

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

JAMES MCFARLAND )

Plaintiff, )

Vs. )

No: 2023LA000197

MAYOR ROBERT O'DEKIRK, )  
INSPECTOR GENERAL SEAN CONNOLLY, )  
and The CITY OF JOLIET, )

Defendants )

**COMPLAINT AT LAW FOR DEFAMATION**

Plaintiff, JAMES MCFARLAND, by his attorney, John V. Schrock, and for his  
Complaint at Law, States as follows:

**I. STATEMENT OF FACTS**

1. At all times relevant, Plaintiff is a resident of Frankfort, Will County, Illinois.  
2. Plaintiff runs a printing business in Frankfort. Plaintiff has a good reputation  
in Will County Illinois for running a successful, trustworthy and honest printing  
business.

3. That prior to the events described below, Plaintiff was a resident of Joliet,  
residing at 911 Addleman, Joliet, Will County, Illinois.

4. That prior the events described below, Plaintiff was elected to the City of Joliet  
Council as a Councilman in April of 2013.

5. That in September of 2016, Plaintiff moved from his 911 Addleman, Joliet  
address to his present address in Frankfort Illinois and resigned from his position as a  
City of Joliet Councilman.

**Initial case management set for**  
**7/11/2023 at: 9:00 a.m.**

6. That from September of 2016 to the present time, Plaintiff has not been held any political office.

7. That from September of 2016 to the present time, Plaintiff has not been involved in any public matters, and has not been involved in any matters of public interest in Joliet Illinois.

8. That from September of 2016 to the present, Plaintiff has been a private citizen and not involved in any public matters.

9. The CITY OF JOLIET is an Illinois Municipal Corporation organized as a council form of local government.

10. At all times relevant, ROBERT O'DEKIRK, is the mayor of the CITY OF JOLIET.

11. On March 7, 2022, Mayor ROBERT O'DEKIRK engaged SEAN CONNOLLY as the Inspector General for the City of Joliet. See Engagement Agreement attached hereto as Exhibit A.

12. That pursuant to the Engagement Agreement, SEAN CONNOLLY was appointed as inspector general to provide services consistent with Illinois Law and City of Joliet Ordinances.

13. That pursuant to the City of Joliet Ordinances Article XVI, Section 2-506 the inspector general of the city of Joliet enumerated duties are as follows:

(a) The inspector general shall have the following powers and duties:

1. To investigate the performance of governmental officers, employees, functions and programs, either in response to complaint or on the inspector general's own initiative, in order to detect and prevent

misconduct, inefficiency and waste within the programs and operations of the city government;

2. To promote economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the city government by reviewing programs, identifying any inefficiencies, waste and potential for misconduct therein, and recommending to the mayor and the city council policies and methods for the elimination of inefficiencies and waste, and the prevention of misconduct;

3. To report to the mayor concerning results of investigations undertaken by the office of inspector general;

4. To request information related to an investigation from any employee, officer, agent or licensee of the city;

5. To administer oaths and to examine witnesses under oath;

6. To issue subpoenas to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection and/or duplication; and

7. To promulgate rules and regulations for the conduct of investigations and public hearings consistent with the requirements of due process of law and equal protection under the law.

(b) Nothing in this article shall preclude the corporation counsel or inspector general from referring a complaint or information to the state's attorney or the appropriate federal, state or local law enforcement authorities.

(c) The powers and duties of the inspector general shall extend to the conduct of the following:

1. Except as limited in this article, all employees and all elected and appointed officers of the city government in the performance of their official duties;

2. All contractors and subcontractors in the providing of goods or services to the city pursuant to a contract;

3. Business entities in seeking contracts or certification of eligibility for city contracts;

4. Persons seeking certification of eligibility for participation in any city program; and

5. Charitable organizations and other governmental bodies to which the City of Joliet lends either financial or other support.

(d) Complaints.

1. Notwithstanding any other provision in this article to the contrary, if the office of the inspector general receives or is referred a complaint against any city official, city employee or any other person, the inspector general, after reviewing the complaint, may only:

a. Decline to open an investigation if he determines that the complaint lacks foundation; or

b. Refer the matter to the supervisor of the employee or official if he determines that the potential violation is minor and can be resolved internally as a personnel matter; or

c. Open an investigation.

2. Notwithstanding any other provision in this article to the contrary, at any point during an investigation that the inspector general conducts, the inspector general may only:

a. Dismiss the matter and close the investigation based on a finding that the alleged violation is not sustained; or

b. Refer the matter to the state's attorney or the appropriate federal, state or local law enforcement authorities, if he reasonably believes that the alleged misconduct would violate a criminal statute; or

c. Refer the matter to the mayor and the city manager for appropriate administrative action.

14. That pursuant to the City of Joliet Ordinances, Article XVI, Section 2-510, all investigatory files and reports of the office of inspector general shall be deemed confidential.

15. That the City of Joliet Ordinances do not provide SEAN CONOLLY with the power to investigate a private person who is:

a. Not a citizen of the City of Joliet.

b. Not an official, officer, employee, or agent of the city of Joliet.

c. Not involved with any function or program of the City of Joliet.

d. Not a contractor or subcontractor for the City of Joliet.

15. From September of 2016 to the present, Plaintiff has not been:

a. A citizen of the City of Joliet.

b. An official, officer, employee or agent of the City of Joliet.

c. Involved with any function or program of the City of Joliet.

d. A contractor or subcontractor for the City of Joliet.

16. On November 2, 2020, Donald Dickinson, a City of Joliet Councilman (hereinafter "Dickinson") made an offense report with the Joliet Police Department. (Hereinafter "Dickinson Report" attached hereto as Exhibit B). In the Dickinson Report, Dickinson asserted that at an Executive Session of the City of Joliet Council in March of 2020, Mayor ROBERT O'DEKIRK intimidated Dickinson into not running for re-election by stating that "and you Dickinson, the truth is going to come out about you". See page 3 of Exhibit B.

17. Dickinson believed that Mayor ROBERT O'DEKIRK had obtained photos that Dickinson had sent to a person of a sensitive nature and that Mayor ROBERT O'DEKIRK would use the photos against Dickinson if Dickinson ran for re-election and that Dickinson felt pressured to vote according to how Mayor ROBERT O'DEKIRK wants. (See page 3 of Dickinson Report).

18. On October 23, 2020, Plaintiff had a telephone conversation with Dickinson in which Plaintiff urged Dickinson to not resign from the City of Joliet Council.

19. On November 9, 2020, the Illinois State Police (hereinafter “ISP”) began an investigation into the allegation by Dickinson that he was intimidated by Mayor ROBERT O’DEKIRK from running for Joliet City Council by holding a nude picture over Dickinson. (Hereinafter “ISP Investigation”). See Exhibit C.

20. That Dickinson on December 1, 2020, was interviewed by the ISP as part of the ISP investigation.

21. During the December 1, 2020, ISP interview, Dickinson stated the following:

a. That on October 31, 2020, Plaintiff had Called Dickinson.

b. That during the October 31, 2020, phone call, Plaintiff told Dickinson that O’Dekirk was going around and telling people that he had a picture of Dickinson’s “stuff” referring to Dickinson’s genital area.

c. That Plaintiff had heard from a Prominent Elected Will County Official that the picture of Dickinson’s genital area had been sent to O’Dekirk.

d. That Plaintiff told Dickinson that Plaintiff had obtained this information from the Prominent Elected Will County Official at a party that the Prominent Elected Will County Official hosted at his house on October 30, 2020.

22. That on April 15, 2021, the former Joliet Police Chief, Alan Roechner was interviewed by the ISP. During the April 15, 2021, ISP interview, Alan Roechner stated that:

a. Dickinson had been told by Plaintiff about the pictures.

b. Roechner advised that Plaintiff had called him and told him about an event Plaintiff was at with the Prominent Elected Will County Official.

c. That Plaintiff indicated that he and the Prominent Elected Will County Official were talking about the pictures that O’Dekirk had of Dickinson.

23. That the ISP as part of the ISP Investigation did a forensic examination of

Dickinson's cell phone.

24. That the ISP forensic examination of Dickinson's phone revealed the following:

- a. The log of the telephone call between Dickinson and Plaintiff on October 23, 2020, had been deleted.
- b. The log of the telephone calls between Dickinson and Joe Hosey, the then Editor of the Herald News, Turk, Alan Roechner and Marc Reid on October 23, 2020, had been deleted.
- c. Dickinson had typed out a note in his phone explaining his allegations which he sent to Roechner before Dickinson had his telephone conversation with Plaintiff on October 23, 2020. See Exhibit D.

25. That on November 24, 2020, the Prominent Elected Will County Official was interviewed by the ISP as part of the ISP Investigation. During the interview, the Prominent Elected Will County Official stated:

- a. He did not have a party at his residence on October 30, 2020.
- b. On October 30, 2020, he had his mother and father-in-law over for dinner to celebrate his birthday.
- c. The only people at his birthday dinner at his residence on October 30, 2020, were his mother, his father-in-law, his wife and his two sons.
- d. He had not seen Plaintiff since March of 2020.
- e. Plaintiff had not been to his house.
- f. He had not seen any sensitive photos of Dickinson and had no knowledge of any sensitive photos of Dickinson.

26. That the statements that Dickinson made to the ISP as alleged in Paragraph 20 above were objectively false in the following respects:

- a. The phone call between Plaintiff and Dickinson occurred on October 23, 2020, and not on October 31, 2020, as confirmed by the deleted phone call log that the ISP recovered from Dickinson's phone.
- b. Plaintiff could not have went to a party at the Prominent Elected Will County Official's residence on October 30, 2020, as that was after the October 23, 2020, telephone call between Plaintiff and Dickinson.

c. Plaintiff could not have went to a party at the Prominent Elected Will County Official residence on October 30, 2020 as the Prominent Elected Will County Official had a birthday dinner at his residence and Plaintiff was not in attendance.

d. Plaintiff could not have went to a party at the Prominent Elected Will County Official residence on October 30, 2020 as the Prominent Elected Will County Official had not seen Plaintiff since March of 2020.

e. The Prominent Elected Will County Official had not seen any sensitive photos of Dickinson and had no knowledge of any sensitive photos of Dickinson.

27. That the statements that Alan Roechner made to the ISP as part of the ISP Investigation as stated above in paragraph 19 above were objectively false in the following respects:

a. Plaintiff could not have went to an event with the Prominent Elected Will County Official on October 30, 2020, as the event would have been after the October 23, 2020 telephone call between Plaintiff and Dickinson.

b. Plaintiff could not have been discussing the pictures with the Prominent Elected Will County Official when the Prominent Elected Will County Official had not seen the Plaintiff since March of 2020.

c. Plaintiff could not have been discussing the pictures with the Prominent Elected Will County Official when the Prominent Elected Will County Official had not seen any sensitive photos of Dickinson and had no knowledge of any sensitive photos of Dickinson.

28. The ISP completed the ISP investigation on June 30, 2021.

29. That after SEAN CONNOLLY was engaged as inspector general by Mayor ROBERT O'DEKIRK on March 7, 2022, SEAN CONNOLLY began a partisan, unfair, biased, investigation that was outside the standards generally recognized by inspector generals to apply to their investigations to target Plaintiff. The investigation by SEAN CONNOLLY of Plaintiff was outside SEAN CONNOLLY'S enumerated powers as



Plaintiff who was a private person and was not a resident, official, officer, agent, subcontractor, contractor of the City of Joliet or involved in any function or program of the City of Joliet.

30. That SEAN CONNOLLY knew that he had no authority to investigate Plaintiff for any reason. On the City Of Joliet website at

<https://www.joliet.gov/government/departments/inspector-general> SEAN CONNOLLY described the Office of the Inspector General functions:

### **Department Information**

The Office of the Inspector General priorities are the prevention, deterrence, detection and investigation of fraud, abuse, mismanagement and waste in the City of Joliet's programs and operations.

The Inspector General is an independent, non-partisan party for the taxpayers of the City, and has jurisdiction to conduct investigations, audits and reviews of most aspects of City government. The Inspector General is appointed by the Mayor, subject to the approval of the City Council.

The Inspector General responsibilities include, but are not limited to, the following:

- Investigation of suspected contract fraud
- Investigation of suspected corrupt City elected and appointed leaders
- Investigation of employees suspected of misconduct
- Investigations of suspected fraud, waste, mismanagement, and abuse
- Inspections and reviews of City programs and operations

To report an allegation of fraud, waste, mismanagement, corruption or misconduct, please contact the Inspector General directly.

Sean Connolly  
[sconnolly@joliet.gov](mailto:sconnolly@joliet.gov)  
[jolietig@joliet.gov](mailto:jolietig@joliet.gov)  
331-401-3730

31. On March 1, 2023, SEAN CONNOLLY prepared a Report of Investigation.

(Hereinafter "Connolly Report") A copy of the CONNOLLY REPORT is attached hereto

as Exhibit E.

32. Thereafter, despite the fact that the City of Joliet Inspector Ordinance requires that inspector general reports are to be confidential, the Connolly Report was published on the CITY OF JOLIET website. See <https://www.joliet.gov/> and <https://www.joliet.gov/government/departments/inspector-general> .

33. That the Connolly Report, SEAN CONNOLLY makes the following false and defamatory statements concerning Plaintiff.

a. That plaintiff, referred to as a former Councilman, on November 1, 2020 met at Alan Roechner's house and conspired with others to charge the Mayor of Joliet, Robert O'Dekirk with a criminal charge they knew or should have known was false and the goal was to damage the reputation of their political rival, Mayor O'Dekirk. See Page 2, Part II Executive Summary, Paragraph 1 of Connolly Report, Exhibit E.

b. That Plaintiff, to perpetrate a fraud, Plaintiff and others pressured Dickinson into filing an incident report against Mayor O'Dekirk containing information that was false. See Page 2, Part II Executive Summary, paragraph 2 of Connolly Report, Exhibit E.

c. The conspiracy was hatched at Roechner's home on a Sunday night. In attendance were former Joliet Councilman James McFarland, Councilman Donald Dickinson, Councilman Patrick Mudron, Deputy Chief Marc Reid, Chief Alan Roechner and Joseph Hosey. See Part III Conduct of the Investigation A. Interviews pages 4-5 of Connolly Report, Exhibit E.

d. McFarland owns a print and marketing company in Frankfort. He also claims to be a social worker, however, there is no record of McFarland holding a social worker license in Illinois. See Part III Conduct of the Investigation A. Interviews page 7 of Connolly Report, Exhibit E.

e. James McFarland is a former City of Joliet Councilman who owns a printing business and currently works as a "social worker." According to Dickinson, McFarland was present at the November 1, 2020, meeting at Roechner's residence and the person who told Dickinson that that Mayor O'Dekirk was telling people he had photographs of Dickinson's genitals. In his interview with ISP, Dickinson said McFarland told him he heard from

\_\_\_\_\_ at a party \_\_\_\_\_ hosted at his house that a female sent a picture of Dickinson's genital area to Joseph Clement who then forwarded it to Mayor O'Dekirk. McFarland's story is complete fabrication. See Part IV. Analysis, page 12 of Connolly Report, Exhibit E.

f. Regarding James McFarland, he lied about being told by \_\_\_\_\_ that Mayor O'Dekirk had photos of Dickinson's genitals. See Aftermath of Meeting and Incident report. Page 17 of Connolly Report, Exhibit E.

g. James McFarland attended the November 1, 2020, meeting at Alan Roechners residence. The purpose of this meeting was to conspire to falsely accuse Mayor Robert O'Dekirk with intimidation of Donald Dickinson. Page 20 of the Connolly Report, Exhibit E.

h. James McFarland lied about attending a party at \_\_\_\_\_ residence in October 2020. Page 20 of Connolly Report, Exhibit E.

i. James McFarland lied about being told by \_\_\_\_\_ that a female had sent a picture of Donald Dickinson's genital area to Joseph Clement who then sent the picture to Mayor O'Dekirk. Page 20 of Connolly Report, Exhibit E.

j. That the City of Joliet publicly condemn James McFarland's role in the conspiracy. Page 21 of Connolly Report, Exhibit E.

k. For the Illinois Attorney General to prosecute the above referred criminal offenses as opposed to a special prosecutor. Page 22 of Connolly Report, Exhibit E.

34. That Plaintiffs' only communication with Dickinson was the October 23, 2022, telephone call in which Plaintiff urged Dickinson not to resign.

35. That Plaintiff never attended any meeting with any persons alleged in the Connolly Report on October 30, 2020, or on November 1, 2020.

36. That Plaintiff never attended any party at the Prominent Elected Will County Official's house.

37. That Plaintiff never attended any meeting at Alan Roechners residence.

38. Plaintiff never conspired with others to charge the Mayor of Joliet, Robert

O'Dekirk with criminal charge.

39. Plaintiff never perpetrated a fraud by pressuring Dickinson into filing an incident report against Mayor O'Dekirk containing information that was false.

40. Plaintiff has never claimed that he is a social worker.

41. Plaintiff did not lie about being told by a Prominent Elected Will County Official that Mayor O'Dekirk had photos of Dickinson's genitals and Plaintiff had no conversations with the Prominent Elected Will County Official about Dickinson at all.

42. On March 13, 2023, at a City of Joliet Council meeting, discussing the Connolly Report Mayor ROBERT O'DEKIRK made the following statements concerning the Connolly Report:

"I have known for over 2 years the truth of what happened here. I did not know the extent of it. I did not know all of the people involved. That's coming to light now. I want to thank Sean Connolly and Marty Walsh for bringing this to light."

"I am happy that it came to light now, it should not have taken two years."

"I simply want to say that, again, I am happy finally feel some vindication for something that I knew was not true I am happy because I know where this is going, I know that the corrupted people involved are all going to pay the price for what they did."

See youtube video at <https://www.youtube.com/watch?v=8fuKpe7e0f4>

43. That based on his statements at the March 13, 2023, City of Joliet Council Meeting Mayor ROBERT O'DEKIRK approved the Connolly report which targeted Plaintiff even though SEAN CONNOLLY, in preparing the Connolly report went outside his enumerated powers by including in his report nonfactual and Defamatory statements about plaintiff as alleged above even though Plaintiff who was a private

person and was not a resident, official, officer, agent, subcontractor, contractor of the City of Joliet or involved in any function or program of the City of Joliet.

44. That based on his statements at the March 13, 2023, City of Joliet Council Meeting, Mayor ROBERT O'DEKIRK authorized the improper publication of the Connolly report on the City of Joliet website even though the City of Joliet ordinances require that Inspector General reports be kept confidential.

45. That based on his statements at the March 13, 2023, City of Joliet Council Meeting, Mayor ROBERT O'DEKIRK adopted the Connolly report as being truthful and as stating facts and published the Connolly report himself.

**I. COUNT I**  
**DEFAMATION PER SE AGAINST**  
**MAYOR ROBERT O'DEKIRK**

1-45. Plaintiff adopts and incorporates paragraphs 1-45 of the Statement of Facts as though fully stated herein as Paragraphs 1-45 of Count I.

46. That the publishing of the Connolly report by Mayor ROBERT O'DEKIRK on March 13, 2023, establishes that Mayor ROBERT O'DEKIRK made statements that Plaintiff had committed the criminal offense of conspiracy.

47. That 720 ILCS 5/8-2 defines the offence of Criminal Conspiracy as follows:

Elements of the offense. A person commits the offense of conspiracy when, with intent that an offense be committed, he or she agrees with another to the commission of that offense. No person may be convicted of conspiracy to commit an offense unless an act in furtherance of that agreement is alleged and proved to have been committed by him or her or by a co-conspirator.

(b) Co-conspirators. It is not a defense to conspiracy that the person or persons with whom the accused is alleged to have conspired:

- (1) have not been prosecuted or convicted,
- (2) have been convicted of a different offense,
- (3) are not amenable to justice,
- (4) have been acquitted, or
- (5) lacked the capacity to commit an offense.

48. That the assertions that Mayor ROBERT O'DEKIRK published was that Plaintiff was part of criminal conspiracy to pressure Dickinson to file a false police report to intimidate Mayor O'Dekirk. This assertion by Mayor ROBERT O'DEKIRK is capable of objective verification and is not protected as an opinion.

49. That as a result of the publishing by Mayor ROBERT O'DEKIRK on March 13, 2023, that Plaintiff was part of criminal conspiracy to pressure Dickinson to file a false report to intimidate Mayor O'Dekirk has caused damage to Plaintiff's reputation as person in Frankfort Illinois and has damaged his business reputation as running a successful, trustworthy and honest printing business.

WHEREFORE, Plaintiff, JAMES MCFARLAND, Prays for entry of Judgment in his favor and against Defendant Mayor ROBERT O'DEKIRK in a sum in excess of \$50,000.00 and costs.

**COUNT II**  
**DEFAMATION PER SE AGAINST**  
**SEAN CONNOLLY**

1-45. Plaintiff adopts and incorporates paragraphs 1-47 of the Statement of Facts as though fully stated herein as Paragraphs 1-47 of Count II.

46. The Connolly Report contains statements that Plaintiff had committed the criminal offense of conspiracy.

47. That 720 ILCS 5/8-2 defines the offence of Criminal Conspiracy as follows:

Elements of the offense. A person commits the offense of conspiracy when, with intent that an offense be committed, he or she agrees with another to the commission of that offense. No person may be convicted of conspiracy to commit an offense unless an act in furtherance of that agreement is alleged and proved to have been committed by him or her or by a co-conspirator.

(b) Co-conspirators. It is not a defense to conspiracy that the person or persons with whom the accused is alleged to have conspired:

- (1) have not been prosecuted or convicted,
- (2) have been convicted of a different offense,
- (3) are not amenable to justice,
- (4) have been acquitted, or
- (5) lacked the capacity to commit an offense.

48. That the assertions in the Connolly Report that Plaintiff was part of criminal conspiracy to pressure Dickinson to file a false police report to intimidate Mayor O'Dekirk are assertions that are capable of objective verification and are not protected as opinions.

49. SEAN CONNOLLY in the Connolly report made statements that Plaintiff had an inability or want of integrity in the performance of his duties as a print shop owner in Frankfort Illinois.

50. The assertion by SEAN CONNOLLY in the Connolly report that Plaintiff claimed that he is a social worker but did not have a license to be a social worker are assertions that are capable of objective verification and are not protected as opinions.

51. SEAN CONNOLLY had knowledge that he had no ability to investigate Plaintiff, much less issue a report concerning Plaintiff as Plaintiff had no ties to the City of Joliet at the time of SEAN CONNOLLY'S investigation and the publication of his report.

52. SEAN CONNOLLY had knowledge that Plaintiff was not and could not have

been part of any criminal conspiracy to pressure Dickinson to file a false police report to intimidate Mayor O'Dekirk due to the facts that:

a. The ISP had determined that the telephone call between Plaintiff and Dickinson was on October 23, 2020, which was before the purported meetings falsely stated by Dickinson of October 30, 2020, and November 1, 2020.

b. No witness ever placed Plaintiff at the November 1, 2020, meeting at Alan Roechners residence.

c. The Prominent Elected Will County Official provided objective verifiable proof that there was no meeting at his house on October 30, 2020; that he had not spoken to Plaintiff since March of 2020, and that he had no knowledge of anything concerning Dickinson or the pictures.

d. The ISP established that Dickinson had deleted his telephone logs of his calls with Plaintiff and Hosey, Turk, Alan Roechner and Reid all on October 23, 2020;

e. The ISP established that Dickinson typed out a note explaining his allegations against O'Dekirk and sent the note to Alan Roechner prior to his telephone conversation with Plaintiff on October 23, 2020.

53. The above timeline establishes that Plaintiff was not part of any of any criminal conspiracy to pressure Dickinson to file a false police report.

54. Despite the timeline which established that Dickinson and Roecher made false statements and which proves that Plaintiff had no part in any criminal conspiracy to pressure Dickinson to file a false police report, SEAN CONNOLLY ignored the facts established by the timeline and made the false and defamatory statements in the Connolly Report that Plaintiff had committed Criminal Conspiracy by pressuring Dickinson to file a false police report to intimidate Mayor O'Dekirk.

55. Further, in a deliberate attempt to damage Plaintiff's reputation and to also



damage Plaintiffs' print shop business in Frankfort Illinois, Connolly also falsely stated in the Connolly Report that:

“James McFarland is a former City of Joliet Councilman, who owns a printing business and currently works as a “social worker.” See Page 5 of Connolly report.

“McFarland owns an print and marketing company in Frankfort; he also claims to be a social worker, however, there is not record of McFarland holding a social worker license in Illinois. See pages 6-7 of the Connolly report.

56. That Plaintiff owns a print shop in Frankfort is not relevant in any way to any legitimate investigation of a City of Joliet issue or concern and was included by SEAN CONNOLLY in the Connolly Report for the sole purpose of casing harm to Plaintiff's Print shop business.

57. SEAN CONNOLLY intentionally caused harm to Plaintiff's print shop business when he falsely and with no factual support stated that Plaintiff works as a social worker without a license to do social work.

58. SEAN CONNOLLY acted with actual malice to harm Plaintiff and Plaintiff's Frankfort print shop business.

59. That as a result of the publishing of the Connolly report Plaintiff's reputation as person in Frankfort Illinois has been damaged. Further, Plaintiff's Frankfort print shop business has been damaged.

60. That SEAN CONNOLLY'S acting with actual malice towards Plaintiff and Plaintiff and Plaintiff's Frankfort print shop business requires an award of Punitive Damages in favor of Plaintiff and against SEAN CONNOLLY.

WHEREFORE, Plaintiff, JAMES MCFARLAND prays for entry of a Judgment in his favor and against Defendant SEAN CONNOLLY in a sum in excess of \$50,000.00 plus an award of punitive damages and costs.

**COUNT III**  
**DEFAMTION PER SE AGAINST THE CITY OF JOLIET**

1-45. Plaintiff adopts and incorporates paragraphs 1-45 of the Statement of Facts as though fully stated herein as Paragraphs 1-45 of Count III.

45. That the publishing of the Connolly report by the CITY OF JOLIET on its Means that the CITY OF JOLIET has made statements that Plaintiff had committed the criminal offense of conspiracy.

46. That 720 ILCS 5/8-2 defines the offence of Criminal Conspiracy as follows:

Elements of the offense. A person commits the offense of conspiracy when, with intent that an offense be committed, he or she agrees with another to the commission of that offense. No person may be convicted of conspiracy to commit an offense unless an act in furtherance of that agreement is alleged and proved to have been committed by him or her or by a co-conspirator.

(b) Co-conspirators. It is not a defense to conspiracy that the person or persons with whom the accused is alleged to have conspired:

- (1) have not been prosecuted or convicted,
- (2) have been convicted of a different offense,
- (3) are not amenable to justice,
- (4) have been acquitted, or
- (5) lacked the capacity to commit an offense.

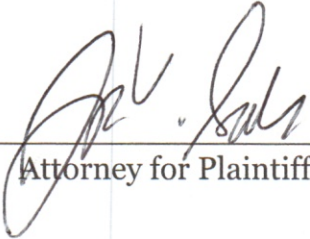
47. That the assertions in the Connolly Report that Plaintiff was part of criminal conspiracy to pressure Dickinson to file a false police report to intimidate Mayor O'Dekirk are assertions that are capable of objective verification and are not protected as opinions.

48. That the publishing of the Connolly report by the CITY OF JOLIET on its website contained statements that Plaintiff had an inability or want of integrity in the performance of his duties as a print shop owner in Frankfort Illinois.

49. The assertions in the Connolly report published by the CITY OF JOLIET on its website that Plaintiff claimed that he is a social worker but did not have a license to be a social worker are assertions that are capable of objective verification and are not protected as opinions.

50. That as a result of the republishing of the Connolly report by the CITY OF JOLIET on its website has damaged Plaintiff's reputation as person in Frankfort Illinois and has damaged his Frankfort print shop business.

WHEREFORE, Plaintiff, JAMES MCFARLAND, Prays for entry of Judgment in his favor and against Defendant CITY OF JOLEIT in a sum in excess of \$50,000.00 and costs.

By:   
Attorney for Plaintiff

John V. Schrock-6201876  
John Schrock Law  
24047 West Lockport Street  
Suite 201-M  
Plainfield, IL. 60544  
815-246-3100  
[jvschrock@netscape.net](mailto:jvschrock@netscape.net)