

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

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

4 CYNTHIA BRZANA,)
)
5 Plaintiff,))
6) NO. 2019 CH 1143
7 -vs-)
)
8 WESLEY TOWNSHIP,)
)
9 Defendant.)

10 REPORT OF PROCEEDINGS had at the hearing of the
11 above-entitled cause before the Honorable ROGER D. RICKMON,
12 on the 13th day of April, A.D., 2021.

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14 PROCEEDINGS CONDUCTED VIA ZOOM

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16 APPEARANCES:

17 MR. ROBERT HANLON, Attorney At Law
Appeared on behalf of the Plaintiff;
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19 MR. MATTHEW DI CIANNI, Attorney At Law
Appeared on behalf of the Defendant.

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

1 THE COURT: 19 CH 1143, Brzana versus Wesley Township.

2 MR. HANLON: Good morning, your Honor. Robert Hanlon
3 on behalf of plaintiff. Mr. DiCianni is on the call here
4 today as well. We submitted an agreed order to the Court to
5 address that issue, and I have one other matter up before
6 you today.

7 THE COURT: Wait. Stop. To address what issue?

8 MR. HANLON: Oh, I had filed a motion for sanctions and
9 motion to compel.

10 THE COURT: Yeah, I saw that. And what do you think it
11 is I can do with regard to a motion for sanctions which
12 would have required me to test the veracity of an affiant
13 and her recanting of a prior affidavit?

14 MR. HANLON: Well, that's just it, Judge. There was a
15 failure of my opposing counsel to even ascertain --

16 THE COURT: I read your motion, Mr. Hanlon. I don't
17 need you to recap it for me. I am asking what power do you
18 think I have without a full evidentiary hearing? And is
19 this even the proper forum for such a contest? What you've
20 alleged, among other things, is professional misconduct. So
21 what agreed order could you two put together on that?

22 MR. HANLON: We put a briefing schedule together,
23 Judge.

24 THE COURT: And what did you select for a hearing date,

1 pray tell?

2 MR. HANLON: I would have to go back and look at it.

3 THE COURT: Well, good, because you can't pick one. I
4 have to do it. Where is Mr. DiCianni? Is he on the call?

5 MR. DI CIANNI: Yes, your Honor. Good morning.

6 THE COURT: So what did you decide to do for briefing
7 on this?

8 MR. DI CIANNI: I asked for 28 days to respond, but I
9 think you raised some valid concerns, your Honor. We would
10 need to have an evidentiary hearing.

11 THE COURT: I'm not even sure this is the right place
12 to hear that. I mean, I looked at that motion this morning
13 and I've got to do some research on my own. You'll
14 certainly want to file a written response, Mr. DiCianni.

15 MR. DI CIANNI: Okay.

16 THE COURT: Let's start there.

17 MR. DI CIANNI: Okay.

18 THE COURT: Then, Mr. Hanlon, you will want time to
19 file a reply.

20 MR. HANLON: Yes, Judge. 14 days.

21 THE COURT: Okay. 28 and 14. That takes us through to
22 May 25th. I will see you back here June 1st at 9:00
23 o'clock.

24 MR. HANLON: Great.

1 MR. DI CIANNI: Thank you, your Honor.

2 THE COURT: Then we will discuss at that time how to
3 best proceed on this issue. In the meantime, are you doing
4 anything to get this case closer to resolution?

5 MR. HANLON: Judge, part of that order also addressed
6 my motion to compel. Mr. DiCianni has promised me that I am
7 going to have the documents and the responses and answers to
8 my discovery that are more than six months past due within
9 seven days.

10 THE COURT: Is that true, Mr. DiCianni?

11 MR. DI CIANNI: Yes, your Honor.

12 THE COURT: And what else do we have to work on to get
13 this case resolved? How much discovery do you have left to
14 do before you set a trial on this?

15 MR. HANLON: Judge, I believe that I am almost ready
16 for summary judgment if Mr. DiCianni actually responds to my
17 written discovery.

18 THE COURT: Well, Mr. Hanlon, let's assume you don't
19 win, how close are we to trying this case?

20 MR. HANLON: We have a couple depositions, your Honor,
21 but we don't have much discovery that needs to be done.

22 THE COURT: All right. Well, let's -- you can file
23 your motion, Mr. Hanlon, and if it doesn't dispose of the
24 matter, then we'll set a trial date. But we'll talk about

1 all that on June 1st.

2 MR. HANLON: Very well, Judge. Mr. DiCianni had also
3 agreed to allow me to file an amended complaint, the
4 complaint to conform with the proofs.

5 THE COURT: Okay.

6 THE CLERK: I have this order that they mentioned they
7 sent in. It's their withdrawing the motion for summary
8 judgment that we have scheduled for hearing May 4th. Is
9 that still standing?

10 THE COURT: Is that true?

11 MR. HANLON: I'm sorry, Judge?

12 THE COURT: Are you withdrawing the motion for summary
13 judgment scheduled for hearing on May 4th?

14 MR. HANLON: That is correct, Judge. That was because
15 of the conflicting affidavits and the recanting of the
16 testimony by Sarah Norton. So that motion, no matter how I
17 -- you know, would leave the Court with an issue of material
18 fact.

19 THE COURT: Sure, because the question is when was she
20 telling the truth, first time out or second time out?

21 MR. HANLON: Well, that's just it, Judge. That's why
22 I'm asking the Court to withdraw the motion.

23 THE COURT: Okay. So I guess the question that I asked
24 about, what can we do to bring this case closer to a

1 resolution is nothing. We are going to go backwards for a
2 while. Get your stuff filed. The motion is withdrawn and I
3 will see you back here June 1st.

4 THE CLERK: And I am going to reject this order because
5 this one is a mess.

6 MR. HANLON: Your Honor --

7 THE COURT: Yeah, my clerk says your order is a mess.
8 We're rejecting it. Yes, Mr. Hanlon. And I look forward to
9 seeing what's going on here. I really don't know what to do
10 with this right now. Seriously. I mean, the contention is
11 that Mr. DiCianni did something wrong, and I can't determine
12 that -- no one can determine that without first deciding
13 what the deal is with Miss Norton. And I'm not sure how you
14 can ever decide that without looking her in the eye and
15 watching her testify. But I'll talk to someone smarter than
16 me about this, namely Miss -- Judge Petrungaro, and by June
17 1st we will have an idea how to proceed. But in the
18 meantime, we will have all the pleadings filed when you file
19 them, okay?

20 MR. HANLON: Very well.

21 MR. DI CIANNI: Thank you, your Honor.

22 (AND THOSE WERE ALL THE PROCEEDINGS HAD.)

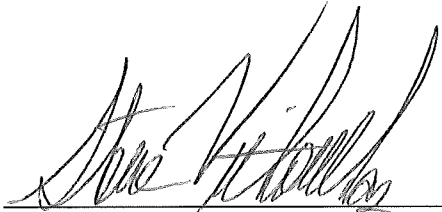
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I, STEVE VITHOULKAS, Official Court Reporter for the 12th Judicial Circuit, Will County, Illinois, do hereby certify the foregoing to be a true and accurate transcript of the electronic recording of the proceedings of the above-entitled cause, which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



STEVE VITHOULKAS
 Official Court Reporter.