

IN THE CIRCUIT COURT FOR THE THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

ROBERT FRANKE, STEPHANIE ELLIOTT, )  
CYNTHIA ROTH, GARY HEININGER, and )  
ROBERT GENTRY, Trustees of the )  
ALTON FIREFIGHTERS PENSION FUND, )

Plaintiffs, )

vs. )

CITY OF ALTON, ILLINOIS, )  
Serve: Mayor Donald E. Sandidge )  
101 E. Third )  
Alton, IL 62002 )

MAYOR DONALD E. SANDIDGE, )  
Serve: 101 E. Third )  
Alton, IL 62002 )

JAMES RYAN, )  
Serve: 604 Summit )  
Alton, IL 62002 )

PHIL HANRAHAN, )  
Serve: 807 Alton )  
Alton, IL 62002 )

JOE MAHER, JR., )  
Serve: 506 E. Fifth )  
Alton, IL 62002 )

ALICE MARTIN, )  
Serve: 105 Hodge Ct. )  
Alton, IL 62002 )

CHARLES BRAKE, )  
Serve: 3425 Humbert Rd. )  
Alton, IL 62002 )

GARY L. FLEMING, )  
Serve: 3541 Hoover Dr. )  
Alton, IL 62002 )

Case No.

Div.

JURY TRIAL DEMANDED  
BY PLAINTIFFS

and )  
 )  
DAVID L. BOULDS, )  
Serve: 3838 Omega Ave. )  
Alton, IL 62002 )  
 )  
Defendants. )

**COMPLAINT**

COME NOW the Plaintiffs and, for their cause of action, state as follows:

**ALLEGATIONS COMMON TO ALL COUNTS**

1. The Alton Firefighters Pension Fund (“AFPF”) is a legal entity, created under the provisions of 40 ILCS 5/4-101 *et seq.*, as further adopted by the City of Alton, in its City Code § 2-7-1, which states as follows:

FIREFIGHTERS PENSION FUND CREATED: There is hereby created a firefighters pension fund to be administered as provided in 40 Illinois Compiled Statutes 5/4-101 *et seq.*, as amended. (1973 Code)

2. Plaintiffs, Robert Franke, Stephanie Elliott, Cynthia Roth, Gary Heininger, and Robert Gentry are the duly elected and appointed Trustees of the Alton Firefighters Pension Fund (“Trustees” or “Plan Trustees”) and, in their capacity as Trustees, have authority to bring this cause of action.

3. The City of Alton is a charter city in the State of Illinois.

4. Defendant Donald E. Sandidge is the Mayor of the City of Alton, and Defendants James Ryan, Phil Hanrahan, Joe Meyer, Jr., Alice Martin, Charles Brake, Gary L. Fleming and David L. Boulds are the Aldermen for the City of Alton, Illinois, and collectively constitute the City Council.

5. Monetary relief is sought only against the City of Alton, Illinois, as set forth in subsequent counts. However, the Mayor and Aldermen are joined as necessary parties with respect

