

IN THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL DISTRICT  
GRUNDY COUNTY, ILLINOIS

EQUITY SOLAR ILLINOIS, an Illinois	)	
Corporation, and USS MIDDLE SOLAR	)	
LLC and USS SARATOGA SOLAR LLC,	)	
Delaware Corporations.	)	Case No. 2024 CH 10
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
COUNTY OF GRUNDY, ILLINOIS, a body	)	
politic,	)	
	)	
Defendant.	)	

**EQUITY SOLAR ILLINOIS LLC, USS MIDDLE SOLAR LLC, AND USS  
SARATOGA SOLAR LLC’S MOTION FOR JUDGMENT ON THE PLEADINGS**

Pursuant to 735 ILCS 5/2-615(e), Plaintiffs Equity Solar Illinois LLC, USS Middle Solar LLC, and USS Saratoga Solar LLC (collectively the “Solar Applicants”) hereby move this Court for entry of judgment on the pleadings in favor of the Solar Applicants with respect to all Counts of the Solar Applicants’ Complaint. In support of their Motion, the Solar Applicants state as follows:

1. In their one-count Complaint against Defendant Grundy County (“Defendant”), the Solar Applicants requested that this Court issue a writ of mandamus compelling the County to approve applications and issue special use permits for two commercial solar projects within Grundy County (the “Middle Solar” and “Saratoga Solar” projects).

2. 55 ILCS 5/5-12020 (“Section 5-12020”) requires counties to approve special use permits for commercial solar projects “if the request is in compliance with the standards and conditions imposed [by Section 5-12020], the [county’s] zoning ordinance adopted consistent

[with Section 5-12020], and the conditions imposed under State and federal statutes and regulations.” 55 ILCS 5/5-12020(g).

3. As detailed in the Complaint and by supporting exhibits, the permit applications for the Middle Solar and Saratoga Solar projects satisfied all applicable requirements for a commercial solar project special use permit under the Illinois Counties Code. Accordingly, Defendant violated its nondiscretionary duty to approve the projects under Section 5-12020 and Grundy County’s Solar Ordinance by denying the projects’ applications based on improper considerations outside of those contemplated by statute.

4. On August 26, 2024, Defendant filed an Answer to the Solar Applicants’ Complaint. In its Answer, Defendant refuses to admit or deny whether the Middle Solar and Saratoga Solar applications met applicable legal requirements and whether it was proper for the County to consider factors outside of those permitted under Section 5-12020 and Grundy County’s Solar Ordinance in denying the permits. As Defendant argued in its Response to Plaintiff’s Motion to Strike Portions of Defendant’s Answer, these allegations present a legal, rather than a factual, question.

5. A judgment on the pleadings is proper if the pleadings disclose no genuine issue of material fact and the movant is entitled to judgment as a matter of law. *Pekin Ins. Co. v. Wilson*, 237 Ill. 2d 446, 455 (2010).

6. For the reasons set forth in the accompanying Memorandum of Law, judgment on the pleadings is proper because there are no material facts in dispute. As shown by the Complaint and attached applications and hearing materials, the applications met all applicable requirements for commercial solar facilities pursuant to state and local requirements. The County denied the

permits due to concerns from the City of Morris, a municipality with no jurisdiction over the projects, that were improperly considered under Section 5-12020.

7. On the basis of the pleadings alone, mandamus relief is proper to require Defendant to issue special use permits for the two projects.

WHEREFORE, for the reasons set forth herein, and in their supporting Memorandum, the Solar Applicants respectfully request that this Court grant their Motion for Judgment on the Pleadings enter judgment on the pleadings in their favor.

Dated: March 3, 2025

Respectfully Submitted,

/s/ Robert Middleton

Robert Middleton (ARDC No. 6317078)

Meera Gorjala (ARDC No. 6342164)

ARENTFOX SCHIFF LLP

233 South Wacker Drive, Suite 7100

Chicago, IL 60606-6473

(312) 258-5500

Robert.middleton@afslaw.com

Meera.gorjala@afslaw.com

Attorneys for Plaintiffs USS Middle Solar  
LLC and USS Saratoga Solar LLC

**IN THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT  
GRUNDY COUNTY, ILLINOIS**

EQUITY SOLAR ILLINOIS LLC, an Illinois )  
Corporation, and USS MIDDLE SOLAR )  
LLC and USS SARATOGA SOLAR LLC )  
Delaware Corporations, )  
)  
Plaintiffs, )  
)  
v. )  
)  
COUNTY OF GRUNDY, ILLINOIS, )  
a body politic, )  
)  
Defendant. )

**FILED**  
MAY 14 2025  
GRUNDY COUNTY CIRCUIT CLERK  
No. 2024 CH 10

**ORDER GRANTING PLAINTIFFS' AND DENYING DEFENDANT'S MOTION FOR  
JUDGMENT ON THE PLEADINGS**

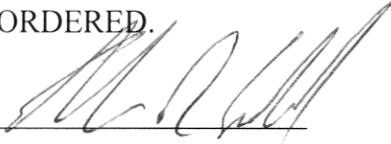
This matter coming before the Court on the Parties' Cross-Motions for Judgment on the Pleadings, due notice having been given, and the Court having reviewed the motion papers and considered the arguments of counsel, for the reasons stated on the record, IT IS HEREBY ORDERED that:

1. Defendant's Motion for Judgment on the Pleadings is DENIED.
2. Plaintiffs' Motion for Judgment on the Pleadings is GRANTED.
3. Plaintiffs' request for relief as set forth in Count I of the Complaint is GRANTED. Grundy County is ordered to approve applications and issue special use permits to Plaintiffs for the Middle Solar and Saratoga Solar Projects as required by 55 ILCS 5/5-12020.
4. This case is set for status on May 22, 2025 at 8:45 AM in Courtroom USC.
5. This Court will retain jurisdiction to enforce the terms of this order.

**COPY**

IT IS SO ORDERED.

Judge



Date

May 14, 2025