

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
WHEATON, DU PAGE COUNTY, ILLINOIS**

**VILLAGE OF WOODRIDGE**, a municipal corporation,

Plaintiff,

v.

**BOARD OF EDUCATION OF COMMUNITY HIGH SCHOOL DISTRICT 99**, a body politic and corporate, **COUNTY BOARD OF SCHOOL TRUSTEES OF DU PAGE COUNTY, ILLINOIS**, a body politic and corporate, for the use and benefit of School District Number 99, Du Page County, Illinois and **UNKNOWN OWNERS**,

Defendants.

No. 05 ED 64

**MOTION IN LIMINE TO BAR  
APPRAISALS FROM NON-DESIGNATED APPRAISERS**

Defendant Community High School District 99 (the "High School District), by DLA Piper US LLP, its attorneys, moves *in limine* to bar the introduction into evidence or mention at trial of appraisals of the subject property by Thomas M. Collins, John C. Lewe III, Michael S. MaRous, or Kenneth Polach. In support of the motion, the High School District states:

1. On November 15, 2007, plaintiff the Village of Woodridge identified its Rule 213(f) appraisal witnesses as Roger Tibble and Joseph Thouvenell. On December 18, 2007, the High School District identified its Rule 213(f)(3) appraisal witnesses as Gary DeClark and Dale Kleszynski, and its Rule 213(f)(2) valuation witnesses as Michael Haney and Martin Jablonski.

2. On May 11, 1998, Thomas M. Collins appraised the subject property on behalf of the High School District. Pursuant to this Court's order of December 27, 2006, a copy of the Collins appraisal was produced in discovery by the High School District as document no. 0723-

0754.

3. On April 11, 2002, John C. Lewe III appraised the subject property on behalf of the High School District. Pursuant to this Court's order of December 27, 2006, a copy of the Collins appraisal was produced in discovery by the High School District as document no. 6953-6969.

4. On December 22, 2004, Michael S. MaRous appraised the subject property on behalf of the Village of Woodridge. A copy of the MaRous appraisal was produced in discovery by the Village as document no. 0133-0192.

5. On July 20, 2006, Kenneth Polach appraised the subject property as part of an attempt to settle this eminent domain suit.

6. The Village did not identify or disclose Collins, Lewe, MaRous or Polach as one of its Rule 213(f) appraisal witnesses. For this reason, no testimony regarding the appraisals of these individuals should be allowed in this case.

**WHEREFORE**, defendant Community High School District 99 respectfully requests this Court to enter an order *in limine* barring any introduction into evidence of or mention of the appraisals of Thomas M. Collins, John C. Lewe, Michael S. MaRous or Kenneth Polach in the trial of this cause.

Date: February 15, 2008

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**COMMUNITY HIGH SCHOOL DISTRICT 99**

By: 

One of its Attorneys

**CERTIFICATE OF SERVICE**

I, Thomas F. Geselbracht, an attorney, hereby certify that I caused the foregoing Motion

*In Limine* to Bar Appraisals from Non-Designated Appraisers, to be served upon:

Phillip A. Luetkehans  
Robert W. Funk  
Schriott & Luetkehans, P.C.  
105 East Irving Park Road  
Itasca, Illinois 60143

by e-mail delivery to [rfunk@sl-atty.com](mailto:rfunk@sl-atty.com) and by depositing true and correct copies so addressed in the United States postal drop located at 203 North LaSalle Street, Chicago, Illinois, before 5:00 p.m., this 15th day of February, 2008, with proper postage prepaid.

  
Thomas F. Geselbracht