

IN THE CIRCUIT COURT FOR THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, WHEATON, ILLINOIS

ERIN BIRT, DIANNE MCGUIRE, and)
JOSEPH WOZNIAK, in their official capacity)
as Trustees for the Board of Trustees of)
Community College District No. 502,)

Plaintiffs,)

vs.)

RATHJE & WOODWARD LLC, an Illinois)
limited liability corporation, SCHIFF)
HARDIN LLP, an Illinois limited liability)
partnership, and SCHULYER, ROCHE &)
CRISHAM PC, an Illinois professional)
corporation,)

Defendants.)

2016MR000127



COMPLAINT FOR DECLARATORY JUDGMENT

NOW COME the Plaintiffs, ERIN BIRT, DIANNE MCGUIRE, and JOSEPH WOZNIAK, in their official capacity as Trustees for the Board of Trustees of Community College District No. 502, by and through their attorneys, Roberts PC, and for their Complaint for Declaratory Judgment against the Defendants, RATHJE & WOODWARD LLC, an Illinois limited liability corporation, SCHIFF HARDIN LLP, an Illinois limited liability partnership, and SCHULYER, ROCHE & CRISHAM PC, an Illinois professional corporation, pursuant to Section 2-701 of the Illinois Code of Civil Procedure, state as follows:

1. Community College District 502 ("College of DuPage") is a body politic and corporate created pursuant to the Illinois Public Community Colleges Act, 805/1-1 *et seq.* ("Act").

2. The College of DuPage is governed by the Board of Trustees of Community College District No. 502 ("Board of Trustees").

3. The Board of Trustees is empowered and obligated to provide for the maintenance, development and operation of the College of DuPage including the management of lawsuits by and against the College.

4. Pursuant to the Act, the Board of Trustees is comprised of seven (7) trustees.

5. Pursuant to the Act, the seven (7) trustees are elected to office pursuant to the Illinois Election Code, 10 ILCS 5/1-1 *et seq.*

6. Plaintiff, Erin Birt, is a duly elected and acting trustee for the Board of Trustees.

7. Plaintiff, Dianne McGuire, is a duly elected and acting trustee for the Board of Trustees.

8. Plaintiff, Joseph Wozniak, is a duly elected and acting trustee for the Board of Trustees.

9. Defendant, Rathje & Woodward LLC, is an Illinois limited liability corporation. Rathje & Woodward LLC has and continues to provide legal representation to the Board of Trustees.

10. Defendant, Schiff Hardin LLP, is an Illinois limited liability partnership. Schiff Hardin LLP has and continues to provide legal representation to the Board of Trustees.

11. Defendant, Schulyer, Roche & Crisham PC, is an Illinois professional corporation. Schulyer, Roche & Crisham PC has and continues to provide legal representation to the Board of Trustees.

12. Because of a vacancy, there are presently only six (6) acting trustees on the Board of Trustees. Plaintiffs, Erin Birt, Dianne McGuire, Joseph Wozniak, and Charles Bernstein, Deanne Mazzochi, and Frank Napolitano.

13. As elected officials, Plaintiffs are duty bound to fulfill the oath and obligations of their office.

14. The Board of Trustees, through the decisions and votes of the individual trustees, manages lawsuits wherein the College of DuPage is a party.

COUNT I – RATHJE & WOODWARD LLC

15. Plaintiffs reallege and incorporate paragraphs 1-14 of this Complaint as paragraphs 1-14 of this Count I as though fully set forth herein.

16. Defendant Rathje & Woodward LLC represents the Board of Trustees both generally and in certain litigation known best to Defendant (“Rathje litigation”).

17. Plaintiffs requested certain information from Defendant, Rathje & Woodward LLC in order to be fully informed and to fulfill their duties when providing direction to Rathje & Woodward LLC and/or voting on matters related to the Rathje litigation.

18. During the course of the representation by Rathje & Woodward LLC, Plaintiffs made several requests to Rathje & Woodward LLC for information related to its representation of the Board of Trustees.

19. In response to Plaintiffs’ request for information and documents, Defendant Rathje & Woodward LLC at best provided partial and/or redacted disclosure.

20. Because Defendant Rathje & Woodward LLC refused to fully provide the requested information and documents, Plaintiffs sought outside legal assistance. On January 18, 2016, Roberts PC, acting on Plaintiffs’ behalf, requested:

1. Any and all work product created by Defendant on behalf of the Board of Trustees of Community College District No. 502 and/or any of its individual trustees.

2. Any and all billing records related to the legal representation by Defendant of the Board of Trustees of Community College District No. 502 and/or its individual trustees.

3. Any correspondence between Defendant and the Board of Trustees of Community College District No. 502 and/or its individual trustees.

4. Any notes or recordings related to the representation by Defendant of the Board of Trustees of Community College District No. 502 and/or its individual trustees.

5. Any and all memoranda or opinions created by Defendant in relation to the representation of the Board of Trustees of Community College District No. 502 and/or its individual trustees.

6. All correspondence relating to or concerning Community College District No. 502 between Defendant and any one or more of Adam Andrzejewski and/or Kirk Allen and/or Edgar County Watchdogs and/or For the Good of Illinois.

7. Any documents evidencing a Waiver of Conflict regarding Defendant by Community College District No. 502 and/or its Board and/or any of its individual trustees and/or Adam Andrzejewski and/or Kirk Allen and/or Edgar County Watchdogs and/or For the Good of Illinois.

See letter to Rathje & Woodward LLC dated January 18, 2016 attached hereto and incorporated herein by this reference as **Exhibit 1**.

21. On or about January 22, 2016, Defendant, Rathje & Woodward LLC refused to fully comply with Plaintiffs' demand.

22. Defendant Rathje & Woodward LLC's refusal to provide Plaintiffs with the requested information deprives them of information Plaintiffs deem necessary to fulfill their obligations as members of the Board of Trustees.

23. Defendant, Rathje & Woodward LLC's refusal to provide Plaintiffs with the requested information is without right or lawful justification in the premises.

WHEREFORE, Plaintiffs, Erin Birt, Dianne McGuire, and Joseph Wozniak, in their official capacity as Trustees for the Board of Trustees of Community College District No. 502, pray for Declaratory Judgment against Defendant, Rathje & Woodward LLC, as follows:

- A. Determine and adjudicate the rights of the parties with respect to Plaintiffs' request for information contained in **Exhibit 1** and declare that:
1. Plaintiffs are entitled to copies of the documents and information requested in **Exhibit 1**; and
 2. Defendant, Rathje & Woodward LLC has no right to withhold from Plaintiffs the documents and information requested in **Exhibit 1**.
- B. Awarding the Plaintiffs the costs of this lawsuit and reasonable attorneys' fees they incurred; and
- C. For such other and further relief as to which Plaintiffs may be entitled.

COUNT II – SCHIFF HARDIN, LLP

15. Plaintiffs reallege and incorporate paragraphs 1-14 of this Complaint as paragraphs 1-14 of this Count II as though fully set forth herein.

16. Defendant Schiff Hardin LLP represents the Board of Trustees both generally and in certain litigation known best to Defendant ("Schiff Hardin litigation").

17. Plaintiffs requested certain information from Defendant, Schiff Hardin LLP in order to be fully informed and to fulfill their duties when providing direction to Schiff Hardin LLP and/or voting on matters related to the Schiff Hardin litigation.

18. During the course of the representation by Schiff Hardin LLP, Plaintiffs made several requests to Schiff Hardin LLP for information related to its representation of the Board of Trustees.

19. In response to Plaintiffs' request for information and documents, Defendant Schiff Hardin LLP at best provided partial and/or redacted disclosure.

20. Because Defendant Schiff Hardin LLP wholly refused to fully provide the requested information and documents, Plaintiffs sought outside legal assistance. On January 18, 2016, Roberts PC, acting on Plaintiffs' behalf, requested:

1. Any and all work product created by Defendant on behalf of the Board of Trustees of Community College District No. 502 and/or any of its individual trustees.
2. Any and all billing records related to the legal representation by Defendant of the Board of Trustees of Community College District No. 502 and/or its individual trustees.
3. Any correspondence between Defendant and the Board of Trustees of Community College District No. 502 and/or its individual trustees.
4. Any notes or recordings related to the representation by Defendant of the Board of Trustees of Community College District No. 502 and/or its individual trustees.
5. Any and all memoranda or opinions created by Defendant in relation to the representation of the Board of Trustees of Community College District No. 502 and/or its individual trustees.
6. All correspondence relating to or concerning Community College District No. 502 between Defendant and any one or more of Adam Andrzejewski and/or Kirk Allen and/or Edgar County Watchdogs and/or For the Good of Illinois.
7. Any documents evidencing a Waiver of Conflict regarding Defendant by Community College District No. 502 and/or its Board and/or any of its individual trustees and/or Adam Andrzejewski and/or Kirk Allen and/or Edgar County Watchdogs and/or For the Good of Illinois.

See letter to Schiff Hardin LLP dated January 15, 2016 attached hereto and incorporated herein by this reference as **Exhibit 2**.

21. Defendant, Schiff Hardin LLP's refusal to provide Plaintiffs with the requested information deprives them of information Plaintiffs deem necessary to fulfill their obligations as members of the Board of Trustees.

22. Defendant, Schiff Hardin LLP's refusal to provide Plaintiffs with the requested information is without right or lawful justification in the premises.

WHEREFORE, Plaintiffs, Erin Birt, Dianne McGuire, and Joseph Wozniak, in their official capacity as Trustees for the Board of Trustees of Community College District No. 502, pray for Declaratory Judgment against Defendant, Schiff Hardin LLP, as follows:

- A. Determine and adjudicate the rights of the parties with respect to Plaintiffs' request for information contained in **Exhibit 2** and declare that:
 - 1. Plaintiffs are entitled to copies of the documents and information requested in **Exhibit 2**; and
 - 2. Defendant, Schiff Hardin LLP has no right to withhold from Plaintiffs the documents and information requested in **Exhibit 2**.
- B. Awarding the Plaintiffs the costs of this lawsuit and reasonable attorneys' fees they incurred; and
- C. For such other and further relief as to which Plaintiffs may be entitled.

COUNT III – SCHUYLER, ROCHE & CRISHAM PC

15. Plaintiffs reallege and incorporate paragraphs 1-14 of this Complaint as paragraphs 1-14 of this Count III as though fully set forth herein.

16. Defendant Schuyler, Roche & Crisham PC represents the Board of Trustees both generally and in certain litigation known best as ("Schuyler litigation").

17. Plaintiffs requested certain information from Defendant, Schuyler, Roche & Crisham PC in order to be fully informed and to fulfill their duties when providing direction to Schuyler, Roche & Crisham PC and/or voting on matters related to the Schuyler litigation.

18. During the course of the representation by Schuyler, Roche & Crisham PC, Plaintiffs made several requests to Schuyler, Roche & Crisham PC for information related to its representation of the Board of Trustees.

19. In response to Plaintiffs' request for information and documents, Defendant Schuyler, Roche & Crisham PC at best provided partial and/or redacted disclosure.

20. Because Defendant Schuyler, Roche & Crisham PC refused to fully provide the requested information and documents, Plaintiffs sought outside legal assistance. On January 18, 2016, Roberts PC, acting on Plaintiffs' behalf, specifically requested:

1. Any and all work product created by Defendant on behalf of the Board of Trustees of Community College District No. 502 and/or any of its individual trustees.

2. Any and all billing records related to the legal representation by Defendant of the Board of Trustees of Community College District No. 502 and/or its individual trustees.

3. Any correspondence between Defendant and the Board of Trustees of Community College District No. 502 and/or its individual trustees.

4. Any notes or recordings related to the representation by Defendant of the Board of Trustees of Community College District No. 502 and/or its individual trustees.

5. Any and all memoranda or opinions created by Defendant in relation to the representation of the Board of Trustees of Community College District No. 502 and/or its individual trustees.

6. All correspondence relating to or concerning Community College District No. 502 between Defendant and any one or more of Adam Andrzejewski and/or Kirk Allen and/or Edgar County Watchdogs and/or For the Good of Illinois.

7. Any documents evidencing a Waiver of Conflict regarding Defendant by Community College District No. 502 and/or its Board and/or any of its individual trustees and/or Adam Andrzejewski and/or Kirk Allen and/or Edgar County Watchdogs and/or For the Good of Illinois.

See letter to Schuyler, Roche & Crisham PC dated January 18, 2016 attached hereto and incorporated herein by this reference as **Exhibit 3**.

21. On or about January 22, 2016, Defendant, Schuyler, Roche & Crisham PC refused to fully comply with Plaintiffs' demand.

22. Defendant Schuyler, Roche & Crisham PC's refusal to provide Plaintiffs with the requested information deprives them of information Plaintiffs deem necessary to fulfill their obligations as members of the Board of Trustees.

23. Defendant, Schuyler, Roche & Crisham PC's refusal to provide Plaintiffs with the requested information is without right or lawful justification in the premises.

WHEREFORE, Plaintiffs, Erin Birt, Dianne McGuire, and Joseph Wozniak, in their official capacity as Trustees for the Board of Trustees of Community College District No. 502, pray for Declaratory Judgment against Defendant, Schuyler, Roche & Crisham, PC as follows:

- A. Determine and adjudicate the rights of the parties with respect to Plaintiffs' request for information contained in **Exhibit 3** and declare that:
 - 1. Plaintiffs are entitled to copies of the documents and information requested in **Exhibit 3**; and
 - 2. Defendant, Schuyler, Roche & Crisham, PC has no right to withhold from Plaintiffs the documents and information requested in **Exhibit 3**.
- B. Awarding the Plaintiffs the costs of this lawsuit and reasonable attorneys' fees they incurred; and
- C. For such other and further relief as to which Plaintiffs may be entitled.

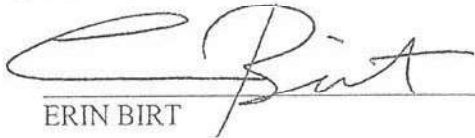
ROBERTS PC



Attorney for Plaintiffs

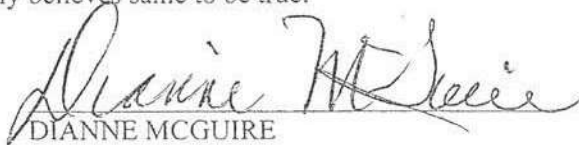
VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes same to be true.


ERIN BIRT

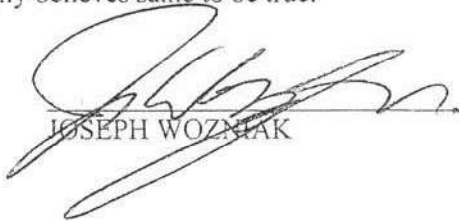
VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes same to be true.


DIANNE MCGUIRE

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes same to be true.


JOSEPH WOZNAK

Chuck Roberts
chuck@robertspc.com
ROBERTS PC #21500
104 East Roosevelt Road, Suite 202
Wheaton, Illinois 60187
(630) 668-4211

ROBERTS^{PC}

ATTORNEYS AT LAW

Keith E. (Chuck) Roberts, Jr. •
Keith E. Roberts, Sr. (1928-2014)

Mark S. Bishop
Robert W. Funk

William S. Thayer
William J. Costello

Of Counsel:
Robert S. Marcott
Rosemarie Frontzak

**Fellow, American Academy
of Matrimonial Lawyers*

Writer's Direct Contact (630) 668-4244
chuckroberts@robertspc.com

January 18, 2016

VIA E-MAIL TRANSMISSION

Timothy Elliott
Rathje & Woodward, LLC
300 E. Roosevelt Road, Suite 300
Wheaton, IL 60187
telliott@rathjewoodward.com

Dear Mr. Elliott:

Please be advised I represent three trustees of the Board of Trustees of Community College District No. 502, Erin Birt, Joseph Wozniak, and Dianne McGuire. Your law firm represents the Board of Trustees of Community College District No. 502.

Demand is hereby made on behalf of these three trustees for you and your law firm (hereinafter "Elliott") to furnish a copy of the following materials:

1. Any and all work product created by Elliott on behalf of the Board of Trustees of Community College District No. 502 and/or any of its individual trustees.
2. Any and all billing records related to the legal representation by Elliott of the Board of Trustees of Community College District No. 502 and/or its individual trustees.
3. Any correspondence between Elliott and the Board of Trustees of Community College District No. 502 and/or its individual trustees.



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ATTORNEYS AT LAW

4. Any notes or recordings related to the representation by Elliott of the Board of Trustees of Community College District No. 502 and/or its individual trustees.
5. Any and all memoranda or opinions created by Elliott in relation to the representation of the Board of Trustees of Community College District No. 502 and/or its individual trustees.
6. All correspondence relating to or concerning Community College District No. 502 between Elliott and any one or more of Adam Andrzejewski and/or Kirk Allen and/or Edgar County Watchdogs and/or For the Good of Illinois.
7. Any documents evidencing a Waiver of Conflict regarding Elliott by Community College District No. 502 and/or its Board and/or any of its individual trustees and/or Adam Andrzejewski and/or Kirk Allen and/or Edgar County Watchdogs and/or For the Good of Illinois.

Kindly furnish these records on or before close of business January 22, 2016 to the undersigned. Thank you.

Very truly yours,



Chuck Roberts

CR/jem

cc: Erin Birt, Joseph Wozniak, Dianne McGuire

ROBERTS PC

ATTORNEYS AT LAW

Keith E. (Chuck) Roberts, Jr. *
Keith E. Roberts, Sr. (1928-2014)

Mark S. Bishop
Robert W. Funk

William S. Thayer
William J. Costello

Of Counsel:
Robert S. Marcott
Rosemarie Frontzak

**Fellow, American Academy
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chuckroberts@robertspc.com

January 18, 2016

VIA E-MAIL TRANSMISSION

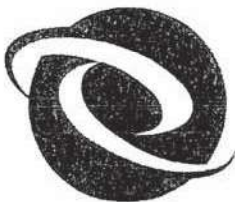
Andrew C. Porter
Schiff Hardin LLP
233 S. Wacker Drive, Suite 6600
Chicago, IL 60606
aporter@schiffhardin.com

Dear Mr. Porter:

Please be advised I represent three trustees of the Board of Trustees of Community College District No. 502, Erin Birt, Joseph Wozniak, and Dianne McGuire. Your law firm represents the Board of Trustees of Community College District No. 502.

Demand is hereby made on behalf of these three trustees for you and your law firm (hereinafter "Porter") to furnish a copy of the following materials:

1. Any and all work product created by Porter on behalf of the Board of Trustees of Community College District No. 502 and/or any of its individual trustees.
2. Any and all billing records related to the legal representation by Porter of the Board of Trustees of Community College District No. 502 and/or its individual trustees.
3. Any correspondence between Porter and the Board of Trustees of Community College District No. 502 and/or its individual trustees.



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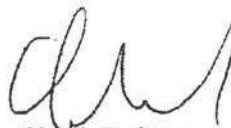
ROBERTS PC

ATTORNEYS AT LAW

4. Any notes or recordings related to the representation by Porter of the Board of Trustees of Community College District No. 502 and/or its individual trustees.
5. Any and all memoranda or opinions created by Porter in relation to the representation of the Board of Trustees of Community College District No. 502 and/or its individual trustees.
6. All correspondence relating to or concerning Community College District No. 502 between Porter and any one or more of Adam Andrzejewski and/or Kirk Allen and/or Edgar County Watchdogs and/or For the Good of Illinois.
7. Any documents evidencing a Waiver of Conflict regarding Porter by Community College District No. 502 and/or its Board and/or any of its individual trustees and/or Adam Andrzejewski and/or Kirk Allen and/or Edgar County Watchdogs and/or For the Good of Illinois.

Kindly furnish these records on or before close of business January 22, 2016 to the undersigned. Thank you.

Very truly yours,



Chuck Roberts

CR/jm

cc: Erin Birt, Joseph Wozniak, Dianne McGuire



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Of Counsel:
Robert S. Marcott
Rosemarie Frontzak

**Fellow, American Academy
of Matrimonial Lawyers*

Writer's Direct Contact (630) 668-4244
chuckroberts@robertspc.com

January 18, 2016

VIA E-MAIL TRANSMISSION

Daniel V. Kinsella
Schuyler Roche Crisham
Two Prudential Plaza
180 N. Stetson Avenue, Suite 3700
Chicago, IL 60601
dkinsella@SR.Cattorneys.com

Dear Mr. Kinsella:

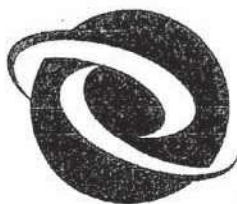
Please be advised I represent three trustees of the Board of Trustees of Community College District No. 502, Erin Birt, Joseph Wozniak, and Dianne McGuire. Your law firm represents the Board of Trustees of Community College District No. 502.

Demand is hereby made on behalf of these three trustees for you and your law firm (hereinafter "Kinsella") to furnish a copy of the following materials:

1. Any and all work product created by Kinsella on behalf of the Board of Trustees of Community College District No. 502 and/or any of its individual trustees.
2. Any and all billing records related to the legal representation by Kinsella of the Board of Trustees of Community College District No. 502 and/or its individual trustees.
3. Any correspondence between Kinsella and the Board of Trustees of Community College District No. 502 and/or its individual trustees.

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4. Any notes or recordings related to the representation by Kinsella of the Board of Trustees of Community College District No. 502 and/or its individual trustees.
5. Any and all memoranda or opinions created by Kinsella in relation to the representation of the Board of Trustees of Community College District No. 502 and/or its individual trustees.
6. All correspondence relating to or concerning Community College District No. 502 between Kinsella and any one or more of Adam Andrzejewski and/or Kirk Allen and/or Edgar County Watchdogs and/or For the Good of Illinois.
7. Any documents evidencing a Waiver of Conflict regarding Kinsella by Community College District No. 502 and/or its Board and/or any of its individual trustees and/or Adam Andrzejewski and/or Kirk Allen and/or Edgar County Watchdogs and/or For the Good of Illinois.

Kindly furnish these records on or before close of business January 22, 2016 to the undersigned. Thank you.

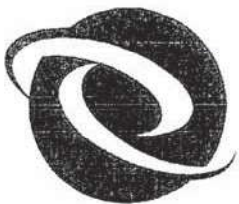
Very truly yours,



Chuck Roberts

CR/jem

cc: Erin Birt, Joseph Wozniak, Dianne McGuire



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