

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

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2007 FEB 27 PM 12:20  
DOROTHY BROWN  
CLERK OF THE CIRCUIT COURT  
OF COOK COUNTY, IL

JAMES C. JAEGER and )  
JCJ DEVELOPMENT, LLC, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
THOMAS OKON and )  
JOY OKON, )  
 )  
Defendants. )

Case No.: 07 - L - 4940  
Judge Ronald Davis

**AMENDED COMPLAINT**

Plaintiffs, James C. Jaeger and J.C.J. Development, LLC, through their attorneys Riordan, Donnelly, Lipinski and McKee, Ltd, for their Complaint against Defendant Thomas Okon and Joy Okon state:

**General Allegations**

1. Plaintiff, James C. Jaeger ("Jaeger"), is an individual residing in Cook County, Illinois.
2. Plaintiff, JCJ Development, LLC ("JCJ"), is an Illinois corporation engaged in the business of real estate development with its principal place of business at 4005 N. Wolcott, Chicago, Illinois.
3. Defendant, Thomas Okon, is an individual residing in Cook County, Illinois.
4. Defendant, Joy Okon, is an individual residing in Cook County, Illinois.
5. Plaintiffs, Jaeger and JCJ are in the business of real estate development. Their current project is a proposed mixed-use building on the 1800 block of West Irving Park Road. Plaintiffs seek to develop property at 1820-42 West Irving Park Road into a mixed-use condominium project.

6. Defendants are self-avowed opponents of Plaintiffs' proposed building and have made every effort to "oppose the proposed zoning change that would allow the construction of a mammoth 7-story building at 1822-40 W. Irving Park Road." (See Exhibit A at 3)

**COUNT I – Defamation of James C. Jaeger by Thomas Okon**

7. Plaintiffs incorporate paragraphs 1-5 as if fully set forth herein.

8. In furtherance of his stated objective to "oppose the proposed zoning change that would allow the construction of a mammoth 7-story building at 1822-40 W. Irving Park Road." (See Exhibit A at 3), Defendant has started a "web log" or "blog" entitled "North Center Neighbors" and located at [www.northcenterneighbors.blogspot.com](http://www.northcenterneighbors.blogspot.com).

9. On or about May 10, 2007, Defendant made false statements on his "blog" concerning James C. Jaeger. Specifically, Defendant stated:

Our meeting with the chamber that we thought would be friendly and amicable turned out to be a sham. Based on prior meetings and statements, I thought we had support from key members of the Chamber. That support now appears to be non-existent. The Chamber seems to have swallowed Jim Jaegers [sic] BS hook line and sinker. I guess the large \$3,500 donation he gave them really did the trick.

(See exhibit A at 2)

Defendant further stated:

Well it seems [the Chamber of Commerce] only care about how much money and power they have. Perhaps Mr. Jaeger also personally wrote them each a check... who knows for sure...

(See exhibit A at 2)

Defendant further stated:

This comes down now to business against residents. The businesses

want more density and more people on Irving Park Road so they can line their pockets. They care nothing about our safety or quality of life. They would be happy to see Irving Park Road so crowded you can not even walk down it, as long as those people are waiting in line to patronize the businesses. [...] This developer is one of the worst offender's [sic] of that practice.

(See exhibit B at 2)

10. Defendant's publication of these statements was unprivileged and was directed at third parties – specifically, at anyone who may have read Defendant's "blog."

11. In making these statements, Defendant knew the statements to be false or acted with reckless disregard as to their truth

12. Defendant's statements constitute defamation *per se* in that the statements prejudiced Jaeger in his profession or trade and imputed the commission of a criminal offense. As such, Plaintiffs are entitled to presumed and punitive damages.

13. Pleading in the alternative, if this Court finds that Defendant's statements did not constitute defamation *per se*, Plaintiffs plead that Defendant's statements constitute defamation *per quod*, and that Plaintiffs have sustained special damages in the delay in securing approval of the project to develop the property at 1822-40 West Irving Park Road and in the denial of a zoning variance to build a seven story building on the property.

WHEREFORE, Plaintiffs pray for damages in excess of \$50,000.00, punitive damages, attorneys' fees, costs and other damages as this Court finds just.

**COUNT II – Defamation of JCJ Development, LLC by Thomas Okon**

14. Plaintiffs incorporate paragraphs 1-13 as if fully set forth herein.

15. On or about May 10, 2007, Defendant made false statements on his "blog"

concerning JCJ. Specifically, Defendant stated:

Our meeting with the chamber that we thought would be friendly and amicable turned out to be a sham. Based on prior meetings and statements, I thought we had support from key members of the Chamber. That support now appears to be non-existent. The Chamber seems to have swallowed Jim Jaegers [sic] BS hook line and sinker. I guess the large \$3,500 donation he gave them really did the trick.

Defendant further stated:

Well it seems [the Chamber of Commerce] only care about how much money and power they have. Perhaps Mr. Jaeger also personally wrote them each a check... who knows for sure...

(See Exhibit A at 2)

Defendant further stated:

This comes down now to business against residents. The businesses want more density and more people on Irving Park Road so they can line their pockets. They care nothing about our safety or quality of life. They would be happy to see Irving Park Road so crowded you can not even walk down it, as long as those people are waiting in line to patronize the businesses. [...] This developer is one of the worst offender's [sic] of that practice.

(See exhibit B at 2)

16. Defendant's publication of these statements was unprivileged and was directed at third parties – specifically, at anyone who may have read Defendant's "blog."

17. Defendant's statements assailed JCJ's business methods and accused it of fraud. Specifically, the statements alleged that the president of JCJ engaged in the bribery of members of the North Center Chamber of Commerce.

18. Defendant's publication of these statements has caused damages to JCJ in that it reflected adversely on JCJ's business methods and practices. Specifically, the statements alleged that

the president of JCJ engaged in bribery of members of the North Center Chamber of Commerce.

19. In making these statements, Defendant knew the statements to be false or acted with reckless disregard as to their truth.

20. Defendant's statements constitute defamation *per se* in that the statements imputed a want of integrity in the discharge of duties of an office or employment and imputed the commission of a criminal offense. As such, Plaintiffs are entitled to presumed and punitive damages.

21. Pleading in the alternative, if this Court finds that Defendant's statements did not constitute defamation *per se*, Plaintiffs plead that Defendant's statements constitute defamation *per quod*, and that Plaintiffs have sustained special damages in the delay in securing approval of the project to develop the property at 1822-40 West Irving Park Road and in the denial of a zoning variance to build a seven story building on the property.

WHEREFORE, Plaintiffs pray for damages in excess of \$50,000.00, punitive damages, attorneys' fees, costs and other damages as this Court finds just.

**COUNT III – Defamation of James C. Jaeger by Joy Okon**

22. Plaintiffs incorporate paragraphs 1-21 as if fully set forth herein.

23. In furtherance of her stated objective to "oppose the proposed zoning change that would allow the construction of a mammoth 7-story building at 1822-40 W. Irving Park Road." (See Exhibit A at 3), Defendant, Joy Okon, has started a "web log" or "blog" entitled "North Center Neighbors" and located at [www.northcenterneighbors.blogspot.com](http://www.northcenterneighbors.blogspot.com).

24. On or about May 10, 2007, Defendant made false statements on her "blog" concerning James C. Jaeger. Specifically, Defendant stated in a posting titled "Developer on the Prowl":

Rumor has it....the developer is approaching the businesses on the south side of Irving Park. I would assume he has been approaching them for years but maybe now he is approaching them more strongly.

(See Exhibit C at 1)

25. In addition to her blog posting, and in a planned and premeditated fashion, Joy Okon set out to defame Jaeger over the course of at least five months in 2007 through a series of emails containing false statements. In these emails, Joy Okon attempted to convey to her readers that: 1) James C. Jaeger is deceitful, dishonest and a liar; 2) James C. Jaeger had special influence with 47<sup>th</sup> Ward Alderman Eugene Schulter and that Schulter was arranging votes in order to procure a favorable outcome for Jaeger; 3) that James C. Jaeger had special influence with the Northcenter Chamber of Commerce; 4) that individuals associated with JCJ development are untrustworthy. All of these statements were false. In these emails, Joy Okon stated:

**April 20, 2007 email from Joy Okon to large group of "Northcenter neighbors":**

Please keep in Mind [sic] you CANNOT VOTE VIA PROXY – well that is what Dan Luna from the Alderman’s office told me earlier this week. This is one of their tactics... and how we could lose the vote. [...] My husband is talking to the Alderman’s office again... and now he is getting a different story, [sic] Dan Luna from the Alderman’s office told my husband that there is a meeting scheduled for 5/24..but that is not set in stone as of yet. I spoke to the Alderman’s scheduler this AM and they said the meeting was set for 5/24 Thursday 7pm. Very interesting....sounds fishy.

(See Exhibit D at 1)

**May 2, 2007 email from Joy Okon to psfox3@aol.com**

I will tell you this ...we have had several people call the Alderman’s office and we have received mixed responses about 5/24. I would NOT tell people that it will not be 5/24...because it very well may be

that date. This is how they insure the poor turn out and then win the vote.

(See Exhibit E at 1-2)

**May 7, 2007 email from Joy Okon to Sherri McDermott**

That was the date the Alderman's office told us 2 weeks ago [May 27, 2007] ...since then that office has tried to say...they are not sure if that will be the meeting date, tec. I do not believe them – I think they are trying to deceive us...with the hopes there will be a low turn out and they [sic] developer will win. Sherri – the looks of the building is the least of our worries...the safety for our children, pedestrians, and traffic – sewerage, water pressure, etc... I can go on and on for hours. It is just the greed of the developer..it makes me sick. He tells so many lies and deceptions...trying to play off as if he is a nice guy...when he is greedy and does not care about this community.

(See Exhibit F at 1)

**May 9, 2007 email from Joy Okon to Alphonse Podgorski**

We had bad news last night – it seems the Northcenter Chamber is siding with the developer....all they see is \$\$\$ signs and not the happiness or health of their neighbors.

(See Exhibit G at 1)

**May 18, 2007 email from Joy Okon to Tomas Aguillar**

Thomas – keep in mind these guys [JCJ Development] are experts at BS and snowballing people – they lie lie lie and deceive. Be careful – not to divulge how large the organization is.

(See Exhibit H at 1)

**May 23, 2007 email from Joy Okon to Marc Cerone, Tomas Aguillar, and northcenterneighbors@gmail.com**

I find it funny, how the developer's architect consultant – Rich – saw me on the street Friday at 7pm and told me how they are making big changes.... How were they making big changes I they told us they did not know what changes to make without our notes. I hate people who deceive and are dishonest! They will get theirs when they meet their

maker.

(See Exhibit I at 1)

**June 7, 2007 email from Joy Okon to Bill Moran**

Beware...I know he [James C. Jaeger] is up to something very sneaky..and that is why we have not heard from him.

(See Exhibit J at 1)

**July 5, 2007 email from Joy Okon to Sherri McDermott**

The building they just told you about is larger than the one they proposed to us 2 weeks ago...see the games they play. The proposal came straight from Jonathn [sic] Splitt – architect. I do not trust Jonathan Splitt either. All they want is to build an enormous building – and they do not care at all about what it does to the community as long as they make money.

(See Exhibit K at 1)

**July 10, 2007 email from Joy Okon to Belinda Shastal**

We have been open to work with the developer – we have worked with him for months now – and all he does is go back and forth on this project...it is a moving target. I just want the neighborhood to be informed – the Alderman’s office has not informed the neighborhood. As a matter of fact, most of the neighbors within the voting grid never received their notification via mail...that to me sounds fishy. Mistakes happen – this I understand...but deception is another thing.

(See Exhibit L at 1)

**July 10, 2007 email to from Joy Okon to Tomas Aguillar**

Tom [Okon] and I went a few blocks and someone has ripped [flyers posted by Northcenter neighbors] down. Also, someone I know on Ravenswood – told me someone was going around on Ravenswood and – blacking out the word “opposed” on the flyers. They are not playing nice Tomas. You will meet some down right evil people in your life...and this developer and his followers are those evil ones.



(See Exhibit M at 1)

**August 21, 2007 email to Francis Nolan**

Yes, the meeting is really going to happen. Schulter is doing this again – and he will continue until he gets the vote he wants.

(See Exhibit N at 1)

26. Defendant's publications of these statements was unprivileged and directed at third parties – specifically, at anyone who read the emails or who may have read Defendant's "blog."

27. In making these statements, Defendant knew the statements to be false or acted with reckless disregard as to their truth.

28. Defendant's statements constitute defamation *per se* in that the statements prejudiced Jaeger in his profession or trade. As such, Plaintiffs are entitled to presumed and punitive damages.

29. Pleading in the alternative, if this Court finds that Defendant's statements did not constitute defamation *per se*, Plaintiffs plead that Defendant's statements constitute defamation *per quod*, and that Plaintiffs have sustained special damages in the delay in securing approval of the project to develop the property at 1822-40 West Irving Park Road and in the denial of a zoning variance to allow for a seven story building at the property.

WHEREFORE, Plaintiffs pray for damages in excess of \$50,000.00, punitive damages, attorneys' fees, costs and other damages as this Court finds just.

**COUNT IV – Defamation of JCJ Development, LLC by Joy Okon**

30. Plaintiffs incorporate paragraphs 1-29 as if fully set forth herein.

31. In furtherance of her stated objective to “oppose the proposed zoning change that would allow the construction of a mammoth 7-story building at 1822-40 W. Irving Park Road.” (See Exhibit A at 3), Defendant, Joy Okon, has started a “web log” or “blog” entitled “North Center Neighbors” and located at [www.northcenterneighbors.blogspot.com](http://www.northcenterneighbors.blogspot.com).

32. On or about May 10, 2007, Defendant made false statements on her “blog” concerning JCJ. Specifically, Defendant stated in a posting titled “Developer on the Prowl”:

Rumor has it....the developer is approaching the businesses on the south side of Irving Park. I would assume he has been approaching them for years but maybe now he is approaching them more strongly.

(See Exhibit A at 1)

33. In addition to her blog posting, and in a planned and premeditated fashion, Joy Okon set out to defame JCJ over the course of at least five months in 2007 through a series of emails. In these emails, Joy Okon attempted to convey to her readers that: 1) JCJ is a deceptive organization; 2) JCJ had special influence with 47<sup>th</sup> Ward Alderman Eugene Schulter and that Schulter was arranging votes in order to procure a favorable outcome for JCJ; 3) that JCJ had special influence with the Northcenter Chamber of Commerce; 4) that individuals associated with JCJ are untrustworthy; In these emails, Joy Okon stated:

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(See Exhibit N at 1)

34. Defendant’s publication of these statements was unprivileged and directed at third parties – specifically, at anyone who read the emails or who may have read Defendant’s “blog.”

35. In making these statements, Defendant knew the statements to be false or acted with reckless disregard as to their truth.

36. Defendant’s statements constitute defamation *per se* in that the statements prejudiced Jaeger in his profession or trade. As such, Plaintiffs are entitled to presumed and punitive damages.

37. Pleading in the alternative, if this Court finds that Defendant’s statements did not constitute defamation *per se*, Plaintiffs plead that Defendant’s statements constitute defamation *per quod*, and that Plaintiffs have sustained special damages in the delay in securing approval of the project to develop the property at 1822-40 West Irving Park Road and in the denial of a zoning variance to allow for a seven story building at the property.

WHEREFORE, Plaintiffs pray for damages in excess of \$50,000.00, punitive damages,

attorneys' fees, costs and other damages as this Court finds just.

**COUNT V – CIVIL CONSPIRACY TO INJURE BUSINESS**

38. Plaintiffs incorporate paragraphs 1-36 as if fully set forth herein.

39. Defendants, Thomas Okon and Joy Okon, entered into a conspiracy to act in concert or combination to cause injury to Defendant's business, namely development of property for commercial and residential use.

40. By means of their conspiracy, Defendants acted to assert defamatory statements about Plaintiffs through electronic means, namely email and a "web log." Through these electronic means of communications, Defendants made numerous defamatory statements, knowing the statements to be false or acting in reckless disregard of their truthfulness.

41. Defendants' conspiracy was not for the purpose of protecting their own legitimate interests, but was for the sole purpose of injuring James C. Jaeger and JCJ Development, LLC in their trade, business and occupation.

42. As a result of Defendants' conspiracy, Plaintiffs have sustained special damages in the delay in securing approval of the project to develop the property at 1822-40 West Irving Park Road and in the denial of a zoning variance to allow for a seven story building at the property.

WHEREFORE, Plaintiffs pray for damages in excess of \$50,000.00, punitive damages, attorneys' fees, costs and other damages as this Court finds just.

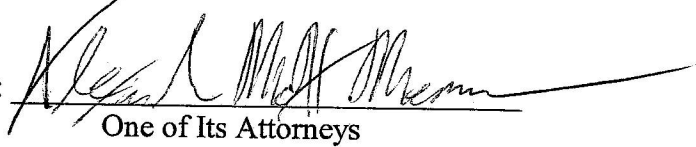
**Jury Demand**

The Plaintiffs hereby request a trial by jury.

Respectfully Submitted,

JAMES JAEGER and  
JCJ DEVELOPMENT, LLC

By:



One of Its Attorneys

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