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March 1, 2021

Mr. John D. Spina, Esq.
7610 West North Avenue
Elmwood Park, Illinois 60707-4195

Re: Your specious letter of February 24, 2021

Dear Mr. Spina:

As you know, I represent Alyssia Benford. I have been asked to respond to the letter you sent to Mr. Felix George, Supervisor DuPage Township dated February 24, 2021. Your letter mis-states the law and erroneously claims some great harm to Mr. Mayer's purported reputation. Mr. Mayer enjoys the reputation he has deservedly earned based on his widely reported conduct. Importantly, your entire letter is predicated upon a series of erroneous legal conclusions. Typically, it is proper for an attorney to research an issue before sending out an unsupported document. Moreover, a document lacking any citations to authority, such as your letter is indicia of a product of an uninformed mind.

It, therefore, appears necessary to educate you on applicable law and legal authority that appears to have escaped your obvious mental prowess as a person who is an "attorney" by trade. As I understand your letter, you contend, *inter alia*, that: A) statements made at a public meeting are actionable, B) that the Township is thereby subject to some form of vicarious liability; C) that Klien Hall's opinion is dispositive of a present factual issue; and D) within your letter you make a series of slights towards Ms. Benford's status as a Certified Public Accountant. This letter is responsive to those matters you raise in your letter.

Initially, it is clear that any statement Ms. Benford made was during public debate wherein she engaged in comment on a public issue. As you may know, or more likely may not know, that in turn places anything that Alyssia stated squarely in the arena of the Citizens Participation Act ("CPA") 735 ILCS 110 et seq. The CPA serves to protect speech that is designed to get government to act. The term "Government" is broadly construed in the CPA to include even the electorate. See *Wright Development Group, LLC v Walsh*, 2010 WL 4125655 (Ill Sup Ct). By the terms of your letter, that is what Alyssia Benford undertook to do and therefore she has immunity under the CPA. I really hope that you endeavor to file such a specious claim, as I can more fully educate you in the dynamics of the CPA, including the provision on attorney fees for a prevailing defendant. See 735 ILCS 110/25. Moreover, you should also be apprised of the *Local Governmental and Governmental Employees Tort Immunity*

Act. See 745 ILCS 10 et seq. Even if your erroneous position on liability of DuPage Township had any value, such a claim is barred by the limitations period in the immunity act. Specifically, Section 8-101 of the Act provides:

Limitation. (a) No civil action other than an action described in subsection (b) may be commenced in any court against a local entity or any of its employees for any injury unless it is commenced within one year from the date that the injury was received or the cause of action accrued.

Accordingly, since your letter references purported causes of action arising in 2018 and 2019 you have passed the limitations date as we are in the year of our Lord 2021, using the Gregorian calendar. Thus, Mr. Mayer has no cause of action whatsoever.

The Tort Immunity Act, in turn, protects local public entities and their employees from liability arising from government operations. *Van Meter*, 207 Ill. 2d at 368 (2003); see 745 ILCS 10/1-101.1(a) (West 2018). The statute's purpose is to prevent the dissipation of public funds on damages awards in tort cases. *Murray v. Chicago Youth Center*, 224 Ill. 2d 213, 229, 864 N.E.2d 176, 309 Ill. Dec. 310 (2007). Under the Tort Immunity Act, local governmental entities are liable in tort, but this liability is limited "with an extensive list of immunities based on specific government functions." *Harrison v. Hardin County Community Unit School District No. 1*, 197 Ill. 2d 466, 471, 758 N.E.2d 848, 259 Ill. Dec. 440 (2001).

I have yet to find any authority that Klien Hall (a twelve member accounting firm) is the ultimate determinant of any present or prior fact. You articulate that Klien Hall made a statement. However, organizations only make statements via people. You do not quote any individual person. Thus, you rely upon a fragile claim on some purported historic fact that is not dispositive. I do know that Klien Hall holds themselves out as "Financial Futurists." See <https://kleinhallcpa.com/team/christina-klein-cpa-mst>. However, I have yet to cast my eyes into their crystal ball which allows them to see into the future. The term "Futurists" is defined as follows:

Futurists (plural noun) · futurists (plural noun)

1. an adherent of Futurism.
2. a person who studies the future and makes predictions about it based on current trends.
3. Theology -a person who believes that eschatological prophecies are still to be fulfilled.

Given the holding out as "Financial Futurists", I wonder why they are even in business as knowing the future might foretell accumulating personal fortune.

While I may not be able to tell you what the future is, I can tell you that the position you take in your letter of February 24, 2021 is clearly erroneous.

Sincerely,



Robert T. Hanlon