

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. )

**NOTICE OF EMERGENCY MOTION**

**TO:** Kevin B. Duff Haytham Faraj  
Rachlis, Durham, Duff & Adler, LLC 1800 Diagonal Road  
542 South Dearborn Street Suite 210  
Suite 900 Alexandria, VA 22314  
Chicago, Illinois 60605 Fax (202) 280-1039  
Fax (312) 733-3952


PLEASE TAKE NOTICE that on Monday, February 14, 2011, at 11:00 a.m., or as soon thereafter as counsel may be heard, plaintiff shall appear before the Honorable William Maddux, or any judge sitting in his stead, in Room 2005, Daley Civic Center, Chicago, Illinois, and present the attached **EMERGENCY MOTION TO QUASH**, a copy of which is attached hereto and served upon you herewith.

**CHRISTOPHER CYNOWA**

By: 

**CERTIFICATE OF SERVICE**

The undersigned certifies that the above and foregoing Notice of Emergency Motion and attachment thereto was served, upon the persons to whom directed, by facsimile and by placing a true and accurate copy of the same in an envelope, addressed as above and depositing the same in the U.S. Mail, first class postage pre-paid, on February 10, 2011, before the hour of 5:00 p.m.



Attorney No. 70292  
Peter V. Bustamante  
150 North Michigan, Suite 690  
Chicago, Illinois 60601  
(312) 346-2072

**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.            | ) |              |

**MOTION TO QUASH**

Plaintiff, Christopher S. Cynowa, by his attorneys Theresa V. Johnson and Peter V. Bustamante, pursuant to Supreme Court Rule 211, moves this Honorable Court to quash the notice and subpoena for the evidence deposition of Larry Carver and in support thereof states:

1. On January 31, 2011, defendants served notice that they intend to take additional testimony from Larry Carver by way of evidence deposition. A copy of the Notice and Subpoena are attached as Exhibits 1 and 2.
2. Larry Carver gave an evidence deposition on July 31, 2009. At the evidence deposition the defendants were represented by counsel. A partial copy of the transcript of the deposition is attached as Exhibit 3.
3. During Mr. Carver's evidence deposition the plaintiff conducted a direct examination (pp. 6-108), the defense cross-examined (pp. 108-152), the plaintiff re-directed (pp. 152-155) and the defense re-crossed (pp. 155-157).
4. Defense counsel had ample opportunity to cross-examine the witness. At the conclusion of her cross-examination defense counsel stated, "That's all I have." (Page 152).

5. This case is now set for trial on April 11, 2011. Additionally, the defendants have a pending motion for summary judgment that will be heard on March 24, 2011, before Judge Maras.

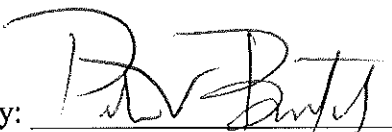
6. Now defense counsel seeks to elicit additional testimony from Mr. Carver. When defense counsel was informed of our objection, he now states that Mr. Carver's deposition was not concluded. Yet defense counsel never brought a motion for ruling on certified questions and took no steps to seek additional testimony until the eve of trial. The prejudice in allowing defense counsel to proceed in a piecemeal manner is patent.

7. Moreover, Mr. Carver lives in Alexandria, Virginia. The defendants did not obtain a subpoena from a court in Mr. Carver's jurisdiction. The defense simply issued a Circuit Court of Cook County subpoena without more.

8. This Court does not have jurisdiction to enforce its subpoenas outside of Illinois and the subpoena should also be quashed as unenforceable.

**WHEREFORE**, plaintiff prays that this Honorable Court quash the subpoena issued to Larry Carver.

**CHRISTOPHER S. CYNOWA**

By:   
Peter V. Bustamante

Theresa V. Johnson  
200 East Chicago Avenue  
Suite 200  
Westmont, Illinois 60559  
(630) 321-1330  
Attorney No. 37363

Peter V. Bustamante  
150 North Michigan Avenue  
Suite 690  
Chicago, Illinois 60601  
(312) 346-2072  
Attorney No. 70292

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

|                              |   |              |
|------------------------------|---|--------------|
| CHRISTOPHER S. CYNOWA,       | ) |              |
|                              | ) |              |
| Plaintiff,                   | ) |              |
|                              | ) |              |
| v.                           | ) | No. 08 L 403 |
|                              | ) |              |
| CSSS, INC. (CLIENT SERVER    | ) |              |
| SOFTWARE SOLUTION d/b/a      | ) |              |
| CSSS.NET), LISA WOLFORD, and | ) |              |
| WILLIAM F. SLATER,           | ) |              |
|                              | ) |              |
| Defendants.                  | ) |              |

**NOTICE OF EVIDENCE DEPOSITION**

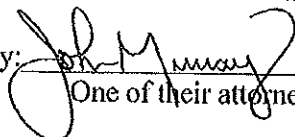
|                                  |                                      |
|----------------------------------|--------------------------------------|
| To: Theresa V. Johnson           | Peter V. Bustamante                  |
| Law Office of Theresa V. Johnson | Paula Giroux                         |
| 200 E. Chicago Avenue, Suite 200 | 150 North Michigan Avenue, Suite 690 |
| Westmont, IL 60559               | Chicago, IL 60601                    |
|                                  | (312) 346-2072                       |

PLEASE TAKE NOTICE that Defendants, through their undersigned counsel, will continue the evidence deposition of Larry Carver, on Thursday, February 17, 2011, at 12:00 p.m. EST, at the law office of Puckett & Faraj, 1800 Diagonal Road, Suite 210, Alexandria, Virginia 22314, at which time you may appear and examine the witness if you so desire.

The evidence deposition may be recorded by stenographic, audio, video or other means, and will continue from day to day until complete.

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

Dated: January 31, 2011

By:   
One of their attorneys

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

EX 1

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Christopher S. Cynova

Plaintiff/Petitioner

CSSS.NET, Inc., et al.

Defendant/Respondent

No. 08-L-403

SUBPOENA IN A CIVIL MATTER (For Testimony and/or Documents)

To: Larry Carver

6208 Waterlily Court

Alexandria, VA 22310

- 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable \_\_\_\_\_ in Room \_\_\_\_\_, Illinois on \_\_\_\_\_ at \_\_\_\_\_ m.
  - 2. YOU ARE COMMANDED to appear and give your <sup>Evidence</sup> deposition testimony before a Notary Public at: Puckett & Paraj, 1800 Diagonal Road in Room (Suite 210), Alexandria, VA 22314 at 12:00 p. m. (Eastern Standard Time) on Thursday, February 17, 2011
  - 3. YOU ARE COMMANDED to mail the following documents in your possession or control to Puckett & Paraj, c/o Haytham Paraj at 1800 Diagonal Road, Suite 210, Alexandria, VA 22314 on or before Thursday, February 10, 2011 at 5:00 p. m. (Eastern Standard Time)
- (THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.)

Description continued on attached page(s). See attached "Ridor to Subpoena for the Continuation of the Evidence Deposition of Larry Carver." YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

Notice to Deponent:

- 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows: \_\_\_\_\_

Description continued on attached page(s). (A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

- 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by \_\_\_\_\_ (Name of Recording Device Operator)
- 3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. 40151

Pro Se 99500

Name: John E. Murray

Atty. for: Defendants

Address: 542 South Dearborn Street, Suite 900

City/State/Zip: Chicago, IL 60605

Telephone: (312) 733-3950

Issued by:

*John E. Murray*  
Signature

Attorney

Clerk of Court

Date: January 26, 2011

I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to \_\_\_\_\_ by certified mail, return receipt requested (Receipt # \_\_\_\_\_) on \_\_\_\_\_ I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.

I served this subpoena by handing a copy to Larry Carver on January 30, 2011 I paid the witness \$ 21.40 for witness and mileage fees.

*Bethany N. Trivello*  
(Signature of Server)

Bethany N. Trivello  
(Print Name)

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

Ex 2

Rider to Subpoena for the Continuation of the Evidence Deposition of Larry Carver

The term "document" refers to and includes, but is not limited to, writings, drawings, graphs, video photographs, images, electronic mail, charts, pictures, phonograph records, computer or electronic data and/or records, recording tapes, and every other type of physical evidence or data compilation stored in any medium.

Please produce:

1. All documents related to your communications with Christopher Cynowa concerning this case following Cynowa's termination from Client/Server Software Solutions, Inc. ("CSSS") from January 18, 2007 to the scheduled date of your deposition.
2. All documents related to your communications with Christopher Cynowa's attorneys concerning this case following Cynowa's termination from Client/Server Software Solutions, Inc. ("CSSS") from January 18, 2007 to the scheduled date of your deposition.
3. All telephone records related to any calls between you and Christopher Cynowa concerning this case following Cynowa's termination from Client/Server Software Solutions, Inc. ("CSSS") from January 18, 2007 to the scheduled date of your deposition.
4. All telephone records related to any calls between you and Christopher Cynowa's attorneys concerning this case following Cynowa's termination from Client/Server Software Solutions, Inc. ("CSSS") from January 18, 2007 to the scheduled date of your deposition.

RACHLIS DURHAM DUFF & ADLER, LLC  
542 S. DEARBORN STREET, SUITE 900  
CHICAGO, IL 60605-1535

5882

PAY TO THE ORDER OF

*Jerry Carter*

DATE *1/26/11*

2-648-710

*Twenty One and 40/100*

\$ *21.40*



THE PRIVATE BANK  
120 SOUTH LA SALLE STREET • CHICAGO, ILLINOIS 60603

TWO SIGNATURES REQUIRED IF OVER 500.

*Katherine Johnson*

FOR 08 L 45 > witness fee

⑈005882⑈ ⑆071006486⑆ 129951⑈

DOLLARS

MP

1 STATE OF ILLINOIS            )  
2 COUNTY OF C O O K            ) SS.  
3            IN THE CIRCUIT COURT OF COOK COUNTY  
4            COUNTY DEPARTMENT, LAW DIVISION

5 CHRISTOPHER S. CYNOWA,        )  
6            Plaintiff,                )  
7            vs.                        ) No. 08 L 403  
8 CSSS, INC., et al,                )  
9            Defendants.                )

10  
11            THE EVIDENCE DEPOSITION OF LARRY CARVER  
12 taken before ANDREA F. TRIPPI ELSE, Certified  
13 Shorthand Reporter, Registered Professional  
14 Reporter in and for the County of DuPage,  
15 State of Illinois, taken pursuant to the  
16 provisions of the Illinois Code of Civil  
17 Procedure and the Rules of the Supreme Court  
18 thereof pertaining to the taking of  
19 depositions for the purpose of evidence at 200  
20 East Chicago Avenue, Westmont, Illinois,  
21 commencing at 10:00 a.m. on the 31st day of  
22 July, A.D., 2009.  
23  
24

Reported by: Andrea Trippi Else, CSR, RPR, 630.699.5739

Ex 3

‡



1           Last Christmas, I spent Christmas with  
2 my wife and children and she sent Christmas  
3 presents to my house, because I wouldn't spend  
4 Christmas with her.

5           Q. At that point, your wife knew about  
6 her?

7           A. Yeah. I told her.

8           I'm not going to answer some of these  
9 questions.

10          MS. JOHNSON: Would you like to do your  
11 cross now?

12          MS. WARD: I would imagine that you're  
13 hungry. We'll do that after.

14          MS. JOHNSON: Let's take a lunch break.

15                       (Lunch break was had at 12:05 p.m.)

16                       (Back on the record at 1:12 p.m.)

17          MS. JOHNSON: Let the record reflect that  
18 we're returning from lunch and it's slightly  
19 after 1:00 -- slightly after 1:12. But we did  
20 begin early.

21           And I'm going to continue my direct  
22 examination for another question or so.

23          BY MS. JOHNSON:

24           Q. I'm going to begin by saying,

Larry Carver Deposition Transcript 07312009

1 Mr. Carver, I'm going to show you now what's  
2 been marked as Cynowa Exhibit No. 4.

3 MS. WARD: Did you mark that before the  
4 record was on?

5 Do you have a copy for me?

6 MS. JOHNSON: I can make you one. DL 0001  
7 through DL 0008.

8 BY MS. JOHNSON:

9 Q. I'm going to show you -- do you  
10 recognize that picture?

11 A. I don't, but it looks like a deer  
12 that's been hunted.

13 Q. Were you aware that Chris Cynowa is a  
14 hunter?

15 A. I had no idea. But, you know, most of  
16 the people that work for CSSS are hunters,  
17 anyway.

18 Q. Have you ever seen hunted deer before?

19 A. Yes.

20 Q. If you can look through the pictures.

21 Could you determine how you think the  
22 deer was hunted?

23 MS. WARD: I'm going to object as to  
24 relevance.

Reported by: Andrea Trippi Else, CSR, RPR, 630.699.5739

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‡

Larry Carver Deposition Transcript 07312009

1 BY MS. JOHNSON:

2 Q. Do you see any weapons?

3 A. There's a bow or an arrow. So I would  
4 assume it's bow and arrow.

5 Q. Okay. Had you seen this picture prior  
6 to Mr. Cynowa's termination, would you have  
7 had any different opinion of him?

8 A. No. Actually, there's -- in the  
9 corporate office of CSSS, most of the people  
10 there hunted. These types of pictures are  
11 common at CSSS.

12 Q. Do people display them?

13 A. Yes.

14 Q. Okay, thank you.

15 MS. JOHNSON: So Cynowa Exhibit No. 4 is a  
16 group picture of hunted deer.

17 MS. WARD: You indicated on the record  
18 which one those were, just for reference  
19 purposes.

20 MS. JOHNSON: It's DL001 through -8.

21 I have no further questions.

22 CROSS EXAMINATION

23 BY MS. WARD:

24 Q. Mr. Carver, even though we've met

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‡

1 before, I'm going to reintroduce myself. I'm  
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2 Darnella Ward, and I represent your former  
3 employee, CSSS.net and Lisa Wolford and also  
4 Bill Slater, who is a former employee, as you  
5 indicated earlier in your testimony today of  
6 CSSS.net.

7 I'm just going to remind you that you  
8 are under oath.

9 And, in addition, just to clarify some  
10 rules that were mentioned to you earlier, I'm  
11 going to ask you some questions. Let me  
12 finish my question -- you may think that you  
13 know what I'm going to ask, just give me the  
14 courtesy of letting me finish. And also  
15 counsel may have objections that she'll lodge.  
16 Let her finish and then answer that question.

17 A. Fair enough.

18 Q. If there's a question that you don't  
19 understand or you can't hear me or I wasn't  
20 clear, you can ask me to clarify that  
21 question. I'll do my best to do that. I  
22 think that's it.

23 A. Okay.

24 Q. Can you tell me your full name?

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♀

1 A. Sure. My full legal name is Lawrence  
2 Otis Carver.

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1 Q. Do you recall the names of those cases?

2 A. No.

3 Q. Do you recall whether you've ever been  
4 sued for fraud?

5 A. Never been sued for fraud.

6 Q. Never been sued for fraud?

7 A. No.

8 Q. Do you recall whether you've ever been  
9 sued for pirating Microsoft information or  
10 software?

11 A. A company I owned was.

12 Q. What was the name of that company?

13 A. CRC Computer Sales and Service.

14 Q. So do you recall what the nature of  
15 those allegations within that complaint were?

16 A. They were selling what was called gray  
17 software.

18 Q. Can you explain that a little further?

19 A. Actually, what it is is there's  
20 authorized software and there's software that  
21 looks like it's authorized, and it's not. We  
22 bought it from a vendor who was an authorized  
23 vendor who was selling us gray software. And  
24 we had resold it.

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♀

1 Q. Within that complaint, did they allege  
2 that that was a wrongdoing that you did?

3 A. Absolutely. And I didn't deny it.  
4 Because I didn't realize it was a wrongdoing  
5 until it happened.

6 Q. Was there ever a judgment entered in  
7 that case?

8 A. I don't know if there was, or not.

9 Q. What other cases have you been sued in?  
10 Do you recall any?

11 A. You know, as a small business owner,  
12 I've been sued by lots of people by lots of  
13 stuff.

14 Q. Have you ever been sued for credit card  
15 fraud?

16 A. No.

17 Q. Do you have any sort of IRS liens or  
18 anything like that?

19 A. What's the relevance to this? Again, I  
20 had a small business.

21 Q. And my question is, do you have any  
22 sort of IRS liens?

23 A. Sure.

24 Q. How many?

Reported by: Andrea Trippi Else, CSR, RPR, 630.699.5739

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♀

1 A. I don't know.

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2 Q. Do you know roughly the amount?

3 A. I don't know. I know there's a payment  
4 plan and it's being taken care of.

5 Q. So you're in the process of making  
6 payments on all of those liens?

7 A. That's correct.

8 I assume these are all things your  
9 client found when they had the private  
10 investor investigating me; is that correct?

11 Q. Again, Mr. Carver, it's for me ask the  
12 question and for you to answer. But you will  
13 not answer some that are appropriate.

14 A. I don't think they are appropriate.

15 Q. I appreciate that, but....

16 Do you know how many lawsuits that  
17 you've been involved in roughly?

18 A. I don't know.

19 Q. You don't recall, other than what we  
20 talked about, the Microsoft case where your  
21 company, according to your testimony, was  
22 accused of fraud pirating of Microsoft --

23 A. I don't think it was called pirating.  
24 I think it was called selling of gray

Reported by: Andrea Trippi Else, CSR, RPR, 630.699.5739

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1 software, is what it was. We didn't produce  
2 any software. All we did was resell software.

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3 Q. Do you know a woman named Helen

4 Pavlowkis (phonetic)?

5 A. I don't know what the relevance of that  
6 is.

7 Q. That wasn't my question.

8 Do you know who I'm talking about?

9 A. Yes, but I --

10 Q. (Certified question.)

11 And who is that person?

12 A. It was a business person that was  
13 engaged with a business opportunity with me.

14 Q. What was the nature of that business?

15 A. Again, it has no relevance to this  
16 case. I don't want to talk about it.

17 Q. You're not going answer the question?

18 A. I'm not going to answer.

19 Q. Okay.

20 MS. WARD: That's all I have.

21 A. Okay.

22 REDIRECT EXAMINATION

23 BY MS. JOHNSON:

24 Q. Just pertaining to the lawsuits they

Reported by: Andrea Trippi Else, CSR, RPR, 630.699.5739

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1 mentioned, were they resolved?

2 A. Some have been, some have not been.

3 Some of them were just --

4 Q. Go ahead.

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5 A. No, that's okay.

6 MS. WARD: Earlier you just said you didn't  
7 remember. Now you know that she's asking you  
8 that they were resolved?

9 THE WITNESS: She said were they all  
10 resolved?

11 MS. WARD: Yeah, but I asked you about the  
12 case generally, first, you said you didn't  
13 know.

14 What you're indicating to her is that  
15 you knew.

16 THE WITNESS: That's not what I said.

17 BY MS. JOHNSON:

18 Q. How many businesses have you had,  
19 approximately?

20 A. Total of about five.

21 Q. About how many employees have you had?

22 A. At one time, probably the most  
23 employees I ever had was 25.

24 Q. Okay. Thank you.

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1 Do you have anything else that you'd  
2 like to state that is relevant to Christopher  
3 Cynowa, whether or not he ever indicated he  
4 had an AK-47, which is what this case is  
5 about.

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6 A. No.

7 Q. Do you recall -- I believe you  
8 mentioned her earlier -- someone by the name  
9 of Dani?

10 A. Dani Tucker?

11 Q. The person that Lisa fired?

12 A. Uh-huh.

13 Q. I just wanted to -- because it came to  
14 my mind, did you ever talk to her about this  
15 lawsuit?

16 A. No.

17 You know what, I did tell her. I'll  
18 correct that. I did ask her to give your  
19 office a call. I don't know if she did call  
20 you, or not.

21 Q. I want to make sure, earlier Ms. Ward  
22 asked you if you had talked to anyone else?

23 A. When you just said that, that triggered  
24 in the back of my mind.

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♀

1 Q. You didn't recall it at the time she  
2 asked?

3 A. And I was talking to her. She was  
4 saying I wish there was somebody who would do  
5 something about Lisa. There is a person. And  
6 I gave her your office number to call.

7 MS. JOHNSON: Thank you.  
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8 MS. WARD: I just have two more questions  
9 in followup to that.

10 RE CROSS EXAMINATION

11 BY MS. WARD:

12 Q. (Certified question.)

13 What were the names of the five  
14 businesses? What were the names of those  
15 companies?

16 A. It's not relevant.

17 Q. It is.

18 A. It's not relevant.

19 Q. So you're saying --

20 A. I'm not allowing you to go on a witch  
21 hunt. I'm not allowing your client to do a  
22 witch hunt.

23 Q. So you're saying you will not answer  
24 that question?

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1 A. It's not relevant.

2 Your client has already done a witch  
3 hunt on me. And I'm not going to allow her to  
4 do any more of a witch hunt on me.

5 Q. One other question: You mentioned  
6 today about integrity and honesty.

7 Do you feel within these five  
8 businesses that you owned that you acted with

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9  
10 A. To the best of my ability at the time,  
11 yes.

12 Q. Okay, thank you.

13 MS. WARD: That's all I have.

14 I'm going to certify, if you can make  
15 for the record that the questions that  
16 Mr. Carver refused to answer. I'd like those  
17 certified for the record.

18 MS. JOHNSON: I'd like to reserve  
19 signature.

20 I'd like this written up.

21 MS. WARD: I'll take a copy. I'm going to  
22 reserve the time left on this deposition.

23 MS. JOHNSON: I'm confused.

24 MS. WARD: I'm going to reserve the right

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1 to recall this witness.

2 MS. JOHNSON: I'll reserve the time to redo  
3 a Redirect.

4 (Witness excused at 2:00 p.m.)  
5  
6  
7  
8  
9

10

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