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VILLAGE BOARD

November 6, 2018

President
Frank DeSimone

Board of Trustees
Rosa Carmona
Ann Franz
Agnieszka "Annie" Jaworska
Melanie Lomax
Nicholas Paricola Jr
Armando Perez

Village Clerk
Nancy Guinn

Village Manager
Evan K. Summers

Mr. James Brill
White Pine Community Alliance

Re: November 5, 2018 FOIA Request

Dear Mr. Brill:

I am pleased to help you with your November 5, 2018 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on November 5, 2018. You requested copies of the items indicated below:

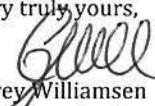
"1. Any legal documents filed with 18th Judicial Circuit Court of DuPage County on behalf of the Village of Bensenville and/or its President, Frank DeSimone, in support of their motion to dismiss any complaint filed by Ms. Gina Mellenthin and/or the White Pines Civic Association."

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

- 1) Circuit Court of the Eighteenth Judicial Circuit County of DuPage No. 18CH1065 Defendants' Reply in Support of Their Section 2-615 and 2-619 Motion to Dismiss. (18 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 DU PAGE**

Gina Mellenthin,)
Plaintiff,)
v.) No. 18 CH 1065
Frank DeSimone, Rosa Carmona,)
Ann Franz, Agnieszka Jaworska,)
McLane Lomax, Nicholas Panicola, Jr.,)
and Armando Perez.)
Defendants.)



**DEFENDANTS' REPLY IN SUPPORT OF THEIR
SECTION 2-615 AND 2-619 MOTION TO DISMISS**

Defendants Frank DeSimone, Rosa Carmona, Ann Franz, Agnieszka Jaworska, McLane Lomax, Nicholas Panicola, Jr., and Armando Perez, through their attorneys, Montana and Welch, LLC, state as follows for their Reply in support of their Section 2-615 and 2-619 Motion to Dismiss:

I. Summary of Argument

Plaintiff, a resident of the White Pines subdivision in unincorporated Bensenville ("White Pines"), has filed this lawsuit seeking to bar the Village of Bensenville ("Village") from using certain public funds to implement the White Pines Water Main Replacement Project ("Project"). Plaintiff apparently takes issue with the Project and wants this Court to bar the Village from spending money from what she is calling an "unincorporated utility fund" on the Project, so she can explore other options which she believes are better for the residents of White Pines.

Plaintiff does not plead facts establishing that she has standing to bring this lawsuit on behalf of the residents of White Pines as an individual. Plaintiff apparently does not disagree and

now argues that she is bringing this case on behalf of a corporation called White Pines Civic Association. Not only is Plaintiff's evidence in support of this proposition inadmissible under Supreme Court Rule 191, but to allow Plaintiff to represent this corporation would violate the Illinois Attorney Act because Plaintiff is not an attorney.

Moreover, Plaintiff has pled none of the elements necessary for injunctive relief. Plaintiff has pled no facts showing that she has any right to dictate how the money in the "unincorporated utility fund" is used. And even if Plaintiff could establish such a right, there is no irreparable injury presented here which cannot be adequately compensated with monetary damages, and Plaintiff has no likelihood of success on the merits in any case. For these reasons, Defendants' Motion should be granted.

II. Discussion

A. Plaintiff Lacks Standing to Sue Individually and Cannot Prosecute this Lawsuit on behalf of White Pines Civic Association because she is not an Attorney

Plaintiff brings this suit individually as a *pro se* plaintiff. Yet she portends to seek relief for everyone who lives and has lived in White Pines since the alleged "unincorporated utility fund" was created in 1985. (See Complaint, ¶ 5). Defendants argued in their Motion that Plaintiff does not have standing to do this. (Motion at 2-3). The Illinois Common Interest Community Association Act provides that the board of directors of a homeowner's association has the standing and capacity to act in a representative capacity on behalf of the association's members. (Motion at 3, citing 765 ILCS 160/1-30(j)). However, Plaintiff has not alleged that White Pines has a homeowner's association, that the board of directors has authorized the complaint, that she is a director of the association or even that she is a resident of White Pines. *Id.* Nor has Plaintiff pled

any facts establishing that she meets the criteria to bring a class action on behalf of the White Pines residents under Section 2-801 of the Illinois Code of Civil Procedure. *Id.*

Plaintiff does not appear to disagree with Defendants' arguments on these points as she does not dispute them. Rather, Plaintiff attempts to correct these issues by arguing that she "does have representative capacity . . . [at a] board meeting The White Pines Civic Association designated Gina Mellenthin as their representative." (Response at 1, ¶ II).

In support of this allegation, Plaintiff attaches a document to her Response purporting to be a letter from this White Pines Civic Association. (Response, Exhibit C). This letter, which has no return address on it, is dated August 24, 2018 and states that "we the undersigned members of the Board of the White Pines Civic Association hereby delegate Gina Mellenthin to file suit against the Village of Bensenville regarding our monies on deposit with the Village." *Id.* The letter is signed by three individuals whose names are illegible. *Id.*

Under Illinois Supreme Court Rule 191, evidence submitted in opposition to a motion to dismiss must be admissible in court – meaning it must be properly authenticated non-hearsay. Plaintiff's letter is an unsworn document with no address, no supporting affidavit, and illegible signatures. The letter is classic hearsay - an out of court statement being offered to prove that the White Pines Civic Association gave Plaintiff the authority to sue on that entity's behalf. The letter should be stricken pursuant to Supreme Court Rule 191.

That aside, the letter does not establish that the White Pines Civic Association has the authority and standing to bring this lawsuit. Neither the letter, nor Plaintiff's Complaint, nor Plaintiff's Response to Defendants' Motion, nor any affidavit, establish what the White Pines Civic Association even is, much less that it has authority and standing to bring this type of lawsuit on behalf of all of the White Pines residents.

Former residents of White Pines also have to be considered in this context. As mentioned above, Plaintiff alleges that the “unincorporated utility fund” was created in 1985. (Complaint, ¶ 5). If that is taken as true, then logic dictates that at least some individuals who paid into this fund moved out of White Pines at some point over the past 33 years. Since they also have an interest in the funds at issue under Plaintiff’s theory, those individuals would need to be made parties to this lawsuit separate and apart from the White Pines Civic Association, given that the association would be in no position to represent the interests of non-members.

All of this aside, there is an even greater problem for Plaintiff. A search of the Illinois Secretary of State database shows that White Pines Civic Association is an Illinois not-for-profit corporation. (**Exhibit 1**, *Corporation File Detail Report*). So even if the association has authority and standing to bring this type of lawsuit on behalf of the entire universe of current and former White Pines residents over the past 33 years, the association’s letter attempts to authorize a non-attorney – Plaintiff – to represent a corporation before this Court.

Under the Illinois Attorney Act, “[n]o person shall be permitted to practice as an attorney or counselor at law within this State without having previously obtained a license for that purpose from the Supreme Court of this State.” 705 ILCS 205/1. And clear Illinois case law holds that corporations must be represented by counsel in legal proceedings. See e.g. *Downtown Disposal Servs., Inc. v. City of Chicago*, 2012 IL 112040, ¶¶ 17, 22, 979 N.E.2d 50, 54 (“[c]ourts in this country, including this court, unanimously agree that a corporation must be represented by counsel in legal proceedings”). “This rule arises from the fact a corporation is an artificial entity that must always act through agents and there may be questions as to whether a particular person is an appropriate representative.” *Id.*

Plaintiff indicated on her Complaint that she is not an attorney. (**Exhibit 2, Plaintiff's Complaint** (highlights added)). The Illinois Attorney Registration & Disciplinary Commission's "Lawyer Search" database does not show Plaintiff as a person licensed to practice law in this State. (**Exhibit 3, Lawyer Search Results**). As such, Plaintiff does not have the ability to represent the White Pines Civic Association. To allow her to do so will be to allow her to practice law before this Court without a license in violation of the Illinois Attorney Act. Plaintiff's Complaint should be dismissed under Section 2-619(a)(9) due to her lack of standing to bring this lawsuit, the lack of authority and standing of the "White Pines Civic Association" to bring this lawsuit on behalf of all current and former residents of White Pines, and Plaintiff's lack of ability to practice law before this Court as the "delegee" of the White Pines Civic Association.

B. The Court does not have Jurisdiction to Enjoin the Village's Village President and Trustees in their Individual Capacities

Plaintiff has named the Village's Village President and individual Trustees as party Defendants in their individual capacities. When a suit is brought to enjoin a public official from taking some action – as Plaintiff is attempting to do here – that public official must be sued in his or her official capacity and not in his or her individual capacity. (Motion at 4, citing McMechan v. Yenter, 301 Ill. 508, 512 (1922) and Moser v. Highway Commissioner of Town of Urbana, 114 Ill.App.3d 137, 141 (4th Dist. 1983)).

Plaintiff admits in her Response that she has sued the Village President and Trustees individually and not in their official capacities. See Response at 2, ¶ III ("omission of titles was left out as they were served at Village hall"). No further discussion of this undisputed point is necessary and Plaintiff's Complaint should be dismissed for this reason under Section 2-615.

C. There is no Basis for Injunctive Relief

1. General Rule

A preliminary injunction is an extraordinary remedy and must be granted with the utmost care and one should not be granted unless the need is clear. (Motion at 4, *citing Fischer v. Brombolich*, 207 Ill.App.3d 1053, 1064 (5th Dist. 1991)). Before a preliminary injunction can be issued, a court must find that 1) the plaintiff has demonstrated a clearly ascertainable right in need of protection, 2) irreparable injury will occur if the injunction is not issued, 3) no adequate remedy at law exists, and, 4) there is a probability of the plaintiff prevailing on the merits. (*Id.*, *citing Village of Westmont v. Lenihan*, 301 Ill.App.3d 1050, 1055 (2nd Dist. 1999)). Plaintiff must make a *prima facie* demonstration that there is a fair question as to the existence of the right claimed and that the circumstances lead to a reasonable belief that the plaintiff will be entitled to the relief sought. (*Id.*, *citing Village of Westmont*, 301 Ill.App.3d at 1055).

2. Plaintiff Fails to Identify a Right to the “Unincorporated Utility Fund”

To establish the first element, Plaintiff will need to prove that she has a clearly ascertainable right to the funds in the “unincorporated utility fund.” Defendants argue in their Motion that Plaintiff fails here because she does not refer to a source for her alleged right to the “unincorporated utility fund” money anywhere in her Complaint. (Motion at 5). She does not identify any statute, Village ordinance, or contract with the Village that gives her – or any White Pines resident - a right to a refund of the “unincorporated utility fund” money paid as part of her water bill. She does not identify any statute, Village ordinance, or contract with the Village that gives her the right to dictate to the Village - in the name of the residents of White Pines who did not consent to her representation - how those funds are utilized for water main infrastructure projects. (Motion at 5-6).

Plaintiff does not offer any cognizant argument against Defendants' position on this point. Rather, she makes the general and unsupported proclamation that "Plaintiff has paid into the unincorporated utility fund for years as well as all residents . . . [t]he village has held the money for years fiduciary fund for new water line replacement." (Response at 1, ¶ IV(A)). Even if there is some sort of "fiduciary fund" into which the Village placed Plaintiff's water bill payments, Plaintiff has pled no facts establishing that she has the right to control how those funds are utilized. Plaintiff's Complaint should be dismissed under Section 2-615 for this reason.

3. Plaintiff does not Plead an Irreparable Injury or no Adequate Remedy at Law

To establish the second and third elements, Plaintiff will need to show that she will suffer an injury which cannot be adequately compensated or for which damages cannot be ascertained by any certain pecuniary standard. (Motion at 6, citing *Wilson v. Wilson*, 217 Ill.App.3d 844, 855-856 (1st Dist. 1991)). Allegations of irreparable injury based on opinion, conclusion, or belief are insufficient. *Id.* A plaintiff must plead facts that clearly establish that the preliminary injunction is necessary. *Id.*

Plaintiff fails to do this also. Plaintiff alleges that the White Pines residents have a right to the money in the "unincorporated utility fund" and that the Defendants may spend some of that money unless an injunction is entered. But the amount of money in the fund and any amount that may be spent are ascertainable. If Plaintiff has any right to the money, then she can be adequately compensated through a monetary judgment.

Plaintiff argues that she "and residents will incur irreparable harm as this will deplete and take decades to replace." (Response at 2, ¶ IV(B)). But if Plaintiff does state a valid claim, and if she can prove that claim, then she will receive monetary relief which will compensate her for her harm in the form of a judgment.

In this situation, however, that seems highly unlikely. Plaintiff states in her Complaint that the Village intends to use the money at issue on a new water system. (Complaint at 2). If “[t]he village has held the money for years fiduciary fund for new water line replacement” as Plaintiff argues, and if the Village is going to be spending that money on a new water system, as Plaintiff also argues, then Plaintiff will not be able to establish any compensable injury at all – much less an irreparable injury. Plaintiff’s Complaint should be dismissed pursuant to Section 2-615 for these reasons.

4. Plaintiff’s Complaint Establishes no Probability She will Prevail on the Merits

To establish the fourth element, Plaintiff has to plead that there is a probability that she will prevail on the merits to obtain a preliminary injunction. The clearly ascertainable right and the probability of prevailing on the merits are linked. (Motion at 7). Absence a showing of a right, there is no possibility of prevailing. (*Id.*, citing Stenstrom Petroleum Services Group v. Mesch, 375 Ill.App.3d 1077, 1089 (2nd Dist. 2007)).

As discussed above, Plaintiff has not pled that she has any ascertainable right to stop the Village from spending funds on their intended purpose. And Plaintiff’s own stated facts establish that she is not likely to prevail on the merits. This is another reason why Plaintiff’s Complaint should be dismissed under Section 2-615.

III. Conclusion

Plaintiff’s Complaint should be dismissed under Sections 2-615 and 2-619(a)(9) because 1) Plaintiff has no standing to bring the complaint in any representative capacity, 2) she cannot bring this suit as the delegatee of the White Pines Civic Association because she is not an attorney and there is nothing in Plaintiff’s Complaint or Response which establishes that this entity has standing and authority to sue on behalf of current and former White Pines residents in any case; 3)

Plaintiff has admittedly not properly sued Defendants in their official capacity, and, 4) Plaintiff has not pled any of the elements necessary to grant injunctive relief.

WHEREFORE, the Defendants, Frank DeSimone, Rosa Carmona, Ann Franz, Agnieszka Jaworska, McLane Lomax, Nicholas Panicola, Jr., and Armando Perez, in their individual capacities, request that this court dismiss Plaintiff's Complaint with prejudice, and grant any further relief deemed just.

Respectfully submitted,
MONTANA & WELCH, LLC.

By: /s/ Richard F. Bruen
One of the attorneys for
Defendants

Richard F. Bruen, Jr.
Alan M. Mullins
MONTANA & WELCH, LLC
11950 S. Harlem Avenue – Suite 102
Palos Heights, IL 60463
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Attorney Code 308878

STATE OF ILLINOIS

UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

COUNTY OF DU PAGE

Gina Mellenthin

Plaintiff,

v.

Frank DeSimone, et al.

Defendant,

2018 CH 1065

Case Number

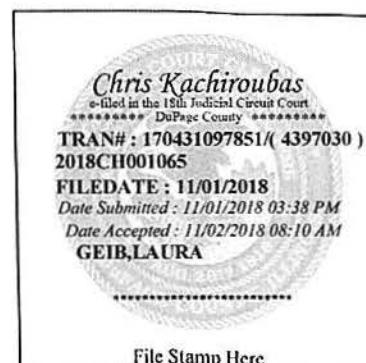


EXHIBIT COVER SHEET

EXHIBIT NAME: Exhibit 1, Corporation File Detail Report

TITLE OF DOCUMENT THIS EXHIBIT BELONGS WITH:

Defendants' Reply in Support of Their Section 2-615 and 2-619 Motion to Dismiss

Document File Date: November 1, 2018

(The file date of the document this exhibit belongs with)

EXHIBIT FILED ON BEHALF OF: Defendants - Frank DeSimone, et al.

(Case Party Name)

Submitted by: Richard F. Bruen

Name: Montana & Welch, LLC Pro Se

DuPage Attorney Number: 308878

Attorney for: Defendants

Address: 11950 S. Harlem Avenue, Suite 102

City/State/Zip: Palos Heights, IL 60463

Telephone Number: (708) 448-7005

Email: rbruен@montanawelch.com

OFFICE OF THE ILLINOIS SECRETARY OF STATE



JESSE WHITE
SECRETARY OF STATE

CORPORATION FILE DETAIL REPORT

File Number	31348170		
Entity Name	WHITE PINES CIVIC ASSOCIATION		
Status	ACTIVE		
Entity Type	CORPORATION	Type of Corp	NOT-FOR-PROFIT
Incorporation Date (Domestic)	05/27/1949	State	ILLINOIS
Agent Name	GINA MELLENTHIN	Agent Change Date	05/11/2015
Agent Street Address	4N150 PINE GROVE AVE	President Name & Address	
Agent City	BENSENVILLE	Secretary Name & Address	
Agent Zip	60106	Duration Date	PERPETUAL
Annual Report Filing Date	04/13/2018	For Year	2018

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STATE OF ILLINOIS

UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

COUNTY OF DU PAGE

Gina Mellenthin

Plaintiff,

v.

Frank DeSimone, et al.

Defendant,

2018 CH 1065

Case Number

File Stamp Here

EXHIBIT COVER SHEET

EXHIBIT NAME: Exhibit 2, Plaintiff's Complaint (highlights added)

TITLE OF DOCUMENT THIS EXHIBIT BELONGS WITH:

Defendants' Reply in Support of Their Section 2-615 and 2-619 Motion to Dismiss

Document File Date: November 1, 2018

(The file date of the document this exhibit belongs with)

EXHIBIT FILED ON BEHALF OF: Defendants - Frank DeSimone, et al.

(Case Party Name)

Submitted by: Richard F. Bruen

Name: Montana & Welch, LLC Pro Se

DuPage Attorney Number: 308878

Attorney for: Defendants

Address: 11950 S. Harlem Avenue, Suite 102

City/State/Zip: Palos Heights, IL 60463

Telephone Number: (708) 448-7005

Email: rbruен@montanawelch.com

STATE OF ILLINOIS

UNITED STATES OF AMERICA

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

COUNTY OF DU PAGE

Gina Mellethrin

vs
 FRANC DASMONTE
 ROSA CARMONA
 ANN FRANZ
 AGNIESZKA JAWORSKA
 MELANIE LUMAT
 NICK PAGNICO JR.
 ALMENDRO PEREZ.

2018CH001065

CASE NUMBER

PAGE 1 OF 3

File Stamp Here

Preliminary Motion

Title

Preliminary Statement

1. The Village of Bensenville is voting to spend money that has been collected for new infrastructure for engineering that may not be applied. They don't know if the residents are going to have Bensenville do the system. We need the time to explore our options before us.

FACTUAL ALLEGATIONS

2. The Village has applied for EPA loans in 2015 and the EPA found the application was less than truthful so the EPA took the funding back. The Village has stated that they will be using pipes that exist and that would result in the EPA not giving the Village a loan again.

3. The funds have been collected over and above their water bills since 1965 and put into a fund for new infrastructure.

Name: Gina Mellethrin Pro Se

DuPage Attorney Number: _____

Attorney for: _____

Address: 91150 Pine Grove Ave

City/State/Zip: Bensenville IL 60106

Telephone Number: 630 202 5738

Email: Gina.WPCA@gmail.com

Signature

Argument

Short Synopsis of the History of White Pines Subdivision

4. • From the year 1945 to 1985 each residence of White Pines paid double their water bill to the Village of Bensenville and that money was put in Bensenville's general fund.
5. • In 1985 the residents of White Pines complained and the Village created an ordinance called the Unincorporated Utility Fund.
6. • In 1991 an audit was conducted by the firm McGalgey and Pullen when discrepancies were found in our Utility Fund. They found that were being put back into the general fund and they advised that the practice of commingling funds was illegal and the funds were once again put back into a separate fund.
7. • The Village of Bensenville took money from the Utility fund and used the money to fight O'Hare expansion. This was money designated for our water infrastructure and should not have been used for other purposes.
8. • In 1999, Bensenville used money from the Utility Fund to put a main down to Massel Court. After the main was put in 7 of the 10 homes were incorporated into the Village. White Pines went to the Village to ask if we could recuperate some of the money and were told that we would have to sue them to get it back.
9. • We then went into the Village again and asked if there was a way where we could help ourselves and were told to go to the county and ask for funding. We did this, and we received a grant for \$1.7 million. The Village took this funding and spent it on homes that they incorporated.
10. • When Frank Soto was mayor, they came in with an offer to pay for half the system in return for incorporation into the Village. The residents of White Pines didn't want to incorporate and we turned the offer down. Village manager Mr. Cassidy stopped putting our money from water bills into our utility fund and it is going back into the general fund once again..
11. • The new mayor, Frank DeSimone has given us his offer that the people of White Pines who have already paid for $\frac{1}{2}$ of the system that we have in place pay for a brand new system. This is because when Bensenville applied for the EPA loan the last time there was misleading information when they filled out the paperwork. Bensenville perceived that they owned our system and when the EPA discovered that they don't own the system, they turned the loan down.
12. • Bensenville is now going for a new loan for a totally brand new system which they will own after we pay for it. They plan to abandon the system now in place. They will incorporate White Pines as part of the offer. This will include higher taxes for our residents as well as surcharge on your water bill to pay for system.

PAGE #2 OF 3

NAME Gina Mellenthin CASE NUMBER _____

13. out Over and Above water bills to Put in New
infrastructure.

legalt Standards

14. Plaintiff seeks a preliminary injunction
from the money being spent until the residents
have the Right they choose to proceed with

1) Argument / see PAGE 2

15. The White Pines Residents are
currently seeking the water system to be
taken over by two other sources

1) DuPage County

2) Illinois American Water

We are working on offers for both
and spending these funds would put
increase financial pressure on a area
that is full of seniors on a fixed income

2) Unreparable Harm

16. If the money is gone we will
not able to go to the other sources and/or
it will be much more costly

3) Inadequate Remedy at Law

17. We ask for guidance from the law
as for many years there have been many
times the fund was depleted for other
reasons other than water for our area

4) likelihood of Success on the Merit

18. that the offer from the County or
Illinois American Water will be able to
provide water to the area

STATE OF ILLINOIS

UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

COUNTY OF DU PAGE

Gina Mellenthin

Plaintiff,

v.

Frank DeSimone, et al.

Defendant,

2018 CH 1065

Case Number

File Stamp Here

EXHIBIT COVER SHEET

EXHIBIT NAME: Exhibit 3, Lawyer Search Results

TITLE OF DOCUMENT THIS EXHIBIT BELONGS WITH:

Defendants' Reply in Support of Their Section 2-615 and 2-619 Motion to Dismiss

Document File Date: November 1, 2018

(The file date of the document this exhibit belongs with)

EXHIBIT FILED ON BEHALF OF: Defendants - Frank DeSimone, et al.

(Case Party Name)

Submitted by: Richard F. Bruen

Name: Montana & Welch, LLC Pro Se

DuPage Attorney Number: 308878

Attorney for: Defendants

Address: 11950 S. Harlem Avenue, Suite 102

City/State/Zip: Palos Heights, IL 60463

Telephone Number: (708) 448-7005

Email: rbruен@montanawelch.com



LAWYER SEARCH RESULTS

[Edit Search](#) [New Search](#)

ARDC Lawyer Search Results from the ARDC database last updated as of November 1, 2018 at 9:00:00 AM: for the following terms: Last Name: Mellenthin, First Name: Gina, status: All

Your search terms do not match the record of any lawyer licensed in Illinois. Please check your terms for accuracy and try your search again.

NOTE ON NAMES: The last name is a required field, but you may choose a phonetic search; particularly if you are not sure of the spelling of the last name.

NOTE ON ADDRESSES:

Addresses for certain attorneys are not presented on our website due to privacy considerations or because we do not have the data. These attorneys may include retired judges, retired lawyers, inactive lawyers, deceased lawyers and lawyers who have never registered with the ARDC.

If you believe an attorney may have one of the above statuses, please DO NOT fill in any of the ADDRESS FIELDS when attempting your search. Entering any address information for such attorneys will automatically exclude them from your search.

Additionally, if you are not certain that you have the correct address information for an attorney, please do not fill in the address fields. An erroneous value will exclude that attorney from your search.

If you have any questions or issues about using this page, please email registration@iardc.org.

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**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL
CIRCUIT COUNTY OF DU PAGE**

Gina Mellenthin,)
Plaintiff,)
vs.) Case No. 2018 CH 001065
Frank DeSimone, Rosa Carmona,)
Ann Franz, Agnieszka Jaworska,)
McLane Lomax, Nicholas Panicola, Jr.,)
and Armando Perez,)
Defendants.)

Chris Kachiroubas
e-filed in the 18th Judicial Circuit Court
DuPage County *****
TRAN#: 170431097851/(4397030)
2018CH001065
FILEDATE: 11/01/2018
Date Submitted: 11/01/2018 03:38 PM
Date Accepted: 11/02/2018 08:10 AM
GEIB,LAURA

NOTICE OF FILING

To: Gina Mellenthin
4N150 Pine Grove Avenue
Bensenville, IL 60106

PLEASE TAKE NOTICE that on November 1, 2018, the undersigned caused to be filed with the Circuit Court of the Eighteenth Judicial, Circuit County of DuPage, 505 North County Farm Road, Wheaton, Illinois 60187, the **Defendants' Reply in Support of Their Section 2-615 and 2-619 Motion to Dismiss**, in the above-referenced matter, a copy of which is attached hereto.

MONTANA & WELCH, LLC.

By:/s/ Richard F. Bruen
One of the attorneys for the Defendants

PROOF OF SERVICE

I, the undersigned, an attorney, on oath state, that on November 1, 2018, I caused a copy of the foregoing **Defendants' Reply in Support of Their Section 2-615 and 2-619 Motion to Dismiss** to be served on the above-listed party by placing same in a properly addressed, postage prepaid envelope and depositing same in the U.S. Mail at Palos Heights, Illinois 60463 before 5:00 p.m.

/s/ Richard F. Bruen

Richard F. Bruen, Jr. (Attorney Code 308878)
Alan M. Mullins
MONTANA & WELCH, LLC
11950 S. Harlem Avenue – Suite 102
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rbruен@montanawelch.com
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