



ILLINOIS APPELLATE COURT SECOND DISTRICT

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February 7, 2020

Adele D. Nicholas
5707 W. Goodman Street
Chicago, IL 60630

RE: Sabo, Marcus, et el. v. City of Aurora, et al.
General No.: 2-20-0092
County: Kane County
Trial Court No: 19CH996

The court has this day, February 07, 2020, entered the following order in the above entitled case:

Plaintiffs are a group of convicted sex offenders who are not allowed to, inter alia, reside within 500 feet of a designated playground. They are appealing the trial court's denial of a temporary restraining order that would allow them to reside at a ministry known as Wayside Cross without criminal consequences. In its decision, the trial court found that plaintiffs established three of the four factors necessary to establish an entitlement to injunctive relief: (1) an ascertainable right in need of protection; (2) lack of an adequate remedy at law; and (3) irreparable harm if the temporary restraining order did not issue. But the trial court found that plaintiffs had not established a likelihood of success on the merits of their claims.

Plaintiffs have two claims. The first claim is that they are not residing within 500 feet of a properly designated playground as determined by the City of Aurora and therefore the City is improperly refusing to register plaintiffs at the conforming address. The second claim is that plaintiffs' right to exercise their religion is compromised by the City and the State's violation of the Illinois Religious Freedom Restoration Act (775 ILCS 35/1 et seq. (West 2018)).

To be entitled to a temporary restraining order, a plaintiff must demonstrate (1) an ascertainable right in need of protection, (2) a likelihood of success on the merits, (3) irreparable harm in the absence of injunctive relief, and (4) the lack of an adequate remedy at law. *People ex rel. Klaeren v. Village of Lisle*, 202 Ill. 2d 164, 177 (2002). If the plaintiff establishes "a prima facie case, the court may also consider whether the balance of harms favors the grant or denial of injunctive relief." *Bridgeview Bank Group v. Meyer*, 2016 IL App (1st) 160042, ¶ 12.

We have reviewed the pleadings, the memoranda, and the record. We cannot say that the trial court's findings upon which it based its denial are against the manifest weight of the evidence. Further, we cannot say that the denial was an abuse of discretion.

The trial court's denial of the requested temporary restraining order is affirmed. The petition for a temporary restraining order is denied.

THIS ORDER IS FINAL AND SHALL STAND AS THE MANDATE OF THIS COURT.
(McLaren, Zenoff, Bridges, JJ.)

A handwritten signature in cursive script that reads "Jeffrey H. Kaplan".

Jeffrey H. Kaplan
Clerk of the Court

cc: Dawn Elizabeth Troost
Erin Marie Brady
John Bingham Murphey, Jr.
Kane County Circuit Court
Mark G. Weinberg
Richard Joseph Veenstra