

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

IN RE THE MARRIAGE OF:)
)
THOMAS NEAL)
)
Petitioner,)
) No. 22 DC 915
-and-)
)
MARIO NEAL,)
)
Respondent.)

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

1 PRESENT:

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

5 appeared on behalf of the Petitioner;

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

8 appeared on behalf of the Respondent;

9 ESP KREUZER CORES, LLP, by
10 MS. WENDY MUSIELAK,

11 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 Counsels, 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 The motion will be withdrawn.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.)
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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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