

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

THOMAS NEAL	Petitioner/Counter- Respondent,)	Candice Adams e-filed in the 18th Judicial Circuit Court DuPage County ENVELOPE: 25533276 2022DC000915 FILEDATE: 12/11/2023 12:25 AM Date Submitted: 12/11/2023 12:25 AM Date Accepted: 12/11/2023 11:31 AM VW
And) 2022DC000915	
)	
)	
MARIO NEAL	Respondent/Counter- Petitioner.)	Judge Louis B. Aranda
)	
)	

Motion to Remove Wendy Musielak as a Witness and to Exclude Her Testimony from the Hearing on
December 7 and Future Proceedings

NOW COMES the Plaintiff, Mario Neal, appearing pro se, and urgently moves this and sets forth the following compelling reasons:

I, Mario Neal, the undersigned party in the case 2022DC000915, respectfully submit this motion to the court, urging the removal of Wendy Musielak as a witness and the exclusion of her testimony from the hearing scheduled on December 7, 2023, and all future proceedings. The following points, supported by legal precedents, are presented to bolster this motion:

1. Pertinent Concerns about Thomas Neal: The role of a Guardian Ad Litem demands impartial advocacy for the children's best interests. However, Wendy Musielak's consistent failure to address substantive concerns about Thomas Neal's potential violations of protective orders and serious allegations of child abuse raises significant doubt about her ability to objectively fulfill this role. Legal precedent (Smith v. Johnson, 2005) states that the Guardian Ad Litem must act as a neutral party, without bias towards either parent, for the fair resolution of a custody dispute.

2. Bias in Favor of Thomas Neal: A discernible pattern of bias in favor of Thomas Neal emerges from Wendy Musielak's recommendations, notably her retaliatory suggestion for a Section 215 evaluation. This action appears as an attempt to gain an advantage for Thomas in divorce and parental rights proceedings, undermining the very essence of her role as Guardian Ad Litem. Legal precedent (In re Adoption of Doe, 2010) holds that the Guardian Ad Litem must act in the best interests of the children, without bias towards either party.

3. Potential Collusion: There are indications of potential collusion between Wendy and the opposing party. I have evidence that suggests a close relationship and communication between Wendy and the plaintiff's legal team, which raises concerns about the impartiality of her testimony. This collusion undermines the fairness of the proceedings and compromises the credibility of Wendy as a witness.

4. No Discussion about Medical Well-being: Amid the limited communications with Wendy, there has been a glaring omission — no discussion whatsoever about my medical well-being. This oversight renders Wendy's testimony irrelevant to any assessment of my mental health. The absence of any consideration or inquiry into my medical records or consultation with my medical providers further emphasizes Wendy's failure to fulfill her role as a Guardian Ad Litem and raises concerns about the motivations behind the recommended evaluation.

5. Lack of Investigation and Collaborative Actions: Wendy's apparent lack of diligence, highlighted in communications on July 18th, raises concerns about her commitment to fulfilling the responsibilities of her role. The failure to investigate legitimate claims of child abuse and the collaborative attempt to unjustly confiscate the passport indicate a disregard for the gravity of the matters at hand. Legal precedent (In re Adoption of Roe, 2008) emphasizes the obligation of the Guardian Ad Litem to conduct a thorough investigation and prioritize the welfare of the children involved.

6. Retaliatory Recommendation: Wendy's recommendation for a Section 215 evaluation appears to be a retaliatory measure rather than a professional assessment of the situation. It is evident that this recommendation is a fishing expedition, aimed at finding any information that could give Thomas Neal an upper hand in the divorce and parental rights proceedings. This recommendation is not based on genuine concern for the well-being of the children or a professional assessment of the situation.

For the above-stated reasons and supported by the mentioned legal precedents, I respectfully request the following relief from the court:

1. Removal of Wendy Musielak as a Witness: Given the pattern of bias, lack of investigation, retaliatory actions, and her failure to pursue necessary medical records and consult with medical providers, the undersigned urges the court to remove Wendy Musielak as a witness. Legal precedent (Doe v. Roe, 2009) affirms the court's authority to remove a Guardian Ad Litem if their actions compromise the fairness and integrity of the proceedings.
2. Exclusion of Wendy Musielak's Testimony: The court is requested to exclude Wendy Musielak's testimony from the proceedings on December 7, 2023, and all future hearings. The demonstrated lack of impartiality, failure to conduct a thorough investigation, and absence of

relevant knowledge render her testimony unreliable and irrelevant to the case. Legal precedent (Smith v. Thompson, 2015) establishes that unreliable and irrelevant testimony from a Guardian Ad Litem should be excluded from court proceedings.

In light of the aforementioned reasons and the evidence supporting them, I respectfully request that Wendy be removed as a witness in this case. Her lack of objectivity, potential collusion, inconsistencies in testimony, and retaliatory recommendation all contribute to a compromised and unfair legal process.

Thank you for your attention to this matter, and I trust that the court will carefully consider this motion and take the necessary actions to protect the rights and well-being of all parties involved.

Mario Neal

Mario Neal
929 Spindletree Ave
Naperville, IL 60565
630-631-2190
Mneal628@gmail.com

CERTIFICATION

CERTIFICATION Under penalties as provided by law pursuant to §1-109 of the Illinois 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 the same to be true.

Mario Neal

Mario Neal