

FILED
6/21/2022 12:00 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2016D009534
Calendar, 23
18351129

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS
DIVISION**

IN RE:)	
)	
PETER MATT,)	Case No: 2016 D 9534
)	
Petitioner,)	
and)	
)	
MEGAN MASON,)	Calendar: 23
)	
Respondent.)	

**PETITION FOR RULE TO SHOW CAUSE AND FOR A FINDING OF INDIRECT
CIVIL CONTEMPT**

NOW COMES the Guardian *ad litem*, MICHAEL IAN BENDER, of CAESAR & BENDER, LLP, and pursuant to 750 ILCS 5/506, asks this Honorable Court to issue a Rule to Show Cause against Respondent, MEGAN MASON (“MEGAN”), to show cause why she should not be held in indirect civil contempt for her contumacious disregard of this Court’s November 16, 2021 Order, and in support thereof states as follows:

1. On June 6, 2019, this Honorable Court appointed MICHAEL IAN BENDER as Guardian *ad litem* in this matter. A true and correct copy of the June 6, 2019 Order is attached hereto as **Exhibit A**.
2. On November 16, 2021, this Honorable Court entered an order that states in pertinent part as follows:

“4. Respondent, Megan Mason, owes Michael Bender \$4,629.75 for fees incurred through October 7, 2021. Megan Mason shall pay Michael Bender \$500 per month until the \$4,629.75 is paid in full. Said payments shall begin on December 15, 2021 and shall continue on the 15th of each month thereafter.”

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A true and correct copy of the November 16, 2021 Order is attached hereto as **Exhibit B**.

3. MEGAN has paid \$50.00 towards the November 16, 2021 Order and is in violation in the amount of \$2,950.00.

4. A finding of indirect civil contempt requires proof of a valid court order and a willful violation of that order. *Cetera v. DiFilippo*, 404 Ill.App.3d 20, 41 (2010). The burden initially falls on the opposing party to show a violation of a court order by a preponderance of the evidence. *Id.* The burden then shifts to the alleged contemnor to show that the violation was not willful or contumacious and that he had a valid reason for noncompliance. *Id.*

5. A Rule should issue against MEGAN, and she show cause, if any, as to why she should not be held in indirect civil contempt of court for her failure to comply with this Honorable Court's Order. Said Rule should be returnable *instanter*.

WHEREFORE, the Guardian *ad litem*, MICHAEL IAN BENDER, asks this Honorable Court for the following relief:

A. Enter an Order *instanter* issuing a Rule to Show Cause for MEGAN MASON to show cause, if any, why she should not be held in indirect civil contempt of court for her violation of the November 16, 2021 Order;

B. Cause MEGAN MASON to demonstrate as to why she should not be held in indirect civil contempt of court;

C. Find MEGAN MASON in willful indirect civil contempt and set a \$2,950.00 purge;

D. Remand MEGAN MASON to custody of the Sheriff of Cook County; and

E. For any and all other relief this Honorable Court deems just and equitable.

Respectfully submitted,

/s/ Michael Ian Bender
Guardian ad litem

Michael Ian Bender CAESAR & BENDER, LLP
Guardian ad litem
150 N Michigan Ave., Suite 2130
Chicago, IL 60601
(312) 236-1500
Attorney No.: 63030
service@caesarbenderlaw.com

VERIFICATION

Under the penalties as provided by law pursuant to 735 ILCS 5/1-109 of the Illinois Code of Civil Procedure, the undersigned verifies that the statements set forth in this pleading are true and correct, except 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.

/s/ Michael Ian Bender
Guardian ad litem

Michael Ian Bender CAESAR & BENDER, LLP
Guardian ad litem
150 N Michigan Ave., Suite 2130
Chicago, IL 60601
(312) 236-1500
Attorney No.: 63030
service@caesarbenderlaw.com

Remote Court Date: No hearing scheduled IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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6/21/2022 12:00 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2016D009534
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IN RE: Marriage Civil Union Legal Separation Allocation of Parental Responsibilities
 Visitation (Non-Parent) Support Parentage of:

Peter Matt
Petitioner
and
Megan Matt
Respondent

No.: 2016 D 23
Calendar: 23
 Prejudgment
 Post Judgment - Enforcement
 Post Judgment - Modification
 Other

ORDER APPOINTING CHILD'S REPRESENTATIVE, GUARDIAN AD LITEM OR ATTORNEY FOR MINOR CHILD(REN)

On motion of Peter Matt and pursuant to 750 ILCS 5/506 and the inherent power of the Court, the Court being fully advised in the premises FINDS THAT:

A. There are issues within the family affecting the minor child(ren):

Child(ren)'s Name(s)	Date of Birth	Resides with	Child(ren)'s Name(s)	Date of Birth	Resides with
[REDACTED]		<u>Both</u>			
		<u>Both</u>			

B. It is in the best interest of the child(ren) to have a legal representative appointed to protect and preserve their interests.

IT IS HEREBY ORDERED THAT:

1. Name: Michael Bender
Address: 150 N. Michigan, Suite 2130 Chicago, IL 60601
Telephone: 312/236-1580 Facsimile: _____
Email: mbender@caesa, bender.law.com
is appointed CHILD'S REPRESENTATIVE GUARDIAN AD LITEM ATTORNEY FOR THE MINOR CHILD(REN)

Issues: Medication, extracurricular activities, international travel, communication, therapy, and school selection.

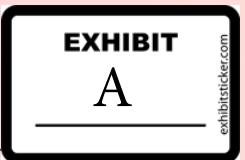
2. During the proceedings the court may appoint an additional attorney to serve in another of the enumerated capacities on its own motion or that of a party only for good cause shown and when the reasons for the additional appointment are set forth in specific findings.

3. Within seven (7) days of the entry of this order, attorney for Petitioner Respondent other _____ shall send the child's representative, guardian ad litem, or the attorney for the minor child(ren) copies of this order, and all notices, pleadings, orders and reports relative to this cause.

4. The child's representative, guardian ad litem, or the attorney for the minor child(ren) shall be kept fully informed by counsel for all parties as to the status of this cause and shall have the full assistance of counsel in obtaining any waivers (e.g. for school or medical records, etc.) appropriate to the representation of the minor child(ren).

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5. An appearance shall be filed on behalf of the minor child(ren) within seven (7) days of receipt of this order and any appropriate pleadings within twenty-eight (28) days from the date of this order.



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6A. The child's representative, guardian ad litem, or the attorney for the minor child(ren) shall serve pro bono; OR

4636

6B. The child's representative, guardian ad litem, or the attorney for the minor child(ren) shall be entitled to reasonable temporary and permanent fees and costs pursuant to statute. Without prejudice to the right of either party for an accounting and an apportionment among the parties, the parties shall pay to the child's representative, guardian ad litem, or the attorney for the minor child(ren) as and for temporary prospective fees, within 7 days, the following amounts:

Hourly Rate: _____

Petitioner: \$ 500

Respondent: \$ 500

Other: \$ _____

7A. This appointment shall terminate thirty (30) days after entry of final judgment without further order of court; OR

7B. This appointment shall terminate only upon further order of court.

8. "Unless otherwise ordered by the court at the time fees and costs are approved, all fees and costs payable to an attorney, guardian ad litem, or child's representative under this Section {750 ILCS 5/506} are by implication deemed to be in the nature of support of the child and are within the exceptions to discharge in bankruptcy under 11 U.S.C.A.523. The provisions of Section 501 and 508 of this Act shall apply to fees and costs for attorneys appointed under this Section."
{750 ILCS 5/506}

9. Next Court Date: 7/25/19 at 9:30 a.m.

Petitioner's Name: Peter Matt

*Address: (Home) [Redacted]

Telephone: (Home) 646/917-0618

*Address: (Work) [Redacted]

Telephone: (Work) _____

Petitioner's Attorney: C. Wehrman Swanson Matt & Bell

Primary Email: cwehrman@smbrts.com

Address: 330 N. Wabasha # 3300, Chicago IL 60611

Secondary Email: _____

Telephone: 312/321-9100

Other: _____

Facsimile: 312/321-0990

Respondent's Name: Megan Matt

*Address: (Home) [Redacted]

Telephone: (Home) [Redacted]

*Address: (Work) [Redacted]

Telephone: (Work) _____

Respondents Attorney: N/A

Primary Email: _____

Address: _____ Secondary Email: _____

Telephone: _____ Other: _____

Facsimile: _____

***If a party has not disclosed an address, that party shall designate an alternative address for the purpose of notice.**

Atty. No.: 21558

Name: C. Wehrman / Swanson Matt & Bell

Atty. for: Petition

Address: 330 N. Wabasha # 3300

City/State/Zip Code: Chicago IL 60611

Telephone: 312/321-9100

Primary Email: cwehrman@smbrts.com

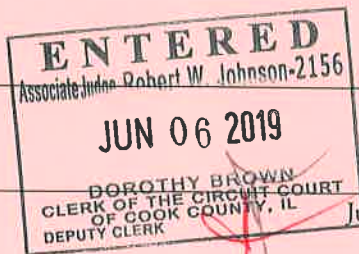
Secondary Email: _____

Other Email: _____

ENTERED:

Dated: _____

Judge _____ Judge's No. _____



FILED DATE: 6/21/2022 12:00 AM 2016D009534

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - DOMESTIC RELATIONS DIVISION**

IN RE THE MARRIAGE OF:)
)
 PETER MATT,)
)
 Petitioner,)
 and)
 MEGAN MASON,)
)
 Respondent.)

No. 2016 D 9534

Calendar: 23

ENTERED
Judge Robert Johnson-2156
NOV 16 2021
IRIS Y. MARTINEZ CLERK OF THE CIRCUIT COURT OF COOK COUNTY, IL

ORDER

This matter coming to be heard for the Guardian *ad litem*'s Petition for Approval of Guardian *ad litem* Fees and Allocation of Payment, status on the 604.10(b) investigation, and counsel for Respondent's Motion to Withdraw, Petitioner appearing personally and through counsel, Respondent appearing personally and through counsel, the Guardian *ad litem* appearing, due notice having been given, and this Honorable Court being fully advised in the premises;

IT IS HEREBY ORDERED:

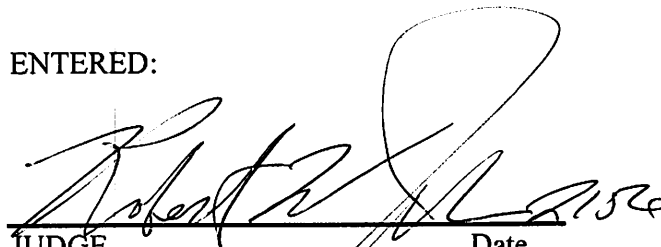
1. The Guardian *ad litem*, Michael Bender's, fees for the period of September 4, 2019 through October 7, 2021 are necessary and reasonable.
2. The allocation of Guardian *ad litem*'s fees is a 50/50 split and shall continue to be a 50/50 split between the parties.
3. Petitioner, Peter Matt, owes Michael Bender \$89.00 for fees incurred through October 7, 2021. Peter Matt shall pay \$89.00 to Michael Bender on or before December 15, 2021.
4. Respondent, Megan Mason, owes Michael Bender \$4,629.75 for fees incurred through October 7, 2021. Megan Mason shall pay Michael Bender \$500 per month until the \$4,629.75 is paid in full. Said payments shall begin on December 15, 2021 and shall continue on the 15th of each month thereafter.
5. Counsel for Respondent's Motion to Withdraw is granted by separate order.
6. This matter is set for status on the 604.10(b) investigation and ABA Therapy on December 6, 2021 at 10:00 a.m. via Zoom (ID: 934 9022 2003; Password: 543296).
7. An entered copy of this order shall be sent to:
 - a. Counsel for Petitioner, Christopher Wehrman: cwehrman@smbtrials.com
 - b. Respondent, Megan Mason: [REDACTED]



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c. Guardian *ad litem*, Michael Bender: mbender@caesarbenderlaw.com

ENTERED:



JUDGE Date

CAESAR & BENDER, LLP
Guardian ad litem
150 N. Michigan Ave., Suite 2130
Chicago, IL 60601
312-236-1500
Atty No. 63030
service@caesarbenderlaw.com

All Domestic Relations cases will be heard by phone or video.
Go to <http://www.cookcountycourt.org/LinkClick.aspx?fileticket=G7A8KAcSi8E%3d&portalid=0>
to get more information and Zoom Meeting IDs.
Remote Court Date: No hearing scheduled

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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION**

IN RE THE MARRIAGE OF:)
)
PETER MATT,)
 Petitioner,)
)
and)
)
MEGAN MASON,)
 Respondent.)

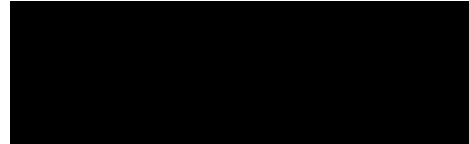
Case No. 2016 D 9534

Calendar: 23

NOTICE OF MOTION

TO: Christopher D. Wehrman
Katz, Goldstein & Warren
2345 Waukegan Road, Suite 150
Bannockburn, Illinois 60015
cwehrman@kgwlaw.com

Megan Mason



On **July 5, 2022 at 11:00 a.m.** or as soon thereafter as counsel may be heard, I shall appear before the **Honorable Judge Robert Johnson**, via Zoom ID: 934-9022-2003; Password: 543296; and then and there present the attached **“Petition for Rule to Show Cause and for a Finding of Indirect Civil Contempt”**

/s/ Michael I. Bender
Michael I. Bender

Michael I. Bender
Guardian ad litem
CAESAR & BENDER, LLP
150 N. Michigan Ave., Suite 2130
Chicago, Illinois 60601
(312) 236-1500
Attorney No. 63030
service@caesarbenderlaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalties of perjury as provided by law pursuant to 735 ILCS 5/1-109 that the above notice and attached pleading(s) or other documents to which relates it relates has been served via email, upon the parties at which the addresses set forth above, before the hour of 5:00 p.m. on June 20, 2022.

/s/ Talia Spungen
Talia Spungen

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