

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

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Nyota Figgs, in her official capacity as City,
Clerk and as City Collector of Calumet City,)

Plaintiff,)

v.)

Thaddeus Jones, individually and in his official
capacity as Mayor of Calumet City; and the City
of Calumet City, an Illinois municipality,)

Defendants.)

Court No.: 2021 CH 05223

NOTICE OF FILING

TO: Keri-Lyn J. Krafthefer
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PLEASE TAKE NOTICE that on **August 30, 2022**, we electronically filed with the Clerk of the Chancery Court of Cook County, Illinois, via the efile system, **Plaintiff's First Amended Complaint**, copies of which are herewith served upon you.

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PROOF OF SERVICE BY E-MAIL

I, Cristina Guzman, a non-attorney, certify that I served this Notice and Reply electronically upon all counsel of record at or prior to the hour of 5:00 p.m. on August 30, 2022.

[x] Under penalties as provided by law pursuant to 735 ILCS 5/1-109 I certify that the statements set forth herein are true and correct.

Cristina Guzman

Cristina Guzman

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PLAINTIFF’S AMENDED COMPLAINT

Plaintiff, City Clerk and Collector of Calumet City, Nyota Figgs (“Clerk Figgs”), by and through her attorneys, L&G Law Group LLP, and for her Amended Complaint against Defendants Thaddeus Jones (“Mayor Jones”) and the City of Calumet City (the “City”), states as follows:

NATURE OF THE CASE

1. Clerk Figgs performed her statutorily directed duties as City Clerk and Collector, without interruption, since she was first appointed in 2011. However, after his election in 2021, Mayor Jones began a personal campaign to harass Clerk Figgs to the point where she could no longer perform the duties of her elected position. For too long, due to the nature of his position and political connections, Mayor Jones has had the means and influence to retaliate against Clerk Figgs for rebuffing his sexual advances.

2. This lawsuit seeks damages for: (1) sex discrimination in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution pursuant to 42 U.S.C. § 1983, (2) retaliation in violation of the First Amendment to the United States Constitution pursuant to 42 U.S.C. § 1983, (3) intentional infliction of emotional distress, (4) declaratory

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judgment, (5) injunctive relief, or (6) in the alternative, writ of mandamus, brought to declare that Clerk Figgs, the elected City Clerk of Calumet City, is entitled to serve as City Clerk and Collector of Calumet City by performing such acts as delineated by the Calumet City Municipal Code and Illinois Municipal Code, (7) spoliation of evidence, and (8) for a writ of mandamus to require the City to exercise their duty to codify the Calumet City Code under the Illinois Public Act, 101-0221.

PARTIES

3. Clerk Figgs has worked as the elected City Clerk for Calumet City since taking office in 2011.

4. As City Clerk, Clerk Figgs also holds the position of City Collector for Calumet City, as stipulated by the Calumet City Municipal Code § 2-362.

5. The City of Calumet City is an Illinois home rule municipality located in Cook County, Illinois.

6. Mayor Jones is an individual residing in Cook County, Illinois. Mayor Jones was elected to the office of Mayor of Calumet City in May of 2021.

7. Mayor Jones is sued in his individual capacity and in his official capacity as Mayor of Calumet City.

JURISDICTION AND VENUE

8. This Court may assert personal jurisdiction over the Defendants pursuant to 735 ILCS 5/2 209 in accordance with the Illinois Constitution and the Constitution of the United States, because the Defendants are doing business within this State and because Plaintiff's claims arise out of Defendants' unlawful in-state actions.

9. Venue is proper in this Court pursuant to 735 ILCS 5/2-101, as the events that have given rise to this declaratory judgment action occurred in Cook County, Illinois, and Calumet City is a municipality located within Cook County, Illinois.

RELEVANT FACTS

Clerk Figgs' Background in Public Service and Her Introduction to Mayor Jones

10. In 1999, Clerk Figgs received a B.A. from Lewis University in Criminal Justice and Corrections and subsequently received a Master of Science Degree in the same field.

11. After graduation, Clerk Figgs received additional certifications, including a Master of Municipal Clerk Certification from the International Institute of Municipal Clerks and attempted to create change in her community as a probation officer with the Cook County Adult Probation Department.

12. Prior to being appointed City Clerk, Clerk Figgs met Mayor Jones in the Calumet City community while conducting community service and began a romantic relationship in or around 2005.

13. At the time, Clerk Figgs was just beginning to enter the world of politics that Mayor Jones was already influential in. Mayor Jones often used that fact as a threat when he and Clerk Figgs would have disagreements. For example, after an argument with Clerk Figgs, Mayor Jones stated: "My politics will always survive. Watch your back when I get there."

14. Throughout the entirety of their relationship, anytime their relationship became tumultuous, which happened regularly, Mayor Jones harassed Clerk Figgs and frequently held the fact that he was in a powerful position with powerful friends over her anytime she attempted to break off the relationship.

15. In 2011, Clerk Figgs was appointed by former Mayor, Michelle Qualkinbush, as the City Clerk of Calumet City and immediately began making a difference in her community.

16. In or around January of 2013, Clerk Figgs broke off the romantic relationship with Mayor Jones, requesting that he leave her alone. However, Mayor Jones continued to send Clerk Figgs unwanted text messages, phone calls, and emails regarding their prior relationship. Clerk Figgs has received many threatening and derogatory emails from Mayor Jones including:

“I have powerful friends...”

“My politics will always survive. Watch your back when I get there.”

“Okay, you are officially on my hit list, and you can take that any way you want to.”

“Have you ever stopped and wondered why you are not in a stable relationship”

“I hope you really consider running against me, it will be the last time you ever run for anything...”

17. Clerk Figgs did her best to not let Mayor Jones’ harassment impact her work. Shortly after being appointed as City Clerk, Clerk Figgs began receiving accolades, including being named “Women of Excellence” by The Chicago Defender for her successful work as City Clerk of Calumet City.

18. After her first term, the residents of Calumet City chose to re-elect Clerk Figgs in 2014, 2017, and 2021, demonstrating Calumet City’s voters’ confidence in her ability and competence as City Clerk.

Mayor Jones Makes Continued Unwanted Sexual Advances and Retaliates Against Clerk Figgs

19. Following Mayor Jones and Clerk Figgs' break up, in or around January of 2013, Mayor Jones and Clerk Figgs maintained a political relationship.

20. However, in February of 2021, two months prior to Mayor Jones taking mayoral office, Mayor Jones requested that Clerk Figgs re-engage in their sexual relationship during a breakfast meeting.

21. In 2021, Mayor Jones was elected to the Office of Mayor of Calumet City for the first time, having received 2,057 votes. Mayor Jones was sworn into office as the Mayor of Calumet City on May 1, 2021.

22. Clerk Figgs' specific refusal did not stop Mayor Jones' advances after his election. Mayor Jones frequently would contact Clerk Figgs and try to continue their previous relationship.

23. In early June of 2021, one month after Mayor Jones was sworn in, Clerk Figgs brought to Mayor Jones' attention that he was failing to post proper notice and agendas for special city council meetings as required by the Calumet City Municipal Code.

24. In response, Mayor Jones sent Clerk Figgs an email on June 3, 2021, notifying her that he would be removing her statutory duties for the drafting and posting of city council agendas and special meetings, effective that day, and instead would be transferring those duties to his own office.

25. Mayor Jones removed this duty from Clerk Figgs even though the Calumet City Municipal Code § 2-63 specifically directs that the City Clerk shall receive all requests for special meetings in writing stating the time, place, and purpose for such meetings, and prepare notice for any special meeting to be delivered at least 24 hours before the meeting.

26. Notably, the Calumet City Municipal Code can only be amended by a majority vote of the City Council.

27. Mayor Jones did not provide any reason or authority for taking such drastic action in transferring Clerk Figgs' duties to his own office and there were no ordinances passed, nor amendments to the Calumet City Municipal Code that provided Mayor Jones with such authority.

28. The day after Mayor Jones sent Clerk Figgs the email removing her duties for special meetings, Mayor Jones sent another email to Clerk Figgs accusing her of canceling a meeting.

29. Clerk Figgs responded that evening, communicating to Mayor Jones that she did not cancel a meeting, but that she only canceled a calendar invitation prior to an official agenda being posted, and further explained to Mayor Jones that the official agenda serves as notice, not a calendar invitation.

30. Importantly, Clerk Figgs brought to Mayor Jones' attention that there was no agenda posted at City Hall in the first place.

31. On June 5, 2021, continuing to escalate the dispute, Mayor Jones sent Clerk Figgs an email demanding that she submit meeting minutes to him for approval.

32. In response, Clerk Figgs communicated that she would submit the minutes when completed and prepared and reminded Mayor Jones that the Calumet City Municipal Code requires records to be made available only after being approved or accepted by the corporate authorities.

33. Following the exchange between Mayor Jones and Clerk Figgs over Mayor Jones' improper demand for meeting minutes, on June 7, 2021, Mayor Jones retaliated and took away additional statutorily mandated duties of Clerk Figgs.

34. Specifically, Mayor Jones emailed Clerk Figgs notifying her that he was removing Clerk Figgs' duties pertaining to the City's business licenses and that these duties would be transferred to the City Administrator and Mayor Jones' office. Again, Mayor Jones' conduct prevented Clerk Figgs from conducting her essential job duties that she was elected to perform.

35. Also, Mayor Jones informed Clerk Figgs via email that he was removing her ability to issue an annual residential permit City residential permit parking stickers to every resident that resides in a residential permit parking zone, again stating improperly that this duty would now be the responsibility of the City Administrator and Mayor Jones' office.

36. Because the Calumet City Municipal Code § 2-402 directs the City Administrator to be appointed by the Mayor and report directly to the Mayor, the unlawful transfer of Clerk Figgs' duties to the City Administrator is equivalent to Mayor Jones himself usurping Clerk Figgs' statutory duties and taking control of her office against her and her voters' will.

37. Mayor Jones removed these duties from Clerk Figgs even though she is responsible for overseeing the applications for all business licenses, along with the authority to issue business licenses and permit City residential permit parking stickers, which are statutory duties supported by the Calumet City Municipal Code under § 54-34 and § 90-601.

38. No ordinances passed or amendments to the Calumet City Municipal Code have been passed providing Mayor Jones with this authority. Therefore, any actions taken by Mayor Jones in complete disregard of the required procedures for amending an ordinance and thus altering an elected official's duties is highly improper.

39. Mayor Jones' actions are all due to the fact that Clerk Figgs ended their relationship. Even Alderman Anthony Smith informed Clerk Figgs that "(Mayor Jones) messes with (Clerk Figgs) because she stopped giving it up."

Mayor Jones Unlawfully Removes Clerk Figgs' Statutory Duties as City Collector

40. Included in Mayor Jones' June 7, 2021, at 8:21 a.m. email to Clerk Figgs was also a notice regarding change in supervision, directing all of Clerk Figgs' staff to report directly to Mayor Jones' office and not Clerk Figgs.

41. As City Clerk, Clerk Figgs also holds office of the City Collector, and as such, Clerk Figgs supervises and oversees the City Cashiers, who are responsible for executing the Calumet City collection process, which includes collecting various fees owed by City residents under Calumet City Municipal Code § 2-362.

42. In addition, Clerk Figgs serves as the City's Adjudication Officer, where she oversees the adjudication of fines pertaining to parking and traffic court, as well as housing court.

43. Oversight and supervisory duties are an integral part of Clerk Figgs' position as City Collector.

44. By removing Clerk Figgs' oversight of her staff, Mayor Jones has effectively prohibited Clerk Figgs from performing her essential job duties as City Collector.

45. After Mayor Jones removed Clerk Figgs' supervision over her staff in early June, Mayor Jones continued to retaliate against Clerk Figgs by denying Clerk Figgs access to City resources and public works.

46. Subsequently, Mayor Jones restricted his office from assisting and responding to Clerk Figgs' requests.

47. Furthermore, during a meeting in June, Mayor Jones blocked Clerk Figgs from accessing the Municipality's legal department, although Calumet City's attorneys work for the City—not Mayor Jones.

48. These actions have forced Clerk Figgs to retain separate legal counsel for which she has not been reimbursed.

49. Despite all of Mayor Jones' actions, Clerk Figgs has attempted to continue performing all her duties for which she was elected.

50. However, Mayor Jones restricted all remaining staff from assisting and responding to her requests. The conditions that Mayor Jones has created are so hostile, that Clerk Figgs has been forced out of her office and has had to start working in the park across the street from City Hall.

51. It was not enough for Mayor Jones to strip Clerk Figgs of her statutory duties, he had to make sure that Clerk Figgs felt ostracized and punished for rebuffing his advances. At this point, Clerk Figgs would just like to be left alone.

Mayor Jones Unlawfully Violates Clerk Figgs' Statutory Duties to Retain Custody and Control of Municipality Records

52. In July of 2021, Mayor Jones' hostile behavior towards Clerk Figgs escalated.

53. Specifically, on July 20, 2021, Mayor Jones threatened Clerk Figgs with re-keying the locks to her office because she was not willing to provide extra keys to unauthorized employees that would enable them to enter her office which contains Municipality records and funds.

54. Clerk Figgs attempted to explain to Mayor Jones that it would be irresponsible to give employees keys to her office because they would then have unfettered access to all records, including confidential information.

55. As City Clerk of Calumet City, Clerk Figgs' duties include retaining custody and control of all papers belonging to the municipality. Calumet City's Municipal Code § 2-331 and the Illinois Municipal Code 65 ILCS 5/3.1-35-90 state that the municipal clerk shall attend all

meetings of the corporate authorities, retain a full record of the meeting proceedings, and keep the corporate seal along with all papers belonging to the municipality.

56. It is grossly irresponsible of Mayor Jones to compromise Clerk Figgs' safekeeping of Calumet City's office records and funds.

Mayor Jones Prevents Clerk Figgs from Hiring Her Own Staff and Subsequently Hires an Office Manager to Take Over Clerk Figgs' Office

57. Since Clerk Figgs was appointed to City Clerk in 2011, she has continuously had the ability to hire, supervise, and discipline her own staff to assist her in performing her statutorily directed duties. Clerk Figgs has also always had oversight regarding payroll and scheduling for her staff.

58. Clerk Figgs' oversight of her staff has been critical for her to be able to effectively execute the duties she was elected to perform as Clerk of Calumet City.

59. However, Mayor Jones has begun an assault on Clerk Figgs' ability to manage her own office and staff.

60. On July 26, 2021, Clerk Figgs inquired about a previous request for a part-time employee for the City Clerk's office to enable the digitization of all Calumet City records to promote efficiency and organization. Mayor Jones used this opportunity to force Clerk Figgs to jump through arbitrary hoops for her request.

61. When Clerk Figgs made such a request, Mayor Jones asked her to explain and clarify her needs for a part-time employee. Notably, more than 50 other position requests were granted without requiring explanation.

62. Additionally, prior to Mayor Jones being elected Mayor, Clerk Figgs asked the previous administration about hiring a second deputy to assist her office with administrative tasks and various job duties.

63. Clerk Figgs was informed by the previous administration that this position would technically be an office manager and that she would need to request approval while the city budget was being discussed by City Council. *Id.*

64. On July 27, 2021, Clerk Figgs emailed Mayor Jones stating that she would like the bullying by him to stop. Clerk Figgs begged Mayor Jones to leave her alone and he has not.

65. On July 29, 2021, Mayor Jones held a special meeting to discuss approval of this position as requested by Clerk Figgs.

66. At the special meeting, Mayor Jones refused to let Clerk Figgs speak or explain her need for the requested position.

67. However, after the special meeting, on September 3, 2021, an individual named Cleo Jones appeared at Clerk Figgs' office declaring that he was Clerk Figgs' new office manager, but that he would be reporting directly to Mayor Jones, per Mayor Jones' orders.

68. Mayor Jones has used funds from Clerk Figgs' budget to pay Cleo Jones' \$60,000 salary, even though Cleo Jones reports exclusively to Mayor Jones.

69. Mayor Jones did not allow Clerk Figgs to have any input in hiring Cleo Jones and she did not have a chance to discuss any of his qualifications or approve his hiring.

70. Cleo Jones also currently holds the position of Park Commissioner for the Dolton, Illinois Park District.

71. In fact, the Dolton Park District falls within Mayor Jones' district as an Illinois State Representative.

72. Further frustrating Clerk Figgs' ability to perform her duties, after the hiring of Cleo Jones, Clerk Figgs noticed that all her statutorily directed duties that have been removed from

her by Mayor Jones are now being transferred to Cleo Jones, circumventing the will of the voters of Calumet City who elected her.

73. Mayor Jones is directly interfering with Clerk Figgs' office by preventing Clerk Figgs from hiring and having oversight of her own staff, which is impeding Clerk Figgs' ability to act in her official capacity and creating potential liability for Clerk Figgs in the absence of having such control.

74. Given the fact that Clerk Figgs has no supervision or authority over Cleo Jones, and the fact that he is reporting directly to Mayor Jones, the hiring of an office manager for Clerk Figgs' office was nothing more than Mayor Jones' calculated plan to misappropriate Clerk Figgs' office and duties for his personal agenda.

75. As a result of Mayor Jones' wrongful conduct, Clerk Figgs made repeated attempts to resolve this situation with Mayor Jones.

76. Clerk Figgs' legal counsel sent letters to Calumet City's legal counsel in hopes of an amicable resolution, however matters have only escalated and thus, Clerk Figgs found it necessary to bring this Verified Amended Complaint seeking relief.

Mayor Jones Assumes Clerk Figgs' Budget

77. On September 3, 2021, the same day that Cleo Jones started as office manager, Clerk Figgs discovered that money was being spent out of the City Clerk's budget without her approval.

78. Clerk Figgs cannot determine who, specifically, is making the expenditures or exactly what the expenditures are, only that her budget is being utilized by a third party at the direction of the Mayor.

79. Clerk Figgs has also lost the ability to utilize her own budget and has been completely locked out of accessing such budget even though as City Clerk, she is responsible for various court reporting invoices, adjudication services, and legal fees.

80. Clerk Figgs has continued to request from Mayor Jones and the City Administrator rightful access to her own budget but has not received any response.

81. In assuming control over Clerk Figgs' budget without any formal process or proceeding, Mayor Jones has made it impossible for Clerk Figgs to meet the obligations with her budget or to understand if those duties are being fulfilled. Yet legally, Clerk Figgs remains liable for all outstanding bills and invoices.

Mayor Jones Puts Clerk Figgs' Bond at Jeopardy

82. In addition to Mayor Jones taking control over Clerk Figgs' duties, staff, and budget, Mayor Jones has also put Clerk Figgs' bond in jeopardy.

83. Each elected official of Calumet City has their own bond.

84. As City Clerk, Clerk Figgs has a bond provided by the City to be used in a situation whereby she is sued in her official capacity.

85. The use of her bond would include, for example, instances where Clerk Figgs was sued for allegedly misappropriating her budget, mishandling collections, or failing to exercise her duly elected duties.

86. As recent as September 24, 2021, while Clerk Figgs was out of the office, Cleo Jones appeared and requested from Clerk Figgs' staff that he be granted access to her office.

87. Cleo Jones stated that he needed access to Clerk Figgs' office and the vault containing public records. *Id.*

88. Upon being denied entry, Cleo Jones stated that he would gain permission from Mayor Jones.

89. After Clerk Figgs received notice that Cleo Jones had tried to gain access to her office, Clerk Figgs informed Mayor Jones that any boxes containing classified records located in her office should not be removed or viewed by anyone other than Clerk Figgs as all such records are to be maintained by the Calumet City Clerk. Clerk Figgs did not receive any response from Mayor Jones.

90. However, following Clerk Figgs' email to Mayor Jones, Cleo Jones entered Clerk Figgs' office and began rearranging records without Clerk Figgs' permission.

91. On September 27, 2021, Clerk Figgs discovered that her register was short and Cleo Jones, who counted the register, did not inform Clerk Figgs of such, as he purportedly reports exclusively to Mayor Jones. It is unclear whether Cleo Jones has reported it to Mayor Jones, or anyone at all.

92. Even though Clerk Figgs was not informed about the register discrepancy, as City Clerk, it is Clerk Figgs' bond that is now in jeopardy.

93. On September 28, 2021, Clerk Figgs emailed the City's attorney, Mike Kasper, a formal letter to make him aware of the actions being taken by Mayor Jones, no actions were taken in response to this letter.

94. Additionally, on September 29, 2021, Cleo Jones began training on Calumet City's Payment System Network, which is the database used to collect various fees owed by Calumet City's residents.

95. Clerk Figgs has maintained control over the Payment System Network to oversee collections as the City Collector. However, this is yet another example of Mayor Jones' attempt to overtake Clerk Figgs' office and duties.

96. Because Mayor Jones has restricted Clerk Figgs from having any knowledge of how Clerk Figgs' staff is operating, should such staff mishandle City business, Clerk Figgs could be held liable for such acts and simultaneously be required to use her bond to protect and defend herself.

97. The behavior of the City's employees continues to put Clerk Figgs at jeopardy. On October 12, 2021, Clerk Figgs was notified that Cleo Jones was in her office removing boxes containing confidential records despite her previous request that he did not do so without her being present. Clerk Figgs' office contains her records as well as materials for the election. The City knew of this conduct and did not protect Clerk Figgs.

98. On October 14, 2021, Clerk Figgs emailed Mr. Kasper and members of City staff about the illegal use of her signature by Mayor Jones, to sign off on documents she had never seen before. These action without Clerk Figgs' knowledge or consent nor apparent legal basis, has left Clerk Figgs vulnerable to litigation and the people of Calumet City open to election fraud.

The City's Culture of Harassment Continues

99. Clerk Figgs has informed all of the aldermen of the hostile work environment she has been experiencing as a result of Mayor Jones' harassment. No one contacted her to help.

100. City officials have not just heard Clerk Figgs' complaints of Mayor Jones, they have also witnessed his harassment firsthand. For example, Mayor Jones asked Alderman Wilson to "choose" between Mayor Jones and Clerk Figgs. To "stay out of things (Mayor Jones) was about to do to (Clerk Figgs)," Mayor Jones offered Alderman Wilson a bribe.

101. Mayor Jones brought in Alyssia Benford, of Benford Brown and Associates, LLC, as an auditor to conduct a review of the City Clerk's office.

102. On November 29, 2021, Alyssia Benford, along with Cleo Jones, broke into Clerk Figgs' office and re-keyed the locks to her personal office.

103. Along with that, Alyssia Benford and Cleo Jones installed video cameras in Clerk Figgs' personal office without her permission.

104. On November 30, 2021, Alyssia Benford was told by the City Council to remove the video cameras from Clerk Figgs' office. The following day when the video cameras had still not been removed, Clerk Figgs removed them herself.

105. Even though the video cameras should have been removed anyway, law enforcement arrive at Clerk Figgs' office and threaten her for removing the video cameras.

106. After Clerk Figgs removed the unauthorized video cameras from her office, footage of her doing so was leaked to the press implying that she destroyed City property.

107. On December 16, 2021, Mayor Jones held a press conference to discuss the audit of the Calumet City Clerk's Office.

108. During the press conference, Mayor Jones purported false claims about Clerk Figgs including that she was not doing her duties as Clerk and that no one has bullied Clerk Figgs in his office.

109. Mayor Jones did not stop there. He continued to defame Clerk Figgs by stating that her actions were "worse" than the City Clerk in Dixon, Illinois who was charged and convicted of embezzling millions of dollars.

110. To respond to these allegations, Clerk Figgs told NBC Channel 5 that the press conference was the latest act in a series of threats by Mayor Jones as punishment for Clerk Figgs

ending their previous relationship. WGN-TV picked up the story and reported on Clerk Figgs and Mayor Jones. However, Mayor Jones denied a prior relationship with Clerk Figgs and when he threatened to sue the reporter, WGN-TV removed the story.

111. The following day, anonymous harassing text messages were sent out to voters in Calumet City targeting Clerk Figgs including a message listing men that Clerk Figgs allegedly slept with. Clerk Figgs requested an investigation be done following this incident but was never granted one even though two other officials received investigations into anonymous messages sent out about them.

112. On the same day, along with being targeted on social media, Mayor Jones' wife ("Mrs. Jones") physically targeted Clerk Figgs by exhibiting intimidating conduct after her prior relationship with Mayor Jones was revealed. Mrs. Jones came to Clerk Figgs' office and stood in front of Clerk Figgs' personal office, making Clerk Figgs feel uncomfortable and threatened.

113. Since the City could not illegally monitor Clerk Figgs via video surveillance, City employees were told to watch Clerk Figgs closely and report all activities immediately to Cleo Jones.

114. On February 15, 2022, and February 16, 2022, Clerk Figgs again informed the City's attorney, Mr. Kasper, that Mayor Jones was harassing her and due to Mayor Jones actions, she was experiencing a hostile work environment. Clerk Figgs pleaded for Mr. Kasper to tell Mayor Jones to stop, and Mr. Kasper ignored her.

115. Mayor Jones' recent actions demonstrate that he is systematically taking control of the City Clerk's office and usurping Clerk Figgs' official duties as the elected City Clerk and Collector of Calumet City, thus preventing her from fulfilling her obligations to her constituents.

116. By doing this, Mayor Jones is still harassing Clerk Figgs through continued, unwanted sexual advances after the termination of their prior consensual relationship and making Clerk Figgs feel powerless and unsafe.

117. On May 25, 2022, Clerk Figgs sent a email detailing her experience again to City leadership. Instead of responding with compassion, Mayor Jones and the City have continued to harass Clerk Figgs.

118. Without legal authority, Mayor Jones wrongfully began removing Clerk Figgs' statutory duties and the duties he could not remove, he made it impossible for Clerk Figgs to fulfil.

119. Mayor Jones has a duty to lawfully enforce the ordinances of Calumet City pursuant to Illinois Municipal Code 65 ILCS 5/6-4-7, which provides in part, that the duties of the mayor shall be to enforce the laws and ordinances within the municipality.

120. As such, Mayor Jones should be enforcing the Calumet City Municipal Code as it stands, which requires protecting Clerk Figgs' ability to perform each duty statutorily prescribed to her, instead of unlawfully transferring her duties and enforcing his own version of the Illinois Municipal Code.

121. Mayor Jones does not inform Clerk Figgs of meetings she needs to attend or if he does, he informs her with minimal notice. To fulfill her duties, Mayor Jones and the City need to inform Clerk Figgs of meetings in a timely manner. To guarantee Clerk Figgs can attend these meetings but not be subjected to harassment, she should be granted remote access to all meetings.

122. On April 20, 2022, Clerk Figgs' official email address was deactivated on information and belief at the direction of Mayor Jones. The following day, it was reactivated after Clerk Figgs made a formal demand for it to be reactivated.

123. On April 22, 2022, Clerk Figgs' email was deactivated again. Following this, Clerk Figgs went to Mayor Jones' office in City Hall, with the City of Calumet's IT manager to speak with Mayor Jones about reactivating her email.

124. At Mayor Jones' office, Mayor Jones demanded that Clerk Figgs enter his personal office to discuss the deactivation of her email account. She refused because she was afraid to enter Mayor Jones' personal office based upon his previous actions and behavior towards her. Mayor Jones, rather than speaking with her about his deactivation of Clerk Figgs' email, called the Chief of Police to have Clerk Figgs escorted out of the office vestibule..

125. On April 25, 2022, Clerk Figgs' email was again reactivated after another written demand.

126. On May 17, 2022, Clerk Figgs' email was again deactivated.

127. On June 14, 2022, while Clerk Figgs did not have access to her email, Mayor Jones sent letters to Calumet City businesses stating that Clerk Figgs failed to comply with her statutory duties which included signing business licenses. The business licenses were illegally signed using Clerk Figgs' city seal by Mayor Jones. The city seal is protected by state statute which is very clear that the seal can only be used by Clerk Figgs.

128. On July 9, 2022 and on July 13, 2022, one of the City's attorneys, Keri-Lyn Krafthefer, emailed Mr. Kelly to state that Clerk Figgs has not submitted any minutes to the City Council since March 12, 2022. Without access to her email, Clerk Figgs cannot submit minutes to the City Council. The City has knowledge of this and is using it to portray Clerk Figgs as incompetent and lazy even though she is incapable of doing her work because of the City's actions.

129. Following these emails from the City's attorneys, Clerk Figgs again requested access to her email. On or about July 14, 2022, the City restored her email. Clerk Figgs reasonably

fears that the City will deactivate her email again in retaliation for this lawsuit. The City should be compelled from deactivating Clerk Figgs' email again without necessary approval.

COUNT I – 42 U.S.C. § 1983 (SEX DISCRIMINATION)

All Defendants

130. Clerk Figgs incorporates and realleges paragraphs 1- 129 as though fully set forth herein.

131. By reason of Mayor Jones' conduct, Clerk Figgs was deprived of her right against discrimination secured to her by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution pursuant to 42 U.S.C. § 1983.

132. Mayor Jones engaged in a pattern of unwanted sexual harassment directed towards Clerk Figgs.

133. Mayor Jones, acting under color of state law, and pursuant to an established custom and practice of the City, violated Clerk Figgs' right to be free from sexual harassment, which is a clearly established federal right.

134. The conduct of Mayor Jones towards Clerk Figgs constitutes unwelcome sexual harassment that was severe and/or pervasive.

135. As a direct and proximate result of Mayor Jones' conduct, Clerk Figgs has incurred economic damages due to the decrease in employment duties and lost work opportunities in the amount set forth in the prayer herein, plus prejudgment interest in an amount to be determined at trial.

WHEREFORE, Plaintiff Nyota Figgs respectfully requests this Court to award non-economic compensatory damages sufficient to compensate her for her emotional pain and suffering, embarrassment, and decrease in employment duties and to award compensatory

damages in the amount to be determined at trial. Nyota Figgs is further entitled to an award of attorney fees pursuant to 42 U.S.C. § 1988.

COUNT II – 42 U.S.C. § 1983 (FREEDOM OF SPEECH)

All Defendants

136. Clerk Figgs incorporates and realleges paragraphs 1- 135 as though fully set forth herein.

137. Clerk Figgs complained to the Illinois Department of Sexual Harassment and Discrimination.

138. Clerk Figgs' report of Mayor Jones' consistent sexual harassment to the Illinois Department of Sexual Harassment is protected speech under the First Amendment of the United States Constitution.

139. As a result of Clerk Figgs' report, she was subject to retaliation. The retaliatory harassment threatened Clerk Figgs' employment in many ways, including limiting her ability to carry out the responsibilities of an elected official and forcing her to work in a hostile and uncomfortable environment.

140. These retaliatory acts constituted materially adverse employment conditions.

141. Clerk Figgs' complaints led to or were a major factor in the adverse employment actions she suffered.

142. As a direct and proximate result of the foregoing acts of retaliation, Plaintiff has been damaged in that she has lost or been deprived of income and future employment opportunities.

WHEREFORE, Plaintiff Nyota Figgs respectfully requests this Court to declare that Defendants' restriction on Plaintiff's speech violates the First and Fourteenth Amendments to the U.S. Constitution as set forth in this Complaint, to preliminarily and permanently enjoin

Defendants' speech restriction and its application to Plaintiff's speech as set forth in this Complaint, to award Plaintiff nominal damages for the past loss of her constitutional rights as set forth in this Complaint, to award Plaintiff reasonable attorney fees, costs, and expenses pursuant to 42 U.S.C. § 1988 and other applicable law; and to grant such other and further relief as this Court should find just and proper.

COUNT III – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Thaddeus Jones, Individually

143. Clerk Figgs incorporates and realleges paragraphs 1- 142 as though fully set forth herein.

144. Mayor Jones intentionally engaged in extreme and outrageous behavior against Clerk Figgs including, but not limited to, engaging in unlawful removal of Clerk Figgs' duties and sending daily harassing messages stating that Clerk Figgs' was on his "hit list" and that he has "powerful friends." Clerk Figgs' distress is so debilitating that she is unable to go to the office some days out of fear.

145. Mayor Jones is liable for intentional infliction of emotional distress because Clerk Figgs' emotional distress was proximately caused by his actions as set forth above.

146. Mayor Jones' outrageous behavior caused Clerk Figgs to suffer severe emotional distress including anxiety, fear, and humiliation.

WHEREFORE, Plaintiff Nyota Figgs respectfully requests this Court to award reasonable attorney's fees, punitive and exemplary damages from Defendant, in an amount according to proof at trial, to punish the Defendant and deter Defendant and others from engaging in similar future conduct.

COUNT IV – DECLARATORY JUDGMENT
(REINSTATEMENT OF CLERK FIGGS’ DUTIES
PER THE CALUMET CITY MUNICIPAL CODE)

Thaddeus Jones, in his official capacity as Mayor of Calumet City and the City of Calumet City

147. Clerk Figgs incorporates and realleges paragraphs 1- 146 as though fully set forth herein.

148. As the elected City Clerk of Calumet City, Clerk Figgs has the duty to perform the official powers and duties statutorily directed to her by the Calumet City Municipal Code.

149. Under Calumet City Municipal Code § 54-34, business licenses are handled and issued by Clerk Figgs’ office. However, Mayor Jones removed this statutorily directed duty and instead transferred it to Mayor Jones’ office, although the City Council has not amended nor altered the Code to state otherwise, nor did the City Council provide Mayor Jones with the authority to remove such duty.

150. According to Calumet City Municipal Code § 90-601, residential permit parking stickers are to be issued by Clerk Figgs. However, Mayor Jones removed this statutorily directed duty and instead transferred it to the Mayor’s office, although that City Council has not amended nor altered the Code to state otherwise, nor did City Council provide Mayor Jones with the authority to remove such duty.

151. Under Calumet City Municipal Code § 2-362, Clerk Figgs additionally holds the office of City Collector. Despite this, Mayor Jones has removed Clerk Figgs’ supervisory role over the collection clerks, which is an integral aspect of acting as City Collector, and her role as the City’s Adjudicator where she oversees the adjudication of fines for parking, traffic, and

housing court. Thus, Mayor Jones is directly interfering with Clerk Figgs' statutory authority to perform her duties as City Collector.

152. Calumet City Municipal Code § 2-63 governs the procedure for special meetings, requiring those calling the special meeting to provide notice to Clerk Figgs, and Clerk Figgs thereafter to provide official notice of the meeting. However, Mayor Jones removed this statutorily directed duty and instead transferred it to the Mayor's office, although City Council has not amended nor altered the Code to state otherwise, nor did the City Council provide Mayor Jones with the authority to remove such duty.

153. Clerk Figgs asks that this Court reinstate all such duties prescribed by the Calumet City Municipal Code that have been illegally removed from her by Mayor Jones.

WHEREFORE, Plaintiff Nyota Figgs respectfully requests this Court enter an Order awarding the following relief:

- a. Declare Nyota Figgs, as elected to the office of City Clerk for Calumet City, is entitled to serve as City Clerk and Collector and perform all such acts and duties that are statutorily directed to those offices by the Calumet City Municipal Code;
- b. Grant Clerk Figgs remote access to all necessary meetings she has a duty to attend;
- c. Reinstatement of all her duties that have been directed to Clerk Figgs by the following authority:
 - i. Calumet City Municipal Code § 2-331;
 - ii. Calumet City Municipal Code § 54-34;
 - iii. Calumet City Municipal Code § 90-601;
 - iv. Calumet City Municipal Code § 2-362; and
 - v. Calumet City Municipal Code § 2-63;
- d. Preliminarily enjoin Mayor Jones from unlawfully removing Clerk Figgs' statutory duties as Clerk Figgs has an established right pursuant to the Calumet City

Municipal Code to perform such duties prescribed to the City Clerk and Collector of Calumet City, as Clerk Figgs was duly elected to such positions. As such, Clerk Figgs' right requires protection from the current unlawful removal of her duties and misappropriation of her budget by Mayor Jones;

- e. Finding that in the absence of a Preliminary Injunction, Clerk Figgs will suffer immediate, irreparable harm due to the ongoing nature of Mayor Jones' unlawfully removing Clerk Figgs' duties, misappropriating her budget, and subjecting her to liability of other's actions. Finding that Clerk Figgs does not have an adequate remedy at law as money damages will not protect Clerk Figgs nor compensate her for the irreparable harm caused as a result of Mayor Jones' unlawful removal of her statutorily directed duties;
- f. Finding that Clerk Figgs is likely to succeed on the merits as she has a statutory right to perform such duties statutorily directed to her as City Clerk and Collector by the Calumet City Municipal Code;
- g. Finding that the balance of equities between the parties supports the requested injunctive relief as Mayor Jones would suffer no harm in ceasing the unlawful transfer away of Clerk Figgs' duties, nor would Mayor Jones suffer harm by Clerk Figgs having her statutorily directed duties reinstated. Finding that the benefits of granting injunctive relief therefore outweigh any remote or possible injury that Mayor Jones could suffer as a result thereof;
- h. Finding that the public interest weighs in favor of supporting injunctive relief as the residents of Calumet City elected Clerk Figgs to perform such City Clerk and Collector duties as prescribed by statute; and

- i. Clerk Figgs' attorneys' fees, and any other relief this Court may deem appropriate.

COUNT V – DECLARATORY JUDGMENT
(REINSTATEMENT OF CLERK FIGGS'
DUTIES PER THE ILLINOIS MUNICIPAL CODE)
Thaddeus Jones, in his official capacity as Mayor of Calumet City and the City of Calumet
City

154. Clerk Figgs incorporates and realleges paragraphs 1- 153 as though fully set forth herein.

155. Per Illinois Municipal Code 65 ILCS 5/3.1-35-90, Clerk Figgs shall have other duties prescribed by the corporate authorities, which include her designated duties regarding business licenses, animal licenses, and vehicle stickers, as specifically directed by the Calumet City Municipal Code.

156. The Illinois Municipal Code also provides that Clerk Figgs shall attend all meetings of the corporate authorities, retain a full record of meeting proceedings, and keep the corporate seal along with all papers belonging to the municipality.

157. Despite these statutorily prescribed duties, Mayor Jones has given unauthorized employees access to Clerk Figgs' office, where the records and money funds belonging to the municipality are kept, of which the Illinois Municipal Code directs to be retained within the custody and control of the City Clerk.

158. Mayor Jones has impeded Clerk Figgs' duties with respect to the safekeeping of all records and funds belonging to the municipality, which has put Clerk Figgs in jeopardy of bearing liability should any unauthorized individual engage in misconduct.

159. Because Mayor Jones has unlawfully violated and removed duties directed to Clerk Figgs, Mayor Jones has therefore violated the Illinois Municipal Code.

WHEREFORE, Plaintiff Nyota Figgs respectfully requests this Court enter an Order declaring that Nyota Figgs, as elected to the office of City Clerk for Calumet City, is entitled to serve as City Clerk and Collector and perform all such acts and duties that are statutorily directed to those offices by the Illinois Municipal Code as well as awarding similar relief as that sought by Count I. Specifically, Nyota Figgs respectfully requests that this Court reinstate all duties that have been directed to her by Illinois Municipal Code 65 ILCS 5/3.1-35-90(a).

COUNT VI — WRIT OF MANDAMUS
(PLED IN THE ALTERNATIVE TO COUNTS IV AND V)

Thaddeus Jones, in his official capacity as Mayor of Calumet City and the City of Calumet City

160. Clerk Figgs incorporates and realleges paragraphs 1- 159 as though fully set forth herein.

161. Clerk Figgs has a clear right to the relief requested pursuant to the Calumet City Municipal Code and the Illinois Municipal Code, and to specifically act as and perform such duties prescribed to City Clerk and City Collector of Calumet City. These same duties are required to be lawfully enforced by Mayor Jones.

162. Mayor Jones has a clear non-discretionary duty under Illinois Municipal Code 65 ILCS 5/6-4-7 to enforce the laws and ordinances within the municipality.

163. Mayor Jones has failed to exercise his non-discretionary duty to enforce the laws and ordinances within the municipality by directly providing for the transfer away of Clerk Figgs' statutorily directed duties to his own office.

164. Mayor Jones is legally required to enforce the Calumet City Municipal Code as promulgated, which requires protecting Clerk Figgs' ability to perform each duty statutorily prescribed to her, instead of interfering with the enforcement of the Code by usurping Clerk Figgs' duties.

165. Mayor Jones' failure to exercise his non-discretionary duty has deprived Clerk Figgs of her statutory right to perform such acts and duties that she was elected to perform as City Clerk and Collector.

166. There is clear authority for Mayor Jones to comply with this Court's writ of mandamus.

167. Mayor Jones' on-going failures to exercise his non-discretionary duties requires this Court to issue a writ of mandamus requiring Mayor Jones to exercise his duties and directing Mayor Jones to act pursuant to Illinois Municipal Code in enforcing the laws and ordinances within the municipality and thereby enforcing ordinances that direct duties solely to Clerk Figgs as City Clerk and Collector.

WHEREFORE, in the alternative, Plaintiff Nyota Figgs respectfully requests this Court issue a Writ of Mandamus requiring Defendant Thaddeus Jones to exercise his mandatory duties in enforcing the laws and ordinances within the municipality of Calumet City and thereby enforcing ordinances that direct duties to the City Clerk and Collector.

COUNT VII – SPOILIATION OF EVIDENCE
The City of Calumet City

168. Clerk Figgs incorporates and realleges paragraphs 1- 167 as though fully set forth herein.

169. The City filed a separate lawsuit against Clerk Figgs on or about October 29, 2021, concerning the retention of records.

170. In this separate lawsuit, Clerk Figgs and Calumet City entered into an agreement for retention of documents.

171. Under the circumstances, the City, by and through its agents and employees undertook a duty and/or special circumstances existed such that the City, had a duty to preserve the documents as evidence in this matter.

172. In violation of said duty, the City, by and through its agents, servants and employees failed to preserve the documents.

173. Due to this violation, material evidence that supports Clerk Figgs' claim were lost.

WHEREFORE, Plaintiff Nyota Figgs respectfully requests this Court to award in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit due to the Defendant, the City, an Illinois municipality's spoliation of the evidence in this matter, specifically the loss of documents alleged in the Complaint at Law.

COUNT VIII - WRIT OF MANDAMUS (DUE PROCESS)

The City of Calumet City

174. Clerk Figgs incorporates and realleges paragraphs 1- 173 as though fully set forth herein.

175. The Illinois Public Act 101-0221 ("Public Act") provides that local government employers must pass an ordinance or resolution updating sexual harassment policies to address claims made by an elected official against another elected official.

176. The specific language of the statute states: "Within 6 months after the effective date of this amendatory Act of the 101st General Assembly, each governmental unit that is not subject to the jurisdiction of a State or local Inspector General shall adopt an ordinance or resolution amending its sexual harassment policy to provide for a mechanism for reporting and independent review of allegations of sexual harassment made against an elected official of the governmental unit by another elected official of a governmental unit."

177. There is currently nothing in the Calumet City Code that addresses the Public Act in violation of Illinois law.

WHEREFORE, Plaintiff Nyota Figgs respectfully requests this Court to enter a writ directing the City of Calumet City to codify its law under the Illinois Public Act and any other relief this Court seems necessary and just.

DATED: August 30, 2022

Respectfully submitted,

NYOTA FIGGS

By: /s/ Thomas C. Koessl

One of their Attorneys

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