

IN THE CIRCUIT COURT  
FOR THE SIXTH JUDICIAL CIRCUIT  
DOUGLAS COUNTY, TUSCOLA, ILLINOIS

COPY

JOHN KRAFT )

Plaintiff )

vs )

ARCOLA TOWNSHIP )

and )

William Coombe, acting in his  
official capacity as FOIA Officer and  
Township Clerk of ARCOLA TOWNSHIP )

Defendants. )

13-MR-31

FILED

AUG 15 2013

*Julie Mills*  
CLERK OF THE CIRCUIT COURT  
DOUGLAS COUNTY, ILLINOIS

PLAINTIFF RESPONSE TO DEFENDANT MOTION TO DISMISS ENTIRE  
PROCEEDING FOR LACK OF JURISDICTION OVER THE DEFENDANTS

Now comes Plaintiff, John Kraft, *pro se*, in this matter, and for his Response states:

1. As to #1 – Admitted.
2. As to #2 – Admitted.
3. As to #3 – That “a” summons in this cause was directed to Mark T. Petty is Admitted. Noting however, that there was also a summons issued to William Coombe and that service was addressed to William Coombe, c/o Arcola Township, 108 E. Main St., Arcola, IL. 61910. Further noting that paragraphs (a) – (Individual defendants –

personal) and (c) - (Corporation defendants) of said summons were completed at time of service. A copy of this completed (served) summons being attached hereto and incorporated herein.

4. As to #4 – Denied. Noting that there was a summons issued to William Coombe and that service was addressed to William Coombe, c/o Arcola Township, 108 E. Main St., Arcola, IL. 61910. Further noting that paragraphs (a) – (Individual defendants – personal) and (c) - (Corporation defendants) of said summons were completed at time of service. A copy of the completed (served) summons being attached hereto and incorporated herein.

5. As to #5 – Admitted.

6. As to #6 – Admitted. Further answering, that service was had on William Coombe, the township clerk.

7. As to #7 – Denied. Noting that there was a summons issued to William Coombe and that service was addressed to William Coombe, c/o Arcola Township, 108 E. Main St., Arcola, IL. 61910. Further noting services was intended as service upon the Arcola Township Clerk as evidenced by the address listed for service and that paragraphs (a) – (Individual defendants – personal) and (c) - (Corporation defendants) of said summons were completed at time of service. A copy of the completed (served) summons being attached hereto and incorporated herein.

8. As to #8 – Plaintiff cannot admit nor deny. Noting that Plaintiff is *pro se* and is not familiar with the term “abuse of process” as used in this instance, also noting that Plaintiff cannot determine whether he meets the definition of “experienced litigator” based upon the filing of a couple of civil suits.

9. As to #9 – Plaintiff cannot admit nor deny. Noting that Plaintiff does not know whether or not the Defendants incurred any legal fees or court costs with bringing this motion. Further noting that under 5 ILCS 140/11, there is neither authorization to award legal fees nor court costs to public bodies.

10. As to #10 – Admitted. Adding that service was intended as service upon the Arcola Township Clerk as evidenced by the address listed for service, and that paragraphs (a) – (Individual defendants – personal) and (c) - (Corporation defendants) of said summons were completed at time of service. A copy of the completed (served) summons being attached hereto and incorporated herein by reference.

11. As to #11 – Denied. The summons was directed to him at the Arcola Township Office as evidenced by the address listed for service, and that paragraphs (a) – (Individual defendants – personal) and (c) - (Corporation defendants) of said summons were completed at time of service and shall be considered a summons upon the Township of Arcola. A copy of the completed (served) summons being attached hereto and incorporated herein by reference.



12. As to #12 – Plaintiff admits that William Coombe, in his individual capacity, has no connection with the matters in the Complaint. Plaintiff denies that no summons was served on Arcola Township as the summons was directed to William Coombe at the Arcola Township Office and shall be considered a summons upon the Township of Arcola.

13. As to #13 – Plaintiff cannot admit nor deny. Plaintiff is *pro se*, is not familiar with the term “extreme abuse of process” as used in this instance, and is not conversant with the legal issues of “*in personam*” jurisdiction.

14. As to #14 – Admitted. Noting that the attorney for the Defendants was never asked to consent to the receipt of the same.

15. As to #15 – Admitted.

16. As to #16 – Denied. Noting that Section 11(g) of 5 ILCS 140 specifically authorizes the Court to enforce its order against any public official or employee so ordered or primarily responsible for the public body’s noncompliance. The ability to enforce an order against a person carries with it the legislative intent that the person may be named as a defendant.

17. As to #17 – Denied. Noting that Section 11(g) of 5 ILCS 140 specifically authorizes the Court to enforce its order against any public official or employee so ordered or primarily responsible for the public body’s noncompliance. The ability to enforce an order against a person carries with it the legislative intent that the person may be named as a defendant.

18. As to #18 – Denied. While the Plaintiff, *pro se*, may be somewhat familiar with some processes of filing a Complaint, and some of the Illinois Freedom Of Information Act, he is not “well versed” in filing Freedom Of Information Act litigation.

19. As to #19 – Denied. Noting that Section 11(g) of 5 ILCS 140 specifically authorizes the Court to enforce its order against any public official or employee so ordered or primarily responsible for the public body’s noncompliance. The ability to enforce an order against a person carries with it the legislative intent that the person may be named as a defendant.

Additionally, there are exceptions to paragraph Defendant stated, and the full text of the referenced paragraph should be used and follows (emphasis mine):

“This Act shall be the exclusive State statute on freedom of information, except to the extent that other State statutes might create additional restrictions on disclosure of information or other laws in Illinois might create additional obligations for disclosure of information to the public.”

Referencing the exception, *"where other laws in Illinois might create additional obligations for disclosure of information to the public"*, I specifically reference the following:

a. Article VIII, Section 1 (c) of the 1970 Constitution of the State of Illinois states that *"Reports and records of the obligation, receipt and use of public funds... are available for inspection by the public according to law."*

b. Article VIII, Section 4 of the 1970 Constitution of the State of Illinois, when referencing the systems of auditing, accounting and reporting of the obligation, receipt and use of public funds, states that these systems shall be used by all units of local government and school districts.

c. Section 3a of the Local Records Act (50 ILCS 205/ 3a) states in part:

Sec. 3a. Reports and records of the obligation, receipt and use of public funds of the units of local government and school districts...are public records available for inspection by the public...

Section 15 of the Act does make a change to Section 3a, but that change only relates to the inspection of records, not to the definition of those records in Section 3a.

d. Section 4 of the Local Records Act (50 ILCS 205/ 4) states in part:

Sec. 4. All public records made or received by, or under the authority of, or coming into the custody, control or possession of any officer or agency shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part, except as provided by law.

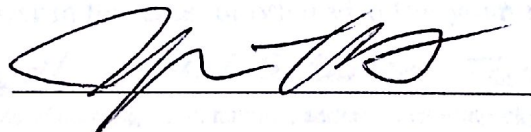


e. Section 7 of the Local Records Act (50 ILCS 205/ 7) references the rules of disposition of records and states in part:

Sec. 7. Disposition rules. Except as otherwise provided by law, no public record shall be disposed of by any officer or agency unless the written approval of the appropriate Local Records Commission is first obtained.

**WHEREFORE**, the Plaintiff requests this Court to deny the pending Motion to Dismiss.

Respectfully submitted,



John Kraft, *pro se*  
Plaintiff

John Kraft  
7060 Illinois Highway 1  
Paris, Illinois 61944  
Phone: 217-808-2527

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
Douglas COUNTY, ILLINOIS

**COPY**

John Kraft

v.

Arcola Township  
 William Coombe

NO. 13 MR31

**SUMMONS**

To the defendant: William Coombe % Arcola Township, 108 E. Main St. Arcola, IL

YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance, 6/19/10

in the office of the clerk of this court Douglas County Courthouse, 401 S. Center, Tusola, IL  
 (Insert name of building, room number, address, including city)

Illinois, within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other persons to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed. This summons may not be served later than 30 days after its date.

WITNESS

(Seal of court)

June 21, 20 13.  
June Mills  
 Clerk of court

Associate Circuit Clerk-Deputy

Name John Kraft  
 Attorney for pro se  
 Address 7060 IL Hwy 1  
 City Paris, IL 61944  
 Telephone  
217-808-2527

Received this fee of \$ 43.00  
6/21 2013 By C. McGowan  
 Sheriff

Date of service: 6/24, 2013.  
 (To be inserted by officer on copy left with defendant or other person)



# SHERIFF'S FEES

Service and return..... \$ 35

Miles 8 8

Total..... \$ 43

Charlie McGrew

Sheriff of Douglas County

I certify that I served this summons on defendants as follows:

(a) - (Individual defendants-personal):

By leaving a copy and a copy of the complaint with each individual defendant personally, as follows:

Name of defendant	Date of service
<u>William Coombe M/w 63yrs</u>	<u>June 24, 2013</u>
<u>690E Co Rd 200N</u>	<u>6:12 PM</u>
<u>Arzola, IL</u>	

(b) - (Individual defendants-abode):

By leaving a copy and a copy of the complaint at the usual place of abode of each individual defendant with a person of the family, or a person residing there, of the age of 13 years or upwards, informing that person of the contents of the summons, and also by sending a copy of the summons and of the complaint in a sealed envelope with postage fully prepaid, addressed to each individual defendant at his or her usual place of abode, as follows:

Name of defendant	Person with whom left	Date of service	Date of mailing

(c) - (Corporation defendants):

By leaving a copy and a copy of the complaint with the registered agent, officer or agent of each defendant corporation, as follows:

Defendant corporation	Registered agent, officer or agent	Date of service
<u>ARZOLA TRP.</u>	<u>William Coombe</u>	<u>6-24-13</u>

(d) - (Other service):

Charlie McGrew, Sheriff of Douglas County

By [Signature], Deputy

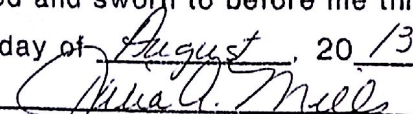
CERTIFICATE OF MAILING

I, the undersigned, under penalties of perjury as provided in the Code of Civil Procedure, do hereby certify that I mailed a true and exact copy of the foregoing instrument to the below stated individuals; by placing the same properly addressed in the United States Mail at Tuscola, Illinois, postage fully prepaid, on this 15 day of August, 2013 in an envelope securely sealed, with proper postage prepaid, and legibly addressed:

Mr. Mark T. Petty  
Petty Law Office, Inc.  
111 E. Main St.  
P.O. Box 128  
Arcola, Illinois 61910

  
John Kraft, *pro se*

7060 Illinois Highway 1  
Paris, Illinois 61944

Signed and sworn to before me this  
15th day of August, 2013.  
  
(Notary Public)

