

4. The aforesaid Motion requires all work product ever prepared in perpetuity by James P. Kelly or his firm on behalf of the Road District.
5. That for a period of time, in excess of twenty years, Robert Miller was the Highway Commissioner of Algonquin Township and enjoyed in his capacity an attorney-client relationship with James P. Kelly who also had the same relationship with aforesaid Road District.
6. That over the course of years and many files, Attorney Kelly had occasionally rendered legal advice to Robert Miller both in writing and orally. Much of that advice and various written opinions are contained within the claimed "Work Product" which Attorney Hanlon seeks now on behalf of the Road District.
7. The Algonquin Town Road District is unable to assert the attorney-client privilege on behalf of Robert Miller. Only Robert Miller can assert such a privilege and has informed Attorney Kelly that he does assert the aforesaid privilege over any work product in Kelly's possession or the possession of Kelly's firm. Which contains any legal advice to Robert Miller or opinions to Robert Miller or contains any writings, correspondence or discussions from Robert Miller to his then attorney James P. Kelly.
8. That the Court is well aware that Robert Hanlon is also representing Andrew Gasser in a multifaceted lawsuit amongst others against Robert Miller.
9. That the aforesaid Motion for Turnover attached as "Exhibit B" is nothing more than a thinly veiled attempt to invade the attorney-client privilege which has previously existed between attorney James P. Kelly and Robert Miller in his capacity as the Highway Commissioner of the Algonquin Township and should not be commonest by this Court.
10. That while records in the actual possession of the Road District are right for turnover, pursuant to the Freedom of Information Act existing in the State of Illinois, records which are not

in the possession of the Road District are not. The Road District has no duty to seek out and recover records not under their control being the personal work product of James Kelly.

11. That it would appear from a liberal reading of "Exhibit B" attached hereto, that the Road District appears to not only consent to the demands of Plaintiffs in this action but also to go out of their way to develop and access information not in the possession of the Road District. Which contains highly privileged information between Attorney Kelly and his client Robert Miller.

12. That as aforesaid, Attorney Kelly is unable to assert the privilege on behalf of Robert Miller and his interests will not be protected by the existing to this litigation or that protection will be inadequate due to the dual roles Attorney Hanlon is operating under in both his representation now of the Road District against purportedly the Edgar County Watchdogs regarding the foyer request and his prosecution of Robert Miller on behalf of Andrew Gasser.

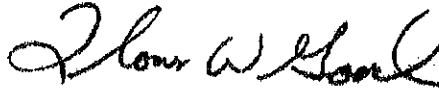
13. There is no question that Robert Miller will be adversely affected by a granting of this Motion without an opportunity to be heard as it will invade the attorney-client privilege existing by and between Robert Miller and attorney James P. Kelly.

14. Obviously Robert Miller's privilege will be invaded by any court order entered when Miller does not have the ability to first address and advocate his position.

15. Alternatively, Robert Miller should be allowed to intervene as a matter of discretion as there are common questions of law in fact and the desire to obtain the work product of attorney James P. Kelly as set forth in "Exhibit B" and Miller's right to object to the production of such "Work Product".

16. Your proposed intervener's initial pleading is attached hereto as "Exhibit C".

Respectfully submitted,
THE GOOCH FIRM, on behalf of Robert Miller,



THOMAS W. GOOCH, III

The Gooch Firm
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Wauconda, IL 60084
847-526-0110
Gooch@goochfirm.com
Office@goochfirm.com
ARDC No. 3123355

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

Katherine M. Keefe
Clerk of the Circuit Court
Electronically Filed
Transaction ID: 17111148566
18CH000238
04/02/2018
McHenry County, Illinois
22nd Judicial Circuit

KIRK ALLEN, JOHN KRAFT, AND EDGAR)
COUNTY WATCHDOGS INC.)

PLAINTIFF.)

V.)

ALGONQUIN TOWNSHIP AND ALGONQUIN)
TOWNSHIP ROAD DISTRICT.)

DEFENDANTS.)

18CH000238

NOTICE

THIS CASE IS HEREBY SET FOR A SCHEDULING CONFERENCE IN COURTROOM 202 ON 07/02/2018, AT 9:15 AM. FAILURE TO APPEAR MAY RESULT IN THE CASE BEING DISMISSED OR AN ORDER OF DEFAULT BEING ENTERED.

COMPLAINT

NOW COMES Plaintiffs, Kirk Allen, John Kraft, and Edgar County Watchdogs Inc., by their undersigned attorneys, Denise Ambroziak, and bring this suit to Overturn Defendant's refusal, and willful violation of the Illinois Freedom of Information Act, to respond to Plaintiff's Freedom of Information Act requests. In support of this Complaint, Plaintiffs state as follows:

INTRODUCTION

1. Pursuant to fundamental philosophy of the American constitutional form of government it is the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of the Illinois Freedom of Information Act ("FOIA"). 5 ILCS 140/1.

2. Restraints on access to information to the extent permitted by FOIA. are limited exceptions to the principle that the people of this state have a right to full disclosure of information relating to the decisions, policies, procedures, rules. standards and other aspects of governmental activity that affect the conduct of government and the lives of people. 5 ILCS 140/1.

3. All public records of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt. 5 ILCS 140/3.
4. Under FOIA Section II (h). "except as to causes the court considers to be of greater importance, proceedings arising under FOIA shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way."

PARTIES

5. Plaintiffs Allen, Kraft, and ECWI are the FOIA requesters in this case.
6. Defendants Algonquin Township and Algonquin Township Road District are public bodies located in McHenry County.
7. The records sought as set forth in each count are non-exempt public records of ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT.
8. ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT willfully and intentionally violated FOIA by Defendant's ongoing and constant refusal to, and failure to properly respond to the FOIA requests shown in each count below and the Exhibits attached hereto and included herein.
9. The aforementioned paragraphs 1-8 are incorporated in each of Counts I-XVI as if fully restated therein in each count.

COUNT I
F.O.I.A. Request #1

10. On November 10, 2017, Plaintiff Kraft, using the e-mail address john@Illinoisleaks.com, requested information concerning the public body by e-mailing Karen Lukasik at klukasik@algonquintownship.com. See Exhibit A.

11. On November 17, 2017, Defendant, Algonquin Township, responded by indicating that the requested public records were prohibited from disclosure by a protective order of the 22nd Judicial Circuit Court, and that disclosure would constitute an unwarranted invasion of privacy. See Exhibit B.

12. On November 17, 2017, Plaintiff Kraft responded and asked for a copy of the alleged Protective Order. See Exhibit C.

13. On November 26, 2017, Defendant's attorney responded by providing a copy of a Protective Order dated June 8, 2017. See Exhibit D.

14. On November 26, 2017, Plaintiff Kraft responded again for further information related to the alleged Protective Order. See Exhibit E.

15. On November 26, 2017, Defendant's attorney again responded, this time include two separate Orders, dated June 8, 2017 or November 7, 2017. See Exhibit F.

16. Upon review of the alleged protective orders, it is not clear that the requested records are prohibited from disclosure under the protective orders of June 8, 2017 or November 7, 2017.

WHEREFORE, KIRK ALLEN, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS
INC. Prays that this honorable court grant the following relief:

A. In accordance with FOIA Section 11(1), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way:

B. Declare THAT ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT have violated FOIA:

C. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to produce the requested records;

D. Enjoin ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT from withholding non-exempt public records under FOIA:

E. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to pay civil penalties:

F. Award Plaintiff reasonable attorneys' fees and costs;

G. Award such other relief the Court considers just and equitable.

COUNT II
F.O.I.A. Request #2

17. On November 10, 2017, Plaintiff, Kraft, using the e-mail address john@illinoisleaks.com, requested information, along with a clarification of the request, concerning the public body by e-mailing Karen Lukasik at klukasik@algonquintownship.com. See Exhibit G.

18. On November 22, 2017, Defendant responded by indicating that no responsive records were found. See Exhibit H.

19. On November 22, 2017, Plaintiff Kraft responded asking Defendant if she asked the person who purchased them and indicated that the credit card company should have the receipt, and asked Plaintiff to ask the credit card company for a copy. See Exhibit I.

20. On November 22, 2017, Defendant responded stating that it was not required to obtain a copy from the credit card company and failed to state whether or not it asked the person who purchased the item(s) if that person had the receipt. See Exhibit J.

WHEREFORE, KIRK ALLEN, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS INC.

Prays that this honorable court grant the following relief:

A. In accordance with FOIA Section 11(1), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way:

- A. Declare THAT ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT have violated FOIA:

- B. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to produce the requested records;

- C. Enjoin ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT from withholding non-exempt public records under FOIA:

D. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT
to pay civil penalties:

E. Award Plaintiff reasonable attorneys' fees and costs;

F. Award such other relief the Court considers just and equitable.

COUNT III
F.O.I.A. Request #3

21. On November 13, 2018, Kirk Allen, using the e-mail address Kirk@Illinoisleaks.com. Requested information concerning the public body as shown in Exhibit K by e-mailing Karen Lukasik at klukasik@algonquintownship.com. See Exhibit K.

22. Karen Lukasik responded January 6th, 2018, beyond the 5 day time frame indicating the request was unduly burdensome. See Exhibit L. Such an exemption is improper as the public body failed to comply with 5 ILCS 140/3(d),(g).

WHEREFORE, KIRK ALLEN, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS INC.

Prays that this honorable court grant the following relief:

A. In accordance with FOIA Section 11(1), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way:

A. Declare THAT ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT have violated FOIA:

B. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to produce the requested records;

- C. Enjoin ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT from withholding non-exempt public records under FOIA;
- D. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to pay civil penalties;
- E. Award Plaintiff reasonable attorneys' fees and costs;
- F. Award such other relief the Court considers just and equitable.

COUNT IV
F.O.I.A. Request #4

23. On November 13, 2018, Kirk Allen, using the e-mail address Kirk@Illinoisleaks.com. Requested information concerning the public body as shown in Exhibit M by e-mailing Karen Lukasik at klukasik@algonquintownship.com. See Exhibit M.
24. Karen Lukasik responded November 22, 2017, beyond the permitted time frame with a response that misrepresented the request made by Kirk Allen. See Exhibit N
25. On November 23, 2017, Kirk Allen responded to the misrepresentations made by Lukasik in the response to the request. See Exhibit N.
26. Karen Lukasik responded November 25th, 2017 with claimed misunderstandings to the original request. See Exhibit N.
27. At the time of this filing, items numbered 1 and 2 of the FOIA request have not been provided.

WHEREFORE, KIRK ALLEN, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS INC.

Prays that this honorable court grant the following relief:

A. In accordance with FOIA Section 11(1), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way:

- A. Declare THAT ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT have violated FOIA:
- B. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to produce the requested records;
- C. Enjoin ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT from withholding non-exempt public records under FOIA:
- D. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to pay civil penalties:
- E. Award Plaintiff reasonable attorneys' fees and costs;
- F. Award such other relief the Court considers just and equitable.

COUNT V
F.O.I.A. Request #5

28. On November 13, 2017. Kirk Allen, using the e-mail address Kirk@Illinoisleaks.com. Requested information concerning the public body as shown in Exhibit O by e-mailing Karen Lukasik at klukasik@algonquintownship.com. See Exhibit O.

29. On December January 3rd, 2018, Karen Lukasik sent an email acknowledging outstanding FOIA requests. See Exhibit P

30. On January 3rd, 2018, Kirk Allen once again provided the same FOIA request (Exhibit O) as no response to that request had been made. See Exhibit Q

31. On January 6th, 2018, Karen Lukasik responded indicating there were no records and did so outside the established five day statutory deadline. See Exhibit R

WHEREFORE, KIRK ALLEN, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS INC.

Prays that this honorable court grant the following relief:

A. In accordance with FOIA Section 11(1), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way:

A. Declare THAT ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT have violated FOIA:

B. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to produce the requested records;

C. Enjoin ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT from withholding non-exempt public records under FOIA:

D. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to pay civil penalties:

E. Award Plaintiff reasonable attorneys' fees and costs;

F. Award such other relief the Court considers just and equitable.

COUNT VI
F.O.I.A. Request #6

32. On November 13th, 2017, Kirk Allen, using the e-mail address Kirk@Illinoisleaks.com requested information concerning the public body as shown in Exhibit S by e-mailing Karen Lukasik at klukasik@algonquintownship.com. See Exhibit S.

33. After no response from the public body, Kirk Allen sent the same request (Exhibit S) to klukasik@algonquintownship.com on January 3rd, 2018. See Exhibit T

34. On January 6th, 2018, Karen Lukasik responded claiming the request was not received until January 3rd, 2018 and that it was unduly burdensome. Such an exemption is improper as the public body failed to comply with 5 ILCS 140/3(d),(g). See Exhibit U.

WHEREFORE, KIRK ALLEN, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS INC.

Prays that this honorable court grant the following relief:

A. In accordance with FOIA Section 11(1), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way:

A. Declare THAT ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT have violated FOIA:

B. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to produce the requested records;

- C. Enjoin ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT from withholding non-exempt public records under FOIA;
- D. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to pay civil penalties:
- E. Award Plaintiff reasonable attorneys' fees and costs;
- F. Award such other relief the Court considers just and equitable.

COUNT VII
F.O.I.A. Request #7

35. On November 27th, 2017, Kirk Allen, using the e-mail address Kirk@Illinoisleaks.com, requested information concerning the public body as shown in Exhibit V by e-mailing Karen Lukasik at klukasik@algonquintownship.com. See Exhibit V.

36. Mary Ann Selvey, a legal assistant, responded to the request on January 12, 2018. See Exhibit W.

37. Attached to Exhibit W is a letter in which the Attorney for the Public Body is responding on behalf of the public body. (See Exhibit X). The law does not permit a contracted attorney for the public body to be the FOIA officer for the public body. FOIA officers are to be designated by the public body and must be an official or employee. The attorney is neither an official or employee of the public body. (Sec. 3.5) The attorney cited exemptions for denial even though portions of the request are subject to FOIA.

WHEREFORE, KIRK ALLEN, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS INC.

Prays that this honorable court grant the following relief:

- A. In accordance with FOIA Section 11(1), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign

this case for hearing and trial at the earliest practicable date, and expedite this case in every way:

- A. Declare THAT ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT have violated FOIA:
- B. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to produce the requested records;
- C. Enjoin ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT from withholding non-exempt public records under FOIA:
- D. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to pay civil penalties:
- E. Award Plaintiff reasonable attorneys' fees and costs;
- F. Award such other relief the Court considers just and equitable.

COUNT VIII
F.O.I.A. Request #8

38. On November 13, 2017 Kirk Allen, using the e-mail address Kirk@Illinoisleaks.com, requested information concerning the public body as shown in Exhibit Y by e-mailing Karen Lukasik at klukasik@algonquintownship.com. See Exhibit Y.

39. After no response and claims the FOIA request was not received, Kirk Allen, using the email address Kirk@illinoisleaks.com forwarded his original request (Exhibit Y), on January 3rd, 2018 to Karen Lukasik at klukasik@algonquintownship.com. See Exhibit Z.

40. On January 6th, 2018, Karen Lukasick responded in an email denying the request as unduly burdensome. Such an exemption is improper as the public body failed to comply with 5 ILCS 140/3(d),(g) See Exhibit AA.

WHEREFORE, KIRK ALLEN, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS INC. Prays that this honorable court grant the following relief:

- A. In accordance with FOIA Section 11(1), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way:
- B. Declare THAT ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT have violated FOIA:
- C. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to produce the requested records;
- D. Enjoin ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT from withholding non-exempt public records under FOIA:
- E. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to pay civil penalties:
- F. Award Plaintiff reasonable attorneys' fees and costs;
- G. Award such other relief the Court considers just and equitable.

COUNT IX
F.O.I.A. Request #9

41. On November 29, 2017 Kirk Allen, using the e-mail address Kirk@Illinoisleaks.com, requested information concerning the public body as shown in Exhibit AB by e-mailing Karen Lukasik at klukasik@algonquintownship.com. See Exhibit AB.

42. Karen Lukasik responded on December 6th, 2017 indicating there were not documents responsive to the request. See Exhibit AC. Such a statement is inconsistent with video evidence substantiating Karen Lukasik did in fact remove records from at least one office. The video contravening the assertions of Karen Lukasik is available at:

https://www.youtube.com/watch?time_continue=2&v=Qoaa5C1hPKk

WHEREFORE, KIRK ALLEN, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS INC.

Prays that this honorable court grant the following relief:

A. In accordance with FOIA Section 11(1), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way:

A. Declare THAT ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT have violated FOIA:

B. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to produce the requested records;

C. Enjoin ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT from withholding non-exempt public records under FOIA:

D. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to pay civil penalties:

E. Award Plaintiff reasonable attorneys' fees and costs;

F. Award such other relief the Court considers just and equitable.

COUNT X
F.O.I.A. Request #10

43. On December 6, 2017, Kirk Allen, using the e-mail address Kirk@Illinoisleaks.com, requested information concerning the public body as shown in Exhibit AD by e-mailing Karen Lukasik at klukasik@algonquintownship.com. See Exhibit AD.

44. On December 13th, 2017, Natalie Pesin, an attorney who is not the FOIA officer for the Township or Township Road District, sent an email extending the time for compliance and stated the records would be provided December 20, 2017. See Exhibit AE

45. On January 3rd, 2018, well after the deadline for receipt of records established by a lawyer for the Township, Kirk Allen sent an email to the attorney requesting information on the Township's intentions for numerous overdue FOIA requests. See Exhibit AF.

46. On January 11th, 2018, well past due the date for compliance under FOIA, Karen Lukasik responded providing records for one part of the request, denying existence of records in the second part. See Exhibit AG

WHEREFORE, KIRK ALLEN, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS INC. Prays that this honorable court grant the following relief:

A. In accordance with FOIA Section 11(1), afford this case precedence on the Court's

docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way:

- A. Declare THAT ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT have violated FOIA:
- B. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to produce the requested records;
- C. Enjoin ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT from withholding non-exempt public records under FOIA:
- D. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to pay civil penalties:
- E. Award Plaintiff reasonable attorneys' fees and costs;
- F. Award such other relief the Court considers just and equitable.

COUNT XI

F.O.I.A. Request #11

47. On December 17, 2017, Kirk Allen, using the e-mail address Kirk@Illinoisleaks.com requesting information concerning the public body as shown in Exhibit AH by e-mailing Karen Lukasik at klukasik@algonquintownship.com. See Exhibit AH.

48. Karen Lukasik responded on January 4th, well past the legal time frame for responding to a FOIA request and stated there were no responsive documents for the Township Supervisor and Township Clerk but makes no reference to the Highway Commissioner possessing the requested records. See Exhibit AI. Such a statement is inconsistent with video evidence substantiating the

existence of such records. The video contravening the assertions of Karen Lukasik is available at: https://www.youtube.com/watch?time_continue=2&v=Qoaa5C1hPKk

WHEREFORE, KIRK ALLEN, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS INC.

Prays that this honorable court grant the following relief:

A. In accordance with FOIA Section 11(1), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way:

A. Declare THAT ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT have violated FOIA:

B. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to produce the requested records;

C. Enjoin ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT from withholding non-exempt public records under FOIA:

D. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to pay civil penalties:

E. Award Plaintiff reasonable attorneys' fees and costs;

F. Award such other relief the Court considers just and equitable.

COUNT XI
F.O.I.A. Request #12

49. On December 18, 2017, Kirk Allen, using the e-mail address Kirk@Illinoisleaks.com requested information concerning the public body as shown in Exhibit AJ by e-mailing Karen Lukasik at klukasik@algonquintownship.com. See Exhibit AJ.

50. On January 3, 2018, Kirk Allen, once again had to resend his request as the public body made claims they never received it. See Exhibit AK

51. On January 11, 2018, Karen Lukasik responded with a partial production that included a link to requested emails. See Exhibit AL

52. On January 17, 2018, as established in the Freedom of Information Act, Kirk Allen resubmitted his request because of the inability to reasonably access the records at the link provided. See Exhibit AM.

53. On January 22, 2018 Karen Lukasik responded with instructions how to open the files and that if that did not work she would copy them to a disk and mail them. See Exhibit AN.

54. On January 22, 2018, Kirk Allen requested Karen Lukasik to mail the requested information. This request was based on the fact that the records were not reasonably accessible at the link provided. See Exhibit AO

55. To date, the public body has yet to provide the requested records to Kirk Allen.

WHEREFORE, KIRK ALLEN, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS INC.

Prays that this honorable court grant the following relief:

A. In accordance with FOIA Section 11(1), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this

case in every way:

- A. Declare THAT ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT have violated FOIA:
- B. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to produce the requested records;
- C. Enjoin ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT from withholding non-exempt public records under FOIA:
- D. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to pay civil penalties:
- E. Award Plaintiff reasonable attorneys' fees and costs;
- F. Award such other relief the Court considers just and equitable.

COUNT XIII
F.O.I.A. Request #13

56. On January 19th, 2018, Kirk Allen, using the e-mail address Kirk@Illinoisleaks.com requested information concerning the public body as shown in Exhibit AP by e-mailing Karen Lukasik at klukasik@algonquintownship.com. See Exhibit AP.

57. To date the public body has not responded to Kirk Allen's FOIA request found in Exhibit AP.

WHEREFORE, KIRK ALLEN, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS INC.

Prays that this honorable court grant the following relief:

- A. In accordance with FOIA Section 11(1), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign

this case for hearing and trial at the earliest practicable date, and expedite this case in every way:

- A. Declare THAT ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT have violated FOIA:
- B. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to produce the requested records;
- C. Enjoin ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT from withholding non-exempt public records under FOIA:
- D. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to pay civil penalties:
- E. Award Plaintiff reasonable attorneys' fees and costs;
- F. Award such other relief the Court considers just and equitable.

COUNT XIV
F.O.I.A. Request #14

58. On January 19th, 2018, Kirk Allen, using the e-mail address Kirk@Illinoisleaks.com requested information concerning the public body as shown in Exhibit AQ by e-mailing Karen Lukasik at klukasik@algonquintownship.com. See Exhibit AQ.

59. To date the public body has not responded to Kirk Allen's FOIA request found in Exhibit AQ.

WHEREFORE, KIRK ALLEN, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS INC.

Prays that this honorable court grant the following relief:

- A. In accordance with FOIA Section 11(1), afford this case precedence on the Court's

docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way:

- A. Declare THAT ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT have violated FOIA:
- B. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to produce the requested records;
- C. Enjoin ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT from withholding non-exempt public records under FOIA:
- D. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to pay civil penalties:
- E. Award Plaintiff reasonable attorneys' fees and costs;
- F. Award such other relief the Court considers just and equitable.

COUNT XV
F.O.I.A. Request #15

60. On January 3rd, 2018 Kirk Allen, using the e-mail address Kirk@Illinoisleaks.com requested information concerning the public body as shown in Exhibit AR by e-mailing Karen Lukasik at klukasik@algonquintownship.com. See Exhibit AR.

61. To date the public body has not responded to Kirk Allen's FOIA request found in Exhibit AR.

WHEREFORE, KIRK ALLEN, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS INC. Prays that this honorable court grant the following relief:

A. In accordance with FOIA Section 11(1), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way:

- A. Declare THAT ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT have violated FOIA:
- B. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to produce the requested records;
- C. Enjoin ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT from withholding non-exempt public records under FOIA:
- D. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to pay civil penalties:
- E. Award Plaintiff reasonable attorneys' fees and costs;
- F. Award such other relief the Court considers just and equitable.

COUNT XVI
F.O.I.A. Request #16

62. On January 17th, 2018 Kirk Allen, using the e-mail address Kirk@Illinoisleaks.com re-submitted his FOIA request found in Exhibit AJ due to the responsive records not being reasonably accessible. That re-submitted request was done in accordance with the obligations under the Freedom of Information Act. See Exhibit AS

63. To date the public body has not responded to Kirk Allen's FOIA request found in Exhibit AR.

WHEREFORE, KIRK ALLEN, JOHN KRAFT, AND EDGAR COUNTY WATCHDOGS INC.

Prays that this honorable court grant the following relief:

A. In accordance with FOIA Section 11(1), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way:

A. Declare THAT ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT have violated FOIA:

B. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to produce the requested records;

C. Enjoin ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT from withholding non-exempt public records under FOIA:

D. Order ALGONQUIN TOWNSHIP AND ALGONQUIN TOWNSHIP ROAD DISTRICT to pay civil penalties:

E. Award Plaintiff reasonable attorneys' fees and costs;

F. Award such other relief the Court considers just and equitable.

RESPECTFULLY SUBMITTED.

/s/ Denise Ambroziak

Denise Ambroziak
Attorney for Plaintiffs

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

KIRK ALLEN, JOHN KRAFT, AND)
EDGAR COUNTY WATCHDOGS INC.,)

Plaintiffs,)

V.)

Case No. 18 CH 000238

ALGONQUIN TOWNSHIP AND)
ALGONQUIN TOWNSHIP ROAD)
DISTRICT,)

Defendants.)

MOTION FOR TURNOVER OF ROAD DISTRICT RECORDS

NOW COMES Defendant, ALGONQUIN TOWNSHIP ROAD DISTRICT (“Road District”) by its undersigned attorney, Robert T. Hanlon, with its motion for turnover of records related to the above entitled action from Attorney Kelly to the Algonquin Township Road District’s Counsel and in support of said motion states as follows:

1. James P. Kelly previously served as the attorney for the Algonquin Township Road District (hereinafter “Road District.”).
2. By written demand, Andrew Gasser, Algonquin Township Highway Commissioner, requested of James Kelly that he turn over the work product that Mr. Kelly’s firm had previously prepared for the Road District.
3. Mr. Kelly in turn has demanded that the Road District pay for the copying of the records that the Road District already paid to have prepared by Mr. Kelly’s firm.

4. Mr. Kelly now has his appearance before this Court, in this case, on behalf of Algonquin Township.
5. Mr. Kelly has been steadfast in his demand that the owner of the records, Algonquin Township Road District, pay for copying of its own files to permit Mr. Kelly to retain the original files. The original files are owned by the Road District.
6. During the pendency of this case, which focuses entirely upon the production of records in connection with the Freedom of Information Act, Plaintiff, Kirk Allen, has sought the records containing work product of Attorney Kelly to the Road District in a FOIA request dated 7/13/2018 at 9:06am. That work product having been paid for by the Road District is property of the Road District and is now the subject of a new FOIA request.
7. Current counsel for the Road District cannot advise the Road District on the FOIA request because the Road District does not have its own files from Mr. Kelly.
8. As alleged in the complaint, restraints on access to information to the extent permitted by FOIA are limited exceptions to the principle that the people of this state have a right to full disclosure of information relating to the decisions, policies, procedures, rules, standards and other aspects of governmental activity that affect the conduct of government and the lives of people. 5 ILCS 140/1.

9. Mr. Kelly cannot assert an attorney lien because the Road District has previously paid all of his invoices.
10. Mr. Kelly cannot hold the Road District's records hostage to facilitate his desire to retain copies of his former client's records. The client at issue is the Road District.
11. In summary, to avoid complicating the litigation in this fairly straight forward case, the Road District wants its own records now held by Attorney Kelly to facilitate a lawful response to the now pending request for records submitted by Plaintiff.

Wherefore, the Algonquin Township Road District prays that this honorable court grant the following relief:

- A) Order Attorney James P. Kelly to turnover to the Algonquin Township Road District's current counsel, Robert T. Hanlon, all records in his possession of and concerning any work product or files belonging to or referencing Algonquin Township Road District.
- B) For such other and further relief as is just and equitable.

RESPECTFULLY SUBMITTED.

/s/Robert T. Hanlon
One of the Road District's Attorneys

Robert T. Hanlon, ARDC #6286331
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Woodstock, IL 60098
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UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

KIRK ALLEN, JOHN KRAFT and)
EDGAR COUNTY WATCHDOGS, INC.,)

Plaintiffs,)

v.)

ALGONQUIN TOWNSHIP and)
ALGONQUIN TOWNSHIP ROAD)
DISTRICT,)

Defendants.)

Case No. 2015 CH 000238

MOTION TO BAR ANY PRODUCTION OF THE WORK PRODUCT OF JAMES KELLY OR FILE MATERIAL OF JAMES KELLY THAT RELATE TO OR INVOLVE IN ANY WAY OPINIONS GIVEN TO ROBERT MILLER, CORRESPONDENCE TO ROBERT MILLER OR CORRESPONDENCE AND/OR OPINIONS FROM ROBERT MILLER

NOW COMES your Petitioner herein, ROBERT MILLER, by his attorney, THOMAS W. GOOCH, III and THE GOOCH FIRM, and in his initial pleading moves this Honorable Court to bar after examination or otherwise the production of any records which include any opinions of JAMES KELLY given to ROBERT MILLER, any correspondence to ROBERT MILLER and any opinions, comments or correspondence from ROBERT MILLER to JAMES KELLY. This Motion also should encompass any correspondence by JAMES KELLY relating to ROBERT MILLER to any third person. Further, your Movant states as follows:

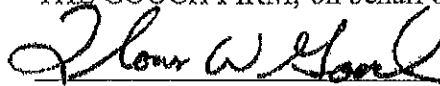
1. That your Movant, ROBERT MILLER, is a Petitioner attempting to intervene in the above-captioned lawsuit as a matter of right or with the discretion of the Court.
2. No prejudice will be suffered by any party to the action as no Orders have yet been entered by this Court relating to the turnover of documents.

3. That for many years ROBERT MILLER was the Highway Commissioner of Algonquin Township and was represented by his attorney JAMES KELLY.
4. During that period of time, JAMES KELLY issued many opinions to ROBERT MILLER and rendered him great amounts of legal advice both in writing and orally.
5. Attorney Robert Hanlon purportedly on behalf of the Algonquin Township Road District now seeks access to those records at a time when attorney Hanlon has indicated in a separate matter that he wishes to examine various records and documents in an attempt to ascertain further causes of action that he can assert against ROBERT MILLER.
6. This attempt by Robert Hanlon to obtain the aforesaid records seems to be nothing more than an attempt to obtain information in furtherance of his desire for further litigation and not for purposes of a FOIA request.
7. MILLER has asserted the attorney-client privilege to JAMES KELLY relating to all the aforesaid records. Nevertheless, it would appear that attorney JAMES KELLY is prepared to turn over records containing the aforesaid opinions and other objectional information to attorney Hanlon. Therefore, the interests of ROBERT MILLER will not be protected without intervention.
8. That in the system of American Jurisprudence the attorney-client privilege had often been referred to as "sacrosanct".
9. Great damage can be done to ROBERT MILLER by the release of this information particularly under certain circumstances.
10. Of more importance, the FOIA statutes do not require the Road District to gather records that are clearly not under his possession of control, which would include the work product of JAMES KELLY.

11. The Road District appears to be embarking upon an expedition whereby it is using a FOIA request as an excuse to gather anything useful to the Road District and other litigation when all the Road District is required to do is, subject to exceptions and exemptions, produce what records it has to the Plaintiff in the above-captioned litigation.

WHEREFORE your Petitioner and proposed Intervener, ROBERT MILLER, prays this Honorable Court to bar the furnishing of any the aforesaid documents described herein to Attorney Robert Hanlon or any other personm from JAMES KELLY based on the attorney-client privilege existing between JAMES KELLY and ROBERT MILLER.

Respectfully submitted by,
THE GOOCH FIRM, on behalf of Robert Miller,


THOMAS W. GOOCH, III

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