

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
MACON COUNTY, ILLINOIS

ST. TERESA HIGH SCHOOL)	
an IL NFP Corporation)	
Plaintiff)	2025CH2
VS.)	2025 CH ____
HERITAGE BEHAVIORAL HEALTH)	
CENTER, INC.)	
Defendant)	

COMPLAINT, IN EQUITY, FOR PERMANENT INJUNCTION

Now Comes the Plaintiff, St. Teresa High School, an IL not-for-profit corporation, [STT], by its attorneys, Featherstun, Gaumer, Stocks, Flynn & Eck, LLP, and for its Complaint, in Equity, for Permanent Injunction against Defendant, Heritage Behavioral Health Center, Inc. [HBHC], states:

COUNT I- Permanent Injunction Against Nuisance

1. STT is an IL not for profit corporation operating a co-educational secondary private Catholic Christian high school currently at 2700 N. Water Street, Decatur, IL with full recognition by the Illinois State Board of Education and accreditation from the North Central Association of Colleges and Secondary Schools.

2. STT is successor to the Academy of St. Teresa, who opened the high school in 1866 and the Order of the Ursuline Sisters, who operated the high school from 1868 to 1996.

3. In 1913, the high school was moved from the 400 block of East Eldorado, Decatur, IL, to the present location at 2700 N. Water Street, Decatur, IL, where the physical plant has expanded over the twenty-one-acre campus during the school's approximate 112 years of continuous operation at the present location.

4. STT's mission is to provide quality academic, athletic and extracurricular programs to its students and families to prepare its students for success in post-secondary educational, professional and life-long endeavors.

5. STT is open to all students regardless of religious affiliation.

6. STT has, and does, achieved its mission with a long-track record for excellence impacting the Decatur, Macon County area for its more than century and one-half of continuous operation claiming amongst its alumni(ae) innumerable political, business, community and faith leaders positively impacting the broader community.

7. The presence and viability of STT is vital to preserving the network of feeder elementary private schools in the Decatur/Macon County area which, collectively, enrich the educational opportunities in the area.

8. STT stands as an Institution interstitial to the fabric of the Decatur-Macon County community with few, if any, peers able to claim a century and one-half of contribution to the community.

9. As a high school, STT stands in *loco parentis* to pupils ranging from fourteen to eighteen years of age and hosts athletic and extracurricular events attended by families with children of all ages.

10. As a private school, STT survives economically, without taxpayer support, from voluntary contributions, donations and tuition for students from families under no legal compulsion to send their child to the school.

11. STT has a duty to provide a safe, free from unreasonable exposure to criminal activity and open environment for students and visiting families and STT's economic survival requires a safe and welcoming environment to those who would consider attending the high school or contributing to the STT mission.

12. At all times relevant, for approximately 112 years, STT (including its predecessors) has, in furtherance of its mission, educated students lawfully from the current location and seeks to preserve its ability to continue its mission and to survive threats to its mission from activities conducted, or threatened, on adjoining or near properties to STT.

13. HBHC is an IL not-for-profit corporation that provides comprehensive community-based services to treat clients suffering the most serious behavioral disorders, links clients closely with providers of inpatient care, and provides a variety of innovative outreach, crisis intervention and prevention services, including, but not limited to, substance use, gambling, and sex offender clients on a walk-in, crisis or planned counseling and intervention basis. [Services].

14. HBHC, including its predecessors, commenced providing Services in Decatur, IL in 1956 and currently provides Services from its location at 151 N. Main St., Decatur, IL.

15. HBHC Services at 151 N. Main St. to approximately 4,000 clients disclose the following impacts to the area:

(a). Clients receiving Services loiter in the area to such extent that HBHC posts signage to prohibit loitering;

(b). Deposits of human feces regularly occur on sidewalks bounding the HBHC facility;

(c). Sex offenders are included amongst the clients;

(d). 105 calls for Decatur Police intervention on offenses ranging from disorderly conduct, assault, battery, public indecency, theft, criminal trespass, and sexual offenses over five years directly to the HBHC facility;

(e). Recurrent and substantial calls for Decatur Police intervention on offenses ranging from disorderly conduct, assault, battery, public indecency, theft, criminal trespass, and sexual offenses throughout the broader downtown attributable to HBHC clients;

(f). Interference with peaceful movement of patrons of area businesses by clients of HBHC.

16. In or about November 2023, publicly available information disclosed that HBHC was under consideration to receive a gift of real estate and improvements located at 2800 N. Water St., Decatur, IL for renovation and re-location of its situs for Services. In May 2024, the Board of Directors for HBHC accepted the gift of real estate and improvements at 2800 N. Water St., Decatur, IL. [Northgate Mall]

17. Northgate Mall is located across the public street 85 feet from STT at 2700 N. Water and within 500 feet of STT for purposes of 720 ILCS 5/11-9.3.

18. Prior to HBHC accepting the gift of Northgate Mall, STT communicated its objections to HBHC renovating and re-locating its Services to Northgate Mall. HBHC accepted the gift of Northgate Mall and has taken other actions as set forth below with full awareness of STT objection such that HBHC cannot assert any lack of diligence by STT in any balancing of rights which the relief requested may invite.

19. In or about December 2024 HBHC was awarded a Healthcare Transformation Capital Investment Grant by the Illinois Department of Healthcare and Family Services and the Illinois Capital Development Board in the sum of \$43,841,650. [Grant]

20. On information and belief, the Grant is not conditioned on siting HBHC Services at the Northgate Mall.

21. In December 2024, billboard advertising in proximity to the Northgate Mall declared the Northgate Mall as the future location for HBHC Services and HBHC publicly has stated an intent to serve as many as 10,000 clients.

22. The likelihood of renovation and re-location of Services to the Northgate Mall by HBHC is not speculative and presents a sufficiently concrete threat to sustain injunctive relief.

23. STT has an ascertainable property interest in continued operation of the high school free from substantial and unreasonable interference by HBHC threatened services at the Northgate Mall.

24. Services at current levels to HBHC clients at 151 N. Main St. and/or a projected 250% increase in clients receiving Services by HBHC at Northgate Mall threatens a substantial invasion of STT's interest in the use and enjoyment of 2700 N. Water St. as a high school in one or more of the following ways:

(a). Sex Offenders will be loitering within 500 feet of the high school building in violation of 720 ILCS 5/11-9.3;

(b). Substance abusing clients will be loitering in proximity to high school students and readily accessible to students in parking lots, on public transportation, and in area restaurants patronized by students within walking distance of school;

(c). HBHC clients suffering from the "most serious behavioral disorders" will be loitering in proximity to high school students and readily

accessible to students in parking lots, on public transportation, and in area restaurants patronized by students within walking distance of school;

(d). Criminal activity exposing high school students to victimhood in proximity to the school, in parking lots, on public transportation, and in area restaurants patronized by students;

25. The threatened invasions are not speculative based on historic experience at HBHC current location and profile of HBHC clients, further aggravated by the projected 250% increase in clients to be served by HBHC at the Northgate Mall.

26. The threatened invasions diminish STT standing in the community as an option for a safe educational environment which has manifest by prospective families reporting intention to attend other schools and/or withdrawing from STT or its feeder elementary schools interfering with the STT mission and threatening the financial viability of the high school by reduced tuition revenues.

27. The threatened invasions chill private donations to sustain financial viability as contributors seek sustainability of the mission as a condition to contributions.

28. HBHC Services at the Northgate Mall present an existential threat to STT.

29. The public interest is served by preserving the viability of private school education, generally, and at STT and STT's 158 year history has proven that

the private school education at STT has rendered inestimable benefit to the community at large.

30. HBHC has the financial means to avoid undue burdens by exploring alternative locations for its desired expansion and does not face existential injury to its current operations by re-locating to another site or remaining in its current location.

31. STT has no adequate remedy at law as money damages do not remedy the invasion of rights to continue its school operations.

32. STT is entitled to judgment permanently enjoining HBHC from operating a private nuisance at the Northgate Mall location.

33. HBHC Services at the Northgate Mall location is incompatible with STT enjoyment and use of STT property as a high school and the incompatibility is not amenable to abatement.

34. Alternatively, HBHC Services in proximity to any school should be declared a public nuisance or, as here, within 500 feet of STT.

WHEREFORE, STT respectfully requests judgment in its favor and against HBHC declaring that the threatened or anticipated provision of Services from the Northgate Mall location constitutes a private nuisance irreparably and unreasonably invading the property rights of STT to operate the high school and permanently enjoining HBHC from providing Services from the Northgate Mall location and for such other orders justified in equity.

St. Teresa High School, an IL NFP Corp, Plaintiff

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