

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
MACON COUNTY, ILLINOIS

ST. TERESA HIGH SCHOOL,	)	
an IL NFP Corporation,	)	
	)	
Plaintiff	)	
vs.	)	2025 CH 2
	)	
HERITAGE BEHAVIORAL HEALTH	)	
CENTER, INC.	)	
Defendant	)	

**HBHC'S ANSWER TO PLAINTIFF'S FIRST AMENDED
COMPLAINT, IN EQUITY, FOR PERMANENT INJUNCTION**

NOW COMES Defendant HERITAGE BEHAVIORAL HEALTH CENTER, INC.

("HBHC"), by and through its attorneys, Sorling Northrup, Lisa A. Petrilli, of counsel, and for its Answer to Plaintiff's First Amended Complaint, in Equity, For Permanent Injunction, states as follows:

1. STT is an IL not for profit corporation operating a co-educational secondary private Catholic Christian high school currently at 2700 N. Water Street, Decatur, IL with full recognition by the Illinois State Board of Education [ISBE], accreditation from the North Central Association of Colleges and Secondary Schools and is a member of the Illinois High School Association [IHSA], subject to the administrative regulations, constitution and by-laws of each.

ANSWER: HBHC admits that STT is an IL not for profit corporation operating a co-educational secondary private high school at 2700 N. Water Street, Decatur, IL. HBHC lacks sufficient knowledge to admit or deny the remaining allegations contained in paragraph 1.

2. STT is successor to the Academy of St. Teresa, who opened the high school in 1866 and the Order of the Ursuline Sisters, who operated the high school from 1868 to 1996.

ANSWER: HBHC denies that STT is the legal successor to the Academy of St. Teresa. HBHC admits that a high school has been operated at 2700 N. Water Street in Decatur, Illinois, but denies that STT operated the high school prior to 1996. HBHC lacks sufficient knowledge to admit or deny whether the remaining allegations contained in paragraph 2.

3. In 1913, the high school was moved from the 400 block of East Eldorado, Decatur, IL, to the present location at 2700 N. Water Street, Decatur, IL, where the physical plant has expanded over the twenty-one-acre campus during the school's approximate 112 years of continuous operation at the present location.

ANSWER: HBHC admits that STT's present location is at 2700 N. Water Street, Decatur, IL. HBHC lacks sufficient knowledge to admit or deny the remaining allegations contained in paragraph 3.

4. STT's mission is to provide, from a Christian world view, quality academic, athletic and extracurricular programs to its students and families to prepare its students for success in post-secondary educational, professional and life-long endeavors.

ANSWER: HBHC lacks sufficient knowledge to admit or deny the allegations contained in paragraph 4.

5. STT is open to all students regardless of religious affiliation.

ANSWER: HBHC lacks sufficient knowledge to admit or deny the allegations contained in paragraph 4.

6. STT has, and does, achieved its mission with a long-track record for excellence, impacting the Decatur, Macon County area for its more than century and one-half of continuous

operation, claiming amongst its alumni(ae) innumerable political, business, community and faith leaders positively impacting the broader community.

ANSWER: HBHC admits that STT is located in the Decatur, Macon County area. HBHC lacks sufficient knowledge to admit or deny the remaining allegations in paragraph 6.

7. The presence and viability of STT is vital to preserving the network of feeder elementary Christian private schools in the Decatur/Macon County area which, collectively, enrich the educational and religious opportunities for families in the area.

ANSWER: HBHC admits that STT is located in the Decatur/Macon County area. HBHC lacks sufficient knowledge to admit or deny the remaining allegations in paragraph 7.

8. STT stands as an Institution interstitial to the fabric of the Decatur-Macon County community with few, if any, peers able to claim a century and one-half of contribution to the community.

ANSWER: HBHC admits that STT is located in the Decatur/Macon County area. HBHC lacks sufficient knowledge to admit or deny the remaining allegations in paragraph 8.

9. STT operates its Christian private high school lawfully as both a school and religious facility in conformance with applicable local land use regulation.

ANSWER: HBHC admits that STT is a private high school, but denies that it is a religious facility. HBHC lacks sufficient knowledge to admit or deny the remaining allegations contained in paragraph 9.

10. STT enables its students and patron families to exercise the First Amendment rights of association and religious freedom and the fundamental liberty of the parent to control the upbringing and education of his/her child[ren].

ANSWER: HBHC lacks sufficient knowledge to admit or deny the allegations contained in paragraph 10.

11. Unlike a publicly funded school, STT survives economically, without taxpayer support, by voluntary contributions, donations and tuition for students received from families with no legal compulsion to send their child[ren] to STT, competing with publicly funded schools and tuition based private schools for student enrollment.

ANSWER: HBHC lacks sufficient knowledge to admit or deny the allegations contained in paragraph 11.

12. Publicly funded educational options for most students residing within the City of Decatur fail to meet established standards for academic performance and achievement and present threats to student safety that incite concern from parents and reduce achievement.

ANSWER: HBHC lacks sufficient knowledge to admit or deny the allegations contained in paragraph 12.

13. Historically, STT has performed its mission with academic achievement and student safety protected.

ANSWER: HBHC lacks sufficient knowledge to admit or deny the allegations contained in paragraph 13.

14. As a high school, year-round, often from 6:30 AM to 10:00 PM, STT stands in *loco parentis* with the duty to protect and supervise the safety of students ranging from fourteen to eighteen years of age at school and at the athletic and extracurricular events STT hosts, attended by families with children of all ages from many schools, public and private. See 105 ILCS 5/24-24.

ANSWER: HBHC admits that STT is a high school with students ranging from ages 14 to 18 years of age. HBHC admits that STT hosts athletic and extracurricular events. HBHC lacks sufficient knowledge to admit or deny whether STT's events are attended by families with children of all ages from many schools. The remaining allegations in paragraph 14 are legal conclusions to which no response is required. To the extent that the remaining allegations contain allegations of fact, HBHC denies them.

15. Unlike most persons and entities, STT has one of the special relationships with its students recognized under Illinois law that imposes a duty to protect the safety of STT students, families and visitors for academic and extracurricular events from reasonably foreseeable third person conduct, criminal or otherwise, physically on or observable, visually and/or audibly, to and in the locality where STT students and visitors foreseeably may be found.

ANSWER: Paragraph 15 is a legal conclusion and no response is required. To the extent that paragraph 15 requires a response, HBHC denies the allegations contained within that paragraph.

16. During its approximate 112 years operation from its current location, STT has undertaken an obligation to its students and patrons to provide a safe environment, free from unreasonable exposure to criminal activity and open environment for students and visiting families as part of the consideration exchanged for tuition and the consideration is fundamental to existing and reasonably certain prospective educational contracts with current and future students, current and prospective schools and competitors in interscholastic and athletic competition.

ANSWER: HBHC admits that STT has operated a private high school at its current location since 1996. HBHC denies the remaining allegations contained in paragraph 16.

17. The STT undertaking and duty to provide a safe environment for students and family is not peculiar to STT and is a common undertaking by area and competing schools attracting or serving students residing within the City of Decatur/Macon County, to include: Unity Christian: "Student safety is prioritized in all that we do."¹; Decatur Public Schools: "... takes the safety and security of our students and staff very seriously." "Embracing a Culture of Safety & Security."²; Argenta-Oreana: "Every student should have access to a safe and caring environment that maximizes learning."³; Mt Zion: "Offers a safe learning environment."⁴; Maroa-Forsyth: "... provides a safe and respectful public-school experience."⁵ In all respects, a safe environment is inextricably linked to academic performance and achievement by students.

ANSWER: HBHC admits that STT serves students in the City of Decatur/Macon County area and that there are other schools within the area. HBHC lacks sufficient

¹ <https://www.unitydecatur.org/> "Safe, Family Atmosphere"

² <https://www.dps61.org/Page/113>

³ <https://www.argenta-oreana.org/>

⁴ <https://www.mtzschools.org/> "Strategic Plan"

⁵ <https://www.mfschools.net/>

knowledge to admit or deny the allegations in paragraph 17 to the extent STT alleges the names, mission statements or policies of competing schools related to safety. The remaining allegations in paragraph 17 are legal conclusions and no response is required. To the extent the remaining require a response HBHC denies the remaining allegations contained in paragraph 17.

18. HBHC, a non-government organization [NGO], is an IL not-for-profit corporation serving Macon, Piatt and DeWitt Counties that provides comprehensive community-based services spanning 53 programs [Programs] treating clients suffering the most serious behavioral disorders, links clients closely with providers of inpatient care, and provides a variety of innovative outreach, *crisis intervention* and prevention services, including, but not limited to, substance use, gambling, and sex offender clients on a walk-in, *in crisis* or planned counseling and intervention basis. [Services].

ANSWER: HBHC admits that it is a non-government organization [NGO] and a not-for-profit corporation serving Macon, Platt and DeWitt Counties that provide community-based services. HBHC admits that it treats clients suffering from behavioral disorders, links clients with care providers, and provides outreach, crisis intervention, and prevention services to its clients. HBHC admits that it provides gambling treatment services to clients, but denies that it provides services for sex offender treatment. HBHC admits that it operates 51 programs, but denies that any of those programs are services offered to “sex offender clients”. HBHC denies the remaining allegations in paragraph 18.

19. Services also include Substance Abuse Treatment, including heroin, methamphetamine and other controlled substances and alcohol [SAT], Forensic Services for alleged offenders found Not Guilty by Reason of Insanity transitioning from state hospitals to the

community [NGRI], outpatient services for accused defendants deemed Unfit to Stand Trial to restore fitness for trial [UST], Juvenile Redeploy for high school aged students for high-risk convicted youth in the criminal justice system diagnosed with a DSM-V mental illness [JR], long-term treatment to prevent relapse related to psychotic illnesses [PSYCHO], mental health screening, Oasis Day Center [ODC], harm reduction supplies [HRS], residential stays for substance use disorders and short-term crisis [RES], Serious Mental Illness [SMI] and homelessness service [HOME]. Services often are provided in coordination with criminal justice system, as a condition of sentences, deferred prosecution or adjudications and a material number of recipients of Services [Clients] have criminal records, including sex offenses, public indecency offenses, controlled substance offenses, including intent to distribute controlled substances, assault, battery, domestic abuse or other offenses against the person, driving under the influence, and Clients propense to engage behaviors similar to criminal offenses as a recognized feature of a diagnosed mental or emotional illness.

ANSWER: HBHC admits that it provides services to its clients, but denies that it provides services for Juvenile Redeploy for high school aged students for high-risk convicted youth in the criminal justice system diagnosed with a DSM-V mental illness [JR]. HBHC admits that it operates Oasis Day Center [OCD] but denies that OCD services will be provided at the Northgate location. HBHC denies the remaining allegations contained in paragraph 19.

20. HBHC reported data⁶ for calendar year 2022 regarding the estimated prevalence of behavioral health conditions for prospective Clients for whom Services and Programs are targeted as follows:

⁶ Reproduced from HBHC Grant application.

Table 1: 12-Month Estimated Prevalence of Behavioral Health Conditions

(SAMHSA, 2022)

Number of People With Behavioral Health Conditions in the Past 12 Months			
Mental Health Conditions	Children/Youth	Adults	Total
Serious Mental Illness (age 18 and older)	Not Applicable	5,300	5,300
Serious Emotional Disturbance (ages 6 to 17)	2,010	Not Applicable	2,010
Major Depressive Episodes (ages 12+)	2,020	8,120	10,140
Bipolar Disorder (ages 12+) (Kessler, 2012)	190	1,350	1,540
First Episode Psychosis (ages 16-35)	0	10	10
(Kirkbride, 2017)			
Attempted Suicide (ages 12+)	380	640	1,020
Substance Use Disorders (ages 12+)	990	18,600	19,590
Alcohol Use Disorder (ages 12+)	350	11,330	11,680
Drug Use Disorder (ages 12+)	740	9,430	10,170
Pain Reliever Use Disorder (ages 12+)	90	1,970	2,060
Opioid Use Disorder (ages 12+)	100	2,060	2,160
Co-Occurring SMI/SED and SUD (ages 12+)	390	840	1,230
Needing Substance Use Treatment (ages 12+)	1,130	21,470	22,600
Needing but Not Receiving Substance Use Treatment (ages 12+)	630	18,030	18,660

ANSWER: Admit.

21. Clients in need of SAT present a history of substance (drug) abuse for which generally accepted studies recognize a drug-violence nexus by way of psychopharmacological effects and economically compulsive effects, that is, drugs lead to aggressive behavior, create conflicts associated with financially motivated crimes (homicide, aggravated assault, robbery, motor vehicle theft to secure funds to buy drugs) and/or violence associated with control of the drug trade, generally.

ANSWER: HBHC admits that medicated assisted recovery is an evidence based practice and widely utilized. STT fails to site to the “studies” or the research. Therefore, HBHC lacks sufficient knowledge to admit or deny the allegations in paragraph 21 and denies same.

22. The connection between drug abuse and crime is well known. Individuals who use illicit drugs are more likely to commit crimes, and it is common for many offenses, including violent crimes, to be committed by individuals who had used drugs or alcohol prior to committing the crime, or who were using at the time of the offense.⁷

ANSWER: Defendant lacks knowledge or information sufficient to admit or deny the truth of the allegations contained in Paragraph 22 regarding any asserted connection between drug abuse and crime and therefore denies the same.

23. HBHC, including its predecessors, commenced providing Services, to one extent, in Decatur, IL in 1956 and currently provides Services in connection with HBHC Programs from 11 locations including an estimated 4,000 Clients from its location at 151 N. Main St., Decatur, IL.

ANSWER: HBHC admits that it began provided services in Decatur, IL in 1956 but denies the remaining allegations of paragraph 23.

24. In or about November 2023, publicly available information disclosed that HBHC was under consideration to receive a gift of real estate and improvements located at 2800 N. Water St., Decatur, IL for renovation and re-location of its situs for Services. In May 2024, the Board of Directors for HBHC accepted the gift of real estate and improvements at 2800 N. Water St., Decatur, IL. [Northgate Mall].

ANSWER: HBHC admits that the Board of Directors for HBHC accepted the gift of real estate and improvements at 2800 N. Water St., Decatur, IL commonly called Northgate

⁷ National Institute of Health, NIHA Publication No. 06-5316 *Principles of Drug Abuse Treatment for Criminal Justice Populations*, (July 2006)

Mall. HBHC lacks sufficient knowledge to admit or deny the allegations concerning when or how STT learned that HBHC was under consideration to receive a gift of real estate and improvements located at 2800 N. Water Street, Decatur, IL.

25. Between November 2023 and May 2024, STT communicated its objections to HBHC renovating and re-locating its Services to Northgate Mall. HBHC accepted the gift of Northgate Mall and has taken other actions as set forth below with full awareness of STT objection such that HBHC cannot assert any lack of diligence by STT in any balancing of rights which the relief requested may invite.

ANSWER: HBHC admits that STT communicated its objections to HBHC about HBHC renovating and re-locating its Services to Northgate Mall and that HBHC accepted the gift of Northgate Mall. HBHC denies the remaining allegations contained in paragraph 25.

26. In November 2024, HBHC hosted an open house event for the community where HBHC communicated that HBHC plans to relocate all 53 Programs together at Northgate Mall.

ANSWER: HBHC denies that it had only 53 Programs in November. HBHC admits that in November 2024, it operated 57 Programs and admits that at present, HBHC operates 51 Programs. HBHC denies the remaining allegations in paragraph 26.

27. In or about November/December 2024 HBHC was awarded a Healthcare Transformation Capital Investment Grant by the Illinois Department of Healthcare and Family Services and the Illinois Capital Development Board in the sum of \$43,841,650. [Grant]. HBHC publicly released its intent to relocate to Northgate Mall to provide Services and conduct Programs.

ANSWER: Admit.

28. HBHC publicly stated that HBHC intends to expand the scale of its Services and Programs to more than 10,000 Clients from the Northgate Mall to support a ... “rapid increase in [HBHC] client base” and, based on the statistical potential Client base with need (Para.20, *supra*), to more than 100,000 needs amongst Clients, in the aggregate, in a twelve-month period which will yield substantial increase in the negative externalities caused by HBHC operations to the adjoining area landowners and businesses to Northgate Mall, including STT.

ANSWER: HBHC admits that it publicly stated that it intends to expand the scale of its Services and Programs to more than 10,000 Clients from Northgate Mall to support a...”rapid increase in client base”. HBHC denies the remaining allegations contained in paragraph 28.

29. HBHC reported in its Grant application that HBHC intended to provide Services from one central location and not multiple locations, including an expansion of services related to a Behavioral Health Urgent Care Hub to provide in-patient intensive behavioral care services, including “vital residential treatment beds” to address the cessation of such services by St. Mary’s Hospital. On information and belief, “residential treatment beds” are not authorized under current zoning for Northgate Mall.

ANSWER: HBHC admits that it stated in its Grant application that it may intend to provide Services from one central location including expanding its services related to Behavioral Health Urgent Care Hub. HBHC denies the remaining allegations contained in paragraph 29.

30. In December 2024, HBHC commenced advertising on a billboard in proximity to Northgate Mall and STT that Northgate Mall was the future location for HBHC and on June 15,

2025, HBHC represented to the public that HBHC intends to turn Northgate Mall "... into a one-stop-shop" for addressing the mental health, substance use and primary care needs in the community. (See Exhibit F).

ANSWER: Admit.

31. The declared intent of HBHC to relocate Services and Programs to Northgate Mall stated by HBHC in public statements and in the HBHC Grant application is not speculative. The threat that HBHC Services and Programs will occur at one location at Northgate Mall is concrete and sufficient to support relief.

ANSWER: HBHC admits that it intends to relocate certain Services and Programs to Northgate Mall. HBHC denies the remaining allegations contained in paragraph 31.

32. Northgate Mall is located approximately 85 feet⁸ and not more than 500 feet⁹ from the STT boundary at 2700 N. Water St. and the Northgate Mall, in whole or part, is within 1,200 feet radius¹⁰ of STT and further including all property, grounds, street, sidewalk or public way immediately adjacent thereto and any public right of way situated adjacent to the school comprising a "Safe School Zone" under 720 ILCS 5/21-5.5. [collectively: Immediate Locality]. Public transportation stops exist in the public right of way immediately adjacent to STT and

⁸ Adjoining property separated only by public roadway.

⁹ Statutorily created zone for protection for students by 720 ILCS 5/11-9.3(b)- (Sex Offenders 500 feet from school boundary, 100 feet from student pick-up); 720 ILCS 5/11-30 (Public Indecency-aggravated criminal penalty for offenses within 500 feet from school); 720 ILCS 5/24-1(c)(1), 24-2.2(C) (deadly weapons, 1000 feet zone from schools); 720 ILCS 5/21-11 (1,000 feet protection zone for solicitation of children to an event to commit illegal acts); 720 ILCS 5/70-407(b) (aggravated penalties for drug offenses within 500 feet of school or any transportation conveying a student to school or extracurricular event) and protection during transportation. *Doe v. Sanchez* 2016 IL App (2d) 150554 *P39.

¹⁰ Statutorily created zone of interest for private right of action to enjoin non-compliant use of property, including Nuisance. 65 ILCS 5/11-13-15.

Northgate Mall that serves both STT and Northgate Mall. HBHC advocated in the Grant application that the Programs from one location with public transportation available to Clients would assist the expansion of Services. STT has standing to seek remedy for all actual and prospective invasions, interferences, threats and injury fairly traceable to HBHC Clients invited to Programs and Services within the Immediate Locality.

ANSWER: HBHC admits that Northgate Mall is located approximately 85 feet and not more than 500 feet from the STT boundary. HBHC admits that public transportation stops exist in the public right of way, immediately adjacent to STT and Northgate Mall. HBHC admits that it advocated in the Grant application that Programs at a location with public transportation available to Clients would assist the expansion of Services. HBHC denies the remaining allegations in paragraph 32, including any allegation that STT has standing to seek a remedy for all actual and prospective invasions, interferences, threats and injury fairly traceable to HBHC Clients invited to Programs and Services within the Immediate Locality or that HBHC's relocation to Northgate Mall compromises any alleged "school safe zone."

33. Clients HBHC intends to draw, invite or accord lawful entry to the locality of Northgate Mall to receive Services, in large numbers, include the ambulatory or pedestrian on public and private pathways, those with private vehicular transportation, those using public transportation capable of traversing across property lines, those loitering on or in the Immediate Locality, conducting behaviors at Northgate Mall or in the Immediate Locality visually and audibly observable by lawful entrants on adjoining or other properties in the Immediate Locality to Northgate Mall, including STT, those physically trespassing upon STT or attractively soliciting or drawing persons, including vulnerable students, from STT, to Northgate Mall or to engage Clients

in the Immediate Locality, all of whom being reasonably foreseeable to HBHC as traceable to HBHC Services and Programs.

ANSWER: HBHC admits that it intends to draw, invite, or accord lawful entry to its clients in the locality of Northgate Mall to receive services. HBHC denies any allegations that unlawful behavior will result or will increase as a result of HBHC's use of the Northgate Mall property. HBHC denies that it is responsible for the unlawful behavior of its clients receiving services including loitering, trespassing, or soliciting or drawing any persons. HBHC lacks knowledge sufficient to admit or deny the remaining allegations, including any allegation as to the intentions of any future clients it may serve at the Northgate Mall property and therefore denies same.

34. Historically, HBHC from its current downtown Decatur location and surrounding geographic region with dimensions presenting a scale similar to the Immediate Locality described above [Downtown] has experienced invasions to the interests of third parties, increased criminal activity and increased call for law enforcement and other emergency services to respond to issues related to Clients in Downtown, to include, but not limited to, the following:

ANSWER: HBHC admits that there have been instances where law enforcement or other emergency services are called to respond to disturbances in the vicinity of Downtown. HBHC denies the remaining allegations contained in paragraph 34.

(a). Clients receiving Services loitering Downtown;

ANSWER: HBHC lacks knowledge sufficient to admit or deny whether its clients receiving services are loitering Downtown.

(b). Deposits of fecal matter occur on sidewalks bounding the HBHC facility;

ANSWER: HBHC lacks knowledge sufficient to admit or deny whether its clients are depositing fecal matter on the sidewalks bounding the HBHC facility.

(c). Sex Offenders and Substance Abusers are included amongst the Clients traversing and loitering Downtown;

ANSWER: HBHC lacks the knowledge to admit or deny the allegations in paragraph 34(c).

(d). 105 calls for Decatur Police intervention on offenses ranging from disorderly conduct, assault, battery, public indecency, substance abuse, theft, criminal trespass, and sexual offenses over five years to Clients at HBHC location;

ANSWER: HBHC admits that there have been calls to Decatur Police for intervention near Downtown; however, HBHC lacks knowledge sufficient to admit or deny the number of calls, nature of the offenses, and whether its clients are the offenders in the alleged 105 calls.

(e). Recurrent calls for Decatur Police intervention on offenses ranging from disorderly conduct, assault, battery, public indecency, substance abuse, theft, criminal trespass, and sexual offenses throughout Downtown attributable to Clients;

ANSWER: HBHC lacks knowledge sufficient to admit or deny whether the calls are recurrent, the nature of the offenses alleged by the caller, and whether its clients are the offenders in the alleged calls.

(f). Interference by Clients with peaceful movement of patrons of Downtown businesses;

ANSWER: HBHC lacks knowledge sufficient to admit or deny the allegations in this paragraph 34(f).

(g). Interference with public operations when Clients arise from Salvation Army facility, travel to Macon County Building to wash and eliminate in first floor facilities, thence to HBHC for drug management, thence to ODC and circulate back invading the quiet lawful enjoyment and use of Downtown property owners and business along the path of travel;

ANSWER: HBHC lacks knowledge sufficient to admit or deny whether interference with public operations occurs in the instances described in this paragraph 34(g).

(h). Reductions in real property values in the competitive market;

ANSWER: HBHC lacks knowledge sufficient to admit or deny the allegations in this paragraph 34(h).

(i). Increased generalized anxiety and fear for safety of person and property Downtown.

ANSWER: HBHC lacks knowledge sufficient to admit or deny the allegations in this paragraph 34(i).

35. Historically, ODC Services have hosted violent criminal activity gaining broad public disclosure showing actual diminished safety or generalized and reasonable public perception of a threat to public safety to include, but not limited to:

(a). September 14, 2022, attempted murder arrest of Mannolito Conner, Sr. after stabbing at ODC of a woman he was charged with battering (domestic battery) a few days earlier (See Exhibit A attached);

(b). June 10, 2022, aggravated battery with a deadly weapon of a female, knife to ribs with statement "I kill people" and violation of Order of Protection with ODC identified as protected location (See Exhibit B attached);

(c). August 22, 2023, ODC Client Phillip R. Woods sentenced for armed robbery, *including substance abuse treatment*, with a substantial criminal history to include charges for kidnapping, sexual assault, drug charges, weapons charges, burglary charges, criminal damage charges, public peace charges. (See Exhibit C, attached). Woods presents a profile or representation of a subset of likely HBHC Client;

(d). July 19, 2021, stabbing death of ODC Client, Anthony Jones, perpetrated by ODC Client, Paul Outland (See Exhibit D attached). Outland presents a profile or representation of a subset of likely HBHC Client.

ANSWER: HBHC denies that ODC services are offered at the Downtown location and denies that ODC services will be offered at the Northgate Mall property. HBHC lacks knowledge sufficient to admit or deny the details of those incidents including the identity of the perpetrators or victims and the crimes that were allegedly committed and therefore denies same. HBHC denies the remaining allegations in paragraph 35.

36. Recidivism rates for convicted sex offenders support a substantial threat for repeat offending in the Immediate Locality where vulnerable school children are potential victims if Services and Programs locate at Northgate Mall.

ANSWER: HBHC denies that it operates a sex offender treatment program, but lacks knowledge sufficient to admit or deny the remaining allegations contained in paragraph 36.

37. Recidivism rates for substance abusers present a substantial threat for criminal activity associated with drugs as described at Paras 21-22 *supra* in the Immediate Locality where vulnerable school children likely will engage or be victimized.

ANSWER: HBHC lacks knowledge sufficient to admit or deny the allegations contained in paragraph 37 including any allegation as to the threat its clients or future clients may pose to STT students.

38. Mental illness and behavioral disorders identified by a DSM-V Diagnostic Code identified in Exhibit E, attached, generally are recognized to present a non-speculative risk that the illness or disorder will manifest subjecting the Client and/or vulnerable students to harm, physically or emotionally, and a material number of Clients HBHC intends to “treat” at Northgate Mall will carry a recognized diagnosis identified on Exhibit E specific to a sexual, physical, substance or alcohol abuse, profane, or lewd act, behavior or exhibition directed to or observed by a lawful entrant at STT or a vulnerable student in the Immediate Locality.

ANSWER: HBHC admits that a certain number of its current and future clients carry or will carry a recognized diagnosis identified by a DSM-5 Diagnostic Code. HBHC lacks information sufficient to admit or deny the nature of the specific diagnosis its future clients will have or whether any of those clients will or are likely to act on any of the alleged predispositions STT believes they have or whether any of its clients will or are likely to endanger STT’s students. HBHC denies any remaining allegations in paragraph 38.

39. Clients receiving Services identified in paragraphs 18-20 *supra* present a substantial threat for uncontrolled behavior/conduct in the Immediate Locality where vulnerable school children will be located and victimized.

ANSWER: HBHC admits that paragraphs 18-20 identify clients that HBHC serves generally by some of their diagnosis codes. HBHC denies the remaining allegations in paragraph 39.

40. The fundamental rationale for HBHC existence to provide Services and Programs IS treating the actual and historically established conduct or behavior by the Client where Client has proven he/she cannot control without treatment and the Client is in the Immediate Locality BEFORE treatment completed and all stages prior thereto when Clients present a substantial threat to vulnerable students in the Immediate Locality.

ANSWER: HBHC admits that it exists to, in part, provide services to clients from the community who have certain diagnosis or struggles and that some treatment of those clients requires them to visit HBHC's facilities. HBHC lacks knowledge sufficient to admit or deny whether its current or future clients will pose any threat to STT students. HBHC denies the remaining allegations in paragraph 40.

41. The threat or prospective likelihood that criminal, substance dependent, mentally ill, and/or behaviorally disordered Clients receiving Services or participating in Programs identified in Paragraphs 18-20 *supra*., unable to control impulses, especially when in crisis, are likely to commit acts or behaviors threatening the safety of vulnerable STT students and visitors at STT and in the Immediate Locality, including public transportation and public right of ways, is non-speculative. The reasonable foreseeability of the likelihood that the threat will manifest at

Northgate Mall, STT and Immediate Locality is magnitudes greater compared to Downtown historical manifestations based on HBHC intended offering of Services and Programs to many multiples of Clients in one location.

ANSWER: HBHC denies the allegations in paragraph 41 including any allegation that the alleged threat is not speculative. HBHC lacks knowledge sufficient to admit or deny whether its current or future clients will or are likely to pose a threat to STT or the immediate “locality”.

42. It is the public policy of the State of Illinois to protect the welfare and safety of schoolchildren.

ANSWER: Paragraph 42 contains a legal conclusion and requires no response. To the extent that paragraph 42 requires a response, HBHC denies the same.

43. Recognition of safety or protected zones corresponding to segments of society considered vulnerable and less able to protect itself from the incursions of criminal activity, including but not limited to substance abuse or sex offenses, is the public policy in Illinois. Schools and places of worship are amongst those most vulnerable and in need of protection, See Paragraph 32, fn.9, *supra*.

ANSWER: Paragraph 43 contains a legal conclusion and requires no response. To the extent that paragraph 43 requires a response, HBHC denies the same.

44. STT has an ascertainable interest in the use and quiet enjoyment of its property as a high school as it lawfully has at its current location for 112 years. STT has a protectible interest in preventing invasions to its quiet enjoyment by adjoining or near-by properties in the Immediate Locality.

ANSWER: HBHC denies the allegations in paragraph 44.

45. If STT continues to operate its high school, then the special relationship imposes a duty to protect STT students, visitors and vulnerable people from foreseeable threats.

ANSWER: Paragraph 45 states a legal conclusion and requires no response. To the extent that paragraph 45 requires a response, HBHC denies the same.

46. If STT intends to continue to operate its high school, then STT must satisfy the burdens of its undertaking to protect the safety of its students, visitors and vulnerable persons from foreseeable threats and to meet the expectations of the educational market to retain students advancing from Catholic elementary schools or to attract students from competing public and private schools committed to safety.

ANSWER: HBHC lacks information sufficient to admit or deny what it takes or will take for STT to continue to operate its high school. HBHC denies the remaining allegations in paragraph 46 including any allegations pertaining to HBHC's alleged threat to STT or its students.

47. If STT intends to continue to operate its high school, then STT must assure the security of its students, visitors and vulnerable persons from foreseeable threats to meet requirements of the public policy to protect students and to meet the expectations of the IHSA and preserve recognition status by the Illinois State Board of Education.

ANSWER: HBHC lacks information sufficient to admit or deny what it takes or will take for STT to continue to operate its school, or what the expectations of the IHSA or the Illinois State Board of Education are as to STT's obligations to its students generally. HBHC

denies the remaining allegations in paragraph 47, including any allegation that HBHC poses any threat or endangers the accreditation of STT with governing organizations.

48. While fully aware of the negative externalities proximately caused by the conduct of its Programs and Services, the publicly released “plans” by HBHC for the Northgate Mall do not provide any detail designed to assure the containment of Clients to Northgate Mall or to prevent Client migration and interaction with STT students, visitors or vulnerable persons in the Immediate Locality or on public transportation. Historically, HBHC has failed to contain Clients at the Downtown location.

ANSWER: HBHC denies the allegations contained in paragraph 48.

49. The standard of care for a school to discharge the duty to protect students from foreseeable threats to safety includes: security in the form of physical barriers for containment, to wit: fence; siting activities within school boundaries, to wit: parking lot and driveway locations; installing visual security for observation; to wit: cameras and recording equipment, enhanced lighting; intervention security, to wit: security guards.

ANSWER: Paragraph 49 contains legal conclusions as to the alleged standard of care that STT must meet to protect its students and no response is required. To the extent paragraph 49 requires a response, HBHC denies the same.

50. Cost estimate provided to STT to fence the perimeter of its property to attempt containment of STT students or reduction of Client invasion to STT is \$686,704.00. Fencing would require zoning relief from the City of Decatur and would be ineffective to block visual and audible invasions.

ANSWER: HBHC lacks knowledge sufficient to admit or deny the allegations in paragraph 50.

51. Cost estimate provided to STT to move student parking southerly to the front (Water Street) of STT and entry modifications exceed \$600,000 to \$700,000. These modifications would not prevent proximity issues for the existing north parking lot used for extracurricular events, would reduce functional capacity of the STT campus, and would diminish the aesthetics of STT.

ANSWER: HBHC lacks knowledge sufficient to admit or deny the allegations as to the costs to move student parking and entry modifications. HBHC denies the remaining allegations contained in paragraph 51.

52. Cost estimate for hardening security of doors and installation of cameras for observation and warning is projected expense up to \$1,127,200.

ANSWER: HBHC lacks knowledge sufficient to admit or deny the allegations in paragraph 52.

53. Cost estimate for two additional security guards for instructional hours and extracurricular activities¹¹ totals 3820 hours of need at \$60.00/hr. (wage, benefits, tax, etc.) for an annual total of \$292,000.

ANSWER: HBHC lacks knowledge sufficient to admit or deny the allegations in paragraph 53.

54. At current enrollment levels of 210 students at \$9,000 tuition (including fees) per student, gross tuition collected yields an operating loss approximating \$250,000/ academic year.

¹¹ A requirement to host IHSA events

Endowment and donor contributions have been filling the deficit. STT cannot afford the additional \$292,000 operating expense for security guards and continue to operate.

ANSWER: HBHC lacks knowledge sufficient to admit or deny the allegations in paragraph 54.

55. Capital improvements required for the remaining security measures surpass \$2,500,000, which exceeds available endowment funds or other reserves for capital improvements. The HBHC intended relocation to Northgate Mall exacts a financial burden that STT cannot meet.

ANSWER: HBHC lacks knowledge sufficient to admit or deny the cost of any desired capital improvements for STT or the availability of endowment funds. HBHC denies the remaining allegations in paragraph 55.

56. If STT cannot discharge the applicable standard of care for a duty imposed to protect vulnerable students or undertaken as part of STT educational contract with STT students, then STT stands exposed to liabilities for damages proximately caused by the reasonably foreseeable conduct or behavior of Clients in the Immediate Locality.

ANSWER: HBHC lacks knowledge sufficient to admit or deny the allegations as to the alleged conduct of its future clients or the standard of care STT owes to its students under the law. HBHC denies the remaining allegations in paragraph 56 including the allegation that future damages resulting from HBHC's clients behavior are reasonably foreseeable.

57. The best use of the STT property is as a high school. There is no market for an abandoned school facility in Decatur, IL as may be inferred from the non-remote history of school building abandonments in Decatur where vacant schools have been abandoned requiring demolition at City of Decatur expense costing the taxpayer millions of dollars.

ANSWER: HBHC lacks sufficient knowledge to admit or deny the allegations in paragraph 57 as to the best use of STT property. HBHC denies the remaining allegations in paragraph 57.

58. Fair market value of a property is impacted by market perception and fair market value is diminished if assessed on an income basis. In both respects, HBHC operating from Northgate Mall will diminish the fair market value by negative market perception reducing tuition revenue by decreased enrollment to avoid HBHC Clients in Immediate Locality and/or massive increase in costs of operation to abate partially the negative externalities caused by HBHC Services and Programs from Northgate Mall which dramatically reduces income.

ANSWER: HBHC lacks information sufficient to admit or deny the impact of market perception on fair market value in Decatur and as to whether value is diminished if assessed on an income basis. HBHC denies the remaining allegations in paragraph 58.

59. Reduced tuition income to STT is highly likely to occur if HBHC provides Services and Programs from Northgate Mall. Survey responses (see below) from more than 401 respondents with a child(ren) attending STT and/or one of the Catholic elementary feeder schools in Decatur reveals that 73% of responding families would consider alternative high school options. A subset of 33.67% of responding families are willing to enroll if appropriate safety and security measures are taken by STT without prohibitive tuition increases. As indicated above, STT lacks the financial means to meet family demand for the safety and security burdens. A subset of 16.96% of responding families definitively will not attend STT if HBHC locates to Northgate Mall and 23.94% are less likely to attend STT. Reduced enrollment from any subset will result in STT failing to survive economically. To illustrate, the loss of 16.96% of 210 students is a reduction of 35 students at \$9,000/student or an additional \$320,000/ annum to the operating deficit. In sum, the

likely impact would materially contribute to an annual operating deficit exceeding \$800,000/annum, before capital expenditure on security like fences, parking lot and security devices important to retaining the subset of 33.67% (approximately 70 additional students at risk). Further, it is foreseeable that once enrollments drop, the pace of departing students will increase as the lack of viability readily appears.

ANSWER CHOICES		RESPONSES	
I will not send my child(ren) to St. Teresa if Heritage relocates next door		16.96%	68
I will be less likely to send my child(ren) to St. Teresa if Heritage relocates next door		23.94%	96
If St. Teresa is financially capable of making the investments in security (fencing/officers) to protect my child(ren), then I will send my child(ren) to St. Teresa, if the additional costs do not raise tuition to a prohibitive amount.		33.67%	135
Heritage relocating will not be a factor in my decision		19.20%	77
Other (please specify)	Responses	6.23%	25
TOTAL			401

ANSWER: HBHC denies the validity of the survey and specifically denies that the survey responses were submitted only parents or guardians with a child(ren) attending STT and/or one of the Catholic elementary feeder schools since the general public was invited to respond via STT's social media posts. HBHC lacks information sufficient to admit or deny that anyone will consider pulling their children or pull their children from STT as a result of HBHC's relocation to the Northgate Mall. HBHC lacks information sufficient to admit or deny whether there will be reduced enrollment or whether STT can survive without the tuition payments by the students who may be pulled from STT. HBHC denies the remaining allegations contained in paragraph 59.

60. The reaction of STT families as reflected in the Survey is not a peculiar or uniquely self-serving sensitivity on the part of STT families (including feeder elementary schools). More particularly, the commitment and “marketing” of the other schools in Decatur/Macon County (Paragraph 17, fn 1-5, *supra*) based on safety and the deeply seated public policy in Illinois establish the generalized and prevailing circumstance that schools must be safe and perceived as safe to meet parent expectations to sustain enrollment. The invasions described *supra* and *infra* are unreasonable and hostile to the prevailing public policy to protect the vulnerable.

ANSWER: HBHC lacks knowledge sufficient to admit or deny the allegations as to the desires of the Decatur/Macon County parents and the markers those parents consider when considering private schools for their children. HBHC denies the remaining allegations in paragraph 60.

61. Even if STT only is perceived to be an unsafe environment to educate high school students, STT is placed in a highly unfavorable position in the competition for students within which a private school must compete. STT cannot be expected to compete by raising tuition prohibitively to provide the security required to assure safety and security to discharge legal duty to protect students, to satisfy a contractual duty to protect students or to meet the demands of the market to realize sustainable enrollment. To illustrate, STT’s Christian education competitor in Decatur, IL, Unity Christian, sets tuition at \$7,990/annum for high school.

ANSWER: HBHC lacks knowledge sufficient to admit or deny the alleged cost of other Decatur/Macon County private schools and STT’s ability to compete with them. HBHC denies the remaining allegations contained in paragraph 61.

62. Presently, costs of operation exceed operation (tuition) income and donors/contributors cover the deficit. Donors/contributors have communicated to STT that viable long-term operations are expected as a prerequisite to continuing support, that is, donors do not contribute to unsustainable causes. Donors express the same reservations to contribute as surveyed families express about enrollment and higher tuition. Donors have no legal compulsion to contribute to STT.

ANSWER: HBHC lacks knowledge sufficient to admit or deny the allegations contained in paragraph 62.

63. STT historically enjoyed a high retention rate from the Catholic elementary schools whose students enrolled at STT. The threatened HBHC intent to provide Services and Programs to Clients from Northgate Mall has interfered with prospective economic advantage in the retention of enrollment and likely interferes with future enrollment appropriate for injunctive relief.

ANSWER: HBHC admits that it intends to and has announced that it will provide services at Northgate Mall. HBHC lacks information sufficient to admit or deny whether STT historically enjoyed a high retention rate from Catholic elementary schools whose students enrolled in STT. HBHC denies the remaining allegations in paragraph 63.

64. The threatened HBHC intent to provide Services and Programs to Clients at one location at Northgate Mall is a prospective private nuisance in that HBHC intends to cause a substantial invasion of STT's interest in the use and enjoyment of STT property and, under the totality of circumstances, is aptly situated for injunctive relief that is not amenable to abatement.

ANSWER: HBHC admits that it intends to and has announced that it will provide services at Northgate Mall. HBHC denies the remaining allegations in paragraph 64.

65. The threatened HBHC intent to provide Services and Programs to Clients at Northgate Mall is a prospective public nuisance broadly injurious to public safety and welfare of students and families for which STT has standing to enjoin as STT suffers a distinct and palpable injury to a legally cognizable interest and, alternatively, under Decatur City Code CH. 48 Nuisances and/or 65 ILCS 5/11-13-15.

ANSWER: HBHC admits that it intends to and has announced that it will provide services at Northgate Mall. HBHC denies the remaining allegations in paragraph 65.

66. The threatened HBHC intent to provide Services and Programs to Clients inclusive of RES would not comply with zoning for which STT has standing to enjoin under 65 ILCS 5/11-13-15.

ANSWER: HBHC admits that it intends to and has announced that it will provide services at Northgate Mall. HBHC denies the remaining allegations in paragraph 66.

67. The threatened HBHC intent to Provide Services and Programs to Clients at Northgate Mall likely will result in Clients trespassing without consent or for unlawful purposes on STT or the Immediate Locality for which STT has an interest in injunction against threatened prospective trespass.

ANSWER: HBHC admits that it intends to and has announced that it will provide services at Northgate Mall. HBHC denies the remaining allegations in paragraph 67, including any allegation that HBHC is somehow responsible for the illegal conduct of its Clients which STT speculates will occur.

68. The HBHC intended move to Northgate Mall is enabled by the Grant which was awarded based on the HBHC Grant application that represented, as a primary material component

of the application, that all 53 Programs and all Services were moving to one central location. On information and belief, the Grant does not require that the one central location be Northgate Mall. If HBHC did not intend to move all Programs and all Services to one central location, then the Grant application is based on misrepresentation by HBHC to procure taxpayer funds in furtherance of fraud and STT has standing to enjoin HBHC from receiving funds fraudulently.

ANSWER: HBHC admits that it intends to move to the Northgate Mall property and that it was awarded a grant and that HBHC's grant application represented that all 53 Programs and Services would be moving to one central location. HBHC denies the remaining allegations in paragraph 68.

69. STT has standing to vindicate the First Amendment constitutional rights of its enrolled families to free association, religious freedom and the fundamental liberty to direct the education of their children and STT's Fifth Amendment right against an inverse taking by the current Executive Branch administration in opposition to instruction in the Christian world-view through injunctive relief authorized under 42 U.S.C. Section 1983 when the facts show an NGO, actuated and enabled by government funds, acting in concert with the state to abridge said rights.

ANSWER: HBHC denies the allegations in paragraph 69.

70. Common law principles of Equity support injunction to enable the Court to do substantial justice between the parties when the respective uses of land, actual or prospective, are incompatible.

ANSWER: Paragraph 70 states conclusions of law for which no response is required. To the extent a response is required, HBHC denies the allegations in paragraph 70.

71. STT has been vigilant in protecting its rights to prevent HBHC from expending or incurring great burdens toward improvements at Northgate Mall before requesting that the Court do substantial justice between the parties in Equity.

ANSWER: HBHC denies the allegations in paragraph 71.

72. STT is favored in Equity because STT was first in time in its lawful use of its property.

ANSWER: HBHC denies the allegations in paragraph 72.

73. STT is favored in Equity because the burden STT faces is existential and the loss of a century plus of investment is imminent. HBHC is disfavored comparatively in Equity because its burden is minimal. The HBHC threat to relocate to Northgate Mall is enabled and actuated without cost to HBHC. Northgate Mall was a gift. The Grant is a gift.

ANSWER: HBHC admits that it intends to relocate its central location to Northgate Mall, but denies that failure to move to Northgate Mall is without cost to HBHC. HBHC denies the remaining allegations in paragraph 73.

74. Public policy favors STT because STT seeks to protect vulnerable school children in the Immediate Locality from the threats of criminal activity or disturbing behavior disruptive to the educational environment.

ANSWER: HBHC denies the allegations in paragraph 74 including any allegations that HBHC's relocation will disrupt or threaten STT.

75. The balancing of Equities favors STT.

ANSWER: HBHC denies the allegations contained in paragraph 75.

76. No adequate remedy at law exists to protect the ascertainable interest of STT to continue operating its Christian high school as it has for the past 112 years from the current location such that permanent injunction against HBHC providing Services and Programs from Northgate Mall as threatened should issue.

ANSWER: HBHC denies the allegations contained in paragraph 76.

Respectfully Submitted,
Heritage Behavioral Health Center, Inc., Defendant.

By: /s/ Lisa A. Petrilli
One of Its Attorneys

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AFFIDAVIT

Under penalties, as provided by law, pursuant to 735 ILCS 5/1-109, the undersigned, states that for the paragraphs denying knowledge of the truth of the allegation being answered, that those statements of want of knowledge are true.

/s/ Mary E. Garrison

President and CEO
Heritage Behavioral Health Center

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served on
October 28, 2025, by emailing same addressed to:

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HERITAGE BEHAVIORAL HEALTH CETNER,
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