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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.	)	Case No. 2023 CH 5147
	)	
VILLAGE OF MOUNT PROSPECT, an Illinois	)	Judge Quish
municipal corporation,	)	
	)	Calendar 14
Defendant.	)	

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
 EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

Defendant/Counter-Plaintiff, Village of Mount Prospect (the “Village”), by and through its attorneys, Klein, Thorpe and Jenkins, Ltd., for its Emergency Motion for a Temporary Restraining Order against the Plaintiff/Counter-Defendant, Prestige Feed Products, LLC (“Prestige”), states as follows:

1. Prestige is an Illinois limited liability company operating a manufacturing facility at 431 Lakeview Court, Suite A, Mount Prospect, Cook County, Illinois, that produces animal and pet food products (the “Facility”).

2. The Prestige business license application describes its operations as:

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.

3. Prestige is in the Kensington Business Park area of Mount Prospect, an I-1 “Limited Industrial District” zoning district.

4. Prestige began operating the Facility in Spring 2019.

5. Shortly after the Facility began operations, the Village started receiving complaints from residents and businesses located near 431 Lakeview Court about noxious odors.

6. Despite numerous attempts by Prestige to remedy the odor problem, the Village continues to receive complaints about noxious smells emitted by the Facility.

7. Since October 12, 2023 to the present, the number of complaints the Village has received about noxious odors has increased. Additionally, residents in areas near the Facility complain of loud noise coming from Facility equipment.

8. The Mount Prospect Municipal Code (the “Code”), Chapter 14, sets forth the permitted or conditional uses for each zoning district in the Village.

9. An I-1 Limited Industrial District allows for “Manufacturing, Light” as a permitted use.

10. 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.

Village of Mount Prospect Municipal Code, Chapter 14, Article XIV, § 14.2104.

11. 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.

12. The Code 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. at § 14.2104(G)(1).

13. The Code further 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.

Id.

14. 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.”

15. The Code, at Chapter 11, Article XXXIV, § 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.”

16. The Facility continues to emit noxious odors and loud noise during operations in violation of the Code.

17. Due to Prestige’s inability to remedy the odor and noise problems at the Facility, the Village must move this Court, on an emergency basis, for a temporary restraining order enjoining Prestige from operating the Facility until such time as its operations comply with the applicable Code provisions and no longer constitute a nuisance to the residents and businesses in the area.

18. The legal authorities, exhibits and arguments supporting the Defendant/Counter-Plaintiff’s Motion are set forth in the Memorandum of Law in Support of Emergency Motion for Temporary Restraining Order filed contemporaneously with the Motion, as well as contained in the Defendant/Counter-Plaintiff’s Verified Amended Counterclaim for Injunctive Relief, and supporting exhibits.

WHEREFORE, Village of Mount Prospect respectfully requests that this Honorable Court grant the Emergency Motion for Temporary Restraining Order without the requirement to post a bond as well as any further relief the Court deems just and fair.

Respectfully submitted,

Village of Mount Prospect

By: /s/ Allen Wall
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