

INTHE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

JAMES SWEENEY AND INTERNATIONAL)
UNION OF OPERATING ENGINEERS,)
LOCAL 150, AFL-CIO,)

Plaintiffs/Counter-Defendants/Appellees,)

v.)

CASE NO. 17 CH 482

ANDREW GASSER, ALGONQUIN)
TOWNSHIP HIGHWAY COMMISSIONER,)
AND ALGONQUIN TOWNSHIP ROAD)
DISTRICT,)

Judge Jassica Presiding

Defendants/Counter-Plaintiffs/Appellants.)

NOTICE OF FILING

To: Dale D. Pierson & Robert A. Paszta
Local 150 Legal Department
6140 Joliet Road
Countryside, IL 60525

Kenneth Edwards & Bryan P. Diemer
IUOE, Local 150, AFL-CIO
6200 Joliet Road
Countryside, IL 60525

R. Mark Gummerson
Zukowski, Rogers Flood & McArdle
50 Virginia Street
Crystal Lake, IL 60014

PLEASE TAKE NOTICE that on **April 9, 2019** Defendants/Counter-Plaintiffs/Appellants, ANDREW GASSER, ALGONQUIN TOWNSHIP HIGHWAY COMMISSIONER AND ALGONQUIN TOWNSHIP ROAD DISTRICT, filed with the Clerk of the Circuit Court of McHenry County, Illinois, their **EVIDENCE OF PURGE**, a copy of which is attached hereto.

Respectfully submitted,

ANDREW GASSER, ALGONQUIN
TOWNSHIP ROAD COMMISSIONER,
AND ALGONQUIN TOWNSHIP ROAD
DISTRICT,
Defendants/Counter-Plaintiffs/Appellants

By: /s/ Robert Hanlon
One of their Attorneys

CERTIFICATE OF SERVICE

I, Robert T. Hanlon, an attorney, certify that on April 9, 2019, the foregoing document was served upon all parties and attorneys of record in this action by electronic mail and by United States Mail to:

Dale D. Pierson & Robert A. Paszta
Local 150 Legal Department
6140 Joliet Road
Countryside, IL 60525
dpierson@local150.org
rpaszta@local150.org

Kenneth Edwards & Bryan P. Diemer
IUOE, Local 150, AFL-CIO
6200 Joliet Road
Countryside, IL 60525
kedwards@local150.org
bdiemer@local150.org

R. Mark Gummerson
Zukowski, Rogers Flood & McArdle
50 Virginia Street
Crystal Lake, IL 60014
mgummerson@zrfmlaw.com

By: /s/ Robert Hanlon

Robert T. Hanlon, Attorney No. 6286331
LAW OFFICES OF ROBERT T. HANLON & ASSOC., P.C.
131 East Calhoun Street
Woodstock, IL 60098
(815) 206-2200
(815) 206-6184 (Fax)
robert@robhanlonlaw.com

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

JAMES SWEENEY and INTERNATIONAL)	
UNION OF OPERATING ENGINEERS,)	
LOCAL 150,)	
)	
Plaintiffs, Counter-Defendants,)	
)	
v.)	CASE NO.: 17 CH 482
)	
ANDREW GASSER, ALGONQUIN)	
TOWNSHIP ROAD COMMISSIONER,)	
ALGONQUIN TOWNSHIP ROAD)	
DISTRICT,)	
)	
Defendants, Counter-Plaintiffs.)	

EVIDENCE OF PURGE

Now Comes Andrew Gasser, Algonquin Township Highway Commissioner, and Algonquin Township Road District by and through thier attorney, Robert T. Hanlon, with evidence of Purge and states as follows:

The power to punish for contempt rests within the sound discretion of the trial court. (*In re Estate of Maslowe* (1985), 133 Ill.App.3d 1043, 89 Ill.Dec. 174, 479 N.E.2d 1180.) *Cent. Prod. Credit Ass'n v. Kruse*, 156 Ill. App. 3d 526, 531, 509 N.E.2d 136 (1987). Nevertheless, there are limitations to impose contempt. The power to impose contempt is an extraordinary one and, thus, should be exercised only in extreme situations. (*People ex rel. Woodward v. Oliver* (1975), 25 Ill.App.3d 66, 322 N.E.2d 240.) It should not be used when other adequate remedies are available. *People v. Mowery* (1983), 116 Ill.App.3d 695, 72 Ill.Dec. 238, 452 N.E.2d 363.

In the instant case, Local 150 alleged indirect civil contempt on the basis that an arbitrator had not been selected for each of the panels. The Court order of March 1, 2019 specifies the act of failing to contact the FMCS as the basis for finding of Contempt. Civil

contempt is coercive in intent, and ordinarily consists of failing to do something ordered to be done by a court in a civil action for the benefit of an opposing litigant. *People ex rel. Kazubowski v. Ray* (1971), 48 Ill.2d 413, 416, 272 N.E.2d 225.

Civil Contempt grants to the contemnor the keys to his freedom. Given the coercive nature of civil contempt proceedings and that the respondent may purge him or herself of contempt. See *People v. Jashunsky*, 51 Ill. 2d 220, 224, 282 N.E.2d 1, 3 (1972) (stating that due process requires that the defendant be made aware of ways to purge himself of contempt), cert. denied, 409 U.S. 989 (1972); see also *Pryweller v. Pryweller*, 218 Ill. App. 3d 619, 633, 579 N.E.2d 432, 442 (1st Dist. 1991) (finding that a civil contempt order must set forth conditions by which the contemnor may purge herself).

Despite the mandate of the appellate court in *Pryweller v. Pryweller* and *People v. Jashunsky* cited above, nothing in the Court's order of March 1, 2019 sets forth the due process requirement of informing Andrew Gasser of the Court's requirement for the purging of the contempt.

Moreover, within this Court's order, the court found that it was obligation of Andrew Gasser to request the Federal Mediation and Conciliation Service (FMCS) for replacement panels that were stricken in the entirety by the Road District, even though there is no order commanding Andrew Gasser to order panels from FCMS. See Order of 3/1/2019.

Further, the original Petition for Rule complained of is the failure to select an arbitrator. Here, in this case, Andrew Gasser requested new panels from FCMS. FCMS has been requested to provide new panels and the parties have participated in the arbitrator selection process to the point that the arbitrator for each grievance has been selected. See Group Exhibit A.

Accordingly, applying any reasonable standard, the Defendants have purged any contempt complained of by Plaintiffs.

Moreover, given that each panel has selected an arbitrator, Defendant Andrew Gasser has done everything possible to purge the order of 3/1/2019. In fact, not only did Andrew Gasser complete all ordering of panels from FCMS despite the language of Section 8.3 that places that obligation in the hands of Local 150, he has made all necessary strikes to each panel to arrive at an arbitrator in the respective grievance claims of Local 150. Here, Andrew Gasser, acting in his official capacity, has done everything possible to purge the contempt complained of by Local 150.

All panels were ordered on or before March 4, 2019, and all selections were completed on or before March 22, 2019.

Wherefore the reasons set forth herein, Andrew Gasser prays that this court recognize that he has ample evidence of purge at this time.

Dated: April 9, 2019

Respectfully submitted,

/s/ Robert T. Hanlon,

Robert T. Hanlon, one of Defendants' attorneys

CERTIFICATE OF SERVICE

I, Robert T. Hanlon, an attorney, state that I served a copy of Defendant/Counter-Plaintiff's document entitled: **EVIDENCE OF PURGE** upon the above referenced attorneys at their respective addresses by depositing same in the U.S. Mail with postage prepaid at the Woodstock, Illinois, U.S. Post Office and via e-mail to the emails listed below:

Dale D. Pierson & Robert A. Paszta
Local 150 Legal Department IUOE,
6140 Joliet Road
Countryside, IL 60525

Kenneth Edwards & Bryan P. Diemer
Local 150, AFL-CIO
6200 Joliet Road
Countryside, IL 60525

R. Mark Gummerson
Zukowski, Rogers Flood & McArdle
50 Virginia Street
Crystal Lake, IL 60014

E-mail as follows:

Mark Gummerson: mgummerson@zrfmlaw.com

Dale Pierson: DPierson@local150.org

Rob Paszta: rpaszta@local150.org

Bryan P. Diemer: BDiemer@local150.org

on this **9thth** day of **April, 2019**.

/s/ Robert T. Hanlon

Robert T. Hanlon, one of Defendants attorneys

Robert T. Hanlon, Attorney No. 6286331
ROBERT T. HANLON & ASSOC., P.C.
131 East Calhoun Street
Woodstock, IL 60098
(815) 206-2200
(815) 206-6184 (Fax)

Group

Exhibit A

Group

Exhibit A

Rob Hanlon

From: Rob Paszta <rpaszta@local150.org>
Sent: Friday, March 22, 2019 3:36 PM
To: Rob Hanlon
Cc: Bryan P. Diemer
Subject: RE: Algonquin Township strikes
Attachments: Algonquin Arb Selection.pdf

Mr. Hanlon,

Here are Local 150's final arbitrator strikes and selections. We will contact FMCS to inform them of the selections for all nine panels.

Have a good weekend,

Rob

From: Rob Hanlon <Robert@ROBHANLONLAW.COM>
Sent: Wednesday, March 20, 2019 6:51 PM
To: Bryan P. Diemer <BDiemer@local150.org>
Cc: Rob Paszta <rpaszta@local150.org>
Subject: RE: Algonquin Township strikes

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Diemer:

Please see attached the Road Districts' most recent strikes. Where there is a single name remaining, I typed in "selected" to make a simple record. I ask you do the same after you make your remaining strikes.

Robert T. Hanlon
131 East Calhoun
Woodstock, Illinois 60098
815-206-2200

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

From: Bryan P. Diemer [<mailto:BDiemer@local150.org>]
Sent: Wednesday, March 20, 2019 5:08 PM
To: Rob Hanlon
Cc: Rob Paszta
Subject: Algonquin Township strikes

Mr. Hanlon:

Attached are the Union's most recent strikes.

Bryan Diemer

Local 150 and Algonquin Township Road District
Arbitrator Selection

FMCS Case No. 1755758 (Derek Lee Termination)
Employer makes first strike

Arbitrator Name	Date of Union Strike	Date of Employer Strike
R. Donald O'Brien		3/20/19
Brian E. Reynolds	3/22/19	
Ann Green Orto		3/19/19
James Q. Brennwald-		3/19/19
Michael A. Wojcik	3/19/19	
* Thomas F. Sonneborn	Selected	
Elizabeth Kinney	3-20-19	

FMCS Case No. 1755759 (Andrew Rosecrans Termination)
Union makes first strike

Arbitrator Name	Date of Union Strike	Date of Employer Strike
Gregory J. Lavigne		3/20/19
Judge John F. Marleau (Ret)	3/19/19	
* Andree Y. McKissick		Selected
Donald J. Petersen		3/19/19
Rocco M. Scanza - - - - -		3/19/19
Samuel S. Stone	March 12, 2019	
Carol J. Tidwell	3-20-19	

FMCS Case No. 1755760 (Nick Chirikos Termination)
Employer makes first strike

Arbitrator Name	Date of Union Strike	Date of Employer Strike
Kathryn A. Van Dagon		3/19/19
Daniel G. Zeiser	3/22/19	
Richard A. Van Kalker	3/19/19	
Robert D. Steinberg	3-20-19	
* Mary Ellen Shea	Selected	
Cary Morgen - - - - -		3/19/19
Dennis Miller		3/20/19

FMCS Case No. 181106-01260 (Ryan Greene Termination)
Union makes first strike

Arbitrator Name	Date of Union Strike	Date of Employer Strike
XXXXXXX		3/19/19
* Jeanne M. Vonhof		Selected
Michael A. Wejick	3/19/19	
XXXXXXX		3/20/19
Paul G. Betts	3-20-19	
Ruth Moscovitch -----		3/19/19
Eileen L. Bell	March 12, 2019	

FMCS Case No. 170620-02005 (Improper Insurance Deductions)
Employer makes first strike

Arbitrator Name	Date of Union Strike	Date of Employer Strike
Michael Lazar	3/22/19	
Paul Lansing	3-20-19	
Michael Jordan	3/19/19	
XXXXXXX		3/20/19
Sharon A. Gallagher		3/19/2019
* Stephen B. Goldberg -----		
Paul Gordon	Selected	
XXXXXXX		3/19/19

FMCS Case No. 170620-02003 (Failure to Pay Contract Wage Rates)
Union makes first strike

Arbitrator Name	Date of Union Strike	Date of Employer Strike
Stephen M. Taylor		3/19/19
* Marvin F. Hill		Selected
Martin O. Holland	3-20-19	
Lee Hornberger	March 12, 2019	
Elaine Frost	3/19/19	
John C. Fletcher -----		3/19/19sus
Matthew W. Fink		3/20/19

FMCS No. 170816-55070 (Failure to Comply with CBA)

Employer makes first strike

Arbitrator Name	Date of Union Strike	Date of Employer Strike
Day X O X O A H O R X X		3/20/19
Richard D. Fincher	3/19/19	
George E. Lamey	3-20-19	
Howard S. Bellman	3/22/19	
* Jeanne Charles Wood	Selected	
Susan J. M. Bauman		3/19/19
Bowling X X X X X		3/19/19

FMCS Case No. 180306-02200 (Overtime and On-Call Violations)

Union makes first strike

Arbitrator Name	Date of Union Strike	Date of Employer Strike
Alank Cook		
James Q. Brennwald X X X		3/19/19
Terence A. Betzel	3-20-19	
James R. Cox	3/19/19	
Tobie Braverman	March 12, 2019	
* George Aleman		selected
X X Dora X X X X X		3/20/19

FMCS Case No. 190128-03625 (Morrison Termination)

Employer makes first strike

Arbitrator Name	Date of Union Strike	Date of Employer Strike
James Q. Brennwald		3/19/19
Matthew Jarvinen		3/19/19
Jacklyn J. Zimmerman		3/20/19
Andre Y. McKissick	3/22/19	
Carol J. Tidwell	3-20-19	
Felicia Bernardini	3/19/19	
* Dennis P. McGilligan	Selected	

Rob Hanlon

From: Rob Hanlon
Sent: Monday, March 04, 2019 3:36 PM
To: 'Pierce Karen'
Subject: RE: FMCS case No.s 1755758, 1755759, 1755760, 181106-01260, 170620-02005, 170620-02003, 170816-55070, 180306-02200
Attachments: 20190304153536370.pdf

Please see attached.

Robert T. Hanlon
131 East Calhoun
Woodstock, Illinois 60098
815-206-2200

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

From: Pierce Karen [mailto:kpierce@fmcs.gov]
Sent: Monday, March 04, 2019 3:27 PM
To: Rob Hanlon
Subject: RE: FMCS case No.s 1755758, 1755759, 1755760, 181106-01260, 170620-02005, 170620-02003, 170816-55070, 180306-02200

Yes, I only need that page.

From: Rob Hanlon [mailto:Robert@ROBHANLONLAW.COM]
Sent: Monday, March 04, 2019 4:23 PM
To: Pierce Karen <kpierce@fmcs.gov>
Subject: RE: FMCS case No.s 1755758, 1755759, 1755760, 181106-01260, 170620-02005, 170620-02003, 170816-55070, 180306-02200

When sending back the forms do you only need that one page that has the signature and the credit card information?

Robert T. Hanlon
131 East Calhoun
Woodstock, Illinois 60098
815-206-2200

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

From: Pierce Karen [<mailto:kpierce@fmcs.gov>]

Sent: Monday, March 04, 2019 2:36 PM

To: Rob Hanlon

Subject: RE: FMCS case No.s 1755758, 1755759, 1755760, 181106-01260, 170620-02005, 170620-02003, 170816-55070, 180306-02200

I will email them to you. In the meantime, you can complete the form for case number 181106-01260 include the credit card number..

From: Rob Hanlon [<mailto:Robert@ROBHANLONLAW.COM>]

Sent: Monday, March 04, 2019 3:33 PM

To: Pierce Karen <kpierce@fmcs.gov>

Subject: RE: FMCS case No.s 1755758, 1755759, 1755760, 181106-01260, 170620-02005, 170620-02003, 170816-55070, 180306-02200

I do not have that form.

Robert T. Hanlon
131 East Calhoun
Woodstock, Illinois 60098
815-206-2200

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

From: Pierce Karen [<mailto:kpierce@fmcs.gov>]

Sent: Monday, March 04, 2019 1:38 PM

To: Rob Hanlon

Subject: FW: FMCS case No.s 1755758, 1755759, 1755760, 181106-01260, 170620-02005, 170620-02003, 170816-55070, 180306-02200

Hello,

I received your email from Mr. Pearlstein. These cases have the form we need. It is the "Instructions to FMCS" and it is page 2 of this attachment.

You can use this form for case 181106-01260 and give me your credit card number on this one form.

The cost for each panel is \$50.

If you do not have the form with the case, I will resend it.

From: Rob Hanlon [<mailto:Robert@ROBHANLONLAW.COM>]

Sent: Monday, March 04, 2019 1:48 PM

To: Pearlstein Arthur <apearlstein@fmcs.gov>

Subject: FMCS case No.s 1755758, 1755759, 1755760, 181106-01260, 170620-02005, 170620-02003, 170816-55070, 180306-02200

Mr. Pearlstein:

The Algonquin Township Road District rejected the pannels in the above captioned cases. I have been informed by Mr. Diemer that FMCS requires submission of a form and a payment. Can you please provide the form for these cases and please let me know how we can deliver an economic payment for the FCMS Fees?

Thank you in advance for your consideration of this request.

Robert T. Hanlon
131 East Calhoun
Woodstock, Illinois 60098
815-206-2200

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

Rob Hanlon

From: Rob Hanlon
Sent: Thursday, March 07, 2019 10:40 AM
To: 'Pierce Karen'
Subject: RE: FMCS case No.s 1755758, 1755759, 1755760, 181106-01260, 170620-02005, 170620-02003, 170816-55070, 180306-02200
Attachments: fmcs reg panels.pdf

Please see attached

Robert T. Hanlon
131 East Calhoun
Woodstock, Illinois 60098
815-206-2200

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

From: Rob Hanlon
Sent: Monday, March 04, 2019 3:36 PM
To: 'Pierce Karen'
Subject: RE: FMCS case No.s 1755758, 1755759, 1755760, 181106-01260, 170620-02005, 170620-02003, 170816-55070, 180306-02200

Please see attached.

Robert T. Hanlon
131 East Calhoun
Woodstock, Illinois 60098
815-206-2200

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

From: Pierce Karen [<mailto:kpierce@fmcs.gov>]
Sent: Monday, March 04, 2019 3:27 PM
To: Rob Hanlon
Subject: RE: FMCS case No.s 1755758, 1755759, 1755760, 181106-01260, 170620-02005, 170620-02003, 170816-55070, 180306-02200

Yes, I only need that page.

From: Rob Hanlon [<mailto:Robert@ROBHANLONLAW.COM>]

Sent: Monday, March 04, 2019 4:23 PM

To: Pierce Karen <kpierce@fmcs.gov>

Subject: RE: FMCS case No.s 1755758, 1755759, 1755760, 181106-01260, 170620-02005, 170620-02003, 170816-55070, 180306-02200

When sending back the forms do you only need that one page that has the signature and the credit card information?

Robert T. Hanlon
131 East Calhoun
Woodstock, Illinois 60098
815-206-2200

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

From: Pierce Karen [<mailto:kpierce@fmcs.gov>]

Sent: Monday, March 04, 2019 2:36 PM

To: Rob Hanlon

Subject: RE: FMCS case No.s 1755758, 1755759, 1755760, 181106-01260, 170620-02005, 170620-02003, 170816-55070, 180306-02200

I will email them to you. In the meantime, you can complete the form for case number 181106-01260 include the credit card number..

From: Rob Hanlon [<mailto:Robert@ROBHANLONLAW.COM>]

Sent: Monday, March 04, 2019 3:33 PM

To: Pierce Karen <kpierce@fmcs.gov>

Subject: RE: FMCS case No.s 1755758, 1755759, 1755760, 181106-01260, 170620-02005, 170620-02003, 170816-55070, 180306-02200

I do not have that form.

Robert T. Hanlon
131 East Calhoun
Woodstock, Illinois 60098
815-206-2200

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

From: Pierce Karen [<mailto:kpierce@fmcs.gov>]

Sent: Monday, March 04, 2019 1:38 PM

To: Rob Hanlon

Subject: FW: FMCS case No.s 1755758, 1755759, 1755760, 181106-01260, 170620-02005, 170620-02003, 170816-55070, 180306-02200

Hello,

I received your email from Mr. Pearlstein. These cases have the form we need. It is the "Instructions to FMCS" and it is page 2 of this attachment.

You can use this form for case 181106-01260 and give me your credit card number on this one form.

The cost for each panel is \$50.

If you do not have the form with the case, I will resend it.

From: Rob Hanlon [mailto:Robert@ROBHANLONLAW.COM]

Sent: Monday, March 04, 2019 1:48 PM

To: Pearlstein Arthur <apearlstein@fmcs.gov>

Subject: FMCS case No.s 1755758, 1755759, 1755760, 181106-01260, 170620-02005, 170620-02003, 170816-55070, 180306-02200

Mr. Pearlstein:

The Algonquin Township Road District rejected the pannels in the above captioned cases. I have been informed by Mr. Diemer that FMCS requires submission of a form and a payment. Can you please provide the form for these cases and please let me know how we can deliver an economic payment for the FCMS Fees?

Thank you in advance for your consideration of this request.

Robert T. Hanlon
131 East Calhoun
Woodstock, Illinois 60098
815-206-2200

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

INSTRUCTIONS TO FMCS

Please check one of the 5 instructions below. If these are joint instructions, please certify by signing number 6.

Case Number: 1755759

Issue: Termination Dispute

Andrew Rosecrans

1. () The parties have mutually selected Arbitrator _____ and request FMCS to appoint this arbitrator to hear this case. No payment is required for a selection of an arbitrator.
2. () The undersigned designates its priority selections on the next page; (Please rank ALL ARBITRATORS submitted to you with NO OMISSIONS, unless permitted by the CBA or applicable law.) For this method, you MUST provide CBA language that outlines your arbitrator selection process. Failure to submit this language will delay processing your request. (See next page)
3. () We mutually request FMCS to appoint an arbitrator of its choice who was not listed on any panels associated with this case. (Certify by signing number 6 below.)
4. () This case has been SETTLED. No further action is required by FMCS.

5. (X) This panel is unacceptable. A new panel is requested by permission of the CBA or both parties. (Certify by signing on number 6 below.)

(X) Payment of \$50.00 is enclosed (check or money order). If by credit card, provide info below.

Name and Address: Andrew Gasser 3702 NW Hwy CL IL 60014 Amount: \$ 50 Expires: 2/22
(X) Visa () MasterCard () Discovery () American Express

Number: [REDACTED]

Name and Address: _____ Amount: \$ _____ Expires: _____
() Visa () MasterCard () Discovery () American Express

Number: _____

Requirements: # of Arbitrators: _____ () Metropolitan () Sub region () Region
Special Requirements: (example, NAA, AAA, Attorney, exclusions) _____

[Signature] Date 7 Feb 19
Employer Representative
Andrew Gasser, Highway Commissioner
Algonquin Township Road District
3702 U.S. Hwy 14
Crystal Lake, IL 60014

Phone: (847)639-2700
Email: agasser@algonquintownship.com

[Signature] Date _____
Union Representative
Bryan Diemer
International Union of Operating Engineers Local 150
Iuoc, Local 150
6200 Joliet Road
Countryside, IL 60525
Phone: (708)482-8800
Email: Bdiemer@local150.org

6. I certify that both parties have agreed to the above Instructions and Appointment Statement and that I am authorized to respond for both parties.

SIGNATURE: [Signature] Date: 7 Feb 19
KAC

Please mail or email this form to: FMCS Office of Arbitration Services
250 E Street, S.W.
Washington, DC 20427
Email: arbitration@fmcs.gov

INSTRUCTIONS TO FMCS

Please check one of the 5 instructions below. If these are joint instructions, please certify by signing number 6.

Case Number: 1755760

Issue: Termination Dispute

Nick Chirikos

1. () The parties have mutually selected Arbitrator _____ and request FMCS to appoint this arbitrator to hear this case. No payment is required for a selection of an arbitrator.
2. () The undersigned designates its priority selections on the next page: (Please rank ALL ARBITRATORS submitted to you with NO OMISSIONS, unless permitted by the CBA or applicable law.) For this method, you MUST provide CBA language that outlines your arbitrator selection process. Failure to submit this language will delay processing your request. (See next page)
3. () We mutually request FMCS to appoint an arbitrator of its choice who was not listed on any panels associated with this case. (Certify by signing number 6 below.)
4. () This case has been SETTLED. No further action is required by FMCS.

5. (X) This panel is unacceptable. A new panel is requested by permission of the CBA or both parties. (Certify by signing on number 6 below.)

(X) Payment of \$50.00 is enclosed (check or money order). If by credit card, provide info below.


Name and Address: Andrew Gasser 3702 N. Hwy 14 EL 7L 60014 Amount: \$ 50 Expires: 2/22
 (X) Visa () MasterCard () Discovery () American Express

Number: [REDACTED]

Name and Address: _____ Amount: \$ _____ Expires: _____
 () Visa () MasterCard () Discovery () American Express

Number: _____

Requirements: # of Arbitrators: _____ () Metropolitan () Sub region () Region
 Special Requirements: (example, NAA, AAA, Attorney, exclusions) _____


 Employer Representative
 Andrew Gasser, Highway Commissioner
 Algonquin Township Road District
 3702 U.S. Hwy 14
 Crystal Lake, IL 60014

Phone: (847)639-2700
 Email: agasser@algonquintownship.com


 Date: 7 Feb 19

Union Representative
 Bryan Diemer
 International Union of Operating Engineers Local 150
 Local 150
 6200 Joliet Road
 Countryside, IL 60525
 Phone: (708)482-8800
 Email: Bdiemer@local150.org

6. I certify that both parties have agreed to the above Instructions and Appointment Statement and that I am authorized to respond for both parties.

SIGNATURE:  Date: 7 Feb 19

Please mail or email this form to:

FMCS Office of Arbitration Services
 250 E Street, S.W.
 Washington, DC 20427
 Email: arbitration@fmcs.gov

INSTRUCTIONS TO FMCS

Please check one of the 5 instructions below. If these are joint instructions, please certify by signing number 6.

Case Number: 170620-02005

Issue: Coverage

1. () The parties have mutually selected Arbitrator _____ and request FMCS to appoint this arbitrator to hear this case. No payment is required for a selection of an arbitrator.
2. () The undersigned designates its priority selections on the next page: (Please rank ALL ARBITRATORS submitted to you with NO OMISSIONS, unless permitted by the CBA or applicable law.) For this method, you MUST provide CBA language that outlines your arbitrator selection process. Failure to submit this language will delay processing your request. (See next page)
3. () We mutually request FMCS to appoint an arbitrator of its choice who was not listed on any panels associated with this case. (Certify by signing number 6 below.)
4. () This case has been SETTLED. No further action is required by FMCS.

5. ☒ This panel is unacceptable. A new panel is requested by permission of the CBA or both parties. (Certify by signing on number 6 below.)

☒ Payment of \$50.00 is enclosed (check or money order). If by credit card, provide info below.

Name and Address: Andrew Gasser 3702 US Highway 14 Crystal Lake, IL 60014 Amount: \$ 50 Expires: 2/22
☒ Visa () MasterCard () Discovery () American Express

Number: [REDACTED]

Name and Address: _____ Amount: \$ _____ Expires: _____
() Visa () MasterCard () Discovery () American Express

Number: _____

Requirements: # of Arbitrators: _____ () Metropolitan () Sub region () Region
Special Requirements: (example, NAA, AAA, Attorney, exclusions) _____

[Signature]
Employer Representative
Andrew Gasser, Highway Commissioner
Algonquin Township Road District
3702 US Highway 14
Crystal Lake, IL 60014
Phone: (847)639-2700
Email: agasser@algonquintownship.org

7 Feb 19
Date

[Signature]
Union Representative
Bryan Diemer, Attorney
International Union of Operating Engineers Local 150
6200 Joliet Road
Countryside, IL 60525
Phone: (708)482-8800
Email: bdiemer@local150.org

Date

6. I certify that both parties have agreed to the above Instructions and Appointment Statement and that I am authorized to respond for both parties.

SIGNATURE: [Signature]

Date: 7 Feb 19

Please mail or email this form to:

FMCS Office of Arbitration Services
250 E Street, S.W.
Washington, DC 20427
Email: arbitration@fmcs.gov

INSTRUCTIONS TO FMCS

Please check one of the 5 instructions below. If these are joint instructions, please certify by signing number 6.

Case Number: 170816-55070

Issue: Violation of CBA

1. () The parties have mutually selected Arbitrator _____ and request FMCS to appoint this arbitrator to hear this case. No payment is required for a selection of an arbitrator.
2. () The undersigned designates its priority selections on the next page: (Please rank ALL ARBITRATORS submitted to you with NO OMISSIONS, unless permitted by the CBA or applicable law.) For this method, you MUST provide CBA language that outlines your arbitrator selection process. Failure to submit this language will delay processing your request. (See next page)
3. () We mutually request FMCS to appoint an arbitrator of its choice who was not listed on any panels associated with this case. (Certify by signing number 6 below.)
4. () This case has been SETTLED. No further action is required by FMCS.

5. ☒ This panel is unacceptable. A new panel is requested by permission of the CBA or both parties. (Certify by signing on number 6 below.)

☒ Payment of \$50.00 is enclosed (check or money order). If by credit card, provide info below.

Name and Address: Andrew Gasser 3702 Highway 14 Crystal Lake, IL 60014 Amount: \$ 50 Expires: 2/22
☒ Visa () MasterCard () Discovery () American Express

Number: [REDACTED]

Name and Address: _____ Amount: \$ _____ Expires: _____
() Visa () MasterCard () Discovery () American Express

Number: _____

Requirements: # of Arbitrators: _____ () Metropolitan () Sub region () Region
Special Requirements: (example, NAA, AAA, Attorney, exclusions) _____

Employer Representative
Andrew Gasser
Highway Commissioner
Algonquin Township Road District
3702 US Highway 14
Crystal Lake, IL 60014
Phone: (847)639-2700
Email: agasser@algonquintownship.org

7/26/19
Date

Union Representative
Bryan Diemer
Attorney
International Union of Operating Engineers Local 150
6200 Joliet Road
CountrySide, IL 60525
Phone: (708)482-8800
Email: bdiemer@local150.org

Date

6. I certify that both parties have agreed to the above Instructions and Appointment Statement and that I am authorized to respond for both parties.

SIGNATURE: [Signature]

Date: 7/26/19

Please mail or email this form to:

FMCS Office of Arbitration Services
250 E Street, S.W.
Washington, DC 20427
Email: arbitration@fmcs.gov

INSTRUCTIONS TO FMCS

Please check one of the 5 instructions below. If these are joint instructions, please certify by signing number 6.

Case Number: 180306-02200

Issue: Overtime and On-Call Personnel

1. () The parties have mutually selected Arbitrator _____ and request FMCS to appoint this arbitrator to hear this case. No payment is required for a selection of an arbitrator.
2. () The undersigned designates its priority selections on the next page: (Please rank ALL ARBITRATORS submitted to you with NO OMISSIONS, unless permitted by the CBA or applicable law.) For this method, you MUST provide CBA language that outlines your arbitrator selection process. Failure to submit this language will delay processing your request. (See next page)
3. () We mutually request FMCS to appoint an arbitrator of its choice who was not listed on any panels associated with this case. (Certify by signing number 6 below.)
4. () This case has been SETTLED. No further action is required by FMCS.

5. ☒ This panel is unacceptable. A new panel is requested by permission of the CBA or both parties. (Certify by signing on number 6 below.)

☒ Payment of \$50.00 is enclosed (check or money order). If by credit card, provide info below.

Name and Address: Andrew Gasser 3702 N Hwy 14 CL IL 60014 Amount: \$ 50 Expires: 2/22
☒ Visa ☐ MasterCard ☐ Discovery ☐ American Express

Number: [REDACTED]

Name and Address: _____ Amount: \$ _____ Expires: _____
☐ Visa ☐ MasterCard ☐ Discovery ☐ American Express

Number: _____

Requirements: # of Arbitrators: _____ () Metropolitan () Sub region () Region
 Special Requirements: (example, NAA, AAA, Attorney, exclusions) _____

[Signature] Date 7 Feb 19
 Employer Representative
 Andrew Gasser, Highway Commissioner
 Algonquin Township Road District
 3702 US Hwy 14
 Crystal Lake, IL 60014
 Phone: (847)639-2700
 Email: agasser@algonquintownship.com

[Signature] Date _____
 Union Representative
 Bryan Diemer, Attorney
 International Union of Operating Engineers Local 150
 IUOB, Local 150 6200 Joliet Rd
 Countryside, IL 60525
 Phone: (708)482-8800
 Email: bdiemer@local150.org

6. I certify that both parties have agreed to the above instructions and Appointment Statement and that I am authorized to respond for both parties.

SIGNATURE: [Signature] Date: 7 Feb 19

Please mail or email this form to:

FMCS Office of Arbitration Services
 250 B Street, S.W.
 Washington, DC 20427
 Email: arbitration@fmcs.gov

INSTRUCTIONS TO FMCS

Please check one of the 5 instructions below. If these are joint instructions, please certify by signing number 6.

Case Number: 170620-02003

Issue: Wage Rates

1. () The parties have mutually selected Arbitrator _____ and request FMCS to appoint this arbitrator to hear this case. No payment is required for a selection of an arbitrator.
2. () The undersigned designates its priority selections on the next page: (Please rank ALL ARBITRATORS submitted to you with NO OMISSIONS, unless permitted by the CBA or applicable law.) For this method, you MUST provide CBA language that outlines your arbitrator selection process. Failure to submit this language will delay processing your request. (See next page)
3. () We mutually request FMCS to appoint an arbitrator of its choice who was not listed on any panels associated with this case. (Certify by signing number 6 below.)
4. () This case has been SETTLED. No further action is required by FMCS.

5. ☒ This panel is unacceptable. A new panel is requested by permission of the CBA or both parties. (Certify by signing on number 6 below.)

☒ Payment of \$50.00 is enclosed (check or money order). If by credit card, provide info below.

Name and Address: Andrew Gasser 3702 US Highway 14 Crystal Lake, IL 60014 Amount: \$ 50 Expires: 2/22
☒ Visa ☐ MasterCard ☐ Discovery ☐ American Express

Number: [REDACTED]

Name and Address: _____ Amount: \$ _____ Expires: _____
☐ Visa ☐ MasterCard ☐ Discovery ☐ American Express

Number: _____

Requirements: # of Arbitrators: _____ () Metropolitan () Sub region () Region
 Special Requirements: (example, NAA, AAA, Attorney, exclusions) _____

[Signature]
 Employer Representative
 Andrew Gasser, Highway Commissioner
 Algonquin Township Road District
 3702 US Highway 14
 Crystal Lake, IL 60014
 Phone: (847)639-2700
 Email: agasser@algonquintownship.org

Feb 19
 Date

[Signature]
 Union Representative
 Bryan Diemer, Attorney
 International Union of Operating Engineers Local 150
 6200 Joliet Road
 Countryside, IL 60525
 Phone: (708)482-8800
 Email: bdiemer@local150.org

Date

6. I certify that both parties have agreed to the above Instructions and Appointment Statement and that I am authorized to respond for both parties.

SIGNATURE: [Signature] Date: 7 Feb 19

Please mail or email this form to:

FMCS Office of Arbitration Services
 250 E Street, S.W.
 Washington, DC 20427
 Email: arbitration@fmcs.gov

INSTRUCTIONS TO FMCS

Please check one of the 5 instructions below. If these are joint instructions, please certify by signing number 6.

Case Number: 1755758

Issue: Termination dispute

Derek Lee

1. () The parties have mutually selected Arbitrator _____ and request FMCS to appoint this arbitrator to hear this case. No payment is required for a selection of an arbitrator.
2. () The undersigned designates its priority selections on the next page: (Please rank ALL ARBITRATORS submitted to you with NO OMISSIONS, unless permitted by the CBA or applicable law.) For this method, you MUST provide CBA language that outlines your arbitrator selection process. Failure to submit this language will delay processing your request. (See next page)
3. () We mutually request FMCS to appoint an arbitrator of its choice who was not listed on any panels associated with this case. (Certify by signing number 6 below.)
4. () This case has been SETTLED. No further action is required by FMCS.

5. ☒ This panel is unacceptable. A new panel is requested by permission of the CBA or both parties. (Certify by signing on number 6 below.)

☒ Payment of \$50.00 is enclosed (check or money order). If by credit card, provide info below.

Name and Address: Andrew Gasser 3702 N. Hwy 14 Crystal Lake, IL 60014 Amount: \$ 50 Expires: 2/22
☒ Visa () MasterCard () Discovery () American Express

Number: [REDACTED]

Name and Address: _____ Amount: \$ _____ Expires: _____
() Visa () MasterCard () Discovery () American Express

Number: _____

Requirements: # of Arbitrators: 7 ☒ Metropolitan () Sub region () Region
Special Requirements: (example, NAA, AAA, Attorney, exclusions) _____

[Signature]
Employer Representative
Andrew Gasser, Highway Commissioner
Algonquin Township Road District
3702 U.S. Hwy 14
Crystal Lake, IL 60014

Phone: (847)639-2700
Email: agasser@algonquintownship.com

[Signature]
Date

Union Representative
Bryan Diemer
International Union of Operating Engineers Local 150
luoc, Local 150
6200 Joliet Road
Countryside, IL 60525
Phone: (708)482-8800
Email: Bdiemer@local150.org

6. I certify that both parties have agreed to the above Instructions and Appointment Statement and that I am authorized to respond for both parties.

SIGNATURE: [Signature]

Date: 2 Feb 19

Please mail or email this form to:

FMCS Office of Arbitration Services
250 E Street, S.W.
Washington, DC 20427
Email: arbitration@fmcs.gov