

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

ANDREW GASSER, ALGONQUIN)	
TOWNSHIP ROAD DISTRICT)	
)	
Plaintiff,)	
V.)	CASE NO. 17 CH 000435
)	
KAREN LUKASIK,)	
INDIVIDUALLY AND IN HER)	
CAPACITY AS ALGONQUIN)	
TOWNSHIP CLERK, ANNA MAY)	
MILLER AND ROBERT MILLER,)	
)	
Defendants,)	

**PLAINTIFFS' MOTION FOR JUDGMENT ON THE PLEADINGS
PURSUANT TO 735 ILCS 5/2-615 WITH RESPECT TO THE COUNTER-CLAIM**

Now comes Plaintiff/Counter-Defendant Andrew Gasser, Algonquin Township Highway Commissioner, by and through his counsel, ROBERT T. HANLON of the LAW OFFICES OF ROBERT T. HANLON, AND ASSOCIATES P.C., and hereby moves, pursuant to 735 ILCS 5/2-615, for Judgment to be entered on the pleadings against Defendant Karen Lukasik on her Counter-Claim against Andrew Gasser. In support of this Motion, Plaintiff counter-defendant states as follows:

Facts

1. Andrew Gasser is mentioned in the Counter-complaint in seven limited paragraphs. See Exhibit A, counter-complaint paragraphs 2, 18, 22, 28, 31, 32, and 33.

2. The first paragraph Andrew Gasser is mentioned in is paragraph 2 which alleges that Mr. Gasser is the Highway Commissioner.

3. In Paragraph 18, it alleges that maybe Gasser, Lutzow or their agents or maybe somebody else removed documents from the RD-T cabinet after it went without notice for several weeks. In other words anybody could have removed a document, but it does not articulate whom or even why Gasser is mentioned in the scope of possible “who-done-its”. Importantly, it doesn’t even allege any document is actually missing.

4. In paragraph 22 of the Counter-complaint there is a reference to termination of Ace Security when Gasser took office.

5. The next reference to Andrew Gasser is in paragraph 28 of the counter-claim that alleges that Lukasik read from the McHenry County Blog that she was named by Gasser as a party to this action. Mr. Skinner may be sadden to hear that his blog is not legal authority and even it was, the statements therein are not a basis to obtain relief in this court.

6. In paragraph 31, there is a reference to Gasser’s allegation that Lukasik intended to destroy records, with citation to the original complaint in this case.

7. In Paragraph 32, there is a reference to Gasser’s allegation that he received a package.

8. Judgment on the pleadings is appropriate where there is no genuine issue of material fact and the movant is entitled to judgment as a matter of law. 735 ILCS 5/2-

615(e); *M.A.K. v. Rush-Presbyterian-St. Luke's Medical Center*, 198 Ill.2d 249, 255 (2001).

When ruling on a motion for judgment on the pleadings, a court takes as true all well-pled facts contained in the pleadings and may also consider judicial admissions and matters subject to judicial notice. *Id.*

9. In this case, nothing is alleged to advance any cause of action, much less a cause of action that would entitle any party to injunctive relief.

10. Moreover, the complaint doesn't even attempt to advance a cause of action. Rather, it is a complaint for a remedy with no underlying cause of action.

11. The prayer for relief seeks to restrain Gasser with both preliminary injunction and permanent injunction even though there is no known cause of action for "Injunction" which Lukasik pled.

I. Plaintiff Is Entitled to Judgment Pursuant to 735 ILCS 5/2-615 with prejudice.

A. Standard on a 2-615 Motion for Judgment on the Pleadings

13. Judgment on the pleadings is appropriate where there is no genuine issue of material fact and the movant is entitled to judgment as a matter of law. 735 ILCS 5/2-615(e); *M.A.K. v. Rush-Presbyterian-St. Luke's Medical Center*, 198 Ill.2d 249, 255 (2001). When ruling on a motion for judgment on the pleadings, a court takes as true all well-pled facts contained in the pleadings and may also consider judicial admissions and matters subject to judicial notice. *Id.*

B. Injunction Requirements

14. A party seeking a permanent injunction must first succeed on the merits. *City of Chicago v. Beretta U.S.A. Corp.*, 213 Ill. 2d at 431. This necessarily means that there must be a recognized cause of action underlying the request for injunctive relief and that the party seeking such relief must first prevail on the merits of that underlying cause of action. See 42 Am. Jur. 2d *Injunctions* § 18 (2010) ("a permanent injunction will be granted only when liability has been established"); Black's Law Dictionary [**37] 1003 (7th ed. 1999) (defining "merits" as "[t]he elements or grounds of a claim or defense"). A permanent injunction, however, is not a separate cause of action. *Walker v. Bankers Life & Casualty Co.*, No. 06 C 6906, 2007 U.S. Dist. LEXIS 22818, 2007 WL [****137] [*415] 967888, at *4 (N.D. Ill. Mar. 28, 2007) (citing *Shell Oil Co. v. Richter*, 52 Cal. App. 2d 164, 125 P.2d 930, 932 (1942) ("Injunctive relief is a remedy and not, in itself, a cause of action, and a cause of action must exist before injunctive relief may be granted.")). Instead, it is an equitable remedy that a court can provide when a party succeeds on the merits of its underlying **cause of action** but the available legal remedy is inadequate. *Town of Cicero v. Metro. Water Reclamation Dist.*, 976 N.E.2d 400, 414-415, 2012 Ill. App. LEXIS 647, *36-37, 2012 IL App (1st) 112164, P46, 364 Ill. Dec. 122, 136-137.

15. In *Town of Cicero v Metro. Water Reclamation Dist*, the court examined a complaint, which like the subject complaint, sounded solely in injunction. There the court pointed out that our state supreme court pointed out in *City of Chicago v Baretta USA*,

that “issuance of an injunction is contingent on plaintiffs' prevailing at trial on the merits of their claim.”

16. In this case the entire Counter-complaint sounds in a remedy without any facts to support that Andrew Gasser has done anything. Many of the allegations relate to events taking place before Gasser was even sworn in as Highway Commissioner. Moreover, Lukasik failed to plead any cause of action for which any relief could be obtained from Andrew Gasser either individually or as the Highway Commissioner.

WHEREFORE, this Court should enter Judgment on the pleadings against Defendant/Counter-plaintiff, Karen Lukasik, as follows:

- A. Enter Judgment on behalf of Andrew Gasser and against Karen Lukasik on her counter-claim.
- B. Dissolve any preliminary injunction directed at Andrew Gasser.
- C. Award such other and further relief as this Court may consider just and proper.

Respectfully submitted,

ANDREW GASSER
ALGONQUIN TOWNSHIP
HIGHWAY COMMISSIONER,
Plaintiff/Counter-Defendant

By: /s/Robert T. Hanlon

Robert T. Hanlon, One of Plaintiff's
Attorneys

Robert T. Hanlon, ARDC #6286331
Law Offices of Robert T. Hanlon & Assoc., P.C.
131 East Calhoun Street
Woodstock, IL 60098
(815) 206-2200

PROOF OF SERVICE

I, Robert T. Hanlon, an attorney, state that I served a copy of **PLAINTIFFS' MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO 735 ILCS 5/2-615 WITH RESPECT TO THE COUNTER-CLAIM**, attached hereto, upon all attorneys of record, by e-mailing a copy to their business addresses at:

Mr. Thomas Gooch, III
THE GOOCH FIRM
209 South Main Street
Wauconda, IL 60084
E-mail: gooch@goochfirm.com

David McArdle, Jacob Caudill, R. Mark Gummerson
ZUKOWSKI ROGERS FLOOD & McARDLE
50 North Virginia Street
Crystal Lake, IL 60014
E-Mails: dmcardle@zrfmlaw.com
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101 North Virginia Street, Suite 150
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Crystal Lake, IL 60014
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Phillip Prossnitz
454 W. Jackson Street
Woodstock, IL 60098
E-mail: paprossnitz@aol.com

and by depositing said copy in the U.S. mail with postage prepaid at the Woodstock, Illinois, U. S. Post Office, on the 3rd day of June, 2019; and also by sending a copy via e-mail to the e-mail addresses listed above.

By: /s/ Robert T. Hanlon
Robert T. Hanlon

Robert T. Hanlon, ARDC #6286331
Law Offices of Robert T. Hanlon & Assoc., P.C.
131 East Calhoun Street
Woodstock, IL 60098
(815) 206-2200 (815) 206-6184 (FAX)

Exhibit A

(Counter-claim)

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

Andrew Gasser,)
 Plaintiff)
 v.)
 Karen Lukasik, Individually and in her)
 Capacity as Algonquin Township Clerk;)
 Anna May Miller; and Robert Miller)
 Defendants,)
 _____)
 Karen Lukasik, Individually and in her)
 Capacity as Algonquin Township Clerk;)
 Anna May Miller; and Robert Miller)
 Defendants/Counter-Plaintiffs,)
 v.)
 Andrew Gasser,)
 Plaintiff/Counter-Defendant,)
 _____)
 Karen Lukasik, Individually and in her)
 Capacity as Algonquin Township Clerk,)
 Defendant/Third Party Plaintiff)
 v.)
 Charles Lutzow,)
 Third Party Defendant)

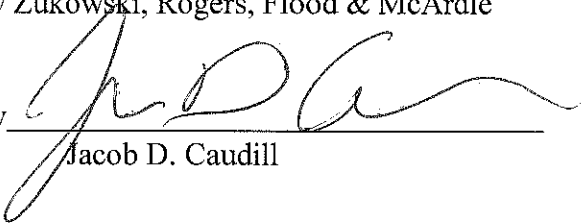
Katherine M. Keefe
 Clerk of the Circuit Court
*****Electronically Filed*****
 Transaction ID: 1711182752
 17CH000435
 06/08/2017
 McHenry County, Illinois
 22nd Judicial Circuit

Case No. 17 CH 435

NOTICE OF FILING

TO: Robert T. Hanlon	Thomas W. Gooch, III
Law Offices of Robert T.	The Gooch Firm
Hanlon & Associates, P.C.	209 S. Main Street
131 E. Calhoun Street	Wauconda, IL 60084
Woodstock, IL 60098	tgooch@gauthierandgooch.com
rob@rhanlonlaw.com	
Rebecca Lee	James P. Kelly
rlee@lawgr.com	jpkelly@mkm-law.com

YOU ARE HEREBY NOTIFIED that we have this 8TH day of June, 2017, filed in the Office of the Circuit Clerk of McHenry County, Illinois, the attached *Verified Counter-Complaint and Third-Party Complaint for Preliminary and Permanent Injunctive Relief*.

KAREN LUKASIK
 By Zukowski, Rogers, Flood & McArdle
 By 

 Jacob D. Caudill

PROOF OF SERVICE

The undersigned, a non-attorney, certifies, under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, that she served this notice by airmail to the addresses as shown above, depositing said envelopes in the United States mail at Crystal Lake, Illinois on June 7, 2017; and further that the statements set forth in this Proof of Service are true and correct.



Helen A. Harkins

Jacob D. Caudill, Atty. No. 06320420
jcaudill@zrfmlaw.com
ZUKOWSKI, ROGERS, FLOOD & McARDLE
Attorneys for: Karen Lukasik
50 Virginia Street
Crystal Lake, Illinois 60014
(815) 459-2050

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

Andrew Gasser,)
 Plaintiff)
 v.)
 Karen Lukasik, Individually and in her)
 Capacity as Algonquin Township Clerk;)
 Anna May Miller; and Robert Miller)
 Defendants,)
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 Karen Lukasik, Individually and in her)
 Capacity as Algonquin Township Clerk;)
 Anna May Miller; and Robert Miller)
 Defendants/Counter-Plaintiffs,)
 v.)
 Andrew Gasser,)
 _____)
 Plaintiff/Counter-Defendant,)
 Karen Lukasik, Individually and in her)
 Capacity as Algonquin Township Clerk,)
 Defendant/Third Party Plaintiff)
 v.)
 Charles Lutzow,)
 Third Party Defendant)

Katherine M. Keefe
 Clerk of the Circuit Court
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 Transaction ID: 1711182752
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 McHenry County, Illinois
 22nd Judicial Circuit

Case No. 17 CH 435

**VERIFIED COUNTER-COMPLAINT AND THIRD-PARTY COMPLAINT
FOR PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF**

NOW COMES the Counter-Plaintiff, Karen Lukasik, by and through her attorneys Zukowski, Rogers, Flood & McArdle, and complains against Counter-Defendant, Andrew Gasser, and Third Party Defendant, Charles Lutzow, as follows:

1. Counter Plaintiff, Karen Lukasik (“Lukasik”), resides in Algonquin Township, Illinois, and is the duly elected Clerk of Algonquin Township.
2. Counter Defendant, Andrew Gasser (“Gasser”), resides in Algonquin Township, Illinois, and is the duly elected Highway Commissioner of Algonquin Township.
3. Defendant, Robert Miller (“Robert”), is the former Algonquin Township Highway Commissioner and resides in Cary, McHenry County, Illinois.

4. Defendant, Anna May Miller (“Anna May”), was formerly employed by the Algonquin Township Highway Department and resides in Cary, McHenry County, Illinois.

5. Third Party Defendant, Charles Lutzow (“Lutzow”), is the duly elected Supervisor of Algonquin Township and is a resident of Illinois.

6. In preparation of assuming her role as Township Clerk, Lukasik shadowed the former Deputy Algonquin Township Clerk, Darlene Lutzow, on May 05, 2017. Her son, Jacob Lukasik, was with Lukasik due to a half day improvement day at school and he wanted to see her office. Her husband, Ron Lukasik, was on his lunch and near the Algonquin Township offices, so he stopped in to see her as well.

7. On May 05, 2017, Lukasik, along with Ron Lukasik, noticed that a filing cabinet with only two drawers marked “Road District” on one drawer and “Township” on the other drawer (hereinafter referred to as the “RD-T Cabinet”) was filled with filed documents.

8. Lukasik, her husband, and her son did not look through or review any of the documents contained within the RD-T Cabinet.

9. On May 15, 2017, Lukasik was next present at the Algonquin Township offices solely for her swearing-in and took no notice of the RD-T Cabinet.

10. Third Party Defendant, Lutzow, has refused to give Lukasik access to the records of Algonquin Township.

11. After assuming her role as Clerk, Lukasik has made various demands to be allowed access to all of the records of Algonquin Township.

12. To date, Lukasik has not had access to all of the records of Algonquin Township.

13. On May 16, 2017, Lukasik was present at the Algonquin Township offices for a couple hours and took no notice of the RD-T Cabinet.

14. On May 19, 2017, Lukasik was present at the Algonquin Township offices for a couple hours and took no notice of the RD-T Cabinet.

15. On May 23, 2017, Lukasik was present at the Algonquin Township offices for a couple hours and took no notice of the RD-T Cabinet.

16. On May 26, 2017, Lukasik was present at the Algonquin Township offices for a couple hours and took no notice of the RD-T Cabinet.

17. On June 1, 2017, Lukasik was present at the Algonquin Township office for a couple hours and noticed, for the first time, that the RD-T Cabinet was completely empty.

18. 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.

19. Upon information and belief from a witness, Tim Shepherd, on May 12th and 13th 2017, Lutzow and his assistant Ryan Provenzano had borrowed a Cabota from the Highway Department and were loading banker boxes from the Township offices and dumping them into the dumpster. Shepherd was unsure of what type of items were within the boxes but saw binders, books and several unknown documents in the dumpster.

20. The Township has a video security system monitoring the Township's office.

21. The security system was installed and previously maintained by Chris Welky of Ace Security Works.

22. Ace Security Works was replaced as the entity in charge of maintaining the Township offices' security systems when Gasser took office.

23. Lukasik spoke to Judy Kreklow, the former Township Supervisor's assistant, who confirmed that the file drawers in the RD-T Cabinet were full of bills and were there on her last

day of employment May 12, 2017 and that there was no reason why those documents should be missing.

24. Lukasik confirmed Judy Kreklow's information with Anna May, former secretary for the past Highway Commissioner, Robert, that those files were stored there by Judy Kreklow and that she had the practice of keeping the end of the previous fiscal years' documents in that filing cabinet to be easily accessible for the auditors.

25. The security system would provide material evidence of any documents, including the RD-T Cabinet documents, removed from the Township's office between May 12, 2017, the date Lukasik was told and noticed that the documents were within the RD-T Cabinet, and June 1, 2017, the date Lukasik noticed that documents had been removed from the RD-T Cabinet.

26. On information and belief, after thirty (30) days, the Township's recorded security footage is automatically deleted.

27. Thirty (30) days from May 12, 2017, is **June 11, 2017**.

28. On June 2, 2017, Lukasik was informed, by way of mchenrycountyblog.com, that she had been named as a defendant in a suit brought by Gasser.

29. On June 5, 2017, Lukasik was served by the McHenry County Sheriff's department through substitute service on her husband, Ron Lukasik. Lukasik was at work.

30. Upon information and belief, in or about 2013, the Township began scanning bills and other records on a stand-alone scanner in Lutzow's office. The scanned documents were subsequently stored on a server in Lutzow's office that Lukasik does not have access to.

31. The lawsuit alleges that Lukasik intends to destroy various records of Algonquin Township. Gasser's complaint presumes that Lukasik intends to destroy records relating to

Robert's use of the Township's "credit card, as well as other schemes and artifices." See a copy of the Gasser's complaint attached as **Exhibit A**, ¶19.

32. Gasser's complaint indicates that Gasser received an anonymous package from the Algonquin Township office. See **Exhibit A** at ¶15.

33. The anonymous package apparently contained various bills and credit card records of Algonquin Township.

34. Upon information and belief, the records contained in the "anonymous package" may have originated from the RD-T Cabinet.

35. Upon information and belief, the Township's photocopy machine was likely used to make copies of the records, given the fact that the anonymous letter has an Algonquin Township return address.

36. The Township photocopy machine may be altered, destroyed, or removed by anyone with access to the Township's offices.

37. To date, Lukasik has not destroyed, removed, or altered any records of Algonquin Township.

38. The public and Lukasik have a right to know who removed the RD-T Cabinet records and where those records were moved.

39. Lukasik has no adequate remedy at law to preserve the records without the intervention of the court.

40. If these records are destroyed, Lukasik and the public will both suffer irreparable harm, as it will be impossible to identify who took the records and what/if any records may have been copied before records were removed.

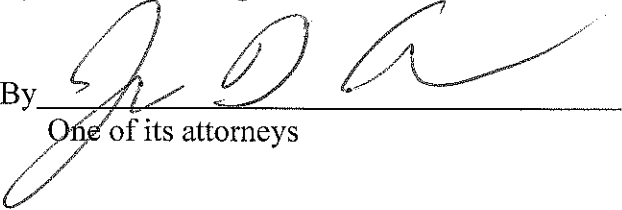
41. An injunction should be granted as Lukasik, for the reasons described above, would be likely to succeed on the merits of this complaint.

WHEREFORE, for the foregoing reasons Counter-Plaintiff, Lukasik, respectfully requests that this Court grant Lukasik the following relief:

- A. Issue a Preliminary and Permanent Injunction pursuant to 735 ILCS 5/11-102 prohibiting Counter-Defendant, Gasser, Third Party Defendant, Lutzow, and Unknown Parties from destroying the security footage of the Algonquin Township offices between May 12, 2017 and June 1, 2017.
- B. Allow Chris Welky of Ace Security Works, or any other independent computer technician approved by the court, to extract the footage from the Algonquin Township security system for the dates between May 12, 2017 and June 1, 2017.
- C. Issue a Preliminary and Permanent Injunction pursuant to 735 ILCS 5/11-102 prohibiting Counter-Defendant, Gasser, Third Party Defendant, Lutzow, and Unknown Parties from destroying any and all Algonquin Township copier hard drives and the data contained thereon for the dates between May 12, 2017 and June 1, 2017
- D. Issue a Preliminary and Permanent Injunction pursuant to 735 ILCS 5/11-102 prohibiting Counter-Defendant, Gasser, Third Party Defendant, Lutzow, and Unknown Parties from destroying any and all Algonquin Township servers that contain scanned Township bills or other records and the stand-alone scanner in Lutzow's office.
- E. For summons to issue to Third Party Defendant, Lutzow.
- F. That this Court award the Lukasik her costs in this matter.

KAREN LUKASIK

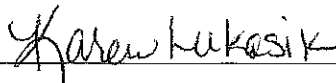
By: Zukowski, Rogers, Flood & McArdle

By 
One of its attorneys

Jacob D. Caudill, Attorney No. 06320420
jcaudill@zrfmlaw.com
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dmcardle@zrfmlaw.com
R. Mark Gummerson
mgummerson@zrfmlaw.com
Zukowski, Rogers, Flood & McArdle
Attorneys for Counter-Plaintiff Karen Lukasik
50 Virginia Street
Crystal Lake, Illinois 60014
(815) 459-2050

VERIFICATION

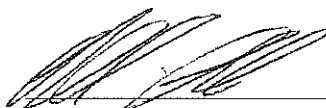
Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Verified Complaint for Preliminary and Permanent Injunctive Relief are true and correct, except as to matter therein stated to be on information and belief and as to such matter the undersigned certifies as aforesaid that the undersigned verily believe the same to be true.



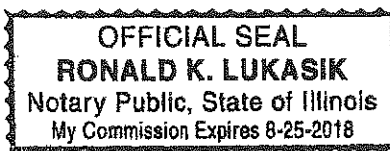
Karen Lukasik

Signed and Sworn before me

This 7th Day of June, 2017



Notary Public



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

FILED

JUN -1 2017

KATHERINE M. KEEFE
MCHENRY CTY. CIR. CLK.

ANDREW GASSER,)
)
 Plaintiff,)
 V.)
)
 KAREN LUKASIK,)
 INDIVIDUALLY AND IN HER)
 CAPACITY AS ALGONQUIN)
 TOWNSHIP CLERK, ANNA MAY)
 MILLER AND ROBERT MILLER,)
)
 Defendants,)

CASE NO. 17CH435

COMPLAINT FOR INJUNCTIVE RELIEF

NOW COMES Plaintiff, ANDREW GASSER, with his Complaint seeking injunctive relief against Defendants, KAREN LUKASIK, INDIVIDUALLY AND IN HER CAPACITY AS ALGONQUIN TOWNSHIP CLERK, ANNA MAY MILLER AND ROBERT MILLER, states as follows:

PARTIES VENUE AND JURISDICTION

1. Plaintiff is a resident of McHenry County, Illinois, and is the duly elected Algonquin Township Road Commissioner.
2. Defendant, KAREN LUKASIK ("LUKASIK"), resides in Algonquin Township, Illinois, and is the duly elected Clerk of Algonquin Township. LUKASIK is also known as Karen Miller Lukasik and Karen Miller.
3. Defendant, ROBERT MILLER ("MILLER"), is the former Algonquin Township Highway Commissioner and resides in Cary, McHenry County, Illinois.
4. Defendant, ANNA MAY MILLER ("ANNA MAY"), was formerly employed by the Algonquin Township Highway Department and resides in Cary, McHenry County, Illinois.

EXHIBIT A to Countercomplaint
and Third Party Complaint

NOTICE
BY ADMINISTRATIVE ORDER 94.9
THIS CASE IS HEREBY SET FOR SCHEDULING
CONFERENCE IN COURT ROOM 202 ON
8-31 2017 AT 9:00 AM
FAILURE TO APPEAR MAY RESULT IN THE CASE
BEING DISMISSED OR AN ORDER OF

Handwritten initials

FACTS

5. On or about May 15, 2017, Plaintiff began reviewing physical and electronic records of the Algonquin Township Highway Department.

6. No electronic records of the Algonquin Township Highway Department are known to exist. In particular, despite MILLER having served for over 20 years as the Algonquin Township Highway Commissioner, there is not a single e-mail in the records of the Algonquin Township Highway Department. However, Plaintiff ordered bit by bit mirror images of all hard drives and the computer network before accessing any computer at the Algonquin Township Highway Department.

7. Plaintiff made demand upon MILLER to turn over all of the records of the Algonquin Township Highway Department. To date, MILLER has turned over absolutely no substantive records of the Algonquin Township Highway Department.

8. MILLER used a private e-mail account to conduct the business of the Algonquin Township Highway Department.

9. ANNA MAY used a private e-mail account to conduct the business of the Algonquin Township Highway Department.

10. None of the computers belonging to Algonquin Township contain any e-mails of either MILLER or ANNA MAY. (Investigation into the unallocated space continues.)

11. No correspondences between Business Agents of the International Union of Operating Engineers, Local 150 AFL-CIO ("Local 150") and MILLER exist in the records of the Algonquin Township Highway Department.

12. No records related to bargaining with Local 150 exist within the records of Algonquin Township Highway Department or that of Algonquin Township.

13. Upon Plaintiff's taking office, Local 150 began issuing grievances related to a purported labor agreement.

14. No expense records associated with MILLER's use of credit cards are contained in the records of the Algonquin Township Highway Department.

15. On or about May 30, 2017, an anonymous package arrived at Algonquin Township addressed to: "Highway Dept., c/o Andrew Gasser, 3702 N.W. Hwy 14, Algonquin Twp., Crystal Lake, IL 60014." The return address was the Algonquin Township offices. Contained within the package were various records of credit card purchases on a Capital One credit card and an American Express Platinum Business Credit Card. The total balance shown on the respective cardholder statements were expensed to the Algonquin Township Highway Department. However, numerous purchases were for women's clothing (including dresses, purses, and non-uniform outfits) from various online retailers including but not limited to Prada, Lands' End, Levenger, and Orvis, another retailer of high end quality women's fashions.

16. The American Express Platinum Business Credit Card statements are addressed to "Algonquin Twnshp Hwy Robert Miller."

17. For example, as shown in Exhibit A, there are records of the use of the Algonquin Township American Express Platinum Business Credit Card for the purchase of an item from Levenger Catalog/Webdelray BCH in the amount of \$384.52, dated November 7, 2014. On the following page is a search result dated December 9, 2014, identifying a purse with a price of \$329.00 and the name MILLER written in by hand. Also included is a specific invoice matching the \$384.52 purchase with the item number AL 13100 GPBK. This item number and invoice match the credit card charge of \$384.52 after tax and shipping were added.

18. The stack of credit card charges and invoice documents link specific charges to specific items of women's clothing based upon UPC codes and item numbers.

19. Contained in the packages are over 200 pages of statements and identified purchases as well as other items suggesting financial misconduct at Algonquin Township via the use of MILLER's credit card as well as other schemes and artifices.

20. LUKASIK has articulated that she intends to destroy various records of Algonquin Township, presumably including records of MILLER's use of official credit cards for personal use.

21. Upon information and belief, credit cards were used by employees of Algonquin Township to purchase gift cards that were in turn used to purchase personal goods unrelated to the business of government at Algonquin Township.

22. Upon information and belief, a scheme and artifice was utilized by employees of Algonquin Township to receive additional compensation beyond salaries as well as "bonuses". These expenditures ought to have a corresponding document showing the proper approval for the expenditures.

23. Upon information and belief, the pattern and practice of the use of credit cards as described herein extends many years into the past. Documents provided in the aforementioned anonymous package date back to 2012 and end in December, 2016.

24. Plaintiff seeks to preserve the records to ascertain if the amounts charged to the Algonquin Township Highway Department served any lawful purpose.

25. Preserving the records of MILLER's and ANNA MAY's e-mails may aid in the investigation and identification of potential criminal conduct (i.e. the misuse of government money).

26. Authorization and Instigation: The aforementioned breach of the public trust has occurred with and at the authorization, sanction, advice, encouragement, and/or instigation of MILLER. LUKASIK has articulated that she intends to have public records destroyed. At present, it is unknown to what extent the conduct referenced herein has taken place. Moreover, the authenticity of the documents delivered is currently being examined.

27. Damages, Irreparable Injury and Need for Injunctive Relief: If Defendants, LUKASIK, ANNA MAY AND MILLER, and their agents and employees are not restrained from destroying any records related to Algonquin Township and the Algonquin Township Highway Department, there is no adequate remedy at law and the People of Algonquin Township, including Plaintiff, will suffer irreparable harm. Plaintiff will suffer additional irreparable harm in that he will be deprived of the very protections afforded under state law for the delivery of records associated with his office.

28. Injunction is in the Public Interest: An injunction is in the public interest because Defendants, LUKASIK, ANNA MAY AND MILLER, have a public duty to preserve the records that they either have had control over or continue to have control over. If they were not so enjoined, the destruction of public records would undermine the rule of law and create a threat to the enforcement of the right of the People to open government.

29. No Adequate Remedy at Law: The named Plaintiff has no adequate remedy at law. Although there are laws to prevent the destruction of public records, Plaintiff cannot without the intervention of the court protect and preserve the government records and the dispute cannot be remedied solely by remedies at law. Further, in the event further government records are either destroyed or concealed, Plaintiff and the People of the State of Illinois and the Citizens

of the United States will not be able to ensure the integrity of the records of Algonquin Township.

30. Balancing of the Rights, Interests and Injuries: The balancing of the interests of the parties is entirely in favor of Plaintiff. This is because the activities which the Plaintiff seeks to restrain are unlawful acts to begin with, and the denial of injunctive relief would serve to require Plaintiff and the people of Algonquin Township to suffer additional injury. In fact, Defendants, LUKASIK ANNA MAY AND MILLER, will suffer no injury if restrained from destroying government records because Defendants do not possess the right to destroy government records.

31. Prior Application: There has been no prior application for injunctive relief to this Court or any other court for or in connection with the contractual violations set forth herein.

32. Need for Temporary Relief: Plaintiff has suffered and will continue to suffer irreparable harm and irreparable injury, as described herein above, unless a restraining order is issued restraining Defendants, MILLER and LUKASIK, from destroying any records rightfully belonging to Algonquin Township. Moreover, Plaintiff requires time to examine the records of Algonquin Township and the Algonquin Township Highway Department.

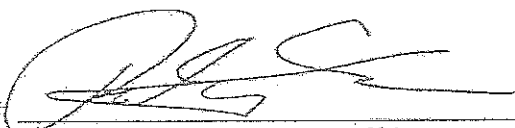
WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

- A) Issue a preliminary injunction restraining Defendants, LUKASIK, ANNA MAY AND MILLER, from destroying any records of Algonquin Township or destroying any records of the Algonquin Township Highway Department without bond. To the extent that this Court requires a bond, the bond be posted after notice of a public meeting of the Algonquin Township Trustees that will afford Plaintiff time to make the appropriate requests for the posting of bond in this case.
- B) Issue an injunction prohibiting Defendants, LUKASIK, ANNA MAY AND MILLER, from destroying any records of either Algonquin Township or the Algonquin Township Highway Department.

C) For such other and further relief as this Court deems just and equitable.

Respectfully submitted,

ANDREW GASSER, Plaintiff

By: 
Robert T. Hanlon, one of his attorneys

Robert T. Hanlon, ARDC #6286331
LAW OFFICES OF ROBERT T. HANLON
& ASSOCIATES, P.C.
131 East Calhoun Street
Woodstock, IL 60098
(815) 206-2200

Exhibit A



Platinum Business Credit Card
 ALGONQUIN TOWNSHIP HWY
 ROBERT J MILLER
 Closing Date 11/27/14



p. 3/16

Account Ending 5-21007

Effective March 1, 2015, Carey will no longer participate in the OPEN Savings program. Any amounts that are charged to your account for Carey purchases on or after March 1, 2015, will not be eligible for the OPEN Savings benefit.

Payments and Credits
 Summary

	Total
Payments	\$2,085.49
Credits	\$0.00
Total Payments and Credits	-\$2,085.49

Detail *Indicates posting date

Payments	Amount
11/16/14* PAYMENT RECEIVED - THANK YOU	\$2,085.49

New Charges
 Summary

	Total
Total New Charges	\$2,120.30

Detail

ROBERT J MILLER
 Card Ending 5-21007

	Amount
10/29/14 AMAZON MKTPLCE PMTSAMZN.COM/BILL WA BOOKSTORES	\$209.00 ✓
10/31/14 AROUND THE CLOCK 103CRYSTAL LAKE IL 815-459-2100	\$47.39 ✓
11/01/14 AMAZON.COM AMZN.COM/BILL WA MERCHANDISE	\$79.00 ✓
11/01/14 MCDONALD'S M7231 OF CARY IL 8476391181	\$34.66
11/04/14 WHITEPAGES.COM 800-336-1327 WA 800-336-1327	\$10.95
11/07/14 HARBOR FREIGHT TOOLSCRYSTAL LAKE IL 805-388-1000 Description: HARDWARE/TOOLS	\$121.90 ✓
11/07/14 LEVINGER CATALOG/WEBDELRAY BCH FL BOOKS/SUPPLIES/GIFTS	\$384.52 ✓
11/10/14 CHESAPEAKE SEAFOOD HSPRINGFIELD IL 2175225220 TIP \$15.00	\$81.67 ✓

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WHSE LOC	QTY.	ITEM #	DESCRIPTION	PRICE EACH	TOTAL PRICE
4080002	1	AL13100 GPBK	Your Bag, Your Way Tote - Grape/Black	329.00	329.00
SIFT50	1	LEVGC 50 GWP	Levenger Gift Card - \$50 GWP	0.00	0.00

11/07/14 408A002N4JAB05A 11/09/14 0001797329 03 01

Net Product \$ 329.00
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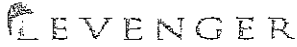
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