

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 REQUEST TO PRODUCE**  
**TO DEFENDANT KAREN LUKASIK**

Now Come Plaintiffs, ANDREW GASSER, ALGONQUIN TOWNSHIP HIGHWAY COMMISSIONER, AND ALGONQUIN TOWNSHIP ROAD DISTRICT, by and through their attorney, LAW OFFICES OF ROBERT T. HANLON & ASSOCIATES, P.C., with their First Request to Produce to Defendant KAREN LUKASIK, and pursuant to Illinois Supreme Court Rule 214, demands that Defendant, KAREN LUKASIK, produce the documents called for in this request to the Law Offices of Robert T. Hanlon, 131 East Calhoun Street, Woodstock, Illinois, within twenty-eight (28) days of service hereof.

## Definitions and Instructions

1. The definitions and instructions herein are intended to strictly govern Defendant's responses to this Request to Produce. Thus, in answering any particular request Defendant must heed the definitions of defined terms.

2. In answering this Request to Produce, 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 this Request to Produce, 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 requests 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 response.

5. If you have only incomplete knowledge of the response, 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. 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.

9. 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.

10. “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 discovery request.

11. “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.

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

13. “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.

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

15. “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 he has ever been known, his last known home and business addresses, and his 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 Defendant's 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, Defendant must state the circumstances and reasons pertaining to said disposition. For each destroyed document, Defendant 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:
  - (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.

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

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

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

19. If You claim that the attorney-client privilege or any other privilege is applicable to any document, the identification of which is sought by the Request to Produce, the substance of that document need not be disclosed in Your answers to the Request to Produce, 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.

20. In answering this Request to Produce, 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.

21. If a Request has subparts, Defendant must answer each part separately and completely, rather than limit the answer to the Request as a whole. If a Request cannot be answered or denied in full, Defendant must answer to the full extent of her knowledge and information.

22. This Request to Produce is to be construed as broadly as possible.

23. For the convenience of this Court and the parties, each Request should be responded to separately and fully. You must set forth in full each request immediately preceding your response. When a request calls for a response in more than one part, separate the parts in your response accordingly so that each part is clearly set out and understandable.



24. Unless otherwise indicated within the Request to Produce, the relevant time period shall be from January 1, 2017 to the present, unless specifically limited otherwise within a particular Request.

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

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

27. 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.

28. 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.

29. 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.

#### **DOCUMENTS TO BE PRODUCED**

1. Any and all documents identified by You, in your answers to any of Plaintiffs’ Interrogatories.

**RESPONSE:**

2. Any and all documents You used in preparing answers to any of Plaintiffs' Interrogatories.

**RESPONSE:**

3. Any and all documents which support any denial or defense to claims raised by Plaintiffs' Fourth Amended Complaint or your Counterclaim.

**RESPONSE:**

4. Any document You intend to use in support of any motion or for use at trial in this case.

**RESPONSE:**

5. All documents related to any communication between either You or any of the parties named in this litigation.

**RESPONSE:**

6. Any and all other documents related in any way to your allegations contained in your Counter-Complaint or in your answer to Plaintiffs' Fourth Amended Complaint.

**RESPONSE:**

7. To the extent You deny any specific Request to Admit, as to each such denial produce all documents supporting or undermining such denial.

**RESPONSE:**

8. All documents in your possession or control concerning any “approval” granted for any purchase of any expense complained of in Plaintiffs’ Fourth Amended Complaint.

**RESPONSE:**

9. Any Document supporting your contention in paragraph 18 of your Counter-Complaint alleging “Upon information and belief, Gasser, Lutzow, one of their agents, or some unknown party, removed these records from the RD-T Cabinet without the knowledge of Lukasik.”

**RESPONSE:**

10. Any Document supporting your contention in paragraph 22 of your Counter-Complaint alleging “Ace Security Works was replaced as the entity in charge of maintaining the Township offices' security systems when Gasser took office.”

**RESPONSE:**

11. Any document that purports to show Plaintiff, ANDREW GASSER, destroying any records of either Algonquin Township Road District or Algonquin Township.

**RESPONSE:**

12. Any and all time cards for all Algonquin Township Road District employed from January 1, 2013 to the present.

**RESPONSE:**

13. Any and all policies of Algonquin Township Road District from January 1, 2013 to May 17, 2017.

**RESPONSE:**

14. Any and all Algonquin Township Road District documents related to the Road District's expenditures from January 1, 2010 to the present.

**RESPONSE:**

15. Any and all bank statements associated with any Algonquin Township Road District account for the period of January 1, 2010 to the present.

**RESPONSE:**

16. Any and all real estate related documents of the Algonquin Township Road District including, but not limited to leases and deeds, in which the Road District is a party.

**RESPONSE:**

17. Any "Levenger" bags owned by the Algonquin Township Road District.

**RESPONSE:**

18. Any and all audio recordings of meetings of the Algonquin Township Board from January 1, 2013 to the present.

**RESPONSE:**

19. Any and all documents relating to policies of Algonquin Township Road District from April 15, 2013 to May 15, 2017.

**RESPONSE:**

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 REQUEST TO PRODUCE TO DEFENDANT KAREN LUKASIK*, upon all attorneys of record as listed in the attached Service List, to their business addresses as listed in 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 29<sup>th</sup> day of May, 2019.

/s/ Robert T. Hanlon

Robert T. Hanlon, ARDC #6286331  
LAW OFFICES OF ROBERT T. HANLON  
& ASSOCIATES, P.C.  
131 East Calhoun Street  
Woodstock, IL 60098  
(815) 206-2200; (815) 206-6184 (FAX)  
[robert@robhanlonlaw.com](mailto:robert@robhanlonlaw.com)

**SERVICE LIST**

Mr. Thomas Gooch, III  
**THE GOOCH FIRM**  
209 South Main Street  
Wauconda, IL 60084  
Phone: (847) 526-0110  
Fax: (847) 526-0603  
E-mail: [gooch@goochfirm.com](mailto:gooch@goochfirm.com)

David McArdle, Jacob Caudill, R. Mark Gummerson  
**ZUKOWSKI ROGERS FLOOD & McARDLE**  
50 North Virginia Street  
Crystal Lake, IL 60014  
Phone: (815) 459-2050  
Fax: (815) 459-9057  
E-mails: [dmcardle@zrfmlaw.com](mailto:dmcardle@zrfmlaw.com)  
[jcaudill@zrfmlaw.com](mailto:jcaudill@zrfmlaw.com)  
[mgummerson@zrfmlaw.com](mailto:mgummerson@zrfmlaw.com)

James P. Kelly  
**LAW OFFICES OF MATUSZEWICH & KELLY, LLP**  
101 North Virginia Street, Suite 150  
Crystal Lake, IL 60014  
Phone: (815) 459-3120  
Fax: (815) 459-3123  
E-mail: [jpkelly@mkm-law.com](mailto:jpkelly@mkm-law.com)

Steven J. Brody  
**STEVEN J. BRODY & ASSOCIATES, LTD.**  
15 West Woodstock Street  
Crystal Lake, IL 60014  
Phone: (815) 479-8800  
Fax: (815) 479-8880  
E-mail: [steve@sjbrodylaw.com](mailto:steve@sjbrodylaw.com)