



PAPA ROMEO'S *The Pizza Delivery*



Julie Fabiszak/Pioneer Press

Saeed Ashfaz, one of four brothers who own Papa Romeo's Pizza, 3939 Dempster St., stands in the reopened pizzeria. The operation was forced to close for five days starting July 14 when the landlord removed key kitchen equipment.

Pizzeria reopens amid dispute over site lease

By KATHY ROUTLIFFE
STAFF WRITER

A dispute between a Dempster Street pizzeria and its landlord shut the shop for five days last week, after the landlord ordered removal of oven exhaust fans and freezer condensers required by village ordinances.

It has also resulted in a \$25 million civil suit by the owners of Papa Romeo's Pizza, 3939 Dempster St., against the Horizon Group, which is the landlord of the small shopping center in which the pizzeria sits.

That center is where a developer wants to build a 10,880 square foot pharmacy with a drive-through window, zoning for which the

village's Plan Commission approved last month.

The pizzeria's suit was filed July 19 in Cook County Chancery Court in Chicago before Judge Julia Nowicki, five days after Horizon had the pizzeria's oven exhaust vent and freezer condenser removed from the roof.

The company has not stated why it removed the equipment.

At the July 19 hearing, Papa Romeo's won a preliminary injunction to prevent Horizon from taking equipment it bought and installed July 18, restaurant attorney Paul Plotnick said.

Nowicki was scheduled to hear the case (Continued on page 12)

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again this Wednesday.

Restaurant co-owners Ashfaq Ahmad and Naimat Abbas said Tuesday that representatives of Horizon have harassed and threatened their business, trying to end a five-year lease in order to sell the property to a developer.

"If my brother had not come early that day and seen them taking the equipment, there could have been real problems with spoiled food and dangers with the oven," he said.

He said restaurant employees called police, who then called village fire and health department officials. They had to tell Papa Romeo's to close down since its freezer didn't work and the exhaust fan was gone, causing food and fire hazards.

"We are open now, but 18 people were jobless for five days," Abbas said. "Almost three months ago we tried to negotiate with him, but his negotiation is to make our lives miserable."

Both he and Ahmad said Horizon representative Daniel Michaels told them he knew village Mayor George Van Dusen, and would use that relationship to get them out of the store.

Van Dusen said Tuesday he has no relationship with Michaels and makes it a practice not to talk about any zoning case going through the public hearing process.

That southeast corner of Dempster and Crawford Avenue is where the East Coast-based CVS drug store chain wants to operate a branch.

Skokie Plan Commission members approved new zoning for that store's drive-through pharmacy window on a 6-3 vote in June, but the Village Board must approve the case before CVS can build. Trustees may review the case Aug. 7.

Steve Marciani, of the village's Community Development Department, said Wednesday that, while Plotnick and the pizzeria owners were at the June plan commission meeting, their quarrel with Horizon was a private matter.

Plotnick said Friday his clients believe the pharmacy deal is the only reason Horizon has tried to break its lease with Saieed N. Ashfaq Enterprises, which has operated there since June 1998.

Horizon Realty responded, through papers filed Tuesday by attorney Lee Weisz, that Ahmad and his partners can't ask for injunctive relief since they didn't own the kitchen equipment, and that they replaced it without permission.

In those papers Weisz said the pizzeria owners were warned July 10 that they were in default of their lease by parking more than two cars in the shopping center lot.

Asked if this was the first time Horizon had warned Ahmad against violating parking rules, Weisz said "It's the first time they were put on notice, which is a different thing. The letter says what it says, even if (parking discrepancies) had been waved before."

He denied that Horizon representative Daniel Michaels had ever threatened Papa Romeo's officials. Michaels did not return a call from the **Review**.

Horizon's legal response also says the company has the right to take out the equipment, that Papa Romeo's had been offered help in finding a new site across the street, and that the restaurant owners had indicated they were thinking of moving to another community anyway.

Both Abbas and Ahmad said they don't want to move. They are opening other branches along the North Shore, but want to stay in Skokie.

"They say they would help us move and they are thinking that this is a very easy thing to do. But consider we were closed for only five days and our business is already down 60 percent," Abbas said.

"We have simply said that if we are to move, and they want to break the lease, we need money to move. They only say they will make our lives miserable and that they will bring a bulldozer in."