



ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

For Immediate Release:

Crystal Lake, Illinois

May 29, 2019

Algonquin Township Road District settled two lawsuits related to allegations that the people of Algonquin Township were excessively taxed under prior Highway Commissioner, Robert Miller.

On January 9, 2019 attorneys formerly representing both Algonquin Township and Algonquin Township Road District recommended settlement of two lawsuits filed in McHenry County. The recommendation by former counsel made on January 9, 2019 would have had the Road District paying \$125,000 to settle two lawsuits brought as case numbers 17 TX 11 and 16 TX 30. Shortly thereafter, replacement counsel for Algonquin Township Road District, Robert T. Hanlon, negotiated a new settlement of both lawsuits at \$50,000 each for a total of \$100,000; thereby saving the people \$25,000.00. (Attorney Hanlon was paid from an insurance policy and, therefore, there was no expense to the Road District for his time.)

Plaintiffs in the same two lawsuits also offered settlement to Algonquin Township at \$125,000. Unlike the Road District, that negotiated the settlement to a lower amount, Attorney James Kelly negotiated an increase to the plaintiffs' demands. Attorney Kelly presented two Agreed Orders to the court settling and authorizing the County Collector to disperse funds totaling \$148,044.30, despite the fact the public body has not ever voted on the settlement. Pursuant to the actions of Mr. Kelly in entering the Agreed Orders, the people of Algonquin Township will pay a total of \$148,044.30 to settle the claims the township could have settled in January for \$125,000. Copies of the respective orders are attached hereto.

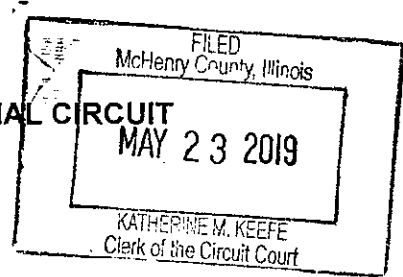
Previously, both Algonquin Township and Algonquin Township Road District, represented by James Kelly, lost at trial in other highly similar claims related to excessively taxing the People of Algonquin Township.

During Andrew Gasser's term as Highway Commissioner, he has reduced the Algonquin Township Road District tax levy each year.

Be Blessed

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



CLIFFORD LEEGARD TRUST, ET AL.,)
)
 Plaintiffs,)
 vs.)
)
 GLENDA MILLER, in her official capacity)
 as McHENRY COUNTY TREASURER and)
 EX-OFFICIO McHENRY COUNTY,)
)
 Defendant.)

No.: 16 TX 30
2015 TAX YEAR RATE
OBJECTION COMPLAINT

AGREED ORDER

This cause came before the Court on the agreement of the parties that certain of the captioned tax rate objections should be resolved by a negotiated settlement, the CLIFFORD LEEGARD TRUST, et al. (the "Objectors"), by their counsel, Timothy P. Dwyer of The Dwyer Law Office, and Robert T. Hanlon, The Law Offices of Robert T. Hanlon & Associates, P.C., on behalf of the Algonquin Township Road District, it appearing to the Court that it has jurisdiction of both the subject matter and the parties, the Court having examined the Objectors' 2015 tax rate objection, and otherwise being fully advised:

The COURT FINDS THAT the Agreement between the Road District and the Objectors is a fair and just disposition of certain of the Objectors' identified 2015 tax rate objections, the Court approves that agreement and further,

THE COURT ORDERS THAT:

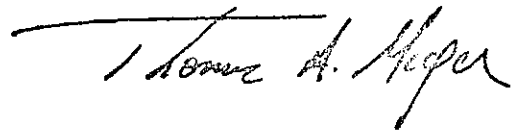
1. The Parties' agreement with respect to tax objections raised against the Algonquin Township Road District is \$50,000. Any of Objectors' tax objections not previously settled or withdrawn are preserved.

2. The Collector shall refund to the Objectors, through its counsel, The Dwyer Law Office Client Trust Account, the sum of \$50,000, plus accrued statutory interest to be charged against the Algonquin Township Road District, commencing on September 5, 2016. The amounts of refund to the Objectors are subject to verification and adjustments by the County Treasurer. Applicable statutory interest shall be added to the amounts compromised and settled. In the event that disputes arise to any such calculations this Court reserves jurisdiction to resolve any such disputes as to calculations, adjustments or interest.

3. The Court specifically finds pursuant to Rule 304(a) that no just reason exists for delaying the enforcement of or any appeal from this Order which is intended to finally dispose of the claims Objectors raised by the 2016 objections with the exception of those objections not settled or adjudicated.

DATE: May 23, 2019.

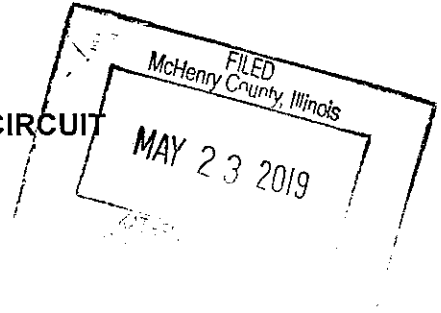
ENTERED:



Hon. Thomas A. Meyer

Timothy P. Dwyer
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Chicago, IL 60601
Telephone: (312) 245-2700
Email: tim@tpd-law.com
Attorney No.: 06203199
Attorneys for the Objectors

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



INLAND CRYSTAL POINT, INC., ET AL.,)
)
Plaintiffs,)
vs.)
)
GLENDA MILLER, in her official capacity)
as McHENRY COUNTY TREASURER and)
EX-OFFICIO McHENRY COUNTY,)
)
Defendant.)

No.: 17 TX 11
2016 TAX YEAR RATE
OBJECTION COMPLAINT

AGREED ORDER

This cause came before the Court on the agreement of the parties that certain of the captioned tax rate objections should be resolved by a negotiated settlement, and INLAND CRYSTAL POINT, INC., et al. (the "Objectors"), by their counsel, Timothy P. Dwyer of The Dwyer Law Office, and Robert T. Hanlon, The Law Office of Robert T. Hanlon & Associates, P.C., on behalf of the Algonquin Township Road District, it appearing to the Court that it has jurisdiction of both the subject matter and the parties, the Court having examined the Objectors' 2016 tax rate objection, and otherwise being fully advised:

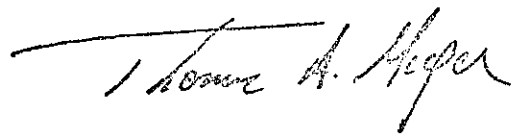
The COURT FINDS THAT the Agreement between the Road District and the Objectors is a fair and just disposition of certain of the Objectors' identified 2016 tax rate objections, the Court approves that agreement and further,

THE COURT ORDERS THAT:

1. The Parties' agreement with respect to tax objections raised against the Algonquin Township Road District is \$50,000. Any of Objectors' tax objections not previously settled or withdrawn are preserved.
2. The Collector shall refund to the Objectors, through its counsel, The Dwyer Law Office Client Trust Account, the sum of \$50,000, plus accrued statutory interest to be charged against the Algonquin Township Road District, commencing on September 5, 2017. Applicable statutory interest shall be added to the amounts compromised and settled. In the event that disputes arise to any such calculations this Court reserves jurisdiction to resolve any such disputes as to calculations, adjustments or interest.
3. The Court specifically finds pursuant to Rule 304(a) that no just reason exists for delaying the enforcement of or any appeal from this Order which is intended to finally dispose of the claims Objectors raised by the 2016 objections with the exception of those objections not settled or adjudicated.

DATE: May 23, 2019.

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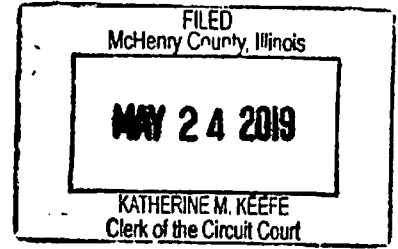


Hon. Thomas A. Meyer

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Attorneys for the Objectors

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

TAXPAYER, INLAND CRYSTAL POINT,)
LLC, et al.,)
)
Plaintiffs,)
)
v.)
)
GLEENDA MILLER, in her official capacity as)
McHENRY COUNTY TREASURER and)
EX-OFFICIO MCHENRY COUNTY)
COLLECTOR,)
)
Defendant.)



Case No. 17 TX 11

AGREED ORDER

This cause came before the Court on the agreement of the parties that certain of the captioned tax rate objections should be resolved by a negotiated settlement, and INLAND CRYSTAL POINT, INC., et al. (the "Objectors"), by their counsel, Timothy P. Dwyer of The Dwyer Law Office and James P. Kelly of Matuszewich & Kelly, LLP on behalf of Algonquin Township it appearing to the Court that has jurisdiction of both the subject matter and the parties the Court having examined the Objectors' 2016 tax rate objection, and otherwise being fully advised:

The COURT FINDS THAT the Agreement between the Township and the Objectors is a fair and just disposition of certain of the Objectors' identified 2016 tax rate objections, the Court approved that agreement and further,

THE COURT ORDERS THAT:

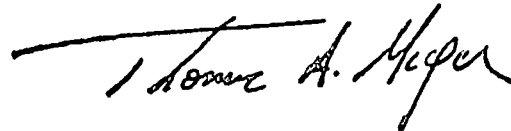
1. The Parties' agreement with respect to tax objections raised against the Algonquin Township is \$74,022.15. This action settles all claims arising from this cause against Algonquin

Township. Any of Objectors' tax objections not previously settled or withdrawn against other parties are preserved.

2. The Collector shall refund to the Objectors, through its counsel, The Dwyer Law Office Client Trust Account, the sum of \$69,022.15, plus accrued statutory interest to be charged against the Algonquin Township General Fund and \$5,000.00 from the General Assistance Fund commencing on September 5, 2017. Applicable statutory interest shall be added to the amounts compromised and settled. In the event that disputes arise to any such calculations this Court reserves jurisdiction to resolve any such disputes as to calculations, adjustments or interest.

3. The Court specifically finds pursuant to Rule 304(a) that no just reason exists for delaying the enforcement of or any appeal from this Order which is intended to finally dispose of the claims Objectors raised by the 2016 objections with the exception of those objections not settled or adjudicated.

DATE:



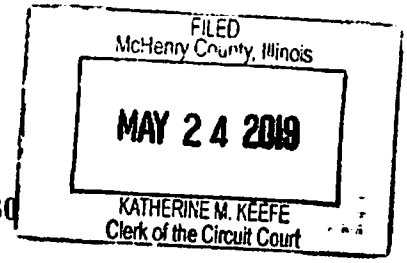
ENTERED: _____

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Chicago, Illinois 60601
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ARDC # 06203199
Attorney for the Objectors

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

**TAXPAYER, CLIFFORD LEEGARD TRUST)
et al.,)
)
Plaintiffs,)
)
v.)
)
**GLEND A MILLER, in her official capacity as)
McHENRY COUNTY TREASURER and)
EX-OFFICIO MCHENRY COUNTY)
COLLECTOR,)
)
Defendant.)****

Case No. 16 TX 30



AGREED ORDER

This cause came before the Court on the agreement of the parties that certain of the captioned tax rate objections should be resolved by a negotiated settlement, the CLIFFORD LEEGARD TRUST, et al. (the "Objectors"), by their counsel, Timothy P. Dwyer of The Dwyer Law Office and James P. Kelly of Matuszewich & Kelly, LLP on behalf of Algonquin Township it appearing to the Court that has jurisdiction of both the subject matter and the parties the Court having examined the Objectors' 2015 tax rate objection, and otherwise being fully advised:

The COURT FINDS THAT the Agreement between the Township and the Objectors is a fair and just disposition of certain of the Objectors' identified 2015 tax rate objections, the Court approved that agreement and further,

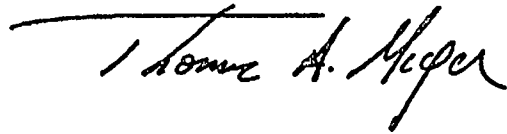
THE COURT ORDERS THAT:

1. The Parties' agreement with respect to tax objections raised against the Algonquin Township is \$74,022.15. This action settles all claims arising from this cause against Algonquin Township. Any of Objectors' tax objections not previously settled or withdrawn against other parties are preserved.

2. The Collector shall refund to the Objectors, through its counsel, The Dwyer Law Office Client Trust Account, the sum of \$74,022.15 from the Algonquin Township General Fund, plus accrued statutory interest to be charged against the Algonquin Township commencing on September 5, 2016. The amounts of refund to the Objectors are subject to verification and adjustments by the County Treasurer. Applicable statutory interest shall be added to the amounts compromised and settled. In the event that disputes arise to any such calculations this Court reserves jurisdiction to resolve any such disputes as to calculations, adjustments or interest.

3. The Court specifically finds pursuant to Rule 304(a) that no just reason exists for delaying the enforcement of or any appeal from this Order which is intended to finally dispose of the claims Objectors raised by the 2016 objections with the exception of those objections not settled or adjudicated.

DATE:



ENTERED: _____

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Chicago, Illinois 60601
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Email: tim@tpd-law.com
ARDC # 06203199
Attorney for the Objectors

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VIA E-MAIL

January 2, 2019

Mr. Andrew Gasser
Algonquin Township Highway Commissioner
agasser@algonquintownship.com

Mr. Robert Hanlon
Counsel for Algonquin Township Road District
robert@robhanlonlaw.com

Mr. Charles A. Lutzow, Jr.
Algonquin Township Supervisor
supervisor@algonquintownship.com

Mr. James Kelly
Counsel for Algonquin Township
jpkelly@mkm-law.com

RE: Clifford Leegard Trust, et al, v. Miller; 16 TX 30; Our File No. 18332
Inland Crystal Point, et al. v. Miller; 17 TX 11; Our File No. 18334

Gentlemen:

This letter follows my conversations with Mr. Gasser and Mr. Lutzow, who indicated that they would like corporate counsel for the Township and the Road District copied on all correspondence.

My law firm substituted in for Mr. Kelly's firm to represent both the Township and the Road District in the pending tax objection cases. There was a significant amount of litigation in 16 TX 30 prior to our entry into the case, including the dismissal of a significant portion of that case because the Plaintiff's attorney, Mr. Dwyer, failed to properly name many taxpayers. The

LANGHENRY, GILLEN, LUNDQUIST & JOHNSON, LLC

Attorneys at Law

January 2, 2019

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objectors, including Algonquin Township, filed Motions to Dismiss those late-named plaintiffs, and those motions are currently pending before the Court.

In the middle of that briefing schedule, Mr. Dwyer made a combined demand on the Township and Road District of \$125,000.00 in each 16 TX 30 and 17 TX 11, for a total demand of \$250,000.00 to settle both tax cases. A copy of that demand is attached here. A few weeks later, on behalf on the Township and the Road District, we then agreed to stay our Motion to Dismiss for 60 days, pending an attempt to settle the case. We asked for that amount of time, and the Plaintiff's attorney readily agreed to it, to allow us to evaluate the demands in light of all of the previously litigation in both 16 TX 30 and the previously settled case, 15 TX 5, which he contends will heavily control in the later cases.

The original demand was not time-limited. However, right at the on-set of the recent Christmas holiday, Mr. Dwyer advised that the demand is now time-limited and will expire on January 9, 2019. A copy of that revised, time-limited demand is also attached. As stated in his correspondence, he time-limited it to January 9, 2019 because we return to Court on January 10, 2019, for the Court's decision whether Mr. Dwyer will be permitted to add the late-named plaintiffs to his complaint in 16 TX 30. We believe this suddenly time-limited demand is strategy on his part to force the Township to make a decision before the Court likely rules against him.

Mr. Dwyer has based this demand on his interpretation of the Court's ruling in 15 TX 5. In that case, after hearing, the Court ruled that the appropriate amount of accumulation in Township and Road District funds was 2.0, and that certain funds had an excess accumulation. A copy of the hearing and that decision are attached for counsel. However, the Court did not calculate the amount to be rebated back to the taxpayers. Rather, the parties arrived at an agreement, whereby the sum total of \$123,827.49, from three Township funds and four Road District funds, was to be rebated back to the taxpayer plaintiffs. A copy of the transcript of the Court's decision in 15 TX 5 demonstrating the absence of amounts to be rebated is attached. Nevertheless, Mr. Dwyer has based his new demand on the Court's finding that a factor of 2.0 will be applied to any accumulation, and the agreement by the Township and the Road District to those amounts.

We wanted to advise you of the demand and its time limit of January 9, 2019, so that you may add it to the agenda for the Township meeting as pending litigation to discuss in executive session with the Board that night. We recognize that part of the problem with the demand is that Mr. Dwyer made a unified demand, and not separate demands for each fund, or at least the Township and the Road District. We have advised him that the Township and Road District are separate entities with their own budgets and levies, and have asked him to adjust his demand accordingly. We have also asked him for additional time to evaluate those demands. We have not received a response, and if we do not receive anything prior to the meeting, we will simply need to evaluate the demand as-is despite those deficiencies.

LANGHENRY, GILLEN, LUNDQUIST & JOHNSON, LLC

Attorneys at Law

January 2, 2019

Page 3

Prior to the meeting, we will provide both the Township and the Road District with our analysis of the demand, evaluation of how the prior decision and agreement reflected in the Court's 15 TX 5 Order might impact a decision in 16 TX 30 and 17 TX 11 should we not be able to settle the cases, and the Plaintiff's likelihood of success in adding plaintiffs in 16 TX 30. In the meantime, should you have any questions or concerns, please do not hesitate to contact me or Attorney Troy Lundquist by telephone or email.

Very truly yours,

Langhenry, Gillen, Lundquist & Johnson LLC

Stacy K. Shelly

Stacy K. Shelly

cc: Troy Lundquist, Esq. (tlundquist@lgfirm.com)