

# Ruling in gate lawsuit could be costly to Woodridge

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Bolingbrook, IL -

Defending Woodridge's right to barricade Murphy Road last year could get expensive if the Will County Circuit Court rules in favor of Bolingbrook and two brothers who are co-plaintiffs in an ongoing court battle.

During a recent interview with Bolingbrook Mayor Roger Claar and Jay White, one of two brothers named as co-plaintiffs in a lawsuit initially filed in 2005, all plaintiffs declared they plan to seek compensatory damages from Woodridge if the court rules in their favor.

A court date of Dec. 19 was scheduled in Will County Circuit Court.

When asked if Bolingbrook will seek to recover the more than \$104,000 the village already has spent in legal fees, Claar said, "We'll go after every single penny of it."

Woodridge already has spent \$90,000 to defend the lawsuit.

White said he and his brother, Larry Budnik, partners in a spray coating business, also plan to file suit seeking compensatory damages.

"Because of Woodridge's actions, we had to eventually relocate the business we hoped to develop on our property in the village of Bolingbrook. We plan to ask for every dollar in lost income for having to move the business to Joliet instead of developing it in Bolingbrook as we intended," White said.

White, who with Budnik operates a business called Pro Tek Powder Coating, did not provide an estimate of the lost income.

The Downers Grove residents had planned to develop their parcel to include the spray coating business when Woodridge installed the gate.

The lawsuit was filed Nov. 23, 2005, about two weeks after Woodridge placed a gate across Murphy Road on a portion of the road under Woodridge jurisdiction. The suit contends the gate illegally prevents access to the property, which is within the corporate boundaries of Bolingbrook.

The property is located a few hundred yards north of the E.C. Rizzi Landscape Waste Transfer site currently being sued by the Illinois attorney general's office for non-compliance of Illinois Environmental Protection

Agency standards.

"It's unfortunate that this happened to us because we believe it is a political issue tied to the Rizzi site," said White. "There is no reason to mess with us as private property owners because we have done nothing to hurt Woodridge. They did this out of spite for Bolingbrook."

"Hopefully we can get a quick trial. It's been more than two years now," he said.

Woodridge Mayor William Murphy said in a recent interview there was still some hope the suit could be settled out of court, but offered no other comment.

"At this point I think it best not to comment," he said.

White said there are no plans to settle out of court.

"There is no point to that. At one point we negotiated a swap of land with Gallagher and Henry (residential developers) but they didn't want to give us equal value. We asked them if they didn't think our land was that valuable, then why did they want it in the first place? At this point there is nothing to gain by settling out of court, and we think the courts are finally past the discovery stage and ready to hear the case," White said.

The two brothers have owned the property for seven years, White said.

Bolingbrook is funding the lawsuit because "what Woodridge is doing is totally unfair," Claar said.

"It appears Woodridge is trying to break the guys financially, to get them to sell off the property at a fire sale rate. It is unfortunate a governmental body would use those tactics," he said.

In September Peg Halik, Woodridge assistant village administrator, said the village was optimistic of its chances to win the case because "the village has already gained a dismissal of this suit in federal court."

White said the suit was sent back to Will County because one of the initial counts claimed constitutional rights had been violated, but that count was later dropped and the lawsuit remanded back to the local courts.

"Because we dropped that count, the suit no longer was a federal case," White said.

Halik also questioned the motives of Bolingbrook for getting involved in the case.

"Perhaps it would be eye-opening to inquire why the village of Bolingbrook is paying for the expenses of Budnik and White. The explanation may have its genesis in the same reasons that motivate Bolingbrook to operate a dump on the same road," Halik said.

Halik was referring to the privately owned Rizzi site.

Claar said Bolingbrook took on the case because the property being barricaded is within the corporate limits of Bolingbrook, and the owners of the property are being unfairly deprived access to their private property.

"Clearly, it isn't appropriate that one village should block the only access road to property in another village," Claar said. "We are partners in the suit because we have a moral obligation to defend them."