

**IN THE UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LEBAMOFF ENTERPRISES, INC., et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 16-cv-08607
	)	
DONALD G. O'CONNELL, et al.	)	Hon. William T. Hart
	)	
Defendants,	)	
	)	
- and -	)	
	)	
WINE AND SPIRITS DISTRIBUTORS OF ILLINOIS	)	
	)	
Intervenor-Defendant.	)	

**AFFIDAVIT OF MICHAEL DIERKES**

I, Michael Dierkes, being first duly sworn upon oath, state that I have personal knowledge of the facts set forth herein, that I am competent to testify and if called to testify would state as follows:

1. I am employed by the Office of the Illinois Attorney General as a Senior Assistant Attorney General.
2. I represent the Illinois Liquor Control Commission ("ILCC") Defendants in this case.
3. When he was the ILCC's Chief Legal Counsel, Sean O'Leary served as my primary contact at the ILCC regarding all aspects of this case.
4. I provided Mr. O'Leary with updates regarding the status of the case and consulted with Mr. O'Leary regarding the defense strategies of the ILCC Defendants.
5. I met with Mr. O'Leary on November 2, 2016, to discuss our impressions of this case and formulate a defense strategy on behalf of the ILCC Defendants.

6. I also met with Mr. O'Leary on December 6, 2016, for approximately an hour and a half, to discuss the defense strategy for the ILCC Defendants.
7. During the December 6, 2016, meeting Mr. O'Leary and I discussed legal arguments that could be raised in the ILCC Defendants' motion to dismiss.
8. At that same meeting, Mr. O'Leary and I shared our mental impressions regarding the strength of the various legal arguments and discussed the best strategy for obtaining a dismissal order on behalf of the ILCC Defendants.
9. I sent Mr. O'Leary confidential drafts of the ILCC Defendants' motion to dismiss and reply in support of that motion. Mr. O'Leary provided input on these draft motions.

FURTHER AFFIANT SAYETH NOT.

  
Michael Dierkes

SUBSCRIBED and SWORN to  
Before me this 27<sup>th</sup> day of February, 2020.

  
Notary Public

