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Location: Court Room 2301  
Judge: Quish, Clare J

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Chancery Division Civil Cover Sheet  
General Chancery Section

(12/01/20) CCCH 0623

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

MAYOR TIFFANY HENYARD, in her official and personal capacity

Plaintiff

v.

MUNICIPAL OFFICERS OF THE VILLAGE OF DOLTON, ILLINOIS Ed Sazari, Jason House, Brittany Norwood, Kiana Bricker, Tamara Brown, and Andrew Holmes, in their official capacity as Village Trustees, KAREN VARDOLAKIS, in her official capacity as Cook County Clerk

Defendant

2022CH03835

Case No: \_\_\_\_\_

CHANCERY DIVISION CIVIL COVER SHEET  
GENERAL CHANCERY SECTION

A Chancery Division Civil Cover Sheet - General Chancery Section shall be filed with the initial complaint in all actions filed in the General Chancery Section of Chancery Division. The information contained herein is for administrative purposes only. Please check the box in front of the appropriate category which best characterizes your action being filed.

Only one (1) case type may be checked with this cover sheet.

0005 ☐ Administrative Review  
0001 ☐ Class Action  
0002 ☒ Declaratory Judgment  
0004 ☐ Injunction

0007 ☐ General Chancery  
0010 ☐ Accounting  
0011 ☐ Arbitration  
0012 ☐ Certiorari  
0013 ☐ Dissolution of Corporation  
0014 ☐ Dissolution of Partnership  
0015 ☐ Equitable Lien  
0016 ☐ Interpleader

0017 ☐ Mandamus  
0018 ☐ Ne Exeat  
0019 ☐ Partition  
0020 ☐ Quiet Title  
0021 ☐ Quo Warranto  
0022 ☐ Redemption Rights  
0023 ☐ Reformation of a Contract  
0024 ☐ Rescission of a Contract  
0025 ☐ Specific Performance  
0026 ☐ Trust Construction  
0050 ☐ Internet Take Down Action (Compromising Images)

☐ Other (specify) \_\_\_\_\_

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Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois  
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IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, COUNTY DIVISION

MAYOR TIFFANY HENYARD,	)	
in her official and personal capacity,	)	
Plaintiffs,	)	
	)	2022CH03835
v.	)	Case No. _____
	)	
MUNICIPAL OFFICERS OF THE	)	
VILLAGE OF DOLTON, ILLINOIS	)	
Ed Steave, Jason House, Brittney Norwood,	)	
Kiana Belcher, Tammy Brown,	)	
and Andrew Holmes, in their official	)	
capacity as Village Trustees, KAREN	)	
YARBROUGH, in her official capacity as	)	
Cook County Clerk,	)	
	)	
	)	
Defendants.	)	

**COMPLAINT AT LAW**

NOW COMES the Plaintiff, and Mayor TIFFANY HENYARD, by and through her attorneys Scott Erdman of the Law Office of Scott B. Erdman, P.C. and Robert L. Windon of Windon Strategies, LLC and hereby complain against defendants as follows:

**Parties**

1. The Village of Dolton Board of Trustees (“Board”) is the elected government, along with the Mayor, for the Village of Dolton, Illinois.
2. Jason House, Brittney Norwood, Kiana Belcher, Tammy Brown and Andrew Holmes are the elected Village Trustees in the Village of Dolton.
3. Tiffany Henyard is the Mayor of the Village of Dolton, who was elected to a four-year term in April of 2021.

4. The Village of Dolton is a home rule municipality and a municipal corporation in the County of Cook, Illinois.
5. Karen Yarbrough is Clerk of Cook County, the Election Authority responsible for certifying referenda to the ballot for the June 28, 2022 Primary Election.
6. Alison Key is the Village Clerk of the Village of Dolton. Clerk Key is responsible for certifying the referenda to the Cook County Clerk, Karen Yarbrough.
7. The Plaintiffs bring this action pursuant to 735 ILCS 5/2-701, 735 ILCS 5/11-101.

#### **Jurisdiction and Venue**

8. Venue is appropriate in the Circuit Court of Cook County because plaintiffs and defendants reside in Cook County, the Village of Dolton is within a municipal subdivision located in Cook County.
9. Venue is appropriate in the County Division as this is a case dealing with the June 28, 2022 Primary Election.
10. Furthermore, this Court has jurisdiction to review and remedy by mandamus the non-discretionary acts of public officials.

#### **Factual Allegations**

11. Tiffany Henyard was elected as a Village Trustee for the Village of Dolton at the 2013 Election.
12. Village Trustee Henyard ran for mayor at the April 6, 2021 election.
13. Mayor Henyard was elected as Mayor of the Village of Dolton with 82% of the vote.

14. At that same election, Kiana L. Belcher, Jason House, and Brittney Norwood, were elected as Village Trustees.

15. The three were sworn in and joined Ed Steave, Tammie Brown, and Andrew Holmes to comprise the Village Trustees of the Village Board of Dolton.

16. On Wednesday, December 8, 2022, three referenda were placed upon the agenda for a Special Board of Trustees Virtual Meeting Via Zoom.

17. Under “New Business” 13(b) “Approval of Three Referenda, to be voted by the resident of Dolton on June 28, 2022” (sic) the three referenda were listed as follows:

- Referendum establishing a recall mechanism which would allow the electorate to recall and remove the Village President (Mayor) of the Village of Dolton.
- Referendum recalling and removing Tiffany A. Henyard as Village President (Mayor) of the Village of Dolton.
- Referendum to implement policies and actions to promote governmental cooperation to enhance public safety, economic development, and beautification effort for the Village of Dolton.

18. The Board approved the three referenda with Yea votes from Edward Steave, Tammy Brown, Jason House, Brittney Norwood, and Kiana L. Belcher, and a Nay vote from Andrew Holmes.

19. The Village Clerk, Alison Key, Village Clerk of the Village of Dolton would have the duty to certify the referenda to the Cook County Clerk, Karen Yarbrough.

### **Count I – DECLARATORY JUDGMENT**

#### **Constitutionality of the Recall Mechanism Referendum**

20. Plaintiffs restate and reallege Paragraphs 1-23 as if fully stated herein.

21. Plaintiffs seek Declaratory Judgment of the question of constitutionality of the Recall Mechanism referendum as proposed and passed by the Village Trustees.
22. The Appellate Court in *Henyard v. Village of Dolton*, 2016 IL App (1<sup>st</sup>) 153374 (2016). There, the Village Trustees attempted to recall a duly elected Village Trustee, Tiffany Henyard. (This is the same Tiffany Henyard before this court as Plaintiff.
23. In the *Henyard v. Dolton* case. The Village Board attempted to adopt a recall mechanism by passing a resolution. The Court noted that, While Article VII, Section 6 may allow for the recall of a Village Trustee, it can **NOT** be done by resolution and **MUST** be placed before the voters in the form of a referendum.
24. Article VII, section 6(f), of the Illinois Constitution gives each home rule unit the power to “provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise provided by law.” (Ill. Const. 1970, art. VII, sec. 6(f).) In *Leck v. Michaelson*, (1986), 111 Ill.2d 523, 96 Ill..Dec. 368, 491 N.E.2d 414, the Supreme Court held that this constitutional provision required voters to approve “a coherent scheme for altering the election of their officials.” The Constitution addresses “officers” (in the plural), “their” manner of selections (the plural), and “terms of office” (in the plural). Here, the Village Trustees have singled out the office of Mayor from the rest of the Corporate Authority. The only village office that is addressed in the singular is the Village Clerk. The Clerk is singled out only to address whether they are selected by the voters or appointed by the Village Trustees.

25. The Village Trustees have drafted a referendum that treats the Village Mayor differently than their own offices. As members of the Corporate Authority, the attempt to treat the similarly situated office of Village President or Mayor differently than the office of Village Trustee violates the Equal Protection Clauses of the United States and Illinois Constitutions.

**Violation of the Plain Language of the Recall Mechanism Referendum**

26. A plain reading of the Recall Mechanism Referendum does not allow for the placing on the ballot of the second Referendum recalling and removing Tiffany A. Henyard as Village President (Mayor) of the Village of Dolton. In the 2016 referenda attacking Tiffany Henyard's seat on the Village Board as a duly elected Village Trustee, the Village Trustees "jumped the gun" and proceeded in an unconstitutional manner. Here, their renewed attack not only run afoul of the United States and Illinois Constitutions, they fail to comply with the language of their own Recall Mechanism referendum. The drafting of the Recall Mechanism forecloses the simultaneous placement upon the ballot of a Recall Question for Mayor Henyard. The Recall Mechanism Referendum reads as follows:

Shall the following recall mechanism be adopted and effective immediately, upon certification by the County Clerk, for the Village of Dolton?:

**Recall of the Village President (Mayor)**

Recall of the Village President (Mayor) of the Village of Dolton is established, applicable to, and effective as of the certification of results of the June 28, 2022 General Primary Election. "Recall" shall mean the power of the electorate of the Village of Doilton to remove the Village President (Mayor) from office, and to

immediately create a vacancy in the office of the Village President (Mayor) to be filled in the manner provided by law for filling such vacancy, by a majority vote of those voting on a question of whether to recall and remove the Village President (Mayor) of the Village of Dolton at a regularly schedule election. Said question of whether to recall and remove the Village President (Mayor) of the Village of Dolton may be submitted either by resolution of the Dolton Corporate Authorities or by petition in the manner prescribed by law for the submission of public questions.

A plain reading of the Recall Mechanism Referendum does not allow for the placing of the second Referendum recalling and removing Tiffany A. Henyard because the “question of whether to recall and remove the Village President (Mayor) of the Village of Dolton may be submitted either by submission...or referendum”. Quite simply put, they may not do so until the mechanism is passed. The Board, once again, puts the cart before the horse while attempting to undo by referenda what the voters accomplished at the ballot box.

27. The actions of the Village Board, left undisturbed, would create the possibility of an election day result that would be contradictory and confusing to the voters. If the referenda enabling the recall was defeated and the referenda recalling Tiffany Henyard as Mayor passed, the voters could rightly turn to the Village Board and ask, “Why are you wasting our time and money in this manner?”. They would be right to ask and the Village Board would have no answer.

### **COUNT II – DECLARATORY JUDGMENT**

28. The Plaintiff's seek a Declaratory Judgment denying the constitutionality of the Recall Mechanism referenda in question. Any referenda styled to recall

Mayor Henderson, or any other member of the Village of Dolton's Corporate Authority would have to wait until an election ***after*** the Village Board properly placed a Recall Mechanism referendum before the voters of the Village.

29. The Plaintiffs seek a Declaratory Judgment that the two referenda, as drafted can not coexist on a single ballot.



WHEREFORE, for all of the above and foregoing reasons, the Plaintiffs, respectfully request that this Honorable Court grant the following relief:

- a. Enter an Order requiring the Village Clerk not certify the referenda to the Cook County Clerk, and if the Village Clerk has already done so, enter an Order to the County Clerk to de-certify the referenda and not place them on the ballot; and
- b. For whatever other relief the Court deems just and appropriate.

Respectfully Submitted,

BY: /s/ Scott B. Erdman  
Scott B. Erdman, One of Plaintiff's Attorneys

BY: /s/ Robert L. Windon  
Robert L. Windon, One of Plaintiff's Attorneys

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