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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

LISA STONE, a mother and next Friend of Jed Stone, a minor,	)	
Petitioner,	)	
v.	)	No. 09 L 5636
PADDOCK PUBLICATIONS, INC., d/b/a THE DAILY HERALD, INC.	)	
Respondent.	)	

RESPONSE TO PETITIONER'S MOTION TO DISCLOSE COMCAST'S RESPONSE TO SUBPOENA

NOW COMES John Doe, user of I.P. address 24.1.3.203, and for his Response to Petitioner's Motion to Disclose Comcast's Response to Subpoena, states as follows:

I. Introduction

1. For his response, John Doe incorporates by this reference the arguments and authorities set forth in his Motion in Opposition to Turnover of Identity ("Motion in Opposition"), previously filed in this cause. This Court should dismiss Lisa Stone's ("Stone") Amended Supreme Court Rule 224 Petition ("Petition"), and decline to reveal the Comcast information, because Stone's Motion to Disclose Comcast's Response to Subpoena ("Motion") fails to establish by clear and convincing evidence that John Doe's speech is not immunized by the Illinois Citizen Participation Act ("CPA"). 735 ILCS 110/20. Even if the CPA does not apply here, John Doe's allegedly actionable speech is protected under the first amendment because the speech does not convey a fact. *Imperial Apparel, Ltd. v. Cosmo's Designer Direct, Inc.*, 227 Ill.2d 381, 397 (2008).

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2. Alternatively, this Court should apply the standard applied in *Dendrite Int'l, Inc. v. Doe No.*, dismiss the Petition, and decline to turn over the Comcast information because Stone's Motion fails to establish a cause of action relative to the subject speech that could survive a motion for summary judgment. 775 A.2d 756, 760-61 (N.J. Super. Ct. App. Div. 2001).

2. On October 2, 2008, the Honorable Eugene P. Daugherty applied the *Dendrite* standard and dismissed a 224 Petition on very similar facts in *Maxon v. Ottawa Publishing Company*. Thirteenth Judicial Circuit Court case no. 2008-MR-125. A copy of the transcript of hearing on the *Maxon* dismissal motion is attached hereto as Exhibit "1". The dismissal of the *Maxon* 224 Petition has been appealed to the Third District as case no. 03-08-0805.

3. A cursory review of Stone's Motion reveals why the supposedly actionable speech had not been previously disclosed by Stone. The speech attributed to John Doe in the Motion is not actionable, even if constitutional considerations are disregarded. Stone's Petition, and the subpoenas issued pursuant to the Petition, are nothing more than an effort to intimidate Stone's critics into silence. Stone's Motion and the anonymous comments cited therein fail to support any viable cause of action.

II. Points and Authorities

A. <u>The First Amendment Bars Defamation Actions Not Based Upon the Assertion of Facts</u>

1. The Motion erroneously asserts that the following language, attributed to John Doe <u>and directed at the screen name "UncleW"</u>, is somehow objectionable and potentially actionable:

> Thanks for the invitation to visit you, but I'll have to decline. Seems like you're very willing to invite a man you only know from the internet over

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to your house – have you done it before, or do they usually invite you to their house?

***

Plus now that you stupidly revealed yourself, you may want to watch what you say here . . .

Stone's Motion argues that the above language portrays UncleW "as a child who solicits and engages in sex with male pederasts".

2. The Illinois Supreme Court, in *Imperial Apparel, Ltd. v. Cosmo's Designer Direct, Inc.*, held that "the first amendment prohibits defamation actions based on loose, figurative language that no reasonable personal would believe presented facts." 227 Ill.2d 381, 397 (2008). If a statement does not state an actual fact, it is protected by the first amendment and is not actionable as defamation. *Id.* at 398. Determining whether a statement states an actual fact requires a court to apply the following criteria: "(1) whether the statement has a precise and readily understood meaning, (2) whether the statement is verifiable, and (3) whether the statement's literary or social context signals it has factual content." *Id.* The Illinois Supreme Court did not reverse the First District Appellate Court's application of the above test to private party publications relative to another private party. *Id.* at 400.

3. Applying the first criterion to the speech at issue here, a reader would have to strain considerably to construe the speech as having the meaning suggested by Stone's Motion. The speech at issue is not a statement of fact, but a question. The question does not mention UncleW's name, UncleW's age, or UncleW's sexual proclivities. Stone injects innuendo into the statement that a casual reader of the statement would have no reason to infer from the words themselves. Thus, the statement fails to meet the first criterion as it does not have a "precise or readily understood meaning." *Id.*

[redacted]

4. The second criterion also demonstrates that the statement is not one of fact, because it is not verifiable. *Id.* No statement of opinion or fact is made. The comment is merely a question to a person posting under the screen name "UncleW". Nowhere does Stone's Motion allege that John Doe ever provided an answer to the question that resulted in injury to UncleW or cast UncleW in a false light. Nor does Stone explain how one could verify purported facts uttered not about a person, but about a screen name in a web forum.

5. Finally, no reasonable person would believe that people posting anonymously on a newspaper web forum under the screen names "hipcheck16" and "UncleW" were actually conveying factual content. If speech of the kind challenged by Stone here were found to convey factual content, the courts would be flooded with defamation actions for perceived slights suffered by anonymous posters everywhere.

6. Ensuring that a statement conveys a factual assertion protects against a chilling effect on "imaginative expression" and "rhetorical hyperbole" which adds to public debate. *Milkovich v. Lorraine Journal Co.*, 497 U.S. 1, 20 (1990). In deciding whether a statement is factual, the Court must consider the circumstances in which the statement was made, especially where the statement "was made in public debate . . . or other circumstances in which an audience may anticipate efforts by the parties to persuade others to their positions by use of epithets, fiery rhetoric or hyperbole." *Lewis v. Time Inc.*, 710 F.2d 549, 553 (9th Cir. 1983); *see also Underwager v. Channel 9 Australia*, 69 F.3d 361, 366-367 (9th Cir. 1995)(comments made in the context of heated debate would be viewed as spirited critique and audience would expect emphatic language on both sides).

7. Here, because the statements were made on an Internet bulletin board, a strong presumption that the statements are not factual should apply. *Global Telemedia Int'l Inc. v. Doe*,

[redacted]

132 F.Supp.2d 1261, 1267 (C.D. Cal. 2001); *see also Rocker Mgmt. v. John Does*, 2003 WL 22149380, *2-*3 (N.D. Cal. 2003)(holding that "vague" and "hyperbolic" statements posted in an internet chat room are not defamatory); *see also SPX Corp. v. Doe*, 253 F.Supp.2d 974, 980-81 (N.D. Ohio 2003)(holding that "imprecise" or "figurative" statements weigh against a finding of defamation). Because the language objected to by Stone, and the context in which the language was used suggest mere rhetorical hyperbole, this Court should find that the speech is protected by the first amendment.

B. In Order to be Actionable, Speech Must be Directed at an Identifiable Person

1. Here, Stone fails to cite one instance in which "UncleW" is identified by John Doe in a way that would lead readers to conclude who UncleW is. Stone's Motion assumes that readers of the web forum in question knew how many children Stone has, what their names are, which of Stone's children posts under the pseudonym "UncleW", and that every anonymous poster who offers hints as to his identity in a web forum is who he purports to be.

2. In order to be actionable for defamation, there must be damage to the plaintiff in the "eyes of others." *Voris v. Street & Smith Publications*, 330 Ill.App.409, 412 (1st Dist. 1947). The *Voris* opinion held that an allegedly libelous article about an individual referred to only as "Snapper Charlie" was not actionable because nobody was alleged to have understood who the subject of the article was. *Id.* at 413. The *Voris* opinion explained why the failure to reference the plaintiff's name was fatal to the claim:

> It is not enough to constitute libel that plaintiff knew that he was the subject of the article, or that defendants knew of whom they were writing. It should appear upon the face of the complaint that persons other than these must have reasonably understood that the article was written of and concerning the plaintiff, and that the so-called libelous expression related to him. An averment of fact extrinsic to the article, and essential to an identification of the article with the person complaining, cannot be embodied in an

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innuendo. The office of an innuendo is to deduce inferences from premises already stated, not to state the premises themselves. *Id.*

Here, Stone's Motion relies entirely upon innuendo to state the premise of her prospective claim. Additionally, Stone's relies upon facts extrinsic to the posts attached to her Motion to establish the identity of the person purportedly injured. Thus, the posting relied upon Stone is not actionable.

C. The Speech is Not Actionable as Defamation Per Se

1. This Court should dismiss the Petition because the speech is not actionable as defamation *per se.* In Illinois, the five categories of statements that support a cause of action for defamation *per se*, and relieve the pleader of pleading proving special damages, are as follows: "(1) statements imputing the commission of a crime; (2) statements imputing infection with a loathsome communicable disease; (3) statements imputing an inability to perform or want of integrity in performing employment duties; (4) statements imputing a lack of ability or that otherwise prejudice a person in his business or profession; and (5) statements imputing adultery or fornication." *Tuite v. Corbitt*, 224 Ill.2d 490, 501 (2007). Presumably, Stone believes John Doe's post falls into the fifth category of defamation *per se.*

2. The speech at issue here has nothing to do with the sexual proclivities of UncleW on its face, so it is not actionable as defamation *per se.* Nevertheless, under the innocent construction rule, a person cannot be liable for defamation *per se* if the allegedly actionable words are capable of an innocent construction. *Id.* at 502. A court is not required to strain to find an unnatural innocent meaning for a statement when a defamatory statement is much more reasonable. *Id.* at 504-505. Whether a statement is

capable of innocent construction is a question of law for the court. *Id.* at 509. Here, it is Stone who strains to infuse the speech attributed to John Doe with the innuendo necessary to arrive at the conclusion that it implies her next friend is minor who engages in sex with male pederasts. Because the speech at issue here is clearly capable of innocent construction, and no straining is required to arrive at such a construction, the speech is not actionable as defamation *per se*.

D. The Speech is Not Actionable *Per Quod*

1. If it is Stone's position that the statements are not defamatory *per se* but defamatory *per quod*, such a position is also untenable. In order to establish defamation *per quod*, a Plaintiff must plead and prove special damages. *Moriarty v. Greene*, 325 Ill.App.3d 225, 236 (1st Dist. 2000). Here, Stone's Motion fails to mention the existence of special damages or evidence in support of same. Moreover, a defamatory statement is not actionable *per quod* unless extrinsic circumstances are plead that explain why a statement not defamatory *per se* demonstrates injurious meaning. *Thomas v. Fuerst*, 345 Ill.App.3d 929, 934 (1st Dist. 2004). Accordingly, the speech is not actionable as defamation *per quod*.

WHEREFORE, John Doe respectfully requests that this Court deny Petitioner's Motion to Disclose Comcast's Response to Subpoena, that the Petition be dismissed.

Respectfully submitted,
John Doe, by and through his attorneys,
TROBE, BABOWICE & ASSOCIATES, LLC

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STATE OF ILLINOIS)
) SS
COUNTY OF LA SALLE)

IN THE CIRCUIT COURT - THIRTEENTH JUDICIAL CIRCUIT

LA SALLE COUNTY, ILLINOIS

DONALD MAXON and JANET MAXON,

Plaintiffs,

VS.

OTTAWA PUBLISHING COMPANY,

Defendant.

NO. 2008-MR-125

REPORT OF PROCEEDINGS at the Hearing in the above entitled cause before the Honorable EUGENE P. DAUGHERITY, Judge of said Court, commencing on the 2nd day of October, A. D., 2008.

APPEARANCES:

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Ottawa Publishing Company

BEVERLY K. JONES
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EXHIBIT
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(Comments by the Court at the beginning of the hearing and then the arguments of Counsel)

THE COURT:

Alright, thank you. The Court would like to thank both the lawyers for their written briefs and thank you for getting me the courtesy copies of the documents that you relied upon and I've had the chance to read them and I appreciate you getting them to me well enough in advance of this hearing to give me the opportunity to read them. As I see this issue, and I believe I may have made this statement the last time that we were all gathered here in Court, and that is that there is no specific Illinois case that I am aware of, nor that very able counsel who are here in the court room has brought to the Court's attention that deals specifically with a pre-trial request for discovery under Supreme Court Rule 224 seeking to force a publisher to identify an anonymous blogger's identity in whatever fashion that they can, and the Supreme Court Rule which is being relied upon here in support of the Petition for Discovery as to identification makes no provision and has no language concerning what to do in the circumstances where you have a Supreme Court Rule which might potentially be on a collision course with constitutional rights. And because Mr. Hupp has argued the point and I think made the point the last time that we were here, the Supreme Court Rule doesn't provide for that procedure, what to do in that circumstance, and I

agree with him that he's right. Mainly because I don't think that at the time it got drafted, there was any thought given to the fact that we might be in these circumstances in a cyber law case. So for guidance, this Court has had to rely upon cases in other jurisdictions which have in fact dealt with this issue that was argued I bleieve in the Memorandum that was filed by Ottawa Publishing at the last hearing that there are cases in other jurisdictions and that those cases take three different approaches to dealing with this type of pre-trial discovery or subpoena in an already filed case and how to approach it and what the standard is in reviewing it in order to come to an appropriate determination in balancing the rights of the Petitioners to protect their reputation and in balancing the rights of the speaker under the First Amendment. We all stand and recognize the right of speakers to anonymous speech, in having anonymous speech be protected by the First Amendment, but that right is not an unlimited right and they are not entitled to engage in slanderous or libelous statements even though you're doing it anonymously and even though it's speech. So the three approaches that the states in other jurisdictions take are, first of all, one, to simply rely upon the good faith of the pleader that they need the information and that they have a cause of action and then just rule accordingly on the pre-trial discovery issue. But that has been

criticized and that's not a procedure that this Court will follow, mainly because I think that that leaves the person who's protected by the First Amendment completely and totally exposed at the discretion of somebody bringing a lawuit. Second approach that some of these cases take is to require that the person seeking the discovery is capable of withstanding a motion to dismiss that might be brought by the potential defendant, and that has also received some criticism and has been criticized beacuse of the fact that in some jurisdictions you have notice pleading and in other jurisdictions you have fact pleading. Illinois is a fact pleading state, and if you would have a petitioner in one state, which is under notice pleading, suing somebody that is under a fact pleading state, you can run into some inconsistent results and, again, it wouldn't be a proper way of balancing it. The third approach, which has been taken and which this Court in the absence of any specific direction in Illijois or under Supreme Court Rule 224 is going to adopt, is the standard that was set out in the New Jersey case of I believe it's Dendrite versus, Dendrite Vs. Doe, but I dont know whether it's Doe 3 or Doe 4, and it's cited in the materials that were originally part of the Ottawa Publishing Company's original Memorandum and it was also --

MR. FULLER:

Doe 3, Your Honor.

THE COURT:

It's number 3, correct. Thank you, Mr. Fuller. And it's cited at 3.2 New Jersey Superior 134, 775 Atlantic 2d 756, and it was followed in and reduced from four elements to consider to two elements to consider on a procedural basis in the case of I believe Cahill Vs. Doe. And essentially what the Cahill case says, and that was explained in the Quixtar case that was cited out of Nevada that was argued the last time, is that there really are two elements that needed to be satisifed in reviewing whether or not the petitioners' underlying claim would withstand a motion for summary judgment being brought by a potential defendant and, that is, whether they would, or whether they have undertaken efforts to notify the anonymous poster of the potential claim and cause of action and that their identity is being sought so that that anonymous poster would have an opportunity to appear. And the Court feels that that has been satisfied here, not by the Petitioners so much as by Ottawa Publishing because Ottawa Publishing has indicated in all its papers and filings that it sent an e-mail to the respective anonymous bloggers advising them of this court proceeding and advising them of the fact that the Petitioners are seeking their identity and giving them the opportunity to appear in court and to present whatever that they wanted to present in opposition. The second thing that the

Court would have to look at from a procedural standpoint is whether or not the Petitioners set forth the exact statements that have been purportedly made by the anonymous unidentified person, and that obviously has now been satisfied by the Amended Petition that was filed here by the Petitioners in attaching the exhibits of the blogs or the printout from the blogs and the articles as well as citing specifically the language that was used and which they feel is offensive to them. And then the third element is whether there is a satisfaction of the prima facie summary judgment standard, and as I explained, so that the record is very clear, what I understand that test to be is if a potential defendant in the underlying action brought a summary judgment, has the allegations of the Petition as set forth by the Petitioner met a prima facie standard to be able to withstand that summary judgment as to the elements that are within their control. One of the elements here obviously that is not within the control of the Petitioner and which brings this entire matter to the Court is the identity of the alleged blogger. That's why we're all here. So they can't say that the defendant made these statements because they don't know who the defendant is, it's beyond their control. And then the Court is to balance the respective rights from a procedural standpoint of the Petitioners' right to know, to protect their reputation,

to know the identity of the alleged person who made the statement, with the right of the anonymous person under the First Amendment to free speech. So that's the procedural way in which I am viewing the case, which brings us then to the second aspect of the review of this case, and that is, has the Petitioner in this case in fact made out a case that would withstand on a prima facie basis at least a motion for summary judgment and that requires this Court to make an analysis as a matter of law as to whether or not the statements that have been set forth in the Petition are in fact defamatory, and everyone agrees and the Court agrees with counsel as well that the determination of whether or not a statement is subject to innocent construction is a determination which is made as a matter of law and whether or not a statement comes within the protection of the First Amendment as being opinion as opposed to being actual fact also is a determination which is made as a matter of law. And in this case, that requires the Court to analyze the statements made here by Fab 5 and come to a determination whether or not they are susceptible to an innocent construction and, therefore, are not defamatory even though, and I think everybody has agreed in their pleadings that merely because a statement can be considered defamatory per se doesn't mean that you have a cause of action because you have to go through this analysis in the first instance

whether or not there is some exception that would be applicable to take it out of a defamatory cause of action state. That's why we go through the analysis of the innocent construction and that's why we go through the analysis of whether the First Amendment protects the particular statement. So in this case the language of the Fab 5, and I'm addressing the argument of whether or not this constitutes or falls within the innocent construction rule, the language here on the post that was made on March 20 of 2008 at 8:50 P.M., posted by Fab 5 from Ottawa at line five says, "How much is Don and Janet from another Planet paying you for your betrayal???? Must be a pretty penny to rollover and play dead for that holy roller...IF this gets anywhere NEAR being passed in favor of the Maxon CULT, you can bet your BRIBED BEHINDS there will be a mass exodus of home-owners from this town...who will you tax then if no one lives here?" I think that on the issue of whether or not that state-ment is of and concerning the Petitioners, that's pretty apparent to me and obvious that it is. And that it cannot be innocently construed or constructed as anything but referring to the Petitioners in this case. So from the standpoint of whether or not that statement then would receive protection under the innocent construction rule, I find that it does not. That then gets us to the second portion of the analysis, and that is whether or not the statement itself is opinion and

therefore protected. Counsel has, for both parties have cited a number of cases, both parties have cited Hopewell Vs. Vitullo case, which is a First District Appellate Court case from 1998, and it's cited at 299 Ill. App. 3d 513, 701 N.E. 2d 99, and that case holds that an opinion is protected by the First Amendment only if it cannot be reasonably interpreted as stating actual facts about the plaintiff. And then the case goes into how do you determine what is actual facts from opinion and it sets out a standard that there are three elements that a court is to consider. One being the, whether or not a statement was made which is objectively verifiable. I believe in this instance that counsel for Ottawa Publishing concedes that the allegation of bribery is something that would be objectively provable one way or the other. So that's one element of the test, and that's been satisfied. The second element is whether or not the statement itself has the precision that is necessary for a reasonable reader to understand that it can have only but one meaning to somebody reading the content of the statement. And that Ottawa Publishing doesn't concede and feels it is somewhat, I don't way to say ambiguous, but at least at issue, and then the third test that the Hopewell court referred to is the literary and social tenor and context in which the statement appears. And if the general tenor of the context of the statement would negate the impression that

it has factual content, then it has constitutional protection. And I believe that Mr. Hupp first cited in his brief the more recent case decided by our Illinois Supreme Court of Imperial Apparel Vs. Cosmo's Designer Direct, which was decided by the Illinois Supreme Court in February of 2008 and is cited at 227 Ill. 2d 381, 882 N.E. 2d 1011. And that did not have to do with a publisher but had to do with competitors in the clothing, retail clothing business and an advertisement that was taken out in a newspaper in the Chicago area. But in any event, our Illinois Supreme Court reiterated the test that was applicable in arguing whether or not a statement constituted a constitutional protected opinion or whether it was actual, allegations of actual fact that would subject the publisher to defamation. And the Court there at 866, I'm sorry, 1022 of the N.E. cite states, "The test for determining whether a statement is protected from defamation claims under the First Amendment is whether it can reasonably be interpreted as stating actual fact. In applying this test we are guided by several criteria. One, whether the statement has a precise and readily understood meaning. Two, whether the statement is verifiable. And three, whether the statement's literary or social context signals that it has factual content. The statement is evaluated from the perspective of an ordinary reader, but whether or not a statement is a factual assertion

that can give rise to a defamation claim is a question of law for the court", and then it cites the Brennan Vs. Kadner case and so forth. So those are the standards that this Court has to apply in reviewing the statement that is at issue in this matter. On a more general basis, "If it is clear that a writer is exploring a subjective view, an interpretation or a theory, conjecture or surmise rather than claiming to be in possession of objective, verifiable facts, then the statement is not actionable as defamation and it is protected as constitutional opinion." And that comes from the case of Moriarty Vs. Greene which is a First District Appellate Court case involving the Baby Richards aftermath and cause of action against Bob Greene by a psychologist as to one of the opinion columns that appeared in the Chicago Tribune stated at 315 Ill. App. 3d 225, 732 N.E. 2d 730, First District 2000. So those are the legal guidelines and that's the legal framework that this Court is operating under in reviewing this statement by Fab 5. And as I said before, I think that it is pretty clear that the statement is of and concerning the Petitioners in this case. It alleges something which would be verifiable. We get a little more nebulous on whether or not it has a precise meaning, but when we view it from the standpoint of the third part of that test, we view it in the literary context of the statement, and the literary context of the statement is not quite

where Mr. Hupp began with his argument to me, but he cited the entire literary context. It's one paragraph which says, "Way to pass the buck Plan Commission!! You have dragged this garbage out for over a YEAR now and despite having the majority tell you to NOT change the ordinance you suggest the exact opposite! How dare you! How dare you waste the time of the townspeople who have attended EVERY single one of these meetings to speak out against any changes!! But hey, you don't have the final word so just pass the buck and waste even MORE TIME. How much is Don and Janet from another Planet paying you for your betrayal???? Must be a pretty penny to rollover and play dead for that holy roller...IF this gets anywhere NEAR being passed in favor for the Maxon CULT, you can bet your BRIBED BEHINDS there will be a mass exidous of homeowners from this town...who will you tax then if no one lives here?" So the question is, would a reasonable reader of that entire statement, in that literary context, view that statement as having factual content. And in the social context, which would be the broader context of all of the blogging that was done on this particular issue involving the petition before the Planning Commission for a bed and breakfast and then ultimately a revision to the local ordinance to allow additions or not allow additions and if so, on what basis to allow them, that's the social context. And it is pretty clear

to this Court in reading this statement that what this is is a screed by the writer, which is nothing more than conjecture and surmise and his subjective theory that the only possible way that the Planning Commission could have rendered the result that it did was by ignoring the objective facts and by obviously being bribed. That does not have in this Court's opinion and judgment the necessary factual content that I believe that a reasonable reader would think that in fact this person possesses objective facts that the Maxons actually bribed the Planning Commission. So I don't believe that the statement itself is defamatory as a matter of law. The statement that is made by Fab 5 on April 17 of 2008, again, I believe is opinion. It is not, when he said bribed members, "The Maxons haven't played this straight from the day they filed it. The OPC has not played it straight from any of the meetings regarding this. The plan should never have been pushed to the Town Council when several members of the OPC were not even present to vote on it in the new terms that the BRIBED members had created...And now no one wants to get caught actually voting on it. This has become a hot potato and the music is about the stop. So who gets burned? The MANY people who have spoken out AGAINST these changes, or the FEW individuals who are behind it." Again, I don't believe that that statement, even though it uses the word bribe, has

to a reasonable reader the factual content to make it credible. And I believe that both of those statements are consistent with the holding in Moriarty Vs. Greene that what they are is the writer's exploration of his subjective viewpoint, his interpretation of events, his theory of why the result occurred, his conjecture and surmise, and he does not claim in these two blogs to have objectively verifiable facts. And, therefore, I am going to deny the Motion for Discovery. I realize that this is a matter of first impression in the State of Illinois. And I welcome review by another set of eyes and another set of ears because it would be welcome to have some appellate court precedent to provide guidance for the trial courts. And I hope I have made an adequate record so that the appellate court can review it and come to a determination if indeed it is appealed. Thank you.

MR. HUPP:

So your ruling actually is you're granting their Motion to Dismiss.

THE COURT:

I'm granting the Motion to Dismiss.

MR. HUPP:

Okay.

THE COURT:

Thank you.

MR. HUPP:

No, I do think you made a good record. You want an order.

THE COURT:

I will need an order so that you can do what you need to do.

* * * * * * * * * * *

STATE OF ILLINOIS)
) SS
COUNTY OF LA SALLE)

I, BEVERLY K. JONES, upon being first duly sworn, on oath, say that I am one of the Official Court Reporters of the Thirteenth Judicial Circuit of the State of Illinois; that I reported in Machine Shorthand the testimony in the cause entitled: DONALD MAXON and JANET MAXON VS. OTTAWA PUBLISHING COMPANY, Cause No. 2008-MR-125, now pending in this Court; that to the best of my knowledge and belief the notes so taken and transcribed are true and correct; that this volume consisting of 16 pages is the entire transcript so ordered transcribed by me.

Beverly K. Jones
Official Court Reporter