IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

CORNELIUS BENNETT and EARLIE FUSE,	)	
Plaintiffs,	)	
v.	)	Case No. JURY TRIAL DEMANDED
CITY OF CENTREVILLE, a municipal Corporation, jointly and severally, TOWNSHIP OF CENTREVILLE, a municipal corporation, jointly and severally, COMMONFIELDS OF CAHOKIA and CURTIS MCCALL AND MARIUS "MARK" JACKSON" AND LAMAR GENTRY, DENNIS TRAITEUR, in their individual and official capacities.	)	
Defendants.	)	

MOTION FOR INJUNCTIVE RELIEF

Comes now Plaintiffs, by and through their counsel, Nicole D. Nelson of Equity Legal Services, Inc. and Kalila Jackson of the Metropolitan St. Louis Equal Housing and Opportunity Council ("EHOC"), and moves this Court, pursuant to Federal Rule of Civil Procedure 65, to grant injunctive relief and enjoining defendants and any persons in privity with them, from diverting stormwater and sewage onto their properties and into their homes. In support of this motion, Plaintiffs state as follows:

1. Plaintiff Cornelius Bennett and Plaintiff Earlie Fuse have suffered from issues of stormwater and sewage overflows for 15 and 26 years, respectively.

2. During these 15 years, Plaintiff Bennett has been unable to utilize portions of his home and property due to the stormwater flooding and sewage overflows including but not limited to: each year hauling wheelbarrows of lime to the corner of his home where raw sewage seeps from the ground, the inability to flush or sometimes use the toilets in his home due to Defendants' broken sanitary sewer system that cannot take in wastewater at certain times, significant pest control and sewage issues due to stagnant stormwater and standing sewage in the two ditches that flank his property and no access to the side portion of his lawn for sometimes, days a time due to flooding from stormwater.

3. Plaintiff Fuse is 79 years old and has suffered issues similar to those of Plaintiff Bennett for 26 years. Because of stormwater flooding and sewage overflows from Defendants broken lift stations and barely functioning infrastructure, Plaintiff Fuse's home has been inundated with stormwater numerous times over the decades, losing 4 of his concrete basement walls to these floods---the most recent on January 11, 2020.

4. Plaintiff Fuse's basement, once habitable and designed as a living space, is now boarded up wit ply-wood and the floors often caked with mud and has been this way for years due to the constant stormwater flooding from Defendants' broken systems.

5. Plaintiff Fuse's property, home and the streets surrounding him often fill up with stormwater within 10-15 minutes of a steady rain and typically make it impossible for him or his neighbors to leave.

6. Both Plaintiffs suffer from stormwater flooding and sewage overflows that are exacerbated by rainfall, but also do not require rainfall in order to remain ongoing issues.

7. As outlined in Plaintiffs' Complaint and Memorandum in Support of this motion, Defendants have been aware of the stormwater flooding and sewage overflows where Plaintiffs reside as well as their neighbors for at least 15 years; Defendants have equally been aware or should have known that these same areas have been prone to flooding risks due to the complaints they have received from Plaintiffs, other Centreville residents and correspondence from agencies such as the Illinois Environmental Protection Agency.

8. Accordingly, Plaintiffs seek injunctive relief enjoining Defendants from diverting stormwater and sewage onto their properties and/or into their homes.

9. Defendants' ongoing notice of this flooding and overflows on Plaintiffs' properties and in the areas where they reside and failure to intervene constitutes a taking of their respective properties.

10. Plaintiffs seek an order for injunctive relief enjoining Defendants from diverting their stormwater and sewage onto Plaintiffs' properties and making the proper improvements as set forth below to prevent further takings.

WHEREFORE, Plaintiffs Earlie Fuse and Cornelius Bennett pray this honorable Court enter judgment in their favor and against Defendants as follows:

A. Preliminary and permanent injunctions:

1. Restraining Defendants City of Centreville (also possibly known as or doing business as Alcentra) and Township of Centreville from depositing or diverting its stormwater onto Plaintiffs' properties;
2. Restraining Defendants City of Centreville (also possibly known as or doing business as Alcentra), Township of Centreville and Commonfields from depositing or diverting its wastewater onto Plaintiffs' properties;
3. Requiring Defendants City of Centreville (also possibly known or doing business as Alcentra), Township of Centreville and Commonfields pursuant to the recommendations of a credentialed and qualified party to whom all parties agree, immediate replacement of all pump stations with pumps to be working at adequate capacity at any locations designated as "fair", "poor" or "flooded" conditions within 30 days of entry of this order.
4. Requiring Defendants City of Centreville (also possible known as or doing business as Alcentra), Township of Centreville and Commonfields to prevent deposit or diversion of wastewater from those systems onto Plaintiffs' properties, with the installation of new pump/lift stations including, but not limited to, the installation of sewer lines as replacement for pump stations where agreed upon by parties as necessary.
5. An order for equitable relief to remediate the harm caused by Defendants' unconstitutional conduct, including the appointment of a monitor to oversee the respective operations and replacement for new pump stations to Defendants'

sanitary sewer system(s), construction and improvements needed to repair Plaintiffs' homes damaged by Defendants' broken infrastructure to include any construction and/or monies disbursed related to these improvements for a time period deemed appropriate by the court and for such other relief as the Court deems just and proper.

Jury Demand

Plaintiffs demand trial by jury on all issues which are triable by a jury

Respectfully Submitted,

By: /s/ Nicole D. Nelson
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Respectfully submitted,

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