



12 South Center Street  
Bensenville, IL 60106

Office: 630.350.3404  
Fax: 630.350.3438  
[www.bensenville.il.us](http://www.bensenville.il.us)

**VILLAGE BOARD**

September 21, 2017

**President**  
Frank DeSimone

**Board of Trustees**  
Rosa Campona  
Ann Franz  
Agnieszka "Annie" Jaworska  
McLane Lomax  
Nicholas Panciro Jr.  
Armando Perez

**Village Clerk**  
Nancy Quinn

**Village Manager**  
Evan K. Summers

**Ms. Daria Palermo**  
Law Offices of Rubin & Associates, LLC  
205 West Wacker Drive, Suite 705  
Chicago, Illinois 60606

Re: September 14, 2017 FOIA Request

Dear Ms. Palermo:

I am pleased to help you with your September 14, 2017 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on September 14, 2017. You requested copies of the items indicated below:

*"All documents, invoices, payments, vouchers and paid bills paid to the firm of Schirott & Luetkehans P.C., attorneys Phillip A. Luketkehans and Brian J. Armstrong in case #2006 TX 000006 Case name: In the Manner of Bensenville, DuPage and Cook Counties, Illinois North Industrial Park Special Assessment No. 1 for Roadway, Water Service, Sanitary Sewer and Reservoir Channel Improvements and All Related costs to such improvements."*

After a search of Village files, the following documents are enclosed to fulfill your request:

- 1) Invoices from Schirott & Luetkehans, P.C. from 1/05/2009, 3/27/2009, 4/16/2009, 4/22/2009, 4/27/2009 for Professional Services: Bensenville Special Service Area (BSSA). (13 pgs.)

These are all of the documents that can be discovered responsive to your request.

The Village of Bensenville was approved by the Local Records Commission of the State of Illinois on August 25, 2014 for record destruction. Part of the destruction approved for invoices ranging from the dates of 2005-2008. Records that would have been responsive to your request may or may not have been destroyed.

Do not hesitate to contact me if you have any questions or concerns in connection with this response.

Very truly yours,

  
Corey Williamsen  
Freedom of Information Officer  
Village of Bensenville

SCHIROTT & LUETKEHANS, P.C.  
ATTORNEYS AT LAW  
105 EAST IRVING PARK ROAD  
ITASCA, ILLINOIS 60143

PHONE: 630 / 773-8500  
FAX: 630 / 773-1006

James Johnson, Village Manager  
Village of Bensenville  
12 South Center Street  
Bensenville IL 60106

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01/05/2009  
Account No: 3100-3508M  
Statement No: 26

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FOR PROFESSIONAL SERVICES:

Bensenville Special Service Area (BSSA)

|            |     |   | Hours |
|------------|-----|---|-------|
| 11/03/2008 | BJA | Review Bourke deposition re: issues/objections to remaining improvements.   | 2.00  |
|            | PAL | Review Gorski email.  | 0.10  |
|            | PAL | Correspondence to Gorski and BJA.   | 0.60  |
| 11/06/2008 | BJA | Draft #1 of Motion to Reconsider, Memorandum of Law and Notice of Appeal.   | 2.00  |
|            | BJA | Research re: Motion to Reconsider, staying enforcement of judgment and time to appeal.                            | 3.00  |
| 11/07/2008 | BJA | Meeting with PAL @ office re: strategy and settlement.  | 0.40  |
|            | BJA | Telephone conferences with Gorski and PAL.  | 0.40  |
|            | BJA | Review and revise Notice of Appeal, Motion to Reconsider and Memorandum of Law re: Motion to Reconsider.          | 0.70  |
|            | PAL | Telephone conferences with Gorski and BJA.  | 0.40  |
|            | PAL | Meeting with BJA re: strategy and settlement.   | 0.40  |
| 11/10/2008 | BJA | Continued drafting Motion to Reconsider.  | 1.00  |
|            | BJA | Review depositions and revised estimate of costs and abandonment resolution to begin preparation of revised roll. | 4.50  |
| 11/11/2008 | BJA | Draft #1 of Memorandum re: issues re: spreading new roll.   | 1.00  |
|            | BJA | Review and abstract 2nd Session of Bourke deposition and begin abstracting McGree deposition.                     | 6.00  |
| 11/12/2008 | BJA | Review and revise abstract of McGree deposition.  | 1.00  |
|            | BJA | Continued preparation of abstract of McGree deposition.   | 1.00  |
|            | BJA | Review correspondence and FOIA requests received from   |       |

James Johnson, Village Manager

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01/05/2009

Account No: 3100-3508M

Statement No: 26

Bensenville Special Service Area (BSSA)

|          |  |   | Hours    |
|----------|--|---|----------|
|          | Marshall.  |   | 0.40     |
| BJA      | Correspondence to Marshall.  |   | 0.50     |
| BJA      | Review and revise abstract of Bourke deposition and memorandum re: Motion to Reconsider. |   | 1.50     |
| /17/2008 | LC   | Pick-up Defendant's Bensenville original exhibits from Judge Popejoy @ Wheaton re: Howe.  | 0.50     |
|          | BJA  | Meeting with PAL @ office re: strategy.   | 0.20     |
|          | BJA  | Telephone conferences with Powers and Dwyer.  | 0.20     |
|          | BJA  | Review and revise Memorandum of Law re: Motion to Reconsider.   | 0.40     |
|          | PAL  | Review and revise Motion to Reconsider FOIA ruling.   | 0.40     |
|          | PAL  | Meeting with BJA @ office re: strategy.   | 0.20     |
| /18/2008 | BJA  | Draft #1 of abstract of Marshall deposition.  | 4.50     |
| /19/2008 | LC   | Clerk of the Circuit Court of DuPage County - file Notice of Motion, Notice of Filing, Motion to Reconsider and Memorandum in Support of Motion to Reconsider @ Wheaton re: Howe. | 1.50     |
|          | BJA  | Correspondence to Ramello.  | 0.20     |
| /20/2008 | BJA  | Telephone conference with Marshall.   | 0.30     |
|          | BJA  | Correspondence to Judge Popejoy.  | 0.50     |
| /24/2008 | BJA  | Correspondence to Marshall.   | 0.10     |
| /25/2008 | BJA  | Review Larsen supplemental opinion disclosure.  | 0.50     |
|          | BJA  | Review ordinance.   | 0.20     |
|          | BJA  | Correspondence to Marshall and MaRous.  | 0.60     |
|          | BJA  | Review and revise Marshall deposition abstract.   | 2.00     |
|          |  | For Current Services Rendered   | 39.20    |
|          |  |   | 6,135.00 |

Recapitulation

| <u>Timekeeper</u>  | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|--------------------|--------------|-------------|--------------|
| Phillip Luetkehans | 2.10         | \$190.00    | \$399.00     |
| Brian J. Armstrong | 35.10        | 160.00      | 5,616.00     |
| Law Clerk          | 2.00         | 60.00       | 120.00       |

1/17/2008

Westlaw computerized legal research for October 2008 (check no. 24279).

242.47

James Johnson, Village Manager

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01/05/2009

Bensenville Special Service Area (BSSA)

Account No: 3100-3508M  
Statement No: 26

|            |   |              |
|------------|---|--------------|
| 11/17/2008 | Law clerk travel expense to Wheaton re: Howe. | 11.11        |
| 11/19/2008 | Law clerk travel expense to Wheaton re: Howe. | 22.23        |
| 11/30/2008 | Photocopies for the month of November 2008.   | 12.90        |
| 11/30/2008 | Postage for November 2008.                    | 3.27         |
| 11/30/2008 | Faxes for the month of November 2008.         | 3.00         |
|            | Total Expenses                                | <hr/> 294.98 |

**Total Current Work** 6,429.98

Previous Balance \$14,423.95

**Balance Due** \$20,853.93

Your account is 30 days past due.

PLEASE INDICATE YOUR FILE NUMBER WHEN MAKING A PAYMENT  
SCHIROTT & LUETKEHANS, P.C. FEDERAL ID# 36-3317368

**SCHIROTT & LUETKEHANS, P.C.**  
 ATTORNEYS AT LAW  
 105 EAST IRVING PARK ROAD  
 ITASCA, ILLINOIS 60143

PHONE: 630 / 773-8500  
 FAX: 630 / 773-1008

James Johnson, Village Manager  
 Village of Bensenville  
 12 South Center Street  
 Bensenville IL 60106

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 03/27/2009  
Account No: 3100-3508M  
Statement No: 29

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FOR PROFESSIONAL SERVICES:

Bensenville Special Service Area (BSSA)

|            |     | Hours   |      |
|------------|-----|---|------|
| 02/02/2009 | SJL | Research re: whether attorney fee petition after post trial motion tolls time to file appeal. | 5.70 |
|            | BJA | Review correspondence from Gorski.  | 0.20 |
| 02/03/2009 | SJL | Research re: whether fee petition tolls time to file appeal.                                  | 1.40 |
|            | BJA | Telephone conference with Storino.  | 0.10 |
|            | BJA | Review correspondence from JSD.   | 0.20 |
| 02/06/2009 | BJA | Telephone conference with Storino.  | 0.50 |
| 02/08/2009 | SJL | Research re: whether fee petition tolls time to file appeal.                                  | 0.60 |
| 02/10/2009 | SJL | Meeting with BJA @ office re: research.   | 0.30 |
|            | BJA | Meeting with SJL @ office re: appeal.   | 0.30 |
| 02/11/2009 | BJA | Telephone conference with Marshall.   | 0.50 |
| 02/16/2009 | BJA | Draft #1 and #2 of response to procedural objection.  | 2.50 |
|            | BJA | Research re: standing, notice of defaulted parties.   | 2.00 |
|            | BJA | Telephone conference with MaRous.   | 0.30 |
| 02/17/2009 | BJA | Continued drafting response to procedural objection.  | 2.00 |
|            | PAL | Meeting with Marshall @ Bensenville.  | 0.70 |
| 02/18/2009 | BJA | Draft #1 and #2 of settlement letter.   | 1.00 |
|            | BJA | Review correspondence from Williamson and attachments.  | 0.20 |
|            | BJA | Correspondence to Gorski.   | 0.20 |
|            | BJA | Review correspondence from Gorski.  | 0.20 |

James Johnson, Village Manager

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03/27/2009

Account No: 3100-3508M

Statement No: 29

Bensenville Special Service Area (BSSA)

|            |     |   | Hours    |
|------------|-----|---|----------|
|            | PAL | Telephone conference with BJA.  | 0.20     |
|            | BJA | Telephone conference with PAL.  | 0.20     |
| 02/19/2009 | BJA | Finalize response to procedural objections.   | 0.50     |
|            | BJA | Prepare response to procedural objections for filing and service.   | 0.30     |
| 02/20/2009 | BJA | Correspondence to all counsel.  | 0.20     |
|            | BJA | Correspondence to PAL, Gorski et al.  | 0.50     |
|            | BJA | Review correspondence from Gorski.  | 0.20     |
|            | LC  | Clerk of the Circuit Court of DuPage County - File Notice of Filing and Petitioner's Response to the Procedural Objection of Capital Auto Enterprise, Inc. @ Wheaton. | 0.50     |
| 02/23/2009 | BJA | Telephone conference with Marshall.   | 0.20     |
|            | BJA | Review correspondence from Marshall and Gorski.   | 0.40     |
|            |     | For Current Services Rendered   | 22.10    |
|            |     |   | 3,513.00 |

Recapitulation

| <u>Timekeeper</u>       | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|-------------------------|--------------|-------------|--------------|
| Phillip Luetkehans      | 0.90         | \$190.00    | \$171.00     |
| Brian J. Armstrong      | 12.70        | 160.00      | 2,032.00     |
| Stephanie J. Luetkehans | 8.00         | 160.00      | 1,280.00     |
| Law Clerk               | 0.50         | 60.00       | 30.00        |

|            |   |                   |
|------------|---|-------------------|
| 02/11/2009 | Westlaw computerized legal research for January 2009 (check no. 24453). | 56.21             |
| 02/20/2009 | Law clerk travel expense to Wheaton.                                    | 10.45             |
| 02/28/2009 | Photocopies for the month of February 2009.                             | 44.50             |
| 02/28/2009 | Postage for February 2009.  | 13.14             |
| 02/28/2009 | Faxes for the month of February 2009.                                   | 6.00              |
|            | Total Expenses  | 130.30            |
|            | <b><u>Total Current Work</u></b>  | 3,643.30          |
|            | Previous Balance  | \$5,297.35        |
|            | <b><u>Balance Due</u></b>   | <u>\$8,940.65</u> |

James Johnson, Village Manager

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03/27/2009

Account No: 3100-3508M

Statement No: 29

Bensenville Special Service Area (BSSA)

Your account is 30 days past due.

PLEASE INDICATE YOUR FILE NUMBER WHEN MAKING A PAYMENT  
SCHIROTT & LUETKEHANS, P.C. FEDERAL ID# 36-3317368

---

SCHIROTT & LUETKEHANS, P.C.  
ATTORNEYS AT LAW  
105 EAST IRVING PARK ROAD  
ITASCA, ILLINOIS 60143

PHONE: 630 / 773-8500  
FAX: 630 / 773-1008

James Johnson, Village Manager  
Village of Bensenville  
12 South Center Street  
Bensenville IL 60106

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04/16/2009

**Account No:** 3100-3508M  
**Statement No:** 30

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FOR PROFESSIONAL SERVICES:

Bensenville Special Service Area (BSSA)

|            |     |   | Hours |
|------------|-----|---|-------|
| 03/03/2009 | BJA | Telephone conference with Hastings.                           | 0.30  |
| 03/04/2009 | BJA | Review response brief re: procedural objections.              | 0.50  |
| 03/06/2009 | BJA | Telephone conferences with Marshall and Geils.                | 0.50  |
|            | BJA | Review and revise settlement offer letter.                    | 0.70  |
| 03/09/2009 | BJA | Telephone conference with Marshall.                           | 0.50  |
|            | BJA | Review and revise correspondence re: offer letter.            | 0.50  |
| 03/10/2009 | BJA | Correspondence to Geils, Marshall, et al.                     | 0.30  |
|            | BJA | Review and revise offer letters re: water and sewer projects. | 0.70  |
| 03/11/2009 | BJA | Telephone conference with Marshall.                           | 0.30  |
|            | BJA | Revise letters re: settlement offer.                          | 0.50  |
|            | BJA | Review correspondence and revisions to letters from Marshall. | 0.30  |
| 03/12/2009 | BJA | Telephone conference with Ramello.                            | 0.30  |
|            | BJA | Correspondence to Marshall, et al.                            | 0.40  |
| 03/13/2009 | BJA | Telephone conference with Marshall.                           | 0.50  |
|            | BJA | Correspondence to counsel and Dwyer.                          | 0.40  |
|            | BJA | Review and revise letters re: offers.                         | 0.20  |
| 03/16/2009 | BJA | Telephone conferences with Storino and Mary.                  | 0.70  |
|            | BJA | Correspondence to Mary @ Bensenville.                         | 0.20  |
| 03/19/2009 | BJA | Telephone conference with Storino.                            | 0.50  |

## Bensenville Special Service Area (BSSA)

|            |     |  | Hours |
|------------|-----|--|-------|
| 03/20/2009 | BJA | Telephone conference with Martin.  | 0.10  |
| 03/24/2009 | BJA | Telephone conference with Martin.  | 0.20  |
| 03/26/2009 | BJA | Telephone conferences with Martin and PAL.   | 0.60  |
|            | BJA | Prepare argument re: motion to reconsider.   | 2.00  |
|            | PAL | Telephone conference with BJA.   | 0.20  |
| 03/27/2009 | BJA | Telephone conference with PAL.   | 0.20  |
|            | BJA | Court appearance before Judge Popejoy re: hearing on motion to reconsider.   | 2.60  |
|            | BJA | Correspondence to Marshall.  | 0.50  |
|            | PAL | Telephone conference with BJA.   | 0.20  |
| 04/01/2009 | SJL | Research re: whether a fee petition filed after a final order tolls the 30 day period to file an appeal.                               | 3.10  |
| 04/02/2009 | SJL | Meeting with BJA @ office re: research.  | 0.20  |
|            | SJL | Research re: whether 304 A language is required to prevent tolling of time to appeal due to statutory attorney fee shifting provision. | 0.70  |
|            | BJA | Meeting with SJL @ office re: research.  | 0.20  |
| 04/03/2009 | BJA | Telephone conference with Heinke.  | 0.10  |
| 04/06/2009 | BJA | Review and analyze supplemental fee petition and time entries of Ramello.  | 1.50  |
| 04/08/2009 | BJA | Telephone conferences with Heinke, PAL and Ramello.  | 0.80  |
|            | BJA | Prepare for argument on Augustynski motion re: notice to defaulted parties.  | 1.50  |
|            | PAL | Telephone conference with BJA.   | 0.20  |
| 04/09/2009 | BJA | Telephone conference with Heinke.  | 0.30  |
|            | BJA | Correspondence to PAL.   | 0.20  |
|            | BJA | Court appearance before Judge Popejoy re: Ramello fee petition.  | 2.40  |
|            | BJA | Correspondence to Marshall and counsel.  | 1.30  |
|            | PAL | Review and respond to BJA e-mails re: strategy.  | 0.50  |
|            | BJA | Court appearance before Judge Dudgeon re: hearing on petition to abandon.  | 2.70  |
| 04/10/2009 | PAL | Review BJA correspondence to Marshall.   | 0.20  |

James Johnson, Village Manager

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04/16/2009  
Account No: 3100-3508M  
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Bensenville Special Service Area (BSSA)

|     |   | Hours |          |
|-----|---|-------|----------|
| PAL | Review MaRous bill.   | 0.10  |          |
| PAL | Review Reinke e-mails re: Executive Session Minutes and litigation. | 0.20  |          |
| PAL | Review BJA e-mail re: Judge Dudgeon ruling.                         | 0.10  |          |
| BJA | Draft #1 of docketing statement.                                    | 1.50  |          |
|     | For Current Services Rendered                                       | 32.70 | 5,283.00 |

Recapitulation

| <u>Timekeeper</u>       | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|-------------------------|--------------|-------------|--------------|
| Phillip Luetkehans      | 1.70         | \$190.00    | \$323.00     |
| Brian J. Armstrong      | 27.00        | 160.00      | 4,320.00     |
| Stephanie J. Luetkehans | 4.00         | 160.00      | 640.00       |

|            |  |        |
|------------|--|--------|
| 03/17/2009 | Westlaw computerized legal research for February 2009 (check no. 24505). | 143.71 |
| 03/31/2009 | Photocopies for the month of March 2009.                                 | 1.00   |
| 03/31/2009 | Faxes for the month of March 2009.                                       | 7.00   |
| 03/31/2009 | Postage for March 2009.  | 4.38   |
| 04/09/2009 | BJA travel expense to Wheaton.   | 20.90  |
| 04/09/2009 | Westlaw computerized legal research for March 2009 (check no. 24572).    | 2.51   |
| 04/10/2009 | Photocopies for the month of April 2009.                                 | 5.50   |
| 04/10/2009 | Postage for April 2009.  | 4.38   |
|            | Total Expenses   | 189.38 |

Total Current Work

5,472.38

Previous Balance \$8,940.65

Balance Due

\$14,413.03

Your account is 60 days past due.

PLEASE INDICATE YOUR FILE NUMBER WHEN MAKING A PAYMENT  
SCHIROTT & LUETKEHANS, P.C. FEDERAL ID# 36-3317368

**SCHIROTT & LUETKEHANS, P.C.**  
 ATTORNEYS AT LAW  
 105 EAST IRVING PARK ROAD  
 ITASCA, ILLINOIS 60143

PHONE: 630 / 773-8500  
 FAX: 630 / 773-1006

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04/22/2009

James Johnson, Village Manager  
 Village of Bensenville  
 12 South Center Street  
 Bensenville IL 60106

**Account No:** 3100-3508M  
**Statement No:** 31

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FOR PROFESSIONAL SERVICES:

Bensenville Special Service Area (BSSA)

| Date       | Attorney | Description   | Hours    |
|------------|----------|---|----------|
| 04/11/2009 | BJA      | Telephone conference with Marshall.   | 0.20     |
|            | BJA      | Review and revise docketing statement.  | 0.50     |
| 04/14/2009 | BJA      | Draft #1 of motion to stay enforcement.   | 0.70     |
|            | BJA      | Research re: stay of enforcement of judgment.   | 0.50     |
|            | BJA      | Draft #1 and #2 of response to supplemental fee petition.   | 3.00     |
| 04/16/2009 | BJA      | Research re: time for filing docketing statement and requesting report of proceedings.  | 0.50     |
|            | BJA      | Correspondence to clerk of court, court reporter and Judge Popejoy.   | 1.50     |
|            | BJA      | Prepare motion to stay enforcement of judgment for filing and service.  | 0.30     |
|            | LC       | Clerk of the Circuit Court of DuPage County - file Notice of Filing, Motion to Stay Enforcement of Judgment and deliver envelope to Judge Popejoy @ Wheaton re: Howe. | 0.50     |
|            |          | For Current Services Rendered   | 7.70     |
|            |          |   | 1,182.00 |

Recapitulation

| <u>Timekeeper</u>  | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|--------------------|--------------|-------------|--------------|
| Brian J. Armstrong | 7.20         | \$160.00    | \$1,152.00   |
| Law Clerk          | 0.50         | 60.00       | 30.00        |

|            |                                      |       |
|------------|--------------------------------------|-------|
| 04/16/2009 | Law clerk travel expense to Wheaton. | 20.90 |
| 04/22/2009 | Photocopies through 04/22/09.        | 1.80  |

James Johnson, Village Manager

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04/22/2009

Account No: 3100-3508M

Statement No: 31

Bensenville Special Service Area (BSSA)

|            |                                  |                    |
|------------|----------------------------------|--------------------|
| 14/22/2009 | Faxes through 04/22/09.          | 2.00               |
|            | Total Expenses                   | <u>24.70</u>       |
|            | <b><u>Total Current Work</u></b> | 1,206.70           |
|            | Previous Balance                 | \$14,413.03        |
|            | <b><u>Balance Due</u></b>        | <u>\$15,619.73</u> |

Your account is 60 days past due.

PLEASE INDICATE YOUR FILE NUMBER WHEN MAKING A PAYMENT  
SCHIOTT & LUETKEHANS, P.C. FEDERAL ID# 36-3317368

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James Johnson, Village Manager  
 Village of Bensenville  
 12 South Center Street  
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 04/27/2009  
Account No: 3100-3508M  
Statement No: 32

FOR PROFESSIONAL SERVICES:

Bensenville Special Service Area (BSSA)

|            |     |   | Hours    |
|------------|-----|---|----------|
| 04/24/2009 | BJA | Court appearance before Judge Popejoy re: Motion to Stay.           | 3.00     |
|            | BJA | Correspondence to Marshall and Ramello re: enforcement of judgment. | 0.70     |
|            | BJA | Prepare and file notice of appeal.                                  | 3.00     |
|            | BJA | Draft #1 of Notice of Filing of Appeal to appellate court.          | 0.30     |
|            |     | For Current Services Rendered                                       | 7.00     |
|            |     |   | 1,120.00 |

Recapitulation

| <u>Timekeeper</u>  | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|--------------------|--------------|-------------|--------------|
| Brian J. Armstrong | 7.00         | \$160.00    | \$1,120.00   |

**Total Current Work**

1,120.00

Previous Balance

\$15,619.73

|            |   |                          |
|------------|---|--------------------------|
| 04/24/2009 | payment received--thank-you. Village of Bensenville (check no. 00121569) Statement #27. | -2,313.74                |
| 04/24/2009 | payment received--thank-you. Village of Bensenville (check no. 00121569) Statement #28. | -2,983.61                |
| 04/24/2009 | payment received--thank-you. Village of Bensenville (check no. 00121569) Statement #29. | -3,643.30                |
|            | Total Payments  | -8,940.65                |
|            | <b><u>Balance Due</u></b>   | <b><u>\$7,799.08</u></b> |

James Johnson, Village Manager

Bensenville Special Service Area (BSSA)

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04/27/2009

Account No: 3100-3508M  
Statement No: 32

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