

**IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT
 KENDALL COUNTY, ILLINOIS**



Plaintiff,

v.

**MARK A. SHLIFKA, individually and
 ERIC WEIS, STATES ATTORNEY
 OF KENDALL COUNTY,**

Defendants.

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No. 2023LA000037


NOTICE
 Pursuant to Supreme Court Rule 218, this case is hereby set for
 a Case Management Conference on 07/20/2023
 at 9 am in courtroom 13. Failure to appear may result in the
 case being dismissed or an order of default being entered.
 Clerk of the Circuit Court


COMPLAINT AT LAW

Matthew G. Prochaska

COUNT I

Violation of Illinois Gender Violence Act

NOW COMES the plaintiff, , by and through her
 attorneys, **DEUTSCHMAN & SKAFISH, P.C.**, and complaining of the defendant,
MARK A. SHLIFKA, states as follows:

1. The plaintiff, , is an individual who resides in the
 County of Kendall, State of Illinois.
2. Defendant, **MARK A. SHLIFKA**, is an attorney admitted to the bar in the
 State of Illinois and is licensed to practice law therein. The defendant, **MARK A.
 SHLIFKA**, is the First Assistant States Attorney in Kendall County, Illinois. As such the
 defendant is in a position to prosecute criminal defendants and work with complaining
 witnesses and victims often times acting in a position as their attorney.
3. That beginning in 2019 and continuing to the present, the plaintiff was the
 complaining witness and victim of two domestic battery cases being prosecuted by the

Kendall County States Attorneys Office. The defendant was aware of the plaintiff's involvement in these matters.

4. That in December 2020, the plaintiff was arrested and charged with several serious crimes including a DUI charge and obstruction of justice. Shortly after her arrest, the Kendall County States Attorneys Office was involved in charging the plaintiff with these crimes and began an active prosecution of the plaintiff at that time. The charges against the plaintiff remain pending at the time of the filing of this lawsuit and the defendant is aware of the plaintiff's pending criminal case and has been involved in court proceedings involving the criminal case against the plaintiff.

5. That from March 2022 to March 2023, the defendant began a sexual relationship with the plaintiff during the time in which she was a criminal defendant in a pending case and also a complaining witness and victim of domestic abuse matters.

6. That this sexual relationship between the defendant and the plaintiff was brazenly open. The defendant took the plaintiff on vacations and speaking engagements with him, took her to a party where many Cook County judges and lawyers were present, stayed over at the plaintiff's residence on many occasions and met her at a hotel near the Kendall County courthouse on many occasions where they had sexual relations.

7. That the Plaintiff felt compelled to comply with the defendant's amorous whims and sexual exploitation as he was First Assistant States Attorney and might help her cases. The defendant knew or should have known that this sexual relationship was inappropriate, unethical and in violation of his offices' policies, protocols, and procedures.

8. That at all the times when sexual encounters took place between the defendant and the plaintiff, the defendant, MARK A. SHLIFKA, engaged in unwanted and inappropriate sexual contact with plaintiff that amounted assault and battery.

9. That Defendant, MARK A. SHLIFKA's conduct as aforesaid constituted repeated acts of battery upon the person of the plaintiff, [REDACTED].

10. At all times relevant hereto, there was in full force and effect the Illinois Gender Violence Act, 740 ILCS 82/1 *et seq.* Section 10 of the Act, 740 ILCS 82/10, that provided:

Cause of action. Any person who has been subjected to gender-related violence as defined in Section 5 may bring a civil action for damages, injunctive relief, or other appropriate relief against a person or persons perpetrating that gender-related violence. For purposes of this Section, "perpetrating" means either personally committing the gender-related violence or personally encouraging or assisting the act or acts of gender-related violence.

11. That Defendant, SHLIFKA's, conduct as aforesaid stated constituted a physical intrusion or physical invasion of a sexual nature under coercive conditions satisfying the elements of battery under the laws of Illinois and thus constituted gender related violence as defined by Section 5 of the Gender Violence Act, 740 ILCS 82/5.

12. By reason of defendant's conduct as aforesaid, plaintiff has been subjected to gender related violence and pursuant to Section 15 of the Act, 740 ILCS 82/15, may recover from defendant, MARK A. SHLIFKA, compensatory damages, punitive damages and plaintiff's attorney's fees and costs in maintaining this action.

WHEREFORE, the plaintiff, [REDACTED], prays for judgment against the defendant, MARK A. SHLIFKA, individually, for compensatory damages in an amount in excess of \$50,000.00 (Fifty Thousand Dollars), for punitive damages in an

amount to be decided at trial, and for her attorney's fees in prosecuting this action and her costs of suit.

COUNT II
Gender Violence Act
740 ILCS 82/10

NOW COMES the plaintiff, [REDACTED], by and through her attorneys, DEUTSCHMAN & SKAFISH P.C., and complaining of the defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY, states as follows:

1.-11. As paragraphs 1 through 11 inclusive of Count I, plaintiff reasserts and realleges the allegations of paragraphs 1 through 11 as if repled herein in its entirety.

12. At all times relevant hereto, there was in full force and effect the Illinois Gender Violence Act, 740 ILCS 82/1 et seq. Section 10 of the Act, 740 ILCS 82/10, that provided:

Cause of action. Any person who has been subjected to gender-related violence as defined in Section 5 may bring a civil action for damages, injunctive relief, or other appropriate relief against a person or persons perpetrating that gender-related violence. For purposes of this Section, "perpetrating" means either personally committing the gender-related violence or personally encouraging or assisting the act or acts of gender-related violence.

13. At all times relevant hereto, the defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY, knew or in the exercise of reasonable care and caution should have known that their employee/First Assistant States Attorney MARK SHLIFKA had sexual harassment/sexual predator propensities and posed a risk of bodily harm to persons in close proximity to him, including the plaintiff.

14. At all times relevant hereto, the defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY, owed the plaintiff a duty of reasonable care, which

included a duty to protect the plaintiff and other members of the public including criminal defendants from the risk of assault by its employees with known sexual deviant propensities.

15. Defendant, MARK SHLIFKA's, conduct as aforesaid stated constituted a physical intrusion or physical invasion of a sexual nature under coercive conditions satisfying the elements of battery under the laws of Illinois and thus constituted gender related violence as defined by Section 5 of the Gender Violence Act, 740 ILCS 82/5.

16. That at all times relevant hereto, defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY, knew of the necessity and had the opportunity and ability to control their employee MARK SHLIFKA and to prevent him from sexually assaulting and committing gender related violence on the plaintiff.

17. The defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY, perpetrated gender-related violence by encouraging or assisting MARK SHLIFKA by its failure to supervise and monitor MARK SHLIFKA and after the defendant had known that its employee had sexual deviant tendencies and did nothing about it and nothing to secure the safety of the public including the plaintiff.

18. The defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY, perpetrated gender-related violence by assisting the acts of gender-related violence by allowing MARK SHLIFKA to be alone with and to enter into a prolonged sexual relationship with plaintiff after defendant knew or should have known that MARK SHLIFKA had made sexual advances and inappropriately touched other female criminal defendants.

19. The defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY's, actions violated the Gender Violence Act.

20. As a direct and proximate result of defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY's violation of the Gender Violence Act as aforesaid, the plaintiff was sexually assaulted and battered by MARK SHLIFKA over an extended period of time.

21. As a further result of defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY's violation of the Gender Violence Act as aforesaid, the plaintiff has suffered mental anguish.

22. By reason of defendant's conduct as aforesaid, plaintiff has been subjected to gender related violence and pursuant to Section 15 of the Act, 740 ILCS 82/15, may recover from defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY, compensatory damages, punitive damages and plaintiff's attorney's fees and costs in maintaining this action.

WHEREFORE, the plaintiff, [REDACTED], prays for judgment against the defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY, for compensatory damages in an amount in excess of \$50,000.00 (Fifty Thousand Dollars), for punitive damages in an amount to be decided at trial, and for her attorney's fees in prosecuting this action and her costs of suit.

COUNT III
Reckless Supervision

NOW COMES the Plaintiff, [REDACTED], by and through her attorneys, DEUTSCHMAN & SKAFISH, P.C., complaining of Defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY, states:

1. The plaintiff, [REDACTED], is an individual who resides in the County of Kendall, State of Illinois.

2. Defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY, was doing business and holding itself out to the public as the County Prosecutor. The defendant maintains an office in the City of Oswego, County of Kendall, in the State of Illinois and was at all times relevant hereto doing business in the County of Kendall.

3. Defendant, MARK A. SHLIFKA, is an attorney admitted to the bar in the State of Illinois and is licensed to practice law therein. The defendant, MARK A. SHLIFKA, is the First Assistant States Attorney in Kendall County, Illinois. As such the defendant is in a position to prosecute criminal defendants and work with complaining witnesses and victims often times acting in a position as their attorney.

4. That beginning in 2019 and continuing to the present, the plaintiff was the complaining witness and victim of two domestic battery cases being prosecuted by the Kendall County States Attorney's Office. The defendant was aware of the plaintiff's involvement in these matters.

5. That in December 2020, the plaintiff was arrested and charged with several serious crimes including a DUI charge and obstruction of justice. Shortly after her arrest, the Kendall County States Attorney's Office was involved in charging the plaintiff with these crimes and began an active prosecution of the plaintiff at that time. The charges against the plaintiff remain pending at the time of the filing of this lawsuit and the defendant is aware of the plaintiff's criminal case and has been involved in court proceedings involving the case against the plaintiff.

6. That from March 2022 to March 2023, the defendant began a sexual relationship with the plaintiff during the time in which she was a criminal defendant in a pending case and also a complaining witness and victim of domestic abuse matters.

7. That this sexual relationship between the defendant and the plaintiff was brazenly open. The defendant took the plaintiff on vacations and speaking engagements with him, took her to a party where many Cook County judges and lawyers were present, stayed over at the plaintiff's residence on many occasions and met her at a hotel near the Kendall County courthouse on many occasions where they had sexual relations.

8. That the Plaintiff felt compelled to comply with the defendant's amorous whims and sexual exploitation as he was First Assistant States Attorney and might help her cases. The defendant knew or should have known that this sexual relationship was inappropriate, unethical and in violation of his offices' policies, protocols, and procedures.

9. That at all the times when sexual encounters took place between the defendant and the plaintiff, the defendant, MARK A. SHLIFKA, engaged in unwanted and inappropriate sexual contact with plaintiff that amounted assault and battery.

10. That Defendant, MARK A. SHLIFKA's conduct as aforesaid constituted repeated acts of battery upon the person of the plaintiff, [REDACTED].

11. At all times relevant hereto, there was in full force and effect the Illinois Gender Violence Act, 740 ILCS 82/1 *et seq.* Section 10 of the Act, 740 ILCS 82/10, that provided:

Cause of action. Any person who has been subjected to gender-related violence as defined in Section 5 may bring a civil action for damages, injunctive relief, or other appropriate relief against a person or persons perpetrating that gender-related violence. For purposes of this

Section, "perpetrating" means either personally committing the gender-related violence or personally encouraging or assisting the act or acts of gender-related violence.

12. That Defendant, SHLIFKA's, conduct as aforesaid stated constituted a physical intrusion or physical invasion of a sexual nature under coercive conditions satisfying the elements of battery under the laws of Illinois and thus constituted gender related violence as defined by Section 5 of the Gender Violence Act, 740 ILCS 82/5.

13. That it was the duty of the defendant to exercise a reasonable degree of care and supervision in supervising and managing the defendant, MARK SHLIFKA.

10. That it was the duty of the defendant to generally supervise its employees, including the defendant SHLIFKA to make sure that they engage in appropriate behavior and follow the law and the employer's rules and procedures.

11. That the defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY, had in place at the time of ERIC WEIS, KENDALL COUNTY STATES ATTORNEY's prosecution of the plaintiff, prosecutor office rules that required the attorneys in their employ to follow the law and maintain high ethical principles and standards. The defendant, SHLIFKA, violated ethical rules and standards while prosecuting the plaintiff. The defendant, SHLIFKA, did not follow the office rules and ethical principles and standards.

12. That the defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY, let the defendant SHLIFKA do whatever he wanted to do and did not maintain any control over whether SHLIFKA acted in accordance with office rules and in accordance with ethical rules and standards of the States Attorney's Office and under which lawyers in Illinois needed to follow.

13. That the defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY's performance of its duty to supervise would have put them on notice of their employee's conduct and prevented their employee's tortious conduct.

14. That at all times relevant hereto, and thereafter, Defendant with reckless disregard and willfulness acted in one or more of the following respects:

a. Failed to implement procedures and practices for ensuring that prosecution of female defendants provided by MARK SHLIFKA were supervised;

b. Failed to monitor SHLIFKA's interactions with female complaining witnesses and criminal defendants including the plaintiff;

c. Failed to supervise SHLIFKA and make sure that he was following office rules, guidelines, policies and procedures including ethical requirements of a licensed Illinois attorney;

d. Was otherwise reckless and wanton in the supervising of the defendant, MARK SHLIFKA.

15. As a direct and proximate result of one or more of the aforesaid reckless and willful acts or omissions by the Defendant, the Plaintiff sustained injuries, emotional trauma, and damages.

WHEREFORE, Plaintiff, [REDACTED], demands judgment against Defendant, ERIC WEIS, KENDALL COUNTY STATES ATTORNEY, in an amount in excess of FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) plus costs of suit.


DEUTSCHMAN & SKAFISH, P.C.

By: 


Attorney for Plaintiff

Jeffrey S. Deutschman
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IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT
KENDALL COUNTY, ILLINOIS

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Plaintiff,)
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v.) No. 2023LA000037
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MARK A. SHLIFKA, individually and)
ERIC WEIS, STATES ATTORNEY)
OF KENDALL COUNTY,)
)
Defendants.)

222 AFFIDAVIT

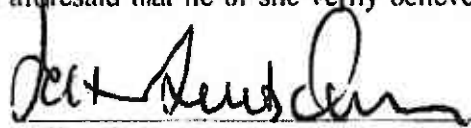
I, Jeffrey S. Deutschman, attorney for the Plaintiff, , hereby claim that the amount of damages sought in this claim exceeds \$50,000.00.

THE AFFIANT FURTHER SAYETH NAUGHT.

1-109 Certification

UNDER PENALTIES AS PROVIDED BY LAW PURSUANT TO Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he or she verily believes to be true.

Date: 4/24/23


Jeffrey S. Deutschman

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