

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.	)	

**PLAINTIFFS' RULE 137 MOTION FOR SANCTIONS FOR FILING WITH THIS  
COURT A FORGED AFFIDAVIT AND FAILING TO INVESTIGATE ITS  
VERACITY BEFORE FILING AND FOR SPOILATION OF EVIDENCE**

NOW COME Plaintiffs, CYNTHIA BRZANA AND TIM GRANT, by and through their counsel, ROBERT HANLON of the LAW OFFICES OF ROBERT T. HANLON & ASSOCIATES, P.C., with their Rule 137 Motion for Sanctions against Defendants, Wesley Township and Wesley Township Road District, along with their counsel, Matthew DiCianni, for filing with this Court a forged Affidavit and failing to undertake a basic investigation of the source of the Affidavit before filing it with this Court as well as engaging in spoilation of evidence. In support of this motion, Plaintiffs state as follows:

**INTRODUCTION**

1. This case arises under the Illinois Freedom of Information Act 5 ILCS 140/1 et seq (hereinafter the "Act"). Plaintiffs seek sanctions against Defendants and their counsel on the basis that a forged Affidavit was filed with the court on behalf of Defendants without making any inquiry to authenticate the Affidavit when the Affidavit was delivered to Defendants' counsel by a third party. Plaintiffs also seek sanctions as a result of spoilation of evidence by Defendants.

## **FACTS AND ARGUMENT SUPPORTING SANCTIONS IN THIS CASE**

### **A. Forged Affidavit.**

2. Illinois Supreme Court Rule 137 provides as follows:

(a) Signature requirement/certification. Every pleading, motion and other document of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his pleading, motion, or other document and state his address. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other document; that to the best of his knowledge, information, and belief *formed after reasonable inquiry* it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other document is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or other document is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other document, including a reasonable attorney fee.

3. Defendants filed with this Court a response to Plaintiffs' Motion for Summary Judgment supported by the purported Affidavit of Sarah Norton dated September 9, 2020, bearing a signature reading "Dan" over the typed name of Sarah Norton.

4. The signature shown on the Affidavit of September 9, 2020 was clearly different from other known signatures of Sarah Norton including an Affidavit tendered to Attorney DiCianni in May of 2020, bearing the actual signature of Sarah Norton. (In other words, the signature appearing on the September 9, 2020 Affidavit was such an obvious forgery that without reasonable inquiry to verify its authenticity, to use the Affidavit was

gross negligence at best or a malicious intent at worst.) Compare the forged Affidavit of September 9, 2020 attached hereto and incorporated herein as Exhibit A and the authenticated Affidavit of May 2020, attached hereto and incorporated herein as Exhibit B.

5. Wesley Township Supervisor Michael Medlin (hereinafter “Supervisor Medlin”) thereafter told Sarah Norton not to talk to Attorney Hanlon.

6. Following the advice of Supervisor Medlin, Sarah Norton became unavailable and the numerous attempts to serve her with a Subpoena for Deposition resulted in non-service. On one occasion Sarah Norton was reported to have run out the back door at the place of attempted service.

7. Nevertheless, on March 23, 2021 the deposition of Sarah Norton took place in Joliet, Illinois. Present were Supervisor Medlin, Sherri Yakima (Wesley Township Clerk), Leonard McCubbin (Wesley Township Trustee), Matthew DiCianni (Defendants’ counsel), Cynthia Brzana (Plaintiff), Robert Hanlon (Plaintiffs’ counsel), the court reporter and Sarah Norton (former Wesley Township Clerk).

8. During the deposition, Sarah Norton was asked to examine two Affidavits. See Exhibit C, the Deposition Transcript of Sarah Norton attached hereto and incorporated herein (select pages). See pages 118-121. One of the Affidavits was procured directly from Sarah Norton by Plaintiffs’ counsel, (Exhibit B) and the second Affidavit (Exhibit A) purporting to be signed by Sarah Norton was obtained by Defendants’ counsel from John Norton. Sarah Norton was then asked to explain the obvious difference in the signatures on the two respective Affidavit documents. Sarah Norton explained that she had not signed Exhibit A, the Affidavit used by Defendants and submitted to this Court in defense of their case. See Exhibit C, pages 118-121.

9. Further examination of Sarah Norton revealed that the Affidavit submitted by Defendants (Exhibit A) was manufactured by John Norton<sup>1</sup> (Sarah Norton's Father). He had previously asked Sarah to sign it, but she did not. See Exhibit C, pages 119-121. Thereafter, John Norton, a stranger to this case, delivered the forged Affidavit to Matthew DiCianni. See Exhibit C, page 121, lines 4-6. (video available to Plaintiffs shows John Norton approaching Matthew DiCianni at a public meeting and offering him the two page Affidavit and Mr. DiCianni stating that "I'm not going to get involved in that"). After John Norton fabricated the affidavit it made its way to Mr. DiCianni and then to this Court.

10. Merely a phone call by Mr. DiCianni to Sarah Norton would have resolved the issue. Had he investigated the veracity of the affidavit, Mr. DiCianni would have learned it was not even signed by Sarah Norton. Had Mr. DiCianni undertaken even the smallest effort to ascertain if the Affidavit was authentic, he would have known the September 9, 2020 Affidavit document was a forgery. Rather, without making any diligent inquiry, Mr. DiCianni filed a forged Affidavit with this Court as if he had made diligent inquiry into the facts before filing the forged Affidavit! But see Rule 137. Any attorney being handed an affidavit in a case alleging attorney misconduct, would have investigated and verified that the witness actually signed the instrument before filing it with the court. This is especially true given the obvious difference in signatures and the source of the document.

11. When Sarah Norton was cross-examined by Mr. DiCianni, she acknowledged that the document attached hereto as Exhibit A was a "forgery", and Mr.

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<sup>1</sup> John Norton was the named Defendant in an order of protection case resulting in issuance of a plenary order and Attorney Hanlon was counsel for the Plaintiff in that case (Forsythe v Norton). Attorney Hanlon also defended an action advanced by Mr. Norton and obtained an award of attorney fees against Mr. Norton in the matter of Norton v McCubbin, et seq as a sanction. Mr. Norton has expressed animus towards Attorney Hanlon on at least twenty (20) separate occasions.

DiCanni actually used the term “forgery” when positing his questions. See Exhibit C, page 143, lines 11-18.

12. It cannot be said that any reasonable inquiry into the facts was said to have occurred when the attorney filing the forged Affidavit with this Court made absolutely no inquiry of the purported Affiant to ascertain if she, in fact, signed the Affidavit. Nevertheless, Defendants have been steadfast with their reliance on a forged Affidavit.

13. Section 11(j) of the Act provides:

“If the court determines that a public body willfully and intentionally failed to comply with this Act, or otherwise acted in bad faith, the court shall also impose upon the public body a civil penalty of not less than \$2,500 nor more than \$5,000 for each occurrence.” 5 ILCS 140/11(j).

14. In this case the submission of a forged Affidavit in defense of non-compliance with the Act for each request shown in each count constitutes “bad faith” in relationship to each of those counts.

15. This “bad faith” of presenting a forged Affidavit to this Court without undertaking any step to verify its authenticity is without excuse.

#### **B. Spoilation of Evidence.**

16. Defendants denied having any record of Plaintiffs’ Freedom of Information Act (FOIA) Requests that are the subject of the Amended Complaint in this case. Said requests ranged from 2018 to 2019 during the term Sarah Norton was in office as the Wesley Township FOIA Officer.

17. Upon examination of Sarah Norton, she acknowledged most of Plaintiffs’ requests were received by the unit of government. See Exhibit C, pages 12, 15-20, 22, 23, 32, 33, 35, 36, 67-69, 74, 75, 77, 78, 80-82, 86, 93-100, 103, and 111-112.

18. Sarah Norton also acknowledged being the FOIA officer at the time the requests were received. See Exhibit C, page 15. Because Sarah Norton, the then acting FOIA officer, testified that the public body received the requests shown in the First Amended Complaint, a legal duty to preserve and maintain records arose under the Act because Section 3.5(a) of the Act mandates the following:

Upon receiving a request for a public record, the Freedom of Information officer shall:

- (1) note the date the public body receives the written request;
- (2) compute the day on which the period for response will expire and make a notation of that date on the written request;
- (3) maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and
- (4) create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

See Freedom of Information Act 5 ILCS 140/3.5(a)

19. “Parties in litigation have a fundamental duty to preserve relevant evidence over which the non-preserving entity had control and reasonably knew or could reasonably foresee was material to a potential legal action.” *Kucala Enter., Ltd. v. Auto Wax Co.*, No. 02 C 1403, 2003 WL 21230605 at \*4 (N.D. Ill. May 27, 2003).

20. In addition, “the duty to preserve extends to evidence that the party has reasonable notice is reasonably likely to be the subject of a discovery request.” *APC Filtration, Inc. v. Becker*, No. 07 C 1462, 2007 WL 3046233 at \*2 (N.D. Ill. Oct. 12, 2007).

21. Illinois Courts have upheld sanctions for spoliation of evidence even where no prior court order protecting that evidence existed. See *Shelbyville Mutual Insurance Co. v. Sunbeam Leisure Products Co.* (1994), 262 Ill.App.3d 636, 641, 199 Ill.Dec. 965, 969, 634

N.E.2d 1319, 1323; *American Family Insurance Co. v Village Pontiac-GMC, Inc* , 223 Ill.App.3d 624, 626, 166 Ill.Dec. at 96, 585 N.E.2d at 1118; *Graves v Daley*, 172 Ill.App.3d at 38, 122 Ill.Dec. at 422, 526 N.E.2d at 681.

22. For example, in *American Family Insurance Co.*, where an allegedly defective automobile was salvaged by plaintiffs' insurer following an investigation by plaintiffs' expert, the court upheld sanctions and a summary judgment order, stating that the “[p]laintiffs should have known that potential defendants to a case alleging negligence and product liability would undoubtedly want to inspect, as plaintiffs' experts had done, and perhaps test the object alleged to have caused the damage.” (*American Family Insurance Co.*, 223 Ill.App.3d at 627, 166 Ill.Dec. at 96, 585 N.E.2d at 1118.)

23. “Spoilation of evidence occurs when one party destroys evidence relevant to an issue in the case in violation of a duty to preserve the evidence.” *American Family Mut. Ins. Co. v. Roth*, No. 05 C 3839, 2009 WL 982788 at \*11 (N.D. Ill. Feb. 20, 2009). “The duty to preserve evidence can arise early on; even before a complaint is filed.” *Id.*

24. This Court has the inherent power to sanction parties for failure to preserve potential evidence that is properly discoverable. *APC Filtration, Inc.*, 2007 WL 3046233 at \*2. “Sanctions include awarding reasonable expenses, attorney fees, barring evidence or arguments, permitting adverse inferences, and dismissing claims or entering default judgments.” See *Bryant v. Gardner*, 587 F.Supp.2d 951, 968 (N.D. Ill. 2008).

25. In this case, Defendants are two public bodies. Statutorily, Defendants are required to preserve the records of the public body and specifically FOIA requests. See 5 ILCS 140/3.5(a)(3). Because Sarah Norton, the then acting FOIA officer, testified that the public body received the requests shown in the First Amended Complaint, a legal duty to preserve and

maintain records associated with the request arose under the Act at the time the requests were submitted to Wesley Township.

26. The failure to comply with the duty to preserve FOIA records is evidenced by the Affidavit of Supervisor Medlin when viewed in conjunction with Sarah Norton's deposition testimony. Supervisor Medlin testified in his Affidavit that the mandatory records associated with Plaintiffs' FOIA requests did not exist as made in the ordinary course of business and were not in the public record. See Supervisor Medlin's Affidavit attached hereto and incorporated herein as Exhibit D. Accordingly, the records were not maintained by the public body as commanded by law under the Act. Accordingly, the failure to maintain the records, mandated by law, to be maintained by the public body is both a violation of FOIA and spoliation of evidence.

27. Moreover, "bad faith" under the Act is demonstrated by the failure to comply with Section 3.5 of the Act in preserving the requests and purported responses. Their obvious destruction is bad faith.

28. During the course of the examination of Sarah Norton, she testified that she responded to "parts" of a few of Plaintiffs' FOIA requests. See Exhibit C, pages 20, 24, 33-35, 74, 77, 78, 94-98, 100, 103. Yet, according to Mr. Medlin there is no record of any of her purported responses. See Exhibit D, paragraphs 2-4. Additionally, Sarah Norton acknowledged receiving Plaintiffs' requests as reflected in the First Amended Complaint. See Exhibit C, pages 12, 15-20, 22, 23, 32, 33, 35, 36, 67-69, 74, 75, 77, 78, 80-82, 86, 93-100, 103, and 111-112.



29. Sarah Norton also testified that Wesley Township maintained records of Plaintiffs' FOIA requests up until the date that she resigned as the Township Clerk. See Exhibit C, pages 16, 19, 20, 24, and 25.

30. Accordingly, the public records associated with Plaintiffs' FOIA requests existed at the time the requests were made and then no longer existed during the pendency of this case.

31. A local public body may only destroy public records by petitioning the Illinois Records Commission and obtaining a certificate of destruction. See 50 ILCS 205 et seq.

32. In fact, a person who knowingly and without lawful authority alters, destroys, defaces, removes or conceals any public record commits a Class 4 felony. See 720 ILCS 5/32-8. Thus, the duty to preserve the public records associated with Plaintiffs' requests was at a heightened level.

33. This case was filed on August 8, 2019. Upon the filing of this case the already heightened duty was again solidified by the standards governing litigation. On August 27, 2019 (19 days after the filing of the Complaint) Joann Quigley (the then Wesley Township Supervisor ) filed a request with the Illinois Records Commission seeking authority to dispose of local records and obtained a schedule thereof for destruction of records. See request to Illinois Records Commission with scheduled destruction of records and response from the Illinois Records Commission attached hereto and incorporated herein as Group Exhibit E. That application did not inform the Records Commission of the existence of this lawsuit. *Id.* Moreover, the schedule authorized did not grant the right to destroy any records related to any litigation. *Id.* Nevertheless, Joan Quigley (the then

Wesley Township Supervisor) sought authority to dispose of local records including e-mails from 2019. *Id.* A schedule was issued to Wesley Township from the Illinois Records Commission on October 1, 2019, but exempted records that would be related to records associated with litigation and the public body was required to obtain an actual certificate of destruction for any records in the schedule, but Wesley Township did not obtain such a destruction certificate. *Id.* Accordingly, in the absence of maintaining the records of the FOIA requests and e-mail correspondence referenced by Sarah Norton that would likely have been the subject of discovery, Defendants engaged in spoliation of evidence as explained herein.

34. According to Sarah Norton, she partially responded to some of Plaintiffs' requests under the Act. These purported partial responses were not found in the records of Wesley Township by the current Clerk and Supervisor. See Exhibit D – Affidavit of Wesley Township Supervisor Michael Medlin. Thus, Wesley Township engaged in spoliation of evidence because it had records of the FOIA requests via e-mail and the purported partial responses were alleged by Sarah Norton to be located in e-mails and during the pendency of this suit Defendants failed to maintain said records.

35. Presently, Wesley Township claims that it had no record of any of the FOIA requests depicted in the First Amended Complaint and only learned of the requests for information when it received the First Amended Complaint. See Exhibit D, paragraphs 2-4. Nevertheless, Sarah Norton testified that Wesley Township received the requests and she had a conscious memory of purportedly responding to parts of some of the requests, but not the whole requests. The requests for information range from 2018 to 2019 (during Sarah Norton's term as Clerk of Wesley Township) and according to the current supervisor the

requested documents were produced in response to the First Amended Complaint because they had no records of the request. That production took place years after the requests were submitted in violation of the timeliness requirements in the Act. Moreover, the failure to maintain records of FOIA requests of the public body was in violation of the Act.

36. In summary, Defendants and Defendants' counsel, Mr. DiCianni, submitted to this Court a forged Affidavit without making inquiry to authenticate the Affidavit when the Affidavit was delivered to Defendants' counsel by a third party (John Norton); and Defendants almost immediately after the filing of this suit began the process of seeking authority to destroy records and records were obviously destroyed. These acts warrant sanctions as set forth below.

### **PRAYER FOR RELIEF**

Wherefore Plaintiffs, CYNTHIA BRZANA AND TIM GRANT, pray that this Honorable Court grant the following relief:

- A) Enter a declaration that Wesley Township violated FOIA by failing to maintain records of Plaintiffs' FOIA Requests;
- B) Enter a default judgment against Defendants, Wesley Township and Wesley Township Road District, for the relief sought in the First Amended Complaint in an amount equal to the number of complained FOIA violations requests times \$2,500 or \$87,500 at a minimum (the Statutory minimum under FOIA);
- C) Sanction Defendants the reasonable amount of attorney fees in this lawsuit as calculated using the lodestar method of Plaintiffs' attorney's regular rate as multiplied by the hours spent in this case as determined by subsequent motion;
- D) Sanction Attorney Matthew DiCianni an amount equal to the attorney fees incurred by the public body Defendants responding to this lawsuit for his willful violation of Rule 137 in submitting to this Court a forged Affidavit including any amount awarded to Plaintiffs for their attorney fees when he failed to investigate the origin of a forged Affidavit he submitted to this Court or such other amount that this Court deems just and reasonable to deter Attorney Matthew DiCianni from further violations of Rule 137;

- E) Award Plaintiffs their reasonable expenses in this action;
- F) Award Plaintiffs their reasonable attorney fees to be taxed against Defendants;
- G) Bar Defendants from introduction of evidence or any argument concerning its purported compliance with the Freedom of Information Act;
- H) Strike from Defendant's Response to Plaintiff's Motion for Summary Judgment, the Forged Affidavit of Sarah Norton.
- I) In the alternative to the aforementioned relief, establish an adverse inference that the records disposed of by Defendants would demonstrate willful and wanton conduct or other bad faith in Defendant's failure to comply with FOIA;
- J) Dismiss Defendants' counter-claims and third party claim of Leonard McCubbin; and
- K) For such other and further relief as this Court deems just and reasonable.

Respectfully submitted,

CYNTHIA BRZANA AND TIM GRANT,  
Plaintiffs

By: /s/ Robert T. Hanlon  
One of Plaintiffs' Attorneys

Robert T. Hanlon, ARDC #6286331  
Law Offices of Robert T. Hanlon & Assoc., P.C.  
131 East Calhoun Street  
Woodstock, IL 60098  
(815) 206-2200; (815) 206-6184 (Fax)  
[robert@robhanlonlaw.com](mailto:robert@robhanlonlaw.com)  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I, Robert T. Hanlon, an attorney, state that I have served the attached **PLAINTIFFS' RULE 137 MOTION FOR SANCTIONS FOR FILING WITH THIS COURT A FORGED AFFIDAVIT AND FAILING TO INVESTIGATE ITS VERACITY BEFORE FILING AND FOR SPOILATION OF EVIDENCE** in the above-captioned case on each of the parties listed below by electronic mail on the date listed below and by means of the I-2 file/Odyssey system utilized by the Circuit Court of Will County.

**Matthew T. DiCianni**  
**ANCEL GLINK, P.C.**  
**140 South Dearborn Street, Sixth Floor**  
**Chicago, IL 60603**  
**[mdicianni@ancelglink.com](mailto:mdicianni@ancelglink.com)**

Dated: March 24, 2021

# **EXHIBIT A**

## **FORGED AFFIDAVIT OF SARAH NORTON**

## EXHIBIT A

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

CYNTHIA BRZANA and TIM GRANT, )

Plaintiffs, )

v. )

WESLEY TOWNSHIP and WESLEY  
TOWNSHIP ROAD DISTRICT, )

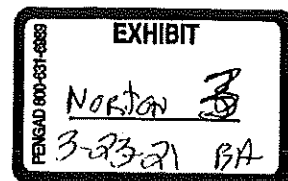
Defendants. )

Case No. 2019 CH 1143

#### Affidavit of Sarah Norton

I, Sarah Norton, after being duly sworn, state under oath as follows:

1. I am over 18 years of age, and the statements made in this Affidavit are based on my personal knowledge. If called to testify, I could competently testify to the facts stated herein.
2. On or around May 3<sup>rd</sup>, 2020, I signed an affidavit stating, among other things, that I willfully and intentionally refused to answer FOIA requests from Cynthia Brzana and Tim Grant while I was the Wesley Township Clerk.
3. I was pressured into signing this affidavit by Brzana and Grant's attorney, Robert Hanlon.
4. Mr. Hanlon came to my workplace unannounced around midnight. I work there alone, so only him and I were there. I felt intimidated because Mr. Hanlon is a large man and is a lawyer.
5. Mr. Hanlon is currently representing Ms. Brzana in a lawsuit in which my grandfather, father, and I are the defendants. That lawsuit is captioned *Cynthia Brzana and Michael Esposito v. Kathleen Kennedy, Donald Norton, John Norton, and Sarah Norton*, 2018-L-718. Mr. Hanlon told me that if I signed the affidavit he would dismiss me as a defendant from this lawsuit.

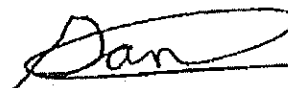


6. I felt intimidated and scared. Mr. Hanlon started to say mean things about my father, and I just wanted him to leave. I signed the affidavit that he gave me so that he would go away. I did not really read through the affidavit before I signed it.
7. Not everything in the affidavit I signed is true. Everything in the affidavit was written by Mr. Hanlon, not by me. Mr. Hanlon did not consult with me before he drafted the affidavit.
8. One thing in the affidavit that is not true are the sentences where I say that I willfully and intentionally refused to answer FOIA requests submitted by Ms. Brzana and Mr. Grant.
9. I did my best to answer their FOIA requests on time. However, the Township received lots of FOIA requests, sometimes fifty in one weekend. It was mostly just me answering the FOIA requests, and I simply could not keep up with all of them.
10. I tried my best but just did not have the time or ability to answer every FOIA request submitted by Ms. Brzana and Mr. Grant.
11. I am very sorry for any confusion I have caused. I have always tried to work hard and do my best. I would not have signed the affidavit given to me by Mr. Hanlon if I was not scared and intimidated at the time.

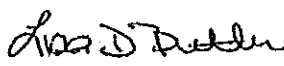
FURTHER AFFIANT SAYETH NAUGHT.

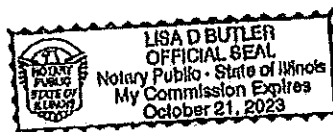
Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), the undersigned certifies that the statements set forth in this affidavit are true and correct.

Executed on September 9, 2020

  
\_\_\_\_\_  
Sarah Norton

SUBSCRIBED and SWORN to  
before me this 9 day of September, 2020.

  
Notary Public  
9/9/2020





# **EXHIBIT B**

**AFFIDAVIT WITH  
ACTUAL SIGNATURE  
OF SARAH NORTON**

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

CYNTHIA BRZANA, AND TIM GRANT )

Plaintiffs, )

v. )

Case No. 19 CH 1143

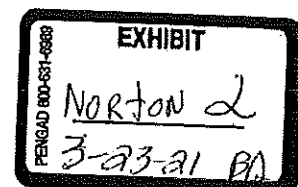
WESLEY TOWNSHIP AND WESLEY  
TOWNSHIP ROAD DISTRICT, )

Defendants. )

AFFIDAVIT OF SARAH NORTON

I, SARAH NORTON, being first duly sworn, under penalties as provided by law, certify that I have reviewed the statements contained in this affidavit; that I have personal knowledge of the facts stated herein; that if called as a witness in any proceeding, I could competently testify to the facts stated in this affidavit; and that the statements contained in this affidavit are true and correct, except as to any matters stated to be on information and belief, and as to those matters I certify that I verily believe them to be true.

- 1) I was the Wesley Township Clerk commencing in July 2018 or thereabouts and served as the Wesley Township Clerk up until I resigned in August 2019, or thereabouts .
- 2) At the time I was the Wesley Township Clerk, I received numerous requests from Cynthia Brzana and Tim Grant pursuant to the freedom of information act as shown in the amended complaint, in the above entitled action. I further did not respond to numerous F.O.I.A. requests from people I perceived as opposing my political interests including but not limited to Connie Hale Forsythe, Kirk Allen and John Kraft.
- 3) I knowingly and willfully decided not to provide information in the Freedom of Information Act requests to either Cynthia Brzana or Tim Grant even though I provided most of that information to my father, John Norton. I also provided access to video's to my father, John Norton, that I did not provide to others that requested the same videos. My decision to withhold the documents requested by Plaintiffs, Cynthia Brzana and Tim Grant, was based on my personal desire to not respond and based on the request of my father, that I not respond. My failure to respond to Cynthia Brzana's and Tim Grant's F.O.I.A. requests was not the act of negligence or inadvertence. Rather, the failure to respond to Cynthia Brzana's and Tim Grant's FOIA requests was my conscience and willful actions.



- 4) I acknowledge that Attorney Robert T. Hanlon has not represented me at any time and has given me the opportunity to obtain an independent legal opinion before I executed this affidavit.
- 5) As it relates to each of the requests in the attached complaint identified as requests 1-35 and Exhibits A through AI in the First Amended Complaint, I willfully and consciously did not respond to any of those requests and each remained outstanding as of the date I resigned as the Wesley Township Clerk.
- 6) I freely and voluntarily provided this affidavit knowing of the risks to my penal and pecuniary interests.

Affiant further Sayeth Naught

  
SARAH NORTON

Subscribed and Sworn to  
before me this 3rd day of May, 2020

  
NOTARY PUBLIC



# **EXHIBIT C**

## **DEPOSITION TRANSCRIPT OF SARAH NORTON (Select Pages)**

Sarah Norton

STATE OF ILLINOIS     )  
                                  ) SS:  
COUNTY OF W I L L     )

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

CYNTHIA BRZANA AND TIM GRANT,	)	
	)	
PLAINTIFFS,	)	
	)	
-VS-	)	NO. 19 CH 1143
	)	
WESLEY TOWNSHIP AND WESLEY	)	
TOWNSHIP ROAD DISTRICT,	)	
	)	
DEFENDANTS.	)	

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DISCOVERY DEPOSITION

OF: MS. SARAH NORTON

MARCH 23, 2021, AT 10:38 A.M.

THE DISCOVERY DEPOSITION OF MS. SARAH NORTON,  
CALLED AS A WITNESS PURSUANT TO NOTICE, AND PURSUANT TO  
THE PROVISIONS OF THE CODE OF CIVIL PROCEDURE OF THE  
STATE OF ILLINOIS AND THE RULES OF THE SUPREME COURT  
THEREOF PERTAINING TO THE TAKING OF DEPOSITIONS FOR THE  
PURPOSE OF DISCOVERY, TAKEN BEFORE BERNADETTE ASHLEY,  
CSR, RPR, AT THE OFFICES OF JOEL BROWN, REEDER & BROWN,  
P.C., 58 N. CHICAGO STREET, SUITE 404, JOLIET,  
ILLINOIS.

Sarah Norton

1 SECTIONS OF IT FOR THE PURPOSES OF THIS EXAMINATION.

2 I WOULD LIKE YOU TO FLIP THROUGH TO THE  
3 VERY FIRST EXHIBIT WHERE IT SAYS "EXHIBIT A". DO YOU  
4 SEE EXHIBIT A?

5 MR. DiCIANNI: DO YOU MIND IF I HELP THE  
6 WITNESS?

7 MR. HANLON: SURE.

8 MR. DiCIANNI: OKAY. THAT LOOKS LIKE YOU  
9 HAVE IT THERE, YEAH.

10 BY MR. HANLON:

11 Q OKAY. SO IT'S PAST THE PAGE THAT ENDS IN  
12 PARAGRAPH 218 AND THE "WHEREFORE" CLAUSE AND THEN MY  
13 ELECTRONIC SIGNATURE AND THEN THERE IS A BOLD PAGE THAT  
14 READS "EXHIBIT A" AND THEN FOLLOWING THAT BOLD PAGE  
15 THAT READS EXHIBIT A THERE IS A PAGE THAT BEGINS AT THE  
16 TOP "FOIA". DO YOU SEE THAT?

17 A YEAH.

18 Q OKAY. AND THAT FOIA WAS SENT TO WESLEY  
19 TOWNSHIP WHILE YOU WERE THE CLERK. ISN'T THAT CORRECT?

20 A YEAH.

21 Q OKAY.

22 MR. DiCIANNI: OKAY.

23 MR. HANLON: SHE ANSWERED YES.

24 MR. DiCIANNI: I KNOW. I KNOW.

Sarah Norton

1           A     NO.

2                               (WHEREUPON, NORTON GROUP EXHIBIT  
3                               NO. 1, EXHIBIT B, WAS USED FOR  
4                               IDENTIFICATION.)

5           Q     SO I'M GOING TO DRAW YOUR ATTENTION TO  
6           EXHIBIT B NOW. ONE THING I DIDN'T ASK YOU EARLIER,  
7           DURING THE PERIOD OF TIME THAT YOU WERE THE CLERK, YOU  
8           WERE THE FOIA OFFICER. CORRECT?

9           A     YES.

10          Q     IS THAT A YES?

11          A     YES.

12          Q     OKAY. AND YOU ARE WEARING A MASK SO, YOU  
13          KNOW, I NEED THESE TO BE ARTICULATED OUT LOUD SO THE  
14          RECORD IS CLEAR AND IT'S NOT BECAUSE, YOU KNOW, I'M  
15          TRYING TO BADGER YOU OR ANYTHING OF THAT NATURE. DO  
16          YOU UNDERSTAND THAT?

17          A     YES.

18          Q     OKAY. SO YOU WERE THE FOIA OFFICER ON  
19          DECEMBER 19, 2018; IS THAT CORRECT?

20          A     YES.

21          Q     OKAY. I WOULD LIKE YOU TO TAKE A LOOK AT THE  
22          FOIA REQUEST SHOWN ON EXHIBIT B. DURING YOUR TERM OF  
23          OFFICE DID YOU EVER RESPOND TO THAT FOIA REQUEST? YES  
24          OR NO?

Sarah Norton

1           A     I DON'T EVEN REMEMBER THIS ONE.

2           Q     DO YOU HAVE ANY KNOWLEDGE THAT YOU RESPONDED  
3 TO THAT REQUEST?

4           A     NO.

5           Q     DO YOU HAVE ANY DOCUMENTS IN YOUR POSSESSION  
6 OR CONTROL THAT RELATE TO RESPONDING TO ANY FOIA  
7 REQUESTS?

8           A     NO.

9           Q     YOU KEPT NO INDEPENDENT RECORDS OF ANYTHING  
10 THAT YOU RESPONDED TO AFTER YOU LEFT OFFICE; IS THAT  
11 CORRECT?

12          A     YES.

13                         (WHEREUPON, NORTON GROUP EXHIBIT  
14 NO. 1, EXHIBIT C, WAS USED FOR  
15 IDENTIFICATION.)

16          Q     WITH RESPECT TO EXHIBIT C, CAN YOU PLEASE  
17 LOOK AT EXHIBIT C? DO YOU SEE THAT THERE IS A REQUEST  
18 MADE JANUARY 22, 2019? DO YOU SEE THAT?

19          A     YES.

20          Q     OKAY. AND YOU WERE THE FOIA OFFICER AT THE  
21 TIME THAT THAT REQUEST WAS SUBMITTED TO WESLEY  
22 TOWNSHIP; IS THAT CORRECT?

23          A     YES.

24          Q     AND YOU RECEIVED THAT REQUEST WHILE YOU WERE



Sarah Norton

1 THE CLERK. ISN'T THAT CORRECT?

2 A YES.

3 Q OKAY. AND YOU DID NOT RESPOND TO THAT  
4 REQUEST EITHER, DID YOU?

5 MR. DiCIANNI: OBJECTION: FOUNDATION.

6 MR. HANLON: YOU CAN ANSWER THE QUESTION.

7 A I DON'T REMEMBER THIS ONE EITHER.

8 Q OKAY. ARE YOU IN POSSESSION OF ANY DOCUMENT  
9 SHOWING THAT YOU RESPONDED TO THAT REQUEST?

10 A NO.

11 Q OKAY. DURING YOUR ENTIRE TERM OF OFFICE --  
12 I'M SORRY, STRIKE THAT. WITH RESPECT TO YOUR ENTIRE  
13 TERM OF OFFICE, DO YOU HAVE ANY INDEPENDENT  
14 RECOLLECTION OF EVER RESPONDING TO THAT FOIA REQUEST  
15 DURING YOUR TERM OF OFFICE?

16 A NO.

17 (WHEREUPON, NORTON GROUP EXHIBIT  
18 NO. 1, EXHIBIT D, WAS USED FOR  
19 IDENTIFICATION.)

20 Q I'D LIKE TO DRAW YOUR ATTENTION TO EXHIBIT D,  
21 AS IN DOG. I ASKED YOU EARLIER ABOUT A VIDEO WITH  
22 MR. MCCUBBIN AND I BELIEVE YOUR TESTIMONY HERE TODAY  
23 WAS THAT YOU DIDN'T REMEMBER. DID I GET THAT  
24 CORRECTLY?

Sarah Norton

1 A I DON'T REMEMBER. THAT IT HAPPENED OR WHAT?

2 Q OKAY. YOU GAVE YOUR FATHER A COPY OF THE  
3 VIDEO. CORRECT?

4 MR. DiCIANNI: OBJECTION: FOUNDATION.

5 MR. HANLON: OKAY.

6 A NO.

7 Q OKAY. YOU SAID YOU DID NOT -- ON THE  
8 INSTANCE WHERE YOUR -- MR. MCCUBBIN PUNCHED YOUR  
9 FATHER. THERE IS ONLY ONE OCCASION THAT THAT OCCURRED.  
10 CORRECT?

11 A TO MY KNOWLEDGE.

12 Q OKAY. AND WITH RESPECT TO THE ONE OCCASION  
13 THAT'S TO YOUR KNOWLEDGE, YOU TENDERED A VIDEO TO YOUR  
14 FATHER THAT WAS USED IN OPEN COURT. CORRECT?

15 A NO.

16 Q OKAY. CAN YOU TELL ME AS YOU SIT HERE TODAY  
17 HOW YOUR FATHER WOULD HAVE OBTAINED A VIDEO TO BE USED  
18 IN COURT FROM THE SECURITY SYSTEMS AT WESLEY TOWNSHIP  
19 IF YOU DIDN'T GIVE IT TO HIM?

20 MR. DiCIANNI: OBJECTION: FOUNDATION.

21 A I DON'T KNOW BECAUSE I DON'T EVEN REMEMBER  
22 GIVING IT TO HIM.

23 Q OKAY. I ASKED YOU AS PART OF MY QUESTION WAS  
24 IF YOU DIDN'T GIVE IT TO HIM, SO IF YOU DIDN'T GIVE IT

Sarah Norton

1 TO HIM, HOW COULD HE HAVE OBTAINED A VIDEO OF  
2 MR. MCCUBBIN PUNCHING HIM IN THE FACE?

3 A I DON'T KNOW.

4 Q WITH RESPECT TO THE REQUEST SHOWN IN  
5 EXHIBIT D, AS IN DOG, AS YOU SIT HERE TODAY, DO YOU  
6 HAVE ANY KNOWLEDGE THAT YOU EVER RESPONDED TO THE  
7 REQUEST FOR INFORMATION DATED FEBRUARY 13, 2019?

8 A THIS ONE I ANSWERED.

9 Q THIS ONE YOU SAID YOU ANSWERED?

10 A YES.

11 Q WHEN DID YOU ANSWER IT?

12 A I DON'T REMEMBER, BUT I KNOW I DID.

13 Q OKAY. SO WHEN YOU SAID THAT YOU -- YOU KNOW  
14 THAT YOU ANSWERED EXHIBIT D, WHAT RECORD WOULD EXIST  
15 THAT WOULD SHOW THAT YOU HAD RESPONDED TO THAT REQUEST?

16 A I DIDN'T KEEP THE RECORDS AFTER I WAS DONE.  
17 I JUST FILLED THEM AND GAVE THEM TO WHOEVER THEY WERE  
18 DESIGNATED TO.

19 Q ARE YOU SAYING THAT AS YOU SIT HERE TODAY  
20 WHEN YOU RESPONDED TO A FOIA REQUEST YOU DID NOT  
21 MAINTAIN A RECORD OF THE RESPONSE?

22 A IN THE COMPUTER, YES, BUT A PHYSICAL COPY,  
23 NO.

24 Q WHEN YOU SAY IN THE COMPUTER, YES, TELL ME

Sarah Norton

1 WHAT YOU MEAN BY THAT?

2 A THE EMAIL WAS SAVED WHEN I SENT IT.

3 Q SO YOU WOULD HAVE RESPONDED TO THIS VIA  
4 EMAIL?

5 A YES.

6 Q OKAY. AND WHY ARE YOU SO CERTAIN THAT YOU  
7 RESPONDED TO THE FOIA REQUEST SHOWN IN EXHIBIT D?

8 A BECAUSE I ACTUALLY REMEMBER DOING THIS ONE.

9 Q OKAY. SO YOU HAVE A CONSCIOUS RECOLLECTION  
10 OF RESPONDING TO EXHIBIT D?

11 A YES.

12 Q OTHER THAN THAT, WAS THERE ANY RECORD THAT  
13 YOU WOULD HAVE KEPT OUTSIDE OF AN EMAIL?

14 A NO.

15 Q WHEN WOULD THAT EMAIL HAVE BEEN SENT OUT?

16 A I DON'T KNOW.

17 Q WELL, WAS IT WITHIN FIVE DAYS OF THE DATE OF  
18 THE REQUEST?

19 A I DON'T REMEMBER.

20 Q WOULD IT HAVE BEEN WITHIN THIRTY DAYS OF THE  
21 DATE OF THE REQUEST?

22 A YES.

23 Q OKAY. SO WE HAVE SOMEWHERE BETWEEN FIVE AND  
24 THIRTY DAYS. WAS IT CLOSER TO FIVE DAYS OR CLOSER TO

Sarah Norton

1 Q I'D LIKE TO DRAW YOUR ATTENTION TO EXHIBIT E,  
2 AS IN EDWARD. OKAY. DO YOU RECOGNIZE EXHIBIT E, AS IN  
3 EDWARD?

4 A NO.

5 Q OKAY. AND AS WE SIT HERE TODAY, EXHIBIT E,  
6 AS IN EDWARD, WAS SUBMITTED TO YOU ON MARCH 12 AT  
7 5:03 P.M. ISN'T THAT CORRECT?

8 MR. DiCIANNI: OBJECTION: FORM.

9 MR. HANLON: CAN YOU ANSWER THE QUESTION?

10 THE WITNESS: REPEAT.

11 MR. HANLON: COULD YOU REPEAT MY QUESTION  
12 PLEASE?

13 (WHEREUPON THE REPORTER READ BACK THE  
14 RECORD.)

15 A YES.

16 Q AND DID YOU RESPOND TO EXHIBIT E WITHIN FIVE  
17 DAYS OF THE DATE OF THE REQUEST?

18 A I DON'T REMEMBER.

19 Q DID YOU RESPOND TO EXHIBIT E WITHIN FIVE  
20 BUSINESS DAYS OF THE DATE OF THE REQUEST? SO A  
21 SLIGHTLY DIFFERENT QUESTION.

22 A I DON'T EVEN REMEMBER SEEING THIS ONE.

23 (WHEREUPON, NORTON GROUP EXHIBIT  
24 NO. 1, EXHIBIT F, WAS USED FOR

Sarah Norton

1 IDENTIFICATION.)

2 Q WITH RESPECT TO EXHIBIT F, AS IN FRANK, YOU  
3 NOTICE THE TOP WHERE IT READS  
4 "WESLEYSUPER2017@OUTLOOK.COM." DO YOU SEE THAT? IT'S  
5 RIGHT AFTER THE WORD "TO".

6 A YES.

7 Q DO YOU SEE UNDERNEATH THAT WHERE IT SAYS  
8 WESLEYTWP2017@OUTLOOK.COM?

9 A YES.

10 Q OKAY. AND WHAT WAS THE ADDRESS FOR RECEIVING  
11 FOIA REQUESTS AT WESLEY TOWNSHIP WHEN YOU WERE THE  
12 CLERK?

13 A I DON'T REMEMBER.

14 Q WAS THE ADDRESS NOT  
15 WESLEYTWP2017@OUTLOOK.COM?

16 A YES.

17 Q OKAY. WITH RESPECT TO THE REQUEST SHOWN IN  
18 EXHIBIT F, YOU DID NOT RESPOND TO THE REQUEST SHOWN IN  
19 EXHIBIT F; IS THAT CORRECT?

20 MR. DiCIANNI: OBJECTION: FOUNDATION.

21 A YES.

22 Q AS IN YES, YOU DID NOT RESPOND TO IT.  
23 CORRECT?

24 A NO, I DID.

Sarah Norton

1 Q OKAY. SO WHEN DID YOU RESPOND TO THE REQUEST  
2 SHOWN IN EXHIBIT F, AS IN FRANK?

3 A I DON'T REMEMBER, BUT I KNOW I DID.

4 Q NOW ARE YOU AWARE THAT I TOOK A DEPOSITION OF  
5 THE TOWNSHIP CLERK IN THIS MATTER?

6 A BEING ME?

7 Q NO, THE CURRENT TOWNSHIP CLERK, THE PRESENT  
8 KEEPER OF THE RECORDS, ARE YOU AWARE --

9 A NO, I'M NOT.

10 Q ARE YOU AWARE THAT THERE WAS NO RECORD OF  
11 YOUR RESPONSE TO EXHIBIT NO. F IN THE TOWNSHIP RECORDS?

12 A NO.

13 Q SO WHAT WOULD HAVE HAPPENED TO THE RESPONSE  
14 IF YOU DID, IN FACT, RESPOND TO IT?

15 MR. DiCIANNI: OBJECTION: SPECULATION.

16 A NOT A CLUE.

17 Q OKAY. IN THE ORDINARY COURSE OF BUSINESS HOW  
18 WOULD YOUR RESPONSES TO FOIA REQUESTS HAVE BEEN KEPT?

19 A WE KEPT THEM IN EMAIL.

20 Q AND ONLY IN EMAIL?

21 A YES.

22 Q BEFORE YOU LEFT OFFICE DID YOU DELETE YOUR  
23 EMAILS?

24 A NO.

Sarah Norton

1 Q DID YOU DELETE ANY RECORDS?

2 A NO.

3 Q SO IF EXHIBIT F WAS RESPONDED TO AND YOU SAID  
4 THAT YOU HAD RESPONDED TO IT, IT WOULD BE WITHIN YOUR  
5 OUTGOING EMAIL. CORRECT?

6 A YES.

7 Q OKAY. AND IN THE ABSENCE OF A RECORD, THEN  
8 YOU WOULD NOT HAVE RESPONDED TO IT. CORRECT?

9 MR. DiCIANNI: OBJECTION: SPECULATION.

10 MR. HANLON: YOU CAN ANSWER THE QUESTION.

11 A NOT TRUE.

12 Q OKAY. SO EXPLAIN HOW THAT WOULD BE THEN?

13 A BECAUSE I RESPONDED TO -- IF I RESPONDED TO  
14 THE EMAIL, IT WOULD BE THERE, UNLESS SOMEBODY DELETED  
15 IT.

16 Q OKAY.

17 A AND NOT BEING ME.

18 Q WHO HAD ACCESS TO THE EMAILS WHEN YOU WERE AT  
19 THE TOWNSHIP?

20 A MYSELF AND JOANN QUIGLEY.

21 Q ANYBODY ELSE?

22 A NO.

23 Q DID YOU EVER GIVE YOUR FATHER ACCESS TO THE  
24 EMAILS AT WESLEY TOWNSHIP?



Sarah Norton

1 FLASH DRIVE. YOU INDICATED THAT THERE WERE EMAILS ON  
2 THIS FLASH DRIVE. DO I UNDERSTAND THAT CORRECTLY?

3 A YES.

4 Q OKAY. HOW DID THE EMAILS GO FROM THE  
5 COMPUTERS AT WESLEY TOWNSHIP TO THE FLASH DRIVE?

6 A I COPIED THEM AND PUT THEM ON THE FLASH  
7 DRIVE.

8 Q SO THEN ONCE THEY WERE ON THE FLASH DRIVE AND  
9 YOU PREPARED A RESPONSE --

10 A YES.

11 Q -- WHERE DID YOU GET THE RECORDS FOR THE  
12 RESPONSE WHEN YOU WERE IN CONNECTICUT?

13 A JOANN QUIGLEY HELPED ME.

14 Q HOW DID SHE HELP YOU IF YOU WERE IN  
15 CONNECTICUT?

16 A SHE SCANNED THEM AND SENT THEM TO ME.

17 Q OKAY. SO SHE SCANNED THEM AND SENT THEM TO  
18 YOU AND THEN YOU PUT THEM IN A RESPONSE EMAIL TO CINDY  
19 BRZANA; IS THAT CORRECT?

20 A YES.

21 (WHEREUPON, NORTON GROUP EXHIBIT  
22 NO. 1, EXHIBIT G, WAS USED FOR  
23 IDENTIFICATION.)

24 Q OKAY. I'D LIKE YOU TO TURN NOW TO EXHIBIT G,

Sarah Norton

1 AS IN GEORGE. YOU RECEIVED A FOIA REQUEST ON MARCH 31,  
2 2019, AT 4:50 P.M. ISN'T THAT CORRECT?

3 A THAT'S WHAT THE EMAIL SAYS, YES.

4 Q OKAY. DO YOU HAVE ANY REASON TO DISBELIEVE  
5 THAT YOU RECEIVED AN EMAIL ON MARCH 31 OF 2019 WITH A  
6 FOIA REQUEST SHOWN IN EXHIBIT G, AS IN GEORGE?

7 A I MAY HAVE GOT IT, BUT I DIDN'T OPEN IT THEN.

8 Q OKAY. I DIDN'T ASK YOU WHEN YOU OPENED IT,  
9 BUT YOU RECEIVED THAT FOIA REQUEST ON MARCH 31, 2019.  
10 CORRECT?

11 MR. DiCIANNI: OBJECTION: FOUNDATION.

12 A YES.

13 Q AND YOU KNOW WHICH FOIA REQUEST I WAS ASKING  
14 YOU ABOUT WITH RESPECT TO EXHIBIT G. CORRECT?

15 A I DON'T REMEMBER SEEING IT, BUT YES.

16 Q DID YOU RESPOND TO THE FOIA REQUEST SHOWN IN  
17 EXHIBIT G WHILE YOU WERE THE WESLEY TOWNSHIP CLERK?  
18 YES OR NO?

19 A PARTS OF IT, YES.

20 Q WHEN YOU SAY THAT YOU RESPONDED TO PARTS OF  
21 IT, HOW ARE YOU CERTAIN THAT YOU RESPONDED TO PARTS OF  
22 IT?

23 A THERE SHOULD BE A RECORD OF IT.

24 Q OKAY. WOULD THAT RECORD HAVE ALSO BEEN ON

Sarah Norton

1 EMAIL?

2 A WE ANSWERED THEM MOSTLY BY EMAIL.

3 Q I'M TALKING, IN PARTICULAR, EXHIBIT G, THE  
4 FOIA REQUEST SHOWN IN EXHIBIT G, DID YOU --

5 A I DON'T REMEMBER HOW I ANSWERED THIS ONE.

6 Q OKAY. WHICH PARTS OF THE REQUEST DID YOU  
7 RESPOND TO?

8 A I REMEMBER DOING 2. THAT ONE DOESN'T HAVE A  
9 NUMBER, SO I'M GUESSING 4.

10 Q YOU MEAN THE COPY OF THE PHONE RECORDS?

11 A YES.

12 Q OKAY. WHAT ELSE DO YOU RECALL DOING?

13 A I REMEMBER DOING 2.

14 Q ANYTHING OTHER THAN WHAT'S ENUMERATED AS  
15 NO. 2 WITHIN THE REQUEST AND AN UN-ENUMERATED COPY OF  
16 PHONE RECORDS FROM JOANN QUIGLEY, SUPERVISOR, PHONE AND  
17 SARAH NORTON, CLERK, PHONE, JANUARY 2019 TO APRIL 1,  
18 2019?

19 A THAT QUESTION MADE NO SENSE.

20 Q OKAY. IF YOU LOOK AT WHERE IT SAYS "A COPY  
21 OF PHONE RECORDS," DO YOU SEE THAT?

22 A YES.

23 Q OKAY. THAT SENTENCE THAT'S THERE, YOU  
24 RESPONDED TO THE REQUEST IN THAT SENTENCE. CORRECT?

Sarah Norton

1 A YES.

2 Q OKAY. HOW DID YOU RESPOND TO THAT?

3 A WE SCANNED THEM AND SENT THEM IN AN EMAIL.

4 (WHEREUPON, NORTON GROUP EXHIBIT NO.

5 1, EXHIBIT H, WAS USED FOR

6 IDENTIFICATION.)

7 Q I'D LIKE TO DRAW YOUR ATTENTION TO EXHIBIT H,  
8 AS IN HENRY. ON APRIL 6, 2019, CINDY BRZANA SUBMITTED  
9 THE FOIA REQUEST SHOWN IN EXHIBIT H TO WESLEY TOWNSHIP;  
10 IS THAT CORRECT?

11 A YES.

12 Q OKAY. AS YOU SIT HERE TODAY, DO YOU HAVE ANY  
13 INDEPENDENT RECOLLECTION OF RESPONDING TO THAT FOIA  
14 REQUEST?

15 A NO.

16 Q WHY DID YOU NOT RESPOND TO THAT FOIA REQUEST?

17 A I DON'T EVEN REMEMBER SEEING IT.

18 (WHEREUPON, NORTON GROUP EXHIBIT NO.

19 1, EXHIBIT I, WAS USED FOR

20 IDENTIFICATION.)

21 Q I'D LIKE TO DRAW YOUR ATTENTION TO EXHIBIT I.  
22 IT WAS A FOIA REQUEST DATED MAY 10, 2019. YOU RECEIVED  
23 THAT FOIA REQUEST ON MAY 10, 2019. ISN'T THAT CORRECT?

24 A YES.

Sarah Norton

1 Q DID YOU RESPOND TO THE FOIA REQUEST SHOWN IN  
2 EXHIBIT I?

3 A I DON'T REMEMBER SEEING THIS ONE EITHER.

4 Q YOU HAVE NO RECOLLECTION OF RESPONDING TO  
5 EXHIBIT I; IS THAT CORRECT?

6 A I HAVE NO RECOLLECTION OF EVEN SEEING IT.

7 Q WELL, YOU JUST TESTIFIED THAT YOU RECEIVED IT  
8 ON MAY 10, 2019.

9 A JUST BECAUSE THE EMAIL GETS IT, DOESN'T MEAN  
10 I DID.

11 Q AT ANY POINT IN TIME DID YOU REPORT TO THE  
12 BOARD OF TRUSTEES ANY PROBLEM WITH YOUR EMAIL SYSTEM  
13 DURING THE PERIOD OF TIME THAT YOU WERE THE CLERK?

14 A NO.

15 Q DURING THE PERIOD OF TIME THAT YOU WERE THE  
16 CLERK DID YOU EVER GAIN ANY KNOWLEDGE THAT YOUR EMAIL  
17 SYSTEM WAS NOT WORKING PROPERLY?

18 A IT HAS NOTHING TO DO WITH THE EMAIL. IT HAS  
19 TO DO WITH HOW MANY WERE SENT, I COULDN'T KEEP UP WITH  
20 THEM.

21 Q OKAY. YOU SAID YOU COULDN'T KEEP UP WITH THE  
22 FOIA REQUESTS. RIGHT? I'D LIKE TO DRAW YOUR ATTENTION  
23 BACK TO EXHIBIT I. THIS REQUEST AND THIS FOIA REQUEST,  
24 THE TAPE RECORDING. CORRECT?

Sarah Norton

1 E DOES NOT PERTAIN TO ME.

2 MR. HANLON: LET'S STOP RIGHT THERE.

3 BY MR. HANLON:

4 Q YOU SAID WHAT DOES NOT PERTAIN TO YOU?

5 A E.

6 Q E, AS IN EDWARD?

7 A YEP.

8 Q BUT I ASKED YOU TO LOOK THROUGH FROM M TO THE  
9 END OF THE COMPLAINT. SO E CAME ALONG BEFORE --

10 A WHAT?

11 Q THERE IS M, N, O, P, Q, R IN ALPHABETICAL  
12 ORDER.

13 A OH, MY BAD. O DOES NOT PERTAIN TO ME IN ANY  
14 WAY.

15 (WHEREUPON, NORTON GROUP EXHIBIT  
16 NO. 1, EXHIBIT O, WAS USED FOR  
17 IDENTIFICATION.)

18 Q O. LET'S JUST STOP WITH O. WHEN YOU SAY IT  
19 DOESN'T PERTAIN TO YOU, SO YOU NEVER RESPONDED TO THAT  
20 PARTICULAR FOIA REQUEST. CORRECT?

21 A THAT DOESN'T EVEN LOOK LIKE A FOIA REQUEST,  
22 IT LOOKS LIKE A BUNCH OF WRITING.

23 Q OKAY. DO YOU SEE THE FIRST PARAGRAPH, IT  
24 SAYS "I WOULD LIKE TO FOIA ANY EMAILS FROM THE TOWNSHIP

Sarah Norton

1 SUPERVISOR JOANN QUIGLEY." DO YOU SEE THAT? AND THE  
2 SUBJECT IS FOIA?

3 A I DO NOW.

4 Q OKAY.

5 A AND I SAW ONLY THIS THAT LOOKS LIKE A BUNCH  
6 OF WRITING.

7 Q SO IT WAS A FOIA REQUEST, IT WAS SUBMITTED  
8 MAY 14, 2018. CORRECT?

9 A YES.

10 Q OKAY. SO YOU DIDN'T RESPOND TO THIS FOIA  
11 REQUEST. CORRECT?

12 A NO, BECAUSE TO ME IT LOOKED LIKE A BUNCH OF  
13 WRITING.

14 (WHEREUPON, NORTON GROUP EXHIBIT  
15 NO. 1, EXHIBIT M AND N, WERE USED FOR  
16 IDENTIFICATION.)

17 Q OKAY. SO LET'S GO BACK TO EXHIBIT M BECAUSE  
18 THIS IS GOING TO -- I'M NOT GETTING THE COOPERATION I  
19 NEED HERE. SO EXHIBIT M, AS IN MARY, DO YOU HAVE  
20 EXHIBIT M, AS IN MARY, IN FRONT OF YOU?

21 A YES.

22 Q OKAY. IT LOOKS TO ME LIKE YOU HAVE EXHIBIT M  
23 AS WELL. OKAY. DID YOU RECEIVE THIS FOIA REQUEST ON  
24 MAY 19, 2019? YES OR NO.

Sarah Norton

1           A     I DON'T REMEMBER SEEING THIS ONE.

2           Q     OKAY. AS YOU SIT HERE TODAY, DO YOU HAVE ANY  
3 REASON TO BELIEVE THAT THIS WAS NOT SENT TO WESLEY  
4 TOWNSHIP ON MAY 19, 2019?

5           A     NO. THE ANSWER FOR N IS THE SAME BECAUSE  
6 IT'S THE SAME AS THE LAST.

7           Q     OKAY. WELL, NOW WE'RE MAKING PROGRESS HERE.  
8 SO YOU SAID IT'S THE SAME REQUEST, BUT I'D LIKE TO DRAW  
9 YOUR ATTENTION TO WHERE IT SAYS FRIDAY, JANUARY 10,  
10 2020, AT THE TOP OF THE PAGE. DO YOU SEE THAT?

11          A     YES.

12          Q     ALL RIGHT. SO THAT WAS WHEN MS. BRZANA  
13 FORWARDED IT TO ME AND THEN BELOW THAT IS FOIA  
14 RESERVATIONS AND RECEIPTS FOR WESLEY RIVALS PARK.

15          A     YES, BUT IF YOU LOOK AT THE DATE --

16          Q     I'M GOING TO GO BACK --

17          A     -- IT SAYS MAY 19, 2019, WHICH IS THE SAME  
18 ONE AS THAT.

19          Q     WELL, IT'S THE SAME DATE.

20          A     SO IT'S THE SAME REQUEST.

21          Q     OKAY. SO WHY DON'T WE JUST MAKE SURE THEY  
22 ARE ASKING THE SAME.

23          A     IT IS, BECAUSE THE DATE IS THE SAME, THE TIME  
24 IS THE SAME.



Sarah Norton

1 WOULD TAKE THE WITNESS TO RESPOND TO A FOIA REQUEST  
2 WHEN SHE HAS NOT SAID THAT SHE RESPONDED TO IT, I WILL  
3 RAISE THE OBJECTION THAT IT CALLS FOR SPECULATION.

4 MR. HANLON: OKAY. SO NOW WHAT WE DID IS  
5 WE'RE TRYING TO SPEED THINGS UP ALONG, OKAY. SO EVERY  
6 TIME I ASK YOU THOSE QUESTIONS FOR AN ESTIMATE, YOU CAN  
7 JUST TELL ME AN ESTIMATE AND HE'S PRESERVED HIS  
8 OBJECTION FOR EACH TIME I DO THAT. OKAY?

9 THE WITNESS: OKAY.

10 BY MR. HANLON:

11 Q ALL RIGHT. SO WITH RESPECT TO EXHIBIT O, HOW  
12 LONG WOULD IT TAKE YOU TO RESPOND TO EXHIBIT O?

13 A THAT SHOULD TAKE ME FIVE MINUTES, CONSIDERING  
14 IT'S SENT IN AN EMAIL.

15 Q SO DID YOU RESPOND TO EXHIBIT O?

16 A I DON'T REMEMBER. I WANT TO SAY YES, BUT I  
17 DON'T REMEMBER.

18 (WHEREUPON, NORTON GROUP EXHIBIT  
19 NO. 1, EXHIBIT P, WAS USED FOR  
20 IDENTIFICATION.)

21 Q DRAWING YOUR ATTENTION TO EXHIBIT P, AS IN  
22 PAUL. YOU RECEIVED EXHIBIT P, AS IN PAUL, ON AUGUST 1,  
23 2018; IS THAT CORRECT?

24 A CAN I SAY THE EMAIL -- THE EMAIL GOT IT.

Sarah Norton

1 Q ANSWER MY QUESTION.

2 A I DIDN'T SPECIFICALLY GET IT.

3 Q SO ARE YOU SAYING THAT YOU WEREN'T IN CHARGE  
4 OF AN EMAIL ACCOUNT AT THE TIME WESLEYTOWNSHIP2017?

5 A YOU COMPLETELY --

6 MR. DiCIANNI: OBJECTION: MISCHARACTERIZES  
7 HER TESTIMONY.

8 THE WITNESS: YOU COMPLETELY TWISTED THAT  
9 AROUND. THAT'S NOT WHAT I SAID.

10 MR. HANLON: WELL, I'M ASKING THE QUESTION.  
11 I'M ASKING A NEW QUESTION, OKAY?

12 THE WITNESS: THE EMAIL --  
13 BY MR. HANLON:

14 Q YOU HAD -- YOU HAD POSSESSION OF THE EMAIL  
15 ACCOUNT WESLEYTWP2017@OUTLOOK.COM. CORRECT?

16 A YES.

17 Q OKAY. AND YOU WERE THE SOLE USER ON THAT  
18 ACCOUNT?

19 A NO.

20 Q WHO WAS THE OTHER USER?

21 A JOANN. JOANN, BECAUSE SHE WAS THE ONE THAT  
22 WAS THE SUPERVISOR SO SHE COULD GO INTO MINE ALSO.

23 Q OKAY. SO ARE YOU AWARE OF ANY INSTANCES IN  
24 WHICH SHE DELETED ANY EMAILS FROM THE

Sarah Norton

1 Q IF YOU HAVEN'T ANSWERED IT, WE'RE MOVING ON,  
2 OKAY? ANSWER THE QUESTION I JUST ASKED. WOULD YOU  
3 REPEAT BACK MY QUESTION TO HER?

4 (WHEREUPON THE REPORTER READ BACK THE  
5 RECORD.)

6 A I DON'T REMEMBER ANSWERING THIS ONE.

7 Q AND IF YOU DON'T HAVE A MEMORY OF RESPONDING  
8 TO IT, DO YOU HAVE ANY MEMORY OF RECEIVING THE REQUEST?

9 A NO.

10 Q DID YOU, IN FACT, RECEIVE THE REQUEST?

11 A AGAIN, JUST BECAUSE THE E-MAIL ADDRESS  
12 ACCEPTED THE EMAIL DOESN'T MEAN I SAW IT.

13 (WHEREUPON, NORTON GROUP EXHIBIT  
14 NO. 1, EXHIBIT Q, WAS USED FOR  
15 IDENTIFICATION.)

16 Q DRAWING YOUR ATTENTION TO EXHIBIT Q, AS IN  
17 QUIGLEY, DID YOU RESPOND TO THE REQUEST SHOWN IN  
18 EXHIBIT Q?

19 A I REMEMBER SEEING IT. I DON'T REMEMBER  
20 ANSWERING IT.

21 Q OKAY. AND HOW LONG WOULD IT HAVE TAKEN YOU  
22 TO RESPOND TO THE REQUEST IN EXHIBIT Q?

23 A I ONLY SAW THE FIRST PART OF IT. I DON'T  
24 REMEMBER ANSWERING THE FIRST PART OF IT. I SEMI

Sarah Norton

1 REMEMBER ANSWERING THE BOTTOM PART.

2 Q WHAT PART DO YOU REMEMBER ANSWERING?

3 A THE BOARD PACKETS, THE BANK STATEMENTS.

4 Q HOW LONG WOULD IT HAVE TAKEN YOU TO RESPOND  
5 TO EXHIBIT Q?

6 A TEN MINUTES.

7 Q WITH RESPECT TO EXHIBIT P, AS IN PAUL, HOW  
8 LONG WOULD IT HAVE TAKEN YOU TO RESPOND TO EXHIBIT P?

9 A TWENTY MINUTES.

10 (WHEREUPON, NORTON GROUP EXHIBIT  
11 NO. 1, EXHIBIT R, WAS USED FOR  
12 IDENTIFICATION.)

13 Q WITH RESPECT TO EXHIBIT R, YOU RECEIVED  
14 EXHIBIT R ON OR ABOUT JULY 14, 2018; IS THAT CORRECT?

15 A YES.

16 Q OKAY. DID YOU RESPOND TO THE FOIA REQUEST  
17 SHOWN ON EXHIBIT R?

18 A FOR AS MANY OF THEM AS I COULD FIND, YES.

19 Q WHEN DID YOU DO THAT?

20 A I'M NOT SURE.

21 Q HOW LONG WOULD IT HAVE TAKEN YOU TO RESPOND  
22 TO THE FOIA REQUEST SHOWN ON EXHIBIT R?

23 A ABOUT TWENTY MINUTES.

24 Q HOW MUCH DID YOU GET PAID ON AN HOURLY BASIS

Sarah Norton

1 NO. 1, EXHIBIT S, WAS USED FOR  
2 IDENTIFICATION.)

3 Q OKAY. SO HOW MUCH TIME DID YOU SPEND ON  
4 EXHIBIT S? LET ME REPHRASE IT. WESLEY TOWNSHIP  
5 RECEIVED EXHIBIT S ON MAY 31, 2018. CORRECT?

6 A YES.

7 Q OKAY. AND YOU DIDN'T RESPOND TO THAT  
8 REQUEST. CORRECT?

9 A NO, BECAUSE I DON'T EVEN REMEMBER SEEING IT.

10 Q HOW LONG WOULD IT HAVE TAKEN YOU TO RESPOND  
11 TO EXHIBIT S?

12 A TWENTY MINUTES, GIVE OR TAKE.

13 (WHEREUPON, NORTON GROUP EXHIBIT  
14 NO. 1, EXHIBIT T, WAS USED FOR  
15 IDENTIFICATION.)

16 Q DRAWING YOUR ATTENTION TO EXHIBIT T, AS IN  
17 TOM, YOU RECEIVED -- I'M SORRY, STRIKE THAT.

18 A THIS IS THE SAME EMAIL I JUST SAW. THIS IS  
19 DIFFERENT NAMES ON IT AT THE TOP.

20 (WHEREUPON, NORTON GROUP EXHIBIT  
21 NO. 1, EXHIBIT U, WAS USED FOR  
22 IDENTIFICATION.)

23 Q I'M GOING TO SKIP THAT AND I'M GOING TO GO TO  
24 EXHIBIT U, AS IN UNION. YOU RECEIVED A FOIA REQUEST

Sarah Norton

1 FROM TIM GRANT ON OCTOBER 20, 2018, THAT IS SHOWN IN  
2 EXHIBIT U; IS THAT CORRECT?

3 A THE TOWNSHIP DID, YES.

4 Q DID YOU RESPOND TO THAT REQUEST?

5 A THIS ONE I DIDN'T.

6 Q WHY DID YOU NOT?

7 A BECAUSE I COULDN'T FIND THE RECORDS FOR THE  
8 OLD HALL.

9 Q DID YOU ALERT MR. GRANT THAT YOU HAD NOT BEEN  
10 ABLE TO LOCATE THE RECORDS?

11 A TO MY KNOWLEDGE, I DID.

12 Q AND HOW WOULD YOU HAVE DONE THAT?

13 A SENT HIM AN EMAIL TELLING HIM I COULD NOT  
14 FIND THEM.

15 Q AS YOU SIT HERE TODAY, DO YOU HAVE AN  
16 INDEPENDENT RECOLLECTION OF HAVING SENT AN EMAIL TO  
17 MR. GRANT INDICATING THAT YOU COULDN'T FIND THOSE  
18 RECORDS?

19 A I REMEMBER SENDING IT. I DON'T REMEMBER  
20 WHEN.

21 Q ARE YOU CERTAIN AS YOU SIT HERE TODAY THAT IT  
22 WAS WITH REGARD TO THIS PARTICULAR FOIA REQUEST?

23 A YES.

24 Q HOW LONG WOULD IT HAVE TAKEN YOU TO RESPOND

Sarah Norton

1 TO THAT REQUEST?

2 A ABOUT FIVE MINUTES.

3 (WHEREUPON, NORTON GROUP EXHIBIT  
4 NO. 1, EXHIBIT V, WAS USED FOR  
5 IDENTIFICATION.)

6 Q DRAWING YOUR ATTENTION TO EXHIBIT V, AS IN  
7 VICTOR -- STRIKE THAT. OH, NO, HAVE YOU EVER SEEN A  
8 READNOTIFY REPORT BEFORE?

9 A NOPE.

10 Q OKAY.

11 A I HAVE NO CLUE WHAT IT EVEN IS.

12 Q OKAY. SO IN THIS PARTICULAR CASE IT  
13 REFERENCES AN EMAIL FROM TIM GRANT GOING TO WESLEY  
14 TOWNSHIP AND IT SHOWS THAT IT WAS SENT, YOU KNOW, ON  
15 MAY 19 AT 19:17 P.M. AND THEN IT SHOWS THAT IT WAS  
16 FIRST OPENED -- ONE SECOND. BUT IT WAS FIRST OPENED ON  
17 MAY 29, 2019, TEN DAYS LATER. DO YOU SEE THAT?

18 A YES.

19 Q CAN YOU TELL ME WHY YOU WOULD HAVE OPENED  
20 SOMETHING UP TEN DAYS AFTER THE EMAIL FOIA REQUEST WAS  
21 SENT IN?

22 A BECAUSE SHE SENT SO MANY OF THEM I COULDN'T  
23 KEEP TRACK OF THEM ALL.

24 Q OKAY. SO IN THE PERIOD BETWEEN MAY '19 --

Sarah Norton

1 NOT TIM GRANT, YOU KNOW, PERSONALLY SENT YOU REQUESTS  
2 FOR INFORMATION; IS THAT CORRECT?

3 A NO. FOR ALL I KNOW, SHE COULD HAVE DONE IT,  
4 IN THEIR NAME.

5 Q SHE COULD HAVE. RIGHT?

6 A YES.

7 Q ANYBODY COULD HAVE. BUT THE NAME AS THE  
8 REQUESTER WAS TIM GRANT. CORRECT?

9 A YES.

10 (WHEREUPON, NORTON GROUP EXHIBIT  
11 NO. 1, EXHIBIT W, WAS USED FOR  
12 IDENTIFICATION.)

13 Q SO DRAWING YOUR ATTENTION TO EXHIBIT W, AS IN  
14 WILLIAM. IT'S A FOIA REQUEST FROM TIM GRANT. DO YOU  
15 SEE THAT?

16 A YES.

17 Q OKAY. THAT WAS RECEIVED BY THE TOWNSHIP ON  
18 SEPTEMBER 23, 2018. DO YOU SEE THAT?

19 A YES.

20 Q AND YOU WERE THE FOIA OFFICER ON  
21 SEPTEMBER 23, 2018. CORRECT?

22 A YES.

23 Q OKAY. HOW LONG WOULD IT HAVE TAKEN YOU TO  
24 RESPOND TO THE FOIA REQUEST SHOWN IN EXHIBIT W?



Sarah Norton

1           A     A MONTH OR TWO.

2           Q     OKAY, A MONTH OR TWO.  AND THEN AFTER YOU  
3 WERE NAMED THE CLERK.  RIGHT?

4           A     YES.

5           Q     OKAY.  SO AFTER YOU CLEANED UP THE RECORDS,  
6 THEN THE RECORDS WERE IN A POSITION WHERE YOU COULD  
7 THEN LOCATE THINGS IN AN ORGANIZED FASHION.  CORRECT?

8           A     IF THE RECORDS WERE ACTUALLY THERE, YES.

9           Q     OKAY.  AND IF THEY WEREN'T WHERE THEY WERE  
10 SUPPOSE TO BE, THEN YOU WOULD RESPOND TO SOMEONE THAT  
11 YOU DIDN'T HAVE THE RECORD.  CORRECT?

12          A     YES.

13          Q     DRAWING YOUR ATTENTION -- I THOUGHT HER ANSWER  
14 WAS YES.

15          A     IT WAS.

16                     (WHEREUPON, NORTON GROUP EXHIBIT  
17 NO. 1, EXHIBIT X, WAS USED FOR  
18 IDENTIFICATION.)

19          Q     DRAWING YOUR ATTENTION TO EXHIBIT X.  GO TO  
20 THE SECOND PAGE OF EXHIBIT X, BECAUSE ON THE SECOND  
21 PAGE IT SAYS JULY 23, 2019.  DO YOU SEE THAT?

22          A     YES.

23          Q     DID YOU RESPOND TO THE FOIA REQUEST SET FORTH  
24 IN THIS PARTICULAR REQUEST?

Sarah Norton

1           A     IF I'M NOT MISTAKEN, IT'S THE SAME AS ONE OF  
2     THE OTHER ONES, SO, YES, I DID.

3           Q     OKAY. NOW DO YOU SEE THAT THIRD PAGE?

4           A     NO. I -- I CAN SEE THE THING, BUT I CAN'T  
5     ACTUALLY SEE WHAT IT SAYS.

6           Q     ALL RIGHT. SO I WILL JUST SIMPLY REPRESENT  
7     TO YOU THAT THIS IS A READNOTIFY REPORT AND I CAN BLOW  
8     IT UP FOR YOU, MAYBE I HAVE IT LATER, BUT THIS  
9     PARTICULAR ONE WAS OPENED ON NUMEROUS OCCASIONS. DO  
10    YOU KNOW WHY YOU WOULD HAVE OPENED AND CLOSED THE FOIA  
11    REQUEST AND THEN FORWARDED IT, YOU KNOW, AND REOPENED  
12    IT ON MULTIPLE OCCASIONS?

13          A     TO MAKE SURE THAT I ACTUALLY ANSWERED IT.

14          Q     OKAY. DID YOU ACTUALLY ANSWER IT?

15          A     AS I SAID TO THE OTHER ONES THAT WERE JUST  
16    LIKE IT, YES.

17          Q     AND HOW LONG DID IT TAKE YOU TO RESPOND TO  
18    EXHIBIT X?

19          A     TWENTY MINUTES, GIVE OR TAKE.

20                   (WHEREUPON, NORTON GROUP EXHIBIT  
21                   NO. 1, EXHIBIT Z, WAS USED FOR  
22                   IDENTIFICATION.)

23          Q     SO LET'S LOOK AT EXHIBIT Z, AS IN ZEBRA.  
24    IT'S A FOIA REQUEST FROM TIM GRANT DATED AUGUST 9,

Sarah Norton

1 2018. DO YOU SEE THAT?

2 A REPEAT THAT. I ONLY CAUGHT THE LAST PART OF  
3 IT.

4 Q OKAY. THERE IS A FOIA REQUEST DATED  
5 THURSDAY, AUGUST 9, 2018. DO YOU SEE THAT?

6 A YES.

7 Q AND THAT WAS SENT TO WESLEY TOWNSHIP ON  
8 AUGUST, THE 9TH. CORRECT?

9 A SINCE YOU JUST SAID THAT, YES.

10 Q AND YOU DID NOT RESPOND TO THIS FOIA REQUEST.  
11 CORRECT?

12 A THAT ONE I DID.

13 Q WHEN YOU SAY THAT ONE, WHAT ONE?

14 A THREE.

15 Q SO YOU CONTEND YOU FORWARDED THE COPY OF THE  
16 BROCHURES OR ADVERTISEMENTS FOR RECREATIONAL PROGRAMS  
17 AT WESLEY RIVALS OUTLOOK PARK FROM JANUARY 2013 THROUGH  
18 AUGUST 9, 2018?

19 A THE ONES WE HAD, YES.

20 Q OKAY.

21 A THE ORDINANCES ARE THE SAME AS THE OTHER ONE  
22 I ANSWERED. THE ONES I HAD, YES, I SENT.

23 Q OKAY.

24 A THE POLICY, SAME THING. BOARD MINUTES, THEY

Sarah Norton

1 ARE ALL IN A FOLDER.

2 Q SO HOW LONG WOULD IT HAVE TAKEN YOU TO  
3 RESPOND TO THAT PARTICULAR FOIA REQUEST?

4 A ABOUT TWENTY MINUTES.

5 (WHEREUPON, NORTON GROUP EXHIBIT  
6 NO. 1, EXHIBIT AA, WAS USED FOR  
7 IDENTIFICATION.)

8 Q WITH RESPECT TO EXHIBIT AA, TIM GRANT  
9 SUBMITTED A FOIA REQUEST ON MAY 19, 2019, AS SET FORTH  
10 IN EXHIBIT AA. CORRECT?

11 A YES.

12 Q OKAY. AND YOU DIDN'T RESPOND TO THAT REQUEST  
13 EITHER, DID YOU?

14 A THE SAME AS THE OTHER ONE, YES, I ACTUALLY  
15 DID.

16 Q SO YOU CONTEND YOU RESPONDED TO IT?

17 A BECAUSE I HAD TO GET THE -- AGAIN, I HAD TO  
18 GET THE RESERVATION FROM KATHLEEN.

19 Q OKAY. AND YOUR RESPONSE WOULD HAVE BEEN  
20 EMAIL AS WELL?

21 A YES.

22 Q AND EXHIBIT AA, HOW LONG DID IT TAKE YOU TO  
23 RESPOND TO THAT FOIA REQUEST?

24 A ABOUT A HALF HOUR BECAUSE I HAD TO SCAN THEM

Sarah Norton

1 ALL BECAUSE THERE WERE A BUNCH AND I HAD TO FIND THE  
2 RIGHT ONES AND PUT THEM IN THE EMAIL -- IN THE EMAIL.

3 Q OKAY. WHEN I ASK YOU A QUESTION FOR HOW MUCH  
4 TIME I DON'T NEED AN EXPLANATION UNLESS I ASK YOU FOR  
5 ONE. IS THAT CLEAR?

6 A OKAY.

7 (WHEREUPON, NORTON GROUP EXHIBIT  
8 NO. 1, EXHIBIT AB, WAS USED FOR  
9 IDENTIFICATION.)

10 Q WITH RESPECT TO EXHIBIT AB, YOU RECEIVED A  
11 FOIA REQUEST FROM CINDY BRZANA DATED FEBRUARY 25, 2019,  
12 AND THEN A SECOND REQUEST FOR THE SAME INFORMATION. DO  
13 YOU SEE THAT?

14 A YES.

15 Q OKAY. CAN YOU TELL ME WHY YOU DID NOT  
16 RESPOND TO THAT REQUEST?

17 A BECAUSE I HAD THOUGHT I HAD DID THE FIRST  
18 ONE.

19 Q DID YOU CLAIM AN EXEMPTION IN YOUR LETTER TO  
20 CINDY BRZANA AT THE TIME THAT SHE SENT YOU THE MARCH 15  
21 EMAIL?

22 A I DON'T KNOW.

23 Q APPROXIMATELY HOW LONG OF TIME WOULD IT HAVE  
24 TAKEN YOU TO RESPOND TO THE INITIAL REQUEST OF

Sarah Norton

1 FEBRUARY 25, 2019?

2 A ABOUT TEN MINUTES.

3 (WHEREUPON, NORTON GROUP EXHIBIT  
4 NO. 1, EXHIBIT AC, WAS USED FOR  
5 IDENTIFICATION.)

6 Q DRAWING YOUR ATTENTION TO EXHIBIT AC, YOU  
7 RECEIVED EXHIBIT AC ON AUGUST, THE 6TH, 2018. CORRECT?

8 A THE TOWNSHIP DID, YES.

9 Q DID YOU RESPOND TO THAT FOIA REQUEST?

10 A NO, BECAUSE I COULDN'T FIND -- WELL, YES, BUT  
11 I COULDN'T FIND MOST OF WHAT SHE WAS ASKING FOR SO I  
12 TOLD HER I COULDN'T FIND IT.

13 Q HOW DID YOU COMMUNICATE THAT YOU COULDN'T  
14 FIND IT?

15 A I SENT HER AN EMAIL.

16 Q HOW LONG DID IT TAKE YOU TO RESPOND TO THAT  
17 REQUEST SINCE YOU COULDN'T FIND IT?

18 A I SPENT A DAY LOOKING FOR IT, SO ABOUT A DAY.

19 Q WHEN YOU SAY YOU SPENT A DAY, THAT'S A FULL  
20 EIGHT HOUR DAY OR ONE OF THOSE ONE TO TWO HOUR DAYS  
21 THAT YOU MENTIONED YOU WORKED EARLIER?

22 A NO, FOUR OR FIVE HOURS.

23 Q AND LET'S JUST BE CLEAR AS TO WHAT'S BEING  
24 ASKED FOR IN HERE. RECEIPTS FROM EVENT CALLED BATTLE

Sarah Norton

1 OF THE BANDS, ALL RIGHT. YOU COULDN'T FIND ANY  
2 RECEIPTS FROM THE BATTLE OF THE BANDS?

3 A NO.

4 Q BUT THE TOWNSHIP HAD A CHARGE ASSOCIATED WITH  
5 THE BATTLE OF THE BANDS. CORRECT?

6 A NOT THAT I SAW.

7 Q ARE YOU FAMILIAR WITH AN EVENT THE TOWNSHIP  
8 HELD CALLED JUNK IN TRUNK?

9 A NO. THAT WAS BEFORE ME.

10 Q BEFORE YOU. SO THERE WEREN'T ANY RECORDS IN  
11 CONNECTION WITH THAT?

12 A NOT THAT I SAW.

13 Q OKAY. SO IT TOOK YOU FOUR TO FIVE HOURS TO  
14 RESPOND TO THIS BECAUSE YOU COULDN'T FIND ANY RECORDS.  
15 CORRECT?

16 A YES.

17 Q SO NONEXISTENT RECORDS WOULD TAKE YOU FOUR TO  
18 FIVE HOURS TO DETERMINE IF THEY DIDN'T EXIST; IS THAT  
19 CORRECT?

20 A YES.

21 (WHEREUPON, NORTON GROUP EXHIBIT  
22 NO. 1, EXHIBIT AD, WAS USED FOR  
23 IDENTIFICATION.)

24 Q DRAWING YOUR ATTENTION TO EXHIBIT AD, A,

Sarah Norton

1 APPLE, D, DOG. WELL, YOU RECEIVED THIS FOIA REQUEST AS  
2 SHOWN IN EXHIBIT AD?

3 A THIS ONE NEVER GOT ANSWERED BECAUSE I WAS  
4 BUSY LOOKING FOR THEM ALL AND THEY WERE ALL IN A  
5 FOLDER.

6 Q OKAY. SO YOU NEVER RESPONDED TO THAT ONE.  
7 CORRECT?

8 A THAT ONE I NEVER DID GET TO.

9 Q NEVER GOT TO IT.

10 A MORE ACCURATELY, I NEVER GOT TO ANSWER IT. I  
11 FOUND SOME OF THE STUFF SHE WAS ASKING FOR AND I STUCK  
12 THEM IN A FOLDER, BUT I NEVER DID GET TO SEND IT TO  
13 HER, CLARIFICATION.

14 Q WITH RESPECT TO EXHIBIT AD, WITH THAT  
15 CLARIFICATION THAT YOU ADDED, AT THE POINT IN TIME THAT  
16 YOU LEFT OFFICE DID YOU LEAVE THESE INCOMPLETE REQUESTS  
17 IN A PROMINENT LOCATION WITH THE TOWNSHIP OFFICES?

18 A NO, THEY WERE JUST LEFT IN THE EMAIL, LIKE IN  
19 THE EMAIL SERVER THING, WHATEVER YOU CALL IT.

20 Q OKAY. SO THE INCOMING CLERK WOULD NOT KNOW  
21 THAT THIS PARTICULAR FOIA HAD NOT BEEN ANSWERED; IS  
22 THAT CORRECT?

23 A NO.

24 Q DID THE TOWNSHIP EVER KEEP A LOG OF FOIA



Sarah Norton

1 RECEIVE ANY CORRESPONDENCE FROM THE ILLINOIS ATTORNEY  
2 GENERAL?

3 A NOT THAT I CAN REMEMBER.

4 (WHEREUPON, NORTON GROUP EXHIBIT  
5 NO. 1, EXHIBIT AE, WAS USED FOR  
6 IDENTIFICATION.)

7 Q OKAY. SO I'M NOW LOOKING AT EXHIBIT A,  
8 APPLE, E, EDWARD. DO YOU SEE THAT? AGAIN, IT'S  
9 SEVERAL PAGES LONG.

10 A YES.

11 Q OKAY. ON MAY 30, 2018, AT 12:29 P.M.?

12 A I CAN'T ACTUALLY READ IT BUT.

13 Q LOOK AT THE NEXT PAGE. HERE THIS IS A  
14 RESPONSE FROM JOANN QUIGLEY IN REGARDS TO A FOIA  
15 REQUEST. DO YOU SEE THAT?

16 A YES.

17 Q OKAY. WHY WOULD JOANN QUIGLEY BE PREPARING A  
18 RESPONSE TO A FOIA REQUEST?

19 A BECAUSE SHE HELPED ME.

20 Q OKAY. AND OUTSIDE OF THIS DOCUMENT DO YOU  
21 HAVE ANY PERSONAL KNOWLEDGE FOR THE EVENTS THAT  
22 SURROUNDED THAT PARTICULAR FOIA REQUEST SHOWN ON  
23 EXHIBIT AE?

24 A WHAT?

Sarah Norton

1 NO. 1, EXHIBIT AH, WAS MARKED FOR  
2 IDENTIFICATION.)

3 Q I'D LIKE TO DRAW YOUR ATTENTION TO EXHIBIT A,  
4 APPLE, H, HENRY. THIS EXHIBIT IS A FOIA REQUEST FROM  
5 TIM GRANT DATED MAY 10, 2019. DO YOU SEE THAT?

6 A YES.

7 Q OKAY. AND THAT PARTICULAR REQUEST WENT TO  
8 WESLEY TOWNSHIP. CORRECT?

9 A YES.

10 Q OKAY. AND THAT WAS ON MAY 10 OF 2019.  
11 CORRECT?

12 A YES.

13 Q AND YOU DID NOT RESPOND TO THAT FOIA REQUEST.  
14 CORRECT?

15 A I DON'T REMEMBER GETTING THIS ONE.

16 (WHEREUPON, NORTON GROUP EXHIBIT  
17 NO. 1, EXHIBIT AI WAS MARKED FOR  
18 IDENTIFICATION.)

19 Q WITH RESPECT TO EXHIBIT AI, IT'S A  
20 FEBRUARY 10, 2019, FOIA REQUEST. DO YOU SEE THAT?

21 A YES.

22 Q OKAY. AND WITH RESPECT TO THE REQUEST MADE,  
23 IT WENT TO WESLEY TOWNSHIP. CORRECT?

24 A YES.

Sarah Norton

1 Q AND IT WENT TO WESLEY TOWNSHIP ON  
2 FEBRUARY 10, 2019. CORRECT?

3 A YES, SINCE I JUST ANSWERED THAT.

4 Q OKAY. AND YOU DID NOT RESPOND TO THIS FOIA  
5 REQUEST. CORRECT?

6 A I DON'T REMEMBER SEEING THIS ONE EITHER.

7 Q OKAY. NOW, MS. NORTON, I MET YOU AT THE  
8 PETRO SERVICE STATION ON MAY 3, 2020; IS THAT CORRECT?

9 A I KNOW YOU DID. I DON'T REMEMBER WHAT DAY  
10 EXACTLY.

11 Q OKAY. IS THERE ANY OTHER TIME THAT I MET YOU  
12 AT THE PETRO TRUCK STOP IN MAY OR 2020 OR THEREABOUTS?  
13 IT WAS ONE TIME ONLY. RIGHT?

14 A YES.

15 Q OKAY. OUTSIDE OF POINTING OUT TO THE PROCESS  
16 SERVER WHO YOU WERE A FEW WEEKS AGO, I HAD NOT SEEN YOU  
17 SINCE THAT TIME. CORRECT?

18 A NO -- YES.

19 Q OKAY. SO I HADN'T SEEN YOU SINCE MAY OF 2020  
20 UNTIL RECENTLY. CORRECT?

21 A YES.

22 Q ALL RIGHT.

23 A NO. NO, YOU HAVE NOT. NO, YOU DIDN'T.

24 Q OKAY. SO ON THE EVENING THAT I MET WITH YOU

Sarah Norton

1 THE WITNESS: I --

2 MR. DiCIANNI: SHE WANTS TO TAKE A -- SHE'S  
3 ENTITLED TO A BATHROOM BREAK.

4 MR. HANLON: VERY WELL, TAKE A BREAK.

5 THE WITNESS: IT WILL TAKE ME TWO MINUTES,  
6 LITERALLY.

7 MR. HANLON: OKAY.

8 (RECESS TAKEN FROM 1:09 P.M. TO 1:10  
9 P.M.)

10 (WHEREUPON, NORTON EXHIBIT NO. 2 AND  
11 NO. 3 WERE MARKED FOR IDENTIFICATION.)

12 BY MR. HANLON:

13 Q OKAY. I'M HANDING THE WITNESS WHAT HAS  
14 PREVIOUSLY BEEN IDENTIFIED AS EXHIBIT NO. 2 AND NO. 3  
15 AND I'D LIKE TO DRAW YOUR ATTENTION TO THE SIGNATURE AT  
16 THE BOTTOM OF EXHIBIT NO. 2, OKAY. SO TAKE A LOOK AT  
17 EXHIBIT NO. 2, DO YOU SEE YOUR SIGNATURE ON THAT PAGE?  
18 OKAY. THAT WAS THE SIGNATURE YOU SIGNED IN MY  
19 PRESENCE. DO YOU RECALL SIGNING THAT IN MY PRESENCE?

20 A VAGUELY, YES.

21 Q OKAY. SO I THEN LOOK AT EXHIBIT A OR, I'M  
22 SORRY, EXHIBIT NO. 3 WHICH HAS EXHIBIT A AT THE TOP OF  
23 IT BUT ONLY BECAUSE I RECEIVED THIS IN A SEPARATE, YOU  
24 KNOW, CORRESPONDENCE FROM MS. BRZANA, AND THE NAME THAT

Sarah Norton

1 APPEARS TO BE SIGNED ABOVE YOUR NAME READS DAN.

2 AND, I MEAN, ANY CANDID OBSERVER LOOKING  
3 AT THESE TWO SIGNATURES SIDE BY SIDE HAS TO QUESTION  
4 THE VERACITY OF THE SECOND ONE. AND THE REASON I  
5 QUESTION THIS IS BECAUSE IT APPEARS TO READ DAN AS  
6 OPPOSED TO SARAH NORTON, AND THAT IS COMPLETELY  
7 INCONSISTENT WITH EVERY OTHER SIGNATURE I HAVE HAD, I  
8 HAVE READ, OR I SEEN OF YOURS. CAN YOU EXPLAIN THAT TO  
9 ME?

10 A I DIDN'T SIGN THAT.

11 Q OKAY. YOU DIDN'T SIGN THESE --

12 A BECAUSE MY SIGNATURE ALWAYS LOOKS LIKE  
13 THIS --

14 Q OKAY.

15 A -- OR CLOSE TO THIS.

16 Q SO SEPTEMBER 9, 2020, YOU DID NOT SIGN THIS  
17 AFFIDAVIT?

18 A NO.

19 Q OKAY.

20 A BECAUSE, LIKE I SAID, IT ALWAYS LOOKS LIKE  
21 THIS OR CLOSE TO THIS.

22 Q OKAY. WELL, SARAH, LET ME TELL YOU, I AM --  
23 I'M GLAD THAT YOU TOLD ME THAT BECAUSE THIS ELIMINATES  
24 A LOT OF ISSUES AND IT'S ELIMINATED A VAST NUMBER OF

Sarah Norton

1 PROBLEMS IN THIS CASE. SO AS YOU SIT HERE TODAY, YOU  
2 ARE CONFIDENT THAT'S NOT YOUR SIGNATURE. CORRECT?

3 A NO, IT IS NOT.

4 Q DO YOU KNOW ANYBODY NAMED LISA BUTLER?

5 A NO.

6 Q HAVE YOU SPOKEN TO ANY INVESTIGATOR FROM ANY  
7 PART OF THE ILLINOIS COURT SYSTEM CONCERNING THAT  
8 SECOND SIGNATURE?

9 A NO.

10 Q I'D LIKE TO RETRIEVE THE EXHIBITS. YOU CAN  
11 GIVE THEM TO THE COURT REPORTER, SHE IS GOING TO BE THE  
12 KEEPER OF THEM. AND THEN YOU KNOW THAT MOST RECENT  
13 DOCUMENT, THAT NO. 3 -- LET'S GIVE HER BACK NO. 3 FOR  
14 ONE SECOND. OH, NO, NO. 2. DO YOU HAVE ANY IDEA WHO  
15 TYPED UP THAT DOCUMENT?

16 A NO.

17 Q OKAY.

18 A I DO NOT.

19 Q OKAY. LET'S GIVE THAT BACK TO THE --

20 A WAIT. THE SIGNATURE ON THE BOTTOM, MY FATHER  
21 DID, SORRY. I DIDN'T REALIZE MY FATHER DID.

22 Q YOUR FATHER PREPARED THE DOCUMENT AND HE  
23 SIGNED THE DOCUMENT?

24 A HE PREPARED IT, I READ IT BUT I DID NOT SIGN

1 IT.

2 Q OKAY. DO YOU KNOW HOW MR. DICIANNI GOT AHOLD  
3 OF THIS DOCUMENT?

4 A YES, MY FATHER GAVE IT TO HIM.

5 Q HOW DO YOU KNOW YOUR FATHER GAVE IT TO HIM?

6 A BECAUSE HE TOLD ME HE DID.

7 MR. HANLON: OKAY. I'D LIKE TO GO OFF THE  
8 RECORD FOR SECOND.

9 (WHEREUPON A DISCUSSION WAS HELD OFF  
10 THE RECORD.)

11 BY MR. HANLON:

12 Q DURING THE PERIOD OF TIME THAT YOU WERE THE  
13 CLERK DID YOU HAVE ANY INTERFACING WITH LEONARD  
14 MCCUBBIN?

15 A CLARIFY YOUR QUESTION PLEASE.

16 Q LET'S JUST STRIKE IT. YOU KNOW MR. MCCUBBIN  
17 SITTING OVER HERE. CORRECT?

18 A YEAH.

19 Q OKAY. WHILE YOU WERE THE CLERK DID YOU EVER  
20 TALK TO MR. MCCUBBIN?

21 A OTHER THAN BEING YELLED AT, NO.

22 Q TELL ME WHAT YOU MEAN BY BEING YELLED AT?

23 A WHEN ONE OF THE TIMES THAT I WAS AT THE  
24 MEETING, I WAS TRYING TO GET ALL THE STUFF FOR THE

Sarah Norton

1 YOU SOMETHING ABOUT THEM?

2 A THEY CAME TO THE TOWNSHIP MEETINGS.

3 Q OKAY.

4 A THAT'S HOW I FIRST HEARD ABOUT THEM.

5 Q AND WHAT WERE YOU TOLD?

6 A I WASN'T REALLY TOLD ANYTHING. I WAS JUST  
7 TOLD THAT, OF COURSE, BY MY FATHER, WHICH I DON'T  
8 BELIEVE REALLY ANYTHING HE SAYS, THAT THEY WERE THE  
9 ONES THAT WERE TELLING CINDY AND/OR MS. BRZANA AND ALL  
10 THE REST OF THEM TO CONTINUOUSLY SEND THEM TO ME.

11 Q I JUST WANT TO TURN BACK TO THIS EXHIBIT 3  
12 HERE FOR A SECOND. SO THIS SIGNATURE ON EXHIBIT 3  
13 ABOVE SARAH NORTON, YOU BELIEVE THAT'S A FORGERY?

14 A YES.

15 Q OKAY.

16 A THAT IS NOT MY SIGNATURE.

17 Q THAT'S NOT YOUR SIGNATURE?

18 A NO.

19 Q ANY IDEA WHO -- JUST DO YOU HAVE ANY IDEA WHO  
20 MIGHT HAVE FORGED YOUR SIGNATURE?

21 A ONLY PERSON I CAN THINK OF IS MY FATHER.

22 Q OKAY.

23 A BECAUSE HE WANTED THIS DONE SO BAD THAT HE --  
24 I WOULDN'T PUT IT PAST HIM TO SIGN IT HONESTLY.



Sarah Norton

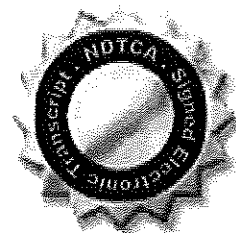
1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF W I L L )

4 I, BERNADETTE ASHLEY, CSR NO. 3503, RPR,  
5 IN AND FOR THE STATE OF ILLINOIS, DO HEREBY CERTIFY  
6 THAT MS. SARAH NORTON WAS FIRST DULY SWORN BY ME TO  
7 TESTIFY THE TRUTH; THAT THE ABOVE DEPOSITION WAS  
8 RECORDED STENOGRAPHICALLY AND REDUCED TO TYPEWRITING  
9 UNDER MY PERSONAL DIRECTION; AND THAT THE FOREGOING IS  
10 A TRUE AND CORRECT TRANSCRIPT OF THE TESTIMONY BY THE  
11 SAID WITNESS AT THE TIME AND PLACE PREVIOUSLY  
12 SPECIFIED.

13 I FURTHER CERTIFY THAT I AM NOT COUNSEL  
14 FOR NOR IN ANY WAY RELATED TO ANY OF THE PARTIES TO  
15 THIS SUIT, NOR AM I IN ANY WAY INTERESTED IN THE  
16 OUTCOME THEREOF.

17 IN WITNESS WHEREOF, I HAVE HEREUNTO SET  
18 MY HAND THIS 24TH DAY OF MARCH, A.D. 2021.

19  
20  
21  
22 Bernadette Ashley CSR, RPR  
23 BERNADETTE ASHLEY  
24



Sarah Norton

GEORGE E. RYDMAN & ASSOCIATES, LTD.  
CERTIFIED SHORTHAND REPORTERS  
15 W. JEFFERSON STREET  
JOLIET, ILLINOIS 60432  
(815) 727-4363

MARCH 24, 2021

MS. SARAH NORTON  
120 NORTH KANKAKEE STREET  
WILMINGTON, ILLINOIS 60481

RE: BRZANA AND GRANT VS. WESLEY TOWNSHIP AND WESLEY  
TOWNSHIP ROAD DISTRICT

DEAR MS. NORTON:

YOUR DEPOSITION TRANSCRIPT HAS BEEN COMPLETED. AS PER  
YOUR INDICATION OF NOT WAIVING READING AND SIGNING OF  
THE TRANSCRIPT, AND YOUR DESIRE TO DO SO, THIS IS A  
FORMAL REQUEST FOR YOU TO SCHEDULE A TIME FOR READING  
AND SIGNING. BY ILLINOIS STATUTE, YOU HAVE 28 DAYS IN  
WHICH TO COMPLETE THIS PROCEDURE FROM THE DATE OF  
RECEIPT OF THIS LETTER. IN THE EVENT THIS CANNOT BE  
DONE WITHIN THAT TIME, YOUR SIGNATURE WILL BE WAIVED.

PLEASE PHONE OUR OFFICE TO SCHEDULE A DATE AND TIME IN  
WHICH TO COME IN FOR REVIEW OF TRANSCRIPT. PLEASE  
UNDERSTAND THAT IT WILL TAKE THE SAME AMOUNT OF TIME TO  
READ THE TRANSCRIPT AS IT DID TO ORIGINALLY ANSWER THE  
QUESTIONS AT THE DEPOSITION.

THANK YOU FOR YOUR COOPERATION IN THIS MATTER.

YOURS VERY TRULY,

GEORGE E. RYDMAN & ASSOC., LTD.

BY: Bernadette Ashley  
BERNADETTE ASHLEY

CC: R. HANLON, M. DICIANNI, FILE

# **EXHIBIT D**

## **AFFIDVIT OF MICHAEL MEDLIN**

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

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

**Affidavit of Michael Medlin**

I, Michael Medlin, after being duly sworn, state under oath as follows:

1. I am over 18 years of age, and the statements made in this affidavit are based on my personal knowledge. If called to testify, I could competently testify to the facts stated herein.
2. I am the Supervisor of Wesley Township. I have served in this position since September 2019.
3. I have reviewed the FOIA requests attached to the Amended Complaint filed in this matter. I had never seen these FOIA requests until they were presented in the Amended Complaint.
4. I did not see these FOIA requests in any of the Township's files when I took office. I did not see these FOIA requests in the Township's computer system. I have no record of the Township receiving any of these FOIA requests until I received the Amended Complaint.
5. Once I saw the Amended Complaint, the Township Clerk, Sherry Yakima, and I worked hard to produce all of the records sought in Plaintiffs' FOIA requests. We ultimately produced over 1400 pages of documents.
6. Far from intentionally refusing to answer the FOIA requests, we worked very hard to answer them, spending dozens of hours doing so.

7. The Township welcomes FOIA requests and does its best to answer them. Since I took office we have never intentionally failed to answer a FOIA request.

FURTHER AFFIANT SAYETH NAUGHT.

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), the undersigned certifies that the statements set forth in this affidavit are true and correct.

Executed on October 26, 2020

  
Michael Medlin

**GROUP**  
**EXHIBIT E**

**DESTRUCTION OF  
DOCS REQUEST AND  
RESPONSE**

## Rob Hanlon

---

**From:** Boots, Robert C <RBoots@ILSOS.GOV>  
**Sent:** Wednesday, March 24, 2021 2:35 PM  
**To:** Rob Hanlon  
**Cc:** Colaizzi, Steve  
**Subject:** RE: External: Wesley Township and Wesley Township Road District Destruction January 1, 2018 to present  
**Attachments:** 19 177 APP WESLEY TWP.pdf; lr34 2020 ED.pdf

Mr. Hanlon:

An Application for Authority to Dispose of Local Records was found for Wesley Township, APP #19:177. To date there have been no Disposal Certificates filed again this application. I have attached the Application and a process overview. I cannot find an Application specifically for the Wesley Township Road Commission, though some road commissions keep their records under the township offices APP.

Under the Local Records Act [50 ILCS 150], and agency must have permission, in the form of a Disposal Certificate based upon an Application for Authority to Dispose of Local Records, from the Local Records Commission before the disposal of any public record; to not have permission/approval is a violation of the Local Records Act.

Please let me know if you have any further questions,

Robert Boots

**Robert Chayce Boots, CRM**

*Chief Deputy Director*  
Office of the Secretary of State  
Illinois State Archives  
Records Management Section  
Margaret Cross Norton Bldg. - Capitol Complex  
Springfield, IL 62756  
T: (217)-782-1082  
Fax: (217)557-1928

**From:** Rob Hanlon [mailto:Robert@ROBHANLONLAW.COM]  
**Sent:** Wednesday, March 24, 2021 1:52 PM  
**To:** Boots, Robert C  
**Subject:** External: Wesley Township and Wesley Township Road District Destruction January 1, 2018 to present

Dear Mr. Boots:

I called earlier today because I would like to obtain documentation supporting whether or not either Wesley Township or Wesley Township Road District (each situated in Will County, Illinois) received any certification of destruction. In the event they have received a certificate, then I need a copy thereof along with a letter or something that states that was the only certificate issued. If no certificate was issued to destroy any records then a statement that I can rely upon indicating no records were authorized for destruction. The relevant time period is January 1, 2018 to the present.

Thank you very much, in advance, for your response to this request.

**Robert T. Hanlon**  
**131 East Calhoun**  
**Woodstock, Illinois 60098**  
**815-206-2200**

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

\*\*\*\*\*

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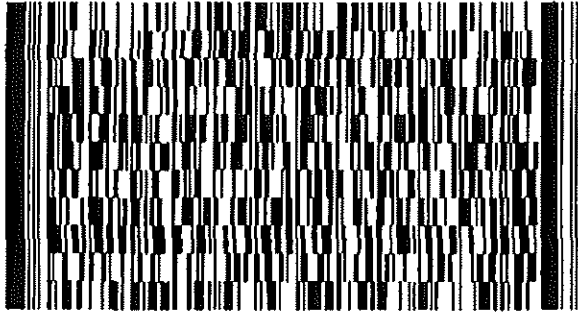
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\*\*\*\*\*



Reset Form

Print Form



DOCUMENT  
TYPE

APPLICATION

FILE NUMBER

19:177

COUNTY

WILL

CITY/TOWNSHIP

WESLEY

OFFICE

TOWNSHIP OFFICE

Doc Part #

001


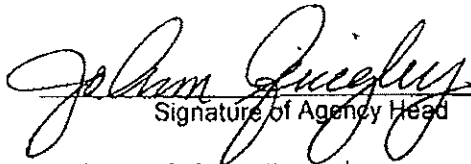
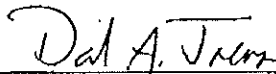
Inquiries and Applications to:

Application No. 19:177

Local Records Unit  
 Illinois State Archives  
 Margaret Cross Norton Building  
 Springfield, IL 62756  
 (217)782-7075

# APPLICATION FOR AUTHORITY TO DISPOSE OF LOCAL RECORDS

Page 1 of 11

COUNTY Will	CITY Wilmington	ZIP 60481	LOCAL RECORDS COMMISSION APPROVAL   CHAIRMAN
AGENCY Wesley Township Offices			
ADDRESS 21333 West Ballou Road			
PHONE 815-476-7869			
<p>I hereby request authority to dispose of local government records according to the schedule below. I certify that any microfilm or digitized copies will be made in accordance with standards of the Local Records Commission and will be adequate substitutes for the original records.</p>			
 Signature of Agency Head			 DIRECTOR, STATE ARCHIVES
08/27/2019 Date			October 1, 2019 DATE
JoAnn Quigley Supervisor			

## RECORDS LISTED ON THIS APPLICATION MAY BE DISPOSED OF:

- AFTER THEIR INDIVIDUAL RETENTION PERIOD IS COMPLETE,
- IF THEY ARE CORRECTLY LISTED ON A RECORDS DISPOSAL CERTIFICATE SUBMITTED TO AND APPROVED BY THE LOCAL RECORDS COMMISSION SIXTY (60) DAYS PRIOR TO DISPOSAL,
- PROVIDING ANY LOCAL, STATE, AND FEDERAL AUDIT REQUIREMENTS HAVE BEEN MET,
- AS LONG AS THEY ARE NOT NEEDED FOR ANY LITIGATION EITHER PENDING OR ANTICIPATED.

THIS RECORDS RETENTION SCHEDULE DOES NOT RELIEVE LOCAL GOVERNMENTS OF RETENTION REQUIREMENTS MANDATED BY OTHER STATE AND FEDERAL STATUTES AND/OR REGULATIONS. WHEN SUCH AN OBLIGATION DOES EXIST, THEN THE LONGER RETENTION PERIOD TAKES PRECEDENCE.

DISPOSAL OF RECORDS AFTER MICROFILMING OR DIGITIZING MUST BE NOTED ON THE RECORDS DISPOSAL CERTIFICATE.

THIS APPLICATION AND ANY RELATED RECORDS DISPOSAL CERTIFICATES  
 ARE TO BE RETAINED PERMANENTLY.  
 THIS APPLICATION SUPERSEDES APPLICATION

Inquiries and Applications to:

Application No. 19:177

Local Records Unit  
 Illinois State Archives  
 Margaret Cross Norton Building  
 Springfield, IL 62756  
 (217)782-7075

# APPLICATION FOR AUTHORITY TO DISPOSE OF LOCAL RECORDS

Page 1 of 11

COUNTY Will	CITY Wilmington	ZIP 60481	LOCAL RECORDS COMMISSION APPROVAL
AGENCY Wesley Township Office			
ADDRESS 21333 West Ballou Road			
PHONE (815) 476-7869			
<p>I hereby request authority to dispose of local government records according to the schedule below. I certify that any microfilm or digitized copies will be made in accordance with standards of the Local Records Commission and will be adequate substitutes for the original records.</p> <p><i>JoAnn Quigley</i> <i>August 27, 2019</i>          Signature of Agency Head Date</p> <p>Supervisor</p>			<p><i>Pamela Davidson</i>          CHAIR</p> <p><i>David Joens</i>          DIRECTOR, STATE ARCHIVES</p> <p><i>October 1, 2019</i>          DATE</p>

## RECORDS LISTED ON THIS APPLICATION MAY BE DISPOSED OF:

- AFTER THEIR INDIVIDUAL RETENTION PERIOD IS COMPLETE,
- IF THEY ARE CORRECTLY LISTED ON A RECORDS DISPOSAL CERTIFICATE SUBMITTED TO AND APPROVED BY THE LOCAL RECORDS COMMISSION SIXTY (60) DAYS PRIOR TO DISPOSAL,
- PROVIDING ANY LOCAL, STATE, AND FEDERAL AUDIT REQUIREMENTS HAVE BEEN MET,
- AS LONG AS THEY ARE NOT NEEDED FOR ANY LITIGATION EITHER PENDING OR ANTICIPATED.

THIS RECORDS RETENTION SCHEDULE DOES NOT RELIEVE LOCAL GOVERNMENTS OF RETENTION REQUIREMENTS MANDATED BY OTHER STATE AND FEDERAL STATUTES AND/OR REGULATIONS. WHEN SUCH AN OBLIGATION DOES EXIST, THEN THE LONGER RETENTION PERIOD TAKES PRECEDENCE.

DISPOSAL OF RECORDS AFTER MICROFILMING OR DIGITIZING MUST BE NOTED ON THE RECORDS DISPOSAL CERTIFICATE.

THIS APPLICATION AND ANY RELATED RECORDS DISPOSAL CERTIFICATES  
 ARE TO BE RETAINED PERMANENTLY.

APPLICATION FOR AUTHORITY TO  
DISPOSE OF LOCAL RECORDSApplication No. 19:177  
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(CONTINUATION SHEET)

ITEM NO.	DESCRIPTION OF ITEMS OR RECORDS SERIES
1.	<p><u>APPLICATIONS FOR AUTHORITY TO DISPOSE OF LOCAL RECORDS AND LOCAL RECORDS DISPOSAL CERTIFICATES</u></p> <p>Dates: 2019- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological</p> <p>Recommendation: Retain permanently.</p>
2.	<p><u>ADMINISTRATIVE FILES AND MISCELLANEOUS CORRESPONDENCE, INCLUDING EMAIL CLASSIFIED AS GENERAL CORRESPONDENCE AND NOT RELATED TO ANOTHER RECORDS SERIES, REFERENCE MATERIALS, PUBLICATIONS, ETC.</u></p> <p>Dates: 2017- Volume: Negligible/1 GB Annual Accumulation: Negligible/1 MB Arrangement: Chronological</p> <p>Recommendation: Retain for one (1) year, then dispose of records no longer possessing any further administrative, fiscal, legal, and/or historical value.</p>
3.	<p><u>ALLOCATION NOTICES AND CHECK STUBS/COPIES</u></p> <p>Dates: 1990- Volume: ½ Cubic Feet Annual Accumulation: Negligible Arrangement: Chronological</p> <p>Recommendation: Retain for two (2) years, then dispose of.</p>
4.	<p><u>ANNEXATION AND VACATION ROAD RECORDS</u></p> <p>Dates: 1980- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological</p> <p>Recommendation: Retain permanently.</p>

APPLICATION FOR AUTHORITY TO  
DISPOSE OF LOCAL RECORDSApplication No. 19:177  
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ITEM NO.	DESCRIPTION OF ITEMS OR RECORDS SERIES
5.	<u>ANNUAL FINANCIAL REPORTS</u>  Dates: 1990- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological  These reports are for: 1. Comptroller 2. Appropriation ordinance 3. Tax levies 4. Bank Statements 5. Budgets, etc.  Recommendation: Retain for seven (7) years, then dispose of.
6.	<u>AUDIT REPORTS</u>  Dates: 1960- Volume: ½ Cubic Feet Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain one copy of each audit report permanently. Retain duplicate audits for one (1) year, then dispose of.
7.	<u>BIDS, SPECIFICATIONS AND PROPOSALS</u>  Dates: 1990- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain <u>successful bids</u> for ten (10) years after terms of the related contract are complete, then dispose of. Retain <u>unsuccessful bids</u> for three (3) years after rejection, then dispose of.

APPLICATION FOR AUTHORITY TO  
DISPOSE OF LOCAL RECORDSApplication No. 19:177  
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ITEM NO.	DESCRIPTION OF ITEMS OR RECORDS SERIES
8.	<p><u>CERTIFICATES OF PUBLICATION, NEWSPAPER CLIPPINGS, NOTICES OF HEARINGS, ETC.</u></p> <p>Dates: 1989- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological</p> <p>Recommendation: Retain for one (1) year, then dispose of.</p>
9.	<p><u>CONTRACTS, LEASES AND AGREEMENTS FOR GOODS OR SERVICES</u></p> <p>Dates: 1989- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological</p> <p>Recommendation: Retain contracts and contract renewals for ten (10) years after termination or completion of the terms of the contract, agreement, or lease, then dispose of. Copies: retain for two (2) years, then dispose of.</p>
10.	<p><u>ELECTION RECORDS</u></p> <p>Dates: 1988- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological</p> <p>Recommendation: Retain Oaths and Appointments for two (2) years after term of office, then dispose of. Retain other records for one (1) year, then dispose of.</p>

APPLICATION FOR AUTHORITY TO  
DISPOSE OF LOCAL RECORDSApplication No. 19:177  
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ITEM NO.	DESCRIPTION OF ITEMS OR RECORDS SERIES
11.	<u>EQUIPMENT AND VEHICLE REGISTRATION AND INSPECTION RECORDS</u>  Dates: 1989- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain registrations for one (1) year after expiration, then dispose of. Retain inspections for two (2) years, then dispose of.
12.	<u>GENERAL AND MEDICAL ASSISTANCE CASE FILES</u>  Dates: 2006- Volume: Negligible Annual Accumulation: Negligible Arrangement: Alphabetical  Recommendation: Retain for five (5) years after inactivation, then dispose of.
13.	<u>GENERAL ASSISTANCE FINANCIAL RECORDS</u>  Dates: 1989- Volume: 1 Cubic Feet Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain monthly reports for two (2) years, then dispose of. Retain annual reports for seven (7) years, then dispose of. Retain other records for seven (7) years, then dispose of.

APPLICATION FOR AUTHORITY TO  
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ITEM  
NO.

## DESCRIPTION OF ITEMS OR RECORDS SERIES

14.

GRAVEL/LOAD TICKETS

Dates: 1990-  
Volume: Negligible  
Annual Accumulation: Negligible  
Arrangement: Chronological

Recommendation: Retain for two (2) years, then dispose of.

15.

INDIVIDUAL EARNINGS RECORDS

Dates: 1989-  
Volume: Negligible  
Annual Accumulation: Negligible  
Arrangement: Chronological and Alphabetical

Recommendation: Retain individual earnings records for sixty (60) years or until terminated employee's seventy-eighth (78) birthday, whichever occurs first, then dispose of. If the employee has not retired by age seventy-eight (78), retain individual earnings records for ten (10) years after termination of employment, then dispose of.

If the employee is deceased retain for five (5) years after date of death, then dispose of provided no litigation is pending or anticipated. If litigation is pending retain until conclusion of all judicial action (including appeals), then dispose of.



APPLICATION FOR AUTHORITY TO  
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ITEM NO.	DESCRIPTION OF ITEMS OR RECORDS SERIES
16.	<u>INSURANCE POLICIES AND CLAIMS</u>  Dates: 1989- Volume: ½ Cubic Feet Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain policies that cover sexual misconduct for sixty (60) years, then dispose of. Retain policies that cover personal injuries to minors for twenty (20) years after expiration of policy, then dispose of. Retain other policies for seven (7) years after expiration of policy and retain claims for seven (7) years after settlement of claim, then dispose of.
17.	<u>INVENTORIES OF EQUIPMENT</u>  Dates: 2000- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological  This record series lists: 1. Printers 2. CPU's 3. Hard drives 4. Vehicles, etc.  Recommendation: Retain for two (2) years after superseded by a new inventory, then dispose of.
18.	<u>INVOICES, VOUCHERS, PAID BILLS AND ORDERS</u>  Dates: 1988- Volume: 5 ½ Cubic Feet Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain for seven (7) years, then dispose of.

**APPLICATION FOR AUTHORITY TO  
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ITEM NO.	DESCRIPTION OF ITEMS OR RECORDS SERIES
19.	<u>LEGAL CASE FILES</u>  Dates: 1962- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain for three (3) years following settlement of case, then dispose of. Retain legal opinions permanently.
20.	<u>MAPS, PLANS, PLATS AND BLUEPRINTS</u>  Dates: 1888- Volume: ½ Cubic Feet Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain permanently.
21.	<u>MINUTES AND AGENDAS</u>  Dates: 1906- Volume: ½ Cubic Feet Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain originals permanently.
22.	<u>ORDINANCES AND RESOLUTIONS</u>  Dates: 1988- Volume: ½ Cubic Feet Annual Accumulation: Negligible Arrangement: Chronological and Numerical  Recommendation: Retain ordinances permanently. Retain resolutions for sixty (60) days, then dispose of provided they are recorded in the minutes.

APPLICATION FOR AUTHORITY TO  
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ITEM NO.	DESCRIPTION OF ITEMS OR RECORDS SERIES
23.	<u>PHONE MESSAGE LOGS</u>  Dates: 2017- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain for two (2) years from date of last entry, then dispose of.
24.	<u>SECURITY RECORDINGS</u>  Dates: August 2019- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: When the video recording captures information that contains potentially probative evidence in criminal and civil litigation, retain for thirty (30) days after final judgment has been entered and all appeals have been exhausted in the case, then dispose of. When the video recording captures no potentially probative evidence; the recording may be recorded over/over written thirty (30) days after an approved Disposal Certificate is in place.
25.	<u>STATE AND FEDERAL TAX REPORTS AND STATEMENTS (W-2'S, W-3'S, W-4'S, IL-941'S, IL-1099'S, ETC.)</u>  Dates: 1988- Volume: ½ Cubic Feet Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain W-4's for five (5) years after termination of employment or until W-4 is superseded by a new W-4, then dispose of. Retain all other tax forms in this record series for seven (7) years, then dispose of.

APPLICATION FOR AUTHORITY TO  
DISPOSE OF LOCAL RECORDSApplication No. 19:177  
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ITEM NO.	DESCRIPTION OF ITEMS OR RECORDS SERIES
26.	<u>STATEMENT OF ECONOMIC INTEREST LISTS AND RECEIPTS</u>  Dates: 1988- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain lists for two (2) years, then dispose of. Retain receipts for three (3) years from date of filing with County Clerk, then dispose of.
27.	<u>TAX RATE NOTICES</u>  Dates: 1988- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain for two (2) years, then dispose of.
28.	<u>TIME RECORDS (SICK, VACATION, OVERTIME, LEAVES, COMPENSATORY, SWIPE RECORDS, SIGN IN/OUT, ETC.)</u>  Dates: 1969- Volume: 1 Cubic Feet Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain for two (2) years, then dispose of provided the information has been transferred to the employee's work history.

**APPLICATION FOR AUTHORITY TO  
DISPOSE OF LOCAL RECORDS**Application No. 19:177  
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ITEM NO.	DESCRIPTION OF ITEMS OR RECORDS SERIES
29.	<u>TOWNSHIP OFFICIALS REPORTS</u>  Dates: 1989- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain monthly reports for two (2) years, then dispose of. Retain annual reports for seven (7) years, then dispose of.
30.	<u>TOWNSHIP OWNED PROPERTY RECORDS</u>  Dates: 1988- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain permanently or one (1) year after sale of property.
31.	<u>VEHICLE AND EQUIPMENT MAINTENANCE RECORDS</u>  Dates: 1989- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological  Recommendation: Retain until equipment is sold, traded, or junked, then dispose of.