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

JONATHAN ROBINSON,	)	
Plaintiff,	)	**Case No. 2026 CH 03348**
	)	
v.	)	
	)	**Calendar 11**
VILLAGE OF LA GRANGE, and	)	
FIVE SOUTH SIX, LLC,	)	
Defendants.	)	

ORDER

This matter came before the Court for hearing on November 17, 2026 for Plaintiff's Verified Emergency Motion for Clarification of Scope and Nature of Temporary Restraining Order Against the Village of La Grange. The Court, having reviewed and considered all relevant pleadings, motions, responses, replies, oral arguments, and all relevant legal authority, and being fully advised in the premises,

THE COURT HEREBY FINDS AND ORDERS,

This is an action by Plaintiff Jonathan Robinson ("Plaintiff") against Defendant Village of La Grange ("the Village") and Defendant Five South Six "(Five South Six"), whereby Plaintiff seeks a permanent injunction against Five South Six's development of a multifamily building complex directly adjacent to his home. Plaintiff filed suit against the Village and Five South Six for: **Count I**, Denial of Due Process and Meaningful Opportunity to be Heard (against the Village of La Grange); **Count II**, Inverse Condemnation (against the Village of La Grange); **Count III**, Freedom of Speech Infringement (against the Village of La Grange); **Count VI**, Mandamus (against the Village of La Grange); **Count V**, Declaratory Judgment (735 ILCE 5/2-701) (against the Village of La Grange and Five South Six, LLC); **Count VI**, Injunctive Relief (735 ILCS 5/11-101) against the Village of La Grange and Five South Six, LLC); and **Count VII**, Injunctive Relief (965 ILCS 5/11-13-15) (against the Village of La Grange and Five South Six, LLC).

On May 18, 2026, the Court entered an order granting Plaintiff's Verified Emergency Motion for Temporary Restraining Order and Preliminary Injunction ("TRO"). The May 18, 2026 Court Order laid out the following terms: "**Defendants are temporarily restrained from commencing demolition** of the properties located at 112 E. Burlington Ave. La Grange, IL, and 5 6th Ave, La Grange Illinois, set to occur on May 18, 2026... Plaintiff's Temporary Restraining Order shall remain in full force and effect pending a hearing and ruling Plaintiff's verified Emergency Motion for Temporary Restraining Order and Preliminary Injunction on unless modified [or] dissolved, pursuant to Court order."

On June 10, 2026, Defendant Village of La Grange issued Five South Six LLC a Conditional Building Permit (NRB-26-12), set to expire on December 7, 2026. See Exhibit 5 of Plaintiff's Emergency Motion.

On June 30, 2026, the Court entered a Ruling following hearing on Defendant Five South Six, LLC's Verified Emergency Motion for Expedited Consideration of its Motion to Raise Bond against Plaintiff Robinson. Paragraph 7 of the Ruling states: "On June 10, 2026, Defendant Village of La Grange issued the demolition permit to Five South Six. Thus, at the time of the entry of the temporary restraining order, Defendant Village of La Grange had not yet issued the demolition permits."

On July 7, 2026, the Court entered an Order reinforcing the TRO.

Both Defendants moved to dismiss the Complaint under Section 2-615. On October 2, 2026, the Court entered a Ruling on Defendant Village of La Grange and Defendant Five South Six's Motion to Dismiss. The Court dismissed without prejudice Counts II, IV, V, and VI of Plaintiff's Complaint, as to Defendant Village of La Grange. Counts I and III of Plaintiff's Complaint survived, as to Defendant Village of La Grange. Plaintiff did not replead Counts II, IV, V and VI within 28 days of issuance of the Ruling, as to Defendant Village of La Grange. The Court dismissed without prejudice all Counts, as to Defendant Five South Six. Plaintiff did not replead any Counts as to Defendant Five South Six.

A complaint and an action are not the same thing. "The dismissal of a complaint without prejudice means there is not a complaint on file, but it does not mean that there is not a 'pending action.'" See *Owen v. Mann*, 105 Ill. 2d 525, 530, 475 N.E.2d 886, 86 Ill. Dec. 507. *Lamar Johnson Collaborative Inc. v. 225 West Randolph Owner, LLC*, 2026 IL App (1st) 250620, ¶ 14. Expiration of 28 days granted for leave to replead, following a motion to dismiss, does not automatically, make the dismissal final. A further order finally disposing of the action is necessary. As such, the October 2, 2026 Ruling on the Motions to Dismiss does not establish that the TRO terminated. Neither Defendant filed a motion to terminate the TRO or clarify before demolition of the subject properties began.

The TRO clearly prohibited the Village of La Grange and Five South Six from commencing demolition of the properties located at 112 E. Burlington Ave. La Grange, IL, and 5 6th Ave, La Grange, IL, until further order of the Court.

The Conditional Building Permit (NRB-26-12) clearly states: "[t]he issuance of this permit does not waive or supersede any applicable requirements, approvals, permits, or regulations imposed by any federal, state, county, or other governmental agency having jurisdiction." This Court has jurisdiction over the address (112 E. Burlington Avenue, La grange, IL 60525) set forth on the Conditional Building Permit as specifically stated in the TRO. As such, Defendant Five South Six had a duty to seek clarification from the Court before utilizing self-help and determining that it was no longer under the jurisdiction of the Court. Similarly, Defendant Village of La Grange, given the language of the permit set forth above, should have sought further clarification from the Court prior to the issuance of the permit on June 10, 2026.

"It is clear that when an Illinois circuit court with jurisdiction over the subject matter and the persons issues an injunction, that injunction, however erroneous it may be, must be obeyed until it is set aside..." *Board of Education v. Kankakee Federation of Teachers Local No. 886* (1970), 46 Ill. 2d 439, 264 N.E.2d 18, *cert. denied* (1971), 403 U.S. 904, 29 L. Ed. 2d 679, 91 S.

Ct. 2203). "[An] injunction must be obeyed even though the alleged error concerns a deprivation of constitutional rights." *Board of Trustees v. Cook County College Teachers Union Local 1600* (1976), 42 Ill. App. 3d 1056, 356 N.E.2d 1089. *People ex rel. Watson v. Spinka*, 58 Ill. App. 3d 729, 733, 374 N.E.2d 787, 790 (1st Dist. 1978).

"Ministerial acts are 'those which a person performs on a given state of facts in a prescribed manner, in obedience to the mandate of legal authority, and without reference to the official's discretion as to the propriety of the act.'" *Monson v. City of Danville*, 2018 IL 122486, ¶ 30, 425 Ill. Dec. 526, 115 N.E.3d 81 (quoting *Snyder v. Curran Township*, 167 Ill. 2d 466, 474, 657 N.E.2d 988, 212 Ill. Dec. 643 (1995)). *People v. D.W. (In re D.W.)*, 2023 IL App (1st) 211006, ¶ 26, 221 N.E.3d 1144. "Discretionary acts, on the other hand, 'involve the exercise of personal deliberation and judgment in deciding whether to perform a particular act, or how and in what manner that act should be performed.'" *Wrobel v. City of Chicago*, 318 Ill. App. 3d 390, 395, 742 N.E.2d 401, 252 Ill. Dec. 151 (2000). *People v. D.W. (In re D.W.)*, 2023 IL App (1st) 211006, ¶ 26, 221 N.E.3d 1144.

It is unclear whether the issuance of the Conditional Building Permit was a ministerial or discretionary act. However, neither supersedes the jurisdiction of this Court. "...It is conceded that if the Commissioner of Buildings issues a permit based upon submitted plans, and he subsequently discovers a deviation from the plans, he has the power to stop work on the building. *Municipal Code of Chicago*, Ill (1967), § 43-10. As a parallel, we believe that the subsequent discovery of noncompliance with a judicial order specifying certain prerequisites raises a similar valid right in the Commissioner to reexamine the legality of the permit's issuance and to stop the work if indicated." *People ex rel. American National Bank & Trust Co. v. Smith*, 110 Ill. App. 2d 354, 362-63, 249 N.E.2d 232, 237 (1st Dist. 1969). As to Defendant Village of La Grange's argument that stopping the demolition or terminating the permit would create liability exposure to the Village, said actions would likely be found justified under the circumstances. See *Wise v. City of Chicago*, 183 Ill App 215; *Sinclair Refining Co. v. City of Chicago*, 246 Ill App 152; *Paulus v. Smith*, 70 Ill App2d 97, 217 NE2d 527. *People ex rel. American National Bank & Trust Co. v. Smith*, 110 Ill. App. 2d 354, 364, 249 N.E.2d 232, 238 (1st Dist. 1969). Also see, *Cities Service Oil Co. v. City of Des Plaines, supra*; *People ex rel. Deddo v. Thompson*, 209 Ill App 570; *Wehrmeister v. Carlman*, 17 Ill App2d 171, 149 NE2d 453. *People ex rel. American National Bank & Trust Co. v. Smith*, 110 Ill. App. 2d 354, 365-66, 249 N.E.2d 232, 239 (1st Dist. 1969).

FOR THE FOREGOING REASONS, IT IS HEREBY ORDERED:

A. As Defendant Five South Six has not taken steps to dismiss itself from this Action and has not moved to dissolve the TRO as it relates to Five South Six, it is still bound by the terms of the TRO and must stop demolition the properties described in the TRO, instanter.

B. As Defendant Village of La Grange has not moved to dissolve the TRO, it is still bound by the terms of the TRO and must take affirmative steps to stop demolition of the properties described in the TRO, including terminating the Permit until further order of the Court, instanter.

C. The matter is set for in-person status on November 20, 2026 at 10:30AM at the Richard J. Daley Center, Court Room 2305. Counsels for all Parties shall be present.

ENTERED:

ENTERED
Judge D. Renee Jackson-2170
NOV 17 2026
MARIYANA T. SPYROPOULOS
CLERK OF THE CIRCUIT COURT

Judge D. Renee Jackson