

# **Exhibit 1**

Kimberly Lynch  
November 8, 2011

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1 IN THE UNITED STATES DISTRICT COURT, NORTHERN  
2 DISTRICT OF ILLINOIS, EASTERN DIVISION  
3 KIMBERLY LYNCH, )  
4 Plaintiff, )  
5 -vs- ) No. 10-CV-5707  
6 VILLAGE OF HAWTHORN WOODS, )  
7 an Illinois municipal )  
8 corporation; MAYOR JOSEPH )  
9 MANCINO, in his individual )  
10 capacity; PAMELA NEWTON, )  
11 in her individual capacity; )  
12 DONNA LOBAITO, in her )  
13 individual capacity; )  
14 KRISTIN KAZENAS, in her )  
15 individual capacity; )  
16 TRUSTEE HELL MORGAN, in )  
17 his individual capacity; )  
18 FORMER TRUSTEE DAVID ANSANI, )  
19 in his individual capacity; ) (CAPTION CONTINUED  
20 KELLY CORRIGAN, in her ) DEPOSITION OF  
21 individual capacity; STEVE ) KIMBERLY LYNCH;  
22 RIESS, in his individual )  
23 capacity, )  
24 Defendants. )

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1 The deposition of KIMBERLY VICTORIA LYNCH,  
2 called for examination, taken pursuant to the  
3 Federal Rules of Civil Procedure of the United  
4 States District Courts pertaining to the taking of  
5 depositions, taken before CATRICE M. PRINCE, CSR  
6 No. 84-003765, a Notary Public within and for the  
7 County of Cook, State of Illinois, and a Certified  
8 Shorthand Reporter of said state, at Suite 1600,  
9 175 West Jackson Boulevard, Chicago, Illinois, on  
10 the 8th day of November, 2011, commencing at  
11 10:10 a.m.  
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1 PRESENT:  
2  
3 HUGHES SOCOL PIERS RESNICK & DYM, LTD.,  
4 (70 West Madison Street, Suite 4000,  
5 Chicago, Illinois 60602,  
6 (312) 604-2640), by:  
7 MR. TERRENCE J. MORAN,  
8 appeared on behalf of the Plaintiff,  
9  
10 QUERREY & HARRON, LTD.,  
11 (175 West Jackson Boulevard, Suite 1600,  
12 Chicago, Illinois 60604-2827,  
13 (312) 540-7000), by:  
14 MR. DOMINICK E. LANZITO,  
15 appeared on behalf of the Defendants.  
16  
17 ALSO PRESENT:  
18 Ms. Donna Lobaito;  
19 Ms. Kristin Kazenas;  
20 Mayor Joseph Mancino.  
21  
22  
23 REPORTED BY: CATRICE M. PRINCE, CSR  
24 CSR No. 84-003765.

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1 (WHEREUPON, the witness was duly  
2 sworn.)  
3 MR. LANZITO: And just before we begin, I  
4 tendered to Mr. Moran documents Bates-stamped Q1 --  
5 MR. MORAN: -- 1395 to 1525.  
6 MR. LANZITO: -- to 1525. Like I said, they  
7 won't be relevant for today's deposition.  
8 KIMBERLY VICTORIA LYNCH,  
9 called as a witness herein, having been first duly  
10 sworn, was examined and testified as follows:  
11 EXAMINATION  
12 BY MR. LANZITO:  
13 Q. Ma'am, could you please state and spell  
14 your name for the record.  
15 A. Kimberly, K-i-m-b-e-r-l-y, Victoria,  
16 V-i-c-t-o-r-i-a, Lynch, L-y-n-c-h.  
17 MR. LANZITO: Let the record reflect that this  
18 is the deposition of Ms. Kimberly Lynch in the  
19 matter of Kimberly Lynch versus The Village of  
20 Hawthorn Woods, et al., currently pending in the  
21 Northern District of Illinois, Eastern Division.  
22 It will be conducted in accordance with  
23 the Federal Rules of Civil Procedure, and all other  
24 applicable Local Rules.

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1 BY MR. LANZITO:

2 Q. Now, Ms. Lynch, have you ever given a

3 deposition before?

4 A. Yes.

5 Q. Okay. Have you ever given a deposition

6 in Federal Court?

7 A. I don't remember.

8 Q. Well, I'm sure Mr. Moran went over some

9 of the ground rules. Just to make sure that the

10 record is clear and to make sure this goes more

11 smoothly, I am going to just go over a few ground

12 rules real fast. Okay?

13 A. Yes.

14 Q. If at any time I ask you a question and

15 it doesn't make sense or you don't understand it,

16 can you please let me know?

17 A. Yes.

18 Q. If you answer a question, I'll presume

19 that you understood the question as I posed it,

20 fair enough?

21 A. Fair.

22 Q. And as you can see, the court reporter

23 is taking down everything that we say, so there's

24 two important points: First, let me finish my

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1 question; I'll in turn allow you to finish your

2 answer. Fair enough?

3 A. Yes.

4 Q. If at any time you haven't completed

5 your answer and I begin to ask you another

6 question, can you just let me know and I'll allow

7 you to complete your answer.

8 A. Yes.

9 Q. Additionally, depositions tend to get

10 conversational, so it's important that only one of

11 us talk at a time, and it's important that you also

12 don't use gestures, nods of the head, uh-huh,

13 uh-huh because the court reporter can't accurately

14 transcribe those gestures. Okay?

15 A. Yes.

16 Q. You might want to use some other

17 gestures but --

18 A. I will leave those for Terry.

19 MR. MORAN: Your answers have to be in words.

20 BY MR. LANZITO:

21 C. Additionally, Mr. Moran might object

22 from time to time, but that's his way of preserving

23 the record. Unless he instructs you to answer --

24 or not to answer, you will have to answer the

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1 question. Fair enough?

2 A. Yes.

3 Q. Okay. And from time to time you may

4 need to take a break to either confer with your

5 counsel or just to use the restroom; that's fine,

6 but you will have to answer any questions currently

7 pending before we take a break. Fair enough?

8 A. Yes.

9 Q. Okay. Just a few questions I have to

10 ask of all deponents, so please don't take any

11 offense. Are you currently on any medications that

12 would impair your ability to recall the events that

13 are subject of your complaint?

14 A. No.

15 Q. Okay. Do you have any mental or

16 physical conditions that would impair your ability

17 to recall the events that are subject to your

18 complaint?

19 A. No.

20 Q. In the past ten years, have you been

21 convicted of a felony or a misdemeanor?

22 A. No.

23 Q. Okay. What did you do in preparation

24 for your deposition today?

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1 A. Met with counsel.

2 Q. Okay. Did you review any documents when

3 you met with counsel?

4 A. Yes.

5 Q. What documents did you review, if you

6 remember?

7 A. Just documents that had been provided by

8 the Village to my attorney.

9 Q. And how long did you meet when you

10 reviewed these documents?

11 A. Approximately one hour.

12 Q. Okay. And I assume that was another day

13 since you arrived separately?

14 A. Yes.

15 MR. MORAN: It was Sunday.

16 THE WITNESS: Between Bear games.

17 BY MR. LANZITO:

18 Q. Other than Mr. Moran and his law firm,

19 did you speak with anyone else regarding your

20 deposition today?

21 A. No -- well, excuse me, I apologize. My

22 husband.

23 Q. Just to tell him you were coming,

24 correct?

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1 A. Yes.  
2 Q. Now, ma'am, I am just going to go  
3 through a little background so we have it for the  
4 record. What is the highest level of education you  
5 have completed?  
6 A. Northwestern University, graduated 1981.  
7 Q. And what degree did you graduate with?  
8 A. Bachelor's of science in elementary  
9 education.  
10 Q. And did you seek any postgraduate work?  
11 A. Not for that degree, no.  
12 Q. Okay. What type of postgraduate work  
13 did you seek?  
14 A. Well, when I was an insurance agent, a  
15 CPCU.  
16 Q. And what does CPCU mean for the record?  
17 A. It's been a while, Certified Property  
18 Casualty Underwriter.  
19 Q. And when did you obtain that?  
20 A. I didn't finish it. I was just -- you  
21 said seeking so...  
22 Q. So is the highest level of education you  
23 actually completed was Northwestern University?  
24 A. Correct.

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1 Q. Do you have any other -- I know this is  
2 a certain license or designation, have you obtained  
3 any other certifications or licenses since  
4 Northwestern University in 1981?  
5 A. Not that I can recall.  
6 Q. So no other professional licenses?  
7 A. Correct. Well, actually now that you  
8 mention it, I was an insurance agent so I was a  
9 licensed property and casualty underwriter so I was  
10 licensed for that.  
11 Q. And do you recall when is the last time  
12 you were a licensed insurance agent?  
13 A. Prior to the Village when I was hired so  
14 2007 approximately.  
15 Q. Did you just let your license lapse?  
16 A. Yeah. You have to have continuing  
17 education in order to keep your license, and I  
18 wasn't operating as a certified -- I was not an  
19 insurance agent so I let my license lapse.  
20 Q. Okay. Now, are you married?  
21 A. Yes.  
22 Q. And where do you currently reside?  
23 A. Hawthorn Woods.  
24 Q. How long have you lived in Hawthorn

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1 Woods?  
2 A. 15 years.  
3 Q. How long have you been married?  
4 A. 24.  
5 Q. Congratulations.  
6 A. Thank you.  
7 Q. Starting upon your graduation in 1981, I  
8 just want to go through a brief work history for  
9 you so if you could give me the first job following  
10 your graduation in 1981, what was it?  
11 A. My very first one was Dar Allen  
12 Reinsurance downtown, and it's D-a-r, A-l-l-e-n  
13 Reinsurance.  
14 Q. And what did you do there?  
15 A. Entry level clerical.  
16 Q. And how long did you do that job?  
17 A. Several years. I believe it was about  
18 two years.  
19 Q. What position did you have after Dar  
20 Allen Reinsurance?  
21 A. Then I went to work for J.H., and it's  
22 J.H. Ferguson and again another insurance position  
23 in Evanston, Illinois.  
24 Q. And how long did you work there?

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1 A. Probably a couple of years.  
2 Q. And were you an insurance agent at  
3 either of the locations?  
4 A. I was getting there. Neither one of  
5 them required me to be licensed.  
6 Q. Were you also at -- at J.H. Ferguson,  
7 were you also handling clerical-type work?  
8 A. It was more advanced. It was a step up  
9 from clerical. It was more underwriting.  
10 Q. And then after J.H. Ferguson?  
11 A. Dann, D-a-n-n, Brothers in Northbrook,  
12 Illinois.  
13 Q. D-a-n-n?  
14 A. Uh-huh.  
15 Q. Brothers?  
16 A. Right.  
17 Q. And what did you do at Dann Brothers?  
18 A. I was a commercial underwriter, and I  
19 worked with Russell Dann. He was my senior  
20 supervisor.  
21 Q. Is this an insurance agency?  
22 A. Yes, it is. It no longer exists now.  
23 It's now Mesirov Financial.  
24 Q. How long did you work at Dann Brothers?

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1 A. Let see. When my son Andy was born so  
2 '91, no, Andy was '85, so four years -- actually I  
3 don't think that's right because wait a second. It  
4 was about three years. Sorry.  
5 Q. After Dann Brothers, what did you do?  
6 A. Retired slightly to raise my two kids  
7 for a while, and then went back to insurance, and I  
8 worked for Ken Erickson Agency. It's K-e-n,  
9 Erickson, E-r-i-c-k-s-o-n in Barrington, Illinois.  
10 I don't believe they are in existence any longer.  
11 Q. What did you do for them?  
12 A. Underwriting, commercial underwriting.  
13 I was able to do that part-time, and it was close  
14 to home so basically the same thing I was doing  
15 before.  
16 Q. Do you recall which years you worked  
17 there?  
18 A. That was two years so that was '86 to  
19 '88.  
20 Q. How many years were you --  
21 A. I am sorry.  
22 Q. -- raising your children?  
23 A. Wait a second. I got my kids ages all  
24 mixed up because Andy was '91 -- no, '89. Yeah, it

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1 was '91. '89 to '91 at Ken Erickson. I should  
2 have brought my resume. It would have made it  
3 easier.  
4 Q. Then 1991, where did you go?  
5 A. I then went to work for Aleckson Agency  
6 in Mundelein.  
7 MR. MORAN: How do you spell Aleckson?  
8 THE WITNESS: A-l-e-c-k-s-o-n.  
9 BY MR. LANZITO:  
10 Q. Okay. What did you do at Aleckson?  
11 A. Same thing, commercial underwriting.  
12 Q. Did you have to work under a person that  
13 was certified in commercial underwriting?  
14 A. Andy Aleckson. Andy and his brother  
15 Bob, and Andy is no longer with us.  
16 Q. And how long did you work at Aleckson?  
17 A. Until 1995 and then we moved overseas so  
18 I was retired.  
19 Q. How long were you overseas?  
20 A. Three years.  
21 Q. So from '95 to '96?  
22 A. Yes.  
23 Q. Did you have any jobs while you were  
24 overseas?

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1 A. I wasn't able to work there.  
2 Q. From what was your next job after 1998?  
3 A. Ela Soccer.  
4 Q. And what did you do at Ela Soccer?  
5 A. Clerical, administrative assistant, I  
6 don't know, whatever you want to call it.  
7 Q. And how long were you an administrative  
8 assistant?  
9 A. Two years, two and a half years.  
10 Q. Who were your supervisors at the Ela  
11 Soccer Club?  
12 A. Supervisor, the president of the club so  
13 it would be -- originally it was Hugh Hoffman and  
14 then Adrienne Virgilio, and I worked then with  
15 Dijon.  
16 MR. MORAN: Could you spell those last two  
17 names.  
18 THE WITNESS: V-i-r-g-i-l-i-o.  
19 BY MR. LANZITO:  
20 Q. And you said what was the last name?  
21 A. Tony Dijon. And it's D-i-j-o-n.  
22 Q. And in your two -- which two and a half  
23 years did you work two and a half calendar years?  
24 A. '99 to approximately 2001.

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1 Q. Now, with the insurance companies, I  
2 know you moved to a bunch of them. Were you ever  
3 terminated from any of those companies?  
4 A. Yes, actually Dann Brothers I was, yes.  
5 Q. And why were you terminated?  
6 A. Lack of performance in the sales  
7 capacity. They had promoted me to a sales  
8 position, and I wasn't able to generate enough  
9 leads.  
10 Q. And what about the other insurance  
11 agencies?  
12 A. No, those were all basically higher paid  
13 positions closer-to-home-type things so they were  
14 equitable moves.  
15 Q. Understood.  
16 Now, what about with the Ela Soccer  
17 Club?  
18 A. I was terminated from them.  
19 Q. And why were you terminated?  
20 A. For overpaying. For overpaying myself.  
21 Q. When you say overpaying yourself, what  
22 do you mean?  
23 A. It was an hourly position, and in order  
24 to go into the ADP system, which I was running the

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1 ADP system, I put 20 hours, a flat 20 hours a week  
2 in, and I should have been putting my hours in; but  
3 it came out to 20 hours a week. So there was some  
4 discussion about that.  
5 Q. And who was your supervisor at the time?  
6 A. Adrienne Virgilio.  
7 Q. Do you have her contact phone number?  
8 A. I have not seen her in years. I do not.  
9 Q. Do you know where she lives?  
10 A. I believe still in -- well, actually  
11 it's not Hawthorn Woods. It's unincorporated Lake  
12 County.  
13 Q. So as an administrator, you were in  
14 charge of payroll and the Ela Soccer Club's  
15 checkbook?  
16 A. Yes.  
17 Q. Was there anyone that had direct  
18 supervision over you on a day-to-day basis at the  
19 soccer club?  
20 A. No.  
21 Q. And did you determine or were you able  
22 to determine how much you overpaid yourself?  
23 A. No.  
24 Q. Did you ever write a check or

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1 reimbursement check to the Ela Soccer Club for the  
2 amount they allege you overpaid?  
3 A. No.  
4 Q. Did you have children in the Ela Soccer  
5 Club while you were employed?  
6 A. Yes.  
7 Q. How many children three?  
8 A. Three.  
9 Q. And I believe you still have children in  
10 the Ela Soccer Club?  
11 A. Yes. Well, during the summer months, my  
12 son is, yes.  
13 Q. Do you recall back in 2000, you said you  
14 were terminated in 2002?  
15 A. Yeah, somewhere around there, yes.  
16 Q. Do you recall what your fees or dues  
17 were to the Ela Soccer Club for your children's  
18 participation?  
19 A. My daughter Erin was approximately \$40.  
20 She only played rec. soccer. You looked shocked.  
21 Q. And that's per year or per month?  
22 A. That's per season and it might have gone  
23 up to 65 sometime in there, but anyway it was 40  
24 for that. Sean was probably 45C, and Andy was

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1 probably 650, somewhere in that vicinity.  
2 Honestly, those are approximations.  
3 Q. And that's per season?  
4 A. Yes.  
5 Q. Per child?  
6 A. Per child.  
7 Q. How many seasons are there in a soccer  
8 year forgive me?  
9 A. Two.  
10 Q. Back in 2003, 2004, did you have any  
11 children participating in like travel soccer?  
12 A. Yes.  
13 Q. And that would have been approximately  
14 how much per year if you can recall?  
15 A. 1200, plus 900, 2,000, 2,100, somewhere  
16 in that vicinity.  
17 Q. Annually?  
18 A. Yes.  
19 Q. And how would you pay? Would it be per  
20 season, you would pay the soccer club?  
21 A. Yep, and there was installment billing.  
22 Q. Now, I'm going to ask you, did you ever  
23 make a payment of \$5,025 to the Ela Soccer Club?  
24 A. Yes.

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1 Q. And when was that?  
2 A. That was after I was terminated.  
3 Q. And why did you make that payment?  
4 A. Because I had not been paying my fees to  
5 Ela Soccer for my children's soccer.  
6 MR. MORAN: What was the amount, Dominick?  
7 MR. LANZITO: \$5,025.  
8 BY MR. LANZITO:  
9 Q. And how many years were you not paying  
10 the Ela Soccer Club?  
11 A. It was probably two in the scheme of  
12 things.  
13 Q. And were you the secretary for the  
14 organization during the two years you weren't  
15 paying?  
16 A. Yes.  
17 Q. Was that addressed with a conversation  
18 with Virgilio as well?  
19 A. I am sorry. Can you rephrase that? I  
20 don't understand the question.  
21 Q. The overdue membership fees for the Ela  
22 Soccer Club, were those issues also discussed with  
23 Adrienne Virgilio?  
24 A. No.

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1 Q. Only the back wages or the overpayment  
2 of wages?  
3 A. Yes.  
4 Q. And when did Adrienne Virgilio come to  
5 you regarding the overpayment of your salary?  
6 A. Oh, she never did.  
7 Q. Who contacted you regarding overpayment  
8 of salary?  
9 A. Don Callender.  
10 Q. How do you spell his last name?  
11 A. C-a-l-l-e-n and I think it's d-e-r.  
12 Q. And what was Don Callender's position  
13 with the Ela Soccer Club?  
14 A. I'm unsure what it was at the time. I  
15 think he was president of the travel soccer side of  
16 things.  
17 Q. So is there like a house league  
18 president, and then a travel league president?  
19 A. Yeah, and then there is an overall  
20 president.  
21 Q. Now, was Adrienne Virgilio the overall  
22 president?  
23 A. Yes.  
24 Q. And Mr. Dijon, was he an overall

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1 president as well?  
2 A. After Adrienne.  
3 Q. Were you terminated prior to Mr. Dijon  
4 stepping in as president of the Ela Soccer Club?  
5 A. Yes.  
6 Q. And in what capacity did you work with  
7 Mr. Dijon at the Ela Soccer Club?  
8 A. I did not. I never worked for him at  
9 the Ela Soccer Club.  
10 Q. Was he just another parent at the time  
11 that had children in the organization?  
12 A. He did, yes.  
13 Q. And was that at the same time you were  
14 employed by the Ela Soccer Club?  
15 A. Can you rephrase that again?  
16 Q. Did Mr. Dijon -- strike that.  
17 While you were working at the Ela Soccer  
18 Club, did Mr. Dijon have children participating in  
19 the Ela Soccer Club?  
20 A. Yes, he did.  
21 Q. So prior to your termination, did you  
22 know Mr. Dijon?  
23 A. Yes.  
24 Q. How would you describe your relationship

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1 with him at that point?  
2 A. Quite friendly.  
3 Q. Did your children play together?  
4 A. No. He has two girls.  
5 Q. Now you said Don Callender, the  
6 president of the travel soccer league or soccer  
7 division, contacted you?  
8 A. Yes. He asked for a meeting.  
9 Q. And do you recall when the meeting was?  
10 A. No, I do not.  
11 Q. Who was present -- did you have the  
12 meeting?  
13 A. Yes.  
14 Q. And who was present for that meeting?  
15 A. Don.  
16 Q. Anyone else?  
17 A. No.  
18 Q. Where did the meeting take place?  
19 A. The Ela Library.  
20 Q. And where is that located?  
21 A. Downtown Lake Zurich.  
22 Q. Was this like a private room or was it  
23 out in the open?  
24 A. It was in a private room.

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1 Q. And what, if anything, do you recall  
2 Mr. Callender stating to you?  
3 A. Basically that the fees -- or not the  
4 fees. It had nothing to do with the fees. That I  
5 had over -- that they had noticed that I was paying  
6 myself consistently 20 hours, and that also while I  
7 was on vacation, I was paid as well, so because I  
8 was paying myself a salary. I shouldn't have been  
9 paid. I was an hourly wage. I shouldn't have been  
10 paid for my vacation time, and that was it.  
11 Q. And what, if anything, did you say to  
12 him in response to that accusation?  
13 A. I completely understood, and he said we  
14 just ask that you resign and that was it.  
15 Q. I may have asked you this, when is the  
16 last time you spoke to Mr. Callender?  
17 A. I've seen him on occasion at soccer and  
18 football games, but I haven't had a conversation  
19 with him so we're just casual.  
20 Q. And did they ever calculate the amount  
21 or amounts of the overpayment?  
22 A. No.  
23 Q. Were you ever asked to resign in  
24 exchange for them not pressing charges against you?

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1 A. No.

2 Q. Did anyone at the Ela Soccer Club

3 organization ever state that they were going to

4 press charges against you because of the

5 overpayment?

6 A. No.

7 Q. Did anyone at the Ela Soccer Club ever

8 tell you that they were going to press charges

9 against you for the failure to pay the membership

10 fees?

11 A. No.

12 Q. Did you ever talk to Adrienne Virgilio

13 regarding the overpayment of salary to yourself?

14 A. No.

15 Q. And did you ever talk to Adrienne

16 Virgilio about the outstanding membership dues?

17 A. No.

18 Q. Did the fact that you overpaid your

19 salary ever leak out to any of the other parents of

20 the Ela Soccer Club to your knowledge?

21 A. No.

22 Q. So part of your agreement to resign was

23 in order to keep the matter confidential?

24 A. I don't know if I would have interpreted

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1 it that way, but it was just to resign.

2 Q. Do you recall when you gave your

3 resignation?

4 A. No, I don't.

5 Q. Okay. Was it in writing or was it just

6 verbal?

7 A. Verbal.

8 Q. To whom did you give your resignation?

9 A. Don Callender.

10 Q. Was it at the library at that point in

11 time?

12 A. Yes.

13 Q. And eventually the Ela Soccer Club

14 contacted you about \$5,000 in overdue membership

15 fees, correct?

16 A. Yes. That's correct.

17 Q. Who contacted you?

18 A. Mike Budzik, who was the treasurer, and

19 it's B-u-d-z-i-k.

20 Q. When did he contact you?

21 A. I'd say several weeks after the

22 resignation.

23 Q. Did you have a conversation with him?

24 A. Yes.

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1 Q. And where did the conversation take

2 place?

3 A. Over the phone.

4 Q. And what, if anything, did he say to

5 you?

6 A. That the fees had not been -- doing the

7 reconciliation, fees had not been paid and how did

8 I want to take care of it.

9 Q. And did he bring up the issue of the

10 overpayment of salary?

11 A. No.

12 Q. And how did you take care of the payment

13 to the Ela Soccer Club?

14 A. We cashed out some of my 401(k) and

15 wrote a check to them subsequently. I believe it

16 was two weeks after the conversation.

17 Q. Did anyone other than your

18 resignation -- at that point in time did anyone

19 else resign from the Ela Soccer Club?

20 A. Not that I'm aware of.

21 Q. And the president at the time was

22 Ms. Virgilio?

23 A. Correct.

24 Q. And Ms. Virgilio, just so the record is

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1 clear, never made any comment to you regarding the

2 past due membership fees or the overpayment of

3 salary?

4 A. Not that I can recall. It was Don

5 Callender, that's who I met with.

6 Q. And then subsequently Mike Budzik?

7 A. Correct. I did not meet with Mike. We

8 just talked on the phone.

9 Q. When is the last time you spoke with

10 Mr. Budzik?

11 A. Probably two years ago. I coached his

12 daughter in swimming.

13 Q. Do you know where he lives?

14 A. Yes, Hawthorn Woods.

15 Q. Now, after your resignation from the Ela

16 Soccer Club, what is the next job you had?

17 A. I did work a little work for Kits

18 Soccer, which was basically in the same building as

19 the Ela Soccer. They had Kits, and then Ela had an

20 office there. Sorry. No hand gestures.

21 MR. MORAN: You can use gestures, but you

22 can't exclusively use gestures. You have to answer

23 in words.

24 MR. LANZITO: Thank you.

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1 MR. MORAN: There is no prohibition on  
2 gestures.

3 BY THE WITNESS:

4 A. And then I went to work for R-H  
5 Insurance. It's R-H Insurance.

6 BY MR. LANZITO:

7 Q. How long did you work at Kits?  
8 A. Oh, it was temporary. Probably less  
9 than four months. I needed a more permanent  
10 position.

11 Q. How did you get the position at Kits?  
12 A. Tony, Tony Dijon.

13 Q. What was your position at Kits?  
14 A. I'm laughing. Kits Sports Camps. I did  
15 three to five-year olds or under five-year old  
16 tumbling class. I did little soccer camps. I did  
17 basically prior-to-entering-school-type sports  
18 camps. I was an instructor.

19 Q. And you said -- what was Tony Dijon's  
20 affiliation with the Kits program?  
21 A. He's actually -- I don't know his title,  
22 but he's the like executive manager.

23 Q. And the executive manager, is that over  
24 the Kits and the Ela Soccer Club combined or just

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1 Kits?  
2 A. Just Kits. That's his job, paid  
3 position.

4 Q. And how many hours a week were you  
5 working for Kits at the time?  
6 A. Maybe ten.

7 Q. How long after your resignation from Ela  
8 did Tony get you this position?  
9 A. Oh, it was almost instantly.

10 Q. Now, was Mr. Dijon, is he a family  
11 member or a close friend of the family?  
12 A. No.

13 Q. And how did Mr. Dijon come to learn that  
14 you were no longer with the Ela Soccer Club?  
15 A. I wasn't there anymore. Physically  
16 wasn't there anymore. His office was literally ten  
17 feet away, and I came in and cleaned out my stuff  
18 and was no longer there.

19 Q. Okay. And then he contacted you or did  
20 you contact him?  
21 A. He said, "We'd love to have you. Would  
22 you like to do some classes for us?"  
23 I said, "Sure."  
24 Q. Was this a phone call?

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1 A. I believe it was in person.

2 Q. Okay. Was he aware of the circumstances  
3 of your resignation at the Ela Soccer Club?  
4 A. I can't answer that. I don't know.

5 Q. Did he say during that conversation  
6 whether he was aware of your circumstances at Ela  
7 Soccer?  
8 A. No. No.

9 Q. Do you recall what you were getting paid  
10 at the Kits position?  
11 A. It was \$9.50 an hour.

12 Q. And how much were you making per hour at  
13 Ela?  
14 A. I honestly don't remember. \$15 an hour.

15 MR. MORAN: Don't speculate. He doesn't want  
16 you to speculate.

17 BY THE WITNESS:

18 A. I don't know. I don't remember.

19 BY MR. LANZITO:

20 Q. That's a good point. Another rule, and  
21 I didn't bring it up earlier.  
22 It's okay to say you don't recall. You  
23 don't remember. I just want to know what you  
24 remember for your testimony so I don't need you to

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1 guess or speculate. Okay?

2 A. Okay. I do not remember.

3 Q. Okay. That's perfectly fine, and you  
4 said you worked with Kits for about four months?  
5 A. Yes, I believe.

6 Q. And then you went to R-H Insurance?  
7 A. Correct.

8 Q. What did you do at R-H Insurance?  
9 A. I was actually a personal lines  
10 underwriter for R-H Insurance.

11 Q. So a property and casualty for personal  
12 property?  
13 A. Personal lines, homeowners, auto,  
14 personal umbrella policy, things like that.

15 Q. Understood.  
16 So you weren't a licensed underwriter.  
17 You just assisted in the underwriting?  
18 A. No, I did become licensed. It was a  
19 requirement of the job.

20 Q. And what year did you become a licensed  
21 underwriter?  
22 A. Within six months of when I was hired  
23 because I had to have it in order to obtain  
24 commissions. I can't give you an exact date. I'm

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1 sorry.

2 Q. And how long were you at R-H Insurance?

3 A. Two years.

4 Q. So that would put you to what, 2004,

5 2005?

6 A. No, it's later than that.

7 Q. Let me ask you this way, maybe it can

8 help you. In 2007, you started the Hawthorn Woods

9 Aquatic Center.

10 A. Yes.

11 Q. What was your job immediately before

12 that?

13 A. R-H Insurance.

14 Q. And how long were you there?

15 A. Two years.

16 Q. So 2005 to 2007?

17 A. Yes.

18 Q. And prior to that, you said you spent

19 about four months at the Kits Club?

20 A. Yes.

21 Q. Okay. So sometime in 2005 is -- do you

22 recall if it was in 2005 or 2004 when you were at

23 Kits?

24 A. I do not recall.

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1 Q. Okay. But you do recall for the two and

2 a half years prior to being at Kits, you were at

3 the Ela Soccer Club?

4 A. Yes.

5 Q. Okay. So sometime between 2002 and

6 2005?

7 A. Yes.

8 Q. Okay. And why did you leave R-H

9 Insurance?

10 A. To take the job at the aquatic center.

11 Q. How much were you making at R-H

12 Insurance at the time?

13 A. Approximately 35,000 and there was

14 commissions as well in addition to that.

15 Q. Okay. Now, you were a trustee at the

16 time as well?

17 A. Yes.

18 Q. What years were you a trustee?

19 A. 2002 to 2007.

20 Q. How, were you appointed to a position as

21 a trustee?

22 A. I was appointed and then elected.

23 Q. Okay. Who appointed you to a trustee in

24 2007?

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1 A. Keith Hunt.

2 Q. And how did you know Keith Hunt?

3 A. Actually I wasn't -- well, he's a

4 personal friend, but at the time he was -- we met

5 at a dinner dance so...

6 Q. And did you have children that played

7 together?

8 A. No.

9 Q. And did you and your spouse meet with

10 him and his spouse at a dinner dance?

11 A. Yes.

12 Q. And is Keith, when you say he's a

13 personal friend, do you go out with him to dinner,

14 family events, things like that?

15 A. Yes.

16 Q. How often do you see Keith Hunt?

17 A. Once every two months.

18 Q. I presume it was more when you were at

19 the Hawthorn Woods Aquatic Center, and he was the

20 mayor, is that correct?

21 A. No -- I am sorry, yes. It was more

22 during that period of time, yes.

23 Q. How, how long have you known Keith Hunt

24 prior to 2002 and your appointment?

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1 A. I did not -- well, really didn't know

2 him.

3 Q. How is it that you came to be appointed

4 as a trustee?

5 A. Well, we met at the dinner dance. You

6 know, I'm trying -- I don't -- can we take a break

7 or I have to answer the question because I don't

8 remember if I was appointed or elected first.

9 MR. MCRAN: That's fine. It's something so

10 you can -- so you're saying you may not have been

11 appointed. You're not sure.

12 THE WITNESS: Correct.

13 MR. HOBAN: That's fine.

14 BY MR. LANZITO:

15 Q. But you're sure in 2002 was your start

16 date?

17 A. Yes.

18 Q. How long had you known Keith -- do you

19 still need to take a break? I am sorry.

20 A. I'm just -- no, I'm fine.

21 Q. How long after you met Keith Hunt did

22 you run for trustee or did you assume the position

23 of trustee?

24 A. Yes. We gradually got to know each

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1 other for six months, something along those lines.  
2 Q. And did you run as part of a slate?  
3 A. Yes.  
4 Q. Had you ever discussed the Ela Soccer  
5 Club with Keith Hunt and what the terms of your  
6 resignation were?  
7 MR. MORAN: You mean prior to becoming a  
8 trustee or at any time?  
9 MR. LANZITO: At any time.  
10 BY THE WITNESS:  
11 A. No.  
12 BY MR. LANZITO:  
13 Q. And just so we're clear, that last  
14 question is from the time you met Keith until the  
15 present day?  
16 A. No. He is aware of it now, yes.  
17 Q. Did you tell him?  
18 A. Yes.  
19 Q. And when did you first tell him?  
20 MR. MORAN: Wait a minute. Was Keith your  
21 lawyer at the time that you had this discussion  
22 with him?  
23 THE WITNESS: Yes.  
24 MR. MORAN: Well, then I am going to object to

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1 the question and instruct you not to answer that.  
2 BY MR. LANZITO:  
3 Q. Are you refusing to answer based upon  
4 the advice of counsel?  
5 A. Yes.  
6 MR. LANZITO: Then I'll certify the question.  
7 BY MR. LANZITO:  
8 Q. And maybe we can -- when did Keith Hunt  
9 become your lawyer?  
10 A. After my termination. Shortly after my  
11 termination from the Village.  
12 Q. So sometime after end of February, early  
13 March of 2010?  
14 A. Correct.  
15 Q. And when did he stop becoming your  
16 lawyer -- when did he stop serving as your  
17 attorney?  
18 MR. MORAN: When I substituted in for him,  
19 whenever that may was.  
20 MR. LANZITO: That's fine.  
21 BY MR. LANZITO:  
22 Q. Now, prior to the end of February 2010,  
23 March of 2010, had you ever told Keith Hunt the  
24 circumstances under which you resigned from the Ela

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1 Soccer Club?  
2 A. No.  
3 Can I confer with counsel?  
4 MR. MORAN: Sure.  
5 (WHEREUPON, a recess was had.)  
6 MR. LANZITO: Read the last question back.  
7 (WHEREUPON, the record was read  
8 as requested.)  
9 BY MR. LANZITO:  
10 Q. And as a trustee for the Village of  
11 Hawthorn Woods, what were your duties?  
12 A. I was in charge -- well, trustee and  
13 then we had trustee liaisons to each of the  
14 committees, and my position was parks and rec so I  
15 was a trustee liaison to the parks and rec  
16 committee.  
17 Q. Now, while you were a trustee, had you  
18 told anyone within the municipality of Hawthorn  
19 Woods about the circumstances under which you  
20 resigned from the Ela Soccer Club?  
21 MR. MORAN: Just so we are clear, anyone  
22 involved in the government? Not anyone who lived  
23 in the municipality?  
24 MR. LANZITO: Exactly.

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1 MR. MORAN: That's what I thought you meant,  
2 but I just wanted to make sure.  
3 MR. LANZITO: That's fair.  
4 BY THE WITNESS:  
5 A. No.  
6 BY MR. LANZITO:  
7 Q. Now, as part of the trustee, were you  
8 ever on the finance committee?  
9 A. No.  
10 Q. And as part of the -- how many times did  
11 you run for reelection from 2002 to 2007?  
12 A. I ran once.  
13 Q. And who did you run with at that point  
14 in time?  
15 A. The mayor was Keith Hunt. Trustee Greg  
16 Gehrke, Jim Silvers. I'm missing -- no, it was the  
17 four of us.  
18 Q. Did you ever divulge to Greg Gehrke or  
19 Jim Silvers the circumstances under which you  
20 resigned?  
21 A. No.  
22 Q. And you ran with them one time?  
23 A. Yes.  
24 Q. And you were elected?

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1 A. Yes.  
2 Q. How long did Greg Gehrke or Jim Silvers  
3 serve on the board of trustees for Hawthorn Woods?  
4 A. I think I have to correct myself on the  
5 election. I believe we ran twice.  
6 Q. Okay.  
7 A. And how long did I serve with them? Six  
8 years. So the entire time I was on the board.  
9 Q. Were they on the board prior to you  
10 joining the board of trustees?  
11 A. Keith was on the board as a trustee  
12 prior to running for mayor.  
13 Q. And then Greg Gehrke and Jim Silvers for  
14 the first time ran with you?  
15 A. Correct.  
16 Q. And did those two gentlemen stay on as  
17 trustees after you stepped down as trustee?  
18 A. Yes.  
19 Q. And how long did they stay on?  
20 A. I think it was through the next  
21 election.  
22 Q. Okay. Did they stay on after Mayor  
23 Mancino was elected?  
24 A. No.

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1 Q. So they didn't run for reelection?  
2 A. Correct.  
3 Q. And Mayor Hunt didn't run for  
4 reelection?  
5 A. Correct.  
6 Q. Do you know why?  
7 A. Family reasons.  
8 Q. What about Mr. Gehrke or Mr. Silvers?  
9 A. I don't know their reasons for not  
10 running.  
11 Q. So is it safe to say the election in  
12 2009 was an unopposed election?  
13 A. Yes.  
14 Q. There were no debates, anything like  
15 that, correct?  
16 A. No.  
17 Q. And as you said, in 2007, you took a  
18 position as the Parks and Recreation director?  
19 A. I believe the title at the time was  
20 director of recreation.  
21 Q. And was the title changed at some point  
22 in time?  
23 A. It was after the Mayor Mancino and  
24 Administrator Newton came on.

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1 Q. And what was the title changed to?  
2 A. I thought it was changed to director of  
3 Parks and Recreation at that time, but I could be  
4 wrong. My title was changed. I am sorry. I  
5 apologize. My title was changed.  
6 Q. And what was your title changed to?  
7 A. Director something of the aquatic  
8 center. I can't remember specifically.  
9 Q. And when was your title changed?  
10 A. October of 2009.  
11 Q. Okay. Now I just want to back up a  
12 little bit.  
13 When you started, did you apply for an  
14 open position as the director of recreation?  
15 A. No.  
16 Q. Okay. There was no application process?  
17 A. Not that I was aware of.  
18 Q. Okay. Did you ever fill out an  
19 application in 2007 prior to becoming the Hawthorn  
20 Woods director of recreation?  
21 A. No.  
22 Q. How did you learn about the position?  
23 A. I was approached -- well, I was  
24 approached.

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1 Q. By who?  
2 A. By Keith Hunt.  
3 Q. When were you approached by Keith Hunt?  
4 A. February -- well, it was before  
5 February. It had to be January.  
6 Q. Of 2007?  
7 A. Correct.  
8 Q. And what, if anything, did Keith Hunt  
9 say to you in January of 2007 regarding this  
10 position?  
11 A. As you're aware, we were constructing  
12 the aquatic center. We had a June time frame in  
13 terms of opening the pool, and his words, I believe  
14 were, I don't believe there is anybody more  
15 qualified than you to run the aquatic center. We  
16 would like you to consider the position, and that  
17 was it.  
18 Q. Was this at a board meeting or was  
19 this --  
20 A. Casual conversation.  
21 Q. Do you recall where the conversation  
22 took place?  
23 A. No, I don't.  
24 Q. Okay. And he said there was nobody else

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1 qualified, correct more or less?

2 A. Yes. Yes.

3 Q. And prior to being appointed or being

4 hired on as the director of recreation, how many

5 other positions did you hold where you were

6 director of recreation?

7 A. None.

8 Q. Were you ever -- did you ever obtain a

9 certified pool operator's license?

10 A. Yes.

11 Q. And when did you obtain that?

12 A. 2009.

13 Q. Okay. So you operated the pool for two

14 seasons before being certified a pool operator?

15 A. Correct.

16 Q. Prior to 2007, how many pools had you

17 operated or managed?

18 A. None.

19 Q. Prior to 2007, how many pool facilities

20 did you work on where you managed the chemicals or

21 the mechanicals of the pool?

22 A. None.

23 Q. And how big of a facility was the

24 Hawthorn Woods Aquatic Center?

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1 A. Can you just --

2 C. Can you describe the layout of it?

3 A. Are you looking for acreage or are you

4 looking for --

5 Q. Number of pools, amenities to the pools,

6 things of that nature?

7 A. There was a diving wall, a 25-yard lap

8 pool, a slide pool, and a children's waiting area,

9 play area.

10 Q. Now, prior to -- you said it was in

11 construction when Keith contacted you, right?

12 A. Yes.

13 Q. And prior to that, what involvement, if

14 any, did you have with the aquatic center?

15 A. Quite a bit.

16 Q. And was that as a trustee?

17 A. Yes.

18 Q. And what involvement did you have?

19 A. From the very beginning when it became

20 apparent that there would be funding available for

21 aquatics -- well, actually prior to even funding

22 it, there was a -- I had become aware prior to us

23 ever living at Hawthorn Woods, a survey had come

24 out that one of the amenities that the Village

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1 wanted was an aquatic center and walking paths.

2 That was through our involvement in running for the

3 Village.

4 So knowing that and also the fact that

5 Community Park had the walking paths that we

6 desired, one of the things that we were striving

7 for is other amenities to the Village, and since

8 the survey back in -- it was in the late 1990s and

9 a pool was one of the things.

10 So when funding became available,

11 clearly it was top on the community's list at that

12 time. So Keith then consulted each of the

13 trustees; relative consensus was that we would like

14 to have an aquatic center so...

15 Q. And what specific role did you play in

16 the planning of that aquatic center?

17 A. Meetings with the former Village

18 administrator Jim Kruschke.

19 MR. NORAW: Was he the Village administrator

20 at the time or was he a former administrator?

21 THE WITNESS: I am sorry. That's correct. He

22 was the current Village administrator at the time.

23 BY MR. LANZITO:

24 Q. Can you please spell his last name for

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1 the court reporter.

2 A. K-r-i-s-c-h-k-e.

3 Q. How many meetings did you have with Jim

4 Kruschke?

5 A. There was more people in addition to Jim

6 Kruschke. Nancy Caine, who was the finance

7 director.

8 Q. Nancy King?

9 A. It's Caine, C-a-i-n-e.

10 Q. And she was the finance director for

11 where?

12 A. The Village. We also met with a pool

13 contractor out of Wisconsin, and I cannot recall

14 the name. I believe Donna Lobaito was in some of

15 the meetings. I think Steve Riess might have been

16 in one. We had numerous meetings. He may not have

17 been in all of them, and he is a trustee in the

18 Village.

19 C. Okay. And you said Donna Lobaito. When

20 was Donna Lobaito hired by Hawthorn Woods, do you

21 know?

22 A. I have no idea. She was there prior to

23 me.

24 Q. Do you know if she was hired by Keith?

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1 A. No, I do not.  
2 Q. And other than those individuals, did  
3 you meet with anyone else regarding the development  
4 of the pool?

5 A. Yes. There was all kinds of people,  
6 Mancini Excavating. There was Jeff Pathmann, who  
7 also happened to be a client of mine at R-H  
8 Insurance; Justin Pathmann, his son; Schaeffges  
9 Brothers with Steve Karocki. You're going to ask  
10 me to spell that, right? K-a-r-e-c-k-i, and he is  
11 with Schaeffges Brothers.

12 I met with numerous other people in  
13 other communities about running aquatic centers. I  
14 don't know their names off the top of my head.  
15 Basically we were doing leg work in terms of  
16 getting the pool up and running in time for a  
17 June 1st opening.

18 Q. You said you were meeting with other  
19 people regarding operating an aquatic center?

20 A. Uh-huh.

21 MR. MORAN: Yes. You have to say a word, yes.

22 BY THE WITNESS:

23 A. Yes.  
24

1 BY MR. LANZITO:

2 Q. Would that include other pool operators,  
3 managers?

4 A. Yes.

5 Q. As a trustee, did you ever put out to  
6 bid the position of director of recreation to  
7 operating of the Hawthorn Woods Aquatic Center?

8 A. Not me personally, no.

9 Q. Okay. And was that ever discussed?

10 A. Not with me.

11 Q. So the first time you became aware that  
12 the Village of Hawthorn Woods was looking for  
13 someone to manage the aquatic center and be the  
14 director of recreation in January of 2007 when  
15 Keith Hunt approached you?

16 A. I'm not stupid. Somebody had to run the  
17 pool so prior to January, yes, we were aware that  
18 we were going to hire somebody for that position.

19 Q. Oh, no, that's not what I'm saying.

20 Sorry.

21 Prior to January of 2007, had you heard  
22 of the Village of Hawthorn Woods seeking the  
23 employment of someone to run the Hawthorn Woods  
24 Aquatic Center?

1 A. Yes.

2 Q. Okay. And who told you that they had  
3 been looking for an aquatic center manager and/or  
4 director of operations?

5 A. No one told me. It's intuitive.

6 Q. Did you see any minutes from trustee  
7 meetings or Parks and Recreation meetings where  
8 that was specifically outlined?

9 A. No.

10 Q. Prior to you becoming the director of  
11 recreation, when was the last time Hawthorn Woods  
12 had a director of recreation?

13 A. I was aware of a gentleman who ran our  
14 woodchucks program in the '90s. That was my only  
15 recollection of somebody being in that position.  
16 The reason I know that is I believe he was one of  
17 my neighbors.

18 Q. Just so the record is clear, prior to  
19 January of 2007, you had never seen any job posting  
20 for a position of director of recreation or to run  
21 the aquatic center?

22 A. Correct.

23 Q. And as you sit here, you're not aware of  
24 a job posting being discussed in any trustee

1 meeting or Parks and Recreation meeting?

2 A. Correct.

3 Q. Did Keith Hunt, when he said you're the  
4 most qualified individual he could think of, did he  
5 indicate whether or not he had interviewed or  
6 spoken with anyone else?

7 A. No.

8 Q. Now, did you actually help with the  
9 physical design of the pool?

10 A. Yes.

11 Q. How so?

12 A. Selecting the layout. We had numerous  
13 possibilities in front of us, what worked, what  
14 didn't work. The other thing at that point in time  
15 is we did not know the location of the pool, where  
16 it was going to actually physically be constructed.  
17 So our layout that we liked the best, once we found  
18 out what land it was going to sit on and how it was  
19 going to have to situate on that land and that  
20 parcel would not fit so we had to change things  
21 around a bit. So it was basically a work in  
22 progress.

23 Q. Now, was one of the purposes of the pool  
24 to be a pool where you can hold sanctioned swimming

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1 competitions?

2 A. Yes.

3 Q. And do you understand what I mean by

4 sanctioned swim competitions?

5 A. Yes.

6 Q. As you sit here today, were you aware

7 whether or not the Hawthorn Woods Aquatic Center

8 can hold sanctioned competitions?

9 A. No -- well, I'm not sure about that. I

10 know the shallow end is too shallow for diving. I

11 believe now current standards are that the deep

12 end, if you will, is also too shallow with starting

13 blocks.

14 Q. And when did those regulations or

15 guidelines come into effect as to the depth of the

16 pool?

17 A. I don't know that.

18 Q. Okay. Do you know -- you, yourself,

19 were formerly a competitive swimmer, right?

20 A. Swimmer.

21 Q. And do you know if anyone looked into

22 what the requirements were to have a sanctioned

23 pool for competitive purposes during its design?

24 A. The design team. I don't know.

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1 Q. Okay. And did you speak with the design

2 team about specifically having a pool that would be

3 capable of hosting sanctioned swimming events?

4 A. Me specifically, no.

5 Q. During the design and then the

6 construction, was there anything prohibiting the

7 Village of Hawthorn Woods from making the pool

8 deeper so that it could be used for sanctioned

9 swimming events?

10 A. I'm not sure I understand the question.

11 Q. Was there any problems with the soil or

12 the site which prohibited the excavator from going

13 deeper to make the pool capable of being used for

14 sanctioned events?

15 A. I don't believe that was the reason for

16 it, but there were problems with the soil, yes,

17 that is correct.

18 Q. Okay. Were there any other problems

19 with the pool being too short for sanctioned

20 events?

21 A. No.

22 Q. Okay. So as you sit here today, it's

23 your understanding that it's long enough to be used

24 for sanctioned events, just not deep enough?

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1 A. Correct.

2 Q. And what about the diving? You had high

3 dives installed there?

4 A. That's correct.

5 Q. Are there currently high dives installed

6 there?

7 A. I don't know. I have not been there.

8 Q. When is the last time you were at the

9 Hawthorn Woods Aquatic Center?

10 A. The day I was terminated.

11 Q. So in March, end of March 2010, late

12 February?

13 A. Last time I have been there.

14 Q. The first day that the pool was opened,

15 did Keith Hunt use the high dive?

16 A. Yes.

17 Q. And what, if anything, happened when he

18 used the high dive?

19 A. He injured himself.

20 Q. And how did he injure himself?

21 A. He dove out too far and hit his hands on

22 the sloped embankment in the diving wall.

23 Q. Now you said he hit his hands?

24 A. Yes.

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1 Q. Did he also hit his head?

2 A. Yes.

3 Q. And was he bleeding?

4 A. Yes.

5 Q. Did it cause any damage to the pool?

6 A. No. It's an urban legend.

7 Q. But he was bleeding?

8 A. Yes.

9 Q. And you saw that?

10 A. Yes, I did.

11 Q. And was that the night before the pool

12 was to officially open?

13 A. Yes.

14 Q. Was that like a private opening party?

15 A. It was -- no, it wasn't a private

16 opening. The lifeguards were there. We were

17 putting final touches on opening the pool.

18 Q. Okay. Do you know what injuries Keith

19 sustained as a result of hitting his head and his

20 hands?

21 A. I know he sustained injuries to both of

22 his wrists and a cut to his head.

23 Q. And you were then the director of parks

24 and recreation?

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1 A. Yes.

2 Q. And what, if anything, did you do to

3 investigate whether or not the diving level was

4 appropriate?

5 A. Well, we contacted Schaeffes Brothers,

6 and they verified that the depth was fine for the

7 diving boards and they built other pools with the

8 same diving wall, same diving boards, and there's

9 never been a problem.

10 Q. Was Keith ever a competitive diver?

11 A. He says he was.

12 Q. Fair enough.

13 Now, in January of 2007, when you were

14 discussing the position, did the issue of salary

15 come up?

16 A. In January?

17 Q. Of 2007, yes.

18 A. No.

19 Q. When is the first time you found out

20 what your salary was going to be?

21 A. Prior to -- oh, goodness, just prior to

22 accepting the position, which would have been in

23 January.

24 Q. So you were offered the position in

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1 January and accepted in January?

2 A. Yeah.

3 Q. And you accepted without knowing what

4 the salary was?

5 A. No. I mean, it wasn't one conversation

6 then another. It was an ongoing conversation.

7 Q. And what salary did you agree to take?

8 A. 50,000.

9 Q. Was there any negotiation there or

10 that's Keith said the offer was take it or leave

11 it?

12 A. Basically that was all he could offer.

13 Q. What were your responsibilities for the

14 \$50,000?

15 A. To plan, promote, operate, and start

16 recreational programming all year-round programming

17 and run the aquatic center.

18 Q. Now, from January of 2007 until you

19 opened the pool, what did you do in order to

20 prepare yourself for the duties and

21 responsibilities that you were going to have?

22 A. I was hired or I was accepted in the

23 position February 1st. I then began programming,

24 promoting, hiring whoever we could get to run the

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1 recreational programs as well as the aquatic center

2 programs. So it meant not only lifeguard staff but

3 recreational staff.

4 Q. Now, did you take any coursework on the

5 management of pools prior to opening the Hawthorn

6 Woods Aquatic Center at the first day?

7 A. No.

8 Q. Now, going back to the incident with --

9 A. Oh, I am sorry. I had to be a certified

10 lifeguard, and I took a CPR class. So I apologize.

11 Q. So other than taking your certified

12 lifeguard course and your CPR course, did you take

13 anything else related to pool management?

14 A. No.

15 Q. Now, when Keith had injured himself, you

16 said you were opening the night before or you were

17 getting things ready the night before?

18 A. Yes.

19 Q. Okay. Did you report the injury to

20 Illinois Department of Health?

21 A. No. We put it in our accident logbook.

22 Elise Wagner was the manager of the pool that day,

23 and she was the one who put it in the logbook.

24 Q. Okay. Did you fill out any injury or

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1 accident report?

2 A. Elise did.

3 Q. Do you know if Mr. Hunt had been

4 drinking prior to diving into the pool?

5 A. I do not know that.

6 Q. So is it safe to say this was a

7 substantial raise from what you were previously

8 making with the insurance company?

9 A. It was a raise, yes.

10 Q. So you were making \$35,000 before the

11 aquatic center and \$50,000 after?

12 A. With commissions, I was probably close

13 to 40,000, so yes.

14 Q. Now you had to resign as a trustee,

15 correct?

16 A. Yes, I did.

17 Q. Did you know any of the defendants prior

18 to becoming a trustee?

19 A. The defendants, that's all the Village

20 people?

21 Q. Correct.

22 A. Yes.

23 Q. You did, yes?

24 A. Yes.

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1 Q. Okay. And did you know specifically --  
2 who did you specifically know and in what capacity?  
3 MR. MORAN: This is before becoming a trustee?  
4 MR. LANZITO: Yes.  
5 BY THE WITNESS:  
6 A. Oh, before becoming a trustee. I am  
7 sorry. I did not understand the question before  
8 becoming -- can you just rephrase it?  
9 BY MR. LANZITO:  
10 Q. Can you just briefly describe how you  
11 knew the individual defendants before you became a  
12 trustee in Hawthorn Woods?  
13 A. Can you go through each of them because  
14 it would make it easier. I don't want to.  
15 Q. We'll do one by one and I'll just read  
16 it off.  
17 Joe Mancino, did you know him before he  
18 became a trustee?  
19 A. No.  
20 Q. Pam Newton?  
21 A. No.  
22 Q. Donna Lobaito?  
23 A. Before, no.  
24 Q. Kristin Kazenas?

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1 A. No.  
2 Q. Noll Morgan?  
3 A. No.  
4 Q. David Ansani?  
5 A. No.  
6 Q. Kelly Corrigan?  
7 A. No.  
8 Q. Now, while you were a trustee, did you  
9 know who Joseph Mancino was when you were a  
10 trustee?  
11 A. At the end of my -- no. No. When I was  
12 a trustee, no, I did not.  
13 Q. When did you first meet or know of or  
14 hear of Joe Mancino?  
15 A. He started coming to board meetings.  
16 Q. So some time --  
17 A. I have no idea. It was probably a year  
18 prior to my termination.  
19 MR. MORAN: So after you resigned as trustee  
20 but while you were working in your position?  
21 THE WITNESS: Correct.  
22 BY MR. LANZITO:  
23 Q. So when you say a year prior, are you  
24 saying like February of 2009?

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1 A. Maybe more than that. Maybe like a year  
2 and a half, two years because he was elected. It  
3 was a year prior to his election that he started  
4 coming to meetings.  
5 Q. What about Pam Newton?  
6 A. Met her at a function or two but didn't,  
7 you know, know her.  
8 Q. Did you know if she held any elected  
9 positions prior to --  
10 A. Yes.  
11 Q. And what position did she hold?  
12 A. Lake County Board Rep. I think.  
13 Q. Lake County Commissioner?  
14 A. I don't know if that's the title. She  
15 was on the Lake County Board.  
16 Q. Did you ever make a campaign  
17 contribution to her campaign?  
18 A. No, I did not.  
19 Q. Did you ever put a lawn sign for her in  
20 your front lawn?  
21 A. Yes.  
22 Q. Do you know what year you did?  
23 A. No idea.  
24 Q. Did you know Pam before you put a sign

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1 in your lawn?  
2 A. I did not know her when I put the sign  
3 in my yard.  
4 Q. Did you speak with her before you put  
5 the sign in your yard?  
6 A. Nope.  
7 Q. Do you know how the sign got in your  
8 yard?  
9 A. I was asked by Keith Hunt to put it in  
10 my yard.  
11 Q. Were you a trustee at that point in  
12 time?  
13 A. I do not recall.  
14 Q. Now, prior to that you said you had not  
15 known Pam Newton?  
16 A. Correct.  
17 Q. When is the first time you know Pam  
18 Newton or spoke with Pam Newton?  
19 A. Probably the first day she came -- was  
20 hired and came into the office.  
21 Q. So prior to would that be, May or June  
22 of 2009? That's the first time you ever actually  
23 met or spoke with Pam Newton?  
24 A. I met her one other time at something.

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1 I do know I physically met her one other time.  
 2 Where it was, I don't recall.  
 3 Q. What do you recall about meeting her  
 4 that first time?  
 5 A. Just hi, how are you kind of thing, just  
 6 nice to meet you. I've heard you, you know, on the  
 7 Lake County Board, that's about it.  
 8 Q. Okay. It wasn't contentious. The  
 9 conversation was pleasant, right?  
 10 A. It was in a casual setting, so yes,  
 11 that's correct.  
 12 Q. And prior to May or June of 2009, had  
 13 you ever made any statements about Pam Newton?  
 14 A. Yes -- well, no. No.  
 15 Q. Now, next was Donna Lobaito. When is  
 16 the first time you met Donna?  
 17 A. When I became a trustee.  
 18 Q. Somewhere around 2002?  
 19 A. Yes.  
 20 Q. And what was her position at the  
 21 municipality?  
 22 A. Assistant Village administrator.  
 23 Q. And that was under Jim Kruschke?  
 24 A. Yes.

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1 Q. And I think before you said you didn't  
 2 know who she was hired by?  
 3 A. Correct. I actually met with Russell  
 4 Benford. He was the Village administrator at the  
 5 time so it wasn't Jim Kruschke. It was Russell  
 6 Benford.  
 7 Q. And since she was the assistant Village  
 8 administrator, did you work with her from time to  
 9 time?  
 10 A. Yes.  
 11 Q. And prior to May or June of 2009, what  
 12 was your impression of her?  
 13 A. Nice, conscientious person.  
 14 Q. Had you ever voiced any concerns or  
 15 complaints to Donna about Donna's job performance?  
 16 A. To Donna?  
 17 Q. To Donna.  
 18 A. No.  
 19 Q. At any time did you ever voice any  
 20 concerns about Donna's employment with the Village  
 21 of Hawthorn Woods to anyone?  
 22 A. Yes.  
 23 Q. With whom?  
 24 A. Keith.

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1 Q. And when was this?  
 2 A. Oh, numerous times. There was some  
 3 issues about handing out permits to people without  
 4 them paying for it that we became aware of, and  
 5 then just nothing specific but that was one key  
 6 issue that people were not paying for permits that  
 7 they should be paying for.  
 8 Q. And who handled the resolution of that  
 9 matter?  
 10 A. I am not aware of who handled that.  
 11 Q. Who was in the building department  
 12 during this time period?  
 13 A. Sandy Hanson. I don't recall who else.  
 14 I know Sandy was for sure.  
 15 Q. And the building department would be  
 16 responsible for issuing permits?  
 17 A. Correct.  
 18 Q. So it's not necessarily that Donna was  
 19 handing out permits. It was someone in the Village  
 20 staff that was handing out permits without paying,  
 21 correct?  
 22 A. No, I believe it was Donna.  
 23 Q. Do you know to whom she issued the  
 24 permits?

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1 A. I don't know their names specifically,  
 2 no.  
 3 Q. Do you know how many permits were issued  
 4 without payment?  
 5 A. I believe there was two that Mayor Hunt  
 6 was made aware of at the time.  
 7 Q. And do you know if they were friends of  
 8 Keith Hunt?  
 9 A. I do not know that.  
 10 Q. Do you know how the matter was resolved?  
 11 A. No, I do not.  
 12 Q. Do you know when this occurred?  
 13 A. Probably -- I think it was approximately  
 14 2007 because I do believe that Mayor Hunt actually  
 15 was planning on letting Ms. Lobaito go at that  
 16 time.  
 17 Q. And obviously he didn't?  
 18 A. No.  
 19 Q. Okay. Other than that one instance, did  
 20 you ever voice any concern or criticize Ms. Lobaito  
 21 to anyone else?  
 22 A. Yes. Denise Kaufmann, Christy  
 23 Lubrich, employees within the Village.  
 24 Q. Was Donna present for these meetings?

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1 A. No.

2 Q. Did you ever tell Ms. Lobaito to her  
3 face or criticize her in any way prior to your  
4 termination?

5 A. No.

6 MR. MORAN: To her face.

7 BY MR. LANZITO:

8 Q. In person conversation.

9 MR. MORAN: Right.

10 BY THE WITNESS:

11 A. No.

12 BY MR. LANZITO:

13 Q. Now, let's talk about Ms. Kaufmann. Do  
14 you know how she got her job at the Village of  
15 Hawthorn Woods?

16 A. No, I do not.

17 Q. Do you know who hired Ms. Kaufmann?

18 A. I believe it was through a contact with  
19 Keith Hunt.

20 Q. Do you know if Keith Hunt was her  
21 attorney?

22 A. I do believe he was her attorney. I  
23 don't know if he was the primary attorney, but I do  
24 believe he represented her.

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1 Q. Do you know if Ms. Kaufmann owed Keith  
2 Hunt legal fees at the time she was hired at  
3 Hawthorn Woods?

4 A. No, I don't know that.

5 Q. Do you know under what circumstances  
6 Ms. Kaufmann left the Village of Hawthorn Woods?

7 A. No.

8 Q. Do you know where Ms. Kaufmann is  
9 working now?

10 A. Yes, I do. I believe she's in the  
11 Village of Lake Zurich.

12 Q. And do you know who she is working for?

13 A. No, I don't. Only rumor and speculation  
14 so I'm not going to --

15 Q. What did you hear about where she is  
16 working?

17 A. I heard it was for the new fire chief.

18 Q. Who is the new fire chief?

19 A. I don't know. I honestly don't know his  
20 name. I know the former one. I don't know the  
21 current one.

22 Q. Do you know if the new fire chief is a  
23 friend of Keith Hunt?

24 A. No.

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1 Q. Now you said Christine Lubrich?

2 A. Lubrich, yes.

3 Q. L-u-b-r-i-c-h?

4 A. Correct.

5 Q. And whom was she hired?

6 A. I don't know.

7 Q. Do you know how long -- or what was the  
8 position she held at Hawthorn Woods?

9 A. She was in the building department.

10 Q. Do you know which years she was in the  
11 building department?

12 A. No.

13 Q. Do you know when is the last time she  
14 was employed by the Village of Hawthorn Woods?

15 A. It was prior to my furlough so I want to  
16 say November of 2009, I believe. That's  
17 approximate.

18 Q. Do you know why she is no longer  
19 employed by the Village of Hawthorn Woods?

20 A. Not specifically, no, I don't.

21 Q. Do you know if it had anything to do  
22 with her employment application?

23 A. I heard, yes, I did hear about that.

24 Q. And what did you hear?

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1 A. That she falsified her employment  
2 application.

3 Q. And how did she falsify it from what you  
4 remember?

5 A. Some type of criminal -- she didn't put  
6 some kind of criminal charge on her application.

7 Q. Did you ever talk to her about her  
8 application --

9 A. No.

10 Q. -- and alleged criminal activity?

11 A. No.

12 Q. So other than speaking with Ms. Kaufmann  
13 and Ms. Lubrich, did you discuss with anyone else  
14 prior to your termination any of your complaints  
15 about Ms. Lobaito?

16 A. Within the Village?

17 Q. With anyone.

18 A. Yes.

19 Q. Who?

20 A. My friends, my husband, my family. It  
21 was a frustrating time.

22 Q. Prior to your termination, just so the  
23 record is clear, you didn't discuss any of your --  
24 voice any of your complaints directly to

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1 Ms. Lobaito?  
2 A. No.  
3 Q. And what about with respect to Joe  
4 Marcino prior to your termination, had you  
5 discussed with him any of the complaints about his  
6 job performance or administration?  
7 A. No.  
8 Q. And what about with Ms. Pamela Newton,  
9 did you discuss with her any of your complaints  
10 with her job performance prior to your termination?  
11 A. Her job performance, no.  
12 Q. Did you discuss with her any complaints  
13 about her political affiliation prior to your job  
14 termination?  
15 A. No.  
16 Q. Other than Donna Lobaito when you were  
17 speaking with Ms. Kaufmann and Ms. Lubrich, did you  
18 discuss any of the other named defendants I've  
19 previously mentioned?  
20 A. Well, Mr. Morgan specifically.  
21 Q. And whom did you speak with?  
22 A. Donna and it was actually not about --  
23 it was Mr. Morgan's son.  
24 Q. Mr. Morgan's son was employed as a

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1 lifeguard?  
2 A. Yes.  
3 Q. And did you speak with anyone else  
4 regarding Mr. Morgan's son?  
5 A. Yes, Ms. Newton after my conversation  
6 with him.  
7 Q. When was this conversation?  
8 A. It was in the summer of 2009.  
9 Q. And what, if anything, did you tell  
10 Donna Lobaito about him?  
11 A. I told her what occurred at the aquatic  
12 center. I asked her advice on how to handle the  
13 situation since it was an HR situation. She  
14 said -- and Pam was out of town. Ms. Newton was  
15 out of town so Donna really didn't give me much  
16 advice in terms of how to handle it. I then -- I  
17 choked.  
18 Q. Let me back you up. What was the  
19 circumstance?  
20 A. He was caught stealing at the aquatic  
21 center.  
22 Q. What was he stealing?  
23 A. Gatorade out of what was not our -- it  
24 was out of the Culver's concession area, which is

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1 not our stock or whatever.  
2 Q. They lease the --  
3 A. Yeah.  
4 Q. Did you ever tell anyone that he had  
5 taken a fountain drink?  
6 A. A fountain drink, no, it was Gatorade.  
7 Q. Had your lifeguards in the past ever  
8 grabbed a fountain drink from Culver's in the past?  
9 A. With Culver's consent.  
10 Q. Okay. And had you ever seen  
11 Mr. Morgan's son grab a fountain drink from  
12 Culver's with consent in the past, prior to this  
13 incident?  
14 A. See him, no, I never saw him do it.  
15 Q. But you saw --  
16 A. The lifeguards would go and ask for  
17 fountain drinks.  
18 Q. And that was prior to this incident?  
19 A. Yes.  
20 Q. So when you told Ms. Lobaito that you  
21 saw Mr. Morgan's son steal a Gatorade, what, if  
22 anything, was her response?  
23 A. I don't recall the exact conversation,  
24 but there was really no definitive of what I should

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1 do. There was no direction given. So I said I was  
2 going to be letting him go, and then I did let him  
3 go after that; and then I advised Pam when she  
4 returned that we had let him go and for the reasons  
5 that were given.  
6 Q. Okay. And what, if anything, did Pam  
7 say?  
8 A. She said let's not tell Neil. She said,  
9 "How would you handle this with any other  
10 employee?"  
11 I said, "I would just fire them."  
12 "You wouldn't need to call the parents?"  
13 I said, "No."  
14 She said, "Well, let's not tell Neil  
15 then."  
16 Q. So she said handle it however you would  
17 handle it with another employee?  
18 A. Uh-huh.  
19 HR. MOFAN: Is that a yes?  
20 BY MR. LANZITO:  
21 Q. Is that a yes?  
22 A. Yes. Sorry.  
23 Q. And Pam didn't tell you -- Pam and Donna  
24 never told you don't fire him?

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1 A. No.  
2 Q. They said you're the director, do what  
3 you need to do?  
4 A. Uh-huh.  
5 MR. MORAN: Is that a yes?  
6 BY MR. LANZITO:  
7 Q. Yes?  
8 A. Yes. Sorry.  
9 Q. Now, other than that conversation about  
10 Mr. Morgan's kid, had you criticized Mr. Morgan in  
11 any other way, shape, or form prior to your  
12 termination?  
13 A. Yes.  
14 Q. How so?  
15 A. I felt since I had previously been the  
16 trustee liaison for the parks and rec committee, I  
17 felt like he was not doing what was needed, that he  
18 possibly wanted to be on another committee, things  
19 along those lines.  
20 Q. And when was this conversation?  
21 A. There were numerous ones generally after  
22 parks and rec committee meetings with parks and rec  
23 committee members.  
24 Q. Do you recall which year?

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1 A. Probably 2008 and 2009.  
2 Q. Do you recall in 2009 when you had these  
3 conversations?  
4 A. No.  
5 Q. And did you tell Mr. Morgan to his face?  
6 A. No.  
7 Q. Who did you tell?  
8 A. Terry Ditch.  
9 Q. Terry Ditch is on the parks and  
10 recreation committee?  
11 A. He was on the parks and rec committee,  
12 correct.  
13 Q. Ditch, D-i-t-c-h?  
14 A. I think there was an S in it, yeah, I  
15 think it was something like that, yeah.  
16 Q. Anyone else?  
17 A. Dan Replinger, Dan Fortman, Paul Stuart,  
18 people that were on the parks and rec committee.  
19 Q. Do you know if it was while the pool was  
20 still operating when you were making these  
21 criticisms?  
22 A. Yes.  
23 Q. So it was the summertime?  
24 A. Well, we had monthly meetings so it was

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1 after one of those meetings so it could have been  
2 in the spring and/or summer.  
3 Q. Of 2009?  
4 A. Yes.  
5 Q. Just so we are clear, did you make any  
6 other criticisms of any of the named defendants  
7 that you can recall?  
8 A. Steve Riess, yes.  
9 Q. When was that?  
10 A. When I was a trustee or are you asking  
11 when I was or any criticism at all?  
12 Q. Any time, ma'am.  
13 A. Yes. Steve had a tendency to show up at  
14 the meetings intoxicated at times or at least  
15 smelling of liquor. I voiced my opinions to the  
16 attorney at the time next to me, I can't remember  
17 his name, and he would also fart during meetings,  
18 which is a little disconcerting. And he came  
19 ill-prepared for meetings at times.  
20 I expressed that again to Keith and Jim  
21 Silvers, who sat immediately to my left, and we  
22 were all asked to prepare for meetings with our  
23 board packet and Steve had a tendency to just  
24 decide what he wanted to say at the meetings so our

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1 meetings always ran long.  
2 Q. Now, did you ever speak to the public  
3 about your belief that Steve Riess smelled like  
4 alcohol during open session meetings?  
5 A. Yes.  
6 Q. And to whom did you speak?  
7 A. My family and friends.  
8 Q. Did you ever call them to the carpet  
9 during the board meeting and say, Hey, Steve, why  
10 do you smell like booze?  
11 A. No.  
12 Q. Did you ever do it in closed session?  
13 A. I did not. No.  
14 Q. Now, just a question about Neil Morgan.  
15 He was a trustee?  
16 A. Yes.  
17 Q. Was he elected or was he appointed?  
18 A. Appointed.  
19 Q. By whom was he appointed?  
20 A. Keith.  
21 Q. Keith Hunt?  
22 A. Yes.  
23 Q. And do you recall when?  
24 A. He was appointed for my position.

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1 Q. Is it fair to say you didn't criticize  
2 his political affiliation then?

3 A. Correct.

4 Q. Now, did you say anything to Steve  
5 Riess, to him personally regarding what you  
6 perceived concerning the alcohol and the  
7 flatulence?

8 A. Not those items but his not being  
9 prepared for meetings and things, I did discuss  
10 with him.

11 Q. And that's when you were both trustees?

12 A. Yes.

13 Q. What about after you became the director  
14 of Parks and Recreation?

15 A. That would not have been appropriate for  
16 me to discuss any of that with him.

17 Q. So after your employment to Parks and  
18 Recreation, did you criticize Mr. Riess either to  
19 him personally or to anyone else?

20 A. Yes.

21 Q. Who?

22 A. My husband, my friends and family. I'd  
23 come home from meetings very frustrated that they  
24 ran long or whatever because we couldn't stay on

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1 task.

2 Q. Anyone else?

3 A. Not that I can recall at the moment.

4 Q. And do you recall when those  
5 conversations took place?

6 A. Well, it was after -- the ones that were  
7 after I was a trustee or during my employment as  
8 the director of recreation.

9 Q. Do you recall when the last time you  
10 spoke to anyone about your perceived deficiencies  
11 of Steve Riess?

12 A. Probably after I was terminated. I  
13 mean, nothing after that.

14 Q. Let me just rephrase it.

15 Prior to your termination, do you recall  
16 the last time that you spoke with anyone about your  
17 criticisms of Steve Riess?

18 A. No.

19 Q. Now, with respect to any of these  
20 individuals, did you write any editorials or print  
21 any complaints in the newspaper regarding the  
22 criticisms that we discussed?

23 A. No.

24 Q. Other than these points that we

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1 discussed in your deposition, are there any other  
2 criticisms of the defendants that we have not  
3 covered that you have voiced to others?

4 A. Well, yeah, I voiced an opinion to  
5 Ms. Lobaito prior to Pam coming in regarding her  
6 hire.

7 Q. Prior to Pam's hiring?

8 A. Correct.

9 Q. And she would have been hired somewhere  
10 around May of 2009, June?

11 A. Yes. And leading up to that, we had  
12 been working -- well, Jim Bassett had been let go  
13 from the Village administrator, had been let go and  
14 given a severance package -- that I don't know when  
15 it was -- basically, that the budget did not  
16 account for another Village administrator. I  
17 expressed my concern to Donna that we didn't have  
18 the money for a high-priced Village administrator.

19 Q. When you were under the, we'll call it  
20 the Keith Hunt administration, was the Village  
21 operating in a surplus of cash flow?

22 A. For the majority of the time, yes.

23 C. What about in say 2007, 2008, 2009,  
24 early 2009?

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1 A. 2008 and 2009 progressively. There  
2 wasn't a surplus. I don't know. It was a marginal  
3 deficit at that point, but it was going downwards.

4 Q. And as you sit here today, do you know  
5 if the Village is operating in a deficit or a  
6 surplus?

7 A. I believe in a surplus.

8 Q. And would that include the salaries of  
9 all the individual defendants you've named?

10 A. Yes.

11 Q. Now, other than that conversation with  
12 Ms. Lobaito about the hiring of Pam Newton prior to  
13 her being hired, had you criticized Pam Newton any  
14 way, shape, or form otherwise?

15 MR. MORAN: Can you read that question back?

16 MR. LANZITO: I will rephrase. It was poorly  
17 worded. I apologize.

18 BY MR. LANZITO:

19 Q. Other than that conversation in May or  
20 June of 2009 regarding the hiring of Pam Newton,  
21 had you voiced any criticisms of Ms. Newton to  
22 anyone else that we haven't discussed today?

23 A. Yes.

24 C. Okay. To whom else did you?

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1 A. Jim Maiworm.  
2 Q. And what did you say to Jim Maiworm?  
3 A. Basically the same thing. It was really  
4 more the position didn't -- we didn't have the  
5 money to fund another Village administrator.  
6 Q. Now, Jim Maiworm -- what was his  
7 position under the --  
8 A. The director of Public Works.  
9 Q. Let me -- what was his position under  
10 Keith Hunt's administration?  
11 A. Director of Public Works.  
12 Q. And what was his position after Keith  
13 Hunt's position?  
14 A. I believe it was the same.  
15 Q. And do you know who hired Jim Maiworm?  
16 A. I believe it was Keith.  
17 Q. Now, what about Chief Paulus, do you  
18 know her?  
19 A. Yes.  
20 Q. Who hired her?  
21 A. I believe Keith. I'm not sure.  
22 Q. Do you know if Keith and Ms. Paulus had  
23 a friendship before she assumed the position?  
24 A. I heard about it, yes, I do know now

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1 currently, yes.  
2 Q. And what do you know their relationship  
3 to be?  
4 A. Friends. Actually I believe he's  
5 friends with her father.  
6 Q. Isn't her father the chief of police in  
7 Lake Zurich?  
8 A. No, I don't believe so.  
9 Q. Do you know when she was hired by Keith?  
10 A. I don't recall. I don't.  
11 Q. Prior to being chief, do you know what  
12 her highest position or rank was in the police  
13 department?  
14 A. No, I don't.  
15 Q. Do you know if she's still working in  
16 Hawthorn Woods?  
17 A. I believe so, yes.  
18 Q. The last thing we talked about was your  
19 criticism to Ms. Lobaito of hiring Pam Newton.  
20 A. Yes.  
21 Q. Are there any other criticisms about any  
22 of the named defendants that you made to anyone  
23 that we had not discussed yet today?  
24 A. Yes, Ms. Kazenas.

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1 Q. And who did you say this to?  
2 A. Well, it was -- we went through finance  
3 directors. It was Greg and Cliff, Greg Gehrke,  
4 Cliff Wright about the fact that did we need a  
5 full-time finance director and also Denise and  
6 Christine Lubrich. It seemed again a lot of money  
7 was being spent on salaries so...  
8 Q. Do you know how many positions -- when  
9 was she hired?  
10 A. I can't remember. I don't remember.  
11 Q. Okay. Was she an independent contractor  
12 before?  
13 A. Yes.  
14 Q. Do you know --  
15 MR. MORAN: Let him finish his question.  
16 THE WITNESS: I am sorry.  
17 BY MR. LANZITO:  
18 Q. Before she was hired on full-time?  
19 A. Yes.  
20 Q. Who hired her as an independent  
21 contractor originally?  
22 A. I believe Keith.  
23 Q. Okay. And do you know how much the  
24 Village of Hawthorn Woods was paying for her

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1 services prior to her becoming a full-time  
2 employee?  
3 A. No.  
4 Q. Do you know what services she was  
5 providing?  
6 A. Budget and finance recommendations.  
7 Q. Okay. So she's basically handling the  
8 same duties now in-house as opposed to being an  
9 independent agent or an independent contractor?  
10 A. Yes.  
11 Q. Do you know if she wears -- besides the  
12 financial duties, does she wear any other hats at  
13 the Village of Hawthorn Woods?  
14 A. I believe human resources now.  
15 Q. Was that previously held by another  
16 person?  
17 A. I believe, yes.  
18 Q. Who was the previous human resources  
19 manager?  
20 A. Donna Lobaito did it for a while. It  
21 kind of got passed around. It wasn't a specific  
22 human resources person.  
23 Q. But this is the first time the financial  
24 responsibilities and the human resource

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1 responsibilities have been consolidated into one  
2 individual as far as you know?  
3 A. As far as I know.  
4 Q. I have to go back one just briefly. Do  
5 you need a break?  
6 A. No. I am fine. My back hurts. I'm  
7 fine.  
8 MR. MORAN: When you finish the topic that we  
9 were on, I'd like to take a break.  
10 BY MR. LANZITO:  
11 Q. That's fine. I just had a couple of  
12 things regarding the pool construction that I  
13 missed, and I apologize.  
14 A. Okay.  
15 Q. At any point in time were you  
16 supervising the construction of the aquatic center?  
17 A. No.  
18 Q. At any time were you aware of any cost  
19 overruns?  
20 A. Yes.  
21 Q. How much in cost overruns were there?  
22 A. I think the latest based on what the  
23 donation was from Toll Brothers and what the pool  
24 was ultimately going to cost, is that what you're

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1 looking for?  
2 Q. Yes. What was the planned project going  
3 to cost, then what did it actually cost?  
4 A. 3.5 was the donation from Toll Brothers.  
5 Ultimately I believe it was upwards of 6 million.  
6 Q. So approximately a 2 and a half million  
7 dollar overrun?  
8 A. I was going to go with 2 million, but  
9 yeah, I think it's about 2.5.  
10 MR. LANZITO: We can take a break.  
11 (WHEREUPON, a recess was had.)  
12 BY MR. LANZITO:  
13 Q. There are a couple of things we had  
14 discussed prior to the break I just want to go back  
15 and cover.  
16 Now, with Neil Morgan's son, I may have  
17 asked, did you talk with anyone other than Pam  
18 Newton or Donna Lobaito regarding his termination?  
19 A. Yes, Jill Kragseth.  
20 Q. Who?  
21 A. Jill Kragseth. And it's  
22 K-r-a-g-s-e-t-h. She was my assistant manager at  
23 the pool, and we terminated him together.  
24 Q. Understood. So she had to know the

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1 basis for the termination?  
2 A. Yes.  
3 Q. Anyone else?  
4 A. No, I felt it was embarrassing enough.  
5 I kind of wanted to keep it contained.  
6 Q. And so you followed the advice of Donna  
7 and Pam, just terminate the child without talking  
8 to Neil, correct?  
9 A. Uh-huh.  
10 Q. Is that a yes?  
11 A. Yes.  
12 Q. Now, you said that you criticized Pam  
13 Newton's salary upon being hired with the Village?  
14 A. Yes.  
15 Q. And what was her salary?  
16 A. With benefits, I think it was close to  
17 \$100,000.  
18 Q. Okay. And there was a previous Village  
19 administrator, correct?  
20 A. Yes.  
21 Q. And who was that?  
22 A. Jim Bassett.  
23 Q. And do you know what his salary was?  
24 A. You know, no, I don't.

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1 Q. As a trustee, did you ever vote and  
2 approve any contracts for the retention of a  
3 Village administrator?  
4 A. Yes.  
5 Q. And do you recall what those salaries  
6 were for those Village administrators?  
7 A. I don't recall specifically.  
8 Q. Do you know what Village administrators  
9 make generally in other municipalities?  
10 A. Yes.  
11 Q. And what is that?  
12 A. I think the range when we were looking,  
13 when we were hiring Jim Kirschke was anywhere from  
14 depending on qualifications 80,000 to 125,000.  
15 Q. You said 80?  
16 A. 80 to 125 was the range depending on  
17 qualifications, but that was back when Jim Kirschke  
18 was hired.  
19 Q. And what year was Jim Kirschke hired?  
20 A. 2003.  
21 Q. And do you know what the salaries were  
22 in 2009? Do you know if they are the same, more,  
23 or less?  
24 A. I believe they are more.

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1 Q. Okay. Now I know you had a sign for  
 2 Ms. Newton. Did you ever make a donation to her  
 3 campaign?  
 4 A. No.  
 5 Q. Now, let's fast forward to January of  
 6 2009. You said at that point in time, Keith Hunt  
 7 didn't run?  
 8 A. Yes.  
 9 Q. So you didn't get involved in any  
 10 adversarial campaign against Mancino, Riess,  
 11 Corrigan, or Yorgan, right?  
 12 A. Correct.  
 13 Q. In fact, did you have an opportunity to  
 14 meet them in advance of the unopposed race?  
 15 A. To meet them, I met Mr. Mancino through  
 16 coming to Village board meetings, but Ms. Corrigan,  
 17 Mr. Ansani, no.  
 18 Q. And you had conversations with Mr.  
 19 Mancino at those board meetings?  
 20 A. No.  
 21 Q. So other than seeing him in the board  
 22 meeting and perhaps you were -- one of the two of  
 23 you made a comment in open session, you didn't  
 24 speak with either person directly?

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1 A. Correct.  
 2 Q. So is it fair to say that you didn't  
 3 make any political statements to him at that point  
 4 in time?  
 5 A. No.  
 6 Q. And I think based upon what you told me  
 7 before, it's true you've never made any political  
 8 statements to him at any point in time to his face,  
 9 correct?  
 10 A. It's fair to say, yes.  
 11 Q. Now, in June of 2009, you said that's  
 12 when -- May or June of 2009, that's when Pam Newton  
 13 stepped in as the Village administrator?  
 14 A. Yes.  
 15 Q. Was that title changed to chief  
 16 operating officer?  
 17 A. Yes.  
 18 Q. Okay. And at that point in time, did  
 19 your position change at all?  
 20 A. No.  
 21 Q. So your duties and responsibilities as  
 22 the aquatic center -- I'm sorry -- the director of  
 23 parks and recreation stayed the same?  
 24 A. Yes.

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1 Q. Your salary wasn't changed?  
 2 A. No.  
 3 Q. Did anyone at the Village ever say you  
 4 were going to be terminated because you were hired  
 5 by the Keith Hunt administration -- let me rephrase  
 6 that.  
 7 Did any of the defendants ever tell you  
 8 you were going to be terminated because you were  
 9 hired during the Keith Hunt administration?  
 10 A. No.  
 11 Q. And, in fact, there is several  
 12 individuals from the Keith Hunt administration --  
 13 several hires from the Keith Hunt administration  
 14 who are still working, correct?  
 15 A. Yes.  
 16 Q. Jim Maiworm and Donna Lobaito?  
 17 A. I don't know who hired Donna Lobaito.  
 18 Q. What about Jim Maiworm?  
 19 A. Yes.  
 20 Q. Chief Paulus as well?  
 21 A. I believe she was hired by Keith, yes.  
 22 She is still employed with the Village.  
 23 Q. Now, eventually sometime after Pam  
 24 Newton took over there was a reorganization of the

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1 Village, right?  
 2 A. Yes.  
 3 Q. Were all of the employees required to  
 4 submit new applications?  
 5 A. Yes.  
 6 Q. And was -- did Pam Newton as the Village  
 7 administrator meet with people regarding the  
 8 reorganization?  
 9 A. Yes.  
 10 Q. Did anyone meet with you regarding the  
 11 reorganization?  
 12 A. Yes.  
 13 Q. And every employee, regardless of when  
 14 they were hired, had to fill out an application,  
 15 correct?  
 16 A. That's what I was told, yes.  
 17 Q. Did you have to fill out an application?  
 18 A. I filled one out with Jim Russell, but I  
 19 don't recall. I don't recall.  
 20 Q. Okay. Well, as you sit here today, you  
 21 believe Christine Lubrich had to fill out an  
 22 application, right?  
 23 A. Yes.  
 24 Q. And as you sit here today, do you have

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1 any specific recollections regarding conversations  
2 with any of the defendants regarding the  
3 reorganization?

4 A. Yes, during budget process because that  
5 was kind of where the reorganization started. We  
6 were heading into budget, preparing the budget for  
7 the upcoming year.

8 Q. And when is the budget prepared?

9 A. Generally starts -- well, the fiscal  
10 year change then too so we went from April to  
11 April, and then we switched to calendar year. So  
12 we were kind of in a transitional flux there, but  
13 normally it would start sometime around April, May  
14 with a culmination at the board meeting with the  
15 board approving the budget.

16 Q. And was Ms. Kazenas handling the budget  
17 process?

18 A. Yes.

19 Q. And was she an independent contractor or  
20 was she an employee with the Village of Hawthorn  
21 Woods at that point in time?

22 A. The original start of it I believe she  
23 was an independent contractor.

24 Q. And do you know who Ms. Kazenas was

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1 working for at the time?

2 A. Sikich, I believe. I'm not sure.

3 Q. Oh, an auditing firm?

4 A. Yeah, I think.

5 Q. As part of the reorganization, was your  
6 position affected in any way, shape, or form?

7 A. I'm sorry. Can you rephrase that?

8 Q. As part of the reorganization, was your  
9 employment affected in any way, shape, or form?

10 A. Ultimately, yes.

11 Q. Okay. And was that after the budget --  
12 when you said this was part of the budget process,  
13 was your position altered after the budget was  
14 approved -- let me ask this way.

15 A. Yeah. I am trying to remember the time  
16 frame.

17 Q. Do you recall in fall of 2009 when the  
18 budget was approved?

19 A. No, I don't recall when it was approved.

20 Q. Okay. You said it was part of the  
21 reorganization, your position had been affected,  
22 correct?

23 A. Yes.

24 Q. And how so?

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1 A. My title. I was no longer responsible  
2 for the recreation or the Parks and Recreation side  
3 of things. I was now just director of the aquatic  
4 center. My pay was reduced to 35,000, and it was  
5 furloughed for four months.

6 Q. So you worked eight months?

7 A. Correct.

8 Q. How long was the pool in operation  
9 during the course of the calendar year?

10 A. End of May to beginning of September.

11 Q. And then there would be, you know, lead  
12 time to open?

13 A. Start --

14 Q. To open and closing time?

15 A. That is correct.

16 Q. And how long would that take, the front  
17 and back end?

18 A. Hiring of employees and getting the  
19 programming up and things like that, pool up and  
20 running usually would start sometime around the  
21 beginning of March -- well, getting the program out  
22 was the key because obviously promotional was what  
23 makes money. So getting that ready usually started  
24 February, March, so to get the program out, hire

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1 employees and things like that.

2 Q. So the actual eight months you would be  
3 working in some way, shape, or form on the pool?

4 A. Front and back end, right.

5 Q. Now, although you weren't a full-time  
6 employee, were you able to keep your benefits?

7 A. Yes.

8 Q. And how did they allow you to keep your  
9 benefits even though you weren't a full-time  
10 employee?

11 A. I'm not sure.

12 Q. And is that in your experience working  
13 with insurance agencies, is that something that's  
14 typically done for employees where they give  
15 benefits to part-time employees?

16 MR. MORAN: I'm going to object to the form  
17 and lack of foundation.

18 BY MR. LANZITO:

19 Q. Well, let me ask you this, were there  
20 any other individuals that worked at the pool like  
21 your pool manager for eight months just like you  
22 did?

23 A. No.

24 Q. So you were the only one that would work

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1 for eight months?  
2 A. Correct.  
3 Q. Was anyone else in the pool staff  
4 provided benefits?  
5 A. No.  
6 Q. Do you know of anyone else in the  
7 Village that doesn't work for a full calendar year  
8 that received benefits at that time?  
9 A. Can you rephrase that? I am sorry.  
10 Q. At the time your position was changed to  
11 an eight-month out of the year furloughed position,  
12 were you aware of any other employee at the Village  
13 that was able to keep their benefits, although they  
14 didn't work for a full calendar year?  
15 A. I'm not aware of anyone.  
16 Q. And as you sit here today, I know you  
17 didn't like the demotion but did you think keeping  
18 your benefits was something that the Village did  
19 because you had been an employee for so long?  
20 A. I have no idea why they did it.  
21 Q. Do you know whether or not they were  
22 ever required to give you benefits?  
23 A. No, I'm not aware.  
24 Q. Now, the director of Parks and

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1 Recreation, is that position still vacant?  
2 A. No.  
3 Q. Do you know who assumes that position  
4 right now?  
5 A. Is it Parks and Recreation or is it  
6 director of recreation? I believe there is  
7 somebody in it, Kelly Carlson I believe is her  
8 name.  
9 Q. Now, is she the pool coordinator?  
10 A. No, I don't think she is the pool  
11 person. I thought you said Parks and Recreation.  
12 Q. And the Hawthorn -- your prior position  
13 as director of Parks and Recreation, you handled  
14 both the aquatic center and the scheduling of  
15 recreations?  
16 A. Correct.  
17 Q. Okay. Now, when you said Kelly Carlson,  
18 are you talking about her overseeing the recreation  
19 department?  
20 A. Yes. I thought that's what you asked.  
21 I am sorry. I apologize.  
22 Q. I'm talking about the position that you  
23 hold where under your umbrella both aquatic center  
24 and the recreation department were under your

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1 control. Is anyone in that position as the  
2 director of Parks and Recreation?  
3 MR. MORAN: You mean had responsibility for  
4 parks, recreation, and the aquatic center?  
5 MR. LANZITO: Correct.  
6 BY THE WITNESS:  
7 A. Oh, okay. No.  
8 BY MR. LANZITO:  
9 Q. So the position that you once held for  
10 both of those obligations and responsibilities is  
11 still vacant to the best of your knowledge?  
12 A. Yes.  
13 Q. Now, you said Ms. Carlson, do you know  
14 if she is a full or part-time employee?  
15 A. I do not know.  
16 Q. Do you know if she receives benefits?  
17 A. I believe she does -- actually I do  
18 believe she is a full-time employee with benefits.  
19 Q. Okay. What about the pool manager, the  
20 pool coordinator?  
21 A. I don't know. She's part-time, I  
22 believe.  
23 Q. Do you know if she received benefits?  
24 A. No, I don't know.

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1 Q. Okay. Now, after the reorganization and  
2 the changing of positions, were you looking for  
3 employment in fall of 2009?  
4 A. Well, I think generally you're looking  
5 for employment elsewhere, so yes.  
6 Q. Did you use any of the Village's  
7 equipment including internet, computers to search  
8 for jobs in fall of 2009?  
9 A. No, not that I'm aware of, no.  
10 Q. Who is Catherine Hagee, H-a-g-e-e?  
11 A. She is somebody I worked with at R-H  
12 Insurance.  
13 Q. Do you know if in the fall of 2009 you  
14 were corresponding with her regarding employment  
15 with the insurance company?  
16 A. Potentially I could have, yes. I was  
17 thinking that was a possibility. Sorry.  
18 Q. That's okay. It's only what you  
19 remember.  
20 Now, with respect to your relationship,  
21 you know, with the detainees at that point in  
22 time. In 2009, were you invited to any like  
23 holiday parties hosted by any of the individual  
24 detainees?

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1 A. Pam had a Christmas party, yes.  
 2 Q. Did you attend?  
 3 A. Yes.  
 4 Q. And she invited you?  
 5 A. She invited all employees.  
 6 Q. Okay. Regardless of who they were hired  
 7 by, right?  
 8 A. Correct.  
 9 Q. And Pam paid for this party out of her  
 10 own funds, correct?  
 11 A. I have no idea how she paid for it.  
 12 Q. In the fall of 2009, were you ever given  
 13 a reprimand for insubordination?  
 14 A. Can you rephrase that, please. I'm  
 15 just --  
 16 Q. In the fall of 2009, were you ever  
 17 disciplined by Pam Newton, Kristin Kazenas, or  
 18 Donna Lobaito?  
 19 A. Yes.  
 20 Q. For what?  
 21 A. Allegedly not calling in sick and being  
 22 at work -- by not being at work.  
 23 Q. Did you appeal or try to grieve that  
 24 complaint or that discipline?

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1 A. I had a conversation with them when I  
 2 returned to work, and it was my understanding that  
 3 it was agreed that it was done and over with.  
 4 Q. And was that before or after the  
 5 reorganization?  
 6 A. Immediately after the reorganization.  
 7 Q. Now, at some point in time did you have  
 8 an occasion to execute a contract between the  
 9 Village of Hawthorn Woods and the Ela Soccer Club?  
 10 A. Execute?  
 11 MR. MORAN: Sign.  
 12 BY MR. LANZITO:  
 13 Q. Sign.  
 14 A. Okay. I signed a contract, yes.  
 15 Q. And let's talk a little bit about that  
 16 process.  
 17 At that point in time were you the  
 18 director of parks and recreation for the Village of  
 19 Hawthorn Woods?  
 20 A. Yes.  
 21 Q. During your tenure as the director of  
 22 Parks and Recreation for the Village of Hawthorn  
 23 Woods, how many contracts did you sign with outside  
 24 athletic clubs or children's groups regarding the

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1 lease or use of Hawthorn Woods' fields?  
 2 A. We didn't have a formal agreement with  
 3 anybody so none.  
 4 Q. Okay. Other than the Ela Soccer Club  
 5 contract, did you sign any other contracts in your  
 6 capacity as Parks and Recreation?  
 7 A. Rental agreements.  
 8 Q. And rental agreements for the aquatic  
 9 center?  
 10 A. Uh-huh.  
 11 Q. Is that a yes?  
 12 A. Yes. Sorry.  
 13 Q. And that would be to rent a room for a  
 14 party or --  
 15 A. Correct.  
 16 Q. -- club?  
 17 A. Correct.  
 18 Q. I'm talking about the lease of fields.  
 19 Had you signed any other contracts regarding the  
 20 lease of any Hawthorn Woods' field with any other  
 21 athletic club?  
 22 A. No.  
 23 Q. When did you first see the contract  
 24 between the Ela Soccer Club and Hawthorn Woods in

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1 say late 2007?  
 2 MR. MORAN: Do you mean like any version of  
 3 the contract?  
 4 MR. LANZITO: Yes.  
 5 MR. MORAN: Okay.  
 6 BY THE WITNESS:  
 7 A. This had been an ongoing process for  
 8 years. There was a -- so when I was a trustee, we  
 9 had been working on an agreement in different  
 10 formats.  
 11 MR. LANZITO: We will mark this as a group  
 12 exhibit.  
 13 (WHEREUPON, a certain document was  
 14 marked Lynch Exhibit No. 1, for  
 15 identification, as of  
 16 November 8, 2011.)  
 17 BY MR. LANZITO:  
 18 Q. Ma'am, I'm handing you what's been  
 19 marked as Exhibit 1 to your deposition.  
 20 A. Yes.  
 21 Q. Can you just review this real fast.  
 22 Once you have had an opportunity to review it,  
 23 please let me know.  
 24 A. Okay.

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1 Q. Do you recognize that document, ma'am?  
2 A. Yes.  
3 Q. What do you recognize that document to  
4 be?  
5 A. What do I recognize it to be? The field  
6 agreement for Ela Soccer.  
7 Q. Is that the field agreement you  
8 executed, you signed?  
9 A. I signed, yes. Sorry. Yes.  
10 Q. When did you sign that document?  
11 A. December of 2008 -- sorry, December  
12 of 2007. I know I dated it that date. I dated it  
13 January 22, '08.  
14 Q. Okay. So you dated it January 22, 2008?  
15 A. Right.  
16 Q. Are you saying that's not the day you  
17 signed it?  
18 A. No.  
19 Q. What day did you sign this contract?  
20 A. Shortly after Tony and I discussed the  
21 terms of the agreement so sometime around the end  
22 of December of 2007.  
23 Q. Okay. Can you tell me how -- looking at  
24 this document on Page 1 --

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1 A. Uh-huh.  
2 Q. Yes?  
3 A. Yes.  
4 Q. There is fax number at the bottom and a  
5 date; for the record, what is that fax number?  
6 A. (847) 847-3502.  
7 Q. And whose fax number is that?  
8 A. I don't recall. I'm assuming it was  
9 mine. I don't know.  
10 MR. MORAN: Don't assume.  
11 BY THE WITNESS:  
12 A. I don't know.  
13 BY MR. LANZITO:  
14 Q. And what date was that page faxed on?  
15 A. December 10th, I think. Is that a 10?  
16 MR. MORAN: Looks like the 18th.  
17 THE WITNESS: 13th, sorry.  
18 BY MR. LANZITO:  
19 Q. Okay. And at any time did you mix and  
20 match different versions of this contract before  
21 you signed it?  
22 A. Yes, we were -- yes.  
23 Q. And which pages did you flip in and out  
24 or switch in and out of this contract before you

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1 signed it on behalf of the Village of Hawthorn  
2 Woods?  
3 A. We worked on the terms of the payments  
4 on Page 2. There was other versions of this, but  
5 or this version that was the one that we were  
6 agreeing to.  
7 Q. And when you say "we were agreeing to,"  
8 who were you referring to?  
9 A. Tony.  
10 Q. Tony Dijon?  
11 A. Tony Dijon.  
12 Q. And did you have any input from the  
13 parks and recreation Committee regarding this  
14 agreement?  
15 A. Yes.  
16 Q. And did you discuss the terms of the  
17 agreement with the parks and recreation Committee?  
18 A. Not until after it was agreed upon.  
19 Q. And you discussed that at Parks and  
20 Recreation Committee meeting?  
21 A. Yes.  
22 Q. And you were present for that meeting?  
23 A. Yes.  
24 Q. And do you recall when that meeting was?

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1 A. No.  
2 Q. And you spelled out the terms of the  
3 contract to the committee at that point in time,  
4 right?  
5 A. I told them we were working on a  
6 contract with Ela Soccer.  
7 Q. And when you say working on a contract,  
8 this is after you and Mr. Dijon had already  
9 executed a final contract?  
10 A. No. No. We were working -- we had been  
11 working on this up until when this was signed.  
12 Q. Signed by you?  
13 A. Yes.  
14 Q. And it was signed by you sometime at the  
15 end of December of 2007?  
16 A. Correct.  
17 Q. So if there was a meeting in January  
18 of 2008 with the Parks and Recreation Committee,  
19 the contract would have been finalized and done at  
20 that point in time?  
21 A. Yes.  
22 Q. It would have been the next month?  
23 A. Yes. Yes.  
24 Q. So you wouldn't have gone and signed it

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1 or altered it after you signed the end of December  
2 of 2007?  
3 A. Correct.  
4 Q. And you would have reported to the  
5 committee the value of the contract and the terms  
6 of the contract?  
7 A. Yes.  
8 Q. Would you have also told Mr. Hunt?  
9 A. Yes.  
10 Q. Would you have also told the Board of  
11 Trustees?  
12 A. That would have been for them -- that  
13 would have been for the board meeting.  
14 Q. And do you know when the next board  
15 meeting was?  
16 A. It was January 22nd.  
17 Q. And how do you know that?  
18 A. Because I signed it in anticipation of  
19 the board meeting.  
20 Q. So you signed it at the end of December  
21 and put the next board meeting date on the  
22 contract?  
23 A. Yes.  
24 Q. And did you provide a copy of the

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1 Hunt?  
2 A. I do not recall that.  
3 Q. And what, if anything, did Mr. Hunt say  
4 when you presented the contract you had signed at  
5 the end of December to him?  
6 A. He was unhappy with me and advised that  
7 I did not have the authority to bind the Village.  
8 Q. And what, if anything, was your response  
9 to him?  
10 A. I was not aware that I was -- I thought  
11 I could enter into an agreement with the soccer  
12 organization on this.  
13 Q. Did Mr. Hunt say anything about the  
14 version of the contract you had signed on behalf of  
15 the Village of Hawthorn Woods?  
16 A. Yeah. He said he would have negotiated  
17 it differently.  
18 Q. So is it your testimony that Keith Hunt  
19 wasn't involved in the negotiations of the Elia  
20 Soccer Club contract at any time prior to you  
21 signing it?  
22 A. No. He wanted a firm agreement with Elia  
23 Soccer and LBBSA, which is Lake Zurich Baseball  
24 Softball Association, so he wanted a firm contract.

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1 executed contract to the Village board in advance  
2 of that January 22nd, 2008 meeting?  
3 A. No, I did not.  
4 Q. Did you tell any of the trustees in  
5 advance of the January 22nd, 2008 meeting that you  
6 had executed a contract on behalf of Hawthorn Woods  
7 with the Elia Soccer Club?  
8 A. No.  
9 Q. And why not?  
10 A. It wasn't my -- that wasn't my  
11 responsibility.  
12 Q. And what was your responsibility after  
13 you signed this contract?  
14 A. To make sure that it got approved by the  
15 Village board.  
16 Q. Okay. So did you present a copy in  
17 order to do that and fulfill those  
18 responsibilities, did you provide a copy of the  
19 signed contract to the Village board so they could  
20 approve it in open session?  
21 A. Not to the Village board, no.  
22 Q. And why not?  
23 A. I presented it to Mayor Hunt.  
24 Q. And when did you present it to Mayor

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1 Q. But other than saying he wanted a firm  
2 contract, did he discuss the payment terms of those  
3 contracts?  
4 A. No, not prior to my signing it.  
5 Q. Okay. So did you confer with anyone at  
6 the municipality at the Village of Hawthorn Woods  
7 regarding the terms of the Elia Soccer Club contract  
8 that is Exhibit 1?  
9 A. No.  
10 Q. And do you recall -- did you speak with  
11 Keith Hunt about the contract before or after the  
12 parks and recreation meeting where you talked about  
13 the terms?  
14 A. I honestly don't recall that.  
15 Q. And did Keith -- where did the  
16 conversation with Keith take place?  
17 A. Over the phone.  
18 Q. Okay. And where were you when you made  
19 the call or where were you when you had the phone  
20 conversation?  
21 A. I think I was at home.  
22 Q. Okay. And where was Keith?  
23 A. I don't know.  
24 Q. Did he call you or did you call him?

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1 A. I don't recall.  
2 Q. And after you told him you had signed  
3 the contract, what, if anything, did he say about  
4 the contract itself?  
5 A. What I told you previously.  
6 Q. He didn't like the terms?  
7 A. He didn't like the terms.  
8 Q. What specifically didn't he like about  
9 the terms of the contract?  
10 A. The payment terms.  
11 Q. And what specifically didn't he like  
12 about the payment terms?  
13 A. He thought I was too lenient.  
14 Q. And did you -- and specifically when you  
15 said you were too lenient, did he specify any  
16 numbers?  
17 A. No.  
18 Q. Okay. Is there anything about that  
19 conversation that we haven't discussed yet?  
20 A. That in addition to that, it was not my  
21 responsibility to be negotiating agreements with  
22 other organizations.  
23 Q. Did anyone tell you that it was your  
24 responsibility to negotiate these contracts prior

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1 to you just signing the contract?  
2 A. No.  
3 Q. And were there any other -- you said  
4 Lake Zurich Softball and Baseball Association, what  
5 were the terms of their field lease agreements?  
6 A. Basically it's the same contract, just  
7 different wording for each of the, you know, what  
8 Ela is, it would be LZBSA, and then they had  
9 different payment terms.  
10 Q. What were the payment terms for the Lake  
11 Zurich Baseball and Softball Association?  
12 A. I don't recall. They were higher than  
13 this though.  
14 Q. Now, at some point in time you went to  
15 the parks and recreation meeting, right?  
16 A. Uh-huh.  
17 Q. Yes?  
18 A. Yes. Yes.  
19 Q. And you presented Exhibit 1 to the Parks  
20 & Recreation Committee, right?  
21 A. I don't know if I presented it, but we  
22 did talk about it.  
23 Q. And you told them what the terms of the  
24 payment terms were?

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1 A. What meeting -- what date of the meeting  
2 was that, the Parks & Recreation?  
3 Q. I think it was January 8, 2008 meeting?  
4 A. I believe I was still discussing that we  
5 were negotiating with them.  
6 Q. So although it was --  
7 A. I am sorry. I apologize. Yes, the  
8 terms.  
9 Q. So you told them just so the record is  
10 clear that pursuant to the contract on Page 2 in  
11 July of 2008, Ela will pay \$8,000, right?  
12 A. Yeah.  
13 Q. And then there was a Village reserve the  
14 right to request an increase of five percent from  
15 the previous years payment?  
16 MR. MORAN: I'm just going for the record, it  
17 wasn't precise, an increase not to exceed five  
18 percent.  
19 MR. LANZITO: Okay.  
20 BY THE WITNESS:  
21 A. Yes.  
22 BY MR. LANZITO:  
23 Q. Now, after you signed this contract, did  
24 you give it back to the Ela Soccer Club, and you

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1 signed it in December, late December of 2007, did  
2 you send it right back to them?  
3 A. Yeah, I believe I did.  
4 Q. Did you inform anyone at the Village  
5 that you had sent the contract back to the Ela  
6 Soccer Club?  
7 A. No.  
8 Q. Now, I know if we can look at Exhibit 1,  
9 you would agree with me that Pages 1, 4, and 5 were  
10 all faxed on the same date to the same number?  
11 A. Yes.  
12 Q. And then the substitution would have  
13 been on Pages 2 and 3, correct?  
14 MR. MORAN: I'm going to object to the form of  
15 that question because it just refers and identify  
16 apparently it was faxed on December 18th.  
17 Page 2 apparently was faxed on  
18 December 5th so I don't think it could be a  
19 substitution for something that was faxed 13 days  
20 later.  
21 MR. LANZITO: Okay. Let me rephrase it then.  
22 BY MR. LANZITO:  
23 Q. Did you replace from the facsimile on  
24 December 18, 2007, those three pages we discussed,

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1 did you supplement in or charge out Pages 3 and 4  
2 of the contract?  
3 MR. MORAN: You mean 2 and 3.  
4 BY MR. LANZITO:  
5 Q. Yeah, the second and third page, I'm  
6 sorry.  
7 A. Did I -- I included it as part of what I  
8 signed.  
9 Q. Okay. And did you ever see in total the  
10 five pages or the pages that were faxed on  
11 December 18, 2007 to number 1 (847) 847-3502, did  
12 you ever see the full facsimile?  
13 A. I don't know if this was the full  
14 facsimile or not.  
15 Q. When you were, you know, replacing some  
16 of the pages and terms, did you ever photocopy  
17 those pages and insert them into the contract  
18 before you signed it?  
19 A. No -- I mean, I was -- we were  
20 negotiating so much that, yes, they could have been  
21 photocopied. I'm not sure.  
22 Q. Did you maintain this contract on your  
23 computer at work at all?  
24 A. Yes.

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1 Q. Like in a Word format?  
2 A. I believe so, yes.  
3 Q. Do you recall when is the last date you  
4 edited the contract or the terms of the contract?  
5 A. No.  
6 Q. And then --  
7 MR. LANZITO: Let's mark this as Exhibit 2.  
8 (WHEREUPON, a certain document was  
9 marked Lynch Exhibit No. 2, for  
10 identification, as of  
11 November 8, 2011.)  
12 BY MR. LANZITO:  
13 Q. I just want to clarify, you spoke with  
14 Keith, you said, before the Board of Trustees  
15 meeting?  
16 A. Yes.  
17 Q. Okay. Now I've handed you Exhibit  
18 No. 2, which is the parks and recreation minutes  
19 for Tuesday, January 9, 2008. Is that what the  
20 document purports to be?  
21 A. Uh-huh.  
22 Q. Yes?  
23 A. Yes. Yes.  
24 Q. Do you see the signature on the last

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1 page?  
2 A. Linda Uhl, yes.  
3 Q. I assume you recognize that signature?  
4 A. Yes.  
5 Q. You've seen that signature before?  
6 A. Yes.  
7 Q. What was her position with the  
8 committee?  
9 A. She was a parks and rec member, parks  
10 and rec committee member.  
11 Q. Was she like the secretary with --  
12 A. No, they did it monthly.  
13 Q. Now, based on these minutes, does it  
14 refresh your recollection as to whether or not you  
15 were present at that meeting, first paragraph?  
16 A. Yes.  
17 Q. And like you said you discussed the  
18 terms of that contract with the parks and rec  
19 committee?  
20 A. Yes.  
21 Q. Now, based upon the minutes, if you can  
22 look at Section 8F, were there any other soccer  
23 organizations that the Village was negotiating  
24 field leases with?

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1 A. No.  
2 Q. Do you know where -- and I'll read it  
3 for the record. It's Subpart F. "We have an  
4 agreement with soccer for \$8,000 in 2008, and  
5 \$12,000 in 2009. The Flames have agreed to \$5,000  
6 in 2008. Baseball is still in discussions. Kim  
7 will follow up."  
8 Did you report to the committee the  
9 terms of the soccer agreement as \$8,000 payment in  
10 2008 and a \$12,000 payment in 2009?  
11 A. The minutes reflect that, yes. I -- the  
12 minutes do reflect that, yes.  
13 MR. MORAN: Do you recall that or you're just  
14 saying the minutes reflect it?  
15 THE WITNESS: The minutes reflect it. I don't  
16 recall it.  
17 MR. MORAN: Okay.  
18 BY MR. LANZITO:  
19 Q. Do you have any reason, as you sit here  
20 today, to dispute that you said that to the parks  
21 and recreation Committee?  
22 A. My recollection at the time was that we  
23 had this agreement of \$8,000 a year.  
24 Q. Did you bring a copy of that executed --

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1 or signed contract to the parks and recreation  
2 Committee meeting?  
3 A. I don't recall that no.  
4 Q. As you sit here today, did you ever  
5 present a copy of the contract you signed to anyone  
6 other than Keith Hunt in the Village of Hawthorn  
7 Woods administration?  
8 A. I never provided one to Keith Hunt. I  
9 verbally talked to him about the agreement.  
10 Q. Now you were trustee, right?  
11 A. Yes.  
12 Q. How is the agenda or the documents that  
13 we discussed in the agenda given to the trustees in  
14 advance?  
15 A. Board packet.  
16 Q. And how is the board packet distributed?  
17 A. It used to be delivered to our houses.  
18 Now in the age of computers, I think it just goes  
19 out by email, things like that.  
20 Q. Is there a particular system? Is it  
21 like FTP system or something like that?  
22 A. I don't know.  
23 Q. FTP system?  
24 A. I don't know.

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1 Q. As a trustee, were you ever sent any  
2 meeting packets electronically?  
3 A. No.  
4 Q. And just so the record is clear, you  
5 never provided a copy of what you signed to the  
6 board in advance so they could approve your  
7 contract?  
8 A. Correct.  
9 Q. Did you ever see what the board did  
10 actually approve?  
11 A. No, I did not.  
12 Q. Okay. Now, in advance of the Village  
13 board minutes, would an agenda have been completed?  
14 A. Yes.  
15 Q. And what is an agenda?  
16 A. Outlines what's going to be discussed at  
17 the meeting, board meeting.  
18 Q. And how far in advance is the agenda  
19 sent out?  
20 A. It's supposed to be a week ahead of  
21 time. Did not always occur that promptly.  
22 Q. Ann a week ahead of time, what's the  
23 shortest time period you've ever seen it?  
24 A. A day, two days. He would get it on

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1 weekends sometimes for a Monday board meeting.  
2 MR. LANZITO: One moment. I'm going to hand  
3 you what we'll mark as Exhibit 3.  
4 (WHEREUPON, a certain document was  
5 marked Lynch Exhibit No. 3, for  
6 identification, as of  
7 November 8, 2011.)  
8 BY MR. LANZITO:  
9 Q. As the director of parks and recreation,  
10 you would have received a copy of this agenda,  
11 right?  
12 A. Yes.  
13 Q. You would have received it in advance of  
14 the meeting?  
15 A. Yes.  
16 Q. Do you recall, as you sit here today,  
17 whether or not you received this agenda?  
18 A. Yes.  
19 Q. You did?  
20 A. Yes, I did receive it.  
21 Q. Can you turn to page -- looks like  
22 page 3 or 4, the number in the upper right-hand  
23 corner?  
24 A. Yes.

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1 Q. Do you see Item V?  
2 A. Yes.  
3 Q. And what is Item V?  
4 A. A resolution authorizing the execution  
5 of a contract with the Elia Soccer organization,  
6 Attachment 21B.  
7 Q. Did you see a copy of the resolution?  
8 A. No, I did not.  
9 Q. Okay. Did you ever bring it to the  
10 attention of the board or anyone else that you had  
11 this signed contract?  
12 A. No.  
13 Q. And is there a reason why?  
14 A. I was told that it was not my  
15 responsibility after this, after the prior mishap  
16 that it was not my responsibility.  
17 Q. Did Keith at your meeting ever tell you  
18 to get rid of the contract that you had?  
19 A. No.  
20 Q. Did he ever -- what did he tell you to  
21 do with the signed copy of the contract that you  
22 did have?  
23 A. We didn't talk about it.  
24 Q. And you were at the board meeting,

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1 right?

2 A. Yes.

3 Q. And did Keith Hunt ever bring up the  
4 fact that you had authorized -- or you had signed a  
5 different version of the contract than what was  
6 approved by the Village board?

7 A. I don't believe so, no. That's not my  
8 recollection.

9 Q. Did you at an open session ever tell  
10 anyone on the board that you had signed this other  
11 contract before they had approved the resolution?

12 A. No, I did not.

13 MR. LANZITO: Mark this as Exhibit 4.  
14 (WHEREUPON, a certain document was  
15 marked Lynch Exhibit No. 4, for  
16 identification, as of  
17 November 8, 2011.)

18 BY MR. LANZITO:  
19 Q. Ya'am, I showed you what's Exhibit 4.  
20 These are the Village meeting minutes from  
21 January 22, 2008, correct?

22 A. Yes, they are.

23 Q. And paragraph 2 indicates that you were  
24 present?

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1 A. Yes.

2 Q. And do you have an independent  
3 recollection of being present for this meeting?

4 A. Independent recollection.

5 MR. MORAN: He means as you sit here now, can  
6 you pick that out in your mind.

7 BY THE WITNESS:  
8 A. Yes. Yes.

9 BY MR. LANZITO:  
10 Q. And Part 4 of the consent agenda, the  
11 resolution authorizing the execution of the Ela  
12 Soccer contract.

13 MR. MORAN: What section?

14 MR. LANZITO: Section 4, Consent Agenda  
15 Subpart V.

16 MR. MORAN: Okay. Got it.

17 BY MR. LANZITO:  
18 Q. And that was done in open session?

19 A. Yes. Well, it was part of the consent  
20 agenda, yes.

21 Q. And you had been present for that?

22 A. Yes.

23 Q. Did you see a copy of the resolution at  
24 that time?

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1 A. No, I did not. I mean, it was in the  
2 packet.

3 Q. Did you see if the contract was the same  
4 or different from the version that you had approved  
5 or signed?

6 A. No, I did not.

7 Q. Did you ever tell anyone other than  
8 Keith Hunt at any time about what transpired  
9 between you and Mr. Dijon signing the contract?

10 MR. MORAN: While she was employed?

11 MR. LANZITO: At any time.

12 MR. MORAN: Other than --

13 BY MR. LANZITO:  
14 Q. Other than Mr. Hunt?

15 MR. MORAN: And other than your lawyer.

16 BY THE WITNESS:  
17 A. No. No, I don't recall.

18 BY MR. LANZITO:  
19 Q. Did you ever tell Mr. Dijon or the Ela  
20 Soccer Club what transpired with the signing of the  
21 contract?

22 A. No.

23 Q. After Mr. Keith Hunt told you, you did  
24 not have the authority to sign the contract, did

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1 you call up the Ela Soccer Club?

2 A. No, I did not.

3 Q. Did you call up anyone related to the  
4 soccer club?

5 A. No.

6 Q. Now you were at the time that you signed  
7 the soccer agreement paying dues for the soccer  
8 club, right?

9 A. Yes.

10 Q. And part of the dues were based upon the  
11 amount of the field rentals, correct?

12 A. Can you ask it again?

13 Q. Part of the membership dues had to deal  
14 with field rental and maintenance?

15 MR. MORAN: Objection, lack of foundation.  
16 Go ahead and answer if you can.

17 BY THE WITNESS:  
18 A. They go towards field maintenance, yes.

19 BY MR. LANZITO:  
20 Q. And field rental?

21 A. At the time there was no field rental.  
22 This is the first time it was field rental.

23 Q. So prior to 2007, Ela Soccer Club never  
24 paid Hawthorn Woods for the use of any of their

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1 fields?  
2 A. That's correct.  
3 Q. Well, when you were the secretary or the  
4 administrative assistant at the Ela Soccer Club,  
5 did you ever pay for the maintenance or use of any  
6 of the fields that you used during your tenure?  
7 A. Did I pay for it or did Ela Soccer?  
8 Q. On behalf of the organization.  
9 A. There were instances where there was  
10 neration, fertilization, things like that so there  
11 was direct cost associated with the maintenance  
12 that were invoiced by the Village.  
13 Q. And based upon your experience at the  
14 Ela Soccer Club and the director of parks and  
15 recreation, what was your knowledge as to where the  
16 \$8,000 rental fee, where did that money come from?  
17 A. Their general operating fund.  
18 Q. Ela Soccer's general operating fund?  
19 A. Yes.  
20 Q. And how is the general fund for the Ela  
21 Soccer Club funded?  
22 A. By dues.  
23 Q. And dues are the fees paid by the soccer  
24 club participants?

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1 A. I apologize. Fees, not dues.  
2 Q. And at the time in 2007, how many  
3 children did you have playing for the Ela Soccer  
4 Club?  
5 A. In 2007, one.  
6 Q. And in 2008?  
7 A. One.  
8 Q. And in 2009?  
9 A. One.  
10 Q. And how much were the soccer dues in  
11 those years, if you recall?  
12 A. \$1,300 a year.  
13 Q. And was that including the \$8,000 lease  
14 fee or excluding, if you know?  
15 A. I don't understand the question.  
16 Q. Okay. Let me ask it this way.  
17 In 2008, you're approximating that it  
18 was \$1,300 for your child to participate in Ela  
19 Soccer Club?  
20 A. Yes.  
21 Q. And presumably that would include the  
22 lease agreement?  
23 MR. MORAN: I object to the form of the  
24 question.

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1 BY MR. LANZITO:  
2 Q. Do you know as you sit here whether or  
3 not those fees included a portion of the lease  
4 agreement?  
5 A. No, I don't know that.  
6 Q. Do you know what portion of your  
7 membership dues in 2008 went to field maintenance?  
8 A. No. Ela never put together a formal  
9 budget to tell you what line items were going to  
10 what. They didn't back then. They may now. I  
11 don't know.  
12 MR. LANZITO: I think we are on No. 5.  
13 (WHEREUPON, a certain document was  
14 marked Lynch Exhibit No. 5, for  
15 identification, as of  
16 November 8, 2011.)  
17 BY MR. LANZITO:  
18 Q. I am going to show you Group exhibit 5.  
19 Have you ever seen this document before or  
20 documents?  
21 A. Yes.  
22 Q. You can look through it.  
23 A. No, it's okay.  
24 Q. When did you first see these documents?

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1 A. When they were presented to me.  
2 Whenever they were presented to me as part of  
3 questioning after I was terminated.  
4 Q. Do you know by whom were they presented?  
5 A. They came by whatever express mail or  
6 whatever I had to sign for it, whatever.  
7 Q. Now, when you were sitting at the  
8 January 22nd, 2008 meeting, did you ever look at  
9 the resolution or the Ela Soccer Club contract that  
10 was executed as a part of that resolution?  
11 A. No.  
12 Q. And who signed this contract, this  
13 particular version that's included in Exhibit 5?  
14 A. Keith and then attested to by Phyllis so  
15 Keith Hunt.  
16 Q. Do you know why it was attested to by  
17 Phyllis?  
18 A. Not exactly sure. She didn't work for  
19 the Village in a while, but yeah, I mean, she is a  
20 Village clerk.  
21 Q. Oh, she is the Village clerk back on  
22 January 22nd, 2008?  
23 A. I'm not sure of that.  
24 Q. Well, Keith Hunt was the mayor, right?

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1 A. Correct.  
2 Q. And can you look at the facsimile lines  
3 on each of the pages including the certificate of  
4 insurance?  
5 A. Yes.  
6 Q. Can you tell me which date is on each  
7 facsimile page?  
8 A. December 18, 2007.  
9 Q. And can you tell me which fax number is  
10 listed?  
11 A. (847) 847-3502.  
12 Q. And that is on each page of this  
13 contract?  
14 A. Yes.  
15 Q. And that includes a certificate of  
16 service on the last page?  
17 A. Yes.  
18 Q. As you sit here today --  
19 MR. MORAN: Certificate of service, I think  
20 you meant to say certificate of insurance.  
21 MR. LANZITO: Certificate of insurance.  
22 BY MR. LANZITO:  
23 Q. Do you know if Keith Hunt ever saw any  
24 version other than the contract he executed in open

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1 session?  
2 A. I don't know.  
3 Q. Do you know what the Elia Soccer Club's  
4 tax number is?  
5 A. No, I have no idea.  
6 Q. And you would agree with me that the  
7 signature of Tony Dijon on Exhibit 5 is the same  
8 signature that is on Exhibit 1?  
9 A. Yes.  
10 Q. And the only signatures that are  
11 different are the fact that Keith and Phyllis are  
12 on the contract approved by resolution and yours is  
13 on the Exhibit 1?  
14 A. Correct.  
15 Q. Did anyone tell you not to bring the  
16 contract you signed to the attention of the Village  
17 at any time?  
18 A. No.  
19 Q. Did anyone tell you prior to signing the  
20 contract that you should not have signed the  
21 contract?  
22 A. Prior to, no, I wouldn't have signed it.  
23 Q. Now you said a packet was sent to your  
24 home, right?

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1 A. No, that was when I was a trustee. I  
2 apologize. I didn't get packet as an employee.  
3 Q. Were you ever -- did anyone at the  
4 Village other than Keith Hunt ask you about the  
5 version of the contract that you signed?  
6 A. Not that I can recall.  
7 Q. Did you ever get a letter on or about  
8 July 20, 2010 from Pam Newton regarding this  
9 contract?  
10 A. Yes.  
11 Q. Was a copy of the contract that you  
12 signed attached to it?  
13 A. Yes.  
14 Q. Was a contract that was approved by  
15 resolution enclosed as well?  
16 A. Yes.  
17 Q. And after you received that letter from  
18 Ms. Newton, what did you do?  
19 A. I contacted my lawyer.  
20 Q. And your lawyer was?  
21 A. At the time Keith Hunt.  
22 Q. Why did you contact a lawyer?  
23 A. To find out if I should respond to the  
24 letter.

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1 Q. Did you -- and then some time you spoke  
2 with Keith. I don't want to know what you talked  
3 about. At some time following the receipt of this  
4 letter, you spoke with Keith Hunt?  
5 A. Yes.  
6 Q. And following your meeting with Keith  
7 Hunt, did you contact Ms. Newton?  
8 A. On advice of counsel, I was told not to.  
9 Q. Any particular reason given why?  
10 MR. MORAN: Objection. Attorney-client  
11 privilege. Don't answer.  
12 MR. LANZITO: I believe it's waived.  
13 BY MR. LANZITO:  
14 Q. But are you refusing to answer based  
15 upon advice of counsel?  
16 A. Yes.  
17 MR. LANZITO: I will certify that question.  
18 BY MR. LANZITO:  
19 Q. Now, do you know it -- on July 20, 2010  
20 when this letter was sent, your civil lawsuit  
21 against the Village was not pending, correct? It  
22 had not been filed?  
23 A. No, I believe that is correct. Yes.  
24 Q. And as you sit here today, other than

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1 what you've told me, you have never given any  
2 Hawthorn Woods official an explanation of how the  
3 contract signed by you came to be, correct?  
4 A. Correct.  
5 Q. Excluding Keith Hunt too?  
6 A. Okay.  
7 Q. Do you know when the discrepancy with  
8 the Ela Soccer Club contract came to the knowledge  
9 of Hawthorn Woods?  
10 A. I believe it was in the early part of  
11 2010.  
12 Q. And how do you know this came to be an  
13 issue?  
14 A. There was a joint meeting with Ela  
15 Soccer and ourselves, and my contract, the contract  
16 that I signed was Ela was operating under that  
17 contract.  
18 Q. And were you in attendance at that  
19 meeting?  
20 A. Yes.  
21 Q. Who else was in attendance?  
22 A. Jim Maiworm, Pam Newton, the president  
23 of their club at the time, and I honestly can't  
24 recall who it was. It was a Steve someone --

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1 Morrell and Gin Sharma, S-h-a-r-m-a, and Jackie  
2 Morray was sitting in the room off to the side.  
3 She wasn't participating in the meeting, but she  
4 was in attendance.  
5 Q. And where was this meeting?  
6 A. Ela Soccer.  
7 Q. And were you on furlough at this time?  
8 A. No. No.  
9 Q. Were you still working at the Village of  
10 Hawthorn Woods at the time?  
11 A. Yes. Yes.  
12 Q. But it was in 2010?  
13 A. No, 2009.  
14 Q. Early 2009?  
15 A. You know what, I can't recall the day,  
16 but it was prior to me going on furlough. I do  
17 know that. I just don't recall the date  
18 specifically.  
19 Q. So that would have been sometime in the  
20 fall of 2009?  
21 A. I think so, yes.  
22 Q. And Jim Maiworm, Pam Newton, yourself,  
23 Gin Sharma, and Jackie Morray, and who else?  
24 A. The president, Steve Morrell. Did you

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1 list him?  
2 Q. Steve Morrell. They were all present at  
3 this meeting?  
4 A. Yes.  
5 Q. Was Mayor Mancino present?  
6 A. No.  
7 Q. Was Kristin Kazenas present?  
8 A. No.  
9 Q. And what, if anything, was discussed at  
10 this meeting?  
11 A. We were working on making -- there were  
12 issues with the fields. Jim was responding as to  
13 Public Works what they were doing, and then Ela was  
14 saying we weren't doing enough and how far, you  
15 know, just basically field organizational stuff.  
16 There were issues adhered to jokes with giant  
17 boulders in the fields. It was just basically to  
18 kind of clear the air in terms of the relationship.  
19 Q. Okay. And the payment terms were voiced  
20 at this meeting?  
21 A. No, they were not.  
22 Q. Okay. So the meeting you're talking  
23 about did not have to deal with the two different  
24 contracts?

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1 A. Oh, no. Not at all.  
2 MR. MORAN: You misunderstood the previous  
3 question.  
4 BY THE WITNESS:  
5 A. I guess I did, yes. We had a meeting,  
6 and then it came up at the end of the meeting and  
7 then that was the end of it.  
8 MR. MORAN: No. His question was after the  
9 contract that was signed by Keith Hunt, do you know  
10 when the people at the Village of Hawthorn Woods  
11 became aware that there were two contracts out  
12 there, one signed by Keith and one signed by you.  
13 That was the question.  
14 THE WITNESS: Okay. I got off on a tangent.  
15 MR. MORAN: Do you know when the Village  
16 learned of that?  
17 THE WITNESS: No, I do not.  
18 BY MR. LANZITO:  
19 Q. Okay. Do you know -- you said you do  
20 not know?  
21 A. I do not know.  
22 Q. Did anyone while you were employed at  
23 the Village question you about the two contracts  
24 and the discrepancy between the two?

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1 A. No.

2 Q. Okay. At the meeting in which you were  
3 terminated, that was never brought up, right?

4 A. Correct.

5 Q. Other than this July 20, 2010 letter,  
6 did the Village make any other attempts with you to  
7 determine the origin of the other contract which  
8 caused a discrepancy?

9 A. Yes.

10 Q. When?

11 A. There was a phone call from Chief  
12 Paulus.

13 Q. When was that call?

14 A. August, September, around then.

15 Q. And which?

16 A. I believe I got a second letter.

17 Q. Was that in 2010?

18 A. Yes.

19 Q. And what did Chief Paulus say to you?

20 A. She asked that I come in and discuss the  
21 Ela Soccer agreement, and I believe that was it.  
22 Really just you can come in. You can speak to me,  
23 you know, and that was it. It was just as a matter  
24 of fact that we'd like you to come in and discuss

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1 Q. Of 2011?

2 A. Yes -- no, it was -- I was picked up on  
3 my husband's birthday, June 6th. I apologize. It  
4 was June 5th.

5 Q. June 5th of 2011?

6 A. Yes.

7 Q. And who picked you up?

8 A. No one picked me up. I turned myself  
9 in.

10 Q. Okay. And did you ever see a copy of  
11 the warrant?

12 A. Yes, I did. My attorney presented it to  
13 me.

14 Q. Who signed the warrant?

15 A. Oh, gosh, I don't know. You know what,  
16 I don't recall.

17 Q. Do you know who signed the criminal  
18 complaints or charges?

19 A. No.

20 Q. Do you have copies of those criminal  
21 documents?

22 A. Yes, I do at home.

23 HR. LANZITO: Terry, can I get a copy of  
24 those?

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1 the agreement.

2 Q. And what, if anything, was your  
3 response?

4 A. I did not respond to the phone call.

5 Q. Oh, it was just a voicemail she left?

6 A. It was a voicemail she left me. Sorry.  
7 I was at work, and she left it on my cell phone.

8 Q. Other than that phone voicemail in  
9 August or September of 2010, were there any other  
10 communications between the Village and yourself?

11 A. Regarding?

12 Q. Regarding the soccer club contract  
13 discrepancy?

14 A. Do you call getting arrested contact?

15 Q. Did the Village talk to you at that  
16 point in time?

17 A. Yes. Chief Paulus left a voicemail  
18 message for me and indicated there was an arrest  
19 warrant out for me, two felony counts and an arrest  
20 warrant out for me, and then I would be picked up  
21 at any time within the Village boundaries.

22 Q. Okay. When was that phone call?

23 A. I think I would have it in chase with into  
24 my brain, September.

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1 HR. MORAN: Sure. We'll get them and give  
2 them to you. I assumed you had them.

3 BY MR. LANZITO:

4 Q. Now, just going back to the Keith Hunt  
5 version, Exhibit 5. Did he ever make any changes  
6 to that document in open session?

7 A. Not that I recall.

8 Q. So it's your understanding the version  
9 that was faxed over to the Village in its entirety  
10 is a version that was signed by him in open  
11 session?

12 A. I believe so, yes.

13 Q. Now, would you consider Chief Paulus a  
14 friend?

15 A. No.

16 Q. Even before you were terminated from the  
17 Village of Hawthorn Woods?

18 A. An acquaintance -- a work colleague.

19 Q. Okay. And why wouldn't you consider her  
20 a friend? Did you ever --

21 A. We never -- we didn't really socialize.

22 Q. Any reason why?

23 A. No.

24 HR. LANZITO: Terry, this is probably a good

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1 point to break for lunch.  
2 (WHEREUPON, a recess was had for  
3 lunch.)  
4 BY MR. LANZITO:  
5 Q. Ms. Lynch, you remember you're still  
6 under oath, right?  
7 A. Yes.  
8 Q. I just want to talk to you a little bit  
9 about the management of the aquatic center?  
10 A. Okay.  
11 Q. At any time were you allowing groups to  
12 use the facility without paying a rental fee?  
13 A. Just a more specific than that.  
14 Q. Well, was there a karate organization or  
15 club run by a gentleman named Martin or Marty?  
16 A. Yes.  
17 Q. And what was his last name?  
18 A. Marty Morris, M-o-r-r-i-s.  
19 Q. And what was the name of his karate  
20 school?  
21 A. Sa pan Dragon, I believe.  
22 Q. And approximately do you know how many  
23 students he had?  
24 A. It varied. When he started out using

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1 the Village Barn, he was probably 20 or so. It  
2 dwindled down as the economy changed and things  
3 like that. He could have been anywhere between  
4 five and ten depending on the week.  
5 Q. And did he have a key to the facility?  
6 A. Yes, he did.  
7 Q. What type of key?  
8 A. Just a general key.  
9 Q. Is there something called a master key?  
10 A. Yes.  
11 Q. What's a master key?  
12 A. It opened all locks in the Village.  
13 Q. Do you know if Marty had a master key?  
14 A. He should not have had a master key.  
15 Q. Do you know how Marty got the key?  
16 A. No, I don't.  
17 Q. Did you ever give Marty a key to the  
18 facility?  
19 A. To the aquatic center, yes.  
20 Q. Was that a master key or a regular key?  
21 A. Regular key.  
22 Q. Was there a lease agreement -- strike  
23 that.  
24 Now, this karate school, do you know

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1 what days of the week it met?  
2 A. Saturdays.  
3 Q. And was the aquatic center -- was it  
4 year-round?  
5 A. Yes.  
6 Q. In the winter as well?  
7 A. Yes.  
8 Q. Was the aquatic center open in the  
9 winter on Saturdays?  
10 A. He taught his class on Saturday mornings  
11 there.  
12 Q. Okay. Was there any representative from  
13 the Village of Hawthorn Woods at the aquatic center  
14 to open it up for him?  
15 A. No.  
16 Q. Did Marty Morris pay any lease or fee to  
17 the Village of Hawthorn Woods?  
18 A. He paid.  
19 THE WITNESS: Do you want me to go into  
20 details of that?  
21 NP. MORAN: Sure.  
22 BY THE WITNESS:  
23 A. He originally was at the Village Barn  
24 prior to my becoming director of recreation. He

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1 had a rental agreement with the Village -- I  
2 believe he had a rental agreement with the Village  
3 at Village Hall. So he operated his class out of  
4 Village Hall up until the aquatic center was built.  
5 Then Mayor Hunt said, you know, we've  
6 got this facility over here that sets up nicely for  
7 recreational classes. He should be -- he shouldn't  
8 be in Village Hall where we have our meetings and  
9 all that. He needs to be elsewhere. So we need to  
10 move all recreational classes over in the Village  
11 to the aquatic center.  
12 In doing so, there was no communication  
13 with anybody about is it going to still be the same  
14 rental agreement as the Village Barn, what he was  
15 paying at the Village Barn. I quite honestly don't  
16 know what he was paying at the Village Barn to rent  
17 it.  
18 BY MR. LANZITO:  
19 Q. Okay. When you moved him in the space  
20 to the aquatic center, did you look for a lease?  
21 A. No, I did not.  
22 Q. Did you look for a certificate of  
23 insurance?  
24 A. No. I assumed it was provided for it

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1 Village Hall.  
2 Q. And at the time you moved Marty Morris  
3 and his karate school to the aquatic center --  
4 A. I didn't move him. I have to correct  
5 you. I didn't move him.  
6 Q. What year was Marty Morris moved to the  
7 aquatic center?  
8 A. When it opened.  
9 Q. So in 2007?  
10 A. Yes.  
11 Q. So you were the director of parks and  
12 recreation at the time?  
13 A. Yes.  
14 Q. And that would have been over the  
15 aquatic center and all recreational programs?  
16 A. Not Village Hall though. So there's a  
17 distinction. I didn't have purview over the rental  
18 of Village Hall.  
19 Q. But you certainly had purview over the  
20 aquatic center?  
21 A. Yes.  
22 Q. And you supervised and managed the  
23 aquatic center?  
24 A. Yes.

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1 Well, maybe, you know, you can do some programs for  
2 me, and then so we kind of went back and forth on  
3 that. He would pay, and this is an approximation.  
4 We would pay him 25 percent of his receipts for  
5 what he brought in for those classes -- no, we  
6 would keep 25. We would pay him 75, sorry.  
7 In doing so, we would also get a  
8 percentage of his tae kwon do classes so it was not  
9 technically a lease agreement.  
10 BY MR. LANZITO:  
11 Q. Okay. And who knew about the terms of  
12 this arrangement with Marty Morris beside yourself?  
13 MR. MORAN: And Marty.  
14 BY THE WITNESS:  
15 A. And Marty, the two of us.  
16 BY MR. LANZITO:  
17 Q. Did you notify Keith Hunt or anyone else  
18 in touch with the Village administrator about the  
19 arrangement you came to with Marty Morris?  
20 A. No, it was prior to Jim Bassett coming  
21 on -- or um, it wasn't prior to, but it was during  
22 his -- no, I did not. No, I did not.  
23 Q. And you never sought a certificate of  
24 insurance for his tae kwon do classes, which were

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1 Q. And the facilities therein?  
2 A. Yes.  
3 Q. And that was your responsibility  
4 pursuant to your duties and obligations as a  
5 director?  
6 A. Yes.  
7 MR. MORAN: Let her finish. You started to  
8 digress and I don't blame Deminick for asking  
9 another question, but you never finished answering  
10 the question of what were the payment arrangements  
11 that you had with him when he was at the aquatic  
12 center.  
13 BY THE WITNESS:  
14 A. We got -- I didn't know Marty from Adam  
15 when we first started, and he was directed towards  
16 me at the aquatic center. We got into a  
17 conversation about what his capabilities were. In  
18 addition to using the facility, I was like, well,  
19 what else do you do?  
20 He said, Well, I teach, you know, kick  
21 boxing, tae kwon do -- not tae kwon do -- abs,  
22 gluts, and thighs. He had other capabilities in  
23 physical training, personal training.  
24 So in setting up programming, I said,

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1 separate and apart from any programs provided by  
2 Hawthorn Woods?  
3 A. No, I did not.  
4 Q. Is there a particular reason why you did  
5 not?  
6 A. I thought the Village already had it on  
7 file.  
8 Q. And just so the record is clear, you did  
9 nothing to check on either a lease and/or insurance  
10 with the Village for Marty Morris' agreement with  
11 the Village?  
12 A. Correct.  
13 Q. The moneys that were being collected,  
14 were they being paid to you?  
15 A. No.  
16 Q. Who were they being paid to?  
17 A. The Village of Hawthorn Woods.  
18 Q. And were you keeping a log of the  
19 payments that were being made?  
20 A. They were going through RucTrac. It was  
21 a recreational tracking mechanism for recreational  
22 activities in the aquatic center so it was used to  
23 track both.  
24 Q. And did you from time to time check to

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1 see what the revenues coming into the aquatic  
2 center were?  
3 A. Yeah, daily.  
4 Q. Okay. And how much was Marty Morris  
5 paying in 2007 to the aquatic center on average?  
6 A. Honestly, I don't recall. For the tae  
7 kwon do classes or for the abs, gluts, and thighs  
8 and all the other stuff?  
9 Q. For the classes he was hosting for his  
10 karate school?  
11 A. I don't recall.  
12 Q. And how were the payments being made to  
13 the Village?  
14 A. He would write a check. Although  
15 sometimes I think he did a credit card. I think he  
16 did a credit card one time.  
17 Q. And how often would he either write a  
18 check or make a credit card payment?  
19 A. It was to be at the end of each session  
20 so once he knew what his registration was, the  
21 receipts would come in, and he would go to Village  
22 Hall and make the payment.  
23 Q. And what about for the karate school?  
24 A. It was to be the same arrangement.

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1 Actually that was what I was referring to. I  
2 apologize. The other one, his recreational classes  
3 that he taught for me, I would take the receipts  
4 off of RecTrac and then do a requisition to the  
5 finance director to issue a check to him for his  
6 portion of the receipts from the recreational  
7 classes.  
8 Q. As the director of the parks and  
9 recreation for the Village of Hawthorn Woods, did  
10 you ensure that there was a Village employee  
11 present when he was teaching his classes --  
12 A. No.  
13 Q. -- at the aquatic center on Saturday?  
14 A. No.  
15 Q. Did you have anyone check from the  
16 Village of Hawthorn Woods, check to ensure that the  
17 facility was properly locked up upon the completion  
18 of Marty Morris' classes?  
19 A. No.  
20 Q. And just for the record, Marty Morris  
21 was not an employee of Hawthorn Woods?  
22 A. Correct.  
23 Q. Now you said you gave him a key to the  
24 aquatic center?

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1 A. I don't recall giving him a key. I know  
2 he had a key for Village Hall, and if he was given  
3 a master key from Village Hall, it would have  
4 opened the doors at the aquatic center as well. So  
5 I do not recall giving him a key to the aquatic  
6 center specifically.  
7 Q. And did you ever -- okay. So was it  
8 while you were the director of parks and recreation  
9 customary to give a nonemployee a key to the  
10 aquatic center facility?  
11 A. Not customary, no.  
12 Q. How many other people or groups did you  
13 give a key to the aquatic center to during your  
14 tenure as director of parks and recreation?  
15 A. Culver's, because they had an  
16 independent concession area; the Jazzercise lady, I  
17 don't even remember her name; and yoga. Those were  
18 groups that operated outside of the normal pool  
19 hours.  
20 Q. Okay. And did you as director of parks  
21 and recreation ensure that there was a Village  
22 employee present when those groups were conducting  
23 their classes?  
24 A. No, I did not.

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1 Q. Did you as the director of parks and  
2 recreation ensure that these individuals had  
3 certificates of insurance for liability?  
4 A. I requested it.  
5 Q. And after you requested that you get  
6 certificates, what happened?  
7 A. Culver's provided one. Jazzercise did  
8 from Jazzercise. It was in a book that I had from  
9 her. And yoga, I do not believe yoga was able to  
10 present one.  
11 Q. Did you make them cease giving classes  
12 and take back your key after they couldn't give you  
13 insurance?  
14 A. No, I did not.  
15 Q. And why not?  
16 A. They were running a successful  
17 recreation class so I did not require it or request  
18 it.  
19 Q. Now, did you have lease agreements with  
20 the Jazzercise and yoga clubs regarding the use of  
21 the facility?  
22 A. No, it was a percentage of their  
23 receipts.  
24 Q. Okay. And how were you able to

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1 calculate the percentage of the receipts?  
2 A. By what they paid towards what went in  
3 and then we wrote them a check for the receipts or  
4 the percentage of the receipts.  
5 Q. But there was no formal lease agreement  
6 with them?  
7 A. No, there was not.  
8 Q. Did you -- strike that.  
9 Is there a reason you didn't have  
10 someone go to the facility that was a Hawthorn  
11 Woods employee and open it up for these specific  
12 groups to conduct their classes as opposed to  
13 giving them a key outright?  
14 A. It was really budgetary for no other  
15 reason. There was to be no overtime. We were  
16 really operating on a shoestring budget in terms of  
17 making sure that the aquatic center and the  
18 recreational programs were profitable so I did it  
19 as a budgetary measure.  
20 Q. Did you ever discuss the fact that you  
21 were giving out keys to these groups with anyone at  
22 the Village administration?  
23 A. No. I had been doing it for two,  
24 three years moving forward so I didn't.

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1 C. Okay. You didn't bring it up with Keith  
2 Hunt?  
3 A. No.  
4 Q. Did you ever bring it up with Village  
5 counsel?  
6 A. No, I didn't. I didn't.  
7 MR. MCRAN: Counsel, s-e-l, you mean lawyer?  
8 MR. LANZITO: Yeah, s-e-l. The Village board  
9 city counsel.  
10 BY THE WITNESS:  
11 A. No, I didn't.  
12 BY MR. LANZITO:  
13 Q. Now your suit names four trustees that  
14 were elected at the time -- or in office at the  
15 time of your demotion and termination, correct?  
16 A. Yes.  
17 Q. Who were the other two trustees at the  
18 time?  
19 A. Greg Gehrke and Jim Silvers.  
20 Q. Do you know why you didn't sue them?  
21 A. I felt that they were supportive of my  
22 employment.  
23 Q. Okay. Did you ever talk to them about  
24 your employment?

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1 A. That's kind of vague.  
2 Q. Well, did you ever talk to them about  
3 your demotion at the Village as part of the  
4 reorganization plan?  
5 A. I believe Greg, yes. Jim, probably not.  
6 I don't see him much.  
7 Q. And what, if anything, did Mr. Gehrke  
8 tell you?  
9 A. Sorry to hear it. You were a good  
10 employee, you know. I'm not sure why they did it.  
11 That kind of thing. Just generally supportive of  
12 me.  
13 Q. Did he ever say whether or not he agreed  
14 with the reorganization or voted for the  
15 reorganization?  
16 A. No.  
17 Q. Did he ever say that he cast a vote  
18 against the reorganization and the elimination of  
19 the position you previously held?  
20 A. No.  
21 Q. What about Mr. Silvers?  
22 A. I didn't have a conversation with him.  
23 Q. How in the fall of --  
24 A. She's right. They weren't on the board.

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1 Q. Did you ever talk to Cliff Wright or  
2 Joann Weick, Weick --  
3 A. No.  
4 Q. -- regarding your demotion?  
5 A. No, I did not.  
6 Q. And why didn't you bring suit against  
7 them?  
8 A. Joann was supportive of really  
9 everything I was trying to do at the aquatic center  
10 in terms of recreational programs. She actually  
11 was one of the only trustees to ever participate in  
12 any of the classes, and Cliff, same thing. Very  
13 supportive. His kids had a membership. He had a  
14 membership at the aquatic center. He was  
15 supportive of the aquatic center in general; and so  
16 therefore, I did not.  
17 Q. Do you have any information to believe  
18 Cliff and Joann either participated or did not  
19 participate in the vote approving the  
20 reorganization?  
21 A. No, I do not have any idea of that.  
22 Q. Do you have any information, one way or  
23 another, whether or not these two individuals  
24 participated in any way, shape, or form regarding

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1 your termination?  
2 A. No, I don't have any knowledge to that  
3 fact.  
4 Q. As you sit here today, do you have any  
5 knowledge that any of the other trustees casted a  
6 vote one way or another regarding your demotion?  
7 A. No, I do not.  
8 Q. And do you have a -- as you sit here  
9 today, the four trustees you've named as  
10 defendants, do you have any knowledge that they  
11 either approved or disapproved of your termination  
12 at the Village of Hawthorn Woods?  
13 A. If they approved of my termination?  
14 Q. Yes.  
15 A. Yes. They were present in the room when  
16 they terminated me so I would believe that they  
17 were in favor of it.  
18 Q. Who was present when you were  
19 terminated?  
20 A. Mr. Mancino, Ms. Kazenas, and Ms.  
21 Lechaito.  
22 Q. I'm talking about the four trustees.  
23 A. I am sorry. I went off. No. The  
24 trustees, no, I don't have any knowledge of that.

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1 Q. Either way?  
2 A. Yes. Correct.  
3 Q. And whether or not these four trustees  
4 either supported or didn't support your  
5 termination, you have no information?  
6 A. Correct.  
7 Q. Now, when you spoke with Greg Gehrke  
8 about your demotion, he wasn't the trustee at the  
9 time, correct?  
10 A. Correct, and neither was Jim Silvers.  
11 Q. What about -- did you speak with Cliff  
12 or Joann at all?  
13 A. No.  
14 Q. So is there a reason why you didn't see,  
15 other than the fact they went to the aquatic  
16 center, all of the trustees that were on the board  
17 at the time?  
18 A. Well, they were on the board with me so  
19 I knew they were -- I just knew them, and it felt  
20 like they were supportive. Let's put it that way.  
21 Q. Well, was Neil Morgan also on the board  
22 with you at the time?  
23 A. Yes -- I am sorry. No, he was not. He  
24 was my replacement.

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1 Q. And he was appointed by someone you  
2 think pretty highly of?  
3 A. Yes.  
4 Q. Keith Hunt?  
5 A. Yes.  
6 Q. And Keith Hunt never gave you any  
7 indication to believe that he was -- Neil Morgan  
8 was against you in any way, shape, or form?  
9 A. Not at -- Keith Hunt did not, no.  
10 Q. Now, do you know when Dave Ansani  
11 stepped down from the board of trustees?  
12 A. No, I don't.  
13 Q. Do you know if he still lives in the  
14 Hawthorn Woods?  
15 A. No, I don't.  
16 Q. When do you know when the last time you  
17 saw him in Hawthorn Woods?  
18 A. We walked by his house one day two years  
19 ago, and that's the last time I even saw him. He  
20 was mowing his lawn.  
21 Q. Two years ago?  
22 A. Yes.  
23 Q. And do you know --  
24 A. He was out doing yard work.

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1 Q. Do you know what the makeup of the board  
2 was at the time of your arrest, the Board of  
3 Trustees?  
4 A. No, I do not.  
5 Q. Was Dave Ansani on that board?  
6 A. I do not know that.  
7 Q. As you sit here today, do you know what  
8 involvement, if any, the defendants had in your  
9 arrest?  
10 A. Well --  
11 Q. From firsthand knowledge?  
12 A. Firsthand knowledge, no.  
13 Q. What expenses did you have related to  
14 your arrest?  
15 A. \$2,000 lawyer fee and it was originally  
16 there was going to be a bond, but that was waived.  
17 I had a personal eye bond.  
18 Q. So you did a recognizance bond?  
19 A. Yes.  
20 Q. And what happened with that criminal  
21 matter?  
22 A. It was -- what's the terminology? It  
23 was with the potential to be refiled if they --  
24 MR. MORAN: It was SOL'd.

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1 MR. LANZITO: Okay. They SOL'd it.  
2 BY MR. LANZITO:  
3 Q. Was it a misdemeanor or a felony?  
4 A. Felony, two count felony.  
5 Q. When you were arrested, did they bring  
6 you into a police station?  
7 A. Yes, I was in Lake County Jail.  
8 Q. Okay. Did the state's attorney try to  
9 talk to you?  
10 A. No. No.  
11 Q. Did anybody try to interview you  
12 regarding the allegation against you like a police  
13 officer, a state's attorney, anyone?  
14 A. No.  
15 Q. Did you ever see any of the defendants  
16 at the police station or the county facility?  
17 A. No.  
18 Q. Did you have to go to any court  
19 hearings?  
20 A. Yes.  
21 Q. Did you ever see any of the defendants  
22 there?  
23 A. No.  
24 Q. How many court hearings did you go to?

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1 A. I went to two. There were three  
2 scheduled. My attorney advised me it was okay not  
3 to go to the middle so I went to the first one that  
4 I was in jail to get out. The second one, I did  
5 not have to appear, and the third one, I did have  
6 to appear.  
7 Q. And then the matter was SOL'd?  
8 A. Correct.  
9 Q. I just want to talk about a couple of  
10 the matters regarding the pool itself now.  
11 At a certain point in time you would get  
12 cash receipts at the pool?  
13 A. Cash receipts?  
14 Q. Strike that.  
15 At certain points in time you would come  
16 and get cash from the admission to the pool,  
17 correct?  
18 A. I generally did not handle the cash.  
19 The people at the front counter handled the  
20 receipts.  
21 Q. As the director of parks and recreation,  
22 who would make the deposits into the banks?  
23 A. Our either assistant finance director or  
24 finance director or somebody like that. I would

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1 take it over to Village Hall for them to deposit.  
2 Q. Okay. So you would drive the money from  
3 the aquatic center to Village Hall?  
4 A. Yes.  
5 Q. At any time were you given a directive  
6 that you needed a police escort in order to drive  
7 the money?  
8 A. I was.  
9 Q. And those directives that were given to  
10 you, whom were they given by?  
11 A. Ms. Kazenas and Ms. Newton.  
12 Q. And what was the reason you were told to  
13 get a police escort?  
14 A. They were concerned about my safety.  
15 Q. Okay. And did you, in fact, call for a  
16 police escort each and every time you took the  
17 money from the aquatic center to Village Hall?  
18 A. I did twice primarily. Not each and  
19 every time.  
20 Q. You're saying you called the police  
21 escort twice?  
22 A. Yes.  
23 Q. And how often would you go from the  
24 aquatic center to Village Hall with the money?

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1 MR. MORAN: After she got the directive?  
2 MR. LANZITO: Yes.  
3 BY THE WITNESS:  
4 A. Well, probably two weeks.  
5 BY MR. LANZITO:  
6 Q. Once every two weeks?  
7 A. No. The directive was around the middle  
8 of August. The directive came down that I should  
9 be doing this.  
10 Q. Okay.  
11 A. I would make one transportation of cash  
12 to the Village -- I am sorry -- receipts to the  
13 Village Hall a day.  
14 Q. A day?  
15 A. A day except on weekends.  
16 Q. And when would you close the pool?  
17 A. 7:00 o'clock.  
18 Q. No. What time of year?  
19 A. Oh, sorry. After Labor Day.  
20 Q. Okay. And so out of -- if there was two  
21 or three weeks there, you only called for a police  
22 back up twice?  
23 A. Yes.  
24 Q. Were there ever occasions when you took

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1 the money home with you following before you went  
2 to the Village Hall?  
3 A. Never.  
4 Q. Were you ever told that you couldn't  
5 take money home with you by any of your supervisor  
6 staff?  
7 A. I don't believe I was ever told that. I  
8 was -- just seemed known.  
9 Q. What was known?  
10 A. That it would go right from the aquatic  
11 center to Village Hall.  
12 Q. And I may have asked this, why didn't  
13 you call for police back up as directed?  
14 A. Just thought it was a waste of Village  
15 resources so I didn't do it, and I was also  
16 transporting the cash at early morning like 9:00 or  
17 10:00 o'clock. The original directive was that,  
18 well, if you're transferring the cash at night, you  
19 could get -- you know, the parking lot is dark and  
20 all those kind of things. So I completely would  
21 understand it under those circumstances, but it was  
22 10:00 o'clock in the morning, I was heading over  
23 there for a staff meeting or whatever, and I just  
24 didn't call the police.

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1 Q. Okay. Now, with respect to the  
2 maintenance of the pool -- now you said you would  
3 bring the money in the early morning hours, right?  
4 A. When Village Hall was open.  
5 Q. Okay. So where would the money be  
6 sitting overnight when --  
7 A. In a safe.  
8 Q. And where was the safe?  
9 A. Locked in a closet in the central office  
10 area of the aquatic center.  
11 Q. And how many people had access to that  
12 safe?  
13 A. Myself and Jill Kragseth.  
14 Q. Were there ever times when the cash did  
15 not match up with the receipts?  
16 A. Yes.  
17 Q. How often?  
18 A. I didn't do the final -- not always do  
19 the final night reconciliation. Jill would do it  
20 so in the morning she would report what was there  
21 so it was what was off of the RecTrac system so...  
22 Q. And how often would you have the numbers  
23 not matching?  
24 A. Generally we would be over. It happened

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1 a lot. We had young kids running the cash  
2 registers.  
3 Q. So there would be -- you had more cash  
4 than you were supposed to have?  
5 A. Yes.  
6 Q. Now, with respect to the maintenance of  
7 pool, what are AEDs?  
8 A. The defibrillators.  
9 Q. And do you have to maintain those  
10 defibrillators?  
11 A. Yes. They need to be checked once a  
12 year, and batteries need to be checked on them.  
13 Q. And how often do the batteries need to  
14 be checked?  
15 A. I believe annually.  
16 Q. What?  
17 A. Annually.  
18 Q. And did you keep logs of when the  
19 defibrillators were checked?  
20 A. I did not, no.  
21 Q. Did you keep records of when those AEDs  
22 were maintained?  
23 A. I did not, no.  
24 Q. Now, with respect to wrapping up the

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1 pool and closing it up, did you ever leave chairs  
2 and tables outside?  
3 A. Yes.  
4 Q. And where did you store them outside?  
5 A. On the patio.  
6 Q. Were they covered?  
7 A. No, they were not.  
8 Q. Okay. And was there a place inside to  
9 store that equipment?  
10 A. Yes.  
11 Q. And is there a reason --  
12 A. Okay. Go ahead.  
13 Q. You can finish.  
14 A. No, you asked the question. I think I  
15 can answer it next. Go ahead.  
16 Q. Do you know where the chairs and tables  
17 are currently stored?  
18 A. No, I do not.  
19 Q. Have you driven past the pool in the  
20 last couple of weeks?  
21 A. Uh-huh.  
22 MR. MORAN: Is that a no?  
23 BY THE WITNESS:  
24 A. No. Sorry.

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1 BY MR. LANZITO:  
2 Q. Now, with respect to the chemical  
3 maintenance of the pool, in 2009, how many days did  
4 you have to close the pool due to chemical  
5 imbalances?  
6 A. Two, I believe it was two.  
7 Q. And was there ever a complaint of  
8 children had suffered chemical burns?  
9 A. Yes.  
10 Q. And when was that?  
11 A. Prior to the closing of the pool. It  
12 was June of that year, I believe.  
13 Q. So just when you were opening the pool?  
14 A. No. You know what, I'm not sure of the  
15 exact date of it, but there was an incident, yes.  
16 Q. Do you know who the mayor at the time  
17 was?  
18 A. Mayor Mancino.  
19 Q. And what type of complaint did you  
20 receive regarding chemical burns?  
21 A. A verbal complaint from somebody -- or  
22 I'm sorry.  
23 It was a phone call to me at Village  
24 Hall advising that their children had suffered --

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1 that some of the children were experiencing burning  
2 sensations, and I said, okay, can you tell me  
3 exactly what's going on, and she indicated it was  
4 the boys primarily. No girls had -- you know, I  
5 basically was trying to figure out exactly what was  
6 going on.  
7 The pool had been tested, and we were  
8 more alkaline than acid so it was a strange  
9 circumstance as to how chemical burns could come  
10 from an alkaline situation. It was only boys, and  
11 that was about the gist of it.  
12 I mean, I questioned her more on exactly  
13 what had happened. Was it their eyes, where on  
14 their bodies, and that's when it came down to the  
15 fact that it was only in their swim shorts, swim  
16 suits.  
17 Q. Was Keith Hunt's children one of the  
18 affected?  
19 A. She has actually emailed me a picture  
20 the day after this and showed that Kevin, his  
21 irritations were on his belly, and she talked about  
22 that having dry skin, being out in the sun all day,  
23 and being at the pool all day, but she just wanted  
24 to make me aware of the situation.

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1 Q. You said that the pool was alkaline.  
2 Can you get chemical burns from an alkaline liquid?  
3 A. I don't know that.  
4 Q. And you said you tested the pool and it  
5 was more alkaline than acidic?  
6 A. Yes.  
7 Q. Now, how many boys were affected by  
8 these chemical burns?  
9 A. That, we never pinpointed. It was more  
10 than three, and the pool was at a point where it  
11 was starting to turn in terms of losing the  
12 chemical balance on it. It was starting to turn  
13 slightly green so I consulted Mr. Haiworm, our  
14 Public Works director as to what we should be doing  
15 at this point.  
16 Our feeders, our chemical feeders were  
17 inoperable, just a mess. Literally chlorine was  
18 spewing out of the ceilings on to the calibrators,  
19 and this had been an ongoing issue so I needed  
20 assistance from a Public Works director.  
21 Q. How long prior to these chemical burns  
22 were you having problems with the chemical feeders?  
23 A. Well, the feeders were not the issue.  
24 We were having trouble with the piping prior to

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1 that, and it had been ongoing for the whole summer.  
2 There were literally pinprick holes in the chemical  
3 feeders, and it was plastic tubing that ran all  
4 over the ceiling. The chlorine would spew. You  
5 could literally walk in there, and chlorine would  
6 be spewing out of the ceiling.  
7 Q. And did you fill out a work request  
8 order or repair order?  
9 A. We didn't have such a --  
10 MR. MORAN: -- a form.  
11 BY THE WITNESS:  
12 A. -- a form.  
13 BY MR. LANZITO:  
14 Q. Did you ever notify Village  
15 administration of the problems that you were having  
16 with the chemical feeders?  
17 A. I don't know if I did the  
18 administration. I did certainly let Jim Haiworm  
19 know.  
20 Q. Okay. Other than -- did you notify  
21 Keith Hunt of the issue?  
22 A. He was aware of it through his  
23 administration so he was aware there was an issue  
24 with the chemical feeder -- with the construction

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1 of the piping, that it was an issue.  
 2 Q. Okay. But when this incident broke out  
 3 with the chemical burns, did you talk to Keith Hunt  
 4 before you talked to the then current Village  
 5 administration?  
 6 A. No, this was our matter, and it needed  
 7 to be taken care of.  
 8 Q. Okay. When was the first time you  
 9 talked to Keith Hunt regarding this issue?  
 10 A. I don't recall.  
 11 Q. Did he ever advise you to shut down the  
 12 pool?  
 13 A. No.  
 14 Q. Based upon the fact that you got  
 15 chemical burns, did you ever report it to the  
 16 Illinois Department of Health?  
 17 A. No.  
 18 Q. Did you ever fill out any incident  
 19 reports?  
 20 A. No, I did not.  
 21 Q. Did you ever bring it up at any parks  
 22 and recreation Committee meeting?  
 23 A. I don't recall.  
 24 Q. Did you bring it up with the Village

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1 to put a budget requisition in as the department  
 2 head?  
 3 A. Yes.  
 4 Q. For your 2010 budget, did you ever put  
 5 in a request for a repair stipend to repair these  
 6 chemical feeders or anything else in your 2010  
 7 budget request?  
 8 A. I don't recall. I met with a gentleman  
 9 from Halogen to get a quote on a replacement system  
 10 for the chemical feeders.  
 11 Q. Was that for chemical feeders or was  
 12 that for the Virginia Graeme Baker?  
 13 A. Both. He came out and looked at both  
 14 items.  
 15 Q. And when did he come out?  
 16 A. He came out several times. The man from  
 17 Halogen came out several times for the chemical  
 18 feeders because he wanted to make sure he got an  
 19 idea of the scope of the project and what our  
 20 facility needed, and then I did also consult with  
 21 Scottyges, who originally built the pool and had  
 22 the chemical feeders to find out if they had issues  
 23 with this in other pools and facilities and what  
 24 the repair was.

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1 board at all?  
 2 A. I discussed it with Mayor Mancino and  
 3 Ms. Newton during our ongoing conversations. I  
 4 don't recall bringing it up at a Village board  
 5 meeting.  
 6 Q. Did they instruct you to get an outside  
 7 chemical service?  
 8 A. No, they did not -- well, I'm not  
 9 definitive. I'm not sure. They may have in  
 10 conversation.  
 11 Q. And with the chemical feeders being  
 12 broken, how were you supplying chemicals to the  
 13 pool?  
 14 A. Well, can we finish the story about the  
 15 chemical burns and what happened after that?  
 16 Q. Yes. Go ahead.  
 17 A. Because we brought in an outside pool  
 18 service because our Public Works Department could  
 19 not handle the situation. So what happened was, we  
 20 contacted Tim O'Connor, whose brother-in-law ran an  
 21 outside pool service, and he came in and brought  
 22 the pool back. So we were shut down for two days  
 23 to bring the pool back.  
 24 Q. Okay. Now, each and every year you have

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1 They recommended just replacing the  
 2 tubing, and that didn't work so I resorted to going  
 3 to Halogen to do a different type of feeder  
 4 program -- or system because clearly the tubing was  
 5 not working.  
 6 Q. When did you do that?  
 7 A. Throughout 2008 and 2009. This was a  
 8 problem in 2008 as well.  
 9 Q. Did you put a request in 2008 to have  
 10 the system replaced?  
 11 A. No.  
 12 Q. Did you, prior to the opening in the  
 13 2009 season, before the boys were burned, did you  
 14 put a request in to change out the chemical  
 15 feeders?  
 16 MR. MORAN: I am going to object to the form  
 17 of the question. It assumes that they were  
 18 actually burned. I don't think the evidence will  
 19 show that.  
 20 BY THE WITNESS:  
 21 A. Can you repeat the question?  
 22 BY MR. LANZITO:  
 23 Q. Prior to the alleged chemical burns in  
 24 2009, had you put in a request to replace the

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1 chemical feeders?

2 A. No. We thought the replacement of the

3 tubing was sufficient to rectify the situation.

4 Q. And did you ever call Greg Gehrke about

5 the chemical burns?

6 A. I believe I did because I did ask him if

7 this was possible, if what was being discussed --

8 or alleged, excuse me, was possible.

9 Q. And why did you ask him?

10 A. He's in water treatment. That's his

11 profession.

12 Q. And what did Greg Gehrke tell you?

13 A. He said he didn't believe so.

14 Q. Did you actually have the water tested

15 to determine what the problem was?

16 A. Yes, that's when we brought in the

17 outside pool service.

18 Q. And what did they tell you?

19 A. They told us that there wasn't enough

20 chlorine in the pool, and that we were out of

21 balance so we needed to literally bring it down to

22 no chemicals whatsoever and then bring it back up.

23 So literally we had to take all of the floating

24 chemicals out of the pool.

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1 Q. Okay. And the pool was closed for two

2 days because of this?

3 A. Yes.

4 Q. Now, did you ever notify -- I am sorry,

5 the chlorine, it was a liquid-based chlorine,

6 right?

7 A. That was liquid based, yes.

8 Q. And it would be in a tank and

9 distributed by those feeder tubes?

10 A. Correct.

11 Q. Did you ever notify the company that

12 supplied the chlorine, the liquid chlorine about

13 the deficiencies with the tube system?

14 A. No.

15 Q. And at one point were you directly

16 dumping chemicals into a pool?

17 A. Yes.

18 Q. Is that an acceptable practice?

19 A. Generally, no.

20 Q. And how long were you dumping chemicals

21 directly into a pool? Which seasons?

22 A. It was just that season.

23 Q. 2009?

24 A. Yes.

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1 Q. And why isn't that proper protocol to

2 directly dump chemicals into a pool?

3 A. Well, you could -- well, it's not the

4 approved way to put chemicals into a pool.

5 Q. And approved by whom?

6 A. The Illinois Department of Health.

7 Q. Okay. So there are certain regulations

8 that mandate how you put chemicals into a pool?

9 A. Correct.

10 Q. And which ways are approved back in 2009?

11 or which ways were approved in 2009?

12 A. Well, it was through chemical feeders.

13 Q. And direct dumping, was it prohibited?

14 A. I don't know if it was prohibited.

15 Q. Did you check the chemicals then once

16 you were directly dumping them in?

17 A. Oh, yes, we did.

18 Q. And you kept logs?

19 A. Yes.

20 Q. And where would you keep those logs?

21 A. In the chemical room on a clipboard.

22 Q. And where would you put the results

23 after, you know, so many days?

24 A. They just stayed on the clipboard, and

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1 we did the whole annual checking the chemicals on

2 the clipboard.

3 Q. And how many times a day did you check

4 the pool?

5 A. Three. Not me personally but it was

6 checked three times a day.

7 Q. And how many locations in the pool was

8 it checked?

9 A. Four.

10 Q. And what did you do with the chemical

11 logs?

12 A. They remained in the aquatic center.

13 Q. Do you know where?

14 A. No.

15 Q. Other than the chemical burns, did you

16 have -- the alleged chemical burn incident, did you

17 have other incidents where parents complained about

18 the chemicals in the pool?

19 A. Kids would get red eyes and say, oh,

20 there is too much chlorine or whatever in the pool,

21 but that would be -- you know, that's personal

22 preference, and they are swimming for six hours in

23 the pool so there would be complaints along those

24 lines.

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1 Q. With respect to Culver's, you said there  
2 was a lease?  
3 A. Yes.  
4 Q. Who would Culver's pay for the lease  
5 rights to the concession stand?  
6 A. The Village, I believe.  
7 Q. Would they pay the Village directly or  
8 would they pay the aquatic center and you, in turn,  
9 would bring it to the Village?  
10 A. They were supposed to pay the Village  
11 directly.  
12 Q. Do you know at any time whether or not  
13 Culver's in 2009 was paying their lease?  
14 A. 2009. Their lease was a percentage of  
15 receipts.  
16 Q. Yes.  
17 A. Okay. So I know there was an issue in  
18 2009 that they were not paying. They had not paid  
19 their percentage of receipts.  
20 Q. And when did you first become aware of  
21 that?  
22 A. The first month they didn't pay their  
23 receipts, which would have been in July.  
24 Q. And what, if anything, did you do based

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1 upon their failure to pay?  
2 A. I did go to Mayor Hunt because he is the  
3 one that negotiated the lease with Culver's.  
4 Q. Did you talk to the current  
5 administration after you spoke with Mr. Hunt, the  
6 then current administration?  
7 A. Okay. Maybe I'm getting my years  
8 confused because 2009, they paid their receipts.  
9 Q. Okay. Which year didn't they pay their  
10 receipts?  
11 A. 2008 was the year that we had an issue,  
12 sorry.  
13 Q. And then in 2009, there were no issues  
14 with the collection?  
15 A. As far as, no. We made them report  
16 receipts to us on a daily basis.  
17 Q. And to whom did they report those  
18 receipts?  
19 A. To the manager or staff at the end of  
20 the day.  
21 Q. And would they subsequently report to  
22 you?  
23 A. It went in a folder.  
24 Q. What went in a folder?

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1 A. The receipts. They printed off the  
2 receipts for the day, the pluses and minuses -- or  
3 not the pluses and minuses. The receipts, the  
4 revenue and expenses or the revenues.  
5 Q. And then one last area with respect to  
6 the management of the pool. What is Virginia  
7 Graeme Baker legislation?  
8 A. It is for the insulation of grates in  
9 all swimming facilities, hot tubs, spas, and  
10 swimming pools. It is to prevent the grates or a  
11 child from being --  
12 Q. -- drowned by being sucked into a  
13 filter?  
14 A. -- sucked into a grate. So what it did  
15 is for any pool, they needed to have a curved grate  
16 and/or a suction -- an intake and outtake system in  
17 place so that if one drain does become covered,  
18 clogged, whatever you will, the other one will  
19 continue to flow. It will not suck a child.  
20 And what happened was -- I always got  
21 his name wrong -- Jim Baker's granddaughter was  
22 actually the one who was killed so that's why,  
23 hence the Act.  
24 Q. Virginia Graeme Baker. And that's a

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1 Federal requirement?  
2 A. Yes.  
3 Q. And do you know when all pools -- the  
4 drop dead date for compliance was?  
5 A. It was just this year, I believe, was  
6 the drop dead date.  
7 Q. 2011?  
8 A. Or 2010. I'm not sure exactly what the  
9 drop dead date on the statute was now.  
10 Q. Now, prior to leaving in 2009 to go on  
11 furlough, were the Virginia Graeme Baker grates  
12 installed for the pool for the next season?  
13 A. No.  
14 Q. Was there a contract executed or signed  
15 in order to ensure that the pool had been compliant  
16 with the Virginia Graeme Baker requirements prior  
17 to opening in 2010?  
18 A. Was there a contract?  
19 Q. Yeah. Did you retain the services of a  
20 company to install --  
21 A. Not to install.  
22 Q. -- the Virginia Graeme Baker -- let me  
23 finish.  
24 Did you retain, prior to going on

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1 furlough, a company to install Virginia Graeme  
 2 Baker-compliant grates for the opening of 2010  
 3 season?  
 4 A. No, I did not.  
 5 Q. Had you ever represented to the parks  
 6 and recreation Committee that the pool was  
 7 compliant with Virginia Graeme Baker?  
 8 A. No.  
 9 Q. Had you ever represented to the Board of  
 10 Trustees for the Village of Hawthorn Woods that the  
 11 pool was complaint with Virginia Graeme Baker?  
 12 A. No. We were working to be in  
 13 compliance.  
 14 C. Now, you said you were speaking with  
 15 Halogen?  
 16 A. Halogen, yes, and then there was a  
 17 design firm that I was working with to get  
 18 correct -- the grates needed to be approved by the  
 19 Illinois Department of Health. Even though it was  
 20 a Federal statute, the Illinois Department of  
 21 Health needed to approve whatever modifications we  
 22 were making to the facility.  
 23 Q. And prior to going on furlough, did you  
 24 submit any plans to the Illinois Department of

1 Health for approval?  
 2 A. No, I did not.  
 3 Q. Just give me one moment.  
 4 MR. LANZITO: Mark these.  
 5 (WHEREUPON, certain documents were  
 6 marked Lynch Exhibit Nos. 6 & 7,  
 7 for identification, as of  
 8 November 8, 2011.)  
 9 BY MR. LANZITO:  
 10 Q. Ma'am, have you seen these documents  
 11 before?  
 12 A. I have to look at them.  
 13 Q. Go ahead. That's fine.  
 14 A. Yeah, I have seen this No. 6. I'm  
 15 looking at it at the moment.  
 16 Q. Document No. 6, ma'am, can you turn to  
 17 page. It's not a page number. It's the second to  
 18 the last page. Is that your signature there,  
 19 ma'am?  
 20 A. Yes.  
 21 Q. And you're verifying that all the  
 22 answers are true and correct?  
 23 A. Yes.  
 24 Q. And if you can look at Exhibit 7, second

1 to the last page again.  
 2 A. Yes.  
 3 Q. You were verifying that all the --  
 4 A. Second to the last page, yes.  
 5 Q. You were verifying all the answers in  
 6 Exhibit 7 were true and correct?  
 7 A. Yes.  
 8 MR. LANZITO: That's all I have.  
 9 EXAMINATION  
 10 BY MR. MORAN:  
 11 Q. I just have a couple quick clarifying  
 12 questions.  
 13 When you were talking before about  
 14 answering questions regarding the transportation of  
 15 cash to the Village Hall from the aquatic center.  
 16 Were there occasions during the time period, I  
 17 think you said it was three weeks or so, between  
 18 the time you were first told to get a police escort  
 19 and the time that you went on furlough, when  
 20 someone would come from Village Hall to the aquatic  
 21 center to pick up cash?  
 22 A. Sandy Hansen on occasion would come and  
 23 get the cash, yes.  
 24 Q. Would you tell us approximately how many

1 times that happened in that three weeks?  
 2 A. Probably two.  
 3 Q. And did you ever get any confirmation  
 4 from a doctor or report of a doctor diagnosing that  
 5 the boys who had complained about these burning  
 6 sensations the day they were at the pool had  
 7 actually sustained chemical burns?  
 8 A. No.  
 9 Q. Did you ever hear any report, whether  
 10 it's true or not, as to what actually may have  
 11 happened on that occasion?  
 12 A. I heard speculation that it was a prank  
 13 by some of the boys, and that there was some  
 14 Ben-Gay or Icy Hot put in the boys' shorts. I  
 15 couldn't confirm it.  
 16 Q. It was only boys that complained as far  
 17 as you understood?  
 18 A. Yes.  
 19 Q. And except for Keith Hunt's son, your  
 20 understanding was everybody else's burns were  
 21 within the area covered by the bathing suits?  
 22 A. Yes.  
 23  
 24

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1 FURTHER EXAMINATION

2 BY MR. LANZITO:

3 Q. I just have one question I forgot to

4 ask.

5 What job do you currently hold?

6 A. I am an account manager for a law firm

7 in Lincolnshire.

8 Q. Which firm?

9 A. The law offices of Neil, N-e-i-l,

10 Greene, G-r-e-e-n-e.

11 Q. And what is your current salary?

12 A. 45,000.

13 Q. And how long have you held that

14 position?

15 A. August 8th of this year.

16 Q. And prior to that, where were you

17 employed?

18 A. Really going to -- SurePayroll. I just

19 didn't like the job. SurePayroll, S-u-r-r-e,

20 Payroll. It's all one word.

21 Q. And from when to when?

22 A. Two months after I was let go so May to

23 August 8th of 2011.

24 Q. What salary did you earn?

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1 A. 30,000.

2 Q. Have you ever -- since you have been --

3 A. 30,000, 35,000.

4 Q. Have you applied for any director of

5 parks and recreation position or aquatic center

6 manager position in any other municipality since

7 being let go from the Village of Hawthorn Woods?

8 A. Not applied for.

9 MR. LANZITO: That's all I have.

10 MR. MORAN: I have no further questions at

11 this time. We'll reserve.

12 FURTHER DEPOSITION SAITH NOT.

13

14

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1 DEPOSITION ERRATA SHEET

2 IN THE UNITED STATES DISTRICT COURT, NORTHERN

3 DISTRICT OF ILLINOIS, EASTERN DIVISION

4 KIMBERLY LYNCH, )

5 Plaintiff, )

6 -vs- ) No. 10-CV-5707

7 Village OF HAWTHORN WOODS, )

8 et al., )

9 Defendants. )

10 DECLARATION UNDER PENALTY OF PERJURY

11 I declare under penalty of perjury that I

12 have read the entire transcript of my Deposition

13 taken in the captioned matter or the same has been

14 read to me, and the same is true and accurate, save

15 and except for changes and/or corrections, if any,

16 as indicated by me on the DEPOSITION ERRATA SHEET

17 hereof, with the understanding that I offer these

18 changes as if still under oath.

19

20 Signed on the \_\_\_\_ day of \_\_\_\_\_,

21 \_\_\_\_\_

22 KIMBERLY LYNCH

23

24

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1 DEPOSITION ERRATA SHEET

2 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

3 \_\_\_\_\_

4 Reason for change: \_\_\_\_\_

5 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

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7 Reason for change: \_\_\_\_\_

8 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

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10 Reason for change: \_\_\_\_\_

11 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

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13 Reason for change: \_\_\_\_\_

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16 Reason for change: \_\_\_\_\_

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19 Reason for change: \_\_\_\_\_

20 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

21 \_\_\_\_\_

22 Reason for change: \_\_\_\_\_

23 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

24 KIMBERLY LYNCH

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1 DEPOSITION ERRATA SHEET

2 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

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21 \_\_\_\_\_

22 Reason for change: \_\_\_\_\_

23 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

24 KIMBERLY LYNCH

1 STATE OF ILLINOIS )

2 ) SS:

3 COUNTY OF COOK )

4 I, CATRICE M. PRINCE, CSR No. 84-003765,

5 a Notary Public within and for the County of Cook,

6 State of Illinois, and a Certified Shorthand

7 Reporter of said state, do hereby certify:

8 That previous to the commencement of the

9 examination of the witness, the witness was duly

10 sworn to testify the whole truth concerning the

11 matters herein:

12 That the foregoing deposition transcript

13 was reported stenographically by me, was thereafter

14 reduced to typewriting under my personal direction

15 and constitutes a true record of the testimony

16 given and the proceedings had;

17 That the said deposition was taken

18 before me at the time and place specified;

19 That I am not a relative or employee or

20 attorney or counsel, nor a relative or employee of

21 such attorney or counsel for any of the parties

22 hereto, nor interested directly or indirectly in

23 the outcome of this action.

24

1 IN WITNESS WHEREOF, I do hereunto set my

2 hand of office at Chicago, Illinois, this 21st day

3 of November, 2011.

4

5

6 *Catrice M. Prince*

7 Notary Public, Cook County, Illinois.

8 My commission expires 3/06/2013.

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10 CATRICE M. PRINCE, CSR No. 84-003765

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1 I N D E X

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3 KIMBERLY LYNCH	EXAMINATION
4 BY MR. LANZITO	4
5 BY MR. MORAN	195
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9 LYNCH EXHIBIT	MARKED FOR ID
10 NO. 1	108
11 NO. 2	122
12 NO. 3	127
13 NO. 4	129
14 NO. 5	135
15 NOS. 6 & 7	194
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