

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

<b>TOWNSHIP TRUSTEES OF SCHOOLS</b>	)	
<b>TOWNSHIP 38 NORTH, RANGE 12</b>	)	
<b>EAST,</b>	)	
	)	<b>No. 13 CH 23386</b>
<b>Plaintiff,</b>	)	
	)	<b>Judge Jerry A. Esrig</b>
<b>vs.</b>	)	
	)	<b>Commercial Calendar S</b>
<b>LYONS TOWNSHIP HIGH SCHOOL</b>	)	
<b>DISTRICT NO. 204,</b>	)	
	)	
<b>Defendants.</b>	)	

**PLAINTIFF’S WITNESS LIST**

Plaintiff, Lyons Township Trustees of Schools, Township 38 North, Range 12 East (“Trustees”), by its undersigned counsel, THE QUINLAN LAW FIRM, LLC and MILLER, CANFIELD, PADDOCK AND STONE, P.L.C., anticipates calling the following witnesses for direct examination:

1. **Michael Thiessen**. Mr. Thiessen is the current President of the Board of Trustees and has been a Trustee since mid-2012. Mr. Thiessen will explain the structure and operation of the Trustees and the Treasurer. He will further testify regarding an internal investigation of former-Treasurer Robert Healy’s conduct that led to both Mr. Healy’s criminal conviction for embezzling over \$1 million, and the discovery that Mr. Healy had afforded LT the three types of unlawful and unapproved financial benefits at issue, prompting this lawsuit. These benefits were: (a) LT’s refusal to pay its full pro rata share of the Treasurer’s expenses of office during Fiscal Years 2000 through 2019; (b) Healy’s improper payment of LT’s audits and other accounting expenses, and treating those as expenses of the Treasurer’s office during calendar years 1993 through 2012; and (c) Healy’s over-allocation of investment income to LT during Fiscal Years

1995 through 2012. Mr. Thiessen will explain the basis of the Trustees' claims with respect to each issue.

Mr. Thiessen will further testify how those unapproved benefits harm the other member districts the Trustees serve and why the Trustees are enforcing a public right. Mr. Thiessen will also testify regarding the Treasurer's expenses of office and explain why they are proper expenses of office and included in this lawsuit. Mr. Thiessen may also explain various of the Plaintiff's business records. Mr. Thiessen will testify that the Treasurer is the custodian of over \$40 million for Defendant and that declaratory relief will permit the Treasurer to make necessary bookkeeping entries to make whole the other member districts, including testifying as to the calculation of those amounts.

With respect to LT's counterclaim, Mr. Thiessen will explain how the proceeds from Healy's fidelity bonds were applied to the benefit of all districts, and how the districts did not object to that proposed application, why and how the investment income at issue was fully allocated and how the non-allocation of any income at the end of the a given fiscal year does not harm any district because that income rolls over to the next fiscal year for future allocation, the purpose of the West 40 transaction and that no district suffered any harm (and actually benefitted from) the transaction, and that the Trustees' legal fees are proper expenses of the Treasurer's office. Mr. Thiessen will testify that the Trustees did not breach any statutory or fiduciary duty that might be owed to LT and that none of the actions of the Trustees damaged LT or any other member district. He may otherwise testify on the subjects of his deposition testimony.

2. **Kenneth Getty**. Mr. Getty is the current Treasurer, having begun serving in June 2018. Mr. Getty will explain the structure and operation of Plaintiff, and particularly the position of the Treasurer and his office. He will explain how the expenses of the Treasurer's office are

calculated and billed and why they are properly considered expenses of his office. Mr. Getty will testify how the Treasurer invests the funds in its custody and allocates those investments and the income produced by those investments, including testifying that any unallocated amounts from the earlier years at issue have, by now, been allocated. Mr. Getty will also explain various of the plaintiff's business records introduced into evidence. More particularly, he will explain how those records prove that LT did not pay its pro rata share of the Treasurer's expenses, and he may explain how they prove Treasurer improperly paid for LT's annual audits and other accounting expenses, and not those expenses of other districts. Mr. Getty will explain how the improper financial benefits that Healy afforded LT have harmed the other member districts and explain the calculation of those amounts.

With respect to LT's counterclaim, Mr. Getty will explain that the Trustees have not breached any statutory or other duty owed, including testifying how plaintiff's business records establish that the proceeds from Healy's fidelity bond were applied for the benefit of all member districts, how investment income was fully and properly allocated to LT, and how the West 40 transaction did not harm LT or any other member district. Mr. Getty may otherwise testify on the subjects of his deposition testimony.

3. **Kelly Bradshaw**. Ms. Bradshaw is a CPA and independent contractor who has worked with the Treasurer's office since 2012. She will explain some of the plaintiff's business records introduced into evidence, and particularly how those records show that the Treasurer paid for LT's annual audits and other accounting expenses and treated those costs as expenses of the Treasurer's office, whereas all of the other school districts paid for their own annual audits and accounting expenses. Ms. Bradshaw may also testify in accordance with her deposition.

4. **Dr. Michael Popp**. Dr. Popp is the Assistance Executive Director of West 40 Intermediate Service Center No. 2, one of the member districts for whom the Trustees provide services. Dr. Popp will explain the services West 40 provides that benefit Lyons Township and the other member districts. He will also testify with respect to the West 40 transaction, including explaining why West 40 needed a bank loan, why and how the Trustees helped him obtain that loan, and that the bank loan was been repaid in full and ahead of schedule.

5. **Nancy Sylvester**. Ms. Sylvester is an expert parliamentarian, both a Professional Registered Parliamentarian (PRP) and a Certified Teacher of Parliamentary Procedure (CPP-T), who will offer her opinion testimony on the meeting minutes of both parties, and their historical customs and usages as expressed through those meeting minutes. More particularly, she will testify that when the Trustees voted to “accept” a written proposal from LT during a March 2000 meeting, this was a vote to indicate physical receipt of the proposal, and not a vote to enter into a contract; she will also opine based, upon the Trustees custom and usage, that when the Trustees entered into contracts they would vote to “approve” the contract, not “accept” the proposal to make a contract. Ms. Sylvester will further testify in accordance with her expert disclosure and deposition testimony.

6. **James Martin**. Mr. Martin is an expert financial witness, and a Certified Management Accountant (CMA), Certified Internal Auditor (CIA) and Certified Fraud Examiner (CFA), and a Managing Director at Cendrowski Corporate Advisors LLC. He will offer his opinion testimony that when former-Treasurer Robert Healy allocated income generated by pooled investments, Healy allocated to LT a greater amount of income than LT’s pro rata share of the pooled investments dictated, *i.e.*, Healy over allocated investment income to LT. He will also testify that this necessarily meant that the other districts were under allocated income from the

pooled investments, since there is a finite amount of income. Mr. Martin will further testify consistent with his expert disclosure and deposition testimony.

7. **Dr. Timothy Kilrea (Adverse).** Timothy Kilrea is the Superintendent of Defendant LT. The Trustees anticipate that he will testify as an adverse regarding the “contract” that LT contends it entered into the Trustees in March/June 2000, including the operation and effect of that “contract” on a yearly basis. The Trustees also anticipate that Dr. Kilrea will testify consistent with his previous sworn testimony and on the subjects alleged in LT’s most recent “Consolidated Counterclaim.”

8. **Witnesses for the Limited Purpose of Admitting a Trial Exhibit.** At the time this Witness List is being filed, the Trustees have not had the opportunity to fully review LT’s objections to the Trustees’ trial exhibits, which such objections were received on October 15, 2020. The Trustees reserve the right, therefore, to call any witness for the limited purpose of authenticating, laying a foundation for, or otherwise admitting into evidence, the public records and reports identified on the Trustees trial exhibit list, as permitted under Illinois Rules of Evidence 803, 901 and 902.

9. **LT’s Witnesses.** The Trustees reserve the right to call those witnesses disclosed by LT.

10. **Rebuttal Witnesses.** The Trustees reserve the right to call rebuttal witnesses as may become necessary.

11. **Testimony by Deposition Designations.** The Trustees have been advised that LT is designating the entire evidence deposition testimony of two witnesses: (a) Dr. Elise Grimes, the former Superintendent of District 106, one of the school districts within Lyons Township;

and (b) Harold Huang, a former Director of Business Services for LT. The Trustees are separately filing their objections to specific portions of the testimony of each.

The Trustees are also cross-designating the following testimony from each of these evidence depositions: (a) for Dr. Grimes: 4:8-12; 6:6-24; 7:21-25; 31:19-25; 32:14-25; and 33:5-15; and (b) for Mr. Huang: 4:13-19; 12:19-23; 36:10-23; 37:3-38:9; 39:13-17; 47:7-48:13; 50:6-51:11; 55:2-16; and 56:12-24.

Transcripts of the testimony of both witnesses will be separately filed, with the above pages and lines highlighted; also, copies of the relevant deposition exhibits (which will also be trial exhibits) will attached to each transcript.

Respectfully submitted,

LYONS TOWNSHIP TRUSTEES OF SCHOOLS  
TOWNSHIP 38 NORTH, RANGE 12 EAST

By: /s/ Barry P. Kaltenbach  
One of its attorneys.

William J. Quinlan  
[wjq@quinlanfirm.com](mailto:wjq@quinlanfirm.com)  
Gerald E. Kubasiak  
[gekubasiak@quinlanfirm.com](mailto:gekubasiak@quinlanfirm.com)  
Gretchen M. Kubasiak  
[gmkubasiak@quinlawnfirm.com](mailto:gmkubasiak@quinlawnfirm.com)  
The Quinlan Law Firm, LLC  
231 S. Wacker Drive, Suite 6142  
Chicago, Illinois 60606  
(312) 212-8204  
Firm No. 43429

Barry P. Kaltenbach  
[kaltenbach@millercanfield.com](mailto:kaltenbach@millercanfield.com)  
Miller, Canfield, Paddock & Stone, P.L.C.  
225 West Washington, Suite 2600  
Chicago, Illinois 60606  
(312) 460-4200  
Firm No. 44233

**CERTIFICATE OF SERVICE**

I hereby certify that on October 16, 2020, I electronically filed **PLAINTIFF'S WITNESS LIST** with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/Barry P. Kaltenbach

35662095.1\154483-00001