

FILED
9/17/2018 5:48 PM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2012L009916

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

DENA LEWIS,

Plaintiff,

v.

CITY OF COUNTRY CLUB HILLS, a
municipal corporation, CARL PYCZ,
JOSEPH ELLINGTON, and ROGER
AGPAWA,

Defendants.

Case No. 12 L 009916

Judge Brigid Mary McGrath

**DEFENDANTS' MOTION IN LIMINE TO BAR ALL REFERENCES TO A 1992
INCIDENT AND TO BAR THE TESTIMONY OF TRACY LUDWIG**

NOW COME the Defendants and move this Honorable Court for entry of an order *in limine* excluding any testimony relating to allegations of harassment or inappropriate sexual contact between former Lieutenant Todd Hamm and Tracy Ludwig (née Perry). In support thereof, Defendants state as follows:

1. Plaintiff has issued a trial subpoena for Tracy Ludwig. See Trial Subpoena for Tracy Ludwig, attached as Exhibit A.
2. Tracy Ludwig has never been disclosed by Plaintiff in any discovery response or Rule 213 disclosure and therefore cannot testify.
3. Allowing Ludwig to testify is prejudicial because the Defendants did not have an opportunity to litigate this claim, and to contest its use in this trial, because Ludwig was never disclosed by Plaintiff as a person with knowledge.
4. Tracy Ludwig's testimony is also utterly irrelevant to any issues in this case.

5. Ms. Ludwig was born on July 4, 1976. She is now 42 years old. See Affidavit of Tracy Ludwig, attached as Exhibit B.

6. When she was a teenager, back in the early 1990s, she used to hang around the firehouse where her father, Mike Perry, was a firefighter. Her maiden name is Perry. See Exhibit B.

7. Ludwig graduated from high school in 1994, and so she was hanging around the firehouse when she was around 15 to 17 years old, from around 1991 to 1993. See Exhibit B.

8. Sometime in the 1991 to 1993 timeframe, when she was somewhere between 15 and 17 years old, she experienced several incidents of non-consensual physical contact with then-Lieutenant Hamm of the Country Club Hills Fire Department. See Exhibit B.

9. She reported the incidents to then Chief Garry Kasper. See Exhibit B.

10. Chief Kasper told her that, after investigating the incidents, he told Lieutenant Hamm that he could either resign or he would be fired, and that Lieutenant Hamm chose to resign from the Department. See Exhibit B.

11. In his March 24, 2016 deposition, Former Chief of the Country Club Hills Fire Department Garrick Kasper acknowledged that he had some knowledge of an investigation related to several incidents of alleged non-consensual physical contact between Lieutenant Todd Hamm and Tracy Ludwig. See Deposition of Garrick Kasper, attached as Exhibit C, at 166:6-9.

12. Chief Kasper further related that he conducted an investigation that resulted in Lieutenant Hamm's termination or resignation, and in fact gave Lieutenant Hamm the

option to resign or be fired, and that Hamm chose to resign. See Exhibit C at 170:20-22; 171:2-21; 172:2-5; 176:14-24.

13. In his June 30, 2016 deposition, Deputy Chief Steve Pycz testified that he might have "heard ... through the rumor mill" that Tracy Ludwig had made allegations of inappropriate sexual contact by Lieutenant Todd Hamm, but that "it was a closed court case" and "none of my business." See Deposition of Steven Pycz Attached as Exhibit D at 187:2-11.

14. Testimony relating to something that happened approximately six years before Dena Lewis was even hired, which was in 1999, is irrelevant, prejudicial, and inadmissible hearsay and should be excluded from this trial. Questions, testimony, or evidence related to the incident are irrelevant and would only serve to provide salacious testimony that has no bearing on the issues of this case.

15. Testimony related to an incident that allegedly occurred against Ms. Ludwig's will 25 years ago, six years prior to Plaintiff working for the Country Club Hills Fire Protection District or Country Club Hills Fire Department, would not have a tendency to make the existence of any fact related to Plaintiff's claims under the Illinois Whistleblower Act or claims of gender discrimination or retaliation in violation of the Illinois Human Rights Act more probable than it would be without evidence of the same, and it is inadmissible. *Downey v. Dunnington*, 384 Ill. App. 3d 350, 381 (4th Dist. 2008), see also *People v. Starks*, 2014 IL App (1st) 121169, ¶ 60.

16. Even if this Court were to determine that this incident was somehow relevant, its probative value is substantially outweighed by the potential for confusion of the issues and misleading of the jury and is therefore inadmissible under Illinois Rule of

Evidence Rule 403. *Aguirre v. City of Chicago*, 382 Ill. App. 3d 89, 100 (1st Dist. 2008); see also, e.g., *Wyninger v. New Venture Gear, Inc.*, 361 F.3d 965, 975 (7th Cir. 2004) (the Seventh Circuit, in determining whether evidence of discrimination against another employee was admissible under Rule 403 of the Federal Rules of Evidence and relevant to the plaintiff's hostile work environment claim, found that because the other employee's evidence involved a different employment decision in a different department made by different decision makers it was not particularly probative and would lead to undue delay and confusion of the issues. In making its determination, the court noted that "since the [second-hand] evidence consisted of contested allegations, we agree that the district court would have been forced to decide the merits of a separate case despite its limited probative value") see also *Lamorak Ins. Co. v. Kone, Inc.*, 2018 IL App (1st) 163398, ¶ 33 ("When Illinois courts interpret the rules of evidence, the courts may look to federal cases for guidance.") citing *People v. Thompson*, 2016 IL 118667, ¶ 40.

17. Additionally, any testimony by Deputy Chief Steve Pycz related to the incident would be inadmissible hearsay under Illinois Rule of Evidence 803. Deputy Chief Pycz acknowledges that he heard about the incident through word of mouth and has no personal knowledge of the event. His testimony regarding what he heard would be an out of court statement offered to show the truth of the matter asserted and is inadmissible. *People v. Leach*, 405 Ill. App. 3d 297, 309 (2010), *aff'd* on other grounds, 2012 IL 111534, 980, citing *People v. Carpenter*, 28 Ill.2d 116, 121 (1963).

18. Chief Kasper's knowledge and any report regarding the incident, gathered by talking to individuals as opposed to having first-hand knowledge of the events, is similarly inadmissible hearsay and should be excluded from this trial.

WHEREFORE, Defendants respectfully requests that this Honorable Court grant this Motion *in Limine* in its entirety and order such other relief as the Court deems just and proper.

Respectfully submitted,

CITY OF COUNTRY CLUB HILLS, CARL
PYCZ, JOSEPH ELLINGTON, and ROGER
AGPAWA

By: s/ Stephen R. Miller
Stephen R. Miller
One of Their Attorneys

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Attorney Firm No. 91219

CERTIFICATE OF SERVICE

Stephen R. Miller, an attorney, certifies that a true and correct copy of Defendants' Motion in *Limine* to Bar All References to a 1992 Incident and to Bar the Testimony of Tracy Ludwig was served via U.S. email transmission this 17th day of September, 2018 to the below-named attorney:

Dana L. Kurtz
Kurtz Law Offices, Ltd.
32 Blaine Street
Hinsdale, IL 60521
dkurtz@kurtzlaw.us

s/ Stephen R. Miller

Stephen R. Miller

790720v1

EXHIBIT A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

DENA LEWIS,

Plaintiff/Petitioner

v.

No. 12 L 9916

CITY OF COUNTRY CLUB HILLS, et al.,

Defendant/Respondent

SUBPOENA IN A CIVIL MATTER
(For Testimony and/or Documents)

To: Tracy Ludwig

9221 S. Kedzie Avenue, Apt. 1

Evergreen Park, IL 60805

☒ 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable Judge Brigid Mary McGrath
in Room 1907, 50 West Washington Street, Chicago, Illinois on October 1, 2018,
at 10:30 a. m. and continuing day to day until completion of the trial.

☐ 2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at:
in Room _____, Illinois on _____,
at _____ m.

☐ 3. YOU ARE COMMANDED to mail the following documents in your possession or control to _____
at _____, on or before _____,
at _____ m.

(THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.):

☐ Description continued on attached page(s).

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

Notice to Deponent:

☐ 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows: _____

☐ Description continued on attached page(s).

(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

☐ 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by _____
(Name of Recording Device Operator)

3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. 43132

Pro Se 99500

Name: Dana L. Kurtz

Issued by: s/Dana L. Kurtz

Atty. for: Plaintiff

Signature

Address: 32 Blaine Street

☒ Attorney

City/State/Zip: Hinsdale, IL 60521

☐ Clerk of Court

Telephone: 630-323-9444

Date: September 12, 2018

☐ I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to _____
by certified mail, return receipt requested (Receipt # _____) on _____.

I paid the witness \$ _____ for witness and mileage fees.

☐ I served this subpoena by handing a copy to _____ on _____.

I paid the witness \$ 28.52 for witness and mileage fees.

(Signature of Server)

(Print Name)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

FILED DATE: 9/17/2018 5:48 PM 2012L009916

EXHIBIT B

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

DENA LEWIS,

Plaintiff

v

CITY OF COUNTRY CLUB HILLS, a
municipal corporation, CARL PYCZ,
JOSEPH ELLINGTON, and ROGER
AGRAWA,

Defendants.

Case No. 12 L 009916

Judge Brigd Mary McGrath

AFFIDAVIT OF TRACY LUDWIG

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), I, Tracy Ludwig, certify that the following statements are true:

1. My name is Tracy Ludwig and I was born on July 4, 1976. I am 42 years old and live in Oak Lawn, Illinois. My maiden name is Perry.
2. I am employed as a paramedic for Advocate Children's Hospital and also for CSL Plasma in Hazel Crest, Illinois.
3. When I was a teenager, back in the early 1990s, I used to hang around the firehouse where my father, Mike Perry, was a firefighter.
4. I graduated from high school in 1994. When I was hanging around the firehouse from 1991 to 1993 I would have been around 15 to 17 years old.
5. Sometime between 1991 and 1993, I experienced multiple incidents of non-consensual physical contact with then-Lieutenant Hartm of the Country Club Hills Fire Protection District.

2. I made then-Fire Chief Garrick Kasper aware of the incident and he launched an investigation.
3. Chief Kasper told me that, after investigating the incident, Lieutenant Hamen was notified that he could either resign or he would be fired. According to Chief Kasper, Lieutenant Hamen resigned from the Department.

FURTHER AFFIANT SAYS: TH NOT

By:

Tracy Ludwig

Date:

9/16/18

EXHIBIT C

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION

DENA LEWIS-BYSTRZYCKI,)
)
Plaintiff (s),)
)
vs.) No. 12-L-00916
)
CITY OF COUNTRY CLUB HILLS,)
a municipal corporation,)
and CARL PYCZ and JOSEPH)
ELLINGTON, in his)
individual capacity,)
)
Defendant (s).)

DISCOVERY DEPOSITION OF GARRICK KASPER

The deposition of Garrick Kasper, a witness called at the instance of Plaintiff (s) for purposes of DISCOVERY taken on March 24, 2016, from 1:00 p.m. to 7:00 p.m. at the home of Garrick Kasper, 11059 Bunny Hop Road, Benton, Illinois, before Michele Thomas, Notary Public and Certified Shorthand Reporter, CSR No. 084-004396, for the State of Illinois, pursuant to notice.

A P P E A R A N C E S

MS. BETH MILLER
KURTZ LAW OFFICES, LTD.
ATTORNEY (S) AT LAW
32 BLAINE STREET
HINSDALE, IL 60521

In behalf of the Plaintiff (s);

MR. DANIEL J. BODDICKER
KEEFE, CAMPBELL, BIERY & ASSOCIATES, LLC
ATTORNEY (S) AT LAW
118 NORTH CLINTON, SUITE 300
CHICAGO, IL 60661

In behalf of the Defendant (s).

1 her -- it had to do with another firefighter.

2 MS. MILLER:

3 Q. Would that be Lieutenant Hamm?

4 A. Yes.

5 Q. Okay. What do you recall about that?

6 A. Just that there was some relations
7 going on between the two of them. And if I
8 remember correctly, Ms. Ludwig was too afraid to
9 say anything to anybody after this all came out.

10 Q. When you say "relations", what do you
11 mean? They were having a sexual relationship?
12 Is that what you mean by that?

13 A. Yes. That apparently they had.

14 Q. Was it your understanding whether
15 that relationship was consensual or not
16 consensual?

17 MR. BODDICKER: Object to form and
18 foundation.

19 THE WITNESS: I can't remember if
20 that was or not. I don't --

21 MS. MILLER:

22 Q. How did you first hear about this
23 issue?

24 A. If I am not mistaken, I think her
SOUTHERN REPORTING

1 father or stepfather brought it to my attention.

2 Q. Mike Perry?

3 A. I believe so.

4 Q. When he brought it to your attention,
5 what did you do?

6 MR. BODDICKER: Object to form and
7 foundation.

8 THE WITNESS: I believe that an
9 investigation pursued.

10 MS. MILLER:

11 Q. Okay. Who conducted the
12 investigation?

13 A. I want to think that I did this
14 particular case, if I remember correctly.

15 Q. Okay. Did you document your
16 investigation?

17 A. I believe so, yes.

18 Q. Where would that documentation be?

19 A. It would be in -- it should be in the
20 employee's file.

21 Q. Which employee?

22 A. Lieutenant Hamm's, maybe. And I
23 don't know about Ms. Ludwig. But I also -- I
24 had -- I can't remember if they -- if

SOUTHERN REPORTING

1 documentation was provided by anybody other --
2 you know, by other than what was verbal. I just
3 don't recall that specific that far back.

4 Q. Do you recall what year that was?

5 A. No, I don't.

6 Q. Did Michael Perry bring the complaint
7 to you -- strike the question. Did Michael Perry
8 make this complaint to you verbally or in
9 writing?

10 MR. BODDICKER: Object to form. I
11 don't think he said it was a complaint.
12 Mischaracterization of prior testimony.

13 THE WITNESS: I believe I think that
14 he came to me verbally to discuss it.

15 MS. MILLER:

16 Q. Okay. Did you ask Tracy Ludwig to
17 put anything in writing?

18 A. I don't recall if I did or not, to be
19 honest.

20 Q. Did you ask Michael Perry to put
21 anything in writing?

22 A. I -- honestly, I cannot recall if
23 that -- if I did that or not. I just know that
24 an investigation ensued and it involved a process

SOUTHERN REPORTING

1 including the attorney.

2 Q. Whose attorney?

3 A. For the Fire District, I believe.

4 Q. So this was before it was Country
5 Club Hills Fire Department?

6 A. Yes. I believe it was.

7 Q. Okay. I'm sorry. Did you say the
8 attorney for the Country Club Hills Fire
9 Protection District got involved?

10 A. Yes.

11 Q. Okay. Who was that?

12 A. Pardon me?

13 Q. Who was that?

14 A. Oh, boy.

15 Q. Do you remember his name or her name?

16 A. Maybe Klein, Thorpe & Jenkins. It
17 may have been them. That's who they were for the
18 Fire District.

19 Q. So why didn't you have either Michael
20 Perry or Tracy Ludwig put --

21 A. I --

22 Q. -- any issue in writing?

23 MR. BODDICKER: Object to form,
24 foundation.

SOUTHERN REPORTING

1 THE WITNESS: I didn't say that I
2 didn't have them do it. It's just I don't
3 recall.

4 MS. MILLER:

5 Q. Okay. I thought you said you --
6 okay.

7 A. I do not recall if I asked them to do
8 so or not.

9 Q. Okay. Wouldn't it have been part of
10 the practice or the policy that they put
11 something in writing if it was a complaint of
12 sexual harassment?

13 MR. BODDICKER: Object to form and
14 foundation. Assumes facts not in evidence.

15 THE WITNESS: Yeah. It should have
16 been, yes.

17 MS. MILLER:

18 Q. Okay. What -- what did you do as
19 part of your investigation?

20 A. I did factfinding investigation to --
21 I mean, to the best of my recollection, talked to
22 the individual and --

23 Q. Is that -- which individual?

24 A. I want to say I talked to Lieutenant
SOUTHERN REPORTING

1 Hamm.

2 Q. Did you talk to Tracy Ludwig?

3 A. I believe I did eventually, along
4 with her father or mother in presence.

5 Q. Other than talking to Lieutenant Hamm
6 and speaking with Tracy Ludwig and/or her father
7 and mother, did you do anything else in your
8 investigation?

9 A. As I said, I spoke with the attorney
10 for the Fire District.

11 Q. Okay.

12 A. And I talked to Lieutenant Hamm. And
13 once I presented information and facts to him, I
14 advised him that he had two choices.

15 Q. When you say "him" you mean
16 Lieutenant Hamm?

17 A. Lieutenant Hamm.

18 Q. Okay. What were his choices?

19 A. To resign immediately, or that I
20 would bring him up on charges and move forward
21 for termination.

22 Q. On what kind of charges would you
23 bring him up?

24 A. Well, it would have been on charges
SOUTHERN REPORTING

1 based upon the incident as far as sexual
2 harassment, having sex with someone, whether -- I
3 don't remember if it was consensual or
4 nonconsensual, but apparently it was not
5 consensual, based upon --

6 Q. I was going to -- well, you kind of
7 led me to my next question. If it was a
8 consensual relationship, would that have been in
9 violation of the Country Club Hills --

10 A. Absolutely.

11 Q. -- policy?

12 MR. BODDICKER: Object to form and
13 foundation.

14 THE WITNESS: Absolutely. If it was
15 inside the station. Outside the station, that's
16 their own business. Their personal life is not
17 my business, as long as it stays out there and
18 not brought in.

19 MS. MILLER:

20 Q. So, based upon your factfinding
21 investigation you made a determination that --
22 well, strike the question. Based upon your
23 factfinding investigation, what were your -- what
24 was your determination or finding?

SOUTHERN REPORTING

1 MR. BODDICKER: Object to form and
2 foundation.

3 THE WITNESS: I can't remember all
4 the specifics of it, but the fact that he was
5 wrong in doing what he did and it was against
6 policy, it was against practice, I don't know how
7 to say --

8 MS. MILLER:

9 Q. Well, can you be any more specific
10 other than he was wrong in what he was doing?

11 A. I don't know how to say what I want
12 to say. Again, that was a long time ago. There
13 were seven -- or, seven -- several different
14 rules and regulations that were broken, as well
15 as policies.

16 Q. Do you remember what any of those
17 rules --

18 A. No, I don't.

19 Q. -- or regulations or policies were?

20 A. I would have to go back and --
21 personal conduct. Again, I would have -- I don't
22 remember the specifics of --

23 Q. Did you make a determination that he
24 violated the sex harassment policy?

SOUTHERN REPORTING

1 MR. BODDICKER: Object to form and
2 foundation.

3 THE WITNESS: Yeah, he would have.
4 Based upon, you know, what the policy stated,
5 absolutely.

6 MS. MILLER:

7 Q. What about sex discrimination? Did
8 you make a determination that there was any sex
9 discrimination?

10 MR. BODDICKER: Object to form and
11 foundation.

12 THE WITNESS: I guess I would have
13 had to, based upon what happened. I mean, I
14 don't -- like I said, that's been so long ago I
15 just don't remember all of the specifics of it
16 and all the documentation.

17 MS. MILLER:

18 Q. So, none of these documents that were
19 created as a result of your investigation have
20 been produced. Can you tell me why that would
21 be?

22 MR. BODDICKER: Object to form and
23 foundation.

24 THE WITNESS: All of those
SOUTHERN REPORTING

1 documentations should be somewhere in the
2 personnel files.

3 MS. MILLER:

4 Q. It should be in Lieutenant Hamm's
5 file, correct?

6 MS. BODDICKER: Object to form and
7 foundation.

8 THE WITNESS: It should be, yes.

9 MS. MILLER:

10 Q. And you don't know about Tracy
11 Ludwig's file --

12 A. I don't remember if she was given
13 copies of stuff.

14 Q. If -- let me ask you this. If she
15 wrote a statement, if she herself wrote a
16 statement, would that have been put in her
17 personnel file?

18 A. It should -- it should have been put
19 in a packet of, you know, the investigation
20 packet.

21 Q. So when you were done with your
22 investigation you put together an investigation
23 packet; is that right?

24 MR. BODDICKER: Object to form.
SOUTHERN REPORTING

1 THE WITNESS: There were documents
2 that were all together in relation to that
3 particular incident, yes.

4 MS. MILLER:

5 Q. And who did that investigation packet
6 go to?

7 A. I would like to say that it went to
8 the personnel file for him. And I don't recall
9 if Tracy got that or if Michael Perry got stuff.
10 They just wanted -- they wanted it handled. Take
11 care of it. And they were satisfied with the end
12 result.

13 Q. What was the end result?

14 A. His termination.

15 Q. How do you know they were satisfied?

16 A. They told me that verbally.

17 Q. Who is "they"? Both Michael and
18 Tracy?

19 A. Yes.

20 Q. Both of them?

21 A. Yes.

22 Q. I'm sorry. He was terminated?

23 MR. BODDICKER: Object to form.

24 THE WITNESS: Or he resigned. I'm
SOUTHERN REPORTING

1 sorry.

2 MS. MILLER:

3 Q. He resigned?

4 A. Yes.

5 Q. You gave him the option of resigning
6 instead of terminating him?

7 MR. BODDICKER: Object to form.
8 Argumentative.

9 THE WITNESS: I advised that I would
10 take his resignation effective immediately due to
11 this incident, or I would bring up charges based
12 upon rules and regulations and policies for
13 termination.

14 MS. MILLER:

15 Q. Why didn't you terminate him?

16 A. Pardon me?

17 Q. Why didn't you terminate him?

18 MR. BODDICKER: Object to form.

19 THE WITNESS: He submitted his
20 resignation as -- if he wanted to have -- go
21 somewhere else, he had the opportunity to change
22 himself or his lifestyle. Whatever he did to
23 make a wrong a right, I guess. I mean, he gave
24 me his resignation. I wanted him gone.

SOUTHERN REPORTING

EXHIBIT D

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT, LAW DIVISION

Dena Lewis-Bystrzycki,

Plaintiff,

vs.

Case Number 201 2 L 009916

City of Country Club Hills,

Carl Pycz, Joseph Ellington

and Roger Agpawa,

Defendants.

Deposition of Steven George Pycz

Thursday

June 30, 2016

-at-

Kurtz Law Offices, Ltd.,

32 Blaine Street

Hinsdale, Illinois 60521

1 APPEARANCES

2
3 For the Plaintiff:4 Dana L. Kurtz
5 Kurtz Law Offices, Ltd.,
6 32 Blaine Street
7 Hinsdale, Illinois 605218
9 For the Defendant:10 Daniel J. Boddicker
11 Keefe, Campbell, Biery & Associates, LLC
12 118 North Clinton Street
13 Suite 300
14 Chicago, Illinois 60661
15
16
17
18
19
20
21
22
23
24

1 for the record?

2 A. Steven G. Pycz. S-T-E-V-E-N G P-Y-C-Z.

3 Q. Mr. Pycz, have you ever been deposed before?

4 A. To where?

5 Q. Have you ever been deposed, sat in a deposition

6 --

7 A. Oh, yeah --

8 Q. -- like this?

9 A. -- oh, yeah.

10 Q. How many times?

0:01:14

11 A. Once.

12 Q. Okay. When -- when was that?

13 A. Oh, God, I don't know, probably eight, nine
14 years ago.15 Q. Were you still employed by the Country Club
16 Hills --

17 A. Yes, I was.

18 Q. -- Fire Department? What was the case that you
19 were deposed in?20 A. It was something about going against the mayor
21 on something. 0:01:31

22 Q. What was it?

23 A. Going against the mayor on something. I went
24 downtown, 26th and California.

1 THE RECORDER: Good afternoon. We are now on

2 record on June 30th, 2016. The time is 4:04 p.m. We are

3 located at Kurtz Law Offices, Ltd., 32 Blaine Street,

4 Hinsdale, Illinois 60521, for a deposition in the matter

5 of Dena Lewis-Bystrycki versus City of Country Club

6 Hills, Carl Pycz, Joseph Ellington, and Roger Agpawa,

7 Case No. 2012 L 009916, venue, County Department Law

8 Division. The witness today is Steven George Pycz. 0:00:33

9 Mr. Pycz, my name is Christina Kollintzas. I'm a

10 notary public and recording this deposition on behalf of

11 In Demand Court Reporting. At this time, would you

12 please raise your right hand for the oath?

13 (Witness sworn.)

14 THE RECORDER: Would the attorneys please state
15 their appearances for the record?

16 MS. KURTZ: Dana Kurtz for the plaintiff.

17 MR. BODDICKER: Daniel Boddicker for
18 defendants.19 THE RECORDER: That completes the required
20 information. We can proceed.

21 MS. KURTZ: Thank you. 0:00:57

22 EXAMINATION

23 BY MS. KURTZ:

24 Q. Can you please state and spell your full name

1 Q. Okay. Were you named as a defendant in that
2 case?3 A. No. I was just named as a -- a witness or
4 whatever.5 THE RECORDER: Dana, could we go off the record
6 a minute?

7 MS. KURTZ: Yes.

8 THE RECORDER: Off the record, 4:06 p.m. 0:01:47

9 (Off the record.)

10 MS. KURTZ: -- she's the one who's got to write
11 down everything that you say from the video, so --

12 THE WITNESS: I get it.

13 THE RECORDER: Back on the record, 4:06 p.m.

14 THE WITNESS: My gum is gone.

15 BY MS. KURTZ:

16 Q. What was my last question? Oh, about the case.

17 A. Was I a witness or a defendant. 0:02:05

18 Q. Sorry.

19 A. Yeah.

20 Q. Do you remember the name of the case?

21 A. No, I don't.

22 Q. Okay. What was the nature of your testimony in
23 that case?

24 A. Just they wanted a witness about whatever

Page 186

1 you the truth. I think he just went to another
2 department.
3 Q. Okay. You don't know when he left?
4 A. No. 90 --
5 Q. And --
6 A. -- something. I don't know what year. 2:19:56
7 Q. Okay.
8 A. Early '90s I'm guessing.
9 Q. Do you even know if --
10 A. Maybe mid '90s.
11 Q. Do you even know if it was in the '90s or
12 2000s?
13 A. Yeah, it was the '90s.
14 THE RECORDER: Do you mind if we take a quick
15 break?
16 MS. KURTZ: Sure.
17 THE RECORDER: Off the record, 6:27 p.m. 2:20:38
18 (Off the record.)
19 THE RECORDER: Back on the record, 6:31 p.m.
20 BY MS. KURTZ:
21 Q. You were talking about Lieutenant Hamm. That's
22 Lieutenant Todd Hamm, correct?
23 A. Leonard I believe is his true name.
24 Q. Okay.

Page 187

1 A. Todd Leonard.
2 Q. And had you heard even through the rumor mill
3 that Tracy Ludwig had filed or had made allegations of
4 sexual harassment or inappropriate sexual contact with
5 her by Lieutenant Todd Hamm? 2:21:10
6 A. That was --
7 MR. BODDICKER: Object to form.
8 THE WITNESS: You know what? I might have
9 heard something or a rumor about that. But I -- it was
10 a closed court case and I just -- it's none of my
11 business so I don't know.
12 BY MS. KURTZ:
13 Q. When you say "closed court case," what do you
14 mean?
15 A. Just nothing. There's nothing said about it.
16 That's all I heard.
17 Q. Were you aware that there was a court case? 2:21:30
18 A. Oh, I don't know if there was a court case, but
19 it was --
20 Q. Okay. Or the --
21 A. Nothing. Whatever. I mean, it was a -- not
22 too much was said. So I -- I stayed out of my business.
23 Q. And you --
24 A. Not my business.

Page 188

1 Q. -- heard that the city settled that with her?
2 A. I --
3 MR. BODDICKER: Object to form. It assumes
4 that he was a city employee or that this occurred -- that
5 this alleged event occurred when --
6 THE WITNESS: Yes.
7 MR. BODDICKER: -- the fire department was with
8 the City of Country Club Hills. 2:21:53
9 MS. KURTZ: So don't make speaking objections.
10 BY MS. KURTZ:
11 Q. My question was: Where -- or had you heard
12 that the City or the fire department or Country Club
13 Hills had settled with Tracy Ludwig over those
14 allegations?
15 MR. BODDICKER: Same objections. Not only
16 that, but now it's compound.
17 THE WITNESS: Never heard that till right now. 2:22:12
18 BY MS. KURTZ:
19 Q. When you said -- when you said closed court
20 case, what do --
21 A. I --
22 Q. -- you mean?
23 A. I don't know. It was hush-hush stuff. So.
24 Q. And Tracy Ludwig, was she a part-time

Page 189

1 firefighter?
2 A. Yeah, I --
3 MR. BODDICKER: Object to form.
4 THE WITNESS: -- believe she was --
5 MR. BODDICKER: Foundation.
6 THE WITNESS: -- part-time. I -- I don't know
7 if she was. She might have been. 2:22:28
8 BY MS. KURTZ:
9 Q. How old was she?
10 A. I have --
11 MR. BODDICKER: Object to form.
12 THE WITNESS: -- no clue.
13 MR. BODDICKER: Foundation.
14 BY MS. KURTZ:
15 Q. Okay. And you recall Tracy Ludwig worked for
16 the fire department between 2008 and early 2009?
17 MR. BODDICKER: Object to form. Foundation.
18 THE WITNESS: Tracy Ludwig?
19 MR. BODDICKER: Assumes facts not in evidence. 2:22:42
20 THE WITNESS: Not that I know of. '08 and '09?
21 BY MS. KURTZ:
22 Q. Sir, her personnel file indicates that she --
23 A. Maybe.
24 Q. -- became --