

IN THE CIRCUIT COURT OF THE 22nd JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

Katherine M. Keefe
Clerk of the Circuit Court
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Transaction ID: 17111261197
20CM001338
01/05/2022
McHenry County, Illinois
22nd Judicial Circuit

PEOPLE OF THE STATE OF ILLINOIS)

VS.)

MICHAEL PENKAVA)

20 CM 1338)

DEFENDANT PENKAVA'S
MOTION FOR PREPARATION OF A TRANSCRIPT OF CLOSED
PROCEEDINGS AND PROTECTIVE ORER

Now comes the defendant, Michael Penkava, by and through one of his attorneys, Philip A. Prossnitz, and states:

1. On December 16, 2021 the trial court granted the oral request of defendant Michael Penkava to have the courtroom cleared of any observers prior to the testimony of [REDACTED]
2. Similarly, during closing argument before the trial court on December 17, 2021 the courtroom was cleared of any observers as the parties argued issues associated with the testimony of [REDACTED]
3. Undersigned counsel was notified by a McHenry County official court reporter that a transcript of the proceedings from December 16 and 17, 2021 had been ordered by the State and inquired whether Penkava wanted a copy of the transcripts.
4. Defendant Penkava wishes to have a copy of [REDACTED] testimony, but before ordering a copy seeks the trial court's permission to do so.

5. If the trial court grants Penkava's request for a copy of the testimony of [REDACTED] [REDACTED] requests the trial court put in place a protective order providing that the transcript of the testimony of [REDACTED] and the closing arguments of counsel on December 17, 2021 not be made public or released to any parties other than the attorneys and the defendants and that any motion or pleading referencing the testimony of [REDACTED] be filed under seal.

WHEREFORE, the defendant, Michael Penkava, prays for the entry of an Order from this Court:

A). granting permission to Penkava to obtain the transcript of the testimony of [REDACTED] and the closing arguments of counsel on December 17, 2021;

B). ordering that the transcript of the testimony of [REDACTED] and the closing arguments of counsel on December 17, 2021 shall not be released to the public and shall only be viewed by counsel and the defendants;

C). ordering that any pleading that references directly or indirectly the testimony of [REDACTED] and the closing arguments of counsel on December 17, 2021 be filed under seal; and,

D). providing for such other relief as this court deems just and appropriate.

Law Office of Philip A. Prossnitz

By: Philip A. Prossnitz
/Philip A. Prossnitz, ARDC 6185116
/Philip A. Prossnitz

CERTIFICATE OF SERVICE BY EMAIL

I Philip A. Prossnitz, an attorney, hereby verify that I served this Notice of Motion and Motion by email to Ashur Youash at AYYouash@mchenrycountyil.gov and to Mr. Terry Ekl at tekl@eklwilliams.com on or before 3:00 PM on January 5, 2022.

Law Office of Philip A. Prossnitz

By: Philip A. Prossnitz

/Philip A. Prossnitz, ARDC 6185116

/Philip A. Prossnitz

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