

EXHIBIT 7

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' ANSWER AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S VERIFIED AMENDED COMPLAINT**

NOW COME Defendants, Client/Server Software Solutions, Inc. ("CSSS"), Lisa Wolford ("Wolford"), and William F. Slater ("Slater"), by and through their undersigned attorneys, and incorporate by reference as though set forth fully herein their answers and affirmative defenses to Plaintiff's Verified Complaint as their Answer and Affirmative Defenses to Plaintiff's Verified Amended Complaint, and further answer the allegations in Plaintiff's Verified Amended Complaint as follows:

1. That Plaintiff sought leave of court to add Mr. NOEL FLANAGAN as a defendant in this matter.

ANSWER: Admitted.

2. That the Court granted Plaintiff leave to file an pleading adding Mr. NOEL FLANAGAN as a defendant by September 17, 2010 and this pleading complies with the Order of the Court and is timely filed.

ANSWER: Admitted.

3. That Plaintiff fully incorporates by reference herein PLAINTIFF'S VERIFIED COMPLAINT which remains at issue in this matter.



ANSWER: No answer from the Defendants is required to Paragraph 3 because its allegations are not directed to Defendants. However, to the extent an answer is required, Defendants incorporate by reference as though set forth fully herein their answers and affirmative defenses to Plaintiff's Verified Complaint at Law.

4. That upon information and belief, Mr. NOEL FLANNIGAN told CSSS, Inc. staff and/or employees a statement to the effect that Plaintiff Christopher S. Cynowa possessed a weapon, a gun, and/or an AK-47.

ANSWER: Defendants admit that Noel Flanagan said to Slater that Cynowa could have a gun. Except as admitted, Defendants deny all other allegations contained in this paragraph.

5. That upon information and belief, Mr. NOEL FLANNIGAN told CSSS, Inc. staff and/or employees a statement to the effect that Plaintiff Christopher S. Cynowa is a bad temper.

ANSWER: Defendants admit that Noel Flanagan told Slater that Cynowa "is a hothead." Except as admitted, Defendants deny all other allegations contained in this paragraph in their entirety.

6. That upon information and belief, Mr. NOEL FLANNIGAN told CSSS, Inc. staff and/or employees a statement to the effect that Plaintiff Christopher S. Cynowa could be dangerous and that Mr. NOEL FLANNIGAN communicated this message to Bill Slater and other CSSS, Inc. staff and/or employees.

ANSWER: Defendants admit that Noel Flanagan told Slater that Cynowa could be dangerous. Except as admitted, Defendants deny all other allegations contained in this paragraph.

7. That investigation continues in this matter as it relates to Mr. NOEL FLANNIGAN and Plaintiff reserves the right to seek to amend underlying pleadings as necessary to properly litigate Plaintiff's claims in this matter.

ANSWER: No answer from the Defendants is required to Paragraph 7 because it contains no factual allegations directed to Defendants. However, to the extent an answer is required, Defendants deny the allegations contained in this paragraph.

WHEREFORE, and for the foregoing reasons, Plaintiff Christopher S. Cynowa, prays for the following relief:

- a. Order the inclusion of Mr. NOEL FLANNIGAN as an additional Defendant in this matter, applying all underlying allegations and relief requested to Mr. NOEL FLANNIGAN; and
- b. For such other relief as the court deems just.

ANSWER: Defendants deny that Plaintiff is entitled to any legal or equitable relief.

AFFIRMATIVE AND OTHER DEFENSES

Defendants, for their defenses to the Plaintiffs' Verified Amended Complaint, without assuming the burden of persuasion on any of the defenses except as established by law, state the following defenses:

Absolute Privilege

1. On the morning of Plaintiff's termination the Hines VA police were requested to be present during Plaintiff's termination and to escort Plaintiff from the premises.
2. The Hines VA police department sent Officer Bob Adrowski ("Officer Adrowski") to be present during Plaintiff's termination and to escort Plaintiff from the premises.
3. When Officer Adrowski arrived he requested information that may be relevant to Plaintiff's termination and escorting Plaintiff from the premises.

4. To the extent that any of the statements are deemed defamatory, they are made to a policeman within the scope of his duties and to facilitate the safe termination of Plaintiff.

5. Accordingly, the alleged statements are barred by absolute privilege.

Qualified Privilege

6. Any alleged statements were made with good faith in response to a police officer's inquiry.

7. Defendants had a duty to ensure the safety of their employees and their workplace.

8. Further, the statements that were made to a limited number of persons and under qualified circumstances in connection with a lawful termination.

9. Consistent with the interests of the Defendants and the Hines VA facility, as well as the interests of the public, the Hines police officer and the Defendants had a duty to protect the public and ensure safety.

10. Therefore, the statements are subject to a qualified privilege.

Opinion

11. The alleged statements can be construed as opinions regarding Plaintiff and the circumstances of his termination.

12. As opinions, the alleged statements are protected free speech and therefore not actionable.

Innocent Construction

13. The alleged statements are subject to an innocent construction. In particular, they may be readily construed as providing the type of information that a police officer may want or need to know in circumstances like those alleged here.

14. In addition, the alleged statements are not actionable because having a temper and having an AK-47 is legal here in Illinois.

15. Further, these alleged statements also simply indicate character traits.

16. Thus, the alleged statements are subject to an innocent construction and therefore are not actionable.

Truth of Statement

17. Prior to the events in question, upon information and belief, Plaintiff made statements indicating that he possessed and/or had access to weapons.

18. Further, prior to the events in question Plaintiff got into verbal confrontations with staff and exhibited aggression, hostility, and a temper on many occasions in the workplace.

19. In addition to the disparaging and defamatory remarks that the Plaintiff made as detailed below, herein, and as alleged in Defendants' Counterclaims (which are incorporated herein by reference), during the events in question Plaintiff hurled obscenities such as "I can't believe this shit" while exhibiting aggressive body language.

20. At the time of Plaintiff's termination, Plaintiff made threats as to CSSS management, in particular Slater and Wolford, that each would in turn "get his" and "get hers."

21. With the assistance of VA Police, Plaintiff's termination was completed without physical violence or incident and Plaintiff was escorted from the workplace.

22. Thus, to the extent that the alleged statements were made, they are also true.

23. Accordingly, Plaintiff would not be entitled to any relief.

Set-Off

24. Plaintiff's claims should be set-off by the amount of any recovery Defendants are entitled to.

PRAYER FOR RELIEF

WHEREFORE, Defendants CSSS, Wolford and Slater pray for:

- A. Judgment in their favor and against the Plaintiff;
- B. The relief Defendants have requested in connection with their Counterclaims;
and
- C. Such other relief for the Defendants as this Court deems just and appropriate.

Dated: October 7, 2010

Respectfully submitted,

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

By: 


One of their attorneys

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Rachlis Durham Duff & Adler, LLC
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VERIFICATION

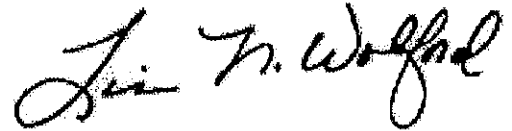
Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters stated to be on information and belief, as to such matters, the undersigned certifies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

Dated: October 6, 2010

By: 
WILLIAM F. SLATER, III

VERIFICATION

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

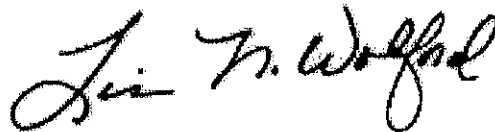


By:

CLIENT/SERVER SOFTWARE
SOLUTIONS, INC. by its President,
LISA N. WOLFORD

VERIFICATION

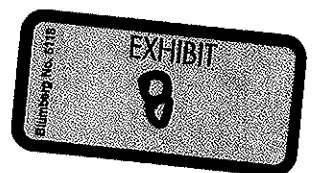
Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters stated to be on information and belief, as to such matters, the undersigned certifies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

A handwritten signature in black ink, appearing to read "Lisa N. Wolford". The signature is written in a cursive style with a large initial "L".

By:

LISA N. WOLFORD

EXHIBIT 8



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

CHRISTOPHER S. CYNOWA,)
)
 Plaintiff,)
)
 v.)
)
 CSSS, INC., et al)
)
 Defendants.)

No. 08 L 403

FILED-2
2008 MAY 12 PM 4:18
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
LAW DIVISION
DOROTHY BROWN CLERK

**DEFENDANTS' COMBINED 2-615 & 2-619 MOTION
TO DISMISS PLAINTIFF'S COMPLAINT**

Defendants CSSS, Inc., Lisa Wolford, and William F. Slater, move to dismiss Plaintiff's Complaint pursuant to 735 ILCS 5/2-615 & 2-619, and in support of their motion, state as follows:

Allegations in the Complaint

This cause of action follows the termination of Plaintiff's at-will employment by Defendant CSSS on January 18, 2007. (Compl., at 7, ¶¶ 24-27.) Prior to his termination, Plaintiff was a senior systems engineer assigned to perform computer services at the Hines VA Hospital of the U.S. Department of Veteran Affairs in Hines, Illinois ("Hines VA"). (*Id.* at 1, ¶¶ 1-2.) CSSS provides on-site computer support services to Hines VA Hospital under federal contract. (*Id.* ¶ 2.)

On January 18, 2007, Defendant William Slater, a CSSS site manager at the Hines VA Hospital, asked a Hines VA employee to call the Hines VA Police Office to request that the police stand-by during Plaintiff's termination. (*Id.* at 2, ¶ 5 & at 6, ¶ 19.) Hines VA Police Officer Bob Androwski was assigned to stand-by during Plaintiff's termination. (*Id.* at 6, ¶ 20.) Prior to Plaintiff's termination, while Officer Androwski

waited in Mr. Slater's office, Mr. Slater made the following oral statements to Officer Androwski: "Mr. Cynowa has a temper and has had a few verbal confrontations with the staff. Mr. Cynowa mentioned having an AK-47 assault rifle." (*Id.* ¶ 21.) These statements were repeated in Officer Androwski's written report, which added that "Mr Slater was nervous about how Mr Cynowa would react to receiving the termination papers." (*Id.* at 11, ¶ 46 & Ex. E.)

Plaintiff contends that these statements were defamatory *per se* because they slandered and libeled him by imputing to him both a criminal offense and a lack of ability in his trade, profession, or business. (Counts I-IV.) He also claims that these statements were defamatory *per quod* in the same respects and in connection therewith he seeks damages for lost wages and benefits, "inability to pay adequate child support," "injuries to professional and personal reputation," and "humiliation and emotional and physical distress." (Counts V-VIII.) Plaintiff also contends that these statements placed him in a false light. (Count IX.) Finally, Plaintiff brought a claim for intentional infliction of emotional distress (Count X), which he alleges manifested itself when his "blood pressure reached dangerous levels" and that he "was forced to obtain medical attention and medications for emotional distress" as a result of the Defendants' alleged conduct. (*Id.* at 22, ¶¶ 54, 56.)

Plaintiff's claims should be dismissed because they fail to set forth the basic elements of the asserted causes of action, including because the alleged statements are not defamatory. Moreover, his claims also must be dismissed because the statements at issue are subject to innocent construction and because the statements are privileged and cannot form the basis of a defamation or false light claim, as a matter of law.

Argument

- I. **The Court should dismiss Plaintiff's claims pursuant to Section 2-615 because Plaintiff fails to adequately plead claims for defamation, false light, and intentional infliction of emotional distress.**

Plaintiff fails to set forth the facts to state any cognizable claim. His *per se* and *per quod* defamation claims fail because the statements that he had a temper, verbal confrontations with staff, and a rifle, are not defamatory. However, even if they were defamatory, Plaintiff has failed to set forth the essential elements for his defamation, false light, and intentional infliction of emotional distress claims.

- A. **Plaintiff fails to adequately plead any claim of defamation.**

1. **Plaintiff fails to state a claim for defamation *per se*.**

The Court should dismiss Counts I-IV of Plaintiff's complaint because the alleged statements concerning his temper, confrontations with staff, and possession of a rifle are not defamatory *per se*. A statement is defamatory *per se* where "the defamatory character of the statement is apparent on its face; that is, when the words used are so obviously and materially harmful to the plaintiff that injury to his reputation may be presumed." *Kolegas v. Heftel Broadcasting Corp.*, 154 Ill. 2d 1, 10, 607 N.E.2d 201, 206 (1992). Four types of statements are considered defamatory *per se*:

(1) words which impute the commission of a criminal offense; (2) words that impute infection with a loathsome communicable disease; (3) words that impute an inability to perform or want of integrity in the discharge of duties of office or employment; or (4) words that prejudice a party, or impute lack of ability, in his or her trade, profession or business.

Id. (citations omitted). Plaintiff asserts that the statements at issue fall within the first and fourth categories. However, the alleged statements do not fall within either category.

First, the statement that “Mr. Cynowa mentioned having an AK-47 assault rifle” is not defamatory *per se*. Saying that a person possesses an AK-47 does not impute the commission of a crime because owning an AK-47 is legal in Illinois. *See* Illinois Deadly Weapons Act, 720 ILCS 5/24-1(a)(7)(i) & (ii).

Second, the statements that Plaintiff “has a temper” and “has had a few verbal confrontations with staff” do not impute an inability of Plaintiff to perform computer services. In *Heying v. Simonaitis*, the appellate court affirmed dismissal of the plaintiff nurse’s defamation *per se* claim which was based on both the doctors’ alleged statements that the plaintiff’s personality was causing conflicts and interfering in the workplace as well as epithet and name-calling allegations. 126 Ill. App. 3d 157, 164-65, 466 N.E.2d 1137, 1143 (1st Dist. 1984). The court held that these allegations did not rise to a level to impugn the plaintiff’s abilities as a nurse. *Id.* Similarly, here, Plaintiff’s allegations do not impugn his ability to perform as a computer systems analyst. *See also, e.g., Cody v. Harris*, 409 F.3d 853, 857-58 (7th Cir. 2005) (affirming dismissal of defamation *per se* claims based on staff meeting statements that “might have damaged the plaintiff’s personal reputation” or been “critical of his personal integrity”); *Sangston v. Ridge Country Club*, 1992 WL 317138, at *4 (N.D. Ill. Oct. 29, 1992) (statements that did not disparage plaintiff in his profession were not defamatory *per se* even if they damaged his personal reputation and hurt his chances to get a new job).

Here, the statements that Plaintiff “has a temper,” and “has had a few verbal confrontations with staff” merely speak to Plaintiff’s character traits. These alleged statements do not imply that Plaintiff lacked ability as a computer systems engineer.

Thus, the Court should dismiss Counts I-IV because the alleged statements at issues fail to state a claim for defamation *per se*.

2. Plaintiff fails to plead defamation *per quod*.

Plaintiff fails to state claims for defamation *per quod* for the same reasons that his *per se* claims fail. A *per quod* analysis applies to two categories of claims: “where the defamatory character of the statement is not apparent on its face, and resort to extrinsic circumstances is necessary to demonstrate its injurious meaning” or where “a statement is defamatory on its face, but does not fall within one of the limited categories of statements that are actionable *per se*.” *Bryson*, 174 Ill. 2d at 103, 672 N.E.2d at 1221. In either instance, a plaintiff asserting a *per quod* defamation claim “must plead and prove extrinsic facts to explain the defamatory meaning of the statement.” *Id.* In addition, unlike *per se* claims, for any *per quod* defamation claim, “damage to plaintiff’s reputation will not be presumed . . . and the plaintiff must plead and prove special damages to recover.” *Id.* Special damages are pecuniary or actual damages resulting from the defamatory statement. *See Imperial Apparel, Ltd. v. Cosmo’s Designer Direct, Inc.*, 227 Ill. 2d 381, 390, 882 N.E.2d 1011, 1018 (2008).

Here, plaintiff has failed to meet even the most basic pleading requirements because: (a) the defamatory nature of the statements is not apparent on their face; (b) Plaintiff has failed to plead extrinsic facts explaining the injurious nature of the statements; and (c) Plaintiff has failed to plead special damages.

In *Maag v. Illinois Coalition for Jobs, Growth & Prosperity*, 368 Ill. App. 3d 844, 853, 858 N.E.2d 967, 976 (4th Dist. 2006), the plaintiff failed to state a claim for *per quod* defamation based on a flyer attacking his candidacy which stated that as a judge he had

overturned sentences for a brutal murderer, a drug dealer, and a sexual predator. In support of his claims, the plaintiff alleged he suffered mental anguish, mental suffering, and lost salary and benefits. In upholding a motion to dismiss and ruling that the statements were not defamatory *per quod* the appellate court stated: “[p]laintiff does not allege extrinsic evidence to demonstrate the injurious meaning of the statements in the flyer but argues, as he did for his *per se* claim, the statements are defamatory on their face. . . . Further, plaintiff has not alleged special damages” *Id.*

Here, Plaintiff’s allegations are even less patent. The statements are not defamatory on their face for the reasons set forth above. The statements at issue only address character traits, and neither impugn his job performance nor impute a crime by his *legal* possession of a rifle. Moreover, Plaintiff has failed to allege any extrinsic facts to show the defamatory nature of the statements or any injurious meaning.

In *Lowe Excavating Co. v. International Union of Operating Engineers Local*, the court considered the import of extrinsic facts where an employer brought a *per quod* defamation claim against a union. 327 Ill. App. 3d 711, 722, 765 N.E.2d 21, 31 (2d Dist. 2002). The Union picketed Plaintiff’s largest construction site, which was federally funded, with signs stating “LOWE EXCAVATING DOES NOT PAY THE PREVAILING WAGES AND ECONOMIC BENEFITS FOR OPERATING ENGINEERS WHICH ARE STANDARD IN THIS AREA” The court found “the harmful nature of the Union’s statements was not obvious” on its face, but “knowledge of an extrinsic fact, that is, that the Ballashire Hall project was federally funded” was enough to show that the statement, although not defamatory on its face, was injurious to the plaintiff’s reputation. *Id.* Here, unlike the plaintiff in *Lowe*, Plaintiff has failed to

allege any facts showing how Defendants' alleged statements to police that Plaintiff had a temper, past confrontations with staff, and a rifle, which are not defamatory on their face, are nevertheless injurious to Plaintiff.

In addition, the Court should dismiss Plaintiff's *per quod* claims because Plaintiff has failed to allege special damages as required to state a claim. Here, Plaintiff has alleged loss of his job, lost wages and benefits, child support deficiencies, "[i]njuries to professional and personal reputation," and "humiliation and emotional and physical stress." *See* Compl. at 17-21. These are not special damages. In *Maag*, the court dismissed the plaintiff's claims for failure to state a claim premised on similar allegations. In that case plaintiff pled he had "'been injured in his personal reputation and in his professional reputation so far as his fitness to sit on the appellate court is concerned;' he 'suffered personal humiliation, mental anguish and mental suffering;' and he lost the salary and benefits of an appellate court judge." The court found that these allegations failed to set forth "actual damages of a pecuniary nature." The court reasoned that "general allegations such as damage to one's health or reputation, economic loss, and emotional distress are insufficient to state a cause of action for defamation per quod," 368 Ill. App. 3d 844, 853, 858 N.E.2d 967, 975 (citing *Kurzaba v. Pollock*, 318 Ill. App. 3d 686, 694, 742 N.E.2d 425, 433 (1st Dist. 2000)).

Nor, in any event, has Plaintiff alleged that his pecuniary losses were in any way connected to the allegedly defamatory statements. After all, his employment was terminated irrespective of the alleged defamation. Thus, for these reasons, the Court should dismiss Counts V-VIII because Plaintiff has neither alleged extrinsic facts nor special damages necessary to state *per quod* claims.

3. Plaintiff has failed to state a claim for false light.

For the same reasons that Plaintiff's defamation claims fail, so too must his false light claim fail. In order to state a claim for "false light," Plaintiff must allege facts showing that Defendants: (1) placed Plaintiff "in a false light before the public," (2) that the actions of Defendant would be "highly offensive to a reasonable person;" and, (3) that Defendants "acted with actual malice," or "reckless disregard for whether the statements were true or false." *See Kolegas*, 154 Ill. 2d at 18, 607 N.E.2d at 210 (citations omitted).

In *Kolegas*, the plaintiff promoter was promoting a festival to benefit the NF Foundation for neurofibromatosis, commonly known as Elephant Man's disease. 154 Ill. 2d at 7-8, 607 N.E.2d at 205. Plaintiffs, who were co-plaintiff's wife and child, suffered from the disease. Defendants made statements over the airwaves that the promoter must have had a "shotgun wedding" to marry his wife and that his wife and child had abnormally large heads. *Id.* Plaintiff promoter alleged that he was not married in such fashion and the heads of his child and wife were not abnormal. 154 Ill. 2d at 18, 607 N.E.2d at 210. Based on these statements and the allegations in the complaint, the court concluded that the plaintiff had stated a false light claim. *Id.* In contrast, Defendants' alleged statements to a police officer as to Plaintiff's temper, confrontations with staff, and possession of an AK-47 rifle do not allege that he was placed in a false light before the public. Moreover, unlike *Kolegas*, the statements here were privileged. *See Bradley v. Avis Rental Car Syst., Inc.*, 902 F. Supp. 814, 820 (N.D. Ill. 1995).

Nor do Plaintiff's allegations include statements that would be "highly offensive to a reasonable person" or that Defendants conduct is such that "the plaintiff, as a reasonable man, would be justified in the eyes of the community in feeling seriously

offended and aggrieved by the publicity.” 154 Ill. 2d at 18, 607 N.E.2d at 210 (citation omitted). All Plaintiff has alleged here is that Mr. Slater said he had a temper, confrontations with staff, and possessed a gun. This is not enough to allege false light.

Equally wanting are the allegations of malice by Defendants in terminating Plaintiff’s employment. In *Kolegas*, the defendants made highly offensive defamatory *per se* and controversial statements across the airways without any regard to their veracity. *Id.* In contrast here, the statements were communicated to police and were made during lawful termination of Plaintiff. In short, the Court should dismiss Count IX because Plaintiff has failed to set forth a claim of false light.

B. Plaintiff has failed to state a claim for intentional infliction of emotional distress.

Plaintiff also has failed to state a claim for intentional infliction of emotional distress. To state a claim for intentional infliction of emotional distress, plaintiff must plead: “(1) that the defendant’s conduct was extreme and outrageous; (2) that the defendant knew that there was a high probability that his conduct would cause severe emotional distress; and (3) that the conduct in fact caused severe emotional distress.” *See Kolegas*, at 154 Ill. 2d at 21, 607 N.E.2d at 211 (citations omitted).

Terminating an employee and allegedly telling the authorities who were called to escort him from the premises that Plaintiff had a temper, engaged in past confrontations with staff, and possessed a rifle hardly qualifies as the basis for intentional infliction of emotional distress. The court in *Layne v. Builders Plumbing Supply Co., Inc.*, while dealing with a similar set of facts (termination of an employee and an alleged defamatory statement to the police in conjunction with a motion to dismiss), reasoned as follows:

Recovery under this theory does not extend to conduct involving mere insults, indignities, threats, annoyances, petty oppressions, or other trivialities. Nor does it even extend to conduct “characterized by ‘malice’ or a degree of aggravation which would entitle the plaintiff to punitive damages for another tort. Rather, *the distress inflicted must be so severe that no reasonable man could be expected to endure it.* Here, the conduct alleged by plaintiff does not meet that requirement

210 Ill. App. 3d 966, 969, 569 N.E.2d 1104, 1107 (2d Dist. 1993) (emphasis added).

In *Layne*, prior to terminating plaintiff, defendant communicated to the police department that plaintiff had threatened, harassed, and assaulted a co-worker. 210 Ill. App. 3d at 968, 569 N.E.2d at 1106. Similar to the defendant in *Layne*, Defendants terminated Plaintiff for insubordination and gave the police officer information so that he could assess the person he would be escorting from the premises and any safety considerations that may be germane in the context of Plaintiff’s termination. *Peterson v. U.S. Reduction Co.*, 267 Ill. App. 3d 775, 779, 641 N.E.2d 845, 848 (1st Dist. 1994). Plaintiff’s allegations plainly fail to set forth any facts to show distress “so severe that no reasonable man could be expected to endure it.”

Lastly, Plaintiff has failed to allege he was caused any severe emotional distress. To show that the Defendants’ conduct caused severe emotional distress, Plaintiff must allege severe physical manifestations as a direct result of Defendants behavior. *Graham v. Commonwealth Edison Co.*, 318 Ill. App. 3d 736, 748-49, 742 N.E.2d 858, 868-69 (1st Dist. 2000). Here, Plaintiff’s allegation of increased blood pressure and emotional distress failed to show that the Defendants alleged conduct caused him *severe* emotional distress. Thus, for these reasons, the Court should dismiss Count X.

- II. The Court should dismiss Plaintiff's defamation and false light claims because they are barred by an absolute or qualified privilege, and the defamation *per se* claims are barred by the innocent construction rule pursuant to Section 2-619.

Defamatory *per se* statements are not actionable if they are "shielded under the innocent construction rule," defensible by an absolute or qualified privilege, or are "an expression of opinion." *Barakat v. Matz*, 271 Ill. App. 3d 662, 667, 648 N.E.2d 1033, 1038 (1st Dist. 1995) (citations omitted). Here, Plaintiff's defamation claims are barred by absolute and qualified privileges, as well as the innocent construction rule.

- A. Plaintiff's defamation and false light claims should be dismissed because the allegedly defamatory statements were privileged.

1. Absolute privilege bars Plaintiff's claims.

Even if Defendants' alleged statements were defamatory (which they are not), an absolute privilege bars Plaintiff's claims. Whether or not an allegedly defamatory statement is protected by privilege is a question of law to be determined by the Court. *Barakat*, 271 Ill. App. 3d at 667, 648 N.E.2d at 1038-39. Once the Court determines that a privilege applies, the Court's inquiry is at an end.

Otherwise defamatory statements made to a police officer are absolutely privileged and are subject to "complete immunity from civil action, even though the statements are made with malice...because public policy favors the free and unhindered flow of such information." *Layne*, 210 Ill. App. 3d at 969, 569 N.E.2d at 1107; *see also Vincent v. Williams*, 279 Ill. App. 3d 1, 7, 664 N.E.2d 650, 655 (1st Dist 1996) (statements made to police are absolutely privileged). This policy interest trumps a plaintiff's interest to be free from defamation in such statements. *Layne*, 210 Ill. App. 3d at 972, 569 N.E.2d at 1108 (citation omitted). In *Layne*, the plaintiff, a former employee

of defendant who sought to recover for defamation, false light invasion of privacy, and intentional infliction of emotional distress, had her claims dismissed, based on defendants' statement to the police that she had "threatened, harassed, and assaulted a co-worker." In affirming defendants' dismissal of the plaintiff's claims, the court found that "the defendant was immune from plaintiff's defamation and false light invasion of privacy claims" on the basis of absolute privilege. The same analysis is equally applicable here to bar Plaintiff's defamation and false light claims where Plaintiff has alleged that he was defamed by a statement made to a police officer about having a temper and a rifle. *See also, e.g., McGrew v. Heinhold Commodities, Inc.*, 147 Ill. App. 3d 104, 114-15, 497 N.E.2d 424, 432 (1st Dist. 1986) (absolute privilege rules on defamation applied in invasion of privacy suits); *see also Vantasell-Matin v. Nelson*, 741 F. Supp. 698, 705 (N.D. Ill. 1990).

2. Plaintiff's claims are also barred by a qualified privilege.

Plaintiff's claims are also barred by a qualified privilege. An otherwise actionable statement will be barred from recovery under a qualified privilege if there was: (1) good faith by the defendant in making the statement; (2) an interest or duty to uphold; (3) a statement limited in its scope to that purpose; (4) a proper occasion; and (5) publication in a proper manner and to proper parties only. *Kuwik v. Starmark Star Mktg. & Admin., Inc.*, 156 Ill. 2d 16, 25, 619 N.E.2d 129, 133 (1993). Consistent with these elements, qualified or conditional privileges are considered to be fall into three categories: (1) the interest of the person who publishes the defamatory matter is involved; (2) some interest of the person to whom the matter is published or of some other third person is involved; and (3) the public is concerned. *Id.* at 29, 619 N.E.2d at 135. Once a

defendant establishes a qualified privilege, the plaintiff must assert and properly allege specific facts to show malice. *Id.* at 24, 619 N.E.2d at 133.

Here, Plaintiff's allegations establish the basis for a qualified privilege. The Complaint shows on its face that the Defendants' alleged statements were made to a police officer in the course of a lawful termination of Plaintiff, which as a matter of public policy are presumed to be in good faith. *Cf. Layne*, 210 Ill. App. 3d at 969, 569 N.E.2d at 1107. The Defendants had an interest in ensuring the safety of their employees and the workplace. *See Peterson*, 267 Ill. App. 3d at 779, 641 N.E.2d at 848. The statements at issue were allegedly made during Plaintiff's termination before a limited number of people in Mr. Slater's office with a police officer who was present to standby and escort Plaintiff off the premises. *Id.*; *Layne*, 210 Ill. App. 3d at 969, 569 N.E.2d at 1107. Under the circumstances, the interests of both the Defendants and Hines VA were involved, as well as the interests of the public to the extent that the Hines police officer had a duty to protect the public. Therefore, a qualified privilege exists for the statements made during Plaintiff's terminations. Accordingly, Plaintiff's claims should be dismissed.

B. Plaintiff's *per se* defamation claims should also be dismissed based on the innocent construction rule.

The Court should dismiss Plaintiff's defamation *per se* claims because they are subject to an innocent construction. The statements that Plaintiff "has a temper and has had a few verbal confrontations with staff" and Plaintiff "mentioned having an AK-47 assault rifle" are not defamatory. Indeed, innocent construction "requires courts to consider a written or oral statement in context, giving the words and implications therefrom their natural and obvious meaning." *See Kolegas*, 154 Ill. 2d at 10, 607 N.E.2d

at 206-07 (citations omitted). As a matter of law, if a statement is “reasonably capable” of innocent interpretation it cannot serve as the basis for defamatory *per se* claim. *Cf. Bryson* 174 Ill. 2d at 89, 672 N.E.2d at 1215 (Court found that term “slut . . . is commonly used and understood to refer to sexual promiscuity” and could not be innocently construed).

Here, the statements made may be readily construed as providing the type of information that a police officer who has been asked to stand-by during an employment termination – on his (i.e., the police officer’s) employer’s premises – may want to know or need to know in connection with ensuring that the terminated employee is escorted from the premises safely and without incident. That the police officer was informed that the Plaintiff had a temper and past confrontations with staff does not imply that the Plaintiff had, for instance, committed criminal acts. *See Cody v. Harris*, 409 F.3d 853, 858 (7th Cir. 2005) (Court recognized that comments which indicated that plaintiff “has a bad temper is unable to control his anger, and lacks the integrity and judgment to resist getting revenge in an immature and vicious manner” all go to personal characteristics and not professional traits). In fact, the alleged statement only refers to “verbal confrontations” in the past. Moreover, the allegation that the Plaintiff “mentioned having an AK-47 assault rifle” may readily be construed as providing information that is non-slanderous because it is legal to own a semi-automatic AK-47 in Illinois. *See* 720 ILCS 5/24-1(a)(7)(i) & (ii). It may also be legal to possess an AK-47 outside of Illinois. Thus, under several interpretations, the alleged statements are subject to innocent construction; and therefore, are not defamatory *per se*.

In sum, even if Plaintiff has stated claims for defamation or false light, they are barred by privilege or, as to the *per se* statements, the innocent construction rule.

Conclusion

The Plaintiff has failed to and cannot state claims for defamation, false light and intentional infliction of emotional distress. Further, the statements upon which Plaintiff premises his inadequately pled claims are both privileged and to an extent are subject to the innocent construction rule.

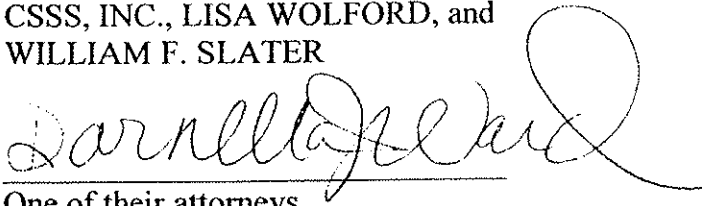
WHEREFORE, for the foregoing reasons, the Defendants respectfully request that the Court grant its Motion to Dismiss pursuant to 735 ILCS 5/2-615 and 2-619 and for such other relief as the Court deems appropriate.

Dated: May 12, 2008

Respectfully submitted,

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

By:


One of their attorneys

Kevin B. Duff
Darnella J. Ward
Rachlis Durham Duff & Adler, LLC
542 South Dearborn, Suite 900
Chicago, Illinois 60605
(312) 733-3950
(312) 733-3952 (fax)

EXHIBIT 9

Exhibit 9 has been omitted.

EXHIBIT 10

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cynow

v.

CSSS et al.

No. 08-L-403

ORDER

This cause coming to be heard on Defendants' combined 2-019.1 motions to dismiss the matter being fully briefed and heard on oral argument on November 13, 2008 and continued and the court so advised it is hereby ordered:

1) Defendants 2-015 and 2-019 are both denied.

2) Defendants are to answer Plaintiffs complaint within 28 days or on or before December 15, 2008.

Atty. No.: 40151

Assoc. Judge Ronald S. Davis

Name: Rachlis Durnam Duff Adler

ENTERED: NOV 17 2008

Atty. for: Defendants

Circuit Court - 553

Address: 542.5 Dearborn #900

Dated:

City/State/Zip: Chicago IL 60605

Judge



Judge's No.

Telephone: 312.733.3950

EXHIBIT 11

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

CHRISTOPHER S. CYNOWA,

Plaintiff,

v.

CSSS, INC., et al.

Defendants,

No. 08 L 403

FILE COPY

FILED-4
2009 MAY 29 PM 0:39
CLERK OF COURT
JUDICIAL CENTER
FOURTH FLOOR
CHICAGO, ILLINOIS 60602

**PLAINTIFF'S MOTION TO STRIKE
DEFENDANT'S AFFIRMATIVE AND OTHER DEFENSES**

NOW COMES Plaintiff, CHRISTOPHER S. CYNOWA, ("CYNOWA") by and through his attorney, Theresa V. Johnson, of the Law Office of Theresa V. Johnson, and as for PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S AFFIRMATIVE AND OTHER DEFENSES, filed pursuant to 735 ILCS 5/2-619 et seq., avers as follows:

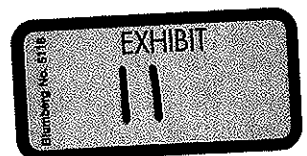
1. That the Illinois Code of Civil Procedure Section 2-619 (a)(9) states in pertinent part as follows:

"Involuntary dismissal based upon certain defects or defenses. (a) Defendant may, within the time for pleading, file a motion for dismissal of the action or for other appropriate relief upon any of the following grounds. If the grounds do not appear on the face of the pleading attacked the motion shall be supported by affidavit ... (9) That the claim asserted against defendant is barred by other affirmative matter avoiding the legal effect of or defeating the claim."

2. That on January 14, 2009, Defendant filed DEFENDANT'S ANSWER AND AFFIRMATIVE AND OTHER DEFENSES TO PLAINTIFF'S VERIFIED COMPLAINT AT LAW AND COUNTERCLAIMS, attached hereto and incorporated by reference as **Exhibit "A"**

3. That on May 14, 2009 this Honorable Court Ordered Plaintiff to Answer Defendant's Counterclaim and the order, attached hereto and incorporated by reference as **Exhibit "B"** reads in pertinent part as follows:

"Plaintiff is to respond to Counterclaim within seven days or on or before May 21, 2009."



4. That on May 19, 2009, Plaintiff filed and served upon Defendant, PLAINTIFF'S ANSWER TO DEFENDANT'S ANSWER AND AFFIRMATIVE AND OTHER DEFENSES TO PLAINTIFF'S VERIFIED COMPLAINT AT LAW AND COUNTERCLAIMS ("Answer").

5. That Plaintiff's attorney caused the hand delivery of Plaintiff's Answer via Mr. J. Nick Augustine ("Augustine") who personally hand-delivered Plaintiff's Answer to Defendant's Counterclaims to Defendant's attorney, Ms. Darnella Ward ("Ward").

6. That Augustine indicated to Ward that Plaintiff's Answer was only to Defendant's Counterclaim and the Answer started with paragraph one of Defendant's Counterclaim and was silent as to the remainder of Defendant's pleading.

7. That Plaintiff now files this Motion to Strike Defendant's AFFIRMATIVE AND OTHER DEFENSES in a separate pleading for purposes of clarity in the trial court record, specifically, where the May 14, 2009, Order only mentioned the Counterclaim and was silent as to the remainder of Defendant's Answer pleading, Plaintiff assumes the Court intended for all responsive pleading to take place within the seven days Ordered by the Court on May 14, 2009. *See Exhibit "A."*

8. That there is no prejudice, delay or surprise by filing this Motion as Defendant's counsel was advised upon delivery that the Answer was only responsive to the Counterclaim and this Motion is being filed within the time Ordered by the Court to respond to the Counterclaim. *See Exhibit "A."*

9. That this Motion seeks dismissal of Defendant's AFFIRMATIVE AND OTHER DEFENSES as being barred by "other affirmative matter avoiding the legal effect of or defeating the claim." *See supra* § 2-619(a)(9).

10. That on November 13, 2008, Defendant's argued their Motion to Dismiss on the merits before the Court at a full hearing, on the issues and allegations of absolute privilege, qualified privilege, opinion, innocent construction and the truth of statements.

11. That on November 17, 2009, the Court denied the relief requested in Defendant's Motion to

Dismiss.

12. That the denial of relief sought in Defendant's Motion to Dismiss now precludes the re-litigation of legal theories raised in Defendant's Motion to Dismiss.

13. That Defendant's AFFIRMATIVE AND OTHER DEFENSES raise the same legal theories raised in Defendant's Motion to Dismiss, filed May 12, 2008. attached hereto as Exhibit "C"

14. That collateral estoppel precludes the re-litigation of issues already litigated in the underlying action.

15. That affirmative matter for purposes of Section 2-619(a)(9) is the Defendant's attempt at re-litigating issues already decided on the merits. Defendants must collaterally estopped, from re-litigating this set of Affirmative Defenses, by the Court's ruling denying relief requested in Defendant's Motion Dismiss.

16. That the subject matter of Defendant's *May 12, 2008 – filed MOTION TO DISMISS* was:

- a. Absolute Privilege;
- b. Qualified Privilege;
- c. Opinion;
- d. Innocent Construction;
- e. Truth of Statement.

17. That the subject matter of Defendant's *January 14, 2009 – filed AFFIRMATIVE AND OTHER DEFENSES* is:

- a. Absolute Privilege;
- b. Qualified Privilege;
- c. Opinion;
- d. Innocent Construction;
- e. Truth of Statement.

18. That Defendant's AFFIRMATIVE AND OTHER DEFENSES must be stricken pursuant to Section 2-619(a)(9) because collateral estoppel precludes the admission, use and re-litigation of Defendant's AFFIRMATIVE AND OTHER DEFENSES.

WHEREFORE Plaintiff, CHRISTOPHER S. CYNOWA, requests this Honorable Court Order the following requested relief:

- A. Strike Defendant, CSSS INC.'S section of AFFIRMATIVE AND OTHER DEFENSES from their responsive pleading filed January 14, 2009, titled DEFENDANT'S ANSWER AND AFFIRMATIVE AND OTHER DEFENSES TO PLAINTIFF'S VERIFIED COMPLAINT AT LAW AND COUNTERCLAIMS, on the basis that the AFFIRMATIVE AND OTHER DEFENSES raised are collaterally estopped by the Court's November 17, 2008 ruling as to those issues, and the AFFIRMATIVE AND OTHER DEFENSES must therefore be stricken pursuant to Section 2-619(a)(9) of the Code of Civil Procedure; and
- B. For additional and other relief as this Court determines is appropriate given the facts and issues in this matter.

Respectfully Submitted:

Dated: May 20, 2009

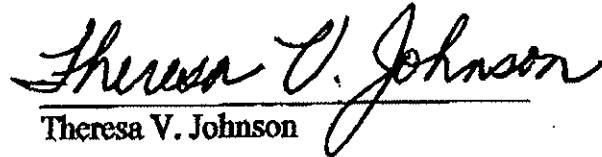

THERESA V. JOHNSON
Attorney for Plaintiff

Theresa V. Johnson, Attorney for Plaintiff
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

CERTIFICATE OF SERVICE

I, Theresa V. Johnson, hereby certify that a copy of the foregoing **PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S AFFIRMATIVE AND OTHER DEFENSES** was tendered to Defendant's counsel, as listed below, via facsimile, and U.S. Mail, postage prepaid, this 20th day of May, 2009.

Darnella J. Ward
Rachlis Durham Duff & Adler, LLC
542 South Dearborn, Suite 900
Chicago, Illinois 60605
(312) 733-3950
(312) 733-3952 (fax)


Theresa V. Johnson

Theresa V. Johnson, Attorney for Plaintiff
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

EXHIBIT 12

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cynowa

v.

CSSS, Inc. et al.

No. 09-L-403

ORDER

This cause coming to be heard on Plaintiff's motion to strike Defendant's Affirmative and other defenses, the matter being fully briefed and the court hearing oral argument and the court so advised it is hereby ordered:

- 1) Plaintiff's motion to strike Defendant's Affirmative and other defenses is DENIED.
- 2) Plaintiff is granted 28 days to ^{Reply} respond to Defendant's Affirmative defenses ~~on or before~~ August 14, 2009.
- 3) Plaintiff hereby with draws the motion to clarify the court's order November 10, 2008.

Atty. No.: 40151
 Name: RDDA
 Atty. for: Defendants
 Address: 5712 S Dearborn #400
 City/State/Zip: Chicago IL 60635
 Telephone: 312 733 3952


ENTERED: ASSOC. JUDGE RONALD S. DAVIS
 JUL 17 2009
 Dated: Circuit Court - 553
 Judge: 
 Judge's No.



EXHIBIT 13

Exhibit 13 is filed under Seal, pursuant to this Court's Order dated October 22, 2010.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cypnow

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, ~~having~~ 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. Dull

Atty. for: A'

Address: 542 S. Dearborn, Suite 900

City/State/Zip: Chicago, IL 60605

Telephone: 312-733-3950

ENTERED
 JUDGE MARCIA MARAS-1781

OCT 22 2010

DOROTHY BROWN
 CLERK OF THE CIRCUIT COURT
 OF COOK COUNTY, IL
 DEPUTY CLERK

ENTERED:

Dated:

Judge

Judge's No.

EXHIBIT 14

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cynowa

v.

No. 08 L 4033

CSS, Lisa Wafford + Bill Slater

ORDER

This matter coming to be heard on Plaintiff's motion to extend discovery and the Court being duly advised in the premises, IT IS HEREBY ORDERED:

(1) Plaintiff's motion to extend discovery is granted to allow Plaintiff to complete outstanding discovery due to Defendants and to add Noel Flanagan as a Defendant by Sept 17, 2010, and is otherwise denied.

(2) The Clerk of the Circuit Court of Cook County, Illinois, Law Division, is directed to place all copies of Plaintiff's motion to add Noel Flanagan as a Defendant (originally filed 9/2/10) under seal instantly pending further order of the Court.

Atty. No.: 378663
Name: Theresa V. Johnson
Atty. for: Plaintiff
Address: 260 E. Chicago Ave. Suite 200
City/State/Zip: Westmont, IL 60559
Telephone: (630) 321-1330

ENTERED:

Dated:

Judge

Judge's No.



DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS



EXHIBIT 15

Cynowa

v.
CSSS, Inc., et al.

No. 09 L 403

ORDER

This cause coming before the Court :

- IT IS HEREBY ORDERED this case is removed from the Black Line Pool of Cases and returned to Judge _____ on Motion Calendar _____ (4328)
The case is set for case management on _____ at _____ a.m./p.m. (4619)
in Courtroom _____. The case is removed from the Pool for a period of six (8335)
months or until released pursuant to Law Division General Administrative Order 03-1
Section 1.5(c)(ii).
 - IT IS HEREBY ORDERED this case is resequenced to the bottom of the Black Line Pool of Cases. (8333)
 - IT IS HEREBY ORDERED this case is resequenced within the Black Line Pool of cases to # _____. (8333)
 - IT IS HEREBY ORDERED this case is set for trial on March 14, 2011 at 10:00 a.m. in Courtroom 2005. (4305)
 - IT IS HEREBY ORDERED this case is set for trial setting on _____ at 10:00 a.m. in Courtroom 2005. (4315)
 - IT IS HEREBY ORDERED this case is set for prove-up on _____ at 10:00 a.m. in Courtroom 2005. (4247)
- (An order of default having been entered by Judge _____ on _____ against the defendant(s) _____ for having failed to appear or answer) (Notice to be given to the defaulted party)

Other _____

Atty. No: 40151
Name: K. Duff
Atty. For: AS
Address: 543 S. Dearborn, Suite 900
City: Chicago, IL 60605
Telephone: 312-733-3950

ENTERED
JUDGE WILLIAM D. MADDOX-1559
DEC 10 2010
ENTER: DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
JUDGE DEPUTY CLERK

CLERK OF THE CIRCUIT COURT OF COOK COUNTY

EXHIBIT
15

EXHIBIT 16

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

CHRISTOPHER S. CYNOWA,)
)
Plaintiff,)
)
vs.)Case No.: 08 L 403
)
CSSS, INC. (CLIENT SERVER)
SOFTWARE SOLUTION), LISA)
WOLFORD and BILL SLATER,)
)
Defendants.)

The deposition of LISA WOLFORD, taken before Catherine Cavenagh, Notary Public, pursuant to the provisions of the Illinois Code of Civil Procedure and the Rules of the Supreme Court thereof pertaining to the taking of depositions for the purpose of discovery at 542 South Dearborn Street, Suite 900, Chicago, Illinois, commencing at 9:00 a.m. on the 10th day of August, 10, A.D., 2010.

CATHERINE D. CAVENAGH
VIDEO DEPOSITION SERVICES

(630) 915-7217



1 APPEARANCES:

2

3 Ms. Theresa V. Johnson

4 Attorney at Law

5 200 E. Chicago Avenue

6 Suite 200

7 Westmont, Illinois 60559

8 Phone: (630) 321-1330

9 On behalf of the Plaintiff;

10

11 Rachlis, Durham, Duff, & Adler, LLC, by

12 Mr. Kevin B. Duff

13 542 South Dearborn Street

14 Suite 900

15 Chicago, Illinois 60605

16 Phone: (312) 733-3950

17 On behalf of all Defendants.

18

19

20

21

22

23

24

1 A. Yes.

2 Q. Were you a party to the dismissal of
3 Christopher Cynowa?

4 MR. DUFF: Objection to the form of the question.

5 BY MS. JOHNSON:

6 Q. Excuse me. Were you present at the dismissal
7 of Christopher Cynowa?

8 A. Yes. In . . . on telecom. Not in person.

9 Q. Do you know if Christopher Cynowa was ever
10 put on a, on a performance improvement plan of any kind?

11 A. I have no idea off the top of my head.

12 Q. Could you explain why Christopher Cynowa
13 was terminated from his job?

14 A. Insubordination, disrespect, aggressive
15 confrontational behaviors in the workplace.

16 Q. Okay. Could you please give me a specific
17 example of insubordination?

18 A. Frequently disrespectful to his direct manager,
19 Mr. Bill Slater. Frequently disrespectful to me both in . . .
20 in person, and when I wasn't present as well.

21 Q. Again, I would like a specific example. What
22 you've done is, you've given a characterization of behavior
23 but I would like to hear what the specific behavior was that
24 you considered to be insubordinate?

1 A. I don't recall that he did that evening. He
2 might've said something. But the next day in the office, he
3 was doing a tremendous amount of grousing about it.

4 Q. Grousing?

5 A. Complaining.

6 Q. Okay. Was he complaining? Was he making
7 jokes? Or how would you characterize that complaining?

8 A. He was being disrespectful about the nature of
9 the gift, and not appreciating that fact that he could have
10 gotten nothing, instead of he got something. He had a - - I
11 thought that since he had a young daughter, that he would
12 appreciate something like that, that he could do with his
13 young daughter.

14 Q. Okay. He made it clear that he didn't like the
15 gift, is that correct?

16 A. Yes.

17 MS. JOHNSON: Why don't you stop the tape. The
18 tape's about to stop, so we're just going to pause.

19 VIDEOGRAPHER: This is the end of tape one. The
20 time is now 10:06 a.m.

21 VIDEOGRAPHER: This is the start of tape two.
22 The time is now 10:12 a.m.

23 BY MS. JOHNSON:

24 Q. Ms. Wolford, Bill Slater entered the room and

1 problem?

2 A. I'm not aware of any.

3 Q. Were you ever advised?

4 A. No.

5 Q. Did you ever suggest that Christopher Cynowa
6 go to any kind of training?

7 A. Yes, I did suggest he go to diversity training.

8 Q. And what was your reason for suggesting that?

9 A. Um, he, um, in... shared some ethnic slurs at
10 the Christmas party.

11 Q. Do you know what they were?

12 A. I don't remember them. I don't remember the
13 specifics.

14 Q. Did he share them in front of you?

15 A. Yes.

16 Q. He shared them...

17 A. In front of the entire table.

18 Q. In front of the entire table?

19 A. Yes.

20 Q. And what happened when he did so?

21 A. I chose to not address it at that point in time
22 because we were in a group setting. I don't discipline
23 employees in front of other people. I tend to keep that to be
24 a private matter to preserve their dignity.

1 Q. And did anybody raise any objections?

2 A. No. Some people looked uncomfortable. We
3 had, you know, we had people there of many different
4 ethnicities and it's... it's offensive.

5 Q. Do you know who those slurs were about?

6 A. They, he was referring both to himself and his
7 girlfriend, I believe.

8 Q. Okay. So he wasn't referring to anybody at the
9 table?

10 A. No. But ethnic slurs are insulting and
11 objectionable by many people, myself included.

12 Q. Do you remember what the slurs were?

13 A. I just stated earlier, no I don't remember the
14 specific slurs. But I believe they're in the documentation of
15 the event.

16 Q. Okay, okay so they, but they were about
17 himself?

18 A. And his girlfriend.

19 Q. And his girlfriend. Okay.

20 A. But they still were offensive to numerous
21 people at the table.

22 Q. Did other people come to you and tell you
23 that?

24 A. I could tell by the look of discomfort on some

1 people's faces.

2 Q. Did anyone say anything to you?

3 A. No.

4 Q. Who was present at the table?

5 A. Maria Milan, Peyon Khan, Bill Slater, Chris
6 Cynowa, and I can't recall who else. But that's certainly
7 some of the people who were present.

8 Q. In total contracts with the federal government,
9 what percent increase, approximately - I'm not asking for
10 the exact number - has there been in your business with
11 CS...in federal contracts since 2007?

12 A. There's been an increase. I don't have that
13 number in totality.

14 Q. So, are your. Your contract gross value of
15 contracts is more today than it was in 2007. Would that be
16 a correct statement?

17 A. Yes.

18 Q. Was it more in 2008 as well?

19 A. Yes.

20 Q. Was it more than, at the end of 2007, well so
21 2008...also 2009?

22 A. Okay...

23 Q. I'm sorry I mixed you up.... 2007 was the year
24 that Christopher Cynowa was terminated. In 2008, did your

1 business increase?

2 A. Yes.

3 Q. In 2009, did it increase?

4 A. Yes.

5 Q. In 2010, did it increase?

6 A. Yes.

7 Q. Okay. How are you damaged by Christopher
8 Cynowa allegedly stating, I don't even know, I can't recall
9 what you said. You said you...

10 A. There is multiple disparaging remarks and they
11 are documented in the counterclaim.

12 Q. My understanding, and I'm just repeating what
13 I understood of your testimony, was that, while Christopher
14 Cynowa was in...being terminated, he told you that you
15 were running the company into the ground. Is that a correct
16 statement?

17 A. I also have it from employees that he had said
18 that while he was an employee, not just during termination,
19 but while he was...while he was in my employ.

20 Q. Okay. Do you have any specific statement that
21 supports that?

22 A. I just stated that.

23 Q. How are you damaged by that?

24 A. We have not won any new V.A. business since

EXHIBIT 17

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

FILED-11
2009 MAY 28 PM 2:56
CIRCUIT COURT
LAW DIVISION

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

PLAINTIFF'S ANSWER
TO DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFF

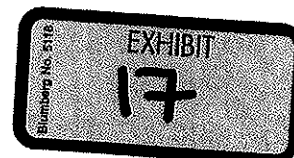
Plaintiff, Christopher S. Cynowa, by and through his attorney, Theresa V. Johnson, of the Law Office of Theresa V. Johnson, and pursuant to Illinois Supreme Court Rule 213, hereby responds to Defendant's First Set of Interrogatories to Plaintiff, and serves sworn answers to the following Interrogatories as follows:

1. Identify each person who has knowledge of the facts, information and/or circumstances alleged in Plaintiff's complaint, Defendants' 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:

The following disclosed parties are likely to possess personal knowledge concerning the material facts relevant to averments in both Plaintiff's Complaint and Defendants' Answers.

- a. **Larry Carver: Mr. Carver is the former Executive Vice President of CSSS, until he resigned on February 26, 2009. During almost four years of employment, Mr. Carver gained personal knowledge of CSSS staff and management policies, procedures and styles. Additionally, Mr. Carver has personal knowledge and witnessed several events and conversations prior to and following the termination of Christopher Cynowa as well as other former CSSS employees.**
- b. **Lisa Wolford: Ms. Wolford is the President of CSSS and on information and belief, maintains ultimate decision making authority. Ms. Wolford likely possess personal knowledge necessary for the prosecution of the claims filed by the parties in this matter.**



- c. **William Slater:** Mr. Slater worked as the Program Manager for CSSS and on information and belief, was the individual charged with personnel issues including without limitation, the insubordination claims and performance plan concerning Christopher Cynowa.
- d. **Maria Milan:** Ms. Milan was on information and belief, the individual who requested the doors be locked when the publication was made that Christopher Cynowa had an AK 47 in his car.
- e. **Gary Knipple:** Mr. Knipple was on information and belief, the employee asked to contact the VA police to request police standby during the termination of Christopher Cynowa and likely has personal knowledge of facts, circumstances and instructions concerning the termination event.
- f. **Anthony Slatton:** Mr. Slatton was a Senior Systems Engineer who on information and belief was present on a telephone conference call during which time the Cynowa termination memorandum was read.
- g. **Scott Theobald:** Mr. Slatton was a CSSS employee who on information and belief was present on a telephone conference call during which time the Cynowa termination memorandum was read.
- h. **Ron Klavon:** Mr. Klavon was the individual charged with maintaining e-mail services effort at the VA and on information and belief Mr. Klavon likely offers testimony concerning CSSS termination procedures and policies.
- i. **Dr. (first name unknown) Fong:** Dr. Fong was a CSSS employee who on information and belief was privy to Ms. Wolford's management style and demeanor and can offer supporting testimony concerning the credibility of CSSS staff and management.
- j. **Tushar Engregi:** Mr. Engregi was an employee at CSSS during the time that Christopher Cynowa was an employee and he may have personal knowledge relevant to Christopher Cynowa's claims.
- k. **Officer Robert Androwski of the Hines Police:** Officer Androwski was the officer who was present during CSS's termination of Christopher Cynowa and escorted him from CSSS. Officer Androwski can testify as to his personal knowledge of events and persons related to Mr. Cynowa's termination.
- l. **Deborah Lawson:** Plaintiff former girlfriend against whom he has a 2 year plenary order of protection based on harassment.
- m. **Additional potential parties with relevant knowledge will be included in witnesses disclosures and remain the subject of ongoing investigation and**

supplemental disclosure will be made once investigation is complete.

2. Identify each 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 of the employment.

ANSWER:

- a. **Kissane Business Systems – Sr. Systems Engineer – 3/1999 to 3/2001 – company went bankrupt;**
 - b. **CSC Consultants – Sr. Engineer/Director of Networking – 4/2001 do not recall stop date – self employed – company was not making enough money so it dissolved;**
 - c. **Column Technical Services – Sr. Systems Engineer – 2005 do not recall stop date – contract ended;**
 - d. **AC Technologies – Systems Engineer – 6/2005 to 2/2006 – project ended;**
 - e. **Client Server Software Solutions – 2/2006 to 1/2007 – terminated for unspecified “insubordination”;**
 - f. **Insight Global – Sr. Systems Engineer – 3/2007 to 6/2008 – all contractors released from client;**
 - g. **Orbitz Worldwide – Systems Engineer II – 7/2008 to present – not applicable.**
3. Identify and describe in detail all hunting, gaming and/or weapon licenses that you have received in the past 5 years.

ANSWER:

Plaintiff possesses a valid Illinois Firearms Owners Identification (“FOID”) Card issued by the Illinois State Police. The FOID card was issued on or about 2004. The application for the FOID card was submitted in contemplation of a hunting trip. Plaintiff has moved recently and has been unable to locate copies of applications for and documentation concerning the FOID card. Other than a FOID card which may or may not still be valid, Plaintiff possesses no other licenses for hunting or gaming.

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 identity of each person present at that time you held the gun.

ANSWER:

Plaintiff held a gun at a neighborhood holiday celebration when a neighbor showed Plaintiff a hunting weapon. Insofar as other times Plaintiff has held a gun other than described herein was so far in the past that he cannot recall dates, times, places, and nor who was present as Plaintiff served in the U.S. Armed Forces and often handled guns as part of his duties. Plaintiff also has a toy BB gun that shoots plastic BB and with which Plaintiff rarely plays.

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

ANSWER:

- The Police report filed by Officer Robert Androwski of the Hines Police;
- a. Officer Robert Androwski's apprehension and questioning Plaintiff about a gun when escorting him to his car;
 - b. The phone call from Tushar Engregi as noted in the complaint;
 - c. Any and all statements and/or publications made during the relevant time period concerning Plaintiff, his character, and events and circumstances related to Plaintiff's Verified Complaint for defamation.
 - d. Plaintiff reserves the right to supplement this response as discovery and case investigation continues in this matter.
6. Identify, describe and itemize all damages you claim to have sustained as a result of any statements made by the Defendants, and identify each document that supports or relates to each such element of damages.

ANSWER:

- a. All immediate financial damages have been submitted and enumerated in the complaint;
 - b. The potential damages to future employment are indeterminate;
 - c. The loss of federal security clearance;
 - d. The loss of potential future federally vested employment;
 - e. Plaintiff reserves the right to supplement this response as discovery and case investigation continues in this matter. Plaintiff also reserves the right to obtain expert testimony and the testimony of witnesses with direct knowledge, who can testify as to Plaintiff's damages.
7. 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 a false light, or cause you emotional distress, identify: the precise words in the statement; who made the statement; all persons to whom the statement was made; and when the statement was made.

ANSWER:

- a. Statements that Christopher Cynowa had an AK-47 assault rifle. These statements were false, malicious, defamatory, and placed Plaintiff in a false light and potentially subjected Plaintiff to criminal liability. All details of this are not yet known to Plaintiff and investigation continues as to witness testimony, e-mail communications and other statements made concerning this subject matter. Further, the statement that was made directly to Officer Androwski and was released all or in part to other employees of the VA and/or it's contractors.
- b. Statements that Christopher Cynowa has had confrontations with his co-

workers in the past – false, malicious, defamatory, and placed Plaintiff in a false light. All details of this are not known to Plaintiff and investigation continues as to witness testimony, email communications and other statements made concerning this subject matter. Further, the statement that was made directly to Officer Androwski and was released all or in part to other employees of the VA and/or it's contractors.

- c. Statements that Christopher Cynowa has a temper. This statement was false, malicious, defamatory, and placed Plaintiff in a false light. All details of this are not known to Plaintiff and investigation continues as to witness testimony, email communications and other statements made concerning this subject matter. Further, the statement that was made directly to Officer Androwski and was released all or in part to other employees of the VA and/or it's contractors.
8. Identify and describe whether you have communicated with any person since January 18, 2007, regarding the allegedly defamatory statements described in Plaintiff's Complaint and, if so, state: the time, place, and type of communication; and identify each person involved in the communication.

ANSWER:

On or about March 2, 2009, Plaintiff received a communication from Mr. Larry Carver. Plaintiff urgently called his attorney, Theresa V. Johnson and asked her to call Mr. Carver. Attorney Johnson and Nick Augustine were both on the phone call with Mr. Carver concerning his efforts and intentions in helping with Christopher Cynowa's matter. The phone call took place from 4:00 to 5:30 p.m. and concerned the details of matters plead in the Complaint. Further answering, Plaintiff has communicated with several people regarding the statements and subject matter of this matter however, and for purposes of responding to this interrogatory, Plaintiff does not have specific record or recollection of names, dates, times, places, or types of communication. Further, Plaintiff reserves his right to not disclose any and all communications subject to protection by attorney/client privilege.

9. Identify and describe whether you have ever been a party to or otherwise involved in any 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:

Plaintiff does not recall being party to or otherwise being involved in any litigation.

10. Identify and describe in detail any facts extrinsic to each of the alleged defamatory statements that, accompanied by each of the alleged defamatory statements, would create or enhance an alleged defamatory meaning, include the names and addresses of such persons who have knowledge of any of these extrinsic facts and the substance of

each person's knowledge.

ANSWER:

- a. **Plaintiff does not now, nor has Plaintiff ever owned a weapon that discharges a projectile via any sort of detonated explosive charge (i.e AK-47 assault rifle).**
- b. **Plaintiff is known by friends, family and colleagues as having a friendly and patient character and not having a temper or propensity for violence. Plaintiff admits to being opinionated at times and can debate with friends, family and colleagues, but does not have a temper, especially at work.**
- c. **Plaintiff does not recall ever having any conflicts with co-workers. Plaintiff has had previous debates over procedures or courses of action to be taken, but not "conflicts". Further, Plaintiff has never been issued negative performance reviews nor has been written up for any instances of conflict prior to the facts and circumstances as plead in Plaintiff's Verified Complaint.**

11. 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 detailed description of the treatment received; the diagnosis and/or prognosis made by each medical practitioner as a result of the examination or treatment; the identity of all documents that evidence or relate to each occasion of examination or treatment; and the amount of the charge made to you or any other person for your account by each medical practitioner as indicated in any bill rendered therefor.

ANSWER:

Plaintiff has submitted all relevant medical documentation in his possession and control in Plaintiff's Verified Complaint. Further answering, Plaintiff objects to the vague and overbroad nature of this interrogatory which seeks Plaintiff's non-public medical information not relevant to the damage claims set forth in Plaintiff's Verified Complaint.

12. Identify all e-mail addresses you have used since January 1, 2006.

ANSWER:

ccynowa@yahoo.com, chrisbelrichard@yahoo.com, further answering, Christopher Cynowa has a new work e-mail address but will not tender that and objects to the disclosure for sake of his job security in light of the conduct by CSSS.

13. Please identify all witnesses and other information called for pursuant to Illinois Supreme Court Rule 213(f)(1) through (f)(3).

ANSWER:

See Response #1 *Supra*. Further answering, Plaintiff reserves the right to call every employee employed by CSSS, Inc., and its assigns and successors in interest, from January 1, 2006 to the present date. Plaintiff's forthcoming discovery demands requests potential witness information in the hands or possession of the Defendants who should consider this a demand for same. Any and all other employees may be disclosed when Defendant's reply to the Plaintiff's demands to produce the names addresses and phone numbers of all employees during the relevant period. Further, potential witnesses disclosures remain the subject of ongoing investigation and disclosure will be made once investigation is complete.

Dated: May 28, 2009

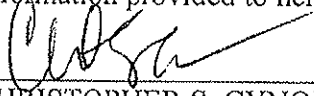
Respectfully submitted,

By: 
CHRISTOPHER S. CYNOWA

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

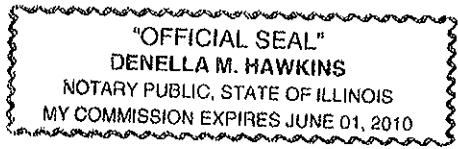
CLIENT'S VERIFICATION

UPON PENALTY OF PERJURY, I, the undersigned, state that I have read the foregoing discovery response document and I further state that I have provided to the attorney who has prepared this document, information which, to the best of my knowledge and belief, is true and accurate. I further state that this 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 explained to me by signing this verification, I am acknowledging that my attorney is acting with my consent and my direction and that my attorney has based his statement on the factual information provided to her by me.



CHRISTOPHER S. CYNOWA

Dated: 5-28-09



Subscribed and Sworn to before me
this 28th day of May, 2009.



NOTARY PUBLIC

CERTIFICATE OF SERVICE

I, Theresa V. Johnson, hereby certify that a copy of the foregoing **Plaintiff's Answer to Defendants' First Set of Interrogatories to Plaintiff** was tendered to Defendant's counsel, as listed below, via facsimile, and U.S. Mail, postage prepaid, this ____ day of May, 2009.

Darnella J. Ward
Rachlis Durham Duff & Adler, LLC
542 South Dearborn, Suite 900
Chicago, Illinois 60605
(312) 733-3950
(312) 733-3952 (fax)



THERESA V. JOHNSON

Theresa V. Johnson, Attorney for Plaintiff
Attorney at Law
Law Office of Theresa V. Johnson
200 E. Chicago Avenue, Suite 200
Westmont, IL 60559
Tel.: (630) 321-1330
Fax: (630) 321-1185

Adinella

IN THE CIRCUIT COURT COOK COUNTY, ILLINOIS
LAW DIVISION

FILED-11
2009 MAY 28 PM 2:56
DOROTHY BEGGS
CLERK OF CIRCUIT COURT
Case No. 08-000403
LAW DIVISION

CHRISTOPHER S. CYNOWA,
Plaintiff,

v.

CSSS, INC.
(CLIENT SERVER SOFTWARE SOLUTION),
LISA WOLFORD,
BILL SLATER.
Defendants.

NOTICE OF FILING

To: Ms. Darnella Ward and Mr. Kevin Duff
Rachilis Durham Duff & Adler, LLC
542 South Dearborn, Suite 900
Chicago, IL 6006
Tel.: (312) 733-3950
Fax: (312) 733-3952

PLEASE TAKE NOTICE that on May 28, 2009 the attached **PLAINTIFF'S ANSWER TO DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFF** and **PLAINTIFF'S RESPONSE TO DEFENDANTS' FIRST SET OF REQUESTS FOR PRODUCTION TO PLAINTIFF** was filed with the Clerk of Cook County Court, a copy of which is hereby served upon you.

Theresa V. Johnson
Theresa V. Johnson, Attorney for Plaintiff

PROOF OF SERVICE

Under penalties of perjury as provided by law, pursuant to section 1-109 of the Code of Civil Procedure, Theresa Johnson certifies that she caused to be served via U.S. Mail and/or _____ Facsimile and/or _____ email, and/or X in person delivery a true and correct copy of the **NOTICE OF FILING** and **PLAINTIFF'S ANSWER TO DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFF** and **PLAINTIFF'S RESPONSE TO DEFENDANTS' FIRST SET OF REQUESTS FOR PRODUCTION TO PLAINTIFF** on May 28, 2009.

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

Theresa V. Johnson
Theresa V. Johnson, Attorney for Plaintiff

EXHIBIT 18

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

FILED B-5
19 OCT -8 PM 4:09
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

CHRISTOPHER S. CYNOWA,

Plaintiff,

v.

CSSS, INC., et al.
Defendants,

No. 08 L 403

NOTICE OF FILING

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

Fax Memo
To: Kevin Duff
Fax No. (312) 733-3952
From: TVJ
Co: 200713
Date: 10/8/2010 Pages: 8/36

PLEASE TAKE NOTICE that on the 8th day of October, 2010, the undersigned caused or will caused to be filed with the Cook County Clerk of Circuit Court for the Law Division, the attached copies of PLAINTIFF'S THIRD AMENDED RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFF, a copy of which is attached hereto.

Theresa V. Johnson
Theresa V. Johnson

PROOF OF SERVICE

I, Theresa V. Johnson, the attorney, certify under penalties as provided by law pursuant to 735 ILCS 5/1-109, that the statements set forth herein are true and correct; that I served this PLAINTIFF'S THIRD AMENDED RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFF by causing a copy to be emailed and/or faxed and/or tendered to each of the parties listed above in open court on October 8, 2010.

Respectfully Submitted:

Theresa V. Johnson
Theresa V. Johnson
Attorney for Plaintiff

Theresa V. Johnson
Law Office of Theresa V. Johnson
200 E. Chicago Ave., Suite 200
Westmont, Illinois 60559
Tel.: 630-321-1330
Fax: 630-321-1185
Cook County Atty No.: 37363



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

FILED B - 5
10 OCT - 8 PM 4:09
DOROTHY BRODMAN
CLERK OF THE CIRCUIT COURT
COOK COUNTY, IL

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

PLAINTIFF'S THIRD AMENDED ANSWER TO DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFF

Plaintiff, Christopher S. Cynowa, by and through his attorney, Theresa V. Johnson, of the Law Office of Theresa V. Johnson, and pursuant to Illinois Supreme Court Rule 213, answers Defendant's First Set of Interrogatories to Plaintiff, and serves sworn answers to the following Interrogatories as follows:

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 particular 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 Defendants' 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 readily available and/or equally accessible and/or obtainable by Defendants or that were tendered by Plaintiff to Defendants in prior faxes or emails; or to the degree that information concerning Defendants or Plaintiff is readily available on the internet, for example: William Slater's resumes and Lisa Wolford's website.
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.

CONSOLIDATION AND INCORPORATION BY REFERENCE

Plaintiff hereby consolidates prior answers/response to Defendants' Interrogatory into this Third Amended Supplement. However, any failure by Plaintiff to include witnesses or disclosure that were identified in any prior Plaintiff's answer to Defendants' First Interrogatories is wholly inadvertent and Plaintiff hereby incorporates the same by reference.

ANSWERS

1. Identify each person who has knowledge of the facts, information and/or circumstances alleged in Plaintiff's complaint, Defendants' 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 and 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 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 of the employment.

ANSWER:

- a. Kissane Business Systems – Sr. Systems Engineer – 3/1999 to 3/2001 – company went bankrupt;
 - b. CSC Consultants – Sr. Engineer/Director of Networking – 4/2001 do not recall stop date – self employed – company was not making enough money so it dissolved;
 - c. Column Technical Services – Sr. Systems Engineer – 2005 do not recall stop date – contract ended;
 - d. AC Technologies – Systems Engineer – 6/2005 to 2/2006 – project ended;
 - e. Client Server Software Solutions – 2/2006 to 1/2007 – terminated for unspecified “insubordination”;
 - f. Insight Global – Sr. Systems Engineer – 3/2007 to 6/2008 – all contractors released from client;
 - g. Orbitz Worldwide – Systems Engineer II – 7/2008 to present – not applicable.
 - h. See also Plaintiff’s resume included in Plaintiff’s September 17, 2010 production to Defendants.
3. Identify and describe in detail all hunting, gaming and/or weapon licenses that you have received in the past 5 years.

ANSWER:

Plaintiff previously possessed a valid Illinois Firearms Owners Identification (“FOID”) Card issued by the Illinois State Police. The FOID card was issued on or about 2004. The application for the FOID card was submitted in contemplation of a hunting trip. FOID card has since expired and has not been renewed. Other than a FOID card which is no longer valid, Plaintiff possesses no other licenses for hunting or gaming.

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 identity of each person present at that time you held the gun.

ANSWER:

Plaintiff held a gun at a neighborhood holiday celebration when a neighbor showed Plaintiff a hunting weapon. Insofar as other times Plaintiff has held a gun other than described herein was so far in the past that he cannot recall dates, times, places, and nor who was present as Plaintiff served in the U.S. Armed Forces and often handled guns as part of his duties. Plaintiff also has a toy BB gun that shoots plastic BB pellets and with which Plaintiff rarely plays.

5. Identify all facts and circumstances that support or relate to your claims for damages in Counts I-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), and the deposition transcripts of Christopher Cynowa, Lisa Wolford, Danette C. Tucker, and any future deponents.

Further answering:

- a. The Police report filed by Officer Robert Androwski of the Hines Police;
- b. Officer Robert Androwski's apprehension and questioning Plaintiff about a gun when escorting him to his car;
- c. The phone call from Tushar Engregi as noted in the Plaintiff's complaint;

- d. Any and all statements and/or publications made during the relevant time period concerning Plaintiff, his character, and events and circumstances related to Plaintiff's Verified Complaint for defamation.
 - e. Plaintiff reserves the right to supplement this response as discovery and case investigation continues in this matter.
 - f. All losses noted in Complaint and in number 6 below.
6. Identify, describe and itemize all damages you claim to have sustained as a result of any statements made by the Defendants, and identify each document that supports or relates to each such element of damages.

ANSWER:

- a. All immediate financial damages have been submitted and enumerated in the Plaintiff's Complaint;
 - b. The potential damages to future employment are still being evaluated;
 - c. The loss of federal security clearance;
 - d. The loss of potential future federally vested employment;
 - e. Plaintiff reserves the right to supplement this response as discovery and case investigation continues in this matter. Plaintiff also reserves the right to obtain expert testimony and the testimony of witnesses with direct knowledge, who can testify as to Plaintiff's damages.
 - f. 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 starting 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 it 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. Plaintiff's damages will be evaluated by damages expert.
7. 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 a false light, or cause you emotional distress, identify: the precise words in the statement; who made the statement; all persons to whom the statement was made; and when the statement was made.

ANSWER:

- a. See the statements in the Complaint and Amended Complaint of Christopher Cynowa's deposition. Statements that Christopher Cynowa had an AK-47 assault rifle. These statements were false, malicious, defamatory, and placed Plaintiff in a false light and potentially subjected Plaintiff to criminal liability. All details of this are not yet known to Plaintiff and investigation continues as to witness testimony, e-mail communications and other statements made concerning this subject matter. Further, the statement that was made directly to Officer Androwski and was released all or in part to other employees of the VA and/or it's contractors.
- b. Statements that Christopher Cynowa has had confrontations with his co-workers in the past – false, malicious, defamatory, and placed Plaintiff in a false light. All details of this are not known to Plaintiff and investigation continues as to witness testimony, email communications and other statements made concerning this subject matter. Further, the statement that was made directly to Officer Androwski and was released all or in part to other employees of the VA and/or it's contractors.
- c. Statements that Christopher Cynowa has a temper. This statement was false, malicious, defamatory, and placed Plaintiff in a false light. All details of this are not known to Plaintiff and investigation continues as to witness testimony, email communications and other statements made concerning this subject matter. Further, the statement that was made directly to Officer Androwski and was released all or in part to other employees of the VA and/or it's contractors.
- d. 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 because the exact language contained in an email from Mr. Slater 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.

- e. Plaintiff was a "hot head", dangerous, and had a gun.
8. Identify and describe whether you have communicated with any person since January 18, 2007, regarding the allegedly defamatory statements described in Plaintiff's Complaint and, if so, state: the time, place, and type of communication; and identify each person involved in the communication.

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: On or about March 2, 2009, Plaintiff received a communication from Mr. Larry Carver. Plaintiff urgently called his attorney, Theresa V. Johnson and asked her to call Mr. Carver. Attorney Johnson and Nick Augustine were both on the phone call with Mr. Carver concerning his efforts and intentions in helping with Christopher Cynowa's matter. The phone call took place from 4:00 to 5:30 p.m. and concerned the details of matters plead in the Complaint. Further answering, Plaintiff has communicated with several people regarding the statements and subject matter of this matter however, and for purposes of responding to this interrogatory, Plaintiff does not have specific record or recollection of names, dates, times, places, or types of communication. Further, Plaintiff reserves his right to not disclose any and all communications subject to protection by attorney/client privilege. Also, see Plaintiff's July 16, 2010 deposition Testimony.

9. Identify and describe whether you have ever been a party to or otherwise involved in any 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:

Plaintiff does not recall being party to or otherwise being involved in any litigation except for documents related to Plaintiffs' divorce and child support tendered by Defendants to Plaintiff as part of Defendants' discovery compliance.

10. Identify and describe in detail any facts extrinsic to each of the alleged defamatory statements that, accompanied by each of the alleged defamatory statements, would create or enhance an alleged defamatory meaning, include the names and addresses of such persons who have knowledge of any of these extrinsic facts and the substance of each person's knowledge.

ANSWER:

- a. Plaintiff objects to this interrogatory as being overly broad, vague and confusing. Subject to and without waiving these objections, Plaintiff answers as follows: Plaintiff does not now, nor has Plaintiff ever owned a weapon that discharges a projectile via any sort of detonated explosive charge (i.e; AK-47 assault rifle).
- b. Plaintiff is known by friends, family and colleagues as having a friendly and patient character and not having a temper or propensity for violence. Plaintiff admits to being opinionated at times and can debate with friends, family and colleagues, but does not have a temper, especially at work.
- c. Plaintiff does not recall ever having any conflicts with co-workers. Plaintiff has had previous debates over procedures or courses of action to be taken, but not "conflicts". Further, Plaintiff has never been issued negative performance reviews nor has been written up for any instances of conflict prior to the facts and circumstances as plead in Plaintiff's Verified Complaint.
- d. 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 Hines VA, Hines, Illinois and his phone number is (708) 410-4045.
11. 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 detailed description of the treatment received; the diagnosis and/or prognosis made by each medical practitioner as a result of the examination or treatment; the identity of all documents that evidence or relate to each occasion of examination or treatment; and the amount of the charge made to you or any other person for your account by each medical practitioner as indicated in 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: 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 incorporated by reference in response to this interrogatory. Further answering, Plaintiff's doctor did not disclose his educational credentials to Plaintiff. Plaintiff has submitted all relevant medical documentation in his possession and control in Plaintiff's Verified Complaint and responses to Defendant's Motion to Dismiss.

12. Identify all e-mail addresses you have used since January 1, 2006.

ANSWER:

cynowa@yahoo.com, chrisbelrichard@yahoo.com, further answering, Christopher Cynowa has a new work e-mail address but will not tender that and objects to the disclosure for sake of his job security in light of the conduct by CSSS.

13. Please identify all witnesses and other information called for pursuant to Illinois Supreme Court Rule 213(f)(1) through (f)(3).

ANSWER:

a. Plaintiff's (f)(1) and (f)(2) witnesses:

All of the following witnesses may be called to testify regarding what they know about

the event and circumstances surrounding Christopher Cynowa's termination, and any information about Christopher Cynowa as it relates to this law suit.

1. **Officer Robert Androwski.** Mr. Androwski is a Hines VA Police Officer who completed the report that alleges that Bill Slater told him Plaintiff had a temper, verbal confrontations with his co-workers, and that Plaintiff mentioned he owned an AK-47.
2. **Larry Carver.** Mr. Carver is the former Executive Vice President of CSSS, until he resigned on February 26, 2009. During almost four years of employment, Mr. Carver gained personal knowledge of CSSS staff and management policies, procedures and styles. Additionally, Mr. Carver has personal knowledge and witnessed several events and conversations prior to and following the termination of Christopher Cynowa as well as other former CSSS employees.
3. **Michael Cronin.** Mr. Cronin will testify regarding Plaintiff's behavior, characteristics, and conduct.
4. **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.
5. **Christopher Cynowa.** Mr. Cynowa will testify to all matters related to his Complaint, matters relevant to any and all other pleadings filed in this case, and all responses to discovery tendered by both Plaintiff and Defendant, and all deposition testimony taken in this case.
6. **Sylvia Delsa.** Ms. Delsa, on information and belief is a VA employee. She will testify regarding Plaintiff conduct and characteristics.
7. **Linda Dunlap.** Ms. Dunlap will testify as an (f) (1) and/or (f) (3) witness regarding: VA practices, policies, and procedures;
8. **Tushar Engregi.** Mr. Engregi is/was a CSSS employee who will testify to his personal knowledge regarding Plaintiff's claims.
9. **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.
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 a manner of speaking, a "hot head" and stating that he was dangerous and could have a gun. Mr. Flanagan is expected to testify regarding the aforesaid matters for which he has knowledge.

11. **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. Mr. Floyd is expected to testify regarding the aforesaid matters for which he has knowledge.
12. **Kin Griffin.** Ms. Griffin will testify regarding Plaintiff's termination and Plaintiff's behavior characteristics, and conduct.
13. **Michelle 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.
14. **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.
15. **Dustin Joiner.** Mr. Joiner is a VA employee who will testify regarding anything he knows about Plaintiff's discharge and Michelle Hinton's reaction to Plaintiff's discharge. Mr. Joiner's cell phone number is (630)-660-1800
16. **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. Mr. Klavohn is expected to testify to the same forenamed matters.

17. **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.
18. **Deborah Lawson.** Ms. Lawson is expected to testify that Plaintiff is not a dangerous person, that she was arrested 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.
19. **Larry Mckeehan.** Mr Mchhehan is former supervisor at CSSS who was wrongfully terminated
20. **Tim Marchese.** Mr. Marchese is the process server who served Defendants at CSSS's Nebraska location. Mr. Marchese's affidavit regarding how he was handled by Defendants employees when he delivered the Summons and Complaint in this case was filed in with the Cook County Clerk on June 3, 2009. He will testify to the events surrounding service of process on defendants.
21. **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.
22. **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.
23. **Michael Nikiforos.** Mr. Nikiforos 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. Mr. Nikiforos is expected to testify regarding the aforesaid matters for which he has knowledge.
24. **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.

25. **Randy Padal.** Mr. Padal will testify regarding communications with and about Plaintiff surrounding his termination and regarding Plaintiff's behavior, characteristics and conduct. Mr. Padal is expected to testify regarding the aforesaid matters for which he has knowledge.
26. **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 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.
27. **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. Mr. Piper is expected to testify regarding the aforesaid matters for which he has knowledge.
28. **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.
29. **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, 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" 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.

30. **Anthony Slatton.** Mr. Slaton will testify regarding his knowledge of and/or involvement with the Plaintiff's termination from CSSS.
31. **Lynne Sepple.** Ms. Sepple is, on information and belief, as a VA employ who will testify regarding her personal experience in working with Plaintiff.
32. **Jerry Taylor.** Mr. Taylor is Hines, VA manager located in Seattle, Washington person who 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 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 the defense of Defendant's Counterclaim. Mr. Taylor is expected to testify regarding the aforesaid matters for which he has knowledge.
33. **Scott Theobold.** Mr. Theobold will testify regarding Plaintiff's termination. Further, Mr. Theobold will testify regarding Plaintiff's alleged statements as to Ms. Wolford, Mr. Slater, and CSSS and the damages alleged to have been suffered. Mr. Theobold 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. Theobold is expected to testify regarding the aforesaid matters for which he has knowledge.
34. **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. Ms. Tran is expected to testify regarding the aforesaid matters for which she has knowledge.
35. **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. Ms. Tucker is expected to testify regarding the aforesaid matters for which she has knowledge.

36. **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 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.
37. **Ltd. Unthink**. Ltd. Unthank works for the VA Police and will testify to what he knows about the Plaintiff's.
38. **Darmella J. Ward**. Ms. Ward is currently attorney from Rachlis Durham Duff & Adler, LLC. She is expected to testify regarding her interactions with Larry Carver, especially her implied demand that he supports Lisa Wolford's story about Christopher Cynowa's discharge.
39. **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's termination. Further, Ms. Wolford will testify regarding Plaintiff's alleged defamatory and commercially disparaging statements as to her and CSSS 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.
40. **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.
41. **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.

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

Answer: Ron Klavon (11), Neil Piper (21), and Jerry Taylor (25) Larry Carver. These persons were also noted as identified as (f)(1) witnesses. Plaintiff reserves the right to amend or supplement his (f) (1) and (2) disclosures.

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

ANSWER:

i) Mr. Sbarbaro will testify regarding matters related to (a) the future earning potential for Mr. Cynowa in both the private and U.S. government sector, (b) the impact of the Hines Police Report alleging that Plaintiff had a temper, confrontation with the staff and mentioned having an AK-47 and the sending of that report to Attorney General of the U.S. on the future employability of Mr. Cynowa in the government and private sector.

(ii) Mr. Sbarbaro will conclude and opine that the defamatory remark on Plaintiff's record as a result of the above defamatory matter, if known by an employer, reduces Plaintiff's earning potential in the government sector, and possibly also the private sector.

(iii) Refer to attached is the Bio and Curriculum Vitae for Plaintiff's 213(f)(3) controlled expert witness, Richard Sbarbaro which state his qualifications. Plaintiff reserves his right to amend and/or supplement this (213) (f) (3) interrogatory.

- d. Plaintiff reserves the right to name 213(f) (1) witnesses to the end of the discovery period. Plaintiff reserves the right to amend or supplement his (f) (1) and (2) disclosures.**

- e. 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.
- f. 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.
- g. 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 witnesses 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.
- h. Plaintiff reserves the right to call at trial as a witness any person mentioned by name in Defendants' July 16, 2010 deposition of Plaintiff and or mentioned by name in the deposition of any other deponent and to use any information contained in any document filed with the court in this case.

Dated: October 8, 2010

Respectfully submitted,

By:



CHRISTOPHER S. CYNOWA

Prepared by:
Theresa V. Johnson
Law Office of Theresa V. Johnson
200 E. Chicago Avenue, Suite 200
Westmont, IL 60559
Tel.: (630) 321-1330
Fax: (630) 321-1185

Theresa V. Johnson
10/8/2010

CLIENT'S VERIFICATION

UPON PENALTY OF PERJURY, I, the undersigned, state that I have read the foregoing discovery response document and I further state that I have provided to the attorney who has prepared this document, information which, to the best of my knowledge and belief, is true and accurate. I further state that this 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 explained to me by signing this verification, I am acknowledging that my attorney is acting with my consent and my direction and that my attorney has based his statement on the factual information provided to her by me.


Dated: 10-8-2010
CHRISTOPHER S. CYNOWA

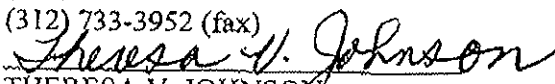
Subscribed and Sworn to before me
this ____ day of October, 2010.

NOTARY PUBLIC

CERTIFICATE OF SERVICE

I, Theresa V. Johnson, hereby certify that a copy of the foregoing PLAINTIFF'S THIRD AMENDED RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFF was tendered to Defendant's counsel, as listed below by email and/or U.S. Mail, postage prepaid, this 8 day of October, 2010.

Kevin Duff
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

Theresa V. Johnson
Law Office of Theresa V. Johnson
200 E. Chicago Avenue, Suite 200
Westmont, IL 60559
Tel.: (630) 321-1330
Fax: (630) 321-1185

EXHIBIT 19

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

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

18 DEC 16 PM 3:53
 18 DEC 16 PM 3:53
 18 DEC 16 PM 3:53

NOTICE OF FILING

*Faxed by Kelly
12/16/10 4:20pm*

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

PLEASE TAKE NOTICE that on the 16th day of December, 2010, the undersigned caused or will caused to be filed with the Cook County Clerk of Circuit Court for the Law Division, the attached copies of PLAINTIFF'S SIXTH SUPPLEMENTAL RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES (a/k/a PLTF'S ANSWERS NO. 6), a copy of which is attached hereto.

Theresa V. Johnson
Theresa V. Johnson

PROOF OF SERVICE

I, Theresa V. Johnson, the attorney, certify under penalties as provided by law pursuant to 735 ILCS 5/1-109, that the statements set forth herein are true and correct; that I served this PLAINTIFF'S SIXTH SUPPLEMENTAL RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES (a/k/a PLTF'S ANSWERS NO. 6) by causing a copy to be X emailed and/or X faxed and/or _____ tendered to each of the parties listed above in open court on December 16, 2010 _____ before 5:00 p.m. _____ after 5:00 p.m.

Respectfully Submitted:
Theresa V. Johnson
Theresa V. Johnson
Attorney for Plaintiff

Theresa V. Johnson
Law Office of Theresa V. Johnson
200 E. Chicago Ave., Suite 200
Westmont, Illinois 60559
Tel.: 630-321-1330
Fax: 630-321-1185
Cook County Atty No.: 37363



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,)	

10 DEC 16 10:44:03
 COUNTY DEPARTMENT, LAW DIVISION
 CLERK OF COURT

PLAINTIFF'S SIXTH SUPPLEMENTAL RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES (a/k/a PLTF'S ANSWERS No. 6)

NOW COMES Plaintiff, CHRISTOPHER CYNOWA, by and through Attorney, Theresa V. Johnson, of the Law Office of Theresa V. Johnson and tenders

PLAINTIFF'S FOURTH SUPPLEMENTAL RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES (hereafter, **PLTF'S ANSWERS NO.5**), to

Supreme Court Rule 213.

INCORPORATION BY REFERENCE

Plaintiff hereby incorporates by reference, as though they were fully set forth herein, all information and disclosure contained in all prior responses/answers, along with all General and specific objections and incorporations of any other documents, such as information emailed to Defendants, filed or otherwise tendered by Plaintiff in response to **DEFENDANTS' FIRST SET OF INTERROGATORIES**, including and not limited to the following Plaintiff's court filed documents:

- (1) **PLAINTIFF'S ANSWER TO DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFF**, court filed May 28, 2009 (hereafter, **PLTF'S**

ANSWER No.1).

(2) PLAINTIFF'S SUPPLEMENTAL RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES tendered on Defendants on August 31, 2010, court filed September 2, 2010, (hereafter, PLTF'S ANSWER No.2).

(3) PLAINTIFF'S AMENDED SUPPLEMENTAL RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES, court filed September 17, 2010, (hereafter, PLTF'S ANSWER No. 3).

(4) PLAINTIFF'S CORRECTED AMENDED SUPPLEMENTAL RESPONSE AND SECOND AMENDED RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES, court filed September 23, 2010, (hereafter, PLTF'S ANSWER No. 4).

(5) PLAINTIFF'S THIRD AMENDED SUPPLEMENTAL RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFF, court filed October 8, 2010, (hereafter, PLTF'S ANSWER No. 5).

Plaintiff Supplements and/or amends his prior filings (i.e., PLTF'S ANSWERS No.1-5 above as follows:

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

ANSWER:

Plaintiff hereby incorporates by reference, as if wholly set forth herein, the email dated December 3, 2010 attached hereto as EXHIBIT A) to Defendants' counsel Kevin Duff which advised Defendants of communications with third parties, Mike Nikoforis, Tushar Engregi, and Michael Cronin and stated the expected testimony of these three witnesses related. Also, I communicated with Michael Nikoforis and Noel Flanagan during the discovery depositions taken by Defendants of each of them on December 6, 2010 and December 7, 2010, respectively. PLAINTIFF'S counsel also spoke with Mr. Cronin's attorney on December 8, 2010.

13. 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:

F(1) Witnesses:

Michael Cronin. Mr. Cronin is expected to testify as an f (1) witness relative to matters related to those stated in (a) prior PLTF'S ANSWERS 1-5 and (b) Defendants' 213 disclosures, (c) December 3, 2010 email to Kevin Duff referenced in answer to number 8 above, and (d) any additional information he may recall related to Plaintiff's Complaint.

Tushar Engregi. Mr. Cronin is expected to testify as an f (1) witness relative to matters related to those stated in (a) prior PLTF'S ANSWERS 1-5 and (b) Defendants' 213 disclosures, (c) December 3, 2010 email to Kevin Duff referenced in answer to number 8 above, and (d) any additional information he may recall related to Plaintiff's Complaint

Noel Flanagan. Mr. Flanagan is expected to testify as an f (1) witness relative to matters related to those stated in (a) prior PLTF'S ANSWERS 1-5 and (b) Defendants' 213 disclosures, (c) December 3, 2010 email to Kevin Duff referenced in answer to number 8 above (d) AFFIDAVIT of November 9, 2010, (e) any matter stated in his discovery deposition of December 7, 2010 and (f) any additional information he may recall related to Plaintiff's Complaint.

Michael Nikoforis. Mr. Nikoforis is expected to testify as an f (1) witness relative to matters related to those stated in (a) prior PLTF'S ANSWERS 1-5 and (b) Defendants' 213 disclosures, (c) December 3, 2010 email to Kevin Duff referenced in answer to number 8 above, and (d) his discovery deposition of December 6, 2010 taken by Defendants, and (e) any additional information he may recall related to Plaintiff's Complaint

F(1) and F(2) Witnesses:

Larry Carver. Mr. Carver is expected to testify as an f (1) witness and as an f (2) witness. Mr. Carver was previously disclosed as an f (1) through f (3) witness, e.g., in PLTF'S ANSWER No. 1 (1. a. page 1), as an f(2) witness in PLTF'S ANSWER No. 3, (page 15), and in PLTF'S ANSWER No. 5 as an f (2) witness paragraph 2, page 12; at paragraph 41., pages 17-18, under **Defendants Witnesses** [which should be labeled 41. "a." not "41"] and at paragraph 41. b. (page 18), g., and h (page 19), and in the December 3, 2010 email (**EXHIBIT A**) to Defendants' counsel, Kevin Duff. Mr. Carver is expected to testify as both an f (1) and f (2) witness regarding the matters disclosed during discovery in this case, including information disclosed in Mr. Carver's **Evidence Deposition** taken July 31, 2009. He is expected to testify as an F(2) PLTF'S ANSWER No. 2. (page 15), which states he will testify to: protocols and technical knowledge requirements of contractors, hiring, firing, security clearances, etc. He is expected to

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testify consistent with his opinions expressed in his evidence deposition regarding Plaintiff's damages in terms of Plaintiff not being able to be put on government contractor's bid for government work.

Linda Dunlap and Diane Nary. Ms. Dunlap and Ms. Nary, if they are not VA employees, will also be called by Plaintiff as f(1) and f(2) witnesses as previously disclosed. Defendants **SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**, which states that Ms. Dunlap and Ms. Nary will serve as f(1) and/or f(2) witnesses, fail to state the employer or address of these witnesses or phone number of these witnesses or any other manner of how they may be contacted.

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

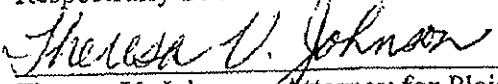
1. The individuals disclosed as witnesses herein, on information and belief, have relevant personal knowledge to the best of the Plaintiff's personal knowledge and available information.

2. 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.

3. 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 witnesses 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: December 16, 2010

Respectfully Submitted;

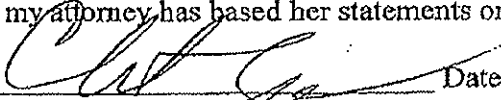


Theresa V. Johnson, Attorney for Plaintiff

Theresa V. Johnson
Attorney at Law
Law Office of Theresa V. Johnson
200 East Chicago Ave. Suite 200
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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.



Christopher S. Cynowa

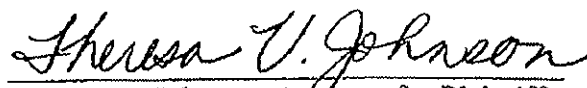
Date: 12/16/10

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 X email and/or X Fax on December 16, 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

12/16/2010

From: Kevin Duff (kduff@rddlaw)
To: theresavjohnson@prodigy.net;
Date: Fri, December 3, 2010 5:03:09 PM
Cc: jmurray@rddlaw.net;
Subject: RE: Cynowa - Supplements to Doc Production and 213 Witnesses

Theresa,

You are required to file sworn interrogatory responses. This Illinois Supreme Court requirement applies to equally supplemental responses as original responses.

Kevin

From: THERESA JOHNSON [mailto:theresavjohnson@prodigy.net]
Sent: Friday, December 03, 2010 4:51 PM
To: Kevin Duff; John Murray
Cc: Theresa Johnson
Subject: Cynowa - Supplements to Doc Production and 213 Witnesses

Kevin,

This supplement incorporates by reference all the Objections, definitions, Limitations, qualifications etc. iterated in Plaintiff's response to Defendants' production request and answer to Defendants' interrogatories. prior to November 11, 2010.

Attached please find additional discovery production documents pursuant to the IL Civ Pro *seasonably supplement* rule:

- (1) November 16, 2010 email between me and Larry Carver.
- (2) fedjobs.com salary pay scale printout from internet which shows the salary grade 13 pay scale relevant to persons such as Noel Flanagan an, Mike Cronin, Tushgar Engregi and others who were hired by the VA after being employed by CSSS as a contractor and/or as a CSSS employee.

Supplement to Plaintiff's 213 witness testimony

I have oral statements made on Tuesday, November 30, 2010, between approximately 7:30-10:30 p.m. from Tushar Engregi and Mike Nikiforis who are listed as f(1) witnesses. In addition to, supplement to and/or enhancement to testimony disclosed in Plaintiff's 213 interrogatories, Plaintiff expect these persons to testify as described below.

Mike Nikiforis 1 (312)206-0882: Plaintiff expects Nikiforis will testify that:

- (1) He never saw or heard Chris say he had a gun or saw Chris with a gun.
- (2) That he written report on the inappropriate or bad conduct of Bill Slater in his treatment of Mr. Nikoforis to CSSS Human Resources.
- (3) He does not recall who he told him Chris might have had a gun.
- (4) That Slater was not a good manager.
- (5) That he and Chris had various differences of opinion, but that he was never afraid of Chris or perceived Chris to be dangerous.

EXHIBIT A

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- (6) That Slater "wrote him up"
- (7) Opinions and observations regarding Slater and Chris.
- (8) That a guy named Pervan did not get along with Slater either.

Tushar Engregi, phone: 1 (708) 372-5527:

- (1) Plaintiff expects to testify that he does not recall who originally told him that Plaintiff might have a gun.
- (2) That it was general office chatter that Plaintiff had a gun.
- (3) That Chris was a nice guy even though he and Chris sometimes disagreed.
- (4) That Chris was blunt and would just tell Slater "No" that he did not want to have dinner with Slater, rather than be politely make an excuse to get out of it like others did.
- (5) That he never heard Chris mention ever owning any weapon nor did he ever see Chris with a weapon.
- (6) That Slater was a difficult manager to work for.
- (7) That he believes Noel Flanagan's version of the story that Slater made inappropriate comments about Tushar's bereavement time regarding the death of Tushar's grandfather.
- (8) His job title, type work at VA, benefits and advantages of working at the VA.
- (9) Other opinions or observations related to Chris Cynowa's work conduct, personality, traits and observed interactions with him and others.
- (10) Other opinions or observations related to Chris Cynowa's work conduct, personality, traits and observed interactions with him and others.
- (11) What he knows about VA application/hiring process, salary, benefits (from a layperson's viewpoint).
- (12) How is he happy to be working at the VA.

Michael Cronin 1 (708) 441-9497. Interviewed on 12/02/10 from approx 4:25-5:45 p.m. in person at Starbucks in LaGrange:

- (1) Plaintiff expects to testify that he does not recall who originally told him that Plaintiff (Chris) might have a gun.
- (2) That he was in the office the day Chris was fired. He saw Hines police come to their work area and purposely left the area because he did not want to get involved.
- (3) That upon returning to his work area, he saw Chris walking down the hall in the direction of Chris's desk. That he heard Chris say to Slater something to the effect that "Now everyone will know you are a liar." and/or "Now no one will ever trust you." He did not hear what Slater said.
- (4) That after Chris was terminated and had left the building, Slater went to Noel Flanagan's desk and he (Cronin) heard Slater ask Noel if Noel saw Chris allegedly threaten him (Slater).
- (5) That there was general office chatter that Plaintiff had a gun, but he does not remember when he first heard that rumor or from whom he heard it.
- (6) That as he recalls, he thinks he and Noel went to lunch the day Chris was fired and that they were shocked by all the commotion at the office. That many months later he heard that Chris sued CSSS and heard more office chatter about a gun.
- (7) That Chris was a nice guy even though he and Chris sometimes disagreed.
- (8) That Chris was blunt and would just tell Slater "No" that he did not want to have dinner with Slater, rather than be politely make an excuse to get out of it like others did.
- (9) That Chris was a "workhorse" and produced a significant amount of work - i.e. trouble tickets
- (10) Chris liked sports, shooting pool, fishing type activities. Chris was not threatening at all. Sometimes Chris humor could be a little crude with friends, but as far as his work was concerned, Chris had an appropriate internal monitor on how to behave.

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(11) That Chris sometimes projected a "tough guy" persona, but was gentle and kind, especially to customers of CSSS.

(12) That he never heard Chris mention ever owning any weapon nor did he ever see Chris with weapon.

(13) That Slater was a difficult manager to work for but Cronin just tried to do his work, not mix business and social life, and go home to his family.

(14) His job title and work at VA and the benefits and advantages of working at the VA, his limited knowledge regarding the hiring process, and his knowledge of the salary grade pay scale is in line with fedjobs.com. That at the time Chris left CSSS, the SG-13 jobs at the VA started in the high 70's or the low 80's.

(15) That he never heard or saw Chris having any physically threatening confrontation with anyone. Other opinions or observations related to Chris Cynowa's work conduct, personality, traits and observed interactions with him and others.

(16) Other opinions or observations related to Chris Cynowa's work conduct, personality, traits and observed interactions with him and others.

(17) That he (Cronin) at CSSS had a moderate security clearance for working on VA projects.

Larry Carver: As an f(1) witness, Larry Carver will testify to the content of his evidence deposition from July 31, 2009. As an f(2), he will testify to the same information in this Evidence deposition.

Sincerely,

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

EXHIBIT 20

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

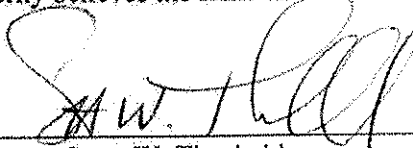
CHRISTOPHER S. CYNOWA,)
)
Plaintiff,)
)
v.) No. 08 L 403
)
CSSS, INC., et al)
)
Defendants.)

DECLARATION OF SCOTT W. THEOBALD

I, Scott W. Theobald, declare as follows:

1. I am over the age of 18 and am competent to testify to the matters set forth herein, based upon my personal knowledge.
2. I serve as the Director of Human Resources at CSSS.NET, Inc.
3. Attached hereto and stamped for identification as CSSS 50-51 is a true and accurate copy of Policy #041 of CSSS.NET Policies and Procedures, entitled "Behavior of Employees." These records are maintained in the ordinary course of business as CSSS.NET business records.

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



Scott W. Theobald



Policy 041 - Behavior of Employees

- 1. Purpose**
This policy describes Employee Behavior.
- 2. Definitions**
 - None
- 3. Applicability**
This policy applies to all employees of CSSS.NET.
- 4. Policy**
It is the policy of CSSS.NET that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits CSSS, or is offensive to customers or coworkers will not be tolerated.
- 5. Procedures**
 - 5.1.** Employees are expected at all times to conduct themselves in a positive manner in order to promote the best interests of CSSS. Appropriate employee conduct includes:
 - 5.1.1.** Treating all customers, visitors, and coworkers in a courteous manner (see Customer Relations, Policy 044);
 - 5.1.2.** Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to CSSS's best interests (see Productive Work Environment, Policy 014);
 - 5.1.3.** Reporting to management suspicious, unethical, or illegal conduct by coworkers, customers, or suppliers;
 - 5.1.4.** Reporting to management any threatening or potentially violent behavior by coworkers;
 - 5.1.5.** Cooperating with CSSS investigations (see Productive Work Environment, Policy 014);
 - 5.1.6.** Complying with all CSSS safety and security regulations (see Employee Safety, Policy 032);
 - 5.1.7.** Wearing clothing appropriate for the work being performed (see Employee Safety, Policy 032; and Personal Appearance of Employees, Policy 043);
 - 5.1.8.** Performing assigned tasks efficiently and in accord with established quality standards;
 - 5.1.9.** Reporting to work punctually as scheduled and being at the proper work station, ready for work, at the assigned starting time (see Attendance and Punctuality, Policy 037);
 - 5.1.10.** Giving proper advance notice whenever unable to work or report on time (see Attendance and Punctuality, Policy 037);
 - 5.1.11.** Smoking only at times and in places not prohibited by CSSS rules or local ordinances (see Maintenance of Work Areas, Policy 033; and Smoking, Policy 036);
 - 5.1.12.** Eating meals only during meal periods and only in the designated eating areas (see Meal Breaks, Policy 040); and
 - 5.1.13.** Maintaining cleanliness and order in the workplace and work areas (see Maintenance of Work Areas, Policy 033).
 - 5.2.** The following conduct is prohibited and individuals engaged in it will be subject to discipline, up to and including termination (see Disciplinary Procedure, Policy 019):

This information is confidential, proprietary, and the property of CSSS.NET.

- 5.2.1. Engaging in or threatening acts of workplace violence, including but not limited to:
 - 5.2.1.1. Possessing firearms or other weapons on CSSS.NET property;
 - 5.2.1.2. Fighting or assaulting a coworker, guest, or customer;
 - 5.2.1.3. Threatening or intimidating a coworker, security guard, customer, or guest;
 - 5.2.2. Engaging in any form of sexual or other harassment (see Productive Work Environment, Policy 014);
 - 5.2.3. Reporting to work under the influence of alcohol, illegal drugs, or narcotics or using, selling, dispensing, or possessing alcohol, illegal drugs, or narcotics on CSSS premises (see Drugs, Narcotics, and Alcohol, Policy 048);
 - 5.2.4. Disclosing trade secrets or confidential CSSS information (see Employee Agreement);
 - 5.2.5. Falsifying or altering any CSSS record or report, such as an employment application, medical reports, data or personnel records, time records, expense accounts, or absentee reports;
 - 5.2.6. Stealing, destroying, defacing, or misusing CSSS property or another employee's or customer's property;
 - 5.2.7. Misusing CSSS communications systems, including electronic mail, computers, Internet access, and telephones (see Use of Computer Systems, Policy 045);
 - 5.2.8. Refusing to follow management's instructions concerning a job-related matter or being insubordinate;
 - 5.2.9. Failing to wear assigned safety equipment or failing to abide by safety rules and policies (see Safety, Policy 031);
 - 5.2.10. Soliciting or distributing in violation of CSSS policies (see Solicitation, Policy 035);
 - 5.2.11. Smoking where prohibited by local ordinance or CSSS rules (see Smoking, Policy 036);
 - 5.2.12. Using profanity or abusive language (see Use of Computer Systems, Policy 045);
 - 5.2.13. Sleeping on the job;
 - 5.2.14. Gambling on CSSS property;
 - 5.2.15. Playing pranks or engaging in horseplay; and
 - 5.2.16. Wearing improper attire or having an inappropriate personal appearance (see Personal Appearance of Employees, Policy 043).
- 5.3. The examples of impermissible behavior described in 5.2 above, are not intended to be an all-inclusive list. At management's discretion, any violation of CSSS's policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action. Questions about this policy should be directed to the Human Resources Manager.

6. Forms

The following form(s) are applicable to this policy:

- None

Revision History

Revision	Date	Description of Changes	Requested By
0	09/15/05	Initial Release	Gennie Pettit
1	08/15/06	Format update	Christon Kaiser

This information is confidential, proprietary, and the property of CSSS.NET.