

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

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

5 CYNTHIA BRZANA and TIM GRANT,)
)
6 Plaintiffs,)
)
7 vs.) No. 19 CH 1143
)
8 WESLEY TOWNSHIP and WESLEY)
9 TOWNSHIP ROAD DISTRICT,)
)
 Defendants.)

10

11 REPORT OF PROCEEDINGS had at the hearing of the
12 above-entitled cause, before the HONORABLE BENNETT J. BRAUN,
13 Judge of said Court, on April 5, 2024.

14 PRESENT:

15 Mr. Daniel Olswang,
16 (Attorney at Law)
 on behalf of the Plaintiffs;

17 Mr. Robert Hanlon,
18 (Attorney at Law);

19 Mr. Matthew A. Hurd,
 (Attorney at Law)
 on behalf of the Defendants.

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23 ARLEEN GOMEZ
24 COURT SPECIALIST
 WILL COUNTY COURTHOUSE
 JOLIET, IL 60432

1 THE COURT: Anybody ready?

2 MR. HURD: Yeah.

3 THE COURT: 19 CH 1143. Brzana, Grant, Wesley
4 Township, 19 CH 1143.

5 Good morning.

6 MR. HURD: Good morning.

7 MR. OLSWANG: Good morning, your Honor.

8 Do you want to step up here?

9 THE COURT: No, I'd rather have you at the
10 lectern, frankly.

11 MR. OLSWANG: Okay. Let me --

12 THE COURT: Well, welcome aboard.

13 MR. HURD: Yeah.

14 MR. OLSWANG: Glad to be here, Judge.

15 Daniel Olswang, O-l-s-w-a-n-g, on behalf of
16 the plaintiff.

17 THE COURT: We'll see how long that lasts for,
18 okay?

19 You jumped on a grenade here, but I'm glad
20 you're in the case.

21 MR. OLSWANG: It seems so, Judge, yes.

22 THE COURT: Okay.

23 MR. HURD: And Matt Hurd on behalf of the
24 defendants, your Honor.

1 THE COURT: Thank you.

2 MR. HANLON: Your Honor, Robert Hanlon. I'm here
3 because I received, via improper service, a motion for
4 sanctions. I'm a sitting state's attorney, so I can't
5 regularly appear here in your court.

6 And so I believe that that's the only thing,
7 that I'm aware of, that pertains to me on your call.

8 And as the Court saw, this is a grenade kind of case. I
9 don't see it being resolved completely anytime soon.
10 Might I ask the Court to stay the defendant's motion for
11 sanctions until this case comes to its conclusion?

12 I should be out of office by that point in
13 time in which I could then fully participate with a full
14 breadth and the scope of the years that I litigated this
15 case, addressing these ridiculous counterclaims that
16 ultimately got dismissed after years of discovery abuses
17 by the defendants. And it seems to me that that's
18 appropriate.

19 I also note that Ms. Ambroziak had neuro
20 surgery earlier this week, and she's going to be out for
21 at least 12 weeks.

22 THE COURT: Okay. Well, let me put it this way.
23 If you have some complaint that you should not be part
24 of this motion, then there are ways of addressing that,

1 okay? But the fact that you're a public official at
2 this point is not going to, in any way, delay this case,
3 okay? Including the pending motion, okay?

4 You may need counsel to go ahead and address
5 the allegations. The allegations don't have anything to
6 do with your -- your present position. But I'm going to
7 expect that anybody who is named in that motion is going
8 to address it. And if they don't, it will be
9 potentially at their own peril, okay?

10 All right. So we need to set a hearing date
11 on this. If you've got a motion to strike, a motion to
12 stay as it pertains to you, I'm perfectly willing to
13 address that, okay?

14 Let's see now. Have you folks talked about
15 a hearing date?

16 MR. HURD: We prefer -- I think the first thing to
17 address is the rule to show cause, which is -- was up
18 last time, and your Honor held the hearing and was
19 continued to -- it was up in January --

20 THE COURT: Okay. Here's what I'm going to do,
21 okay? I've got a number of people on Zoom. I've got
22 other attorneys that are --

23 MR. HURD: Okay.

24 THE COURT: -- present in the courtroom. We'll

1 pass this to the end of the call, and then we'll figure
2 out where we're going on this.

3 MR. HURD: Thank you.

4 THE COURT: Okay. All right.

5 MR. OLSWANG: Judge, I just have somewhat of a
6 time commitment. I have to be in Rolling Meadows at
7 eleven, so...

8 THE COURT: I'm going to do my best to get you out
9 of here, okay?

10 MR. OLSWANG: Thank you. I appreciate that.

11 THE COURT: I don't think we're going to need a
12 lot of time on this. We just need to set a hearing
13 date, okay?

14 MR. HURD: Thank you.

15 THE COURT: And determine whether the rule is
16 going to issue or not.

17 Okay. Very good.

18 (Case passed and later recalled.)

19 THE COURT: Brzana and Wesley Township attorneys,
20 why don't you come on back up, okay?

21 MR. OLSWANG: Good morning again, your Honor.

22 THE COURT: Good morning.

23 MR. OLSWANG: Daniel Olswang for the plaintiff.

24 MR. HANLON: Good morning, your Honor.

1 Robert Hanlon, pro se.

2 THE COURT: Okay.

3 MR. HURD: Matt Hurd, your Honor, for the
4 defendants.

5 THE COURT: Thank you.

6 All right. First of all, regarding the
7 petition for rule, okay?

8 That's a verified petition, Mr. Hurd?

9 MR. HURD: No, it was not, your Honor.

10 THE COURT: All right. Well, that means you're
11 going to need to present some evidence in order to get a
12 rule to show cause issued.

13 MR. OLSWANG: Your Honor, I did not know this was
14 up today. I checked the docket. It looked like it was
15 set for status of the case and for the --

16 THE COURT: Yeah.

17 MR. OLSWANG: -- plaintiff to show up; she didn't
18 and I'm here and --

19 MR. HURD: Your Honor, if this matter was up --

20 THE COURT: Hold on. Hold on.

21 First of all --

22 MR. HURD: Okay.

23 THE COURT: -- number one rule, don't --

24 MR. HURD: Okay.

1 THE COURT: -- interrupt each other, okay?

2 MR. HURD: Sorry.

3 THE COURT: All right. That's my number one pet
4 peeve.

5 MR. OLSWANG: Okay.

6 THE COURT: Okay. Because, otherwise, this might
7 as well just be a conversation out on the --

8 MR. HURD: Okay.

9 THE COURT: -- street, okay?

10 It's your record. I'm sure you want a good
11 one. And when, folks, you interrupt each other, it
12 causes a problem, okay?

13 All right. Let's see now. You know, I
14 mentioned the last time, or implied the last time, that
15 I thought this motion filed as a petition for rule was
16 really kind of mischaracterized and it's more in the
17 nature of a motion for sanctions, and you have filed
18 that since then. I'm not -- I mean, the -- you know, I
19 asked the last time around, "Is it a petition for
20 indirect civil contempt? Is it direct civil contempt?"
21 And I don't think I really got an answer on that. So I
22 thought, when you filed the motion for sanctions, that
23 that was essentially what you were going to proceed on
24 instead of the petition for rule.

1 MR. HURD: Can I remind your Honor as to one thing
2 you said?

3 THE COURT: Go ahead.

4 MR. HURD: So, first of all, you ordered Tim Grant
5 here today. You've ordered Tim Grant here at the last
6 hearing. He has showed up to neither. Tim Grant did
7 not show up for his deposition. It was barred. I asked
8 for Tim Grant to be dismissed then and I asked Tim Grant
9 to be dismissed the last time, and you said you would
10 take care of it this time. So since Mr. Grant has shown
11 no interest in this litigation, I'd ask that he be
12 dismissed.

13 THE COURT: Okay. Well, let's go back to the
14 issue as far as the rule and the --

15 MR. HURD: Okay.

16 THE COURT: -- and the motion for sanctions.

17 MR. HURD: You said last time --

18 THE COURT: Hold on. Hold on.

19 MR. HURD: Okay.

20 THE COURT: Okay. First of all, is there any
21 objection -- Mr. Hanlon has got an objection to setting
22 the petition for sanctions as it pertains to him, and
23 I'm -- and I want to hear him out on that.

24 What about -- let's see now. Mr. Olswang,

1 you represent just Cynthia?

2 MR. OLSWANG: If I need to file my appearance for
3 Mr. Grant, I will as well, your Honor. I didn't
4 realize -- that was made in my --

5 THE COURT: Well --

6 MR. OLSWANG: -- mistake.

7 THE COURT: Well, that's up to you.

8 MR. OLSWANG: Yes. No, no, and I will --

9 THE COURT: Okay. If you're telling me you're
10 going to file an appearance for him, then I'll give you
11 a bit of time to do that, and we'll set all this for
12 hearing.

13 Your client is here today?

14 MR. HURD: Yes.

15 THE COURT: Okay. All right. Is there any
16 objection, other than by Mr. Hanlon, to setting the
17 motion for sanctions for hearing?

18 I'm not hearing one, okay.

19 MR. HANLON: Your Honor, may I just speak to that
20 for --

21 THE COURT: Yes.

22 MR. HANLON: -- a quick second?

23 THE COURT: Go ahead.

24 MR. HANLON: A substantial portion on that motion

1 is directed at a person who wasn't properly served.
2 Ms. Ambroziak's appearance has been gone for more than
3 30 days from the time that the order was entered
4 allowing her to leave. They sent an e-mail, which they
5 copied me on, with respect to service on her. I know
6 that she had neuro surgery this week, so I don't see how
7 she could possibly respond to any of this anytime soon.

8 And I can't -- I'm not speaking for her with
9 respect to that issue of service. And I, of course, am
10 not objecting to the service because I just assume, get
11 this done. However, I'm down to one person, which is me
12 in my office, to manage the entire docket for the entire
13 county, you know, until I get someone coming back into
14 my office. And today is actually the last day of my
15 assistant, who's moving to Champaign County.

16 MR. OLSWANG: Your Honor, if I may comment?

17 THE COURT: Yeah, go ahead.

18 MR. OLSWANG: I'm -- obviously, I'm going to need
19 the assistance -- well, assistance -- but I'm going to
20 need to work with Mr. Hanlon and with Ms. Ambroziak
21 because they're way more familiar with what went on over
22 four years of this case than -- I'm trying to play catch
23 up. So if Ms. Ambroziak is not available, that's going
24 to be problematic for me trying to respond on behalf of

1 my client and Mr. Grant.

2 MR. HURD: Your Honor, if I --

3 THE COURT: Well, Counsel, I think you get into
4 this case at your own peril.

5 MR. OLSWANG: Yes.

6 THE COURT: Okay?

7 MR. HURD: Can I add just one thing?

8 THE COURT: Go ahead.

9 MR. HURD: As the Court may recall, I have surgery
10 scheduled for April 17th.

11 THE COURT: Okay.

12 MR. HURD: I will be off my feet, on my back for
13 five weeks. And then --

14 THE COURT: Okay.

15 MR. HURD: -- with any luck at all, I'll be put in
16 a boot and then I can move.

17 THE COURT: Well, it sounds like nobody is in a
18 position to really go ahead on these motions. And I'm
19 not even sure about Mr. Hanlon's ability to represent
20 himself in an individual capacity, or whether
21 that's -- you know, that's up to him whether that's
22 advisable or not.

23 It seems to me that I should set this case
24 for a date after your surgery, Mr. Hurd. You can log in

1 on Zoom. And we'll see where Ms. Ambroziak is at at
2 that point, okay?

3 And with that being the case, I'm going to
4 give Mr. Olswang an opportunity to file an appearance
5 for Mr. Grant so that Mr. Olswang knows whether he's got
6 a client there and Mr. Grant knows whether he's got a
7 lawyer, okay?

8 Because, frankly, if I struck Mr. Grant's
9 complaint with an attorney here saying he intends on
10 filing an appearance for him, I think that would be
11 reversed so quickly our collected heads would spin,
12 okay?

13 So why don't you folks talk about an
14 appropriate date in late July. I don't need you
15 physically present in the courtroom. I would like to
16 get this case back on track. It is the -- one of the
17 oldest cases in the division and it's, I think, one of
18 the five or six oldest cases that I've got on my call.
19 And I do want to move this towards a conclusion, okay?

20 Mr. Hanlon, if you believe you're not
21 properly named in this petition or some of that, file
22 the appropriate motion. We'll deal with it. But we'll
23 give everybody a chance to get up to speed on this,
24 okay?

1 MR. HURD: Your Honor --

2 THE COURT: Yes.

3 MR. HURD: -- if I can just add?

4 THE COURT: Yeah.

5 MR. HURD: You said at the last hearing, after the
6 January hearing, you said you were going to bar
7 Ms. Brzana from testifying. Then at the February
8 hearing, you said, "Now, on the next court date, I'm
9 going to decide whether this rule should issue. And I
10 can't find any reason at this point, from what I've
11 heard, that the rule shouldn't issue. And we'll deal
12 with that that day or thereabouts and the reason why
13 this deposition hasn't taken place."

14 THE COURT: Okay. So what would you like me to
15 do?

16 MR. HURD: Your Honor, I would like Ms. Brzana to
17 be barred. I would like Mr. Grant to be barred. That
18 Ms. Brzana has failed to show up for four depositions.
19 She failed to show up at a court hearing the last time.
20 She's here this time.

21 THE COURT: Okay.

22 MR. HURD: Mr. Grant has failed to show up at the
23 court hearing the last time. He's failed to show up
24 this time.

1 THE COURT: Okay.

2 MR. HURD: I'm just making my record.

3 THE COURT: Okay. All right. Well, I'm not going
4 to do that today.

5 MR. HURD: Okay.

6 THE COURT: All right.

7 MR. OLSWANG: Judge, we could take any date in
8 July.

9 THE COURT: I mean, because frankly, for all I
10 know, counsel is going to talk to you out in the hall
11 and attempt to set a date for that deposition.

12 MR. HURD: And I would --

13 THE COURT: All right.

14 MR. HURD: -- strenuously object to that
15 deposition.

16 THE COURT: Okay. All right. Well, let me put it
17 this way. I don't think anybody is going to look kindly
18 on this if counsel gets into the case, is able to
19 present her for a deposition and I say, "Nope, too late.
20 Can't do it."

21 So I'll see you folks in July.

22 MR. HURD: And there's --

23 THE COURT: See if you can agree on a date. And
24 that's going to be to select a hearing date on these

1 motions, okay?

2 Strongly suggest you try to get that
3 deposition done or at least get it set in the meantime.

4 MR. HURD: So four times, the Court orders a
5 deposition; four times --

6 THE COURT: Don't ask a hypothetical question --

7 MR. HURD: Four times --

8 THE COURT: -- here, okay?

9 MR. HURD: -- the plaintiff does not show up --

10 THE COURT: Mr. Hurd, you don't get to interrupt
11 me.

12 MR. HURD: I wasn't.

13 THE COURT: All right?

14 MR. HURD: I was -- thought I had this floor.

15 THE COURT: And you don't get to ask me a
16 hypothetical question either, okay? That's -- you can
17 deal with that at your hearing on your motion for
18 sanctions.

19 Okay. All right. Yes?

20 MR. OLSWANG: So just to recap, we're going to
21 enter and continue both motions for setting of a hearing
22 date. It's someday in July.

23 THE COURT: Correct.

24 MR. OLSWANG: I'll get leave to file my appearance

1 for Mr. Grant. I will -- and we'll set a date in July.

2 That's -- anything else in the order?

3 THE COURT: Correct, okay.

4 And hopefully, Mr. Hanlon, your situation
5 will be able to be straightened away, okay? And we'll
6 go from there.

7 MR. OLSWANG: Any day of the week is okay with the
8 Court?

9 THE COURT: Yeah, any day of the week is fine.
10 There really aren't any dates in July that are bad.

11 MR. HURD: Would you like it on ten o'clock?

12 THE COURT: Let's do it at nine o'clock. I'm
13 assuming you're going to be online.

14 MR. HURD: Okay.

15 MR. OLSWANG: Can we -- can I appear at least on
16 Zoom?

17 THE COURT: You could -- you can all appear on
18 Zoom.

19 MR. OLSWANG: Okay.

20 THE COURT: Okay. And I'll just have all of
21 Wesley County in the courtroom, but no lawyers, okay?

22 All right. Or Wesley Township. Excuse me.
23 All right?

24 MR. OLSWANG: Thank you, Judge.

1 THE COURT: So that's fine. The only time I need
2 you physically present here in the courtroom is if it's
3 a contested matter.

4 MR. OLSWANG: Got it.

5 THE COURT: Okay. All right. So good luck to all
6 of you. Safe travels. Uneventful surgeries. We'll see
7 you folks in July.

8 MR. OLSWANG: Good.

9 Thank you, your Honor.

10 THE COURT: Okay. Thank you.

11 (End of proceedings.)

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I, Arleen Gomez, certify the foregoing proceedings to be a true and accurate transcript of the electronic recording of the proceedings of the above-entitled cause which recording contained a certification in accordance with rule or administrative order.



Court Specialist

Date: 04/09/2024