



12 South Center Street
Bensenville, IL 60106

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VILLAGE BOARD

President
Frank DeSimone

Board of Trustees
Rosa Carmona
Ann Franz
Agnieszka "Annie" Jaworska
McLane Lomas
Nicholas Panicola Jr.
Armando Perez

Village Clerk
Nancy Quinn

Village Manager
Evan K. Summers

October 18, 2018

Mr. James Brill
White Pine Community Alliance

Re: October 18, 2018 FOIA Request

Dear Mr. Brill:

I am pleased to help you with your October 18, 2018 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on October 18, 2018. You requested copies of the items indicated below:

"Any legal documents that were served upon the Village, its Officials or employees by or from Gina Mellenthin or the White Pines Civic Association within the time period of October 8, 2018 thru October 18, 2018."


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

- 1) County of DuPage Case No. 2018 CH 001065. (6 pgs.)

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

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

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL
CIRCUIT COUNTY OF DUPAGE

Gina Mellenthin,

)

Plaintiff,

)

vs,

)

Case No. 2018 CH 001065

Frank DeSimone, Rosa Carmona,

)

Ann Franz, Agnieszka Jaworska,

)

McLane Lorax, Nicholas Panciola, Jr.,

)

And Armando Perez,

)

Defendants

PLAINTIFF'S ANSWER AND AFFIRMATIVE RESPONSE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL
CIRCUIT COUNTY OF DUPAGE

Gina Mellenthin,

Plaintiff,

vs,

Case No. 2018 CH 001065

Frank DeSimone, Rosa Carmona,
Ann Franz, Agnieszka Jaworska,
McLane Lorax, Nicholas Panciola, Jr.,
And Armando Perez,

Defendants

PLAINTIFF'S ANSWER AND AFFIRMATIVE RESPONSE

To: Frank DeSimone, Rosa Carmona,
Ann Franz, Agnieszka Jaworska,
McLane Lorax, Nicholas Panciola, Jr.,
And Armando Perez,

Please take note that on October 18, 2018, at 9:00 a.m. or as soon thereafter as I may be heard, I shall appear before the Honorable Judge Bonnie M. Wheaton or any Judge sitting in her stead, in Room 2007 of the Circuit Court of DuPage County, DuPage County Judicial Center, 505 North County Farm Rd., Wheaton, Illinois 60187 and then I Will present the attached Answer and Affirmative Response.

PROOF OF SERVICE

I, Gina Mellenthin, on oath state that on October 12, 2018, I caused a copy of the foregoing **Plaintiff's Answer and Affirmative Response** to be served on the above parties by placing same in a properly addressed, postage prepaid envelope and depositing same in the U.S. Mail at Bensenville, Illinois, 60106 before 5:00 p.m.

Gina Mellenthin
Pro se

Gina Mellenthin
Pro se

Gina Mellenthin
4150 Pine Grove
Bensenville IL 60106
630-202-5738
Gina WPCA@gmail.com

Summary of Plaintiff's Complaint

- I. Plaintiff seeks a preliminary injunction against the defendant barring them from spending any money from the unincorporated utility fund (see exhibit A and B)
- II. Plaintiff does have representative capacity. At a board meeting The White Pines Civic Association designated Gina Mellenthin as their representative. (See exhibit C)
- III. The defendants were named in their capacity as trustees and president. The omission of titles was left out as they were served at Village hall.
- IV.
 - I. The plaintiff seeks relief through the courts because the village of Bensenville has not listened to the people's request at their meetings.
 - ii. The injury comes from the dissolution of seventy plus years of the residents paying into the unincorporated utility fund.
 - iii. The plaintiff is seeking relief through the 18th District Court.
 - vi. The plaintiff believes that when their case is presented on December 24th, 2018 that the Court will rule in their favor.
- A. Plaintiff has paid into the unincorporated utility fund for years as well as all residents. The village has held the money for years fiduciary fund for new water line replacement.

We believe that the new Village Attorney does not understand the connection between the residents and the fund.
- B. Plaintiff and residents will incur irreparable harm as this will deplete and take decades to replace. Plaintiff will show at trial that The Village of Bensenville has done multiple studies of the same area.
- C. The White Pines residents view this as their remedy at law. The village has no money of their own for this project and must seek an EPA loan for the project with the residents repaying the loan.
- D. Plaintiff would not bring this motion forward without believing that once the case is brought to light, the Court will rule in the Plaintiff's favor.

Conclusion

The motion to dismiss should be denied and the hearing scheduled for December 24, 2018 be allowed to move forward.

Therefore the Plaintiff, Gina Mellenthin, having demonstrated the capacity to represent requests that the Court deny the motion to dismiss.

Gina Mellenthin
4N150 Pine Grove
Bensenville IL 60106
(630)-202-5738
GinaWPCA@gmail.com

Respectfully Submitted


Gina Mellenthin
Pro Se

Village Board

Village President
Frank DeSimone

Trustees
Rosa Carmona
Ann Franz
Agnieszka "Annie" Jaworska
McLane Lomax
Nicholas Panicoia Jr.
Armando Perez

Village Clerk
Nancy Quinn

Village Manager
Evan K. Summers



BENSENVILLE
GATEWAY TO OPPORTUNITY



**Village of Bensenville, Illinois
VILLAGE BOARD
BOARD OF TRUSTEES MEETING
AGENDA
6:30 PM August 28, 2018**

- I. CALL TO ORDER ✓
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PUBLIC COMMENT (3 minutes per person with a 30 minute meeting limitation)
- V. APPROVAL OF MINUTES
 1. August 14, 2018 Village Board Meeting Minutes
- VI. WARRANT
 1. Warrant report 08-28-18 18/15 \$639,563.40
- VII. CONSENT AGENDA – CONSIDERATION OF AN “OMNIBUS VOTE”
 1. An Ordinance Approving a Variance (shed, size) for Kamil Matyja, located at 751 S. Center Street
 2. Ordinance Declaring Sin Bin Hockey Shop Inventory and Equipment as Village Owned Surplus Property
 3. A Resolution Authorizing a Master License Agreement with Universal Film Exchanges, LLC
 4. Consideration of a Resolution to Authorize Payment of \$28,337.82 to DuPage County for the First Capital Installment Payment of the Police Records Management System's Component of the Du Page Justice Information System
 5. Ordinance Approving an Amended Mutual Aid Agreement for the Northern Illinois Police Alarm System (NIPAS)
 6. Resolution Authorizing the Execution of an Agreement with the Suburban Bus Division of the Regional Transportation Authority (PACE) for Participation in the Ride DuPage Program
 7. Resolution Authorizing the Execution of a License Agreement with MCI metro Access Transmission Services Corp., d/b/a Verizon Access Transmission Services to install

EXHIBIT A

PURKE

Telecommunications within the Village of Bensenville Right-of-Way

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8. *Resolution Approving an Acquisition of Necessary Right of Way, Permanent and/or Temporary Easements from Mr. Roland Zablocki of 702 W Green St (PIN 03-14-301-007) in the Not-to-Exceed Amount of \$12,750 Related to the Church Rd TAP-TCM Project*
 9. *Resolution Authorizing the Execution of an Engineering Services Agreement with Bollinger, Lach & Associates for the Church Rd TAP-TCM Project (Grove to IL-19) in the Not-to-Exceed Amount of \$115,720.01*
 10. *Resolution Authorizing the Execution of a Contract with Globe Construction Inc. of Addison, IL for the 2018 MFT Sidewalk Removal & Replacement Program in the not-to-exceed amount of \$40,000*
 11. *Resolution Authorizing the Execution of a Design Engineering Services Contract for the White Pines Water Main Replacement Project with Christopher B. Burke Engineering, Ltd. in the Not-to-Exceed Amount of \$437,323.26*
 12. *Resolution Authorizing the Execution of a Design Engineering Services Agreement for the 2019 Village Watermain Improvements Project with James J. Benes & Associates, Inc. in the Not-to-Exceed Amount of \$69,232*

VIII. REPORTS OF VILLAGE DEPARTMENTS

- A. Administration – No Report
- B. Community and Economic Development – No Report
- C. Finance – No Report
- D. Police Department
 1. *Introduction of New Police Officer Anderson Davies to the Village Board and the Community*
- E. Public Works – No Report
- F. Recreation – No Report

IX. REPORTS OF VILLAGE OFFICERS:

- A. PRESIDENT'S REMARKS:
- B. VILLAGE MANAGER'S REPORT:
 1. *Resolution Authorizing the Retention of Edelson PC as Special Legal Counsel in Connection with Litigation Related to the Opioid Crisis*

C. VILLAGE ATTORNEY'S REPORT:

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

XII. EXECUTIVE SESSION

- A. Review of Executive Session Minutes [5 ILCS 120/2 (C) (21)]
- B. Personnel [5 ILCS 120/2 (C) (1)]
- C. Collective Bargaining [5 ILCS 120/2 (C) (2)]
- D. Property Acquisition [5 ILCS 120/2 (C) (5)]
- E. Litigation [5 ILCS 120/2 (C) (11)]

EXHIBIT B



White Pines Civic Association

<https://whitepines.info>

August 24, 2018

We the undersigned members of the Board of the White Pines Civic Association do hereby delegate Gina Mellenthin to file suit against the Village of Bensenville regarding our monies on deposit with the Village.

P.O. Box 1022 Bensenville IL, 60106 Email - wpca@whitepines.info

EXHIBIT 'C'