

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL COURT  
MCHENRY COUNTY ILLINOIS

ANDREW GASSER, ALGONQUIN  
TOWNSHIP ROAD COMMISSIONER

Plaintiff,

V.

CASE NO. 17 CH 435

KAREN LUKASIK,  
INDIVIDUALLY AND IN HER  
CAPACITY AS ALGONQUIN  
TOWNSHIP CLERK, ANNA MAY  
MILLER AND ROBERT MILLER,

Defendants,

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KAREN LUKASIK,

Cross-Plaintiff,

V.

CHARLES A. LUTZOW JR.,

Cross-Defendant,

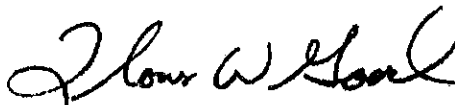
ANDREW GASSER,

Counter-Defendant

**NOTICE OF MOTION**

To: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on **August 14, 2019 at 9:00am**, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Meyer, or any Judge presiding in his stead, in Courtroom 201 of the McHenry County Courthouse, 2200 N. Seminary, Woodstock, Illinois and present to the Court the attached: *Motion To Amend Court Order Entered on August 1, 2019.*



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Thomas W. Gooch, III

### PROOF OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedures, the undersigned certifies that she served a copy of the foregoing to the attached service list via email and the Odyssey efilng system for distribution to all counsel of record on the attached service list, from Wauconda, Illinois on August 9, 2019, before 5:00 p.m.

A handwritten signature in black ink, appearing to read "Melvin Polzer", is written over a horizontal line.

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IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL COURT  
 MCHENRY COUNTY ILLINOIS

ANDREW GASSER, ALGONQUIN  
 TOWNSHIP ROAD COMMISSIONER

Plaintiff,

V.

CASE NO. 17 CH 435

KAREN LUKASIK,  
 INDIVIDUALLY AND IN HER  
 CAPACITY AS ALGONQUIN  
 TOWNSHIP CLERK, ANNA MAY  
 MILLER AND ROBERT MILLER,

Defendants,

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KAREN LUKASIK,

Cross-Plaintiff,

V.

CHARLES A. LUTZOW JR.,

Cross-Defendant,

ANDREW GASSER,

Counter-Defendant

**MOTION TO AMEND COURT ORDER ENTERED ON AUGUST 1, 2019**

NOW COMES your Defendant, ROBERT MILLER, by and through his attorney, THOMAS W. GOOCH, of THE GOOCH FIRM, and as and for his Motion as aforesaid seeking to modify the aforesaid Court Order states the following:

1. The Court Order entered on AUGUST 1, 2019 required ROBERT MILLER to propound Interrogatories and a Notice to Produce upon Plaintiff. At the time of entry of the Order, ROBERT MILLER's attorney due to the passage of time (and perhaps his advancing age) stated to the Court

that he had not propounded discovery. Upon return to his office, he discovered he had in fact propounded Interrogatories and a Notice to Produce to which so called "Responses" were made.

2. Under the circumstances, the Court Order should then be amended to remove the language allowing ROBERT MILLER to propound initial discovery.

3. The initial Interrogatories and the "purported Answers" are attached hereto as "Exhibit A" and attached hereto as "Exhibit B" is the Notice to Produce and the Response thereto.

4. On its face, the Interrogatories were virtually ignored, as was the Notice to Produce. There were several pages of general objections posed to each and every Production Request and to each and every Interrogatory question. The Court should note throughout the Answers to Interrogatories, the very clever use of specific objections to each and every Interrogatory as well as the vague and non-descriptive answers.

5. As to the Responses to the Requests for Production the Court can see throughout the Responses the allegation that thousands of pages are being bates stamped and will be furnished in due course. This statement was made almost two years ago. There still have been no bates stamped documents produced, so there has been noncompliance with the Notice to Produce and likewise, due to the type of answers to each and every interrogatory, and the general and specific objections, there has been no meaningful compliance with the Interrogatories.

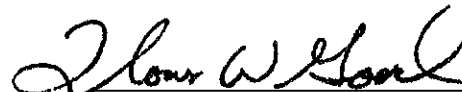
6. Under the circumstances of the Answers and their quality answered by the GASSER together with the overall handling of this case, there seems to be little purpose to be had in only a further waste of money in engaging in Rule 201(k) correspondence other than immediately before a hearing on this issue.

7. The Court should based on this Motion, further amend the AUGUST 1, 2019 Order to compel Plaintiff ANDREW GASSER to completely and properly respond to ROBERT MILLER's Requests for Production and Interrogatories filed almost two years ago.

8. The Court should take note that in more than one instance Plaintiff has suggested that any documents Defendant seeks, MILLER can obtain them from the Clerk of Algonquin Township and the Clerk of the Road District Karen Lukasik. Seemingly this indicates that Plaintiff believes Karen Lukasik is in control of all the documents he has been accusing Your Defendant ROBERT MILLER, his spouse, and the Clerk of destroying or hiding.

WHEREFORE Your Defendant prays this Honorable Court modify its AUGUST 1, 2019 Order in accordance with the allegations of this Motion.

Respectfully submitted by,  
THE GOOCH FIRM  
on behalf of Defendant,  
ROBERT MILLER

  
Thomas W. Gooch

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

ANDREW GASSER, ALGONQUIN  
TOWNSHIP HIGHWAY COMMISSIONER,  
Plaintiff,

v.

KAREN LUKASIK, INDIVIDUALLY  
AND IN HER CAPACITY AS  
ALGONQUIN TOWNSHIP CLERK,  
MILLER,  
Defendants.

-----  
KAREN LUKASIK,  
Cross-Plaintiff,

v.

CHARLES A. LUTZOW JR.,  
Cross-Defendant.

ANDREW GASSER,  
Counter-Defendant.

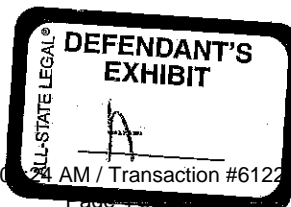
Case No. 17 CH 000435

**ANSWERS TO DEFENDANT ROBERT MILLER'S FIRST SET OF  
INTERROGATORIES TO PLAINTIFF ANDREW GASSER, ALGONQUIN TOWNSHIP  
HIGHWAY COMMISSIONER**

NOW COMES Plaintiff/Counter-Defendant, ANDREW GASSER, ALGONQUIN  
TOWNSHIP HIGHWAY COMMISSIONER, by that through his attorneys, LAW OFFICES OF  
ROBERT T. HANLON & ASSOCIATES, P.C., and for his Answers to Defendant Robert  
Miller's First Set of Interrogatories to Plaintiff Andrew Gasser, Algonquin Township Highway  
Commissioner, herein states as follows:

**I.  
DEFINITIONS AND INSTRUCTIONS PROVIDED BY MILLER**

The following Definitions and Instructions are to be considered applicable with respect to  
each interrogatory contained herein:



A. Each interrogatory shall be answered separately and fully. You must set forth in full each interrogatory being answered immediately preceding the answer. Where an interrogatory calls for an answer in more than one part, separate the parties in your answer accordingly so that each part is clearly set out and understandable.

B. In answering these interrogatories, include all information available to you, your representatives, employees, agents, attorneys, and consultants without regard to the admissibility of such information in evidence.

C. If you have only incomplete knowledge of the answer to an interrogatory, 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.

D. 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 not 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.

E. When the answer to an interrogatory may be obtained from documents in your possession or control, it shall be a sufficient answer to the interrogatory to produce those documents responsive to the interrogatory. If you elect to answer an interrogatory by the production of documents, that production shall comply with the requirements of Illinois Supreme Court Rule 214, and you must identify the documents which are responsive to the interrogatory.

F. 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.

G. The word "identify" when used in connection with a verbal communication means to state the following:

- a. the date of that communication;
- b. the identity of the persons who were parties to that communication;
- c. the identity of the persons who were witnesses (other than the parties) to that communication;
- d. whether that communication was face-to-face and/or over the telephone, and if face-to-face, describe the location of that communication; and
- e. the identity of any documents which pertain to that communication.

H. The word "identify" when used in reference to a natural person (i.e., a human being), means to state:

- a. the person's full name;
- b. present (or last known) address;
- c. present (or last known) occupation or position; and
- d. name of present (or last known) employer.

I. The word "identify" when used in reference to a business or entity means to state:

- a. its full name;
- b. its present (or last known) address; and
- c. its present (or last known) telephone number.

J. The word "identify" when used in reference to a document, means to state:

- a. its date;
- b. its subject and its substance;
- c. its author;
- d. its recipients;
- e. the type of document (e.g., letter, memorandum, telegram, chart, computer input or print-out, photograph, sound reproduction, etc.); and
- f. 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:
  - (1) is missing or lost;
  - (2) has been destroyed;
  - (3) has been transferred, voluntarily or involuntarily, to others; or
  - (4) otherwise disposed of; and in each instance, explain the circumstances surrounding the authorization for disposition thereof and state the date or approximate date thereof.

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

L. The term "communication" means any transmission of words, thoughts or information between or among two or more persons, and includes, but is not limited to, spoken words, conversations, conferences, discussions, talks and reports, whether transmitted in person or by any electronic device such as telephone, radio, or electronic mail services and documents as defined above.

M. The conjunctions "and," or," and "and/or" shall be interpreted conjunctively and shall not be interpreted disjunctively to exclude any information otherwise within the scope of any request. Similarly, the singular shall include the plural, and the plural shall include the

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

N. The term "Plaintiff" means ANDREW GASSER, ALGONQUIN TOWNSHIP ROAD COMMISSIONER, ("GASSER") and any attorney, employee or other agent of Plaintiff.

O. The term "Defendants" means KAREN LUKASIK, INDIVIDUALLY AND IN HER CAPACITY AS ALGONQUIN TOWNSHIP CLERK, ANNA MAY MILLER AND ROBERT MILLER, CHARLES A. LUTZOW JR., ("LUKASIK," "A. MILLER," "R. MILLER," "LUTZOW")

P. If you withhold information or documents from disclosure on a claim that they are privileged pursuant to a common law or statutory privilege, any such claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced or disclosed and the exact privilege which is being claimed, the facts relied upon in support of the claim of privilege including the date of the communication, its subject matter, the parties to the communication, the creator of the document, the recipient of the document; and identify all persons having knowledge of any facts relating to the claim of privilege.

#### GENERAL OBJECTIONS

1. Defendant objects to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant to the extent that any request therein seeks to impose obligations on Defendant beyond those imposed by the Federal Rules of Civil Procedure or any Rule of Evidence or any Federal Rule related to discovery.

2. Defendant objects to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant to the extent that it, and/or the definitions or instructions related thereto, purport to impose any obligation in excess of the requirements set forth in any statute, rule, or order applicable to this proceeding.

3. Defendant objects to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant as unduly burdensome to the extent that it is vague, ambiguous, or overly broad and imposes an undue burden on Defendant.

4. Defendants object to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant to the extent that it seeks information protected from disclosure by any applicable privilege, immunity, or privacy right, including but not limited to the marital privilege, the attorney-client privilege, and/or the attorney work product doctrine. Nothing contained in these answers is intended to be, nor should be construed as, a waiver of any such privilege or immunity.

5. Defendant objects to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant to the extent that it seeks information that is: (a) not in Defendant's possession, custody, or control; (b) in Plaintiffs' possession; (c) publicly available or otherwise equally available to Defendant and Plaintiff; or (d) more appropriately obtained from sources other than Defendant or by other means of discovery.

6. Defendant objects to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant to the extent that it seeks information outside the scope of the claims and defenses asserted in this action.

7. Defendant objects to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant to the extent that any of the specific requests assume facts that are or may be inaccurate.

8. Defendant objects to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence. By responding to this Request for Admissions, Interrogatories or Request to Produce directed to Defendant, Defendant does not waive, but rather expressly reserves, all of its reservations and objections, both general and specific, as set forth in these responses, even

though Defendant may provide information or admissions over the reservations and objections contained herein.

9. Defendant objects to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant to the extent that it seeks proprietary, confidential information belonging to Defendant. Such information, if non-privileged and responsive, will be produced upon execution by the parties of an appropriate protective order.

10. Defendant's investigation with respect to this case is ongoing. Defendant, therefore, reserves its right to modify, amend, or supplement any of the following responses in light of information developed or learned at a later date.

11. To the extent that the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant create a cumulative burden on Defendant, it objects to producing large quantities of documents or reviewing large quantities of documents.

12. Defendant objects to the extent that the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant call for speculation.

13. Defendant objects to the extent that the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant call for admissions of hearsay statements of others.

14. Each of the foregoing General Objections is incorporated into each of the following specific answers, responses and objections.

#### **SPECIFIC ANSWERS AND OBJECTIONS TO INTERROGATORIES**

1. Identify the person answering these interrogatories and identify any other person, other than your attorney having an attorney client relationship, who assisted in the preparation of these answers in any way.

**ANSWER:** Andrew Gasser, Algonquin Township Highway Commissioner.

2. Identify any persons seen removing any books, documents or records of any kind, belonging to Algonquin Township and/or the Algonquin Township Highway Department (Road District) from the Township premises at any time during 2017.

**ANSWER:** In addition to the general objections which are incorporated herein Andrew Gasser objects on the basis that the interrogatory assumes that Andrew Gasser would have personal knowledge of what some other person may have seen and therefore the interrogatory is overly broad and unduly burdensome. Without waiving said objections, Andrew Gasser answers that he initiated this action to prevent the destruction or removal of records. In attempts to locate any documents related to Local 150 IUOE Andrew Gasser was not able to locate any such record kept in the ordinary course of business despite the claim of Local 150 IUOE that it entered into a Collective Bargaining Agreement with the Algonquin Township Road District which is the subject of other litigation. Andrew Gasser answers further that he did not see any documents removed from Algonquin Township premises located at 3702 US Rt. 14, Crystal Lake, Illinois 60014. Robert Miller is believed to have removed books and records of the Highway Department and Road District because the records that ought to have been kept in the ordinary course of business were not available to Andrew Gasser. Examples of such missing records are included herein in the responses to these interrogatories.

3. Have you learned that Charles "Chuck" Lutzow and/or Ryan Provenzano placed books, records or documents of any kind into a dumpster located on the premises of Algonquin township at any time following May 12, 2017?

**ANSWER:** In addition to the general objections which are incorporated herein Andrew Gasser objects on the basis that the interrogatory specifically calls for hearsay statements and such an answer would require speculation on the part of Andrew Gasser. Without waiving the objections answers that he has no knowledge of Ryan Provenzano or Charles Lutzow placing any books, records, or documents into any dumpster.

4. Did you or anyone acting in your stead mail the claimed "anonymous package" to Algonquin Township and/or the Algonquin Township Highway Department (Road District)?

**ANSWER:** In addition to the general objections which are incorporated herein Andrew Gasser objects on the basis that the interrogatory references an "anonymous package" and fails to define such a term. Without waiving said objection, states that if the reference was to the "anonymous package" referenced in the complaint and amended complaint that he has no knowledge as to the identity of the person who mailed the anonymous package.

5. Do you have any information as to the identity of the person or persons mailing the claimed "anonymous package" to Algonquin Township and/or the Algonquin Township Highway Department (Road District)?

**ANSWER:** In addition to the general objections which are incorporated herein Andrew Gasser objects on the basis that the interrogatory references an "anonymous package" and fails to define such a term. Without waiving said objection, states that if the reference was to the "anonymous package" referenced in the complaint and amended complaint that he has no knowledge or information as to the identity of the person who mailed the anonymous package. It is for the reasons set forth in the response to this interrogatory and the prior interrogatory that it was referenced in the complaint as an "anonymous package".

6. Do you have any information, correspondence, or documents in your possession or under your control which indicates or tends to indicate that the credit card bills and airline tickets complained of in your First Amended Complaint were not approved at a regularly scheduled or specially scheduled Algonquin Township Board of Trustees meeting?

**ANSWER:** In addition to the general objections which are incorporated herein Andrew Gasser objects on the basis that the interrogatory solicits a legal conclusion. Without waiving the objection, defendant, Karen Lukasik, is in possession of the records of Algonquin Township and therefore is in possession of any documentary evidence related to such actions taken by the Algonquin Township Board and Since Andrew Gasser was not present for any such approvals was not present and lacks personal knowledge as to any such approval. Andrew Gasser states that any such approval of the Algonquin Township Board to approve an expense that was not for a public purpose would contravene the Illinois Constitution and no such approval would be lawful or make any such purchase lawful.

7. If your answer to the above interrogatory was "yes" please describe the information, correspondence, or documents you have.

**ANSWER:** In addition to the general objections which are incorporated herein Andrew Gasser objects on the basis that the interrogatory is vague and ambiguous. Notwithstanding the objections and without waiving said objections, Andrew Gasser answers that his prior answer was not "yes" and therefore no further answer is required.

8. Prior to filing the initial Complaint in this cause of action, did you conduct an investigation or search the records of Algonquin Township to ascertain whether the credit card bills and airline tickets complained of in your Complaint or First Amended Complaint were approved by the Algonquin Township Board of Trustees following receipt of the bill?

**ANSWER:** In addition to the general objections which are incorporated herein Andrew Gasser objects on the basis that the interrogatory seeks information governed by the Attorney Work Product doctrine.

9. If your answer above to the above interrogatory was "yes" please describe the investigation review or search you conducted.

**ANSWER:** In addition to the general objections which are incorporated herein Andrew Gasser objects on the basis that the interrogatory is vague and ambiguous. Notwithstanding the objections and without waiving said objections, Andrew Gasser answers that his prior answer was not "yes" and therefore no further answer is required.

10. Did you at any time ask a former or current member of the Algonquin Township Board of Trustees if the credit card bills and airline tickets were approved for payment by the Algonquin Township Board of Trustees?

**ANSWER:** In addition to the general objections which are incorporated herein Andrew Gasser objects on the basis that the interrogatory seeks irrelevant hearsay statements and is vague and ambiguous. Plaintiff further objects on the basis that there is no reasonable time frame included in the posited interrogatory and is therefore overly broad because it encompasses Andrew Gasser's entire lifetime.

11. Identify any person who was or is an employee, officer, or agent in any capacity of Algonquin Township or Algonquin Township Highway Department (Road District) who you discussed the use of credit cards with at any time following January 1, 2017.

**ANSWER:** In addition to the general objections which are incorporated herein Andrew Gasser objects on the basis that the interrogatory seeks hearsay statements and is vague and ambiguous and seeks privileged information as to whom Andrew Gasser discussed this information including "agents" of the various Algonquin Township entities. Without waiving the objections states that he has discussed the use of credit cards with his attorneys. The use of credit cards by public officials is addressed in People v Howard, 888 N.E. 2d 85 (2008) should Robert Miller wish to refer to authority on the improper use of credit cards.

12. Identify any person purchasing a gift card with the funds of Algonquin Township and/or Algonquin Township Highway Department (Road District) and state the date of the purchase, the location of the purchase, and what the specified gift card was used for and by whom.

**ANSWER:** In addition to the general objections which are incorporated herein Andrew Gasser objects on the basis that the interrogatory seeks information solely in the purview of Robert Miller who has sought to ascertain not a fact but the extent of Andrew Gasser's knowledge of Robert Miller's illicit activities. At present Andrew Gasser believes that Robert Miller purchased and received the gift cards at the time the credit card was used as



there is no record maintained in the ordinary course of business in any Algonquin Township record to show that anyone other than the cardholder, Robert Miller, was the user of the card billed to Algonquin Township Highway Department. Such use even if later approved by the Board of Trustees is criminal. See People v Howard, 888 N.E. 2d 85 (2008). No local unit of government has the power to override the provisions of the Illinois Constitution.

13. Identify any person from who you have taken an oral or written statement which relates in any way to any allegations of the Complaint or the First Amended Complaint filed by you in this matter.

**ANSWER:** In addition to the general objections which are incorporated herein Andrew Gasser objects on the basis that the interrogatory seeks information governed by the Attorney Work Product Rule and is vague and ambiguous and not limited in any relevant time frame. To the extent that the interrogatory does not seek Attorney Work Product Andrew Gasser states that he has not taken any oral or written statement from any person. Notwithstanding this statement investigation continues into the facts associated with the First Amended Complaint.

14. Do you own any real estate, or own an interest in any real estate, in any county other than McHenry County which is used as a residence by you or any relative of yours?

**ANSWER:** In addition to the general objections which are incorporated herein Andrew Gasser objects on the basis that the interrogatory seeks information that is not relevant to the cause of action claims or defenses asserted in this case.

15. If the answer to the above interrogatory is "yes" identify the real estate by setting forth its common address, legal description, other owners and interest besides you, and the use of the aforesaid real estate.

**ANSWER:** In addition to the general objections which are incorporated herein Andrew Gasser objects on the basis that the interrogatory is vague and ambiguous. Notwithstanding and without waiving said objections, Andrew Gasser answers that his prior answer was not "yes" and therefore no further answer is required.

16. Describe in detail the investigation you undertook to discover all relevant facts prior to filing the initial Complaint in this cause of action.

**ANSWER:** In addition to the general objections which are incorporated herein Andrew Gasser objects on the basis that the interrogatory seeks information governed by Attorney Work Product Doctrine. Without waiving said objections, Andrew Gasser conducted a review of documents and material left in the Office of The Highway Commissioner in the Algonquin Township Offices. Clearly missing were the electronic communications used by Robert Miller on both Bobmiller@mc.net and CommissionerBob@hotmail.com. Moreover, no documents existed at that time Andrew Gasser took office to demonstrate that Robert

**Miller even signed a Purported Collective Bargaining agreement with Local 150 I.U.O.E.  
Investigation continues**

17. Identify any person or entity having knowledge of the facts alleged in the Complaint or the First Amended Complaint filed by you in this cause of action.

**ANSWER:** In addition to the general objections which are incorporated herein Andrew Gasser objects on the basis that the interrogatory seeks information governed by the Attorney Work Product and is overly broad in that it, as written, seeks to identify what may be every citizen of Algonquin Township and McHenry County or even potentially the world. Without waiving said objection states that the following persons are believed to have personal knowledge of the facts alleged in the complaint and Amended Complaint and the area of their testimony is set forth herein:

- A) Robert Miller is believed to have intimate knowledge of the claims and defenses in this case as well as to his numerous unlawful actions including but not limited to withholding records related to the functions of the Algonquin Township Highway Commissioner, unlawful dissipation of government property, unlawful bid rigging, unlawful use of credit cards of Algonquin Township Road district as well as unlawful falsification of government records. In particular, Robert Miller secreted the unlawful delivery of at least two truckloads of salt paid for by Algonquin Township Road District to David Diamond of the Illinois Railway Museum (IRM). The salt transferred to David Diamond of the Illinois Railway Museum (IRM) was an asset to be used by the Road District for use on the Roads of Algonquin Township and not to be given away to private organizations and or people to further Robert Miller's political relations; Robert Miller is also believed to have knowledge of the misappropriation of government funds to purchase items without a public purpose and to consume such items. Examples of various misappropriations are attached to the Amended Complaint in this case. Each and every allegation of the Amended Complaint sets forth unlawful schemes and artifices of Robert Miller and others having been employed at Algonquin Township. Robert Miller is also believed to have information pertaining to his unlawful wiretap of Andrew Gasser's voice mail in which prior to leaving office, Robert Miller arranged for the voice mail associated with the telephone line in what is now Andrew Gassers' office to be forwarded to [bobmiller@MC.net](mailto:bobmiller@MC.net). That after Andrew Gasser was sworn in, Robert Miller continued to access the [bobmiller@mc.net](mailto:bobmiller@mc.net) account as recently known to Andrew Gasser to have been at or around 10/10/2017 at 12:42 pm or thereabouts to obtain intercepted voicemails directed to Andrew Gasser. Robert Miller withheld documents and records pertaining to his obtaining that service at the Algonquin Township and his continued access to such voicemails intended to be for the sole and exclusive use of Andrew Gasser. Robert Miller is further believed to have knowledge of unlawful use of I-pass accounts in which Robert Miller associated his personal vehicle with the I-pass account billed to Algonquin Township. Robert Miller is also believed to have accessed the Illinois Tollway Authority's I-pass computer system via an internet connection and made changes to the Algonquin Township Road District account on or about October 29, 2017. Robert Miller is further believed to have knowledge of the

inaccurate accounting of assets of Algonquin Township Highway Department and the Algonquin Township Road District wherein he failed to account for assets of the Road District. Robert Miller is believed to have knowledge of the whereabouts of levenger bags not included on the inventory tendered by Robert Miller when leaving office. Robert Miller is believed to have concealed records associated with his use of Township equipment to dredge the private lakes in Trout Valley subdivision without a fee for the purpose of creating political favor for himself, Robert Miller is believed to have knowledge of the installation of electronics in the residence of Robert Miller at the expense of Algonquin Township Road District. Robert Miller is believed to have knowledge of the gifting of cellular telephones to employees or former employees of the Algonquin Township Highway Department or the Algonquin Township Road District. Robert Miller is further believed to have personal knowledge of the identify of any person that he purportedly gave gift cards to that had been paid for Algonquin Township Road District. Robert Miller is further believed to have knowledge of the expenses associated with numerous commercial printers not shown on the inventory of Algonquin Township Highway Department or the Algonquin Township Road District. Robert Miller is further believed to have knowledge related to the purchases of Disneyland tickets for his personal use and Anna May Miller's personal use. Robert Miller is further believed to have knowledge of his expending government funds for the personal benefit of his daughter and her children.

Investigation continues.

- B) Anna May Miller is believed to have intimate knowledge of the claims and defenses in this case as well as numerous unlawful actions in conspiracy with Robert Miller including but not limited to dissipation of government property, unlawful bid rigging, secretion of government accounts and records, wire tapping of Algonquin Township telephone lines as well as all items referenced with respect to Robert Miller above. Anna May is believed to have knowledge of the unlawful delivery of truckloads of salt paid for by Algonquin Township Road District to the Illinois Railway Museum, that said salt was an asset to be used on the Roads of Algonquin Township and not to be given away to organizations outside of Algonquin Township to further Robert Miller's political relationships; Anna May Miller is also believed to have knowledge of the misappropriation of government funds to purchase items without a public purpose and to consume such items and to deliver such items to her children and grand children.

Investigation continues.

- C) Mallory Rosencrantz (daughter of Robert and Anna May Miller) is believed to have knowledge of receiving benefits from Algonquin Township Road District without a lawful purpose.

Investigation continues.

- D) Rebecca Lee is believed to have knowledge of her receiving benefits from Algonquin Township Road District without a lawful purpose. Mrs. Lee is also likely to have knowledge of illegal use of Township property for her own personal benefit, she likely has electronic devices or evidence of material obtained at the expense of Algonquin Township including but not limited to clothing, computers, tablets, and cellular devices. In particular Rebecca Lee is believed to have knowledge of the Verizon services associated with Verizon cellular number 224-407-7158.

Investigation continues.

- E) Melissa Victor is likely to have information related to the claims and defenses set forth in the complaint as well as the inappropriate uses of Algonquin Township assets;

Investigation continues.

- F) Andrew Gasser –may be contacted via counsel of record and may have information as to all aspects of the claims and defenses in this case. Andrew Gassers knowledge is not personal knowledge in that many of the facts available to Andrew Gasser arise from records obtained in this case and pursuant to subpoena;

Investigation continues.

- G) Karen Lukasik will likely to have testimony relevant to the allegations of the complaint the maintenance of records and is represented by counsel in this case,  
Investigation continues.

- H) David Diamond, Illinois Railway Museum (ILRM) Supervisor of Grounds and also the Riley Township Highway Department you may contact Mr. Diamond at the Illinois Railway Museum 815-923-4391 ext 431, 7000 South Olson Road, Union Illinois 60180. David Diamond is anticipated to be able to testify that the ILRM received two Truckloads of Salt from Algonquin Township which it had not paid for and received from Algonquin Township under the direction of Robert Miller.  
Investigation continues.

- I) The I.T. Connection 444 North Rt II 31 Crystal Lake IL; Keith Seda of the I.T. Connection, Inc., 815-526-3600 he is anticipated to have knowledge of the use of township funds to install computer equipment in the residence of Robert Miller at the expense of Algonquin Township Road District or the Algonquin Township Highway Department. Mr. Seda may also have additional information on the billing of expenses to Algonquin Township Road District or the Highway Department for the repairs to the computers of Robert Miller's granddaughter.

Investigation continues.

- J) The owner of McHenryCom Company and any employee keeping records of the domain Mc.Net. Contact information was on the Subpoena previously served upon you. The scope of the potential testimony will be to verify and authenticate the e-mails of Robert Miller under the e-mail address of Bobmiller@mc.net.

Investigation continues.

- K) All employees of Wav-Tek in Crystal Lake, Illinois 815-206-1054, including but not limited to Paul Graiepy, and Erich Kraemer. They will be able to testify as to the computer images copied and the content thereof dated made and findings on the computers themselves.

Investigation continues.

- L) All current and former employees of Algonquin Township;

Investigation continues.

- M) All current and former elected officials associated with Algonquin Township;

Investigation continues.

- N) All current and former Employees of the Algonquin Township Highway Department;

Investigation continues.

- O) Richard Bakken of Standard Equipment; He is believed to have knowledge of a scheme and artifice to Rig Bids in connection with a Street Sweeper sold to Algonquin Township Road District. The actions of rigging the bidding process to in essence avoid the purpose of the requirement for soliciting bids is reflected in e-mail correspondence between Robert Miller and Richard Bakken.

Investigation continues.

- P) Andy Chmiel of Standard Equipment; he is believed to have knowledge of a scheme and artifice to rig bids in connection with a street sweeper sold to Algonquin Township Road District in 2017.

Investigation continues.

- Q) Siruis Technologies, Inc. located at 728 Northwest Highway #102 Fox River Grove, Illinois 60021.

Investigation continues.

Andrew Gasser believes that Robert Miller has knowledge of the contact information for each person identified herein. Attached hereto is the contact information of each non-party identified above.

18. Identify every individual specific book, record, or document which was the property of Algonquin Township or Algonquin Township Highway Department (Road District) which you maintain was destroyed or taken by Robert Miller.


**ANSWER:** At present, Andrew Gasser believes Robert Miller failed to turn over all of the e-mails from BobMiller@MC.net and CommissionerBob@hotmail.com used in his official capacity. Documents that support the use of the gift cards referenced in the complaint, documents related to the installation of electronics in the residence of Robert Miller at the expense of Algonquin Township Road District or Algonquin Township Highway Department, Documents evidencing any gifting of cellular telephones to employees or former employees of the Algonquin Township Highway Department or the Algonquin Township Road District. Documents reflecting on the acquisition of telephones at the expense of the Algonquin township Road District or the Algonquin Township Highway Department. Mr. Miller failed to turn over records associated with his use of government monies for personal expenses. Robert Miller failed to turn over all of the assets the Road District and of the Township to him upon leaving office. Miller failed to account for the assets of the Algonquin Township Road District. Andrew Gasser further believes the inventory tendered by Robert Miller fails to include assets purchased by Algonquin Township Road District and the Algonquin Township Highway Department, Andrew Gasser further believes that Robert Miller secreted records reflecting upon Robert Miller's attempts to rig bids in connection with various asset purchase that required public bidding including but not limited to documents associated with the bidding associated with the acquisition of a street-sweeper in 2017 from Standard Equipment. Further, missing from the Algonquin Township Records and the Records of the Algonquin Township Road District and the Records of the Algonquin Township Highway Department were records of the consumption of salt and the donations of salt belonging to the People of Algonquin Township that was delivered to the Illinois Railway Museum and potentially others. Answering further, delivery to the Illinois Railway Museum was a criminal act for which defendant Robert Miller knowingly dissipated the assets of the Algonquin Township road District as evidenced by e-mail correspondence from David Diamond, building and grounds supervisor at the Illinois Railway Museum/Highway Commissioner for Riley Township.

Andrew Gasser cannot within the scope of the interrogatory provide a complete answer because investigation continues. As referenced in Defendant, Robert Miller's discovery Requests for documents associated with clothing allowances when no such clothing allowance document exist that would afford the purchase of the clothing described in the complaint. Moreover, The Algonquin Township Road District Policies and Procedures handbook dated June 20, 2012 contains no such clothing Allowance. One document

contained in the books and records of the Road district entitled Clothing Allowance Information does not support the existence of a clothing allowance.

No documents are known to exist in connection with the bargaining by and between Robert Miller and the Algonquin Township Road District as alleged by Local 150 culminated in a purported collective bargaining agreement. There are no records of any communications between Robert Miller and any person associated with Local 150 to solidify the purported agreement.

ANDREW GASSER, Plaintiff/Counter-Defendant

By:   
Robert T. Hanlon, One of Plaintiff's 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  
(815) 206-6184 (FAX)

**VERIFICATION**

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned, ANDREW GASSER, certifies that the statements set forth in the foregoing instrument are true and correct, except as to matters therein stated to be on information and belief and, as to such matters, the undersigned certifies as aforesaid that I verily believe the same to be true. I further state that the statements made in the foregoing as to want of knowledge sufficient to form a belief are true.

Dated: October 30, 2017.

A handwritten signature in black ink, appearing to read 'Andrew Gasser', is written over a horizontal line.

Andrew Gasser, Plaintiff



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

ANDREW GASSER, ALGONQUIN  
TOWNSHIP ROAD COMMISSIONER,  
Plaintiff,

v.

KAREN LUKASIK, INDIVIDUALLY  
AND IN HER CAPACITY AS  
ALGONQUIN TOWNSHIP CLERK,  
ANNA MAY MILLER, AND ROBERT  
MILLER,  
Defendants.

Case No. 17 CH 000435

KAREN LUKASIK,  
Cross-Plaintiff,

v.

CHARLES A. LUTZOW JR.,  
Cross-Defendant.

ANDREW GASSER,  
Counter-Defendant.

**RESPONSE TO ROBERT MILLER'S PRODUCTION REQUEST**

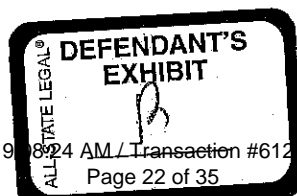
NOW COMES Plaintiff/Counter-Defendant, ANDREW GASSER, ALGONQUIN  
TOWNSHIP ROAD COMMISSIONER, by that through his attorneys, LAW OFFICES OF  
ROBERT T. HANLON & ASSOCIATES, P.C., with his response to Defendant Bob Miller's  
Request to Produce directed to Plaintiff Andrew Gasser, Algonquin Township Road  
Commissioner, herein states as follows:

**I.**

**DEFINITIONS AND INSTRUCTIONS PROVIDED**

The following Definitions and Instructions are to be considered applicable with respect to  
each request contained herein:

1. **ALGONQUIN TOWNSHIP** means the public entity of ALGONQUIN



**TOWNSHIP** and its agents, assigns, representatives, attorneys, or employees. **ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT (ROAD DISTRICT)** means the public entity of **ALGONQUIN TOWNSHIP'S DEPARTMENT OF HIGHWAYS AND ROADS a/k/a ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT OR ALGONQUIN TOWNSHIP ROAD DISTRICT**, and its agents assigns, representatives, attorneys or employees.

2. "Consultant[ s]" means and refers to persons, whether retained as experts or as non-experts, contacted by you or on your behalf to provide information, opinions, and/or review of materials or tangible things relating or referring to the positions or potential positions taken by you in the litigation.

3. "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;

4. "Communication" or "correspondence" refers to any verbal, written, electronic or other transmittal of words, thoughts, ideas or images between or among persons or groups of persons, whether in person, by letter, by telephone or by any other means.

5. This request calls for the production of documents in the possession, control or custody of the Plaintiff or their agents, attorneys or other persons acting on their behalf.

6. Plaintiff shall produce the original copy of each document requested herein, as well as any drafts, revisions, or copies of the same which bear any mark or notation not present on the original, or which otherwise differ from the original.

7. If Plaintiff believes that any given document is responsive to more than one paragraph or subparagraph of this request, they shall produce such document only once in response to the first such request.

8. The Term "Plaintiff" means ANDREW GASSER ("GASSER"), and any attorney, employee or other agent of Plaintiff.

9. The term "Defendants" means KAREN LUKASIK, INDIVIDUALLY AND IN HER CAPACITY AS ALGONQUIN TOWNSHIP CLERK, ANNA MAY MILLER AND ROBERT MILLER, CHARLES A. LUTZOW JR., ("LUKASIK," "A. MILLER," "R. MILLER," "LUTZOW") and any attorney, employee or other agent of Defendants.

10. The term "pertaining to" shall mean referring to, reflecting, or to be related in any matter logically, factually, directly or indirectly to the matter.

11. The conjunctions "and," "or," and "and/or," shall be interpreted conjunctively and shall not be interpreted disjunctively to exclude any information otherwise within the scope of any request. Similarly, the singular shall include the plural, and the plural shall include the singular. Masculine, feminine, and neuter pronouns or descriptions shall not exclude and shall include all other genders.

12. "Identify" and "describe" means and refer to:

- a. Provide a detail of all facts and circumstances supporting your contentions, and/or the act, occurrence, statement, communication and/or conduct which is the subject of the interrogatory and provide the date of such act, occurrence, statement or communication, the persons present, persons involved, persons who witnessed and/or persons who have knowledge of such facts, circumstances, acts, occurrences, statements, and/or communications;
- b. Provide the name, address and telephone number of all persons having knowledge of such facts and circumstances and/or of all persons present, involved and/or who witnessed the same;

- c. Provide the title of any responsive documents relating to the subject of the interrogatory, the person who created such documents, the persons who were the recipients of such documents, the date such documents were created and the present location of the documents; and
- d. Provide the name, address, and telephone number of any company which is the subject of the interrogatory.

13. "Matter" refers to this suit or any suit or any underlying work performed or done or issues pertaining to or regarding ANDREW GASSER, ALGONQUIN TOWNSHIP ROAD COMMISSIONER v. KAREN LUKASIK, INDIVIDUALLY AND IN HER CAPACITY AS ALGONQUIN TOWNSHIP CLERK, ANNA MAY MILLER AND ROBERT MILLER, CHARLES A. LUTZOW JR., commonly known as McHenry County Case Number 17 CH 435.

14. "Objects" and "tangible things" means and refers to material items or assets capable of being perceived or capable of being appraised at an actual or approximate value.

15. "Person" or "person[s]" means and refer to any natural person, partnership, corporation, joint venture, business organization whether public or private, and/or other entity and including its officers, directors, partners, joint venturers, employees, consultants, representatives, and agents.

16. "Refer[ing]" or "relate[ing] to" means to be legally, factually and/or logically connected to.

17. "Task" means and refers to each discrete duty, assignment or job performed by you and/or any of your employees.

18. "You," "your," and "yours" means and refers to, **ANDREW GASSER, ALGONQUIN TOWNSHIP ROAD COMMISSIONER**, your agents, assigns and/or employees, whether acting in this name or any alias names or surnames used by you, and/or including your agents, representatives, attorneys, accountants, employees, and/or anyone acting at your direction and/or on your behalf or at your request.

19. "Your counsel" means and refers to your attorneys representing you in this case, and/or your counsel's agents, representatives and/or anyone acting at their direction or their request on your behalf.

20. Whenever used herein, the singular shall include the plural and vice versa.

21. Whenever used herein, "and" may be understood to mean "or" and vice versa whenever such construction results in a broader request for information.

22. To the extent any paragraph is objected to, please set forth all reasons for your objection, specifically identifying the legal basis for any objection based upon a claim of work product or any common law or statutory privilege as required by Supreme Court Rule 201 (n).

In doing so, all objections or answers which fail or refuse to fully respond on the ground of any claim of privilege of any kind whatsoever shall:

- a) state the nature of the privilege;
- b) state the facts relied upon in support of the claim of privilege;
- c) identify all persons having knowledge of any facts relating to the claim of privilege; and
- d) identify all persons who have possession of the documents claimed to be privileged.

23. Duplicitous Request: It is not the intention of this production request to duplicate responses. If any request duplicates another request, only one response is required. Reference may be made to the previous response.

24. The responsive party shall provide an affidavit indicating whether such request is complete in accordance with the request, as provided in Supreme Court Rule 214.

## II.

### GENERAL OBJECTIONS

1. Defendant objects to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant to the extent that any request therein seeks to impose obligations on Defendant beyond those imposed by the Federal Rules of Civil Procedure or any Rule of Evidence or any Federal Rule related to discovery.

2. Defendant objects to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant to the extent that it, and/or the definitions or instructions related thereto, purport to impose any obligation in excess of the requirements set forth in any statute, rule, or order applicable to this proceeding.

3. Defendant objects to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant as unduly burdensome to the extent that it is vague, ambiguous, or overly broad and imposes an undue burden on Defendant.

4. Defendants object to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant to the extent that it seeks information protected from disclosure by any applicable privilege, immunity, or privacy right, including but not limited to the marital privilege, the attorney-client privilege, and/or the attorney work product doctrine. Nothing contained in these answers is intended to be, nor should be construed as, a waiver of any such privilege or immunity.

5. Defendant objects to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant to the extent that it seeks information that is: (a) not in Defendant's possession, custody, or control; (b) in Plaintiffs' possession; (c) publicly available or otherwise equally available to Defendant and Plaintiff; or (d) more appropriately obtained from sources other than Defendant or by other means of discovery.

6. Defendant objects to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant to the extent that it seeks information outside the scope of the claims and defenses asserted in this action.

7. Defendant objects to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant to the extent that any of the specific requests assume facts that are or may be inaccurate.

8. Defendant objects to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence. By responding to this Request for Admissions, Interrogatories or Request to Produce directed to Defendant, Defendant does not waive, but rather expressly reserves, all of its reservations and objections, both general and specific, as set forth in these responses, even

though Defendant may provide information or admissions over the reservations and objections contained herein.

9. Defendant objects to the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant to the extent that it seeks proprietary, confidential information belonging to Defendant. Such information, if non-privileged and responsive, will be produced upon execution by the parties of an appropriate protective order.

10. Defendant's investigation with respect to this case is ongoing. Defendant, therefore, reserves its right to modify, amend, or supplement any of the following responses in light of information developed or learned at a later date.

11. To the extent that the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant create a cumulative burden on Defendant, it objects to producing large quantities of documents or reviewing large quantities of documents.

12. Defendant objects to the extent that the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant call for speculation.

13. Defendant objects to the extent that the Requests for Admissions, Interrogatories or Request to Produce directed to Defendant call for admissions of hearsay statements of others.

14. Each of the foregoing General Objections is incorporated into each of the following specific answers, responses and objections.

## **RESPONSES TO REQUEST FOR PRODUCTION**

1. Produce all bit by bit mirror images of all hard drives and the computer network of Algonquin Township or Algonquin Township Highway Department (Road District), as alleged in Paragraph 7 of the Amended Complaint.

**RESPONSE:** In addition to the General objections which are incorporated herein by reference, Plaintiff objects on the basis that the request is overly broad and unduly burdensome. Plaintiff has secured copies for your inspection and review at the Offices of Wav-Tek in Crystal Lake, Illinois. Because of the cost of making additional copies we will make the existing copy available to you for your review at a time that can be scheduled. Should you wish to have your own copy, you may inquire of Wav-Tek as to the cost of making such a copy and pay them the fee accordingly. Wav-Tek will accordingly provide you a copy.

2. All documents in your possession or under your control which relate in any way to, and including describing, the records allegedly taken by Robert Miller at the conclusion of his term in office, as alleged in your Amended Complaint.

**RESPONSE:** In addition to the General Objections which are incorporated herein by reference Plaintiff objects on the basis the request is overly broad and therefore unduly burdensome and further objects on the basis of attorney work product and on the basis the request is vague and ambiguous and fails to set forth a time frame. Without waiving said objections Plaintiff produces the full contents of the anonymous package, makes available the copies of the computers referenced in response to request #1. Plaintiff is in the process of bates stamping thousands of documents. Upon completion of the Bates Stamping, Copies will be forwarded to you.  
Investigation continues.

3. All documents in your possession or under your control, including the mailing labels for any "anonymous package" received by Plaintiff Andrew Gasser, as alleged in Paragraph 14 of the Amended Complaint.

**RESPONSE:** In addition to the General Objections which are incorporated herein by reference plaintiff objects on the basis the request is overly broad and therefore unduly burdensome and further objects on the basis of attorney work product. Without waiving said objections Plaintiff produces the full contents of the "anonymous package" and photographs taken of the outside of the Package. The original package is in the possession of Federal Authorities. Plaintiff is in the process of bates stamping thousands of documents. Upon completion of the Bates Stamping, copies will be forwarded to you.

4. All documents in your possession or under your control relating to the contents of the "anonymous package" as alleged in Paragraph 14 of the Amended Complaint.

**RESPONSE:** In addition to the General Objections which are incorporated herein by reference plaintiff objects on the basis the request is overly broad and therefore unduly



burdensome and further objects on the basis of attorney work product. Without waiving said objections Plaintiff produces the full contents of the anonymous package and images of its packaging. Plaintiff is in the process of bates stamping thousands of documents. Upon completion of the Bates Stamping, copies will be forwarded to you.

5. All documents in your possession or under your control relating to any credit card formerly in the name of Robert Miller and/or the Algonquin Township Highway Department (Road District) from January 1, 2010 to the present date.

**RESPONSE:** In addition to the General Objections which are incorporated herein by reference plaintiff objects on the basis the request is overly broad and therefore unduly burdensome and further objects on the basis of attorney work product. Without waiving said objections Plaintiff produces the full contents of the anonymous package and makes available the computer images as well as all documents produced in response to any subpoena. Plaintiff is in the process of bates stamping thousands of documents. Upon completion of the Bates Stamping, copies will be forwarded to you.

6. All documents in your possession or under your control relating to Board approval of credit card statements from January 1, 2010 to May 15, 2017, including but not limited to the warrants submitted to the Board of Trustees of the Township for the same period of time set forth in in this request.

**RESPONSE:** In addition to the General Objections which are incorporated herein by reference plaintiff objects on the basis the request is overly broad and therefore unduly burdensome and further objects on the basis of attorney work product. Without waiving said objections Plaintiff produces the full contents of the anonymous package and makes available the computer images as well as all documents produced in response to any subpoena. Plaintiff is in the process of bates stamping thousands of documents. Upon completion of the Bates Stamping, copies will be forwarded to you. You are directed to Karen Lukasik for complete copies of all documents contained in the public record.

7. All documents in your possession or under your control which relate to any clothing allowances given to employees of the Algonquin Township Highway Department (Road District) prior to May 15, 2017.

**RESPONSE:** The clothing allowance information sheet retained on the server's imaged immediately upon taking office provides that a clothing allowance will be produced. Also to be produced is the Algonquin Township Road District Personnel Policies and Procedures Handbook dated June 20, 2012. This was the policy that was in effect during the term of Robert Miller. Nowhere in the Algonquin Township Road District Personnel Policies and Procedures Handbook is there a reference to any clothing allowance. Importantly, the policy contains a dress code requiring that the employees wear clean and not torn clothing. The Clothing Allowance Information sheet reads as follows:

**Clothing Allowance Information**

**Safety Boots - \$ 150.00 Annually (Must be approved by 405)**

**Covered Items - All Steel Toed Safety Shoes or Boots**

**Clothing Allowance - \$250.00 Annually/ For employees not receiving uniform service. (Must be approved by 408)**

**Covered Items - Carhart or Similar Brand - Outerwear**

**Under Armour or Similar Brand - Undergarments**

**Work Gloves**

**Work Hats**

**Cargo Shorts**

**The Clothing identified in the "Clothing Allowance Information" sheet is not the type of clothing identified in the First Amended Complaint or in the "Anonymous Package".**

**Also to be produced is a clothing allowance spreadsheet depicting each employee by number and the amount of the respective period for such approved allowances. Nothing contained in the Spreadsheet material identifies the clothing referenced in the complaint.**

**Plaintiff is in the process of bates stamping thousands of documents. Upon completion of the Bates Stamping, copies will be forwarded to you. You are directed to Karen Lukasik for complete copies of all documents contained in the public record.**

8. All documents in your possession or under your control relating to any policy manual in force prior to May 15, 2017 covering employees and operations of the Algonquin Township Highway Department (Road District).

**RESPONSE: See employee policy manual believed to be prepared by Robert Miller entitled Algonquin Township Road District Personnel Policies and Procedures Handbook dated June 20, 2012. Plaintiff is in the process of bates stamping thousands of documents. Upon completion of the Bates Stamping, copies will be forwarded to you. You are directed to Karen Lukasik for complete copies of all documents contained in the public record.**

9. All documents in your possession or under your control relating to minutes of regularly scheduled or specially scheduled meetings of the Board of Trustees of Algonquin Township wherein credit card purchases complained of in the Amended Complaint were approved.

**RESPONSE: Objects to the request to produce on the basis that the request fails to set forth a time frame and therefore is overly broad and in essence seeks documents commencing at the formation of Algonquin Township to the present. Moreover, the definitions and instructions provided fail to set forth a time frame. As such the request could span over 100 years of monthly meetings as written. Plaintiff is in the process of bates stamping thousands of documents. Upon completion of the Bates Stamping, copies will be**

forwarded to you. You are directed to Karen Lukasik for complete copies of all documents contained in the public record.

10. All documents in your possession or under your control relating to the destruction of any records of Algonquin Township and/or the Algonquin Township Highway Department (Road District).

**RESPONSE:** Objects to the request to produce on the basis that the request fails to set forth a time frame and therefore is overly broad and in essence seeks documents commencing at the formation of Algonquin Township to the present. Moreover, the definitions and instructions provided fail to set forth a time frame and therefore is overly broad. Plaintiff is in the process of bates stamping thousands of documents. Upon completion of the Bates Stamping, copies will be forwarded to you. You are directed to Karen Lukasik for complete copies of all documents contained in the public record.

11. All documents in your possession or under your control relating in any way to the purchase of gift cards, and the subsequent purchase of personal goods by any employee of Algonquin Township and/or the Algonquin Township Highway Department (Road District).

**RESPONSE:** In addition to the General Objections which are incorporated herein by reference plaintiff objects on the basis the request is overly broad and therefore unduly burdensome and further objects on the basis of attorney work product and seeks documents covered under applicable work product doctrines. Without waiving said objections Plaintiff produces the full contents of the anonymous package. Plaintiff is in the process of bates stamping thousands of documents. Upon completion of the Bates Stamping, copies will be forwarded to you. You are directed to Karen Lukasik for complete copies of all documents contained in the public record.

12. All documents in your possession or under your control relating to any type of "scheme" or "artifice" utilized by employees of Algonquin Township and/or the Algonquin Township Highway Department (Road District) to receive additional compensation beyond salaries, as well as bonuses.

**RESPONSE:** In addition to the General Objections which are incorporated herein by reference plaintiff objects on the basis the request is overly broad and therefore unduly burdensome and further objects on the basis of attorney work product and seeks documents covered under applicable work product doctrines.. Without waiving said objections Plaintiff produces the full contents of the anonymous package. Plaintiff is in the process of bates stamping thousands of documents. Upon completion of the Bates Stamping, copies will be forwarded to you. You are directed to Karen Lukasik for complete copies of all documents contained in the public record. In addition, Plaintiff will produce series of e-mails to and from Robert Bakken of Standard Equipment company connected with the facilitation of bid rigging on a Elgin Crosswinds Street Sweeper.

Plaintiff is in the process of bates stamping thousands of documents. Upon completion of the Bates Stamping, copies will be forwarded to you. You are directed to Karen Lukasik for complete copies of all documents contained in the public record.

13. All documents in your possession or under your control relating to or consisting of any exhibit you intend to introduce during any deposition taken or to be taken or to be used at trial.

**RESPONSE:** In addition to the General Objections which are incorporated herein by reference plaintiff objects on the basis the request is overly broad and therefore unduly burdensome and further objects on the basis of attorney work product and seeks documents covered under applicable work product doctrines. Without waiving said objections Plaintiff produces the full contents of the anonymous package.

Plaintiff is in the process of bates stamping thousands of documents. Upon completion of the Bates Stamping, copies will be forwarded to you. You are directed to Karen Lukasik for complete copies of all documents contained in the public record.

In addition, Plaintiff will produce any document obtained pursuant to subpoena.

Plaintiff's investigation continues.

14. All documents in your possession or under your control not otherwise produced pursuant to the above requests, which relate in any way to the allegations of the First Amended Complaint brought by you.

**RESPONSE:** In addition to the General Objections which are incorporated herein by reference plaintiff objects on the basis the request is overly broad and therefore unduly burdensome and further objects on the basis the request seeks attorney work product and seeks documents lacking in specificity. Notwithstanding the objections Plaintiff will produce thousands of documents that relate to the allegations of this case. Plaintiff is in the process of bates stamping thousands of documents. Upon completion of the Bates Stamping, copies will be forwarded to you. You are directed to Karen Lukasik for complete copies of all documents contained in the public record.

15. If the claim of privilege is made to the production of any document requested herein please provide a privilege log in accordance with the Rules of the Illinois Code of Civil Procedure and the common law promulgated thereunder.

**RESPONSE:** no response is required and no response is provided.

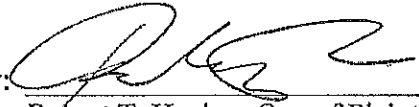
16. Please produce an affidavit indicating your production is complete in accordance with the request.

**RESPONSE:** Plaintiffs investigation is pending and therefore the production is not complete. Prior to or at the close of discovery, Plaintiff will tender a detailed log of

documents setting forth the completed discovery. Plaintiff is in the process of bates stamping thousands of documents. Upon completion of the Bates Stamping, copies will be forwarded to you. You are directed to Karen Lukasik for complete copies of all documents contained in the public record.

Respectfully submitted,

ANDREW GASSER, Plaintiff/Counter-Defendant

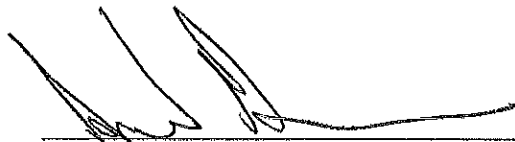
By:   
Robert T. Hanlon, One of Plaintiff's Attorneys

Robert T. Hanlon, ARDC#6286331  
LAW OFFICES OF ROBERT T. HANLON & ASSOC., P.C.  
131 East Calhoun Street  
Woodstock, IL 60098  
(815) 206-2200; (815) 206-6184 (FAX)

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned, ANDREW GASSER, certifies that the statements set forth in the foregoing instrument are true and correct, except as to matters therein stated to be on information and belief and, as to such matters, the undersigned certifies as aforesaid that I verily believe the same to be true. I further state that the statements made in the foregoing as to want of knowledge sufficient to form a belief are true.

Dated: October 30, 2017.

A handwritten signature in black ink, appearing to read 'Andrew Gasser', is written over a horizontal line.

Andrew Gasser, Plaintiff