

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

NOV 25 2025

Bridley Berlin
Circuit Clerk, Cass County, IL

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.

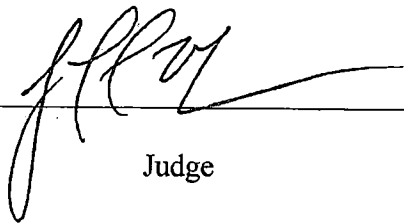
Additionally, in paragraph 6 of the motion before this Court, the Respondent seeks to relitigate the history as it concerns Judge Thomson’s involvement with this case. The Court

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