

**COPY**

**FILED**  
SEP 08 2008

IN THE CIRCUIT COURT OF THE THIRTEEN JUDICIAL DISTRICT  
LA SALLE COUNTY, ILLINOIS

DONALD MAXON  
JANET MAXON  
Petitioners/Plaintiff.

vs.

OTTAWA PUBLISHING COMPANY, a  
Delaware Limited Liability Company  
Respondent.

SUSAN WREN  
Defendant

*Janet M. Lanuti*  
LA SALLE COUNTY CIRCUIT CLERK  
THIRTEENTH JUDICIAL CIRCUIT OF ILLINOIS

2008-MR-125

Jury of 12 Demanded

**COUNT I**

**AMENDED PETITION FOR DISCOVERY BEFORE SUIT TO IDENTIFY  
RESPONSIBLE PERSONS AND ENTITIES PURSUANT TO ILLINOIS SUPREME  
COURT RULE 224**

NOW COMES the Petitioners, DONALD MAXON and JANET MAXON, by their attorneys,  
the law firm of Hupp, Lanuti, Irion & Burton, P.C., and state the following as to Respondent in  
Discovery, OTTAWA PUBLISHING COMPANY:

1. On or about March 20, 2008, April 15, 2008 and April 17, 2008, Petitioners were residents on the City of Ottawa, County of LaSalle, State of Illinois.
2. On the aforesaid date and time Respondent was a Delaware Limited Liability doing business in the City of Ottawa, County of LaSalle, State of Illinois with its principal place of business at 110 W. Jefferson Street, Ottawa, Illinois.
3. On the aforesaid dates Respondent owned, operated or otherwise provided an Internet Message Board ("Blog") on said Respondent's website identified as "mywebtimes.com"
4. On March 20, 2008 an article/comment/story (Blog) appeared entitled "Commissioners favor B&B additions, change". See attached **Exhibit A**. Said article/Blog appearing as a result of Petitioner's efforts to establish a "Bed & Breakfast" in the City of Ottawa.
5. On March 20, 2008, person(s) identified as "FabFive from Ottawa" posted the following defamatory statement(s) in response/comment to said March 20<sup>th</sup> Blog (included within attached **Exhibit A**)

"Posted by **FabFive** from **Ottawa** at 8:50PM on Thursday, 3/20/08

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 exodus of homeowners from this town...who will you tax then if noone lives here?"

6. On March 20, 2008, person(s) identified as "Mary1955 from Ottawa" posted the following defamatory statement(s) in response/comment to said March 20<sup>th</sup> Blog (included within attached **Exhibit A**)

"Posted by **Mary1955** from **Ottawa** at 11:27AM on Thursday, 3/20/08

Money under the table ??????????????"

7. On April 15, 2008, an article/comment/story (Blog) appeared entitled "Precedent will be set by changing B&B Ordinance!" See attached **Exhibit B** Said article/Blog appearing as a result of Petitioner's efforts to establish a "Bed & Breakfast" in the City of Ottawa.

8. On April 17, 2008, person(s) identified as "FabFive from Ottawa" posted the following defamatory statement(s) in response/comment to said April 15<sup>th</sup> Blog (included within attached **Exhibit B**)

"Posted by **FabFive** from **ottawa** at 9:55PM on Thursday, 4/17/08

Here's another tidbit to consider folks, Ann brought up how it is possible that the Maxon's would take the B&B and turn it into some non for profit church business..Well as it is the Maxon's plans for the addition were to include a LARGE meeting room...Now since when did a B&B require a meeting room?

The Maxon's 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 had 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 noone wants to get caught actually voting on it. This has become a hot potato and the music is about to stop. So who gets burned? The MANY people who have spoken out AGAINST these changes, or the FEW individulas who are behind it?"

9. The aforesaid statement were made in a context which by innuendo suggested Petitioners were the ones who were guilty of making bribes to public officials.

10. On information and belief respondent has information as to, or leading to, the true identity of the person(s) who created, authored, communicated or otherwise asserted the defamatory statements made in response to the above articles/Blogs appearing as a result of Petitioner's efforts to establish a "Bed & Breakfast" in the City of Ottawa. Said statements made by "FabFive" specifically identifying Petitioners by name.

11. On the aforesaid date, and continuing thereafter, Petitioner(s) were/are injured and damaged by the defamation.

12. Petitioners bring this action pursuant to Ill Sup Ct R 224 in order to ascertain the identities of those who are responsible for Petitioner's injuries.

WHEREFORE, the Petitioners, DONALD MAXON and JANET MAXON, pray for relief from this Honorable Court as follows:

1. That this Court enter an Order requiring the Respondent in Discovery, OTTAWA PUBLISHING COMPANY, to produce the following:

(a) Identification information for the person(s) known as FabFive from Ottawa" and "Mary1955 from Ottawa" including name, address, phone number, email address or other account information used to establish their Blog "identity", the password used for access to the Blog, or other identifying information.

2. That this Court enter an Order requiring Respondent to preserve and to maintain all of the original records, documents and artifacts reflecting the above and to prevent their loss or destruction until further Order of Court.

3. And for such other relief as the Court deems proper.

## COUNT II DEFAMATION

NOW COMES the Plaintiff, DONALD MAXON and JANET MAXON, by their attorneys, the law firm of Hupp, Lanuti, Irion & Burton, P.C., and in Complaint against Defendant, SUSAN WREN; states as follows:

1. On or about March 20, 2008, April 15, 2008 and April 17, 2008, Petitioners were residents on the City of Ottawa, County of LaSalle, State of Illinois.

2. On the aforesaid date(s) and time Defendant, SUSAN WREN, was and is a resident of the City of LaSalle, County of LaSalle, State of Illinois.

3. On the aforesaid dates Respondent, OTTAWA PUBLISHING COMPANY owned, operated or otherwise provided an Internet Message Board ("Blog") on said Respondent's website identified as "mywebtimes.com"

4. On April 15, 2008, an article/comment/story (Blog) appeared entitled "Precedent will be set by changing B&B Ordinance!" See attached **Exhibit B** Said article/Blog appearing as a result of Petitioner's efforts to establish a "Bed & Breakfast" in the City of Ottawa.

5. On April 17, 2008, person(s) identified as "FabFive from Ottawa" posted the following

defamatory statement(s) in response/comment to said April 15<sup>th</sup> Blog (included within attached **Exhibit B**)

"Posted by **FabFive** from **ottawa** at 9:55PM on Thursday, 4/17/08

Here's another tidbit to consider folks, Ann brought up how it is possible that the Maxon's would take the B&B and turn it into some non for profit church business.. Well as it is the Maxon's plans for the addition were to include a LARGE meeting room... Now since when did a B&B require a meeting room?

The Maxon's 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 had 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 noone wants to get caught actually voting on it. This has become a hot potato and the music is about to stop. So who gets burned? The MANY people who have spoken out AGAINST these changes, or the FEW individulas who are behind it?"

6. On April 17, 2008, person(s) identified as "birdie1" posted the following defamatory statement(s) in response/comment to the "FabFive" post (included within attached **Exhibit B**):

"Posted by **birdie1** at 11:20PM on Thursday, 4/17/08

FabFive:

The bribe has continued since you were last on!!"

7. Said allegation when considered in the context of the blogs posted around that time by innuendo infer the illegal activity/actions were on the part of Plaintiffs.

8. On information and belief the person identified as "birdie1" is Defendant, SUSAN WREN.

9. Said statement concerning the Petitioners is false.

10. Said statement is not a privileged communication and was made on a public forum..

11. Defendant intentionally made said statement.

12. As a result of Defendants false and defamatory statement Plaintiffs were, and continue to be, injured and damaged.

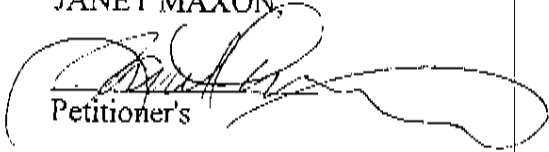
WHEREFORE, the Plaintiffs, DONALD MAXON and JANET MAXON, pray this Honorable Court enter in Order in favor of Plaintiffs and against Defendant, SUSAN WREN, in an amount in excess of \$50,000.00; and, for other such relief as the Court deems appropriate.

**PLAINTIFF DEMANDS A TRIAL BY JURY**

DONALD MAXON

A handwritten signature in black ink, appearing to read 'Donald Maxon', written over a horizontal line. The signature is enclosed in a dashed-line oval.

JANET MAXON

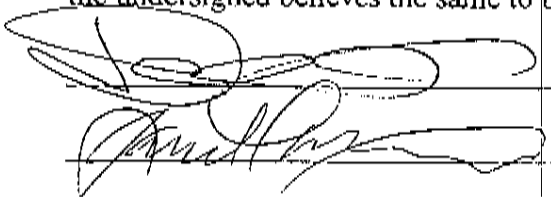
A handwritten signature in black ink, appearing to read 'Janet Maxon', written over a horizontal line. The signature is enclosed in a dashed-line oval.

Petitioner's

**Verification by Certification**

State of Illinois            )  
                                  )  
County of LaSalle         )

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct except as to matters therein stated to be on information and belief and as to such matters, the undersigned believes the same to be true.

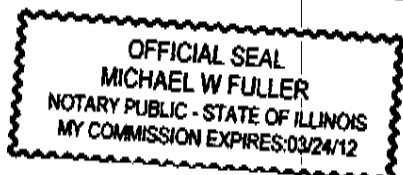


SUBSCRIBED AND SWORN TO  
before me this 8 day of

~~the~~ September 2008




Notary Public



**Verification by Attorney**

The undersigned attorney states that he has read the above and foregoing pleading, motion or other document; that to the best of his knowledge, information and belief formed after a reasonable inquiry, that it is well-grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

By:

One of Plaintiff's Attorneys 

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