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APPELLATE COURT 4TH DISTRICT

THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).

No. 4-26-0842

IN THE
APPELLATE COURT OF ILLINOIS
FOURTH JUDICIAL DISTRICT

GWENDOLYN M. THOMAS,

Petitioner-Appellee,

v.

LUKE A. THOMAS,

Respondent-Appellant.

Appeal from: Cass County

Circuit Number: Eighth

Trial Judge: Hon. Frank McCartney; Hon. Holly J. Henze

Date of Notice of Appeal: July 23, 2026

Date of Judgment: June 23, 2026

Supreme Court Rule which upon the reviewing : 301, 303

BRIEF FOR APPELLANT

ORAL ARGUMENT REQUESTED

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POINTS AND AUTHORITIES

I. The Trial Court Erred as a Matter of Law by Denying the Motion for Substitution of Judge Where Respondent's Sworn Facts Were Uncontroverted

735 ILCS 5/2-1001(a)(3) 13
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II. The Trial Court Erred as a Matter of Law in Applying the Doctrine of Res Judicata to Bar Claims Based on Newly Occurring Facts

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III. The Trial Court Abused Its Discretion by Imposing Rule 137 Sanctions Sua Sponte Without Notice, Without an Evidentiary Hearing, and Without Specific Factual Findings

Lake Environmental, Inc. v. Arnold, 2014 IL App (5th) 130109, ¶ 31 15
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Airolen Capital Ventures, Inc. v. Petri, 265 Ill. App. 3d 80 (1st Dist. 1994) 16

NATURE OF THE ACTION

This appeal arises from a civil domestic relations proceeding in the Circuit Court of the Eighth Judicial Circuit, Cass County, Illinois (Case No. 2022-DC-15).

Respondent-Appellant, Luke A. Thomas, appeals from the trial court's June 23, 2026 Order. That Order denied Respondent's verified Motion for Substitution of Judge for Cause filed pursuant to 735 ILCS 5/2-1001(a)(3), and *sua sponte* imposed monetary sanctions against Respondent under Illinois Supreme Court Rule 137. The amount of the Rule 137 sanctions was subsequently fixed by Petitioner's Affidavit of Costs filed on July 1, 2026.

No jury trial intervened in this matter. No questions are raised on the pleadings other than the procedural and legal errors regarding the denial of the Motion for Substitution of Judge and the *sua sponte* imposition of Rule 137 sanctions.

ISSUES PRESENTED FOR REVIEW

1. **Whether the trial court erred as a matter of law** by denying Respondent's May 20, 2026 Motion for Substitution of Judge for Cause under 735 ILCS 5/2-1001(a)(3) where Respondent submitted a verified, sworn affidavit detailing specific facts of prejudice, and neither the opposing party nor the presiding judge filed a counter-affidavit, thereby requiring the trial court to accept Respondent's well-pled facts as true.
2. **Whether the trial court erred as a matter of law in applying the doctrine of *res judicata*** to bar Respondent's May 20, 2026 Motion for Substitution of Judge, given that the motion and supporting affidavit alleged new, independent factual instances of prejudice.
3. **Whether the trial court abused its discretion and/or erred as a matter of law** in imposing sanctions against Respondent pursuant to Illinois Supreme Court Rule 137, where the Respondent's motion was legally grounded and raised newly occurring factual allegations not barred by *res judicata*, and where the trial court imposed sanctions *sua sponte* without providing notice, without conducting an evidentiary hearing, and without setting forth with specificity the reasons and basis for the sanction.

STATEMENT OF JURISDICTION

The jurisdiction of the Appellate Court of Illinois, Fourth District, is invoked pursuant to Article VI, Section 6 of the Illinois Constitution of 1970 and Illinois Supreme Court Rules 301 and 303.

A. The Order Appealed From is Final

The order appealed from is the Order entered by the Honorable J. Frank McCartney on June 23, 2026, which denied Respondent's Motion for Substitution of Judge for Cause and *sua sponte* imposed Rule 137 sanctions [R. C7, E 1]. The trial court explicitly ruled in Paragraph E of that Order: "This is a final and appealable order with respect to the Motion for Substitution of Judge for Cause" [R. C7, E 1]. Furthermore, the order imposed Rule 137 sanctions, the amount of which was subsequently fixed by Petitioner's Affidavit of Costs filed on July 1, 2026 [R. C7, E 2]. This fixed the monetary amount of the sanction, resolving all issues addressed in the June 23, 2026 Order.

B. The Notice of Appeal was Timely Filed.

Illinois Supreme Court Rule 303(a)(1) requires that a notice of appeal be filed within 30 days after the entry of the final judgment. The final amount of the Rule 137 sanction was fixed on July 1, 2026 [R. C7, E 2]. Respondent filed a timely Notice of Appeal from the June 23, 2026 Order and subsequent sanctions calculation on July 23, 2026 [R. C7, E 3].

C. The Appeal was Properly Docketed

The Notice of Appeal was received and docketed by the Appellate Court of Illinois, Fourth District, on July 23, 2026, as General No. 4-26-0842 [R. C7, E 4].

STATUTES INVOLVED

A. Illinois Compiled Statutes

735 ILCS 5/2-1001. Substitution of judge.

(a) A substitution of judge in any civil action may be had in the following situations, subject to the following conditions: ...

(3) Substitution for cause.

(i) Each party shall be entitled to a substitution or substitutions of judge for cause.

(ii) Every application for substitution of judge for cause shall be made by petition, setting forth the specific cause for substitution and praying a substitution of judge. The petition shall be verified by the affidavit of the applicant.

(iii) Upon the filing of a petition for substitution of judge for cause, a hearing to determine whether the cause exists shall be conducted as soon as possible by a judge other than the judge named in the petition. The judge named in the petition need not testify but may submit an affidavit if the judge wishes. If the petition is allowed, the case shall be assigned to a judge not named in the petition. If the petition is denied, the case shall be assigned back to the judge named in the petition.

B. Illinois Supreme Court Rules

Illinois Supreme Court Rule 137. Signing of Pleadings, Motions and Other Documents—Sanctions:

(a) Every pleading, motion and other document of a party represented by an attorney shall be signed by at least one attorney of record... A party who is not represented by an attorney shall sign his pleading, motion, or other document and state his address. ... The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. ...

(b) If a pleading, motion, or other document is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable

expenses incurred because of the filing of the pleading, motion or other document, including a reasonable attorney fee. ...

…

(d) Where a sanction is imposed under this rule, the judge shall set forth with specificity the reasons and basis of any sanction so imposed either in the judgment order itself or in a separate written order."

C. Illinois Code of Judicial Conduct

Illinois Supreme Court Rule 2.9: Ex Parte Communications

(A) A judge shall not initiate, permit, or consider ex parte communications or consider other communications made to the judge outside the presence of the parties or their lawyers concerning a pending or impending matter, except as follows:

(1) When circumstances require it, ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, provided:

(a) the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication; and

(b) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication and gives the parties an opportunity to respond. ...

(B) If a judge inadvertently receives an unauthorized ex-parte communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.

STATEMENT OF FACTS

A. Procedural Background and Context

This appeal arises from post-judgment proceedings in a dissolution of marriage action filed by Petitioner-Appellee, Gwendolyn M. Thomas ("Petitioner"), on September 12, 2022, in the Circuit Court of Cass County, Illinois, Case No. 2022-DC-15. A Judgment for Dissolution of Marriage was entered on January 18, 2024. (C.897).

Long preceding the January 2024 judgment, Respondent-Appellant, Luke A. Thomas, established of record his status as a person with a disability under the Americans with Disabilities Act (ADA), 42 U.S.C. § 12102, and 28 C.F.R. § 35.104. (C 319, C401-404, C717-721; C.950; C954; C1644-1646).

Specifically, Respondent's medical history—documented through formal submissions of record—includes a 2019 diagnosis of Stage IIIb Rectal Cancer requiring extensive treatment and surgery, which inflicted profound, lasting physical and cognitive tolls, alongside diagnoses of ADHD & PTSD. (C.954; C.1644-1646).

While Respondent may have attempted to navigate these hurdles prior to his 2019 cancer diagnosis, the compounding long-term cognitive consequences of his cancer care, ADHD, and PTSD made a reliable written record and adequate notice absolute medical necessities. As Respondent expressed to the trial court and as acknowledged, proceeding without sufficient notice or without the availability of transcripts severely impaired Respondent's ability to recall complex information and prepare for hearings which served as the basis of the trial court formally granting ADA accommodations on August 22, 2025 as more fully discussed below. (C.1648)

B. Formal Request and Grant of ADA Accommodations

Following the entry of the dissolution judgment, post-judgment proceedings continued before the Honorable Holly J. Henze. Recognizing that the history of unrecorded proceedings and sudden "emergency" hearings exacerbated his medical conditions, Respondent formally requested reasonable accommodations under the ADA and Illinois Supreme Court Policy M.R. 25307 on August 13, 2025. (C.1644-1646).

Respondent's medical records and need for accommodations were already known to Judge Henze, who did not require any consultation, evaluation, interactive process or additional medical proofs before reviewing and ruling upon Respondent's requests. (C.1648).

On August 22, 2025, Judge Henze issued a written order formally granting three core accommodations: (1) that all proceedings be officially recorded; (2) that all evidentiary hearings be conducted in person in Cass County; and (3) that Respondent be afforded the full statutory time allowed by law to respond to motions and prepare for hearings. Though Respondent requested to have all email communications between the court and parties to be contemporaneously filed as part of the official record given the stress and uncertainty caused by such matters being outside of the record and inability to recall the same, Judge Henze denied this request without explanation. *Id.*

C. Pending Motions and Uncontroverted Structural Challenges

As more fully detailed below, in October 2025, Respondent filed three distinct threshold structural challenges regarding the fundamental integrity of the proceedings,

none of which received a responsive pleading or counter-affidavit from Petitioner. (C.1263).

On October 3, 2025, Respondent filed a Motion to Stay Proceedings, pleading that he was being actively denied necessary court-ordered ADA accommodations while facing ongoing retaliation. (C.1337-1344). On October 6, 2025, Respondent filed a Motion to Compel Disclosure of All Ex Parte Communications, citing direct record evidence of an undisclosed May 19, 2023 ex parte conference between the Guardian ad Litem and Judge Henze that resulted in an adverse ex parte order. (C.1345-1349).

On October 14, 2025, Respondent filed a Petition for Relief from Judgment pursuant to 735 ILCS 5/2-1401 seeking to vacate the January 18, 2024 dissolution judgment. (C. 1352-1362). Petitioner failed to file an answer, responsive pleading, or counter-affidavit by the November 13, 2025 deadline, or at any time thereafter, leaving these foundational structural challenges dormant and unadjudicated on the docket. (C 1263-1266).

On November 14, 2025, Respondent filed an additional Motion to Compel Disclosure of Ex Parte Communications (C.1460-1465), supported by a Memorandum of Law. (C.1470-1475).

On December 1, 2025, Judge Henze emailed a list of pending pleadings remaining to be heard, which included Respondent's Motion for Disclosure of Ex-Parte Communications, among others. (C.1525).

Following scheduling discussions in early 2026, Judge Henze emailed the parties on March 9, 2026, offering multiple hearing dates and explicitly stating she would "set aside all day so all motions and petitions can be heard and disposed of". Based on the premise

that the entirety of the pending docket would be addressed, Respondent agreed to the May 22, 2026 date. (C.1526)

However, on March 23, 2026, the trial court entered an Order setting the May 22 hearing, noting that only Petitioner's Petition for Indirect Civil Contempt and Respondent's Petition for Permanent Modification of Allocation of Parenting Responsibilities were set "by agreement". The March 23 Order failed to address Respondent's outstanding structural motions, including the Motion for Disclosure of Ex Parte Communications. (C.1515)

Upon learning the Order limited the scope of the hearing, Respondent promptly filed a Motion to Vacate Order and Strike Hearing Date on May 4, 2026. Respondent's motion clarified that only the hearing date had been discussed, and that he never communicated, conferred, or agreed to limit the May 22 hearing exclusively to those two specific petitions or to bypass his pending threshold motions. Respondent sought to correct the record regarding the scope of the agreement and strike or convert the hearing. (C.1522-1527).

This "fluid docket" and bypass of Respondent's unanswered, defaulted structural pleadings and bypass of Respondent's Motions served as the direct catalyst for Respondent's subsequent substitution motion. (C.1546-1576).

D. Respondent's Motion for Substitution of Judge for Cause

On May 20, 2026, Respondent filed a verified Motion for Substitution of Judge for Cause pursuant to 735 ILCS 5/2-1001(a)(3) supported by a 42-paragraph sworn affidavit and Group Exhibit B. *Id*. The matter proceeded to a hearing on June 15, 2026, and the

record confirms that neither Petitioner nor the presiding judge filed a counter-affidavit or evidence in opposition. (C.1265)

E. The June 23, 2026 Order

On June 23, 2026, the Honorable J. Frank McCartney entered the Order Denying Motion for Substitution of Judge for Cause and Imposing Rule 137 Sanctions.
The Order relied upon prior November 2025 rulings and applied *res judicata*, concluding that the Motion for Substitution rested upon the same nucleus of operative facts previously adjudicated. The Order stated that any new allegations raised after November 2025 were "baseless and only used to delay these proceedings again," and found Judge Henze's scheduling emails entirely appropriate. (C.2152-2155)

Alternatively, the Order found the motion failed on its merits and imposed *sua sponte* sanctions under Rule 137, determining the motion was "not warranted by existing law, is not supported by a good-faith argument for an extension or modification of existing law and has unreasonably multiplied proceedings". *Id.* The Order directed Petitioner to submit an affidavit of costs and declared the order final and appealable regarding the substitution motion. *Id.*

F. Finality of Order

On July 2, 2026, Petitioner filed an Affidavit of Costs requesting $148.35, thereby fixing the amount of the sanctions under the June 23rd Order. (C.2156-2157). On July 23, 2026, Respondent filed a timely Notice of Appeal from the June 23, 2026 Order, docketed in the Appellate Court of Illinois, Fourth District, as General No. 4-26-0842. (C.2333-2345).

ARGUMENT

I. The Trial Court Erred as a Matter of Law by Denying the Motion for Substitution of Judge Where Respondent's Sworn Facts Were Uncontroverted.

A. Standard of Review

A trial court's compliance with statutory procedure and its application of the law to uncontroverted facts present questions of law subject to *de novo* review.

B. Argument

Under 735 ILCS 5/2-1001(a)(3), a party is entitled to a substitution of judge for cause if they can establish actual prejudice. When a motion for substitution is supported by a sworn affidavit and no counter-affidavit is filed by the opposing party or the named judge, the well-pled facts within the movant's affidavit must be taken as true. *F.H. Paschen/S.N. Nielsen, Inc. v. Burnham Station, L.L.C.*, 372 Ill. App. 3d 89 (1st Dist. 2007).

On May 20, 2026, Respondent filed a verified Motion for Substitution of Judge for Cause, supported by a 42-paragraph sworn affidavit detailing specific, newly occurring instances of actual prejudice. (C.1546-1576). The record definitively establishes that neither Petitioner nor the presiding judge filed a counter-affidavit prior to or during the June 15, 2026 hearing. (C.1265). By failing to file a counter-affidavit, the facts demonstrating actual prejudice—specifically the trial judge's May 5, 2026 directive forcing an unaccommodated "fluid docket"—were admitted as true as a matter of law. Therefore, the trial court's denial of the Motion for Substitution in its June 23, 2026 Order was legally erroneous and must be reversed.

II. The Trial Court Erred as a Matter of Law in Applying the Doctrine of *Res Judicata* to Bar Claims Based on Newly Occurring Facts.

A. Standard of Review

"The applicability of *res judicata* is a question of law that we review *de novo*." *Piwowar v. Carlisle*, 2021 IL App (1st) 200625, ¶ 20. *See also Nowak v. St. Rita High School*, 197 Ill. 2d 381, 389 (2001).

B. Argument

The trial court's June 23, 2026 Order summarily concluded that Respondent's May 20, 2026 Motion was barred by *res judicata*, resting upon the "same nucleus of operative facts" adjudicated in November 2025 (C.2152-2155). This application of *res judicata* is a legal impossibility.

The doctrine of *res judicata* bars the re-litigation of claims that were or could have been raised in a prior proceeding. It cannot bar claims predicated on facts that did not exist at the time of the prior judgment. The record clearly demonstrates that the May 20, 2026 Motion was triggered by new, independent factual events occurring six months after the November 2025 orders. Specifically, Respondent's motion cited the trial court's May 5, 2026 email directive refusing a pretrial hearing and forcing a "fluid docket" ambush of Respondent's previously defaulted, unanswered structural pleadings (including a Section 2-1401 Petition (C.1546-1547).

Because these factual catalysts occurred in May 2026, they could not have been adjudicated in 2025. The trial court's reliance on *res judicata* was therefore a misapplication of the law.

III. The Trial Court Abused Its Discretion by Imposing Rule 137 Sanctions *Sua Sponte* Without Notice, Without an Evidentiary Hearing, and Without Specific Factual Findings.

A. Standard of Review

Decisions on Rule 137 sanctions are usually reviewed for an abuse of discretion. *Lake Environmental, Inc. v. Arnold*, 2014 IL App (5th) 130109, ¶ 31. However, a trial court's failure to follow the procedural requirements of Rule 137 constitutes an abuse of discretion requiring reversal. *U.S. Bank Trust, N.A. v. Burnett*, 2021 IL App (1st) 200502, ¶ 30.

B. Argument

The trial court's *sua sponte* imposition of sanctions under Illinois Supreme Court Rule 137 must be reversed because it was procedurally defective and substantively unsupported by the record.

1. Failure to Conduct an Evidentiary Hearing.

A trial court's authority to impose sanctions *sua sponte* does not extinguish the fundamental due process requirement of an evidentiary hearing. *In re Marriage of Johnson*, 2011 IL App (1st) 102826. A hearing is mandatory to provide the sanctioned party an opportunity to present evidence substantiating their claim or to rebut the court's position.

Respondent appeared at the June 15, 2026 hearing solely to argue the merits of the substitution motion (C.1581). The trial court provided no advance notice that Rule 137 sanctions were being considered, denying Respondent the opportunity to present evidence of his good faith. As noted by the First District, where a trial court imposes sanctions without an evidentiary hearing or sworn testimony, "the court's findings were

not properly informed and thus the decision to impose sanctions was arbitrary and unreasonable". *U.S. Bank Trust, N.A. v. Burnett*, 2021 IL App (1st) 200502, ¶ 34.

B. The Motion Was Objectively Reasonable.

Rule 137 is penal in nature and strictly construed; the standard for evaluating a filing is an objective determination of what was reasonable at the time the pleading was filed. *Peterson v. Randhava*, 313 Ill. App. 3d 1, 7 (1st Dist. 2000). Respondent's filing was objectively reasonable as it was firmly grounded in existing law (*F.H. Paschen*) and relied upon newly discovered facts (the May 5 email directive and the May 4 auction ledger) that negated the trial court's claim of "improper purpose."

C. Lack of Specificity Required by Rule 137(d).

Rule 137(d) mandates that a judge imposing sanctions "shall set forth with specificity the reasons and basis of any sanction so imposed." Appellate courts strictly require "explicit factual findings." *Airolen Capital Ventures, Inc. v. Petri*, 265 Ill. App. 3d 80, 82-83 (1st Dist. 1994). The June 23, 2026 Order dismisses Respondent's newly raised allegations with the generalized conclusion that they are "baseless and only used to delay these proceedings again" [C.2151-2152). Substituting broad labels for explicit factual findings renders the sanctions order legally deficient on its face.

CONCLUSION

For the foregoing reasons, Respondent-Appellant, Luke A. Thomas, respectfully requests that this Honorable Court reverse the trial court's June 23, 2026 Order in its entirety. Respondent further requests that this Court vacate the *sua sponte* Rule 137 sanctions against Respondent, along with the subsequent fixing of costs. Finally, Respondent requests that this matter be remanded with instructions to grant the verified

Motion for Substitution of Judge for Cause, to reassign the underlying proceedings to a different trial judge, and to grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

By: /s/ Luke A. Thomas
LUKE A. THOMAS,
Appellant/Respondent, *pro se*
Email: thomaslitigation2022@gmail.com
Phone: 507-910-1605
Illinois ARDC No.: 6278591

CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 15 pages respectively.

Dated: October 12, 2026

By: /s/ Luke A. Thomas

LUKE A. THOMAS, Respondent-Appellant, Pro Se
Email: thomaslitigation2022@gmail.com
Phone: 507-910-1605
Illinois ARDC No.: 6278591

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of October, 2026, I served a true and correct copy of the foregoing **APPELLANT'S BRIEF**, together with all exhibits and attachments, upon the following person:

Gwendolyn M. Thomas
Appellee, Petitioner
Email: gwenthomaslaw@gmail.com

By: Electronic mail to the address above this date.

The type of service made is specifically noted as required by Fourth District Local Rule 109(b).

Dated: October 13, 2026

By: /s/ Luke A. Thomas
LUKE A. THOMAS, Appellant, pro se
Email: thomaslitigation2022@gmail.com
Phone: 507-910-1605
Illinois ARDC No.: 6278591

APPENDIX

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

GWENDOLYN M. THOMAS
Petitioner

VS **Case No. 22-DC-15**

FILED
JUN 23 2026
Circuit Clerk, Cass County, IL

LUKE A. THOMAS

Respondent

ORDER

This cause coming before the Court on Respondent's Motion for Substitution of Judge for Cause as to Judge Henze, brought pursuant to 735 ILCS 5/2-1001(a)(3), due notice having been provided, the parties having had the opportunity to be heard, and the Court being fully advised in the premises, the Court finds and orders as follows:

1. On November 5, 2025, this Court entered a written order denying Respondent's Motion to Reconsider the Court's September 25, 2025 ruling and, among other findings, determined that claims of ongoing judicial prejudice and void jurisdictional orders had been addressed in the Court's ruling and the record, noted that the Appellate Court had addressed such concerns to the extent raised, and expressly found that actual prejudice did not exist. The Court noted that judges are presumed to be impartial and the burden of overcoming this presumption by showing prejudicial trial conduct or personal bias rests on the party making the charge. **In re Marriage of O'Brien,** 958 NE 2d 647, 655, 354 Ill. Dec. 715 (2011). Opinions formed by the judge based on facts introduced or events occurring in the course of the current proceedings or prior proceedings do not constitute a basis for a bias or partiality motion unless they display deep-seeded favoritism or antagonism that would make a fair judgment impossible. **Id.** at 655.

2. In the September and November hearings before the undersigned, the Court further noted that a Motion for Substitution for Cause had not previously been filed against Judge Henze, confirmed that Judge Henze had been assigned to and would continue to hear the matter, and rejected assertions of improper judicial assignment or conduct based on the record.

3. Respondent thereafter filed a Motion for Substitution of Judge for Cause as to Judge Henze on May 20, 2026, asserting bias and related allegations tied to case management

and scheduling, and supported by an affidavit. The matter was previously set for hearing on all pending matters by Judge Henze on May 22, 2026, by an order dated March 23, 2026. Thus, the Motion for Substitution of Judge for Cause was filed three days prior to a hearing that had been set two months ago.

4. Illinois Supreme Court Rule 137 authorizes the Court to impose appropriate sanctions, including reasonable expenses and attorney fees, when a pleading, motion, or other document is signed in violation of the Rule's certification requirements, and requires the Court to set forth with specificity the reasons and basis of any sanction imposed. The signature on a pleading certifies that the filer has read the document, conducted a reasonable inquiry into the facts and law, and is not filing for an improper purpose, such as harassment, delay, or cause unnecessary litigation costs.

5. The Court incorporates the November 5, 2025, order and the findings the Court made during the September 25, 2025 hearing, as the operative adjudication of the issues of alleged judicial prejudice and the propriety of judicial assignment. The September 25th and November 5th Orders resolved Respondent's allegations regarding judicial prejudice adversely to Respondent, finding no actual prejudice and confirming the propriety of continued assignment.

6. Under the doctrine of *res judicata*, a final judgment on the merits by a court of competent jurisdiction bars subsequent actions between the same parties on the same claim or cause of action, including matters that were or could have been raised. **Nowak v. St. Rita High School**, 197 Ill.2d 381, 757 N.E.2d 471 (Sup. Ct. 2001). The Court denied the Motion for Substitution of Judge in September 2025 and then upon a timely filed Motion to Reconsider denied that Motion by Order in November 2025. The Respondent filed a Notice of Appeal as to the Court's ruling. The appeal was dismissed on January 16, 2026, by the Fourth District Appellate Court when Respondent failed to file the docketing statement.

The Court hereby concludes that Respondent's present Motion for Substitution of Judge for Cause, which rests upon the same nucleus of operative facts and allegations of judicial bias and assignment impropriety previously adjudicated in the September and November hearings are barred by res judicata. To the extent new allegations were raised subsequent to November 2025, the Court finds that the assertions made are baseless and only used to delay these proceedings again. The Court finds the email exchange between Judge Henze and the parties was completely appropriate in determining a proper

schedule for the pending motions. The Court also notes that the roughly two months between setting the May hearing and the May hearing itself was sufficient time for the parties to prepare and be ready. The Court also notes that Judge Henze regularly presides in Adams County and that in the interest of judicial economy and efficiency she was attempting to resolve all matters that could be resolved on the May hearing date as noted by her comments in the multiple email exchanges between her and the parties.

7. Independently and alternatively, to the extent the current motion repackages allegations already addressed in the September and November orders or seeks to relitigate the absence of actual prejudice, the motion fails on the merits for the reasons set forth in that order. The September and November orders determined that opinions formed by the judge based on proceedings in the case do not constitute bias absent deep-seated favoritism or antagonism making fair judgment impossible, and the Court found no actual prejudice on the record.

8. Sanctions under Illinois Supreme Court Rule 137 are warranted where a filing is not well-grounded in fact or law, is not supported by a good-faith argument for a change in law, or is interposed for an improper purpose. Rule 137 authorizes the imposition of sanctions upon motion or on the Court's own initiative and permits monetary sanctions to cover reasonable expenses caused by the filing. Given the prior adjudication of the same allegations in the November and September orders and the preclusive effect of res judicata, the Court finds Respondent's Motion for Substitution of Judge for Cause is not warranted by existing law, is not supported by a good-faith argument for an extension or modification of existing law, and has unreasonably multiplied proceedings.

9. The Court specifically finds: (a) the September and November orders adjudicated Respondent's allegations of judicial prejudice and assignment propriety and found no actual prejudice; (b) the present motion raises substantially the same contentions in a manner that is precluded; and (c) Respondent's filing necessitated needless motion practice to re-address issues already decided, thereby increasing litigation costs without a legal or factual basis consistent with Rule 137. Rule 137 requires the Court to set forth with specificity the reasons and basis of any sanction, which are stated herein.

IT IS THEREFORE ORDERED:

A. The Respondent's Motion for Substitution of Judge for Cause as to Judge Henze is **DENIED**. This denial is based on the preclusive effect of the Court's September 25th and November 5th, 2025, orders and, alternatively, on the merits for the reasons previously stated therein. The prior

orders addressed and rejected allegations of judicial prejudice and confirmed continued assignment.

B. The Court finds that Respondent's Motion for Substitution of Judge for Cause violates Illinois Supreme Court Rule 137. As a sanction under Rule 137, Petitioner is to submit **within 10 days** of this Order an affidavit as to her costs in reviewing Respondent's pleadings, preparing for the hearing, and traveling to and from the hearing. Respondent LUKE A. THOMAS shall pay for Petitioner's expenses as outlined in her affidavit within 30 days of the same being filed. Payment shall be made to the Cass County Circuit Clerk for disbursement to the Petitioner as Rule 137 authorizes monetary sanctions where a filing is signed in violation of the Rule's certification requirements.

C. The Court's reasons and basis for imposing Rule 137 sanctions are set forth in this order.

D. All other relief requested and not expressly granted is **DENIED.**

E. This is a final and appealable order with respect to the Motion for Substitution of Judge for Cause.

Date: June 23, 2026

Judge

Cc: Petitioner

Respondent

FILED
7/2/2026 3:38 PM
BRADLEY PARLIER
CLERK OF THE CIRCUIT COURT
CASS COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF THE EIGTH JUDICIAL

CIRCUIT OF ILLINOIS, CASS COUNTY, ILLINOIS

IN RE:	)	
	)	
THE MARRIAGE OF	)	
	)	
GWENDOLYN M. THOMAS,	)	
	)	2022-DC-15
Petitioner,	)	
AND	)	
	)	
LUKE A. THOMAS,	)	
	)	
Respondent.	)	

AFFIDAVIT OF COSTS

I, Gwendolyn M. Thomas, being first duly sworn upon oath, deposes and states:

1. I am the Petitioner in the above-referenced matter and submit this Affidavit in accordance with the Order entered by Judge McCartney in this case on June 23, 2026.

2. I expended the following time and incurred the following costs in relation to Respondent's Motion for Substitution of Judge for Cause filed on May 20, 2026.

Date	**Description**	**Hours**
5-20-26	Received and reviewed Motion for Substitution of Judge for Cause	.3
5-28-26	Received and reviewed email from Judge McCartney and replied to same re: scheduling hearing on Motion for SOJ	.3
6-14-26	Prepared for hearing on Motion for SOJ	1.5
6-15-26	Attended hearing in Cass County on Motion For SOJ	2.5

6-15-26	Mileage to/from Courthouse from Petersburg, IL (72.5 cents x 46 miles = $33.35)

TOTAL HOURS: 4.6 hours x $25 = $115

MILEAGE: $33.35

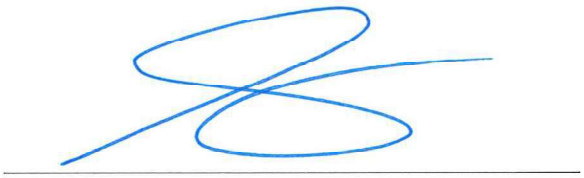
TOTAL DUE: $148.35

3. The undersigned is a licensed attorney who charged an hourly rate between $200/hour and $250/hour while in private practice.

4. While the undersigned believes her time is valued at a rate greater than $250/hour, the undersigned is only requesting reimbursement at a rate of $25 per hour.

5. The total amount due me from the Respondent for this portion of the proceeding is $148.35.

Further, your affiant saith not.



Gwendolyn M. Thomas

Signed and sworn to before me

July 2, 2026.





Notary Public

Gwendolyn M. Thomas
406 N. Sylvan Street
Ashland, IL 62612
gwenthomaslaw@gmail.com
217-291-3892

FILED
7/2/2026 3:38 PM
BRADLEY PARLIER
CLERK OF THE CIRCUIT COURT
CASS COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF THE EIGTH JUDICIAL

CIRCUIT OF ILLINOIS, CASS COUNTY, ILLINOIS

IN RE:	)	
	)	
THE MARRIAGE OF	)	
	)	
GWENDOLYN M. THOMAS,	)	
	)	2022-DC-15
Petitioner,	)	
AND	)	
	)	
LUKE A. THOMAS,	)	
	)	
Respondent.	)	

CERTIFICATE OF SERVICE

I, Gwendolyn M. Thomas, the Petitioner in this proceeding, do hereby certify that I served an Affidavit of Costs in the above-entitled cause upon Respondent, Luke A. Thomas, via email to thomaslitigation2022@gmail.com on July 2, 2026.

s/ Gwendolyn M. Thomas

Gwendolyn M. Thomas, Petitioner
416 N. Sylvan
Ashland, IL 62612
217-291-3892
Email: gwenthomaslaw@gmail.com

FILED
7/23/2026 12:38 PM
BRADLEY PARLIER
CLERK OF THE CIRCUIT COURT
CASS COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL

CIRCUIT OF ILLINOIS, CASS COUNTY, ILLINOIS

GWENDOLYN M. THOMAS, Petitioner, vs. LUKE A. THOMAS, Respondent.	No. 2022-DC-15

NOTICE OF APPEAL

NOW COMES the Respondent, LUKE A. THOMAS, pro se, and pursuant to Illinois Supreme Court Rules 301, 303, and 304, hereby appeals to the Appellate Court of Illinois, Fourth District, from the final and appealable Order entered by the Honorable J. Frank McCartney on June 23, 2026, and from all orders and rulings incorporated therein.

I. THE ORDER APPEALED FROM

1. On June 23, 2026, the Circuit Court of Cass County, Illinois, entered an Order denying Respondent's Motion for Substitution of Judge for Cause and imposing sanctions against Respondent under Illinois Supreme Court Rule 137. (Order, dated June 23, 2026, attached as Exhibit A).
2. The Order is final and appealable pursuant to Illinois Supreme Court Rule 304(b)(3), as it resolves the last pending issue regarding the Motion for Substitution of Judge for Cause and imposes a monetary sanction.

3. The Order expressly states: "This is a final and appealable order with respect to the Motion for Substitution of Judge for Cause." (Order, ¶ E).
4. Petitioner filed her Affidavit of Costs on July 1, 2026, fixing the amount of the sanction at $148.35. (Affidavit of Costs, filed July 1, 2026, attached as Exhibit B).
5. The amount of the sanction having been fixed, the Order is now fully final and appealable.

II. THE PARTIES

6. The Appellant is LUKE A. THOMAS, Respondent in the above-captioned matter.
7. The Appellee is GWENDOLYN M. THOMAS, Petitioner in the above-captioned matter.

III. NATURE OF THE APPEAL

8. This appeal challenges the propriety of the Court's sua sponte imposition of Rule 137 sanctions, which were imposed without prior notice, without a motion from any party, and without an opportunity for Respondent to be heard.
9. This appeal also challenges the denial of Respondent's Motion for Substitution of Judge for Cause, which was supported by sworn affidavit and documented evidence of bias, ex parte communications, and systemic procedural irregularities.
10. Specifically, the Court's Order:

    a. Erroneously applied res judicata to an interlocutory motion, effectively immunizing the Court's own conduct from review;

    b. Ignored new evidence and allegations that could not have been raised in prior proceedings, including evidence of extra-judicial monitoring and ongoing ex parte communications;

c. Imposed Rule 137 sanctions sua sponte without notice or opportunity to be heard, in violation of due process;

d. Failed to set forth a proper basis for sanctions under Rule 137;

e. Demonstrated a pattern of bias and procedural irregularity that warrants appellate review.

IV. RELIEF REQUESTED

WHEREFORE, Respondent, LUKE A. THOMAS, respectfully requests that the Appellate Court:

A. **REVERSE** the June 23, 2026 Order denying Respondent's Motion for Substitution of Judge for Cause;

B. **REVERSE** the sua sponte imposition of Rule 137 sanctions against Respondent;

C. **VACATE** the order requiring Respondent to pay Petitioner's costs in the amount of $148.35;

D. **REMAND** this matter to the Circuit Court with instructions to assign a new judge from outside the Eighth Judicial Circuit to preside over all future proceedings;

E. **GRANT** such other and further relief as this Court deems just and proper.

V. CERTIFICATE OF SERVICE

Respondent certifies that he has served a copy of this Notice of Appeal upon Petitioner in accordance with Illinois Supreme Court Rules 12 and 373 to her electronic mailing address of record, namely: gwenthomaslaw@gmail.com

VI. 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 the foregoing instrument are true 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.

Respectfully submitted,

By: /s/ Luke A. Thomas
LUKE A. THOMAS, Respondent, *pro se*
Email: thomaslitigation2022@gmail.com
Phone: 507-910-1605
Illinois ARDC No.: 6278591

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of July, 2026, I served a copy of the foregoing NOTICE OF APPEAL upon the following persons at their respective electronic mailing addresses of record:

Gwendolyn M. Thomas: gwenthomaslaw@gmail.com

By: /s/ Luke A. Thomas
LUKE A. THOMAS, Respondent, *pro se*

EXHIBITS

Exhibit A: Order Denying Motion for Substitution of Judge for Cause and Imposing Rule 137 Sanctions, dated June 23, 2026

Exhibit B: Affidavit of Costs of Gwendolyn M. Thomas, filed July 1, 2026

Signed: July 23, 2026

Respectfully submitted,

BY /s/ Luke A. Thomas

LUKE A. THOMAS
PLAINTIFF, pro se
Email: thomaslitigation2022@gmail.com
Phone: 507-910-1605
Illinois ARDC No.: 6278591

Exhibit ‘A’

Order for which Appeal is taken- June 23, 2026

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

GWENDOLYN M. THOMAS
Petitioner

VS

Case No. 22-DC-15

LUKE A. THOMAS

Respondent

FILED
JUN 23 2026
Circuit Clerk, Cass County, IL

ORDER

This cause coming before the Court on Respondent's Motion for Substitution of Judge for Cause as to Judge Henze, brought pursuant to 735 ILCS 5/2-1001(a)(3), due notice having been provided, the parties having had the opportunity to be heard, and the Court being fully advised in the premises, the Court finds and orders as follows:

1. On November 5, 2025, this Court entered a written order denying Respondent's Motion to Reconsider the Court's September 25, 2025 ruling and, among other findings, determined that claims of ongoing judicial prejudice and void jurisdictional orders had been addressed in the Court's ruling and the record, noted that the Appellate Court had addressed such concerns to the extent raised, and expressly found that actual prejudice did not exist. The Court noted that judges are presumed to be impartial and the burden of overcoming this presumption by showing prejudicial trial conduct or personal bias rests on the party making the charge. **In re Marriage of O'Brien,** 958 NE 2d 647, 655, 354 Ill. Dec. 715 (2011). Opinions formed by the judge based on facts introduced or events occurring in the course of the current proceedings or prior proceedings do not constitute a basis for a bias or partiality motion unless they display deep-seeded favoritism or antagonism that would make a fair judgment impossible. **Id.** at 655.

2. In the September and November hearings before the undersigned, the Court further noted that a Motion for Substitution for Cause had not previously been filed against Judge Henze, confirmed that Judge Henze had been assigned to and would continue to hear the matter, and rejected assertions of improper judicial assignment or conduct based on the record.

3. Respondent thereafter filed a Motion for Substitution of Judge for Cause as to Judge Henze on May 20, 2026, asserting bias and related allegations tied to case management

and scheduling, and supported by an affidavit. The matter was previously set for hearing on all pending matters by Judge Henze on May 22, 2026, by an order dated March 23, 2026. Thus, the Motion for Substitution of Judge for Cause was filed three days prior to a hearing that had been set two months ago.

4. Illinois Supreme Court Rule 137 authorizes the Court to impose appropriate sanctions, including reasonable expenses and attorney fees, when a pleading, motion, or other document is signed in violation of the Rule's certification requirements, and requires the Court to set forth with specificity the reasons and basis of any sanction imposed. The signature on a pleading certifies that the filer has read the document, conducted a reasonable inquiry into the facts and law, and is not filing for an improper purpose, such as harassment, delay, or cause unnecessary litigation costs.

5. The Court incorporates the November 5, 2025, order and the findings the Court made during the September 25, 2025 hearing, as the operative adjudication of the issues of alleged judicial prejudice and the propriety of judicial assignment. The September 25th and November 5th Orders resolved Respondent's allegations regarding judicial prejudice adversely to Respondent, finding no actual prejudice and confirming the propriety of continued assignment.

6. Under the doctrine of *res judicata*, a final judgment on the merits by a court of competent jurisdiction bars subsequent actions between the same parties on the same claim or cause of action, including matters that were or could have been raised. **Nowak v. St. Rita High School**, 197 Ill.2d 381, 757 N.E.2d 471 (Sup. Ct. 2001). The Court denied the Motion for Substitution of Judge in September 2025 and then upon a timely filed Motion to Reconsider denied that Motion by Order in November 2025. The Respondent filed a Notice of Appeal as to the Court's ruling. The appeal was dismissed on January 16, 2026, by the Fourth District Appellate Court when Respondent failed to file the docketing statement.

The Court hereby concludes that Respondent's present Motion for Substitution of Judge for Cause, which rests upon the same nucleus of operative facts and allegations of judicial bias and assignment impropriety previously adjudicated in the September and November hearings are barred by res judicata. To the extent new allegations were raised subsequent to November 2025, the Court finds that the assertions made are baseless and only used to delay these proceedings again. The Court finds the email exchange between Judge Henze and the parties was completely appropriate in determining a proper

schedule for the pending motions. The Court also notes that the roughly two months between setting the May hearing and the May hearing itself was sufficient time for the parties to prepare and be ready. The Court also notes that Judge Henze regularly presides in Adams County and that in the interest of judicial economy and efficiency she was attempting to resolve all matters that could be resolved on the May hearing date as noted by her comments in the multiple email exchanges between her and the parties.

7. Independently and alternatively, to the extent the current motion repackages allegations already addressed in the September and November orders or seeks to relitigate the absence of actual prejudice, the motion fails on the merits for the reasons set forth in that order. The September and November orders determined that opinions formed by the judge based on proceedings in the case do not constitute bias absent deep-seated favoritism or antagonism making fair judgment impossible, and the Court found no actual prejudice on the record.

8. Sanctions under Illinois Supreme Court Rule 137 are warranted where a filing is not well-grounded in fact or law, is not supported by a good-faith argument for a change in law, or is interposed for an improper purpose. Rule 137 authorizes the imposition of sanctions upon motion or on the Court's own initiative and permits monetary sanctions to cover reasonable expenses caused by the filing. Given the prior adjudication of the same allegations in the November and September orders and the preclusive effect of res judicata, the Court finds Respondent's Motion for Substitution of Judge for Cause is not warranted by existing law, is not supported by a good-faith argument for an extension or modification of existing law, and has unreasonably multiplied proceedings.

9. The Court specifically finds: (a) the September and November orders adjudicated Respondent's allegations of judicial prejudice and assignment propriety and found no actual prejudice; (b) the present motion raises substantially the same contentions in a manner that is precluded; and (c) Respondent's filing necessitated needless motion practice to re-address issues already decided, thereby increasing litigation costs without a legal or factual basis consistent with Rule 137. Rule 137 requires the Court to set forth with specificity the reasons and basis of any sanction, which are stated herein.

IT IS THEREFORE ORDERED:

A. The Respondent's Motion for Substitution of Judge for Cause as to Judge Henze is **DENIED**. This denial is based on the preclusive effect of the Court's September 25th and November 5th, 2025, orders and, alternatively, on the merits for the reasons previously stated therein. The prior

orders addressed and rejected allegations of judicial prejudice and confirmed continued assignment.

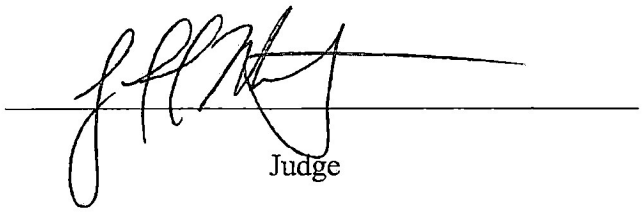
B. The Court finds that Respondent's Motion for Substitution of Judge for Cause violates Illinois Supreme Court Rule 137. As a sanction under Rule 137, Petitioner is to submit **within 10 days** of this Order an affidavit as to her costs in reviewing Respondent's pleadings, preparing for the hearing, and traveling to and from the hearing. Respondent LUKE A. THOMAS shall pay for Petitioner's expenses as outlined in her affidavit within 30 days of the same being filed. Payment shall be made to the Cass County Circuit Clerk for disbursement to the Petitioner as Rule 137 authorizes monetary sanctions where a filing is signed in violation of the Rule's certification requirements.

C. The Court's reasons and basis for imposing Rule 137 sanctions are set forth in this order.

D. All other relief requested and not expressly granted is **DENIED.**

E. This is a final and appealable order with respect to the Motion for Substitution of Judge for Cause.

Date: June 23, 2026



Judge

Cc: Petitioner

Respondent

Exhibit ‘B’

Affidavit of Costs date July 1, 2026

FILED
7/2/2026 3:38 PM
BRADLEY PARLIER
CLERK OF THE CIRCUIT COURT
CASS COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF THE EIGTH JUDICIAL

CIRCUIT OF ILLINOIS, CASS COUNTY, ILLINOIS

IN RE:	)	
	)	
THE MARRIAGE OF	)	
	)	
GWENDOLYN M. THOMAS,	)	
	)	2022-DC-15
Petitioner,	)	
AND	)	
	)	
LUKE A. THOMAS,	)	
	)	
Respondent.	)	

AFFIDAVIT OF COSTS

I, Gwendolyn M. Thomas, being first duly sworn upon oath, deposes and states:

1. I am the Petitioner in the above-referenced matter and submit this Affidavit in accordance with the Order entered by Judge McCartney in this case on June 23, 2026.

2. I expended the following time and incurred the following costs in relation to Respondent's Motion for Substitution of Judge for Cause filed on May 20, 2026.

Date	**Description**	**Hours**
5-20-26	Received and reviewed Motion for Substitution of Judge for Cause	.3
5-28-26	Received and reviewed email from Judge McCartney and replied to same re: scheduling hearing on Motion for SOJ	.3
6-14-26	Prepared for hearing on Motion for SOJ	1.5
6-15-26	Attended hearing in Cass County on Motion For SOJ	2.5

6-15-26 Mileage to/from Courthouse from Petersburg, IL (72.5 cents x 46 miles = $33.35)

TOTAL HOURS: 4.6 hours x $25 = $115

MILEAGE: $33.35

TOTAL DUE: $148.35

3. The undersigned is a licensed attorney who charged an hourly rate between $200/hour and $250/hour while in private practice.

4. While the undersigned believes her time is valued at a rate greater than $250/hour, the undersigned is only requesting reimbursement at a rate of $25 per hour.

5. The total amount due me from the Respondent for this portion of the proceeding is $148.35.

Further, your affiant saith not.

Gwendolyn M. Thomas

Signed and sworn to before me

July 2, 2026.

OFFICIAL SEAL
JILLIAN J LOUNSBERRY
Notary Public, State of Illinois
Commission No. 994739
My Commission Expires August 5, 2028

Notary Public

Gwendolyn M. Thomas
406 N. Sylvan Street
Ashland, IL 62612
gwenthomaslaw@gmail.com
217-291-3892

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

GWENDOLYN M. THOMAS
Petitioner

VS **Case No. 22-DC-15**

LUKE A. THOMAS

Respondent

FILED
SEP 26 2025
Circuit Clerk, Cass County, IL

ORDER

This matter came before this Court for hearing on pending motions. Petitioner appears in person. Respondent appears via zoom. Evidence presented. Arguments heard. Upon consideration of the pleadings, the evidence, and arguments of the parties, the Court finds as follows:

1. For reasons set forth on the record, the Motion for Clarification and to Set Procedural Order of Hearing is DENIED.
2. For reasons set forth on the record, the Motion for Administrative Order of Clarification and Determination is DENIED.
3. For reasons set forth on the record, the Third Amended Motion for Substitution of Judge for Cause is DENIED.
4. The deadlines imposed in the August 21, 2025, order entered by Judge Henze remain as previously ordered.
5. The status review set for October 6, 2025, at 1:00 p.m. remains. Both parties may appear via zoom or in person.

IT IS SO ORDERED.

September 25, 2025

Judge

Cc: Petitioner Respondent Judge Henze

C 1324 V2

FILED
NOV - 6 2025
Circuit Clerk, Cass County, IL

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

GWENDOLYN M. THOMAS
Petitioner

VS

Case No. 22-DC-15

LUKE A. THOMAS

Respondent

ORDER

This matter came before this Court for a ruling on Respondent's Motion to Reconsider Order of September 25, 2025. Respondent does not seek oral argument on the motion. Thus, the Court will rule based upon consideration of the entire record and the hearing that was held on September 25, 2025. Upon consideration of all pleadings on file and for reasons set forth in the September 25 hearing, the Court finds as follows:

The Court finds that Respondent's points were properly addressed in the Court's ruling and as contained in the record in this case. Specifically, claims of ongoing judicial prejudice and void jurisdictional orders was addressed in the Court's ruling. Further, the Appellate Court addressed these concerns to the extent they were raised by the Respondent. The Court notes that a Motion for Substitution for Cause was never filed against Judge Henze and that the additional testimony of the Respondent produced during the recent hearing was rebutted by the record of these proceedings. As noted by the **O'Brien** case and as asserted by the Petitioner, judges are presumed to be impartial and the burden of overcoming this presumption by showing prejudicial trial conduct or personal bias rests on the party making the charge. Opinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings or prior proceedings do not constitute a basis for a bias or partiality motion unless they display deep-seeded favoritism or antagonism that would make a fair judgment impossible. The record is long in this case and as stated by the Court, the Court does not find that actual prejudice exists.

C 1396 V2

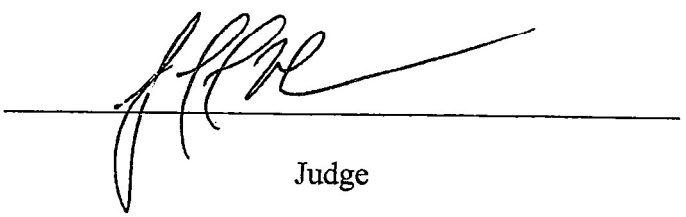
Respondent asserts that the Court improperly disregarded the uncontroverted sworn facts presented in Respondent's affidavit. However, as noted by the Court and as asserted by Petitioner, these assertions were made in contradiction of the existing record and as also addressed by the Appellate Court's decision. Thus, this Court found no merit to these allegations. Additionally, Respondent has brought to light recent allegations concerning thc Petitioner and those allegations need to be brought to the attention of Judge Henze if Respondent wishes to pursue modifications to prior court orders.

The Court addressed the procedural history of the case. As stated, Judge Thomson did not recuse himself nor was he substituted out of this case. The Court found it was proper for Chief Judge Thomson to exercise his administrative authority to assign the undersigned to hear the pending motions. Judge Henze was previously assigned this case and will continue to hear this matter until it is completed. The fact that Judge Wessel signed administrative orders to ensure various entities were paid is not improper. Judge Wessel made no substantive rulings in the Court's opinion.

Therefore, upon consideration of the entire record of this case including attachments to the pleadings, the hearing held on September 25th, and for reasons set forth previously and as asserted by the Petitioner, the Court hereby **DENIES** Respondent's Motion to Reconsider Order of September 25, 2205.

IT IS SO ORDERED.

November 5, 2025



Judge

Cc: Petitioner Respondent Judge Henze

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

GWENDOLYN M. THOMAS
Petitioner

VS

Case No. 22-DC-15

FILED
NOV 25 2025
Circuit Clerk, Cass County, IL

LUKE A. THOMAS

Respondent

ORDER

This matter came before this Court after the undersigned was assigned to address the Motion for Substitution of Judge filed on November 7, 2025. The Court, having reviewed the Motion, hereby finds as follows:

Illinois Supreme Court Rule 903 states "whenever possible and appropriate, all child custody and allocation of parental responsibilities proceedings relating to an individual child shall be conducted by a single judge." On November 6, 2025, Chief Judge Thomson entered an order in 2023-OP-29, consolidating said case with this case and assigned Judge Henze to address the Petition filed in 2023-OP-29.

As the Court previously found in recent hearings, cause does not exist for the removal of Judge Henze to preside over pending matters. As noted by the **In re Marriage of O'Brien** case (2011 IL 109039, Ill. Sup. Ct 2011) cited in the Court's last order, judges are presumed to be impartial and the burden of overcoming this presumption by showing prejudicial trial conduct or personal bias rests on the party making the charge. Opinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings or prior proceedings do not constitute a basis for a bias or partiality motion unless they display deep-seeded favoritism or antagonism that would make a fair judgment impossible. The Court did not find that actual prejudice exists.

Now, in Petitioner's most recent filing, Petitioner asserts that Judge Henze would be called

as a witness in the 2023-OP-29 case. Respondent asserts that Judge Henze is a "witness to matters raised in the Emergency Petition, and her testimony is material to the allegations and issues before the Court". Further, Respondent indicates that the "subject matter of this Order of Protection case is inextricably linked, in part, to the events of May 2023, upon which Respondent made her false kidnapping allegations and communicated the same to the court-appointed GAL, who represented to the Petitioner that she was contemporaneously communicating with Judge Henze as the events took place." The Court finds that Respondent has failed to demonstrate a sufficient basis for calling Judge Henze as a witness. It would appear that the GAL could provide testimony if needed if Petitioner was able to show some relevance for the admission of this evidence and/or the Court could take judicial notice of any and all proceedings in these matters.

Additionally, the Court finds the issues raised in 2023-OP-29 moot as it relates to any new allegation that Respondent seeks to have addressed stemming from the DUI charge received by Petitioner. These allegations could have been brought before this Court on numerous occasions over the past two years and on his appeal. The attempt to litigate this issue, which occurred two and half years ago, appears to be an attempt to once again remove Judge Henze from further hearing in this matter. The Court notes that Illinois Rules of Evidence 605 states the judge presiding at the trial may not testify in that trial as a witness. The Court finds that Respondent seeking to call Judge Henze as a witness is only being used as an attempt once again to remove her from hearing matters in the present case. The issues in the 23-OP-29 case could have been raised years ago and are now moot. These issues could have been addressed in the Order of Protection case if Respondent requested a hearing, the divorce case, and/or the appeal. The Respondent chose not to participate in the final hearing on the divorce case and to the extent any of these issues were raised on appeal, the issues were addressed.

Additionally, in paragraph 6 of the motion before this Court, the Respondent seeks to relitigate the history as it concerns Judge Thomson's involvement with this case. The Court

addressed this assertion in the Motion for Substitution for Cause and the Motion to Reconsider. The Court previously found there was no merit to this claim, and the Court still finds that is the case. The Court finds that Respondent's points were properly addressed in the Court's ruling and as contained in the record in this case.

For reasons set forth in this Order and as set out in previous orders of the Court, the Court hereby **DENIES** the Motion for Substitution of Judge filed on November 7, 2025.

IT IS SO ORDERED.

November 25, 2025

Judge

Cc: Petitioner Respondent Judge Henze

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

IN RE THE MARRIAGE OF	)	
	)	
GWENDOLYN M. THOMAS, Petitioner,	)	
	)	
vs.	)	No. 22-DC-15
	)	
LUKE A. THOMAS, Respondent.	)	

FILED
AUG 25 2026
Circuit Clerk, Cass County, IL

ORDER

The Respondent's Motion for Disclosure of Ex Parte Communications filed on October 6, 2025 and the Respondent's Motion to Disclose Ex Parte Communications filed are November 14, 2025 are both denied. The court has reviewed all file notes, emails and text messages, specifically those communications with the Guardian ad Litem, and can find no communications that were not later disclosed on the record.

The Respondent's Motion to Stay Proceedings filed on October 3, 2025 is now moot and is denied.

The Respondent's Motion to Vacate Order and Strike Hearing Date filed on May 4, 2026 is now moot and is denied.

Entered: August 25, 2026

Hon. Holly J. Henze

Copy: Pet
Resp

FILED
5/20/2026 1:59 PM
BRADLEY PARLIER
CLERK OF THE CIRCUIT COURT
CASS COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL

CIRCUIT OF ILLINOIS, CASS COUNTY, ILLINOIS

GWENDOLYN M. THOMAS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. 2022DC15
	)	
LUKE A. THOMAS	)	
	)	
Respondent.	)	

RESPONDENT'S MOTION FOR SUBSTITUTION OF JUDGE
735 ILCS 5/2-1001(a)(3)
(May 2026)

NOW COMES the Respondent, LUKE A. THOMAS, *pro se*, and pursuant to 735 ILCS 5/2-1001(a)(3), respectfully petitions this Court for a Substitution of Judge for Cause. In support of this Petition, Respondent states as follows:

1. Respondent brings this Motion as authorized by 735 ILCS 5/2-1001(a)(3), which mandates that upon the filing of a petition for substitution of judge for cause, supported by affidavit, the court shall halt proceedings on substantive matters, and the petition shall be heard by a judge other than the judge named in the petition.
2. The presiding judge in this matter, the Honorable Judge Henze, harbors actual prejudice and animosity toward the Respondent. This prejudice is actively manifesting as a calculated, retaliatory deprivation of Respondent's fundamental civil and due process rights, specifically designed to exploit Respondent's documented medical disabilities and force procedural defaults.
3. The Court has demonstrated a fundamental hostility toward Respondent's invocation of the Americans with Disabilities Act. Judge Henze either completely misunderstands a disabled litigant's absolute right to these statutory protections, or she harbors an insurmountable personal bias against Respondent because of his disability or otherwise, deliberately making a fair and impartial proceeding impossible.

4. As specifically detailed in the attached Sworn Affidavit (Exhibit A), incorporated herein by reference, Judge Henze appears to be intentionally weaponizing the Court's docket to: a. Subvert and violate Respondent's formally granted accommodations under the Americans with Disabilities Act (ADA). b. Coerce the legal waiver of pending threshold structural challenges—including a Section 2-1401 Petition and Motions for Disclosure of *Ex Parte* Communications—by forcing a "fluid docket" evidentiary ambush on May 22, 2026. c. Actively retaliate against Respondent for previously questioning the tribunal's integrity in a prior Substitution of Judge proceeding. d. Shield the Petitioner (a Sitting State's Attorney) from federal scrutiny regarding the clandestine, unauthorized taking and liquidation of a federally regulated FFL inventory and the concealment of proceeds and other property not disclosed to Respondent or this Court; e. Shield Petitioner from scrutiny for violations of State and federal law previously raised, which remains unadjudicated despite Respondent's pending pleadings/motions.
5. The Court's May 5, 2026, written directive explicitly refusing to adjudicate threshold jurisdictional and structural motions prior to taking evidence on substantive financial matters constitutes an intentional abandonment of judicial duty and a denial of meaningful access to the courts.
6. Because Judge Henze's administrative and *ex parte* conduct forms the factual basis of the pending structural challenges, she cannot act as an impartial trier of fact in these proceedings.
7. This Petition is filed at the earliest practical moment following the Court's retaliatory directive of May 5, 2026, and is brought in good faith, not for the purposes of delay, but to preserve the structural integrity of the proceedings and protect Respondent's constitutional rights.

8. True and correct copies of the correspondence and other communications (email) from/to Judge Henze as referenced herein are attached as Group Exhibit 'B' and by this reference, Respondent incorporates the same as if restating the contents verbatim.
9. Copies of Respondent's ADA accommodations request(s) are attached, together with the Order approving the same for the Court's convenience.
10. The record is replete with examples of Judge Henze admittedly engaging in communications intended to be within the scope of Canon 2, Rule 2.9 of the Illinois Code of Judicial Conduct, yet Judge Henze has evidenced no intention to make the disclosures required by said Rule.

WHEREFORE, Respondent, LUKE A. THOMAS, respectfully prays that:

A. The Honorable Judge Henze immediately stay all substantive proceedings in Case No. 2022-DC-15, including the evidentiary hearing currently scheduled for May 22, 2026;

B. This Motion be transferred and reassigned to a different judge pursuant to 735 ILCS 5/2-1001(a)(3); and/or

C. Upon hearing, this Petition be granted and a new judge be permanently assigned to this matter; and/or

D. This Court stay all substantive proceedings until such time a supervisory order is sought from the Illinois Supreme Court pursuant to Rule 383 and rendered accordingly; and

D. For such other and further relief as justice and equity require.

Respectfully submitted,

By: LUKE A. THOMAS, Respondent

/s/ Luke A. Thomas
Luke A. Thomas, Respondent
ARDC No:6278591

VERIFICATION

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 true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

BY: /s/ Luke A. Thomas

Luke A. Thomas, Respondent

CERTIFICATE OF SERVICE

I, Luke A. Thomas, pro se Respondent in the above captioned cause, do hereby certify that I served a copy of the foregoing Motion for Substitution of Judge Pursuant to 735 ILCS 5/2-1001(a)(3) upon Petitioner via the Court's electronic filing system to the electronic mailing address disclosed on the record and electronic mailing address of Petitioner's last-known address, addressed as follows on the date and time this Motion was submitted for filing with the Clerk of this Court on this 20th day of May, 2026

Electronic Mail: gwenthomaslaw@gmail.com

By: /s/Luke A. Thomas

Luke A. Thomas, Respondent

EXHIBIT ‘A’

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL

CIRCUIT OF ILLINOIS, CASS COUNTY, ILLINOIS

GWENDOLYN M. THOMAS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. 2022DC15
	)	
LUKE A. THOMAS	)	
	)	
Respondent.	)	

AFFIDAVIT OF LUKE A. THOMAS IN SUPPORT OF MOTION FOR SUBSTITUTION OF JUDGE FOR CAUSE AND PRESERVATION OF THE RECORD

I, LUKE A. THOMAS, under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, state that the following statements are true to the best of my knowledge and belief:

I. MEDICAL HISTORY, DIAGNOSIS, AND BASELINE OF DISABILITY

1. I am the Respondent in this matter. I am an attorney licensed to practice in the State of Illinois, United States District Court (Central Illinois Div.), United States Bankruptcy Court and United States Supreme Court.
2. In 2019, at the age of 43 and as the father of four young children, I was diagnosed with Stage IIIb Rectal Cancer. Prior to this diagnosis, I maintained a highly active legal practice and operated as a Federal Firearms Licensee (FFL) (2016-2019), wherein I was in the build-out phase of launching a federally regulated online tactical retail business, *Threegunstore.com*.
3. My medical treatment required aggressive surgical intervention, radiation and chemotherapy, together with subsequent follow-up surgeries and diagnostic testing as part of a five-year cancer care plan. The severity of the disease and the resulting treatments inflicted a profound, lasting physical and cognitive toll, forcing me to ethically

step away from my legal practice and suspend my business operations during my recovery.

4. The trial court has possessed actual, documented knowledge of my medical condition, diagnosis, and the resulting physical and cognitive limitations from the inception of these proceedings. I formally notified the court, including Judge Hooker, of my diagnosis and my need to step away from active practice via written correspondence to the judges of the Eighth Circuit following my 2019 diagnosis.

II. STRICT ETHICAL COMPLIANCE, EXPLOITATION, AND WITNESS TAMPERING

5. Recognizing that the physical and cognitive toll of my disease and treatments would prevent me from providing competent representation, I strictly adhered to the Illinois Rules of Professional Conduct—specifically Rule 1.1 (Competence) and Rule 1.16(a)(2) (Mandatory Withdrawal). I made the ethical decision to close my practice and secure my regulated FFL inventory so my clients and the public would not be prejudiced by my medical crisis.
6. From the inception of this case, I have openly disclosed my deeply private health information to the Court to secure equitable relief. Rather than ensuring a level playing field, the Petitioner—a sitting State's Attorney—has weaponized my ethical disclosures. She has subjected me to relentless stonewalling, demeaning name-calling, and a coordinated campaign of false and defamatory statements to my family.
7. Most disturbingly, the Petitioner has engaged in a predatory effort to alienate my family support system in the event my medical condition worsens. Despite having only met my paternal uncle, Gerald, on two brief occasions, the Petitioner has repeatedly contacted him to provide false or misleading information. This is a calculated witness-tampering tactic designed to ensure that my family will not ask questions or assist me should my

health render me unable to testify to the Court regarding the unauthorized liquidation of my assets, exploitation during recovery, and acts of criminality committed against me and my children.

III. CREATION OF THE HIGH-VALUE PORTFOLIO AND SUBSEQUENT SEIZURE

8. Following the passing of my father in 2016, I transitioned my investment strategy to tangible assets as an inflation hedge. This portfolio included precious metals, FFL business inventory (approximately 60% of the total firearms), personal firearms (40%), and specifically curated Russian weaponry anticipated to become scarce due to import bans.
9. Following the closure of my Beardstown office in November 2021 due to my ongoing medical crisis, I secured this entire portfolio, along with an estimated 25,000 to 30,000 rounds of ammunition (including armor-piercing calibers and high-capacity magazines), inside a dedicated, biometric safe room at my residence to ensure compliance with the Federal Gun Control Act.
10. In 2022, utilizing an *Ex Parte* Emergency Order of Protection to bar me from my own residence under false pretenses, the Petitioner and her family, including her father, the former Cass County Sheriff, without my knowledge or consent, and all believed to be non-FFL licensees, unilaterally seized the entirety of my business inventory, my personal portfolio, and the 30,000 rounds of ammunition, together with high-end optics, armor, hunting gear, tools, WWII memorabilia, and related items.. During this same time, Petitioner and her family also unilaterally removed and concealed all of my important papers, including my tax records, FFL logs, receipts, video security footage and drives, business and client records, together with other original legal documents in hopes of making it difficult or impossible to hold them accountable for their unlawful behavior or to account for the property removed.

IV. PRE-ACCOMMODATION ATTRITION AND RECORD SPOLIATION

11. Recognizing my severe medical and cognitive disadvantages at the time against an actively practicing attorney, sitting prosecutor, and former family law practitioner, I repeatedly petitioned the trial court for an equitable allocation of marital funds to secure legal representation.

12. Despite its actual knowledge of my Stage IIIb Cancer diagnosis, the court deliberately and repeatedly denied these requests for financial relief. This engineered a calculated financial stranglehold, intentionally forcing a medically compromised litigant to proceed *pro se* in highly complex litigation.

13. The tangible, prejudicial result of this judicially engineered cognitive overload was my inability to independently verify or secure court reporters for every proceeding, though the same should have been unnecessary, as I was regularly told that and and all matters, regardless of significance, were being recorded and/or transcribed. Both Judge Hooker and Judge Henze were specifically asked and confirmed the accuracy of the foregoing more than once throughout the pendency of the matter. Yet, numerous critical hearings proceeded without a preserved recording or transcript. The trial court's refusal to provide equitable relief effectively resulted in the spoliation of the appellate record, shielding its own procedural abuses from review.

V. JUDICIAL ENABLING OF PERJURY AND PARENTAL ALIENATION

14. Judge Henze's overt bias against me has created an environment where the Petitioner operates with total impunity, openly violating the Rules of Professional Conduct without fear of sanction or mandatory ARDC reporting by the Court.

15. This complicity was starkly demonstrated regarding our son nearly three years ago to-date The Petitioner maliciously lied to the Court, falsely claiming she had not given me

permission to take Grant on a camping trip, utilizing this fabricated emergency to secure a wrongful, punitive order banning contact between me and my children.

16. Judge Henze explicitly acknowledged on the record that the Petitioner had lied about this permission. However, despite catching an officer of the court committing perjury to sever a father's access to his son, Judge Henze took no corrective or disciplinary action. The Court's refusal to enforce ethical mandates emboldened the Petitioner to escalate her extrajudicial misconduct.

VI. FEDERAL MAIL INTERCEPTION AND FINANCIAL STRANGULATION

17. Emboldened by the Court's refusal to hold her accountable, the Petitioner has engaged in the ongoing, unlawful interception of my personal and business mail.
18. I formally filed a Motion complaining of this conduct. In response, the Petitioner brazenly taunted me, stating, *"What are you going to do, call the cops?"* Since filing that Motion, the interception has escalated into a total embargo. I have received absolutely none of my mail, including critical tax documents (1099s, W-2s), refund checks, legal notices, and other essential paperwork.
19. This interception includes corporate business mail directed to me and to the former law firm of McClure, Thomas & Thomas. By ignoring my motions regarding this federal offense, the Court is actively facilitating the Petitioner's strategy of financial and procedural strangulation.
20. Petitioner's conduct continued post-judgment. Petitioner has since received, intercepted, retained or disposed of important tax and legal notices, together with refund checks made payable to me.

VII. ESTABLISHMENT AND SUBVERSION OF ADA ACCOMMODATIONS

20. Due to the ongoing discrimination, I was forced to formally seek accommodations under the Americans with Disabilities Act (ADA) in July 2025, which were subsequently

granted. These accommodations mandate the statutory time required to adequately prepare my cognitive resources, subpoena witnesses, and formulate defenses for specifically identified proceedings.

21. Judge Henze has actual knowledge of these granted ADA accommodations but has engaged in an intentional campaign to subvert them. While strictly enforcing fluid dockets against me, Judge Henze routinely accommodates the Petitioner, granting her instant, unnotified *ex parte* emergency hearings. This disparate treatment demonstrates actual bias and a deliberate effort to exploit my documented disabilities.
22. Petitioner, emboldened by Judge Henze's bias towards me, unilaterally suspended any visitation between me and my daughters for over three months commencing in August 2025 following my request for ADA accommodations, indicating I must be too disabled to safely have visits with my daughters. This weaponization of visitiation is continually used by the Petitioner and is implicitly if not explicitly condoned by Judge Henze to punish me and/or discourage me for seeking legal relief. This disgusting, unethical conduct brings disrepute upon this Court, our profession, and continues to cause anxiety and emotional harm to my children.

VIII. FEIGNED IGNORANCE, PRETEXTUAL SCHEDULING, AND THE WAIVER TRAP

22. On May 5, 2026, Judge Henze transmitted written correspondence declaring her intent to force a hearing on May 22, 2026. She explicitly stated she would hear *"as many pending motions/petitions as time will allow."* Imposing a "fluid docket" on a litigant with granted cognitive ADA accommodations is a deliberate, prejudicial ambush.
23. In that same May 5 directive, Judge Henze questioned whether there were any other pending matters. This feigned ignorance is demonstrably pretextual. The Court possesses intimate knowledge of the docket, having previously authored correspondence explicitly

listing these exact pending motions when threatening to dismiss them for Want of Prosecution (WOP).

24. This pattern of procedural coercion was evident in when Judge Henze threatened WOP dismissals and unilaterally cherry-picked substantive motions for hearing without notice that would require me to abandon seeking disclosure of serious, substantive ex-parte communications. Proceeding as ordered would have legally forced me to waive pending structural motions. This conduct could reasonably be viewed as gaslighting a disabled litigant about the existence of their own file-stamped motions to justify a "fluid docket", which constitutes a a severe deprivation of due process.

The following excerpts have been taken from the attached, Group Exhibit 'B':

December 1, 2025-Email from Judge Henze

"Based on my review of the filings, the following pleadings remain to be heard:
07/18/25 Petition for Indirect Civil Contempt
10/03/25 Motion to Stay Proceedings
10/06/25 Motion for Disclosure of Ex Parte Communications
10/14/25 Petition for Relief from Judgment
11/03/25 Emergency Motion for Temporary Custody Motion to Modify 11/14/25 Motion to Disclose Ex Parte Communications"

*In addition to the foregoing, as of 12/1/2026, the docket/record in this cause also reflects the following remained unaddressed:

11/14/2025: Motion to Compel Disclosure of Ex-Parte Communications, together with a Memorandum of Law in Support of Motion to Compel Disclosure

February 17, 2026 Email from Judge Henze

"If either of you intend on proceeding to hearing on your respective petitions and motions, please advise at your earliest convenience. I will send out additional dates for scheduling purposes. If I do not hear from you by close of business on Friday, February 20, I will enter an order which dismisses all pending petitions and motions for want of prosecution.

HJH"

March 9, 2026 Email from Judge Henze

"I apologize for the delay in getting back with you for alternative dates to schedule a hearing on all pending motions…… Friday , May 22, 2026 beginning at 9:00 a.m….. I would remind you that our email correspondence address scheduling matters only. All other issues should be brought by motion. HJH"

May 5, 2026 Email from Judge Henze

"The intent of my scheduling Order was that the parties agreed on a date and time for the next hearing. I selected the motions/petitions to be heard on that date based on my review of the file and the motions/petitions that were the most urgent. Any motion/petition requesting a modification of parental responsibility takes priority.

Please advise of any other motions/petitions that have not previously been resolved either by me, Judge McCartney or the Appellate Court.

Finally, I have no time in my schedule to travel to Cass County for a hearing on any pretrial motion(s) prior to May 22. If a global agreement cannot be reached, I would intend to proceed to hearing on as many pending motions/petitions as time will allow on May 22, beginning with the request to modify parental responsibilities.

HJH"

IX. ESCALATING RETALIATION FOLLOWING PRIOR SOJ

25. In the fall of 2025, I filed a Petition for Substitution of Judge for Cause, raising grave concerns regarding undisclosed *ex parte* communications and the fact that Judge Henze's conduct makes her a material witness to the procedural deprivations in this case. While denied by Judge McCartney, the threshold Motions for Disclosure of *Ex Parte* Communications remain pending.
26. Since that filing, the Court's May 5, 2026 directive refusing to honor my ADA accommodations and attempting to force an evidentiary hearing before ruling on my pending Section 2-1401 Petition and *ex parte* motions is a direct, retaliatory effort to punish me for questioning the tribunal's integrity, ensuring those challenges are permanently buried under a forced waiver.

X. FRAUDULENT TIMING AND CONCEALMENT OF THE AUCTION

27. From the inception of this matter, I repeatedly lodged formal objections to the sale of my property and continuously demanded access to, and the return of, my portfolio. These demands were systematically ignored by Petitioner, those acting at her direction or on her behalf and, regretfully, the judges assigned to hear this case.

28. Immediately following the entry of the Judgment of Dissolution, the Petitioner aggressively insisted I execute a deed transferring my interest in the marital home. I complied. Unbeknownst to me, at the exact time she was demanding my compliance on the real estate transfer, she was secretly orchestrating the unadvertised liquidation of my firearms and property.

29. The Petitioner went to extraordinary lengths to conceal this sale, keeping it hidden from my daughters and me. I had absolutely no knowledge that any part of my property had been liquidated until I was served with the Petitioner's subsequent pleadings. Even then, my repeated requests for an accounting were completely ignored until the Petitioner recently produced a partial PDF ledger from Sullivan Auctioneers on **May 4, 2026.**

XI. FRAUDULENT AFFIDAVITS, THE $9,000 DISCREPANCY, AND MISSING FEDERAL LOGS

30. The production of the Sullivan Auctioneers ledger exposed a glaring, documented financial fraud. On or about April 6, 2026, the Petitioner signed and filed a sworn Post-Judgment Financial Affidavit. In Section 11(c), the Petitioner wrote "Guns sold at auction" but intentionally left the actual dollar amount blank.

31. Instead of a proper accounting, the Petitioner attached a Beardstown Savings account statement, simply handwriting the words "gun money" next to two account balances. The total amount identified by the Petitioner as "gun money" equals $28,447.32.

32. However, the ledger provided directly from Sullivan Auctioneers unequivocally shows a net total payout of $37,539.60.

33. By signing and filing this affidavit, the Petitioner swore under oath to a financial accounting that intentionally conceals a discrepancy of $9,092.28 from the sale of my property. Concurrently, public Judici records indicate that a collection lawsuit against the Petitioner regarding a Carnival Mastercard was recently settled and dismissed with prejudice during this exact timeframe.

34. Furthermore, this $37,539.60 ledger accounts only for the firearms. The Petitioner has completely failed to account for the estimated 25,000 to 30,000 rounds of ammunition, high-capacity magazines, and other premium assets seized from the safe room, and continues her refusal to produce the federally mandated ATF-4473 transfer forms or Illinois State Police portal logs.

XII. SYSTEMIC ASSET STRIPPING AND PERJURIOUS OMISSIONS IN SWORN AFFIDAVITS

35. In May 2024, my son GAT and I traveled from Minnesota to Ashland, Illinois, for my daughter VMT's 8th-grade graduation. I made a good-faith effort to retrieve my personal property, but the Petitioner outright refused to allow me access to the property.

36. Since that denial of access, the Petitioner has systematically disposed of tens of thousands of dollars in assets, none of which are disclosed on her sworn April 6, 2026, Financial Affidavit.

37. The Petitioner's sworn affidavit intentionally omits the possession, transfer, or liquidation proceeds of the following high-value assets: a John Deere Snow Blower (purchased new for $2,000); a Massimo Mini-bike and Go-kart; a lithium-battery Golf Cart (which she explicitly refused to sell for $2,000 at the case's inception); a boat; a standing tool box loaded with premium Craftsman and Snap-on tools; the transfer of an SUV with an estimated FMV in excess of $20,000; and the remaining physical assets of the former law firm.

38. Beyond the physical property, her affidavits conceal major financial transfers and obligations, making any attempt at truly resolving the financial issues with Petitioner pointless

39. By forcing an unaccommodated evidentiary hearing, Judge Henze is deliberately precluding my ability to conduct the discovery necessary to trace these missing assets, weaponizing my disability to railroad a judgment based on a facially fraudulent Post-Judgment Financial Affidavit.

40. Though Petitioner was required to prepare and provide an accounting of the "gun collection" and accounting of the proceeds of any sale within thirty (30) days, Petitioner hid the sale and failed to provide any accounting whatsoever for a period of more than two years; Despite this, Judge Henze, without due notice and without receiving any accounting, permitted Petitioner to use the sale proceeds to satisfy a personal credit card debt—such conduct constitutes impermissible bias.

XIII. FAILURE TO CORRECT RECORD: The severe prejudice of Judge Henze's May 5th directive is compounded by the Court's tolerance of prosecutorial misconduct. Specifically, the Petitioner filed a petition in July 2025 alleging that I willfully failed to carry insurance on our daughter, L.L.T..

41. Both the Court and the Petitioner have since been provided with irrefutable evidence that this allegation was entirely false. As a licensed Illinois Attorney and State's Attorney, the Petitioner has a strict ethical mandate under Rule 3.3 and Rule 3.1 to amend or withdraw pleadings once she has actual knowledge that the material allegations are false.

42. In brazen defiance of these obligations, the Petitioner refuses to withdraw the false July 2025 petition. By failing to compel the withdrawal of this demonstrably false pleading, and by simultaneously issuing a directive that she will hear "as many pending motions/petitions as time will allow" on May 22, Judge Henze is intentionally forcing a

disabled litigant to expend finite, accommodated cognitive resources preparing to defend against a known, fraudulent claim. This is a coordinated strategy of cognitive and financial attrition.

FURTHER AFFIANT SAYETH NAUGHT

Signed this 19th day of May, 2026.

/s/Luke A. Thomas

BY:

Luke A. Thomas, Respondent

Thomaslitigation2022@gmail.com
ARDC No; 6278591

GROUP EXHIBIT ‘B’

Electronic Mail to/from

Hon. Holly Henze

December 1, 2025-May 5, 2026

IRMO Thomas Cass No 22 DC 15

1 message

Holly Henze <hhenze@adamscountyil.gov> Mon, Dec 1, 2025 at 12:00 PM
To: "THOMAS, LUKE" <thomaslitigation2022@gmail.com>, "THOMAS, GWENDOLYN M" <gwenthomaslaw@gmail.com>
Cc: Nicole Kopec-gmail <nkopec03@gmail.com>

Based on my review of the filings, the following pleadings remain to be heard:

07/18/25	Petition for Indirect Civil Contempt
10/03/25	Motion to Stay Proceedings
10/06/25	Motion for Disclosure of Ex Parte Communications
10/14/25	Petition for Relief from Judgment
11/03/25	Emergency Motion for Temporary Custody
	Motion to Modify
11/14/25	Motion to Disclose Ex Parte Communications

If I have missed anything, please let me know.

I would suggest we select a date and get through as many of these Motions/Petitions as we can. In the alternative, we can schedule the Emergency Motion for Temporary Custody for hearing and schedule the remaining Motions/Petitions for another day.

I have the following dates/times available to travel to Cass County for hearing:

Tuesday, January 6, either morning or afternoon

Friday, January 9, morning

Friday, January 16, morning

Tuesday, January 20, morning

Friday, January 23, morning

Tuesday, January 27, morning

Thursday, January 29, afternoon

February dates are almost non-existent, as I have two weeks blocked off for Adams County jury trials and another week blocked off for Ed Con.

Please let me hear back from you as to logistically how you want to proceed and what dates are mutually agreeable.

Hon. Holly J. Henze

521 Vermont Street

Quincy, IL 62301

217-277-2032

hhenze@adamscountyil.gov

IRMO Thomas

1 message

Holly Henze <hhenze@adamscountyil.gov> Tue, Feb 17, 2026 at 10:53 AM
To: "THOMAS, LUKE" <thomaslitigation2022@gmail.com>, "THOMAS, GWENDOLYN M" <gwenthomaslaw@gmail.com>

I have not heard back from either of you regarding the proposed hearing dates provided in my email of December 1, and I note that the most recent Appeal was dismissed on January 16.

If either of you intend on proceeding to hearing on your respective petitions and motions, please advise at your earliest convenience. I will send out additional dates for scheduling purposes.

If I do not hear from you by close of business on Friday, February 20, I will enter an order which dismisses all pending petitions and motions for want of prosecution.

HJH

Hon. Holly J. Henze

521 Vermont Street

Quincy, IL 62301

217-277-2032

hhenze@adamscountyil.gov

RE: IRMO Thomas

1 message

Holly Henze <hhenze@adamscountyil.gov> Mon, Mar 9, 2026 at 3:43 PM
To: Luke Thomas <thomaslitigation2022@gmail.com>
Cc: Gwendolyn Thomas <gwenthomaslaw@gmail.com>

I apologize for the delay in getting back with you for alternative dates to schedule a hearing on all pending motions. I spent a week at Ed Con and then spent last week playing catch up.

I have the following dates to offer for scheduling, and I will set aside all day so all motions and petitions can be heard and disposed of.

Tuesday, March 24, 2026 beginning at 9:00 a.m.

Tuesday, March 31, 2026 beginning at 9:00 a.m.

Tuesday, May 5, 2026 beginning at 9:00 a.m.

Friday, May 8, 2026 beginning at 9:00 a.m.

Monday, May 11, 2026 beginning at 9:00 a.m.

Tuesday, May 12, 2026 beginning at 9:00 a.m.

Friday, May 15, 2026 beginning at 9:00 a.m.

Tuesday, May 19, 2026 beginning at 9:00 a.m.

Friday, May 22, 2026 beginning at 9:00 a.m.

I will look forward to hearing from you with regard to scheduling. I would remind you that our email correspondence address scheduling matters only. All other issues should be brought by motion.

HJH

Hon. Holly J. Henze

521 Vermont Street

Quincy, IL 62301

217-277-2032

hhenze@adamscountyil.gov

From: Luke Thomas < thomaslitigation2022@gmail.com >
Sent: Friday, February 20, 2026 2:59 PM
To: Holly Henze < hhenze@adamscountyil.gov >
Cc: Gwendolyn Thomas < gwenthomaslaw@gmail.com >
Subject: Re: IRMO Thomas

Judge,

In light of Gwen's indication that she wishes to proceed to hearing, I am writing to request my pending pleadings not be dismissed for want of prosecution.

I will attempt to narrow the issues raised by my pending pleadings, as some may be moot due to the passage of time.

Thank you.

Luke Thomas

6278591

On Tue, Feb 17, 2026, 4:12 PM Gwendolyn Thomas <gwenthomaslaw@gmail.com> wrote:

> Judge Henze,
>
> I went back through my emails to locate the one you sent on December 1st, as I apparently overlooked it. Please accept my apology. I actually thought we were just waiting on the appeal. I have not yet received notice from the appellate court that the case was dismissed. Thank you for reaching out and advising that it was dismissed.
>
> Now that the case is able to move forward, I would like to proceed. I do not want my pleadings dismissed for want of prosecution. My suggestion is that we set the case for a Zoom status to re-set discovery deadlines. I tendered discovery quite some time ago, but have received no response. Additionally, I have not received a Financial Affidavit from Luke which I believe was ordered.
>
> Sincerely,
>
> Gwen Thomas
>
> On Tue, Feb 17, 2026 at 10:53 AM Holly Henze <hhenze@adamscountyil.gov> wrote:
>
> > I have not heard back from either of you regarding the proposed hearing dates provided in my email of December 1, and I note that the most recent Appeal was dismissed on January 16.

If either of you intend on proceeding to hearing on your respective petitions and motions, please advise at your earliest convenience. I will send out additional dates for scheduling purposes.

If I do not hear from you by close of business on Friday, February 20, I will enter an order which dismisses all pending petitions and motions for want of prosecution.

HJH

Hon. Holly J. Henze

521 Vermont Street

Quincy, IL 62301

217-277-2032

hhenze@adamscountyil.gov

--

Gwendolyn M. Thomas, Attorney
416 N. Sylvan Street
Ashland, IL 62612
(217) 291-3892

The information contained in this message is privileged and confidential information, intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby on notice that you are in possession of confidential information. Please immediately notify the sender of your inadvertent receipt and do not disseminate the contents of this message. The attorney/client privilege is claimed.

RE: IRMO Thomas

1 message

Holly Henze <hhenze@adamscountyil.gov> Fri, Mar 20, 2026 at 8:29 AM
To: Gwendolyn Thomas <gwenthomaslaw@gmail.com>
Cc: Luke Thomas <thomaslitigation2022@gmail.com>

Mr. Thomas, please let us hear back from you with regard to your availability. If I have not heard back from you by noon on Monday, March 23, 2026, I will select a date and enter a scheduling order.

HJH

Hon. Holly J. Henze

521 Vermont Street

Quincy, IL 62301

217-277-2032

hhenze@adamscountyil.gov

From: Gwendolyn Thomas < gwenthomaslaw@gmail.com >
Sent: Thursday, March 19, 2026 5:06 PM
To: Holly Henze < hhenze@adamscountyil.gov >
Cc: Luke Thomas < thomaslitigation2022@gmail.com >
Subject: Re: IRMO Thomas

Judge Henze,

Please see my response in red on your email with regard to the various proposed dates.

Sincerely,

Gwen Thomas

On Mon, Mar 9, 2026 at 3:43 PM Holly Henze <hhenze@adamscountyil.gov> wrote:

> I apologize for the delay in getting back with you for alternative dates to schedule a hearing on all pending motions. I spent a week at Ed Con and then spent last week playing catch up.

I have the following dates to offer for scheduling, and I will set aside all day so all motions and petitions can be heard and disposed of.

Tuesday, March 24, 2026 beginning at 9:00 a.m. AVAILABLE

Tuesday, March 31, 2026 beginning at 9:00 a.m. AVAILABLE

Tuesday, May 5, 2026 beginning at 9:00 a.m. Criminal/juvenile day -- not available

Friday, May 8, 2026 beginning at 9:00 a.m. AVAILABLE

Monday, May 11, 2026 beginning at 9:00 a.m. Jury docket -- not available

Tuesday, May 12, 2026 beginning at 9:00 a.m. Jury docket -- not available

Friday, May 15, 2026 beginning at 9:00 a.m. Jury docket -- not available

Tuesday, May 19, 2026 beginning at 9:00 a.m. Jury docket -- not available

Friday, May 22, 2026 beginning at 9:00 a.m. Available (even if I have juries, I don't think any would go until this date. if they did, I would need to continue our case)

I will look forward to hearing from you with regard to scheduling. I would remind you that our email correspondence address scheduling matters only. All other issues should be brought by motion.

HJH

Hon. Holly J. Henze

521 Vermont Street

Quincy, IL 62301

217-277-2032

hhenze@adamscountyil.gov

From: Luke Thomas < thomaslitigation2022@gmail.com >
Sent: Friday, February 20, 2026 2:59 PM
To: Holly Henze < hhenze@adamscountyil.gov >
Cc: Gwendolyn Thomas < gwenthomaslaw@gmail.com >
Subject: Re: IRMO Thomas

Judge,

In light of Gwen's indication that she wishes to proceed to hearing, I am writing to request my pending pleadings not be dismissed for want of prosecution.

I will attempt to narrow the issues raised by my pending pleadings, as some may be moot due to the passage of time.

Thank you.

Luke Thomas

6278591

On Tue, Feb 17, 2026, 4:12 PM Gwendolyn Thomas <gwenthomaslaw@gmail.com> wrote:

> Judge Henze,
>
> I went back through my emails to locate the one you sent on December 1st, as I apparently overlooked it. Please accept my apology. I actually thought we were just waiting on the appeal. I have not yet received notice from the appellate court that the case was dismissed. Thank you for reaching out and advising that it was dismissed.
>
> Now that the case is able to move forward, I would like to proceed. I do not want my pleadings dismissed for want of prosecution. My suggestion is that we set the case for a Zoom status to re-set discovery deadlines. I tendered discovery quite some time ago, but have received no response. Additionally, I have not received a Financial Affidavit from Luke which I believe was ordered.
>
> Sincerely,
>
> Gwen Thomas
>
> On Tue, Feb 17, 2026 at 10:53 AM Holly Henze <hhenze@adamscountyil.gov> wrote:
>
> > I have not heard back from either of you regarding the proposed hearing dates provided in my email of December 1, and I note that the most recent Appeal was dismissed on January 16.
> >
> > If either of you intend on proceeding to hearing on your respective petitions and motions, please advise at your earliest convenience. I will send out additional dates for scheduling purposes.
> >
> > If I do not hear from you by close of business on Friday, February 20, I will enter an order which dismisses all pending petitions and motions for want of prosecution.
> >
> > HJH
> >
> > ***Hon. Holly J. Henze***
> >
> > 521 Vermont Street

Quincy, IL 62301

217-277-2032

hhenze@adamscountyil.gov

--

Gwendolyn M. Thomas, Attorney
416 N. Sylvan Street
Ashland, IL 62612
(217) 291-3892

The information contained in this message is privileged and confidential information, intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby on notice that you are in possession of confidential information. Please immediately notify the sender of your inadvertent receipt and do not disseminate the contents of this message. The attorney/client privilege is claimed.

--

Gwendolyn M. Thomas, Attorney
416 N. Sylvan Street
Ashland, IL 62612
(217) 291-3892

The information contained in this message is privileged and confidential information, intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby on notice that you are in possession of confidential information. Please immediately notify the sender of your inadvertent receipt and do not disseminate the contents of this message. The attorney/client privilege is claimed.

IRMO Thomas 2022DC15 re May 22nd Hearing

1 message

Luke Thomas <thomaslitigation2022@gmail.com> Tue, May 5, 2026 at 10:59 AM
To: Holly Henze <hhenze@adamscountyil.gov>
Cc: Gwendolyn Thomas <gwenthomaslaw@gmail.com>

Judge Henze,

Good morning. I have attached a courtesy copy of a Motion filed with and accepted by the Circuit Clerk. In a nutshell, the motion is akin to a motion to continue, while also keeping the record clear. Regretfully, attempts at global settlement have not been fruitful.

I provided a copy of the Motion last night to Gwen in hopes of also presenting a proposed, agreed order to you, but I have not heard back. I've copied her on this email as well.

If Gwen is agreeable, I ask that she inform us jointly by 1:00 p.m. today. I should then be able to prepare and present a proposed order to you via email today. If Gwen disagrees or does not respond, please provide me with a hearing date/time for early next week. If you are able to provide the hearing date/time this afternoon, I will attempt to send out notice today as well.

Thank you.

Respectfully,

Luke Thomas
6278591

Respondent's Motion re May 22 Hearing.pdf
330K

RE: IRMO Thomas 2022DC15 re May 22nd Hearing

1 message

Holly Henze <hhenze@adamscountyil.gov> Tue, May 5, 2026 at 5:52 PM
To: Luke Thomas <thomaslitigation2022@gmail.com>
Cc: Gwendolyn Thomas <gwenthomaslaw@gmail.com>

The intent of my scheduling Order was that the parties agreed on a date and time for the next hearing. I selected the motions/petitions to be heard on that date based on my review of the file and the motions/petitions that were the most urgent. Any motion/petition requesting a modification of parental responsibility takes priority. Please advise of any other motions/petitions that have not previously been resolved either by me, Judge McCartney or the Appellate Court.

Finally, I have no time in my schedule to travel to Cass County for a hearing on any pretrial motion(s) prior to May 22. If a global agreement cannot be reached, I would intend to proceed to hearing on as many pending motions/petitions as time will allow on May 22, beginning with the request to modify parental responsibilities.

HJH

Hon. Holly J. Henze

521 Vermont Street

Quincy, IL 62301

217-277-2032

hhenze@adamscountyil.gov

From: Luke Thomas <thomaslitigation2022@gmail.com>
Sent: Tuesday, May 5, 2026 10:59 AM
To: Holly Henze <hhenze@adamscountyil.gov>
Cc: Gwendolyn Thomas <gwenthomaslaw@gmail.com>

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If Gwen is agreeable, I ask that she inform us jointly by 1:00 p.m. today. I should then be able to prepare and present a proposed order to you via email today. If Gwen disagrees or does not respond, please provide me with a hearing date/time for early next week. If you are able to provide the hearing date/time this afternoon, I will attempt to send out notice today as well.

Thank you.

Respectfully,

Luke Thomas

6278591

FILED
8/11/2026 3:37 PM
BRADLEY PARLIER
CLERK OF THE CIRCUIT COURT
CASS COUNTY, ILLINOIS

IN THE EIGHTH JUDICIAL CIRCUIT OF THE STATE OF ILLINOIS

CASS COUNTY, ILLINOIS

GWENDOLYN M. THOMAS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 2022 DC 15
	)	
LUKE A. THOMAS,	)	
	)	
Respondent.	)	**MOTION HEARING**

REPORT OF PROCEEDINGS of the hearing had before the **HONORABLE J. FRANK MCCARTNEY,** Judge of said Court, on the 15th day of June, 2026.

APPEARANCES:

PETITIONER, GWENDOLYN M. THOMAS, PRO SE;

RESPONDENT, LUKE A. THOMAS, PRO SE, VIA ZOOM.

REPORTED BY:
GINA L. FEEHAN, RPR, CSR
OFFICIAL COURT REPORTER, CASS COUNTY
LICENSE NO. 084-004317

THE COURT: All right, the Court's going to call 22 DC 15, Gwendolyn Thomas versus Luke Thomas. Ms. Thomas appears in person. Mr. Thomas now appears via Zoom.

This matter was set for a motion for substitution of Judge as a matter of cause. Mr. Thomas had filed a motion to stay trial court proceedings. The Court has reviewed that.

Mr. Thomas, do you wish to be heard on that as it relates to the matter today? You gotta unmute your mic. Mr. Thomas, please unmute your mic.

Hold on, Gina. Hopefully he gets back on. Mr. Thomas, can you unmute your mic?

MR. THOMAS: There finally. I'm sorry. I kept hitting the unmute button, but it was locked on for some reason.

THE COURT: Okay. Do you wish to be heard on your motion to stay as it relates to today's proceeding?

MR. THOMAS: Just to the extent that I think it speaks for itself, so I don't have anything additional to add.

THE COURT: And, Ms. Thomas, do you wish to be heard on that at all?

MS. THOMAS: I believe --

THE COURT: Pull the mic up to you, please.

MS. THOMAS: With regards to the motion to stay -- I mean, I think it should be denied. I mean, frankly, it probably shouldn't even be called to be heard simply because Your Honor was assigned to this case simply for the purpose of the motion for substitution of judge.

So I think that depending on the ruling on the motion for substitution of judge, I think the ruling has to be made on that first; and then if the motion for substitution of judge is denied, then it would be up to Judge Henze to hear the motion to stay.

THE COURT: Yeah. I normally would agree with that, except that his motion to stay also addresses wanting to stay this proceeding today, so I think I do need to address it to that point.

Judge Henze can deal with the rest of the motion or what it's asking for, depending on my ruling; but as it relates to the motion for substitution of cause, I'm going to deny it.

So on the motion for substitution of judge, Mr. Thomas, I've read your motion. Do you wish to argue it any further?

MR. THOMAS: I just note for the record there is no counter affidavits. I think as a matter of law that all well pled facts have to be assumed as true. I think with

that in line, the actual prejudice is more than established, can a 2.9 and the rest, so that's really it. I think the motion to stay and the motion for substitution are well found.

THE COURT: Okay, thank you. Ms. Thomas, do you wish to be heard on the motion for substitution of judge for cause?

MS. THOMAS: I do. I don't think -- I think that that requirement that an affidavit be filed is the affidavit by the party that is filing seeking the substitution for judge for cause, but I certainly object to the allegations that he has in his affidavit and in the motion.

And as the Court is well aware, this would be at least Mr. Thomas' fourth attempt at trying to substitute Judge Henze for cause, and the Court had previously entered orders with regards to any of the allegations pertaining to the earlier proceedings that could have been raised on appeal.

In fact, Mr. Thomas has filed three notices of appeal, and the first notice of -- or all of them have been denied. So he just keeps trying to have multiple bites at the apple. It's clear that he just simply doesn't want Judge Henze to hear the case, but he has to show that there is an actual prejudice. He has failed to do that. The only

new matter that he brings up in his motion is related to e-mails that she had sent concerning scheduling. That in and of itself does not show any sort of prejudice at all.

So I would ask that the Court find that he has failed to meet his burden of showing that there is actual prejudice as set forth in the Supreme Court O'Brien decision, which is a 2011 Supreme Court case that actually the Court had cited in the last ruling on the motion for substitution of judge for cause, so I would ask that it be denied.

THE COURT: Thank you. Mr. Thomas, last word if you want it, sir.

MR. THOMAS: Just on the affidavit requirements, whether I'm -- in order to meet the jurisdictional threshold, I have to attach an affidavit setting forth those facts and any pleading she would be required to file a counter affidavit.

The ***Nielsen versus Burnham Station*** case, 372 Il. App. 3d edition at 89, is a 2007 First District case. It makes it clear that those facts without a counter affidavit would have to be assumed to be true. I don't think the Court has a choice in that; and in doing so -- I mean, in 2.9 ex parte communications, if they are and not disclosed, I don't know how -- that seems to be a

classic example of actual prejudice, so we'll -- I don't really have anything else to add beyond that.

THE COURT: What was the cite again, sir?

MR. THOMAS: It's 372 Il. App. 3d 89. It's a 2007 case. It's Paschen Nielsen -- P-a-s-c-h-e-n/S.M. Nielsen -- N-i-e-l-s-e-n -- versus Burnham Station -- B-u-r-n-h-a-m. And again, it's 372 Il. App. 3D at 89.

THE COURT: And it's 372 Il. App -- is it -- did you say, 3d?

MR. THOMAS: 3d.

THE COURT: And then 389?

MR. THOMAS: At 89.

THE COURT: At 89, okay, got it, okay. All right, I'm going to -- I don't think that was cited in your brief, but I'm going to read that case, and then you guys can expect a written order in the coming days. I'll take it under advisement, and I'll have an order done shortly, okay?

MR. THOMAS: Thank you.

THE COURT: All right. Thank you both.

(End of proceedings)

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

CERTIFICATE OF REPORTER

I, Gina L. Feehan, RPR, CSR, an Official Court Reporter for the Eighth Judicial Circuit of Illinois, do hereby certify that the foregoing Report of Proceedings was reported in machine shorthand by me and is a true, correct, and complete transcript of my machine shorthand notes so taken at the time and place hereinabove set forth to the best of my ability.

Gina L. Feehan

Gina L. Feehan, RPR, CSR
Official Court Reporter
IL License No. 084-004486

Dated this 16th day of June, 2026.

FILED
9/15/2025 12:00 AM
BRADLEY PARLIER
CLERK OF THE CIRCUIT COURT
CASS COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL

CIRCUIT OF ILLINOIS, CASS COUNTY, ILLINOIS

GWENDOLYN M. THOMAS	)	
Petitioner,	)	
	)	
vs.	)	No. 2022-DC-15
	)	
LUKE A. THOMAS,	)	
	)	
Respondent.	)	

SECOND AMENDED MOTION FOR SUBSTITUTION OF JUDGE FOR CAUSE

NOW COMES the Respondent, LUKE A. THOMAS, pro se, and pursuant to Section 2-1001(a)(3) of the Illinois Code of Civil Procedure (735 ILCS 5/2-1001(a)(3)), respectfully moves for the substitution of the Honorable Holly J. Henze for cause.

In support of this motion, the Respondent states that the presiding judge is so prejudiced against him that he cannot receive a fair trial or hearing. This prejudice is demonstrated by a documented, cumulative pattern of conduct that has denied the Respondent his fundamental right to due process. The specific facts supporting this motion are set forth in the Respondent's Affidavit, attached hereto and incorporated herein.

INTRODUCTION

This is a case where the judicial process has fundamentally broken down. The Respondent, a litigant with documented disabilities, has been subjected to a pattern of procedural irregularities, jurisdictional defects, and on-the-record conduct from the bench that demonstrates a clear and pervasive bias against him. The Court has summarily denied motions without a hearing, made contradictory statements on the record, mishandled and retaliated against the Respondent for his requests for ADA accommodations, and refused to address critical jurisdictional issues. The cumulative effect of these actions has created an environment where

the Respondent cannot receive a fair and impartial hearing from the currently assigned judge, necessitating her substitution.

ARGUMENT

I. The Presiding Judge Has Demonstrated Actual Prejudice Through a Pattern of Conduct.

The prejudice of the Honorable Holly J. Henze is not based on mere suspicion or a series of adverse rulings, but on a documented pattern of conduct that demonstrates her inability to be impartial in this matter.

A. The Court's Refusal to Provide an Evidentiary Hearing on the Petitioner's False and Retaliatory "Kidnapping" Allegation. In May 2023, the Petitioner made a false and inflammatory allegation that the Respondent had "kidnapped" their son, Grant. This allegation was made in bad faith and appears to be a direct act of retaliation for the Respondent's attempts to bring the Petitioner's public aid fraud to the Court's attention. The presiding judge's handling of this incident is the most compelling evidence of her prejudice.

1. **The Court Ignored Conclusive Evidence:** The Respondent possessed, and made the Court aware of, conclusive text message evidence from May 18, 2023, proving he had the Petitioner's permission for the camping trip. This evidence was so critical that the court-appointed evaluator, Malinda Vogel, delayed her statutory reporting deadline specifically to inquire whether the Respondent still possessed the phone containing the messages. (A full compilation of these communications is attached as **Group Exhibit B**).
2. **The Court Denied a Hearing and Compelled Improper Evaluations:** Instead of conducting a prompt evidentiary hearing to address the false allegation, the Court entered an ex-parte order restricting the Respondent's parenting time and ordered unprecedented and unrequested mental health evaluations of the Respondent and the minor child.

3. **Involvement of a Conflicted Judge:** The costs for these improper evaluations were ordered to be paid by Cass County in an order signed by the Honorable Timothy J. Wessel, a judge who was recused from this case and has a significant conflict of interest.
4. **On-the-Record Admission of Falsity:** The presiding judge later acknowledged on the record, during a hearing on November 3, 2023, that the initial allegation was false, stating: **"...I entered that order based on my—the information that I had at the time that he had basically kidnapped [G.T.] and then I find out that that's not the case..."** Despite this admission, the Court took no action to remedy the prejudice caused by the false report or the improper orders that resulted from it. This failure to act demonstrates a clear bias in favor of the Petitioner.

B. The Court's Direct Contradiction Regarding Pending Motions. On August 21, 2025, during a Zoom hearing, the Respondent attempted to address his pending "Motion to Continue." The Court immediately cut him off, stating on the record, **"I did not get a copy of that... And I am not going to entertain a Motion to Continue today..."** However, on August 22, 2025, the very next day, the Court issued a written letter ruling on the Respondent's formal ADA request, which was part of the same filing, stating, "Mr. Parlier and I have reviewed your request for ADA Accommodations..." This direct, on-the-record contradiction demonstrates a lack of candor and a predetermined refusal to consider the Respondent's pleadings.

C. The Court's Punitive and Improper Handling of Respondent's ADA Request. The Court's handling of the Respondent's request for accommodations for his documented ADHD and PTSD has been procedurally improper and retaliatory. The Court summarily ruled on the request without any of the required interactive process. More egregiously, the Court then weaponized the accommodation, issuing a punitive order on August 25, 2025, that required the disabled Respondent to appear in person for a brief, non-evidentiary status hearing while allowing the non-disabled Petitioner to appear remotely.

II. The Entire Eighth Judicial Circuit is Systemically Conflicted and Prejudiced Against the Respondent.

The prejudice against the Respondent is not limited to a single judge but is endemic to the circuit.

A. A History of Judicial Dismissiveness Toward Respondent's Disability and Allegations of Misconduct. Prior to Judge Henze's assignment, another judge in the circuit, the Honorable Jerry J. Hooker, demonstrated a similar dismissive attitude. During a February 2023 hearing, Judge Hooker ignored the Respondent's documented disability and refused to hear evidence on the Petitioner's public aid fraud, stating, **"...all of that stuff... you guys are going to have to deal with it."** This establishes a pre-existing pattern of bias within the circuit.

B. The Administration of this Case is Tainted by Void Jurisdictional and Administrative Acts. The current Chief Judge, the Honorable Roger Thomson, was recused from this case on September 19, 2022. Despite this, he has taken administrative action in this case, including participating in the confirmation of Judge Henze's assignment in July 2025 and issuing a formal order on September 4, 2025, appointing a judge to hear the Respondent's motion. Any action by a recused judge is void.

C. The Circuit is Plagued by Pervasive, Interconnected Conflicts of Interest. The Eighth Judicial Circuit is a small legal community where the conflicts of interest are so interwoven as to be inescapable. The Petitioner is the sitting **Menard County State's Attorney**; her former boss is now a **judge in this same circuit**; the Cass County Resident Judge is the Respondent's **former employee whom he terminated for cause and later ran against in a divisive judicial election**; and the current Chief Judge was that same judge's **former boss and supervisor**. These overlapping relationships create an undeniable appearance of impropriety.

CONCLUSION

The cumulative effect of the presiding judge's conduct—particularly her refusal to address the Petitioner's false and retaliatory allegations—her on-the-record contradictions, her punitive handling of the Respondent's disability rights, and the systemic conflicts within the circuit demonstrates that the Respondent cannot receive a fair and impartial trial.

WHEREFORE, the Respondent, Luke A. Thomas, respectfully prays that this Honorable Court enter an order:

A. Granting the substitution of the Honorable Holly J. Henze for cause;

B. Requesting that the Administrative Office of the Illinois Courts appoint a judge from outside the Eighth Judicial Circuit to preside over all future proceedings in this matter or otherwise transfer the cause to a County and Circuit deemed just and proper; and

C. For such other and further relief as this Court deems just and proper.

LUKE A. THOMAS, Respondent

By: /s/ Luke A. Thomas

Luke A. Thomas, pro se
Thomaslitigation2022@gmail.com
ARDC No: 6278591

EXHIBIT 'A'

AFFIDAVIT OF LUKE A. THOMAS IN SUPPORT OF MOTION FOR SUBSTITUTION OF JUDGE FOR CAUSE

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, I, **Luke A. Thomas**, being first duly sworn, depose and state that the following facts are true and correct to the best of my knowledge and belief:

1. I am the Respondent in this matter and have personal knowledge of the facts stated herein.

2. The presiding judge, the Honorable Holly J. Henze, has engaged in a pattern of conduct that demonstrates prejudice against me and creates an undeniable appearance of impropriety, preventing me from receiving a fair and impartial hearing.

3. **The Court's Handling of My ADA Request Was Punitive and Contradictory.** During a Zoom hearing on **August 21, 2025**, I attempted to address my pending "Motion to Continue and to Address Administrative Matters," which was based on my request for ADA accommodations. Judge Henze stated on the record, **"I did not get a copy of that... And I am not going to entertain a Motion to Continue today."** The very next day, on **August 22, 2025**, Judge Henze issued a letter stating that she had, in fact, **"reviewed your request for ADA Accommodations as set out on page 2 of your August 13, 2025 correspondence."** This direct contradiction demonstrates that my motion was intentionally ignored.

4. Furthermore, the Court's order of **August 25, 2025**, requiring me to appear in person for a brief, non-evidentiary status hearing—while allowing the Petitioner to appear remotely—was a punitive act of malicious compliance intended to punish me for asserting my rights under the ADA.

5. **The Court Has Refused to Address Fundamental Jurisdictional Defects.** I have During the August 21, 2025, hearing, Judge Henze refused to address this critical issue, stating, "That's between you and the Chief Judge," thereby avoiding a challenge to her own authority.

6. **The Court Has Demonstrated Judicial Indifference to False Allegations.** The Court has been presented with direct evidence of the Petitioner making material false statements, including the disproven allegation that I had "kidnapped" our son and the demonstrably false claim in her contempt petition that I failed to insure our youngest child. On **November 3, 2023**, Judge Henze acknowledged on the record that the "kidnapping" allegation was false, yet took no action to address this serious misconduct by an officer of the court.

7. **There is a Systemic Failure to Maintain a Court Record.** A significant portion of the proceedings after May 11, 2023, were not recorded, making a meaningful appeal impossible. Further evidencing a lack of commitment to transparency, the Court summarily denied my ADA request to make all court-related communications part of the official record.

8. The cumulative effect of these actions—the direct contradiction from the bench, the punitive rulings, the refusal to address jurisdictional defects, and the consistent failure to

maintain a transparent record—has created an environment where I am convinced that the presiding judge is prejudiced against me and I cannot receive a fair trial.

9. During the pendency of the proceedings, I prepared an electronic exhibit as a repository and to memorialize various records, including text messages and emails involving the time period of the false kidnapping charges aforesaid. When asked by evaluator Melinda Vogel whether I still retained the original text messages (more than one request), I informed Ms. Vogel I retained the original phone, evidence, and provided the url to this website to her by electronic mail. See Group Exhibit 'B'.

10. The text messages and other documents reflected on this exhibit are true and correct copies and/or depictions of the originals from the subject time period.

11. The factual allegations contained in the Motion are true.

12. I have made a diligent search for each electronic correspondence (email) sent to, from, and/or upon which Judge Henze was copied in the above-captioned case. To the best of my knowledge and belief, the attached are true, correct, and complete copies from April 26, 2023-August 22, 2025. To the best of my knowledge, I have not deleted or modified these correspondences.

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 Amended Motion for Substitution of Judge for Cause provided in the preceding instrument are true, 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. I further state that the statements made in the foregoing Response to want of knowledge sufficient to form a belief are true.

Dated September 14, 2025

/s/Luke A. Thomas, Plaintiff

GROUP EXHIBIT ‘B’

This website was built on Wix. Create yours today. Get Started

Luke Thomas <thomaslitigation2022@

on

)m> Fri, May 19, 20
mail.com>
omaslaw@gmail.com>, Holly Henze <hhenze@adamscountyil.gov>

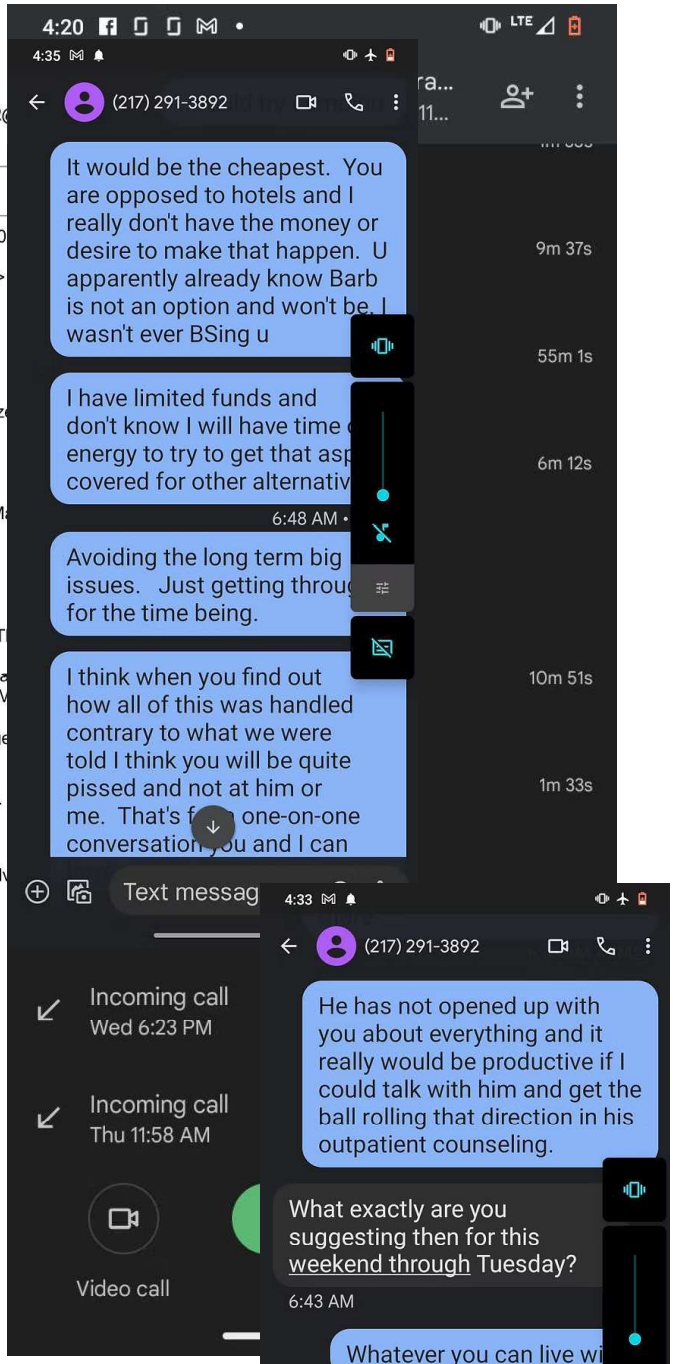
rgent situation occurring, I am emailing you, Gwen, and Judge Henze
wen:

terday), Gwen advised you that she would be picking Grant up on Ma
leased from Lincoln Prairie.
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a.m., she learned that you had already picked Grant up.
der the temporary order.
ou indicated that you were told by Lincoln Prairie to pick Grant up. T

u had taken Grant to lunch and that you would bring Grant to Gwen a
Grant] does not want to see you at this time. He has counseling on M
u and Grant were eating.
t four messages asking you where you were and offering to come ge
t he was safe and with you.
ed when you were bringing Grant home.
ou have not responded to Gwen, nor have you brought Grant home.

h Judge Henze so that we may all speak about the best way to resolv
s me greatly.

nd Floor





Federal Civil Righ
Luke Thomas, Pla
Gwendolyn M. Th
Georgeanne Osm

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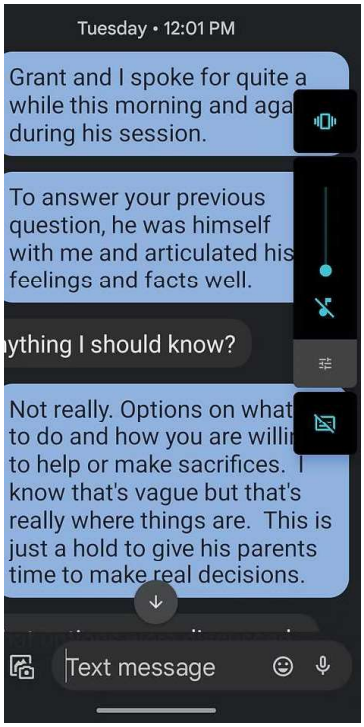
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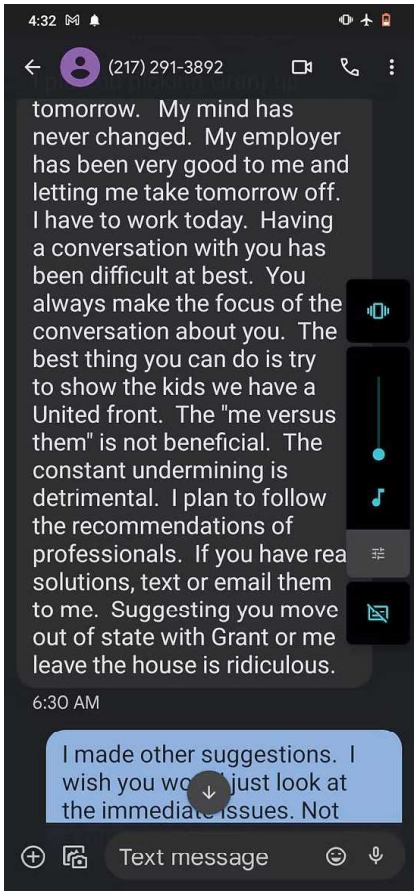
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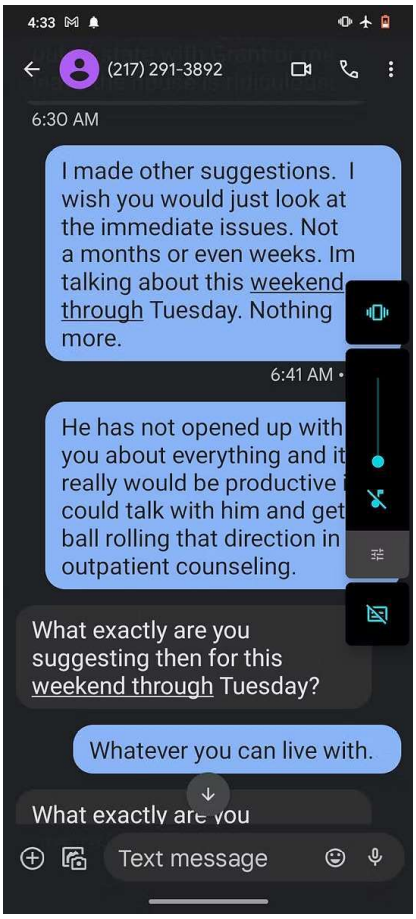
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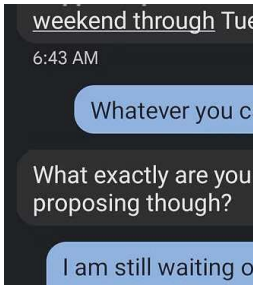
This website was built on Wix. Create yours today. Get Started

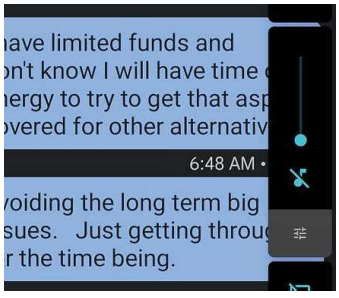
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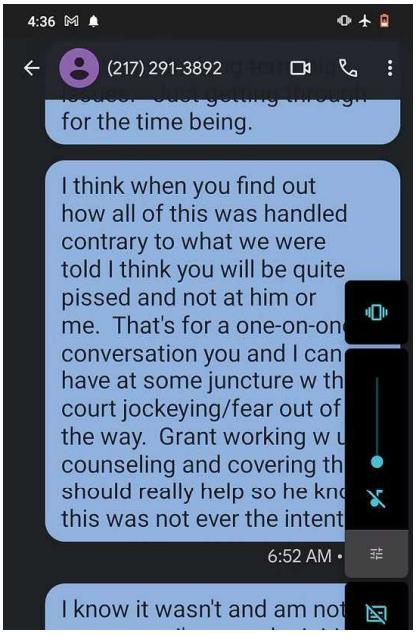






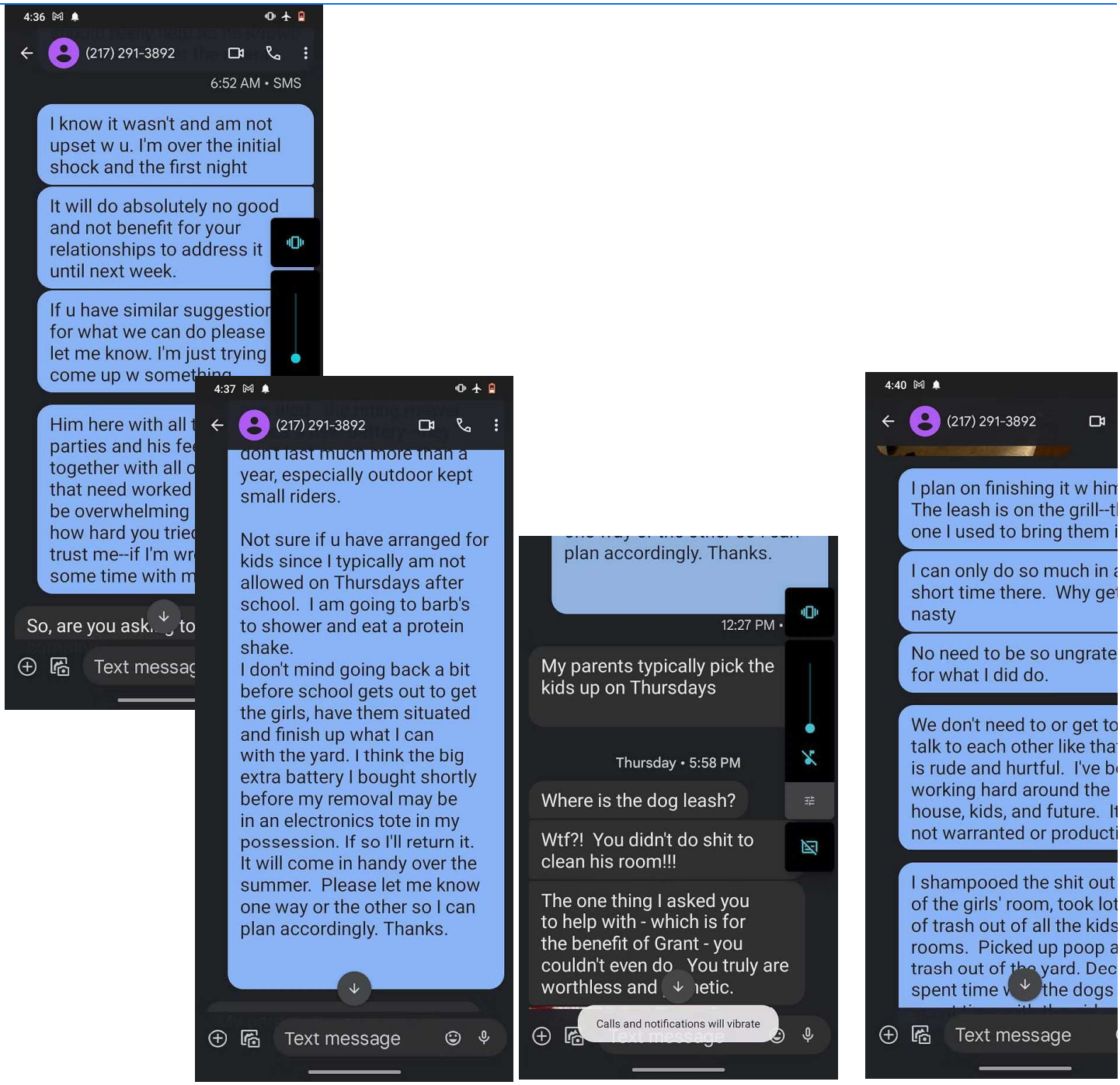






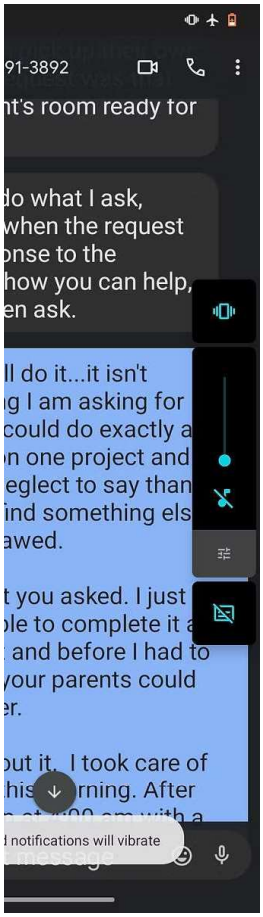
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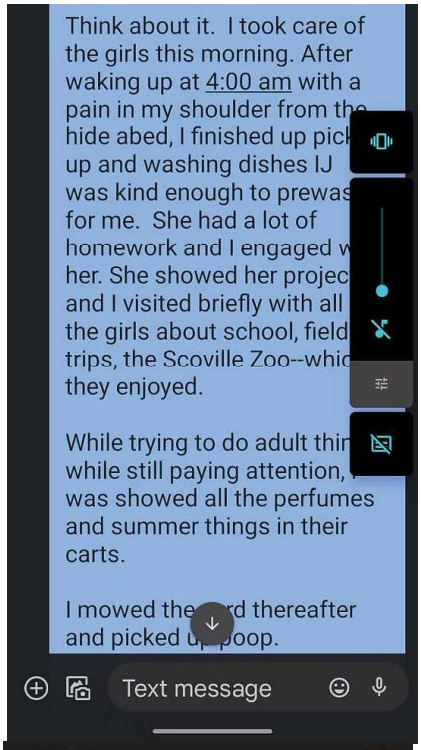
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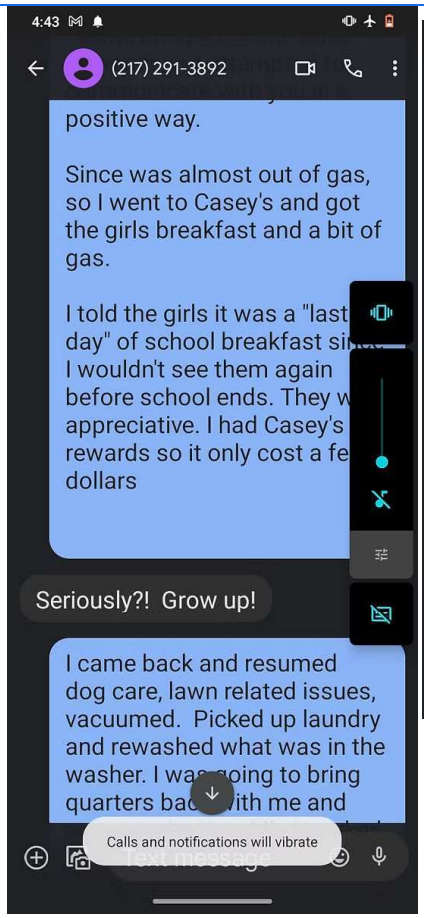


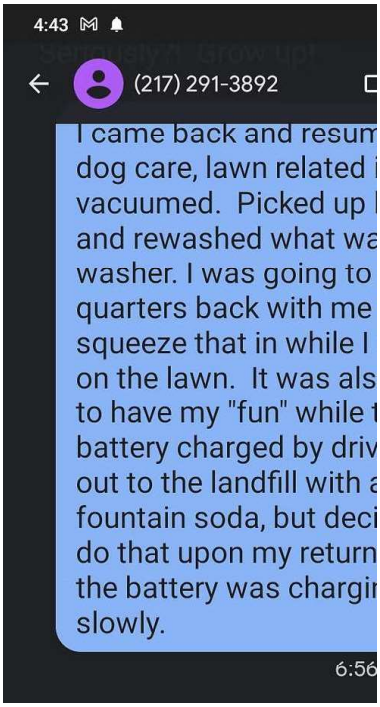
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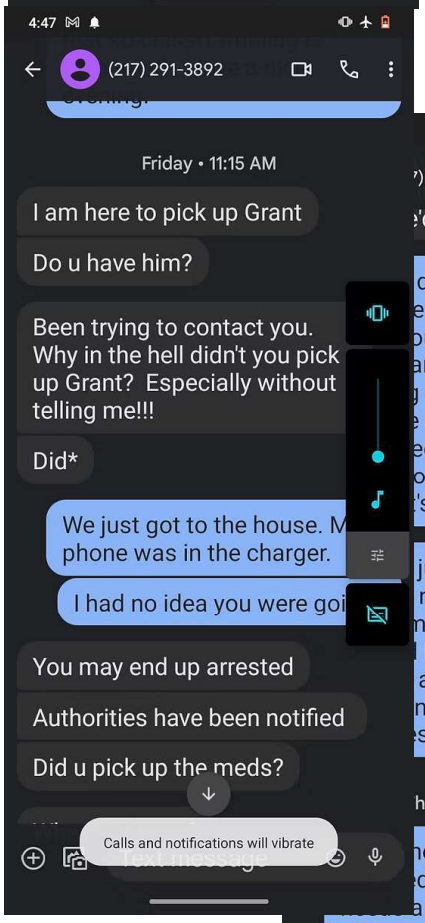
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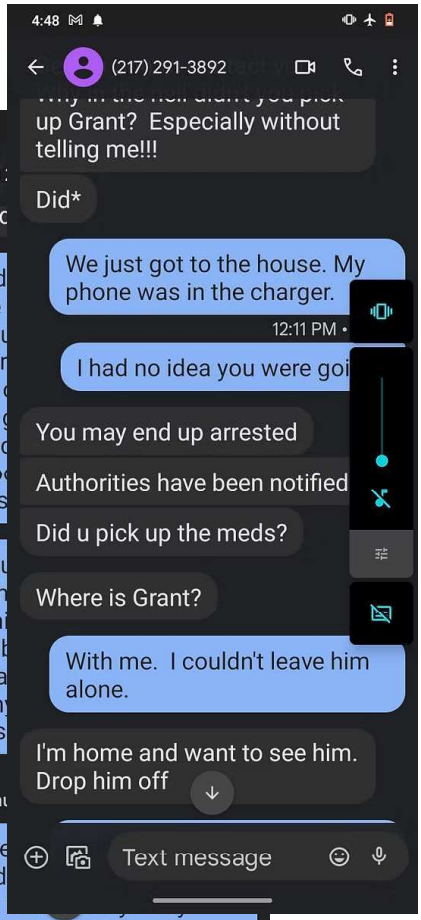


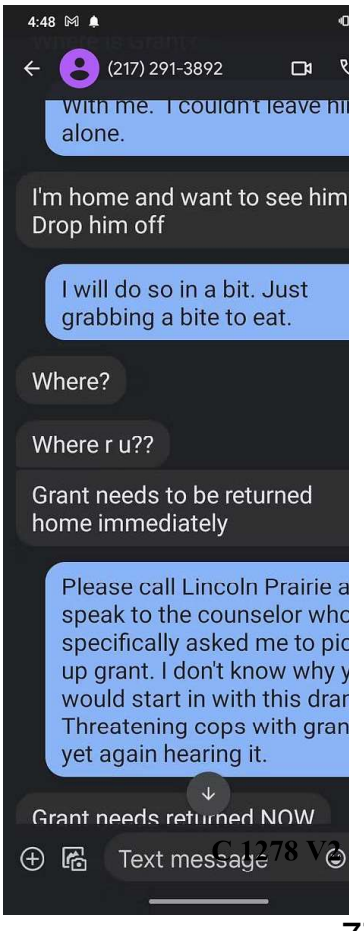












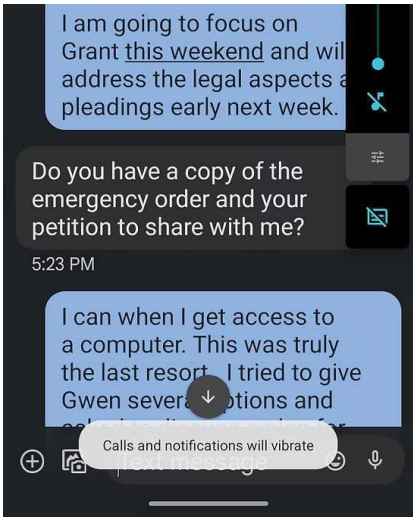
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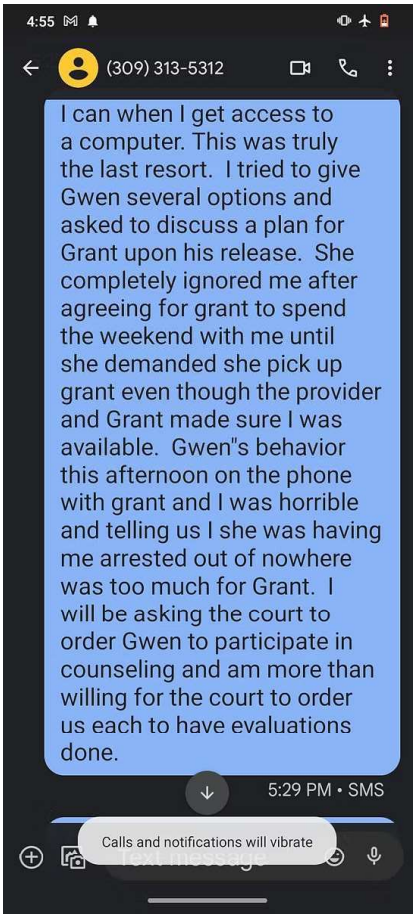
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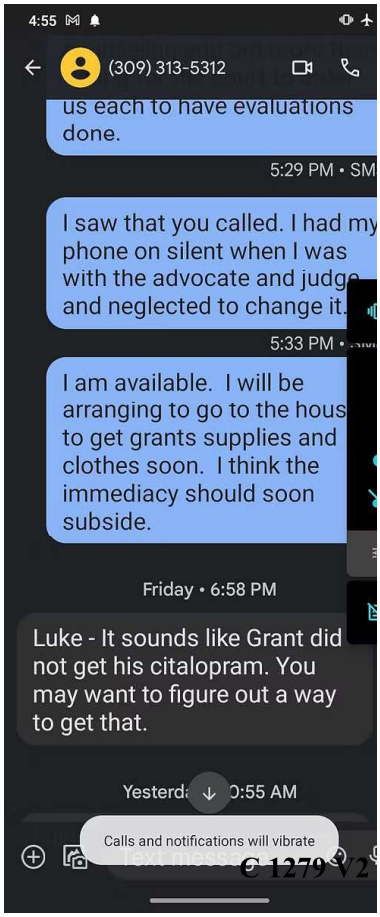


These were sent after decision to pursue OP and while OP was being entered. It was my hope she would have calmed down so could discuss trying to mutually contact counselor to avoid escalation.



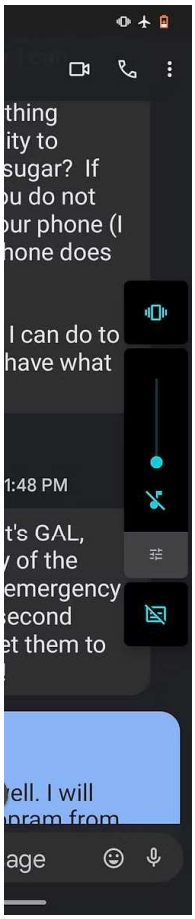


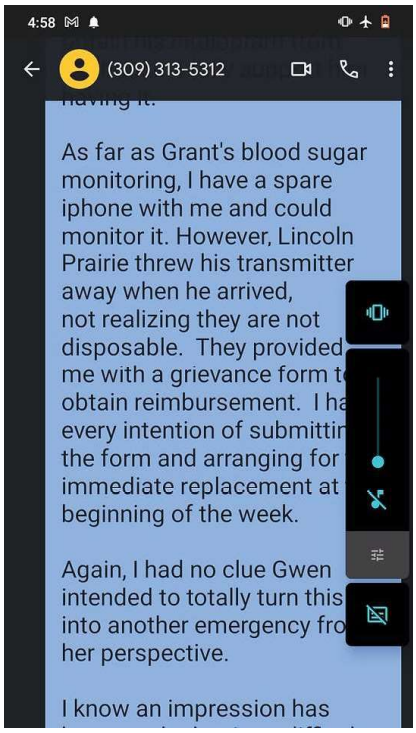


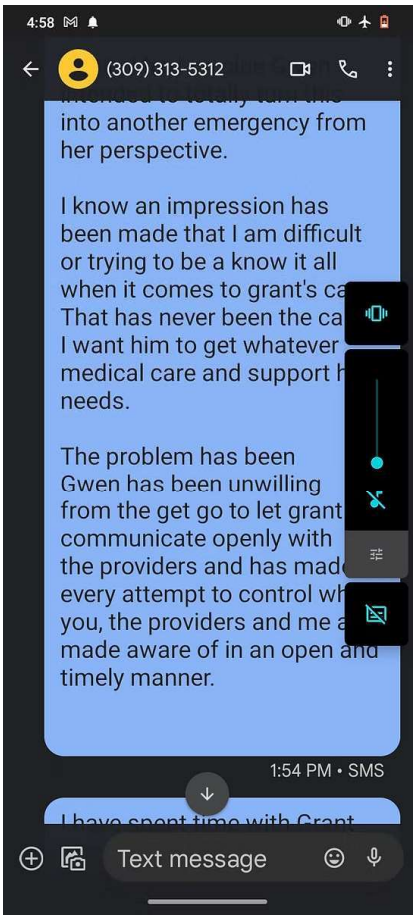


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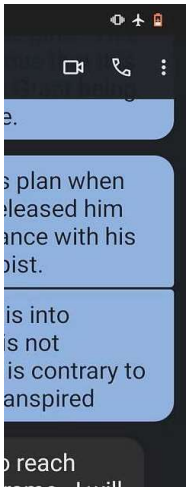


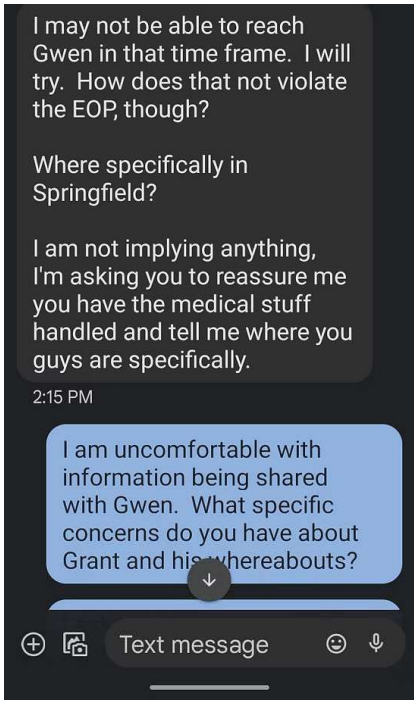


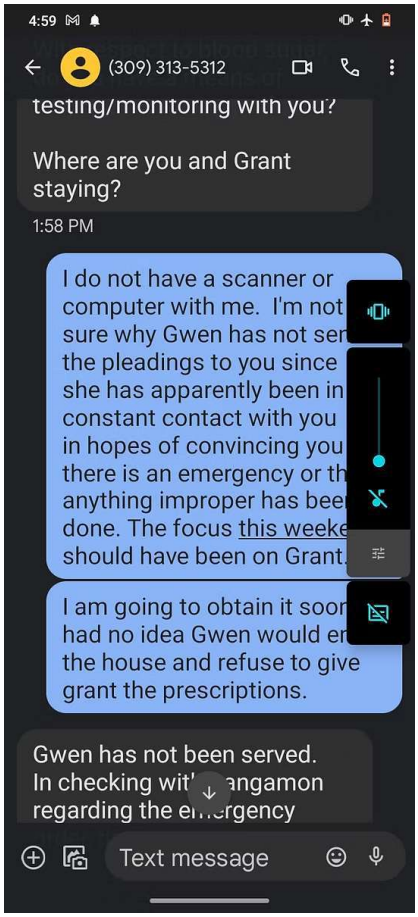


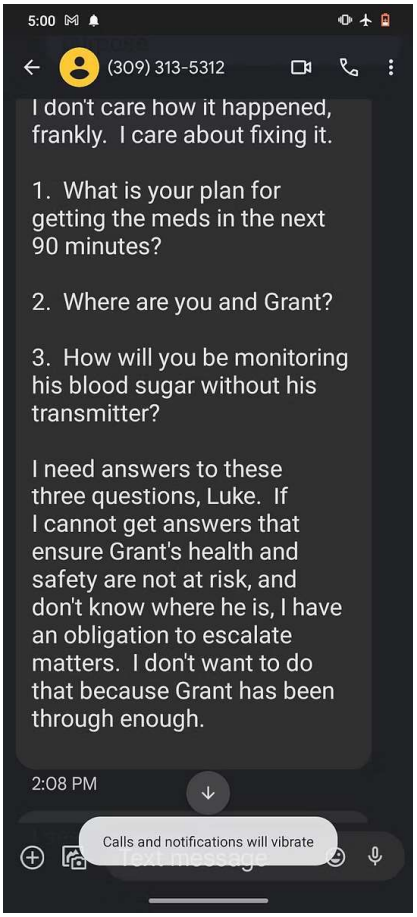
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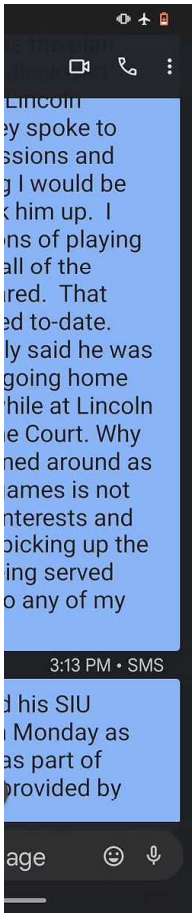
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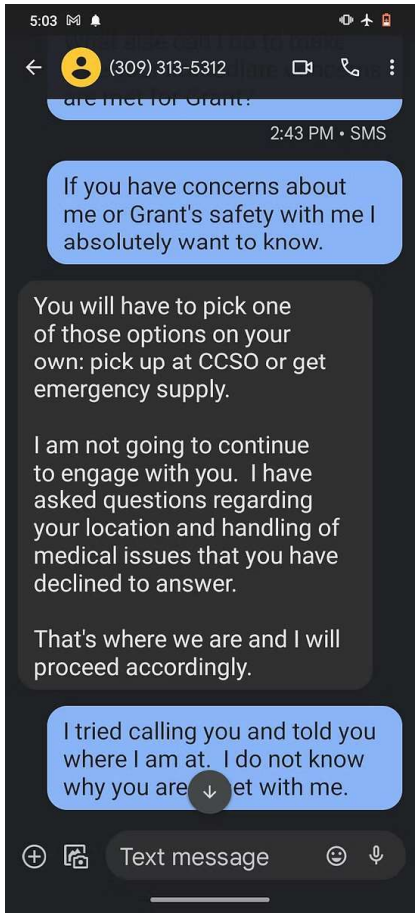


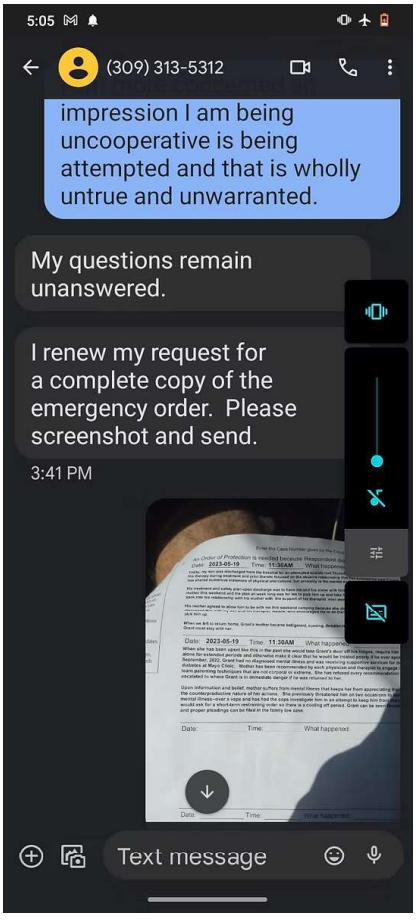


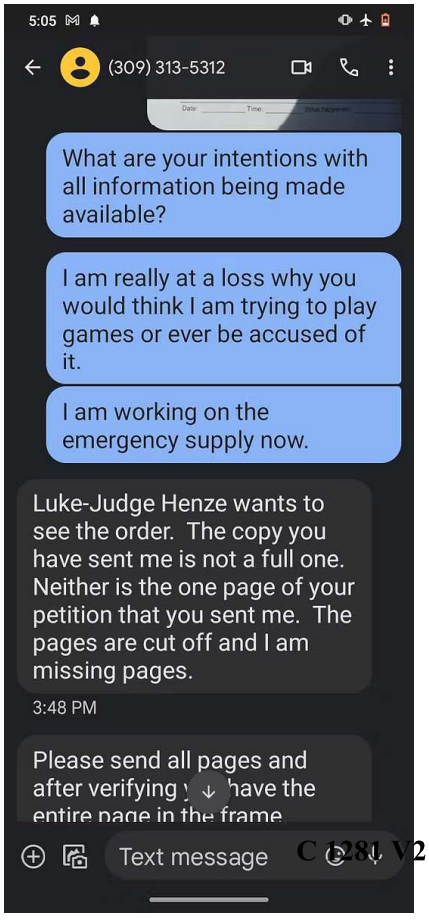






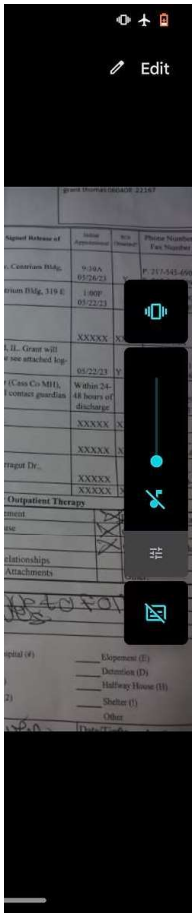


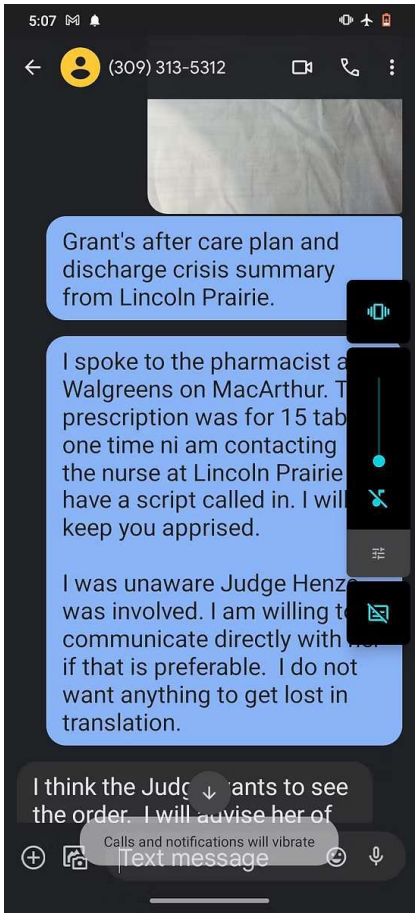


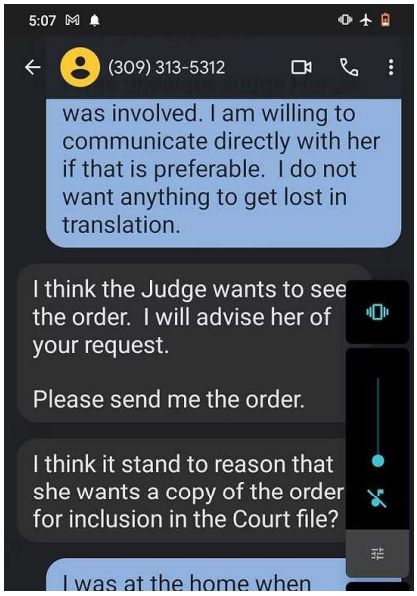


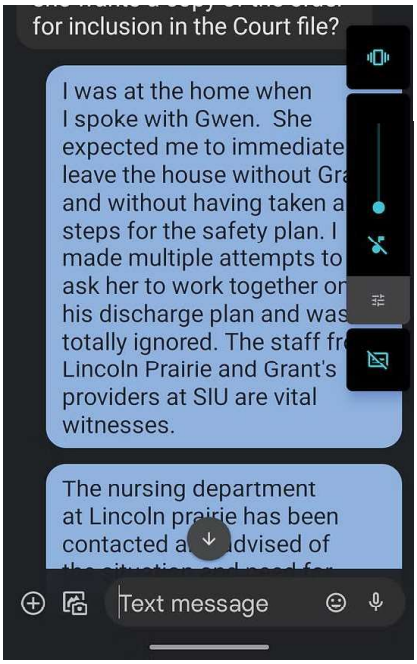
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Phone Logs



Phone call log to Ashland PD Friday May 19 2023.pdf



Phone Call Log with Gwen Return Call when she said I was leave grant at



ncoln Prairie Phone Log other line.pdf



Phone call Records with Alison Vawter on Friday and Saturday May 19-20 2023.pdf



Phone call Log.pdf

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 Second Amended Motion for Substitution of Judge for Cause as set forth herein upon Petitioner at her respective electronic mailing addresses of record.

Gwendolyn M. Thomas: gwenthomaslaw@gmail.com

Signed this 14th day of September, 2025.

/s/ Luke A. Thomas

Luke A. Thomas

FILED
9/15/2025 8:44 AM
BRADLEY PARLIER
CLERK OF THE CIRCUIT COURT
CASS COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL

CIRCUIT OF ILLINOIS, CASS COUNTY, ILLINOIS

GWENDOLYN M. THOMAS	)	
Petitioner,	)	
	)	
vs.	)	No. 2022-DC-15
	)	
LUKE A. THOMAS,	)	
	)	
Respondent.	)	

THIRD AMENDED MOTION FOR SUBSTITUTION OF JUDGE FOR CAUSE

NOW COMES the Respondent, LUKE A. THOMAS, pro se, and pursuant to Section 2-1001(a)(3) of the Illinois Code of Civil Procedure (735 ILCS 5/2-1001(a)(3)), respectfully moves for the substitution of the Honorable Holly J. Henze for cause.

In support of this motion, the Respondent states that the presiding judge is so prejudiced against him that he cannot receive a fair trial or hearing. This prejudice is demonstrated by a documented, cumulative pattern of conduct that has denied the Respondent his fundamental right to due process. The specific facts supporting this motion are set forth in the Respondent's Affidavit, attached hereto and incorporated herein. **The only amendment to the Second Amended Motion for Substitution of Judge for Cause is the Petitioner, not the minor child, was ordered to complete the court-ordered evaluation, as designated *below*.**

INTRODUCTION

This is a case where the judicial process has fundamentally broken down. The Respondent, a litigant with documented disabilities, has been subjected to a pattern of procedural irregularities, jurisdictional defects, and on-the-record conduct from the bench that demonstrates a clear and pervasive bias against him. The Court has summarily denied motions without a hearing, made contradictory statements on the record, mishandled and retaliated against the Respondent for his requests for ADA accommodations, and refused to address critical

EXHIBIT 'A'

AFFIDAVIT OF LUKE A. THOMAS IN SUPPORT OF MOTION FOR SUBSTITUTION OF JUDGE FOR CAUSE

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, I, **Luke A. Thomas**, being first duly sworn, depose and state that the following facts are true and correct to the best of my knowledge and belief:

1. I am the Respondent in this matter and have personal knowledge of the facts stated herein.
2. The presiding judge, the Honorable Holly J. Henze, has engaged in a pattern of conduct that demonstrates prejudice against me and creates an undeniable appearance of impropriety, preventing me from receiving a fair and impartial hearing.
3. **The Court's Handling of My ADA Request Was Punitive and Contradictory.** During a Zoom hearing on **August 21, 2025**, I attempted to address my pending "Motion to Continue and to Address Administrative Matters," which was based on my request for ADA accommodations. Judge Henze stated on the record, **"I did not get a copy of that... And I am not going to entertain a Motion to Continue today."** The very next day, on **August 22, 2025**, Judge Henze issued a letter stating that she had, in fact, **"reviewed your request for ADA Accommodations as set out on page 2 of your August 13, 2025 correspondence."** This direct contradiction demonstrates that my motion was intentionally ignored.
4. Furthermore, the Court's order of **August 25, 2025**, requiring me to appear in person for a brief, non-evidentiary status hearing—while allowing the Petitioner to appear remotely—was a punitive act of malicious compliance intended to punish me for asserting my rights under the ADA.
5. **The Court Has Refused to Address Fundamental Jurisdictional Defects.** I have During the August 21, 2025, hearing, Judge Henze refused to address this critical issue, stating, "That's between you and the Chief Judge," thereby avoiding a challenge to her own authority.
6. **The Court Has Demonstrated Judicial Indifference to False Allegations.** The Court has been presented with direct evidence of the Petitioner making material false statements, including the disproven allegation that I had "kidnapped" our son and the demonstrably false claim in her contempt petition that I failed to insure our youngest child. On **November 3, 2023**, Judge Henze acknowledged on the record that the "kidnapping" allegation was false, yet took no action to address this serious misconduct by an officer of the court.
7. **There is a Systemic Failure to Maintain a Court Record.** A significant portion of the proceedings after May 11, 2023, were not recorded, making a meaningful appeal impossible. Further evidencing a lack of commitment to transparency, the Court summarily denied my ADA request to make all court-related communications part of the official record.
8. The cumulative effect of these actions—the direct contradiction from the bench, the punitive rulings, the refusal to address jurisdictional defects, and the consistent failure to

maintain a transparent record—has created an environment where I am convinced that the presiding judge is prejudiced against me and I cannot receive a fair trial.

9. The factual allegations contained in the Motion are true.
10. I have made a diligent search for each electronic correspondence (email) sent to, from, and/or upon which Judge Henze was copied in the above-captioned case. To the best of my knowledge and belief, the attached are true, correct, and complete copies from April 26, 2023-August 22, 2025. To the best of my knowledge, I have not deleted or modified these correspondences.

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 Amended Motion for Substitution of Judge for Cause provided in the preceding instrument are true, 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. I further state that the statements made in the foregoing Response to want of knowledge sufficient to form a belief are true.

Dated September 8, 2025

/s/Luke A. Thomas, Plaintiff

jurisdictional issues. The cumulative effect of these actions has created an environment where the Respondent cannot receive a fair and impartial hearing from the currently assigned judge, necessitating her substitution.

ARGUMENT

I. The Presiding Judge Has Demonstrated Actual Prejudice Through a Pattern of Conduct.

The prejudice of the Honorable Holly J. Henze is not based on mere suspicion or a series of adverse rulings, but on a documented pattern of conduct that demonstrates her inability to be impartial in this matter.

A. The Court's Refusal to Provide an Evidentiary Hearing on the Petitioner's False and Retaliatory "Kidnapping" Allegation. In May 2023, the Petitioner made a false and inflammatory allegation that the Respondent had "kidnapped" their son, Grant. This allegation was made in bad faith and appears to be a direct act of retaliation for the Respondent's attempts to bring the Petitioner's public aid fraud to the Court's attention. The presiding judge's handling of this incident is the most compelling evidence of her prejudice.

1. **The Court Ignored Conclusive Evidence:** The Respondent possessed, and made the Court aware of, conclusive text message evidence from May 18, 2023, proving he had the Petitioner's permission for the camping trip. This evidence was so critical that the court-appointed evaluator, Malinda Vogel, delayed her statutory reporting deadline specifically to inquire whether the Respondent still possessed the phone containing the messages. (A full compilation of these communications is attached as **Group Exhibit B**).
2. **The Court Denied a Hearing and Compelled Improper Evaluations:** Instead of conducting a prompt evidentiary hearing to address the false allegation, the Court entered an ex-parte order restricting the Respondent's parenting time and ordered unprecedented and unrequested mental health evaluations of the Respondent and the ***Petitioner***.

3. **Involvement of a Conflicted Judge:** The costs for these improper evaluations were ordered to be paid by Cass County in an order signed by the Honorable Timothy J. Wessel, a judge who was recused from this case and has a significant conflict of interest.
4. **On-the-Record Admission of Falsity:** The presiding judge later acknowledged on the record, during a hearing on November 3, 2023, that the initial allegation was false, stating: **"...I entered that order based on my—the information that I had at the time that he had basically kidnapped [G.T.] and then I find out that that's not the case..."** Despite this admission, the Court took no action to remedy the prejudice caused by the false report or the improper orders that resulted from it. This failure to act demonstrates a clear bias in favor of the Petitioner.

B. The Court's Direct Contradiction Regarding Pending Motions. On August 21, 2025, during a Zoom hearing, the Respondent attempted to address his pending "Motion to Continue." The Court immediately cut him off, stating on the record, **"I did not get a copy of that... And I am not going to entertain a Motion to Continue today..."** However, on August 22, 2025, the very next day, the Court issued a written letter ruling on the Respondent's formal ADA request, which was part of the same filing, stating, "Mr. Parlier and I have reviewed your request for ADA Accommodations..." This direct, on-the-record contradiction demonstrates a lack of candor and a predetermined refusal to consider the Respondent's pleadings.

C. The Court's Punitive and Improper Handling of Respondent's ADA Request. The Court's handling of the Respondent's request for accommodations for his documented ADHD and PTSD has been procedurally improper and retaliatory. The Court summarily ruled on the request without any of the required interactive process. More egregiously, the Court then weaponized the accommodation, issuing a punitive order on August 25, 2025, that required the disabled Respondent to appear in person for a brief, non-evidentiary status hearing while allowing the non-disabled Petitioner to appear remotely.

II. The Entire Eighth Judicial Circuit is Systemically Conflicted and Prejudiced Against the Respondent.

The prejudice against the Respondent is not limited to a single judge but is endemic to the circuit.

A. A History of Judicial Dismissiveness Toward Respondent's Disability and Allegations of Misconduct. Prior to Judge Henze's assignment, another judge in the circuit, the Honorable Jerry J. Hooker, demonstrated a similar dismissive attitude. During a February 2023 hearing, Judge Hooker ignored the Respondent's documented disability and refused to hear evidence on the Petitioner's public aid fraud, stating, **"...all of that stuff... you guys are going to have to deal with it."** This establishes a pre-existing pattern of bias within the circuit.

B. The Administration of this Case is Tainted by Void Jurisdictional and Administrative Acts. The current Chief Judge, the Honorable Roger Thomson, was recused from this case on September 19, 2022. Despite this, he has taken administrative action in this case, including participating in the confirmation of Judge Henze's assignment in July 2025 and issuing a formal order on September 4, 2025, appointing a judge to hear the Respondent's motion. Any action by a recused judge is void.

C. The Circuit is Plagued by Pervasive, Interconnected Conflicts of Interest. The Eighth Judicial Circuit is a small legal community where the conflicts of interest are so interwoven as to be inescapable. The Petitioner is the sitting **Menard County State's Attorney**; her former boss is now a **judge in this same circuit**; the Cass County Resident Judge is the Respondent's **former employee whom he terminated for cause and later ran against in a divisive judicial election**; and the current Chief Judge was that same judge's **former boss and supervisor**. These overlapping relationships create an undeniable appearance of impropriety.

CONCLUSION

The cumulative effect of the presiding judge's conduct—particularly her refusal to address the Petitioner's false and retaliatory allegations—her on-the-record contradictions, her punitive handling of the Respondent's disability rights, and the systemic conflicts within the circuit demonstrates that the Respondent cannot receive a fair and impartial trial.

WHEREFORE, the Respondent, Luke A. Thomas, respectfully prays that this Honorable Court enter an order:

A. Granting the substitution of the Honorable Holly J. Henze for cause;

B. Requesting that the Administrative Office of the Illinois Courts appoint a judge from outside the Eighth Judicial Circuit to preside over all future proceedings in this matter or otherwise transfer the cause to a County and Circuit deemed just and proper; and

C. For such other and further relief as this Court deems just and proper.

LUKE A. THOMAS, Respondent

By: /s/ Luke A. Thomas

Luke A. Thomas, pro se
Thomaslitigation2022@gmail.com
ARDC No: 6278591

EXHIBIT 'A'

AFFIDAVIT OF LUKE A. THOMAS IN SUPPORT OF MOTION FOR SUBSTITUTION OF JUDGE FOR CAUSE

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8. The cumulative effect of these actions—the direct contradiction from the bench, the punitive rulings, the refusal to address jurisdictional defects, and the consistent failure to

maintain a transparent record—has created an environment where I am convinced that the presiding judge is prejudiced against me and I cannot receive a fair trial.

9. During the pendency of the proceedings, I prepared an electronic exhibit as a repository and to memorialize various records, including text messages and emails involving the time period of the false kidnapping charges aforesaid. When asked by evaluator Melinda Vogel whether I still retained the original text messages (more than one request), I informed Ms. Vogel I retained the original phone, evidence, and provided the url to this website to her by electronic mail. See Group Exhibit 'B'.

10. The text messages and other documents reflected on this exhibit are true and correct copies and/or depictions of the originals from the subject time period.

11. The factual allegations contained in the Motion are true.

12. I have made a diligent search for each electronic correspondence (email) sent to, from, and/or upon which Judge Henze was copied in the above-captioned case. To the best of my knowledge and belief, the attached are true, correct, and complete copies from April 26, 2023-August 22, 2025. To the best of my knowledge, I have not deleted or modified these correspondences.

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Dated September 15, 2025

/s/Luke A. Thomas, Plaintiff

GROUP EXHIBIT ‘B’

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Luke Thomas <thomaslitigation2022@

on

)m> Fri, May 19, 20
mail.com>
omaslaw@gmail.com>, Holly Henze <hhenze@adamscountyil.gov>

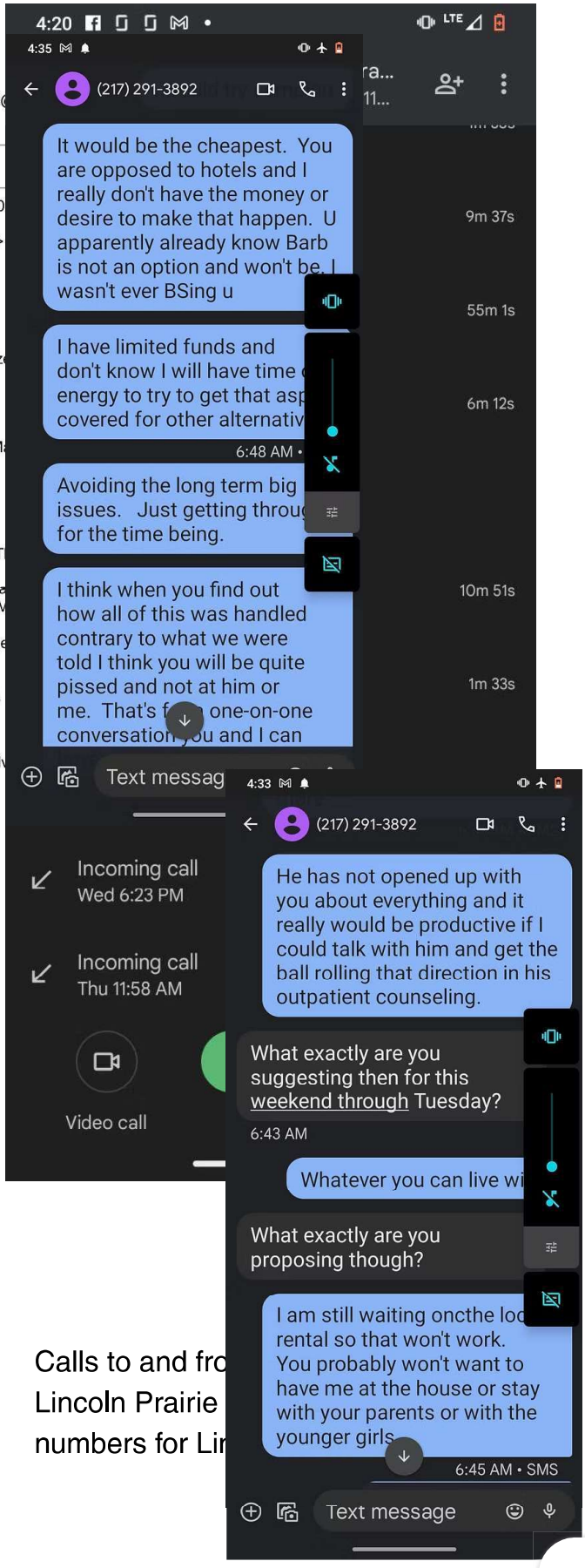
rgent situation occurring, I am emailing you, Gwen, and Judge Henze
wen:

terday), Gwen advised you that she would be picking Grant up on Ma
leased from Lincoln Prairie.
rairie today.
up.
a.m., she learned that you had already picked Grant up.
der the temporary order.
ou indicated that you were told by Lincoln Prairie to pick Grant up. T

u had taken Grant to lunch and that you would bring Grant to Gwen a
Grant] does not want to see you at this time. He has counseling on M
u and Grant were eating.
t four messages asking you where you were and offering to come ge
t he was safe and with you.
ed when you were bringing Grant home.
ou have not responded to Gwen, nor have you brought Grant home.

h Judge Henze so that we may all speak about the best way to resolv
s me greatly.

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Calls to and fro
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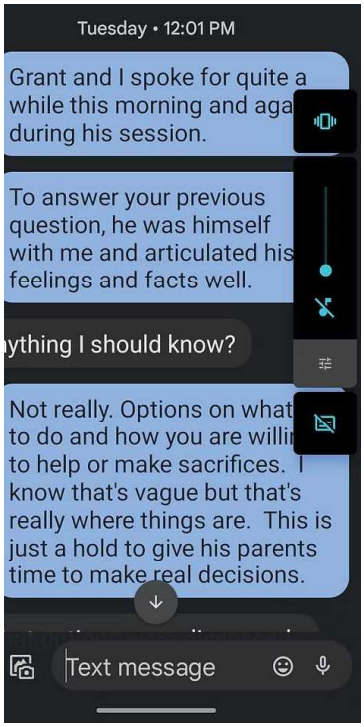
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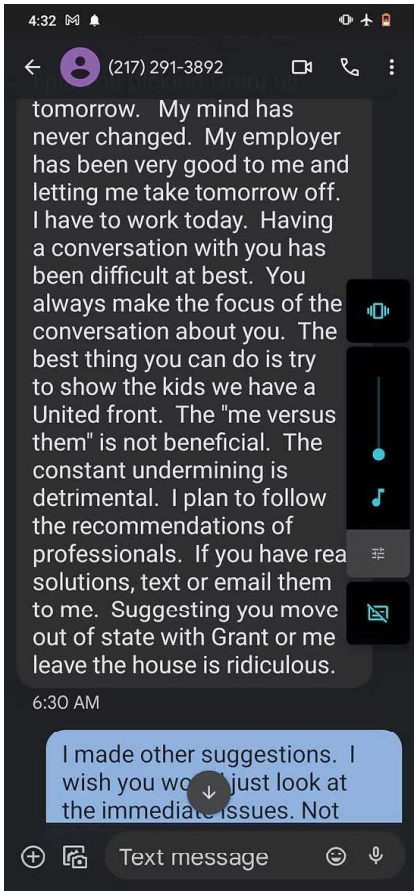
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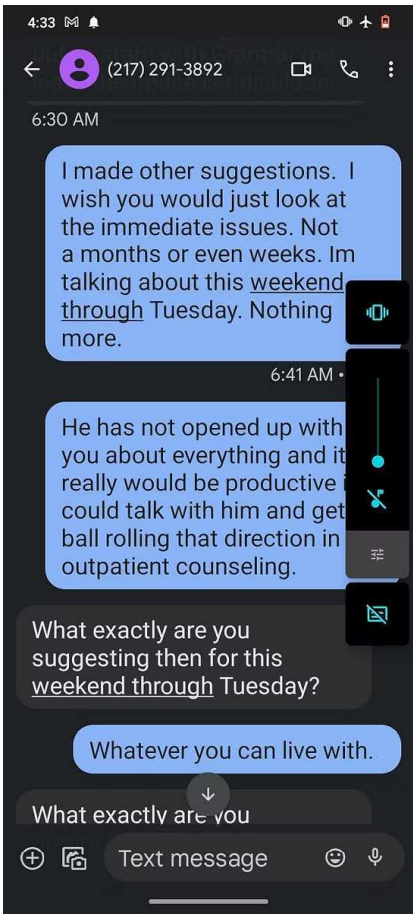
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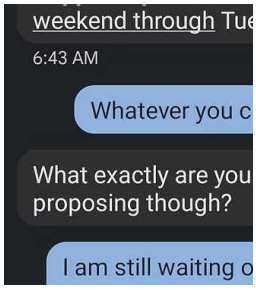
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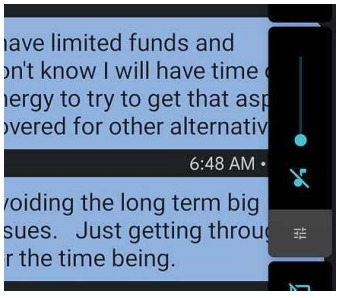
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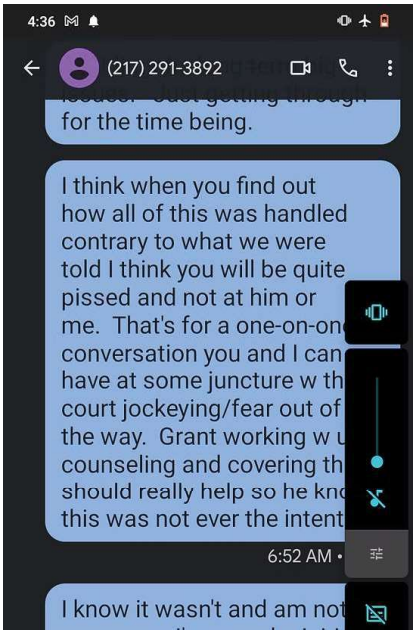






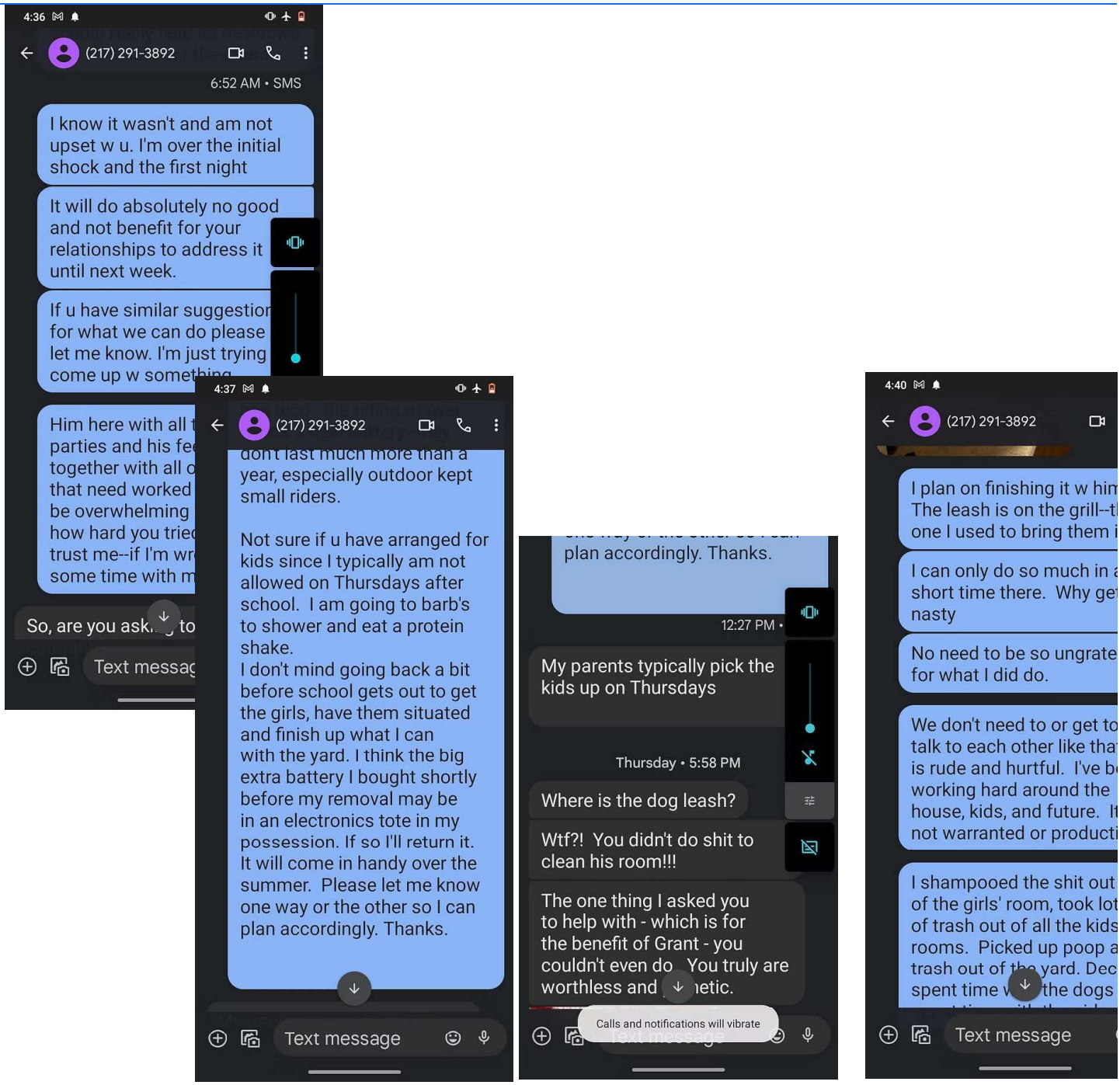






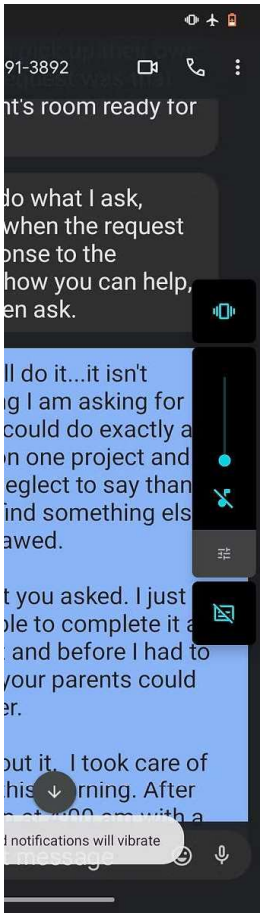
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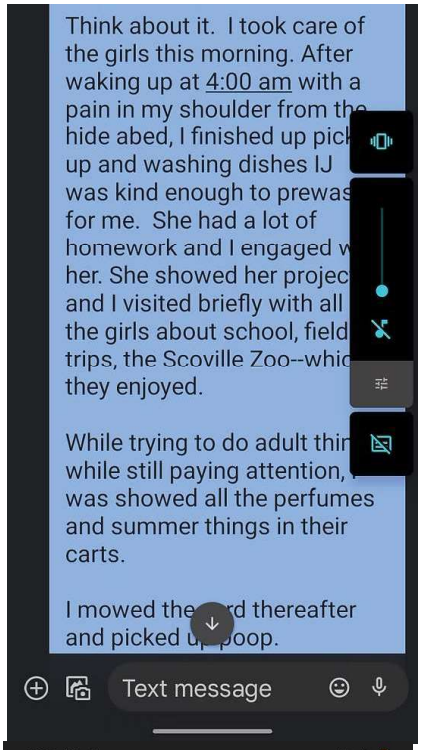
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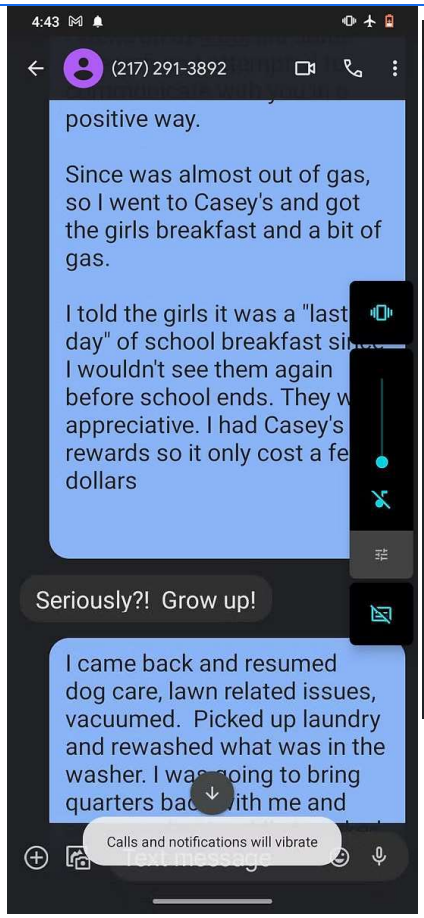


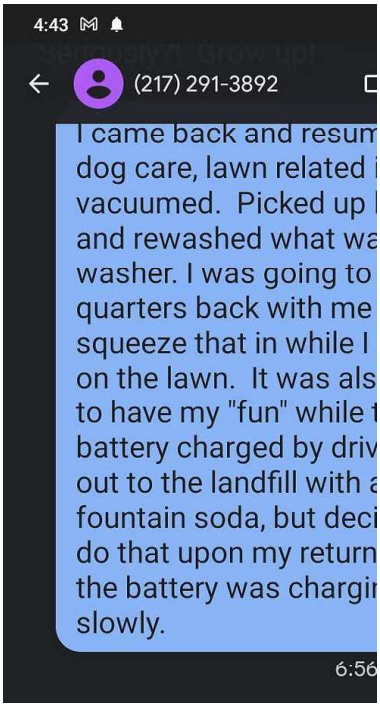
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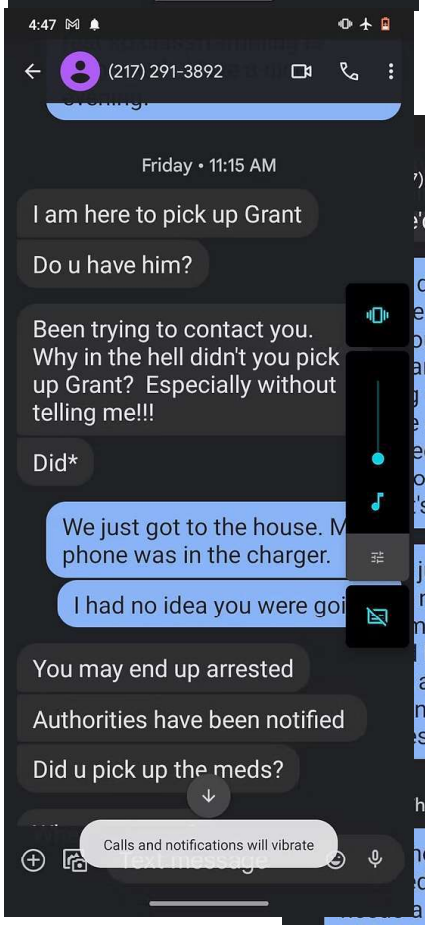
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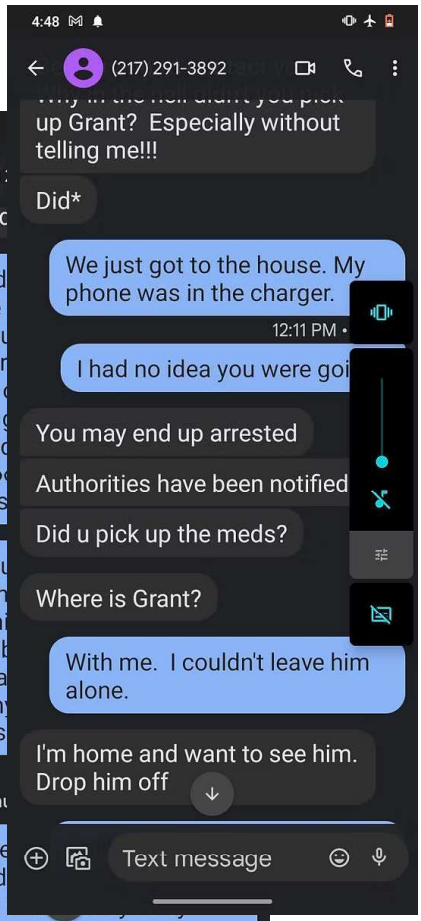


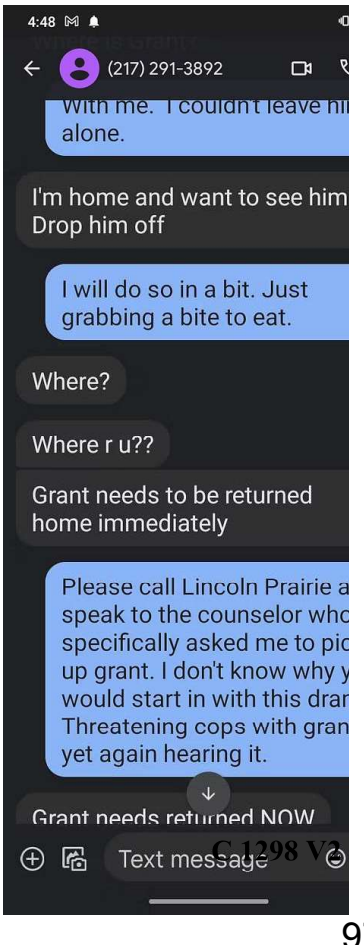












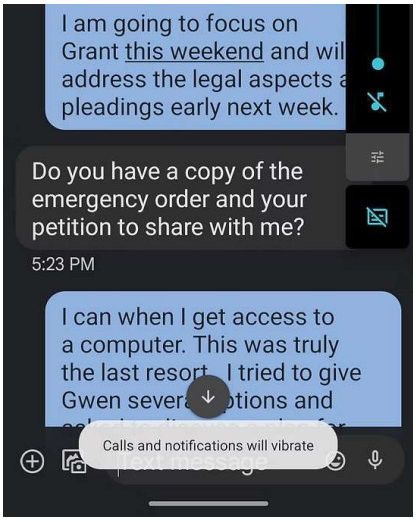
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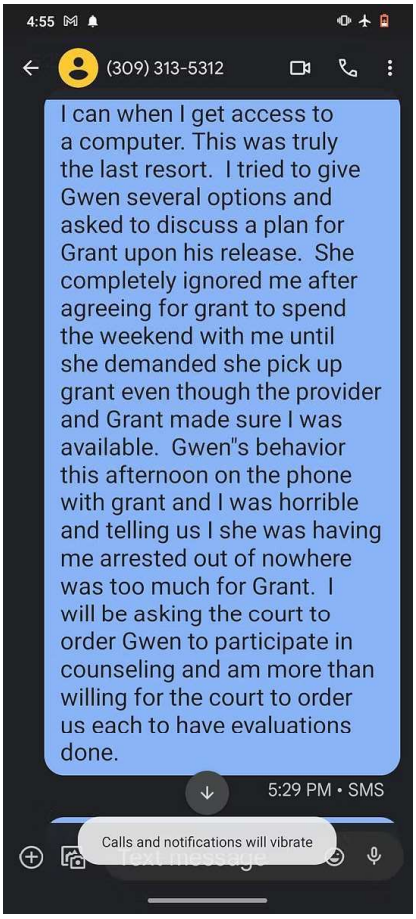
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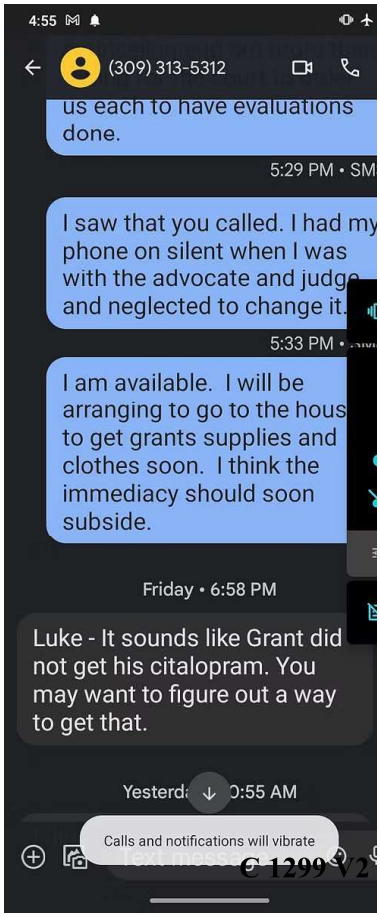


These were sent after decision to pursue OP and while OP was being entered. It was my hope she would have calmed down so could discuss trying to mutually contact counselor to avoid escalation.



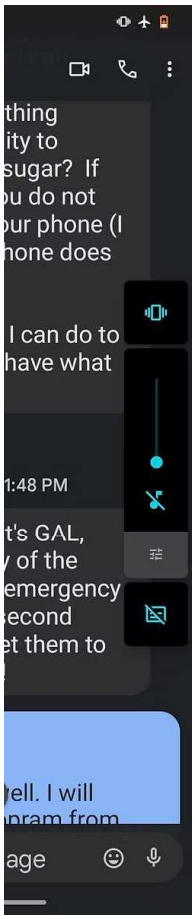


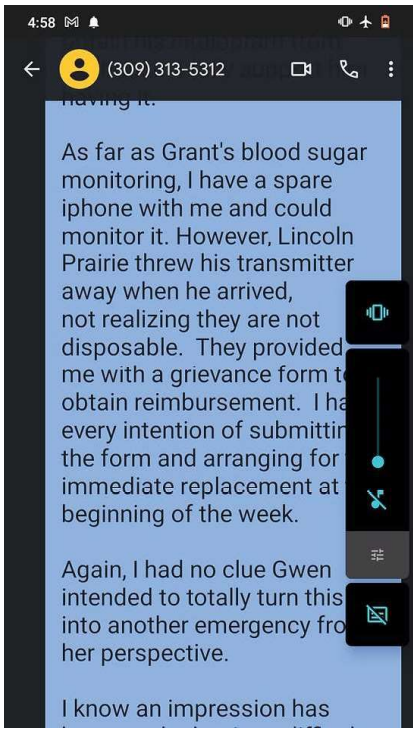


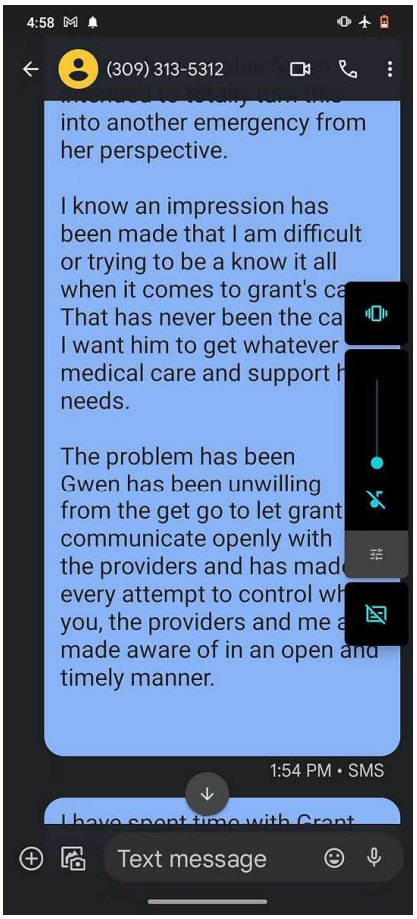


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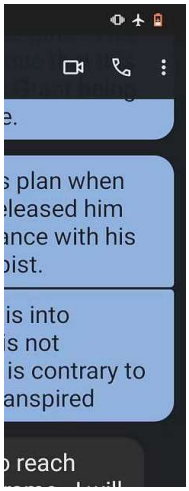


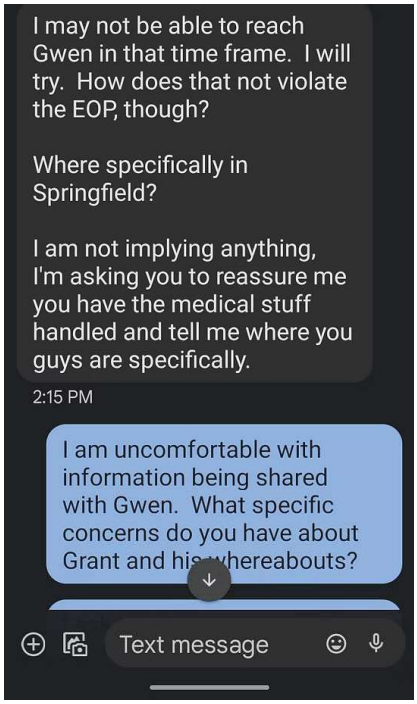


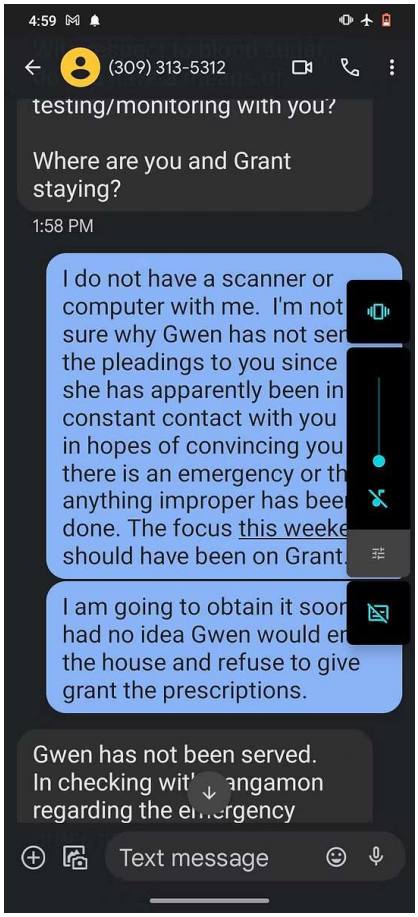


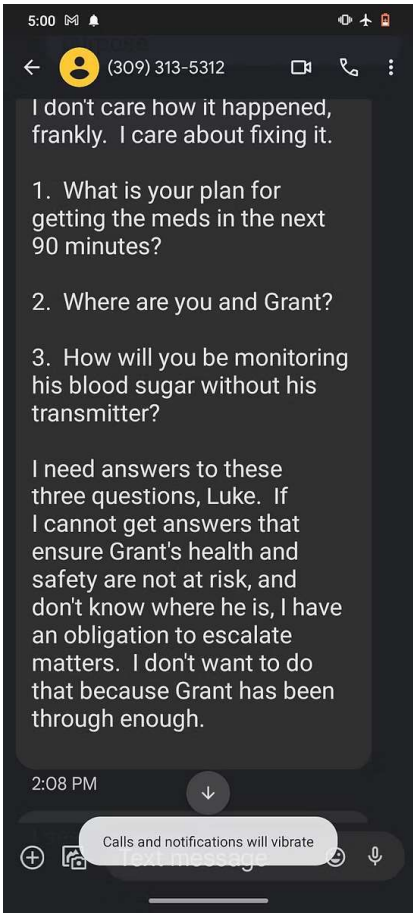


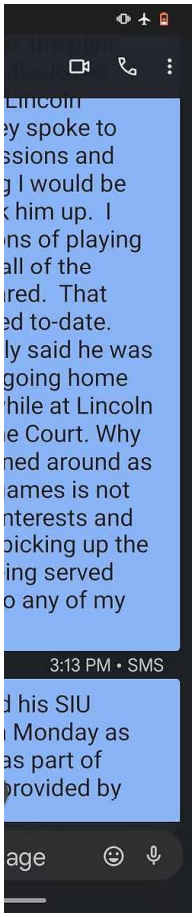
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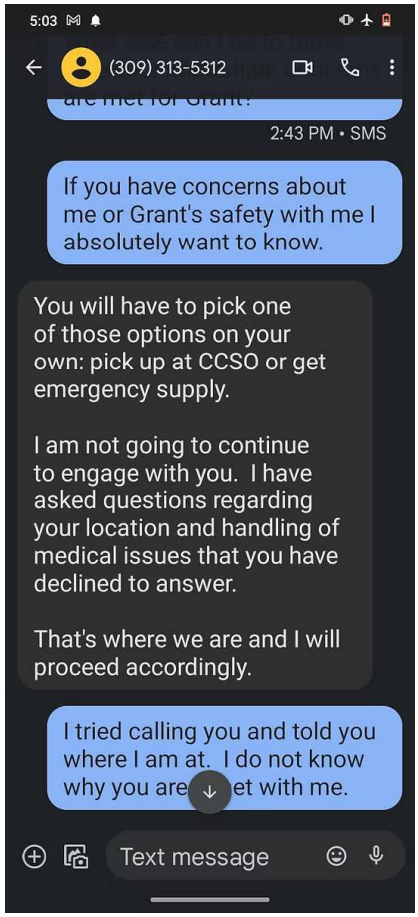


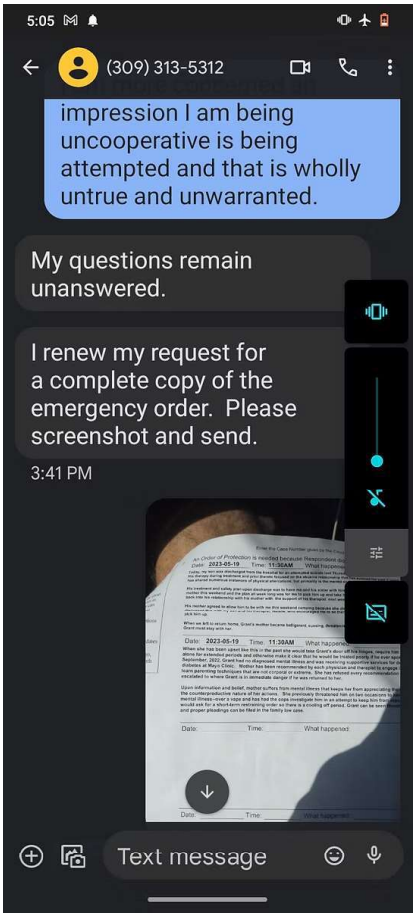


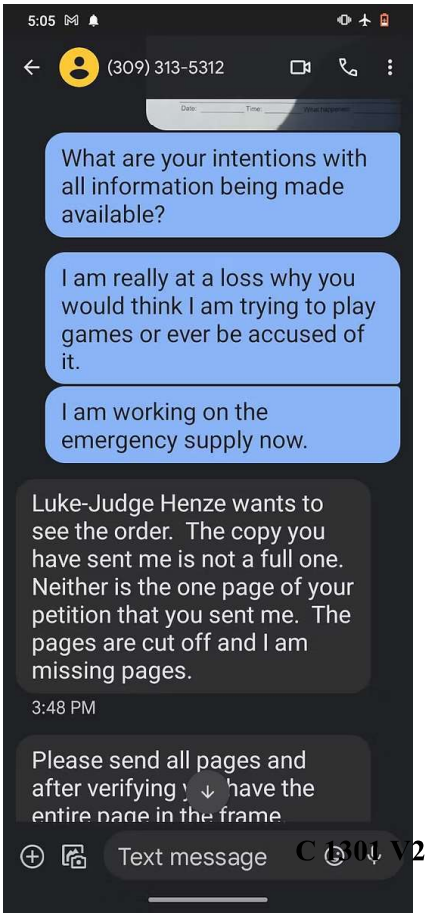






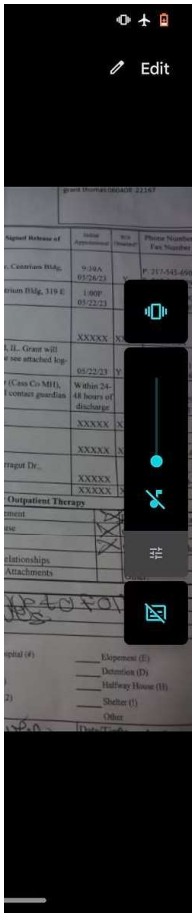


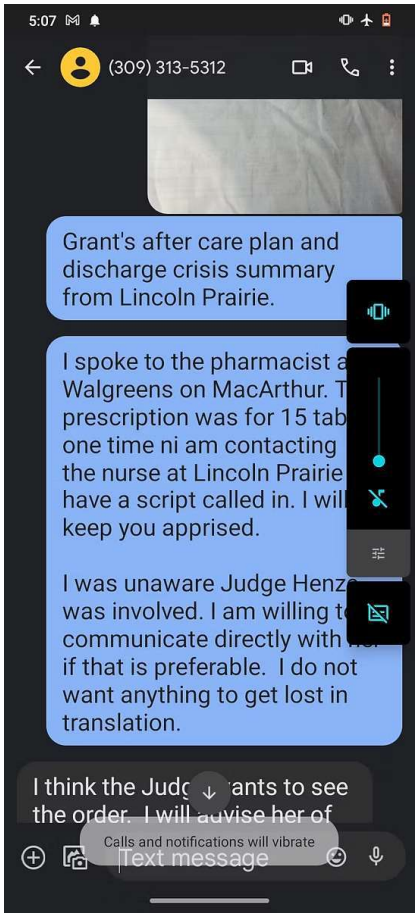


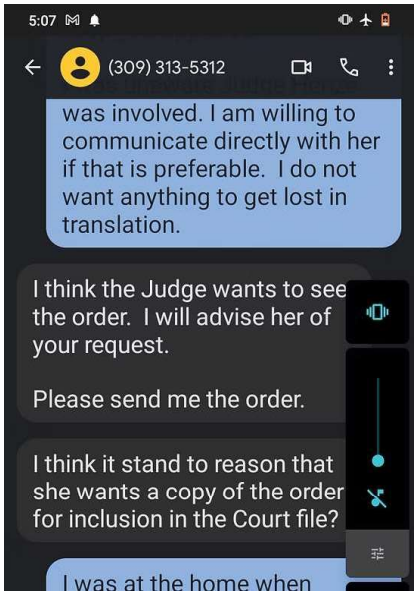


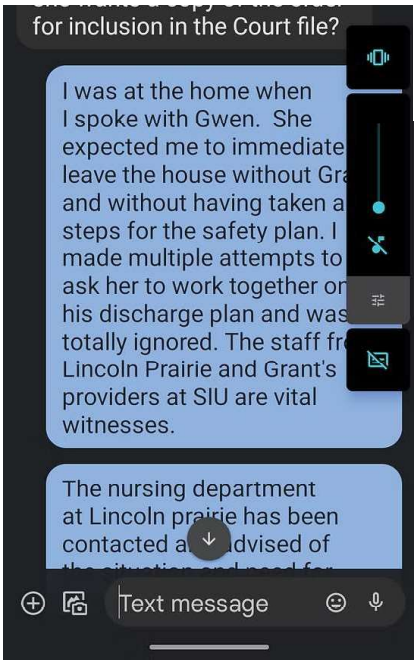
C 1301 V2

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Phone Logs



Phone call log to Ashland PD Friday May 19 2023.pdf



Phone Call Log with Gwen Return Call when she said I was leave grant at



ncoln Prairie Phone Log other line.pdf



Phone call Records with Alison Vawter on Friday and Saturday May 19-20 2023.pdf



Phone call Log.pdf

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 Third Amended Motion for Substitution of Judge for Cause as set forth herein upon Petitioner at her respective electronic mailing addresses of record.

Gwendolyn M. Thomas: gwenthomaslaw@gmail.com

Signed this 15th day of September, 2025.

/s/ Luke A. Thomas

Luke A. Thomas

FILED
10/27/2025 11:05 AM
BRADLEY PARLIER
CLERK OF THE CIRCUIT COURT
CASS COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL

CIRCUIT OF ILLINOIS, CASS COUNTY, ILLINOIS

GWENDOLYN M. THOMAS Petitioner, Vs. LUKE A. THOMAS, Respondent.	)))))))))	No. 2022-DC-15

RESPONDENT'S MOTION TO RECONSIDER ORDER OF SEPTEMBER 25, 2025

NOW COMES the Respondent, LUKE A. THOMAS, pro se, and pursuant to 735 ILCS 5/2-1203, respectfully moves this Honorable Court to reconsider and vacate its Order entered on September 25, 2025. In support, the Respondent states as follows:

INTRODUCTION

1. On September 25, 2025, this Court entered a summary, handwritten order denying the Respondent's "Motion for Administrative Order of Clarification and Determination" and his "Third Amended Motion for Substitution of Judge for Cause" for "reasons set forth on the record."
2. This Motion to Reconsider is brought to bring to the Court's attention its misapplication of controlling legal principles and its oversight of dispositive facts and procedural requirements. Specifically, the Court erred by (a) improperly applying the doctrine of *res judicata* to bar claims of ongoing judicial prejudice and void jurisdictional orders; (b) failing to apply the correct legal standard to an unrebutted, affidavit-supported motion for substitution; and (c) disregarding the threshold jurisdictional issue of its own authority to preside.

ARGUMENT

I. The Court Erred in its Application of *Res Judicata* to Foundational Jurisdictional and Due Process Violations.

3. During the hearing, the Court reasoned that the allegations in the Respondent's motions—including the Petitioner's false "kidnapping" allegation and the resulting ex parte communications—were barred by the doctrine of *res judicata* because the events occurred prior to a previous appeal. This was a fundamental misapplication of the law.
4. The doctrine of *res judicata* bars the re-litigation of *claims* that were or could have been decided in a prior adjudication. It does not, however, create a procedural shield that allows a court to ignore **void jurisdictional orders**, unrebutted allegations of **criminal conduct by a party**, or the fact that a **presiding judge has become a material witness** to the events in question.
5. The Respondent's "Motion for Administrative Order" raised a present and ongoing jurisdictional defect: that the order appointing this Court was entered by a recused judge and is therefore void. A void order can be attacked at any time, in any court, and is not subject to a *res judicata* defense. There is no statute, case, or rule that supports the proposition that a court can knowingly operate under a void order simply because a prior appeal has concluded.
6. Similarly, the court ignored the unrebutted allegation that the Petitioner made a false report of kidnapping—a criminal act—to manipulate the proceedings. This allegation was later acknowledged as false on the record by Judge Henze herself. The Court's suggestion that it is barred from considering this evidence of profound bad faith is without legal basis.

II. The Court Failed to Apply the Proper Legal Standard to the Unrebutted Motion for Substitution.

7. The Respondent's "Third Amended Motion for Substitution of Judge for Cause" was supported by a detailed, sworn affidavit containing numerous specific factual allegations of prejudice, as required by 735 ILCS 5/2-1001(a)(3). These allegations included the fact that Judge Henze engaged in, and failed to disclose, ex parte communications, making her a necessary witness in any proceeding to determine the substance and impact of those communications.
8. Neither the Petitioner nor the presiding judge, the Honorable Holly J. Henze, filed a counter-affidavit to rebut any of the factual allegations contained in the Respondent's sworn affidavit.
9. Under well-established Illinois law, when a legally sufficient motion for substitution for cause is filed and its sworn factual allegations are not controverted, the court hearing the motion **must take those allegations as true** for the purpose of the motion.
10. By summarily denying the motion, the Court failed to apply this mandatory legal standard. It improperly disregarded the uncontroverted sworn facts presented in the affidavit, including the unrebutted evidence that Judge Henze is a material witness to the prejudicial ex parte communications that have tainted these proceedings.

III. Evidence of Bias Continues after this Court's Ruling on the Third Amended Motion for Substitution of Judge.

11. Despite being advised of the egregious nature of Petitioner's use of visitation as a weapon to prevent presentation of the issues pending and the discriminatory nature of the same, Judge Henze set the matter for "status" in December.

12. Core to the Motion and consisting of the most basic of rights, Judge Henze has refused to disclose ex-parte communications as required by the Rules of Professional Conduct, despite having a Motion pending since October 6th. No delay or hearing is necessary, as the Court can and must rule on the Motion on its own.

13. The continued refusal to address Petitioner's conduct has only emboldened her. Petitioner's alcoholism and abusive conduct, including the risk it poses to the parties's minor children has repeatedly been sidestepped by Judge Henze; As has been experienced heretofore, the undersigned verily believes that Judge Henze will prevent prompt hearing and or presentation of the most recent issue–Petitioner failed to return home to the parties' daughters on October 24, 2025, and, instead, went drinking. The minor children were not informed of Petitioner's whereabouts and had no adult supervision until after 9:00 p.m–Petitioner finally informed them she had been in a crash and would probably lose her job due to intoxication.

14. The Court's Order of September 25, 2025, was the result of a clear misapplication of fundamental legal principles. By improperly invoking *res judicata* and failing to apply the correct standard to an unrebutted motion, the Court overlooked dispositive issues of law and fact. The Respondent respectfully requests that the Court correct these errors.

WHEREFORE, the Respondent, Luke A. Thomas, respectfully prays that this Honorable Court:

A. Grant this Motion to Reconsider;

B. Vacate its Order of September 25, 2025, in its entirety;

C. Enter an order granting the Respondent's "Motion for Administrative Order of Clarification and Determination" and referring the matter to the Administrative Office of the Illinois Courts for proper assignment;

D. In the alternative, enter an order granting the Respondent's "Third Amended Motion for Substitution of Judge for Cause"; and

E. Grant such other and further relief as this Court deems just and proper.

LUKE A. THOMAS, Respondent

By:

/s/ Luke A. Thomas

Luke A. Thomas
ARDC #: 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 MOTION TO RECONSIDER as set forth herein upon Petitioner at her respective electronic mailing address of record.

Gwendolyn M. Thomas: gwenthomaslaw@gmail.com

Signed this 26th day of October, 2025.

LUKE A. THOMAS, Respondent

BY:

/s/ Luke A. Thomas

Luke A. Thomas, Respondent

ARDC #: 6278591

FILED
10/28/2025 1:16 PM
BRADLEY RAHLER
CLERK OF THE CIRCUIT COURT
CASS COUNTY, ILLINOIS

Luke A. Thomas
Attorney at Law | Peoria, Illinois

28 October 2025

Honorable J. Frank McCartney
100 East Washington Street
Pittsfield, IL 62363

Sent electronically to: ***jfmccartney@hotmail.com***

Re: ***In re Marriage of Thomas*****, No. 2022-DC-15 (Cass County); Motion to Reconsider; Motion for Disclosure of Ex-Parte Communications(Rule 2.9).**

Dear Judge McCartney,

I have attached a courtesy copy of my Motion to Reconsider as filed with the Cass County Circuit Clerk on October 27, 2025. I have also included a courtesy copy of the Motion to Disclose Ex-Parte communications that was filed on October 6, 2025.

At this juncture, I do not require oral argument on the Motion to Reconsider so as to expedite the matter procedurally. As previously raised, I have not been allowed to see my daughters since asking for ADA accommodations in August. With the Court's most recent order that sets the matter for status in December, I wish to expedite appellate review in the event you deny the Motion to Reconsider.

To the extent you require oral arguments, I would ask that the court provide the parties with 2-3 dates for hearing.

As to the Motion to Disclose Ex-Parte Communications, I believe the Court has the authority and obligation to rule on this without delay.

A copy of this communication has been submitted for filing so that the record is complete. A copy of this communication and enclosures have also been provided to Petitioner in accordance with Rule.

Thank you for your time.

Respectfully,



Luke A. Thomas
ARDC No: 6278591

CC: Cass Co. Circuit Clerk
Petitioner

FILED
10/28/2025 1:16 PM
BRADLEY RAGLAND
CLERK OF THE CIRCUIT COURT
CASS COUNTY, ILLINOIS

Luke A. Thomas
Attorney at Law | Peoria, Illinois

28 October 2025

Honorable J. Frank McCartney
100 East Washington Street
Pittsfield, IL 62363

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Luke A. Thomas
Attorney at Law | Peoria, Illinois

Thank you for your time.

Respectfully,



Luke A. Thomas
ARDC No: 6278591

CC: Cass Co. Circuit Clerk
Petitioner

FILED
10/6/2025 10:04 AM
BRADLEY PARLIER
CLERK OF THE CIRCUIT COURT
CASS COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL

CIRCUIT OF ILLINOIS, CASS COUNTY, ILLINOIS

GWENDOLYN M. THOMAS		
Petitioner,	)	
vs.	)	No. 2022-DC-15
LUKE A. THOMAS,	)	
Respondent.	)	

RESPONDENT'S MOTION TO COMPEL DISCLOSURE OF ALL EX-PARTE COMMUNICATIONS AND TO PROHIBIT FUTURE EX PARTE COMMUNICATIONS

NOW COMES the Respondent, LUKE A. THOMAS, pro se, and respectfully moves this Honorable Court for an order compelling the disclosure of all ex parte communications and prohibiting such communications in the future. In support, the Respondent states as follows:

INTRODUCTION

1. The Respondent’s fundamental right to due process has been repeatedly violated by a pattern of off-the-record, ex parte communications between the presiding judge, the Petitioner, the Guardian ad Litem (GAL), and other judicial officers.
2. These communications have directly resulted in adverse, summary rulings against the Respondent without notice or a meaningful opportunity to be heard. This pattern has been compounded by the Court’s explicit refusal to grant the Respondent’s formal request to require that all such communications be made part of the official record.
3. This motion is necessary to cure the prejudice the Respondent has suffered, to ensure the integrity of the judicial process going forward, and to create a complete and accurate record for review.

ARGUMENT

I. The Court Has a Non-Discretionary Duty to Disclose Ex Parte Communications.

4. Illinois Supreme Court Rule 2.9(A) strictly prohibits a judge from initiating, permitting, or considering ex parte communications concerning a pending proceeding. The rule exists to ensure that decisions are based solely on the evidence and arguments made in open court, with all parties present.
5. When an ex-parte communication does occur, the judge has an affirmative duty under Rule 2.9(A)(2) to promptly notify all other parties of its substance and allow them an opportunity to respond.
6. The presiding judge, the Honorable Holly J. Henze, is aware of this duty. In an email dated **January 19, 2024**, after receiving an ex-parte communication from the Respondent, Judge Henze correctly forwarded the email to the Petitioner and the GAL, stating, *"I have an ethical obligation to ensure there are no ex-parte communications."*
7. Despite this acknowledgment, the record is devoid of any similar disclosures of communications initiated by the Petitioner or the GAL, even where such communications are documented to have occurred.

II. The Record Contains Direct Evidence of Prejudicial Ex-Parte Communications.

8. The Respondent is not acting on mere suspicion. The record contains direct, documented evidence of improper communications that have resulted in significant harm.
    a. **The "Kidnapping" Allegation (May 2023):** On **May 19, 2023**, the GAL sent an "Urgent" email to the Court that began, *"I have conferred with Judge Henze..."* This ex parte conference, the substance of which was never disclosed, led directly to an ex parte order severely restricting the Respondent's parenting time based on the Petitioner's false allegation that he had "kidnapped" their son.

b. Further citation to the record of additional instances of undisclosed ex-parte communications, either by direct example or where it is likely to have occurred, would be too voluminous to include in the body of this Motion. Ex-parte communications and off-the-record administration was overwhelmingly the norm through trial and appears to have continued post-trial as well. For purposes of preserving the issue, Respondent incorporates the trial court record and supplements thereto as part of this Motion.

III. The Court Has Actively Resisted Transparency.

9. The pattern of non-disclosure appears to be intentional. On **August 13, 2025**, the Respondent made a formal request for ADA accommodations. One of the specific accommodations requested was that all court-related communications be filed and made part of the official record to ensure transparency.
10. In a letter dated **August 22, 2025**, Judge Henze summarily **denied** this specific request, providing no reason for her decision. This refusal to ensure a transparent record, especially in light of the documented history of ex-parte communications and lack of record despite repeated requests that all matters be heard on the record is itself evidence of prejudice and creates an undeniable appearance of impropriety.

CONCLUSION

The integrity of this case has been compromised. Decisions have been made based on secret communications, and the Court has actively refused to implement a procedure that would guarantee transparency. The Respondent is entitled to know the substance of all communications that have influenced the rulings in his case.

WHEREFORE, the Respondent, Luke A. Thomas, respectfully prays that this Honorable Court enter an order:

A. Requiring the presiding judge to place into the record the substance of all oral, ex-parte communications she has had with the parties, the GAL, or other judicial officers regarding this case;

B. Requiring the presiding judge to place into the record the substance of all oral ex parte communications she or any other judge assigned to this case has had with the parties, the GAL, or other judicial officers regarding this case;

C. Requiring the presiding judge to place into the record complete, true-and-correct copies of all emails, text messages, or other written or electronic communication capable of being reproduced that the judge or any other judge assigned to this case has had with the parties, the Gal, or other judicial officers regarding this case;

D. Strictly prohibiting any and all future ex-parte communications between the Court and any party or agent of the Court;

E. Recusing herself this case upon making the aforesaid, required disclosures; and

F. Granting such other and further relief as this Court deems just and proper.

Respectfully submitted,

LUKE A. THOMAS, Respondent

By:
/s/ Luke A. Thomas

Luke A. Thomas
ARDC #: 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 RESPONDENT'S MOTION TO COMPEL DISCLOSURE OF ALL EX-PARTE COMMUNICATIONS AND TO PROHIBIT FUTURE EX PARTE COMMUNICATIONS as set forth herein upon Petitioner at her respective electronic mailing address of record.

Gwendolyn M. Thomas: gwenthomaslaw@gmail.com

Signed this 6th day of October, 2025.

LUKE A. THOMAS, Respondent

BY: /s/ Luke A. Thomas

Luke A. Thomas, Respondent

ARDC #: 6278591

LUKE A. THOMAS, Respondent
Thomaslitigation2022@gmail.com
ARDC #: 6278591

FILED
11/14/2025 12:49 PM
BRADLEY PARLIER
CLERK OF THE CIRCUIT COURT
CASS COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL

CIRCUIT OF ILLINOIS, CASS COUNTY, ILLINOIS

GWENDOLYN M. THOMAS, Petitioner, vs. LUKE A. THOMAS Respondent.	No. 2022-DC-15

MEMORANDUM OF LAW IN SUPPORT OF MOVANT'S MOTION TO COMPEL DISCLOSURE OF ALL EX-PARTE COMMUNICATIONS

This Memorandum is submitted in support of the "Motion to Compel Disclosure of All Ex-parte Communications" (the "Motion") filed by Movant, Luke A. Thomas. The motion is based on a mandatory, non-discretionary duty imposed on all Illinois judges by the Supreme Court and is rooted in the constitutional right to due process. The Court's failure to perform this duty, and its subsequent refusal to even rule on the pending Motion, is a reversible error that has fundamentally compromised the integrity of these proceedings.

I. A Judge's Duty to Disclose Ex-parte Communications is Mandatory and Non-Discretionary.

The primary basis for Movant's motion is the Illinois Code of Judicial Conduct. Illinois Supreme Court Rule 2.9 (Ex-parte Communications) explicitly prohibits a judge from "initiating, permitting, or considering ex-parte communications... concerning a pending or impending proceeding." This prohibition is not a mere suggestion; it is a "plain and unambiguous" command. *In re Marriage of Wheatley*, 2017 IL App (5th) 160354.

Crucially, when a judge does receive an ex-parte communication, Rule 2.9(A)(2) imposes a mandatory, non-discretionary duty:

"The judge shall make provision promptly to notify all other parties of the substance of the ex-parte communication and allow an opportunity to respond."

The word "shall" in a Supreme Court Rule is "construed as mandatory." *In re D.S.*, 198 Ill. 2d 309, 321 (2001). The presiding judge had no discretion; she was required to promptly disclose the substance of her communications. She has failed to do so.

II. The Prohibition on Ex-parte Communications Expressly Includes the Guardian ad Litem (GAL).

The judicial duty to disclose ex-parte communications is not relaxed for a Guardian ad Litem. While the GAL acts as an "agent of the court," they are not the judge's personal staff, and parties have a right to know what information the GAL is providing to the court. Illinois appellate courts have been clear and consistent on this point.

"Substantive ex-parte communications between the trial court and the guardian *ad litem* are improper." *In re Marriage of Knoche*, 322 Ill. App. 3d 297, 307 (2001). When such communications occur, "the trial court must place the substance of any such communications on the record and give the parties an opportunity to rebut the information." *Id.*

Similarly, the court in *In re A.W.*, 381 Ill. App. 3d 950 (2008), found that a judge's ex-parte communication with a GAL, where the substance was not disclosed, was improper and contributed to a finding that the proceedings were tainted.

In this case, the Movant has provided irrefutable proof (via text messages from the GAL) that a substantive ex-parte conference occurred between Judge Henze and the GAL on

May 19, 2023, which led to an immediate, adverse order. The Court's failure to disclose the substance of this communication is a direct violation of Rule 2.9 and the case law interpreting it. While this is perhaps the most glaring and egregious example, the record is replete with further instances of improper ex-parte communications involving substantive matters. Whether a result of Respondent' disability or otherwise, the practice and behavior of engaging in such conduct was done regularly and with impunity.

From the time of her initial appointment and then throughout the entire pretrial posture, Judge Henze frequently contacted the GAL, first under the auspices of being "brought up to speed" (March 2023), to then repeatedly contacting the GAL regarding substantive matters, without ever disclosing the substance of the conversations. This includes not only the 'kidnapping incident', but consistently thereafter. Without citing the entire record, it is nearly impossible to set forth each instance, as this conduct was the rule, not the exception.

III. Undisclosed Ex-parte Communications Violate the Constitutional Right to Due Process.

The prohibition on ex-parte communications is a "simple rule of fairness" that is "rooted in the constitutional guarantee of due process of law." *In re Marriage of Wheatley* at ¶ 21

The Fourteenth Amendment to the U.S. Constitution and Article I, Section 2 of the Illinois Constitution guarantee that no person shall be deprived of liberty or property without due process of law. A fundamental liberty interest is at stake in this case: the right to the care, custody, and companionship of one's children.

The U.S. Supreme Court has held that "a fair trial in a fair tribunal is a basic requirement of due process." *In re Murchison*, 349 U.S. 133 (1955). This requirement is violated when a judge receives "secret" information from one party that the other party has no opportunity

to rebut. The secret communication with the GAL, which led to the *ex-parte* order stripping Movant of his parenting time, was a profound violation of his due process rights.

IV. An Immediate Ruling is Required as the Motion is a Threshold Issue of Judicial Disqualification.

The Court's refusal to rule on the "Motion for Disclosure" is a critical legal error because the motion itself determines the judge's ability to continue to preside over the case.

The Judge is a Material Witness: Illinois Supreme Court Rule 2.11(A)(2)(d) states that a judge "shall disqualify himself or herself" if the judge "is likely to be a material witness in the proceeding." The GAL's text messages prove Judge Henze was an active participant in the May 2023 events. She has personal, extra-judicial knowledge of what was said in that conference. Her testimony is material to Movant's 2-1401 Petition. A judge cannot sit in judgment on a case where she is a material witness to the facts in dispute.

The Motion Challenges Impartiality: A judge cannot fairly rule on *any* substantive motion (like an emergency custody petition) while her own impartiality is reasonably in question and her decisions are potentially based on secret, undisclosed information. The court must resolve the *fairness* of the process before *using* that process to decide the fate of children.

V. Undisclosed Ex-parte Communications Render Subsequent Orders Voidable.

A violation of a party's right to due process, such as occurs through prejudicial, undisclosed ex-parte communications, renders the resulting orders voidable. *In re Marriage of O'Brien*, 2011 IL 109039, ¶ 30.

This means the resulting orders (including the Final Judgment of Dissolution) are not valid and are subject to being vacated upon a proper legal challenge. The Movant's 2-1401

Petition is the correct vehicle for such a challenge. However, to properly plead that petition, he is entitled to the full record of the ex-parte communications that corrupted the process.

CONCLUSION

The Court's duty to rule on the pending "Motion for Disclosure" is immediate and non-discretionary. The motion is strongly supported by the Illinois Code of Judicial Conduct, Illinois case law, and the U.S. Constitution. The Court's refusal to act on this motion is, in itself, an ongoing violation of due process that further justifies Movant's requests for relief from the Illinois Supreme Court.

Respectfully submitted,

BY: /s/Luke A. Thomas

Luke A. Thomas, Petitioner, Pro Se
Thomaslitigation2022@gmail.com
ARDC # 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 the foregoing instrument are true, 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. I further state that the statements made in the foregoing Response to want of knowledge sufficient to form a belief are true.

/s/ Luke A. Thomas
Luke A. Thomas, Respondent, Pro Se
Thomaslitigation2022@gmail.com
ARDC #: 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 MEMORANDUM OF LAW IN SUPPORT MOTION TO COMPEL DISCLOSURE OF EX-PARTE COMMUNICATIONS as set forth herein upon Petitioner at her respective electronic mailing addresses of record.
Gwendolyn M. Thomas: gwenthomaslaw@gmail.com

Signed this 14th day of November, 2025

/s/ Luke A. Thomas

Luke A. Thomas

FILED
10/15/2025 1:45 PM
BRADLEY PARLIER
CLERK OF THE CIRCUIT COURT
CASS COUNTY, ILLINOIS

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

IN THE INTEREST OF	)	
GWENDOLYN M. THOMAS,	)	
Petitioner,	)	
and	)	No. 22-DC-15
LUKE A. THOMAS,	)	
Respondent.	)	HEARING

REPORT OF PROCEEDINGS of the hearing before the Honorable JUDGE FRANK J. MCCARTNEY, commencing on September 25, 2025.

APPEARANCES:

GWENDOLYN THOMAS, Petitioner,
Pro Se,

LUKE THOMAS, Respondent, (Via Zoom)
Pro se.

Kathy A. Genenbacher, CSR
IL License No. 084-003096

THE COURT: On the record, 22-DC-15, Gwen Thomas, Luke Thomas. This cause comes on for hearing on pending motions. Miss Thomas appears in person. Luke Thomas appears via Zoom.

My plan is to go through these one by one. I know there is a -- But we will start with the one, the most recent, a motion for clarification and set procedural order of hearing.

Mr. Thomas, are you ready to proceed on that?

MR. THOMAS: Yes, Your Honor.

THE COURT: And, Miss Thomas, are you ready to proceed?

MS. THOMAS: Yes, Your Honor.

THE COURT: Okay. Mr. Thomas, it's your motion. Do you wish to be heard?

MR. THOMAS: Sure. I'll keep it brief. The motion pretty much sets forth what we fully allege in there that in order to have a clean record, in order to go forward, the orders that are enforceable -- and I think this has to be addressed. And in fact, Judge Henze asked -- reached out to ask Judge Thomson, Judge Wessel who would be appointed. That in itself -- See, that's been historically the practice. And as far as I know, that's the practice standard in Illinois, but that's typically the practice is that they reach out. But in this case, when this case started out a lot of changes happened, and you were our Chief Judge when the case started, and Judge Thomson was recused from this case. Now it goes back to the Chief Judge and

in a sense back to you. I think that just needs to get -- to get cleared up.

I think we are at the point where this needs to go to another county in all fairness to everybody involved. Like I say, it's not fair to even have -- to make -- I wish it weren't that, that the record was clean and things left the way it should have, but they haven't. So I think that's important we address that first and then move to the motion of substitution if the Court denies that.

THE COURT: Yes. Why don't you, if you have anything further, maybe also address the motion for administrative order clarification determination, the second one, and I think they kind of go hand in hand. Is there anything additionally you want to argue on that motion?

MR. THOMAS: No, there is nothing additional. Again, it speaks for itself.

THE COURT: Okay. All right. Sounds good. Miss Thomas, do you wish to be heard?

MS. THOMAS: Your Honor, I guess I really don't know what really the Respondent is attempting to accomplish with the motion for clarification and the motion for administrative order. To me, it's all -- it's confusing. And I think that the crux of it really is an argument that he's trying to make with regards to the motion for substitution.

I don't believe that respondent is entitled to kind of direct the Court on what to do. So I guess I'm not sure what's trying to be achieved by these two motions. I would ask that they be denied.

THE COURT: Yes. So, Mr. Thomas, last word on that if you want.

MR. THOMAS: Sure. Certainly. The problem with the case is being in the county from the get-go. It's a very confusing record to begin with. But again, it's just -- I don't know how much more obvious it is. The standards -- the rules of professional conduct, Rule 63, the appearances of impropriety set forth that -- I just don't know. Now we have got -- Miss Thomas is an active state's attorney. Her boss is now a judge that sits there. I just don't know how we can in good conscious say this doesn't need to go to a different county and this doesn't need to be addressed.

I'm not saying that there is any ill intention, especially on Judge Thomson's part. He's had hundreds of cases probably before that and since that time, but he might not even realize the record in this case. Again, it is confusing, the two cases set. But that's the point of bringing it forward because it is confusing to the parties. But we are the ones that have to have a clean record, and that's why I say it's important to get that all straightened out now because there are

serious allegations against me, and there are serious issues to be presented to an impartial judge. And having those matters cleared up for that I think is just of utmost importance and for the interest of justice.

MS. THOMAS: Judge, if I may state, just with regards to the comment about Judge Thomson assigning Judge Henze to the case. Judge Henze is the presiding judge over this proceeding. So really, I believe that the case remains with her and that it was unnecessary for her to even communicate with Judge Thomson regarding whether she should remain as the judge. I would suspect that that was just simply done out of pure courtesy, but that it was not something that was procedurally necessary. And because she was the original judge that heard the divorce proceeding, and there is one child, one judge, that she would continue with any post-judgment dissolution hearings as well.

THE COURT: Okay. Mr. Thomas, so you have addressed as much as you want to as far as argument on your motion for clarification and your motion for administrative order, correct?

MR. THOMAS: I believe so, Judge. Procedure again would be that in order to even address this would be to make -- present these to the Chief Judge, but the Chief Judge -- That's why the motion was filed. That's why the administrative order was brought in. Short of going to the Illinois Supreme Court, that is the best procedure I could come up with to bring the matters

to the attention of the Court.

THE COURT: Okay. All right. Court having considered the pleadings, Court having considered the arguments, I'm going to go through this. If I speak too quickly, let me know.

So the motion for clarification and to set procedural order of hearing, I think there was some confusion, Mr. Thomas, on maybe how this started in 22-DC-15. Fortunately, Judge Thomson assigned me to hear this so I have a little bit of knowledge of how that went down because I was the Chief Judge. But basically what happened in 22-DC-15 Judge Thomson was assigned originally -- or not originally -- when there was a recusal by I think Judge Wessel and Judge Tippey I believe. Then I, as Chief, assigned Judge Thomson. And then what happened was on -- You filed a motion -- And this is in the OP case. So I'm also referenced in 22-OP-66. On September 19th of 2022 you filed a motion for substitution of judge as a matter of right, and it's for right and for cause is the way I think it read. And then on September 26th, the docket reflects a motion as a matter of right as to Thomson. On September 28th of 2022 -- And this is all in the OP case. Judge Thomson granted that. And then the Chief Judge, me at the time, assigned Judge Hooker to that case, 22-OP-66, on October 13th, '22. And at that same time because I wanted one judge to hear all matters, and I thought there might be some, you know, evidence in both

matters that could be applicable to both cases, I then reassigned the 22-DC-15 case to Judge Hooker because I didn't want two judges hearing probably some of the same evidence at some point. So Judge Thomson never recused himself. What happened was when you as a matter of right substituted Judge Hooker out of the OP case -- And I will note that you did not substitute Judge Hooker. You couldn't as a matter of right because you had already used it on Judge Thomson. I know at some point I believe you filed a motion for cause as to Judge Hooker, and Judge Burch denied that. But nonetheless, when you did that in the OP case, I made the decision to have one judge because there were children involved to hear both matters. So Judge Thomson was -- It was reassigned to Judge Hooker I should say, and Judge Thomson never recused himself.

And just to address the part about him being Chief Judge, so he became Chief Judge in basically January of this year I believe. And the way that works is -- I have always taken the position, and I could be wrong -- And it is not applicable here because he wasn't recused or substituted out. But I have always taken the position that if I was substituted out of a case, as Chief Judge I could still reassign that to someone else. I am not seeing that challenged. I could be wrong. That's not the situation we have here because he was not recused -- or he did not recuse himself out of the DC-15 case

any way. So that was my decision to put Judge Hooker in that case.

So we don't even have the situation where he was for some reason disqualified and not able to hear 22-DC-15. So we don't even get into the situation that I was referencing where on occasion when I was Chief someone would substitute me as a matter of right, and in exercising my authority as Chief Judge I then assign that to someone else. I didn't enter any other rulings in that case other than to assign it. But that's not the situation we have here.

So as far as your prayer for relief, one, as I indicated last week in my order, I plan on dealing with all motions today. Secondly, I think Judge Thomson, you know, properly could -- did assign this case to Judge Henze. And as Miss Thomas indicated, the practice in our circuit has always been once a judge is assigned to a case, especially a family case with children, that judge will stay in that case until completion.

And I know there was some time where -- I know this case went up on appeal, it was affirmed, and then there was a period of time where I don't believe any pleadings were necessarily filed. But once Miss Thomas filed those I think three pleadings recently, then Judge Henze would hear those until it is completed because we keep one judge in the case

because, as you can imagine, Mr. Thomas, it would be very difficult for someone like me necessarily to get up to speed on everything that's happened in this case. And it wasn't my order, you know, the final order. It was Judge Henze's. So she would be in the best spot or the best position to be able to address these motions. So there was no necessity for Judge Thomson to quote/unquote reassign her. As Miss Thomas indicates, she remains in the case absent being substituted out for cause.

So as to the motion for clarification and to set procedural order, I think I have addressed that. That will be denied.

And then on the motion for administrative order of clarification determination, I think I have addressed -- Let me see if there's anything else I wanted to address. Oh, I will address one other thing. And you bring -- Mr. Thomas, you brought up an interesting point, Judge Wessel signing orders. Obviously, he recused himself. I know -- I mean it doesn't have any effect on the case as far as I'm concerned, and I don't find that. He's basically making sure the people that are doing the work are getting paid. And a lot of times as resident judge in small rural counties we are called on to make sure people are getting paid. So I know that on occasion I have signed orders, even where I was out of the case, either recused or substituted,

where I just ordered payment. I don't make any substantive rulings, nothing of that nature. I'm just making sure the bills are being paid. If I don't have another judge available, I know I have signed those orders. And I know you referenced that.

MR. THOMAS: Thank you, Judge. I don't want to interrupt, but if I could be heard since that is an issue.

THE COURT: Okay. You can go ahead and address that if you want to.

MR. THOMAS: Your Honor, my concern is that -- Yeah, it's a matter of getting paid. Everyone deserves the right to be paid. There is a series of orders. And again, that is alleged in there. There was information there for that that the resident judge that I may possibly have a claim against the county. Subsequent to that we have orders entered. Obviously, my thought was just to hire an attorney in the case or to me just to not have one, but then that wasn't able to be dealt with. The evaluation that was paid for by Cass County, the possible claim by the statute of limitations hasn't run -- When I was supposed to be going to trial, according to Judge Hooker, I am now being sent to have a mental evaluation for no request or pleadings or nothing. And Judge Henze entered that. And she has conferred with Judge Wessel on a regular basis on those types of matters. And we have got orders entered by Judge Wessel. And as I pointed out, it's the appearance of

impropriety. I have a judge granting me -- or paying for mental health evaluation in a case and then possibly observe the issue when I discharged him as an employee of mine. (Inaudible zoom) And I notice other claims have been filed also tracking with this case before Judge Wessel. Financially --

THE COURT: Try to slow down. Try to slow down a little bit. I think I see smoke coming out of my court reporter's fingertips.

MR. THOMAS: Sorry.

THE COURT: Go ahead. Anything else, sir? I don't mean to cut you off.

MR. THOMAS: No, Your Honor. I will slow down here.

THE COURT: Well, any reservation that you may be -- the county seeking reimbursement, I'm sure if that's done at all, it will be through Judge Henze. It won't be through Judge Wessel. He just orders it so those get paid. And if there is going to be any kind of reimbursement issue, I'm sure that will be something that Judge Henze takes up. I know it hasn't occurred yet, so my guess is that will not occur, but I will leave that up to her. But I am quite confident Judge Wessel won't be involved in that part of it, absent there being a different case filed. Then perhaps he would be on that as resident judge. But on this case itself, I don't imagine you are going to see him. And that's not before me today, any kind of hearing where he is

seeking reimbursement from you.

MR. THOMAS: I guess that goes to the asking the administrative court to have it run by a judge outside of the county to hear that because again -- I know we are hoping for the best of intentions and everything, but it has the appearance of impropriety. This is my family, my children. I don't want to take the chance and guess that that's the case when there is no reason to have it there when you have an impartial judge. One of those did run against me in general election and having conferred with my wife about my illness through the entire time --

THE COURT: Mr. Thomas, the beauty of that is he is not presiding over this DC case. Judge Henze is. So I understand your point, and I know you pled that out, but I don't find there is a necessity to have this referred to the administrative office or to have Judge Thomson do that, have a judge outside the circuit, because at this point, pending your other motion, Judge Henze is assigned to it. And if she was for some reason removed for cause, then I'm sure we could have another judge who could be assigned. So I'm going to deny that.

I think I have addressed all the points I want to address in the motion for clarification and to set procedural order of hearing and the motion for administrative order clarification determination. I believe those have been

addressed.

And now I'm going to turn to the third amended motion for substitution and cause -- for cause I should say. Mr. Thomas, would you like to be heard on that? I'm just going to remind you to please not speak too quickly.

MR. THOMAS: Sure. I'm turning the monitor on.

THE COURT: You are fine. We hear you. We hear you great. You have got a little bit of me in you. I sometimes talk too fast, and I have to remind myself I have a court reporter trying to keep up. So do your best and try to slow down a little bit. But we are on now your third amended motion for substitution of judge for cause. This is Judge Henze. And I'm going off that one since that's your most recent cause motion. Go ahead, sir. Are you there, Mr. Thomas? Mr. Thomas, are you there, sir? Let's hope he logs back in. Give him a few minutes.

(Zoom was interrupted.)

(Off the record.)

THE COURT: Mr. Thomas, can you hear me again?

MR. THOMAS: I can. I apologize, Judge. I am on a PCN. It disconnected, so I connected to my phone here.

THE COURT: You're okay. Thank you for doing that. Let me know when you are ready. I don't necessarily need to see you. I recognize your voice. So I want to take up the third amended motion for substitution of judge for cause. That's your most

recent. Are you prepared to argue that?

MR. THOMAS: I am, Judge. I will start over.

THE COURT: Try to watch your speed is all I ask, okay?

MR. THOMAS: I will do, sir.

THE COURT: All right. Go ahead, sir.

MR. THOMAS: At this point, the petition -- the third amended petition meets the pleading requirements. The substitution for cause is supported by affidavit. It meets all those requirements. No pleading has been filed in response to it. Judge Henze has not filed any affidavit providing testimony in response. So I think this decision is a pretty easy one. We have more than met our burden there. So I think that it should be granted --

THE COURT: Okay.

MR. THOMAS: -- on its face. Additional information -- If you want me to provide testimony under oath, I am glad to do so.

THE COURT: I'm giving you the opportunity to argue or do whatever you need to on your motion, and then I'm going to give Miss Thomas the opportunity to state her position. So whatever you want to do, this is the time to do it.

MR. THOMAS: Okay. I didn't know the practice in the county on substitutions. If they were non-evidentiary or evidentiary, I can be sworn in.

THE COURT: It's up to you, sir. If you want to be sworn

in, I can have the clerk swear you in, and then you can stand on your motion I mean or state under oath the allegations. So that's totally up to you, sir.

MR. THOMAS: I can provide additional testimony under oath. I think that's probably -- We have got to make a record. So go ahead and do that.

THE COURT: Okay. So raise your right hand.

(Witness sworn.)

LUKE THOMAS,

having been first duly sworn, was examined and testified as follows:

EXAMINATION BY

THE COURT:

Q. Okay. Please state your name.

A. My name is Luke Thomas.

Q. And you filed this third amended motion for substitution of judge for cause?

A. That is correct, Judge.

Q. And other than the pleading, what else do you want the Court to know about that?

A. Well, discussing all the issues -- I mean the case started off with Judge Henze being assigned when Judge Hooker abruptly recused himself. So judge Henze was appointed. And that was -- The first contact that I had with her I had asked

for an emergency order of protection. She gave me a hearing date. After that hearing -- Or she refused to go to an evidentiary hearing on that because she thought it would effect co-parenting. And we proceeded as such. Now we were talking about the incident in May, the kidnapping charges, or allegations, that Miss Thomas claimed that she had sought the Amber alert against me after giving me permission to have my son. Judge Henze had -- The Guardian Ad Litem was a Saturday. Even offered to talk to Judge Henze. Judge Henze was aware of the emergency order of protection entered in Sangamon County and refused to talk to me about it, entered an order and with no notice. And again, that was -- I think there was a hearing in April. Without bending over backwards, we had three hearings without notice. And then I had my parental rights taken away without notice. And the reason I bring it up is she acknowledges on the record that I was permitted to go camping, that they were false. Then I get no hearing. Just everything is put off. And I keep being told I'm going to have a hearing. I filed a motion to continue in advance of the trial to try to present. I can't get a hearing date. I e-mailed. Won't be a hearing date. I'm forced to beg for money. I asked for money when an emergency situation comes up prior to trial. I had no money. I'm living with my son, making $570.00 every two weeks. I'm asking for money to be able to participate in the court

proceedings. And she won't even respond to the e-mail. She responds to me after court, telling me that her order speaks for itself and I can appeal it. Those are the kinds of treatments.

I'm an officer of the court. I have never done anything to any of these folks. And I don't know why it's so hard to give me the same equal treatment that they -- They are setting hearings for her without any notice to me. They proceed to hearing whether I was there or not. I try to get the same courtesy. I don't even get it. The writing is on the wall. All the evidence that we want to come in has been stopped time and time again by Judge Henze, never allowing me to go to hearing, always pushing off court, point blank trying to intimidate me when there is no record. That's why there is no record in this case, Your Honor, and it's very intimidating because she is very rude. At this point I really haven't had much say. When I tried to question the case earlier on about the Guardian Ad Litem, I just wanted to ask her questions about the extent of her examination. She said I'm not doing that, not questioning the Guardian Ad Litem. I asked for ex parte communications to be shared with me. That's denied. It's obvious that they are communicating about me and me allegedly kidnapping my son. That's so ridiculous. Excuse me. But to do that and then not even give me the courtesy of a hearing -- She bent over backwards to have hearing stopped and have trial. And

this is all my business, every asset I have, in a two hour zoom hearing that there is no records reported.

I note today for the trial we are in Cass County courtroom. On the day of trial we were in Adams County, and we had technical difficulties on it, and Judge Wessel's personal zoom hearing for the trial that took a little more than two hours, and it was all done through the testimony of (inaudible). How in the world could that even be remotely considered impartial? So that -- I really -- I hope to God that you take this motion and the consequences of it and the total unfairness has soured me on that so much that to be treated the way I have been treated --

THE COURT: Okay.

MR. THOMAS: I said -- You can read the whole court file, every correspondence, everything. I have been nothing but polite and respectful. I respect the Court, the position that Judge Henze holds. I don't know why those same courtesies haven't been extended to me when they are extended time and time again and beyond violating the notice provisions in favor of one party and the other party doesn't get the same courtesy. I think it's just overwhelmingly clear, Judge, that substitution needs --

THE COURT: Okay. Anything else?

MR. THOMAS: No. Thank you.

THE COURT: All right. Miss Thomas, do you have any questions of him? He is under oath, if you want to ask him questions as it relates to the motion.

MS. THOMAS: No.

THE COURT: Okay. Miss Thomas, do you wish to be heard?

MS. THOMAS: I do, Your Honor. With regards to the motion that has been filed, and then, of course, the testimony of Mr. Thomas, he makes a lot of allegations, a lot of statements, all of which are unsubstantiated. And the things that he has mentioned are things that he is alleging to have occurred during the course of the dissolution proceedings.

After the entry of a judgment of dissolution of marriage, he subsequently appealed the decision to the appellate court. The appellate court entered an opinion that was filed on July 15, 2024 that affirmed the trial court's decision. And in his appeal, respondent did attempt to allege that his due process rights were violated by Judge Henze.

The appellate court in its ruling did not buy his argument. In fact, what was stated on page 8, paragraph 21, of the opinion that was filed by the appellate court was that the appellate court finds no proof Judge Hooker or Judge Henze were biased or partial. Respondent has not proved he was denied due process. And that is important because not only has he had one bite of the apple by making those allegations to the appellate

court, which were denied, he is once again trying to get a second bite of the apple simply because apparently he is not a fan of Judge Henze.

And I will state for the record and as an officer of the court that Judge Henze has been nothing but professional throughout this proceedings. And that's coming from someone that I don't necessarily agree with all of her rulings. But she's been professional, and she has shown absolutely no bias towards either of us throughout this proceedings. And the appellate court, obviously, found that as well.

THE COURT: Hold on. Miss Thomas, anything else?

MS. THOMAS: Just one second.

THE COURT: Sure.

MS. THOMAS: So not only is Mr. Thomas indicating that Judge Henze is so biased, what he fails to allege are specific allegations because the trial court judges are presumed to be impartial, and it is the burden on him as the challenging party to overcome the presumption of the Court's impartiality. And that has to be done by setting forth specific articulable facts of bias, and that has not been done. And it certainly hasn't been done with regards to the entire circuit. So even if the Court were to find that Judge Henze was so biased against respondent that she should be removed from the case, there has been no factual evidence presented that every single judge in

the circuit is biased and no one should be able to preside over this case.

In fact, there are several judges in the circuit that I know during the course of my 20 year career as an attorney that I have never appeared before and that don't know me at all, and likewise, would not know respondent.

THE COURT: Okay.

MS. THOMAS: And because the burden is so great, he has failed to meet that burden, and I would ask that the Court deny his motion.

THE COURT: Okay. Mr. Thomas, last word if you want it. This will be -- If you are testifying, let me know. Or are you just arguing it? Are you testifying or just arguing the motion?

MR. THOMAS: A little bit of both I guess.

THE COURT: Let's go ahead. Go ahead and state what you want to state.

MR. THOMAS: Yes. The representation of what the issues were before the appellate court, that was not the whole -- The problem was that I didn't have a record to present those. I had no evidence of record. And there was no record because Judge Henze didn't keep a record. I repeatedly -- And the record is clear on that. From the very start when this started to become a little too informal, I said, "Everything on the record?" Everything -- I was told, "It's on the record. It's on the

record." But then I found out when the issues come up there is no transcript, no nothing, and no explanation for it, no reason for it. And to say it's limited to that -- I didn't file this petition right after I got the -- I got it because again I'm getting another petition for contempt being set for hearing, emergency motions on orders that were already directed and the Court ordered, already ordered that the guns are supposed to be used to pay bills in a certain order. The emergency order, the judge authorized it without even noticing me. It is a history of repeating to try to keep at it. I mean they are more than just allegations. They are more than making allegations. They are only sting allegations because no one will allow an evidentiary hearing on it. I mean I can testify to specifics as far as the incident in May. Let me pull it up. I'll go ahead and testify.

THE COURT: Are you talking about May of '23 or '25?

MR. THOMAS: May of '23.

THE COURT: Okay.

MR. THOMAS: About that incident.

THE COURT: Okay.

MR. THOMAS: May 25 there was nothing pending.

THE COURT: Okay.

MR. THOMAS: Let's see here.

THE COURT: Yes, you referenced it in your pleading.

MR. THOMAS: Yeah. We have got the exhibits on there. I wanted to testify about specifics. I attached the text messages to and from the Guardian Ad Litem, the e-mails, the statements that were presented. I would testify all those are true, correct, the allegations in there, that I brought that to the attention of the Court, that I was denied a hearing on it, that that was known to Judge Henze before she ordered the mental health evaluation, that I was contending that Gwen was not telling the truth about that. Judge Henze had not ruled and would not rule on the motion to address the allegation of any debt owed to the State of Illinois for Public Aid fraud. Everything that has been presented is issues that I asked to be resolved. And that's proof in itself that she won't address the issues. She refused to all along knowing that she had that information and she would be a witness to that, and that would be yet another reason for that because those issues aren't on the record, those issues effecting the kids that are always modifiable, and the Court wasn't aware -- should have been made aware for purposes of a post-dissolution motion. Judge Henze has indicated that she learned about it in September of 2024 when we still never had a hearing and then went to trial over my objection to that. So it's either bias, or I specifically can't get a hearing on it. But those things are always modifiable. I mean what court would want to know if somebody -- an officer of

the court committed a felony, that he had authority to take his son camping, and in a medical situation, and I want to know whether or not that's in the best interest of the kids. Good Lord. I have nothing further, Judge.

THE COURT: Okay. All right. The Court having considered the pleadings, takes judicial notice of the file, 22-DC-15, considered arguments. I'm going to run through this third amended motion for substitution of judge for cause. It's the most current and the most recent judgment for cause motion filed by Mr. Thomas against Judge Henze. I think he has testified to some of the events, maybe given a little more detail than the pleadings indicated.

The Court is mindful of the case of -- the marriage of O'Brien. It's a 2011 Illinois 109039 2011 case, Supreme Court. And I will hit some of the highlights of that. It's a really good case for substitution of a judge for cause.

It states in there on page 722 I believe: Although the statute does not define cause, Illinois Courts upheld that under such circumstances actual prejudice has been required to force the removal of a judge from a case. That is either prejudicial trial conduct or personal bias. It goes on to say Illinois Courts have consistently required an act of prejudice to be established, not just under current statute but under every former version of the statute. And as Miss Thomas had

argued, it states in that case: Judges, of course, are presumed impartial, and the burden of overcoming presumption by showing prejudicial trial conduct or personal bias rests on the party making the charge.

And then there is a quote in there from another case that states that: Opinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings or prior proceedings do not constitute a basis for a bias or partiality motion unless they display deep-seeded favoritism or antagonism that would make fair judgment impossible.

And then another paragraph later: In any event, the law is clear in Illinois that when, as in this case -- citing the O'Brien case -- a substantial ruling has been made, substitution may be granted only where the party can establish actual prejudice. It talks about the appearance of impropriety not being sufficient, have to show actual prejudice. Going through the motion of O'Brien, at least arguably, seems to be pretty much on point with some of the allegations.

There is also, the Court would note, the case of Estate of Wilson, 238 Illinois 2nd 519, that part of what it stands for is timeliness of motions for cause. And some of this in this third amended motion is a couple years old. That doesn't mean it necessarily couldn't be raised in the motion if

Mr. Thomas has chosen to do that, but the Court can look at that and weigh that given what the Court knows about the procedural history of the case, and that I don't recall there being a motion for cause as to Judge Henze when some of these earlier allegations back in '23 occurred. And that seems to be the heart of his argument about what, as Miss Thomas argued, what went on during the trial or leading up to the trial. Those issues found could be preserved for appeal, could have been raised in the appellate court, and then Ms. Thomas' argument that there is some kind of collateral estoppel or some res judicata here on some of this, but I'm trying to address this as thorough as I can. But when you go through the pleadings --

MR. THOMAS: (Inaudible Zoom)

THE COURT: Wait. Mr. Thomas, it's my turn.

MR. THOMAS: I'm sorry.

THE COURT: You're fine. You're fine. A lot of these allegations are dating back to 2023. The one that is more recent is about this zoom hearing, and that was in paragraph 3 of that Exhibit A that was attached, talking about -- arguing I should say that Judge Henze was putative, contradictory. He says during a zoom hearing on August 21st, "I attempted to address my opinion motion to continue and to address administrative matters, which was based on my request for ADA accommodations." Judge Henze stated on the record, "I did not

get a copy of that, and I'm not going to entertain a motion to continue today." The very next day Judge Henze allegedly issued a letter stating that she had, in fact, reviewed the ADA accommodations as set out on page 2. And then you thought that was contradictory.

The interesting thing about some of that is that August 21st hearing appears to be basically a scheduling conference. Judge Henze put some deadlines in there. In looking at the ADA request for accommodations that I saw as part of the respondent's motion to continue hearing and for status on the administrative matters filed on August 19th, a few of the things that Mr. Thomas got at is he wanted to be afforded a fair opportunity to participate and requested certain accommodations; one, all proceedings to be officially recorded, which I think Judge Henze is doing. I'm doing that today also. In-person evidentiary hearings. I don't know that we have had any evidentiary hearings since, yet, so I imagine Judge Henze will probably be okay with that. And that will be her call. Adequate time for preparation of response. I would note in that August 21st order that it looks to me like she is being fairly lenient, that discovery requests to be filed by September 18th, which is roughly 28 days. Financial affidavits by October 2nd. So we are going roughly six weeks or so. So I think -- And obviously, I'm sure she's always open to a motion to continue or

additional time, if that's needed, but that would need to be addressed by her.

There seems to be a point of contention with the order, a subsequent order, indicating that on August 25th pursuant to the ADA accommodation request of the respondent this cause is now set for an in-person status review at the Cass County Courthouse. The petitioner may appear via zoom, if she so desires. I think Mr. Thomas seems to suggest that is retaliatory. I understand why she did that. I don't think that's even close to prejudice. I think Mr. Thomas has voiced a desire to have it in person. She is telling Miss Thomas that you don't have to be in person. Miss Thomas has not requested that. And it is a status, so I don't think that's inappropriate, and honestly, not even close to any kind of prejudicial thing as to Judge Henze.

Looking at some of these other allegations, I think I have addressed the fact that most of these aren't timely, should have been or could have been raised in the appeal or through a motion prior to the appeal before even trial. I think the Estate of Wilson talks about timeliness. In that case, the Court was kind of suggesting that it has been four months, something should have been filed. This case is over two years.

But give me one second. And my guess is, and I can't speak for Judge Henze, at that August 21st hearing that she did

say, "I did not get a copy of that, and I'm not going to entertain it." I have often told attorneys that if I don't have pleadings in my hand, I may not address it. But like Judge Henze apparently did, she after the hearing went and probably got a copy soon thereafter and addressed that and suggested that, but nothing in this motion do I see is reaching any kind of level of prejudice that is required under the O'Brien case.

MR. THOMAS: Judge, what about --

THE COURT: Wait. Wait.

MR. THOMAS: What about --

THE COURT: Mr. Thomas, I'm not done.

MR. THOMAS: Oh, I'm sorry.

THE COURT: So it's obvious that, you know, when I assigned Judge Henze to this, part of the reason I did it, and I think it gets to Mr. Thomas' concern, is I wanted a judge to hear this that had no connection with the parties. I know that the Thomases have been practicing law in Cass County and the surrounding area for a while and had been before these judges. I also was relying on her vast amount of experience in doing family law. She has been doing that up until the last year or two. She did that almost exclusively in Adams County. And I knew -- and I thought perhaps this case could be fairly well litigated, and it has been. And she has handled that.

But when I look at these allegations, I think I have

addressed most of them. I will just run through a few of them real quick just so there is a good record of it. I don't find that there would be a direct contradiction regarding pending motions. I have addressed that. The Court's refusal to provide an evidentiary hearing on the petition is false, and the retaliatory kidnapping allegation, I have addressed that, that being two years ago. The Court's putative and improper handling of respondent's ADA request, I don't see anything in the record to suggest that at this point. I think she's trying to give him time, allow him to appear in person, as requested. But I think if he makes a request to appear via Zoom on statuses, she may entertain that, but that would be up to her. The entire Eighth Judicial Circuit is systematically conflicted and prejudice against the respondent, obviously, I don't find that, and I think I have addressed that. The history of judicial dismissive-ness towards respondent's disability and allegations of misconduct, most of that is kind of directed at basically Judge Hooker's involvement and not Judge Henze. The administration of this case is tainted by void jurisdictional and administrative acts, I have addressed that.

Judge Thomson, basically his role here -- he was never recused, and that would be incorrect -- but was to allow Judge Henze to continue to finish what she started. When I as Chief Judge -- or when I assigned her, that was the goal for her to

finish the case, and that is going to be the case here.

The circuit is plagued by pervasive, interconnected conflicts of interest, I think Miss Thomas mentioned that. And Mr. Thomas has argued that about Miss Thomas being a Menard County State's Attorney. By no means does that have any bearing as far as I'm concern as prejudice to Judge Henze. I don't see that as an issue here whatsoever.

So considering all that, considering what Mr. Thomas also testified to, considering the records that I have reviewed, including the attachments the other, motion for cause, I am going to deny the motion for substitution of cause as to Judge Henze. I'm also denying the request to have the administrative office appoint a judge from outside the circuit. And I will do a written order basically just saying I'm denying these motions. I will get that sent over to the clerk tomorrow. And then Judge Henze will still be involved. And then I will let her take it from there.

All right. That concludes this matter as far as I'm concerned. I have dealt with the motions that I wanted to deal with today. I have dealt with the cause and the other two pending motions. Anything else for you today, Mr. Thomas?

MR. THOMAS: The only thing is that when you were going through the ADA requirements, Judge, I don't think you had touched on Judge Henze denying the request to provide records of

ex parte communications. That's required. I don't know why that's not being --

THE COURT: Well, anything that you want to take up with ADA as far as Judge Henze, she is your judge assigned to your case, please do so. And in the future I would suggest when you do have conferences, make it clear who wants to appear via Zoom and in person, and I'm going to let her make that judgment. But nothing here rises to a level of any kind of prejudice. Okay? That's it.

Miss Thomas, anything else from you?

MS. THOMAS: Nothing from me, Your Honor.

THE COURT: All right. So I assume you guys will be hearing from Judge Henze. I will have the written order on file by tomorrow. Thank you both very much. Have a good day. Court is adjourned.

(END OF PROCEEDINGS.)

IN THE CIRCUIT COURT FOR THE EIGHTH JUDICIAL CIRCUIT

CERTIFICATE OF REPORTER

I, Kathy A. Genenbacher, a Certified Shorthand Reporter for the State of Illinois, do hereby certify that I reported in machine shorthand the proceedings had in the above-entitled cause and transcribed the same, which I hereby certify to be a true and accurate transcript of the proceedings had before the Honorable Frank McCartney.

Kathy Genenbacher
Certified Shorthand Reporter

IRMO Thomas Cass Co. Case No 2022DC15 Request for Report of Proceedings (Transcripts)

6 messages

Luke Thomas <thomaslitigation2022@gmail.com> Tue, Feb 27, 2024 at 1:31 PM
To: sniekamp@co.adams.il.us

Dear Ms. Niekamp:

Good afternoon. Attached hereto please a Request for Report of Proceedings (Transcripts) in regard to appeal taken in the above-referenced case. I would note an additional sheet setting forth the hearing/trial dates is furnished herewith as well.

I appreciate your time and consideration with this request. If you have any questions, please do not hesitate to contact me.

Sincerely,

Luke A. Thomas
thomaslitigation2022@gmail.com

2 attachments

IRMO Thomas Request for Report on Proceedings Transcripts 2-27-2024 lat.pdf
162K

list of hearings 2022dc15.pdf
73K

Nicole Kopec <nkopec03@gmail.com> Wed, Feb 28, 2024 at 12:23 PM
To: Luke Thomas <thomaslitigation2022@gmail.com>

Hello, Mr. Thomas,

Shannon Niekamp forwarded me your Request for Report of Proceedings in Cass County Case Nos. 2022-DC-15 and 2022-OP-66. Although I had previously assigned Ms. Niekamp to produce the prior transcripts in this case, she is not assigned to these new requests.

I have combed through the record sheet and your list of hearings in both the DC & OP cases with a reporter and one of my court specialists. I have compiled a list of transcripts that could possibly be produced and have asked two court specialists to check the electronic recordings in Adams, Cass, and Brown. When we have further information and an accurate account of possible transcripts to be produced, another court reporter or myself will be in touch.

Thank you.

---------- Forwarded message ---------
From: **Shannon Niekamp** <sniekamp@adamscountyil.gov>
Date: Tue, Feb 27, 2024 at 2:29 PM
Subject: FW: IRMO Thomas Cass Co. Case No 2022DC15 Request for Report of Proceedings (Transcripts)
To: Nicole Kopec-gmail <nkopec03@gmail.com>
[Quoted text hidden]

--
Nicole L. Kopec

Court Reporter Supervisor
Official Court Reporter
Schuyler County Courthouse
(217) 322-6226
nkopec03@gmail.com



2 attachments

IRMO Thomas Request for Report on Proceedings Transcripts 2-27-2024 lat.pdf
162K

list of hearings 2022dc15.pdf
73K

Luke Thomas <thomaslitigation2022@gmail.com> Wed, Feb 28, 2024 at 1:39 PM
To: Nicole Kopec <nkopec03@gmail.com>

Ms. Kopec,

Thank you for getting back to me so promptly. I appreciate your time and efforts in putting these together.

Sincerely,

Luke Thomas
[Quoted text hidden]

Nicole Kopec <nkopec03@gmail.com> Fri, Mar 8, 2024 at 2:47 PM
To: Luke Thomas <thomaslitigation2022@gmail.com>

Mr. Thomas,

I apologize for the delay, but some of the audio was hard to find due to these cases being held in various counties. Please see the attached estimate and explanation of dates in regard to your case. Please let me know if you have any questions or how you would like to proceed. Thank you.
[Quoted text hidden]

Thomas Transcripts.pdf
48K

Luke Thomas <thomaslitigation2022@gmail.com> Thu, Mar 14, 2024 at 11:15 AM
To: Nicole Kopec <nkopec03@gmail.com>

Dear Ms. Kopec,

I hope this email finds you doing well. Thank you for your email dated February 28, 2024, together with the PDF list of hearings for which transcription is (un)available.

To help me complete the record, please confirm the availability of audio for transcription from the identified hearings remains unchanged. In other words, I will need to provide the appellate court with certification from the Court/Clerk/Reporter that no audio/transcript exists for those hearings previously identified.

Once I can determine which transcripts will be available, I can then request the same prepared for the appeal in accordance with Supreme Court Rule(s).

Once again, thank you.

Sincerely,

Luke Thomas

Thomaslitigation2022@gmail.com

On Wed, Feb 28, 2024 at 12:20 PM Nicole Kopec <nkopec03@gmail.com> wrote:
[Quoted text hidden]

Nicole Kopec <nkopec03@gmail.com> Fri, Mar 15, 2024 at 4:17 PM
To: Luke Thomas <thomaslitigation2022@gmail.com>

Mr. Thomas,

After thorough research, the information stated in my letter remains unchanged. On the dates indicated in my letter, it is correct that no audio exists, so therefore, no transcript can be produced for those hearing dates.

After reaching out to the Director of Court Reporting Services, reviewing the Court Reporters Act and our Administrative Regulations, I am unaware of what certification I would be able to produce on my end as court reporters are not typically in the practice of producing bystander's reports.

As for the dates in which I indicated in my letter where a transcript could be produced, payment would need to be made in full before any production of transcripts would commence.

I hope this information is helpful. Thank you.
[Quoted text hidden]

NICOLE L. KOPEC
Official Court Reporter
Schuyler County Courthouse
102 S. Congress St., Suite 103
Rushville, Illinois 62681
Telephone (217) 322-6226
Fax Number (217) 322-2737

CIRCUIT COURT
EIGHTH JUDICIAL CIRCUIT
SCHUYLER COUNTY, ILLINOIS



"Schuyler County Courthouse Completed 1882"

Mr. Luke A. Thomas,

Per your request for the production of the transcripts in Cass County Case Nos. 2022-OP-66 and 2022-DC-15, IRMO Thomas, please see the estimate below for the cases that have audio in which a transcript can be produced. On the second page, I have listed all the dates in which transcripts have already been previously produced and filed or ones in which transcripts are not able to be produced. If you would like to proceed with your order, the estimate will need to be paid in full before production of any transcripts would begin. Please note that this estimate only covers the cost of the original transcript. If you would like a copy in addition to one being filed in the court file, it would be another $2.50 per page.

2022-OP-66	9/11/22	111 pages @ 4.00/page.....$444.00
	10/18/22	180 pages @ $4.00/page.....$720.00
2022-DC-15	1/12/23	42 pages @ $4.00/page.....$168.00
	2/7/23	24 pages @ $4.00/page.....$96.00
	5/12/23	7 pages @ $4.00/page.....$28.00
	9/20/23	24 pages @ $4.00/page.....$96.00
	11/3/23	8 pages @ $4.00/page.....$32.00
	12/1/23	45 pages @ $4.00/page.....$180.00
	12/29/23	17 pages @ $4.00/page.....$68.00

TOTAL ESTIMATE DUE: $1,832.00

Sincerely,

Nicole L Kopec

Nicole L. Kopec

2022-OP-66

10/21/22 - Previously filed by CR Niekamp.
12/22/22 - Previously filed by CR Niekamp.
2/3/23 - Previously filed by CR Niekamp.

2022-DC-15

9/13/22 - No ER found. No transcript can be produced.
10/21/22 - Previously filed by CR Niekamp.
11/15/22 - Previously filed by CR Niekamp.
11/18/22 - No ER found. No transcript can be produced.
11/30/22 - No ER found. No transcript can be produced.
12/22/22 - Previously filed by CR Niekamp.
1/27/23 - Previously filed by CR Niekamp.
2/3/23 - Previously filed by CR Niekamp.
2/16/23 - No ER found. No transcript can be produced.
3/3/23 - No ER found. No transcript can be produced.
3/17/23 - No ER found. No transcript can be produced.
3/28/23 - Previously filed by CR Niekamp.
4/28/23 - Previously filed by CR Niekamp.
5/11/23 - Previously filed by CR Grott.
5/24/23 - No ER found. No transcript can be produced.
5/30/23 - No ER found. No transcript can be produced.
9/7/23 - No ER found. No transcript can be produced.
9/13/23 - No ER found. No transcript can be produced.
12/8/23 - No ER found. No transcript can be produced.
12/15/23 - No ER found. No transcript can be produced.
1/11/24 - No ER found. No transcript can be produced.
1/12/24 - No ER found. No transcript can be produced.