

Judge says plaintiffs can try to close school

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A sick-building lawsuit against a Warrenville elementary school will proceed after a DuPage County judge ruled Tuesday that plaintiffs can still seek an injunction to shut the school down.

The decision handed down by Judge Hollis Webster was interpreted by both the plaintiff's attorney and Wheaton Warrenville District 200 as "good news."

"Our attorneys have advised us that it is their belief that the judge's comments indicated the plaintiffs will have a very difficult time proving their case," said district spokeswoman Denie Young.

Attorney for the plaintiffs Tom Zimmerman disagreed. He said by allowing the case to proceed, Webster decided that the evidence showed "a substantial likelihood" of success. "She essentially agreed with what we've been saying all along," Zimmerman said.

The suit is seeking \$33 million on behalf of students who attended Johnson School in 1998, some of whom complained of asthma, earaches, tiredness and skin ailments.

Zimmerman contends those illnesses were caused by high mold counts in the school. Since the lawsuit began, district officials have spent \$600,000 replacing carpeting, fixing leaky pipes, replacing moldy ceiling tiles and improving drainage.

"Despite having spent \$600,000, (the district) still denies that they have any problem with the school, and they still deny any illness was caused by the school," Zimmerman said. "They call it 'routine maintenance.'"

Zimmerman said that besides monetary damages, he's seeking another remedy.

Johnson School, he said "should be closed." Young, however, said district officials feel "positive" about the case and that in the end they will prevail. The next hearing on the matter is set for late April.