```
STATE OF ILLINOIS )
 1
                                ss:
 2
         COUNTY OF C O O K
                            )
                  IN THE CIRCUIT COURT OF COOK COUNTY
 3
                 COUNTY DEPARTMENT - CHANCERY DIVISION
 4
          IN THE MATTER OF THE
          PETITION OF THE PARK
 5
          DISTRICT OF LA GRANGE, A
          BODY POLITIC AND CORPORATE
 6
                                          ) No. 09 CH 9421
          ORGANIZED AND EXISTING UNDER
          THE LAWS OF THE STATE OF
 7
          ILLINOIS, TO SELL A PARCEL
 8
          OF LAND LESS THAN THREE
          ACRES
 9
               Record of proceedings before the Honorable SUSAN
10
         FOX GILLIS, Judge of the Circuit Court of Cook County,
11
         Illinois, commencing at 11:27 a.m., on the 20th day of
12
         January, A.D. 2011, upon the hearing of the
13
         above-entitled case.
14
15
16
17
18
19
20
21
22
23
24
```

1	APPEARANCES:
2	ANCEL, GLINK, DIAMOND, BUSH, DICIANNI & KRAFTHEFER, P.C. by
3	MR. ROBERT K. BUSH and MR. DANIEL J. BOLIN
4	140 South Dearborn Street Sixth Floor
5	Chicago, Illinois 60603 (312) 782-7606
6	on behalf of The Park District
7	of La Grange;
8	BEYER LAW OFFICES, P.C. by MR. THOMAS P. BEYER
9	80 South La Grange Road La Grange, Illinois 60525
10	(708) 352-8950
11	- and -
12	MS. JOAN C. JOHNSON 237 South Catherine Avenue
13	La Grange, Illinois 60525 (425) 444-4055
14	- and -
15	MR. MARK E. WOHLBERG
16	One North LaSalle Street Suite 2205
17	Chicago, Illinois 60602 (312) 332-3200
18	on behalf of La Grange Friends
19	of the Park.
20	* * * * *
21	
22	
23	
24	

1	(Whereupon the following proceedings
2	were had in court.)
3	MR. BEYER: Good morning, your Honor. Tom Beyer
4	for the La Grange Friends of the Park.
5	MS. JOHNSON: Joan Johnson.
6	MR. WOHLBERG: Mark Wohlberg.
7	MR. BUSH: Rob Bush and Dan Bolin on behalf of
8	the Park District of La Grange.
9	THE COURT: Okay. We're here on a motion to
10	reconsider presented by the Friends of the Park,
11	correct?
12	MR. BEYER: That is correct, your Honor,
13	post-trial motion.
14	MR. BUSH: Yes. We have a motion to strike, but
15	I think procedurally we should take the one that's
16	entitled a motion to vacate.
17	MR. BEYER: Have you had an opportunity to read
18	everything, your Honor?
19	THE COURT: I did read everything. I certainly
20	have had an opportunity.
21	MR. BEYER: And I just have a few comments.
22	THE COURT: I don't think I really need any
23	comments. I've read everything. I have written out
24	my opinion and I am prepared to give that.

1	The Friends of the Park bring their
2	post-trial motion reiterating many of the arguments
3	they made in motions to dismiss, motions for summary
4	judgment, motions for clarification, and at trial.
5	Here they argue that the amount of land sought to be
6	sold, just in excess of three acres, that the Court
7	erred in using an arbitrary and capricious standard,
8	that the Park Commissioners Land Sales Act is
9	unconstitutional, that the Court erred in allowing
10	evidence regarding what could be done to improve the
11	remainder of Gordon Park by using sales proceeds,
12	which they allege is irrelevant and prejudicial, and
13	that the Court erred in finding that the Park
14	District's evidence did meet its burden of proof. In
15	addition, they argue the Land Trust Act. The Court
16	rejected the Friends' argument regarding the size of
17	the parcels and the Friends bring no new evidence to
18	change the decision of the Court. There is no
19	subterfuge. The Park District seeks only to sell two
20	parcels equaling less than three acres.
21	As to the arbitrary and capricious standard,
22	the Court in its ruling stated that the Park District
23	met its burden and, in fact, even though this has
24	been argued and reargued and reargued, as noted

before, the Court stated whether an arbitrary and capricious standard or any other standard was appropriate, the Park District overwhelmingly met its burden or, as was stated during the trial, by any standard this Court might apply, the Park District met its burden.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

To that point, the evidence presented was that this portion of the park land was indeed used but little used for organized sports. It could be used for very young soccer players fields, since the players used smaller fields, but basically couldn't be used for much more than that. It is visually obscured from the remainder of the park. awkwardly sloped. It has random trees. It is too hilly to play ball on but not hilly enough to sled It has some trees which obstruct basically -which obstruct. Basically it wasn't used for much beyond passive space or running up and down a hill and one soccer field for young players. evidence been presented regarding what the Park District hoped to do with the funds, the Park District still met its burden since it showed that there was little value in keeping this oddly configured and largely undeveloped parcel. As

previously stated, this land is underused and 1 underusable. However, evidence presented regarding 2 what the Park District would do with the remainder of 3 Gordon Park was presented not to show what they would do with the money for the sale but to show what could 5 be done with Park District property or, in this case, 6 what could not be done with the parcel -- parcels in 7 question. 8 Clearly, the value of the -- I'm sorry. 9 Clearly, the value to the Park District of the 10 property in question is minimal since it has minimal 11 utility. Thus, it is clear to this Court that the 12 Park District met its burden in showing that it was 13 in the public interest to sell this portion of Gordon 14 Park and that evidence about what could be done with 15 Gordon Park was properly admitted. 16 As to the constitutionality argument, this 17 was dealt with and the argument was rejected earlier. 18 Nothing was presented to change this ruling, which 19 was made in response to multiple motions. This is 20 21 also true for the public trust argument. For the reasons stated, objector's 22 It should also be added post-trial motion is denied. 23 that over and over throughout this long and arduous 24

1	path that this case has taken the Court took every
2	opportunity to give the objectors their full due,
3	perhaps giving them more far more hearing than
4	they were actually entitled to by way of the statute
5	For these reasons, the motion is, as previously
6	stated, denied. In addition, the motion to strike
7	the responses is granted, the responses having not
8	been timely filed.
9	MR. BEYER: Your Honor, on that issue, if we can
10	be heard.
11	THE COURT: Yes.
12	MR. BEYER: That isn't some attempt to restart
13	this case. That was because we went right into
14	trial, we had no opportunity to do what you would
15	normally do. In a case when an amended pleading is
16	filed, you also have an opportunity to answer
17	THE COURT: I understand that, but my ruling was
18	on October 5th and your filing was on November 8th,
19	believe, which was more than 30 days after.
20	MR. BEYER: It would have been exactly 30 days.
21	It had to be 30 days or the post-trial motion would
22	have been late. It was 30 days exactly.
23	THE COURT: No. I granted the
24	MR. BEYER: Oh, you're right. Even so, even so,

1	I mean, as a matter of disinforming the pleadings, I
2	mean, is this to set us up so at some time it can be
3	argued that we defaulted? I mean, what's the point
4	of this? Counsel is right. It's the same arguments.
5	It's the arguments at trial. There is no attempt to
6	restart the trial here.
7	THE COURT: The point is
8	MR. BEYER: If you want me to make a motion for
9	leave to file it late, I will do that and I don't
10	know if it would be
11	THE COURT: It was more than 30 days.
12	MR. BEYER: It's not it is.
13	THE COURT: It is, and I don't have jurisdiction
14	of anything
15	MR. BEYER: Oh, yes, you do. Excuse me a moment.
16	You did. You don't lose jurisdiction over an order
17	that isn't final within 30 days, only a final order.
18	You have jurisdiction to grant us leave to file.
19	THE COURT: Yes, you're right, you're right, but
20	I'm not granting it.
21	MR. BEYER: And can we then have the reasoning or
22	the record for that?
23	THE COURT: There wasn't leave, I don't think
24	it's necessary, and I'm not granting it.

1	MR. BEYER: So it's the Court's determination
2	that it's not necessary?
3	THE COURT: It's the Court's determination that
4	there wasn't leave, it's not necessary, and I'm not
5	granting it. I'm striking it.
6	MR. BEYER: Regarding the other motions, I would
7	like the Court, which has not to this point, to put
8	on the record the reasoning, the logic that the Court
9	uses to find the statute constitutional, and
10	obviously you can deny me that, you don't have to do
11	it.
12	THE COURT: Mr. Beyer, we have argued this so
13	many times and I think we have discussed it in past
14	motions. I'm not going to go through any of this
L5	again. You can get the transcripts of everything
16	else.
L7	MR. BEYER: Your Honor, you've denied it, but
L8	you've never given us either in writing or on the
.9	record your reasoning for how you get to
20	THE COURT: I'm not going to go into anything
21	further now, okay?
22	MR. BEYER: Fine. Thank you, your Honor.
23	MR. BUSH: Thank you, Judge.
) A	THE COURT. Have a good day

1	MR. BEYER: Oh, your Honor, just as a heads-up,
2	we will, of course, be filing a notice of appeal and
3	a motion for a stay. We'll do that on Monday. And
4	we'll be looking for a short date since we only have
5	30 days to get the stay. So if we could set a date
6	for that initial hearing now, that might be the
7	appropriate thing to do.
8	THE COURT: I don't usually set dates for motions
9	that aren't filed, so file it.
10	MR. BUSH: Thank you, Judge.
11	MR. BEYER: Thank you, your Honor.
12	THE COURT: And, by the way, I would have been
13	prepared to rule on this on December 3rd. Thank you.
14	(Whereupon the proceedings concluded
15	at 11:35 a.m. on the 20th day of
16	January, A.D. 2011.)
17	* * * * *
18	
19	
20	
21	
22	
23	
24	

1	STATE OF ILLINOIS)
2) ss: COUNTY OF COOK)
3	FORASMUCH as the matters and things herein
4	contained do not otherwise fully appear of record, this
5	is herewith tendered, a record of proceedings, approved
6	by counsel, and prays that the Court approve the same and
7	order the same filed as a part of the record in the
8	within cause.
9	APPROVED
10	Counsel for Plaintiff
11	
12	Counsel for Defendant
13	
14	Counsel for Defendant
15	
16	WHICH IS ACCORDINGLY DONE, and the same is hereby
17	approved and certified as correct, and ordered filed as a
18	part of the record in the within cause this day of
19	, A.D
20	ENMED
21	Judge, Circuit Court of Cook County
22	Juage, Circuit Court or Cook Country
23	IN THE MATTER OF THE PETITION OF THE PARK DISTRICT OF
24	LA GRANGE, CASE NUMBER 09 CH 9421

1	STATE OF ILLINOIS)
2) ss: COUNTY OF COOK)
3	DONNA L. POLICICCHIO, being first duly sworn,
4	deposes and says that she is a Certified Shorthand
5	Reporter in Cook County, Illinois, and reporting
6	proceedings in the Courts in said County;
7	That she reported in shorthand and thereafter
8	transcribed the foregoing proceedings;
9	That the within and foregoing transcript is
10	true, accurate and complete and contains all the evidence
11	which was received in the proceedings had before the
12	Honorable SUSAN FOX GILLIS upon the above-entitled cause.
13	
14	
15	DONNA L. POLICICCHIO, C.S.R.
16	License No. 084-003740
17	Notary Public 311 S. Wacker Dr., Suite 300
18	Chicago, Illinois 60606 Phone: (312) 386-2000
19	
20	SUBSCRIBED AND SWORN to
21	before me this 24th day of OFFICIAL SEAL NANCY EATINGER
22	Notary Public - State of Illinois My Commission Expires Sep 17, 2013

A
above-entitled 1:14
12:12 13:17
accurate 12:10
acres 1:8 4:6,20
Act 4:8,15
added 6:23
addition 4:15 7:6
admitted 6:16
allege 4:12
allowing 4:9
amended 7:15
amount 4:5
Ancel 2:2 13:5
answer 7:16
appeal 10:2
appear 11:4
apply 5:5
appropriate 5:3 10:7
approve 11:6
approved 11:5,9,17
arbitrary 4:7,21 5:1
arduous 6:24
argue 4:5,15
argued 4:24 8:3 9:12
argument 4:16 6:17
6:18,21
arguments 4:2 8:4,5
attempt 7:12 8:5 Avenue 2:12 13:10
awkwardly 5:14
A.D 1:13 10:16 11:19
12:21
a.m 1:12 10:15
M.III 1,12 10.13

B

ball 5:15 basically 5:11,16,17 behalf 2:6,18 3:7 believe 7:19 Beyer 2:8,8 3:3,3,12 3:17,21 7:9,12,20,24 8:8,12,15,21 9:1,6,12 9:17,22 10:1,11 13:7 beyond 5:18 BODY 1:6 Bolin 2:3 3:7 bring 4:1,17 burden 4:14,23 5:4,6 5:22 6:13 Bush 2:2,3 3:7,7,14 9:23 10:10 13:5,5

 \mathbf{C} C 1:2 2:1,12 13:9 capricious 4:7,21 5:2 case 1:14 6:6 7:1,13,15 11:24 13:13,17 Catherine 2:12 13:10 cause 11:8,18 12:12 certainly 3:19 certified 11:17 12:4 13:1 CH 1:6 11:24 13:14 CHANCERY 1:3 change 4:18 6:19 Chicago 2:5,17 12:17 13:2,6,12 Circuit 1:3,11 11:21 clarification 4:4 clear 6:12 Clearly 6:9,10 commencing 1:12 comments 3:21,23 Commissioners 4:8 complete 12:10 concluded 10:14 configured 5:24 constitutional 9:9 constitutionality 6:17 contact 13:19 contained 11:4 contains 12:10 Cook 1:3,11 11:2,21 12:2,5 copy 13:19 CORPORATE 1:6 CORPORATION 13:1,22

correct 3:11,12 11:17

counsel 8:4 11:6,10,12

cost 13:19

11:14 13:15
County 1:2,3,3,11
11:2,21 12:2,5,6
course 10:2
court 1:3,11 3:2,9,19
3:22 4:6,9,13,15,18
4:22 5:1,5 6:12 7:1
7:11,17,23 8:7,11,13
8:19,23 9:3,7,8,12,20
9:24 10:8,12 11:6,21
13:16
Courts 12:6
Court's 9:1,3
C.S.R 12:15 13:24

D

Dan 3:7 DANIEL 2:3 date 10:4,5 13:14 dates 10:8 day 1:12 9:24 10:15 11:18 12:20 days 7:19,20,21,22 8:11,17 10:5 dealt 6:18 Dear 13:15 **Dearborn** 2:4 13:6 December 10:13 decision 4:18 defaulted 8:3 **Defendant** 11:12,14 denied 6:23 7:6 9:17 deny 9:10 **DEPARTMENT 1:3** deposes 12:4 determination 9:1,3 **Diamond** 2:2 13:5 **DiCianni** 2:2 13:5 discussed 9:13 disinforming 8:1 dismiss 4:3 **District** 1:5 2:6 3:8 4:19,22 5:3,5,21,22 6:3,6,10,13 11:23 13:14 District's 4:14

DIVISION 1:3 Donna 12:3,15 13:24 Dr 12:17 Drive 13:2 due 7:2 duly 12:3

E 5 13:1

E 2:1,1,15 13:11
earlier 6:18
either 9:18
ENTER 11:20
entitled 3:16 7:4
equaling 4:20
erred 4:7,9,13
estimate 13:19
evidence 4:10,14,17
5:7,20 6:2,15 12:10
exactly 7:20,22
excess 4:6
Excuse 8:15
EXISTING 1:6

F fact 4:23 far 7:3 field 5:19 fields 5:10,11 file 8:9,18 10:9 **filed** 7:8,16 10:9 11:7 11:17 filing 7:18 10:2 13:18 final 8:17,17 find 9:9 finding 4:13 Fine 9:22 **first** 12:3 Floor 2:4 13:6 following 3:1 FORASMUCH 11:3 foregoing 12:8,9 FOX 1:11 12:12 Friends 2:18 3:4,10 4:1,16,17 full 7:2 fully 11:4

		1	
funds 5:21	Joan 2:12 3:5 13:9	moment 8:15	P
further 9:21	Johnson 2:12 3:5,5	Monday 10:3	P 2:1,1,8 13:7
G	13:9	money 6:5	parcel 1:7 5:24 6:7
	Judge 1:11 9:23 10:10	morning 3:3	parcels 4:17,20 6:7
GILLIS 1:11 12:12	11:21	motion 3:9,13,14,16	park 1:5 2:6,19 3:4,8
give 3:24 7:2	judgment 4:4	4:2 6:23 7:5,6,21 8:8	3:10 4:1,8,11,13,19
given 9:18	jurisdiction 8:13,16	10:3	4:22 5:3,5,8,13,20,21
giving 7:3	8:18	motions 4:3,3,4 6:20	6:3,4,6,10,13,15,16
Glink 2:2 13:5		9:6,14 10:8	11:23 13:13
go 9:14,20	K	multiple 6:20	part 11:7,18
going 9:14,20	K1:2 2:3 13:5	N.	passive 5:18
good 3:3 9:24	keeping 5:23	N	path 7:1
Gordon 4:11 6:4,14,16		N 2:1	Petition 1:5 11:23
Grange 1:5 2:7,9,9,13	Krafthefer 2:2 13:5	necessary 8:24 9:2,4	13:13
2:18 3:4,8 11:24	L	need 3:22	Phone 12:18
13:8,8,10,14	L 12:3,15 13:24	never 9:18	place 13:19
grant 8:18	La 1:5 2:7,9,9,13,18	new 4:17	Plaintiff 11:10
granted 7:7,23	3:4,8 11:24 13:8,8,10	normally 7:15	play 5:15
granting 8:20,24 9:5	13:14	North 2:16 13:12	players 5:10,11,19
H	land 1:8 4:5,8,15 5:8	Notary 12:16	pleading 7:15
heads-up 10:1	6:1	noted 4:24	pleadings 8:1
heard 7:10	largely 5:24	notice 10:2 13:17	point 5:7 8:3,7 9:7
hearing 1:13 7:3 10:6	LaSalle 2:16 13:12	November 7:18	Policicchio 12:3,15
herewith 11:5	late 7:22 8:9	NUMBER 11:24	13:24
hill 5:18	LAW 2:8	0	POLITIC 1:6
hilly 5:15,15	LAWS 1:7	O 1:2,2	portion 5:8 6:14
Honor 3:3,12,18 7:9	leave 8:9,18,23 9:4	objectors 7:2	post-trial 3:13 4:2
9:17,22 10:1,11	letter 13:16	objector's 6:22	6:23 7:21
Honorable 1:10 12:12	License 12:16	obscured 5:13	prays 11:6
hoped 5:21	little 5:9,23	obstruct 5:16,17	prejudicial 4:12
	logic 9:8	obviously 9:10	prepared 3:24 10:13
I	long 6:24	October 7:18	presented 3:10 5:7,20
Illinois 1:1,7,12 2:5,9	looking 10:4	oddly 5:23	6:2,4,19
2:13,17 11:1 12:1,5	lose 8:16	office 13:19	previously 6:1 7:5
12:17 13:2,6,8,10,12		OFFICES 2:8	procedurally 3:15
13:16	M	Oh 7:24 8:15 10:1	proceedings 1:10 3:1
improve 4:10	Mark 2:15 3:6 13:11	okay 3:9 9:21	10:14 11:5 12:6,8,11
initial 10:6	matter 1:4 8:1 11:23	opinion 3:24	13:17
interest 6:14	13:13	opportunity 3:17,20	proceeds 4:11
irrelevant 4:12	matters 11:3	7:2,14,16	proof 4:14
issue 7:9	mean 8:1,2,3	order 8:16,17 11:7	properly 6:16
	meet 4:14	13:20	property 6:6,11
J	MERRILL 13:1,22	ordered 11:17	public 6:14,21 12:16
J2:3	met 4:23 5:3,6,22 6:13	organized 1:6 5:9	Pursuant 13:16
January 1:13 10:16	minimal 6:11,11	overwhelmingly 5:3	put 9:7
13:4,14,17			P.C 2:2,8

			l
Q	set 8:2 10:5,8	10:11,13	13:11
question 6:8,11	short 10:4	thing 10:7	writing 9:18
	shorthand 12:4,7 13:1	things 11:3	written 3:23
R	show 6:4,5	think 3:15,22 8:23	Y
R 2:1	showed 5:22	9:13	
random 5:14	showing 6:13	Thomas 2:8 13:7	young 5:10,19
read 3:17,19,23	Sincerely 13:21	three 1:8 4:6,20	0
ready 13:18	Sixth 2:4 13:6	time 8:2 13:19	084-003740 12:16
really 3:22	size 4:16	timely 7:8	09 1:6 11:24 13:14
reargued 4:24,24	sled 5:15	times 9:13	071.011.2415.14
reasoning 8:21 9:8,19	sloped 5:14	Tom 3:3	1
reasons 6:22 7:5	smaller 5:11	transcribed 12:8	11:27 1:12
received 12:11	soccer 5:10,19	13:18	11:35 10:15
reconsider 3:10	sold 4:6	transcript 12:9 13:19	140 2:4 13:6
record 1:10 8:22 9:8	sorry 6:9	transcripts 9:15	
9:19 11:4,5,7,18	sought 4:5	trees 5:14,16	2
regarding 4:10,16	South 2:4,9,12 13:2,6	trial 4:4 5:4 7:14 8:5,6	20 13:14,17
5:20 6:2 9:6	13:8,10	true 6:21 12:10	20th 1:12 10:15
reiterating 4:2	space 5:18	trust 4:15 6:21	2011 1:13 10:16 13:4
rejected 4:16 6:18	sports 5:9	two 4:19	13:14,17
remainder 4:11 5:13	ss 1:1 11:1 12:1	U	2205 2:16 13:12
6:3	standard 4:7,21 5:2,2	unconstitutional 4:9	237 2:12 13:10
reported 12:7 13:17	5:5		24 13:4
Reporter 12:5	STATE 1:1,7 11:1	understand 7:17 underusable 6:2	
Reporters 13:1	12:1	underusable 0.2 underused 6:1	3
reporting 12:5	stated 4:22 5:1,4 6:1	undeveloped 5:24	3rd 10:13
response 6:20	6:22 7:6	uses 9:9	30 7:19,20,21,22 8:11
responses 7:7,7	statute 7:4 9:9	usually 10:8	8:17 10:5
restart 7:12 8:6	stay 10:3,5	utility 6:12	300 12:17 13:2
right 7:13,24 8:4,19,19	Street 2:4,16 13:6,12	utility 0.12	311 12:17 13:2
Road 2:9 13:8	strike 3:14 7:6	V	312 2:5,17 12:18 13:3
Rob 3:7	striking 9:5	vacate 3:16	332-3200 2:17
Robert 2:3 13:5	SUBSCRIBED 12:20	value 5:23 6:9,10	352-8950 2:10
rule 10:13	subterfuge 4:19	visually 5:12	386-2000 12:18 13:3
Rules 13:16	Suite 2:16 12:17 13:2	1	4
ruling 4:22 6:19 7:17	13:12	W	425 2:13
running 5:18	summary 4:3	Wacker 12:17 13:2	444-4055 2:13
S	Supreme 13:16 SUSAN 1:10 12:12	want 8:8	
S 2:1 12:17	sworn 12:3,20	wasn't 5:17 8:23 9:4	5
sale 6:5	SWOTH 12.5,20	way 7:4 10:12	5th 7:18
sales 4:8,11	T	went 7:13	
says 12:4	take 3:15	we'll 10:3,4	6
seeks 4:19	taken 7:1	We're 3:9	60525 2:9,13 13:8,10
sell 1:7 4:19 6:14	tendered 11:5	wish 13:19	60602 2:17 13:12
serve 13:17	Thank 9:22,23 10:10	Wohlberg 2:15 3:6,6	60603 2:5 13:6
GOL TO 15.11			

60606 12:17 13:2			
7			
708 2:10			
782-7606 2:5			
8			
8th 7:18			
80 2:9 13:8]		
800 13:3			
868-0061 13:3			
9			
9421 1:6 11:24 13:14			
1		d (
ì			
	l l		