

## Office of the Kane County State's Attorney



### JOSEPH H. McMAHON

State's Attorney

Kane County Judicial Center  
37W777 Route 38 Suite 300  
St. Charles, Illinois 60175

General Offices: (630) 232-3500  
Contact:  
Christopher Nelson (630) 232-3500

### **FEDERAL JUDGE DISMISSES LIQUOR SUIT AGAINST KANE BOARD COMPANY APPLIED TO SELL ALCOHOL AT FORMER BLACKJACKS LOCATION**

October 3, 2017

The Kane County State's Attorney's Office has secured the dismissal of litigation brought against Kane County by the would-be operator of a gentlemen's club north of St. Charles.

In granting summary judgment in its favor, U.S. District Court Judge Virginia M. Kendall ruled that the Kane County Board acted within the law when it denied a liquor license to CDH Food & Beverage, Inc., which had leased the establishment along Route 25 east of South Elgin in unincorporated St. Charles Township. Judge Kendall dismissed CDH's bid to have the county's liquor code declared unconstitutional, as well as CDH's bid for compensatory and punitive damages.

In early 2015, after signing a lease agreement with the owners of Blackjacks Gentlemen's Club, CDH sought a liquor license from Kane County. The application required the board to amend the liquor ordinance because the board had already granted the allotted number of liquor licenses in St. Charles Township. The county board recommended against the request to amend the liquor ordinance and allow an additional liquor license by a 16-7 vote.

CDH then filed suit in U.S. District Court.

After reviewing the case in U.S. District Court for the Northern District of Illinois, Judge Kendall denied CDH's bid to have the county's liquor code declared unconstitutional.

"State law allows the county board to create and enforce the liquor ordinance that is in place in Kane County. The law also allows for discretionary amendments to that ordinance. The Kane County Board members believe that allowing the sale of alcohol at that location was unwise and not in the best interests of the county and its residents, and they voted as such. Judge Kendall was in agreement that CDH did not prove that its rights were violated. My thanks to Assistant State's Attorneys Joe Lulves and Erin Brady, who worked on this case on behalf of the people of Kane County," Kane County State's Attorney Joe McMahon said.