

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

FILED  
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 DOROTHY BROWN  
 CIRCUIT CLERK  
 COOK COUNTY, IL  
 2013CH23386

TOWNSHIP TRUSTEES OF SCHOOLS	)	
TOWNSHIP 38 NORTH, RANGE 12 EAST,	)	
	)	No. 13 CH 23386
Plaintiff and Counter-Defendant,	)	
	)	
v.	)	Hon. Jerry A. Esrig
	)	
LYONS TOWNSHIP H.S. DISTRICT 204,	)	Commercial Calendar S
	)	
Defendant and Counter-Plaintiff.	)	(Transferred to Law)

**LT'S EXHIBIT LIST**

*Note: Unless otherwise noted, LT added yellow highlighting to the exhibits for the benefit of the trial witnesses.*

<b>Ex.</b>	<b>Description</b>	<b>Objection</b>	<b>Admitted</b>
<b>A.</b>	<b><i>TTO's Audit Payments Claim</i></b>		
A1	2-9-1994 Jackson Ltr	NO	
A2	4-29-1999 Healy Ltr	NO	
A3	1-12-2001 Healy Ltr	NO	
A4	2-11-2008 LADSE Audit Pymt	DEM./REF.	
A5	12-27-2010 BT Invoice for D999	DEM./REF.	
A6	10-26-2011 BT Invoice for D999	DEM./REF.	
A7	5-7-2013 TTO-BT Standstill Agt	NO	
A8	Stat Lim Impact on Audit Pymt Claim	DEM./REF.	
A9	Statute: 105 ILCS 5/3-7	DEM./REF.	
A10	Statute: 105 ILCS 5/5-20	DEM./REF.	
A11	Statute: 105 ILCS 5/8-6	DEM./REF.	

A12	Sample Baker Tilly Inv	NO
A13	2-27-2017 TTO Stmts (TTO-Birk Dep)	YES
A14	TTO Reply to ¶44 of Aff Def	DEM./REF.
A15	9-27-1992 Healy Ltr	NO
A16	1-4-1993 TTO Bd Minutes	NO
A17	3-8-2013 Thiessen Ltr	NO
A18	3-19-2015 TTO Rsp to Doc Req	NO

***B. TTO's Investment Earnings Claim***

B1	Terpstra Expert Rpt w-Exs	YES, Hearsay
B2	1995-2008 TTO Financial Stmts (part)	NO
B3	6-30-2011 TTO Audit Adjustment	YES, Relevance
B4	Statute: 105 ILCS 5/8-7	DEM./REF.
B5	7-24-2006 Sellers Email	NO

***C. TTO's Pro Rata Expenses Claim (FY2000-12)  
& LT 5th Affirmative Defense for Setoff***

C1	6-22-1993 Healy Ltr	NO
C2	5-26-1999 Beckwith Memo	NO
C3	5-28-1999 LT Fin Cmte Minutes	NO
C4	6-4-1999 Kelly Memo	NO
C5	7-15-1999 Healy Letter	NO
C6	7-27-1999 TTO Bd Minutes	NO
C7	8-18-1999 Healy Ltr	NO
C8	9-29-1999 LT Fin Cmte Minutes	NO
C9	2-29-2000 Beckwith Memo	NO

C10	3-21-2000 TTO Bd Minutes (part)	NO
C11	3-22-2000 LT Fin Cmte Minutes	NO
C12	Dox on 5-2-2000 Cainkar Letter [Need Ltr]	YES, Relevance
C13	6-14-2000 Beckwith Memo	NO
C14	6-19-2000 LT Bd Agenda-Minutes	NO
C15	2000-2012 LT Setoff Memos	NO
C16	7-5-2000 Huang Note	NO
C17	9-7-2000 Healy Ltr	NO
C18	1-12-2001 Healy Ltr (also A3)	NO
C19	5-30-2001 Huang Memo	NO
C20	2-4-2002 Huang Memo	NO
C21	1-22-2003 Resolution on ICA	NO
C22	3-10-2003 Huang Memo	NO
C23	4-19-2013 Thiessen Ltr	NO
C24	6-5-2013 Kilrea Letter	NO
C25	6-18-2013 Kilrea Email	NO
C26	11-14-2013 Kilrea Ltr	NO
C27	TTO Pro Rata Exp Folders – LT Invcg	NO
C28	FY2011 TTO Pro Rata Exp Loose Doc	NO
C29	Complete Idiot’s Guide, Sylvester (part)	DEM./REF.
C30	Guerrilla Guide, Sylvester (part)	DEM./REF.
C31	Statute: 105 ILCS 5/5-20 (also A10)	DEM./REF.
C32	Nov 2019 TTO Discov Rsps (ICAs)	DEM./REF.

***D. TTO's Pro Rata Expenses Claim (FY2013-19)***

D1	4-11-2014 Kilrea Ltr (Softw)	NO
D2	6-19-2014 Kilrea Email (Softw)	NO
D3	10-8-2014 Kilrea Ltr (FY13 Pay)	NO
D4	10-13-2015 Kilrea Ltr. (FY14 Pay)	NO
D5	9-23-2016 Kilrea Ltr (FY15 Pay)	NO
D6	6-20-2017 Kilrea Ltr (FY15 Qs)	NO
D7	9-26-2017 Kilrea Ltr (FY16 Pay)	NO
D8	9-25-2018 Kilrea Ltr (FY17 Pay)	NO
D9	7-10-2019 Kilrea Ltr (FY18 Pay)	NO
D10	7-27-2020 Kilrea Ltr (FY19 Pay)	NO
D11	LT Pro Rata Inv Deductions FY2013-19	NO

***E. TTO's Organization & Operation***

E1	6-8-1988 Sub. Life News Article	DEM./REF.
E2	11-2-2012 BGA Ltr and Rpt	DEM./REF.
E3	4-17-2015 Chicago Tribune Editorial	DEM./REF.
E4	6-19-2018 Landmark Editorial	DEM./REF.
E5	2020 LaGrange Lge Women Vtr Website	DEM./REF.
E6	Public Act 100-0921	DEM./REF.
E7	2020 TTO Website	DEM./REF.
E8	TTO 2d Rev Summary Jdgt Mtn (part)	DEM./REF.
E9	TTO Second Amended Complaint	DEM./REF.
E10	TTO Commercial Pledge Agt	NO

E11 2-26-2014 TTO Memo NO

***F. LT's Fiduciary Duties Counterclaim (Count II): Insurance Recoveries***

F1 8-14-2013 Liberty Mut Bond Settl-Claim NO

F2 2-26-2014 TTO Memo (also E11) NO

F3 6-25-2014 Hanover Ins Settl-Claim NO

F4 Legion Ins Claim NO

F5 2014 TTO Financial Stmts NO

F6 10-8-2014 Kilrea Ltr (also D3) NO

F7 11-21-2014 Birkenmaier Ltr LTD. PURPOSE

F8 6-5-2015 Birkenmaier Aff LTD. PURPOSE

F9 4-1-2016 Birkenmaier Email LTD. PURPOSE

F10 3-22-2017 Kilrea Ltr YES, Hearsay

F11 10-26-2017 Kubasiak Ltr no-Exs LTD. PURPOSE

***G. LT's Fiduciary Duty Counterclaim (Count II): Investment Earnings***

G1 9-11-2013 Thiessen Ltr LTD. PURPOSE

G2 11-7-2013 Birkenmaier Ltr LTD. PURPOSE

G3 10-8-2014 Kilrea Ltr (also D3) NO

G4 10-13-2015 Kilrea Ltr. (also D4) NO

G5 9-23-2016 Kilrea Ltr (also D5) NO

G6 3-22-2017 Kilrea Letter (also F10) YES, Hearsay

G7 6-20-2017 Kilrea Ltr (also D6) NO

G8 9-26-2017 Kilrea Ltr (also D7) NO

G9 10-26-2017 Kubasiak Ltr no-Ex (also F10) LTD. PURPOSE

G10	12-1-2017 Kilrea Email	NO
G11	12-20-2017 Kilrea Ltr	NO
G12	12-20-2017 Kilrea Email	NO
G13	1-10-2018 Kilrea Email	NO
G14	9-25-2018 Kilrea Ltr (also D8)	NO
G15	12-11-2018 Kilrea Email	NO
G16	2-15-2019 Getty Email	LTD. PURPOSE
G17	2019 TTO Interrog Ans (Consolid Case)	NO
G18	FY2014-20 Uncredited Earnings Due LT	YES, Hearsay
G19	Emails on FY2020 Info	DEM./REF.

***H. LT's Fiduciary Duty Counterclaim (Count II): West 40 Loan Deal***

H1	6-19-2018 Popp Email (West40)	DEM./REF.
H2	TTO-West 40 Loan Deal Agts	NO
H3	1-24-2020 West 40 Payoff Emails	DEM./REF.
H4	LT Damages Stmt (West 40)	YES, Hearsay
H5	Statutes: 105 ILCS 5/8-7, 8-8, 8-16	DEM./REF.

*[Note: Section "I" skipped intentionally.]*

***J. LT's Fiduciary Duty Counterclaim (Count II): TTO Legal Costs***

J1	Sample TTO Legal Cost Invs	NO
J2	5-8-2019 Getty Memo	LTD. PURPOSE
J3	10-6-2020 LT Summary - TTO Legal Costs	NO

***K. LT's Fiduciary Duty Counterclaim (Count II): TTO Fiduciary Duties & Finances***

K1	2013 TTO Financial Stmts (part-fid)	NO
K2	2020 TTO Financial Stmts (part-fid)	NO
K3	2013 TTO Invest Policy	NO
K4	2018 TTO Invest Policy	NO
K5	2018 TTO Financial Stmts	NO
K6	2019 TTO Financial Stmts	NO
K7	2020 TTO Financial Stmts	NO

***Note:*** *LT reserves its right to use pleadings, discovery responses, deposition transcripts, impeachment material, evidence to refresh recollection, rebuttal materials, admissions of the TTO, and exhibits of the TTO that LT did not object to during the trial. LT reserves the right update this exhibit list prior to trial.*

Respectfully submitted,

LYONS TOWNSHIP HIGH SCHOOL  
DISTRICT 204

By s/Jay R. Hoffman  
*Its Attorney*

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**CERTIFICATE OF SERVICE**

Jay R. Hoffman, an attorney, certifies that on October 16, 2020, he caused the foregoing pleading to be served by email and eService on the following attorneys:

Barry P. Kaltenbach  
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s/Jay R. Hoffman