

The Appeal to the Illinois Supreme Court

On December 22, the 2nd district Appellate Court upheld Judge Ward's ruling that A.J. Bos was not entitled to any damages from HOMES. The Court let stand Judge Ward's original decision not to grant a permanent injunction. The Court also overruled an IL Supreme Court decision by ruling that Illinois citizens don't have standing to challenge a permit issued by a state agency.

This ruling set a dangerous precedent by allowing appointed officials at state agencies to make decisions that cannot be questioned by the public. The Livestock Management Facilities Act (LMFA) required the megadairy to send registered letters to all of the adjacent landowners notifying them of this project, yet the courts are essentially saying the notification was just for show and the public has no right to question the government.

In a case decided in September of 2010, Illinois's 5th Appellate Court ruled that a group similar to HOMES did have standing to question the issuance of a permit by the Bureau of Mines for a mine that threatened to pollute wells. Both that case and HOMES's case cited a relevant IL Supreme Court case that ruled individuals did have standing to question governmental decisions.

On January 26, HOMES filed a plea with the IL Supreme Court asking them to review our case. Although the Supreme Court only takes a few of the cases presented to them, they are particularly interested in cases that overrule previous decisions made by their court. Every few months the court decides which cases it will hear after which HOMES will have 35 days to file an appeal. The Sierra Club, Trout Unlimited, and Prairie Rivers Network have already committed to filing a "friends of the court" brief to support HOMES.

While waiting for a decision, HOMES still has to raise over \$50,000 to pay both current and future legal expenses. Without support from citizens like you who are committed to preserving our air, water, and communities, HOMES could never have accomplished so much. Please make a generous tax-deductible donation to HOMES today. You can mail a check to our PO Box or visit us online to pay by credit card.