

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|--|---|----------------------------|
| KAREN FELDMAN, KARIMAR BROWN, SOOJAE LEE, |) | |
| |) | No. 18-CV-7301 |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| DANIEL DIDECH, individually and in his official Capacity as Vernon Township Supervisor; Vernon Township, an Illinois township; and John Does 1-5, |) | Jury Trial Demanded |
| |) | |
| Defendants. |) | |

VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES

The Plaintiffs, by their attorneys, Keith L. Hunt in Bradley E. Faber of Hunt & Associates, P.C., complain against the Defendants as follows:

INTRODUCTION

The Plaintiffs are Republican candidates for various Illinois State and Lake County offices. Defendant Didech is a Democrat running for State Representative against Plaintiff Feldman (Republican). Didech is also Township Supervisor in Vernon Township. Each Plaintiff, along with several other Republican Candidates placed campaign signs at or near Peterson Park in the Village of Vernon Hills. Defendants purporting to act under color of law, removed or caused to be removed Republican campaign signs from Peterson Park, including political signs promoting Plaintiffs' candidacies thereby violating Plaintiffs' constitutionally guaranteed rights of free speech and free political association.

PARTIES

1. Plaintiff Karen Feldman is a Republican candidate for Illinois State Representative. Feldman was and is at all relevant times a resident and citizen of Lake County Illinois.

2. Plaintiff Karimar Brown is a Republican candidate for Lake County Board. Brown was and is at all relevant times a resident and citizen of Lake County Illinois.

3. Soojae Lee is a Republican candidate running for the Illinois Senate. Lee was and is at all relevant times a resident and citizen of Lake County, Illinois.

4. Defendant Didech is a Democratic candidate for Illinois State Representative running against Feldman.

5. Didech is the Town Supervisor of Vernon Township and is a resident and citizen of Vernon Township in this judicial district.

6. Vernon Township is an Illinois township organized under the Illinois Township Code and is located in this judicial district.

7. John Does 1-5 are unknown individuals employed by Vernon Township and who, on information and belief, engaged in one or more of the wrongful acts complained about in this Complaint in the course of their employment at Vernon Township and who, on information and belief, were directed by Didech to do so.

JURISDICTION AND VENUE

8. This Court has jurisdiction over the parties and the subject matter under 28 U.S.C. § 1331 (federal question) because these claims arise from rights guaranteed by the United States Constitution.

9. Venue is proper in this judicial district because all of the acts complained of took place within this judicial district.

DEFENDANTS VIOLATED PLAINTIFFS' FIRST AMENDMENT RIGHTS

10. Each of the Plaintiffs are running for political office in the November, 2018 election.

11. Each of the Plaintiffs placed, or caused to be placed political signs advertising or promoting their candidacy at a location known as Peterson Park located in the Village of Vernon Hills, Illinois.

12. In addition to Plaintiffs' signs, other Republican candidates placed or caused to be placed signs at that location as well, including Republican candidates for Sheriff, Treasurer, County Clerk and State Representative.

13. During the week of October 22, 2018, Didech, acting in his capacity as Township Supervisor, and for his own personal political gain and that of his fellow Democratic candidates, removed or caused to be removed all Republican signs from the Peterson Park location including those belonging to Plaintiffs and other Republican candidates identified above.

14. On information and belief, Didech instructed one or more Township employees to remove the signs.

15. There were signs belonging to Democratic candidates placed in the same area as the Republican signs at issue in this lawsuit.

16. Didech did not remove Democratic signs because Didech is a member of the Democratic Party.

17. Defendants acted under color and authority of state law.

18. Defendants did not have the legal authority to remove Plaintiffs' political signs.

19. By engaging in this conduct, Didech abused his power and authority as Township supervisor for his own personal political gain and for that of his party.

20. Didech is an attorney practicing municipal law in Illinois and as such is fully aware of the wrongful nature of his conduct.

21. Under Illinois law, townships have no legal authority with respect to roadways or property located within the corporate limits of a municipality.

22. Peterson Park is located within the corporate limits of Vernon Hills and/or Buffalo Grove.

23. Even if Peterson Park were not located within the corporate limits of a municipality, the Township would still have no legal authority over land use issues because under Illinois law the legal authority over land use issues in unincorporated areas is vested with the County and not the Township.

24. Under Illinois law townships have only that authority which is specifically granted unto them by the Illinois constitution and or the Illinois legislature.

25. Under Illinois law townships do not have land use authority.

26. Each of the Plaintiffs has rights of free speech and free political association guaranteed under the First and Fourteenth Amendments to the United States Constitution.

27. By removing signs Defendants violated Plaintiffs' First and Fourteenth

Amendment constitutional rights to free speech and free political association.

28. Defendants conduct was intentional.

29. As a result, plaintiffs have suffered irreparable injuries and have suffered damages.

WHEREFORE, Plaintiffs respectfully request that this Court grant the following relief:

A. Restrain and enjoin the Defendants, and all those persons acting in concert or participation with them, with actual notice of this Court's order from:

1. Removing or causing to be removed Plaintiffs' campaign signs or signs of any other candidate, party or organization;
2. Interfering with Plaintiffs' candidacies;
3. Violating or otherwise infringing on Plaintiffs' free speech and political association rights under the First and Fourteenth Amendments;

B. Award each Plaintiff compensatory damages;

C. Award each Plaintiff punitive damages against Didech and the John Doe Defendants in excess of One Million Dollars (\$1,000,000) per sign taken to punish them and to deter others from similar wrongful conduct;

D. Award Plaintiffs their attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and

E. Award Plaintiffs such other relief as the Court deems appropriate and just.

PLAINTIFFS DEMAND A TRIAL BY JURY

Respectfully Submitted,
HUNT & ASSOCIATES P.C.

/s/ Keith L. Hunt (electronic signature)
An Attorney for Plaintiffs

Keith L. Hunt
Bradley E. Faber
Hunt & Associates, P.C.
55 West Monroe, Suite 3600
Chicago, Illinois 60603
(312) 588-1300
khunt@huntassoclaw.com
bfaber@huntassoclaw.com

VERIFICATION

I declare under penalty of perjury and the other penalties imposed under 28 U.S.C. § 1746 that the foregoing allegations are true and correct to the best of my knowledge and belief.

Dated: October 31, 2018

/s/ Karen Feldman (electronic signature)