

#6 THEY DENIED ANY DISCHARGE

#8 CAN BE BACKED UP BY 06LH-3A824  
SHERIFF DEPT. DUCKS & GESE ON  
PROPERTY WERE POISONED MANY  
DIED, WAS NOT THE FIRST TIME

#10 WAS OVER FLOW FROM SEPTIC STATION

THIS COMPLAINT IS A MATTER OF  
PUBLIC RECORD ANY ADDITIONAL  
INFORMATION I WOULD ONLY BE  
TOO HAPPY TO SUPPLY

JOE VINCE  
1-2342271

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
WINNEBAGO COUNTY, ILLINOIS

MOTOSPORTS PARK, INC., )  
 )  
Plaintiff )  
 )  
vs. )  
 )  
COMMONWEALTH EDISON COMPANY, )  
a Corporation, )  
 )  
Defendant )

DOCKETED  
USMPC

NO. 82 L

'83 JUN -3 A8:25

C O M P L A I N T

Now comes the Plaintiff, MOTOSPORTS PARK, INC., by its Attorneys, FEARER & NYE, and for its COMPLAINT against the Defendant, COMMONWEALTH EDISON COMPANY, a Corporation, states, as follows:

COUNT I

1. At all times hereinafter mentioned, Plaintiff was and still is a corporation licensed to do business in the State of Illinois, doing business in Rockford, Winnebago County, Illinois.
2. At all times hereinafter mentioned, Plaintiff was and still is engaged in the business of operating a motocross raceway.
3. At all times hereinafter mentioned, Defendant was an Illinois Corporation engaged in the business of providing electric service to the public.
4. That the Defendant is the owner of certain real estate upon which the Byron Nuclear Station is located in Rockvale Township, Township 24-N, Range 10-E, Ogle County, Illinois.
5. That said property owned by Defendant abuts certain property owned by the Plaintiff, upon which the aforementioned motocross raceway is located in Rockvale Township, Township 24-N, Range 10-E, Ogle County, Illinois.

6. That beginning in the summer of 1979 and continuing to the present, the Defendant has discharged continuously waste water from the aforementioned nuclear power station, that said waste water has flown in a continuous stream across Plaintiff's aforementioned property such that there has been a wrongful diversion of such waste water over, upon and across a portion of Plaintiff's property.

7. That the portion of Plaintiff's property on to which Defendant has wrongfully diverted waste water contains a motocross raceway and that said waste water has greatly interfered in Plaintiff's ability to hold races.

8. That in the summer of 1981 the Defendant did cause a large quantity of oily substance to be discharged with the aforementioned waste water discharged and that said oily substance flowed across Plaintiff's aforementioned property, including the motocross raceway.

9. Plaintiff has frequently requested the Defendant to cease the wrongful diversion of waste water from Defendant's property on to Plaintiff's property, but Defendant at all times has refused, and still refuses, to do so.

10. That in the spring of 1981 Defendant erected a standpipe on the aforementioned property of Defendant for the purpose of discharging certain material from a sanitary system of said power plant, that said materials flow intermittently across the aforementioned property of the Plaintiff including that part of the Plaintiff's property in which the motocross raceway is located.

11. That the materials from the standpipe flow in a separate course from the water described in Paragraphs No. 6 through No. 9 herein.

12. That Plaintiff has frequently requested that the Defendant cease the wrongful discharge from the aforementioned standpipe, but

13. That Plaintiff has suffered damages as a result of the wrongful diversion of waste water and oil and the run-off of the aforementioned standpipe caused by the Defendant including loss of personal property, additional construction on the race track to control the excess water, and loss of revenue from cancelled races, and has been damaged in a sum in excess of FIFTEEN THOUSAND and 00/100ths DOLLARS (\$15,000.00).

WHEREFORE, Plaintiff prays:

A. That this Court enter judgment against Defendant in a sum in excess of FIFTEEN THOUSAND and 00/100ths DOLLARS (\$15,000.00) plus costs of suit.

B. For such other relief as the Court shall deem equitable and proper.

#### COUNT II

1 - 13. Plaintiff repeats and realleges the allegations of Paragraphs No. 1 through No. 13 of COUNT I as Paragraphs No. 1 through No. 13 of this COUNT II as if repeated herein verbatim.

14. Unless Defendant is restrained and enjoined by Order of this Court, it will continue to wrongfully divert waste water from its property onto Plaintiff's property and wrongfully discharge run-off and oil from its property on to Plaintiff's property, doing Plaintiff great and irreparable damage for which Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff prays:

A. That Defendant be restrained and enjoined by Order of this Court from continuing to wrongfully divert waste water from its property on to Plaintiff's property and discharge run-off and oil from its property on to the Plaintiff's property.

B. For such other relief as the Court shall deem equitable and proper.

COUNT III

1 - 13. Plaintiff repeats and realleges the allegations of Paragraphs No. 1 through No. 13 of COUNT I as Paragraphs No. 1 through No. 13 of this COUNT III as if repeated herein verbatim.

14. The acts of the Defendant as aforementioned, were wilful and wanton and therefore require the imposition of punitive damages based upon the wilful, wanton and intentional acts of the Defendant.

WHEREFORE, Plaintiff prays:

A. That this Court enter judgment against the Defendant in a sum in excess of FIFTEEN THOUSAND and 00/100ths DOLLARS (\$15,000.00) plus punitive damages in the amount of FIVE MILLION and 00/100ths DOLLARS (\$5,000,000.00) plus costs of suit.

B. For such other relief as the Court shall deem equitable and proper.

PLAINTIFF DEMANDS TRIAL BY JURY OF TWELVE PERSONS.

MOTOSPORTS PARK, INC., Plaintiff

BY FEARER & NYE, its Attorneys

By 

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