

Homart lawsuit brings forth mixed reactions

By PETE NENNI

Reactions about the lawsuit filed last week in Kane County Circuit Court against the Village of West Dundee and Homart have been mixed from officials in the surrounding villages.

Many have indicated they do not know enough about the suit, which calls for an injunction to be issued to halt work on the proposed Springhill Mall, until a number of issues concerning roadwork are settled.

Officials from the Homart Development Co., have refused to comment and are referring all questions about the litigation to Chicago attorney Jack Segal.

Segal said Monday he had just returned from vacation and knew nothing of the suit and wanted time to review it before commenting.

The suit names five East and West Dundee residents and businessmen as the plaintiffs. The list includes former West Dundee Trustee Vern Sutfin, Len Steurer of L and H Sewing, Paul and Jan Fritz and Bernard Frankel.

Janice Johnston, attorney for the plaintiffs, said the litigation is a taxpayers' suit and challenges the municipal attorney to pass the annexation agreement in the first count.

The second count of the lawsuit, calls for a declaratory judgment, making the agreement null and void and an injunctive relief, granting a temporary restraining order for the work on the structure.

East Dundee Village President William Bartels said he thinks the suit will end up

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going onto a higher court before it is settled.

The village board voted last week not to file a suit of their own or enter into litigation with the residents, fearing the reprisals East Dundee's participation in a lawsuit could bring.

"We did not enter into the suit, but I think if we enter into anything it would be a type of injunction, but it is not being strongly considered," Bartels said.

He said the village would not do anything unless they knew what to expect from Homart. "You have to hear these people (Homart). If it's not beneficial to the village then maybe something like that (lawsuit) is necessary."

Bartels added the suit could possibly hold construction to some extent, but said it is almost necessary to have a number of people in the suit in order to present a good case.

Carpentersville Village President Orville Brettman said litigation is the only move the residents of West Dundee, who are against the regional shopping center have left.

"They are dead serious about the problem their village board has been unable or unwilling to deal with," he said.

Brettman said he does not expect a similar lawsuit would be filed by Carpentersville because the concerns of the village, in regards to the shopping center, are different from West Dundee.

"Our end of the deal is not all that bad, it's not all that good, but it's not that bad," he said, adding West Dundee residents claim their village could go broke because of the Springhill Mall.

Carpentersville Trustee Mary Srajer and Sleepy Hollow Village President Carol Schoengart said they would not comment on the lawsuit because they did not know enough about it.

West Dundee Village President Thomas Warner said last week he does not see the possibility of a counter-suit being filed by the village or Homart.