

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Jay Stone, Patrick McDonough, Reginald “Reggie” Williams, Sr., Jeremiah “Kevin” O’Driscoll, Normandy Rogers, Mirjana “Mira” Grujicic,)
)
)
)

Plaintiffs,)
)

v.)

Case No.: 18 C 05166

Robert M. Dow, Jr., Judge

Rahm Emanuel, Individually and as Mayor of the City of Chicago, Edward M. Burke, Individually and as Alderman and Chairman Of the Chicago City Council Committee on Finance, City of Chicago, Illinois, A Municipal Corporation and Body Politic,)
)
)
)
)
)
)

Magistrate Sidney I. Schenkier

Defendant(s)¹.)

COMPLAINT

Plaintiffs Jay Stone Patrick McDonough Jay Stone, Patrick McDonough, Reginald “Reggie” Williams, Sr., Jeremiah “Kevin” O’Driscoll, Normandy Rogers, and Mirjana “Mira” Grujicic, by their attorney Michael J. Greco, Attorney at Law, complain of Rahm Emanuel, Individually and as Mayor of the City of Chicago and Edward M. Burke, Individually and as Alderman and Chairman Of the Chicago City Council Committee on Finance, City of Chicago, Illinois, A Municipal Corporation and Body Politic, as follows:

Jurisdiction And Venue

1. This is a civil action authorized by 42 U.S.C. § 1983 to redress the deprivation, under the color of state law, of rights secured by the Constitution of the United States. This

¹ All Defendants are sued in both their Individual and Official Capacities.

Court has jurisdiction under 28 U.S.C. § 1331 and 1343(a)(3). Plaintiffs seek declaratory relief pursuant to 28 U.S.C. 2201 and 2202. Plaintiffs' claims for injunctive relief are authorized by 28 U.S.C. § 2283 and 2284 and Rule 65 of the Federal Rules of Civil Procedure. The Court has supplemental jurisdiction over Plaintiffs' State law claims under 28 U.S.C. 1367.

2. The United States District Court for the Northern District of Illinois is the appropriate venue under 28 U.S.C. § 1391(b)(2) because the events giving rise to this complaint occurred entirely within the geographic expanse of this Court.

Parties

3. Plaintiff Jay Stone's address, telephone, and e-mail address is, 10501 82nd Street, Pleasant Prairie, Wisconsin 53158; (773) 665-4623; jjstone@gmail.com.
4. Plaintiff Patrick McDonough's, address, telephone, and e-mail address is, 1351 West Catalpa Avenue, Chicago, Illinois 60640; (312) 685-4333; captaddy@msn.com. Plaintiff McDonough's workers compensation is pending and unresolved after several years; moreover, his temporary total disability pay and medical treatment authorization and reimbursement was stopped, without cause attributable to Plaintiff McDonough.
5. Plaintiff Reginald "Reggie" Williams, Sr., is a City of Chicago employee who was injured in an truck accident while working. Plaintiff Williams' workers compensation is pending and unresolved after several years.
6. Plaintiff Jeremiah "Kevin" O'Driscoll is a City of Chicago employee who was injured while working. Plaintiff O'Driscoll' workers compensation was pending and unresolved after several years, forcing him into early retirement.

7. Plaintiff Normandy Rogers is a City of Chicago employee who was injured while working. Plaintiff Rogers' workers compensation is pending and unresolved after several years; moreover, her disability pay was stopped, forcing her into early retirement.
8. Plaintiff Mirjana "Mira" Grujicic is a City of Chicago employee who was injured in multiple truck accidents, none of which were caused by her negligence or fault, while working. Plaintiff Grujicic' workers compensation was pending and unresolved after several years; moreover, her disability pay and medical treatment reimbursement were stopped, after having been awarded by the workers compensation arbitrator, forcing her into early retirement and constructive termination.
9. Defendant Rahm Emanuel, is sued both in his individual capacity, but also in Mr. Emanuel's official capacity as Mayor, For the City of Chicago, whose address and telephone number is City Hall, 121 North LaSalle Street, 5th Floor, Room 507, Chicago, Ill. 60602; (312) 744-2931 (Dial 311 within Chicago city limits). (This Defendant will be referred to sometimes herein as "Mayor Emanuel" or "Emanuel").
10. Defendant Edward M. Burke, is sued both in his individual capacity and in Mr. Burke's official capacity as Alderman and Chairman, Of the Chicago City Council Committee on Finance, whose address and telephone information is City Hall, 121 North LaSalle Street, 3rd Floor, Room 302, Chicago, Ill. 60602; (312) 744-2931. (This Defendant will be referred to sometimes herein as "Defendant Alderman Burke" or "Burke").

Facts

11. The State of Illinois granted a City Charter to the City of Chicago on March 4, 1837.

12. The Chicago City Council adopted a revised Municipal Code on June 27, 1990.
13. The City of Chicago's 1990 Municipal Code remains in effect today.
14. Chicago Municipal Code Article V., 2-152-420 established the "statutory authority" of the Bureau of Workman's Compensation.
15. Chicago Municipal Code Article V., 2-152-430 states, "The bureau of workmen's compensation shall be composed of such persons as may be designated or appointed by the chairman of the committee on finance."
16. Chicago Municipal Code Article V., 2-152-440 states, "The comptroller is hereby authorized to pay, from any fund appropriated for the purpose of said bureau, vouchers to be approved by the chairman of the committee on finance upon the recommendation of said bureau to any person, or in case of his death, to his personal representative, such sum of money as such person or his personal representative shall from time to time be entitled to under and by virtue of the provisions of said acts described in Section 2-152-420."
17. Defendant Alderman Burke has served as Chairman of the City Council Committee on Finance from 1983 to 1987 and from 1989 to present. Because of his City Council position as the Committee on Finance Chairman, Defendant Alderman Burke has been administering the Chicago Workers' Compensation Division for 33 years and counting.
18. Defendant Alderman Burke's Committee on Finance website (http://www.committeefinance.org/about.asp#WORKERS_COMPENSATION_CLAIMS) states, "Pursuant to Sections 2-152-430 and 2-152-440, of the Municipal Code of Chicago, the Committee on Finance is responsible for the administration of the City's worker's compensation program."
19. Among the declarations published on the Committee on Finance website is:

“The Committee on Finance processes and pays the claims for the medical bills incurred by city employees for work related injuries and pays ordered settlements by the Illinois Industrial Commission for injuries sustained in work-related accidents.”

20. Defendant Alderman Burke hires, fires, and manages the entire Chicago workers’ compensation staff of approximately 65 employees. Defendant Alderman Burke and his legislative staff manages all of Chicago’s workers compensation claims and negotiates all of Chicago’s workers compensation settlements.

21. 65 ILCS 5/3.1-15-10 assigns to Defendant Mayor Emanuel the official title of “Chief Executive Officer” and accords to him all the duties and powers associated with said position. Defendant Mayor Emanuel took the mayor’s oath of office and swore twice that he would support the Constitution of the United States and the Constitution of the State of Illinois (65 ILCS 5/6-4-9). ILCS 5/6-4-7 charges Defendant Mayor Emanuel with the duty to ensure that each provision of the Chicago Municipal Code is in comport with the laws of the United States and the State of Illinois. Defendant Mayor Emanuel has failed in his duty to make sure that he, Defendant Alderman Burke, and the Chicago Municipal Codes are not in violation of the U.S. Constitution, Illinois Constitution, 65 ILCS 5/6-4-6, 65 ILCS 5/6-4-7, 65 ILCS 5/3.1-15-15, and 65 ILCS 5/4-5-16.

22. The State of Illinois solely vested the power and duty to appoint and remove all City of Chicago department and division heads in Defendant Mayor Emanuel from 2011 to the present (65 ILCS 5/6-4-7). From 2011 to the present Defendant Mayor Emanuel unlawfully relinquished and ceded his power and duty to appoint the Director of Workers Compensation to Defendant Alderman Edward M. Burke.

23. From 2011 to present, 65 ILCS 5/6-4-7 explicitly accorded to Defendant Mayor Rahm Emanuel the power and duty to exercise control of all City of Chicago departments and divisions including those departments and divisions created by the Chicago City Council. Defendant Mayor Emanuel has unlawfully relinquished and ceded his control of Chicago's Workers' Compensation Division to Alderman Edward M. Burke from 2011 to present.
24. 65 ILCS 5/6-4-6, Powers of Council states, "The powers of the council shall be purely legislative, except as may be otherwise specifically provided by any other act or by any article of this Code." The purpose of 65 ILCS 5/6-4-6 is to insure the government of Chicago maintains its check and balances by restricting City Council members to only act as legislators, not administrators as Defendant Alderman Burke is doing by managing all of Chicago's Workers' Compensation employees and claims.
25. The Chicago Municipal Codes must comply with all Illinois Compiled Statutes (ILCS), including Illinois 65 ILCS 5/6-4-6, powers of the council, the Illinois Constitution, and the U.S. Constitution.
26. The Illinois Compiled Statutes (ILCS) has no provision or act in its Code that authorizes the Chicago City Council to perform duties other than purely legislative.
27. Sections 2-152-430 and 2-152-440, of the Municipal Code of Chicago violate 65 ILCS 5/6-4-6, powers of the council because the Chicago Municipal Code grants the alderman who is the Chicago City Council Committee on Finance Chairman the non-legislative, executive branch of government duty of administering Chicago's Workers' Compensation program.

28. Defendant Alderman Burke stated on his webpage that Chicago Municipal Code Sections 2-152-430 and 2-152-440 make him and his Committee on Finance staff “responsible for the administration of the City's worker's compensation program.” (see Paragraphs 14 and 15 above).
29. According to 65 ILCS 5/6-4-6, Committee on Finance Chairman Defendant Edward M. Burke, must restrict his official City Council duties to purely legislative duties because the Illinois compiled statues (ILCS) has no exception or exemption for him to do otherwise.
30. Defendant Alderman Burke’s administration of the Chicago’s workers compensation program violates Illinois 65 ILCS 5/6-4-6 requirement that for the sake of separation of powers, members of the Chicago City Council perform purely legislative duties. Furthermore, 65 ILCS 5/6-4-6 implies that Defendant Alderman Burke must refrain from performing the customary functions of the executive branch of government, including the administration of Chicago’s Workers’ Compensation employees and claims.
31. Defendant Alderman Burke repeatedly violated 65 ILCS 5/4-5-16 by deliberating submitting annual budgets that were far less than the actual amount his Committee on Finance expended each year. “It is unlawful for the council or any commissioner to expend, directly or indirectly, a greater amount for any municipal purpose than the amount appropriated for that purpose in the annual appropriation ordinance passed for that fiscal year.” (65 ILCS 5/4-5-16).
32. For fiscal year 2018 Defendant Alderman Burke submitted a budget for 25 Committee on Finance employees when he had 65 employees working for him at that time.

Defendant Alderman Burke has deliberately underreported the number of employees working for him and the amount of their salaries from 2011 to present.

33. The purpose of Defendant Alderman Burke intentionally under-budgeting the number of employees on his staff and his staff's salaries is to hide this information from the public. In addition, from 2011 through 2018 Defendant Alderman Burke deliberately under-budgeted Workers' Compensation claims and settlements for the purpose of keeping this information from the public.

34. At the time Defendant Alderman Burke was under-appropriating his staff, and under-budgeting workers compensation claims and settlements, he also championed a City Council ordinance to block the Chicago Office of the Inspector General (OIG) from auditing and investigating his Finance Committee and Workers' Compensation Division.

35. In March 2016 Plaintiff Stone filed an OIG complaint regarding the impropriety of Defendant Alderman Burke managing the City's Workers Compensation employees and claims. Plaintiff Mr. Stone is informed and believes that the IGO never followed through on his complaint because of the restrictions Defendant Alderman Burke placed on the OIG when he pushed his OIG ordinance through the City Council.

36. Defendant Alderman Burke has unfettered access to \$1.4 billion that the City of Chicago collects in fees and puts into the Water Fund, Vehicle Tax Fund, and Sewer Fund. Hidden side notes in the City of Chicago budget state that the Water Fund, Vehicle Tax Fund, and Sewer Fund are, "To Be Expended at the Direction of the Chairman of the Committee on Finance."

37. 65 ILCS 5/6-4-6 requires the council to approve payment of all City of Chicago expenses and liabilities. The hidden Chicago budget side notes that allowed Defendant Alderman Burke to expend up to \$1.4 billion a year in Water, Sewer and Vehicle Tax funds violate 65 ILCS 5/6-4-6 because Illinois law requires the Chicago City Council to approve the City's expenses and liabilities.
38. Chicago Municipal Code Sections 2-152-430 and 2-152-440 charge Defendant Alderman Burke with the power and duties to hire and manage all City's Workers Compensation Division employees and claims. Sections 2-152-430 and 2-152-440 of the Chicago Municipal Code essentially make Defendant Alderman Burke the Chief Workers' Compensation Administrator without formally naming as such. Furthermore, Defendant Alderman Burke's responsibilities and complete control over the Workers Compensation Division's day to day operations for over 33 years also earn him the title of Chief Administrator. No one, not even Defendant Mayor Emanuel, enjoys supervisory authority over Defendant Alderman Burke in the day-to-day management of Workers Compensation employees and claims.
39. By simultaneously holding the positions of Chief Administrator for the Chicago's Workers' Compensation Division and alderman, Defendant Edward M. Burke's two jobs amount to violation of 65 ILCS 5/3.1-15-15, holding of other offices (Illinois Attorney General, June 30, 1980 opinion File No. S-1494). 65 ILCS 5/3.1-15-15 states that aldermen may not hold another office in a municipality during their term of office unless the aldermen take a leave of absence.
40. Defendant Alderman Burke's dual jobs as Workers' Compensation top administrator and alderman do not meet any of the criteria for 65 ILCS 5/3.1-15-15 exemptions.

41. Defendant Alderman Burke's dual jobs as alderman and Chief Administrator for the Chicago's Workers' Compensation Division are inherent conflicts of interest because Defendant Alderman Burke votes in the City Council on the \$1.4 billion that he is entitled to expend using Workers Compensation vouchers. Defendant Alderman Burke appropriating funds as a legislator is a conflict of interest with him spending those funds as a Workers Compensation administrator. Defendant Alderman Burke cannot fully and faithfully perform both his jobs as a legislator and as an administrator (*People v. Bott*, 261 Ill. App. 261, 265 (2nd Dist. 1931)). Defendant Alderman Burke's under-budgeting his Workers Compensation Division's staff, claims and settlements year after year exemplifies the harm caused by Defendant Alderman Burke's conflicts of interest and the lack of proper oversight.
42. Upon information and belief, the City's Law Department hired Monica Somerville as a Chief Assistant Corporation Counsel shortly after her name appeared on the Chicago Clout List.
43. FBI agents discovered the City of Chicago Clout List when they raided Robert Sorich's City Hall office as part of the bureau's job rigging investigation. The Clout List that contained Monica Somerville's name among many others was one of the reasons Honorable Judge Wayne Andersen appointed Noelle Brennan to serve as a "Federal Court Monitor." Noelle Brennan oversaw the City of Chicago's policy and personnel decisions for ten (10) years.
44. The City's Law Department fired Monica Somerville for incompetence 17 months after she began working as a Chief Assistant Corporation Counsel. Ms. Somerville unsuccessfully sued the City and her supervisor for racial discrimination and sexual harassment

after the City terminated her. Given Ms. Somerville's disciplinary termination and her baseless lawsuit, Ms. Somerville's name would have appeared on the City's "Do Not Hire" list if the City had maintained one at the time the City fired Ms. Somerville .

45. Defendant Alderman Burke's hiring of Monica Somerville as a legislative aide for his Committee on Finance came after the City's Law Department terminated her.

46. Though Defendant Alderman Burke hired Ms. Somerville as a "legislative aide," Ms. Somerville misstated her job title as "Director of Workers Compensation" in her letters to Plaintiff Patrick McDonough. Ms. Somerville's false claim that she was "Director of Workers Compensation misled Plaintiff McDonough in his dealings with her. Ms. Somerville sent Plaintiff McDonough a letter informing him that she suspended his benefits on January 7, 2016. Defendant Mayor Emanuel's failure to hire the Director of Workers' Compensation and exercise his control of Chicago's Workers Compensation Division as 65 ILCS 5/6-4-7 requires allowed Defendant Alderman Burke to hire Monica Somerville. Ms. Somerville's mismanagement of Plaintiff McDonough's workers compensation claims caused Mr. McDonough to suffer great mental, emotional, and financial harm.

47. Defendant Alderman Burke may hire any Director of Workers' Compensation candidate he wants regardless of the candidate's qualifications; however, that is not true for Defendant Mayor Emanuel. 65 ILCS 5/6-4-7 requires Defendant Mayor Emanuel to only appoint City of Chicago department and division heads based on the candidates' "merit and fitness." Given that the City previously fired Ms. Somerville for ineptitude and Ms. Somerville's baseless lawsuit against the City and her supervisor, Defendant Alderman

Burke's hiring of Monica Somerville for the position of Director of Workers' Compensation would not have met the merit and fitness hiring criteria for department and division heads that 65 ILCS 5/6-4-7 imposes on Defendant Mayor Emanuel.

Legal Claims

48. Plaintiff hereby incorporates the foregoing paragraphs as if fully set forth herein.
49. Defendant Mayor Emanuel and Defendant Alderman Burke are in violation of the First Amendment and the equal protection clause of the Fourteenth Amendment because their unlawful use of Workers Compensation Division patronage employees infringed upon the rights of a fair and equal electoral process.
50. Because Defendant Mayor Emanuel failed to exercise control of the Workers Compensation Division as 65 ILCS 5/6-4-7 requires, Defendant Alderman Edward Burke was able to hire political appointees who lacked the requisite workers' compensation education and experience. Prior to joining Defendant Alderman Burke workers' compensation staff, Defendant Alderman Burke's employees worked as a dog groomer, dog walker, hairstylist, waitress, and other jobs unrelated to the administration of Workers' Compensation.
51. Defendant Alderman Burke's hirees who had a college education do not possess degrees pertaining to the field of workers compensation.
52. Defendant Alderman Burke has no formal workers' compensation training program, workers' compensation training manual, or workers' compensation guidelines to insure all injured City workers are treated equally.
53. Defendant Alderman Burke's unprofessional recruitment and management of his workers' compensation subordinates created a politicized environment that encourages

workers' compensation employees to make bias, unfair decisions based on politics, not merit.

54. Defendant Alderman Burke's incentive to serve as Chicago's Worker's Compensation top administrator is the approximate 65 Shakman-exempt jobs that he controls. Besides campaign contributions, aldermen covet the control of Shakman-Exempt patronage jobs more than anything else. Defendant Alderman Burke hires his Workers' Compensation subordinates based on their ability to help him secure votes for himself and his favored candidates. Defendant Alderman Burke's political army that consists of his Workers' Compensation employees are violating the First Amendment, Free Speech Rights of candidates, voters, and political organizations who are unaffiliated with Defendant Alderman Burke and the Cook County Democratic Organization that Defendant Alderman Burke has been a member of for over 50 years (*Michael L. Shakman, et al. vs. Democratic Organization of Cook County, et al.*, No. 69 C 2145).

55. When it came to the Chicago's Workers' Compensation Division, the City of Chicago negotiated in bad faith with attorney Michael Shakman. The City did not fully disclose that the entire Workers' Compensation staff were Committee on Finance employees who were under Defendant Alderman Burke's direct supervision.

56. During the Shakman negotiations each City job was either designated as Shakman Non-Exempt or Shakman Exempt, including City employees working for aldermen and their respective committees. The City used such job titles of clerk of the City Council, legislative aide, and legislative research analyst to create a false impression that workers' compensation employees assigned to the Committee on Finance were performing work directly related to legislation.

57. Defendant Alderman Burke created job titles and job classifications that were not in the Shakman Hiring Plan that the City agreed to follow. As previously mentioned, Defendant Alderman Burke's Legislative Aide Monica Somerville falsely claimed she was the, "Director of Workers' Compensation." Luana Olivas Montoya official job title is "Legislative Research Analyst," but Defendant Alderman Burke directed Olivas Montoya to use the job title of, "Executive Director of Claims Management." Maridza Ramos-Torres official job title is "Legislative Aide." Defendant Alderman Burke gave Ramos-Torres the job title of, "Investigative Claims Adjuster." John Sarantopoulos official job title is "Legislative Aide;" however, Defendant Alderman Burke told Sarantopoulos to use the job title of, "Police and Fire Adjuster."

58. Defendant Alderman Burke created job titles and job classifications that did not go through the proper channels of having the Chicago Inspector General and Human Resource Commissioner approve of the Workers' Compensation job title and job classification changes as the Shakman Hiring Plan requires.

59. Had the City used the job titles of Executive Director of Claims Management, Investigative Claims Adjuster, and Police and Fire Adjuster during the Shakman negotiations or had Defendant Alderman Burke sought approval from the OIG and Human Resources Commissioner for the Workers' Compensation job title and job classification changes as he should have, it would have revealed Workers' Compensation employees assigned to the City Council Committee on Finance were performing work unrelated to legislation.

60. Defendant Mayor Emanuel's motivation to relinquish control of Chicago's Workers Compensation Division to Defendant Alderman Burke is purely political. Defendant Alderman Burke is the most senior and powerful member of the Chicago City Council.

Mayor Emanuel relinquished his duty to manage Chicago's Workers' Compensation Division in exchange for Defendant Alderman Burke's City Council vote and the votes of other aldermen that Defendant Alderman Burke routinely delivers for the mayor.

61. Defendant Alderman Burke provides preferential treatment, including disability pay, benefits, and settlements to injured city workers when they are also precinct captains for political bosses throughout Chicago and Cook County. During election seasons, the City workers—who received preferential workers' compensation benefits from Defendant Alderman Burke—campaign and deliver votes for Defendant Alderman Burke and his favored candidates. Defendant Mayor Emanuel refuses to encroach on Defendant Alderman Burke's political turf because it would cost the mayor City Council votes and votes from all across Chicago when he runs for reelection.

62. Since Defendant Mayor Emanuel was not in control of the Chicago Workers Compensation Division as 65 ILCS 5/6-4-7 requires, Defendant Alderman Burke and his staff's decisions in Patrick McDonough's Workers' Compensation case are void ab initio.

63. Because the statues of Illinois, the Illinois Constitution and the U.S. Constitution disallow Defendant Alderman Burke from administering Chicago's workers' compensation program, Defendant Alderman Burke and his staff's management and decisions are void from the start of Patrick McDonough's workers' compensation claims.

64. As a direct and proximate cause of the actions, inactions, fault, negligence, and/or malfeasance of the Defendant(s), both Jointly and Severally, complained of herein, the Plaintiffs have been deprived of their Due Process Rights Guaranteed Plaintiff by the 14th Amendment to the National Constitution, insofar as the same, both on its face and

as-applied to Petition, are violative of the Separations of Powers Doctrine as the same allows for no checks and balances and allows the Legislative Branch of the Government to exercise Powers only granted to the Executive Branch, in violation of both the National Constitution and Constitution of Illinois.

65. The City of Chicago has labor union contracts with 45 unions. The contract with every union contains duty disability clauses. Only the Chicago Fire Fighters Union, Local No. 2 and the Fraternal Order of Police, Chicago Lodge No. 7 have provisions for medical grievances, mediation, and arbitration in their contracts. The first responders' contracts provide significantly more protections for fire fighters and police officers' duty disability injuries than the members of all 43 other unions combined. Upon information and belief, the police and fire fighter unions negotiated significant workers' compensation protections in their contracts because the Chicago workers' compensation program mistreated on-duty injured officers.

66. The police officers and fire fighters' contracts include time limits for all three steps of the medical grievance process. The initial medical grievance takes approximately 50 days to complete. The arbitration and mediation steps can take 75-90 days each to complete unless both parties agree to an extension.

67. Injured police officers and fire fighters can easily complete their three step medical grievance in a year or less. By comparison, workers' compensation cases of injured city workers from other unions can take four years or longer to settle. Plaintiff McDonough had his duty disability pay and benefits stopped nearly three years ago, and is only in 2018 able to proceed to trial in the Commission. If Plaintiff McDonough wins his hearing, then it may take a few more years to settle his case if the City appeals.

68. Plaintiff Williams' case isn't completely settled in nearly five years. If Plaintiffs McDonough and Williams Sr. had the benefit of medical grievances, mediation, and arbitration, then their cases would have been resolved much sooner.
69. Upon information and belief, the City of Chicago has financial problems. As with insurance companies, Defendant Burke is unfairly delaying and denying workers' compensation benefits to City employees for the purpose of postponing settlements and saving the City money. Defendant Burke specifically targets the denial of workers' compensation benefits of City employees who are not members of the police officers and fire fighters unions because of the medical grievance, mediation, and arbitration protections contained in the police and fire union contracts. It is easier and more successful for Defendant Burke to target and deny employees' disability benefits who don't have a medical grievance, mediation, and arbitration clause to protect them against unjust and unscrupulous workers' compensation administrators.
70. Defendant Burke's legislative Committee on Finance is also administering the City of Chicago's claims and sewer refund program. Defendant Burke's administration of these programs violates 65 ILCS Section 5/6-4-6, Powers of the Council, because the Committee of Finance has exceeded the State of Illinois' Powers of the Council "purely legislative" restriction.
71. According to the Committee on Finance's claims webpage, the Committee on Finance supplies and accepts the initial claim forms, investigates the claims, and provides claimants with the Council's decisions. The Committee on Finance claims webpage also tells claimants to call the Finance Committee at (312) 744-8861 if they have questions

regarding their claims. Since the Committee on Finance can respond to questions while the claims are at the start, middle, and end of the claims' process, it means the Committee on Finance is involved in all phases of claims.

72. For the Committee on Finance to administer claims, the Committee employs 11 claims adjusters, two senior claims adjusters, one Director of Claims and Rebates, one Assistant Chief Administration Officer and one Executive Director of Claims. All of the preceding job titles indicate the Committee on Finance is administering the City of Chicago's claims program as well as workers' compensation. Claims adjusters and senior claim adjusters investigate, assess, and recommend how much the City of Chicago should compensate claimants. The work of the Committee on Finance claims adjusters and their supervisors are administrative tasks, not legislative duty.

73. The nature of the Committee on Finance employees' job titles, intake of the initial claim forms, investigation of claims, response to claimants' inquiries, and the reporting of the Council's decisions to the claimants indicate that the Committee on Finance is administering claims for the City of Chicago.

74. 65 ILCS 5/6-4-6, Powers of the Council, bestows the City Council with the power to pay all of Chicago's expenses and liabilities. Plaintiffs acknowledge Defendant Burke has the power and duty to investigate all expenses and liabilities prior to Council Committee or Council votes. However, Defendant Burke and his Finance Committee are administering claims, sewer rebates and workers' compensation instead of doing investigations for the purpose of a legislative vote.

75. Plaintiff Burke's Committee on Finance administration of the Annual Sewer Re-fund for Seniors starts with the Committee's application on its webpage. Most alderman

have a link from their aldermanic website to the Committee on Finance's Annual Sewer Refund webpage. After senior citizens click on the link from their alderman to the Committee on Finance's webpage, they can apply to the Committee on Finance for a refund. Here is a statement from Alderman Tom Tunney's website. "The City of Chicago offers a senior sewer charge rebate program through the City Council Committee on Finance. If you are a senior citizen living in a condominium and meet the certain criteria, you can qualify for the rebate program. ... For details and a downloadable application form, go to the Committee on Finance website and click on the Senior Sewer Rebate Program."

76. Alderman Tunney's statement that, "The City of Chicago offers a senior sewer charge rebate program through the City Council Committee on Finance" is proof that the Committee on Finance is administering the senior sewer rebate program. In addition, no department from the executive branch is involved in the administration of the senior rebate programs.

77. The senior sewer rebate program isn't the first time the Committee on Finance administered a refund program. Previously the Committee on Finance administered the City's condo refuse rebate program before it was phased out upon the recommendation of Chicago's Inspector General's Office. The IG wrote, "The City provides annual rebates of up to \$75 per unit for associations of condominium owners, cooperative buildings, and townhouses which are not eligible to receive City garbage collection services... The program is administered by the City Council's Committee on Finance." In the previous sentence, the IG unequivocally stated the Committee on Finance "administered" the condo refuse program.

Prayer For Relief

Wherefore, Plaintiffs pray that this petition be granted, that this court enter a permanent injunction ordering Defendant Alderman Edward M. Burke to immediately cease and desist his administration of the City of Chicago Workers' Compensation program and that the court order the City of Chicago to move its Workers' Compensation Division from the legislative branch of government to the executive branch of government for the purpose of having Defendant Mayor Emanuel and Defendant Alderman Burke comply with the U.S. Constitution, Illinois Constitution, 65 ILCS 5/6-4-6, 65 ILCS 5/6-4-7, 65 ILCS 5/3.1-15-15, and 65 ILCS 5/4-5-16; along with a declaration that the laws and procedures as well as the legal and factual determinations used or rendered by the Defendant(s), jointly and severally, are *void ab initio*, along with Plaintiffs' costs in this suit and any other relief this Court deem just, equitable, and fair. Furthermore, Plaintiffs pray that the Court grant the Chicago Office of the Inspector General permission to conduct a Workers' Compensation Division financial audit and claims review for the last seven years and allow the OIG to release its findings to the public.

Dated this 20th day of November, 2018

Michael J. Greco

By: ___/S/___ Michael J. Greco ___
Michael J. Greco

Attorney for Plaintiffs
175 W. Jackson Boulevard., Suite 240
Chicago, Illinois 60604
312 222-0599
Atty. No. 06201254

Attorney for Plaintiffs

Jay Stone
Plaintiff, *pro se*
10501 82nd St.
Pleasant Prairie, WI 53158
(773) 665-4623

Patrick McDonough
Plaintiff, *pro se*
1351 West Catalpa Avenue
Chicago, Illinois 60640
(312) 685-4333