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IN THE CIRCUIT COURT FOR THE TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

AMIEL CUETO,)
)
 Plaintiff,)
)
 vs.)
)
 JUSTPAC, et al.,)
)
 Defendants.)

Case No. 07-L-80

Hon. Richard A. Brown

FILED
ST. CLAIR COUNTY
JAN 28 2008
C. J. King
CIRCUIT CLERK
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ORDER AND JUDGMENT

This matter comes before this Court on various proceedings and motions concerning plaintiff's subpoena for deposition of George Pawlaczyk, a reporter for the Belleville News-Democrat.

On December 14, 2007, after hearing argument, this Court denied the Motion to Quash of George Pawlaczyk, Reporter for the Belleville News-Democrat and ordered Pawlaczyk to appear for a court-supervised deposition to occur on January 11, 2008

On January 4, 2008, Pawlaczyk filed a Motion to Reconsider Ruling on Motion to Quash of Reporter George Pawlaczyk, which motion was heard on January 11, 2008 and granted to the limited extent the Court believes that Pawlaczyk is entitled to the protections of the Special Witness Doctrine as set forth in *People v. Palacio*, 240 Ill.App.3d 1078, 607 N.E.2d 1375 (4th Dist. 1993), under which plaintiff is required to: "cross the following threshold before ... call[ing] a reporter to testify over the reporter's objection. First, the party subpoenaing the reporter must specifically state the testimony the party expects to elicit from the reporter. Second, that party must specifically state why that testimony is not only relevant but necessary to the party's case. Finally, that party must specifically state the efforts that party has made to secure the same evidence through alternative means." 607 N.E.2d at 1375.

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In response, during a hearing that same date, plaintiff submitted the Affidavit of Amiel Cueto, re: George Pawlaczyk, marked as Plaintiff's Exhibit P-D #1, which the Court accepted for filing and held sufficient to satisfy plaintiff's burden under the Special Witness Doctrine. Accordingly, the Court ordered the deposition of Pawlaczyk to proceed forthwith.

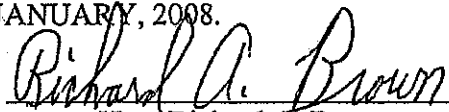
Notwithstanding this Court's order compelling the deposition, Pawlaczyk, though present in the courtroom, through counsel and formal pleading filed, notified the Court that he intended to stand on the privilege and rights he believes are afforded to him under the Illinois Reporter's Privilege Statute, 735.I.LCS 5/8-901, *et seq.* and the Special Witness Doctrine. Consequently, as a vehicle for preserving his rights pending an appeal, Pawlaczyk declined to testify.

This Court finds Pawlaczyk in contempt of court. By agreement of Plaintiff and Pawlaczyk, any right to further hearing on such contempt is waived. Further, by agreement of said parties, a fine of Ten Dollars (\$10.00) shall be imposed for such contempt.

ACCORDINGLY, THIS COURT HEREBY ENTERS JUDGMENT HOLDING GEORGE PAWLACZYK IN CONTEMPT OF COURT AND IMPOSES A FINE OF TEN DOLLARS (\$10.00) FOR SUCH CONTEMPT. THIS JUDGMENT IS FINAL AND SUBJECT TO IMMEDIATE APPEAL IN ACCORDANCE WITH SUPREME COURT RULE 304(b)(5).

On motion by George Pawlaczyk under Supreme Court Rule 305(a), and with consent of plaintiff, the enforcement of this judgment is stayed pending appeal.

IT IS SO ORDERED THIS 23 DAY OF JANUARY, 2008.



Hon. Richard A. Brown
Associate Circuit Judge