

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

JOHN KRAFT,)
)
Plaintiff,)
)
v.) Case No. 13-MR-53
)
ARCOLA TOWNSHIP,)
)
Defendant.)

REPLY TO MOTION FOR SUMMARY JUDGMENT

COMES NOW, the Defendant, ARCOLA TOWNSHIP, by its attorney, Mark T. Petty, and states the following for its Reply to Motion for Summary Judgment previously filed in case number 2014-MR-16:

A. BACKGROUND FACTS

1. That the Defendant admits the allegations of paragraph 1.
2. That the Defendant admits the allegations of paragraph 2.
3. That the Defendant admits the allegations of paragraph 3.
4. That the Defendant denies the allegations of paragraph 4

and states affirmatively as set forth in the Defendant's answer to the complaint filed herein the following applied:

A. At the time of the service of the above matter the Defendant was represented by attorney Yasmeen Baig in cause number 2013-MR-53.

B. That the Defendant's counsel was prohibited from direct contact with the Plaintiff by virtue of the foregoing.

C. That the Defendant did provide a response to the Freedom of Information request all as set forth in subparagraph

C of paragraph 6 of the Plaintiff's answer by sending letter to the Plaintiff's counsel, a copy of letter of April 28th being attached hereto and incorporated herein by reference, together with the reply.

B. FREEDOM OF INFORMATION ACT

1. The Plaintiff has accurately sited the Freedom of Information Act, but the Freedom of Information Act does not require any direct furnishing of the information to the Defendant and it is entirely appropriate for the Defendant's lawyer to respond to the Freedom of Information Act and it is the Defendant's option and prerogative to make such a reply.

2. That the Freedom of Information Act only requires that the public body will promptly provide to any person who submits a request a copy of the public record required to be disclosed and the same was certainly provided in this case to the Plaintiff's counsel. Whether or not the Plaintiff's counsel supplied this information to the Plaintiff is unknown to the Defendant.

3. That the Plaintiff's suggestion and argument that there was no reply to the Freedom of Information request, at the very best lacks any candor because it did not provide an indication that the Defendant's lawyer had received this information.

WHEREFORE, under the provisions of the Civil Practice Act a summary judgment may only be granted when there is no material issue of any fact sufficient so as to provide that the court can enter a

judgement based upon the pleadings. In this cause, the Defendant would suggest and maintain that there really is no issue as to material fact in this case as to whether or not the information was supplied by the Defendant's attorney to the Plaintiff's attorney under the appropriate issues and that a judgment should be summarily rendered in favor of the Defendant and against the Plaintiff.

ARCOLA TOWNSHIP, Defendant

By 
Mark T. Petty, Its Attorney

Petty Law Office, P.C.
Attorney for Defendant
111 E. Main St.
P.O. Box 128
Arcola, IL 61910
Telephone: (217) 268-3056
Fax: (217) 268-4898

PETTY LAW OFFICE, P.C.

MARK T. PETTY

ANDREW L. PETTY

April 28, 2014

Ms. Yasmeen Baig
Frank H. Byers, II, Ltd.
160 W. Main St.
Decatur, IL 62523
and via fax: (217) 875-3524

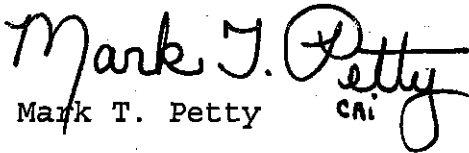
Re: My Client - Arcola Township
Your Client - John Kraft

Dear Ms. Baig:

Please find enclosed a copy of the April 12, 2014 Freedom of Information Act request which the Township received from your client and a copy of which I previously provided to you. You will notice that they have answered to the side of each request and attached a copy of the paperwork requested in response to paragraph 4.

If you have any questions, please do not hesitate to give me a call. Thank you very much for your attention to this matter.

Very truly yours,


Mark T. Petty CAI

MTP/cai

Encs.

Arcola Township

From: John Kraft [john@heirloomvideography.net]
Sent: Saturday, April 12, 2014 11:21 AM
To: arcolats@arcola-il.com
Subject: FOIA Request (Arcola Twp) 4-12-2014

In accordance with the Illinois Freedom Of Information Act, I request the following:

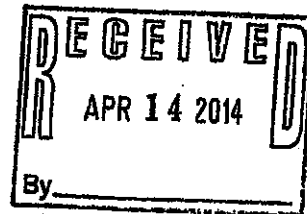
- None* 1. Copy of all bid notices, requests for bids, requests for quotes, newspaper notices, and everything else that shows the Township insurance was put out for bid thru the competitive bidding process.
- None* 2. Copy of all bid, quotes, etc, received from competitive bidding for insurance.
- None* 3. Copy of meeting minutes where the bids were publicly opened.
- 4. Copy of all payments for insurance for the fiscal year 2013-2014. *- See Attached.*
- N/A* 5. Copy of any statute, law, regulation, ordinance, etc that authorizes the township use public funds for a "scholarship".

This is not a commercial request.

Electronic copies requested.

Thanks,
John Kraft
7060 Illinois Highway 1
Paris, Illinois 61944

217-808-2527



DIMOND BROS.

4/30/2013	12.11.592	1	DIMOND BROS.	BOND	20172	400.00 P
4/30/2013	22.11.592	1	DIMOND BROS.	CLARK RD BOND	20172	1,238.00 P
4/30/2013	12.11.592	1	DIMOND BROS.	CLARK - BOND	20172	1,238.00 P

Total for DIMOND BROS. \$2,876.00

DIMOND BROS.

6/18/2013	22.11.591	1	DIMOND BROS.	ADD LEASED DRUM RC	20277	25.00 P
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Total for DIMOND BROS. \$25.00

DIMOND BROS.

1/16/2014	22.11.591	1	DIMOND BROS.	1/2 CLERK BOND	20734	938.00 P
1/16/2014	12.11.591	1	DIMOND BROS.	1/2 CLERK BOND	20734	938.00 P

Total for DIMOND BROS. \$1,876.00

DIMOND BROS.

3/24/2014	12.11.592	1	DIMOND BROS.	DS BOND	20871	400.00 P
3/24/2014	22.11.592	1	DIMOND BROS.	CORKY - BOND	20871	1,238.00 P
3/24/2014	12.11.592	1	DIMOND BROS.	CORKY - BOND	20871	1,238.00 P

Total for DIMOND BROS. \$2,876.00

DIMOND BROS.

3/25/2014	12.11.591	1	DIMOND BROS.	AUTO - TN	20874	28.00 P
3/25/2014	12.11.592	1	DIMOND BROS.	CRIME - TN	20874	39.00 P
3/25/2014	22.11.592	1	DIMOND BROS.	CRIME - RD	20874	39.00 P
3/25/2014	12.11.592	1	DIMOND BROS.	INLAND MARINE - TN	20874	225.00 P
3/25/2014	12.11.591	1	DIMOND BROS.	AUTO - CEM	20874	250.00 P
3/25/2014	12.11.592	1	DIMOND BROS.	POLICY FEE- TN	20874	350.00 P
3/25/2014	12.11.592	1	DIMOND BROS.	POLICY FEE- CEM	20874	350.00 P
3/25/2014	12.11.454	1	DIMOND BROS.	W/C - TN	20874	771.00 P
3/25/2014	12.11.592	1	DIMOND BROS.	PROPERTY - TN	20874	827.00 P
3/25/2014	12.11.592	1	DIMOND BROS.	INLAND MARINE - CEM	20874	901.00 P
3/25/2014	12.11.591	1	DIMOND BROS.	PUBLIC OFFICIALS - CE	20874	916.00 P
3/25/2014	22.11.592	1	DIMOND BROS.	PROPERTY - ROAD	20874	1,138.00 P
3/25/2014	12.11.592	1	DIMOND BROS.	PROPERTY - CEMETER	20874	1,050.00 P
3/25/2014	12.11.454	1	DIMOND BROS.	W/C - CEM	20874	2,251.00 P
3/25/2014	22.11.592	1	DIMOND BROS.	POLICY FEE- RD	20874	2,300.00 P
3/25/2014	22.11.592	1	DIMOND BROS.	INLAND MARINE -RD	20874	3,397.00 P
3/25/2014	22.11.591	1	DIMOND BROS.	PUBLIC OFFICIALS - RC	20874	5,487.00 P
3/25/2014	22.11.591	1	DIMOND BROS.	AUTO - RD	20874	5,634.00 P
3/25/2014	12.11.591	1	DIMOND BROS.	PUBLIC OFFICIALS - TN	20874	6,200.00 P
3/25/2014	22.11.454	1	DIMOND BROS.	W/C - RD	20874	8,127.00 P

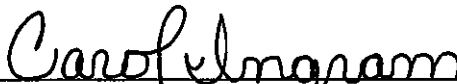
Total for DIMOND BROS. \$40,880.00

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 individual; by placing the same properly addressed in the United States Mail at Arcola, Illinois, postage fully prepaid, on this 21st day of October, 2014 in an envelope securely sealed, with proper postage prepaid, and legibly addressed:

Ms. Yasmeen Baig
Frank H. Byers, II, Ltd.
160 W. Main St.
Decatur, IL 62523

Mr. John Kraft
7060 Illinois Highway 1
Paris, IL 61944



CAROL INGRAM