

STATE OF ILLINOIS
IN THE COURT OF THE FIRST JUDICIAL CIRCUIT
UNION COUNTY

FILED
JAN 15 2009

Lorain Garland
CLERK OF THE CIRCUIT COURT
FIRST JUDICIAL CIRCUIT
UNION COUNTY, ILLINOIS

CHRISTINE BUTLER and DENISE GOINS,

Plaintiffs,

vs.

No. 09-L-2

TAMMY DUCKWORTH, individually and in her
official capacity as Director, Illinois Department
of Veterans Affairs, and PATRICIA SIMMS,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COME the Plaintiffs, Christine Butler and Denise Goins, by and through their attorney, Richard J. Whitney, and for their Complaint against Defendants Tammy Duckworth, sued in both her individual and official capacity as Director, Illinois Department of Veterans Affairs, and Patricia Simms, state:

PARTIES

1. Plaintiff Christine Butler is a citizen of the United States and resident of Union County, Illinois.

2. Plaintiff Denise Goins is a citizen of the United States and resident of Union County, Illinois.

3. At all relevant times herein, Defendant Tammy Duckworth was acting in her capacity as Director of the Illinois Department of Veterans Affairs ("IDVA"), in which capacity she was responsible, in whole or in part, for hiring, firing, promotion, appointment and all basic employment-related policies and decisions of that agency.

4. At all relevant times herein, Defendant Patricia Simms was acting in her capacity as Acting Administrator of the IDVA Veterans Home at Anna, Illinois ("Anna Veterans Home").

FACTUAL ALLEGATIONS

5. Plaintiff Butler has been employed by the IDVA since 1994. At all times relevant to this Complaint, she has been employed as a Public Service Administrator I, responsible for fiscal and budgetary matters, at the Anna Veterans Home.

6. Plaintiff Goins has been employed by the IDVA since 2003. At all times relevant to this Complaint, she has been employed as an Executive Secretary for Human Resources at the Anna Veterans Home.

7. On or about August 4, 2006, Defendant Simms was placed in charge of the Anna Veterans Home as its Acting Administrator. Plaintiff Butler was absent on medical leave at that time. In November 2006, while Plaintiff Butler was still on leave, Defendant Simms stated to two other employees that she was going to put Plaintiff Butler "in her place" and that she wanted Plaintiff Butler "gone" from the facility.

8. On November 15, 2006, Plaintiff Butler returned to work from medical leave. The following day, Defendant Simms confronted Plaintiff Butler and began yelling at her that she was in charge and that changes in policy had been made in her absence.

9. On the same day, November 16, 2006, IDVA Deputy Director Christi Rios held a meeting with Plaintiff Butler, Defendant Simms, Plaintiff Goins and a new Human Resources Assistant. Ms. Rios informed Defendant Simms at that time that, when Defendant Simms was absent, Plaintiff Butler was to be in charge of the facility except for the nursing department. After the meeting was concluded, Defendant Simms spoke to Plaintiffs Butler and Goins and told them

that Ms. Rios does not run the Anna Veterans Home, that she (Defendant Simms) does, and that she will run it any way she wants to.

10. On December 1, 2006, Plaintiffs Goins and Butler observed Defendant Simms reading a personal notebook belonging to Human Resources Assistant Amanda Mayville. They reported the incident to Ms. Mayville, who in turn reported it to Deputy Director Rios. After receiving a phone call from IDVA in Springfield about the matter, Defendant Simms confronted Plaintiffs and screamed at them for reporting the incident.

11. On December 14, 2006, Defendant Simms had to leave the Anna Veterans Home for a meeting in Springfield, and stated that the Director of Nursing was in charge of the facility, in direct defiance of the instructions given her by Deputy Director Rios.

12. On December 21, 2006, Defendant Simms falsely accused Plaintiff Butler, in front of other employees, of having been responsible for a missing \$3,000 Medicare check from July 2006, and of having failed to report this to Defendant Simms. Defendant Simms based this accusation on a statement from another employee that a copy of a deposit slip had been missing.

13. After investigating the matter of the missing check, Plaintiff Butler determined that the check in question had been issued in July 2005 – while Plaintiff Butler was out on workers' compensation leave.

14. On December 27, 2006, Plaintiff Butler submitted a letter of complaint to the IDVA administration, headed by Defendant Duckworth, describing the events set forth in paragraphs 7-13 herein.

15. On December 27, 2006, Plaintiff Goins also submitted a letter of complaint to the IDVA administration, headed by Defendant Duckworth, raising some of the same concerns as

Plaintiff Butler, but adding that when she had returned to work from maternity leave, while Defendant Simms was acting as administrator, she had found her desk trashed, files missing and misplaced, and copies of time sheets filled out by someone else. The letter also described Defendant Simms giving her a list of duties that excluded some necessary tasks, forbidding her from running errands for other employees, and requiring her to ask permission to leave for lunch, unlike all other employees. It also stated that Defendant Simms had forbade her from reporting problems to Springfield and that her concerns should be handled "in-house," even when they involve Defendant Simms herself.

16. On an unknown date after March 31, 2007, Defendant Simms prepared a performance evaluation for Plaintiff Butler, for the period April 1, 2006 through March 31, 2007, even though Defendant Simms was serving as Plaintiff Butler's supervisor only during the period from November 15, 2006 through March 31, 2007. The performance evaluation, without legitimate cause or justification, gave Plaintiff Butler a performance evaluation of "Unacceptable," which resulted in Plaintiff Butler receiving no pay raise in 2007. The real reason for Defendant Simms giving Plaintiff Butler an "Unacceptable" performance evaluation was to retaliate against her for her reporting the incident described in paragraph 10 herein, and for submitting the letter of complaint described in paragraph 14 herein.

17. In April, 2007, Defendant Simms allowed a non-resident to enter the Anna Veterans Home and pass out campaign literature to residents and employees, for certain candidates for public office, in violation of the ethical rules regarding campaigning on State property, of the State of Illinois, including 5 ILCS 430/5-35.

18. On April 18, 2007, Plaintiff Butler sent an e-mail communication to Defendant

Duckworth regarding an incident in which five non-employees of the IDVA had come to the Anna Veterans Home the previous day and requested permission of Defendant Simms to provide care to one of the veteran residents of the Home. Defendant Simms had granted them permission to do so, despite the fact that there were obvious concerns about the appearance, hygiene, and conduct of the individuals – and Defendant Simms had not yet conducted a background check on them. By the next day, the five ostensible care-providers had become abusive, both to the veteran and a contractor working at the facility, as well as loud and disruptive, and were required to leave the facility.

19. On April 23, 2007, Plaintiff Goins sent an e-mail to Deputy Director Rios complaining about Defendant Simms reassigning one of her job duties to another employee. Deputy Director Rios forwarded this complaint to Defendant Duckworth.

20. On April 30, 2007, Plaintiff Butler sent a written complaint to Deputy Director Rios regarding a revised organizational chart that Defendant Simms had sought to implement at the Anna Veterans Home. The complaint noted that the revised organizational chart contained several changes in supervisory responsibility that had not been discussed with the employees affected, or approved by Human Resources, and that Defendant Simms had been harassing and acting vindictively toward her.

21. On April 30, 2007, Plaintiff Butler sent a written complaint to the Office of Executive Inspector General, complaining of a pattern of harassment and abuse of authority by Defendant Simms. The complaint, among other things, recounted the events described in paragraphs 7-13, and paragraph 17, herein, as well as a statement by Defendant Simms in which she threatened to commit a battery against Deputy Director Rios.

22. The written complaints submitted by Plaintiff Butler described in paragraphs 20 and 21 herein, were routed to Defendant Duckworth.

23. On May 1, 2007, at a Safety and Quality Assurance meeting attended by numerous employees, Defendant Simms, knowing that Plaintiff Butler and two other employees could not complete Cardio-Pulmonary Resuscitation ("CPR") training due to medical and physical limitations, intentionally and maliciously sought to embarrass Plaintiff Butler and the other employees by making repeated comments, such as, "What if your granddaughter was choking? Would you just stand there and let her die?" That particular statement was directed toward the Dietary Manager, who had in fact almost lost a granddaughter to a breathing disorder.

24. On May 2, 2007, Plaintiff Butler reported the incident described in paragraph 23 to Deputy Director Rios. Deputy Director Rios forwarded this information to Defendant Duckworth that day.

25. On or about May 2, 2007, Defendant Duckworth decided to visit the Anna Veterans Home the following day, for purposes of discussing the conflicts that had been reported to her. She notified Defendant Simms that she would be meeting with Plaintiffs Butler and Goins, Defendant Simms and other department heads, as a group. On May 2, 2007, Defendant Simms forwarded this information to Plaintiffs Butler, Goins and the other department heads.

26. On May 2, 2007, Plaintiff Butler responded to the announcement of a group meeting with Defendant Duckworth by sending an e-mail to Defendant Duckworth requesting an individual meeting. Defendant Duckworth responded the same day by e-mail, stating her intention to meet with both the group and individuals.

27. On May 3, 2007, Defendant Duckworth and Defendant Simms met with Plaintiffs

Butler and Goins, and other department heads, at the Anna Veterans Home. In a private meeting with Plaintiff Butler, Defendant Duckworth, without legitimate cause or justification, and in violation of the progressive discipline policy and other procedures of the IDVA, summarily discharged Plaintiff Butler, effective immediately.

28. The stated reason that Defendant Duckworth gave for discharging Plaintiff Butler was that she had been "insubordinate" to herself and to Defendant Simms. That reason was false and pretextual. Defendant Duckworth's real reason for discharging Plaintiff Butler was to retaliate against Plaintiff Butler for reporting the matters described in paragraphs 7-13, 17 and 20-24 herein.

29. After discharging Plaintiff Butler, Defendant Duckworth intentionally humiliated Plaintiff Butler by announcing publicly, in a loud voice, at the Anna Veterans Home, that she had just terminated her, and calling for security. She did not allow her to conduct an exit interview at that time and required her to remove her personal belongings and be escorted out of the facility, during working hours, at that time.

30. On May 7, 2007, Defendant Duckworth, through Deputy Director Rios, rescinded Plaintiff Butler's termination and changed her status to administrative leave, with pay, and, sought to back-date her action to May 3, 2007.

31. On May 3, 2007, after publicly discharging Plaintiff Butler, Defendant Duckworth called Plaintiff Goins in for an individual meeting. During this meeting, Defendant Duckworth referred to her termination of Plaintiff Butler, and intentionally sought to prevent Plaintiff Goins from raising any further complaints, stating, "If you do your job and keep your mouth shut and concentrate on job duties, you will keep your job."

32. On May 3, 2007, Plaintiff Goins sent a written complaint to the Office of Executive Inspector General, complaining of a pattern of harassment and abuse of authority by Defendant Simms, citing the provisions of the IDVA Policy and Procedures Manual and Employee Handbook that Defendant Simms had violated. The complaint, among other things, recounted the events described in paragraphs 8, 10, 17, 18 and 20 herein, as well as an additional allegation stating that Defendant Simms had lied when she stated that she had informed union representatives at the Anna Veterans Home about her revised organizational chart.

33. The written complaint submitted by Plaintiff Goins described in paragraph 32 herein, was routed or made known to Defendants Duckworth and Simms.

34. On May 4, 2007, Defendant Simms issued an Administrative Directive to employees at the Anna Veterans Home stating that "everything needs to stay within the facility," and announcing a change to the tardiness policy, indicating that the practice of allowing a 7-minute grace period for reporting to work will be ended.

35. On or about May 4, 2007, Defendant Simms issued six pre-disciplinary charges against Plaintiff Goins, all at one time. Three of the charges are for alleged tardiness, for periods that pre-dated the change in the tardiness policy that had just been enacted on May 4, 2007, and were predicated on making the new tardiness policy retroactive with respect to Plaintiff Goins. The other three charges cited sections of the IDVA Rules of Conduct that Plaintiff Goins allegedly violated, and cited dates of February 6, April 4, and April 13, 2007 in which infractions of these Rules allegedly occurred, but contained no specifications as to the acts that Plaintiff Goins allegedly committed, did not identify any other party to the acts, or witnesses to the acts, nor did it attach any documentation describing the particulars of the acts. However, each of the

notices of the six charges instructed Plaintiff Goins to attend a pre-disciplinary meeting on May 10, 2007, at which time she could "rebut" the charges in question.

36. The charges filed by Defendant Simms against Plaintiff Goins, described in the preceding paragraph, were not based on any good-faith belief that Plaintiff Goins had committed the alleged infractions described, but were intended to harass and cause distress to Plaintiff Goins, in retaliation for Plaintiff Goins reporting Defendant Simms' own misconduct, as described in paragraphs 10, 15, 19, and 32 herein.

37. On May 7, 2007, by instruction of Defendant Duckworth, the six pre-disciplinary charges against Plaintiff Goins were dropped or rescinded by Defendant Simms.

38. On or about May 23, 2007, Defendant Simms who was going to be out of the office on May 24, 2007, issued a directive to Director of Nursing Gayla Davidson, placing her in charge of the facility and directing her to take charge of payroll for that period, contrary to the usual procedure, in which payroll is handled by Human Resources. Defendant Simms knew that this was an improper and unauthorized directive when she gave it to Ms. Davidson, and it precipitated a hostile conflict between Ms. Davidson and Plaintiff Goins, who was left in charge of collecting and processing payroll information following the directives of Human Resources Representative Amanda Mayville and the Central Office in Springfield.

39. The directive issued by Defendant Simms, as described in the preceding paragraph, was intended to harass and cause distress to Plaintiff Goins, in retaliation for Plaintiff Goins reporting Defendant Simms' own misconduct, as described in paragraphs 10, 15, 19, and 32 herein.

40. On or about August 9, 2007, Defendant Simms issued a performance evaluation for

Plaintiff Goins, for the period June 1, 2006 to June 1, 2007. Although it gave Plaintiff Goins an overall rating of "Acceptable," it contained numerous inaccuracies and omissions and rated her performance as "Unacceptable" in two categories, thereby rendering her ineligible for certain pay increases and bonuses. On or about August 8, 2007, Defendant Duckworth approved this inaccurate and unwarranted performance evaluation of Plaintiff Goins.

41. The performance evaluation prepared by Defendant Simms, as described in the preceding paragraph, was intended to harass and cause distress to Plaintiff Goins, in retaliation for Plaintiff Goins reporting Defendant Simms' own misconduct, as described in paragraphs 10, 15, 19, and 32 herein.

42. On or about August 16, 2007, Defendant Duckworth approved the "Unacceptable" performance evaluation issued to Plaintiff Butler by Defendant Simms, as described in paragraph 16 herein. This rendered Plaintiff Butler ineligible for certain pay increases and bonuses. Defendant Duckworth did not approve the "Unacceptable" performance evaluation based on any legitimate considerations regarding Plaintiff Butler's actual performance, but in retaliation for Plaintiff Butler reporting the matters described in paragraphs 7-13, 17, 20-21 and 23 herein.

43. There was, in force, at the time of the aforesaid actions, a law of the State of Illinois known as the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., that provided, in pertinent part:

§ 15-10. Protected activity. An officer, a member, a State employee, or a State agency shall not take any retaliatory action against a State employee because the State employee does any of the following:

(1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule,

or regulation. . . .

5 ILCS 430/15-10

COUNT I: PLAINTIFF BUTLER'S CLAIM AGAINST DEFENDANT DUCKWORTH FOR

VIOLATION OF STATE OF ILLINOIS OFFICIALS AND EMPLOYEES ETHICS ACT

44. Plaintiff Christine Butler realleges and incorporates by reference the allegations contained in paragraphs 1, 3, 5 14, 16, 18, 20-30 and 42-43 herein.

45. The written communications described in paragraphs 14, 18, 20 and 24 disclosed to supervisors activities of a State agency and State employee that Plaintiff Butler reasonably believed were in violation of a law, rule or regulation. The written communications described in paragraph 21 disclosed to a public body activities of a State agency and State employee that Plaintiff Butler reasonably believed were in violation of a law, rule or regulation.

46. Defendant Duckworth's acts against Plaintiff Butler, as described in paragraphs 27-30 and 42 herein, were committed in retaliation for Plaintiff Butler's written communications described in paragraphs 14, 18, 20, 21 and 24 herein, reporting the matters described in paragraphs 7-13, 17, 20-21 and 23 herein.

47. As a direct and proximate consequence of Defendant Duckworth's acts against Plaintiff Butler, as described in paragraphs 27-30 and 42 herein, Plaintiff suffered humiliation, mental and emotional distress, as well as lost wages and benefits of employment.

WHEREFORE, Plaintiff Christine Butler prays that judgment be entered in her favor and against Defendant Tammy Duckworth and respectfully requests that this Court:

A. Award compensatory damages in an amount to be determined at trial against Defendant Duckworth for the matters alleged in this Complaint, with interest, as provided by 5

ILCS 430/15-25;

B. Award liquidated damages in an amount two times the amount of lost wages, as provided by 5 ILCS 430/15-25;

C. Award costs of suit incurred;

D. Award reasonable attorney's fees as provided by 5 ILCS 430/15-25; and

E. Award such other and further relief as the Court may deem proper.

COUNT II: PLAINTIFF BUTLER'S CLAIM AGAINST DEFENDANT SIMMS FOR VIOLATION OF STATE OF ILLINOIS OFFICIALS AND EMPLOYEES ETHICS ACT

48. Plaintiff Christine Butler realleges and incorporates by reference the allegations contained in paragraphs 1, 4, 5, 7-14, 16-18, 20-24, and 42-43 herein.

49. The communications described in paragraphs 10, 14, 18, and 20 disclosed to supervisors activities of a State agency and State employee that Plaintiff Butler reasonably believed were in violation of a law, rule or regulation. The written communications described in paragraph 21 disclosed to a public body activities of a State agency and State employee that Plaintiff Butler reasonably believed were in violation of a law, rule or regulation.

50. Defendant Simms' acts against Plaintiff Butler, as described in paragraphs 12, 16 and 23 herein, were committed in retaliation for Plaintiff Butler's communications described in paragraphs 10, 14, 18, 20 and 21 herein, which reported the matters described in paragraphs 7-13, 18, 20 and 21 herein.

51. As a direct and proximate consequence of Defendant Simms' acts against Plaintiff Butler, as described in paragraphs 12, 16 and 23 herein, Plaintiff suffered humiliation, mental and emotional distress, as well as lost wages and benefits of employment.

WHEREFORE, Plaintiff Christine Butler prays that judgment be entered in her favor and against Defendant Patricia Simms and respectfully requests that this Court:

A. Award compensatory damages in an amount to be determined at trial against Defendant Simms for the matters alleged in this Complaint, with interest, as provided by 5 ILCS 430/15-25;

B. Award liquidated damages in an amount two times the amount of lost wages, as provided by 5 ILCS 430/15-25;

C. Award costs of suit incurred;

D. Award reasonable attorney's fees as provided by 5 ILCS 430/15-25; and

E. Award such other and further relief as the Court may deem proper.

COUNT III: PLAINTIFF BUTLER'S CLAIM AGAINST DEFENDANT DUCKWORTH FOR
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

52. Plaintiff Christine Butler realleges and incorporates by reference the allegations contained in paragraphs 1, 3, 5 14, 16, 18, 20-30 and 42 herein.

53. Defendant Duckworth's acts against Plaintiff Butler, as described in paragraphs 27-30 and 42 herein, were extreme and outrageous.

54. Defendant Duckworth either intended that her conduct would inflict severe emotional distress on Plaintiff Butler, or knew that there was a high probability that her conduct would cause her to suffer severe emotional distress.

55. Defendant Duckworth's conduct in fact caused severe emotional distress to Plaintiff Butler.

56. Defendant Duckworth's acts against Plaintiff Butler, as described in paragraphs 27-

30 and 42 herein, were committed maliciously for personal reasons having nothing to do with furthering the legitimate public service functions of the IDVA.

WHEREFORE, Plaintiff Christine Butler prays that judgment be entered in her favor and against Defendant Tammy Duckworth and respectfully requests that this Court:

A. Award compensatory damages in an amount to be determined at trial against Defendant Duckworth for the matters alleged in this Complaint;

B. Award costs of suit incurred; and

C. Award such other and further relief as the Court may deem proper.

COUNT IV: PLAINTIFF BUTLER'S CLAIM AGAINST DEFENDANT SIMMS FOR
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

57. Plaintiff Christine Butler realleges and incorporates by reference the allegations contained in paragraphs 1, 4, 5, 7-14, 16-18, 20-24, and 42 herein.

58. Defendant Simms' acts against Plaintiff Butler, as described in as described in paragraphs 12, 16 and 23 herein, were extreme and outrageous.

59. Defendant Simms either intended that her conduct would inflict severe emotional distress on Plaintiff Butler, or knew that there was a high probability that her conduct would cause her to suffer severe emotional distress.

60. Defendant Simms' conduct in fact caused severe emotional distress to Plaintiff Butler.

61. Defendant Simms' acts against Plaintiff Butler, as described in paragraphs 12, 16 and 23 herein, were committed maliciously for personal reasons having nothing to do with furthering the legitimate public service functions of the IDVA.

WHEREFORE, Plaintiff Christine Butler prays that judgment be entered in her favor and against Defendant Patricia Simms and respectfully requests that this Court:

A. Award compensatory damages in an amount to be determined at trial against Defendant Simms for the matters alleged in this Complaint;

B. Award costs of suit incurred; and

C. Award such other and further relief as the Court may deem proper.

COUNT V: PLAINTIFF GOINS' CLAIM AGAINST DEFENDANT DUCKWORTH FOR VIOLATION OF STATE OF ILLINOIS OFFICIALS AND EMPLOYEES ETHICS ACT

62. Plaintiff Denise Goins realleges and incorporates by reference the allegations contained in paragraphs 2, 3, 6, 9, 10, 15, 19, 27, 29, 31, 32, 40, 41 and 43 herein.

63. The written communications described in paragraphs 15 and 19 herein, disclosed to supervisors activities of a State agency and State employee that Plaintiff Goins reasonably believed were in violation of a law, rule or regulation. The written communications described in paragraph 32 herein disclosed to a public body activities of a State agency and State employee that Plaintiff Goins reasonably believed were in violation of a law, rule or regulation.

64. Defendant Duckworth's acts against Plaintiff Goins, as described in paragraphs 31, 40 and 41 herein, were committed in retaliation for Plaintiff Goins's written communications described in paragraphs 15, 19 and 32 herein, which reported the matters described in paragraphs 8-10, 15, 18-20 and 32 herein.

65. As a direct and proximate consequence of Defendant Duckworth's acts against Plaintiff Goins, as described in paragraphs 31, 40 and 41 herein, Plaintiff suffered humiliation, mental and emotional distress, as well as lost wages and benefits of employment.

WHEREFORE, Plaintiff Denise Goins prays that judgment be entered in her favor and against Defendant Tammy Duckworth and respectfully requests that this Court:

A. Award compensatory damages in an amount to be determined at trial against Defendant Duckworth for the matters alleged in this Complaint, with interest, as provided by 5 ILCS 430/15-25;

B. Award liquidated damages in an amount two times the amount of lost wages, as provided by 5 ILCS 430/15-25;

C. Award costs of suit incurred;

D. Award reasonable attorney's fees as provided by 5 ILCS 430/15-25; and

E. Award such other and further relief as the Court may deem proper.

COUNT VI: PLAINTIFF GOINS' CLAIM AGAINST DEFENDANT SIMMS FOR VIOLATION OF STATE OF ILLINOIS OFFICIALS AND EMPLOYEES ETHICS ACT

66. Plaintiff Denise Goins realleges and incorporates by reference the allegations contained in paragraphs 1, 4, 6, 9-11, 15, 19, 27, 32-41 and 43 herein.

67. The communications described in paragraphs 10, 15 and 19 disclosed to supervisors activities of a State agency and State employee that Plaintiff Goins reasonably believed were in violation of a law, rule or regulation. The written communications described in paragraph 32 disclosed to a public body activities of a State agency and State employee that Plaintiff Goins reasonably believed were in violation of a law, rule or regulation.

68. Defendant Simms' acts against Plaintiff Goins, as described in paragraphs 10, 19, 34-36 and 38-41 herein, were committed in retaliation for Plaintiff Goins's communications described in paragraphs 10, 15, 19, and 32 herein, which reported the matters described in

paragraphs 8-10, 15, 18-20 and 32 herein.

69. As a direct and proximate consequence of Defendant Simms' acts against Plaintiff Goins, as described in paragraphs 10, 19, 34-36 and 38-41 herein, Plaintiff suffered humiliation, mental and emotional distress, as well as lost wages and benefits of employment.

WHEREFORE, Plaintiff Denise Goins prays that judgment be entered in her favor and against Defendant Patricia Simms and respectfully requests that this Court:

A. Award compensatory damages in an amount to be determined at trial against Defendant Simms for the matters alleged in this Complaint, with interest, as provided by 5 ILCS 430/15-25;

B. Award liquidated damages in an amount two times the amount of lost wages, as provided by 5 ILCS 430/15-25;

C. Award costs of suit incurred;

D. Award reasonable attorney's fees as provided by 5 ILCS 430/15-25; and

E. Award such other and further relief as the Court may deem proper.

COUNT VII: PLAINTIFF GOINS' CLAIM AGAINST DEFENDANT DUCKWORTH FOR
FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

70. Plaintiff Denise Goins realleges and incorporates by reference the allegations contained in paragraphs 2, 3, 6, 9, 10, 15, 19, 27, 29, 31, 32, 40, and 41 herein.

71. Defendant Duckworth's acts against Plaintiff Goins, as described in paragraphs 31, 40 and 41 herein, were extreme and outrageous.

72. Defendant Duckworth either intended that her conduct would inflict severe emotional distress on Plaintiff Goins, or knew that there was a high probability that her conduct would

cause her to suffer severe emotional distress.

73. Defendant Duckworth's conduct in fact caused severe emotional distress to Plaintiff Goins.

74. Defendant Duckworth's acts against Plaintiff Goins, as described in paragraphs 31, 40 and 41 herein, were committed maliciously for personal reasons having nothing to do with furthering the legitimate public service functions of the IDVA.

WHEREFORE, Plaintiff Denise Goins prays that judgment be entered in her favor and against Defendant Tammy Duckworth and respectfully requests that this Court:

A. Award compensatory damages in an amount to be determined at trial against Defendant Duckworth for the matters alleged in this Complaint;

B. Award costs of suit incurred; and

C. Award such other and further relief as the Court may deem proper.

COUNT VIII: PLAINTIFF GOINS' CLAIM AGAINST DEFENDANT SIMMS FOR
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

75. Plaintiff Denise Goins realleges and incorporates by reference the allegations contained in paragraphs 1, 4, 6, 9-11, 15, 19, 27, and 32-41, herein.

76. Defendant Simms' acts against Plaintiff Goins, as described in as described in paragraphs 10, 19, 34-36 and 38-41 herein, were extreme and outrageous.

77. Defendant Simms either intended that her conduct would inflict severe emotional distress on Plaintiff Goins, or knew that there was a high probability that her conduct would cause her to suffer severe emotional distress.

78. Defendant Simms' conduct in fact caused severe emotional distress to Plaintiff Goins.

79. Defendant Simms' acts against Plaintiff Goins, as described in paragraphs 12, 16 and 23 herein, were committed maliciously for personal reasons having nothing to do with furthering the legitimate public service functions of the IDVA.

WHEREFORE, Plaintiff Denise Goins prays that judgment be entered in her favor and against Defendant Patricia Simms and respectfully requests that this Court:

A. Award compensatory damages in an amount to be determined at trial against Defendant Simms for the matters alleged in this Complaint;

B. Award costs of suit incurred; and

C. Award such other and further relief as the Court may deem proper.

Plaintiffs further demand trial by jury.

RESPECTFULLY SUBMITTED,
PLAINTIFFS CHRISTINE BUTLER and
DENISE GOINS

Dated: January 13, 2009

By: 

Richard J. Whitney
Attorney for Plaintiff

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STATE OF ILLINOIS
IN THE COURT OF THE FIRST JUDICIAL CIRCUIT
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CHRISTINE BUTLER and DENISE GOINS,

Plaintiffs,

vs.

TAMMY DUCKWORTH, individually and in her
official capacity as Director, Illinois Department
of Veterans Affairs, and PATRICIA SIMMS,

Defendants.

No. 09-L-

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Loraine Masland
CLERK OF THE CIRCUIT COURT
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RULE 222(b) AFFIDAVIT

I, Richard J. Whitney, being first duly sworn upon my oath, do hereby testify, in
compliance with Supreme Court Rule 222(b), as follows:

1. I am an attorney licensed by the State of Illinois.
2. I am representing the Plaintiffs in this cause.
3. I hereby certify that the damages sought by the Plaintiff in this cause exceeds the
amount of fifty thousand dollars (\$50,000.00), exclusive of interest and costs.

FURTHER AFFIANT SAYETH NOT.

VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil
Procedure, the undersigned hereby 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 as aforesaid that he verily believes the same to be true and
correct.

Richard J. Whitney
RICHARD J. WHITNEY