

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141 TTY:217/782-1518
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, Illinois 60601
312/814-6440 TTY: 312/814-6431
Fax: 312/814-6485



BOARD MEMBERS
William M. McGuffage, Chairman
Jesse R. Smart, Vice Chairman
Harold D. Byers
Betty J. Coffrin
Ernest L. Gowen
Judith C. Rice
Bryan A. Schneider
Charles W. Scholz

EXECUTIVE DIRECTOR
Rupert T. Borgsmiller

AGENDA
State Board of Elections
Sitting as the Duly Authorized
State Officers Electoral Board
Tuesday, January, 2012
10:00 a.m.

James R. Thompson Center – Suite 14-100
Chicago, Illinois
and via videoconference
1020 South Spring Street
Springfield, Illinois

Call State Board of Elections to order.

1. Recess the State Board of Elections and convene as the State Officers Electoral Board.
2. Consideration of subpoena requests in connection with challenges to nominating petitions of established party candidates;
 - a) *Moore v. McCann*, 11SOEBGP102;
 - b) *Bruch/Marshall v. Navarro*, 11SOEBGP104;
 - c) *McSweeney v. Gaffney*, 11SOEBGP502;
 - d) *Harris v. Harris*, 11SOEBGP507.
3. Other business.
4. Recess as the State Officers Electoral Board until January 12, 2012 at 10:00 a.m. or until call of the Chairman whichever occurs first.
5. Reconvene as the State Board of Elections.
6. Other business.
7. Adjourn until January 12, 2012 at 10:00 a.m. or until call of the Chairman whichever occurs first.

December 28, 2011

David Herman
Hearing Examiner
1020 S. Spring St.
Springfield, IL 62704

RE: **11 SOEB GP 102**
Moore v. McCann

Dear Mr. Herman:

Objector-Petitioner requests the issuance of a subpoena for the attendance of witnesses at a discovery deposition.

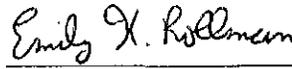
It is our understanding that K. Dwayne Williams of 304 S. Jenette Street in Buckner Illinois, Charles Tate of 14996 East Street in Whittington Illinois, and Eloise Corn of 307 Sunset Drive in Mcleansboro Illinois did not appear in person, nor in the presence of, the public notary who notarized their nomination petitions for Christopher McCann. Petitioner-Objector requests that a subpoena be issued for a discovery deposition for the aforementioned persons to appear and give a sworn statement regarding this matter.

This is within the Board's proper area of inquiry as it goes to the validity of the nomination petitions and the validity of the signatures located on the petitions in question. The aforementioned persons' sworn testimony in a discovery deposition would answer the issues surrounding these petitions in an efficient manner.

Finally, please find attached our copy of a subpoena we wish to be issued for each aforementioned person. If the subpoena is issued by the Board, I intend to have the deposition take place in the courthouse of the county in which the witness lives. Also, I have spoken with opposing counsel and have left the date and time of the deposition blank on the attached subpoena in order to accommodate his schedule.

Thank you.

Very truly yours,



Emily Rollman

14450 Rollman Road
Shawneetown, IL 62984

(618) 559-8810
emily.rollman@gmail.com

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 117th
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Lynn Moore,)
)
Petitioner-Objector,)
)
v.) No. 11 SOEB GP 102
)
Christopher McCann,)
)
Respondent-Candidate.)

SUBPOENA FOR DISCOVERY DEPOSITION

TO: Charles Tate 14996 East Street, Whittington, IL 62897

YOU ARE COMMANDED to appear to give your discovery deposition before a notary public at:

on _____, _____ at _____

**YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL
SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**

DATED _____, _____

Name Emily Rollman
Attorney for Petitioner-Objector
Address: 14450 Rollman Road
Shawneetown, IL 62984
Phone (618) 559-8810

I served this Subpoena by certified mailing, restricted delivery, return receipt requested a copy to Eloise Corn, 307 Sunset Drive, Mcleansboro, IL 62859 on _____, _____. I paid the witness \$ _____ for witness and mileage fees.

Signed and sworn before me this _____ day of _____, _____.

Notary Public

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 117th
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Lynn Moore,)
)
Petitioner-Objector,)
)
v.) No. 11 SOEB GP 102
)
Christopher McCann,)
)
Respondent-Candidate.)

SUBPOENA FOR DISCOVERY DEPOSITION

TO: Eloise Corn, 307 Sunset Drive, Mcleansboro, IL 62859

YOU ARE COMMANDED to appear to give your discovery deposition before a notary public at:

on _____, _____ at _____

**YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL
SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**

DATED _____, _____.

Name Emily Rollman
Attorney for Petitioner-Objector
Address: 14450 Rollman Road
Shawneetown, IL 62984
Phone (618) 559-8810

I served this Subpoena by certified mailing, restricted delivery, return receipt requested a copy to Eloise Corn, 307 Sunset Drive, Mcleansboro, IL 62859 on _____, _____. I paid the witness \$ _____ for witness and mileage fees.

Signed and sworn before me this ____ day of _____, _____.

Notary Public

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 117th
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Lynn Moore,)
)
Petitioner-Objector,)
)
v.) No. 11 SOEB GP 102
)
Christopher McCann,)
)
Respondent-Candidate.)

SUBPOENA FOR DISCOVERY DEPOSITION

TO: K. Dwayne Williams 304 S. Jenette Street Buckner, IL 62819

YOU ARE COMMANDED to appear to give your discovery deposition before a notary public at:

on _____, _____ at _____

**YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL
SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**

DATED _____, _____.

Name Emily Rollman
Attorney for Petitioner-Objector
Address: 14450 Rollman Road
Shawneetown, IL 62984
Phone (618) 559-8810

I served this Subpocna by certified mailing, restricted delivery, return receipt requested a copy to Eloise Corn, 307
Sunset Drive, Mcleansboro, IL 62859 on _____, _____. I paid the witness \$ _____ for witness
and mileage fees.

Signed and sworn before me this _____ day of _____, _____.

Notary Public

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL
ASSEMBLY FOR THE 117th REPRESENTATIVE DISTRICT OF THE STATE OF
ILLINOIS**

Lynn Moore,)	
)	
Petitioner-Objector,)	
)	
vs.	)	11 SOEBGP 102
)	
Christopher McCann,)	
)	
Respondent-Candidate.)	

CANDIDATE’S RESPONSE TO MOTION FOR ISSUANCE OF SUBPOENAS

Now comes the Candidate, Christopher McCann, and for his response to the Objector’s Motion for the Issuance of Subpoenas, states as follows:

The Objector asks for subpoenas to issue to K. Dwayne Williams, Charles Tate and Eloise Corn for their discovery depositions in this case on the theory that these individuals did not appear in person, nor in the presence of the public notary who notarized petitions that each circulated for the Candidate herein. The Candidate opposes this request on a number of grounds. First, oral discovery in this matter, which must be resolved quickly, is inappropriate. Given the exigent circumstances in cases such as this, scheduling three discovery depositions will be difficult, if not impossible, to do.

Second, the Objector has not sufficiently demonstrated a need for oral (or any) discovery. Objector offers no factual allegation to support her belief that these three circulators did not appear in person before a notary. At this point, the Objector belief is merely her belief, and nothing more. There is no way that this Board can properly evaluate the Objector’s request here on such a barren factual record. Indeed, this issue is not properly raised in the Objector’s

Petition and for this reason the request should be denied. The charge that these individuals did not appear before a notary is not set forth at all in the body of the Objector's Petition, but rather is made via small check marks on particular appendix recap pages. Because of the lack of factual basis for her charge, and her subpoena request, her request should be denied.

Finally, denial of this request will work no prejudice on the Objector. There are a variety of ways that the Objector can make her case without the depositions she asks for here. For these reasons, the Candidate urges this Board to deny the Objector's subpoena request.

Respectfully Submitted,

Christopher McCann,
Respondent-Candidate

By: /s/ John G. Fogarty, Jr. /s/
One of his attorneys

John W. Countryman
The Foster & Buick Law Group
2040 Aberdeen Ct.
Sycamore, IL 60178
(815) 758-6616 (office)
(815) 756-9506 (fax)
(815) 761-3806 (cell)
jcountryman@fosterbuick.com

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647 (office)
(773) 681-7147 (fax)
(773) 680-4962 (mobile)
john@fogartylawoffice.com

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL
ASSEMBLY FOR THE 117th REPRESENTATIVE DISTRICT OF THE STATE OF
ILLINOIS**

Lynn Moore,)	
)	
Petitioner-Objector,)	
)	
vs.	)	11 SOEBGP 102
)	
Christopher McCann,)	
)	
Respondent-Candidate.)	

NOTICE OF FILING AND SERVICE

To: Dave Herman, by email to dherman@giffinwinning.com
Emily Rollman, by email to Emily.rollman@gmail.com
John Countryman, by email to jcountryman@fosterbuick.com
State Board of Elections by email to ssandvoss@elections.il.gov

Please take notice that on December 30, 2011, prior to 12:00 Noon, the undersigned e-mailed to the individuals listed above the Candidate's Response to the Objector's Motion for the Issuance of Subpoenas, a copy of which is attached hereto and is served upon you.

/s/ John G. Fogarty, Jr. /s/
John G. Fogarty, Jr.

Proof of Service

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail to them at the above addresses prior to 12:00 Noon on December 30, 2011.

/s/ John G. Fogarty, Jr. /s/
John G. Fogarty, Jr.

Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647 (phone)
(773) 680-4962 (cell)
(773) 681-7147 (fax)
john@fogartylawoffice.com

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 117th
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS**

Lynn Moore,)	
)	
Petitioner-Objector,)	
)	
v.	)	File No. 11 SOEB GP 102
)	
Christopher McCann,)	
)	
Respondent-Candidate.)	

Rule 8 Subpoena Recommendation

THIS MATTER coming on for recommendation on the Request of Objector to issue subpoenas and the Hearing Examiner states as follows:

I. Facts and Procedural History

Objector filed her Verified Objector's Petition on December 12, 2011.¹ Objector timely submitted a request for the issuance of subpoenas for the attendance of three witnesses at discovery depositions.² Objector seeks to take the discovery depositions of K. Dwyane Williams, Charles Tate, and Eloise Corn to determine whether they actually appeared before the notary that notarized their respective signatures as the circulators for the nomination sheets they each circulated.

Candidate timely filed his Response to Motion for Issuance of Subpoenas on December 30, 2011.³ Candidate asserts that oral discovery is inappropriate in these types of cases due to time constraints and that scheduling such depositions will be impossible. Candidate also asserts that there are no factual allegations to support Objector's belief that the three circulators did not appear in person before a notary. Candidate argues that the objection is not in the body of the Verified Objector's Petition. Finally, Candidate argues there is no prejudice to Objector if the request is denied as there are a variety of other ways for her to make her case.

II. Hearing Examiner's Analysis and Recommendation

A. Candidate's First Assertion That Oral Discovery Is Improper In These Cases.

The Rules of Procedure adopted by the Board to govern these types of proceedings specifically allow for and contemplate for the taking of depositions. (See Rules 4, 5, and 8). Any scheduling concerns may be alleviated by conducting these depositions telephonically as contemplated in Rule 4 relating to conducting hearings.

¹ The Verified Objector's Petition is attached hereto as Exhibit A.

² Objector's Request to Issue Subpoenas is attached hereto as Exhibit B.

³ Candidate's Response to Motion for Issuance of Subpoenas is attached hereto as Exhibit C.

The Hearing Examiner does not find Candidate's first assertion persuasive as the Rules adopted by the Board specifically contemplate the taking of the depositions sought by Objector.

B. Candidate's Second Assertion That Objector Has Not Demonstrated A Need For Discovery

The Verified Objector's Petition sets forth the objection that these three circulators did not appear before the notary that notarized their respective petition sheets (See analysis below in Section C). As such, the question as to whether these petition sheets were properly notarized is properly before the Board and Objector should be given the opportunity to conduct limited discovery to determine the facts arising from the notarization of the disputed eleven petition sheets. The Hearing Examiner does not find Candidate's second assertion persuasive.

C. Candidate's Third Assertion That The Notarization Issue Is Not Properly Raised By Objector.

The body of the Verified Objector's Petition sets forth certain specific objections and also alleges that the petitions submitted by Candidate need to be gathered and presented pursuant to Illinois law and that the nomination papers be declared to be insufficient and not in compliance with Illinois law. Attached to and specifically incorporated into the body of the Verified Objector's Petition by Paragraphs 8 and 9 of the Petition is the Appendix-Recapitulation. Paragraph 9 of the Petition states "The Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition."

The objections set forth in the Appendix-Recapitulation incorporated and attached to the Verified Objector's Petition sets forth the objection "Circulator Did Not Appear Before Notary" for sheets 31, 32, 33, 34, 37, 38, 39, 41, 44, 51, and 57. A review of the petition sheets submitted by Candidate reveals that K. Dwayne Williams was the circulator for sheets 41, 44, and 57; Charles Tate circulated sheets 32, 33, 38, and 51; and Eloise Corn circulated sheets 31, 34, 37 and 39. Each executed their respective petition sheets. All eleven of the petition sheets in dispute were notarized by Joyce Bowman who also notarized all but five of the fifty-nine petition sheets submitted by Candidate. Ms. Bowman also notarized Candidate's Statement of Candidacy and Loyalty Oath.

The Hearing Examiner finds that the objections that "circulator did not appear before notary" are properly raised by the Objector. First, the Verified Objector's Petition is taken as a whole, which includes the body of the document and the exhibits attached thereto. Second, the body of the Verified Objector's Petition specifically incorporates and adopts the objections set forth in the Appendix-Recapitulation attachment. Third, the Verified Objector's Petition requests relief that the nomination papers be declared to be insufficient and not in compliance with Illinois law. Accordingly, the Hearing Examiner does not find Candidate's third assertion persuasive.

D. Candidate's Fourth Assertion That Denial Will Not Prejudice Objector.

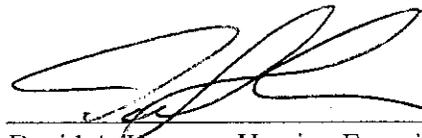
Candidate's assertion as to lack of prejudice to Objector does not support his argument to deny the request for the issuance of subpoenas. Candidate does not assert granting the request for subpoenas prejudices him in anyway. The fact that neither party will be prejudiced if a subpoena request is granted or not granted is not relevant to determine whether a subpoena request should be issued. The Hearing Examiner does not find Candidate's fourth assertion persuasive.

E. Recommendation

The Hearing Examiner believes the request to issue subpoenas should be allowed and that the Objector should be able to take the discovery depositions of the three circulators as requested. However, the deposition line of questioning should be limited to questions relating only to the issue of whether the circulators executed their respective petition sheets (those sheets that were objected to by Objector) before a notary.

Additionally, the depositions should be conducted in the county courthouse in the county where each individual circulator lives. Candidate's attorney should be allowed the option to attend via telephone as contemplated for conducting hearings consistent with Rule 4. Objector should be responsible for all costs associated with the issuance of the subpoenas including cost of service, and any witness fee to be paid to the three circulators (as determined by the Board).

Allowing for these depositions to occur with the limitations as to the line of questioning, the localized location of the where the deposition will occur, and the ability to attend via telephone will be: (1) the most cost effective way to gather factual information to help resolve the dispute relating to whether the petition sheets were properly notarized; and (2) the least imposing method to obtain the sworn testimony of the three circulators. Accordingly, it is the recommendation of the Hearing Examiner to issue the subpoenas with the additional conditions and limitations recommended herein.



David A. Herman, Hearing Examiner

CERTIFICATE OF SERVICE

Service of the foregoing document was made by sending a copy via e-mail to:

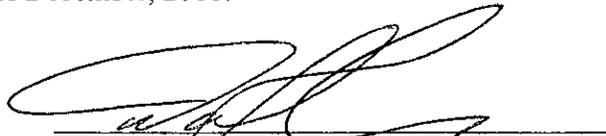
Steve Sandvoss
Illinois State Board of Elections
1020 South Spring Street
Springfield, Illinois 62704
SSandvoss@elections.il.gov

Emily Rollman
14450 Rollman Road
Shawneetown, Illinois 62984
emily.rollman@gmail.com

John G. Fogarty, Jr.
4043 N. Ravenswood
Suite 226
Chicago, Illinois 60613
john@fogartylawoffice.com

John W. Countryman
Foster & Buick Law Group
2040 Aberdeen Court
Sycamore, Illinois 60178
jcountryman@fosterbuick.com

from the office of the undersigned this 30th day of December, 2011.



David A. Herman, Hearing Examiner

LAW OFFICE OF JOHN FOGARTY, JR.
4043 North Ravenswood, Suite #226
Chicago, IL 60613
(773) 549-2647 (phone)
(773) 681-7147 (fax)
www.fogartylawoffice.com

December 28, 2011

Via E-mail to philipkrasny@yahoo.com

Mr. Philip Krasny
Hearing Officer
Illinois State Board of Elections

Re: Bruch, Marshall v. Navarro, 11 SOEB GP 104

Dear Mr. Krasny:

My co-counsel, John Countryman, and I respectfully request the Board's consideration of the enclosed subpoenas. Pursuant to Rule 8 of the Rules of Procedure adopted by the State Officers Electoral Board, attached please find copies of a number of subpoenas the Objector proposes to issue in this matter. While the Objector has filed a motion for summary judgment in this case, and believes that this Board currently has all of the information needed to dispose of this case, the Candidate herein has offered certain facts in support of his own motion to strike and dismiss. Accordingly, in the event a full evidentiary hearing is had in this case, the Objector must therefore have access to certain witnesses in order to rebut argument from the Candidate.

The focus of the Candidate's defense in this case is that his failure to file a receipt for filing of his Statement of Economic Interests was excusable due to a clerical error, and should be excused at any rate because he substantially complied with the Election Code. The Candidate has sought to buttress this argument by submission of factual allegations which he has included with his Motion to Strike and Dismiss. These subpoenas are relevant to those facts alleged by the Candidate.

The basis for each proposed subpoena is as follows:

1. Joseph R. Navarro, the Candidate herein. The Candidate alleges that he coordinated the filing details of nominating petitions with his legal secretary, Lori Jesse, immediately before going on vacation with his family. The Candidate further alleges that upon his return to Illinois, he verified that petitions had been properly filed by Ms. Jesse, who assured him that they were. Testimony of the Candidate is necessary to establish the circumstances of the Candidate's efforts in connection with the filing of his petitions, the dates upon which the Candidate was out of Illinois, and the efforts of others in connection with the filing of the Candidate's petitions.

2. Lori Jesse. According to the Candidate, explicit instruction was left with Ms. Jesse regarding the filing of the Candidate's petitions. Insofar as the Candidate contends that his failure to properly file his petitions was the result of a clerical error committed by Ms. Jesse, Ms. Jesse's testimony is necessary. Ms. Jesse's testimony would be sought to establish the circumstances of the Candidate's efforts in connection with the filing of his petitions, the dates upon which the Candidate was out of Illinois, and the efforts of others in connection with the filing of the Candidate's petitions.

3. Daniel Aussem. According to the Candidate, Mr. Aussem was originally to personally file the Candidate's nominating petitions, but, three days before the first day for filing, Mr. Aussem indicated that he would not be able to file the Candidate's petitions. Insofar as the Candidate maintains that Mr. Aussem's inability to personally file his petitions played a role in his petitions ultimately not being properly filed, Mr. Aussem's testimony is relevant here. Mr. Aussem's testimony would be sought to establish the circumstances of the Candidate's efforts in connection with the filing of his petitions, the dates upon which the Candidate was out of Illinois, and the efforts of others in connection with the filing of the Candidate's petitions.

4. Wendi Navarro. This individual is presumably the wife of the Candidate herein. To establish his excusable neglect in this case, the Candidate has offered that he was on a Thanksgiving vacation to South Carolina from approximately November 18, 2011 through December 2, 2011. Ms. Navarro appears to have notarized petition pages 51 through 56 of the Candidate's nominating petitions on November 26, 2011, on a date when Ms. Navarro would ostensibly have been out of the state on vacation. Ms. Navarro's testimony would be sought to establish the circumstances of the Candidate's efforts in connection with the filing of his petitions, the dates upon which the Candidate was out of Illinois, and the efforts of others in connection with the filing of the Candidate's petitions.

Thank you for your consideration. The Objector respectfully requests the issuance of the aforesaid subpoenas, and respectfully reserves the right to request the issuance of additional subpoenas, should the circumstances call for it, pursuant to Rule 8 of the adopted Rules of Procedure.

Sincerely,

/s/ John G. Fogarty, Jr. /s/

John G. Fogarty, Jr.

cc: John Countryman
Joan Mannix
Steve Sandvoss

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND
PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES
FOR THE OFFICE OF RESIDENT CIRCUIT COURT JUDGE FOR LASALLE COUNTY, TO
FILL THE VACANCY OF THE HONORABLE JAMES A. LANUTI, OF THE STATE OF
ILLINOIS, FOR THE 13TH JUDICIAL CIRCUIT**

Tom J. Bruch and Alex Marshall)	
)	
Petitioner-Objectors,)	
)	
vs.	)	11 SOEBGP 104
)	
Joseph R. Navarro,)	
)	
Respondent-Candidate.)	

To: Joseph R. Navarro
1891 N. 3051st Road
Ottawa, IL 61350

SUBPOENA (DUCES TECUM)

YOU ARE HEREBY COMMANDED to appear to give your deposition before the State Board of Elections sitting as the State Officers Electoral Board, Philip Krasny Hearing Examiner, on January 6, 2012, 10:00 A.M., 100 West Randolph Street, Suite 14-100, Chicago, Illinois pursuant to the provisions of Section 10-8 et seq. of the Illinois Election Code and the Rules and Regulations of the State Board of Elections in furtherance thereof to present evidence bearing upon within proceeding.

YOU ARE COMMANDED ALSO to bring the following: Any and all documents in your possession or control related to the filing of your nominating petitions in this matter.

WITNESS, State Officers Electoral Board under authority of Illinois Law.

By: _____
(Seal)

Name: John Fogarty, Jr.
Attorney for: Objector
Atty Registration No.: 6257898
Address: 4043 N. Ravenswood, Suite 226
City: Chicago, IL 60613
Phone: 773-549-2647

PROOF OF SERVICE

I served this Subpoena by handing a copy to _____ on _____.
I paid the witness _____ for witness, mileage, and fees.

Signed and sworn before me _____
this _____ day of _____, 2012.

Notary Public

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND
PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES
FOR THE OFFICE OF RESIDENT CIRCUIT COURT JUDGE FOR LASALLE COUNTY, TO
FILL THE VACANCY OF THE HONORABLE JAMES A. LANUTI, OF THE STATE OF
ILLINOIS, FOR THE 13TH JUDICIAL CIRCUIT**

Tom J. Bruch and Alex Marshall)
)
Petitioner-Objectors,)
)
vs.) **11 SOEBGP 104**
)
Joseph R. Navarro,)
)
Respondent-Candidate.)

To: Lori L. Jesse
2801 E. 2525 Rd.
Marseilles, IL 61341

SUBPOENA (DUCES TECUM)

YOU ARE HEREBY COMMANDED to appear to give your deposition before the State Board of Elections sitting as the State Officers Electoral Board, Philip Krasny Hearing Examiner, on January 6, 2012, 10:00 A.M., 100 West Randolph Street, Suite 14-100, Chicago, Illinois pursuant to the provisions of Section 10-8 et seq. of the Illinois Election Code and the Rules and Regulations of the State Board of Elections in furtherance thereof to present evidence bearing upon within proceeding.

YOU ARE COMMANDED ALSO to bring the following: Any and all documents in your possession or control related to the filing of the nominating petitions of Joseph R. Navarro in this matter.

WITNESS, State Officers Electoral Board under
authority of Illinois Law.

By: _____
(Seal)

Name: John Fogarty, Jr.
Attorney for: Objector
Atty Registration No.: 6257898
Address: 4043 N. Ravenswood, Suite 226
City: Chicago, IL 60613
Phone: 773-549-2647

PROOF OF SERVICE

I served this Subpoena by handing a copy to _____ on _____.
I paid the witness _____ for witness, milcage, and fees.

Signed and sworn before me _____
this ____ day of _____, 2012.

Notary Public

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND
PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES
FOR THE OFFICE OF RESIDENT CIRCUIT COURT JUDGE FOR LASALLE COUNTY, TO
FILL THE VACANCY OF THE HONORABLE JAMES A. LANUTI, OF THE STATE OF
ILLINOIS, FOR THE 13TH JUDICIAL CIRCUIT**

Tom J. Bruch and Alex Marshall)
)
Petitioner-Objectors,)
)
vs.) **11 SOEBGP 104**
)
Joseph R. Navarro,)
)
Respondent-Candidate.)

To: Daniel Aussem
1131 Post Street
Ottawa, IL 61350

SUBPOENA (DUCES TECUM)

YOU ARE HEREBY COMMANDED to appear to give your deposition before the State Board of Elections sitting as the State Officers Electoral Board. Philip Krasny Hearing Examiner, on January 6, 2012, 10:00 A.M., 100 West Randolph Street, Suite 14-100, Chicago, Illinois pursuant to the provisions of Section 10-8 et seq. of the Illinois Election Code and the Rules and Regulations of the State Board of Elections in furtherance thereof to present evidence bearing upon within proceeding.

YOU ARE COMMANDED ALSO to bring the following: Any and all documents in your possession or control related to the filing of the nominating petitions of Joseph R. Navarro in this matter.

WITNESS, State Officers Electoral Board under
authority of Illinois Law.

By: _____
(Seal)

Name: John Fogarty, Jr.
Attorney for: Objector
Atty Registration No.: 6257898
Address: 4043 N. Ravenswood, Suite 226
City: Chicago, IL 60613
Phone: 773-549-2647

PROOF OF SERVICE

I served this Subpoena by handing a copy to _____ on _____.
I paid the witness _____ for witness, mileage, and fees.

Signed and sworn before me _____
this _____ day of _____, 2012.

Notary Public

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF RESIDENT CIRCUIT COURT JUDGE FOR LASALLE COUNTY, TO FILL THE VACANCY OF THE HONORABLE JAMES A. LANUTI, OF THE STATE OF ILLINOIS, FOR THE 13TH JUDICIAL CIRCUIT

Tom J. Bruch and Alex Marshall)
)
Petitioner-Objectors,)
)
vs.) **11 SOEBGP 104**
)
Joseph R. Navarro,)
)
Respondent-Candidate.)

To: Wendi Navarro
1891 N. 3051st Road
Ottawa, IL 61350

SUBPOENA (DUCES TECUM)

YOU ARE HEREBY COMMANDED to appear to give your deposition before the State Board of Elections sitting as the State Officers Electoral Board, Philip Krasny Hearing Examiner, on January 6, 2012, 10:00 A.M., 100 West Randolph Street, Suite 14-100, Chicago, Illinois pursuant to the provisions of Section 10-8 et seq. of the Illinois Election Code and the Rules and Regulations of the State Board of Elections in furtherance thereof to present evidence bearing upon within proceeding.

YOU ARE COMMANDED ALSO to bring the following: Any and all documents in your possession or control related to the filing of the nominating petitions of Joseph R. Navarro in this matter.

WITNESS, State Officers Electoral Board under authority of Illinois Law.

By: _____
(Seal)

Name: John Fogarty, Jr.
Attorney for: Objector
Atty Registration No.: 6257898
Address: 4043 N. Ravenswood, Suite 226
City: Chicago, IL 60613
Phone: 773-549-2647

PROOF OF SERVICE

I served this Subpoena by handing a copy to _____ on _____.
I paid the witness _____ for witness, mileage, and fees.

Signed and sworn before me _____
this ____ day of _____, 2012.

Notary Public

**BEFORE THE DULY CONSTITUTED STATE OFFICER'S ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATION
PAPERS OF CANDIDATES FOR THE NOMINATION OF THE REPUBLICAN PARTY
FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE
52ND REPRESENTATIVE DISTRICT FOR THE STATE OF ILLINOIS**

DAVID MCSWEENEY,)	
)	
Petitioner-Objector,)	
)	
vs.	)	11 SOEB GP 502
)	
KENT GAFFNEY,)	
)	
Respondent-Candidate.)	

REQUEST FOR ISSUANCE OF SUBPOENAS

NOW COMES the Respondent-Candidate, Kent Gaffney, by and through his attorneys, John W. Countryman and John Fogarty, Jr., and makes the following request for issuance of Subpoenas in this matter.

1. On December 22, 2011, the Respondent-Candidate, Kent Gaffney, filed a Motion for Discovery attaching thereto Interrogatories and a Notice to Produce. Objector's attorney states that he will generally comply but as of this time, no response has been made to the Motion for Discovery at the time of this filing.

2. The Respondent-Candidate, Kent Gaffney, like all candidates, had a number of people assisting him in the circulation process, circulating his petitions for office and returning properly executed petition, which were filed in this matter.

3. That the Objector filed a voluminous Objection making unfounded allegations as to fraud as to circulators of the aforesaid petitions.

4. That the Objector's attorney has voluntarily given the Candidate's attorney 41 affidavits that they have obtained in some manner unknown to the Candidate.

5. That the Candidate reasonably believes that the affidavits were gathered in a manner that would seriously taint their credibility and therefore requests the following Subpoenas on persons that it knows at this time, without the discovery being answered, were involved in the process of gathering the affidavits:

A. Joe Tolomeo of I-Trace, Ltd., and any of his agents, operatives, or people in his employ or working under his private investigators license, who interviewed or sought to interview any of the petition circulators or signors on the Kent Gaffney Petitions for Office of Representative in the General Assembly of the 52nd District, together with all of his investigative file or results that relate to or reflect upon the petitions of Kent Gaffney in any form including notes of the persons who declined to sign the affidavit or persons who indicated that they could not remember or properly identify the circulator.

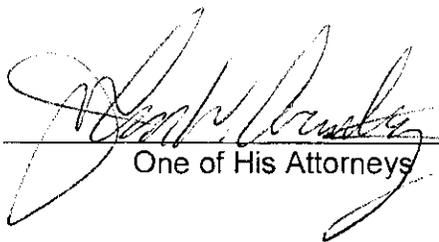
B. Drew Veeneman, Campaign worker for David McSweeney, the Objector herein, who indicated on every sheet of the Appendix to the Objection that he was the person preparing it, wherein he checked, on said Appendix, the letter "K" which represented "Stated circulator not the true circulator" and the letter "S" which stood for "Sheet invalid because of pattern of fraud or disregard of election code by circulator", together with all written material, data, or other media collected by him which relates to or reflects upon the foregoing allegations as cited above.

6. Candidate requests leave to request additional Subpoenas that may be necessary after answers to the written discovery is received.

WHEREFORE, the Respondent-Candidate, prays that this Electoral Board issue Subpoena's as requested (copies of which are attached hereto) so that they may be served in sufficient time for hearing on this matter.

Dated 26th day of December, 2011.

KENT GAFFNEY

By: 

One of His Attorneys

John W. Countryman
The Foster & Buick Law Group, LLC
2040 Aberdeen Court
Sycamore, Illinois 60178
Telephone: (815) 758-6616
Cell Phone: (815) 761-3806
Fax: (815) 756-9506
E-Mail: jwcbo@aol.com

John G. Fogarty
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
Telephone: (773) 680-4962
Cell Phone: (773) 680-4962
Fax: (773) 681-7147
E-Mail: fogartyjr@gmail.com

BEFORE THE STATE OFFICERS ELECTORAL BOARD

DAVID MCSWEENEY,)
)
 Petitioner-Objector,)
)
 vs.) 11 SOEB GP 502
)
 KENT GAFFNEY,)
)
 Respondent-Candidate.)

SUBPOENA (DUCES TECUM)

To: Joe Tolomeo and his agents or employees
I-Trace, Ltd.
2118 Plum Grove Road, #277
Rolling Meadows, IL 60008

You are hereby commanded to appear before the State Board of Elections sitting as the State Officers Electoral Board, Barbara B. Goodman, Hearing Examiner, on January ____, 2012, at _____, at 100 West Randolph Street, Suite 14-100, Chicago, Illinois, pursuant to the provisions of Section 10-8 *et seq.* of the Illinois Election Code (10 ILCS 5/10-8 *et seq.*) and the Rules of the State Officers Electoral Board, in furtherance thereof to present evidence bearing upon the within proceeding.

In addition to providing testimony, you are commanded to bring the following documents:

All of your file which relates to or reflect upon your investigation of petitions of Kent Gaffney in any form including notes of the persons who declined to sign the affidavit or persons who indicated that they could not remember or properly identify the circulator from any of his agents, operatives, or people in his employ or working under his private investigators license, who interviewed or sought to interview any of the petition circulators or signors on the Kent Gaffney Petitions for Office of Representative in the General Assembly of the 52nd District.

WITNESS, Steve Sandvoss, General Counsel of the State Board of Elections, this ____ day of December, 2011.

Steve Sandvoss, General Counsel

STATE OF ILLINOIS)
) SS
COUNTY OF _____)

I, _____, being duly sworn on oath,
state that I served this Subpoena by tendering a copy of same with the required witness
fee to _____ this ____ day of December, 2011.

Affiant

Signed and sworn to by

Before me this ____ day of December, 2011.

Notary Public
Seal

STATE OF ILLINOIS)
) SS
COUNTY OF _____)

I, _____, being duly sworn on oath,
state that I served this Subpoena by tendering a copy of same with the required witness
fee to _____ this ____ day of December, 2011.

Affiant

Signed and sworn to by

Before me this ____ day of December, 2011.

Notary Public
Seal

**BEFORE THE STATE OFFICERS
ELECTORAL BOARD**

David McSweeney)	
	Objector,)
))
vs.	)	Case #: 11-SOEB-GP-502
))
Kent Gaffney)	
)	
	Candidate.)

Objector’s Response to Candidate’s Motion For Issuance of Subpoenas

Now comes David McSweeney, Objector herein by and through his attorney, Richard K. Means, and he hereby responds to the Candidate’s motion for evidentiary hearing subpoenas and subpoenas *duces tecum* as follows:

1. While the Candidate’s overheated rhetoric and concerns for improprieties in the Objector’s case is misplaced, he is plainly entitled to these subpoenas and we have no objection to their issuance.
 - a. Mr. Veeneman is fully in the control of the Objector and we will make him and any documentary evidence in his custody and control available without formal service of process .
 - b. Mr. Tolomeo is a contract employec of the Objector and we are checking on our ability to make him and any documentary evidence in his custody and control available without formal service of process.
2. We urgc the Candidate to be agreeable respecting the witnesses and evidence the Objector seeks to subpoena.

Respectfully submitted,



Richard K. Means
Attorney for Objector

December 29, 2011

Contact information for service and notices pursuant to Board Rules:

Richard K. Means

ARDC Attorney #01874098

Cook County Attorney #27351

24 hour 7 day contact information:

Email: Rmeans@RichardMeans.com

Web site: www.RichardMeans.com

806 Fair Oaks Avenue

Oak Park, Illinois 60302

Telephone: (708) 386-1122

Facsimile: (708) 383-2987

Cellular (312) 391-8808

**BEFORE THE STATE OFFICERS
ELECTORAL BOARD**

David McSweeney)	
)	
)	
vs.	)	Case #: 11-SOEB-GP-502
)	
Kent Gaffney)	
)	
)	
Candidate.)	

NOTICE OF FILING AND PROOF OF SERVICE

To: John Countryman and John Fogarty, Attorneys For Candidate
Barbara B. Goodman, Hearing Examiner
Steve Sandvoss, General Counsel

PLEASE TAKE NOTICE that, prior to 3:00 pm on December 29, 2011, I filed the attached **Objector's Response to Candidate's Motion For Issuance of Subpoenas** a copy of which are hereby served upon you by email and/or fax transmission.



Richard K. Means
Attorney for Objector

December 29, 2011

Contact information for service and notices pursuant to Board Rules:

Richard K. Means
ARDC Attorney #01874098
Cook County Attorney #27351
24 hour 7 day contact information:
Email: Rmeans@RichardMeans.com
Web site: www.RichardMeans.com

806 Fair Oaks Avenue
Oak Park, Illinois 60302
Telephone: (708) 386-1122
Facsimile: (708) 383-2987
Cellular (312) 391-8808

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE NOMINATION OF THE REPUBLICAN PARTY FOR THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 52nd
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS**

David McSweeney,)	
)	
Objector,)	
)	
v.	)	Case No. 11 SOEBGP 502
)	
Kent Gaffney,)	
)	
Candidate.)	

CANDIDATE’S RESPONSE TO MOTION FOR ISSUANCE OF SUBPOENAS

Now comes the Candidate, Kent Gaffney, and for his response to the Objector’s Motion for the Issuance of Subpoenas, states as follows:

1. The Objector asks for subpoenas (duces tecum) to issue to Garret Hill and Nick McNeely for their testimony and documents pertaining to the Objector’s allegation that Mr. Hill and Mr. McNeely circulated the Candidate’s petitions “on State time.” The Candidate strongly opposes this request on a number of grounds. These allegations of use of “state time” are irrelevant to this case, and, as set forth in the Candidate’s Motion to Strike and Dismiss, the subject matter is beyond the jurisdiction of the State Officers Electoral Board. For the reasons set forth in the Candidate’s Motion to Strike and Dismiss and the Reply, a copy of which is attached hereto and incorporated herein by reference for the sake of brevity, the Objector’s Request for Documents on this point should be denied.

2. The Objector asks for subpoenas to issue to (a) the Clerk of the Illinois House of Representatives; (b) the offices of the Representative in the General Assembly for the 52nd and 64th Representative Districts; and (c) Kevin Artl, the Political Director for the Illinois House Republican Organization, again to obtain testimony and documents pertaining to the Objector’s allegation that Mr. Hill and Mr. McNeely circulated the Candidate’s petitions “on State time.” The Candidate opposes this request as well. For the same reasons as stated above, these allegations are irrelevant, beyond the scope of matters under the purview of the State Officers Electoral Board, and its subject matter jurisdiction. Even if this line of inquiry was relevant or within the scope this Board’s authority, though, these requests are overbroad, and should be denied on that ground as well. The Objector has already made a FOIA request to obtain the materials he seeks by these subpoena requests. That FOIA request was denied by the Clerk of the Illinois House of Representatives as this subpoena request should be. (A copy of that denial is attached and incorporated herein.)

3. A subpoena on Kevin Artl, who is not a state employee, did not circulate nor sign a petition, and is not named in the Objection, is requested not to produce any relevant testimony or document in this limited hearing, but merely for harassment purposes. It should be flatly denied.

4. The Objector asks for a subpoena to issue to Alan Hill, Garret Hill, and Nick McNeely for testimony that bears on the circulator's affidavits in petitions circulated by Alan Hill. The Candidate has asked these witnesses to appear at the hearing and most have said they will come voluntarily to the hearing in this matter by agreement. They are represented by their own counsel. If the Board feels a subpoena for testimony only is necessary the Candidate cannot object to one for testimony only.

5. The Objector asks for a subpoena of Tina Hill to obtain information about what the Objector charges is an "illegal notarization" because Ms. Hill notarized circulator affidavits that, according to the Objector, she knew were false. The Candidate maintains that such a charge is insufficient to invalidate any of the petitions that Ms. Hill notarized. No relevant or admissible evidence could be produced from this testimony and, therefore, a full objection is made to the Subpoena.

Respectfully Submitted,

Kent Gaffney,
Respondent-Candidate

By: /s/ John G. Fogarty, Jr. /s/
One of his attorneys

John W. Countryman
The Foster & Buick Law Group
2040 Aberdeen Ct.
Sycamore, IL 60178
(815) 758-6616 (office)
(815) 756-9506 (fax)
(815) 761-3806 (cell)
jcountryman@fosterbuick.com

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Chicago, Illinois 60613
(773) 549-2647 (office)
(773) 681-7147 (fax)
(773) 680-4962 (mobile)
john@fogartylawoffice.com



TIMOTHY D. MAPES
CLERK

BRAD BOUN
ASSISTANT CLERK

ILLINOIS HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK

97TH GENERAL ASSEMBLY



MICHAEL J. MADIGAN
SPEAKER

December 15, 2011

Mr. Richard K. Means
Attorney at Law
806 Fair Oaks Avenue
Oak Park, IL 60302
VIA ELECTRONIC MAIL: rmeans@richardmeans.com

RE: Freedom of Information Act Request

Dear Mr. Means:

I am writing in response to your recent correspondence consisting of two individual letters dated December 1, 2011, which were received by my office on December 1, 2011 and December 6, 2011. By my letter of December 8, 2011, the response time for your request was extended by five working days pursuant to Sections 3(e)(ii), 3(e)(v), and 3(e)(vii) of the Freedom of Information Act (the "FOIA").

In your correspondence, you request the following records pursuant to the FOIA:

1. "Personnel policies for all State employees under the House of Representatives' jurisdiction and control including, but not limited to, policies relating to work time requirements, documentation of time worked, documentation for reimbursement for travel on official State business, compensation, and the earning or accrual of State benefits for all State employees who may be eligible to receive those benefits;"
2. "From and after September 1, 2011 to the present date, all time sheets, travel vouchers and other documentation of time worked and documentation for travel on official State business for Illinois House of Representatives' employees Garret (or Garrett) Hill and Tina R. Hill who purportedly reside at 13234 Hickory Lane in Woodstock, Illinois;" and
3. "From and after September 1, 2011 to the present date, all time sheets, travel vouchers and other documentation of time worked and documentation for reimbursement for travel on official State business for Illinois House Minority Staff employee Nicolas (or Nick) McNeely who purportedly resides at 231 ½ East Monroe Street in Springfield, Illinois."

In response to item 1, the House possesses the following responsive public records, which I have enclosed with this letter:

1. A copy of the State Officials and Employees Ethics Act, which contains provisions regarding the documentation of time worked;
2. A copy of the Personnel Rules and Regulations for the Office of the Speaker (even though none of the employees you reference work for the Speaker, this document technically falls within the scope of your request); and
3. A copy of the Personnel Rules and Regulations for the Office of the House Minority Leader.

To the extent that other records containing information responsive to your request may exist elsewhere, they are not records maintained by this public body. Please be advised that all 118 members of the House also prescribe personnel rules for their legislative district office employees. Those rules are on file with the Legislative Ethics Commission. You may request them from that agency at the following address:

Legislative Ethics Commission
420 Stratton Building
Springfield, IL 62706

In response to items 2 and 3, the House possesses the following responsive public records, which I have enclosed with this letter: travel vouchers for Garret Hill. Please be advised that "private information" has been redacted from the vouchers pursuant to Section 7(1)(b) of the FOIA.

With specific respect to your request for time sheets or "other documentation of time worked" under items 2 and 3 (collectively, "time sheets"), these records are exempt from disclosure for several independent reasons, including the personal-privacy exemption to the FOIA (detailed below), legislative immunity pursuant to Article IV, Section 12 of the Illinois Constitution and federal common law, and other legally recognized privileges and exemptions.

Your request for time sheets raises privacy issues with respect to the three employees of interest to you. Specifically, disclosure of these individuals' timesheets would constitute a "clearly unwarranted invasion of personal privacy" in violation of Section 7(1)(e) of the FOIA. This position is entirely consistent with the legislative intent behind the FOIA, as described below.

Before the amendments to the FOIA in the 96th Illinois General Assembly, it was well-settled that the FOIA did *not* require the disclosure of legislative employees' time sheets. On December 29, 2000, in the matter of *Public Access Project v. Madigan*, No. 2000 CH 15308 (Circuit Court of Cook County, Illinois), the Honorable John K. Madden held that employee time sheets were exempt from disclosure under the FOIA. Likewise, on October 15, 2004, in *Skinner v. Madigan*, No. 04 CH 15757 (Circuit Court of Cook County, Illinois), the Honorable Julia M. Nowicki held that employee time sheets were not subject to disclosure under the FOIA. (A copy of the opinion in *Skinner* is attached hereto as Exhibit A.)

This background informs the legislative intent behind the recent amendments to the FOIA in Public Act 96-542 ("P.A. 96-542"). During floor debate over P.A. 96-542, there was discussion on the

issue of the disclosure of employee time sheets and whether the legislature intended to overrule the *Public Access Project* and *Skinner* decisions. The sponsor of P.A. 96-542 clearly indicated that the legislature's intent was *not* to overturn those court decisions and that, in fact, it was the legislature's intention that employee time sheets would be shielded from public inspection under the FOIA on personal-privacy grounds:

Sen. Righter: [T]here have been a couple court decisions with regards to time sheets that State employees are required to keep and whether or not those can be discovered by Freedom of Information Act requests. Would this bill overturn those decisions?

Sen. Raoul: No. *** It would be—time sheets would be considered an—an unwarranted invasion of personal privacy.

Thus, it was clearly the General Assembly's intent to protect employee time sheets from disclosure under the FOIA in its current form. This intent also comports with common sense. Employee time sheets contain a record of the time spent by State employees on State business. By definition, they also reveal when an employee took a vacation day, a personal day, a sick day, or a more extensive medical leave. As Judge Nowicki observed in *Skinner*, "State employees should not be expected to account to the general public for their personal time, vacation time and sick time simply by virtue of their position with a public body." (Exh. A, p. 6.) Nor, as Judge Nowicki pointed out, could the employee's privacy be cured by redactions: "[I]t is the redacting of all other entries on the time sheets that reveals personal information about the employees. By leaving only time spent on official State business, it becomes obvious what days an employee was present at work and what days an employee was absent." (*Id.*, pp. 5-6.)

Accordingly, your requests in items 2 and 3, for time sheets or other documentation of time worked by an employee, are denied.

You have the right to judicial review of this decision pursuant to Section 11 of the FOIA. In accordance with Section 9(a) of the FOIA, the following persons were consulted regarding your request: David W. Ellis, Chief Counsel to the Speaker, and Andrew Freiheit, Chief Counsel and Ethics Officer to the House Minority Leader.

Sincerely,



Brad Bolin
FOIA Officer
House of Representatives

BB:ses
Enclosures

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE NOMINATION OF THE REPUBLICAN PARTY FOR THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 52nd
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS**

David McSweeney,)	
)	
Objector,)	
)	
v.	)	Case No. 11 SOEBGP 502
)	
Kent Gaffney,)	
)	
Candidate.)	

NOTICE OF FILING AND SERVICE

To: Barb Goodman, by email to barb@barbgoodmanlaw.com
Richard Means, by email to rmeans@richardmeans.com
John Countryman, by email to jcountryman@fosterbuick.com
State Board of Elections by email to ssandvoss@elections.il.gov

Please take notice that on December 30, 2011, prior to 12:00 Noon, the undersigned e-mailed to the individuals listed above the Candidate's Response to the Objector's Motion for the Issuance of Subpoenas, a copy of which is attached hereto and is served upon you.

/s/ John G. Fogarty, Jr. /s/
John G. Fogarty, Jr.

Proof of Service

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail to them at the above addresses prior to 12:00 Noon on December 30, 2011.

/s/ John G. Fogarty, Jr. /s/
John G. Fogarty, Jr.

Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647 (phone)
(773) 680-4962 (cell)
(773) 681-7147 (fax)
john@fogartylawoffice.com

**BEFORE THE STATE OFFICERS
ELECTORAL BOARD**

Lisa A. Harris)	
)	
)	
vs.	)	Case #: 2011 SOEB GP 507
)	
Napoleon Harris)	
)	
)	
Candidate.)	

Objector’s Motion For Issuance of Subpoena

Now comes **Napoleon Harris**, Candidate herein by and through his attorney, Richard K. Means, and pursuant to Rule 8 of this Electoral Board’s Rules he moves for issuance of the attached evidentiary hearing subpoena as follows:

1. In the Objector’s Petition, the Objector alleges that the Candidate is not and was not a resident of a Legislative District portions of which are now in the new 15th Legislative District where he seeks to run. The evidence at trial will show that since February of 2010, the Candidate has resided at his current address which is in the new and old 19th Legislative District. A couple of weeks ago the Candidate’s attorney asked the State Board’s administrative staff for the identity of a Chicago-based staff member who might be able to testify as to which new legislative districts contain portions of old legislative districts and he was directed to Deputy General Counsel Kenneth Menzel. The Candidate’s attorney then gave Mr. Menzel 3 addresses which he believed were in the old 19th and are now in the 15th. Mr. Menzel confirmed that they were.
2. If the Objector carries his burden of going forward and burden of proof in offering evidence that no portions of the old 19th Legislative District are in the new 15th Legislative District, the Candidate would present Mr. Menzel’s testimony in rebuttal.

Wherefore, because of the foregoing which demonstrates the relevance, probativeness and need for the issuance of the attached subpoena, the Objector prays that it be issued forthwith so that it may be properly and promptly served on the person named therein.

Respectfully submitted,



Richard K. Means
Attorney for Candidate

December 28, 2011

Contact information for service and notices pursuant to Board Rules:

Richard K. Means
ARDC Attorney #01874098
Cook County Attorney #27351
24 hour 7 day contact information:
Email: Rmeans@RichardMeans.com
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806 Fair Oaks Avenue
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