

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION**

The TOWN OF CICERO,)
a municipal corporation,)
)
Plaintiff,)
)
v.)
)
CITY VIEW MULTICARE)
CENTER, LLC, the STATE OF)
ILLINOIS, the ILLINOIS DEPARTMENT OF)
PUBLIC HEALTH, GOVERNOR J.B. PRITZKER,)
In his official capacity,)
)
Defendants.)

**VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF AND ABATEMENT
OF NUISANCE**

NOW COMES the Plaintiff, the TOWN OF CICERO, by and through its attorneys Del Galdo Law Group, LLC and complains against Defendant as follows:

Common Facts and Background

1. The TOWN OF CICERO (“Town”) is an Illinois municipal corporation, located in Cook County, Illinois. The Town is a home rule municipality.
2. Pursuant to § 2-131 of the Town’s Municipal Code of Ordinances (“Code”), the Town has a President who functions as the Chief Executive Officer of the Town—currently President Larry Dominick; and, the Town’s Code further establishes sub-departments, including without limitation the Town’s Health Department now operating under Director Susan Grazzini (see Code § 46-1, *et seq.*) and the Town’s emergency response arms organized in the Fire Department, now operating under

Fire Chief Dominick Buscemi (see Code § 42-1, *et seq.*) and the Police Department, now operating under Police Chief Jerry Chlada (see Code § 50-31, *et seq.*).

3. As further described below, Director Grazzini, Chief Buscemi and Chief Chlada have been central to the Town's Emergency Operations Center ("EOC")'s efforts relevant to this action which was formed pursuant to the Town's inherent power to do so as a home rule unit municipality, 20 ILCS 3305/11(b), and other applicable and relevant statutes and regulations.

4. CITY VIEW MULTICARE CENTER, LLC ("City View") is a long term care facility located in Cicero at 5825 W. Cermak Road, which provides skilled nursing and intermediate care, and is home to approximately 325 residents and employs more than 300 staff members.

5. The STATE OF ILLINOIS ("State") is a state located in the United States.

6. The ILLINOIS DEPARTMENT OF PUBLIC HEALTH ("IDPH"), is a State agency that safeguards the public health of the State of Illinois in accordance with the powers and duties provided to it by Illinois statute and the Illinois Administrative Code.

7. GOVERNOR J.B. PRITZKER ("Governor Pritzker") was and is, at all times relevant hereto, the Governor of the State of Illinois.

8. The STATE OF ILLINOIS, ILLINOIS DEPARTMENT OF PUBLIC HEALTH, and GOVERNOR PRITZKER are all named as Defendants within the meaning of the Illinois Code of Civil Procedure, generally, and within the meaning of the necessary party provision of the Illinois Code of Civil Procedure (735 ILCS

5/2-405) in that it is necessary to make them a party for complete determination or settlement of the questions involved herein in light of the broad powers provided to them in times of emergency involving the public health by, including but not limited to, the Illinois Constitution, the Illinois Emergency Management Act, and the Illinois Department of Public Health Act.

9. This action arises from the negligent failures of City View to continue appropriate preventative measures in response to the COVID-19 crisis further described herein, which interfere with both the State and the Town's vital task of protecting their citizens.

10. Specifically, the Town brings this action in an effort to mitigate the spread of infectious disease within its boundaries amidst a global pandemic and insists on City View's adherence to local, State and federal regulations and guidelines instituted for the benefit of public safety.

11. Among said regulations, in April 2020, Town President Larry Dominick signed two executive orders setting forth required wearing of face masks in public and created the Town's COVID-19 task force – comprised of police department, business license department, and health department officials – for enforcement.

12. In so doing, the Town also established its Emergency Operations Center to administer President Dominick's directives, comprised of Fire Chief Buscemi, Police Chief Jerry Chlada, Director Sue Grazzini, Director of Human Resources Sarah Kusper, and Mike Piekarski.

13. President Dominick's orders incorporated by reference Centers for Disease

Control and Prevention (“CDC”) recommendations and proclamations and orders of Governor Pritzker, and instructed businesses to provide face coverings and sanitization materials for employees, while declining entry to non-compliant individuals.

14. The EOC’s role included determination of essential employees to carry out necessary Town functions, communicating with businesses and residents in Town on issues ranging from the availability of grocers and retailers for “senior only” shopping to procurement of face masks for first responders to receiving reports of community endangerment/non-compliance with social distancing for remedial action as further described herein.

15. City View’s refusal to strictly follow these regulations represents an ongoing threat to the health and safety of Town residents, creating a controversy and public nuisance which cannot be abated without the authority of this Court to command compliance.

16. This court has jurisdiction over the parties and venue is proper as all parties reside in and all substantive events complained of occurred in Cook County, Illinois.

17. The Town respectfully seeks this Court’s involvement in the benefit of the public welfare and for the purpose of addressing the ongoing crisis exacerbated by City View’s failures to diligently act.

COVID-19 Outbreak Begins

18. On or about December 31, 2019, Chinese authorities confirmed that they

were treating dozens of cases of pneumonia of unknown cause in the city of Wuhan, China – the first hint of what would soon be known worldwide as the novel coronavirus “COVID-19.”

19. Chinese state media reported its first known death on January 11, 2020 from the virus; Japan, South Korea and Thailand reported confirmed cases by January 20, 2020; and, the United States reported its first case in Washington State on January 21, 2020.

20. By January 30, 2020, the World Health Organization (“WHO”) declared a “public health emergency of international concern,” with the first known COVID-19 death outside of China occurring two days later.

21. As the virus continued to spread, federal, state and local governments began planning responses, with the United States instituting “do not travel” warnings for affected areas including Italy and South Korea on February 29, 2020 and halting travel from Europe, excepting Britain, by March 11, 2020.

22. By March 3, 2020, the WHO reported more than 90,000 infections globally and about 3,000 deaths, and by March 11, 2020, the WHO had deemed COVID-19 a global “pandemic.”

U.S. Officials Declare States of Emergency and Institute Stay at Home Orders

23. On March 9, 2020, Governor Pritzker declared a state of emergency in Illinois.

24. On March 13, 2020, President Donald J. Trump also declared a national

emergency; the CDC advised no gatherings of 50 or more people two days later; and, a day after that, President Trump advised citizens to avoid groups of more than 10.

25. CDC guidelines specifically created a checklist for nursing homes and other long-term care facilities to combat COVID-19 due to the increased risk to the populations of such facilities stemming from pre-existing conditions, and age-related vulnerabilities to COVID-19 exposure.

26. On March 16, 2020, Town President Larry Dominick further urged residents to remain at home and take all advisable precautions to avoid contracting COVID-19.

27. By March 20, 2020, Governor Pritzker had issued a “Stay at Home” Order, which took effect on March 21, 2020 and contained significant measures targeting disruption of the spread of COVID-19 through limitation of interpersonal contact, including an order to citizens to stay at their residence absent exceptions for essential activities, prohibiting non-essential travel, and recognizing “social distancing” – i.e. maintaining at least six feet between people – as the paramount strategy for minimizing the spread of COVID-19.¹

28. Governor Pritzker has since announced further extensions of and

¹This Complaint will hereafter refer to Governor Pritzker’s Executive Order No. 18, dated April 1, 2020, to any modifying orders which follow, and to President Dominick’s executive orders furthering the purpose of the Governor’s actions, as collectively, the “Order.”

modifications to the Order, including a moratorium on evictions, closures of schools and other public buildings, and, beginning May 1, 2020, requiring face coverings to be worn in public State-wide.

29. The Town further issued advisory notices and updates concerning the status of known COVID-19 cases within municipal borders, concerning responsive efforts, and concerning aid and other resources available to residents on a near daily basis from March 23, 2020 onward.²

30. The Town, through its EOC, also began asking care centers and assisted living facilities within its boundaries for daily status briefings, instituted temperature check requirements for any residents or Town employees entering Town facilities, issued a warning to Town residents about the danger of injection or ingesting of disinfectants as a purported remedy for COVID-19, and began performing compliance audits across Town to confirm businesses which remained open were complying with safety requirements.

31. Despite these efforts, there are more than 52,000 confirmed COVID-19 cases in Illinois, including more than 31,000 in Cook County and approximately 900 in the Town of Cicero (“Town”) alone. More than 2,300 deaths have been attributed to COVID-19, including 24 in the Town.

32. As governments and public health officials at all levels have reiterated,

² See, e.g. <https://thetownofcicero.com/coronavirus-updates/> (last visited April 30, 2020).

mitigation efforts remain vital to flattening the anticipated curve of exposure to COVID-19 and preventing a volume of patients simultaneously sufficient to overwhelm the capacity of hospital and intensive care unit facilities.

33. Moreover, the importance of taking such countermeasures cannot be overstated: Gaps in remedial measures which allow for the spread of the virus through social and work relationships delay society's availability to safely re-open in whole or in part, imperiling lives and increasing the necessity of ongoing distancing at great personal and economic cost to millions of Illinois and thousands of residents of the Town.

34. 6.6 million Americans filed for unemployment in March 2020 alone due to business closures, job losses and furloughs related to COVID-19.

35. In short, citizens of the Town, alongside Illinois and the U.S., do not have the luxury of treating response to the COVID-19 pandemic casually, as failures in response may have cascading, downstream effects for public health and well-being amounting to a public nuisance at best and a catastrophe at worst.

The Town Becomes Aware of City View's Failures to Take COVID-19 Precautions

36. Because of the nature of City View's population, calls for service arise on a semi-regular basis, causing first responders from the Town to respond and level a variety of assistance ranging from emergency medical service to ambulance and hospital transport, as appropriate.

37. Through these sorts of calls, in late March, the Town became aware of a

troubling uptick in illness at City View accompanied by concerning conditions at the facility amounting to a failure to recognize and respond to the gravity of the potential threat leveled by COVID-19.

38. Without limitation, this included a response to a call on March 30, 2020 upon which paramedics observed residents congregating in the cafeteria without personal protective equipment (“PPE”) and were told that because the individuals involved were on the “dementia floor,” that requirement was not being enforced. (See Affidavit – 3/31/20 Notice, Ex. 1).

39. Prior to this point, including without limitation on March 24, 2020, City View officials had represented to the Town that they were following the recommendations of the CDC, the Illinois Department of Public Health, and the Town, presumptively creating a status quo of compliance on that date.

40. However, following subsequent reports, on March 31, 2020, through its Fire Chief, the Town sent a letter to City View expressing the Town’s concerns about City’s View’s compliance with local, state and federal regulations and guidelines relating to COVID-19 and reiterating that such protocols were for the health, safety, and welfare of all persons within the Town. (**Ex. 1**).

41. The March 31, 2020 letter doubled as notice of violations concerning failure to quarantine patients, failure of staff to wear PPE, failure to monitor the temperature of individuals entering the facility, and failure to provide masks for patients with respiratory illnesses to wear. (**Ex. 1**).

42. The March 31, 2020 letter also referenced the Town President’s emergency

powers to shut down the facility if needed, as well as the potential for fines per violation, and offered availability to discuss regarding any questions on how to come into compliance. (**Ex. 1**).

43. Notwithstanding this warning letter, the Town continued to receive reports of risky behaviors and dangerous conditions at City View.

44. Again, these indicia of escalating problems arose in stark contrast to the complete absence of issues at Alden Town Manor due to that facilities extensive precautions.

45. On April 1, 2020, City View reported its first two confirmed COVID-19 cases.

The City View Outbreak Results in an Exponential Rise in COVID-19 Cases

46. This outbreak expanded in the days to come:

- a. On April 4, 2020, there were five positive test results;
- b. On April 5, 2020, City View reported its first COVID-19 death;
- c. On April 7, 2020, there were 15 positive test results including eight staff members
- d. By April 9, 2020 there were 18 total positives;
- e. By April 10, 2020—there were 23;
- f. By April 11, 2020—25;
- g. By April 12, 2020—27; and,
- h. By April 13, 2020—33.

47. On April 14, 2020, a staff member from the facility called to allege that

COVID-19 reached the facility in the first place because a staff member off of work due to illness was ordered to return. (See Affidavit – 4/14/20 Complaint, Ex. 2).

This report further included troubling allegations that: City View does not have any staff guidelines regarding COVID-19; there is no infection control policy; social distancing is not observed; medications are administered in a common area in which a queue of patients forms; eating occurs in a common room; residents tested for COVID-19 are placed back in the general population rather than isolated; and shortages of medicines for Alzheimer’s and psychiatric patients are also occurring, with insufficient staff-to-patient ratios to handle resulting issues. (**Ex. 2**).

48. Positive test results continued to increase daily.

49. Pursuant to Ch. 34, Art. I, § 34 of the Code, the Town has power to prevent, minimize, repair, and alleviate injury and damage resulting from disasters including natural disasters in accordance with the Illinois Emergency Management Act (20 ILCS 3305/1, et seq.) through its emergency agency—here its COVID-19 task force.

50. Code § 38-116(8) further defines as a public nuisance the use of buildings in a manner occasioning noxious exhalations, rendering it subject to abatement.

51. And Code Chapter 46, through its provisions on health and sanitation, further provides for inspections of property in the Town (§ 46-3), investigation of contagious diseases (§ 46-76), and insist upon timely correction of violations, whether through isolation of the infected or other means (§ 46-78).

52. However, Code § 46-260 subjects decisions concerning removal of infected persons from their place of diagnosis to the reviewing authority of the State.

53. Given this framework, the urgency of assessing the extent of the City View outbreak became paramount.

54. On April 18, 2020 and April 21, 2020, fire department personnel dispatched to City View observed continued non-compliance with COVID-19 related health and safety guidelines. (See Affidavit – 4/18/20 Incident, Ex. 3; Affidavit – 4/21/20 Incident, Ex. 4).

55. In particular, on April 18, 2020, responding to a call for service for a resident with difficulty breathing, paramedics observed a patient in no apparent distress, wearing an oxygen mask which was not hooked up, with staff recommending the patient be transported to a hospital for blood work. Staff were not wearing PPE or donned PPE only upon paramedics' arrival. (**Ex. 3**).

56. Based on City View's failure to follow the orders of the Town, the Town issued several citations for the violations discovered on April 18, 2020. (**Ex. 3**).

57. And on April 21, 2020, responding to an emergency call for a cardiac arrest patient, paramedics found multiple staff members and bystanders congregating in the City View lobby, as well as five staff members present in the patient's room where the medical event was occurring, despite that not all five were engaged in or necessary to medical response. (**Ex. 4**).

58. Again, based on City View's failure to follow the orders of the Town, the Town issued several citations for the violations discovered on April 21, 2020. (**Ex. 4**).

59. The Town again wrote City View on April 22, 2020, documenting these Observations of repeated violations, including without limitation: Failures to wear PPE (or incorrect usage of PPE), failures to enforce social distancing, and failures to monitor persons entering the facilities, including with respect to taking of body temperatures. **(Ex. 3 and Ex. 4).**

60. In certain cases, these failures were particularly glaring: Town personnel observed City View staff performing medical interventions such as CPR without PPE – drastically increasing the risk of exposure to and transmission of COVID-19. **(Ex. 3 and Ex. 4).**

61. Moreover, non-emergency requests further risked the transmission of disease through unnecessary additional contact between residents and Town paramedics and other personnel despite present circumstances calling for restraint in seeking access to hospitals absent actual and urgent need for care.

62. These shortcomings significantly jeopardize the public health and frustrate the Town's ability to definitively confirm the contours of COVID-19 exposure in and through City View with the potential for expansion beyond City View premises.

63. City View continues to demonstrate that it presently has no sufficient way to ensure that any localized outbreak of COVID-19 within its property does not escape to surrounding areas of Cicero and is not transmitted throughout the broader community through its employees and visitors – such that protective orders from this Court are crucial to avoiding City View becoming a conduit for infection to the rest of the community, especially with respect to the health and safety of

paramedics and other first responders whose jobs implicitly require their interaction with Town residents as a whole.

64. On or around April 14, 2020, the Town made a complaint with IDPH hoping that the State could get involved and work with the Town to ensure City View would correct these violations and adhere to the orders and guidance.

65. Other than a response from IDPH that they were “working with” City View, the Town has not seen any demonstrable impact from purported assistance from IDPH – City View’s destructive practices have continued after the complaint and notice to IDPH.

66. Having found IDPH’s response to be woefully lacking, on April 30, 2020, the EOC coordinated an additional investigation of City View by Director Grazzini personally to corroborate ongoing compliance failures still not corrected there. (**See Affidavit – 4/30/20 Inspection, Ex. 5**).

67. Handwashing stations were still not readily available to employees. (**Ex. 5**).

68. Not all employees were wearing masks covering their nose and mouth. (**Ex. 5**).

69. No signs were observable posting visual cues regarding practices to prevent the spread of COVID-19. (**Ex. 5**).

70. Documentation of notices to employees of potential exposure was unavailable. (**Ex. 5**).

71. Access to sign-in sheets for monitoring of employee travel was denied. (**Ex. 5**).

72. Collectively, these failings served only to increase the EOC's concerns about City View's response to COVID-19 exposure and the danger City View's failures of management may present for the rest of the Town and State.

73. At this point, there are 216 positive cases for COVID-19 connected to City View, representing nearly one fifth of the entire known COVID-19 infections in the Town. 41 staff members have been diagnosed, and nine residents of City View have passed away as well as one City View staff member.

74. In stark contrast, Alden Town Manor, the other nursing home in the Town, has remained compliant with the COVID-19 orders and guidelines and has no reported cases of COVID-19.

75. The intervention of this Court is needed to intercept this ballooning hazard and protect the residents of the Town, including the residents and employees of City View itself, as further described below.

COUNT I – INJUNCTIVE RELIEF

76. The Town references and incorporates the preceding paragraphs as if fully restated here.

77. The Town has a clear and ascertainable right in need of protection, in that the Town has the authority to ensure the public health, safety and welfare of its residents and the compliance of safety regulations of any nursing home located within the Town pursuant to the Illinois Municipal Code, the Illinois Emergency Management Agency Act, and the Illinois Department of Public Health Act and its authority as a home rule municipality in the State of Illinois.

78. Specifically, in addition to the common law right to an injunction, 65 ILCS 5/11-13-15 provides the Town with the right to seek injunctive relief to provide for the health, safety and welfare of its residents.

79. Additionally, the Town has the authority to ensure that the proper protocols are followed in relation to this nursing home and COVID-19 pursuant to 20 ILCS 3305/7(11), 20 ILCS 2305/1 *et seq.*, and 20 ILCS 2305/2(a) in that the Town, as a local unit of government, has the ability and mandate to adopt and enforce rules and regulations adopted by the Illinois Department of Public Health and the Executive Orders of the Governor of this state and his emergency powers as such.

80. Further, the Town Code expressly provides authority for the Town to enforce regulations in the interest of public health and welfare, including, without limitation, as follows:

- a. § 36-38(b): “The [T]own president shall have the authority to promulgate rules and regulations necessary or appropriate ... to protect the public health, safety and welfare”;
- b. §46-3: “...Whenever it shall come to the knowledge of the health department that the condition of any building or premises is injurious to the health or dangerous to the lives of the occupants or of the public, the commissioner of public health shall make a thorough examination ... and he shall direct and instruct as to the remedy for such condition”;
- c. § 46-5: “No business ... whose operation may be detrimental to public health shall be established or maintained within the jurisdiction of the

department of health, except as may be authorized ... under license granted by special ordinance of the board of trustees”;

d. § 46-41: “The board of health ... has authority to make recommendations as to such rules, regulations and orders as it may deem necessary for the preservation and improvement of public health and for the prevention and suppression of disease”; and,

e. § 46-75(4): “It shall be the duty of the commissioner of public health, as executive officer of the board of health, by and with the aid of the assistants in the health department, to: Investigate the existence of any contagious or infectious disease within the town and report the disease promptly to the board of health and to the state department of public health and act without delay in carrying out such measures for arresting the progress of the disease as either or both of the bodies shall adopt.”

81. At all times relevant to this Complaint, there was in full force and effect, a statute known as the Nursing Home Care Act, as amended (the “Act”), 210 ILCS 45/1-101 et seq.

82. At all times relevant to this Complaint, City View was a “facility” as defined by Section 1-113 of the Act, and was subject to the requirements of the Act and the regulations of the Illinois Department of Public Health promulgated pursuant to the Act, and further enforced through the EOC.

83. The Act provides, “A person who believes that this Act or a rule promulgated under this Act may have been violated may request an investigation.” 210 ILCS 45/3-702(a).

84. On April 14, 2020, the Town made a complaint to the Illinois Department of Public Health (“IDPH”) concerning ongoing violations of the Act at City View, which indicated that a resident’s life or safety is in imminent danger; therefore, IDPH was required to investigate the Complaint within 24 hours. 210 ILCS 45/3-702(a).

85. On information and belief, IDPH has failed to conduct an investigation into the Town’s complaint and has not made a determination or ordered corrective action based on City View’s continued violations of the Act, and as outlined in the Town’s complaint to IDPH.

86. In addition, the State, IDPH and the Governor possess special emergency powers to protect the public health and welfare and allocate resources State-wide, including but not limited to, pursuant to Ill. Const., art V, §8, 20 ILCS 3305/4, 20 ILCS 3305/7(6)-(10) and 20 ILCS 2305/1 et seq.

87. Pursuant to those powers, emergency alternate care facilities, such as Westlake Hospital and McCormick Place have been converted for use in the COVID-19 crisis. However, McCormick Place, for example, is currently underutilized and the number of beds is being diminished. Additionally, the Governor has issued a series of Executive Orders of a “shelter-in-place” and requiring the wearing of masks in public where social distancing cannot be maintained.

88. At his press conference on April 29, 2020, the Governor said the following

with respect to nursing homes:

Let's also talk about developments in staffing and IDPH's ability to deploy teams to facilities to assist long term care staff and local health departments. In responding to an outbreak, local health departments are the first line of communication and support for more than 1000 private long term care facilities in all elements of our COVID-19 response. That said, the Illinois Department of Public Health has prioritized protecting the health care workers and the residents at these facilities. These are some of our most vulnerable Illinoisans, and the state will do everything in its power to protect them.

For many weeks now, we've deployed Infectious Disease Control experts, advisors and Project HOPE volunteers to these facilities, and they will continue to operate as a part of our response. But beginning today, we're adding a new clinical support program to our ongoing protective efforts. Initially, we're deploying 10 teams of 50 nurses to homes across the state. Over the coming days an additional team of 200 IDPH nurses will be joining their ranks to deploy to facilities across the state, every day.

Though their assistance will be tailored to meet each facility's needs. They'll be focused on three tasks, conducting swab testing training existing staff to take samples themselves and reviewing and improving the facilities' hygiene practices and PPE use with some homes low on staff due to sickness. IDPH, and our Illinois Department of Financial and Professional Regulation have simplified the hiring process for long term care facilities at this time, so that they can bring on temporary nursing assistants to ensure that they have the healthy staff they need to care for all of their residents. That includes allowing our long term care facilities to tap into our Illinois Helps network where thousands of medical professionals in Illinois have indicated their willingness to volunteer their skills in the fight against COVID-19 and to support the care of facility residents covering recovering from COVID-19.

We have worked with the Federal Department of Veterans Affairs to open up existing bed capacity at VA hospitals so that our seniors can isolate and receive medical treatment there if needed. As always I want to offer my gratitude and the thanks of a grateful state to the frontline staff who dedicate their days and their nights to this work and who are stepping up in incredible ways to protect those most vulnerable to this virus. Know that your work makes a world of difference to the people that you care for to their families and to all of Illinois. So thank you."

89. The Illinois Department of Public Health has also issued a series of directives

with regards to distancing, isolation and PPE in nursing homes which City View has failed to adhere to as documented throughout this complaint.

90. Irreparable harm will be suffered if injunctive relief is not granted in that residents of City View and its employees will continue to be infected with COVID-19 at an alarming exponential rate, City View and its employees will spread the virus to other residents in the Town and surrounding areas, and residents will continue to die.

91. There is no adequate remedy at law in that no amount of monetary damages, closure of the facility, or even assessment of criminal fines and penalties can remedy the loss of life of the City View residents and its employees and the spread of this virus to other residents in the Town and surrounding communities.

COUNT II – ABATEMENT OF NUISANCE

92. The Town references and incorporates the preceding paragraph as if fully restated here.

93. At all times relevant to this Complaint, there was in full force and effect, a statute known as the Nursing Home Care Act, as amended (the “Act”), 210 ILCS 45/1-101 *et seq.*

94. At all times relevant to this Complaint, City View was a “facility” as defined by Section 1-113 of the Act, and was subject to the requirements of the Act and the regulations of the Illinois Department of Public Health promulgated pursuant to the Act.

95. At all times relevant to this Complaint, the Defendant, City View, was a skilled nursing and immediate care facility as defined by 77 Ill. Admin. Code, Ch. I, §300.330 and 210 ILCS 45/1-113, and was subject to the requirements of the Act and the regulations of the Illinois Department of Public Health promulgated pursuant to the Act.

96. At all times relevant to this Complaint, Defendant, City View was the owner, operator, or licensee of the skilled nursing and intermediate care facility commonly known as City View MultiCare Center.

97. On information and belief, at all times relevant to this Complaint, City View controlled or managed the operations of the skilled nursing and intermediate care facility commonly known as City View.

98. At all times relevant to this Complaint, City View, as the management company, owner, operator, or licensee of City View MultiCare Center exercised significant control over the day-to-day operations of City View MultiCare Center's business.

99. At all times relevant to this Complaint, City View chose not to undertake reasonable steps to ensure its employees and staff members complied with COVID-19 directives.

100. City View's non-compliance with COVID-19 preventative directives, includes: failures to wear PPE (or incorrect usage of PPE), failures to enforce social distancing, and failures to monitor persons entering the facilities, including with respect to taking of body temperatures.

101. In addition, City View does not have any staff guidelines regarding COVID-19; there is no infection control policy; social distancing is not observed; medications are administered in a common area in which a queue of patients forms; eating occurs in a common room; residents tested for COVID-19 are placed back in the general population rather than isolated; and shortages of medicines for Alzheimer's and psychiatric patients are also occurring, with insufficient staff-to-patient ratios to handle resulting issues.

102. Pursuant to 77 Ill. Admin. Code, Ch. I, §300.3290(b) and 210 ILCS 45/3-601, City View, as the owner or licensee of City View MultiCare Center is liable for any intentional or negligent act or omission of their actual, implied and/or apparent agents, servants and employees.

103. At all times relevant to this Complaint, City View was obligated to follow the Department of Public Health's minimum standards for facilities. 210 ILCS 45/3-202.

104. At all times relevant to this Complaint, City View through its actual, implied, or apparent agents, servants, and employees had a statutory duty not to violate the rights of any resident of the facility including the duty not to abuse or neglect any resident as provided by the Act as follows:

An owner, licensee, administrator, employee or agent of a facility shall not abuse or neglect a resident. It is the duty of any facility employee or agent who becomes aware of such abuse or neglect to report it as provided in the Abused and Neglected Long Term Care Facility Residents Reporting Act. 210 ILCS 45/2-107, 210 ILCS 45/3-610, 210 ILCS 45/3-808.5(c), and Ill. Admin. Code, Ch. I, §300.3240.

Neglect means a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. 210 ILCS 45/1-117.

Neglect means the failure to provide adequate medical or personal care or maintenance, which failure results physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. This shall include any allegation where: (1) the alleged failure causing injury or deterioration is ongoing or repetitious; or (2) a resident required medical treatment as a result of the alleged failure; or (3) the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours. Ill. Admin. Code, Ch. I, §300.330.

105. At all times relevant to this Complaint, City View through its actual, implied, or apparent agents, servants, and employees had a duty to comply with the requirements of the Act and Illinois Administrative Code including, but not limited to, the following:

a. 77 Ill. Admin. Code, Ch. I, §300.1210(a): The facility must provide the necessary care and services to attain or maintain the highest practicable physical, mental and psychosocial well-being of the resident, in accordance with each resident's comprehensive assessment and plan of care;

b. 77 Ill. Admin. Code, Ch. I, §300.1020(a): The facility shall comply with the Control of Communicable Diseases Code (77 Ill. Adm. Code 690).

c. 77 Ill. Admin. Code, Ch. I, §300.1020(b): A resident who is suspected of or diagnosed as having any communicable, contagious or infectious disease, as defined in the Control of Communicable Diseases Code, shall be placed in isolation, if required, in accordance with the Control of Communicable Diseases Code. If the facility believes that it cannot provide the necessary infection control measures, it must initiate an involuntary transfer and discharge pursuant to Article III, Part 4 of the Act and Section 300.620 of this Part. In determining whether a transfer or discharge is necessary, the burden of proof rests on the facility.

106. The Act provides, in pertinent part,

The operation or maintenance of a facility in violation of this Act, or of the rules and regulations promulgated by the Department, is declared a public nuisance inimical to the public welfare. The Director in the name of the people of the State, through the Attorney General, or the State's Attorney of the county in which the facility is

located, or in respect to any city, village or incorporated town which provides for the licensing and regulation of any or all such facilities, the Director or the mayor or president of the Board of Trustees, as the case may require, of the city, village or incorporated town, in the name of the people of the State, through the Attorney General or State's attorney of the county in which the facility is located, may, in addition to other remedies herein provided, bring action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such facility.

210 ILCS 45/3-701.

107. City View's repeated non-compliance with mandatory COVID-19 directives and orders, as stated above, has resulted in the violation of the Act and the corresponding Illinois Administrative Code.

108. City View's violations of the Act and the Illinois Administrative Code constitutes a continuing public nuisance that is inimical to the public's health and welfare. Continuing violations of Town ordinance also constitutes a public nuisance.

109. Furthermore, at common law, a condition, action, or failure to act that unreasonably interferes with a right common to the general public is a public nuisance. A condition, action, or failure to act is unreasonable when it is of a continuing nature and the actor knows it has a significant effect upon the public right. Restatement (Second) of Torts § 821B (1979).

110. At all times relevant to this Complaint, there existed a common public right to be free from the health risks associated with the unnecessary and preventable spread of COVID-19.

111. The right to the public health is a right held by the general public, including residents of the Town of Cicero, that is entitled to protection.

112. City View's repeated failure to adhere to the directives and orders implemented to stem the spread of COVID-19, as set forth fully herein, constitutes a substantial and unreasonable interference with said public right.

113. As a proximate result of City View's repeated failure to adhere to the directives and orders implemented to stem the spread of COVID-19, and based on information and data available to the public, including City View, an untold amount of additional people will be unnecessarily infected with COVID-19, many of those people will suffer significant injury due to the virus, and some may ultimately succumb to the virus.

114. The proximate cause of this public nuisance is borne out, in part, by the figures related to the infection rate and deaths at City View due to COVID-19, especially when compared with the other nursing home in the Town, which has been compliant with the orders, directives, and guidelines and has no cases of COVID-19.

115. City View could reasonably abate the public nuisance by adhering to the directives and orders related to COVID-19. The costs of this step is negligible compared to the costs of harm that would be avoided.

WHEREFORE, the Town respectfully requests the following relief:

(a) That City View residents be transferred to an alternate care facility, such as Westlake Hospital or McCormick Place, pursuant to a plan implemented and executed by the State, IDPH and the Governor's office with all costs associated with same plan to be assessed against Defendant City View, or, in the alternative that

any and all emergency provisions available from the State in the form of PPE, nursing staff, and other items or assistance that have been identified by the State, IDPH and the Governor's office specifically to combat the rise in COVID-19 in nursing homes;

(b) or, in the further alternative, that City View be required, at cost to City View: to separate and isolate all residents that have tested positive for COVID-19; for all staff and employees to wear medically appropriate PPE at all times; for all residents to be provided with appropriate masks and wear them at all times; for signs to be posted indicating that groups should not be congregating and masks or other PPE must be worn; and for all other Town Code and State violations described herein to be corrected within a date certain as set by the Court.

(c) for such other and further relief as is equitable and just.

Respectfully submitted,

By: /s/ Cynthia S. Grandfield

K. Austin Zimmer
Cynthia S. Grandfield
DEL GALDO LAW GROUP, LLC
1441 S. Harlem Avenue
Berwyn, Illinois 60402
(708) 222-7000 (t)
Cook County ID No. 44047

VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters, the undersigned certifies as aforesaid that he verily believes the same to be true.

By: Dominick Buscemi

Sign: 

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION**

The TOWN OF CICERO,)
a municipal corporation,)
)
Plaintiff,)
)
v.)
)
CITY VIEW MULTICARE)
CENTER, LLC, the STATE OF)
ILLINOIS, the ILLINOIS DEPARTMENT OF)
PUBLIC HEALTH, GOVERNOR PRITZKER,)
In his official capacity,)
)
Defendants.)

AFFIDAVIT

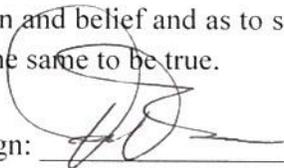
I, Dominick Buscemi, being first duly sworn on oath, do hereby depose and state as follows:

1. That I am an employee of the Town of Cicero, Illinois.
2. That I have been an employee of the Town of Cicero since 4/1/91, and that my current job/title at the Town of Cicero is Chief of the Fire Department.
3. That as the Town of Cicero's Fire Chief, my primary responsibility is to protect and preserve the life, health and property of all of the Town of Cicero's residents.
4. That the City View Multi-Care Center ("City View") is a nursing home operating and located at 5825 West Cermak Road in the Town of Cicero, Illinois.
5. That on, April 15, 2020, as a result of the nationwide outbreak of the COVID-19 Coronavirus, the Town of Cicero issued Executive Order No. 2020-05, which orders all essential business, including nursing homes, to abide by several emergency public health protocols in order to ensure the health, safety, and welfare of the general public in the Town of Cicero, Illinois.
6. That on April 16, 2020, the Town of Cicero issued an Addendum to Executive Order No. 2020-05A, which, in addition to the emergency public health protocols set forth in Executive Order 2020-05A, also orders all essential businesses to post a notice that all employees and visitors must wear a mask or face covering while on the premises.
7. That, on March 30, 2020, the Town of Cicero's Fire Department dispatched paramedics to City View, during which the paramedics, upon information and belief,

witnessed City View commit various violations of the Town of Cicero's emergency public health protocols, including (i) failure to quarantine patients, (ii) failure of staff members to wear Personal Protective Equipment ("PPE"), (iii) failure of staff members to take the temperature of the paramedics upon their entry into City View's building, and (iv) failure to ensure that patients with respiratory illnesses were wearing masks or other acceptable PPE.

8. That, on March 31, 2020, I sent a Formal Notice of Violations to City View informing them that their above-described conduct was in violation of the Town of Cicero's emergency public health protocols.
9. That the Town of Cicero's Formal Notice of Violation sent to City View on March 31, 2020 is attached to this Affidavit as **Exhibit A**.
10. That, upon information and belief, the information contained within **Exhibit A** truly, accurately, and correctly documents City View's violations of the Town of Cicero's emergency public health protocols on March 30, 2020.
11. That, as the Town of Cicero's Fire Chief, I am authorized to and so certify that **Exhibit A** is a certified copy of a public record.
12. That all of the above-stated facts are within my personal knowledge, and I could competently testify thereto if called upon to do so.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that her verily believes the same to be true.

Sign:  _____

Date: 5/1/20

EXHIBIT A

March 31, 2020

VIA CERTIFIED MAIL

City View Multi-Care Center
5825 West Cermak Road
Cicero, IL 60804

Re: Formal Notice of Violations

Dear City View Multi-Care Center:

It has come to the attention of the Town of Cicero (the "Town") that your staff and facility have been violating various executive orders recently enacted by the President of the United States, the Governor of the State of Illinois, and the Town President as well as protocols recommended by the Centers for Disease Control and Prevention (the "CDC") due to the impact of the Coronavirus Disease 2019 ("COVID-19"). Disaster proclamations have been issued on both the state and federal level and on March 17, 2020, the Town declared a State of Emergency and authorized the President to exercise certain emergency powers.

As I'm sure you are aware, on March 20, 2020 Governor J.B. Pritzker issued Executive Order 2020-10 which instituted a "stay at home order" and prohibited gatherings of more than ten (10) people. Most recently, on March 29, 2020, President Donald Trump extended certain social distancing guidelines until at least April 30, 2020, including but not limited to prohibiting gatherings of groups of ten (10) people or more. As a protocol, the CDC recommends social distancing of at least six (6) feet, among other requirements. Specifically, the CDC created a checklist for nursing homes and other long-term care facilities to combat COVID-19.

Recently, the Town's Fire Department was dispatched to your facility on multiple occasions and during each visit, various violations were witnessed. Town records indicate your facility houses 325 residents and employs 300 staff members. Not adhering to the protocols of the Town and the CDC, puts the health, safety and welfare of persons within the Town at risk, therefore invoking the President's emergency powers to shut down your facility should the need arise.

Let this letter serve as formal notice of violations which include, but are not limited to the following:

- Patients are not quarantined.
- Personal Protective Equipment ("PPE") is not being worn by staff members.
- Temperatures are not being taken for medics upon entering the facility.
- Patients with respiratory illness are not wearing masks.

Additionally, staff are making unnecessary calls to emergency EMS when private transports can be arranged and/or the patient can be quarantined and cared for at the facility.

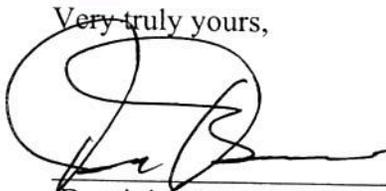
The above violations of protocol during the COVID-19 outbreak could create a health crisis of serious proportions for the Town and not only places the patients and staff at the facility

in danger, but also the first responders called to the location for help, including paramedics, firefighters, and police officers.

Therefore, the Town demands that your facility comply with all applicable rules, regulations and protocols immediately. Should your facility be found to be in violation of said rules, regulations and protocols, you will be fined \$750.00 per violation and/or be closed by order of the Town President, in which case your patients will be transferred to a different facility.

Please contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Buscemi', written over a horizontal line.

Dominick Buscemi, Fire Chief

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION**

The TOWN OF CICERO,)
a municipal corporation,)
)
Plaintiff,)
)
v.)
)
CITY VIEW MULTICARE)
CENTER, LLC, the STATE OF)
ILLINOIS, the ILLINOIS DEPARTMENT OF)
PUBLIC HEALTH, GOVERNOR PRITZKER,)
In his official capacity,)
)
Defendants.)

AFFIDAVIT

I, Susan Grazzini, being first duly sworn on oath, do hereby depose and state as follows:

1. That I am an employee of the Town of Cicero, Illinois.
2. That I have been an employee of the Town of Cicero since 8-10-10, and that my current job/title at the Town of Cicero is Director of the Health Department.
3. That as the Town of Cicero's Health Director, my primary responsibility is to ensure the optimal health and well-being of all of the Town of Cicero's residents.
4. That the City View Multi-Care Center ("City View") is a nursing home operating and located at 5825 West Cermak Road in the Town of Cicero, Illinois.
5. That on, April 15, 2020, as a result of the nationwide outbreak of the COVID-19 Coronavirus, the Town of Cicero issued Executive Order No. 2020-05, which orders all essential business, including nursing homes, to abide by several emergency public health protocols in order to ensure the health, safety, and welfare of the general public in the Town of Cicero, Illinois.
6. That on April 16, 2020, the Town of Cicero issued an Addendum to Executive Order No. 2020-05A, which, in addition to the emergency public health protocols set forth in Executive Order 2020-05A, also orders all essential businesses to post a notice that all employees and visitors must wear a mask or face covering while on the premises.
7. That on April 10, 2020, a Registered Nurse ("RN") with the City View, Ms. Lisa Young, called and left a message on the Town of Cicero Health Department's

answering machine stating that she would like to report City View for several public health violations.

8. That on April 14, 2020, I communicated with Lisa Young, RN, who reported that City View engaged in multiple public health violations, including (i) forcing a sick staff member to work thereby causing an outbreak of COVID-19 within the City View complex, (ii) failure to post and communicate guidelines concerning the CDC, State of Illinois, and Town of Cicero's new emergency health regulations and protocols, (iii) failure of staff to comply with social distancing requirements, (iv) failure to ensure that patients comply with social distancing requirements, (v) failure of staff to wear masks or other Personal Protective Equipment ("PPE"), (vi) failure to ensure that patients wear the required and appropriate PPE, (vii) failure to quarantine or isolate patients suspected of having COVID-19, and (viii) other serious violations.
9. That, on April 14, 2020, I drafted a report documenting City View's continuing public health violations as reported by Lisa Young, RN during her conversation with me on April 14, 2020.
10. That my report drafted on April 14, 2020 detailing the above-described facts is attached to this Affidavit as **Exhibit A**.
11. That, upon information and belief, the information contained within **Exhibit A** is a true, accurate, and correct account of City View's continuing public health violations as reported by Lisa Young, RN to me on April 14, 2020.
12. That, as the Town of Cicero's Director of Public Health, I am authorized to and do so certify that **Exhibit A** is a certified copy of a public record.
13. That all of the above-stated facts are within my personal knowledge, and I could competently testify thereto if called upon to do so.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that her verily believes the same to be true.

Sign: Susan K. Maggioni
Date: 5-1-20

EXHIBIT A

DOCUMENTATION ON CITY VIEW COMPLAINT BY CITY VIEW RN

████████████████████ RN from City View Nursing Home, 5825 Cermak, Cicero, IL., called and left a message on 4/10/2020 on the Town of Cicero Health Department answering machine stating that she would like to report City View Nursing Home on many violations.

APRIL 14, 2020

Susan Grazzini, Director of Town of Cicero Health Department, contacted ██████████ today and the following violations were brought to our attention.

The original covid-19 infection was brought into the facility by a staff nurse that was off work due to illness. She was contacted by Ibrihim, Director of Nursing and told to return to work immediately. The nurse did come back to work for one day and left feeling worse. Nurse left to go to hospital where she was treated and tested with positive covid-19 results.

Since the original infection City View has 22 staff members and 11 residents infected and three deaths due to covid-19 as of 4/13/2020.

████████ states that no guidelines were given to staff regarding covid-19. There has not been any in service or education provided to staff. They were not made aware of IDPH and CDC Guidelines for Long Term Facilities. I, Susan Grazzini, have sent these guidelines to the facility as I received them. ██████████ states that there is no infection control policy established or adhered to in the facility and she is worried about the residents. Social distancing is not followed. Meds are administered in a common area and residents are in a line touching shoulder to shoulder to receive meds. There is also a line shoulder to shoulder waiting to go to the 2nd floor smoking area and numerous residents are smoking in the area touching. Residents are eating in a common area – not maintaining social distance – no masks are being worn. ██████████ stated that residents are sent to the hospital, tested and then sent back to facility to await results. Some of these reports take days. In the meantime these residents are not put into isolation – they are put back in their rooms to infect other staff and residents. Once the results come back positive – then they move patients.

Nurses are told that they cannot send a patient out without first contacting Ibrihim, DON. Ibrihim is not accessible by phone – messages are full and they have a hard time contacting him. They had one patient who was very ill with 102.9 temperature and instead of calling for a transport, DON had the resident moved from 3rd floor to 6th floor. After spending a few days on 6, she was transported to MacNeal and passed away. She then infected the 6th floor. Per ██████████ the infection can easily be traced room from room on the 3rd floor and then on the 6th floor. Ibrihim will not allow them to call a private transport or 911 without his consent. Many residents are sick and the nurses are told to leave them in the facility and only call after he is consulted. Thermometers were not working and temperatures were not being taken.

Ibrihim also stocks the emergency/narcotics box – they are out of Ativan which they need for the many Alzheimer’s and Psych patients. ■■■ was attacked last week by a resident after asking them to turn down the volume on their radio. She did not even have meds to calm resident down.

Staffing is unsafe – ■■■ usually has a minimum of 39 Alzheimer patients. ■■■ stopped by the facility a few days ago and they had a LPN on duty by herself with a 70 resident load. The LPN was administering all medications without a RN on the floor which is not in her scope of practice. This is totally unsafe for residents and staff.

■■■ has tried to contact IDPH and CCHD on several occasions regarding these violations and could not get anyone to answer the phone.

■■■ is very concerned for these residents – they are human lives and they are in a dangerous situation. There is no administrator on the premises. Per ■■■ there is not an administrator for the facility.

SUSAN GRAZZINI
TOWN OF CICERO
DIRECTOR OF PUBLIC HEALTH

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION**

The TOWN OF CICERO,)
a municipal corporation,)
)
Plaintiff,)
)
v.)
)
CITY VIEW MULTICARE)
CENTER, LLC, the STATE OF)
ILLINOIS, the ILLINOIS DEPARTMENT OF)
PUBLIC HEALTH, GOVERNOR PRITZKER,)
In his official capacity,)
)
Defendants.)

AFFIDAVIT

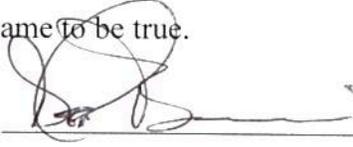
I, Dominick Buscemi, being first duly sworn on oath, do hereby depose and state as follows:

1. That I am an employee of the Town of Cicero, Illinois.
2. That I have been an employee of the Town of Cicero since 6/1/91, and that my current job/title at the Town of Cicero is Chief of the Fire Department.
3. That as the Town of Cicero's Fire Chief, my primary responsibility is to protect and preserve the life, health and property of all of the Town of Cicero's residents.
4. That the City View Multi-Care Center ("City View") is a nursing home operating and located at 5825 West Cermak Road in the Town of Cicero, Illinois.
5. That on, April 15, 2020, as a result of the nationwide outbreak of the COVID-19 Coronavirus, the Town of Cicero issued Executive Order No. 2020-05, which orders all essential business, including nursing homes, to abide by several emergency public health protocols in order to ensure the health, safety, and welfare of the general public in the Town of Cicero, Illinois.
6. That, on April 16, 2020, the Town of Cicero issued an Addendum to Executive Order No. 2020-05A, which, in addition to the emergency public health protocols set forth in Executive Order 2020-05A, also orders all essential businesses to post a notice that all employees and visitors must wear a mask or face covering while on the premises.
7. That, on April 21, 2020, the Town of Cicero Fire Department dispatched paramedics to City View in response to a report of patient suffering a cardiac arrest.

8. That, upon arriving at and entering City View's premises, the paramedics, upon information and belief, witnessed City View commit numerous violations of the Town of Cicero's emergency public health protocols, including (i) failure of staff to members to comply with social distancing requirements, (ii) failure of staff members to take the temperatures of the paramedics upon their entry into City View's building as well as the staff's failure to regulate the entry and exit of persons from the premises generally, and (iii) failure of staff members to wear appropriate Personal Protective Equipment ("PPE").
9. That, on April 21, 2020, paramedic supervisor John Luby drafted a report documenting City View's above-described violations of the Town of Cicero's emergency public health protocols on April 21, 2020.
10. That John Luby's report drafted on April 21, 2020 detailing the above-described facts is attached to this Affidavit as **Exhibit A**.
11. That, upon information and belief, the information contained within **Exhibit A** truly, accurately, and correctly documents City View's violations of the Town of Cicero's emergency public health protocols on April 21, 2020.
12. That, as the Town of Cicero's Fire Chief, I am authorized to and so certify that **Exhibit A** is a certified copy of a public record.
13. That, on April 21, 2020, Town of Cicero Police Officer DEREK EVITT, Star #208, issued five (5) Administrative Citations to City View's Director of Nursing, Ibrahim Sulaiman, for City View's failure to comply with the Town's emergency public health protocols on April 21, 2020.
14. That these Administrative Citations issued to City View on April 21, 2020 are attached to this Affidavit as **Exhibit B**.
15. That, upon information and belief, the information contained within **Exhibit B** truly, accurately, and correctly documents City View's violations of the Town of Cicero's emergency public health protocols on April 21, 2020.
16. That, as the Town of Cicero's Fire Chief, I am authorized to and so certify that **Exhibit B** is a certified copy of a public record.
17. That, on April 22, 2020, the undersigned sent a Formal Notice of Violations letter to the City View informing them that their above-described conduct was in violation of the Town of Cicero's emergency public health protocols.
18. That the Town of Cicero's Formal Notice of Violations sent to City View on April 22, 2020 is attached to this Affidavit as **Exhibit C**.

19. That, upon information and belief, the information contained within **Exhibit C** truly, accurately, and correctly documents City View's violations of the Town of Cicero's emergency public health protocols on April 21, 2020.
20. That, as the Town of Cicero's Fire Chief, I am authorized to and so certify that **Exhibit C** is a certified copy of a public record.
21. That all of the above-stated facts are within my personal knowledge, and I could competently testify thereto if called upon to do so.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that her verily believes the same to be true.

Sign:  _____

Date: 5/1/20 _____

EXHIBIT A



Dominick Buscemi <dbuscemi@thetownofcicero.com>

cityview on 4/18/2020

1 message

Steve Schwar <steve.schwar@gmail.com>

Tue, Apr 21, 2020 at 9:45 AM

To: Dominick Buscemi <dbuscemi@thetownofcicero.com>, Mike Piekarski <mpiekarski@thetownofcicero.com>

Chief Buscemi,

This is in regards to the call to City View on 4/18/2020 @ 0904 Run number 20160452

Crew 16 arrived on scene to assist F10. Crew noted staff inside City View donning on PPE as we approached the doors. Inside, Crew noted a staff member with no mask or PPE on. Staff member placed PPE on with mask only covering mouth. Staff stated that patient needed to go to the hospital for low SPO2. Staff did state that patients SPO2 was now at 98 % with ten lpm of oxygen. Originally staff behind the desk stated they could not bring patient downstairs. City Views manager came out and stated that nurse could bring down patient. Crew waited on scene for staff to bring patient down. Crew noted multiple patients come downstairs with no PPE on including another staff member. Nurse brought patient who had a oxygen mask on, sitting in a wheelchair in no apparent distress. Staff stated that patient needed to go to the hospital for a "Work up" Crew had staff explain more and staff wanted patient to go for blood work . F10 assessed patient noting that patient was 100 percent on room air as the oxygen mask was not hooked up to anything. Nursing home manager stated she understood this was not an emergency and they would call Elite to bring patient to preferred hospital.

In Summary,

1. Crew noted a staff member quickly putting on PPE as we approached the door. (not having it on prior to our arrival.)
2. Staff who had the gown and surgical mask on wore her surgical mask only over the mouth with nose exposed for the whole time crew was on scene.
3. Multiple patients came down a stairway into the lobby without any type of PPE. The resident who did come into the lobby had a surgical mask hanging below her chin. Leaving mouth and nose open.
4. Another staff member came downstairs and was not wearing any PPE of any kind.

Steve Schwar

EXHIBIT B

TOWN OF CIGERO VS.

ORDINANCE VIOLATION CITATION
AND NOTICE OF HEARING

1A0- 328681

DEFENDANT'S NAME: Subraman, Ebrodium LIST FIRST LAST M I
 EMPLOYER OR GUARDIAN NAME (PRINT): City View Multicare Clinics EMPLOYER OR GUARDIAN ADDRESS (INCL. CITY-STATE-ZIP): 1625 W. Germantown
 DRIVER'S LICENSE NO. OR OTHER ID. (TYPE & NO.): 1L D# OTHER CODE OF THE TOWN ORDINANCES OF THE TOWN OF CIGERO: DISOBEYING A POLICE OFFICER
 THE COMPLAINT ON WHICH THE DEFENDANT DID THEN AND THERE VIOLATE: 62 CPA OFFENSE COMMITTED: DISOBEYING A POLICE OFFICER
 IN THAT (DESCRIBE ACTIONS): NO PERSON SHOULD WILLFULLY FAIL OR REFUSE TO COMPLY WITH ANY LEGAL ORDER OR DIRECTION OF ANY POLICE OFFICER OR PEACE OFFICER TO WIT: REFUSED PROTECTIVE EQUIPMENT NOT BEING WORN BY SUTHE MEMBERS OF THE POLICE WORN INEFFECTIVELY, NOT WEARING PPE DURING MEDICAL INTERVENTIONS SUCH AS CPR
 I, THE UNDERSIGNED, HERBY, THAT I SERVED THE RESPONDENT BY DELIVERING COPY TO THE RESPONDENT BY: PERSONAL SERVICE / MAIL
 ON: 08/18/2020 YEAR: 2020 ADDRESS OR PLACE OF BUSINESS: 5745 W. CERRAMA ROAD CIGERO COOK IL 60804
 COMPLAINT / WITNESS: CIGERO POLICE DEPT
 I ACKNOWLEDGE RECEIPT OF THIS NOTICE: YES TOWN MUST APPEAR IN COURT
 OFFENSE SIGNATURE: [Signature] # 208 STAR YEAR: 208 MO KEY: 11
 MINIMUM FINE: \$160 MAXIMUM FINE: \$170

COURT DATE 5-21-2020 TIME 10 AM
 CIGERO TOWN HALL
 4949 W. CERRAMA ROAD, CIGERO, IL 60804

CLERK'S COPY - WHITE / OFFICE COPY - GOLD / COLLECTIONS COPY - YELLOW / OFFICER - INSPECTOR'S COPY - PINK

*You must either (a) pay the minimum fine amount listed in full prior to the court date listed on the citation, or (b) appear on the date and time stated at the Cigero Town Hall in the Courtroom, 4949 W. Cerrama Road, Cigero IL 60804 for a hearing on the matter. If you appear for a hearing and there is a finding of liability the Hearing Officer will determine the appropriate fine. If you do not appear, the minimum fine amount or appear in court, a default judgment will be entered for the amount up to double the minimum fine and the hearing and you may owe additional fees and costs.

TOWN OF CICERO VS.

ORDINANCE VIOLATION CITATION
AND NOTICE OF HEARING

AD-3286882

DEFENDANT'S NAME: **SULAIMAN, Ibrahima** LAST FIRST M
 EMPLOYER OR GUARDIAN NAME (PRINT): **Director of Nursing Cityview Multicare**
 DRIVER'S LICENSE NO. OR OTHER ID. (TYPE & No.): **IL DL # [REDACTED]**
 THE COMPLAINT ON OATH STATES THAT THE DEFENDANT DID THEN AND THERE VIOLATE: **CHAPTER 602 SECTION 4A OTHER CODE OF THE TOWN ORDINANCES OF THE TOWN OF CICERO**
 IN THAT (DESCRIBE ACTIONS): **No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, fire fighter or peace officer to wear face masks or wearing face masks incorrectly**
 I, THE UNDERSIGNED CERTIFY THAT I SERVED THE RESPONDENT BY DELIVERING COPY TO THE RESPONDENT BY: **PERSONAL SERVICE / MAIL**
 ON: **MAY 18 2020** YEAR MONTH DAY
 COMPLAINT/WITNESS: **LICEDO FEE / CRECO Police Dept**
 ADDRESS WHERE OCCURRED AT: **5885 S Green rd Cicero code IL 60804**
 OFFICER'S SIGNATURE: **[Signature]**
 OFFICER'S TITLE: **Officer**
 STAFF NO.: **208** NO KEY: **[initials]**
 MINIMUM FINE: **\$100** MAXIMUM FINE: **\$150**

*You must either (a) pay the minimum fine amount listed in full prior to the court date listed on the citation, or (b) appear on the date and time listed at the Cicero Town Hall in the Courthouse, 4949 W. Cermak Road, Cicero IL 60804 for a hearing on the matter. If you appear for a hearing and there is a finding of liability the hearing officer will determine the appropriate fine. If you do not appear the minimum fine amount or appear in court, a default judgment will be entered against you for an amount up to double the maximum fine listed below and you may owe additional fees and costs.

CLERK'S COPY - WHITE / OFFICE COPY - GOLD / COLLECTIONS COPY - YELLOW / OFFICER - INSPECTOR'S COPY - PINK

COURT DATE: **5-21-2020** TIME: **10 AM**
 CICERO TOWN HALL
 4949 W. CERMAK ROAD, CICERO, IL 60804

TOWN OF CICERO VS. _____

ORDINANCE VIOLATION CITATION AND NOTICE OF HEARING

LAO- 328683

DEFENDANT'S NAME: William Terrell FIRST: [REDACTED] LAST: [REDACTED]

EXPIRES LICENSE No. OR OTHER ID. (TYPE & No.): [REDACTED]

EMPLOYER OR GUARDIAN NAME (PRINT): City News NorthOne Center

OFFICER OF GUARDIAN ADDRESS (INCL. CITY, STATE, ZIP): 5725 Cicero Rd Cicero IL 60607

PHONE No. HOME: 708 656 9120

SEX: M BIRTH DATE: [REDACTED] COLOR: [REDACTED] HAIR: [REDACTED]

THE COMPLAINT ON OATH STATES THAT THE DEFENDANT DID THEN AND THERE VIOLATE: DISOBEYING A Police OFFICER

IN THAT (DESCRIBE ACTIONS): No Person shall willfully fail or refuse to comply with any lawful order or direction of any Police OFFICER, FIRE FIGHTER or Police OFFICER TO U-TURN

STATE MEMBERS NOT MATRIMONY SOCIAL DISTURBANCE OR AT LEAST SIX (6) FEET

I, THE UNDERSIGNED CERTIFY THAT I SERVED THE RESPONDENT BY DELIVERING COPY TO THE RESPONDENT BY _____ PERSONAL SERVICE / _____ MAIL

MONTH: 04/18 YEAR: 2008 ADDRESS OF OFFENSE: 5725 Cicero Rd Cicero Cook Co. IL 60607

COMPLAINANT / WITNESS: FREE/CICERO Police DEPT OFFICER'S SIGNATURE: [Signature]

TACKLE RECEPT OF THIS NOTICE: CPD 200805 TOW#: _____ MUST APPEAR IN COURT:

MINIMUM FINE: \$100 MAXIMUM FINE: \$150

*You must either (a) pay the minimum fine amount listed in full prior to the court date listed on the citation, or (b) appear on the date and time listed at the Cicero Town Hall in the Courtroom, 4949 W. Cermak Road, Cicero IL 60804 for a hearing on the matter. If you do not appear, the minimum fine amount or appear in court, a default judgment will be entered against you. If you are unable to appear, you may owe additional fees and costs.

CLERK'S COPY - WHITE / OFFICE COPY - GOLD / COLLECTOR'S COPY - YELLOW / OFFICER - INSPECTOR'S COPY - PINK

COURT DATE: 5-27-2008 TIME: 10am
 CICERO TOWN HALL
 4949 W. CERMAK ROAD, CICERO, IL 60804

TOWN OF CICERO VS.

ORDINANCE VIOLATION CITATION AND NOTICE OF HEARING

AO-328684

DEBENDANT'S NAME: Juliana Ibarra LAST FIRST MI

EMPLOYER OR GUARDIAN NAME (PRINT): City View Nuts and Grease

DRIVER'S LICENSE NO. OR OTHER ID (TYPE & No.): [REDACTED]

THE COMPLAINANT ON OATH STATES THAT THE DEBENDANT DID THEN AND THERE VIOLATE

IN THAT (DESCRIBE ACTIONS): 602 CP

OTHER CODE OF THE TOWN ORDINANCES OF THE TOWN OF CICERO

1 THE UNDERSIGNED CERTIFY THAT I SERVED THE RESPONDENT BY DELIVERING COPY TO THE RESPONDENT BY

ON 08/18/2023 YEAR MONTH DAY

COMPLAINANT / WITNESS: Chico Police / Cicero Fire Dept

TACKNOWLEDGE RECEIPT OF THIS NOTICE

OFFICER'S SIGNATURE: [Signature]

PERSONAL SERVICE / MAIL

MINIMUM FINE: \$100 MAXIMUM FINE: \$750

COURT DATE: 5/21/2024 TIME: 10am

4949 W. CERMAK ROAD, CICERO, IL 60804

SEX: M RACE: B BIRTH DATE: [REDACTED]

COLOR: [REDACTED] EYES: [REDACTED] HAIR: [REDACTED] WEIGHT: [REDACTED] HEIGHT: [REDACTED]

PHONE NO. HOME: 708 656 9120

OFFENSE COMMITTED: Disobeying a Police Officer

IN SAID JURISDICTION: Cook County

STAFF MEMBERS RE NOT

EXITING THE FACILITY

ORDER TO COMPLY WITH

OFFICER TO WAIT

AT POLICE HEADQUARTERS

ON 08/18/2023

AT 10:00 AM

AT 10:00 AM

AT 10:00 AM

TOWN OF CICERO VS.

ORDINANCE VIOLATION CITATION
AND NOTICE OF HEARING

LAO- 328685

DEFENDANT NAME: **William E. Brennan** LAST FIRST MIDDLE
 EMPLOYER OR GUARANTY (NAME, PRINT): **City View Multi Care Center**
 DRIVER'S LICENSE NO. OR OTHER ID. (TYPE & No.): **IL**

THE COMPLAINANT ON OATH STATES THAT THE DEFENDANT DID THEN AND THERE VIOLATE
 IN THAT (DESCRIBE ACTION): **NO Person shall willfully fail or refuse to comply with any law, order or direction of any Police Officer, Freeholder, or Peace Officer to wit: Body Temperature not being taken as required by the facility**

I, THE UNDERSIGNED CERTIFY THAT I SERVED THE RESPONDENT BY DELIVERING COPY TO THE RESPONDENT BY _____ PERSONAL SERVICE / _____ MAIL
 ON **05/18/2020** AT **11:30 AM** ADDRESS OF RESPONDENT: **5825 W. Cermak Rd Cicero, IL 60804**

COMPLAINANT'S WITNESSES: **Michael H. Re / Cicero Police Dept**
 I ACKNOWLEDGE RECEIPT OF THIS NOTICE
 OFFICER'S SIGNATURE: **[Signature]**
 OFFICER'S ID: **1128**

YOU MUST EITHER (a) pay the minimum fine amount listed in full prior to the court date listed on this citation, or (b) appear on the date and time listed at the Cicero Town Hall in the Courtroom, 4949 W. Cermak Road, Cicero IL 60804 for a hearing on the matter. If you appear for a hearing and there is a finding of liability the Hearing Officer will determine the appropriate fine. If you do not appear the minimum fine amount or appear in court, a default judgment will be entered against you for an amount up to double the minimum fine plus one additional fine and costs.
 MINIMUM FINE: **\$175** MAXIMUM FINE: **\$350**
 CLERK'S COPY - WHITE / OFFICE COPY - GOLD / COLLECTOR'S COPY - YELLOW / OFFICER - INSPECTOR'S COPY - PINK

COURT DATE: **5-21-2020** TIME: **10 AM**
 COURT PLACE: **CICERO TOWN HALL**
 4949 W. CERMAK ROAD, CICERO, IL 60804

EXHIBIT C



TOWN OF CICERO

FIRE DEPARTMENT
5303 W. 25TH STREET
CICERO, IL 60804
(708) 652-0174
(708) 652-2150



April 22, 2020

VIA CERTIFIED MAIL

City View Multi-Care Center

5825 West Cermak Road

Cicero, IL 60804

Re: Formal Citation of Violations

Dear City View Multi-Care Center:

The Town of Cicero (the “Town”) previously sent you a letter dated March 31, 2020, (the “March 31st Letter”) that provided you with formal notice of the violations occurring at your facility, pertaining to the COVID-19 crises, and demanded immediate action be taken to comply with all applicable rules, regulations and protocols. Specifically, the March 31st Letter provided notice that you would be subject to a fine of \$750.00 per violation, and/or closed by the Office of the Town President, should your staff and facility continue to violate the applicable rules, regulations and protocols.

It has come to the attention of the Town that your staff and facility have not remedied their negligent actions. On April 18th, 2020 and April 21st, 2020, the Town’s Fire Department was dispatched to your facility and during each visit, various violations of rules, regulations and protocols were witnessed.

Let this letter serve as a formal citation of the following violations:

- Personal Protective Equipment (“PPE”) is not being worn by staff members. In some cases, staff members were wearing PPE incorrectly. In one case it was noted a staff member was not wearing PPE while performing medical interventions such as CPR.
- Staff members are not wearing facemasks or are wearing facemasks incorrectly.
- Staff members are not maintaining social distancing of at least six (6) feet.
- Staff members are not regulating persons entering or exiting the facility.
- Body temperatures are not being taken for medics entering or leaving the facility.

Given their congregate nature and resident population served (e.g. older adults often with underlying chronic medical conditions), nursing home populations are at the highest risk of being affected by COVID-19. Due to this high risk, the CDC has issued guidance and protocols for nursing homes and other long-term care facilities to combat the spread of COVID-19, as previously provided to you in the March 31st Letter. The CDC protocols include, but are not limited to the following: Healthcare Personnel (“HCP”) should wear a facemask at all times when they are in the healthcare facility; HCP should actively check every person entering a facility for fever and symptoms of illness; individuals should maintain social distancing of at least six (6) feet away from others; PPE should be worn by HCP when coming in contact with a resident.

Your negligent actions continue to place the patients, staff members and first responders at risk. Therefore, the Town is formally charging you with the above violations. If your facility does not begin adhering to the requirements set forth in the applicable rules, regulations and protocols, the Town will be forced to explore the option of obtaining a court order to remedy your actions or close the facility by order of the Town President.

Please contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'Dominick Buscemi', with a long horizontal line extending to the right.

Dominick Buscemi
Fire Chief

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION**

The TOWN OF CICERO,)
a municipal corporation,)
)
Plaintiff,)
)
v.)
)
CITY VIEW MULTICARE)
CENTER, LLC, the STATE OF)
ILLINOIS, the ILLINOIS DEPARTMENT OF)
PUBLIC HEALTH, GOVERNOR PRITZKER,)
In his official capacity,)
)
Defendants.)

AFFIDAVIT

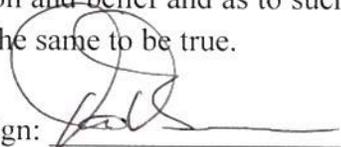
I, Dominick Buscemi, being first duly sworn on oath, do hereby depose and state as follows:

1. That I am an employee of the Town of Cicero, Illinois.
2. That I have been an employee of the Town of Cicero since 6/1/91, and that my current job/title at the Town of Cicero is Chief of the Fire Department.
3. That as the Town of Cicero's Fire Chief, my primary responsibility is to protect and preserve the life, health and property of all of the Town of Cicero's residents.
4. That the City View Multi-Care Center ("City View") is a nursing home operating and located at 5825 West Cermak Road in the Town of Cicero, Illinois.
5. That on, April 15, 2020, as a result of the nationwide outbreak of the COVID-19 Coronavirus, the Town of Cicero issued Executive Order No. 2020-05, which orders all essential business, including nursing homes, to abide by several emergency public health protocols in order to ensure the health, safety, and welfare of the general public in the Town of Cicero, Illinois.
6. That on April 16, 2020, the Town of Cicero issued an Addendum to Executive Order No. 2020-05A, which, in addition to the emergency public health protocols set forth in Executive Order 2020-05A, also orders all essential businesses to post a notice that all employees and visitors must wear a mask or face covering while on the premises.
7. That, on April 18, 2020, the Town of Cicero Fire Department dispatched paramedics to City View in response to a report of a patient needing transport to a hospital.

8. That, upon arriving at and entering City View's premises, the paramedics, upon information and belief, witnessed City View commit numerous violations of the Town of Cicero's emergency public health protocols, including (i) failure of staff members to comply with social distancing requirements, (ii) failure of staff members to take the temperatures of the paramedics upon their entry into City View's building as well as the staff's failure to regulate the entry and exit of persons from the premises generally, (iii) failure of staff members to wear appropriate Personal Protective Equipment ("PPE"), and (iv) failure to ensure that all patients were wearing the required PPE, and (v) failure to ensure that all patients complied with social distancing requirements.
9. That, on April 21, 2020, paramedic Steve Schwar drafted a report documenting City's View's above-described violations of the Town of Cicero's emergency public health protocols on April 18, 2020.
10. That Steve Schwar's report drafted on April 21, 2020 detailing the above-described facts is attached to this Affidavit as **Exhibit A**.
11. That, upon information and belief, the information contained within **Exhibit A** truly, accurately, and correctly documents City View's violations of the Town of Cicero's emergency public health protocols on April 18, 2020.
12. That, as the Town of Cicero's Fire Chief, I am authorized to and so certify that **Exhibit A** is a certified copy of a public record.
13. That, on April 18, 2020, Town of Cicero Police Officer issued five (5) Administrative Citations to City View's Director of Nursing, Ibrahim Sulaiman, for City View's failure to comply with the Town's emergency public health protocols as described above.
14. That these Administrative Citations issued to City View on April 18, 2020 are attached to this Affidavit as **Exhibit B**.
15. That, upon information and belief, the information contained within **Exhibit B** truly, accurately, and correctly documents City View's violations of the Town of Cicero's emergency public health protocols on April 18, 2020.
16. That, as the Town of Cicero's Fire Chief, I am authorized to and so certify that **Exhibit B** is a certified copy of a public record.
17. That, on April 22, 2020, I sent a Formal Notice of Violations letter to City View informing them that their above-described conduct was in violation of the Town of Cicero's emergency public health protocols.
18. That the Town of Cicero's Formal Notice of Violations sent to City View on April 22, 2020 is attached to this Affidavit as **Exhibit C**.

19. That, upon information and belief, the information contained within **Exhibit C** truly, accurately, and correctly documents City View's violations of the Town of Cicero's emergency public health protocols on April 18, 2020.
20. That, as the Town of Cicero's Fire Chief, I am authorized to and so certify that **Exhibit C** is a certified copy of a public record.
21. That all of the above-stated facts are within my personal knowledge, and I could competently testify thereto if called upon to do so.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that her verily believes the same to be true.

Sign:  _____

Date: 5/1/20 _____

EXHIBIT A

Dominick Buscemi <dbuscemi@thetownofcicero.com>

City View Nursing Home

1 message

John Luby <jluby31@yahoo.com>

Tue, Apr 21, 2020 at 11:53 AM

To: Dominick Buscemi <dbuscemi@thetownofcicero.com>Cc: Mike Piekarski <mpiekarski@thetownofcicero.com>

Good Morning Chief Buscemi,

The purpose of this email is to inform you of multiple safety violations witnessed by the crews of F10, and F16, on the morning of 04/21/2020 @approximately 0600 (run #20100660) at City View nursing home located at 5825 W. Cermak Road. Crew members of the afore mentioned ambulances entered the facility minutes apart in response to a reported cardiac arrest. PM's Lazcano and Calhoun both reported that there were 4-5 staff members/bystanders in the lobby, none of which were maintaining any sort of distancing from each other. Furthermore, both crew members also reported that none of the attending staff members present in the lobby were doing anything to regulate who was coming in or out of the building. In addition, both crew members reported that their temperatures were NOT taken or recorded by a City View staff member upon entering/leaving the establishment. Finally, PM Lazcano reported that upon entering the sixth-floor room where the medical event was occurring, he noted the presence of 5 staff members, which was completely unnecessary seeing as advanced life support measures were not being utilized. PM Lazcano also noted that one of the female staff members performing cardio pulmonary resuscitation was not donning any sort of mask or facial protection while providing chest compressions. PM Calhoun confirmed the observation, and stated that he had also noticed that one of the other staff members present in the room was not wearing a mask or facial protection. These occurrences lead us to believe that the staff members on-duty are being extremely irresponsible and negligent in regard to safely protecting themselves and the residents of City View from exposure to COVID-19.

In summary:

- 1) Staff members are not taking measures to practice safe distancing.
- 2) Staff members are not regulating persons entering and leaving the facility.
- 3) Body temperatures of the EMS crew were not taken or recorded.
- 4) Staff members are not wearing appropriate PPE on the floors of the nursing home, more specifically while performing medical interventions such as CPR.

Please feel free to contact me with any questions or concerns. Thank You.

PM Supervisor John P. Luby

EXHIBIT B

TOWN OF CICERO VS.

ORDINANCE VIOLATION CITATION AND NOTICE OF HEARING

AD-328686

DEBENDANT'S NAME: Anthony Berahim LAST FIRST MIDDLE

EMPLOYER OR GUARDIAN NAME (PRINT): CityView Management Bureau

DRIVER'S LICENSE No. OR OTHER I.D. (TYPE & No): IL [REDACTED]

THE COMPLAINANT ON OATH STATES THAT THE DEBENDANT DID THEN AND THERE VOLUNTARILY

IN THAT (DESCRIBE ACTION): NO PERSON SHALL WILLFULLY FAIL OR REFUSE TO COMPLY WITH ANY LEGALLY ORDER OR DIRECTION OF ANY POLICE OFFICER, NURSE, HEALTH CARE PROVIDER OR PEACE OFFICER TO WEAR PERSONAL PROTECTION EQUIPMENT (PPE) IS NOT BEING WORN BY STAFF MEMBERS IN WORK AREA SET BY ORDER OF THE INCARCERATED PERSONS WHILE WEARING PPE WHILE PERFORMING DUTY

ON 05/21/2020 AT 10:11 AM ADDRESS: 5885 S. CERMACK RD, CHICAGO ILL 60604

OFFENSE COMMITTED: Disobeying A Police Officer

OFFENSE CODE OF THE TOWN ORDINANCES OF THE TOWN OF CICERO: 02-4A

OFFICER'S SIGNATURE: [Signature]

DATE: 4/28/20

TIME: 10:11 AM

STREET: 5885 S. CERMACK RD

CITY: CHICAGO

STATE: ILLINOIS

ZIP: 60604

COURT DATE: 5-21-2020 TIME: 10 AM

COURT PLACE: CICERO TOWN HALL

ADDRESS: 4949 W. CERMACK ROAD, CICERO, IL 60804

MINIMUM FINE: 100 MAXIMUM FINE: 150

MUST APPEAR IN COURT:

CLERK'S COPY - WHITE / OFFICE COPY - GOLD / COLLECTOR'S COPY - YELLOW / OFFICER / INSPECTOR'S COPY - PINK

TOWN OF CICERO VS.

ORDINANCE VIOLATION CITATION
AND NOTICE OF HEARING

1A0-328687

DEFENDANT'S NAME William H. Heathman FIRST W LAST H. HEATHMAN

EMPLOYER OR GUARDIAN NAME (PRINT) City News Network CONTROL CITY SP25 W BELMONT RD ZIP 60404

DRIVER'S LICENSE NO. [REDACTED] SEX M RACE B BIRTH DATE [REDACTED]

OTHER ID (TYPE & NO.) [REDACTED] COLOR BRO HAIR BRN EYES BRN HEIGHT 5'10"

PHONE NO. BUS. [REDACTED] HOME 708 629 9120

OTHER CODE OF THE TOWN ORDINANCES OF THE TOWN OF CICERO

IN THAT DESCRIBE ACTION(S) NO PERSON SHALL WILLFULLY FAIL OR REFUSE TO OBEY A WRITING ORAL ORDER OR DIRECTION OF ANY POLICE OFFICER OR MEMBER OF POLICE FORCE TO BE IT STAFF MEMBERS NOT WEARING FACE MASKS OR WEAR BY FACE MASKS INCORRECTLY

OFFENSE COMMITTED DISOBEYING A POLICE OFFICER

1. THE UNDERSIGNED CERTIFY THAT I SERVED THE RESPONDENT BY DELIVERING COPY TO THE RESPONDENT BY PERSONAL SERVICE MAIL [REDACTED]

ON 09/11/2020 AT 1800 N BELL ST ADDRESS SP25 W BELMONT RD CITY CICERO STATE IL ZIP 60404

COMPLAINT / ADDRESS REC'D REC CICERO POLICE DEPT

TACKNOWLEDGE RECEIPT OF THIS NOTICE OFFICER'S SIGNATURE [Signature] MAIL [REDACTED]

GRF CPD 2080000 24925 IN COURT IN COURT

MINIMUM FINE \$100 MAXIMUM FINE \$750

COURT DATE 5-21-2020 TIME 10AM
CICERO TOWN HALL
4949 W. CERMAK ROAD, CICERO, IL 60804

CLIENT'S COPY - WHITE / OFFICE COPY - GOLD / COLLECTIONS COPY - YELLOW / OFFICER - INSPECTOR'S COPY - PINK

*You must either (a) pay the minimum fine amount listed in full prior to the court date listed on the citation, or (b) appear on the date and time stated at the Cicero Town Hall in the Courtroom, 4949 W. Central Road, Cicero IL 60804 for a hearing on the matter. If you appear for a hearing and there is a finding of liability, the hearing officer will determine the appropriate fine. If you do not appear, the citation may be entered against you and you may owe additional fees and costs.

TOWN OF CICERO VS.

ORDINANCE VIOLATION CITATION
AND NOTICE OF HEARING

1A0-328688

DEFENDANT(S) NAME: JULIANNY ABRONHA FIRST: JULIANNY LAST: ABRONHA

BY NOTER OF GUARDIAN NAME (PRINT): CITY OF Cicero

OTHER ID. (TYPE & NO.): [REDACTED]

THE COMPLAINT ON OATH STATES THAT THE DEFENDANT DID THEN AND THERE VIOLATE:

IN THAT (DESCRIBE ACTIONS): No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, firefighter or peace officer to any with any hostile order or direction of APPROPRIATE SOCIAL DISTRICTING OF AT LEAST SIX (6) FEET

1. THE UNDERSIGNED CERTIFY THAT I SERVED THE RESPONDENT BY DELIVERING COPY TO THE RESPONDENT BY: PERSONAL SERVICE / MAIL

ON: 08/12/2020 AT: 10:00 AM ADDRESS: 5805 W CEREMAK RD CITY: CICERO STATE: IL ZIP: 60804

COMPLAINANT / WITNESS: CICERO FIRE / CICERO POLICE DEPT

I ACKNOWLEDGE RECEIPT OF THIS NOTICE

DEFENDANT'S SIGNATURE: [REDACTED]

OFFICER'S SIGNATURE: [REDACTED]

DATE: 08/12/2020 TIME: 10:00 AM

STREET: 5805 W CEREMAK ROAD, CICERO, IL 60804

You must either (a) pay the minimum fine amount listed in full prior to the court date listed on the citation, or (b) appear on the date and time stated at the Cicero Town Hall in the Courtroom, 4949 W. Ceremak Road, Cicero, IL 60804 for a hearing on the matter. If you appear for a hearing and there is a finding of liability, the Hearing Officer will determine the appropriate fine. If you do not appear, the minimum fine amount of \$100 will be entered against you for an amount up to double the maximum of the cited violation and you may owe additional fees and costs.

MINIMUM FINE: \$100 MAXIMUM FINE: \$150

CLERK'S COPY - WHITE / OFFICE COPY - GOLD / COLLECTIONS COPY - YELLOW / OFFICER - INSPECTOR'S COPY - PINK

COURT DATE: 08/24/2020 TIME: 10:00 AM

CICERO TOWN HALL
4949 W. CEREMAK ROAD, CICERO, IL 60804

TOWN OF CICERO VS.

ORDINANCE VIOLATION CITATION AND NOTICE OF HEARING

1A0- 328689

DEFENDANT'S NAME: SUBRAMANIAM ARATHAN

EMPLOYER OR GUARDIAN NAME (PRINT): CityView MultiLine Center

DRIVER LICENSE NO. OR OTHER ID (TYPE & NO.): [REDACTED]

THE COMPLAINT ON DATE: 02/24/20

STREET THAT THE DEFENDANT DID THEN AND THERE VIOLATE: 5825 W CERMAK RD

IN THAT (DESCRIBE ACTIONS): NO PERSON SHALL WILLFULLY REFUSE TO COMPLY WITH ANY LAWFULL ORDER OR DIRECTION OF ANY POLICE OFFICER OR POLICE OFFICER TO WITH STAFF MEMBERS ARE NOT PERMITTED TO ENTER OR EXIT THE FACILITY

THE UNRENDERED CERTIFICATE THAT I SERVED THE RESPONDENT BY DELIVERING COPY TO THE RESPONDENT BY: [REDACTED]

PERSONAL SERVICE / MAIL: [REDACTED]

ON: 02/24/20 TIME: 5:30 PM

COMPLAINT / WITNESS: VEERU FIRE / CERCO POLICE DEPT

ADDRESS OF DEFENDANT: 5825 W CERMAK RD

CITY: CICERO COOK CO. IL 60804

ACKNOWLEDGE RECEIPT OF THIS NOTICE

OFFICER'S SIGNATURE: [REDACTED]

MINIMUM FINE: \$100 MAXIMUM FINE: \$750

YOU MUST EITHER (a) pay the minimum fine amount listed in full prior to the court date listed on the citation, or (b) appear on the date and time listed at the Cicero Town Hall in the Courtroom, 4949 W. CermaK Road, Cicero IL 60804 for a hearing on the matter. If you appear for a hearing and there is a finding of liability the Hearing Officer will determine the appropriate fine. If you do not appear the minimum fine amount or appear in court, a default judgment will be entered against you for the maximum fine listed on the citation and you may owe additional fees and costs.

MUST APPEAR IN COURT:

CLIENTS COPY - WHITE / OFFICE COPY - GOLD / COLLECTIONS COPY - YELLOW / OFFICER - INSPECTORS COPY - PINK

COURT DATE: 5-21-20 TIME: 10 AM
CICERO TOWN HALL
4949 W. CERMAK ROAD, CICERO, IL 60804

TOWN OF CICERO VS.

ORDINANCE VIOLATION CITATION
AND NOTICE OF HEARING

AO-328690

DEFENDANT'S NAME: Sulaiman Akeathin LAST FIRST MI

EMPLOYER OR ORGANIZATION NAME (PRINT): City News Wilson Area Center

DRIVER'S LICENSE NO. OR OTHER ID. (TYPE & No.): [REDACTED]

THE COMPLAINT ON OATH STATES THAT THE DEFENDANT DID THEN AND THERE VIOLATE:

IN THAT DESCRIBE ACTION(S): DRIVER'S LICENSE NO. [REDACTED]

OTHER CODE OF THE TOWN ORDINANCES OF THE TOWN OF CICERO: 5835

OFFENSE COMMITTED: DRIVER'S LICENSE NO. [REDACTED]

DATE OF VIOLATION: 05/21/2021 TIME: 10 AM

LOCATION OF VIOLATION: CICERO POLICE / CICERO FIRE DEPT

OFFICER'S SIGNATURE: [Signature]

DATE OF CITATION: 05/21/2021

STATION NO.: 208

PHONE NO. (BUS. / HOME): 708 656 9120

COLOR: Brown HAIR: Black EYES: Brown HEIGHT: 5'10" WEIGHT: 165

SEX: M AGE: 36 BIRTH DATE: 05/21/1985

OFFENSE OCCURRED AT: 5835 W. Cermak Rd

ADDRESS OF OFFENSE OCCURRED AT: 5835 W. Cermak Rd

MAIL: CICERO COOL CO. IL 60804

ON (MONTH) DAY YEAR: 05 21 2021

COMPLAINANT / WITNESS: CICERO POLICE / CICERO FIRE DEPT

ACKNOWLEDGE RECEIPT OF THIS NOTICE: [Signature]

OFFICER'S SIGNATURE: [Signature]

DATE OF CITATION: 05/21/2021

STATION NO.: 208

PHONE NO. (BUS. / HOME): 708 656 9120

COLOR: Brown HAIR: Black EYES: Brown HEIGHT: 5'10" WEIGHT: 165

SEX: M AGE: 36 BIRTH DATE: 05/21/1985

OFFENSE OCCURRED AT: 5835 W. Cermak Rd

ADDRESS OF OFFENSE OCCURRED AT: 5835 W. Cermak Rd

MAIL: CICERO COOL CO. IL 60804

ON (MONTH) DAY YEAR: 05 21 2021

COMPLAINANT / WITNESS: CICERO POLICE / CICERO FIRE DEPT

ACKNOWLEDGE RECEIPT OF THIS NOTICE: [Signature]

OFFICER'S SIGNATURE: [Signature]

DATE OF CITATION: 05/21/2021

STATION NO.: 208

PHONE NO. (BUS. / HOME): 708 656 9120

COLOR: Brown HAIR: Black EYES: Brown HEIGHT: 5'10" WEIGHT: 165

SEX: M AGE: 36 BIRTH DATE: 05/21/1985

OFFENSE OCCURRED AT: 5835 W. Cermak Rd

ADDRESS OF OFFENSE OCCURRED AT: 5835 W. Cermak Rd

MAIL: CICERO COOL CO. IL 60804

ON (MONTH) DAY YEAR: 05 21 2021

COMPLAINANT / WITNESS: CICERO POLICE / CICERO FIRE DEPT

ACKNOWLEDGE RECEIPT OF THIS NOTICE: [Signature]

OFFICER'S SIGNATURE: [Signature]

DATE OF CITATION: 05/21/2021

STATION NO.: 208

PHONE NO. (BUS. / HOME): 708 656 9120

COLOR: Brown HAIR: Black EYES: Brown HEIGHT: 5'10" WEIGHT: 165

SEX: M AGE: 36 BIRTH DATE: 05/21/1985

OFFENSE OCCURRED AT: 5835 W. Cermak Rd

ADDRESS OF OFFENSE OCCURRED AT: 5835 W. Cermak Rd

MAIL: CICERO COOL CO. IL 60804

MINIMUM FINE: \$100

MAXIMUM FINE: \$750

CLERK'S COPY - WHITE / OFFICE COPY - GOLD / COLLECTIONS COPY - YELLOW / OFFICER - INSPECTIONS COPY - PINK

COURT DATE: 5-21-2021 TIME: 10 AM

CICERO TOWN HALL

4949 W. CERMAK ROAD, CICERO, IL 60804

EXHIBIT C



TOWN OF CICERO

FIRE DEPARTMENT
5303 W. 25TH STREET
CICERO, IL 60804
(708) 652-0174
(708) 652-2150



April 22, 2020

VIA CERTIFIED MAIL

City View Multi-Care Center

5825 West Cermak Road

Cicero, IL 60804

Re: Formal Citation of Violations

Dear City View Multi-Care Center:

The Town of Cicero (the “Town”) previously sent you a letter dated March 31, 2020, (the “March 31st Letter”) that provided you with formal notice of the violations occurring at your facility, pertaining to the COVID-19 crises, and demanded immediate action be taken to comply with all applicable rules, regulations and protocols. Specifically, the March 31st Letter provided notice that you would be subject to a fine of \$750.00 per violation, and/or closed by the Office of the Town President, should your staff and facility continue to violate the applicable rules, regulations and protocols.

It has come to the attention of the Town that your staff and facility have not remedied their negligent actions. On April 18th, 2020 and April 21st, 2020, the Town’s Fire Department was dispatched to your facility and during each visit, various violations of rules, regulations and protocols were witnessed.

Let this letter serve as a formal citation of the following violations:

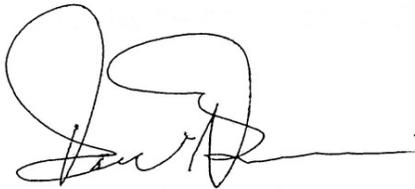
- Personal Protective Equipment (“PPE”) is not being worn by staff members. In some cases, staff members were wearing PPE incorrectly. In one case it was noted a staff member was not wearing PPE while performing medical interventions such as CPR.
- Staff members are not wearing facemasks or are wearing facemasks incorrectly.
- Staff members are not maintaining social distancing of at least six (6) feet.
- Staff members are not regulating persons entering or exiting the facility.
- Body temperatures are not being taken for medics entering or leaving the facility.

Given their congregate nature and resident population served (e.g. older adults often with underlying chronic medical conditions), nursing home populations are at the highest risk of being affected by COVID-19. Due to this high risk, the CDC has issued guidance and protocols for nursing homes and other long-term care facilities to combat the spread of COVID-19, as previously provided to you in the March 31st Letter. The CDC protocols include, but are not limited to the following: Healthcare Personnel (“HCP”) should wear a facemask at all times when they are in the healthcare facility; HCP should actively check every person entering a facility for fever and symptoms of illness; individuals should maintain social distancing of at least six (6) feet away from others; PPE should be worn by HCP when coming in contact with a resident.

Your negligent actions continue to place the patients, staff members and first responders at risk. Therefore, the Town is formally charging you with the above violations. If your facility does not begin adhering to the requirements set forth in the applicable rules, regulations and protocols, the Town will be forced to explore the option of obtaining a court order to remedy your actions or close the facility by order of the Town President.

Please contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'Dominick Buscemi', with a long horizontal line extending to the right.

Dominick Buscemi
Fire Chief

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION**

The TOWN OF CICERO,)
a municipal corporation,)
)
Plaintiff,)
)
v.)
)
CITY VIEW MULTICARE)
CENTER, LLC, the STATE OF)
ILLINOIS, the ILLINOIS DEPARTMENT OF)
PUBLIC HEALTH, GOVERNOR PRITZKER,)
In his official capacity,)
)
Defendants.)

AFFIDAVIT

I, Susan Grazzini, being first duly sworn on oath, do hereby depose and state as follows:

1. That I am an employee of the Town of Cicero, Illinois.
2. That I have been an employee of the Town of Cicero since 8/26/10, and that my current job/title at the Town of Cicero is Director of the Health Department.
3. That as the Town of Cicero's Health Director, my primary responsibility is to ensure the optimal health and well-being of all of the Town of Cicero's residents.
4. That the City View Multi-Care Center ("City View") is a nursing home operating and located at 5825 West Cermak Road in the Town of Cicero, Illinois.
5. That on, April 15, 2020, as a result of the nationwide outbreak of the COVID-19 Coronavirus, the Town of Cicero issued Executive Order No. 2020-05, which orders all essential business, including nursing homes, to abide by several emergency public health protocols in order to ensure the health, safety, and welfare of the general public in the Town of Cicero, Illinois.
6. That on April 16, 2020, the Town of Cicero issued an Addendum to Executive Order No. 2020-05A, which, in addition to the emergency public health protocols set forth in Executive Order 2020-05A, also orders all essential businesses to post a notice that all employees and visitors must wear a mask or face covering while on the premises.
7. That at approximately 9:00 a.m. on April 30, 2020, I performed a health inspection of City View to determine City View's compliance, or lack thereof, with the Town of Cicero's emergency public health protocols.

8. That during the above-described health inspection, I took several photographs of City View's staff and residents going about their day-to-day activities.
9. That, on April 30, 2020, I drafted a report documenting the Town of Cicero's findings and results of the above-described health inspection.
10. That this report drafted on April 30, 2020 concerning the above-described health inspection is attached to this Affidavit as **Exhibit A**.
11. That the information contained within **Exhibit A** reflects a true, accurate, and correct account of the findings and results of the health inspection performed by the Town of Cicero at City View at approximately 9:00 a.m. on April 30, 2020.
12. That, as the Town of Cicero's Director of Public Health, I am authorized to and do so certify that **Exhibit A** is a certified copy of a public record.
13. That the photographs taken during the above-described health inspection on April 30, 2020 are attached to this Affidavit as **Exhibit B**.
14. That the photographs in **Exhibit B** represent a true, accurate, and correct reflection of the health inspection performed by the Town of Cicero at City View at approximately 9:00 a.m. on April 30, 2020.
15. That, as the Town of Cicero's Director of Public Health, I am authorized to and do so certify that **Exhibit B** is a certified copy of a public record.
16. That all of the above-stated facts are within my personal knowledge, and I could competently testify thereto if called upon to do so.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that her verily believes the same to be true.

Sign: 

Date: 5-1-20

EXHIBIT A

APRIL 30, 2020

HEALTH INSPECTION OF CITY VIEW MULTICARE CENTER

INSPECTOR: SUSAN GRAZZINI-PUBLIC HEALTH COMMISSIONER

Susan Grazzini inspected City View Multicare Center to assess COVID-19 Protocol and Adherence to Long Term Care Facility Guidelines. At that time I did notice the following:

- Upon entrance, the front desk worker was not wearing a face mask. When Susan Grazzini and Jerry Chlada presented with Identification, the worker rushed to don a face mask. There was no one at the check/triage area upon entering the facility. When the front desk notified the facility that we were there, a worker with a mask took our temperature and handed us a health questionnaire to complete.
- A worker did report to work and the temperature was taken. I did not observe an incoming worker completing questionnaire and a new gown was given to her.
- When I asked about documentation regarding all employee's and visitor's temperature taken and questionnaire completed, I was told that it was done; but, they did not present any documentation of such.
- Hand Sanitizer was on the wall by the entrance. I did not see any sanitizer by the elevators or time clock.
- I did not observe any signs on any of the walls regarding social distancing or required masks.
- I did not observe any employee cleaning or sanitizing anything on the main floor. The sign in desk had paperwork in disarray on the table.
- The Assistant Director of Nursing did appear after about ten minutes and told me that the Director of Nursing, Ibrahim Sulaiman, was in the parking lot. Ibrahim did appear to speak with me. I questioned him about proper guidelines being followed for infection control from IDPH and CDC. I also requested documentation that resident's families are being notified within 12 hours of positive COVID-19 findings. He stated that all resident's families are notified within 12 hours in writing. I did ask for documentation of this as we received a complaint yesterday from a resident's family member. Ibrahim stated that he has the documentation and that he will give it to me and instructed me to wait. After a few minutes Ibrahim motioned for me to go with his hand.
- Ibrahim stated that all guidelines were being performed – cleaning, social distancing, PPE, vitals. Smoking rooms were allotted on every floor. I did notice a sign outside of the elevator stating that only 4 people were allowed in an elevator at one time.
- Ibrahim also stated that a desk and personnel was on every floor outside elevators to maintain adherence to all protocols.
- I asked about the COVID-19 test results that were pending. Ibrahim stated that they had another positive resident and they were still awaiting results. Ibrahim stated that he was told not to fax us positive COVID-19 but he will call us with positives.
- Ibrahim stated that contact tracing was being performed and that all COVID-19 residents were on COVID-19 Floors only.
- I did not go to resident floors.

Please note attached inspection form.

A handwritten signature in cursive script that reads "Susan Grazzini". The signature is written in black ink and is positioned at the bottom right of the page.

State of Illinois
COVID-19 Inspector Checklist

Facility name and #: *City VRV*
 Date: *4/30/20*
 Start time: *9:00*
 End time: *9:30*

Facility address: *5825 W Cermak*
 Reporting Inspector: *Susan Grazzini*
 Title/Affiliation: *Health Director*

Checklist items	Yes (✓)/ No (x)	Answer/Comment
Health Screening Upon Entry to Facility	✓	
Does the screening include taking the temperature of each employee?	✓	
Does the screening include a questionnaire for the employee to self-report symptoms?	✓	
Is the facility sending employees home if they fail the screening?		<i>Per DON - yes - I asked to see sign in sheet denied</i>
Personal Hygiene Controls		
Is hand sanitizer readily available to all employees?	✓	<i>1 hand sanitizer on wall at entrance</i>
Are handwashing stations readily available to all employees?	x	<i>Saw only one at entrance</i>
Personal Protective Equipment Measures		
What types of PPE is the facility providing to employees?		<i>observed a gown given to employee</i>
Are all employees wearing masks covering nose/mouth?	x	<i>Front desk no mask - it was put on when we requested entrance</i>
Social Distancing Measures		
Are employees maintaining at least 6 ft of social distancing while in the facility?	✓	<i>No signs were observed regarding social distancing</i>
If not, what steps have been taken to maintain maximum distance between employees?		
Is the facility regularly and thoroughly cleaning/sanitizing equipment and work areas?		<i>Per DON - yes - requested documentation - did not receive</i>
Positive cases		
Have any employees tested positive for COVID-19?	<i>YES</i>	
If yes, what steps were taken to sanitize the facility?		<i>Per DON - All COVID on one floor - cleaning on regular schedule</i>
If yes, did the facility notify its employees regarding potential exposure?		<i>Per DON - yes - I did not see documentation</i>
Signage/Visual Cues		
Has the facility posted signs or other visual cues regarding practices employees should follow to prevent the spread of COVID-19 (e.g., social distancing, hygiene, and sanitization)?	x	<i>NONE observed</i>
Employee Safety and Health		
Are there any visibly symptomatic employees in the facility? (e.g. cough, shortness of breath)		<i>Only on First Floor - Did not observe</i>

EXHIBIT B



AMBULANCE
LOADING ZONE
NO PARKING
BETWEEN
SIGNS

CITYVIEW
WILLOW CREST
CENTRAL
PHYSICIAN OFFICE

Now Hiring RN's, LPN's and CNA's
Please apply within

Quality
Care & Service
Quality Care

