

10/06/10 SCANNED 55



OFFICE OF THE ATTORNEY GENERAL  
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August 19, 2010

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Mark R. Isaf  
Edgar County State's Attorney  
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115 W. Court Street Room S  
Paris, Illinois 61944-1787

Terry A. Ekl  
Ekl Williams LLC  
901 Warrenville Rd., #175  
Lisle, Illinois 60532

Re: Steidl v City of Paris, et al., No. 05-2127  
Whitlock v City of Paris, et al., No. 08-2035

Dear State's Attorney Isaf and Mr. Ekl:

This letter responds to the August 6, 2010 letter of Mr. Isaf, as well as the July 20, 2010 letter of Mr. Ekl. Both letters renew prior requests that the State of Illinois provide a defense to defendant Michael McFatridge in the above referenced matters. These same requests have been denied on two previous occasions.

By letters dated June 14 and June 29, 2005, Mr. McFatridge requested representation in the Steidl Lawsuit. That request was denied July 6, 2005. Former State's Attorney Matthew Sullivan, by letters dated March 12 and April 21, 2009, requested that the State of Illinois provide a defense to Mr. McFatridge in both the Steidl and Whitlock Lawsuits, and also asked that the State pay two-thirds of the Edgar County legal expenses in both Lawsuits. These requests were denied May 6, 2009. The July 6, 2005 and May 6, 2009 denials were because the acts or omissions which gave rise to Steidl and Whitlock's claims against Mr. McFatridge involved allegations of intentional, willful or wanton misconduct. With these prior denials, Mr. McFatridge and Mr. Sullivan were also told that if a court or jury were to find that the acts Steidl and Whitlock complained of did not represent intentional, willful or wanton misconduct, Mr. McFatridge would be indemnified for any judgment, and reasonable attorneys' fees would be reimbursed as provided by law.

The basis for each of your current August 6 and July 20, 2010 requests are essentially the same. Scottsdale Insurance and White Mountain Reinsurance had provided Mr. McFatridge and the County with a defense under certain insurance policies. Scottsdale's successful declaratory judgment action was recently affirmed by the Seventh Circuit. Scottsdale therefore will no longer provide a defense to Mr. McFatridge. White Mountain has

No. 10-MR-530

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