

From **The Northwest Herald**

## **Suit alleges donation hoax**

WOODSTOCK – Jesse Oaks is a bar, not a disabled child to whom a Woodstock excavator thought he was giving \$10,000 last year, according to a lawsuit filed Monday.

On July 7, 2005, Wauconda resident Charles A. August asked Thomas Merryman, vice president of Merryman Excavating Inc., to donate money to a disabled girl whose parents had recently died in a car accident, said Merryman's attorney, Robert Hanlon.

The Woodstock company wrote a \$10,000 check to Jesse Oaks, which August passed on to R.W. Smith Jr., president of the company that owns the bar, according to the lawsuit.

August told the Northwest Herald that he preferred to discuss the lawsuit in person, but arrangements could not immediately be made Wednesday. He declined to comment by telephone. Merryman could not be reached for comment.

According to the lawsuit, August later returned \$1,000 in cash, stating Merryman Excavating had "won." Hanlon declined to elaborate why the money was returned.

The excavator is suing August, as well as R.W. Skip Smith Inc., which owns the Gages Lake bar, Smith and his wife, for fraud and deceit. The suit alleges the Smiths, who live in Ingleside, and August split the money.

Merryman Excavating is seeking the \$9,000 plus interest and punitive damages. A status hearing is scheduled for Oct. 16.

Jesse Oaks' general manager, Sean Smith, said the company had a paper trail of information that would show no donated money was spent incorrectly. Sean Smith is not named in the lawsuit.

"I am 100 percent confident that there was no wrongdoing," Smith said. "It is more of a point of principle."

Jesse Oaks Food & Drink is a bar in Gages Lake, east of Grayslake, that offers volleyball, darts, dodgeball and regular motorcycle runs and benefits, according to its Web site, [www.jesseoaks.com](http://www.jesseoaks.com).

Smith said that the bar usually raised more than \$100,000 for charities throughout the year.

In July 2005, when the lawsuit says money was wrongly spent, Smith said more than \$40,000 was raised for Northbrook-based Glenkirk, an organization that supports people with developmental disabilities.

"All I know is that all the money that was given to us went to charitable organizations," Smith said.

### **What it means**

A Woodstock excavator is seeking \$9,000 plus interest and punitive damages for a donation that allegedly went to a bar, rather than a disabled girl.