

FACTS ABOUT THE LAWSUIT

See complaint for fuller detail or call
legal chair: Herb Caplan 773-929-7428

The lawsuit asks the court for three main things:

- to order a **halt to construction** and to **return the field to its original condition**;
- to **declare the contract** between Latin and the Park District **null and void**;
- **monetary and punitive damages** against Latin, the Park District, and the city.

The legal bases for the suit include:

- **Lakefront Protection Ordinance (Municipal Code 16-4-100 et seq.):** No “physical change” or allocation by “sale, lease, or other means” permitted to protected lakefront land without detailed Chicago Plan Commission process, which includes application, public notice to neighbors, presentation, public hearings, and final approval; no enforcement by city due to conflicts of interest
- **Failure to obtain necessary construction permits**, despite requirement in contract, allows project to proceed on greatly accelerated schedule; no enforcement by city due to conflicts of interest
- **1983 Consent Decree (82 C 7308) and later Park District ordinances** — brought on after rampant civil rights violations — established publicly reviewable principles for “fair and equitable” distribution of services, principles which the specific agreement violates and which general privatization is eroding
- **Illinois Constitution, Art. VIII(1):** “Public funds, property or credit shall be used only for a public purpose”
- **Public trust doctrine:** Park District and city failed in their duty to protect public land from private encroachment

- **U.S. Constitution, 5th and 14th Amendments (equal protection doctrine):** taxpayers’ property interests threatened by an unlawful taking
- miscellaneous **breaches of fiduciary duty** by Park District commissioners and city officials
- lack of enforcement of laws due to **conflicts of interest** among Park District officials, city officials, and certain Latin heavyweights

Plaintiffs:

- **The Committee to Keep Lincoln Park Public**, a committee of Protect Our Parks, Inc. which includes neighbors, park advocates, and even Latin families of diverse socioeconomic backgrounds, residences, and income levels: they organized the suit and are actively raising funds to pay for it
- **Mary Beth Meyer**, a resident in a building adjoining the park: received no legally required advance notice of the plan and therefore had no way to comment
- **Dawn Dodge**, an African-American mother who lives near the site and whose daughter attends nearby Immaculate Conception: in forcing and expediting the soccer field, the Park District gave Latin priority attention over Dodge’s daughter and millions of the city’s children in public and parochial schools who have long been waiting for sports fields, and simultaneously deprived these families of scarce public green space
- **Elizabeth Byrne**, a mother and member of Menomonee Club: the club has served youth in socioeconomically diverse Old Town and neighboring communities for 62 years; the Latin contract has stripped the club of its grandfathered permission to share the meadow with other groups

Defendants:

- **Latin School of Chicago**, 120-year-old private Pre-K-12 school located in the heart of Chicago's Gold Coast; highest annual tuition in Chicago (\$18,425 Pre-K to \$24,625 High School); criticized by neighbors in the past for traffic problems and other concerns; although proudly claiming 1:4 ratio of students of color, actual ratio of Black and Hispanic to other students is closer to 1:20, and of those even fewer are on scholarship
- **Chicago Park District Board of Commissioners**, including Gery J. Chico, a staunch ally of Mayor Daley; and Laird Koldyke, a Latin School parent and chairman of the Administrative Committee that approved the contract
- **Chicago Corporation Counsel Mara Georges**, whose conflicts of interest with Daley's many Park District allies caused her to give the Park District and Latin a pass when they violated the Lakefront Protection Ordinance and other laws, and committed code violations that normally force mere mortals to stop construction for weeks or months

Synopsis leading up to the litigation:

- **Fall 2002:** Latin and Park District approach public with plan to build running track and sports complex in North Meadow of South Field in Lincoln Park; large public outcry and threat of lawsuits cause project to fold (Tribune, Skyline, Inside articles; sources)
- **September 2006:** Park District gives initial presentation to Lincoln Park Advisory Council to build more soccer fields, possibly including one in Lincoln Park's South Field, but makes no mention of Latin and gives impression that the process is still open-ended and that they will solicit LPAC's input when the time comes (LPAC minutes, sources)
- **September 2006:** Latin spokesperson indicates to Park District Board that the public has given its approval; with no other evidence, and with no other speakers to testify, board approves contract with Latin conceding 100% of youth-friendly time to the field, exclusive right to recoup investment with advertising, in exchange for Latin paying \$900,000 construction costs (Park District transcript)
- **November 2006:** LPAC complains internally of the contract (LPAC synopsis, sources)
- **May 2007:** Crain's Greg Hinz breaks first public media on the deal
- **June-July 2007:** LPAC considers filing lawsuit (LPAC synopsis); Friends of the Parks convenes initial meeting with community organizers
- **August 2007:** Standing-room-only public meeting at Latin; Committee to Keep Lincoln Park Public formed
- **October 2007:** Alderman and groups meet and extract small concession of 10% of time from Latin School
- **December 2007:** CKLPP crafts first cease-and-desist letter, confers with LPAC; legal team begins research and delivers first FOIA demands
- **February 2008:** FOIA demands unanswered; CKLPP holds standing-room-only public meeting, raises significant funds and writes second cease-and-desist letter which it delivers to Latin and Park District (Tribune, Skyline, Inside)
- **March 12, 2008:** CKLPP brings 60 to Park Board meeting, threatens lawsuit, gets promise of special meeting from President Chico to present alternatives; later in the day, FOTP unanimously votes to condemn the contract
- **April 10, 2008:** CKLPP planners meet with President Chico, who rejects alternative to site three fields near Cabrini-Green and vows to continue suit
- **April 16, 2008:** CKLPP files lawsuit