

Johnson School lawsuit gets boost from judge's rulings

By Carol Ann Kania

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Parents suing Wheaton-Warrenville Unit School District 200 alleging that conditions at Johnson School made their children sick will seek subpoenas in the case in April, their lawyer said Tuesday.

Both sides were in court this week looking to tie up loose ends as the lawsuit, which was filed in August 1998, proceeds to trial.

DuPage County Judge Hollis L. Webster denied a motion by the school district's lawyers to dismiss a part of the lawsuit asking for a preliminary injunction to close the school at 25700 Continental Drive in Warrenville before the trial. In August, Webster rejected an emergency motion to close the building. She also denied the plaintiff's right to sue the district for violating the state school life safety code but allowed them to choose to use alleged code violations as evidence.

These actions allow the lawsuit to proceed. Between now and the next hearing on April 27, both sides will firm up their cases. The attorney for the parents, Thomas Zimmerman, said that at that time he plans to ask the court to issue subpoenas for those involved with building the school, including architects and builders.

Zimmerman represents Janna and Miomir Andrejevic in the law-

suit, which seeks \$33 million in damages and the closure of the school. The district already has spent \$600,000 for school repairs and, while maintaining that the school is safe, has offered parents the option of attending another school in the district.

This option was the source of debate Tuesday as Webster heard arguments for and against dropping the plea for a preliminary injunction. The parents sought the injunction because they claim students are in danger at the school while the case proceeds.

"We don't know what types of damages these kids are going to be suffering," Zimmerman said.

Michael Maher, attorney for the school district, argued that the district's attempt to accommodate the parents negates the need to close the school while the lawsuit proceeds. "The school district has made an offer to the complainants," Maher told Webster.

The district offered to place the students in other schools for a fee of \$1 per day. Parents would have to drive students to bus routes that served the chosen alternate school. Zimmerman argued that these were not reasonable accommodations, especially for single-parent families.

Webster lamented the fact that the sides could not reach a compromise on this issue.

After the hearing, both lawyers

confirmed that some Johnson families have chosen to home-school their students or send them to private schools. No family has taken the district's offer to send them to another district school.