

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL COURT
MCHENRY COUNTY ILLINOIS

ANDREW GASSER, ALGONQUIN)
TOWNSHIP ROAD COMMISSIONER,)
Plaintiff,)

v.)

KAREN LUKASIK, INDIVIDUALLY)
AND IN HER CAPACITY AS)
ALGONQUIN TOWNSHIP CLERK,)
ANNA MAY MILLER, AND ROBERT)
MILLER,)
Defendants.)

Case No. 17 CH 000435

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KAREN LUKASIK,)
Cross-Plaintiff,)

v.)

CHARLES A. LUTZOW JR.,)
Cross-Defendant.)

ANDREW GASSER,)
Counter-Defendant.)

ANSWERS TO DEFENDANT ROBERT MILLER'S 213(F)(1)(2)(3)
INTERROGATORIES TO PLAINTIFF ANDREW GASSER, ALGONQUIN TOWNSHIP
ROAD COMMISSIONER

NOW COMES Plaintiff/Counter-Defendant, ANDREW GASSER, ALGONQUIN TOWNSHIP ROAD COMMISSIONER, by that through his attorneys, LAW OFFICES OF ROBERT T. HANLON & ASSOCIATES, P.C., and for his Answers to Defendant Robert Miller's 213(F)(1)(2)(3) Interrogatories to Plaintiff Andrew Gasser, Algonquin Township Road Commissioner, herein states as follows:

1. Pursuant to Illinois Supreme Court Rule 213(f)(1), provide the following of each witness who will testify at Trial as a lay witness:

- (a) his or her name, address, telephone number, occupation, and current employment;

- (b) the subject matter of his or her expertise;
- (c) his or her educational background, academic qualifications, employment history, employment experience, and any other matters which you contend qualify him or her as an expert;
- (d) the identification of any and all statements, reports, letters, tape recordings, photographs, memoranda, or documentation of any type furnished to or obtained by said expert or experts;
- (e) the substance of all facts and opinions which he or she could testify, if called as a witness;
- (f) the bases and grounds for each such opinion;
- (g) the identification of all documents and other tangible evidence relied upon by the opinion witness as a basis for his or her opinion;
- (h) the contractual agreement for his or her retention in this case, including the amount of his or her compensation, whether the compensation has already been paid, and whether any compensation is contingent on the outcome of this litigation;
- (i) the identification of each book, article, paper, or public statement by the opinion witness which relates to the subject matter of his or her expertise; and
- (j) the name and document number of each judicial, administrative or legislative proceeding which he or she has testified or otherwise (as by deposition or affidavit) given evidence within the last ten (10) years, plus the name of the court or other body before which the evidence was given.

ANSWER:

LAY WITNESSES:

- A) Robert Miller is believed to have intimate knowledge of the claims and defenses in this case as well as to his numerous unlawful actions including but not limited to withholding records related to the functions of the Algonquin Township Highway Commissioner, unlawful dissipation of government property, unlawful bid rigging, unlawful use of credit cards of Algonquin Township Road district as well as unlawful falsification of government records. In particular, Robert Miller secreted the unlawful delivery of at least two truckloads of salt paid for by Algonquin Township Road District to David Diamond of the Illinois Railway Museum (IRM). The salt transferred to David Diamond of the Illinois Railway Museum (IRM) was an asset to be used by the Road District for use on the Roads of Algonquin Township and not to be given away to private organizations and or people to further Robert Miller's political relations;

Robert Miller is also believed to have knowledge of the misappropriation of government funds to purchase items without a public purpose and to consume such items. Examples of various misappropriations are attached to the Amended Complaint in this case. Each and every allegation of the Amended Complaint sets forth unlawful schemes and artifices of Robert Miller and others having been employed at Algonquin Township. Robert Miller is also believed to have information pertaining to his unlawful wiretap of Andrew Gasser's voice mail in which prior to leaving office, Robert Miller arranged for the voice mail associated with the telephone line in what is now Andrew Gassers' office to be forwarded to bobmiller@MC.net. That after Andrew Gasser was sworn in, Robert Miller continued to access the bobmiller@mc.net account as recently known to Andrew Gasser to have been at or around 10/10/2017 at 12:42 pm or thereabouts to obtain intercepted voicemails directed to Andrew Gasser. Robert Miller withheld documents and records pertaining to his obtaining that service at the Algonquin Township and his continued access to such voicemails intended to be for the sole and exclusive use of Andrew Gasser. Robert Miller is further believed to have knowledge of unlawful use of I-pass accounts in which Robert Miller associated his personal vehicle with the I-pass account billed to Algonquin Township. Robert Miller is also believed to have accessed the Illinois Tollway Authority's I-pass computer system via an internet connection and made changes to the Algonquin Township Road District account on or about October 29, 2017. Robert Miller is further believed to have knowledge of the inaccurate accounting of assets of Algonquin Township Highway Department and the Algonquin Township Road District wherein he failed to account for assets of the Road District. Robert Miller is believed to have knowledge of the whereabouts of levenger bags not included on the inventory tendered by Robert Miller when leaving office. Robert Miller is believed to have concealed records associated with his use of Township equipment to dredge the private lakes in Trout Valley subdivision without a fee for the purpose of creating political favor for himself. Robert Miller is believed to have knowledge of the installation of electronics in the residence of Robert Miller at the expense of Algonquin Township Road District. Robert Miller is believed to have knowledge of the gifting of cellular telephones to employees or former employees of the Algonquin Township Highway Department or the Algonquin Township Road District. Robert Miller is further believed to have personal knowledge of the identify of any person that he purportedly gave gift cards to that had been paid for Algonquin Township Road District. Robert Miller is further believed to have knowledge of the expenses associated with numerous commercial printers not shown on the inventory of Algonquin Township Highway Department or the Algonquin Township Road District. Robert Miller is further believed to have knowledge related to the purchases of Disneyland tickets for his personal use and Anna May Miller's personal use. Robert Miller is further believed to have knowledge of his expending government funds for the personal benefit of his daughter and her children.

Investigation continues.

- B) **Anna May Miller is believed to have intimate knowledge of the claims and defenses in this case as well as numerous unlawful actions in conspiracy with Robert Miller including but not limited to dissipation of government property, unlawful bid rigging, secretion of government accounts and records, wire tapping of Algonquin Township telephone lines as well as all items referenced with respect to Robert Miller above. Anna May is believed to have knowledge of the unlawful delivery of truckloads of salt paid for by Algonquin Township Road District to the Illinois Railway Museum, that said salt was an asset to be used on the Roads of Algonquin Township and not to be given away to organizations outside of Algonquin Township to further Robert Miller's political relationships; Anna May Miller is also believed to have knowledge of the misappropriation of government funds to purchase items without a public purpose and to consume such items and to deliver such items to her children and grand children.**

Investigation continues.

- C) **Mallory Rosencrantz (daughter of Robert and Anna May Miller) is believed to have knowledge of receiving benefits from Algonquin Township Road District without a lawful purpose.**

Investigation continues.

- D) **Rebecca Lee is believed to have knowledge of her receiving benefits from Algonquin Township Road District without a lawful purpose. Mrs. Lee is also likely to have knowledge of illegal use of Township property for her own personal benefit, she likely has electronic devices or evidence of material obtained at the expense of Algonquin Township including but not limited to clothing, computers, tablets, and cellular devices. In particular Rebecca Lee is believed to have knowledge of the Verizon services associated with Verizon cellular number 224-407-7158.**

Investigation continues.

- E) **Melissa Victor is likely to have information related to the claims and defenses set forth in the complaint as well as the misappropriate uses of Algonquin Township assets;**

Investigation continues.

- F) **Andrew Gasser –may be contacted via counsel of record and may have information as to all aspects of the claims and defenses in this case. Andrew Gassers knowledge is not personal knowledge in that many of the facts available to Andrew Gasser arise from records obtained in this case and pursuant to subpoena;**

Investigation continues.

G) Karen Lukasik will likely to have testimony relevant to the allegations of the complaint the maintenance of records and is represented by counsel in this case.
Investigation continues.

H) David Diamond, Illinois Railway Museum (ILRM) Supervisor of Grounds and also the Riley Township Highway Department you may contact Mr. Diamond at the Illinois Railway Museum 815-923-4391 ext 431, 7000 South Olson Road, Union Illinois 60180. David Diamond is anticipated to be able to testify that the ILRM received two Truckloads of Salt from Algonquin Township which it had not paid for and received from Algonquin Township under the direction of Robert Miller.
Investigation continues.

I) The I.T. Connection 444 North Rt II 31 Crystal Lake II; Keith Seda of the I.T. Connection, Inc., 815-526-3600 he is anticipated to have knowledge of the use of township funds to install computer equipment in the residence of Robert Miller at the expense of Algonquin Township Road District or the Algonquin Township Highway Department. Mr. Seda may also have additional information on the billing of expenses to Algonquin Township Road District or the Highway Department for the repairs to the computers of Robert Miller's granddaughter.

Investigation continues.

J) The owner of McHenryCom Company and any employee keeping records of the domain Mc.Net. Contact information was on the Subpoena previously served upon you. The scope of the potential testimony will be to verify and authenticate the e-mails of Robert Miller under the e-mail address of Bobmiller@mc.net.

Investigation continues.

K) All employees of Wav-Tek in Crystal Lake, Illinois 815-206-1054, including but not limited to Paul Graiepy, and Erich Kraemer. They will be able to testify as to the computer images copied and the content thereof dated made and findings on the computers themselves.

Investigation continues.

L) All current and former employees of Algonquin Township;

Investigation continues.

M) All current and former elected officials associated with Algonquin Township;

Investigation continues.

N) All current and former Employees of the Algonquin Township Highway Department;

Investigation continues.

O) Richard Bakken of Standard Equipment; He is believed to have knowledge of a scheme and artifice to Rig Bids in connection with a Street Sweeper sold to Algonquin Township Road District. The actions of rigging the bidding process to in essence avoid the purpose of the requirement for soliciting bids is reflected in e-mail correspondence between Robert Miller and Richard Bakken.

Investigation continues.

P) Andy Chmiel of Standard Equipment; he is believed to have knowledge of a scheme and artifice to rig bids in connection with a street sweeper sold to Algonquin Township Road District in 2017.

Investigation continues.

Q) Siruis Technologies, Inc. located at 728 Northwest Highway #102 Fox River Grove, Illinois 60021.

Investigation continues.

2. Pursuant to Illinois Supreme Court Rule 213(f)(2), provide the following of each witness who will testify at Trial as an independent expert witness:

- (a) his or her name, address, telephone number, occupation, and current employment;
- (b) the subject matter of his or her expertise;
- (c) his or her educational background, academic qualifications, employment history, employment experience, and any other matters which you contend qualify him or her as an expert;
- (d) the identification of any and all statements, reports, letters, tape recordings, photographs, memoranda, or documentation of any type furnished to or obtained by said expert or experts;
- (e) the substance of all facts and opinions which he or she could testify, if called as a witness;
- (f) the bases and grounds for each such opinion;

- (g) the identification of all documents and other tangible evidence relied upon by the opinion witness as a basis for his or her opinion;
- (h) the contractual agreement for his or her retention in this case, including the amount of his or her compensation, whether the compensation has already been paid, and whether any compensation is contingent on the outcome of this litigation;
- (i) the identification of each book, article, paper, or public statement by the opinion witness which relates to the subject matter of his or her expertise; and
- (j) the name and document number of each judicial, administrative or legislative proceeding which he or she has testified or otherwise (as by deposition or affidavit) given evidence within the last ten (10) years, plus the name of the court or other body before which the evidence was given.

ANSWER:

All employees of Wav-Tek in Crystal Lake, Illinois 815-206-1054, including but not limited to Paul Graiepy. He will be able to testify as to the computer images copied and the content thereof dated made and findings on township computers themselves.

The employees of Wav-tek are likely to have specialized knowledge of all areas of computer analysis including the dates records were created on servers, deletion of files, and any technical data of and concerning Computers at Algonquin Township.

Investigation Continues


3. Pursuant to Illinois Supreme Court Rule 213(f)(3), provide the following of each witness who will testify at Trial as a controlled expert witness:

- (a) his or her name, address, telephone number, occupation, and current employment;
- (b) the subject matter of his or her expertise;
- (c) his or her educational background, academic qualifications, employment history, employment experience, and any other matters which you contend qualify him or her as an expert;
- (d) the identification of any and all statements, reports, letters, tape recordings, photographs, memoranda, or documentation of any type furnished to or obtained by said expert or experts;

- (e) the substance of all facts and opinions which he or she could testify, if called as a witness;
- (f) the bases and grounds for each such opinion;
- (g) the identification of all documents and other tangible evidence relied upon by the opinion witness as a basis for his or her opinion;
- (h) the contractual agreement for his or her retention in this case, including the amount of his or her compensation, whether the compensation has already been paid, and whether any compensation is contingent on the outcome of this litigation;
- (i) the identification of each book, article, paper, or public statement by the opinion witness which relates to the subject matter of his or her expertise; and
- (j) the name and document number of each judicial, administrative or legislative proceeding which he or she has testified or otherwise (as by deposition or affidavit) given evidence within the last ten (10) years, plus the name of the court or other body before which the evidence was given.

ANSWER: Investigation Continues.

ANDREW GASSER, Plaintiff/Counter-Defendant

By: 

Robert T. Hanlon, One of Plaintiff's Attorneys

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VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned, ANDREW GASSER, certifies that the statements set forth in the foregoing instrument are true and correct, except as to matters therein stated to be on information and belief and, as to such matters, the undersigned certifies as aforesaid that I verily believe the same to be true. I further state that the statements made in the foregoing as to want of knowledge sufficient to form a belief are true.

Dated: October 30, 2017.



Andrew Gasser, Plaintiff