

This defamatory allegation is made completely without support, except the self-serving articles published by the Plaintiffs. Plaintiffs' Exhibit X1. Attached as Exhibit C. The basis for this allegation is that the former highway commissioner, Robert J. Miller, was the president of the Northern Illinois Township Highway Commissioners Association (NITCHA) a private business of Robert J. Miller. Plaintiffs' go on to allege that and Mr. Kelly preformed work for this business and billed the work to the Road District. These allegation are completely without factual support. NITCHA is an association of township highway commissioners of at least 10 counties formed prior to 1989 and not a private business of Robert J. Miller. Exhibits D and E . This Association is much the same as other governmental associations as the Illinois Municipal League (IML), McHenry County Council of Governments (MCCOG), Barrington Council of Governments (BACOG), and Township Officials of Illinois (TOI). All of these associations serve a public purpose. Exhibit F. Robert J. Miller was a past president of the NITCHA. **Mr. Kelly prepared a power point presentation on current law pertaining to road districts and townships for Mr. Miller as Algonquin Township Highway Commissioner to use at a NITCHA meeting.** Providing a law update for a government client to be used for to government officials is clearly for a public propose and within the scope of the Highway Commissioner authority.

The McHenry County State's Attorney conducted an extensive investigation based upon innumerable meritless allegations made against Mr. Miller, including allegations that he was running a private business from the Road District. The States Attorney found allegation of Miller were unfounded. Exhibit F.

### **CONCLUSION**

The Plaintiffs' Motion to Disqualify is without merit. Plaintiffs' have failed to meet their burden to prove that Mr. Kelly would be called as a witness and if called what the nature of the