

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

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

6 JOHN NORTON,)
7)
8 Plaintiff,))
9)
10 -vs-) NO. 2019 L 943
11)
12 LEONARD MC CUBBIN, JR., et al.,)
13)
14 Defendant.)

15 REPORT OF PROCEEDINGS had at the hearing of the
16 above-entitled cause before the Honorable DOMENICA A.
17 OSTERBERGER, on the 27th day of May, A.D., 2021.

18 APPEARANCES:

19 MR. JOHN NORTON, Plaintiff
20 Appeared pro se;

21 MR. ROBERT T. HANLON, Attorney At Law
22 Appeared on behalf of Connie H. Forsythe,
23 Cynthia L. Brzana, Kirk Allen and Becky Becker.

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

1 THE COURT: And let me turn to my individuals here in
2 the courtroom. Counsel, you can stay right where you are.
3 You are good where you are, okay? And what was the case
4 number again?

5 MR. HANLON: Case number is 2019 L 943, Judge.

6 THE COURT: Thank you. Thank you very much. 19 L 943,
7 Norton, McCubbin, Forsythe, Esposito and Brzana.
8 Mr. Norton, you are -- I think you're here, correct?

9 MR. NORTON: Yes, your honor.

10 THE COURT: Good morning, sir. May I ask you to have a
11 seat at this table over here?

12 MR. NORTON: Yes, your Honor.

13 THE COURT: Thank you. I appreciate that. Thank you
14 very much. And let me pull up the file and see what's going
15 on, gentlemen, okay? Okay. I remember your faces and some
16 preliminary details about the issue before me today, but I
17 believe, having reviewed the file, that the matter is set
18 for a hearing on the petition for rule to show cause filed
19 by Counsel premised upon the allegation that Mr. Norton
20 failed to comply with a citation proceeding. Am I correct,
21 Counsel?

22 MR. HANLON: Judge, you already issued the rule.

23 THE COURT: Yes, I'm so sorry. It's a hearing on the
24 contempt proceeding. But, yes, it is for a hearing on

1 contempt premised upon the rule with regard to the failure
2 to respond to the citation, is that right?

3 MR. HANLON: That is correct.

4 THE COURT: Okay. Thank you. I appreciate that.
5 Okay. Let me pull everything up here. And I have
6 admonished Mr. Norton of the process on our last court date
7 as is noted in the order of May 4th that he was admonished.
8 So good morning to you, Mr. Norton.

9 MR. NORTON: Good morning, your Honor.

10 THE COURT: Mr. Norton, sir, I take it that you remain
11 self-represented?

12 MR. NORTON: Yes, your Honor.

13 THE COURT: And that's fine. I just wanted to verify
14 that you had not intended to have an attorney here today.

15 MR. NORTON: Could you say that again, your Honor?

16 THE COURT: Yes, sir. You appear to be self-
17 represented.

18 MR. NORTON: Yes, your Honor.

19 THE COURT: I just wanted to verify that you had not
20 intended for an attorney to walk in the door right now and
21 represent you.

22 MR. NORTON: That is correct, your Honor.

23 THE COURT: Fair enough. I appreciate that. Let me do
24 a little bit of triage here, everybody, on somebody is back

1 from a breakout room here on my Zoom call, so give me a
2 second, okay? Thank you.

3 (Matter passed and recalled.)

4 THE COURT: So I will do your hearing. I'm now
5 switching, however, and just so you all know, the reason why
6 I'm switching is my hearing here on Zoom is a continuation
7 from a hearing yesterday. Ordinarily I would put that at
8 the end of my call to accommodate you, but I do need the
9 assistance of my court interpreter for my Zoom hearing and
10 her time is more important than anybody else's here in the
11 Courthouse, okay? So please be patient with me while I
12 address this matter. Thank you.

13 (Matter passed and recalled.)

14 THE COURT: All right. Usually Thursdays are not my
15 busy days, but you're welcome. So it's Thursday. So let me
16 focus on you guys. There are a couple more people here on
17 my Zoom screen, but I think they were here on that other
18 case. Teresa Bhoj, are you here on -- for a matter for
19 which I have not addressed, ma'am?

20 MS. BHOJ: Yes, ma'am, I am.

21 THE COURT: What is the case number? Ma'am, if you
22 can't give me a case number, I'm sorry. I need some help
23 here. Thank you.

24 MS. BHOJ: I went off of it because I had been sitting

1 here on the cell phone.

2 THE COURT: What is the case number? I have two. What
3 is the case number, please?

4 MS. BHOJ: John Norton versus Leonard McCubbin, Jr.

5 THE COURT: Oh, I see. They are here in the courtroom
6 so I am going to mute you for now. Miss Grimenga, are you
7 here on another matter besides the Norton matter?

8 MS. GRIMENGA: I am here for the Norton matter.

9 THE COURT: Thank you. Counsel, who are these people?

10 MR. HANLON: I have no intention of calling them as
11 witnesses today, Judge.

12 THE COURT: Mr. Norton, had you intended to call these
13 people as witnesses?

14 MR. HANLON: No, your Honor.

15 THE COURT: Well, you are free to stay on-line. I was
16 going to log off, ladies, but I am not going to log off. I
17 am happy to have you remain on the call here, but my
18 litigants are here in my courtroom, so thank you. Okay.
19 And I apologize. I did not intend to keep everyone waiting
20 this long. It is 19 L 943.

21 Mr. Norton, as I had indicated to you on our last
22 court date, today is a hearing on whether I should hold you
23 in indirect civil contempt for your failure to appear on the
24 citation proceeding. The whole purpose of the indirect

1 civil contempt proceeding is for me to ultimately decide,
2 number one, whether or not you wilfully violated the order
3 to appear, and, number two, if you did, to hold you in
4 contempt so I can issue a series of orders that would be
5 intended to force you to comply with the original citation
6 order. So that's what we're doing here today.

7 So it is your burden to show me by a preponderance
8 of the evidence why I shouldn't hold you in contempt. Do
9 you intend to testify on your own behalf?

10 MR. NORTON: Yes, your Honor.

11 THE COURT: Okay. I'm going to have you raise your
12 right hand, please.

13 MR. NORTON: Objection. Free exercise clause of the
14 First Amendment, your Honor.

15 THE COURT: Okay.

16 MR. NORTON: Raising the right hand and that.

17 THE COURT: All right. Well, raising your right hand

18 --

19 MR. NORTON: It dives right into how they used to using
20 under God.

21 THE COURT: Well, again, raising your right hand does
22 not necessarily have to have a religious affiliation. I was
23 going to ask you if you would prefer to affirm your
24 testimony. Do you prefer to affirm your testimony?

1 MR. NORTON: Yes, your Honor.

2 THE COURT: Can you raise your right hand?

3 (Witness affirmed.)

4 THE COURT: Thank you very much. You can put your hand
5 down. Now, tell me what it is you would like to tell me.

6 MR. NORTON: The notice that I was sent and the last
7 time I was in here -- they asked me a question if I had any
8 questions. The notices I was sent are not stamped by the
9 clerk. This was just dropped off on my door back in
10 February. There is no clerk stamp on any of these
11 documents, none whatsoever. So if it's not stamped,
12 according to your clerk's office, this is not a valid
13 document to be served upon me. And in Will County, only a
14 sheriff's deputy can serve these on me.

15 That was not a sheriff's deputy showed up on my
16 door. It was stuck in an envelope. The woman that
17 attempted to hand it to me refused to show an identification
18 of whatsoever. I made her leave and lay it on the ground
19 because during the Covid things, I don't know if this is
20 contaminated. And if you would like to examine these
21 documents, there is no court stamp on these.

22 He also tried to do one against -- there was
23 another document in here because it also mentions -- oh,
24 never mind, it's not in this one. That's a total separate

1 case. I apologize, your Honor.

2 THE COURT: Okay.

3 MR. NORTON: It was two different dockets, though, on
4 the same day.

5 THE COURT: That's okay.

6 MR. NORTON: Went for somebody else.

7 THE COURT: Go on. What else do you want to tell me?

8 MR. NORTON: As you know, I indicated last time I was
9 in here I filed for electronic exemption. I don't get his
10 e-mails, and that was also because I am involved in case
11 which in the motion I have before you today --

12 THE COURT: I'm so sorry, you have a motion before me
13 today?

14 MR. NORTON: Yes, your Honor.

15 THE COURT: Okay. Hang on. You had a motion for
16 discovery --

17 MR. NORTON: Yes, your Honor.

18 THE COURT: -- that I found not to be an emergency.

19 MR. NORTON: Yes, your Honor.

20 THE COURT: I did not set that for hearing today. I
21 set it for status, so it is not -- today's hearing is not on
22 your motion.

23 MR. NORTON: All right. I misunderstood, your Honor.

24 THE COURT: That's okay. Today's hearing is on the

1 contempt. What else do you want to tell me?

2 MR. NORTON: This actually goes back to just before
3 that, your Honor, and the other envelope I was referring
4 to. This is being brought for two other cases and which --
5 three other cases of which I am a witness in that attorney
6 Hanlon and his little group, which some are present here
7 today, are attempting to harass -- stalk and harass me, and
8 I have my affidavit here. I did have my affidavit that I
9 filed. That they couldn't get to me, so they went to my
10 daughter, the former township clerk of Wesley Township,
11 which I have a copy of her affidavit right here, your
12 Honor. They have been trying to stop us from testifying.

13 THE COURT: What is this -- sir, so I realize that
14 there is a whole history of litigation here that I have not
15 been part of.

16 MR. NORTON: Yes, your Honor.

17 THE COURT: I get that. I realize that there may be
18 animosity here. I get that, too. The narrow issue before
19 me today is whether or not you should have been here on the
20 citation hearing and whether or not you wilfully absented
21 yourself from that proceeding. That's the only issue before
22 me.

23 MR. NORTON: Yes, your Honor.

24 THE COURT: So let's focus on that.

1 MR. NORTON: Yes, your Honor.

2 THE COURT: Thank you.

3 MR. NORTON: And continuing on, like I said, it was not
4 properly noticed. I do not receive e-mails from him. As a
5 matter of fact, he's blocked because of the taunting,
6 harassing e-mails he was sending me. So he's blocked on
7 e-mail. I do not have Internet at home. I have it -- I can
8 go use it on occasion.

9 THE COURT: What does that have to do with whether or
10 not you appeared for a hearing on your citation?

11 MR. NORTON: I never received this notice.

12 THE COURT: You've already told me that. Here's what I
13 think you've told me so far, just to make sure that you
14 understand what I've heard from you.

15 MR. NORTON: Yes, your Honor.

16 THE COURT: I say that because you are self-
17 represented. I want to -- I think what you are telling me
18 is that while a process server and not a sheriff, but a
19 process server attempted to serve you with that envelope,
20 that because of Covid you declined to take it in person so
21 it was left in your presence on the ground. And I heard you
22 to tell me that you did not appear -- perhaps I'm stretching
23 too far here so you tell me if this is wrong. I think I
24 further heard you to tell me that you didn't appear because

1 you did not believe that the paperwork you had been served
2 with was properly issued by the clerk. Is that all true?

3 MR. NORTON: Yes, your Honor.

4 THE COURT: Okay.

5 MR. NORTON: And I have the paperwork right here, your
6 Honor.

7 THE COURT: Okay. And, again, I am not trying to cut
8 you off, but is there anything else relevant with regard to
9 whether and why you didn't appear that you wish to let me
10 know today, because today is the hearing on whether I should
11 hold you in contempt for that.

12 MR. NORTON: Other than I was not aware that there was
13 a hearing because this did not even show up on your on-line
14 computer system.

15 THE COURT: Okay.

16 MR. NORTON: And it was handed to me -- it took a
17 couple days before I was able to get to the Internet. I
18 brought it up on your Circuit Court on-line thing. This was
19 not entered in the system.

20 THE COURT: You did receive the envelope with what you
21 say is the unstamped document, correct?

22 MR. NORTON: Yes, your Honor.

23 THE COURT: Okay.

24 MR. NORTON: But it's not stamped.

1 THE COURT: Okay.

2 MR. NORTON: I was told by your clerk's office unless
3 it's stamped, this is not -- this is not valid.

4 THE COURT: Okay. Thank you. Do you have any
5 questions?

6 MR. HANLON: Judge, he has failed entirely to meet his
7 burden in any way, shape or form.

8 THE COURT: Sir, that wasn't my question.

9 MR. HANLON: Yes, Judge.

10 THE COURT: Perhaps you can answer my question.

11 MR. HANLON: Yes, Judge.

12 THE COURT: My question is whether or not you have any
13 cross examination.

14 MR. HANLON: Yes, Judge.

15 THE COURT: Okay. Well, then, go ahead.

16 MR. HANLON: I will be brief.

17 JOHN NORTON,

18 having been called as a witness; being duly affirmed, was
19 examined and testified as follows:

20 EXAMINATION

21 BY MR. HANLON:

22 Q Now, Mr. Norton, you filed this complaint against
23 Mr. McCubbin and Mr. Allen and Miss Forsythe and others,
24 correct?

1 A Yes.

2 Q And at the time that you filed that complaint, you
3 had agreed to receive notice via e-mail, is that correct?

4 A At that time, yes.

5 Q Okay. And at that time it was for the duration of
6 this lawsuit, isn't that correct?

7 THE COURT: May I ask you -- may I interrupt? It's
8 been a long morning and I just want to make sure I
9 understand where you are going with this. So is your
10 argument, Counsel, going to be that because the original
11 appearance by the defendant purported to accept e-mail
12 notification, that that obviates the necessity of the
13 service pursuant to Supreme Court Rule and the statute with
14 regard to citation proceedings?

15 MR. HANLON: No, Judge.

16 THE COURT: Then why are you asking this question?

17 MR. HANLON: I was asking that question because he said
18 that he had blocked me on e-mail.

19 THE COURT: Sir, that's, frankly, irrelevant. The
20 issue today is whether or not he was properly served with
21 the citation and why he didn't show up, so let's focus on
22 the issue, shall we?

23 MR. HANLON: Yes, Judge.

24 THE COURT: Thank you.

1 BY MR. HANLON:

2 Q So, Mr. Norton, you were served with a citation to
3 discover your assets, isn't that correct?

4 A A true and proper, correct citation, no.

5 Q Just a yes or no, Mr. Norton. You were served
6 with a citation to discover assets, correct?

7 MR. NORTON: Objection that it's too vague.

8 THE COURT: Overruled.

9 MR. NORTON: It's ambiguous.

10 THE COURT: Overruled. You can say yes, no, or I don't
11 know. I don't know what your answer is going to be.

12 MR. NORTON: I don't know.

13 BY MR. HANLON:

14 Q You're here on a return for the rule that was
15 issued on the citation, isn't that correct?

16 THE COURT: Okay.

17 MR. NORTON: Yes.

18 THE COURT: Counsel, if I may?

19 MR. HANLON: Yes.

20 THE COURT: Of course he is here on that. We already
21 established that. Ask something relevant.

22 MR. HANLON: No further questions.

23 THE COURT: You don't have any further questions?

24 MR. HANLON: No, Judge.

1 THE COURT: Do you have any evidence that you wish to
2 present?

3 MR. HANLON: No, Judge.

4 THE COURT: No? Okay. Then I will hear argument.
5 Mr. McCubbin -- well, actually -- I'm sorry, Mr. Norton, my
6 apologies, I am going to step back for a minute. He did ask
7 you a few questions. Is there anything else you wanted to
8 tell me or show me or any other witness or evidence that you
9 wish to present?

10 MR. NORTON: One other thing. The question I answered
11 I do not know --

12 THE COURT: Uh-huh.

13 MR. NORTON: I'm sorry, two things. I have to stop and
14 think what I was going to say. At the time when I received
15 these unfiled documents, I didn't know if they were valid or
16 not. I asked around. I asked the clerk's office and they
17 basically said throw them in the trash, they are worthless.

18 Second, the other question he tried to bring up
19 about when I acknowledged to accept --

20 THE COURT: It's irrelevant.

21 MR. NORTON: Okay. All right. I'm done, your Honor.

22 THE COURT: Okay. Give me a second here, okay? So you
23 had indicated that you wanted to show me a copy of the
24 paperwork that had been contained in that envelope, is that

1 right, Mr. Norton?

2 MR. NORTON: Yes, your Honor.

3 THE COURT: May I see that? And do you have an
4 objection to me seeing that, Counsel?

5 MR. HANLON: I don't know what it is, Judge. I'd like
6 to see it.

7 THE COURT: Well, let's show it to you first.

8 MR. HANLON: Your Honor, I have an objection to several
9 of the documents. The third party citations that are not
10 the citation that was personally served upon Mr. Norton.

11 THE COURT: Okay. So hang on. I'm still a little
12 confused. Your objection is that that stack of documents
13 does not contain -- contains documents other than the
14 citation at issue today, is that your objection?

15 MR. HANLON: Yes, Judge.

16 THE COURT: Mr. Norton, I am only going to consider,
17 perhaps, the actual citation that's at issue today that was
18 contained in the envelope, so I am going to ask you to limit
19 those documents that are in Nate's hand to whatever citation
20 documents that you claim were in that envelope that the
21 process server left with you, okay? Because I guess
22 Counsel's objection is that there are more. If you maintain
23 to me that all of those documents were in the same envelope,
24 that's a different issue, but I'm not sure that's what

1 you're telling me.

2 MR. NORTON: Yes, your Honor, this was everything that
3 was in this envelope with --

4 THE COURT: All of those documents were in the
5 envelope?

6 MR. NORTON: Every one of them, your Honor.

7 THE COURT: All right. Over your objection, I am going
8 to review those documents, sir. I'm not so sure how
9 relevant the others may be, but let me take a look. So over
10 your objection, Counsel, let me review those. Thank you.
11 Thank you, Nate. All right. Thank you. Mr. Hanlon, I have
12 a question for you as an officer of the Court.

13 MR. HANLON: Yes, Judge.

14 THE COURT: So my file does show that on March 17th of
15 2021, you caused the citation at issue here to be issued,
16 and that is the citation against Mr. Norton personally,
17 okay? My file has -- my file has the electronic signature,
18 electronic seal and date on page three of the document of
19 Andrea Lynn Chasteen.

20 MR. HANLON: Yes, Judge.

21 THE COURT: So that's what's in my file. Your
22 affidavit of service was filed by your process server,
23 Richard Walden. Your affidavit of service purports to state
24 that on March 18th, so that would be the day after what was

1 in my file was filed, that the citation to discover assets
2 was, in fact, served on Mr. Norton. Now, whether or not the
3 purported lack of a signature of Miss Chasteen is a defense
4 here, what is attached to the affidavit of service is the
5 March 17th -- the March 17th citation with Miss Chasteen's
6 signature and seal on it, so -- and the Zoom information and
7 what not.

8 What did you give your process server to serve?
9 Did you give your process server to serve a copy of the
10 citation with her signature, seal and date on it with the
11 Zoom instructions?

12 MR. HANLON: Yes, Judge.

13 THE COURT: Okay. Did you ever cause to be printed or
14 issued a citation that did not have the signature on it?

15 MR. HANLON: I did not.

16 THE COURT: Okay. All right. Let me see your
17 documents again. Okay. I have heard enough.

18 Mr. McCubbin -- I'm sorry, Mr. Norton. My apologies.

19 Mr. Norton, I do not find your testimony to be credible.

20 What you've handed to me that you claim was the citation

21 that was served on you in this case is a citation that

22 purportedly requires you to appear in Courtroom 236 at 57

23 North Ottawa Street on February 22nd of 2021 that was filed

24 apparently, according to you, in 19 L 943.

1 I said that because it wasn't filed according to
2 you because you complained that it has no stamps on it.
3 And, in fact, that's true, because there never was a
4 citation issued under my court file. I'm looking very
5 carefully here. I am going to have my clerk verify. Was
6 there ever -- can you look and see in your filing system,
7 ma'am? I have one citation issued in 2021, and that would
8 be on March 17th. I do not show on iAttorney that there are
9 any more citations that have been issued, is that correct?

10 THE CLERK: Let me look.

11 THE COURT: Thank you. In fact, I show nothing that
12 was filed in February or in January. I show a filing on
13 10-27 of 2020, and the next thing I see in the court file is
14 an interrogatory filed on March 21st of 2021.

15 THE CLERK: I don't see anything.

16 THE COURT: Okay. So you're absolutely right. This
17 document that you have handed to me does not have Andrea
18 Chasteen's stamp, her signature or a date on it. It also
19 isn't an interrogatory -- excuse me, it also isn't a
20 citation that was ever filed in the court system. Where you
21 came upon this, I don't know. Who created it, I don't
22 know. But I do not find credible your testimony that this
23 was the one that was delivered to you in this proceeding. I
24 do have an affidavit that shows that you were served

1 properly with a citation and it was certified by the clerk.

2 That was issued by the clerk on March 17th for
3 which you were served, again, by the proof of service here
4 on March 18th. I find you in indirect civil contempt of
5 court. I am going to continue this matter for a one-week
6 date hearing on the purge. That is, now that I have found
7 you in indirect civil contempt of court because I find your
8 testimony to be not credible, now that I have found you to
9 be in indirect civil contempt of court, the next step in
10 this proceeding is for me to determine what, if any, order I
11 should enter that is intended to force you to comply with
12 the citation proceeding.

13 So we will have further hearing on that matter two
14 weeks from today at 10:30 in the morning here in person in
15 my courtroom on June 10th of 2021. Please prepare a written
16 order, Counsel. And I thank you for your testimony.

17 MR. HANLON: Judge, if I may, with respect to the date,
18 I have a separate matter with Mr. Norton on June 3rd. Is it
19 possible the Court would consider doing it then or is it
20 just --

21 THE COURT: No, I do not intend to have you shifting
22 back and forth to courtrooms. I don't know how long that's
23 all going to take. So June 10th it is for a hearing on the
24 purge at 10:30. Please show that I find that the --

1 Mr. Norton shall be held in indirect civil contempt of court
2 for his failure to appear on the citation to discover assets
3 that was issued and served on him in March of 2021. Thank
4 you.

5 MR. HANLON: Very well.

6 THE COURT: All right.

7 MR. NORTON: Your Honor, what was the date? Where does
8 this document come from?

9 THE COURT: Sir, you are the one who gave that to me.
10 That was in your stack of documents. That's why I gave it
11 back to you.

12 MR. NORTON: All right. Can I get it wrote down just
13 like you did last time, your Honor?

14 THE COURT: Yes.

15 MR. NORTON: Thank you, your Honor.

16 THE COURT: You're welcome. Counsel is going to send
17 in an order to Odyssey.

18 MR. HANLON: Yes, Judge.

19 THE COURT: And then please mail a copy to Mr. Norton.

20 MR. HANLON: Absolutely.

21 THE COURT: I appreciate your time this morning.

22 MR. HANLON: Very well, Judge.

23 THE COURT: Thank you.

24 (AND THOSE WERE ALL THE PROCEEDINGS HAD.)

Steve Vukobratovic

STEVE VITHOULKAS
Official Court Reporter.