

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL
CIRCUIT OF ILLINOIS, CASS COUNTY, ILLINOIS

GWENDOLYN M. THOMAS

Petitioner,

vs.

LUKE A. THOMAS,

Respondent.

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No. 2022-DC-15

**RESPONDENT'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
MOTION FOR SUBSTITUTION OF JUDGE FOR CAUSE**

NOW COMES the Respondent, LUKE A. THOMAS, pro se, and pursuant to Illinois Rule of Evidence 201, respectfully requests this Honorable Court take judicial notice of the following adjudicative facts contained within the Court's own official docket, certified transcripts, filed pleadings, and official communications. These facts are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, and they establish the procedural realities of this cause.

In support thereof, Respondent states as follows:

I. JUDICIAL NOTICE OF THE COURT'S OFFICIAL DOCKET TIMELINE

Fact 1: The official Cass County Circuit Court docket reflects that Respondent filed a "Motion for Disclosure of Ex-Parte Communications (Rule 2.9)" on October 6, 2025.

Fact 2: The official docket reflects that Respondent filed a "Motion to Compel Disclosure of Ex-Parte Communications" on November 14, 2025.

Fact 3: The official docket reflects that the Honorable Holly J. Henze entered an Order denying the aforementioned October 6, 2025 and November 14, 2025 motions on August 25, 2026.

Fact 4: The official docket between the filing dates of November 14, 2025, and May 4, 2026, contains no substantive motions or pleadings filed by Respondent that would toll, stay, or otherwise legally prevent the Court from ruling on the pending due process motions.

Fact 5: The official docket reflects that Respondent filed a letter to Chief Judge McCartney on October 28, 2025, explicitly requesting a ruling on the Motion for Disclosure, stating: "As to the Motion to Disclose Ex-Parte Communications, I believe the Court has the authority and obligation to rule on this without delay.".

- **Relevance to Pending Motion:** The official timeline is relevant to rebut the assertion in Paragraph 4 of the Henze Affidavit regarding the cause of the 10-month delay, demonstrating a period of docket dormancy where no intervening filings legally prevented a ruling.

II. JUDICIAL NOTICE OF THE ABSENCE OF RECORDED DISCLOSURES

Fact 6: The official Cass County Circuit Court docket contains no docket entry, minute entry, or written order from May 2023 through the present date memorializing an official, on-the-record disclosure by Judge Henze of the substance of her ex parte communications with the Guardian ad Litem.

Fact 7: The certified Report of Proceedings – Table of Contents, filed as part of the official appellate record, confirms the existence of certified transcripts for hearings held subsequent to the May 2023 communications, specifically: September 20, 2023; November 3, 2023; December 1, 2023; and December 29, 2023.

Fact 8: Respondent has reviewed the certified transcripts for September 20, 2023; November 3, 2023; December 1, 2023; and December 29, 2023. None of these transcripts contain any disclosure by Judge Henze of the substance of the May 2023 ex parte communications with the Guardian ad Litem.

Fact 8a: The certified Report of Proceedings for November 3, 2023, reflects that Judge Henze stated on the record: "I entered that order based on my—the information that I had at the time that he had basically kidnapped Grant and then I find out that that's not the case, you guys had a camping trip planned, you had given them permission to do that."

Fact 8b: The certified Report of Proceedings for November 3, 2023, further reflects Judge Henze stating: "That information wasn't exactly correct that I was operating under."

Fact 8c: Despite acknowledging on the record that the kidnapping allegation was false, Judge Henze took no action to vacate the ex parte order, determine the merits of the allegations, impose sanctions on Petitioner for the false report, or otherwise remedy the harm caused by the false allegation.

Relevance to Pending Motion: These facts are relevant to establish that the May 2023 ex parte communications were substantive and resulted in an ex parte order based on false information. Judge Henze's on-the-record admission of falsity, combined with her failure to take corrective action, is relevant to the material witness standard and the issue of actual prejudice.

Relevance to Pending Motion: The absence of disclosures on the certified record is relevant to Paragraph 8 of the Henze Affidavit and establishes the necessity of resolving the disputed disclosure through extrajudicial memory, implicating 735 ILCS 5/2-1001(a)(1).

III. JUDICIAL NOTICE OF RESPONDENT'S SWORN TESTIMONY ON THE RECORD

Fact 9: During the hearing held on September 25, 2025, Respondent was sworn in to testify before Chief Judge J. Frank McCartney.

Fact 10: The certified Report of Proceedings for September 25, 2025, reflects that Respondent testified under oath regarding the ex parte communications: "I asked for ex parte communications to be shared with me. That's denied."

Fact 11: The certified Report of Proceedings for September 25, 2025, reflects that neither opposing counsel nor the Court objected to or contradicted this sworn testimony on the record.

Fact 12: The certified Report of Proceedings for September 25, 2025, reflects that Respondent further testified: "It's obvious that they are communicating about me and me allegedly kidnapping my son."

- **Relevance to Pending Motion:** The September 25, 2025 transcript establishes that the issue of disclosure was actively disputed and testified to as "denied" by Respondent on the record, which is relevant to establishing a direct evidentiary conflict between the objective record and the Henze Affidavit.

IV. JUDICIAL NOTICE OF THE GUARDIAN AD LITEM'S MAY 19, 2023 EMAIL

Fact 13: On May 19, 2023, the Guardian ad Litem sent an "Urgent" email to the Court stating: "I have conferred with Judge Henze."

Fact 14: This email is part of the official court record and was previously made of record in Respondent's prior motions for substitution of judge.

Fact 15: The substance of the May 19, 2023 ex parte conference between Judge Henze and the Guardian ad Litem has never been disclosed on the record, in any docket entry, or in any written order.

- **Relevance to Pending Motion:** The GAL's May 19, 2023 email is relevant to establish the occurrence of an ex parte conference, the substance of which does not appear on the official docket or in subsequent transcripts.

V. JUDICIAL NOTICE OF THE COURT'S JANUARY 19, 2024 EMAIL DIRECTIVE

Fact 16: On January 19, 2024, Respondent inadvertently sent an email to the Court.

Fact 17: Judge Henze immediately forwarded that email to Petitioner and the Guardian ad Litem, stating: "I have an ethical obligation to ensure there are no ex parte communications."

Fact 18: No similar documented disclosure was ever made regarding the May 2023 ex parte communications between Judge Henze and the Guardian ad Litem.

- **Relevance to Pending Motion:** The January 19, 2024 email is relevant to demonstrate the Court's established procedure for written disclosure of ex parte communications under Illinois Supreme Court Rule 2.9, for objective comparison with the handling of the May 2023 communications.

VI. JUDICIAL NOTICE OF THE COURT'S AUGUST 24, 2026 ADMISSION

Fact 19: On August 24, 2026, at 3:36 PM, Judge Henze sent an email to both parties stating: "I have reviewed my file notes, me emails and my text messages, and there were no communications with either party or the GAL that were not disclosed on the record at subsequent hearings.".

Fact 20: This email was sent less than 24 hours before Judge Henze entered her August 25, 2026 Order denying Respondent's Motions for Disclosure.

- **Relevance to Pending Motion:** The August 24, 2026 email is relevant to establish that the Court conducted a private review of its own notes, emails, and text messages to make factual determinations regarding the disputed disclosures, implicating the material witness standard.

VII. JUDICIAL NOTICE OF IRREGULAR ADMINISTRATIVE FILING

Fact 21: Respondent's electronic filings in this cause, including the Notice of Filing and Motion to Continue submitted on October 15, 2026, bear the standard Odyssey File & Serve digital watermark denoting processing through the mandated electronic filing system.

Fact 22: The Affidavit of the Honorable Holly J. Henze, filed October 16, 2026, does not bear an electronic filing watermark, but instead bears a physical, wet-ink stamp reading "FILED OCT 16 2026 Circuit Clerk, Cass County, IL.".

Fact 23: The official docket contains no corresponding Notice of Filing or Certificate of Service evidencing the service of Judge Henze's Affidavit upon the parties in accordance with Illinois Supreme Court Rules.

- **Relevance to Pending Motion:** The filing method and lack of TylerTech watermarks on the Henze Affidavit are relevant to the procedural posture of the pending motions and the application of Illinois Supreme Court Rule 9(a).

CONCLUSION

WHEREFORE, Respondent respectfully requests this Court take judicial notice of the foregoing adjudicative facts, as they are capable of accurate and ready determination by resort to the official court record, and consider them in ruling on Respondent's Motion for Substitution of Judge for Cause.

Respectfully Submitted,

By: /s/ Luke A. Thomas
LUKE A. THOMAS, Respondent
Thomaslitigation2022@gmail.com
ARDC No: 6278591

VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this Instrument are complete and correct, except as to matters therein stated to be on information and belief, and as to such matters, the undersigned certifies aforesaid that I verily believe the same to be true.
Dated October 17, 2026

By: /s/ Luke A. Thomas
LUKE A. THOMAS, Respondent
Thomaslitigation2022@gmail.com
ARDC No: 6278591

CERTIFICATE OF SERVICE

I, Luke A. Thomas, an attorney at law duly licensed to practice in the State of Illinois, do hereby certify that I served a copy of the foregoing Instrument as set forth herein upon Petitioner at her respective electronic mailing address of record.

Gwendolyn M. Thomas: gwenthomaslaw@gmail.com

Signed this 17th day of October, 2026.

LUKE A. THOMAS, Respondent
BY: /s/ Luke A. Thomas
Luke A. Thomas, Respondent
ARDC #: 6278591