

IN THE CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT  
DU PAGE COUNTY, ILLINOIS

11 REPORT OF PROCEEDINGS had at the  
12 hearing of the above-entitled cause, before the  
13 Honorable LOUIS B. ARANDA, Judge of said court,  
14 recorded on the DuPage County Computer Based Digital  
15 Recording System, DuPage County, Illinois, and  
16 transcribed by Melissa N. Klimek, Certified Shorthand  
17 Official Court Reporter, commencing on the 3rd day of  
18 May, A.D. 2023.

1 PRESENT:

2 ROBERTS P.C., by  
3 MR. CHUCK ROBERTS,  
3 MR. RICK ROBERTS,

4 appeared on behalf of the Petitioner;

5 CHERNY LAW OFFICES, P.C., by  
6 MR. WILLIAM CHERNY,

7 appeared on behalf of the Respondent;

8 ESP KREUZER CORES, LLP, by  
8 MS. WENDY MUSIELAK,

9 appeared on behalf of the minor children.

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1                   THE COURT: Good morning. Let the record reflect  
2 that this is case number 2022 DC 915, In Re: The  
3 Marriage of Thomas Neal and Mario Neal.

4                   Counsel, will each of you be so kind to  
5 introduce yourself and who you represent?

6                   MR. ROBERTS: Sure, Judge. For the record, Chuck  
7 Roberts and Rick Roberts for Tom Neal who's also  
8 present.

9                   MR. CHERNY: Good morning, your Honor. Bill  
10 Cherny on behalf of Mario Neal.

11                  MS. MUSIELAK: Good morning, your Honor. Wendy  
12 Musielak, guardian ad litem.

13                  THE COURT: Thank you. And the matter comes  
14 before the Court for presentation of the respondent's  
15 motion for appointment of Whitney McDaniel as the  
16 children's therapist. We do have a future hearing date  
17 of May 30th, 2023, on the petitioner's petition for  
18 declaratory judgment and the respondent's motion to set  
19 child support.

20                  And, Mr. Roberts, are you in receipt of a  
21 copy of that motion?

22                  MR. ROBERTS: I am, Judge.

23                  THE COURT: And are you seeking time to respond?

24                  MR. ROBERTS: Judge, I don't know if I need to or

1 not. Although Mario claimed that he's well-qualified  
2 to conduct interviews of potential counselors to  
3 determine the proper candidate, Ms. McDaniel actually  
4 has rejected the denomination of her to provide therapy  
5 services. So hopefully Mr. Cherny is just going to  
6 withdraw that motion rather than force me to waste my  
7 client's money answering it, but it's up to him.

8 MR. CHERNY: I won't force Mr. Tom Neal to answer  
9 the motion. The motion will be withdrawn.  
10 Ms. McDaniel did decline the appointment.

11 THE COURT: Very well. All right. We do have a  
12 future hearing date of May 30th. That date to stand.

13 And anything further, counsels, or  
14 Ms. Musielak wish to advise?

15 MS. MUSIELAK: I guess, Judge, the first issue is  
16 on the counseling issue. Perhaps each party should  
17 submit three names of potential counselors. We could  
18 see if the lists happen to have somebody on there that  
19 both overlap because if they both selected somebody  
20 that they think is appropriate for the children, we'll  
21 just pick that person and then we can move forward,  
22 because right now the children are not in counseling.  
23 And certainly in light of a highly contentious divorce  
24 like this, it could be helpful for them as been

1       requested by both parents at this point in time. So if  
2       Ms. McDaniel is not an option because of her conflict  
3       of interest, maybe we can get a list of three potential  
4       people from both parties to see if we can move forward  
5       with this issue.

6            MR. ROBERTS: Great idea.

7            MR. CHERNY: Your Honor, Mario is actively  
8       pursuing other options and I've been speaking to him  
9       about it. So I would anticipate that we'll have other  
10      individuals we can present to the Court to pick a  
11      proper one.

12           THE COURT: Outstanding. If you would be so kind  
13      as to share that short list with Ms. Musielak and  
14      hopefully there is in common between the two lists a  
15      therapist and we can get the children going on therapy.

16           I look forward to seeing everyone back on  
17      May 30th and --

18           MS. MUSIELAK: Judge, there's one other thing that  
19      was raised to me.

20           THE COURT: Yes.

21           MS. MUSIELAK: And if you recall, I'm currently  
22      holding the passports for the children. Recently, it  
23      was raised the concern about either parent having the  
24      ability, if they have the passport, to still -- their

1 own passport to still be able to travel with the  
2 children out of the country. There was a request -- a  
3 concern raised and the idea was that perhaps that the  
4 parties' passports also be held at least so that when  
5 they're traveling with the children they don't have  
6 them. Not one party, but both parties. The last time  
7 we were in court, that concern was raised about both  
8 parents having the ability to travel with the children,  
9 particularly outside of the United States. Both of  
10 them should be able to travel within the United States  
11 with the children, but not outside.

12 MR. CHERNY: Your Honor, I don't see the basis for  
13 that. I don't believe my client is planning on  
14 traveling anywhere. He did go out of the country while  
15 the children were with Tom Neal, but I don't see why he  
16 should be restrained from traveling anywhere whether  
17 it's out of the country or not. And I do know that he  
18 does have family members in Mexico and he shouldn't be  
19 restricted from going to see his family members  
20 regardless. Ms. Musielak does have the children's  
21 passports, so I don't see any way that he could take  
22 the children to Mexico anyway.

23 MR. ROBERTS: The problem, Judge, is that while  
24 air traveling to Mexico requires the children's

1       passports, travel by either land or by sea does not  
2       require passports. So it makes sense to me. Let's  
3       deposit the passports with Ms. Musielak and if somebody  
4       needs to travel, they can furnish an itinerary and deal  
5       with it appropriately.

6               THE COURT: And you're speaking traveling with the  
7       children, but how does an individual that seeks to exit  
8       the country to Canada, Mexico, Europe during the other  
9       parent's parenting time, how do they then travel  
10       without their passport?

11              MR. ROBERTS: Well, Judge, I don't care what Mario  
12       does as long as the kids aren't with him. That's his  
13       own concern. The problem is that if he decides to go  
14       to Mexico, he could take the kids with him without  
15       having possession of the kids' passports. That's the  
16       concern.

17              MR. CHERNY: Judge?

18              THE COURT: My question -- My question is what was  
19       raised by Mr. Cherny, which is if either one of the  
20       parents decide they want to go on a trip outside of the  
21       country while the other parent has parenting time with  
22       the children, why wouldn't that parent be able to  
23       travel outside the country? And if so, then there  
24       would have to be mechanisms to retrieve the passport in

1 order to do so.

2 MS. MUSIELAK: Maybe it's the reverse, Judge, and  
3 instead of me keeping it all the time, it's only  
4 keeping it if they're traveling with the children.

5 MR. CHERNY: Judge, there's no motion pending and  
6 I think this is highly bigoted and a representation  
7 that Mario might take off with the children. That's  
8 not fair and especially in some sort of an oral  
9 representation. If they want to bring a motion, let  
10 them bring a motion. I'll respond accordingly.

11 THE COURT: And I agree, there's no motion before  
12 the Court. This has been highly litigious. Many,  
13 many, many pleadings already filed. I'm just hoping  
14 that if another pleading is filed, that there is a  
15 basis and an explanation and the ability to resolve any  
16 type of issue that may come up. So I agree, it's not  
17 before the Court. I appreciate it being mentioned in  
18 the event that that's what the parties are discussing,  
19 but unless there's a motion or an agreed order, I  
20 agree, it's presently not before the Court.

21 So, again, hopefully the parties in short  
22 order will be able to provide Ms. Musielak and then  
23 eventually to the Court with a short list of therapists  
24 that they would suggest or recommend to the Court. And

1 Ms. Musielak will be able to review those and see if  
2 there's one in common that could be put into place by  
3 agreement and have the children begin therapy as soon  
4 as possible. And, again, if not, we'll see everyone  
5 back on May 30th.

6 | MR. CHERNY: Have a good day, Judge.

7 | THE COURT: Thank you.

8 MR. CHERNY: I'll submit the order.

9 THE COURT: Thanks so much. Bye-bye.

10 (Which were all of the proceedings  
11 had in the above-entitled matter.)

1 STATE OF ILLINOIS )  
2 COUNTY OF DU PAGE ) SS:  
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4 I, MELISSA N. KLIMEK, hereby certify the  
5 foregoing to be a true and accurate transcript of the  
6 computer based digitally recorded proceedings of the  
7 above-entitled cause to the best of my ability to hear  
8 and understand, based upon the quality of the audio  
9 recording, pursuant to Local Rule 1.03(c).

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14 Melissa Klimek  
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