

IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
MCHENRY COUNTY ILLINOIS

ANDREW GASSER, )  
Plaintiff, )  
v. )  
KAREN LUKASIK, )  
INDIVIDUALLY AND IN HER )  
CAPACITY AS ALGONQUIN )  
TOWNSHIP CLERK, ANNA MAY )  
MILLER AND ROBERT MILLER, )  
Defendants. )  
-----)  
KAREN LUKASIK, INDIVIDUALLY )  
AND IN HER CAPACITY AS )  
ALGONQUIN TOWNSHIP CLERK, )  
ANNA MAY MILLER AND ROBERT )  
MILLER, )  
Defendants/Counter-Plaintiffs, )  
v. )  
ANDREW GASSER, )  
Plaintiff/Counter-Defendant. )  
-----)  
KAREN LUKASIK, INDIVIDUALLY )  
AND IN HER CAPACITY AS )  
ALGONQUIN TOWNSHIP CLERK, )  
Defendant/Third-Party Plaintiff, )  
v. )  
CHARLES LUTZOW, )  
Third-Party Defendant. )

Case No. 17 CH 000435

**PLAINTIFFS’ RESPONSE TO MOTION TO MODIFY COURT ORDER**

NOW COMES Plaintiff/Counter-Defendant, ANDREW GASSER, and the Algonquin Township Road District with its response to the Motion of non-party Algonquin Township to modify a court order in this case entitled “Motion to Modify Court Order”, by and through Plaintiffs’ attorney, LAW OFFICES OF ROBERT T. HANLON & ASSOCIATES, P.C., states as follows in opposition to the Motion to Modify Court Order (hereinafter simply “Motion”):

- 1) The motion to modify a prior order of this court is advanced by Algonquin Township.  
Copy Attached as Exhibit A.
- 2) Algonquin Township is not a party to this action.
- 3) Algonquin Township has not been a party to this action at any time.
- 4) Algonquin Township is not a named Defendant in this cause.
- 5) The briefing schedule issued in this case is directed to Plaintiffs and defendants in this case, not Algonquin Township.
- 6) Algonquin Township has not interplead into this cause of action.
- 7) Algonquin Township does not have any obligation to respond to the 4<sup>th</sup> Amended Complaint.
- 8) The Motion advanced by Algonquin Township ought to be denied outright for the simple reason it is not a party to this action and extending the time for it to answer or otherwise plead is simply confusing and serves to create issues that are not before the court.
- 9) The Motion to Modify Court Order is signed by counsel for counter-defendant, Charles Lutzow. Mr. Lutzow has no obligation to respond to Plaintiff's 4<sup>th</sup> Amended Complaint because he is not a named defendant to the 4<sup>th</sup> Amended Complaint.
- 10) Charles Lutzow has never been named as a Defendant.
- 11) The motion is advanced for no legitimate purpose and serves only to waste the court's time.

Wherefore, Plaintiffs Andrew Gasser, Algonquin Township Highway Commissioner, and the Algonquin Township Road District pray for the following relief:

- A) This court deny the relief sought in the Motion to Modify  
Court Order;

B) For such other and further relief this court deems just and equitable.

Respectfully submitted,

/s/ Robert Hanlon

Robert T. Hanlon, Esq.  
Attorney for A. Gasser.  
Algonquin Township Highway  
Commissioner and Algonquin  
Township Road District

# Exhibit A

**IN THE CIRCUIT COURT OF THE 22<sup>nd</sup> JUDICIAL CIRCUIT  
MCHENRY COUNTY, ILLINOIS**

<b>ANDREW GASSER</b>	)	
	)	
<b>PLAINTIFF,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 17 CH 435</b>
	)	
<b>KAREN LUKASIK, INDIVIDUALLY AND</b>	)	
<b>IN HER CAPACITY AS ALGONQUIN</b>	)	
<b>TOWNSHIP CLERK, ANNA MAY MILLER</b>	)	
<b>and ROBERT MILLER</b>	)	
	)	
<b>Defendants.</b>	)	

**MOTION TO MODIFY COURT ORDER**

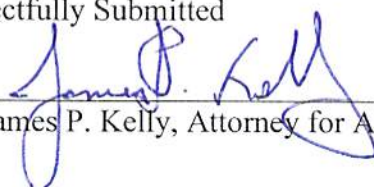
NOW COMES, the Algonquin Township, by and through his attorney James P. Kelly of Matuszewich & Kelly, LLP, and moves this Honorable Court for an exception to the briefing schedule provided for an Order in this Court dated July 26, 2018 and states the following:

1. The Court entered an Order in this cause on July 26, 2018, setting a date for a response or answer to Plaintiff's 4<sup>th</sup> Amended Complaint.
  
2. The Algonquin Township Clerk, Karen Lukasik was exempt from responding to the 4<sup>th</sup> Amended Complaint pending the outcome of the anticipated Motion to Dismiss filed by Defendant Robert Miller.
  
3. In an effort to insure judicial economy in this matter we request that the Township's obligation to file an answer or dispositive Motion also be stayed until Robert Miller's Motion to Dismiss is heard.

WHEREFORE, the Defendant, Algonquin Township, respectfully requests that this Honorable Court to stay the requirement to file a response to Plaintiff's 4<sup>th</sup> Amended Complaint until the resolution of Defendant Miller's Motion to Dismiss.

Respectfully Submitted

By:

  
James P. Kelly, Attorney for Algonquin Township

James P. Kelly, ARDC #6208284  
MATUSZEWICH & KELLY, LLP  
101 N. Virginia St., Suite 150  
Crystal Lake, Illinois 60014  
(815) 459-3120 Telephone  
(815) 459-3123 Facsimile  
litigation@mkm-law.com  
jpkelly@mkm-law.com