

IN THE CIRCUIT COURT OF THE 7TH JUDICIAL CIRCUIT  
SANGAMON COUNTY, ILLINOIS

**FILED**

DEC 26 2003 *OK*

*Sally P. [Signature]*  
Clerk of the  
Circuit Court

ANDY MARTIN,  
440 N. Wabash, Suite 3010  
Chicago, IL 60611,

Plaintiff,

vs.

JOHN L. RYAN,  
10305 Long Avenue  
Oak Lawn, IL 60453,

JOHN DOE U.S. SENATE CANDIDATE,  
Address Unknown

STATE BOARD OF ELECTIONS,  
1020 S. Spring Street  
Springfield, IL 62704

ANDREW M. RAUCCI  
3000 N. Sheriden St. Suite 18D  
Chicago, IL 60657

JOHN DOE/JANE ROE  
address unknown

Defendants.

No. 03-L-363

FIRST AMENDED  
COMPLAINT FOR MONEY DAMAGES  
AND OTHER ANCILLARY RELIEF

Preliminary Statement

Plaintiff Andy Martin ("Plaintiff") is a candidate for the Republican nomination for United States Senator, in the March, 2004 Republican Party primary election. For over three (3) decades plaintiff has been associated with fighting corruption in both political parties.

This is a civil racketeering lawsuit against "John Doe U.S. Senate candidate" ("Candidate Doe") and his agent, John L. Ryan ("Ryan"), as well as Candidate Doe's attorney, Andrew M. Raucchi, for behavior typical of the type that has brought Illinois into national disgrace.

1. Jurisdiction and venue

a. This court has federal civil rights jurisdiction pursuant to established case law, as set forth in Count Two, and 42 USCA § 1983. In addition, pursuant to a U.S. Supreme Court decision, this court also has "civil RICO" jurisdiction as to Count One (18 USCA § 1964).

b. Because plaintiff filed his petitions in Springfield, Sangamon County, venue is proper in this county and circuit.

c. Plaintiff demands a jury trial of all issues triable to a jury.

d. The parties

1. As set forth above, plaintiff is a candidate for nomination for the U.S. Senate.

b. The State Board of Elections ("SBE") is joined as a necessary party or a party in whose absence complete relief may not be granted, but no affirmative relief is sought against SBE at this time.

c. Candidate Doe is the principal of John L. Ryan, on whose behalf Ryan is acting; Doe is paying Raucchi to use Ryan as a front man for Doe.

d. Andrew M. Raucchi is a notorious, sleazy Chicago attorney and Daley Machine stooge who is associated in fact with John L. Ryan and Candidate Doe.

e. John Doe/Jane Roe are additional persons whose identities will be ascertained through discovery and who have aided and abetted Candidate Doe and Ryan in their unlawful activity.

2. Factual allegations

a. Historical background

1. Most states today require candidates to pay a filing fee. Some states also require a nominal amount of signatures. Illinois is one of a dwindling number of states that require the filing of voluminous "petitions." These petitions are gathered under strict time limits and under conditions which make verification difficult.

2. The Illinois "petition process" has spawned a cottage industry of objectors, who appear as "citizens" but who are in effect working for undisclosed principals and/or opposing candidates who are seeking to harass and delay their opponents from campaigning. Sleazy lawyers such as Raucci are paid to act as fronts, and to in turn employ straw men to conceal the identity of their real [paying] clients. Such behavior violates the ethical standards of the Illinois Supreme Court and demeans the ballot-access process in Illinois, reducing it to another Chicago crime syndicate sham.

3. The right to campaign for federal office is a federal constitutional right, and violations thereof, or interference with an election campaign, are federal criminal offenses, 18 USCA § 241, 245 (b) (1) (A).

4. Because of petition objections are other similar opportunities for fraud and corruption, Illinois has developed a reputation as one of the most corrupt states in the

United States.

5. Plaintiff first encountered defendant Raucci almost 27 years ago when Raucci was a young crime syndicate hoodlum lawyer harassing candidates in Chicago. The facts giving rise to this lawsuit and Raucci's participation confirm systemic campaign corruption, and afford this court an opportunity to strike a blow for the decent and honorable citizens of Illinois.

b. The current campaign

1. Plaintiff submitted petitions to the Board, and they were duly receipted and recorded. The receipt is attached hereto as Exhibit "A."

2. It should be underscored that the petitioning process acts as a substantial barrier to ballot access because the extraordinary costs of gathering signatures exceeds the cost of any filing fee in any state using a filing fee method of ballot access. Thus, at the core, the "petition" process of ballot access is anti-democratic and designed to discourage ballot access. Denying ballot access is consistent with Illinois' history of machine politics and corrupt political parties.

3. Plaintiff's petitions were open to inspection at SBE but, on information and belief, defendant Ryan never requested to examine them and may never have seen them. Although "Ryan" is also the name of one of plaintiff's campaign opponents, it is likely the objector "Ryan" was chosen for his name as a means of casting confusion concerning the true identity of Candidate Doe.

4. Ryan may have obtained access to plaintiff's petitions but that is not known at the current time. It is more likely that Ryan is acting as a "straw man" for Candidate Doe and

that Ryan has no personal knowledge concerning the petition and objection he subscribed to challenging plaintiff's petitions.

5. Through discovery, Ryan's principals and his relationship to Candidate Doe will be disclosed and exposed for public scrutiny.

6. Plaintiff was contacted by his election attorney and advised of Ryan's objection on December 22, 2003.

7. Defendant Raucci, consistent with his history of racism, had attempted to smear one of plaintiff's African-American circulators.

8. Defendants Raucci and Ryan, acting on behalf of Candidate Doe, appear to have tampered with plaintiff's SBE nominating petitions and removed large numbers of petitions so they could concoct a spurious objection and disrupt plaintiff's campaign against Raucci's client.

COUNT ONE

CIVIL RICO

1-2. Plaintiff repeats and realleges ¶¶ 1-2 of this complaint and further pleads:

3. Legal claim

a. RICO enterprise

The RICO enterprise is the campaign of Candidate Doe. Case law firmly establishes that political organizations and law firms such as the Raucci law firm may be RICO enterprises. In Illinois, where criminal RICO is currently being directed against the Republican Party leadership of the former gubernatorial administration, it is a "given" that RICO activity is ongoing. Moreover, Mr. Raucci had a long history of acting on behalf of

violent crime syndicate hoodlums and seeking to perpetuate these criminals in public office as racist overlords of minority communities in Chicago.

b. The predicate acts

Doe Candidate and Ryan, as well as the other defendants, well knowing that their activity constituted a scheme and/or artifice to defraud, all in violation of 18 USCA § 1341, have caused to be mailed, and have mailed, documents and other materials using the United States Postal Service, all for the purpose of operating their RICO enterprise, and for the purpose of injuring plaintiff and defrauding the SBE and public.

c. The pattern of ongoing RICO activity

Candidate Doe's RICO activity, and defendant Raucci's RICO activity, did not begin with plaintiff and will not, unless stopped by this court, end with plaintiff. Rather Candidate Doe, his campaign, defendant Ryan and defendant Raucci are actively engaged in an ongoing scheme or artifice to defraud the public, and the SBE as to their actual identities, motives and interests in seeking to disrupt plaintiff's right to campaign for federal office. Raucci has a pattern of RICO activity going back three (3) decades.

4. Demand for judgment

a. Plaintiff seeks attorneys fees and costs.

b. Plaintiff seeks money damages in the amount of \$10 million against Candidate Doe, raucci, Ryan and any of their coconspirators.

c. Plaintiff seeks any additional relief which may be necessary and proper to do complete justice between the parties.

d. As a provisional remedy, plaintiff asks that he be

allowed to place liens against real property owned by any of the defendants and to also place restraining orders on their campaign funds.

CONSTITUTIONAL VIOLATIONS/DUE PROCESS

1-2. Plaintiff repeats and realleges ¶¶ 1-2 of this complaint and further pleads:

3. Legal claim

a. The constitutional right to run for federal office is a serious one. This count is brought pursuant to the United States Constitution, Fourteenth Amendment.

b. Federal candidates have a right to be treated fairly by state law, as well as by the adjudicative and administrative process which is administered by states.

c. Illinois has a long history of directing corrupt practices and procedures at federal candidates, and this history plays out with the same kind of acts as established in this lawsuit by Doe Candidate and defendant Ryan.

d. As a matter of operating practice and procedure, the SBE seeks to blind itself to the reality that persons such as Ryan are not "honest and impartial" citizens but are in reality paid staking horses for political slime such as Raucci and Candidate Doe.

4. Demand for judgment

a. Plaintiff seeks attorneys fees and costs.

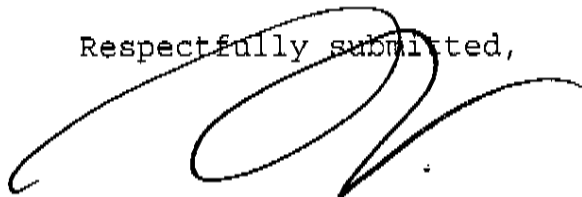
b. Plaintiff seeks money damages in the amount of \$10 million.

c. Plaintiff seeks any additional relief which may be necessary and proper to do complete justice between the parties.

d. Plaintiff seeks a judgment that when an attorney and his "client" are acting on behalf of an undisclosed principal, and seeking to mislead and defraud both the SBE and the public, they are not entitled to the protection of Illinois law as bona fide objectors. Rather, persons such as Raucci/Ryan who blatantly and fraudulently misrepresent their interest, are automatically not entitled to defraud either the SBE, the courts or anyone else and their filings much be stricken. Because this court sits in this case as a court empowered by federal civil rights law pursuant to § 1983, the court has far broader remedial powers to afford plaintiff the judgment and relief he seeks than the court would normally have if acting solely pursuant to Illinois state law.

DATED: December 23, 2003

Respectfully submitted,



ANDY MARTIN  
440 N. Wabash Avenue #3010  
Chicago, IL 60611  
Tel. (866) 706-2639  
Fax (866) 707-2639  
E-mail: andy@andymartin.com

(Courtesy note: service by fax is preferred because it is computer controlled and is accessible anywhere)

STATE OF ILLINOIS  
STATE BOARD OF ELECTIONS

This receipt is an unofficial document intended for informational purposes only. If there are any inconsistencies between this receipt and the documents filed, the documents filed will take precedence.

Receipt is hereby acknowledged of the following documents received in the office of the State Board of Elections:

Statement of Candidacy

Loyalty Oath

Nominating Petition

For the following candidate:

Name: ANDY MARTIN

Address: 440 N. WABASH #3010  
CHICAGO, IL 60611

Party: REPUBLICAN

Office: UNITED STATES SENATOR

Date/Time Filed: 12/15/2003 2:33 PM

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Filing Receipt

EXHIBIT "A"

IN THE CIRCUIT COURT OF THE 7TH JUDICIAL CIRCUIT  
SANGAMON COUNTY, ILLINOIS

ANDY MARTIN, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JOHN L. RYAN. )  
 ANDREW M. RAUCCI )  
 JOHN DOE/JANE ROE, et al., )  
 )  
 Defendants. )

NO. 03-L-363

NOTICE OF TAKING  
DEPOSITION  
DUCES TECUM

TO: Andrew Raucci, 3000 N. Sheriden Street, #18D  
Chicago, IL 60657  
Via fax (773) 348-3524

John L. Ryan  
10305 Long Avenue  
Oak Lawn, IL 60453

State Board of Elections  
1020 S. Spring Street  
Springfield, IL 62704  
Via fax (217) 782-5959

Andrew McKenna  
720 Glendale Dr.  
Glenview, IL 60025

**FILED**

DEC 30 2003 CTR.-1

*Anthony J. ...* Clerk of the  
Circuit Court

PLEASE TAKE NOTICE that the undersigned will take the deposition of:

NAME: John L. Ryan  
DATE: January 12, 2004  
TIME: 1:00 P.M.  
PLACE: 440 N. Wabash Avenue, Suite 3010  
Chicago, Illinois 60611

upon oral examination before notaries public in and for the State of Illinois, or before some other officer duly authorized by law to take depositions. The deposition will continue from day to day until completed. The deposition is being taken for the purpose of discovery, for use at trial, or for both of the foregoing, or for such other purposes as are permitted under both Illinois law and Federal Rule of Civil procedure 30.

DUCES TECUM

You are hereby commanded to bring with you to the above-scheduled deposition the following documents and records:

1. Records of your contacts with any campaign for the United States Senate from Illinois in 2004 including contacts, records of contacts, contracts and fee payment records or any other form of consideration with any candidates, staff members or other persons involved with any U.S. Senate campaign in any form.

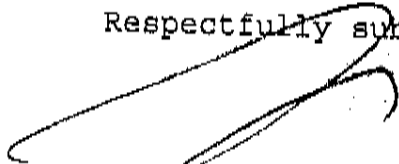
2. Records of your retention agreement and relationship with defendant Andrew Raucci including records of fees paid, correspondence and any other information related to the representation of defendant John L. Ryan by defendant Andrew M. Raucci.

4. Records of any petition challenges you have filed against political candidates and their petitions since 1970 before any state agency in Illinois including, but not limited to, the Illinois State Board of Elections, and similar agencies in Cook County and the City of Chicago, including records of challenges filed, names of persons you represented or acted on behalf of, names of persons whom you dealt with and who paid you any fees or other form of consideration in connection with filing any of your petition challenges.

5. Records of your contacts with any persons, including candidates, staff members for candidates or any other persons concerning your challenge to the petitions of plaintiff.

WE HEREBY CERTIFY that a copy of the foregoing Notice of Taking Deposition was FedEx'd to the addressee herein this 30 day of December, 2003.

Respectfully submitted,



ANDY MARTIN  
440 N. Wabash Avenue  
Chicago, IL 60611  
Tel. (312) 245-7071  
Fax (312) 245-7072

(Courtesy note: service and responses by fax are preferred because they are computer controlled and accessible anywhere)

IN THE CIRCUIT COURT OF THE 7TH JUDICIAL CIRCUIT  
SANGAMON COUNTY, ILLINOIS

ANDY MARTIN, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JOHN L. RYAN. )  
 ANDREW M. RAUCCI )  
 JOHN DOE/JANE ROE, et al., )  
 )  
 Defendants. )

NO. 03-L-363

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Chicago, IL 60657  
Via fax (773) 348-3524

John L. Ryan  
10305 Long Avenue  
Oak Lawn, IL 60453

State Board of Elections  
1020 S. Spring Street  
Springfield, IL 62704  
Via fax (217) 782-5959

Andrew McKenna  
720 Glendale Dr.  
Glenview, IL 60025

**FILED**

DEC 30 2003 CTR-1

*Anthony P. Schuch* Clerk of the  
Circuit Court

PLEASE TAKE NOTICE that the undersigned will take the deposition of:

NAME: Andrew Raucci  
DATE: January 12, 2004  
TIME: 9:00 A.M.  
PLACE: 440 N. Wabash Avenue, Suite 3010  
Chicago, Illinois 60611

upon oral examination before notaries public in and for the State of Illinois, or before some other officer duly authorized by law to take depositions. The deposition will continue from day to day until completed. The deposition is being taken for the purpose of discovery, for use at trial, or for both of the foregoing, or for such other purposes as are permitted under both Illinois law and Federal Rule of Civil procedure 30.

DUCES TECUM

You are hereby commanded to bring with you to the above-scheduled deposition the following documents and records;

1. Records of all lobbying activity performed by you or your "law firm," including firms for which you are a registered lobbyist and firms for which you have not registered as a lobbyist and still attempted to influence legislation or government action.

2. Records of your contacts with any campaign for the United States Senate from Illinois in 2004 including contacts, records of contacts, contracts and fee payment records with candidates, staff members or other persons involved with any U.S. Senate campaign in any form.

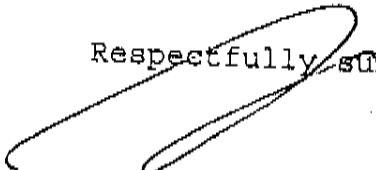
3. Records of your retention agreement and relationship with defendant John L. Ryan including records of fees paid, correspondence, retention agreement and any other information related to John L. Ryan.

4. Records of any petition challenges you have filed against political candidates and their petitions since 1970 before any state agency in Illinois including, but not limited to, the Illinois State Board of Elections, and similar agencies in Cook County and the City of Chicago, including records of challenges filed, names of persons represented, names of persons whom you dealt with and who paid you legal fees in connection with your representation of any individuals filing petition challenges.

5. Records of your contacts with any persons, including candidates, staff members for candidates or any other persons concerning your challenge to the petitions of plaintiff.

WE HEREBY CERTIFY that a copy of the foregoing Notice of Taking Deposition was faxed to the addressee herein this 30 day of December, 2003.

Respectfully submitted,

  
ANDY MARTIN  
440 N. Wabash Avenue  
Chicago, IL 60611  
Tel. (312) 245-7071  
Fax (312) 245-7072  
(Courtesy note: service and responses by fax are preferred because they are computer controlled and accessible anywhere)



IN THE CIRCUIT COURT OF THE 7TH JUDICIAL CIRCUIT  
SANGAMON COUNTY, ILLINOIS

ANDY MARTIN, )  
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 Plaintiff, )  
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 vs. )  
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State Board of Elections  
1020 S. Spring Street  
Springfield, IL 62704  
Via fax (217) 782-5959

Andrew McKenna  
720 Glendale Dr.  
Glenview, IL 60025

PLEASE TAKE NOTICE that the undersigned will take the deposition of:

NAME: Andrew McKenna  
DATE: January 12, 2004  
TIME: 4:00 P.M.  
PLACE: 440 N. Wabash Avenue, Suite 3010  
Chicago, Illinois 60611

upon oral examination before notaries public in and for the State of Illinois, or before some other officer duly authorized by law to take depositions. The deposition will continue from day to day until completed. The deposition is being taken for the purpose of discovery, for use at trial, or for both of the foregoing, or for such other purposes as are permitted under both Illinois law and Federal Rule of Civil procedure 30.

DUCES TECUM

You are hereby commanded to bring with you to the above-scheduled deposition the following documents and records:

1. Records of your contacts with any attorneys or agents for attorneys in connection with your campaign for the United States Senate from Illinois in 2004 including contacts, records of contacts, contracts and fee payment records or any other form of consideration with any attorneys, their staff members or other persons involved with your U.S. Senate campaign in any form.

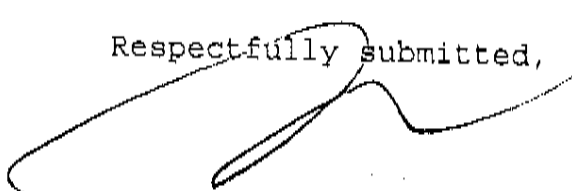
2. Records of your retention agreement and relationship with any attorney in connection with your campaign for the U.S. Senate in 2004 including records of fees paid, correspondence and any other information related to representation of your campaign in any form, directly or indirectly, by any attorney in 2003-2004.

4. Records of any petition challenges you have filed against political candidates and their petitions since 1970 before any state agency in Illinois including, but not limited to, the Illinois State Board of Elections, and similar agencies in Cook County and the City of Chicago, including records of challenges filed, names of persons you represented or acted on behalf of, names of persons whom you dealt with or to whom you who paid any fees or other form of consideration in connection with filing any of your petition challenges.

5. Records of your contacts with any persons, including candidates, staff members for candidates or any other persons concerning a challenge to the petitions of plaintiff by defendants Raucci and Ryan.

WE HEREBY CERTIFY that a copy of the foregoing Notice of Taking Deposition was FedEx'd to the addressee herein this 30 day of December, 2003.

Respectfully submitted,



ANDY MARTIN  
440 N. Wabash Avenue  
Chicago, IL 60611  
Tel. (312) 245-7071  
Fax (312) 245-7072  
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