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Tort Immunity Act Cannot Stop Novack and Macey

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Novack and Macey LLP has obtained a significant, preliminary victory over the City of Chicago. In December 2007, the firm filed a complaint on behalf of two clients against the City, its former Building Commissioner and a wrecking company for demolishing, without Court authorization, the clients' multi-million dollar building that was undergoing construction. The firm's clients are seeking millions of dollars in damages in the case.

In response to the suit, the City of Chicago and its former Building Commissioner filed a motion to dismiss, arguing that Illinois' Tort Immunity Act provided both the City and the ex-commissioner with a complete defense to the claims in the complaint. Although the City's Assistant Corporation Counsel asserted that similar motions by the City had always succeeded, the City's counsel failed to recognize the import of the fact that the complaint brought by Novack and Macey included claims for a violation of the Illinois Constitution and for the ex-commissioner's acting outside the scope of his authority in demolishing the valuable property. The Circuit Court of Cook County relied upon both of those factors in ruling in the firm's favor with respect to key counts against the City of Chicago and the former Building Commissioner, thereby leaving intact the firm's clients' multi-million dollar damages claims.

The plaintiffs in the case are represented by Novack and Macey LLP partners Michael A. Weinberg and Richard L. Miller II. Both Michael and Richard have experience in litigating real estate disputes and claims against the City of Chicago. For more information, contact Michael Weinberg at (312) 419-6900.