

Clark's relationship with Day & Night and CMS Renewables, i.e., that the award of the solar panel contract was based on her and her husband's gain. This is also false and defamatory. In fact, CMS Renewables was the "best value" and may have been the low bidder on the job and was properly awarded the contract. Likewise, Ms. Clark is not the person at the Health Department who makes the decision to accept a bid and award a contract.

Finally, the imputation that the Clarks were out for their own gain, at the expense of the Health Department, is only strengthened by your unnecessary and irrelevant reference to Julie Clark's sister being convicted of embezzlement.

Be warned that the statements you have made are classic examples of defamation *per se* (i.e. the kind of statement that is inherently damaging and thus does not require proof of actual damages). As the Court stated in *Green v. Rogers*:

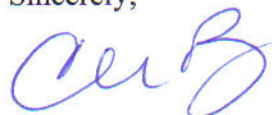
a statement is defamatory if it "tends to cause such harm to the reputation of another that it lowers that person in the eyes of the community or deters third persons from associating with [him]. . . . If a plaintiff alleges that a statement is defamatory *per se*, he need not plead or prove actual damages to his reputation; statements that are defamatory *per se* "are thought to be so obviously and materially harmful to the plaintiff that injury to [his] reputation may be presumed. Illinois recognizes five categories of statements that are defamatory *per se*: (1) those imputing the commission of a criminal offense; (2) those imputing infection with a communicable disease; (3) those imputing an inability to perform or want of integrity in the discharge of duties of office or employment; (4) those that prejudice a party or impute lack of ability in the party's trade, profession, or business; and (5) those imputing adultery or fornication.

Green v. Rogers, 384 Ill. App. 3d 946 (2nd Dist. 2008).

Clearly, the statements referred to above on your website impute an inability and want of integrity of the Clarks in the performance of their duties of office or employment. The statements also clearly prejudice Day & Night, CMS Renewables, and the Clarks and impute a lack of ability of the same in their trade, profession, or business.

We demand that you immediately remove the defamatory statements from your website and issue a retraction on your website exonerating Day & Night, CMS Renewables, and the Clarks. If you do not do so within 10 days, we have been authorized to pursue all legal remedies, including the filing of a lawsuit for, among other things, defamation.

Sincerely,



Christopher W. Byron