

For Immediate Release
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7th Circuit Court Denies Petition for Rehearing in Cemetery Case

The United States 7th Circuit Court of Appeals has denied the plaintiffs' petition for rehearing or rehearing en banc of the September 13, 2007 panel decision in the City's favor in St. John's United Church of Christ v. City of Chicago (Nos. 05-4418, 05-4450, 05-4451 consolidated).

"We are pleased with the Court's order in this regard," said Rosemarie S. Andolino, OMP Executive Director. "We will continue to move forward with the acquisition process for St. Johannes Cemetery, and welcome the opportunity to work with Church officials during this process."

In September, the Court ruled that the amendment to the Illinois Religious Freedom Restoration Act (Illinois RFRA) does not violate First Amendment because it does not discriminate against religious institutions or show hostility toward religion. The Court also ruled that the amendment did not deny equal protection because it did not target a suspect class or fundamental right. As an alternative, the Court determined that, if the strict scrutiny test the Church urged was applicable, the OMP is the least restrictive means of achieving the compelling interest in modernizing O'Hare. Additionally, the Court held that acquiring St. Johannes is not a "land use regulation" covered by the Religious Land Use and Institutionalized Persons Act (RLUIPA).

The OMP issued an offer of \$630,000 to acquire St. Johannes Cemetery in March 2006. That offer was rejected, and in October 2007 the city filed a complaint for condemnation to acquire the cemetery in the circuit court of DuPage County.

Construction activities for the OMP are underway on the North and South Airfields. To date, contractors have moved more than 10 million cubic yards of dirt and paved over 258,000 square yards of concrete for runway and taxiway projects. The OMP has awarded nearly \$750 million in construction contracts thus far. In the next year, the OMP will advertise up to another \$540 million in construction bid packages. New Runway 9L/27R, the extension of Runway 10L/28R and the new North Air Traffic Control Tower will be commissioned in November 2008.

Land acquisition activities are almost complete. The OMP has already acquired 533 of the 611 parcels needed in the Village of Bensenville. Of those parcels, 473 parcels are vacant and the owners have relocated.