

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
CHAMPAIGN COUNTY, ILLINOIS

23

Michael S. Hopkins
CLERK OF THE CIRCUIT COURT
CHAMPAIGN COUNTY, ILLINOIS

JANE DOE-1,)
)
 Plaintiff,)
)
 -vs-)
)
 JON A. JAMISON, ST. JOSEPH-OGDEN)
 CHSD #305 BOARD OF DIRECTORS,)
 CHAD UPHOFF, BRIAN BROOKS and)
 JAMES M. ACKLIN)
)
 Defendants,)
)
 and VICTOR ZIMMERMAN,)
)
 Respondent in Discovery.)

NO.: 2012 L 83

DEMANDS TRIAL BY JURY

DEFENDANT JAMES M. ACKLIN'S
ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT

Defendant, James M. Acklin, by his attorneys, Jeffrey S. Taylor and Michael S. Hopkins of Spesia & Ayers, for his answer to Plaintiff's First Amended Complaint states as follows:

Notice of Preservation of Dismissed Counts

1. Defendant Acklin admits the allegations contained in paragraph 1.
2. The allegations contained in paragraph number 2 state a legal conclusion to which an answer is not required. To the extent an answer is required, Defendant Acklin denies that Plaintiff has properly preserved for appeal the Counts specified.

Facts Common to All Allegations

1. The allegations contained in paragraph 1 state a legal conclusion to which a response is not required. To the extent an answer is required, Defendant Acklin admits the District is located in Champaign County, Illinois and that he resides in Champaign County, Illinois. All other allegations are denied.

2. The allegations contained in paragraph 2 state legal conclusions to which a response is not required. To the extent an answer is required, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny where the alleged “transaction” occurred; therefore, said allegations are denied and strict proof is demanded.

Parties

3. The name of Plaintiff JANE DOE-1 is not stated within the First Amended Complaint and as such, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in Paragraph 3; therefore the allegations are denied and strict proof is demanded.

4. The allegations contained in Paragraph 4 contain legal conclusions to which no response is required. To the extent an answer is required, Defendant Acklin admits that the Board is a public body that operates within Champaign County and that it enacts policies and procedures which apply to St. Joseph-Ogden High School in St. Joseph, Champaign County, Illinois, and that it operates in accordance with certain statutes. All other allegations are denied.

5. The allegations contained in Paragraph 5 contain legal conclusions to which no response is required. To the extent an answer is required, Defendant Acklin admits that the Board creates/enacts policies that pertain to the running of St. Joseph-Ogden High School and that said policies relate to certain school activities. Defendant Acklin further admits that a function of the Board includes hiring and terminating District employees and that it operates in accordance with certain statutes. All other allegations are denied.

6. The allegations contained in Paragraph 6 contain legal conclusions to which no response is required. To the extent an answer is required, Defendant Acklin admits that the Board creates/enacts policies that pertain to the running of St. Joseph-Ogden High School and that said policies relate to certain school activities. Defendant Acklin further admits that a function of the

Board includes hiring and terminating District employees and that it operates in accordance with certain statutes. All other allegations are denied.

7. Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations regarding Jon Jamison's residence and what Plaintiff means by "all times relevant herein." Defendant Acklin admits Jon Jamison was employed by the District in various capacities during various school years. All other allegations are denied.

8. Defendant Acklin admits the allegations contained in paragraph 8.

9. Defendant Acklin admits the allegations contained in paragraph 9.

10. Defendant Acklin admits the allegations contained in paragraph 10.

Non-Party Identities

11. The names of Julie Doe-1 and Jane Doe-1 are not stated and therefore, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

12. The names of John Doe-1 and Jane Doe-1 are not stated and therefore, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

13. Defendant Acklin admits the allegations contained in paragraph 13.

14. Defendant Acklin admits that Victor Zimmerman was employed by the St. Joseph-Ogden School District as Superintendent in the 2006-2007 school year. The remaining allegations contained within this paragraph state legal conclusions to which a response is not required. To the extent an answer is required, the allegations are denied.

15. Defendant Acklin admits the allegations contained in paragraph 15.

16. The name of Jane Doe-2 is not stated and therefore, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

17. The name of Jane Doe-3 is not stated and therefore the Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

18. The name of Jane Doe-4 is not stated and therefore Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

19. The name of John Doe-5 is not stated and therefore Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

20. The name of Jane Doe-6 is not stated and therefore Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

21. The name of Jane Doe-7 is not stated and therefore Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

22. The name of Julie Doe-7 is not stated and therefore Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

Definitions

23. The allegations contained within this paragraph reference a written article that speaks for itself. Further answering, there is a lack of supportive proof that said article is

authoritative and/or properly characterizes the term "sexual grooming"; therefore, Defendant Acklin denies any allegation and/or inference that said article is an appropriate authoritative source.

Defendant Acklin also denies all other allegations and/or implications directed against him within this paragraph.

24. The allegations contained within this paragraph reference written articles that speak for themselves. Further answering, there is a lack of supportive proof that said articles are authoritative and/or properly characterize the term "Sexual Harassment", therefore, Defendant Acklin denies any allegation and/or inference that said articles are an appropriate authoritative source. Defendant Acklin also denies all other allegations and/or implications directed against him within this paragraph.

25. The allegations contained within paragraph 25 reference a written statute that speaks for itself. Further answering, to the extent that the allegations in this Paragraph adopt definitions for terms outside of the cited statute, Defendant Acklin denies that said term or definition is an appropriate authoritative source. Defendant Acklin also denies all other allegations and/or implications directed against him within this paragraph.

26. The allegations contained within paragraph 26 state a legal conclusion to which an answer is not required. To the extent an answer is required, Defendant Acklin denies any allegations and/or implications directed against him within this paragraph.

27. The allegations contained within paragraph 27 reference a written statute that speaks for itself. To the extent an answer is required, Defendant Acklin denies any allegations and/or implications directed against him within this paragraph.

28. The allegations contained within paragraph 28 reference a written document which speaks for itself. To the extent an answer is required, Defendant Acklin denies any allegations and/or implications directed against him within this paragraph.

Facts Relating to JANE DOE-1

29. The name of Plaintiff JANE DOE-1 is not stated within the First Amended Complaint and as such, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

30. The name of Plaintiff JANE DOE-1 is not stated within the First Amended Complaint and as such, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the “Definitions” section of her First Amended Complaint are properly incorporated within this Paragraph and denies any allegation/implication that he had knowledge of the alleged conduct during said school years.

31. The name of Plaintiff JANE DOE-1 is not stated within the First Amended Complaint and as such, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the “Definitions” section of her First Amended Complaint are properly incorporated within this Paragraph.

32. The name of Plaintiff JANE DOE-1 is not stated within the First Amended Complaint and as such, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

33. The name of Plaintiff JANE DOE-1 is not stated within the First Amended Complaint and as such, Defendant Acklin lacks knowledge sufficient to form a belief to admit or

deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

34. The name of Plaintiff JANE DOE-1 is not stated within the First Amended Complaint and as such, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the “Definitions” section of her First Amended Complaint are properly incorporated within this Paragraph.

Facts Relating to Misconduct at St. Joseph-Ogden High School

35. The allegations contained in Paragraph 35 state legal conclusions to which a response is not required. To the extent an answer is required, Defendant Acklin admits the existence of Board Policy 5:90 and the expectation that District personnel comply with the policy. Defendant Acklin denies all other allegations and implications.

36. Defendant Acklin admits the allegations in paragraph 36.

37. Answering only for himself and not for other Defendants, Defendant Acklin admits he was aware of ANCRA and Board Policy 5:90. Other allegations in this paragraph improperly require Defendant Acklin to speculate as to the term “explicit knowledge” and what other individuals know; therefore, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the remaining allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

38. The allegations contained within paragraph 38 state a legal conclusion to which a response is not required. To the extent an answer is required, Defendant Acklin denies the allegations contained within this paragraph.

39. Defendant Acklin admits Jon Jamison was arrested in 2012 and that certain charges were brought against Jamison at that time. Defendant Acklin denies that he had information prior to Jamison's arrest of any conduct by Jamison that rendered him incompetent, unfit, or dangerous for employment with the District. Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the remaining allegations in this paragraph. Therefore, the allegations are denied and strict proof is demanded.

The Jane Doe-2 Allegations

40. Upon information and belief, Defendant Acklin admits that certain rumors were brought to the attention of Terri Rein concerning Jon Jamison, but denies that said rumors constituted notice of sexual harassment, sexual grooming, and/or sexual abuse. Answering further, the names of Jane Doe-3 and Jane Doe-4 are not stated within the First Amended Complaint and as such, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph regarding those individuals; therefore the allegations regarding those individuals are denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph.

41. The names of Jane Doe-3 and Jane Doe-4 are not stated within the First Amended Complaint and as such, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

42. The allegations in this paragraph improperly allege a legal conclusion to which a response is not required. To the extent an answer is required, upon information and belief, Defendant Acklin denies any allegations that Uphoff violated ANCRA or Board Policy 5:90 while

he was employed by the District. Further answering, Defendant Acklin denies all other allegations in this paragraph.

43. Upon information and belief, Defendant Acklin admits an investigation was conducted into certain rumors concerning Jon Jamison by Defendant Uphoff. To the extent that the remaining allegations in this paragraph do not state the names of Jane Doe-3, Jane Doe-4 and/or Jane Doe-2, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

44. Upon information and belief, Defendant Acklin admits Defendant Uphoff made certain notes in connection with an investigation conducted into certain rumors concerning Jon Jamison. To the extent the remaining allegations do not state the name of Jane Doe 2, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the remaining allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

45. Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

46. The allegations contained within paragraph 46 are vague and ambiguous. However, Defendant Acklin denies that Uphoff lacked the training, education and/or certification required of an administrator in his position. Defendant Acklin further denies any implication or allegation that any contemporaneous rumors about and/or investigation of Jon Jamison led to a reasonable cause to believe any student may have been an abused child. All other allegations are denied as stated.

47. The allegations contained within paragraph 47 are vague and ambiguous. However, Defendant Acklin denies Uphoff lacked the training, education, and/or certification required of an administrator in his position. Defendant Acklin further denies any implication or allegation that any

Contemporaneous rumors about and/or investigation of Jon Jamison led to a reasonable cause to believe any student may have been an abused child. All other allegations are denied as stated.

48. The allegations contained within paragraph 48 are vague, and ambiguous. However, Defendant Acklin denies Uphoff was not authorized to perform the duties and to exercise the discretion of an administrator in his position. Defendant Acklin further denies any implication or allegation that any contemporaneous rumors about and/or investigation of Jon Jamison led to a reasonable cause to believe any student may have been an abused child. All other allegations are denied as stated.

49. The allegations in paragraph 49 reference a written document that speaks for itself. To the extent an answer is required, upon information and belief, Defendant Acklin admits Uphoff made certain notes in connection with an investigation conducted into certain rumors concerning Jon Jamison, but denies that the allegations accurately characterize the context of said notes. Further answering, insofar as the name of Jane Doe-2 is not stated, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph that are related to said individual; therefore the allegations are denied and strict proof is demanded.

50. The allegations in paragraph 50 improperly require Defendant Acklin to speculate as to what another person may have knowledge of; therefore, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph 50 and denies all other allegations.

51. The allegations contained in paragraph 51 state legal conclusions to which an answer is not required. To the extent an answer is required, Defendant Acklin denies that Uphoff violated ANCRA and/or Board Policy 5:90.

52. Defendant Acklin admits Uphoff's notes were kept in District files. Defendant Acklin does not know what Plaintiff means by "made available to"; therefore, he lacks knowledge sufficient to form a belief to admit or deny the remaining allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

53. Defendant Acklin denies that Uphoff's written notes established the alleged acts. Further answering, insofar as the allegations in paragraph 53 improperly require Defendant Acklin to speculate as to what another person may have knowledge of; Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph and denies all other allegations.

54. The allegations contained in paragraph 54 state legal conclusions to which an answer is not required. To the extent an answer is required, Defendant Acklin denies that Defendant Brooks violated ANCRA and/or Board Policy 5:90.

55. Upon information and belief, Defendant Acklin admits Uphoff's notes were kept in District files. Defendant Acklin does not know what Plaintiff means by "made available to"; therefore, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the remaining allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

56. Defendant Acklin denies the allegations in paragraph 56 and further denies that Uphoff's notes established the alleged acts. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph 56 and denies all other allegations.

57. The allegations contained in paragraph 57 state legal conclusions to which an answer is not required. To the extent an answer is required, Defendant Acklin denies that he violated ANCRA and/or Board Policy 5:90.

58. Defendant Acklin denies the allegations contained in paragraph 58.

59. Defendant Acklin denies the allegations contained in paragraph 59.

60. Defendant Acklin denies the allegations contained in paragraph 60.

61. Defendant Acklin denies the allegations contained in paragraph 61. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph.

62. Defendant Acklin denies the allegations contained in paragraph 62 including sub paragraphs a.-f. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph.

63. Defendant Acklin denies the allegations in paragraph 63. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph 63.

64. Defendant Acklin denies the allegations contained in paragraph 64.

65. Defendant Acklin denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph. Defendant Acklin admits Jon Jamison was arrested in 2012 and that certain charges were brought against Jamison at that time. Defendant Acklin denies that he had information prior Jamison's arrest of any conduct by Jamison that rendered him incompetent, unfit, or dangerous for employment with the District. Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the

remaining allegations in this paragraph. Therefore, said allegations are denied and strict proof is demanded.

66. Defendant Acklin admits the allegations in paragraph 66.

67. Defendant Acklin admits that Jamison worked for the District in 2007. The remaining allegations are unclear and vague as stated and therefore said allegations are denied.

68. Insofar as the allegations in paragraph 68 adopt by implications allegations previously denied, the allegations contained within this paragraph are vague and/or improper. Further answering, Defendant Acklin denies the allegations contained in this paragraph as stated.

69. Defendant Acklin has insufficient knowledge as to what Julie Doe-1 or John Doe-1 may have known concerning reports of Jane Doe-3 and Jane Doe-4 and therefore Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations in this paragraph. Therefore, said allegations are denied and strict proof is demanded.. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph.

70. Defendant Acklin denies the allegations contained in paragraph 70.

The Jane Doe-1 Allegations

71. Defendant Acklin lacks sufficient knowledge to form a belief to admit or deny the allegations in paragraph 71; therefore, the allegations are denied and strict proof is demanded.

72. Defendant Acklin lacks sufficient knowledge to form a belief to admit or deny the allegations in paragraph 72; therefore, the allegations are denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph.

73. Defendant Acklin admits that certain rumors concerning Jamison were brought to the attention of Mr. Brooks. Insofar as the identities of Julie Doe-7 and Jane Doe-7 are not stated,

Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the remaining allegations in this paragraph. Therefore, said allegations are denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph.

74. The allegations in paragraph 74 improperly require Defendant Acklin to speculate as to what another person may have knowledge of; therefore, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph and denies all other allegations.

75. The allegations in paragraph 75 state legal conclusion to which no answer is required. To the extent an answer is required, Defendant Acklin denies any allegations that Defendant Brooks violated ANCRA and/or Board Policy 5:90 and denies all other allegations contained within this paragraph.

76. Defendant Acklin admits Defendant Brooks investigated certain rumors concerning Jon Jamison. To the extent that the remaining allegations in this paragraph do not state the identity of Jane Doe-1, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

77. The allegations contained within paragraph 77 are vague and ambiguous. However, Defendant Acklin denies that Brooks lacked the training, education and/or certification required of an administrator in his position. Defendant Acklin further denies any implication or allegation that any contemporaneous rumors about and/or investigation of Jon Jamison led to a reasonable cause to believe any student may have been an abused child. All other allegations are denied as stated.

78. The allegations contained within paragraph 78 are vague and ambiguous. However, Defendant Acklin denies Brooks lacked the training, education, and/or certification required of an administrator in his position. Defendant Acklin further denies any implication or allegation that any contemporaneous rumors about and/or investigation of Jon Jamison led to a reasonable cause to believe any student may have been an abused child. All other allegations are denied as stated.

79. The allegations contained within paragraph 79 are vague, and ambiguous. However, Defendant Acklin denies Brooks was not authorized to perform the duties and to exercise the discretion of an administrator in his position. Defendant Acklin further denies any implication or allegation that any contemporaneous rumors about and/or investigation of Jon Jamison led to a reasonable cause to believe any student may have been an abused child. All other allegations are denied as stated.

80. Defendant Acklin admits Defendant Brooks made notes related to his investigation of certain rumors concerning Jon Jamison. To the extent the remaining allegations in this paragraph do not identify Jane Doe 1, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the remaining allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

81. Defendant Acklin admits police officer Alicia Maxey was involved with the investigation of Jon Jamison. Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the remaining allegations in this paragraph; therefore, the allegations are denied and strict proof is demanded. All other allegations and implications are denied.

82. The identities of Jane Doe 7 and Jane Doe 1 are not provided within the First Amended Complaint and as such, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

83. The allegations in Paragraph 83 reference a written document that speaks for itself. To the extent an answer is required, the names of Jane Doe 7 and the Plaintiff Jane Doe 1 are not stated within the First Amended Complaint and as such, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

84. The allegations in paragraph 84 improperly require Defendant Acklin to speculate as to what another person may have knowledge of; therefore, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph and denies all other allegations.

85. The allegations contained in paragraph 85 state legal conclusions to which an answer is not required. To the extent an answer is required, Defendant Acklin denies that Defendant Brooks violated ANCRA and/or Board Policy 5:90.

86. Defendant Acklin admits Brooks conducted certain interviews concerning rumors involving Jon Jamison. Further answering, the name of Plaintiff JANE DOE -1 is not stated within the First Amended Complaint and paragraph 86 improperly requires Defendant Acklin to speculate as to the subjective experience and impressions of another person, who is additionally unidentified; and as such, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded. Defendant Acklin also denies any allegation and/or implication that Brooks treated any student in an improper manner during his investigation of Jamison. All other allegations and implications are denied.

87. Upon information and belief, Defendant Acklin denies any allegation and/or implication that Brooks treated any student in an improper manner during his investigation of Jamison. Further answering, all other allegations and implications are denied.

88. Defendant Acklin admits he and Defendant Brooks questioned Jamison concerning certain rumors and reiterated certain information. However, the First Amended Complaint does not identify Jane Doe 1; therefore, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the remaining allegations. Therefore, the allegations are denied and strict proof is demanded.

89. Defendant Acklin lacks sufficient knowledge to form a belief to admit or deny what Jamison may have told someone else; therefore, the allegations are denied and strict proof is demanded.

90. Defendant Acklin admits Brooks's notes were kept in District files. Defendant Acklin does not know what Plaintiff means by "made available to"; therefore, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the remaining allegations contained in this Paragraph; therefore the allegations are denied and strict proof is demanded.

91. Defendant Acklin denies that Brooks's notes established the alleged acts and denies that information at a meeting he was present at established the alleged acts or knowledge thereof. Insofar as the allegations in paragraph 91 improperly require Defendant Acklin to speculate as to what another person may have knowledge of; Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations contained in this paragraph, and the allegations are denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph and denies all other allegations. .

92. Paragraph 92 states legal conclusions to which no answer is required. To the extent and answer is required, Defendant Acklin denies any allegations that he violated ANCRA and/or Board Policy 5:90 and denies all other allegations contained within this paragraph.

93. The allegations contained in paragraph 93 attempt to imply improper motive between Brooks and Acklin and said allegations are denied.

94. Defendant Acklin denies the allegations in paragraph 94.

95. Defendant Acklin denies the allegations in paragraph 95.

96. Defendant Acklin denies the allegations in paragraph 96. Defendant Acklin further denies that terms Plaintiff purports to define in the “Definitions” section of her First Amended Complaint are properly incorporated within this Paragraph.

97. Defendant Acklin denies the allegations in paragraph 97 including subparagraphs a. – f. Defendant Acklin further denies that terms Plaintiff purports to define in the “Definitions” section of her First Amended Complaint are properly incorporated within this Paragraph.

98. Defendant Acklin denies the allegations contained in paragraph 98. Defendant Acklin further denies that terms Plaintiff purports to define in the “Definitions” section of her First Amended Complaint are properly incorporated within this Paragraph.

99. Defendant Acklin denies the allegations contained in paragraph 99.

100. Defendant Acklin admits Jon Jamison was arrested in 2012 and that certain charges were brought against Jamison at that time. Defendant Acklin denies that he had information prior Jamison’s arrest of any conduct by Jamison that rendered him incompetent, unfit, or dangerous for employment with the District. Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the remaining allegations in this paragraph. Therefore, the allegations are denied and strict proof is demanded. Defendant Acklin denies that terms Plaintiff purports to define in the

“Definitions” section of her First Amended Complaint are properly incorporated within this Paragraph.

101. Defendant Acklin admits the allegations contained in paragraph 101.

102. Defendant Acklin admits the allegations contained in paragraph 102.

103. Defendant Acklin admits that Jamison worked for the District in 2008. The remaining allegations are unclear and vague as stated and therefore said allegations are denied.

104. Defendant Acklin admits the allegations contained in paragraph 104.

105. Defendant Acklin admits that Jamison worked for the District in 2009. The remaining allegations are unclear and vague as stated and therefore said allegations are denied.

106. Defendant Acklin admits the allegations contained in paragraph 106.

107. Defendant Acklin admits that Jamison worked for the District in 2010. The remaining allegations are unclear and vague as stated and therefore said allegations are denied.

108. Defendant Acklin denies that terms Plaintiff purports to define in the “Definitions” section of her First Amended Complaint are properly incorporated within this Paragraph. Further answering, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations in this paragraph; therefore, the allegations are denied, and strict proof is demanded.

109. Insofar as the allegations in paragraph 109 adopt by implications allegations previously denied, the allegations contained within this paragraph are vague and/or improper. Accordingly, Defendant Acklin denies the allegations contained in this paragraph as stated.

110. Defendant Acklin lacks sufficient knowledge to form a belief to admit or deny what Julie Doe-1 or John Doe-1 may have known concerning reports of Jane Doe-3 and Jane Doe-4 and therefore, said allegations are denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the “Definitions” section of her First Amended Complaint are properly incorporated within this Paragraph.

111. Defendant Acklin denies the allegations contained in paragraph 111.

112. Defendant Acklin denies the allegations contained in paragraph 112. Defendant Acklin further denies that terms Plaintiff purports to define in the “Definitions” section of her First Amended Complaint are properly incorporated within this Paragraph.

113. Defendant Acklin admits that Jamison was charged with certain criminal acts. However, Defendant Acklin lacks sufficient knowledge to form a belief to admit or deny the remaining allegations contained in paragraph 113. Therefore, said allegations are denied and strict proof is demanded.

114. Defendant Acklin lacks sufficient knowledge to form a belief to admit or deny the allegation contained in this paragraph. Therefore, said allegations are denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the “Definitions” section of her First Amended Complaint are properly incorporated within this Paragraph.

115. Defendant Acklin denies the allegations contained in paragraph 115. Defendant Acklin further denies that terms Plaintiff purports to define in the “Definitions” section of her First Amended Complaint are properly incorporated within this Paragraph

COUNT I,
Batter
(JANE DOE-1 v. Jamison)

1-121. The allegations contained in Count I are not directed against Defendant Acklin, therefore said allegations are neither admitted nor denied. To the extent any of the allegations contained within this Count could be construed against Defendant Acklin, said allegations are denied.

COUNT II
Illinois Hate Crime, 720 ILCS 5/12-7.1
(JANE DOE-1 v. Jamison)

1-128. The allegations contained in Count II are not directed against Defendant Acklin, therefore, said allegations are neither admitted nor denied. To the extent any of the allegations contained within this Count could be construed against Defendant Acklin, said allegations are denied.

COUNT III
Illinois Hate Crime, 720 ILCS 5/12-7.1
(JANE DOE-1 v. St. Joseph-Ogden District (Respondeat Superior))
(Dismissed with Prejudice by the Court)

COUNT IV
Intentional Infliction of Emotional Distress
(JANE DOE-1 v. Uphoff, Brooks, and Acklin)

1-115. Defendant Acklin incorporates his answers to paragraphs 1 through 115 of Plaintiff's First Amended Complaint as if fully stated herein.

129. Defendant Acklin denies the allegations contained in paragraph 129 including sub paragraphs a. – f. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph.

- 130. Defendant Acklin denies the allegations contained in paragraph 130.
- 131. Defendant Acklin denies the allegations contained in paragraph 131.
- 132. Defendant Acklin denies the allegations contained in paragraph 132.
- 133. Defendant Acklin denies the allegations contained in paragraph 133.
- 134. Defendant Acklin denies the allegations contained in paragraph 134.
- 135. Defendant Acklin denies the allegations contained in paragraph 135.

WHEREFORE, Defendant, James M. Acklin, prays that judgment be entered in his favor and against Plaintiff, and that he be awarded costs along with any other relief this Court deems just and proper.

COUNT V
Intentional Infliction of Emotional Distress
(JANE DOE-1 v. St. Joseph-Ogden District (Respondeat Superior))

1-138. The allegations contained in Count V are not directed against Defendant Acklin, therefore said allegations are neither admitted nor denied. To the extent any of the allegations contained within this Count could be construed against Defendant Acklin, said allegations are denied.

COUNT VI
Negligent Hiring (Ministerial Act Regarding Prior Complaints of Jamison's Conduct)
(JANE DOE-1 v. St. Joseph-Ogden District)
Dismissed with Prejudice by the Court

COUNT VII
Willful and Wanton Negligent Supervision
(JANE DOE-1 v. St. Joseph-Ogden District)

1-149. The allegations contained in Count VII are not directed against Defendant Acklin, therefore said allegations are neither admitted nor denied. To the extent any of the allegations contained within this Count could be construed against Defendant Acklin, said allegations are denied.

COUNT VIII,
Negligent Retention
(JANE DOE-1 v. St. Joseph-Ogden District)
(Dismissed with Prejudice by the Court)

COUNT IX
Premises Liability
(JANE DOE-1 v. St. Joseph-Ogden District)
(Dismissed with Prejudice by the Court)

COUNT X
Negligence- Ministerial Act Mandated Reporting
(JANE DOE-1 v. Uphoff, Brooks, and Acklin)
(Dismissed with Prejudice by the Court)

COUNT XI
Negligence- Ministerial Act Mandated Reporting
(JANE DOE-1 v. St. Joseph-Ogden District (Respondeat Superior))
(Dismissed with Prejudice by the Court)

COUNT XII
Willful and Wanton Mandated Reporting Failures
(JANE DOE-1 v. Uphoff, Brooks, and Acklin)
(Dismissed with Prejudice by the Court)

COUNT XIII
Willful and Wanton Mandated Reporting Failures
(JANE DOE-1 v. St. Joseph-Ogden District (Respondeat Superior))
(Dismissed with Prejudice by the Court)

COUNT XIV
Willful and Wanton Indifference to Known Sexual Harassment
(JANE DOE-1 v. Uphoff, Brooks, and Acklin)

1-115. Defendant Acklin incorporates his answers to paragraphs 1 through 115 of Plaintiff's First Amended Complaint as if fully stated herein.

150. The allegations contained in paragraph 150 state a legal conclusion to which no answer is required. Insofar as an answer is required, Defendant Acklin admits only those duties imposed by law and denies any allegation and/or implication that he breached any such duty. All other allegations are denied.

151. The allegations in Paragraph 151 are directed against another Defendant; therefore an answer is not required. To the extent an answer is required, Defendant Acklin denies he had notice of any wrongful conduct on the part of Jon Jamison. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph 151.

152. Answering for himself and not for other Defendants, Defendant Acklin denies the allegations in Paragraph 152. With respect to remaining Defendants, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations; therefore, the allegations are denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph 152.

153. Defendant Acklin denies the allegations in Paragraph 153. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph 153.

154. Answering for himself and not for other Defendants, Defendant Acklin denies the allegations in Paragraph 154. With respect to remaining Defendants, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations; therefore, the allegations are denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph 154.

155. Answering for himself and not for other Defendants, Defendant Acklin denies the allegations in Paragraph 155. With respect to remaining Defendants, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations; therefore, the allegations are denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the "Definitions" section of her First Amended Complaint are properly incorporated within this Paragraph 155.

156. Answering for himself and not for other Defendants, Defendant Acklin denies the allegations in Paragraph 156. With respect to remaining Defendants, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations; therefore, the allegations are

denied and strict proof is demanded. Defendant Acklin further denies that terms Plaintiff purports to define in the “Definitions” section of her First Amended Complaint are properly incorporated within this Paragraph 156.

157. Answering for himself and not for other Defendants, Defendant Acklin denies the allegations contained in paragraph 157. With respect to remaining Defendants, Defendant Acklin lacks knowledge sufficient to admit or deny the allegations; therefore, the allegations are denied and strict proof is demanded.

158. Answering for himself and not for other Defendants, Defendant Acklin denies the allegations contained in paragraph 158. With respect to remaining Defendants, Defendant Acklin lacks knowledge sufficient to form a belief to admit or deny the allegations; therefore, the allegations are denied and strict proof is demanded.

WHEREFORE, Defendant, James M. Acklin, prays that judgment be entered in his favor and against Plaintiff, and that Defendants be awarded costs along with any other relief this Court deems just and proper.

COUNT XV
Willful and Wanton Indifference to Known Sexual Harassment
(JANE DOE-1 v. St. Joseph-Ogden District (Respondeat Superior))

1-160. The allegations contained in Count XV are not directed against Defendant Acklin, therefore said allegations are neither admitted nor denied. To the extent any of the allegations contained within this Count could be construed against Defendant Acklin, said allegations are denied.

COUNT XVI
Conspiracy to Violate Mandated Reporting Act
(JANE DOE-1 v. Uphoff and Acklin)
(Dismissed with Prejudice by the Court)

COUNT XVII
(JANE DOE-1 v. Brooks and Acklin)
(Dismissed with Prejudice by the Court)

COUNT XVIII
Conspiracy to Violate Mandated Reporting Act
(JANE DOE-1 v. St. Joseph-Ogden District (Respondent Superior))
(Dismissed with Prejudice by the Court)

COUNT XIX
State-Created Danger
(JANE DOE-1 v. St. Joseph-Ogden District)
(Dismissed with Prejudice by the Court)

AFFIRMATIVE DEFENSES

Pleading in the alternative and without prejudice to the denials contained in Defendants Answer to Plaintiff's First Amended Complaint, Defendant states as follows for their affirmative defenses:

FIRST AFFIRMATIVE DEFENSE
(745 ILCS 3-108)

1. Defendant is a public employee entitled to the immunity provided under the "Local Governmental Employees Tort Immunity Act". 745 ILCS 10/1-101, et seq.
2. Pursuant to 745 ILCS 10/3-108 the Defendant is not liable for the failure to supervise an activity or the use of public property that amounts to mere ordinary negligence. The allegations alleged within Plaintiffs' Complaint do not constitute acts of willful and wanton conduct; therefore, said allegations are barred under Section 3-108 of the Illinois Tort Immunity Act.

Wherefore, Defendant prays that judgment be entered in its favor and against the Plaintiff.

SECOND AFFIRMATIVE DEFENSE
(745 ILCS 10/2-201)

1. Defendant is a public employee entitled to immunities provided under "The Local Governmental Employees Tort Immunity Act". 745 ILCS 10/1-101, et sec.

2. Pursuant to 745 ILCS 10/2-201, "a public employee serving in a position involving the determination of policy or the exercise of discretion is not liable for an act or omission in determining policy when acting in the exercise of discretion even though abused."

3. Under 745 ILCS 10/2-109, a local public entity is not liable for an injury resulting from an act or omission of its employees where the employee is not liable.

4. Defendant is entitled to the immunities provided under Section 2-201 and 2-109 of the Illinois Tort Immunity Act.

Wherefore, Defendant prays that judgment be entered in their favor and against Plaintiff.

THIRD AFFIRMATIVE DEFENSE
(Contributory Negligence)

1. At all times alleged in Plaintiff's Complaint, Plaintiff was under a duty to use care and caution for her own safety and well being.

2. If the Plaintiff was injured and sustained damages as alleged in her Complaint, then said injuries and damages were sustained as a direct and proximate result of her breach of that duty when she committed one or more of the following negligent acts and/or omissions:

- (a) intentionally concealed the acts identified within Plaintiff's Complaint from administrators at the District;
- (b) provided false information to individuals at the District concerning interactions with Defendant Jon Jamison; and
- (c) willingly and knowingly engaged in deceptive activities to avoid alerting District representatives concerning the alleged activities of Jon Jamison.

3. The foregoing acts and/or omissions of the Plaintiff were the direct and sole proximate cause of the injuries and damages alleged in Plaintiff's Complaint.

4. Alternatively, the aforementioned negligence of the Plaintiff exceeded 50% of the total negligence attributable to this case and as such, the Plaintiff should be barred from any recovery. Again, pleading in the alternative, the aforementioned acts or omissions, which constituted negligence by the Plaintiff, should be operative to reduce any award against this Defendant by the percentage of Plaintiff's own negligence.

Wherefore, Defendant prays that this Court enter an order barring the Plaintiff from any recovery or alternatively, in the event that a trier of fact awards damages to the Plaintiff and against Defendant, any such award be reduced by that percentage of Plaintiff's own negligence.

FOURTH AFFIRMATIVE DEFENSE
(Statute of Limitations)

1. Defendant is a public employee under the Local Governmental Employees Tort Immunity Act". 745 ILCS 10/1-101, et seq.

2. Under the Illinois Tort Immunity Act, any action against a public employee must be commenced within one (1) year after Plaintiff reached the age of majority.

3. Upon information and belief, Plaintiff failed to institute the lawsuit within the requisite time frame.

WHEREFORE, Defendant prays that judgment be entered in its favor and against the Plaintiff.

SPESIA & AYERS

BY: 

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