

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

CHRISTOPHER S. CYNOWA,)
)
Plaintiff,)
)
v.)
)
CSSS, INC. (CLIENT SERVER)
SOFTWARE SOLUTION d/b/a)
CSSS.NET), LISA WOLFORD, and)
WILLIAM F. SLATER,)
)
Defendants.)

No. 08 L 403

NOTICE OF FILING and CERTIFICATE OF SERVICE

To: Theresa V. Johnson
Law Office of Theresa V. Johnson
200 E. Chicago Avenue, Suite 200
Westmont, IL 60559
Fax: (630) 321-1185

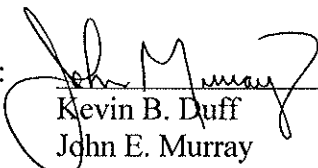
Peter V. Bustamante
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LAW DIVISION

PLEASE TAKE NOTICE that on Thursday, May 5, 2011, the undersigned filed with the Clerk of the Circuit Court of Cook County, Illinois, Defendants' Response Memorandum in Opposition to Plaintiff's Motion for Leave to Amend Complaint, a copy of which is attached hereto.

A copy of this notice and the aforementioned pleading were served upon Plaintiff's counsel identified above via electronic delivery and U.S. Mail, postage prepaid, on Thursday, May 5, 2011.

CSSS, INC., LISA WOLFORD,
and WILLIAM F. SLATER

By: 
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

CHRISTOPHER S. CYNOWA,)	
)	
Plaintiff,)	
)	
v.)	No. 08 L 403
)	
CSSS, INC., et al.)	
)	
Defendants.)	

**DEFENDANTS' RESPONSE MEMORANDUM IN OPPOSITION
TO PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT**

Plaintiff Cynowa's motion seeks leave to amend his complaint in an expansive manner that neither (i) complies with the restriction the Court prescribed for such a motion, nor (ii) satisfies the conditions of no surprise, no prejudice, and timeliness provided by Illinois law. In particular, on March 24, 2011, the Court expressly admonished Plaintiff: "You're not able to amend this whole ten counts with new things. It's just because you have the facts already, I believe, okay." (Ex. 1, MSJ Hearing Trans. at 96.) Rather, the Court told Plaintiff that his motion for leave to amend must be "limited to the allegation about co-workers in Paragraph 40 on page 10 of 23 of his complaint." Yet, Plaintiff ignored this admonition, abused the opportunity to file a motion for leave to amend his complaint, and submitted a proposed pleading that adds or changes approximately ninety (90) paragraphs and subparagraphs and changes his counts in ways that result in four (4) new claims in his complaint. Because Plaintiff blatantly disregarded this Court's Order and instructions during the March 24th hearing, the Court should deny Plaintiff's motion for leave to amend *instanter*.

However, even if the Court were to entertain Plaintiff's motion, it should deny the motion because Plaintiff fails to show that an amendment can be allowed pursuant to 735 ILCS 5/2-616 on just and reasonable terms. The motion is untimely, the Defendants would be greatly prejudiced by

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 LAW DIVISION

allowing it, and Plaintiff had ample previous opportunities to make the amendment he now seeks but he failed to do so. For any one or all of these reasons, the Court should deny Plaintiff's motion. Such a result is all the more appropriate, when combined with Plaintiff's long-standing pattern of missed deadlines, inadequate disclosures, and general lack of diligence in pursuing his claims. Because Plaintiff has not and cannot show that allowing his proposed amendment would be just and reasonable under the circumstances, this Court should deny Plaintiff's motion for leave.

PROCEDURAL HISTORY

Plaintiff filed this case on January 14, 2008. Since then, throughout discovery, and up until three weeks before trial, every count in his complaint was based solely on the allegedly defamatory statement that Defendant Slater made to Officer Adrowski. On January 20, 2009, Defendants served him with Interrogatory No. 7 asking him to identify with specificity and particularity each allegedly defamatory statement on which his claims are based. In response, on May 28, 2009, the only statement that Plaintiff identified with specificity and particularity was the same allegedly defamatory statement that Defendant Slater made to Officer Adrowski. Subsequently, on 8/31/10 *and* 9/17/10 *and* 9/23/10 *and* 10/8/10 *and* 12/16/10 Plaintiff amended and/or supplemented his interrogatory responses. Not once in any of these interrogatory disclosures did Plaintiff identify with specificity or particularity any statement other than the one by Slater to Adrowski. In addition, on September 17, 2010, Plaintiff filed an amended complaint without adding any of the new allegations in his proposed pleading, although he could have done so. Discovery ultimately closed on January 13, 2011. Defendants moved for summary judgment, which was fully briefed and then argued before this Court on March 24, 2011. It was not until that hearing that Plaintiff first sought leave to amend his complaint to add allegations about alleged statements by the Defendants to Plaintiff's co-workers. Following the Court's description of the very narrow grounds on which Plaintiff could file a motion for leave to amend, Plaintiff filed the instant motion.

THE PROPOSED AMENDMENT

Plaintiff has sought leave to add and amend so many different allegations, paragraphs, and subparagraphs that it is impossible to address them all in the limited space of this response. Plaintiff has sought to add four (4) new causes of action for defamation, stemming from at least three different allegedly defamatory statements. (See Counts I, II, IV, and V to Ex. A of Pltf.'s Mot.) In addition, Plaintiff has introduced approximately ninety (90) completely new or modified paragraphs¹ to his proposed amended complaint that would significantly change the nature of the case. For illustration, and without limitation, Plaintiff has added the following paragraphs that have nothing to do with "Paragraph 40 on page 10 of 23 of his complaint" (Ex. 3, 3/24/11 Order):

- "The above-statement to Officer Adrowski was not made for the purpose of instituting legal proceedings or to report an issue of paramount importance." (Ex. A of Pltf.'s Mot. at 6, ¶¶ 21-24.)
- "On information and belief, Defendant Wolford is of Italian descent." (*Id.* at 3, ¶ 9.)
- "An AK-47 assault rifle has the capacity of firing multiple rounds of bullets, with one pull of the trigger." (*Id.* at 7, ¶ 34.)
- "Chris sought medical treatment, was treated by a doctor, and was prescribed anti-depressant medication which he took for approximately three months..." (*Id.* at 15, ¶ 86.)
- On the morning of January 18, 2007, Defendant Slater stated to Defendant Wolford, Carver, Theobald and Slatton that Plaintiff "has a temper and had had a few verbal confrontations with the staff. Mr. Cynowa mentioned having an AK-47 assault rifle." (*Id.* at 15, ¶ 88.)
- "Pleading in the alternative, defendant Lisa Wolford, Larry Carver, Scott Theobald and/or Anthony Slatton repeated defendant Slater's statement to other CSSS personnel." (*Id.* at 24, ¶ 155.)

¹ Attached to Defendants' response brief as exhibit 2 for the Court's reference is a copy of Plaintiff's proposed second amended complaint that has been highlighted to show paragraphs and subparagraphs that are either new or changed.

Even upon a cursory review of Plaintiff's proposed second amended complaint it cannot be reasonably disputed that Plaintiff has utterly ignored the restriction placed on his motion by the Court. Plaintiff's motion for leave should be denied as a result.

ARGUMENT

I. The Court should Deny Plaintiff's Motion for Leave to Amend because Plaintiff's Motion Violates this Court's March 24, 2011 Order.

Plaintiff baldly asserts in his motion for leave that his "proposed Second Amended Complaint complies with the Court's Order of March 24, 2011." (Pltf.'s Mot. at 2, ¶ 4.) Put simply, it does not – and it does not even come close. Plaintiff has greatly exceeded the "very narrow" basis upon which he was even allowed to seek leave to amend his complaint. (Ex. 1 at 96.) The Court's March 24th Order is clear: "Plaintiff shall file a motion for leave to amend his complaint *limited to the allegation about co-workers in Paragraph 40 on page 10 of 23 of his complaint.*"² (Ex. 3, ¶ 2.) (emphasis added). The Court also stated that for his motion seeking leave to amend it would hold Plaintiff's "feet ... to the fire." (Ex. 1 at 84.)

Despite these clear instructions, Plaintiff flatly ignores the Court's "very narrow" parameters and instead attaches a proposed Second Amended Complaint that goes far beyond. Implicitly recognizing there is no valid explanation supporting the amendment request, Plaintiff essentially avoids the issue, submitting a cursory three-page motion containing new legal theories and conclusory assertions without any showing that allowing the proposed amendment would be reasonable and just. This case, which Plaintiff has heretofore based on a statement made by Defendant Slater to Officer Robert Adrowski of the VA Police, would now become – if the amendment is allowed – a case alleging defamation stemming from at least *three* alleged statements

² Paragraph 40 on page 10 of 23 of Plaintiff's Verified Complaint states, "On January 20, 2007, Plaintiff received a telephone call on his cell phone from colleagues with whom he was friendly, Tushar Engregi and Michael Nikiforos, who told Plaintiff 'the word is spreading amongst VA employees that you had or kept a gun in your car and you were going to come in and start shooting people when you got fired. Some co-workers was afraid and wanted to lock the doors.'" (Ex. 1 to Defs.' Motion for Summary Judgment, at 10, ¶ 40.)

of defamation *by various people to various other people*. (See Ex. A to Pltf.'s Mot. at 15-28.) Plaintiff has thus ignored the very basis upon which he advised the Court he wished to amend his complaint. To wit, none of Plaintiff's new counts (or his existing ones, for that matter) supplement his pre-existing claims with additional facts – where supported by the evidence elicited through discovery which concluded on January 13, 2011 – tending to show that any of the Defendants repeated Defendant Slater's alleged defamatory statement following Plaintiff's termination from CSSS. Instead, Plaintiff adds new causes of action based in-whole or part on alleged statements made by Defendant Slater to CSSS management prior to Plaintiff's termination on January 18, 2007. (See Counts I, IV, and V to Ex. A of Pltf.'s Mot. at 15-17, 22-26.)

Specifically, proposed Count I alleges defamation *per se* arising out of statements allegedly made on January 18, 2007 – just prior to Plaintiff's termination – by Defendant Slater to Defendant Wolford, Larry Carver, Scott Theobald and Anthony Slatton that Plaintiff “has a temper ... had had verbal confrontations with the staff ... mentioned having an AK-47 ... and Plaintiff may ‘Go Postal.’” (Ex. A. of Pltf.'s Mot. at 15-17, ¶¶ 87-99.) Proposed Count IV alleges defamation *per quod* stemming from the same statements alleged to have been made in proposed Count I by Defendant Slater to Defendant Wolford, Carver, Theobald and Slatton. (*Id.* at 22-23, ¶¶ 137-47.) Proposed Count V alleges a myriad of confusing allegations that appear to re-allege Defendant Slater's alleged statements to Defendant Wolford, Carver, Theobald and Slatton, but also purportedly alleges “in the alternative” that Wolford, Carver, Theobald and Slatton “repeated Slater's statement to CSSS personnel” and also that it is a “reasonable inference that it was Defendant Slater who repeated his statement to other employees of CSSS.” (*Id.* at 24-26, ¶¶ 148-66.) These new allegations bear absolutely no resemblance to the allegations made in Plaintiff's Verified Complaint and advanced through discovery, which at all times claimed defamation based only on Defendant Slater's alleged statement to Officer Adrowski that Plaintiff “has a temper ...

had a few verbal confrontations with the staff ... [and that Plaintiff] mentioned having an AK-47 assault rifle.” (See Ex. 1 to Defs.’ Motion for Summary Judgment, at 12-23.)

Moreover, Plaintiff has not offered any reason why he should be allowed to amend now, nor why he failed to amend far earlier. In light of the Plaintiff’s blatant disregard for the “very narrow” parameters outlined by this Court in its March 24th Order, the Court should deny Plaintiff leave to file his proposed Second Amended Complaint.

II. Plaintiff’s Motion for Leave Should Be Denied because It Does Not Show that an Amendment Can Be Made on Reasonable and Just Terms.

Litigants have no absolute right to amend their complaint. *Grove v. Carle Foundation Hospital*, 364 Ill. App. 3d 412, 417 (4th Dist. 2006) (citations omitted). Rather, whether an amendment, particularly a late amendment, is granted or denied lies within the sound discretion of the trial court. 735 ILCS 5/2-616; *Martin v. Yellow Cab Co.*, 208 Ill. App. 3d 572, 576 (1st Dist. 1990) (affirming trial court’s denial of plaintiff’s motion for leave to amend, on the ground that the same facts pleaded in plaintiff’s proposed amended complaint were available to plaintiff at the time he filed his original complaint). A trial court’s decision denying a motion to amend will not be disturbed on appeal absent an abuse of discretion. *Id.* (citations omitted).

In determining whether to allow the proposed amendment the Court should consider the following factors:

- Whether the proposed amendment would cure the defective pleading;
- Whether the other party would be prejudiced or surprised by the proposed amendment;
- The timeliness of the proposed amendment; and
- Whether there were previous opportunities to amend the pleadings.

Martin, 208 Ill. App. 3d at 577. As discussed below, Plaintiff’s motion fails to address, let alone satisfy these factors. Therefore, the Court should deny Plaintiff’s motion for leave to amend.

A. Plaintiff's untimely and expansive amendment would greatly prejudice Defendants.

1. Plaintiff's 11th hour change in legal theories handcuffs Defendants' ability to defend against Plaintiff's ever-evolving claims and would force Defendants to incur even greater costs.

Illinois courts do not hesitate in denying a plaintiff's motion for leave to amend a complaint when the proposed amendment contains new legal theories contrary to or in addition to those defended against during the discovery process. *Mendelson v. Ben A. Borenstein & Co.*, 240 Ill. App. 3d 605, 620 (1st Dist. 1992) (affirming circuit court's denial of plaintiff's motion for leave to amend, finding prejudice to defendants because the plaintiff prosecuted and defendants defended throughout the litigation based on one legal theory); *Grove*, 364 Ill. App. 3d at 418-19 (plaintiff was not entitled to amend his complaint, because new allegations did not conform to the original complaint and because the proposed amendment would "require defendants to produce different testimony than the testimony required to defend against the original complaint.").

For instance, in *Mendelson*, the plaintiff owner of a commercial property sued the defendant contractor for breach of contract stemming from the construction of a shopping center on the plaintiff's property. *Id.* at 608. Specifically, the plaintiff alleged that the defendant materially breached the contract by unilaterally abandoning the plan's called-for specifications.³ *Id.* at 608-09. The defendant moved for summary judgment with respect to the plaintiff's second amended complaint. *Id.* at 610-11. After the court orally indicated that it would grant summary judgment, the plaintiff orally moved for leave to file a third amended complaint alleging defendant's failure to perform in a workmanlike manner. *Id.* at 611. The court denied the plaintiff's oral motion, finding there was no evidence to support the plaintiff's position. *Mendelson*, 240 Ill. App. 3d at 611. In

³ The plaintiff's second amended complaint in *Mendelson* alleged, *inter alia*, that the defendant "unilaterally abandoned the Project plans and specifications which ... originally specified that footings would be set at a depth of one foot, eight inches ... and instead, excavated a trench, refilled it with recycled concrete and set the Project footings upon such refilled trench." *Id.* at 608-09.

affirming the circuit court, the First District noted that never before had the plaintiff pursued a misperformance theory and that the “[d]efendant undertook discovery and defended against plaintiff’s action under one theory. To now allow plaintiff to haul defendant into court again under a different theory would prejudice defendant. This case is beyond the pleadings stage.” *Id.* at 620.

Like the defendant in *Mendelson*, Defendants here would be greatly prejudiced if the Court were to grant Plaintiff’s motion for leave to include different legal theories of defamation. This case has been litigated for over three years. Since January 14, 2008, Plaintiff has premised his claims solely on Defendant Slater’s alleged statement to Officer Adrowski. (See Ex. 1 to Defs. Mot. for Summary Judgment (“MSJ”), *passim*; Ex. 17 to Defs.’ MSJ, Pltf.’s Ans. To Defs’ First Set of Interrog. to Pltf., answer to No. 7, at 4-5; Ex. 4, Pltf.’s Am. Supp. Resp. to Defs.’ First Set of Interrog., answer to No. 6, at 7; Ex. 18 to Defs.’ MSJ, Pltf.’s Third Am. Resp. to Defs.’ First Set of Interrog., answer to No. 5, at 6.) Defendants planned their defense and made discovery decisions based upon Plaintiff’s disclosed theory of recovery and alleged factual bases. Decisions were to made interview (or not), subpoena documents and/or testimony (or not), and depose (or not) based on how Plaintiff *had chosen* to pursue his claims. Defendants’ defenses and motion for summary judgment were based on the case Plaintiff constructed, not on Defendants’ whim or fancy. Over the past three years, Plaintiff had ample opportunity to change legal theories based on information available but he failed to do so. To now allow Plaintiff to amend his complaint alleging new legal theories greatly prejudices Defendants and would be unjust, as this case is well-beyond the pleadings stage and would substantially alter the nature of the proof required to defend. *Mendelson*, 240 Ill. App. 3d at 620 (“[w]e distinguish on this ground the cases which have permitted amendment under section 2-1005(g) because the amendment was sought in the pleadings stages”); *Arroyo v. Chicago Transit Authority*, 268 Ill. App. 3d 317, 323 (1st Dist. 1994) (trial court properly

denied plaintiff's motion for leave to amend, as the additional theory of liability in the proposed amendment "potentially altered the nature of the proof required to defend").

2. Plaintiff's failure to make proper disclosures consistent with the amendment he now seeks violates Supreme Court Rule 213 and its seminal purpose of discouraging tactical gamesmanship.

This is not the first time Plaintiff has ignored the rules of procedure and deadlines of this Court. Throughout the case the Plaintiff has displayed an ongoing pattern of noncompliance with court dates and orders of this Court (specific instances are discussed in "Section A(iii)" below). The information contained in Plaintiff's proposed amendment contains new legal theories and names of witnesses or the subjects for testimony that were not previously disclosed. Plaintiff's conduct is inconsistent with Supreme Court Rule 213 and amounts to tactical gamesmanship.

The Illinois Supreme Court Rules are mandatory. *American Service Ins. Co. v. Olszewski*, 324 Ill. App. 3d 743, 746 (1st Dist. 2001) (citations omitted). "Discovery is not a tactical game; rather, it is intended to be a mechanism for the ascertainment of truth, for the purpose of promoting either a fair settlement or a fair trial." *Id.* Courts should not permit parties to avoid the plain language of Rule 213 because such conduct defeats the purpose of the rule and encourages tactical gamesmanship. *Id.* Put simply, litigants like the Defendants here have the right to rely on the plain language of the discovery rules. *Id.* at 747; *Sullivan v. Edward Hospital*, 209 Ill. 2d 100, 111 (2004) (affirming circuit court's grant of defendant hospital's motion to strike portion of expert's trial testimony because plaintiff's Rule 213 disclosures did not contain the opinion elicited).

In *American Service*, the First District held that the circuit court wrongly allowed an undisclosed witness of the defendant insured to testify at trial. *American Service*, 324 Ill. App. 3d at 748. In doing so, the court made clear that whether a party knows that a particular undisclosed witness may have knowledge of the facts of a case is irrelevant. *Id.* at 747-48. Rather, the court said, discovery rules are mandatory and the opposing party is entitled to rely on another party's

discovery responses. *Id.* The court's analysis is germane here because Defendants relied on Plaintiff's pleading and disclosures to defend this case. The facts and information not disclosed are as important as what is disclosed; and the integral connection between what a pleading puts at issue and what discovery responses disclose cannot be ignored.

Here, like the plaintiff insurer in *American Service*, Defendants have every right to rely on Plaintiff's discovery responses. For example, in revised Counts I & IV of Plaintiff's proposed Second Amended Complaint, Plaintiff *for the first time* alleges as a basis for defamation (defamation *per se* and *per quod*, respectively) statements Defendant Slater allegedly made to Defendant Wolford, Larry Carver, Scott Theobald and Anthony Slatton prior to Plaintiff's termination on the morning of January 18, 2007. (Ex. A to Pltf.'s Mot. at 15-17, ¶¶ 87-99.) At no time did Plaintiff previously plead or disclose this information in his answers to Defendants' interrogatories as a basis for his defamation claims or as a subject on which Plaintiff's disclosed witnesses would testify. (See Ex. 17 to Defs.' MSJ, Pltf.'s Ans. To Defs' First Set of Interrog. to Pltf., answer to No. 7, at 4-5; Ex. 4, answer to No. 6, at 7; Ex. 18 to Defs.' MSJ, Pltf.'s Third Am. Resp. to Defs.' First Set of Interrog., answer to No. 5, at 6.) In addition, Plaintiff's revised Count II of his proposed Second Amended Complaint pleads in the alternative that Defendant Slater "made the following statement to Plaintiff's co-workers (i.e., Maria Milan, Thiem Kwan, Mike Cronin, Noel Flanagan, Tushar Engregi, Mike Nikiforos, Bunty Kothari and other persons working at or for CSSS. "Chris kept a gun in his car. Chris might come back after being fired and 'Go Postal' and shoot people." (Ex. A to Pltf.'s Mot. at 17-20, ¶¶ 100-123.) While Cronin, Flanagan, Engregi, Nikiforos, Millan and Kothari were disclosed as potentially having personal knowledge related to Plaintiff's defamation claims based on Defendant Slater's alleged statement to Officer Adrowski, nothing gleaned during discovery has shown that any of these witnesses heard anything coming from Defendant Slater or any other Defendant. (Ex. 19 to Defs.' Mot. for Summary Judgment,

Pltf.'s 6th Supp. Resp. to Defs.' First Set of Interrog., at 4 & Ex. A (12/3/10 email).) Nor was Thiem Kwan even identified by Plaintiff as a witness in this case. Nevertheless, discovery ensued based on Plaintiff's disclosures and based only on Plaintiff's allegation that Defendant Slater made certain allegedly defamatory statements to Officer Adrowski.

Not having timely or adequately disclosed his new theories of liability or the subjects on which newly referenced witnesses would testify, Defendants had every right to defend this case without the threat that Plaintiff would change theories and add undisclosed witnesses after summary judgment briefing and virtually on the eve of trial. Therefore, to allow Plaintiff's amendment would underscore the fact that his previous nondisclosures violated Supreme Court Rule 213 and would only further prejudice Defendants. Accordingly, the Court should deny Plaintiff's motion for leave.

3. The prejudice to Defendants is exacerbated by Plaintiff's history of missed deadlines and inadequate disclosures in this case.

Adding to Defendants' prejudice is the troubling fact that throughout this case Plaintiff has engaged in an ongoing pattern of noncompliance with the rules of procedure, deadlines, and diligence in pursuing his claims. This pattern includes, in particular:

- a) Plaintiff failed to timely respond to Defendants' discovery requests, missing no less than three extensions for serving Defendants with his discovery responses; and ultimately only responding when threatened with a default judgment and sanctions by the Court. (Ex. 5, 5/14/09 Order.)
- b) Failing to appear at the Court's Black Line Trial Call on August 18, 2009, after which the case was dismissed for want of prosecution. (Ex. 6, 8/18/09 Notices of Dismissal.)
- c) Failing to know that the case was dismissed and doing nothing in the case and nothing to vacate the dismissal until *nearly six months later* on February 9, 2010.
- d) Noticing an evidence deposition of a previously undisclosed witness – known by Plaintiff for over a year – shortly before the discovery cut-off and after having had Defendants' Rule 213 interrogatories for over one and a half years. As a result, Defendants filed a motion for protective order to move the deposition date, which the Court granted on August 27, 2010. (Ex. 7, 8/27/2010 Order.)

- e) Identifying for the first time just nine days before the close of discovery eight new Rule 213(f)(1) witnesses. (Ex. 8, Supp. Resp. to Defs.' First Set of Interrogatories.)
- f) Obtaining and using inappropriately obtained privileged records of the Defendants. (Ex. 8, ¶ 1.10.) Defendants obtained a protective order to prevent Plaintiff from using the privileged documents. (Ex. 9, 10/22/2010 Order.)
- g) Failing to timely file his brief in response to Defendants' motion for summary judgment; and later filing a supplement without leave of Court two days before Defendants' reply brief was due.
- h) Failing to appear at the Court's Black Line Trial Call on April 27, 2011. (Ex. 10, 4/27/11 Order.)

In addition, Plaintiff's assertion in his motion that "[n]o prejudice will result to the defendants if the amendment is allowed because the trial of this matter has been continued until the disposition of this motion" is as shortsighted as it is disingenuous. (Pltf.'s Mot. at 3, ¶ 10.) In the more than three years since Plaintiff filed his case, Defendants have vigorously defended against Plaintiff's claims and have incurred substantial costs based on Plaintiff's numerous and long-standing allegations and discovery disclosures stating that his claims are based on the alleged statement by Slater to Officer Adrowski. To allow Plaintiff to file his proposed Second Amended Complaint would not only work a profound injustice against Defendants but will also force Defendants to significantly increase their costs in defending, as Plaintiff's ever-evolving theories of liability will require motion practice directed to the pleading (if allowed), and if the claims survive, new and more discovery regarding Plaintiff's new claims and allegations. At a minimum, if allowed to amend the Plaintiff should bear the costs of his 11th hour changing legal theories by paying for Defendants' additional fees and costs stemming from his amendment. 735 ILCS 5/2-616(c) ("A pleading may be amended at any time ... *upon terms as to costs and continuance that may be just.*") (emphasis added).

Ultimately, the prejudice to Defendants that would result if the Court allows Plaintiff to file his amendment cannot be ignored. Accordingly, the Court should deny Plaintiff's motion for leave.

B. Plaintiff's proposed amendment is not timely.

The Court also should deny Plaintiff's motion for leave because Plaintiff's proposed Second Amended Complaint is not timely. The Court should consider the timeliness of the proposed amendment when determining whether leave to file an amended complaint should be allowed. *Martin*, 208 Ill. App. 3d at 576. Plaintiffs proposing to file amended complaints over three years following the filing of their original complaints have been declared untimely by Illinois courts. *A.J. Maggio v. Willis*, 316 Ill. App. 3d 1043, 1051 (1st Dist. 2000) (affirming trial court's dismissal of plaintiff's motion for leave to amend, on the ground that the plaintiff's proposed amendment came more than three and a half years' after filing his original complaint and was thus untimely); *Wingate v. Camelot Swim Club*, 193 Ill. App. 3d 963, 967 (3d Dist. 1990) (amended complaint attempted to be filed four years after the original complaint ruled untimely); *Mendelson*, 240 Ill. App. 3d at 611, 620 (plaintiff's motion for leave untimely because it was beyond the pleadings stage and made during the presentment hearing on defendant's motion for summary judgment); *Harrington v. Chicago Sun-Times*, 150 Ill. App. 3d 797, 805 (1st Dist. 1986) (plaintiff's motion for leave untimely, as the motion was filed after summary judgment, just six days prior to a hearing on reconsideration of summary judgment, and because the proposed additional counts were based on facts accessible to plaintiff when the original complaint was filed).

Here, Plaintiff filed his original complaint on January 14, 2008. Now, over three years later, he proposes to file his Second Amended Complaint. Plaintiff knew the facts underlying paragraph 40 on page 10 of 23 of Plaintiff's original complaint (the only allegation that Plaintiff was allowed to attempt to amend) as early as January 20, 2007. (Ex. 1 to Defs.' MSJ, at 10, ¶ 40.) Moreover, Plaintiff fails to show he could not have amended sooner. Thus, Plaintiff had ample time to discover additional facts related to paragraph 40 between January 20, 2007 and the filing of his original complaint on January 14, 2008. Rather than develop those facts first alleged in paragraph

40 and amend far earlier, Plaintiff now seeks leave to amend his complaint over three years and three months after he filed his original complaint and more than four years' following Plaintiff's termination from Defendants' employ. This Court has already noted that Plaintiff's request to amend his complaint was made at the "11th hour." (Ex. 1 at 82.) Clearly, Plaintiff's proposed Second Amended Complaint is not timely under the circumstances and should be denied.

C. Plaintiff had previous opportunities to amend.

Finally, the Court should deny Plaintiff's motion for leave because Plaintiff had previous opportunities to amend but never did so. For instance, Plaintiff first referenced Engregi and Nikiforos in his Verified Complaint filed in *January 2008*, yet he never alleged anything was said to them by Slater at that time or at any point during the course of discovery. Instead, Plaintiff waited until *after the close of discovery, after the parties fully briefed summary judgment, and less than three weeks before trial* to add allegations about them and other co-workers as a basis for new claims. Plaintiff could have made the same allegations in his original complaint that he makes in his proposed Second Amended Complaint. At the very least, Plaintiff could have made the new allegations by the time he made Rule 213(f)(1) disclosures, which were first served in January 2009 and were variously answered and subsequently amended by Plaintiff in May 2009, August 2010, September 2010, October 2010, and December 2010.

In addition, on September 17, 2010, Plaintiff filed his Verified Amended Complaint Adding Noel Flanagan as a Defendant. (Ex. 6 to Defs.' MSJ.) At that time, Plaintiff could have added, but failed to add, the facts alleged in his proposed Second Amended Complaint – still within the discovery period. Plaintiff also interviewed Nikiforos and Engregi, the subjects of paragraph 40 of his complaint, on November 30, 2010, and Nikiforos was later deposed on December 6, 2010, but at no time did Plaintiff seek leave to amend based on whatever information may have been obtained.

(Ex. 19 to Defs.' MSJ, Pltf.'s 6th Supp. Resp. to Defs.' First Set of Interrog., at 4 & Ex. A (12/3/10 email).)

Ultimately, Plaintiff had many opportunities to amend his pleadings based on the evidence elicited through discovery yet chose not to do so. *Mendelson*, 240 Ill. App. 3d at 620 (“...plaintiff has already amended his complaint twice. Thus he has had opportunity to add the proposed amendment.”). Accordingly, the Court should deny Plaintiff’s motion for leave.

CONCLUSION

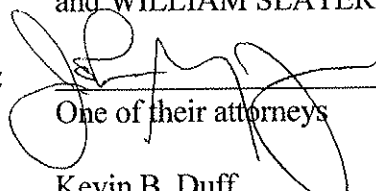
WHEREFORE, for the foregoing reasons, Defendants respectfully request that the Court deny Plaintiff’s motion for leave to file his Second Amended Complaint and award the Defendants such relief as the Court deems just and proper.

Dated: May 5, 2011

Respectfully submitted,

CSSS.NET, INC., LISA WOLFORD,
and WILLIAM SLATER

By:


One of their attorneys

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1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS:

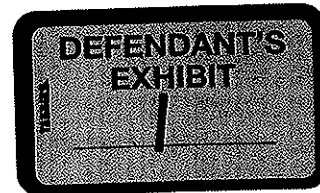
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4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION

5 CHRISTOPHER S. CYNOWA,)
6 Plaintiff,)

7 vs.) Case No. 08 L 000403

8 CSSS, INC., (CLIENT SERVER)
9 SOFTWARE SOLUTION d/b/a)
10 CSSS.NET), LISA WOLFORD,)
11 WILLIAM F. SLATER,)
Defendants.)

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15
16 REPORT OF PROCEEDINGS had in the
17 above-entitled matter before the HONORABLE MARCIA
18 MARAS, Judge of said Court, on March 24, 2011,
19 commencing at the hour of 11:02 a.m.
20



1 MS. JOHNSON: Right, right.

2 THE COURT: Okay. Attempt whatever you
3 need to attempt. It's a motion for leave to amend.

4 MS. JOHNSON: Okay. But I'm asking --

5 THE COURT: And he will be -- and that
6 will be your -- I'm reserving. So right now, VII
7 and VIII exist, all right.

8 MS. JOHNSON: And I can't change them?
9 That's what I'm trying to qualify. Am I allowed to
10 change them?

11 MR. BUSTAMANTE: Yes.

12 THE COURT: Yes, you can. Thank you,
13 Mr. Bustamante. You can based on what I said the
14 parameters are, okay. That's very -- it's very
15 narrow. It's the statement to the coworkers.
16 That's it. You're not able to amend this whole ten
17 counts with new things. It's just because you had
18 the facts already, I believe, okay.

19 And then he's going to argue what he
20 argues, and you might not get to amend. I'm
21 allowing it to be in writing, okay?

22 MS. JOHNSON: Okay.

23 THE COURT: Okay. Thank you for your
24 time. Thank you, Ms. Reporter.

1 futile because the only evidence that has been
2 proffered today by the plaintiff cannot prove that
3 the defendants said anything that the coworkers
4 allegedly heard.

5 So there's no basis -- and so as a result
6 of this --

7 THE COURT: All right. You've persuaded
8 me. I'm retracting what I said off the record.

9 I will allow you to file a motion for
10 leave to amend because I have been, in essence in
11 the last hour and a half, trying to put into words
12 what you're trying to state as a cause of action
13 because you have not done so, in my opinion, with
14 regard to these coworkers.

15 So he's right. He's right. And now that
16 he's said that, he's correct.

17 You should -- your feet should be to the
18 fire. This is your case. You know your case, and
19 you should have to attach to your motion for leave
20 to amend what your intended amendment is so that he
21 knows what he's talking about.

22 Because, again, for the last two tortured
23 hours here, and I'm using that word describing my
24 mental machinations of this case, it's oftentimes

IN THE CIRCUIT COURT COOK COUNTY, ILLINOIS
LAW DIVISION

CHRISTOPHER S. CYNOWA,)
)
Plaintiff,)
)
v.) Case No.: 08 L 000403
)
)
)
)
CSSS, INC.)
(CLIENT SERVER SOFTWARE SOLUTION)
d/b/a CSSS.NET),)
LISA WOLFORD,)
WILLIAM F. SLATER.)
)
Defendants.)

Case No.: 08 L 000403

~~FILED 5
11 APR -7 PM 10:27
CLERK OF THE CIRCUIT COURT
DISTRICT 5
DOROTHY BROWN~~

FILED 5
11 APR -7 PM 4:30
CLERK OF THE CIRCUIT COURT
DISTRICT 5
DOROTHY BROWN

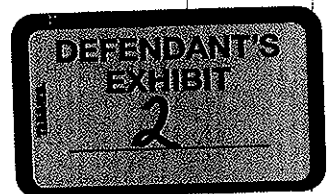
PLAINTIFF'S SECOND VERIFIED COMPLAINT AT LAW

NOW COMES Plaintiff, Christopher S. Cynowa, (hereafter, "Plaintiff" or "Chris"), by and through his attorney Theresa V. Johnson and the Law Offices of Theresa V. Johnson, and complains against Defendants Client Server Software Solutions, Inc. (hereafter, "CSSS"), Lisa Wolford (hereafter, "Wolford"), William F. Slater (a/k/a Bill Slater), (hereafter, "Slater"), (CSSS, Wolford and Slater hereinafter collectively referred to as "Defendants") and state as follows:

SECTION I. PARTIES AND VENUE

1. Plaintiff was employed by CSSS, in the position of a Senior Systems Engineer at the Department of Veterans Affairs ("VA") from February 15, 2006, until he was terminated from his employment on January 18, 2007. At the time of filing this lawsuit, Plaintiff resided at 941 Hill Crest Drive, Carol Stream, IL 60188.

2. CSSS provides computer supporting services for Hines Veterans Hospital under federal contract. CSSS local office is located at 2100 S. 5th Ave # 111L, Hines, IL, Building 20; however, CSSS President and headquarters are located at 3906 Raynor Parkway Suite 201, Bellevue, NE 68123. The main office where Defendant Wolford was listed as the registered



agent for service of process is located at 5069 South 108th Street, Omaha, NE 68137 (See **GROUP EXHIBIT A**).

3. At the time of filing this lawsuit, Defendant CSSS was not registered as a corporation or as a d/b/a entity in Illinois. (See **EXHIBIT B**).

4. Defendant Wolford, a natural person, is the President of CSSS and resides in Nebraska.

5. Defendant Slater, a natural person, is the site manager and acting representative of CSSS VA Hines contract and is the former CSSS manager and supervisor of Plaintiff. Slater resides at 1409 N. Ashland Ave., Chicago, IL 60622.

6. The acts Plaintiff complains of in this Second Amended Verified Complaint took place in Cook County, IL, and therefore jurisdiction and venue are proper in Cook County.

SECTION II. FACTS

FACTUAL BACKGROUND AND CHRONOLOGY OF KEY EVENTS

1. On December 16, 2006, CSSS sponsored a Holiday Party at Francescas Fiore restaurant in Forest Park, IL. Plaintiff, one other CSSS employee, and three subcontractors were the only non-management staff to attend the Holiday Party.

2. Defendant Wolford, CSSS'S President, established a gift "grab bag" and provided three "gifts."

3. Maria Milan, a sub-contractor for CSSS, received the *first gift* - a \$50.00 gift card to a shopping mall.

4. Thiem Khaw, also a sub-contractor for CSSS, received the *second gift* - a \$25.00 or \$40.00 gift card to a shopping mall (Plaintiff is uncertain of the exact amount).

5. Plaintiff, received the *third gift* - a coupon worth \$10.00 off the purchase of \$50.00 or more to a Build-a-Bear Workshop and a chocolate candy bar with a coupon on the inside of the wrapper worth 25% off an online FTD flower order.

6. The Plaintiff took the \$10.00 off \$50.00 purchase of a Build-A-Bear workshop and coupon for 25% off an online FTD flowers purchase as a joke, since the gift, unlike the *first* and *second gifts*, was of no value unless the recipient wanted to enroll in a Build-A-Bear workshop or buy flowers online.

7. Plaintiff, along with several of his co-workers; poked fun at both the gift, and the gift giver.

8. During a conversation at the Holiday party with his friends and co-workers, Plaintiff, joking around, referred to himself as a "Pollock" and to his fiancé as a "Dago" (slang derogatory terms referring to a persons of Polish and Italian descent respectively).

9. On information and belief, Defendant Wolford is of Italian descent.

10. On December 18, 2006, Defendant Slater, Plaintiff's immediate supervisor and local CSSS manager/representative, in his official capacity, spoke with the Plaintiff regarding the fact that Defendant Wolford wanted to send Plaintiff to sensitivity training because of Plaintiff's comments at the Holiday Party referring to himself as a "Pollock and his fiancé being a "Dago" (hereafter, "ethnic remarks"). Defendant Slater told Plaintiff that when he (Slater) discussed Plaintiff's self-directed ethnic comments with Wolford. Slater told Plaintiff that he (Slater) did not believe that Plaintiff was prejudiced against either ethnic group and that he did not believe Plaintiff needed sensitivity training. Defendant Slater told Wolford that "Pollock" and "Dago" are common everyday colloquial language in Chicago and that Richard J. Daley, Chicago's mayor, allegedly once publicly stated to the effect, "What is a 'dago' doing as the queen of the Irish parade?" (See **EXHIBIT C**, "Purported ethnic slur by Daley sparks great Chicago furor").

11. On January 11, 2007, Defendant Slater asked Plaintiff for a meeting with himself and Anthony Slatton, Senior Systems Engineer (on information and belief, apparently acting as a

witness). Upon entering his office, Defendant Slater told the Plaintiff that his poking fun at the Holiday grab bag "gift" may have been construed as offensive by Defendant Wolford and suggested that the Plaintiff should not speak ill of the Defendant Wolford and/or the "gift" anymore.

12. Plaintiff informed Defendant Slater of his displeasure over the "gift," that he (Plaintiff) would comply with the Defendant Slater's request, and he (Plaintiff) would be searching for new employment.

13. On January 16, 2007, the Plaintiff arrived at work at 6:00 a.m.

14. Through the course of the day on January 16, 2007, Plaintiff was informed that Some very high profile email mailbox moves were approved for that night.

15. On January 16, 2007, Plaintiff left the office at 1:30 p.m., went home, took a nap and came back to the office at 7:00 p.m. to perform the high profile email moves; Plaintiff continued to work until 3:30 a.m. on January 17, 2007, and then went home to get some sleep.

16. After awakening on January 17, 2007, Plaintiff checked his work email via the internet and noticed that he had received an email from Defendant Slater stating that Defendant Slater wanted to have a meeting with the Plaintiff in Defendant Slater's office at 10:00 a.m. the following day (January 18, 2007).

17. On January 18, 2007, the Plaintiff arrived at work as usual at 6:00 a.m.

18. Plaintiff job as Senior Systems Engineer required technical competence with computers and also customer service and personal interaction skills to serve CSSS' VA customer.

19. On January 18, 2007 at 7:59 a.m., Plaintiff sent the following customer satisfaction/survey email ("Email No. 1") (See EXHIBIT D) to Lynn Sepple, Plaintiff's main contact for VIP work at Veterans Affairs, requesting her opinion regarding his work performance.

EMAIL NO. 1

From: Cynowa Chris (CSSS)
Sent: Thursday, January 18, 2007 7:59 AM
To: Sepple, Lynne
Subject: Honest opinion needed

As one of the most frequent and most important customers, I would like to ask your honest opinion on a few things. If you would be so kind as to give me a rating from 1 to 10 (10 being the best) on the following, I would be most appreciative.

- 1. Professionalism**
- 2. Competence**
- 3. Technical knowledge**
- 4. Knowing when to escalate and doing so**
- 5. Resolving issues in a timely manner**
- 6. Personal interaction**
- 7. Willingness to go above and beyond to have a job done**
- 8. Attention to detail**
- 9. Following procedures**
- 10. Ensuring complete customer satisfaction;**

Thank you for your time on this.

**Chris Cynowa
Senior Systems Engineer Department of Veterans Affairs
OI&T – Enterprise Technology Management
Hines OIFO, Building 20, Hines, IL 60141
Office: 708-410-4042
Cell: 630-546-1191
E-mail: chris.cynowa@va.gov**

20. On January 18, 2007, time-stamped at 7:39 a.m., Plaintiff received the following

Answer from Lynne Sepple (See **EXHIBIT D**):

EMAIL NO. 2

From: Sepple, Lynne
Sent: Thursday, January 18, 2007 7:39 AM
To: Cynowa Chris (CSSS)
Subject RE: Honest opinion needed

10 on all. 10+ on 1,6,7,8,10 – in fact 10+ on all too. You are VERY easy to work with, personable, technically competent, and detail oriented. And you the type of worker that you only have to tell you something once – and you’ve got it.

21. On January 18, 2007, Defendant Wolford, Larry Carver, Scott Theobald, Defendant Slater and Anthony Slatton were in a telephonic meeting.

22. The purpose of the meeting was to talk about a performance improvement plan and to talk to Plaintiff about his conduct, or to fire Chris.

23. Defendant Slater stated to all present or participating by telephone:

“Chris has a temper, has had a few verbal confrontations with the staff, and, Chris mentioned having an AK-47 assault rifle.” (Hereinafter, “Defendant Slater’s Statement”).

24. Pleading in the Alternative, in addition to or in alternative to Defendant Slater’s Statement, Slater stated to all present or participating by telephone:

“Chris has an automatic weapon – an AK-47. If we bring him in to talk to him about performance improvement, he may ‘Go Postal’.” (Defendant Slater’s Alternative Statement No. 1).

25. Defendant Slater made no effort to verify the truthfulness of the statements.

26. Defendant Wolford made no effort to verify the truthfulness of Defendant Slater’s Statement(s).

27. Mr. Carver proposed that they investigate Defendant Slater’s statements.

28. Defendant Wolford declined to investigate Defendant Slater’s statements and decided that Chris should be fired.

29. On information and belief, Defendant Wolford ordered Defendant Slater to call the VA police to be present during the employees firing.

30. On information and belief, Defendant Wolford ordered and/or authorized Defendant Slater to repeat the above-quoted statement to the VA police.

31. On January 18, 2007 around 9:15 a.m., Defendant Slater, asked a VA employee, Gary Knipple, to call the Department of Veteran Affairs Police Office and request police standby while CSSS supervisors terminated Chris.

32. Hines VA Police Lt. Unthank assigned Officer Bob Androwski to stand by during Cynowa's termination. (See **EXHIBIT E - DEPARTMENT OF VETERANS AFFAIRS VA POLICE REPORT UOR # 07-01-18-0915**).

33. Officer Bob Androwski entered and while he waited in Defendant Slater's office Defendant Slater orally repeated the statement he told to the CSSS Managers, that is,

“Mr. Cynowa has a temper and has had a few verbal confrontations with the staff. Mr. Cynowa mentioned having an AK-47 assault rifle.”

34. An AK-47 assault rifle has the capacity of firing multiple rounds of bullets, with one pull of the trigger.

35. An AK-47 is a machine gun.

36. The Illinois Compiled Statutes state that it is a Class 2 Felony to carry a machine gun or to keep it in a car. 720 ILCS 5/24-1(a)(7)(i).

37. When Slater published this statement to Officer Adrowski, Defendant Slater was acting as an agent and employee of CSSS and in his capacity as an individual.

38. The only persons with knowledge of Defendant Slater's above-quoted statement were Defendant Wolford, Larry Carver, Defendant Slater, Scott Theobald, Anthony Slatton and Officer Adrowski.

39. On January 18, 2007, at around 9:35 a.m., Plaintiff was working on trouble tickets.

Finding a proper opportunity for a break, Plaintiff went to Defendant Slater's office and asked Defendants if they could meet before 10:00 a.m.; however, Defendant Slater said "No," come back at 10:00 a.m.

40. Plaintiff checked in again with Defendant Slater at 10:00 a.m., but Defendant Slater stated he would come and get Plaintiff when he (Defendant Slater) would be ready to meet with Plaintiff. Plaintiff continued doing his work and waited for Defendant Slater.

41. On January 18, 2007 between 10:30 a.m. and 11:00 a.m. Anthony Slatton, came to Plaintiff's desk and stated that the Defendant Slater wanted to meet with the Plaintiff in the small conference room.

42. When Plaintiff entered the small conference room, Veterans Administration Police Officer Robert Androwski and Defendant Slater were already there.

43. Participating by telephone, on speakerphone, were CSSS Human Resources Director

44. Scott Theobald, and Defendant Wolford (CSSS President), and CSSS Vice President,

Larry Carver.

45. Defendant Slater handed Plaintiff a one page document.

46. Defendant Slater read the document out loud in front of the Plaintiff, Anthony Slatton and Police Officer Androwski and the document read as follows (See **EXHIBIT F**):

CONFIDENTIAL COMPANY MEMO

To: Christopher Cynowa, Senior System Engineer

From: William F. Slater, Program Manager

CC: Anthony Slatton, Senior Systems Engineer

Scott Theobald, HR Director

Lisa Wolford, President

Date: January 18, 2007

Subject: Termination of Your Employment at CSSS.NET at the VA Hines OIFO

Chris:

At the request of Ms. Lisa Wolford, President of CSSS.NET, your employment with CSSS.NET at the VA Hines OIFO is hereby terminated effective immediately. You are being terminated for the causes of insubordination and for being a disruptive influence in the workplace by engaging in several negative workplace behaviors. These are in violation of your Employment Agreement, and so your employment at CSSS.NET is being terminated.

You will surrender your Campus Access Pass immediately. A VA Hines Security Guard will escort you back to your desk to gather and pack any personal belongings you may have. You are now no longer authorized to access any not to access any VA computer or network resources. After you pack your personal belongings, you will quietly leave Building 20 without conversation with others, and be escorted by a Security Guard off the VA Hines facility. You are requested to not return VA Hines facility and if you have any other property that belongs to the VA it must be returned as soon as possible to Ms. Kimberly Griffin via U.S. Postal Service.

The CSSS.NET HR Director, Scott Theobald (1-402-393-8059) will contact you regarding final arrangements on your pay and your benefits.

Signed,

**William F. Slater, III, PMP
Program Manager, CSSS.NET**

49. Plaintiff asked CSSS employee/HR Director Theobald for any and all documentation that led to decision of terminating Plaintiff's employment. Mr. Theobald told Plaintiff that all he (Plaintiff) was going to get was in the form of this CSSS.NET Confidential Company Memo document. (EXHIBIT F).

50. After reading the CSSS.NET Confidential Company Memo, Police Officer Androwski escorted Plaintiff to his desk where Plaintiff was allowed to collect his personal belongings.

51. While Plaintiff walking to his desk and gathering his belongings, Slater made taunting comments to Plaintiff even though CSSS managers had instructed Plaintiff not to speak with anyone.

52. Plaintiff told Slater to leave him alone and responded to the effect that the CSSS employees would know that Defendants Slater was a liar and could not be trusted.

53. Officer Androwski walked with Plaintiff, who was carrying his belongings, to Plaintiff's car.

54. Upon reaching outside of the building, Plaintiff reached into his jacket pocket for cigarette.

55. Police Officer Androwski, looking very concerned at Plaintiff's reach for his cigarette, said to Plaintiff: "*You aren't reaching for a gun are you?*" to which Plaintiff responded "*I don't even own a gun and would surely not be going to jail for the person that had just fired me, I would let the lawyers do the work.*"

56. Officer Androwski then asked Plaintiff: "*Do you have any loaded weapons in your car?*"

57. Plaintiff responded similarly as he did to the first inquiry: "*No, I don't have any weapons in the car and I am not going to "GO POSTAL".*"

58. Plaintiff at no time during his employment with CSSS ever stated that he owned or had ever owned an AK-47.

59. Plaintiff, at no time during his employment with CSSS ever stated that he owned a loaded or unloaded weapon (i.e., a "gun").

60. On information and belief, several days after Chris was fired, Slater prepared a report (a memo) to document the action. (EXHIBIT G).

61. Slater's report does not mention an AK-47 or a gun of any kind.

62. Neither Defendant Slater nor Defendant Wolford ever pressed charges against Chris For having an unauthorized weapon in VA property.

63. Neither Defendant Slater nor Defendant Wolford ever asked the VA police to investigate whether or not Chris had an unauthorized weapon in VA property.

64. Upon returning to Plaintiff's home on January 18, 2007, Plaintiff promptly applied to The Illinois Department of Employment Security for unemployment benefits and began to search for new employment.

65. On January 18, 2007 at 13:23 p.m. Plaintiff received the following email from Randy Padal (EXHIBIT H), another CSSS colleague who was also contracted to do the same work as Plaintiff:

EMAIL NO. 3

From: Randy Padal
To: ccynowa@yahoo.com
Subject: Job Reference for Hines
Date: Thu, 18 Jan 2007 13:23 p.m.

Chris,

Nobody really knows 100% what happened but rest assured that your coworkers will miss you here at Hines.

I personally appreciated the hard work you did during the migrations. Not many men would work 84 hour weeks for 3 weeks straight and offer not to take a day off at Thanksgiving too. I could always depend upon you to get something done when I needed it done.

I am certain you will use Larry as a reference for your time here at Hines. Feel free to also list me as a reference as you will always get a good one from me. I also noted to Mr. George Jackson that you were available for hire if he had any contracts needing a dedicated hard working System Engineer.

Take care of yourself and your family,

Randy Padal

66. On information and belief, Defendants Slater discussed Plaintiff's termination from

CSSS with Plaintiff's co-workers, including Maria Milan, Thiem Kwan, Mike Cronin, Noel Flanagan, Tushar Engregi, Mike Nikiforis, Bunty Kothari and other persons working at or for CSSS.

67. On information and belief, Slater discussed Plaintiff having an AK-47, having a temper, having confrontation with co-workers with one or more of Plaintiff's co-workers.

68. On information and belief, Slater made the following statement to Plaintiff's co-workers to one or more of Plaintiff's co-workers:

"Mr. Cynowa has a temper and has had a few verbal confrontations with the staff. Mr. Cynowa mentioned having an AK-47 assault rifle."

69. On information and belief, Defendants Slater told Plaintiff's co-workers that Plaintiff posed a danger in the work place, that Plaintiff had a bad temper and that Plaintiff owned a gun.

70. Defendant Slater discussed Plaintiff's firing with Plaintiff's co-workers.

71. Pleading in addition to Defendant Slater's Statement above or pleading in the alternative, on information and belief, Defendant Slater made the following statement to Plaintiff's co-workers Defendant Slater Alternative State No. 2:"

"Chris kept a gun in his car. Chris might come back after being fired and 'Go Postal' and shoot people."

72. The day or so after Chris was fired, Mike Nikiforis and Tushar Engregi, Chris' co-workers came to work second shift (i.e., 4:00 p.m.) and encountered a barrage of people all talking about the rumor that Chris had a gun, that he would "Go Postal", and someone locked their doors. Nikiforis encountered gossip about Chris and a gun spreading like wild fire.

73. On January 20, 2007, Plaintiff received a telephone call on his cell phone from

colleagues with whom he was friendly, Tushar Engreji and Michael Nikoфорos, who told Plaintiff, "the word is spreading amongst VA employees that you had or kept a gun in your car and you were going to come in and start shooting people when you got fired. Some co-workers were afraid and wanted to lock the doors."

74. On January 22, 2007, Plaintiff completed for the Department of Veteran's Affairs, Hines Police Office a Freedom of Information Act Request form requesting the copy of the Police Report written by the police Officer Bob Androwski on or about January 18, 2007, concerning Plaintiff's termination of employment.

75. On January 23, 2007, Plaintiff received a "notice of local interview" from the Illinois Department of Employment Security, informing Plaintiff that CSSS was objecting to and fighting against Plaintiff receiving unemployment benefits (**EXHIBIT I**).

76. The Illinois Department of Employment Security scheduled a telephone interview with Plaintiff for February 5, 2007 at 10:00 a.m.

77. On January 26, 2007, Plaintiff filed a motion to abate his child support and daycare obligations then 5 year old daughter, since Plaintiff's loss of income prevented Plaintiff from being able to fully fulfill his child/support and daycare obligations. The court date was set for February 5, 2007 at the Kane County Courthouse in St. Charles, IL.

78. On January 31, 2007, Plaintiff picked up Officer Bob Adrowski's Police Report printed on the same date – the report (**EXHIBIT J**) redacted all names of parties other than Plaintiff.

79. In the following non-redacted Hines Police Report (**EXHIBIT E**), **Officer Adrowski memorialized in writing Slater's Statement to Officer Adrowski (hereafter) "Defamatory Publication No.: 3"**):

DEPARTMENT OF VETERANS AFFAIRS
VA POLICE REPORT UOR # 07-01-18-0915

Investigation:

On January 18, 2007 at 0915 hrs, I was dispatched to go to bldg 20 around 0950 to standby while an employee is given termination papers. I met with Mr Gary Knippel and he brought me to Mr William Slater's office.

I waited in Mr Slater's office while he was completing some phone calls. Mr Slater during this time stated "that Mr Cynowa has a temper and has had a few verbal confrontations with the staff. He also said that Mr Cynowa mentioned having an AK-47 assault rifle". Mr Slater was nervous about how Mr Cynowa would react to receiving the termination papers. Mr Cynowa and myself walked to the conference room and waited for Mr Cynowa. Mr Slater and Mr Slatton walked in and Mr Slater handed Mr Cynowa the termination paper. He appeared to be slightly mad and surprised. He did remain under control and professional. He did ask some questions of Mr Slater and then walked to his desk. He retrieved all his belongings and then handed his badge over to Mr Slater. We then walked to his car and got his parking pass. Before entering his car, I did ask him if he had any weapons in the car. He replied "No, I don't have any weapons in the car and I'm not going to go POSTAL". We walked back upstairs to check if anything was forgotten and then he handed the parking pass over. We then walked back downstairs and he departed the facility. This was around 1047hrs.

Disposition:

This investigation is closed. Mr. Cynowa exited the facility without any incident occurring.

Bob Androwski #3542
Investigating officer

80. On February 5, 2007, a Kane County divorce court reduced Plaintiff's child support order from \$486.60 bi-monthly to \$ 73.40 per week based on expected unemployment compensation from CSSS which CSSS challenged.

81. On February 5, 2007, Illinois Department of Employment Security scheduled Plaintiff's interview regarding the circumstances surrounding Plaintiff's termination.

82. The interviewer informed Plaintiff that she would call CSSS for a rebuttal discussion, and that Plaintiff would be notified via mail of the outcome.

83. On or about April 2, 2007, Plaintiff, after 3 months of unemployment, began new employment for a private employer who does not perform work on U.S. federal contracts.

84. Chris was publically humiliated before the public, his former CSSS mangers and co-workers, by Defendant Slater's Statement and/or Slater's Alternative Statements.

85. Chris suffered severe emotional distress which caused his blood pressure to reach the dangerously high level.

86. Chris sought medical treatment, was treated by a doctor, and was prescribed anti-depressant medication which he took for approximately three months (see EXHIBIT K).

SECTION III. COUNTS

COUNT I – Defamation “Per Se” JANUARY 18, 2007, DEFAMATORY PUBLICATION TO CSSS PERSONNEL

87. Plaintiff, Christopher Cynowa, realleges and incorporates by reference paragraphs 1 through 86 as if fully set forth herein.

88. Defendant Slater's Statement

...Mr. Cynowa has a temper and has had a few verbal confrontations with the staff. Mr. Cynowa mentioned having an AK-47 assault rifle.

was made to Lisa Wolford, Larry Carver, Scott Theobald and Anthony Slatton.

89. Pleading in the alternative, in addition to or in alterntive to Defendant Slater's

90. Statement above, Defendant

“Chris has an automatic weapon – an AK-47. If we bring him in to talk to him about performance improvement, he may ‘ Go Postal’” (hereafter, Defendant Slater's Alternative Statement No. 1).

was made to Lisa Wolford, Larry Carver, Scott Theobald and Anthony Slatton.

91. Defendant Slater's statement was false.
92. An AK-47 is a machine gun and automatic weapon.
93. In Illinois an AK-47 assault rifle or an automatic weapon having is a Class 2 Felony.
94. Defendant Slater's statement imputes the commission of a criminal offense on
Chris.
95. Defendant Slater's statement prejudices Chris in his profession or trade.
 - a. Chris trade and profession had both technical computer skills component and a customer service/people skills component.
 - b. Plaintiff routinely engaged in personal interaction with Defendants co-workers and with CSSS' VA customers.
 - c. Plaintiff's alleged bad temper, having confrontations with staff, the treat of physical violence with a gun inherently charges Plaintiff's with inability to perform or discharge his customer service duties.
97. Defendant Slater's statement imputed Plaintiff an inability to perform or a want of integrity in the discharge of duties of employment.
 - a. Plaintiff's job had a technical and customer service/people skills component.
 - b. Plaintiff's job required getting well with other and not physically threatening them or shooting them.
 - c. Plaintiff's alleged bad temper, having confrontations with staff, the treat of physical violence with a gun inherently charges Plaintiff's with inability to perform or discharge his customer service duties.
98. Defendant, Slater, made the defamatory statement individually and as an agent and

employee of CSSS.

99. Defendant CSSS and Defendant Wolford failed to stop and prevent their agent and employee, Defendant Slater, from repeating a statement that they knew or should have known was false.

WHEREFORE, Christopher S. Cynowa, prays for judgment in his favor and against Defendants CSSS, Inc., Lisa Wolford and William Slater, jointly and severally, in an amount in excess of \$50,000.00, for punitive damages in an amount to be determined by the jury and for costs.

COUNT II – Defamation “Per Se”
FURTHER PUBLICATION TO CSSS PERSONNEL

100. Plaintiff, Christopher Cynowa, realleges and incorporates by reference paragraphs 1 through 86 as if fully set forth herein.

101. Defendant Slater’s Statement

“Mr. Cynowa has a temper and has had a few verbal confrontations with the staff. Mr. Cynowa mentioned having an AK-47 assault rifle.”

was made to Lisa Wolford, Larry Carver, Scott Theobald and Anthony Slatton.

102. Pleading in the alternative, in addition to or in alternative to Defendant Slater’s Statement, on information and belief, Slater made the following statement to Plaintiff’s co-workers (i.e., Maria Milan, Thiem Kwan, Mike Cronin, Noel Flanagan, Tushar Engregi, Mike Nikiforis, Bunty Kothari and other persons working at or for CSSS – hereafter “co-workers et al.”).

“Chris kept a gun in his car. Chris might come back after being fired and ‘Go Postal’ and shoot people.” (hereafter, Slater’s alternative Statement No. 2)

103. Defendant Lisa Wolford did not repeat Defendant Slater’s statement to

anyone.

104. Larry Carver did not repeat Defendant Slater's statement to anyone.

105. Scott Theobald did not repeat Defendant Slater's statement to anyone.

106. Anthony Slatton did not repeat Defendant Slater's statement to anyone.

107. Pleading in the alternative, Defendant Lisa Wolford, Larry Carver, Scott

108. Theobald and/or Anthony Slatton or some other CSSS manager, repeated Defendant Slater's statement to other CSSS personnel.

109. Pleading in the alternative, when Defendant Lisa Wolford, Larry Carver, Scott

110. Theobald and/or Anthony Slatton or other CSSS manager repeated Defendant Slater's statement to other CSSS personnel they were acting as agents and employees of CSSS.

111. When Defendant Slater made the statement to Officer Adrowski there was no one else in Defendant Slater's office.

112. The day Chris was fired, Mike Nikiforis and Tushar Engregi, Chris' co-workers

113. came to work second shift (i.e., 4:00 p.m.) and encountered a barrage of people all talking about the rumor that Chris had a gun, that he would "Go Postal", and someone locked their doors. Nikiforis encountered gossip about Chris and a gun spreading like wild fire.

114. Several days after Plaintiff was fired, Tushar Engregi and Mike Nikiforos spoke with Chris by telephone and told Chris that he was being accused of having a gun and maybe "Going Postal" after getting fired. A reasonable inference is that it was Defendant Slater who repeated his statement or his Alternative Statement No. 2 to other employees or subcontractors of CSSS.

115. Defendant Slater's Statement was false.

116. An AK-47 is a machine gun and an automatic weapon.

117. In Illinois an AK-47 assault rifle or an automatic weapon having is a Class 2 Felony.

118. Defendant Slater's statement imputes the commission of a criminal offense on Plaintiff.

119. Defendant Slater's statement prejudices Plaintiff in his profession or trade.

a. Plaintiff's job had both technical computer skills component and a customer service/people skills component.

b. Plaintiff routinely engaged in personal interaction with Defendants co-workers and with CSSS' VA customers.

c. Plaintiff's inter personal skills required frequent interaction with the VA's customers and required that Plaintiff not display a temper, have confrontations with staff and mentioning owning an AK-47 assault rifle or any other gun of weapon for harming people.

120. Defendant Slater's statement imputed Plaintiff an inability to perform or a want of integrity in the discharge of duties of employment.

a. Plaintiff's job had a technical and customer service/people skills component.

b. Plaintiff's job required getting along well with others and not physically threatening them or shooting them.

c. Plaintiff's alleged bad temper, having confrontations with the treat of physical violence with a gun, if true, is inherently contrary to Plaintiff's ability to perform or discharge his duties of employment.

121. Defendant CSSS and Defendant Wolford failed to stop and prevent their agent

and employee, Defendant Slater, from repeating a statement that they knew or should have known was false.

122. Defendant, Slater, made the defamatory statement individually and as an agent and employee of CSSS.

123. Defendant CSSS and Defendant Wolford failed to stop and prevent their agent and employee, Defendant Slater, from repeating a statement that they knew or should have known was false.

WHEREFORE, Christopher S. Cynowa, prays for judgment in his favor and against Defendants CSSS, Inc., Lisa Wolford and William Slater, jointly and severally, in an amount in excess of \$50,000.00, for punitive damages in an amount to be determined by the jury and for costs.

COUNT III – Defamation “Per Se”
PUBLICATION TO OFFICER ADROWSKI

124. Plaintiff, Christopher Cynowa, realleges and incorporates by reference paragraphs 1 through 86 as if fully set forth herein.

125. On January 18, 2007, Defendant Slater on behalf of CSSS, with full knowledge and approval from Lisa Wolford and Scott Theobald, as agents for CSSS, published the following statement to Officer Adrowski: “[Chris] has a temper and has had a few verbal confrontations with the staff...[and Chris] mentioned having an AK-47 assault rifle”.

126. The above-statement to Officer Adrowski was not made for the purpose of

127. instituting legal proceedings or to report an issue of paramount importance.

128. Defendant Slater’s statement was false.

129. An AK-47 is a machine gun and an automatic weapon.

130. In Illinois an AK-47 assault rifle or an automatic weapon having is a Class 2
Felony.

³¹
126. Defendant Slater's statement imputes the commission of a criminal offense on
Plaintiff.

³²
127. Defendant Slater's statement prejudices Plaintiff in his profession or trade.

a. Plaintiff's job had both technical computer skills component and a customer
service/people skills component.

b. Plaintiff routinely engaged in personal interaction with Defendants co-workers and
with CSSS' VA customers.

c. Plaintiff's inter personal skills required frequent interaction with the VA's customers
and required that Plaintiff not display a temper, have confrontations with staff and
mentioning owning an AK-47 assault rifle or any other gun of weapon for harming
people.

³³
128. Defendant Slater's statement imputed Plaintiff an inability to perform or a want of
integrity in the discharge of duties of employment.

a. Plaintiff's job had a technical and customer service/people skills component.

b. Plaintiff's job required getting along well with othesr and not physically
threatening them or shooting them.

c. Plaintiff's alleged bad temper, having confrontations with the treat of physical
violence with a gun, if true, is inherently contrary to Plaintiff's ability to perform or
discharge his duties of employment.

³⁴
129. Defendant CSSS and Defendant Wolford failed to stop and prevent their agent

and employee, Defendant Slater, from repeating a statement that they knew or should have known was false.

⁵130. Defendant, Slater, made the defamatory statement individually and as an agent and employee of CSSS.

⁶131. Defendant CSSS and Defendant Wolford failed to stop and prevent their agent and employee, Defendant Slater, from repeating a statement that they knew or should have known was false.

WHEREFORE, Christopher S. Cynowa, prays for judgment in his favor and against defendants CSSS, Inc., Lisa Wolford and William Slater, jointly and severally, in an amount in excess of \$50,000.00, for punitive damages in an amount to be determined by the jury and for costs.

COUNT IV – Defamation “Per Quod”
JANUARY 17, 2007, PUBLICATION TO CSSS PERSONNEL

⁷132. Plaintiff, Christopher Cynowa, realleges and incorporates by reference paragraphs 1 through 86 as if fully set forth herein.

⁷133. Defendant Slater’s statement was made to Lisa Wolford, Larry Carver, Scott Theobald and Anthony Slatton.

⁹134. Defendant Slater’s statement to the above CSSS personnel is false and defamatory “per quod” because the statements that Chris “has a temper” and has “an AK-47 assault rifle,” taken together, characterize Chris as a work-place terrorist or as a disgruntled employee that is about to “Go Postal”.

⁴⁶135. No one from CSSS had ever seen Chris with a gun nor was there any statement made by Chris Cynowa himself that he possessed a gun.

⁴¹136. The impact of CSSS’S oral statements to others is a perceived workplace terror

threat.

⁴²
137. Defendant Slater's statement imputes Chris with the commission of a criminal offence.

⁴³
138. Defendant Slater's statement caused CSSS employees to believe that the Chris would "go postal" and commit an act of workplace terror.

⁴⁴
139. The foregoing defamatory statement was made by defendant Slater with knowledge of its falsity, with actual malice, or with reckless disregard for the truth.

⁴⁵
140. Defendant, Slater, made the defamatory statement individually and as an agent and employee of CSSS.

⁶
141. Defendant CSSS and defendant Wolford failed to stop and prevent their agent and employee, defendant Slater, from repeating a statement that they knew or should have known was false.

⁷
142. As a proximate result of the afore-named defamatory statements by defendant Slater, Chris suffered damages and injuries as follows:

- (a) Loss of his job;
- (b) Loss of wages in the approximate amount of \$16,923.08 and benefits for 11 weeks from January 18, 2007, until April 2, 2007, including medical benefits of approximately \$1,060.00;
- (c) Inability to pay adequate child support for his 5 year old daughter;
- (d) Injuries to professional and personal reputation;
- (e) Humiliation and emotional and physical distress.
- (f) Having to seek medical treatment and take medication.
- (g) Loss of his security clearance at Hines VA.
- (g) Loss of ability to be paced on other federal contracts.

WHEREFORE, Christopher S. Cynowa, prays for judgment in his favor and against defendants CSSS, Inc., Lisa Wolford and William Slater, jointly and severally, in an amount in excess of \$50,000.00, for punitive damages in an amount to be determined by the jury and for costs.

COUNT V – Defamation “Per Quod”
FURTHER PUBLICATION TO CSSS PERSONNEL

⁴⁸
143. Plaintiff, Christopher Cynowa, realleges and incorporates by reference paragraphs 1 through 86 as if fully set forth herein.

⁴⁹
144. Defendant Slater’s statement was made to Lisa Wolford, Larry Carver, Scott Theobald and Anthony Slatton.

⁵⁰
145. Defendant Slater’s statement to the above CSSS personnel is false and defamatory “per quod” because the statements that Chris “has a temper” and has “an AK-47 assault rifle,” taken together, characterize Chris as a work-place terrorist or as a disgruntled employee that is about to go postal.

⁵¹
146. Defendant Lisa Wolford did not repeat defendant Slater’s statement to anyone.

⁵²
147. Larry Carver did not repeat defendant Slater’s statement to anyone.

⁵³
148. Scott Theobald did not repeat defendant Slater’s statement to anyone.

⁵⁴
149. Anthony Slatton did not repeat defendant Slater’s statement to anyone.

⁵⁵
150. Pleading in the alternative, defendant Lisa Wolford, Larry Carver, Scott Theobald and/or Anthony Slatton repeated defendant Slater’s statement to other CSSS personnel.

⁵⁶
151. Pleading in the alternative, when defendant Lisa Wolford, Larry Carver, Scott Theobald and/or Anthony Slatton repeated defendant Slater’s statement to other CSSS personnel they were acting as agents and employees of CSSS.

⁵⁷
152. When defendant Slater made the statement to Officer Adrowski there was no one

else in defendant Slater's office.

⁵⁹ 153. Several days after he was fired, Chris learned, from his former co-workers, Tushar Engregi and Mike Nikoфорos, that Chris was accused of having a gun and maybe going postal. A reasonable inference is that it was defendant Slater who repeated his statement to other employees of CSSS.

⁶⁰ 154. Defendant Slater's statement made to other CSSS personnel is false and defamatory "per quod" in that it was about Chris and the statement was false.

⁶¹ 155. No one from CSSS had ever seen Chris with a gun nor was there any statement made by the Chris Cynowa himself that he possessed a gun.

The impact of CSSS's oral statements to others is a perceived workplace terror threat.

⁶² 156. Defendant Slater's statement imputes Chris with the commission of a criminal offence.

⁶³ 157. Defendant Slater's statement caused CSSS employees to believe that the Chris would "go postal" and commit an act of workplace terror.

⁶⁴ 158. The foregoing defamatory statement was made by defendant Slater with knowledge of its falsity, with actual malice, or with reckless disregard for the truth.

⁶⁵ 159. Defendant, Slater, made the defamatory statement individually and as an agent and employee of CSSS.

⁶⁶ 160. Defendant CSSS and defendant Wolford failed to stop and prevent their agent and employee, defendant Slater, from repeating a statement that they knew or should have known was false.

⁶⁷ 161. As a proximate result of the afore-named defamatory statements by defendant Slater, Chris suffered damages and injuries as follows:

- (a) Loss of his job;
- (b) Loss of wages in the approximate amount of \$16,923.08 and benefits for 11 weeks from January 18, 2007, until April 2, 2007, including medical benefits of approximately \$1,060.00;
- (c) Inability to pay adequate child support for his 5 year old daughter;
- (d) Injuries to professional and personal reputation;
- (e) Humiliation and emotional and physical distress.
- (f) Having to seek medical treatment and take medication.
- (g) Loss of his security clearance at Hines VA.
- (g) Loss of ability to be paced on other federal contracts.

WHEREFORE, Christopher S. Cynowa, prays for judgment in his favor and against defendants CSSS, Inc., Lisa Wolford and William Slater, jointly and severally, in an amount in excess of \$50,000.00, for punitive damages in an amount to be determined by the jury and for costs.

**COUNT VI – Defamation “Per Quod”
PUBLICATION TO OFFICER ADROWSKI**

⁶⁷
162. Plaintiff, Christopher Cynowa, realleges and incorporates by reference paragraphs 1 through 86 as if fully set forth herein.

⁶⁴
163. On January 18, 2007, Defendant Slater on behalf of CSSS, with full knowledge and approval from Lisa Wolford and Scott Theobald, as agents for CSSS, published the following statement to Officer Adrowski: “[Chris] has a temper and has had a few verbal confrontations with the staff...[and Chris] mentioned having an AK-47 assault rifle”.

⁶⁹
164. The above-statement to Officer Adrowski was not made for the purpose of instituting legal proceedings or to further a paramount issue of social importance.

⁷⁰
165. Defendant Slater’s statement made Officer Adrowski is false and defamatory “per

quod” in that it was about Chris and the statement was false.

⁷¹
166. No one from CSSS had ever seen Chris with a gun nor was there any statement made by the Chris Cynowa himself that he possessed a gun.

⁷²
167. The impact of CSSS’s oral statements to others is a perceived workplace terror threat.

⁷³
168. Defendant Slater’s statement imputes Chris with the commission of a criminal offence.

⁷⁴
169. Defendant Slater’s statement caused CSSS employees to believe that the Chris would “go postal” and commit an act of workplace terror

⁷⁵
170. The foregoing defamatory statement was made by defendant Slater with knowledge of its falsity, with actual malice, or with reckless disregard for the truth.

⁷⁶
171. Defendant, Slater, made the defamatory statement individually and as an agent and employee of CSSS.

⁷⁷
172. Defendant Wolford, individually and as an agent and employee of CSSS, ordered defendant Slater to make the false and defamatory statements.

⁷⁸
173. Defendant CSSS and defendant Wolford failed to stop and prevent their agent and employee, defendant Slater, from repeating a statement that they knew or should have known was false.

⁷⁹
174. As a proximate result of the afore-named defamatory statements by defendant Slater, Chris suffered damages and injuries as follows:

- (a) Loss of his job;
- (b) Loss of wages in the approximate amount of \$16,923.08 and benefits for 11 weeks from January 18, 2007, until April 2, 2007, including medical benefits of approximately \$1,060.00;

- (c) Inability to pay adequate child support for his 5 year old daughter;
- (d) Injuries to professional and personal reputation;
- (e) Humiliation and emotional and physical distress.
- (f) Having to seek and pay for medical treatment and take medication.
- (g) Loss of his security clearance at Hines VA.
- (g) Loss of ability to be paced on other federal contracts.

WHEREFORE, Christopher S. Cynowa, prays for judgment in his favor and against defendants CSSS, Inc., Lisa Wolford and William Slater, jointly and severally, in an amount in excess of \$50,000.00, for punitive damages in an amount to be determined by the jury and for costs.

COUNT VII
FALSE LIGHT AGAINST ALL DEFENDANTS

⁹⁰
175. Plaintiff, Christopher Cynowa, realleges and incorporates by reference paragraphs 1 through 86 as if fully set forth herein.

⁸¹
176. In the Information Technologies ("IT") Industry in which Chris worked, personal reputation and references are of utmost importance and Chris's credibility, both personal and professional was severely compromised by CSSS'S false statement.

⁸²
177. Defendant Slater's statement, published to CSSS personnel on January 17, 2007, published to Officer Adrowski on January 17, 2007 and published to other CSSS personnel, is false and defamatory "per se" in that it imputes Chris with the commission of a crime and they state that Chris is unable to control his temper (a necessary virtue of an office worker) even to the extent of using an AK-47 assault rifle(which Chris allegedly possessed or said he possessed) in response to information of termination.

178. Chris was placed in a false light before the public as a result of the

CSSS'S actions because the publications made orally and subsequently reduced to writing by Officer Adrowski, and were communicated to Chris's colleagues, friends and co-workers. Some of those persons took the publication seriously – i.e., that Chris had an AK - 47 assault rifle or gun and that he posed a likely threat of workplace terror was and some co-workers, fearful for their safety, requested a "lock-down" of the building.

⁸³
179. The false light in which the Chris was placed would be highly offensive to a reasonable person.

⁸⁴
180. CSSS acted with actual malice, that is, with knowledge that the statements were false or with reckless disregard for whether the statements were true or false. CSSS had no cause to ever believe that Chris was a dangerous person or whether Chris actually owned any firearms.

WHEREFORE, Christopher S. Cynowa, prays for judgment in his favor and against defendants CSSS, Inc., Lisa Wolford and William Slater, jointly and severally, in an amount in excess of \$50,000.00, for punitive damages in an amount to be determined by the jury and for costs.

COUNT VIII
INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS (IIED) AGAINST ALL DEFENDANTS

⁸⁵
181. Plaintiff, Christopher Cynowa, realleges and incorporates by reference paragraphs 1 through 86 as if fully set forth herein.

⁸⁶
182. Defendants' false statements that Chris "has a temper" and has "an AK-47 assault rifle, taken together, characterize Chris as a work place terrorist.

⁸⁷
183. Defendants' conduct was extreme and outrageous and goes beyond all possible bounds of decency, and is to be regarded as intolerable in civilized society.

⁹⁹
184.

Defendants' conduct directly caused Plaintiff severe emotional distress. Plaintiff was forced to obtain medical attention and medications for emotional distress as a direct result of the defendants' extreme and outrageous conduct.

⁹⁹
185.

Defendants either intended to inflict severe emotional distress upon Plaintiff or knew that there was a high probability that their conduct would cause severe emotional distress to Plaintiff.

⁹⁰
186.

Defendants' intentional infliction of emotional distress resulted in additional grave injury to Plaintiff as follows:

- (a) Plaintiff' blood pressure reached dangerous levels.
- (b) Plaintiff incurred medical expenses.
- (c) Plaintiff suffered financial injury in excess of \$16,900.00 for loss and other damage for late payment of his bills.
- (d) Plaintiff lost his ability to support himself, his 5 year old child, his fiancé, and his fiancé's 3 minor children.
- (e) Plaintiff suffered serious damage to his professional reputation.
- (f) Loss of his security clearance at Hines VA.
- (g) Loss of ability to be paced on other federal contracts.

WHEREFORE, Christopher S. Cynowa, prays for judgment in his favor and against defendants CSSS, Inc., Lisa Wolford and William Slater, jointly and severally, in an amount in excess of \$50,000.00, for punitive damages in an amount to be determined by the jury and for costs.

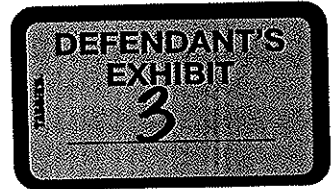
Respectfully submitted: April 1, 2011

CHRISTOPHER S. CYNOWA

By: *Theresa V. Johnson*
Theresa V. Johnson
One of Plaintiff's Attorneys

Theresa V. Johnson
Law Office of Theresa V. Johnson
200 E. Chicago Ave. Suite 200
Westmont, IL 60559
Tel: 630-321-1330
Fax: 630-321-1185
Cook County ID: 37363

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS



Cynowa

v.

CSSS, et al.

No. 08 L 403

ORDER

This matter coming to be heard on Defendants' motion for summary judgment, counsel for the parties having appeared, and the Court being advised in the premises: IT IS HEREBY ORDERED:

- (1) Defendants' motion for summary judgment is entered and continued to June 9, 2011, at 1:00 p.m. in Room 2006;
- (2) Plaintiff shall file a motion for leave to amend his complaint limited to the allegations about co-workers in Paragraph 40 on page 10 of 23 of his complaint by April 7, 2011;
- (3) Defendants shall respond to Plaintiff's motion for leave to amend by May 5, 2011;
- (4) Plaintiff shall file a reply on Plaintiff's motion for leave to amend by May 19, 2011.
- (5) Plaintiff's motion for leave to amend is set for hearing on June 9, 2011 at 1:00 p.m. in Room 2006;

(6) The trial date of April 11, 2011 is stricken.

Atty. No.: 40151

Name: K. Duff

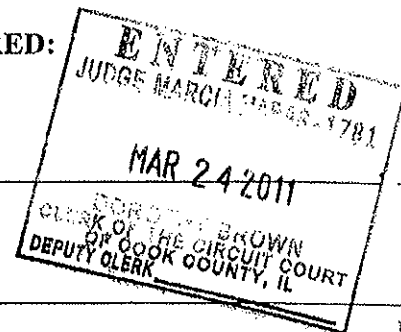
Atty. for: Δ

Address: 542 S. Dearborn St., Ste. 900

City/State/Zip: Chicago, IL 60605

Telephone: 312-733-3950

ENTERED:



Dated:

Judge

Judge's No.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

CHRISTOPHER S. CYNOWA,

Plaintiff,

v.

CSSS, INC.
LISA WOLFORD,
and BILL SLATER

Defendants,

No. 08 L 403

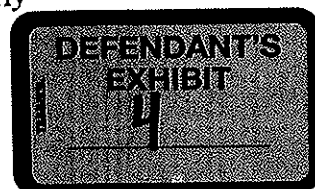
**PLAINTIFF'S AMENDED SUPPLEMENTAL RESPONSE TO DEFENDANTS'
FIRST SET OF INTERROGATORIES**

NOW COMES Plaintiff, CHRISTOPHER CYNOWA, by and through Attorney, Theresa V. Johnson, of the Law Office of Theresa V. Johnson and tenders **PLAINTIFF'S AMENDED SUPPLEMENTAL RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES** to Supreme Court Rule 213.

GENERAL OBJECTIONS

1. Plaintiff objects to Defendant's interrogatories to the extent they seek discovery of documents or information protected by attorney client privilege, the attorney work-product doctrine or any other privilege, doctrine or immunity. By responding to Defendant's interrogatories, Plaintiff does not waive intentionally or otherwise, any attorney-client privilege attorney work product doctrine or any other privilege, doctrine or immunity protecting their communication, transactions or records from disclosure. Accordingly, any interrogatory response or production of documents inconsistent with the foregoing is wholly inadvertent and shall not constitute a waiver of any such privilege or protection.

2. By stating that Plaintiff will produce documents responsive to a particularly



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

CHRISTOPHER S. CYNOWA,

Plaintiff,

v.

CSSS, INC.
LISA WOLFORD,
and BILL SLATER

Defendants,

No. 08 L 403

**PLAINTIFF'S AMENDED SUPPLEMENTAL RESPONSE TO DEFENDANTS'
FIRST SET OF INTERROGATORIES**

NOW COMES Plaintiff, CHRISTOPHER CYNOWA, by and through Attorney, Theresa V. Johnson, of the Law Office of Theresa V. Johnson and tenders **PLAINTIFF'S AMENDED SUPPLEMENTAL RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES** to Supreme Court Rule 213.

GENERAL OBJECTIONS

1. Plaintiff objects to Defendant's interrogatories to the extent they seek discovery of documents or information protected by attorney client privilege, the attorney work-product doctrine or any other privilege, doctrine or immunity. By responding to Defendant's interrogatories, Plaintiff does not waive intentionally or otherwise, any attorney-client privilege attorney work product doctrine or any other privilege, doctrine or immunity protecting their communication, transactions or records from disclosure. Accordingly, any interrogatory response or production of documents inconsistent with the foregoing is wholly inadvertent and shall not constitute a waiver of any such privilege or protection.

2. By stating that Plaintiff will produce documents responsive to a particularly

interrogatory, Plaintiff does not represent that responsive documents or information exists, but only that such documents or information will be produced to the extent that they do exist, Plaintiff does not object to their production, and Plaintiff is able to produce them.

3. Plaintiff objects to Defendants' Interrogatories to the extent that they request information or documents not in Plaintiff's custody or control and to the extent that Defendant's interrogatories fail to sufficiently identify the documents or information requested.

4. Plaintiff objects to Defendants' Interrogatories to the extent that they request information that is (1) readily available and/or equally accessible and/or obtainable by Defendants (2) that is readily available on websites and social network sites such as Linked In or Face Book related to this case (e.g., Slater's resume, Woford's website etc.), or (3) that were tendered by Plaintiff to Defendants by fax or emails prior to this answer provided in this Amended Supplement to these Interrogatories in responses to Defendants inquiries and/or demands.

5. Plaintiff objects to Defendants' Interrogatories, including without limitation, their instructions and definitions, on the grounds that they are overly broad, unduly burdensome, vague and ambiguous.

6. Plaintiff submits these answers and objections without conceding the relevancy or materiality of the subject matter of any interrogatory, or of any information or document, and without prejudice to all objections to the use or admissibility of any information or document at trial, or in any other proceeding in this action.

7. Plaintiff objects to Defendants' Interrogatories to the extent that they are inconsistent with or exceed Plaintiff's obligations under the Illinois Supreme Court Rules, the Illinois Rules of Civil Procedure, or the Local Rules of the Circuit Court of Cook County, Illinois. Further,

Plaintiff objects to the extent Defendant's interrogatories seek information subject to protection by the federal government from disclosure.

8. Plaintiff's investigation is continuing and Plaintiff reserves the right to supplement and/or amend any and all of these answers.

9. All individual answers set forth below, incorporate, are made subject to, and are made without waiving these general objections.

INCORPORATION BY REFERENCE

Plaintiff hereby incorporates all information and disclosure contained in **PLAINTIFF'S ANSWER TO DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFF**, filed May 28, 2009 and Supplement to Defendants' First Set of Interrogatories filed on or about August 31, 2010, as though they were fully set forth herein.

1. Identify each person who has knowledge of the facts, information and/or circumstances alleged in Plaintiff's Complaint, Defendant's Answer, Affirmative Defenses to Plaintiff's Complaint and Counterclaims ("Defendants' Answer"), and Plaintiff's response to Defendant's Answer and Counterclaims. With respect to each such person, set forth the complete substance and basis of his or her knowledge:

Answer: Plaintiff objects to this interrogatory on the grounds that it is overly burdensome, overbroad, seeks information not reasonably calculated to lead to the discovery of admissible evidence, and to the extent that the information is within the knowledge, custody or control of the Defendant or other third parties. Subject to and without waiving these objections and the General Objections, Plaintiff states that the individuals and entities identified in interrogatory 13 *infra* may have knowledge of the facts set forth in Plaintiff's Verified Complaint at Law (Plaintiff's Complaint") and Defendants' Answer, Counterclaims and Affirmative Defenses to Plaintiff's Complaint ("Defendants' Answer") and Plaintiff's Reply.

Further answering, Plaintiff states that the identify of persons who may have knowledge

or information relating to the Plaintiff's Complaint and Defendants' Answer and nature of the knowledge or information such people may possess may be obtained from non-privileged documents previously produced or which will be produced in this matter pursuant to Rule 213(e) and deposition transcripts of Christopher Cynowa, Lisa Wolford, Danette Tucker, and all future deponents. Investigation continues.

2. Identify each employer of your employers, other than CSSS, from 2000 to the present date. With respect to each employer, set forth your job title, job description, hire and termination dates, and reason for ending the employment.

Answer: Please refer to Christopher Cynowa's Deposition of August 16, 2010 that discusses Plaintiff's employment history and reason for leaving each job. See also Production Documents 2000_____.

3. Identify and describe in detail all hunting, gaming and/or weapon licenses that you received in the past 5 years.

Answer: Please refer the answer to this interrogatory filed May 28, 2009 and Christopher Cynowa's July 16, 2010 deposition testimony

4. Identify each instance in which you held a gun and for each such instance state the date, location, type of gun, whether you fired the gun, and the identify of each person present at that time you held the gun.

Answer: Plaintiff objects to this interrogatory on the grounds that it is overly burdensome, overbroad, seeks information not reasonably calculated to lead to the discovery of admissible evidence, and to the extent that the information is within the knowledge, custody or control of the Defendant or other third parties. Subject to and without waiving these objections, and the General Objections, please refer the answer to this interrogatory filed May 28, 2009 and supplemented on or about August 31, 2010 and Christopher Cynowa's July 16, 2010 deposition testimony

5. Identify all facts and circumstances that support or relate to your claims for damages in Counts 1-X of Plaintiff's Complaint.

Answer: Plaintiff objects to this interrogatory on the grounds that it is overly burdensome, overbroad, seeks information not reasonably calculated to lead to the discovery of admissible evidence, and to the extent that the information is within the knowledge, custody or control of the Defendant or other third parties. Subject to and without waiving these objections, and the General Objections, Plaintiff states that the individuals and entities identified in interrogatory 13 (213 (f) witness *infra* may have knowledge of the facts set forth in Plaintiff's Verified Complaint at Law (Plaintiff's Complaint") and Defendants' Answer, Counterclaims and Affirmative Defenses to Plaintiff's Complaint ("Defendants' Answer").

Further answering, Plaintiff states that the identify of persons who may have knowledge or information relating to the Plaintiff's Complaint and Defendants' Answer and nature of the knowledge or information such people may possess may be obtained from non-privileged documents previously produced or will be produced in this matter pursuant to Rule 213(e), or the documents incorporated by reference into this Amended Response to Interrogatories and the deposition transcripts of Christopher Cynowa, Lisa Wolford, Danette C. Tucker, and any future deponents.

5. Identify, describe and itemize all damages you claim to have sustained as a result of any statements made by Defendants, and identify each documents that supports or relates to each such elements damages.

Answer: Please refer to the answer to this interrogatory filed May 28, 2009 and supplementted on or about August 31, 2010, July 31, 2009 deposition of Larry Carver and the July 16, 2010 deposition of Christopher Cynowa. Further answering, Plaintiff estimates that his damage based on his likely inability to obtain a government job which results in

approximately \$1.8 million loss of income. This figure is based on 15 years of retirement at an amortized salary of \$122,000.00 per year for 21 years from the date of CSSS'S termination of Mr. Cynowa's employment (allowing 1 year for conversion to VA as a permanent). This estimation of damages takes into account Mr. Cynowa's security profile indicating that he allegedly mentioned owning an AK-47, having temper and verbal confrontations with staff, thus making is unlikely that Mr. Cynowa will ever obtain a government security clearance. There is also an estimated damage of one million dollars for loss of reputation.

6. For each statement that is the subject of your claims (or alleged in Plaintiff's Complaint) that you claim was false, malicious, defamatory, placed you in false light, or caused you emotional distress, identify: the precise words in the statement; who made the statement; all persons to whom the was made; and when the statement was made.

Answer: Please refer the answer to this interrogatory filed May 28, 2009 and supplement on or about August 31, 2010. Further answering, on information and belief, Bill Slater and/or Noel Flanagan also made comments to the effect that Plaintiff was ill tempered, could be dangerous and had a weapon. Plaintiff actually knows the exact language, but Defendants obtained a temporary protection order on an email because the exact language contained in an email from Mr. Slater's is alleged by defendants to be subject to either attorney-client privilege or protected under the attorney work product doctrine. Plaintiff disputes that said email is attorney-client privileged or that is protected by attorney work product doctrine. Plaintiff reserves the right to amend this interrogatory upon the Court's ruling whether the document is privileged.

7. Identify and describe whether you have communicated with any person since January 18, 2007, regarding the allegedly defamatory statement described in Plaintiff's Complaint and, if so, state: the time, place, and type of communication; and identify each person involved in the communications.

Answer: Plaintiff objects to this question as being overly broad and unduly burdensome. Plaintiff cannot recall every human being with whom he has ever spoken and the specific dates and time of every communication. Subject to and without waiving this objection, Plaintiff answers as follows: Please refer the answer to this interrogatory filed May 28, 2009 and the supplement filed on or about August 3, 2010. Also, refer to July 31, 2009 deposition of Larry Carver's and July 16, 2010 deposition Christopher Cynowa that discusses Plaintiff's discussions with others.

8. Identify and describe whether you have ever been a party to or otherwise involved in litigation and if so, for each such action state: the court in which each action was instituted; the title and number of the action; and the nature of the action.

Answer: Please refer to the answer to this interrogatory filed May 28, 2009 and to all documents related to Plaintiffs' divorce and child support tendered by Defendants to Plaintiff as part of Defendants' discovery compliance.

9. Identify and describe in detail any facts extrinsic to each of the alleged defamatory statements that, accompanied by each alleged defamatory statements, would create to enhance an alleged defamatory meaning, include the name and address of such person who have knowledge of any of these extrinsic facts and substances of each person's knowledge.

Answer: Plaintiff objects to this interrogatory as being overly broad, vague and confusing. Subject to and without waiving these objections, Plaintiff answers as follows: Please refer the answer to this interrogatory filed May 28, 2009. Further answering, the details related to this case are discussed in: Plaintiff's Complaint and Plaintiff's Response to Defendants Motion to Dismiss, July 31, 2009 deposition of Larry Carver, July 16, 2010 deposition of Christopher Cynowa and August 10, 2010 deposition of Lisa Wolford. The names and addresses of the witnesses, if known, were provided in depositions and are already known by Defendants since Defendants have greater access to parties that are knowledgeable about this case than

Plaintiff. On information and belief, Bill Slater and Noel Flanagan know information related to defamatory statements and communications concerning that Plaintiff was dangerous, had a gun and was hot headed. The email document that supports this information cannot be used while it is currently under protective order with the Court until the court rules on whether the email is privileged. On information and belief, Noel Flanagan is located at the CSSS Hines VA, Hines, Illinois location and his phone number is (708)410-4045.

10. Identify and describe each occasion on which you were examined or treated by a medical practitioner, went to a hospital (in-patient or out-patient) or medical facility with respect to any illness, injury or damage (whether mental or physical) which you claim to have sustained or suffered as a result of any allegedly defamatory statements. With respect to each consultation and or visit to a hospital or medical facility, please set forth in detail as to each occasion of examination or treatment: the date of the examination or treatment; the name, address, educational degree, and specialty of each practitioner performing the examination or treatment, a medical practitioner as a result of the examination or treatment, the identify of all documents that evidence or relate to each occasion of examination or treatment and the amount for the charge made to you or any other person for your account by each occasion of examination or treatment and the amount of the charge made to you and or any other person for your account by each medical practitioner as indicated any bill rendered therefor.

Answer: Plaintiff objects to this interrogatory on the grounds that it is overly burdensome, overbroad, seeks information not reasonably calculated to lead to the discovery of admissible evidence, and to the extent that the information is within the knowledge, custody or control of the Defendant or other third parties. Subject to and without waiving these objections and the General Objections, Plaintiff answers as follows: Please refer the answer to this interrogatory filed May 28, 2009. Further answering, medical records related to this claim were provided in Plaintiff's Complaint and in Response to Defendants' Motion to Dismiss Plaintiff's Complaint. Those medical records are hereby incorporated by reference in response to this interrogatory. Further answering, Plaintiff's doctor did not disclose his educational credentials to Plaintiff.

11. Identify all email addresses you have used since January 1, 2006.

Answer: Please refer the answer to this interrogatory filed May 28, 2009. Plaintiff's current email is: ccynowa@yahoo.com

12. Please identify all witnesses and other information called for pursuant to Illinois Supreme Court Rules 213(f) through (f)(3).

Answer:

a. Plaintiff's (f)(1) and (f)(2) witnesses who will testify at trial are listed below. After each name is a brief summary of what Plaintiff anticipates the expected content of that testimony:

13.1 Dr. Thu Thi Pham. Dr. Pham, previously disclosed incorrectly in Plaintiff's response to Defendants first Production as "Dr. Fong" is a former employee in the CSSS at the Washington D.C. office, and on information and belief, resigned and/or was terminated by Lisa Wolford. Dr. Pham will testify concerning her personal knowledge of the validity of allegations made in Defendant's Counterclaim and in Lisa Wolford's deposition and also information concerning the character and reputation of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and the defense of Defendant's Counterclaim. Dr. Pham will testify regarding employees of the DC Office, especially Danette Tucker and Lan Tran – their work responsibilities, and the reasons for their termination. Dr. Pham is expected to testify regarding the aforesaid matters for which she has knowledge.

13.2 Danette Tucker. Ms. Tucker is the former office manager for the Washington D.C. office of CSSS, Inc. and on information and belief, was terminated by Lisa Wolford for non-work performance causes, on information and belief, was induced under duress to sign a release of her rights to sue CSSS. Ms. Tucker is believed to have personal knowledge concerning the validity of allegations made in Defendant's Counterclaim and deposition of Lisa Wolford as well as information concerning the reputation and character of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and the defense of Defendant's Counterclaim. Ms. Tucker will testify to her responsibilities during her employ at CSSS and regarding the circumstances under which she was terminated. She will testify that she signed a release which prohibits her from suing and disparaging CSSS and CSSS's mutual agreement not to disparage Ms. Tucker. Ms. Tucker is expected to testify regarding the aforesaid matters for which she has knowledge.

13.3 Jerry Taylor. Mr. Taylor is Hines, VA manager located in Vancouver, Washington, who, on information and belief is the COTR (Contract Officer Technical Rep) for the CSSS contract with Hines VA. Mr. Taylor is believed to have personal

knowledge concerning the procedures and other relevant information concerning the hiring of VA employees from the CSSS, Inc. contract for the VA at Hines hospital. Further, Mr. Taylor is also believed to have knowledge about the CSSS engineers and the VA employees with whom the CSSS systems engineers interact and has knowledge related to CSSS's termination of Plaintiff. He is believed to have personal knowledge concerning the validity of allegations made in Plaintiff's Complaint and defenses against Defendants' Counterclaim, information concerning the character of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and the defense of Defendant's Counterclaim.

13.4 Michael Floyd. Mr. Floyd's telephone number is believed to be 312-287-4233 and he is a former program manager for AC Tech, the predecessor of CSSS, Inc. on the VA contract and director of one of the subcontracts and, who on information and belief, was removed from the VA contract at Hines by Lisa Wolford and who is believed to have personal knowledge concerning the procedures for and other relevant information concerning the hiring of VA employees from the CSSS, Inc. contract for the VA at Hines Hospital. Further, Mr. Floyd is believed to have personal knowledge concerning the validity of allegations made in Defendant's Counterclaim and information concerning the character and reputation of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and the defense of Defendant's Counterclaim. Mr. Floyd is expected to testify regarding the aforesaid matters for which he has knowledge.

13.5 Lan Tran. Lan Tran is a former CSSS, Inc. employee at the Washington, D.C. office who, on information and belief, gave a required three week notice of resignation to CSSS, but was subsequently fired by Ms. Wolford before the three weeks were up. Ms. Tran is believed to have personal knowledge concerning the validity of allegations made in Defendant's Counterclaim and Lisa Wolford's deposition testimony and regarding Danette Tucker allegedly not being the Office Manager at CSSS DC office and concerning the character of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and the defense of Defendant's Counterclaim. Ms. Tran is expected to testify regarding the aforesaid matters for which she has knowledge.

13.6 Ron Klavohn. Mr. Klavohn's e-mail is ron.klavohn@va.gov and his telephone number is believed to be 708-466-6908. Mr. Klavohn is a VA employee who is believed to have personal knowledge concerning the procedures for and other relevant information concerning the hiring of VA employees from the CSSS, Inc. contract for the VA at Hines hospital. Further, Mr. Klavohn is believed to have personal knowledge concerning the validity of allegations made in Defendant's Counterclaim and information concerning the character of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and Plaintiff's defense against Defendant's Counterclaim. Mr. Klavohn is expected to testify to the same aforesaid matters.

13.7 Neil Piper. Mr. Piper's e-mail is neil.piper@va.gov and he is a VA employee located in New York who is believed to have personal knowledge concerning the procedures for and other relevant information concerning the hiring of VA employees who previously worked on the CSSS, Inc. contract for the VA at Hines Hospital. Further, Mr. Piper is believed to have personal knowledge concerning the validity of allegations made in Defendant's Counterclaim and information concerning the character of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and Plaintiff's defense against Defendant's Counterclaim. Mr. Piper is believed to have spoken with and exchanged emails with CSSS managers/employees regarding the reasons that Chris Cynowa was terminated from CSSS and regarding Chris Cynowa allegedly being dangerous and/or possessing some form of a weapon/gun/AK-47 and exchanged emails with VA managers/employees regarding the same. Mr. Piper is expected to testify regarding the aforesaid matters for which he has knowledge.

13.8 Arnold Huff. Mr. Huff was a business development director at the CSSS Washington D.C. office and is believed to have personal knowledge concerning the validity of allegations made in Defendant's Counterclaim and information concerning the character and reputation of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and Plaintiff's defense against Defendant's Counterclaim and the work function and responsibilities of Danette Tucker. Mr. Huff is expected to testify regarding the aforesaid matters for which he has knowledge.

13.9 Carla Undaraga (spelling unknown). Ms. Undaraga was an employee at the Washington D.C. office of CSSS, Inc. and is believed to have personal knowledge concerning the validity of allegations made in Defendant's Counterclaim and as well information concerning the character and reputation of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and Plaintiff's defense against Defendant's Counterclaim and regarding the work functions and responsibilities of Danette Tucker Carla and is expected to testify to the same. Ms. Undaraga is expected to testify regarding the aforesaid matters for which she has knowledge.

13.10 Noel Flanagan. Mr. Flanagan is/was an employee or subcontractor of CSSS on the Hines VA project and is believed to have personal information regarding Plaintiff's alleged temper, alleged "run-ins" with the staff and alleged possession of a gun or weapon or AK-47 and is believed to have communicated the same to William Slater. On information and belief, Mr. Flanagan is expected to testify regarding comments he has made regarding Mr. Cynowa's temper, being potentially dangerous and have some sort of weapon or gun.

13.11 Scott Price. Scott Price is a State Senator in the State of Nebraska and also was a former employee of CSSS who had prior business dealings with Defendant Wolford and is believed to have personal experience with and information on the business ethics and character of Defendant Wolford. Mr. Price is expected to testify regarding the

aforesaid matters for which he has knowledge.

13.13 William Slater, III. Bill Slater was Plaintiff's supervisor, previously disclosed in response to Defendant's First Set of Interrogatories. Bill Slater is believed to have information related to the destruction of Chris Cynowa's computer backup records, and on information and belief, is believed to be the originator and/or publishers of the allegation that Cynowa had a gun/AK-47, could be dangerous and that he was a "hothead" or had a temper, had run-in with the staff and is believed to have had conversation with Lisa Wolford and Noel Flanagan and others regarding Christopher Cynowa allegedly being hot tempered, dangerous and possessing a weapon/gun/AK-47. Mr. Slater is expected to testify regarding the aforesaid matters for which he has knowledge.

13.12 Diane Ortiz. Diane works for CSSS at the Omaha Office and is believed to have information on the paperwork that is processed to security clearances for employees working on federal contracts. Ms. Ortiz is expected to testify regarding the aforesaid matters for which she has knowledge.

13.13 Scott Theobald. Mr. Theobald will testify regarding Plaintiff's termination. Further, Mr. Theobald will testify regarding Plaintiff's alleged statements as to Ms. Wolford, Mr. Slater, and CSSS and the damages alleged to have been suffered. Mr. Theobald will also testify as to matters germane to CSSS human resources of employment issues, and what he knows about the termination of Dani Tucker, Dr. Pham, and Lan Tran. Mr. Theobald is expected to testify regarding the aforesaid matters for which he has knowledge.

13.14 Randy Padal. Mr. Padal will testify regarding communications with and about Plaintiff surrounding his termination and regarding Plaintiff's behavior, characteristics and conduct. He will also testify regarding Mr. Padal is expected to testify regarding the aforesaid matters for which he has knowledge.

13.15 Michael Nikiforos. Mr. Nikiforos will testify regarding communications with and about Plaintiff surrounding his termination and regarding Plaintiff's behavior, characteristics and conduct. Mr. Nikiforos is expected to testify regarding the aforesaid matters for which he has knowledge. . Mr. Nikiforis is/was a CSSS employee, who , on information and belief, had information on the rumor that Plaintiff had a weapon and might shoot his co-workers.

13.16 Anthony Slatton. Mr. Slaton will testify regarding his knowledge of and/or involvement with the Plaintiff's termination from CSSS.

13.17 Robert (Bob) Androwski. Mr. Androwski is a Hines VA Police Officer who completed the report hat alleges that Bill Slater told him Plaintiff had a temper, verbal confrontations with his co-workers, and that Plaintiff mentioned he owned a AK-47.

13.18 Tushar Engregi. Mr. Engregi is/was a CSSS employee who will testify to his

personal knowledge regarding Plaintiff's claims.

13.19 Deborah Lawson. Mr. Lawson is expected to testify that Plaintiff is not a dangerous person, that she was arrested on when downtown in Chicago to meet with Defendants attorney, that she has been arrested for stalking or stalking like activities and and/or violation of a restraining order.

13.20 Mitchell Hinton. Michelle is a VA employee who, on information and belief, is believed to have requested the doors to be locked in response to hearing a rumor that Christopher Cynowa could be danger, have a gun and might come back to the office and "Go Postal" or something to that general effect. Ms. Hinton's cell phone number is (518) 221-2723.

13.21 Carolyn Cynowa. Carolyn Cynowa will testify to regarding Plaintiff's conduct, behavior and characteristics and her personal dealings with Plaintiff including whether Plaintiff has any propensity towards violence and/or uses or possession of dangerous weapons.

13.22 Christopher Cynowa. Plaintiff will testify as to Plaintiff's Complaint and to Defendant's Answer and Counterclaim, along with his answers to interrogatories from Defendants and any 213(f) (1), (2) or 3 disclosures prepared on his behalf.

13.23 Linda Dunlap. Ms. Dunlap wo;; testify as an f(1) and/or (f)(3) witness regarding: VA security, access practices, policies, and procedures; Plaintiff's damages, security access, public trust eligibility, and background investigation; the VA's personnel suitability and security program, investigative process, position risk levels and stability determinations; and notices regarding plaintiff to Hines VA human resources manager and VA security and investigations center.

13.24 Michael Cronin. Mr. Cronin will testify regarding Plaintiff's behavior, characteristics, and conduct.

13.25 Macintosh Ewell. Mr. Ewell will testify regarding Plaintiff's termination and about mentoring Mr. Slater and about Mr. Slater's characteristics as a supervisors. Further will testify regarding Plaintiff's alleged defamatory and commercially disparaging statements as to MS. Wolford, Mr. Slater, and CSSS and the alleged damages that have been suffered.

13.26 Gary Knipple. VA Hines Facility Employee. Mr. Knipple will testify regarding Plaintiff's termination and the VA police report on the date of the termination.

13.27 Maria L. Milan. Ms. Milan will testify regarding Plaintiff's claims, his behavior, characteristics, conduct and alleged damages and regarding the circumstances of Plaintiff's termination and regarding communication with and about Plaintiff.

13.28 Lisa Wolford. Ms. Wolford is expected to testify regarding her regarding

Plaintiff's Complaint and Defendants' Counterclaim, along with interrogatory answers and any 213(f) (1) disclosures prepared on her behalf. Ms. Wolford will also testify regarding Plaintiff; a termination. Further, Ms. Wolford will testify regarding Plaintiff's alleged defamatory and commercially disparaging statements as to her and CSSSS and the damages suffered. MS. Wolford will also testify as to those matters raised in her deposition and the positions of other people taken in this case.

13.29 Diana Nary. Ms. Nary will testify regarding plaintiff's claims, his behavior, characteristics, conduct and alleged damages. Ms. Nary will also testify as an (f) (1) and/or (f) (2) witness regarding Plaintiff's security access, public trust program, investigative process, position risk levels and suitability determinations, and notices regarding plaintiff to Hines VA human resources manager and VA security and investigations center.

13.30 Custodian of Records and Representative for the VA and VA Hines Facility, including but not limited to the Hines VA Police department, Hines Illinois. This/these witness(es) will testify regarding the maintenance records pertaining to the Plaintiff. The witness(es) will also testify regarding Hines VA policies, practices and procedures, specifically how incidences of termination with a Hines VA Police Officer present are handled and documented.

13.31 Defendants Witnesses. Each and every witness not identified above who is named as a witness by Defendants in their discovery disclosure, both the Defendants' Response to PLAINTIFFS' FIRST SET OF INTERROGATORIES and Defendant's Supplemental Response to Plaintiff's interrogatories. Plaintiff hereby incorporates herein by reference each and every witness of Defendants as also being a witness to be called by Plaintiff.

Independent expert witness disclosed pursuant to Supreme Court Rule 213(f)(2) are the following individuals:

Answer: Ron Klavon (13.7 above), Neil Pier (13.7), and Jerry Taylor (13.3)

Larry Carver. These persons were also noted as identified as (f)(1 veterans affaires employment related issues (including but not limited to protocols, technical knowledge requirements of contractors and employees, hiring, firing, security etc.)

Plaintiff reserves the right to amend or supplement his (f) (1) and (2) disclosures.

b. Controlled expert witnesses disclosed pursuant to Supreme Court Rule 213(f)(3) are the following individuals:

Answer: Plaintiff is seeking expert(s) to substantiate damages to his career

potential due to the loss of federal employment opportunity and long-term job security, pension, etc., as a direct result of Defendants' conduct. Plaintiff reserves the right to name 213(f) (3) witnesses to the end of the discovery period set by Court Order September 2, 2010..

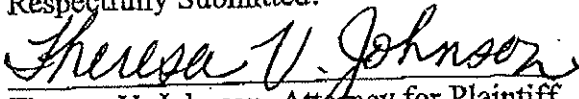
13. The individuals disclosed as witnesses herein, on information and belief, have relevant personal knowledge to the best of the Plaintiff's personal knowledge and available information.

14. Disclosure of the aforesaid witnesses is to notify parties entitled to Notice in this action that Plaintiff may, but has not committed to the introduction of said witnesses at any point in this litigation. Further, investigation remains ongoing as discovery continues and as Plaintiff tenders proper discovery responses and Plaintiff will seek leave of Court to file supplemental witness disclosures and discovery demands as reasonably necessary.

15. Plaintiff also adopts herein by reference and reserves the right to call any individual named in any of Defendants' or Plaintiff's 213 (f) disclosures at trial and to depose them prior to the expiration of the discovery cut-off date set by the court. In addition to the topics detailed herein *supra*, these witness may be called to testify to the alleged facts and circumstances in Plaintiff's Complaint and the facts and circumstances in Defendants' Answer to Complaint and Defendants' Counterclaims, the interrogatory answers prepared on behalf of the Defendants and Plaintiff in this lawsuit, any 213(f) disclosures prepared on behalf of the Defendants and Plaintiff in this lawsuit and any deposition testimony in this lawsuit. Investigation continues.

Dated: September 17, 2010

Respectfully Submitted:


Theresa V. Johnson, Attorney for Plaintiff

Theresa V. Johnson
Attorney at Law
Law Office of Theresa V. Johnson
200 East Chicago Ave. Suite 200
Westmont, IL 60559
Tel: (630) 321-1330
Fax: (630) 321-1185
Cook County Attorney No. 37363

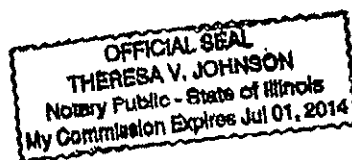
CLIENT'S VERIFICATION

UPON PENALTY OF PERJURY, I, the undersigned, state that I have read the foregoing pleading and I further state that I have provided to the attorney who prepared this document information which, to the best of my knowledge and belief, is true and accurate. I further state that his pleading is being served and filed with my consent and as part of my attorney's required duties in representing me. I further state that my attorney has my consent and my direction and that my attorney has based her statements on the factual information provided to her by me.

Chris S. Date: Sept. 17, 2010
Christopher S. Cynowa

Sworn and subscribed to before me on this 17th day of September, 2010.

Theresa V. Johnson
NOTARY PUBLIC

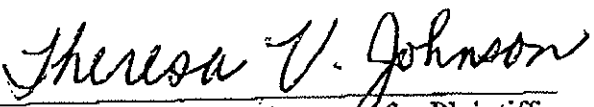


Theresa v. Johnson
Attorney at Law
Law Office of Theresa V. Johnson
200 East Chicago Ave. Suite 200
Westmont, IL 60559
Tel.: (630) 321-1330
Fax: (630) 321-1185

CERTIFICATE OF SERVICE

I, Theresa V. Johnson, hereby certify that a copy of the foregoing **PLAINTIFF'S AMENDED SUPPLEMENTAL WITNESS DISCLOSURE TO DEFENDANTS** is tendered to Defendant's counsel, as listed below, by ___ email and/or ___ Fax on September 17, 2010.

Mr. Kevin Duff
Mr. John Murray
Rachlis Durham Duff & Adler, LLC
542 South Dearborn, Suite 900
Chicago, Illinois 60605
(312) 733-3950 (312) 733-3952 (fax)



Theresa V. Johnson, Attorney for Plaintiff

Theresa V. Johnson
Attorney at Law
Law Office of Theresa V. Johnson
200 East Chicago Ave. Suite 200
Westmont, IL 60559
Tel: (630) 321-1330
Fax: (630) 321-1185
Cook County Attorney No. 37363

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cynowa

v.

CSSS

2

No. 09 L 403



ORDER

This cause coming to be heard on Defendants motion for default of Defendants counter claims and Defendants motion to compel discovery (interrogatories and Production Request) counsel for the parties present and the court advised it is hereby ordered:

1) Plaintiff is to respond to the counter claim and serve a date or on or before May 21, 2009 from date if this response date is not met the court will enter default and entertain sanctions.

2) Plaintiff is to respond to discovery within 14 days or on or before May 28, 2009 from date. If the response date is not met the court will entertain sanctions.

Atty. No.: 40151

Name: KDDA

Atty. for: Defendants

Address: 5125 Dearborn # 900

City/State/Zip: Chicago IL 606405

Telephone: 312. 733-3950

ENTERED:

Assoc. Judge Ronald S. Davis

Dated: MAY 14 2009

Circuit Court - 553

Judge

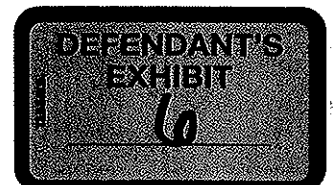
Judge's No.

***** NOTICE *****

CASE 08-L-000403

* CYNOWA CHRISTOPHER VS CSSS INC

YOU ARE NOTIFIED THAT YOUR CASE WAS DISMISSED FOR WANT
OF PROSECUTION AGAINST CSSS INC
ON 08/18/2009 BY JUDGE MARAS, MARCIA



* * * * * N O T I C E * * * * *

CASE 08-L-000403

CYNOWA CHRISTOPHER

VS CSSS INC

YOU ARE NOTIFIED THAT YOUR CASE WAS DISMISSED FOR WANT
OF PROSECUTION AGAINST WOLFORD LISA
ON 08/18/2009 BY JUDGE MARAS, MARCIA

* * * * * N O T I C E * * * * *

CASE 08-L-000403

CYNOWA CHRISTOPHER VS CSSS INC

YOU ARE NOTIFIED THAT YOUR CASE WAS DISMISSED FOR WANT
OF PROSECUTION AGAINST SLATER WILLIAM F
ON 08/18/2009 BY JUDGE MARAS, MARCIA

11⁰⁰ am. emerg. call # 5

ORDER

CCG N002-300M-2/28/05(43480658)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

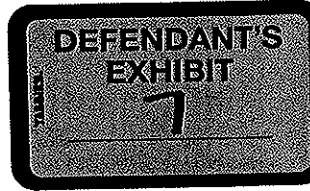
Exhibit # 5

Cynova

v.

No. 08 L 403

CSSS, et al



ORDER

This matter coming to be heard on Defendants' Emergency Motion for a Protective Order to Prevent Plaintiff from Taking the Evidence Deposition of Danette Tucker on September 2, 2010, notice having been given, counsel for all parties being present in Court, and the Court being advised in the premises,

IT IS HEREBY ORDERED:

- (1) Defendants' motion is GRANTED;
- (2) Danette Tucker's ~~deposition~~ evidence deposition shall not proceed on 9/2/2010;
- (3) Counsel for the parties shall make themselves available to proceed with Danette Tucker's deposition by telephone within 3 business days of September 2, 2010;
- (4) The Court declined to rule on plaintiff's pending motion to extend discovery, which remains scheduled for hearing on Sept 2, 2010, at 10:30 a.m.

Atty. No.: 40151
 Name: K. D. H.
 Atty. for: N
 Address: 543 S. Dearborn St., Suite 900
 City/State/Zip: Chicago, IL 60605
 Telephone: 312-733-2950

ENTERED: Judge Robert Lopez Cepero
 Dated: AUG 27 2010
 Circuit Court-1627
 Judge _____ Judge's No. _____

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

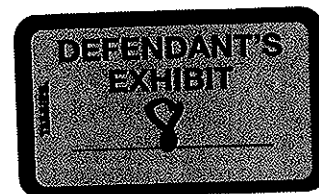
CHRISTOPHER S. CYNOWA,)
)
Plaintiff,)
) No. 08 L 403
v.)
)
CSSS, INC.)
LISA WOLFORD,)
and BILL SLATER)
Defendants,)

**PLAINTIFF'S SUPPLEMENTAL RESPONSE TO DEFENDANTS'
FIRST SET OF INTERROGATORIES**

NOW COMES Plaintiff, CHRISTOPHER CYNOWA, by and through Attorney, Theresa V. Johnson, of the Law Office of Theresa v. Johnson and tenders **PLAINTIFF'S SUPPLEMENTAL RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES** to Supreme Court Rule 213 (f) as follows:

1. Lay witnesses disclosed pursuant to Supreme Court Rule 213(f)(1) are the following individuals:

- 1.1 Dr. Thu Thi Pham.** Dr. Pham, previously disclosed incorrectly in Plaintiff's response to Defendants first Production as "Dr. Fong" is a former employee in the Csss at the Washington D.C. office, and on information and belief, resigned and/or was terminated by Lisa Wolford. Dr. Pham will testify concerning her personal knowledge of the validity of allegations made in Defendant's Counterclaim and in Lisa Wolford's deposition and as well information concerning the character of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and the defense of Defendant's Counterclaim. Dr. Pham will testify regarding employees of the DC Office, especially Danette Tucker and Lan Tran – their work responsibilities, the reasons for their termination, and why they were terminated.
- 1.2 Danette Tucker.** Ms. Tucker is the former office manager for the Washington D.C. office of CSSS, Inc. and on information and belief, was terminated by Lisa Wolford for non-work performance causes, on information and belief, was induced under duress to sign a release of her rights to sue CSSS. Ms. Tucker is believed to have personal knowledge concerning the validity of allegations made in Defendant's Counterclaim and deposition of Lisa Wolford as well as



information concerning the character of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and the defense of Defendant's Counterclaim. Ms. Tucker will testify to her responsibilities during her employ at CSSS and regarding the circumstance under which she was terminated. She will testify that she signed a release which prohibits her from suing CSSS and disparaging CSSS and CSSS's mutual agreement not to disparage Ms. Tucker.

1.3 Jerry Taylor. Mr. Taylor is Hines, VA manager located in Seattle, Washington person who is believed to have personal knowledge concerning the procedures for and other relevant information concerning the hiring of VA employees from the CSSS, Inc. contract for the VA at Hines hospital. Further, Mr. Taylor is believed to have personal knowledge concerning the validity of allegations made in Defendant's Counterclaim and as well information concerning the character of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and the defense of Defendant's Counterclaim. Mr. Taylor is expected to testify regarding the aforementioned matters for which he has knowledge.

1.4 Michael Floyd. Mr. Floyd's telephone number is believed to be 312-287-4233 and he is a former program manager for AC Tech, the of CSSS, Inc. on the VA contract and director of one of the subcontracts and, who on information and belief, was removed from the VA contract at Hines by Lisa Wolford and who is believed to have personal knowledge concerning the procedures for and other relevant information concerning the hiring of VA employees from the CSSS, Inc. contract for the VA at Hines Hospital. Further, Mr. Floyd is believed to have personal knowledge concerning the validity of allegations made in Defendant's Counterclaim and as well information concerning the character of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and the defense of Defendant's Counterclaim.

1.5 Lan Tran. Lan Tran is a former CSSS, Inc. employee at the Washington D.C. office, who, on information and belief, gave a required three week notice of resignation to CSSS, but was subsequently fired by Ms. Wolford before the three weeks were up. Ms. Tran believed to have personal knowledge concerning the validity of allegations made in Defendant's Counterclaim and Lisa Wolford's deposition testimony regarding Danette Tucker allegedly not being the Office Manager at CSSS DC office and concerning the character of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and the defense of Defendant's Counterclaim.

1.6 Ron Klavohn. Mr. Klavohn's e-mail is ron.klavohn@va.gov and his telephone number is believed to be 708-466-6908. Mr. Klavohn is a VA employee who is

believed to have personal knowledge concerning the procedures for and other relevant information concerning the hiring of VA employees from the CSSS, Inc. contract for the VA at Hines hospital. Further, Mr. Klavohn is believed to have personal knowledge concerning the validity of allegations made in Defendant's Counterclaim and as well information concerning the character of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and Plaintiff's defense against Defendant's Counterclaim. He is expected to testify to the same afore-named matters.

1.7 Neil Piper. Mr. Piper's e-mail is neil.piper@va.gov and he is a VA employee located in New York who is believed to have personal knowledge concerning the procedures for and other relevant information concerning the hiring of VA employees who previously worked on the CSSS, Inc. contract for the VA at Hines Hospital. Further, Mr. Piper is believed to have personal knowledge concerning the validity of allegations made in Defendant's Counterclaim and as well information concerning the character of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and Plaintiff's defense against Defendant's Counterclaim. Mr. Piper is believed to have spoken with and exchanged emails with CSS managers/employees regarding the reasons that Chris Cynowa was terminated from CSSS and regarding Chris Cynowa allegedly being dangerous and/or possessing some form of a weapon/gun/AK-47 and exchanged emails with VA managers/employees regarding the same.

1.8 Arnold Huff. Mr. Huff was a business development director at the CSSS Washington D.C. office and is believed to have personal knowledge concerning the validity of allegations made in Defendant's Counterclaim and as well information concerning the character and reputation of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and Plaintiff's defense against Defendant's Counterclaim and the work function and responsibilities of Danette Tucker

1.9 Carla Undaraga (spelling unknown). Ms. Undaraga was an employee at the Washington D.C. office of CSSS, Inc. and is believed to have personal knowledge concerning the validity of allegations made in Defendant's Counterclaim and as well information concerning the character and reputation of Lisa Wolford and other CSSS, Inc. management to the extent such information is relevant to the prosecution of Plaintiff's Complaint and Plaintiff's defense against Defendant's Counterclaim and regarding the work functions and responsibilities of Danette Tucker Carla and is expected to testify to the same.

1.10 Noel Flanagan. Mr. Flanagan is/was an employee or subcontractor of CSSS on the Hines VA project and is believed to have personal information regarding Plaintiff's alleged temper, alleged run ins with the staff and alleged possession of a gun or weapon or AK-47 and is believed to have communicated the same to

William Slater. On information and belief, Mr. Slater sent an email to Lisa Wolford, Scott Theobald, Anthony Slatton, with a copy to Larry Carver that they should tell their lawyers that Noel Flanagan was the source of the rumor that Plaintiff was, in manner of speaking a "hot head" stating and that he was dangerous. Mr. Slater is expected to testify to the same.

1.11 Scott Price. Scott Price is a State Senator in the State of Nebraska and also was a former employee of CSSS who had prior business dealings with Defendant Wolford and is believed to have personal experience with and information on the business ethics and character of Defendant Wolford.

1.12 Bill Slater. Bill Slater was Plaintiff's supervisor, previously disclosed in response to Defendant's First Set of Interrogatories. Bill Slater is believed to have information related to the destruction of Chris Cynowa's computer backup records, is believed to be the originator of the allegation that Cynowa had a gun/AK-47, could be dangerous and that he was a "hothead" and is believed have had conversation with Lisa Wolford and Noel Flanagan and others regarding Christopher Cynowa allegedly being hot tempered, dangerous and possessing a weapon/gun/AK-47.

1.13 Diane Ortiz. Diane works for CSSS at the Omaha Office and is believed to have information on the paperwork that is processed to security clearances for employees working on federal contracts.

Plaintiff reserves the right to name 213(f) (1) witnesses to the end of the discovery period.

2. Independent expert witness disclosed pursuant to Supreme Court Rule 213(f)(2) are the following individuals:

a. Plaintiff is in process of locating an independent damages expert. Plaintiff reserves the right to name 213(f) (2) witnesses to the end of the discovery period.

3. Controlled expert witnesses disclosed pursuant to Supreme Court Rule 213(f)(3) are the following individuals:

a. None at this time; however Plaintiff is seeking expert(s) to substantiate damages to his career potential due to the loss of federal employment opportunity and long-term job security, pension, etc., as a direct result of Defendants' conduct. Plaintiff reserves the right to name a 213(f) (3) witnesses to the end of the discovery period.

4. The individuals disclosed as witnesses herein have relevant personal knowledge on information and belief to the best of the Plaintiff's personal knowledge and available information.

5. Disclosure of the aforementioned witnesses is to notify parties entitled to Notice in this action that Plaintiff may, but has not committed to the introduction of said witnesses at any point in this litigation. Further, investigation remains ongoing as discovery continues and as Plaintiff tenders proper discovery responses and Plaintiff will seek leave of Court to file supplemental witness disclosures and discovery demands as reasonably necessary.


6. Plaintiff also adopts herein by reference and reserves the right to call any individual named in any of Defendant's of Plaintiff's 213 (f) disclosures at trial and to depose them prior to the expiration of the discovery period or cut-off date set by the court. In addition to the topics detailed herein *supra*, these witness may be called to testify to the alleged facts and circumstances in Plaintiff's Complaint and the facts and circumstances in Defendants' Answer to Complaint and Defendants' Counterclaims, the interrogatory answers prepared on behalf of the Defendants and Plaintiff in this lawsuit, any 213 (f) disclosures prepared on behalf of the Defendants and Plaintiff in this lawsuit and any deposition testimony in this lawsuit.

Investigation continues.

Dated: August 31, 2010

Theresa V. Johnson
Attorney at Law
Law Office of Theresa V. Johnson
200 East Chicago Ave. Suite 200
Westmont, IL 60559
Tel: (630) 321-1330 Fax: (630) 321-1185
Cook County Attorney No. 37363

Respectfully Submitted:



Theresa V. Johnson, Attorney for Plaintiff

CLIENT'S VERIFICATION

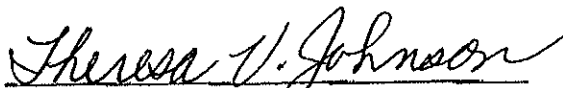
UPON PENALTY OF PERJURY, I, the undersigned, state that I have read the following discovery response document and I further state that O have provided to the attorney who prepared this document, information which, to the best of my knowledge and belief, is true and accurate. I further state that his pleading is being served and filed with my consent and as part of my attorney required duties in representing me. I further state that my attorney has my consent and my direction and that my attorney has base her statements on the factual information provided to her by me.

 Date: 8-31-10
Christopher S. Cynowa

CERTIFICATE OF SERVICE

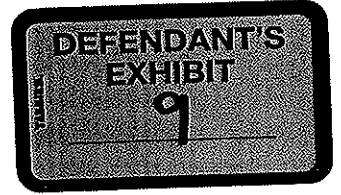
I, Theresa V. Johnson, hereby certify that a copy of the foregoing **PLAINTIFF'S SUPPLEMENTAL WITNESS DISCLOSURE TO DEFENDANTS** is tendered to Defendant's counsel, as listed below, by email and Fax on August 31, 2010.

Mr. Kevin Duff
Mr. John Murray
Rachlis Durham Duff & Adler, LLC
542 South Dearborn, Suite 900
Chicago, Illinois 60605
(312) 733-3950 (312) 733-3952 (fax)


Theresa V. Johnson, Attorney for Plaintiff

Theresa V. Johnson
Attorney at Law
Law Office of Theresa V. Johnson
200 East Chicago Ave. Suite 200
Westmont, IL 60559
Telephone: (630) 321-1330 Fax: (630) 321-1185
Cook County Attorney No. 37363

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS



Cynova

v.

CSSS, et al.

No. 08 L 403

ORDER

This matter coming to be heard on Defendants' Amended Motion to Compel and for a Protective Order to Prevent Plaintiff from Using Privileged Documents of Defendants, ~~and~~ the Court having reviewed the document in question in camera, and counsel having presented arguments,

IT IS HEREBY ORDERED:

- (1) Defendants' motion is GRANTED;
- (2) The Court finds that the document in question is privileged in its entirety; and
- (3) Plaintiff, his counsel, and anyone working for them, shall delete all copies of the document in question, in electronic format or otherwise, instantaneously.

Atty. No.: 40151

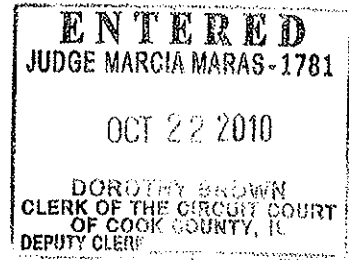
Name: K. Duff

Atty. for: A

Address: 542 S. Dearborn, Suite 900

City/State/Zip: Chicago, IL 60605

Telephone: 312-733-3950



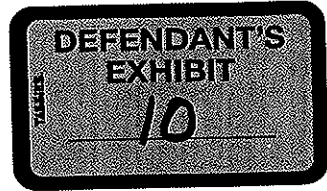
ENTERED:

Dated: _____

Judge

Judge's No.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS



Cynowa
v.
CSSS, et al.

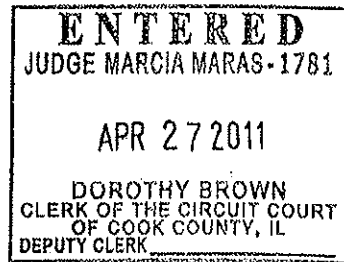
No. 08 L 403

ORDER

This matter coming to be heard on the Blackline trial call, counsel for Defendants having appeared, and the Court being advised in the premises,

IT IS HEREBY ORDERED:

This matter is set for status hearing before Judge Marcus in Room 2006 on June 9, 2011, at 1:00 p.m.



Atty. No.: 48221
Name: K. Duff
Atty. for: Δ^s
Address: 542 S. Dearborn, Ste. 900
City/State/Zip: Chicago, IL 60605
Telephone: 312-733-3950

ENTERED:

Dated: _____

Judge

Judge's No.