

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

NOTICE OF FILING

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

FILED-1
2017 JUL 10 PM 4:01
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
CHANCERY DIV.
NORTHY RETURN

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

Gerald E. Kubasiak
Barry P. Kaltenbach
Gretchen M. Kubasiak
Miller Canfield Paddock & Stone, PLC
225 W. Washington, Suite 2600
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(312) 460-4200
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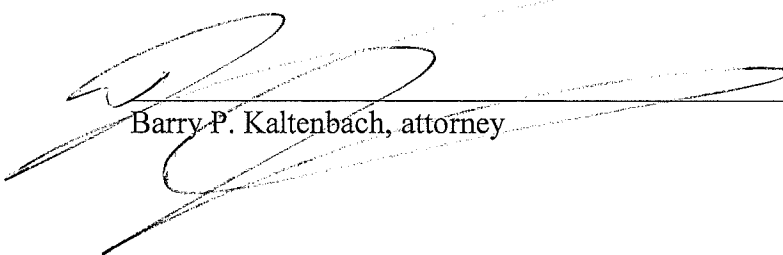
PROOF OF SERVICE

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

as follows:

	by personal service on July 10, 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 10, 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 10, 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 10, 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.
A	by electronic mail, on July 10, 2017 before 5:00 p.m., the served [party/parties] having consented to such service.


Barry P. Kaltenbach, attorney

**IN THE CIRCUIT COURT OF COOK COUNTY
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TOWNSHIP 38 NORTH, RANGE 12 EAST,)
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Plaintiff-Counter Defendant,)
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LYONS TOWNSHIP HIGH SCHOOL DIST. 204,)
)
Defendant-Counter Plaintiff.)**

Case No. 13 CH 23386

Hon. Sophia H. Hall

FILED-1
 2017 JUL 10 PM 4:02
 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,

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