

FILED
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Melissa Hurst
Circuit Clerk COLLIS COUNTY, ILLINOIS

No. 2025-LA-3

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In support of her defamation claims Plaintiff relies on the "resignation letter" of Brady Allen which was turned over to the Illinois State Police pursuant to a lawfully issued search warrant on or about September 22, 2022.

To state a cause of action for defamation plaintiff must alleged with specific ultimate facts the following:

1. Defendant made a false statement about plaintiff;
2. There was an unprivileged publication to a third party by defendant;
and,
3. The statement damaged the plaintiff.

Defamatory statements are actionable either per se or per quod. Statements are defamatory per se if the statements that form the basis of the action falsely charge the plaintiff with misconduct or incapacity in words so obviously and naturally harmful that they are actionable without proof of special damages. The category of statements relied upon by plaintiff in the instant case are words that impute a person has committed a crime. No showing of special damages of a pecuniary nature is required if the alleged wrongful statements are defamatory per se. *Hardiman v. Aslam*, 2019 IL App (1st) 173196 at ¶ 4, 125 N.E. 3d 1185, 1188.

In support of her defamation claims Plaintiff alleges the "resignation letter" turned over to the State Police on September 22, 2022, was a publication to a third party. Plaintiff further alleges the "resignation Letter" falsely stated or implied Plaintiff had knowingly committed perjury concerning Defendant Allen's criminal conduct, including allegations of sexual extortion, as well as Plaintiff's own promiscuity as to purportedly agreeing to being extorted by Allen.

In their 2-615 Motion to Dismiss, Parker and Danley argue Plaintiff has failed to alleged any form of defamation against either Parker or Danley in Counts I and II. Defendants argue Plaintiff's factual allegations to support defamation rely entirely on the confidential provisions of Allen's "resignation letter" the Illinois State Police obtained pursuant to a search warrant served on the Coles County State's Attorney's Office on September 22, 2022.

Defendants contend no part of the "resignation letter" relied on by Plaintiff contains allegations of perjury; and, on its face the letter does not mention perjury or promiscuity by Plaintiff.

To sustain a cause of action for defamation plaintiff must plead sufficient specific ultimate facts to enable the court to determine whether the allegations, if proven, establish a false statement made by Defendant which is then published to a third party resulting in damages suffered by the Plaintiff. Illinois courts follow

the rule that the elements required to plead defamation are not factually set forth unless the defamatory words of the defendant are included. The words alleged to be defamatory must be set forth clearly and with particularity. *O'Donnell v. Field Enters.*, 145 Ill. App. 3d 1032, 1042 (1st Dist. 1986).

The "resignation letter" relied upon by Plaintiff in Counts I and II, does not clearly state or imply Plaintiff had knowingly committed perjury concerning Allen's criminal conduct; and, it does not set forth facts alleging sexual extortion nor does it contain statements of Plaintiff's own promiscuity. Plaintiff has failed to adequately identify what specific words constitute the alleged defamation.

The Court holds that Counts I and II against Parker and Danley, respectively, should be dismissed pursuant to 2-615.

(Counts V and VI)

Plaintiff alleges Intentional Infliction of Emotional Distress against Parker in Count V and against Danley in Count VI.

To state a cause of action for intentional infliction of emotional distress the courts have relied on the requirements set forth in Restatement (Second) of Torts, Section 46 (1965). *Schweihs v. Chase Home Finance, LLC*, 2016 IL 120041, ¶¶49-52. Those requirements provide that a party must allege facts to establish:

1. The defendant's conduct was extreme and outrageous;
2. The defendant either intended that his conduct should inflict severe emotional distress or knew that there was a high probability that his conduct would cause severe emotional distress; and,
3. The defendant's conduct in fact caused severe emotional distress. *Doe v. Calumet City*, 161 Ill. 2d 374, 392 (1994).

Several factors have been identified that should be considered in determining whether a defendant's conduct may be deemed outrageous. *Kolegas v. Heftel Broadcasting Corp.*, 154 Ill. 2d 1, 21 (1992). The extreme and outrageous nature of the conduct may arise from the defendant's abuse of some position that gives him authority over the plaintiff or the power to affect the plaintiff's interests. *Mcgrath v. Fahey*, 126 Ill. 2d 78, 86-87 (1988). Another factor to be considered is the reasonableness of a defendant's belief that his objective is legitimate. *Mcgrath, supra*, 89. The outrageousness of a defendant's conduct must be determined in view of all the facts and circumstances pled and proved in a particular case. *Mcgrath, supra*, 90.

The Court should not grant a 2-615 Motion to Dismiss unless it is clear, from the factual allegations and the reasonably permissible inferences therefrom, that no set of facts could be proved that would entitle the plaintiff to recover under the law. The Court finds that Plaintiff has alleged sufficient ultimate facts to support the required elements to state a cause of action for intentional infliction of emotional distress in both Counts V and VI.

This Court holds that Parker's and Danley's Motion to Dismiss Counts V and VI should be denied.

(Count VII)

In Count VII, Plaintiff alleges civil conspiracy against all defendants. A civil conspiracy involves two or more persons combining to accomplish either a lawful purpose by unlawful means or an unlawful purpose by lawful means. *Smith v. Eli Lilly & Co.*, 137 Ill. 2d 222, 235 (1990). The elements required to state a cause of action for civil conspiracy include:

1. An agreement between two or more persons;
2. To participate in an unlawful act, or a lawful act in an unlawful manner;
3. An injury caused by an unlawful overt act performed by one of the parties; and,
4. The overt act was done pursuant to and in furtherance of the common scheme. *Vance v. Chandler*, 231 Ill. App. 3d 747, 750 (3rd Dist. 1992).

In Count VII, Plaintiff alleges, in part:

- A. Defendants engaged in coordinated actions including, but not limited to, engaging in, encouraging, or failing to prevent an ongoing pattern of sexual extortion committed by Brady Allen while he was an Assistant State's Attorney, including against Plaintiff;
- B. Defendants met together on August 23, 2020, to reach an agreement that Brady Allen would resign in order to protect Jesse Danley's political ambitions and allow Danley to suppress Allen's criminal investigation;
- C. Defendants crafted and disseminated a false public narrative that allegations against Allen were politically motivated, including secretly drafting materials under Allen's name to discredit Plaintiff and deflect scrutiny;

- D. Defendants assisted Allen in communicating with the Illinois State Police and public while he was represented by counsel, in violation of Illinois Rule of Professional Conduct 4.2;
- E. Defendants knowingly delayed the appointment of a special prosecutor for nearly two years, despite an admitted conflict of interest, and falsely claimed the Illinois State Police investigation had concluded without action;
- F. Defendants drafted and filed pleadings minimizing Allen's misconduct as mere ethical issues, despite contemporaneous knowledge of multiple criminal complaints and an ongoing investigation;
- G. Defendants suppressed or omitted key facts from official disclosure to the Illinois Attorney General and the public, including concealing the frequency and nature of their communications; and,
- H. Defendants encouraged or allowed Allen to contact and attempt to intimidate victims and witnesses, including facilitating such contact post-resignation.

Defendants alleged the foregoing acts were undertaken in concert to shield Brady Allen from criminal liability, discredit Plaintiff, and prevent public exposure of misconduct.

This Court holds under the analysis required in deciding Defendants 2-615 Motion to Dismiss, Plaintiff has stated a cause of action for civil conspiracy against Defendants Brady Allen, Ronda Parker, and Jesse Danley. Defendants Motion to Dismiss Count VII pursuant to 2-615 should be denied.

(Count IX)

In Count IX Plaintiff alleges violations of the Gender Violence Act, under 740 ILCS 80/11, against Jesse Danley, individually. The Count is not brought against Danley in his official capacity as Coles County States Attorney.

Plaintiff alleges Allen was employed by the Coles County State's Attorney's Office as an Assistant State's Attorney and was acting as an agent of his employer, Danley, who served first as interim and then as Elected Coles County State's Attorney.

Plaintiff alleges while serving as an Assistant State's Attorney Allen used his position of authority to perpetrate gender-related violence, including coercive sexual solicitations, threats, and demands directed at Plaintiff and others.

Plaintiff alleges Danley acted in a manner inconsistent with how a reasonable employer would act under similar circumstances by:

- A. Failing to supervise or monitor Allen despite widespread rumors and conspicuous behavior, including frequent closed-door meetings with young female defendants during business hours;
- B. Failing to investigate complaints or concerns raised by attorneys such as Thomas Bruno, who warned of Allen's use of personal phones to contact female defendants for improper reasons;
- C. Delegating or approving the dissemination of a press release denying the allegations against Allen as "politically motivated", despite having contemporaneous knowledge of credible victim reports, including those by Plaintiff and Brianna Lee;
- D. Assisting Allen in drafting a resignation narrative, that falsely accused Plaintiff of fabricating police reports, which was ultimately used to defame and discredit Plaintiff before law enforcement; and,
- E. Failing to take remedial action for over 660 days following Allen's resignation, while simultaneously maintaining private communication with Allen and stalling the appointment of a special prosecutor.

Plaintiff contends Danley is liable pursuant to 740 ILCS 82/11(b)(1), because he failed to supervise, train, or monitor Allen; and pursuant to 82/11(b)(2), because Danley as Allen's supervisor, failed to investigate credible reports of Allen's misconduct that were either directly provided or publicly known; and, Danley failed to take any timely remedial measures despite having both the authority and obligation to do so.

Plaintiff argues Count IX is timely filed within the four-year limitation period provided in 740 ILCS 82/20 for employer liability, and is further tolled under 735 ILCS 5/13-215 due to Danley's fraudulent concealment of his knowledge and complicity in Allen's conduct.

The provisions of 740 ILCS 82/11, under which Plaintiff claims Danley is liable, apply to "Employers" for gender-related violence committed in the workplace by an employee or agent of the employer when the interaction giving rise to the gender-related violence arises out of and in the course of employment. Section 82/11, relied upon by Plaintiff, does not apply to individuals.

The provisions of the Gender Violence Act under 82/11 (b)(1) and (b)(2) do not apply to persons in their individual capacity. Plaintiff brings Count IX against

Danley in his individual capacity and not in his official capacity as Coles County State's Attorney as the employer of Allen.

In addition to the pleading issue naming Danley in his individual capacity and not in his capacity as Coles County State's Attorney, the Court also finds the allegations in Count IX do not constitute the specific ultimate facts necessary to state a cause of action under Section 82/11 of the Gender Violence Act. This Court holds Defendant Danley's 2-615 Motion to Dismiss Count IX should be granted.

(Parker's and Danley's 2-619 Motion)

Defendants contend that Plaintiff's Intentional Infliction of Emotional Distress claims (Counts V and VI), and the Conspiracy Claims (Count VII) are barred by Illinois' two-year claims limitations for personal injury torts.

Defendants Parker and Danley argue Plaintiff does not provide any dates that could comprise an alleged accrual date for the claims in Counts V and VI of her Amended Complaint. Regarding Count VII, Defendants argue the latest date in the Amended Complaint alleging civil conspiracy is August 23, 2020. Based on those arguments Defendants contend no acts or omissions alleged in Counts V, VI and VII, occurred within the two-year limitation period using the accrual date of August 23, 2020 and therefore those claims are time barred.

The purpose of a section 2-619 motion is to dispose of issues of law and easily proved issues of fact early in the litigation.

A 2-619 motion admits the legal sufficiency of the complaint and presumes a valid cause of action exists but raises defects, defenses or other affirmative matters which appear on the face of the complaint or are established by external submissions which negate the plaintiff's cause of action.

After careful consideration of the pleadings, motions and arguments, at this stage of the proceeding the Court concludes material facts exist which preclude the Court from determining whether Defendants' 2-619 defenses apply or whether Plaintiff's fraudulent concealment argument is viable.

This Court holds that Defendant Parker's and Danley's Motion to Dismiss Counts V, VI and VII pursuant to 2-619 should be denied.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant Parker's 2-615 Motion to Dismiss Count I for defamation be, and the same is hereby, granted. Plaintiff shall have thirty (30) days to file an amended Count I.

IT IS FURTHER ORDERED that Defendant Danley's 2-615 Motion to Dismiss Count II for defamation be, and the same is hereby, granted. Plaintiff shall have thirty (30) days to file an amended Count II.

IT IS FURTHER ORDERED that Defendant Parker's 2-615 and 2-619 Motions to Dismiss Count V for intentional infliction of emotional distress be, and the same are hereby, denied. Defendant shall have thirty (30) days to answer or otherwise plead.

IT IS FURTHER ORDERED that Defendant Danley's 2-615 and 2-619 Motions to Dismiss Count VI for intentional infliction of emotional distress be, and the same are hereby, denied. Defendant shall have thirty (30) days to answer or otherwise plead.

IT IS FURTHER ORDERED that Defendant Parker's and Danley's 2-615 and 2-619 Motions to Dismiss Count VII for civil conspiracy be, and the same are hereby, denied. Defendants shall have thirty (30) days to answer or otherwise plead.

Entered: October 22, 2025


Circuit Judge