

and Eric Scheidler, Mary and Richard Vilim, and John Wiesner are all private individuals residing in the City of Aurora, Illinois, or in nearby communities. The Earls, Mr. Fralic, the Guests, Ms. Picciuolo, the Scheidlers, and Mr. Wiesner all reside in Aurora. Ms. Hayes resides in Batavia, Illinois. The Krysciaks reside in Yorkville, Illinois. The Potts reside in Geneva, Illinois. The Vilims reside in Sugar Grove, Illinois. All plaintiffs either reside or do business or may be found in Kane County, in the Sixteenth Judicial Circuit, State of Illinois.

2. Defendant, Steven Trombley, is chief executive officer of the corporate defendant, Planned Parenthood/Chicago Area, which conducts business *inter alia* in the City of Aurora, Kane County, in the Sixteenth Judicial Circuit, State of Illinois.

3. Defendant, Planned Parenthood/Chicago Area (“Planned Parenthood”), is a domestic corporation whose genesis traces back to October 14, 1946, whose principal place of business is situated in the City of Chicago, Cook County, Illinois. Planned Parenthood conducts business *inter alia* in the City of Aurora, Kane County, in the Sixteenth Judicial Circuit, State of Illinois.

4. Defendant, Gemini Office Development LLC (“Gemini”), is a subsidiary or affiliate of Planned Parenthood, in good standing under Illinois law. Gemini’s principal place of business is also situated in the City of Chicago, Cook County, Illinois. Gemini conducts business *inter alia* in the City of Aurora, Kane County, in the Sixteenth Judicial Circuit, State of Illinois.

5. The plaintiffs, and each of them, number among those hundreds and thousands of persons who have opposed the proposed opening and operation by the defendants of a major abortion center in the City of Aurora. Plaintiffs have opposed defendants’ plans

for many legitimate reasons. Among other things, plaintiffs have been aggrieved by the fact that defendants went to great lengths to plan, contrive and conspire to deceive and mislead Aurora officials into believing that the proposed abortion center would be an ordinary medical office building, housing offices for physicians and dentists and other medical professionals whose calling is to heal, and not kill, human beings. Defendants, on the other hand, intend their proposed Aurora facility to perform “terminations,” which is to say, the killing of unborn infants whom defendants deem to be, and whom they describe as, “unwanted” – even though there are countless couples in Aurora and elsewhere who have tried unsuccessfully for years to adopt infants so that they could have families or add to their families. Thus many permit applications filed by defendants, or filed by their agents on defendants’ behalf, variously misrepresented to Aurora’s building department or other officials that the tenant of the newly constructed premises was “unknown” or was Gemini. On information and belief, at some time in July, 2007, or prior thereto, defendant Trombley confirmed the fraud by boasting to one or more reporters from the *Chicago Tribune* that defendants were surprised that they were able to keep their true plans, as distinct from the plans they shared openly with Aurora officials, “secret” for as long as they did.

6. Plaintiffs also oppose defendants’ proposed occupancy and operation of the building they constructed under false pretences in Aurora because of defendants’ penchant for aiming promotional materials and propaganda at young people, urging and approving “non-judgmental” or “anything goes” sexual activity under the guise of “safe sex” and/or “sex education,” including sexual experimentation and promiscuity, without any disclosure to parents or other family members. While defendants also boast that one

of their many purposes is to reduce abortions, they also admit and even urge that “contraceptive failure” is commonplace and even inevitable so that access to elective abortion is said to be necessary as a form of “back up birth control.” Thus plaintiffs believe that, far from actually “reducing abortions” as defendants claim and profess to be doing, defendants’ vigorous promotion and fostering of teen sexual activity has been a major cause of the great number of abortions performed in Illinois and throughout the United States. It is no wonder that Planned Parenthood has become the nation’s largest provider of abortions. Given the size and design of the defendants’ Aurora facility which reportedly includes many surgery and recovery rooms, plaintiffs are informed and believe that defendants intend Aurora to become the abortion capital for northwestern Illinois, drawing abortion business from its smaller storefront-like premises – each of which is called “Planned Parenthood Express” – which are situated in other suburban locations all over greater metropolitan Chicago and will function as “intake” facilities for clients who will be sent to Aurora for their abortions.

7. Plaintiffs further believe that defendants’ claim that the Aurora abortion facility is desperately needed to afford women the “health care” they need is bogus. Telephone listings and other sources confirm that the Chicago metropolitan area is already served by numerous abortion establishments. Defendant Planned Parenthood itself already operates a major abortion establishment in Chicago. And there are many abortion providers already open for business in DuPage County. Defendants are not filling any genuine need for medical services but rather are bent on increasing their own “market share” of what has proved an especially lucrative business, providing both early and late term abortions.

8. Plaintiffs are also informed and believe that repeated suggestions by defendants that they will offer other services besides abortion and that abortion constitutes only a small percentage of their actual and proposed business are equally false, deceptive and misleading. Defendants' statistics refer to unit volume, not dollar volume. Moreover, their computation of units turns on an artificial and materially false "unbundling" of services that are closely related to, and arising out of, the defendants' providing of early and late term abortion services. That is, plaintiffs are informed and believe that defendants' clients very often undergo pregnancy tests, or ultrasound tests, or receive other services only on account of their having come to Planned Parenthood for abortion services. Yet each component of this integrated "abortion service" is separated out for statistical purposes to create an artificially, falsely inflated "universe" of services, against which the key service – abortion – is counted only as a single individual "unit." The upshot is that abortions are made to appear as a much less significant portion of defendants' business, whereas in truth and in fact defendants' provision of abortion services is a fountainhead of a great portion of their entire business, whether measured in dollars or in units of service.

9. Plaintiffs are also opposed to the opening and proposed operation of the defendants' Aurora abortion facility because they believe that abortion wreaks physical violence on defenseless, innocent human beings. While a woman's right to choose abortion has been held a constitutional right under current law, plaintiffs also invoke and claim their own constitutional rights to urge that women exercise that right by *not* choosing to abort their infants as that would necessarily entail the violent destruction of another's life when not justified as an act of self-defense or to save the mother's life.

Plaintiffs are informed and believe, moreover, that defendants' proposed abortion facility would provide late term abortions, utilizing methods requiring the "disarticulation" – *i.e.*, the dismemberment – of unborn infants inside the womb and/or in their mothers' birth canal. While still lawful, that such horrific surgical procedures may be employed to cause the death of other human beings, each of which possesses a unique biological blueprint or "DNA," is heinous, inhumane and shocks the conscience.

10. Abhorring defendants' proposed systematic violence against other human beings, plaintiffs have mounted, joined, and participated in wholly peaceable and lawful protests against defendants' proposed opening and operation of their abortion facility in Aurora. They have arranged, organized, and/or participated in a forty (40) day prayer vigil, in which volunteers stood prayerful watch near the site of the proposed facility, for twenty-four hours each day, seven days a week, leading up to the date on which defendants proposed to open their massive abortion center for business. Plaintiffs have attended public protests and rallies. One or more of them held protest signs. One or more of them wrote protest letters. One or more of them communicated their protests to public officials. At no time have plaintiffs, or any of them, condoned, advocated, committed or engaged in anything but wholly nonviolent forms of protest. Plaintiffs' activities have been peaceable, prayerful and lawful from the inception. They continue to be so through the present date, and will continue to be so for the duration, however long it takes. Indeed, plaintiffs do not intend to cease their opposition to the defendants, whether or not the defendants' proposed abortion facility ever opens up for business in the City of Aurora.

11. Notwithstanding the plaintiffs' wholly peaceful and lawful opposition to the defendants, on or about September 4, 2007, defendant Trombley, acting for himself and also on behalf of defendants Planned Parenthood and Gemini, authored and sent a three page letter to various officials of the City of Aurora, including its Mayor as well as Aldermen on its City Council. Trombley, together with one or both of the other defendants, also released copies of said letter to the press. Defendants intended that the contents of Trombley's letter be disseminated as widely as possible. A true and accurate copy of that letter is appended as Exhibit A hereto.

12. Trombley's letter was false and misleading in numerous respects. Many of its falsehoods pertained directly and unmistakably to the plaintiffs as well as to others who have been opposing defendants' proposed operation in Aurora. Thus after referring to **"those who oppose" defendants' abortion "services" at "this facility"** in the City of Aurora (emphasis supplied), Trombley's letter asserted that defendants had been "open and truthful throughout the extensive permitting process" (Exh. A, p. 1). But then Trombley insisted that defendants "took all appropriate precautions to prevent **those who oppose women's access to** contraception and **abortion** from learning about plans to build this facility" (*Id.*, p. 2)(emphasis supplied). Thus after claiming openness, Trombley shifted gears to claim the opposite.

13. Worse, the Trombley letter, after referring on its first page to "those who oppose" defendants' proposed abortion services (*id.*), referred on the second page to "[t]he activists of the Pro-Life Action League **who have been opposing our new facility**" and adds that they "are **headquartered in Aurora** and have a **well-documented history of advocating violence** against both persons and property as well as **other related criminal**

activity.” (*Id.*, p. 2)(emphasis supplied). Then on its last page, Trombley’s letter referred to “**the zealots who have been opposing our new facility**” (Exh. A, p. 3)(emphasis supplied), and added that those “zealots have **a well-documented history of violence and criminal activity**” (*id.*, p. 3)(emphasis supplied).

14. As previously alleged, all of the plaintiffs herein who live in or near to Aurora have been “opposing” the defendants’ “new facility” and/or the “services” to be rendered there. But none of the plaintiffs have any “well-documented history of violence and criminal activity,” as Trombley’s letter falsely claimed.

15. Trombley’s false utterances, which he made on his own behalf and on behalf of the other defendants, are not only false but libelous and defamatory. They cast the plaintiffs, and each of them, in a false light as violent criminals, rather than as peaceable, non-violent citizens exercising their constitutional rights to communicate their views on a matter of the utmost gravity in the public interest.

16. None of the plaintiffs except for Eric Scheidler is employed by or acting on behalf of “the Pro-Life Action League” (“the League”). Eric Scheidler is the League’s Communications Director. But Eric Scheidler, equally as the other plaintiffs, has no history of “violence and criminal activity” in opposition to defendants’ plans or proposals or in opposition to abortion generally. All of Eric Scheidler’s activities for and on behalf of the League have been entirely peaceable, lawful, and nonviolent.

17. Defendants’ false statements have harmed plaintiffs’ reputations with and among their neighbors in Aurora and surrounding communities.

18. Trombley and his co-defendants have communicated these false statements about the plaintiffs with a deliberate intent to harm them and in reckless disregard for their truth or falsity. Malice is the gist of this action.

19. Trombley's September 4th letter was doubly reckless and malicious with respect to plaintiffs inasmuch as defendants attempted to impute to these plaintiffs statements about third parties that were themselves false and misleading. On pages 2 and 3 of his letter (Exh. A, pp. 2-3), Trombley purported to state "facts about the Pro-Life Action League and its leader, Joe Scheidler" (*id.*, p. 2). Specifically, Trombley cited a 1998 jury verdict as to "121 crimes involving acts of [*sic*] threats of force or violence," etc. But apart from the fact that plaintiffs had nothing to do with that 1998 verdict or the trial that led up to it, Trombley omitted to state that the United States Supreme Court reviewed that verdict not once, but twice, and reversed it by an 8-1 margin in February, 2003, and then by an 8-0 margin in February, 2006. The verdict and judgment entered on it have been rendered legal nullities. Trombley's Planned Parenthood abortion facility in Chicago was a part of that litigation, *NOW v. Scheidler*, a national class action from which it did not opt out, and thus he well knew – and most certainly he should have known – that his purported statement of "facts" about it was palpably false and misleading. Nor did the verdict even remotely relate to these plaintiffs, including Eric Scheidler, who was not employed by the League until many years after that *NOW v. Scheidler* trial, not to mention the transactions and occurrences that were at issue therein.

20. Defendants exacerbated the malicious and defamatory falsehoods contained in Trombley's September 4th letter when less than a week later they published an advertisement in the *Aurora Beacon News*, a local newspaper, a copy of which is

appended hereto as Exhibit B. That advertisement referred to “extremists” trying to “deny vital health care to the people of Aurora,” and juxtaposed to that large print headline was a photograph of a bombed out or burned abortion facility. Next to that photo was a description, set forth in small print, stating that it depicted a Planned Parenthood facility destroyed by arson in Michigan. This full page advertisement reinforced the false charges leveled by Trombley’s letter against the plaintiffs who “opposed” defendants’ planned and proposed facility, by showing the results of criminal activity by unknown perpetrators. Defendants deliberately, falsely and recklessly intended that said advertisement be understood to refer to plaintiffs among the others who “opposed” defendants’ facility and thus were “extremists” who were well-documented to be criminals and with a history of advocating criminal activity by others.

21. Defendants false statements of fact and false advertisements caused plaintiffs, and each of them, to suffer significant monetary damages for which the defendants, and each of them, must be held fully accountable in damages.

WHEREFORE, plaintiffs seek an award of compensatory damages in excess of \$50,000, and all other relief to which they may be entitled in accordance with law.

One of the plaintiffs’ attorneys

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