

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
MCHENRY COUNTY ILLINOIS

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

V.)

CASE NO. 17 CH 435

KAREN LUKASIK,)
INDIVIDUALLY AND IN HER)
CAPACITY AS ALGONQUIN)
TOWNSHIP CLERK, ANNA MAY)
MILLER AND ROBERT MILLER,)
Defendants,)

KAREN LUKASIK,)
Cross-Plaintiff,)

V.)

CHARLES A. LUTZOW JR.,)
Cross-Defendant,)
ANDREW GASSER,)
Counter-Defendant.)

PLAINTIFFS' FIRST SET OF INTERROGATORIES
TO DEFENDANT KAREN LUKASIK

NOW COME Plaintiffs, ANDREW GASSER, ALGONQUIN TOWNSHIP HIGHWAY COMMISSIONER, AND ALGONQUIN TOWNSHIP ROAD DISTRICT, by that through their attorneys, LAW OFFICES OF ROBERT T. HANLON & ASSOCIATES, P.C., and with their First Set of Interrogatories to Defendant, KAREN LUKASIK, pursuant to Supreme Court Rule 213, demands that Defendant, KAREN LUKASIK, answer the interrogatories within twenty-eight (28) days of service.

Definitions and Instructions

1. The definitions and instructions herein are intended to strictly govern Defendant's answers to these Interrogatories. Thus, in answering any particular interrogatory, Defendant must heed the definitions of defined terms.

2. In answering these Interrogatories, even though the questions may be directed to "You," as defined below, You must furnish all information that is available to You, including information in the possession of Your attorneys, agents, and/or investigators acting on Your behalf. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

3. In answering these interrogatories, include all information available to you, your representatives, employees, agents, attorneys, and consultants without regard to the admissibility of such information in evidence.

4. If You cannot answer any of the following interrogatories in full after exercising due diligence to secure the information, so state and answer to the extent possible, specifying Your inability to answer the remainder and stating whatever information or knowledge You have concerning the unanswered portions. Also identify the person(s) who does or might have additional knowledge or information to complete the answer.

5. If you have only incomplete knowledge of the answer to an interrogatory, please:
- a. answer to the extent of your knowledge;
 - b. state specifically what part or area of the interrogatory you have only incomplete knowledge of; and
 - c. identify the person(s) who does or might have additional knowledge or information to complete the answer.

6. "Person[s]" means any natural person, firm, corporation, partnership, joint venture, organization, association, group, or legal entity.

7. The word "Document[s]" means any written, graphic or recorded matter any object or tangible thing of every kind of description, or any combination thereof, and without limitation, whether draft, revision or final; whether original or reproduction; however produced and reproduced; whether such object, record or communication is written, typewritten, printed by hand or recorded, and including without limitation, correspondence, contracts, memorandums of understanding, term sheets, proposals, quotes, notes, memoranda, letters, reports, minutes, resolutions, summaries, telegrams, publications, invoices, purchase orders, estimations, accounting records and work papers, accounts, accounts payables, cash flow statements, commission agreements and commission statements, conferences (including but not limited to reports and/or summaries thereof), annual or other periodic reports, applications, appointment books, appraisals, assignments, assignment of beneficial interest, audit reports, calendar entries or notations, calendars, checks, checkbooks, canceled checks, cards, cartridges, cash flow statements, cassettes certificates, change orders, charts, release orders, checks, registers, receipts, statements, financial statements, filings with any government agency (including but not limited to federal, state, local or foreign governments) inventories, investigations and summaries of investigations, periodicals, photographs, slides or negatives, photographs and negatives, pictures or other matter which is able to be seen or read without mechanical or electrical assistance, plans, plates, pleadings, policies, press releases, proformas, programs, projections, promissory notes, promotional literature and materials, proof, proof of claims, records, records of meetings including but not limited to notes, reports and summaries of conferences or interviews, whether formal or informal), recordings or transcriptions (including but n limited to notes, reports, and

summaries of conferences or interviews, whether formal or informal), communiques, contracts, agreement, amendment, addendums, modifications and cancellations to contracts, recordings, transcriptions of recordings, inspection reports, videotapes, audiotapes, e-mails, facsimiles, diaries, schedules, files, file folders, original or preliminary notes, outlines, papers, personal records, loan documents, manuals or excerpts therefrom, retainer agreements, statements of income and expense, statements or books of account, statistical or information accumulations or compilations, tax returns, handbooks, and business records and shall include, without limitation, originals, duplicates, all file copies, all other copies (with or without notes or changes thereon) no matter how prepared, drafts, data, disks, tapes, databases, back-up tapes, zip-drives and disks, compilations, computer files, directories and any other computerized data or information, working papers, routing slips and similar materials, and including all documents which relate to the subject matter of this action.

8. When the answer to an interrogatory may be obtained from documents in your possession or control, it shall be a sufficient answer to the interrogatory to produce those documents responsive to the interrogatory. If you elect to answer an interrogatory by the production of documents, then that production shall comply with the requirements of Illinois Supreme Court Rule 214, and you must identify the documents which are responsive to the interrogatory.

9. The word "correspondence" means all documents whereby communications are attempted or effectuated. "Correspondence" includes not only letters, memoranda and facsimile transmissions, but also electronic or paperless communications such as computer messages and voicemail messages. The term "correspondence" shall be given the broadest construction possible.

10. As used herein, the terms “communicate,” “communicated,” “communication,” “communicate with,” or any derivation thereof, shall include any type of communication whatsoever, whether oral or written, including, but not limited to, conversations, discussions, telephone calls, interviews, letters, memoranda, negotiations, agreements, understandings, correspondence, telexes, telegrams or any other exchange of information of any kind, whether oral, written, electronic, or otherwise.

11. “Concerning,” “relating to,” “relate to,” “evidence(s),” or “evidencing” mean pertaining to, referring to, reflecting upon, evidencing, discussing, describing, mentioning, summarizing, or connecting in any way logically or factually to, the matter described in the interrogatory.

12. “Financial Statements” shall include income statements, Statement of Cash Flows, Balance Sheet, and Tax Returns including IRS quarterly 941’s, W-2’s and IRS form 1099.

13. “Knowledge” means firsthand information acquired through the five senses and not information, other than firsthand information, deriving from any source.

14. “Statement” means any oral, written, court-reported, recorded or other expression of opinion, and any oral, written, court-reported, recorded, or other description of fact, which pertains to the occurrences alleged in the complaint, or counterclaim, or to the damages claimed to have resulted therefrom.

15. The term “pertaining to” means referring to, reflecting or to be related in any manner logically, factually, indirectly, or directly to the matter discussed.

16. “Identify” and its various verb forms mean the following:

- a. When used in reference to a natural person, “identify” means stating the individual's full name, and all other names by which she has ever been

known, her last known home and business addresses, and hers job positions and business affiliations, from the date of the occurrence alleged in the complaint or the counterclaim to the present date;

- b. When used in reference to a corporation or other entity “identify” means stating the full name of the corporation and the principal place of business, state of incorporation, date of incorporation, and chief executive officer thereof;
- c. When used in reference to a document or other written communication, “identify” means stating the date of preparation of the document, the date Defendant acquired the document, if applicable, and the author, title (if any), subject matter, nature (*e.g.*, letter, memorandum, telegram, chart, computer input or printout, photograph, sound reproduction, etc.), place of preparation, present location, and present custodian of the document. “Identify” also means identifying each and every person, other than the author of the document, who participated in the preparation of the document, directed the preparation of the document, or received a copy of the document; stating whether any copy of the document is not identical to the original by reason of markings or modifications not on the original or for any other reason; and stating whether responsive documents no longer within his access, possession, or control are missing, lost destroyed, transferred or disposed of otherwise. For each missing, lost, or transferred document and each document disposed of otherwise, he must state the circumstances and reasons pertaining to said disposition. For each destroyed document, he must identify each and every person who destroyed the document or participated in the destruction of the document and state the date or approximate date of destruction;
- d. When used in reference to an instrumentality, “identify” means providing a photograph of the instrumentality and the date said photograph was taken, listing the date on which the instrumentality was acquired, identifying the person who acquired the instrumentality, identifying the person under whose direction the instrumentality was acquired, identifying each person who has possession of the instrumentality, and identifying each person having knowledge or claiming to have knowledge concerning the instrumentality; and
- e. When used in reference to a location, “identify” means stating the street address, city, state, suite, and/or room number pertaining to the location, as applicable.
- f. When used in connection with a verbal communication “identify” means to state the following: the date of that communication;
 - (1) the date of that communication;

- (2) the identity of the persons who were parties to that communication;
 - (3) the identity of the persons who were witnesses (other than the parties) to that communication;
 - (4) whether that communication was face-to-face and/or over the telephone, and if face-to-face, describe the location of that communication; and
 - (5) the identity of any documents which pertain to that communication.
- g. When used in reference to a natural person (i.e., a human being), “identify” means to state:
- (1) the person's full name;
 - (2) present (or last known) address;
 - (3) present (or last known) occupation or position; and
 - (4) name of present (or last known) employer.
- h. When used in reference to a business or entity “identify” means to state:
- (1) its full name;
 - (2) its present (or last known) address; and
 - (3) its present (or last known) telephone number.
- i. When used in reference to a document, “identify” means to state:
- (1) its date;
 - (2) its subject and its substance;
 - (3) its author;
 - (4) its recipients;
 - (5) the type of document (e.g., letter, memorandum, telegram, chart, computer input or print-out, photograph, sound reproduction, etc.); and
 - (6) if the document is no longer in your possession or subject to your control, then identify the present (or last known) custodian of the document and state whether the document:
 - (a) is missing or lost;
 - (b) has been destroyed;
 - (c) has been transferred, voluntarily or involuntarily, to others;
or
 - (d) otherwise disposed of; and in each instance, explain the circumstances surrounding the authorization for disposition thereof and state the date or approximate date thereof.

17. “And” as well as “or” shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of the interrogatories all information and/or documents which might otherwise be construed to be outside her scope.

18. Reference to the singular shall include the plural and reference to the plural shall include the singular.

19. A masculine, feminine, or neuter pronoun or description shall not exclude and shall include all other genders.

20. If You claim that the attorney-client privilege or any other privilege is applicable to any document, the identification of which is sought by these Interrogatories, the substance of that document need not be disclosed in Your answers to the interrogatories, but You shall with respect to that document:

- a. State the date of the document;
- b. Identify each and every author of the document;
- c. Identify each and every other person who prepared or participated in the preparation of the document;
- d. Identify each and every person who received the document;
- e. Identify each and every person from whom the document was received;
- f. State the present location of the document and all copies thereof;
- g. Identify each and every person having custody or control of the document and all copies thereof; and
- h. Provide sufficient further information concerning the document and the circumstances thereof to explain the claim or privilege and to permit the adjudication of the propriety of the claim.

21. In answering these Interrogatories, Defendant must make a diligent search of her records and of other papers and materials in her possession or within her access and furnish all responsive information therefrom.

22. If an interrogatory has subparts, Defendant must answer each part separately and completely, rather than limit the answer to the interrogatory as a whole. If an interrogatory

cannot be answered or denied in full, Defendant must answer to the full extent of her knowledge and information.

23. For the convenience of this Court and the parties, each interrogatory shall be answered separately and fully. You must set forth in full each interrogatory being answered immediately preceding the answer. Where an interrogatory calls for an answer in more than one part, separate the parts in your answer accordingly so that each part is clearly set out and understandable.

24. These Interrogatories are to be construed as broadly as possible.

25. Unless otherwise indicated within the interrogatories, the relevant time period shall be from January 1, 2017 to the present, unless specifically limited otherwise within a particular interrogatory.

26. The term “you”, whether capitalized or not, shall mean KAREN LUKASIK.

27. The term “Complaint” whether capitalized or not, shall mean the *Fourth Amended Complaint for Breach of Fiduciary Duty, Conversion, Constructive Fraud, and an Accounting.*

28. Reference to “this case” shall mean the litigation now pending in the Circuit Court of McHenry County commenced by Plaintiffs, ANDREW GASSER, ALGONQUIN TOWNSHIP HIGHWAY COMMISSIONER, AND ALGONQUIN TOWNSHIP ROAD DISTRICT, with McHenry County Case No. 17 CH 000435.

29. The term "Plaintiff" or "Plaintiffs" means ANDREW GASSER, ALGONQUIN TOWNSHIP HIGHWAY COMMISSIONER, AND ALGONQUIN TOWNSHIP ROAD DISTRICT, or and any attorney, employee or other agent of Plaintiffs.

30. The term "Defendant" means KAREN LUKASIK, INDIVIDUALLY AND IN

HER CAPACITY AS ALGONQUIN TOWNSHIP CLERK. The term “Defendants” means KAREN LUKASIK, INDIVIDUALLY AND IN HER CAPACITY AS ALGONQUIN TOWNSHIP CLERK, ANNA MAY MILLER, AND ROBERT MILLER.

SPECIFIC INTERROGATORIES

1. Identify where the credit card bills and statements are located for Algonquin Township Road District or Algonquin Township from 2005 to the present.

ANSWER:

2. Identify all the Intergovernmental Agreements involving the Algonquin Township Road District or Algonquin Township created in the period from 2005 to the present.

ANSWER:

3. Identify all Algonquin Township Road District bids for the purchase of salt from the period commencing from 2005 to the present.

ANSWER:

4. Identify all National Joint Purchasing Agreements (NJPAs) or Sourcewell documents in your possession or control which are dated from 2012 to the present.

ANSWER:

5. Identify any fact that supports your belief that the Algonquin Township Road District’s photocopy machine was likely used to make copies of records referenced in paragraph 30 of your Counterclaim.

ANSWER:

6. Identify each and every record you believe was contained in the "RD-T cabinet".

ANSWER:

7. Identify any documents you removed from either the Algonquin Township Road District's offices or Algonquin Township Supervisor's offices.

ANSWER:

8. Between May 17, 2017 and June 1, 2017 identify what steps you took to either inventory or protect the documents contained in the RD-T cabinet.

ANSWER:

9. State with particularity the facts that support the belief contained in paragraph 18 of your Counterclaim that Andrew Gasser removed any documents from the RD-T cabinet.

ANSWER:

10. State whether or not Andrew Gasser had access to the RD-T cabinet between the dates of May 17, 2017 and June 1, 2017 and the basis of your knowledge.

ANSWER:

11. State whether or not you believe Andrew Gasser has any liability as to the conduct of Charles Lutzow or Ryan Provenzano in the period of time between May 12, 2017 and May 13, 2017 as set forth in paragraph 19 of your Counterclaim.

ANSWER:

12. Identify the date you confirmed Judy Kreklow's information.

ANSWER:

13. Identify specifically the “information” referenced in paragraph 24 of your Counterclaim.

ANSWER:

14. Identify any fact document or other evidence that shows Andrew Gasser opened the RD-T cabinet between the dates of May 12, 2017 and June 1, 2017.

ANSWER:

15. State whether or not you made any statements on social media that you had intended to destroy any record of the Algonquin Township Road District or Algonquin Township.

ANSWER:

16. Pursuant to your allegation contained in paragraph 37 of your Counterclaim that you have not removed or altered any records of Algonquin Township, identify the document you were shown as removing from the Supervisor’s office and where it is now.

ANSWER:

Respectfully submitted,

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

By: /s/ Robert T. Hanlon
Robert T. Hanlon, One of Plaintiffs’ Attorneys

PROOF OF SERVICE

I, Robert T. Hanlon, an attorney, on oath, state that I served a copy of ***PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANT KAREN LUKASIK***, upon all attorneys of record as listed on the attached Service List, to their business addresses as listed on the attached Service List, by depositing the same in the U.S. mail in Woodstock, Illinois, with proper postage prepaid and via electronic e-mail to the e-mail addresses listed on the attached Service List on this 29th day of May, 2019.

/s/ Robert T. Hanlon

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