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Planned Parenthood Broke the Law to Build an Illinois Abortion Clinic and It Just Lost in Court

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TOM CIESIELKA JUN 23, 2015 | 5:50PM AURORA, IL



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The Illinois Appellate Court, Second Judicial District, has overturned a lower court's dismissal of a zoning and fraud lawsuit brought by the Thomas More Society on behalf of Fox Valley Families Against Planned Parenthood and several neighbors. The Society argued that the zoning of the mega-abortion facility (built eight years ago in Aurora, Illinois) was illegal, as it was (and remains) located in a business development district – an area which is exclusively reserved for profit-making businesses.

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The appellate court remanded the case for discovery and further proceedings in the circuit court focused on the nearby residents' primary contention – that the clinic's continued operation at this location would be illegal and in defiance of an explicit ban on non-profits.

“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 tax-paying for-profit use on that site,” said Peter Breen, Thomas More Society Special Counsel. “This facility was built on a foundation of deception, and the appellate court's ruling reaffirms that Planned Parenthood must obey Aurora's zoning laws, just like any other resident of Aurora. We look forward to returning to the circuit court and continuing to prosecute this lawsuit aggressively.”

The appellate court's decision overturned the dismissal of the Society's main claim that the property is zoned for tax-paying, business uses, thereby barring any non-profit use on the part of Planned Parenthood, which is an IRS-recognized 501(c)(3) public charity. Unless further proceedings are undertaken in the appellate court or a further appeal is taken up to the Illinois Supreme Court, the case will now return to the DuPage County Circuit Court for further litigation on whether this non-profit entity may continue to occupy land meant for business uses.

The appellate court upheld the circuit court's dismissal of several secondary claims by Fox Valley Families and neighbors against Planned Parenthood, ending the lawsuit on those claims.

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Planned Parenthood boasted that it had been paying property taxes on the property from 2006 throughout the pendency of proceedings in the circuit court, and its attorneys argued that such payment of property taxes proved that it was lawfully operating as a for-profit entity. However, within a few months after the suit was dismissed by the circuit court, Planned Parenthood applied for and was granted property tax exemptions and a rebate of taxes paid for the prior three years, arguing that its use of the property was strictly charitable and non-profit. In 2007, Planned Parenthood also won \$8.05 million in 501(c)(3) tax-free bond financing from the Illinois Finance Authority upon its promise that it would use the property for exclusively charitable purposes.

In 2006 and 2007, Planned Parenthood hid behind two layers of dummy "front" companies to secure permits to construct a 21,000-square-foot abortion facility in Aurora, Illinois. During the development process, Planned Parenthood withheld its true intended use and the resultant negative impact on its neighbors from the people and City of Aurora. After media revelations in July 2007 that the property was to house a massive Planned Parenthood abortion facility, intense public outcry resulted. But Aurora finally allowed the facility to open in October, 2007.

In late 2007 and early 2008, attorneys with the Thomas More Society brought administrative appeals and then a lawsuit alleging zoning ordinance violations against Planned Parenthood and the City of Aurora. The lawsuit was dismissed by the circuit court in August of 2013. In April 2015, the case was argued before the Illinois Appellate Court, Second District. The decision of the Appellate Court was filed June 19, 2015.

Read copy of Appellate Court's decision here. (<https://www.thomasmoresociety.org/wp-content/uploads/2015/06/150619-aur-zon-ord.pdf>)



(<https://lifeneWS-wpengine.netdna-ssl.com/wp-content/uploads/2015/06/plannedparenthood152.jpg>)

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