein, but rather addresses Plaintiff’s most immediate concerns alleged in the Verified Complaint.

4. This Court shall retain jurisdiction of this matter for the purposes of interpreting and enforcing the terms and conditions of this Agreed Order.

III. COMMITMENT OF DEFENDANT

5. Defendant shall not rent, lease or otherwise allow any person to occupy the Apartment until such time as IDPH issues a certificate of compliance for the Apartment pursuant to Section 9(7) of the Act, 410 ILCS 45/9(7) (2014).

6. Defendant shall post and maintain notices at all entrances of the Building specifying the lead hazards identified therein by CCDPH, as required by Section 9.4 of the Act, 410 ILCS 45/9.4 (2014), until such time as CCDPH or IDPH issues a certificate of compliance for the Apartment pursuant to Section 9(7) of the Act, 410 ILCS 45/9(7) (2014).

IV. NOTICES

7. In addition to any notice requirements contained in the May 6, 2016 Order, all submittals and correspondence relating to the requirements of this Agreed Order shall be directed to the following persons:

FOR PLAINTIFF

Angad S. Nagra
Assistant Attorney General
Illinois Attorney General's Office
Environmental Bureau North
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
(312) 814-5361

Jessica Pipersburgh
Assistant General Counsel
Cook County Health and Hospitals System
1900 West Polk St., Ste. 155
Chicago, IL 60612
(312) 864-0842

FOR DEFENDANT

Patricia Groves
1428 S. Harvey
Berwyn, IL 60402

V. STIPULATED PENALTIES

8. If Defendant fails to comply with any of the requirements of this Agreed Order, Defendant shall pay to Plaintiff stipulated penalties in the amount of \$150.00 per day, per violation, until such time that compliance is achieved.

9. If written notice of any violation of this Agreed Order is given, it shall be served upon Defendant via certified or overnight U.S. Mail, to the persons identified in paragraph 11 of this Agreed Order. However, the failure of Plaintiff to give Defendant notice of the violation(s) does not in any way relieve Defendant of her obligation to pay stipulated penalties hereunder.

10. All penalties owed shall be payable within thirty (30) calendar days of the receipt of written demand from Plaintiff. Payment shall be made by certified check or

money order payable to CCDPH for deposit into the Lead Poisoning Screening, Prevention, and Abatement Fund ("LPSPAF") and delivered to:

Jessica Pipersburgh
Assistant General Counsel
Cook County Health and Hospitals System
1900 West Polk St., Ste. 155
Chicago, IL 60612
(312) 864-0842

The case name and number shall appear on the face of the check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Angad S. Nagra
Assistant Attorney General
Illinois Attorney General's Office
Environmental Bureau North
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
(312) 814-5361

Stipulated penalties shall be in addition to, and not as a substitute for any other remedy available to Plaintiff.

VI. FORCE MAJEURE

11. Any failure by Defendant to comply with any requirement of this Agreed Order shall not be a violation of this Agreed Order if such failure is the result of action(s) by persons or events beyond the reasonable control of Defendant including, but not limited to, acts of God, act of public enemy, war, blockade, public riot, fire, flood or labor dispute. Disputes relative to compensation payable to agents, employees, or servants, or increased costs shall not be considered circumstances beyond the control of Defendant.

VII. DISPUTE RESOLUTION

12. The Parties to the Agreed Order shall use their best efforts to resolve any and all disputes or differences of opinion arising with regard to this Agreed Order, informally and in good faith. If, however, a dispute arises concerning this Agreed Order that the Parties to the Agreed Order are unable to resolve informally, either party may, by written motion, request that an evidentiary hearing be held before the Circuit Court for Cook County, Illinois, to resolve the dispute between the Parties to the Agreed Order. Defendant shall bear the burden of proving she did not violate this Agreed Order.

VIII. RESERVATION OF RIGHTS

13. Nothing contained herein shall be deemed at this time, and compliance with this order by the Defendant shall not be deemed, an admission of any wrongful conduct or violation of any applicable statute, law or regulations thereunder by the Defendant, nor a finding of fact or adjudication by this Court of any of the facts or claims contained in the Verified Complaint. Plaintiff reserves the right to seek additional technical relief and civil penalties in this matter.

IX. STATUS CONFERENCE WITH THE COURT

14. This matter is set for status on August 18, 2016 at 10:00am without further notice, in Room 2410.

WHEREFORE the Parties to the Agreed Order, by their representatives, enter into this Agreed Order and submit it to this Court that it may be approved and entered.

AGREED:

PEOPLE OF THE STATE OF ILLINOIS
ex rel. LISA MADIGAN, Attorney General
of the State of Illinois,

MATTHEW J. DUNN, Chief
Environmental/Asbestos Litigation Division

By: *Elizabeth Wallace*
Elizabeth Wallace, Chief
Environmental Bureau
Assistant Attorney General

Date: 7/6/16

DEFENDANT PATRICIA GROVES

Patricia Groves
DATE: June 26, 2016

ENTERED:

JUL 7 2016
Date: _____

ENTERED
JUDGE KATHLEEN M. PANTLE-1775
DUNSTON BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK