

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.) No. 17-CF-1025
)
JOHN Y. BUTLER,)
)
Defendant.)

NOTICE OF HEARING

TO: McLean County State's Attorney
Law & Justice Center
104 West Front Street
Bloomington, IL 61701

John Y. Butler
9513 North 2125 East Road
Bloomington, IL 61705

YOU ARE HEREBY NOTIFIED that at 1:30 P.M. on August 27, 2019, or as soon thereafter as counsel may be heard, we shall appear before The Honorable William Yoder, or such other judge as may be substituting for the foregoing judge, in Courtroom 5C of the McLean County Law & Justice Center, 104 West Front Street, Bloomington, Illinois, for a hearing on Motion to Suppress.

Dated this 20th day of June, 2019.



TRISTAN N. BULLINGTON, Attorney at Law

TRISTAN N. BULLINGTON
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
TBullington@MeyerCapel.com
ARDC No. 6302971

McLEAN COUNTY
FILED
JUN 20 2019
CIRCUIT CLERK

PROOF OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the undersigned caused service of the foregoing **Notice of Hearing** to be made upon the recipient(s) designated below by the following method(s):



VIA U.S FIRST-CLASS MAIL: A true and correct copy of the foregoing instrument(s) was sent via regular U.S. first-class mail to the following person or professional office in a properly addressed envelope and bearing full prepaid postage deposited in a U.S. Post Office box in Bloomington-Normal, Illinois, on this 20th day of June, 2019.

John Y. Butler
9513 North 2125 East Road
Bloomington, IL 61705

McLean County State's Attorney's Office
Law & Justice Center
104 West Front Street
Bloomington, IL 61701

A handwritten signature in cursive script, reading "Tristan N. Bullington", is written over a horizontal line.

TRISTAN N. BULLINGTON
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
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STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.)
)
JOHN Y. BUTLER,)
)
Defendant.)

No. 17-CF-1025

McLEAN COUNTY
FILED
MAY 29 2019
CIRCUIT CLERK

**AGREED ORDER MODIFYING DEFENDANT'S BOND CONDITIONS
TO ALLOW OUT-OF-STATE TRAVEL**

This cause comes before the Court on the request of Defendant for modification of the conditions of bond to allow Defendant to engage in certain out-of-state travel. The State appears by and through Assistant State's Attorney David Rossi. The Defendant, JOHN Y. BUTLER, appears by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C. and Tristan N. Bullington of Meyer Capel, A Professional Corporation. The Court, being fully advised in the premises, hereby FINDS and ORDERS as follows:

1. The parties stipulate to entry of this *Agreed Order Modifying Defendant's Bond Conditions to Allow Out-of-State Travel*.
2. The Defendant is traveling to and from Louisville, Kentucky from May 30, 2019, to June 3, 2019, to attend the NCAA Division 1 baseball regional tournament.
3. The terms of the bond of the Defendant, JOHN Y. BUTLER, are hereby modified to permit Defendant to leave the State of Illinois for travel to and from Kentucky to allow the Defendant to attend his son's baseball tournament.

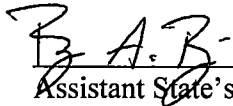
IT IS SO ORDERED.

Entered this 29 day of May, 2019.

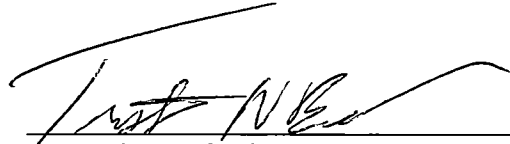


THE HONORABLE WILLIAM A. YODER
Judge of the Circuit Court

Approved as to Form and Substance:



Assistant State's Attorney



Counsel to Defendant

Prepared by:
Tristan N. Bullington
MEYER CAPEL, A Professional Corporation
202 North Center Street
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Fax]
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ARDC No. 6302971

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.)
)
JOHN Y. BUTLER,)
)
Defendant.)

No. 17-CF-1025

MCLEAN FILED
APR 16 2019
CIRCUIT CLERK COUNTY


**AGREED ORDER MODIFYING DEFENDANT'S BOND CONDITIONS
TO ALLOW OUT-OF-STATE TRAVEL**

This cause comes before the Court on the request of Defendant for modification of the conditions of bond to allow Defendant to engage in certain out-of-state travel. The State appears by and through Assistant State's Attorney David Rossi. The Defendant, JOHN Y. BUTLER, appears by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C. and Tristan N. Bullington of Meyer Capel, P.C. The Court, being fully advised in the premises, hereby FINDS and ORDERS as follows:

1. The parties stipulate to entry of this *Agreed Order Modifying Defendant's Bond Conditions to Allow Out-of-State Travel*.
2. The Defendant is traveling to and from Indianapolis, Indiana on May 26, 2019, to attend a family function.
3. The terms of the bond of the Defendant, JOHN Y. BUTLER, are hereby modified to permit Defendant to leave the State of Illinois for travel to and from Indiana to allow the Defendant to attend his family function.

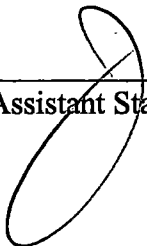
IT IS SO ORDERED.

Entered this 16 day of April, 2019.




THE HONORABLE WILLIAM A. YODER
Judge of the Circuit Court

Approved as to Form and Substance:



DAVID A. NOSH
Assistant State's Attorney



Tristan N. Bullington
Counsel to Defendant

Prepared by:
Tristan N. Bullington
MEYER CAPEL, A Professional Corporation
202 North Center Street
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Fax]
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ARDC No. 6302971

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.) No. 17-CF-1025
)
JOHN Y. BUTLER,)
)
Defendant.)

McLEAN
FILED
MAR 29 2019
CIRCUIT CLERK
ILLINOIS

**SUPPLEMENTAL AGREED ORDER MODIFYING DEFENDANT'S BOND
CONDITIONS TO ALLOW OUT-OF-STATE TRAVEL**

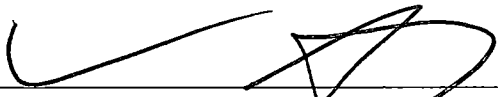
This cause comes before the Court on the request of Defendant for modification of the conditions of bond to allow Defendant to engage in certain out-of-state travel. The State appears by and through Assistant State's Attorney David Rossi. The Defendant, JOHN Y. BUTLER, appears by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C. and Tristan N. Bullington of Meyer Capel, P.C. The Court, being fully advised in the premises, hereby FINDS and ORDERS as follows:

1. The parties stipulate to entry of this *Supplemental Agreed Order Modifying Defendant's Bond Conditions to Allow Out-of-State Travel*.
2. The Defendant's son requires medical treatment in Missouri. It is anticipated that Defendant's son's treatment will be conducted primarily in April of 2019, with monthly follow up appointments thereafter for a period of approximately twelve months. The initial treatment may require overnight stays in the St. Louis metropolitan area.
3. The terms of the bond of the Defendant, JOHN Y. BUTLER, are hereby modified to permit Defendant to leave the State of Illinois for travel to and from Missouri to allow the

Defendant to transport his son to and from the above referenced medical appointments, and remain in the State during those treatments and any recovery period.

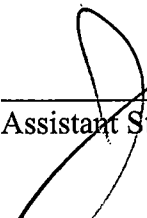
IT IS SO ORDERED.

Entered this 29 day of March, 2019.

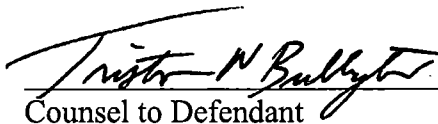


THE HONORABLE WILLIAM A. YODER
Judge of the Circuit Court

Approved as to Form and Substance:



DAVID A. NIL
Assistant State's Attorney



Tristan N. Bullington
Counsel to Defendant

Prepared by:
Tristan N. Bullington
MEYER CAPEL, A Professional Corporation
202 North Center Street
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Fax]
TBullington@MeyerCapel.com
ARDC No. 6302971



cts Exh 1
3/20/19

**ILLINOIS DEPARTMENT OF REVENUE
OFFICE OF LEGAL SERVICES**

Litigation Section
James R. Thompson Center
100 W. Randolph Street, Level 7-900
Chicago, Illinois 60601
(312) 814-3070

March 25, 2019

VIA EMAIL TRANSMISSION AND U.S. MAIL

The Honorable Judge Will Yoder
Circuit Judge
McLean County Law & Justice Center
104 W. Front Street
Bloomington, IL 61701

Re: People v. John Butler, 17-CF-1025

Dear Judge Yoder,

I am a Special Assistant Attorney General assigned to the Legal Services Division of the Illinois Department of Revenue. I am in receipt of a Subpoena Duces Tecum and an Order Enforcing Compliance with same subpoena issued by the court. I have been assigned by the Department to effect compliance with the subpoena. The Order gave the Department 21 days to comply which will expire today.

As of today, the Department will not be able to comply with the subpoena and is requesting an additional 14 days to provide the subpoenaed documents. I anticipate that compliance will occur on or before the new date. I have notified both the State and Defendant of this request via telephone and will be sending them a copy of this letter. Thank you in advance for your consideration.

Sincerely,

JAMES A. RUSTIK
Special Assistant Attorney General
Legal Services
Illinois Department of Revenue
100 W. Randolph Street, Suite 7-321
Chicago, Illinois 60601
312-814-3120.

McClellan County State's Attorney
David Rossi

Attorneys for Defendant
Tristan Bullington
J. Steven Beckett

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Plaintiff,)
)
 vs.)
)
 JOHN Y. BUTLER,)
)
 Defendant.)

No. 17-CF-1025

McLEAN COUNTY
FILED
MAR 04 2019
CIRCUIT CLERK

**ORDER ENFORCING COMPLIANCE WITH SUBPOENA DUCES TECUM UPON
ILLINOIS DEPARTMENT OF REVENUE**

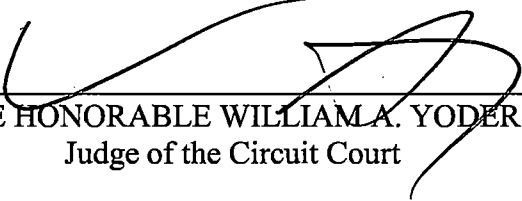
This cause comes before the Court on the request of Defendant for enforcement of the Subpoena Duces Tecum served upon the Illinois Department of Revenue. The State appears by and through Assistant State's Attorney David Rossi. The Defendant, JOHN Y. BUTLER, appears by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C. and Tristan N. Bullington of Meyer Capel, P.C. The Court, being fully advised in the premises, hereby FINDS and ORDERS as follows:

1. On January 18, 2019, the Defendant filed a Subpoena Duces Tecum to the Illinois Department of Revenue requesting audit reports conducted by the Illinois Department of Revenue of BMI Concessions, LLC.
2. After service of the subpoena upon the Department, Assistant Attorney General Rustik indicated the Department will not release the requested records absent a court order.
3. Under the authority of 35 ILCS 120/11, the Defendant is the taxpayer and authorized representative of BMI Concessions, LLC, and is therefore entitled to the information requested by the Subpoena Duces Tecum.
4. The State has no objection to the entry of this order.

5. The Illinois Department of Revenue shall comply with the Subpoena Duces Tecum and turn over the requested documentation within 21 days of the entry of this order.

IT IS SO ORDERED.

Entered this 4 day of March, 2019.



THE HONORABLE WILLIAM A. YODER
Judge of the Circuit Court

Prepared by:
Tristan N. Bullington
MEYER CAPEL, A Professional Corporation
202 North Center Street
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Fax]
TBullington@MeyerCapel.com
ARDC No. 6302971

IN THE CIRCUIT COURT FOR THE ELEVENTH JUDICIAL CIRCUIT
McLEAN COUNTY, ILLINOIS

THE PEOPLE OF THE STATE,)
OF ILLINOIS,)
)
Plaintiff,)
)
v. /)
)
JOHN Y. BUTLER,)
)
Defendant.)

Case No. 17-CF-1025

McLEAN COUNTY
FILED
MAR 29 2019
CIRCUIT CLERK

MOTION TO QUASH SUBPOENA

NOW COMES the Movant, THE CITY OF BLOOMINGTON (“City”), by and through its attorneys Sorling Northrup, Gregory E. Moredock, of counsel, and for its Motion to Quash Subpoena states as follows:

1. On June 7, 2018, the City of Bloomington was served with two Subpoena Duces Tecum requesting e-mails and other electronic records in relation to this case. This Court quashed that subpoena due to its expansive and overly broad nature.

2. On August 14, 2018, Defendant served the City with a new Subpoena Duces Tecum which separated the requests into thirteen separate sub-categories of documents, eleven of which requested emails exchanged by and among several different groups of individuals.

3. At the outset of searching, compiling, reviewing and providing these electronic messages, it was explained that attachments to emails were stored in a different location and would not be included in the response.

4. The City responded to the Subpoena on November 6, 2018, December 20, 2018, January 15, 2019, and February 14, 2019, providing several hundred thousand documents, all of which needed to be reviewed and potentially redacted for attorney client privilege.

5. On January 24, 2019, after virtually all of the documents in this case had been provided, Defendant requested that all attachments to all emails be provided.

6. Attachments are indicated on the emails provided by an icon and a brief description of the attachment.

7. The emails provided in the subpoena response include several duplicate email chains and several emails not material to the case.

8. The use of subpoenas to have compulsory process for witnesses in his favor in criminal prosecutions is guaranteed by the Sixth Amendment and encompasses the production of documentary evidence by Subpoena duces tecum; however, subpoenas should not be “general fishing expeditions,” and cannot be oppressive, unreasonable, or overbroad. People ex re. Fisher v. Carey, 77 Ill.2d 259, 265, 270 (1979).

9. A court should grant a motion to quash a subpoena if a request is oppressive, unreasonable, and overbroad. Carey, supra.

10. Defendant refuses to identify the date and time of the email sent that contains the attachment he seeks. Instead, Defendant demands that the City review every single email, again, and provide him with all attachments, regardless of their relevance to this matter.

11. Defendant's current position would require, for example, the City to review the previous tens of thousands of emails of Kelly Klein provided on February 14, 2019 to determine if there was an attachment. That review would result in the City providing thousands of pages of hockey player biographies and Bloomington Thunder post-game recaps, many of these documents being duplicates.

12. The process of retrieving these email attachments is as follows: City staff must review emails individually, locate the attachment, note the date and time of the message to which the attachment belongs, search a separate server by inputting the date and time of the message, select any corresponding attachment(s) to the message, and creating a new file with that attachment.

12. Defendant is trying to place all of the burden of discovery in his case on the City. It is his burden to tailor his subpoena in a reasonable and narrow manner. Requesting all attachments, regardless of relevance to the instant case, is unreasonable, overly broad, and oppressive.

13. The City has already spent hundreds of hours compiling, reviewing, and providing documents pursuant to this Subpoena. It is Defendant's burden to identify which attachments he needs, and request those specific attachments. He cannot simply demand that every attachment be turned over without specifying the document; doing so amounts to a general fishing expedition.

14. To comply with the demand to provide all of the attachments, including irrelevant, repetitive attachments, would be oppressive and unreasonable to the City of Bloomington and the taxpayers funding the hundreds of hours of work being expended on these broad requests.

WHEREFORE, Movant, THE CITY OF BLOOMINGTON prays that the Subpoena served by Defendant upon City be quashed as to the attachments to emails, or, in the alternative, that the Subpoena be modified to include only relevant documents to the instant proceeding and the City be granted an extension to review and respond to the Subpoena and be less burdensome and for any other relief that this Court deems just.

*

Respectfully submitted,

THE CITY OF BLOOMINGTON,
Movant,

By: 
One of Its Attorneys

Sorling Northrup
Gregory E. Moredock, of Counsel #6313538
1 North Old State Capitol Plaza, Suite 200
P.O. Box 5131
Springfield, IL 62705
Phone: 217-544-1144
Fax: 217-522-3173
E-mail: gemoredock@sorlinglaw.com

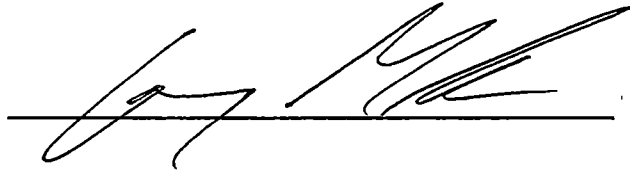
PROOF OF SERVICE

The undersigned hereby certifies that on this 11 day of March, 2019, a copy of the foregoing document was served electronically and by placing same in a sealed envelope and placed in the United States Mail at Springfield, Illinois with postage fully prepaid, to the following:

Attorney for State
McLean County State's Attorney
104 W. Front St.
Bloomington, Illinois 61702

Attorney for Defendant
J. Steven Beckett
Beckett Law Office PC
508 South Broadway Ave.
Urbana, IL 61801
steve@beckettlawpc.com

Courtesy Copy To:
The Honorable William A. Yoder
Judge of the McLean County Circuit Court
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

A handwritten signature in black ink, appearing to read "J. Steven Beckett", is written over a horizontal line.

McLEAN COUNTY
FILED
MAR 15 2019
CIRCUIT CLERK

IN THE CIRCUIT COURT FOR THE ELEVENTH JUDICIAL CIRCUIT
McLEAN COUNTY, ILLINOIS

THE PEOPLE OF THE STATE,)	
OF ILLINOIS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 17-CF-1025
)	
JOHN Y. BUTLER,)	
)	
Defendant.)	

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13. The City has already spent hundreds of hours compiling, reviewing, and providing documents pursuant to this Subpoena. It is Defendant's burden to identify which attachments he needs, and request those specific attachments. He cannot simply demand that every attachment be turned over without specifying the document; doing so amounts to a general fishing expedition.

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WHEREFORE, Movant, THE CITY OF BLOOMINGTON prays that the Subpoena served by Defendant upon City be quashed as to the attachments to emails, or, in the alternative, that the Subpoena be modified to include only relevant documents to the instant proceeding and the City be granted an extension to review and respond to the Subpoena and be less burdensome and for any other relief that this Court deems just.

Respectfully submitted,

THE CITY OF BLOOMINGTON,
Movant,

By: 

One of Its Attorneys

Sorling Northrup
Gregory E. Moredock, of Counsel #6313538
1 North Old State Capitol Plaza, Suite 200
P.O. Box 5131
Springfield, IL 62705
Phone: 217-544-1144
Fax: 217-522-3173
E-mail: gemoredock@sorlinglaw.com

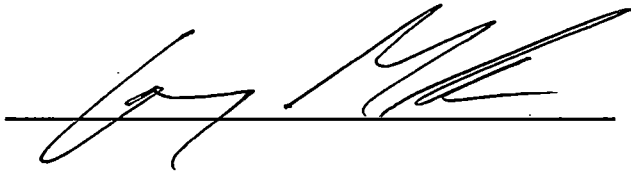
PROOF OF SERVICE

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Attorney for State
McLean County State's Attorney
104 W. Front St.
Bloomington, Illinois 61702

Attorney for Defendant
J. Steven Beckett
Beckett Law Office PC
508 South Broadway Ave.
Urbana, IL 61801
steve@beckettlawpc.com

Courtesy Copy To:
The Honorable William A. Yoder
Judge of the McLean County Circuit Court
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

A handwritten signature in black ink, appearing to read "J. Steven Beckett", is written over a horizontal line.

STATE OF ILLINOIS
COUNTY OF McLEAN

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT

People of the State of Illinois
Plaintiff/Petitioner,)
)
vs)
)
John Y. Butler
Defendant/Respondent.)

No. 17-CF-1025

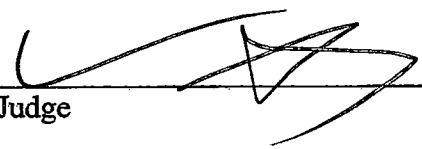
McLEAN COUNTY
FILED
MAR 04 2019
CIRCUIT CLERK

ORDER

This cause comes before the Court on Defendants'
Motion to Modify Bond, The Court being fully advised in
the premises, hereby FINDS and ORDERS:

1. Defendants' bond is modified to allow Defendant to
travel to Chesterfield, Missouri for the purposes of taking
his son to a medical appointment,

DATE: 3/4/19


Judge

Name
Attorney for
Address
City
Telephone

**IN THE CIRCUIT COURT FOR THE
ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
MCLEAN COUNTY**

FILED
McLEAN COUNTY
FEB 28 2019
CIRCUIT CLERK

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
)
v.)
)
JOHN Y. BUTLER)
Defendant.)

No. 2017-CF-1025

**MOTION TO ENFORCE SUBPOENA DUCES TECUM TO ILLINOIS
DEPARTMENT OF REVENUE**

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C., and Tristan N. Bullington of Meyer Capel, P.C., and in support of his *Motion to Enforce Subpoena Duces Tecum to Illinois Department of Revenue* states as follows:

1. On January 18, 2019, Defendant filed a Subpoena *Duces Tecum* which requested, “[a]ny and all audit reports conducted by the Illinois Department of Revenue of BMI Concessions, LLC (of which John Butler is the owner and proprietor), whose Illinois Business Tax Number is 3685-0667” from January 1, 2010 through the date of production. (A true and accurate copy of this Subpoena is attached hereto as Exhibit A)
2. Counsel for the Defendant has reached out to the Illinois Department of Revenue (hereinafter “the Department”) several times to work with the Department on obtaining the subpoenaed information.
3. James Rustik, an Assistant Attorney General, has been communicating with Counsel for the Defendant on behalf of the Department.
4. On February 26, 2019, James Rustik, indicated that the Department’s position is that Defendant must have a court order before the Department will release the audit records,

even though the records are those that John Butler is entitled to receive as his personal business records.

5. In assuming this position, the Department relies on 35 ILCS 120/11, which states that all information received from returns filed under the Retailer's Occupation Act is confidential and any person who divulges any such information is guilty of a Class B misdemeanor.
6. However, that same statute states that nothing in the Act shall prevent the disclosure of information to "any person pursuant to a request or authorization made by the taxpayer or by an authorized representative of the taxpayer." 35 ILCS 120/11.
7. John Butler is the taxpayer and the authorized representative of BMI Concessions, LLC and through a Subpoena *Duces Tecum*, he has made a request for information in the Department's possession that relates to him.

WHEREFORE, the Defendant, JOHN Y. BUTLER, prays that the Court order the Illinois Department of Revenue to comply with the Subpoena *Duces Tecum*, turn over the requested records, and for all such other relief that the Court deems just and appropriate.

Respectfully Submitted,

JOHN Y. BUTLER, Defendant

By:


Tristan N. Bullington

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Ave.
Urbana, IL 61801
(217) 328-0263
(217) 328-0290 (FAX)
steve@beckettlawpc.com
ARDC No. 0151580

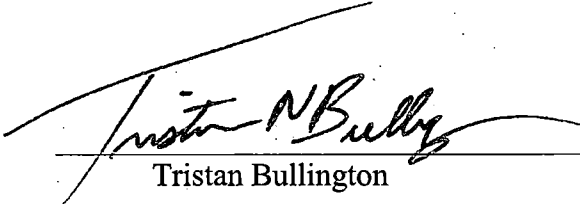
CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is one of the attorneys for the Defendant in this above-titled cause, and that on February 28, 2019, he did cause a copy of the foregoing Defendant's *Motion To Enforce Subpoena Duces Tecum To Illinois Department Of Revenue* to be placed in the U.S. Mails in Urbana, Illinois in an envelope securely sealed, by hand delivery to the following:

State's Attorney's Office
McLean County Courthouse
104 W. Front Street
Bloomington, IL 61701

The undersigned further hereby certifies that he is one of the attorneys for the Defendant in this above-titled cause, and that on February 28, 2019, he did cause a copy of the foregoing Defendant's *Motion To Enforce Subpoena Duces Tecum To Illinois Department Of Revenue* to be placed in the U.S. Mails in Urbana, Illinois in an envelope securely sealed, with postage pre-paid, and legibly addressed to the following:

Illinois Department of Revenue
Angela Eaton Hamilton
101 W. Jefferson
Springfield, IL 62702



Tristan Bullington

J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Ave.
Urbana, IL 61801
(217) 328-0263
(217) 328-0290 (FAX)
steve@beckettllawpc.com
ARDC No. 0151580

**STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN**

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Plaintiff,)
)
 vs.) No. 17-CF-1025
)
 JOHN Y. BUTLER,)
)
 Defendant.)

FILED
JAN 18 2019
CIRCUIT CLERK

MCLEAN COUNTY

SUBPOENA DUCES TECUM

TO: Illinois Department of Revenue
Angela Eaton Hamilton
101 W. Jefferson
Springfield, IL 62702

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This *Subpoena Duces Tecum* outlines what you are required to do.

YOU ARE COMMANDED to identify, locate, and produce the following items or evidence:

Any and all audit reports conducted by the Illinois Department of Revenue of BMI Concessions, LLC (of which John Butler is the owner and proprietor), whose Illinois Business Tax Number is 3685-0667.

The applicable period for documents encompassed by this subpoena shall be from January 1, 2010, through the date of production.

YOU ARE FURTHER COMMANDED to produce the foregoing items or evidence by delivering them to the following judicial officer.

The Honorable William Yoder
Circuit Judge
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

YOU ARE FURTHER COMMANDED to appear before the foregoing judicial officer at 1:30 P.M. on **March 4, 2019**, to produce and deliver the above-identified items or evidence in Courtroom 3D, or the courtroom to which you are directed by courthouse personnel on that date. Please note, however, that



your appearance in court is not required on this date if you produce and deliver the foregoing documents to the specified judicial officer on or before the date and time listed above. If you have questions or wish to make arrangements for the delivery to the foregoing judicial officer of responsive items and documents encompassed by this *Subpoena Duces Tecum*, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this *Subpoena Duces Tecum*, then you may contact the undersigned attorney. You may not, however, deliver the responsive items or evidence to the undersigned attorney; instead, the responsive items or evidence must be delivered only to the foregoing judicial officer.

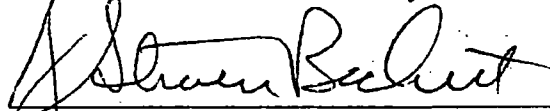
If the responsive items or documents are voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: January 18, 2019

On behalf of the Circuit Court by



J. STEVEN BECKETT, Attorney at Law and
Attorney for John Butler

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Ave.
Urbana, IL 61801
(217) 328-0263
(217) 328-0290 (FAX)
steve@beckettlawpc.com
ARDC No. 0151580

IN THE CIRCUIT COURT FOR THE
ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
MCLEAN COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)

Plaintiff,)

v.)

No. 2017-CF-1025

JOHN Y. BUTLER)

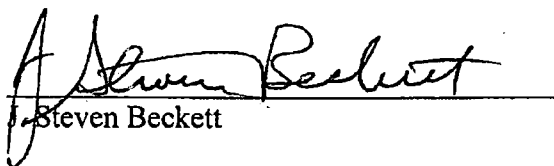
Defendant.)

McLEAN COUNTY
FILED
JAN 18 2019
CIRCUIT CLERK

NOTICE OF FILING

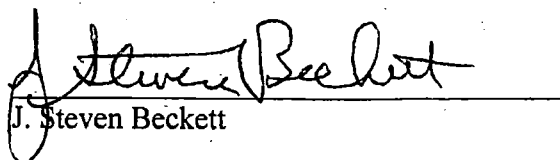
TO: Bradley Rigdon
State's Attorney's Office
McLean County Courthouse
104 W. Front Street
Bloomington, IL 61701

YOU ARE HEREBY NOTIFIED that on the 18th day of January, 2019, I filed with the Clerk of the Eleventh Judicial Circuit, McLean County, Illinois, Defendant's *Subpoena Duces Tecum to the Illinois Department of Revenue* in the above referenced matter which is attached hereto.


J. Steven Beckett

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of January, 2019, a copy of the foregoing Defendant's *Subpoena Duces Tecum to the Illinois Department of Revenue* and Notice of Filing was hand delivered to the above-named individual.


J. Steven Beckett

J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Ave.
Urbana, IL 61801
(217) 328-0263
(217) 328-0290 (FAX)
steve@beckettlawpc.com
ARDC No. 0151580

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.)
)
JOHN Y. BUTLER,)
)
Defendant.)

No. 17-CF-1025

McLEAN COUNTY
FILED
FEB 14 2019
CIRCUIT CLERK

**AGREED ORDER MODIFYING DEFENDANT'S BOND CONDITIONS
TO ALLOW OUT-OF-STATE TRAVEL**

This cause comes before the Court on the request of Defendant for modification of the conditions of bond to allow Defendant to engage in certain out-of-state travel. The State appears by and through Assistant State's Attorney David Rossi. The Defendant, JOHN Y. BUTLER, appears by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C. and Tristan N. Bullington of Meyer Capel, P.C. The Court, being fully advised in the premises, hereby FINDS and ORDERS as follows:

1. The parties stipulate to entry of this *Agreed Order Modifying Defendant's Bond Conditions to Allow Out-of-State Travel*.
2. The Defendant's son plays baseball for Illinois State University.
3. The terms of the bond of the Defendant, JOHN Y. BUTLER, are hereby modified to permit Defendant to leave the State of Illinois for travel to and from the following locations for the specified dates to allow the Defendant to observe his son's baseball games:
 - A. For the period of February 15-17, 2019, Defendant may travel to and from Nashville, Tennessee. Defendant represents that he will be traveling by automobile and staying at the Marriott Courtyard in 1901 West End in Nashville, Tennessee.

B. For the period of February 22-24, 2019, Defendant may travel to and from Conway, Arkansas. Defendant represents that he will be traveling by automobile and staying at the Fairfield Inn Conway at 2260 Sanders Road in Conway, Arkansas.

C. For the period of March 1-3, 2019, Defendant may travel to and from Murray, Kentucky. Defendant represents that he will be traveling by automobile and staying at the Springhill Suites at 1512 North 12th in Murray, Kentucky.

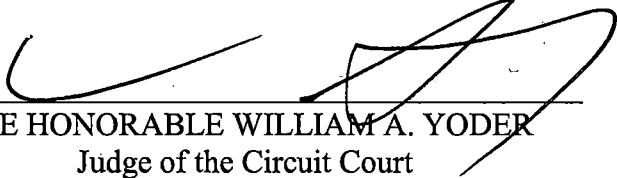
D. For the period of March 8-20, 2019, Defendant may travel to and from Nashville, Tennessee. Defendant represents that he will be traveling by automobile and staying at the Marriott Courtyard at 1901 West End, Nashville, Tennessee.

E. For the period of March 29-31, 2019, Defendant may travel to and from Omaha, Nebraska. Defendant represents that he will be traveling by automobile and staying at the Courtyard Omaha at 101 South 10th Street in Omaha, Nebraska.

F. For the period of April 5-7, 2019, Defendant may travel to and from Valpraiso, Indiana. Defendant represents that he will traveling by automobile and no overnight accommodations will be required as he will return home each day.

IT IS SO ORDERED.

Entered this 14 day of Feb, 2019.

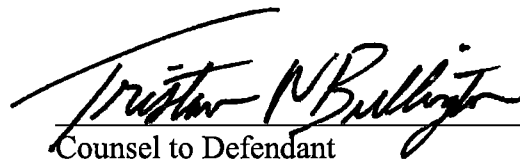


THE HONORABLE WILLIAM A. YODER
Judge of the Circuit Court

Approved as to Form and Substance:



Assistant State's Attorney



Counsel to Defendant

Prepared by:
Tristan N. Bullington
MEYER CAPEL, A Professional Corporation
202 North Center Street
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Fax]
TBullington@MeyerCapel.com
ARDC No. 6302971

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

PEOPLE OF THE STATE OF ILLINOIS,)

Plaintiff,)

vs.)

JOHN Y. BUTLER,)

Defendant.)

No. 17-CF-1025

McLEAN COUNTY
FILED
FEB 13 2019
CIRCUIT CLERK


NOTICE OF HEARING

TO: McLean County State's Attorney
Law & Justice Center
104 West Front Street
Bloomington, IL 61701

John Y. Butler
9513 North 2125 East Road
Bloomington, IL 61705

YOU ARE HEREBY NOTIFIED that at 2:30 P.M. on February 14, 2019, or as soon thereafter as counsel may be heard, we shall appear before The Honorable William Yoder, or such other judge as may be substituting for the foregoing judge, in Courtroom 5C of the McLean County Law & Justice Center, 104 West Front Street, Bloomington, Illinois, for a hearing on Motion to Modify Bond Conditions.

Dated this 12th day of February, 2019.



TRISTAN N. BULLINGTON, Attorney at Law

TRISTAN N. BULLINGTON
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
TBullington@MeyerCapel.com
ARDC No. 6302971

PROOF OF SERVICE


Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the undersigned caused service of the foregoing *Notice of Hearing* to be made upon the recipient(s) designated below by the following method(s):

VIA HAND DELIVERY: A true and correct copy of the foregoing instrument(s) was delivered by hand to the person or professional offices of the following recipient(s) on this 13th day of February, 2019.

McLean County State's Attorney's Office
Law & Justice Center
104 West Front Street
Bloomington, IL 61701

VIA U.S FIRST-CLASS MAIL: A true and correct copy of the foregoing instrument(s) was sent via regular U.S. first-class mail to the following person or professional office in a properly addressed envelope and bearing full prepaid postage deposited in a U.S. Post Office box in Bloomington-Normal, Illinois, on this 13th day of February, 2019.

John Y. Butler
9513 North 2125 East Road
Bloomington, IL 61705



TRISTAN N. BULLINGTON
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
TBullington@MeyerCapel.com
ARDC No. 6302971

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.)
)
JOHN Y. BUTLER,)
)
Defendant.)

No. 17-CF-1025

McLEAN COUNTY
FILED
FEB 13 2019
CIRCUIT CLERK

MOTION TO MODIFY DEFENDANT'S BOND CONDITIONS
TO ALLOW OUT-OF-STATE TRAVEL

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C., and Tristan N. Bullington of Meyer Capel, A Professional Corporation, in support of this *Motion to Modify Defendant's Bond Conditions to Allow Out-of-State Travel*:

1. The Defendant, JOHN Y. BUTLER, has been charged in this case and is free on bond.
2. One of the conditions of Defendant's bond is that Defendant is not allowed to leave the State of Illinois without the Court's permission.
3. The Defendant's son plays baseball for Illinois State University.
4. The baseball team travels regularly for away games in other states.
5. The Defendant would like to be able to watch his son play baseball by attending some of the away games in which his son will be playing baseball.
6. This Court has previously modified Defendant's bond to allow travel to out of state baseball games.
7. The Defendant requests the terms of his bond be modified to allow him to leave

the State of Illinois for travel to and from the following locations for the specified dates to allow the Defendant to observe his son's baseball games:

A. For the period of February 15-17, 2019, to and from Nashville, Tennessee.

Defendant represents that he will be traveling by automobile and staying at the Marriott Courtyard in 1901 West End in Nashville, Tennessee.

B. For the period of February 22-24, 2019, to and from Conway, Arkansas.

Defendant represents that he will be traveling by automobile and staying at the Fairfield Inn Conway at 2260 Sanders Road in Conway, Arkansas.

C. For the period of March 1-3, 2019, to and from Murray, Kentucky.

Defendant represents that he will be traveling by automobile and staying at the Springhill Suites at 1512 North 12th in Murray, Kentucky.

D. For the period of March 8-20, 2019, travel to and from Nashville,

Tennessee. Defendant represents that he will be traveling by automobile and staying at the Marriott Courtyard at 1901 West End, Nashville, Tennessee.

E. For the period of March 29-31, 2019, to and from Omaha, Nebraska.

Defendant represents that he will be traveling by automobile and staying at the Courtyard Omaha at 101 South 10th Street in Omaha, Nebraska.

F. For the period of April 5-7, 2019, to and from Valpraiso, Indiana.

Defendant represents that he will traveling by automobile and no overnight accommodations will be required as he will return home each day.

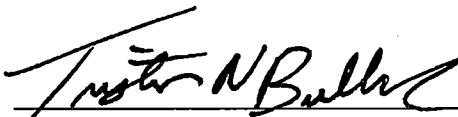
8. Good cause exists for granting this *Motion to Modify Defendant's Bond Conditions to Allow Out-of-State Travel* and altering the conditions of Defendant's bond for the specified time periods so he can travel out of state to watch his son play baseball.

WHEREFORE, the Defendant, JOHN Y. BUTLER, respectfully requests that this Court enter an Order consistent with the following:

- A. Granting this *Motion to Modify Defendant's Bond Conditions to Allow Out-of-State Travel*;
- B. Modifying the conditions of Defendant's bond so that Defendant may travel to watch his son's baseball games for the dates and places referenced above; and
- C. Granting to Defendant such other and further relief as the Court deems just and proper.

Respectfully submitted,
JOHN Y. BUTLER, Defendant

By: _____



Tristan N. Bullington Attorney at Law

Prepared by:
Tristan N. Bullington
MEYER CAPEL, A Professional Corporation
202 North Center Street
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Fax]
TBullington@MeyerCapel.com
ARDC No. 6302971

IN THE CIRCUIT COURT FOR THE
ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
MCLEAN COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
v.)
JOHN Y. BUTLER)
Defendant.)

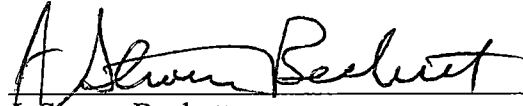
No. 2017-CF-1025

McLEAN COUNTY
FILED
JAN 18 2019
CIRCUIT CLERK

NOTICE OF FILING

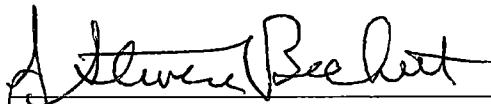
TO: Bradley Rigdon
State's Attorney's Office
McLean County Courthouse
104 W. Front Street
Bloomington, IL 61701

YOU ARE HEREBY NOTIFIED that on the 18th day of January, 2019, I filed with the Clerk of the Eleventh Judicial Circuit, McLean County, Illinois, Defendant's *Subpoena Duces Tecum to the Illinois Department of Revenue* in the above referenced matter which is attached hereto.


J. Steven Beckett

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of January, 2019, a copy of the foregoing Defendant's *Subpoena Duces Tecum to the Illinois Department of Revenue* and Notice of Filing was hand delivered to the above-named individual.


J. Steven Beckett

J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Ave.
Urbana, IL 61801
(217) 328-0263
(217) 328-0290 (FAX)
steve@beckettlawpc.com
ARDC No. 0151580

**STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN**

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.)	No. 17-CF-1025
)	
JOHN Y. BUTLER,)	
)	
Defendant.)	

FILED
JAN 18 2019
MCLEAN COUNTY
CIRCUIT CLERK

SUBPOENA DUCES TECUM

TO: Illinois Department of Revenue
Angela Eaton Hamilton
101 W. Jefferson
Springfield, IL 62702

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This ***Subpoena Duces Tecum*** outlines what you are required to do.

YOU ARE COMMANDED to identify, locate, and produce the following items or evidence:

Any and all audit reports conducted by the Illinois Department of Revenue of BMI Concessions, LLC (of which John Butler is the owner and proprietor), whose Illinois Business Tax Number is 3685-0667.

The applicable period for documents encompassed by this subpoena shall be from January 1, 2010, through the date of production.

YOU ARE FURTHER COMMANDED to produce the foregoing items or evidence by delivering them to the following judicial officer.

The Honorable William Yoder
Circuit Judge
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

YOU ARE FURTHER COMMANDED to appear before the foregoing judicial officer at **1:30 P.M. on March 4, 2019**, to produce and deliver the above-identified items or evidence in Courtroom 3D, or the courtroom to which you are directed by courthouse personnel on that date. Please note, however, that

your appearance in court is not required on this date if you produce and deliver the foregoing documents to the specified judicial officer on or before the date and time listed above. If you have questions or wish to make arrangements for the delivery to the foregoing judicial officer of responsive items and documents encompassed by this *Subpoena Duces Tecum*, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this *Subpoena Duces Tecum*, then you may contact the undersigned attorney. You may not, however, deliver the responsive items or evidence to the undersigned attorney; instead, the responsive items or evidence must be delivered only to the foregoing judicial officer.


If the responsive items or documents are voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: January 18, 2019

On behalf of the Circuit Court by



J. STEVEN BECKETT, Attorney at Law and
Attorney for John Butler

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Ave.
Urbana, IL 61801
(217) 328-0263
(217) 328-0290 (FAX)
steve@beckettlawpc.com
ARDC No. 0151580

IN THE CIRCUIT COURT FOR THE
ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
MCLEAN COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
v.)
JOHN Y. BUTLER)
Defendant.)

No. 2017-CF-1025

MCLEAN COUNTY
FILED
JAN 02 2019
CIRCUIT CLERK

DEFENDANT'S RESPONSE TO VENUWORKS'S MOTION TO QUASH

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C., and Tristan Bullington of Meyer Capel, P.C., and in response to *VenuWorks's Motion to Quash* states as follows:

1. On or about August 7, 2018, Defendant properly issued a Subpoena *Duces Tecum* to VenuWorks which requested "any and all Quickbooks backups and reports for all accounts associated with the Grossinger Motors Arena by VenuWorks of Bloomington, LLC, or any of its current or former employees or agent" for the time period of April 1, 2016 through the date of production.
2. VenuWorks asserts that Defendant "requests essentially all records of VENUWORKS OF BLOOMINGTON, LLC relating to Grossinger Motors Arena" and that Defendant "seek[s] the production of any document related to Grossinger Motors Arena generated by any 'current or former agents or employees.'" According to VenuWorks, the August 7, 2018 Subpoena *Duces Tecum* (hereinafter "the Subpoena") is "non-descript, absent of any defined scope, and overly broad and unduly burdensome" and "such a broad and non-specific document request would require VENUWORKS OF BLOOMINGTON, LLC, and every former or current agent and every former or current employee of

VENUWORKS OF BLOOMINGTON, LLC to produce every single piece of information in their possession relating to their management of Grossinger Motors Arena for the period from April 1, 2016 to the present.”

3. The above claims are directly contradicted by the text of the Subpoena itself. Defendant only requested “Quickbook backups and reports” for a defined period of less than three years – from April 1, 2016 through the date of production. Defendant did not request production of “any document related to Grossinger Motors Arena” or “every single piece of information in their possession relating to their management of Grossinger Motors Arena.” Defendant requested a very narrow scope of data – namely the reports stored in the accounting software used by VenuWorks.
4. Furthermore, when VenuWorks contacted the counsel for Defendant to ask for more time to comply with the Subpoena, an extension was readily granted. At no time did VenuWorks reach out to counsel for Defendant in an attempt to narrow the scope of the requested documents.
5. VenuWorks then spends a large portion of their Motion to Quash arguing, without citing to any legal authority, that Defendant failed to meet his burden of establishing that a document request is relevant to the issues in his proceedings. It would be very unusual indeed for that information to be included in any sort of subpoena document.
6. That being said, to warrant the use of a pretrial subpoena, a defendant must show: (1) the requested documents are (a) evidentiary and relevant; and (b) not otherwise procurable reasonably in advance of trial by exercise of due diligence; (2) he or she cannot properly prepare for trial without production and inspection of the documents in advance of trial and failure to obtain an inspection may tend to unreasonably delay trial; and (3) the

application was made in good faith, and was not a general “fishing expedition.” *People v. Abrams*, 2015 IL App (1st) 133746, ¶ 39.

- a. The request for VenuWorks Quickbooks data is evidentiary and relevant because that data would act as a comparison between how CIAM, BMI, and Defendant managed the Coliseum and how the current management company manages the same space. The requested data would show a jury the standards and practices of the industry, particularly relating to the Coliseum;
 - b. There is no other reasonable way for Defendant to procure this data, even in the exercise of due diligence, as only VenuWorks has access to their data;
 - c. Defendant cannot properly prepare for trial without production of this data in advance of trial as it may prove to be a vital part of his defense;
 - d. Defendant made this application in good faith, with a very tailored request for records, and is not using the Subpoena as a “general fishing expedition.”
7. Further proof that this information would be relevant and evidentiary can actually be found in VenuWorks own Motion to Quash. VenuWorks contends that “many of the documents or communications sought by the Defendant would include proprietary trade secrets and confidential information of VENUWORKS OF BLOOMINGTON, LLC not available to its competitors or others in the marketplace” and that “VENUWORKS OF BLOOMINGTON, LLC would have to retain counsel and or its management personnel to review each of the documents or communications to protect any proprietary and confidential information from unfettered disclosure.” Interestingly enough, this is one of the arguments that Defendant made during his time managing the Coliseum to combat

requests for disclosure of his records. This argument is exactly one of the industry standards that Defendant seeks to show through VenuWorks' Quickbooks data.

8. A subpoena is a judicial process, and the circuit court determines whether the subpoena is unreasonable or oppressive. *People v. Hanson*, 238 Ill. 2d 74, 121 (2010). A subpoena is a compulsory process for obtaining witnesses or documentary evidence in all criminal prosecutions and is guaranteed by the Sixth Amendment. U.S. Const., amend. VI; *People v. Shukovsky*, 128 Ill.2d 210, 222 (1988); *People ex rel. Fisher v. Carey*, 77 Ill.2d 259, 265 (1979); *People v. Ogle*, 313 Ill. App. 3d 813, 815 (1st Dist. 2000).
9. A subpoena is separate from the rules of discovery, (*People v. Mitchell*, 297 Ill.App.3d 206, 209, (5th Dist. 1998); *Carey*, 77 Ill.2d at 267) and constitutionally and statutorily independent of discovery rules. *People v. Harris*, 91 Ill. App. 3d 1, 2-3 (4th Dist. 1980).
10. VenuWorks, in support of their overly broad argument, then attempts to draw a comparison between the City of Bloomington Subpoena *Duces Tecum* that was previous quashed by this Court and the current Subpoena. For reference, the current Supoena requests "any and all Quickbooks backups and reports for all accounts associated with the Grossinger Motors Arena by VenuWorks of Bloomington, LLC, or any of its current or former employees or agent" for the time period of April 1, 2016 through the date of production. The City of Bloomington Subpoena that was quashed requested the following documents from November 6, 2007 through the date of production:

"Any and all documents or communications (including all attachments or enclosures) initiated, sent, or received by City of Bloomington, Illinois, or any of its current or former employees or agents (including without limitation Tom Hamilton, David Hales, Patty-Lynn Silva, Brian Barnes, Tom Irvin, etc.), and transmitted to, received from, or exchanged with, between, or among:

- any other current or former employees or agents of the City of Bloomington, Illinois;
- any federal, state, or municipal law enforcement agency or any of its current or former employees or agents (including without limitation the Illinois State Police, the Bloomington Police Department, the McLean County Sheriff's Department, the Federal Bureau of Investigation, etc.);
- the Illinois Department of Revenue, or any of its current or former employees or agents;
- any federal or state prosecuting authority, or any of its current or former employees and agents (including without limitation the U.S. Department of Justice, the Office of the U.S. Attorney, the Office of the Illinois Attorney General, the Office of the State's Attorney of McLean County, Illinois, etc.);
- VenuWorks of Bloomington, LLC, or any of its current or former employees or agents;
- the Bronner Group, or any of its current or former employees or agents;
- Central Illinois Arena Management, Inc., or any of its current or former employees or agents (including Mike Nelson and Jane Everhart);
- BMI Concessions, LLC, or any of its current or former employees or agents;
- Attorney William A. Mueller (or any other current or former attorney of the Mueller, Reece & Hinch law firm in Bloomington, Illinois);
- Mike Nelson, or any of his agents or attorneys;
- John Y. Butler, or any of his agents or attorneys;
- Bart E. Rogers, or any of his agents or attorneys;
- Kelly W. Klein, or any of her agents or attorneys;
- Jay C. Laesch, or any of his agents or attorneys; and/or
- Paul E. Grazar, or any of his agents or attorneys, regarding or related to any of the following persons, entities, or subjects:
 - (i) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
 - (ii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
 - (iii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
 - (iv) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
 - (v) any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;

- (vi) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc. or of its owners, officers, managers, employees, and agents;
- (vii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- (viii) the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois; and/or
- (ix) any and all audits on or contract negotiations related to the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena).”

And

“Any and all documents or records reflecting the contents of the network servers owned, operated, or maintained by the City of Bloomington, Illinois, or any of its current or former employees or agents, regarding or related to documents or records saved, managed, stored, or otherwise located or linked on the City's computers or servers by Central Illinois Arena Management, Inc. ("CIAM"), or any of CIAM's current or former employees or agents; or by BMI Concessions, LLC ("BMI"), or any of BMI's current or former employees or agents.

The documents or records referenced in this Category No. 2 shall include, but not necessarily be limited to, documents or records transmitted or stored via any method and in any format (including without limitation in tangible object form, paper form, photographic form, or electronic form), and documents or records in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, etc.), reports, summaries, photographs, screenshots, drawings or

sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including summaries of oral conversations).”

11. In comparing the language of the requested documents from the two subpoenas – the current Subpoena, and the previously quashed City of Bloomington Subpoena – there is a clear difference in the scope of both document type requested and requested date range. The only thing Defendant is asking for with the Subpoena is records that VenuWorks has already compiled and has saved in their accounting software.

WHEREFORE, the Defendant, JOHN Y. BUTLER, prays that this Honorable Court deny VenuWorks’ Motion to Quash in its entirety, order that VenuWorks comply with the Subpoena, and for such other and further relief as this Court deems equitable and proper.

Respectfully Submitted,

JOHN Y. BUTLER, Defendant

By:


TRISTAN BULLINGTON

TRISTAN BULLINGTON
MEYER CAPEL, P.C.
202 North Center Street, First Floor
Bloomington, Illinois 61701
Phone: 309-829-9486
Fax: 309-827-8139
tbullington@meyercafel.com
ARDC No. 6302971

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of January, 2019, a copy of the foregoing *Defendant's Response to Venuworks's Motion to Quash* was served by hand-delivery to:

David Rossi
State's Attorney's Office
McLean County Courthouse
104 W. Front Street
Bloomington, IL 61701

I further certify that on the 2nd day of January, 2019, a copy of the foregoing *Defendant's Response to Venuworks's Motion to Quash* was served by U.S. Mail to:

Ms. Dawn L. Wall
Costigan & Wollrab, P.C.
308 E. Washington St.
Bloomington, IL 61701



TRISTAN BULLINGTON

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ARDC No. 6302971

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Plaintiff,)
)
 vs.)
)
 JOHN Y. BUTLER,)
)
 Defendant.)

No. 17-CF-1025

FILED
DEC 20 2018
MCLEAN COUNTY
CIRCUIT CLERK

ORDER OF WITHDRAWAL

This cause comes before the Court for hearing on the *Motion to Withdraw* of the Movant, Scott Kording of Meyer Capel, P.C. The Movant appears personally with due notice provided to the Defendant, JOHN Y. BUTLER. The Court, being fully advised in the premises, hereby FINDS and ORDERS as follows:

A. The *Motion to Withdraw* of the Movant, Scott Kording of Meyer Capel, P.C., has been filed with this Court and served with proper notice upon the parties to this cause.

B. Good cause exists for granting the *Motion to Withdraw* of the Movant, Scott Kording of Meyer Capel, P.C. due to Movant's appointment to the office of Associate Judge of this Court.

C. The Movant has provided notice to the Defendant of Defendant's responsibility for retaining new co-counsel within 21 days after entry of this *Order of Withdrawal*.

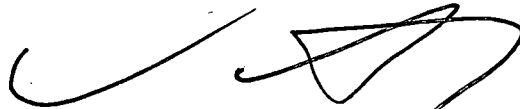
Now, therefore, IT IS HEREBY ORDERED as follows:

A. The *Motion to Withdraw* of the Movant, Scott Kording of Meyer Capel, P.C., is GRANTED;

- B. The Movant is personally granted leave to withdraw as co-counsel of record for the Defendant, JOHN Y. BUTLER; and
- C. The Defendant, JOHN Y. BUTLER, is allowed 21 days within which to retain new counsel or file a supplemental appearance containing a complete mailing address through which court papers and correspondence may be served in the future. Alternatively, if another attorney from Movant's law firm has filed an appearance, then that attorney shall be shown as co-counsel of record for Movant's client.

IT IS SO ORDERED.

Entered this 20 day of December, 2018.



THE HONORABLE WILLIAM YODER
Circuit Judge

Prepared by:
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