

LAW OFFICES  
**STORINO, RAMELLO & DURKIN**

9501 WEST DEVON AVENUE  
ROSEMONT, ILLINOIS 60018

(847) 318-9500

FACSIMILE (847) 318-9509

March 8, 2016

THOMAS J. HALLERAN  
ERIN C. TINAGLIA  
ADAM R. DURKIN

JOSEPH G. KUSPER  
MARK R. STEPHENS  
BRYAN J. BERRY  
ANN M. WILLIAMS  
LEONARD P. DIORIO  
RICHARD F. PELLEGRINO  
DONALD J. STORINO II

OF COUNSEL

IN REPLY REFER TO FILE NO.

DONALD J. STORINO  
MICHAEL K. DURKIN  
RICHARD J. RAMELLO  
NICHOLAS S. PEPPERS  
THOMAS M. BASTIAN  
ANGELO F. DEL MARTO  
JAMES E. MACHOLL  
BRIAN W. BAUGH  
ANTHONY J. CASALE  
ANDREW Y. ACKER  
PETER A. PACIONE  
MELISSA M. WOLF  
MATTHEW G. HOLMES  
MICHAEL R. DURKIN

Mr. Pasquale Martorana  
pasmartorana@yahoo.com

EP-1

**Re: Freedom of Information Act Request**

Dear Mr. Martorana:

The Village of Elmwood Park is in receipt of your February 23, 2016, Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for the following records:

"Pursuant to the freedom of information act. I hereby request

1. Any and all subpoenas the village has received from May . 1 , 2013 to present."

Enclosed please find the records responsive to your FOIA request. However, please be advised that certain information in the records responsive to your FOIA request has been determined to be exempt from disclosure under FOIA. Accordingly, such information has been redacted from the records being provided.

Section 7(1)(b) of FOIA provides that "private information" is exempt from disclosure. "Private information" is defined in FOIA as, "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/2(c-5). Consequently, certain unique identifiers, such as signatures, have been redacted from the records being provided.

Please be advised that the portion of your FOIA request for records that are maintained by the Village of Elmwood Park Police Department is denied pursuant to Section 3(g) of FOIA.

**STORINO, RAMELLO & DURKIN**

Mr. Pasquale Martorana  
March 8, 2016  
Page 2

Section 3(g) of FOIA provides that:

“Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information. Before invoking this exemption, the public body shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions.”

On March 1, 2016, I sent you correspondence indicating that your FOIA request was categorical in nature and that it would be unduly burdensome for the Village of Elmwood Park Police Department to comply with your FOIA request. My March 1, 2016, correspondence indicated that the Village of Elmwood Park Police Department would have to inspect every file from May 1, 2013, to the present in order to determine whether a subpoena was received for that file. In accordance with Section 3(g) of FOIA, I extended to you the opportunity to discuss this matter and attempt to reduce the scope of your FOIA request to manageable proportions. My correspondence indicated that it would be helpful if you provided the Village of Elmwood Park with detailed information, such as case numbers or defendant names, which would allow the Village of Elmwood Park Police Department to conduct a thorough search to identify and locate records responsive to your FOIA request. As of today, March 8, 2016, you have not contacted our office or the Village of Elmwood Park to reduce the scope of your FOIA request to manageable proportions. Accordingly, the portion of your FOIA request for records that are maintained by the Village of Elmwood Park Police Department is denied pursuant to Section 3(g) of FOIA.

The person responsible for the decision to deny a portion of your FOIA request is the Village of Elmwood Park Freedom of Information Officer, Gina Pesko. In accordance with Section 9(a) of FOIA, you are hereby notified that you have the right to file a Request for Review regarding the decision made by the Village of Elmwood Park Freedom of Information Officer with the Public Access Counselor at the Illinois Attorney General's Office. You can file your Request for Review with the Public Access Counselor by writing to:

Sarah Pratt  
Public Access Counselor  
Office of the Attorney General  
500 South 2<sup>nd</sup> Street  
Springfield, Illinois 62706  
Fax: 217-782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us)

**STORINO, RAMELLO & DURKIN**

Mr. Pasquale Martorana  
March 8, 2016  
Page 3

If you choose to file a Request for Review with the Public Access Counselor, you must do so within 60 calendar days of the date of this letter. Please note that you must include a copy of your original FOIA request and this letter when filing a Request for Review with the Public Access Counselor.

You are also notified that you have the right to judicial review regarding the decision made by the Village of Elmwood Park Freedom of Information Officer pursuant to Section 11 of FOIA.

Sincerely,

STORINO, RAMELLO & DURKIN  
Attorneys for the Village of Elmwood Park

  
\_\_\_\_\_  
Erin C. Tinaglia

Enclosures

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Sia Himargios

Plaintiff

vs.

Coca-Cola Refreshments USA, Inc. & Wanda Porter

Defendant

No. 14 L 11945

SUBPOENA IN A CIVIL MATTER

(For Testimony and/or Documents)

IMPORTANT NOTICE TO WITNESS THIS SUBPOENA WILL NOT NECESSITATE YOUR PERSONAL APPEARANCE IF YOU SIGN THE ENCLOSED STATEMENT AND SUBMIT ALL YOUR ORIGINAL RECORDS BY THE DUE DATE INDICATED ON THE SUBPOENA. FOR INFORMATION CALL 312-236-8352

To: THE KEEPER OF RECORDS FOR

Village of Elmwood Park

11 Conti Parkway

Elmwood Park, IL 60707

Attn: Custodian of Records

- 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable... in Room... Illinois on... at... m.
2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at:... in Room... Illinois on... at... m.
[X] 3. YOU ARE COMMANDED to mail the following documents in your possession or control to U.S. Legal Support, Inc. 200 W. Jackson Blvd. Suite: 600, Chicago, IL, 60606 on 04/13/2015 9:00AM. (THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.): See attached rider regarding: Sia Himargios, dob: 04/14/1940, address: 2515 North 75th Court Elmwood Park IL 60707

Description continued on attached page(s).

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT. Notice to Deponent:

- 1. The Deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows:

Description continued on attached page(s).

(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matter on which that person will testify. Ill. Sup.Ct. Rule 206.)

- 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by... (Name of Recording Device Operator)
3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206 (d).

Atty. No. ARDC 1859080

Cert# 9171901050006001256014

Name: Timothy McMahon, Wiedner & McAuliffe, Ltd.

WITNESS March 27, 2015

Atty. for: Defendant

Address: One North Franklin Suite 1900

City/State/Zip: Chicago, IL 60606

Telephone: 312-855-1105

Dorothy Brown Clerk of Court

FOR INFORMATION REGARDING THIS SUBPOENA PHONE: (312-236-8352)

- I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to Village of Elmwood Park By certified mail, return receipt requested (Receipt # 9171901050006001256014) on Friday, March 27, 2015 I paid the witness \$... for witness and mileage fees.
I served this subpoena by handing a copy to... on... I paid the witness \$... for witness and mileage fees.

(Signature of Server)

(Print Name)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

RIDER TO RECORD DEPOSITION OF THE VILLAGE OF ELMWOOD PARK

Re: Sia Himargios v. Coca-Cola Refreshments USA, Inc. & Wanda Porter

Court No: 2014 L 11945(Cook County Circuit Court)

Definition

The word "documents" includes without limitation: writings, drawings, charts, graphs, sketches, written descriptions or specifications, calculations, photographs (and the negative of every photograph), films, computer programs, tapes or other recordings (and every transcription thereof), databases, letters, intra-corporate communications, studies, accident or other reports, witness or investigative statements, notes, agreements, diaries, calendars, appointment books, summaries, meeting or other minutes, daily logs, journals, contracts, invoices, memoranda of personal or telephone conversations, correspondence test results and data, samples, models, diagrams, service bulletins, brochures, manuals and any or all other written, printed, typed or otherwise recorded matter of whatsoever nature (including all retrievable information in computer storage) regardless of whether originals, duplicates or copies, and each copy of the foregoing which contains handwritten notations or is for any other reason non-identical.

1. Any and all documents (such as a legend or key) pertaining to the traffic signal timing sequences in use at the intersection of Grand Avenue and 75<sup>th</sup> Avenue, Village of Elmwood Park, Cook County, Illinois for December 2013.
2. Any and all documents that explain abbreviations, symbols, and codes used to interpret the documents sought in request #1, above.

**PROPOUND SUBPOENA ON:**

Village of Elmwood Park  
11 Conti Parkway  
Elmwood Park, IL 60707

Sia Himargios  
vs.  
Coca-Cola Refreshments USA, Inc. & Wanda  
Porter

NO. 14 L 11945

**NOTICE**

To: Plaintiff by and through their attorney(s) of record:  
Joseph Fitzsimmons  
Joseph T. Fitzsimmons  
661 West Lake Street, Suite 2S  
Chicago, Illinois 60661

To: other party/parties by and through their attorney(s) of  
record:

**PLEASE TAKE NOTICE** that the following requested documents are due in our office:

**DEPONENT / DATE / TIME**

1 - Village of Elmwood Park, Elmwood Park, IL on 04/13/2015 9:00AM Record type: Any & All

Before a Notary Public or other officer authorized to administer oaths, at **200 W. Jackson Blvd. Suite: 600, Chicago, IL 60606**, 312-236-8352 in the above entitled cause, pursuant to applicable statutes and Rules of Court.

**There will be no interrogation of the Deponent/s.  
If there are any questions regarding this request  
please call 312-236-8352.**

FOR COPIES OF RECORDS  
YOU MUST CALL BEFORE  
THE DUE DATE  
PHONE 312-236-8352  
U.S. Legal Support, Inc.  
200 W. Jackson Blvd. Suite:  
600  
Chicago, IL 60606

Wiedner & McAuliffe, Ltd./  
Timothy McMahon  
One North Franklin Suite 1900  
Chicago, IL 60606  
Law Firm for: Defendant

A copy of the above Notice was Mailed/Delivered to the above named on March 27, 2015.

No. 14 L 11945

Sia Himargios  
vs.  
Coca-Cola Refreshments USA, Inc. & Wanda  
Porter

§  
§  
§  
§  
§  
§  
§

**SERVICE LIST:**

Law Firm Representation:

Joseph Fitzsimmons  
Joseph T. Fitzsimmons  
661 West Lake Street, Suite 2S  
Chicago, IL 60661  
773-852-7120 Fax:

Timothy McMahon  
Wiedner & McAuliffe, Ltd.  
One North Franklin Suite 1900  
Chicago, IL 60606  
312-855-1105 Fax: 312-855-1792

2180 - Served  
2280 - Served  
2380 - Served by Mail

(Rev. 12-88) CCG-14

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

JOSE GARCIA-SERRATO,

Plaintiff,

v.

DIEGO CINQUEGRANI and MARIA  
CINQUEGRANI,

Defendants.

No. 13 L 007687

**SUBPOENA FOR RECORDS**

TO: Custodian of Records for  
Village Of Elmwood Park  
11 Conti Parkway  
Elmwood Park, IL 60707

**IMPORTANT**  
THIS SUBPOENA WILL NOT NECESSITATE  
YOUR PERSONAL APPEARANCE IF YOU  
SUBMIT ALL YOUR RECORDS BY THE DUE  
DATE INDICATED ON THE SUBPOENA.  
For information call 312-683-3000

YOU ARE COMMANDED to appear to give your deposition before a notary public at Bruce Farrel Dorn & Associates at 120 N. La Salle St., Ste. 1900, Chicago, IL 60602, on **October 29, 2014, at 2:00 p.m.** As an added security precaution, our office requests that all visitors present photo identification before gaining entrance. Please be prepared to show official photo identification upon arrival.

YOU ARE COMMANDED ALSO to bring the following:

Any and all plats of 72<sup>nd</sup> Avenue in Elmwood Park, Illinois, specifically plats regarding the 2600 block of North 72<sup>nd</sup> Avenue which show the dimensions of the public way (street, parkway, sidewalk) for North 72<sup>nd</sup> Avenue in Elmwood Park, Illinois, specifically at 2640 North 72<sup>nd</sup> Avenue, Elmwood Park, Illinois as of June 10, 2012;

Any and all documents regarding maintenance, inspections and repairs of the public sidewalk in front of 2640 North 72<sup>nd</sup> Avenue, Elmwood Park, Illinois from the period of June 10, 2012 through June 10, 2014.

in your possession or control.

**YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**

WITNESS           OCT 09 2014            
          DOROTHY BROWN          

Atty. No. 15088  
Name BRUCE FARREL DORN & ASSOCIATES  
Attorney For Maria Cinquegrani and Diego Cinquegrani  
Address 120 N. LaSalle St., Suite 1900  
City Chicago, Illinois 60602  
Telephone (312) 683-3000  
Employees of the Corporate Law Department  
State Farm Mutual Automobile Insurance Company

I served this subpoena by mailing a copy to the above deponent on October 9, 2014. I paid the witness \$30.00 for witness and mileage fees.

Signed and sworn to before me           10-09-14          

          Diana Ponce          

dp - 10/08/14 - 13CHIC28542 KK

OFFICIAL SEAL  
SHAWN KRAV  
NOTARY PUBLIC-STATE  
MY COMMISSION EXPIRES

Notary Public



**BRUCE FARREL DORN & ASSOCIATES**

**ATTORNEYS AT LAW**

**Employees of The Corporate Law Department  
State Farm Mutual Automobile Insurance Company**

120 N. LaSalle Street, Suite 1900  
Chicago, Illinois 60602

Telephone: (312) 683-3000  
Facsimile: (312) 683-3040  
Facsimile: (312) 683-3050

Bruce Farrel Dorn  
Timothy L. Strawbridge  
John R. Bailen  
Joni M. Cali-Grabow  
Henry P. Wolff  
Scott C. Shearn  
Jamie Kittel Manfre  
Gail P. Rosinski Gross  
Ellen J. O'Rourke  
Yvonne M. Kaminski  
Donna Clarke  
Steven Christophell  
James L. Byrne  
Harold Himelman  
Pamela W. Jacover  
Craig D. Lederer  
Kathryn A. Gallanis  
Daniel J. Lachat  
Carol P. Woosley  
Jack B. Batten  
Richard J. Aronson  
Ken Klimczak  
Kelley A. O'Donnell

Stephen K. Larmore  
Hugh J. Doyle  
Renee Wishnia  
Erin Kristina Smith  
William G. Warshaw  
Daniel A. Popko  
Mark A. Martin  
Jonathan C. Suttle  
Rebecca A. Nanney  
Michelle S. DeLise  
Joan M. Bradley  
Elizabeth Anne Walsh  
Christine M. Yurochik  
Gregory A. Suhar  
Christopher L. Ehresman  
Katherine E. Linehan  
Adam K. Hanna  
Anndra L. Herzog  
Cheyne E. Adam  
Patrick J. Sprague  
Svetlana Gitman  
Renee M. Mehl

Date: October 15, 2014

TO: ..	NAME	FAX NUMBER	TELEPHONE NUMBER
1)	Kim - Village of Elmwood Park	708-452-3957	
2)			
3)			

File Number: \_\_\_\_\_ RE: Garcia-Serrato v. Cinquegrani

Client: \_\_\_\_\_ Total Pages Transmitted (including cover sheet): 2

Claim Number: \_\_\_\_\_

**NOTICE: PRIVILEGED AND CONFIDENTIAL**

The information contained in this facsimile message and any attachments contains privileged and confidential material intended for the sole use of the individual(s) named above. The sender wishes to preserve the attorney-client, work-product, and any other privilege, as applicable. If you are not an intended business recipient listed above, or an employee or agent of such recipient who is responsible for delivering this material to them, you are hereby notified that any disclosure, duplication, distribution, or other use of this information or the taking of any action in reliance on the contents of this transmission, without the express written consent of the sender, is STRICTLY PROHIBITED. If you have received this transmission in error, please notify the sender immediately by telephone, so the return of this material can be arranged at no cost to you. Receipt by anyone other than the intended recipients is not a waiver of any attorney-client, work-product, or other applicable privilege.

FROM: Ken Klimczak

For transmission difficulties, please contact: Diana

Telephone Number: 312-683-1047 FAX Number: \_\_\_\_\_

**Message**

Kim,  
Per your request, attached please find an Amended Subpoena Notice for Records only.  
Thank you.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

JOSE GARCIA-SERRATO,

Plaintiff,

v.

DIEGO CINQUEGRANI and MARIA  
CINQUEGRANI,

Defendants.

No. 13 L 007687

AMENDED SUBPOENA FOR RECORDS

TO: Custodian of Records for  
Village Of Elmwood Park  
11 Conti Parkway  
Elmwood Park, IL 60707

**IMPORTANT**  
THIS SUBPOENA WILL NOT NECESSITATE  
YOUR PERSONAL APPEARANCE IF YOU  
SUBMIT ALL YOUR RECORDS BY THE DUE  
DATE INDICATED ON THE SUBPOENA.  
For information call 312-683-3000

- YOU ARE COMMANDED to appear to give your deposition before a notary public at Bruce Farrel Dorn & Associates at 120 N. La Salle St., Ste. 1900, Chicago, IL 60602, on October 29, 2014, at 2:00 p.m. As an added security precaution, our office requests that all visitors present photo identification before gaining entrance. Please be prepared to show official photo identification upon arrival.

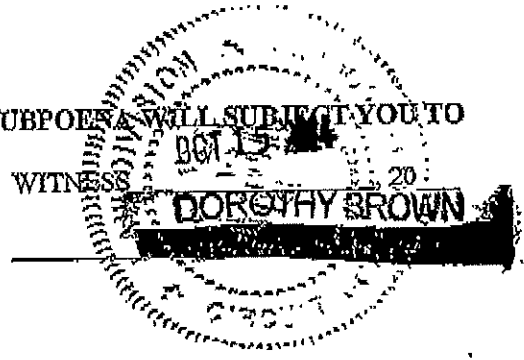
YOU ARE COMMANDED ALSO to bring the following:

Any and all plats of 72<sup>nd</sup> Court in Elmwood Park, Illinois, specifically plats regarding the 2600 block of North 72<sup>nd</sup> Court which show the dimensions of the public way (street, parkway, sidewalk) for North 72<sup>nd</sup> Court in Elmwood Park, Illinois, specifically at 2640 North 72<sup>nd</sup> Court, Elmwood Park, Illinois as of June 10, 2012;

Any and all documents regarding maintenance, inspections and repairs of the public sidewalk in front of 2640 North 72<sup>nd</sup> Court, Elmwood Park, Illinois from the period of June 10, 2012 through June 10, 2014.

in your possession or control.

**YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**



Atty. No. 15088  
Name BRUCE FARREL DORN & ASSOCIATES  
Attorney For Marja Cinquegrani and Diego Cinquegrani  
Address 120 N. LaSalle St., Suite 1900  
City Chicago, Illinois 60602  
Telephone (312) 683-3000  
Employees of the Corporate Law Department  
State Farm Mutual Automobile Insurance Company

I served this subpoena by mailing a copy to the above deponent on October 15, 2014. I paid the witness \$30.00 for witness and mileage fees.

Signed and sworn to before me

*Oct. 15, 2014* *Diana Parce*

OFFICIAL  
SHAWN KR  
NOTARY PUBLIC-ST  
MY COMMISSION EX

Notary Public

