

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

NATURAL LAND INSTITUTE,

Plaintiff,

v.

THE GREATER ROCKFORD AIRPORT AUTHORITY,
et. al.

Defendants.

)
)
) Case No. 3:21-cv-50410
)
) Judge Iain D. Johnston
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) Magistrate Margaret J. Schneider
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**DEFENDANT GREATER ROCKFORD AIRPORT AUTHORITY’S RULE 12(b)(1)
MOTION TO DISMISS FOR LACK OF STANDING**

NOW COME Defendants, THE GREATER ROCKFORD AIRPORT AUTHORITY, THE GREATER ROCKFORD AIRPORT AUTHORITY BOARD OF COMMISSIONERS,¹ and MICHAEL P. DUNN, EXECUTIVE DIRECTOR OF THE GREATER ROCKFORD AIRPORT AUTHORITY, by and through their undersigned attorneys, and for their Motion to Dismiss Plaintiff’s Complaint for lack of standing, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, state as follows:

1. On October 26, 2021, Plaintiff, Natural Land Institute (“NLI”), filed its Complaint for Declaratory and Injunctive Relief (the “Complaint”) against Defendants, the Greater Rockford Airport Authority (“GRAA”), the Greater Rockford Airport Authority Board of Commissioners, and Michael P. Dunn, Executive Director of the Greater Rockford Airport Authority (collectively, the “GRAA Defendants”), along with several other defendants including the United States

¹ The Greater Rockford Airport Authority Board of Commissioners is not a legal entity and should not be a party in this action.

Department of Transportation, Federal Aviation Administration, United States Fish and Wildlife Service, and certain officials of such agencies.

2. NLI's Complaint seeks declaratory and injunctive relief to restrain and prevent scheduled roadwork and an expansion of a Midfield Cargo Development on the grounds of the Chicago Rockford International Airport owned and operated by the Greater Rockford Airport Authority ("GRAA"), alleging that the development would violate environmental regulations and adversely impact their alleged use and enjoyment of the Bell Bowl Prairie (the "Prairie") situated next to the runways of the Chicago Rockford International Airport ("RFD") located in the City of Rockford, Winnebago County, Illinois.

3. NLI's Complaint and the evidence cited by the GRAA Defendants shows that NLI and its members do not have standing to bring their claims against the GRAA Defendants. NLI, and its members that NLI claims will be injured by the development, simply have no cognizable injury under the law and, even if they did, the alleged injury could not be redressed in this action. The land at issue is owned exclusively by GRAA and is not a public park or otherwise accessible to the public. Under the circumstances, NLI and its members have no right to be on the property and thus can claim no injury resulting from the development of the land or any impact to the Prairie. Accordingly, NLI has not, and cannot, establish that either NLI or its members have standing to bring their claims against the GRAA Defendants in this case, and thus their Complaint should be dismissed for lack of subject matter jurisdiction for want of standing.

4. The GRAA Defendants' arguments, citations to legal authorities, and supporting evidence are set forth in their *Memorandum in Support of Rule 12(b)(1) Motion to Dismiss for Lack of Standing*, which is filed herewith and incorporated herein by reference.

WHEREFORE, Defendants, THE GREATER ROCKFORD AIRPORT AUTHORITY, THE GREATER ROCKFORD AIRPORT AUTHORITY BOARD OF COMMISSIONERS, and MICHAEL P. DUNN, EXECUTIVE DIRECTOR OF THE GREATER ROCKFORD AIRPORT AUTHORITY, respectfully request that the Court grant their Rule 12(b)(1) Motion to Dismiss for Lack of Standing, and for such other relief as the Court deems just.

Dated: December 17, 2021

Respectfully submitted,

/s/ Thomas J. Lester

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