

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

JOHN KRAFT)
)
 Plaintiff)
)
 v.)
)
 ARCOLA TOWNSHIP) 2014-MR-34
)
 Defendant.)

MOTION TO DISQUALIFY

COMES NOW Plaintiff, John Kraft, *pro se*, and prays this Court grant this Motion to Disqualify pursuant to Supreme Court Rules, Illinois Rules of Civil Procedure, and Illinois Rules of Professional Conduct (IRPC), and states as follows:

1. Counsel for Defendant Arcola Township acted as advocates and necessary witness, and should be disqualified in the instant suit under IRPC 3.7.
2. Counsel for Defendant plays an integral part in this suit, by his ultimately causing Defendant to perform acts in violation of the Freedom of Information Act.
3. Plaintiff intends to subpoena Mr. Mark Petty as witness.
4. Plaintiff submits an attached memorandum in support of this motion.

WHEREFORE, Plaintiff prays this Court grant this Motion to Disqualify.

John Kraft
Plaintiff, *pro se*
7060 Illinois Highway 1
Paris, Illinois 61944
217-808-2527

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DOUGLAS COUNTY, TUSCOLA, ILLINOIS

JOHN KRAFT)
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 Plaintiff)
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 v.)
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 ARCOLA TOWNSHIP) 2014-MR-34
)
)
 Defendant.)

**MEMORANDUM IN SUPPORT OF
MOTION TO DISQUALIFY**

COMES NOW Plaintiff, John Kraft, *pro se*, and states as follows:

1. Counsel for Defendant, Mr. Mark Petty, was the person, acting as an agent of Defendant, which did not provide responsive records to Plaintiff in response to Plaintiff's FOIA request as the Freedom of Information Act requires.
2. IRPC Rule 3.7 states that a lawyer shall not accept or continue in employment in contemplated or pending litigation of the lawyer knows or reasonably should know that the lawyer may be called as a witness on behalf of the client, or not continue in representing his client after the lawyer knows or reasonably should know that the lawyer's testimony is or may be prejudicial to his client.
3. Plaintiff intends to call Mr. Mark Petty as witness of defendant actions.
4. As witness to and participant in defendant's actions, Mr. Petty has the possibility of not being a fully objective witness.
5. The prestige of representing the government body could artificially enhance Mr. Petty's credibility as a witness.

6. Granting this Motion will reduce the risk that testimonial weight could be erroneously given to Mr. Petty's arguments.
7. Granting this Motion reflects the broad concern that the administration of justice not only be fair, but also appear fair.
8. Granting this Motion prevents this attorney, who is representing the Government, and who is "expected to adhere to the highest standards of professional behavior and to be worthy of public trust and confidence" from running "the risk of impeachment or otherwise being found not credible," and thereby disgracing his office.
9. Granting this Motion allows Plaintiff to call Mr. Petty as witness to defendant's actions.

WHEREFORE, Plaintiff prays this Court grant this Motion to Disqualify.

John Kraft
Plaintiff, *pro se*
7060 Illinois Highway 1
Paris, Illinois 61944
217-808-2527

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 this “**Motion to Disqualify**” and its attached “**Memorandum in Support of Motion to Disqualify**” to the below stated individual(s); by placing the same properly addressed in the United States Mail at _____, Illinois, postage fully prepaid, on this _____ day of _____, 2014 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
Plaintiff, *pro se*
7060 Illinois Highway 1
Paris, Illinois 61944
217-808-2527