

For Immediate Release  
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### **Court lifts injunction prohibiting taking title to St. Johannes Cemetery**

In an order issued on December 14, 2007, the United States Seventh Circuit Court of Appeals has denied a motion by St. John's Church to keep the injunction in place prohibiting the O'Hare Modernization Program (OMP) from receiving legal title to St. Johannes Cemetery. The motion sought to keep the injunction in place while a petition for certiorari (review) was filed with the Supreme Court. As a result, the injunction imposed more than two years ago by the Seventh Circuit has been lifted.

"This ruling means that the OMP will continue moving forward with acquisition of St. Johannes Cemetery," said Rosemarie S. Andolino, OMP Executive Director. "We will respectfully request that the court quickly determine the value of the cemetery so that we can complete acquisition, begin the relocation process and maintain the schedule for commissioning future Runway 10C-28C."

The decision leaves St. John's Church free to seek review in the Supreme Court. However, the OMP will proceed with acquisition activities regardless of any pending petitions to the Supreme Court.

"We are certainly aware that this is a sensitive situation, which is why we have repeatedly assured the Church and its members that the relocation will be carried out with the utmost care and compassion," added Andolino. "We ask that anyone with next-of-kin buried at St. Johannes Cemetery contact the O'Hare Modernization Program at 773-462-8441 to let us know their wishes in this regard."

#### Chronology of Events

January 2006 - Oral arguments heard on St. Johannes Cemetery case by US Seventh Circuit Court of Appeals

March 2006 - OMP issues an offer of \$630,000 to acquire St. Johannes Cemetery

September 2007 - US Seventh Circuit ruled in favor of the OMP, clearing the way to acquire St. Johannes Cemetery when it determined:

- The amendment to the Illinois Religious Freedom Restoration Act (Illinois RFRA) does not violate the First Amendment because it does not discriminate against religious institutions
- The Illinois RFRA amendment did not deny equal protection by targeting a suspect class or fundamental right
- Acquiring St. Johannes is not a "land use regulation" covered by the Religious Land Use and Institutionalized Persons Act (RLUIPA)

October 2007 - OMP files complaint for condemnation of St. Johannes Cemetery after acquisition offer is rejected

December 5, 2007 - US Seventh Circuit Court denies petition by St. John's Church for rehearing or rehearing en banc of the September 2007 ruling

December 14, 2007 - US Seventh Circuit Court lifts injunction prohibiting the OMP from receiving title to St. Johannes Cemetery pending review to US Supreme Court

About the O'Hare Modernization Program

Construction activities for the OMP are underway on the North and South Airfields. To date, contractors have moved more than 10.1 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 or settled on 538 of the 611 parcels needed in the Village of Bensenville. Of those parcels, 489 are vacant and the owners have relocated.

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