

RESOLUTION 2-86

WHEREAS, there is pending in the United States District Court for the Central District of Illinois, Springfield Division, a suit captioned Gloria J. Richie and Barbara Bickhaus, Plaintiffs, vs. Donald E. Moore and The Village of Chatham, Defendants, No. 85-3413, filed August 8, 1985 which yet remains pending.

WHEREAS, the attorney representing the plaintiffs has become an employee, whether a member or an associate, of Giffin, Winning, Lindner, Cohen & Bodewes, P.C. within 90 days last past; that firm had represented the Defendant, Village, during the terms of John F. Whitney as President of said Village, continuing with several pending matters after the assumption of office of Defendant, Donald E. Moore, as President in May, 1985;

WHEREAS, plaintiffs, Gloria J. Richie and Barbara Bickhaus, were employees of the Village during the tenure of Giffin, Winning, et al. as attorneys for the Village, and in fact, this suit arises out of that employment; and Barbara Bickhaus yet serves as elected Village Clerk of the Village of Chatham;

WHEREAS, the Defendant, Donald E. Moore, presently and at the time of the filing of said suit, has served as President of Defendant, Village, and for four years immediately prior thereto served as a Trustee; and further, two of the present Trustees, Terry Loving and Edward Osman, served as Trustees during the employment of Plaintiffs, Gloria J. Richie and Barbara Bickhaus, and the tenure of Giffin, Winning, et al. as attorneys for the Village;

WHEREAS, any and all communications, written or oral by and between Donald E. Moore, Gloria J. Richie, Barbara Bickhaus,

Edward Osman, and Terry Loving with any members of the firm of Giffin, Winning, et al. during its tenure as attorneys for the Village, was in their capacity as an official or employee of the Defendant, Village, and on behalf of the Defendant, Village;

WHEREAS, discovery proceedings heretofore conducted in the cause include questions asked and answers given concerning conversations and communications, and other events that transpired during the tenure of Giffin, Winning, et al. as attorneys for the Village of Chatham;

WHEREAS, Defendant, Village, does not wish to be prejudiced in the defense of the cause against it in any manner by the revelation or use, whether inadvertent or intentional, of information or knowledge conveyed by the Defendant, Village, by or through any of its aforementioned officials or employees to any attorney in the firm of Giffin, Winning, et al. during that firm's tenure as counsel to the Village.

WHEREAS, there is an apparent or actual conflict of interest in the representation of the Plaintiffs, one of whom is yet an elected official of the Defendant, Village, by the attorneys who represented the Defendant, Village, until immediately before the filing of said suit, and during the time many of the events the Complaint alleges as material facts occurred.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, ILLINOIS THAT:

Its attorneys be directed to take such action as they deem appropriate, formal or informal, to exercise Defendant,

Village of Chatham's, attorney-client privilege under any and all applicable law, regulations, or Code of professional responsibility.

PASSED by the President and Board of Trustees of the Village of Chatham, Illinois on the 8 day of April, 1986.

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Barbara Biehlhaus
Village Clerk of the
Village of Chatham, Illinois

APPROVED by the President of the Village of Chatham, Illinois this 8th day of April, 1986.

D.E. Moore
President of the Village
of Chatham, Illinois

ATTEST:

Barbara Biehlhaus
Village Clerk of the Village
of Chatham, Illinois

