

MAYOR DALEY AND CORPORATION COUNCIL**QUESTIONS THAT REMAIN UNANSWERED**

1. Why, after the appellate court affirmed the trial court's 1989 finding that Wzorek was illegally fired in violation of the Shakman decree, has the City spent an additional six (6) years in court trying to make sure that Wzorek could not get back his job as a motor truck driver for the Department of Sewers?
2. Wouldn't taxpayer funds have been better utilized by simply reinstating Wzorek to his former position and paying him as a productive employee, rather than paying City attorneys to try to make sure he remains unemployed?
3. Why have city attorneys under Mayor Daley fought so hard to deny Wzorek employment with the city, when Wzorek was fired for his beneficent act of giving a financial contribution to the Mayor?
4. Since the city has now conceded in its appellate brief that an incorrect court transcript was sent up to the appellate court during the city's previous appeal in the Wzorek case, don't you think that Wzorek, like all litigants, should be entitled to have his case heard by the appellate court based upon the full record of the case?
5. Since the city knew during it's previous appeal that the cover page of the August 16, 1989 hearing transcript was incorrect, how could city attorneys not have known that the following five (5) pages, which included remarks by Judge Duff markedly adverse to the city, were likewise incorrect?
6. Aren't you disturbed by the evidence presented by Wzorek to the appellate court that there are two official versions of the August 16, 1989 transcript which contain two obviously different signatures purporting to be that of the same court reporter, as well as two different dates on the signature page?
7. Isn't it a federal crime to forge the signature of a court reporter?
8. Don't you think that the court and the United States Attorney's office should investigate this potential crime?

Questions prepared by paralegal Steven Becker.

5/16

#5 lines down

Dear Dr. Fawcett:

A few weeks ago I contacted your office to arrange to meet and speak with you prior to your submitting your final written report from before you testified at another hearing in the Eugene Wzorek litigation. The soonest that I could get an appointment to see you was June 15th, at which time I plan to go to your office after first sending you this letter. One reason I did not speak with you sooner was that the City of Chicago, through its attorneys, have not paid you for the most recent interview you had with Mr. Wzorek, it should have been clear to everybody that your fee should have been paid by the Corporation Counsel's office, and that they were very slow in paying on a previous occasion (see Exhibit A).

Another reason why I have delayed seeing you was that I was unsure as to the ethics of meeting with you without the presence of the opposing attorneys from the City. One reason for my believing that notifying the opposing attorney was unnecessary is that previously the City attorney Mary L. Smith had contacted you ex parte with, as indicated by her letter (Exhibit B). A further reason why I now know that an ex parte meeting between you and me would be ethical is that I was assured of this when I consulted with Gene's other attorney whom I have chosen at the court's suggestion, to be co-counsel in this matter. He assures me that I can make any investigation necessary to prepare an adequate hearing before the Court on the subject of what remedy or remedies remain available for the Plaintiff. ((Did the foregoing sentence--the idea in it--complete?))

Obviously I myself am not trained as a psychiatrist, having had little more than a course in Psychology 101 in College many years ago. It seems to me, from my layman's point of view, that the term "PARANOID" states an unusual concept. By this I mean that if Mr. Wzorek is worried by threats he and his family have received, that death or great bodily harm could befall him or a family member if he and his attorneys vigorously pursue this matter, his worrying about this would prove that he's "paranoid", except that if it proved to be true, such that he was murdered, as happened to a different client of mine about two years ago, then his fears would not have been groundless and he therefore would not have been "paranoid". ((Is that an adequate, complete sentence?))

Gene has told me more than once that he understood from things you have said to him, or perhaps it was things said by the psychologist, Dr. Borden, that a simple way to check on whether Gene has been imagining wrongdoing by the City's attorneys, such as altering transcripts or destroying documents or committing subornation of perjury, allegedly, could either be proved or disproved by everyone, including him, them or myself listening to the electronic recording tape of the proceedings in question. I am therefore preparing

need?
what?

and enclosing herewith a proposed declaration in lieu of an Affidavit, that you might be willing to sign--or a similar one prepared in your own words--to be submitted to the Court on or before the next appearance to testify. Obviously I am not trying to put words in your mouth, and of course you may not sign any such document if you are opposed to doing so. But I am trying to accomplish is a method of shoing Judge Duff

accomplish is a method of showing Judge Duff that it is not just my client and I who wish to hear such tapes. On the previous occasion I tried unsuccessfully to do so. (See the attached Exhibits which are transcript pages of a Court Order denying access to said tapes. You can see that I told the Judge respectfully that other such federal judges have made other similar tapes readily available to me in other cases and there is every reason to believe that they still exist. See the Exhibit which is my own declaration made at still exist the time, quoting the Judge's Official Court Reporter^w who i

the time, quoting the Judge's Official Court Reporter who said that she would rather go to jail than to let me see that tape. Until now I did not file and make public why the aforesaid declaration on the theory that I shouldn't do anything to aggravate the judge as he had stated that he was going to be fair to Mr. Wzorek at this time. (See Exhibit).

I also do not wish

I also did not wish until now to make the dispute over the tape a matter of public knowledge even though a certain TV ~~Reporter~~ has wanted to do another story on this Wzorek case

~~reporter~~ has wanted to another story on this Wzorek case

reporter has wanted to do another story on this Wzorek case; but I now have reached the unavoidable conclusion that I cannot make the best use of my forthcoming meeting with yourself unless I am doing all that I can to clear up the basic issue of whether Gene Wzorek is in fact paranoid, depending on whether threats to him and others, supposedly related to this litigation, are real or just a product of his paranoid imagination. He has told me for over a year that this can readily be cleared up by listening to the aforesaid electronic tapes by the Official Court Reporter at the time or by other court reporters at depositions. ((Check on the existence and applicability of entering a Protective Order about psychiatrist matters.))

Another point which I could make at this time is to remind you as to how you have been chosen to be the expert in this Shakman case. I refer you to Exhibit which states that you are the Court's psychiatrist. This differs from what was said in the ex parte letter to you from Mary L. Smith who stated, (Exhibit). I would like to be aboe to ask you, incidentally, when you are next on the witness stand, how long it took Mary L. Smith to get around to paying your fee this last time.

fee this last time. Another important point for your forthcoming testimony will be whether the City and its attorneys, by their treatment in court of this eighth-grade truckdriver while he conducted his own pro se four-day trial without an attorney, together with the other circumstances of this case before and after after

after the trial were were the primary cause of his present state of health and whether such state of health is conducive to his resuming employment in the Sewer Department if the City would agree or be forced to re-hire him. They have already stated that they do not want him back. (See Exhibit .) I need to inform you that to the best of my information and belief this is the one and only Shakman case which actually went to trial and on appeal rather than being settled or terminated by a summary judgment. This explains why such a mediocre job termination is being treated as such an important case by the City. In other words; it is the one and only precedent-setting case for Shakman in the law books, in my view.

Just to show yourself and everyone else that I am trying to the best of my ability to handle this matter according to the attorney's rules of ethics, I am sending a copy of this letter to the Corporation Counsel's office, attention of the Chief Assistant Corporation Counsel. Perhaps now that we have a new Corporation Counsel this case will be treated more fairly by the City. Perhaps also, since the country has a new President and Attorney General, who is acquainted with my co-counsel, some interest, doubtful activities in this case which seem to be a reason for the common expression, "You can't beat City Hall." Also to be considered is the principle that attorneys can be punished if they "hold the Court in disrepute"; but I'm trying to make it clear here that if I am holding anyone in disrepute it is the City's Corporation Counsel's, not the Court and Judge, that I hold in disrepute.

may be given to the apparently wrongful activities in this case

Handwritten notes:
my
to
read
copy

MOTION TO RESUME TRIAL

5/13 Wzorek

~~MOTION TO RESUME TRIAL COURT PROCEEDING~~

~~MOTION TO RESUME TRIAL COURT PROCEEDING~~

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(Refer to Terry Moran's recent letter)

~~MOTION TO RESUME TRIAL COURT PROCEEDING~~

MOTION TO RESUME TRIAL COURT PROCEEDING

~~GOOD~~

According to the ~~CACC~~ Chief Assistant Corporation Counsel for the City of Chicago, "There currently are no proceedings ~~is~~ pending in the above-referenced matter (because) . . . the case has been resolved ~~a~~ by a final judgment that was ~~that was~~ affirmed in part ~~ataa~~ *in part*

7 According to the Chief Assistant Corporation Counsel for the City of Chicago, "There currently are no proceedings pending in the above-referenced matter (because) . . . the case has been resolved by a final judgment that was affirmed in part and reversed in part on appellate review (?) " It needs to be stated by

~~Petitioner, EUGENE WZOREK, that~~
Petitioner, EUGENE WZOREK, that the primary issue in this and any other Shakman case" was ~~where~~ ^{where} ~~she~~ ^{her} the City employee had been wrongfully terminated for political reasons, and the Court has found in fully terminated for political reasons, and the Court has found in the instant case that this is proved by clear and convincing evidence. Hence, the usual ~~admix~~ ~~admix~~ ~~admix~~ ^{equitable} remedy in a case such as this which was filed, not with the usual form of a Complaint but rather with a Petition for Rule to Show Cause, the primary equitable relief being sought is a prompt reinstatement to the wrongfully terminated City job. In Mr Wzorek's case, he had been a truck driver for the Department of Sewer ^{5/} when discharged on or about

(date)

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✓ part and reversed in part on Appellate review." In other words, he is entitled to immediate employment reinstatement with full seniority rights and with disability benefits and pension and vacation and other rights inherent in such employment. Further, X this Court has already held in an Order dated

X ~~which Order stated~~ that punitive damages would be granted under the circumstances of this case. He is also entitled to file and have fair consideration of a Rule 11 Motion for Sanctions against certain Assistant Corporation Counsel.

In the Memorandum to be filed in support of this Motion there will be stated the facts and circumstances necessary for the Court to determine the extent of equitable relief to be granted ~~to~~ on those claims.

~~(Time is 1:00-1:30 A.M. on 5/13.)~~

X MEMORANDUM IN SUPPORT OF ((see p. 1)

The first point to be made in support of the Motion to Resume the Trial Court Proceeding is, in the terminology of the May 7th, 1993 ^{Letter} from the City's Attorney, "What are the terms and conditions of the 'Final Judgment that was affirmed in part and reversed in part on appellate review,' in this, Shakman case? (Quote from the Order(s) of Duff, particularly the two in the Federal Supplement, and from the one Federal Reporter case from the Seventh Circuit) The simplest and probably the best way to explain the issues and holdings in this case are to refer the reader to the three printed Reports, two of which are in the X Federal Supplement (

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† and the one one Federal Reporter Wzorek case (

In the earliest Federal Supplement, Wzorek Report
parts
perhaps the most important/are:

X
In the later Federal Supplement Report, perhaps the
most important parts are:

In the Federal Reporter Wzorek case the reader's attention
is directed in particular

The three citations have been xeroxed and are attached as exhibits
to this Memorandum.

(Take all the already typed materials and rearrange it in the form
of this Memorandum. Also dictate from the two recent Wzorek confer-
ences and include in this Memorandum. Also move for a Protective
Order regarding the shootings and other threats to Wzorek and
Lucille. Attach as exhibits and refer to in the Memorandum the
Affidavit from Lucille and from me about the court reporter and
from Wzorek and perhaps his mother and son about threats to the
family.)// What I just wrote needs to ^{be} separated from Protective
Order and Memorandum.)

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One might well wonder why everyone is "making a federal case" ^{of this case involving} of a mere city truck driver with only an eighth-grade education. The reason may well be ~~is~~ that this is the only case which has set precedent for Shakman cases by going to trial and is the case which held liable the supervisors or commissioners of the City and the City itself, even though such individuals and the City had no personal knowledge of the facts leading to the termination of the employee. Prior hereto, any rules, regulations and precedents for Shakman cases had, in effect, been promulgated or enunciated by and through the City, there having been no case law established.

Why and how this eighth-grade truck driver was able Pro Se to have prevailed in part after the four-day trial, when "everyone knows you can't beat City Hall", was due primarily to the unjustified over-^{r-Co} confidence of the city's attorneys. In this Memorandum the Petitioner, Eugene Wzorek, through his attorney, proposes to prove that one or more of the Assistant Corporation Counsel at the trial and before and after the trial committed illegal or improper acts, such as destruction of evidence, subornation of perjury, and alteration of transcripts. The attorney preparing this Memorandum is well aware of the prohibition against any attorneys ~~from~~ "holding the Court in disrepute"; but if he is holding anyone in disrepute, it is ^{against} only the City attorneys and ^{their} witnesses. The undersigned attorney is likewise well aware that he, like his client, can be charged with being "paranoid" ^{or} when making references to ~~to~~ death threats and attempts and similar "outlandish" allegations; but in response thereto, let it be stated here in the record that in a somewhat

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this attorney had
similar case ~~had~~ handled with a client named Albright, still pending in the Bankruptcy Court, the Bankruptcy trustee is ^{now} under indictment for unrelated alleged criminal activities and ~~the~~ ^{this attorney's} client was murdered in his Gold Coast apartment, ~~by~~ ^{He was murdered by} being stabbed fourteen times ^{in the instant case} during the week following his statement that he was planning to go to a certain TV reporter about his litigation. ^{this attorney} After all, this is Cook County, and anything can happen here. After all, when a normally friendly and courteous Official Court Reporter tells this attorney that she would rather go to jail than to let ^{this attorney} him listen to ~~the~~ ^{in the instant case} electronic ~~electronic~~ recording tapes of a court proceeding, ^s and ~~two~~ two assistant clerks in the Seventh Circuit Court of Appeals refused to give even their first names while refusing to make available the recording tape of the Oral Argument in this case, one doesn't need to be psychic to conclude @ "there is something wrong in Denmark" ~~(There is something rotten in the State of Denmark~~ ^{as how Shakespeare puts in in Hamlet.}), See this attorney's own Affidavit attached hereto as Exhibit . One might be justified in wondering whether it is the custom and practice of some City attorneys to alter transcripts and remove documents from the Court file and replace a filed Memorandum with an altered Memorandum as ^{is} part of the 'normal procedure,' which ~~leads to~~ ^{substantiates} the conclusion that "You can't beat City Hall."

The smashed bullet which was removed from Mr. Wzorek's automobile air cleaner is not imaginary, nor was the thud that it caused. The stranger who was shot dead in front of the home of Mr. Wzorek's former boss, who has been helping Wzorek, after his own reinstatement as a city employee (see his affidavit attached as Exhibit) is not imaginary either. The phone call from a city

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office telephone number ~~is~~ ^{with to} the undersigned attorney where they answered my phone call by stating, "County Morgue. You drill 'em and we fill 'em." was a real phone conversation. The phone call to Mr. Wzorek's mother, where the caller played funeral music, was not her imagination. The statement to the undersigned attorney by Assistant Corporation Counsel Mary L. Smith that she didn't know who was doing these things, that she didn't know who was making threats, rather than telling me that it was all our imagination, was also a genuine phone conversation. It is therefore not unexpected that Gene Wzorek wonders how safe he will be once this Court orders his reinstatement as an employee with the City Sewer Department, but that has been the only acceptable form of relief for a Shakman case heretofore.

~~More than two years~~

It has been ~~almost~~ ^{more than} ten years since Mr. Wzorek was terminated. For having paid a \$1,000 donation to the mayoral campaign of Richard M. Daley in 1982, and he has been unemployed ^{for most of} ~~all~~ that time. More than two years ago, after his trial, this Court suggested that ^{he} he be reinstated as a City employee, but one of the City attorneys, Charles Ex, stated the City would not rehire him, or rather that they would immediately test him for drugs and fire him since he was on prescription drugs, as he also ^{had been} ~~was~~ during his four-day Pro Se trial. When he would see City attorneys ^{apparently} unduly influencing his own prior attorneys, such as telling an attorney to whom he had paid a substantial retainer that the City did not want that attorney in the case and the attorney therefore withdrew, these kinds of activities ^{plus having to try his case himself} against his interest were the primary cause for his requiring treatment by his psychiatrist. It ^{may well} ~~will~~ be the testimony

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of said Dr. Jan Fawcett in the near future, along with Psychologist Bethel T. Borden, and family doctor Weiss ~~which will determine in the near future~~ which will determine whether he is able or ever will be ready and able to resume employment in ^{the hostile} ~~a hostile~~ environment of the City Sewer Department.

This attorney, with his client, will attempt to separate out the wrongful acts and commissions which constitute Rule 11 sanctionable activities by the attorneys during the trial or in relation thereto from those acts and omissions which will be the ~~basis for punitive damages~~ basis for measuring punitive damages such as for threats and criminal acts outside the courthouse.

This Court will be asked for a Protective Order relating to threats and activities about the infliction of death or great bodily harm upon the petitioner, his family, or his friends or attorney.

(File a Motion later for Leave to File a Memorandum in Excess of Fifteen Pages and attach the proposed Memorandum as an Exhibit to the Motion., to get it on file so that people like the TV reporter Chris can see it.)

~~(End of this dictation--Fri. night, the 14th.)~~