

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

FILED
ATTORNEY NO. 49089
2013 MAR -8 AM 10:59

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

ROBERT TALAMINE,)
)
Plaintiff,)
)
v.) NO.
)
APARTMENT FINDERS, INC.,)
JUSTIN ELLIOT, JOHN McGEOWN, and)
both Individually and as agents of)
Apartment Finders Inc.)
)
Defendants.)

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COMPLAINT AT LAW

NOW COMES the Plaintiff, Robert Talamine, by and through his attorney, Kent D. Sinson of Sinson Law Group and complaining of the Defendants, Justin Elliot, John McGeown, and Apartment Finders, Inc., a corporation, and to each of them alleges as follows: [This case is re-filed from case No. 07L7270]

1. All of the actions or occurrences that give rise to this cause of action occurred in Chicago, Cook County, Illinois.
2. Plaintiff, Robert Talamine, is an individual who is a resident of Chesterton, Indiana, and employed by the Apartment People, Ltd., a company in good standing under the laws of this state and doing business in Chicago, Illinois.
3. Defendant, Justin Elliot, by information and belief, is an individual who is a resident of 421 W. Huron, #1101, Chicago, Illinois. Defendant Elliot, by way of information and belief, is an owner/operator of the Illinois corporation, Apartment Finders, Inc., a company in good standing under the laws of this state.
4. Defendant Justin Elliot is Secretary of Apartment Finders, Inc.

5. Defendant John McGeown, by information and belief, is an individual who is a resident of the City of Chicago, State of Illinois. Defendant McGeown is an employee of Apartment Finders, Inc. At all times relevant to this complaint, John McGeown was the director of Marketing for the Defendant Apartment Finders, Inc.

6. For purposes of this Complaint, Plaintiff alleges that the actions of Justin Elliot, John McGeown, were acting, both, in their individual capacity and in their capacity as agents of Apartment Finders, Inc.

7. For purposes of this Complaint, at all times, the Apartment People, Ltd. and Apartment Finders, Inc. have Chicago as their principal place of business. For purposes of this Complaint, at all times, the Apartment People, Ltd. and the Apartment Finders, Inc. are business competitors who each engage in locating residential housing for customers.

8. On December 4th, 2006, at approximately 2:15 p.m., Defendants Justin Elliot and John McGeown had a conversation with Chicago Police Officers, Adolfo Garcia, star # 14438, and Michael L. Palikij, star # 15643. The Chicago Police Department spoke to no one other than Defendant's Elliot and McGeown about this alleged crime.

9. During the course of the aforementioned conversation, Defendants Elliot and McGeown made the false claim and untrue statement that they "observed" Plaintiff "exit his vehicle and puncture the wheels and flee." (**EXHIBIT A**) Defendants Elliot and McGeown made the false claim and untrue statement that they "observed" Plaintiff "puncture the tires on the vehicle belonging to the company." (**EXHIBIT B**) Defendants Elliot and McGeown made the false and untrue statement the aforementioned alleged acts occurred on November 28th, 2006 at the location of 3205 N. Wilton, Chicago, Illinois. Defendant's Elliot and McGeown further made the false and untrue statement that they saw Plaintiff "puncture the two rear tires" of the Apartment Finders' vehicle. (**EXHIBIT A**)

10. Defendants Justin Elliot and John McGeown made the false and untrue statement to Chicago Police Officers Garcia and Palikij that Apartment Finders Inc. "made a report under RD #HM749434 stating that a witness observed a car with license number 64L960 from Indiana drive away from the scene of a damage to another company vehicle." (EXHIBIT A and C)

11. As a result of the false and untrue statements to the police by Defendants Elliot and McGeown about Plaintiff, on December 4, 2006 at 2:30pm officers Garcia and Palikij, unknowingly, arrested and handcuffed Plaintiff at his place of employment and charged Plaintiff with the criminal offense of damage to property. The false police report filed by the Defendants means Defendants Elliot and McGeown committed the felony offense of filing a false police report. 720 ILCS 5/26 – 1(a)4 (Class4) Apartment Finder employee, John McGeown, stood in front of Plaintiff's place of employment and photographed Plaintiff being lead from his place of employment in handcuffs. In the photographs, one can see the name of the Plaintiff's employer, Apartment People, in big bold letters on the sign in front of the business.

12. Both the Plaintiff and Jancel Bacerdo, who is the owner of Spectrum Photo located at 3111 North Lincoln in Chicago, state that at the time Elliot and McGeown claim they were eyewitnesses to Plaintiff slashing the tires on their vehicle, the Plaintiff was actually at Spectrum Photo Lab developing photographs from a Guns 'N Roses concert which occurred on December 3, 2006 and which Rolling Stone Magazine was going to publish.

13. Within half an hour after Plaintiff's arrest, defendant Elliot told Apartment People CEO Ilene Collins that *he personally had seen* Plaintiff slashing tires and that there "was no doubt" that it was the Plaintiff. Elliot was on speakerphone at the time of this discussion Eric Scholl witnessed the discussion. Scholl was the Apartment People manager

on duty at the time of Plaintiff's arrest. He confirmed that Elliot stated that he personally saw Plaintiff commit the crime.

14. Thereafter, Defendant Justin Elliot, "being first duly sworn on oath, deposes and says that he/she read the foregoing complaint by him/her subscribed and that the same is true" signed the false and untrue Complaint against the Plaintiff for the criminal offense of Criminal Damage to property. 720 ILCS 5/21-14(a). (EXHIBIT D) Said offense is punishable by up to one year in the County Jail. In said Complaint signed by Justin Elliot, it was falsely stated that Plaintiff "did knowingly damage the vehicle of Chicago Apartment Finders, by puncturing two (2) rear tires of the vehicle causing them to go flat and rendering the vehicle useless." (EXHIBIT D) In signing the complaint, Defendant Elliot committed the felony offense of perjury. 720 ILCS 5/32 - 2 (CLASS 3)

15. On, or about, December 4, 2006 at 4:47pm and 53 seconds, Defendant Apartment Finders Inc. by and through their agent, Michelle Anderson a/k/a Jane Doe created from their computer located at 906 W Belmont in Chicago, Illinois the fictitious e-mail address MichelleAnderson1980@gmail.com. The defendants admit they had no one at the office named Michelle Anderson.

16. On, or about, December 4th, 2006 at 5:00p.m. the Defendant Apartment Finders Inc. by and through their agent, Michelle Anderson o/k/a Jane Doe while using an Apartment Finders Inc. computer located at 906 W. Belmont, Chicago, Illinois and the email address michelleanderson1980@gmail.com caused to be posted on the internet website Craigslist, under "Rants and Raves", the following false and untrue statement:

Apartment People – Arresting Personalities!

I cannot believe what happened to me today. I saw an agent at the Apartment People get arrested! I am looking for an apartment and went the Apartment People --- Bad Idea! The rude girl at the front made me wait for over twenty minutes, and when I asked how long it was going to be, she just laughed. Great, I was beginning to wonder if I would ever find a place.

Not much longer after that, a guy came down the stairs to get me --- or so I thought. Instead of coming to get me, he was taken outside by the cops! I ran out there to see what was going on, and he was arrested! Now, I don't know what happened, but this guy had a creepy kiddie-porn vibe about him, so it wouldn't have surprised me if it was for that. I could hear the office abuzz with gossip and they said it was for slashing the tires of the PT Cruisers that Chicago Apartment Finders drive around. Wow!

At that point, I realized that it was time to leave. Again, I don't know what happened, but if it's for what I think it was for or if it is for what their company line was, either way, I didn't want to be involved. The way I see it, if a company is going to allow that type of person to work for them, I don't need their help. (EXHIBIT E)

The defendants claim they are still trying to figure out who made this posting from their office's computer.

17. On, or about, December 5th, 2006 at 3:53 p.m. the Defendant John McGeown, while using an Apartment Finders Inc. computer located at 906 W. Belmont, Chicago, Illinois using his personal email address "actinthegoat13@yahoo.com" and not his work email address of "jmcgeown@chicagoapartmentfinders.com" caused to be posted on the internet website Craigslist, under "Chicago Apt/Housing For Rent," pictures of the Plaintiff being arrested and handcuffed at his place of employment and the false and untrue statement:

\$650 Cozy Lakeview Studio for Rent!

This beautiful studio is 8 x 8, it features an iron gate, exposed bathroom and comes equipped with a roommate. If you like to slash tires like the Apartment People agent and would like to join him, then please call the number below! (EXHIBIT F)

Below was listed the phone number of the Apartment People.

18. On, or about, December 5th, 2006 at 4:06 p.m. the Defendant John McGeown, while using an Apartment Finders Inc. computer located at 906 W. Belmont, Chicago, Illinois using his personal email address "actinthegoat13@yahoo.com" and not his work email address of "jmcgeown@chicagoapartmentfinders.com" caused to be posted on the internet website Craigslist, under Chicago Apt/Housing For Rent, pictures of the Plaintiff being arrested and handcuffed at his place of employment and the false and untrue statement:

\$1400/2br – Can't Miss! Secure Building!!!!

This multi-level, solid construction complex with impeccable door staff boasts 8x8 rooms, huge exercise yard, free cable, water and heat, food and an interesting array of neighbors. If you like to slash tires like this Apartment People leasing agent, then please feel free to call the number below.” (EXHIBIT G)

Below was listed the phone number of the Apartment People.

19. On, or about, December 5th, 2006 at 4:21 p.m., the Defendant John McGeown, while using an Apartment Finders Inc. computer located at 906 W. Belmont, Chicago, Illinois using his personal email address “actinthegoat13@yahoo.com” and not his work email address of “jmcgeown@chicagoapartmentfinders.com” caused to be posted on the internet website Craigslist, under Chicago Apt/Housing For Rent, pictures of the Plaintiff as he was being arrested at his place of employment and the false and untrue statement:

\$900/1br – Lakeview Cozy 1BR – Criminal To Miss!!!

This convertible 1 br boasts cement flooring, stainless steel free standing toilet, complementary laundry service, free wake up calls, well guarded building, weight room, and three square meals a day on the State! People are killing to get in here!!! So if you like to slash tires like the Apartment People leasing agent, please call the number below.” (EXHIBIT H)

Below was listed the phone number of the Apartment People.

20. As a result of the actions of the Defendants, on or about, December 5th 2006, WBBM News Radio, 780 in Chicago ran stories about the Plaintiff. To wit the story stated as follows:

The competition between Chicago’s apartment placement companies can be cut-throat.

An employer of the Apartment People was arrested this week...on suspicion of slashing tires on a vehicle carrying the logo of Chicago Apartment Finders. He denies any involvement.

A spokesman for Apartment Finders says several of the company’s cars have been damaged in recent months...apparently to prevent the agency from taking its clients out.

21. In the week that followed the Plaintiff’s arrest, John McGeown, who was the head of marketing for the Apartment Finders, contacted Annie Sweeney of the Chicago Sun-Times and Heather Augustyn from the Northwest Indiana Times in an effort to publicize the Plaintiff’s arrest for slashing tires.

22. As a result of the actions of the Defendants, on or about, December 9th, 2006, the Northwest Indiana Times, in Valparaiso, Indiana ran a story about the Plaintiff. In the article, Defendant John McGeown made the false and untrue statement that someone saw the Plaintiff slash one of his company's PT Cruisers tires with a long object on November 28th, 2006. Defendant McGeown made the false and untrue statement that "they had a license plate number and a description of the vandal. We had four of our PT Cruisers hit over the past six months. The witness filed a report with the Chicago Police Department and a week later they had the identity of Robert Talamine. We were shocked because he works for the competition." (EXHIBIT I)

23. As a result of the actions of the Defendants, on or about, December 8th, 2006, the Chicago Sun Times ran a story about the Plaintiff. The headline stated: "Agent Accused of Slashing Tires on competitor's Vehicles." Defendant John McGeown, in the article, was quoted as making the following false and untrue statements to reporter Annie Sweeney:

"[Talamine] was sabotaging our vehicles so that we couldn't take our clients out"

"A witness came into the company office to report the slashing."

"The witness described the offender and reported a license plate number, and police were called."

"It took police a week to determine, based on the witness information, who Talamine was."

"They couldn't believe it."

"There is enough (business) out there for everybody." (EXHIBIT J)

24. As a result, Plaintiff appeared in Court on January 22nd, 2007 and February 16th, 2007 to answer said charges. Defendants Elliot and McGeown also appeared in Court on both Court dates. On February 16th, 2007, the Cook County States Attorney's Office dismissed all pending charges against Plaintiff before the Honorable Judge William P.

O'Malley. The Plaintiff filed a written trial demand on February 16, 2007. The statute of limitations on criminal damages to property has expired.

COUNT I
MALICIOUS PROSECUTION
DIRECTED AT JUSTIN ELLIOT, JOHN MCGEOWN
AND APARTMENT FINDERS, INC.

1-22 The Plaintiff adopts paragraphs 1-22 above as paragraphs of this Count I.

25. Upon information and belief, Mr. Elliot and Mr. McGeown, individually and on behalf of Apartment Finders, Inc., made false police reports and false statements about Mr. Talamine.

26. Mr. Elliot, individually and on behalf of Apartment Finders, Inc., filed a false Criminal Complaint maliciously and for improper purpose, including to wrongly accuse Mr. Talamine of criminal conduct:

(a) To harass and intimidate him with bad publicity for the Apartment People, Ltd. so that Defendants' business would increase and Plaintiff's business would decrease.

(b) To burden him with the expense of defending himself against criminal charges and to attempt to cause him to plead guilty to false charges to avoid further expense.

(c) To intimidate him with the possibility of going to jail for one year for these criminal charges, which they caused to be brought against him.

27. As a result of Mr. Talamine's Criminal Complaint, Mr. Talamine and Apartment People, Ltd. were held to public disdain and ridicule, and his personal life was a matter of public record.

28. Despite the obvious baselessness of their Criminal Complaint, Mr. Elliot, Mr. McGeown, and the Apartment Finders, Inc. insisted upon Mr. Talamine's prosecution maliciously and for improper purposes including:

(a) To harass and intimidate him with bad publicity for the Apartment People, Ltd. so that Defendants business would increase and Plaintiff's business would decrease.

(b) To burden him with the expense of defending himself against criminal charges and to attempt to cause him to plead guilty to false charges to avoid further expense.

(c) To intimidate him with the possibility of going to jail for one year for these criminal charges which they caused to be brought against him.

29. As a result of this wrongful prosecution, Mr. Talamine was required to retain an attorney to prepare for trial on the Criminal Complaint. Mr. Talamine was charged \$5,000.00 by his attorney.

30. Despite Mr. Elliot's and Mr. McGeown's presence in Court, all charges were dismissed against Plaintiff on February 16th, 2007 by the Honorable Judge William P. O'Malley.

31. The conduct of Mr. Elliot, Mr. McGeown, and Apartment Finders, Inc. was malicious and willful.

32. As a direct and proximate result of the defendants' conduct, Mr. Talamine sustained personal injuries, has suffered and will suffer pain and suffering, humiliation, embarrassment and other similar emotions and suffered damages in excess of \$50,000.00 to be proven before a jury at trial.

WHEREFORE, the Plaintiff, Robert Talamine demands trial by jury; judgment in his favor and against Defendants Justin Elliot, John McGeown, and the Apartment Finders, Inc.; compensatory damages in an amount in excess of \$50,000.00; punitive damages; costs and all other appropriate relief.

COUNT II
FALSE IMPRISONMENT
DIRECTED AT JUSTIN ELLIOT, JOHN MCGEOWN
AND APARTMENT FINDERS, INC.

1-22 The Plaintiff adopts paragraphs 1-22 above as paragraphs of this Count I and hereby incorporate them into this Count as though fully set forth herein.

23. One and one half hour after the Defendants' false statements to Officers Garcia and Palikij, the Plaintiff was placed under arrest and handcuffed while working at his employment in the offices of the Apartment People, Ltd. Due to the false statements, false police reports, and false criminal complaints by the Defendants, which were done maliciously and willfully, Defendants caused Chicago Police Officers Garcia and Palikij to unknowingly restrain Plaintiff, handcuff Plaintiff, and imprison Plaintiff against his will without sufficient legal cause. The Defendants breached their duty to Plaintiff by causing others to wrongly restrain Plaintiff, handcuff Plaintiff, and imprison Plaintiff against his will and without sufficient legal cause. Mr. Talamine's confinement was both at his employment at Apartment People, Ltd. and in the 19th District Police Station. Plaintiff remained in jail for in excess of six (6) hours after being falsely accused.

24. The Defendant was forced to post a bond of one thousand dollars and as condition, his bond was released on the following conditions:

- i. Appear to answer the charge in Court until discharge or final order of Court;
- ii. Obey all Court orders and process; not leave this State without permission of Court and report changes of address to the Clerk within 24 hours;
- iii. Not commit any criminal offenses while awaiting final order in this case;
- iv. If on appeal, prosecute the appeal, and surrender to custody if the judgment is affirmed or a new trial is ordered.

25. These actions of the Defendants were done with the intention to confine Mr. Talamine against his will and without sufficient legal cause. Mr. Talamine's confinement was complete. Mr. Talamine reasonably believed that he had no way to escape his confinement.

26. The Defendants' conduct towards Mr. Talamine was willfully malicious.

27. As a direct and proximate result of the defendants' conduct, Mr. Talamine sustained personal injuries, has suffered and will suffer pain and suffering, humiliation, embarrassment and other similar emotions and suffered damages in excess of \$50,000.00 to be proven before a jury at trial.

WHEREFORE, Plaintiff, Robert Talamine demands trial by jury; judgment in his favor and against Defendants Justin Elliot, John McGeown, and the Apartment Finders, Inc.; compensatory damages in an amount in excess of \$50,000.00; costs and all appropriate relief, including punitive damages.

COUNT III
DEFAMATION DIRECTED AGAINST JUSTIN ELLIOT, JOHN MCGEOWN,
MICHELLE ANDERSON O/K/A JANE DOE, AND APARTMENT FINDERS, INC.

1-22 Plaintiff incorporates paragraphs 1 through 22 of this Complaint as if fully set forth under this Count and further alleges that:

23. Defendants' actions and statements, collectively and individually, maligned the Plaintiff's a private figure reputation and constituted slander and libel per se that they:

- i. Imputed the commission of a crime;
- ii. Imputed an inability to perform or want of integrity in performing employment duties;
- iii. Imputed a lack of ability or otherwise prejudice a person in his profession or business.

24. Defendants had a duty to refrain from intentionally and maliciously declaring false information about Plaintiff.

25. Defendants' intentional and malicious actions and statements caused Plaintiff to suffer personal injuries, past and future pain and suffering, humiliation, embarrassment, and other similar emotions.

26. As a proximate result of the Defendants' conduct, Plaintiff suffered damages in an amount to be proven at time of trial. Plaintiff will, if necessary, amend this Complaint to allege the exact amount of said damages once ascertained.

27. Plaintiff is informed and believes that the aforementioned conduct by Defendants was willful and malicious in that Defendants acted with the deliberate intent to injure Plaintiff and thereby benefit Defendants. Plaintiff is therefore entitled to punitive damages.

WHEREFORE, Plaintiff, Robert Talamine, demands trial by jury; judgment in his favor and against Defendants Justin Elliot, John McGeown, Michelle Anderson o/k/a Jane Doe, and the Apartment Finders Inc.; compensatory damages in an amount in excess of \$50,000.00; punitive damages; costs and all other appropriate relief.

COUNT IV
FALSE LIGHT INVASION OF PRIVACY
DIRECTED AT JUSTIN ELLIOT, JOHN MCGEOWN, MICHELLE ANDERSON
O/K/A JANE DOE, AND THE APARTMENT FINDERS INC.

1-22 That Plaintiff incorporates paragraphs 1 through 22 of this Complaint as if fully set forth under this Count and further allege that:

23. Plaintiff was placed in a false light before the public by the Defendants.

24. The false statements and implications concerning Plaintiff are highly offensive in that they accuse the Plaintiff of criminal wrongdoing, a gross lack of integrity, and/or an inability to perform his professional duties as locator of residential housing.

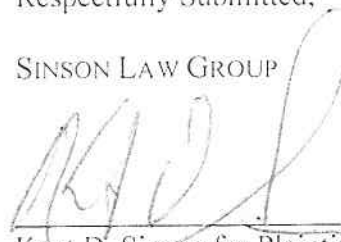
25. The dissemination of such falsehoods by the Defendants willful and wanton acts were committed with actual malice and was calculated to cause, and did cause, damage

to Plaintiff, causing Plaintiff to suffer injury to their reputation as a locator of residential housing.

WHEREFORE, Plaintiff, Robert Talamine, demands trial by jury; judgment in his favor and against Defendants Justin Elliot, John McGeown, Michelle Anderson o/k/a Jane Doe, and the Apartment Finders Inc.; compensatory damages in an amount in excess of \$50,000.00; punitive damages; costs and all other appropriate relief.

Respectfully Submitted,

SINSON LAW GROUP

A handwritten signature in dark ink, appearing to read 'K. Sinson', is written over a horizontal line.

Kent D. Sinson for Plaintiff

Kent D. Sinson
Sinson Law Group
205 W. Wacker Drive, Suite 1600
Chicago, Illinois 60606
(312) 332-2107
Attorney No. 49089