

IN THE CIRCUIT COURT FOR THE EIGHTEENTH JUDICIAL CIRCUIT  
DUPAGE COUNTY, WHEATON, ILLINOIS

THOMAS NEAL, )  
                  **Plaintiff,** )  
                                  ) )  
                  vs. ) No. 2022 DC 915  
                                  ) )  
MARIO NEAL, )  
                  **Defendant.** )

Candice Adams  
e-filed in the 18th Judicial Circuit Court  
DuPage County  
ENVELOPE: 27602475  
2022DC000915  
FILEDATE: 5/8/2024 11:55 AM  
Date Submitted: 5/8/2024 11:55 AM  
Date Accepted: 5/8/2024 2:49 PM  
AP

**MOTION TO QUASH CIVIL SUBPOENA TO**  
**DR. J. RICHARD SPATAFORA**

NOW COMES the Plaintiff, THOMAS NEAL (hereinafter “THOMAS”), by his attorneys, Roberts PC, and respectfully moves to quash a certain subpoena, issued by the Defendant, MARIO NEAL (hereinafter “MARIO”), to Dr. J. Richard Spatafora, M.D. and as his reasons, states as follows:

1. On October 11, 2022, THOMAS filed his Petition for Dissolution of Marriage with Minor Children. On October 14, 2022, MARIO filed his appearance in this matter.

2. Three (3) children were born to the parties via surrogacy during their marriage, namely: J.A.N. born in 2015 and presently eight (8); A.C.N. born in 2018 and presently five (5); and L.C.N. born in 2018 and presently five (5).

3. On October 17, 2023, MARIO’S attorney withdrew his appearance on behalf of MARIO. On November 14, 2023, MARIO filed his *pro se* appearance.

4. On March 8, 2024, THOMAS filed a Petition for Rule to Show Cause due to MARIO’S failure to comply with Dr. Hatcher’s 604.10 Evaluation as ordered and failure to comply with Dr. Shapiro’s Rule 215 Examination as ordered.

5. On April 8, 2024, following hearing, this Court issued a rule to show cause against MARIO and directed that MARIO appear on May 13, 2024 at 1:30 PM to show cause as to why he should not be held in contempt for his failure to participate in Dr. Hatcher’s 604.10

Evaluation and Dr. Shapiro's Rule 215 Examination. A copy of the April 8, 2024 Order – Rule to Show Cause is attached hereto and incorporated herein as **Exhibit A**.

6. On or about April 10, 2024, MARIO issued a Civil Subpoena to Dr. J. Richard Spatafora to appear in person at the hearing on May 13, 2024 at 1:30 PM. Although the subpoena makes no reference to a rider, the subpoena attaches a Rider entitled, "Request for Deposition (Records Only)" and contains a Cook County caption.

7. On page 2 of the subpoena, MARIO failed to attest to the service of the subpoena. A copy of the Civil Subpoena is attached hereto and incorporated as **Exhibit B**.

8. THOMAS is informed and believes that Dr. Spatafora practiced in the same office as Dr. Shapiro and, in fact, the subpoena in question is addressed to Dr. Spatafora at Dr. Shapiro's office address.

9. THOMAS is also informed and believes that Dr. Spatafora died on May 24, 2020, two and one-half (2.5) years prior to the filing of this cause.

10. As a result, THOMAS is informed and believes that the parties and the minor children never met with Dr. Spatafora and that Dr. Spatafora had no information relevant to this cause.

11. MARIO has issued the Subpoena for Deposition without obtaining any court order permitting the issuance of a subpoena to THOMAS' Rule 215 expert.

12. At this time, due to MARIO'S failure and refusal to participate in any of the court ordered evaluations, Dr. Shapiro's office has not begun any examination in this case.

13. MARIO has issued a Civil Subpoena and not a Subpoena for Deposition. MARIO'S subpoena requires Dr. Spatafora to appear in person in court on May 13, 2024 at 1:30 PM.

14. As Dr. Spatafora is deceased, he cannot appear in court.

15. As MARIO'S Subpoena is insufficient at law and as Dr. Spatafora is deceased, MARIO'S Subpoena must be quashed.

WHEREFORE, the Plaintiff, THOMAS NEAL, prays for the entry of an order:

A. Quashing the subpoena served upon Dr. J. Richard Spatafora, M.D. by MARIO NEAL;

B. Awarding to THOMAS NEAL from MARIO NEAL the attorney fees and court costs incurred in bringing this motion; and,

C. For such other and further relief as to which THOMAS may be entitled.

Respectfully Submitted,

*thomas Neal*

\_\_\_\_\_  
THOMAS NEAL

**ROBERTS PC**

*[Signature]*

\_\_\_\_\_  
One of Plaintiff's Attorneys

### VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes same to be true.

*thomas Neal*

\_\_\_\_\_  
THOMAS NEAL

Chuck Roberts  
Rick Roberts  
[notice@robertspc.com](mailto:notice@robertspc.com)  
**ROBERTS PC #21500**  
2100 Manchester Rd.  
Building B, Suite 1085  
Wheaton, Illinois 60187  
(630) 668-4211



STATE OF ILLINOIS

UNITED STATES OF AMERICA

COUNTY OF DU PAGE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

Thomas Neal

v.

Mario Neal



Case Number

2022 DC 915

\*FILED\*

APR 08, 2024 03:45 PM

Candice Adams

CLERK OF THE  
18TH JUDICIAL CIRCUIT  
DUPAGE COUNTY, ILLINOIS

File Stamp Here

## ORDER - RULE TO SHOW CAUSE

This matter coming before the Court on the petition of Thomas Neal, proper notice having been given, the Court being fully advised in the premises and having jurisdiction of parties and subject matter,

IT IS HEREBY ORDERED that Mario Neal appear ~~remotely, unless scheduled in courtroom 2002, in Zoom conference or CourtCall telephone conference~~, before this court in room 3003 located at The DuPage County Judicial Center, 505 N. County Farm Road, Wheaton, Illinois on 5/13/2024 at 1:30 PM and show cause, if any he/she may have, why he/she should not be held in Contempt of Court for his/her failure to obey an order of the Court entered 9/7/2023, requiring him/her to:

- ☐ Pay child support
- ☐ Pay day-care expenses
- ☐ Extracurricular expenses
- ☐ Contribute to the cost of medical insurance
- ☐ Pay his/her portion of the child's uninsured medical expenses
- ☐ Maintenance

10/16/2023, 11/22/2023,  
12/7/2023; and 2/13/2024

☒ Other: Participate in 604.10(c) Evaluation and Rule 215 Mental Examination

The Court finds that the Respondent is \$ N/A out of compliance with the above order(s) and

SERVICE ON MARIO NEAL OF THIS RULE IS EFFECTUATED

UPON HIM IN OPEN COURT THIS DATE \* WILL NEED TO BE

~~Except for courtroom 2002, no "in person" appearances are permitted. Visit www.dupageco.org/courts for more information.~~ It has been

IT IS FURTHER ORDERED that the respondent is personally served with a copy of this order.

NOTICE TO JUDGMENT DEBTOR IF YOU FAIL TO APPEAR BEFORE THE COURT AT THE TIME AND PLACE SET FORTH, YOU MAY BE TAKEN INTO CUSTODY AND HELD IN JAIL

ON CHARGES OF CONTEMPT OF COURT

Name: Roberts PC ☐ Pro Se

DuPage Attorney Number: 21500

Attorney for: Thomas Neal

Address: 2100 Manchester, 1085

City/State/Zip: Wheaton, IL 60187

Telephone Number: 630-668-4211

Email: netize@roberts-pc.com

Date:

4/8/2024

-SEE REVERSE SIDE-

JUDGE

EXHIBIT

A

STATE OF ILLINOIS

UNITED STATES OF AMERICA  
IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

COUNTY OF DU PAGE

## IMPORTANT NOTICE REGARDING CONTEMPT

Civil contempt proceedings have been filed against you for not paying your court ordered obligation(s). Your ability to pay these obligations is a critical issue in determining whether you will be held in contempt or not.

It is important that you provide the court with information about your financial ability to pay the support ordered. Your information will enable the court to accurately decide whether you are in contempt or not. If you do not provide the court with this information, you may be found in contempt and placed in jail until you pay a specific sum of money to purge your contempt. If the court determines you are in contempt, the court then will decide what actions or sum of money you should pay to purge or remove the contempt finding. During these contempt proceedings, **YOU MUST:**

- 1) Appear for all hearings. If you fail to appear, the court has the power to issue a body attachment or warrant for your arrest.
- 2) Complete and bring to Court an approved disclosure statement. During these contempt proceedings, **YOU HAVE THE RIGHT TO:**
  - A) Hire an attorney to represent you.
  - B) Testify about your ability to pay child support.
  - C) Show the court evidence about your past and current financial ability to pay child support, including:
    - Your last 6 paycheck stubs
    - Your last 2 federal income tax returns with all schedules, exhibits, and forms attached
    - Proof of any and all income
    - Proof of government benefits, such as
      - Unemployment insurance benefits
      - Social security income
      - Social security disability veteran's benefits
      - Food stamps
      - Any other type of payments
    - If you have applied for any type of benefit, assistance, or government payment, and have not received a decision yet, bring a copy of the application.
    - If you are searching for employment, bring a list of the employers that you have contacted in the last 2 months. For each employer, include the name and phone number of the person you spoke to.



**STATE OF ILLINOIS** **UNITED STATES OF AMERICA** **COUNTY OF DU PAGE**  
**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT**

Thomas Neal

PLAINTIFF

VS

Mario Cruz Neal

DEFENDANT

2022 DC 915

CASE NUMBER

**CIVIL  
SUBPOENA**

File Stamp Here

TO: Spatafora J Richard MD  
125 S Bloomingdale Rd #9, Bloomingdale, IL 60108

**GREETINGS:**

**YOU ARE HEREBY COMMANDED** to personally appear before the Eighteenth Judicial Circuit Court of DuPage

County at the ☒ DuPage Judicial Center, 505 North County Farm Road, Wheaton, Illinois



before Judge Louis Aranda in Room 3003 on May 13, 2024 at 1:30

to testify and the truth to speak in behalf of Mario Cruz Neal  
in the above captioned case now pending in said Circuit Court, and this you will in no wise omit.

**YOUR FAILURE TO COMPLY WITH THIS SUBPOENA MAY SUBJECT YOU  
TO PUNISHMENT FOR CONTEMPT OF COURT**

**NOTICE TO WITNESS**

The attorney who has requested this subpoena is listed herein. Any questions regarding your knowledge of the subject matter or testimony in the case should be directed to your attorney.

**DO NOT CALL THE CIRCUIT COURT CLERK**

**CONTROL NUMBER**

Name: Mario Cruz Neal ☒ Pro Se

DuPage Attorney Number: \_\_\_\_\_

Attorney for: \_\_\_\_\_

Address: 929 Spindletree Ave

City/State/Zip: Naperville

Telephone Number: 630-631-2190

Email: marioneal628@gmail.com

**WITNESS:**

**CANDICE ADAMS**, Clerk of the Eighteenth  
Judicial Circuit Court, and the seal thereof, Wheaton,  
Illinois 4/10/2024 10:46 AM

SW Date



*Candice Adams*  
Clerk of the Eighteenth Judicial Circuit

CANDICE ADAMS, CLERK OF THE 18th JUDICIAL CIRCUIT COURT  
WHEATON, ILLINOIS 60187-0707

**EXHIBIT****B**

**SHERIFF'S FEES**

Service and return ..... \$ \_\_\_\_\_

Miles ..... \$ \_\_\_\_\_

**Total** ..... \$ \_\_\_\_\_

Sheriff of \_\_\_\_\_ County

**SHERIFF'S RETURN**

I certify that I served this subpoena on defendant as follows:

- ☐ (a) (Individual - **personal**):  
By leaving a copy and a copy of the subpoena with each individual as follows:
- ☐ (b) (Individual - **abode**):  
By leaving a copy and a copy of the subpoena at the usual place of abode of each individual with a person of his family, of the age of 13 years or upwards, informing that person of the contents of the subpoena, and also by sending a copy of the subpoena and the interrogatories in a sealed envelope with postage fully prepaid, addressed to each individual at the usual place of abode, as follows:
- ☐ (c) (Corporation):  
By leaving a copy and a copy of the subpoena with the registered agent, officer, or agent of each corporation as follows:
- ☐ (d) (Other service):
- ☐ (e) (Unable to Serve):  
By \_\_\_\_\_, Deputy Badge Number: \_\_\_\_\_

Name of Defendant \_\_\_\_\_

Name of Defendant \_\_\_\_\_

Name of Person  
summons given to \_\_\_\_\_Name of Person  
summons given to \_\_\_\_\_

Sex \_\_\_\_\_ Race \_\_\_\_\_ Approximate age \_\_\_\_\_

Sex \_\_\_\_\_ Race \_\_\_\_\_ Approximate age \_\_\_\_\_

Place of service \_\_\_\_\_

Place of service \_\_\_\_\_

City, State \_\_\_\_\_

City, State \_\_\_\_\_

Date of service \_\_\_\_\_ Time \_\_\_\_\_

Date of service \_\_\_\_\_ Time \_\_\_\_\_

Date of Mailing \_\_\_\_\_

Date of Mailing \_\_\_\_\_

Sheriff of \_\_\_\_\_ County

Special Process Server of \_\_\_\_\_

County Illinois License # \_\_\_\_\_

By \_\_\_\_\_

I served this subpoena by delivering a copy to \_\_\_\_\_

and I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.

\_\_\_\_\_  
SignatureSubscribed and Sworn before me \_\_\_\_\_  
Date\_\_\_\_\_  
Notary Public

AFTER SERVICE, THE ORIGINAL MUST BE FILED WITH THE CIRCUIT COURT CLERK ALONG WITH THE ENDORSEMENT OF SERVICE

**IN THE CIRCUIT COURT OF THE COOK COUNTY ILLINOIS CIVIL DIVISION**

.....  
Thomas Neal, Plaintiff,

v. Case No: 2022DC000915

Mario Neal, Defendant.  
.....

**RIDER TO CIVIL SUBPOENA To DR. RICHARD SPATAFORA, MD**

**TO:**

**Dr. J Richard Spatafora, MD**

125 S Bloomingdale Rd #9,  
Bloomingdale, IL 60108

**REQUEST FOR DEPOSITION (RECORDS ONLY)**

**PURSUANT TO THE JUDICIAL AUTHORITY** vested in the undersigned, **YOU ARE HEREBY COMMANDED** to produce the following:

1. Duplicates of any and all documents pertaining to Thomas Neal, Mario Neal, Josephine Ann Neal (D.O.B. 08/13/2015), Lillian Cruz Neal (D.O.B. 08/21/2018) and Agustin Cruz Neal (D.O.B. 08/21/2018), inclusive but not limited to the entire file comprising all notes, consent forms, and account records.
2. All forms of communication records, without limitation to, letters, digital mails, call records and text informatics, exchanged between you or your medical practice and any associates related to this case, especially any interactions with the opposing counsel and Wendy Musielak.
3. In the event any document you perceive to be subject to confidentiality, it is incumbent upon you to generate a confidentiality log detailing such documents.

**NOTICE:**

**YOU ARE HEREBY CAUTIONED:** disregard to adhere to this subpoena might trigger the imposition of sanctions as decreed by the Court. It is incumbent upon you to retain and secure all documents likely to respond to this subpoena.