

**IN THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS**

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|------------------------------------|---|-----------------------|
| ROBERT DORMAN and |) | |
| DOUGLAS HULME |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Cause No. 23-LA-01119 |
| v. |) | |
| |) | |
| MADISON COUNTY, ILLINOIS, et. al., |) | |
| |) | |
| Defendants. |) | |

**PETITION TO SUBSTITUTE ALL OF THE JUDGES OF THE 3RD JUDICIAL CIRCUIT
AS AND FOR THE JUDGE IN THIS CASE**

Comes now the Plaintiffs, Robert Dorman and Douglas Hulme, by his attorney, Michael A. Lawder, (hereinafter referred to as “Dorman” or “Hulme” or “Plaintiff”), and for their Petition pursuant to 735 ILCS 5/2-1001(a)(3) and 725 ILCS 5/114-5 the Judge on this case, Judge Dennis Ruth, and all of the remaining Judges of the 3rd Judicial Circuit, and requests the Illinois Supreme Court to appoint a Judge from outside of the 3rd Judicial Circuit as the presiding Judge in this case, stating as follows:

1. Plaintiffs with said Counsel, Michael A. Lawder, have consistently moved to Disqualify All of the Judges of the Third Judicial Circuit in all of the litigation they have had in this Court. To date there are such Motions to Disqualify pending *in Doug Hulme and Robert Dorman v. Madison County, Illinois*, Case No. 21-CH-233 and *Douglas Hulme and Robert Dorman v. City of Edwardsville, et al.*, Case No. 21-L-000454. These matters are now being briefed. Plaintiffs file this Motion before any of the Defendants in this case enter their appearance.

2. Madison County Illinois was long dominated by Democrats as a machine county along with St. Clair County and, of course, Cook County in Illinois. This began to change in

2010 with the election of a Republican, Kurt Prenzler as Madison County Treasurer. Then in November 2016, this change accelerated with the election of Prenzler as Madison County Board Chairman beating longtime political boss, Alan Dunstan (hereinafter “Dunstan”). This did not sit well with the existing powers that be as many of their previous ways of campaigning came under new scrutiny.

3. Plaintiff Hulme worked for Prenzler as Madison County Deputy Treasurer beginning in 2014, and upon Prenzler’s election as County Board Chairman in 2016 he became the County Administrator. Plaintiff Dorman worked in IT for many years for private companies including Proctor & Gamble became head of the Madison County IT Department in December 2016. Prenzler promised to eliminate political activity in County offices.

4. In 2017, a former employee of Gibbons, Andrew Kane sued him in United States District Court for violations of Title VII of the Civil Rights Act, including, but not limited to, Retaliation. Kane had submitted a Freedom of Information Act (“FOIA”) request Madison County Board Administration and the Madison County State’s Attorney’s Office. The FOIA was properly complied with by Board FOIA officer Cynthia Ellis and Chris Bethel of the IT department by accessing email and retrieving public records to comply with the FOIA request. Ellis responded to Kane’s FOIA request on July 20, 2017, providing Kane with responsive records while on July 27, 2017, Assistant State’s Attorney Jeffrey Ezra responded to the same request claiming there were no responsive records.

5. The release of public records upset Gibbons as the emails caused him difficulties in that case, and the contents of the documents revealed campaign fundraising in his office. He complained that this was an improper FOIA disclosure even though Assistant State’s Attorney Jeffery Ezra was aware and he approved the IT Department to search for and retrieve emails in

order to respond to Kane's FOIA request. The Illinois Attorney General became involved in this case after Ezra requested that Kane return the records produced by Ellis, claiming they were provided in error. Assistant Attorney General Edie Steinberg found in Kane's favor that the records were, in fact, public records and that the Gibbons' office had failed to conduct a proper search for records and had an untimely response when they claimed there were no responsive records. To further upset Gibbons the fundraising and campaigning in his office was reported in the press garnering a front-page headline *'Emails that Gibbons sought to suppress promised free beer for – 2012 Haine fundraiser'* January 16, 2018, six days after the raid on Dorman and Hulme's offices.

6. Hulme upon becoming County Administrator, found out that the previous County Administrator, Joe Parente, and the previous County Administrator, Dunstan had deleted their computer hard drives which was improper and illegal, and Hulme forwarded this information to Gibbons, and he ignored it. Hulme also prior to taking over saw Dunstan dumping stacks of papers into a recycling bin. Later, Hulme looked at these papers and saw hundreds of pages of election and campaign materials, proof that over the years improper campaigning had been done from Madison County offices.

7. Further, in 2017, Hulme tried to expose past prohibited political activity and further to stop it from continuing. He found evidence of campaigning by some Madison County employees. He found this out by doing administrative search of the Madison County email system with the with the terms "fundraiser" and "campaign" and "precinct" with only 3 hours of work found that many county officials and employees were using the Madison County email system for prohibited political activities. Hulme informed Prenzler of this and other Madison County Board members. Prenzler sent a letter to Gibbons requesting action, but he declined to

do anything.

8. On or about January 3, 2018, Gibbons and Assistant State's Attorney Crystal Uhe (hereinafter "Uhe") convened what he called a "Madison County Public Corruption Task Force" (hereinafter "Task Force") to investigate "allegations of probable official misconduct, possible bribery, and other potential charges". An Agreement was presented and signed by all entities and persons present. There at the meeting were Chief Jay Keeven and of Defendant City of Edwardsville, Chief Rich Miller of Defendant Granite City, Chief Steve Evans of Defendant Collinsville, Chief Jake Simmons and Deputy Chief Terry Buhs, Deputy Major Jeff Connor, Lt. David Vucich, Sgt. Brian Koberna, and Director Robert Rizzi of the Madison County Sheriff's Office, and Mark Dorion, Captain Billy Sons, and Major Joe Collins of the Illinois State Police. David Vucich of the Madison County Sheriff's Department was selected to be the Commander. He is the ex-husband of Jennifer Vucich would worked for Gibbons as an assistant State's Attorney and was now married to former State's Attorney William Mudge who is now a Judge of the Third Judicial Circuit.

9. Gibbons advised the group that Lisa Ciampoli and Chris Slusser, both Republicans provided Grand Jury testimony relating to this charge and that up to that time there were only rumors of illegal activity. Ciampoli stated that she was suspicious about how Dorman knew she was filing paperwork for running for committee precinct committeeman even though it was observed by many people including her eventual successor for the County Board Chris Guy who told Dorman she was filing, but she suspected that he was somehow monitoring her on Madison County security cameras during working hours. Slusser and/or Ciampoli testified that they felt that there was a plan a foot to put GPS devices and monitor employees through new printers which would allow computer hard drives to be monitored, both of which were discussed

in various committees and voted upon by the county board. At this time Slusser, had been informed by Don Weber that Madison County Email policy as found in the Madison County Personnel Policy Handbook, pages 43-48 allow access by the County Board Chairman, his County Administrator, or anyone else authorized by either of them unlimited access to emails stored on County Servers.

10. Beginning in January, 2018 and over the course of the next year many of the employees of the County including many Court employees and Judges were interviewed as part of this “Task Force”. It became the source of gossip and inuendo. The Judge William Mudge acknowledged same in a video on the matter to investigators of this Task Force which included all of the judges and which is stated in detail in Paragraph 16 of this Petition.

11. At some point, the Plaintiffs by their then counsel, Ed Moorman filed a Motion to Remove Thomas Gibbons as the Prosecutor running this investigation because in fact he was and is a witness to same. The Madison County Circuit Court determined that an out of county judge should be appointed to hear whether there to be a conflict of interest with Thomas Gibbons continuing the run the prosecution and eventually Judge Jerry Crisel from Jefferson County was appointed to hear that Motion and he granted it in 2019, and he ruled that someone else would have to be appointed as a special prosecutor. Eventually, the Illinois Attorney General, Kwame Raoul was so appointed.

12. Attorney General Kwame Raoul determined after hearing the evidence that had been assembled by the Task Force that there was insufficient evidence to support charges against any of the potential targets. Upon information and belief, Plaintiffs state that this was a “witch hunt” in that Dorman and Hulme were accused of doing criminally what they had the obligation and the right to do under the authority of the Madison County Electronic Communications

Policies and Procedures. There literally was no credible evidence that they had violated any laws, or Madison County policies, and further this was known by all of member herein described in the so-called task force. But the poisoning of all of the members of the 3rd Judicial Circuit had occurred.

13. The affidavits from this task force were released per the Court's order of April 6, 2020. However no Grand Jury investigative materials were released by the order, and per Illinois law, the Slusser overhear previously referred to was not released as pursuant to Illinois law only those prosecuting or investigation the case, and the person conducting the overhear have the right to same. It is illegal for such overhears to be played for anyone else. But it was played for Madison County board members in violation of Illinois law. Plaintiffs alleged that based upon information and belief, that said Slusser overhear was played by one of the participants of this task force including City of Alton Police Patrick (PJ) Bennett or City of Collinsville Police Mark Krug or any of the other participant or all of them in the days leading up to the special meeting of the Madison County Board on April 16, 2020.

14. On April 16, 2020, at a special meeting of the Madison County Board, it fired Dorman and Hulme in part because of the disclosure to board members by the defendants of Grand Jury investigative materials and the Slusser overhear, and for the improper task force investigation as detailed above. All of these facts were published and further were whispered as gossip at the Madison County Courthouse.

15. To date, Judge Ruth nor any of the Judges of the 3rd Judicial Circuit have recused themselves pursuant to *Illinois Supreme Court Rule 63* to date as was done on Plaintiffs' Motion to Disqualify Thomas Gibbons as the Prosecutor as was done in the underlying case. Said *Illinois Supreme Court Rule 63* reads as follows, and which helps detail the nature of what

constitutes cause, and in part states as follows:

“C. Disqualification.

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

*(a) the judge has a **personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;***

....

(d) the judge knows that he or she, individually or as a fiduciary, or the judge's spouse, parent or child wherever residing, or any other member of the judge's family residing in the judge's household, has an economic interest in the subject matter in controversy or in a party to the proceeding, or has any other more than de minimis interest that could be substantially affected by the proceeding; or

(e) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) is acting as a lawyer in the proceeding;

(iii) is known by the judge to have a more than de minimis interest that could be substantially affected by the proceeding; or,

(iv) is to the judge's knowledge likely to be a material witness in the proceeding.

(2) A judge shall keep informed about the judge's personal and fiduciary economic interests, and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse and minor children residing in the judge's household.

D. Remittal of Disqualification.

A judge disqualified by the terms of Section 3C may disclose on the record the basis of the judge's disqualification and may ask the parties and their lawyers to consider, out of the presence of the judge, whether to waive disqualification. If following disclosure of any basis for disqualification other than personal bias or prejudice concerning a party, the parties and lawyers, without participation by the judge, all agree that the judge should not be disqualified, and the judge is then willing to participate, the judge may participate in the proceeding. This agreement shall be incorporated in the record of the proceeding. (Emphasis added)”

16. Said *Rule 63* has as a standard for recusal, the appearance of impropriety as, and for the determination as to whether a particular judge should, in fact, recuse themselves in a case. *Hassebrock v. Deep Rock Energy Corp.*, 529 N.E.3d 1054, 390 Ill.Dec. 784 (Ill. App. 5th Dist 2015). There certainly exists the appearance of impropriety for all of the judges of the 3rd Judicial Circuit , who all have some personal knowledge of the facts of the case by reason of working at the Madison County Courthouse and Administrative Building.

17. “Whether a judge should recuse himself is a decision in Illinois that rests *exclusively within the determination of the individual judge*, pursuant to the canons of judicial ethics found in the Judicial Code.” *In re Marriage of O'Brien*, 2011 IL 109039, ¶ 45, 354 Ill.Dec. 715, 958 N.E.2d 647. However, the factual situation involving Dorman and Hulme and the twenty Judges in the 3rd as well as the notoriety of the underlying Madison County Task Force as the local newspapers wrote about it all of the time and the Court house personnel talked about it all the time as well. This fact was acknowledged by Chief Judge William Mudge in a video when he was interviewed by the Task Force stating specifically “*You know uh, I don’t really recall. I mean, are they just so prevalent that it’s just everybody talking about it from time to time? People talk about this stuff, um after that going away party. I got ahold of the chief judge and I said, You ought to be aware of this. And of course, it’s stuff you hear and I said, I don’t know if this is accurate or not right? But you know this is not the first time I’ve heard that judicial emails were being, uh accessed or looked at. And , um, if, if they are, we ought to explore maybe a different hosting service. We were not subject FOIA, unlike the state’s attorney’s office and other departments. Then there were some discussion I think, um Judge Hilla went and spoke to Dorman at one point and um, the was some discussion at a judge’s meeting, a circuit judge’s meeting, that there was an issue about whether or not policy for*

everyone signed before they got County email account gave them the authority to access these emails or not. Mm-hmm. An, um I know one of the judges, and I can't again, I don't know which judge would have suggested it, but one of the judges suggest that, Well if that's the case they ought to be revoked because we're not subject to the same."

18. In fact, the failure of Judge Ruth and the other Judges of the Third Judicial Circuit to recuse themselves very clearly violates the due process standards set by the United States Supreme Court in *Caperton v. A.T. Massey Coal Co., Inc.*, 556 U.S. 868, 129 S.Ct. 225, 2173 L.Ed.2d 1208 (2009) where the Court said that the Due Process Clause incorporated the common-law rule requiring recusal when a judge has "a direct, personal, substantial, pecuniary interest" in a case, *Tumey v. Ohio*, 273 U.S. 510, 523, 47 S.Ct. 437, 71 L.Ed. 749, and also which, as an objective matter, require recusal where "the probability of actual bias on the part of the judge or decision maker is too high to be constitutionally tolerable," *Withrow v. Larkin*, 421 U.S. 35, 47, 95 S.Ct. 1456, 43 L.Ed.2d 712.

19. As indicated, Judge Ruth and the Chief Judge of the 3rd Judicial Circuit has not chosen this time to recuse all of the Judges of the Circuit even though the essential underlying facts, interests and prejudices which existed for the underlying Criminal Task Force matter regarding the release of are identical to those of the instant civil case. And yet the actual prejudice against Plaintiff is too high to be constitutionally tolerable, and so Plaintiff petitions the Court under 735 ILCS 5/2-1001 and 725 ILCS 5/114-5 for a substitution of judge to be heard by a Judge outside of the 3rd pursuant to the procedure set forth in 735 ILCS 5/2-1001 and 725 ILCS 5/114-5 for the following reasons and controlled by the following rules:

"735 ILCS 5/2-1001

(a) A substitution of judge in any civil action may be had in the following situations:

(1) Involvement of judge. When the judge is a party or interested in the action, or his or her testimony is material to either of the parties to the action, or he or she is related to or has been counsel for any party in regard to the matter in controversy. In any such situation a substitution of judge may be awarded by the court with or without the application of either party.

(3) Substitution for cause. When cause exists.

(i) Each party shall be entitled to a substitution or substitutions of judge for cause.

(ii) Every application for substitution of judge for cause shall be made by petition, setting forth the specific cause for substitution and praying a substitution of judge. The petition shall be verified by the affidavit of the applicant.

(iii) Upon the filing of a petition for substitution of judge for cause, a hearing to determine whether the cause exists shall be conducted as soon as possible by a judge other than the judge named in the petition. The judge named in the petition need not testify but may submit an affidavit if the judge wishes. If the petition is allowed, the case shall be assigned to a judge not named in the petition. If the petition is denied, the case shall be assigned back to the judge named in the petition.

(b) An application for substitution of judge may be made to the court in which the case is pending, reasonable notice of the application having been given to the adverse party or his or her attorney.

(c) When a substitution of judge is granted, the case may be assigned to some other judge in the same county, or in some other convenient county, to which there is no valid objection. If the case is assigned to a judge in some other county, the provisions of subsections (f) through (m) of Section 2-1001.5 shall apply. (Emphasis added)

20. As indicated, there is also guidance for same in 725 ILCS 5/114-5 which is essential the same as above:

(d) In addition to the provisions of subsections (a), (b) and (c) of this Section the State or any defendant may move at any time for substitution of judge for cause, supported by affidavit. Upon the filing of such motion a hearing shall be conducted as soon as possible after its filing by a judge not named in the motion; provided, however, that the judge named in the motion need not testify but may submit an affidavit if the judge wishes. If the motion is allowed, the case shall be assigned to a judge not named in the motion. If the motion is denied the case shall be assigned back to the judge named in the motion. (Emphasis added)

21. Under the Judicial Statutes 735 ILCS 5/2-1001(a)(3) and 725 ILCS 5/114-5 cited in the original Petition, Plaintiff petitions for a substitution of Judge including Judge Ruth for

cause of all of the Judges of the 3rd Judicial Circuit including Judge Ruth as follows. This verified Petition of Plaintiff Robert Dorman explained more particularly below.

- a. The facts of the underlying litigation specifically relating to the Madison County Task Force occurred primarily at the Madison County Courthouse and Administration Building in Edwardsville, IL where all of the Judges of the 3rd Judicial Circuit including Judge Ruth have their primary judicial assignments, and where they have their offices, and as a result, they including Judge Ruth have personal knowledge of the facts and evidence that will be introduced in this case as evidences by the statements of Judge Bill Mudge in paragraph 2 above.
- b. Plaintiff Dorman and Hulme were employees of Madison County during the entirety of the said Madison County Task Force from 2016 to April, 2020, a period of over three (3) years, and all judges including Judge Ruth know Plaintiffs and have formed personal opinions regarding them (both positive and negative) which leads to bias.
- c. The 3rd Circuit Judges, including Judge Ruth are personally friends and/or acquaintances of the Defendants and their agents; and they have worked closely with them in the past. Thus, these Judges and Judge Ruth have formed personal opinions about him which leads to bias.
- d. The 3rd Judicial Circuit Judges, including Judge Ruth work from time to time with the Defendants Municipalities which also leads to bias.
- e. Madison County Judges including Judge Ruth have heard matters on the underlying Task Force in the form of asking for many search warrants that

were requested by Gibbons in said investigation such that they already have knowledge of the underlying facts of this matter. These include Judge Schroeder, and then Judge Jerry Crisel from outside the Circuit was assigned after a while to hear these search warrants more over indicating that the Chief Judge understood that this matter contaminated the knowledge of the Judges of the 3rd Judicial Circuit including Judge Ruth.

21. Furthermore, all of the Judges of the 3rd Judicial Circuit including Judge Ruth have in the past exhibited personal bias and/or prejudice against instant Plaintiff for the reasons which are verified hereunder in this Petition, more particularly described as follows by Plaintiffs more particularly as follows:

- a. The bias and prejudice of the Judiciary including Judge Ruth against Plaintiff have been apparent since the beginning of the Madison County Public Corruption Task Force, as rumors and innuendo were pervasive in the Madison County Court House from 2018 to 2020 as detailed in Paragraph 2 and 6 above.
- b. That Madison County Judges have heard matters on the underlying Task Force in the form of asking for many search warrants that were requested by Gibbons in said investigation such that they have knowledge of the underlying facts of this matter. These include Judge Schroeder, and then Judge Jerry Crisel from outside the Circuit was assigned after awhile to hear these search warrants more over indicating that the Chief Judge understood that this matter contaminated the knowledge of the Judges of the 3rd Judicial Circuit.

22. This is a situation where Plaintiff does, in fact, prove actual prejudice of all of the Judges of the 3rd Judicial Circuit including Judge Ruth, and further actual knowledge of the factual matters by all of the Judges of the 3rd Judicial Circuit including Judge Ruth, and so a Judge outside of this Circuit should be appointed to hear this case. Please note that “Any order entered subsequent to an improper denial of a change of venue is void.” (*Frede v. McDaniels* (1976), 37 Ill.App.3d 1053, 1055, 347 N.E.2d 259, 261, relied upon in *Delta Oil Co. v. Arnold* (1978), 66 Ill.App.3d 375, 381, 23 Ill.Dec. 389, 393, 384 N.E.2d 25, 29.) In the instant case, therefore, if this Court does not set this matter before another judge, the erroneous denial of defendant's motion for a change of venue rendered all of its subsequent rulings null and void.

23. To meet the statute's threshold requirements, a petition for substitution must allege grounds that, if true, would justify granting substitution for cause. *In re Estate of Hoellen*, 367 Ill.App.3d at 248, 305 Ill.Dec. 182, 854 N.E.2d 774, quoting *Alcantar v. Peoples Gas Light & Coke Co.*, 288 Ill.App.3d at 649, 224 Ill.Dec. 372, 681 N.E.2d 993. Where bias or prejudice is invoked as the basis for seeking substitution, it must normally stem from an extrajudicial source, *i.e.*, from a source other than from what the judge learned from her participation in the case before him. A judge's previous rulings almost never constitute a valid basis for a claim of judicial bias or partiality. See *Alcantar v. Peoples Gas Light & Coke Co.*, 288 Ill.App.3d at 649, 224 Ill.Dec. 372, 681 N.E.2d 993; *Williams v. Estate of Cole*, 393 Ill.App.3d at 777, 333 Ill.Dec. 27, 914 N.E.2d 234. As our court noted in *Eychaner v. Gross*, 202 Ill.2d 228, 281, 269 Ill.Dec. 80, 779 N.E.2d 1115 (2002), quoting *Liteky v. United States*, 510 U.S. 540, 555, 114 S.Ct. 1147, 1157, 127 L.Ed.2d 474, 491 (1994): Here that is in fact what the Petitioners

have done based upon Judge Mudge's clear comment. There is an extrajudicial source for the prejudice and bias here. This Petition should be heard by an out of Circuit Judge.

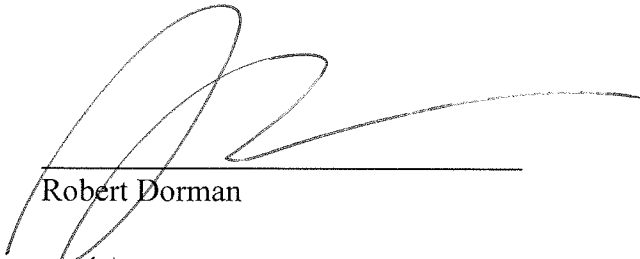
WHEREFORE, pursuant to the above statutes, Petitioners move this Court in this Petition for a Substitution of all of the Judges of this 3rd Judicial Circuit including Judge Ruth, further, to set this Petition for a hearing by a Judge outside of this Circuit for a hearing on same, and for any other orders just in the premises.

VERIFICATION IN THE FORM OF AN AFFIDAVIT

State of Missouri)
) SS.
City of St. Louis)

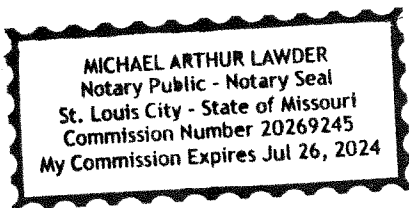
COMES NOW Plaintiff Robert Dorman, and hereby states all of the statements in the above Petition for Substitution of all of the Judges of the 3rd Judicial Circuit and Judge Ruth are true and correct to the best of his knowledge, information, and belief.

Personally, Plaintiff Robert Dorman appeared before me, the undersigned officer duly authorized by law to administer oaths, and after first being duly sworn, Robert Dorman deposes and state that the contents this affidavit is true and correct to the best of the undersigned's knowledge, information and belief.



Robert Dorman

Sworn to and subscribed before me this 30th day of August, 2023.



Notary Public

Respectfully submitted,

BY: /s/Michael A. Lawder

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*Attorney for Plaintiff Robert Dorman and
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CERTIFICATE OF SERVICE

I hereby certify that the above discovery was served on the parties below by email and the electronic Illinois Odyssey system and by email on this 31st day of August, 2023 to the following:

/s/ Michael A. Lawder