



## Chicago Court Dismisses Takings Claims Against O'Hare International Airport

**12.21.18**

The Firm's client, City of Chicago, won a decisive victory on December 18, 2018, when Cook County, Illinois Circuit Court Judge Thomas Mulroy dismissed claims by 65 individuals seeking damages for noise impacts from aircraft using a new runway at O'Hare International Airport. Judge Mulroy granted the City's Motions for Summary Judgment, finding that plaintiffs' claims were barred by the statute of limitations.

The suit was filed in October 2015 by residents of Bensenville, Illinois, a village just west of O'Hare. The neighborhood had been exposed to high levels of aircraft noise for many years, but plaintiffs claimed that aircraft using a runway that opened in October 2013 was causing new impacts, and they sought damages for trespass, nuisance, and inverse condemnation. The Firm was successful in getting the trespass and nuisance claims dismissed and litigated the remaining claim through the discovery stage of the case and was preparing for trial when the Court dismissed the rest of the case.

In its decision, the Court ruled that the statute of limitations began to run in October 2013, when Runway 10C opened, because large numbers of aircraft began flying near or over plaintiffs' homes almost immediately. He also ruled that subsequent variations in operations did not give rise to a new claim. The decision is the first Illinois state court ruling to address the issue of when an inverse condemnation claim accrues based on aircraft overflights.

For more information, please contact Eric Pilsk or Peter Kirsch. Press coverage is available through Chicago Tribune.