

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

PROTECT OUR PARKS, INC., *et al.*)

Plaintiffs,)

v.)

LATIN SCHOOL OF CHICAGO, *et al.*)

Defendants.)

Case No. 08 CH 14027

Judge Dorothy Kirie Kinnaird

TEMORARY RESTRAINING ORDER WITH NOTICE

This matter came before the Court on Plaintiffs' Petition for Temporary Restraining Order. The Court has received and reviewed the Petition, Plaintiffs' Verified Complaint for Declaratory, Injunctive and Other Relief, Plaintiffs' Memorandum in Support, the Responses and Memoranda filed by the Defendant Chicago Park District, Defendant Latin School of Chicago, and the City Defendants, as well as Plaintiffs' Omnibus Reply. The Court has also reviewed and considered the Verified Answers filed by Defendant Chicago Park District and Defendant Latin School of Chicago, certain exhibits, certain affidavits, and portions of affidavits submitted in opposition to Plaintiffs' Petition, and the relevant constitutional, statutory, and case authority. The Court further reviewed the transcript of the October 25, 2006, meetings of the Chicago Park District Committee on Administration and the Committee on Capital Improvements, the transcript of the Chicago Park District Board of Commissioners' meeting of October 25, 2006, and the transcript of the Board of Commissioners' meeting of September 12, 2007. Finally, the Court heard and considered the oral argument of counsel.

For the reasons set forth in the transcript of proceedings in court this day, a copy of which shall be transcribed, filed with the Clerk of the Court, and shall be considered a part of this Order;

THE COURT FINDS AS FOLLOWS:

1. Plaintiffs have clearly ascertainable rights in need of protection.
2. Plaintiffs have no adequate remedy at law.
3. Irreparable harm will result in absence of this limited Temporary Restraining Order.
4. Plaintiffs have established a likelihood of success on the merits as to their theories under the Lake Michigan and Chicago Lakefront Protection Ordinance, Article VIII, § 1(a) of the Illinois Constitution, and the public trust doctrine.
5. The balance of hardships favors Plaintiffs.

IT IS, THEREFORE, ORDERED AS FOLLOWS:

1. Defendants Latin School of Chicago and the Chicago Park District, their officers, employees, agents, principals, assigns, affiliated companies, organizations or enterprises, and all persons or entities acting under their control or in concert with them are hereby temporarily restrained from completing the artificial turf soccer field in the North Meadow of the South Field of Lincoln Park as follows:

- a. They may not install the lighting, permanent or fixed goal posts, permanent or removable bleachers, permanent or removable benches, or signage, including corporate or individual sponsorships on plaques, paving stones, or bricks. The scoreboard may not be lit, connected to lighting, or otherwise used.

b. Nothing in this Order shall be construed to prevent the Defendant Chicago Park District and Defendant Latin School of Chicago from completing the construction of artificial turf soccer field itself, landscaping, fencing on one side of the field, drainage, pathways, and drinking fountain.

2. This Order is entered without the requirement that Plaintiffs post a bond. Bond is specifically waived.

3. This Order will expire on Tuesday, May 20, 2008, at 4:30 P.M., unless extended by Order of this Court.

4. Hearing on Plaintiff's Motion for a Preliminary Injunction shall commence on Tuesday, May 20, 2008, at 11:00 A.M., and continue daily thereafter until completed.

5. In the event that the artificial turf soccer field is completed prior to May 20, 2008, to the extent it is usable as a soccer field, the Defendant Chicago Park District, its officers, employees, agents, principals, assigns, affiliated companies or enterprises, and all persons or entities acting under their control or in concert with them are temporarily restrained from permitting the Defendant Latin School of Chicago to use the field under Paragraph 9 of the Lincoln Park South Field Agreement dated December 1, 2006, and the Exhibit C attached thereto, or under any other priority usage arrangement.

ENTERED

ENTERED: APR 25 2008

JUDGE
DOROTHY KIRIE KINNAIRD - 276

April 25, 2008

Judge Dorothy Kirie Kinnaird

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