

*CHRISTOPHER S. CYNOWA vs.
CSSS, INC., et al.*

*MICHAEL NIKIFOROS
December 06, 2010*

*BISTANY REPORTING SERVICE
100 North LaSalle Street
Suite 1600
Chicago, Illinois 60602
e-mail: info@bistanyreporting.com*

Original File nikiforos120610final.txt
Min-U-Script® with Word Index

**PLAINTIFF'S
EXHIBIT D**

Page 1

1 STATE OF ILLINOIS }
 2 COUNTY OF C O O K } SS:
 3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 4 COUNTY DEPARTMENT, LAW DIVISION
 5 CHRISTOPHER S. CYNOWA,)
 6 Plaintiff,)
 7 -vs-) No. 08 L 000403
 8 CSSS, INC., (CLIENT SERVER)
 9 SOFTWARE SOLUTION d/b/a)
 10 CSSS.NET), LISA WOLFORD,)
 11 WILLIAM F. SLATER,)
 12 Defendants.)

13
 14 The deposition of MICHAEL NIKIFOROS, called by
 15 the defendants for examination, taken pursuant to subpoena
 16 and the provisions of the Code of Civil Procedure and the
 17 Rules of the Supreme Court of the State of Illinois
 18 pertaining to the taking of depositions for the purpose of
 19 discovery, taken before NANCY L. BISTANY, a Notary Public
 20 within and for the County of Cook, State of Illinois, and
 21 a Certified Shorthand Reporter of said state, CSR No.
 22 84-1857, at Suite 900, 542 South Dearborn Street, Chicago,
 23 Illinois, on December 6, 2010, at 12:58 p.m.
 24

Page 3

1		I N D E X	
2	WITNESS		PAGE
3	MICHAEL NIKIFOROS		
4	EXAMINATION BY MR. DUFF		4
5	EXAMINATION BY MS. JOHNSON		27
6	FURTHER EXAMINATION BY MR. DUFF		37
7	FURTHER EXAMINATION BY MS. JOHNSON		38
8	FURTHER EXAMINATION BY MR. DUFF		39
9			
10			
11		E X H I B I T S	
12	NIKIFOROS DEPOSITION EXHIBITS		FOR ID
13	No. 1 Subpoena to Michael Nikiforos		11
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			

Page 2

1 PRESENT:
 2
 3 LAW OFFICE OF THERESA V. JOHNSON
 4 BY: MS. THERESA V. JOHNSON
 5 200 East Chicago Avenue, Suite 200
 6 Westmont, Illinois 60559
 7 (630) 321-1330
 8 theresavjohnson@prodigy.net
 9 appeared on behalf of the Plaintiff;
 10
 11 RACHLIS DURHAM DUFF & ADLER, LLC
 12 BY: MR. KEVIN B. DUFF
 13 MR. JOHN E. MURRAY
 14 542 South Dearborn Street, Suite 900
 15 Chicago, Illinois 60605
 16 (312) 733-3390
 17 kduff@rddlaw.net
 18 jmurray@rddlaw.net
 19 appeared on behalf of the Defendants;
 20
 21 MS. MARIA N. LERNER
 22 609 South Pitt Street
 23 Alexandria, Virginia 22314
 24 (202) 256-5513
 marialearner@yahoo.com
 - and -
 MS. MARYANNA CALLAS
 2825 Gabriella Street, #611
 Downers Grove, Illinois 60515
 (630) 936-3317
 mcallas29@yahoo.com
 appeared on behalf of the Deponent.

23 Reported by: NANCY L. BISTANY, CSR, RPR, FCRR
 24 License No. 84-1857.

Page 4

1 **MR. DUFF:** Would you please swear the witness.
 2 (WHEREUPON, the witness was duly sworn.)
 3 **MR. DUFF:** Let the record reflect that this is the
 4 discovery deposition of Michael Nikiforos, taken pursuant
 5 to the Illinois Supreme Court rules and the Illinois Code
 6 of Civil Procedure and duly noticed as such.
 7 MICHAEL NIKIFOROS,
 8 called as a witness herein, having been first duly sworn,
 9 was examined and testified as follows:
 10 **EXAMINATION**
 11 **BY MR. DUFF:**
 12 Q. Could you please state your full name for the
 13 record.
 14 A. Michael Nikiforos, pronounced Nikiforos and
 15 spelled N-i-k-i-f-o-r-o-s.
 16 Q. And where do you live?
 17 A. Now I live at 2251 West Augusta Boulevard,
 18 third floor, Chicago, Illinois 60622.
 19 Q. Have you ever had your deposition taken
 20 before, Mr. Nikiforos?
 21 A. Never.
 22 Q. And I understand that you're represented by
 23 counsel here today; is that right?
 24 A. Yes.

Page 5

1 **MR. DUFF:** And just for the record, we ought to
2 indicate who is here. So if you don't mind, if you could
3 just identify yourselves for the record.
4 **MS. LERNER:** Maria Lerner for the plaintiff.
5 **MR. DUFF:** Actually, for the --
6 **MS. LERNER:** Oh, I'm sorry. Geez. For the
7 witness. My apologies.
8 **MS. CALLAS:** Maryanna Callas for the witness.
9 **BY MR. DUFF:**
10 Q. So I just wanted to go over a couple things
11 and obviously noting for the record that you're
12 represented by counsel here today, and your lawyers may
13 have gone over this with you.
14 I'm going to ask you a series of questions
15 today. Our court reporter, Nancy Bistany, is here to take
16 down everything that is said. It's important that you and
17 I give each other a chance to talk so that we don't talk
18 over each. So, in other words, if I ask you a question,
19 if you could try to give me the opportunity to finish my
20 question --
21 **A. Okay.**
22 Q. -- and I'll note that lawyers are renowned
23 for not necessarily asking their questions all the way
24 through, so if you could just make sure that it seems like

Page 6

1 my question is complete.
2 **A. Complete.**
3 Q. Similarly, I'll give you the opportunity to
4 finish your answer or to the best that I can.
5 Is that fair?
6 **A. That is fair.**
7 Q. And if you don't understand any of my
8 questions, will you let me know that?
9 **A. I will.**
10 Q. If you need to take a break today, just let
11 me know that as well. Okay?
12 **A. Okay.**
13 Q. Okay. Who is your present employer?
14 **A. AHIMA is the acronym, American Health**
15 **Information Management Association.**
16 Q. And where is the address of your employer?
17 **A. 223 North Michigan Avenue, 21st Floor,**
18 **Chicago, Illinois 60601.**
19 Q. How long have you worked for AHIMA?
20 **A. Approximately three-and-a-half years. I**
21 **started in June of 2007 to present.**
22 Q. And who did you work for before AHIMA?
23 **A. I had a position for a month at PCMI. It was**
24 **not the particular job that I wanted, so I had found**

Page 7

1 **AHIMA, and then so I left. I was there with PCMI for a**
2 **month.**
3 Q. And before PCMI, who were you with?
4 **A. I worked for CSSS from, I'm going to say,**
5 **August of 2006 to April 2007.**
6 Q. Okay. So then for PCMI, somewhere in the
7 April, May 2007 range?
8 **A. I think I was there for a year, so that**
9 **would -- right, I think I was there from August 2005.**
10 **MS. LERNER:** At CSSS?
11 **THE WITNESS:** Correct, I was there for a year and a
12 half.
13 **BY MR. DUFF:**
14 Q. That's fine. But in any event, you left CSSS
15 in April 2007?
16 **A. That's correct.**
17 Q. And what was your position for CSSS?
18 **A. I worked the second shift. I was a system**
19 **engineer, was the title that I had. Primarily it was an**
20 **on-call center. First shift would take tickets to fix**
21 **things. Second and third would be used to triage urgent**
22 **calls.**
23 **So we were there primarily to field calls as**
24 **urgencies came up during off hours, and they needed to**

Page 8

1 **have 24/7 support, so they had -- every shift would have**
2 **to have at least two people, minimum two people per shift.**
3 **And I was on second.**
4 Q. Who did you report to when you were at CSSS?
5 **A. At the beginning was Larry McKeehan from --**
6 **MS. LERNER:** Do you know how to spell that?
7 **THE WITNESS:** M-c-K-e-e-h-a-n --
8 **MS. LERNER:** H?
9 **THE WITNESS:** No, I don't know.
10 **MS. LERNER:** That's all right if you don't know.
11 **THE WITNESS:** McKeehan is how he pronounced it.
12 **BY MR. DUFF:**
13 Q. And then after that?
14 **A. As of December '06, Larry McKeehan was**
15 **terminated, and Bill Slater was hired.**
16 Q. And did you report to Bill Slater from
17 December 2006 until you left CSSS in April 2007?
18 **A. With a small exception. The last few days of**
19 **me resigning, I reported directly to Mac Ewell.**
20 Q. So you indicated that you resigned from CSSS?
21 **A. I had given my resignation. I was looking**
22 **for a job at that time, and I had given my three-week**
23 **notice, and I left voluntarily.**
24 Q. Mr. Nikiforos, we're here, obviously, with

Page 9

1 respect to the lawsuit that Christopher Cynowa has filed
2 against CSSS, Inc., Lisa Wolford, and Bill Slater.
3 You're aware of that?
4 **A. I am aware of that.**
5 Q. And we served you with a subpoena in
6 connection with this case. Do you recall that?
7 **A. I have it in my possession.**
8 Q. Okay. Did you bring it with you today?
9 **A. I did.**
10 Q. Can I see it?
11 **A. It's in my bag.**
12 **MS. JOHNSON:** Excuse me. Kevin, can we go off the
13 record for one minute?
14 **MR. DUFF:** Not right now.
15 **MS. JOHNSON:** Okay.
16 **THE WITNESS:** Is that all right if I can show him,
17 show him the subpoena?
18 **MS. JOHNSON:** Well, I'm on the record, then. I'm
19 going to ask, can you give me a chair that's not broken,
20 because I'm falling all over it?
21 **MR. DUFF:** Absolutely.
22 **MS. JOHNSON:** Okay.
23 **MR. DUFF:** Yes.
24 **MS. JOHNSON:** It might be too low for me.

Page 10

1 **MR. DUFF:** Is that better?
2 **MS. JOHNSON:** Actually, it's good. It's not as
3 comfortable as your chair but --
4 **MR. DUFF:** Would you like to switch chairs?
5 **MS. JOHNSON:** Yeah, I would.
6 **THE WITNESS:** I'm sure you want this part, the
7 rider?
8 **MR. DUFF:** Yes. Let's go off the record until this
9 is over.
10 (Discussion was had off the record.)
11 **BY MR. DUFF:**
12 Q. Mr. Nikiforos, you brought with you a copy of
13 the subpoena?
14 **A. Correct.**
15 Q. May I -- can I see it?
16 (Witness tendering document.)
17 **BY MR. DUFF:**
18 Q. I'm going to let you keep that, but I'm going
19 to have a copy of it marked. And I'm going to show you
20 the copy, and then we'll leave the copy with our court
21 reporter. Okay?
22 **A. Okay.**
23 **MR. DUFF:** So if you could please just mark this
24 for the record, please.

Page 11

1 (Nikiforos Deposition Exhibit No. 1 for
2 identification, 12/06/2010.)
3 **BY MR. DUFF:**
4 Q. Mr. Nikiforos, I am handing you a document
5 that's been marked Nikiforos Deposition Exhibit No. 1. Do
6 you recognize it?
7 **A. If I may --**
8 Q. Absolutely.
9 **A. -- look at both of the documents.**
10 **This is a copy of the original. I'm assuming**
11 **this being the original.**
12 Q. And with the subpoena that you were served,
13 you were requested to produce certain records?
14 **A. Correct.**
15 Q. And it's my understanding that we've been
16 advised that you don't have any records; is that accurate?
17 **A. That is correct.**
18 Q. Not only have we been advised that, but you,
19 in fact, don't have any records?
20 **A. Yes, that is correct.**
21 **MS. LERNER:** That are responsive to the subpoena
22 request.
23 **BY MR. DUFF:**
24 Q. Do you have any records that reflect

Page 12

1 communications of any kind with Christopher Cynowa?
2 **A. Can you repeat the question?**
3 Q. Yes. Do you have any records of any kind --
4 **A. Records.**
5 Q. -- that reflect communications with
6 Christopher Cynowa?
7 **A. No, no.**
8 Q. Do you have any e-mails with Christopher
9 Cynowa?
10 **A. I do not have e-mails with Christopher**
11 **Cynowa, no.**
12 Q. Do you have any documents of any kind that
13 either constitute or reflect communications with
14 Christopher Cynowa?
15 **A. I do recall certain --**
16 **MS. LERNER:** Do you currently have them?
17 **THE WITNESS:** No, I don't, so therefore -- all I
18 have is certain recollections of e-mail exchanges, but
19 that's all I have.
20 **BY MR. DUFF:**
21 Q. Okay. But you don't actually have any
22 records at this point?
23 **A. (Indicating.)**
24 Q. And have you had any communications with

Page 13

1 anyone other than your attorneys with respect to the
2 lawsuit that you're here for today?
3 **A. No, no.**
4 **Q.** In other words, have you spoken with
5 Mr. Cynowa about this case?
6 **A. I have not.**
7 **Q.** Have you spoken with his attorneys?
8 **A. I have spoken -- did spoke -- did speak to**
9 **the plaintiff's attorney on Wednesday to try to understand**
10 **what they're looking for me. And so I -- it was more of**
11 **me trying to discover why I was involved, because I did**
12 **not feel like I have a dog in this fight. I didn't have**
13 **anything to give, so I was a little bit -- I didn't want**
14 **to be involved in this.**
15 **So I called the attorney to find information**
16 **as to why I was being included in this case.**
17 **Q.** And how did you get the plaintiff's
18 attorney's telephone number?
19 **A. The plaintiff attorney called me. It was**
20 **Tushar Engreji, a friend of mine, who had given her my**
21 **number, and that's what she had called me on.**
22 **Q.** Okay. And when did you first hear from
23 Theresa Johnson?
24 **A. Wednesday, the same day, that call.**

Page 14

1 **Q.** Wednesday of last week?
2 **A. Yes, yes.**
3 **Q.** And during that call that you had with
4 Ms. Johnson, what did you talk about?
5 **A. Primarily was I going to be a person to tell**
6 **the truth and to ascertain as to what questions, you know,**
7 **they were going to ask me and if I would respond**
8 **truthfully. And I said I would.**
9 **Q.** Anything else?
10 **A. Just the questions I could -- more the --**
11 **basically she was trying to also find out how I would**
12 **answer these questions as well.**
13 **Q.** So she asked you a series of questions?
14 **A. She -- she did, yes.**
15 **Q.** Did she show -- did you speak with her over
16 the phone or in person?
17 **A. Over the phone.**
18 **Q.** Did she describe any documents to you?
19 **A. No, she didn't.**
20 **Q.** Did she tell you what the case was about?
21 **A. I knew of the case before -- prior, so I**
22 **didn't -- I didn't -- I knew in advance that -- of what**
23 **the case was about, so she didn't have to explain. I**
24 **don't know if she did explain it to me.**

Page 15

1 **Q.** How did know about the case?
2 **A. There was an incident where Chris Cynowa and**
3 **I met at a bar with Nick Pervan. It was Nick Pervan's**
4 **going-away party. He had left two months after I left.**
5 **And Chris Cynowa was there. He explained to**
6 **me that he would be using me for this case. I was a**
7 **little bit shocked, because I don't -- I didn't think I**
8 **can give anything to this case, anything substantial -- of**
9 **substance. And plus in many ways I felt at the time this**
10 **is a frivolous lawsuit, because they would have to produce**
11 **a lot of evidence that would justify a slander case. So I**
12 **really didn't want to even be involved in it.**
13 **MS. LERNER:** Was this in 2007?
14 **THE WITNESS:** That was in 2007.
15 **BY MR. DUFF:**
16 **Q.** Was that, so that was about -- as you say,
17 that was about two months after you left CSSS?
18 **A. Correct.**
19 **Q.** And during that occasion that you met with
20 Mr. Cynowa and Mr. Pervan in approximately June of 2007 --
21 **A. Approximately.**
22 **Q.** -- what else did you and Mr. Cynowa discuss?
23 **A. I would like to state for the record that I**
24 **was not a friend of Chris Cynowa. He's not a bad person,**

Page 16

1 **but he's not someone that I would be -- have much to talk**
2 **about. We didn't have much to talk about.**
3 **(WHEREUPON, a sotto voce conversation**
4 **took place between Ms. Lerner and the**
5 **witness.)**
6 **THE WITNESS:** Okay. What did we talk about? The
7 fact that he was looking for a job, and he may have had a
8 job at the time. Oh, and he may have found a job at
9 Hospira. That's where my brother was working at the time,
10 and I was -- you know, wondered if he knew of my brother.
11 **And he said, you may be called upon for this**
12 **case. And that was everything I recollect in that -- I**
13 **only spent no more than five minutes talking to him.**
14 **BY MR. DUFF:**
15 **Q.** Have you spoken with anybody else about this
16 case since -- well, strike that. I want to go back.
17 **Have you had any other conversations with**
18 **Christopher Cynowa about this case?**
19 **A. No.**
20 **Q.** And have we exhausted your recollection of
21 the conversation that you had with Mr. Cynowa in June of
22 2007?
23 **A. Yes.**
24 **Q.** Did Mr. Pervan say anything to you or

1 Mr. Cynowa about this case or the underlying facts in that
2 June 2007 meeting?

3 **A. No.**

4 **Q.** Other than that June 2007 event that you just
5 talked about, have you had any other conversations with
6 anyone about this case other than with your attorneys or
7 the conversation you told me about you had with
8 plaintiff's counsel last week?

9 **A. I spoke to Tushar about the case. And,**
10 **again, I vocalized what I've just said, this case being --**
11 **doesn't have any teeth and that I -- if this was true that**
12 **what -- what happened that this is --**

13 **MS. LERNER:** Answer the question.

14 **THE WITNESS:** Yes. Just basically -- basically,
15 yeah, I did talk to Tushar about that.

16 **BY MR. DUFF:**

17 **Q.** And what did you -- strike that.

18 When did you and Tushar Engreji have this
19 conversation?

20 **A. I think after -- after the meeting with Chris**
21 **Cynowa. I don't have dates or times. I just remember**
22 **having a conversation.**

23 **Q.** Was it before or after the conversation you
24 had in June 2007 with Mr. Cynowa and Mr. Pervan?

1 **Q.** After you left the --

2 **A. Correct.**

3 **Q.** -- CSSS?

4 **A. Correct.**

5 **Q.** Have you ever socialized with Mr. Cynowa?

6 **A. No.**

7 **Q.** Have you ever had conversations with him
8 about your respective family or friends?

9 **A. No.**

10 **Q.** Did Mr. Cynowa ever tell you anything about
11 his background?

12 **A. No.**

13 **Q.** Tell me in proximity to one another where
14 your work station was compared to Mr. Cynowa's work
15 station at CSSS.

16 **A. That's a very good question you ask. He was**
17 **on first shift. I was on second. I'm not a hundred**
18 **percent sure, but he had a schedule where he started at**
19 **7:00 and left at 4:00. I started at 4:00 and left at**
20 **12:00.**

21 **So throughout our -- me -- throughout --**
22 **throughout the time -- well, he was on a different**
23 **contract. So are we talking about the CSSS contract right**
24 **now?**

1 **A. It was after.**

2 **Q.** Shortly thereafter?

3 **A. Shortly thereafter.**

4 **Q.** Where did the conversation between you and
5 Mr. Engreji take place?

6 **A. I don't remember.**

7 **Q.** Do you recall, was it by phone or in person?

8 **A. In person.**

9 **Q.** At the workplace?

10 **A. At the workplace.**

11 **Q.** Which was at the VA at the time?

12 **A. Yeah.**

13 **Q.** And I just want to check on that. Because if
14 I understand correctly, you left CSSS in April 2007?

15 **A. Oh.**

16 **Q.** And you said that it was after a conversation
17 you had in June 2007. You weren't working at the VA
18 anymore.

19 **A. Then if I can correct myself. I did speak to**
20 **Tushar. He was a good friend of mine, and I had his**
21 **number, and it's a good possibility that we talked over**
22 **the phone.**

23 **Q.** After you --

24 **A. Correct.**

1 **Q.** Yes.

2 **A. Okay. Just the CSSS contract. So we would**
3 **rarely meet throughout the week. If there was a meeting,**
4 **it would be 30 minutes within a period of time.**

5 **Q.** Were you present at the Hines VA the day that
6 Mr. Cynowa was terminated?

7 **A. I was not. I was present on second shift,**
8 **so --**

9 **Q.** Okay. So let me clarify that.

10 You weren't present when Mr. Cynowa was
11 terminated?

12 **A. Correct, correct.**

13 **Q.** You reported to work later that day?

14 **A. Correct.**

15 **Q.** Before Mr. Cynowa was terminated, had he told
16 you that he was planning to get a new job?

17 **A. I did not -- I did not speak to him. I was**
18 **not a friend to him, so I would not know this information.**
19 **So I'm sorry. I needed to clarify, but the answer is no.**

20 **Q.** Who were Mr. Cynowa's friends at CSSS and the
21 VA?

22 **A. It's hard to recall, but I do remember Larry**
23 **McKeehan was a friend of him -- a friend of his. Tushar**
24 **was also a friend of his.**

Page 21

1 Q. Anyone else?
2 A. Again, me being on second shift, I do not
3 know.
4 Q. Now, you had indicated that Bill Slater was
5 your supervisor for a period of time?
6 A. That's correct.
7 Q. And during that time, did Mr. Slater work on
8 first shift or second shift or some hybrid?
9 A. A hybrid. He would oversee second shift on
10 occasion, for the better half of a couple hours maybe, but
11 it was not consistent.
12 Q. Did you have another supervisor during those
13 hours that Mr. Slater wasn't on-site?
14 A. There was no supervisor other than -- other
15 than Bill Slater, so we went, I guess, unsupervised in
16 that period of time.
17 Q. On the day of Mr. Cynowa's termination, do
18 you recall that day?
19 A. I do not recall the date, but I have some --
20 some memory of it, yes.
21 Q. Did -- well, tell me what you remember of
22 that day.
23 A. Okay. So first shift overlaps with second
24 shift for an hour. It's used for -- that time is used for

Page 22

1 briefing, debriefing, so things that to be prepared for
2 for second shift to get familiar with what's in store for
3 that day.
4 When I came in, I remember a barrage of
5 people coming to me telling me of what had happened. And
6 there was rumor of Chris Cynowa bringing in a gun. I do
7 not remember who said it, because it was many people. And
8 I was -- I was at more of a wow. That's wow.
9 And I remember -- after the day wore on, I
10 remember it starting to get very dark, but it's January.
11 And after around 5:30 where most people left the
12 facilities, it was primarily me and Tushar left --
13 MS. LERNER: Let me just interrupt. Is this on the
14 day he was fired or afterwards?
15 THE WITNESS: I don't know now. I feel like it was
16 the day of his termination, but I'm not -- I'm not sure.
17 BY MR. DUFF:
18 Q. Are you leading to -- are you leading up to a
19 conversation that you and Tushar had with Mr. Cynowa?
20 A. Leading up to that conversation where we
21 talked to Chris Cynowa regarding his termination.
22 Q. Okay. And during -- you had a conversation
23 either later the day that he was terminated or on the days
24 following; is that right?

Page 23

1 A. That is correct.
2 Q. And what was said during that conversation?
3 A. Well, informing him of what we heard.
4 Q. And what did you tell Mr. Cynowa you had
5 heard?
6 A. That there was rumor that he -- he may have
7 brought a gun, and I remember the word "postal, going
8 postal" being used, and someone locking their door.
9 Q. But you don't know who said those words?
10 A. Yeah, like I said, I -- I was bombarded with
11 all sorts of -- the place was a big gossip. It was a very
12 gossipy area. And once one person -- a couple people in
13 particular -- but once one person says it, then it grows
14 like wildfire -- wildfire in there, yeah.
15 Q. Do you remember anything else that was said
16 during the conversation that you had with Mr. Cynowa and
17 Mr. Engreji in the day or days following his termination?
18 A. It was very brief.
19 Q. Do you recall anything else?
20 A. No.
21 Q. Did you know anybody at the VA police
22 department?
23 A. No.
24 Q. Did you ever have any conversations with

Page 24

1 anyone from the VA police?
2 A. No.
3 Q. Do you know who Officer Robert or Bob
4 Adrowski was?
5 A. I knew of him. He was a character that we
6 kind of joked about but didn't have any -- any -- he was
7 just a police officer.
8 He -- his demeanor as well as how he
9 presented himself was a little bit of a joke, but -- so
10 we -- our friends would kid around. I don't remember what
11 we would joke about him. Not to his face, just, you
12 know --
13 Q. What was it about Officer Adrowski that
14 caught your attention?
15 A. No, he was a good police officer. He just --
16 I don't know. He was a -- it's nothing --
17 MS. JOHNSON: I'm going to object to this line of
18 questioning. I don't know how it's relevant to Chris'
19 case.
20 THE WITNESS: Yeah, it isn't relevant.
21 MR. DUFF: You still have to answer the question,
22 so --
23 MS. JOHNSON: I just object on the basis of
24 relevance.

Page 25

1 **MR. DUFF:** So that the record is clear, let me just
2 ask the question again, or actually, if you wouldn't mind,
3 Ms. Bistany, could you read the question back.
4 (The record was read by the reporter.)
5 **THE WITNESS:** Well, if I had to -- I don't know my
6 memory, but he was a person who would take his job
7 seriously. And, you know, we thought it was humorous. He
8 took his job seriously.
9 **BY MR. DUFF:**
10 Q. Too seriously?
11 A. **Not to the degree -- just seriously.**
12 Q. And so what was it about his demeanor that
13 you and your friends thought was humorous?
14 A. **He -- he was not a relaxed individual. He**
15 **was always a police officer, I guess, always being -- you**
16 **know, presenting himself as that.**
17 **And we -- I don't know. It was just a small**
18 **joke. It was not even -- I just critique people, and I**
19 **think it's, you know, like, you know, stiff. I think it**
20 **was the word "stiff," I would say.**
21 Q. Did you ever have any conversations with
22 Christopher Cynowa about --
23 A. **No.**
24 Q. -- Officer Adrowski?

Page 26

1 A. **No, again, stating the fact that I never**
2 **talked to him.**
3 **MR. DUFF:** Let's go off the record.
4 (A short recess was had from 1:29 p.m.
5 to 1:36 p.m.)
6 **BY MR. DUFF:**
7 Q. Mr. Nikiforos, I just have a couple of
8 additional questions, and then I expect to be finished.
9 Are you on any medication today?
10 **MS. LERNER:** I'm going to object to that.
11 **BY MR. DUFF:**
12 Q. I just want to -- I don't necessarily need
13 you to tell me the medications you're on, but I just would
14 like a yes or no.
15 A. **Why would you --**
16 **MS. JOHNSON:** Objection. Objection.
17 **MS. LERNER:** Let me --
18 **MR. DUFF:** I'll explain it. I'll explain why, and
19 then that will put it in context.
20 **MS. LERNER:** Let me rephrase the question, which I
21 think will get to what you're asking about.
22 Are you taking any medication that would
23 affect your ability to answer the questions here today?
24 **BY MR. DUFF:**

Page 27

1 Q. And let me ask it that way, because I think
2 that's a good way to put it.
3 Are you taking any medications -- are you on
4 medications today that would affect your ability to answer
5 any of the questions I'm asking you today?
6 A. **Answer them correctly? I am not taking any**
7 **medication that would interfere from me answering the**
8 **answers correctly and truthfully.**
9 **MR. DUFF:** Thank you. That's all I needed to hear.
10 I don't have any further questions at this time.
11 **EXAMINATION**
12 **BY MS. JOHNSON:**
13 Q. Okay. Okay. I just have a couple of
14 questions to clarify a couple questions.
15 A. **Sure.**
16 Q. Mr. Duff asked you if you had spoken to me
17 and what day, and I believe you indicated Wednesday last
18 week?
19 A. **I believe it was, right.**
20 Q. Do you remember talking to me -- on how many
21 occasions did I talk to you?
22 A. **Once.**
23 Q. Just once?
24 A. **That was it.**

Page 28

1 Q. Do you know if it was morning or evening?
2 A. **It was in the evening.**
3 Q. Okay. Okay. Could it have possibly been
4 Tuesday evening?
5 A. **Possibly. I don't --**
6 Q. Okay. Okay. But I spoke with you, and I got
7 the number from Tushar. All right. I just wanted to
8 clarify that.
9 Now, you made a comment earlier that when you
10 found out that Chris said you might get called as a
11 witness that you didn't want to be involved, which --
12 correct, you didn't want to be involved? And you said
13 that you thought that -- because you thought the lawsuit
14 would be frivolous.
15 A. **Well --**
16 Q. Could you -- wait, before you answer.
17 Could you tell me what you mean by frivolous?
18 A. **Okay. That is a good question. At the time**
19 **I had -- when I said that to Tushar, they would have to**
20 **somehow make the person who said it to the company and,**
21 **therefore, to get the reward that I would assume Chris**
22 **Cynowa is looking for and that they would have to prove X,**
23 **Y, and Z.**
24 **And my sister being a lawyer, I don't know**

1 the full definition of what slander is, but it's a very
2 definitive thing, and it requires a lot to be proven. And
3 I was pessimistic at the time in the fact that if he -- if
4 he could tie it to somebody, it would have to be tied very
5 thoroughly to get to what -- to get to the award that he
6 was seeking.

7 Q. Okay. So if you think of frivolous in some
8 other context, what does the word "frivolous" mean to you?

9 A. I do apologize for using the word
10 "frivolous." If I may, I have a -- I have aphasia.

11 Q. I don't know what that is. Could you tell
12 me?

13 MS. LERNER: Can we take a break, please?

14 MS. JOHNSON: Yeah.

15 MS. LERNER: Thank you.

16 (WHEREUPON, discussion was had off the
17 record between Ms. Lerner, Ms. Callas,
18 and the witness out of the hearing and
19 presence of the court reporter and other
20 counsel.)

21 MS. LERNER: Hold on. Let's get back on the
22 record. Are we?

23 THE REPORTER: We are.

24 THE WITNESS: So I used the term "frivolous"

1 MR. DUFF: Objection, calls for speculation. Also
2 it's an undisclosed --

3 MS. JOHNSON: In his opinion, he is able to say
4 that.

5 MS. LERNER: Michael, go ahead and answer.

6 MR. DUFF: Same objection.

7 MS. JOHNSON: Okay.

8 MS. LERNER: Go ahead.

9 THE WITNESS: I will answer the question, because I
10 feel like I want to answer.

11 In my opinion, if Chris Cynowa was accused of
12 having a gun, then that is something wrong. That is
13 something that I would -- I do not see him as a person who
14 would do that.

15 And so even though I don't consider him a
16 friend, I still think he's a person that should be
17 respected. So based on rumors that would -- of what it
18 was heard of him, I would feel like that was a wrong
19 thing. I mean, that's just -- it's a non-decent thing to
20 do.

21 MR. DUFF: Move to strike.

22 BY MS. JOHNSON:

23 Q. Okay. Okay. Regarding the rumor that you
24 said that -- my understanding is that when there was a

1 incorrectly, and so I misspoke.

2 Frivolous, I believe -- thinking it through,
3 frivolous is -- a frivolous lawsuit is a lawsuit that has
4 absolutely no teeth and is used to waste court time and
5 energy.

6 I did feel that there was something there. I
7 just felt that it would require a lot of evidence. So I
8 misspoke in using the word "frivolous" in that sense.

9 BY MS. JOHNSON:

10 Q. Okay. So if I could see if I'm clear in
11 understanding you, would it be correct to say that you
12 thought that it would be difficult to prove?

13 A. That is correct.

14 Q. Did you think that it was a hurtful thing to
15 have someone accuse you of having a gun at work?

16 MR. DUFF: Objection, calls for speculation.

17 BY MS. JOHNSON:

18 Q. You know, do you think it is?

19 MR. DUFF: Same objection.

20 MS. JOHNSON: He can express his opinion.

21 BY MS. JOHNSON:

22 Q. In your opinion, is it a hurtful thing to
23 have someone accuse you of having a gun at work?

24 A. Yes.

1 one-hour transition period --

2 A. Uh-huh.

3 Q. -- between first and second shift --

4 A. Correct.

5 Q. -- multiple persons were talking about
6 Christopher having a gun.

7 Could you tell us how many people
8 approximately that would be? You don't have to name
9 names, just how many people.

10 MR. DUFF: Objection to form.

11 BY MS. JOHNSON:

12 Q. How many people -- can you remember how many
13 people were there -- were present talking?

14 A. Approximately four to five.

15 Q. Four to five?

16 A. Right.

17 Q. Can you remember the names of four or five of
18 those persons?

19 A. You asked me if I don't know the names --

20 Q. Well, can you remember any of them?
21 Yourself, obviously, is one.

22 A. Thiam Kow.

23 THE REPORTER: I'm sorry?

24 THE WITNESS: T-h-i-a-m. Again, this is based on

Page 33

1 my memory, so --
2 **BY MS. JOHNSON:**
3 Q. Yeah, okay.
4 A. -- I may have this wrong. Just my immediate
5 friends, but the persons that I would consider friends in
6 the -- at the VA who were there during the -- this
7 transitional period.
8 I think Tushar was there as well, because he
9 was working with the same shift as me. I don't want to
10 name any people that want to be added to this case.
11 **MS. LERNER:** Answer the question, Michael.
12 **THE WITNESS:** Possibly Nick Pervan. I don't -- I
13 don't recall. Maybe -- I don't -- again, this is just
14 based on a very poor memory. I don't remember. Maybe
15 Bunty. I don't know his last name.
16 **BY MS. JOHNSON:**
17 Q. Bunty Kothari?
18 A. Yeah.
19 Q. Anyone else?
20 A. No, I don't remember. I mean, again, my
21 memory is weak.
22 Q. When the discussion was going on about a gun,
23 was the word "AK-47" ever mentioned?
24 A. No.

Page 34

1 Q. Just gun?
2 A. Just gun.
3 Q. Do you recall if after Chris left Bill Slater
4 ever talked to or sent any memos regarding Cynowa's
5 termination?
6 **MR. DUFF:** Objection. That calls for speculation.
7 **THE WITNESS:** I don't --
8 **MS. JOHNSON:** I asked him if he recalls.
9 **THE WITNESS:** No, none. I was not also friendly
10 with Bill Slater, so that's -- I don't have any -- I would
11 not have anything.
12 **BY MS. JOHNSON:**
13 Q. Okay. I think I'm clear on that, but I just
14 want to rephrase it a little better.
15 A. Sure, sure.
16 Q. Could there have been any kind of group
17 meeting where Slater said, you know, Chris is gone, and
18 Chris is gone, and he was consoling the troops, or
19 whatever, something like that?
20 **MR. DUFF:** Same objection.
21 **THE WITNESS:** Do I answer? Well, again, I was on
22 second shift. And if he did have this conversation, it
23 more or less sounds like it would have been on the first
24 shift, because it was just me and Tushar and -- on the

Page 35

1 second.
2 And I didn't -- no, I don't recall of a
3 meeting such happening.
4 **BY MS. JOHNSON:**
5 Q. Okay. And what was your reason for quitting
6 at CSSS?
7 A. Two primary reasons. One, I was looking to
8 change my career and had a plan to quit, but it was
9 accelerated by a management change.
10 Q. And was that management change Slater?
11 A. That is correct.
12 Q. In your opinion, did Slater mistreat you?
13 A. In my opinion, yes. If I may say that I was
14 not a -- I was not a subordinate of Bill Slater for the
15 last couple days of me -- I resigned. I gave my
16 three-week notice. And the last three to four days prior,
17 we -- there was a point where he was not -- I was no
18 longer reporting to him because he and I -- well, he
19 was -- yeah.
20 Q. You didn't get along?
21 A. It was --
22 Q. Did you ever report him to human resources?
23 A. I did.
24 Q. Was it a written report?

Page 36

1 A. Yes, it was.
2 Q. Did human resources respond to your
3 complaints about him?
4 A. I can only speculate in that he may have been
5 also written up, but I also had a performance goal that I
6 needed to sign. So in many ways, this particular
7 incident, we were both wounded parties.
8 **MS. LERNER:** Can we take another break, please?
9 (WHEREUPON, discussion was had off the
10 record between Ms. Lerner, Ms. Callas,
11 and the witness out of the hearing and
12 presence of the court reporter and other
13 counsel.)
14 **BY MS. JOHNSON:**
15 Q. Just a couple more questions about
16 Christopher Cynowa.
17 In the limited exchanges you had with him,
18 did you ever feel he was -- did you ever personally think
19 that he was dangerous?
20 A. No, I did not.
21 Q. He never threatened you or --
22 A. No.
23 **MS. JOHNSON:** Okay. Thank you. I have no further
24 questions.

1 **MR. DUFF:** I have a couple follow-ups.
 2 **FURTHER EXAMINATION**
 3 **BY MR. DUFF:**
 4 Q. You had identified in response to some
 5 questions that Ms. Johnson asked you the names of four
 6 different people that you worked with who may -- you said
 7 I think may have had conversations regarding Christopher
 8 Cynowa's termination?
 9 **A. That's correct.**
 10 Q. But as you sit here today, you're not able to
 11 identify with certainty that any one of them actually had
 12 those conversations with you about Cynowa's termination;
 13 is that right?
 14 **A. Can you --**
 15 Q. I'll rephrase that.
 16 **A. -- rephrase that? Yes.**
 17 Q. I think what you told us is, those were the
 18 people you worked with around that time; isn't that right?
 19 **A. Yes.**
 20 Q. And you said that there were a number of
 21 people that were talking about the circumstances of
 22 Mr. Cynowa's termination?
 23 **A. That is correct.**
 24 Q. But with respect to -- you know, let's just

1 **A. Honestly, I knew that if this -- this rumor**
 2 **was spread that I did not have that -- I would not make**
 3 **that conclusion. I knew of Cynowa to be of a person --**
 4 **well, the best way to describe Cynowa is the -- there's --**
 5 **I can't -- I don't know the -- the analogy. But there's**
 6 **two dogs, one that's silent and one that barks. And the**
 7 **one you should be more afraid is the silent dog.**
 8 **And Chris Cynowa was not the silent dog. So**
 9 **I knew of him in that I knew that that was not a --**
 10 **something that he would do.**
 11 **MS. JOHNSON:** Okay. No further questions.
 12 **MR. DUFF:** Just a couple quick follow-ups.
 13 **FURTHER EXAMINATION**
 14 **BY MR. DUFF:**
 15 Q. Mr. Nikiforos, so Mr. Cynowa sort of had a
 16 reputation in the workplace as being more the dog that
 17 barks, using your analogy?
 18 **A. More or less.**
 19 Q. And also --
 20 **MS. JOHNSON:** Objection. He didn't say that was
 21 his reputation. He stated that that's the way he would
 22 describe him, and you're mischaracterizing his testimony.
 23 **MR. DUFF:** That's an objection that you can make,
 24 but it's not your place to testify, Ms. Johnson.

1 take, is it Thiam Kow?
 2 **A. Thiam Kow.**
 3 Q. You don't remember any specific conversation
 4 you had with Mr. Kow about Mr. Cynowa's termination?
 5 **A. No.**
 6 Q. Is that correct?
 7 **A. That is correct.**
 8 Q. And you don't have any specific recollection
 9 with respect to any of the other individuals you
 10 identified with respect to Mr. Cynowa's termination; is
 11 that right?
 12 **A. That is correct.**
 13 Q. So you can't identify any of the exact words
 14 that anybody told you --
 15 **A. None, none.**
 16 Q. -- with respect to what might have been said
 17 about Mr. Cynowa's termination?
 18 **A. That is correct.**
 19 **MR. DUFF:** No further questions.
 20 **FURTHER EXAMINATION**
 21 **BY MS. JOHNSON:**
 22 Q. When you heard that there was a gun, did it
 23 in any way change your opinion as to whether or not
 24 Chris -- did you think it could be true?

1 **BY MR. DUFF:**
 2 Q. And Mr. Nikiforos --
 3 **MR. DUFF:** I have no further questions. Thank you
 4 for your time.
 5 **MS. JOHNSON:** I have no further questions. Thank
 6 you so much.
 7 **MR. DUFF:** So on the record, you probably want to
 8 identify whether or not you want to read the transcript
 9 after it's been prepared and then have the opportunity to
 10 sign it, or do you want to waive the opportunity to read
 11 the transcript?
 12 **MS. LERNER:** We'd like to read it beforehand.
 13 Thank you.
 14 **FURTHER DEPONENT SAITH NOT.**
 15
 16 (Ending time: 1:54 p.m.)
 17
 18
 19
 20
 21
 22
 23
 24

1 STATE OF ILLINOIS)
 2 COUNTY OF C O O K) SS:
 3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION
 4 CHRISTOPHER S. CYNOWA,)
 5 Plaintiff,)
 6 -vs-) No. 08 L 000403
 7 CSSS, INC. (CLIENT SERVER)
 8 SOFTWARE SOLUTION d/b/a)
 9 CSSS.NET), LISA WOLFORD,)
 WILLIAM F. SLATER,)
 10 Defendants.)

11 I hereby certify that I have read the foregoing
 12 transcript of my deposition given on December 6, 2010,
 13 consisting of pages 1 to 40, inclusive, and I do again
 14 subscribe and make oath that the same is a true, correct
 and complete transcript of my deposition so given as
 aforesaid, and includes changes, if any, so made by me.

15 Corrections have been submitted
 16 No corrections have been submitted

18 MICHAEL NIKIFOROS

21 SUBSCRIBED AND SWORN TO
 22 before me this , A.D. 20 day
 of

24 Notary Public

1 IN WITNESS WHEREOF, I do hereunto set my hand
 2 and affix my seal of office this 21st day of December,
 3 2010, at Chicago, Illinois.

8 Notary Public, Cook County, Illinois
 9 My Commission expires December 16, 2013.
 10 CSR No. 84-1857.

1 STATE OF ILLINOIS)
 2) SS:
 3 COUNTY OF C O O K)
 4
 5 I, NANCY L. BISTANY, a Notary Public within and
 6 for the County of Cook, State of Illinois, and a Certified
 7 Shorthand Reporter of said state, do hereby certify:
 8 That previous to the commencement of the
 9 examination of the witness, the witness was duly sworn to
 10 testify the whole truth concerning the matters herein;
 11 That the foregoing deposition transcript of
 12 MICHAEL NIKIFOROS was reported stenographically by me on
 13 December 6, 2010, was thereafter reduced to typewriting
 14 under my personal direction and constitutes a true record
 15 of the testimony given and the proceedings had;
 16 That the said deposition was taken before me at
 17 the time and place specified;
 18 That the reading and signing by the witness of
 19 the deposition was agreed upon as stated herein;
 20 That the deposition terminated at 1:54 p.m.;
 21 That I am not a relative or employee or attorney
 22 or counsel, nor a relative or employee of such attorney or
 23 counsel for any of the parties hereto, nor interested
 24 directly or indirectly in the outcome of this action.

0	6 (1) 42:13	against (1) 9:2	back (3) 16:16;25:3;29:21	C
06 (1) 8:14	60601 (1) 6:18	agreed (1) 42:19	background (1) 19:11	call (2) 13:24;14:3
1	60622 (1) 4:18	ahead (2) 31:5,8	bad (1) 15:24	CALLAS (4) 5:8,8;29:17;36:10
1 (2) 11:1,5	7	AHIMA (4) 6:14,19,22;7:1	bag (1) 9:11	called (6) 4:8;13:15,19,21; 16:11;28:10
1:29 (1) 26:4	7:00 (1) 19:19	AK-47 (1) 33:23	bar (1) 15:3	calls (5) 7:22,23;30:16;31:1; 34:6
1:36 (1) 26:5	8	along (1) 35:20	barks (2) 39:6,17	came (2) 7:24;22:4
1:54 (2) 40:16;42:20	84-1857 (1) 43:10	always (2) 25:15,15	barrage (1) 22:4	can (18) 6:4;9:10,12,16,19; 10:15;12:2;15:8;18:19; 29:13;30:20;32:12,17, 20;36:4,8;37:14;39:23
12/06/2010 (1) 11:2	A	American (1) 6:14	based (3) 31:17;32:24;33:14	career (1) 35:8
12:00 (1) 19:20	ability (2) 26:23;27:4	analogy (2) 39:5,17	basically (3) 14:11;17:14,14	case (19) 9:6;13:5,16;14:20,21, 23;15:1,6,8,11;16:12,16, 18;17:1,6,9,10;24:19; 33:10
16 (1) 43:9	able (2) 31:3;37:10	anymore (1) 18:18	basis (1) 24:23	caught (1) 24:14
2	Absolutely (3) 9:21;11:8;30:4	aphasia (1) 29:10	beforehand (1) 40:12	center (1) 7:20
2005 (1) 7:9	accelerated (1) 35:9	apologies (1) 5:7	beginning (1) 8:5	certain (3) 11:13;12:15,18
2006 (2) 7:5;8:17	accurate (1) 11:16	apologize (1) 29:9	best (2) 6:4;39:4	certainty (1) 37:11
2007 (14) 6:21;7:5,7,15;8:17; 15:13,14,20;16:22;17:2, 4,24;18:14,17	accuse (2) 30:15,23	Approximately (5) 6:20;15:20,21;32:8,14	better (3) 10:1;21:10;34:14	Certified (1) 42:6
2010 (2) 42:13;43:3	accused (1) 31:11	April (5) 7:5,7,15;8:17;18:14	big (1) 23:11	certify (1) 42:7
2013 (1) 43:9	acronym (1) 6:14	area (1) 23:12	Bill (8) 8:15,16;9:2;21:4,15; 34:3,10;35:14	chair (2) 9:19;10:3
21st (2) 6:17;43:2	action (1) 42:24	around (3) 22:11;24:10;37:18	Bistany (3) 5:15;25:3;42:5	chairs (1) 10:4
223 (1) 6:17	Actually (5) 5:5;10:2;12:21;25:2; 37:11	ascertain (1) 14:6	bit (3) 13:13;15:7;24:9	chance (1) 5:17
2251 (1) 4:17	added (1) 33:10	Association (1) 6:15	Bob (1) 24:3	change (4) 35:8,9,10;38:23
24/7 (1) 8:1	additional (1) 26:8	assume (1) 28:21	bombarded (1) 23:10	character (1) 24:5
3	address (1) 6:16	assuming (1) 11:10	both (2) 11:9;36:7	check (1) 18:13
30 (1) 20:4	Adrowski (3) 24:4,13;25:24	attention (1) 24:14	Boulevard (1) 4:17	Chicago (3) 4:18;6:18;43:3
4	advance (1) 14:22	attorney (5) 13:9,15,19;42:21,22	break (3) 6:10;29:13;36:8	Chris (14) 15:2,5,24;17:20;22:6, 21;28:10,21;31:11;34:3, 17,18;38:24;39:8
4:00 (2) 19:19,19	advised (2) 11:16,18	attorneys (3) 13:1,7;17:6	brief (1) 23:18	Chris' (1) 24:18
5	affect (2) 26:23;27:4	attorney's (1) 13:18	briefing (1) 22:1	Christopher (11) 9:1;12:1,6,8,10,14; 16:18;25:22;32:6;36:16; 37:7
5:30 (1) 22:11	affix (1) 43:2	August (2) 7:5,9	bring (1) 9:8	
6	afraid (1) 39:7	Augusta (1) 4:17	bringing (1) 22:6	
	afterwards (1) 22:14	Avenue (1) 6:17	broken (1) 9:19	
	again (8) 17:10;21:2;25:2;26:1; 32:24;33:13,20;34:21	award (1) 29:5	brother (2) 16:9,10	
		aware (2) 9:3,4	brought (2) 10:12;23:7	
		B	Bunty (2) 33:15,17	

circumstances (1) 37:21	counsel (7) 4:23;5:12;17:8;29:20; 36:13;42:22,23	24:8;25:12	14:9;15:22;16:15; 21:1;23:15,19;33:19	fact (4) 11:19;16:7;26:1;29:3
Civil (1) 4:6	COUNTY (3) 42:3,6;43:8	department (1) 23:22	e-mail (1) 12:18	facts (1) 17:1
clarify (4) 20:9,19;27:14;28:8	couple (10) 5:10;21:10;23:12; 26:7;27:13,14;35:15; 36:15;37:1;39:12	DEPONENT (1) 40:14	e-mails (2) 12:8,10	fair (2) 6:5,6
clear (3) 25:1;30:10;34:13	Court (6) 4:5;5:15;10:20;29:19; 30:4;36:12	deposition (8) 4:4,19;11:1,5;42:11, 16,19,20	employee (2) 42:21,22	falling (1) 9:20
Code (1) 4:5	critique (1) 25:18	describe (3) 14:18;39:4,22	employer (2) 6:13,16	familiar (1) 22:2
comfortable (1) 10:3	CSR (1) 43:10	different (2) 19:22;37:6	Ending (1) 40:16	family (1) 19:8
coming (1) 22:5	CSSS (16) 7:4,10,14,17;8:4,17, 20;9:2;15:17;18:14; 19:3,15,23;20:2,20;35:6	difficult (1) 30:12	energy (1) 30:5	feel (6) 13:12;22:15;30:6; 31:10,18;36:18
commencement (1) 42:8	currently (1) 12:16	direction (1) 42:14	engineer (1) 7:19	felt (2) 15:9;30:7
comment (1) 28:9	Cynowa (35) 9:1;12:1,6,9,11,14; 13:5;15:2,5,20,22,24; 16:18,21;17:1,21,24; 19:5,10;20:6,10,15;22:6, 19,21;23:4,16;25:22; 28:22;31:11;36:16;39:3, 4,8,15	directly (2) 8:19;42:24	Engreji (4) 13:20;17:18;18:5; 23:17	few (1) 8:18
Commission (1) 43:9	Cynowa's (10) 19:14;20:20;21:17; 34:4;37:8,12,22;38:4,10, 17	discover (1) 13:11	even (3) 15:12;25:18;31:15	field (1) 7:23
communications (4) 12:1,5,13,24	D	discovery (1) 4:4	evening (3) 28:1,2,4	fight (1) 13:12
company (1) 28:20	dangerous (1) 36:19	discuss (1) 15:22	event (2) 7:14;17:4	filed (1) 9:1
compared (1) 19:14	dark (1) 22:10	Discussion (4) 10:10;29:16;33:22; 36:9	evidence (2) 15:11;30:7	find (2) 13:15;14:11
complaints (1) 36:3	date (1) 21:19	document (2) 10:16;11:4	Ewell (1) 8:19	fine (1) 7:14
complete (2) 6:1,2	dates (1) 17:21	documents (3) 11:9;12:12;14:18	exact (1) 38:13	finish (2) 5:19;6:4
concerning (1) 42:10	day (14) 13:24;20:5,13;21:17, 18,22;22:3,9,14,16,23; 23:17;27:17;43:2	dog (4) 13:12;39:7,8,16	EXAMINATION (6) 4:10;27:11;37:2; 38:20;39:13;42:9	finished (1) 26:8
conclusion (1) 39:3	days (5) 8:18;22:23;23:17; 35:15,16	dogs (1) 39:6	examined (1) 4:9	fired (1) 22:14
connection (1) 9:6	debriefing (1) 22:1	door (1) 23:8	exception (1) 8:18	first (8) 4:8;7:20;13:22;19:17; 21:8,23;32:3;34:23
consider (2) 31:15;33:5	December (5) 8:14,17;42:13;43:2,9	down (1) 5:16	exchanges (2) 12:18;36:17	five (4) 16:13;32:14,15,17
consistent (1) 21:11	definition (1) 29:1	DUFF (51) 4:1,3,11;5:1,5,9;7:13; 8:12;9:14,21,23;10:1,4, 8,11,17,23;11:3,23; 12:20;15:15;16:14; 17:16;22:17;24:21;25:1, 9;26:3,6,11,18,24;27:9, 16;30:16,19;31:1,6,21; 32:10;34:6,20;37:1,3; 38:19;39:12,14,23;40:1, 3,7	Excuse (1) 9:12	fix (1) 7:20
consoling (1) 34:18	definitive (1) 29:2	duly (4) 4:2,6,8;42:9	exhausted (1) 16:20	floor (2) 4:18;6:17
constitute (1) 12:13	degree (1) 25:11	during (9) 7:24;14:3;15:19;21:7, 12;22:22;23:2,16;33:6	Exhibit (2) 11:1,5	following (2) 22:24;23:17
constitutes (1) 42:14	demeanor (2)	E	expect (1) 26:8	follows (1) 4:9
context (2) 26:19;29:8		earlier (1) 28:9	expires (1) 43:9	follow-ups (2) 37:1;39:12
contract (3) 19:23,23;20:2		either (2) 12:13;22:23	explain (4) 14:23,24;26:18,18	foregoing (1) 42:11
conversation (15) 16:3,21;17:7,19,22,23; 18:4,16;22:19,20,22; 23:2,16;34:22;38:3		else (7)	explained (1) 15:5	form (1) 32:10
conversations (7) 16:17;17:5;19:7; 23:24;25:21;37:7,12			express (1) 30:20	found (3) 6:24;16:8;28:10
Cook (2) 42:6;43:8			F	four (5) 32:14,15,17;35:16; 37:5
copy (5) 10:12,19,20,20;11:10			face (1) 24:11	friend (8) 13:20;15:24;18:20; 20:18,23,23,24;31:16
correctly (3) 18:14;27:6,8			facilities (1) 22:12	friendly (1)

<p>34:9 friends (6) 19:8;20:20;24:10; 25:13;33:5,5 frivolous (11) 15:10;28:14,17;29:7, 8,10,24;30:2,3,3,8 full (2) 4:12;29:1 further (10) 27:10;36:23;37:2; 38:19,20;39:11,13;40:3, 5,14</p>	<p>23:3,5;31:18;38:22 hearing (2) 29:18;36:11 hereby (1) 42:7 herein (3) 4:8;42:10,19 hereto (1) 42:23 hereunto (1) 43:1 himself (2) 24:9;25:16 Hines (1) 20:5 hired (1) 8:15 Hold (1) 29:21 Honestly (1) 39:1 Hospira (1) 16:9 hour (1) 21:24 hours (3) 7:24;21:10,13 human (2) 35:22;36:2 humorous (2) 25:7,13 hundred (1) 19:17 hurtful (2) 30:14,22 hybrid (2) 21:8,9</p>	<p>indicated (3) 8:20;21:4;27:17 Indicating (1) 12:23 indirectly (1) 42:24 individual (1) 25:14 individuals (1) 38:9 Information (3) 6:15;13:15;20:18 informing (1) 23:3 interested (1) 42:23 interfere (1) 27:7 interrupt (1) 22:13 involved (5) 13:11,14;15:12;28:11, 12</p>	<p>33:17 Kow (4) 32:22;38:1,2,4</p>	<p>M</p>
<p style="text-align: center;">G</p> <p>gave (1) 35:15 Geez (1) 5:6 given (4) 8:21,22;13:20;42:15 goal (1) 36:5 going-away (1) 15:4 good (7) 10:2;18:20,21;19:16; 24:15;27:2;28:18 gossip (1) 23:11 gossipy (1) 23:12 group (1) 34:16 grows (1) 23:13 guess (2) 21:15;25:15 gun (10) 22:6;23:7;30:15,23; 31:12;32:6;33:22;34:1, 2;38:22</p>	<p style="text-align: center;">I</p>	<p style="text-align: center;">J</p> <p>January (1) 22:10 job (8) 6:24;8:22;16:7,8,8; 20:16;25:6,8 JOHNSON (35) 9:12,15,18,22,24;10:2, 5;13:23;14:4;24:17,23; 26:16;27:12;29:14;30:9, 17,20,21;31:3,7,22; 32:11;33:2,16;34:8,12; 35:4;36:14,23;37:5; 38:21;39:11,20,24;40:5 joke (3) 24:9,11;25:18 joked (1) 24:6 June (7) 6:21;15:20;16:21; 17:2,4,24;18:17 justify (1) 15:11</p>	<p style="text-align: center;">L</p> <p>Larry (3) 8:5,14;20:22 last (7) 8:18;14:1;17:8;27:17; 33:15;35:15,16 later (2) 20:13;22:23 lawsuit (6) 9:1;13:2;15:10;28:13; 30:3,3 lawyer (1) 28:24 lawyers (2) 5:12,22 leading (3) 22:18,18,20 least (1) 8:2 leave (1) 10:20 left (14) 7:1,14;8:17,23;15:4,4, 17;18:14;19:1,19,19; 22:11,12;34:3 Lerner (26) 5:4,4,6;7:10;8:6,8,10; 11:21;12:16;15:13;16:4; 17:13;22:13;26:10,17, 20;29:13,15,17,21;31:5, 8;33:11;36:8,10;40:12 less (2) 34:23;39:18 limited (1) 36:17 line (1) 24:17 Lisa (1) 9:2 little (4) 13:13;15:7;24:9;34:14 live (2) 4:16,17 locking (1) 23:8 long (1) 6:19 longer (1) 35:18 look (1) 11:9 looking (5) 8:21;13:10;16:7; 28:22;35:7 lot (3) 15:11;29:2;30:7 low (1) 9:24</p>	<p>Mac (1) 8:19 Management (3) 6:15;35:9,10 many (8) 15:9;22:7;27:20;32:7, 9,12,12;36:6 Maria (1) 5:4 mark (1) 10:23 marked (2) 10:19;11:5 Maryanna (1) 5:8 matters (1) 42:10 may (14) 5:12;7:7;10:15;11:7; 16:7,8,11;23:6;29:10; 33:4;35:13;36:4;37:6,7 maybe (3) 21:10;33:13,14 McKeehan (4) 8:5,11,14;20:23 M-c-K-e-e-n (1) 8:7 mean (4) 28:17;29:8;31:19; 33:20 medication (3) 26:9,22;27:7 medications (3) 26:13;27:3,4 meet (1) 20:3 meeting (5) 17:2,20;20:3;34:17; 35:3 memory (5) 21:20;25:6;33:1,14,21 memos (1) 34:4 mentioned (1) 33:23 met (2) 15:3,19 Michael (6) 4:4,7,14;31:5;33:11; 42:12 Michigan (1) 6:17 might (3) 9:24;28:10;38:16 mind (2) 5:2;25:2 mine (2) 13:20;18:20 minimum (1) 8:2</p>
<p style="text-align: center;">H</p> <p>half (2) 7:12;21:10 hand (1) 43:1 handing (1) 11:4 happened (2) 17:12;22:5 happening (1) 35:3 hard (1) 20:22 Health (1) 6:14 hear (2) 13:22;27:9 heard (4)</p>	<p>identification (1) 11:2 identified (2) 37:4;38:10 identify (4) 5:3;37:11;38:13;40:8 Illinois (8) 4:5,5,18;6:18;42:1,6; 43:3,8 immediate (1) 33:4 important (1) 5:16 Inc (1) 9:2 incident (2) 15:2;36:7 included (1) 13:16 incorrectly (1) 30:1 indicate (1) 5:2</p>	<p style="text-align: center;">K</p> <p>keep (1) 10:18 Kevin (1) 9:12 kid (1) 24:10 kind (5) 12:1,3,12;24:6;34:16 knew (8) 14:21,22;16:10;24:5; 39:1,3,9,9 Kothari (1)</p>		

minute (1) 9:13	Notary (2) 42:5;43:8	over (8) 5:10,13,18;9:20;10:9; 14:15,17;18:21	please (6) 4:1,12;10:23,24; 29:13;36:8	26:19;27:2
minutes (2) 16:13;20:4	note (1) 5:22	overlaps (1) 21:23	plus (1) 15:9	Q
mischaracterizing (1) 39:22	notice (2) 8:23;35:16	oversee (1) 21:9	pm (4) 26:4,5;40:16;42:20	quick (1) 39:12
misspoke (2) 30:1,8	noticed (1) 4:6	P	point (2) 12:22;35:17	quit (1) 35:8
mistreat (1) 35:12	noting (1) 5:11	part (1) 10:6	police (5) 23:21;24:1,7,15;25:15	quitting (1) 35:5
month (2) 6:23;7:2	number (5) 13:18,21;18:21;28:7; 37:20	particular (3) 6:24;23:13;36:6	poor (1) 33:14	R
months (2) 15:4,17	O	parties (2) 36:7;42:23	position (2) 6:23;7:17	range (1) 7:7
more (9) 13:10;14:10;16:13; 22:8;34:23;36:15;39:7, 16,18	object (3) 24:17,23;26:10	party (1) 15:4	possession (1) 9:7	rarely (1) 20:3
morning (1) 28:1	Objection (11) 26:16,16;30:16,19; 31:1,6;32:10;34:6,20; 39:20,23	PCMI (4) 6:23;7:1,3,6	possibility (1) 18:21	read (5) 25:3,4;40:8,10,12
most (1) 22:11	obviously (3) 5:11;8:24;32:21	people (15) 8:2,2;22:5,7,11;23:12; 25:18;32:7,9,12,13; 33:10;37:6,18,21	possibly (3) 28:3,5;33:12	reading (1) 42:18
Move (1) 31:21	occasion (2) 15:19;21:10	per (1) 8:2	postal (2) 23:7,8	really (1) 15:12
much (3) 16:1,2;40:6	occasions (1) 27:21	performance (1) 36:5	prepared (2) 22:1;40:9	reason (1) 35:5
multiple (1) 32:5	off (7) 7:24;9:12;10:8,10; 26:3;29:16;36:9	percent (1) 19:18	presence (2) 29:19;36:12	reasons (1) 35:7
myself (1) 18:19	office (1) 43:2	period (5) 20:4;21:5,16;32:1; 33:7	present (6) 6:13,21;20:5,7,10; 32:13	recall (10) 9:6;12:15;18:7;20:22; 21:18,19;23:19;33:13; 34:3;35:2
N	Officer (6) 24:3,7,13,15;25:15,24	person (12) 14:5,16;15:24;18:7,8; 23:12,13;25:6;28:20; 31:13,16;39:3	presented (1) 24:9	recalls (1) 34:8
name (4) 4:12;32:8;33:10,15	on-call (1) 7:20	personal (1) 42:14	presenting (1) 25:16	recess (1) 26:4
names (4) 32:9,17,19;37:5	once (4) 23:12,13;27:22,23	personally (1) 36:18	previous (1) 42:8	recognize (1) 11:6
Nancy (2) 5:15;42:5	one (10) 9:13;19:13;23:12,13; 32:21;35:7;37:11;39:6, 6,7	persons (3) 32:5,18;33:5	Primarily (4) 7:19,23;14:5;22:12	recollect (1) 16:12
necessarily (2) 5:23;26:12	one-hour (1) 32:1	Pervan (5) 15:3,20;16:24;17:24; 33:12	primary (1) 35:7	recollection (2) 16:20;38:8
need (2) 6:10;26:12	only (3) 11:18;16:13;36:4	Pervan's (1) 15:3	prior (2) 14:21;35:16	recollections (1) 12:18
needed (4) 7:24;20:19;27:9;36:6	on-site (1) 21:13	pessimistic (1) 29:3	probably (1) 40:7	record (19) 4:3,13;5:1,3,11;9:13, 18;10:8,10,24;15:23; 25:1,4;26:3;29:17,22; 36:10;40:7;42:14
new (1) 20:16	opinion (7) 30:20,22;31:3,11; 35:12,13;38:23	phone (4) 14:16,17;18:7,22	Procedure (1) 4:6	records (7) 11:13,16,19,24;12:3,4, 22
Nick (3) 15:3,3;33:12	opportunity (4) 5:19;6:3;40:9,10	place (5) 16:4;18:5;23:11; 39:24;42:17	proceedings (1) 42:15	reduced (1) 42:13
Nikiforos (14) 4:4,7,14,14,20;8:24; 10:12;11:1,4,5;26:7; 39:15;40:2;42:12	original (2) 11:10,11	plaintiff (2) 5:4;13:19	produce (2) 11:13;15:10	reflect (4) 4:3;11:24;12:5,13
N-i-k-i-f-o-r-o-s (1) 4:15	ought (1) 5:1	plaintiff's (3) 13:9,17;17:8	pronounced (2) 4:14;8:11	regarding (4) 22:21;31:23;34:4;37:7
non-decent (1) 31:19	out (4) 14:11;28:10;29:18; 36:11	plan (1) 35:8	prove (2) 28:22;30:12	relative (2) 42:21,22
none (3) 34:9;38:15,15	outcome (1) 42:24	planning (1) 20:16	proven (1) 29:2	relaxed (1) 25:14
nor (2) 42:22,23			proximity (1) 19:13	relevance (1) 24:24
North (1) 6:17			Public (2) 42:5;43:8	
			pursuant (1) 4:4	
			put (2)	

<p>relevant (2) 24:18,20</p> <p>remember (18) 17:21;18:6;20:22; 21:21;22:4,7,9,10;23:7, 15;24:10;27:20;32:12, 17,20;33:14,20;38:3</p> <p>renowned (1) 5:22</p> <p>repeat (1) 12:2</p> <p>rephrase (4) 26:20;34:14;37:15,16</p> <p>report (4) 8:4,16;35:22,24</p> <p>reported (3) 8:19;20:13;42:12</p> <p>reporter (8) 5:15;10:21;25:4; 29:19,23;32:23;36:12; 42:7</p> <p>reporting (1) 35:18</p> <p>represented (2) 4:22;5:12</p> <p>reputation (2) 39:16,21</p> <p>request (1) 11:22</p> <p>requested (1) 11:13</p> <p>require (1) 30:7</p> <p>requires (1) 29:2</p> <p>resignation (1) 8:21</p> <p>resigned (2) 8:20;35:15</p> <p>resigning (1) 8:19</p> <p>resources (2) 35:22;36:2</p> <p>respect (6) 9:1;13:1;37:24;38:9, 10,16</p> <p>respected (1) 31:17</p> <p>respective (1) 19:8</p> <p>respond (2) 14:7;36:2</p> <p>response (1) 37:4</p> <p>responsive (1) 11:21</p> <p>reward (1) 28:21</p> <p>rider (1) 10:7</p> <p>right (13) 4:23;7:9;8:10;9:14,16; 19:23;22:24;27:19;28:7;</p>	<p>32:16;37:13,18;38:11</p> <p>Robert (1) 24:3</p> <p>rules (1) 4:5</p> <p>rumor (4) 22:6;23:6;31:23;39:1</p> <p>rumors (1) 31:17</p> <p style="text-align: center;">S</p> <p>SAITH (1) 40:14</p> <p>same (5) 13:24;30:19;31:6; 33:9;34:20</p> <p>schedule (1) 19:18</p> <p>seal (1) 43:2</p> <p>second (13) 7:18,21;8:3;19:17; 20:7;21:2,8,9,23;22:2; 32:3;34:22;35:1</p> <p>seeking (1) 29:6</p> <p>seems (1) 5:24</p> <p>sense (1) 30:8</p> <p>sent (1) 34:4</p> <p>series (2) 5:14;14:13</p> <p>seriously (4) 25:7,8,10,11</p> <p>served (2) 9:5;11:12</p> <p>set (1) 43:1</p> <p>shift (17) 7:18,20;8:1,2;19:17; 20:7;21:2,8,8,9,23,24; 22:2;32:3;33:9;34:22,24</p> <p>shocked (1) 15:7</p> <p>short (1) 26:4</p> <p>Shorthand (1) 42:7</p> <p>Shortly (2) 18:2,3</p> <p>show (4) 9:16,17;10:19;14:15</p> <p>sign (2) 36:6;40:10</p> <p>signing (1) 42:18</p> <p>silent (3) 39:6,7,8</p> <p>Similarly (1) 6:3</p>	<p>sister (1) 28:24</p> <p>sit (1) 37:10</p> <p>slander (2) 15:11;29:1</p> <p>Slater (13) 8:15,16;9:2;21:4,7,13, 15;34:3,10,17;35:10,12, 14</p> <p>small (2) 8:18;25:17</p> <p>socialized (1) 19:5</p> <p>somebody (1) 29:4</p> <p>somehow (1) 28:20</p> <p>someone (4) 16:1;23:8;30:15,23</p> <p>somewhere (1) 7:6</p> <p>sorry (3) 5:6;20:19;32:23</p> <p>sort (1) 39:15</p> <p>sorts (1) 23:11</p> <p>sotto (1) 16:3</p> <p>sounds (1) 34:23</p> <p>speak (4) 13:8;14:15;18:19; 20:17</p> <p>specific (2) 38:3,8</p> <p>specified (1) 42:17</p> <p>speculate (1) 36:4</p> <p>speculation (3) 30:16;31:1;34:6</p> <p>spell (1) 8:6</p> <p>spelled (1) 4:15</p> <p>spent (1) 16:13</p> <p>spoke (3) 13:8;17:9;28:6</p> <p>spoken (5) 13:4,7,8;16:15;27:16</p> <p>spread (1) 39:2</p> <p>SS (1) 42:2</p> <p>started (3) 6:21;19:18,19</p> <p>starting (1) 22:10</p> <p>state (5) 4:12;15:23;42:1,6,7</p>	<p>stated (2) 39:21;42:19</p> <p>stating (1) 26:1</p> <p>station (2) 19:14,15</p> <p>stenographically (1) 42:12</p> <p>stiff (2) 25:19,20</p> <p>still (2) 24:21;31:16</p> <p>store (1) 22:2</p> <p>strike (3) 16:16;17:17;31:21</p> <p>subordinate (1) 35:14</p> <p>subpoena (5) 9:5,17;10:13;11:12,21</p> <p>substance (1) 15:9</p> <p>substantial (1) 15:8</p> <p>supervisor (3) 21:5,12,14</p> <p>support (1) 8:1</p> <p>Supreme (1) 4:5</p> <p>sure (7) 5:24;10:6;19:18; 22:16;27:15;34:15,15</p> <p>swear (1) 4:1</p> <p>switch (1) 10:4</p> <p>sworn (3) 4:2,8;42:9</p> <p>system (1) 7:18</p> <p style="text-align: center;">T</p> <p>talk (8) 5:17,17;14:4;16:1,2,6; 17:15;27:21</p> <p>talked (5) 17:5;18:21;22:21; 26:2;34:4</p> <p>talking (6) 16:13;19:23;27:20; 32:5,13;37:21</p> <p>teeth (2) 17:11;30:4</p> <p>telephone (1) 13:18</p> <p>telling (1) 22:5</p> <p>tendering (1) 10:16</p> <p>term (1) 29:24</p>	<p>terminated (6) 8:15;20:6,11,15; 22:23;42:20</p> <p>termination (11) 21:17;22:16,21;23:17; 34:5;37:8,12,22;38:4,10, 17</p> <p>testified (1) 4:9</p> <p>testify (2) 39:24;42:10</p> <p>testimony (2) 39:22;42:15</p> <p>thereafter (3) 18:2,3;42:13</p> <p>therefore (2) 12:17;28:21</p> <p>Theresa (1) 13:23</p> <p>Thiam (3) 32:22;38:1,2</p> <p>T-h-i-a-m (1) 32:24</p> <p>thinking (1) 30:2</p> <p>third (2) 4:18;7:21</p> <p>thoroughly (1) 29:5</p> <p>though (1) 31:15</p> <p>thought (5) 25:7,13;28:13,13; 30:12</p> <p>threatened (1) 36:21</p> <p>three (1) 35:16</p> <p>three-and-a-half (1) 6:20</p> <p>three-week (2) 8:22;35:16</p> <p>throughout (4) 19:21,21,22;20:3</p> <p>tickets (1) 7:20</p> <p>tie (1) 29:4</p> <p>tied (1) 29:4</p> <p>times (1) 17:21</p> <p>title (1) 7:19</p> <p>today (11) 4:23;5:12,15;6:10;9:8; 13:2;26:9,23;27:4,5; 37:10</p> <p>told (4) 17:7;20:15;37:17; 38:14</p> <p>took (2) 16:4;25:8</p>
---	--	--	--	---

<p>transcript (3) 40:8,11;42:11 transition (1) 32:1 transitional (1) 33:7 triage (1) 7:21 troops (1) 34:18 true (3) 17:11;38:24;42:14 truth (2) 14:6;42:10 truthfully (2) 14:8;27:8 try (2) 5:19;13:9 trying (2) 13:11;14:11 Tuesday (1) 28:4 Tushar (12) 13:20;17:9,15,18; 18:20;20:23;22:12,19; 28:7,19;33:8;34:24 two (6) 8:2,2;15:4,17;35:7; 39:6 typewriting (1) 42:13</p>	<p>voce (1) 16:3 voluntarily (1) 8:23</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait (1) 28:16 waive (1) 40:10 waste (1) 30:4 way (6) 5:23;27:1,2;38:23; 39:4,21 ways (2) 15:9;36:6 weak (1) 33:21 Wednesday (4) 13:9,24;14:1;27:17 week (4) 14:1;17:8;20:3;27:18 weren't (2) 18:17;20:10 West (1) 4:17 what's (1) 22:2 WHEREOF (1) 43:1 WHEREUPON (4) 4:2;16:3;29:16;36:9 whole (1) 42:10 wildfire (2) 23:14,14 within (2) 20:4;42:5 witness (34) 4:1,2,8;5:7,8;7:11;8:7, 9,11;9:16;10:6,16; 12:17;15:14;16:5,6; 17:14;22:15;24:20;25:5; 28:11;29:18,24;31:9; 32:24;33:12;34:7,9,21; 36:11;42:9,9,18;43:1 Woford (1) 9:2 wondered (1) 16:10 word (6) 23:7;25:20;29:8,9; 30:8;33:23 words (4) 5:18;13:4;23:9;38:13 wore (1) 22:9 work (7) 6:22;19:14,14;20:13; 21:7;30:15,23 worked (5)</p>	<p>6:19;7:4,18;37:6,18 working (3) 16:9;18:17;33:9 workplace (3) 18:9,10;39:16 wounded (1) 36:7 wow (2) 22:8,8 written (2) 35:24;36:5 wrong (3) 31:12,18;33:4</p>		
<hr/> <p style="text-align: center;">U</p> <hr/> <p>under (1) 42:14 underlying (1) 17:1 undisclosed (1) 31:2 unsupervised (1) 21:15 up (4) 7:24;22:18,20;36:5 upon (2) 16:11;42:19 urgencies (1) 7:24 urgent (1) 7:21 used (6) 7:21;21:24,24;23:8; 29:24;30:4 using (4) 15:6;29:9;30:8;39:17</p>		<hr/> <p style="text-align: center;">Y</p> <hr/> <p>year (2) 7:8,11 years (1) 6:20</p>		
<hr/> <p style="text-align: center;">V</p> <hr/> <p>VA (7) 18:11,17;20:5,21; 23:21;24:1;33:6 vocalized (1) 17:10</p>				

From: THERESA JOHNSON (theresavjohnson@prodigy.net)
To: robert.vega@va.gov;
Date: Tue, September 21, 2010 2:01:12 PM
Cc: lynda.milkau@va.gov; brian.reed@va.gov; kduff@rddlaw.net;
Subject: Cynowa v. CSSS - Email to Jerry TAYlor 9/9/2010 Fw: Hines VA Attorney Contact Needed - Christopher Cynowa v. CSSS Cook County Case No. 08 L 403

Mr. Vega,

I just faxed a deposition notice for Mr. Taylor. I am forwarding to you the email that I sent Mr. Taylor on Sept. 9, 2010. I did not receive an attorney name form him, so I had to research to find you (which was not easy).

Note that the email below provides a very brief overview of the the issues of the case. I had also indicated in the email that I would serve Mr. Taylor directly, but I did not because he had made it clear to me that I needed to work through the Hines VA's attorney and I wanted to obey your protocols.

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

----- Forwarded Message -----

From: THERESA JOHNSON <theresavjohnson@prodigy.net>
To: Jerry Taylor (VA) <jerrytaylor4@va.gov>
Cc: Theresa Johnson <theresavjohnson@prodigy.net>
Sent: Thu, September 9, 2010 2:20:28 PM
Subject: Hines VA Attorney Contact Needed - Christopher Cynowa v. CSSS Cook County Case No. 08 L 403

Mr. Jerry Taylor
Hines Veterans Administration
1601 E. Fourth Plain Blvd.
Vancouver, WA 98661
Tel.: (518) 209-5677

Dear Mr. Taylor,

PLAINTIFF'S
EXHIBIT E.

Per our telephone conversation at 1:08 p.m. today, I am the attorney who represents Christopher Cynowa in the case of Christopher Cynowa v. CSSS, Lisa Wolford and Bill Slater, State of Illinois, Cook County Case No. 08 L 403. Mr. Cynowa was accused of mentioning that he had an AK-47 and that, in so many words, he posed a security risk due to having a temper and verbal confrontations with staff. Mr. Cynowa denies Defendants allegations. Mr. Cynowa sued CSSS for the basis of defamation.

The case is currently near the end of the discovery period and pursuant to court imposed deadline, I must conclude deposition of witnesses who I will call at trial by October 1, 2010. I anticipate that you will be called as a witness in this case at trial. Accordingly, I explained in our telephone conversation, I intend to subpoena you for your deposition (possibly by telephone). I would like to consult with you regarding your schedule so that the deposition date that I select will not be inconvenient for you.

You stated that you would forward this information to the Hines VA Legal Department Attorney, per instructions you received from the VA Attorney. You did not have the VA Attorney's name and contact information handy at the time of our conversation, and therefore you asked that I contact you with some information by email so that you could forward the email to the Hines VA attorney and that you would email back to me the name and contact information for that Attorney.

Time is of the essence due to impending deadlines. If you are unable to find the attorney contact information, I will send Notice of Deposition by email and mail a copy to your address above tomorrow.

Please advise the attorney that he may call me on my cell phone: (630) 400-2077.

Thank you very much for your cooperation and helpfulness.

Sincerely,

Theresa V. Johnson, Attorney for Christopher Cynowa
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

Rachlis Durham Duff & Adler, LLC

542 SOUTH DEARBORN STREET, SUITE 900
CHICAGO, ILLINOIS 60605

John E. Murray
(312) 275-0338
jmurray@rddlaw.net

OFFICE (312) 733-3950
FACSIMILE (312) 733-3952
www.rddlaw.net

November 30, 2010

Via Facsimile & Email Delivery

Robert Vega
Chicago Office of Regional Counsel
Department of Veterans Affairs
P.O. Box 1427
Hines, IL 60141
Voice: (708) 202-2451
Fax: (708) 202-2239

Dear Mr. Vega:

This letter follows the voicemail I left for you on Monday, November 29, 2010, in which I thanked you for your prompt response to our Touhy Act Request and further notified you that I would like to offer a much abbreviated deposition and interview schedule aimed at completing only those most necessary depositions and interviews by our December 10, 2010 deadline. In addition, this letter follows your response letter from today, November 30, 2010, in which you notified both parties that Tushar Engregi, Noel Flanagan, and Michael Cronin were not VA employees as of January 18, 2007 and therefore we could contact them independently of the VA.

In the interests of saving time and resources for all concerned, below please find our significantly abbreviated deposition and interview schedule that could be completed by December 10, 2010:

Witnesses to be Deposed:

- Dustin Joiner – Upon information and belief, Mr. Joiner is a current VA employee who will testify regarding any personal knowledge he has relating to Cynowa's termination and various employees' reactions relating thereto.
 - Our preference would be to have Mr. Joiner deposed on Monday, December 6, 2010, at 1:00 p.m. If that date and time does not work, however, we would be available on December 7th, 8th (morning), or 10th to take the deposition.

**PLAINTIFF'S
EXHIBIT E2**

- Michelle Hinton – Upon information and belief, Ms. Hinton is a current VA employee and was so as of the date of Cynowa's termination. Ms. Hinton is expected to have personal knowledge concerning Cynowa's claims, behavior, characteristics, conduct and alleged damages surrounding Cynowa's termination.
 - Our preference would be to have Ms. Hinton deposed on Monday, December 6, 2010, at 3:00 p.m. If that date and time does not work, however, we would be available on December 7th, 8th (morning), or 10th to take the deposition.

- Neil Piper – Upon information and belief, Mr. Piper is a current VA employee located in New York who has been named by Cynowa as a fact and independent expert witness. Mr. Piper is believed to have personal knowledge concerning the procedures for and other relevant information concerning the hiring of VA employees from the CSSS.NET contract for the Hines VA. Mr. Piper is also expected to have personal knowledge concerning the validity of various allegations made in our clients' counterclaims as well as information concerning the character of Lisa Wolford and other CSSS.NET management.
 - Our preference would be to have Mr. Piper telephonically deposed on either December 7th or 8th (morning). Again, however, we would be amenable to any schedule which enables us to complete all depositions and interviews by our December 10, 2010 deadline.

Witnesses to be Briefly Interviewed:

- Linda Dunlap – Upon information and belief, Ms. Dunlap currently serves as a Senior Adjudicator at the VA Security and Investigation Center in North Little Rock, Texas. We intend to call Ms. Dunlap as an independent expert witness in the area of federal security access, public trust eligibility, and background investigation. Ms. Dunlap is expected to give her opinion regarding Cynowa's alleged damages in light of her experience with federal security access, public trust eligibility, and background investigation, and upon review of Cynowa's personnel file.
 - We plan to name Ms. Dunlap as an independent expert witness in the area of federal employment and security clearance. In that respect, we would like to speak with her next week for the purposes of ascertaining her availability for deposition in the future as well as her opinions for our eventual expert disclosures which must be filed no later than December 16, 2010.

- Bunty Kothari – Upon information and belief, Mr. Kothari is a current VA employee and was so as of the date of Cynowa's termination. Mr. Kothari is expected to have personal knowledge regarding Cynowa's claims, his behavior,

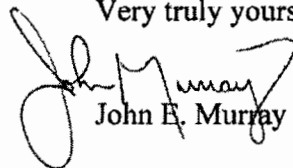
characteristics, conduct and alleged damages and regarding the circumstances of Cynowa's termination and regarding communications with and about Cynowa.

- We would like to speak with Mr. Kothari as soon as possible in order to ascertain the extent of his personal knowledge should he be called as a witness at trial.
- Maria Millan – Upon information and belief, Ms. Millan was employed by Nortel Government Solutions as of the date of Cynowa's termination. Ms. Millan is believed to be a current VA employee who is expected to have personal knowledge concerning Cynowa's claims, behavior, characteristics, conduct and alleged damages surrounding Cynowa's termination.
 - We would like to speak with Ms. Millan as soon as possible in order to ascertain the extent of her personal knowledge should she be called as a witness at trial.

In addition to the above abbreviated requests, we respectfully request, pursuant to § 14.807 of the VA Regulations, that you waive the reasonable lead time period for evaluation and provide for an expedited response and approval of above requests so as to enable all parties to complete the needed discovery by the December 10, 2010 deadline.

Thank you very much for your prompt consideration of our much abbreviated request for testimony and/or interviews with VA staff. I look forward to receiving a response from you soon.

Very truly yours,



John E. Murray

Rachlis Durham Duff & Adler, LLC

542 SOUTH DEARBORN STREET, SUITE 900
CHICAGO, ILLINOIS 60605

John E. Murray
(312) 275-0338
jmurray@rddlaw.net

OFFICE (312) 733-3950
FACSIMILE (312) 733-3952
www.rddlaw.net

December 1, 2010

Via Facsimile & Email Delivery

Robert Vega
Chicago Office of Regional Counsel
Department of Veterans Affairs
P.O. Box 1427
Hines, IL 60141
Voice: (708) 202-2451
Fax: (708) 202-2239

Dear Mr. Vega:

This letter follows our telephone discussion from today, December 1, 2010, in which you requested that we send you a supplemental response that addresses the applicable factors listed in 38 CFR § 14.804, factors you must consider when deciding to authorize disclosure of the testimony of VA personnel. You also indicated that you would attempt to work with us as to our request to briefly interview the three VA personnel listed below within our December 10, 2010 deadline. In addition, you requested that we attempt to further describe the exact nature of the testimony expected to be elicited from the VA personnel listed below. While we will make every attempt to do so, it is important to understand that the vast majority of the VA personnel listed below were first identified by Plaintiff's counsel and we have provided virtually verbatim descriptions of their expected testimony based on Plaintiff's disclosures. That is precisely the reason for which we seek to depose and/or interview these persons: to discover their knowledge of relevant facts and to ascertain the nature of their expected testimony for trial. We also expect that the scope of the testimony elicited from the VA personnel listed will not go beyond those subjects discussed below.

Response to Relevant 38 CFR § 14.804 Factors:

(a) The need to avoid spending the time and money of the United States for private purposes and to conserve the time of VA personnel for conducting their official duties concerning serving the Nation's veteran population;

- We continue to believe that – through our much abbreviated request to take only three depositions and to briefly interview three current VA personnel – spending a

**PLAINTIFF'S
EXHIBIT** EA

relatively small amount of time at this stage of the litigation will greatly conserve the time of VA personnel. For example, several or perhaps many of the VA personnel listed below may have little or no personal knowledge of Plaintiff's termination on January 18, 2007, and thus their cooperation would be limited or no longer be required. In addition, as the VA personnel listed below are current VA employees, we cannot obtain their testimony from any other source other than to request it from your office. However, we cannot arrive at that conclusion until we receive an opportunity to depose and/or briefly interview these persons.

(d) Whether the demand or request is unduly burdensome or otherwise inappropriate under the applicable court or administrative rules;

- Our much abbreviated requests will neither unduly burden nor prejudice the VA. We have also significantly pared down our initial request to limit the burden on the VA. In this spirit, we will consider conducting the three depositions via telephone. However, and of course with the exception of Mr. Piper who on information and belief resides in New York, it would be more efficient to conduct the depositions of Mr. Joiner and Ms. Hinton in-person at the Hines VA, as both of those depositions could be conducted and concluded in one morning session.

(e) Whether the testimony or production of records, including release in camera, is appropriate or necessary under the rules of procedure governing the case or matter in which the demand or request arose, or under the relevant substantive law concerning privilege;

- Obtaining the deposition testimony and/or being able to briefly interview VA personnel who may have personal knowledge of the events as they took place surrounding Plaintiff's termination on January 18, 2007 is vital to defending against Plaintiff's claims for defamation, false light, and intentional infliction of emotional distress. The court has set a deadline for the parties to obtain this information by December 10, 2010, and it is both necessary and appropriate that our much abbreviated requests be completed by that date.

(i) Whether such release or testimony reasonably could be expected to result in the appearance of VA or the Federal government favoring one litigant over another;

- Granting our much abbreviated request for three depositions and three brief interviews, of which Plaintiff would be entitled to appear at said depositions and otherwise learn of the witness's recollections from their interviews, would not result in the VA or the Federal government favoring one litigant over another. Moreover, the VA could grant both sides equal access.

Mr. Robert Vega

Page 3 of 5

(j) Whether such release or testimony reasonably could be expected to result in the appearance of VA or the Federal government endorsing or supporting a position advocated by a party to the proceeding;

- Whatever recollections or opinions obtained through the three requested depositions and interviews could not reasonably be expected to result in the appearance of the VA endorsing a position advocated by any of the parties to this litigation. These six VA personnel are just a few witnesses; several other disclosed witnesses are non-VA personnel and were so as of January 18, 2007.

(k) The need to prevent the public's possible misconstruction of variances between personal opinions of VA personnel and VA or federal policy;

- We fully recognize that the VA desires to keep its policies separate from the personal opinions of its employees. In recognizing the VA's concerns in this area, we presented our much abbreviated requests so as to minimize any possibility of misconstruction.

(l) The need to minimize VA's possible involvement in issues unrelated to its mission;

- We fully recognize that the VA desires to keep its involvement focused only on those issues related to its mission. In recognizing the VA's concerns in this area, we presented our much abbreviated requests so as to minimize any possibility of misconstruction.

(m) Whether the demand or request is within the authority of the party making it;

- The three VA personnel whose depositions we seek have been served through you at your office on behalf of my clients, which are authorized to conduct discovery in connection with the lawsuit under the Illinois Supreme Court Rules and the Illinois Code of Civil Procedure.

(n) Whether the demand or request is sufficiently specific to be answered;

- Including this correspondence, we have now sent your office three letters specifying the nature of our requests based on the information currently in our position. Please keep in mind that, as it relates to our much abbreviated request contained herein, the vast majority of the VA personnel listed below were first identified by Plaintiff's counsel and we have merely given verbatim descriptions of their expected testimony based on Plaintiff's initial identification. We have given our best efforts to specifically tailor the request so that your office can respond in an expeditious manner.

VA Personnel to be Deposed:

- Dustin Joiner – Upon information and belief, Mr. Joiner is a current VA employee who will testify regarding any personal knowledge he has relating to Cynowa's termination and various employees' reactions relating thereto.
 - The current availabilities for us and Plaintiff's counsel is December 6th (morning), 7th (in the morning and early afternoon) and 10th. We are currently in the process of scheduling a separate deposition for December 7th in the late afternoon. Please inform us as to the availabilities for all three VA personnel to be deposed from now until December 10th so that we can make all efforts to accommodate their availabilities.

- Michelle Hinton – Upon information and belief, Ms. Hinton is a current VA employee and was so as of the date of Cynowa's termination. Ms. Hinton is expected to have personal knowledge concerning Cynowa's claims, behavior, characteristics, conduct and alleged damages surrounding Cynowa's termination.
 - The current availabilities for us and Plaintiff's counsel is December 6th (morning), 7th (in the morning and early afternoon) and 10th. We are currently in the process of scheduling a separate deposition for December 7th in the late afternoon. Please inform us as to the availabilities for all three VA personnel to be deposed from now until December 10th so that we can make all efforts to accommodate their availabilities.

- Neil Piper – Upon information and belief, Mr. Piper is a current VA employee located in New York who has been named by Cynowa as a fact and independent expert witness. Mr. Piper is believed to have personal knowledge concerning the procedures for and other relevant information concerning the hiring of VA employees from the CSSS.NET contract for the Hines VA. Mr. Piper is also expected to have personal knowledge concerning the validity of various allegations made in our clients' counterclaims as well as information concerning the character of Lisa Wolford and other CSSS.NET management.
 - Our preference would be to have Mr. Piper telephonically deposed on either December 6th, 7th (in the morning and early afternoon), or 10th. We are currently in the process of scheduling a separate deposition for December 7th in the late afternoon. Please inform us as to the availabilities for all three VA personnel to be deposed from now until December 10th so that we can make all efforts to accommodate their availabilities.

VA Personnel to be Briefly Interviewed:

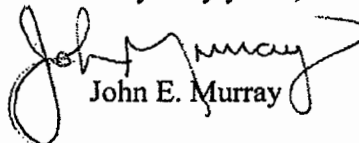
- Linda Dunlap – Upon information and belief, Ms. Dunlap currently serves as a Senior Adjudicator at the VA Security and Investigation Center in North Little Rock, Texas. We intend to call Ms. Dunlap as an independent expert witness in

the area of federal security access, public trust eligibility, and background investigation. Ms. Dunlap is expected to give her opinion regarding Cynowa's alleged damages in light of her experience with federal security access, public trust eligibility, and background investigation, and upon review of Cynowa's personnel file.

- We plan to name Ms. Dunlap as an independent expert witness in the area of federal employment and security clearance. In that respect, we would like to speak with her next week for the purposes of ascertaining her availability for deposition in the future as well as her opinions for our eventual expert disclosures which must be served and filed no later than December 16, 2010.
- Bunty Kothari – Upon information and belief, Mr. Kothari is a current VA employee and was so as of the date of Cynowa's termination. Mr. Kothari is expected to have personal knowledge regarding Cynowa's claims, his behavior, characteristics, conduct and alleged damages and regarding the circumstances of Cynowa's termination and regarding communications with and about Cynowa.
 - We would like to speak with Mr. Kothari as soon as possible in order to ascertain the extent of his personal knowledge should he be called as a witness at trial.
- Maria Millan – Upon information and belief, Ms. Millan was employed by Nortel Government Solutions as of the date of Cynowa's termination. Ms. Millan is believed to be a current VA employee who is expected to have personal knowledge concerning Cynowa's claims, behavior, characteristics, conduct and alleged damages surrounding Cynowa's termination. As Ms. Millan was not believed to be a VA employee as of January 18, 2007, we are operating under the assumption that we may contact her independently of the VA in the same fashion as Michael Cronin, Noel Flanagan, and Tushar Engregi.

Thank you very much for your prompt consideration. As discussed during our telephone conversation today, I look forward to hearing your final determination by Friday, December 3, 2010, so that in the event of a denial of our requests we can seek appropriate relief from the courts while still working within the timeframe of our December 10, 2010 deadline.

Very truly yours,


John E. Murray

From: John Murray [jmurray@rddlaw.net]

Sent: Tuesday, December 07, 2010 11:19 AM

To: 'Noel Flanagan'

Subject: FW: (Cynowa v. CSSS) Update on your availability for 4PM next Tuesday for deposition...

Attachments: Notice of Deposition for Noel Flanagan.pdf

Noel:

Here's just the formal reminder in the form of a Notice of Deposition for your deposition today at 4 p.m. Look forward to talking with you this afternoon. Thanks again for doing this.

Regards,

John E. Murray, Esq.

Associate Attorney

Rachlis Durham Duff & Adler, LLC

542 South Dearborn Street, Suite 900

Chicago, IL 60605

Office: (312) 733-3950

Direct: (312) 275-0338

Mobile: (810) 824-7197

Fax: (312) 733-3952

Email: jmurray@rddlaw.net

Firm website: www.rddlaw.net

RACHLIS DURHAM DUFF & ADLER, LLC E-MAIL CONFIDENTIALITY NOTICE

This transmission may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential. If you are not the intended recipient of this message, you may not disclose, print, copy or disseminate this information. If you have received this in error, please reply and notify the sender (only) and delete the message. Unauthorized interception of this e-mail is a violation of federal criminal law.

From: John Murray [mailto:jmurray@rddlaw.net]

Sent: Thursday, December 02, 2010 10:28 AM

To: 'Noel Flanagan'

Cc: 'Kevin Duff'

Subject: RE: (Cynowa v. CSSS) Update on your availability for 4PM next Tuesday for deposition...

Noel:

Great; I will then email you an Amended Notice of Deposition to remind you of the date and time for 4PM next Tuesday today. In addition, please bring with you any and all documents you have in relation to this case, including but not limited to the copies of your testimony and the case file given to you by Chris's lawyer. Thanks again and you should expect to receive the amended notice soon.

Regards,

John E. Murray, Esq.

Associate Attorney

6/2/2011

Print

From: John Murray (jmurray@rddlaw.net)
To: theresavjohnson@prodigy.net;
Date: Tue, December 7, 2010 12:49:08 PM
Cc: kduff@rddlaw.net;
Subject: RE: Plaintiff's Supplemental Production Fw: Touhy Request

Theresa:

Attached please find copies of my communications with the VA attorney as well as my communications with VA employee Noel Flanagan. Please see attached.

Regards,

John E. Murray, Esq.
Associate Attorney
Rachlis Durham Duff & Adler, LLC
542 South Dearborn Street, Suite 900
Chicago, IL 60605
Office: (312) 733-3950
Direct: (312) 275-0338
Mobile: (810) 824-7197
Fax: (312) 733-3952
Email: jmurray@rddlaw.net
Firm website: www.rddlaw.net

RACHLIS DURHAM DUFF & ADLER, LLC E-MAIL CONFIDENTIALITY NOTICE

This transmission may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential. If you are not the intended recipient of this message, you may not disclose, print, copy or disseminate this information. If you have received this in error, please reply and notify the sender (only) and delete the message. Unauthorized interception of this e-mail is a violation of federal criminal law.

From: THERESA JOHNSON [mailto:theresavjohnson@prodigy.net]
Sent: Tuesday, December 07, 2010 12:24 PM
To: John Murray; Kevin Doherty
Cc: Theresa Johnson
Subject: Plaintiff's Supplemental Production Fw: Touhy Request

John,

Per our discussion, attached is communication with Va Attorney Robert Vega.

Kindly, today, supplement your production in providing copies of your communications with the VA Attorney and any VA employees.

Sincerely,

Theresa V. Johnson
Attorney at Law

**PLAINTIFF'S
EXHIBIT E4**

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

----- Forwarded Message -----

From: "Vega, Robert M." <Robert.Vega@va.gov >
To: theresavjohnson@prodigy.net
Sent: Mon, November 8, 2010 10:06:13 AM
Subject: Touhy Request

As requested:

<<...>>

Robert Vega

Staff Attorney
Chicago Office of Regional Counsel
Department of Veterans Affairs
P.O. Box 1427
Hines , IL 60141
Voice: (708) 202-2451
FAX: (708) 202-2239

6/2/2011

Print

From: Vega, Robert M. (Robert.Vega@va.gov)

To: theresavjohnson@prodigy.net;

Date: Wed, December 8, 2010 1:06:26 PM

Cc:

Subject: RE: Dustin Joiner and Bunty Kothari Fw: Plaintiff's Amended Complaint Re: Touhy Request

Ms. Johnson:

This email is sent to confirm that, as of this date, you have failed to submit a request that discusses the Touhy issues I described for you in my letter on 10/7/10.

This and your prior email do not qualify as an actual submission as they wholly fail to discuss any of the elements of 38 CFR 14.800 – 14.810 identified in my letter.

You have indicated that you will send a responsive request today.

Sincerely,

Robert Vega

Staff Attorney

Chicago Office of Regional Counsel

Department of Veterans Affairs

P.O. Box 1427

Hines, IL 60141

Voice: (708) 202-2451

FAX: (708) 202-2239

From: THERESA JOHNSON [mailto:theresavjohnson@prodigy.net]

Sent: Tuesday, December 07, 2010 12:03 PM

To: Vega, Robert M.

Cc: Theresa Johnson

Subject: Dustin Joiner and Bunty Kothari Fw: Plaintiff's Amended Complaint Re: Touhy Request

Dear Attorney Vega,

I inadvertently omitted the 2 VA employees named in the upper left corner of your letter of November 30, 2010: Dustin Joiner and Bunty Kothari. These names should follow after Michelle Hinton's name as persons I request to interview and call as witnesses at trial. Thank you.

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

PLAINTIFF'S
EXHIBIT *ES*

----- Forwarded Message -----

From: THERESA JOHNSON <theresavjohnson@prodigy.net>
To: "Vega, Robert M." <Robert.Vega@va.gov>
Cc: Theresa Johnson <theresavjohnson@prodigy.net>
Sent: Tue, December 7, 2010 11:40:27 AM
Subject: Plaintiff's Amended Complaint Re: Touhy Request

Dear Attorney Vega,

In partial compliance with the Touhy letter, attached please find **Plaintiff's Amended Verified Complaint**. Please be advised that as of yesterday, December 6, 2010, Plaintiff claims against Noel Flanagan were dismissed. Based on your letter dated November 30, 2010, to me and Defendants counsel, John Murray, I assume that Defendants may have already given you the Complaint or other information that has apprised you of the issues in the case. I apologize if this information is redundant to what you already know. As I have stated in prior communications, Plaintiff has no claims against the VA or anyone working at the VA.

I hereby request would also like to approximately 1/2 hour interviews **Officer Bob Adrowski and Randy Padel and Ron Klavohn** on any of the following dates: December 8, 9, 10. I have identified these persons as trial witnesses in my 213 discovery disclosures. I beg your permission to call these persons as witnesses at trial.

As you noted in your November 30, 2010 letter, we have at court date on December 10, 2010 (around 10:00 a.m.) on which date we will be setting the trial date. Also Friday, **December 10, 2010, is the last day to depose witnesses**. I request only interviews due to the costs of depositions. The Defendants have the significant resources for depositions; however, plaintiff do not. I will send my request also by fax, which will include a description of expected testimony.

I have asked Defendants counsel, John Murray, for copies of their communications with you regarding their request to interview or depose above individuals referenced in your letter; however, to date they have not tendered it. I asked John Murray if he provided an affidavit to you regarding testimony of any witnesses and he indicated that he did not. My understanding from you was that an affidavit was required.

On information and belief, per your letter dated November 30, 2010, you have permitted Defendants to interview with the following VA employees:

Jerry Taylor
Linda Dunlap
Kimberley Griffin
Ron Klavohn (same individual as named above)
Michelle Hinton



I request an interview with **these same individuals** named above regarding the same matters, if any identified by defendants. I request an interview time on of 1/2 hour each on December 8, 9, or 10th. If Defendants are interviewing any of these persons during this week, on the 8th, 9th, or 10th, I request an interview them immediately before or after Defendants (i.e. same approximate time slot). I believe this approach would likely cause the least amount of disruption of the VA work flow. If Defendants are not interviewing the above named individuals, I will am available any time on those days, with except during the court hour of 10:00 a.m.

December 10th and part of the morning on December 9th (I must take a relative to the doctor).

I will send my request also by fax, which will include a description of expected testimony.

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

From: "Vega, Robert M." <Robert.Vega@va.gov>
To: theresavjohnson@prodigy.net
Sent: Mon, November 8, 2010 10:06:13 AM
Subject: Touhy Request

As requested:

<<...>>

Robert Vega

Staff Attorney
Chicago Office of Regional Counsel
Department of Veterans Affairs
P.O. Box 1427
Hines, IL 60141
Voice: (708) 202-2451
FAX: (708) 202-2239



LAW OFFICE OF THERESA V. JOHNSON

FAXED

DEC 08 2010

Theresa V. Johnson

Attorney at Law

By: TVJ Time: 7:26pm

Law Office of Theresa V. Johnson
200 East Chicago Ave. Suite 200
Westmont, Illinois 60559

Tel: (630) 321-1330 Fax: (630) 321-1185
theresavjohnson@prodigy.net

TOUHY REQUEST

December 8, 2010

Letter Sent by Facsimile and U.S. Standard Mail

Mr. Robert Vega
Staff Attorney
Chicago Office of Regional Counsel
Department of Veterans Affairs
P.O. Box 1427
Hines, IL 60141
Phone: (708) 202-2451
Fax: (708) 202-2239

Dear Attorney Vega,

**Re: Christopher S. Cynowa v. CSSS, Inc., Lisa Wolford and Bill Slater
in the Circuit Court of Cook County, Law Division, Case No.: 08 L 403**

**Subject: Touhy Request Letter - Request to Interview VA Employees and for
Employees to be Permitted to Serve as Witnesses at Trial in 2011.**

This letter is written in follow-up to email sent to you yesterday, December 7, 2010 and your response email that I received today, December 8, 2010 (see **Attachment A** email string). I tried my best to get this Touhy Request Letter to you before 5:00 p.m., but compliance with all fifteen factors pursuant to 38 CFR § 14.804 took much more time than I had hoped – it took at least 7 hours – not including the time to read all the various laws cited in your letters to Defendants and to me. This was a lot of work and I have tried my best to comply with the government's requirements.

As you know, our deposition cut-off in this case is this Friday, December 10, 2010. There is also a court hearing in this matter on this Friday, December 10, 2010, at which time Plaintiff and Defendants expect the presiding Judge to set the trial date in early 2011. I can interview any of these three witnesses at any time on Thursday, December 9, 2010 and on Friday, December 10,

From: Vega, Robert M. (Robert.Vega@va.gov)

To: theresavjohnson@prodigy.net;

Date: Fri, December 10, 2010 8:26:04 AM

Cc:

Subject: RE: Touhy Request Letter Re: Dustin Joiner and Bunty Kothari Fw: Plaintiff's Amended Complaint Re: Touhy Request

Ms. Johnson:

This email is sent pursuant to your request this morning to update you.

I received your Touhy request. It fully discusses the elements as requested in my letter dated October 7, 2010.

Your request is being considered.

We may be able to arrange a 15 minute interview with Mr. Kothari; however, I do not anticipate that I can respond to the rest of your request today because it was tendered only 2 days ago and I was out sick yesterday.

Sincerely,

Robert Vega

Staff Attorney

Chicago Office of Regional Counsel

Department of Veterans Affairs

P.O. Box 1427

Hines, IL 60141

Voice: (708) 202-2451

FAX: (708) 202-2239

From: THERESA JOHNSON [mailto:theresavjohnson@prodigy.net]

Sent: Wednesday, December 08, 2010 7:46 PM

To: Vega, Robert M.

Cc: Kevin Duff; John Murray

Subject: Touhy Request Letter Re: Dustin Joiner and Bunty Kothari Fw: Plaintiff's Amended Complaint Re: Touhy Request

Dear Attorney Vega,

Per our telephone conversation earlier today, attached please find my Touhy Request Letter that I told you I would send today. This letter was also sent successfully by facsimile at 07:26 p.m.

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

**PLAINTIFF'S
EXHIBIT E 8**

Fax: (630) 321-1185

From: "Vega, Robert M." <Robert.Vega@va.gov>
To: THERESA JOHNSON <theresavjohnson@prodigy.net>
Sent: Wed, December 8, 2010 1:06:26 PM
Subject: RE: Dustin Joiner and Bunty Kothari Fw: Plaintiff's Amended Complaint Re: Touhy Request

Ms. Johnson:

This email is sent to confirm that, as of this date, you have failed to submit a request that discusses the Touhy issues I described for you in my letter on 10/7/10.

This and your prior email do not qualify as an actual submission as they wholly fail to discuss any of the elements of 38 CFR 14.800 – 14.810 identified in my letter.

You have indicated that you will send a responsive request today.

Sincerely,

Robert Vega

Staff Attorney
Chicago Office of Regional Counsel
Department of Veterans Affairs
P.O. Box 1427
Hines, IL 60141
Voice: (708) 202-2451
FAX: (708) 202-2239

From: THERESA JOHNSON [mailto:theresavjohnson@prodigy.net]
Sent: Tuesday, December 07, 2010 12:03 PM
To: Vega, Robert M.
Cc: Theresa Johnson
Subject: Dustin Joiner and Bunty Kothari Fw: Plaintiff's Amended Complaint Re: Touhy Request

Dear Attorney Vega,

I inadvertently omitted the 2 VA employees named in the upper left corner of your letter of November 30, 2010: Dustin Joiner and Bunty Kothari. These names should follow after Michelle Hinton's name as persons I request to interview and call as witnesses at trial. Thank you.

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

----- Forwarded Message -----

From: THERESA JOHNSON <theresavjohnson@prodigy.net>

To: "Vega, Robert M." <Robert.Vega@va.gov>

Cc: Theresa Johnson <theresavjohnson@prodigy.net>

Sent: Tue, December 7, 2010 11:40:27 AM

Subject: Plaintiff's Amended Complaint Re: Touhy Request

Dear Attorney Vega,

In partial compliance with the Touhy letter, attached please find



Theresa V. Johnson

Attorney at Law

Law Office of Theresa V. Johnson
200 East Chicago Ave. Suite 200
Westmont, Illinois 60559
Tel: (630) 321-1330 Fax: (630) 321-1185
theresavjohnson@prodigy.net

TOUHY REQUEST SUPPLEMENT

January 4, 2011

Letter Sent by Facsimile and U.S. Standard Mail

Mr. Robert Vega
Staff Attorney
Chicago Office of Regional Counsel
Department of Veterans Affairs
P.O. Box 1427
Hines, IL 60141
Phone: (708) 202-2451
Fax: (708) 202-2239

Dear Attorney Vega,

**Re: Christopher S. Cynowa v. CSSS, Inc., Lisa Wolford and Bill Slater
in the Circuit Court of Cook County, Law Division, Case No.: 08 L 403**

**Subject: Supplement to Touhy Request Letter - Request to Interview Additional VA
Employees and for Additional Employees to be Permitted to Serve as
Witnesses at Trial in 2011.**

This letter is written in follow-up to and in supplement to my letter I sent to you dated December 8, 2010. This letter incorporates by reference the December 8, 2010 letter as if it were fully set forth herein.

Please be advised that the cut-off date for all discovery is January 13, 2011. The trial date is March 14, 2011.

I hereby request the to interview its additional witnesses and ask that my client, Mr. Cynowa be permitted by the VA to testify at Trial during the week of March 14, 2011.

As we have discussed in prior conversations, if you determine to deny Mr. Cynowa the right to call these witnesses at trial, we will need to seek relief from the Federal Courts.

Since,

Given the trial is only two months away, I need to act e

at any time on Thursday, December 9, 2010 and on Friday, December 10, 2010, excluding 10:00 a.m. to 11:00 a.m. (i.e., the court call time). If anyone is willing and/or able to speak with me after 5:00 p.m. or very early in the morning (before 10:00 a.m.), I am available to do that as well.

Given the short time frame remaining, I request no more than two hours of VA employees time to interview three witnesses by telephone with you listening in. If anyone is willing and/or able to speak with me after 5:00 p.m. or very early in the morning (before 10:00 a.m.), I am available to do that as well.

PLAINTIFF'S REQUEST FOR INTERVIEW TWO ADDITIONAL VA WITNESSES

In addition to interviews and request for witnesses at trial requested in my December 8, 2011 letter, i.e., **Bunty Kothari, Randy Padal and Bob Adrowski.**, my client and I respectfully request a *telephone interview* with two additional VA employees: Jerry Taylor and Neil Piper. ***We also respectfully request that these two witnesses, be allowed to appear as witnesses at trial during the week of March 14, 2011:***

As stated in my December 8, 2011 letter, Plaintiff also requests to interview any VA employee for whom the VA grants Defendants an interview or deposition. I ask that you notify me should such a grant be made in response to a request from Defendants.

SPECIAL CONCERNS REGARDING BOB ADROWSKI

Regarding the discussion we had regarding Bob Adrowski, you have indicated that he currently works for the TSA, another federal agency and that it might be considerably more complicated for me to get permission to interview Officer Adrowski. I appreciate any assistance you could give me with regard to this matter. Also, there is the issue of Officer Adrowski's Police Incident Report. It is important to Plaintiff case that I have some way to establish that Police Incident Reports constitutes the VA police's business records. Officer Adrowski's live testimony at court can help establish that; however, does the VA have some other method to certify that the Police Report is a VA Police business record?

EXPECTED TESTIMONY OF THE TWO WITNESSES

(1) **Jerry Taylor.** Mr. Kothari, on information and belief, sat near Chris's work cubicle, and knew Chris professionally and personally. He is expected to testify regarding what he knows about the work and personal behavior, traits, and characteristics of Chris and what he observed and heard on the day CSSS terminated Chris. Also, on information and belief, Mr. Kothari was present during part or all of the time that Chris was being terminated. He is expected to testify that Chris was not and is not a dangerous person, although Chris may be known as blunt and outspoken.

(2) **Neil Piper.** Mr. Padal worked with Chris from approximately August 2005 until January 18, 2007 (date CSSS terminated Chris) when Mr. Padal worked for FMI. He is expected to testify that Chris was an excellent worker for CSSS on the VA work projects, that in terms of Chris' work for the VA, that he did his job well, and that he (Padal) respected Chris's work ethic and customer service conduct, and that he offered to be a job reference for Chris after Chris was terminated. He is also expected to testify that Chris and he had many robust dialogues and differences of opinion regarding work procedures, but those robust discussions were professional in nature and not "confrontational" as in physically threatening. He is expected to testify that he did not view Chris as a physical threat or dangerous in the work environment. He may also testify to what he knows about Chris termination from CSSS. **[Note: On information and belief, Mr. Padal was not a VA employee the day of Chris' termination, January 18, 2007. Please clarify Mr. Padal's status.]**

Please contact me immediately if there is any additional information that you need from me to meet the various requirements to obtain interview with VA witnesses and all them as witnesses at trial.

As you are aware, time is of the essence for us. Thank you for your consideration of our requests.

Sincerely,

Theresa V. Johnson

Copy to:
Christopher S. Cynowa

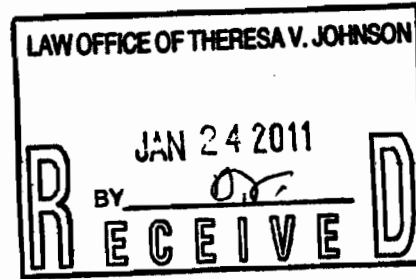


DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF REGIONAL COUNSEL
P.O. BOX 1427
HINES, ILLINOIS 60141
TELEPHONE: (708) 202-2216
FACSIMILE: (708) 202-2239

January 19, 2011

VIA Fax and First Class Mail

Theresa V. Johnson
Law Office of Theresa V. Johnson
200 East Chicago Avenue
Suite 200
Westmont, Illinois 60559



RE: Request for Interview/Deposition of Witnesses in the case of: Christopher S. Cynowa v. CSSS, Inc., in the Circuit Court Cook County, Illinois, Law Division, Case No. 08 L 403.

Ms. Johnson:

This letter is sent in response to your letter dated December 8, 2010, and your additional letter dated January 5, 2011. Although correspondence has been exchanged and we have discussed the issues in this case via telephone, your December 8, 2010 letter is your first letter that discusses the elements described to you in 38 CFR 14.800 – 14.810.

After thorough consideration, your request for the appearance at trial of Bunty Kothari, Jerry Taylor and Neil Piper is denied. In line with the elements identified by 14.804(a), (d), (i) and (l), a request to have VA employees appear at trial fails to conserve the time of VA personnel to conduct their official duties. You may conduct a 15 minute telephone conversation with Mr. Kothari, to be monitored by this office. A decision regarding the evidence deposition of Mr. Kothari and Mr. Piper will also be considered favorably. Please note that Mr. Piper is located at a different facility and so a telephone interview will involve another Office of Regional Counsel. So too any evidence deposition request.

Mr. Taylor may not be interviewed because you fail to provide details regarding his expected testimony regarding facts. Insofar as you want to discuss the VA personnel process with Mr. Taylor or Mr. Piper, this request is denied. This type of expert testimony must be obtained through an expert and not through fact witnesses.

PLAINTIFF'S
EXHIBIT E9

Mr. Padal was not an employee of the VA during the time period in question. You may contact him outside of the VA with your discovery request.

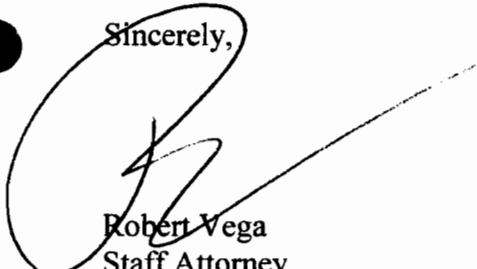
Mr. Adrowski is no longer with the VA, as we've discussed, and you have acknowledged in your request. Per 38 CFR § 14.800(b), we expect to represent Mr. Adrowski in any discovery request regarding his employment with the VA. After discussing this issue with Mr. Adrowski we have agreed the best course is for you to contact his current employer with your discovery request. Please include this office on any communications with Mr. Adrowski or his employer.

You did request a certification from the Police Station at Hines VA of the authenticity of Mr. Adrowski's report. This request has been submitted to the Station. If they provide a certified copy of the report it will be forwarded to your office. If you have a copy of the report, please send it to my attention so that I can forward it to the proper parties at the Station.

In sum, we hope to be able to provide as complete disclosure as federal regulations permit. In the event you are not satisfied with the administrative decision of the Department of Veterans Affairs, sovereign immunity precludes a state court from compelling compliance with a subpoena. Instead, judicial review of the decision is available exclusively by way of a suit in federal court under the Administrative Procedure Act, 5 U.S.C. § 701, *et seq.* See *Edwards v. U.S. Department of Justice*, 43 F.3d 312 (7th Cir. 1994).

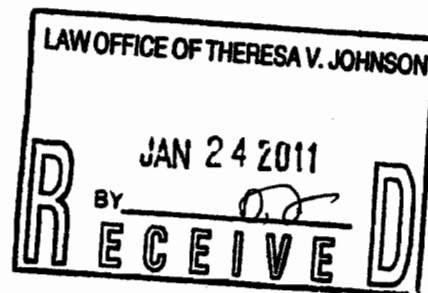
If you have any questions, please do not hesitate to contact me at (708) 202-2451.

Sincerely,



Robert Vega
Staff Attorney
VA Chicago Regional Counsel

cc: Bunty Kothari
Randy Padal
Bob Adrowski
Jerry Taylor
Neil Piper



From: Vega, Robert M. (Robert.Vega@va.gov)

To: theresavjohnson@prodigy.net;

Date: Thu, February 17, 2011 4:52:06 PM

Cc:

Subject: RE: Affidavit for Officer Adrowski Re: Homeland Security not in Cynowa v. CSSS Fw: Request for Bob Adrowski Employer Infor Re: Please Respond to Touhy Letters Re: VA Employees - Evidence Depositions

Ms. Johnson:

Attached is the affidavit with some changes. I do not think it's proper for Office Adrowski to make factual statements that he did not witness. I also do not want him to make factual statements which imply knowledge/responsibilities for areas that were not within his job description.

When you correct and return the affidavit, please attach a copy of the police report, as stated in the affidavit.

I have contacted Mr. Adrowski with your request and will notify you if he contacts our office.

I have also attached a copy of the letter that was sent to you earlier this week.

Sincerely,

Robert Vega

Staff Attorney

Chicago Office of Regional Counsel

Department of Veterans Affairs

P.O. Box 1427

Hines, IL 60141

Voice: (708) 202-2451

FAX: (708) 202-2239

**PLAINTIFF'S
EXHIBIT 50**

From: THERESA JOHNSON [mailto:theresavjohnson@prodigy.net]

Sent: Thursday, February 17, 2011 11:26 AM

To: Vega, Robert M.

Cc: Peter V. Bustamante; MORROW, CHRISTOPHER; Theresa Johnson

Subject: A fidavit for Officer Adrowski Re: Homeland Security not in Cynowa v. CSSS Fw: Request for Bob Adrowski Employer Infor Re: Please Respond to Touhy Letters Re: VA Employees - Evidence Depositions

Mr. Vega,

Attorney Morrow's email below, which I received yesterday, indicates we are to work with you regarding discovery and testimony issues related to Officer Adrowski's prior employ at Hines VA.

The Defendants in the case of Cynowa v. CSSS have filed a Motion for Summary Judgment.

We are in process of drafting our Response to Defendants Motion for Summary Judgment and our response, which is due next week, requires an Affidavit from Mr. Adrowski .

You have indicated in prior communications to me that the VA is amenable to Affidavit type testimony. Accordingly, we have prepared the attached Affidavit of Robert Adrowski.

Per our telephone conversation a few minutes ago, could you please ask Mr. Adrowski to review the Affidavit and sign it? If Mr. Adrowski requires any additions or corrections to be made, please let us know and we will make the same and re-submit a corrected affidavit.

Could we kindly ask for a response by Monday, February 21, 2011 so that we can have time to properly incorporate the Affidavit in our response? Thank you.

Also, could you please email me the communication to MR. Adrowski you mentioned in our telephone conversation. Thank you.

Thank you

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

From: "MORROW, CHRISTOPHER" <christopher.d.morrow@dhs.gov>
To: THERESA JOHNSON <theresavjohnson@prodigy.net>
Cc: Robert M. Vega <Robert.Vega@va.gov>; Peter V. Bustamante <pvbust@ameritech.net>
Sent: Tue, February 15, 2011 12:11:52 PM
Subject: RE: Homeland Security not in Cynowa v. CSSS Fw: Request for Bob Adrowski Employer Infor Re: Please Respond to Touhy Letters Re: VA Employees - Evidence Depositions

Ms. Johnson,

Thank you for your email and I apologize for not responding sooner. Since this case concerns private litigation over issues unrelated to Officer Adrowski's CBP employment, our office is not involved in responding to discovery requests or any other matter related to the case. It is my understanding that Staff Attorney Robert Vega, Department of Veterans Affairs, will be available to address future inquiries concerning Officer Adrowski's prior employment. Thank you for your time.

Christopher Morrow
Attorney
Office of Associate Chief Counsel

U.S. Customs & Border Protection
610 S. Canal St., Suite 767
Chicago, IL 60607
Tel: 312-983-9200
Fax: 312-353-9206

This document may contain confidential and sensitive attorney client privileged, attorney work product and/or U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient. Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by the Office of Chief Counsel, U.S. Customs and Border Protection.

From: THERESA JOHNSON [mailto:theresavjohnson@prodigy.net]
Sent: Monday, February 14, 2011 9:27 AM
To: MORROW, CHRISTOPHER
Cc: Theresa Johnson; Robert M. Vega; Peter V. Bustamante
Subject: Homeland Security not in Cynowa v. CSSS Fw: Request for Bob Adrowski Employer Infor Re: Please Respond to Touhy Letters Re: VA Employees - Evidence Depositions

Dear Mr. Morrow,

Re: Christopher Cynowa V. CSSS, Lisa Wolford and Bill Slater,
Cook County Illinois Court case. No. 08 L 403.

Per our telephone conversation a few minutes ago, here is the email information I received from Mr. Vega today. Mr. Robert Adrowski wrote a police incident report (a Hines VA police business record) while working at the Hines VA. The police report stated that Plaintiff mentioned having an AK-47. The case is a defamation action against civil defendants.

I contacted you in response to Attorney Robert Vega's email that I received this morning. This lawsuit has no bearing on Mr. Adrowski's current employment with Homeland Security - BCBP. Please advise me on how to proceed. We are requesting a brief phone interview with Mr. Adrowski, with Attorney Vega and/or you on the line during the interview, possibly an affidavit and/or an evidence deposition.

Our response to Motion for Summary Judgment is due February 23, 2011.

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

----- Forwarded Message -----

From: "Vega, Robert M." <Robert.Vega@va.gov>

To: THERESA JOHNSON <theresavjohnson@prodigy.net>

Sent: Mon, February 14, 2011 8:05:18 AM

Subject: RE: Request for Bob Adrowski Employer Infor Re: Please Respond to Touhy Letters Re: VA Employees - Evidence Depositions

Ms. Johnson:

I contacted Mr. Adrowski and I have his permission to share the following information with you.

Mr. Adrowski works at the following location:

Bureau of Customs and Border Protection

Field Operations Office

610 S. Canal Street

Chicago, IL 60607

312-983-9100

You can contact his Office's Chief Counsel at 312-983-9200.

As noted in my letter to you dated January 19, 2011, we expect to represent Mr. Adrowski in any discovery request regarding his employment with the VA. Please include this office when communicating with Mr. Adrowski or his employer.

Robert Vega

Staff Attorney

Chicago Office of Regional Counsel

Department of Veterans Affairs

P.O. Box 1427

Hines , IL 60141

Voice: (708) 202-2451

FAX: (708) 202-2239

From: THERESA JOHNSON [mailto:theresavjohnson@prodigy.net]

Sent: Friday, February 11, 2011 3:33 PM

To: Vega, Robert M.

Cc: Theresa Johnson; Peter V. Bustamante

Subject: Request for Bob Adrowski Employer Infor Re: Please Respond to Touhy Letters Re: VA Employees - Evidence Depositions

Robert,

Per our telephone conversation a few minutes ago, could you please provide to me and my co-counsel the government employer for Bob Adrowski? I have the following number for him which I received on December ,6

2011 from John Murray, attorney for the defendants: (815) 375-2542. We need to interview him and obtain an affidavit for our Summary Judgment Motion. Time is of the essence. Thank you.

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

From: "Vega, Robert M." <Robert.Vega@va.gov>
To: theresavjohnson@prodigy.net
Sent: Thu, January 27, 2011 10:31:05 AM
Subject: Re: Please Respond to Touhy Letters Re: VA Employees - Evidence Depositions

A response was sent last week.
I'm out of the office today, but I can fax it to you tomorrow.

Sincerely,

Robert

----- Reply message -----

From: "THERESA JOHNSON" <theresavjohnson@prodigy.net>
To: "Vega, Robert M." <Robert.Vega@va.gov>
Cc: "Theresa Johnson" <theresavjohnson@prodigy.net>
Subject: Please Respond to Touhy Letters Re: VA Employees - Evidence Depositions
Date: Sat, Jan 22, 2011 2:55 pm

Mr. Vega,

I did not receive a formal response from you regarding Mr. Cynowa's request to interview fed government employees and to have them appear as witnesses at trial. I am concerned at this point that this delay could prejudice Mr. Cynowa's case. We need to respond to Defendants Summary Judgment which was a tendered this week and our trial is March 14, 2011. Not knowing the status of the federal employee witness issue can prejudice our case because I cannot properly prepare or seek court relief with nothing in writing stating the government's response to my Touhy letters. Please advise me in writing as soon as possible. Thank you.

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

From: "Vega, Robert M." <Robert.Vega@va.gov>
To: THERESA JOHNSON <theresavjohnson@prodigy.net>
Sent: Fri, January 14, 2011 7:50:12 AM
Subject: RE: VA Employees - Evidence Depositions

Ms. Johnson:

I apologize for not getting you a formal response earlier, but I had other work with a higher priority this week.

I will commit to getting you a formal response by next week.

Sincerely,

Robert Vega
Staff Attorney
Chicago Office of Regional Counsel
Department of Veterans Affairs
P.O. Box 1427
Hines , IL 60141
Voice: (708) 202-2451
FAX: (708) 202-2239

From: THERESA JOHNSON [mailto:theresavjohnson@prodigy.net]
Sent: Wednesday, January 12, 2011 5:30 PM
To: Vega, Robert M.
Cc: Theresa Johnson
Subject: VA Employees - Evidence Depositions

Mr. Vega,

I left you a voice message today - we would like to take the evidence deposition of Office Bob Adrowski and others.

My understanding when we spoke on the phone on Friday is that you would be sending me a letter on Tuesday, January 11, 2011. I have not received any written communications from you regarding interview and/or evidence depositions and/or denying our request for VA employees to be called at witnesses at trial. You mentioned that you would allow the evidence depositions of witnesses if you deny our request to call Government employees to be witnesses at trial. Please indicate the evidence deposition arrangements in your letter - which I hope will be coming soon. Thank you so much.

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

Rachlis Durham Duff & Adler, LLC
542 South Dearborn Street, Suite 900
Chicago, IL 60605
Office: (312) 733-3950
Direct: (312) 275-0338
Mobile: (810) 824-7197
Fax: (312) 733-3952
Email: jmurray@rddlaw.net
Firm website: www.rddlaw.net

RACHLIS DURHAM DUFF & ADLER, LLC E-MAIL CONFIDENTIALITY NOTICE

This transmission may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential. If you are not the intended recipient of this message, you may not disclose, print, copy or disseminate this information. If you have received this in error, please reply and notify the sender (only) and delete the message. Unauthorized interception of this e-mail is a violation of federal criminal law.

From: Noel Flanagan [mailto:sligoirish@hotmail.com]
Sent: Thursday, December 02, 2010 10:21 AM
To: 'John Murray'
Cc: 'Kevin Duff'
Subject: RE: (Cynowa v. CSSS) Update on your availability for 4PM next Tuesday for deposition...

I didn't have any email correspondence with Chris or his lawyer. They contacted me on the phone and I met the lawyer once to sign the deposition I gave her over the phone. I'll pull up my phone records and see if I can identify the times I talked to them.

Chris's lawyer gave me a copy of my deposition and a copy of the case file when I met her. Should I bring that with me?

Tuesday at 4 will work fine!

From: John Murray [mailto:jmurray@rddlaw.net]
Sent: Thursday, December 02, 2010 9:46 AM
To: sligoirish@hotmail.com
Cc: 'Kevin Duff'
Subject: (Cynowa v. CSSS) Update on your availability for 4PM next Tuesday for deposition...

Hi Noel:

Thanks very much for taking the time to speak with me yesterday. While I know from speaking with you that you've had discussions with Chris and his counsel about this case, we'd really appreciate it if you could send over any and all emails or other correspondence between you and Chris, his attorneys, or anyone acting on Chris's behalf. This would include all drafts that were tossed around in the run-up to you signing your affidavit in this case. Thanks again for your help; it is greatly appreciated.

Also, did you speak with your boss yet about being able to leave early from work next Tuesday to enable us to get your deposition started at 4PM? Please let me know as soon as you can. Thanks so much Noel.

Regards,

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

FILED-6
SEP 23 AM 11:05
CLERK
OF THE CIRCUIT COURT
LAW DIVISION
CHRISTOPHER CYNOWA

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
(312) 733-3950
(312) 733-3952 (fax)

PLEASE TAKE NOTICE that on the 23rd day of September, 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 CORRECTED AMENDED SUPPLEMENTAL RESPONSE AND SECOND AMENDED RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES**, 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 CORRECTED AMENDED SUPPLEMENTAL RESPONSE AND SECOND AMENDED RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES** by causing a copy to be emailed and/or X faxed and/or X tendered to each of the parties listed above in open court on September 23, 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

PLAINTIFF'S
EXHIBIT F

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

FILED
10 SEP 23 AM 11:02
CLERK OF THE CIRCUIT COURT
LAW DIVISION
JEROTHY BROWN
CLERK

CHRISTOPHER S. CYNOWA,)
)
Plaintiff,)
)
v.)
)
CSSS, INC.)
LISA WOLFORD,)
and BILL SLATER)
Defendants,)

No. 08 L 403

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

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

to Supreme Court Rule 213.

GENERAL OBJECTIONS

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

constitute a waiver of any such privilege or protection.

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

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

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

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

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

7. Plaintiff objects to Defendants' Interrogatories to the extent that they are inconsistent

with or exceed Plaintiff's obligations under the Illinois Supreme Court Rules, the Illinois Rules of Civil Procedure, or the Local Rules of the Circuit Court of Cook County, Illinois. Further, Plaintiff objects to the extent Defendant's interrogatories seek information subject to protection by the federal government from disclosure.

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

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

INCORPORATION BY REFERENCE

Plaintiff hereby incorporates all information and disclosure contained in **PLAINTIFF'S ANSWER TO DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFF**, filed May 28, 2009 and Supplement to Defendants' First Set of Interrogatories dated and filed on or about August 31, 2010, and filed September 17, 2010 as though they were fully set forth herein. Plaintiff corrects and Amends his supplement as follows:

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:

13.30 Plaintiff Christopher Cynowa. Mr. Cynowa, who has been identified as a witness by Defendants, was inadvertently not specifically named on Plaintiff's witness list; however, he is included on the witness list by virtue of **PLAINTIFF'S SUPPLEMENTAL RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES** dated August 31, 2010, paragraph 6, page 6. 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.

13.31 Tim Marchese. Mr. Marchese is the process server who served Defendants at

CSSS'S Nebraska location. Mr. Marchese's affidavit regarding how he was man-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.

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

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

Answer: 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 employ-ability 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.

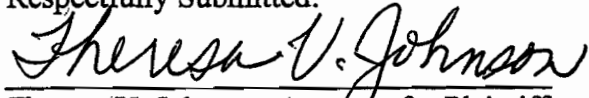
5. The individuals disclosed as witnesses herein, on information and belief, have relevant personal knowledge to the best of the Plaintiff's personal knowledge and available information.

6. 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.

7. 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: September 23, 2010

Respectfully Submitted:


Theresa V. Johnson, Attorney for Plaintiff

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

CLIENT'S VERIFICATION

UPON PENALTY OF PERJURY, I, the undersigned, state that I have read the foregoing pleading and I further state that I have provided to the attorney who prepared this document, information which, to the best of my knowledge and belief, is true and accurate. I further state that his pleading is being served and filed with my consent and as part of my attorney 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.

Date: _____

Christopher S. Cynowa