

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF DU PAGE)

3 IN THE CIRCUIT COURT OF DU PAGE COUNTY
4 FOR THE EIGHTEENTH JUDICIAL CIRCUIT OF ILLINOIS

5 DOROTHY M. HANLOCK,)

6 Plaintiff,)

7 vs.)

No. 2007-MR-1710

8 WINFIELD FIRE PROTECTION DISTRICT,)

9 PHILLIP J. SAAS, TRUSTEE;)

10 GEORGE T. KALLAS, TRUSTEE;)

11 GARY L. MUEHLFELT, TRUSTEE;)

12 WILLIAM R. THAR, TRUSTEE; and)

13 PHILLIP A. DiMENZA, FIRE CHIEF.)

14 Defendants.)

ORIGINAL

15 REPORT OF PROCEEDINGS had at the hearing
16 of the above-entitled cause, before the Honorable
17 KENNETH L. POPEJOY, Judge of said Court, recorded on
18 the DuPage County computer-based digital recording
19 system, on Monday, the 3rd day of December, A.D. 2007.

20 PRESENT:

21 KONEWKO & ASSOCIATES, LTD., by
22 MR. MICHAEL R. KONEWKO,

23 appeared on behalf of the Plaintiff.

24 MICKEY, WILSON, WEILER, RENZI & ANDERSSON, P.C., by
MR. BERNARD K. WEILER,

appeared on behalf of the Defendants.

1 took this petition. And we would not have accepted
2 service if this were something that we were trying to
3 duck, you know, and if it were anything other than a
4 good faith evaluation of what has to be done. We
5 accepted service on behalf of all of these defendants,
6 you know, and came here in time for this to be resolved.

7 THE COURT: Got it. Thank you.

8 And I do want to state for the record, and I
9 don't imply anything in Mr. Konewko's pleadings or in
10 subsequent arguments to mean this in any manner, but I
11 am not -- I did not find in my review of things
12 anything on behalf of the Fire Protection District that
13 was attempting to defraud the voters or do something
14 wrong with the voters, or this, that and the other.

15 And I'll be quite honest, the fact that
16 Mr. Weiler on behalf of the district was willing to
17 accept this, set this up for hearing, have all of this
18 done before the appropriate date of December 6, shows
19 to me that the Fire Protection District is -- it's
20 almost like, now that the plaintiff brought this,
21 everybody does want some type of declaratory relief:
22 Help us, tell us what we should or shouldn't do in this
23 regard. And I want that clearly stated for the record.

24 The Fire Protection District clerk could have

1 stood on their ground and said: No, we're not required
2 to respond to this within so many days after service of
3 the underlying mandamus action and everything else.
4 And it would have well taken us probably beyond
5 December 6th. But they didn't do that. And so I think
6 everyone is attempting to get a clear review by this
7 Court of what's appropriate.

8 And the question is, on today's date: Is it
9 appropriate to dismiss this cause of action for the
10 reasons referenced therein?

11 Now, Mr. Konewko, you may add anything you
12 wish to add above and beyond the content of your
13 pleadings.

14 MR. KONEWKO: Absolutely. First of all, as to Mr.
15 -- well, I've known Bernie for many years and there is --

16 THE COURT: As have I.

17 MR. KONEWKO: -- there is no question about his
18 truth and integrity and that nothing was there meant to
19 do that. So anyway, your Honor, after going through
20 this, your Honor, there are several things I do have
21 that I want to bring up to the Court.

22 First of all, when I put it to the propriety
23 of the motion, which is part of the 2-615, that was a
24 part, was it a 2-615(a) or 2-615(e), which is what I