

IN THE CIRCUIT COURT OF McLEAN COUNTY, ILLINOIS

JOMAREUN RICHARDSON, KEVIN DION,
REBEKAH MANGELS, AIDAN MARCIKIC,
STEVEN LAZAROFF, JOSEPH BLOOM-
BOEDEFELD, and DANIEL KIMBALL,

Plaintiffs,

v.

ANDREW MORGAN, in his capacity as
Dean of Students at the Illinois State University;
The BOARD OF TRUSTEES of Illinois State
University, in their official capacities;
AONDOVER TARHULE, in her official capacity
as President of the Illinois State University, and the
ILLINOIS STATE UNIVERSITY,

Defendants.

) FILED

) 5/14/2024 2:06 PM

) DONALD R. EVERHART, JR.
) CLERK OF THE CIRCUIT COURT
) MCLEAN COUNTY, ILLINOIS

) No. 2024CH000014

) FIRST CASE MANAGEMENT CONFERENCE
) BEFORE JUDGE FOLEY

) SET ON November 6, 2024 at 9:00 a.m.

COMPLAINT AT LAW

Plaintiffs JOMAREUN RICHARDSON, KEVIN DION, REBEKAH MANGELS, AIDAN MARCIKIC, STEVEN LAZAROFF, JOSEPH BLOOM-BOEDEFELD, and DANIEL KIMBALL, by and through their undersigned counsel, hereby respectfully complain and allege against Defendants, ANDREW MORGAN, in his capacity as Dean of Students at the Illinois State University; The BOARD OF TRUSTEES of Illinois State University, in their official capacities; AONDOVER TARHULE, in her official capacity as President of the Illinois State University, and the ILLINOIS STATE UNIVERSITY, as follows:

General Allegations Common to All Counts

1. Plaintiffs are natural persons and residents of the State of Illinois.
2. At all times herein relevant, Plaintiffs were and are students enrolled in, and seeking degrees from, the Illinois State University.
3. The Illinois State University ("ISU") is a public university created and/or governed by the Illinois State University Law, 110 ILCS 675/20-1 *et seq.*
4. On or about May 3, 2024, Plaintiffs held a silent sit-in protest in Hovey Hall on the campus of the ISU.

5. Hovey Hall is the central administrative building of ISU, containing the President's Office, the Office of Admissions, the Vice President for Finance and Planning, the Graduate School, the Provost's Office, and the Vice President for Student Affairs.
6. On its website, the remodelers of Hovey Hall, BLDD Architects, advertise that ISU commissioned the remodel of Hovey Hall to be available for use by students "campus-wide."
7. At all times herein relevant, Hovey Hall was and is a "public forum" for purposes of the First Amendment to the United States Constitution, and has been host to hundreds of protests and gatherings of all types since its construction.
8. For example, in October 2022, a protest in and around Hovey Hall entitled the "March for Queer Rights" protested homophobia on ISU's campus.
9. In April 2022, AFSCME Local 1110 members marched through Hovey Hall for hours in a protest against ISU administration for better wages.
10. In March 2021, the ISU Graduate Workers Union held a protest against ISU administration in and around Hovey Hall for better wages and working conditions.
11. In 2019, Hovey Hall was the site of a protest against anti-Black racism.
12. In 1970, protests in and around Hovey Hall were part of the infamous "flagpole standoff" over racial integration at ISU.
13. In fact, the ISU's central administration building has long been a public forum for protests and marches of all kinds. In 1919, students marched for women's suffrage in and around what was then the college's central administration building.
14. Following the lead of these prior protests, on or about May 3, 2024, Plaintiffs engaged in a protest against the ongoing Israeli aggression in Gaza.

15. However, Andrew Morgan, the Dean of Students at ISU, is an avowed and proud Zionist who disagreed with the students' views on the Israeli-Palestinian conflict.
16. Morgan has posted photographs of himself with the Israeli flag on his social media.
17. Morgan also encourages students to protest in favor of Israel.
18. Morgan has posed with students holding the Israeli flag.
19. Morgan therefore decided to punish the Plaintiffs for their pro-Palestinian protest.
20. As such, Morgan, and/or a member of the administration acting at Morgan's behest or direction, called the police on Plaintiffs and informed police that Plaintiffs were trespassing.
21. Morgan based this allegation on the fact that Plaintiffs' protest had not concluded at the end of the scheduled work day.
22. However, Hovey Hall, as a public forum, has been available and/or used by protests and marches after hours in the past.
23. Moreover, Hovey Hall was not less of a public forum because the ISU employees who worked there were leaving for the day.
24. When Plaintiffs allegedly refused to vacate the premises, the Plaintiffs were arrested for trespass.
25. On or about May 5, 2024, without prior notice or warning, Morgan issued interim suspensions and no-trespass orders to all of the Plaintiffs.
26. These no-trespass orders banned Plaintiffs not only from campus and classes, but from residence halls and public fora like Hovey Hall and the Quad as well.
27. As such, these orders are an unconstitutional prior restraint in violation of the First Amendment.

28. Morgan issued these suspension and no-trespass orders to prevent Plaintiffs from holding another protest in favor of Palestine, and to punish Plaintiffs for supporting Palestine instead of Israel.
29. Morgan stated that Plaintiffs purportedly violated Sections 6.1.1 and 6.1.10 of the Code of Student Conduct.
30. Donald Reed, an assistant dean of students who works under Morgan, reiterated in the Plaintiffs' appeals that the Plaintiffs purportedly violated Sections 6.1.1 and 6.1.10 of the Code of Student Conduct.
31. However, according to the 2020 Code of Student Conduct available on the Dean of Students' website as of the date of this filing, Section 6.1.1 of the Code of Student Conduct covers academic dishonesty and is not applicable to protests.
32. According to that Code of Student Conduct, Section 6.1.2 of the Code of Student Conduct states that "[s]tudents are free to assemble and to express their free speech in a peaceful and orderly manner, provided that doing so does not hinder the normal operations of the University."
33. Plaintiffs did not hinder the operations of ISU in any way through peacefully sitting in silence in a public forum.
34. Section 6.1.10 of the Code of Student Conduct prohibits "behavior that is disruptive or indecent, regardless of intent, which is unwanted and breaches the peace of one or more members of the community. Examples of disorderly conduct include but are not limited to: inappropriately disruptive arguments or celebrations, overly loud amplified sound, deliberately and publicly exposing one's intimate body parts, public urination, public defecation, and public sex acts."

35. Plaintiffs' peaceful, silent sit-in protest did not violate any provisions of this Code either.
36. In fact, Plaintiffs did not violate any provision of the Code of Student Conduct at all, which is why Morgan and Reed falsely stated Plaintiffs engaged in "academic dishonesty" by engaging in a sit-in.
37. Plaintiffs were suspended solely because Morgan and ISU administration disagreed with *how* Plaintiffs were using the public forum of Hovey Hall: as a site for their protest in favor of Palestine.
38. In other words, as evidenced by Morgan's long history of pro-Israel statements and conduct, if Plaintiffs had been protesting in favor of Israel, ISU would not have suspended or punished the Plaintiffs, and would not have told the police Plaintiffs were trespassing.
39. In short, the only difference between Plaintiffs' protest and the hundreds of protests allowed by ISU in and around Hovey Hall over the years is *what Plaintiffs were protesting about*.

COUNT I – UNLAWFUL FIRST AMENDMENT RETALIATION
Action for Injunctive Relief

40. Plaintiffs restate and reallege paragraphs 1-39 of this Complaint as if fully set forth herein.
41. Plaintiffs peacefully and silently engaged in a protest in a public forum, which is First Amendment protected activity.
42. In response, Defendants suspended Plaintiffs and banned them from campus.
43. Defendants also barred Daniel Kimball, who lived on campus, from his home.
44. This conduct violates 42 U.S.C. 1983 and the First Amendment to the United States Constitution.
45. Plaintiffs are suffering irreparable harm as the Defendants' conduct is causing Plaintiffs to lose a full semester's worth of grades and academic work.

WHEREFORE, Plaintiffs respectfully request this Honorable Court order Defendants to rescind and remove the no-trespass orders and interim suspensions, award Plaintiffs their costs and attorney fees, and award whatever additional relief this Court deems appropriate and just.

COUNT II – UNLAWFUL FIRST AMENDMENT RETALIATION
Action for Money Damages

46. Plaintiffs restate and reallege paragraphs 1-45 of this Complaint as if fully set forth herein.

47. As a direct and proximate result of Defendants' unlawful actions, Plaintiffs have suffered damages, including without limitation a semester's tuition, being forced to find new housing with no notice.

48. Plaintiff Kimball was also evicted from his home by Defendants' no-trespass order.

WHEREFORE, Plaintiffs respectfully request this Honorable Court enter judgment in their favor and against Defendants in an amount to be proven at trial but not less than \$50,000 per Plaintiff, plus costs, attorney fees, and whatever additional relief this Court deems appropriate.

COUNT III – UNCONSTITUTIONAL PRIOR RESTRAINT
Action for Injunctive Relief

49. Plaintiffs restate and reallege paragraphs 1-48 of this Complaint as if fully set forth herein.

50. Plaintiffs peacefully and silently engaged in a protest in a public forum, which is First Amendment protected activity.

51. In response, Defendants suspended Plaintiffs and banned them from campus.

52. Defendants also barred Kimball from his home on campus.

53. Defendants engaged in this conduct to prevent Plaintiffs from protesting in favor of Palestine.

54. This conduct violates 42 U.S.C. 1983 and the First Amendment to the United States Constitution.

55. Plaintiffs are suffering irreparable harm as they are unable to speak in a public forum, despite pro-Israel protesters being allowed to do so.

WHEREFORE, Plaintiffs respectfully request this Honorable Court order Defendants to rescind and remove the no-trespass orders and interim suspensions, award Plaintiffs their costs and attorney fees, and award whatever additional relief this Court deems appropriate and just.

COUNT IV – UNCONSTITUTIONAL PRIOR RESTRAINT
Action for Money Damages

56. Plaintiffs restate and reallege paragraphs 1-55 of this Complaint as if fully set forth herein.

57. As a direct and proximate result of Defendants' unlawful actions, Plaintiffs have suffered damages, including without limitation being unable to speak on a matter of public concern.

WHEREFORE, Plaintiffs respectfully request this Honorable Court enter judgment in their favor and against Defendants in an amount to be proven at trial but not less than \$50,000 per Plaintiff, plus costs, attorney fees, and whatever additional relief this Court deems appropriate.

COUNT V – UNLAWFUL EVICTION
On behalf of Daniel Kimball

58. Plaintiffs restate and reallege paragraphs 1-57 of this Complaint as if fully set forth herein.

59. Defendants barred Plaintiff from his residence without an order of possession, any eviction action, or any lawful basis for doing so.

60. Defendants' conduct is prohibited by *People v. Evans*, 163 Ill. App. 3d 561, 565, 516 N.E.2d 817, 819 (1987).

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter judgment in his favor and against Defendants in an amount to be proven at trial, plus costs, attorney fees, and whatever additional relief this Court deems appropriate.

Respectfully Submitted,
JOMAREUN RICHARDSON,
KEVIN DION, REBEKAH
MANGELS, AIDAN MARCIKIC,
STEVEN LAZAROFF, JOSEPH
BLOOM-BOEDEFELD, and
DANIEL KIMBALL

/s/ Sheryl Weikal
By their counsel

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