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

MARY CATHERINE SCHEFFKE, Plaintiff,	Case No. 2026CH04709
v.	Hon. Judge Eve M. Reilly
SUSAN SCHULTZ, VICTORIA McELLIGOTT, MICHELLE MARTIN, and CHICAGO FRENCH BULLDOG RESCUE, INC., Defendants.	Calendar 7

PLAINTIFF'S REPLY IN SUPPORT OF HER EMERGENCY MOTION FOR A PROTECTIVE ORDER

Defendants' Response confirms why the inspection should not go forward. In their own words, its purpose is to determine what is needed to "bring the Property up to a condition where it can be properly listed for sale," because keeping Ms. Scheffke and maintaining the Property are "unsustainable financially," and because, in their view, she can be terminated and left with "no legal grounds to resist her removal from the Property." That is not stewardship. It is the sale and the removal that the June 17, 2026 preliminary injunction was entered to prevent. That purpose appears nowhere in Defendants' original inspection notice, which spoke only of the dogs, the condition of the house, and recordkeeping. It surfaced only when Defendants had to justify the entry to the Court.

The logistics Defendants offer, notice to counsel, an outside inspector, and counsel present, do not cure the problem, because the problem is the purpose, not the mechanics. Ms. Scheffke does not consent to an inspection meant to ready her court-restored home for sale. Defendants may not accomplish through self-help what the injunction forbids. If they wish to sell the Property or to

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end her employment, the remedy is a motion to modify the injunction, on notice. The inspection should be denied.

I. The inspection is the next step in a campaign to empty and sell the Rescue, and the June 17 Order forbids it.

The June 17 Order restored Ms. Scheffke's employment, her home, and her directorship, and enjoined Defendants from removing her from any of them. An inspection to ready the Property for sale is a step toward listing it, selling it, and emptying it of the founder the Court just restored. That does not preserve the status quo. It dismantles it.

A preliminary injunction's only office is to preserve the last actual, peaceable, uncontested status that preceded the controversy. *Postma v. Jack Brown Buick, Inc.*, 157 Ill. 2d 391, 397 (1993); *Buzz Barton & Assocs. v. Giannone*, 108 Ill. 2d 373, 385-86 (1985). *Postma* shows why that forecloses a sale. There, the disputed transfer was not enjoined, the sale went forward, a further transfer followed, and the Court observed there was no apparent way to restore the *status quo.* A sale of the Property here would likewise place it beyond recall and defeat the Court's ability to grant final relief, which is what the June 17 Order was entered to prevent.

And it is not an isolated step. The First Amended Verified Complaint pleads a course of conduct. The directors used the Rescue's charitable funds to pay lawyers to investigate and remove its founder. On May 8, 2026, they halted the Rescue's intake of animals, the one thing the organization exists to do, to make the founder easier to remove and the Property easier to empty and sell. In doing so they closed the Rescue to many dogs in dire need. They used the Rescue's own official platforms and public-facing channels to publish statements against her, alienating donors and volunteers. The inspection Defendants now seek is the next move in that sequence, and it serves the same end. A board is free to disagree with its founder, and free to resign and build a rescue of its own. It is not free to seize the name, the funds, and the platforms of the organization Ms. Scheffke spent eighteen years building and turn them against her, and it is not free to use an

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inspection to finish that work while the injunction stands.

There is no history of exclusion to remedy: Ms. Scheffke did not refuse the Rescue's directors or members entry to the Property before this litigation, and the access dispute is a product of this case rather than a condition that preceded it.

II. Entry into the residence and its records is discovery, governed by Supreme Court Rule 214, not self-help.

Defendants say Rule 214 does not apply because the Rescue owns the Property and the records, and that they mean only to "evaluate the recordkeeping process." Ownership does not turn a mid-litigation entry into the opposing party's home into something other than discovery. Ms. Scheffke lives on the Property, and the records Defendants want are at the center of this case. Rule 214 supplies the procedure and the protections for exactly this, including a written request, a reasonable scope, and the right to object. Evaluating how records are kept and inspecting them are the same thing; one cannot judge the first without doing the second. If Defendants want the records, they may serve a Rule 214 request, not enter Ms. Scheffke's home to review them under another name.

III. This is a charitable-trust dispute, not a question of who holds the majority.

Defendants say this is "not a governance dispute" and that Ms. Scheffke is merely "aligned against" a board "majority." That is wrong twice. It contradicts the June 17 Order, which restored her as a director. And it misstates the dispute. This is a charity. *The directors do not own the Rescue or its Property*. They hold its assets in trust for a charitable purpose, subject to the oversight of the Attorney General. Section 108.05 of the General Not For Profit Corporation Act of 1986, 805 ILCS 105/108.05, which Defendants cite, vests management in the board, but it does not license a majority to ignore a court order or to divert or dispose of charitable property. Their plan to sell

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only sharpens the point, because disposing of a charity's assets implicates the Attorney General's supervisory interest and cannot be done as though the Property were the directors' own.

IV. Defendants' cases involve employment that has ended; the injunction forbids ending Ms. Scheffke's.

Defendants' authorities hold that job-tied occupancy ends when the job ends, but each presupposes an actual discharge by a body with authority to act. Their own case proves it: *Crain v. Burnett*, 190 Ill. App. 407, 411 (1914), reaches a discharge, rightful or wrongful, but a void removal is no discharge at all. That is this case. The removal on which their severance theory depends is the contested act this Court has already found Ms. Scheffke likely to prove void, on May 21 and again on June 17. She has not been lawfully terminated; she has been restored by order, and Defendants enjoined from removing her. The authorities are inapposite.

V. Neither the Department of Agriculture report nor the invocation of Russell supports entry.

The only official record of the Property's condition is the May 19, 2026 Department of Agriculture report. It found no hoarding and no dog in distress, and it cited Ms. Scheffke for nothing. The single recordkeeping question the inspector raised concerned one dog only, Arial: whether an Indiana health certificate had issued when she came to the Rescue. Arial had arrived on an animal control transport with open, bleeding abscesses and exposed flesh, and had gone straight to the emergency room; the inspector was unsure who was responsible for it. The Department of Agriculture's own requirement is that the Rescue's veterinary records be kept in one place, with the on-site director; Ms. Scheffke's custody of them is compliance, not the deficiency the Board offers as a reason to enter. Defendants do not attach that report. Instead, they offer a declaration in which director Susan Schultz recounts a telephone call she supposedly placed to the inspector after his May 19 visit, in which he supposedly said the house was "on the verge of

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hoarding" and that Russell was "dragging himself around in his pen." Neither statement appears in the inspector's written report. Assuming *arguendo* this even happened, it is hearsay, assembled for this litigation and contradicted by the inspector's own findings, and it is the weakest possible basis for entering a home.

Three dogs remain on the Property because the directors halted intake in May 2026. They shut down the Rescue's core function so the shelter would empty, because a property with no dogs is easier to sell and a founder with no animals in her care is easier to remove. Russell is regularly seen by his treating veterinarian, and the Board already holds those records. If Russell's health were the concern, the Board could review the records in its possession rather than enter Ms. Scheffke's home. On Defendants' own filing, Russell is not a welfare concern. He is a pretext for the access Defendants admit they want.

VI. Defendants' characterization of Tulip's death is contested and irrelevant to property access.

Defendants assert that Tulip's fatal complications were "unrelated to her cancer." But Ms. McElligott is not a veterinarian, and that is a contested medical question this record cannot resolve. What is not contested is the Board's conduct. A cervical mass exerts pressure on adjacent nerves, and prolonged pressure from a mass left in place may cause progressive nerve damage, including paralysis. Three veterinarians recommended the surgery, including a board-certified radiation oncologist and a board-certified surgeon. By contrast, the Board cancelled it the night before on the advice of no one. It took an emergency motion, which this Court granted, for the surgery to proceed nearly two weeks later. Whether the board's delay contributed to Tulip's death is for the treating veterinarians, not for a self-interested board trying to justify its cancellation of her potentially life-saving surgery. To use Tulip's death, after cancelling her surgery, as a reason to enter Ms. Scheffke's home is not a reason at all. It is callous opportunism.

Two smaller points warrant mention. Defendants say their proposal to use an outside inspector and a veterinary technician answers any concern about confrontation. It does not. Defendants have not said who they would send into Ms. Scheffke's home, only that it would not be the three directors, and whoever it is acts under a board whose authority is enjoined and disputed. Any inspection the Court permits should be conducted by neutral parties jointly selected. The Board's own history confirms the need for neutrality: when the Rescue bought the Property in 2021, a home inspection identified a list of issues the Board then left unaddressed, and its concern for the Property's condition surfaced only with its effort to remove the founder and sell it.

CONCLUSION

For these reasons, Plaintiff respectfully requests that the Court grant Plaintiff's motion and enter a protective order under Supreme Court Rule 201(c)(1) barring any inspection undertaken to prepare the Property for sale or to facilitate Ms. Scheffke's removal, as inconsistent with the June 17, 2026 Order. Should the Court permit any entry over Plaintiff's objection, Plaintiff requests that it be strictly limited to the following: seven business days' written notice to Plaintiff's counsel; the presence of Plaintiff's counsel; entry by neutral and jointly selected parties, rather than by the individual Defendants and their proxies; and no entry into Ms. Scheffke's personal living quarters or effects.

There is no exigency here. The State inspected and cleared the Property weeks ago, the dogs are under veterinary care, and the Board already sees all the medical records. Absent any emergency, an inspection would serve only two ends the law does not permit: the discovery the Rescue must pursue under Rule 214, and continued harassment of the person the injunction restored. Whatever else this board is, it is not a steward of the Rescue's mission. The halted intake, the emptied shelter, and now the demand to enter her home are one campaign with one object: to remove the founder.

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Respectfully submitted,

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Counsel for Plaintiff.

CERTIFICATE OF SERVICE

The undersigned certifies that on July 7, 2026, she caused a copy of the foregoing to be served upon counsel of record through the Court's electronic filing system.

/s/R Tamara de Silva
R Tamara de Silva