

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

PRESTIGE FEED PRODUCTS, LLC	
Plaintiff/Counterclaim Defendant,	Case No. 2023 CH 5147
v.	Calendar 14
VILLAGE OF MOUNT PROSPECT,	Hon. Clare J. Quish
Defendant/Counterclaim Plaintiff.	

VILLAGE OF MOUNT PROSPECT’S THIRD
AMENDED VERIFIED COUNTERCLAIM

Defendant/Counter-Plaintiff, Village of Mount Prospect (“**Village**”), by its undersigned counsel, for its Third Amended Verified Counterclaim against Prestige Feed Products, LLC (“**Prestige**”) states:

1. The Village is an Illinois home rule municipality located in Cook County, Illinois.
2. Prestige is in the business of drying soy and milk-based cheese and then selling it as an additive to livestock feed.
3. On March 19, 2019, Prestige applied for a business license with the Village to operate under a light manufacturing use.
4. Notably, Prestige’s proposed operating location contained a zoning classification for a light, not heavy, manufacturing use because, in part, an established residential community borders the location a mere approximately 150 feet to the South.

5. Prestige knew that it would operate as a heavy manufacturing use that expelled noxious odors beyond its facility and lot lines and tricked the Village into approving a light manufacturing use on its business license.

6. Once operational, Prestige's zoning misclassification became immediately apparent. Namely, Prestige's non-conforming operation instantly caused a source of discomfort and a nuisance not only among the neighboring residential, but also the neighboring business communities.

7. Specifically, the neighboring communities detected a persistent burnt, sometimes rancid, cheese odor originating from Prestige's operations.

8. Prestige approached the Village in what appeared to be a good faith desire to fix the issue and come into compliance. Instead, over a period of months that became years, Prestige slow-walked a series of self-selected Band-Aids that did not remedy the issue before finally giving up under the cover of the results of its own cherry-picked and flawed testing.

9. The problem persists, with the Village fielding daily complaints from affected neighbors. For example, several of a local school's students become sick when they are outside during Prestige's operation and Prestige's operation is interfering with a neighboring business' ability to operate.

10. The problem is also getting worse, with the volume and diversity of the complaints escalating, especially now that Prestige is operating without restriction.

11. Therefore, Prestige's operation is in continuing violation of the Village's zoning and nuisance ordinances and is a common-law nuisance.

12. Accordingly, this Court should enjoin Prestige from operating or restrict its operations until it can come into compliance.

A. Prestige pulls a “bait and switch” with the Village by applying for an approved use and operating as an unapproved use.

13. Prestige desired to operate from a building within the Kensington Business Park area of the Village with a common address of 431 Lakeview Court, Suite A, Mount Prospect, Illinois (the “**Facility**”).

14. Because, in part, a single-family residential area borders the Facility approximately 150 feet to its South, the Village zoned the Facility as an I-1 zoning district which is a “Limited Industrial District.”

15. All remaining zoning districts bordering the Facility are Limited Industrial Districts.

16. Per Village Code, the Village allows manufacturing in a Limited Industrial District, but only under a “Manufacturing, Light” use, instead of a “Manufacturing, Heavy” use.

17. The difference between the two uses is whether a manufacturing facility can operate in a self-contained manner where odors stay “in house” by not leaving the facility or crossing lot lines.

18. Light Manufacturing is a manufacturing process where the impacts are self-contained within the manufacturing facility:

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.

Village Code § 14.2401.

19. The Village Code defines Heavy Manufacturing, in contrast, as a manufacturing process beyond Light Manufacturing where the impacts leave the manufacturing facility and cross lot lines. (“The assembly, fabrication or processing of goods and materials ... that otherwise do not constitute ‘light manufacturing’”).

Village Code § 14.2401.

20. Therefore, the Village Zoning Code’s definitions of “Light Manufacturing” and “Heavy Manufacturing” provide that if Prestige’s operations result in odor emissions that were not self-contained and extended beyond the Facility or its property line, then such operations are not a permitted use.

21. Prestige applied to the Village for a Certificate of Occupancy and a business license (“**License Application**”) to operate from the Facility as a Light Manufacturing use.

22. Prestige would not be able to operate from the Facility if the Village denied either the Certificate of Occupancy or business license.

23. Prestige knew that its operation from the Facility would be a Heavy Manufacturing use (*i.e.*, odor emissions that would extend beyond the Facility and its lot line) and, in both applications, materially misrepresented or omitted (despite a duty to disclose), key information to the Village to obtain approval to operate as a Light Manufacturing use.

24. There was a lot at stake for Prestige: the process of securing a special use permit to allow for Heavy Manufacturing operations at the Facility would require public hearings, increased disclosures of Prestige's processes, approval by the Village Board of Trustees, and likely opposition from the public.

25. In addition to being time-consuming and costly, the result could be a denial of a special use permit and the inability of Prestige to operate from the Facility.

26. While, in contrast, a Light Manufacturing use approval would allow Prestige to move in, set up, operate, and deal with any misclassifications if they arose.

27. Prestige chose to "beg forgiveness" rather than "seek permission" by applying under a Light Manufacturing use when it knew it would operate as a Heavy Manufacturing use.

28. Regarding the Certificate of Occupancy, "Nicholas & Associates" submitted the building permit application on behalf of Prestige. Exhibit A is the building permit application.

29. On the application, Prestige described construction of the following benign improvements: "Re-portion tenant demising walls within building, addition of interior bathrooms, overhead doors, and two (2) recessed loading docks. Scope raising a portion of the rear roof to accommodate a future tenant." (Ex. A)

30. The application included plans for work on the roof of the building but did not include plans for the erection of industrial stacks on the east end of the roof, just north of and a mere 600 feet away from an established zoned residential district.

31. Industrial stacks are indicators of Heavy Manufacturing use because they suggest that the operations will produce smoke, fumes, or odors which will not be contained within the facility or the lot lines.

32. Prestige knew that its disclosure of its intent to install industrial stacks on its Certificate of Occupancy application would cause greater scrutiny from the Village of its proposed Light Manufacturing use.

33. Prestige intentionally omitted disclosing the industrial stacks on its application to avoid such scrutiny and the risk denial of its application.

34. The Village relied on Prestige's omission when granting the Certificate of Occupancy.

35. There was another intentional omission in Prestige's License Application for a Light Manufacturing use.

36. The License Application required Prestige to provide a "Detailed Description of All Business Uses/Services provided." Exhibit B is a copy of the License Application as submitted by Prestige.

37. Prestige used an intentionally generic description to deemphasize the odor causing effects of its operational process:

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.

38. For example, Prestige did not mention that it processed after-market, typically moldy and acrid cheese to place in its feed products and that it would not refrigerate the after-market cheese it procured in the Facility.

39. Prestige certified on the License Application that it understood that any misleading information would be cause for the refusal to grant or for the revocation of any license granted pursuant to the Application. (Ex. B)

40. Prestige further certified on the License Application that by applying in writing for a license to operate in the Village it “read and underst[ood] [its] obligations under appropriate Village ordinances.” (Ex. B)

41. The Village would have denied Prestige a business license if Prestige disclosed on the License Application that its animal feed processing would emit odors that carried beyond the Facility and the lot lines of the Location.

B. Prestige’s misclassification is obvious, and Prestige begs forgiveness from the Village with a series of self-selected proposed remedies.

42. Almost immediately, the Village received complaints from residents that Prestige’s operation from the Facility created odors which penetrated their property, were sources of discomfort to the public, a nuisance, and significantly impacted the residents and businesses use and enjoyment of their property.

43. Village staff corroborated the complaints through, among other things, Village staff inspections.

44. On June 12, 2019, the Village Manager sent a Notice of Violation and Imminent Legal Action (“**June 12, 2019 Notice**”) to Prestige. Exhibit C is the June 12, 2019 Notice.

45. In the June 12, 2019 Notice, the Village told Prestige it operated the Facility as a Heavy Manufacturing use in violation of Village zoning for the Facility. (Ex. C)

46. Moreover, the Village informed Prestige that regardless of the misclassification of manufacturing use, Prestige's operation of the Facility independently violated separate provisions of the Village Code. (Ex. C)

47. Regarding unacceptable odors, Section 14.2104(G)(6) of the Village Code (emphasis added) provides:

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 [1] a nuisance or [2] source of discomfort to neighboring uses.**

48. An odor related "nuisance," as defined by the Village Code, is a subjective standard:

[t]o use any premises to create an offensive smell which taints the air and renders it unwholesome or unreasonably disagreeable to other persons.

§ 14.2104(G)(1).

49. Both Section 14.2104(G)(6) and Section 14.2104(G)(1) establish a standard for when Prestige's odor emissions violate the Village Code: if the odor emissions from the Facility cross the Prestige property lot line and:

- a. *either* create an offensive smell which taints the air and renders it unwholesome or unreasonably disagreeable to other persons,

b. *or* become a source of discomfort to neighboring uses.

50. Prestige acknowledged that its operation violated Village Code and, in an August 28, 2019 letter to the Village, asked the Village for time to install a self-selected odor reduction system that Prestige claimed to believe “will sufficiently reduce odors to comply with Village Code Requirements.” Exhibit D is a copy of the August 28, 2019 letter.

51. Further, Prestige promised to run its processing operations at night until Prestige fully implemented its odor reduction system and, in Prestige’s own words, “we have this odor issue 100% behind us.” Exhibit E is correspondence from Prestige to the Village dated January 21, 2020.

52. Notably, if Prestige properly disclosed the potential for odor issues on its initial application, Prestige and the Village would have engaged in a much more collaborative process in selecting the means and methods of the mitigation efforts.

53. Even when Prestige pledged to come into conformance with Village Code, Prestige independently dictated what mitigation it was going to perform, many times without the knowledge, review, or consent of the Village.

54. After Prestige installed its self-selected odor reduction system, Prestige reopened its processing operations at the Facility.

55. However, the odor reduction system did not bring Prestige into compliance with the Village Code.

56. The Village continued receiving complaints about odor emitted from the Facility from residents in the nearby residential neighborhood and from neighboring businesses and the Village revoked Prestige's permitted use permit in March 2020.

57. Prestige acknowledged its operations from the Facility were still creating issues and proposed yet another self-selected enhancement to its odor reduction system.

58. In October 2020, the Village and Prestige met at the Facility to review Prestige's changes to odor reduction system.

59. The Village, believing that Prestige took enough steps to attempt to comply with Village Code, allowed Prestige to resume regular operations on a trial basis under a temporary use permit expiring in mid-April 2021.

60. However, Prestige's resumption of regular operations caused numerous and regular complaints from nearby residential and business communities of odors which penetrated their property, were sources of discomfort, a nuisance, and significantly impacted their use and enjoyment of their property.

61. Village staff corroborated the complaints and agreed Prestige's operation of the Facility caused odors that would disrupt the enjoyment of property in adjacent neighborhoods as well as the operation of adjacent business uses.

62. On March 1, 2021, the Village sent a notice to Prestige of its non-conforming use and that it would revoke Prestige's temporary use permit unless Prestige actually and effectively resolved the odor problem or until Prestige was

issued a conditional use permit by the Village Board. Exhibit F is a copy of the March 1, 2021 notice.

63. The Village remained committed to giving Prestige the opportunity to come into compliance.

64. In that context, the Village entered into a Tolling Agreement with Prestige which, among other things, limited Prestige's operation of the Facility to late night and early morning hours. Exhibit G is the Tolling Agreement.

65. Prior similar operating limitations reduced the complaint volume and effect of Prestige's non-conforming operation on the neighboring communities.

66. 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.

67. Each extension reflected the parties' mutual recognition that Prestige had not solved the problem.

C. Prestige becomes less collaborative, more opaque, and more hostile, leading the Village to terminate the Tolling Agreement.

68. The Village hoped the limited operating hours would spur Prestige to make meaningful progress in its mitigation efforts so that it could come into full compliance with the Village Code.

69. Instead, Prestige changed tactics and became even more opaque about their mitigation efforts and engaged in cherry-picked testing to rubber-stamp its self-selected ineffective remedies.

70. Prestige hired a third party, Mostardi Platt, in April of 2021 to perform an odor investigation at the Facility.

71. Mostardi Platt performed tests at an isolated moment in time on separate standards than those set forth in the Village Code.

72. Prestige via Mostardi Platt, its paid agent, entirely dictated the testing conditions (the operational capacity, wind, locations of testing equipment, temperature) with no input from the Village.

73. While Prestige claims Mostardi Platt's testing proved that its operation did not cause non-compliance with the Village Code, Prestige's actions belied this contention.

74. Despite claiming compliance, Prestige subsequently invested in what Prestige termed "additional significant upgrades" to its self-selected odor control system at significant additional cost.

75. Prestige's act of fundamentally altering their system rendered its prior Mostardi Platt testing meaningless because it changed the system that Mostardi Platt tested.

76. Prestige performed this work without soliciting any input or approval from the Village, or without applying for permits and requesting inspections of any construction or structural work it performed.

77. Prestige would not have made these changes if it believed its prior system brought it into compliance with Village Code.

78. After Prestige made these changes, Prestige again independently decided to engage Mostardi Platt for a second round of testing under the same non-Village Code standard and under conditions completely dictated by Prestige.

79. The Village grew increasingly frustrated with Prestige's failure to remedy the issue and its opaque efforts at self-mitigation and self-selected testing criteria.

80. The Village began doubting that Prestige was acting in good faith and instead, the Village came to believe that Prestige was simply employing a series of half measures without engaging in a collaborative process that would fundamentally address the issues.

81. Prestige believed that engaging in that collaborative process would likely result in odor mitigation processes that would be cost-prohibitive to Prestige and, therefore, avoided collaboration.

82. For example, despite Prestige's claimed changes and even with Prestige operating the Facility at reduced operating hours, the Village received consistent complaints from neighboring businesses and residents that Prestige's operation from the Facility created odors which penetrated their property, were sources of discomfort, a nuisance, and significantly impacted their use and enjoyment of their property.

83. Ultimately, the Village believed that Prestige had no intention of bringing itself into compliance with the Village Code and terminated the Tolling Agreement.

84. It was Prestige, not the Village, which ran into Court in this matter to seek a declaratory judgment that its operation of the Facility complied with Village Code on May 25, 2023.

85. Prestige did agree, however, to continue operating at limited hours.

86. Despite Prestige's claims of compliance, Mount Prospect Police Department ("MPPD") officers reported noxious odors when patrolling the area beyond the Facility and beyond the lot lines during late night and early morning hours.

87. The MPPD received, investigated, and documented numerous complaints from residents about noxious odors during Facility operations from October 21, 2023 through December 1, 2023. Exhibit H is a collection of MPPD reports from October 21, 2023 through December 1, 2023.

88. This, in part, led the Village to file a motion for a temporary restraining order.

89. Again, belying Prestige's contention that the first and second Mostardi Platt testing it performed means that Prestige is *per se* in compliance with the Village Code, Prestige engaged in *more* self-selected odor mitigation efforts.

90. Specifically, on December 9, 2023, after the documented observations above, facing a temporary restraining order, and after this Court denied Prestige's Motion To Dismiss Defendants' Verified Counterclaim For Injunctive Relief, Prestige claims it installed a "Tri-Stack Strobic Air Fan" at significant cost to further mitigate the issue.

91. Continuing a familiar pattern, Prestige performed this work without soliciting any input or approval from the Village, or without applying for permits and requesting inspections of any construction or structural work it performed.

92. This work included installing significant exterior mechanical ductwork to the exterior of the Facility.

D. Prestige's decision to operate at full capacity exacerbates its non-compliance with the Village Code and is a continuing nuisance.

93. Like some prior attempted fixes performed by Prestige, the Village hoped that these attempted fixes could possibly bring Prestige into compliance with Village Code.

94. However, just because in an isolated instance, under isolated conditions, Prestige may temporarily comply with Village Code related to odors, does not mean Prestige's regular operation would comply with Village Code. And, experience proved as much.

95. The parties agreed Prestige could operate without restriction to test whether Prestige's newest attempted fix could comply with Village Code.

96. The answer is "no", and, since Prestige resumed full operations, the Village received and continues to receive an unending series of increased complaints and notices about noxious odors being released by the Facility.

97. The complaints have come from residents in nearby neighborhoods and from business owners, including a school located near the Facility.

98. To give an idea of the escalation of the complaints, since Prestige began operations in 2019, the Village received approximately 600 complaints from residents and businesses in the vicinity of the Facility about the emission of noxious odors. *More than half* of those complaints occurred since Prestige's latest attempt at a fix in December of 2023.

99. Now that Prestige operates during normal business hours, its operation causes greater impacts on local schools and businesses.

100. For example, the Village received complaints from personnel at the Park View Montessori School about the Facility's odors adversely affecting their students.

101. The Park View Montessori School is approximately two-tenths of a mile from the Facility.

102. The Park View Montessori School is primarily a private pre-school, offering a curriculum from students starting at 6 months and going through 6 years old.

103. The Assistant Director of the Park View Montessori School, Irena Nikolic, reported to the Village that during a three-day period in February 2024, the burnt cheese smell coming from the Facility caused problems for students at the school. Exhibit I is the Affidavit of Irena Nikolic. (Ex. I at ¶ 3)

104. Children attending the Park View Montessori School had to leave a nearby park where they were playing and return indoors due to the burnt cheese smell. (Ex. I at ¶ 4)

105. On February 8, 2024, several school children complained they felt ill after being outside and smelling the odors emitted by the Facility. (Ex. I at ¶ 6)

106. Several parents with children enrolled at Park View Montessori School expressed to Nikolic their concern about the odor coming from the Facility and the adverse effect it has on their children when they are at the school. (Ex. I at ¶ 7)

107. Nikolic believes the odor emitted from the Facility poses a threat to the health of students who attend the school, particularly children with asthma and other breathing conditions. (Ex. I at ¶ 8)

108. On February 8, 2024, a teacher at the Park View Montessori, Jennifer Stanley, contacted the Village to report that she had to bring her students who were playing outside back indoors due to a strong burnt cheese smell coming from the Facility. Exhibit J is the Affidavit of Jennifer Stanley. (Ex. J at ¶ 4)

109. One of the children Stanley teaches was so affected by the burnt cheese smell that when she came back inside the school, she felt ill and thought she was going to vomit. The student refused to eat lunch because she was nauseous from the odor emitted by the Facility. (Ex. J at ¶ 5)

110. On February 20, 2024, Stanley again contacted the Village to complain about the odor coming from the Facility. (Ex. J at ¶ 6)

111. Due to the overpowering smell on February 20, 2024, Stanley had to bring one of her students indoors from playing outside because she experienced nausea. (Ex. J at ¶ 7)

112. When the cheese smell from the Facility drifts towards the playground where Park View Montessori School students play, it is so strong that the children on the playground start coughing. (Ex. J at ¶ 10)

113. The smell from the Facility is so overpowering that Stanley must cover her nose when she supervises students on the playground. (Ex. J at ¶ 11)

114. As a result of the smell emitted during Facility operations, Stanley has been forced to cut the mandatory outdoor play time for her children set by the Department of Children and Family Services. (Ex. J at ¶ 12)

115. Stanley believes the smell emitted by the Facility poses a threat to the health of her students. (Ex. J at ¶ 13)

116. Similarly, schoolchildren at a nearby public school also were struck ill by the noxious odors.

117. On March 14, 2024, the Village received a complaint about a burnt cheese odor from Max Inzerillo, a Mount Prospect resident living at 1513 Mitchell Lane, approximately a mile from the Facility. Exhibit K is an Affidavit of Max Inzerillo. (Ex. K at ¶ 1)

118. On March 14, 2024, Inzerillo was outside with his children waiting for the bus to pick them up to take them to school. (Ex. K at ¶ 2)

119. While standing outside, Inzerillo detected an odor he recognized as a burnt cheese smell that comes from the Facility. Inzerillo had detected the burnt cheese smell on previous occasions. (Ex. K at ¶ 3-4)

120. While waiting for the school bus, the burnt cheese smell was so bad that Inzerillo's daughter, who was outside with him, started to vomit. (Ex. K at ¶ 5)

121. The Facility's operation during regular working hours is also affecting local businesses beyond the Park View Montessori School.

122. Mizkan America, Inc. ("**Mizkan**") is a corporation that occupies building space located at 1601 Feehanville Drive in Mount Prospect. Exhibit L is an Affidavit of Michael Sobotta. (Ex. L at ¶ 1)

123. Michael Sobotta is the Mizkan plant manager. (Ex. L at ¶ 1)

124. Mizkan is located approximately two tenths of a mile from Prestige. (Ex. L at ¶ 2)

125. On January 5, 2024, Sobotta informed the Village that a noxious odor was in the Mizkan parking lot outside the company's offices. (Ex. L at ¶ 5)

126. On January 10, 2024, Sobotta informed the Village he could smell a noxious odor emitted by the Facility when he was in the Mizkan parking lot. (Ex. L at ¶ 6)

127. On January 11, 2024, Sobotta informed the Village that the noxious odor emitted by the Facility was easily detectable by Mizkan staff when they left work at 8:00 p.m. the previous evening. (Ex. L at ¶ 7)

128. On February 7, 2024, Sobotta informed the Village that the noxious smell from Prestige was "really bad" outside the Mizkan facility. (Ex. L at ¶ 8)

129. On February 26, 2024, Sobotta informed the Village that at 11:00 a.m., the burnt cheese smell emitted by the Facility was present in the back courtyard of

the Mizkan facility, that at 12:00 p.m., the smell was stronger, and it could be detected in the backrooms of Suites 100 and 200 of the company's offices. (Ex. L at ¶ 9)

130. On February 27, 2024, Sobotta informed the Village that during the middle of the day the Prestige burnt cheese smell was in the Mizkan parking lot and it was "very heavy" at the entrance/exit door to the Mizkan facility. (Ex. L at ¶ 10)

131. The burnt cheese smell emitted by the Facility interferes with work conducted at Mizkan. (Ex. L at ¶ 11)

132. The burnt cheese smell infiltrates the Mizkan HVAC system and gets into the Mizkan facility. (Ex. L at ¶ 12)

133. Mizkan conducts work related to the taste and smell of food products. When the Prestige burnt cheese smell gets into the Mizkan facility, it becomes exceedingly difficult, even impossible, to conduct the food products testing that constitutes an important part of Mizkan's business. (Ex. L at ¶¶ 3, 13)

134. The burnt cheese smell the Facility continues to emit has a negative, harmful effect on the Mizkan business. (Ex. L at ¶ 14)

135. In sum, Prestige keeps trying to apply window dressing to its system because its system does not and cannot work.

136. What the Village assumed was a good faith effort by Prestige to actually fix the problem was a series of self-selected Band-aids that were cheaper than an actual solution.

137. One of the issues with Prestige's self-selected odor scrubbing system is that it is a "dry" system.

138. A "wet" or a "thermal" scrubbing system, though more expensive, would capably solve the problem by destroying the odors.

139. Although, it is difficult to know what the best method is and whether Prestige can ever come into compliance without an understanding of what exactly Prestige did to attempt to mitigate the odor issues and submit to an unbiased third-party review and analysis of the efficacy of that system.

140. The Village has a duty and an obligation to protect its residents from Prestige's operations in violation of a zoned Light Manufacturing use by expelling odors beyond its Facility and lot lines.

141. The Village has a duty and an obligation to protect its residents and businesses from the conduct of Prestige that subjects them to noxious odors that unreasonably interfere with both their use and enjoyment of their property and denies them their right to a healthy and safe environment.

142. The Village will suffer irreparable harm if it cannot enforce its Code provisions and protects its citizens from the harm caused to them by Prestige's actions in operating the Facility in such fashion that denies them both the use and enjoyment of their property and their right to a healthy and safe environment.

143. Due to the irreparable harm to the Village and neighboring residents, including young school children, and businesses caused by Prestige's operation of the Facility, the Village has no adequate remedy at law.

COUNT I
Violation of Village Code § 14.604

144. The Village adopts and realleges its prior allegations.

145. Prestige, through the noxious odors emitted during operations at its Facility, violates § 14.604 of the Village Code, related to an I-1 Limited Industrial District that allows for Light Manufacturing as a permitted use.

146. The Village Code defines Light Manufacturing as:

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.

Village Code § 14.2401.

147. Prestige's operation of Facility is far from "self-contained," creating odors that go beyond the Facility and lot lines.

148. The odor penetration does more than just cross lot lines, it causes adverse health impacts on the Village residents, including young school children, and business employees, and adversely effects business operations of neighboring businesses.

149. Accordingly, the odor penetration significantly impacts the use and enjoyment of adjacent properties.

150. The Village has a clear and compelling interest in the enforcement of the Village Code zoning provisions.

WHEREFORE, The Village of Mount Prospect requests this Court:

- A. Enjoin Prestige Feed Products LLC from operating (if not completely, during normal business hours) unless and until it can come into a conforming Light Manufacturing use.
- B. Any additional damage or remedy that is appropriate.

COUNT II
Violation of Village Code Section 14.2104(G)(6)

- 151. The Village adopts and realleges its prior allegations.
- 152. Section 14.2104(G)(6) of the Village Code (emphasis added) provides:

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 [1] a nuisance or [2] source of discomfort to neighboring uses.**

- 153. An odor related “nuisance,” as defined by the Village Code, is a based on a subjective standard to those experiencing the smell:

[t]o use any premises to create an offensive smell which taints the air and renders it unwholesome or unreasonably disagreeable to other persons.

§ 14.2104(G)(1).

- 154. The Village Code at Section 11.3401, directs that, “[n]o 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.”

- 155. Prestige’s operation of the Facility releases odorous matter that crosses lot lines.

156. The odorous matter causes adverse health impacts on the local residents, including young school children, and business employees, and adversely effects business operations of neighboring businesses.

157. Therefore, the odorous matter is a source of discomfort to neighboring uses.

158. Moreover, the odorous matter is an offensive smell which taints the air and renders it unwholesome or unreasonably disagreeable to other people.

159. The complaints from residents, businesses, schools, and parents regarding the noxious odors emitted by the Facility during its operations show that Prestige releases odorous matter across its lot lines and the lot lines of neighboring residences, businesses, and schools in violation of Section 14.2104(G)(6) to become a nuisance and a source of discomfort to its neighbors and their use and quiet enjoyment of their property.

160. The Village has a clear and compelling interest in the enforcement of the Code provisions prohibiting nuisance activities or activities that create sources of discomfort to Village residents and businesses.

WHEREFORE, The Village of Mount Prospect requests this Court:

- A. Enjoin Prestige Feed Products LLC from operating (if not completely, during normal business hours) unless and until it can operate the Facility so as not to cause a source of discomfort to neighboring uses.
- B. Enjoin Prestige Feed Products LLC from operating (if not completely, during normal business hours) unless and until it can operate the Facility so as not to cause a nuisance to neighboring uses.

C. Any additional damage or remedy that is appropriate.

COUNT III
Common Law Public Nuisance

161. The Village adopts and realleges its prior allegations.

162. The Illinois Constitution of 1970, Art. XI, § 2, provides that, “[e]ach person has the right to a healthy environment.”

163. Residents living in the vicinity of Prestige have the right to the enjoyment and use of their property.

164. Children have the right to be outdoors without becoming nauseous and ill from exposure to noxious odors.

165. Local businesses have the right to operate without noxious odors inhibiting their operations.

166. Public policy encourages these types of uninhibited uses.

167. The Village has the right and the obligation to enforce its ordinances and protect the health, safety, and welfare of the community.

168. Since December 2023, hundreds of complaints about the effects of the noxious odor emissions from the Facility during its operations indicate Prestige’s conduct threatens public health and safety.

169. Prestige’s operations that continually emit noxious odors beyond the Facility and the lot lines of its property violate Village Code provisions intended to promote the health, safety, and welfare of the community.

170. Prestige’s continued operation violates the Constitutionally guaranteed public right to a safe and healthy environment.

171. The interference caused by Prestige's operation is substantial and unreasonable.

172. Prior to Prestige initiating operations in 2019 at the Facility, the Village received no complaints about noxious odors preventing residents located in close vicinity to the Facility from the quiet enjoyment of their property.

173. Prior to Prestige initiating operations at the Facility, the Village received no complaints about noxious odors adversely affecting any business located in close vicinity to the Facility.

174. Prior to Prestige initiating operations at the Facility, the Village received no complaints about noxious odors adversely affecting pre-school and school children.

175. Since December 2023 to the present when Prestige alleges to have "fixed" the odor problem, the Village has received approximately 300 complaints about noxious odors emitted from the Facility during its operations that have adversely affected the rights of residents, including school children, and local businesses.

WHEREFORE, The Village of Mount Prospect requests this Court:

- A. Enjoin Prestige Feed Products LLC from operating (if not completely, during normal business hours) unless and until it can operate the Facility so as not to cause a nuisance.
- B. Any additional damage or remedy that is appropriate.

DATED: JULY 18, 2024

VILLAGE OF MOUNT PROSPECT
By: Isaiah A Fishman
One of its attorneys

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Klein, Thorpe and Jenkins, Ltd.
Firm No. 90446
120 South LaSalle Street, Suite 1710
Chicago, Illinois 60603
(312) 984-6400
lcmalina@ktjlaw.com
jawall@ktjlaw.com

Isaiah A. Fishman
Charles A. Valente
Meltzer, Purtill & Stelle, LLC
Firm No. 33682
1515 East Woodfield Road, Suite 250
Schaumburg, Illinois 60173
(847) 3309-2400
ifishman@mpslaw.com
cvalente@mpslaw.com

VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in foregoing Village of Mt. Prospect's Third Amended Counterclaim are true and correct.

Dated: July 19, 2024

. _____

EXHIBIT A

Building Permit Application

Building Permit Application
Permit # 2018- CB18-00
Issue Date:

IF THE PERMIT APPLICANT IS NOT THE PROPERTY OWNER, THEN THE PROPERTY OWNER MUST ALSO SIGN THE APPLICATION; SEE LAST PAGE

FILE COPY
Only the Village of
demolition debris. Please
NT PROSPEC

Re-portion tenant demising walls within building, addition of interior bathrooms, overhead doors, and two (2) recessed loading docks. Scope raising a portion of the rear roof to accommodate a future tenant

EXHIBIT B

License Application



Business License/Certificate Application

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

RECEIVED

(OFFICE USE ONLY)

MAR 1 2019

OFFICE

349-0000 22

DATE POSTED

Village of Mt. Prospect

Community Development

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). **A**

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



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

EXHIBIT C

June 12, 2019 Notice

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.

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

EXHIBIT D

August 28, 2019 Letter Joe Pesoli to Michael Cassady



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,

Joe Pesoli
CEO- Prestige Feed Products, LLC

EXHIBIT E

Correspondence from Prestige to Village 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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EXHIBIT F

March 1, 2021 Notice to Prestige

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

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

EXHIBIT G
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

Jef
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

By: [Signature]
Michael J. Cassady,
Village Manager

[Signature]
William Cooney,
Director of Community Development

EXHIBIT H

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:		1 st Unit Dispatch:	10/21/2023 11:11:08 PM
Reported Offense:		1 st Unit Arrive:	10/21/2023 11:21:23 PM
CFS Date/Time:	10/21/2023 11:10:04 PM		
1 st 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

Unit ID: MPP/3168-A

Agency: MPP

Dispatch Date/Time:

Enroute Date/Time: 10/21/2023 11:15:52
PM

Arrive Date/Time: 10/21/2023 11:21:23
PM

Clear Date/Time: 10/21/2023 11:27:16
PM

Primary Unit Flag: No

Temporary 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 CSZ: 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

Call Source:
Reported On: 10/26/2023 11:07:00 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: GENTILE, FRANK
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 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.



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:		1 st Unit Dispatch:	10/27/2023 11:23:48 PM
Reported Offense:		1 st Unit Arrive:	
CFS Date/Time:	10/27/2023 11:20:36 PM		
1 st 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.:	
Low Cross Street:		High Cross Street:	FEEHANVILLE DR
Area Name:	MPP	Sector Name:	3168
Beat Name:	MP682	Incident Type:	PUBLIC SERVICE
Modifying Circumstance:		Priority:	3 - 3
Alarm Level:		Call Source:	T
User ID:	MPP3098	Device ID:	MPP2
Call Type:		Verified Offense:	
Reported Offense:		1st Unit Dispatch:	10/30/2023 9:58:11 PM
CFS Date/Time:	10/30/2023 9:58:11 PM	1st Unit Arrive:	10/30/2023 10:09:39 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

Device ID: MPP2
Agency: MPP
Enroute Date/Time: 10/30/2023 10:04:59 PM

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

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

Primary Unit Flag: Yes

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



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
Home

Address
676 Middleton Ln

City, State, Zip
DES PLAINES, IL 60016

Country

Phone Type

Phone Number
(847) 363-3434

Carrier

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.



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



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.



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



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.



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:



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:
Height:	Weight:	Complexion:
Hair:		DOB (Age):
Facial Hair:		Age:
Attire:		Juvenile:
		Build:
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.



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



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.



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



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.



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

FILED DATE: 7/19/2024 11:34 AM 2023CH05147



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.



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



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

Home

Address

641 KLongford Dr

City, State, Zip

Des Plaines, IL

Country

Phone Type

Mobile

Phone Number

(847) 308-9427

Carrier

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.



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024336

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: TUESDAY 11/14/2023 12:42:41 AM

Call Source:
Reported On: 11/14/2023 12:42:41 AM
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 Noise
Complaint

Hate/Bias:

Crime Completed:

Crime Against:

Location Type: Commercial/Office
Building

School Incident: No

ILCS Statute: Local Code
IUCR: 7327
UCR Hierarchy:

IBR Group:
IBR Code:

Using:
Weapons:

SUSPECTS

ARRESTEES

VICTIMS

WITNESSES

OTHERS

PROPERTY

11/14/2023 9:30 AM

Page 1 of 2

FILED DATE: 7/19/2024 11:34 AM 2023CH05147



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024336

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

VEHICLE

CASE REPORT NARRATIVE

On 11/14/2023, at 0042 hours, I responded to 431 Lakeview Ct (Prestige Feeds), reference a noise complaint. It should be noted the complainant wanted to remain anonymous.

I drove in the area adjacent the business, and later parked my squad at 320 N Wolf Rd. I was able to hear loud noises (from ventilators) coming from the business. No odor detected at this time.

Nothing further.



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024344

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: TUESDAY 11/14/2023 2:42:03 AM

Call Source:
Reported On: 11/14/2023 2:42:03 AM
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 Noise
Complaint

Hate/Bias:

Crime Completed:

Crime Against:

Location Type: Commercial/Office
Building

School Incident: No

ILCS Statute: Local Code
IUCR: 7327

IBR Group:
IBR Code:

**Using:
Weapons:**

UCR Hierarchy:

SUSPECTS

ARRESTEES

VICTIMS

WITNESSES

OTHERS

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

Race:

Resident:
Ethnicity:

DOB (Age): 1/7/1965

11/14/2023 9:29 AM



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024344

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

Height: **Weight:** **Complexion:** **Age:** 58
Hair: **Eyes:** **Juvenile:** No
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 11/14/2023, at 0242 hours, I responded to 650 Dursey Ln, Des Plaines, reference a noise complaint. I spoke to the complainant, Sargon Merza, who stated he could hear loud noises coming from Prestige Feeds (431 Lakeview Ct).

While on scene, I was able to hear the loud noises (ventilators) coming from the business. It should be noted no odor was detected.

Merza stated he just wanted to document the incident.

Merza was provided with the case number.

Nothing further.



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024577

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: FRIDAY 11/17/2023 12:22:22 AM

Call Source:
Reported On: 11/17/2023 12:22:22 AM
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

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

Domestic: No
School Incident:

Testify:

Victim/Offender Relationships

IBR Injuries:

11/17/2023 7:41 AM



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024577

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:
Height:	Weight:	Complexion:
Hair:		Eyes:
Facial Hair:		Place of Birth:
Attire:		DOB (Age):
		Age:
		Juvenile:
		Build:
Drivers License Information		
DLN/ID No:		DL State:
DL Status:		DL Country:
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 11/17/2023, at 0022 hours, I responded to 431 Lakeview Ct (Prestige Feeds), reference an odor investigation. Dispatch advised the complainant wanted to remain anonymous.

I parked my squad at 320 N Wolf Rd, and I detected a strong, unpleasant odor coming from the business. I also heard loud noises coming from the business.

Nothing further.



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024741

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: SATURDAY 11/18/2023 11:04:13 PM

Call Source:
Reported On: 11/18/2023 11:04:13 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: SARIC, OGNJEN
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 Noise
Complaint

Hate/Bias:

Crime Completed:

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

Location Type: Parking Lot/Garage
IBR Group:
IBR Code:

School Incident: No
Using:
Weapons:

SUSPECTS

ARRESTEES

VICTIMS

WITNESSES

OTHERS

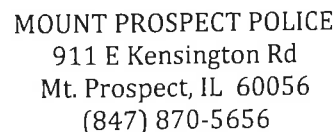
Person/Entity Type: Complainant
Name: Stillmaker, Ronald C
Sex: Male

Race: White

Resident:
Ethnicity: Not Hispanic or
Latino

DOB (Age): 7/19/1958

11/19/2023 9:35 PM





INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024741

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

Nothing further.



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024940

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: WEDNESDAY 11/22/2023 5:46:36 AM

Call Source:
Reported On: 11/22/2023 5:46:36 AM
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 Noise
Complaint

Hate/Bias:

Crime Completed:

Crime Against:

Location Type: Commercial/Office
Building

School Incident: No

ILCS Statute: Local Code
IUCR: 7327
UCR Hierarchy:

IBR Group:
IBR Code:

Using:
Weapons:

SUSPECTS

ARRESTEES

VICTIMS

WITNESSES

OTHERS

PROPERTY

11/22/2023 10:54 AM



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-024940

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

VEHICLE

CASE REPORT NARRATIVE

On 11/22/2023, at 0546 hours, I responded to 431 Lakeview Ct (Prestige Feeds), reference a noise complaint. Complainant wanted to remain anonymous.

I parked my squad near 320 N Wolf Rd, and I heard loud noises coming from the business. It should be noted I did not detect any odor at this time.

Nothing further.



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-025318

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

INCIDENT SUMMARY

Report Type: Public Service Other Public Service Non - Specific

Case Disposition: ADMINISTRATIVELY CLOSED

Occurred On: MONDAY 11/27/2023 11:15:14 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: SARIC, OGNJEN

Shift: 1

Call Source:

Reported On: 11/27/2023 11:15:14 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

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 Service Other Public Service Non Specific

Hate/Bias:

Crime Completed:

Crime Against:

ILCS Statute: Local Code

IUCR: 7280

UCR Hierarchy:

Location Type: Highway/Road/Alley

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



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-025318

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

VICTIMS

WITNESSES

OTHERS

Person/Entity Type: Complainant

Name: Gredell, Alan L

Sex: Male

Race: White

Resident:

Ethnicity: Not Hispanic or Latino

DOB (Age): 4/20/1954

Height:

Weight:

Complexion:

Age: 69

Juvenile: No

Hair:

Eyes:

Build:

Facial Hair:

Place of Birth:

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

655 Castlereia Ln

Des Plaines, IL 60016

Phone Type

Phone Number

Carrier

(847) 975-5723

PROPERTY

VEHICLE

CASE REPORT NARRATIVE

On 27 November 2023 at approximately 2315 hrs, I responded to the area of 431 Lakeview Ct (Prestige Feed Products) for a Public Service report.

I called and spoke with the Complainant, Alan GREDELL, who wished to file a report in reference to the ongoing issue related to the foul odor originating from Prestige Feed Products.

GREDELL stated in summary he resides at 655 Castlereia Ln in Des Plaines, just southeast of Wolf Rd and Longford Dr intersection, where he can detect a very strong, foul odor originating from Prestige Feed located at 431 Lakeview Ct in Mount Prospect.

GREDELL stated the odor is intermittent throughout the day and varies with the wind. GREDELL stated at this time the odor is particularly strong in front of his house. GREDELL described the odor to be similar to burnt cheese and characterized it so foul that it makes him gag.



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-025318

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

I checked the immediate area surrounding Prestige Feed on Lakeview Ct, approximately northwest of the Prestige Feed business property, as well near Wolf Rd and Longford Dr, approximately 200 yards to the east of Prestige Feed.

I was able to detect a very strong, foul, cheese-like odor directly to the east of the 431 Lakeview Ct property. The "Weather" application on my iPhone reported 10 mph southeast bound wind in this area.

Nothing further.



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-025456

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: WEDNESDAY 11/29/2023 9:40:00 PM

Call Source:
Reported On: 11/29/2023 9:45:00 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: BOLIN, NICHOLAS
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 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: SONI, SEMIR
Sex: Male

Race: Asian

Resident:
Ethnicity:

DOB (Age): 11/7/1967

11/30/2023 10:47 AM



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-025456

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

Height: **Weight:** **Complexion:** **Age:** 56
Hair: **Eyes:** **Juvenile:** No
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
Home	670 DURSEY LN	Des Plaines, IL	

Phone Type	Phone Number	Carrier
Mobile	224 241 4460	

PROPERTY

VEHICLE

CASE REPORT NARRATIVE

On 11/29/2023 2145 hours, I responded to 431 Lakeview Ct (Prestige Feeds), reference an odor investigation. NWCD also advised the complainant, Samir Soni, wanted to be seen at his residence at 670 Dursey Ln, Des Plaines, IL.

I responded to Samir's address and when I exited my patrol vehicle, I detected a strong, unpleasant odor coming from the direction of the business. I also heard loud noises coming from the business. Samir advised his son had went outside to pick up a package on the front porch and immediately went inside and became sick from the smell.

Nothing further.



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-025460

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: WEDNESDAY 11/29/2023 10:30:00 PM

Call Source:
Reported On: 11/29/2023 10:34:18 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: ZIMMERMAN, JACQUELINE
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

11/30/2023 10:53 AM



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-025460

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

VEHICLE

CASE REPORT NARRATIVE

On 11/29/2023 2245 hours, I responded to 431 Lakeview Ct (Prestige Feeds), reference an odor investigation. The complainant wished to stay anonymous, and it was a documentation only call.

Upon arrival, I turned onto Feehanville Rd. from Wolf 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 that location. I did not hear any noises coming from the business.

Nothing further.



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-025616

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: FRIDAY 12/1/2023 9:50:00 PM

Call Source: 911 CALL
Reported On: 12/1/2023 10:03:56 PM
Or Between:

Location: 1513 JEFFREY DR
Unit/Apt. No.:
City, State, Zip: MOUNT PROSPECT

Location Name:
Verification: V - Verified
Verification Level:

Sector (Beat): 3166
Sub-Beat:

Latitude: -87.90865485
Longitude: 42.07175288

Reporting Agency: IL0167200 - Mount Prospect Police
Reporting Officer: MELENDEZ, JOSE
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: P18
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: Cullen, Robert
Sex: Male

Race: White

Resident: Resident of Jurisdiction
Ethnicity:

DOB (Age): 7/30/1982

12/2/2023 12:10 PM



INCIDENT/OFFENSE REPORT
Case Report Number
MPP23-025616

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

Height: **Weight:** **Complexion:** **Age:** 41
Hair: **Eyes:** **Juvenile:** No
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
Home	1513 Jeffrey Dr	Mount Prospect, IL 60056	United States of America

Phone Type	Phone Number	Carrier
Mobile	(815) 762-1711	

PROPERTY

VEHICLE

CASE REPORT NARRATIVE

On 12/1/2023 at 2203 Hours I spoke with complainant, Robert Cullen, on the phone regarding as he described it a very foul odor in the air, which could be detected from his residence at 1513 Jeffrey Dr. Cullen related that this is an ongoing problem with Prestige Animal Feed located at 431 Lakeview Ct in Mount Prospect.

After speaking with Cullen I drove to 340 N Wolf Road and drove to the back of the parking lot with the car windows opened. I was able to detect a very strong odor of burned cheese in the air.

As this is an ongoing issue a report was made to document this incident.

Nothing further.

EXHIBIT I

Affidavit of Irena Nikolic

**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,

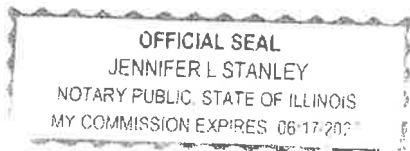
Plaintiff/Counter-Defendant.

Affidavit of Irena Nikolic

I, Irena Nikolic, being first duly sworn upon oath, depose and state as follows:

1. I am the Assistant Director of the Park View Montessori School (the "School"), located in the Kensington Business Center at 1601 Feehanville Drive, Mount Prospect, Illinois 60056.
2. The School is approximately .2 miles away from the Prestige facility in the Kensington Business Center at 431 Lakeview Court, Mount Prospect, Illinois 60056.
3. On February 8, 2024, I contacted the Village of Mount Prospect ("Village") to report that over the period of February 6-8, 2024, the burnt cheese smell from the Prestige facility has caused problems for the students at the School.
4. Due to the strong smell, children attending the School had to leave a nearby park and return indoors.
5. Staff at the School monitor very small children as well as children with asthma and other breathing conditions

6. On February 8, 2024, several children complained that they felt ill after being outside and smelling the odors emitted by the Prestige facility.
7. Over the last month, several parents have expressed to me their concern about the odor emitted by the Prestige facility and the adverse effect it has on their children when they are at the School.
8. I believe the odor emitted from the Prestige facility poses a threat to the health of the students who attend the School.
9. I make these statements based upon my own personal knowledge, and I could testify competently thereof if called upon to do so.
10. Nothing further sayeth affiant.



Irena Nikolic

Irena Nikolic

SUBSCRIBED AND SWORN to before

me this 28th day of March, 2024.

Jennifer L. Stanley

EXHIBIT J

Affidavit of Jennifer Stanley

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,

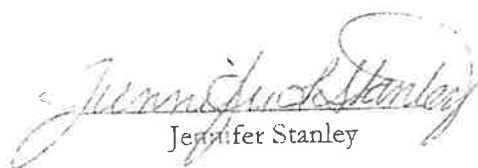
Plaintiff/Counter-Defendant.

Affidavit of Jennifer Stanley

I, Jennifer Stanley, being first duly sworn upon oath, depose and state as follows:

1. I am a teacher of the Park View Montessori School (the "School"), located in the Kensington Business Center at 1601 Feehanville Drive, Mount Prospect, Illinois 60056.
2. The School is approximately .2 miles away from the Prestige facility in the Kensington Business Center at 431 Lakeview Court, Mount Prospect, Illinois 60056.
3. I am familiar with the burnt cheese smell emitted by the Prestige facility as I have detected it on several occasions when I am working at the School.
4. On February 8, 2024, I contacted the Village of Mount Prospect ("Village") to report that I had to bring my students who were playing outside back indoors due to the strong burnt cheese smell coming from the Prestige facility.

5. One of the children I teach was so strongly affected by the smell that when she came back inside she felt ill and thought she was going to vomit. The student refused to eat lunch because she was nauseous from the smell she experienced while outside playing.
6. On February 20, 2024, I called the Village to complain about the odor coming from the Prestige facility.
7. The smell on February 20, 2024, was so bad that I had to bring one of my students indoors from playing outside because she experienced nausea.
8. The children I teach arrive at school holding their noses when the Prestige facility is operating.
9. The parents of my students ask "what is that smell?" when they drop off their children at school.
10. When the smell of cheese from the Prestige facility starts drifting towards the playground where Park View Montessori School students are playing, it is so strong it makes the children cough.
11. As a teacher who supervises the students when they are in the playground, the smell from the Prestige facility is so overpowering that I have to cover my nose.
12. As a result of the smell from the Prestige facility, I have had to cut the mandatory Department of Children and Family Services ("DCFS") allotted outdoor play time to get away from the odor.
13. The smell coming from the Prestige facility is so strong it enters the school hallways every time we open the doors, especially the back door, with the result that the cheese smell comes into the classrooms.
14. I believe the odor emitted from the Prestige facility poses a threat to the health of the my students at the School.
15. I make these statements based upon my own personal knowledge, and I could testify competently thereof if called upon to do so.
16. Nothing further sayeth affiant.


Jennifer Stanley

SUBSCRIBED AND SWORN to before

me this 29 day of March, 2024.

Jalissa Robinson
Notary Public



EXHIBIT K

Affidavit of Max Inzerillo

**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.	)

Affidavit of Max Inzerillo

I, Max Inzerillo, being first duly sworn upon oath, depose and state as follows:

1. I live at 1513 Mitchell Lane, Mount Prospect, Illinois 60056. My residence is approximately one mile from the Prestige facility located at 431 Lakeview Court, Mount Prospect 60056.
2. On March 14, 2024, at or about 8:50 a.m., I was outside with my children waiting for the school bus to pick them up to take them to school.
3. While I was standing outside, I could detect an odor that I recognized as a burnt cheese smell that comes from the Prestige factory.
4. I recognized the burnt cheese smell because I had detected it on previous occasions.
5. While waiting for the school bus, the burnt cheese smell was so bad that my daughter who was outside with me starting to vomit.
6. Due to the burnt cheese smell, I could not remain outside.

7. I make these statements based upon my own personal knowledge, and I could testify competently thereof if called upon to do so.
8. Nothing further sayeth affiant.

Max Inzerillo
Max Inzerillo

SUBSCRIBED AND SWORN to before
me this 5th day of April, 2024.

Cristina Inzerillo
Notary Public



EXHIBIT L

Affidavit of Michael Sobotta

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.)

Affidavit of Michael Sobotta

I, Michael Sobotta, being first duly sworn upon oath, depose and state as follows:

1. I am the Facility and Pilot Plant Manager for Mizkan American, Inc. ("Mizkan") with the Mizkan facility located at 1601 Feehanville Drive, Mount Prospect, Illinois 60056.
2. The Mizkan facility is located approximately .2 miles away from the Prestige Feed Products ("Prestige") company facility located at 431 Lakeview Court, Mount Prospect, Illinois 60056.
3. Mizkan owns several well-known food products. The work done at the 1601 Feehanville Drive, Mount Prospect, Illinois facility involves research and development pertaining to the taste and smell of food products.
4. Since Prestige installed new odor mitigation equipment in December 2023, I have logged several complaints with the Village of Mount Prospect ("Village") about noxious odors emitted by the Prestige facility during its operations that I can detect from the Mizkan facility.
5. On January 5, 2024, I communicated to the Village that a noxious odor smell was in the Mizkan parking lot outside the company's facility.

6. On January 10, 2024, I informed the Village that I could smell a noxious odor emitted by the Prestige facility when I was in the parking lot outside the company's facility.

7. On January 11, 2024, I informed the Village that the noxious odor emitted by the Prestige facility was easily detectable by Mizkan staff when they left work the previous night.

8. On February 7, 2024, I informed the Village that the noxious smell from the Prestige facility was "really bad" outside the Mizkan facility.

9. On February 26, 2024, I informed the Village that at 11:00 a.m. the burnt cheese smell emitted by the Prestige facility was present in the back courtyard of the Mizkan facility, that at 12:00 p.m., the smell was stronger and that it could be detected in the backrooms of Suites 100 and 200 of the 1601 Feehanville building.

10. On February 27, 2024, I informed the Village that at the middle of the day the Prestige burnt cheese smell was in the Mizkan parking lot and it was "very heavy" at the entrance/exit door to the Mizkan facility.

11. The burnt cheese smell emitted by the Prestige facility interferes with the ability for me to conduct my job at Mizkan, and has given me headaches.

12. The burnt cheese smell has infiltrated the Mizkan HVAC system and got into the Mizkan facility. I have to leave when this occurs.

13. Mizkan conducts work related to the taste and smell of food products. When the Prestige burnt cheese smell infiltrates the HVAC system and gets into the Mizkan facility, it becomes very difficult for others to perform their work using taste and smell.

14. The burnt cheese smell that the Prestige facility continues to emit during its operations has a negative, harmful effect on the Mizkan business, even after the latest upgrade.

15. Nothing further sayeth affiant.


Michael Sobotta

SUBSCRIBED AND SWORN to before

me this 4th day of April, 2024.


Notary Public

