

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

TOWNSHIP TRUSTEES OF SCHOOLS)
TOWNSHIP 38 NORTH, RANGE 12 EAST,)
)
Plaintiff-Counter Defendant,)
v.)
LYONS TOWNSHIP HIGH SCHOOL DIST. 204,)
)
Defendant-Counter Plaintiff.)

Case No. 13 CH 23386

Hon. Sophia H. Hall

FILED-1
2017 JUL 21 PM 3:32
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
CHANCERY DIV.
CLERK
DOROTHY BROWN

NOTICE OF FILING

TO: Jay R. Hoffman/Hoffman Legal
20 N. Clark Street, Suite 2500
Chicago, IL 60602

PLEASE TAKE NOTICE that on July 21, 2017, I have filed with the Clerk of the Circuit Court of Cook County, Illinois, the following: **Verification of Susan Birkenmaier to TTO'S Amended Reply to Paragraph 44 of LT's First Amended Affirmative Defenses**, a copy of which is hereby attached and served on you.

Respectfully,

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

By: 
One of Its Attorneys

Gerald E. Kubasiak
Barry P. Kaltenbach
Gretchen M. Kubasiak
Miller Canfield Paddock & Stone, PLC
225 W. Washington, Suite 2600
Chicago, Illinois 60606
(312) 460-4200
(312) 460-4201
Firm No. 44233

PROOF OF SERVICE

The undersigned, a non-attorney, certifies that a copy of the following document, **Verification of Susan Birkenmaier to TTO'S Amended Reply to Paragraph 44 of LT's First Amended Affirmative Defenses**, has been served upon:

Jay R. Hoffman
Hoffman Legal
20 N. Clark Street, Suite 2500
Chicago, IL 60602

as follows:

	by personal service on July 21, 2017 before 4:00 p.m.
	by U.S. mail, by placing the same in an envelope addressed to them at the above address with proper postage prepaid and depositing the same in the U.S. Postal Service collection box at 225 W. Washington Street, Chicago, Illinois, on July 21, 2017 before 4:00 p.m.
	by facsimile transmission from 225 W. Washington Street, Suite 2600, Chicago, Illinois to the [above stated fax number/their respective fax numbers] from my facsimile number (312) 460-4201, consisting of ____ pages on July 21, 2017 before 4:00 p.m., the served [party/parties] having consented to such service.
	by Federal Express or other similar commercial carrier by depositing the same in the carrier's pick-up box or drop off with the carrier's designated contractor on July 21, 2017 before the pickup/drop-off deadline for next-day delivery, enclosed in a package, plainly addressed to the above identified individual[s] at [his/her/their] above-stated address[es], with the delivery charge fully prepaid.
X	by electronic mail, on July 21, 2017 before 5:00 p.m., the served [party/parties] having consented to such service.



[X] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct

Verification

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that (s)he verily believes the same to be true.

Susan Birkenmaier 7/10/17
Date

FILED-1
JUL 21 PM 3:32
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
CHANCERY DIV.
ROBERTA BROWN
CLERK

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Plaintiff-Counter Defendant,)

v.)

LYONS TOWNSHIP HIGH SCHOOL DIST. 204,)

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Hon. Sophia H. Hall

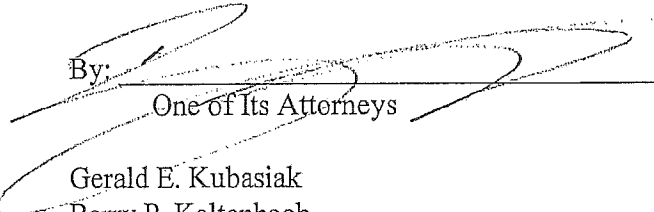
NOTICE OF FILING

TO: Jay R. Hoffman/Hoffman Legal
20 N. Clark Street, Suite 2500
Chicago, IL 60602

FILED
2017 JUL 10 PM 4:01
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
CHANCERY DIV.

PLEASE TAKE NOTICE that on July 10, 2017, I have filed with the Clerk of the Circuit Court of Cook County, Illinois, the following: **TTO'S AMENDED REPLY TO PARAGRAPH 44 OF LT'S FIRST AMENDED AFFIRMATIVE DEFENSES**, a copy of which is hereby attached and served on you.

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

By: 
One of Its Attorneys

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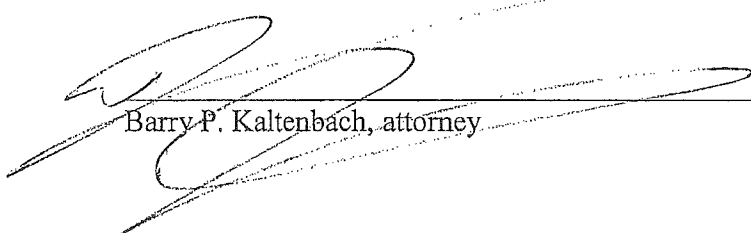
PROOF OF SERVICE

The undersigned, an attorney, certifies that a copy of the following document **TTO'S AMENDED REPLY TO PARAGRAPH 44 OF LT'S FIRST AMENDED AFFIRMATIVE DEFENSES**, has been served upon:

Jay R. Hoffman
Hoffman Legal
20 N. Clark Street, Suite 2500
Chicago, IL 60602

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Barry P. Kaltenbach, attorney

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TOWNSHIP TRUSTEES OF SCHOOLS)
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Plaintiff-Counter Defendant,)
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v.)
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LYONS TOWNSHIP HIGH SCHOOL DIST. 204,)
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Defendant-Counter Plaintiff.)

Case No. 13 CH 23386

Hon. Sophia H. Hall

2017 JUL 10 PM 4:50Z
 CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 CHANCERY DIV.

**TTO'S AMENDED REPLY TO PARAGRAPH 44 OF
LT'S FIRST AMENDED AFFIRMATIVE DEFENSES**

Plaintiff and Counter-Defendant, Township Trustees of Schools Township 38 North, Range 12 East ("TTO"), by its undersigned counsel, MILLER, CANFIELD, PADDOCK & STONE, P.L.C., for its Amended Reply to Paragraph 44 of the First Amended Affirmative Defenses filed by Defendant and Counter-Plaintiff, Lyons Township High School Dist. 204 ("LT"), states as follows:

44. From 1992 through 2012, the payments that the TTO made for the annual audits of LT were part of the expenditures of the TTO. The TTO's expenditures, in turn, formed the basis of the TTO's pro rata expense invoices. During this period, LT's pro rata share was about 25 percent. Therefore, through the pro rata billing process, the TTO invoiced LT for about 25 percent of the costs of LT's own annual audit.

Reply: Admits the following:

FY	TTO Total Audit \$	LT Audit \$ Paid by TTO	TTO Total Expenses \$	TTO Pro-Rata Billed	Difference
94	\$59,900.00	\$31,845.00	\$564,883.57	\$504,884.00	(\$59,999.57)
95	\$43,646.00	\$9,506.00	\$670,448.19	\$570,448.19	(\$100,000.00)
96	\$60,890.00	\$17,240.00	\$632,072.28	\$582,072.28	(\$50,000.00)
97	\$59,365.00	\$15,800.00	\$673,056.25	\$623,056.25	(\$50,000.00)

98	\$48,010.00	\$9,300.00	\$695,227.34	\$670,228.00	(24,999.34)
99	\$66,716.00	\$14,400.00	\$634,841.84	\$691,245.00	\$56,403.16
00	\$73,578.95	\$25,331.95	\$765,518.84	\$765,518.84	-
01	\$59,220.00	\$14,380.00	\$756,403.26	\$756,403.00	(\$0.26)
02	\$90,333.19	\$16,800.00	\$799,314.28	\$799,314.00	(\$0.28)
03	\$100,708.77	\$18,143.75	\$794,294.00	\$794,294.00	-
04	\$106,498.00	-	\$936,777.26	\$811,777.26	(\$125,000.00)
05	\$77,068.00	-	\$828,069.14	\$828,070.14	\$1.00
06	\$105,762.92	\$45,266.19	\$855,186.49	\$855,186.47	(\$0.02)
07	\$113,256.00	\$44,047.50	\$855,350.13	\$855,350.13	-
08	\$170,625.82	\$55,800.00	\$1,152,033.07	\$1,152,033.06	(\$0.01)
09	\$195,586.49	\$49,687.55	\$1,318,693.06	\$1,315,693.06	(\$3,000.00)
10	\$127,293.40	\$59,500.00	\$1,186,421.16	\$986,421.16	(\$200,000.00)
11	\$104,130.56	\$35,270.56	\$1,172,639.70	\$1,022,639.70	(\$150,000.00)
12	\$104,045.00	\$48,750.00	\$1,355,768.95	\$1,208,039.88	(\$147,729.07)
		\$511,068.60			

On this basis, the TTO admits that for fiscal years 1999 through 2003 and 2006 through 2008, LT was invoiced for its proportionate share of LT's own annual audit.

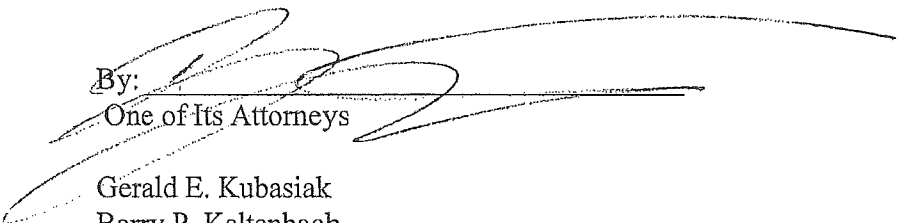
The TTO further admits that for fiscal years 1994 through 1998 and fiscal years 2009 through 2012, LT was invoiced for only a percentage of its proportionate share of LT's own annual audit. The TTO denies that this can be calculated simply as 25%.

For fiscal years 2004 and 2005, the TTO denies that LT was invoiced for its proportionate share of LT's own annual audit.

The TTO denies any remaining allegations, except to admit that as a general rule, LT's proportionate share was roughly 25%.

Respectfully,

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

By: 
One of Its Attorneys

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