

**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

ROBYN LEWIS and LEAH CONE,	)	
	)	
Plaintiffs,	)	JURY DEMAND
	)	
v.	)	Case No. 18-CV-_____
	)	
COUNTY OF MACON, a unit of local	)	
government and ALBERT JAY SCOTT,	)	
	)	
Defendants.	)	

COMPLAINT

COME NOW the Plaintiffs, ROBYN LEWIS (“LEWIS”) and LEAH CONE (“CONE”) by their attorneys, Costigan & Wollrab, P.C., and for their Complaint against the Defendants, COUNTY OF MACON, a unit of local government by and through its Chairman of the Board and Members of the COUNTY OF MACON (“MACON”) and ALBERT JAY SCOTT, (“SCOTT”) hereby state the following:

JURISDICTION

1. Jurisdiction is proper pursuant to 28 U.S.C. §1331 (2012) as the claims of LEWIS and CONE arise under the Constitution, laws or treaties of the United States. In particular, the claims of LEWIS and CONE are being brought pursuant to 42 U.S.C. §1983 as well as the Fourteenth Amendment to the Constitution.
2. Additionally, this Court has jurisdiction of the state law claims asserted herein on the basis of its exercise of ancillary jurisdiction.

VENUE

3. Venue is proper pursuant to 28 U.S.C. §1391(b), in that the Defendant, MACON is a municipal corporation subject to the personal jurisdiction of this district and the claims of LEWIS and CONE arose in Macon County and in this district as alleged below.

PARTIES

4. At all times relevant to the matters set forth in this Complaint, LEWIS was a resident of Macon County, Illinois.

5. At all times relevant to the matters set forth in this Complaint, CONE was a resident of Moultrie County.

6. During all times relevant to the matters set forth in this Complaint, LEWIS and CONE were employees of MACON.

7. At all times relevant to the matters set forth in this Complaint, SCOTT was a resident of Macon County, Illinois.

8. At all times relevant to the matters set forth in this Complaint, MACON was a unit of local government situated in Macon County, Illinois. MACON is a municipal corporation, duly incorporated under the laws of the State of Illinois, and MACON was the employer of LEWIS and the employer of CONE.

9. At all times relevant to the matters set forth in this Complaint MACON acted through its Chairman of the Board and Members of the County Board of MACON and held its meetings and oversaw the operations of MACON in Macon County, Illinois.

GENERAL ALLEGATIONS

10. That LEWIS was hired by MACON on or about October 6, 1994 where LEWIS remained employed with MACON until July 7, 2016 when her employment with MACON was terminated.

11. That CONE was hired by MACON in and around 1998 where CONE remained employed with MACON until July 7, 2016 when her employment with MACON was terminated.

12. That LEWIS was hired as a full time employee of MACON beginning in October of 1994. She was initially hired to work in the Circuit Clerk of Macon County; and later joined the Macon County State's Attorneys' office in January of 1996. During her tenure as an employee of MACON, LEWIS received various promotions including as a Domestic Violence Coordinator and Victim Advocate until her position with MACON was terminated on July 7, 2016.

13. That CONE was hired as a full time employee of MACON beginning on or about July 28, 1997. During her tenure as an employee of MACON, CONE received various advancements and or promotions. That CONE was employed as a Deferred Prosecution Coordinator with the MACON at the time of the termination of her employment with MACON on July 7, 2018.

14. That during the course of their employment LEWIS and CONE both executed an acknowledgement affirming their respective receipt of a copy of the MACON Employee Handbook governing their employment as employees of MACON.

15. That pursuant to the provisions of the MACON Employee Handbook, MACON promised to provide LEWIS and CONE with a work environment free of

discrimination, harassment or retaliation.

16. At all times relevant to the matters set forth in this Complaint, SCOTT was the elected State's Attorney of the County of Macon.

17. That at all times relevant to the matters set forth in this Complaint, Kim Tarvin was employed by MACON and assigned to work in the office of the State's Attorney of Macon County. That at all times relevant to the matters set forth in this Complaint, Kim Tarvin was acting in the course and scope of her employment with MACON, under color of state law, ordinance and or regulation.

18. That at all times relevant to the matters set forth in this Complaint Kim Tarvin was subject to the provisions of the MACON Employee Handbook.

19. That on or about July 6, 2015, LEWIS and CONE reported to Gregory Mattingly and other MACON supervisory personnel, including the Personnel Director of the State's Attorney's Office of Macon County that Kim Tarvin and other employees of the State's Attorney's Office of Macon County had violated certain provisions of the MACON Employee Handbook prohibiting employees of MACON from subjecting employees of MACON to "direct or indirect political influence or coercion...." In particular, employees of MACON were prohibited from requiring other employees of MACON to participate in or contribute financially to political campaigns; and were otherwise prohibited from requiring employees of MACON to have a particular political affiliation or support any particular political party or candidate for election to an office of the county or state as a condition of continued employment with MACON.

20. LEWIS and CONE notified personnel of MACON, including but not limited to Greg Mattingly and the Personnel Director of the State's Attorney's Office of Macon County that employees of MACON, including but not limited to Kim Tarvin were violating the Political Activity Policy of MACON by soliciting and electioneering during hours when Kim Tarvin was working for MACON at the urging and with the consent of SCOTT and making support of SCOTT's political party and his political campaign for re-election a condition of continued employment with MACON in violation of the applicable provisions of the MACON Handbook and other applicable Illinois statutory provisions, including but not limited to the provisions of the Illinois Right to Privacy in the Workplace Act. LEWIS and CONE also notified MACON that Kim Tarvin and SCOTT had violated other laws of the State of Illinois protecting employees from discrimination, harassment and retaliation. In particular, LEWIS and CONE advised MACON that certain employees of MACON were committing acts in violation of the provisions of the MACON Employee Handbook and also federal and state laws prohibiting discrimination and harassment of employees based on certain protected characteristics.

22. Thereafter, on or about July 7, 2016, Greg Mattingly and other senior management personnel of MACON confronted SCOTT regarding the allegations asserted against Kim Tarvin and SCOTT, and in particular confronted SCOTT about the various alleged and reported federal and state law violations committed by Kim Tarvin and SCOTT and other employees of MACON.

23. That as a result of the reports and complaints made to SCOTT regarding the allegations of LEWIS and CONE, MACON by and through its agents terminated the employment of LEWIS and CONE on July 7, 2016.

24. That the proffered reason for the termination of the employment of LEWIS and CONE on July 7, 2016 was due to budgetary cuts, which reason was “pre-text” for unlawful discrimination and adverse employment action taken against LEWIS and CONE for their reporting of illegal and unlawful actions of Kim Tarvin, SCOTT and other employees of MACON who violated the provisions of the Political Activity policy of MACON and the laws of the State of Illinois and federal laws including the First and Fourteenth Amendment rights of LEWIS and CONE.

25. That in addition to the foregoing, MACON also ignored violations of law committed by Kim Tarvin despite reports that Kim Tarvin was performing election work for SCOTT during periods when she was employed by MACON and being paid wages by MACON, which acts of Kim Tarvin were illegal and in violation of state and federal law prohibiting the use of government funds for promotion of candidates for election or reelection.

35. That thereafter on July 7, 2016, MACON completed a “Macon County Employee Status Change Sheet” advising LEWIS and CONE that their respective employment with MACON was terminated effective July 7, 2016.

36. That MACON’s asserted reason for the termination of employment of LEWIS and CONE was pre-text for illegal harassment and retaliation. In particular, MACON’s termination of the employment of LEWIS and CONE was in retaliation for their report of the illegal acts of Kim Tarvin, SCOTT and other employees of MACON to

the authorities of MACON, including but not limited to the Human Resources Department of MACON and Greg Mattingly in his capacity as Chairman of the Judicial Committee and in his official capacity with MACON.

37. That as a result of the termination of the employment of LEWIS and CONE with MACON each of them have has sustained damages, including but not limited to the loss of employee benefits and wages.

COUNT I

RETALIATORY DISCHARGE COMMON LAW ACTION

NOW COMES Plaintiff, LEWIS, and for Count I of her Complaint alleged against Defendant, MACON, hereby states the following:

1. That LEWIS repeats and realleges paragraphs 1-37 of the general allegations of her Complaint as paragraphs 1-37 of Count I of her Complaint.

38. That during the course of her employment with MACON, LEWIS was exposed to a work place environment that was tainted by overtly hostile animus and hostilities which were known to MACON.

39. During her employment with MACON, the Chairman of the Board of MACON and members of the Board of Directors of MACON, knew or in the exercise of reasonable care should have known that employees and senior management personnel of MACON, including but not limited to Kim Tarvin were engaging in unlawful actions against employees of MACON, including but not limited to LEWIS that were hostile, illegal, outrageous, malicious and detrimental to the well-being of employees of MACON including LEWIS.

40. During her employment with MACON, the Chairman of the Board of MACON and members of the County Board of MACON, knew or in the exercise of reasonable care should have known that personnel of MACON, including but not limited to Kim Tarvin were engaging in actions against employees of MACON that were in violation of the provisions of the MACON Employee Handbook.

41. That despite MACON's knowledge of the illegal actions of its personnel and MACON's corporate counsel, Edward Flynn, MACON terminated LEWIS in violation of the provisions of its Employee Handbook, which termination of the employment of LEWIS was unlawful and illegal harassment and retaliatory.

42. As a result of the acts and omissions of MACON by and through its members of the County Board of MACON, asserted in this Count I, LEWIS has sustained damages, including but not limited to the following:

- a. Compensation for back pay and other employer sponsored benefits owed to LEWIS as a result of the foregoing acts and omissions of MACON;
- b. Compensation for front pay and other employer sponsored benefits lost by LEWIS as a consequence of the foregoing acts and omissions of MACON;
- c. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein.

WHEREFORE, Plaintiff, ROBYN LEWIS, hereby prays for the following relief against Defendant, County of MACON:

- A. Reinstatement to her position with MACON, with all back pay, employee benefits, and pension benefits;

B. If no comparable position is available, then an award for front pay and all prospective lost benefits; and

C. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein; and

D. Such other and further relief as this Court deems equitable and proper.

COUNT II

RETALIATORY DISCHARGE COMMON LAW ACTION

NOW COMES Plaintiff, CONE, and for Count II of her Complaint alleged against Defendant, MACON, hereby states the following:

1. That CONE repeats and realleges paragraphs 1-37 of the general allegations of her Complaint as paragraphs 1-37 of Count II of her Complaint.

38. That during the course of her employment with MACON, CONE was exposed to a work place environment that was tainted by overtly hostile animus and hostilities which were known to MACON.

39. During her employment with MACON, the Chairman of the Board of MACON and members of the Board of Directors of MACON, knew or in the exercise of reasonable care should have known that employees and senior management personnel of MACON, including but not limited to Kim Tarvin were engaging in unlawful actions against employees of MACON, including but not limited to CONE that were hostile, illegal, outrageous, malicious and detrimental to the well-being of employees of MACON including CONE.

40. During her employment with MACON, the Chairman of the Board of MACON and members of the County Board of MACON, knew or in the exercise of

reasonable care should have known that personnel of MACON, including but not limited to Kim Tarvin were engaging in actions against employees of MACON that were in violation of the provisions of the MACON Employee Handbook.

41. That despite MACON's knowledge of the illegal actions of its personnel and MACON's corporate counsel, Edward Flynn, MACON terminated CONE in violation of the provisions of its Employee Handbook, which termination of the employment of CONE was unlawful and illegal harassment and retaliatory.

42. As a result of the acts and omissions of MACON by and through its members of the County Board of MACON, asserted in this Count II, CONE has sustained damages, including but not limited to the following:

- a. Compensation for back pay and other employer sponsored benefits owed to CONE as a result of the foregoing acts and omissions of MACON;
- b. Compensation for front pay and other employer sponsored benefits lost by CONE as a consequence of the foregoing acts and omissions of MACON;
- c. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein.

WHEREFORE, Plaintiff, LEAH CONE, hereby prays for the following relief against Defendant, County of MACON:

- A. Reinstatement to her position with MACON, with all back pay, employee benefits, and pension benefits;
- B. If no comparable position is available, then an award for front pay and all prospective lost benefits; and

C. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein; and

D. Such other and further relief as this Court deems equitable and proper.

COUNT III

ILLINOIS WHISTLEBLOWER PROTECTION ACT RETALIATION

NOW COMES Plaintiff, LEWIS, and for Count III of Complaint alleged in the alternative to Count I of her Complaint alleged against Defendant, MACON, hereby states the following:

1. That LEWIS repeats and realleges paragraphs 1-37 of the general allegations of her Complaint as paragraphs 1-37 of Count I of her Complaint.

38. That during the course of her employment with MACON, LEWIS was exposed to a work place environment that was tainted by overtly hostile animus and hostilities which were known to MACON.

39. During her employment with MACON, the Chairman of the Board of MACON and members of the Board of Directors of MACON, knew or in the exercise of reasonable care should have known that personnel of MACON, including but not limited to Kim Tarvin were engaging in actions against employees of MACON, including but not limited to LEWIS that were hostile, illegal, outrageous, malicious and detrimental to the well-being of employees of MACON including LEWIS.

40. During her employment with MACON, the Chairman of the Board of MACON and members of the County Board of MACON, knew or in the exercise of reasonable care should have known that personnel of MACON, including but not limited

to Kim Tarvin were engaging in actions against employees of MACON that were in violation of the provisions of the MACON Employee Handbook.

41. That despite MACON's knowledge of the illegal actions of its supervisory personnel and MACON's corporate counsel, Edward Flynn, MACON terminated LEWIS in violation of the provisions of its Employee Handbook, which termination of her employment was unlawful and illegal harassment and retaliatory.

Count III of her Complaint brought in the alternative to Count 1 of her Complaint.

42. At all times relevant to the matters set forth in this Complaint there was in effect in the State of Illinois a certain statute known as the Illinois Whistleblower Protection Act (740 ILCS 174/1 et seq.)

43. At all times relevant to the matters set forth in this Amended Complaint, the provisions of 740 ILCS 174/15 provided in pertinent part the following:

(a) An employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation.

(b) An employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation.

Section 20 of the Act also provided in pertinent part that:

Retaliation for certain refusals prohibited. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a State or federal law, rule, or regulation, including, but not limited to, violations of the Freedom of Information Act.

Section 20.1 further provided:

Any other act or omission not otherwise specifically set forth in this Act, whether within or without the workplace, also constitutes retaliation by an employer under this Act if the act or omission would be materially adverse to a reasonable employee and is because of the employee disclosing or attempting to disclose public corruption or wrongdoing.

44. LEWIS refused to participate in or otherwise overlook the illicit and illegal actions of employees of MACON and SCOTT.

45. As a consequence of her refusal to remain silent about or otherwise overlook the actions of personnel of MACON, and due to the affirmative reporting by LEWIS of the foregoing illicit and illegal acts of personnel of MACON, LEWIS was retaliated against in the workplace and eventually her employment was terminated on or about July 7, 2016.

46. The actions of MACON violated the provisions of 740 ILCS 174/1, and more specifically, the applicable provisions of Section 15, 20 and 20.1, by retaliating against LEWIS as a result of her disclosure to MACON that employees of MACON and SCOTT were believed to be violating the laws of the State of Illinois and other federal and local laws and statutes applicable to MACON.

47. As a result of the foregoing acts and omissions of MACON by and through its members of the County Board of MACON asserted in this Count III, LEWIS has sustained damages, including but not limited to the following:

- a. Compensation for back pay and other employer sponsored benefits owed to LEWIS as a result of the foregoing acts and omissions of MACON;
- b. Compensation for front pay and other employer sponsored benefits lost by LEWIS as a consequence of the foregoing acts and omissions of MACON;
- c. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein.

WHEREFORE, Plaintiff, ROBYN LEWIS, hereby prays for the following relief against Defendant, County of MACON:

- A. Reinstatement to her position with all back pay, employee benefits, and pension benefits;
- B. If no comparable position is available, then an award for front pay and all prospective lost benefits; and
- C. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein; and
- D. Such other and further relief as this Court deems equitable and proper.

COUNT IV

ILLINOIS WHISTLEBLOWER PROTECTION ACT RETALIATION

NOW COMES Plaintiff, CONE, and for Count IV of her Complaint alleged in the alternative to Count II of her Complaint alleged against Defendant, MACON, hereby states the following:

1. That CONE repeats and realleges paragraphs 1-37 of the general allegations of her Complaint as paragraphs 1-37 of Count I of her Complaint.

38. That during the course of her employment with MACON, CONE was exposed to a work place environment that was tainted by overtly hostile animus and hostilities which were known to MACON.

39. During her employment with MACON, the Chairman of the Board of MACON and members of the Board of Directors of MACON, knew or in the exercise of reasonable care should have known that personnel of MACON, including but not limited to Kim Tarvin were engaging in actions against employees of MACON, including but not limited to CONE that were hostile, illegal, outrageous, malicious and detrimental to the well-being of employees of MACON including CONE.

40. During her employment with MACON, the Chairman of the Board of MACON and members of the County Board of MACON, knew or in the exercise of reasonable care should have known that personnel of MACON, including but not limited to Kim Tarvin were engaging in actions against employees of MACON that were in violation of the provisions of the MACON Employee Handbook.

41. That despite MACON's knowledge of the illegal actions of its supervisory personnel and MACON's corporate counsel, Edward Flynn, MACON terminated CONE

in violation of the provisions of its Employee Handbook, which termination of her employment was unlawful and illegal harassment and retaliatory.

Count IV of her Complaint brought in the alternative to Count 1I of her Complaint.

42. At all times relevant to the matters set forth in this Complaint there was in effect in the State of Illinois a certain statute known as the Illinois Whistleblower Protection Act (740 ILCS 174/1 et seq.)

43. At all times relevant to the matters set forth in this Amended Complaint, the provisions of 740 ILCS 174/15 provided in pertinent part the following:

(a) An employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation.

(b) An employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation.

Section 20 of the Act also provided in pertinent part that:

Retaliation for certain refusals prohibited. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a State or federal law, rule, or regulation, including, but not limited to, violations of the Freedom of Information Act.

Section 20.1 further provided:

Any other act or omission not otherwise specifically set forth in this Act, whether within or without the workplace, also constitutes retaliation by an employer under this Act if the act or omission would be materially adverse to a reasonable employee and is because of the employee disclosing or attempting to disclose public corruption or wrongdoing.

44. CONE refused to participate in or otherwise overlook the illicit and illegal actions of employees of MACON and SCOTT.

45. As a consequence of her refusal to remain silent about or otherwise overlook the actions of personnel of MACON, and due to the affirmative reporting by CONE of the foregoing illicit and illegal acts of personnel of MACON, CONE was retaliated against in the workplace and eventually her employment was terminated on or about July 7, 2016.

46. The actions of MACON violated the provisions of 740 ILCS 174/1, and more specifically, the applicable provisions of Section 15, 20 and 20.1, by retaliating against CONE as a result of her disclosure to MACON that employees of MACON and SCOTT were believed to be violating the laws of the State of Illinois and other federal and local laws and statutes applicable to MACON.

47. As a result of the foregoing acts and omissions of MACON by and through its members of the County Board of MACON asserted in this Count IV, CONE has sustained damages, including but not limited to the following:

a. Compensation for back pay and other employer sponsored benefits owed to CONE as a result of the foregoing acts and omissions of MACON;

b. Compensation for front pay and other employer sponsored benefits lost by CONE as a consequence of the foregoing acts and omissions of MACON;

c. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein.

WHEREFORE, Plaintiff, LEAH CONE, hereby prays for the following relief against Defendant, County of MACON:

A. Reinstatement to her position with all back pay, employee benefits, and pension benefits;

B. If no comparable position is available, then an award for front pay and all prospective lost benefits; and

C. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein; and

D. Such other and further relief as this Court deems equitable and proper.

COUNT V

42 U.S.C. SECTION 1983 VIOLATION OF RIGHT TO ASSOCIATION

NOW COMES Plaintiff, ROBYN LEWIS, and for Count V of her Complaint alleged against Defendant, MACON, hereby states the following:

1. That LEWIS repeats and realleges paragraphs 1-37 of the general allegations of her Complaint as paragraphs 1-37 of Count V of her Complaint.

38. That during the course of her employment with MACON, LEWIS was exposed to a work place environment that was tainted by overtly hostile animus and hostilities which were known to MACON.

39. During her employment with MACON, the Chairman of the Board of MACON and members of the Board of Directors of MACON, knew or in the exercise of reasonable care should have known that personnel of MACON, including but not limited to Kim Tarvin were engaging in actions against employees of MACON, including but not limited to LEWIS that were hostile, illegal, outrageous, malicious and detrimental to the well-being of employees of MACON including LEWIS.

40. During her employment with MACON, the Chairman of the Board of MACON and members of the County Board of MACON, knew or in the exercise of reasonable care should have known that personnel of MACON, including but not limited to Kim Tarvin were engaging in actions against employees of MACON that were in violation of the provisions of the MACON Employee Handbook.

41. That despite MACON's knowledge of the illegal actions of its supervisory personnel and MACON's corporate counsel, Edward Flynn, MACON terminated LEWIS in violation of the provisions of its Employee Handbook, which termination of her employment was unlawful and illegal harassment and retaliatory.

42. That at all times relevant to the matters set forth in this Amended Complaint there was in full force and effect a certain statute found at 42 U.S.C.A. Section 1983 which provided in pertinent part the following:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.... 42 USCS § 1983 West (2018).

43. That as a consequence of the acts of MACON set forth herein, MACON

violated LEWIS' First Amendment right to associate with persons holding political affiliations other than those held by SCOTT and other than those promoted for the benefit of those seeking to re-elect SCOTT.

44. That as a result of MACON's termination of LEWIS' employment for her refusal to be subjected to illegal electioneering and the obligation imposed by SCOTT and other employees of MACON to support SCOTT and his political party, MACON violated the constitutionally protected rights of LEWIS afforded under the First Amendment.

45. As a result of the foregoing acts and omissions of MACON by and through its members of the County Board of MACON asserted in this Count V, LEWIS has sustained damages, including but not limited to the following:

- a. Compensation for back pay and other employer sponsored benefits owed to LEWIS as a result of the foregoing acts and omissions of MACON;
- b. Compensation for front pay and other employer sponsored benefits lost by LEWIS as a consequence of the foregoing acts and omissions of MACON;
- c. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein.

WHEREFORE, Plaintiff, ROBYN LEWIS, hereby prays for the following relief against Defendant, County of MACON:

- A. Reinstatement to her position with all back pay, employee benefits, and pension benefits;
- B. If no comparable position is available, then an award for front pay and all prospective lost benefits; and

C. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein; and

D. Such other and further relief as this Court deems equitable and proper.

COUNT VI

42 U.S.C. SECTION 1983 VIOLATION OF RIGHT TO ASSOCIATION

NOW COMES Plaintiff, LEAH CONE, and for Count VI of her Complaint alleged against Defendant, MACON, hereby states the following:

1. That CONE repeats and realleges paragraphs 1-37 of the general allegations of her Complaint as paragraphs 1-37 of Count VI of Amended Complaint.

38. That during the course of her employment with MACON, CONE was exposed to a work place environment that was tainted by overtly hostile animus and hostilities which were known to MACON.

39. During her employment with MACON, the Chairman of the Board of MACON and members of the Board of Directors of MACON, knew or in the exercise of reasonable care should have known that personnel of MACON, including but not limited to Kim Tarvin were engaging in actions against employees of MACON, including but not limited to CONE that were hostile, illegal, outrageous, malicious and detrimental to the well-being of employees of MACON including CONE.

40. During her employment with MACON, the Chairman of the Board of MACON and members of the County Board of MACON, knew or in the exercise of reasonable care should have known that personnel of MACON, including but not limited to Kim Tarvin were engaging in actions against employees of MACON that were in violation of the provisions of the MACON Employee Handbook.

41. That despite MACON's knowledge of the illegal actions of its supervisory personnel and MACON's corporate counsel, Edward Flynn, MACON terminated CONE in violation of the provisions of its Employee Handbook, which termination of her employment was unlawful and illegal harassment and retaliatory.

42. That at all times relevant to the matters set forth in this Amended Complaint there was in full force and effect a certain statute found at 42 U.S.C.A. Section 1983 which provided in pertinent part the following:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.... 42 USCS § 1983 West (2018).

43. That as a consequence of the acts of MACON set forth herein, MACON violated CONE'S First Amendment right to associate with persons holding political affiliations other than those held by SCOTT and other than those promoted for the benefit of those seeking to re-elect SCOTT.

44. That as a result of MACON's termination of CONE employment for her refusal to be subjected to illegal electioneering and the obligation imposed by SCOTT and other employees of MACON to support SCOTT and his political party, MACON violated the constitutionally protected rights of CONE afforded under the First Amendment.

45. As a result of the foregoing acts and omissions of MACON by and through its members of the County Board of MACON asserted in this Count VI, CONE has sustained damages, including but not limited to the following:

- a. Compensation for back pay and other employer sponsored benefits owed to CONE as a result of the foregoing acts and omissions of MACON;
- b. Compensation for front pay and other employer sponsored benefits lost by CONE as a consequence of the foregoing acts and omissions of MACON;
- c. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein.

WHEREFORE, Plaintiff, LEAH CONE, hereby prays for the following relief against Defendant, County of MACON:

- A. Reinstatement to her position with all back pay, employee benefits, and pension benefits;
- B. If no comparable position is available, then an award for front pay and all prospective lost benefits; and
- C. All other compensatory damages available under the federal and state laws applicable to the matters set forth herein; and
- D. Such other and further relief as this Court deems equitable and proper.

COUNT IV

TORTIOUS INTERFERENCE WITH A CURRENT BUSINESS RELATIONSHIP

NOW COMES Plaintiff, ROBYN LEWIS, and for Count VII of her Complaint alleged against Defendant, SCOTT, hereby states the following:

1. That LEWIS repeats and realleges paragraphs 1-37 of the general allegations of her Complaint as paragraphs 1-37 of Count VII of her Amended Complaint.

38. As a direct result of the actions of SCOTT, LEWIS' business relationship with MACON and her employment with MACON were terminated on July 7, 2016.

- a. All compensatory damages available under laws applicable to the matters set forth herein;
- b. Such other relief as this Court deems equitable and proper.

PLAINTIFFS REQUESTS TRIAL BY JURY

Respectfully Submitted,

ROBYN LEWIS and LEAH CONE, Plaintiffs

BY: s/Dawn L. Wall
Dawn L. Wall Bar Number 6196948
Attorney for Plaintiffs
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JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ROBYN LEWIS and LEAH CONE

DEFENDANTS

COUNTY OF MACON and ALBERT JAY SCOTT

(b) County of Residence of First Listed Plaintiff MACON

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant MACON

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Dawn L. Wall, 308 E. Washington St., Bloomington, IL
(309) 828-4310

Attorneys (If Known)

UNKNOWN

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☒ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC Section 1983

Brief description of cause:

Employment Case First Amendment and Fourteenth Amendment claims**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
500,000.00CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/09/2018

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE