

Village of Schaumburg

Legal Division Monthly Report

September 2018

Table of Contents

NEW CASES.....	1
CURRENT CASES	1
CLOSED CASES	3
PROSECUTIONS	6
LEGAL DIVISION KEY	7

NEW CASES

Chicago Title Land Trust Company, et al., v Village of Schaumburg Case: 2018 COAN000003

The owners of the property commonly referred to as Loeber Farm have filed a lawsuit to disconnect from the Village of Schaumburg. A number of years ago a Petition for Annexation was filed and zoning permissions granted for the property. Since that time, a number of variations of the development have been present. It appears that the owner wishes to consider other options such as developing in unincorporated Cook County or annexing into another community.

This is the first step to allow that process. The case has been referred to Klein, Thorpe and Jenkins to review and make a recommendation to the corporate authorities as to the best course of action.

CURRENT CASES

Kala Patel v Village of Schaumburg Case: 2018 L005938

The Village received a new lawsuit alleging a slip and fall at Town Square. The Village first confirmed with the management company that the area of the complaint was the Village's responsibility. The Village has no records of any complaint by the plaintiff as to the incident. So, the case has been assigned without any backup or information to the Honorable Russell Hartigan. Judge Hartigan was on the Village's legal list until he became a judge in Cook County. He retired from that position and returned to private practice. His firm will honor the same cap other attorneys have with the Village as to the cost of defense. We have filed for discovery so that we can get specific information about the incident. We have received some information and have started setting up depositions.

Mancini Law Group P.C. v Schaumburg Police Department Case: 2017 CH 13881

The Mancini Law Group submitted a series of FOIA requests for police accident reports. The reports were provided but personal information (i.e., the addresses, date of birth, driver's license numbers) were redacted. The law firm was unhappy as they could not solicit the persons involved. A state lawsuit was filed to require the Village to provide the information in the past and also in the future stating that the denial of the information was a violation of the Freedom of Information Act. The case has been assigned to Klein, Thorpe and Jenkins. KTJ helped the police department in responding to the FOIA request and has a significant background in the FOIA field. An answer and appearance will be filed.

Currently there are several Federal cases dealing with the release of this type of information and the potential of it being a violation of the Federal Driver's License Privacy Protection Act. The Village filed a Motion to Dismiss. The judge denied our Motion to Dismiss and gave the Village time to file an answer. Any non-expert discovery is to be completed by August 22. Plaintiff has

until September 20 to file a motion for summary judgement. We have filed our responses to the motions. Another status date has been set for November 28.

Jennifer Pope v Village of Schaumburg Case: 14 L 009234

Ms. Pope tripped and fell on the parkway as she was walking to her vehicle on Walnut Lane. The area was under construction and Plote was the General Contractor. Our contract requires the contractor to defend the Village from any claims of this type. It appears that our tender has been successful to Plote. Plote has now tendered the case to a subcontractor whose insurance company is disputing Plote's insurance company. So, a second lawsuit was filed to determine who defends whom. Secura Insurance has agreed to fully defend and indemnify the Village.

The Village is working with David Schroeder of Charysh & Schroeder, LTD to coordinate the depositions of the police officers as well as our engineering staff. The police depositions have been completed and went well. The engineering staff depositions were conducted in February. Once discovery is completed, appropriate motions will be filed or the matter will be set for a settlement conference. A hold has been placed on the case as one of the subcontractors has filed for bankruptcy and the parties are trying to determine what to do next. At some point, the plaintiff will be pushing to have the case move forward. It has been several months, but still no action by the plaintiff in the bankruptcy court.

Joan Michels v Village of Schaumburg Case: 2017 L 535

Ms. Michels used the commuter parking lot in Schaumburg to take the train to work on a daily basis. In January 2016, she parked her car and went to work. When she returned to her vehicle that night she tripped and fell into a hole that was by the driver's door. She sustained injuries and has sued. The case has been assigned to Pat Cuisinier. Mr. Cuisinier has represented the Village on prior slip and fall cases. He has relocated to another law firm of Ruberry, et al. but is prepared to honor the reduced fees we had previously discussed.

The Village issued discovery in March and received limited information from the plaintiff. We hope to carefully review the information as to determine our next course of action. Plaintiff's deposition has been conducted, but more medical information is needed. Additional depositions of doctors and dentists have been set. Our employees gave their depositions in February and April. The case was continued for a management status on June 19 as not all of the medical reports had been received. The matter is being referred to a judge for preliminary settlement conference possibly in the fall. We have notified our insurance company as to the possibility that the matter may exceed our deductible and will be coordinating with them.

Thomas Drabant v Village of Schaumburg Commonwealth Edison Case: 2017 L 6344

In April 2016, Mr. Drabant was riding his bike on a designated bike path near 1701 E. Woodfield Road when he hit a portion of the sidewalk that did not exist anymore. It had been replaced with sand. As a result he fell off the bike and injured himself. It appears that ComEd may have been

working in the area and never notified us of the work or pulled the necessary permits before removing the slab of sidewalk. ComEd has also been sued. The total medical bills for the plaintiff are in excess of \$75,000. We have finally received all discovery information from ComEd, Intren and the plaintiff. Neither Intren nor ComEd secured a permit from the Village of Schaumburg. Depositions are ongoing. The matter is set for a status in Mid Sept. Intren is seeking a demand from the plaintiff and hoping to do a global settlement. If a demand is made to the Village we will inform the Board. On September 12, 2018, the court was advised that co-defendants and the plaintiff were discussing possible settlement. All parties are prepared to move forward with party depositions. The matter is set for status Mid-November. ComEd filed an amended counterclaim against Intren, but still left open the counterclaim against the Village.

ADS v Village of Schaumburg: 17 CV2153

The case involves the Village of Schaumburg due to the ordinance we passed requiring all commercial fire alarms to connect to Northwest Central Dispatch. The Village succeeded in denying the plaintiff request for a preliminary injunction. The case has been on hold due to a similar case in another court. Judge Durkin ruled in favor of other units of government. Judge Pallmeyer has ruled to dismiss the matter. The Village is anticipating the next move by the Plaintiffs.

CLOSED CASES

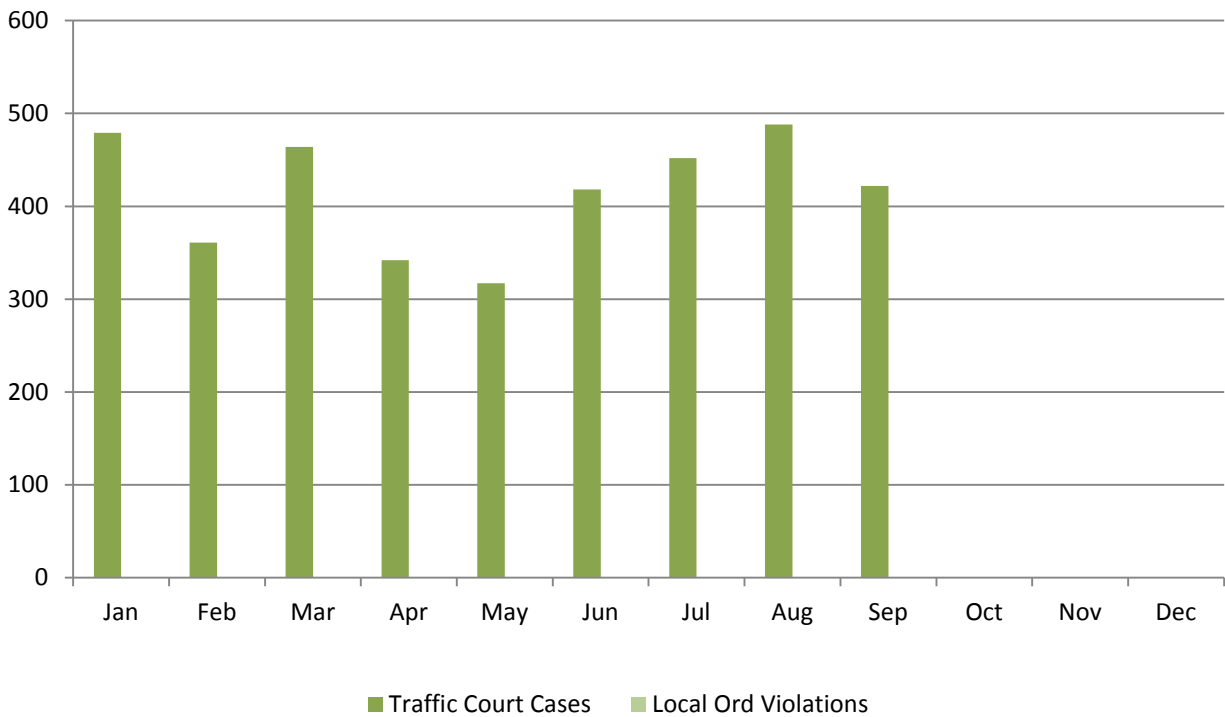
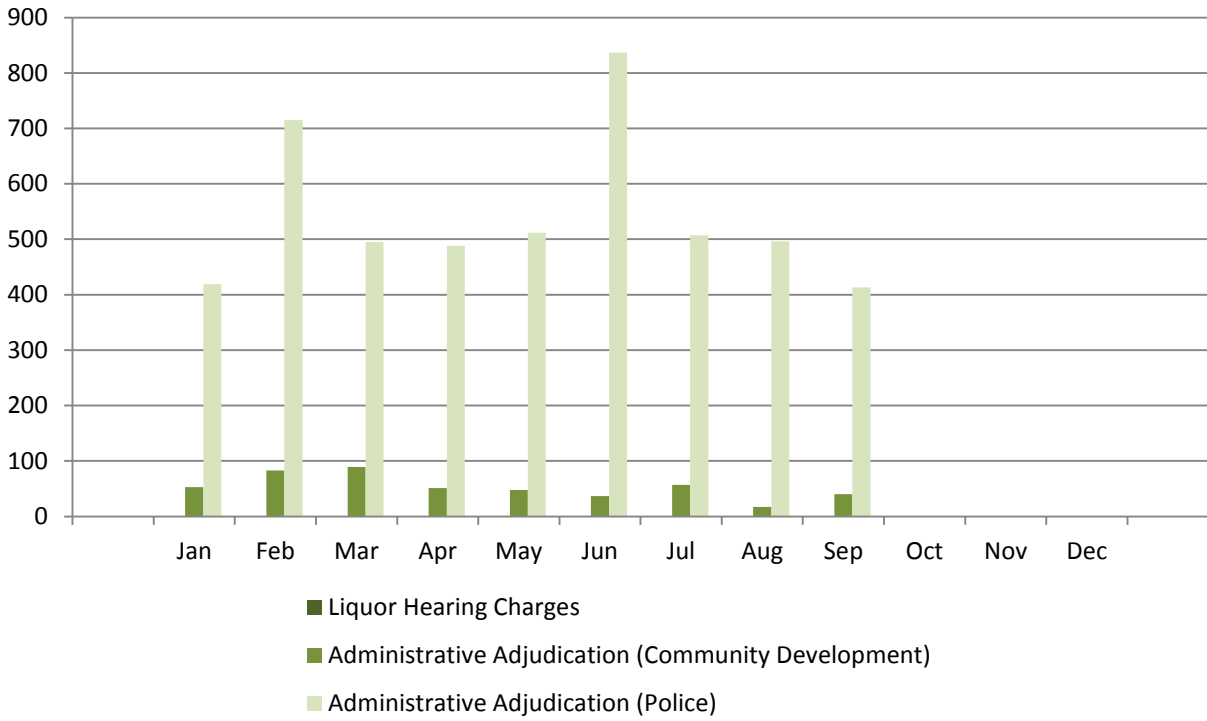
Steven Covello v Village of Schaumburg Firefighters Pension Fund Case: 2016 CH 6945

Mr. Covello was an employee of the Schaumburg Fire Department until he filed for a pension in 2013 requesting a line of duty disability pension. The pension board conducted numerous hearings and denied the line of duty pension but granted regular pension. The Village of Schaumburg had requested to intervene in the proceedings and was permitted to do so. Mr. Covello is appealing the decision. He also claims allowing the Village to intervene was an abuse. Clark, Baird, Smith, LLP and the plaintiff's attorney agreed to a briefing schedule on the appeal and a court order was entered on September 16, 2016. The judge did not entertain oral arguments and entered a decision in favor of the Village of Schaumburg, upholding the decision of the pension board. Mr. Covello had 30 days to determine if he wished to appeal the case or request a rehearing from the trial judge. An appeal was filed by December 1 by Mr. Covello. The appropriate briefs have been filed in a timely fashion by each party. The court has the option of simply ruling on the briefs or setting the matter for oral argument. The Village prevailed on the case. As the case was a Rule 23 case, it means that it may not be cited as precedence in any other proceedings. We are taking steps to ask that the decision may be cited as authority for other parties. We have been advised that the Rule 23 designation has been removed and the case is binding precedence. We will move this case to our closed list at this time.

Case No.	Title	Handled By:	Status	Subject Matter
2018 COAN000003	Chicago Title v. VOS	KTJ	Awaiting KTJ recommendation.	Petition for Annexation
2018 L005938	Patel v. VOS	RH	Village served. No records of the incident. Matter has been assigned to attorney. We did verify that the location appears to be a Village sidewalk. We are preparing for depositions.	Slip and fall at Town Square
14L009234	Pope v VOS	C&S	Village served. Answer filed. Contractor's insurance to undertake defense and has filed suit against subcontractor's insurance company. Insurance companies represent the Village. Depositions completed. Due to bankruptcy of a defendant, case is on hold until the plaintiff goes to bankruptcy court.	Slip and fall on street under construction
2017L535	Joan Michel v VOS	CFB	Suit was served on Village January 26, 2017. Appearance and answer filed, discovery started. Plaintiff has failed to provide discovery information. Some discovery provided June 19 for status. Possible pretrial in the fall.	Slip and fall at Metra Train Station
2017L6344	Thomas Drabant v VOS, ComEd	JN	Case filed. Attorney assigned. Information gathered to file an answer or motion. Tort immunity defense being raised as well as contribution from ComEd. Amended complaint filed as well as our answer. Depositions are ongoing. Mid-November status	Slip and fall on bike path
17CV2153	ADS v. VOS	KTJ	Case filed. Village filed appearance, answer and a Motion to Dismiss after the temporary injunction was denied. Preliminary injunction also denied. Plaintiff amended Complaint. A Motion to Reconsider filed. Worked with other defendants to file briefs. No ruling yet.	Lawsuit over Village Fire alarm ordinance
2017CH13881	Mancini Law Group v Schaumburg Police Dept.	KTJ	Violation of FOIA complaint filed against the Schaumburg Police Department. Motion to Dismiss filed. Oral arguments concluded. Motion denied. Village to file answer and status date of November 28.	FOIA

08C774 Hasan v VOS
118939 Swanson v Mallo
11CV388 Karen Fitzgerald v VOS, et al
11L6693 Meryl Weintraub v VOS
11LO14631 VOS v Concetta M. LaBella
11LO65025 Eric Palmore-Lett v VOS, Officers of VOS and Harper College
12CV4112 Scott Kody v VOS
12L011793 Yin Yi v VOS
12L63027 Arousak Aghaian v VOS
133003 Dolores Mazurkiewisz v VOS
13CV1281 Diangelo Beasley Cichy et al.
13CV1601 Jordan Miller v VOS
13CV3227 Christopher Nelson v VOS, O'Brien, Cichy
13CV5696 Justin Holmstrom v VOS and Hudak
13CV07973 Danielle Williams v VOS (Federal case dismissed. State case open.)
13CV076 Kelley Altom v VOS
13CV2687 Jovan Gilbert v VOS et. al.
13CV 2003 Christine Abel v VOS
13L1239 Omar Edwards v VOS
13L1767 Mario Raddi v VOS
13L7458 Joseph Warren v VOS, Obrien & Cichy
13L11765 Turner v VOS
14CV03390 Kastner v VOS
14CV8387 Jessica Elsayed v Hudak, O'Brien, et.al.
14CV282 Camaran Quiambao-Holland v O'Brien
14SC1075 Al Shah v Geico
15L4827 Rosalind Espedido v Schaumburg Township District Library
12CV8846 Anthony Williams v VOS, Brian Howerton
2015L007073 Frank Ferrero, Jr. v VOS
2015L004344 Danielle Williams v Terrance O'Brien & VOS
13CV05684 Robert Thomas v Cichy, Hudak, O'Brien and VOS
14CV2494 Xavier Neodina v VOS, O'Brien et al.
14CV09641 Victor Alvarado v Hudak, O'Brien, Takei, Mir, Ciccola, and VOS
14L11599 John Halas v VOS
15CV3568 Robert Thomas v VOS, Village of Hoffman Est, Alvarado, WI, McHenry
15CV6281 Sean Cerami v VOS, O'Brien, Hudak
15CH15540 Thomas M. Stygar v VOS, et al.
15CV1393 Sergio Garcia v Hudak, O'Brien, Mir and VOS
14CV803 Brit UW Ltd v Hudak, O'Brien, VOS
15CV3193 Ronald P. Dean v VOS, et al.
2016CH6945 Covello (FF) v VOS

PROSECUTIONS



LEGAL DIVISION KEY

	ATTORNEYS	COURT DESIGNATIONS	
RE	Rita Elsner	M = Third Municipal District	PI = Personal Injury
WK	William Kurnik (Knight, Hoppe, Kurnik & Knight)	M1 = First Municipal District	CR = Civil Rights
JN	Law Office of John Norton	CH = Chancery	
JD	James DeAno (DeAno and Scarry, LLC)	L = Law Division	
RS&G	Francis P. Cuisinier (Ruberry, Stalmack & Garvey)		
CBS	Clark, Baird, Smith		
FLG	Paul Farahvar (Farahvar Law Group)		
MB	Mike Bersani (Hervas, Condon & Bersani)		
BC	Barker & Castro		
LJS	James Sotos (The Sotos Law Firm)		
H&O	Hartigan & O'Connor		
KTJ	Klein Thorpe Jenkins		
C&S	David H. Schroeder (Charysh & Schroeder, Ltd.)		
RH	Honorable Russell Hartigan		