

IN THE CIRCUIT COURT OF THE 12<sup>TH</sup> JUDICIAL CIRCUIT  
WILL COUNTY, ILLINOIS

JOHN NORTON	)	
v.	)	
	)	
LEONARD MCCUBBIN, JR., CONNIE	)	Case #2019 L 0943
HALE FORSYTE, MICHAEL ESPOSITO	)	
CYNTHIA L. BRZANA, MARY JONES	)	
KIRK ALLEN, BECKY BECKER, ARLIN	)	
FRITZ	)	

**PETITION FOR RULE TO SHOW CAUSE FOR DIRECT CRIMINAL CONTEMPT  
IN CONNECTION WITH FALSE STATEMENTS TO THIS COURT AND  
ALTERNATIVE RELIEF**

Now Comes CYNTHIA BRZANA, CONNIE HALE FORSYTHE, BECKY BECKER  
AND KIRK ALLEN (COLLECTIVELY HEREIN AS “DEFENDANTS”), by and through their  
attorney Robert T. Hanlon, with their petition for a Rule to Show Cause pursuant to the relevant  
provisions of the Illinois Code of Civil Procedure and Local Rules, and the inherent power of this  
Court moves this Court To issue a Rule to Show Cause to issue against JOHN NORTON,  
(hereinafter simply “PLAINTIFF” or “Norton”), for filing with this Court a false petition to  
proceed in forum paupers and for making other false statements referenced herein to this  
honorable court, and in support thereof states as follows:

1) On October 30, 2019, plaintiff filed with this court an Application for Waiver of  
Court Fees. Plaintiff, signed immediately next to the words “Under Illinois Supreme Court Rule  
137, your signature means that you have read the document that to the best of your belief, it is true  
and correct and that you are not filing it for an improper purpose. See Exhibit A (Application for  
Fee Waiver – no income-no pension).

2) Contained in the Application for Waiver of Court fees, Plaintiff articulated that he  
has no assets, no income, no pension, and has not worked in the last thirty days and has not worked  
in the last 12 months. Id

3) In essence Plaintiff articulated to this court that plaintiff was penniless, and had not worked at all with no ability to pay the filing fee in this case. Id.

4) In response to Item #4b plaintiff indicated that plaintiff had no income in the past month including the representation to this court that he had no Pension. Id.

5) Likewise in response to Item #4c plaintiff indicated that plaintiff had no income and no pension for the 12 months before filing his petition. Id.

6) However, the final day of trial in the matter of Forsythe v Norton, John Norton called as a witness his employer! See Exhibit B (Trans. Pg 8 lines 17-24 which was 6 days prior to filing Application of Fee Waiver).

7) After losing at trial in the Forsythe v Norton, Plaintiff in this case, John Norton, then filed a motion to reconsider the trial court's decision in that separate matter. Not surprisingly, since Norton was confronted at trial with the inconsistency between his earlier testimony that he was unemployed and thereafter called his employer to the stand, Norton explained to the court that he receives a United States government pension and it is not taxable.

8) In particular before Judge Harvey, Plaintiff John Norton stated as follows:

Your Honor, when I was over here filing this one, I put in for a fee waiver. And the judge was over there satisfied on that case. He granted me a fee waiver based on the fact that he did review my tax documents and all that and granted me a fee waiver. Because one -- a couple things that are not included in my income, my federal retirement, my VA benefits, and that, are not required to be because they're not -- they're tax, tax exempt, because disabled veteran. I don't have to file taxes on that, state -especially State of Illinois. Military active duty and retired personnel do not have to pay taxes on that. That's state law. It's been like that since -- long before I was in the Navy and got out. So -- otherwise, I have no other income. I have to live on that. If it wasn't for the VA benefits, I'd be screwed because my medical bills would go right

through the roof right now, so.

See Exhibit C – Transcript from 1/16/20 pgs 15-16.

9) Defendants offer Norton's sworn testimony, subject to cross examination as a prior judicial admission for the purpose of establishing that the Statements before this court in this case lack veracity. That being he has no income, no pension. While the statements before judge Harvey appear equally untrue concerning this Court's examination of Norton's Tax records, that particular false statement is not a basis for relief in the subject motion.

10) Nevertheless, Plaintiff, John Norton obtained relief in the form of a fee waiver in this case based on false statements that he knowingly made to this Court. In doing so, Norton committed a fraud upon the Court.

11) Norton's false statements to this Court are not limited to the statements contained within his application. There's more!

12) This court, upon receiving Norton's false pleading, conducted an evidentiary hearing concerning the application for waiver of court fees. During said hearing Norton represented to this Court once again that he had no income, no pension and no assets.

13) Notably in the fee waiver application it appears that John Norton represented to the court that he has no vehicle. His operation of a vehicle was central to his defense in the motion to reconsider in which he desired a continuance so that he could get a letter from the IAG to establish the Handicapped parking spot he was using was not lawful.

14) Norton's lies continue. In particular, in this case, Norton secured a single summons for service. See Exhibit D – Summons. Norton delivered that single summons to the Sheriff for service. No service was ever attempted on any of the other named defendants.

15) Even though no service was ever attempted on any of the other defendants, Norton represented to this court that Defendants were avoiding service. See Exhibit E. In actually Norton

caused a single Summons to be served upon Defendant McCubbin. On February 18, 2020, Norton represented to this Court the Defendants in this case were avoiding service of process. Defendants could not have avoided service, if no attempt was made to serve any of them. Id.

16) In particular the following exchange took place between the court and Mr. Norton:

THE COURT: All right. You filed a lawsuit in October.  
Have you served all the defendants?

MR. NORTON: No, your Honor. I would also make a Motion For Alternative Service due to the fact that the rest of them are avoiding service.

See Exhibit E.

17) The contention before this court that persons were avoiding service is another false statement because Norton has never attempted to serve any of the other Defendants.

18) Once again on March 2, 2020, Plaintiff articulated to this court

THE COURT: Okay. So maybe I missed what you said.  
Has the Sheriff served any of these other defendants --

MR. NORTON: Just one -- not --

THE COURT: -- besides Mr. McCubbin?

MR. NORTON: No. They've all been avoiding service which they have a history of doing this.

THE COURT: Okay. So I can't really do very much in the case until you have service. You filed a motion for an alias summons, it looks like.

See Exhibit F – Transcript of Court hearing where Norton again lies to the court, albeit in a failed attempt to secure improper relief.

19) Importantly, one named defendant in this case is a resident of Edgar County. Since he resides in Edgar County, Plaintiff Norton would have had to taken a summons to the Edgar

county Sheriff and sought to commence service using the sheriff of that county. He makes no such claim and fails to disclose that nuance to this court.

20) In Norton's most recent motion, he imputes to the named defendant Kirk Allen the article actually written by John Kraft attached to his affidavit. In Norton's affidavit in paragraph 8 states:

"That Defendant Kirk Allen, founder of the Edgar County Watchdogs, on 17 February 2020, did post on his associated website, an article pertaining to the above named lawsuit, to which all named defendants are in contact by and with each other through social media forums"

21) However, any examination of the article attached, but not properly identified in the affidavit, will alert the reader that the article was actually written by J.M. Kraft, not defendant Kirk Allen as alleged.

22) In summary, Plaintiff lied to avoid paying a filing fee, he perpetuated that lie before this court, lied about having attempted service of the Defendants advancing this motion, lied to this court on the affidavit seeking alternative service. All of these lies were in furtherance of a fraud upon the court.

WHEREFORE, Plaintiffs, respectfully prays for the following relief:

- A. For an order directing JOHN NORTON to show cause, if any, as to why he should not be held in Direct Criminal Contempt of Court for filing with the court a false application for waiver of fees, making false statements to this court concerning the application of waiver of fees and false statements made in an attempt to secure alternative service.
- B. For an order of contempt against John Norton.
- C. For attorney fees and costs incurred in connection with this Petition for Rule to Show Cause against John Norton.

- D. Dismiss this action because the action itself is a product of fraud upon the Court.
- E. Refer this matter to the States Attorney for Criminal prosecution.
- F. If this court does not find direct criminal contempt then order John Norton to show cause why he should not be held in civil contempt for the conduct complained of herein.
- G. For such further relief as the court deems just and equitable.

Dated: March 5, 2020

Respectfully submitted,

/s/ Robert T. Hanlon

**Exhibit List**

- Exhibit A – Sworn Application for Waiver of Fees (No Income) 10/30/20.
- Exhibit B – Trans. (10/24/19) Trial where Norton calls his employer to the stand.
- Exhibit C – Trans (1/16/20) Norton Admits pension income not disclosed in fee waiver app.
- Exhibit D – Copy of single summons obtained from the Court.
- Exhibit E – Transcript Norton claims defendants avoiding service 2-18-20.
- Exhibit F – Transcript Norton claims defendants avoiding service 3-2-20.

# EXHIBIT A

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

Andrea Lynn Chasteen  
Will County Circuit Clerk  
Twelfth Judicial Circuit Court  
Electronically Filed  
19L943  
Filed Date: 10/30/2019 12:37 PM  
Envelope: 7167540  
Clerk: AHD

STATE OF ILLINOIS, CIRCUIT COURT <u>WILL</u> COUNTY		APPLICATION FOR WAIVER OF COURT FEES		For Court Use Only
Instructions ▼		JOHN E NORTON		
Directly above, enter the name of the county where the case was filed.				
Enter the name of the person who started the lawsuit as Plaintiff/Petitioner.		Plaintiff / Petitioner (First, middle, last name) LEONARD MCCUBBIN JR CONNIE FORSYTHE MICHAEL A ESPESITO CYNTHIA L BRZANA MARY JONES		
Enter the name of the person being charged as Defendant/Respondent.		KIRK ALLEN BECKY BECKER ADLIN FELTZ Defendant / Respondent (First, middle, last name)		
Enter the Case Number given by the Circuit Clerk or leave this blank if you do not have one.				19L943 Case Number

**NOTE:**

If you are completing this form on behalf of a minor or an incompetent adult, provide that person's information on this form instead of your own information.

Pursuant to Illinois Supreme Court Rule 298 and 735 ILCS 5/5-105, I state:

1. I believe I cannot afford to pay the court fees in this case and I am providing the following information about myself:

a. Name: JOHN E NORTON  
First Middle Last  
b. Year of Birth: 1965  
c. Street Address: 1834 ROBERT ST  
City, State, ZIP: WILMINGTON IL 60481

2. I am providing the following information about people who live with me:

a. I support 0 adults (not counting myself) who live with me.  
b. I support 0 children under 18 who live with me.

3. I am receiving 1 or more of the benefits listed below:

☐ Yes ☒ No

- Supplemental Security Income (SSI) (Not Social Security)
- Aid to the Aged, Blind and Disabled (AABD)
- Temporary Assistance to Needy Families (TANF)
- SNAP (Food Stamps)
- General Assistance (GA), Transitional Assistance, or State Children and Family Assistance

\*\*If you answered "Yes" in section 3, you qualify for a fee waiver under 735 ILCS 5/5-105(a)(2)(i) and (b)(1). You can skip section 4 and sign the form.\*\*

In 1a, enter your full name
In 1b, only enter the year you were born. DO NOT enter your entire date of birth.
In 1c, enter your complete current address.
In 2a, enter the number of people age 18 and older living in your house who you support. Support means that the people rely on you financially.
In 2b, enter the number of people under age 18 living in your house who you support.
In 3, check "Yes" if you are currently receiving 1 or more of the benefits listed below.
If you check "Yes" in 3, skip 4 and sign the form. You do not have to complete 4.



Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

In 4a, check "Yes" if you have applied for at least 1 of the benefits listed in section 3.

In 4b, check the box for each type of money you have received in the past month. Also enter the gross (before taxes) amount for each type.

Under Other in 4b and 4c, include any money received from family or friends.

In 4c, check the box for each type of money you have received in the past 12 months. Also enter the gross (before taxes) amount for each type.

In 4d, check all of your debts and expenses for the past month and list the amount of money you pay each month for that expense.

4. I checked "No" in section 3, so I am providing the following financial information:

a. I have a pending application for 1 or more of the benefits listed in section 3:

☐ Yes ☒ No

b. I received the following money in the past month. (check all that apply)

☐ My employment: \$ 0 ☐ Social Security (not SSI): \$ \_\_\_\_\_  
☐ Child support: \$ \_\_\_\_\_ ☐ Unemployment: \$ \_\_\_\_\_  
☐ Pension: \$ \_\_\_\_\_  
☐ Money from other household members: \$ \_\_\_\_\_  
☐ Other (list type and amount): \_\_\_\_\_ \$ \_\_\_\_\_

☒ No income

Total of all money received in the past month: \$ \_\_\_\_\_

c. I received the following total amount of money in the past 12 months. (check all that apply)

☐ My employment: \$ \_\_\_\_\_ ☐ Social Security (not SSI): \$ \_\_\_\_\_  
☐ Child support: \$ \_\_\_\_\_ ☐ Unemployment: \$ \_\_\_\_\_  
☐ Pension: \$ \_\_\_\_\_  
☐ Money from other household members: \$ \_\_\_\_\_  
☐ Other (list type and amount): \_\_\_\_\_ \$ \_\_\_\_\_

☒ No income

Total of all money received in the past 12 months: \$ \_\_\_\_\_

d. My current monthly debts and expenses are listed below. (check all that apply)

☐ Rent: \$ \_\_\_\_\_ per month  
☐ Home Mortgage: \$ \_\_\_\_\_ per month  
☐ Other Mortgage: \$ \_\_\_\_\_ per month  
☐ Utilities: \$ \_\_\_\_\_ per month  
☐ Food: \$ \_\_\_\_\_ per month  
☐ Medical: \$ \_\_\_\_\_ per month  
☐ Car Loan: \$ \_\_\_\_\_ per month  
☐ Childcare: \$ \_\_\_\_\_ per month  
☐ Child Support: \$ \_\_\_\_\_ per month  
☐ Other expenses not listed above (list type and amount): \_\_\_\_\_ \$ \_\_\_\_\_

☐ Other debts not listed above (list type and amount): \_\_\_\_\_ \$ \_\_\_\_\_

☒ I have no expenses.

Total of all expenses: \$ \_\_\_\_\_ per month

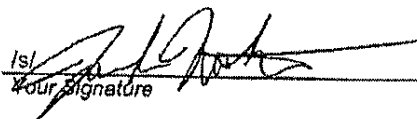
Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

In 4e, check all of the items owned by you and list the value of each item. If you own real estate, include the total you owe on any mortgage.

e. I have the belongings listed below. (check all that apply)

- ☐ Bank accounts and cash totaling: \$ \_\_\_\_\_
- ☐ Home worth: \$ \_\_\_\_\_  
The total I owe on my home mortgage is: \$ \_\_\_\_\_
- ☐ Other real estate, not including the house I live in, worth: \$ \_\_\_\_\_  
The total I owe on my other mortgage is: \$ \_\_\_\_\_
- ☐ 1st vehicle worth: \$ \_\_\_\_\_ The 1<sup>st</sup> vehicle is paid off: ☐ Yes ☐ No
- ☐ 2<sup>nd</sup> vehicle worth: \$ \_\_\_\_\_ The 2<sup>nd</sup> vehicle is paid off: ☐ Yes ☐ No
- ☐ Other (list items and value): \_\_\_\_\_ \$ \_\_\_\_\_
- ☒ None of the above

Under Illinois Supreme Court Rule 137, your signature means that you have read the document, that to the best of your belief, it is true and correct and that you are not filing it for an improper purpose, such as to cause delay.

Is/   
Your Signature

JOHN NORTON  
Print Your Name

1834 ROBERT ST  
Street Address

WILMINGTON IL 60481  
City, State, ZIP

Relationship to Minor or Incompetent Adult (if applicable)

815-926-1446  
Telephone

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name. Enter your complete current address and telephone.

If you are filling out this form for a minor or incompetent adult, sign and print your name and state your relationship to that person. Enter your complete current address and telephone number.

**GETTING COURT DOCUMENTS BY EMAIL:** If you agree to receive court documents by email, check the box below and enter your email address. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information or notice of court dates. Other parties may still send you court documents by mail.

☒ I agree to receive court documents at this email address during my entire case.

NGLYE@HOTMAIL.COM  
Email

STATE OF ILLINOIS,  
CIRCUIT COURT

**COUNTY**

# ORDER FOR WAIVER OF COURT FEES

For Court Use Only

Andrea Lynn Chasteen  
Will County Circuit Clerk  
Twelfth Judicial Circuit Court  
Electronically Filed  
19L943  
Filed Date 10/31/2019 11:18AM  
Envelope: 7167540  
Clerk: AHD

## Instructions ▼

Directly above, enter  
the name of the county  
where the case was  
filed.

Enter the name of the person who started the lawsuit as Plaintiff/Petitioner.

Enter the name of the person being sued as Defendant/Respondent.

Enter the Case  
Number given by the  
Circuit Clerk or leave  
this blank if you do  
not have one.

JOHN E NORTON

Plaintiff / Petitioner (First, middle, last name)

LEONARD MCCUBBIN JR

✓ CONNIE FORSYTHE

MICHAEL ESPOSITO

CYNTHIA BRZANA

MARY JONES

ARLIN FRITZ

KIRK ALLEN. BECHN RECKED

Defendant / Respondent (First, middle, last name)

19L943

**Case Number**

Enter your full name  
as "Applicant."

Applicant Name: JOHN E NORTON  
First Middle Last

**DO NOT** check any boxes or fill in any more blanks on this form. The judge will complete the rest of the form.

**The Court having reviewed the *Application for Waiver of Court Fees* hereby finds:**

1. ☐ The applicant **qualifies for a full (100%) waiver** of all fees, costs, and charges because (check only one):
- a. ☐ The applicant receives means-based government assistance under one or more of the following programs:
- Supplemental Security Income (SSI) (Not Social Security)
  - Aid to the Aged, Blind and Disabled (AABD)
  - Temporary Assistance for Needy Families (TANF)
  - SNAP (Food Stamps)
  - General Assistance (GA), Transitional Assistance, or State Children and Family Assistance
- OR
- b. ☐ The applicant's personal income is **125%** or less of the current poverty level as established by the U.S. Department of Health and Human Services and the Applicant's non-exempt assets under 735 ILCS 5/12-901 and 735 ILCS 5/12-1001 are such that the applicant is unable to pay the fees, costs, or charges;
- OR
- c. ☐ Payments of fees, costs, and charges would result in substantial hardship to the applicant or his or her family.
2. ☐ The applicant **qualifies for a partial (75%, 50%, or 25%) waiver** of all fees, costs, and charges because the applicant's household income is (check one):
- ☐ more than **125%** but not greater than **150%** (75% waived); OR
  - ☐ more than **150%** but not greater than **175%** (50% waived); OR
  - ☐ more than **175%** but not greater than **200%** (25% waived)
- of the current poverty level as established by the US Department of Health and Human Services and the Applicant's non-exempt assets under 735 ILCS 5/12-901 and 735 ILCS 5/12-1001 are such that the applicant is unable

Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

to pay the fees, costs, or charges.

3. ☒ The applicant must **provide additional information and attend a hearing** before the court decides if the applicant qualifies for a fee waiver.

4. ☐ The applicant **does not qualify** for a fee waiver because *(must state specific reason)*:  
\_\_\_\_\_  
\_\_\_\_\_

**IT IS HEREBY ORDERED:**

A. ☐ Application for Waiver of Court Fees is **GRANTED**.

i. ☐ The applicant qualifies for a **full waiver**, and may participate in this case without payment of fees, costs, or charges.

OR

ii. ☐ The applicant qualifies for a **partial fee waiver** as follows *(check one)*:

☐ **75% of all fees, costs, and charges are waived** *(and the applicant must pay 25% of all fees, costs, and charges).*

☐ **50% of all fees, costs, and charges are waived** *(and the applicant must pay 50% of all fees, costs, and charges).*

☐ **25% of all fees, costs, and charges are waived** *(and the applicant must pay 75% of all fees, costs, and charges).*

Charges included in this waiver are: filing, service of process, publication, mediation, guardian ad litem, or any other court ordered fees listed in

735 ILCS 5/5-105(a)(2)(1).

☐ The applicant must pay fees, costs, and charges currently due by: \_\_\_\_\_  
Date

OR

☐ Upon good cause shown, the applicant may make payments as follows  
*(describe deferral, installment plan, or other reasonable terms)*:  
\_\_\_\_\_  
\_\_\_\_\_

This order expires one year from the date of this order. The applicant may reapply before or after the expiration date.

B. ☒ Application for Waiver of Court Fees is **SET FOR HEARING** on 11/20/2019  
Date

at 9:00 am in courtroom: A117  
Time

The applicant must bring the following documents:

income tax returns from 2018, proof of any assets held in Plaintiff's name  
documentation regarding income for past 2 years, including pay stubs

C. ☐ Application for Waiver of Court Fees is **DENIED**.

The applicant must pay all fees, costs, and charges currently due by: \_\_\_\_\_  
Date

**DO NOT** complete this section. The judge will sign and date here.

ENTERED: BA

Judge

10/31/2019

Date

# EXHIBIT B

1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF W I L L )

4 IN THE CIRCUIT COURT OF THE 12TH JUDICIAL CIRCUIT  
5 WILL COUNTY, ILLINOIS

6 IN RE THE MATTER OF: )

7 CONNIE FORSYTHE, )

8 Petitioner,) )

9 -vs- )

10 JOHN NORTON, )

11 Respondent.) )

12 NO. 2019 OP 1740

13 REPORT OF PROCEEDINGS had at the hearing of the  
14 above-entitled cause before the Honorable FREDERICK V.  
15 HARVEY, on the 24th day of October, A.D., 2019.

16 APPEARANCES:

17 MR. ROBERT HANLON, Attorney At Law  
18 Appeared on behalf of the Petitioner;

19 MR. JOEL BROWN, Attorney At Law  
20 Appeared on behalf of the Respondent.

21  
22 STEVE VITHOULKAS, CSR, RPR, RMR  
23 Will County Courthouse  
24 Joliet, IL 60432

1           THE COURT: All right. 19 OP 1740, Connie Forsythe  
2 versus John Norton. The petitioner is present in court with  
3 her attorney, Mr. Hanlon. Mr. Norton is present in court  
4 with his attorney, Mr. Brown. We left off in your case,  
5 Mr. Brown, right?

6           MR. BROWN: Yes. The motion for directed finding had  
7 been denied. It's my case in chief. Your Honor, I would  
8 call Jim Spinale who is out in the hall.

9           THE COURT: All right. And just so you gentlemen know,  
10 over the lunch hour I received news that we must adjourn at  
11 3:00 o'clock today. I apologize.

12          MR. BROWN: Okay.

13          THE COURT: Hopefully that's not too much of a hassle  
14 to anybody, but I have some home issues that require me to  
15 leave work early today which I found out about an hour ago.  
16 So I apologize to everybody about that. I am also -- do you  
17 have any objection -- my clerk is here. I was going to ask  
18 you if we had any objection if we proceed without the clerk,  
19 but never mind. Call your witness.

20          MR. BROWN: Okay.

21          MR. HANLON: Judge, I will do everything in my power to  
22 be out of here by 3:00 p.m.

23          THE COURT: I'm sure you will, Mr. Hanlon.

24          MR. BROWN: If you could stop there and be sworn and

1 then sit there.

2 THE COURT: All right. Sir, raise your right hand for  
3 me, please.

4 (Witness sworn.)

5 THE COURT: Okay. Have a seat. A couple things.  
6 Please speak up so everybody can hear you, all right? And  
7 also refrain from the uh-huh's and uh-huh's. Use yes or no  
8 when appropriate, all right, because it's very hard for the  
9 court reporter to transcribe those expressions. Also, if  
10 you hear an objection by either side, please wait for this  
11 Court's ruling as to whether or not you can answer, okay?

12 THE WITNESS: Yes, Judge.

13 THE COURT: Go ahead, Mr. Brown.

14 JAMES SPINALE,  
15 having been called as a witness; being duly sworn, was  
16 examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. BROWN:

19 Q Please state your name, spelling the last for the  
20 record.

21 A James Spinale, S-p-i-n-a-l-e.

22 Q And what town do you live in?

23 A Wilmington, Illinois.

24 Q And how are you employed?



1           A     I am retired.

2           Q     Do you have any sort of small business now?

3           A     I have a few customers I cut grass to keep busy.

4           Q     And do you know John Norton?

5           A     I do.

6           Q     And does Mr. Norton assist you with cutting the  
7 grass?

8           A     Two, three days a week.

9           Q     Is he employed by you full time?

10          A     No.

11          Q     Part time?

12          A     Yes.

13          Q     So is it sort of as needed?

14          A     Yes.

15          Q     Okay. And did he assist you this summer?

16          A     Yes.

17          Q     And does he have -- did he have a set schedule for  
18 mowing the lawns with you?

19          A     No.

20          Q     So you would call him when you thought you needed  
21 someone?

22          A     Yes.

23          Q     Now, do you know a Connie Forsythe?

24          A     I do.

1           Q     And have you ever been -- when, if ever, have you  
2     been in the company of Mr. Norton and seen Miss Forsythe  
3     come up and take pictures of Mr. Norton?

4           MR. HANLON:  Objection; assumes facts not in evidence.  
5     Leading.  It's his direct.

6           THE COURT:  All right.  That will be sustained.  Can  
7     you restate your question, Mr. Brown?

8     BY MR. BROWN:

9           Q     How long have you known Connie Forsythe?

10          A     I know of her, probably a couple of years.

11          Q     And have you had any occasion to see Miss Forsythe  
12     while you were with Mr. Norton from June of this year to  
13     present?

14          MR. HANLON:  Objection; leading.

15          THE COURT:  That one is overruled.

16          THE WITNESS:  Yes, I have.

17     BY MR. BROWN:

18          Q     And have you had -- during those occasions, did  
19     you notice anything unusual?  I take that back.

20                 Can you tell me the first occasion that you had  
21     when you saw Miss Forsythe when you were in the company of  
22     Mr. Norton?

23          A     Maybe the middle of August.

24          Q     And middle of August -- you don't know a more

1 specific date, do you?

2 A Not a date, no, sir.

3 Q And what, if anything, did you observe Miss  
4 Forsythe to do?

5 A She was with another party at the time, and I  
6 believe her name is Becky Becker.

7 Q Okay.

8 A She was not driving.

9 Q She was in a car?

10 A Yes.

11 Q Okay. And what did you observe?

12 A They were parked from where I was cutting grass  
13 at. I think that's Kankakee Street. They were taking  
14 pictures.

15 Q Do you know -- where were they taking pictures  
16 of? What were they taking pictures of?

17 MR. BROWN: Objection; calls for speculation.

18 THE COURT: Well, that's sustained as to that. You  
19 asked it right the first time.

20 BY MR. BROWN:

21 Q What were they taking picture -- what area were  
22 they taking pictures of?

23 A Mr. Norton.

24 Q Okay. And how long did you observe Miss Forsythe?

1           A     They didn't stay around. They just took --  
2 snapped some pictures and drove off.

3           Q     So was it a minute, more than a minute, less than  
4 a minute?

5           A     Probably less than a minute.

6           Q     Okay. And what did you -- how far away were they  
7 from Mr. Norton?

8           A     40 feet maybe.

9           Q     And was Mr. Norton in a vehicle or on foot?

10          A     He was cutting grass.

11          Q     And did you -- strike that.

12                Did you have any other occasion to view Miss  
13 Forsythe taking pictures?

14          A     September, maybe middle -- second or third week in  
15 September.

16          Q     And can you describe that occasion?

17          A     She was driving and was stopped taking pictures of  
18 Mr. Norton.

19          Q     Where was Mr. Norton at?

20          A     The same -- I'm going to use a name.

21          Q     Okay.

22          A     I don't know the address. His name is --  
23 everybody calls him Sippy. His name is -- last name is  
24 Julius Shelshouse (phonetic).

1 Q Okay. And you observed her taking pictures?

2 A Yes.

3 Q And Mr. Norton was mowing lawn?

4 A Yes.

5 Q And how long was -- how long did you observe her?

6 A Just less than a minute. She was just taking  
7 pictures, then she drove off.

8 Q Okay. And getting back to your lawn mowing side  
9 job. Are a lot of your lawns in downtown Wilmington?

10 A I'm going to say yes.

11 MR. BROWN: Okay. One moment.

12 (Brief pause.)

13 MR. BROWN: Your Honor, I don't have any -- one moment.  
14 Nothing further, your Honor.

15 THE COURT: Cross.

16 CROSS EXAMINATION

17 BY MR. HANLON:

18 Q You indicated that you employ Mr. Norton. Did I  
19 hear that correctly?

20 A Yes.

21 Q And that employment commenced sometime prior to  
22 the middle of August, is that correct?

23 A Yes.

24 Q During that course of employment with Mr. Norton,

1 have you come to learn of any disability that he may have?

2 MR. BROWN: Objection, your Honor.

3 THE COURT: That's sustained.

4 BY MR. HANLON:

5 Q How is his hearing? Can he listen to your  
6 instructions?

7 MR. BROWN: Objection, your Honor.

8 MR. HANLON: He raised the issue of employment, Judge.

9 THE COURT: Hold on. There is an objection.

10 MR. HANLON: He raised the issue of employment, asked  
11 him what he does, and I should be able to explore what he  
12 does in the course of his employment. He opened up the door  
13 on it. I'll be quick, Judge.

14 THE COURT: No, that objection is sustained.

15 MR. HANLON: I have no further questions for the  
16 witness, Judge.

17 MR. BROWN: Nothing further.

18 THE COURT: All right. You can step down. Thank you.

19 THE WITNESS: May I leave the Court?

20 THE COURT: Yes. You can leave the courtroom.

21 (Witness excused.)

22 MR. BROWN: Please wait outside.

23 THE COURT: Mr. Brown, anything else?

24 MR. BROWN: No, your Honor.

1 THE COURT: You rest?

2 MR. BROWN: We rest.

3 THE COURT: Any rebuttal testimony based on the  
4 respondent's case?

5 MR. HANLON: No, Judge. I'm actually somewhat pleased  
6 by the testimony.

7 THE COURT: All right.

8 MR. BROWN: I didn't hear that last, Counselor. I'm  
9 sorry.

10 MR. HANLON: Oh, I said I was somewhat pleased by his  
11 testimony.

12 THE COURT: Okay. Proofs are closed.

13 MR. BROWN: If the proofs are closed, may I let him  
14 go? He's got to go and get his grandchild.

15 THE COURT: Absolutely. I will give you a couple  
16 minutes to do that.

17 (Brief pause.)

18 THE COURT: All right. Argument.

19 MR. HANLON: Yes, your Honor. Your Honor, the first  
20 thing that I'd like to point out to the Court is that any  
21 weighing of the credibility of the witnesses has to fall in  
22 favor of the petitioner in this case. In support thereof, I  
23 will address a fairly simple issue to begin with. On direct  
24 examination of Mr. Norton, specifically he was asked if he

1 was employed. He answered that he was unemployed, that he  
2 had not been employed during that period of time. We heard  
3 from his own witness today that he was employed in this  
4 endeavor of, I guess, cutting grass.

5 The totality of his testimony was undermined  
6 rather substantially during the cross examination of  
7 Mr. Norton. Today's witness doesn't add any occurrence  
8 testimony concerning the specific events that are complained  
9 about in the petition. Those items that are complained  
10 about in the petition is that the respondent had been  
11 calling petitioner a whore. He had indicated in a public  
12 environment that he knew how to kill people and get away  
13 with it.

14 MR. BROWN: Objection, your Honor. That assumes facts  
15 not in evidence. That's not in evidence.

16 THE COURT: It's argument, Mr. Brown. You can counter  
17 it, okay?

18 MR. BROWN: Okay.

19 MR. HANLON: Judge, I have the transcript from when we  
20 were here last. I direct the Court to the particular page,  
21 if it's so inclined, that Mr. Brown wishes to stand on that.

22 THE COURT: The objection is overruled. You can  
23 continue your argument.

24 MR. HANLON: The evidence also showed that for what



1 appears to be no apparent reason at all, Mr. Norton elected  
2 to, you know, locate his vehicle in a handicapped parking  
3 spot that he knew that the Petitioner would need to use  
4 given her disability. During the course of the testimony  
5 which was, you know, rather lengthy in this case, the  
6 statutory standards have been met for the purpose of  
7 entering the order.

8 As we stand here today, Mr. Norton's own  
9 credibility was undermined by the very testimony offered in  
10 a very short period of time by Mr. Spinale, and what he  
11 offers is that my client took a picture from an automobile  
12 without the date that was specified. The original date that  
13 the picture was purportedly taken was sometime mid August.  
14 We don't know -- given that the fact that the complaint  
15 specifies August 15th, we don't know if it was before or  
16 after that date, and, therefore, I don't think that there is  
17 any credibility to that as it relates to the petition that's  
18 in front of the Court.

19 Nevertheless, we believe that we have met the  
20 standard of the Court denying the motion of the respondent  
21 for a directed finding after the case in chief supports that  
22 we have established the respective elements. Thank you.

23 THE COURT: Mr. Brown.

24 MR. BROWN: Your Honor, I think we need to examine this

1 case based on the evidence that they have presented. They  
2 said that -- your Honor, I don't think that they have met  
3 their burden. In order to get a stalking/no contact order,  
4 you've got to have a course of conduct. What's their course  
5 of conduct? First he parked in a parking space. So what.  
6 That's not him making contact. How does that make a person  
7 fear for his or her safety parking in a parking space? She  
8 stated that she didn't even have any contact in that parking  
9 lot.

10 Second, the Dollar General. Your Honor saw the  
11 video. Your Honor saw Mr. Norton walk in, go and -- go to  
12 the counter, pay for his items. He paid for his items and  
13 then he stepped back, so he wasn't impeding anyone. He  
14 stepped back. The other person was checking out their  
15 items, and then by her own testimony, Miss Forsythe says  
16 something to the effect of, John, move or shup up, John, or  
17 something to that effect.

18 Now, Judge, she testified that two days before he  
19 called her a whore, so you can infer that their relationship  
20 isn't the best. They don't give each other Christmas cards,  
21 they don't hug each other. So you see somebody who is not  
22 blocking the way, blocking any way, he is talking to  
23 somebody else and you tell him to shut up, and what kind of  
24 reaction are you going to -- what kind of reaction is a

1 reasonable person going to expect? He said something sharp  
2 to her and the video shows that. He turns and says  
3 something sharp to her and then he walks out. What does she  
4 expect?

5 Also, your Honor, she says that his hands were --  
6 that he had -- his hands were balled up, he was making  
7 fists, he lunged towards her. The video doesn't show that.  
8 The video also shows that Mr. Norton had groceries in his  
9 right hand, in his right hand, so that's not -- that's not a  
10 course of conduct there either. And I would note that the  
11 statute says that the contact has to be initiated by him or  
12 continued by him past the point when a reasonable person  
13 would want the contact to stop. She initiated the contact,  
14 he said a couple words and left.

15 Now, your Honor, this stuff about Mr. Norton  
16 calling her a whore at the township meeting, A, assuming  
17 that occurred, and Mr. Norton denied it on the witness  
18 stand, assuming that occurred, it's protected free speech.  
19 That's not a threat. That's not a threat. It's not even  
20 defamation because we don't know if anyone else heard it, so  
21 it's protected free speech. You can say things to people  
22 that they might not like, and unless you are threatening  
23 them, it's not -- it's not -- it's protected.

24 Now, Judge, assuming that happened, should he have

1       said that? No. I mean that's not, you know, the world's  
2       most gentlemanly behavior, but that is -- again, we don't  
3       know -- that's not a course of conduct. Now, Judge, also,  
4       you've got the -- Miss Forsythe saying that, you know, she  
5       saw him 800 feet away, okay? She saw him 600 feet away,  
6       okay? We have no testimony that he knew that he was there.  
7       Your order says that he's got to stay 1,000 feet away from  
8       her. Anywhere on planet earth, he has to stay a thousand  
9       feet away from her.

10               Your -- there is no testimony from her that he  
11       knew that she was there. That is -- take the hypothetical  
12       he is in Burger King having a burger and she comes in and  
13       orders --

14               MR. HANLON: Object to facts not in evidence. It's a  
15       hypothetical.

16               THE COURT: That's overruled. It's argument.

17               MR. BROWN: He's got to go. He's got to go. Let's say  
18       he is in Burger King and he doesn't see her and she stands  
19       there for, you know, a minute or so and he doesn't see her,  
20       he is not violating your order, your Honor. He's got to  
21       know that she is there to violate it. And I think that the  
22       reason that Mr. Spinale's testimony is relevant is that  
23       she -- you know, he's got a reason to be downtown.

24               I can see the Court being unamused by my client

1     being downtown and mowing lawns, but he's got a reason to be  
2     down there. He is helping out a friend. And your order  
3     from September 12th doesn't prohibit him from being downtown  
4     within a thousand feet of her work. Your order prohibits  
5     him from going into her job. So being downtown and mowing  
6     the lawn wherever does not prohibit him -- the order doesn't  
7     prohibit that.

8             Your Honor, getting back to the core incident, if  
9     it occurred. Your Honor would recall that she didn't raise  
10    that in the direct, she didn't raise that in the cross. The  
11    petitioner and respondent had rested. Your Honor wanted to  
12    ask her about that, and your Honor had to ask her about that  
13    multiple times before she gave a straight answer that was  
14    understandable.

15            The reason that's important, Judge, is because  
16    that should go to the weight. If she's saying that that  
17    caused her emotional distress, why didn't she say it on the  
18    direct? Why didn't she say it on cross? Why did your Honor  
19    have to ask for that multiple times? That goes to her --  
20    that that not causing her emotional distress, comprising  
21    significant mental suffering, anxiety or harm. So there is  
22    that.

23            And then, your Honor, again, as I mentioned in the  
24    motion for directed finding, nowhere is the word harassing

1 mentioned or used in the stalking/no contact statute. The  
2 legislature knows what stalking is. If they meant for that  
3 behavior to be part of the stalking/no contact order to be  
4 the basis for that, I believe they would have said you can't  
5 harass either.

6 So in conclusion, Judge, you've got no course of  
7 conduct, no course of contact. You've got no -- you got no  
8 nothing here where she would have been caused significant  
9 mental suffering, anxiety or alarm. You don't have that,  
10 your Honor. Finally, with respect to Mr. Spinale's  
11 testimony, she is seeking out my client. Again, that's  
12 something that if you are frightened or worried about being  
13 stalked, why are you pulling up to where my guy is and  
14 taking pictures of him? That's not something that someone  
15 who needs a stalking/no contact order does. Thank you.

16 MR. HANLON: Rebuttal?

17 THE COURT: Mr. Hanlon?

18 MR. HANLON: Yes, Judge. First of all, I know that the  
19 Court probably doesn't have a transcript of the last time we  
20 were here, but I have a copy of it here, and I am handing to  
21 Mr. Brown page 52 of the transcript. I have a copy for your  
22 Honor. I don't have a third copy, but I would like to read  
23 this one section out loud, the bottom of the page, line  
24 numbers 23, 24.

1           The Court: "Answer me this, Mr. Brown. The order  
2 was written and the amendment to the order written does not  
3 require -- does require your client to stay 1,000 feet away  
4 from her, correct?" Answer: "Yes."

5           Part of his argument here today, he's arguing that  
6 her place of employment is the only -- you know, that he can  
7 be within that thousand feet, and that's not what your order  
8 had said previously, it is not what you had communicated to  
9 opposing counsel. First of all -- so that's the first  
10 rebuttal.

11           The second is that he raises this idea of a lack  
12 of a course of conduct. We have repeated periods of times  
13 where in order to create anxiety and alarm in the  
14 petitioner, he's calling her a whore. This is not normal  
15 conduct, Judge. In addition to that, there is a threat to  
16 her life. I know how to kill people and get away with it,  
17 all directed at this petitioner. That course of conduct,  
18 that statement by itself, we have two pieces of testimony  
19 that has that one statement. We have Miss Forsythe who was  
20 not impeached during her testimony, then we have Mr. Norton,  
21 who I don't know how many times has been impeached, and then  
22 he offered testimony with respect to his employment which he  
23 denied having any employment.

24           My opposing counsel raises a constitutional

1 argument of free speech. I believe there isn't an Appellate  
2 Court in the land that would sustain argument that says that  
3 it's free speech to say I know how to kill people and get  
4 away with it, directing that attention to the bitch that he  
5 referred to in the Dollar General store. I don't believe  
6 that the word whore in any context when addressed to a woman  
7 would be taken as anything other -- that would be a  
8 permissible use of free speech unless it could be  
9 established that the party was, in fact, a whore, and that  
10 we don't have here.

11 We have someone who is flippantly using terms in  
12 order to incite and create anxiety in the very person that  
13 has brought this petition because she's tired of the fact  
14 that his conduct is directed at her, and it is that course  
15 of conduct that we are here to complain about. Thank you,  
16 your Honor.

17 THE COURT: All right. This Court having considered  
18 all of the evidence that's been presented, including the  
19 arguments by both attorneys and based on the totality of the  
20 circumstances, including the judging of the credibility of  
21 the witnesses, I do find that the petitioner has sustained  
22 her burden of proof and I am extending the stalking/no  
23 contact order. It will be in place for one year. The  
24 termination date of the order is October 23rd of the year



1       2020.

2               Just to be clear, there are no amendments to this  
3       order whatsoever. Mr. Norton must stay 1,000 feet away from  
4       this person. That is my order, okay? Ma'am, if you wish to  
5       extend it any time past then, you must file a written motion  
6       no later than 30 days before the termination date of October  
7       23rd of the year 2020 and give the other side notice, okay?  
8       If you don't do that, nothing bad happens, a year from today  
9       this order expires.

10              I will make one caveat to that rule. I apologize,  
11       because I was dealing with your employment. In no uncertain  
12       terms, this order in no way precludes Mr. Norton from  
13       participating in any kind of Open Meetings Act, things of  
14       that nature, okay, any kind of local government. He can  
15       obviously attend meetings, all right? He's just got to stay  
16       away from the petitioner if the petitioner happens to be at  
17       that meeting, got it? Yes, sir.

18              MR. BROWN: Just to be clear, at the meetings, there is  
19       no distance requirement at the township meetings?

20              THE COURT: I will say -- I have seen the video. It  
21       doesn't appear that it's going to cover. It's not three and  
22       a third football fields long, okay? I will put something in  
23       there that he is allowed to attend, must stay away while at  
24       the meetings and not have any contact whatsoever.

1 Mr. Norton, it's a hundred feet. Stay a hundred feet away.  
2 If you violate my order, you will go to jail. Enough is  
3 enough, sir.

4 MR. BROWN: I don't think that the meeting hall is a  
5 hundred feet, your Honor.

6 THE COURT: I believe it is. I believe it is. And  
7 until you bring in some kind of measurement to the contrary,  
8 I saw the video, I saw where everybody was lined up, a  
9 hundred feet is not that far. This room is probably close  
10 to a hundred feet.

11 MR. BROWN: Yes, your Honor.

12 THE COURT: If I made it 75 feet, would that make you  
13 feel more comfortable?

14 MR. BROWN: I think the room in question, sometimes  
15 it's not held -- it's not held all the time in that  
16 particular area. What we would ask would be no offensive  
17 contact at the township hall meetings.

18 THE COURT: No, there is no contact whatsoever because  
19 now we are mincing terms about the definition of certain  
20 words. No contact, not offensive or otherwise. No contact.

21 MR. BROWN: Your Honor, my client indicates that he  
22 believes the room is 28 by 35 feet. So if you got a hundred  
23 feet or 75 feet --

24 MR. HANLON: Again, he is attempting to introduce facts

1 not in evidence.

2 THE COURT: I tell what you, Mr. Brown. I will allow  
3 you to bring me some kind of -- I am not going to take your  
4 client's word for it, okay? Certainly there are surveys  
5 available and what not, all right? I will split the  
6 difference with you. He's got to stay 50 feet away while at  
7 the meetings, all right? A thousand feet everywhere else.  
8 And the most important part of this ruling is I don't care  
9 what meeting is going on, he is to have no contact with this  
10 person in any way, shape or form, okay?

11 And if you read the definitions that are provided  
12 in the order, that includes staring, all those type things.  
13 It's in the definitions of the terms.

14 MR. BROWN: Yes, your Honor.

15 THE COURT: All right. Anything else?

16 MR. HANLON: Your Honor, if I may make an inquiry of  
17 the Court?

18 THE COURT: Yes.

19 MR. HANLON: The nature of the plenary order, I am not  
20 familiar with the forms that are used here in this  
21 particular county.

22 THE COURT: Okay.

23 MR. HANLON: And so is it a separate plenary form  
24 order?

1 THE COURT: You are going to walk out of here today  
2 with a form order.

3 MR. HANLON: Fair enough, your Honor.

4 MR. HANLON: Will the Court prepare it or do you want  
5 us to prepare it?

6 THE COURT: I prepare it and my clerk will seal it and  
7 give it to you in a few minutes.

8 MR. HANLON: Thank you.

9 THE COURT: Sure. Anything else?

10 MR. HANLON: I would like to point out it's only 2:00  
11 p.m. and we beat your deadline by one hour, Judge.

12 THE COURT: Mr. Brown, anything?

13 MR. BROWN: Not at the moment, your Honor.

14 THE COURT: All right.

15 MR. BROWN: If I have to file a motion for the township  
16 hall meetings, I will do that.

17 THE COURT: And it will be in the order, and I  
18 sincerely hope -- listen, we don't live in a vacuum here,  
19 okay? This is not all of our first rodeo here, and I am not  
20 sure if there is people in the audience who are part of --  
21 that participate in these meetings or whatever, okay? But I  
22 can promise your client this, Mr. Brown. If somehow my  
23 order is interpreted that he can't go to these meetings,  
24 immediately bring it to this Court's attention and I will

1 change the order without notice to anyone, okay? Because he  
2 has an absolute right to participate in local government,  
3 and as long as he is not using that participation to somehow  
4 have contact or commit any other crime against this  
5 petitioner here, then he is not going to have an issue with  
6 this Court.

7 This Court will have an issue with, I believe,  
8 it's the Wesley Township, if somehow this order gets  
9 interpreted that he cannot participate because it's going to  
10 explicitly say in the order that he can.

11 MR. BROWN: Yes, your Honor.

12 THE COURT: All right. I apologize to both parties.  
13 We already addressed this issue in the emergency and I set  
14 it at 25 feet while at the government meetings. I  
15 apologize. We were arguing a moot point. It's already in  
16 there.

17 MR. BROWN: If your Honor still could put in that he  
18 has the right to attend the meetings?

19 THE COURT: Yeah, absolutely.

20 MR. BROWN: Thank you.

21 THE COURT: All right. And, Mr. Brown, I've looked at  
22 paragraphs four and five -- I'm sorry, three and five of my  
23 order. Just see the language on that. That should suffice.

24 MR. BROWN: Yes, your Honor.

1 THE COURT: I have copies for everyone.  
2 (AND THOSE WERE ALL THE PROCEEDINGS HAD.)  
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STATE OF ILLINOIS       )  
                                  )  
COUNTY OF WILL         )

SS.

I, STEVE VITHOULKAS, Official Court Reporter for the 12th Judicial Circuit, Will County, Illinois, do hereby certify the foregoing to be a true and accurate transcript of the electronic recording of the proceedings of the above-entitled cause, which recording contained a certification in accordance with rule or administrative order.

*Steve V. Williams*

STEVE VITHOULKAS  
Official Court Reporter.

1 STATE OF ILLINOIS )  
2 COUNTY OF WILL ) SS:  
3 )

4 IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
5 WILL COUNTY, ILLINOIS

6 IN RE: THE MATTER OF )  
7 CONNIE FORSYTHE, )  
8 Plaintiff, )  
9 vs ) No. 19 OP 1740  
10 JOHN NORTON, )  
11 Defendant. )

12 REPORT OF PROCEEDINGS had in the above-entitled  
13 cause before the HON. FRED HARVEY, Judge of the Circuit  
14 Court of Will County, Illinois, on the 16th day of  
15 January, 2020.

16 APPEARANCES:

17 MR. ROBERT HANLON,  
18 Attorney at Law,  
19 Appeared on behalf of the Plaintiff;

20 MR. JOHN NORTON,  
21 Appeared as a self-represented litigant.

22

23

24 TRACY HOYT, CSR  
WILL COUNTY COURTHOUSE  
JOLIET, ILLINOIS 60432



1 THE COURT: All right. For the record, this is  
2 Connie Forsythe versus John Norton, Case No. 19 OP 1740.  
3 Show Miss Forsythe is present by her attorney,  
4 Mr. Hanlon. And Mr. Norton is present representing  
5 himself.  
6 Come up here and have a seat, Mr. Norton.  
7 (Whereupon, a brief pause was had.)  
8 THE COURT: Good afternoon, gentlemen.  
9 MR. NORTON: Good afternoon, your Honor.  
10 THE COURT: And I believe we are here on  
11 Mr. Norton's motion to reconsider.  
12 MR. NORTON: Yes, your Honor --  
13 THE COURT: Mr. Norton, it's your -- well, hold on  
14 a second before we begin.  
15 It is your motion. Are you ready to proceed to  
16 hearing this afternoon?  
17 MR. NORTON: No, your Honor.  
18 Actually, what -- I request a two-week  
19 continuance because the Attorney General's Office said  
20 they need seven more business days to get me some  
21 documentation due to the fact that I have a, a document  
22 that counsel, counsel has not seen yet.  
23 That the Attorney's General Office is  
24 investigating due to a lack of what you call

1 "inaccessibility" at above-reference facility. And it  
2 is it's currently under investigation. They have made a  
3 determination.

4 I was informed as of yesterday it will take  
5 another seven business days for them to forward me the  
6 documentation to find the Township is in violation of  
7 the Americans with Dis -- Disabilities Act.

8 Meaning, there is no valid --

9 THE COURT: Well --

10 MR. NORTON: -- parking spot outside the building.

11 THE COURT: Let -- let me ask you this, Mr. Norton.

12 MR. NORTON: Yes, your Honor.

13 THE COURT: How -- what relevance does that have to  
14 my order and to your motion to reconsider?

15 MR. NORTON: Yes, your Honor.

16 In part one of her complaint, she stated that I  
17 was utilizing a, a disabled parking spot in front of  
18 this facility, which there is none.

19 And she has made the complaint -- the evidence  
20 she provided was not clear and convincing. It was a  
21 grainy photo, your Honor. I believe it was evident --  
22 it was evidence -- or Exhibit No. A.

23 It showed a, a black and white photo of a  
24 vehicle -- which I admit is mine -- at a -- what they

1 call a port hundred twenty degree angle on the bow  
2 showing across from the left rear corner panel -- across  
3 to a sign that was further off -- 45 degrees off to the  
4 side, which also was noncompliant with ADA standards.

5 No lines on the parking lot, since it's a  
6 gravel parking lot. There's no lines in accordance with  
7 the -- have it just right here -- that -- 2018 Illinois  
8 Accessibility Code, Section 501, shows the, the  
9 guidelines -- this is right off the Attorney General's  
10 website -- showing the parameters required for this kind  
11 of parking spot, proper lines park, proper signage.

12 None of the -- the photo he showed -- none of  
13 that was in there. Which means if, if that -- if none  
14 of that's there, there's no violation here.

15 That, that Section 1 of her complaint, it's  
16 just her word against mine. Because I remember stating  
17 when I was up here in that chair right there, your  
18 Honor, I did clearly state, that is a -- that the spot  
19 is a non ADA complaint.

20 In the State of Illinois -- the Attorney  
21 General's Office has agreed with me. But they haven't  
22 sent me the paperwork yet. It will be another seven day  
23 business days before it gets here. They did send --  
24 initially, sent the letter saying they were investigate.

1 I'm just now finding out about it. They need another  
2 seven days to, to send me their ruling --

3 THE COURT: Well --

4 MR. NORTON: -- that's why I am asking for a  
5 continuance for two weeks to -- so that I can present  
6 that in court, your Honor.

7 THE COURT: I'll tell ya, Mister -- Mr. Norton,  
8 what, what I will do is this.

9 I'm not inclined to, to grant your continuance  
10 today. I kinda -- I wanna get to the -- I wanna put  
11 this to bed --

12 MR. NORTON: Yes, your Honor.

13 THE COURT: -- your motion to reconsider.

14 MR. NORTON: Yes, your Honor.

15 THE COURT: But I will tell you what I will do --  
16 because I don't think it is quite relevant.

17 And I know it wasn't -- the, the -- whether or  
18 not you violated parking in a valid handicap spot versus  
19 a non-valid handicap spot, if this were -- if we were  
20 fighting some kind of traffic ticket, if that was a  
21 trial based on that, then I think your, your grounds for  
22 continuance is well-founded. Okay?

23 But I think as far as for today's purposes go,  
24 the -- I'll, I'll take you at your word. This, this

1 proof you want, I'll give it to ya. For sake of today's  
2 argument, that's a bad spot. How's that?

3 So you don't need the Attorney General's  
4 Office. I'm taking it -- I am -- for today's hearing,  
5 I'm even considering that you're 100 percent right about  
6 them not complying with whatever it is that you rattled  
7 off that they have to complied with --

8 MR. NORTON: Yes, Judge.

9 THE COURT: -- do you understand that?  
10 How about that?

11 MR. NORTON: Yes, your Honor.

12 THE COURT: Can we do it that way?

13 MR. NORTON: Yes, your Honor.

14 THE COURT: All right. Any objection with that,  
15 Mr. Hanlon?

16 MR. HANLON: No, your Honor.

17 THE COURT: All right. Thank you.

18 You want some water? You sound like you're a  
19 little horse.

20 MR. HANLON: No. No. I'm fine. Perhaps, I --  
21 (inaudible) reserve my comments on that.

22 THE COURT: All right. Go ahead, Mr. Norton. It's  
23 your move -- I'm sorry.

24 And you're right. So with that exception,

1 means just taking that as true, are you ready to proceed  
2 on your motion?

3 MR. NORTON: Yes, your Honor.

4 THE COURT: All right.

5 Mr. Hanlon, how about you?

6 MR. HANLON: I'm always ready, Judge.

7 THE COURT: Thank you. All right.

8 Go ahead, Mr. Norton, it's your motion. Go  
9 ahead.

10 MR. NORTON: Okay. Going on what I had previously  
11 stated and the fact that the -- counsel at the time,  
12 like I said, presented a black-and-white photograph,  
13 grainy, that -- I believe that -- was not taken for what  
14 it should have been was -- it's rough -- it shows a  
15 vehicle, a building, it looks like a sign off in the  
16 distance.

17 That -- they showed there was no intent for --  
18 there was no intent that I intentionally wanted to do  
19 this as a point of aggregation or anything.

20 Matter of fact, that spot I'd been parking in  
21 for years off and on off to the side. I've always tried  
22 to avoid parking in front of the sign because I know  
23 somebody would complain. So, I always parked off to the  
24 side of it.

1           It's just unfortunately, finally, that the  
2   petitioner in this situation -- which has become an  
3   ongoing legal battle with, with us.

4           And as you stated last month when you said I  
5   was no stranger to this courtroom, your Honor, well,  
6   that's only been for the last year. Because for the 50  
7   years previous to that, you never saw me in this  
8   courtroom. And there's no record of really -- other  
9   than a traffic violation, which got dismissed -- of me  
10   ever being in this courtroom for the last 50 years, your  
11   Honor.

12           It's just why all the sudden lately case of  
13   Counselor Hanlon's other client, Cynthia Brzana who --

14           MR. HANLON: Objection. Relevance, Judge.

15           MR. NORTON: Yeah --

16           THE COURT: Hold on. Let me do my job up here,  
17   Mr. Norton --

18           MR. NORTON: Sorry. Sorry, your Honor.

19           THE COURT: Mr. Hanlon, it -- it's argument. I'll  
20   -- your objection's noted, but it's overruled.

21           Go ahead, Mr. Norton. You --

22           MR. NORTON: That one of the common denominators of  
23   all the individuals, he's been the counselor for all  
24   these individuals that, in the past year to a little

1 over a year and a half -- Cynthia Brzana, Connie  
2 Forsythe, one or two others I can't think of at the time  
3 top of my head -- Leonard McCubbin, which is also been  
4 in this courtroom, your Honor, attempting to get an  
5 order against me and which you denied it. Cynthia  
6 Brzana (inaudible) prior to that, which you also denied.

7 That this is all -- and even you noted in your  
8 final ruling, saying that your order was not to be in --  
9 to be construed as an attempt to violate my rights under  
10 the Citizen's Participation Act, which --

11 THE COURT: You're paraphrasing a little bit, but  
12 that was the gist of my ruling.

13 MR. NORTON: Yes, your Honor.

14 But that's the -- I am -- I been trying to show  
15 you on a pattern of behavior, ever since Cynthia Brzana  
16 a year and a half ago -- October 30th of -- little over  
17 a year ago -- I indicated to you this is a pattern of  
18 behavior of these individuals. All of them against one  
19 of me.

20 And I've now proven to the point where they --  
21 it's them trying to deprive me of my right to, to  
22 participate in local government, that as of 31st -- 30th  
23 of October of this year -- just for the Court's  
24 information, a lawsuit has been filed against eight of



1 those individuals. And as of this morning -- and which  
2 Petitioner Forsythe will be receiving a summons on a  
3 case number -- where'd it go -- Case No. 19 L 943,  
4 18, February, at 9:00 a.m. They will be receiving their  
5 summons here very shortly, because that's going out  
6 today.

7           Where the group of that, including one of the  
8 other members, who's sitting right there in the front  
9 row, is part of that little group. But it is not him  
10 specifically. (Inaudible) his partner of the Edgar  
11 County Watchdog groups, Kurt Dowling, is now being  
12 summons to court in -- for violating my constitutional  
13 civil rights under Citizen's Participation Act.

14           It's -- what it comes down to is, as I stated  
15 once before, I was the highway commissioner of this town  
16 -- of the Township. These individuals didn't like the  
17 way I run it. Out of 2200 residents, a group of about  
18 10 or 11 of 'em, didn't like the way I didn't play their  
19 good ole boys network.

20           I came in, I did my job, duties and  
21 responsibilities as prescribed by law, as I learned from  
22 being ex- military, ex-federal communication commission  
23 -- I worked a short time until Bill Clinton decided to  
24 downsize the government, put us all on the unemployment

1 line -- at which time, later on, after a few years out  
2 of the country, came back here, took the position,  
3 first, as an employee of the Township, and then got  
4 thrown into the highway commissioners position.

5 I knew small-town politics. I knew there was  
6 gonna be issues. I just didn't realize that -- in those  
7 years I was gone, with the advancements of Facebook and  
8 all the social media, that little groups like this can  
9 target one individual.

10 And, unfortunately, their sights got set on me.  
11 That's why in the last year and a half or so, I keep  
12 getting dragged into this courtroom, in which, like I  
13 said, all the years prior too -- I was in two -- let's  
14 see, one, one ticket over here, which was dismissed and  
15 one about 12 -- 22 years ago, automobile in -- accident  
16 involving a trucking company, rear-ended my car, which  
17 resulted in my wife's death, eventually.

18 That ended up going overseas, because my wife  
19 was a non U.S. citizen. She was from the Republic of  
20 Ireland. That, that got dragged out and is still being  
21 dragged out after 22 years. So I'm still -- I'll deal  
22 with that later. But I'm fighting two countries on this  
23 one.

24 But, like I said, in my, my motion, I knew that

1 this was a non-compliance spot. She's using it as a  
2 means of personally attacking me, both personally and  
3 politically. And -- because I won't play (inaudible)  
4 little mind games. I've never done that.

5 Like I said, I was -- came -- when I came out  
6 -- went into the military, I learned discipline. I  
7 learned to follow rules and regulations.

8 And given our current climate of our political  
9 system right now, I'm kind of glad I'm out of it. It's  
10 like -- I see the stuff going on with -- especially with  
11 this Trump impeachment and that, all the fallout from  
12 that, I'm glad I'm out of that.

13 I have nothing to do with any part of that  
14 because of the fact that it's one of those -- I always  
15 played by the -- played by the rules. I didn't play  
16 safe. Played this good ole boys network.

17 Then I got involved with the Edgar County  
18 Watchdog group, who is spurring these people on. And,  
19 so I decided, I'm taking action against them. Like I  
20 said, I filed the suit back October 30th, the summons is  
21 going out today. We're gonna let this fight out in a  
22 different courtroom.

23 But she is one of the participants in this  
24 case, in which she's doing this -- like I say, claim

1 that I be parking in a spot that's not a valid spot as a  
2 form of harassment.

3 Then the -- Section 2 of that, the Dollar  
4 General incident. Your Honor, you saw clear evidence.  
5 In one minute 43 seconds, most of that video, you seen  
6 me come in the door. Took me a couple minutes to try to  
7 find what (inaudible). Come back around, stand in line,  
8 wait for the person in front of me to leave.

9 And you could see -- you saw it yourself, your  
10 Honor. (Inaudible) you saw her stalking back and forth  
11 and coming around behind me. Actually, I had no idea  
12 she was there. Your Honor, I indicated that on court  
13 records and in the video, didn't even know she was  
14 there. She's claiming, yes, I did, and I was stalking  
15 and harassing her.

16 (Inaudible). There are two incidents -- two  
17 separate incidents, two separate things you have to --  
18 what I'm concerned with is her, her accusation is being  
19 used as a -- is sufficient to meet the burden of proof  
20 in this situation.

21 She has no supporting documentation to support  
22 (inaudible), showing valid spot and I was intentionally  
23 doing it regardless.

24 And second -- on the second part of it, she did

1 (inaudible) show even on vid -- the videotape did not  
2 correspond to her statement.

3 I came in, got what I wanted, stood there and  
4 talked to the cashier, which I've done for a little  
5 while -- told her shut up, called her a bad name, and  
6 walked out.

7 Protected speech, your Honor. So I used foul  
8 language. And that's still protected speech; First  
9 Amendment.

10 Two insignificant little instances that I don't  
11 think she met the burden of -- burden of proof, even  
12 under preponderance of the evidence, still seems  
13 insufficient, your Honor.

14 But I'm trying to show you -- like I started  
15 when I said back with Cynthia Brzana over a year ago, I  
16 was trying to establish a pattern of behavior.

17 And one of the -- two common denominators, two  
18 common threads between this is, one, this counselor  
19 sitting right here, and the second, the Edgar County  
20 Watchdogs, which there -- one of their representatives  
21 is sitting in the back -- in the courtroom here. This  
22 seems to be the two that's circling around to come after  
23 me.

24 And since, and since that time, since I've not

1 had any -- really any success in stopping these, this is  
2 why I filed the lawsuit against that group, like I said,  
3 19 L 943. It'll be heard next month over in the Annex  
4 building, and we'll just take it from there.

5 Because, so far, none of the -- what they've  
6 done has really caused me any financial burden. I mean,  
7 I think I could handle, pretty much, both (inaudible),  
8 with the exception of Attorney Brown and -- that really  
9 didn't cost me anything, so I wasn't worried about that.

10 I know she's -- in his response to my motion,  
11 it's claimed -- I'm glad (inaudible) -- moment to think  
12 about this, your Honor. She claimed it's caused her  
13 financial burden.

14 Your Honor, she's proven not, not one single  
15 document to show she's anywhere gainfully employed in --  
16 let -- on planet Earth, let alone the United States or  
17 the State of Illinois.

18 She says, Oh, financial burden. Where's the  
19 receipt? Where's your employment record? You're  
20 claiming, Oh, I work here. Where's your check stubs?  
21 Where -- where's your tax (inaudible)?

22 Your Honor, when I was over here filing this  
23 one, I put in for a fee waiver. And the judge was over  
24 there satisfied on that case. He granted me a fee

1 waiver based on the fact that he did review my tax  
2 documents and all that and granted me a fee waiver.

3           Because one -- a couple things that are not  
4 included in my income, my federal retirement, my VA  
5 benefits, and that, are not required to be because  
6 they're not -- they're tax, tax exempt, because disabled  
7 veteran.

8           I don't have to file taxes on that, state --  
9 especially State of Illinois. Military active duty and  
10 retired personnel do not have to pay taxes on that.  
11 That's state law. It's been like that since -- long  
12 before I was in the Navy and got out.

13           So -- otherwise, I have no other income. I  
14 have to live on that. If it wasn't for the VA benefits,  
15 I'd be screwed because my medical bills would go right  
16 through the roof right now, so.

17           But she has provided no documentation that  
18 she's gainfully employed due to the fact that when I get  
19 her into the case over there, I am gonna subpoena her  
20 tax records and that.

21           They're get -- they're concerned that she's --  
22 with her -- one of the previous plaintiff -- or  
23 petitioners in this, Lenny McCubbin, her life partner,  
24 income tax evasion. Because they live together. And he

1 says -- well, he pays -- he's not provided any  
2 documentation she's -- she can't prove she even works in  
3 the State of Illinois or anywhere on planet Earth.

4           So -- and who's paying for -- if she has no  
5 documentation to prove she works and the money's not  
6 coming from her, more, more than likely it's coming from  
7 her boy -- or her boyfriend. That the financial burden  
8 falls on him, not her.

9           They have not proved -- provided documentation  
10 that this has cost them anything. For best I know, he  
11 could be sitting here doing this as pro bono work backed  
12 up by that political organization I, I mentioned  
13 earlier.

14           So -- and I kept it very simple on one page.  
15 And I know it's Counselor Hanlon in his response  
16 multiple pages long, he went into colorful language and  
17 that.

18           Your Honor, simply put, the law says that the  
19 parking spot has to meet this valid parameters. It did  
20 not. And I'm waiting on the documentation to prove that  
21 they've ruled that that is. So I don't need case law  
22 and that.

23           Your Honor, I actually found it quite offensive  
24 that I needed to come up with case law when I was under



1 the understanding, always (inaudible) my civics course,  
2 that judges are here to interpret the law -- interpret  
3 the legislation of law.

4 I think -- you're fully capable of interpreting  
5 the law or else you wouldn't be sitting here. Why do I  
6 need case laws from other judges to support what I said?  
7 I mean, that's -- I found that he is offending you, your  
8 Honor.

9 THE COURT: And, Mr. Norton, I'll, I'll stop you  
10 just for a minute.

11 MR. NORTON: Okay.

12 THE COURT: Sometimes -- and you're looking --  
13 you're looking for something that's not there.

14 It is routine, it is routine for licensed  
15 attorneys, when they prepare motions, to cite their  
16 relevant case law --

17 MR. NORTON: Okay.

18 THE COURT: -- to set -- it's called "precedent."  
19 Okay? And they're for -- the, the judges rely on it  
20 from time to time.

21 Even though I can know every single case that  
22 Mr. Hanlon cites, which, quite frankly, you know, I  
23 heard some of those cases, not all of them, but for the  
24 general propositions that he's using them to support, I

1 obviously do know that law. He's doing his job.

2           There's not a shot at this Court. There's not  
3 a judge in this building that would consider it to be a  
4 shot at the court. He's just, he's just representing  
5 his clients to the best of his ability. And it's really  
6 -- it's standard fare, okay, for lawyers to do that.  
7 And we certainly -- no judge takes any offense to that  
8 whatsoever. Okay?

9           MR. NORTON: Okay.

10          THE COURT: But I appreciate you looking out for  
11 me. Thanks.

12          MR. NORTON: I -- like I said, I was afraid that's  
13 what was happening.

14          THE COURT: All right. No. No.

15          MR. NORTON: I thought I'd throw a red flag up and  
16 say something just in case I was right. (Inaudible)  
17 play it safe.

18          THE COURT: All right. Mr. Norton, do you have  
19 anything else for me?

20                   (Whereupon, a brief pause was had.)

21          MR. NORTON: Something he said and I can't remember  
22 off the top -- I just spewed out so much I forgot what  
23 (inaudible). Wrong piece of paper. Damn.

24                   (Whereupon, a brief pause was had.)

1           MR. NORTON:  Something he said in his response.  
2                           (Whereupon, a brief pause was had.)  
3           MR. NORTON:  Your Honor, the, the notes -- this is  
4   not an abusive process.  I'm just following due process  
5   as in Section C of his response.  
6                           I was trying to do everything by the letter,  
7   even -- following your instructions back in November  
8   about filing a motion to reconsider.  I was following  
9   what you had said, which is what I did.  And then we  
10  came back in December and you said -- set it for -- to  
11  today.  
12                          And, by the way, I wanted to thank you for  
13  something you said in the -- during that brief -- it was  
14  not on the call -- something you said during that time  
15  to me -- or said on the record.  Thank you, your Honor.  
16  You just used it to, to help me in a previous case  
17  against him -- against his client.  
18                          I'm use -- I got the court transcripts.  And  
19  Attorney Scott Pyles, in the other case involving one of  
20  his other clients, is, is -- that was the goose that  
21  laid the golden egg.  And you help -- you actually roll  
22  -- said something about it and we're using that in that  
23  case over there, your Honor.  
24                          I just didn't -- I realized it at the moment in

1 time when you said it back in December. I was standing  
2 there biting me tongue, trying not to real -- show that  
3 -- I realize what you were telling me and telling all of  
4 us. And I had to go -- I realized what I had to do.

5           You were right, and I know -- I caught it. And  
6 I am taking action on that. It's something that you  
7 said to the two of us standing in here about being here  
8 in the courtroom. And (inaudible).

9           I got a couple of attorneys that said, You were  
10 right. And I was -- good thing I remembered it -- got  
11 the documentation, because it's been used against his  
12 counselor in another case that you were right. And I  
13 wanted to thank you for that, your Honor. I want to  
14 make sure I got that out before I forgot.

15           But now I was doing -- following due process.  
16 And this not an abusive process. I am following due  
17 process as per your guidelines back in November.

18           He did all these documents, (inaudible) five or  
19 six that counter one. A lot the language, I don't even  
20 (inaudible). Most of (inaudible) still learning about.  
21 (Inaudible) in time I'll understand it.

22           And then as to -- and then one last thing was  
23 -- how do I put this? (Inaudible) the court of appeals  
24 one -- did say not too long age, you could never go into

1 court with, with too little evidence. You have to go  
2 in, throw everything on the table. You can never have  
3 too much evidence in the court of law, I think is what  
4 they said.

5           Sadly enough, I -- some of the documents I need  
6 haven't arrived yet. That's why I initially asked for a  
7 continuation for two weeks so I could get them, because  
8 I know that you're not accepting new evidence right now.

9           But in case something came up after-the-fact,  
10 then I got -- know, by the law, I can -- that's  
11 permissible for me to, to include it, which I was  
12 waiting on and hoping. But since I'm not gonna get  
13 that, decide I'll proceed with this.

14           And I apologize for my rambling and going on  
15 about this, your Honor. Like I say, I -- like I say, in  
16 the last year, this is the most time I've spent in the  
17 courtroom in the last 50-plus years. I'm still  
18 learning.

19           Unfortunately, I don't wanna learn this, but  
20 I'm being forced down this road due to the fact a group  
21 of individuals trying to deny me my rights under the  
22 Citizens with Participation Act.

23           That's about all I could put up, your Honor.

24           THE COURT: All right. Thank you.

1           Mr. Hanlon, are you -- I take it you're  
2     objecting to Mr. Norton's motion to reconsider, and  
3     you're standing on, on your written response?

4           MR. HANLON: I am standing on my written response.

5           I just wanted confirm that you've had an  
6     opportunity to read and understand it?

7           But I do have to take --

8           THE COURT: Go ahead.

9           MR. HANLON: -- exception with a few of the  
10    statements that Mr. Norton has made here today.

11           He had suggested that by the presence of an  
12    attorney in multiple different cases and various  
13    representations, that there is something improper in  
14    connection with that.

15           That is a -- patently against a multitude of  
16    decisions of the Second District Appellate Court, as  
17    well as the Supreme Court. The, the (inaudible)  
18    District Court of Appeals has addressed that matter on  
19    several occasions as well.

20           I represent my clients when I stand here as an  
21    attorney at law. To the extent there's commonality  
22    between some of my clients and claims against  
23    Mr. Norton, it's par for the course.

24           And I felt it was important for me to

1 articulate that, even though I know that the Court is  
2 fully, you know, apprised of that.

3 But we are here today on a motion to  
4 reconsider. He failed to meet his burden, his burden on  
5 a motion to reconsider.

6 And, frankly, he didn't even address any of  
7 the, the elements that are necessary underneath the  
8 motion to reconsider.

9 And based upon the pleading itself, as well as  
10 his ramblings on, you know, here today as he described  
11 them, this Court ought to deny his motion to reconsider.

12 That's it, your Honor.

13 THE COURT: All right. Thank you, everyone.

14 Okay. The arg -- the arguments are closed.  
15 Here's, here's my ruling.

16 Mr. Norton, there's a couple things I, I want  
17 to explain to you, okay, before I, I give you my ruling  
18 on your motion. Okay?

19 First of all, I, I know that you have mentioned  
20 your military service. So this Court and the entire  
21 judicial circuit wants to thank you for your service of  
22 to this country. That's thing No. 1.

23 Thing No. 2. This Court, when making my ruling  
24 originally, emphasized that in no way my ruling should

1 affect your right to participate in government, attend  
2 meetings of government, and, and as a resident and  
3 citizen of this country, to participate in the political  
4 process. That, that is a line that this Court was not  
5 willing to cross. And I emphasized that to you.

6           You, in your argument here today, made several  
7 references to an organization -- it's -- is it Edgar  
8 County Watchdogs? Which I believe is -- they -- have a  
9 website and whatnot? Right?

10       MR. NORTON: They are a, a 504 -- 501 (C-4) --

11       THE COURT: All right. Well, proof -- I don't need  
12 that. Proofs are closed, so I don't need that. All  
13 right?

14       MR. NORTON: No, I was just letting you know.

15       THE COURT: Well, they, they do so -- I know that  
16 they've popped up in the local news from time to time as  
17 a member of the press. Okay?

18           So much -- as much as this Court values your  
19 right to participate in the political process, this  
20 Court also values the right to a free press and the  
21 right to have reporters in the room, to essentially tell  
22 the public to make sure I'm doing my job and make sure  
23 that the, the government is working for the People. All  
24 right?



1           So, so, in no way is this Court ever going to  
2 consider press being present or anything like that in my  
3 rulings. Okay? I wanna make sure -- because this Court  
4 thinks that it is absolutely vital to, to this process;  
5 not only the courts, but in politics but in everything.  
6 Okay?

7           And I just wanted to touch upon that because  
8 you addressed it several times. Okay?

9           MR. NORTON: Yes, your Honor. And I agreed with  
10 what you said.

11          THE COURT: No. No. Mr. Norton, I don't need you  
12 to comment anymore. It is my turn to talk. Okay? You  
13 wanna talk after I talk, you gotta get yourself elected  
14 to the appellate court. Okay?

15          All right. Now, as far as your motion to  
16 reconsider. Okay? I am taking the Attorney General's  
17 ruling that you're telling me about this parking spot --  
18 and I -- I haven't looked at the transcript of my  
19 ruling, but I know that in my mind, it does not matter  
20 to me one bit whether or not that was a valid handicap  
21 spot or invalid handicap spot. Whether they comport to  
22 whatever code deals with those things doesn't matter.

23          What mattered to this Court was the intent  
24 behind the parking of the spot and then more importantly

1 was the, the exchange afterwards. Okay? And that is --  
2 that was the gist of, of that scenario.

3 The validity of the spot is neither here nor  
4 there, which is why I am taking you on at, at your word  
5 on that. Okay? So I am considering that in, in your  
6 motion to reconsider.

7 And, and to address Mr. Hanlon. I know that,  
8 that you -- the Court thanks you for your patience and  
9 professionalism in this matter. But I can't fault  
10 Mr. Norton for filing this motion, because, essentially,  
11 I kinda told him to do it. Okay? I told him if he  
12 wanted to file, you know, a motion to reconsider, he  
13 could, and he had 30 days to do it. And he's,  
14 essentially, just following what this Court was telling  
15 him to do.

16 And I -- I have read your motion. I have read  
17 the response to the motion. I am considering the  
18 arguments of Mr. Norton, as well as Mr. Hanlon on behalf  
19 of this.

20 And your -- Mr. Norton, your motion to  
21 reconsider is denied. Okay?

22 Many of the things you talked about, it seems  
23 like there's other litigation that this Court's unaware  
24 of. So I guess I'll wish both sides equally good luck

1 on that.

2 But hopefully this wraps things up and take

3 care of yourselves. Okay?

4 Thank you very much.

5 MR. NORTON: Thank you for your time, your Honor.

6 THE COURT: Thank you, sir.

7 MR. HANLON: Do you want me to prepare an order or

8 --

9 THE COURT: Um --

10 THE CLERK: (Inaudible).

11 THE COURT: I -- I'll prepare an order. Thank you.

12 You'll get a copy in a couple minutes.

13 (Whereupon, a brief pause was had.)

14 THE COURT: All right. Thank you, everyone. Take

15 care. Okay?

16 MR. NORTON: Thank you, your Honor.

17 THE COURT: All right.

18 (Which were all the proceedings had.)

19

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1 THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT,  
2 WILL COUNTY, ILLINOIS  
3  
4  
5

6 I, TRACY HOYT, a Certified Shorthand Reporter  
7 for the Circuit Court of Will County, Twelfth Judicial  
8 Circuit of Illinois, do hereby certify the foregoing to  
9 be a true and accurate transcript of the electronic  
10 recording of the proceeding of the above-entitled cause  
11 which recording contained a certification in accordance  
12 with rule or administrative order.  
13  
14  
15

16   
17 \_\_\_\_\_  
18 TRACY HOYT, CSR  
19  
20  
21  
22

23 Dated this 27th day  
24 of January, 2020.

1 TRACY HOYT, CSR  
2 14 West Jefferson Street,  
Suite 300B  
3 Joliet, Illinois 60432  
815-774-7858  
4

5 BILLING DATE: January 27, 2020  
6 BILLED TO: Ms. Cindy Brzana  
815-953-6593  
7  
8 CASE: Forsythe v. Norton  
19 OP 1740  
9  
10 DATE TAKEN: January 16, 2020  
11  
12 REFERENCE: Motion to Reconsider  
13 by HON. FRED HARVEY  
14  
15 PAGES: 29 @ \$4.75 per page  
16  
16 CHARGES: \$ 137.75  
17  
18 DEPOSIT: \$ 166.25  
19  
20 CREDIT PAID: \$ 28.50-by Zelle 1/28/2020  
21  
22  
23 \*\*PLEASE BE ADVISED, THIS IS MY WORK PRODUCT AND NOT  
24 AUTHORIZED FOR REPRODUCTION. IF A COPY IS REQUESTED OF  
YOU OR YOUR OFFICE, PLEASE DIRECT THEM TO ME.

# EXHIBIT C

# EXHIBIT D

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT		SUMMONS	
WILL COUNTY			
<b>Instructions ▼</b> Enter above the County name where the case was filed. Enter your name as Plaintiff/Petitioner. Enter the names of all people you are suing as Defendants/Respondents. Enter the Case Number given by the Circuit Clerk.	John E Norton Plaintiff / Petitioner (First, middle, last name)		
	v		
	Leonard McCubbin Jr Defendant / Respondent (First, middle, last name)	191,943	Case Number

In 1, if your lawsuit is for money, enter the amount of money you seek. If on the Defendant/Respondent. In 2, enter your contact information. If more than 1 person is bringing this lawsuit, attach an addendum Plaintiff/Petitioner Contact Information form. In 3, enter the name of the person you are suing and their address. If more than 1 person is being sued, attach an addendum Defendant/Respondent Contact Information form.	1. Information about the lawsuit: Amount claimed: \$ 1,000,000.00
	2. Contact information for the Plaintiff/Petitioner: Name (First, Middle, Last) John E Norton Street Address, Apt # 1834 Roman City, State, ZIP Wilmington, IL 60481 Telephone (815) 826-1446 <input type="checkbox"/> See attached for additional Plaintiff/Petitioner contact information
	3. Contact information for the Defendant/Respondent: Name (First, Middle, Last) Leonard McCubbin Jr Street Address, Apt # 34723 S Danielson Road City, State, ZIP Wilmington, IL 60481 Telephone <input checked="" type="checkbox"/> See attached for additional Defendant/Respondent contact information

<b>Important Information for the person receiving this form:</b>	You have been sued. Follow the instructions on the next page on how to appear-answer. <ul style="list-style-type: none"> <li>If you do not appear-answer the court may decide the case without hearing from you and enter a judgment against you for what the plaintiff/petitioner is asking.</li> <li>Your written appearance-answer must be filed on time and in the proper form.</li> <li>Forms for a written appearance-answer are available here: <a href="#">http://www.courts.state.il.us/courts/circuit/forms/</a></li> </ul> If you cannot afford to pay the fee for filing your appearance-answer, ask the circuit clerk for an application for waiver of court fees. You should read all of the documents attached.
--	---



In 4, the Circuit Clerk will give you the court date of appearance. Use check any boxes that apply, and include the address of the court building and room where the Defendant Respondent must file their response.

**4. Instructions for person receiving this form (Defendant/Respondent):**

To respond to this *Summons* you must:

☐ Go to court.

On this date, 02/18/2020 at this time 9:00 ☒ a.m. ☐ p.m.

Address: 14 W. Jefferson Street Court Room A236

City, State, ZIP: \_\_\_\_\_

☐ File a written *Appearance* and *Answer/Response* with the court

On or before this date \_\_\_\_\_ at this time \_\_\_\_\_ ☐ a.m. ☐ p.m.

Address \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

☒ File a written *Appearance* and *Answer/Response* with the court within 30 days from the day you receive this *Summons* (listed below as the "Date of Service")

On this date \_\_\_\_\_ at this time \_\_\_\_\_ ☐ a.m. ☐ p.m.

Address: 14 W. Jefferson Street

City, State, ZIP: Joliet, IL 60432

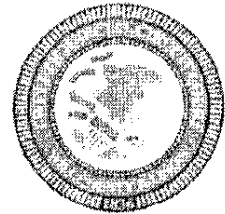
**STOP!**

The Circuit Clerk will fill in this section.

Witness this Date: 1/16/2020

Clerk of the Court:

*Rudrea Lynn Chastrea*



**STOP!**

The officer or process server will fill in the Date of Service.

This *Summons* must be served within 30 days of its date, listed above.

Date of Service: \_\_\_\_\_

(Date to be entered by an officer or process server on the copy of this *Summons* left with the Defendant/Respondent or other person.)

**Plaintiff/Petitioner:**

To serve this *Summons*, you must hire the sheriff (or a private process server outside of Cook County) to deliver it and your Complaint/Petition to the Defendant/Respondent. If the sheriff (or private process server outside of Cook County) tries but can't serve the *Summons*, fill out another summons and repeat this process.

**Attention:**

E-Filed is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit [www.courtclerk.org](http://www.courtclerk.org) to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit [www.courtclerk.org](http://www.courtclerk.org) or talk with your local circuit clerk's office.

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  Will _____ COUNTY		<b>AFFIDAVIT OF SERVICE OF SUMMONS AND COMPLAINT/PETITION</b>	<i>For Court Use Only</i>
<b>Instructions</b> Enter above the county name where the case was filed. Enter your name as Plaintiff/Petitioner. Enter the name of the person you are suing as Defendant/Respondent. Enter the Case Number given by the Circuit Clerk.	John E Norton <b>Plaintiff / Petitioner</b> (First, middle, last name)  v.  Leonard McCubbin Jr <b>Defendant / Respondent</b> (First, middle, last name)		19 L 943 <b>Case Number</b>

**\*\*Stop. Do not complete the form. The sheriff will fill in the form.\*\***

DO NOT complete this section. The sheriff will complete it.

My name is \_\_\_\_\_ and I swear under oath

*First, Middle, Last*

that I served the **Summons and Complaint/Petition** on the Defendant/Respondent

as follows:

*First, Middle, Last*

- ☐ Personally on the Defendant/Respondent:  
Male: ☐ Female: ☐ Approx. Age: \_\_\_\_\_ Hair Color: \_\_\_\_\_  
Height: \_\_\_\_\_ Weight: \_\_\_\_\_  
On this date: \_\_\_\_\_ at this time: \_\_\_\_\_ ☐ a.m. ☐ p.m.  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_
- ☐ At the Defendant/Respondent's home:  
On this date: \_\_\_\_\_ at this time: \_\_\_\_\_ ☐ a.m. ☐ p.m.  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_  
And left it with: \_\_\_\_\_  
*First, Middle, Last*  
Male: ☐ Female: ☐ Approx. Age: \_\_\_\_\_  
and by sending a copy to this defendant in a postage-paid, sealed envelope to the  
above address on \_\_\_\_\_, 20 \_\_\_\_\_
- ☐ On the Corporation's agent, \_\_\_\_\_  
*First, Middle, Last*  
On this date: \_\_\_\_\_ at this time: \_\_\_\_\_ ☐ a.m. ☐ p.m.  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_

Enter the Case Number given by the Circuit Clerk: 19 L 943

**DO NOT** complete  
this section. The  
sheriff, or private  
process server will  
complete it.

**By:**

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print Name*

**FEES**

By certified/registered \$ \_\_\_\_\_

Service and Return \$ \_\_\_\_\_

Miles: \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  Will _____ COUNTY		<b>ADDITIONAL DEFENDANT/RESPONDENT CONTACT INFORMATION FOR SUMMONS</b>	<i>For Court Use Only</i>
<b>Instructions</b> Enter above the county name where the case was filed. Enter your name as Plaintiff/Petitioner. Enter the name of the person you are suing as Defendant/Respondent. Enter the Case Number given by the Circuit Clerk.	John E Norton Plaintiff / Petitioner (First, middle, last name)  v.  Leonard McCubbin Jr Defendant / Respondent (First, middle, last name)		19 L 943 Case Number

Enter the contact information for additional Defendant/Respondent.

**Contact information for the Defendant/Respondent:**

Name (First, Middle, Last): Michael Esposito  
 Street Address, Apt #: 21727 W Angle Rd  
 City, State, ZIP: Wilmington, IL 60481  
 Telephone: \_\_\_\_\_

**Contact information for the Defendant/Respondent:**

Name (First, Middle, Last): Mary Jones  
 Street Address, Apt #: 20653 Angle Rd  
 City, State, ZIP: Wilmington, IL 60481  
 Telephone: \_\_\_\_\_

**Contact information for the Defendant/Respondent:**

Name (First, Middle, Last): Kirk Allen C/O Atty. JOSHUA BURDAY  
 Street Address, Apt #: 311 N. ABERDEEN THIRD FLOOR  
 City, State, ZIP: CHICAGO, IL 60607  
 Telephone: \_\_\_\_\_

**Contact information for the Defendant/Respondent:**

Name (First, Middle, Last): \_\_\_\_\_  
 Street Address, Apt #: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  Will COUNTY		<b>ADDITIONAL DEFENDANT/RESPONDENT CONTACT INFORMATION FOR SUMMONS</b>		<i>For Court Use Only</i>
<b>Instructions</b>		<u>John E Norton</u> <b>Plaintiff / Petitioner</b> (First, middle, last name)		
Enter above the county name where the case was filed.				
Enter your name as Plaintiff/Petitioner.				
Enter the name of the person you are suing as Defendant/ Respondent.				
Enter the Case Number given by the Circuit Clerk.		<u>Leonard McCubbin Jr</u> <b>Defendant / Respondent</b> (First, middle, last name)		<u>19 L 943</u> <b>Case Number</b>

Enter the contact information for additional Defendant/ Respondent.

**Contact information for the Defendant/Respondent:**

Name (First, Middle, Last): Cynthia L Brzana

Street Address, Apt #: 21119 W Thelma Drive

City, State, ZIP: Wilmington, IL 60481

Telephone: \_\_\_\_\_

**Contact information for the Defendant/Respondent:**

Name (First, Middle, Last): Connie Forsythe

Street Address, Apt #: 34723 S Danielson Road

City, State, ZIP: Wilmington, IL 60481

Telephone: \_\_\_\_\_

**Contact information for the Defendant/Respondent:**

Name (First, Middle, Last): Rebecca "Becky" Becker

Street Address, Apt #: 1635 Vista Dr

City, State, ZIP: Wilmington, IL 60481

Telephone: \_\_\_\_\_

**Contact information for the Defendant/Respondent:**

Name (First, Middle, Last): Arlin Fritz

Street Address, Apt #: 34933 S Peterson Ln

City, State, ZIP: Wilmington, IL 60481

Telephone: \_\_\_\_\_

# EXHIBIT E

1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF WILL )

4 IN THE CIRCUIT COURT OF WILL COUNTY  
5 FOR THE TWELFTH JUDICIAL CIRCUIT OF ILLINOIS

6 JOHN NORTON,

7 Plaintiff,

8 vs.

) No. 19 L 943

9 LEONARD McCUBBIN, JR.,  
10 CONNIE HALE FORSYTHE,  
11 MICHAEL ESPOSITO, CYNTHIA L. BRZANA,  
12 MARY JONES, KIRK ALLEN,  
13 BECKY BECKER, ARLIN FRITZ,

14 Defendants.

15 REPORT OF PROCEEDINGS had at the  
16 hearing of the above-entitled cause, before the  
17 Honorable John C. Anderson, recorded on the DuPage  
18 County Computer Based Digital Recording System, Will  
19 County, Illinois, transcribed by Raymond F. Peters,  
20 Certified Shorthand Reporter, commencing on  
21 February 18, 2020.

22  
23  
24 Raymond F. Peters, CSR #84-002123

1       PRESENT:

2       MR. JOHN NORTON,  
3               appeared pro se;  
4

5       MR. LEONARD McCUBBIN, Jr.,  
6               appeared pro se.

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1 THE COURT: Good morning.

2 MR. McCUBBIN: Good morning, your Honor.

3 THE COURT: Can I get your names?

4 This is 19 L 943.

5 MR. McCUBBIN: Correct.

6 MR. NORTON: Last name is Norton --

7 THE COURT: Okay.

8 MR. NORTON: -- petitioner.

9 THE COURT: Okay. And your name, please?

10 MR. McCUBBIN: McCubbin.

11 THE COURT: Pardon?

12 MR. McCUBBIN: I'm McCubbin, Leonard.

13 THE COURT: Okay. What is this case about?

14 MR. NORTON: Your Honor, this falls under the  
15 Business Participation Act, that the named  
16 defendants in this case have repeatedly on numerous  
17 occasions have attempted to prevent my participation  
18 in local government.

19 A little bit of past history, I am the  
20 former Highway Commissioner for Wesley Township.

21 THE COURT: Okay.

22 MR. NORTON: And during that time I did make some  
23 enemies. This -- the one defendant that is present  
24 is one of them. He does not like the way --

1           THE COURT: All right. You filed a lawsuit in  
2           October.

3                     Have you served all the defendants?

4           MR. NORTON: No, your Honor. I would also make a  
5           Motion For Alternative Service due to the fact that  
6           the rest of them are avoiding service.

7           THE COURT: Okay. I can't, I can't allow  
8           Alternative Service on an oral motion. It needs to  
9           be supported by an affidavit.

10          MR. NORTON: I can file that later on this  
11          afternoon, your Honor.

12          THE COURT: So, sir, if you want to, obviously,  
13          you know about the lawsuit since you are here.

14          MR. McCUBBIN: Uh-huh.

15          THE COURT: If you wish to insist on formal  
16          service, you can do that. That might mean that  
17          somebody's, you know, hiding in your bushes waiting  
18          to serve you with legal papers. If it were me, I  
19          would just file an appearance and avoid that, but  
20          it's your choice.

21          MR. McCUBBIN: I would prefer for everyone to be  
22          filed legally.

23          THE COURT: That's fine.

24          MR. McCUBBIN: Legal service.

1           THE COURT: You can prefer that for you. You  
2           can't speak for everybody else unless you are an  
3           attorney.

4           MR. McCUBBIN: Okay. All right.

5           THE COURT: So it sounds like you still need to  
6           get service on everyone.

7           MR. NORTON: Yes, your Honor.

8           THE COURT: And I'll give you an alias today so  
9           that you can get that ball rolling along. But,  
10          again, to the extent you want Alternative Service,  
11          you need to file an affidavit.

12          MR. NORTON: I will file that this afternoon,  
13          your Honor.

14          THE COURT: All right. So give me just one  
15          second.

16          MR. NORTON: And, your Honor, according to the  
17          records, defendant McCubbin has already been served.  
18          It's already on the --

19          THE COURT: I thought you just told me that no  
20          one has been served.

21          MR. NORTON: I know. All but one have not been  
22          served. Defendant McCubbin has been served.

23          THE COURT: Okay. Do you have an Affidavit of  
24          Service of Summons?

1           MR. NORTON: I do not but it is on your computer,  
2 your Honor.

3           THE COURT: Hang on.

4           MR. NORTON: I checked with the clerk --

5           THE COURT: It looks like it's from 1/23. One  
6 second.

7                     Mr. McCubbin, it looks like you have been  
8 served.

9           MR. McCUBBIN: Yes. I'm the only one that's been  
10 served. I talked to the rest of them. I'm the only  
11 one that has been served.

12          THE COURT: Okay. All right. So you need to  
13 answer or otherwise plead within twenty-eight days.

14          MR. McCUBBIN: Okay.

15          THE COURT: Okay?

16          MR. McCUBBIN: All right.

17          THE COURT: So give me just one second. I will  
18 give you both an order.

19                     Are you going to get an attorney or are  
20 you --

21          MR. McCUBBIN: I'm going to -- I am trying to get  
22 an attorney.

23          THE COURT: Okay.

24          MR. McCUBBIN: As well, can I ask for this to be

1       held up until everyone is served so it doesn't waste  
2       the Court's time?

3           THE COURT: Hang on a second.

4           Have you already talked with an attorney?

5           MR. McCUBBIN: I tried to get counsel. There was  
6       a conflict of interest and I'm still seeking -- you  
7       know, I have to go elsewhere.

8           THE COURT: All right. Hold on.

9           I'm not going to just enter and continue  
10      your obligation to answer, generally, but I will  
11      give you a longer time to do it.

12          MR. McCUBBIN: Okay. That's all right.

13          THE COURT: And that will give you time to get an  
14      attorney, as well.

15          MR. McCUBBIN: Thank you.

16          THE COURT: So we'll say April 17th.

17          MR. McCUBBIN: I would also like to address the  
18      waiver of fees in this case, if at all possible.

19          THE COURT: Did you file a --

20          MR. McCUBBIN: No. Mr. Norton has.

21          THE COURT: I have nothing to do with that.

22          MR. McCUBBIN: You have nothing to do with that?

23      Okay.

24          THE COURT: All right. So, Mr. McCubbin, you're

1 to answer otherwise plead by 4/17.

2 Alias summons to issue as to the remaining  
3 defendants. If you can serve them through regular  
4 means, that's fine. If not, you need to file -- if  
5 you want alternative service you need to file a  
6 written motion and support it with an affidavit  
7 which details what you've done to try and effectuate  
8 service the ordinary way.

9 MR. NORTON: Yes, sir.

10 THE COURT: And status is set for April 27th at  
11 9:00 a.m., okay?

12 I will give you each a copy and you're all  
13 set.

14 MR. NORTON: Thank you.

15 MR. McCUBBIN: Thank you, your Honor.

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20 (WHICH were all of the proceedings  
21 had at the hearing of the above-  
22 entitled cause, this date and time  
23 aforesaid.)  
24

1       STATE OF ILLINOIS   )  
2                                ) SS:  
3       COUNTY OF WILL       )

4  
5               I, RAYMOND F. PETERS, certify that I am a  
6       certified shorthand Official Court Reporter,  
7       assigned to transcribe the computer based digital  
8       recording of proceedings had of the above-entitled  
9       cause, Administrative Order No. 99-12, and Local  
10      Rules 1.03 (d). I further certify that the  
11      foregoing Report of Proceedings, consisting of Pages  
12      1 to 9 inclusive, is a true and accurate transcript  
13      hereinabove set forth.

14  
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18                                \_\_\_\_\_  
19                      Official Court Reporter,  
20              Raymond F. Peters, CSR Lic. No. 84-002123  
21                      Twelfth Judicial Circuit of Illinois  
22                                Will County  
23  
24

1                   RAYMOND F. PETERS  
2           Circuit of the 18th Judicial Circuit  
3           Official Court Reporters Office  
4           505 North County Farm Rd., Rm. 366  
5           Wheaton, Illinois 60187

6           February 20, 2020

7           BILL:

8           Ms. Cindy Brzana

9  
10          Case: Norton vs. McCubbin, et al.  
11          Case No: 19 L 943  
12          Pages: 9 pages, Original @ \$4.75 per page

13          Due:           \$     42.75  
14          Less Deposit:     0.00  
15          Amount Due:   \$     42.75  
16  
17  
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# EXHIBIT F

1 STATE OF ILLINOIS )  
 2 ) SS:  
 3 COUNTY OF WILL )

4 IN THE CIRCUIT COURT OF WILL COUNTY  
 5 FOR THE TWELFTH JUDICIAL CIRCUIT OF ILLINOIS

6 JOHN NORTON,

7 Plaintiff,

8 vs.

) No. 19 L 943

9 LEONARD McCUBBIN, JR.,  
 10 CONNIE HALE FORSYTHE,  
 11 MICHAEL ESPOSITO, CYNTHIA L. BRZANA,  
 12 MARY JONES, KIRK ALLEN,  
 13 BECKY BECKER, ARLIN FRITZ,

14 Defendants.

15 REPORT OF PROCEEDINGS had at the  
 16 hearing of the above-entitled cause, before the  
 17 Honorable John C. Anderson, recorded on the Will  
 18 County Computer Based Digital Recording System, Will  
 19 County, Illinois, transcribed by Raymond F. Peters,  
 20 Certified Shorthand Reporter, commencing on  
 21 March 2nd, 2020.

22  
 23  
 24 Raymond F. Peters, CSR #84-002123

1           PRESENT:

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3           MR. JOHN NORTON,

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5                 appeared pro se.

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1 THE COURT: 19 L 943, Norton vs. McCubbin.

2 MR. NORTON: Good morning, your Honor.

3 THE COURT: Good morning, sir.

4 MR. NORTON: In accordance with your written  
5 orders on February 18th, I filed a written motion --

6 THE COURT: Sir, what's your name?

7 MR. NORTON: Norton. I'm the plaintiff.

8 THE COURT: Okay.

9 MR. NORTON: And I included in the last page of  
10 that a copy of the list of events of the Court about  
11 when copies and certified copies were filed with the  
12 Sheriff's Department to send out for delivery. They  
13 were sent out on 17, January, and only one  
14 respondent was served and he's yet to file a motion.

15 THE COURT: Do you have a copy of your complaint  
16 with you?

17 MR. NORTON: Yes, your Honor.

18 THE COURT: Thank you. They don't give us paper  
19 files anymore, so --

20 MR. NORTON: Oh --

21 THE COURT: I can find it on the computer if you  
22 don't have it. But if you've got it there, that's  
23 easier for me.

24 MR. NORTON: There's a clean copy of it there.

1       That one is easier to read. I had to re-submit it  
2       once before. My printer cartridge was dying at the  
3       time.

4       THE COURT: Okay. So maybe I missed what you  
5       said.

6       Has the Sheriff served any of these other  
7       defendants --

8       MR. NORTON: Just one -- not --

9       THE COURT: -- besides Mr. McCubbin?

10      MR. NORTON: No. They've all been avoiding  
11      service which they have a history of doing this.

12      THE COURT: Okay. So I can't really do very much  
13      in the case until you have service. You filed a  
14      motion for an alias summons, it looks like.

15      MR. NORTON: Yes, your Honor, as per your  
16      instructions.

17      THE COURT: Okay, that's fine. Hang on. Well, I  
18      don't think that is what I -- let me see what you  
19      filed.

20      MR. NORTON: What I filed --

21      THE COURT: I don't think I --

22      MR. NORTON: -- was this, your Honor. Here's,  
23      actually, a written copy that you --

24      THE COURT: No, I have that here.

1 MR. NORTON: Oh.

2 THE COURT: I said that you can file -- well,  
3 it -- the order says to the extent you are seeking  
4 service by alternative means, that has to be done in  
5 the written order supported by an affidavit. Let me  
6 take a look at what you filed. There's no -- there  
7 is no affidavit here.

8 MR. NORTON: Your Honor, I just wrote it into the  
9 motion because --

10 THE COURT: Here's the thing. I have to hold you  
11 to the same standards that I hold lawyers to.  
12 That's -- I'm obligated to do that.

13 MR. NORTON: Yes, your Honor.

14 THE COURT: And, you know, we can debate whether  
15 that's fair or right, but I don't make those rules.  
16 So if you want to file, if you want alternative  
17 service, my suggestion is you take a look at the  
18 statute regarding alternative service, and it  
19 requires that your motion be supported by an  
20 affidavit, a sworn statement, okay? And the  
21 affidavit has to identify what you've done to serve  
22 the defendants through normal means. If you feel  
23 that they're evading service then you need to  
24 identify for me why you think they're evading

1 service and what they're doing to evade service,  
2 okay? I'm not trying to make life difficult for  
3 you --

4 MR. NORTON: No, I understand.

5 THE COURT: So, give me one second.

6 And did you say that the Sheriff has served  
7 one other defendant besides Mr. McCubbin?

8 MR. NORTON: No, just the one.

9 THE COURT: Just Mr. McCubbin? Okay. And he has  
10 until 4/17 to answer. And you're not looking for an  
11 alias summons by alternative means. You are looking  
12 for a service -- hang on.

13 MR. NORTON: I -- what I done, your Honor, was I  
14 just wrote it based on what you had written here. I  
15 went based on that.

16 THE COURT: Well -- all right.

17 I drafted an order for you. It says,  
18 "Plaintiff's motion for alias summons by alternative  
19 means is denied without prejudice." That's not  
20 quite what I told you that you could do. If you  
21 want to file a motion for service under 735 ILCS  
22 5/2-203.1, which is service by special order of  
23 Court. Sometimes it's referred to as alternative  
24 service where I can authorize service by whatever

1 means I feel are appropriate. You can do that, but  
2 it's got to be supported by a proper affidavit.  
3 This isn't. Okay?

4 So I'll give you a copy of this order. You  
5 can try again but this just isn't it, okay? The  
6 courts are rather picky about what goes into these.

7 MR. NORTON: Okay.

8 THE COURT: I'll give these back to you. We  
9 already have a status date for April 23rd, I think  
10 it is.

11 MR. NORTON: 27th, your Honor.

12 THE COURT: All right. That date stands but you  
13 can, certainly, file a motion before that if you  
14 would like, okay?

15 MR. NORTON: Okay. Because I have another case  
16 in front of you on March 18th. I was hoping I could  
17 just get the --

18 THE COURT: You can file a motion and notice it  
19 up for that day if you want to. Keep in mind that  
20 whenever you file motions you have to serve whoever  
21 else has been, you have to serve the other  
22 defendants.

23 Now, if they haven't been served with  
24 service of summons yet, then, you don't need to



1 worry about it. But let mister -- what's his name?  
2 McCubbin?

3 MR. NORTON: McCubbin.

4 THE COURT: You have to send him a copy of your  
5 --

6 MR. NORTON: All right. We tried big on this  
7 one, your Honor --

8 THE COURT: Okay. It's continued until then,  
9 okay?

10 MR. NORTON: Okay.

11 THE COURT: Thank you.

12 MR. NORTON: All right. Thank you, your Honor.

13

14

15 (WHICH were all of the proceedings  
16 had at the hearing of the above-  
17 entitled cause, this date and time  
aforesaid.)

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1       STATE OF ILLINOIS    )  
2       COUNTY OF WILL       ) SS:

3  
4  
5               I, RAYMOND F. PETERS, certify that I am a  
6       certified shorthand Official Court Reporter,  
7       assigned to transcribe the computer based digital  
8       recording of proceedings had of the above-entitled  
9       cause, Administrative Order No. 99-12, and Local  
10      Rules. I further certify that the foregoing Report  
11      of Proceedings, consisting of Pages 1 to 9  
12      inclusive, is a true and accurate transcript  
13      hereinabove set forth.

14  
15  
16  
17                               R.F. Peters

18  
19                               Official Court Reporter,  
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21                               Twelfth Judicial Circuit of Illinois  
22                               Will County  
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7

8  
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10          Case No: 19 L 943

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