

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.)

**RESPONSE TO PLAINTIFF'S FIRST REQUEST TO
ADMIT FACTS TO DEFENDANT ROBERT MILLER**

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

ANSWER TO SPECIFIC REQUESTS FOR ADMISSION OF FACTS

General objection to all requests:

The Plaintiff has violated the provisions of 216(g) in that the questions posed being the Requests for Admission are not in a separate document containing only the requests as required by Rule 216(g) rather the Requests are preceded by approximately six pages of directions and other

comments and rules unrecognized in any provision the Code of Civil Procedure or the rules of the Supreme Court pertaining the Requests for Admission of Facts. The aforesaid Rule 216(g) does not provide for six (6) pages of directions proceeding the individual requests. Answering over this general objection, Defendant ROBERT MILLER states the following:

1. You did NOT provide a complete inventory of Algonquin Township Road District assets to Andrew Gasser at any time.

ANSWER:

Defendant ROBERT MILLER denies request number 1.

2. On or about September 6, 2013, the Algonquin Township Road District received \$11,460.08 from the Federal Emergency Management Agency (FEMA).

ANSWER:

Defendant ROBERT MILLER objects to this Request on the basis of relevancy as the substance of the request is not represented in any pleading or any type of allegation pending against ROBERT MILLER. Answering over objection, Defendant ROBERT MILLER can neither truthfully admit nor deny the request as he has no individual recollection as to whether or not on or about September 6, 2013, the Algonquin Township Road District received any sum of money from the Federal Emergency Management Agency (FEMA). There is no way of Defendant MILLER refreshing his recollection as Defendant MILLER is in possession of no records of Algonquin Township or the Algonquin Township Road District which would pertain to his answer to the aforesaid request.

3. You gave road salt belonging to Algonquin Township Road District to the Illinois Railway Museum.

ANSWER:

Defendant ROBERT MILLER denies request number 3.

4. The salt You caused to be delivered to David Diamond of the Illinois Railway Museum was an asset to be used by Algonquin Township Road District for use on the roads of Algonquin Township.

ANSWER:

Defendant ROBERT MILLER denies request number 4.

5. No record was ever created by You of any bargaining with Local 150 for a Collective Bargaining Agreement.

ANSWER:

Defendant ROBERT MILLER sets forth a specific objection to request number 5 on the basis of relevancy as any issues involving “Local 150” are not a part of the instant litigation and are a part of separate lawsuit of which Defendant ROBERT MILLER is not a part. Answering over objection, Defendant ROBERT MILLER, cannot either truthfully admit or deny request number 5 as Defendant ROBERT MILLER is not in possession of any records of the Algonquin Township Road District to determine whether or not a record was created and has no recollection of specific records, documents, notes or memorandums, all of which would be included in the definition of “records” to which Defendant ROBERT MILLER can refer.

6. You received a voicemail recording intended for Andrew Gasser on audio messages in the e-mail account named: bobmiller@mc.net.

ANSWER:

Defendant ROBERT MILLER admits request number 6, and further qualifies his answer and states that after May 15, 2017 he continued to receive audio messages left for the ATRD and so he contacted the IT professional who set up that service to have the

same discontinued.

7. That after Andrew Gasser was sworn in as Algonquin Township Highway Commissioner, You continued to access the bobmiller@mc.net e-mail account.

ANSWER:

Defendant ROBERT MILLER admits the allegations of request number 7 and qualifies answer by stating the email account known as bobmiller@mc.net was the personal property paid for by ROBERT MILLER personally and not the Algonquin Township Road District.

8. You made changes to the I-pass account for Algonquin Township Road District on or about October 29, 2017.

ANSWER:

Defendant ROBERT MILLER denies the allegations of request number 8 as the I-pass account was not the property of Algonquin Township Road District. Answering with further qualification, ROBERT MILLER states that the I-pass account in question was his personal property paid for by him individually to which Algonquin Township Road District was allowed to register vehicles.

9. On or about October 29, 2017, You associated vehicles registered to you to the I-pass account billed to Algonquin Township.

ANSWER:

Defendant ROBERT MILLER denies request number 9, and further qualifies his answer and states that no I-pass account was billed to Algonquin Township, but the I-pass account was owned by and personally paid for by ROBERT MILLER to which his associated vehicles were registered.

10. No "Levenger" bag, which you purchased during your term as Algonquin Township Highway Commissioner, was listed on any inventory of the Algonquin Township Road District.

ANSWER:

Defendant ROBERT MILLER admits request number 10 and qualifying his answer further states that the "Levenger" bag did not reach a value as new to require it being listed in an inventory.

11. You directed persons to use Algonquin Township Road District equipment and employees to dredge the lakes in the Trout Valley subdivision without a fee.

ANSWER:

Defendant ROBERT MILLER denies request number 11.

12. You caused to be installed electrics at 1415 East Main Street, Cary, Illinois, (your home) at the expense of Algonquin Township Road District.

ANSWER:

Defendant ROBERT MILLER denies request number 12.

13. You gifted cellular telephones belonging to Algonquin Township Road District without a fee to employees or former employees of Algonquin Township Road District.

ANSWER:

Defendant ROBERT MILLER denies request number 13 and further qualifies his answer by stating the cellular telephones in question were part of a transaction in which benefits were withdrawn from employees which were previously furnished by the Algonquin Township Road District and the cellular telephones in question were transferred to them

in consideration for that withdrawal of benefits.

14. You used an American Express Card billed to Algonquin Township Road District to purchase gift cards.

ANSWER:

Defendant ROBERT MILLER admits request number 14.

15. You failed to include at least three printers acquired with Algonquin Township Road District funds on the last inventory of the Road District you prepared.

ANSWER:

Defendant ROBERT MILLER admits request number 15 and further qualifies his answer and states that none of the printers had a value sufficient to require their inclusion in the Algonquin Township Road District inventory.

16. You used an Algonquin Township Road District credit to purchase Disneyland tickets for your personal use and Defendant ANNA MAY MILLER's, personal use.

ANSWER:

Defendant ROBERT MILLER denies request number 16 and qualifying his answer further states that the aforesaid tickets were purchased as part of an American Public Works Association annual meeting/convention which provided for attendance at Disneyland during that convention and as such were for professional use.

17. You used Algonquin Township Road District money to pay for airline tickets used by your daughter, Rebecca Lee, and at least one of her children.

ANSWER:

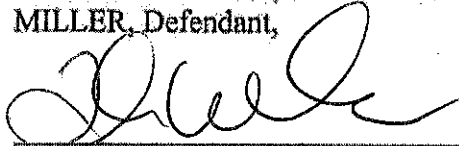
Defendant ROBERT MILLER admits request number 17 and qualifies his response by stating the policy in effect at the time allowed the purchase.

18. At no point in time in the 24 years you served as Highway Commissioner did you acknowledge in any annual report a liability to yourself.

ANSWER:

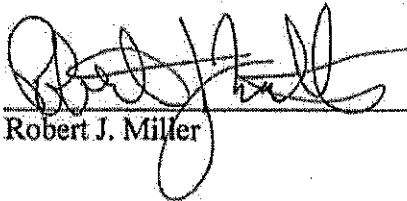
Defendant Robert Miller admits request number 18.

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



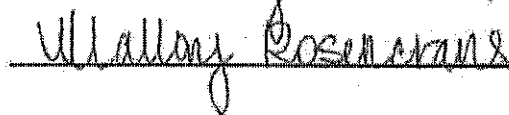
Thomas W. Gooch, III

Sworn statement by Robert J. Miller:



Robert J. Miller

Subscribed and sworn before me on this
15 day of July, 2019.



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