

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 Defendants.)

15 REPORT OF PROCEEDINGS had at the hearing of the
16 above-entitled cause before the Honorable DOMENICA A.
17 OSTERBERGER, on the 26th day of July, A.D., 2021.

18 APPEARANCES:

19 MR. JOHN NORTON, Plaintiff
20 Appeared as a self-represented litigant;

21 MR. ROBERT HANLON, Attorney At Law
22 Appeared on behalf of the Defendants.

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

1 THE COURT: All right. Mr. Norton, why don't you have
2 a seat at counsel table. Mr. Hanlon, good morning.

3 MR. HANLON: Good morning, your Honor.

4 THE COURT: All right. So this is 19 L 943. Let me
5 see. Well, I certainly recall you as individuals, but the
6 specifics I need to review, so give me a moment, okay?

7 MR. HANLON: Very well.

8 THE COURT: Thank you.

9 (Brief pause.)

10 THE COURT: Okay. Well, there is a couple things going
11 on. One is that we have scheduled for this afternoon the
12 hearing on the purge. I recognize that on behalf of your
13 clients, Mr. Hanlon, you intend to argue that there has been
14 noncompliance with certain due dates preceding today's date.
15 That's not what I'm addressing this morning, however,
16 because we have our hearing at 1:30.

17 MR. HANLON: That's correct.

18 THE COURT: What I do have this morning is a motion by
19 Mr. Norton asking me to take some action due to an alleged
20 failure on your part to give notice of the subpoenas that
21 apparently you had caused to issue. Am I correct,
22 Mr. Norton, that that is your motion?

23 MR. NORTON: Yes, your Honor.

24 THE COURT: Thank you. So may I inquire, let's cut to

1 the chase here, did you send notice to Mr. Norton of the
2 subpoenaes?

3 MR. HANLON: Yes, your Honor.

4 THE COURT: Do you have proof of service?

5 MR. HANLON: Yes, your Honor.

6 THE COURT: May I see it?

7 MR. HANLON: May I approach?

8 THE COURT: Yes. You can step back. Thank you.

9 Mr. Norton, may I inquire, sir, what is your address?

10 MR. NORTON: 1834 Roberts Street, Wilmington.

11 THE COURT: Okay. Mr. Hanlon has provided me with a
12 certification -- attorney certification that he mailed
13 copies of the subpoenaes to you on June 29th. I am going to
14 hand that back to Mr. Hanlon.

15 MR. HANLON: Approach, your Honor?

16 THE COURT: Yes, please take them. Thank you. So may
17 I inquire, sir, he's indicated he mailed those to you. And
18 what is your argument with regard to your motion?

19 MR. NORTON: My argument is he's done this in the past.
20 He says he's done it and just by putting his signature on
21 it, but he produces no evidence whatsoever. Like, for
22 example, U.S. Postal receipts which I always bring with me
23 to court, your Honor, to show, yes, they were mailed. I
24 always get a receipt from the post office clerk because I

1 take them in and send them out. I got the one for this
2 motion that I sent him. This is a tactic he's done not only
3 just this case, but several other cases in the State of
4 Illinois after talking with a couple of the other attorneys
5 from District --

6 MR. HANLON: I object, your Honor.

7 THE COURT: Overruled.

8 MR. NORTON: -- 22.

9 THE COURT: Okay. Well, Mr. Norton, sir, I'm going to
10 deny your motion. I will see you back here at 1:30 for
11 further hearing. Thank you for your time, everyone.

12 MR. NORTON: Oh, also --

13 THE COURT: No, sir, I'm done. I've addressed your
14 motion and I've denied it. I will see you at 1:30. Thank
15 you.

16 (Matter passed and recalled.)

17 THE COURT: Okay. Mr. Norton, why don't you have a
18 seat at counsel table. So we're here for our hearing on 19
19 L 943. Please give me a moment, everybody. I need to log
20 in, okay? And please show as well that Mr. Hanlon is here
21 on behalf of the original defendants/petitioners in this
22 contempt proceeding and citation proceeding. So hang on.
23 Okay. So I've reviewed the file. Earlier this morning at
24 our 10:30 hearing I had -- give me a second, everybody. Let

1 me get this up. There we go.

2 Earlier this morning at our 10:30 hearing I had
3 denied Mr. Norton's motion to bar any result from the
4 subpoenaed materials. In my review of the file with regard
5 to that, I did note that Mr. Hanlon had filed a document
6 that, frankly, doesn't have any legal effect, but I suspect
7 he will make oral arguments with regard to that matter now.
8 I'm about to inquire about that. That is on July 6th, he
9 filed a document entitled report -- status report. I did
10 not order a status report to be filed. That is not part of
11 the contempt procedure, and I do not have any -- I am not
12 going to give any reliance upon that written presentation.

13 If you wish to orally present and summarize what
14 you have put in writing here in response to my questions
15 that I will be asking in a few minutes, you certainly may do
16 so. But this in and of itself is not --

17 MR. HANLON: I understand.

18 THE COURT: Please don't interrupt me.

19 MR. HANLON: I'm sorry, Judge.

20 THE COURT: -- is not a legal filing as part of the
21 procedure. So as we all know, the original hearing at which
22 I had found Mr. Norton in indirect civil contempt was his
23 failure to comply with both appearing at the citation --
24 original citation response date and with completing

1 documents that were necessary to complete for purposes of
2 that citation proceeding, and I had entered a purge order
3 that I expressly had indicated was subject to modification
4 with regard to his failure to comply with those proceedings.

5 To be clear to the parties, my purge order -- and
6 I think I explained this to Mr. Norton last time -- was an
7 effort to try and get compliance with the original citation
8 proceedings; that is, to get him to fill out the paperwork
9 and to actually have a hearing with regard to the questions
10 about the available assets pursuant to the citation
11 proceedings. And in that regard, I had said and ordered
12 that Mr. Norton had a certain time period within which to
13 provide the written documents to Counsel for preparation of
14 today's hearing, and I had given him due dates for that. I
15 had not indicated that those were final dates after which he
16 would be punished in any way, and the reason why I had not
17 done that is because this is not a punishment situation.

18 And so -- but I did indicate that he did need to
19 comply with my order. So basically I had extended the due
20 dates for him to comply. Before we begin with the matter
21 we're set for today, and we will see whether or not we get
22 that before, before we begin with the matter that was set
23 for today, which was the actual under oath questioning of
24 Mr. Norton with regard to the citation proceeding, it is my

1 understanding that Mr. Hanlon, on behalf of his clients, is
2 about to maintain to me and about to ask that he has not
3 received the documents that had originally been requested in
4 the citation proceeding.

5 And so if that is going to be the case, and I will
6 allow Mr. Hanlon to articulate whether or not he's received
7 those documents, I will then place Mr. Norton under oath so
8 that he can be questioned by Mr. Hanlon as to why it is that
9 he has not provided those documents, and I will make a
10 determination as to whether or not he had an ability to
11 comply with those documents, and if I do find that he had an
12 ability to comply with providing those documents but failed
13 to do so, I will consider whether or not additional coercive
14 orders are necessary in order to get him to complete the
15 documents so that we can conduct the citation proceeding.

16 With that, my point to all of you is that this
17 whole contempt aspect is intended to have a hearing
18 completed on the original citation. So, Mr. Hanlon, may I
19 inquire, have you received any of the affidavits or
20 interrogatories that you had tendered to Mr. Norton that
21 were retendered to Mr. Norton on the last court date with
22 regard to the forms by the dates that I had ordered?

23 MR. HANLON: Not by the dates that you ordered.

24 THE COURT: Do you have them now, though?

1 MR. HANLON: I have a document that I have made a copy
2 of for the Court. If you wish, I can present it to you.

3 THE COURT: No, I don't. What I am asking you is, is
4 there anything outstanding that you believe you have not
5 received in compliance with your request, and if you have
6 not received something that is in compliance with the
7 request, what is it and do you wish to inquire of Mr. Norton
8 as to why it is you don't have that material as of today's
9 date?

10 MR. HANLON: The first part of your question is what
11 didn't he produce? He did not produce his tax returns, he
12 did not produce his bank statements, did not provide proof
13 of his income, did not provide anything other than, for the
14 most part, a blank response to the citation document. So
15 none of the things that were enumerated in your order were
16 produced.

17 THE COURT: Okay. So do you wish to inquire of
18 Mr. Hanlon (sic) as to whether or not he had the ability to
19 provide those documents to you?

20 MR. HANLON: I believe that you meant inquire of
21 Mr. Norton, Judge.

22 THE COURT: I'm sorry, Mr. Norton. Yes. I apologize,
23 Mr. Hanlon. Do you wish to inquire of Mr. Hanlon (sic) as
24 to whether or not he did have the ability to provide those

1 documents to you by the extended dates that I had given him?

2 MR. HANLON: Yes, your Honor.

3 THE COURT: Okay. So, Mr. Norton, sir, I am going to
4 have you raise your right hand. I know you affirmed last
5 time, so if you could please raise your right hand.

6 MR. NORTON: I object under the --

7 THE COURT: Huh?

8 MR. NORTON: -- Free Exercise Clause, First Amendment,
9 raising the right hand and that. It still falls under -- I
10 base it on no religious beliefs. And raising a right hand
11 is part of the religious belief that I disagree with.

12 THE COURT: I find that that's not the case. Could you
13 please raise your right hand, sir? Thank you.

14 (Witness affirmed.)

15 THE COURT: Thank you very much. Please inquire,
16 Counsel.

17 JOHN NORTON,
18 having been called as a witness; being duly sworn, was
19 examined and testified as follows:

20 EXAMINATION

21 BY MR. HANLON:

22 Q Mr. Norton --

23 MR. NORTON: Your Honor, could you have him speak up.
24 He is quite aware I am deaf in my right ear.

1 THE COURT: Okay. If you could also assist him with
2 that and perhaps turn to face him a little better, it will
3 be easier.

4 MR. NORTON: I am going to.

5 THE COURT: I appreciate that. If you could, as a
6 courtesy to your opponent, try and speak more clearly.

7 MR. HANLON: Yes, your Honor.

8 THE COURT: Thank you.

9 BY MR. HANLON:

10 Q Mr. Norton, you did not produce any tax returns.
11 Can you explain why you did not produce them?

12 A Because I don't have any.

13 THE COURT: Okay. I am going to interrupt. So I
14 realize that we don't have a lot of people here in the
15 courtroom, but this still is a legal proceeding at which
16 there are questions and answers. It's not a conversation.
17 So please allow your opponent to complete his question
18 before you give a response.

19 MR. NORTON: Yes, your Honor.

20 THE COURT: If you could inquire again to make our
21 record clear, sir? Thank you.

22 BY MR. HANLON:

23 Q Mr. Norton, you did not provide a tax return, is
24 that correct?

1 A Correct.

2 Q And is it your contention you have no income, is
3 that correct?

4 A Yes.

5 Q Is it your contention that you had no obligation
6 to file a tax return?

7 A Yes.

8 Q Do you recall being in court on June 10th of this
9 year in which you asked for time -- additional time because
10 it would be difficult to gather all the documents?

11 MR. NORTON: Objection. He's misstating the reason why
12 I asked for the additional time.

13 THE COURT: Overruled. You can answer his question if
14 you disagree with the premise.

15 MR. NORTON: I asked for the additional time because of
16 the problem with the mail service at that time, which the
17 Judge gave me 21 days and stated clearly on the record that
18 it is to be postmarked to you no later than June 1st.

19 BY MR. HANLON:

20 Q It's your testimony -- I'm sorry.

21 With respect to the date -- you meant July 1st,
22 right?

23 A I had to mail it to you with postmark no later
24 than June -- July 1st.

1 Q Thank you. Is it your contention that you did not
2 receive any income in which that you would file a tax
3 return?

4 A No income that is required by law to be filed in
5 accordance with U.S. tax laws, state or U.S. tax laws.

6 Q Mr. Norton, you indicated -- I'm sorry.

7 You filed this response for income, property
8 statement. Do you recall filling out what I previously
9 marked as Exhibit A? Judge, I have a stack of all my
10 exhibits.

11 THE COURT: If I may, Counsel? Right now what we're
12 doing is having a hearing on whether or not there had been
13 compliance with this pre hearing order of the turn-over of
14 documents.

15 MR. HANLON: Sure.

16 THE COURT: So we're not actually conducting the
17 citation proceeding quite yet. What I'm allowing you to do
18 is inquire of Mr. Norton as to whether or not he had the
19 ability to provide those documents to you, and if you are
20 dissatisfied with what has been produced, whether or not you
21 are asking me to enter any further orders with regard to his
22 failure to provide those documents. So that is the limited
23 purpose of this inquiry at the moment.

24 MR. HANLON: Very well.

1 BY MR. HANLON:

2 Q Mr. Norton, with respect to your bank account
3 records, you did not submit any statement with your citation
4 response, is that correct?

5 A That is correct.

6 Q And on June 10th when you were present in this
7 courtroom, did you not inform the Court that you had a bank
8 account?

9 A I do not recall saying that.

10 Q So if you stated to the Court that, "temporarily,
11 for about 18 hours, have it locked up that I was aware of.
12 I didn't find out until late Sunday night, but it was
13 resolved by Monday morning because they ruled on that their
14 legal departments, there is no lawful written orders
15 anywhere for their files, so they withdrew the hold on it,
16 which there was only about \$10 in the account. It was just
17 to keep it open in case I ever needed it for anything, which
18 I have no use for it." Do you recall making that statement?

19 A I vaguely remember it. Yes, I do vaguely remember
20 that and stated that I filed a motion thereafter, motion for
21 discovery for documents of how you obtained any information
22 about that account.

23 Q Mr. Norton, I want you to answer my questions.

24 A I did.

1 THE COURT: Mr. Norton and Mr. Hanlon. Mr. Hanlon,
2 please ask a question rather than initiating a conversation
3 with your opponent. And, Mr. Norton, please wait for the
4 question before there is an answer. Thank you.

5 BY MR. HANLON:

6 Q On June 17, 2021, you filed a lawsuit in the
7 Circuit Court of Will County against Leonard McCubbin. Do
8 you recall doing that?

9 A What was the date of it?

10 THE COURT: Counsel, may I inquire? What does this
11 have to do with whether or not he gave you the listed
12 documents that you believed were necessary to comply with
13 the citation?

14 MR. HANLON: He provided a sworn statement attached to
15 that complaint that said that he had a bank account.

16 THE COURT: Okay. Then you may inquire of that. Get
17 to the point.

18 BY MR. HANLON:

19 Q Mr. Norton, on June 17th did you file with the
20 Court a sworn statement that indicated that you had a bank
21 account?

22 A Yes, I did.

23 Q Okay. And that was on June 17th?

24 A No, that was not the date it was filed.

1 Q Was it filed in June of this year?

2 A Yes.

3 Q Okay. So in June of this year you filed a sworn
4 statement with this Court that you had a bank account,
5 right?

6 A Yes.

7 Q But that's not reflected in the documents that you
8 gave to me, correct?

9 A No, it's not.

10 Q Why did you not give me a copy of your bank
11 statements?

12 A Because I found no legal precedent of which you
13 should have direct access to any spending habits, whether
14 it's what I have that contains privacy act -- the Privacy
15 Act of 1974, that you have no legal right -- recourse to
16 seek. Now, the Judge can, but not you, and that's under
17 U.S. banking laws. So I will not provide precise details of
18 what day, what activity on that account. I will not do it,
19 will not hand that over to you unless somebody can show me a
20 state statute or federal law that says I absolutely have to
21 break down those details. This falls under the Privacy Act
22 of 1974.

23 MR. HANLON: Judge, do I need to continue?

24 THE COURT: Counsel, it's your case. Do you wish to

1 inquire whether or not you received any other documents?

2 MR. HANLON: Yes, Judge.

3 BY MR. HANLON:

4 Q With respect to the other documents that you were
5 ordered to tender, is it your contention that you were not
6 ordered to tender your bank statements?

7 A I remember something about the bank account, but
8 the bank statements, I can't specifically say yes or no,
9 banking information, which bank, that much I do remember.
10 But as far as actual banking statements, I don't recall.

11 Q Mr. Norton, you have a bank account, right?

12 A Yes.

13 Q And you didn't provide the statements for your
14 bank account, right?

15 A Not for that one, no.

16 Q Why did you not tender your bank statements?

17 A Because I see no legal -- no state statute or
18 anything that says you must have those, the breakdown of the
19 bank statements themselves. The fact that I have it and
20 maybe how much is in it, but as far as -- there is no law
21 that says I have to show you exactly what's -- money coming
22 in and going out of it. There is no law that I see that
23 somebody can quote saying I have to hand that to you.

24 Q Mr. Norton, you were also ordered to produce your

1 insurance policies. Do you recall that part of the order?

2 A Oh, yeah.

3 Q Okay. And did you tender any insurance policies
4 to me?

5 A No.

6 Q Is that because the vehicle that you drive is not
7 registered in your name?

8 A It's not mine.

9 Q You drive a red Ford Escape, right?

10 A Up until recently, yes.

11 Q And that red Ford Escape, you said it's not yours?

12 A It's not mine.

13 Q Whose is it?

14 MR. NORTON: Objection; relevance, your Honor.

15 THE COURT: Overruled.

16 MR. NORTON: It was registered to my parents.

17 BY MR. HANLON:

18 Q Okay. Your father Donald Louis Norton, correct?

19 A Yes.

20 Q And your mother, Therese Norton?

21 A Yes.

22 Q They are both deceased, correct?

23 A Yes.

24 Q So you have a vehicle registered in their name,

1 correct?

2 A Yes.

3 Q And there is no will on probate for either of
4 them, correct?

5 A No.

6 Q So you have an interest in the vehicle, correct?

7 A Not really, no.

8 Q But you drive the vehicle, right?

9 A Not any more, no.

10 Q But prior to -- I'm sorry. Strike that.

11 During the month of June 2021, you drove the red
12 Ford Escape, is that correct?

13 A On which occasion?

14 Q During the month of June 2021.

15 A I think I drove it once.

16 Q Okay. You would be required to have proof of
17 insurance for the vehicle, correct?

18 A Yes.

19 Q Is the vehicle insured?

20 A Yes. Correction. Was.

21 Q Was the vehicle insured when you drove it?

22 A Yes.

23 Q Who did you have insurance from? Let me rephrase
24 the question.

1 A Yes.

2 Q Who insured the vehicle, the red Ford Escape,
3 during the month of June 2021?

4 A Who insured it? I don't remember the company's
5 name.

6 Q The bill for that insurance policy came to your
7 house?

8 A I don't own a house.

9 Q Okay. You reside at 1834 Roberts Street in
10 Wilmington, isn't that correct?

11 A Yes.

12 Q And the bill came to that property, correct?

13 A Yes.

14 Q And you have an equitable interest in that
15 property, correct?

16 A Not any more.

17 Q When did you get rid of the interest in that
18 property?

19 A As soon as my brother showed up.

20 Q When did your brother show up?

21 A Approximately three months ago.

22 Q And how did you get rid of your interest in the
23 property?

24 A Him and I are just basically -- he's taking it

1 over. I'm just going to waive any right to any claim on the
2 property.

3 Q And is that why you didn't provide a deed to that
4 property?

5 A That's not the reason why I didn't provide it.

6 Q Tell me the reason why you didn't provide the deed
7 to the property.

8 A Because I have no idea where it's at. Simple as
9 that.

10 Q Did you make any diligent inquiry to find a copy
11 of the deed for that property?

12 A No.

13 Q Did you go to the recorder's office to get a copy
14 of the deed for that property?

15 A No.

16 Q And you understand you have an equitable interest
17 in that property, correct?

18 A Say again?

19 Q You understand you have an equitable interest in
20 that property, isn't that correct?

21 A I have no equitable interest in it. I have no
22 desire for the property.

23 Q That's where you live, correct?

24 A That's where I reside at the moment.

1 Q So, Mr. Norton, you didn't provide the deed,
2 right?

3 A Correct.

4 Q Was there some inability of you to provide the
5 deed?

6 A Inability? No.

7 Q With respect to the insurance policy, was there
8 some inability of yours to provide me a copy of the
9 insurance policy for the truck -- I'm sorry, the red Ford
10 Escape?

11 A Yes, there is a reason why.

12 Q Okay. I asked you if there was an inability. Did
13 you have the ability to tender me a copy of the insurance
14 policy, yes or no?

15 A No.

16 Q Why not?

17 A Because there is no insurance policy on it any
18 more. The vehicle is basically -- it's almost a dead
19 vehicle. Until my brother and I can figure out who is going
20 to actually put it under whose name, which it will probably
21 be his, but the vehicle is not worth it. It's going to be
22 junk. It's got over 250,000 miles on it and it's junk.
23 It's probably -- going to let him take the information and
24 go scrap the thing.

1 Q What does that have to do with your ability to
2 provide me with a copy of the insurance policy that covered
3 that vehicle in the month of June 2021?

4 A Because there was none.

5 Q Not in June?

6 A No.

7 Q Do you recall just a few minutes ago testifying
8 that it was insured in June 2021?

9 A I want to correct myself on that. It was the
10 first few days of it, it was. It expired around the 10th,
11 somewhere around there. I don't remember the exact specific
12 date. I know it was early June is when it expired.

13 Q So you have an insurance card at the beginning of
14 June 2021?

15 A Yes, I think there was one on the car -- on the
16 vehicle.

17 Q Was there something that prevented you from giving
18 me a copy of the insurance card?

19 A Yes, there was actually.

20 Q What?

21 A Because it's not mine to give you.

22 Q And that's because it's in the name of your
23 deceased father, right?

24 A Correct.

1 Q Is that the reason why you didn't tender the
2 insurance policy for the house as well because it's in your
3 father's name?

4 A That's a totally different reason.

5 Q And the house and the vehicle are both in your
6 father's name, correct?

7 A Yes. No.

8 Q Okay. Are they both in the name of Donald Louis
9 Norton and Therese Norton?

10 A Yes.

11 Q Both of them, the car and the house, right?

12 A Yes.

13 Q And you drive the car, you live in the house,
14 right?

15 A I no longer drive the vehicle because it's
16 basically a dead vehicle, and I'm staying there for the
17 moment.

18 Q You haven't gone to court over the possession of
19 the house, correct?

20 A Not yet.

21 Q There is no probate on file over the house, right?

22 A My brother and I haven't gotten that far yet.

23 Q And there has nothing been transferred with
24 respect to the vehicle, correct?

1 A No.

2 Q You indicated that you have no income, right?

3 A Yes.

4 Q And that's why you didn't submit your tax returns,
5 right?

6 A Yes.

7 Q All right. But you recall that last year
8 Mr. Spinelli testified that he employed you. Do you recall
9 that?

10 A That was then, this is now.

11 Q Okay. But you would have filed tax returns for
12 that prior period, correct?

13 A No.

14 Q So you were employed but you didn't have a reason
15 to file a tax return, correct?

16 A Technically I'm not employed by him. And if you
17 recall, and we can pull up -- I can go get the court
18 transcript. I help him on occasion with things when his
19 normal worker is not available. He stated that, and that is
20 in the court transcripts that your partner right here
21 decided to get and I got a copy of it.

22 Q Mr. Norton, did you receive income in the month of
23 June 2021 from Mr. Spinelli, yes or no?

24 A No documentable income, no.

1 Q Okay. I didn't ask you if it was documentable. I
2 asked you if you got income from Mr. Spinelli during the
3 month of June 2021.

4 A Define income.

5 MR. NORTON: Judge, can I ask for your intervention
6 here? The witness was ordered to cooperate in these
7 proceedings. He is asking me to define the word income.

8 THE COURT: That's a self-defining term, sir. Answer
9 the question.

10 MR. NORTON: I object because income can come in many
11 forms.

12 THE COURT: Overruled. Answer the question.

13 MR. NORTON: He's thrown me a few dollars here and
14 there to go buy cigarettes and a case of Pepsi.

15 BY MR. HANLON:

16 Q And he paid you no other funds?

17 A No, none.

18 Q He didn't pay you to mow lawns for him?

19 A I helped on occasion. So basically got me my
20 cigarettes, my case of Pepsi and that, yeah. If you want to
21 consider that income?

22 Q Mr. Norton, so you didn't provide any receipts or
23 evidence of what you get paid, is that correct?

24 A Yes, I have provided nothing.

1 Q And it's your contention as you sit here today
2 that your only income from Mr. Spinelli is a case of Pepsi
3 and these other menial items?

4 A Yes. Right now, yes.

5 Q Is it going to change when I conduct your
6 examination on your responses?

7 A Say again?

8 Q Is your testimony going to change when I conduct
9 your examination on your citation responses?

10 A Probably not.

11 Q And why do you say probably?

12 A I cannot predict the future on what questions you
13 are going to ask. I am not a mind reader. There might be
14 something you know that I don't.

15 MR. HANLON: Judge, I think that I have adequately
16 addressed the issue of his improper non production of
17 documents.

18 THE COURT: So I have a question for you.

19 MR. HANLON: Yes, Judge.

20 THE COURT: Obviously these are documents that you had
21 requested in the citation that you had filed.

22 MR. HANLON: Yes, Judge.

23 THE COURT: So insofar as the specific documents that
24 you believe you have established that he could have tendered

1 but did not, let's go through them individually, each
2 category, so that I can make sure that I understand what you
3 believe should have been tendered to you.

4 MR. HANLON: Yes, Judge.

5 THE COURT: So, category number one.

6 MR. HANLON: Income tax returns.

7 THE COURT: For what year?

8 MR. HANLON: Last two years.

9 THE COURT: That being tax year 2020 and tax year 2019?

10 MR. HANLON: Yes, Judge.

11 THE COURT: Mr. Norton, sir, Counsel is arguing that
12 you have willfully failed to provide him with existing tax
13 returns filed by you for tax years 2019 and 2020, so I have
14 a question. My first question is, did you ever file a tax
15 return for tax year 2019?

16 MR. NORTON: No.

17 THE COURT: Okay. My next question is, did you ever
18 file a tax return for tax year 2020?

19 MR. NORTON: Actually, yes, I think I did, your Honor,
20 on that one, for one reason.

21 THE COURT: I don't need to know the reason. You filed
22 one for 2020, is that right?

23 MR. NORTON: Did I? I don't remember, your Honor.

24 THE COURT: I don't believe you, Mr. Norton. You

1 certainly know whether you filed --

2 MR. NORTON: Well, I have no income.

3 THE COURT: Mr. Norton, sir, please do not interrupt
4 me. Mr. Norton, I do not find credible your response that
5 you don't recall whether you filed a tax return for tax year
6 2020. It is July of 2021. Did you file a tax return for
7 2020 yet, yes or no?

8 MR. NORTON: No, I don't believe I filed one, your
9 Honor. There is no reason to file because I have no income.

10 THE COURT: Did you file a tax return for tax year 2020
11 as of today's date?

12 MR. NORTON: No.

13 THE COURT: Okay. What's your next category, sir?

14 MR. HANLON: Insurance policies.

15 THE COURT: With regard to what specifically?

16 MR. HANLON: Vehicle and the house.

17 THE COURT: Which vehicle?

18 MR. HANLON: The 2002 Ford Escape.

19 THE COURT: 2002 Ford Escape. You are looking for a
20 copy of an insurance policy for the 2002 Ford Escape that
21 was in existence in June of 2021, am I correct?

22 MR. HANLON: Yes, your Honor.

23 THE COURT: Okay. Now, Mr. Norton, we are going to
24 move on to that. With regard to the 2002 Ford Escape, is it

1 my understanding that that is a vehicle that is titled in
2 the names of your deceased parents Donald and Therese?

3 MR. NORTON: Yes.

4 THE COURT: Okay. Was that vehicle insured at any time
5 during June of 2021?

6 MR. NORTON: No. Actually, no, it wasn't.

7 THE COURT: Well, Mr. Norton, you have now contradicted
8 yourself because just a few moments ago you testified that
9 it was insured through June 10th, so I'm going to give you
10 an opportunity to explain to me the contradiction here. Was
11 the 2002 Ford Escape insured at any time during June of
12 2021?

13 MR. NORTON: I believe the policy ran out in the first
14 part of June. I don't have the documents here in front of
15 me.

16 THE COURT: Well, you should have provided them.
17 That's the problem. Okay.

18 MR. NORTON: Your Honor --

19 THE COURT: May I inquire, who was the named
20 policyholder for the policy for the vehicle?

21 MR. NORTON: It's under both my parents.

22 THE COURT: I see. Who paid the premium?

23 MR. NORTON: During what time period, your Honor?

24 THE COURT: June of 2021 and May of 2021. Up to any

1 point --

2 MR. NORTON: Nobody paid it.

3 THE COURT: Hang on. Okay. Have you ever paid the
4 premium for the vehicle insurance policy under the names of
5 Donald and Therese?

6 MR. NORTON: No.

7 THE COURT: Never?

8 MR. NORTON: No, I never did.

9 THE COURT: Who paid the premium?

10 MR. NORTON: That was paid -- premium was paid up
11 before my dad died.

12 THE COURT: When did your dad die?

13 MR. NORTON: June of last year.

14 THE COURT: Your dad paid the premium for the insurance
15 policy for a year past his death?

16 MR. NORTON: He didn't expect to die. He didn't expect
17 to die in the middle of June either.

18 THE COURT: I see. So but he paid a whole year in
19 advance?

20 MR. NORTON: That was typical of him.

21 THE COURT: I see.

22 MR. NORTON: My mother did that before she died.

23 THE COURT: I see. So do you have those documents?
24 You certainly seem to know --

1 MR. NORTON: I probably have the old registration card.

2 THE COURT: That's not my question. Let's focus. You
3 indicated to me that the insurance policy expired sometime
4 in early June of 2021, so I would like to know whether or
5 not you have any documents with regard to the payment on
6 that policy.

7 MR. NORTON: No, I don't have them.

8 THE COURT: Okay. How do you know then that your dad
9 paid them in advance?

10 MR. NORTON: That's what he always did. I know what my
11 dad -- what my parents used to do. They always did that.

12 THE COURT: When did your mother die?

13 MR. NORTON: Eight years ago.

14 THE COURT: Okay. I see. Okay. And am I correct that
15 you cannot tell me as you sit here today the name of the
16 company that provided the automobile insurance for the 2002
17 Ford Escape?

18 MR. NORTON: I don't remember what it is, your Honor.

19 THE COURT: I see.

20 MR. NORTON: I didn't handle the documents, so I don't
21 know.

22 THE COURT: Oh, I see. Okay. What's your next issue?

23 MR. HANLON: There was the insurance policy for the
24 house, Judge.

1 THE COURT: Okay. What is the address of the house
2 again?

3 MR. HANLON: 1834 Roberts Street, Wilmington, Illinois.

4 THE COURT: Is there a homeowner's policy in existence
5 at the address 1834 Roberts Street in Wilmington, Illinois?

6 MR. NORTON: As far as insurance policy?

7 THE COURT: Yes, a homeowner's insurance policy, sir.

8 MR. NORTON: No.

9 THE COURT: Is there a mortgage on the home?

10 MR. NORTON: No.

11 THE COURT: When was the last time that you are aware
12 of that there was a homeowner's insurance policy on that
13 property?

14 MR. NORTON: June of last year.

15 THE COURT: Have you ever paid a premium for the
16 homeowner's insurance -- any kind of homeowner's insurance
17 in anyone's name for the property at 1834 Roberts Street in
18 Wilmington, Illinois?

19 MR. NORTON: Paid for out of my own pocket, no.

20 THE COURT: That's not my question. Have you actually
21 made a payment -- I didn't ask the source of that income.
22 Have you actually ever made a payment for a homeowner's
23 insurance policy on 1834 Roberts Street, Wilmington,
24 Illinois?

1 MR. NORTON: I've -- yes, I have.

2 THE COURT: When?

3 MR. NORTON: Yes, your Honor, I have made payments.

4 THE COURT: When?

5 MR. NORTON: What was that?

6 THE COURT: When?

7 MR. NORTON: Let's see. Back up three months from June
8 of last year.

9 THE COURT: Okay.

10 MR. NORTON: I went and made a payment -- took care of
11 a payment for my dad because his health was plummeting and
12 he couldn't really do anything any more.

13 THE COURT: I thought your dad died in June of last
14 year.

15 MR. NORTON: He did.

16 THE COURT: Three months later is September.

17 MR. NORTON: Three months before his death I said, your
18 Honor.

19 THE COURT: Oh, I see. What insurance company was
20 that?

21 MR. NORTON: Same as the automobile.

22 THE COURT: Who else lives in the house?

23 MR. NORTON: Currently?

24 THE COURT: Yes.

1 MR. NORTON: My brother is there.

2 THE COURT: I see. How long has your brother lived in
3 the house?

4 MR. NORTON: A couple months. About three months now.

5 THE COURT: So now is July, so when did your brother
6 start living in the house?

7 MR. NORTON: About three months ago.

8 THE COURT: When was that?

9 MR. NORTON: Back up three months from today.

10 THE COURT: You can do the math. When was that?

11 MR. NORTON: Let's see, July, June. Around mid May is
12 when he showed up. I do remember. It was right around --
13 it was approximately around the time of his birthday is when
14 he showed up. I remember now.

15 THE COURT: Great. When? I wasn't invited to his
16 birthday party. You are going to have to help me now.

17 MR. NORTON: I do not want to have to make that -- the
18 detail -- I object because my brother is not a party to this
19 case.

20 THE COURT: Overruled.

21 MR. NORTON: And I don't want to bring --

22 THE COURT: Overruled. You are the one that brought up
23 your brother's birthday as triggering your memory as to when
24 he moved in, so tell me when his birthday was.

1 MR. NORTON: He showed up around May 20th.

2 THE COURT: When is your brother's birthday?

3 MR. NORTON: Objection.

4 THE COURT: Overruled.

5 MR. NORTON: I am not at liberty of giving out his
6 private information.

7 THE COURT: Overruled. When is your brother's
8 birthday?

9 MR. NORTON: The 18th.

10 THE COURT: Of May?

11 MR. NORTON: Yes.

12 THE COURT: Thank you. Do you have any other
13 categories of information that you are seeking as well, sir?

14 MR. HANLON: Bank statements.

15 THE COURT: With regard to what specifically, sir?

16 MR. HANLON: The bank -- the statements that were
17 referenced in his petition of June 17th.

18 THE COURT: Okay. So if I may ask, you haven't been
19 specific in your questioning of Mr. Norton. Perhaps you
20 don't know and that's the purpose of your questioning, but
21 perhaps you do know. Is there a particular bank that you
22 are inquiring about?

23 MR. HANLON: I don't know the bank, that's why I needed
24 the information.

1 THE COURT: I understand. Do you have a reasonable
2 belief that there are multiple bank statements that you are
3 inquiring about?

4 MR. HANLON: Yes, Judge.

5 THE COURT: What is the reasonable belief that you have
6 that?

7 MR. HANLON: He's used a debit card in his name at
8 Angelo's Liquor Store that identifies two separate debit
9 cards, two separate numbers, both listed in his name as the
10 membership and debit cards that are associated with bank
11 accounts, and it appears to me that there is at least two.

12 MR. NORTON: Objection. There was no subpoena for him
13 to go to these --

14 THE COURT: Overruled. Are they both at the same bank
15 to your knowledge or not?

16 MR. HANLON: It doesn't identify the bank on it, Judge.

17 THE COURT: Okay. To recap just so I understand, your
18 reasonable belief that there are at least two bank accounts
19 stems from what you believe to be your opponent's use of two
20 debit cards with different numbers at a particular retail
21 location, correct?

22 MR. HANLON: That coupled with other facts, Judge.

23 THE COURT: Okay. Such as what?

24 MR. HANLON: The sworn statement of Mr. Norton in June

1 of this year indicating that he had a bank account.

2 THE COURT: Okay. Hang on. Let's talk about that.
3 What specific information are you referring to?

4 MR. HANLON: He filed a sworn statement with the Court
5 on June 17, 2021.

6 THE COURT: In which case number?

7 MR. HANLON: In case number 2021 AR 549.

8 THE COURT: Okay. And what is the statement that you
9 are referring to? What does it say?

10 MR. HANLON: That indicates that he has a bank account
11 and says that it is totaling \$10 in cash.

12 THE COURT: Okay. Do you have any other information
13 with regard to a bank account upon which you believe that
14 there are bank -- that there was a bank account in June of
15 2021?

16 MR. HANLON: Yes, Judge, I have the transcript from the
17 June 10, 2021 hearing in which Mr. Norton acknowledged that
18 he had a bank account.

19 THE COURT: Okay. Mr. Norton, sir, do you have a bank
20 account -- excuse me.

21 Did you ever have a bank account in your name,
22 even if it's held with other people, in June of 2021?

23 MR. NORTON: Yes.

24 THE COURT: Okay. With what bank?

1 MR. NORTON: It was U.S. Bank.

2 THE COURT: Okay. How many accounts do you have with
3 U.S. Bank?

4 MR. NORTON: Just the one.

5 THE COURT: Okay. Do you have two debit cards?

6 MR. NORTON: No.

7 THE COURT: Do you have a debit card?

8 MR. NORTON: Yes.

9 THE COURT: Do you have more than one debit card?

10 MR. NORTON: No, your Honor.

11 THE COURT: Okay. Have you ever used more than one
12 debit card?

13 MR. NORTON: Yes, your Honor.

14 THE COURT: Okay. Is there a reason why you might have
15 used debit cards with different numbers at the same time?

16 MR. NORTON: Yes, there was, your Honor.

17 THE COURT: What is that? What is that?

18 MR. NORTON: I had full power of attorney over my
19 father and I would just use his to go like pay his utility
20 bills, like his gas, electric. I would just use his coming
21 out of his account.

22 THE COURT: Well, Counsel says you used two different
23 debit cards at the liquor store. Did you?

24 MR. NORTON: There was a moment in time in which there

1 was a break from one card to the break of the other, and
2 that was when I filed my motion for discovery back a couple
3 of months ago because of --

4 THE COURT: Okay. Hang on.

5 MR. NORTON: I have --

6 THE COURT: Let's refocus. So are you telling me that
7 you did use two different debit card numbers at the liquor
8 store?

9 MR. NORTON: If I may clarify, your Honor?

10 THE COURT: Okay.

11 MR. NORTON: When I found out he accessed --

12 THE COURT: No, you may not qualify. Tell me, did you
13 ever use two different credit card -- or debit card numbers,
14 I should say, at the liquor store?

15 MR. NORTON: Not simultaneously, your Honor.

16 THE COURT: Okay. But did you ever use two different
17 debit card numbers at the liquor store?

18 MR. NORTON: When I had the -- the first one switched
19 off because of theft, I got another one.

20 THE COURT: Okay. So the answer is yes, correct?

21 MR. NORTON: I have two separate ones. They were
22 consecutive, not concurrent.

23 THE COURT: I understand. So the answer is yes, is
24 that correct?

1 MR. NORTON: Yes.

2 THE COURT: Okay. Was that related to different
3 accounts or the same account?

4 MR. NORTON: Same account.

5 THE COURT: Okay. So you had -- though not
6 simultaneously, you have had two different debit cards
7 associated with the same account, is that what you are
8 telling me?

9 MR. NORTON: Three actually, your Honor.

10 THE COURT: Okay.

11 MR. NORTON: The very first one, my wallet fell out of
12 my pocket and I ran over it with a lawn mower so I had to
13 get another one.

14 THE COURT: Okay. So you have told me so far that you
15 have one bank account with U.S. Bank.

16 MR. NORTON: Yes.

17 THE COURT: Do you have any other accounts with your
18 name on it?

19 MR. NORTON: Not in the jurisdiction of the United
20 States, no.

21 THE COURT: Okay. That wasn't my question. Do you
22 have any other bank accounts with your name on it?

23 MR. NORTON: Yes.

24 THE COURT: Okay. With what entities are those

1 accounts, how many and with what entities are those
2 accounts?

3 MR. NORTON: I can't pronounce the name of the bank.

4 THE COURT: That's okay. You can tell me anyway.

5 MR. NORTON: It's a Swiss bank account.

6 THE COURT: Okay. So let's start with my first
7 question. How many other accounts do you have with your
8 name on it other than the one at U.S. Bank?

9 MR. NORTON: Did you clarify as primary or just access
10 to it?

11 THE COURT: I didn't ask any clarification, sir. I
12 have asked you to tell me how many other accounts do you
13 have with your name on it other than the one at U.S. Bank?

14 MR. NORTON: One.

15 THE COURT: One. And with what bank is that account
16 held?

17 MR. NORTON: I don't know how to pronounce that Swiss
18 name.

19 THE COURT: I don't care. Try.

20 MR. NORTON: It's one of the two in Switzerland, and it
21 was not my account actually.

22 THE COURT: Okay. Tell me the name of the bank.

23 MR. NORTON: I don't know what the name of it is. It's
24 like --

1 THE COURT: Frankly, I don't believe you. You just
2 told me you can't pronounce it, now you tell me you can't
3 remember it. That is inconsistent. Tell me the name of the
4 bank.

5 MR. NORTON: Well, I know it's not Royal Bank of
6 Switzerland. I know it's not that one.

7 THE COURT: Tell me the name of the bank.

8 MR. NORTON: I can't. I can't think of the name of the
9 bank.

10 THE COURT: I'll wait.

11 MR. NORTON: I don't know what the name -- I can't -- I
12 never could pronounce the name. It was some big, long Swiss
13 name that my wife set up 30 years or 25 years ago.

14 THE COURT: I'll wait.

15 MR. NORTON: And, your Honor, you are going to be
16 waiting a long time because I do not remember the name of
17 this bank.

18 THE COURT: Okay. Try.

19 MR. NORTON: It starts with an H.

20 THE COURT: There you go. It starts with an H.

21 MR. NORTON: I don't remember what it is -- what the
22 name of it is.

23 THE COURT: Maybe you can think of it a little more.

24 MR. NORTON: What's that, your Honor?

1 THE COURT: Why don't you think a little more.

2 MR. NORTON: I'm thinking because I have -- I haven't
3 touched that bank account in years, not since my wife died.

4 THE COURT: What's the name of the bank?

5 MR. NORTON: I don't know what the name of it is.

6 THE COURT: I don't believe you.

7 MR. NORTON: Whether you believe me or not is
8 irrelevant, your Honor, because if I can't recall it, I
9 can't, because I have not used the bank.

10 THE COURT: It's not irrelevant.

11 MR. NORTON: It was not my bank account originally.

12 THE COURT: What you don't understand, Mr. Norton, is
13 that it is not irrelevant because it is my job to judge your
14 credibility. And so the fact that I don't believe you means
15 that I find you not to be credible in answering this
16 question. So I need you to focus on what the name of the
17 bank account is.

18 MR. NORTON: Can I ask for a continuance so I can go
19 get this name because I don't know what it is.

20 THE COURT: No, because you were supposed to have
21 brought that already, Mr. Norton, and I found you to be
22 evasive. Now, what is the name of the bank?

23 MR. NORTON: It starts with an H, but I don't remember.

24 THE COURT: Think again.

1 MR. NORTON: It's the offshoot, if I remember right,
2 the American version of that, but they call it something
3 completely different here, but I don't have access to the
4 one here. It's an offshoot of HSBC. I think HSBC in the
5 United States is actually an offshoot of that bank, but they
6 are actually -- I can't walk into an HSBC and use it.

7 THE COURT: I see. Okay.

8 MR. NORTON: I do not have a debit card to use it any
9 more.

10 THE COURT: I see. So you have an account with a Swiss
11 bank, is that correct?

12 MR. NORTON: I am on as a person that has access to it.

13 THE COURT: I don't know what that means.

14 MR. NORTON: It was originally my late wife's, your
15 Honor, because she was not a U.S. Citizen.

16 THE COURT: Okay. When did she die?

17 MR. NORTON: June 3, 2003.

18 THE COURT: I see. Okay. Do you have any other
19 accounts at any other bank besides the Swiss bank and U.S.
20 Bank?

21 MR. NORTON: No. No.

22 THE COURT: Okay. What else do you want, Counsel?

23 MR. HANLON: Listed on the citation was deeds to
24 property.

1 THE COURT: Okay. What specific property? If you have
2 a particular --

3 MR. HANLON: 1834 Roberts Street, Wilmington.

4 THE COURT: Are you looking for a deed to any other
5 property?

6 MR. HANLON: No, your Honor.

7 THE COURT: I see. May I inquire, have you yourself
8 ascertained whether or not there has been anything filed
9 with the recorder's office in Mr. Norton's name?

10 MR. HANLON: No, I have not found anything in
11 Mr. Norton's name.

12 THE COURT: What is the last deed that you on a good
13 faith belief understand to be issued on that property?

14 MR. HANLON: My recollection is either '71 or '73 to
15 Donald and Therese Norton.

16 THE COURT: I see. Okay. Mr. Norton, sir --

17 MR. NORTON: Yes, your Honor.

18 THE COURT: -- is there a deed to the property in the
19 name of anyone other than Donald and Therese Norton?

20 MR. NORTON: No, there isn't, your Honor.

21 THE COURT: Do you have a copy of the deed?

22 MR. NORTON: No, your Honor.

23 THE COURT: I see. Did your father have a copy of the
24 deed?

1 MR. NORTON: Yeah, he had one, yeah.

2 THE COURT: What happened to all your dad's paperwork?

3 MR. NORTON: I think it's all stuck in a safe.

4 THE COURT: What safe?

5 MR. NORTON: The one that's still sitting in the living
6 room.

7 THE COURT: Where you live?

8 MR. NORTON: It's there right in front of me, yes.
9 It's where I reside, your Honor. I don't live there.

10 THE COURT: Yeah, okay. What's the next thing you
11 want?

12 MR. HANLON: Judge, I think that's the full list that
13 was on the original citation.

14 THE COURT: Okay. Well, I need to know specifically,
15 Counsel, because you are about to, I think, address these
16 issues with me and I would like to know specifically what
17 your good faith belief is as to anything else that we are
18 looking for here.

19 MR. HANLON: Well, Judge, he's just articulated that he
20 has a safe and contents. He has not disclosed any firearms,
21 and with respect to the firearms --

22 THE COURT: That's not the subject of the order -- the
23 original order, so, no.

24 MR. HANLON: It was not, Judge.

1 THE COURT: That's it?

2 MR. HANLON: Yes.

3 THE COURT: So let me ask you a question. You
4 obviously have not -- oh, you haven't mentioned anything
5 about pay stubs or proof of income. Are you looking for
6 that?

7 MR. HANLON: Yes, your Honor.

8 THE COURT: Okay. What specifically are you looking
9 for?

10 MR. HANLON: Any proof of his income from his work with
11 Mr. Spinelli.

12 THE COURT: Okay. Do you have any reasons to believe
13 that there is anything in writing that hasn't been provided
14 to you?

15 MR. HANLON: What I know is Mr. Norton has on numerous
16 occasions been working for Mr. Spinelli.

17 THE COURT: So what time frame is it that you are
18 looking for?

19 MR. HANLON: The last six months, Judge.

20 THE COURT: Okay. Mr. Norton, sir, have you been paid
21 by Mr. Spinelli in any form in any way for any work you've
22 done for him in the last six months?

23 MR. NORTON: Yes, your Honor.

24 THE COURT: Okay. Let's start with the types of income

1 that you have received from Mr. Spinelli.

2 MR. NORTON: He bought me a carton of cigarettes once,
3 a couple cases of Pepsi. He's given me some cash to go --
4 to run over and just go get it myself.

5 THE COURT: Okay. Cash? How much?

6 MR. NORTON: Yeah. Say again?

7 THE COURT: How much?

8 MR. NORTON: 10 to \$20 range.

9 THE COURT: How often?

10 MR. NORTON: I can make a carton of Pepsi stretch out
11 about two weeks.

12 THE COURT: Pardon me?

13 MR. NORTON: I can make a carton of Pepsi stretch out
14 two weeks.

15 THE COURT: That wasn't my question. How often have
16 you been paid cash by Mr. Spinelli in the last --

17 MR. NORTON: Sometimes it was --

18 THE COURT: Please let me finish my question,
19 Mr. Norton.

20 MR. NORTON: Sorry, your Honor.

21 THE COURT: How often have you been paid in cash in the
22 last six months by Mr. Spinelli?

23 MR. NORTON: Right around about every ten to 12 days.

24 THE COURT: So how often would that be?

1 MR. NORTON: I said on occasion, intervals of about ten
2 to 12 days.

3 THE COURT: Okay. So over the last six months, how
4 many times do you estimate you have been paid in cash by
5 Mr. Spinelli?

6 MR. NORTON: Six months, that would probably be about
7 four or five times. If a month is four weeks -- actually,
8 no, you're right. Six, seven -- maybe about 12 times. I
9 had the math reversed in my head.

10 THE COURT: Okay. At any time that you received
11 payment from Mr. Spinelli, whether that be in a monetary
12 fashion or payment by giving you anything in particular,
13 have you received anything in writing to commemorate,
14 acknowledge or a receipt for that type of payment?

15 MR. NORTON: No.

16 THE COURT: Have you ever received any kind of pay stub
17 from Mr. Spinelli?

18 MR. NORTON: No.

19 THE COURT: Have you ever received any kind of check
20 from Mr. Spinelli?

21 MR. NORTON: No.

22 THE COURT: Have you ever received any kind of
23 withdrawal slip or any deposits to your account that were
24 made by Mr. Spinelli?

1 MR. NORTON: No.

2 THE COURT: Okay. What else?

3 MR. HANLON: That would be it, your Honor.

4 THE COURT: Okay. So here we are. I had extended the
5 time period for Mr. Norton to comply with the original order
6 for documents, and I had set today's date for you to conduct
7 your examination under oath. My question for you, Counsel,
8 is whether you wish to begin your examination today or
9 whether you still need any documents in order to conduct
10 that examination? And that is a decision that only you can
11 make. I don't make that for you.

12 MR. HANLON: I need the documents, Judge.

13 THE COURT: Okay. So insofar as you need the
14 documents, I have to make a determination as to what
15 documents I believe, based upon the testimony that has been
16 presented today, could have been provided by Mr. Norton but
17 that he did not do so, and then I will make a decision as to
18 whether or not I am going to modify any purge order to
19 increase the coercive effect of the Court's orders for you
20 to obtain those documents. So with regard to tax returns,
21 what is your argument, if you have any?

22 MR. HANLON: He's acknowledged on one hand that he
23 filed a tax return and then retracted that. He has an
24 employer. Tax returns are an obligation, you know, to be

1 filed.

2 THE COURT: Okay. Can you explain to me your good
3 faith basis to believe that his employer may have given him
4 pay stubs or anything that would have led to any kind of
5 withholding, that would have led to any kind of tax returns?
6 I don't know much about you or your opponent here, so on
7 what basis do you have that there was, in fact, some tax
8 documents that were initiated?

9 MR. HANLON: Mr. Norton's prior -- or his employer,
10 Mr. Spinelli, testified in a prior court hearing, that he
11 was his employer.

12 MR. NORTON: Objection.

13 THE COURT: Overruled. And so in what capacity?
14 Again, I don't know anything about you.

15 MR. HANLON: I appreciate that, Judge. Judge, I am
16 here obviously just as Counsel here.

17 THE COURT: I understand that. I don't know anything
18 about you, meaning both of you. That's what I meant. I
19 don't know anything about Mr. Spinelli's testimony or what
20 he may or may not have employed allegedly Mr. Norton to do.

21 MR. HANLON: Yes.

22 THE COURT: I understand that you have what you believe
23 to be a good faith belief that Mr. Norton was, in fact,
24 employed by Mr. Spinelli, but in what capacity? In what

1 way? Can you explain to me?

2 MR. HANLON: Judge, on October 24, 2019, in the matter
3 of Forsythe versus John Norton, case number 2019 OP 1740,
4 Mr. Norton acknowledged that he had a pension, also
5 acknowledged that he receives income from the federal
6 government, and also acknowledged that if called as a
7 witness in that case, his employer, Mr. Spinelli --

8 THE COURT: I'm sorry, the last part was what?

9 MR. HANLON: That Mr. Norton called his employer,
10 Mr. Spinelli, to testify that -- and he actually
11 contradicted his own testimony --

12 THE COURT: Again, Mr. Hanlon, please don't make this
13 more complicated than it already is.

14 MR. HANLON: Yes, Judge.

15 THE COURT: So Mr. Norton called Mr. Spinelli as a
16 witness in that proceeding?

17 MR. HANLON: Yes.

18 THE COURT: Because Mr. Spinelli was his employer?

19 MR. HANLON: Yes, Judge.

20 THE COURT: And so inform me again in what capacity was
21 Mr. Norton employed with Mr. Spinelli? What does
22 Mr. Spinelli do? Can you tell me?

23 MR. HANLON: At the time he was full time but did
24 comment that he previously had him as a part time employee.

1 MR. NORTON: Again, lack of evidence, your Honor.

2 THE COURT: Overruled. Again, what does the man do for
3 a living?

4 MR. HANLON: Oh, Mr. Norton is employed by a landscape
5 company that is run by Mr. Spinelli.

6 THE COURT: What's the name of the landscape company?

7 MR. HANLON: I don't know, Judge. He articulated that
8 he works for him doing lawn mowing for Mr. Spinelli.

9 THE COURT: Okay. And that was in the 2019 proceeding,
10 is that correct?

11 MR. HANLON: That's correct, Judge.

12 THE COURT: I see. And what is your good faith belief
13 as to where this landscaping business is located?

14 MR. HANLON: Because I have photographic evidence of
15 Mr. Norton --

16 THE COURT: Where is it located?

17 MR. HANLON: Wilmington, Illinois.

18 THE COURT: Thank you. Have you ever looked into
19 whether or not Mr. Spinelli has a named business either as a
20 d/b/a or a corporation?

21 MR. HANLON: I have found nothing.

22 THE COURT: Okay. And getting back to the tax return
23 issue here. So your argument is is that there is an
24 existing tax return that has not been provided to you for

1 which years?

2 MR. HANLON: 2019, 2020.

3 THE COURT: Okay. And your belief that there was one
4 for 2019 is based upon the fact that he had done some
5 landscaping work -- that Mr. Norton had done some
6 landscaping work for Mr. Spinelli?

7 MR. HANLON: Mr. Spinelli testified that he was an
8 employer.

9 THE COURT: I see.

10 MR. HANLON: And him being an employer would have had
11 to have maintained records as to his employment.

12 THE COURT: Well, that doesn't necessarily mean that
13 Mr. Norton filed a tax return. Mr. Norton testified under
14 oath today that he didn't file a tax return for 2019, so why
15 should I not accept that to be true?

16 MR. HANLON: Judge, the only thing I can say is that
17 Mr. Norton's testimony is incredible in any way, shape or
18 form, ostensibly because he's taken the position that he has
19 no income, you know, of any sort, then he testifies that he
20 filed a tax return, then he said he didn't file a tax
21 return.

22 THE COURT: Well, I will say that Mr. Norton's
23 testimony is quite evasive and at times not believable. He
24 was not inconsistent with regard to whether he filed a tax

1 return for 2019. He emphatically said no. His wavering
2 occurred with regard to whether or not there was a tax
3 return filed for tax year 2020. So, again, it may be -- you
4 know, he's testified under oath and under penalty of
5 perjury, I would point out, that he did not file a tax
6 return for 2019.

7 MR. HANLON: Judge, if I may, I believe --

8 THE COURT: So the point here is that I have to make a
9 determination as to whether or not he has those documents to
10 give you, and he said no, and other than the fact that he
11 may have had employment in tax year 2019, I'm not so certain
12 that that shows me that he actually filed the tax return.

13 So what else do you got?

14 MR. HANLON: Judge, I'm looking at the transcript from
15 June 10, 2020 -- I'm sorry, 2021 in this courtroom. I
16 believe he made a statement. I'm looking for the statement.

17 THE COURT: Okay.

18 MR. HANLON: Judge, I was mistaken. Nothing else.

19 THE COURT: Okay. Thank you. So moving on to the next
20 topic. With regard to the Ford Escape, what documents do
21 you believe that Mr. Norton has the ability to provide you
22 but has failed to do?

23 MR. HANLON: The insurance card for the vehicle and the
24 title and registration for the vehicle.

1 THE COURT: Okay. With regard to the home at 1834
2 Roberts Street, what documents do you believe that
3 Mr. Norton has the ability to provide to you but has not
4 done so?

5 MR. HANLON: The insurance policy and the deed.

6 THE COURT: With regard to the bank statements, what
7 information do you believe that Mr. Norton has the ability
8 to provide to you and has not done so?

9 MR. HANLON: All the bank statements for the accounts
10 that he referenced upon examination.

11 THE COURT: You mean the U.S. Bank account and the
12 Swiss bank account?

13 MR. HANLON: That's correct, your Honor.

14 THE COURT: With regard to any proof of income or pay
15 stubs, what information do you believe that Mr. Norton has
16 the ability to provide you but has not done so?

17 MR. HANLON: Other than what I have already mentioned,
18 nothing, Judge.

19 THE COURT: Okay. So, Mr. Norton, sir, the question
20 here for me to determine is whether or not you had the
21 ability to provide these documents at issue, and if you did
22 have the ability to provide them, to modify your purge for
23 the contempt to enter further coercive order intended to
24 force you to provide the documents. With regard to your

1 income tax returns for 2019 and 2020, do you have any
2 argument or evidence or testimony that you wish to present
3 on that issue?

4 MR. NORTON: Your Honor, I do not have a 2020 because
5 -- or a 2020 because I got confused, because we're in 2021,
6 I was going to put in for 2021, which I haven't done it yet,
7 because this year hasn't run out and go back and get the
8 Covid payments which they said you can file on the 2021. We
9 are not through 2021 yet. So for 2019, 2020 there is none
10 because I had nothing to list for income. So there is no
11 2019, 2020 because the Covid payments didn't come out until
12 late 2020.

13 THE COURT: Mr. Norton, either you filed a tax return
14 for 2019 and 2020, that is tax years 2019 or 2020, or you
15 didn't.

16 MR. NORTON: I didn't. I didn't.

17 THE COURT: You've already testified that you didn't
18 file one for 2019, so if you perjured yourself, you've got
19 some issues, but you testified to that. You equivocated
20 with regard to whether or not you filed a tax return for tax
21 year 2020. What are you telling me now?

22 MR. NORTON: I hadn't filed one. I had not filed one.
23 I got my years confused. Because of this --

24 THE COURT: Mr. Norton, let' be clear. You remain

1 under oath.

2 MR. NORTON: Yes, your Honor.

3 THE COURT: Did you file a tax return for tax year
4 2020?

5 MR. NORTON: No. No, your Honor.

6 THE COURT: With regard to your ability to provide the
7 insurance card and the registration and title for the 2002
8 Ford Escape, do you have anything else you wish to tell me
9 or argue with regard to that? Remember, you are under oath.

10 MR. NORTON: Yes, your Honor. That is not my documents
11 to provide because they are not in my name, so I am under no
12 obligation to give somebody else's evidence who is not a
13 party to this case.

14 THE COURT: Okay. What about the deed to the home and
15 the insurance policy for the home?

16 MR. NORTON: Same as the vehicle, your Honor. It's not
17 in my name and it's not my documents to hand over to anybody
18 else.

19 THE COURT: I see.

20 MR. NORTON: There are laws to prevent that from me
21 going out -- it's like stealing attorney Hanlon's ID and
22 then handing it over to you. That would be the same thing.
23 It's not mine to hand over.

24 THE COURT: I see. What about the bank records for the

1 U.S. Bank account and the Swiss bank account?

2 MR. NORTON: Swiss bank account hasn't been used in
3 about 18 years roughly.

4 THE COURT: You told me --

5 MR. NORTON: Because that was my wife's. That was my
6 wife's. It was not mine.

7 THE COURT: I see. So why is it that you can't provide
8 documents for it?

9 MR. NORTON: Because I don't know where they are. I
10 haven't seen anything from that bank in probably almost 18
11 years.

12 THE COURT: I see.

13 MR. NORTON: I don't --

14 THE COURT: I see. What about your U.S. Bank account?

15 MR. NORTON: That I objected to because I am not going
16 to hand over personal financial information to him. You,
17 your Honor, yes. If you want me to file it as a
18 confidential briefing, yes, I will hand it over, let you
19 look at it, but not him because there is no law that says he
20 has to see my detailed things. Like I said, that falls
21 under the Privacy Act of 1974, plus there is U.S. banking
22 laws that prevent just anybody can go in and see what my
23 banking details is. If I went to a liquor store and bought
24 a bottle of rum, there is no need for him to have that

1 information on what my personal spending habits are.

2 THE COURT: Okay. Show that I find that you have the
3 ability but that you have refused to provide the insurance
4 card, title and registration for the 2002 Ford Escape. Show
5 that I find that you had the ability but you have refused to
6 provide the homeowner's insurance policy and the deed for
7 1834 Roberts Street in Wilmington. Show that I further find
8 that you have the ability but you have refused to provide
9 the bank statements for U.S. Bank account and your Swiss
10 bank account.

11 Let me be clear that I am specifically ordering
12 Counsel that upon his receipt of those bank statements, that
13 he is not to disclose those to anyone other than himself for
14 purposes of the litigation here in this case. I find that
15 you have failed to provide that information and you had the
16 ability to do that, so I am going to impose a jail sanction
17 on you. The jail sanction is for an indeterminate term.
18 That means that I am going to impose the jail sanction in
19 order to force you to comply with the documents. I don't
20 want to put you in jail to force you to comply with
21 providing these documents, but I find that you have
22 obstructive behavior and that you have failed to do so.

23 The indeterminate jail sanction will be issued
24 today as a modification to the purge, however, I will stay

1 the mittimus; that is, I will stay the imposition of that
2 jail sanction for a one-week date. So one week from today
3 -- actually, let me check my calendar and make sure that one
4 week is good. One week is fine. So I am going to stay that
5 jail sanction until Monday, August 2nd at 1:30 p.m. You are
6 to report here to this courtroom for purposes of the
7 execution of the mittimus on that jail sanction.

8 MR. NORTON: What day was that, your Honor?

9 THE COURT: If you have provided those documents by
10 that date, then there will be no further need for me to have
11 any coercive action in this case, however, if you do not
12 have those documents on hand by that date, I will impose the
13 mittimus; that is, I will have the mittimus executed and you
14 will remain in the Will County Adult Detention Facility
15 until you provide those documents. So I am not imposing a
16 specific sanction for purposes of punishment, but I am
17 finding that it is necessary to impose a jail sanction in
18 order to force you to come up with these documents that are
19 necessary for this proceeding.

20 So I am, again, staying the jail sanction until
21 Monday. If you have those documents by then, there won't be
22 a need for me to further have any jail sanction in this
23 case. If you come in on Monday and you don't have the
24 documents nor a reasonable, believable reason why not, then

1 I am going to have to execute the mittimus and then I will
2 continue the matter until you comply and have those
3 documents provided. So, again, the coercive sanction in
4 this case is a jail sanction for an indeterminate period of
5 time until those documents are provided.

6 Mr. Hanlon, I need you to hand write an order for
7 me this afternoon indicating that the Court finds that
8 Mr. Norton has had the ability to but has refused to provide
9 the insurance card title and registration for the vehicle,
10 the homeowner's insurance policy and deed for the vehicle,
11 and the bank records for the U.S. Bank and Swiss bank
12 accounts, and that as a result, the purge is modified to
13 require a jail sanction of an indeterminate period in order
14 to force him to provide those documents for purposes of the
15 citation proceeding, and that the mittimus is stayed on that
16 jail sanction until Monday.

17 Should the Court determine that it is necessary to
18 execute the mittimus on Monday, Mr. Norton will remain
19 incarcerated until there is compliance with the underlying
20 order that has been violated. We will enter and continue
21 the hearing on the citation as well. Thank you.

22 MR. HANLON: Very well.

23 MR. NORTON: What was the date of this, your Honor?

24 THE COURT: Monday.

1 MR. NORTON: What's Monday?

2 THE COURT: The 2nd.

3 MR. NORTON: Oh. At what time, your Honor?

4 THE COURT: 1:30.

5 MR. NORTON: I have to be in another courtroom on that
6 same day and I think around that same time, your Honor.

7 THE COURT: What courtroom is that, sir?

8 MR. NORTON: That will be -- one second.

9 THE COURT: Do you have a case number?

10 MR. NORTON: Yes, your Honor.

11 THE COURT: Okay.

12 MR. NORTON: 21 AR 549.

13 THE COURT: Well, that will be convenient for you then,
14 sir. That hearing is at 9:00 a.m. and my hearing is at
15 1:30.

16 MR. NORTON: Okay. I wasn't sure of the exact -- I
17 couldn't remember which time it was.

18 THE COURT: That's okay. So please wait. Counsel is
19 going to prepare a written order with regard to this
20 matter. Thank you.

21 (Brief pause.)

22 THE COURT: Thank you.

23 MR. HANLON: Your Honor.

24 THE COURT: Yes.

1 MR. HANLON: With respect to the specific language, I
2 just wanted to make sure that I have it correct. Could I
3 ask the Court to repeat for me what you had specifically
4 instructed me to include in the order?

5 THE COURT: Please include in the order that the Court
6 finds that Mr. Norton has the ability to but has failed to
7 provide the following list of information and documents in
8 response to the citation proceeding, even after an extension
9 of the time period following the finding of indirect civil
10 contempt, and the Court modifies its purge order to provide
11 that the following documents be tendered in order to purge
12 himself from contempt.

13 They are, number one, the insurance card, title
14 and registration for the vehicle. Number two -- and specify
15 the vehicle, please. Number two, the insurance policy and
16 deed for the house, and specify the address. And number
17 three, bank statements with regard to the U.S. Bank and
18 Swiss bank accounts. That those documents, in order to
19 purge Mr. Norton from the contempt finding, those documents
20 must be provided to you. That the Court finds that a jail
21 sanction -- an indeterminate jail sanction is necessary to
22 force compliance with the Court's order to provide said
23 documents, and that the Court imposes the indeterminate jail
24 sanction but stays the issuance of the mittimus until August

1 2nd at 1:30 p.m.

2 MR. HANLON: Your Honor, as I drafted the order, I
3 broke out the insurance policy and then the title into
4 different specific line items so that each line item would
5 match to your order.

6 THE COURT: Okay.

7 MR. HANLON: So as opposed to the insurance policy and
8 title and registration of the Ford, I put insurance policy
9 on the Ford, title and registration on the Ford.

10 THE COURT: That's okay.

11 MR. HANLON: Okay.

12 MR. NORTON: Your Honor, I just remembered the name of
13 the --

14 THE COURT: Sir, if I may? The hearing is done. So
15 once you are done getting the order, we will see you back on
16 Monday. Thank you.

17 MR. NORTON: Yes, your Honor.

18 MR. HANLON: Here is the order.

19 MR. NORTON: What's this word here? I can venture a
20 guess, but what is the word?

21 MR. HANLON: The ability to provide, colon.

22 MR. NORTON: Colon.

23 MR. HANLON: Would you like me to read the whole thing
24 out loud?

1 MR. NORTON: No. No. I will tell you right now you
2 can't get that, because that bank account is not even two
3 years old.

4 THE COURT: Mr. Norton. Mr. Norton, if you have an
5 objection to the document, you should address me.

6 MR. NORTON: My apologies, your Honor. I object to
7 line E. That U.S. Bank account I got there is only less
8 than a year old.

9 THE COURT: Mr. Norton, I note your objection. I will
10 review the order and if I find it sufficient, I will sign
11 it. Do you have any other objections?

12 MR. NORTON: I am still going through this, your Honor.

13 THE COURT: Okay. Let me know.

14 MR. NORTON: Your Honor, line F.

15 THE COURT: Okay. What is your objection?

16 MR. NORTON: The Swiss bank account.

17 THE COURT: Hang on. Line F. What is your objection?

18 MR. NORTON: Like I said, I have not seen anything on
19 this account in over 15 years. I can't give you something I
20 don't have. It was not my account, as I stated.

21 THE COURT: What's your next objection?

22 MR. NORTON: Your Honor, I object to the order of the
23 page numbers is not correct. He's just got page one of and
24 then just page two of and then just page three.

1 THE COURT: Okay. I note your --

2 MR. NORTON: He doesn't have page one of three.

3 THE COURT: I note your objection. Do you have any
4 further objections?

5 MR. NORTON: Yes. Paragraph two, your Honor. I
6 clearly stated -- I object. It says willfully failed but
7 could have provided. I can't produce something that does
8 not exist, your Honor.

9 THE COURT: Do you have any further objections?

10 MR. NORTON: No, your Honor.

11 THE COURT: Thank you. May I have the orders? May I
12 review that, please?

13 MR. HANLON: Judge, because of the way that I drafted
14 it, paragraph three contains your language with respect to
15 modification and it's in reference to the above paragraphs.

16 THE COURT: Let me take a look. Thank you.

17 MR. NORTON: Your Honor, I could not hear what was
18 being said.

19 THE COURT: Counsel, if you could repeat that, please?

20 MR. HANLON: Yes, your Honor. I informed the Court
21 that the modification language the Court requested is found
22 in paragraph three because I had already started drafting
23 and I incorporated by reference the other paragraphs.

24 THE COURT: Thank you. Okay. I'm going to read it

1 into the record. It's a three-page order. Page one. This
2 cause comes on to be heard for hearing on purge of John
3 Norton's contempt of this Court. I'm going to add to it
4 indirect civil contempt on the finding of -- okay. This
5 cause comes on to be heard for hearing on purge of the
6 finding of John Norton's indirect civil contempt of this
7 Court. The Court fully -- I can't read this word.

8 MR. HANLON: Fully advised in the premises, Judge.

9 THE COURT: Advised. Okay. Thank you. The Court
10 fully advised in the premises, after sworn testimony of John
11 Norton, hereby orders and finds as follows: Number one,
12 this Court finds that John Norton had the ability to
13 provide, A, insurance policy on red 2002 Ford Escape; B,
14 title and registration to the 2002 red Ford Escape; C,
15 homeowner's insurance policy for 1834 Roberts Street,
16 Wilmington, Illinois; D, the deed to the property located at
17 1834 Roberts Street, Wilmington, Illinois. I am going to
18 add current.

19 MR. NORTON: On which part, your Honor?

20 THE COURT: Current deed to the property. E, bank
21 statements for John Norton's U.S. Bank account up to two
22 years -- up to the preceding two years. So anything within
23 the last two years. Bank statements for John Norton's Swiss
24 bank account up to the preceding two years. Also, up to the

1 preceding two years.

2 Paragraph two. The Court finds that John Norton
3 willfully failed but could have provided the documents
4 listed in paragraph one above, subsections A, B, C, D, E and
5 F.

6 Number three, in order to coerce John Norton to
7 comply with this Court's order, it modifies the conditions
8 to purge to include an indeterminate jail sanction until
9 John Norton provides the records shown in paragraph one
10 above as to items A, B, C, D and E and F to attorney Robert
11 Hanlon and this Court.

12 Number four, the jail sanction set forth herein is
13 stayed until August 2, 2021 at 1:30 p.m. I added the
14 sanction shall be lifted upon compliance with the production
15 order.

16 Number five, the citation proceeding is continued
17 for hearing to August 2, 2021, 1:30 p.m., Room 1002. John
18 Norton is ordered, as a condition of the purge, to comply
19 with the citation hearing. And I have signed that
20 three-page document.

21 MR. NORTON: Your Honor, could I make one more
22 objection?

23 THE COURT: No, you may not. The hearing is over.
24 Okay. I'm going to give you, Mr. Hanlon, the pink copies.

1 I'm going to ask you to tender the yellow copies to your
2 opponent, and I will see both of you gentlemen here one week
3 from today at 1:30 p.m.

4 MR. HANLON: Judge, can I put in the record that I am
5 tendering it to him now?


6 THE COURT: Show that I note that it is tendered now to
7 Mr. Norton. Thank you for your time, gentlemen. And if you
8 may exit the courtroom, please, so that my bailiff may lock
9 up the room.

10 MR. NORTON: Very well.

11 THE COURT: Thank you. Mr. Norton, sir, please exit
12 the courtroom. My bailiff needs to lock up the courtroom.
13 Thank you.

14 (AND THOSE WERE ALL THE PROCEEDINGS HAD.)

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STEVE VITHOULKAS
Official Court Reporter.