

**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, not individually, but in his)
Capacity as Algonquin Township Supervisor))
Third Party Defendant)

Case No. 17 CH 435

**MOTION FOR RULING ON OBJECTION TO REQUEST TO ADMIT
SERVED ON DEFENDANT KAREN LUKASIK BY GASSER ON MAY 29, 2019**

NOW COMES Defendant, Karen Lukasik (“Lukasik”), by and through her attorneys, Zukowski, Rogers, Flood & McArdle, and for her Motion for Ruling on Objection to Request to Admit Served on Lukasik by Gasser, states as follows:

1. On May 29, 2019, Lukasik was served with Request to Admit by Gasser. *See Exhibit A*, Request to Admit.
2. Request to Admit #4, requested admission that: “Andrew Gasser has not destroyed any documents of either Algonquin Township or Algonquin Township Road District.” *Id.*
3. Illinois Supreme Court Rule 216(c) allows a party to provide: (1) a sworn statement...setting forth in detail the reasons why the party cannot truthfully admit or deny those

matters or (2) written objections on the ground that some or all of the requested admissions are...otherwise improper in whole or in part. *See* Illinois Supreme Court Rule 216(c).

4. Attached hereto are Lukasik's sworn Answer to Gasser's 216 Requests, including her response that she cannot truthfully admit or deny Request to Admit #4 and that all objections set forth herein are incorporated into her Answer. *See* **Exhibit B**: Lukasik's Answer to Plaintiff's First Request to Admit Facts.

5. The facts necessary to admit or deny whether Gasser destroyed any documents of either Algonquin Township or Algonquin Township Road District is not within Lukasik's own knowledge or control, in that the extent of Lukasik's knowledge is as follows:

- a) a filing cabinet marked as containing records of the "Road District" and "Township" ("RD-T Cabinet") was filled with documents on May 5, 2017. On June 1, 2017, the RD-T cabinet was completely empty. Only certain people had access to the RD-T cabinet, one of who was Gasser;
- b) on June 16, 2017, for unknown reasons, Gasser denied Lukasik unfettered access to the Algonquin Township and Algonquin Township Highway Department records in his office;
- c) on June 28, 2017, for unknown reasons, Gasser instructed one of his employees to put a pallet full of records, accessible by forklift, back onto a shelf and out of reach of Lukasik;
- d) in a written policy dated June 29, 2017, Gasser prohibited Lukasik's use of Township Highway employees to move records without "first being cleared through Gasser;"

- e) that as of July 5, 2017, Algonquin Township and the Algonquin Township Highway Department records were stored in various rooms including in Gasser's personal office;
- f) that despite a Court Order entering a preliminary injunction against Gasser and Lutzow prohibiting each of them and their employees from denying Lukasik full unfettered access to and custody of all records of Algonquin Township and the Algonquin Township Highway Department at all times for purposes of inventory, storage, and security, locks installed by Lukasik have been replaced with a FOB system that, upon information and belief, provides access to Algonquin records to others. It is unknown whether Gasser has a FOB. It is known that records involving Anna May Miller, named in Gasser's Complaint, went missing and were moved since the FOB system was installed; and
- g) discovery in this case was stayed by Court Order from November 11, 2017 to April 8, 2019.

6. Since discovery has reopened by Court Order, Lukasik made reasonable and timely efforts to secure the answer to Gasser's Request #4. On May 16, 2019, she noticed up the deposition of Charles Lutzow (See Exhibit C, notice of deposition), however, the notice of deposition was objected to by Attorney Hanlon (See Exhibit D, email from Attorney Hanlon dated May 17, 2019).

7. Lukasik tried to re-notice the deposition for May 24, 2019, but Attorney Hanlon asked for the date to be rescheduled and Attorney Prossnitz was unavailable. See Exhibits E and F, May 22, 2019 emails from Attorney Hanlon and Attorney Prossnitz.

8. Lukasik again tried to re-notice the deposition for June 20, 2019, but now Lutzow was unavailable. See Exhibit G, June 6, 2019, email from Attorney Kelly.

9. For all of the reasons set forth above, Lukasik timely objects to responding to Request #4 on the basis that the information known or readily available to Lukasik is insufficient to enable her to admit or deny the request and that the request is improper at this point in time.

WHEREFORE, Defendant, Karen Lukasik, requests that this Court rule on her objection to the Request to Admit served by Gasser on May 29, 2019 and for such other relief as this Court deems equitable and just.

KAREN LUKASIK
By Zukowski, Rogers, Flood & McArdle

By: DWM
David W. McArdle

David W. McArdle, Atty. No. 06182127
dmcardle@zrfmlaw.com
Zukowski, Rogers, Flood & McArdle
Attorneys for Karen Lukasik
50 Virginia Street
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(815) 459-2050

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 ADMIT FACTS
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., and with their First Request to Admit Facts to Defendant KAREN LUKASIK, pursuant to Supreme Court Rule 216, demands that Defendant, KAREN LUKASIK, admit the truth of the facts enumerated herein within twenty-eight (28) days of service hereof

EXHIBIT A

Definitions and Instructions

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

2. In answering this Request to Admit Facts, 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 Admit Facts, 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), communiqués, 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 this Request to Admit Facts, the

substance of that document need not be disclosed in Your answers to the Request to Admit Facts, 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 Admit Facts, 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 Admit Facts is to be construed as broadly as possible.

23. For the convenience of this Court and the parties, each Request to Admit Facts 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 Admit Facts, the relevant time period shall be from May 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.

SPECIFIC REQUESTS FOR ADMISSION OF FACTS

Pursuant to Illinois Supreme Court Rule 216 admit the truth of the following facts:

1. You have not obtained any order authorizing the destruction of any public record.

Admit_____ **Deny**_____

2. There is no document contained in the records of Algonquin Township or Algonquin Township Road District that authorized the destruction of any electronic record.

Admit_____ **Deny**_____

3. You do not possess any document or fact that demonstrates that Andrew Gasser has destroyed any record of either Algonquin Township or Algonquin Township Road District.

Admit_____ Deny_____

4. Andrew Gasser has not destroyed any documents of either Algonquin Township or Algonquin Township Road District.

Admit_____ Deny_____

Respectfully submitted,

ANDREW GASSER, ALGONQUIN TOWNSHIP
ROAD 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 ADMIT FACTS 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

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

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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)
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Karen Lukasik, Individually and in her)
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Anna May Miller; and Robert Miller)
Defendants/Counter-Plaintiffs,)
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Andrew Gasser,)
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Capacity as Algonquin Township Clerk,)
Defendant/Third Party Plaintiff)
v.)
Charles Lutzow, not individually, but in his)
Capacity as Algonquin Township Supervisor)
Third Party Defendant)

Case No. 17 CH 435

**Defendant Karen Lukasik's Answer to
Plaintiffs' First Request to Admit Facts**

Defendant, Karen Lukasik, by and through her attorneys, Zukowski, Rogers, Flood & McArdle, answers Plaintiffs' First Request to Admit Facts as follows:

1. You have not obtained any order authorizing the destruction of any public record.

ANSWER: Admits the allegation contained in paragraph 1.

2. There is no document contained in the records of Algonquin Township or Algonquin Township Road District that authorized the destruction of any electronic record.

ANSWER: Admits the allegation contained in paragraph 2.

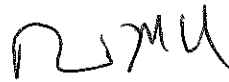
3. You do not possess any document or fact that demonstrates that Andrew Gasser has destroyed any record of either Algonquin Township or Algonquin Township Road District.

ANSWER: Admits the allegation contained in paragraph 3.

4. Andrew Gasser has not destroyed any documents of either Algonquin Township or Algonquin Township Road District.

ANSWER: Objection on the basis that the information known or readily available to Lukasik is insufficient to enable her to admit or deny the request and for all reasons set forth within the Motion for Ruling on Objection to Request to Admit served on Defendant, Karen Lukasik, by Gasser on May 29, 2019.

KAREN LUKASIK
By Zukowski, Rogers, Flood & McArdle

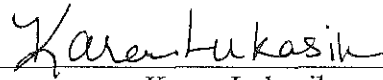
By: 

David W. McArdle

David W. McArdle, Atty. No. 06182127
dmcardle@zrfmlaw.com
Zukowski, Rogers, Flood & McArdle
Attorneys for 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 the attached pleading 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

**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)
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-----)
Karen Lukasik, Individually and in her)
Capacity as Algonquin Township Clerk,)
Defendant/Third Party Plaintiff)
v.)
Charles Lutzow,)
Third Party Defendant)

Case No. 17 CH 435

NOTICE OF DEPOSITION

TO: James P. Kelly
Matuszewich & Kelly, LLP
101 N. Virginia Street, Suite 150
Crystal Lake, IL 60014
jpkelly@mkm-law.com

YOU ARE HEREBY NOTIFIED that the undersigned will take the following deposition before a notary public or other authorized officer on the date and at the time and place set forth below:

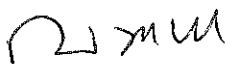
DEPONENT: Charles Lutzow
DATE AND TIME: May 24, 2019, 1:00 p.m.
PLACE: Zukowski, Rogers, Flood & McArdle
50 Virginia Street
Crystal Lake, Illinois 60014
PURPOSE: Discovery.

You are further notified that you are, by this notice, required to have present at the time, date and place stated, the said deponent for oral examination for the foregoing purpose, pursuant to the Civil Practice Act, Rules of the Supreme Court of Illinois and the Rules of the Circuit Court of McHenry County.

EXHIBIT C

KAREN LUKASIK

By Zukowski, Rogers, Flood & McArdle

By: 
One of her Attorneys

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 of Deposition of Charles Lutzow, by email transmission to:

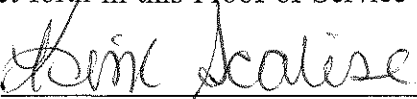
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Steven J. Brody
Steven J. Brody & Associates, Ltd.
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Crystal Lake, IL 60014
steve@sjbrodylaw.com
service@sjbrodylaw.com

on May 16, 2019; and further that the statements set forth in this Proof of Service are true and correct.


Kim Scalise

David W. McArdle, Atty. No. 06182127
dmcardle@zrfmlaw.com
Zukowski, Rogers, Flood & McArdle
Attorneys for Counter-Plaintiff Karen Lukasik
50 Virginia Street
Crystal Lake, Illinois 60014
(815) 459-2050
Fax (815) 459-9057
Z:\L\Lukasik, Karen\17CH435\Discovery\NotDepLutzow.5.24.19.docx

From: Rob Hanlon <Robert@ROBHANLONLAW.COM>
Sent: Friday, May 17, 2019 9:42 AM
To: Kim Scalise; jpkelly@mkm-law.com; 'Mary Ann Selvey'; Cheryl Jandernoa;
office@goochfirm.com; Thomas W. Gooch III; steve@sjbrodylaw.com;
service@sjbrodylaw.com
Cc: David W. McArdle; Helen A. Harkins
Subject: RE: Gasser v. Lukasik, et al.

Gentlemen, I tried to work yesterday and it was too difficult. I ask that you continue the deposition to another date at least a week later. I also see that Mr. Prossnitz was not provided notice of the deposition even though he appeared for Mr. Lutzow in this case. I have forwarded your notice of deposition to Mr. Prossnitz.

Robert T. Hanlon
131 East Calhoun
Woodstock, Illinois 60098
815-206-2200

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EXHIBIT D

From: Rob Hanlon <Robert@ROBHANLONLAW.COM>
Sent: Wednesday, May 22, 2019 10:24 AM
To: David W. McArdle; Kim Scalise; jpkelly@mkm-law.com; 'Mary Ann Selvey'; Cheryl Jandernoa; office@goochfirm.com; Thomas W. Gooch III; steve@sjbrodylaw.com; service@sjbrodylaw.com
Cc: Philip A. Prossnitz
Subject: RE: Gasser v. Lukasik, et al.

Mr. McArdle:

Would you please reschedule the deposition of Mr. Lutzow to either June 10, or 14, or 20th in the afternoon. Perhaps before you schedule things like depositions we could meet and confer to see if we can schedule something as professionals. I typically will alert you to the desire to take a deposition and absent hearing from you I will pick a date to move things along. That approach typically works much better.

I also see that you failed to include Mr. Prossnitz on the communication below. So I have copied him to keep him in the loop. I hope that he has contacted you.

Do I need to bring a motion to address your unilateral demand to proceed on the 24th? If I do not hear back from you by noon today I will take your silence and a request that I address this issue with the court.

Robert T. Hanlon
131 East Calhoun
Woodstock, Illinois 60098
815-206-2200

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EXHIBIT E

From: Philip A. Prossnitz <paprossnitz@aol.com>
Sent: Wednesday, May 22, 2019 11:31 AM
To: David W. McArdle; Robert@ROBHANLONLAW.COM; Kim Scalise; jpkelly@mkm-law.com; maselvey@mkm-law.com; Cherylj@ROBHANLONLAW.COM; office@goochfirm.com; gooch@goochfirm.com; steve@sjbrodylaw.com; service@sjbrodylaw.com
Subject: Re :Lutzow Deposition

Good Morning,

Unfortunately, I am unavailable Friday May 24, 2019 for a deposition of Chuck Lutzow.

I spoke with Jim Kelly last night who indicated he was unavailable as well and would speak by telephone with Dave McArdle this morning to get a new date. Have you gentlemen spoken?

Best regards,

Phil

PHILIP A. PROSSNITZ
Attorney-at-Law
454 West Jackson Street
Woodstock, IL 60098-3125
(815) 206-2969 (office)
(815) 337-3813 (fax)
paprossnitz@aol.com

EXHIBIT F

From: James P. Kelly <jpkelly@mkm-law.com>
Sent: Thursday, June 6, 2019 6:29 PM
To: David W. McArdle
Cc: steve@sjbrodylaw.com; gooch@goochfirm.com; Office Office;
Robert@ROBHANLONLAW.COM
Subject: Gasser v. Lukasik 17 CH 435 Lutzow Depostion

Mr. McArdle,

Mr. Lutzow has been hospitalized and will not be available for deposition on June 20. It is anticipated that he will not be available for several months. I will provide you more information as it becomes available.

James P. Kelly
Matuszewich & Kelly LLP
Crystal Lake, Illinois
Chicago, Illinois

Telephone (815) 459-3120
Facsimile (815) 459-3123

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EXHIBIT G