

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS**

NICOLE BOGART,	)	
	)	
Plaintiff,	)	Case No. _____
	)	
vs.	)	
	)	Jury Trial Demand
MICHAEL MARRON, individually	)	
and in his official capacity as	)	
Vermilion County Board Chairman,	)	
and VERMILION COUNTY,	)	
	)	
Defendants.	)	

**COMPLAINT**

NOW COMES the Plaintiff, NICOLE “NIKKI” BOGART, by and through her attorney, O’Connor | O’Connor, P.C., and for her Complaint, complains against Defendants, MICHAEL MARRON, individually and in his official capacity as VERMILION COUNTY BOARD CHAIRMAN, and VERMILION COUNTY, and alleges and states as follows:

**COMMON ALLEGATIONS**

*Parties*

1. Plaintiff, NICOLE “NIKKI” BOGART, is a resident of Vermilion County.
2. Defendant, MICHAEL MARRON, is an individual residing in Vermilion County and currently holds the office of VERMILION COUNTY BOARD CHAIRMAN.

3. Defendant, VERMILION COUNTY, is a political subdivision of the State of Illinois, subject to all applicable statutes of the State of Illinois and governed by county ordinances passed by the County Board.

***Jurisdiction and Venue***

4. This Court has jurisdiction over Plaintiff's federal claims pursuant to 28 U.S.C. § 1331.
5. This Court has supplemental jurisdiction over Plaintiff's state claim pursuant to 28 U.S.C. § 1367.
6. Venue is proper under 28 U.S.C. 1391(b) because the events giving rise to the claim alleged herein occurred within the Central District of Illinois.

***Nature of Action***

7. Plaintiff brings this action to redress her unlawful termination by VERMILION COUNTY and MICHAEL MARRON in violation of the First Amendment of the United States Constitution as secured by 42 U.S.C.§1983; the Due Process Clause of the Fourteenth Amendment of the United States Constitution as secured by 42 U.S.C.§1983; Due Process under Article I, § 2 of the Illinois Constitution; and Local Government Employees Political Rights Act, 50 ILCS 135 *et seq.*
8. In addition, the wrongful conducts committed by Defendants during and after her termination constitute retaliatory discharge under Illinois common law.

*Background*

9. On or about July 2, 2007, Plaintiff, NICOLE “NIKKI” BOGART, was hired as the Financial Resources Director for Defendant, VERMILION COUNTY.
10. At the time she was hired, Plaintiff, NICOLE “NIKKI” BOGART, was highly qualified for the position, with a Bachelor’s Degree in Accountancy from the University of Illinois at Urbana-Champaign, 13 years of accountant and financial experience, and 10 years of experience as a County Board Member working directly on the County’s budget.
11. At all times, Plaintiff, NICOLE “NIKKI” BOGART, performed her duties as Financial Resources Director as a nonpartisan professional in an efficient and effective manner that only received praise and acclaim from every County Board Chairman she worked with, that earned her routine merit-based pay increases, and that gained her only positive performance reviews, including that her work “exceeds expectations.”
12. At no time prior to January 30, 2015, did Plaintiff, NICOLE “NIKKI” BOGART, ever receive notice of any disciplinary actions or complaints about her job performance as the Financial Resources Director.
13. In or about July 2011, Defendant, MICHAEL MARRON, was appointed as a Republican Party member of the County Board for Defendant, VERMILION COUNTY.

14. In or about May 2012, the Vermilion County Republican Central Committee selected Defendant, MICHAEL MARRON, as the Vermilion County Republican Party Chairman.
15. During the November 2012 General Election, Plaintiff, NICOLE “NIKKI” BOGART, was the Democratic Party nominee for the office of Vermilion County Recorder of Deeds.
16. At the November 2012 General Election, the Republican Party gained a one-seat majority on the County Board for the first time in over 20 years.
17. On or about December 3, 2012, the County Board elected Gary Weinard as the County Board Chairman and Defendant, MICHAEL MARRON, as the County Board Vice-Chairman.

***Marron wanted Bogart Terminated  
because she ran for Recorder as a Democrat***

18. Almost immediately after they took office, Defendant, MICHAEL MARRON, began to pressure Gary Weinard to terminate Plaintiff, NICOLE “NIKKI” BOGART, as the Financial Resources Director for Defendant, VERMILION COUNTY.
19. Upon information and belief, Defendant, MICHAEL MARRON, told Gary Weinard and others that he wanted Plaintiff, NICOLE “NIKKI” BOGART, terminated because she ran for Vermilion County Recorder as the Democratic Party nominee.

20. Upon information and belief, Defendant, MICHAEL MARRON, told Gary Weinard and others that it was a “slap to his face” for Plaintiff, NICOLE “NIKKI” BOGART, to seek public office as a Democratic Party nominee while he was the Vermilion County Republican Party Chairman.
21. Upon information and belief, Defendant, MICHAEL MARRON, made other comments to Gary Weinard and others making it clear that he wanted Plaintiff, NICOLE “NIKKI” BOGART, removed from her nonpartisan public service position because she had sought office as a Democratic Party candidate and wanted personnel decisions for other Vermilion County employees to be made to advance his own partisan political interests.
22. Between December 3, 2012 and December 2, 2014, Gary Weinard refused each and every repeated request by Defendant, MICHAEL MARRON, to terminate Plaintiff, NICOLE “NIKKI” BOGART.

***Marron Fired Bogart as soon as he became Chairman***

23. On December 2, 2014, the County Board elected Defendant, MICHAEL MARRON, as the County Board Chairman.
24. On January 30, 2015, less than two months after assuming the position of County Board Chairman, Defendant, MICHAEL MARRON, told Plaintiff, NICOLE “NIKKI” BOGART, he was terminating her employment with Defendant, VERMILION COUNTY, and she had to clean out her office immediately.

25. During the meeting with Defendant, MICHAEL MARRON, Plaintiff, NICOLE “NIKKI” BOGART, was not given any reason or justification for her immediate termination.
26. Prior to terminating Plaintiff, NICOLE “NIKKI” BOGART, without warning or reason, Defendant, MICHAEL MARRON, had only given her positive feedback about her job performance, including sending her the following message only two weeks prior to her termination:

I want you to know that you are a valued member of my team, and the financial resources director of our county. You are instrumental in the success of this administration. You belong in situations like that. I appreciate all your hard work and everything you’ve done to help me learn so far.

*Marron Made False Statements and Engaged in other Outrageous Conduct to Cover-Up his Political Motivations for Terminating Bogart and to Slander and Discredit her*

27. The first time that Plaintiff, NICOLE “NIKKI” BOGART, was given any explanation for her termination was only after she hired an attorney and filed a formal grievance pursuant to Section 13.02.06 of the Vermilion County Personnel Policies and after several demands in writing by her attorney for an explanation.
28. On or about March 6, 2015, Defendant, MICHAEL MARRON, through his attorney, stated he terminated Plaintiff for “insubordination, gross misconduct, negligence, and inefficiency,” pursuant to Section 13.02.06 of the Vermilion County Personnel Policies.

29. On March 17, 2015, a grievance hearing was held pursuant to Section 13.02.06 of the Vermilion County Personnel Policies, which was attended in full by Defendant, MICHAEL MARRON, Plaintiff, NICOLE “NIKKI” BOGART, Charles D. Mockbee IV, an Assistant State’s Attorney for Defendant, VERMILION COUNTY, Matthew Duco, attorney for Plaintiff, and the grievance committee members: Steve Fourez, County Board Member, Bruce Stark, County Board Member, Jenny Trimmell, County employee, Susan Pacot, County employee, and Tony VanCamp, County employee.
30. During the March 17, 2015 grievance hearing, Defendant, MICHAEL MARRON, gave false statements to the members of the grievance committee in an attempt to justify his termination, which included that:
- a. Plaintiff had committed insubordination in the performance of her job duties, when he knew that she had not;
  - b. Plaintiff had committed gross misconduct in the performance of her job duties, when he knew she had not;
  - c. Plaintiff had committed negligence in the performance of her job duties, when he knew she had not;
  - d. Plaintiff had committed inefficiency in the performance of her job duties, when he knew she had not;
  - e. he was doing everything he could to work with Plaintiff but it was impossible, when he knew he was meeting with others to implement a plan to terminate Plaintiff;
  - f. he did not have any political motivations in terminating Plaintiff, when he had explicitly told others he wanted Plaintiff terminated for political reasons;
  - g. Plaintiff was responsible for an overdraft situation, when she did not even have access to the County’s daily cash flow;
  - h. Plaintiff was defiant and hostile, when he knew she was cooperative

and helpful, and even told her that much only two weeks before her termination;

- i. Plaintiff had created a hostile work environment, when he had created a hostile work environment; and
  - j. Plaintiff was not working well with other employees in the office, when, upon information and belief, he had instructed other employees to purposefully withhold information from Plaintiff to make her job more difficult or impossible.
31. Upon information and belief, Defendant, MICHAEL MARRON, made the aforementioned false statements for the purposes of covering up his political motivations for terminating Plaintiff, NICOLE “NIKKI” BOGART, and to cause her emotional harm.
  32. Plaintiff, NICOLE “NIKKI” BOGART, was present at the grievance committee and had to listen to the false statements used by Defendant, MICHAEL MARRON, to cover-up his political motivations for terminating her.
  33. Plaintiff, NICOLE “NIKKI” BOGART, was not allowed to respond, rebut, or make any statement at all to the grievance committee after Defendant, MICHAEL MARRON, made his false statements, even though a majority on the grievance committee felt it would be appropriate.
  34. Upon information and belief, Defendant, MICHAEL MARRON told others that he terminated Plaintiff because she had “misappropriated funds,” when he knew such statements were false.
  35. In addition to making the aforementioned false statements to the grievance committee, Defendant, MICHAEL MARRON, also claimed to the Illinois Department of Employment Security that Plaintiff, NICOLE “NIKKI”



BOGART, was terminated for “gross misconduct” and “insubordination,” among other false claims, and contested her ability to receive unemployment benefits.

***Bogart did not Commit Misconduct or Insubordination***

36. On May 14, 2015, a hearing was held before an Administrative Law Judge for the Illinois Department of Employment Security.
37. On May 20, 2015, the presiding IDES Administrative Law Judge issued a decision in favor of Plaintiff, NICOLE “NIKKI” BOGART, and against Defendants, which held:

The evidence showed that with respect to the incident which precipitated [Nikki Bogart's] termination, the claimant followed the exact same procedure she had followed many times previously, without objection. The evidence did not show that she acted improperly or did anything outside the scope of her duties and authority... Finally, the evidence did not support the County's contention that the claimant was insubordinate.

***Marron Implemented a Plan to Fill Bogart's Position Before the Date he has Repeatedly Stated Bogart Committed “Gross Misconduct” and “Insubordination” that Necessitated a Before-Not Considered Immediate Termination***

38. Defendant, MICHAEL MARRON, has repeatedly falsely stated, to the grievance committee, the Illinois Department of Employment Security, and others, that he terminated Plaintiff, NICOLE “NIKKI” BOGART, on January 30, 2015 because on this date she committed “gross misconduct” and

“insubordination,” and that prior to this date he did not consider firing Plaintiff.

39. On or about January 22, 2015, Defendant, MICHAEL MARRON, held a meeting after work hours at the County Board Offices with the County’s civil attorney, the County’s Director of Human Resources, and the Vice Chairman of the County Board, to discuss Plaintiff, NICOLE “NIKKI” BOGART.
40. Upon information and belief, the purpose for calling the after hour meeting on or about January 22, 2015, was to discuss Defendant, MICHAEL MARRON’s intentions to terminate Plaintiff, NICOLE “NIKKI” BOGART, and to have her replaced with an “interim” Financial Resources Director that he had already selected.
41. On or before January 28, 2015, two days before the supposed “gross misconduct” that necessitated the termination of Plaintiff, NICOLE “NIKKI” BOGART, Defendant, MICHAEL MARRON, ordered the Human Resources Director to draft an open position posting for the position of Financial Resources Director for the purposes of hiring a “permanent” Financial Resources Director.
42. On or about February 2, 2015, the Monday following the Friday termination of Plaintiff, NICOLE “NIKKI” BOGART, Defendant, MICHAEL MARRON, announced to several County officials that he had hired a new Financial Resources Director who would be starting in a week.

43. On Monday, February 9, 2015, the “interim” Financial Resources Director pre-selected by Defendant, MICHAEL MARRON, started employment with Defendant, VERMILION COUNTY.
44. In or about May 2015, Defendants hired a so-called “permanent” Financial Resources Director, a 22-year-old male with no purported experience who started less than 48 hours after graduating college, but who is a politically connected ally of Defendant, MICHAEL MARRON.

*Marron did not have the Authority to Immediately Terminate Bogart*

45. Upon information and belief, Defendant, MICHAEL MARRON, unilaterally made the decision to terminate Plaintiff, NICOLE “NIKKI” BOGART, and did so without consultation with or approval from the County’s Human Resources Director.
46. On or about February 9, 2015, Defendant, MICHAEL MARRON, through his attorney, caused a written statement to be circulated to the media and County Board Members that contained false statements, including that, “Residents of the County need to know that personnel actions taken by the Chairman are vetted by both legal counsel and human resources before action is taken,” when he knew that he had not discussed his decision to immediately terminate Plaintiff on January 30, 2015 with the Human Resources Director prior to the termination.

47. Upon information and belief, Defendant, MICHAEL MARRON, made the aforementioned false statements for the purposes of covering up his political motivations for terminating Plaintiff, NICOLE “NIKKI” BOGART, and to cause her emotional harm.
48. Plaintiff, NICOLE “NIKKI” BOGART, had to read and hear in media reports the false statements disseminated by Defendant, MICHAEL MARRON, to cover-up his political motivations for terminating Plaintiff.
49. Upon information and belief, Defendant, MICHAEL MARRON, unilaterally made the decision to terminate Plaintiff, NICOLE “NIKKI” BOGART, and did so without consultation with or approval from the County Board or the County Board’s Finance and Personnel Committee.
50. Upon information and belief, Defendant, MICHAEL MARRON, to this day has still not informed the County Board as to the reasons for his termination of the County’s long-time, well-respected Financial Resources Director.
51. At all times relevant, Defendant, MICHAEL MARRON, exceeded his authority as County Board Chairman when he immediately and without warning terminated the County’s long-time, well-respected Financial Resources Director.
52. Pursuant to state law, the County Board has the authority to hire and fire County personnel, and it never delegated that authority to the County Board Chairman.

53. Pursuant to Section 13.02.06 of the Vermilion County Personnel Policies, a County employee can be immediately terminated only for, “gross misconduct, negligence, inefficiency, insubordination, unauthorized absence, conviction of a criminal offense, falsification of records, use of a position for personal advantage, or other justifiable reasons where alternative personnel actions are not appropriate.”
54. Plaintiff, NICOLE “NIKKI” BOGART, had never committed any of the causes allowed for an immediate termination pursuant to Section 13.02.06 of the Vermilion County Personnel Policies, and alternative personnel actions were never considered.
55. Pursuant to Resolution No. 85-115 of the County Board, the position of Financial Resources Director works directly for the Finance Committee of the County Board, under the “general direction of the County Board Chairman.”
56. Upon information and belief, Defendant, MICHAEL MARRON, had never, and still has never, discussed with the County Board’s Finance and Personnel Committee his decision to immediately terminate Plaintiff, NICOLE “NIKKI” BOGART, for “insubordination, gross misconduct, negligence, and inefficiency,” pursuant to Section 13.02.06 of the Vermilion County Personnel Policies.
57. Neither the County Board, nor the County Board’s Finance and Personnel Committee, has ever voted or taken any action to approve the termination of Plaintiff, NICOLE “NIKKI” BOGART.

*Economic Damages*

58. Plaintiff, NICOLE “NIKKI” BOGART, reasonably expected to earn an additional \$1,606,169.97 in salary compensation by Defendant, VERMILION COUNTY, until she retired at age 65.
59. Plaintiff, NICOLE “NIKKI” BOGART, reasonably expected to earn an additional \$580,654.63 in retirement benefits by Defendant, VERMILION COUNTY, if she retired at the age of 65.

Count I

**VIOLATION OF THE LOCAL GOVERNMENT EMPLOYEES  
POLITICAL RIGHTS ACT (50 ILCS 135 *et seq.*)  
against MICHAEL MARRON, in his official capacity as VERMILION COUNTY  
BOARD CHAIRMAN, and VERMILION COUNTY**

60. Plaintiff, NICOLE “NIKKI” BOGART, herein repeats and re-alleges paragraphs 1 through 59 of the Common Allegations, and hereby incorporates them as though fully set forth herein.
61. At all times relevant, there existed in the State of Illinois a statute entitled the Local Governmental Employees Political Rights Act, 50 ILCS 135 *et seq.*, which provides (emphasis added):

§ 10. Political rights protected. (a) No unit of local government or school district may make or enforce any rule or ordinance that in any way inhibits or prohibits any of its employees from exercising the employee's political rights.

**(b) No employee of a unit of local government or school district may (i) use his or her official position of employment to coerce or inhibit others in the free exercise of their political rights or (ii) engage in political**

activities while at work or on duty.

62. At all times relevant, the Local Governmental Employees Political Rights Act, 50 ILCS 135 *et seq.*, also provides (emphasis added):

§ 5. Definition; political rights. “Political rights” include, without limitation, the following political activities: to petition, to make public speeches, **to campaign for or against political candidates**, to speak out on questions of public policy, to distribute political literature, to make campaign contributions, and **to seek public office**.

63. In violation of the aforementioned statute, Defendant, MICHAEL MARRON, in his official capacity as VERMILION COUNTY BOARD CHAIRMAN, and while acting as an agent of Defendant VERMILION COUNTY, terminated Plaintiff, NICOLE “NIKKI” BOGART, from employment with Defendant VERMILION COUNTY because (1) she had sought public office in 2012 as a nominee from the Democratic Party and (2) she actively campaigned for Democratic Party candidates who sought office in Vermilion County.

**WHEREFORE**, Plaintiff, NICOLE “NIKKI” BOGART, prays that this Honorable Court render a judgment in favor of Plaintiff and against Defendants, MICHAEL MARRON, in his official capacity as VERMILION COUNTY BOARD CHAIRMAN, and VERMILION COUNTY, in a sum in excess of Fifty Thousand Dollars (\$50,000.00), together with costs of suit.

**Count II**  
**VIOLATION OF THE LOCAL GOVERNMENT EMPLOYEES**  
**POLITICAL RIGHTS ACT OF THE STATE OF ILLINOIS (50 ILCS 135 *et seq.*)**  
**against MICHAEL MARRON, individually**

64. Plaintiff, NICOLE “NIKKI” BOGART, herein repeats and re-alleges paragraphs 1 through 63 of the Common Allegations, and hereby incorporates them as though fully set forth herein.

65. At all times relevant, there existed in the State of Illinois a statute entitled the Local Governmental Employees Political Rights Act, 50 ILCS 135 *et seq.*, which provides (emphasis added):

§ 10. Political rights protected. (a) No unit of local government or school district may make or enforce any rule or ordinance that in any way inhibits or prohibits any of its employees from exercising the employee's political rights.

(b) No employee of a unit of local government or school district may (i) use his or her official position of employment to coerce or inhibit others in the free exercise of their political rights or (ii) engage in political activities while at work or on duty.

66. At all times relevant, the Local Governmental Employees Political Rights Act, 50 ILCS 135 *et seq.*, also provides (emphasis added):

§ 5. Definition; political rights. “Political rights” include, without limitation, the following political activities: to petition, to make public speeches, to campaign for or against political candidates, to speak out on questions of public policy, to distribute political literature, to make campaign contributions, and to seek public office.

67. In violation of the aforementioned statute, Defendant, MICHAEL MARRON, individually, acted beyond his legal authority as the general supervisor for Plaintiff, NICOLE “NIKKI” BOGART, when, without consent or approval of the County Board, he instructed Plaintiff, NICOLE “NIKKI” BOGART, she was terminated and refused to allow her to continue to perform her duties associated with her employment with Defendant VERMILION COUNTY, because (1) she had sought public office in 2012 as a nominee from the



Democratic Party and (2) she actively campaigned for Democratic Party candidates who sought office in Vermilion County.

68. The aforementioned actions by Defendant, MICHAEL MARRON, individually, were taken for his own gain of political power and for his own personal political purpose of harming, Plaintiff, NICOLE “NIKKI” BOGART.

**WHEREFORE**, Plaintiff, NICOLE “NIKKI” BOGART, prays that this Honorable Court render a judgment in favor of Plaintiff and against Defendants, MICHAEL MARRON, in his official capacity as VERMILION COUNTY BOARD CHAIRMAN, in a sum in excess of Fifty Thousand Dollars (\$50,000.00), together with costs of suit.

**Count III**  
**RETALIATORY DISCHARGE**  
**against MICHAEL MARRON, in his official capacity as VERMILION COUNTY**  
**BOARD CHAIRMAN, and VERMILION COUNTY**

69. Plaintiff, NICOLE “NIKKI” BOGART, herein repeats and re-alleges paragraphs 1 through 59 of the Common Allegations, and hereby incorporates them as though fully set forth herein.
70. Illinois has codified, in Local Governmental Employees Political Rights Act, 50 ILCS 135 *et seq.*, a clear mandate of public policy that public employees cannot be terminated because they campaign for or against political candidates or seek public office.

71. Plaintiff, NICOLE “NIKKI” BOGART, was terminated on January 30, 2015, from employment with Defendant, VERMILION COUNTY, by its agent, Defendant, MICHAEL MARRON, in his official capacity as VERMILION COUNTY BOARD CHAIRMAN.
72. Defendant, MICHAEL MARRON, in his official capacity as VERMILION COUNTY BOARD CHAIRMAN, terminated, Plaintiff, NICOLE “NIKKI” BOGART, because (1) she had sought public office in 2012 as a nominee from the Democratic Party and (2) she actively campaigned for Democratic Party candidates who sought office in Vermilion County.
73. The termination of Plaintiff, NICOLE “NIKKI” BOGART, for her protected political activity was a violation of a clear mandate of public policy.

**WHEREFORE**, Plaintiff, NICOLE “NIKKI” BOGART, prays that this Honorable Court render a judgment in favor of Plaintiff and against Defendants, MICHAEL MARRON, in his official capacity as VERMILION COUNTY BOARD CHAIRMAN, and VERMILION COUNTY, in a sum in excess of Fifty Thousand Dollars (\$50,000.00), together with costs of suit.

**Count IV**  
**Violation of First Amendment Rights**  
**U.S. CONST. AMEND. XIV, 42 U.S.C. §1983**  
**against MICHAEL MARRON, in his official capacity as VERMILION COUNTY**  
**BOARD CHAIRMAN, and VERMILION COUNTY**

74. Plaintiff, NICOLE “NIKKI” BOGART, herein repeats and re-alleges paragraphs 1 through 59 of the Common Allegations, and hereby incorporates them as though fully set forth herein.
75. The First Amendment to the U.S. Constitution states:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”
76. The First Amendment’s guarantee of freedom of speech, freedom of assembly and association, right to redress grievances, has been incorporated against the States. *See*, respectively, *Gitlow v. New York*, 268 U.S. 652 (1925); *DeJonge v. Oregon*, 299 U.S. 353 (1937); *NAACP v. Alabama*, 357 U.S. 449 (1958); *Roberts v. United States Jaycees*, 468 U.S. 609 (1984); and *Edwards v. South Carolina*, 372 U.S. 229 (1963).
77. Plaintiff has a first amendment right to free speech in the form of her political platform and campaign in running for the office of Vermillion County Recorder of Deeds.
78. Plaintiff has a first amendment right to free assembly and association in being a member of the Democratic Party, and being appointed by that Party as their candidate for Recorder.
79. Plaintiff has a first amendment right to petition government for redress of grievances, through running for political office.

80. Plaintiff's aforementioned First Amendment rights outweighed any interest of the Defendants in suppressing those rights.
81. Plaintiff was terminated as a result of her exercise of the aforementioned First Amendment Rights, because Defendant, MICHAEL MARRON, in his official capacity as VERMILION COUNTY BOARD CHAIRMAN, did not approve or agree.
82. Defendants acted intentionally and with callous and reckless disregard for Plaintiff's clearly established constitutional rights.
83. As a direct and proximate result of the Defendants' violations of Plaintiff's constitutional rights, she has suffered and continues to suffer severe and substantial damages.

**WHEREFORE**, Plaintiff, NICOLE "NIKKI" BOGART, prays that this Honorable Court grant Plaintiff an award of all salary, wages, and benefits including, but not limited to: back pay, front pay, past and future pecuniary losses, and prejudgment interest; an award of compensatory damages; an award of pre- and post-judgment interest; an award of the costs of this action and reasonable attorney's fees; an order requiring Defendants to remove any and all adverse information from Plaintiff's personnel file and employment records and to correct or withdraw any such information that previously has been communicated or disseminated to third party included in her file because of or in relation to Defendant's First Amendment violation; and such other relief that this is authorized by this statute or relief that this Court may deem just and equitable.

**COUNT V**  
**DEPRIVATION OF PROPERTY DUE PROCESS CLAUSE,**  
**U.S. CONST. AMEND. XIV, 42 U.S.C. §1983**  
**against MICHAEL MARRON, in his official capacity as VERMILION COUNTY**  
**BOARD CHAIRMAN, and VERMILION COUNTY**

84. Plaintiff, NICOLE “NIKKI” BOGART, herein repeats and re-alleges paragraphs 1 through 59 of the Common Allegations, and hereby incorporates them as though fully set forth herein.
85. Plaintiff has a protected property interest in her continued employment with the County within the meaning of the due process guarantees of the United States Constitution due to her position as a public employee in the County.
86. Defendants, acting under color of state and municipal law, deprived Plaintiff of her property interest, when they summarily terminated Plaintiff. Plaintiff was not afforded with any type of pre- or post- termination opportunity to be heard.
87. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered and continues to suffer substantial losses of wages and benefits, and other past and future pecuniary losses, as well as great emotional distress and mental anguish, humiliation, embarrassment, inestimable injury to her personal and professional reputation, and loss of her ability to obtain same or equivalent employment.

**WHEREFORE,** Plaintiff, NICOLE “NIKKI” BOGART, prays that this Honorable Court grant Plaintiff an award of all salary, wages, and benefits including, but not

limited to: back pay, front pay, past and future pecuniary losses, and prejudgment interest; an award of compensatory damages; an award of pre- and post-judgment interest; an award of the costs of this action and reasonable attorney's fees; an order requiring Defendants to remove any and all adverse information from Plaintiff's personnel file and employment records and to correct or withdraw any such information that previously has been communicated or disseminated to third party included in her file because of or in relation to Defendant's Due Process violation; and such other relief that this is authorized by this statute or relief that this Court may deem just and equitable.

**COUNT VI**  
**DEPRIVATION OF LIBERTY DUE PROCESS CLAUSE,**  
**U.S. CONST. AMEND. XIV, 42 U.S.C. §1983**  
**against MICHAEL MARRON, in his official capacity as VERMILION COUNTY**  
**BOARD CHAIRMAN, and VERMILION COUNTY**

88. As a direct Plaintiff, NICOLE "NIKKI" BOGART, herein repeats and re-alleges paragraphs 1 through 59 of the Common Allegations, and hereby incorporates them as though fully set forth herein.
89. Plaintiff has a protected liberty interest in her good name, reputation, honor, or integrity under the due process guarantees of the United States Constitution.
90. Defendant, acting under color of state and municipal law, deprived Plaintiff's liberty interest, when Defendant Marron communicated and published false information regarding Plaintiff.

91. Defendant continues to deprive Plaintiff of her liberty interests and imposed on her a stigma of not being worthy of performing her duties as a county employee.
92. As a direct and proximate result of Defendants' unlawful conduct including but not limited to that which described above, Plaintiff has suffered and continues to suffer substantial losses of wages and benefits, and other past and future pecuniary losses, as well as great emotional distress and mental anguish, humiliation, embarrassment, inestimable injury to her personal and professional reputation, and loss of her ability to obtain same or equivalent employment.

**WHEREFORE**, Plaintiff, NICOLE “NIKKI” BOGART, prays that this Honorable Court grant Plaintiff an award of all salary, wages, and benefits including, but not limited to: back pay, front pay, past and future pecuniary losses, and prejudgment interest; an award of compensatory damages; an award of pre- and post-judgment interest; an award of the costs of this action and reasonable attorney’s fees; an order requiring Defendants to remove any and all adverse information from Plaintiff’s personnel file and employment records and to correct or withdraw any such information that previously has been communicated or disseminated to third party included in her file because of or in relation to Defendants’ Due Process violation; and such other relief that this is authorized by this statute or relief that this Court may deem just and equitable.

**COUNT VII**  
**DEPRIVATION OF PROPERTY DUE PROCESS CLAUSE,**  
**ILL. CONST. 1970, ART. I § 2**  
**against MICHAEL MARRON, in his official capacity as VERMILION COUNTY**  
**BOARD CHAIRMAN, and VERMILION COUNTY**

93. Plaintiff, NICOLE “NIKKI” BOGART, herein repeats and re-alleges paragraphs 1 through 59 of the Common Allegations, and hereby incorporates them as though fully set forth herein.
94. Plaintiff has a protected property interest in her continued employment with the County within the meaning of the due process guarantees of the Illinois Constitution due to her position as a public employee in the County.
95. Defendants, acting under color of state and municipal law, deprived Plaintiff of her property interest, when they summarily terminated Plaintiff. Plaintiff was not afforded with any type of pre- or post- termination opportunity to be heard.
96. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered and continues to suffer substantial losses of wages and benefits, and other past and future pecuniary losses, as well as great emotional distress and mental anguish, humiliation, embarrassment, inestimable injury to her personal and professional reputation, and loss of her ability to obtain same or equivalent employment.

**WHEREFORE**, Plaintiff, NICOLE “NIKKI” BOGART, prays that this Honorable Court grant Plaintiff an award of all salary, wages, and benefits including, but not limited to: back pay, front pay, past and future pecuniary losses, and prejudgment interest; an award of compensatory damages; an award of pre- and post-judgment



interest; an award of the costs of this action and reasonable attorney's fees; an order requiring Defendants to remove any and all adverse information from Plaintiff's personnel file and employment records and to correct or withdraw any such information that previously has been communicated or disseminated to third party included in her file because of or in relation to Defendants' Due Process violation; and such other relief that this is authorized by this statute or relief that this Court may deem just and equitable.

**COUNT VIII**  
**DEPRIVATION OF LIBERTY DUE PROCESS CLAUSE,**  
**ILL. CONST. 1970, ART. I § 2**  
**against MICHAEL MARRON, in his official capacity as VERMILION COUNTY**  
**BOARD CHAIRMAN, and VERMILION COUNTY**

97. Plaintiff, NICOLE "NIKKI" BOGART, herein repeats and re-alleges paragraphs 1 through 59 of the Common Allegations, and hereby incorporates them as though fully set forth herein.
98. Plaintiff has a protected liberty interest in her good name, reputation, honor, or integrity under the due process guarantees of the Illinois Constitution.
99. Defendant, acting under color of state and municipal law, deprived Plaintiff's liberty interest, when Defendant Marron communicated and published false information regarding Plaintiff.
100. Defendant continues to deprive Plaintiff of her liberty interests and imposed on her a stigma of not being worthy of performing her duties as a county employee.

101. As a direct and proximate result of Defendants' unlawful conduct including but not limited to that which described above, Plaintiff has suffered and continues to suffer substantial losses of wages and benefits, and other past and future pecuniary losses, as well as great emotional distress and mental anguish, humiliation, embarrassment, inestimable injury to her personal and professional reputation, and loss of her ability to obtain same or equivalent employment.

**WHEREFORE**, Plaintiff, NICOLE "NIKKI" BOGART, prays that this Honorable Court grant Plaintiff an award of all salary, wages, and benefits including, but not limited to: back pay, front pay, past and future pecuniary losses, and prejudgment interest; an award of compensatory damages; an award of pre- and post-judgment interest; an award of the costs of this action and reasonable attorney's fees; an order requiring Defendants to remove any and all adverse information from Plaintiff's personnel file and employment records and to correct or withdraw any such information that previously has been communicated or disseminated to third party included in her file because of or in relation to Defendants' Due Process violation; and such other relief that this is authorized by this statute or relief that this Court may deem just and equitable.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury in this action.

Respectfully Submitted,

Plaintiff NICOLE BOGART,

By: /s/ Kevin F. O'Connor  
Kevin F. O'Connor  
One of her attorneys

Kevin F. O'Connor (ARDC # 6300449)  
Heewon O'Connor (ARDC # 6306663)  
Ryan O. Estes (ARDC # 6312755)  
O'Connor | O'Connor, P.C.  
110 E. Schiller St., Ste. 312  
Elmhurst, IL 60126  
Tel. 630-456-1596  
Fax. 630-658-0336  
[kevin@oconnor-oconnor.com](mailto:kevin@oconnor-oconnor.com)  
[heewon@oconnor-oconnor.com](mailto:heewon@oconnor-oconnor.com)  
[ryan@oconnor-oconnor.com](mailto:ryan@oconnor-oconnor.com)