

Addison v. Distinctive Homes

In this case, homeowners sued the developer of a subdivision. The owners alleged when they purchased their property, the developer represented that a golf course would be constructed and they paid higher prices for lots that would border the course. The homeowners also claimed the developer abandoned any plans for a golf course before they purchased their property. Plaintiffs asserted claims for common law fraud and violations of the Illinois Consumer Fraud Act (815 ILCS 505/1, *et. seq.*) against the developer.

We successfully had plaintiffs' complaint dismissed several times, and eliminated several of plaintiffs' claims for violation of the Act and common law fraud. Ultimately, the trial court dismissed several counts of plaintiffs' complaint with prejudice because they could not allege sufficient facts to establish their claim. The homeowners appealed. The Appellate Court agreed that the owners had not pled specific facts that established any fraud, and it affirmed the dismissal of those counts with prejudice. Further, since plaintiffs failed to plead specific facts after obtaining discovery, the appellate court noted it was clear they could not ever plead their claims so dismissal with prejudice was appropriate. For the full text of this opinion, please contact Guy Conti of Condon & Cook, LLC or please see *Addison v. Distinctive Homes, Ltd.*, 359 Ill.App.3d 997, 836 N.E.2d 88 (1st Dist 2005).