

PAUL J. CIOLINO,)	
)	
<i>Plaintiff,</i>)	
)	
)	Case No.
)	
v.)	
)	
ALSTORY SIMON, JAMES DELORTO,)	
TERRY A. EKL, JAMES G. SOTOS,)	
MARTIN PREIB, WILLIAM B. CRAWFORD,)	
ANITA ALVAREZ, ANDREW M. HALE and)	
WHOLE TRUTH FILMS, LLC,)	
)	
<i>Defendants.</i>)	

Paul J. Ciolino (“Ciolino”) brings this lawsuit against Alstory Simon, James Delorto, Terry A. Ekl, James G. Sotos, Martin Preib, William B. Crawford, Anita Alvarez, Andrew M. Hale, and Whole Truth Films, LLC (collectively, the “Defendants”).

1. Plaintiff Ciolino brings Complaint, alleging defamation (of the *per se* and *per quod* varieties), false light, intentional infliction of emotional distress, and civil conspiracy against the named defendants.

2. In July, 2015, a self-proclaimed documentary entitled “Murder in the Park,” (“MIP”) produced and funded by Defendant HALE and his production company WHOLE TRUTH FILMS, LLC, (“WTF”) premiered before a small audience in Chicago at the Gene Siskel Film Center. The documentary, featuring Defendants SIMON, HALE, EKL, SOTOS, DELORTO, CRAWFORD, and ALVAREZ advances an outrageous and demonstrably false

claim that with the blessing of Northwestern University, David Protess and Plaintiff Paul Ciolino framed an innocent man [SIMON] so that death row inmate Anthony Porter could become a ‘poster boy’ for the bid to end executions in Illinois. In February, 2016, the documentary aired on Showtime and is still widely through a myriad of on-line streaming services.

3. The self-proclaimed documentary was the culmination of a protracted conspiracy by the Defendants to defame Plaintiff Ciolino, David Protess and Northwestern University’s innocence project with a wider goal of discrediting the wrongful conviction movement as a whole.

4. MIP is based on a book written by defendant CRAWFORD and published in July 2015, entitled Justice Perverted: How The Innocence Project at Northwestern University’s Medill School of Journalism Sent an Innocent Man to Prison.

5. The false narrative advanced by MIP and defendant CRAWFORD’s sensational book was partially the brain-child of defendant PREIB, a Chicago Police officer and spokesman for Chicago’s Fraternal Order of Police (“FOP”). Defendant Preib was instrumental in developing the false narrative presented in MIP and has himself peddled the same false and defamatory statements about Ciolino on his blog “Crooked City: The Blog About The Wrongful Conviction Movement¹”

6. Specifically as to Plaintiff Ciolino, each of the Defendants named in this Complaint have published to the public, either by spoken word or in the written form, false and defamatory statements accusing Ciolino of framing SIMON for the murder of Marilyn Green and Jerry Hillard by forcing SIMON to confess to the murders at gun point during a video-recorded statement procured in 1999.

¹ Martin Preib’s blog is now simply entitled “Crooked City” and can be found at <http://martin-preib-b7is.squarespace.com/rainbo2hotmailcom/> but his older posts are archived through caching.

7. Each and every Defendant possessed a high degree of awareness that the statements they advanced in MIP, CRAWFORD'S book, and on Defendant PREIB's blog were probably false and that SIMON is actually guilty of the murders to which he pled guilty and confessed to no fewer than eight separate times.

8. As the detailed factual statement, *infra*, sets out, Defendants conspired to discredit, defame, and defeat David Protess, Paul Ciolino, and Northwestern University – all as 'pay back' for their efforts and success at revealing the injustices in the Illinois criminal justice system and their work toward abolition of the death penalty.

9. Plaintiff Ciolino's reputation and career as a private investigator in Chicago was destroyed by the false narrative published by defendants in the mainstream media, starting in July 2015 when MIP first premiered in Chicago. Since early 2016 when MIP was broadcast nationally on Showtime, Ciolino has received scores of threats and attacks on his well-being, forcing him to retreat from his normal life-activities. Ciolino's inability to work as an investigator has caused him severe financial distress.

JURISDICTION AND VENUE

10. On February 17, 2015, Defendant SIMON filed a Complaint in the United States District Court for the Northern District of Illinois invoking diversity jurisdiction to raise a state malicious prosecution claim, naming Plaintiff Ciolino as a defendant. *Simon v. Northwestern University, et al*, 15-cv-1433. Ciolino moved to dismiss the Complaint pursuant Fed. R. Civ. P. 12(b)(6).

11. On March 29, 2016, the United States District Court judge denied Ciolino's motion to dismiss the Complaint and ordered Ciolino to answer the Complaint. On April 27, 2016, Ciolino filed a counter-complaint pursuant to Fed. R. Civ. P. 13(b) against Alstory Simon

along with additional counter-complaint co-defendants including Alvarez, Hale, Sotos, Ekl, Delorto, and Crawford [all named as Defendants here].

12. On January 3, 2017, the United States District Court dismissed Ciolino's counter-complaint for lack of subject matter jurisdiction, finding that it did not raise compulsory counter claims and declining to exercise supplemental jurisdiction over the claims. The District Court noted that Ciolino was not left without a forum as he could bring his claims in state court.

13. Plaintiff Ciolino now brings his state tort claims in state court within one year of the dismissal of his counter-complaint raising the same claims. 735 ILCS 5/13-217.

14. Venue is proper pursuant to 735 ILCS 5/2-101 because the defendants either reside in Cook County or because the transaction or some part thereof out of which this cause of action arises occurred in Cook County.

PARTIES

15. Plaintiff Ciolino, is a resident of Lisle, Illinois in Dupage County.

16. On information and belief, Defendant SIMON is a resident of the State of Ohio. However, he has brought a federal lawsuit against Plaintiff in the Northern District of Illinois.

17. Anita ALVAREZ, at all relevant times, was the Cook County State's Attorney and an attorney licensed to practice law in the State of Illinois. Upon information and belief, ALVAREZ is a resident of Cook County.

18. Andrew M. HALE ("HALE"), at all relevant times, was an attorney licensed to practice law in the State of Illinois. HALE was an executive producer and participant in the self-proclaimed documentary MIP. Upon information and belief, HALE is a resident of Park Ridge, Illinois and operates his law office and production company in Chicago, Illinois.

19. Terry A. EKL (“EKL”), at all relevant times, was an attorney licensed to practice law in the State of Illinois. EKL is one of Defendant SIMON’S attorneys in this litigation. EKL was a participant in the self-proclaimed documentary MIP. Upon information and belief, EKL is a resident of Wheaton, Illinois and operates his law office in Lisle, Illinois.

20. James G. SOTOS (“SOTOS”), at all relevant times was an attorney licensed to practice law in the State of Illinois. SOTOS is one of Defendant SIMON’s attorneys in this litigation. SOTOS was a participant in the self-proclaimed documentary MIP. Upon information and belief, SOTOS is a resident of Elk Grove Village, Illinois and operates his law office in Itasca, Illinois.

21. James DELORTO (“DELORTO”), at all relevant times was a private investigator for Delorto, Mazzola & Associates located in Batavia, Illinois. DELORTO was a participant in the self-proclaimed documentary MIP.

22. Martin PREIB (“PREIB”), at all relevant times, is a retired Chicago Police officer who writes for and maintains a blog entitled “Crooked City: The Blog About the Wrongful Conviction Movement.” On information and belief, PREIB is a resident of Cook County, Illinois.

23. William B. CRAWFORD (“CRAWFORD”), at all relevant times, is an author. On information and belief, CRAWFORD is a resident of DuPage County, Illinois.

24. WHOLE TRUTH FILMS, LLC, is a limited liability company based in Chicago, Illinois. On information and belief, Whole Truth Films, LLC is owned and operated by defendant HALE who is the managing member along with Christopher Shawn Rech. WHOLE TRUTH FILMS, LLC produced MIP.

FACTUAL BACKGROUND

[Northwestern University's Innocence Project] led by Professor David Protess framed Alstory Simon so death row inmate Anthony Porter could become a 'poster boy' for the bid to end executions in Illinois. - Terry Ekl

25. In the early part of the 1990's, nearly seventy percent of Americans favored the death penalty and wrongful convictions were seen as rare anomalies.

26. That all changed over the course of a decade in the State of Illinois, a state that has become nationally known as the hub of wrongful convictions.

27. Against all odds, the death penalty in Illinois was abolished in 2011 largely as a result of the work of Northwestern University and certain key players associated with the institution.

28. For many, this moment in Illinois history was a glorious triumph over a criminal justice system that had resulted in scores of travesties of justice and seemed too broken to fix. For others, it marked a dark day where the 'bad guys' prevailed over the good.

29. This case is about a campaign to disrupt the so-called "innocence movement" – a campaign planned and executed by a small group of individuals [the defendants] who largely reject the notion that the Illinois' criminal justice system has resulted in wrongful convictions (even in the face of undisputed scientific evidence).

30. These individuals who view the hard-working advocates and the wrongly convicted as predators of a so-called "innocence industry," have openly and publicly claimed that Northwestern University's Innocence Project "led by Professor David Protess framed [Alstory Simon] so death row inmate Anthony Porter could become a 'poster boy' for the bid to end executions in Illinois."

31. To prove this absurd claim, these Defendants conspired to defame Plaintiff

Ciolino by falsely alleging that he engaged in illegal and unethical acts when he secured a confession from SIMON in February, 1999. These false and defamatory statements have caused irreparable harm to Ciolino's reputation and destroyed his career. Defendants acted not only with reckless disregard for the truth but also with actual malice.

The Groundbreaking Work of David Protess, Rob Warden, and Lawrence Marshall

32. In November, 2003 the Illinois General Assembly passed sweeping death-penalty reform legislation less than a year after Governor George H. Ryan exercised his clemency authority and cleared out death row. The *Chicago Tribune* trumpeted, "[a]t last, death penalty reform" calling it "historic reform of death penalty procedures in a state embarrassed by its penchant for choosing the wrong people to die."

33. The political will to enact these reforms resulted from the exonerations of at least 13 death-row inmates, vindicated largely by the efforts of three men associated with Northwestern University, David Protess, Rob Warden, and Lawrence Marshall. Indeed, Warden and Marshall co-founded Northwestern University's Center on Wrongful Convictions, an institution that trail-blazed the anti-death penalty movement and to date has exposed scores of wrongful convictions.

34. Protess joined the faculty of Northwestern University's Medill School of Journalism in 1981. He also served as a contributing editor and staff writer at the *Chicago Lawyer* magazine, a publication founded by award-winning investigative reporter Rob Warden.

35. In 1991, Protess and Warden successfully exposed the wrongful conviction of David Dowaliby who had been convicted of the murder of his 7-year old adopted daughter. Warden and Protess uncovered evidence that led to Dowaliby's exoneration and which garnered significant media attention.

36. In the mid-1990s, Protes, with the assistance of his journalism students, was instrumental in proving the innocence of Dennis Williams, Verneal Jimerson, Kenneth Adams, and William Rainge – four men who were convicted of the murder, kidnapping, and robbery of Lawrence Lionberg and Carol Schmal and the rape of Schmal. Williams and Jimerson were sentenced to die while Adams and Rainge were sentenced to lengthy prison sentences. The four men became known as the “Ford Heights Four.”

37. While Protes (with assistance from Ciolino) led the investigation that led to their exonerations, Lawrence Marshall, a lawyer and professor at Northwestern University took up the representation of Rainge along with Matthew Kennelly (now U.S. District Court Judge Kennelly). Williams was represented by Robert Byman of Jenner & Block. Jimerson was represented by Mark Ter Molen of Mayer, Brown & Platt, and Adams was represented by Jeffrey Urdangen who eventually became a staff attorney at the Northwestern Center on Wrongful Convictions.

38. The Ford Heights Four were ultimately freed when DNA analysis of semen recovered from the scene not only cleared them but connected three other individuals to the horrific crime, one of whom openly confessed at a press conference. All three men connected to the crime scene were eventually convicted of the double murder and Cook County settled civil claims brought by the Four Heights Four for \$36 million.

39. Three months later, Lawrence Marshall secured the release of yet another innocent man, Gary Gauger, who had been sentenced to death in Illinois.

Rolando Cruz and the Genesis of the Anti-Northwestern Movement

40. On November 3, 1995, Lawrence Marshall secured the acquittal of Rolando Cruz for the 1983 abduction, rape, and murder of 10-year old Jeanine Nicarico.

41. Cruz had been twice convicted and sentenced to death row for the murder of Nicarico by DuPage County State's Attorney Jim Ryan.

42. Even after Brian Dugan, an Aurora man who was arrested (and later convicted) for a child rape and murder in LaSalle County, confessed to the murder of Jeanine Nicarico and was implicated by DNA evidence, Ryan insisted that Cruz and his co-defendant were guilty of the Nicarico rape and murder.

43. At Cruz's third and final trial, a high-ranking DuPage County sheriff admitted that Cruz had never made certain inculpatory statements previously attributed to him. This admission in conjunction with new DNA evidence pointing to Dugan and not Cruz as the offender led to a DuPage County judge directing a verdict of not guilty.

44. In the fall out from Cruz's exoneration, four sheriff's deputies and three County prosecutors were indicted by a DuPage County Grand Jury on charges of perjury and obstruction of justice. The collection of police officers and prosecutors were dubbed the "DuPage 7."

45. Defendants EKL, SOTOS, DELORTO were outraged by this turn of events. Defendant EKL, a former Cook County prosecutor, took up the representation of one of the accused, former prosecutor Thomas Knight.

46. In June, 1999, Defendant EKL's client Thomas Knight and the other "DuPage County 7" were acquitted to the dismay of many who firmly believed that the evidence showed that Cruz had been framed. For his part, Defendant EKL argued that mistakes were made but no criminal conspiracy occurred. EKL remarked, "[m]y client [former prosecutor Thomas Knight] is a smart guy. If he wanted to frame Rolando Cruz, he would be dead right now."

47. Despite Cruz's acquittal and Dugan's guilty plea, the DuPage County Board represented by Defendant SOTOS reluctantly and begrudgingly agreed to pay out 3.5 million to Rolando Cruz and his co-defendant, calling the decision to pay Cruz "morally reprehensible."

48. Defendant SOTOS later appeared before the Illinois Prisoner Review Board on behalf of DuPage County to object to Cruz's request for clemency. SOTOS spent an hour listing the reasons why Cruz was still under suspicion and telling the Board that Cruz is "conning you."

49. That same day, Defendant SOTOS also objected (this time on behalf of McHenry County) to the clemency petition of Lawrence Marshall's other client, Gary Gauger, who was also exonerated from death row. SOTOS suggested that Gauger may have contracted the killing of his parents or at least concealed evidence.

**The Center on Wrongful Convictions is Launched and
Anthony Porter is Exonerated**

50. In April, 1999, Rob Warden and Lawrence Marshall officially co-founded Northwestern's Center on Wrongful Convictions ("CWC"). Marshall and Warden's work had exposed the deep and disturbing flaws of Illinois' criminal justice system and had led the nationwide movement to reform the criminal justice system and abolish the death penalty. Indeed, in 1999, Governor George Ryan called for a moratorium on the death penalty in large part due to another Northwestern exoneration, namely the exoneration of Anthony Porter – a death row inmate who had come within 36 hours of execution.

51. Porter's exoneration came as a result of investigative work conducted largely by David Protess, his journalism students, and Plaintiff Ciolino, a licensed private investigator.

52. In September, 1998, Protess was contacted by death penalty lawyer Aviva Futorian to see if he would be interested in investigating issues surrounding Porter's competence to be executed and also possible innocence.

53. Protesch initially expressed doubt that he could be of any assistance in light of Porter's impending execution, but when Porter's execution was stayed that same month, Protesch and his students agreed to work on the case. Although the initial focus of Protesch and his students' work centered on competency issues, it eventually turned towards issues of innocence.

54. Porter was sentenced to death for the 1982 murders of Jerry Hillard and Marilyn Green in Washington Park on the south side of Chicago. After the shooting, police interviewed a witness, William Taylor, who had been swimming in the park pool. Taylor at first said he had not seen the person who had committed the shooting but after 17 hours of police interrogation named Anthony Porter as the shooter.

55. In November 1999, Protesch's students went to Washington Park and attempted to re-enact William Taylor's perspective on the crime based on his critical eyewitness testimony at trial. The students questioned whether Taylor could have seen what he testified to and told Protesch that they wanted to interview William Taylor.

56. Plaintiff Ciolino and a journalism student later went to see William Taylor at his apartment. The trio convened in the lobby of Taylor's building and after a short conversation, Taylor admitted that his trial testimony was false and that police had pressured him to identify Porter. Taylor executed an affidavit memorializing his statements to Plaintiff.

57. Protesch and team also reviewed the investigatory work of Porter's prior criminal defense attorney who had obtained affidavits from witnesses strongly suggesting that a person named Alstory SIMON was responsible for the Hillard-Green Murders.

58. One of those witnesses was a man named Ricky Young who had claimed that SIMON had admitted to killing Hillard and Green. Even Marilyn Green's mother opined that SIMON and his wife, Inez Jackson, were involved in the murders because SIMON and Inez were

the last people seen with the victims. To add to the suspicion, SIMON and Inez had abruptly moved out of the neighborhood almost immediately after the shootings and left the state soon thereafter.

59. Based on these leads, Protess' students located Inez Jackson who was by then divorced from SIMON and living apart from him in Wisconsin. Protess, his students, and Plaintiff Ciolino went to Wisconsin to interview Inez. During that interview, and again later on videotape, Inez admitted that she was present when Hillard and Green were shot and that Alstory Simon shot them in relation to a drug dispute.

60. Inez's video-taped statement implicating SIMON was aired on national news that same evening.

Simon Confesses On Videotape to Ciolino

61. The following day, Ciolino traveled to Milwaukee with his associate Arnold Reid to attempt to interview SIMON. They arrived at the house at approximately 7:30 a.m. and SIMON answered the door shirtless. Ciolino and Reid introduced themselves and told SIMON why they wanted to speak to him. As they stood in the doorway conversing, SIMON told Ciolino and Reid, "get inside," remarking how cold it was outside.

62. During a meeting that would last approximately 30 minutes, Ciolino told SIMON that they had developed evidence that pointed to him as the offender and that another man had been sentenced to a die for a crime that he did not commit. In an effort to gauge SIMON's response, Ciolino showed SIMON a clip of a video that Ciolino had prepared in which a young man (who sometimes worked for Ciolino) claimed to see SIMON commit the shooting. SIMON laughed off the video, remarking in sum and substance, "Fuck you man, that guy wasn't there." Ciolino responded, "[b]ut you were."

63. Moments later, Ciolino noticed that SIMON's television was on and fortuitously was re-airing a news report from the night before in which the Porter case was covered and was broadcasting Inez Jackson's video-recorded statement pointing the finger at SIMON as the responsible party – an event SIMON later recalled in an apology letter he wrote directly to Anthony Porter.

64. SIMON watched the report intently and was overcome with emotion. He then admitted that he committed the shooting but claimed he had acted in self-defense. SIMON agreed to go on video to tell his story and delivered the statement unrehearsed.

65. After completing his video-recorded statement, SIMON asked Ciolino whether he was going to need a lawyer and Ciolino told him that he most likely would. At Simon's request, Ciolino offered the names of three well-regarded lawyers who Ciolino knew, Jack Rimland, Gerald Boyle, and Jim Montgomery. Ciolino and Reid departed the premises at 8:03 a.m.

66. Ciolino made a copy of the video-taped confession and then arranged for the original to be delivered to the Cook County State's Attorney's office that same day.

Simon Confesses Eight More Times

67. Shortly after making the video-recorded statement, SIMON turned himself into the police at 51st and Wentworth in Chicago. SIMON bumped into Inez Jackson and her lawyer Martin Abrams at the police station. In the presence of Abrams, SIMON asked Jackson in sum and substance, "What the fuck are you doing here?" to which Inez responded, "I'm here to tell them you did it. What are you here for?" Simon responded, "To tell them the same thing."

68. On February 11, 1999, Jack Rimland along with attorney Steve Wagner visited SIMON in jail. SIMON again confessed, adding additional details about the crime, including details about the motive for the crime and his history with Hillard and Green.

69. On September 7, 1999, pursuant to a *negotiated* plea agreement, Simon admitted his guilt again, this time in open court. During the lengthy plea proceeding, Simon denied being forced or promised any benefit in exchange for his guilty plea. After Marilyn Green's mother, Offie Lee Green, directly *asked* SIMON why he took her daughter's life, "What did my daughter do to you?" she pleaded. SIMON *impromptu* responded:

Your daughter never did nothing to me. I never meant to hurt your daughter. And – excuse me. (Short pause) It was an accident that your daughter got shot. I never meant to hurt her. Never meant to do it. Never meant her no harm at all. I had things between Jerry and I. And when the shots started she just, she was coming past and happened to got [sic] in the way when the shot went off. Before I realized it I had already squeezed the trigger, she was trying to stop me from coming at Jerry. She threw up her hands, and trying to hit her in the hand, I didn't even realize she had, she even hurt that bad."

70. Before being sentenced, SIMON made the following statement to the Court:

First of all, I would like to apologize to Miss Green. I know it won't bring her daughter back. I'd like to apologize to her grandchildren. I never meant to hurt Miss Green. This was, started off as friendship, turned into a tragedy that I have had to live with for the last 17 years. And I never meant to harm or hurt anyone actually. I am sorry that Anthony Porter had to suffer for 17 years on death row. I never knew that anyone had even been arrested or accused of a crime. Because I had moved out of the State of Illinois. I was never the type of person to really watch television. Because I was too busy wrapped up trying to maintain a life for myself, trying to do the right things. Trying to stay out of trouble. And all I could say is, is that I am sorry, Miss Green, and the little ones, that this ever happened. And that I hope that they can find it within themselves to maybe forgive, which I doubt, I doubt. It would be hard to. And I am just truly sorry that it happened. She was a wonderful person. And I had no beef with her. We weren't arguing about nothing. She was always nice too. We was always nice to one another. It was just an accident. And I am sorry.

71. In exchange for his guilty plea, SIMON received a sentence of 37 years' imprisonment (with day for day good time) and prosecutorial immunity in the murder of Felix Alonzo for which SIMON was also a suspect. All in all, SIMON would serve roughly 17 years in prison for a double homicide that had earned Anthony Porter a

sentence of death. SIMON never attempted to withdraw his guilty plea.

72. On October 1, 1999, after SIMON began serving his sentence in the Illinois Department of Corrections, SIMON asked to be placed in protective custody. SIMON told a correctional officer that “he had a high profile case *as he was responsible for a murder that another man was charged and incarcerated 17 years on death row.*”

73. During the month of October, 1999, SIMON wrote his prior attorney Jack Rimland numerous times thanking him profusely for representing him and saving his life. SIMON also asked Rimland to provide him with Anthony Porter’s address so he could write him an apology letter.

74. On or around October 25, 1999, SIMON wrote a letter to Rimland expressing his profound appreciation for his representation. SIMON also enclosed a copy of a letter that he had attempted to send directly to Anthony Porter. SIMON asked Rimland to forward the letter to Porter. SIMON stated in pertinent part, “I hope it [the letter] finds you in an open frame of mind. What I’m about to express is deep from the reservoir of my heart. I never knew that someone had been blamed for the double-slaying. As I sat in the privacy of my home watching time you appeared on the network, and the clock was ticking. I knew then that it was true. It was nothing of conscious, nor pity or trickery by the investigators. When I saw you I could not let that happen to you.” Simon offered his heartfelt apology to Porter, even inviting him to come visit him in the penitentiary.

75. In his numerous letters to Rimland, SIMON never once stated that his statement to Plaintiff Ciolino was coerced or induced by any promises from Ciolino or David Protes. Indeed SIMON never mentioned Ciolino or Protes at all. SIMON never told Rimland he wanted to withdraw his guilty plea and never complained about Rimland’s representation.

76. On November 24, 1999, SIMON confessed again. This time, he participated in a television interview from the Illinois Department of Corrections with a Milwaukee television station reporter Colleen Henry from WISN, an ABC affiliate station.

77. In the interview with WISN, Simon again confessed, explaining how he never meant for the shooting to happen but “before I knew anything, I just pulled it up and started shooting.” Simon said “I thought I got away with it . . . long as it never was brought up, I wasn’t going to say anything.” On the issue of Porter sitting on death row for a crime he had committed, Simon told the reporter “he had sat there all these years for something he didn’t do . . . and now they fitting to kill him too? That’s when I decided that I was not going to let this man die for something that he did not do . . . and that’s when I told the investigator . . . ok man let’s do this.”

78. Even in May, 2000 – seven months after entering his guilty plea, SIMON wrote a letter to attorney, David Thomas, a professor at Chicago-Kent College of Law who had met SIMON shortly after his arrest. For the first time, SIMON complained about Rimland’s performance suggesting that because SIMON had acted in self-defense and only killed Green by accident, he should not have been convicted. SIMON asked Thomas whether he would be willing to represent him on post-conviction proceedings. SIMON never claimed that his confession to Ciolino was coerced, that his guilty plea were involuntary or that he was actually innocent of the crime. SIMON wrote, “David, I’ll be fifty years old this second day of June. I never meant to kill anyone. I was only defending myself from a young man who was trying to kill me and another person was killed by accident.” Thomas declined SIMON’s request.

79. After roughly a year in the penitentiary, SIMON decided he did not want to serve the remainder of his 37-year sentence after all. Luckily for him, he found allies in two private investigators, Defendant James DELORTO and his partner John Mazzola who worked almost

exclusively for defendants EKL and SOTOS. DELORTO and Mazzola cared nothing of SIMON's plight but had an agenda that worked to SIMON's benefit.

A Conspiracy to Disrupt the "Innocence Industry"

80. On February 3, 1999 at 6:00 p.m., Simon's videotaped confession aired on WBBM-Channel Two. Defendant DELORTO and his partner Mazzola watched the SIMON confession on television and remarked, "What a crock of shit!"

81. DELORTO and Mazzola are both retired ATF agents who run a private investigative firm that works almost exclusively for Defendants EKL and SOTOS. DELORTO and Mazzola and their employers EKL and SOTOS were no fans of David Protess and Paul Ciolino or the work of the Northwestern's Medill School of Journalism.

82. DELORTO and Mazzola were familiar with Plaintiff and Protess because of their work on the exoneration of the Four Heights Four. DELORTO and Mazzola had assisted in the defense of a Chicago suburb police chief who was indicted in the fall out of the Ford Heights Four case. They strongly believed that the Ford Height Four should still be imprisoned, despite the fact that DNA evidence cleared them and implicated three others.

83. Defendant DELORTO publicly opined that Protess, Ciolino and Northwestern's "innocence" work was all a "liberal conspiracy" and that the public had been hoodwinked and "good coppers" were paying the price. Defendant DELORTO and Mazzola made it their mission to discredit the work of Plaintiff and Protess.

84. Shortly after SIMON pled guilty and was sentenced for the murders of Hillard and Green, DELORTO and Mazzola decided to visit SIMON in the Illinois Department of Corrections.

85. Believing that David Protess with the assistance of Plaintiff had “worked unscrupulously to free guilty men,” DELORTO and Mazzola targeted SIMON as an accomplice in their mission to discredit Protess and Ciolino’s work.² SIMON knew that he was guilty and that his statements to Ciolino and subsequent guilty plea were voluntarily given, but DELORTO and Mazzola were eager to help SIMON get out of prison and SIMON was happy to accept their assistance.

86. Defendant DELORTO and Mazzola helped SIMON develop a false claim that Plaintiff Ciolino had coerced SIMON’s video-recorded confession to the Hillard and Green murders. DELORTO and Mazzola knew that SIMON had never claimed that his video-recorded statement was false or that his guilty plea was coerced, but they fed a false narrative to SIMON that he willingly regurgitated.

87. In return, DELORTO and Mazzola promised SIMON that they could secure legal representation for him through their employers Defendants EKL and SOTOS. But there was one catch. Defendants EKL and SOTOS didn’t represent people who were wrongly convicted. In fact, they represented police officers and municipalities who were responsible for wrongful convictions. EKL and SOTOS’ new found interest in representing the “wrongfully convicted” might be seen as something less than genuine. To avoid the appearance that EKL and SOTOS had any involvement in crafting SIMON’s false story, DELORTO and Mazzola told SIMON that he would first have to file a petition *pro se*.

² “So shortly after Alstory Simon was sentenced to thirty-seven years in September, 1999 for a crime he did not commit, Delorto and Mazzola knew precisely what their next move would have to be. They would have to climb into their van, make the 143.18-mile , three-hour and three-minute drive to the Illinois Department of Correction prison in Danville, and talk to Alstory Simon about this case.” Crawford, William B., *Justice Perverted: How the Innocence Project of Northwestern University’s Medill School of Journalism Sent an Innocent Man to Prison*, pg. 122 (2015)

88. Aided by the defendants, SIMON filed his *pro se* post-conviction petition in July, 2001. SIMON did not actually draft the petition and received assistance from defendants. At some point in 2002,³ EKL and SOTOS formally undertook his representation with any eye toward using the case to discredit the Porter exoneration and smear David Protess and Northwestern University.

89. In 2003, Defendants EKL and SOTOS unsuccessfully lobbied Cook County State's Attorney Dick Devine to give SIMON a hearing, and in 2005, Defendants EKL and SOTOS filed a successive post-conviction petition on SIMON's behalf.

90. Defendants DELORTO, EKL, and SOTOS knew that SIMON was guilty and that any claims that his confession was coerced were bogus. But together, the Defendants contrived an elaborate tale to explain away SIMON's many confessions (no fewer than eight) to the murders.

91. Significantly, around the time that Defendants EKL and SOTOS took up SIMON's cause, David Protess and his students also began investigating the wrongful conviction of Gordon "Randy" Steidl who was serving a death sentence for the murder of a young married couple in Paris, Illinois. In addition to thoroughly discrediting the evidence that had been used to convict Steidl and his co-defendant Herb Whitlock, Protess had publicly theorized that an alternative suspect, a prominent Paris, Illinois businessman and banker by the name of Robert ("Bob") Morgan, was a strong suspect in the murders.

³ "Years later, on December 19, 2002, Jimmy Delorto and Johnny Mazzola interviewed McCraney. At the time, the two investigators were working for attorneys James Sotos and Terry Ekl, who were representing Alstory Simon pro bono in an effort to get Simon a post-conviction hearing." William B., *Justice Perverted: How the Innocence Project of Northwestern University's Medill School of Journalism Sent an Innocent Man to Prison*, pg. 118 (2015)

92. In May, 2000, CBS 48-Hours aired a show about the Paris, Illinois murders challenging the shaky evidence on which Steidl's conviction rested and suggesting that other suspects had not been fully vetted by the police. David Protess pointed the finger at Bob Morgan as one of those suspects.

93. Steidl was released from prison in 2004, owing in part to Protess' investigative efforts. By this point, the national media was paying close attention to the case and asking questions about Morgan's connection to the Paris, Illinois double homicide.

94. Morgan, a powerful and wealthy businessman with ties to the Republican establishment who had donated generously to Jim Ryan's various election bids decided he needed a public relations team to counteract the damning narrative that had taken hold in the press.

95. In late 2005, Morgan hired Jim Ryan's former press secretary and spokesman Dan Curry for the job. Curry was also friendly with Defendants EKL and SOTOS on account of their mutual connections within Jim Ryan and the DuPage County Republican establishment.

96. Morgan paid Curry \$8000 a month to derive an aggressive PR plan that would refute the theory that he was involved in the murders for which Steidl and Whitlock had been wrongly convicted. Dan Curry later partnered up with his long-time friend John Pearman, a native of Paris, Illinois, who had also worked as top staff for Jim Ryan, to form a PR firm they named Reverse Spin, LLC.

97. Meanwhile, Steidl filed a federal civil rights lawsuit naming the City of Paris, Edgar County, and various law enforcement personnel including Edgar County Prosecutor Mike McFatridge, alleging that he had been framed for the Paris murders. The defendants in the Steidl

matter hired Defendants EKL and SOTOS to represent them (SOTOS representing the City of Paris and various Paris police officers and EKL representing Prosecutor McFatridge)

98. With a fierce and common goal, Morgan's mouthpiece Dan Curry, along with Defendants EKL, SOTOS, DELORTO, and Mazzola joined forces to bring down David Protess. Together they conceived a plan to ruin the reputations of Northwestern University, David Protess, and Plaintiff Ciolino. Part of the strategy to discredit Protess and plaintiff was to attack the integrity of their success stories, most importantly the Porter exoneration.

99. In an April 2006 memo written to Defendants EKL and SOTOS, Curry accused Protess of a pattern of demagoguery and wrote that he "will continue to work closely with Sotos and Ekl to push the Anthony Porter/Alstory Simon case into the media."

100. In early 2007, Curry proposed to Morgan (and Defendants EKL and SOTOS) the idea of producing a book or documentary that would essentially "swift boat" David Protess and his work on the Porter case. In a memo to Morgan, copied to EKL and SOTOS, Curry recommended engaging Rick Reed of the SRCP who was responsible for the so-called John Kerry "swift boat" ads (that were widely seen as an unfair attack on John Kerry's military service during the 2004 presidential race) to produce a movie that would show "the role David Protess and others played in framing Alstory Simon." The movie would also address Protess' role in the Steidl case and his alleged smears of Bob Morgan. Curry also suggested writing a book about Protess' "dishonesty" and "framing of Morgan and Alstory Simon."

101. In the aforementioned memo, Curry wrote to Morgan, EKL, and SOTOS:

As I mentioned before, the centerpiece of the project would be a book on the Porter-Simon case. That case, in my opinion, has a strong national "news hook" because Porter has been described as a nationwide symbol of the death penalty. I'm seeking to find a high-profile conservative publisher. . . In the book, of course, I would explain how Northwestern University professor David Protess, investigator Paul Ciolino, attorney Jack Rimland and others framed Alstory

Simon in order to free Anthony Porter. . . What could supercharge the dynamic in the 30-minute documentary by a well-known and respected film maker. Rick Reed of Stevens, Reed, Curcio & Potholm, Alexandria, VA., produced the Swift Boat ads that are credited by many with winning the 2004 presidential election for George W. Bush. He is a friend of mine and believes the Porter-Simon story is compelling and quite newsworthy if played correctly.

102. Although Reed was never hired to produce a documentary and Curry never wrote a book, the idea of writing a book and producing a documentary to help further the goal of discrediting Protess, Ciolino, and Northwestern stuck with defendants.

Operation Swift-Boat David Protess Is Joined by A Washed-up Writer, a Chicago Cop, and Jon Burge's Long-Time Lawyer.

103. In 2010, DELORTO and MAZZOLA put into motion the plan to “swift-boat” David Protess as conceived by Dan Curry and outlined in his memo to Defendants EKL and SOTOS. Although the defendants were unable to secure a reputable writer to take up their cause, the defendants found a washed-up journalist Defendant CRAWFORD to write *their* version of the Porter/Simon saga. CRAWFORD was a good fit as he had an axe to grind with Protess and Northwestern University.

104. Although CRAWFORD had previously enjoyed some success while writing for the Chicago Tribune, alcohol abuse eventually side-lined his career leaving him bitter and irrational. CRAWFORD was painfully jealous of David Protess who was widely lauded by the journalism world and rose to the prominent position of Dean of Northwestern University's Medill School of Journalism. CRAWFORD seethed with envy as Protess and his students received national acclaim for their work on the Porter exoneration.

105. CRAWFORD jumped at the chance to work on a project devoted to maligning his nemesis David Protess and smearing the university that had passed him up for a full-time professor position. CRAWFORD's indignation in conjunction with his drinking problem

depleted him of all journalistic standards, a condition necessary to advancing the false narrative created by defendants. Even among his friends and allies, CRAWFORD is seen as mentally unstable, illogical, and erratic. On numerous occasions, CRAWFORD has threatened Protes and Ciolino (and others) in drunken stupors.

106. CRAWFORD spent hours upon hours in the law offices of Defendant SOTOS scouring the Porter record and brainstorming with defendants how to persuasively sell the false narrative that SIMON was framed by Protes, Plaintiff Ciolino and Northwestern University.

107. In spring 2011, CRAWFORD completed a document he entitled “Chimera” detailing defendants’ false narrative that SIMON was framed by Protes, Ciolino, and Northwestern University. Although CRAWFORD circulated the document to virtually every media outlet in the city, none found it worthy of publication.

108. Around this time, DELORTO, Mazzola, and CRAWFORD expanded their “swift-boat” committee by joining forces with a Chicago police officer and part-time blogger Defendant PREIB. PREIB is currently the spokesman for Chicago’s largest Fraternal Order of Police (“FOP”).

109. PREIB is an ardent Jon Burge supporter committed to combating the “wrongful conviction movement” in Chicago and vindicating Burge, former Chicago police commander and convicted felon who gained national notoriety for torturing more than 200 African-American suspects in the 1970s and 80s.⁴ As recently as last month, PREIB bemoaned the proposed \$31 million dollar settlement for four African-American men who had each spent 15 years in prison before being exonerated by DNA evidence, opining publicly, “[w]hat is happening in this city is

⁴ The City of Chicago, including former mayor Richard M. Daley, has acknowledged the atrocities committed by Burge. Defendant PREIB considers it all “fake news” advanced by the wrongful conviction movement and the liberal Chicago media.

that the civil rights lawyers have carved out a cottage industry in the name of wrongful convictions. They look to this chamber [city council] as their blank check. Their playbook is simply: they claim police misconduct, get the prosecutors to exonerate, draft a willing media and then manipulate the citizens of Chicago out of their tax money.”

110. PREIB began his crusade to combat the “wrongful conviction” movement by writing a blog entitled “Crooked City: The Blog about the Wrongful Conviction Movement” www.crookedcity.org devoted to circulating false and misleading narratives about the exonerations of wrongfully convicted men and women and the people who fought for their freedom.

111. In spring 2011, the Protest “swift-boat” committee now consisting of the defendants DELORTO (and Mazzola), CRAWFORD, PREIB, EKL and SOTOS began to implement phase two of Dan Curry’s PR strategy, that is, to develop a documentary about the Porter exoneration with the goal of discrediting Protest, Plaintiff Ciolino and Northwestern.

112. The defendants engaged film producer Paul Pompian to develop their version of the Porter/Simon story. Pompian was a Chicago native who had worked for Richard J. Daley’s administration as a lawyer before becoming a film producer.

113. While Pompian and his production company were based in Los Angeles, DELORTO, Mazzola, CRAWFORD and PREIB operated as the production crew for the film, tracking down witnesses and arranging to interview them on video for use in the documentary. Conveniently, DELORTO and Mazzola were simultaneously acting as “investigators” for SIMON’s attorneys (SOTOS and EKL).

114. Defendants DELORTO and Mazzola harassed, threatened, pressured, and coerced witnesses into conforming their stories to the false narrative that had been developed by the

defendants. While falsely accusing Protesse and Ciolino of using unethical tactics to overturn wrongful convictions, DELORTO and Mazzola *actually* used those tactics in their efforts to make a case for SIMON's innocence, a claim all involved *knew* was patently false.

115. Just by way of example, DELORTO and Mazzola harassed, threatened and induced Inez Jackson with monetary benefits to secure a recantation from her. Inez initially told DELORTO and Mazzola that her statements in 1999 were true, that is, SIMON committed the murders. But eventually Inez, who was dying of AIDS, went along with the story fed to her by DELORTO and Mazzola. Similar tactics were used to get Walter Jackson to change his story.

116. Defendants routinely used money to gain the cooperation of the witnesses. SIMON himself was paid significant sums of money during the course of this campaign. In a letter written to Defendant SOTOS in September, 2011, SIMON wrote:

You mention that if I needed anything to let you know. I don't try to be a burden on anyone. But I could use some finances man. I have been confined for 12 years and 7 months I don't here from any of my people. I have no money coming in. Jim [DELORTO] and John [MAZZOLA] sends me a little something every now and then. . . [If] you do decide to send anything, we can receive money orders up to \$200 you can send as many as you want, but they can't exceed that limit . . . Five \$200 money orders is enough finances to last me a year for an intire [sic] year in here. Letter from SIMON to SOTOS dated 9-16-2011

117. SIMON's IDOC trust fund accounts shows that he was paid over \$2000 by the defendants in a one year period.

118. While DELORTO and MAZZOLA were inducing people to change their stories (all while on the payroll of SOTOS and EKL), they were wearing two hats; namely as a member of the production team for the Pompian documentary and as investigators for SIMON's legal team.

119. In late 2011, Defendant Andy HALE joined the team to "swift-boat" Protesse after reading CRAWFORD's manifesto "Chimera." HALE was an attorney whose practice was

devoted almost entirely to representing police officers against civil rights lawsuits (including the prodigious civil rights violator Jon Burge). Between 2004 and 2012, the City of Chicago paid defendant HALE 20.5 million in fees and costs associated with his representation of defendants in police misconduct cases. HALE shared the other defendants' desire to discredit Protess, Ciolino and Northwestern's innocence project.

120. In addition to acting a producer for the documentary, Defendant PREIB started lobbying the Fraternal Order of Police ("FOP") to take a stand in favor of SIMON's innocence. On August 15, 2012, PREIB wrote the head of the FOP

Mike,

This is Martin Preib again. Wanted to let you know we have been very busy on the Porter case. We've begun shooting a documentary. This weekend we are planning on shooting for five days straight, interview with inmates, detectives, lawyers and journalists. The interviews are really fantastic. We have also collected an even larger body of evidence showing the whole case is a fraud. We are still hopeful the FOP will take a stand, but I haven't heard from you. You seemed very enthusiastic at one point. We are hopeful this case will turn the tide on all these false accusations against police.

Marty Preib

121. By fall 2012, Pompian had finished a sizzle reel⁵ highlighting the false narrative that SIMON had been framed by Protess, Ciolino and Northwestern using the footage accumulated by DELORTO, Mazzola, CRAWFORD, and PREIB. Defendant PREIB was anxious to use the propoaganda-piece to start pushing a narrative that Jon Burge and his Area 2 co-conspirators had also been wrongly targeted by the wrongful conviction. On September 21, 2012 wrote the following to Paul Pompian.

Last night I worked the police board hearing. At these hearings, anyone can come forward and address the board. The superintendant, OPS, all kinds of officials are

⁵ A sizzle reel is a short, 2-4 minute fast paced, video that highlights the larger project and is generally designed to market and raise money for the project.

there. Lots of community activists show up and rant and rave. Innocence Project sometimes shows and demonstrates. I was thinkin it would be pretty good if you [Paul Pompian] or Bill [William Crawford] or both of you showed up, with Jim too [Jim Delorto], played the sizzle reel and perhaps showed the memo and told them you have credible evidence the wrong man is incarcerated and the right one was freed and that this is not the only instance, that many cops have had their careers ruined. Man, they wouldn't know what to do. But they would have to respond on some level. The cunt from OPS would just be floored.

In my mind the documentary has to end on one theme. If this was going on in the Porter case, what was going on in the other wrongful conviction cases. Then we have snippets of interviews with Dwyer, Dignan, Andy Hale, Beuke and we run a list of case headlines across the screen, the ones we know are dirty: Hobley, Cannon, Logan, Ronald Kitchen, Tillman, Patterson along with snippets of the interview from Shaw saying he know they are all dirty. In this section, an interview with me might be worthwhile because I am so familiar with many of these cases. Andy Halle [sic], too.

Marty

122. However, less than two months later, PREIB and the other defendants decided that Pompian's sizzle reel was not aggressive enough and did not advance the false narrative as strongly as they would like. PREIB complained to Pompian:

The documentary has to be focused and simple. It has to center on what Protesch did in the Porter case. In my mind, it has to start with him being fired from Northwestern and the accusations that surfaced there applied to the Porter case; bribery, perjury, intimidation, etc. The sizzle reel just falls apart when it gets to Alstory. It makes no sense. No one I have shown it to can follow it. We are using the Porter case as an allegory. Let the viewer understand the Porter case specifically and the suggestions of malfeasance in other cases will come about organically. . . .

123. When Pompian pushed back explaining that the story couldn't be told without interviewing SIMON himself, PREIB fired Pompian, telling him that he was going to have a "studio head" in Chicago make a new sizzle reel.

124. Pompian was diagnosed with cancer not long after this email exchange and died a little over a year later. Luckily for the team, defendant HALE was eager to get more actively involved in the project and agreed to take over where Pompian left.

125. Although HALE was a lawyer and not a documentary-maker, he had already waded into the entertainment world by becoming a sponsor and host of a local cable show called “Crime Stoppers Case Files, Chicago.” The executive producer of Crime Stoppers was a man named Christopher “Shawn” Rech who began his career by producing a local cable show in Ohio called “Warrant Unit.” Warrant Unit was akin to a local “America’s Most Wanted.” The show was later re-branded Crime Stoppers. HALE and Rech forged a relationship while collaborating on Crime Stoppers Chicago. Although Rech had never produced a documentary, he agreed to work with HALE on producing a documentary based on CRAWFORD’s false version of the Porter-Simon story as set forth in his manifesto “Chimera.”

Anita Alvarez Releases a Murderer to Settle a Score

126. While the defendants worked in earnest to continue production of the documentary that later became known as “Murder in the Park,” (“MIP”) David Protess had made an enemy out of then-Cook County State’s Attorney Anita ALVAREZ, a hard-line, pro-law enforcement prosecutor known for her reluctance to acknowledge the problem of wrongful convictions and unwillingness to hold police officers accountable for criminal conduct.

127. ALVAREZ and her right-hand woman, communications director Sally Daly despised Protess and Northwestern University’s innocence project as a whole. ALVAREZ believed that the Chicago media had a clear bias in favor of Northwestern and had been unfairly critical of her during her time in office. She vowed to fight Northwestern and Protess at every turn, even resorting to unethical, underhanded and downright sleazy methods to discredit him.⁶

⁶ ALVAREZ’s office provided at least two reporters an undated, unsigned memo containing scurrilous and completely unsubstantiated claims about Protess and his students, apparently hoping the information would make its way into the press. *Chicago Magazine* reporter Bryan Smith confronted Alvarez directly about her office’s attempt to leak and circulate patently unreliable and potentially defamatory statements about Protess. Sally Daly, ALVAREZ’s

128. In late 2011, ALVAREZ scored a win on Protesse when she successfully moved a circuit court judge to rule that Protesse had waived his reporter's privilege. In an unprecedented ruling, the court permitted ALVAREZ's office to embark on an odyssey to discover everything and anything she could about Protesse's investigations. Indeed, Northwestern and Protesse were ordered to turn over every email, memo, record, and document that Protesse and his students had ever written about their investigations going back decades.

129. At the same time, however, ALVAREZ was being widely and nationally criticized for her handling of a different Northwestern case known as the "Dixmoor Five" case. ALVAREZ was excoriated by the press and veteran legal observers after she refused to dismiss cases against five juveniles who had been convicted of the rape and murder of a south-suburban woman even after DNA evidence implicated a convicted rapist of the crime.

130. With mounting pressure, ALVAREZ eventually capitulated by releasing the men, but she stubbornly refused to acknowledge their wrongful convictions. During an interview on CBS's 60 Minutes, ALVAREZ went so far as to suggest that it was entirely possible that the DNA was left by a necrophiliac who had wandered onto the victim's body and had sex with it after the murders. The far-fetched "wandering necrophiliac theory" exposed ALVAREZ as a ruthless and irrational prosecutor completely out of step with the times and resistant to any criminal justice reform. The national media was merciless in its review of ALVAREZ's disastrous 60-minutes performance. And fairly or not, ALVAREZ blamed Northwestern for being left a national laughing stock.

spokeswoman explained that the memo was leaked in an effort "to get the whole picture out there." Finding no merit or credibility to the claims, no reporter ever saw fit to publish the leaked memo. To this day, it is unclear who created the false memo that originated in ALVAREZ's office.

131. With the war waging between ALVAREZ and Northwestern, defendants SOTOS and EKL saw an opportunity to form an alliance with ALVAREZ against Northwestern. The defendants agreed that ALVAREZ might be willing to review the Porter/SIMON case if it meant discrediting Protess and Northwestern. SOTOS announced publicly, “[w]ith all this new information coming out about Protess, we’re hoping this will serve as a catalyst.”

132. Defendant PREIB offered to pressure the FOP to get formally involved in advocating for SIMON’s exoneration, since ALVAREZ’s desire to please the FOP for its endorsement in her upcoming election could prove helpful in their cause.

133. In October 2013, the FOP (directed by PREIB) and SOTOS and EKL wrote tandem letters to ALVAREZ advancing the false tale that Ciolino and Protess with the blessing of Northwestern framed SIMON.

134. Eager to exploit any claims of wrongdoing by Protess and Ciolino, ALVAREZ promptly announced that she would direct her newly-formed Conviction Integrity Unit “CIU” to re-investigate the Porter case. But ALVAREZ already knew what she was going to do. ALVAREZ knew she was going to release SIMON, guilty or not, to settle the score with Protess and Northwestern.

135. The situation presented an opportunity too good to pass up. ALVAREZ who had been widely criticized for her unwillingness to review old cases and dismiss where justified had an opportunity to appease her critics by vacating SIMON’s convictions while simultaneously sticking-it to the man and the organization that was most responsible for bringing the problem of wrongful convictions to the public conscience.

136. Although ALVAREZ’s assistants were tasked with reinvestigating the case and embarked on that assignment with diligence, ALVAREZ was disinterested in what the

investigation showed. Rather, ALVAREZ was fixated on the propaganda the “swift-boat team” was developing, namely HALE’s “documentary” that advanced the false narrative developed by the defendants.

137. In October 30, 2014, Defendant ALVAREZ vacated SIMON’s convictions and then moved to dismiss the charges in the face of a mountain of evidence showing that that he was the offender. Rather than explain how or why SIMON confessed no fewer than eight times (including well after his guilty plea), ALVAREZ focused on defaming plaintiff Ciolino, David Protes, and Northwestern.

Release of “Murder in the Park” and the Companion Book “Justice Perverted: How the Innocence Project of Northwestern University’s Medill School of Journalism Sent An Innocent Man to Prison.”

138. With SIMON released from prison, HALE and his production team went to work to finish MIP including the “feel-good” ending of SIMON being exonerated and released from the Illinois Department of Corrections.

139. The Chicago public got its first viewing of MIP in July 2015 when it premiered to a small audience at the Gene Siskel Film Center.

140. Ciolino did not attend the premiere but learned from a number of attendees that the movie advanced the outrageous lie that Ciolino had obtained SIMON’s video-recorded statement in 1999 by using an array of unethical and criminal tactics, including posing as a police officer, committing a home invasion, and forcing SIMON to confess at gun point.

141. That same month defendant CRAWFORD published the companion book on which the documentary claims to be based entitled Justice Perverted: How the Innocence Project of Northwestern University’s Medill School of Journalism Sent An Innocent Man to Prison.”

142. By early 2016, HALE and his production company, “Whole Truth Films, LLC” (“WTF”) had sold MIP to Showtime. In February 2016, MIP began airing regularly on Showtime to a national audience. It also became widely available on You Tube, iTunes, Google Play Movies and TV, and Amazon Video.

143. As set out in greater detail below, both MIP and “Justice Perverted” advance *per se* defamatory statements by the defendants that Ciolino framed SIMON by forcing a confession from him and then directing his lawyer to make sure he pled guilty.

144. In conjunction with the release of MIP and “Justice Perverted,” defendant PREIB pushed the same defamatory statements on his blog “Crooked City.”

145. Ciolino suffered devastating damages as a result of the publication of the false and defamatory statements in MIP, “Justice Perverted,” and PREIB’s blog.

COUNT I – DEFAMATION
(Against All Defendants Excluding Defendant Preib)

Plaintiff hereby incorporates, in their entirety, each and every paragraph contained in this complaint and by reference makes said paragraphs a part hereof as if fully set forth herein.

146. On or around July 15, 2015, the documentary MIP which was funded and produced by defendant HALE and his production company defendant WHOLE TRUTH FILMS, LLC premiered at the Gene Siskel Film Center in Chicago, Illinois.

147. After defendants HALE and WHOLE TRUTH FILMS, LCC sold MIP to Sundance Select/IFC Films, the movie aired on Showtime on February 17, 2016 and continues to air to this day. It is widely available today through a number of on-line streaming services.

148. To advance the false precept that Ciolino framed SIMON, Defendants SIMON, EKL, SOTOS, HALE, DELORTO, CRAWFORD, and ALVAREZ all made false and defamatory statements concerning Ciolino in this documentary.

149. The following chart identifies the false and defamatory statements made against Ciolino in the documentary MIP, including a time stamp of when the statement is made in the film.

MURDER IN THE PARK

Statement	By Who	Timestamp
This case had a motive behind it bigger than the crime. They did it. They killed the death penalty on the wrong case.	Jim Delorto	8:02
So there you have an honest answer. It wasn't about finding the truth, it was about freeing Anthony Porter.	Andrew Hale	31:19
<i>They stay on people</i> to try to finally get something out of them that fits their theory of who they think did the case.	Terry Ekl	32:52
They call it a recant and <i>what they get him to say is</i> , "I was in the park. I never saw Porter with the gun. I didn't see Porter fire the shot." And this is the journalism professor of one of the top if not the top journalism schools in the country does an affidavit that intentionally leaves out the most important fact of all.	Andrew Hale	35:31
She had been promised all kinds of favors from Protess including money in exchange for her testimony	Bill Crawford	46:44
So that seems to me to be part of their M.O. They'd go to impoverished people who don't have a lot of money, make them promises and basically get them to recant.	Terry Ekl	49:44
Alstory Simon was approached [by Ciolino] at 6:30 in the morning after he had spent the night doing cocaine. So he was clearly intoxicated.	James Sotos	51:25
When I opened the door, there was Paul Ciolino and Arnold Reid. They were armed with weapons and had a video camera and a tripod and badges. They claimed to be police investigators from Chicago investigating a 1982 homicide and bogarded their way on into the house.	Alstory Simon	51:34
And they just pushed me back up in the house like Police do when they come in to make an arrest. They pushed me and shoved me into a corner part of what a sofa was. He stood over me, and Arnold Reid, he started going from room to room. I'm asking him what are you walking all through my house for? What are you looking for? So Ciolino he tells me, "we know you did these murders. You're	Alstory Simon	52:06

<p>going down for these murders and there's nothing you're going to be able to do about it."</p> <p>I'm telling him man I don't know nothing about no murders man what are you talking about? I said, "man just get out of my house man."</p> <p>He said, "no we're not going anywhere you better look at the evidence and I'm gonna show you this is why we think you did it." So he showed me affidavits of some people."</p>		
<p>He [Ciolino] showed Alstory Simon the statement that Walter Jackson had made claiming that Alstory Simon had admitted the crime to him 17 years earlier. Alstory Simon said that's ridiculous. Get out of my house. Ciolino then pulled out a video camera.</p>	Andrew Hale	52:56
<p>Alstory Simon did not know that this African American making these allegations on this videotape was an actor, hired by Ciolino and scripted by Ciolino.</p>	Bill Crawford	53:28
<p>I became fearful of my life though. Then after he says, "look Alstory we got all the evidence we need to put you on death row but I'm going to level with you, we're not police officers." I said, "what?" He said, "no we're not police officers, were investigators working for the same person that you just seen on the screen, Professor Protess." So I said, "well get the hell out of my house." They refused to leave and he said, "look all we want to do is stop this execution."</p>	Alstory Simon	54:37
<p>And then to create the urgency they told him that you only have a half hour to help yourself. If you don't say that you did this crime in self-defense in the next half hour, the Chicago police are going to walk in here, arrest you, take you downtown and there's nothing anybody can do to help you. This is your only opportunity.</p>	James Sotos	55:18
<p>Then he tells me if I cooperate with him, he'll make sure that it was a self-defense murder and when he said that he made me feel like he was trying to give me a way out and he told me that um I would be paid financially well off, that I'd never have to work again if I cooperated with them and I'd ask them, "man are you fucking serious?"</p> <p>And he said, "Look you can play hardball all you want but I'm telling you you're going to death row and there's nothing you can do about it."</p> <p>I tell him, "I didn't murder anybody." He puts his hand on his gun ya know and started easing it up like this that tells me hey we can do this</p>	Alstory Simon	55:37

<p>the easy way or we can do this the hard way.</p> <p>Being souped up on drugs and alcohol I was paranoid and I'm thinking when he said the easy way or the hard way that he's going to shoot me in my head and make it look like that he's come to question a murder suspect and I maybe open fired on him and he had to kill me and all this kind of stuff is going through my head. So again I tell them to get out of my house. So I tReid to get up to get to the phone to call the Milwaukee authorities. Arnold Reed blocked me from using the phone and he put his hand on the phone and pulled his gun out literally so I sat back down.</p> <p>Then Ciolino he tells me, if you cooperate with us, I guarantee you that you will come out of this with millions of dollars, that the money will come from movies and book deals and all of this kind of stuff, that professor Protesse will pull the necessary strings to get you released in a couple of years. You only have to do a few years and all we want is to stop this execution.</p> <p>Now I'm scared to death after what I done saw on this TV screen I wanted the man out of my house so bad and I asked him and said well what do you want me to do?</p> <p>So he picked up the papers that he showed me and he started writing stuff on a piece of paper and underlining different stuff and then told me I want you to say this on camera..</p>		
Ciolino basically used Walter Jacksons affidavit as a template for Alstory Simons confession	James Sotos	58:12
So we rehearsed it oh man for a long time because that's how out of it I was and then when he felt that I had it down pat to sound convincing enough, we put it on camera.	Alstory simon	58:18
And while I was talking I had the paper ya know right next to me on the cocktail table so if I forgot something, I could look at it ya know and say what he wanted me to say.	Alstory Simon	59:50
And then he told me that the only person who would see that tape would be the prosecution.	Alstory Simon	1:00:17
And at one point in a Chicago magazine article, he acknowledges that he "bull-rushed" this client into confessing.	Bill Crawford	1:02

Ciolino acknowledges that he used an actor. He acknowledges that he scripted the actor but he denies flatly that he ever promised favors or that he ever threatened him.	Bill Crawford	1:02:20
I strongly believed and felt that I wouldn't have had a chance to sit on death row no five years, not even no five months. I believe they would have killed me immediately.	Alstory Simon	1:04:56
And the key is he [Ciolino] told him, I'll get you a lawyer. We'll take care of that because the only way this was going to work is if they made sure that Simon had a lawyer who wasn't really going to represent him.	James Sotos	1:05:08
He [Ciolino] also told me that they was going to furnish me with the best defense attorney in the city of Chicago. He went to my phone, made a call and told me that attorney Jack Rimland would be representing me and then they packed up and left.	Alstory Simon	1:05:23
Ciolino got the confession and then handed him over to his office mate and his own personal attorney to represent him and tell him that he had to plead guilty.	Terry Ekl	1:06:15
That lawyers' job was to scrutinize the confession that Ciolino had taken from Alstory Simon. Now how is a lawyer who is close friends with the person who took the confession going to scrutinize that confession? The first thing he did was to announce publicly that he understood that if Alstory Simon was charged he'd be facing the death penalty which is almost exactly what Paul Ciolino told Alstory Simon to get him to confess in the first place.	James Sotos	1:06:25
David Protess engineered the investigation and Paul Ciolino executed the investigation	Andrew Hale	1:21:36
Justice compels that I take action today. This case has undoubtedly been the most complicated and the most challenging re-investigation that we have undertaken. One of the most significant factors that led me to today's decision was the fact that the original re-investigation into this case was conducted by a former journalism professor, a private investigator employed by that professor and a team of young journalism students.	Anita Alvarez	1:25:34

This investigation by David Protess and his team involved a series of alarming tactics that were not only coercive and absolutely unacceptable by law enforcement standards, they were potentially in violation of Mr. Simons constitutionally protected rights.	Anita Alvarez	1:26:12
My view, the original confession, made by Alstory Simon and the coercive tactics that were employed by investigator Ciolino have tainted this case from the outset and brought into doubt the credibility of many important factors. At the end of the day and in the best interests of justice, we can reach no other conclusion but that the investigation of this case has been so deeply corroded and corrupted that we can no longer maintain the legitimacy of his conviction.	Anita Alvarez	1:26:48
The bottom line is that the investigation conducted by Protess and private investigator Ciolino, as well as the subsequent legal representation of Mr. Simon were so flawed that it is clear that the constitutional rights of Mr. Simon were not scrupulously protected as our law requires. This conviction therefore cannot stand.	Anita Alvarez	1:27:26

150. As a proximate result of the foregoing defamatory statements by Defendants SIMON, DELORTO, EKL, SOTOS, HALE, CRAWFORD, and ALVAREZ, Plaintiff suffered injuries, including injuries to his reputation and his career. Indeed, Plaintiff can no longer work as a private investigator on account of Defendants' conduct.

151. The defamatory statements are of a *per quod* and a *per se* nature since they impute the commission of a criminal offense and impute an inability to perform or want of integrity in the discharges of duties related to Mr. Ciolino's employment.

152. The foregoing defamatory statements were made by the Defendants with the knowledge of their falsity and with actual malice, so as to justify an award of punitive damages. Defendants EKL, SOTOS, DELORTO, HALE, CRAWFORD and ALVAREZ knew that Defendant SIMON'S claims that Ciolino coerced his confession were false where Defendant DELORTO and Mazzoka fed the false narrative to SIMON and the Defendants discussed this plan to discredit Protess and Ciolino on numerous occasions.

153. The Defendants either knew that SIMON's claims were false or possessed a high degree of awareness that they were probably false when SIMON had never once mentioned that he was completely and factually innocent of the offense or that his confession to Ciolino was false until Defenant DELORTO fed the false narrative to SIMON after meeting with SIMON after his guilty plea.

154. The Defendants knew SIMON's claims were false or possessed a high degree of awareness that they were probably false when SIMON confessed no fewer than seven times *after* he confessed to Ciolino, including: (1) offering an impromptu and heartfelt apology in open court during his guilty plea proceedings that revealed his intimate knowledge about the shooting, (2) in multiple letters to his prior attorney Jack Rimland, (3) in an apology letter to Anthony Porter, (4) in a lengthy prison interview that featured both him and Porter conducted months after his guilty plea, and (5) in a letter to his former co-counsel David Thomas in May of 2000.

155. Defendants can present *no* plausible explanation for SIMON's repeated confessions well after Ciolino's alleged "coercive" tactics were no longer in play. Indeed, Defendants can point to no other instance in the history of the criminal justice system where a defendant offered eight false confessions, spread out over a year long after the alleged coercion dissipated. In light of these undisputed facts, even if Defendants did not supply SIMON with this false narrative (which they did), they certainly knew it was false or possessed a high degree of awareness of its probable falsity. Certainly, former State's Attorney Dick Devine and the Courts found no merit to the claims, consistently rejecting them.

156. Likewise, Defendant ALVAREZ knew that the narrative advanced by SIMON and his attorneys EKL and SOTOS was false in light of SIMON's many confessions and impromptu speeches detailing his intimate knowledge of the facts of the crime. At a minimum,

ALVAREZ harbored serious doubts about the truthfulness of SIMON, EKL and SOTOS' allegations and possessed a high degree of awareness that SIMON's story was probably false.

157. When Defendant ALVAREZ dismissed all charges against SIMON, she was fully aware of the strength of evidence against SIMON and the fact that he had repeatedly confessed to the crime well after his single 30-minute encounter with Paul Ciolino. Defendant ALVAREZ was also fully aware that her predecessor Dick Devine had found the claims frivolous as did both the Circuit Court of Cook County and the Illinois Appellate Court.

158. Defendant ALVAREZ ignored the mountain of evidence pointing to SIMON's guilt and the falsity of his claims, instead eagerly agreeing to release a man she knew was guilty, all in the name of "pay backs" and possible future campaign donations.

COUNT II – DEFAMATION
(Against Defendant Crawford)

Plaintiff hereby incorporates, in their entirety, each and every paragraph contained in this complaint and by reference makes said paragraphs a part hereof as if fully set forth herein.

159. On June 9, 2015, and continuing until the present day, Defendant CRAWFORD published to the public a book entitled Justice Perverted: How the Innocence Project of Northwestern University's Medill School of Journalism Sent An Innocent Man to Prison.

160. The book is widely available on the internet and elsewhere. Additionally, Mr. Crawford is currently promoting the book by routinely making appearances at public locations, including the Evanston Public Library and Chicago Public Library (on April 21, 2016), and reading excerpts from the book.

161. The book contains numerous false and defamatory statements, including false and defamatory statements against Mr. Ciolino.

162. The following is a list of false and defamatory statements made in defendant CRAWFORD'S book as to Plaintiff Ciolino:

(a) "On December 14, Ciolino and this time Protess returned to Taylor's Clarendon residence, picked him up, and drove him to Ann Sather's, a popular eatery not far from where Taylor lived. *There, after plying Taylor with wine*, they asked him – and he complied – to sign a second affidavit, witnessed by Protess and notarized by Ciolino." At Pg. 44.

(b) "Barely conscious, Simon was awakened from his stupor about 6:30 a.m. by two men armed with guns who identified themselves as "police investigators" from Illinois." Pg. 61

(c) "Ciolino told Simon that all Protess wanted was to free Porter, that when Porter got out, millions of dollars would be flying around from book deals, Hollywood movies, and the like. And Simon would be sharing in the bounty. Simon had to move quickly, however, because Chicago police were on their way to Milwaukee at that very moment to arrest Simon and return him to Chicago in chains to face the double-murder charge." Pg. 63

(d) "If Simon agreed and confess, Ciolino promised Simon that a Chicago lawyer, a veteran member of the defense bar by the name of Jack Rimland, would take Simon's case. And Rimland would take it free of charge. All the defendant had to do was plead guilty, but – and it was a major-league "but" – he had to extend a personal apology to Green's mother and to Porter. That was the key: Simon had to extend the apology for the deal to go through." Pg. 63

(e) "Ciolino said that Protess, a respected professor wielded immense clout back in Chicago, would see to it that if Simon pleaded guilty and extended the apologies, the resulting prison sentence would be short, no more than a two-year stretch. It was an iron-clad guarantee, and here is why it all made sense to Simon – when Simon finished doing his time, just twenty-four months, Ciolino assured him, there would be millions of dollars waiting for him on the outside. Again, book deals and Hollywood movies that would generate so much money Simon would never have to work another day in his life." Pg. 64

(f) "Up all night, the effect of booze and cocaine tapering off, Simon caved, *he signed a statement prepared by Ciolino*, declaring that he had killed Hillard because Hillard was going for a weapon and Green, accidentally, because she had gotten in the way." Pg. 64

(g) "Remarkably, *at Ciolino's direction, Simon rehearsed a confession prepared earlier by Ciolino*. Equally remarkable, Simon then donned a T-shirt at Ciolino's request; took a seat in a living room easy chair; and after Ciolino pulled out his video equipment and rolled the tape, solemnly read the confession *that had been scripted by Ciolino*." Pg. 64

(h) "Ciolino shared an office with Abrams and arranged for him to represent Inez in getting her obstruction of justice charge dismissed." Pg. 65

(i) “The wholesale deprivation of his client’s rights *by the gun-toting Ciolino* and cohort Arnold Reed would be brought to light. *Threat against his client’s life would be revealed. The house of mirrors that had been fabricated that day by Ciolino and Reed.*” Pg. 97

(j) “He [Rimland] didn’t tell Simon that he, Rimland, *was being paid by Ciolino.*” Pg. 99

(k) “He [Rimland] did not tell Simon that he was aware that Ciolino had coerced witnesses to implicate Simon in the murders in exchange for money and reduced sentences.” Pg. 100

(l) “Rimland never challenged the illegal and outrageous confession extracted from his client by his West Jackson Boulevard officemate [Ciolino].” Pg. 187

(m) “Nor did they know the details of how Ciolino extracted his illegal confession.” Pg. 191

(n) “For this perversion of justice to have succeeded from the outset and to have gone on for as for as long as it did, members of the media and four specific individuals had to abandon their professional obligations. Assistant State’s Attorney Tom Gainer, Simon’s lawyer Jack Rimland, investigator Paul Ciolino, and Northwestern Professor David Protess all had to ignore or fail in their presumed roles in order for Simon to replace Porter in prison. . . . *Had Ciolino acted in concert with his profession’s ethical guideline, instead of threatening Simon with physical harm and “bull-rushing” him until “he just could not recover,” there never would have been a phony and illegal confession in the first place.*” Pg. 197-198.

163. As a proximate result of the foregoing defamatory statements by Defendant Crawford, Plaintiff suffered injuries, including injuries to his reputation and his career.

164. The defamatory statements are of a *per quod* and *per se* nature since they impute the commission of criminal offenses, and impute an inability to perform or want of integrity in the discharges of duties related to Mr. Ciolino’s employment.

165. The foregoing defamatory statements were made by Defendant CRAWFORD with the knowledge of their falsity and with actual malice, so as to justify an award of punitive damages. Minimally, defendant CRAWFORD published these false and defamatory statements with a high degree of awareness that they were probably false.

166. As stated more fully *supra*, Defendant CRAWFORD was hired by Defendants EKL and SOTOS to write the manuscript that would ultimately become the documentary MIP. Defendant CRAWFORD knew that SIMON had been fed a false narrative by DELORTO and Mazzola.

167. In his acknowledgements, Defendant CRAWFORD writes:

Justice Perverted: How The Innocence Project at Northwestern University's Medill School of Journalism Sent an Innocent Man to Prison would not have been possible without the enduring assistance of three individuals . . . The two others: retired Alcohol, Tobacco and Firearms agents Jimmy Delorto and Johnny Mazzola without whom Alstory Simon never would have been freed from his wrongful incarceration. The two former agents, working as licensed private investigators, were the first to discover the injustice imposed on Alstory Simon, the first to identify those responsible for the injustice, and the first to bring the miscarriage to the public's attention.

168. Having fully researched the case, Defendant CRAWFORD was also fully aware that SIMON had confessed no fewer than eight times to this crime.

169. Defendant CRAWFORD has further shown actual malice by his repeated harassment of David Protess and Paul Ciolino. Defendant CRAWFORD has left numerous voice messages and emails for Mr. Protess calling him offensive names and ranting at him. In one voice mail left *after* the filing of SIMON's lawsuit, Defendant CRAWFORD called Mr. Protess a "jag off" and told him "we are going win." Defendant CRAWFORD is *not* a plaintiff in the lawsuit, but the reference to "we" is telling as it further confirms that Defendant CRAWFORD has colluded with the other defendants in this case to discredit Protess and Ciolino.

170. Defendant CRAWFORD has likewise taunted Mr. Ciolino, recently emailing a flyer to Mr. Ciolino promoting his book and his speeches on the book that contain the false and defamatory statements about Ciolino.

COUNT III – DEFAMATION
(Against Defendant Preib)

Plaintiff hereby incorporates, in their entirety, each and every paragraph contained in this complaint and by reference makes said paragraphs a part hereof as if fully set forth herein.

171. Defendant PREIB writes a blog entitled “Crooked City: The Blog about the Wrongful Conviction Movement” www.crookedcity.org

172. Defendant Preib has made numerous false and defamatory statements with respect to this case, including false and defamatory statements against Mr. Ciolino.

173. The following is a list of false and defamatory statements made on Defendant PREIB’s blog.

DATE	TITLE	FALSE AND DEFAMATORY STATEMENT
6/22/2015	Who’s On First?	<p>“A private investigator, Paul Ciolino, who was working with Northwestern Professor David Protess, burst in to Simon’s apartment on a cold February day in 1999 armed with a handgun, claiming he had evidence against Simon for the murders, including witness statements from Simon’s ex-wife and another man. <i>Ciolino trumped other evidence as well and threatened Simon that if he didn’t go along with the plan, he would get a life sentence or perhaps even the death penalty. Play ball, Ciolino told Simon, and you’ll get a few years and we’ll give you a cut of the movie and book deal money.</i>”</p> <p>In the six months between Simon’s arrest and his confession, he was in agony in the countl jail. Simon said he did not want to confess to the crimes, but says his attorney, Jack Rimland, <i>who was obtained for him by Protess and Ciolino</i>, threatened Simon that if he didn’t plead guilty, he would get the death penalty or life sentences.</p> <p>Simon was lied to by Protess and Ciolino. He was coerced into confessing on tape after Ciolino presented him with false evidence and threatened with the death penalty or several life sentences.</p>

6/29/2015	“Murder In the Park” A Stab in the Back?	Simon had been framed by former Professor David Protess and private investigator Paul Ciolino as part of a larger plan to get Anthony Porter exonerated for a 1982 double homicide. If Protess and Ciolino could frame Simon by getting him to confess to the murders, then Porter could get out of prison.
7/11/2015	An Open Letter to the PLO	<p>When private investigator Paul Ciolino, working on behalf of Northwestern University, went to the residence of Alstory Simon in 1999, armed, and threatened violence and trumped up criminal charges in order to get Simon to confess to a double murder he did not commit, that was bullying.</p> <p>When Ciolino and former Professor David Protess made deals with other witnesses to provide false testimony to free sociopathic killer Anthony Porter, that was bullying.</p> <p>When Ciolino and former Professor David Protess manipulated naïve Northwestern students to take part in their plan to frame Alstory Simon, that was bullying.</p> <p>When Ciolino and student Thomas McCann badgered Taylor into changing his eyewitness testimony in the Porter case, that was bullying.</p>
12/3/2015	Preckwinkle Won’t Tell the Whole Truth in Bid for Control of Prosecutor’s Office	<p>“It was all the fault of David Protess, a once heralded, now disgraced fired former professor at the University’s Medill School of Journalism; of Northwestern University for its lack of supervision of Protess; <i>of Paul Ciolino a small-time private eye who once threatened to shoot a suburban man in the head . . .</i>”</p> <p>“Gainer knew full well that Simon’s confession to the pool shootings had been extracted through threats of violence and evil sleights of hand wrought by an armed Ciolino, the small time gum shoe and an armed Ciolino associate who had invaded Simon’s house in January, 1999”</p>
12/28/2015	After Acquittal of Police Commander, Nine Murders Hang Heavy on Eric Zorn	Zorn could have looked fairly at the facts of the case all the way back in 2005. But he didn’t. In doing so, he acted as kind of media henchman for Northwestern Professor Protess, <i>Ciolino and the rest of the wrongful conviction zealots who had fraudulently exonerated Anthony Porter and framed Alstory Simon.</i>
2/21/2106	Special Prosecutors?	Protess and his student had made these claims based upon coerced confession by a private investigator, Paul Ciolino, working for them. The man they coerced a confession from was Simon.

3/30/2016	A Toast, of Sorts, to the Real Warriors . . .	Simon had been framed as part of a depraved plot by Northwestern University, David Protess and his private investigator, Paul Ciolino. By getting Simon to confess to the murders he did not commit. Protess and Ciolino were able to spring Anthony Porter from death row. But Crawford saw the case for what it was, a criminal conspiracy by Protess and Ciolino.
4/11/2016	Justice Department Ignores Key Evidence in Takeover of Chicago Police	Northwestern, David Protess and Paul Ciolino were once internationally renowned as crusaders for justice. Now they are looking more like con men, worse, even, given the accusations of using their students to seduce statement from witnesses and offenders.
4/18/2016	Lightfoot Cops Out Again	More so, the community of law firms, law schools and activists working hand in and with Protess on wrongful convictions, including Lightfoot's own University of Chicago Law School, never noticed the evidence that a Northwestern professor was pimping out its students either, <i>nor the evidence that his private investigator, Paul Ciolino, was bribing witnesses and committing obstruction of justice, all in effort to vilify cops.</i> "

174. As a proximate result of the foregoing defamatory statements by Defendant PREIB, Plaintiff suffered injuries, including injuries to his reputation and his career.

175. The defamatory statements are of a *per quod* and *per se* nature since they impute the commission of criminal offenses and impute an inability to perform or want of integrity in the discharges of duties related to Mr. Ciolino's employment.

176. The foregoing defamatory statements were made by Defendant PREIB with the knowledge of their falsity and with actual malice, so as to justify an award of punitive damages. Minimally, defendant PREIB acted with a high degree of awareness that the statements he published were probably false.

COUNT IV –FALSE LIGHT
(Against All Defendants)

Plaintiff hereby incorporates, in their entirety, each and every paragraph contained in this complaint and by reference makes said paragraphs a part hereof as if fully set forth herein.

177. As set forth in specificity in Counts I, II and III of this Complaint, Defendants placed Plaintiff Ciolino in a false light before the public when they knowingly advanced a false narrative in: (1) the documentary MIP (2) the book “Perverted Justice,” and (3) in various articles posted on Defendant PREIB’s blog, “Crooked City,” claiming that Ciolino used illegal and unethical tactics to coerce Alstory Simon into confessing to a double homicide - all for the purpose of making Anthony Porter a ‘poster boy’ for abolishing the death penalty

178. Critically, MIP consists largely of re-enactments using actors to act out this false narrative. MIP features vignettes of an actor resembling Plaintiff Ciolino using illegal and unlawful tactics, including violence and bribery, to force SIMON to confess to the crime. MIP depicts Ciolino essentially committing a home invasion, busting his way into SIMON’s house and then using a weapon to threaten SIMON.

179. That false light in which he was placed is highly offensive to a reasonable person since the allegations clearly involve crimes and unethical conduct.

180. As set forth fully in the defamation claims, *supra*, the Defendants knew that the statements were false and acted with actual malice. Certainly, Defendants acted with reckless disregard for the truth.

COUNT V – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against All Defendants)

Plaintiff hereby incorporates, in their entirety, each and every paragraph contained in this complaint and by reference makes said paragraphs a part hereof as if fully set forth herein.

181. Defendants DELORTO, EKL, and SOTOS engaged in extreme and outrageous conduct when they agreed to induce Defendant SIMON to make false statements about the circumstances under which SIMON made a video-recorded statement to Plaintiff Ciolino.

182. Providing SIMON with money, promises of freedom, and even more money from an eventual lawsuit (now filed in federal court), Defendants DELORTO, EKL, and SOTOS contrived a false and injurious narrative that Plaintiff Ciolino had engaged in criminal acts against SIMON. This scheme to falsely accuse and defame Ciolino was designed to ruin the reputation of David Protess and Northwestern University. Indeed, when Mr. Ciolino was served with the summons and complaint in this lawsuit, Defendant DELORTO told Ciolino “Jim [Defendant SOTOS] told me to tell you, you could be a witness in this lawsuit as easy as you can be a Defendant” In other words, Ciolino was collateral damage and if he just agreed to ‘turn on’ Protess and Northwestern, they would drop the claims against him.

183. Defendants DELORTO, EKL, and SOTOS acted with malice when they supplied SIMON a false narrative describing Ciolino’s conduct in obtaining his confession. As set out more fully, *supra*, the Defendants *knew* the narrative was false, because SIMON had made multiple confessions to the murder which were corroborated by statements from his family and other circumstances; and until Defendants DELORTO and Mazzola visited with SIMON and fed a false narrative to him did SIMON claim to be innocent or claim that his confession and guilty plea were coerced.

184. Defendants EKL, SOTOS, and ALVAREZ doubled-down on their outrageous conduct when ALVAREZ agreed to dismiss all charges against SIMON in the face of extraordinary evidence of guilt.

185. Defendant ALVAREZ’s decision to release a murderer who admitted his guilt to the crime no fewer than eight times, is perhaps the most outrageous offense of all as it was clearly motivated by matters other than “truth.” ALVAREZ’s vendetta against Protess and Northwestern and perhaps a hope of campaign donations by her like-minded colleagues SOTOS

and EKL was the motivating factor for releasing a murderer – not any belief of an injustice or wrongful conviction.

186. Defendant HALE engaged in extreme and outrageous conduct when he financed and produced a documentary that he knew contained false and defamatory statements about Ciolino. Defendant HALE, a lifetime defender of police officers charged with misconduct – including his client (many times over) Jon Burge, created this documentary with the assistance of the other defendants for the purpose of gutting the innocence movement – an outrageous act that has caused severe emotional distress to Ciolino.

187. Similarly, Defendants CRAWFORD and PREIB engaged in extreme and outrageous conduct when CRAWFORD published his book “Perverved Injustice” and PREIB his blog “Crooked City,” knowing that those publications contained false, defamatory, and highly injurious statements about Defendant Ciolino.

188. Defendants either intended to inflict severe emotional distress or knew that there was a high probability that the conduct would cause severe emotional distress.

189. Recently, Defendant CRAWFORD emailed Plaintiff Ciolino a promotional flyer about a speech he was giving promoting his book at the Chicago Public Library. The email was intended to taunt Ciolino and demonstrates Defendant CRAWFORD’s intent to inflict severe emotional distress on Ciolino.

190. As a proximate result of Defendants outrageous acts, Plaintiff has sustained severe and extreme emotional distress, including depression, anxiety, fear, and sleep and eating issues.

191. Defendant’s reputation as a private investigator has been decimated, leaving it difficult for him to work in his field of expertise. Ciolino has worked in the investigative field for

decades. He recently gave up his detective's license because he no longer has clients for which the license serves a purpose. Ciolino used to give lectures all over the world at a rate of approximately 25 a year. He has not been asked to give a lecture in the past year. Ciolino was making a good living prior to these publications and now earns virtually nothing. Ciolino routinely hears this phrase, "we'd love to use you but this lawsuit is killing you. Sorry."

192. Defendant receives regular hate mail and phone messages, including unnerving death threats as a result of Defendants' extreme and outrageous conduct. The following is a sampling of some facebook/email and phone and messages received by Defendant CIOLINO:

- Your a fuckin' shit bag . . get cancer and die already, what you did to Al is fuckin' sick I hope you can't sleep
- You are a piece of shit
- Youre sick
- Truly a chump
- You are a disgrace! An absolute disgrace, I hope you know that.
- You're a fucking prick. You ruined a man's life, you coerced him, manipulated him, threatened and tormented him until he folded and did what you demanded of him. And once your shit was found out, you called the lawsuit frivolous. I hope you end up working the rest of your amoral life in order to pay him back for what you took from him.
- And why did your poster boy for wrongful conviction (even though he killed two people) not get a dime from his lawsuit and it was told to the press that the guilty man has been sitting in this courtroom. You are nothing but a piece of shit who has to lie and threaten people in order to get the answers you wanted even though you knew they were false. You and your piece of shit buddy Protes should be sitting in prison next to the murderer you lie to get off. Read this you fat fuck.

COUNT VI – CIVIL CONSPIRACY

Plaintiff hereby incorporates, in their entirety, each and every paragraph contained in this complaint and by reference makes said paragraphs a part hereof as if fully set forth herein.

193. Defendants conspired by concerted action to accomplish an unlawful purpose or a lawful purpose by an unlawful means.

194. In furtherance of the conspiracy, Defendants committed overt acts and were otherwise willful participants in joint activity.

195. The acts of misconduct described in this Complaint were undertaken with malice, willfulness, and reckless indifference to the rights of others (and to the truth).

196. As a proximate result of the Defendants' conspiracy, Plaintiff suffered damages, including severe emotional distress and anguish, as more fully alleged above.

WHEREFORE, Plaintiff, PAUL CIOLINO, respectfully asks that this Court enter judgment in his favor and against the named Defendants, jointly and severally, for compensatory damages in a sum greater than \$25,000,000, punitive damages, costs, as well as any other relief this Court deems just and appropriate, including but not limited to an injunction preventing the Defendants from continuing to publish the defamatory statements, and an order disgorging defendants HALE, CRAWFORD, WTF (and any other Defendants to the extent that they profited from the distribution of these defamatory statements) from any profits made from the distribution of the largely defamatory documentary, "Murder in the Park." Defendant Ciolino further demands a jury trial.

Respectfully Submitted,

/s/JENNIFER BONJEAN
Attorney for Paul Ciolino

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