

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

PRESTIGE FEED PRODUCTS, LLC, an Illinois)
limited liability company,)

Plaintiff,)

v.)

VILLAGE OF MOUNT PROSPECT, an Illinois)
municipal corporation,)

Defendant.)

Case No. 2023 CH 5147

Judge Quish

Calendar 14

VILLAGE OF MOUNT PROSPECT, an Illinois)
municipal corporation,)

Defendant/Counter-Plaintiff,)

v.)

PRESTIGE FEED PRODUCTS, LLC, an Illinois)
limited liability company,)

Plaintiff/Counter-Defendant.)

**VILLAGE OF MOUNT PROSPECT'S
AMENDED VERIFIED COUNTERCLAIM FOR INJUNCTIVE RELIEF**

Defendant/Counter-Plaintiff, Village of Mount Prospect ("Village"), by and through its attorneys, Klein, Thorpe and Jenkins, Ltd., file this Amended Verified Counterclaim for Injunctive Relief against Prestige Feed Products, L.L.C. (the "Plaintiff/Counter-Defendant") (collectively the "Parties") alleging as follows:

BACKGROUND

1. The Defendant/Counter-Plaintiff's counterclaim for injunctive relief against the Plaintiff/Counter-Defendant arises from a problem with noxious odors and loud noise emitting from the Prestige Feed Products facility located 431 Lakeview Court, Suite A, in Mount Prospect, Illinois (the "Facility").
2. The Plaintiff/Counter-Defendant began operations at the Facility on March 19, 2019 and manufactures soy and cheese-based livestock feed products. Specifically, the Plaintiff/Counter-Defendant dehydrates raw materials to produce an animal feed ingredient.
3. From the beginning of Plaintiff/Counter-Defendant's operations at the Facility up to the present, businesses and residents located near the Facility have complained to the Village about noxious odors emitted during and after Facility operation.
4. The Plaintiff/Counter-Defendant has attempted to remedy the problem, but the Village continues to receive complaints about noxious odors during and after Facility operations.
5. On June 7, 2023, the Court entered an Agreed Order between the Parties. The terms of the Agreed Order included, *inter alia*, that the Plaintiff/Counter-Defendant "withdraws its Motion for Temporary Restraining Order and Preliminary Injunction and Memorandum in Support Thereof." *Agreed Order*, attached and referred to as **Exhibit A** at ¶ 3.
6. On October 12, 2023, the Plaintiff/Counter-Defendant made an oral motion to the Court to reinstate its Motion for Temporary Restraining Order and Preliminary Injunction that the Court granted. *Order dated October 12, 2023*, attached and referred to as **Exhibit B**.
7. The Plaintiff/Counter-Defendant's actions to reinstate its Motion for Temporary Restraining Order and Preliminary Injunction breached ¶ 3 of the Agreed Order.
8. The inability of the Plaintiff/Counter-Defendant to resolve the ongoing odor problem forces the Village to seek judicial relief by filing this action for injunctive relief.

9. The Parties currently are engaged in discovery related to their pending motions for preliminary injunctions against each other.

10. Since October 12, 2023, the Village has received numerous complaints from residents living in the vicinity of the Facility regarding the odors and noise emitted during Facility operations.

11. The number of complaints received by the Village makes it necessary for the Defendant/Counter-Plaintiff to seek emergency relief from the Court prior to resolution of its preliminary injunction motion.

The Parties

12. The Village of Mount Prospect is an Illinois home rule municipality located in Cook County, Illinois.

13. Prestige Feed Products, LLC, ("Prestige") is an Illinois limited liability company operating a manufacturing facility at 431 Lakeview Court, Suite A, Mount Prospect, Cook County, Illinois.

14. Prestige is located in the Kensington Business Park area of Mount Prospect.

15. Prestige is located in an I-1 zoning district which is a "Limited Industrial District."

16. According to the Village Zoning Code, a Limited Industrial District allows for "Manufacturing, Light" as a permitted use.

17. The areas surrounding the Prestige operating facility are zoned as I-1 (west), I-1 (north), I-1 (east) and R-1 Single Family Residential (south).

The Facts Supporting The Village's Counterclaim For Preliminary Injunction

A. Prestige Begins Operations In The Village

18. On March 19, 2019, Mr. Joe Pesoli ("Pesoli") submitted to the Mount Prospect Community Development Department a business license application for Prestige Feed Products, LLC. *See Business License/Certificate Application*, attached and referred to as **Exhibit C**.

19. The application requested a license for a new business located at 431 Lakeview Court in the Village (the "Location").

20. The application included a detailed description of the business uses/services provided by Prestige that stated:

We will be processing cheese for animal feed in the facility. The cheese will be dried into powder form and then sold as a raw ingredient into swine feeds. This product will be solely for animal feed use.

21. Prestige began its operations at the Location as a claimed "Manufacturing, Light" permitted use.

B. The Village Receives Complaints About Odor Emitted By The Facility Shortly After Prestige Begins Operations At The Location

22. On May 23, 2019, the Village received a call from a resident living in a residential neighborhood in close proximity to the Location. The resident complained of a strong burning smell coming from the Facility.

23. On May 24, 2019, Brandon Allen ("Allen") of the Environmental Health Division of the Mount Prospect Community Development Department sent a written code violation notice to Prestige Feed Products, LLC at 431 Lakeview Court, Suite A, Mount Prospect, Illinois (the "May 24, 2019 Notice"). *Letter to Prestige Feed Products, LLC dated May 24, 2019*, attached and referred to as **Exhibit D**.

24. The May 24, 2019 Notice indicated Allen inspected the Location and found a violation of section 14.2104 (G-6) of the Village Zoning Ordinance that states:

The release of odorous matter from any industrial district across residence or business district boundary lines shall be so controlled that, at ground level or at habitable elevations, the concentration shall not exceed the odor threshold level. Further, the release of odorous matter across lot lines shall not become a nuisance or source of discomfort to neighboring uses.

Id.

25. Allen also indicated in the May 24, 2019 Notice that Village staff and Prestige representatives met on April 19, 2019 in response to multiple concerns to discuss smells emitting from the Facility. *Id.*

26. Allen requested that Prestige provide written plans to remedy the smells emitting from the Facility within fourteen (14) days of the receipt of the May 24, 2019 Notice. *Id.*

27. The May 24, 2019 Notice requested that Prestige complete all repairs within thirty (30) days of receipt of the notice. *Id.*

28. On June 12, 2019, Village Manager Michael Cassady (“Cassady”) sent a Notice of Violation and Imminent Legal Action (“June 12, 2019 Notice”) to Prestige Feed Products, LLC to the attention of Pesoli. *Notice of Violation and Imminent Legal Action, dated June 12, 2019*, attached and referred to as **Exhibit E**.

29. In the June 12, 2019 Notice, Cassady indicated Prestige was operating in violation of the Mount Prospect Village Code (the “Code”) and that Prestige continued to violate Mount Prospect Village Code provisions despite having been previously informed of code violations. *Id.*

30. In the June 12, 2019 Notice, Cassady indicated Prestige is located in the Kensington Business Park that is designated as being within an I-1 District (“Limited Industrial District”) by Chapter 14, Zoning, of the Code. *Id.*

31. Section 14.604 of the Code sets forth the permitted or conditional uses for each zoning district in the Village. An I-1 Limited Industrial District allows for “Manufacturing, Light” as a permitted use. *Id.*

32. An I-1 Limited Industrial District allows for “Manufacturing, Heavy” only as a conditional use. *Id.*

33. The Code defines “Manufacturing, Light” as follows:

MANUFACTURING, LIGHT: The assembly, fabrication or processing of goods and materials using processes that do not create noise, smoke, fumes,

odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes that do not require extensive floor areas or land areas. "Light manufacturing" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or conditional use.

Id.

34. The Code defines "Manufacturing, Heavy" as follows:

MANUFACTURING; HEAVY: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not constitute "light manufacturing." Heavy manufacturing generally includes processing and fabrication of large or bulky products made from extracted or raw materials and processes that require extensive floor areas or land area for the fabrication and/or incidental storage of the products. "Heavy manufacturing" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or conditional use.

Id.

35. The Code, at Chapter 14, Article XXI, §14.2104(G)(6) provides that:

The release of odorous matter from any industrial district across residence or business district boundary lines shall be so controlled that, at ground level or at habitable elevations, the concentration shall not exceed the odor threshold level. Further, the release of odorous matter across lot lines shall not become a nuisance or source of discomfort to neighboring uses.

Id.

36. The Code, at Chapter 14, Article XXI, § 14.2104(G)(1) provides that:

No industrial activity shall generate noise across any residential or business zoning district boundary line in excess of the levels shown in table of this section, nor shall exceed seventy one (71) dBA when measured on the A-weighted scale.

Village of Mount Prospect Municipal Code, Chapter 14, Article XXI, § 14.2104 (G)(1), attached and referred to as **Group Exhibit F**.

37. The Code, at Chapter 23, Article XIV, § 23.1403(F), describes a “nuisance” as, “[t]o use any premises to create an offensive smell which taints the air and renders it unwholesome or unreasonably disagreeable to other persons.” *Id.*

38. The Code, at Chapter 11, Article XXXIV, § 11.3401, states: “No business, occupation or activity, licensed under this code or not, shall be conducted or operated so as to constitute a nuisance or so as to amount to a nuisance in fact.” **Exhibit E.**

39. The June 12, 2019, Notice indicated the Village had received numerous complaints from nearby residential and commercial property owners expressing concerns about odors and fumes emitted from the Facility. *Id.*

40. The June 12, 2019, Notice represented that Village staff had corroborated the complaints from nearby residential and commercial property owners about odor levels that would be “disruptive to the normal enjoyment of the adjacent neighborhoods.” *Id.*

41. The June 12, 2019, Notice indicated the odors emitting from the Facility bring its use within the definition of “Manufacturing, Heavy.” *Id.*

42. The June 12, 2019, Notice indicated Prestige had not been issued a conditional use permit for “Manufacturing, Heavy” operations. As a result, Prestige was limited to “Manufacturing, Light” uses. *Id.*

43. Since Prestige had not been issued a conditional use for “Manufacturing, Heavy” operations at the Facility, it was operating in violation of the Code. *Id.*

44. The June 12, 2019, Notice indicated complaints from nearby residential and business areas, along with Village staff inspections, provided evidence that Prestige’s business operations violated the above-stated Code provisions. *Id.*

45. The June 12, 2019, Notice requested that Prestige cease its processing operations immediately until the odor problem at the Facility was resolved. *Id.*

46. The Village closed down Prestige because its operations at the Facility violated Code provisions.

C. Prestige Acknowledges The Odor Problem And Takes Remedial Steps

47. Prestige acknowledged that odors were being emitted from the Facility during processing operations after the Village issued the June 12, 2019, Notice.

48. In August 2019, Prestige informed the Village that it would install an odor reduction system that “will sufficiently reduce odors to comply with Village Code Requirements.” *See Letter from Joe Pesoli to Michael Cassady, dated August 28, 2019*, attached and referred to as **Exhibit G**.

49. In January 2020, Pesoli provided the Village with a status update regarding the efforts by Prestige to remedy the odor problem during processing operations.

50. Pesoli indicated that Prestige would run its processing operations at night until its odor reduction system was fully implemented and “we have this odor issue 100% behind us.” *See Email From Joe Pesoli to Michael Cassady, Bill Cooney, William Schroeder M., Nellie Beckner, Brandon Allen, Nick Papanicholas, Jr., Joe Ignoffo, dated January 21, 2020*, attached and referred to as **Exhibit H**.

51. After the installation of the odor reduction system, Prestige reopened its processing operations at the Facility.

52. Despite Prestige installing its odor reduction system, the Village continued receiving complaints about odor emitted from the Facility from residents in the nearby residential neighborhood and from neighboring businesses.

53. Due to the ongoing odor problems at the Facility, the Village revoked the Prestige permitted use permit in March 2020.

54. Prestige took further steps to address the odor problem about which its residential and business neighbors complained to the Village.

55. It presented an odor control plan to the Village in April 2020 that the Village approved.

56. Prestige completed the enhanced odor reduction system in July 2020.

57. In October 2020 representatives of the Village and Prestige met at the Facility during processing operations and determined Prestige could resume regular processing operations with no restrictions.

58. In order to test the claim that the odors had been eliminated, bringing the use back to “Light Industrial” as defined by the Code, Cooney allowed Prestige to resume operations under a temporary use permit that ran through mid-April 2021.

59. Although the efforts of odor mitigation improved the situation, odors were still emitted off-site and complaints continued.

D. The Village Determines Prestige Operations Continued To Violate The Mount Prospect Village Code

60. On March 1, 2021, Cassady issued a Notice of Imminent Legal Action to Prestige (“March 1, 2021 Notice”). *Notice of Imminent Legal Action, dated March 1, 2021*, attached and referred to as **Exhibit I**.

61. The March 1, 2021 Notice indicated that Prestige continued to operate in violation of the Code despite the Village having previously informed Prestige of the violations. *Id.*

62. The March 1, 2021 Notice reminded Prestige that it is in an I-1 zoning district (“Limited Industrial District”) that allows for “Manufacturing, Light” as a permitted use. *Id.*

63. The March 1, 2021 Notice indicated that a Limited Industrial District allows for “Manufacturing, Heavy” only as a conditional use. *Id.*

64. The “Manufacturing, Heavy” definition includes processing of goods that affect the use and enjoyment of adjacent property due to odors and fumes. *Id.*

65. The March 1, 2021 Notice indicated that since Prestige had reopened for business the Village continued to receive “numerous and regular complaints from nearby residential and commercial areas of odors and fumes emitted from your business.” *Id.*

66. The March 1, 2021 Notice indicated Village staff monitoring the situation at the Facility corroborated a level of odor that would disrupt the enjoyment of property in adjacent neighborhoods as well as the operation of adjacent commercial uses. *Id.*

67. The March 1, 2021 Notice informed Prestige that the ongoing odors emitted from the Facility bring its use within the “Manufacturing, Heavy” definition that requires a conditional use permit. *Id.*

68. The March 1, 2021 Notice further informed Prestige that it had not been issued a conditional use permit and was limited to “Manufacturing, Light” uses. *Id.*

69. Because Prestige operated its business without a conditional use permit, it violated the Code. *Id.*

70. The March 1, 2021 Notice also informed Prestige that it was conducting its business in a manner that constituted a nuisance in violation of the Code. *Id.*

71. The March 1, 2021 Notice indicated that Prestige’s temporary use permit issued by Bill Cooney, Village Director of Community Development, was revoked and it had to cease operations until the odor problem was actually and effectively resolved or until Prestige was issued a conditional use permit by the Village Board. *Id.*

72. The March 1, 2021 Notice alerted Prestige that if it continued to operate in violation of the Code, “the Village will be forced to take immediate legal action to achieve compliance with the Village Code and protect neighboring property owners.” *Id.*

E. Further Attempts By Prestige To Remedy The Odor Problem

73. On April 1, 2021, Prestige retained Mostardi Platt, an engineering and environmental compliance firm, to design and perform an odor investigation at the Facility.

74. Prestige agreed to operate the Facility for limited late night and early morning hours between 8:00 p.m. and 5:00 a.m.

75. On April 29, 2021, due to complaints the Village received from residents living in a neighborhood near the Facility about a strong unpleasant odor coming from the Facility, the Village required Prestige to cease and desist its operations until further notice. *See Letter from Lance C. Malina to Anastas Shkurti, dated April 29, 2021*, attached and referred to as **Exhibit J**.

76. Prestige again operated the Facility during limited late night and early morning hours with the Village's consent starting May 11, 2021.

F. The Tolling Agreements

77. After the March 1, 2021 Notice, the Village and Prestige negotiated a Tolling Agreement that ran from March 1, 2021 through June 4, 2021 ("Tolling Period"). *Tolling Agreement*, attached and referred to as **Exhibit K**.

78. The Village and Prestige agreed that during the Tolling Period Prestige would not file a lawsuit against the Village regarding any claims for violations of legal, contractual and constitutional rights it believed had against the Village. *Id.*

79. The Village and Prestige agreed that during the Tolling Period all applicable statute of limitations would be tolled as to any and all claims Prestige might have against the Village. *Id.*

80. The intent of the Tolling Agreement was to provide the Village and Prestige an opportunity to resolve their disputes using informal means and without litigation. *Id.*

81. The Village and Prestige amended and restated the Tolling Agreement on numerous occasions so that the Tolling Agreement ran from March 1, 2021 until the Village terminated the Tolling Agreement effective May 11, 2023. *See Letter from Lance C. Malina to Riccardo DiMonte, dated April 10, 2023*, attached and referred to as **Exhibit L**.

G. The Village Receives Numerous Recent Complaints About Odor Emitting From The Facility

82. Since March 2023, the Village has received more than three dozen complaints or notices about noxious odors being released by the Facility.

83. The complaints have come from residents in nearby neighborhoods and from business owners located near the Facility.

84. The notices of noxious odors have come from Mount Prospect Police Department ("MPPD") officers patrolling the area in the near vicinity of the Prestige during late night and early morning hours.

85. The number of complaints and notices to the Village of noxious odors released by the Facility has increased during July 2023.

H. The Village Continues To Receive Numerous Complaints About Odor And Noise Emitting From The Facility Since October 12, 2023

86. Since October 12, 2023, the Village has received numerous complaints from residents living near the Facility. The complaints refer to an obnoxious odor emitted by the Facility during its night-time operations and loud noise created by the operating equipment.

87. The MPPD has received, investigated and documented at least twenty-one (21) complaints from residents about obnoxious odors and loud noise during Facility operations since October 21, 2023. *See Mount Prospect Police Department Reports*, attached and referred to as **Group Exhibit M**.

88. The documented results of the MPPD investigations include the following:

- a. 10/21/2023 at 11:10:04 PM: officer detects strong, unpleasant odor;
- b. 10/26/2023 at 11:07:00 PM: officer detects strong smell of burnt chesse detected north of the property and loud noise coming the business;
- c. 10/27/2023 at 11:20:36 PM: officer detects "familiar odor associated with business at 431 Lakeview Ct;"
- d. 10/30/2023 at 9:58:11 PM: officer detects "familiar odor associated with business at 431 Lakeview Ct . . . No noise heard;"
- e. 10/30/2023 at 10:58:00 PM: officer observes "loud fan noise" and "very strong odor from Prestige Foods;"

- f. 11/2/2023 at 3:45:16 AM: officer detects unpleasant odor of cheese and "hears loud noises coming from the business;"
- g. 11/4/2023 at 11:19:00 PM: officer hears fan noise from the driveway of complainant's residence;
- h. 11/6/2023 at 10:54:24 PM: officer detects "a strong, unpleasant odor of cheese" and hears "loud noises (caused by the ventilators) coming from the business;"
- i. 11/9/2023 at 10:04:53 PM: officer hears "loud noises coming from the business" no odor detected;
- j. 11/9/2023 at 11:12:55 PM: officer detects strong, unpleasant smell of "rotten cheese" and hears loud noises coming from the business;
- k. 11/10/2023 at 10:00:00 PM: officer detects odor "which I can best describe as burnt cheese;"
- l. 11/13/2023 at 9:45:00 PM: officer confirms "there was a foul odor from the business that could be smelled east of the business;"
- m. 11/14/2023 at 12:42:41 PM: officer hears loud noises coming from the business and no odor detected;
- n. 11/14/2023 at 2:42:03 AM: officer hears loud noises coming from the business and no odor detected;
- o. 11/17/2023 at 12:22:22 AM: officer detects "a strong, unpleasant odor" and loud noises coming from the business;
- p. 11/18/2023 at 11:04:13 PM: officer detects "a very strong, foul, cheese-like odor directly to the east of the 431 Lakeview Ct property" and hears "a noise consistent with a loud fan which appeared to be originating from the Prestige Feed business property;"
- q. 11/22/2023 at 5:46:36 AM: officer hears loud noises coming from the business and no odor detected;
- r. 11/27/2023 at 11:15:14 PM: officer detects "a very strong, foul, cheese-like odor directly to the east of the 431 Lakeview Ct property;"
- s. 11/29/2023 at 9:40:00 PM: officer detects a "strong, unpleasant odor coming from the direction of the business" and hears loud noise coming from the business; officer reports the complainant advised his son went outside to pick up a package and "immediately went inside and became sick from the smell;"

- t. 11/29/2023 at 10:30:00 PM: officer reports that he responded to 431 Lakeview Ct and “upon arrival I turned onto Feehanville Rd. from Wolfe Rd. where I instantly smelled a foul odor while inside my vehicle. I arrived at 431 Lakeview Ct. and exited my car. The odor was even more pungent at the location. I did not hear any noises coming from the business.”
- u. 12/1/2023 at 9:50:00 PM: officer reports that he detected “a very strong odor of burned cheese in the air” when he responded to a complaint from a resident and drove to the vicinity of the Facility.

Id.

89. On November 17, 2023, Cassady sent to Pesoli another Notice of Violation and Imminent Legal Action in which the Village Manager notes that, “Prestige Feed Products, LLC (“Prestige”) continues to operate in violation of the Village of Mount Prospect Code (“Village Code”). The Village recognizes Prestige has made and continues to make attempts to operate in compliance with the Village Code. Unfortunately, these efforts have not succeeded, and Prestige remains in violation of several Village Code provisions.” *Notice of Violation and Imminent Legal Action, dated November 17, 2023*, attached and referred to as **Exhibit N**.

90. Counsel for Prestige responded to Cassady’s correspondence on November 17, 2023. *Letter to Michael J. Cassady dated November 17, 2023*, attached and referred to as **Exhibit O**.

COUNT I **INJUNCTIVE RELIEF**

91. The Village adopts and realleges the allegations set forth in Paragraphs 1-90.

92. The Village has a duty and obligation to preserve and protect the rights of owners of property located within the Village to the enjoyment of their property.

93. The Village has a clear interest in the enforcement of the Code provisions that preserve and protect the rights of owners of property located within the Village to the enjoyment of their property.

94. The conduct of Prestige in allowing noxious odors and loud noises to be emitted from the Facility violates Chapter 14, Article VI, section 14.604 of the Code by engaging in “Heavy

manufacturing” activity without a conditional use permit. This violation endangers the rights of property owners within the Village to the enjoyment of their property.

95. The conduct of Prestige in allowing noxious odors to be emitted from the Facility violates Chapter 14, Article VI, section 14.2104(G)(6) and Chapter 11, Article XXXIV, section 11.3401 of the Code and creates a nuisance that endangers the rights of property owners within the Village to the enjoyment of their property.

96. The Illinois Environmental Protection Act (the “Act”) at 415 ILCS 5/9(a) directs that no person shall “[c]ause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.”

97. The Act, at 415 ILCS 5/3.115 defines “air pollution” as “the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.”

98. The conduct of Prestige in allowing noxious odors to be emitted from the Facility violates the Act prohibition on causing air pollution that unreasonably interferes with and endangers the rights of property owners within the Village to the enjoyment of their property.

99. The Village has a duty and obligation to protect its residents from the conduct of Prestige that subjects them to air pollution which unreasonably interferes with the enjoyment of their property.

100. The Village will suffer irreparable harm if it cannot enforce its Code provisions and protect its citizens from the harm caused to them by Prestige’s actions in operating the Facility in such fashion that they are denied the use and enjoyment of their property.

101. Due to the irreparable harm to the Village and the neighboring residents caused by Prestige in its operation of the Facility that emits noxious odors and loud noises which deny persons and businesses in the immediate vicinity the use and enjoyment of their property, the Village has no adequate remedy at law.

WHEREFORE, the Village prays this Court enter judgment in its favor and against the Plaintiff/Counter-Defendant and enter an Order that grants the following relief:

- A. An order enjoining Prestige from operating the Facility located at 431 Lakeview Court, Mount Prospect, Illinois until such time as the odors emitted by the Facility have been eliminated based on the evaluation of an independent expert selected by both the Village and Prestige to make such assessment; and
- B. An order enjoining Prestige from operating the Facility located at 431 Lakeview Court, Mount Prospect, Illinois until such time as the noise caused by operation of the Facility has been reduced so that Prestige is not violation of § 14.2104(G)(1) of the Code; and
- C. Direct that Prestige shall pay the costs for the independent expert evaluation of the Facility operations; or
- D. An order enjoining Prestige from operating the Facility located at 431 Lakeview Court, Mount Prospect, Illinois until such time as Prestige receives a conditional use permit to operate the Facility at its current location.

Respectfully submitted,

Village of Mount Prospect

By: /s/ Allen Wall
One of its attorneys

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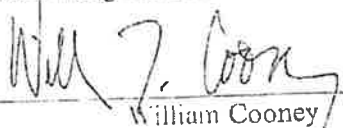
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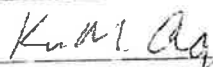
STATE OF ILLINOIS)
)
 COUNTY OF COOK) SS

VERIFICATION

The undersigned, William Cooney, being first duly sworn on oath deposes and says that he is the Director of Community Development for the Village of Mount Prospect and he has read the above and foregoing Village Defendants/Counter-Plaintiffs' Amended Verified Counterclaim For Injunctive Relief, and has knowledge of the contents thereof, and that the matters set out therein are true in substance and in fact to the best of his knowledge and belief.


 William Cooney

SUBSCRIBED and SWORN to
 before me this 4th day of
December, 2023


 Notary Public



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

PRESTIGE FEED PRODUCTS, LLC, an Illinois	)	
limited liability company,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2023 CH 5147
	)	
VILLAGE OF MOUNT PROSPECT, an Illinois	)	Judge Quish
municipal corporation, et al.,	)	
	)	Calendar 14
	)	
Defendants.	)	

VILLAGE OF MOUNT PROSPECT, an Illinois	)
municipal corporation, et al.,	)
	)
Defendants/Counter-Plaintiffs,	)
	)
v.	)
	)
PRESTIGE FEED PRODUCTS, LLC, an Illinois	)
limited liability company,	)
	)
Plaintiff/Counter-Defendant.	)

Defendants/Counter-Plaintiffs' Amended Verified Counterclaim For Injunctive Relief

EXHIBIT A

Agreed Order dated June 7, 2023

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

PRESTIGE FEED PRODUCTS, LLC, an Illinois
limited liability company,

Plaintiff,

v.

VILLAGE OF MOUNT PROSPECT, an Illinois
municipal corporation, et al.

Defendants.

Case No. 2023 CH 05147

**JURY DEMANDED ON LAW
COUNTS**

Judge Clare J. Quish
Cal. 14
Courtroom 2301

AGREED ORDER

This matter coming before the Court on June 7, 2023, upon the Parties' agreement, and the Court being fully advised that the Parties agree to the entry of an agreed order to maintain the status quo during the pendency of the litigation, and the Court being fully advised:

IT IS HEREBY ORDERED:

1. Defendant, the Village of Mount Prospect agrees that it will not issue a "cease and desist order" against Prestige Feed Products, LLC, revoke its business license and/or its occupancy permit, and refuse to renew its business license and/or its occupancy permit, until this Court adjudicates all Parties' respective rights and obligations or this Court orders otherwise;
2. Prestige Feed Products, LLC may continue to operate its feed production equipment at its Facility located at 431 Lakeview Court, Suite A, in the Village of Mount Prospect, Cook County, Illinois on a limited basis beginning at 9 PM and ending at 5 AM on days of operation, not including the warm-up and cool-down time for the business's machinery and subject to ongoing monitoring and scheduling adjustments as needed. The above-stated limitations shall not apply to the normal administrative operations of the business, including, but not limited to, the delivery and pick-up of materials. These conditions shall remain in effect until this Court adjudicates all Parties' respective rights and obligations, or the parties otherwise agree, or the Court orders otherwise;

EXHIBIT A
[MTD]

3. Plaintiff withdraws its Motion for Temporary Restraining Order and Preliminary Injunction and Memorandum in Support Thereof.
4. Defendant, the Village of Mount Prospect shall have until July 5, 2023, to answer the *Complaint for Injunction, for Declaratory Judgment, and for Damages* or otherwise plead;
5. Plaintiff's claims against Defendants MICHAEL J. CASSADY in his capacity as Village Manager, WILLIAM COONEY in his capacity as Village Director of Community Development, WILLIAM SCHROEDER in his capacity as Village Director of Building & Inspection Services, and PAUL HOEFERT in his capacity as the Village Mayor, are voluntarily dismissed without prejudice;
6. Bond requirement is waived; and
7. The case is set for status on **July 17, 2023 at 9:30 a.m.** before Judge Quish and shall be conducted via Zoom Court Appearance, ZOOM ID: 953-7174-9534 Password: 253498, Tel: 312-626-6799.

Judge Clare J. Quish
(312) 603-3733
ccc.chancerycalendar14@cookcountyil.gov
Zoom Meeting ID: 953 7174 9534
Zoom Password: 253498
Zoom Dial-In: (312) 626-6799

ENTERED:



Judge Clare J. Quish
DATE: June 7, 2023

[[ATTORNEY SIGNATURE PAGE FOLLOWS]]

Judge Clare J. Quish
JUN 07 2023
Circuit Court # 2160

PREPARED AND AGREED TO BY:

Prestige Feed Products, LLC

/s/ Riccardo A. DiMonte
By: _____
One of its Attorneys

Riccardo A. DiMonte
Robbins DiMonte, Ltd.
216 W Higgins Road
Park Ridge, Illinois 60068
Tel.: (847) 698-9600
rdimonte@robbinsdimonte.com
Firm No. 99866

Village of Mount Prospect

/s/ Lance C. Malina (with permission)
By: _____
One of its Attorneys

Lance C. Malina
Klein, Thorpe & Jenkins
120 S. LaSalle St., Suite 1710
Chicago, IL 60603
Tel.: (312) 984-6400
lcmalina@ktjlaw.com
Firm No. 90446

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

PRESTIGE FEED PRODUCTS, LLC, an Illinois	)	
limited liability company,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2023 CH 5147
	)	
VILLAGE OF MOUNT PROSPECT, an Illinois	)	Judge Quish
municipal corporation, et al.,	)	
	)	Calendar 14
	)	
Defendants.	)	

VILLAGE OF MOUNT PROSPECT, an Illinois	)	
municipal corporation, et al.,	)	
	)	
Defendants/Counter-Plaintiffs,	)	
	)	
v.	)	
	)	
PRESTIGE FEED PRODUCTS, LLC, an Illinois	)	
limited liability company,	)	
	)	
Plaintiff/Counter-Defendant.	)	

Defendants/Counter-Plaintiffs' Amended Verified Counterclaim For Injunctive Relief

EXHIBIT B

Court Order dated October 12, 2023

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

PRESTIGE FEED PRODUCTS, LLC, an Illinois
limited liability company,

Plaintiff,

v.

VILLAGE OF MOUNT PROSPECT, an Illinois
municipal corporation,

Defendants.

Case No. 2023 CH 05147

**JURY DEMANDED ON LAW
COUNTS**

Judge Clare J. Quish
Cal. 14
Courtroom 2301

ORDER

This matter coming before the Court October 12, 2023 for a hearing on Plaintiff's Prestige Feed Products, LLC (a) Motion To Dismiss Defendants' Verified Counterclaim For Injunctive Relief, and (b) Motion To Stay Defendants' Motion For Preliminary Injunction; and counsel for all parties present, and the Court having considered the Motion to Dismiss, Motion to Stay, Defendant's Response, Plaintiff's Reply, exhibits, pleadings and applicable case law and the parties' oral arguments and being fully advised in the premises:

IT IS HEREBY ORDERED:

1. For the reasons stated in open court, Plaintiff's 2-619 Motion To Dismiss Defendants' Verified Counterclaim For Injunctive Relief is denied.
2. Plaintiff's Motion To Stay Defendants' Motion For Preliminary Injunction is rendered moot by the Court's order denying Plaintiff's Motion To Stay Defendants' Motion For Preliminary Injunction.
3. Plaintiff Prestige Feed Products, LLC shall file on or before **November 2, 2023**, its Answer to Defendants' Verified Counterclaim For Injunctive Relief, and its Response to Defendants' Motion For Preliminary Injunction.
4. By agreement of the Parties, Plaintiff's Motion For Temporary Restraining Order and Preliminary Injunction and Memorandum in Support Thereof, which was previously filed on May 26, 2023, is hereby re-filed and reinstated in full without need to refile it with the Court.
5. The Defendant Village of Mount Prospect shall file on or before **November 2, 2023**, its response to Plaintiff's Motion For Temporary Restraining Order and Preliminary Injunction and Memorandum in Support Thereof.

6. This matter is set for a status hearing on **November 6, 2023 at 10:00 AM.**

7. The above hearing shall be conducted via Zoom Court Appearance, ZOOM
ID: 953-7174-9534 Password: 253498, Tel: 312-626-6799.

Prepared by:
Riccardo A. DiMonte
Anastas Shkurti
Robbins DiMonte, Ltd.
216 W Higgins Road
Park Ridge, Illinois 60068
Tel.: (847) 698-9600
rdimonte@robbinsdimonte.com
ashkurti@robbinsdimonte.com
Firm No. 99866

ENTERED:



Judge Clare J. Quish
DATE: October 12, 2023

Judge Clare J. Quish
(312) 603-3733
ccc.chancerycalendar14@cookcountyil.gov
Zoom Meeting ID: 953 7174 9534
Zoom Password: 253498
Zoom Dial-In: (312) 626-6799

Judge Clare J. Quish

OCT 12 2023

Circuit Court - 2160

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

PRESTIGE FEED PRODUCTS, LLC, an Illinois limited liability company,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2023 CH 5147
	)	
VILLAGE OF MOUNT PROSPECT, an Illinois municipal corporation, et al.,	)	Judge Quish
	)	
	)	Calendar 14
	)	
Defendants.	)	

VILLAGE OF MOUNT PROSPECT, an Illinois municipal corporation, et al.,	)
	)
Defendants/Counter-Plaintiffs,	)
	)
v.	)
	)
PRESTIGE FEED PRODUCTS, LLC, an Illinois limited liability company,	)
	)
Plaintiff/Counter-Defendant.	)

Defendants/Counter-Plaintiffs' Amended Verified Counterclaim For Injunctive Relief

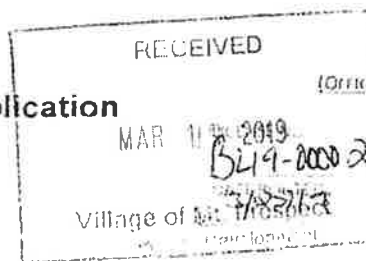
EXHIBIT C

Business License/Certificate Application



Business License/Certificate Application

Community Development Department
Village of Mount Prospect
50 S. Emerson Street
Mount Prospect, IL 60056 (847) 818-5328



(OFFICE USE ONLY)

LICENSE FEE \$ 225.00
DATE ISSUED

CONTACT FOR BUSINESS LICENSE APPLICATION:

Name: Joe Pesoli Phone: 847-650-8164 Email: JCP@cercogroup.com

THIS APPLICATION IS FOR (CHECK ONE):

☒ New business ☐ Existing business – new location ☐ New ownership of existing business OTHER: _____

EXPECTED DATE OF OCCUPANCY: 3/1/2019

The applicant has had a business license revoked in another city or state. ☐ Yes ☒ No If yes, explain: _____

I. BUSINESS INFORMATION:

Is your business licensed/certified by the State of Illinois? ☐ Yes ☒ No If Yes, State License # _____ (attach copy)

Example: Professionals required to be licensed by the state (i.e. Lawyers, Doctors, Real Estate Agents, Architects, etc...)

Business Legal Name: Prestige Feed Products, LLC

Business Website Address: www.prestigefeed.com

Doing Business As (Common Name):

Detailed Description of All Business Uses/Services provided:

We will be processing cheese for animal feed in the facility. The cheese will be dried into powder form and then sold as a raw ingredient into swine feeds. This product will be solely for animal feed use.

Business Location Address: 431 Lakeview Court Suite #: A City: Mount Prospect State: IL ZIP: 60056

Illinois Business Authorization Number (Sales/Use Tax # or Exempt #):

Federal Employee Identification Number (FEIN): 83-0945843

Square Footage of Space: 32,527

of employees: 8

of Commercial Vehicles: 0

Business Phone: 847-818-1550 Business Contact Name/Title: Joe Pesoli- CEO Business Email: JCP@cercogroup.com

II. BILLING INFORMATION – IF DIFFERENT THAN SECTION I:

Contact Person: Address: City: State: ZIP:

Phone Number: Email Address:

III. BUSINESS OWNERSHIP STRUCTURE – THIS BUSINESS IS A:

☐ Sole Proprietorship ☐ Partnership ☐ Corporation ☒ Limited Liability Company ☐ Other: _____

IV. BUSINESS OWNER INFORMATION - RESIDENCE ADDRESS AND DATE OF BIRTH MUST BE COMPLETED:

First: Cereal Byproducts Co M.I. Last: Date of Birth:

Home Address: 601 E. Kensington road City: Mount Prospect State: IL ZIP: 60056

Home/Cell Phone (circle): Email:

First: M.I. Last: Date of Birth:

Home Address: City: State: ZIP:

Home/Cell Phone (circle): Email:

V. LANDLORD INFORMATION (IF THE SPACE IS RENTED):

Company: Pima 4 LLC Contact Person: Gina Bertolini

Address: 1001 Feehanville Drive City: Mount Prospect State: IL ZIP: 60056

Phone Number: 847-394-6200 E-mail Address: gina@nicholasquality.com



Business License Application

Page 1 of 2

VI. BUSINESS DETAILS – ANSWER ALL QUESTIONS BELOW:		☒ Yes	☐ No
1.	Is the business a <u>new use in this location</u> when compared to the previous occupant? <i>If YES, note previous use: Call Center</i> Example: Opening a restaurant in a location that was previously an office is a new use.	☐ Yes	☐ No
2.	Does this business offer <u>massage therapy</u> to the general public? <i>If Yes, Massage Therapy Addendum is required.</i>	☐ Yes	☒ No
3.	Does this business have coin-in-slot or vending machine devices on the premises? <i>If Yes, Vending Machine Addendum is required.</i>	☐ Yes	☒ No
4.	Will hazardous materials be stored at this location? <i>If Yes, attach MSDS Addendum and note materials for each type.</i>	☐ Yes	☒ No
5.	Does your business use tow trucks in the operation of your business? <i>If Yes, how many? _____ and attach proof of current Liability Insurance.</i>	☐ Yes	☒ No
6.	Does this business sell <u>tobacco/e-cigarette</u> products over the counter?	☐ Yes	☒ No
7.	Please check the box if your business is any of the following: ☐ Day Care ☐ Solid Waste Transfer Station ☐ Health Club/ Gym ☐ Hotel/Motel ☐ Trailer Coach Park		
8.	Will you or have you applied for a <u>building permit</u> ? <i>Work that adds, moves, or exposes water lines, gas, electricity or walls needs a building permit.</i>	☐ Yes	☒ No
9.	Does this business location have or will have a <u>security alarm</u> ? <i>Note: A Building Permit is required to install a security alarm.</i>	☐ Yes	☒ No
10.	Will you be making modifications/additions to <u>signage</u> ? <i>Note: A Sign Permit may be required.</i>	☐ Yes	☒ No
11.	If you answer YES to any of the questions below, request a <u>Food & Beverage Packet</u> & submit the <u>Acknowledgement Form</u> with this application.		☒
a)	Is <u>more than 10% of the business floor area</u> devoted to the sale and/or storage of food/beverages?	☐ Yes	☒ No
b)	Does this business <u>sell/serve prepared food or beverages</u> directly to the general public?	☐ Yes	☒ No
c)	Does this business <u>use a vehicle to sell</u> prepared food or beverages directly to the general public?	☐ Yes	☒ No
d)	Have you applied or will you apply for a <u>liquor license</u> (Village Manager's office)?	☐ Yes	☒ No
e)	Restaurants with a <u>bar area</u> , indicate number of seats/barstools _____		
f)	Does this business have a <u>certified food handler</u> ?	☐ Yes	☒ No
If Yes, provide name of employee/s: _____		Date of certification: _____	

VII. EMERGENCY CONTACT INFORMATION – OTHER THAN OWNER, CONTACTS SHOULD BE LOCAL & HAVE ACCESS TO THE BUILDING			
First: Joe	Last: Pesoli	Role (i.e. Manager): CEO	
Home Address: 601 E. Kensington Road	City: Mount Prospect	State: IL	ZIP: 60056
Home/Cell Phone (circle): 847-650-8164	Email: JCP@cercogroup.com		
First: Joe	Last: Ignoffo	Role (i.e. Manager): Manager	
Home Address: 601 E. Kensington road	City: Mount Prospect	State: IL	ZIP: 60056
Home/Cell Phone (circle): 773-617-6912	Email: JSI@prestigefeed.com		

ATTACHMENT CHECKLIST ☒ Please note your attachments below before submitting this application.		
<i>(Note: Omitting attachments required with your application can delay issuance of the license. INCOMPLETE applications will NOT be accepted.)</i>		
☐ A State License	☐ B Massage Therapy Addendum	☒ C Slot/Vending Addendum
☐ D MSDS Hazardous Materials	☐ E Proof of Liability Insurance	☒ F Food & Beverage Acknowledgement Form
Next step: Call the Fire Department at 847-818-5253 to schedule your Fire Inspection!		

Note: If license has not been issued or picked up within six (6) months of the application date, this application will be considered VOID and a new application shall be submitted.

☒ I DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND ADDENDUMS (IF APPLICABLE) HAS BEEN FURNISHED BY ME AND TO THE BEST OF MY KNOWLEDGE IS CORRECT. I UNDERSTAND THAT ANY UNTRUE, INCONSISTENT OR MISLEADING INFORMATION SHALL BE CAUSE FOR THE REFUSAL TO GRANT OR THE REVOCATION OF ANY LICENSE GRANTED PURSUANT TO THIS APPLICATION. I FURTHER CERTIFY THAT BY APPLYING IN WRITING FOR A LICENSE TO OPERATE IN THE VILLAGE OF MOUNT PROSPECT I HAVE READ AND UNDERSTAND MY OBLIGATIONS UNDER APPROPRIATE VILLAGE ORDINANCES RESPECTIVE TO THE LICENSE (S) FOR WHICH I AM APPLYING. I FURTHER CERTIFY THAT IF ANY OF THE FOREGOING INFORMATION CHANGES DURING THE COURSE OF THE LICENSE YEAR I WILL NOTIFY THE VILLAGE, IN WRITING, WITHIN SEVEN (7) DAYS OF SUCH CHANGE.

☐ I WILL CALL THE FIRE DEPARTMENT AT 847-818-5253 TO SCHEDULE THE FIRE INSPECTION NEEDED FOR THIS BUSINESS LICENSE. *(Please schedule your inspection within 5 days of submitting this application.)*

Signature: _____ Printed Name: Joseph C. Pesoli Date: 2/15/2019



Business License Application

Page 2 of 2

VILLAGE OF MOUNT PROSPECT
50 SOUTH EMERSON STREET
MOUNT PROSPECT, IL 60056

847-392-6000

Date: 04/05/2019

License Type: Operating
License

License Number: BL19-000022

Receipt: 8942

Cashier: Tracey Mahoney

Received From: - Joe Pesoli

Description	Total Cost
-------------	---------------

Class I Establishment	225.00
-----------------------	--------

Annual License Fee	
--------------------	--

Receipt Total:	225.00
----------------	--------

Payment Type:	Credit
---------------	--------

Reference:	M-26062Z
------------	----------

Total Remitted:	225.00
-----------------	--------

Total Received:	225.00
-----------------	--------

Balance Due:	0.00
--------------	------

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

PRESTIGE FEED PRODUCTS, LLC, an Illinois	)	
limited liability company,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2023 CH 5147
	)	
VILLAGE OF MOUNT PROSPECT, an Illinois	)	Judge Quish
municipal corporation, et al,	)	
	)	Calendar 14
	)	
Defendants.	)	

VILLAGE OF MOUNT PROSPECT, an Illinois	)
municipal corporation, et al,	)
	)
Defendants/Counter-Plaintiffs,	)
	)
v.	)
	)
PRESTIGE FEED PRODUCTS, LLC, an Illinois	)
limited liability company,	)
	)
Plaintiff/Counter-Defendant.	)

Defendants/Counter-Plaintiffs' Amended Verified Counterclaim For Injunctive Relief

EXHIBIT D

Letter to Prestige Feed Products, LLC, dated May 24, 2019

MAYOR
Arlene A. Juracek

TRUSTEES
William A. Grossi
Eleni Hatzis
Paul Wm. Hoefert
Richard F. Rogers
Colleen E. Saccotelli
Michael A. Zadel



VILLAGE MANAGER
Michael J. Cassidy

VILLAGE CLERK
Karen Agoranos

Phone: 847/392-6000
Fax: 847/392-6022
www.mountprospect.il.us

Village of Mount Prospect

50 South Emerson Street, Mount Prospect, Illinois 60056

May 24, 2019

File #: 19-001005

Prestige Feed Products, LLC
431 Lakeview Court suite A
Mount Prospect, IL 60056

RE: 431 Lakeview Ct # A

To Whom It May Concern:

I inspected the above referenced property and found the code violation that is listed below along with the applicable Village of Mount Prospect Zoning Ordinance code section.

Zoning Violation Code: 14.2104 (G-6) - Odorous Matter Limitations

Full Description: The release of odorous matter from any industrial district across residence or business district boundary lines shall be so controlled that, at ground level or at habitable elevations, the concentration shall not exceed the odor threshold level. Further, the release of odorous matter across lot lines shall not become a nuisance or source of discomfort to neighboring uses

Comments: On April 30, 2019 in response to multiple concerns received, Village of Mount Prospect staff and representatives of your company met to discuss smells being emitted from the property. At that time you were to respond with written plans from an architect/engineer to remedy this issue. As of the date of this letter no plans have been received. Please provide written plans to remedy this issue within fourteen (14) days of this notice and please complete all repairs within thirty (30) days of this notice.

I will return to the property on **June 10, 2019** to verify written plans have been received. Also, I will return on **June 24,**

2019 to verify that the repairs have been completed.

If you should have any questions or wish to discuss any extensions, please contact me at the Environmental Health Division at (847) 818-5271.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Allen".

Brandon Allen, LEHP
Village of Mount Prospect
Environmental Health Leader

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

PRESTIGE FEED PRODUCTS, LLC, an Illinois)
limited liability company,)

Plaintiff,)

v.)

VILLAGE OF MOUNT PROSPECT, an Illinois)
municipal corporation, et al.,)

Defendants.)

Case No. 2023 CH 5147

Judge Quish

Calendar 14

VILLAGE OF MOUNT PROSPECT, an Illinois)
municipal corporation, et al.,)

Defendants/Counter-Plaintiffs,)

v.)

PRESTIGE FEED PRODUCTS, LLC, an Illinois)
limited liability company,)

Plaintiff/Counter-Defendant.)

Defendants/Counter-Plaintiffs' Amended Verified Counterclaim For Injunctive Relief

EXHIBIT E

Notice of Violation and Imminent Legal Action, dated June 12, 2019

Michael J. Cassady
Village Manager



Phone: 847/818-5300
Fax: 847/392-6022
mcassady@mountprospect.org

Village of Mount Prospect

OFFICE OF THE VILLAGE MANAGER
50 South Emerson Mount Prospect, Illinois 60056
www.mountprospect.org

June 12, 2019

Prestige Feed Products, LLC
Attn: Mr. Joe Pesoli
431 Lakeview Court, Suite # A
Mount Prospect, IL 60056

RE: Notice of Violation and Imminent Legal Action

Dear Mr. Pesoli,

This letter shall constitute notice that your business, Prestige Feed Products, LLC, is operating in violation of the Village of Mount Prospect Village Code. Prestige Feed Products, LLC, has been previously informed of the violations, yet continues to violate Village Code provisions.

Your business is located in the Kensington Business Park. Under Chapter 14 Zoning, Article VI Zoning Districts, Section 14.602 Zoning Map, this area is designated as being within an L-1 District ("Limited Industrial District." In section 14.604, the Land Use Tables set out the permitted or conditional uses for each zoning district. According to the Village's Land Use Tables, an L-1 "Limited Industrial District" allows for "Manufacturing, Light" as a permitted use. However, an L-1 "Limited Industrial District" allows for "Manufacturing, Heavy" only as a conditional use. The definitions of "Manufacturing, Light" and "Manufacturing, Heavy" are set out in Article XXIV: Definitions.

MANUFACTURING, LIGHT: The assembly, fabrication or processing of goods and materials using processes that do not create noise, smoke, fumes, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes that do not require extensive floor areas or land areas. "Light manufacturing" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or conditional use.

MANUFACTURING, HEAVY: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not constitute "light manufacturing". Heavy manufacturing generally includes processing and fabrication of large or bulky products made from extracted or raw materials and processes that require extensive floor areas or land area for the fabrication and/or incidental storage of the products. "Heavy manufacturing" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or conditional use.

419211_1

We draw your attention to the "Manufacturing, Heavy" definition, which includes processing of goods that have significant impacts on the use and enjoyment of adjacent property in terms of fumes and odors. The Village is in receipt of numerous complaints from nearby residential and commercial property owners expressing concerns about odors and fumes emitted from your business. Staff has corroborated a level of odor that would be disruptive to the normal enjoyment of the adjacent neighborhoods.

The odors created by Prestige Products, LLC bring the use within the definition of "Manufacturing, Heavy." Prestige Products, LLC has not been issued a conditional use permit for this use and, therefore, is limited to "Manufacturing, Light" uses. Thus, the business operates in violation of the Village Code.

Additionally, Mount Prospect Village Code, Chapter 14 Zoning, I-1 Limited Industrial District, Section 2104 Bulk Regulations, Subsection (G) provides that:

The release of odorous matter from any industrial district across residence or business district boundary lines shall be so controlled that, at ground level or at habitable elevations, the concentration shall not exceed the odor threshold level. Further, the release of odorous matter across lot lines shall not become a nuisance or source of discomfort to neighboring uses.

Section 11.3401 Nuisances states "No business, occupation or activity, licensed under this code or not, shall be conducted or operated so as to constitute a nuisance or so as to amount to a nuisance in fact."

Once again, complaints from nearby residential and business areas, along with the Village staff's inspections, evidence violation of these Village ordinances by Prestige Products, LLC.

The continued operation of your business is an ongoing violation of the Village Codes provisions cited above. We are aware that you are in the process of designing an environmental scrubbing solution to eliminate the current discharge of odors resulting from the dehydration process. We request that processing operations cease immediately until the odor concern is resolved. If the business continues to operate without regard to its violation of Village Code provisions, we will be forced to take further legal action. I can meet with you and your team on Thursday, June 13 or Friday, June 14 to discuss this violation and our request to cease operations. Your assistance in this matter is appreciated.

Sincerely,



Michael J. Cassidy
Village Manager
Village of Mount Prospect

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

PRESTIGE FEED PRODUCTS, LLC, an Illinois
limited liability company,)

Plaintiff,)

v.)

VILLAGE OF MOUNT PROSPECT, an Illinois
municipal corporation, et al.,)

Defendants.)

Case No. 2023 CH 5147

Judge Quish

Calendar 14

VILLAGE OF MOUNT PROSPECT, an Illinois
municipal corporation, et al.,)

Defendants/Counter-Plaintiffs,)

v.)

PRESTIGE FEED PRODUCTS, LLC, an Illinois
limited liability company,)

Plaintiff/Counter-Defendant.)

Defendants/Counter-Plaintiffs' Amended Verified Counterclaim For Injunctive Relief

GROUP EXHIBIT F

Village of Mount Prospect Municipal Code Provisions

SECTION:

14.2101: Purpose**14.2102: Permitted Uses****14.2103: Conditional Uses****14.2104: Bulk Regulations****14.2101: PURPOSE:**

The I-1 limited industrial district is intended to provide an area suitable for industrial, manufacturing, warehousing and research facilities that do not create appreciable nuisance or hazards, or an area for such uses that require a pleasant, hazard and nuisance free environment. (Ord. 4590, 9-21-1993)

14.2102: PERMITTED USES:

Land uses shall be permitted within the I-1 limited industrial district in accordance with the provisions listed in section 14.604 of this chapter. (Ord. 5751, 8-4-2009)

14.2103: CONDITIONAL USES:

Land uses shall be allowed by conditional use within the I-1 limited industrial district in accordance with the provisions listed in section 14.604 of this chapter. (Ord. 5751, 8-4-2009)

14.2104: BULK REGULATIONS:

A. Minimum Lot Size: The size of the minimum lot in the I-1 limited industrial district shall not be less than two (2) acres.

B. Yard Requirements: All buildings in the I-1 district shall meet the following setback requirements:

1. Front yard	30 feet
2. Side yard	15 feet
3. Corner side yard	30 feet
4. Rear yard	20 feet

All off street parking and loading areas shall be set back a minimum of ten feet (10') from each property line.

C. Building Height: The maximum height of any building in an I-1 district shall be forty feet (40').

D. Lot Coverage: The total area of all buildings, structures, and parking lots in an I-1 district shall be no more than seventy five percent (75%) of the total land area.

E. Transitional Setbacks: Where a side or rear lot line in an I-1 district abuts any residential zoning district, all buildings, structures and parking lots shall be set back forty feet (40') from the abutting property line. Such setback shall include a six foot (6') fence along the entire length of the transitional yard. The fence shall be not less than eight feet (8') from the property line. In addition to the fence, a continuous evergreen or dense deciduous hedge three feet (3') in height and planted two and one-half feet (2 1/2') on center, shall be planted on the outside of the fence, facing the abutting residential zoning district, along the entire length of the fence. This transitional landscape area shall be maintained and kept free of weeds.

F. Restrictions On Industrial Uses:

1. All businesses, servicing or processing, shall be conducted within completely enclosed buildings.

2. For properties located within one hundred feet (100') of a residential property all storage of materials shall be within completely enclosed buildings. For properties located elsewhere in the district, or for the outdoor storage of vehicles, storage areas may be open to the sky but effectively screened by a solid wall or fence, including any gates, not less than six feet (6') nor more than eight feet (8') in height. No stored materials shall be visible above the fence.

3. Cannabis:

a. Cannabis Craft Grower: In those zoning districts in which a Cannabis Craft Grower may be located, the proposed facility must comply with the following:

(1) Facility may not be located within 100 feet of the property line of a pre-existing public or private or parochial school, primary or secondary school, churches, synagogues, mosques, or other houses of worship, or hospital. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

(2) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(3) Facility may not be located within 1,500 feet of the property line of another Cannabis Business Establishment. iv. Maximum and minimum building square footage pursuant to the Cannabis Regulation and Tax Act, (410 ILCS 705/1 et seq).

b. Cannabis Cultivation Center: In those zoning districts in which a Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

(1) Facility may not be located within 100 feet of the property line of a pre-existing public or private or parochial school, primary or secondary school, churches, synagogues, mosques, or other houses of worship, or hospital. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

(2) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(3) Facility may not be located within 1,500 feet of the property line of another Cannabis Business Establishment.

(4) Maximum and minimum building square footage pursuant to the Cannabis Regulation and Tax Act, (410 ILCS 705/1 et seq).

c. Cannabis Dispensing Organization: In those zoning districts in which a Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

(1) Facility may not be located within 100 feet of the property line of a pre-existing public or private or parochial school, primary or secondary school, churches, synagogues, mosques, or other houses of worship, or hospital. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

(2) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(3) Facility may not be located within 1,500 feet of the property line of another Cannabis Business Establishment.

d. Cannabis Infuser Organization: In those zoning districts in which a Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

(1) Facility may not be located within 100 feet of the property line of a pre-existing public or private or parochial school, primary or secondary school, churches, synagogues, mosques, or other houses of worship, or hospital. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

(2) Facility may not be located within 1,500 feet of the property line of another Cannabis Business Establishment.

e. Cannabis Processing Organization: In those zoning districts in which a Cannabis Processing Organization may be located, the proposed facility must comply with the following:

021

VOMP Amended Complaint Exhibits

(1) Facility may not be located within 100 feet of the property line of a pre-existing public or private or parochial school, primary or secondary school, churches, synagogues, mosques, or other houses of worship, or hospital. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

(2) Facility may not be located within 1,500 feet of the property line of another Cannabis Business Establishment.

f. Cannabis Transporting Organization: In those zoning districts in which a Transporting Organization may be located, the proposed facility must comply with the following:

(1) Facility may not be located within 100 feet of the property line of a pre-existing public or private or parochial school, primary or secondary school, churches, synagogues, mosques, or other houses of worship, or hospital. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

(2) The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(3) Facility may not be located within 1,500 feet of the property line of another Cannabis Business Establishment.

g. Co-Location of Cannabis Business Establishments. The Village may approve the colocation of a Cannabis Dispensing Organization with a Cannabis Craft Grower Center or a Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Conditional Use criteria within the Mount Prospect Village Code. In a co-location, the floor space requirements of 14.2104 F.3. shall not apply, but the collocated establishments shall be the sole use of the tenant space.

G. Performance Standards: No use established in an I-1 limited industrial district shall be operated so as to exceed the performance standards listed below. Any use already established shall be permitted to be altered, enlarged, expanded or modified provided that all performance standards of the district are met.

1. Noise Limitations: No industrial activity shall generate noise across any residential or business zoning district boundary line in excess of the levels shown in table I of this section, nor shall exceed seventy one (71) dBA when measured on the A-weighted scale.

The sound levels shall be measured with a sound level meter and octave band analyzer to meet criteria for the noise measurement provisions of OSHA, and shall conform to ANSI S2-4 (American National Standards Institute).

TABLE I

Octave Band Center Frequency In Hertz	Daytime Sound Level In Decibels 8:00 A.M. To 10:00 P.M.	Nighttime Sound Level In Decibels 10:00 P.M. To 8:00 A.M.
Octave Band Center Frequency In Hertz	Daytime Sound Level In Decibels 8:00 A.M. To 10:00 P.M.	Nighttime Sound Level In Decibels 10:00 P.M. To 8:00 A.M.
31.5	72	67
63	67	66
125	66	65
250	59	52
500	52	46
1000	46	40
2000	40	35
4000	38	35
8000	38	32
Over 8000	38	32

2. Vibration Limitations:

a. Earthborne vibrations from any industrial operation, equipment, or process shall not constitute a nuisance nor exceed the limits set forth herein. Vibrations shall be expressed as displacement in inches and shall be measured with a three (3) component measuring system.

b. No industrial activity shall be responsible for the transmission of earthborne vibrations across any residence or business zoning district boundary line in excess of the displacement limits established through use of the following formula:

$$D = \frac{0.003}{f}$$

Where:

D = The maximum allowable displacement in inches

f = The vibration frequency in cycles per second

3. Smoke And Particulate Matter:

a. General Limitations: In addition to the performance standards specified hereinafter, the emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.

Particulate matter emissions, in excess of the threshold limit values caused by the wind from open storage areas, yards, roads, etc., within lot lines shall be kept to a minimum by appropriate landscaping, paving, oiling, wetting, and other means, or shall be eliminated.

For the purpose of determining the density or equivalent opacity of smoke, the Ringelmann chart as adopted and published by the United States bureau of mines in circular no. 8333 shall be used.

No industrial operation shall cause or allow to be emitted into the open air from any process or control equipment or to pass any convenient measuring point in a breaching or stack, dust in the gases to exceed 0.85 pounds per thousand pounds of gases adjusted to twelve percent (12%) CO₂ content for the products of combustion.

The emission, from all sources within any zoning lot, of particulate matter containing more than ten percent (10%) by weight of particles having a particulate diameter larger than forty four (44) microns is prohibited.

b. Permitted Smoke Emission: Within one thousand feet (1,000') of a residence or office or business zoning district boundary line the emission of smoke from any vent, stack, chimney, or combustion process shall not exceed a density or equivalent opacity no greater than Ringelmann no. 1.

Smoke in excess of Ringelmann no. 1, but not exceeding Ringelmann no. 2, shall be permitted for not more than three (3) minutes in any sixty (60) minute period. Smoke not exceeding Ringelmann no. 3 shall be permitted for five (5) minutes during any eight (8) hour period for purposes of fire cleaning only. Smoke in excess of Ringelmann no. 3 is prohibited.

4. Fire And Explosion Hazard Limitations: The following regulations supplement those pertinent requirements contained in the Mount Prospect fire prevention code and all other applicable fire and explosion ordinances:

a. The storage, utilization, or manufacture of material or products ranging from incombustible to moderate burning, as determined for liquids by a closed cup flashpoint of not less than one hundred eighty seven degrees Fahrenheit (187°F), is permitted subject to compliance with all other performance standards for the industrial districts.

b. The storage, utilization, or manufacture of materials or products ranging from free or active burning to intense burning, as determined for liquids by a closed cup flashpoint of less than one hundred eighty seven degrees Fahrenheit (187°F) but not less than one hundred five degrees Fahrenheit (105°F), is permitted subject

to compliance with all other performance standards for the industrial districts, and provided the following conditions are met:

(1) Said materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having exterior walls of fire resistive construction in accordance with other ordinances of this code.

(2) Unless otherwise provided in this chapter, all such buildings or structures shall be set back at least forty feet (40') from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association; or if the materials, goods, or products are liquids, the protection thereof shall be in conformity with standards prescribed by the National Fire Protection Association.

c. The utilization in manufacturing processes of materials which produce flammable or explosive vapors or gases, as determined for liquids by a closed cup flashpoint of less than one hundred five degrees Fahrenheit (105°F), shall be permitted in the industrial districts provided:

(1) That the final manufactured product does not itself have a closed cup flashpoint of less than one hundred eighty seven degrees Fahrenheit (187°F).

(2) That the use and storage of such materials shall be in conformity with standards prescribed by the National Fire Protection Association and with the requirements of other ordinances of this code.

(3) That the storage of said materials shall be prohibited aboveground.

5. Toxic Matter Limitations: In any industrial district, toxic materials which are released shall not exceed ten percent (10%) of the maximum permissible airborne concentration allowed an industrial worker when measured at any point beyond the lot line, either at ground level or habitable elevation, whichever is more restrictive. When maximum permissible airborne concentrations of toxic materials allowed an industrial worker are not contained in the most recent list of "Threshold Limit Values" published by the American conference of governmental industrial hygienists, the applicant shall satisfy the health inspector that proposed levels will be safe to the general population.

6. Odorous Matter Limitations: The release of odorous matter from any industrial district across residence or business district boundary lines shall be so controlled that, at ground level or at habitable elevations, the concentration shall not exceed the odor threshold level. Further, the release of odorous matter across lot lines shall not become a nuisance or source of discomfort to neighboring uses.

7. Glare Limitations: In any industrial district, any operation or activity producing glare shall be so conducted that direct and indirect illumination from the sources of light shall not cause illumination in excess of one-half (0.5) of one foot-candle when measured at any residence or business district boundary line. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any lot lines. (Ord. 4590, 9-21-1993; amd. Ord. 5173, 3-6-2001; Ord. 5751, 8-4-2009; Ord. 6548, 12-1-2021)

23.1403: ENUMERATION OF NUISANCES:

In addition to those actions which are elsewhere in this code declared to be and constitute a nuisance, it is a nuisance for any person within the territorial jurisdiction of the village and within one-half ($\frac{1}{2}$) mile of the corporate limits:

- A. To obstruct or impede the passage of any gutter, drainage, conduit, sewer or the natural drainage on any public or private property.
- B. To construct or encroach upon public highways, streets, or other public property.
- C. To own, keep or use any yard, pen, place or premises, in or upon which animals shall be confined or kept, so as to be offensive to those residing in the vicinity or cause annoyance to others.
- D. To cause or allow any motor vehicle not in operating condition or current use, or any motor vehicle parts or components, or any pile or deposit of garbage, refuse, glass bottles or jars, broken glass or other trash or rubbish of any kind to collect, accumulate or remain upon any public or private grounds, street, yards, woods, fields, parks, parkways or elsewhere.
- E. To allow to collect, to stand or remain on any premises, water which is or which may become stagnant, foul or offensive, or detrimental to the health and comfort of persons residing in the neighborhood.
- F. To use any premises to create an offensive smell which taints the air and renders it unwholesome or unreasonably disagreeable to other persons.
- G. To render unwholesome or impure the water of any spring, stream, pond or well.
- H. To produce or permit to be produced, in or upon any premises in the village, any offensive noise which disturbs the peace or quiet of the neighborhood or of any person residing in the vicinity of such premises. This shall include, but not be limited to, the restrictions and prohibitions found in the following: sections 11.2808, "Loud Noises And Speaking Devices", 12.102, "Food Service Regulations", 13.404, "Entertainment", subsections 14.307D, 14.311B1k, 14.2104G1, 18.1101D, 18.1528A through D, 18.1529A and B, 20.204J, section 21.226, "Night Construction", of this code; subsection 23.101B15, sections 23.701, "License Required, Fee", 23.704, "Restrictions", of this chapter; section 23.1403.1, "Prohibited Activities Within A Residential Zoning District", of this article; and section 23.1710, "Alarm System Deactivation Requirements", of this chapter.
- I. To allow to remain after the completion of each day of construction work, any dirt, mud, gravel or rock to collect, accumulate or remain upon any public streets.
- J. To permit any animal (including birds) to be or remain on the property of a person not the owner, when the owner of the other property has given notice that the animal is not permitted on the property.
- K. To keep or maintain any structure that is in violation of any life safety regulation or any structure that is in violation of more than one of any other structure, safety, property maintenance or land use regulation of the village.
- L. To own or maintain a vacant structure pursuant to section 23.2502 of this chapter for which a vacant structure registration certificate has not been secured.
- M. To keep or maintain any structure which is structurally unsound or the exterior of which is not in good repair as required by this code.
- N. To board up or cover with tarps any portion of a structure unless done temporarily because of fire or weather related emergency or while completing work pursuant to a valid village permit.
- O. To permit weeds on vacant lots or other property, along public sidewalks or the outer edge of any public street, or weeds in any other location that constitute a fire hazard.
- P. To cause or allow to accumulate soil, litter, debris, plant trimmings, or trash on vacant lots or other property.
- Q. To cause or allow to accumulate used or damaged lumber, junk, salvage materials; abandoned, discarded or unused furniture; stoves; sinks, toilets, cabinets, or other fixtures, or equipment to be stored so as to be visible from a public street, alley, or adjoining property. The placement of stacked firewood for personal noncommercial use on the premises is permissible.

R. To cause or allow any attractive nuisance dangerous to children and other persons including, but not limited to, abandoned, broken, or neglected household appliances, equipment and machinery, abandoned foundations, structures or excavations, or improperly maintained or secured pools.

S. To cause or allow dead, decayed, diseased, or hazardous trees, weeds, hedges, and overgrown or uncultivated vegetation which are in or create a hazardous condition, are an obstruction to pedestrian or vehicular traffic, conducive to crime, or are likely to harbor rats, vermin, or other pests.

T. To burn garbage, other than in incinerators approved by the environmental protection agency of the state.

U. To bury garbage.

V. To cause or allow garbage and/or debris to accumulate for more than seven (7) days or to attract flies, vermin or rats. (Ord. 5536, 1-17-2006; amd. Ord. 5685, 4-15-2008; Ord. 5732, 4-8-2009)

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

PRESTIGE FEED PRODUCTS, LLC, an Illinois)
limited liability company,)
)
Plaintiff,)
)
v.)
)
VILLAGE OF MOUNT PROSPECT, an Illinois)
municipal corporation, et al.,)
)
)
Defendants.)

Case No. 2023 CH 5147

Judge Quish

Calendar 14

VILLAGE OF MOUNT PROSPECT, an Illinois)
municipal corporation, et al.,)
)
Defendants/Counter-Plaintiffs,)
)
v.)
)
PRESTIGE FEED PRODUCTS, LLC, an Illinois)
limited liability company,)
)
Plaintiff/Counter-Defendant.)

Defendants/Counter-Plaintiffs' Amended Verified Counterclaim For Injunctive Relief

EXHIBIT G

Letter from Joe Pesoli to Michael Cassady, dated August 28, 2019



PRESTIGE FEED PRODUCTS

431 N. Lakeview Court • Suite A • Mount Prospect, IL 60056
Phone: 847-818-1563 • www.prestigefeed.com

Joe Pesoli
Prestige Feed Products, LLC
431 Lakeview Court, Suite A
Mount Prospect, IL 60056
JCP@prestigefeed.com

August 28, 2019

Mr. Michael Cassady
Village of Mount Prospect
50 S. Emerson Street
Mount Prospect, IL 60056

Dear Mr. Cassady,

Per the request at our meeting at the Village Hall on Thursday August 15, 2019, I am providing you below a bullet point update of our plans in regards to our odor reduction system for Prestige Feed Products at 431 Lakeview Court, Mount Prospect, IL 60056. We at Prestige appreciate the open communication and willingness to resolve the issue collectively between Prestige and the Village of Mount Prospect. We look forward to having our odor reduction system installed and operational to comply with Village Code Requirements.

- We have moved forward with the purchase and installation of our odor reduction system. The system is manufactured by Byers Scientific & Manufacturing and will be installed jointly by Byers and Phoenix Engineering. All drawings for this system have been provided to the VoMP. We have provided to the VoMP the MSDS sheets on the vapor as well as 3rd party independent studies in regards to the Byers System. Information on how the system and vapor works has also been provided.
- We have applied for permits for the electrical work as well as the concrete pad that needs to be poured so that we can place our odor reduction system outside our building. When those permits are approved, we will begin that portion of work. We hope to have that completed no later than 9/6/2019, but hopefully sooner.
- Phoenix Engineering will be onsite over the next two weeks building the piping for the odor reduction system and getting it placed prior to the arrival of our distribution unit. The majority of this work will take place in our warehouse. Once it is built it will be secured to both the dryer and cooler cyclones as well as roof top runs on the East and North portions of building per the drawings provided to and approved by the VoMP.



PRESTIGE FEED PRODUCTS

431 N. Lakeview Court • Suite A • Mount Prospect, IL 60056
Phone: 847-818-1563 • www.prestigefeed.com

- Current estimated delivery date of our Byers odor reduction system is on/around 9/13/2019.
- After the unit is placed and installed, we will begin running the system without processing product to make sure we do not have any issues. Once that "dry run" test is complete we will begin processing some product so that we can properly calibrate our odor reduction system. As discussed in our meeting we can expect 30-60 days of calibrating the system for optimal odor reduction.
- After that 30-60-day period we will then be able to be fully operational. We expect that date to be sometime in November 2019.
- CL Doucette has provided Bryan Loomis with the sprinkler system plan again. This was originally provided and approved by Bryan back in January/February 2019 prior to us being given occupancy. CL Doucette is also in the process of adding the open sprinkler heads requested by Bryan in both the dryer and cooler cyclones. We will notify Bryan when that work is completed.
- At the Village's request we are putting together a compilation of documents for them to have on hand. This package will include MSDS sheets on all raw material as well as our recycle product. We will also provide the executive summary of our testing done by Mostardi Platt in regards to air coming out of our cyclones along with our approved registration of our equipment from both IEPA and Cook County Department of Environment and Sustainability.
- As stated previously, we only have two raw materials in our facility. All-Natural Cheese and Non-GMO Soy flour. We do not have any chemicals in our facility of any kind. We do not create any waste water. Our process is extremely green. The vapor for the odor reduction system is comprised of plant-based oils and water.
- We are confident this odor reduction system will sufficiently reduce odors to comply with Village Code Requirements.
- The VoMP has asked if I would be willing to provide some financial impact figures due to us agreeing to shut down on 6/13/2019 at the Village's request. We have incurred losses in regards to these items, but not limited to: raw material, disposal costs of raw material, rent/taxes/CAM, payroll costs, cost of odor reduction system purchase, materials for odor reduction system, some labor for installation of odor reduction system, electrical for odor system, concrete for odor system. These costs between 6/13/2019 and 8/31/2019 total approximately \$398,400.00.
- The \$398,400.00 does not factor into account any lost profits by not being able to operate and sell our finished goods as well as costs we have incurred to cancel raw material agreements we have in place or the losses we took by selling those raw materials into other markets. It also does not include the additional sprinklers being requested, engineering fees for the work in relation to the odor reduction system, and some future labor costs we are expecting for the implantation of the odor reduction system. By the time this shutdown is completely over and we are back up and running the losses incurred by us will be well over \$600,000.00.



PRESTIGE FEED PRODUCTS

431 N. Lakeview Court • Suite A • Mount Prospect, IL 60056
Phone: 847-818-1563 • www.prestigefeed.com

We at Prestige are committed to being part of the Kensington Business Center and we look forward to being fully operational again with our odor reduction system in place to solidify that our operation complies with Village Code Requirements.

Respectfully,

A handwritten signature in black ink, appearing to be "JP", with a long horizontal line extending to the right.

Joe Pesoli
CEO- Prestige Feed Products, LLC

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

PRESTIGE FEED PRODUCTS, LLC, an Illinois
limited liability company,

Plaintiff,

v.

VILLAGE OF MOUNT PROSPECT, an Illinois
municipal corporation, et al.,

Defendants.

Case No. 2023 CH 5147

Judge Quish

Calendar 14

VILLAGE OF MOUNT PROSPECT, an Illinois
municipal corporation, et al.,

Defendants/Counter-Plaintiffs,

v.

PRESTIGE FEED PRODUCTS, LLC, an Illinois
limited liability company,

Plaintiff/Counter-Defendant.

Defendants/Counter-Plaintiffs' Amended Verified Counterclaim For Injunctive Relief

EXHIBIT H

Email From Joe Pesoli to Michael Cassady, Bill Cooney, William Schroeder, Nellie Beckner,
Brandon Allen, Nick Papanicholas, Jr., Joe Ignoffo, dated January 21, 2020

Jarosz, Doreen

Subject:

FW: Prestige Update

From: Joe Pesoli

Sent: Tuesday, January 21, 2020 1:39 PM

To: Cassady, Michael ; Cooney, Bill ; Schroeder, William M. ; Beckner, Nellie ; Allen, Brandon ; Nick Papanicholas, Jr. ; Joe Ignoffo

Subject: Prestige Update

Good Afternoon,

Thank you all for your patience. I know that I was to send this update early last week, but I had to be out of town unexpectedly on business and did not return until yesterday, so I apologize for the delay.

After our meeting on 1/2/20 Bill Schroeder requested a status update about the work that has been done since our last meeting in Mid-October. Some of this we covered verbally in our meeting on 1/2/20, but here it is again in writing so that the VoMP can disseminate this information accordingly.

- Since we installed our Atomization units inside the cyclones on 10/28/19 we have run 12 times.
- Six (6) of those 12 dates we received no complaints of any kind.
- Two (2) of the 12 dates we received complaints at hours we were not in operation.
- One (1) of the dates we received a complaint, we notified the village that we had some frozen tubing outside. We shut down, cleaned/thawed the nozzles, started back up and did not receive any other complaints that day.
- Nine (9) of the 12 dates we ran we feel we achieved full efficacy.
- We do agree that at certain times our system has not worked 100% and some of the complaints received are most likely valid at those specific times. We did advise the Village that Byers Scientific said this could take up to 60 days of running to fully dial in the system. We have only run 12 so far. We are confident that this is not a consistent odor and although some claims from neighboring businesses are said to be so severe that they cannot work in their facilities, we do find this very hard to believe. There is a hockey arena across the street and our building has multiple tenants in it subject to the same potential odors as neighboring buildings. Our building owner is not receiving complaints from his tenants. We are taking all claims and complaints seriously, but we along with Byers Scientific question the extent/validity of some of the claims.
- We have identified that almost all of our complaints occur within two hours of our starting time. We are working with Byers Scientific to try and pinpoint why we are not getting the efficacy at start up that we achieve later in the day.
- As discussed in our meeting we believe we are combating 100% of the potential odor 80-85% of our running time. We would have liked to have seen higher efficacy numbers at this point and Byers Scientific has promised us better results.
- Per my email on 1/8/20 we have been vetting some air scrubbing companies and signed a letter of intent as well as sent a preliminary payment to have full scale engineered drawings completed for the potential purchase and installation of an air scrubbing system. The company we signed with is Tech Environmental. They are highly regarded in the industry throughout the U.S.A. and do extensive private contracting for the US government. A link to their website is attached. <https://www.techenv.com/>
- We expect to have preliminary drawings back sometime the week of 1/27/20 in regards to the air scrubber. When I have more information I will share it accordingly. We are looking at a capital investment of \$1,400,000-\$1,900,000 for this air scrubbing system.

- As discussed in our meeting on 1/2/20 our current plan is to run at night until we have the system completely dialed in or we install an air scrubbing unit to avoid any potential disruption to our business park neighbors. We are also running only to make orders that we have to fulfill, so our schedule will be sporadic until we have this odor issue 100% behind us.

Prestige is committed to this project and we look forward to getting this issue resolved.

Respectfully,

All offers are subject to confirmation and availability.

Thanks,



Joe Pesoli
431 N. Lakeview Court
Suite A
Mount Prospect, IL 60056

847-650-8164

JCP@prestigefeed.com

The information in this e-mail and in any attachments is confidential and intended solely for the attention and use of the named addressee(s). This information may be subject to legal, professional or other privilege or may otherwise be protected by work product immunity or other legal rules. It must not be disclosed to any person without our authority. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are not authorized to and must not disclose, copy, distribute, or retain this message or any part of it.

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

PRESTIGE FEED PRODUCTS, LLC, an Illinois
limited liability company,

Plaintiff,

v.

VILLAGE OF MOUNT PROSPECT, an Illinois
municipal corporation, et al.,

Defendants.

Case No. 2023 CH 5147

Judge Quish

Calendar 14

VILLAGE OF MOUNT PROSPECT, an Illinois
municipal corporation, et al.,

Defendants/Counter-Plaintiffs,

v.

PRESTIGE FEED PRODUCTS, LLC, an Illinois
limited liability company,

Plaintiff/Counter-Defendant.

Defendants/Counter-Plaintiffs' Amended Verified Counterclaim For Injunctive Relief

EXHIBIT I

Notice of Imminent Legal Action, dated March 1, 2021

Michael J. Cassidy
Village Manager



Phone: 847/818-5300
Fax: 847/392-6022
mcassady@mountprospect.org

Village of Mount Prospect

OFFICE OF THE VILLAGE MANAGER
50 South Emerson Mount Prospect, Illinois 60056
www.mountprospect.org

March 1, 2021

Prestige Feed Products, LLC
Attn: Mr. Joe Pesoli
431 Lakeview Court, Suite # A
Mount Prospect, IL 60056

RE: Notice of Imminent Legal Action

Dear Mr. Pesoli,

This letter shall constitute notice that your business, Prestige Feed Products, LLC ("Prestige"), continues to operate in violation of the Village of Mount Prospect Village Code. Prestige has been previously informed of the violations, yet continues to violate Village Code provisions. While we understand that Prestige has previously ceased operations and invested funds in equipment to operate legally in the Village, those efforts, unfortunately have not succeeded.

As you know, your business is located in the Kensington Business Center. Under Chapter 14 Zoning, Article VI Zoning Districts, Section 14.602 Zoning Map, this area is designated as being within an L-1 District ("Limited Industrial District"). In section 14.604, the Land Use Tables set out the permitted or conditional uses for each zoning district. According to the Village's Land Use Tables, an L-1 "Limited Industrial District" allows for "Manufacturing, Light" as a permitted use. However, an L-1 "Limited Industrial District" allows for "Manufacturing, Heavy" only as a conditional use. The definitions of "Manufacturing, Light" and "Manufacturing, Heavy" are set out in Article XXIV: Definitions.

MANUFACTURING, LIGHT: The assembly, fabrication or processing of goods and materials using processes that do not create noise, smoke, fumes, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes that do not require extensive floor areas or land areas. "Light manufacturing" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or conditional use.

MANUFACTURING, HEAVY: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not constitute "light manufacturing". Heavy manufacturing generally includes processing and fabrication of large or bulky products made from extracted or raw materials and processes that require extensive floor areas or land area for the fabrication and/or incidental storage of the products. "Heavy manufacturing" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or conditional use.

As you also know, the "Manufacturing, Heavy" definition includes processing of goods that have significant impacts on the use and enjoyment of adjacent property in terms of fumes and odors. Since reopening, first for testing and then under a temporary permitted use certificate, the Village has continued to receive numerous and regular complaints from nearby residential and commercial areas of odors and fumes emitted from your business. Staff has monitored the situation and has corroborated a level of odor that would be disruptive to the normal enjoyment of the adjacent neighborhoods as well as to the operation of adjacent commercial uses.

The ongoing odors created by Prestige continue to bring the use within the definition of "Manufacturing, Heavy." Prestige has not been issued a conditional use permit for this use and, therefore, is limited to "Manufacturing, Light" uses. Thus, the business remains in violation of the Village Code.

Additionally, Mount Prospect Village Code, Chapter 14 Zoning, I-1 Limited Industrial District, Section 2104 Bulk Regulations, Subsection (G) provides that:

The release of odorous matter from any industrial district across residence or business district boundary lines shall be so controlled that, at ground level or at habitable elevations, the concentration shall not exceed the odor threshold level. Further, the release of odorous matter across lot lines shall not become a nuisance or source of discomfort to neighboring uses.

Section 11.3401 Nuisances states "No business, occupation or activity, licensed under this code or not, shall be conducted or operated so as to constitute a nuisance or so as to amount to a nuisance in fact."

Once again, complaints from nearby residential areas and adjacent commercial properties, along with the Village staff's inspections, evidence violation of these Village ordinances by Prestige. The continued operation of your business is an ongoing violation of the Village Codes provisions cited above.

While the Village, through William Cooney, its Director of Community Development, allowed Prestige to resume general operations under a temporary permitted use certificate that would last to mid-August 2021, in light of the performance since reopening, that permit is being revoked, effective upon receipt of this letter/notice. Prestige must cease operation until the odor concern is actually and effectively resolved, or until it is issued a conditional use permit by the Village Board. You are also notified that without further improvements mitigating the odor issues, Village staff would oppose the issuance of a conditional use permit. If Prestige continues to operate without regard to its violation of Village Code provisions, the Village will be forced to take immediate legal action to achieve compliance with the Village Code and protect neighboring property owners.

Sincerely,



Michael J. Cassidy
Village Manager
Village of Mount Prospect

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

PRESTIGE FEED PRODUCTS, LLC, an Illinois
limited liability company,

Plaintiff,

v.

VILLAGE OF MOUNT PROSPECT, an Illinois
municipal corporation, et al.,

Defendants.

Case No. 2023 CH 5147

Judge Quish

Calendar 14

VILLAGE OF MOUNT PROSPECT, an Illinois
municipal corporation, et al.,

Defendants/Counter-Plaintiffs,

v.

PRESTIGE FEED PRODUCTS, LLC, an Illinois
limited liability company,

Plaintiff/Counter-Defendant.

Defendants/Counter-Plaintiffs' Amended Verified Counterclaim For Injunctive Relief

EXHIBIT J

Letter from Lance C. Malina to Anastas Shkurti, dated April 29, 2021



20 N. Wacker Drive, Ste 1660
Chicago, Illinois 60606-2903
T 312 984 6400 F 312 984 6444

15010 S. Ravinia Avenue, Ste 10
Orland Park, Illinois 60462-5353
T 708 349 3888 F 708 349 1506

www.ktjlaw.com

April 29, 2021

Via Email Transmission

Mr. Anastas Shkurti, Esq.
DiMonte & Lizak, L.L.C.
216 West Higgins Road
Park Ridge, Illinois 60068
AShkurti@dimontelaw.com

Re: *Prestige Feed Products, L.L.C.*

Dear Mr. Shkurti:

The Village of Mount Prospect ("Village") very recently has received complaints about noxious odors emitted by Prestige Feed Products, L.L.C. ("Prestige") at its 431 Lakeview Court facility (the "Facility"). Over the last two evenings, persons living in the Fairview Gardens neighborhood have complained to the Village about a strong unpleasant odor coming from the Facility. One neighborhood resident contacted both Cook County and the newly elected Village President to voice complaints.

On March 30, 2021, Prestige and the Village executed a Tolling Agreement (the "Agreement") to give the parties time to resolve the odor problem caused by Facility operations. Since entering the Agreement, Prestige has engaged in limited overnight operations for business purposes and to complete needed testing so it can determine how to successfully abate the odor problem and comply with applicable Village Code provisions.

Due to the recent complaints regarding the noxious odors emitting from the Facility, the Village must require that Prestige cease and desist its operations entirely until further notice. Please contact me at your earliest convenience so we can discuss this matter further.

Very truly yours,

KLEIN, THOPRE AND JENKINS, LTD.

Lance C. Malina (by JAW)
Lance C. Malina

cc: Michael J. Cassady, Village Manager
William Cooney, Director of Community Development
William Schroeder, Director of Building & Inspection Services

470398_1

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

PRESTIGE FEED PRODUCTS, LLC, an Illinois	)	
limited liability company,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2023 CH 5147
	)	
VILLAGE OF MOUNT PROSPECT, an Illinois	)	Judge Quish
municipal corporation, et al.,	)	
	)	Calendar 14
	)	
Defendants.	)	

VILLAGE OF MOUNT PROSPECT, an Illinois	)
municipal corporation, et al.,	)
	)
Defendants/Counter-Plaintiffs,	)
	)
v.	)
	)
PRESTIGE FEED PRODUCTS, LLC, an Illinois	)
limited liability company,	)
	)
Plaintiff/Counter-Defendant.	)

Defendants/Counter-Plaintiffs' Amended Verified Counterclaim For Injunctive Relief

EXHIBIT K

Tolling Agreement

TOLLING AGREEMENT

JP This Tolling Agreement (the "Agreement") is made this 30th day of March, 2021, by and between: 1.) Prestige ~~Food~~^{Feed} Products, LLC ("Prestige"), 2.) Joseph Pesoli ("Pesoli") and collectively with Prestige, the "Prestige Parties", and 3.) the Village of Mount Prospect (the "Village"), 4.) Michael J. Cassady, and 5.) William Cooney (collectively with the Village, the "Village Parties") (all parties referred to collectively as the "Parties").

RECITALS

A. The Village has enacted its Zoning Ordinance (Ord. 4590, 9-21-1993) (the "Ordinance") as Chapter 14 of Village Code of Mount Prospect, Illinois.

B. Prestige manufactures at 431 Lakeview Court, Suite A, Mount Prospect, Illinois 60056 (the "Property") a soy and cheese-based feed products for livestock ("Prestige's Use").

C. The Village Parties authorized Prestige's Use at the Property on February 2018.

D. On March 1, 2021, the Village Parties sent to Prestige a Notice of Imminent Legal Action (the "Village's Notice") alleging that Prestige's Use violates (i) the Ordinance and (ii) a Temporary Permitted Use Certificate that the Village states that it has issued to Prestige and that permits Prestige's Use only through August 2021 (the "Certificate").

E. As a result of the Village's Notice, a dispute has arisen between the Prestige Parties and the Village Parties, which the Prestige Parties believe have caused violations of their legal, contractual, and constitutional rights, and other claims against the Village Parties.

F. The Parties wish to attempt to resolve this dispute amicably prior to proceeding to litigation over these issues.

G. The Village's Notice may constitute an administrative act by the Village Manager which may be reviewed judicially by filing an action in the Circuit Court within 35 days pursuant

to 735 ILCS 5/3-103. The Village's Notice may also constitute zoning act which may be reviewed judicially by filing an action in the Circuit Court within 90 days pursuant to 5 ILCS 5/11-13-25.

H. Accordingly, in an effort to delay the filing of a lawsuit and the costs of litigation, the Parties desire to enter into this Agreement to toll any potential statute of limitations deadlines that may expire while the Parties attempt to resolve their dispute.

TERMS

THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, including the mutual covenants and promises expressed herein, incorporating the above recitals herein by reference, the Parties covenant and agree as follows:

1. Incorporation of Recitals. The above Recitals are restated and incorporated in full herein.
2. Time Period. For the period of **March 1, 2021**, through **June 4, 2021**, ("Tolling Period"), the Prestige Parties and the Village Parties agree that all applicable statute of limitations, including those under 735 ILCS 5/3-103 and 5 ILCS 5/11-13-25, will be tolled as to any and all claims that the Prestige Parties may have against the Village Parties, whether such claim is identified to the Village Parties contemporaneously with this Agreement or not. During the Tolling Period, the Prestige Parties shall not file a lawsuit against the Village Parties regarding the matters contained in the recitals or any other related matters. The intent of the Tolling Period is for the Parties to attempt to resolve the pending dispute using informal means and without litigation.
3. Termination prior to expiration of Tolling Period. During the Tolling Period, if any Party determines that another Party is not attempting to resolve the dispute in good faith, any Party may terminate the Agreement upon **30 days** written notice to counsel for all Parties. Notices to the Prestige Parties shall be sent to the attention of: **DiMonte & Lizak, LLC, Attn: Riccardo A. DiMonte, 216 W. Higgins Rd., Park Ridge, IL 60068**. Notices to the Village Parties shall be

sent to the attention of: **The Village of Mount Prospect, Attn: Lance Malina, Village Attorney, Klein, Thorpe & Jenkins, 20 N. Wacker Drive, Suite 1660, Chicago, IL 60606.**

4. Timing for Filing of Lawsuit. In the event that any Party terminates the Agreement or the Tolling Period expires without a settlement agreement being reached by the Parties, the Prestige Parties shall have **30 days** from the date of notice of the termination or from the expiration of the Tolling Period. In other words, any statute(s) of limitation that may apply to the claims asserted by the Prestige Parties against the Village Parties shall be tolled from the date of this Agreement plus an additional **30 days** after the Agreement is terminated by notice or the expiration of the Tolling Period.

5. Entire Agreement. This Agreement sets forth the entire agreement and understanding of the Parties relating to the subject matter contained herein and merges all prior discussions, agreements, contracts or other instruments between them and no party shall be bound by any subsequent instrument, agreement or representation pertaining to the subject matter contained herein unless expressed in writing and signed by the party to be bound thereby.

6. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall have the same force and effect as the other, as one and the same instrument. Signatures may be delivered by facsimile transmission or via email in PDF format.

7. Governing Law and Venue. This Agreement shall be governed by laws of the State of Illinois. The Circuit Court of Cook County, Illinois shall be the proper venue for any action regarding the Agreement.

8. Binding Agreement. Each signatory hereto warrants that he/she/it has read and understands this Agreement, that he/she/it intends to be legally bound by the same, that they have entered into this Agreement freely and voluntarily, and has the full right, power, authority and capacity to enter into and execute the same. The Parties hereto further warrant that this Agreement is entered into with no party relying upon any statement or representation made by any other party not embodied in this Agreement.

9. Representation. Each party to this Agreement is being represented by his/her/its own attorney and this Agreement represents the collaborative drafting of all Parties.

10. Compliance. For purposes of any deadline contained herein, compliance shall be measured by using the date of the postmark using United States mail, first class, or any courier service.

11. Integration Clause. This Agreement supersedes and controls over all prior agreements, understandings and discussions whatsoever. There are no other documents that supplement this Agreement or in any way constitute a part of this Agreement.

IN WITNESS WHEREOF, this Agreement has been read and signed by each of the Parties below.

The Prestige Parties

JP
Feed
Prestige Feed Products, LLC
By: Cereal Byproducts Company,
as Manager

By: Joseph C. Pesoli
Its: vice president

Joseph Pesoli

The Village Parties

Village of Mount Prospect

By: [Signature]
Name: [Signature]
Its: Authorized Agent

34 [Signature]
Michael J. Cassady,
Village Manager

William J. Cooney
William Cooney,
Director of Community Development

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

PRESTIGE FEED PRODUCTS, LLC, an Illinois	)	
limited liability company,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2023 CH 5147
	)	
VILLAGE OF MOUNT PROSPECT, an Illinois	)	Judge Quish
municipal corporation, et al.,	)	
	)	Calendar 14
	)	
Defendants.	)	

VILLAGE OF MOUNT PROSPECT, an Illinois	)
municipal corporation, et al.,	)
	)
Defendants/Counter-Plaintiffs,	)
	)
v.	)
	)
PRESTIGE FEED PRODUCTS, LLC, an Illinois	)
limited liability company,	)
	)
Plaintiff/Counter-Defendant.	)

Defendants/Counter-Plaintiffs' Amended Verified Counterclaim For Injunctive Relief

EXHIBIT L

Letter from Lance C. Malina to Riccardo DiMonte, dated April 10, 2023



20 N. Wacker Drive, Ste 1660
Chicago, Illinois 60606-2903
T 312 984 6400 F 312 984 6444

DD 312 984 6469
lcmalina@ktjlaw.com

15010 S. Ravinia Avenue, Ste 10
Orland Park, Illinois 60462-5353
T 708 349 3888 F 708 349 1506

www.ktjlaw.com

April 10, 2023

Via FedEx

Robbins DiMonte, Ltd.
Attn: Riccardo DiMonte
216 W. Higgins Rd.
Park Ridge, IL 60068

RE: Notice of Termination of Tolling Agreement Between Prestige Feed Products, LLC, and the Village of Mount Prospect, Illinois (March 31, 2023-December 31, 2023)

Dear Mr. DiMonte:

Please be advised that the Village of Mount Prospect HEREBY exercises its right, under Section 3, to terminate the above referenced tolling agreement.

Very truly yours,
KLEIN, THORPE & JENKINS, LTD.

Lance C. Malina, Village Attorney

Cc: Anastas Shkurti AShkurti@robbinsdimonte.com
Michael Cassady mcassady@mountprospect.org
Bill Cooney bcooney@mountprospect.org
William Schroeder wschroeder@mountprospect.org

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

PRESTIGE FEED PRODUCTS, LLC, an Illinois
limited liability company,

Plaintiff,

v.

VILLAGE OF MOUNT PROSPECT, an Illinois
municipal corporation, et al.,

Defendants.

Case No. 2023 CH 5147

Judge Quish

Calendar 14

VILLAGE OF MOUNT PROSPECT, an Illinois
municipal corporation, et al.,

Defendants/Counter-Plaintiffs,

v.

PRESTIGE FEED PRODUCTS, LLC, an Illinois
limited liability company,

Plaintiff/Counter-Defendant.

Defendants/Counter-Plaintiffs' Amended Verified Counterclaim For Injunctive Relief

GROUP EXHIBIT M

Mount Prospect Police Department Reports



MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

CALL FOR SERVICE

Call for Service Number
2023-MPP033975

Case Report Number
MPP23-022617

CALL FOR SERVICE INFORMATION

Verification:	V - Verified	Verification Level:	1
Created Date/Time:	10/21/2023 11:10:04 PM	Coordinate Y:	42.07446978
Coordinate X:	-87.91057879	Location Name:	
Location:	431 Lakeview Ct	Location Description:	BUS/PRESTIGE FEED
At Location/In Front:	At Location	Postal City:	
City:	MOUNT PROSPECT	Zip:	60056
State:		Floor:	
Subdivision:		Apt./Unit No.:	
Building:		High Cross Street:	FEEHANVILLE DR
Low Cross Street:		Sector Name:	3168
Area Name:	MPP	Incident Type:	VIOL OF VILLAGE ORDINANCE
Beat Name:	MP682	Priority:	4 - 4
Modifying Circumstance:		Call Source:	T
Alarm Level:		Device ID:	DISP18
User ID:	D032	Verified Offense:	
Call Type:		1st Unit Dispatch:	10/21/2023 11:11:08 PM
Reported Offense:		1st Unit Arrive:	10/21/2023 11:21:23 PM
CFS Date/Time:	10/21/2023 11:10:04 PM		
1st Unit Enroute:	10/21/2023 11:15:52 PM		
Incident Closed:	10/21/2023 11:27:16 PM		
Reporting District:			
	MP0355		
Officers:			

SUBJECT INFORMATION

Person Role:	An initial caller	Is Primary Caller:	Yes
Contact:	No	First Name:	MARYBETH
Middle Name:		Last Name:	STILLMAKER
Phone No.:	847 363 3434	Address:	
City:		Building:	
Apartment/Unit:		Misc. Info:	
Race:		Gender:	
DOB:		Age:	
Height:		Weight:	
Build:		Hair:	
Eyes:		DL No.:	
DL State:		Search Type:	
Property Seized Indicator:		Probable Cause:	
State Fed. Entry Number:		Caller Name:	
Caller Phone:		Caller Address:	
Caller City:		Caller Building:	

Caller Apt Unit:
 Latitude:
 Service:
 ESN:
 Cell Site:

Carrier:
 Longitude:
 Confidence Factor:
 Uncertainty Factor:
 Created Date/Time: 10/21/2023 11:10:04 PM

ADDITIONAL INFORMATION

Report No.	Is Foreign Report No.	Report Agency	
MPP23-022617	No	MPP	
Disposition	Unit	Primary Unit Indicator	Disposition Comments
SITUATION RESOLVED NO REPORT	MPP/3168-A	No	BUSINESS WAS OPERATIONAL AND I DETECTED A STRONG, UNPLEASANT ODOR CAUSED BY THE BUSINESS. NO SEE COMPL. NOTHING FURTHER AT THIS TIME.

Comment Date/Time: 10/21/2023 11:10:04 PM

Comment Text: FACTORY IN OPERATION AFTER HOURS AGAINST A COURT ORDER ACCORDING TO
COMP

User ID: D032	Device ID: DISP18
Unit ID: MPP/3166-A	Agency: MPP
Dispatch Date/Time: 10/21/2023 11:11:08 PM	Enroute Date/Time:
Arrive Date/Time:	Clear Date/Time: 10/21/2023 11:15:57 PM
Primary Unit Flag: Yes	Temporary Unit Flag: No

Officer

321 - SMITH, LOUIS	Agency: MPP
Unit ID: MPP/3168-A	Enroute Date/Time: 10/21/2023 11:15:52 PM
Dispatch Date/Time:	Clear Date/Time: 10/21/2023 11:27:16 PM
Arrive Date/Time: 10/21/2023 11:21:23 PM	Temporary Unit Flag: No
Primary Unit Flag: No	

Officer

300 - CHIRILA, DANIEL

NOTES

Code Call Out Screen

Code One:

Call Location:

Officer Response:

Assisted By:

Body Camera:

Address Modification Required:

Modified Address:

Modified CS2: MOUNT PROSPECT,
60056

Code Two:

Status Code:

Squad Number:

Squad Video:

Modified Unit/Apt No.:

Modified Sector:

Modified Beat: MP682
Modified Unit/Apt No:
Modified Sector:
Modified Sub Beat:
Modified X Coordinate:
People Modification Required:
Vehicle Modification Required:
Date/Time Modification Required:
Modified Dispatch
Date/Time:
Modified Arrived
Date/Time:
Initial Officer CFS Comments "Only"

Modified Address:
Modified CSZ:
Modified Beat:

Modified Y Coordinate:

Modified Enroute
Date/Time:
Modified Closed
Date/Time:



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-023012

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

INCIDENT SUMMARY

Report Type: Public Complaint Noise Complaint
Case Disposition: ADMINISTRATIVELY CLOSED
Occurred On: THURSDAY 10/26/2023 11:07:00 PM

Location: 431 LAKEVIEW CT
Unit/Apt. No.:
City, State, Zip: MOUNT PROSPECT

Sector (Beat): 3168
Sub-Beat:

Reporting Agency: IL0167200 - Mount Prospect Police
Reporting Officer: GENTILE, FRANK
Shift: 1

Arrest Related Death or
Officer Non-Fatal Shooting: No

Additional Officers

Squad Number:
Squad Video: No

Call Source:
Reported On: 10/26/2023 11:07:00 PM
Or Between:

Location Name:
Verification: V - Verified
Verification Level:

Latitude: -87.91057879
Longitude: 42.07446978

Response: 6 - Report to be written - no arrest
Status: 9 - Administratively Closed

Related Case No:

OFFENSES

Offense: Public Complaint Noise
Complaint

Hate/Bias:

Crime Completed:

Crime Against:
ILCS Statute: Local Code
IUCR: 7327
UCR Hierarchy:

Location Type: Industrial Site
IBR Group:
IBR Code:

School Incident: No
Using:
Weapons:

SUSPECTS

ARRESTEES

VICTIMS

WITNESSES

OTHERS

Person/Entity Type: Complainant
Name: ARIDA, SAMI M
Sex: Male
Height: 5' 4"

Race:
Weight: 152

Resident:
Ethnicity: Unknown
Complexion:

DOB (Age): 12/9/1952
Age: 70

10/27/2023 9:31 AM



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-023012

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

Hair: Brown
Facial Hair:
Attire:

Eyes: Brown
Place of Birth:

Juvenile: No
Build:

Drivers License Information

DLN/ID No: A630-7935-2350
DL Status:

DL State:
DL Expiration: 01-2024

DL Country:

Employer/School Information

Employer/School:
Employer Address:

Occupation/Grade:
Employer CSZ:

Aliases

Alias DOB

Email Addresses

Address Type	Address	City, State, Zip	Country
	641 Longford Dr	DES PLAINES, IL 60016	

Phone Type	Phone Number	Carrier
	(847) 308-9427	

PROPERTY

VEHICLE

CASE REPORT NARRATIVE

On October 26th, 2023 at approximately 2300 hrs I responded to the station for a report of a noise complaint at 431 Lakeview Ct. I met with the complainant, Sami Arida, who stated the following in summary:

Sami stated he lives at 641 Longford Dr in Des Plaines and over the past few years has been dealing with an awful smell coming from 431 Lakeview Ct. Sami described the smell as "burnt cheese". Sami said the smell is so bad that he cannot leave his windows open. Sami said in addition to the terrible smell coming from 431 Lakeview Ct, he has heard a very loud noise also coming from the business. Sami said the noise occurs almost every night from 2100 hrs - 0600 hrs. Sami wanted the Police to do something to stop the noise so he came into the station to make a complaint.

After I spoke with Sami I drove to 431 Lakeview Ct to listen for noise and to see if I could smell anything. I was able to smell a strong odor of burnt cheese when I was standing north of the property near the intersection of Feehanville Dr and Wolf Rd. I was able to hear a loud fan noise coming from the business when I drove down Wolf Rd at Longford Dr. I stopped my vehicle and activated my body camera to record the noise I heard. I also went to 676 Middleton Ln, DP and recorded via body camera the loud noise that can be heard.

Nothing further at this time.

10/27/2023 9:31 AM

Page 2 of 2



MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

CALL FOR SERVICE

Call for Service Number
2023-MPP034627

Case Report Number
MPP23-023090

CALL FOR SERVICE INFORMATION

Verification:	V - Verified	Verification Level:	1
Created Date/Time:	10/27/2023 11:20:36 PM	Coordinate Y:	42.07446978
Coordinate X:	-87.91057879	Location Name:	
Location:	431 Lakeview Ct	Location Description:	
At Location/In Front:	At Location	Postal City:	
City:	MOUNT PROSPECT	Zip:	60056
State:		Floor:	
Subdivision:		Apt./Unit No.:	
Building:		High Cross Street:	FEEHANVILLE DR
Low Cross Street:		Sector Name:	3168
Area Name:	MPP	Incident Type:	PREMISES CHECK
Beat Name:	MP682	Priority:	2 - 2
Modifying Circumstance:		Call Source:	T
Alarm Level:		Device ID:	DISP7
User ID:	D100	Verified Offense:	
Call Type:		1st Unit Dispatch:	10/27/2023 11:23:48 PM
Reported Offense:		1st Unit Arrive:	
CFS Date/Time:	10/27/2023 11:20:36 PM		
1st Unit Enroute:	10/27/2023 11:23:54 PM		
Incident Closed:	10/27/2023 11:38:28 PM		
Reporting District:			
MP0355			
Officers:			

SUBJECT INFORMATION

Person Role:	An initial caller	Is Primary Caller:	Yes
Contact:	Yes	First Name:	JACKIE
Middle Name:		Last Name:	WILK
Phone No.:	847 987 7660	Address:	630 CASLEREA LN
City:	DES PLAINES	Building:	
Apartment/Unit:		Misc. Info:	
Race:		Gender:	
DOB:		Age:	
Height:		Weight:	
Build:		Hair:	
Eyes:		DL No.:	
DL State:		Search Type:	
Property Seized Indicator:		Probable Cause:	
State Fed. Entry Number:		Caller Name:	
Caller Phone:		Caller Address:	
Caller City:		Caller Building:	

Caller Apt. Unit:
 Latitude:
 Service:
 ESN:
 Cell Site:

Carrier:
 Longitude:
 Confidence Factor:
 Uncertainty Factor:
 Created Date/Time: 10/27/2023 11:20:36 PM

SUBJECT INFORMATION

Person Role: Involved Person
 Contact: Unknown
 Middle Name: C
 Phone No.:
 City: DES PLAINES
 Apartment/Unit:
 Race:
 DOB: 3/28/1965
 Height: 5' 10"
 Build:
 Eyes:
 DL State:
 Property Seized Indicator:
 State Fed. Entry Number:
 Caller Phone:
 Caller City:
 Caller Apt. Unit:
 Latitude:
 Service:
 ESN:
 Cell Site:

Is Primary Caller: No
 First Name: BRIAN
 Last Name: WILK
 Address: 630 CASTLEREA LN
 Building:
 Misc. Info:
 Gender:
 Age: 58
 Weight: 175.00
 Hair:
 DL No.: W420-0636-5090
 Search Type:
 Probable Cause:
 Caller Name:
 Caller Address:
 Caller Building:
 Carrier:
 Longitude:
 Confidence Factor:
 Uncertainty Factor:
 Created Date/Time: 10/27/2023 11:37:25 PM

ADDITIONAL INFORMATION

Report No.	Is Foreign Report No.	Report Agency	
MPP23-023090	No	MPP	
Disposition	Unit	Primary Unit Indicator	Disposition Comments
SITUATION RESOLVED NO REPORT	MPP/3168-A	Yes	JACKIE AND BRIAN WILK ADVISED THEY COULD SMELL PRESTIGE FOOD FROM THEIR RESIDENCE. THE SMELL WAS VERY STRONG WHEN ON SCENE.

Comment Date/Time: 10/27/2023 11:20:36 PM

Comment Text: ONGOING PROB// FACTORY SMELL COMING FROM THIS LOC., UNABLE TO GO OUTSIDE

COMPL LIVES AT 630 CASTLEREA LN IN DES PLAINES,, ACROSS FROM WOLF RD., REQ TO
BE SPOKEN TO ABOUT THE ISSUE.

User ID: D100

Unit ID: MPP/3168-A

Dispatch Date/Time: 10/27/2023 11:23:48
PM

Arrive Date/Time:

Device ID: DISP7

Agency: MPP

Enroute Date/Time: 10/27/2023 11:23:54
PM

Clear Date/Time: 10/27/2023 11:38:28
PM

Primary Unit Flag: Yes

Temporary Unit Flag: No

Officer

304 - GOORSKY, MICHAEL

NOTES**Code Call Out Screen**

Code One:

Call Location:

Officer Response:

Assisted By:

Body Camera:

Address Modification Required:

Modified Address:

Modified CSZ: MOUNT PROSPECT,
60056

Modified Beat: MP682

Modified Unit/Apt No:

Modified Sector:

Modified Sub Beat:

Modified X Coordinate:

People Modification Required:

Vehicle Modification Required:

Date/Time Modification Required:

Modified Dispatch

Date/Time:

Modified Arrived

Date/Time:

Initial Officer CFS Comments "Only"

Code Two:

Status Code:

Squad Number:

Squad Video:

Modified Unit/Apt No.:

Modified Sector:

Modified Address:

Modified CSZ:

Modified Beat:

Modified Y Coordinate:

Modified Enroute

Date/Time:

Modified Closed

Date/Time:



MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

CALL FOR SERVICE

Call for Service Number
2023-MPP034947

Case Report Number
MPP23-023306

CALL FOR SERVICE INFORMATION

Verification:	V - Verified	Verification Level:	1
Created Date/Time:	10/30/2023 9:58:11 PM	Coordinate Y:	42.07446978
Coordinate X:	-87.91057879	Location Name:	
Location:	431 Lakeview Ct	Location Description:	
At Location/In Front:	At Location	Postal City:	
City:	MOUNT PROSPECT	Zip:	60056
State:		Floor:	
Subdivision:		Apt./Unit No.:	
Building:		High Cross Street:	FEEHANVILLE DR
Low Cross Street:		Sector Name:	3168
Area Name:	MPP	Incident Type:	PUBLIC SERVICE
Beat Name:	MP682	Priority:	3 - 3
Modifying Circumstance:		Call Source:	T
Alarm Level:		Device ID:	MPP2
User ID:	MPP3098	Verified Offense:	
Call Type:		1st Unit Dispatch:	10/30/2023 9:58:11 PM
Reported Offense:		1st Unit Arrive:	10/30/2023 10:09:39 PM
CFS Date/Time:	10/30/2023 9:58:11 PM		
1st Unit Enroute:	10/30/2023 10:04:59 PM		
Incident Closed:	10/30/2023 10:11:26 PM		
Reporting District:			
MP0355			
Officers:			

SUBJECT INFORMATION

Person Role:	An initial caller	Is Primary Caller:	Yes
Contact:	Unknown	First Name:	SAMI
Middle Name:		Last Name:	ARIDE
Phone No.:		Address:	
City:		Building:	
Apartment/Unit:		Misc. Info:	
Race:		Gender:	
DOB:		Age:	
Height:		Weight:	
Build:		Hair:	
Eyes:		DL No.:	
DL State:		Search Type:	
Property Seized Indicator:		Probable Cause:	
State Fed. Entry Number:		Caller Name:	
Caller Phone:		Caller Address:	
Caller City:		Caller Building:	

Caller Apt. Unit:
 Latitude:
 Service:
 ESN:
 Cell Site:

Carrier:
 Longitude:
 Confidence Factor:
 Uncertainty Factor:
 Created Date/Time: 10/30/2023 9:58:12 PM

ADDITIONAL INFORMATION

Report No.	Is Foreign Report No.	Report Agency	
MPP23-023306	No	MPP	
Disposition	Unit	Primary Unit Indicator	Disposition Comments
SITUATION RESOLVED NO REPORT	MPP/3168-C	Yes	NO BWCA AS NO CONTACT WITH THE PUBLIC. FAMILIAR ODOR ASSOCIATED WITH BUSINESS AT 431 LAKEVIEW CT DETECTED ALONG WOLF RD NEAR LONGFORD DR, DES PLAINES. NO NOISE HEARD

Comment Date/Time: 10/30/2023 9:58:11 PM

Comment Text: NOISE AND SMELL COMPLAINT

User ID: MPP3098

Unit ID: MPP/3168-C

Dispatch Date/Time: 10/30/2023 9:58:11 PM

Arrive Date/Time: 10/30/2023 10:09:39
PM

Primary Unit Flag: Yes

Device ID: MPP2

Agency: MPP

Enroute Date/Time: 10/30/2023 10:04:59
PM

Clear Date/Time: 10/30/2023 10:11:26
PM

Temporary Unit Flag: No

Officer

247 - DAVIS, LAURA

NOTES

Code Call Out Screen

Code One:

Call Location:

Officer Response:

Assisted By:

Body Camera:

Address Modification Required:

Modified Address:

Modified CSZ: MOUNT PROSPECT,
60056

Modified Beat: MP682

Modified Unit/Apt No:

Modified Sector:

Modified Sub Beat:

Modified X Coordinate:

People Modification Required:

Vehicle Modification Required:

Code Two:

Status Code:

Squad Number:

Squad Video:

Modified Unit/Apt No.:

Modified Sector:

Modified Address:

Modified CSZ:

Modified Beat:

Modified Y Coordinate:

Date/Time Modification Required:
Modified Dispatch
Date/Time:
Modified Arrived
Date/Time:
Initial Officer CFS Comments "Only"

Modified Enroute
Date/Time:
Modified Closed
Date/Time:



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-023311

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

INCIDENT SUMMARY

Report Type: Public Complaint Odor Investigation
Case Disposition: ADMINISTRATIVELY CLOSED
Occurred On: MONDAY 10/30/2023 10:58:00 PM

Call Source:
Reported On: 10/30/2023 10:58:28 PM
Or Between:

Location: 431 LAKEVIEW CT
Unit/Apt. No.:
City, State, Zip: MOUNT PROSPECT

Location Name:
Verification: V - Verified
Verification Level:

Sector (Beat): 3168
Sub-Beat:

Latitude: -87.91057879
Longitude: 42.07446978

Reporting Agency: IL0167200 - Mount Prospect Police
Reporting Officer: GOORSKY, MICHAEL
Shift: 1

Response: 6 - Report to be written - no arrest
Status: 9 - Administratively Closed

Arrest Related Death or
Officer Non-Fatal Shooting: No

Related Case No:

Additional Officers

Squad Number:
Squad Video: Yes

Evidence Collected:
Gang Related:

OFFENSES

Offense: Public Complaint Odor Investigation

Hate/Bias:

Crime Completed:

Crime Against:
ILCS Statute: Local Code
IUCR: 7310
UCR Hierarchy:

Location Type: Residence/Home
IBR Group:
IBR Code:

School Incident: No
Using:
Weapons:

SUSPECTS

ARRESTEES

VICTIMS

WITNESSES

OTHERS

Person/Entity Type: Complainant
Name: STILLMAKER, RONALD C
Sex: Male
Height: 6' 1"

Race: White
Weight: 220

Resident:
Ethnicity:
Complexion:

DOB (Age): 7/19/1958
Age: 65

12/1/2023 9:50 AM

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INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-023311

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

Hair: Gray
Facial Hair:
Attire:

Eyes: Brown
Place of Birth:

Juvenile: No
Build:

Drivers License Information

DLN/ID No: S34572358205
DL Status:

DL State:
DL Expiration: 01-2027

DL Country:

Employer/School Information

Employer/School:
Employer Address:

Occupation/Grade:
Employer CSZ:

Aliases

Alias DOB

Email Addresses

Address Type

Address

City, State, Zip

Country

Home

676 Middleton Ln

DES PLAINES, IL 60016

Phone Type

Phone Number

Carrier

(847) 363-3434

PROPERTY

VEHICLE

CASE REPORT NARRATIVE

In summary and not verbatim: On 10-30-23 at approximately 2258 hours I was dispatched to 676 Middleton Ln, Des Plaines for a report of an odor investigation. I arrived on scene and spoke with complainant, Ronald Stillmaker, who stated he wished to file a complaint for the noise and smell coming from Prestige Foods (431 Lakeview Ct, Mt Prospect). A report number was given to Stillmaker. After speaking with Stillmaker, I observed the loud fan noise and very strong odor from Prestige Foods. Nothing further at this time.

12/1/2023 9:50 AM

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INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-023477

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

INCIDENT SUMMARY

Report Type: Public Complaint Odor Investigation
Case Disposition: ADMINISTRATIVELY CLOSED
Occurred On: THURSDAY 11/2/2023 3:45:16 AM

Call Source:
Reported On: 11/2/2023 3:45:16 AM
Or Between:

Location: 911 E KENSINGTON RD
Unit/Apt. No.:
City, State, Zip: MOUNT PROSPECT

Location Name: MPPD
Verification: V - Verified
Verification Level:

Sector (Beat): 3168
Sub-Beat:

Latitude: -87.92174818
Longitude: 42.08014705

Reporting Agency: IL0167200 - Mount Prospect Police
Reporting Officer: CHIRILA, DANIEL
Shift: 1

Response: 6 - Report to be written - no arrest
Status: 9 - Administratively Closed

Arrest Related Death or
Officer Non-Fatal Shooting: No

Related Case No:

Additional Officers

Squad Number:
Squad Video: No

Evidence Collected:
Gang Related:

OFFENSES

Offense: Public Complaint Odor Investigation

Hate/Bias:

Crime Completed:

Crime Against:

Location Type: Commercial/Office Building

School Incident: No

ILCS Statute: Local Code
IUCR: 7310
UCR Hierarchy:

IBR Group:
IBR Code:

Using:
Weapons:

SUSPECTS

ARRESTEES

VICTIMS

WITNESSES

OTHERS

Person/Entity Type: Complainant
Name: Merza, Sargon D
Sex:

Race:

Resident:
Ethnicity:

DOB (Age):

11/2/2023 8:07 AM

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INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-023477

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

Height:	Weight:	Complexion:	Age:
Hair:		Eyes:	Juvenile:
Facial Hair:		Place of Birth:	Build:
Attire:			
Drivers License Information			
DLN/ID No:		DL State:	DL Country:
DL Status:		DL Expiration:	
Employer/School Information			
Employer/School:		Occupation/Grade:	
Employer Address:		Employer CSZ:	
Aliases		Alias DOB	
Email Addresses			
Address Type	Address	City, State, Zip	Country
	650 dursey ln	Des Plaines, IL 60016	
Phone Type	Phone Number	Carrier	
	(847) 840-9427		

PROPERTY

VEHICLE

CASE REPORT NARRATIVE

On 11/2/2023, at 0345 hours, I responded to the station reference a station call. I met the complainant, Sargon D Merza, who stated the following in summary:

Merza woke up around 0330 hours today, and detected a strong odor in the area of Wolf Rd and Feehanville Dr. Merza stated the odor was coming from Prestige Feeds (431 Lakeview Ct). Merza described the odor as "dead cheese" and "farm".

Further, Merza stated he heard loud noises coming from Prestige Feeds. Merza used an app (Niosh SLM) while in the area of Kensington Dr and Dursey Ln, which recorded approximately 80 decibels.

Merza was provided with a case number.

It should be noted I drove in the area adjacent to Prestige Feeds, and I was able to hear loud noises coming from the business. Also, I detected an unpleasant odor of cheese while in the area.

Nothing further.

11/2/2023 8:07 AM

Page 2 of 2



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-023697

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

INCIDENT SUMMARY

Report Type: Public Complaint Noise Complaint
Case Disposition: ACTIVE/OPEN
Occurred On: SATURDAY 11/4/2023 11:19:00 PM

Call Source:
Reported On: 11/4/2023 11:19:55 PM
Or Between:

Location: 431 LAKEVIEW CT
Unit/Apt. No.:
City, State, Zip: MOUNT PROSPECT

Location Name:
Verification: V - Verified
Verification Level:

Sector (Beat): 3168
Sub-Beat:

Latitude: -87.91057879
Longitude: 42.07446978

Reporting Agency: IL0167200 - Mount Prospect Police
Reporting Officer: GOORSKY, MICHAEL
Shift:

Response: 6 - Report to be written - no arrest
Status: 9 - Administratively Closed

Arrest Related Death or
Officer Non-Fatal Shooting: No

Related Case No:

Additional Officers

Squad Number:
Squad Video: Yes

Evidence Collected:
Gang Related:

OFFENSES

Offense: Public Complaint Noise
Complaint

Hate/Bias:

Crime Completed:

Crime Against:
ILCS Statute: Local Code
IUCR: 7327
UCR Hierarchy:

Location Type: Residence/Home
IBR Group:
IBR Code:

School Incident: No
Using:
Weapons:

SUSPECTS

ARRESTEES

VICTIMS

WITNESSES

OTHERS

Person/Entity Type: Complainant
Name: MERZA, SARGON D
Sex: Male
Height: 5' 8"

Race: White
Weight: 205

Resident:
Ethnicity:
Complexion:

DOB (Age): 1/7/1965
Age: 58

11/6/2023 9:48 AM

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INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-023697

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

Hair: Brown
Facial Hair:
Attire:

Eyes: Brown
Place of Birth:

Juvenile: No
Build:

Drivers License Information

DLN/ID No: M620-7846-5007
DL Status:

DL State:
DL Expiration: 01-2026

DL Country:

Employer/School Information

Employer/School:
Employer Address:

Occupation/Grade:
Employer CSZ:

Aliases

Alias DOB

Email Addresses

Address Type

Address

City, State, Zip

Country

650 Dursey Ln

DES PLAINES, IL 60016

Phone Type

Phone Number

Carrier

PROPERTY

VEHICLE

CASE REPORT NARRATIVE

In summary and not verbatim: On 11/4/23 at approximately 2319 hours, I was dispatched to 650 Dursey Ln, Des Plaines for a report of loud noise coming from Prestige Foods (431 Lakeview Ct, Mt Prospect).

I arrived on scene and spoke with complainant, Sargon Merza, who reported he was able to hear the fans from Prestige Foods running from his driveway and inside his home with the windows shut. I was able to observe the fan noise from the driveway of Marza's residence. No further police assistance was requested from Merza outside of the noise complaint. Nothing further at this time.

11/6/2023 9:48 AM

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INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-023855

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

INCIDENT SUMMARY

Report Type: Public Complaint Odor Investigation
Case Disposition: ADMINISTRATIVELY CLOSED
Occurred On: MONDAY 11/6/2023 10:54:24 PM

Call Source:
Reported On: 11/6/2023 10:54:24 PM
Or Between:

Location: 431 LAKEVIEW CT
Unit/Apt. No.:
City, State, Zip: MOUNT PROSPECT, IL 60056

Location Name:
Verification: V - Verified
Verification Level: ADDRESSPOINT

Sector (Beat): 3168
Sub-Beat:

Latitude: -87.910578785
Longitude: 42.074469777

Reporting Agency: IL0167200 - Mount Prospect Police
Reporting Officer: CHIRILA, DANIEL
Shift: 1

Response: 6 - Report to be written - no arrest
Status: 9 - Administratively Closed

**Arrest Related Death or
Officer Non-Fatal Shooting:** No

Related Case No:

Additional Officers

Squad Number:
Squad Video: No

Evidence Collected:
Gang Related:

OFFENSES

Offense: Public Complaint Odor Investigation

Hate/Bias:

Crime Completed:

Crime Against:

Location Type: Commercial/Office Building

School Incident: No

ILCS Statute: Local Code
IUCR: 7310
UCR Hierarchy:

IBR Group:
IBR Code:

**Using:
Weapons:**

SUSPECTS

ARRESTEES

VICTIMS

Victim Type: Society/Public
Victim Of: 7310 - Public Complaint Odor Investigation

Domestic: No
School Incident:

Testify:

Victim/Offender Relationships

IBR Injuries:

12/1/2023 9:46 AM

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INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-023855

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

Injury		Injury Offense	Injury Weapon
Name:		Resident:	
Officer Name:			
Sex:	Race:	Ethnicity:	DOB (Age):
Height:	Weight:	Complexion:	Age:
Hair:		Eyes:	juvenile:
Facial Hair:		Place of Birth:	Build:
Attire:			
Drivers License Information			
DLN/ID No:		DL State:	DL Country:
DL Status:		DL Expiration:	
Employer/School Information			
Employer/School:		Occupation/Grade:	
Employer Address:		Employer CSZ:	
Aliases		Alias DOB	
Address Type	Address	City, State, Zip	Country
Phone Type	Phone Number	Carrier	
Email Addresses			

WITNESSES

OTHERS

PROPERTY

VEHICLE

CASE REPORT NARRATIVE

On 11/6/2023, I responded to 431 Lakeview Ct, reference an odor/noise investigation. It should be noted the complainant wished to remain anonymous.

I searched the area adjacent to Prestige Feeds, and later parked my squad at 320 N Wolf Rd. At this time, I detected a strong, unpleasant odor of cheese. I also heard loud noises(caused by the ventilators) coming from the business.

Nothing further.

12/1/2023 9:46 AM

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INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024050

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

INCIDENT SUMMARY

Report Type: Public Complaint Odor Investigation
Case Disposition: ADMINISTRATIVELY CLOSED
Occurred On: THURSDAY 11/9/2023 10:04:53 PM

Call Source:
Reported On: 11/9/2023 10:04:53 PM
Or Between:

Location: 431 LAKEVIEW CT
Unit/Apt. No.:
City, State, Zip: MOUNT PROSPECT

Location Name:
Verification: V - Verified
Verification Level:

Sector (Beat): 3168
Sub-Beat:

Latitude: -87.91057879
Longitude: 42.07446978

Reporting Agency: IL0167200 - Mount Prospect Police
Reporting Officer: CHIRILA, DANIEL
Shift: 1

Response: 6 - Report to be written - no arrest
Status: 9 - Administratively Closed

Arrest Related Death or
Officer Non-Fatal Shooting: No

Related Case No:

Additional Officers

Squad Number:
Squad Video: No

Evidence Collected:
Gang Related:

OFFENSES

Offense: Public Complaint Odor Investigation

Hate/Bias:

Crime Completed:

Crime Against:

Location Type: Commercial/Office Building

School Incident: No

ILCS Statute: Local Code

IUCR: 7310

UCR Hierarchy:

IBR Group:

IBR Code:

Using:

Weapons:

SUSPECTS

ARRESTEES

VICTIMS

WITNESSES

OTHERS

PROPERTY

12/1/2023 9:49 AM

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INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024050

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

VEHICLE

CASE REPORT NARRATIVE

On 11/9/2023, at 2204 hours, I responded to 431 Lakeview Ct (Prestige Feeds), reference an odor investigation. It should be noted the complainant was anonymous.

I drove in the area adjacent to Prestige Feeds, and ultimately parked my squad at 320 N Wolf Rd. I did not detect an odor, but I could hear loud noises coming from the business.

Noting further.

12/1/2023 9:49 AM

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INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024055

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

INCIDENT SUMMARY

Report Type: Public Complaint Odor Investigation
Case Disposition: ADMINISTRATIVELY CLOSED
Occurred On: THURSDAY 11/9/2023 11:12:55 PM

Call Source:
Reported On: 11/9/2023 11:12:55 PM
Or Between:

Location: 431 LAKEVIEW CT
Unit/Apt. No.:
City, State, Zip: MOUNT PROSPECT

Location Name:
Verification: V - Verified
Verification Level:

Sector (Beat): 3168
Sub-Beat:

Latitude: -87.91057879
Longitude: 42.07446978

Reporting Agency: IL0167200 - Mount Prospect Police
Reporting Officer: CHIRILA, DANIEL
Shift: 1

Response: 6 - Report to be written - no arrest
Status: 9 - Administratively Closed

**Arrest Related Death or
Officer Non-Fatal Shooting:** No

Related Case No:

Additional Officers

Squad Number:
Squad Video: No

Evidence Collected:
Gang Related:

OFFENSES

Offense: Public Complaint Odor Investigation

Hate/Bias:

Crime Completed:

Crime Against:

Location Type: Commercial/Office Building

School Incident: No

ILCS Statute: Local Code
IUCR: 7310
UCR Hierarchy:

IBR Group:
IBR Code:

Using:
Weapons:

SUSPECTS

ARRESTEES

VICTIMS

WITNESSES

OTHERS

PROPERTY

12/1/2023 9:48 AM

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INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024055

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

VEHICLE

CASE REPORT NARRATIVE

On 11/9/2023, at 2312 hours, I responded to 431 Lakeview Ct (Prestige Feeds), for on odor investigation. Dispatch advised the complainant wished to remain anonymous.

I parked my squad at 320 N Wolf Rd, and I detected a strong, unpleasant odor of "rotten cheese" coming from the business. Further, I heard loud noises (ventilators) coming from the business.

Nothing further.

12/1/2023 9:48 AM

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INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024125

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

INCIDENT SUMMARY

Report Type: Public Service Information For Police
Case Disposition: ADMINISTRATIVELY CLOSED
Occurred On: FRIDAY 11/10/2023 10:00:00 PM

Call Source:
Reported On: 11/10/2023 10:00:00 PM
Or Between:

Location: 431 LAKEVIEW CT
Unit/Apt. No.:
City, State, Zip: MOUNT PROSPECT

Location Name:
Verification: V - Verified
Verification Level:

Sector (Beat): 3168
Sub-Beat:

Latitude: -87.91057879
Longitude: 42.07446978

Reporting Agency: IL0167200 - Mount Prospect Police
Reporting Officer: NAVA, ROBERT
Shift: 3

Response: 6 - Report to be written - no arrest
Status: 9 - Administratively Closed

Arrest Related Death or
Officer Non-Fatal Shooting: No

Related Case No:

Additional Officers

Squad Number:
Squad Video: No

Evidence Collected:
Gang Related:

OFFENSES

Offense: Public Service Information For Police

Hate/Bias:

Crime Completed:

Crime Against:
ILCS Statute: Local Code
IUCR: 7220
UCR Hierarchy:

Location Type: Highway/Road/Alley
IBR Group:
IBR Code:

School Incident: No
Using:
Weapons:

SUSPECTS

ARRESTEES

VICTIMS

WITNESSES

OTHERS

Person/Entity Type: Other Involved Person

Name: SHAH, ROMA

Sex: Female
Height:

Race: Unknown
Weight:

Resident:
Ethnicity: Unknown
Complexion:

DOB (Age): 11/30/2000
Age: 22

12/1/2023 9:48 AM

Page 1 of 2



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024125

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

Hair:
Facial Hair:
Attire:

Eyes:
Place of Birth:

Juvenile: No
Build:

Drivers License Information

DLN/ID No:
DL Status:

DL State:
DL Expiration:

DL Country:

Employer/School Information

Employer/School:
Employer Address:

Occupation/Grade:
Employer CSZ:

Aliases

Alias DOB

Email Addresses

Address Type

Address

City, State, Zip

Country

Home

661 LONGFORD DR

DES PLAINES, IL 60016

Phone Type

Phone Number

Carrier

Mobile

(224) 500-6319

PROPERTY

VEHICLE

CASE REPORT NARRATIVE

On 11/10/2023, at 2200 hours, I was dispatched a public service complaint-information for police regarding a foul odor in the area of 661 Longford Dr in Des Plaines. The complainant requested a teleserve report.

I contacted the complainant, Roma Shah F/U 11/30/2000, who advised there was a strong odor of rotten cheese and Shah stated the odor was originating from 431 Lakeview Ct, Prestige Feed Products. Shah stated this is an ongoing problem and she was advised to call the Mount Prospect Police Department every time the strong odor was detected in the area.

I responded to the area of 431 Lakeview Ct and could detect the odor, which I can best describe as burnt cheese.

I provided Shah her case report number.

Nothing further at this time.

12/1/2023 9:48 AM

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INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024329

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

INCIDENT SUMMARY

Report Type: Public Complaint Odor Investigation
Case Disposition: ADMINISTRATIVELY CLOSED
Occurred On: MONDAY 11/13/2023 9:45:00 PM

Call Source:
Reported On: 11/13/2023 9:49:44 PM
Or Between:

Location: 431 Lakeview Ct
Unit/Apt. No.:
City, State, Zip: MOUNT PROSPECT, 60056

Location Name:
Verification: V - Verified
Verification Level:

Sector (Beat): 3168
Sub-Beat:

Latitude: -87.91057879
Longitude: 42.07446978

Reporting Agency: IL0167200 - Mount Prospect Police
Reporting Officer: DAVIS, LAURA
Shift: 3

Response: 6 - Report to be written - no arrest
Status: 9 - Administratively Closed

Arrest Related Death or
Officer Non-Fatal Shooting: No

Related Case No:

Additional Officers

Squad Number:
Squad Video: No

Evidence Collected:
Gang Related:

OFFENSES

Offense: Public Complaint Civil
Matter /Matter Of Record

Hate/Bias:

Crime Completed:

Crime Against:
ILCS Statute: Local Code
IUCR: 7368
UCR Hierarchy:

Location Type: Industrial Site
IBR Group:
IBR Code:

School Incident: No
Using:
Weapons:

Offense: Public Complaint Odor
Investigation

Hate/Bias:

Crime Completed:

Crime Against:
ILCS Statute: Local Code
IUCR: 7310
UCR Hierarchy:

Location Type: Commercial/Office
Building
IBR Group:
IBR Code:

School Incident: No
Using:
Weapons:

SUSPECTS

ARRESTEES

VICTIMS

12/1/2023 9:46 AM

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INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024329

MOUNT PROSPECT POLICE
911 E Kensington Rd
Mt. Prospect, IL 60056
(847) 870-5656

WITNESSES

OTHERS

Person/Entity Type: Complainant

Name: Erida, Sami

Sex: Male

Height:
Race: Unknown

Weight:
Resident:
Ethnicity:
Complexion:
DOB (Age):
Age:
Juvenile:
Build:
Hair:
Facial Hair:
Attire:
Eyes:
Place of Birth:
Drivers License Information
DLN/ID No:
DL Status:
DL State:
DL Expiration:
DL Country:
Employer/School Information
Employer/School:
Employer Address:
Occupation/Grade:
Employer CSZ:
Aliases
Alias DOB
Email Addresses
Address Type
Address
City, State, Zip
Country

Home

641 KLongford Dr

Des Plaines, IL

Phone Type
Phone Number
Carrier

Mobile

(847) 308-9427

PROPERTY

VEHICLE

CASE REPORT NARRATIVE

On November 13, 2023, at approximately 2149 hrs, I responded to the area of 431 Lakeview Ct for the complaint of an unpleasant odor coming from the business. This had been a long standing complaint. I checked the area and confirmed that there was a foul odor from the business that could be smelled to the east of the business.

Nothing further.