

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

FILED

21 JUN 17 PM 2:32

CLERK, CIRCUIT COURT
WILL COUNTY, ILLINOIS

JOHN NORTON,

Plaintiff,

v.

Leonard McCubbin Jr.,

Defendant.

Case No:

2021 AR 000549

COMPLAINT

NOW COMES Plaintiff, JOHN NORTON, to bring this suit, and,
in support of his Complaint, NORTON states as follows:

**INTRODUCTION
PARTIES**

1. Plaintiff:

i. JOHN NORTON is a citizen of Wesley Township in Will County, Illinois and is a Private Citizen and not in a Position of Authority or an Elected Official as of May 15, 2017 to present;

2. Defendant;

i. Defendant Leonard McCubbin Jr. is a resident of Wesley Township, located in Will County;

FACTS COMMON TO EACH COUNT

3: Upon information and belief, the Defendant has undertaken a campaign to prevent the Plaintiff from enjoining his granted rights as defined in 735 ILCS 110/1, commonly referred to as the Citizens Participation Act;

4: Upon information and belief, the Defendant directly and indirectly used social media to intimidate and discourage the Plaintiff from attending township meetings and utilize township properties, such as the township park;

5: that the Defendant has had numerous Orders of Protection granted

6: that Plaintiff Norton has grave concerns for his personal safety from the Defendant due to the actions of the Defendant and his previous history with this Court;

COUNT I –

7: On or about 13 June 2019 at 20:29 Hours, Defendant McCubbin committed an Act of Battery against the Plaintiff, resulting in bodily harm that required medical attention at Riverside Hospital located in Kankakee, Illinois, and that such Act was captured on video tape from two camera angles, located in the office spaces of Wesley Township Hall. (Exhibit A and B);

I: Plaintiff Norton was standing outside the township hall when he heard his daughter, Sarah Norton, Wesley Township Clerk, in a loud voice, telling defendant McCubbin to leave the office space so she could complete her duties;

II: Plaintiff Norton entered thru the front door, believing his daughter, Sarah Norton, Wesley Township Clerk, was under duress by an unknown person, and asked "What's going on?":

III: Upon entering the front hallway, Defendant McCubbin ran up and got within six (6) inches of the Plaintiff's face;

IV: Plaintiff Norton immediately placed his hands behind his back, as seen in Exhibit 1 video, and said "Shut up, Lenny";

V: Plaintiff Norton attempted to pass on the Defendants left side in order to avoid a conflict;

VI: Defendant McCubbin turned and struck Plaintiff Norton, with his right fist, contacting with Plaintiff Norton's head at the base of the skull on his left side (Video Time Index 21:29:35 EST);

VII: Plaintiff Norton took several steps forward, with his hands still behind his back and told the Wesley Township Clerk to call the Police;

VIII: Witness Sarah Norton stated in Open Court, in Case No: 2019OP1200, as to what she observed, relating to Defendant McCubbins actions, and confirmed in her testimony that Defendant McCubbin's actions was that of an unprovoked attack upon the Plaintiff;

COUNT II –

8: that Michael Esposito, witness for Defendant McCubbin in Case No. 2019OP1200, did commit perjury to the effect that he stated, in Open Court, that he witnessed the events between Plaintiff Norton and Defendant McCubbin on 13 June 2019, when in fact, he was standing outside the township hall, next to his vehicle, smoking a cigarette, during the time of the alleged Battery upon the Plaintiff (Video Time Index 21:29:35 EST of Exhibit C);

9: Three (3) videos and other evidence were presented in and to the Court, in case number 2019OP1200 (Exhibits A, B and C);

10: that Defendant McCubbins's request for an Order of Protection was DENIED;

11: that the Defendant filed for such Order in an attempt to deter and intimidate the Plaintiff from pursuing criminal charges and/or any future civil case;

12: Attorney Robert Hanlon was representing Defendant McCubbin during the trial:

WHEREFORE, PAINTIFF, NORTON, respectfully asks this Honorable Court to grant the following relief:

- i. Enjoin the Defendant from participating in or making further attempts to dissuade, impede or hinder Plaintiff Norton from his granted rights under the 735 ILCS 110/1 ;**
- ii. Award Plaintiff John Norton monetary damages in an amount to be determined at trial against the Defendant in an amount of at least \$45,000 or such other amount required for jurisdiction of this case;**
- iii. Plaintiff be awarded punitive damages from the defendant;**
- iv. That the Plaintiff have such other or further relief as this Court deems just, equitable or necessary.**
- iv. Order Defendant to pay civil penalties;**
- v. Award Plaintiff reasonable attorneys' fees if Plaintiff hires an attorney for this cause, and costs;**
- vii. Award such other relief the Court considers appropriate;**
- viii. Award Plaintiff court filing fees.**

RESPECTFULLY SUBMITTED,

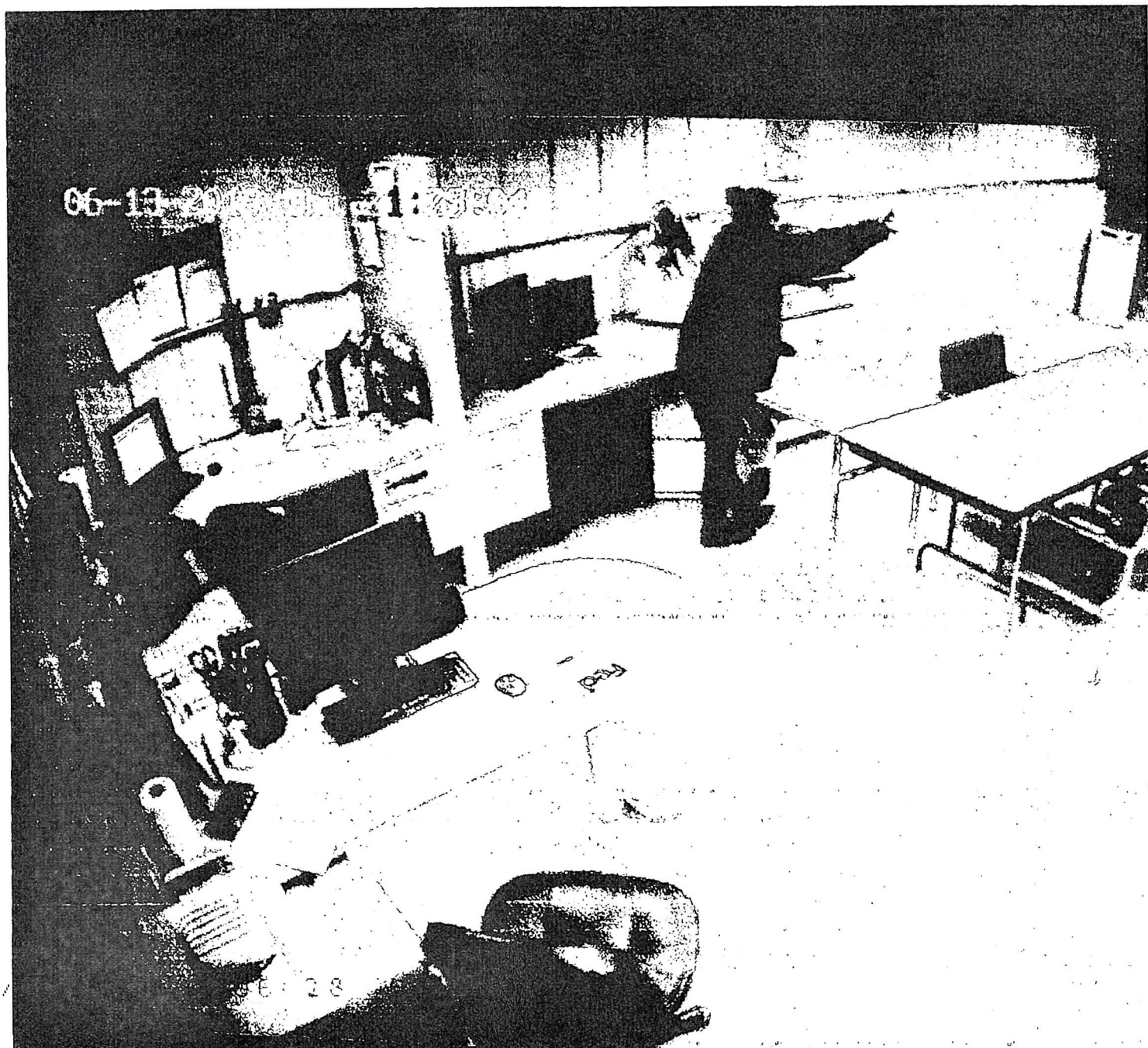
JOHN NORTON

Exhibit C
Security Camera Video 3



06/21/21 15:06:28 WCCN

Exhibit A
Security Camera Video 1



STATE OF ILLINOIS,
CIRCUIT COURT

APPLICATION FOR WAIVER OF
COURT FEES

For Court Use Only

FILED

21 JUN 17 PM 2:32

CLERK, CIRCUIT COURT
WILL COUNTY, ILLINOIS

Instructions ▼

Directly above, enter the name of the county where the case was filed.

Enter the name of the person who started the lawsuit as Plaintiff/Petitioner.

Enter the name of the person being charged as Defendant/Respondent.

Enter the Case Number given by the Circuit Clerk or leave this blank if you do not have one.

JOHN NORTON
Plaintiff / Petitioner (First, middle, last name)

v.

LEONARD MCCUBBIN JR
Defendant / Respondent (First, middle, last name)

2021AR000549
Case Number

NOTE

If you are completing this form on behalf of a minor or an incompetent adult, provide that person's information on this form instead of your own information.

Pursuant to Illinois Supreme Court Rule 298 and 735 ILCS 5/5-105, I state:

In 1a, enter your full name

In 1b, only enter the year you were born. DO NOT enter your entire date of birth.

In 1c, enter your complete current address.

In 2a, enter the number of people age 18 and older living in your house who you support. Support means that the people rely on you financially.

In 2b, enter the number of people under age 18 living in your house who you support.

In 3, check "Yes" if you are currently receiving 1 or more of the benefits listed below.

If you check "Yes" in 3, skip 4 and sign the form. You do not have to complete 4.

1. I believe I cannot afford to pay the court fees in this case and I am providing the following information about myself:

a. Name: JOHN E NORTON
First Middle Last
b. Year of Birth: 20 FEB 65
c. Street Address: 1834 ROBERT ST
City, State, ZIP: WILMINGTON IL 60481

2. I am providing the following information about people who live with me:

a. I support 0 adults (not counting myself) who live with me.
b. I support 0 children under 18 who live with me.

3. I am receiving 1 or more of the benefits listed below:

☐ Yes ☒ No

- Supplemental Security Income (SSI) (Not Social Security)
- Aid to the Aged, Blind and Disabled (AABD)
- Temporary Assistance to Needy Families (TANF)
- SNAP (Food Stamps)
- General Assistance (GA), Transitional Assistance, or State Children and Family Assistance

****If you answered "Yes" in section 3, you qualify for a fee waiver under 735 ILCS 5/5-105(a)(2)(i) and (b)(1). You can skip section 4 and sign the form.****

In 4a, check "Yes" if you have applied for at least 1 of the benefits listed in section 3.

In 4b, check the box for each type of money you have received in the past month. Also enter the gross (before taxes) amount for each type.

Under **Other** in 4b and 4c, include any money received from family or friends.

In 4c, check the box for each type of money you have received in the past 12 months. Also enter the gross (before taxes) amount for each type.

In 4d, check all of your debts and expenses for the past month and list the amount of money you pay each month for that expense.

4. I checked "No" in section 3, so I am providing the following financial information:

- a. I have a pending application for 1 or more of the benefits listed in section 3:

☐ Yes ☒ No

- b. I received the following money in the past month. (check all that apply)

☐ My employment: \$ _____ ☐ Social Security (not SSI): \$ _____
☐ Child support: \$ _____ ☐ Unemployment: \$ _____
☐ Pension: \$ _____
☐ Money from other household members: \$ _____
☐ Other (list type and amount): _____ \$ _____

☒ No income

Total of all money received in the past month: \$ _____

- c. I received the following total amount of money in the past 12 months. (check all that apply)

☐ My employment: \$ _____ ☐ Social Security (not SSI): \$ _____
☐ Child support: \$ _____ ☐ Unemployment: \$ _____
☐ Pension: \$ _____
☐ Money from other household members: \$ _____
☐ Other (list type and amount): _____ \$ _____

☒ No income

Total of all money received in the past 12 months: \$ _____

- d. My current monthly debts and expenses are listed below. (check all that apply)

☐ Rent: \$ 0 per month
☐ Home Mortgage: \$ 0 per month
☐ Other Mortgage: \$ 0 per month
☐ Utilities: \$ 0 per month
☐ Food: \$ 0 per month
☐ Medical: \$ 0 per month
☐ Car Loan: \$ 0 per month
☐ Childcare: \$ 0 per month
☐ Child Support: \$ 0 per month
☐ Other expenses not listed above (list type and amount): _____ \$ _____

☐ Other debts not listed above (list type and amount): _____ \$ _____

☐ I have no expenses.

Total of all expenses: \$ _____ per month

In 4e, check all of the items owned by you and list the value of each item: If you own real estate, include the total you owe on any mortgage.

e. I have the belongings listed below. (check all that apply)

☒ Bank accounts and cash totaling:

\$ 1000

☐ Home worth:

\$ _____

The total I owe on my home mortgage is:

\$ _____

☐ Other real estate, not including the house I live in, worth:

\$ _____

The total I owe on my other mortgage is:

\$ _____

☐ 1st vehicle worth: \$ _____

The 1st vehicle is paid off: ☐ Yes ☐ No

☐ 2nd vehicle worth: \$ _____

The 2nd vehicle is paid off: ☐ Yes ☐ No

☐ Other (list items and value): _____

\$ _____

☐ None of the above

Under Illinois Supreme Court Rule 137, your signature means that you have read the document, that to the best of your belief, it is true and correct and that you are not filing it for an improper purpose, such as to cause delay.

Is/ [Signature]
Your Signature

1834 ROBERT
Street Address

JOHN NORTON
Print Your Name

WILMINGTON IL 60481
City, State, ZIP

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name. Enter your complete current address and telephone.

Relationship to Minor or Incompetent Adult (if applicable)

Telephone

If you are filling out this form for a minor or incompetent adult, sign and print your name and state your relationship to that person. Enter your complete current address and telephone number.

GETTING COURT DOCUMENTS BY EMAIL: If you agree to receive court documents by email, check the box below and enter your email address. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information or notice of court dates. Other parties may still send you court documents by mail.

☐ I agree to receive court documents at this email address during my entire case.

Email

Applicant Name: JOHN E NORTON
First Middle Last

The Court having reviewed the *Application for Waiver of Court Fees* hereby finds:

1. ☒ The applicant **qualifies** for a **full (100%)** waiver of all fees, costs, and charges because (check only one):

a. ☐ The applicant receives means-based government assistance under one or more of the following programs:

- Supplemental Security Income (SSI) (Not Social Security)
- Aid to the Aged, Blind and Disabled (AABD)
- Temporary Assistance for Needy Families (TANF)
- SNAP(Food Stamps)
- General Assistance (GA), Transitional Assistance, or State Children and Family Assistance

OR

b. ☒ The applicant's personal income is **125%** or less of the current poverty level as established by the U.S. Department of Health and Human Services and the Applicant's non-exempt assets under 735 ILCS 5/12-901 and 735 ILCS 5/12-1001 are such that the applicant is unable to pay the fees, costs, or charges;

OR

c. ☐ Payments of fees, costs, and charges would result in substantial hardship to the applicant or his or her family.

2. ☐ The applicant **qualifies** for a **partial (75%, 50%, or 25%)** waiver of all fees, costs, and charges because the applicant's household income is (check one):

- ☐ more than **125%** but not greater than **150%** (75% waived); OR
- ☐ more than **150%** but not greater than **175%** (50% waived); OR
- ☐ more than **175%** but not greater than **200%** (25% waived)

of the current poverty level as established by the US Department of Health and Human Services and the Applicant's non-exempt assets under 735 ILCS 5/12-901 and 735 ILCS 5/12-1001 are such that the applicant is unable

to pay the fees, costs, or charges.

3. ☐ The applicant must **provide additional information and attend a hearing** before the court decides if the applicant qualifies for a fee waiver.
4. ☐ The applicant **does not qualify** for a fee waiver because *(must state specific reason)*:

IT IS HEREBY ORDERED:

A. ☒ Application for Waiver of Court Fees is **GRANTED**.

- i. ☒ The applicant qualifies for a **full waiver**, and may participate in this case without payment of fees, costs, or charges.

OR

- ii. ☐ The applicant qualifies for a **partial fee waiver** as follows *(check one)*:

☐ **75% of all fees, costs, and charges are waived** *(and the applicant must pay 25% of all fees, costs, and charges)*.

☐ **50% of all fees, costs, and charges are waived** *(and the applicant must pay 50% of all fees, costs, and charges)*.

☐ **25% of all fees, costs, and charges are waived** *(and the applicant must pay 75% of all fees, costs, and charges)*.

Charges included in this waiver are: filing, service of process, publication, mediation, guardian ad litem, or any other court ordered fees listed in 735 ILCS 5/5-105(a)(2)(1).

☐ The applicant must pay fees, costs, and charges currently due by: _____
Date

OR

☐ Upon good cause shown, the applicant may make payments as follows *(describe deferral, installment plan, or other reasonable terms)*:

This order expires one year from the date of this order. The applicant may reapply before or after the expiration date.

B. ☐ Application for Waiver of Court Fees is **SET FOR HEARING** on _____
Date

at _____ in courtroom: _____
Time

The applicant must bring the following documents: _____

C. ☐ Application for Waiver of Court Fees is **DENIED**.

The applicant must pay all fees, costs, and charges currently due by: _____
Date

DO NOT complete
this section. The
judge will sign and
date here.

ENTERED:

Judge



Date

6/17/21

| | | |
|--|--|--|
| STATE OF ILLINOIS, CIRCUIT COURT <u>WILL</u> COUNTY | CERTIFICATION FOR EXEMPTION FROM E-FILE | <i>For Court Use Only</i> FILED 21 JUN 17 PM 2:32 CLERK, CIRCUIT COURT WILL COUNTY, ILLINOIS. |
| Instructions ▼ Directly above, enter the name of the county where the case was filed. Enter the name of the person who started the lawsuit as Plaintiff/Petitioner. Enter the name of the person being sued as Defendant/Respondent. Enter the Case Number given by the Circuit Clerk or leave this blank if you do not have one. | <u>JOHN E NORTON</u> Plaintiff / Petitioner (First, middle, last name) v. <u>LEONARD McCUBBIN JR</u> Defendant / Respondent (First, middle, last name) | <u>2021 AR 000549</u> Case Number |

In 1, check the reasons you are asking to file by mail, in person, or by other means. You should check all that apply.

You are exempt from e-filing and you do not need to file this Certification if:

- you are in jail or prison;
- you are filing a will;
- you are filing into a juvenile case; OR
- your disability prevents you from e-filing.

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

After you finish this form, sign and print your name.

Enter your complete address, telephone number, and email address, if you have one.

1. I am not able to e-file documents in this case for the following reasons (check all that apply):

☒ I am representing myself and do not have the Internet or a computer in my home. My only access is through a public terminal at a courthouse, library, or other location. This poses a financial or other hardship.

☐ I am representing myself and have trouble reading, writing, or speaking in English.

☐ I am filing a document in a sensitive case, such as a petition for an order of protection or a civil no contact/stalking order.

☒ I tried to e-file my documents, but I was unable to complete the process because the equipment or assistance I need is not available.

2. Illinois Supreme Court Rule 9(c)(5) allows for an exemption from e-filing for good cause. For the above reasons, I need a good cause exemption from e-filing for my entire case or until I am able to e-file.

I certify that everything in the Certification for Exemption from E-filing is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

/s/ [Signature]
Your Signature

JOHN NORTON
Print Your Name

Telephone _____

1834 ROBERT ST
Street Address

WILKINGTON IL 60481
City, State, ZIP

Email _____

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.