

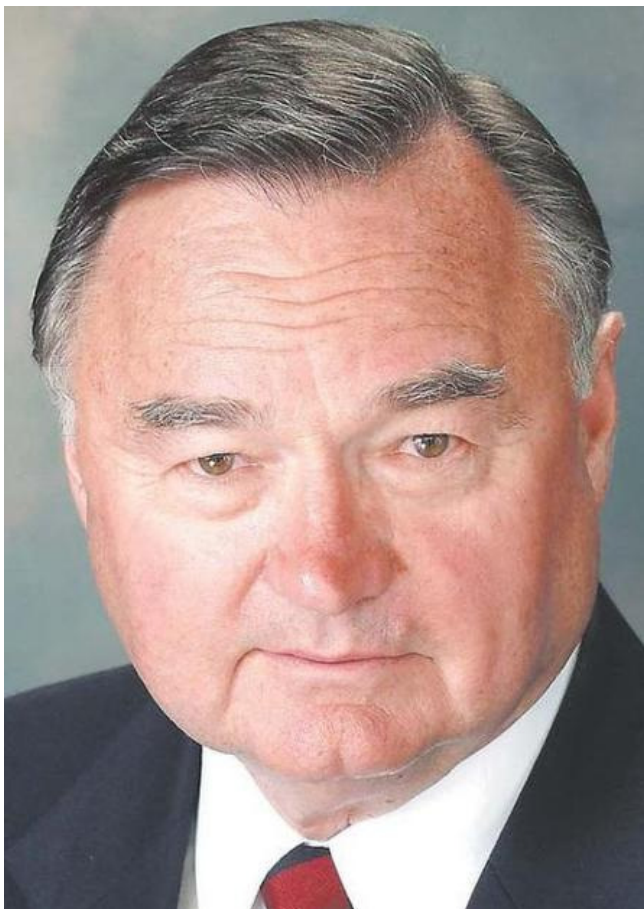
# News Democrat

## ‘Extraordinarily unusual’: Karmeier ordered to give testimony in lawsuit

By Brian Brueggemann

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Justice Lloyd Karmeier

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The Illinois Supreme Court justice from downstate has been ordered to give sworn testimony in a lawsuit that accuses an insurance company of secretly bankrolling his election.

Justice Lloyd Karmeier of Washington County has been ordered by U.S. District Judge David Herndon to give sworn testimony in a lawsuit brought by customers of State Farm Mutual Automobile Insurance Co.

It is not common for judges to be ordered to testify in lawsuits, especially regarding their election campaigns.

“It’s very unusual,” said William Schroeder, a law professor at Southern Illinois University-Carbondale. “It’s extraordinarily unusual.”

An Illinois Supreme Court spokesman, contacted Friday, did not immediately have a comment on Karmeier’s behalf.

The lawsuit in federal court in East St. Louis stems from the Illinois Supreme Court deciding in 2005 to overturn a \$1 billion verdict against State Farm. That verdict against State Farm was issued in a class-action lawsuit in Williamson County.

Karmeier, a Republican, won a hard-fought, high-dollar election in 2004 over Democrat Gordon Maag.

The plaintiff attorneys in the class-action suit had asked Karmeier to recuse himself from participating in the Supreme Court’s consideration of the State Farm appeal. Karmeier denied the request, and took part in the decision to overturn the verdict. He cast the deciding fourth vote to throw out the verdict.

The attorneys in the federal lawsuit allege that State Farm conspired to elect Karmeier to the high court, in an effort to get the class-action verdict overturned. The attorneys in the federal suit want to question Karmeier, in a sworn deposition, about his “recruitment and selection as an Illinois Supreme Court candidate, his campaign and fundraising activities” and his communications and relationships with his campaign supporters.

Herndon, in his ruling, said having Karmeier give testimony is the only way to give both sides a fair opportunity to “explore the facts and for the public, in the face of such allegations, to learn the truth.”

He added: “Without allowing the inquiry, there will never be light on the facts of this case ...”

Herndon ordered that the plaintiff attorneys can question Karmeier “as to his knowledge concerning all aspects of his campaign, including his decision-making process for running in the first place and the persons with whom he consulted to make that decision, how the campaign was managed, how the campaign was financed, who was involved in the decision-making and strategy of the campaign.”

Herndon ordered that the plaintiff attorneys can “exhaustively explore” Karmeier’s campaign matters but cannot question him about any of the Supreme Court’s deliberations.

The federal suit alleges that State Farm funneled as much as \$4 million into Karmeier’s political fund and then, while the Supreme Court appeal was pending, concealed the company’s involvement in Karmeier’s campaign.

The Karmeier-Maag campaign drew more than \$10 million in political contributions. Karmeier was supported mostly by business interests, while Maag’s money came mostly from plaintiff attorneys and labor unions. Maag, while serving on the 5th District Appellate Court in Mount Vernon, had issued a ruling against State Farm in the class-action suit.

In the election in November, Karmeier narrowly won a retention vote, giving him another 10-year term on

the Supreme Court. Plaintiff attorneys spent more than \$2 million in a last-minute campaign to get Karmeier unseated.

The federal suit, which names State Farm and others as defendants, seeks \$8 billion in damages.

The State Farm class-action involved the type of replacement parts the company required in the repair of damaged vehicles.

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