IN THE CIRCUIT COURT OF THE 12^{TH} JUDICIAL CIRCUIT WILL COUNTY, ILLINOIS

CYNTHIA BRZANA)
) Case 18 L 718
Plaintiff,)
v.)
)
KATHLEEN KENNEDY, DONALD)
NORTON, JOHN NORTON AND)
SARAH NORTON,)
)
Defendants)

SECOND AMENDED COMPLAINT FOR SLANDER PER SE, AND FALSE LIGHT INVASION OF PRIVACY AND CIVIL CONSPRIACY

Now come Cynthia Brzana, with her complaint against the Defendants,

Kathleen Kennedy (herein at times "Kennedy"), Donald Norton, John Norton and

Sarah Norton for False Light Privacy, Slander Per Se, Libel Per Se and Civil

Conspiracy and in support of their complaint state as follows:

PARTIES AND VENUE.

1) Defendant Kathleen Kennedy is a resident of Will County residing at Road, Wilmington, Illinois 60481.

- 2) Defendants, Donald Norton, John Norton and Sarah Norton each reside at
- , Wilmington, Illinois 60481.
 - 3) Plaintiff is a resident of Will County, Illinois.
 - 4) The claims in this case arose in Will County, Illinois.

5) Venue is proper in this court because each party is a resident of this county and the claims arose here in Will County, Illinois.

FACTS COMMON TO EACH COUNT.

- 6) On or about July 13, 2018, Defendant, Kathleen Kennedy, began warning various persons that Plaintiff Brzana was a "park harasser". Kennedy claimed that she was a "Park Ranger" even though she was not an enforcement officer of any kind. Kennedy's duties as a Township Trustee did not include serving as an enforcement officer.
- 7) Kennedy at all times relevant had no official duty to police the public park. Kennedy was a Wesley Township trustee at the time she made statements concerning Plaintiff.
- 8) Defendant's role as a Township Trustee arises pursuant to statute and her official duties take place at Township Board Meetings and perhaps other legislative functions. None of the allegations of this complaint relate to what Defendant did within the scope of her official duties or at a board meeting. See Chapter 60 of the Illinois Compiled Statutes and in particular 60 ILCS 1/80-5 for official Township Trustee duties. Moreover, any examination of the entire Township Code reveals that the role of a Township Trustee (also Board Member as used in the Township

Code) is to audit the books and records of the Township and the Township Road

District, make decisions on the levy, and determine budgets or adopt ordinances. It
is not within the scope of a township trustee's official duties that a trustee either
polices a public park or acts outside the due process of law.

- 9) Defendant Kennedy was never authorized to serve as a "Park Ranger".
- 10) Under the Illinois Township Code Kennedy was not a enforcement officer.
- 11)Kennedy was not appointed by action of the Township Board to serve as an enforcement officer as required by 60 ILCS 1/100-10.
- 12) Kennedy has never filed with the Clerk of Wesley Township a notice of acceptance of a position as an enforcement officer as required by 60 ILCS 1/100-10.
- 13) Pursuant to 60 ILCS 1/100-10 failure to file a notice of acceptance is deemed as a refusal to serve as an enforcement officer.
- 14) Kennedy was never vetted by the Will County Sheriff for either approval or disapproval because there has never been a filing with the clerk as an enforcement officer.

- 15) Kennedy never posted a bond to serve as an enforcement officer as required by 60 ILCS 1/100-10.
- 16) Kennedy has never attended law enforcement training classes conducted by the Illinois Law Enforcement Training Standards Board.
- 17) Kennedy has never been issued identification documents provided by the township board identifying her as a township enforcement officer.
- Cynthia Brzana of being a pedophile. Specifically, Kathleen Kennedy began warning individuals about a woman taking pictures of children at the park without permission and alleging that taking pictures of children under 16 was illegal and stated "oh yes, after all, now days, you just never know who could be a pedophile" Contemporaneously with making the aforementioned statement, Kathleen Kennedy distributed a flyer naming "Cynthia Brzana" as a "park harasser" and even providing her license plate number on the flyer with the implication that Cynthia Brzana was a pedophile. Defendant, Kathleen Kennedy, then requested that she be called if Cynthia Brzana is seen in the park. A copy of the Flyer distributed by Kathleen Kennedy is attached hereto and incorporated herein as Exhibit A.

19) On or about August 14, 2018 at about 10:17 am Cynthia Adams memorialized her encounter with Kathleen Kennedy and stated as follows:

"Cindy there is one other thing I wanted to tell you about my encounter with Kathy Kennedy at the park, when she was telling me about the woman taking pictures at the park she said it was illegal to take pictures of kids under 16 without permission, I said I was not aware of that and she said oh yes after all now days you just never know who could be a pediphile, I said well maybe this lady just likes to take pictures and she said oh no this is a totally different situation then went in the back of her vehicle and got the paper with you and Fritz's name on it and told me to let her know if I saw either of you there. Pediphile is not a word you toss around lightly even in inference, when we camp down there I am always taking pictures so none of this makes sense to me."

- 20) The aforementioned acts and statements of Kathleen Kennedy were designed to smear the reputation of Cynthia Brzana as a pedophile.
- 21) Upon information and belief, defendants have undertaken a campaign to disparage Cynthia Brzana to further the idea that Cynthia Brzana is a pedophile when in fact she is not a pedophile.
- 22) Upon Information and belief all named defendants have meet and agreed to further the idea that Cynthia Brzana is both a whore and a pedophile.

- 23) John Norton stated to a local newspaper: "Kennedy never called Brzana a pedophile, that idea was brought up in an irrelevant conversation". Admit.
- 24) John Norton is one of the administrators of the Guardians of Wesley Township Facebook page that has published numerous statements imputing Cynthia Brzana as being a pedophile. See Exhibit G.
- 25) John Norton acknowledged being one of the administrators of the Guardians of Wesley Township Facebook page in the hearing of *Norton v Brzana* on November 16, 2018 before the Honorable Frederick V. Harvey. Id.
- 26) Upon information and belief, other administrators of the "Guardians of Wesley Township" Facebook page are: Sarah Norton, Donald Norton, and Kathleen Kennedy.
- 27) Attached hereto and incorporated herein as are various publications of the Guardians of Wesley Township Facebook page authored by Defendants that label Cynthia Brzana as a pedophile. The statements on the Guardians of Wesley Township Facebook Page include but are not limited to the following:

- a) "WARNING to PARENTS: If you see this woman with any device capable of taking photos or videos when children are nearby, clear the area immediately." See Exhibit B.
- b) "Cynthia (aka Charlotte Tenn) attempting to curry favor from her heroes, the Edgar County Group. Had she worn her golden knee pads and properly worshiped them, they may have granted her wish." See Exhibit C.
- c) "Its like playing whack-a-mole with these attention whores." See Exhibit D.
- d) "She was down at the park again today taking pictures of kids. She now uses a black ford FX4 pick-up truck to stalk people." See Exhibit E.
- 28) The statements published on the Guardians of Wesley Township Facebook page referenced in paragraph 27 (a-d) were of and concerning Cynthia Brzana, plaintiff.
- 29) The statements published on the Guardians of Wesley Township Facebook page concerning Cynthia Brzana as being a pedophile are false.

30) On or about August 15, 2018, at or about 3:03 am Defendants using IP address "24.12.245.122, c-24-12-245-122.hsd1.il.comcast.net" published to Kirk Allen, John Kraft and the Edgar County Watchdogs under the assumed name of "Bla Bla" the statement:

"Did you know Cynthia Brzana aka Charlotte Tenn is a pedophile and post pics of other peoples kids on Facebook? Do you condone and promote this type of actions?"

See Exhibit F which is attached hereto and incorporated herein. Upon information and belief the IP address referenced in this paragraph is associated with the computers located at the home of Donald, John and Sarah Norton.

- 31) All Defendants associate Cynthia Brzana as Charlotte Tenn. The statement published on August 15, 2018 referenced in paragraph 30 above is false and published with the intent to defame Plaintiff, Cynthia Brzana, and to seek wider publication of the allegation that Cynthia Brzana is a pedophile when in fact she is not a pedophile.
- 32) Defendants agreed in conspiracy to malign and defame the good name and Character of Cynthia Brzana by labeling her a pedophile and a whore. On numerous occasions at each of the preceding six months of Wesley Township

meetings, John Norton called Cynthia Brzana a "whore", and a "dirty whore" in the presence of third persons.

- 33) The Defendants John Norton, Sarah Norton, Donald Norton and Kathleen Kennedy, in furthering the objective of maligning the reputation of Cynthia Brzana agreed to a campaign to label Cynthia Brzana an unchaste woman using the words "whore" and "dirty whore" and "pedophile" to describe Cynthia Brzana in publications to third parties.
- 34) The statements of Defendants accusing Cynthia Brzana of being a pedophile is false and wholly without any merit whatsoever.
- 35) On November 16, 2018, when asked, what he, John Norton, understood the term pedophile to mean, John Norton stated:
 - "A person over the age of 18 conducting sexual activity with or illicit activity with a person under the age of 18 depending on the state. I believe nationwide it's 18. Some states it's 17, some are 13. So it would imply illegal sexual activity."
- 36) The term "pedophile" is defined as a person having a psychiatric disorder in which they have an exclusive sexual attraction to children.

- 37) The term "Pedophile" was used by Defendants to insinuate that Plaintiff, Brzana, had sexual contact with minors.
- 38) Defendant, Kathleen Kennedy's publication of the statements in a public park was wantonly conducted to infer that Plaintiff, Cynthia Brzana, was prowling about public parks to engage children in sexual acts.
- 39) The statements of Kathleen Kennedy when said in context of delivering a flyer labeling Cynthia Brzana of being a "park harasser" was done to infer that Cynthia Brzana, was in fact a pedophile, when, in reality, the inference is false.
- 40) Upon information and belief, each of the Defendants either directly or indirectly used social media to spread the idea that Plaintiff, Brzana, was a pedophile and a whore when, in fact, Plaintiff is not a pedophile and not a whore.
- 41) All Named Defendants published the following statement to the Edgar County Watchdogs via an IP address associated with Donald Norton's home as follows:

"Cynthia Brzana a/k/a Charlotte Tenn, is a pedophile and posts pictures of other people's kids on Facebook."

See Exhibit F.

42) On November 16, 2018, John Norton made the following statement in open court in reference to Cynthia Brzana in the matter of *Norton v Brzana*:

"What it was, that she was never referred to as a pedophile, but her acts were what we deemed in layman terms and from very we put it on the same level as a pedophile. In other words, as low as that. We treat pedophiles extremely low, but somebody who would exploit an underage child for their own personal benefit is on the same level socially as that, your Honor."

- 43) John Norton's use of the term pedophile was knowingly and wantonly used to smear the reputation of Plaintiff.
- 44) The Statement of Defendants calling plaintiff Whore, Dirty whore and a pedophile was made with actual malice and <u>New York Times</u> Malice, that is with the knowledge of the falsity of the statement.
- 45) The statements made by Defendants on the "Guardians of Wesley Township" facebook page were designed to harm the good reputation and credit of Plaintiff.
- 46) Plaintiff is a person of good credit and good character. Malice is the gist of the Complaint.

- 47) The false statements of Defendants referenced herein above cast each Plaintiff in a false light.
- 48) The Statements on the "Guardians of Wesley Township" facebook page claiming that Brzana was a pedophile is false and knowingly made to harm the reputation of Plaintiff.
- 49) The statements of defendants of and concerning both Plaintiff as being a pedophile are false and not privileged.
- 50) At a point in time unknown, but believed to be within six months prior to the date of the filing of this Amended Complaint, Sarah Norton published the following statement:

Here is Cindy Brzana's number if anyone would like to harass her as she likes to terrorize women and small children with obscene gestures and stalking them..Now she can understand how it feels to be stalked and terrorized by people.."

See Exhibit H which is attached hereto and incorporated herein.

51) During the period of the publication of the numerous statements accusing Brzana as a pedophile and a whore, on or about September 18, 2018 Defendants

John Norton, Sarah Norton and Kathleen Kennedy appeared at Brzana's place of employment, took photographs of the interior work spaces of her employer's boardroom and began posting comments related to Brzana finding it necessary to seek new employment. Upon information and belief, Defendants at or around this same time orally articulated to non-parties in this case that Brzana was a pedophile and a whore.

- 52) Defendants using the Guardians of Wesley Township Facebook page posted the following comments of and concerning Brzana and Brzana's place of employment.
 - a) "I miss having the vending machines across the hall from the board meeting room"
 - b) "Catered Board Meeting s are a nice touch"
 - c) "You have made several new enemies today! How's that new job search coming along?"

See Group Exhibit I.

COUNT I FALSE LIGHT INVASION OF PRIVACY (BRZANA V ALL NAMED DEFENDANTS)

- 53) Plaintiff restates paragraphs 1-52 in this first count as if fully restated herein.
- 54) The statements of Defendants that Plaintiff, Cynthia Brzana, is a pedophile are false and each of the defendants has knowledge of the falsity of the allegation or that the statements were made with the reckless disregard of the truth of the statements made.
- 55) The statements complained of herein above were willfully and wantonly made.

 The statements of Defendants that Plaintiff, Cynthia Brzana, was a pedophile is offensive.
- 56) Any reasonable person would find a false statement about them being a pedophile offensive.
- 57) Defendants widely disseminated the idea that Plaintiff, Brzana, was a pedophile. The dissemination of the false claim that Brzana was a pedophile included park flyers, coupled with oral statements, social media posts and voluntary statements to news media that furthered the idea that Brzana was a pedophile. These statements were then supplemented by repeated statements of Norton in public meetings that Brzana was a whore, and a dirty whore.
- 58) Defendants widely disseminated the idea that the plaintiff was a whore.
- 59) Being labeled a whore is highly offensive.

- 60) Being labeled a whore is highly offensive to a reasonable person.
- 61) Defendants encouraged members of the public to drive to the home of Plaintiff, Brzana, to encourage the public to harass plaintiff and to interfere with the plaintiff's right to be left alone.
- 62) Sarah Norton published Plaintiff's Phone Number with a request that members of the Public harass the plaintiff was malicious and wantonly made to falsely paint Cynthia Brzana as a pedophile so that she would suffer ridicule and shame in public.
- 63) The collective actions of the defendants painted Cynthia Brzana in a false light as being both a whore and a pedophile.

- A. Award Cynthia Brzana monetary damages in an amount to be determined at trial against each named defendant in an amount of at least \$1,000,000 or such other amount required for jurisdiction in this cause.
- B. Award Cynthia Brzana punitive damages against each named defendant;

- C. Award Cynthia Brzana the costs of suit and attorney's fees; and
- D. Enjoin Defendants from making further false and disparaging statements concerning Cynthia Brzana.
- E. That Cynthia Brzana have such other and further relief as this Court deems just, equitable or necessary.

COUNT II SLANDER PER SE (BRZANA V ALL NAMED DEFENDANTS)

- 64) Plaintiff restates the paragraphs 1-52 as if fully set forth herein.
- 65) Defendant, Kennedy, published the statement that Plaintiff was a Pedophile to Cindy Adams on or about August 8, 2018.
- 66) Defendant, Kennedy's, statements that Plaintiff was a pedophile was false. The statements complained of herein above were willfully and wantonly made.
- 67) The Statements of Defendant Norton alleging that Brzana was a whore and a dirty whore are false. The statements of Kennedy and Norton were made in furtherance of the agreement amongst all defendants to malign the reputation of Cynthia Brzana.
- 68) Defendant's statement was knowingly made or made with the wanton disregard of the truth.
- 69) Defendants' statements were not privileged.
- 70) Defendants' statement were designed to harm the reputation of the Plaintiff.
- 71) Defendant did in fact harm the reputation of the Plaintiff.

- F. Award Cynthia Brzana monetary damages in an amount to be determined at trial against each named defendant in an amount of at least \$1,000,000 or such other amount required for jurisdiction in this cause.
- G. Award Cynthia Brzana punitive damages against each named defendant;
- H. Award Cynthia Brzana the costs of suit and attorney's fees; and
- I. Enjoin Defendants from making further false and disparaging statements concerning Cynthia Brzana.
- J. That Cynthia Brzana have such other and further relief as this Court deems just, equitable or necessary.

COUNT III LIBLE PER SE (BRZANA V ALL NAMED DEFENDANTS)

- 72) Plaintiff Brzana restates the paragraphs 1-52 as if fully set forth herein.
- 73) Defendant's statements that Brzana was a pedophile was false. The statements complained of herein above were willfully and wantonly made.
- 74) Defendants collective publication on the Guardians of Wesley Township Facebook page alleging that Plaintiff Brzana is a pedophile were and are false.
- 75) Defendant's statement was knowingly made or made with the wanton disregard of the truth.
- 76) Defendants' statements were not privileged.

- 77) Defendants' statement were designed to harm the reputation of the Plaintiff.
- 78) Defendant did in fact harm the reputation of the Plaintiff.

- K. Award Cynthia Brzana monetary damages in an amount to be determined at trial against each named defendant in an amount of at least \$1,000,000 or such other amount required for jurisdiction in this cause.
- L. Award Cynthia Brzana punitive damages against each named defendant;
- M. Award Cynthia Brzana the costs of suit and attorney's fees; and
- N. Enjoin Defendants from making further false and disparaging statements concerning Cynthia Brzana.
- O. That Cynthia Brzana have such other and further relief as this Court deems just, equitable or necessary.

COUNT IV (CIVIL CONSPIRACY) (BRZANA V ALL NAMED DEFENDANTS)

- 79) PLAINTIFFS repeat, re-allege and reiterate each and every allegation contained in paragraphs numbered "1" through "52" inclusive with the same force and effect as though the same were fully set forth at length herein.
- 80) Upon information and belief, an agreement was struck between Defendants, to malign the reputation of Plaintiff, Brzana as described in paragraphs 1-52.

- 81) The purpose of the agreement was accomplishing an unlawful attack by unlawful means as described herein.
- 82) At least one tortuous act, the accusation by defendants alleging that Plaintiff is a pedophile when she is not, were in furtherance of the agreement that caused the injuries to Brzana. The statements complained of herein above were willfully and wantonly made.

- A. Award Cynthia Brzana monetary damages in an amount to be determined at trial against each named defendant in an amount of at least \$1,000,000 or such other amount required for jurisdiction in this cause.
- B. Award Cynthia Brzana punitive damages against each named defendant;
- C. Award Cynthia Brzana the costs of suit and attorney's fees; and
- D. Enjoin Defendants from making further false and disparaging statements concerning Cynthia Brzana.
- E. That Cynthia Brzana have such other and further relief as this Court deems just, equitable or necessary.

Respectfully submitted, Cynthia Brzana.

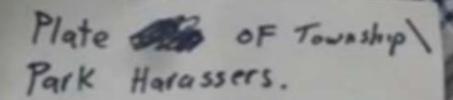
/s/Robert Hanlon

By one of her attorneys, Robert Hanlon Law Offices of Robert T. Hanlon & Associates P.C. 131 East Calhoun Street Woodstock, Illinois 60098 815-206-2200

Exhibit List

- A) Park Flyer
- B) Warning to Parents
- C) Golden Knee pads comment
- D) Wack-a-mole
- E) Taking Pictures of Kids
- F) Tip to Edgar Co Watchdogs alleging Brzana is a pedophile.
- G) Transcript pages from hearing
- H) Sarah Norton Post asking the public to harass Brzana
- I) Concerning Brzana's place of employment.

EXHIBIT A (Park Flyer)



Arlaw Fritz Silver chevy

Peterson Lune

Cyathia Brzang

RED FORD

Z

10 Tholan Rd

EXHIBIT B

(Warning to Parents)

✓ Guardians of W...Township's Post •••





Guardians of W...Township's Post









Be the first to like this



Guardians of Wesley Township WARNING to PARENTS: If you see this woman with any device capable of taking photos or videos when children are nearby, clear the area immediately!



Write a comme... (GIF)

















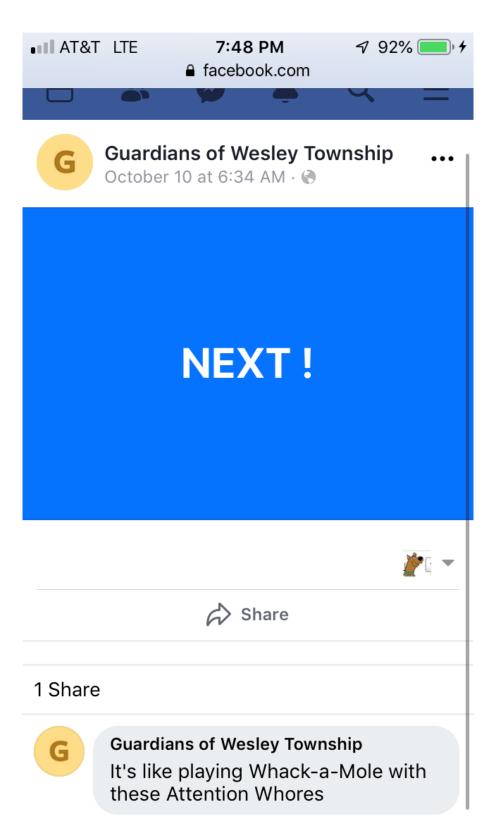
EXHIBIT C

(Golden Knee pads comment)



EXHIBIT D

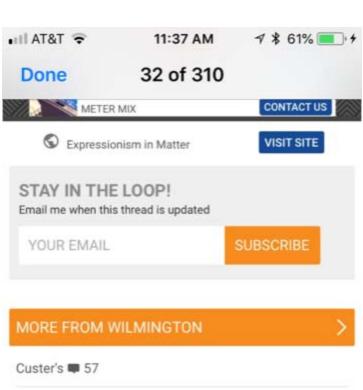
(Wack-a-mole Whore Statement)

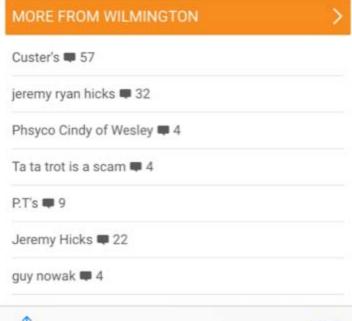


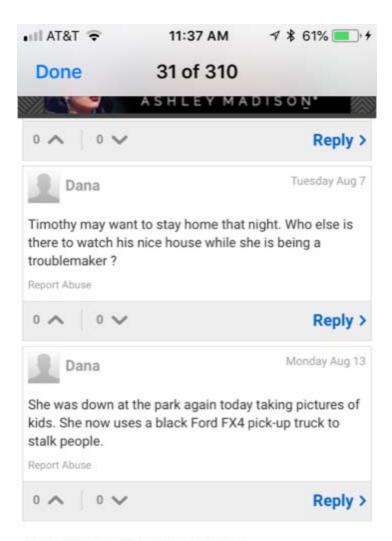
1 mo More

EXHIBIT E

(Statement re taking pictures of kids)







HAVE SOMETHING TO SAY?

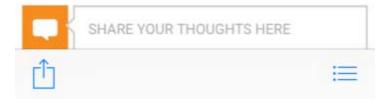
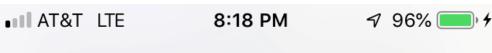


EXHIBIT F

(ECW TIP)









memo-pay-attention-to-question-asked/

Author: blah blah (IP address:

24.12.245.122,

c-24-12-245-122.hsd1.il.comcast.net)

Email: xyz@here.com

URL:

Comment:

Did you know Cynthia Brzana aka Charlotte Tenn is a pedophile and post pics of other peoples kids on Facebook? Do you condone and promote this type of actions?

Approve it: http://

edgarcountywatchdogs.com/wp-admin/

comment.php?

action=approve&c=63668#wpbody-

<u>content</u>

Trash it: http://

edgarcountywatchdogs.com/wp-admin/

comment.php?

action=trash&c=63668#wpbody-content

Spam it: http://











EXHIBIT G

(Selected Transcript Testimony)

Pg 43 - Cross examination of John Norton 11-16-2018 Norton v Brzana Case Number 2018 OP 2306

- 16 Q Are you an administrator under Guardians of Wesley
- 17 Township Facebook page?
- 18 A One of many

Pg 57

- 1 A I am aware of it, but I am not directly involved
- 2 in that.
- 3 Q Okay. Do you know what a pedophile means?
- 4 A I have had layman's terms definition of it.
- 5 Q Well, why don't you share what you understand it
- 6 to be.
- A A person over the age of 18 conducting sexual
- 8 activity with or illicit activity with a person under the
- 9 age of 18 depending on the state. I believe nationwide it's
- 10 18. Some states it's 17, some are 13. So it would imply
- illegal sexual activity.
- 12 Q That's a serious accusation, right?
- 13 A Yes, it is.

Pg 108

- 17 MR. NORTON: I will bring that up right now with this
- 18 question.
- 19 THE COURT: No, I just asked it. What happened? Just
- 20 tell me what happened.
- 21 THE WITNESS: We were in the file room because dad
- 22 was -- well, Mr. Norton, sorry, was helping me bring in a
- 23 huge box because I can't lift heavy things and all of a
- 24 sudden he decided he was going to come in the township hall

Pg 109

- 1 with a camera in our face and take video, and he is a big
- 2 guy, so, of course, I was scared as ever. So my father
- 3 decided to try and divert his attention from me to him, and

4 he called him a pedophile and he continued to keep going and 5 I asked him to leave numerous times and he refused.

7 THE COURT: Hold on a second. You are saying that Mick 8 Esposito came into the township hall with a camera or some 9 kind of video equipment, phone, whatever, and recorded the 10 both of you or you specifically, your father diverted his 11 attention, at which point in time when he began to record 12 your father, your father called Mick Esposito a pedophile. 13 14 THE WITNESS: Yes.

EXHIBIT H

(Sarah Norton Post)



EXHIBIT I

(Posts Concerning Brzana Employment)



is effeeling lucky.
September 18 at 4:20 PM ·

Nice try, Crazy Cyndi.

You have made several new enemies today! How's that new job search coming along?





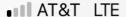
Guardians of Wesley Township
I miss having the vending machines across the hall from the board meeting room.

2 mos More

1 reply

Guardians of Wesley Township
Catered Board Meetings are a nice touch.





8:52 PM

√ 88% **■**



You have made several new enemies today! How's that new job search coming along?





Guardians of Wesley Township I miss having the vending machines across the hall from the board meeting room.

2 mos More

1 reply

G

Guardians of Wesley Township Catered Board Meetings are a nice touch.



2 mos More