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July 11, 2019

John M. Nelson
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Re: Your letter of July 5, 2019 in re Gasser et al v Lukasik et al, McHenry Co. #2017 CH 435

Dear Mr. Nelson:

As you know, I have on several occasions telephoned you to discuss the aforementioned case and to date I have not received a single telephone call in return. Mr. Gooch also made a similar observation in his letter to you. Instead, I received a letter from you dated July 5, 2019 with a proposed order that does not address the problems the Road District had with the proposal initially floated by Messrs. Gooch, Brody and Kelly. Your letter is devoid of addressing anything that was discussed as being objections of the Road District and importantly fails to address the legality of the proposal. Perhaps if we had discussed this issue before you sent your letter you would have been in a better position to address our concerns and point to some authority to support a position.

Your letter also presumes and suggests that such an agreement was already had between the respective parties. To be clear, there has never been any agreement to settle anything and any settlement requires more than the order you drafted in obvious haste.

The respective counsel in this case have explored a potential settlement of the case wherein it was reported to me that the Trustees of Algonquin Township would pay the liability of the Millers in total out of the Township's general fund and I challenged the proposal on the basis of its legality. As I understand it, the Board voted to approve a settlement even though there has never been a written settlement agreement or even an offer of settlement reduced to writing. Accordingly, I cannot even comprehend what they actually voted upon.

I have been informed by a former federal prosecutor that the transaction is patently unlawful as it was proposed. I have also received a separate opinion from another Township attorney that the proposed settlement was unlawful as well as a separate government attorney providing a third opinion, all confirming the lack of legality. After my review of applicable case law, I believe that the proposed resolution where the Township would intervene and pay for the

liability of the Robert and Anna May Miller to be unlawful and therefore the plaintiffs will have nothing to do with it.

The Township has been more than willing to pay to assist the Millers since this case started without addressing the fundamental question of whether or not they had a dog in the fight. It does not, and the outcome of the litigation does not impact the Township one bit. Accordingly, please be advised that I do not believe there is anything to reduce to writing at this point along the lines of settlement. Whatever counsel is being provided to the Township is such that it beguiles any logic.

To the extent that the Algonquin Township Board “simply wants to end this litigation to avoid thousands and thousands of dollars of future litigation”, I offer that there is no law that requires that the Township pay the Miller’s legal fees. The statute allowing payment of former employee attorney fees is permissive and the Township Board can simply stop paying the Miller’s legal fees if that is their only objective. I will exercise my rights against the proper entity at a time of my election.

As it relates to Clerk Lukasik, I have already filed a motion for judgment on the pleadings and that will in all likelihood take care of her as a party. Thus, there will not be any additional expenses unless she wishes to pursue a frivolous appeal or worse. Importantly, even though I filed a motion for judgment on the pleadings, which is an absolute road map for Mr. Kelly to bring the Lukasik claim to conclusion as it relates to her claims against Mr. Lutzow, Mr. Kelly has failed to act to protect his own client, which I believe is done in furtherance of his fee objectives. His failure to follow suit demonstrates a willingness to perpetuate the litigation as opposed to conclude it.

Nevertheless, I believe your client, Algonquin Township, lost any hope for a settlement after the recent attacks on my client’s principal officer, Andrew Gasser and its refusal to abide by the law when it comes to payment of the Road District bills.

More importantly, the proposed settlement as presented by Messrs. Gooch, Brody, Kelly and Mr. McArdle require the participation of the Road District’s officer and its attorney in what we believe is an unlawful act with potential adverse consequences to the Road District, Mr. Gasser and myself. To that end, we will not execute the order you proposed in your letter and we will not be a party to the scheme and artifice to illicitly pay money to Karen Lukasik.

Respectfully,



Robert T. Hanlon