

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

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. KWAME RAOUL, Attorney General)
of the State Illinois; and THE CITY OF)
CHICAGO, an Illinois municipal corporation,))

Plaintiffs,)

v.)

No. 25 CH 07765

MCC PROPERTIES LLC, a Delaware)
limited liability company, MC)
CONSTRUCTION GROUP LLC, an Illinois)
limited liability company, and FINTAN)
MCCARTHY, an individual,)

Defendants.)

ORDER

This cause coming before this Court on Plaintiff, People of the State of Illinois, *ex rel.* Kwame Raoul, Attorney General of the State of Illinois ("People")'s Petition to Enforce Court Orders and for Rule to Show Cause, the Court having reviewed the written submissions, and heard testimony the arguments of counsel, and being fully advised in the premises,

THE COURT HEREBY FINDS AND ORDERS:

1. On October 9, 2025, after months of litigation including emergency injunctive relief regarding asbestos-containing materials in/on/around the property at issue in this case, this court entered an order granting Defendants' Motion to Establish Time for a Comprehensive Asbestos Abatement Plan. In that Motion, Defendants represented that the Building presented certain challenges, including that it "encompasses 12.5 acres" and is "in a dilapidated, abandoned condition" such that they needed more time, but that they fully intended "to correctly and lawfully abate the asbestos discovered in the Building pursuant to a Comprehensive Asbestos Abatement Plan."¹ The court granted that request and ordered such plan be submitted by October 27, "no further extensions [to] be allowed."²

¹ Defendants' Motion to Establish Time for a Comprehensive Asbestos Abatement Plan, ¶25.

² October 9, 2025 Order.

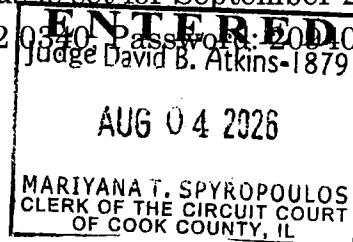
2. Despite that language, after Defendants failed to submit a materially complete plan (instead submitting only a "Phase I" plan outline addressing only certain material on the roof³ of the Building), the court did grant a *further* extension on November 18, granting until November 28 to submit a Comprehensive Asbestos Abatement Plan. This time Defendants failed to submit anything on that date, and one week later on December 5 submitted a revised plan which again addressed only certain materials on the roof of the building, representing the interior would be handled in unspecified phases at some unknown time in the future.
3. Based on this, and Defendants' later admission in response thereto that they simply lacked the funds to do anything more than they proposed, the court on March 27, 2026 granted Plaintiffs' Petition for Rule to Show Cause, setting a hearing on indirect civil contempt to begin July 28, 2026. The court heard testimony and argument on that date, and now rules.
4. Having heard such, the court finds Plaintiffs have easily carried their burden of showing Defendants violated this court's October and November Orders. Defendants' only argument to the contrary, that "Comprehensive Asbestos Abatement Plan" is ambiguous and they could not have known what they were required to produce,⁴ borders on the absurd. It was Defendants themselves who introduced the term in their own motion seeking time to submit it, which made clear it related to "asbestos discovered in the Building." If there was any doubt whatsoever that a proposal only addressing some material on the roof (and not even to remove *that* material from the property) would not satisfy this requirement, it would have ceased when the court *again* ordered production of a comprehensive plan on November 18, implicitly finding the October 27 submission insufficient. Despite this, Defendants then blew the additional November 28 deadline and later submitted a plan with none of the deficiencies resolved.
5. Further, Plaintiffs having satisfied their burden, Defendants offered nothing persuasive that their noncompliance should be excused. As noted they argued previously that they did not have the financial resources to conduct full abatement, but they offered no evidence to that end, let alone to the much more limited proposition of creating a *plan* for such abatement as required by the relevant orders. Indeed, Defendants' own witness Mr. Melleker (whose firm

³ In addition, even as to the roof material this proposal offered no concrete plan for its removal from the premises and disposal - only securing it and moving it inside the structure.

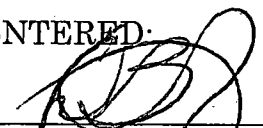
⁴ As Defendants themselves argue, when determining whether an order has been violated, it should be considered in the context in which it was entered and in light of the purpose for which it was requested. *Doe v. Lutz*, 253 Ill. App. 3d 59, 64 (1st Dist. 1993). It could not be clearer from the context preceding the October and November orders that their purpose was to create a plan to abate asbestos on the entire Property at issue.

prepared the roof submissions) testified that he was specifically instructed *only* to create a plan regarding the roof materials, and that he himself understood this would not constitute a Comprehensive Asbestos Abatement Plan⁵ and would likely “cause problems.” This only further supports a finding that Defendants did not even make a good-faith attempt to comply with the October and November Orders and deliberately retained a consultant to prepare a plan they knew (or should have known) would be deficient.

6. For these reasons, Plaintiffs’ Motion is further granted in that the court hereby finds Defendants in indirect civil contempt for violation of this court’s October 9 and November 18, 2025 Orders. Defendants may purge such contempt by submitting a Comprehensive Asbestos Abatement Plan which shall, at an absolute minimum, be a plan to identify, secure, and remove all asbestos-containing materials from the entire property commonly known as 6001-6169 W. Dickens Ave., Chicago Illinois.
7. A sanction of \$1,000 is hereby imposed jointly and severally against Defendants for each day they remain in contempt, beginning 14 days after entry of this order⁶ and payable in weekly increments to the Illinois Environmental Protection Agency.
8. A further sanction is entered in that Plaintiffs may submit at their convenience a petition for attorney fees and costs incurred in pursuing the instant Petition, Defendants to pay the same subject only to consideration of the reasonableness thereof.
9. The court reserves the right to impose any and all additional coercive remedies necessary to compel compliance with this Order. This Order is without prejudice to the merits of the case.
10. Further status is set for September 22, 2026 at 10:30 AM, remotely via Zoom (ID: 925 5932 0340, Password: 2004108).



ENTERED


Judge David B. Atkins

⁵ Defendants did show that, to some degree, “Comprehensive Asbestos Abatement Plan” is a term of art within the relevant industries, lacking a rigorous legal definition. However, it was easily clear that such a plan, at a minimum, must be “comprehensive” insofar as it refers to *all* offending materials on a given property, and how they will be “abated,” i.e. removed and safely disposed of. Defendants understood this, but their submissions failed to do either.

⁶ The court finds such a delay appropriate based on the un rebutted testimony that preparation of a new comprehensive plan, even if ordered immediately, will realistically take some time.