

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL , ILLINOIS
MCHENRY COUNTY ILLINOIS

EDWARD GIL, Jr., and)	
MARY McCELLAN)	Case #2019 MR 000953
v.)	
)	
MCHENRY COUNTY, MCHENRY)	
COUNTY BLOG, CAL SKINNER JR.)	
JANE DOE AND JOHN DOE AND)	
UNKNOWN RESPONDENTS)	

RESPONSE TO MCCLELLAN’S EMERGENCY MOTION

NOW COMES Defendant, Cal Skinner, Jr., and McHenry County Blog LLC by and through their attorney, ROBERT T. HANLON of the LAW OFFICES OF ROBERT T. HANLON & ASSOCIATES, PC, with their combined response to the Emergency Motion of Mary McClellan and Edward Gil to Strike Defendant’s Request to Admit Facts and for Sanctions and states as follows in opposition thereto:

Introduction:

Mary McClellan (a public figure – having filed a petition for candidate for Judge after the filing of her complaint and announcing her candidacy before the filing of the complaint) and Edward Gil have collectively filed a Rule 224 complaint seeking discovery to advance claims for a purported defamation action sounding in per se and other forms of defamation. Defendants believe the Rule 224 Petition is brought in bad faith. Moreover, prior to the start of discovery, Mary McClellan, in direct contravention of Illinois Supreme Court Rule 201 apparently commenced discovery by issuing a subpoena that she seeks to have enforced by this court even though it was not properly advanced. In raising the subject motion, McClellan seeks to have this court decide the validity of the Request to Admit Facts in a vacuum providing a broad

characterization of the requests without actually attaching the offending paper to her motion. To Aid the court, the Defendants Request is attached to this response.

This Court ought to deny the Motion of Mary McClellan for the following reasons:

- 1) McClellan advanced a subpoenas prior to the time for discovery to commence;
- 2) McClellan failed to attach to her motion the purportedly offending material;
- 3) There is no emergency;
- 4) McClellan and Gil placed their character at issue in the subject petition and therefore inquiry into specific acts of conduct are applicable to this case. See Il. R. Evid. 405. All the statements advanced within the Request to Admit Facts are believed to be true¹. McClellan's motion is apparently derived out of fear that the light of truth will expose her prior conduct must face the music since she is the one that placed her character at issue.
- 5) The Illinois Rules of Evidence provide the means of establishing Character of a party or a witness. The Requests to Admit fall squarely within the Rules of Evidence.
- 6) Examination of the Request to Admit demonstrate they are relevant in addressing the claims raised by McClellan and Gil in the Complaint. See Exhibit B.
- 7) McClellan's demands for relief are overly broad and well outside the specificity required in a Rule 224 petition. See Exhibit A.
- 8) McClellan's Rule 224 Petition is based on fraudulent statements to this court. In particular she indicated that she was at all times relevant hereto and prior to the publication of purportedly defamatory statements enjoyed a reputation for honesty and integrity within the community. Not so, says the 7th United States Court of

¹ The source of the requested facts is both a person who purported to be McClellan's son and federal rulings referenced herei.

Appeals. See Martinez v City of Chicago and Mary McClellan. Furthermore, McClellan falsely pled that she was not currently a public figure in her 224 petition. See paragraph 6 of the 224 petition. Yet at the time of filing, she had already announced her campaign to run for public office. See Request to Admit Facts 17 & 18.

- 9) McClellan is acting Pro se and therefore cannot obtain attorney fees even if she prevailed on the merits of her meritless motion.
- 10) McClellan failed to follow Rule 201(k) by having a 201(k) conference.
- 11) McClellan failed to comply with Rule 201(k) by not including the necessary language set forth in Rule 201(k).

A) Time for Discovery.

The time for commencement of discovery is set forth in the Illinois Supreme Court Rule 201(d) which reads:

(d) Time Discovery May Be Initiated. Prior to the time all defendants have appeared or are required to appear, no discovery procedure shall be noticed or otherwise initiated without leave of court granted upon good cause shown.

Here, McClellan complains that Defendants, McHenry County Blog LLC and Cal Skinner Jr., have yet to answer a subpoena directed to them². See paragraph 6 of McClellan's motion that indicates that Attorney Hanlon has not filed a response to the purported subpoena. But see Declaration of Attorney Hanlon indicating that he was not served with any subpoena and is unaware of any subpoena, much less a properly issued subpoena. If such a subpoena exists, the subpoena ought to be quashed because it was obviously issued prior to the time discovery commenced. (Attorney Hanlon filed his appearance on behalf of the remaining defendants on

² It is unknown how a Subpoena could be directed at two parties when the proper procedure is a request to produce documents. Defendant's counsel is not aware of any subpoena.

November 25, 2019, the date discovery may commence by rule, yet McClellan had already filed a motion to compel answers to her discovery. Nevertheless the Local Rules require at least 14 days for a response to a subpoena. See Local Rule 308.

B. Failed to Attach the Purportedly Offending Material.

McClellan advances a motion to have this Court strike a Request to Admit Facts in the subject controversy on the basis that the requests are: a) were filed to harass and intimidate “the Plaintiff³”; b) were in large part absurd, c) not based on any issue, d) to utilize the court for personal attacks on character of “the Plaintiff”. However, McClellan fails to take the fundamental step to attach to her motion the purportedly offending document. Nevertheless, the Request to Admit Facts contained 18 specifically enumerated points of fact concerning Plaintiffs and their prior conduct. Among those points was the establishment of Edward Joseph Ershbock as her biological son⁴ from whom she is estranged and reasons for the estrangement, including physical abuse and face spitting by co-plaintiff Edward Gil and specific acts of dishonesty by Mary McClellan embodied in a sanctions opinion issued by the United States District Court and affirmed by the 7th Circuit Court of Appeals. Thus, they are all relevant to establishing that there is no injury to either plaintiff’s reputation and no legitimate cause of action exists to allow for any pre-filing discovery.

C. There is no Emergency.

McClellan files the subject emergency motion on the basis that a legal emergency exists. There is no emergency. This fundamental concept of law is ignored by the judicial candidate and opposing counsel. The Rules provide that a party has 28 days to respond to a request to

³ Throughout the “emergency motion” McClellan uses the term “plaintiff” as if only one person is a plaintiff. A reasonable inference is that McClellan is acting solely for her own purposes in the 224 petition and not on behalf of herself and another person.

⁴ the source of much of the information that McClellan deems absurd or intended to harass the “plaintiff”.

admit facts. The subject “emergency motion” was filed the day after the Request to Admit Facts was served upon Plaintiffs counsel. Accordingly, McClellan has plenty of time for a properly noticed motion as opposed to an improperly noticed motion based on a purported emergency. If the facts are as she contends “absurd” then she can deny the requested admission. However since the source of many of the facts is her biological son, she likely faces a delima admit the truth or alternatively face serious sanctions.

D) Plaintiffs Place their Character at Issue.

Plaintiffs contend that Plaintiffs need pre-filing discovery to advance a defamation related case. Plaintiffs site to numerous statements posted on the McHenry County blog in support of their 224 petition. They however do not allege those individual statements are false.

Illinois Rule of Evidence 405 sets forth the methods of proving character. In particular, Rule 405 reads, in pertinent part:

(a) Reputation or Opinion. In all cases in which evidence of character or a trait of character of a person is admissible, proof may be made by testimony as to reputation, or by testimony in the form of an opinion.

(b) Specific Instances of Conduct.

(1) In cases in which character or a trait of character of a person is an essential element of a charge, claim, or defense, proof may also be made of specific instances of that person’s conduct;

E) Relevance of Requested Admissions.

McClellan claims she was called unethical and her claim sounds in part on the assertion that the contention is false. See Paragraph 15 of Plaintiffs Rule 224 Petition attached as Exhibit

A. The requests to admit establish a lack of ethics and integrity. In request to admit 13 the concept of McClellan hiring her husband Ed Gil, without disclosing the relationship is an action that would facilitate the innocent construction of “unethical”. Moreover, the sanctions imposed upon her and the Cook County State’s Attorney’s Office by the United States District Court and

the rebuke by the 7th Circuit Court of Appeals is directly applicable to the claims that her reputation was injured by that comment. Likewise, the physical abuse endured by her son at the hands of her co-plaintiff without intervention by her is directly related to the comments of “diabolical and satanic” para 15, comment set forth in the 224 petition. Accordingly, a reasonable inference may be drawn that McClellan was unethical by allowing her husband to physically abuse her son and do nothing about it. The Request to Admit concerning McClellan as having engaged in reckless conduct is directly related to the allegation that she was incompetent complained of in paragraph 16 of her 224 petition.

McClellan’s complaint that she was called a liar and a fraud was placed at issue by McClellan in paragraph 14 of her Rule 224 petition. The Request to Admit concerning her lying to the United States District Court is directly on point to the issue advanced in this case. Not only did McClellan lie to the Federal Court she first obtained the benefits of her false statement only to be exposed later for those false statements. Even the Federal Court of Appeals recognized that the ruling undermines her character that is central to any claim of McClellan for any of the various forms of defamation claims that she wishes to pursue.

F. Truth and Construction.

Defendants believe the offending statements contained in the Rule 224 petition in paragraphs 13-16 are true and thus are not actionable by Plaintiffs. In fact, the verified 224 petition states that the allegations are all true. There is no allegation alleging that any of the specific statements contained in the petition are false, rather the verification to the petition indicates that the statements in the petition are true. Thus, by virtue of the pleading itself, there can be no action undertaken on the allegations of the complaint. (This will be developed further

in Defendants' Motion to Dismiss when adequate time permits its completion, given that defense Counsel has only been in this case for a week inclusive of the Thanksgiving Holiday.)

Even if this court considers the reference to Mary McCellan as being a whore as something so offensive as it could be actionable, given that Mary McCellan had a son (Edward Ershbock) out of wedlock and one of the definitions of a "whore" according to Merriam-Webster is "a promiscuous or immoral woman."⁵ Thus, under the innocent construction rule, and methods for proving character under IL R. Evid. 405, the statement concerning Mary McCellan as being a whore is not actionable because it is substantially true, but admittedly distasteful.

Plaintiffs audacity in filing this complaint is beguiled by the fact that a commenter, Wondering, purportedly stated on 8-18 "McClellan is unethical" The statement is objectively true because the United States District Court did in fact sanction Mary McCellan for withholding evidence in violation of her duty as an officer of the Court. See Martinez v City of Chicago et al and Mary McClellan (Decided May 23, 2016.) 7th Cir #'s 15-2752, 15-3410. There the 7th Circuit Court of Appeals in setting forth the facts demonstrated that Judge Bucklo found her conduct to be reckless and obstructive and a second federal judge also found her conduct to be sanctionable. Quoting from the opinion, "ASA McCellan recklessly adhered to the position that the documents the plaintiff sought did not exist." In response to a subpoena the Cook County State's Attorney's Office ("CCSAO") responded that there were 31 boxes of misdemeanor files from the relevant year (2009). After her initial falsehood was exposed, Plaintiff, McClellan,

⁵ Upon information and belief Mr. Edward Ershbock would testify that Mary McCellan planned on aborting him and that he was raised by his grandmother in Atlanta Georgia up until the age of 12 and for two years lived with both Mary McClellan and Ed Gil. Mr. Ershbock is also believed to be able to testify that Ed Gil regularly abused him by getting on top of him and spitting on his face and even once broke a coffee cup on his face causing so much blood to run down his face he went to a neighbor to call the police. Mr. Ershbock would likely also testify that the abuse he suffered was a principal reason he ran away before the age of emancipation. It is also believed that Mr. Ershbock would also testify that Mary McCellan and Ed Gil are estranged from his children, McClellan's three grandchildren.

represented to the United States District Court “the amount of resources it’s going to take to pull 180 boxes and have them available to counsel is extraordinary.” The District Court overruled McClellan’s objections and, “consistent with her opposing counsel’s prior assessment, he and his colleagues found the documents within a matter of minutes.” The 7th Circuit articulated the following concerning Plaintiff McClellan’s conduct:

McClellan had repeatedly denied that the files existed, without knowing whether they did or did not exist and without conducting a reasonable inquiry into the matter. She had even threatened the plaintiffs’ continued to request the documents in the face of her denial of their existence. She also tried to prevent him from searching for the files himself. And when the files were finally located she delayed turning them over by advancing a meritless claim of privilege. It took multiple court orders and more than a year of effort for the plaintiffs to obtain all the documents to which they were entitled. The District Court did not abuse its discretion in sanctioning her.

Interestingly enough, the 7th Circuit recognized that the orders of the District Court and its opinion would be harmful to McClellan’s personal and professional reputation. The reasoning was based upon her conduct and that in application of the law its findings and the findings of the two federal judges that sanctioned McClellan.

McCellan further falsely alleges that she is not a public figure. See Exhibit A paragraph 6. McClellan is running for the public office of Judge. Certainly, a candidate for judge would know that they are a public figure and have interposed an allegation to wrongfully advance a potential cause of action. See Complaint at paragraph 6.

In paragraph 4 of the petition, filed under verification, allege that both plaintiffs Gil and McClellan “enjoyed a reputation of honesty and integrity within the community.” “Petitioners are persons of good repute and credit and has maintained that character their whole life.” See Petition at paragraph 4. But see federal sanctions against Mary McClellan in Martinez v City of Chicago and Mary McCellan. The decision in that case demonstrates the false pleading in this

case which is an act of dishonesty before this court, because the petition was subject to both plaintiffs verification.

Statements are considered defamatory *per se* when the defamatory character of the statement is apparent on its face; that is, when the words used are so obviously and materially harmful to the plaintiff that injury to his reputation may be presumed.

A false statement may be actionable *per se* if it is defamatory on its face and fits in one of the limited categories outlined by our supreme court. *Bryson*, 174 Ill.2d at 87, 220 Ill.Dec. 195, 672 N.E.2d at 1214. These categories are: (1) words imputing the commission of a criminal offense; (2) words imputing infection with a loathsome communicable disease; (3) words imputing an inability to perform or want of integrity in the discharge of the duties of office or employment; (4) words which prejudice a party or impute lack of ability in his or her trade, profession or business; and (5) words imputing adultery or fornication. *Bryson*, 174 Ill.2d at 88–89, 220 Ill.Dec. 195, 672 N.E.2d at 1214–15.” [Maag v. Illinois Coalition for Jobs, Growth and Prosperity, 858 N.E.2d 967, 306 Ill.Dec. 909, 368 Ill.App.3d 844, 849 (2006)]

Even if a statement falls into one of the recognized categories of statements that are actionable *per se*, the statement will not be found actionable *per se* if as a matter of law it is reasonably capable of an innocent construction. “To say it another way, the innocent construction rule comes into play when there are two reasonable ways in which a statement could be interpreted, one of which is defamatory and one of which is not. In such a situation, the court is required to dismiss the action rather than allowing the case to go to the jury. This is clearly different than all other civil actions, in which, at the dismissal stage, if there are two reasonable ways to resolve a factual dispute, one favoring plaintiff and the other favoring defendant, the court must deny the motion to dismiss, sending the case to the jury to resolve the

factual dispute... A court does not have to draw inferences in the defendant's *favor*, because according to the innocent construction rule, the entire *case* must be decided in defendant's favor as a matter of law if the defendant's position is even *reasonable*." [Tuite v. Corbitt, 866 N.E.2d 114, 310 Ill.Dec. 303, 224 Ill.2d 490, 526 (2006) (Justice Freeman concurring in part and dissenting in part. (Italics original))].

The innocent construction rule requires courts to consider a statement in context, giving the words, and their implications, their natural and obvious meaning. If, so construed, a statement "may reasonably be innocently interpreted or reasonably be interpreted as referring to someone other than the plaintiff, it cannot be actionable *per se*." [Chapski v. Copley Press, 92 Ill.2d 344, 352, 65 Ill.Dec. 884, 442 N.E.2d 195 (1982)]. Whether a statement is reasonably susceptible to an innocent interpretation is a question of law for the court to decide. In applying the innocent construction rule, courts must give the allegedly defamatory words their natural and obvious meaning. Courts must therefore interpret the allegedly defamatory words as they appeared to have been used and according to the idea they were intended to convey to the reasonable reader. 33A Ill.L. & Prac. *Slander & Libel* § 12, at 25 (1970). See also *Illinois Integrity Fund v Tirio*, (Appellant's brief.)

Several of the purported statements concerning McCellan are not defamatory and are capable of innocent interpretation under the Innocent Construction Rule, this is where the Request to Admit Facts enters this case.

The complained of statement "McClellan is a liar and a fraud". The statement is capable of being construed as the recognition that McClellan was found to be a liar in the United States District Court for misrepresenting material facts. Thus, under the innocent construction rule the

statement is entitled a construction which is not defamatory in light of the rulings by the 7th Cir. and two federal District Court Judges.

G. No Monetary Damages Alleged.

Many of the statements complained of by Plaintiffs fall into the arena of “per quod” defamation because they are not actionable as a “per se” claim. These include “Freddi Kruger and wicked”, “McClellan is diabolical and stananic” , “McClellan is incompet and has a lack of moral fiber”, “McClellan’s a crook⁶”, and “McClellan is crookeder” are all statements of opinion that are not actionable and are also subject to parody given that she is a public figure. Moreover, these statements fall into the arena of “Per Quad” defamation where Plaintiff must plead and prove "special damages" where because the statements are not specifically per se categories and are "per quod". See Schaffer v. Zekman, 196 Ill.App.3d 727, 554 N.E.2d 988, 994.

In this case, Plaintiffs do not articulate any economic loss related to the purported defamatory statements. Thus, even if McClellan were to have the discovery she seeks, she would not be able to proceed on any per quad cause of action.

H. Pro se Attorneys Are Not Able to Obtain Attorney Fees.

Here, the pro se attorney seeking a remedy to her sole benefit seeks \$1,800 in attorney fees. (No fee petition, no evidence, no Lodestar analysis.) However, the law, on this point, commands that Plaintiff, Mary McCellan, is not entitled to collect attorney fees even if she prevailed on her meritless motion. See. Kehoe v. Saltarelli, 337 Ill. App. 3d 669, 678, 786 N.E.2d 605, 272 Ill.

⁶ Recently, in the Matter of Tirio v Illinois Integrity Fund the reference to “crook” was found not actionable by J. Costello. McHerny County Cir Court, 2019.

[Dec. 66 \(2003\)](#) (holding an individual attorney was not entitled to recover fees for *pro se* representation)

Plaintiffs fail to include Lodestar method for fees and advances a fee claim without adequate support in direct contravention to known authority.

I. Plaintiffs Fail to Follow Basic Rule for Discovery Relief.

Rule 201(k) provides:

(k) Reasonable Attempt to Resolve Differences Required. The parties shall facilitate discovery under these rules and shall make reasonable attempts to resolve differences over discovery. Every motion with respect to discovery shall incorporate a statement that counsel responsible for trial of the case after personal consultation and reasonable attempts to resolve differences have been unable to reach an accord or that opposing counsel made himself or herself unavailable for personal consultation or was unreasonable in attempts to resolve differences.

Nowhere in Plaintiffs' Emergency Motion is there reference to any 201(k) conference. This is simply because there was no 201(k) conference. Additionally, the statement required under Rule 201(k) is not contained in the "emergency motion". Thus, Plaintiffs have not even done the minimalist of pleading to obtain any discovery relief much less any sanction.

Conclusion:

Every basic step of procedure has been violated by Plaintiffs' counsel. Discovery was commenced before all parties appeared, a subpoena was used to obtain documents from a party as opposed to a request to produce, the offending material is not attached to McClellan's motion, no affidavit is attached, a 201(k) conference was not conducted, the required pleading requirements were not followed, the 224 petition is based on fraudulent contentions, and despite all of these obvious issues, Plaintiff, McClellan, seeks striking a pleading that was not filed with the court and asks this Court for sanctions. The position advanced by Plaintiffs beguiles any

logic and is at best an emotional reaction to the facts likely to be introduced in this case and any other case where either plaintiff is a party.

WHEREFORE, Defendant, Cal Skinner, Jr., and McHenry County Blog LLC pray that this Honorable Court grant the following relief:

- A. Deny the Emergency Motion to Strike the Request to Admit Facts and for Rule 137 Sanctions.
- B. Make the following findings:
 - a. Plaintiffs Emergency Motion to Strike the Request to Admit Facts and Rule 137 Sanctions is without merit.
 - b. Defendants' Request to Admit, as propounded, are proper and must be answered within the time required by Supreme Court Rule.
- C. Grant Defendants leave of Court to file a fee petition in responding to Plaintiffs' Emergency Motion to Strike the Request to Admit Facts and Rule 137 Sanctions.
- D. For such other and further relief this Court deems just and equitable

Respectfully submitted,

Cal Skinner Jr and McHenry County Blog LLC

By: /s/Robert T. Hanlon
Robert T. Hanlon, Defendant's Attorney

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Exhibit A

IN THE 22nd JUDICIAL CIRCUIT COURT OF
McHENRY COUNTY, ILLINOIS

EDWARD GIL JR,
MARY MCCLELLAN
Petitioners,

Court No. 19MR000953

McHenry County, McHenry County Blog, Cal Skinner Jr.
Jane Doe and John Doe and unknown defendants,
Respondents.

NOTICE
THIS CASE IS HEREBY SET FOR A
SCHEDULING CONFERENCE IN
COURTROOM TBD ON
01/09/2020, AT 9:00 a.m.
FAILURE TO APPEAR MAY
RESULT IN THE CASE BEING
DISMISSED OR AN ORDER OF
DEFAULT BEING ENTERED.

VERIFIED PETITION FOR PRE-SUIT DISCOVERY, PROTECTIVE ORDER AND
PRESERVATION OF EVIDENCE.

NOW COMES the Petitioners, Mary McClellan ("McClellan") and Edward Gil, Jr. ("Gil"), by and through their attorney, Mary McClellan, and moves this Honorable Court pursuant to Illinois Supreme Court Rule 224 for Pre-suit Discovery and for entry of a Protective Order for protection, preservation, and production of audio tapes, investigative reports, video, and all tangible items relating to defamation per se, libel and slander of Mary McClellan and Edward Gil Jr related to release of private information from McHenry County from March 2019 to the present and accused Petitioners of dishonorable and criminal conduct of stealing public funds and other false statements that were done so with a reckless disregard as to whether they were false or not. These statements are made with actual malice and intent to harm the Petitioners in their business and professional reputation, states as follows:

Jurisdiction

All of the acts occurred within McHenry County, Illinois.

Illinois Supreme Court Rule 224 provides, in pertinent part, as follows:

Rule 224. Discovery Before Suit to Identify Responsible Persons and Entities

(a) Procedure.

(1) Petition.

- (i) [a] person or entity who wishes to engage in discovery for the **sole purpose of ascertaining the identity** of one who may be **responsible in damages** may file an independent action for such discovery. (emphasis added)
- (ii) The action for discovery shall be initiated by the filing of a verified petition in the circuit court of the county in which the action or proceeding might be brought or in which one or more of the persons or entities from whom discovery is sought resides. The petition shall be brought in the name of the petitioner and shall name as respondents the persons or entities from whom discovery is sought and shall set forth: (A) the reason the proposed discovery is necessary and (B) the nature of the discovery sought and shall ask for an order authorizing the petitioner to obtain such discovery. The order allowing the petition will limit discovery to the identification of responsible persons and entities and where a deposition is sought will specify the name and address of each person to be examined, if known, or, if unknown, information sufficient to identify each person and the time and place of the deposition. (emphasis added)

Petition

1. Petitioner Gil was employed by McHenry County at the time of his injury on November 2018.
2. The petitioner Gil was not an elected official.
3. The petitioner Gil is a private individual who has not held himself out as a public figure.
4. The petitioners Gil and McClellan has at all times relevant hereto and prior to the publication of defamatory statements as listed below enjoyed a reputation of honesty and integrity within the community. Petitioners are persons of good repute and credit and has maintained that character their whole life.
5. The petitioner Mary McClellan served as the County Clerk of McHenry County from December 2014 until November 2018.
6. The petitioner Mary McClellan is not currently a public figure.

7. McHenry County Blog and Cal Skinner Jr. is believed by Petitioners to have information essential to the determination of who should properly be named as defendants in the action. McHenry County Blog is maintained and monitored by Cal Skinner. Jr. People may post to his blog anonymously. The ISP ('internet service provider') and the IP address of any anonymous posters is available from the review of his website.
8. McHenry County also is believed by Petitioner to have information essential to the determination of who should properly be named as defendant in the action. There was a private meeting where McHenry County employees would have been in attendance and where said privilege communication and information appeared on the McHenry County Blog the very same day of the meeting. This breach of confidentiality cannot be tolerated.
9. The petitioners sent a memo to McHenry County Human Resource Director and County Board Chairman requesting an investigation into the matter.
10. The petitioner Gil whose name is listed on several of the comments on McHenry County Blog. Petitioner believes there may be additional John/Jane Doe's and McHenry County Defendants who are responsible for the release and distribution of the comments which are defamatory, defamatory *per se*, libelous and slanderous of Petitioner Gil.
11. The petitioner Mary McClellan whose name is listed on several of the comments on McHenry County Blog. Petitioner believes there may be additional John/Jane Doe's and McHenry County Defendants who are responsible for the release and distribution of the comments which are defamatory, defamatory *per se*, libelous and slanderous of Petitioner Mary McClellan.

12. An order compelling Respondents to produce the following materials, and any other written discovery necessary to determine the identity of all possible responsible parties, and specifically the following materials:
13. All Internet Service Providers ("ISP") providers of the following commenters of McHenry County Blog; "Nunya" 8/19/19 claims Gil charged the county for overtime he did not work. Claims Gil is a liar and thief. "Nunya" on 10/2/2019 claiming Mr. Gil collected unemployment benefits and workers compensation benefits and it was fraud and that he got caught. (Private meeting only attended by Mr. Gil his attorney and County Employee.) "Nunya" on 9/6/2019 claiming Gil was having people lie about being at work when he wasn't. (See Attached Exhibit A)
14. All Internet IP addresses of the following commenters of McHenry County Blog "Nunya" 8/19/19 claims Gil charged the county for overtime he did not work. Claims he is a liar and thief. "Nunya" on 10/2/2019 claiming Gil collected unemployment benefits and workers compensation benefits and it was fraud and that he got caught. (Private meeting only attended by Gil his attorney and County Employee.) "Nunya" on 9/6/2019 claiming Gil was having people lie about being at work when he wasn't.(See Attached Exhibit A)
15. All IP addresses of the following commenters of McHenry County Blog of "Nunya" on 9/6/2019, called McClellan a liar and a thief and went on to say that she had promised jobs to individuals and pay when she becomes a judge. "Camp lake" called McClellan a fraud. (9/7/19). "Kitchenmilitia" called her diabolical and satanic. (8/17/19) "Jerry Hayes" called her satanic and a loser and attacks Gil. (8/17/19) "Game Changer" says McClellan has a devil tattoo. (8/17/19) "Wondering" calling her unethical (8/18/19) "Confederate Air Force" called her Freddie Kruger and wicked. (8/18/19) "Heinrich" call McClellan incompetent and lack of moral fiber (7/26/19). "Mierz" called McClellan a liar and thief (7/24/19). "Jove" called

McClellan a crook (7/24/19). "Dr. Phibes" called her crookeder (10/2/19). "Hansen supporter" alleges she used taxpayer money to buy trinkets and McClellan knows about crime. (10/2/19). "Nunya" claiming McClellan is a liar and fraud and somehow got caught.(10/2/19). "Ms. Trumpion" called McClellan a whore. (10/4/19). See Attached Exhibit A

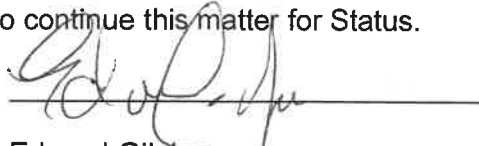
16. All ISP of the following commenters of McHenry County Blog of McHenry County Blog of "Nunya" on 9/6/2019, called McClellan a liar and a thief and went on to say that she had promised jobs and pay to individuals when she becomes a judge. "Camp lake" called McClellan a fraud. (9/7/19). "Kitchenmilitia" called her diabolical and satanic. (8/17/19) "Jerry Hayes" called her satanic and a looser and attacks Gil. (8/17/19) "Game Changer" says McClellan has a devil tattoo. (8/17/19) "Wondering" calling her unethical (8/18/19) "Confederate Air Force" called her Freddie Kruger and wicked. (8/18/19) "Heinrich" call McClellan incompetent and lack of moral fiber (7/26/19). "Mierz" called McClellan a liar and thief (7/24/19). "Jove" called McClellan a crook (7/24/19). "Dr. Phibes" called her crookeder. (10/2/19). "Hansen supporter" alleges she used taxpayer money to buy trinkets and McClellan knows about crime (10/2/19). "Nunya" claiming McClellan is a liar and fraud and somehow got caught. (10/2/19). "Ms. Trumpion" called McClellan a whore. (10/4/19). See Attached Exhibit A
17. All other anonymous names that match the ISP or IP address of the commenters in paragraph 11 through 14.
18. All incident reports, including any witness statements, concerning Gil.
19. The name, address, employer, job title and phone number of all employees or workers who were participating with the Illinois Department of Employment Security on October 2, 2019.

- (a) And identify any person who the information of the meeting on October 2, 2019 with IDES was communicated to and the method used;
20. The email and phone records of the individuals identified in sub paragraph (a) of paragraph 19 both incoming and outgoing during and after the October 2, 2019 IDES meeting.
21. Then email and phone records of the individuals identified in sub paragraph (a) of paragraph 19 both incoming and outgoing during and after the October 3, 2019 request for investigation.
22. This discovery is necessary to identify potentially responsible parties and preserve vital evidence before it is erased or otherwise destroyed.

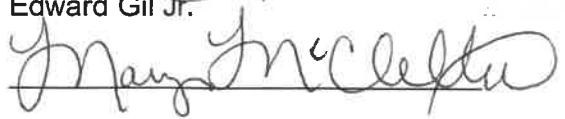
WHEREFORE, the Petitioners pray that this Honorable Court enter an Order for pre-suit discovery and an Order of Protection, preservation and production of the following:

- a. Any and all backups of McHenry County Blog and history of IP addresses and produce same.
- b. Any and all video recording in the McHenry County Administration building on October 2 and October 3, 2019.
- c. Any and all employee entrance swipes to the McHenry County Administration building 667 Ware Rd, Woodstock, IL on October 2 and October 3, 2019.
- d. All emails and phone records of McHenry County Administration building on October 2, and October 3, 2019.

Further, Petitioners request that this Court require Respondents to provide said documents and information within the next fourteen (14) days and to continue this matter for Status.

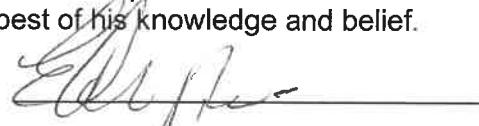


Edward Gil Jr.

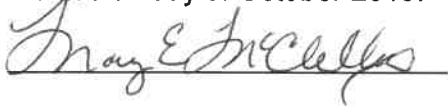


Mary McClellan

Edward Gil, Jr. being first duly sworn on oath, deposes and says that he has read the Verified Petition for pre-suit discovery, protective order and preservation of evidence and know the contents thereof, and the same are true to the best of his knowledge and belief.



Edward Gil Jr.

Subscribed and Sworn to before
me this 9th day of October 2019.





Mary McClellan being first duly sworn on oath, deposes and says that she has read the Verified Petition for pre-suit discovery, protective order and preservation of evidence and know the contents thereof, and the same are true to the best of her knowledge and belief.


Mary McClellan

Subscribed and Sworn to before
me this 9th day of October 2019.





Mary McClellan
3014 S Bergman Dr.
Holiday Hills IL 60051
815-482-5693
Atty No. 6283486

McHenry County Blog



Mary McClellan Jockeying for Judge Again

Posted on [07/24/2019](#) by [Cal Skinner](#)



Mary
McClella
n

Multiple sources say former McHenry County Clerk Mary McClellan is seeking support for a candidacy for Circuit Court Judge next year.

McClellan is seeking to win a subdistrict in her part of the county against appointed Judge Justin Hansen.

McClellan unsuccessfully faced off against appointed Judge Robert Wilbrandt, Assistant State's Attorney Demetri Tsilimigras and Ray Flavin in the 2018 GOP Primary Election.

Fellow attorneys gave her a [10% approval rating](#).

She came in third place.

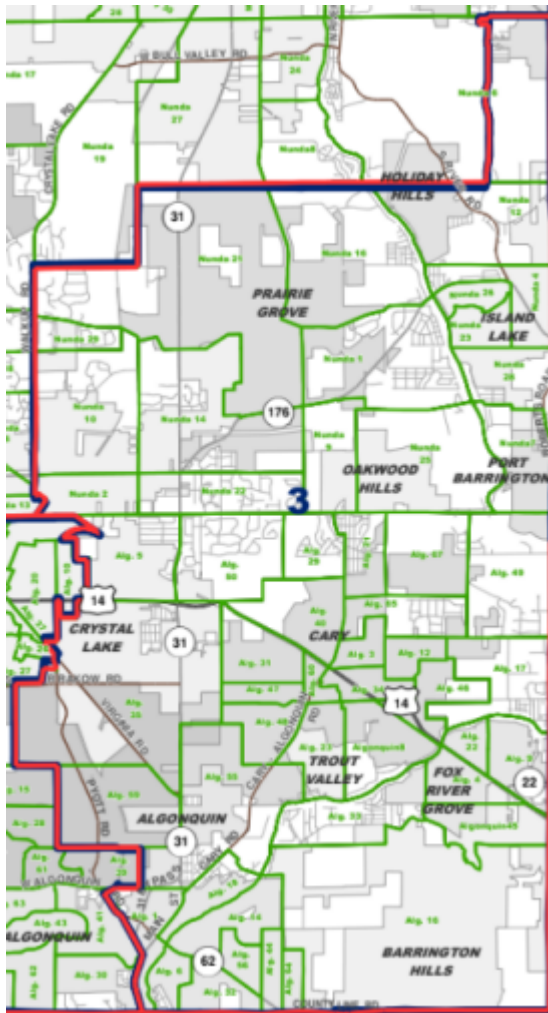
★ R D22 CIRCUIT CT (Vote For 1) Click to see the map			
Precincts Reporting: 100 %			
REP	ROBERT WILBRANDT	36.94 %	8,928
REP	DEMETRI PTSILIMIGRAS	30.35 %	7,335
REP	MARY E MCCLELLAN	25.20 %	6,091
REP	RAY FLAVIN	7.52 %	1,817
			24,171

Assistant Stats Attorney Robert Zalud got the appointment.

At the end of last year she **applied** without success for an Associate Judgeship.

In 2011, McClellan also **sought an Associate Judgeship**.

The boundaries for Judicial Subdistrict 3 can be seen below:



Posted in **Uncategorized**

permalink [<http://mchenrycountyblog.com/2019/07/24/mary-mcclellan-jockeying-for-judge-again/>]

Comments

Mary McClellan Jockeying for Judge Again — 20 Comments



By Jove
on [07/24/2019 at 12:31 pm](#) said:

She's a crook!

Google her and look what the US 7th Circuit Court of Appeals said about her!



Xout42
on [07/24/2019 at 12:48 pm](#) said:

How much courtroom experience does McClellan have?



cat lady
on [07/24/2019 at 1:17 pm](#) said:

She's entitled to it because she is a RINO-ette and her hubby is getting 'jumpy' about Mary having to work nowadays.

She a real piece of work.

Mrs. Fitzgerald knows many things — just subpoena her!



LTRESIDENT
on [07/24/2019 at 1:58 pm](#) said:

With that track record, that's some bad judgement right there!



Billy Bob
on [07/24/2019 at 2:48 pm](#) said:

She has experience being sanctioned for misconduct by federal judges.

Does that count?



Eric C.
on [07/24/2019 at 3:46 pm](#) said:

Judge Justin Hansen will kick her



Frank
on **07/24/2019 at 4:48 pm** said:

If Mary McCluster thinks she is remotely electable she is delusional.



questioning
on **07/24/2019 at 5:15 pm** said:

Is it true she recently declared bankruptcy?



Martin
on **07/24/2019 at 6:54 pm** said:

She lacks any relevant experience.

The lawyers who practice before Judge Hansen find him calm, patient, knowledgeable, yet also able to say he needs to research a point of law when he doesn't know.

He should be elected.



Mierz
on **07/24/2019 at 7:08 pm** said:

Biggest liar and thief in the entire County.

Her and that useless husband of hers!

Judge?

She will face one before she ever becomes one!



Billy Bob
on **07/24/2019 at 7:52 pm** said:

She has already updated her old websites, but it appears she hasn't gotten around to proofreading them.

<https://www.votemm2.com>

<https://m.facebook.com/votemm2/>

I hope Judge Hansen doesn't take this campaign lightly.

He's far more qualified to be a judge, but she has a lot more experience running for office.

It would be a travesty if she were able to sneak in because he didn't run a proper campaign.



Stephen Pokorny
on [07/25/2019 at 8:43 am](#) said:

I was represented by Judge Hansen when he was in private practice,
He is honest, intelligent, competent and insightful, everything a judge should be.
From her time in McHenry County politics those same attributes can not be used for McClellan.



Generation M
on [07/25/2019 at 11:23 am](#) said:

Let it all go.
Get her in.
She'll wind up in jail herself in 24 mos.



Cornhusker
on [07/25/2019 at 10:26 pm](#) said:

Is she worse than Nader?
NO!



Christopher
on [07/26/2019 at 4:10 am](#) said:

I havwnot been around a long time but i read about the issue when she was with cook county.
I dont understand how people like this can be allowed to run.
Or even, why they would run and think they could win.
She must have some substantial gusto to think she will run and win.
That's all im saying.
Aren't judges supposed to be the most clean and pristine of all the politicians?
I'm missing something again because I cant understand why she thinks she would win anything after what I saw in googling her.



Heinrich
on [07/26/2019 at 6:01 am](#) said:

McClellan's utter incompetency and lack of any moral fiber is about the only thing people on this blog have ever agreed on.



Cal Skinner
on [07/26/2019 at 9:09 am](#) said:

Is Nader runnnig for Judge?

If so, against whom?



Martin
on [07/27/2019 at 6:45 am](#) said:

Judge Nader is not running.

She is an associate judge, appointed by the circuit judges.

And she is a very good judge.



Zaragosa
on [07/27/2019 at 9:40 am](#) said:

Martin=Nader?



Martin
on [07/27/2019 at 1:21 pm](#) said:

You speak math?

Martin:Nader :: Cal:RBG

In other words, no. If you don't like the argument, produce contrary argument or evidence.

Attacking the person doesn't do it, though it's a common tactic here in the Cal-iphate. (I only use that because Cal laughed last time.)

She is thoughtful, bright, patient, knows how to listen, and when she does not know something (and no one knows everything in the law), she'll do the work to learn it.

She is highly rated by lawyers who practice before her, even though on any given day she rules against half of them.

Lawyers don't look for a judge who always agrees with them; you learn that your first week in law school.

Lawyers want judges who run fair courtrooms with consistent rules, judges who know and follow the rules of evidence, and listen patiently before making clear rulings.

McHenry County Blog

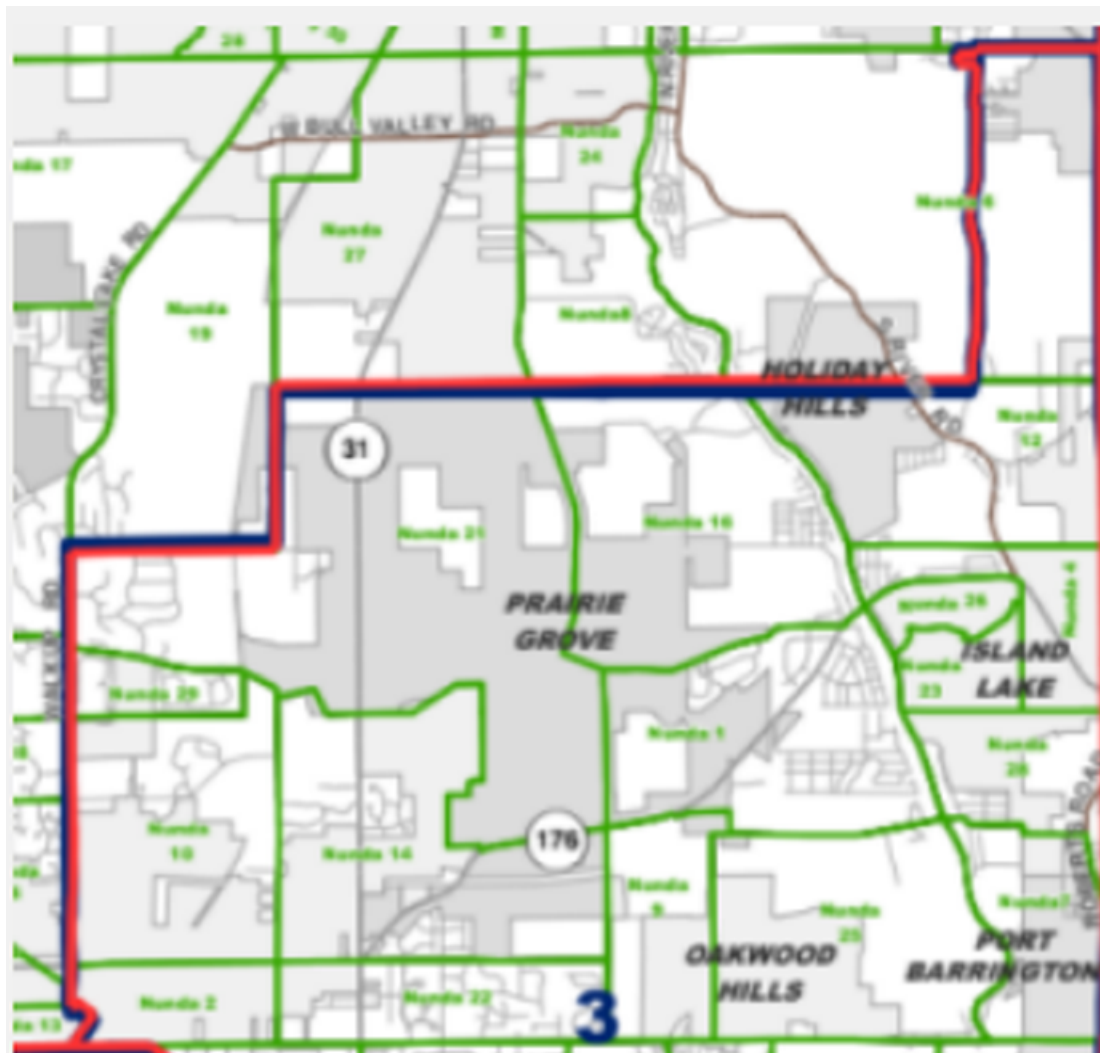


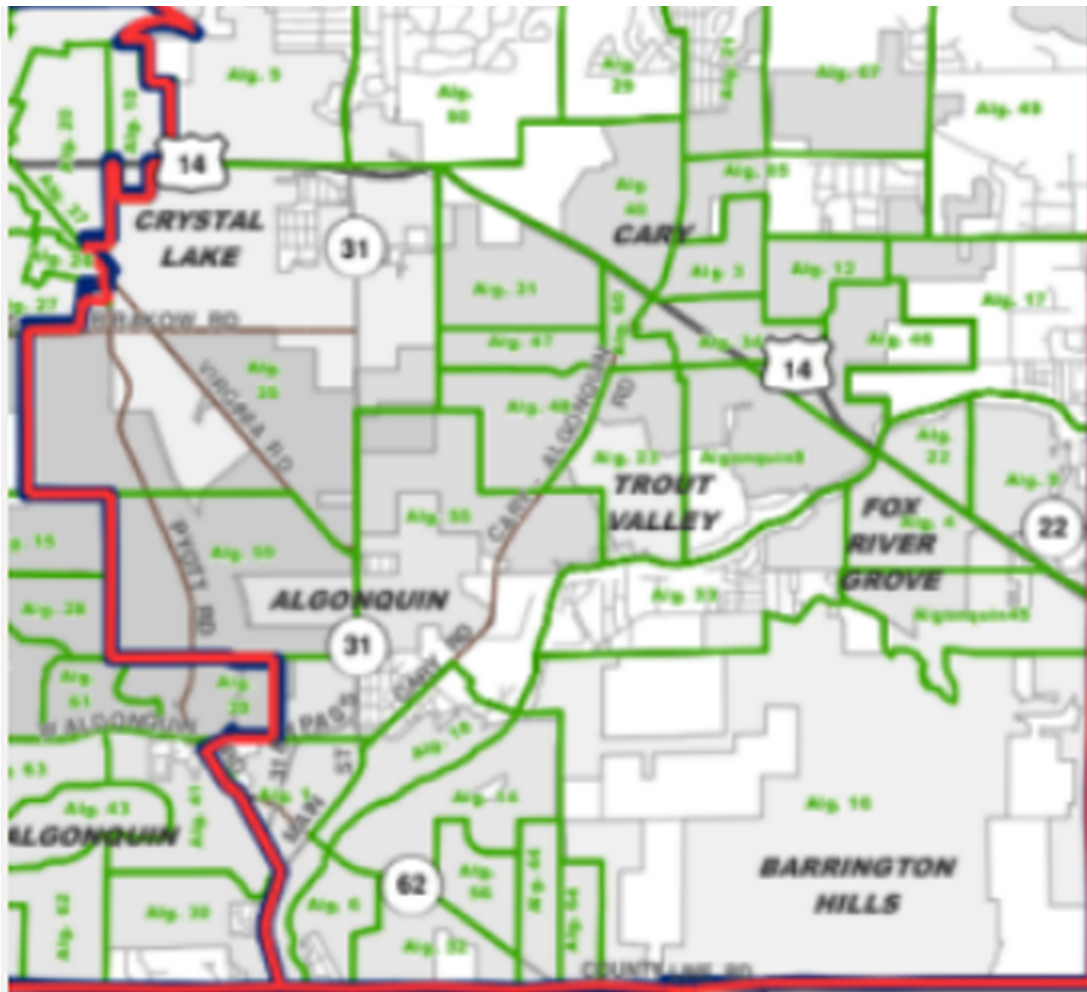
Looking at 2018 GOP Primary Election Returns in Hansen-McClellan Judicial Subdistrict

Posted on [10/02/2019](#) by [Cal Skinner](#)

Former McHenry County Clerk Mary McClellan is seeking the Republican nomination for Circuit Court Judge in the third subcircuit.

It runs on the southeastern side of McHenry County in Algonquin and Nunda Townships from the Kane County line up to the northern edge of Nunda Township above Island Lake.





Judicial Subcircuit 3



Juztin
Hanse

She seeks to beat the Judge appointed by Supreme Court Justice Robert Thomas, Justin Hansen.

In the countywide 2018 GOP Primary Election, a four-way race among

- Robert Wilbrant, the appointed Circuit Court Judge
- Demetri Tsilimigras
- Mary McClellan
- Ray Flavin

the order above was the order of the election results.

McClellan lives near Island Lake and Tsilimigras lived in Cary.

Countwide there were 24,171 votes cast with the results of each candidate shown below:

- Wilbrandt – 8,928 (36.9%)
- Tsilimigras – 7,335 (30.4%)

n

- McClellan – 6,091 (25.2%)
- Flavin – 1,817 (7.5%)



Demetri
Tsilimigras



Robert
Wilbrandt

Within subcircuit 3 the results among the 5,256 voters came out as follows:

- Tsilimigras – 1,790 (34.2%+)
- Wilbrandt – 1,789 (34.2%-)
- McClellan – 1,345 (25.7%)
- Flavin – 332 (6.3%)

McClellan won the following six precincts:

- Algonquin 8
- Algonquin 56
- Algonquin 64
- Nunda 6
- Nunda 7
- Nunda 23

Thanks to Mark for the data manipulation.



Mary
McClella
n

Posted in [Uncategorized](#)

[permalink \[http://mchenrycountyblog.com/2019/10/02/looking-at-gop-primary-election-returns-in-hansen-mcclellan-judicial-subdistrict/\]](http://mchenrycountyblog.com/2019/10/02/looking-at-gop-primary-election-returns-in-hansen-mcclellan-judicial-subdistrict/)

Comments

Looking at 2018 GOP Primary Election Returns in Hansen-McClellan Judicial Subdistrict — 15 Comments



Dr.Phibes
on [10/02/2019 at 8:57 am](#) said:

She's crookeder than a dog's hind leg!
Just go back to Federal Court reprimand for hiding evidence.



Stand4truth
on [10/02/2019 at 9:18 am](#) said:

Michael Rein I suspect.
Your just mad because you lost and you continue to loose over and over again.

A Doctor without a medical degree who insists on calling himself doctor.

Maybe it's time for you to find yourself a real job outside county government loser.



Pacco
on [10/02/2019 at 10:14 am](#) said:

We have an appointment system where one man gets to decide who get the appointment for Judges in McHenry County.

There is no vetting process so Justice Thomas tells the other Supreme Court justices here is my pick and it is a rubber stamp for appointment.

The lucky one gets a call from Justice Thomas says you got the appointment.

That's it nothing nada from anyone other than one man.

In this day and age of checks and balances and the out cry of patronage hiring and nepotism why is this not an outrage.

That is because the good people of McHenry County turn a blind eye when it is about their political indiscretions. They only out cry when it is not themselves.



D J
on [10/02/2019 at 10:44 am](#) said:

What a gyp. I workshopped every one of McClellan husband's pick up lines to failure.

The "you'd look great in a bikini cutting grass" line especially bombed.

Guess I'll just take the U of Phoenix Unwanted Sexual Advances Course on-line.



Correcting
on [10/02/2019 at 11:02 am](#) said:

It's spelled loser, not loser.



Hansen supporter
on [10/02/2019 at 11:20 am](#) said:

Stand4truth_Mary McCellan, you are kettle calling the skillet black!

Talk about loser no one wants you in this County!

How much money did you waste of taxpayers buying all those trinkets with your name all over them?

Talk about wasteful, the last place she should be is as a Judge, of course, one could argue she knows about crime!



The Toilet Bowl
on [10/02/2019 at 12:19 pm](#) said:

What a loser!!!

despicable rhino... who can't even run a voting booth... get a clue and stay home!



Cal Skinner
on [10/02/2019 at 4:55 pm](#) said:

So, may I conclude you would not want the Governor to appoint all judges.



Nunya
on [10/02/2019 at 6:40 pm](#) said:

Oh Mary, Mary.

Will you ever learn?

Your deception and lies are all starting to come out.

Nice try attempting to lie to IDES, claiming to be his lawyer.

Guess he is going to HAVE to pay back the 11 grand he got for unemployment.

Attempting to collect unemployment benefits while receiving WC benefits is FRAUD and the both of you just got caught!!

LMAO.

Just the tip of the iceberg...oh what a web we weave.....



Eric C.
on [10/03/2019 at 10:19 am](#) said:

I now understand why McClellan selected to pursue Circuit Court Judge in the third subcircuit.

I am fortunate to have family and friends that live in the Nunda Township area, and I will undoubtedly expose the two faces of this candidate to them.

I will encourage my family and friends to spread the truth to their neighbors and friends in the Nunda Township area.



Stand4truth
on [10/03/2019 at 1:45 pm](#) said:

I now understand why I hear the banjo from that movie Deliverance playing in my head every time you and your little half wit buddies post here.

Hey little eric c,

Squeal like a pig..

Sewweeeee!

Sewweeeeeeeeeee!! 😊😊😊

<https://m.youtube.com/watch?v=9gLN3QoN-q8>



Eric C.

on [10/04/2019 at 6:28 am](#) said:

The reason that you Stand4truth hear the banjo from the movie Deliverance playing in your head, is because it's your fantasy, just like two faces Mary becoming Judge lunchmeat.



MsTrumpion

on [10/04/2019 at 11:24 am](#) said:

Mary McClellan is the Queen of Phoniness. And a 150 union whore.



Nunya

on [10/04/2019 at 7:29 pm](#) said:

Ok Eric C. Nice try.



Lorna Mills

on [10/06/2019 at 3:47 am](#) said:

McClellan is an awful candidate. 10% rating out of 100 is as pitiful as it gets.

McHenry County Blog



Mary McClellan Announces

Posted on [09/06/2019](#) by [Cal Skinner](#)

From former McHenry County Clerk Mary McClellan, who is running for the GOP nomination for Circuit Court Judge in Subdistrict 3 (see map below).

Campaign Kick-Off

My career has been dedicated to the pursuit of justice.

Having represented clients on both sides of the courtroom, I understand the lasting impacts the Court's decisions have on litigants and their families.

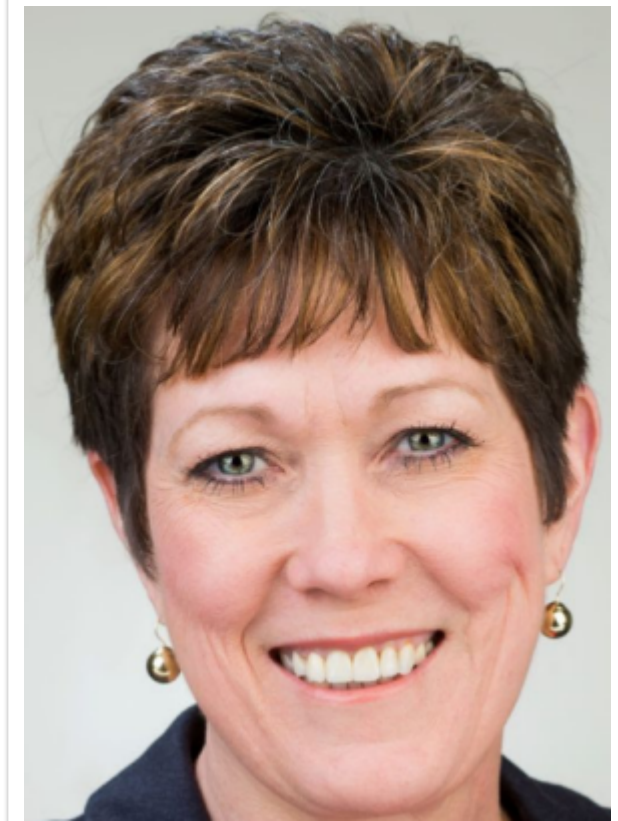
Running a courtroom requires someone who has the ability to listen, the patience to attend to details and the compassion to help those who are oftentimes dealing with life-altering emotional issues.

My experience and success handling high level criminal and civil matters give me the knowledge and judgment to be ready to make the important daily decisions of a Circuit Court Judge.

I am running because McHenry County needs judges with experience, intelligence, the right temperament and the intestinal fortitude to get things done fairly, consistently and efficiently.

I pride myself on being able to listen to both sides fairly and to think carefully before speaking and making decisions.

The conduct and manner of a judge should promote public confidence in the integrity and impartiality of the judiciary without regard to a person's race, gender, or other personal characteristics.

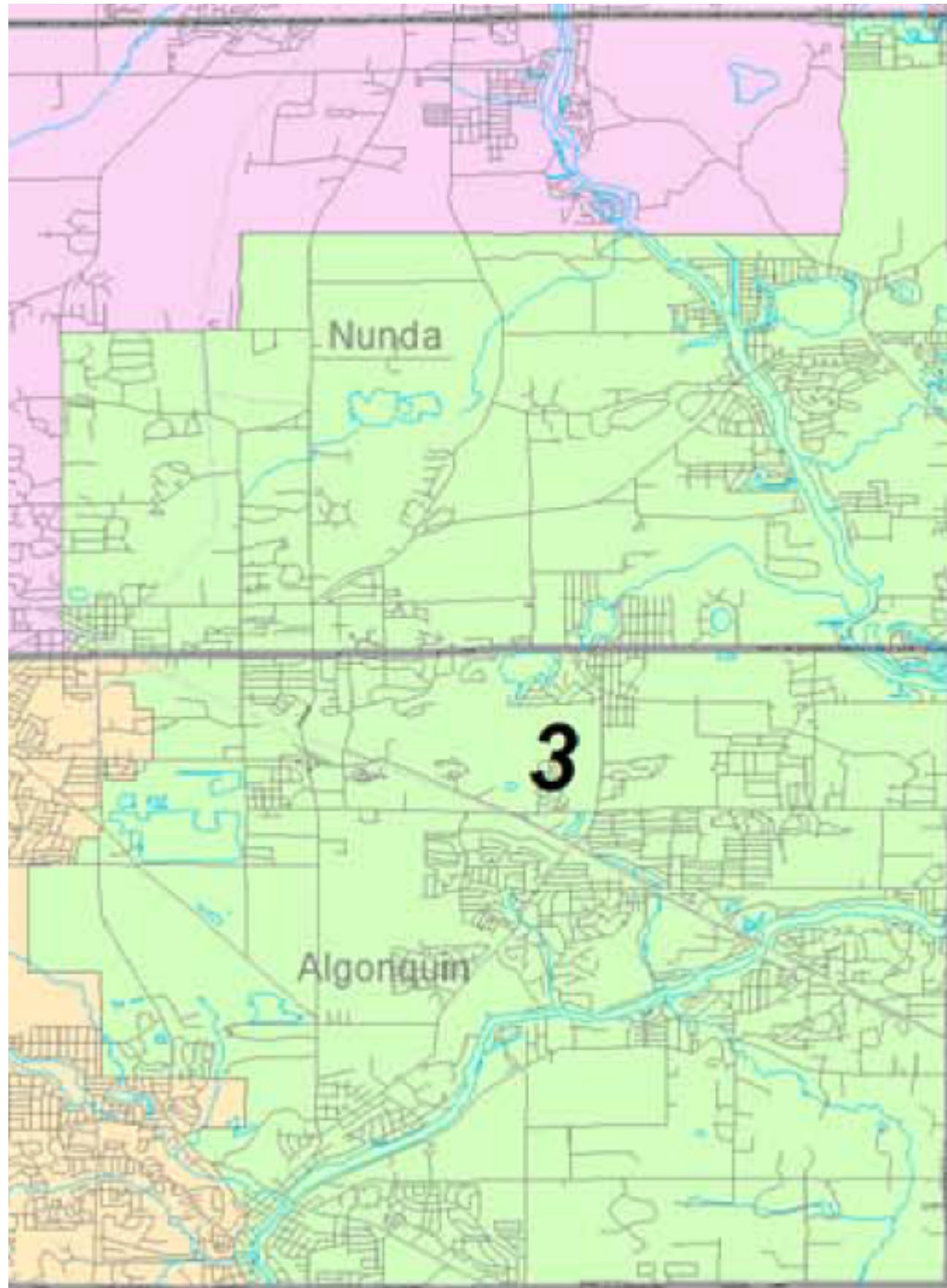


Mary
McClellan

A judge should treat every person fairly and respect.

If elected, I will ensure this occurs in my courtroom

One of the most important components of my campaign is obtaining enough petition signatures to have my name appear on the ballot.



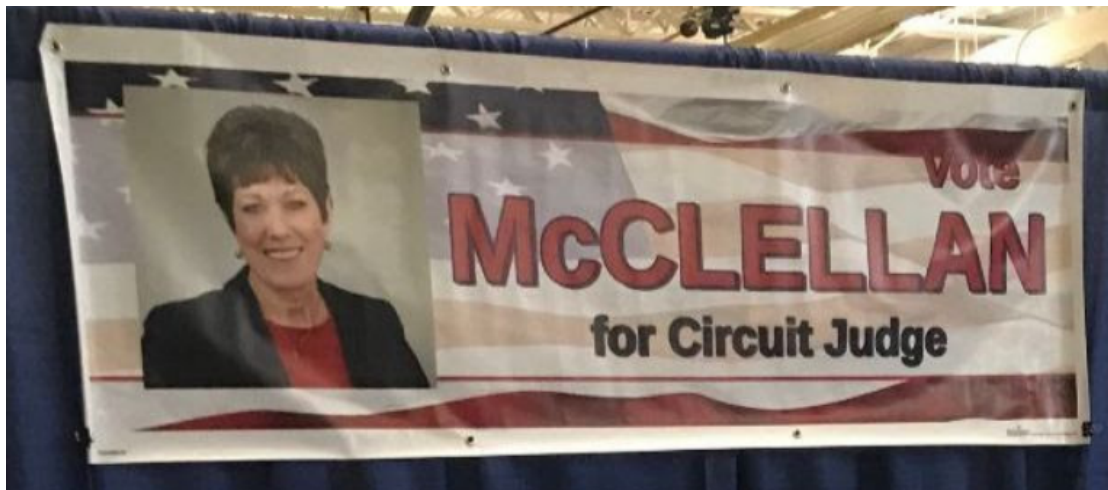
Judicial
Subcircuit
3.

Under Illinois law, I am required to turn in 500 valid signatures from voters living within the boundaries of the Third sub-circuit.

However, it is customary to turn in twice as many signatures as the law requires.

This helps to ensure a few important factors:

- first, my name is allowed on the ballot in March
- second, the more signatures submitted the less likely an opponent is to challenge my petitions; and
- third, in this instance more signatures just puts me in a better position when we go down to Springfield to file my petitions.



I NEED YOU!!!

Please consider joining me on **Sunday, September 22** to gather signatures.

We will meet at 11:00 AM at Tony V Pizza 6506 Silver Lake Rd, Cary, IL 60013.

We will pass out petitions and walking list.



Once we are done we will meet back at the Pizza Place for Pizza.

I will have notary's available to notarize the signed petitions.

Please can you spare a few hours to help continue make my dream of serving as a judge a reality?

I know I would not have made it this far without your friendship and support and I am truly humbled and grateful!

Kindly RSVP directly to me at votemm2@gmail.com and let's hope the weather cooperates!

Comments

Mary McClellan Announces — 38 Comments



Eric C.
on [09/06/2019 at 3:40 am](#) said:

Seriously, you embarrassed all that had voted for you for McHenry County Clerk.
You continuously made poor decisions, and failed to conduct yourself in the knowledge of operating an official position.



Insider
on [09/06/2019 at 4:41 am](#) said:

Perennial Cook County Hack.
I hope her opponent wins by a landslide.



Billy Bob
on [09/06/2019 at 6:05 am](#) said:

A plague upon the houses of all who help her.



Heinrich
on [09/06/2019 at 6:34 am](#) said:

"A judge should tread every person fairly and respect."
In addition to all her many flaws, she doesn't know how to spell check or is she really going to "tread on people."
What an embarrassment she would be, to herself and the county.



In The NO
on [09/06/2019 at 7:26 am](#) said:

No, Heinrich, she really means "tread."
Don't forget that she IS from Chicago.



Colt45
on [09/06/2019 at 7:30 am](#) said:



LOL most likely you are an old employee using several stage names that could not cut it.

Nevertheless, Mary did a fine job in the clerks office and she will make a terrific judge.

Can't wait to help her.

Mary brings a balance to the table that goes unmatched.



Onlythefacts

on [09/06/2019 at 7:36 am](#) said:

Cal like always made a typo it is "treat" not tread.

We all know Cal can not spell



Stephen Pokorny

on [09/06/2019 at 7:52 am](#) said:

Her husband must need a job as a bailiff.



Joseywhales

on [09/06/2019 at 8:09 am](#) said:

Go MARY Go we support you can't wait to help you.



Pacco

on [09/06/2019 at 8:15 am](#) said:

We support Mary she has proven herself she has talent and skill which leads to achievement.

We worked side by side with Mary and there is no one I would rather work with than her.



Stand4truth

on [09/06/2019 at 8:18 am](#) said:

Eric your a punk!

It takes a lot of balls to post against a candidate from your mothers basement in a fake name.

Why don't you grow a pair and show the rest of us your not afraid to say it in your real name.

And same for you billy bob, that's some pretty scary crap you write, care to back it up?



D J

on [09/06/2019 at 8:30 am](#) said:

She's the worst Make-A-Wish Foundation story ever.



Django

on [09/06/2019 at 8:57 am](#) said:

I know her husband. She made him stop bowling because it was 'low class.'



Cal Skinner

on [09/06/2019 at 9:00 am](#) said:

The typos are mine, not McClellan's.

When I tried to copy and paste her press release, part came out boldface, which I could not fix.



Bill Matteson

on [09/06/2019 at 9:31 am](#) said:

Just when you think the political arena couldn't get worse...this comes along
Just read the comments we have fake names accusing others of using fake names
they must be Democrats



Mark

on [09/06/2019 at 10:14 am](#) said:

Here are the March 20, 2018 Republican primary results for McHenry County Circuit Court Judge (22nd Circuit).

24,171 votes in all 212 precincts.

candidate – votes – percentage

Robert Wilbrandt – 8,928 – 36.94%

Demetri Ptsilimigras – 7,335 – 30.355

Mary E McClellan – 6,091 – 25.20%

Ray Flavin – 1,817 – 7.52%

<http://www.mchenrycountyil.gov/county-government/departments-a-i/county-clerk/election-canvass-reports>

+++++

There were no Democrat candidates for Judge of the Circuit Court, 22nd Judicial District in the March 20, 2018 primary election.

+++++

This was for the office of Circuit Court judge, as opposed to an Associate Judge.

Circuit Court judges are elected to six year terms, whereas Associate Judges are appointed to four year terms.

If a judge is appointed to complete a term, they serve less than the aforementioned six or four year terms.

If there is a Circuit Court Judge vacancy due to retirement, for example, an Associate Judge can be appointed to fill a Circuit Court Judge position.

Robert Wilbrandt was appointed as an Associate Judge in 2006, and reappointed in 2007, 2011 and 2015.

+++++

The terms of Supreme Court Judges and Appellate Court Judges are both ten years.



LTRESIDENT

on [09/06/2019 at 11:40 am](#) said:

Having dealt personally with her inept handling of repeated voting problems, I wouldn't endorse or vote for her for dog-catcher. She did a terrible job as clerk and had a nasty attitude when it was pointed out to her.



County employee

on [09/06/2019 at 3:07 pm](#) said:

LT sounds like you are just a sore loser and want to blame the clerk for your inadequate ability to get elected. MARY did a fine job as clerk and I know I worked beside her and with her on elections. You have to be able to back what you are saying rather than just saying such a broad statement. Mary will make a fine judge can't wait to help her out.



Stand4truth

on [09/06/2019 at 3:49 pm](#) said:

How much did her opponent pay you to come up with that garbage?

Nobody or anybody cares what you say so why don't you just suck it up buttercup, lol



Stand4truth

on [09/06/2019 at 3:52 pm](#) said:

I'm all in for Mary being a McHenry County judge, she's just what we need since she's not the establishment.

She's anything but status quo and that's what makes her perfect for the job.



Billy Bob

on [09/06/2019 at 4:25 pm](#) said:

IDK if Judge Hansen has ever run for office before.

I hope he finds a competent person to run his campaign

It would be an absolute travesty if he allowed MM to somehow sneak past him because he didn't take the race seriously enough.

The Dems would be wise to field a good candidate for this office, because if the unthinkable were to happen, many Republicans would be willing to cross the aisle to vote against MM.



Colt45

on [09/06/2019 at 4:37 pm](#) said:

I served as an election Judge and MARY was available to answer questions or concerns of voting issues.

She was always pleasant and never minded even when i called her last election when Joe Tirio was screening up things she helped me and I did not even realize I had called her cell.

She graciously helped me and that is how she always was when ever there was a need or concern.

MARY has my vote.



Nunya

on [09/06/2019 at 8:38 pm](#) said:

Mary is a thief and a liar.

I know this first hand working with her at the County.

She has done so very many deceitful things that it's embarrassing.

She has pulled every trick in the book to bleed the taxpayers.

Mostly through her husband, whom ironically she does not share his name.

Don't believe me? Just wait!

The truth will become very evident shortly.



Nunya

on [09/06/2019 at 8:49 pm](#) said:

Oh and 'County Employee' is either Mary herself, or one of the two employees whom she convinced to lie for her about her husband being at work when he was not.

They are very young and Mary promised them better jobs and pay when she allegedly becomes a Judge.

Truth hurts – and will eventually come out.

Won't it Mary?



Mark S

on [09/06/2019 at 9:47 pm](#) said:

McHenry County needs judges with experience, intelligence, the right temperament and the intestinal fortitude to get things done fairly, consistently and efficiently.

BUT Mary is NOT the one!!! making many bad decisions as County Clerk.

Mailing out hate mail.

She is a joke, McHenry county can NOT afford any more of her Bad JUDGEment calls, She took over the best run office and made a mess of it.

Then hired her IDIOT hubby...



Eric C.

on [09/07/2019 at 1:21 am](#) said:

@ Stand4truth

Eric is my real name and I do have stones lunchmeat.

So, you are stating that your real name is Stand4truth?

Lunchmeat, you must be the husband of this piece of work, because you are just as much of a buffoon then the want-to-be Judge.



Correcting

on [09/07/2019 at 7:10 am](#) said:

So she's running against Hansen in the primary?

What about Gervais and that other guy?

Are they different subcircuits?

What are all the judicial contests in McHenry County next year and who has announced they are running for each one?



Cal Skinner

on [09/07/2019 at 7:15 am](#) said:

Gervais is running countywide. No opponent yet.

Gerhardt is running in Subcirtuit 2 (CL % LITH). No opponent yet.

Remember that the Dem attorney at the County Faid said Dem women will be running against the three appointed judges.



Camp Lake

on [09/07/2019 at 7:55 am](#) said:

Recipient of only a pathetic 10% rating from her peers!

I hope the truth comes forth outlining her career as a screw-up, fraud and overall bad actor.



Berettababy

on [09/07/2019 at 8:02 am](#) said:

Nunya there are things called libel and slander and your accusations we know are false against Ms McClellan.

So I suggest you stop making up things that might get you into trouble.

Keep it clean and let the candidates run on their merit.

Attacking her husband is childish.

This race is about her abilities as a Judge.

This is simply in poor taste to attack someone's family.



Sitbd

on [09/07/2019 at 8:11 am](#) said:

Franks must need a judge who is already compromised.

Enter this candidate!

Seeing she filed for bankruptcy he's the only one low enough to finance her.



Nunya

on [09/07/2019 at 11:36 am](#) said:

Barettababy, it isn't slander if it is the truth!

And it is!



Correcting

on [09/07/2019 at 11:41 am](#) said:

In the context of running for judge, being a helpful county clerk for election judges just isn't that relevant (at least to me).

What sort of legal expertise does Mary have?

What sort of law did she practice?

Where at?

For how long?

Was she successful?

How long has it been since she practiced?

County clerk and judge is really apples to oranges.



Greg Halvorsen
on **09/07/2019 at 12:20 pm** said:

Eric, I guess we know who 'stand4truth' is.

Nobody would be so emotional or invested in this other than the queen of mean' herself!

We know SHE's the one 'who couldn't cut it' and you gotta love someone using a moniker criticizing someone else doing the same!!!!

We don't need a candidate for Judge who demands people 'do as I say, not as I do!'



Oathkeeper
on **09/07/2019 at 1:59 pm** said:

Mary McClellan is a bad news cubed.

"As a result of the Cook County State's Attorney's Office having paid the entire sanctions judgment, McClellan has no standing to challenge the monetary sanction. But the sanctions order contains detailed findings of professional misconduct by her, findings likely to inflict a significant reputational injury having adverse financial consequences for her.

Such an injury, inflicted in a formal judicial order, can be serious enough to make the order appealable. Were the order

false, it would be akin to a defamatory accusation."

<http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2016/D05-23/C:15-2752:J:Posner:aut:T:fnOp:N:1758316:S:0>



Nunya
on **09/07/2019 at 7:27 pm** said:

Oathkeeper – that is just the beginning of what is to come.

She is overconfident, but sloppy at the same time.

She thinks no one is paying attention, but we are!

Yes we are.



Heinrich
on **09/07/2019 at 9:06 pm** said:

McClellan was sanctioned and fined \$35,000 by the federal appellate court for lying to the court and she screwed up 2 elections as county clerk.

While she was still on the county payroll as clerk, she was doing side work as a lawyer.

How do her fans get past these facts.



Fanning Squire



on [09/08/2019 at 1:27 am](#) said:

Her fans?

LOL, you mean the positive commenters that are all coming from the same IP address?

Bankrupt candidate in more ways than one!

EXHIBIT B

IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

EDWARD GIL, JR. AND MARY)	
McCLELLAN,)	
)	
Plaintiffs,)	
)	
V.)	No. 19MR000953
)	
McHENRY COUNTY, McHENRY)	
COUNTY BLOG, CAL SKINNER, JR.,)	
JANE DOE AND JOHN DOE AND)	
UNKNOWN DEFENDANTS,)	
)	
Defendants.)	

DEFENDANT’S FIRST REQUEST FOR ADMISSIONS,
DIRECTED AT MARY McCLELLAN

Now Comes the defendant, Cal Skinner, Jr. (“Defendant”) with his First Request for Admissions of Fact Pursuant to Illinois Supreme Court Rule 216, requests Plaintiff, **MARY McCELLAN**, admit the truth of the facts set forth in this request at the offices of ROBERT T. HANLON & ASSOCIATES, P.C., 131 East Calhoun Street, Woodstock, Illinois within twenty-eight (28) days of service hereof.

I.

DEFINITIONS AND INSTRUCTIONS

1. The definitions and instructions herein are intended to strictly govern Plaintiff’s responses to these Requests for Admission of Facts. Thus, in answering any particular request, Plaintiff must heed the definitions of defined terms.

2. In answering these Requests for Admission of Facts, even though the questions may be directed to “You,” as defined below, You must furnish all information that is available to You, including information in the possession of Your attorneys, agents, and/or investigators acting on Your behalf. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

3. If You cannot answer any of the following Requests for Admission in full after exercising due diligence to secure the information, so state and answer to the extent possible, specifying Your inability to answer the remainder and stating whatever information or knowledge You have concerning the unanswered portions.

4. “Person[s]” means any natural person, firm, corporation, partnership, joint venture, organization, association, group, or legal entity.

5. The term “document” shall be construed in its broadest sense and shall require production of all materials subject to discovery under the Illinois Supreme Court Rules and any applicable local rules. It shall include, but not be limited to, all information retrievable from computer storage, including, but not limited to, electronic mail and electronic files in their native storage format (i.e. “.ppt” for Microsoft PowerPoint), and any printed, typewritten, handwritten, graphic, or recorded matter of any type and description, however and by whomever prepared, recorded, produced, reproduced, disseminated, or made, including, but not limited to, the following: all letters, minutes, notes, telegrams, facsimiles, electronic mail messages, reports, charts, accountant’s statements, bank statements, books of account, ledgers, balance sheets, journals, account statements, lists, analyses, information sheets, financial publications, order forms, business records, personal records, financial statements, memoranda, summaries or records of conversations, tape recordings or transcripts, notebooks, data sheets, work sheets, recommendations, audio and videotape records, photographs and slides, statistics, studies, written agreements, checks, receipts, invoices, bills, and other writings, including computer printouts or information stored in computer memory banks or on any tapes, discs, or other electrical or mechanical forms or devices, and any draft of any of such material the content of which differs in any respect from the original, in the actual or constructive possession, custody or control of Plaintiff.

6. As used herein, the terms “communicate,” “communicated,” “communication,” “communicate with,” or any derivation thereof, shall include any type of communication whatsoever, whether oral or written, including, but not limited to, conversations, discussions, telephone calls, interviews, letters, memoranda, negotiations, agreements, understandings, correspondence, telexes, telegrams or any other exchange of information of any kind, whether oral, written, electronic, or otherwise.

7. “Concerning,” “relating to,” “relate to,” “evidence(s),” or “evidencing” mean pertaining to, referring to, reflecting upon, evidencing, discussing, describing, mentioning, summarizing, or connecting in any way logically or factually to, the matter described in the request.

8. The term “Personal Knowledge” means firsthand information acquired through the five senses, and not information other than firsthand information, deriving from any source.

9. “Statement” means any oral, written, court-reported, recorded or other expression of opinion, and any oral, written, court-reported, recorded, or other description of fact, which pertains to the occurrences alleged in the complaint, or counterclaim, or to the damages claimed to have resulted therefrom.

10. “Identify” and its various verb forms mean the following:

- (a) When used in reference to a natural person, “identify” means stating the individual's full name, and all other names by which he has ever been known, his last known home and business addresses, and his job positions and business affiliations, from the date of the occurrence alleged in the complaint or the counterclaim to the present date;
- (b) When used in reference to a corporation or other entity “identify” means stating the full name of the corporation and the principal place of business, state of incorporation, date of incorporation, and chief executive officer thereof;
- (c) When used in reference to a document or other written communication, “identify” means stating the date of preparation of the document, the date Defendant acquired the document, if applicable, and the author, title (if any), subject matter, nature (*e.g.*, letter, memorandum, telegram, chart, computer

input or printout, photograph, sound reproduction, etc.), place of preparation, present location, and present custodian of the document. “Identify” also means identifying each and every person, other than the author of the document, who participated in the preparation of the document, directed the preparation of the document, or received a copy of the document; stating whether any copy of the document is not identical to the original by reason of markings or modifications not on the original or for any other reason; and stating whether responsive documents no longer within Defendant’s access, possession, or control are missing, lost destroyed, transferred or disposed of otherwise. For each missing, lost, or transferred document and each document disposed of otherwise, Defendant must state the circumstances and reasons pertaining to said disposition. For each destroyed document, Defendant must identify each and every person who destroyed the document or participated in the destruction of the document and state the date or approximate date of destruction;

- (d) When used in reference to an instrumentality, “identify” means providing a photograph of the instrumentality and the date said photograph was taken, listing the date on which the instrumentality was acquired, identifying the person who acquired the instrumentality, identifying the person under whose direction the instrumentality was acquired, identifying each person who has possession of the instrumentality, and identifying each person having knowledge or claiming to have knowledge concerning the instrumentality; and
- (e) When used in reference to a location, “identify” means stating the street address, city, state, suite, and/or room number pertaining to the location, as applicable.

11. If You claim that the attorney-client privilege or any other privilege is applicable to any document, the identification of which is sought by the Request For Admission of Facts, the substance of that document need not be disclosed in Your answers to the Request For Admission of Facts, but You shall with respect to that document:

- (a) State the date of the document;
- (b) Identify each and every author of the document;
- (c) Identify each and every other person who prepared or participated in the preparation of the document;
- (d) Identify each and every person who received the document;
- (e) Identify each and every person from whom the document was received;
- (f) State the present location of the document and all copies thereof;

- (g) Identify each and every person having custody or control of the document and all copies thereof; and
- (h) Provide sufficient further information concerning the document and the circumstances thereof to explain the claim or privilege and to permit the adjudication of the propriety of the claim.

12. In answering these Request For Admission of Facts, Defendant must make a diligent search of their records and of other papers and materials in their possession or within their access and furnish all responsive information therefrom.

13. If a Request has subparts, Defendant must answer each part separately and completely, rather than limit the answer to the Request as a whole. If a Request cannot be answered or denied in full, Defendant must answer to the full extent of their knowledge and information.

14. “And” as well as “or” shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of these request to admit such that all information and/or documents which might otherwise be construed to be outside their scope are within the scope.

18. Reference to the singular shall include the plural and references to the plural shall include the singular.

19. The Requests for Admission of Facts are to be construed as broadly as possible.

20. For the convenience of the Court and the parties, each Request For Admission of Fact should be quoted in full immediately preceding the response.

21. Unless otherwise indicated within the Request For Admission of Facts, the relevant time period shall be from August 1, 1982 to the present.

22. The term “You” shall mean Mary Elizabeth McClellan, (one of the plaintiffs in this case).

SPECIFIC REQUESTS FOR ADMISSION OF FACTS

Pursuant to Illinois Supreme Court Rule 216 Admit the Truth of the Following Facts:

1. The birth certificate attached hereto as Exhibit A is a true and accurate copy of the birth Certificate of Edward Joseph Ershbock.

Admit_____ Deny_____

2. Edward Joseph Ershbock is your biological son.

Admit_____ Deny_____

3. At the time you gave birth to Edward Joseph Ershbock, you were not married.

Admit_____ Deny_____

4. Your son, Edward Joseph Ershbock, was raised by his grandmother in the greater Atlanta Georgia Metropolitan area.

Admit_____ Deny_____

5. Your son, Edward Joseph Ershbock, began living with you and Edward Gil at a time when he was 12 years of age.

Admit_____ Deny_____

6. Your son, Edward Joseph Ershbock, lived with you for a period not exceeding three years.

Admit_____ Deny_____

7. During the period that Edward Joseph Ershbock lived with You and Edward Gil, You regularly witnessed Edward Gil physically abuse Edward Ershbock.

Admit_____ Deny_____

8. At no time did you undertake any action to prevent Edward Gil from physically attacking Edward Joseph Ershbock.

Admit_____ Deny_____

9. You are married to Edward Gil.

Admit_____ Deny_____

10. During the period that Edward Joseph Ershbock lived with you and Edward Gil, Edward Gil on more than two occasions spat in the face of Edward Joseph Ershbock.

Admit_____ Deny_____

11. During the period that Edward Joseph Ershbock lived with you and Edward Gil, Edward Gil broke a coffee cup on the head of Edward Joseph Ershbock.

Admit_____ Deny_____

12. During the period that Edward Joseph Ershbock lived with you and Edward Gil, Edward Joseph Ershbock ran to a neighbor's house to call police because blood was running down his face as a result of the coffee cup broken upon his head by Edward Gil.

Admit_____ Deny_____

13. While you were the McHenry County Clerk you hired Edward Gil to be employed in the office of the County Clerk, without disclosing your relationship as his wife to anyone on the county board at the time of hire.

Admit_____ Deny_____

14. You were sanctioned by the United States District Court in the matter of Martinez v City of Chicago et al, case number 1:09-cv-05938.

Admit_____ Deny_____

15. The sanction imposed against you and the Cook County State's Attorney's Office in the matter of Martinez v City of Chicago, was directly related to your reckless conduct in attempting to prevent the delivery of evidence the opposing party was entitled to obtain.

Admit_____ Deny_____

16. You are presently a candidate for Circuit Court Judge.

Admit_____ Deny_____

17. You publicly announced your candidacy for Circuit Court Judge on or about September 6, 2019.

Admit_____ Deny_____

18. Prior to August 1, 2019, you communicated with at least one other person that you were going to run to the position of Circuit Court Judge.

Admit_____ Deny_____

Dated: November 26, 2019

Respectfully submitted,
Cal Skinner Jr.

/s/ Robert T. Hanlon

By: Robert Hanlon, Esq.
One of his Attorneys

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that on November 26, 2019 he served a copy of **DEFENDANT'S FIRST REQUEST TO ADMIT DIRECTED AT PLAINTIFF** upon the Plaintiffs' attorneys in the above entitled cause of action by sending the attached by electronic transmission via e-mail to Plaintiff's counsel on November 26, 2019, before 5:00pm as well as by United States mail postage prepaid on November 26, 2019.

By: /s/Robert T. Hanlon
One of the Defendants' Attorney

Exhibit A
(Birth Certificate of Edward Joseph Ershbock)

CERTIFICATION OF VITAL RECORDS

CERTIFICATION OF BIRTH

BIRTH NUMBER: 112-82-6045616

NAME: EDWARD JOSEPH ERSHBOCK

DATE OF BIRTH: NOVEMBER 12, 1982 SEX: MALE

PLACE OF BIRTH: CHICAGO, COOK COUNTY, ILLINOIS

MAIDEN NAME OF MOTHER: MARY ELIZABETH MC CLELLAN

PLACE OF BIRTH OF MOTHER: ILLINOIS AGE: 18


NAME OF FATHER: EDWARD ERSHBOCK

PLACE OF BIRTH OF FATHER: ILLINOIS AGE: 19

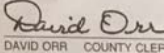
DATE FILED: NOVEMBER 18, 1982 DATE ISSUED: NOVEMBER 3, 2010

This is to certify that this is a true and correct abstract from the official record
filed with the Illinois Department of Public Health.

1470730

 **County of Cook**
State of Illinois
COUNTY BUILDING
CHICAGO, ILLINOIS 60602-1304

Office of County Clerk
David Orr


DAVID ORR COUNTY CLERK

This copy is not valid unless displaying embossed seals of Cook County and County Clerk signature.

VOID WITHOUT WATERMARK OR IF ALTERED OR ERASED

