2017 IL App (1st) 162418-U

SECOND DIVISION
June 6, 2017

No. 1-16-2418

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

ANTHONY MILAZZO and ANTHONY MILAZZO, D.D.S., P.C.,	)	Appeal from the Circuit Court of Cook County, Illinois.
Plaintiffs-Appellants,	)	
v.	)	No. 15 L 7852
BRIAN CONNOLLY, VIKKI VALENTINE, and FURTHERMORE, INC.,	)	Honorable William Gomolinski, Judge Presiding.
Defendants-Appellees.	)	

JUSTICE MASON delivered the judgment of the court.
Presiding Justice Hyman and Justice Pierce concurred in the judgment.

ORDER

¶ 1 *Held*: Trial court properly dismissed defamation *per se* and defamation *per quod* counts that were based on statements expressing opinions and not facts. Plaintiff failed to sufficiently plead a cause of action for intentional infliction of emotional distress because allegations were conclusory and lacked facts demonstrating extreme and outrageous conduct causing severe emotional distress.

¶ 2 Plaintiffs-appellants Anthony Milazzo and Anthony Milazzo, D.D.S., P.C. appeal the trial court's dismissal of their three-count complaint including a count for: (1) defamation *per se*; (2) defamation *per quod*; and (3) intentional infliction of emotional distress (IIED) against

defendants-appellees Brian Connolly, Vikki Valentine and Furthermore, Inc. (defendants). Milazzo contends that defendants made extreme and outrageous defamatory statements on their blog post that caused him severe emotional distress. Because we find that the asserted defamatory statements merely expressed an opinion and defendants' conduct was not extreme and outrageous, we affirm the trial court's dismissal of all three counts raised in Milazzo's complaint.

¶ 3 BACKGROUND

¶ 4 Milazzo, Connolly and Valentine all own units in a condominium building located at 111 East Chestnut Street in Chicago, Illinois. Connolly and Valentine reside in one unit at the building and Milazzo owns another unit where he resides part-time. Connolly previously served on the 111 East Chestnut Street Condominium Board (Board), but later failed in his re-election bid. Milazzo served as the Board's president when Connolly was on the Board and Milazzo continued in that position after Connolly was no longer on the Board.

¶ 5 Milazzo is a licensed dentist practicing in Oswego, Illinois, as Anthony G. Milazzo, D.D.S. Connolly is president and Valentine is secretary of Furthermore, Inc. Through Furthermore, Connolly and Valentine maintain the blog www.111eastchestnut.org,[1] which provides commentary on various topics relating to the building. Shortly after the 2014 Board election and from April to October 2014, Furthermore posted articles on the blog regarding the election results and Milazzo's role as president, which Milazzo claims were defamatory. We quote relevant portions of the blog posts:

(1) April 18, 2014, "*Homeowners Cry Foul as Condo Conducts Board Election*":

[1] According to Milazzo's second amended complaint, Futhermore is the copyright holder of www.111eastchestnut.org.

"According to sources who were present at the tabulation, representatives of our accounting firm Picker & Associates were asked 'if owners of multiple units cast their vote with just one unit number indicated, would their percent of ownership be taken into account for all units?' The response by Picker was 'No.' The Picker rep went on to say, 'We do whatever the Board tells us.' Yikes.

That aside, keep in mind, we don't have any way to certify signatures. Point: if you wanted to cheat, no one would know and it would be costly and tedious to catch. Fact is, this would not be the first time Milazzo *et al*. rigged an election here."

(2) April 23, 2014, "*More on Rigging the Election*":

"There's a lesson here. Considering the huge and unprecedented discrepancy in vote totals between the endorsed candidate and other more qualified candidates, next time Milazzo should at the very least rig the election to be a little closer. As it is, it's just plain insulting. Well, maybe not in North Korea."

In this blog post, Milazzo was indirectly compared to Louisiana Senator Huey "Kingfish" Long, who was accused of rigging votes, and North Korean leader Kim Jung-un. The blog accused Milazzo of illegally interfering with the election by sending a letter to targeted residents recommending candidates in the upcoming election violating section 18(a)(17) of the Illinois Condominium Act (765 ILCS 605/18 (West 2014)), which prohibits a board from expressing preference for a candidate in an election. The blog stated that "apparently our Board President did just that."

(3) August 14, 2014, "*Previous copy in error? Huh?*":

"Fact: By surrounding himself with 'yes men' and under a shroud of secrecy and dishonesty, the harm Milazzo has caused our Association is incalculable. From lawsuits, to debt, to the culture of our community."

(4) September 12, 2014, "*Only Three Laws Broken at Last Night's Board Meeting, Woo-Hoo!*":

"Association President Anthony Milazzo was able to keep his contempt for the law in relative check at last night's monthly board meeting. Only three laws broken!"

(5) October 11, 2014, "*Board Meeting Recap: 4 milazzoed moments, 1 cramdown, 1 law broken and 200,000 missing*":

"As to the phrase 'a milazzoed moment,' that's a regional colloquialism used to describe those instances when truth gets twisted, raped, then beaten into a sweet hollow mush that's known to trigger the gag reflex and associated depression. Fits of socially inappropriate laughter have also been documented."

¶ 6 In another blog post dated September 1, 2014, entitled "*111 at an Inflection Point?*," defendants included a hyperlink to Milazzo's dental practice:

"1. The Board president [Anthony G. Milazzo, D.D.S.[2]] will appoint each committee's chairperson [Milazzo agenda advocate] and will designate a Board liaison [Milazzo Board Majority Member] with whom the chairperson will occasionally consult.

[2] The name "Anthony G. Milazzo, DDS" was hyperlinked to Milazzo's profile listed on his dental practice's website. Anyone searching for Milazzo on the internet will be directed to Connolly's blog.

> 2. The committee's chairperson [Milazzo agenda advocate] will select each committee member and subcommittee chairperson [friends of the Milazzo agenda advocate] will select each committee member and subcommittee chairperson [friends of the Milazzo agenda advocate], in consultation with the board president [Milazzo]. Subcommittee chairpersons will select their own committee members [junior Milazzo agenda advocates] in consultation with the committee chairperson [Milazzo agenda advocate] and the board president [Milazzo].
>
> 3. The committee should submit a written report to the Board via the managing agent [who solely reports to Milazzo] prior to a regular meeting of the Board. A verbal presentation may be requested at the discretion of a Board majority [Milazzo agenda advocates] or the Board president [Anthony G. Milazzo, DDS]."

¶ 7 Based on these statements, Milazzo, individually and on behalf of his dental practice, filed a complaint, which he later amended, raising the following counts: (1) defamation *per quod*; (2) defamation *per se*; and (3) IIED. Milazzo alleged that the blog had mentioned Milazzo and his dental practice more than 100 times in a defamatory context since the blog's inception, damaging his and his dental practice's reputation. Milazzo asserted that because of defendants' defamatory statements, for the period from 2014 to 2016, his dental practice experienced a decline in: (1) patient visits from 546 to 428; (2) new patients from 351 to 268; and (3) total days worked from 162 to 104 (annualized).

¶ 8 Defendants moved to dismiss the complaint under section 2-615 and section 2-619(a)(9) asserting that the alleged defamatory statements were conclusory, expressed an opinion and did not mention Milazzo's dental practice in any negative manner.

¶ 9 The trial court granted defendants' section 2-619 motion to dismiss as to the defamation *per quod* and defamation *per se* counts and granted defendants' section 2-615 dismissal as to the IIED count, both with prejudice. Milazzo timely appealed the dismissal.

¶ 10 ANALYSIS

¶ 11 Milazzo first challenges the trial court's dismissal of his claims for defamation *per se* and defamation *per quod* based on the alleged defamatory statements defendants posted on the blog criticizing Milazzo's performance as Board president. Milazzo also asserts the hyperlink to his dental practice included in the blog post discredited him in his profession and resulted in monetary damages sufficient for defamation *per quod* pleading purposes. Defendants respond that the alleged defamatory statements merely stated an opinion and none of the statements targeted Milazzo's dental practice or his ability as a dentist. We agree with defendants.

¶ 12 A motion to dismiss under section 2–619 admits the legal sufficiency of the complaint, but asserts an affirmative defense or other matter that avoids or defeats the plaintiff's claim. *Stone Street Partners, LLC v. City of Chicago Department of Administrative Hearings*, 2017 IL 117720, ¶ 4. Affirmative matter defeating a cause of action "includes any defense apart from one that negates an essential allegation of plaintiff's cause of action." *Kedzie & 103rd Currency Exchange, Inc. v. Hodge*, 156 Ill. 2d 112, 115 (1993). Statements that are not of a factual nature cannot be the subject of a defamation claim. *Imperial Apparel, Ltd. v. Cosmo's Designer Direct, Inc.*, 227 Ill. 2d 381, 397 (2008) ("[T] first amendment prohibits defamation actions based on loose, figurative language that no reasonable person would believe presented facts.") In ruling on a section 2-619 motion to dismiss, the court may consider all facts presented in the pleadings, and all well-pleaded facts along with all reasonable inferences that can be drawn from those facts are deemed admitted. *Porter v. Decatur Memorial Hospital*, 227 Ill. 2d 343, 352 (2008). A

court interprets all pleadings and supporting documents in the light most favorable to the nonmoving party. *Id.* We review a trial court's dismissal of a complaint under section 2-619 *de novo*. *Id.*

¶ 13 A statement is considered defamatory if the statement "harms a person's reputation to the extent it lowers the person in the eyes of the community or deters the community from associating with her or him." *Green v. Rogers*, 234 Ill. 2d 478, 491 (2009); *Tuite v. Corbitt*, 224 Ill. 2d 490, 501 (2006); *Bryson v. News America Publications, Inc.*, 174 Ill. 2d 77, 87 (1996). A plaintiff must plead facts demonstrating the following to state a claim for defamation: (1) the defendant made a false statement about the plaintiff; (2) the defendant made an unprivileged publication of that statement to a third party; and (3) publication of the statement caused damages. *Rodgers*, 234 Ill. 2d at 491.

¶ 14 There are two types of defamation: (1) *per se* and (2) *per quod*. *Tuite*, 224 Ill. 2d at 501. A statement is classified as defamatory *per se* if its defamatory character is obvious and apparent on its face and injury to the plaintiff's reputation may be presumed. *Id.*; *Bryson*, 174 Ill. 2d at 87. In Illinois, five categories of statements are considered defamatory *per se*, including words that impute a person*:* (1) has committed a crime; (2) is infected with a loathsome communicable disease; (3) is unable to perform or lacks integrity in performing her or his employment duties; (4) lacks ability or otherwise prejudices that person in her or his profession; and (5) has engaged in adultery or fornication. *Rogers*, 234 Ill. 2d at 491-92; *Tuite*, 224 Ill. 2d at 501. A plaintiff must plead defamation *per se* with a heightened level of precision and particularity because there is no requirement that the plaintiff prove actual damages to his reputation to recover in a defamation *per se* claim. *Rogers*, 234 Ill. 2d at 495; *Bryson*, 174 Ill. 2d at 87. In a defamation *per quod* action, either a statement's defamatory character is not apparent on its face or the

statement is defamatory on its face but does not fall within any of the five enumerated defamation *per se* categories. *Bryson*, 174 Ill. 2d at 103. In such cases, the plaintiff must plead and prove special damages because damage to the plaintiff's reputation is not presumed. *Id.*

¶ 15 Not every defamatory statement is actionable. Certain defamatory *per se* statements are protected if they are reasonably capable of an innocent construction. *Tuite*, 224 Ill. 2d at 502; *Bryson*, 174 Ill. 2d at 90. Under the innocent construction rule, courts must consider a written or oral statement in context, and give the words and their implications their natural and obvious meaning. *Bryson*, 174 Ill. 2d at 90. If after doing so a statement may reasonably be innocently interpreted, then the statement cannot be actionable *per se*. *Id.*

¶ 16 Even if a defamatory *per se* statement is not protected by the innocent construction rule, it may nonetheless be protected speech under the First Amendment as an expression of opinion and not fact. *Id.* at 100; *Hadley v. Subscriber DOE*, 2015 IL 118000, ¶ 33. A "bright line" distinction between an opinion and fact does not exist because a false assertion of fact may be defamatory "even when couched within apparent opinion or rhetorical hyperbole." *Solaia Technology, LLC v. Specialty Publishing Co.*, 221 Ill. 2d 558, 581 (2006). The relevant test used to distinguish between opinion and fact is restrictive: "a defamatory statement is constitutionally protected only if it cannot be reasonably interpreted as stating actual fact." *Id.* Helpful in making the fact versus opinion determination are the following three considerations: (1) whether the statement has a precise and readily understood meaning; (2) whether the statement is verifiable; and (3) whether the statement's literary or social context signals that it has factual content. *Id.*; *Hadley*, 2015 IL 118000, ¶ 41. Courts consider the totality of the circumstances on a case by case basis, but place emphasis on whether the statement is capable of objective verification. *Rose v. Hollinger International, Inc.*, 383 Ill. App. 3d 8, 13 (2008). Basically, if a

statement states a fact, and it is false, then it is actionable. *Solaia Technology, LLC*, 221 Ill. 2d at 582.

¶ 17 Milazzo claims the trial court erroneously dismissed both his defamation *per se* and defamation *per quod* claims because the five statements in defendants' blog were defamatory and negatively impacted his dental practice causing damages evident in the decline of patient appointments and revenue. Regarding the five enumerated categories of defamation *per se*, Milazzo claims that various statements on Connolly's blog imputed that he: (1) had committed a crime; (2) was unable to perform or lacked integrity in performing his employment duties; and (3) lacked ability or otherwise prejudiced him in his profession.

¶ 18 Regarding defamation *per se* based on imputing the commission of a crime, Milazzo asserts that the blog posts of April 18 (referring to "rigging" the condo Board election) and September 12 (referring to "only three laws broken" by Milazzo at a Board meeting) fall within that category. Contrary to Milazzo's position, this court has consistently held that for a statement to be actionable defamation *per se* premised on imputing the commission of a crime, " 'the crime must be an indictable one, involving moral turpitude and punishable by death or by imprisonment in [lieu of a] fine.' " *Dobias v. Oak Park and River Forest High School District 200*, 2016 IL App (1st) 152205, ¶ 87 (quoting *Doe v. Catholic Diocese of Rockford*, 2015 IL App (2d) 140618, ¶ 46; *Kirchner v. Greene*, 294 Ill. App. 3d 672 (1998)).

¶ 19 Here, the April 18 post infers that Milazzo had rigged an election more than once, but the post acknowledged that there was no way to certify signatures and it would be costly and tedious to catch cheating in an election. This post would not indicate to a reasonable reader the commission of a crime by Milazzo. See *id*. ¶ 93 (the relevant inquiry is whether an alleged defamatory statement "fairly impute[s] the commission of a crime in the eyes of the reasonable

reader.") Indeed, the post assumes that the election must have been rigged while noting that there was no supporting proof of that assumption. Likewise, the September 12 post accuses Milazzo of breaking "only three laws" at a Board meeting, but the post never identifies the "laws" with any particularity. The post's vague reference to three broken laws was insufficient to constitute the narrowly defined "commission of a crime." Consequently, nothing in this post, similar to the April 18 post, accuses Milazzo of engaging in conduct meeting the definition of "crime" for defamation *per se* purposes.

¶ 20 Regarding defamation *per se* based on statements imputing that Milazzo was unable to perform or lacks integrity in performing his duties as the Board's president, Milazzo claims that each of the five alleged defamatory statements paints him in an unfavorable light by accusing him, among other things, of rigging elections, breaking laws, and being untruthful and dishonest. Milazzo asserts that defendants' accusations impute a lack of integrity relating to his role as Board president.

¶ 21 We agree and consider the defamatory character of the statements in each of the five posts obvious on their face as they portray Milazzo as an unsavory, untrustworthy and crooked president incapable of effectively operating the condominium association. Likewise, we cannot innocently construe these defamatory statements. But, again, not all defamatory *per se* statements are actionable because they may be protected as an expression of opinion and not fact. *Bryson*, 174 Ill. 2d at 100. False *factual* statements are actionable whereas a defamation *per se* claim cannot be based on statements that cannot be reasonably interpreted as stating a fact. *Id*.

¶ 22 First, many of the comments lack a precise and readily understood meaning. For instance, the September 24 post states that "Milazzo was able to keep his contempt for the law in relative check at last night's monthly meeting. Only three laws broken!" without explaining or

identifying the claimed transgressions and providing no information for a reader to understand the meaning of that phrase. See *Rose*, 383 Ill. App. 3d at 18 (finding the phrase "pecuniary affairs or resources" to be "a broad term, an outer shape without an inner core" leaving a reasonable reader unsure of the referred to pecuniary affairs or resources). The same holds true for the April 23 post accusing Milazzo of rigging the election results and indirectly comparing him to known unscrupulous authoritative figures. Likewise, the terms "dishonest," "yes men" and "shroud of secrecy" were not defined and lack a precise and readily understood meaning. See *Imperial*, 227 Ill. 2d at 401 (unflattering concepts referring to a clothing store that included "rags," "flea market style warehouse," "dried cream cheese," "low rent," and "a hookers come on" and likening the plaintiffs to the Iraqi Information Minister were merely subjective characterizations lacking precise and readily understood meanings conveying instead colorful hyperbole aimed at capturing the reader's interest and attention); see *Rose*, 383 Ill. App. 3d at 18 (explaining that a defamatory phrase must have a " 'precise core of meaning for which a consensus of understanding exists.' " (quoting *Mittelman v. Witous*, 135 Ill. 2d 220, 243 (1989)); *Hopewell v. Vitullo*, 299 Ill. App. 3d 513, 519 (1998) (the term "incompetence" lacked a precise and readily understood meaning).

¶ 23 We also find that the alleged defamatory statements were incapable of objective verification. The relevant inquiry is whether the statements are "objectively capable of proof or disproof." *Rose*, 383 Ill. App. 3d at 18. According to Milazzo, the defamatory statements indicated that he "lied, rigged elections, caused lawsuits, incurred unnecessary debts, and violated the law," which impugned his character. But these blog posts are too broad and vague, lacking any factual grounds to permit objective verification. See *id*. (providing sparse information that would initiate a fruitless investigation supports a finding that a statement was

too broad, conclusory, and vague to be objectively verifiable); see contra *Tunca v. Painter*, 2012 IL App (1st) 093384, ¶ 48 (statement asserting a doctor was negligent for cutting an artery was a factual statement and not merely an opinion). Even Milazzo's claim that the blog's accusation of an increase in lawsuits and debt were capable of objective verification must be rejected because an investigation of those claims would be fruitless given their overly vague, broad and conclusory nature lacking any basis in fact. See *Rose*, 383 Ill. App. 3d at 17 (finding that a reasonable reader would not consider the statement that "[i]t will be some time before we can undo the damage he has wrought: To our finances, to our reputation, to our business relationships, to our morale, to the quality of our editorial product" to be a factual assertion.) Moreover, regarding election rigging accusations, the April 18 blog post states that it would be costly to catch the cheating and there would be no way of proving it, which further demonstrates the lack of objectively verifiable facts. Similarly, defendants coined the phrase "milazzoed moment" and although they defined the term, it, nonetheless, remains incapable of objective verification.

¶ 24 Finally, when read in literary and social context, it is apparent that each of the complained of defamatory statements were an expression of opinion reflecting dissatisfaction with Milazzo and the election results, but were not factual statements. Although all five statements portray Milazzo in a negative light, the statements consist of the author's unsubstantiated rhetoric and opinionated editorial comments, often times resorting to hyperbole. Nothing in the identified statements would cause a reasonable person to believe they were statements of fact; instead, the statements were accusations ambiguous in nature and lacking any supportable basis. *Wynne v. Loyola University of Chicago*, 318 Ill. App. 3d 443, 452 (2000) ("the vaguer and more generalized the opinion, the more likely the opinion is nonactionable as a

matter of law.") Indeed, the common thread among the posts reflects displeasure with the election and its results using opinions and hyperbole written in a tone conveying criticisms of Milazzo's presidency.

¶ 25 In sum, a reasonable reader would not interpret the five blog posts as depicting verifiable facts, but, instead, would understand them as unsubstantiated opinions about Milazzo. Because the five contested blog posts are protected opinions, they cannot support a defamation *per se* claim and the trial court's dismissal of the defamation *per se* count was therefore proper.

¶ 26 As to Milazzo's dental practice, none of the five identified defamatory blog posts directly mentions the dental practice. Consequently, the lack of any false statements about the dental practice is fatal to the dental practice's defamation cause of action. See *Rogers*, 234 Ill. 2d at 491 (to state a defamation cause of action the plaintiff must demonstrate that the defendant made a false statement *about* the plaintiff).

¶ 27 Milazzo claims the September 1 post refers to the Board president and included a parenthetical with a hyperlink to Milazzo's dental practice (Anthony G. Milazzo, D.D.S.), which provided direct access to the alleged defamatory statements to anyone who searched the internet for Milazzo. According to Milazzo, the negative content in the defamatory posts impugned his integrity and prejudiced him in his profession as demonstrated by a decline in current and new patient visits impacting his revenue. We have no doubt that defendants, in fact, intended to harm Milazzo's dental practice, as there appears to be no other purpose for inclusion of the hyperlink. But while the hyperlink may be mean-spirited and ill-advised, the five identified defamatory posts do not attack Milazzo's profession as a dentist, which, again, is fatal to a defamation cause of action on behalf of the dental practice, as there were no facts impugning Milazzo's ability as a dentist or prejudicing him in the dental profession.

¶ 28 Likewise, Milazzo's defamation *per quod* claim was properly dismissed because, as noted, the blog posts expressed protected opinions and were not assertions of fact needed to support an actionable defamation claim. See *Moriarty v. Greene*, 315 Ill. App. 3d 225, 236 (2000) (a nonactionable opinion under a defamation *per se* analysis remain nonactionable under a defamation *per quod* analysis). Similarly, the absence of a defamatory statement about the dental practice precludes any cause of action for defamation, including one for defamation *per quod*. Because defendants made no actionable defamatory statements relating to Milazzo's dental practice, we need not consider whether Milazzo sufficiently pled special damages based on a decline in the dental practice's patients and revenue.

¶ 29 Finally, Milazzo contends that his IIED claim should have survived defendants' 2-615 motion because defendants' continuous (more than 100 times over several months) use of Milazzo's name in a negative connotation was extreme and outrageous conduct, causing him to suffer severe emotional distress.

¶ 30 A motion to dismiss under section 2-615 attacks the legal sufficiency of a complaint based on defects apparent on the face of the pleading. *Bueker v. Madison County, Illinois*, 2016 IL 120024, ¶ 7. The relevant inquiry is whether the allegations, viewed in the light most favorable to the plaintiff, are sufficient to state a claim upon which relief may be granted. *Schweihs v. Chase Home Finance, LLC*, 2016 IL 120041, ¶ 27. We review the trial court's dismissal of a complaint under section 2-615 *de novo*. *Id.*

¶ 31 The following three elements must be pled to state a cause of action for IIED: (1) the conduct involved must be extreme and outrageous; (2) the actor must either intend that his conduct inflict severe emotional distress, or know that there is at least a high probability that his conduct will cause severe emotional distress; and (3) the conduct must in fact cause severe

emotional distress. *Feltmeier v. Feltmeier*, 207 Ill. 2d 263, 269 (2003) (quoting *McGrath v. Fahey*, 126 Ill. 2d 78, 86 (1988)). A cause of action for IIED is not established from " 'mere insults, indignities, threats, annoyances, petty oppressions, or other trivialities.' " *Schweihs*, 2016 IL 120041, ¶ 51 (quoting Restatement (Second) of Torts § 46 comment *d*, at 73 (1965); *Fahey*, 126 Ill. 2d at 86). Even though a defendant acts with tortious intent or intends to inflict emotional distress, liability arises " 'only where the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.' " *Id*. (quoting Restatement (Second) of Torts § 46 comment *d*, at 73 (1965); *Public Finance v. Davis*, 66 Ill. 2d 85, 90 (1976)). The inflicted distress must be so severe that no reasonable person could be expected to endure it. *Id*. Courts use an objective standard to determine whether conduct is extreme and outrageous based on all of the facts and circumstances of the case. *Duffy v. Orlan Brook Condominium Owners' Ass'n*, 2012 IL App (1st) 113577, ¶ 36.

¶ 32 Here, the allegations Milazzo pled in the IIED count were conclusory and factually insufficient to withstand a section 2-615 motion to dismiss. *Welsh v. Commonwealth Edison Co.*, 306 Ill. App. 3d 148, 155 (1999); see *Schroeder v. RGIS, Inc*., 2013 IL App (1st) 122483, ¶ 27 (the allegations supporting an IIED cause of action must be specific and more detailed than what is generally considered permissible in pleading a tort action.) Specifically, Milazzo pled in a conclusory fashion that defendants engaged in "truly extreme and outrageous" conduct and that he has "actually suffered severe emotional distress as a result" of that conduct. Likewise, the complaint fails to sufficiently plead facts supporting the allegation that defendants intended to inflict extreme emotional distress on Milazzo or that they knew there was a high probability that their conduct and remarks could cause severe emotional distress. Moreover, Milazzo pled no

facts demonstrating that he suffered severe emotional distress from defendants' conduct, *i.e.*, he pled no facts indicating that he sought medical or psychiatric treatment as a result of the negative remarks in the posts. Even if we were to assume that Milazzo suffered from humiliation and shame, such emotional distress would not reach "the level of being unbearable" supporting an IIED cause of action. *Adams v. Sussman & Hertzberg, Ltd.*, 292 Ill. App. 3d 30, 38-39 (1997).

¶ 33 Apart from the sparse factual allegations, the complained of conduct forming the basis of Milazzo's IIED claim (the repeated use of his name in a negative manner over the course of several months), while undoubtedly offensive, cannot be classified as "extreme and outrageous." Although defendants' negative rants were certainly offensive, rude, annoying and, we assume, unwarranted, the nature of the criticisms against Milazzo was a far cry from being so unendurable to a reasonable person and "so extreme as to go beyond all possible bounds of decency, and to be regarded as intolerable in a civilized community." *Kolegas v. Heftel Broadcasting Corp.*, 154 Ill. 2d 1, 21 (1992); *Public Finance Corp.*, 66 Ill. 2d at 89-90. In reviewing a motion to dismiss, we must strictly construe the complaint against Milazzo, and in doing so, the allegations in the complaint do not give rise to a claim for IIED.

¶ 34 We affirm the trial court's dismissal of Milazzo's and Anthony Milazzo, D.D.S.'s cause of action for defamation *per se*, defamation *per quod* and IIED.

¶ 35 Affirmed.