

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE TENTH JUDICIAL DISTRICT
PEORIA COUNTY, ILLINOIS

ZETA PHI CHAPTER-SIGMA NU
FRATERNITY, an unincorporated
Association,
And CALEB C. MATHENY,

Plaintiffs,

vs.

BARBARA VAN AUKEN, individually,
And as agent of the CITY OF PEORIA, a
Municipal Corporation, ANDREW RAND,
And SID RUCKRIEGEL,

Defendants.

JURY DEMAND

Case No. 09 LM

329

THIS CASE IS SET FOR A CASE MANAGEMENT CON-
FERENCE ON Aug 21 2009
AT 10:00 AM IN COURTROOM 213 OF THE
PEORIA COUNTY COURTHOUSE. IF THE
DEFENDANT(S) ANSWER(S) MORE THAN 35 DAYS
BEFORE THIS DATE, THEN THE PARTIES SHALL
SCHEDULE A CASE MANAGEMENT CONFERENCE WITH-
IN 35 DAYS OF THE DATE THE ANSWER IS FILED.

COMPLAINT AT LAW

NOW COME the Plaintiffs, ZETA PHI CHAPTER-SIGMA NU FRATERNITY and CALEB C. MATHENY, by and through their attorneys, Hall, Owens & Wickenhauser, LLC, and as and for their Complaint against Defendants, BARBARA VAN AUKEN, individually and as agent of the CITY OF PEORIA, a Municipal Corporation, ANDREW RAND and SID RUCKRIEGEL, do hereby allege and state on information and belief:

COUNT I – BARBARA VAN AUKEN, Individually – TRESPASS

1. That ZETA PHI CHAPTER-SIGMA NU FRATERNITY (hereinafter SIGMA NU FRATERNITY) is an unincorporated association, with a principal place of business at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois.
2. That CALEB C. MATHENY on the date of the incident giving rise to this complaint was the President of SIGMA NU FRATERNITY, and resided at the SIGMA NU FRATERNITY, owned by SIGMA NU FRATERNITY, located at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois.
3. That SIGMA NU FRATERNITY on the date of the incident giving rise to this complaint was a lessee of the real estate located at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois with the lessor being Bradley University.
4. That BARBARA VAN AUKEN on the date of the incident giving rise to this complaint was a Peoria City Councilperson for the Second District, residing and with a principal residence at 2807 North Linn Street, City of Peoria, County of Peoria, State of Illinois.

5. That the CITY OF PEORIA is an Illinois Municipal Corporation.
6. That the property located at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois is located within the Second District of the City of Peoria.
7. That the Peoria City Council governs City of Peoria services, including the Peoria Police Department.
8. That ANDREW RAND on the date of the incident giving rise to this complaint resided and had a principal residence at 1230 West Moss Avenue, City of Peoria, County of Peoria, State of Illinois.
9. That SID RUCKRIEGEL on the date of the incident giving rise to this complaint resided and had a principal residence at 1230 West Moss Avenue, City of Peoria, County of Peoria, State of Illinois.
10. That on or about September 20, 2008 at approximately 12:30 a.m., Defendant, BARBARA VAN AUKEN, with the intent to enter onto the property located at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois, made physical entry onto said property by walking onto the property and upon the steps of the property.
11. That Defendant BARBARA VAN AUKEN did not have the consent of any member of SIGMA NU FRATERNITY to enter onto said property.
12. That Defendant BARBARA VAN AUKEN was notified, prior to her physical entry onto said property, by Matt Singley that she was not to enter onto said property.
13. That Matt Singley is a member of SIGMA NU FRATERNITY and has authority to exclude persons from SIGMA NU FRATERNITY property.
14. That Defendant BARBARA VAN AUKEN was notified, after her unauthorized entry onto said property, to depart said property by Caleb Matheny, Matt Singley, Benjamin Johnson, Jacob Hodge and Niale Martin.
15. That Caleb Matheny, Matt Singley, Benjamin Johnson, and Jacob Hodge are members of SIGMA NU FRATERNITY and have authority to exclude persons from SIGMA NU property.
16. That Defendant, BARBARA VAN AUKEN, after notice to depart said property, remained on said property.
17. That Bradley University Police Sergeant Nora Fales had previously been dispatched to SIGMA NU FRATERNITY on a complaint of noise at approximately 11:33 p.m. on Friday September 19, 2008 and arrived at approximately 11:38 p.m., cutting short her assistance with Peoria Police in the search for robbery suspects.
18. That Sergeant Fales determined the sounds were not excessive and cleared from SIGMA NU FRATERNITY at approximately 11:52 p.m.
19. That Sergeant Fales then contacted Peoria Police Dispatch at their request and was further informed of the complaint but that there was no identified complainant.
20. That from approximately 11:52 p.m. to approximately 11:56 p.m. a Peoria Police Dispatcher spoke with an unknown complainant regarding noise at SIGMA NU FRATERNITY.

21. That during this time Bradley University Police Officer William Merritt was in the immediate area of SIGMA NU FRATERNITY and determined that no noise violations were occurring.
22. That at approximately 12:03 a.m. on September 20, 2008 Sergeant Fales was dispatched back to SIGMA NU FRATERNITY on a report of people being loud on the alley side of the property.
23. That Sergeant Fales drove immediately to this area and found no persons on the alley side of the property but did find five to seven males at the front of the property whom Sergeant Fales determined were not being loud.
24. That at approximately 12:30 a.m. Sergeant Fales was dispatched by Bradley Dispatch to SIGMA NU FRATERNITY on a report of an intoxicated woman causing problems.
25. That Defendant, BARBARA VAN AUKEN, demanded Sergeant Fales address her allegations of noise against SIGMA NU FRATERNITY.
26. That Defendant, BARBARA VAN AUKEN, used her finger to poke Sergeant Fales in the shoulder, stating that Bradley University Police were not doing their job and that Bradley University Police are not real police.
27. That Defendant, BARBARA VAN AUKEN, stated to Sergeant Fales that she had contacted the Peoria Police Department Shift Lieutenant and that he would be arriving.
28. That Defendant, BARBARA VAN AUKEN, stated to Sergeant Fales that she had contacted Gary Anna, Vice President for Business Affairs at Bradley University.
29. That Defendant, BARBARA VAN AUKEN, made telephone calls to the Peoria Police Department Shift Lieutenant and Gary Anna, Vice President for Business Affairs at Bradley University.
30. That Bradley Police Officer Merritt noted in his police report that BARBARA VAN AUKEN 'seemed to be very lethargic, some slurring in her speech and some of her actions seemed to be over exaggerated. All signs of intoxication.'
31. That Defendant, BARBARA VAN AUKEN, stated to Sergeant Fales she could have Peoria Mayor Jim Ardis arrive to the location.
32. That CALEB MATHENY was issued Municipal Ordinance Violation Notice ticket number A 84075 for a violation of Section 15-62 of the Peoria City Code by a Peoria Police Officer at the direction of Peoria Police Sergeant Wong.
33. That as a direct and proximate result of BARBARA VAN AUKEN'S trespass to SIGMA NU FRATERNITY property, the right of SIGMA NU FRATERNITY to exclusive possession and quiet enjoyment of the property was damaged.
34. That as a direct and proximate result of BARBARA VAN AUKEN'S trespass to SIGMA NU FRATERNITY property, SIGMA NU FRATERNITY and CALEB C. MATHENY have incurred damages in defense of the municipal ordinance violation issued.
35. That Plaintiffs fear repeated trespass by the Defendants.

WHEREFORE, Plaintiff, SIGMA NU FRATERNITY, prays for Judgment against Defendant, BARBARA VAN AUKEN, individually, in an amount of less than \$50,000, punitive damages, costs of this suit, reasonable attorney fees, and any other relief this Honorable Court deems equitable and just.

PLAINTIFF DEMANDS TRIAL BY JURY.

**COUNT II – BARBARA VAN AUKEN, As Agent of the CITY OF PEORIA, a
Municipal Corporation – TRESPASS**

1. That ZETA PHI CHAPTER-SIGMA NU FRATERNITY (hereinafter SIGMA NU FRATERNITY) is an unincorporated association, with a principal place of business at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois.
2. That CALEB C. MATHENY on the date of the incident giving rise to this complaint was the President of SIGMA NU FRATERNITY, and resided at the SIGMA NU FRATERNITY, owned by SIGMA NU FRATERNITY, located at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois.
3. That SIGMA NU FRATERNITY on the date of the incident giving rise to this complaint was a lessee of the real estate located at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois with the lessor being Bradley University.
4. That BARBARA VAN AUKEN on the date of the incident giving rise to this complaint was a Peoria City Councilperson for the Second District, residing and with a principal residence at 2807 North Linn Street, city of Peoria, County of Peoria, State of Illinois.
5. That the CITY OF PEORIA is an Illinois Municipal Corporation.
6. That the property located at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois is located within the Second District of the City of Peoria.
7. That the Peoria City Council governs City of Peoria services, including the Peoria Police Department.
8. That ANDREW RAND on the date of the incident giving rise to this complaint resided and had a principal residence at 1230 West Moss Avenue, City of Peoria, County of Peoria, State of Illinois.
9. That SID RUCKRIEGEL on the date of the incident giving rise to this complaint resided and had a principal residence at 1230 West Moss Avenue, City of Peoria, County of Peoria, State of Illinois.
10. That on or about September 20, 2008 at approximately 12:30 a.m., Defendant, BARBARA VAN AUKEN, with the intent to enter onto the property located at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois, made physical entry onto said property by walking onto the property and upon the steps of the property.
11. That Defendant BARBARA VAN AUKEN did not have the consent of any member of SIGMA NU FRATERNITY to enter onto said property.
12. That Defendant BARBARA VAN AUKEN was notified, prior to her physical entry onto said property, by Matt Singley, that she was not to enter onto said property.
13. That Matt Singley is a member of SIGMA NU FRATERNITY and has authority to exclude persons from SIGMA NU FRATERNITY property.
14. That Defendant BARBARA VAN AUKEN was notified, after her unauthorized entry onto said property, to depart said property by Caleb Matheny, Matt Singley, Benjamin Johnson, Jacob Hodge and Niale Martin.

15. That Caleb Matheny, Matt Singley, Benjamin Johnson, Jacob Hodge and Niale Martin are members of SIGMA NU FRATERNITY and have authority to exclude persons from SIGMA NU property.
16. That Defendant, BARBARA VAN AUKEN, after notice to depart said property, remained on said property.
17. That Bradley University Police Sergeant Nora Fales had previously been dispatched to SIGMA NU FRATERNITY on a complaint of noise at approximately 11:33 p.m. on Friday September 19, 2008 and arrived at approximately 11:38 p.m., cutting short her assistance with Peoria Police in the search for robbery suspects.
18. That Sergeant Fales determined the sounds were not excessive and cleared from SIGMA NU FRATERNITY at approximately 11:52 p.m.
19. That Sergeant Fales then contacted Peoria Police Dispatch at their request and was further informed of the complaint but that there was no identified complainant.
20. That from approximately 11:52 p.m. to approximately 11:56 p.m. a Peoria Police Dispatcher spoke with an unknown complainant regarding noise at SIGMA NU FRATERNITY.
21. That during this time Bradley University Police Officer William Merritt was in the immediate area of SIGMA NU FRATERNITY and determined that no noise violations were occurring.
22. That at approximately 12:03 a.m. on September 20, 2008 Sergeant Fales was dispatched back to SIGMA NU FRATERNITY on a report of people being loud on the alley side of the property.
23. That Sergeant Fales drove immediately to this area and found no persons on the alley side of the property but did find five to seven males at the front of the property whom Sergeant Fales determined were not being loud.
24. That at approximately 12:30 a.m. Sergeant Fales was dispatched by Bradley Dispatch to SIGMA NU FRATERNITY on a report of an intoxicated woman causing problems.
25. That Defendant, BARBARA VAN AUKEN, identified herself to Sergeant Nora Fales as "Councilwoman Van Auken."
26. That Defendant, BARBARA VAN AUKEN, demanded Sergeant Fales address her allegations of noise against SIGMA NU FRATERNITY.
27. That Defendant, BARBARA VAN AUKEN, used her finger to poke Sergeant Fales in the shoulder, stating that Bradley University Police were not doing their job and that Bradley University Police are not real police.
28. That Defendant, BARBARA VAN AUKEN, stated to Sergeant Fales that she had contacted the Peoria Police Department Shift Lieutenant and that he would be arriving.
29. That Defendant, BARBARA VAN AUKEN, stated to Sergeant Fales that she had contacted Gary Anna, Vice President for Business Affairs at Bradley University.
30. That Defendant, BARBARA VAN AUKEN, made telephone calls to the Peoria Police Department Shift Lieutenant and Gary Anna, Vice President for Business Affairs at Bradley University.

31. That Defendant, BARBARA VAN AUKEN, stated to Sergeant Fales that she was present to represent people in her district.
32. That Defendant, BARBARA VAN AUKEN, stated to Bradley University Police Officer William Merritt, "I am Councilwoman VanAuken and I have constituents that are calling me about the noise and this is unacceptable."
33. That Defendant, BARBARA VAN AUKEN stated to Officer Merritt that Defendants ANDREW RAND and SID RUCKRIEGEL are taxpayers and she had a right to stand up for them.
34. That Bradley Police Officer Merritt noted in his police report that BARBARA VAN AUKEN 'seemed to be very lethargic, some slurring in her speech and some of her actions seemed to be over exaggerated. All signs of intoxication.'
35. That Defendant, BARBARA VAN AUKEN, stated to Sergeant Fales she could have Peoria Mayor Jim Ardis arrive to the location.
36. That at all times relevant herein BARBARA VAN AUKEN was acting within the course and scope of her position as Peoria City Councilperson and as agent of the CITY OF PEORIA.
37. That BARBARA VAN AUKEN, in her position as Peoria City Councilperson does not have police powers or authority to enter or remain upon private property against the will and consent of a property owner.
38. That CALEB MATHENY was issued Municipal Ordinance Violation Notice ticket number A 84075 for a violation of Section 15-62 of the Peoria City Code by a Peoria Police Officer at the direction of Peoria Police Sergeant Wong.
39. That as a direct and proximate result of BARBARA VAN AUKEN'S trespass to SIGMA NU FRATERNITY property, the right of SIGMA NU FRATERNITY to exclusive possession and quiet enjoyment of the property was damaged.
40. That as a direct and proximate result of BARBARA VAN AUKEN'S trespass to SIGMA NU FRATERNITY property, SIGMA NU FRATERNITY and CALEB C. MATHENY have incurred damages in defense of the municipal ordinance violation issued.
41. That Plaintiffs fear repeated trespass by the Defendants.

WHEREFORE, Plaintiff, SIGMA NU FRATERNITY, prays for Judgment against Defendant, BARBARA VAN AUKEN, individually and as agent of the CITY OF PEORIA, in an amount of less than \$50,000, punitive damages, costs of this suit, reasonable attorney fees, and any other relief this Honorable Court deems equitable and just.

PLAINTIFF DEMANDS TRIAL BY JURY.

COUNT III – ANDREW RAND – TRESPASS

1. That ZETA PHI CHAPTER-SIGMA NU FRATERNITY (hereinafter SIGMA NU FRATERNITY) is an unincorporated association, with a principal place of business at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois.
2. That CALEB C. MATHENY on the date of the incident giving rise to this complaint was the President of SIGMA NU FRATERNITY, and resided at the SIGMA NU FRATERNITY, owned by SIGMA NU FRATERNITY, located at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois.
3. That SIGMA NU FRATERNITY on the date of the incident giving rise to this complaint was a lessee of the real estate located at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois with the lessor being Bradley University.
4. That BARBARA VAN AUKEN on the date of the incident giving rise to this complaint was a Peoria City Councilperson for the Second District, residing and with a principal residence at 2807 North Linn Street, City of Peoria, County of Peoria, State of Illinois.
5. That the CITY OF PEORIA is an Illinois Municipal Corporation.
6. That the property located at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois is located within the Second District of the City of Peoria.
7. That the Peoria City Council governs City of Peoria services, including the Peoria Police Department.
8. That ANDREW RAND on the date of the incident giving rise to this complaint resided and had a principal residence at 1230 West Moss Avenue, City of Peoria, County of Peoria, State of Illinois.
9. That SID RUCKRIEGEL on the date of the incident giving rise to this complaint resided and had a principal residence at 1230 West Moss Avenue, City of Peoria, County of Peoria, State of Illinois.
10. That on or about September 20, 2008 at approximately 12:30 a.m., Defendant, ANDREW RAND, with the intent to enter onto the property located at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois, made physical entry onto said property by walking onto the property and upon the steps of the property.
11. That Defendant ANDREW RAND did not have the consent of any member of SIGMA NU FRATERNITY to enter onto said property.
12. That Defendant ANDREW RAND was notified, prior to her physical entry onto said property, by Matt Singley that he was not to enter onto said property.
13. That Matt Singley is a member of SIGMA NU FRATERNITY and has authority to exclude persons from SIGMA NU FRATERNITY property.
14. That Defendant ANDREW RAND was notified, after his unauthorized entry onto said property, to depart said property by Caleb Matheny, Matt Singley, Benjamin Johnson, Jacob Hodge and Niale Martin.

15. That Caleb Matheny, Matt Singley, Benjamin Johnson, Jacob Hodge and Niale Martin are members of SIGMA NU FRATERNITY and have authority to exclude persons from SIGMA NU property.
16. That Defendant, ANDREW RAND, after notice to depart said property, remained on said property.
17. That Bradley University Police Sergeant Nora Fales had previously been dispatched to SIGMA NU FRATERNITY on a complaint of noise at approximately 11:33 p.m. on Friday September 19, 2008 and arrived at approximately 11:38 p.m., cutting short her assistance with Peoria Police in the search for robbery suspects.
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25. That CALEB MATHENY was issued Municipal Ordinance Violation Notice ticket number A 84075 for a violation of Section 15-62 of the Peoria City Code by a Peoria Police Officer at the direction of Peoria Police Sergeant Wong.
26. That as a direct and proximate result of ANDREW RAND'S trespass to SIGMA NU FRATERNITY property, the right of SIGMA NU FRATERNITY to exclusive possession and quiet enjoyment of the property was damaged.
27. That as a direct and proximate result of ANDREW RAND'S trespass to SIGMA NU FRATERNITY property, SIGMA NU FRATERNITY and CALEB C. MATHENY have incurred damages in defense of the municipal ordinance violation issued.
28. That Plaintiffs fear repeated trespass by the Defendants.

WHEREFORE, Plaintiff, SIGMA NU FRATERNITY, prays for Judgment against Defendant, ANDREW RAND, individually, in an amount of less than \$50,000, punitive damages, costs of this suit, reasonable attorney fees, and any other relief this Honorable Court deems equitable and just.

PLAINTIFF DEMANDS TRIAL BY JURY.

COUNT IV – SID RUCKRIEGEL - TRESPASS

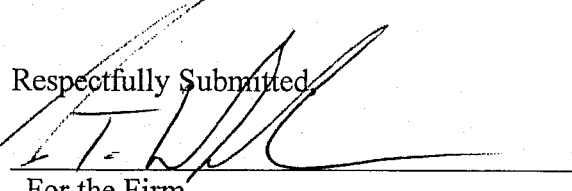
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2. That CALEB C. MATHENY on the date of the incident giving rise to this complaint was the President of SIGMA NU FRATERNITY, and resided at the SIGMA NU FRATERNITY, owned by SIGMA NU FRATERNITY, located at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois.
3. That SIGMA NU FRATERNITY on the date of the incident giving rise to this complaint was a lessee of the real estate located at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois with the lessor being Bradley University.
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7. That the Peoria City Council governs City of Peoria services, including the Peoria Police Department.
8. That ANDREW RAND on the date of the incident giving rise to this complaint resided and had a principal residence at 1230 West Moss Avenue, City of Peoria, County of Peoria, State of Illinois.
9. That SID RUCKRIEGEL on the date of the incident giving rise to this complaint resided and had a principal residence at 1230 West Moss Avenue, City of Peoria, County of Peoria, State of Illinois.
10. That on or about September 20, 2008 at approximately 12:30 a.m., Defendant, SID RUCKRIEGEL, with the intent to enter onto the property located at 1300 West Fredonia, City of Peoria, County of Peoria, State of Illinois, made physical entry onto said property by walking onto the property and upon the steps of the property.
11. That Defendant SID RUCKRIEGEL did not have the consent of any member of SIGMA NU FRATERNITY to enter onto said property.
12. That Defendant SID RUCKRIEGEL was notified, prior to his physical entry onto said property, by Matt Singley that he was not to enter onto said property.
13. That Matt Singley is a member of SIGMA NU FRATERNITY and has authority to exclude persons from SIGMA NU FRATERNITY property.
14. That Defendant SID RUCKRIEGEL was notified, after his unauthorized entry onto said property, to depart said property by Caleb Matheny, Matt Singley, Benjamin Johnson, Jacob Hodge and Niale Martin.

15. That Caleb Matheny, Matt Singley, Benjamin Johnson, Jacob Hodge and Niale Martin are members of SIGMA NU FRATERNITY and have authority to exclude persons from SIGMA NU property.
16. That Defendant, SID RUCKRIEGEL, after notice to depart said property, remained on said property.
17. That Bradley University Police Sergeant Nora Fales had previously been dispatched to SIGMA NU FRATERNITY on a complaint of noise at approximately 11:33 p.m. on Friday September 19, 2008 and arrived at approximately 11:38 p.m., cutting short her assistance with Peoria Police in the search for robbery suspects.
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25. That CALEB MATHENY was issued Municipal Ordinance Violation Notice ticket number A 84075 for a violation of Section 15-62 of the Peoria City Code by a Peoria Police Officer at the direction of Peoria Police Sergeant Wong.
26. That as a direct and proximate result of SID RUCKRIEGEL'S trespass to SIGMA NU FRATERNITY property, the right of SIGMA NU FRATERNITY to exclusive possession and quiet enjoyment of the property was damaged.
27. That as a direct and proximate result of SID RUCKRIEGEL'S trespass to SIGMA NU FRATERNITY property, SIGMA NU FRATERNITY and CALEB C. MATHENY have incurred damages in defense of the municipal ordinance violation issued.
28. That Plaintiffs fear repeated trespass by the Defendants.

WHEREFORE, Plaintiff, SIGMA NU FRATERNITY, prays for Judgment against Defendant, SID RUCKRIEGEL, individually, in an amount of less than \$50,000, punitive damages, costs of this suit, reasonable attorney fees, and any other relief this Honorable Court deems equitable and just.

PLAINTIFF DEMANDS TRIAL BY JURY.

Respectfully Submitted,



For the Firm.

Hall, Owens & Wickenhauser, L.L.C.

Attorneys At Law

432 N. Main Street

East Peoria, IL 61611

Telephone: (309) 699-4691

Facsimile: (309) 699-4663

www.HOWlawfirm.com

Attorney Nos. 4190 (Hall), 4154 (Owens), 4191 (Wickenhauser)

**STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE TENTH JUDICIAL DISTRICT
PEORIA COUNTY, ILLINOIS**

ZETA PHI CHAPTER-SIGMA NU
FRATERNITY, an unincorporated
Association,
And CALEB C. MATHENY,

Plaintiffs,

vs.

Case No. 09 LM _____

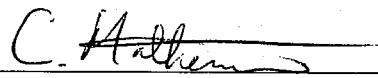
BARBARA VAN AUKEN, individually,
And as agent of the CITY OF PEORIA, a
Municipal Corporation, ANDREW RAND,
And SID RUCKRIEGEL,

Defendants.

CERTIFICATION

Under penalties as provided by law pursuant to 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 as aforesaid that he verily believes the same to be true.

Dated this 4th day of March, 2009.



CALEB C. MATHENY, Individually and as President of
Zeta Phi Chapter-Sigma Nu Fraternity, Plaintiff

Hall, Owens & Wickenhauser L.L.C.
Attorneys at Law
432 N. Main Street
East Peoria, IL 61611
Telephone: 309.699.4691
Facsimile: 309.699.4693
www.HOWlawfirm.com
Attorney Nos. 4190 (Hall), 4154 (Owens), 4191 (Wickenhauser)

**STATE OF ILLINOIS
IN THE COURT OF THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY**

ZETA PHI CHAPTER-SIGMA NU)
FRATERNITY an unincorporated)
Association, and)
CALEB C. MATHENY,)

Plaintiffs,)

vs.)

Case No.: 09-LM-____

BARBARA VAN AUKEN, individually,)
And as agent of the CITY OF PEORIA,)
a Municipal Corporation, ANDREW)
RAND, and SID RUCKRIEGEL,)

Defendants.)

AFFIDAVIT PURSUANT TO SUPREME COURT RULE 222 (B)

Pursuant to Supreme Court Rule 222 (B), counsel for the above-named plaintiffs certifies that plaintiffs seek money damages of less than Fifty Thousand and 00/100ths Dollars (\$50,000).

ZETA PHI CHAPTER-SIGMA NU
FRATERNITY, an unincorporated
association, and CALEB C. MATHENY,
Plaintiffs

By: _____

Attorneys for Plaintiff

Hall, Owens & Wickenhauser, LLC
432 N. Main St.
East Peoria, IL 61611
Telephone: 309.699.4691
Facsimile: 309.699.4693
Atty. Nos. 4190(Hall), 4154(Owens), 4191(Wickenhauser)