



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – CHANCERY DIVISION

Village of Melrose Park,
Plaintiff,

and

People of the State of Illinois
ex rel. Kimberly M. Foxx,
State's Attorney of Cook County,
Intervenor-Plaintiff,

v.

Illinois Health Facilities and Services
Review Board;
Pipeline-Westlake Hospital, LLC;
SRC Hospital Investments II, LLC;
Defendants.

No. 19 CH 05553

Calendar 15

Hon. Anna M. Loftus
Judge Presiding

OPINION & ORDER

The Village of Melrose Park has brought an Emergency Petition for Rule to Show Cause, asserting that actions taken by and at Westlake Hospital are in violation of this Court's Order of May 7, 2019. The Village charges that the Hospital has manufactured a staffing shortage, insufficiently staffed diagnostic equipment, and has not made efforts to reopen the rehabilitation unit.

Pipeline has vigorously denied these allegations, offering context and explanation for its actions, describing how the Hospital is either in compliance with the Order, or is undertaking best efforts to come into compliance.

The Court holds that the evidence provided by the Village is not sufficient to demonstrate that a violation has occurred. Consequently, the Petition for Rule will be denied. Furthermore, examining the context provided by Pipeline, it would appear that the Hospital is indeed either in compliance or already doing the minimum to come into compliance with the Order.

The Village seems to believe that it can file its Petition and later support it with testimony adduced at an evidentiary hearing. That's not how contempt proceedings work: an evidentiary hearing to show cause only comes into play once the Village makes out its case on the papers—which it has not done. The denial is without prejudice; the Village may either renew its petition or file a new one, if it deems fit. Should it choose to do so, however, it would be well advised to provide a more thorough evidentiary basis for its allegations.

I. Background

The general background of the case is well known to the parties; because it is also set forth in some detail in the Court's prior Opinion & Order of May 7, 2019, it need not be repeated here. In relevant part, Defendants Pipeline-Westlake Hospital, LLC and SRC Hospital Investments II, LLC—collectively “Pipeline”—own and operate Westlake Hospital, which they have sought to close.

A. The Closure & Stay

On February 21, 2019, Pipeline filed a Discontinuation Application with the Health Facilities and Services Review Board, seeking to close the Hospital. The Village filed suit thereafter, alleging that the Hospital was improperly terminating or curtailing services prior to the Board's decision. The Village secured a TRO on April 9, under which the Hospital was to maintain medical services. On May 13, the Village was found in indirect civil contempt for having violated the TRO, and ordered to restore certain services.¹ *Village of Melrose Park v. Pipeline Health System, LLC, et al.*, 19 CH 03041.

The Board issued its decision on April 30, 2019, granting the Hospital's Discontinuation Application, thereby permitting the Hospital to close. The Village filed suit again, bringing the present administrative appeal. The Village brought an Emergency Motion to Stay, seeking to stay the Board's decision, and thereby keep the Hospital open. Due to time constraints, the Court on May 3 entered a TRO requiring the Hospital to maintain services over the weekend, and to allow the parties and Court adequate time to review the Motion to Stay in detail, and brief the supplemental issue of whether the State's Attorney should be permitted to intervene. Order of May 3, 2019.

At hearing on May 7, the Court granted the State's Attorney leave to intervene, holding that she had standing; the State's Attorney then joined in the Village's Motion to Stay. Order of May 7, 2019, pp. 4–12. The Court also held that the Village also had standing. *Id.* at pp. 15–17. Turning to the Motion, the Court found that a stay would be required to preserve the status quo; that the public would not be endangered by such a stay; that it would not be contrary to public policy; and that the case presented a fair question as to whether the administrative appeal would be likely to succeed on the merits. *Id.* at pp. 12–19. The Court therefore granted the Motion to Stay, staying the Board's decision for the duration of this case.

B. The Injunction

To accomplish the stay, the Court entered an injunction requiring the Hospital to maintain the level of services offered as of April 30, 2019, the date the

¹ The background and facts of the prior contempt proceedings are not directly relevant here. The Court notes them because they treat substantially similar issues to those presented here, and are occasionally mentioned in the papers. And, perhaps most relevantly, the prior proceedings provide a benchmark to indicate the nature and scope of the Hospital's possible services.

Board granted the Discontinuation Application. The injunction largely tracks the language of the TRO entered in the underlying litigation on April 9. That injunction required the Hospital to maintain services through April 30, and expired on that date; this injunction requires the Hospital to maintain or restore services that were offered on April 30.

The injunction provides, in its entirety, as follows:

1. Defendant Pipeline-Westlake Hospital, LLC, Defendant SRC Hospital Investments II, LLC, and any of their employees or agents are enjoined from taking any action pursuant to the February 1, 2019 Discontinuation Application, including but not limited to closing Westlake Hospital;
2. For the duration of this case, Defendants are enjoined from:
 - a. Discontinuing any medical service offered by Westlake Hospital on April 30, 2019, or modifying the scope of those services. Such services shall include, but are not limited to, the emergency room, intensive care, obstetrics, rehabilitation, internal medicine, pediatrics, surgical, and psychiatric;
 - b. Notwithstanding the above, Defendants are not required to reinstate the Hospital's bariatric services at this time;
 - c. Creating conditions that change the status quo, including but not limited to:
 - i. Terminating employees or contracts that result in insufficient staffing to provide the scope of services that were offered by the Hospital on April 30, 2019; or
 - ii. Failing to maintain facilities, staffing, or supply levels that interfere with providing the scope of services and adequate standard of care to patients that were provided by the Hospital on April 30, 2019;
3. To the extent services describe above have been discontinued, Defendants are to restore such services no later than 7:00 a.m. on Friday, May 10, 2019. To the extent discrete services, such as surgeries, have been cancelled, Defendants are to make reasonable attempts to reschedule them;

4. The Hospital is to remain off emergency room bypass. It may go on bypass, in whole or in part, only for good medical cause shown;
5. Hospital is to continue admissions of patients when deemed medically appropriate. Admissions may only be denied for good medical cause shown;
6. No bond shall be required of either the Village or the State's Attorney;
7. Violation of this Order shall be punishable by contempt of court.

At hearing, the parties discussed the scope of services that were offered by the Hospital. The Court specifically exempted bariatric services from the scope of the present injunction because those services had been exempted following the May 13 contempt hearing. The Court indicated that it would consider further exemptions, where appropriate, if sought by motion providing evidentiary support for the reason for the exemption.

Pipeline sought such an exemption, filing an Emergency Motion to Amend, and presenting it on May 10.² Specifically, Pipeline sought to exempt acute rehabilitation services from the scope of the mandate to restore services. Prior to filing the Motion, however, Pipeline had filed a Notice of Appeal on May 8, seeking further review of the injunction itself. Because the Notice of Appeal divested this Court of jurisdiction to amend the Order, the Court denied the Motion to Amend for lack of jurisdiction.

C. The Petition for Rule

Motion or not, however, the May 8th hearing provided an opportunity for the Village to provide its perspective on the events of the previous seventy-two hours. The Village disputed Pipeline's stated rationale for exempting acute rehabilitation services, and indicated that it viewed the failure to restore such services as contemptuous. The Village also indicated that it had reason to believe that Pipeline had taken other actions with respect to the Hospital's services which it viewed as problematic.

The parties engaged in a vigorous factual dispute, which if nothing else made clear that the issues presented required briefing before further discussion. The Court therefore ordered the Village to file its Petition for Rule by end of business on May 10, Pipeline and any other interested party to Respond by May 13, and set a

² The Court notes, as it did on the record at that hearing, that the Motion was improperly noticed. Emergency motions are to be filed and presented to chambers staff for an *in-person* review. An emergency presentment date is given at that time. Only then may the Motion be noticed. Both parties are advised to follow this procedure going forward: the Court has more than four hundred *other* cases, and the emergency motion procedure is essential to its ability to manage its own docket.

hearing on May 14. On that date, the Court heard argument, before recessing to prepare the present written Order.

II. Standard of Law

Courts have inherent power to vindicate their own authority and enforce their own orders. *City of Urbana v. Andrew N.B.*, 211 Ill. 2d 456, 486 (Ill. 2004) (citing ILL. CONST. 1970, Art. VI, §9). This is accomplished through contempt proceedings, which target “conduct that is calculated to impede, embarrass, or obstruct the court in its administration of justice or derogate from the court’s authority or dignity, or to bring the administration of the law into disrepute.” *People v. Ernest*, 141 Ill. 2d 412, 421 (Ill. 1990) (citing *In re Estate of Melody*, 42 Ill. 2d 451, 452 (Ill. 1969)).

At issue here are allegations of indirect civil contempt, which seek “a sanction or penalty designed to compel future compliance with a court order.” *Felzak v. Hruby*, 226 Ill. 2d 382, 391 (quoting *People v. Warren*, 173 Ill. 2d 348, 368 (Ill. 1996)). The contempt is indirect, because it concerns actions taken outside the presence of the Court. *Central Prod. Credit Assn. v. Kruse*, 156 Ill. App. 3d 526, 531 (2d Dist. 1987). It is civil, because it is coercive in nature, and stems from failing to do something ordered to be done for the benefit of the opposing party. *Id.*

The fundamental purpose of civil contempt is coercive. This informs the nature of the allegations. Contempt need not be willful where civil contempt is premised on the violation of an injunction, because in such a case the purpose of contempt is remedial, and therefore “it matters not with what intent the defendant did the prohibited act.” *County of Cook v. Lloyd A. Fry Roofing Co.*, 59 Ill. 2d 131, 139 (Ill. 1974) (quoting *McComb v. Jacksonville Paper Co.*, 336 U.S. 187, 191 (1949)). Likewise, a valid purge condition is required: a civil contemnor must be able to comply with the order, and have the proverbial keys to his or her own cell. *Kruse*, 156 Ill. App. 3d at 391.

Contempt proceedings are initiated by way of a Petition for Rule to Show Cause, wherein the proponent sets out the basis for contempt, establishing that the alleged contemnor has violated a court order. *In re Marriage of Charous*, 368 Ill. App. 3d 99, 107 (1st Dist. 2006). If the court agrees and issues a Rule, the burden shifts to the alleged contemnor to show cause as to why he or she should not be held in contempt. *Id.* at 107–08. The burden of proof for indirect civil contempt is that of a preponderance of the evidence. *Id.* at 107; *Kruse*, 156 Ill. App. 3d at 531.

III. Petition for Rule

The Village’s Petition identifies three separate instances of alleged contemptuous behavior, arguing that each one would provide a valid basis for issuance of a Rule. Specifically, the Village argues that Pipeline has first, transferred staff to manufacture a staffing shortage so as to justify discontinuation of services; second, insufficiently staffed CT and MRI diagnostic equipment; and

third, made no reasonable efforts to reopen the acute rehabilitation unit. The Village supports its allegations with five affidavits from Hospital staff.

The affidavits offered by the Village do not set forth facts indicating that Pipeline has violated the Court's May 7 Order. Because the Village has not made its case, the Court will not issue a Rule. Nevertheless, Pipeline's affidavits provide an evidentiary showing, *consistent* with but expanding upon the Village's affidavits, that the Hospital is in compliance with the Order.

A. Timing

The Court's Order of May 7, 2019 was issued *after* Pipeline had begun preparations to close the Hospital, but required the reinstatement of services that were provided as of a week prior, on April 30. The Order requires the Hospital to maintain and restore services to as to recreate the scope of services as of April 30. The Court recognized, however, that the Hospital's services cannot simply be turned on and off like a switch, as Pipeline protested. To the extent services had been discontinued between April 30 and May 7, the Order gave the Hospital three days to restore them, setting a deadline of 7:00 a.m. on Friday, May 10.

When considering indirect civil contempt, then, the Court looks at the current conditions of the hospital; *viz.* services offered *after* 7:00 a.m. on May 10. Conduct prior to that date and time may have been contumacious, but it is not at issue here.³ The question before the Court is whether the Village has demonstrated that *current* conditions at the Hospital do not align with the requirements of the Order, which required reinstatement after 7:00 a.m. on May 10.

B. The Village's Affidavits

The Village offers five affidavits. None sets forth a sufficient factual basis to indicate that the Hospital is *currently* in violation of the Court's Order.

1. Dr. Sokolowski

The first affidavit is from Dr. Mark Sololowski, a surgeon with the Hospital. He avers that Pipeline cancelled four surgeries set for May 9th, citing staffing issues which he suspects may have been fabricated. But he also avers that, "as of the morning of May 10, 2019," his staff was informed that the four surgeries at issue could be rescheduled.

Dr. Sokolowski may have been given the runaround, but by his own statements, no cancellations occurred after May 10, and the Hospital was taking steps to reschedule surgeries on that date. This is consistent with paragraph 3 of the Court's Order, which specifically states that "To the extent discrete services,

³ Such conduct, if any, may form the basis for indirect criminal contempt. The Court expresses no opinion as to the propriety of such a petition, and echoes the comments of the Presiding Judge at the underlying case's contempt proceeding: indirect *criminal* contempt is a separate procedure, and the Court specifically declines to address it here and now. *See* CIR. CT. COOK CO., R. 23.9 (local rule governing petitions for indirect criminal contempt). Plaintiff's counsel is advised to remove references to criminal contempt from future petitions for indirect civil contempt; this case is complex enough as it stands without muddying the waters further.

such as surgeries, have been cancelled, Defendants are to make reasonable attempts to reschedule them.”

2. Dr. Saleh

The second affidavit is from Dr. Nabil Saleh, a pediatrician with the Hospital. He states that he raised staffing concerns with Pipeline’s CEO on May 9, expressing concern that Hospital nurses were removed from Hospital staff, and instead were transferred to West Suburban—another Pipeline-owned hospital.

Setting aside the self-evident hearsay issues, the problem here is that a staff transfer, in and of itself, is not contumacious. The Court’s Order requires the Hospital to maintain *medical services* at the April 30 level. It does not require the Hospital to maintain *staff* as of April 30. If it is possible for the Hospital to safely offer the requisite medical services with a smaller staff, then transfer, furlough, or even termination of staff would not be in violation of the Court Order.

Certainly the transfer of staff away from the Hospital is cause for concern, because it suggests that, to whatever extent the Hospital is unable to offer services due to staffing issues, that inability is self-created. But by itself a personnel transfer is not in violation of the Order.

3. Andrea Principe

The third affidavit is from Andrea Principe, a medical imaging technician with the Hospital. She avers that, pursuant to a letter dated May 2, she was furloughed and removed from Hospital grounds, in anticipation of a later permanent closure. Notably, she does not aver as to what her particular expertise or training is, and does not give any indication as to what, if any, Hospital services would be affected by her absence.

As with Dr. Saleh’s staffing concerns, the issue here is not whether the Hospital has maintained the same staff, but whether it is safely offering the same services. If the Hospital can offer the same medical services as on April 30 without Ms. Principe, then her furlough, while personally unfortunate, is not a violation of the Court’s Order.

4. Dr. Ward

The fourth affidavit is from Dr. Kathleen Ward, chair of the Hospital’s Department of Internal Medicine. Dr. Ward attaches photographs taken of the rehabilitation unit on May 8 and May 9.

Setting aside the fact that the affidavit does not actually make any averments—it is simply a vehicle for the introduction of photographs, from which the Court presumes it is expected to extrapolate facts—it is insufficient for substantially the same reason as the affidavit of Dr. Sokolowski. It sets forth the condition of certain rooms located in the rehabilitation unit prior to May 10, but does not indicate whether other rooms were operational, whether the entire unit was in this condition, and most importantly whether the unit’s condition has persisted after the compliance deadline of 7:00 a.m. on May 10.

5. Dr. Papazian

The fifth and final affidavit attached to the Petition is from Dr. Kathy Papazian, an emergency room doctor with the Hospital. Dr. Papazian avers that the Hospital lacked an MRI technician on the morning of May 10, and therefore was unable to provide MRI services. She further avers that the Hospital only has one CT technician, and expressed concern that the technician's absence would cause a CT bypass to occur, which would significantly affect emergency room intake. She closes by noting that agency staff can and have safely operated both MRI and CT equipment.

With respect to the CT allegations, the affidavit's suggestion that a problem may occur is insufficient to establish that a violation has occurred. As with Dr. Saleh's observation of nursing staff transfers, thin staffing of essential equipment certainly gives cause for concern. It would certainly be prudent for the Hospital to endeavor to retain or arrange for backup staff for its CT equipment, like any of its other services. But the Court trusts that Pipeline and the Hospital both are well aware of their obligations under the Order, and unless a violation *has* occurred, the Court will not issue a Rule.

With respect to the MRI allegations, Pipeline's Response is informative. It includes an affidavit from Debbie Caruso, the Hospital's Director of Medical Imaging. Response, ex. 6. Ms. Caruso sets forth additional information concerning the MRI staffing on May 10 specifically: that the normal MRI technician had a scheduled day off, that the substitute MRI technician had a death in the family and was unavailable, that no agency technician was available for the day shift, and that no MRIs were requested during that time period in any event. Most importantly, she notes that the Hospital's historical practice has been to offer MRI services during the day shift only. To the extent a gap in coverage may have occurred, then, it is not necessarily out of line with the Hospital's prior medical services—i.e. the scope of services offered on April 30, which is the baseline.

Notably, the affidavits of Dr. Papazian and Ms. Caruso are *not* in conflict. Dr. Papazian's affidavit describes a gap in MRI services, and Ms. Caruso's affidavit provides additional context to demonstrate how the gap was minor, remediable, and not out of line with prior practice. Given this consistency—and, most importantly, the fact that there is no suggestion that MRI services will be permanently impaired going forward—the Court sees no basis to issue a Rule.

6. Nikesha Dunn

One hour and thirty-six minutes before hearing on the Petition was scheduled, the Court received a copy of a sixth affidavit offered by the Village. This would be the affidavit of Nikesha Dunn, a nurse and employee of a medical staffing company that the Hospital has used.

At the outset, the Court cannot emphasize enough how strongly it disfavors this sort of last-minute litigation.⁴ Pipeline has asked to strike the affidavit, on the grounds that it was filed with minimal notice and no leave. The Court heartily agrees with this position—but in the interest of resolution of the issue will address the affidavit on its merits, such as they are.

As with the affidavits of Dr. Saleh and Ms. Principe, the averments of Nurse Dunn do not evidence a violation of the Court's Order. She states that she was told, by someone, at some point, that the reason her medical staffing company, Relief Medical, was terminated is because Pipeline hasn't paid it. Again setting aside the obvious hearsay issues, this is most certainly cause for concern: if the Hospital has not been paying its agency staff, there would seem to be good and colorable reason to believe the Hospital may have difficulty hiring or retaining agency staff now and in the future if necessary.

And yet, once again, staffing reductions are not a violation of the Court's Order. The issue is whether the Hospital is offering the same scope of medical services as offered on April 30. If agency staffing is not required to safely offer the required medical services, then a disruption to agency staffing services would not be contemptuous.

The Court notes that the Order prohibits Pipeline from "Creating conditions that change the status quo, including but not limited to: (i) Terminating employees or contracts that result in insufficient staffing." Order of May 7, 2019, ¶2(c). If Pipeline's interaction with Relief Medical *results* in a change in the status quo or insufficient staffing, then a Rule would stand. But because there is no indication that there has been any effect on the Hospital's medical services, this alone, while concerning, is not sufficient.

C. The Village's Arguments

Given the above-identified deficiencies in the Petition's evidentiary support, the Court need not address the bulk of Pipeline's arguments to determine that a Rule cannot issue. That having been said, Pipeline's Response and attached affidavits provide crucial context—which generally does *not* conflict with the Village's averments—to explain why the Village's arguments fall flat.

1. Staffing Transfers

As noted above with respect to Dr. Saleh's affidavit, staffing transfers may create cause for concern. If the transfers result in conditions where staff has no backup, which leads to gaps in service, that may be a problem. But as long as the transfers do not impact the Hospital's ability to safely offer medical services, the transfers themselves are not in violation of the Order.

⁴ Furthermore, the Court requires hard copy courtesy copies of any filing that any party wishes the Court to review before hearing. Given the short timelines the parties have mutually impressed upon the Court, both parties are reminded that *timely* courtesy copies are a prerequisite to any judicial action.

Pipeline offers the affidavit of Nancy Gunnell, the Hospital's Director of Human Resources, for a more nuanced position: she identifies the four staff transfers that Dr. Sokolowski referred to, and notes that they continue to have access to and *have* accessed the Hospital. She also states that no transfers have occurred since April 22. This is buttressed by the affidavit of Joseph Ottolino, Pipeline's CEO, averring that no surgeries have been cancelled for staffing purpose since the stay went into effect.

To be sure, the Village's affidavits give cause for concern. If, for example, an unnecessary bypass occurred because of Pipeline's furlough or termination of critical employees between April 30 and May 10, then such staffing changes may well have affected the medical services offered by the Hospital—and *that* could constitute a contemptuous act. But Pipeline's context indicates that the concerns *as raised in the Petition and its affidavits* are unfounded, and that medical services continue to be safely provided.

2. Diagnostic Equipment

Much of the Village's argument here is hypothetical: given a smaller pool of staff, the Village speculates that the Hospital "would" be forced to go on bypass, or otherwise curtail those services. Petition, p.2.

As Ms. Caruso's affidavit explains, the Hospital has suffered some staffing losses—characterized as voluntary resignations, which would be outside the Hospital's control—and is using staff from West Suburban on an as-needed basis to ensure proper staffing of imaging services.

Again, a smaller staff pool gives rise to concerns that problems may occur, such that services would be impacted. But unless and until they do, the Hospital would not be in violation of the Court's Order. And, from the affidavits as presented, it certainly would appear that the Hospital is undertaking best efforts to ward against such an eventuality and, at least with respect to the gap in MRI coverage on May 10, undertook such efforts but was unable to secure coverage on short notice.

The Court understands that the situation on the ground has changed rapidly in the past several weeks, and that short-term eventualities may occur. The Court's concern is with coverage going forward, and ensuring that Pipeline is doing all it can to ensure that the Hospital's services remain offered. From the evidence before the Court, it would appear that that is exactly what has happened.

3. Rehabilitation Unit

The Village's argument here appears to be premised on the situation prior to May 10. Its photographs were explicitly taken on May 8 and May 9, and to the extent it makes any other factual assertion, there is no evidence of record to support it—none of the affidavits, including that of Dr. Ward, provide facts as to the status of the unit.

Pipeline admits that the unit is not operational, but explains why and how that came to be. It offers the affidavit of Sherry Worman, a nurse and the

Hospital's Director for Acute Rehabilitation. She describes how, between February and May 7 of this year, seven staff nurses resigned, leaving the unit with 4.5 full-time-equivalent nurses. That is insufficient to meet the Joint Commission's staffing ratios for 24-hour care. She further describes how staff at West Suburban, where she also is on staff, cannot be retasked because West Suburban's staff's rehabilitation qualifications are different from those of the Hospital.⁵

Pipeline also refers to Ms. Gunnell's affidavit to evidence the Hospital's attempts at hiring new staff. If staff voluntarily leaves, other hospitals' staff is unable to be used, and the Hospital is unable to find agency staff, then it certainly appears that the Hospital is doing everything it can to remedy the situation. To overcome this facially consistent and reasonable narrative, the Village would need to provide evidence that the Hospital was deliberately sabotaging its own process—something not even remotely suggested in the affidavits before the Court.

Because the Village's affidavits do not evidence that a violation of the Court's Order has occurred, no Rule will issue. The Court does not mean to preclude the Village from filing either a renewed or a future Petition for Rule, supported by an adequate evidentiary showing, if it believes the Court's Order has been violated.

IV. One Final Matter

This case, and oversight of the stay and injunction for its duration, present serious issues on all sides. As Pipeline has consistently noted, the judicial system is ill-qualified to run a hospital. *Lo v. Provena Covenant Med. Ctr.*, 342 Ill. App. 3d 975, 982 (4th Dist. 2003). For this very reason, the Court relies on the attorneys before it to investigate the facts on the ground before making broad representations as to issues which are clearly much more nuanced than either side would like them to be.

All parties are urged to be clear and precise in their representations, both on their papers and in open court, so that issues of this magnitude and public import can be fairly and accurately discussed and resolved, whenever possible.⁶

⁵ The Village suggests on its papers that it is awfully convenient that all rehabilitation patients were discharged, suggesting that the Hospital was deliberately transferring patients to satisfy their desire to close. At hearing, counsel confirmed that he was not making such an allegation. As Director Worman's affidavit indicates, the rehabilitation patients were discharged in accordance with their previously scheduled discharged dates. If a party were to insinuate that the Hospital was improperly discharging patients in a manner *not* in accord with what would otherwise be medically indicated, such would be an *extremely* serious allegation, and if such an accusation was made, the Court would expect it to be thoroughly investigated and supported by competent evidence.

⁶ The Court would also remind counsel for both the Village and Pipeline of the Rules of Professional Conduct. The Court understands that zealous advocacy sometimes requires strong language, particularly given the nature of the allegations raised by the Petition, but notes that such tactics may yield diminishing returns.

V. Orders

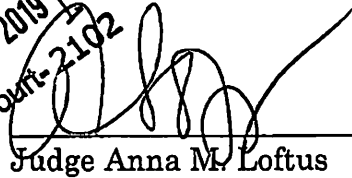
The Village's Emergency Petition for Rule to Show Cause is denied. The denial is without prejudice to either renew the Petition with further evidentiary support for the same allegations, or to file a subsequent Petition should future events make it advisable to do so.

5262

This case remains set for status on Tuesday, May 28, 2019, at 1:30 p.m. in Courtroom 2410.

4217

Judge Anna M. Loftus
MAY 14 2019
Circuit Court-2102
ENTERED:



Judge Anna M. Loftus

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IN THE APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

Present Hon. _____ MARY ANNE MASON _____ Presiding Justice.

Present Hon. _____ Justice.

Present Hon. _____ Justice.

THOMAS D. PALELLA _____ Clerk. THOMAS DART _____ Sheriff.

VILLAGE OF MELROSE PARK,
Plaintiff-Appellee,
and
PEOPLE OF THE STATE OF ILLINOIS EX REL KIMBERLY
M. FOXX, STATE'S ATTORNEY OF COOK COUNTY,
Intervenor-Plaintiff-Appellee,

No. 1-19-0989 vs.
ILLINOIS HEALTH FACILITIES AND SERVICES
REVIEW BOARD,
Defendant,
and PIPELINE WESTLAKE HOSPITAL LLC &
SRC HOSPITAL INVESTMENTS II LLC,
Defendants-Appellants.

FILED
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
2019 MAY 15 PM 1:00
ROBERTA BROWN
CLERK
CIVIL APPEALS DIVISION

APPEAL FROM CIRCUIT COURT OF
COOK COUNTY
CIRCUIT COURT NO. 19CH05553

No. 1-19-0989.

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

VILLAGE OF MELROSE PARK,

Plaintiff-Appellee,

and

PEOPLE OF THE STATE OF ILLINOIS *EX REL.* KIMBERLY M. FOXX,
STATE'S ATTORNEY OF COOK COUNTY,

Intervenor-Plaintiff-Appellee

v.

ILLINOIS HEALTH FACILITIES AND SERVICES REVIEW BOARD,

Defendant,

and

PIPELINE-WESTLAKE HOSPITAL LLC & SRC HOSPITAL INVESTMENTS II LLC,

Defendants-Appellants.

Appeal from the Circuit Court of Cook County, Illinois
County Department, Chancery Division
The Honorable Anna M. Loftus, Judge Presiding

Proposed Order

Defendants-Appellants Pipeline-Westlake Hospital LLC and SRC Hospital Investments II LLC's Motion for Leave to File an Amended Notice of Interlocutory Appeal to clarify that Defendants-Appellants file their interlocutory appeal as of right under Illinois Supreme Court Rule 307(a) is hereby ALLOWED/

Dated: May 15, 2019

ORDER ENTERED

MAY 15 2019

APPELLATE COURT FIRST DISTRICT

FILED
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS

2019 MAY 15 PM 1:01

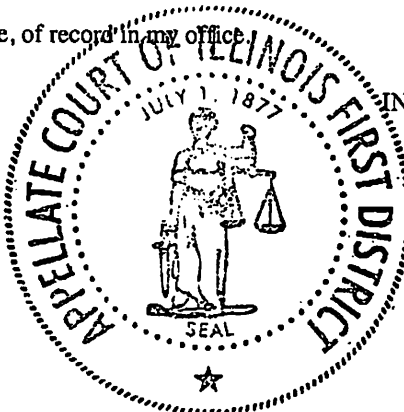
CIVIL APPEALS DIVISION

CLERK
DOROTHY DROWN

I, THOMAS D. PALELLA, Clerk of the Appellate Court, in and for the First District of the State of Illinois, and keeper of the records, files and seal thereof, DO HEREBY CERTIFY, That the foregoing is a true copy of A CERTAIN ORDER ENTERED ON

_____ said Appellate Court in the above entitled

cause, of record in my office.



IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the said Appellate Court, at Chicago, this 15th day of May in the year of our Lord Two Thousand and Nineteen

Thomas D. Palella

Clerk of the Appellate Court of the First District, Illinois

APPEAL TO THE APPELLATE COURT OF ILLINOIS, FIRST JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

VILLAGE OF MELROSE PARK,

Plaintiff-Appellee,

and

PEOPLE OF THE STATE OF ILLINOIS
EX REL. KIMBERLY M. FOXX,
STATE'S ATTORNEY OF COOK COUNTY,

Intervenor-Plaintiff-Appellee,

v.

ILLINOIS HEALTH FACILITIES AND
SERVICES REVIEW BOARD,

Defendant,

and

PIPELINE-WESTLAKE HOSPITAL, LLC;
SRC HOSPITAL INVESTMENTS II, LLC,

Defendants-Appellants.

Case No. 2019CH05553

Honorable Anna M. L. ~~LOUIS~~

ROBERTA BROWN
CLERK

CIVIL APPEALS DIVISION

2019 MAY 15 PM 1:01

APPELLATE COURT OF COOK
COUNTY, ILLINOIS

FILED

AMENDED NOTICE OF INTERLOCUTORY APPEAL

Pursuant to Illinois Supreme Court Rule 307(a), Defendants-Appellants Pipeline-Westlake Hospital LLC and SRC Hospital Investments II LLC ("Defendants-Appellants") appeal to the Appellate Court of Illinois for the First District from the following order entered in this matter in the Circuit Court of Cook County.

1. The May 7, 2019 Opinion & Order granting the Cook County State's Attorney's Motion to Intervene and the Village of Melrose Park's Emergency Motion to Stay.

By this appeal, Defendants-Appellants will ask the Appellate Court to reverse the order of May 7, 2019, or for such other and further relief as the Appellate Court may deem proper.

Dated: May 14, 2019

Respectfully submitted,

/s/ Ronald S. Safer

Ronald S. Safer

Patricia Brown Holmes

Sondra A. Hemeryck

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Firm ID: 60128

*Attorneys for Defendants-Appellants Pipeline-
Westlake Hospital LLC and SRC Hospital
Investments II LLC*

IN THE APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

Present Hon. MARY ANNE MASON Presiding Justice.

Present Hon. _____ Justice.

Present Hon. _____ Justice.

THOMAS D. PALELLA Clerk.

THOMAS DART Sheriff.

VILLAGE OF MELROSE PARK,

Plaintiff-Appellee,

and

PEOPLE OF THE STATE OF ILLINOIS EX REL KIMBERLY

M. FOXX, STATE'S ATTORNEY OF COOK COUNRT,

Intervenor-Plaintiff-Appellee,

No. 1-19-0989 vs.

ILLINOIS HEALTH FACILITIES AND SERVICES

REVIEW BOARD,

Defendant,

and PIPELINE WESTLAKE HOSPITAL LLC &

SRC HOSPITAL INVESTMENTS II LLC,

Defendants-Appellants.

FILED
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
2019 MAY 15 PM 1:01
CIVIL APPEALS DIVISION
CERROTHY BROWN
CLERK

APPEAL FROM CIRCUIT COURT OF
COOK COUNTY

CIRCUIT COURT NO. 19CH05553

No. 1-19-0989

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

VILLAGE OF MELROSE PARK,

Plaintiff-Appellee,

and

PEOPLE OF THE STATE OF ILLINOIS *EX REL.* KIMBERLY M. FOXX,
STATE'S ATTORNEY OF COOK COUNTY,

Intervenor-Plaintiff-Appellee

v.

ILLINOIS HEALTH FACILITIES AND SERVICES REVIEW BOARD,

Defendant,

and

PIPELINE-WESTLAKE HOSPITAL LLC & SRC HOSPITAL INVESTMENTS II LLC,

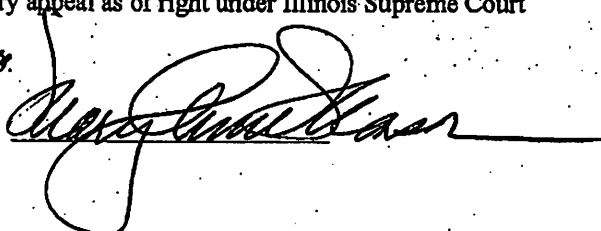
Defendants-Appellants.

Appeal from the Circuit Court of Cook County, Illinois
County Department, Chancery Division
The Honorable Anna M. Loftus, Judge Presiding

Proposed Order

Defendants-Appellants Pipeline-Westlake Hospital LLC and SRC Hospital Investments II LLC's Motion for Leave to File an Amended Notice of Interlocutory Appeal to clarify that Defendants-Appellants file their interlocutory appeal as of right under Illinois Supreme Court Rule 307(a) is hereby ~~ALLOWED~~ ~~GRANTED~~.

Dated: May 15, 2019



ORDER ENTERED

MAY 15 2019

APPELLATE COURT FIRST DISTRICT

FILED
APPELLATE COURT OF COCA
COUNTY, ILLINOIS

2019 MAY 15 PM 1:01

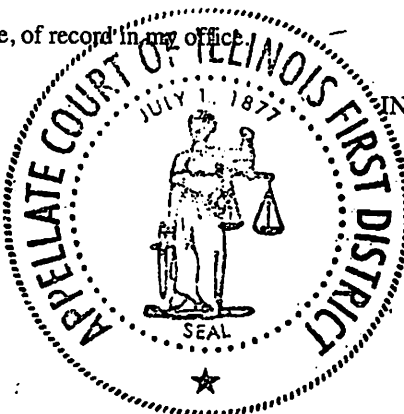
CIVIL APPEALS DIVISION

BERNARDY BROWN CLERK

I, THOMAS D., PALELLA, Clerk of the Appellate Court, in and for the First District of the State of Illinois, and keeper of the records, files and seal thereof, DO HEREBY CERTIFY, That the foregoing is a true copy of A CERTAIN ORDER ENTERED ON

_____ said Appellate Court in the above entitled

cause, of record in my office.



IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the

said Appellate Court, at Chicago, this 15th day of May

in the year of our Lord Two Thousand and Nineteen

Thomas D. Palella

Clerk of the Appellate Court of the First District, Illinois

APPEAL TO THE APPELLATE COURT OF ILLINOIS, FIRST JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

VILLAGE OF MELROSE PARK,

Plaintiff-Appellee,

and

PEOPLE OF THE STATE OF ILLINOIS
EX REL. KIMBERLY M. FOXX,
STATE'S ATTORNEY OF COOK COUNTY,

Intervenor-Plaintiff-Appellee,

v.

ILLINOIS HEALTH FACILITIES AND
SERVICES REVIEW BOARD,

Defendant,

and

PIPELINE-WESTLAKE HOSPITAL, LLC;
SRC HOSPITAL INVESTMENTS II, LLC,

Defendants-Appellants.

Case No. 2019CH05553

Honorable Anna M. Loftus

FILED
APPELLATE COURT OF COOK
COUNTY, ILLINOIS
2019 MAY 15 PM 1:01
CIVIL APPEALS DIVISION
SOPHIE SPORN CLERK

AMENDED NOTICE OF INTERLOCUTORY APPEAL

Pursuant to Illinois Supreme Court Rule 307(a), Defendants-Appellants Pipeline-Westlake Hospital LLC and SRC Hospital Investments II LLC ("Defendants-Appellants") appeal to the Appellate Court of Illinois for the First District from the following order entered in this matter in the Circuit Court of Cook County.

1. The May 7, 2019 Opinion & Order granting the Cook County State's Attorney's Motion to Intervene and the Village of Melrose Park's Emergency Motion to Stay.

By this appeal, Defendants-Appellants will ask the Appellate Court to reverse the order of May 7, 2019, or for such other and further relief as the Appellate Court may deem proper.

Dated: May 14, 2019

Respectfully submitted,

/s/ Ronald S. Safer

Ronald S. Safer

Patricia Brown Holmes

Sondra A. Hemeryck

RILEY SAFER HOLMES & CANCELIA LLP

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*Attorneys for Defendants-Appellants Pipeline-
Westlake Hospital LLC and SRC Hospital
Investments II LLC*

*Arley
1988*

IN THE APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

Present Hon. _____ MARY ANNE MASON _____ Presiding Justice.

Present Hon. _____ Justice.

Present Hon. _____ Justice.

THOMAS D. PALELLA _____ Clerk. THOMAS DART _____ Sheriff.

VILLAGE OF MELROSE PARK,

Plaintiff-Appellee,

and

PEOPLE OF THE STATE OF ILLINOIS EX REL KIMBERLY

M. FOXX, STATE'S ATTORNEY OF COOK COUNTY,

Intervenor-Plaintiff-Appellee,

No. 1-19-0989 vs.

ILLINOIS HEALTH FACILITIES AND SERVICES

REVIEW BOARD,

Defendant,

and PIPELINE WESTLAKE HOSPITAL LLC &

SRC HOSPITAL INVESTMENTS II LLC,

Defendants-Appellants.

FILED
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
2019 MAY 15 PM 1:00
CIVIL APPEALS DIVISION
JEROTHY BROWN CLERK

APPEAL FROM CIRCUIT COURT OF
COOK COUNTY
CIRCUIT COURT NO. 19CH05553

No. 1-19-0989

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

VILLAGE OF MELROSE PARK,

Plaintiff-Appellee,

and

PEOPLE OF THE STATE OF ILLINOIS *EX REL.* KIMBERLY M. FOXX,
STATE'S ATTORNEY OF COOK COUNTY,

Intervenor-Plaintiff-Appellee

v.

ILLINOIS HEALTH FACILITIES AND SERVICES REVIEW BOARD,

Defendant,

and

PIPELINE-WESTLAKE HOSPITAL LLC & SRC HOSPITAL INVESTMENTS II LLC,

Defendants-Appellants.

Appeal from the Circuit Court of Cook County, Illinois
County Department, Chancery Division
The Honorable Anna M. Loftus, Judge Presiding

Proposed Order

Defendants-Appellants Pipeline-Westlake Hospital LLC and SRC Hospital Investments II LLC's Motion for Leave to File an Amended Notice of Interlocutory Appeal to clarify that Defendants-Appellants file their interlocutory appeal as of right under Illinois Supreme Court Rule 307(a) is hereby ALLOWED/

Dated: May 15, 2019

ORDER ENTERED

MAY 15 2019

APPELLATE COURT FIRST DISTRICT

FILED
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS

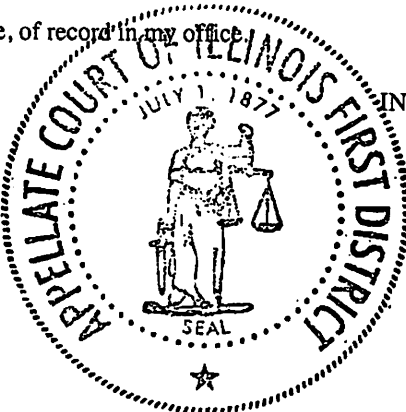
2019 MAY 15 PM 1:01

CIVIL APPEALS DIVISION

DOROTHY BROWN CLERK

I, THOMAS D. PALELLA, Clerk of the Appellate Court, in and for the First District of the State of Illinois, and keeper of the records, files and seal thereof, DO HEREBY CERTIFY, That the foregoing is a true copy of A CERTAIN ORDER ENTERED ON

_____ said Appellate Court in the above entitled cause, of record in my office.



IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the said Appellate Court, at Chicago, this 15th day of May in the year of our Lord Two Thousand and Nineteen

Thomas D. Palella

Clerk of the Appellate Court of the First District, Illinois

**APPEAL TO THE APPELLATE COURT OF ILLINOIS, FIRST JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

VILLAGE OF MELROSE PARK,

Plaintiff-Appellee,

and

PEOPLE OF THE STATE OF ILLINOIS
EX REL. KIMBERLY M. FOXX,
STATE'S ATTORNEY OF COOK COUNTY,

Intervenor-Plaintiff-Appellee,

v.

ILLINOIS HEALTH FACILITIES AND
SERVICES REVIEW BOARD,

Defendant,

and

PIPELINE-WESTLAKE HOSPITAL, LLC;
SRC HOSPITAL INVESTMENTS II, LLC,

Defendants-Appellants.

Case No. 2019CH05553

Honorable Anna M. L. ~~Quinn~~

FILED
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
2019 MAY 15 PM 1:01
CIVIL APPEALS DIVISION
KIMBERLY M. FOXX
STATE'S ATTORNEY
OF COOK COUNTY

AMENDED NOTICE OF INTERLOCUTORY APPEAL

Pursuant to Illinois Supreme Court Rule 307(a), Defendants-Appellants Pipeline-Westlake Hospital LLC and SRC Hospital Investments II LLC ("Defendants-Appellants") appeal to the Appellate Court of Illinois for the First District from the following order entered in this matter in the Circuit Court of Cook County.

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By this appeal, Defendants-Appellants will ask the Appellate Court to reverse the order of May 7, 2019, or for such other and further relief as the Appellate Court may deem proper.

Dated: May 14, 2019

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Firm ID: 60128

*Attorneys for Defendants-Appellants Pipeline-
Westlake Hospital LLC and SRC Hospital
Investments II LLC*

IN THE APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

Present Hon. MARY ANNE MASON Presiding Justice.

Present Hon. _____ Justice.

Present Hon. _____ Justice.

THOMAS D. PALELLA Clerk.

THOMAS DART Sheriff.

VILLAGE OF MELROSE PARK,

Plaintiff-Appellee,

and

PEOPLE OF THE STATE OF ILLINOIS EX REL KIMBERLY

M. FOXX, STATE'S ATTORNEY OF COOK COUNRT,

Intervenor-Plaintiff-Appellee,

No. 1-19-0989 vs.

ILLINOIS HEALTH FACILITIES AND SERVICES

REVIEW BOARD,

Defendant,

and PIPELINE WESTLAKE HOSPITAL LLC &

SRC HOSPITAL INVESTMENTS II LLC,

Defendants-Appellants.

FILED
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
2019 MAY 15 PM 1:01
CIVIL APPEALS DIVISION
CATHY EROWN CLERK

APPEAL FROM CIRCUIT COURT OF
COOK COUNTY

CIRCUIT COURT NO. 19CH05553

No. 1-19-0989

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

VILLAGE OF MELROSE PARK,

Plaintiff-Appellee,

and

PEOPLE OF THE STATE OF ILLINOIS *EX REL.* KIMBERLY M. FOXX,
STATE'S ATTORNEY OF COOK COUNTY,

Intervenor-Plaintiff-Appellee

v.

ILLINOIS HEALTH FACILITIES AND SERVICES REVIEW BOARD,

Defendant,

and

PIPELINE-WESTLAKE HOSPITAL LLC & SRC.HOSPITAL INVESTMENTS,II LLC,

Defendants-Appellants.

Appeal from the Circuit Court of Cook County, Illinois
County Department, Chancery Division
The Honorable Anna M. Loftus, Judge Presiding

Proposed Order

Defendants-Appellants Pipeline-Westlake Hospital LLC and SRC Hospital Investments II LLC's Motion for Leave to File an Amended Notice of Interlocutory Appeal to clarify that Defendants-Appellants file their interlocutory appeal as of right under Illinois Supreme Court Rule 307(a) is hereby ~~ALLOWED~~ ALLOWED.

Dated: May 15, 2019

ORDER ENTERED

MAY 15 2019

APPELLATE COURT FIRST DISTRICT

FILED
SUPREME COURT OF ILLINOIS
SPRINGFIELD, ILLINOIS

2019 MAY 15 PM 1:01

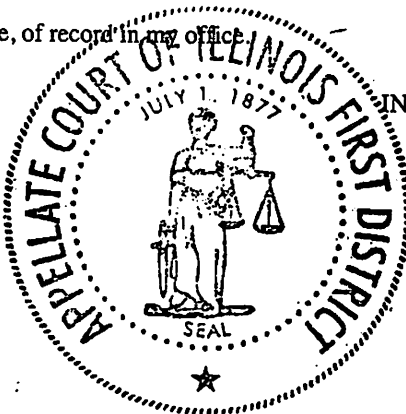
CIVIL APPEALS DIVISION

ROBERTY BROWN CLERK

I, THOMAS D., PALELLA, Clerk of the Appellate Court, in and for the First District of the State of Illinois, and keeper of the records, files and seal thereof, DO HEREBY CERTIFY, That the foregoing is a true copy of A CERTAIN ORDER ENTERED ON

_____ said Appellate Court in the above entitled

cause, of record in my office.



IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the

said Appellate Court, at Chicago, this 15th day of May

in the year of our Lord Two Thousand and Nineteen

Thomas D. Palella

Clerk of the Appellate Court of the First District, Illinois

APPEAL TO THE APPELLATE COURT OF ILLINOIS, FIRST JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

VILLAGE OF MELROSE PARK,

Plaintiff-Appellee,

and

PEOPLE OF THE STATE OF ILLINOIS
EX REL. KIMBERLY M. FOXX,
STATE'S ATTORNEY OF COOK COUNTY,

Intervenor-Plaintiff-Appellee,

v.

ILLINOIS HEALTH FACILITIES AND
SERVICES REVIEW BOARD,

Defendant,

and

PIPELINE-WESTLAKE HOSPITAL, LLC;
SRC HOSPITAL INVESTMENTS II, LLC,

Defendants-Appellants.

Case No. 2019CH05553

Honorable Anna M. Loftus

FILED
APPELLATE COURT OF COOK
COUNTY, ILLINOIS
2019 MAY 15 PM 1:01
CIVIL APPEALS DIVISION
BROOKLYN BROWN CLERK

AMENDED NOTICE OF INTERLOCUTORY APPEAL

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Firm ID: 60128

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Investments II LLC*