

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANNABEL K. MELONGO,

Plaintiff,

v.

**ASA ROBERT PODLASEK; ASA JULIE
GUNNIGLE; INVESTIGATOR KATE
O’HARA (Star No. 423); INVESTIGATOR
JAMES DILLON (Star No. 1068);
INVESTIGATOR ANTONIO RUBINO (Star
No. 5043); INVESTIGATOR RICH LESIAK
(Star No. 5000); UNKNOWN COOK COUNTY
SHERIFF OFFICERS; DR. MATTHEW S.
MARKOS; LAUREL LAUDIN; ASST. ATTY.
GENERAL KYLE FRENCH; COOK COUNTY
SHERIFF THOMAS DART; COOK COUNTY.**

**FIRST AMENDED COMPLAINT
AND JURY TRIAL DEMAND**

13-cv-04924

NOW COMES Plaintiff, **ANNABEL K. MELONGO**, by and through her attorney,
JENNIFER BONJEAN of the **BONJEAN LAW GROUP, PLLC**, and for cause of action
against the defendants, both jointly and severally, respectfully states as follows:

INTRODUCTION

1. On April 13, 2010, Plaintiff was arrested without probable cause for violating the Illinois Eavesdropping Statute, recently struck down as unconstitutional by the Illinois Supreme Court, *People v. Melongo*, 2014 IL 114852 (March 20, 2014). *See also, ACLU of Illinois v. Anita Alvarez*, 679 F. 3d 583 (7th Cir. 2012).

2. Plaintiff was accused of secretly recording three separate telephone conversations

she had with Pamela Taylor, a supervisor in the Official Court Reporters office of the Circuit Court of Cook County, Criminal Division and posting those conversations to her website

www.illinoiscorruption.net

3. At that time, Plaintiff's website www.illinoiscorruption.net chronicled her efforts to defend against criminal charges of computer tampering to which she maintains her innocence and which she alleges are the product of prosecutorial misconduct and political corruption. Plaintiff's stated purpose in maintaining her website is to expose corruption in the Cook County criminal justice system.

4. Even though Defendants knew that Plaintiff's conduct of recording Taylor was protected under a statutory exemption of the Illinois Eavesdropping statute, Defendants arrested, detained, and later maliciously prosecuted Plaintiff for violating the Eavesdropping Statute. Defendants did so to retaliate against Plaintiff for exercising her First Amendment rights to free speech and freedom of press.

5. Plaintiff's charges for eavesdropping were dismissed in their entirety on June 26, 2012. However, Plaintiff was incarcerated at the Cook County Jail for 20 months as a result of the eavesdropping charges and spent an additional six (6) months on house arrest before the dismissal of the charges.

PARTIES

6. Plaintiff Annabel Melongo is an adult resident citizen of Cook County, Illinois.

7. On information and belief, Defendant Robert Podlasek is an adult resident of Cook County, Illinois. At all times material hereto, Defendant Podlasek was a duly appointed Assistant Cook County State's Attorney and was acting under the color of state law. Podlasek is

sued individually and in his official capacity as an Assistant Cook County State's Attorney.

8. On information and belief Defendant Julie Gunnigle is an adult resident of Phoenix, Arizona. At all times material hereto, Defendant Gunnigle was a duly appointed Assistant Cook County State's Attorney and was acting under the color of state law. Gunnigle is sued individually and in her official capacity as an Assistant Cook County State's Attorney.

9. On information and belief, Defendant O'Hara is an adult resident of Cook County, Illinois. At all times material hereto, Defendant O'Hara was an investigator for the office of the Cook County State's Attorney and was acting under color of state law. O'Hara is sued individually and in her official capacity.

10. On information and belief Defendants Dillon, Rubino, Lesiak, and (and unknown Cook County sheriff officers) are adult residents of Cook County, Illinois. At all times material hereto, Defendants Dillon, Rubino, Lesiak, and were duly appointed members of the Cook County Sheriff's Department and were acting by virtue of their position as law enforcement officers and under color of state law. They are sued in their individual and official capacities as officers of the Cook County Sheriff's Department.

10. On information and belief, Laurel Laudin is an adult resident of Cook County, Illinois. At all times material hereto, Laudin was a court reporter employed by the Cook County Official Court Reporters office.

11. On information and belief, Defendant Kyle French is an adult resident of Anchorage, Alaska.. At all times material hereto, Defendant French was a duly appointed Assistant Illinois Attorney General and was acting under color of state law. French is sued in his individual/personal capacity and official capacity.

12. On information and belief, Dr. Matthew S. Markos is an adult resident of Cook County, Illinois. At all times material hereto, Dr. Markos was the director of Forensic Clinical Service and was acting in a law enforcement capacity and under color of state law. Markos is sued individually and in his official capacity

13. Cook County Sheriff, Thomas Dart, was elected Sheriff of Cook County and was responsible for the day to day operations of the Cook County Jail, including his employees. Dart is his capacity as Cook County Sheriff existed as such under the laws of the State of Illinois and the United States.

14. Cook County is a municipality chartered by the State of Illinois and as such is a political subdivision of the State of Illinois and among its other functions operates and maintains a law enforcement agency known as the Cook County Sheriff's Department. Cook County is under a duty to run its policing activities in a lawful manner so as to preserve the rights, privileges, and immunities guaranteed and secured to them by the constitutions and laws of the United States and the State of Illinois.

JURISDICTION AND VENUE

15. Each and all acts of defendants were performed under the color and pretense of the Constitutions, statutes and ordinances, regulations, customs, and usages of the United States of America, the State of Illinois, the County of Cook, and under the authority of their office as law enforcement officers for Cook County, Illinois.

16. The incidents which give rise to this cause of action occurred within this jurisdiction and within two years of the filing of this Complaint.

17. Venue is proper in this venue pursuant to 28 U.S.C. § 1391, as all the acts or

omissions which give rise to this cause of action occurred within this district.

18. Jurisdiction is proper pursuant to federal question jurisdiction, 28 U.S.C. § 1331, 28 U.S.C. § 1343(a)(3)(4) and 42 U.S.C. § 1983. Plaintiffs further invoke the pendent and supplemental jurisdiction of this Court to hear and decide claims arising under state law pursuant to 28 U.S.C. § 1367.

FACTUAL ALLEGATIONS

Plaintiff hereby incorporates, in their entirety, each and every paragraph contained in this complaint and by reference makes said paragraphs a part hereof as if fully set forth herein:

19. On October 31, 2006, Plaintiff Melongo was charged with three (3) counts of Computer Tampering under 720 ILCS 5/16-D-3(a)(3)¹. According to the State, Plaintiff remotely deleted files, mostly financial, that belonged to the Save-A-Life Foundation (“SALF”), a now defunct non-profit organization with ties to numerous prominent Cook County and Illinois politicians.

20. Founded in 1993 by Carol Spizzirri, SALF’s mission was to pass and help implement legislation nationwide what would require training in first aid and cardiopulmonary resuscitation for police, firefighters, teachers, public safety workers and emergency dispatchers. SALF was a member organization of the Federal Emergency Management Agency and received nearly \$9 million in federal and state funding during its existence.

21. Carol Spizzirri cultivated relationships with prominent politicians to advance SALF and gain access to stated and federal funds. By way of example, United States Secretary of

¹ Plaintiff’s computer tampering case is still pending in the Circuit Court of Cook County, Criminal Division, nearly 8 years after Plaintiff was charged. Plaintiff has demanded trial which is scheduled to commence on June 24, 2014.

Education Arne Duncan was a prominent supporter of SALF when he was the CEO of the Chicago Public Schools. Dick Durbin, one of the highest ranking senators in the United States Senate was one of SALF's strongest supporters. Illinois Congresswoman Jan Schakowski sponsored a Congressional Budget earmark for SALF. Former U.S. Senator Republican Norm Coleman sponsored a bill that would have awarded SALF millions if it had passed, and in 2006 the U.S. Conference of Mayors adopted the Community Response Systems Initiative Resolution, committing their support to SALF.

22. However, since November of 2006, SALF has been the subject of dozens of news/investigative reports that have exposed SALF's founder Carol Spizzirri as a serial fabricator and questioned the organization's claims, practices, and finances. To date, the greater than \$9,000,000 received by SALF in state and federal funds remains unaccounted for. Meanwhile, Spizzirri has relocated to California, avoiding further scrutiny of her conduct while operating SALF².

23. In and around October 2006, Spizzirri became aware that SALF's financial activities were coming under scrutiny and that reporter Chuck Goudie from ABC News Chicago was preparing to air a series of investigative reports that discredited Spizzirri and her organization.

24. Knowing SALF's financial records might come under review, Spizzirri falsely

² In response to a letter sent by Illinois State Senator Tim Bivins to the Illinois Attorney General calling for an investigation of Spizzirri on January 18, 2012, the Illinois Attorney General via Chief Deputy Attorney General Brent Statton indicated that SALF was the subject of an ongoing investigation by the Charitable Trust Bureau of the Attorney General's office. To date, no civil or criminal actions have been brought against Spizzirri despite credible reports that Spizzirri siphoned millions of dollars from SALF.

accused Plaintiff of remotely deleting financial files from the SALF server, claiming that Plaintiff was angry at Spizzirri for terminating her. Spizzirri contacted the Illinois Attorney General's office and reached out directly to her personal friend Cook **Count** State's Attorney, Dick Devine, requesting criminal charges be brought against Plaintiff.

25. The investigation of Spizzirri's allegations were conducted by Randy Roberts, of the Cook **Count** State's Attorney's office, and **Defendants** AAG French with the assistance of the Schiller Park Police.

26. On January 17, 2007 - after a finding of no probable cause - the State indicted Plaintiff on computer tampering charges. The State superseded Plaintiff's original January 17, 2007 indictment with a new indictment on May 28, 2008.

27. Plaintiff was never arraigned on the superceding indictment. However, a report of proceedings before Judge James M. Schreier on June 18, 2008 falsely suggests that Plaintiff was present in court and arraigned on the superceding indictment.

28. The report of proceedings reflect that Plaintiff's counsel appeared in court and entered a plea of not guilty to the superceding indictment on behalf of Plaintiff. Plaintiff did not indicate on the record that she understood the charges and the court directed all communication to her attorney - even referring to Plaintiff in the third person. However, at the conclusion of the proceeding the court inquired about Plaintiff's bond:

The Court: There was some alleged deficiencies in the first indictment that
 Counsel talked about, '07 nolle pros case, superseded by 08-10502.
 Did she have a cash bond on that, or what kind of bond was she out
 on?

The Defendant: I-bond.

The Court: I-bond.

29. The isolated “I-Bond” statement allegedly uttered by “The Defendant” is the only indication that Plaintiff was present in court on June 18, 2008. Indeed, the docket sheet, the half sheet, the judge’s notes, and the court call sheet all indicate that Plaintiff was not present in court that day.

30. After reviewing the report of proceedings from the June 18, 2008 court date, Plaintiff contacted the office of the Official Court Reporters and spoke with Defendant Laudin who purportedly transcribed the proceedings. Plaintiff told Laudin that she was not present at the June 18, 2008 proceedings and questioned her as to why the transcript suggested she was. Ms. Laudin denied any inaccuracies in the transcript and eventually hung up the phone.

31. Laudin later admitted that she destroyed the audio recording of the June 18, 2008 court proceedings which would have proved that Plaintiff was not present at the arraignment.

32. On December 10, 2009, Pamela Taylor, the supervisor of the Official Court Reporters office contacted Plaintiff and admonished her not to contact Ms. Laudin again. Irritated, Plaintiff hung up the phone. Taylor called Plaintiff back a second time and left a message on her voice mail instructing her to contact Taylor directly if she had any additional questions about the June 18, 2008 transcript.

33. Later that day, Plaintiff complied with Taylor’s instructions and called her to question and discuss the accuracy of the June 18, 2008 transcripts. Plaintiff recorded the conversation. Plaintiff recorded additional conversations with Taylor on December 15 and

December 16, 2009.

34. Plaintiff recorded her conversations with Taylor in an effort to gather evidence to prove that she was not actually present for the June 18, 2008 court date where she was allegedly arraigned on a superceding indictment. Furthermore, Plaintiff intended to prove that the court reporter fabricated the report of proceedings when she indicated that Defendant was present in open court and later destroyed the audio tape that would have proved that fabrication.

35. In November, 2009, Plaintiff created a website known as www.illinoiscorruption.net to chronicle her efforts at defending against the computer tampering charges which she claimed were instituted without probable cause and as a result of political pandering. On her website, Plaintiff states that she launched the site in an attempt to bring public attention to the abuses of the criminal justice system in Illinois.

36. On December 17, 2009, Plaintiff posted her conversations with Taylor on her website www.illinoiscorruption.net. Plaintiff noted that the recording of her conversations with Taylor was protected by 720 ILCS 5/14-3(I), an exemption to the Illinois Eavesdropping statute that permits the secretive recording of conversations to prove a claim.

37. Plaintiff also contacted the FBI to report her belief that the June 18, 2008 transcripts were falsified or doctored. FBI agent Dana DePooter testified under oath that she received an email from Plaintiff complaining that the June 18, 2008 transcript had been tampered with or doctored.

38. In and around January, 2010, Defendant French of the Illinois Attorney General office began investigating Plaintiff's website and instructed a Senior Computer Evidence Recovery Technician to capture the website for investigative purposes. On information and

belief, French also instructed the technician to monitor Plaintiff's website.

39. On January 8, 2010, Plaintiff, acting *pro se*, filed a motion to dismiss the computer tampering charges on the grounds that the State suborned perjury from its witnesses during the grand jury proceedings that resulted in her indictment.

40. On March 3, 2010, the date on which Plaintiff was scheduled to argue her motion to dismiss the charges, Defendants French, Podlasek, and Gunnigle moved to have Plaintiff psychologically examined ("BCX") to determine her fitness to stand trial and to represent herself.

41. Thereafter, Plaintiff posted on her website that "Annabel has a big surprise in store for the court in its attempt to push her out of the case by pretending that she is psychologically unbalanced. The surprise will be known on April 14, 2010."

42. On April 13, 2010, Plaintiff submitted to a psychological exam to be conducted by Defendant Markos. While Plaintiff was undergoing the evaluation, Defendants Podlasek and Gunnigle contacted Defendant Dillon instructing Dillon to arrest Plaintiff because of the "inappropriate" "surprise" message posted on her website. Plaintiff explained to Dr. Markos that the surprise to which she referred was her hiring of a new attorney.

43. As a result of this direction, unknown Cook County Correctional officers were dispatched to the Criminal Court facility where they interrupted Plaintiff's evaluation by Defendant Markos and asked to speak with Defendant Markos privately.

44. After leaving the room for a short period, Defendant Markos returned and began questioning Plaintiff extensively about her website and her entries on the website, including the "surprise" post. Markos attempted to elicit incriminating responses from Plaintiff during this so-

called psychological exam about her website.

45. Immediately after the evaluation, Plaintiff stepped outside and was arrested by unknown Cook County Sheriff officers and transferred to the Cook County Central Intelligence Unit (“CIU”). Plaintiff was arrested for allegedly threatening a public official.

46. Plaintiff was interrogated by Defendants Dillon, Lesiak, and Rubino regarding her website and Plaintiff asserted her right to counsel. Defendants Dillon, Lesiak, and Rubino had no probable cause to detain Plaintiff for threatening a public official, but notwithstanding the lack of probable cause, Defendants Dillon, Lesiak and Rubino arrested and detained Plaintiff. They did so at the behest of Defendants Podlasek, Gunnigle, and French. Defendants Podlasek and Gunnigle were actively investigating the case, including taking action to subpoena the websites’ records.

47. The State abandoned its threatening a public official charge, and on April 13, 2010, a complaint was filed against Plaintiff for violating the Illinois Eavesdropping statute when she recorded her conversations with Pamela Taylor and posted those conversations on her website. Although the alleged complainant on the Eavesdropping charges was Pamela Taylor, the complaint itself does not bear her signature.

48. No probable existed to justify the eavesdropping charges where Plaintiff recorded her conversations with Taylor for the purpose of establishing that the Court Reporters office had falsified transcripts that erroneously suggested that Plaintiff had been arraigned on a superceding indictment when, in fact, she was not even present in court when the alleged arraignment took place. Indeed, Plaintiff herself reported the actions of the court reporter to the F.B.I. and published the recordings on her website.

49. Defendants Podlasek, Gunnigle, French, Rubino, Lesiak, Dillon and O'Hara singled out Plaintiff for prosecution under the eavesdropping statute despite recognizing that a statutory exemption applied to Plaintiff. Defendants arrested Plaintiff and instituted charges against her purely out of vindictiveness and retaliation.

50. Additionally, City Hall employees and Chicago Tribune reporters regularly recorded conversations without the consent of all parties. Despite having knowledge of these violations of the eavesdropping statute, neither the Illinois Attorney General, nor the Cook County State's Attorney, nor the Cook County Sheriff's office investigated, arrested, and prosecuted these violators.

51. Despite an absence of probable cause to charge Plaintiff under the Illinois Eavesdropping Statute, Defendant O'Hara, at the instruction of Defendants Podlasek and Gunnigle, obtained a search warrant to search Plaintiff's home.

52. On April 14, 2010, Plaintiff appeared in bond court and her bond was set at \$30,000D Bond. But on April 20, 2010, at the request of Defendants Podlasek and Gunnigle, Judge Mary Brosnahan raised Plaintiff's bond to \$500,000D bond.

53. On April 27, 2010, Plaintiff was indicted for three (3) counts of recording phone conversations under 720 ILCS 5/14-2(a)(1), and three (3) counts of publishing said conversation on Plaintiff's website www.illinoiscorruption.net.

54. On May 5, 2010, Judge Brosnahan reduced Plaintiff's bond to \$300,000D bond. Unable to make bond, Plaintiff was incarcerated for more than 20 months in the Cook County Jail. During her incarceration, Plaintiff exercised due diligence in attempting to learn the basis for her arrest and determine the individuals responsible for ~~that~~ her wrongful arrest.

55. Plaintiff filed a motion to dismiss the eavesdropping charges on December 13, 2010 which was denied by the Judge Brosnahan.

56. On January 12, 2011, Plaintiff's trial on the eavesdropping charges commenced.

57.. On January 14, 2011, Judge Brosnahan declared a mistrial because the jury was unable to reach a unanimous verdict on the charges.

58. On April 11, 2011, Chief Judge Timothy C. Evans reassigned Plaintiff's cases to the Honorable Judge Steven J. Goebel.

59. Thereafter, Plaintiff terminated her attorney and proceeded *pro se*. Plaintiff remained incarcerated.

60. On September 14, 2011, Judge David K. Frankland of Sangamon County declared the Illinois Eavesdropping Statute unconstitutional. *People v. Allison*, 2009-CF-50.

61. On September 20, 2011, ASA Podlasek moved before Judge Goebel to confiscate Plaintiff's legal files related to the eavesdropping charges allegedly for the purpose of redacting third-party social security numbers and credit card numbers. Judge Goebel granted ASA Podlasek's motion and ordered Plaintiff's former attorney to hand over her legal files to ASA Podlasek. ASA Podlasek demanded that Plaintiff relinquish both her case file on the eavesdropping charges and the computer tampering charges.

62. ASA Podlasek removed various documents from Plaintiff's file, including police reports and other memoranda critical to her defense.

63. On Plaintiff's motion, Judge Goebel released Plaintiff from the Cook County Jail and the Cook County Sheriff placed her in the electronic monitoring program on October 20, 2011 - a week after the maximum sentence for the offense of eavesdropping had expired.

64. On November 10, 2011, Defendant Podlasek moved before Judge Goebel to revoke Plaintiff's bond, alleging that she had made an unauthorized movement to her former attorney's office and "stole" her own legal file. The Court allowed Plaintiff to stay at liberty and to respond in writing to Defendant's motion. Notwithstanding the Court's order, Defendant Podlasek contacted the electronic monitoring program and instructed unknown Cook County sheriff officers to arrest Plaintiff.

65. Plaintiff was imprisoned again until November 23, 2011 when Judge Goebel reinstated Plaintiff's bond and recommitted her to the electronic monitoring program.

66. On November 30, 2011, Plaintiff filed an amended motion to dismiss the eavesdropping charges.

67. On March 2, 2012, Circuit Court Cook County Judge Stanley Sacks declared the Illinois Eavesdropping statute unconstitutional. *People v. Drew*, 10 CR 00046.

68. On March 19, 2012, Plaintiff argued her motion to dismiss the eavesdropping charges.

69. On May 8, 2012, the United States Court of Appeals for the Seventh Circuit declared the Illinois Eavesdropping statute unconstitutional in *ACLU v. Alvarez*, 679 F. 3d 582 (7th Cir. 2012)..

70. On June 19, 2012, Judge Gobel granted Plaintiff's motion to dismiss and on June 26, 2012, officially dismissed the eavesdropping charges

COUNT I

FEDERAL CONSTITUTIONAL VIOLATIONS AGAINST DEFENDANTS PODLASEK, GUNNIGLE, O'HARA, DILLON, RUBINO, LESIAK, FRENCH, MARKOS, UNKNOWN

CO OK COUNTY SHERIFF POLICE OFFICERS

Plaintiff hereby incorporates, in their entirety, each and every paragraph of this Complaint and by reference makes said paragraphs a part hereof as if fully set forth herein.

71. Defendants Podlasek, Gunnigle, O'Hara, Dillon, Rubino, Lesiak, French, Markos, and unknown Cook County Sheriff Police officers committed the above described actions and/or omissions under the color of law and by virtue of their authority as law enforcement officers, and substantially deprived Plaintiff of her clearly established rights, privileges, and immunities, guaranteed to her by the United States Constitution and in violation of 42 U.S.C. § 1983, and deprived Plaintiff of her rights guaranteed to ~~him~~ under the First, Fourth, and Fourteenth Amendments to the United States Constitution, including but not limited to:

- a. freedom from unlawful search and seizure;
- b. freedom from unlawful arrest and seizure of his person;
- c. freedom from deprivation of liberty and property without due process of law;
- d. freedom from summary punishment;
- e. freedom from arbitrary government activity which shocks the **conscious** of a civilized society.
- f. freedom from the arbitrary denial of free speech and press under the First Amendment
- g. freedom from retaliatory arrest
- h. freedom from irrational differential treatment in violation of the equal protection clause.

72. As a direct and proximate result of the acts and omissions of defendants Podlasek, Gunnigle, O'Hara, Dillon, Rubino, Lesiak, French, Markos, and unknown Cook County Sheriffs, Plaintiff's constitutional rights were violated and Plaintiff was injured and sustained substantial injuries.

COUNT II

FEDERAL CONSTITUTIONAL VIOLATIONS AGAINST COOK COUNTY

Plaintiff hereby incorporates, in their entirety, each and every paragraph of this Complaint and by reference makes said paragraphs a part hereof as if fully set forth herein.

73. Defendant County of Cook is under a duty to supervise the members of the Cook County Sheriff's Police Department and to ensure that the policing activities of the Cook County Sheriff are run in a lawful manner preserving to the citizens of Cook County the rights, privileges, and immunities guaranteed to them by the Constitutions of both the United States of America and the State of Illinois.

74. Defendant Cook County permitted, encouraged, tolerated, and knowingly acquiesced to an official pattern, practice, and/or custom of its officers, particularly Defendants Rubino, Dillon, and Lesiak, falsely arresting individuals under the Illinois Eavesdropping Statute in retaliation for an exercise of free speech by citizens of Cook County, Illinois in violation of the First, Fourth, and Fourteenth Amendments to the United States Constitution.

75. Defendant Cook County is directly liable for the Plaintiff's damages due to its permanent and well-settled practice or custom of allowing police officers to arrest citizens under the Illinois Eavesdropping Statute knowing that probable cause did not justify the arrest solely to retaliate against those citizens for exercising their First Amendment rights thereby creating an

atmosphere of illegal and unconstitutional behavior in deliberate indifference and reckless disregard for the welfare of the public at large, including Plaintiff.

76. As a direct and proximate result of the foregoing policy, practice, and custom of Cook County and the Cook County Sheriff's Department, the violation of the constitutional rights of the citizens of Cook County were substantially certain to occur.

77. As a direct and proximate result of the foregoing policy, practice, and custom of Cook County and Cook County Sheriff's Department, Plaintiff's constitutional rights were violated and Plaintiff was injured and damaged.

COUNT III

STATE LAW TORTS AGAINST DEFENDANTS PODLASEK, GUNNIGLE, O'HARA, DILLON, RUBINO, LESIAK, FRENCH, MARKOS, LAUDIN, UNKNOWN COOK COUNTY SHERIFF POLICE OFFICERS

Plaintiff hereby incorporates, in its entirety, each and every paragraph of this Complaint and by reference makes said paragraphs a part hereof as if fully set forth herein

75. The acts, omissions and conduct of defendants Podlasek, Gunnigle, French, O'Hara, Dillon, Lesiak, Rubino, Markos, Laudin, and unknown Cook County Sheriff Police officers constitute false arrest, false imprisonment, malicious prosecution, conspiracy, slander, fraud, negligent infliction of emotional distress and intentional infliction of emotional distress.

76. As a direct and proximate result of the aforementioned acts and omissions of defendants, Plaintiff has been injured and damaged.

77. Cook County Sheriff Thomas Dart, pursuant to the principle of *respondiat superior*, is responsible for the wrongful conduct of its deputies as alleged above.

COUNT IV

AGAINST COOK COUNTY FOR INDEMNIFICATION

_____Plaintiffs hereby incorporate, in its entirety, each and every paragraph of this Complaint and by reference makes said paragraphs a part hereof as if fully set forth herein.

78. Pursuant to 745 ILCS 10/9/-102, 55 ILCS 5/4-6003, and 55 ILCS 5/5-1106, COOK COUNTY is empowered and directed to pay any judgment for compensatory damages (and any associated attorneys' fees and costs) for which an independently elected Cook County officer, such as the Cook County Sheriff and its deputies, including Defendants Rubino, Lesiak, and Dillon, acting within the scope of his employment is found liable.

79. The acts and/or omissions of Defendants Rubino, Lesiak, and Dillon were committed with the scope of their employment.

80. In the event, that a judgment for compensatory damages is entered against Defendants Rubino, Lesiak, and Dillon, COOK COUNTY must pay the judgment as well as the associated attorneys' fees and costs.

COUNT V

PUNITIVE DAMAGES AGAINST DEFENDANTS PODLASEK, GUNNIGLE, O'HARA, DILLON, RUBINO, LESIAK, FRENCH, MARKOS, LAUDIN, UNKNOWN COOK COUNTY SHERIFF POLICE OFFICERS

Plaintiffs hereby incorporate, in its entirety, each and every paragraph of this Complaint and by reference makes said paragraphs a part hereof as if fully set forth herein.

81. The actions and/or omissions of defendants Podlasek, Gunnigle, O'Hara, Dillon, Rubino, Lesiak, French, Markos, Laudin, and unknown Cook County Sheriff Police officers were unlawful, conscience shocking, and unconstitutional, and performed maliciously, recklessly, fraudulently, intentionally, willfully, wantonly, in bad faith, and in such a manner to entitle the

Plaintiff to a substantial award of punitive damages against defendants.

DAMAGES

Plaintiff hereby incorporates, in its entirety, each and every paragraph contained in this Complaint and by reference makes said paragraphs a part hereof as if fully set forth herein.

82. As a direct and proximate result of the aforementioned actions and omissions of the defendants, Plaintiffs was injured and damaged. The damages for which Plaintiff seeks compensation from the defendants, both jointly and severally, include, but are not limited to, the following:

- a. emotional pain and suffering of a past, present, and future nature;
- b. loss of enjoyment of life of a past, present, and future nature;
- c. fright, fear, aggravation, humiliation, anxiety, and emotional distress of a past, present, and future nature as a result of the injuries sustained as a result of the illegal actions of defendants.
- d. loss of earning capacity;
- e. attorney's fees pursuant to 42 U.S.C. § 1988;
- f. punitive damages against applicable defendants;
- g. pre-and post-judgment interest;
- h. declaratory judgment and injunctive relief holding that the policies, practices or customs of defendants, complained of herein are illegal and unconstitutional;
- i. preclusion of defendants O'Hara, Dillon, Lesiak, and Rubino from serving as police officers; and

j. all such relief, both general and specific, to which Plaintiff may be entitled to under the premises.

PRAYERS FOR RELIEF

Plaintiff hereby incorporates, in its entirety, each and every paragraph contained in this Complaint and by reference makes said paragraphs a part hereof as if fully set forth herein.

WHEREFORE, PREMISES CONSIDERED, Plaintiff sues the defendants both jointly and severally, for her personal injuries and prays for a judgment against the defendants for compensatory damages solely in an amount to be determined by a jury as reasonable and for all such further relief, both general and specific, to which she may be entitled under the premises.

WHEREFORE, PREMISES CONSIDERED, Plaintiff sues defendants Podlasek, Gunnigle, O'Hara, Dillon, Rubino, Lesiak, French, Markos, and Laudin in an amount solely to be determined by a jury as reasonable and for all such further relief, both general and specific, to which she may be entitled under the premises.

83. A JURY IS RESPECTFULLY DEMANDED TO TRY THE ISSUES ONCE JOINED.

Respectfully submitted,

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By: s/ JENNIFER BONJEAN

