Hearing Date: No hearing scheduled
Location: <<CourtRoomNumber>>
Judge: Calendar, 7

FILED
6/29/2026 3:23 PM
Mariyana T. Spyropoulos
CIRCUIT CLERK
COOK COUNTY, IL
2026CH04709
Calendar, 7
38786146

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

MARY CATHERINE SCHEFFKE, individually and as Founder of Chicago French Bulldog Rescue, Inc., NFP, Plaintiff, v. SUSAN SCHULTZ, VICTORIA McELLIGOTT, and MICHELLE MARTIN, individually and as Directors of Chicago French Bulldog Rescue, Inc., NFP, Defendants, and CHICAGO FRENCH BULLDOG RESCUE, INC., NFP, Nominal Defendant.	Case No. 2026CH04709 Hon. Eve M. Reilly Calendar 7

FIRST AMENDED VERIFIED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

NATURE OF THE ACTION

1. Two French Bulldogs live at the Chicago French Bulldog Rescue shelter in Channahon, Illinois. Neither of them belongs to Mary Scheffke. Both were surrendered to the rescue because no one else would take them. One requires a wheelchair to move. The other was born so severely deformed that she was fitted for a custom, 3D-printed cast. Both require daily care of a kind most foster homes are not equipped to provide. The dogs that come to this rescue are the ones that would otherwise be put down. Mary Scheffke is the reason they are alive.

2. Ms. Scheffke founded Chicago French Bulldog Rescue ("CFBR" or the "Rescue") eighteen years ago. She has been its President, its Executive Director, and its only full-time worker since the day it was incorporated. She lives at the shelter because her job requires it, and she is on call around the clock.

3. Two of the directors, Susan Schultz and Victoria McElligott, decided to remove her. With the President they installed, Michelle Martin, they stripped Ms. Scheffke of her title, cut off her access to the Rescue's money, and set a vote to remove her from the Board entirely. Their authority for all of it was a set of 2009 documents that were never adopted, that bear no signature, and that the directors actually in office at the time do not remember ever seeing, discussing, or approving.

4. To pay for the campaign, they reached into the Rescue's charitable funds. They have spent no less than approximately $10,000 of donated money to retain Wagenmaker & Oberly, LLC, the very firm that built and blessed Ms. Scheffke's compensation, housing, and employment arrangement in 2018, and is now paid to tear it down. The money came from donations the public gave to rescue dogs. It was spent to remove the woman who rescues them.

5. On May 21, 2026, this Court entered a temporary restraining order. On June 17, 2026, it granted Ms. Scheffke a preliminary injunction, finding that she had established every element and restoring her employment, her home, her directorship, her authority over the medical care of the dogs, and her access to the Rescue's funds. The Director Defendants have not fully complied, and they have turned the Rescue's own social media against its founder, as set forth below.

6. Ms. Scheffke brings this action in her own right and on behalf of CFBR: to have the 2009 documents declared void, to hold the directors to account for the charitable funds they have wasted and the duties they have broken, and to protect the organization she founded and the dogs whose lives depend on it.

PARTIES

7. Plaintiff Mary Catherine Scheffke is a resident of Will County, Illinois. She is the founder, President, Executive Director, and a Director of CFBR, and has served in these roles continuously since she incorporated the organization on January 17, 2008.

8. Defendant Susan Schultz is a Director of CFBR and, upon information and belief, a resident of the State of Illinois. She is one of the two Board members who authorized the expenditure of charitable funds to retain Wagenmaker & Oberly, LLC, and who has taken adverse action against Ms. Scheffke.

9. Defendant Victoria McElligott is a Director of CFBR and, upon information and belief, a resident of the State of Illinois. She is the second Board member who authorized the expenditure and who has taken adverse action against Ms. Scheffke.

10. Defendant Michelle Martin is a Director of CFBR and, upon information and belief, a resident of the State of Illinois. On or about May 7, 2026, she was purportedly appointed President of CFBR by the same Board Resolution that removed Ms. Scheffke as President, an appointment made pursuant to the void 2009 document on which all Defendants' claimed authority rests. On or about May 14, 2026, Ms. Martin authorized a further payment of charitable funds for legal fees. She is sued individually and in her capacity as purported President. Defendants Schultz, McElligott, and Martin are referred to as the "Director Defendants."

11. Nominal Defendant Chicago French Bulldog Rescue, Inc., NFP is an Illinois not-for-profit corporation, registered with the Illinois Attorney General's Charitable Trust Bureau under CO# 01057336, with its shelter property at 25540 S. Blackberry Lane, Channahon, Will County, Illinois. CFBR is named as a nominal defendant because the derivative claims herein are asserted on its behalf.

JURISDICTION AND VENUE

12. This Court has jurisdiction pursuant to the Illinois General Not For Profit Corporation Act, 805 ILCS 105/1 et seq., and pursuant to the Court's general equity jurisdiction over disputes involving breach of fiduciary duty and the governance of charitable organizations. Illinois courts

exercise equity jurisdiction to review whether a private not-for-profit corporation has complied with its own bylaws when revoking existing rights or privileges. *Jain v. Northwest Community Hospital*, 67 Ill. App. 3d 420, 425 (1st Dist. 1978); *Carson v. Northwest Community Hospital*, 192 Ill. App. 3d 118, 121 (1st Dist. 1989).

13. Venue is proper in Cook County pursuant to 735 ILCS 5/2-101. Defendant Susan Schultz resides in Cook County. CFBR's rescue operations, fundraising, and donor relationships have also been conducted continuously and substantially within Cook County throughout the organization's existence.

FACTUAL BACKGROUND

A. The Organization and Its Mission

14. In January 2008, Mary Scheffke incorporated CFBR as an Illinois not-for-profit corporation. She filed the Articles of Incorporation, served as the registered agent, and recruited the original Board of Directors. The organization rescues French Bulldogs from abusive, neglectful, or dangerous situations and places them in permanent adoptive homes.

15. From 2008 to the present, Ms. Scheffke has been the organization's only full-time worker. She coordinates with animal control agencies and law enforcement, arranges veterinary care through a long-established network of veterinarians, evaluates foster homes, conducts adoption screenings, handles intake calls at all hours, and personally cares for the medically fragile dogs at the shelter that no one else will take. Her employment agreement specifies a salary of $30,000 per year, a figure she has not consistently received since 2020.

16. As of the time of the events alleged, four rescue dogs were living at the CFBR shelter under Ms. Scheffke's direct care, with a fifth French Bulldog in crisis awaiting intake. These animals were surrendered to the Rescue and are fostered by Ms. Scheffke because they cannot be placed

elsewhere. Ms. Scheffke administers their medications, performs physical therapy, transports them to specialists, and monitors their conditions through the night.

B. The 2018 Employment and Housing Arrangement

17. In 2018, CFBR's Board determined that the organization needed a formal shelter facility where the Executive Director would live on-site to provide round-the-clock care. The Board retained attorney Sally Wagenmaker of Wagenmaker & Oberly, LLC, to advise on the legal and tax aspects of the arrangement. In December 2018, Ms. Wagenmaker reviewed the organization's materials, recommended a letter agreement reflecting the salary, duties, and on-site residency requirement, and confirmed that the housing qualified for exclusion from gross income under Internal Revenue Code Section 119.

18. On December 21, 2018, CFBR issued an Employment Letter Agreement confirming Ms. Scheffke's role as Executive Director at a salary of $30,000 per year and requiring her to live on-site as a condition of employment. Every component of this arrangement was designed, reviewed, and approved by Wagenmaker & Oberly. For the seven years that followed, the Board implemented and ratified every term of it: it authorized Ms. Scheffke's salary through its annual budgets, it voted to purchase the Channahon property in 2021 for use as the shelter, it required her to live there, and it covered the property, vehicle, insurance, and animal-care expenses, all without a single objection. Ms. Scheffke has lived at the shelter and served as *de facto* Executive Director under these terms since 2019.

C. The Void 2009 Documents

19. CFBR's operative bylaws are the 2008 Bylaws, drafted by Katten Muchin Rosenman LLP and adopted by unanimous vote of the Board in June 2008. Those bylaws limit removal of a

director to conviction of a felony, conviction of animal abuse, or incarceration for more than ninety days. None of those grounds has been alleged against Ms. Scheffke.

20. The Director Defendants instead rely on a set of documents bearing an October 2, 2009 date. Those documents are unsigned. They contain only a typed adoption line, with no signature, no officer certification, and no minutes of any approval. They bear an internal law-firm file number consistent with their status as a draft that was never executed. There is no record that they were presented to the Board, that a vote was taken, or that the amendment procedures required by the 2008 Bylaws or the Act were followed.

21. Section 5.2 of the 2009 document itself lists three directors as of its purported date: Mary Scheffke, Lynne Miller, and Kathleen Miranda. A quorum of two was required to act. Ms. Scheffke has no recollection of this document, of voting on it, or of being asked to approve it, and neither does the co-founder Kathleen Miranda, who was then in office. If no quorum approved it, no valid adoption occurred, and the 2009 documents are void.

22. To the extent the Director Defendants contend that the 2009 document was transmitted to the Internal Revenue Service in connection with the organization's application for tax exemption, transmission of a draft by outside counsel cannot cure a fundamental defect in adoption. A document that was never ratified by the Board does not become operative bylaws by virtue of its transmission to a government agency, particularly where the directors then in office have no knowledge of authorizing it. Whether the 2009 document was validly adopted is a disputed question of fact.

23. The Director Defendants knew, or in the exercise of reasonable diligence should have known, that these documents were never validly adopted. Neither Schultz nor McElligott was on the Board at the purported time of adoption. They selected and relied on the documents anyway.

D. The Diversion of Charitable Funds

24. In or around late April 2026, Defendants Schultz and McElligott began a campaign to remove Ms. Scheffke. They opened not with a board resolution but with a series of harassing, profanity-laced text messages sent to Ms. Scheffke. The governance process came later.

25. Within days, and without verifying whether they had valid authority to act, Schultz and McElligott authorized an initial payment of approximately $5,000 from CFBR's charitable funds to retain Wagenmaker & Oberly, LLC. On or about May 14, 2026, the Board and its purported President, Michelle Martin, authorized a further payment of charitable funds for legal fees in the amount of $5,000. The charitable funds the Director Defendants have diverted to legal fees to pursue this campaign total no less than approximately $10,000, the precise amount to be determined by an accounting. Because the Director Defendants moved $100,000 in charitable funds through a second account to which Ms. Scheffke has been denied access and visibility, the full amount of charitable funds expended on the Director Defendants' campaign and their legal fees is not yet known and may prove materially greater than the amounts presently documented, the precise figure to be determined by the accounting sought below.

26. These funds came from the same pool of donations that buys medications, funds surgeries, and keeps medically fragile dogs alive, in an organization whose sole employee has not consistently been paid her contractual salary since 2020. The first payment was made before any litigation existed and before the firm sent any formal demand. The purpose of the retention was not to advance CFBR's charitable mission. It was to remove the founder. Multiple donors have objected to this use of charitable funds, including by filing complaints with the Illinois Attorney General's Charitable Trust Bureau.

27. These payments also violated CFBR's own Conflict of Interest Policy, which requires a director with a personal interest in a transaction to disclose that interest and recuse from the vote. Schultz and McElligott had authored the harassing texts and had decided on removal before any process began. They disclosed nothing and recused from nothing.

28. On May 18, 2026, the same day they stripped Ms. Scheffke's access to the operating account, the Director Defendants opened a second CFBR account that only they could see. Nine days later, on May 27, 2026, the date they had set to vote her out, $100,000 in charitable funds moved out of the operating account and into that second account. The money returned in June, the last of it on June 17, 2026, the day this Court restored Ms. Scheffke's access. That same day, the second account was closed. When Ms. Scheffke asked the bank about it, she was told she could not be given the information, because only McElligott and Martin had access. The limited banking access the Director Defendants later restored to Ms. Scheffke never reached the second account, and she learned the account had existed at all only when their counsel was finally pressed to admit it. The account existed for exactly as long as the directors held unilateral control, and not a day longer, and throughout that time they kept the founder from seeing it at all.

E. Wagenmaker & Oberly's Conflict

29. The firm the Director Defendants retained with charitable funds previously represented CFBR on the identical subject matter. In 2018 it designed and blessed the very compensation, housing, and employment arrangement it is now paid to attack. The May 1, 2026 demand letter the firm sent identifies as the subjects of its investigation the same compensation, housing, and benefit arrangements that the firm itself structured in 2018. A firm cannot independently investigate whether its own prior work was proper: if it concludes the arrangement was lawful it vindicates itself, and if it concludes the arrangement was unlawful it exposes itself. The conflict

bears directly on the bona fides of the Director Defendants' stated justifications and on the propriety of paying the firm with charitable funds. Compounding the conflict, the Director Defendants now rely on the same conflicted firm to advise them that no conflict exists. A board discharges its own duty of care by exercising independent judgment; it cannot satisfy that duty by deferring to the very firm whose prior work and continued retention are in question. The firm is not a source from which the Board can obtain disinterested advice about that very question.

F. Interference with Veterinary Care and Self-Dealing

30. The Director Defendants' conduct reached the medical care of the animals themselves. A CFBR dog named Tulip was diagnosed with an aggressive cancer and scheduled for surgery on June 11, 2026. The night before, the Director Defendants cancelled it. Ms. Scheffke went to court. At the hearing on June 16, 2026, defendants' counsel announced for the first time that a consultation had been arranged for June 17. The Court granted emergency relief, and the surgery was rescheduled and went forward on June 23, 2026. Nothing ever came of the announced consultation. Between June 17 and June 23, the Director Defendants communicated no result, no opinion, and no alternative treatment plan, through counsel or otherwise. The consultation was produced for the hearing; it changed nothing about Tulip's care. Upon the written opinion of Tulip's treating veterinarians, had the surgery not gone forward when it did, her aggressive cancer would have spread and become inoperable. The Director Defendants' interference placed the life of an animal in the Rescue's care at risk, and the surgery proceeded only because this Court ordered that it could. However, it proceeded almost two weeks later.

31. On or about May 8, 2026, the Director Defendants halted the Rescue's intake of animals, the single core function for which the organization exists, during the same period in which they were carrying out their effort to remove the founder and to sell the shelter property. A founder is

easier to remove when there are fewer or no dogs in the founder's care. The Director Defendants also pressed to accelerate the treatment and placement of dogs then in the Rescue's care beyond the pace those animals' veterinary care required, consistent with the same objective of emptying the shelter and getting rid of its founder.

32. The Director Defendants are not disinterested, and Defendant Martin's own conduct shows why. Martin keeps a Rescue dog in foster status rather than adopting it, and has told Ms. Scheffke that she will not sign the adoption papers because doing so would cost her the Rescue's discounted veterinary rate. Upon information and belief, at the veterinary clinic where her daughter is employed, Martin has been listed as the owner of record in different capacities at different times: as her daughter, which yields a veterinary technician's family discount, and as the Rescue, which yields the Rescue's charity discount. Upon information and belief, the Rescue has paid for that dog's veterinary care on more than one occasion, and Martin has paid at others. A director who arranges a personal dog's veterinary care to capture the charity's discounts, and charges part of that care to the charity, takes for herself a benefit that belongs to the organization she is bound to protect. That is a direct financial interest in the affairs of CFBR.

33. The Director Defendants also pressed to place the medically fragile and disabled dogs then in the Rescue's care before they were medically ready, beyond the pace those animals' veterinary care required, consistent with the same objective of emptying the shelter and removing its founder. In one instance, they proposed to place the dog needing a custom 3D-printed cast, an animal that requires specialized and ongoing orthopedic care, with a rescue organization that primarily takes in guinea pigs and rabbits.

34. The directors' approach to the Rescue's expenses tells the same story. Like many fosters, Ms. Scheffke routinely paid for the dogs' needs out of her own pocket and never sought

reimbursement, treating what she spent as her donation to the cause. On many ocassions however, Defendant Schultz, with Defendant McElligott's agreement, pressed Ms. Scheffke to submit receipts for those personal expenditures so that they could be recorded as the Rescue's expenses. Ms. Scheffke regarded this request as improper and refused: the money was hers, freely given, and was not a Rescue expense. The effect of what the directors asked would have been to inflate the Rescue's recorded expenses for IRS reporting purposes with Ms. Scheffke's own donations. The same directors who urged her to enlarge those figures now point to the size of the Rescue's expenses, and to her supposed cost to the organization, as a reason she must go.

G. The Escalating Campaign and the Court's Orders

35. On May 1, 2026, Wagenmaker & Oberly sent a demand letter announcing an investigation into Ms. Scheffke's compensation, housing, and role. On May 7, 2026, before that investigation was complete, the Board purported to adopt a resolution removing Ms. Scheffke as President, installing Michelle Martin as President, and scheduling a May 27, 2026 vote to remove Ms. Scheffke as a Director. On May 11, 2026, the Board restricted Ms. Scheffke's access to the debit card used to buy food and medication for the dogs. On May 18, 2026, Ms. Scheffke was removed from the Rescue's bank accounts.

36. On May 21, 2026, this Court granted Ms. Scheffke's motion for a temporary restraining order and ordered the *status quo* preserved, including that her access to the Rescue's funds be restored. On June 17, 2026, the Court granted a preliminary injunction, finding that Ms. Scheffke had established each element, and ordered that she not be terminated, removed from the property, or removed as a director, that her medical decision-making for the dogs in her care be recognized, and that she be restored to access to CFBR's funds, including as a co-signatory on the checking account.

37. The Director Defendants have not fully complied with the Court's orders. Although the June 17 Order directed that Ms. Scheffke be restored as a co-signatory with full access to CFBR's funds, the Director Defendants restored only a lesser account status than she held before they stripped it on May 18, 2026. Their partial and selective compliance withholds the very transparency the Order was entered to provide.

H. The Misuse of the Rescue's Official Platforms

38. After the Court's June 17, 2026 ruling, the Director Defendants used CFBR's own official social media platforms, including the Rescue's verified Instagram account, which has approximately 50,800 followers, and the Rescue's Facebook page, to publish statements about Ms. Scheffke and about this litigation. The statements the Director Defendants permitted and allowed to remain were of the gravest kind, accusing the founder of serious wrongdoing in the care of the very animals she has devoted herself to saving, and were calculated to destroy her reputation and the trust of the donors and public on whom the Rescue depends.

39. Through those official channels, the Director Defendants permitted, participated in, and failed to remove false and disparaging statements impugning Ms. Scheffke, the Rescue's founder and a sitting director, including statements of the most serious kind attacking her integrity and her care of the animals entrusted to the Rescue, as well as statements alleging financial impropriety. The Director Defendants allowed these statements to be published and to remain on the Rescue's own verified account, where they would reach the Rescue's donors and the public. On information and belief, the persons publishing these statements include individuals aligned with the Director Defendants, among them a former director who has attended the proceedings in this action and was listed as one of the Defendants' witnesses.

40. The Director Defendants also published statements to the Rescue's followers and donors mischaracterizing this Court's June 17, 2026 ruling as a victory for the Board, and asserting that the Rescue's legal expenditures were caused by Ms. Scheffke's decision to seek legal relief. Both assertions are false. The Court granted Ms. Scheffke's preliminary injunction on each element. The Defendants had diverted $10,000 in charitable donations before Ms. Scheffke filed anything in court. The diversion of charitable funds and the campaign to remove her preceded, and gave rise to, this action. The Director Defendants knew these statements were false and damaging, yet permitted them to be published and to remain on the Rescue's own verified account, choosing to inflict that harm on the founder and to spend the Rescue's hard-won goodwill in order to do it.

41. By turning the Rescue's own name, voice, and goodwill, built over 18 years of charitable work, into a weapon against the founder, the Director Defendants have injured CFBR itself. The harm was foreseeable and it was real. Followers and donors responded on the Rescue's own pages with concern that the Board had become an adversary of the founder, and with questions whether their donations were paying for the dogs or for litigation. A charity's reputation is among its most valuable assets, and the Director Defendants spent it to settle a personal score, irreparably damaging CFBR's standing with donors, volunteers, and the public and impairing the fundraising on which its mission depends.

COUNT I

Declaratory Judgment: Void Governing Documents
(Against All Defendants)

42. Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

43. An actual controversy exists regarding the validity of the governing documents under which the Director Defendants claim authority to act.

44. The 2008 Bylaws are the operative governing documents of CFBR. The documents bearing an October 2, 2009 date are void: they are unsigned, uncertified, and were never adopted by formal vote as required by the 2008 Bylaws and 805 ILCS 105/1 et seq. The directors who were in office, whose names appear in the document itself, have no recollection that it was ever presented, discussed, or voted upon.

45. Plaintiff is entitled to a declaration that the 2008 Bylaws are the sole operative governing documents of CFBR, that the 2009 documents have no legal force, and that any actions taken in reliance on them, including the May 7, 2026 resolution removing Ms. Scheffke as President and installing Michelle Martin, are void *ab initio*.

46. Operation of CFBR under governing documents that were never duly adopted jeopardizes the organization's tax-exempt status, a matter of direct concern to every donor and to the public interest in the proper administration of charitable assets.

WHEREFORE, Plaintiff requests that the Court enter the declarations set forth above and grant the relief requested in the Prayer for Relief.

COUNT II

Breach of Fiduciary Duty (Direct)

(Against Defendants Schultz and McElligott)

47. Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

48. As Directors of an Illinois not-for-profit corporation, Defendants Schultz and McElligott owe fiduciary duties of care, loyalty, and good faith. Those duties extend to Ms. Scheffke, a fellow director and officer, with respect to the governance actions taken against her, which must be exercised honestly, in good faith, and for the benefit of the corporation rather than to advance the directors' personal grievance.

49. The actions Defendants took against Ms. Scheffke were not a good-faith exercise of governance entitled to deference. They were a predetermined removal driven by personal animus. Defendants opened not with a request or a meeting but with profanity-laced text messages. Such demands as they made of Ms. Scheffke were verbal; they sent her no email or written request to discuss her stewardship, the property, or the receipts they now say they sought. The receipts they pressed her for were receipts for money she had spent from her own pocket, which they sought to fold into the Rescue's recorded expenses to thereby improperly inflate them for IRS reporting purposes. They afforded her no notice, no hearing, and no opportunity to respond or to remediate any purported grievance before stripping her of office. They retained a conflicted firm with charitable funds, removed her as President under documents they knew or should have known were void, and scheduled a vote to remove her as a director on grounds the operative bylaws do not permit, all within approximately three weeks. A removal carried out this way is not protected by the business judgment of disinterested fiduciaries.

50. Defendants further breached their duties to Ms. Scheffke by failing to disclose their personal animus and to recuse themselves as CFBR's Conflict of Interest Policy requires, and by restricting her access to funds she needed to care for the animals in her charge.

51. As a direct and proximate result, Ms. Scheffke has suffered injury distinct from any injury to the corporation: the loss of the offices she has held since she founded CFBR, the threatened loss of her employment and the home she occupies as a condition of that employment, and her exclusion from the governance of the organization she built. These are personal injuries to Ms. Scheffke, not derivative injuries to CFBR, and they are not remedied by relief running to the corporation alone.

WHEREFORE, Plaintiff requests judgment against Defendants Schultz and McElligott and the relief set forth in the Prayer for Relief.

COUNT III

Breach of Fiduciary Duty and Waste of Charitable Assets (Derivative)

(Plaintiff derivatively on behalf of CFBR, against Defendants Schultz, McElligott, and Martin)

52. Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

53. Plaintiff brings this Count derivatively on behalf of CFBR. Plaintiff has standing to enforce the duties the Director Defendants owe to the corporation as a director of CFBR whose purported removal is void, and, in the alternative, as the founder and a member of the corporation. Her standing does not depend on the validity of the very removal she challenges.

54. Demand on the Board is excused as futile. The three Director Defendants are the entire governing board of CFBR. Each is a defendant here, each authorized or participated in the challenged transactions, and each is interested in the conduct a demand would ask them to redress, because a demand would require them to cause CFBR to sue themselves and to restore funds they themselves expended and from which they benefited. The Director Defendants cannot impartially consider such a demand, and they have already shown they will not: they have continued the challenged conduct and have failed to comply fully with this Court's orders even after entry of a preliminary injunction. Demand is therefore excused.

55. As directors, the Director Defendants owe CFBR the fiduciary duties of loyalty, care, and good faith, and a duty to preserve the corporation's charitable assets and to apply them solely to its charitable purposes.

56. The Director Defendants breached those duties by, among other things:

a. diverting CFBR's charitable funds, in an amount of no less than approximately $10,000, to finance their effort to remove the founder and to defend their own conduct, the precise amount to be determined by an accounting;

b. retaining and continuing to pay, with charitable funds, a law firm conflicted out of the matter and a necessary witness to it;

c. acting under the 2009 documents that they knew or should have known were never validly adopted;

d. as to Defendants Schultz and McElligott, pressing the founder to record her own personal donations as the Rescue's expenses, which would have inflated the Rescue's reported expenses for IRS reporting purposes, and then invoking the size of those expenses as a reason for her removal;

e. interfering with the scheduled cancer surgery of a dog in the Rescue's care, placing the animal's life at risk, as alleged above;

f. halting the intake of dogs, the core charitable function of the Rescue, during the period in which they were assembling their effort to remove the founder and to sell the property;

g. restricting access to funds and resources necessary for the care of the medically fragile animals in the Rescue's custody; and

h. to the extent the compensation and housing arrangement the Director Defendants now attack was ever improper, which Plaintiff denies, failing over the seven years during which the Board authorized, implemented, and ratified that arrangement to monitor it, object to it, or correct it, such that any resulting breach was the Board's own and not a basis to remove the founder who relied on what the Board created.

57. The Director Defendants did not act in good faith. They acted willfully and wantonly, with conscious disregard for and utter indifference to the welfare of CFBR and the animals in its care. Their conduct is therefore not shielded by Section 108.70(a) of the General Not For Profit Corporation Act. 805 ILCS 105/108.70(a).

58. As a direct and proximate result, CFBR has been injured, including through the dissipation of its charitable funds, the impairment of its operations, and the disruption of its charitable mission.

59. Directors who diverted the Rescue's charitable funds to a conflicted firm, interfered with the cancer surgery of a dog in the Rescue's care, halted the Rescue's core charitable function to make the founder easier to remove, and took personal benefits from the charity have breached the fiduciary duties of loyalty and care that public charitable office requires, and should be removed as directors and officers of CFBR.

WHEREFORE, Plaintiff, derivatively on behalf of CFBR, requests judgment against the Director Defendants and the relief set forth in the Prayer for Relief, including their removal as directors and officers of CFBR, an accounting, surcharge, and constructive trust.

COUNT IV

Breach of Fiduciary Duty – Misuse of CFBR's Official Platforms (Derivative)

(Plaintiff derivatively on behalf of CFBR, against Defendants Schultz, McElligott, and Martin)

60. Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

61. Plaintiff brings this Count derivatively on behalf of CFBR. For the reasons stated above, demand on the Board is excused as futile.

62. The Director Defendants owe CFBR the fiduciary duties of loyalty, care, and good faith, including the duty not to use the corporation's name, resources, official communications channels, or goodwill to advance their personal interests or to pursue a personal dispute.

63. As alleged above, the Director Defendants used CFBR's own official Instagram account and Facebook page to advance their personal dispute with the founder: they permitted, participated in, and failed to remove false and disparaging statements impugning Ms. Scheffke's integrity and her care of the animals, and they themselves mischaracterized this Court's ruling and the cause of the Rescue's legal expenditures. They did all of this using the corporation's own voice and goodwill, during the pendency of this litigation.

64. This use of CFBR's official platforms was contrary to CFBR's charitable interests and was foreseeably harmful to it. The Rescue's followers and donors responded with concern and with questions about whether donations were being used for the animals or for litigation, and the conduct has damaged CFBR's reputation and goodwill and impaired its fundraising and charitable mission.

65. The Director Defendants acted willfully and wantonly, with conscious disregard for and utter indifference to the welfare of CFBR, and their conduct is not shielded by Section 108.70(a) of the Act. 805 ILCS 105/108.70(a). The conduct alleged in this Count further demonstrates that the Director Defendants are not disinterested and cannot impartially exercise the judgment their offices require.

WHEREFORE, Plaintiff, derivatively on behalf of CFBR, requests judgment against the Director Defendants and the relief set forth in the Prayer for Relief, including an order enjoining further misuse of the Rescue's official platforms and the removal of the Director Defendants as directors and officers of CFBR.

COUNT V

Declaratory Relief and Surcharge

(Plaintiff derivatively on behalf of CFBR, against Defendants Schultz, McElligott, and Martin)

66. Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

67. An actual controversy exists regarding whether the Director Defendants' expenditures of CFBR's charitable funds described above were authorized and consistent with their fiduciary duties.

68. Plaintiff is entitled to a declaration that the challenged expenditures were unauthorized and in breach of the Director Defendants' fiduciary duties, and to an order surcharging the Director Defendants and holding them jointly and severally liable to restore to CFBR all charitable funds wrongfully expended, together with an accounting and the imposition of a constructive trust on such funds.

WHEREFORE, Plaintiff, derivatively on behalf of CFBR, requests the declarations, surcharge, accounting, and constructive trust set forth above and the relief set forth in the Prayer for Relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Mary Catherine Scheffke respectfully requests that this Court:

A. Declare that the 2008 Bylaws are the sole operative governing documents of CFBR, that the 2009 documents are void and without legal effect, and that the May 7, 2026 resolution removing Ms. Scheffke as President and installing Michelle Martin is void ab initio;

B. Enter preliminary and permanent injunctive relief restraining the Director Defendants from terminating Ms. Scheffke's employment, removing her from the property at 25540 S. Blackberry Lane, Channahon, Illinois, removing her as a director, or taking further adverse action against her, and preserving the status quo as to the property pending final judgment;

C. Order the Director Defendants to restore and maintain Ms. Scheffke's full access to CFBR's financial accounts, including her co-signatory status and full transaction visibility, consistent with this Court's June 17, 2026 Order;

D. Enjoin the Director Defendants from using CFBR's name, official accounts, or official communications channels to conduct or further their personal dispute with Ms. Scheffke;

E. Enjoin the Director Defendants from suspending, obstructing, or interfering with the Rescue's intake of animals other than for legitimate, good-faith reasons related to the organization's charitable mission and the welfare of the animals in its care;

F. Order an accounting of all CFBR funds paid to or for the benefit of the Director Defendants or their counsel since January 1, 2026;

G. Surcharge the Director Defendants and hold them jointly and severally liable to restore to CFBR all charitable funds wrongfully expended, and impose a constructive trust on such funds;

H. Remove the Director Defendants as directors and officers of CFBR for breach of their fiduciary duties of loyalty and care and for waste of charitable assets, and enjoin them from exercising or purporting to exercise any authority over CFBR, its funds, its accounts, or its official communications;

I. Award Plaintiff her reasonable attorneys' fees and costs; and

J. Grant such other and further relief as this Court deems just and equitable.

Respectfully submitted,

/s/ R Tamara de Silva
DE SILVA LAW OFFICES, LLC
R. Tamara de Silva, Esq.
110 North Wacker Drive
Suite 2500
Chicago, IL 60606
Telephone: (312) 500-8424
tamara@desilvalawoffices.com

/s/ Jonathan Lubin
LAW OFFICE OF JONATHAN LUBIN
Jonathan D. Lubin, Esq.
8800 Bronx Ave
Suite 100H
Skokie, IL 60077
Telephone: (773) 945-2608
jonathan@lubinlegal.com

Counsel for Plaintiff
Mary Catherine Scheffke

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies that she verily believes the same to be true. I have read the foregoing First Amended Verified Complaint, I know the contents thereof, and the factual statements contained therein are true and correct to the best of my knowledge, information, and belief.

Signed by:
6FE97BD6892140A...
Mary Catherine Scheffke

Dated: 6/29/2026