



## PARTIES

4. The Plaintiff, JOHN W. BROOKS (“BROOKS”), is an individual who at all times relevant hereto was a citizen of the State of Illinois, residing in Cook County, in the Northern District of Illinois.

5. The Defendant, CITY OF CHICAGO (the “CITY”) is a municipality incorporated under the laws of the State of Illinois. The CITY administers itself through departments, one of which is the CHICAGO FIRE DEPARTMENT (the “FIRE DEPARTMENT”).

6. The Defendant, RICHARD M. DALEY (“MAYOR DALEY”), is and at all times pertinent to this Complaint was the elected Mayor of the CITY. MAYOR DALEY’S conduct alleged in this Complaint was done under color of state law and as an employee, agent and/or representative of the CITY. MAYOR DALEY is sued in his individual capacity.

7. The Defendant, RAYMOND OROZCO (“OROZCO”), is and at all times pertinent to this Complaint was the Defendant MAYOR DALEY’S Chief of Staff. OROZCO’S conduct alleged in this Complaint was done under color of state law and as an employee, agent and/or representative of the CITY. OROZCO is sued in his individual capacity.

## FACTUAL ALLEGATIONS

8. In January 1980, BROOKS began his illustrious and decorated career with the FIRE DEPARTMENT as a firefighter assigned to Engine 107.

9. Through his hard work, dedication, and devotion to the FIRE DEPARTMENT, BROOKS climbed the ranks within the FIRE DEPARTMENT achieving promotions to the following ranks: Lieutenant, Captain, Battalion Chief, Deputy District Chief, District Chief, and First Deputy Fire Commissioner. Additionally, BROOKS received numerous awards for his

distinguished service within the FIRE DEPARTMENT, which included, but are not limited to: the Humanitarian Service Medal, the Exceptional Performance Award, and multiple Unit Performance Awards throughout his service tenure.

10. In July 2008, MAYOR DALEY appointed BROOKS to the position of Fire Commissioner of the FIRE DEPARTMENT, which said appointment was approved by the City Council. As the Fire Commissioner, BROOKS was responsible for the FIRE DEPARTMENT consisting of in excess of 5,000 personnel.

11. BROOKS' appointment to the position of Fire Commissioner was a permanent appointment as opposed to a temporary appointment, was an exempt position, and BROOKS had a constitutionally-protected right in continued public employment.

12. In or about March 2010, OROZCO advised BROOKS that a female FIRE DEPARTMENT employee raised an allegation of sexual harassment against him. As a result of the allegations, OROZCO advised BROOKS that he was being placed on paid administrative leave pending an investigation.

13. The CITY hired an attorney from an outside law firm to conduct an independent investigation into the allegations of sexual harassment against BROOKS.

14. On April 30, 2010, BROOKS received a telephone call from OROZCO, in which OROZCO demanded that BROOKS meet with him in his office located in City Hall. OROZCO advised BROOKS to bring with him to the meeting an undated letter of resignation.

15. On May 1, 2010, BROOKS met with OROZCO. OROZCO told BROOKS that "MAYOR DALEY wants you out."

16. BROOKS asked OROZCO why MAYOR DALEY wanted him out, and OROZCO stated "because of the allegations of sexual harassment against you." BROOKS emphasized to OROZCO that the allegations of sexual harassment were false and that he was confident that the investigation would demonstrate his innocence.

17. OROZCO advised BROOKS that if he did not submit a letter of resignation that he would be terminated immediately and/or demoted to Battalion Chief.

18. BROOKS had no desire to resign his position as Fire Commissioner and told OROZCO that he did not want to resign.

19. OROZCO advised BROOKS that he had no choice, and tried to coerce BROOKS into resigning by stating that: resignation was his only option, he would be terminated immediately if he did not resign, that a termination would destroy his name and reputation in the industry, and that a termination and/or demotion to Battalion Chief would have an adverse effect on BROOKS' pension.

20. BROOKS' resignation was involuntarily extracted by MAYOR DALEY and OROZCO.

21. As ordered, BROOKS provided an undated letter of resignation to OROZCO.

22. On May 1, 2010, OROZCO also instructed BROOKS that he was required to attend an interview with the independent investigator on or about May 11, 2010, to answer any questions that the investigator had regarding the allegations of sexual harassment.

23. On or about May 11, 2010, BROOKS attended and answered all of the questions of the independent investigator regarding the allegations of sexual harassment.

24. On or about May 28, 2010, OROZCO advised BROOKS that his resignation from the position of Fire Commissioner became effective as of that date.

25. On or about August 6, 2010, the findings of the independent investigator were made public. The independent investigator concluded that the sexual harassment allegations against BROOKS were completely false and fabricated and that there was no evidence that BROOKS engaged in any type of sexual harassment.

**COUNT I**  
**(MAYOR DALEY, OROZCO --- 42 U.S.C. § 1983)**

26. The Plaintiff restates and realleges paragraphs 1-25 of this Complaint as though fully set forth herein.

27. As the Fire Commissioner, the Plaintiff had a constitutionally protected property and/or liberty right or interest in his continued employment, wages and benefits.

28. The Plaintiff had a constitutionally protected right to due process of law prior to a deprivation of a property and/or liberty right or interest.

29. The Plaintiff had a constitutionally protected property and/or liberty right or interest in not being terminated for an improper cause or without just cause.

30. The Defendants intentionally deprived the Plaintiff of his constitutionally protected property and/or liberty rights or interests without providing adequate procedural due process protections.

31. The Defendants intentionally deprived the Plaintiff of his constitutionally protected right to due process of law prior to a deprivation of a property or liberty right or interest when they terminated the Plaintiff through a forced, coerced, and involuntary resignation.

32. The Defendants intentionally deprived the Plaintiff of his constitutionally protected right to due process of law prior to a deprivation of a property or liberty right or interest when they failed to conduct an adequate investigation into the alleged allegations of sexual harassment.

33. The Defendants violated the Plaintiff's substantive due process rights when they acted in an arbitrary and capricious manner to deprive the Plaintiff of his constitutionally protected property and/or liberty rights or interests.

34. Due to the Defendants' actions, the Plaintiff suffered mental anguish, emotional distress, humiliation, emotional pain and suffering, inconvenience, lost wages and benefits, and other consequential damages.

35. The actions of the Defendants were intentional, willful, malicious and showed deliberate indifference to the Plaintiff's rights as secured under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

WHEREFORE, the Plaintiff, JOHN W. BROOKS, respectfully requests judgment against the Defendants, RICHARD M. DALEY and RAYMOND OROZCO, as follows:

1. That the Defendants be required to pay Plaintiff's general damages, including without limitation, emotional pain and suffering, humiliation, embarrassment, emotional distress, and damage to reputation, in a sum to be ascertained;
2. That the Defendants be required to pay Plaintiff's special damages, including without limitation, medical expenses, and lost wages and benefits, in a sum to be ascertained;
3. That the Defendants be required to pay punitive and exemplary damages in a sum to be ascertained;

4. That the Defendants be required to pay the Plaintiff's attorneys' fees and costs of the suit herein incurred;
5. That the Plaintiff receives such other relief as the Court deems just and proper.

**COUNT II**  
**(THE CITY -- 42 U.S.C. § 1983)**

36. The Plaintiff restates and realleges paragraphs 1-35 of this Complaint as though fully set forth herein.

37. During all relevant times, the CITY, by and through MAYOR DALEY, a person with final policymaking authority, knowingly and with willful and deliberate indifference to the Constitutional rights of citizens, maintained and permitted a widespread custom and practice of permitting the termination and/or forced resignation of higher ranking employees of the CITY without providing adequate procedural due process protections.

38. During all relevant times, the CITY maintained a widespread custom and practice of terminating and/or forcing the resignation of higher ranking employees when said employees were the subject of allegations of misconduct without first performing a proper investigation and/or making any attempt to ascertain the truth and validity of the allegations raised.

39. MAYOR DALEY, a person with final policymaking authority in the CITY, caused and ordered the termination and/or forced resignation of the Plaintiff, because of the allegations of sexual harassment that were brought against the Plaintiff, prior to the investigation of the allegations, and in violation of the Plaintiff's constitutionally protected right to due process of law prior to a deprivation of a property or liberty right or interest.

40. This widespread custom and practice, described above, was the moving force behind the violations of the Plaintiff's rights. During all relevant times, the law afforded the Plaintiff the right to due process prior to a deprivation of a property or liberty right or interest.

41. Based upon the principles set forth in *Monell v. New York City Department of Social Services*, the CITY is liable for all the harm done to the Plaintiff as set forth above.

42. As a result of this widespread custom and practice, the Plaintiff was injured in all the ways set forth above, and as a result, the CITY is liable under 42 U.S.C. § 1983.

WHEREFORE, the Plaintiff, JOHN W. BROOKS, respectfully requests judgment against the Defendant, the CITY OF CHICAGO, as follows:

1. That the Defendants be required to pay Plaintiff's general damages, including without limitation, emotional pain and suffering, humiliation, embarrassment, emotional distress, and damage to reputation, in a sum to be ascertained;
2. That the Defendants be required to pay Plaintiff's special damages, including without limitation, medical expenses, and lost wages and benefits, in a sum to be ascertained;
3. That the Defendants be required to pay the Plaintiff's attorneys' fees and costs of the suit herein incurred;
4. That the Plaintiff receives such other relief as the Court deems just and proper.



**COUNT III**  
**(THE CITY --- Wrongful Termination)**

43. The Plaintiff restates and realleges paragraphs 1-42 of this Complaint as though fully set forth herein.

44. As a result, the Plaintiff was wrongfully discharged in violation of the common law of Illinois.

WHEREFORE, the Plaintiff, JOHN W. BROOKS, respectfully requests judgment against the Defendant, the CITY OF CHICAGO, as follows:

1. That the Defendants be required to pay Plaintiff's general damages, including without limitation, emotional pain and suffering, humiliation, embarrassment, emotional distress, and damage to reputation, in a sum to be ascertained;
2. That the Defendants be required to pay Plaintiff's special damages, including without limitation, medical expenses, and lost wages and benefits, in a sum to be ascertained;
3. That the Plaintiff receives such other relief as the Court deems just and proper.

**COUNT IV**  
**(MAYOR DALEY, OROZCO --- Tortious Interference with  
an Advantageous Business Relationship)**

45. The Plaintiff restates and realleges paragraphs 1-42 of this Complaint as though fully set forth herein.

46. In July 2008, the Plaintiff entered into an advantageous business relationship with the CITY when the Plaintiff received and accepted the permanent appointment to the position of Fire Commissioner.

47. The Defendants had knowledge and were aware of the Plaintiff's advantageous business relationship with the CITY, and had knowledge that as a result of the Plaintiff's business relationship with the CITY that the Plaintiff was provided wages and benefits.

48. The Defendants had knowledge that there was a reasonable expectation that the Plaintiff's business relationship with the CITY, since it was a permanent appointment, could have continued for a period of many, many years.

49. The Defendants purposefully interfered with the Plaintiff's advantageous business relationship with the CITY in that the Defendants intentionally forced the Plaintiff to involuntarily resign his position as Fire Commissioner.

50. As a result of the Defendants' purposeful interference, the Plaintiff's advantageous business relationship with the City was terminated long before the Plaintiff's legitimate expectancy that his business relationship with the City would last for a period exceeding many years.

51. Defendants' actions were made with the intent of interfering with the advantageous business relationship between the Plaintiff and the CITY.

52. The Defendants' interference with the Plaintiff's advantageous business relationship with the CITY was outrageous, malicious, willful, wanton and intentional. Punitive damages are necessary to punish the Defendants and to serve as a deterrent to such conduct.

53. As a direct and proximate result of the Defendants' intentional interference with the Plaintiff's advantageous business relationship with the CITY, the Defendants have caused Plaintiff great mental anguish, severe emotional distress, humiliation, degradation, physical and emotional pain and suffering, inconvenience, lost wages and benefits that the Plaintiff would have been entitled to as the Fire Commissioner, substantial monetary damages resulting from the

harm to the Plaintiff's reputation, future pecuniary losses, and other consequential damages for which the Defendants' interference is the legal cause.

WHEREFORE, the Plaintiff, JOHN W. BROOKS, respectfully requests judgment against the Defendants, RICHARD M. DALEY and RAYMOND OROZCO, in an amount necessary to fully and fairly compensate the Plaintiff for all of his losses, and such other relief as the Court deems just and proper.

**COUNT V**  
**(MAYOR DALEY, OROZCO --- Intentional Infliction of Emotional Distress)**

54. The Plaintiff restates and realleges paragraphs 1-42 of this Complaint as though fully set forth herein.

55. The acts and conduct of the Defendants as set forth above were extreme and outrageous. The Defendants intended to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to the Plaintiff.

56. The Defendants' misconduct was outrageous, malicious, willful, wanton and intentional.

57. As a direct and proximate result of the Defendants' misconduct, the Defendants have caused Plaintiff great mental anguish, severe emotional distress, humiliation, degradation, physical and emotional pain and suffering.

WHEREFORE, the Plaintiff, JOHN W. BROOKS, respectfully requests judgment against the Defendants, RICHARD M. DALEY and RAYMOND OROZCO, in an amount necessary to fully and fairly compensate the Plaintiff for all of his losses, and such other relief as the Court deems just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Respectfully submitted,  
PLAINTIFF,

s/ Brian R. Holman

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HOLMAN & STEFANOWICZ, LLC

By: Brian R. Holman

Brian R. Holman  
Dennis H. Stefanowicz, Jr.  
Tara Beth Davis  
HOLMAN & STEFANOWICZ  
Attorneys for the Plaintiff  
233 South Wacker Drive, Suite 5620  
Chicago, Illinois 60606

**PLAINTIFF'S VERIFICATION**

Under penalties as provided by law pursuant to the Federal Rules 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.

s/ John W. Brooks

\_\_\_\_\_  
JOHN W. BROOKS

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**(a) PLAINTIFFS**

John W. Brooks

**DEFENDANTS**

City of Chicago, Richard M. Daley, Raymond Orozco

**(b) County of Residence of First Listed Plaintiff** Cook County  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

**(c) Attorney's (Firm Name, Address, and Telephone Number)**  
Holman & Stefanowicz, LLC, 233 South Wacker Drive, Suite 5620,  
Chicago, Illinois 60606, (312) 258-9700

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- Citizen of This State  1  DEF 1 Incorporated or Principal Place of Business In This State  4  DEF 4
- Citizen of Another State  2  2 Incorporated and Principal Place of Business In Another State  5  5
- Citizen or Subject of a Foreign Country  3  3 Foreign Nation  6  6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (excl. vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Inj.	<b>PERSONAL INJURY—</b> <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 430 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Consumer/CC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Security/Commodity/Exch. <input type="checkbox"/> 875 Customer Challenge <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing <input type="checkbox"/> 444 Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 ADA—Employment <input type="checkbox"/> 446 ADA—Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Debt Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

**V. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION** (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

Violations of the Civil Rights Act of 1871, 42 U.S.C. 1983; and the Fourteenth Amendment to the U.S. Constitution.

**VII. PREVIOUS BANKRUPTCY MATTERS** (For nature of suit 422 and 423, enter the case number and judge for which this associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary.)

**VIII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** \_\_\_\_\_ **CHECK YES only if demanded in complaint:** **JURY DEMAND:**  Yes  No

**IX. This case**  is not a refile of a previously dismissed action.  is a refile of case number \_\_\_\_\_, previously dismissed by Judge \_\_\_\_\_

DATE 4/29/2011

SIGNATURE OF ATTORNEY OF RECORD

s/ Brian R. Holman