

EXECUTIVE SESSION MINUTES
Grafton Township Board
January 18, 2016

The Executive Session of the Grafton Township Board was called to order by Supervisor Kearns at 7:48 P.M.

Present: Supervisor Kearns, Trustees Holtorf, Wagner, Ziller, Zirk; Clerk Hurley. Also present by invitation of the board was Attorney Gottemoller.

Absent: None.

PURPOSE

To discuss pending litigation and personnel issues involving the Township pursuant to 5ILCS 120/2(c)(11)

DISCUSSION

Attorney Gottemoller explained that since the last Executive Meeting, there had been a deposition with Assessor Zielinski in which there was a lot of discussion about the Assessor putting Mr McKnight's information online in the blog. In that deposition, Assessor Zielinski admitted that he was mad at Mr. McKnight.

The Judge had already ordered the Assessor to give Mr McKnight the PIN numbers as part of his FOIA request. Due to the events in the deposition and Assessor Zielinski's blog posting, the township will have to pay Mr McKnight's attorney fees. He said the fees were 31 hours @ \$300 per hour. He gave the trustees the settlement letter from Mr McKnight's attorney at Loizzo & Loizzo requesting a total of \$17,000. (Exhibit I)

Attorney Gottemoller said he would write a settlement letter to the attorney. He said that the only things he can argue is that the \$300 per hour fee is too high, and to ask that it be a \$2,500 penalty not \$5,000. The higher penalty was issued because of Assessor Zielinski's admission that he was mad at Mr McKnight when he submitted his information on the blog.

The Trustees discussed various settlement offerings. They agreed to give Attorney Gottemoller the latitude to negotiate with a starting offer of \$8,000 for the attorney fees.

ADJOURNEMENT

Motion was made by Trustee Wagner, seconded by Trustee Holtorf to adjourn the Executive Session at 8:12 P.M.

AYES: Supervisor Kearns, Trustees Ziller, Wagner, Holtorf, Zirk

NAYS: None

Motion Passed.

Submitted,

Kathryn Hurley
Grafton Township Clerk

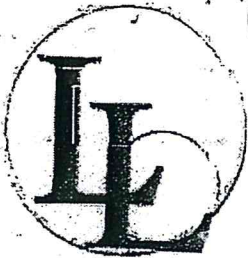


Exhibit I

The Law Offices of
LOIZZO & LOIZZO

Russel Court Office Plaza
666 Russel Court, Suite 100
Woodstock Illinois 60098
(815) 338-8810
Fax (815) 338-9007

Thomas F. Loizzo
Dane J. Loizzo
Attorneys at Law

January 11, 2016

Mr. Joseph Gottemoller
Attorney at Law
One North Virginia Street
Crystal Lake, Illinois 60014

Dear Mr. Gottemoller:

SENT BY FAX

Re: McKnight vs. Grafton Township

I had the opportunity to speak with Bryan with regard to settlement of this matter.

Now that the deposition has been taken and documents were turned over respective to the FOIA request, I have been authorized to make the following settlement proposal:

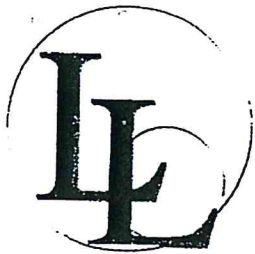
My attorney's fees are at approximately \$12,000. Inclusive of costs of suit and statutory penalty, we would be willing to conclude this matter for the total of \$17,000.

If you wish to discuss this further, please do not hesitate to contact me at your earliest convenience.

Sincerely yours,

Dane J. Loizzo
Dane J. Loizzo *cp*

DJL:cjs



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Bryan McKnight vs. Grafton Township, 15 MR 465

Itemized Statement

7-30-15	Conversation w/ client re: FOIA response; "private" information, and statutory relief	1.00
7-31-15	Review documents received by client from Defendant to determine compliance w/ FOIA; conversation w/ client re: lawsuit, costs, fees, procedure, and obtaining compliance w/ FOIA	2.75
8-3-15	Research re: FOIA Complaint, declaratory and injunctive relief	2.00
8-4-15	Preparation of Petition for Declaratory and Injunctive Relief and Summons	4.00
8-17-15	Correspondence to Attorney Gottemoller	.30
8-18-15	Preparation of Notice of Deposition	.30
8-23-15	Review Zielinski press release to McHenry County Blog and comments made by Zielinski; conversation w/ client re: Zielinski press release and comments on lawsuit, how they affect lawsuit	1.25
8-26-15	Note Appearance from Attorney Gottemoller	.20
8-31-15	Review Defendant's Motion to Dismiss; Research re: issues raised in Motion to Dismiss; conversation w/ client re: Motion, option to amend vs. answering Motion. Transmit Motion to client	2.50
9-4-15	Appearance in court; entry of Order	1.00
9-11-15	Preparation of Amended Petition for Declaratory and Injunctive Relief	1.25
9-14-15	Correspondence to client	.30
9-16-15	Correspondence to client	.30
10-5-15	Appearance in court; entry of Order	1.00
10-7-15	Correspondence to client	.30
10-13-15	Preparation of Response to Defendant's Motion for Summary Judgment; research re: issues raised in Motion and in preparation; fax to Attorney Gottemoller	4.20
10-19-15	Conversation with Attorney Mueller; correspondence to client	.55
10-22-15	Note Reply to Plaintiff's Response to Defendant's Motion	

	for Summary Judgment; correspondence to Judge Meyer and Attorney Mueller	.80
10-27-15	Preparation for hearing on Defendant's Motion for Summary Judgment	.75
10-28-15	Appearance in court for hearing; entry of Order; conversation w/ client re: hearing and tendered documents	1.50
11-2-15	Note correspondence from Attorney Mueller; review documents tendered by Atty. Gottemoller in court and delivered on 10-30-15	3.20
11-3-15	Correspondence to client	.30
11-4-15	Correspondence to Attorneys Mueller and Gottemoller	.30
11-6-15	Note correspondence from Attorney Mueller	.20
11-16-15	Review Zielinski post to McHenry County Blog re: assessments, and discussing McKnight and his wife residence; conversation w/ client re: Zielinski post and any possible recourse, frightened wife; conversations w/ Attorney Mueller re: post	2.25
11-17-15	Correspondence to client; conversation w/ Attorney Gottemoller in courthouse re: settlement and Zielinski post mentioning McKnight and wife	.80
12-2-15	Appearance in court; entry of Order	1.00
12-7-15	Correspondence to client	.30
12-22-15	Preparation of Notice of Deposition; fax to Atty. Mueller	.50
1-4-16	Conference with client; attendance at deposition of Alan Zielinski; preparation for deposition, including exhibits	5.50
1-13-16	Appearance in court; entry of order	1.00
1-14-16	Correspondence to client	.30

41.90 hours

41.90 hours @ \$300.00 per hour =	\$12,570.00
Circuit Clerk, filing fee	\$243.00
Hrodey & Associates, service of summons	\$58.00
Q & A Reporting, attendance at deposition of Alan Zielinski	<u>\$150.00</u>
TOTAL	\$13,021.00