

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

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

5 JOHN NORTON, )  
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6 )  
 )  
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. )

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

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24 Raymond F. Peters, CSR #84-002123

1           PRESENT:

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MR. JOHN NORTON,

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          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.

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

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1           STATE OF ILLINOIS    )  
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 2           COUNTY OF WILL       )

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

*R.F. Peters*

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Official Court Reporter,  
 Raymond F. Peters, CSR Lic. No. 84-002123  
 Twelfth Judicial Circuit of Illinois  
 Will County