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# Abortion foes pleased with ruling on Aurora Planned Parenthood case



By BEACON-NEWS STAFF WITH WIRE REPORTS  
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Protesters march near a Planned Parenthood site in Aurora on Sept. 18, 2007.(Stacie Freudenberg, AP)

An Illinois appellate court says a lower court made a mistake when it dismissed a lawsuit challenging the opening of a Planned Parenthood facility in Aurora.

The 2nd District Appellate Court's ruling sends the case back to DuPage County Circuit Court for reconsideration of whether the Planned Parenthood clinic violates zoning law in Aurora.

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But the appeals court said questions of whether Planned Parenthood misled city officials are irrelevant.

It upheld dismissal of three counts in the lawsuit along those lines. Aurora officials said that, in effect, upholds favorable past rulings involving the actions of the city.

"All City of Aurora defendants are now absolved from the case, including the City of Aurora, the Aurora Zoning Board of Appeals, Ed Sieben, the Aurora Building Code Board of Appeals, Herman Beneke, the Planning Commission of the City of Aurora, the Planning and Development Committee of the City of Aurora and Mayor Thomas J. Weisner," the city said in a statement.

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The only defendants left are Planned Parenthood Illinois, Planned Parenthood Chicago, Gemini Office Development LLC, and 21st Century Office Development LLC.

The lawsuit was filed on behalf of local residents by the Thomas More Society, a not-for-profit law firm focused on anti-abortion and religious causes. The organization says the ruling is a victory.

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"Planned Parenthood built its abortion facility in Aurora under false pretenses and in blatant violation of the strictures of Aurora's zoning code, which require a taxpaying for-profit use on that site," said Peter Breen, an attorney with the Thomas More Society.

Planned Parenthood of Illinois CEO Carole Brite said in a statement Tuesday that the organization is pleased the court limited the case to a "very narrow and administrative issue concerning zoning interpretation."

More than 90 percent of services the agency provides are preventive health services such as cancer screenings, birth control services and testing for sexually transmitted diseases, Brite said. The Aurora clinic, which opened in October 2007, provides health care to more than 9,000 people annually.

*Associated Press and Steve Lord of The Beacon-News contributed.*

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