

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

CYNTHIA BRZANA,)
)
Plaintiff,)
)
v.) Case No. 2019 CH 1143
)
WESLEY TOWNSHIP and WESLEY)
TOWNSHIP ROAD DISTRICT,)
)
Defendants.)

NOTICE OF FILING

TO: Robert T. Hanlon
Law Offices of Robert T. Hanlon & Associates
131 East Calhoun Street
Woodstock, IL 60098
robert@robhanlonlaw.com

PLEASE TAKE NOTICE that on September 21, 2020, I filed with the Clerk of the Circuit Court of Will County, Illinois, via its electronic filing system, **Defendants' Answer to Plaintiffs' First Amended Complaint and Counterclaims**, a copy of which is herewith served upon you.

**WESLEY TOWNSHIP ROAD
DISTRICT**



By: _____
One of Its Attorneys

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CERTIFICATE OF SERVICE

I, Petra C. Neugebauer, a non-attorney, certify that I served this Notice and the document(s) referred to above via the Court's E-Filing System, E-Mail Transmission, and/or U.S. Postal Mail Service at 140 South Dearborn Street, Chicago, Illinois 60603 on September 21, 2020 before 5:00 p.m.

Robert T. Hanlon
Law Offices of Robert T. Hanlon & Associates
131 East Calhoun Street
Woodstock, IL 60098
robert@robhanlonlaw.com

/s/ Petra C. Neugebauer
Petra C. Neugebauer

[x] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

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

CYNTHIA BRZANA and TIM GRANT)	
)	
PLAINTIFFS)	
V.)	
)	Case No. 19 CH 1143
WESLEY TOWNSHIP AND WESLEY)	
TOWNSHIP ROAD DISTRICT.)	
)	
DEFENDANTS.)	

WESLEY TOWNSHIP, WESLEY)
TOWNSHIP ROAD DISTRICT, AND LEONARD)
MCCUBBIN,)
)
COUNTERPLAINTIFFS)
)
V.)
)
CYNTHIA BRZANA,)
)
COUNTERDEFENDANT.)

Defendants' Answer to Plaintiffs' First Amended Complaint and Counterclaims

NOW COME Defendants, Wesley Township and Wesley Township Road District, and answer Plaintiffs' Amended Complaint as follows:

INTRODUCTION

1. Pursuant to fundamental philosophy of the American constitutional form of government it is the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of the Illinois Freedom of Information Act 5 ILCS 140/1et seq (hereinafter "FOIA").

ANSWER: Defendants admit the allegations in paragraph 1.

2. Restraints on access to information to the extent permitted by FOIA are limited exceptions to the principle that the people of this state have a right to full disclosure of information relating to the decisions, policies, procedures, rules, standards and other aspects of governmental activity that affect the conduct of government and the lives of people. 5 ILCS 40/1.

ANSWER: Defendants admit the allegations in paragraph 2.

3. All public records of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt. 5 ILCS 140/3.

ANSWER: Defendants admit the allegations in paragraph 3.

4. Under F.O.I.A. Section 11(h) "except as to causes the court considers to be of greater importance, proceedings arising under FOIA shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way."

ANSWER: Defendants admit the allegations in paragraph 4.

PARTIES

5. Plaintiff CYNTHIA BRZANA and Tim Grant are the FOIA requesters in this case and both reside in Will County, Illinois.

ANSWER: Defendants admit that Cynthia Brzana and Tim Grant are the FOIA requesters in this case and lack knowledge or information sufficient to form a belief as to the truth of the other allegations in paragraph 5 and demand strict proof thereof.

6. Defendants Wesley Township and Wesley Township Road District are public bodies located in Will County, Illinois.

ANSWER: Defendants admit the allegations in paragraph 6.

F.O.I.A. Request #1

7 On August 11, 2018 Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit A by e-mailing Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit A.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 and demand strict proof thereof.

8 Defendants failed to respond to the FOIA request shown in Exhibit A, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit B and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 8 and demand strict proof thereof.

9 As of the date of filing Wesley Township Clerk and the officers of Wesley Township and the Wesley Township Road District failed to answer the FOIA request.

ANSWER: Defendants deny that they have failed to answer the FOIA requests in Exhibit A. It is unclear what is meant by “the date of filing” and therefore Defendants lack knowledge or information sufficient to form a belief as to the truth of these allegations and demand strict proof thereof.

F.O.I.A. Request #2

10. On December 19, 2018, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit B by e-mailing Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit B.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10 and demand strict proof thereof.

11. Defendants Wesley Township and Wesley Township Road District failed to respond to the FOIA request shown in Exhibit B, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit B and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 11 and demand strict proof thereof.

12. As of the date of filing Wesley Township Clerk, and the officers of Wesley Township failed to answer the FOIA request shown in Exhibit B.

ANSWER: Defendants deny that they have failed to answer the FOIA requests in Exhibit B. It is unclear what is meant by “the date of filing” and therefore Defendants lack knowledge or information sufficient to form a belief as to the truth of these allegations and demand strict proof thereof.

F.O.I.A. Request #3

13. On January 22, 2019, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit C by e-mailing Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit C.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 and demand strict proof thereof.

14. Wesley Township failed to respond to the FOIA request shown in Exhibit C, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit C and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 14 and demand strict proof thereof.

15. As of the date of filing Wesley Township Clerk, and the officers of Wesley Township failed to answer the FOIA request shown in Exhibit C.

ANSWER: Defendants deny that they have failed to answer the FOIA requests in Exhibit C. It is unclear what is meant by “the date of filing” and therefore Defendants lack knowledge or information sufficient to form a belief as to the truth of these allegations and demand strict proof thereof.

F.O.I.A. Request #4

16. On February 13, 2019, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit D by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit D.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16 and demand strict proof thereof.

17. Wesley Township failed to respond to the FOIA request shown in Exhibit D, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit D and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 17 and demand strict proof thereof.

18. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request shown in Exhibit D.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request in Exhibit D.

F.O.I.A. Request #5

19. On March 12, 2019, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit E by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit E.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 19 and demand strict proof thereof.

20. Wesley Township failed to respond to the FOIA request shown in Exhibit E, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit E and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 20 and demand strict proof thereof.

21. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

22. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 22 and demand strict proof thereof.

23. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23 and demand strict proof thereof.

24. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 24.

F.O.I.A. Request #6

25. On March 17, 2019, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit F by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit F.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 25 and demand strict proof thereof.

26. Wesley Township failed to respond to the FOIA request shown in Exhibit F, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit F and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 26 and demand strict proof thereof.

27. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

28. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 28 and demand strict proof thereof.

29. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 29 and demand strict proof thereof.

30. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 30.

F.O.I.A. Request #7

31. On March 31, 2019 Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit G by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit G.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 31 and demand strict proof thereof.

32. Wesley Township failed to respond to the FOIA request shown in Exhibit G, let alone within the five day statutory deadline.

ANSWER: deny that they failed to respond to the FOIA request in Exhibit G and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 32 and demand strict proof thereof.

33. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

34. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 34 and demand strict proof thereof.

35. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 35 and demand strict proof thereof.

36. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 36.

F.O.I.A. Request #8

37. On April 6, 2019, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit H by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit H.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 37 and demand strict proof thereof.

38. Wesley Township failed to respond to the FOIA request shown in Exhibit H, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit H and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 38 and demand strict proof thereof.

39. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

40. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytwp2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 40 and demand strict proof thereof.

41. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 41 and demand strict proof thereof.

42. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 42.

43. On May 10, 2019, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit I by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit I.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 43 and demand strict proof thereof.

F.O.I.A. Request #9

44. Wesley Township failed to respond to the FOIA request shown in Exhibit I, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit I and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 44 and demand strict proof thereof.

45. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

46. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of

wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 46 and demand strict proof thereof.

47. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 47 and demand strict proof thereof.

48. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 48.

F.O.I.A. Request #10

49. On July 23, 2019, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit J by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit J.

ANSWER: Defendants lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 49 and demand strict proof thereof.

50. Wesley Township failed to respond to the FOIA request shown in Exhibit J, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit J and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 50 and demand strict proof thereof.

51. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

52. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 52 and demand strict proof thereof.

53. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 53 and demand strict proof thereof.

54. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 54.

F.O.I.A. Request #11

55. On August 5, 2019, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit K by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit K.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 55 and demand strict proof thereof.

56. Wesley Township failed to respond to the FOIA request shown in Exhibit K, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit K and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 56 and demand strict proof thereof.

57. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

58. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 58 and demand strict proof thereof.

59. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 59 and demand strict proof thereof.

60. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 60.

F.O.I.A. Request #12

61. On July 23, 2019, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit L by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit L.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 61 and demand strict proof thereof.

62. Wesley Township failed to respond to the FOIA request shown in Exhibit L, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit L and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 62 and demand strict proof thereof.

63. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

64. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 64 and demand strict proof thereof.

65. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 65 and demand strict proof thereof.

66. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 66.

F.O.I.A. Request #13

67. On May 19, 2019, Tim Grant, using the e-mail address timgrant7181@gmail.com requested information concerning the public body as shown in Exhibit M by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit M.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 67 and demand strict proof thereof.

68. Wesley Township failed to respond to the FOIA request shown in Exhibit M, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit M and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 68 and demand strict proof thereof.

69. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

70. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of

wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 70 and demand strict proof thereof.

71. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 71 and demand strict proof thereof.

72. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 72.

F.O.I.A. Request #14

73. On May 19, 2019, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit N by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit N.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 73 and demand strict proof thereof.

74. Wesley Township failed to respond to the FOIA request shown in Exhibit N, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit N and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 74 and demand strict proof thereof.

75. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

76. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 76 and demand strict proof thereof.

77. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 77 and demand strict proof thereof.

78. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 78.

F.O.I.A. Request #15

79. On May 14, 2018, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit O by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit O.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 79 and demand strict proof thereof.

80. Wesley Township failed to respond to the FOIA request shown in Exhibit O, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit O and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 80 and demand strict proof thereof.

81. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

82. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 82 and demand strict proof thereof.

83. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 83 and demand strict proof thereof.

84. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 84.

F.O.I.A. Request #16

85. On August 1, 2018, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit P by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit P.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 85 and demand strict proof thereof.

86. Wesley Township failed to respond to the FOIA request shown in Exhibit P, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit P and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 86 and demand strict proof thereof.

87. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

88. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytwp2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 88 and demand strict proof thereof.

89. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 89 and demand strict proof thereof.

90. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 90.

F.O.I.A. Request #17

91. On July 7, 2018, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit Q by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit Q.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 91 and demand strict proof thereof.

92. Wesley Township failed to respond to the FOIA request shown in Exhibit Q, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit Q and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 92 and demand strict proof thereof.

93. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

94. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of

wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 94 and demand strict proof thereof.

95. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 95 and demand strict proof thereof.

96. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 96.

F.O.I.A. Request #18

97. On July 14, 2018, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit R by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit R.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 97 and demand strict proof thereof.

98. Wesley Township failed to respond to the FOIA request shown in Exhibit R, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit R and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 98 and demand strict proof thereof.

99. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

100. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 100 and demand strict proof thereof.

101. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 101 and demand strict proof thereof.

102. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 102.

F.O.I.A. Request #19

103. On May 31, 2019, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit S by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit S.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 103 and demand strict proof thereof.

104. Wesley Township failed to respond to the FOIA request shown in Exhibit S, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit S and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 104 and demand strict proof thereof.

105. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

106. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 106 and demand strict proof thereof.

107. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 107 and demand strict proof thereof.

108. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 108.

F.O.I.A. Request #20

109. On May 14, 2018, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com, requested information concerning the public body as shown in Exhibit T by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit T.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 109 and demand strict proof thereof.

110. Wesley Township failed to respond to the FOIA request shown in Exhibit T, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit T and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 110 and demand strict proof thereof.

111. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

112. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytwp2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 112 and demand strict proof thereof.

113. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 113 and demand strict proof thereof.

114. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 114.

F.O.I.A. Request #21

115. On October 20, 2018, Tim Grant, using the e-mail address tim7191@gmail.com, requested information concerning the public body as shown in Exhibit U by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit U.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 115 and demand strict proof thereof.

116. Wesley Township failed to respond to the FOIA request shown in Exhibit U, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit U and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 116 and demand strict proof thereof.

117. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

118. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of

wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 118 and demand strict proof thereof.

119. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 119 and demand strict proof thereof.

120. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 120.

F.O.I.A. Request #22

121. On May 19, 2019, Tim Grant, using the e-mail address tim7191@gmail.com, requested information concerning the public body as shown in Exhibit V by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit V.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 121 and demand strict proof thereof.

122. Wesley Township failed to respond to the FOIA request shown in Exhibit V, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit V and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 123 and demand strict proof thereof.

123. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

124. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 124 and demand strict proof thereof.

125. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 125 and demand strict proof thereof.

126. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 126.

F.O.I.A. Request #23

127 On September 23, 2018, Tim Grant, using the e-mail address tim7191@gmail.com, requested information concerning the public body as shown in Exhibit W by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit W.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 127 and demand strict proof thereof.

128. Wesley Township failed to respond to the FOIA request shown in Exhibit W, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit W and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 128 and demand strict proof thereof.

129. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

130. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 130 and demand strict proof thereof.

131. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 131 and demand strict proof thereof.

132. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 132.

F.O.I.A. Request #24

133. On May 6, 2019, Tim Grant, using the e-mail address tim7191@gmail.com.. requested information concerning the public body as shown in Exhibit X by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit X.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 133 and demand strict proof thereof.

134. Wesley Township failed to respond to the FOIA request shown in Exhibit X, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit X and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 134 and demand strict proof thereof.

135. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

136. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytwp2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 136 and demand strict proof thereof.

137. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 137 and demand strict proof thereof.

138. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 138.

F.O.I.A. Request #25

139. On January 29, 2019, Tim Grant, using the e-mail address tim7191@gmail.com, requested information concerning the public body as shown in Exhibit E by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit Y.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 139 and demand strict proof thereof.

140. Wesley Township failed to respond to the FOIA request shown in Exhibit Y, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit Y and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 140 and demand strict proof thereof.

141. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

142. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of

wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 142 and demand strict proof thereof.

143. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 143 and demand strict proof thereof.

144. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 144.

F.O.I.A. Request #26

145. On August 9, 2018, Tim Grant, using the e-mail address tim7191@gmail.com, requested information concerning the public body as shown in Exhibit Z by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit Z.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 145 and demand strict proof thereof.

146. Wesley Township failed to respond to the FOIA request shown in Exhibit Z, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit Z and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 146 and demand strict proof thereof.

147. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

148. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 148 and demand strict proof thereof.

149. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 149 and demand strict proof thereof.

150. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 150.

F.O.I.A. Request #27

151. On May 19, 2019, Tim Grant, using the e-mail address tim7191@gmail.com, requested information concerning the public body as shown in Exhibit AA by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit AA.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 151 and demand strict proof thereof.

152. Wesley Township failed to respond to the FOIA request shown in Exhibit AA, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit AA and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 152 and demand strict proof thereof.

153. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

154. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 154 and demand strict proof thereof.

155. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 155 and demand strict proof thereof.

156. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 156.

F.O.I.A. Request #28

157. On February 25, 2019, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com requested information concerning the public body as shown in Exhibit AB by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit AB.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 157 and demand strict proof thereof.

158. Wesley Township failed to respond to the FOIA request shown in Exhibit AB, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit AB and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 158 and demand strict proof thereof.

159. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

160. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytwp2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 160 and demand strict proof thereof.

161. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 161 and demand strict proof thereof.

162. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 162.

F.O.I.A. Request #29

163. On August 6, 2018, Cynthia Brazana, using the e-mail address cindybrzana@yahoo.com requested information concerning the public body as shown in Exhibit AC by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit AC.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 163 and demand strict proof thereof.

164. Wesley Township failed to respond to the FOIA request shown in Exhibit AC, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit AC and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 164 and demand strict proof thereof.

165. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

166. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of

wesleysuper2017@outlook.com and to wesleytwp2017@outlook.com which correspond to Wesley Township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 166 and demand strict proof thereof.

167. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 167 and demand strict proof thereof.

168. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 168.

F.O.I.A. Request #30

169. On 5/22/18, Tim Grant, using the e-mail address tim7191@gmail.com, requested information concerning the public body as shown in Exhibit AD by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit AD.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 169 and demand strict proof thereof.

170. Wesley Township failed to respond to the FOIA request shown in Exhibit AD, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit AD and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 170 and demand strict proof thereof.

171. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

172. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 172 and demand strict proof thereof.

173. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 173 and demand strict proof thereof.

174. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 174.

F.O.I.A. Request #31

175. On May 20, 2018, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com. Requested information concerning the public body as shown in Exhibit AE by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit AE.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 175 and demand strict proof thereof.

176. Wesley Township failed to respond to the FOIA request shown in Exhibit AE, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit AE and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 176 and demand strict proof thereof.

177. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

178. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 178 and demand strict proof thereof.

179. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 179 and demand strict proof thereof.

180. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 180.

F.O.I.A. Request #32

190. On February 8, 2019, Cynthia Brzana, using the e-mail address cindybrzana@yahoo.com. Requested information concerning the public body as shown in Exhibit AF by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit AF.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 190 and demand strict proof thereof.

191. Wesley Township failed to respond to the FOIA request shown in Exhibit AF, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit AF and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 191 and demand strict proof thereof.

192. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

193. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytwp2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 193 and demand strict proof thereof.

194. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 194 and demand strict proof thereof.

195. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 195.

F.O.I.A. Request #33

196. On January 10, 2020, Tim Grant, using the e-mail address tim7191@gmail.com, requested information concerning the public body as shown in Exhibit AG by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit AG.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 196 and demand strict proof thereof.

197. Wesley Township failed to respond to the FOIA request shown in Exhibit AG, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit AG and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 197 and demand strict proof thereof.

198. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

199. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of

wesleysuper2017@outlook.com and to wesleytwp2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 199 and demand strict proof thereof.

200. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 200 and demand strict proof thereof.

201. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 201.

F.O.I.A. Request #34

202. On May 10, 2019, Tim Grant, using the e-mail address tim7191@gmail.com, requested information concerning the public body as shown in Exhibit AH by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit AH.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 202 and demand strict proof thereof.

203. Wesley Township failed to respond to the FOIA request shown in Exhibit AH, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit AH and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 203 and demand strict proof thereof.

204. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

205. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytpw2017@outlook.com which correspond to Wesley township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 205 and demand strict proof thereof.

206. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 206 and demand strict proof thereof.

207. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 207.

F.O.I.A. Request #35

208. On February 10, 2019, Tim Grant, using the e-mail address tim7191@gmail.com requested information concerning the public body as shown in Exhibit AI by Wesley Township FOIA Officer and Clerk and Supervisor. See Exhibit AI.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 208 and demand strict proof thereof.

209. Wesley Township failed to respond to the FOIA request shown in Exhibit AI, let alone within the five day statutory deadline.

ANSWER: Defendants deny that they failed to respond to the FOIA request in Exhibit AI and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 209 and demand strict proof thereof.

210. As of the date of filing Wesley Township Clerk, Sara Norton, and the officers of Wesley Township failed to answer the FOIA request.

ANSWER: Defendants deny that Sara Norton is the Wesley Township Clerk and deny that they have failed to answer the FOIA request.

211. Each of the aforementioned e-mails were properly addressed to the Township Supervisor and Clerk of Wesley Township at the e-mails located on the Township website and more specifically said requests were delivered to the e-mail addresses of wesleysuper2017@outlook.com and to wesleytp2017@outlook.com which correspond to Wesley Township Supervisor, JoAnn Quigley and Wesley Township Clerk, Sara Norton.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 211 and demand strict proof thereof.

212. Upon information and belief each of the aforementioned FOIA requests were opened by either the Township Clerk or Township Supervisor.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 212 and demand strict proof thereof.

213. The Clerk of Wesley Township serves as the Clerk of Wesley Township Road District.

ANSWER: Defendants admit the allegations in paragraph 213.

COUNT 1- F.O.I.A. VIOLATIONS

214. The above paragraphs 1-213 are incorporated by reference.

ANSWER: Defendants' re-allege their answers to paragraphs 1-214.

215. WESLEY TOWNSHIP and WESLEY TOWNSHIP ROAD DISTRICT are public bodies under FOIA.

ANSWER: Defendants admit the allegations in paragraph 215.

216. The records sought in Exhibit A through AI are non-exempt public records of WESLEY TOWNSHIP AND WESLEY TOWNSHIP ROAD DISTRICT.

ANSWER: Defendants admit the allegations in paragraph 216.

217. WESLEY TOWNSHIP AND WESLEY TOWNSHIP ROAD DISTRICT willfully and intentionally violated FOIA by defendants ongoing and constant refusal to and failure to respond to the FOIA requests shown in Exhibits A, B, C, D, and E by the required dead line.

ANSWER: Defendants deny the allegations in paragraph 217.

218. Upon information and belief Defendants have made records requested by Plaintiff available to others, despite the refusal to even respond in accord with the provisions of the Illinois Freedom of Information Act.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 218 and demand strict proof thereof.

WHEREFORE, Defendants Wesley Township and Wesley Township Road District respectfully request that this Court deny the relief requested by Plaintiffs Cynthia Brzana and Tim Grant in Count I, award Defendants their costs in this matter, and provide any other relief it finds to be just.

JURY DEMAND

Defendants Wesley Township and Wesley Township Road District demand a trial by jury pursuant to 735 ILCS 5/2-1105 on all issues so triable.

WESLEY TOWNSHIP'S AND WESLEY TOWNSHIP ROAD DISTRICT'S
AFFIRMATIVE DEFENSES

Defendants Wesley Township and Wesley Township Road District assert the following affirmative defenses to Plaintiffs' Amended Complaint:

Unclean Hands

1. Cynthia Brzana knowingly submitted FOIA requests to Wesley Township and Wesley Township Road District while claiming to be Plaintiff Tim Grant and others. She did this in order to avoid being classified as a recurrent requester pursuant to section 3.2 of the FOIA. *See* 5 ILCS 140/3.2.
2. Ms. Brzana admitted in a text message to another Wesley Township resident that she had submitted the maximum number of FOIA requests permitted by the FOIA and began to submit FOIA requests using the names of others.
3. Ms. Brzana stated, "Someone needs to keep FOIA them [Wesley Township and Wesley Township Road District] all the time. And keep the FOIA papers coming...I hit my limit. So I started under tim! And I have jeff and fran Bescia and Sue Wunsch....I have carols daughter and hubby and carol and her mom and dad. Oh we just spread the love."
4. Ms. Brzana organized a campaign to overwhelm the Township and Road District with FOIA requests. In one weekend, the Township and Road District received more than fifty FOIA requests from Ms. Brzana and others.
5. Not only did Ms. Brzana submit FOIA requests under false identities, but she encouraged other Township residents to submit frivolous FOIA requests. These FOIA requests were not submitted in a good faith attempt to obtain documents, but rather in a bad faith tactic to overwhelm the Township with FOIA requests.

6. The purpose of this campaign, upon information and belief, was to make it impossible for the Township and Road District to respond to these FOIA requests so that she and others could bring FOIA lawsuits against them.
7. By submitting FOIA requests to the Township and Road District under the guise of Tim Grant and others, Ms. Brzana made statements of material fact that she knew to be untrue.
8. The Township and Road District believed at the time that these FOIA requests were submitted that they were submitted by Tim Grant and others and therefore the Township needed to respond to them within five days. This belief was reasonable, as the Township had no information at the time that Ms. Brzana was submitting these FOIA requests under false identities.
9. Ms. Brzana submitted these FOIA requests using the names of others for the purpose of inducing the Road District and the Township to believe that they were FOIA requests submitted by Tim Grant and others and therefore needed to respond to them.
10. The Road District and Township were damaged by the FOIA requests submitted by Ms. Brzana under the names of others. The Township and Road District were forced to allocate resources towards responding to these FOIA requests. These resources should have been used to provide services to the Township's residents.
11. The Township and Road District were also damaged by the submission of these FOIA requests because Ms. Brzana's strategy to overwhelm the Township with FOIA requests was successful. The Township was unable to respond to all of these FOIA requests, and as a result has been sued by Ms. Brzana and Mr. Grant. The Township has already incurred several thousand dollars in legal fees and will likely incur many thousands of dollars in additional legal fees.

12. Plaintiffs are seeking to benefit from their unethical and illegal actions. They have unclean hands, and this Court should refuse to award them equitable relief and use the discretion afforded it by section 11(i) of the FOIA to reduce the attorneys' fees it awards them.

COUNTERCLAIMS

For their counterclaims against Cynthia Brzana and Tim Grant, Wesley Township and Wesley Township Road District allege as follows:

1. Cynthia Brzana knowingly submitted FOIA requests to Wesley Township and Wesley Township Road District while claiming to be Plaintiff Tim Grant and others. She did this in order to avoid being classified as a recurrent requester pursuant to section 3.2 of the FOIA. *See* 5 ILCS 140/3.2.
2. Ms. Brzana admitted in a text message to another Wesley Township resident that she had submitted the maximum number of FOIA requests permitted by the FOIA and began to submit FOIA requests using the names of others. A copy of that message is attached to these counterclaims as Exhibit 1.
3. Ms. Brzana stated, "Someone needs to keep FOIA them [Wesley Township and Wesley Township Road District] all the time. And keep the FOIA papers coming...I hit my limit. So I started under tim! And I have jeff and fran Bescia and Sue Wunsch....I have carols daughter and hubby and carol and her mom and dad. Oh we just spread the love."
4. Ms. Brzana organized a campaign to overwhelm the Township and Road District with FOIA requests. In one weekend, the Township and Road District received more than fifty FOIA requests from Ms. Brzana and others.

5. The purpose of this campaign, upon information and belief, was to make it impossible for the Township and Road District to respond to these FOIA requests so that she and others could bring FOIA lawsuits against them.
6. By submitting FOIA requests to the Township and Road District under the guise of Tim Grant and others, Ms. Brzana made statements of material fact that she knew to be untrue.

Count I—Fraud

Wesley Township and Wesley Township Road District vs. Cynthia Brzana

7. The Township and Road District reallege paragraphs 1-6 as though fully set forth herein.
8. The Township and Road District believed at the time that these FOIA requests were submitted that they were submitted by Tim Grant and others and therefore the Township needed to respond to them within five days. This belief was reasonable, as the Township had no information at the time that Ms. Brzana was submitting these FOIA requests under false identities.
9. Ms. Brzana submitted these FOIA requests using the names of others for the purpose of inducing the Road District and the Township to believe that they were FOIA requests submitted by Tim Grant and others and therefore needed to respond to them.
10. The Road District and Township were damaged by the FOIA requests submitted by Ms. Brzana under the names of others. The Township and Road District were forced to allocate resources towards responding to these FOIA requests. These resources should have been used to provide services to the Township's residents.
11. The Township and Road District were also damaged by the submission of these FOIA requests because Ms. Brzana's strategy to overwhelm the Township with FOIA requests was successful. The Township was unable to respond to all of these FOIA requests, and as a result has been sued by Ms. Brzana and Mr. Grant. The Township has already incurred

several thousand dollars in legal fees and will likely incur many thousands of dollars in additional legal fees.

WHEREFORE, as to Plaintiff/Counter-Defendant Cynthia Brzana, Defendants/Counter-Plaintiffs Wesley Township and Wesley Township Road District respectfully request that this Court:

A. Award Wesley Township and Wesley Township Road District such damages as may be proven at trial, but, in any event, an amount greater than \$50,000;

B. Award Wesley Township and Wesley Township Road District punitive damages in an amount sufficient to punish Ms. Brzana for her willful, wanton, and malicious conduct;

C. Award Wesley Township and Wesley Township Road District its costs incurred this matter; and

D. Award Wesley Township and Wesley Township Road District such other and further relief as this Court deems just and proper.

Count II—Civil Conspiracy

Wesley Township and Wesley Township Road District vs. Cynthia Brzana and Tim Grant

12. The Township and Road District re-allege paragraphs 1-6 as though fully set forth herein.

13. Tim Grant knew that Ms. Brzana was submitting FOIA requests to the Township and Road District while using his name.

14. Mr. Grant knew about this fraud and agreed to participate in it by allowing Ms. Brzana to file FOIA requests while using his name. He did so to help Ms. Brzana accomplish her goal of inundating the Township with FOIA requests.

15. But for Mr. Grant's aid, Ms. Brzana would not have been able to perform the fraud referenced in Count I.

16. Ms. Brzana and Mr. Grant's scheme damaged the Township and Road District by forcing them to allocate resources to respond to fraudulent FOIA requests, resources that should have been used to serve the Township's residents. The scheme also damaged the Township and Road District because it caused them to incur significant liability due to their inability to respond to all of the FOIA requests submitted by Ms. Brzana.

WHEREFORE, as to Plaintiffs/Counter-Defendants Cynthia Brzana and Tim Grant, Defendants/Counter-Plaintiffs Wesley Township and Wesley Township Road District respectfully request that this Court:

A. Award Wesley Township and Wesley Township Road District such damages as may be proven at trial, but, in any event, an amount greater than \$50,000;

B. Award Wesley Township and Wesley Township Road District punitive damages in an amount sufficient to punish Ms. Brzana and Mr. Grant for their willful, wanton, and malicious conduct;

C. Award Wesley Township and Wesley Township Road District their costs incurred this matter; and

D. Award Wesley Township and Wesley Township Road District such other and further relief as this Court deems just and proper.

Count III—Abuse of FOIA
Wesley Township and Wesley Township Road District vs. Cynthia Brzana

17. The Township and Road District re-allege paragraphs 1-6 as though fully set forth herein.

18. In addition to personally inundating the Township with FOIA requests submitted under false identities, Ms. Brzana, upon information and belief, organized a campaign to submit so many FOIA requests to the Township and Road District so that it would be impossible to respond to all of them.

19. This would then allow Ms. Brzana and others to file FOIA lawsuits against the Township and recover hundreds of thousands of dollars of attorneys' fees and civil penalties.
20. The purpose of the FOIA is to facilitate access to public records. The purpose is not to allow members of the public to enrich themselves through FOIA lawsuits by organizing campaigns to overwhelm public bodies with FOIA requests that they cannot respond to. Every person has a duty to refrain from abusing the FOIA in this way.
21. Ms. Brzana breached this duty by organizing a campaign where Township residents submitted dozens of FOIA requests for the purpose of overwhelming those public bodies and making it impossible for them to respond to those FOIA requests for the purpose of bringing lawsuits through which she could enrich herself.
22. Ms. Brzana's abuse of the FOIA proximately caused the Township and Road District significant damages. It was impossible for them to respond to all of the FOIA requests they received. As a result, they have been made defendants in the instant matter, forcing them to incur significant legal fees and expend a considerable percentage of their very limited resources defending this suit.

WHEREFORE, as to Plaintiffs/Counter-Defendants Cynthia Brzana, Defendants/Counter-Plaintiffs Wesley Township and Wesley Township Road District respectfully request that this Court:

- A. Award Wesley Township and Wesley Township Road District such damages as may be proven at trial, but, in any event, an amount greater than \$50,000;
- B. Award Wesley Township and Wesley Township Road District punitive damages in an amount sufficient to punish Ms. Brzana for her willful, wanton, and malicious conduct;

C. Award Wesley Township and Wesley Township Road District their costs incurred this matter; and

D. Award Wesley Township and Wesley Township Road District such other and further relief as this Court deems just and proper.

Count IV—Intentional Infliction of Emotional Distress
Leonard McCubbin vs. Cynthia Brzana

23. On November 5, 2019, the Wesley Township Board of Trustees was scheduled to vote to appoint a new trustee to the Board. The Sunday evening before this meeting, November 3, 2019, Ms. Brzana made a phone call to Leonard McCubbin, a trustee on the Wesley Township Board.

24. During the phone call, she told him that if he did not vote to appoint Wesley Township resident Sue Lyday to the Wesley Township Board she would file a lawsuit against the Township seeking more than \$100,000 worth of damages due to the Township's alleged failure to respond to FOIA requests that she had sent to the Township.

25. Mr. McCubbin did not vote for Ms. Lyday, and she was not appointed to the Board. On April 6, 2020, Ms. Brzana filed the Amended Complaint alleging that the Township failed to respond to thirty-five FOIA requests that she had submitted, making good on her threat.

26. This conduct constituted the crimes of threatening a public official (720 ILCS 5/12-9) and intimidation (720 ILCS 5/12-6).

27. Section 12-9 of the Criminal Code states, in relevant part:

“A person commits threatening a public official or human service provider when:

(1) that person knowingly delivers or conveys, directly or indirectly, to a public official or human service provider by any means a communication:

(ii) containing a threat that would place the public official or human service provider or a member of his or her immediate family in reasonable apprehension that damage will occur to property in the custody, care, or control of the public official.” 720 ILCS 5/12-9.

28. Ms. Brzana made a threat to Mr. McCubbin, a public official, that she would seize property in his custody, care, and control, funds held by Wesley Township, if he did not vote in the way she wanted. This violated Section 12-9 of the Criminal Code.

29. Ms. Brzana also committed the crime of intimidation. Section 12-6 of the Criminal Code states in relevant part:

“A person commits intimidation when, with intent to cause another to perform or to omit the performance of any act, he or she communicates to another, directly or indirectly by any means, a threat to perform without lawful authority any of the following acts:

(3) Commit a felony or Class A misdemeanor.” 720 ILCS 5/12-6.

30. Ms. Brzana threatened to commit a felony, threatening a public official, if Mr. McCubbin did not perform the act she desired. This is a violation of Section 12-6 of the Criminal Code.

31. Ms. Brzana’s conduct was extreme and outrageous. She committed at least two criminal acts. Any reasonable person would know that her conduct was unethical and wrong. Her conduct was beyond all possible bounds of decency.

32. Ms. Brzana actually intended to inflict severe emotional distress upon Mr. McCubbin or should have known that her conduct would do so. She extorted Mr. McCubbin, placing him in the awful position of having to either vote for Ms. Brzana’s preferred candidate for trustee and against the candidate he wanted, or to subject the Township to a lawsuit imposing potentially enormous and crippling liability.

33. Ms. Brzana’s conduct caused Mr. McCubbin severe emotional distress. It caused him significant anxiety and fear.

WHEREFORE, as to Plaintiff/Counter-Defendant Cynthia Brzana, Counter-Plaintiff Leonard McCubbin respectfully requests that this Court:

- A. Award him such damages as may be proven at trial, but, in any event, an amount greater than \$50,000;
- B. Award him punitive damages in an amount sufficient to punish Ms. Brzana for her willful, wanton, and malicious conduct;
- C. Award him his costs incurred this matter; and
- D. Award him such other and further relief as this Court deems just and proper.

Jury Demand

34. Wesley Township and Wesley Township Road District demand a trial by jury pursuant to 735 ILCS § 5/2-1105.

Respectfully submitted,



Attorney for Wesley Township and the
Wesley Township Road District

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

CYNTHIA BRZANA and TIM GRANT)	
)	
PLAINTIFFS)	
V.)	
)	Case No. 19 CH 1143
WESLEY TOWNSHIP AND WESLEY)	
TOWNSHIP ROAD DISTRICT.)	
)	
DEFENDANTS.)	

WESLEY TOWNSHIP, WESLEY)	
TOWNSHIP ROAD DISTRICT, AND LEONARD)	
MCCUBBIN,)	
)	
COUNTERPLAINTIFFS)	
)	
V.)	
)	
CYNTHIA BRZANA,)	
)	
COUNTERDEFENDANT.)	

Affidavit of Insufficient Knowledge

I, Matthew T. DiCianni, on oath depose and say:

1. That I am the attorney representing Defendants Wesley Township and Wesley Township Road District.
2. That this answer contains certain statements of insufficient knowledge on which to base a belief as to the truth or falsity of the allegations contained in the complaint.
3. That those allegations of insufficient knowledge are true and correct.



Matthew DiCianni

SUBSCRIBED AND SWORN to before me

this 21st day of September, 2020.

Petra C. Neugebauer
Notary Public

4817-6884-5004, v. 1

