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Plaintiffs Satkar Hospitality, Inc., Sharad K. Dani and Harish Dani (“Plaintiffs”) represented by their attorneys, R. Tamara de Silva and Jonathan Lubin, respectfully state their Complaint against the Cook County Board of Review, Larry Rogers, Jr., Joseph Berrios, Brendan F. Houlihan, Scott M. Guetzow, John P. Sullivan, Thomas A. Jaconetty, Fox Televisions Stations, Inc., Fox Chicago News, News Corporation, Illinois Review, Fran Eaton, Dennis G. LaComb and Dane Placko, (“Defendants”) as follows:

INTRODUCTION

1. This is a civil rights action brought pursuant to 42 U.S.C. § 1983 et. Seq., the Judicial Code, 42 U.S.C. § 1355, 28 U.S.C. §§ 1331, 1343(a) and 1367, and the First, Fourth, Fifth, Fourteenth Amendments of the Constitution of the United States as incorporated and applied to state governments and the Illinois State Constitution.
2. The Plaintiffs are seeking damages against the Defendants for depriving Plaintiffs while acting under the color of law as elected officials of the Cook County Board of Review, of rights secured by the Constitution and laws of the United States of America. The Plaintiffs also seek damages against other Defendants for common law defamation.

JURISDICTION AND VENUE

3. This is a civil rights action brought pursuant to 42 U.S.C. § 1983 et. Seq., the Judicial Code, 42 U.S.C. § 1355, 28 U.S.C. §§ 1331, 1343(a) and 1367, and the First, Fourth,

- Fifth, Fourteenth Amendments of the Constitution of the United States as incorporated and applied to state governments and Illinois State Constitution.
4. This Court has jurisdiction pursuant to the Judicial Code, 28 U.S.C. §§ 1331, 1343(a) and 1367 and under the doctrine of pendent jurisdiction.
 5. Venue is proper pursuant to Judicial Code, 28 U.S.C. § 1391(b) because all defendants reside in this District.

PARTIES

6. Satkar Hospitality Inc., is an Illinois Corporation that owns, operates and manages a Wingate by Wyndham Hotel at 50 E. Remington Rd., Schaumburg, IL (“the Hotel.”)
7. Satkar Hospitality Inc. is owned and operated by Sharad Dani and his son, Harish Dani.
8. Cook County is an Illinois municipality located within the Northern District of Illinois. The Cook County Board of Review (“the Board”) is a government office of Cook County.
9. Defendants Larry R. Rogers, Jr., Joseph Berrios and Brendan F. Houlihan, are Commissioners at the Board of Review, who are sued in their individual capacities for actions they took by virtue of their authority as Commissioners of the Board of Review acting within the scope of their employment and elected office.
10. Defendant Scott M. Guetzow is Chief Deputy Commissioner of the Board of Review and is sued in his individual capacity for actions he allegedly took by virtue of his employment at the Board of Review.

11. Thomas A. Jaconetty and John P. Sullivan are both First Assistant Commissioners at the Board of Review and are sued in their individual capacities for actions they allegedly took by virtue of their employment and office at the Board of Review.
12. Dane Placko is a reporter with the local Chicago Fox News affiliate. He resides and is employed in the Northern District of Illinois.
13. Fox Television Stations, Inc. is a national television news network, based in New York, New York. It has a local affiliate, Fox Chicago News, that commands a wide viewing audience. Fox also maintains a website that has a wide audience, and is accessible in any part of the world.
14. News Corporation owns and operates Fox Television Stations, Inc. and Fox Chicago News and is based in New York, New York.
15. The Illinois Review is a conservative weblog (www.illinoisreview.typepad.com), commonly known as a “blog,” about Illinois and Midwestern Politics. It has a wide audience, and is accessible in any part of the world. However, its principal concern is Illinois politics, and it frequently focuses on Cook County politics and politicians like Bill Brady, Pat Quinn, and others. The publisher and editor, respectively, are Dennis LaComb and Fran Eaton.

FACTUAL ALLEGATIONS

16. The Cook County Board of Review’s (the “Board”) role is to hear appeals of property tax valuations made by the Cook County Assessor’s office. The Board does not have original jurisdiction over property valuations. It only hears appeals. The Assessor’s office estimates the value of each property in Cook County. Property taxes are based

upon the assessment of the Assessor's office. Property owners elect to appeal their assessments to the Board.

17. Illinois law at 35 ILCS 200/9-145 *et. seq.* (specifically notes 30, 22-35) suggests that the Board of Review use three or four set methods by which to determine whether the assessed taxes on a property should be raised, lowered or kept the same.
18. The Illinois Constitution mandates that, taxes upon real property must be levied uniformly by valuation.
19. The Board of Review Defendants have no consistently applied or set method for the adjudication of tax appeal claims.
20. The Board of Review Defendants have established and institutionalized a system of pay for play wherein real estate tax appeal lawyers that contribute to the campaign funds and campaign committees of the Commissioners achieve better results for their clients than non-contributing lawyers and non-contributing taxpayers.
21. There is virtually no statutory check or balance on their functions as Commissioners of the Cook County Board of Review to employ the Board of Review as a means to unabashed self-dealing, capriciousness and corruption that is contrary to the law and above the law.
22. When the Plaintiffs appealed the Hotel's 2007 property taxes, the Board of Review's Commissioners, lowered the Hotel's valuation such that it would save over \$40,000.00 per year in property taxes.
23. In May through July of 2009, Dane Placko of the Chicago Fox News affiliate, ran a story alleging that Illinois State Representative Paul Froehlich was engineering

- successful Board of Review appeals for his constituents in return for large campaign contributions.
24. The only basis or evidence upon which Placko relied in choosing to air the story against Rep. Froehlich was the word of a disgruntled former Rep. Froehlich employee.
 25. As part of that story, and with no actual evidence or reasonable belief whatsoever, Fox News ran a story accusing the Plaintiffs of committing a crime-that is bribing Rep. Froehlich. According to the story, Rep. Froehlich agreed to arrange a successful appeal of the Plaintiffs' property taxes in exchange for large campaign contributions-Fox News alleged that the Plaintiffs had bribed Rep. Froehlich.
 26. The story also ran on the Illinois Review blog, which had attracted a large goose-stepping audience, by similarly transforming Rep. Froehlich into an instant pariah and generating a great deal of McCarthy-esque bad publicity surrounding Rep. Froehlich, and all those who were alleged to be guilty by mere association to him, including the Plaintiffs.
 27. The Illinois Review has run several sensationalized stories with aggressive avoidance of the truth and with actual malice, claiming that Plaintiffs engaged in a criminal bribery of Rep. Froehlich.
 28. Both the Fox News story, and the Illinois Review articles are accessible to this day over the Internet. The harm caused by those stories, including the ruination of lives built over a lifetime and ruined in minutes and seconds, continues to this day, and shows no signs of abating.
 29. As a result of this story, accusing Plaintiffs of dishonesty and criminal behavior, Plaintiffs have lost standing and business.

30. Plaintiffs never engaged in any illegal or improper behavior with Rep. Paul Froehlich. Rep. Froehlich never promised Plaintiffs a reduction in their property taxes in exchange for campaign contributions.
31. Rep. Froehlich is not a Commissioner on the Board of Review, and does not have the authority to grant a property tax rate reduction. The only people who had the authority to hear appeals from the Assessor's assessment are the three Commissioners named in this civil rights action.
32. In response to the Fox News Report, and the Illinois Review postings, and for the appearance of clean hands, the Board required Plaintiffs to appear and answer questions regarding the relationship between Rep. Froehlich and Plaintiffs.
33. The Board used the United States mails to fraudulently induce the appearance of the Plaintiffs at these hearing all the while disguising their real purpose.
34. The Board required Plaintiffs to appear through counsel or otherwise on June 18, 2009 ostensibly they said to discuss the assessment appeal. However, instead of asking any questions about the assessment, and the value of the Hotel, Defendants, in apparent homage to Torquemada, asked repeated questions about the relationship between Plaintiffs and Rep. Froehlich.
35. At no time did the Defendants bother to question Rep. Froehlich or report the results of any internal investigation of their own "protocol" for the adjudication of real estate tax appeals.
36. The Defendants did not ask whether Plaintiffs had given money or other consideration to Rep. Froehlich in return for property tax reductions.
37. At no time were the Plaintiffs or Rep. Froehlich the subject of a subpoena, indictment or investigation.

38. Not even at the Board's impromptu hearings was there any testimony taken under oath suggesting that Plaintiffs exercise illegal influence over the Board through Rep. Froehlich, or otherwise.
39. The Board Defendants invited Fox News into the closed-door hearings, the only media outlet invited, and proceeded to pander to them, to the discomfort of the Plaintiffs.
40. On June 18, 2009, Robert Schlitz also attended the aforementioned hearing of the Board in which he outlined the reasons that Plaintiffs' Hotel's assessment deserved the reduction that the Board itself had granted one-year prior. Mr. Schlitz, who possesses both an MAI and a CAE, is an expert in the area of property tax assessments, and explained that as a result of a variety of factors, including the well-known economic downturn – which hit the travel industry in particular – the Hotel's property value had decreased considerably.
41. Despite the lack of any evidence suggesting that the 2007 and 2008 assessments were overly high, the Board arbitrarily rescinded the reduction in property taxes that it itself granted close to one year prior, affecting the 2008 and 2009 appraisals of the Hotel, stating simply, “we can do anything we want.”
42. Defendant Guetzow summarized his colleagues' positions when he said, on June 18, 2009, that the concern regarding Plaintiffs was “a larger issue between the relationship between the people involved” (in other words, the relationship between Plaintiffs and Rep. Froehlich).
43. The Board arbitrarily selected Plaintiffs as a result of the fact that they had contributed to the campaign of Rep. Paul Froehlich on many occasions.

44. Every American has a Constitutional right to contribute to political candidates without fear that their choice to contribute will earn them higher taxes.
45. Plaintiffs were selected out of every property owner in Cook County merely for their association with Rep. Froehlich.
46. Similarly situated property owners, who had not contributed to Rep. Froehlich, were not singled out thusly.
47. The new assessment generated by the Board of Review did not accurately reflect the property's actual value, as evidenced by the fact that the Board of Review itself, before discriminatorily singling out Plaintiffs, found that the property was worth significantly less.
48. Plaintiffs appealed their decision to the Illinois Property Tax Appeal Board ("PTAB"). However, PTAB has not rendered any decision. It appears that PTAB will not render any decision for an unconscionably long time, if ever. Plaintiffs were informed that the Board had already red-flagged their case with PTAB.
49. In 2010, Plaintiffs submitted an appeal of their 2009 assessment to the Board along with a new independent third party appraisal demonstrating that the Hotel was over-taxed. That appeal was denied, despite the fact that property values have consistently fallen since 2007, and despite the fact that the Board had previously lowered Plaintiffs' 2007 assessment to a number significantly lower than the current assessment-and that the Board lowered the assessed values of numerous other almost identical (comparable) properties during this same time period.
50. Plaintiffs' counsel was initially informed in 2010 that the Board was not prepared to look at or even discuss the Plaintiffs' case file and that counsel would be prudent to bring up all his other cases, but not that of the Plaintiffs'.

51. After delaying for almost six weeks, Larry Rogers, a Commissioner for the Board, explained to counsel for Plaintiffs that the denial was as a result of Plaintiffs' relationship with Rep. Froehlich, and not due to the merits of Plaintiffs' appeal and that under no circumstance would the Board grant a reduction of the Plaintiffs' property taxes.
52. Like the 2009 decision to rescind Plaintiffs' rate-change, this decision was in retaliation against Plaintiffs for affiliating with, and donating to, the campaign of Rep. Paul Froehlich or other political reasons - not having to do with the statutory bases for adjudicating tax appeals.
53. Similarly situated taxpayers who had not contributed to Rep. Paul Froehlich were not denied the right to petition the Board of Review.
54. Both in 2009, and 2010, Plaintiffs were never given an opportunity to have their appeal heard on the merits. Instead, Defendants denied Plaintiffs the due process owed to them under the Constitution of the United States.
55. Under Illinois law, property owners may either appeal to PTAB or to the Circuit Court but not both.
56. Though Plaintiffs appealed the 2009 decision (affecting the 2008 property taxes) to PTAB, PTAB does not have the authority to review issues of substantive due process or equal protection, and Plaintiffs' choice of either venue is Hobson's choice itself.
57. Therefore, the Board's decision will be granted undue deference before PTAB, if PTAB ever even gets around to hearing Plaintiffs' appeal of the 2009 decision.
58. Plaintiffs' Hotel has a significant impact on interstate commerce and draws a substantial part of its revenue from out of state customers. It is proximate to O'Hare

International Airport and it receives bookings from Orbitz, Travelocity, Expedia, Priceline and travel agents around the world.

59. Plaintiffs have a limited budget, which has already been crippled by the Defendants' capricious and punitive actions. Plaintiffs have to have the resources to stay in business-to make capital improvements often at the request of the franchisor of the Wingate by Wyndham brand, buy supplies, meet payroll and cover the operating costs of a large hotel-even during an economic downturn as we are experiencing now.
60. The ability to be able to make capital improvements at the request of the franchisor and within the time frame specified is the difference between staying in business and being de-listed as a franchisee and losing all bookings from all websites and all travel agencies.
61. Upon information and belief, PTAB may take up to seven or eight years to reach a decision on Plaintiffs' 2008 appeal, another seven to eight years for 2009 and so on. It may take up to another two to four years after PTAB's decision for the Plaintiffs to get their money back. The Plaintiffs have paid their assessed taxes before appealing, but may have to wait up to ten or twelve years on each year appealed to get their over-payment of assessed taxes back (Plaintiffs may have to wait until 2017 for their 2008 appeal to PTAB, 2018 for their 2009 appeal, 2019 for 2010, etc.).
62. Defendants' punitive and *supra*-legal action towards the Plaintiffs in stating that they would indefinitely refuse to lower their assessed taxes will lead the Plaintiffs towards assured bankruptcy and complete financial ruin.
63. Commissioners of the Board are powerful members of the Cook County Democratic Party and exert political influence over the State judiciary. The Plaintiffs cannot expect justice in this matter in Circuit Court because there are inherent conflicts of

interests between many members of the State judiciary and at least two of the Defendants.

64. Joseph Berrios has been Chairman of the Cook County Democratic Party for over four years. He has been a Committeeman of the Cook County Democratic Party for over eighteen years. The Cook County Democratic Party slates all democratic judicial candidates in countywide elections and in the Subcircuits of Cook County. Mr. Berrios was also Vice Chairman of Slating for the Judiciary Committee of the Cook County Democratic Party for almost a decade. Upon information and belief, he has been involved in slating over two hundred of the approximately four hundred and forty-five circuit court judges and the appointment of many others for the past twenty-two years.
65. Slating of judicial candidates is a distinctly political process that has shown a very high correlation if not being the cause of success in a judicial election.
66. The political process of slating of judges creates an inherent conflict of interest based upon as in all political exchanges an implied or understood system of favors. This presents a real problem for the Plaintiffs were they thrown into State court suing politically powerful Defendants for civil rights violations.
67. The election of state judges in Cook County is a distinctly more political process far different from the appointment of Federal Judges. While the election and appointment of judges at any level and in any jurisdiction is not an apolitical process- it is far more politically so in Cook County. Many, if not most of the state judges elected in Cook County were slated by the Democratic Party of Cook County. Non-slated candidates for judgeship are rarely successful in Cook County.

68. There is a great likelihood that in state court, Plaintiffs would be before a judge who owes his position, in some way, to the political party currently chaired by Defendant Joseph Berrios. This creates an inherent conflict of interest for many of the state judges who would have heard an appeal brought before them or this very action.
69. The Cook County Democratic Party's tentacles of influence pierce all branches of government from the legislature to the judiciary constituting a vast combine with considerable influence.
70. Defendant Larry Rogers, Jr., who is simultaneously a successful personal injury lawyer, was President of the Cook County Bar Association, which rates and effectively recommends candidates for judicial office.
71. There is no plain, adequate, and complete state remedy in this matter, due to the highly political nature of the Board's decision, the powerful political influence of the Defendants, the nature of the cause of action against Defendants and the fact that PTAB has not given an indication that they are hearing the appeal, brought over one year ago, in which there has been no ruling.

COUNT I
FOURTEENTH AMENDMENT – VIOLATION OF EQUAL PROTECTION CLAUSE
Against Board of Review, Rogers, Berrios, Houlihan, Guetzow, Sullivan, and
Jaconetty

72. Plaintiffs incorporate and reallege paragraphs 1 through 71 as if fully rewritten herein.
73. The Defendant's actions against the Plaintiffs were irrational, wholly arbitrary and the result of illegitimate animus.

74. In their actions of singling out the Plaintiffs and their property for treatment unlike all others, the Defendants were motivated by personal and political considerations unrelated to their duties as Commissioners and employees of the Cook County Board of Review. Upon information and belief, no similarly situated person who had not engaged in the protected activity of contributing and associating with Rep. Froehlich was subjected to the similar scrutiny or punishment other than the Plaintiffs.
75. At all relevant times, the Defendants were acting under the color of state law.
76. The Defendants violated the Plaintiffs' rights under the Fourteenth Amendment to equal protection of the laws.
77. As a direct and proximate result of said acts, Plaintiffs have also suffered and continue to suffer, emotional and mental trauma, anxiety, stress, loss of reputation, loss of economic relations, pain and suffering and other damages, some of which are permanent.

COUNT II
FOURTEENTH AMENDMENTS – DUE PROCESS VIOLATION
Against Board of Review, Rogers, Berrios, Houlihan, Guetzow, Sullivan, and
Jaconetty

78. Plaintiffs incorporate and reallege paragraphs 1 through 77 as if fully rewritten herein.
79. The Defendants did not allege a valid reason for their refusal to hear Plaintiffs' appeal in 2010.
80. The Defendants' actions deprived the Plaintiffs of their liberty without due process of law and violated the Due Process Clause of the Fifth and Fourteenth Amendments.

81. At all relevant times the Defendants were acting under the color of state law.
82. As a direct and proximate result of said acts, Plaintiffs have also suffered and continue to suffer, emotional and mental trauma, anxiety, stress, loss of economic relations, pain and suffering and other damages, some of which are permanent.

COUNT III
FIRST AMENDMENT- FREEDOM OF SPEECH
Against Board of Review, Rogers, Berrios, Houlihan, Guetzow, Sullivan, and
Jaconetty

83. Plaintiffs incorporate and reallege paragraphs 1 through 82 as if fully rewritten herein.
84. The First Amendment to the United States Constitution protects a wide spectrum of free speech including the right of a person to speak to another about real estate taxes in Cook County, to petition the government for redress of grievances and the right of free association-even with a politically unpopular state representative.
85. The Board of Review Defendants improperly targeted the Plaintiffs' right to associate with Rep. Froehlich.
86. In targeting the Plaintiffs' right of association as distinguished from the political associations of many others, the Defendants were not acting out of any legitimate governmental interest.
87. At all relevant times, the Defendants were acting under the color of state of law.
88. As a direct and proximate result of said acts, Plaintiffs have also suffered and continue to suffer, emotional and mental trauma, anxiety, stress, loss of economic relations, pain and suffering and other damages, some of which are permanent

COUNT IV
COMMON LAW-DEFAMATION
Against Fox Televisions Stations, Inc., Fox Chicago News, News Corporation,
Illinois Review, Fran Eaton, Dennis G. LaComb and Dane Placko

89. Plaintiffs incorporate and reallege paragraphs 1 through 88 as if fully rewritten herein.
90. The statements authored, published and otherwise propagated by the Defendants electronically and by the world-wide web are false and defamatory in that they impute criminal wrong-doing to the Plaintiffs and a want of integrity and honesty in their conduct and professions.
91. The Plaintiffs are private citizens and not public figures.
92. In addition, Defendants published and otherwise propagated statements with knowledge that they were false and/or with reckless disregard as to the truth of the statements. Defendants fabricated the stories that Plaintiffs were engaged in criminal conduct and the subject of a grand jury subpoena. The intellectual dishonesty of the Defendants is chilling given that the Defendants purposefully evaded any investigation of fact in favor of breathless sensationalism.
93. The publication of such defamatory falsehoods by Defendants was willful and wanton and was calculated to cause damage to the Plaintiffs, causing the Plaintiffs to suffer injury to their reputation, profession and financial harm.

COUNT V
COMMON LAW-FALSE LIGHT
Against Fox Televisions Stations, Inc., Fox Chicago News, News Corporation,
Illinois Review, Fran Eaton, Dennis G. LaComb and Dane Placko

94. Plaintiffs incorporate and reallege paragraphs 1 through 93 as if fully rewritten herein.
95. Defendants publicized the false statements by means of television, electronically and through broadcast media outlets thereby making publication of them to the public at large.
96. The false statements are grossly misleading and highly offensive in that they accuse the Plaintiffs of criminal wrongdoing and a gross lack of integrity.
97. In addition, Defendants willfully and wantonly published and otherwise propagated statements with knowledge that they were false and/or with reckless disregard as to the truth of the statements. Defendants fabricated the story that the Plaintiffs were engaged in criminal conduct and were the subject of grand jury subpoenas causing the Plaintiffs irreparable economic harm and standing in the business community and the community at large.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Honorable Court:

- A. Enter judgment for the Plaintiffs and against the Defendants for the stated violations of 42 U.S.C. § 1983 et. Seq., and the First, Fourth, Fifth, and Fourteenth Amendments of the Constitution of the United States as incorporated and applied to state governments, the Illinois State Constitution and the common law torts of defamation and false light.

- B. Award Plaintiffs reasonable attorney fees and cost of suit;
- C. Award Plaintiffs compensatory and punitive damages where applicable; and
- D. Grant such other and further relief, as this Court deems equitable and just.

Respectfully submitted,

By: **/s/ R. Tamara de Silva** (Plaintiffs' Lead Counsel)

R. Tamara de Silva
(Attorney #6244445)
53 W. Jackson Blvd., Suite 618
Chicago, Illinois 60604
(312) 913-9999
October 17, 2010

By: **/s/ Jonathan Lubin** (Plaintiffs' Attorney)

Jonathan Lubin
(Attorney #6297065)
39 S. LaSalle St., Suite 1400
Chicago, Illinois 60604
(312) 332-7374

VII. JURY DEMAND

Plaintiffs demand a jury to hear and decide all issues of fact.

Respectfully submitted, October 17, 2010

/s/R. Tamara de Silva

R. Tamara de Silva
Attorney # 6244445
[Attorney for the Plaintiffs]
53 W. Jackson Blvd., Suite 618
Chicago, Illinois 60604
(312) 913-9999