

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

EDWARD GIL JR,
MARY MCCLELLAN
Petitioners,

Court No. 19 MR 953

Lisa Shamhart, Joseph Tirio, Cal Skinner Jr.,
McHenry County Blog,
Jane Doe and John Doe and unknown defendants,
Respondents.

AMENDED VERIFIED PETITION FOR PRE-SUIT DISCOVERY
PURSUANT TO SUPREME COURT RULE 224

NOW COMES the Petitioners, Mary McClellan ("McClellan") and Edward Gil, Jr. ("Gil"), by and through their attorney, Mary McClellan, and pursuant to Illinois Supreme Court Rule 224 moves this Honorable Court for Pre-suit Discovery and for entry of an Order for the *identification of potential respondents* through discovery depositions or through any of the other discovery tools set forth in Illinois Supreme Court Rules 201 through 214. This petition is related to a potential cause of action as to the invasion of privacy and the False Light of petitioners, defamation *per se*, defamation *per quod*, libel and slander, and intentional infliction of emotional distress of Mary McClellan and Edward Gil, Jr., stemming from the release of private information, from March 2019 to the present, that accused Petitioners of the 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 were made with actual malice and intent to harm the Petitioners in their business and professional reputation. In support of this Petition, Petitioners state as follows:

PURPOSE OF RULE 224

Rule 224 facilitates the *identification of potential respondents* through discovery depositions or through any of the other discovery tools set forth in Rules 201 through 214. An order allowing the petition will limit discovery to the *identification of responsible persons and entities*. Therefore, Illinois Supreme Court Rule 215, dealing with mental and physical exams, and Illinois Supreme Court Rule 216, dealing with requests to admit, are not included as means of discovery under this rule. Ill. Ann. Stat., ch. 110A, par. 224, Committee Comments, at 182 (Smith-Hurd Supp. 1992); *Malmberg v. Smith*, 241 Ill. App. 3d 428, 434, 607 N.E.2d 1370, 1374 (1993).

THE PARTIES

1. Petitioner Gil, a private citizen, is and was at all times relevant hereto a resident of McHenry County, Illinois.

2. Petitioner **McClellan, a quasi-public figure**, is and was at all times relevant hereto a resident of McHenry County, Illinois.

3. Respondents in Discovery, McHenry County Blog and Cal Skinner Jr., are believed by Petitioners to have information essential to the determination of who should properly be named as additional respondents in the action.

4. 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.

5. Respondent in Discovery, Lisa Shamhart, is believed by Petitioners to have information essential to the determination of who should properly be named as additional respondents in the action.

6. On information and belief, Lisa Shamhart was in attendance at a private meeting where confidential information was discussed regarding Edward Gil. This confidential information was then posted on McHenry County Blog in a defamatory and false light as to say that Petitioners were committing a criminal act.

7. Respondent in Discovery, Joseph “Joe” Tirio, is believed by Petitioners to have information essential to the determination of who should properly be named as additional respondents in the action.

8. On information and belief, Joseph “Joe” Tirio participated in conversation with Lisa Shamhart where confidential information was shared about the Illinois Department of Employment Security (“IDES”) private meeting.

9. Petitioner believes that there may be additional John/Jane Doe Respondents who are responsible for the release and distribution of the comments which are defamatory *per se*, and they are invasions of privacy in the form of publicity placing Petitioners in the invasion of privacy, false light, defamation *per se* and defamation *per quod* that are in the control of Respondent Cal Skinner Jr and Respondent McHenry County Blog.

JURISDICTION

10. All of the relevant acts, giving rise to **Petitioner’s potential claims**, occurred within McHenry County, Illinois.

FACTUAL ALLEGATIONS

11. Petitioner Gil is a person of good repute and credit and has maintained that character his whole life.

12. At all times relevant hereto, and prior to the publication of defamatory statements as listed below, Petitioner Gil enjoyed a reputation of honesty and integrity within the community.

13. Petitioner Gil is a private individual who has not held himself out as a public figure.
14. Petitioner Gil was a prior employee of McHenry County, but not an elected official.
15. Petitioner Gil owned a logistics corporation where he maintained a professional reputation for honesty and integrity in the transportation industry.
16. Petitioner McClellan is a person of good repute and credit and has maintained that character her whole life.
17. At all times relevant hereto, and prior to the publication of defamatory statements as listed below, Petitioner McClellan enjoyed a reputation of honesty and integrity within the community.
18. Petitioner McClellan announced her intent to run for Circuit Court Judge on September 15, 2019.
19. Petitioner McClellan previously served as the McHenry County Clerk from 2014 to 2018.
20. On October 2, 2019, at 10:00 a.m., Petitioner Gil, Petitioner McClellan acting as Petitioner Gil's Attorney, and a hearing officer, participated in a private meeting via phone conference with IDES.
21. On information and belief, Lisa Shamhart was the McHenry County Representative on the phone on another line with the hearing officer. Once the hearing officer spoke with Petitioners' he then spoke with Lisa Shamhart separately.
22. The discussions of that hearing were confidential, and the only persons privileged to the conversation were IDES, Lisa Shamhart, and Petitioners.
23. On information and belief, Lisa Shamhart shared the confidential information with Joe Tirio in a conversation after the meeting.

24. On information and belief, Lisa Shamhart shared the confidential information with unknown John/Jane Doe Respondents.

25. On information and belief, Joe Tirio shared the information with unknown John/Jane Doe Respondents.

26. On or around October 2, 2019, false comments were published by a third party on the World Wide Web, through the on McHenry County Blog, claiming that Petitioner Gil committed fraud by collecting unemployment benefits and workers compensation benefits and that he got caught. (See Exhibit A.) "Nunya" on 10/2/2019, "Attempting to collect unemployment benefits while receiving WC benefits is FRAUD and the both of you just got caught!!")

27. Additional anonymous commenters called Petitioner Gil a liar and thief.

28. "Nunya" 8/19/19 claims Gil charged the county for overtime he did not work. Claims Gil is a liar and thief (See Exhibit A). These statements are false.

29. These false comments further placed petitioner McClellan in a false light before the public. (See Exhibit B "Nunya" on 10/2/2019, "Oh Mary Mary, will you ever learn your deception and lies are starting to come out. Nice try attempting to lie to IDES, claiming to be his lawyer.")

30. Additional comments stemming from this original disclosure of confidential defamed Petitioner McClellan. 7:08 p.m. "Mierz" called McClellan a liar and thief (7/24/19). 12:31 p.m. "Jove" called McClellan a crook (7/24/19). Exhibit C. 8:38 p.m. "Nunya" called McClellan a thief and a liar (9/6/19) Exhibit A.

31. On October 3, 2019, Petitioner McClellan notified the McHenry County Human Resource Director that Lisa Shamhart had either personally placed this information on the

McHenry County Blog or leaked confidential information to an unknown source as to the details of the private IDES meeting.

32. On information and belief, Lisa Shamhart received a two-day unpaid suspension for the leaking the IDES meeting information. Pg. 9 In 20-23. Exhibit D.

33. On October 24, 2019, Lisa Shamhart brought a stalking order against Petitioner McClellan (19 OP 822) in retaliation for the reprimand and suspension she received after Petitioner McClellan reported her for leaking confidential information to unknown sources. Exhibit E.

34. Shamhart falsely submitted a verified petition to the court that she saw a beheaded duck on her daughter's doorstep and alleged that Petitioner McClellan and Petitioner Gil were know bird hunters so they must be responsible. Exhibit E.

35. Lisa Shamhart shared the fact that she personally saw the beheaded duck knowing the statement was false at the time of her sharing the statement. Exhibit E.

36. Lisa Shamhart signed under oath subject to perjury that the information was correct about the allegations of the beheaded duck. Exhibit E.

37. A hearing was held in Case No (19 OP 822) on November 15, 2019, and Lisa Shamhart testified under oath that she was never present when the alleged beheaded duck was found. In fact, she never saw the duck. Exhibit D Pg 14;24, Pg 15; 1-15.

38. The beheaded duck false statements were published throughout the entire state of Illinois. See Exhibit F McHenry County Blog, Exhibit G Injustice Watch, Exhibit H Edgar County Watch Dogs, Exhibit I Law Bulletin, Exhibit J Northwest Herald, Exhibit K Facebook.

39. The publications related to Respondent Shamhart's falsified stalking order also led to additional anonymous comments.

40. For example, an anonymous blogger “Dinah Mite” 10/29/19 2:03 p.m. News Flash News Flash Lisa Shamhart filed Order of Protection to identify that a crime had been committed in an unrelated article to McClellan. Exhibit N.

41. Another anonymous user “DALA” states, “Mary Seems to have a problem with ethics and truth. Anyone who leaves a duck head on someone’s porch is not only twisted but is vengeful and manipulative.” 12/6/2019 McHenry County Blog Exhibit C.

42. Lisa Shamhart falsely testified, in the proceeding of *Shamhart v. McClellan*, 19 OP 822, that Ed Gil was double dipping and had committed a crime. See Exhibit D, 9:1-4.

43. Lisa Shamhart further testified that is not uncommon for people to become upset when they are caught doing something illegal, falsely implying the Petitioner Gil had committed a crime. See Exhibit D, 9:1-4.

DEFAMATION PER SE – WEB COMMENTS
COUNT I (Gil)

44. Petitioners re-allege all paragraphs as set forth above as though fully set forth herein.

45. To state a defamation claim, a petitioner must present facts showing that a respondent made a false statement about the petitioner, the respondent made an unprivileged publication of that statement to a third party, and that this publication caused damages.

46. Petitioner Gil purports to the court that the published comments on the McHenry County Blog were false.

47. On information and belief, Respondents Lisa Shamhart and Joe Tirio are responsible for the publication of these comments now made public to third parties.

48. The information in these comments was privileged information from a private meeting and should not have been published.

49. The published comments allege that Petitioner Gil was caught in a fraudulent collection of benefits and lead readers to infer that he committed a crime.

50. These statements were made to impute that a crime was committed and are considered defamatory *per se*.

51. These statements were made with actual malice and intent to harm Petitioner Gil's professional reputation and his ability to conduct any future business.

52. As a result of this defamation Petitioner Gil suffered monetary damages.

53. Petitioner Gil is presently unable to quantify or particularize his loss but will serve particulars of special damage separately when the same are available since damages are ongoing in this matter.

54. His attempts to have removed from the Internet the various repetitions and republications by third parties of the words complained of and links to the same, have caused him to incur significant costs.

55. The repetitions and republications of the words complained of and links to the same are a foreseeable consequence of the publications of the same words by the Respondents, and have, in fact, been caused by the said publications.

56. Furthermore, the amounts of money and the time necessary to prepare and to file this case currently exceed \$1,000 in filing fees plus attorney fees.

DEFAMATION PER SE - SHAMHART FALSIFIED STALKING PETITION
COUNT II (Gil)

57. Petitioners re-allege all paragraphs as set forth above as though fully set forth herein.

58. Petitioner Gil purports to the court that the statements in Respondent Shamhart's verified stalking petition and her related testimony were false.

59. Respondent Shamhart is solely responsible for the publication of these statements in her petition and their subsequent publication in related news articles covering the action.

60. These statements were made to impute that a crime was committed and are considered defamatory *per se*.

61. These statements were made with actual malice and intent to harm Petitioner Gil's professional reputation and his ability to conduct any future business.

62. As a result of this defamation Petitioner Gil suffered monetary damages.

63. Petitioner Gil is presently unable to quantify or particularize his loss but will serve particulars of special damage separately when the same are available since damages are ongoing in this matter.

64. His attempts to have removed from the Internet the various repetitions and republications by third parties of the words complained of and links to the same, have caused him to incur significant costs.

65. The repetitions and republications of the words complained of and links to the same are a foreseeable consequence of the filing of a petition by Respondent Shamhart, and have, in fact, been caused by Respondent's false filing and testimony.

66. Furthermore, the amounts of money and the time necessary to prepare and to file this case currently exceed \$1,000 in filing fees plus attorney fees.

PRIVACY ISSUES AND FALSE LIGHT
COUNT III (Gil)

A claim of false light invasion of privacy serves to protect "one's interest in being let alone from offensive publicity." *Schaffer v. Zekman*, 196 Ill. App. 3d 727, 734, 554 N.E.2d 988, 143 Ill. Dec. 916 (1990). The three elements required to establish a cause of action for false light invasion of privacy include: (1) the petitioner was placed in a false light before the public as a

result of the respondent's actions; (2) the false light in which the petitioner was placed would be highly offensive to a reasonable person; and (3) the respondent acted with actual malice, meaning "with knowledge that the statements were false or with reckless disregard for whether the statements were true or false." *Kirchner v. Greene*, 294 Ill. App. 3d 672, 682, 691 N.E.2d 107, 229 Ill. Dec. 171 (1998) (citing *Kolegas*, 154 Ill. 2d at 17-18).

67. Petitioners re-allege all paragraphs as set forth above as though fully set forth herein.

68. In the exhibits attached hereto Petitioner Gil shows that the false comments were published to a third party on the World Wide Web and the petitioner Gil was placed in a false light before the public as a result of the John/Jane Doe Respondent's actions. The published comments allege Petitioner Gil to be caught in a fraudulent collection of benefits. Exhibit B. "Nunya" on 10/2/2019 claiming Mr. Gil collected unemployment benefits and workers compensation benefits and it was fraud and that he got caught. The statement was to impute that Petitioner Gil had committed a crime.

69. The false light in which Petitioner Gil was placed would be highly offensive to a reasonable person.

70. These statements were made to impute that a crime was committed and are considered to put Petitioner Gil in false light to the public.

71. These statements were made with actual malice and intent to harm Petitioner Gil's professional reputation and his ability to conduct any future business.

72. As a result of being placed in a false light and suffering from the offensive publicity, Petitioner Gil suffered monetary damages.

73. Petitioner Gil is presently unable to quantify or particularize his loss but will serve particulars of special damage separately when the same are available since damages are ongoing in this matter.

74. His attempts to have removed from the Internet the various repetitions and republications by third parties of the words complained of and links to the same, have caused him to incur significant costs.

75. The repetitions and republications of the words complained of and links to the same are a foreseeable consequence of the publications of the same words by the Respondents, and have, in fact, been caused by the said publications.

76. Furthermore, the amounts of money and the time necessary to prepare and to file this case currently exceed \$1,000 in filing fees plus attorney fees.

DEFAMATION PER SE – WEB COMMENTS
COUNT IV (McClellan)

77. Petitioners re-allege all paragraphs as set forth above as though fully set forth herein.

78. Petitioner McClellan is protected under the Illinois Whistle blowers reward and protection act. “Whistle blower” protects persons that report, or threaten to report, wrongdoing, provide information or testify regarding wrongdoing, or assist in the enforcement of the Ethics Act. Retaliation against a person for reporting or providing of information of wrongdoing is strictly prohibited by the Ethics Act and may result in a violation of State law (740 ILCS 174/20.2)

79. Petitioner McClellan purports to the court that the published comments on the McHenry County Blog were false.

80. On information and belief, Respondents Lisa Shamhart and Joe Tirio are responsible for the publication of these comments.

81. The information in these comments was privileged information from a private meeting and should not have been published.

82. The published comments allege that Petitioner McClellan was caught in a fraudulent collection of benefits and lead readers to infer that she committed a crime.

83. These statements were made to impute that a crime was committed and are considered defamatory *per se*.

84. These statements were made with actual malice and intent to harm Petitioner McClellan's professional reputation and her ability to conduct any future business.

85. The economic loss related to this type of defamation has caused her reputation in the community to be jeopardized where she is running for a judicial vacancy in the 22nd Judicial Circuit Court.

86. These statements also injure her reputation as an attorney and have consequences that affect her in day-to-day working relationship with potential clients.

87. As a result of this defamation Petitioner McClellan suffered monetary damages.

88. Petitioner McClellan is presently unable to quantify or particularize her loss but will serve particulars of special damage separately when the same are available since damages are ongoing in this matter.

89. Her attempts to have removed from the Internet the various repetitions and republications by third parties of the words complained of and links to the same, have caused her to incur significant costs.

90. The repetitions and republications of the words complained of and links to the same are a foreseeable consequence of the publications of the same words by the Respondents, and have, in fact, been caused by the said publications.

91. Furthermore, the amounts of money and the time necessary to prepare and to file this case currently exceed \$1,000 in filing fees plus attorney fees.

DEFAMATION PER SE – SHAMHART FALSIFIED STALKING PETITION
COUNT V (McClellan)

92. Petitioners re-allege all paragraphs as set forth above as though fully set forth herein.

93. Petitioner McClellan is protected under the Illinois Whistle blowers reward and protection act. “Whistle blower” protects persons that report, or threaten to report, wrongdoing, provide information or testify regarding wrongdoing, or assist in the enforcement of the Ethics Act. Retaliation against a person for reporting or providing of information of wrongdoing is strictly prohibited by the Ethics Act and may result in a violation of State law (740 ILCS 174/20.2)

94. Petitioner McClellan purports to the court that the statements in Respondent Shamhart’s verified stalking petition and her related testimony were false.

95. Respondent Shamhart is solely responsible for the publication of these statements in her petition and their subsequent publication in related news articles covering the action.

96. These statements were made to impute that a crime was committed and are considered defamatory *per se*.

97. These statements were made with actual malice and intent to harm Petitioner McClellan’s professional reputation and his ability to conduct any future business.

98. As a result of this defamation Petitioner McClellan suffered monetary damages.

99. Petitioner McClellan is presently unable to quantify or particularize her loss but will serve particulars of special damage separately when the same are available since damages are ongoing in this matter.

100. Her attempts to have removed from the Internet the various repetitions and republications by third parties of the words complained of and links to the same, have caused him to incur significant costs.

101. The repetitions and republications of the words complained of and links to the same are a foreseeable consequence of the filing of a petition by Respondent Shamhart, and have, in fact, been caused by Respondent's false filing and testimony.

102. Petitioner McClellan also suffered damages because Petitioner had her FOID card revoked and her conceal carry license revoked due to Respondent Shamhart's filing of the stalking order that was obtained through false statements.

103. Additionally, Petitioner McClellan incurred costs for taking time off work to appear in the court proceedings and later obtaining transcripts from the proceedings.

104. Furthermore, the amounts of money and the time necessary to prepare and to file this case currently exceed \$1,000 in filing fees plus attorney fees.

PRIVACY ISSUES AND FALSE LIGHT
COUNT VI (McClellan)

A claim of false light invasion of privacy serves to protect "one's interest in being let alone from offensive publicity." *Schaffer v. Zekman*, 196 Ill. App. 3d 727, 734, 554 N.E.2d 988, 143 Ill. Dec. 916 (1990). The three elements required to establish a cause of action for false light invasion of privacy include: (1) the petitioner was placed in a false light before the public as a result of the respondent's actions; (2) the false light in which the petitioner was placed would be highly offensive to a reasonable person; and (3) the respondent acted with actual malice, meaning "with knowledge that the statements were false or with reckless disregard for whether the statements were true or false." *Kirchner v. Greene*, 294 Ill. App. 3d 672, 682, 691 N.E.2d 107, 229 Ill. Dec. 171 (1998) (citing *Kolegas*, 154 Ill. 2d at 17-18).

105. Petitioners re-allege all paragraphs as set forth above as though fully set forth herein.

106. Petitioner McClellan has been put before the public in a false light. The distinction between the false light and defamation is that the false light is viewed as aspect of privacy and the defamation is about reputation. Both are about causing a person to be falsely perceived in the public's eye.

107. The false light in which Petitioner McClellan was placed would be highly offensive to a reasonable person.

108. These statements were made to impute that a crime was committed and are considered to put Petitioner McClellan in false light to the public.

109. The John/Jane Doe Respondent acted with actual malice, with knowledge that the statements were false or with reckless disregard for whether the statements were true or false to harm her reputation. Heinrich states, "in a crowded court room not a single lawyer spoke to her. Whatever someone thinks about Hanlon he effectively showed what a poor lawyer McClellan is. Her complaint was stricken for being inadequate." McHenry County Blog 12/4/19 10:46 Exhibit M.

110. These are false statements about what occurred on the court proceeding in this court room on December 3, 2019.

111. The utterances of this John/Jane Doe Respondents were published in the McHenry County Blog. Anonymous commenters say she is liar and thief and that she used taxpayer money to buy trinkets and that she knows about crime. These statements were made to impute that a crime was committed and are considered to place her in a false light. Exhibit C: "Mierz" called McClellan a liar and thief (7/24/19). "Jove" called McClellan a crook (7/24/19).

“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. Exhibit A. This is to say she committed a crime.

112. On October 4, 2019 Cal Skinner posted a link to the McHenry County Auditors findings where the report for the Clerk’s office and the recommendations from the transition between Petitioner McClellan’s administration and Joe Tirio’s administration. The reports finding allege McClellan did not tell Tirio the combination to the clerk’s safe. Exhibit O.

113. On information and belief Tirio reported this false information to the Auditor and this was published to the McHenry County Board and on the McHenry County Auditors website and published on the McHenry County Blog.

114. These were false statements and were known to be false at the time they were made. In fact, Tirio received the combination to the safe upon his taking of the clerk’s office.

115. Petitioner McClellan asserts that, false implications and false light that Petitioner McClellan was deceitful and thwarting the duties of the Clerk’s office.

116. Petitioner McClellan asserts that, while defamation concerns statements that are actually false, false light is about false implications. Here, respondents by their utterances, published in writing implied that Petitioner McClellan was engaged in theft of public funds.

117. Respondents ' statement implied dishonesty, fraud, abuse of authority and embezzlement of funds were hurled against Petitioner McClellan placed her in false light.

118. As a direct and proximate result of respondents' tortious implication of a crime, by Respondents published and circulated by McHenry County Blog to World Wide Web, Petitioner McClellan was caused to suffer damages as may be proven at the time of trial.

119. Petitioner McClellan asserts that the conspiratorial activities of the Respondents and each of them were utterly willful and done with malice and intended to injure the Petitioner. John/Jane Does Respondents above-described conduct was done with a conscious disregard of the rights of the Petitioner McClellan and with the intent to cause Petitioner McClellan serious injury and damage. John/Jane Doe Respondents were at all times relevant herein, aware of the probable consequences of their conduct but, nevertheless, willfully and deliberately failed to avoid but caused the consequences thereof. The conduct, thus, constitutes malice, fraud, oppression and despicable conduct and Petitioner McClellan is, therefore, entitled to recover punitive damages in an amount subject to proof at trial appropriate to punish and deter others from engaging in similar conduct.

120. Petitioner McClellan suffered damages because of the stalking order that was obtained through false statements. The result of the false stalking order Petitioner had her FOID card revoked and her conceal carry license revoked. Exhibit F. Additionally, there were cost for transcripts and time off work to appear in the court proceedings.

121. Further, in support of her claim for special damages Petitioner McClellan will rely upon her costs incurred in having removed from the Internet the various repetitions and republications by third parties of the words complained of and links to the same, which repetitions, republications and links are the foreseeable consequence of the publications of the said words by the Respondents and each of them and have been caused by the said publications. The amounts of money to file this case and the time necessary to prepare and quantify the amounts exceed currently \$1000 dollars in filing fees plus attorney fees. The Petitioner McClellan is presently unable to quantify or particularize his loss in the cost associated with having the internet and various repetitions and republications by third parties but will serve

particulars of special damage separately when the same are available since damages are ongoing in this matter.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
COUNT VII (McClellan and Gil)

122. Petitioners re-allege all paragraphs as set forth above as though fully set forth herein.

123. Petitioners assert each and every allegation set forth in all counts the preceding paragraphs as though fully set forth herein.

124. Petitioners after working tirelessly for the success of the 2020 election cycle and receiving accolades for their exemplary work, has been put in false light; has been accused of dishonesty.

125. Petitioners assert that the activities of respondents, individually and collectively, were intended to and have placed Petitioners in false light of dishonesty, embarrassment, mockery, mortification.

126. Petitioners assert that respondents and each of them, in civil conspiracy, aiding and abetting each other, and acting as agent, employee and representative of the other, engaged in outrageous and unprivileged conduct.

127. Petitioner assert that respondents, and each of them, intended to cause petitioner emotional distress by their tortious activities, individually and collectively taken.

128. In the alternative, respondents engaged in their tortious conduct with reckless disregard of the probability of causing emotional distress to Petitioner herein. By reason of the tortious activities of respondents, Petitioner has been caused to miss work; has been required to

seek medical attention and care and has been unable to perform their routine and usual tasks in the office and at home.

129. Respondents and each of them knew or should have known that Petitioners family, friends and associates would learn of their defamatory accusations.

130. As a direct and proximate result of respondents' activities herein alleged in this Complaint, Petitioners have been caused emotional distress, mental disturbance, sleepless nights and mental anguish as will be proved at the time, and ultimately during trial.

131. Petitioners assert that the conspiratorial activities of the respondents and each of them were utterly willful and done with malice and intended to injure the Petitioners. Respondents' above-described conduct was done with a conscious disregard of the rights of the Petitioner and with the intent to cause Petitioner serious injury and damage. Respondents were at all times relevant herein, aware of the probable consequences of their conduct but, nevertheless, willfully and deliberately failed to avoid but caused the consequences thereof. The conduct, thus, constitute malice, fraud, oppression and despicable conduct and Petitioner is therefore entitled to recover damages in an amount subject to proof at trial appropriate to punish and deter others from engaging in similar conduct.

PUBLIC DISCLOSURE OF PRIVATE FACTS
COUNT VIII (McClellan)

132. Petitioners re-allege all paragraphs as set forth above as though fully set forth herein.

133. The tort of public disclosure of private facts requires that the defendant publicize facts about the private life of a person that would be highly offensive to a reasonable person and are not of legitimate concern to the public

134. Petitioner McClellan was called a Local 150 Whore. Respondent Cal Skinners counsel drafted a response to the request to admit that was previously filed and withdrawn in this case stating that McClellan was in fact a whore because she gave birth to her child out of wedlock.

135. The word “whore” is deeply demoralizing and a repugnant slur for a woman who is paid to have sex. It is a phrase that strips away a woman’s humanity, her accomplishments, and her mistakes and reduces her to a sexual transaction.

136. This word “whore” and the affiliation with McClellan have been in the Northwest Herald, the Chicago Tribune and on Facebook. The use of the word “whore” in any context is made with actual malice to broadcast and publish private information in furtherance of demoralizing any women and in this case McClellan specifically.

137. The birth certificate of the Petitioner McClellan’s son was attached to a Request to Admit and filed in a public record.

138. Petitioner McClellan disclosure of private facts is an invasion of privacy, there is publication of non-public information that is not “of legitimate concern to the public; and that the reasonable person would find offensive to have published.

139. The John/Jane Doe Respondent acted with actual malice, with knowledge that the statements were false or with reckless disregard for whether the statements were true or false to harm her reputation.

140. Petitioner McClellan asserts that the conspiratorial activities of the Respondents and each of them were utterly willful and done with malice and intended to injure the Petitioner. John/Jane Does Respondents above-described conduct was done with a conscious disregard of the rights of the Petitioner McClellan and with the intent to cause Petitioner McClellan serious

injury and damage. John/Jane Doe Respondents were at all times relevant herein, aware of the probable consequences of their conduct but, nevertheless, willfully and deliberately failed to avoid but caused the consequences thereof. The conduct, thus, constitutes malice, fraud, oppression and despicable conduct and Petitioner McClellan is, therefore, entitled to recover punitive damages in an amount subject to proof at trial appropriate to punish and deter others from engaging in similar conduct.

141. Further, in support of her claim for special damages Petitioner McClellan will rely upon her costs incurred in having removed from the Internet the various repetitions and republications by third parties of the words complained of and links to the same, which repetitions, republications and links are the foreseeable consequence of the publications of the said words by the Respondents and each of them and have been caused by the said publications. The amounts of money to file this case and the time necessary to prepare and quantify the amounts exceed currently \$1000 dollars in filing fees plus attorney fees. The Petitioner McClellan is presently unable to quantify or particularize his loss in the cost associated with having the internet and various repetitions and republications by third parties but will serve particulars of special damage separately when the same are available since damages are ongoing in this matter.


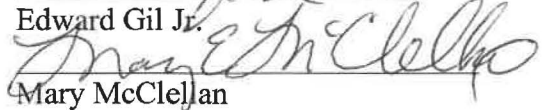
PRAYERS AND RELIEFS

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:

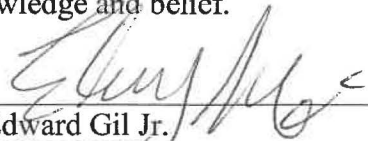
- a. Any and all backups of McHenry County Blog and history of IP addresses and produce same.
- b. The Deposition Lisa Shamhart to disclose who she shared the confidential information of the IDES meeting.

c. The Deposition Joseph "Joe" Tirio to disclose any confidential information of the IDES meeting that he received from Lisa Shamhart and who he shared that information with.

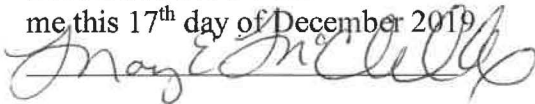
d. For such other reliefs and remedies just and equitable under the premises.

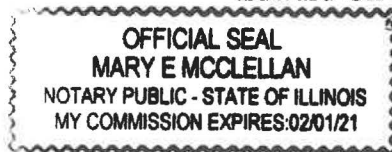

Edward Gil Jr.

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 knows the contents thereof, and the same are true to the best of his knowledge and belief.

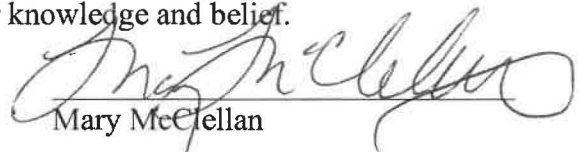

Edward Gil Jr.

Subscribed and Sworn to before
me this 17th day of December 2019

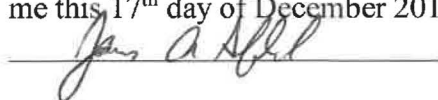


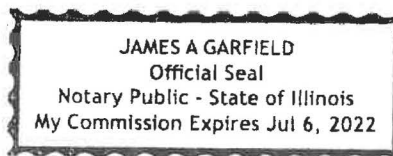


Mary McClellan being first duly sworn on oath, deposes and says that she has read the Verified Petition for pre-suit discovery, protective order and preservation of evidence and knows the contents thereof, and the same are true to the best of her knowledge and belief.


Mary McClellan

Subscribed and Sworn to before
me this 17th day of December 2019.





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