

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

MARY CATHERINE SCHEFFKE,
individually and as Founder of Chicago
French Bulldog Rescue, Inc., NFP,

Plaintiff,

v.

SUSAN SCHULZ and VICTORIA McELIGOTT,
individually and as Directors of Chicago
French Bulldog Rescue, Inc., NFP,

Defendants,

and

CHICAGO FRENCH BULLDOG RESCUE, INC., NFP,

Nominal Defendant.

Case No. 2026CH04709

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiff Mary Catherine Scheffke, by her attorney, R Tamara de Silva, respectfully moves this Court for entry of a temporary restraining order pursuant to 735 ILCS 5/11-101 restraining Defendants from conducting the May 27, 2026 vote to remove Ms. Scheffke as a Director of Chicago French Bulldog Rescue, Inc., NFP, and from taking any further adverse action against her, pending a hearing on a preliminary injunction. In support, Plaintiff states as follows, and relies upon: (i) the Verified Complaint filed simultaneously herewith, which constitutes Ms. Scheffke's sworn testimony pursuant to 735 ILCS 5/1-109; (ii) the Affidavit of Kathleen Miranda, attached hereto as Exhibit A; (iii) the 2008 Bylaws of Chicago French Bulldog Rescue, Inc., NFP, attached hereto as Exhibit B; (iv) the October 2, 2009 Amended and Restated Bylaws (unadopted draft), attached hereto as Exhibit C and Affidavit of Mary Catherine Scheffke, attached as Exhibit D.

INTRODUCTION

There are four French Bulldogs at the rescue shelter in Channahon, Illinois, right now. They are not pets. They are surrendered animals, some with conditions so severe that no one else would take them. One requires a wheelchair to move. Another is severely deformed and is being fitted for a custom 3D-printed cast. A third was found dumped outside and has serious medical conditions requiring constant close monitoring. Three of the four were abandoned outdoors. All need daily physical therapy. They require medications, specialist visits, and the kind of around-the-clock attention that only someone who has dedicated her life to this work can provide. Mary Scheffke is that person. She has been that person for eighteen years.

The Board, now comprising Defendants Susan Schulz, Victoria McElligott, and Michelle Martin, who was purportedly appointed President on May 7 by the same void resolution that removed Ms. Scheffke - wants her gone. They have already removed her as President. They have cut off her access to the organization's debit card, so she is buying dog food with her own money. They have scheduled a vote for May 27, 2026, to remove her as a Director entirely. If that vote proceeds, she will lose her position, her employment, and her home. She lives at the shelter as a condition of her job. The dogs will lose the only person who knows their medical histories, their medications, their therapy schedules, and their names.

The authority these Board members claim for all of this rests on a set of bylaws that do not legally exist. The documents are unsigned. They are undated. The adoption line is blank. No director other than the two Defendants recalls ever seeing them, voting on them, or approving them.

The operative bylaws, drafted by a major law firm and submitted to the IRS, limit director removal to felony conviction, animal abuse, or incarceration. None of those grounds apply.

Knowing all of this, or recklessly disregarding it, the Board members reached into the organization's donation fund and took \$10,000, in two separate payments of \$5,000 each, to hire a law firm to carry out the removal. That money was donated by donors in good faith to rescue and care for rescued French bulldogs. It is now paying lawyers. The second payment was authorized after the campaign was already underway, after Ms. Scheffke had been stripped of her presidency and cut off from organizational funds. The willingness to double the expenditure while the organization's sole employee was paying for dog food out of pocket tells you everything about the priorities driving this campaign. The law firm they chose, Wagenmaker & Oberly, designed and blessed every single component of the employment and housing arrangement it is now investigating as improper.

This motion asks the Court to do one thing: preserve the status quo for the brief period necessary to examine whether the people trying to remove Mary Scheffke have the authority to do so. That is all.

STATEMENT OF FACTS

The facts are set forth in detail in the Verified Complaint filed simultaneously with this motion, which is verified by Ms. Scheffke under penalty of perjury pursuant to 735 ILCS 5/1-109 and constitutes her sworn testimony. The Affidavit of Kathleen Miranda, a former Director of CFBR who is named in the disputed 2009 document without her knowledge or consent, is attached as Exhibit A. The notarized original of Ms. Miranda's affidavit will be filed instantaneously upon completion of notarization, which is anticipated prior to the preliminary injunction hearing. Plaintiff summarizes the essential facts here.

The Founder and the Dogs

Mary Scheffke founded Chicago French Bulldog Rescue in 2008. She has been its only full-time worker for its entire existence. Her employment agreement sets her salary at \$30,000 per year. Since 2020, she has not been paid even that amount. She lives at the shelter in Channahon because her employment requires it. She pays rent.

French Bulldogs are a breed with catastrophic health vulnerabilities. IVDD, brachycephalic airway syndrome, spinal paralysis, chronic respiratory distress. The dogs that come to CFBR are often the ones other rescues will not take. The ones with the worst conditions. The ones that are the most expensive to treat and the hardest to place. Many of them, without this rescue, would be euthanized.

Four such dogs are in Ms. Scheffke's care today, with a fifth rescue dog expected to come into her care within days of this filing. They are medically vulnerable animals, surrendered to the rescue. One requires a wheelchair to move. A second is severely deformed and is being fitted for a custom 3D-printed cast as part of her treatment. A third was found dumped outside and has serious medical conditions requiring constant close monitoring. Three of the four were found abandoned outdoors. A fifth French Bulldog in crisis is awaiting intake- a dog CFBR has been asked to take in and that Ms. Scheffke is the only person positioned to receive and care for. Ms. Scheffke provides all of this care personally. There is no backup caregiver. There is no transition plan. There are no breaks or days off. A dog that depends on a wheelchair, a dog whose deformity requires a custom prosthetic, and a medically fragile abandoned dog cannot be handed off to a volunteer with no notice.

The Fabricated Bylaws

CFBR's operative governing documents are the 2008 Bylaws, drafted by Katten Muchin Rosenman LLP, adopted by unanimous Board vote, and submitted to the IRS with the organization's Form 1023. Those bylaws limit director removal to three grounds: felony conviction, animal abuse conviction, or incarceration exceeding ninety days. Article 3, Section 5.

Defendants are acting under different documents which appear to be unadopted drafts. These documents bear an October 2, 2009 date. A true and correct copy is attached as Exhibit C. They are unsigned. The adoption date is blank. The certification page is blank. There are no minutes to reflect their ratification or mention, nor for that matter any record of their existence.

Ms. Scheffke, who has served as President and Director since 2008, has never seen these documents, was never asked to vote on them, and has no knowledge of their adoption. The organization's co-founder, Kathleen Miranda, also a director at the time, likewise has no recollection of any vote or even seeing these documents. A quorum of two directors was required to adopt amended bylaws. If neither the President nor the co-founder, both serving on the Board at the time, participated, or recall seeing these documents, then no quorum existed and no valid adoption ever occurred.

On May 12, 2026, Plaintiff's counsel demanded that Defendants produce the bylaws on which they rely, together with evidence of formal adoption, by close of business May 13, 2026, they did not. The reticence to produce them makes sense.

Wagenmaker & Oberly, despite being asked to produce the bylaws on which its client relies, did not tender them. The only way to locate these documents was through an independent search of the archives of Katten Muchin Rosenman LLP, the firm that drafted CFBR's original governing documents in 2008. The documents recovered from those archives appear to be

unadopted drafts from the 501(c)(3) application process. They were never finalized. They were never signed. There are no minutes of their discussion, vote or approval. They sat in a law firm's filing cabinet for fifteen years while the organization operated under different bylaws entirely. And yet these are the documents on which Defendants and their counsel have staked the authority to remove the founder.

The Misappropriation

In late April 2026, Defendants directed a series of text messages at Ms. Scheffke that were harassing, personally abusive, and laced with profanity. Those messages were not a governance communication. They were a personal attack delivered through the organization's own channels. Days after sending them, Defendants authorized an initial payment of approximately \$5,000 from CFBR's charitable funds to retain Wagenmaker & Oberly, to give that attack a legal veneer. This payment was made ten days before any formal demand was sent. There was no litigation, no regulatory proceeding, and no exigent circumstance.

Defendants subsequently authorized a second payment of \$5,000, bringing the total diversion of charitable funds to approximately \$10,000. The second payment was made after the campaign had already escalated - after Ms. Scheffke had been removed as President, after her debit card access had been cut off, and after a vote to remove her as Director had been scheduled. The decision to double the expenditure, made in the face of all of these facts, demonstrates that Defendants' purpose is not governance but removal at any cost - so long as the cost is borne by the donor fund and not by Defendants personally.

In an organization whose sole employee is contractually owed \$30,000 per year and has not consistently received even that since 2020, \$10,000 is not a routine legal expense. It is a staggering portion of the budget, and money taken directly from dog care. It represents a third of

the Executive Director's annual salary, spent not on the organization's mission but on lawyers pursuing a personal vendetta against the person who carries out that mission.

Moreover, this is money that would otherwise pay for surgeries, medications, wheelchairs, and food for rescued French Bulldogs. It is money that was given by donors in good faith to the rescue for the purpose of rescuing and caring for French Bulldogs, not legal fees.

The payment also violated CFBR's own Conflict of Interest Policy, which requires directors with a personal interest in a transaction to disclose that interest and recuse from the vote. Schulz and McElligott had a direct personal interest in this expenditure - not a financial one, but a more disqualifying kind. They were the same individuals who had just sent Ms. Scheffke a series of harassing, personally abusive, profanity-laced texts. They were voting to spend charitable funds on lawyers to formalize and advance that same personal campaign. That is not governance. That is self-dealing in reverse- using organizational resources to prosecute a personal grievance. They disclosed nothing. They recused from nothing.

The Conflict of Interest

Wagenmaker & Oberly represented CFBR in 2018 on the precise subject matter it is now investigating. Sally Wagenmaker personally designed Ms. Scheffke's compensation, housing, and tax treatment. The firm drafted the Employment Letter Agreement and the Corporate Resolution. It confirmed that every component of the arrangement was proper. The firm designed the arrangement in 2018 and was paid for it. It is now being paid to dismantle what it built. Whatever that is, it is not independent legal advice.

The same firm's May 1, 2026 demand letter identifies as subjects of investigation the very same arrangements the firm created. A law firm cannot ethically investigate as improper what it designed and recommended to the same client. The governing ethical rule is Illinois Rule of

Professional Conduct 1.7(a)(2), which prohibits representation where there is a significant risk that the representation will be materially limited by the lawyer's own interests.

When Wagenmaker & Oberly investigates whether the 2018 arrangement it designed was proper, it cannot exercise independent judgment: concluding the arrangement was lawful vindicates its own prior advice; concluding it was unlawful exposes the firm to malpractice.

That structural conflict does not disappear because CFBR remains the client. Defendants' counsel's May 11 response letter addressed only Rule 1.9 and ignored Rule 1.7 entirely. That omission speaks for itself. The conflict is not theoretical. It is documented in the firm's own 2018 emails and work product, and it has now been placed squarely before this Court.

The Escalation

On May 7, Defendants removed Ms. Scheffke as President. On May 11, they cut off her debit card access, leaving her unable to purchase supplies for the dogs in her care. She is now paying for their food and medications out of her own pocket. A vote to remove her as Director is scheduled for May 27.

LEGAL STANDARD

A temporary restraining order is appropriate where the movant demonstrates: (1) a clearly ascertainable right in need of protection; (2) irreparable harm absent injunctive relief; (3) no adequate remedy at law; and (4) a likelihood of success on the merits. *Mohanty v. St. John Heart Clinic, S.C.*, 866 N.E.2d 85, 95 (Ill. 2006). The Court should also consider the balance of hardships and the public interest.

ARGUMENT

I. Ms. Scheffke Has Clearly Ascertainable Rights in Need of Protection

Ms. Scheffke has a contractual right to her employment under the 2018 Employment Letter Agreement. She has a right to reside at the shelter under the housing arrangement formalized by Board resolution. She has a right, as a Director, not to be removed except on the grounds set forth in the operative bylaws. And she has a right, as a fiduciary of a charitable organization, to demand that the organization's donated funds not be misappropriated by her fellow directors.

Each of these rights is documented. Each is under immediate threat.

II. Ms. Scheffke Will Suffer Irreparable Harm

Three forms of irreparable harm will follow if the May 27 vote proceeds.

First, she will lose her home. Ms. Scheffke lives at the shelter as a condition of employment. Removal as Director leads to termination, which leads to eviction. She has lived at this property since 2019. She has no alternative housing. Loss of one's home is the textbook definition of irreparable harm. See *Robinson v. Chicago Housing Authority*, 54 F. Supp. 2d 788, 795 (N.D. Ill. 1999).

Second, she will lose her life's work. Eighteen years of building an organization from nothing. The name itself, one she chose when she incorporated the rescue and took a train to Springfield to get its EIN. The relationships with donors, foster families, veterinary providers across Illinois, and law enforcement contacts. The institutional knowledge of how to run a French Bulldog rescue. The national network of rescues that calls her whenever they see a Frenchie in dire need. All of it, gone. This is not a harm that can be measured in money. It is the kind of loss that equity was created to prevent.

Third, the dogs will lose their caregiver. Four medically fragile animals depend on Ms. Scheffke for daily survival. This is not a figure of speech. A French Bulldog that depends on a wheelchair for mobility, and does not receive daily physical therapy, will lose what movement she has permanently. A dog whose deformed limbs are being treated with a custom 3D-printed cast will deteriorate without consistent care. A dog with serious medical conditions who was already abandoned once will face a second abandonment if her caregiver is removed with no replacement plan in place. There is no backup plan. There is no one else trained to provide this care. If Ms. Scheffke is removed from the shelter, no one has identified who will feed these dogs tomorrow, let alone manage their complex medical needs. The Court is not being asked to weigh abstract organizational interests. It is being asked to prevent a concrete, immediate risk to the welfare of living animals in the care of a registered charitable organization.

III. There Is No Adequate Remedy at Law

Money cannot give Mary Scheffke back her home. It cannot restore eighteen years of institutional knowledge and relationships. It cannot undo a deterioration in a paralyzed dog's condition that occurs because no one was there to do the physical therapy. The harms at issue are personal, operational, and biological. They are irreversible. They are precisely the kind of harm for which injunctive relief exists.

IV. Ms. Scheffke Is Likely to Succeed on the Merits

The merits are strong on every independent ground.

The bylaws are void. The 2009 documents are unsigned, uncertified, and unadopted. Section 5.2 of the 2009 document itself names three directors “as of the date of this Amendment and Restatement”: Mary Scheffke, Lynne Miller, and Kathleen Miranda. Two of those three - Ms.

Scheffke and Ms. Miranda- have no recollection of voting on or approving these documents. Without a quorum, there was no valid adoption. Under 805 ILCS 105/1 et seq., these documents have no legal effect. The 2008 Bylaws govern, and those bylaws do not authorize removal on the grounds asserted.

Illinois courts have consistently held that when a private not-for-profit corporation revokes existing rights or privileges, it must follow its own bylaws or be subject to judicial review. *Jain v. Northwest Community Hospital*, 67 Ill. App. 3d 420, 425, 385 N.E.2d 108 (1st Dist. 1978) ("where a physician's existing staff privileges are revoked or reduced, a private hospital must follow its own bylaws in doing so or be subject to limited judicial review"); *Carson v. Northwest Community Hospital*, 192 Ill. App. 3d 118, 121, 548 N.E.2d 579 (1st Dist. 1989) ("The court may only determine whether the hospital has complied with its bylaws in taking the disciplinary action."). The principle is not limited to healthcare institutions; it arises from the equity power of courts to supervise the internal governance of not-for-profit corporations organized under Illinois law - the same corporate form under which CFBR is organized. Where the court finds noncompliance, the remedy is to order compliance. *Carson*, 192 Ill. App. 3d at 121. Here, the operative bylaws do not authorize the removal being pursued. There is nothing to comply with, because no valid removal authority exists.

The expenditure was a breach of fiduciary duty. Spending \$5,000 in donations earmarked for dog rescue on a conflicted law firm to pursue a personal vendetta against the founder is not governance. Mediation was never considered. Resolution was never sought. The decision to spend donated funds on this campaign was made by the same people who sent the harassing texts -people who had already decided what outcome they wanted and saw no reason to pursue it on

their own dime when the donor fund was available. A Charitable Trust Complaint has been filed with the Illinois Attorney General regarding this misuse of donor funds.

The law firm has a disqualifying conflict. Wagenmaker & Oberly designed the arrangements it is now investigating. The conflict is not a close question. It is documented in the firm's own 2018 emails and drafting files. The firm's continued representation is not merely cynical, it violates Illinois Supreme Court Rules of Professional Conduct 1.7 and 1.9.

V. The Balance of Hardships and the Public Interest Favor Relief

If the Court grants this motion, Defendants will be asked to wait. That is the sum total of their hardship.

The organization will continue to operate. The dogs will continue to be fed and medicated and cared for. The status quo will be preserved for the brief period necessary to hear this matter on the merits.

If the Court denies this motion, the consequences are irreversible. A woman loses her home. An organization loses its founder. Four dogs with complex medical needs lose the person who has kept them alive. There will be no mechanism to take in and care for IVDD afflicted French Bulldogs and those requiring round the clock care. And donors who gave money to rescue French Bulldogs learn that their contributions were spent on lawyers pursuing a grudge match.

The public interest could not be clearer. This is a registered charitable organization whose assets are being diverted from their charitable purpose.

The public, and particularly the donors who fund this rescue, have a direct interest in ensuring that governance is conducted lawfully, that fiduciary duties are honored, and that the animals at the center of this organization's mission are not collateral damage in a boardroom fight.

CONCLUSION

Mary Scheffke is not asking this Court to decide who should run this rescue. She is asking the Court to prevent Defendants from taking an irreversible action, under documents that may not legally exist, funded by donations meant for dogs, before anyone has had the chance to examine whether they have the authority to do what they are doing.

That is what temporary restraining orders are for.

Plaintiff respectfully requests that this Court enter a temporary restraining order:

- (a) restraining Defendants from conducting the May 27, 2026 vote or any vote to remove Ms. Scheffke as a Director of CFBR;
- (b) restraining Defendants from terminating Ms. Scheffke's employment or requiring her to vacate the shelter property;
- (c) restraining Defendants from making any further expenditures of charitable funds in connection with their campaign against Ms. Scheffke;
- (d) ordering restoration of Ms. Scheffke's access to organizational funds necessary for the care of the rescue animals in her custody; and
- (e) setting this matter for hearing on Plaintiff's motion for preliminary injunction at the earliest available date.

Respectfully submitted,

Respectfully Submitted,
/s/ R Tamara de Silva
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May 15, 2026

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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
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MARY CATHERINE SCHEFFKE,
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Nominal Defendant.

Case No. _____

ORDER

This matter coming before the Court on Plaintiff's Emergency Motion for Temporary Restraining Order, and the Court having reviewed the Verified Complaint (verified pursuant to 735 ILCS 5/1-109), the Motion, the Affidavit of Kathleen Miranda (Exhibit A), the 2008 Bylaws (Exhibit B), and the 2009 unadopted draft document (Exhibit C), and the Court being fully advised in the premises:

IT IS HEREBY ORDERED:

1. Defendants Susan Schulz, Michelle Martin and Victoria McElligott, and all persons acting in concert with them, are restrained from conducting the May 27, 2026 vote, or any vote, to remove Mary Catherine Scheffke as a Director of Chicago French Bulldog Rescue, Inc., NFP, pending further order of this Court.

2. Defendants are restrained from terminating Ms. Scheffke's employment as Executive Director or requiring her to vacate the shelter property at 25540 S. Blackberry Lane, Channahon, Illinois, pending further order of this Court.

3. Defendants are restrained from making any further expenditures of CFBR's charitable funds in connection with their campaign against Ms. Scheffke, including further payments to Wagenmaker & Oberly, LLC, pending further order of this Court.

4. Ms. Scheffke's access to CFBR's organizational debit card and funds necessary for the care of rescue animals shall be restored immediately.

5. This matter is set for hearing on Plaintiff's motion for preliminary injunction on _____, 2026, at _____ a.m./p.m.

6. Plaintiff shall post bond in the amount of \$_____.

ENTERED: _____

Judge, Circuit Court of Cook County