

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.)

**DEFENDANT ROBERT MILLER'S ANSWER
TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**

NOW COMES Defendant, ROBERT MILLER, by and through his attorneys, THE GOOCH FIRM., and as and for his Answers to Plaintiff's First Set of Interrogatories to Defendant ROBERT MILLER, states the following:

Defendant objects to the instructions and definitions that accompanied plaintiffs interrogatories which cause the answering of what would be hundreds of interrogatories. Further the Instructions are designed to be overly burdensome and to make answering impossible.

SPECIFIC INTERROGATORIES

1. For each allegation you deny of the complaint, identify any fact supporting such denial.

ANSWER:

Objection. The question is impossible to answer and is overly burdensome. Answering over objection, the facts for each denial is that the allegation in the complaint is incorrect.

Investigation continues. Defendant reserves the right to supplement this answer.

2. Identify any person you authorized to electronically delete information from any Algonquin Township Road District computer.

ANSWER: Keith Seda of IT Connections, Crystal Lake, Illinois (Plaintiff has previously contacted and subpoenaed records from this person and is possession of all identifying information.) Mr. Seda was authorized to only remove and delete personal and personal financial information belonging to defendant's Miller only. No Township records were authorized for removal or deletion.

Investigation continues. Defendant reserves the right to supplement this answer.

3. Identify any document supporting your contention that you were entitled to payment of \$47,381.84 which was paid by the Algonquin Township Road District on April 12, 2017 with Check No. 17533.

ANSWER:

See Response to Notice to Produce, specifically Memorandum dated February 25, 1997, Opinion of the township attorney dated April 11, 2017, and minutes of board meeting dated April 12, 2017.

Investigation continues. Defendant reserves the right to supplement this answer.

4. Identify any American Express card numbers used by you in connection with any purchases made on behalf of Algonquin Township or Algonquin Township Road District between January 1, 2010 and May 17, 2017.

ANSWER:

I have no records of the Township issued American Express cards given me and consequently cannot furnish card numbers. I believe that information was contained in Exhibits furnished by Plaintiff.

Investigation continues. Defendant reserves the right to supplement this answer.

5. Identify who provided authorization to The I.T. Connection, Inc. to delete electronically stored information from any computer at Algonquin Township Road District.

ANSWER:

Robert Miller, the defendant herein.

Investigation continues. Defendant reserves the right to supplement this answer.

6. Identify all records that were present on the computers located in the Algonquin Township Road District offices during your term as Algonquin Township Highway Commissioner, specifically identify the records on the computer located in the office you occupied as Algonquin Township Highway Commissioner.

ANSWER:

I have no copies of any records present on any computer located at Algonquin Township or the Road District and therefore cannot describe such records.

Investigation continues. Defendant reserves the right to supplement this answer.

7. Identify the last known location of any hard drive removed from any computer at the Algonquin Township Road District between the period of January 1, 2017 and May 17, 2017.

ANSWER:

I last saw these hard drives sitting in a box under the credenza in my office on or near my last day in office. They were there when I left for the last time.

Investigation continues. Defendant reserves the right to supplement this answer.

8. Identify any records related to bargaining with Local 150 during the time period of January 1, 2017 to May 17, 2017.

ANSWER:

I know of no such records. Nothing is in my possession or under my control.

Investigation continues. Defendant reserves the right to supplement this answer.

9. Identify all documents containing the policies of the Algonquin Township Road District for the time period of January 1, 2014 to May 17, 2017.

ANSWER:

No manuals for this time period are in possession of Defendant. A policy manual from 1993 has been produced pursuant to the Request to Produce. See Bates stamped documents "Miller 008- 029".

Investigation continues. Defendant reserves the right to supplement this answer.

10. Identify the location of the two Levenger bags identified in Exhibits A and J of the complaint.

ANSWER:

One was left on a chair in the Clerk's Office I don't know where the other one is. The other one was worn out and was disposed of within my last year in office. I don't recall the exact date.

Investigation continues. Defendant reserves the right to supplement this answer.

11. State whether or not the Algonquin Township Road District was financially responsible for the charges incurred on the American Express Platinum Business Credit Card referenced in paragraph 30 of the complaint.

ANSWER:

Yes.

Investigation continues. Defendant reserves the right to supplement this answer.

12. State whether or not the Algonquin Township Road District was financially responsible for the charges incurred on the Capital One Account referenced in paragraph 35 of the complaint.

ANSWER:

Yes.

Investigation continues. Defendant reserves the right to supplement this answer.

13. Identify the purpose for each and every purchase of personal property shown within the exhibits of the complaint.

ANSWER:

For official use by or on behalf of the Road District or Township.

Investigation continues. Defendant reserves the right to supplement this answer.

14. Identify the present location of any "iPad" purchased by the Algonquin Township Road District within the time period commencing January 1, 2010 and ending May 17, 2017. If the present location is unknown, Defendant may state the last time and place he had knowledge of the location.

ANSWER:

I believe the iPad was recycled; I do not recall the date I last saw it.

Investigation continues. Defendant reserves the right to supplement this answer.

15. Identify any public purpose associated with paying the air fare of any of your grandchildren or any other family members within three degrees of Consanguinity, meaning children, grandchildren, parents or grandparents.

ANSWER:

The township and road district policies in force at the time allowed an employee to transport his family including spouse and children to conferences, conventions or meeting on behalf of the township. The New Orleans trip was for an American Public Works Association convention. Derek Lee who was an employee of the Road District brought his wife and child with him. At that time Derek Lee and Mickey Barnas were both foreman at the road district, they both attended with spouse and or children.

Investigation continues. Defendant reserves the right to supplement this answer.

16. Identify each and every recipient who received a gift card purchased with Algonquin Township Road District funds during your last term as Algonquin Township Highway Commissioner.

ANSWER:

No record was made of gift card distribution to citizens of the Township. Gift cards were distributed to citizens who suffered snow plow damage or mail box destruction and in the course of road construction when plantings were removed from private property or right of way which citizens had planted.

Investigation continues. Defendant reserves the right to supplement this answer.

17. State your approved compensation during the time period from January 1, 2011 to May 17, 2017.

ANSWER:

I am not in possession of those records; however, they are contained in the official records of Algonquin Township in minutes setting compensation before every term of office.

Investigation continues. Defendant reserves the right to supplement this answer.

18. Identify any documents containing an approval of any Algonquin Township Road District expenditures that you rely upon in connection with any of the Affirmative Defenses you have asserted.

ANSWER:

Such approvals are contained in the monthly minutes of Board Meetings of the Township. All expenditures were properly submitted and approved on a monthly basis by the Supervisor/Treasurer and the Board of Trustees.

Investigation continues. Defendant reserves the right to supplement this answer.

19. Identify by name and address the persons in possession of the personal property identified in Exhibits A thru L of the complaint.

ANSWER:

I have no recollection of who might have the property if it still exists.

Investigation continues. Defendant reserves the right to supplement this answer.

20. Identify the person or entity you contend owned the salt given to the Railway Museum in your answer to paragraph 89 of the complaint.

ANSWER:

This salt was given to the Road District by various municipalities as surplus material. They were kept in a separate pile and given to the Illinois Railway Museum.

Investigation continues. Defendant reserves the right to supplement this answer.

21. Identify the location where the Blink Cameras were installed, referenced in paragraph 107 of the complaint.

ANSWER:

In the offices of the Algonquin Township Road District at 3702 Northwest Highway.

Investigation continues. Defendant reserves the right to supplement this answer.

22. Identify the property where Martenson Decorating performed services for the Algonquin Township Road District between June of 2013 and December of 2016.

ANSWER:

All work was done on the property of Algonquin Township and/or property owned by Algonquin Township and the Algonquin Township Road District. No work was ever done at my personal residence.

Investigation continues. Defendant reserves the right to supplement this answer.

23. Identify any lease between the Algonquin Township Road District and any other entity or person for the period of October 12, 2014 to May 17, 2017.

ANSWER:

None.

Investigation continues. Defendant reserves the right to supplement this answer.

24. Identify any annual reports setting forth Algonquin Township Road District liabilities between 1970 and 1993 that demonstrates a liability to you in any dollar amount.

ANSWER:

I am not in possession of any annual report of the Algonquin Township Road District.

Investigation continues. Defendant reserves the right to supplement this answer.

25. Identify any statute or law that allows a township board to expend money on behalf of a road district.

ANSWER:

Objection, this question calls for a legal opinion.

Answering over objection, the Township Board of Trustees approves all Expenses on behalf of a road district as no money is spent without board approval.

Investigation continues. Defendant reserves the right to supplement this answer.

26. Identify any person or entity that you believe is an indispensable party to this lawsuit.

ANSWER:

Objection, this question calls for a legal opinion.

Answering over objection I believe as set forth in my affirmative defense that the persons approving the expenditures are responsible. This would be the former supervisor/treasurer of the board of trustees and the Trustees prior to May 2017.

Investigation continues. Defendant reserves the right to supplement this answer.

27. Identify any party that purportedly approved any expenditure complained of in the complaint.

ANSWER:

All expenditures were approved by the supervisor/treasurer and the board of trustees. They are not a "party".

Investigation continues. Defendant reserves the right to supplement this answer.

28. Describe with specificity each step of the process followed by the Algonquin Township Road District during your tenure as the Algonquin Township Highway Commissioner for payments of Road District contracts.

ANSWER:

Objection, answering such a question with specificity is impossible. Answering over objection, all the bills either on contract, purchase order or credit card were submitted to the Board of Trustees of Algonquin Township who approved them and they were then paid by the treasurer.

Investigation continues. Defendant reserves the right to supplement this answer.

29. State why you believe you were entitled to a payment of \$47,381.84 from the Algonquin Township Road District in April of 2017 or thereabouts.

ANSWER:

I was assured in 1997 that this sick pay for unused sick day pay was available and it was confirmed by the Township board after reviewing the opinions letter of James Kelly dated April 11, 2017.

Investigation continues. Defendant reserves the right to supplement this answer.

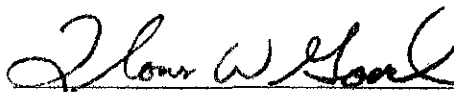
30. Identify how all reward points were used on Algonquin Township Road District's American Express Platinum Business Credit Card and Capital One Credit Card during your tenure as the Algonquin Township Highway Commissioner.

ANSWER:

Some points were used for gift card purchases, some were used for other purchases on the card. None were used for personal use or profit.

Investigation continues. Defendant reserves the right to supplement this answer.

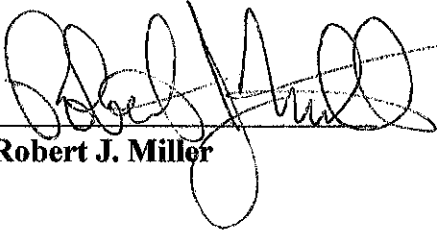
Respectfully submitted by,
THE GOOCH FIRM, on behalf of
ROBERT J. MILLER, Defendant,



Thomas W. Gooch, III

State of Illinois)
) SS
County of McHenry)

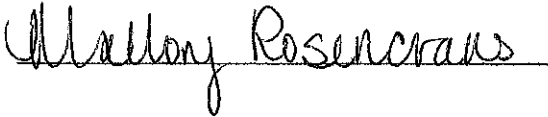
I, Robert J. Miller, being first duly sworn on my oath, hereby swear that my answers to the First Set of Interrogatories, are true and correct to the best of my knowledge.


Robert J. Miller

Subscribed and sworn before me on this

7th day of September 2019.





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