

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

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

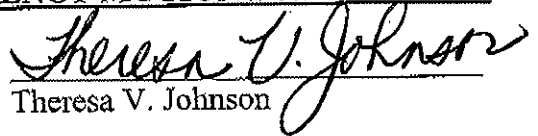
NOTICE OF MOTION

TO

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

Haytham Faraj
1800 Diagonal Road
Suite 210
Alexandria, VA 22314
Fax (202) 280-1039

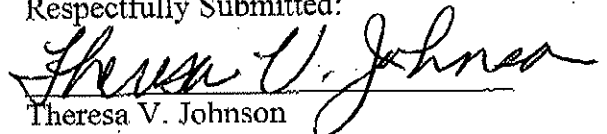
PLEASE TAKE NOTICE that on March 1, 2010, at 11:00 a.m. or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Maddux or any judge sitting in that judge's stead, in Courtroom 2005, usually occupied by him, located at Daley Center, 50 West Washington Street, Chicago, Illinois, and present **EMERGENCY MOTION FOR LEAVE TO FILE INSTANTER**, a copy of which is attached hereto.


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 Notice by causing a copy to be sent by fax to each of the parties listed above before 11:00 a.m. on February 28, 2011.

Respectfully Submitted:


Theresa V. Johnson
One of Plaintiff's Attorney

Theresa V. Johnson, Esq.
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

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COUNTY DEPARTMENT, LAW DIVISION**

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

EMERGENCY MOTION FOR LEAVE TO FILE INSTANTER

Plaintiff, Christopher S. Cynowa, by his attorney Theresa V. Johnson, moves this Honorable Court for leave to file his response to the defendants' motion for summary judgment, instanter, and to re-set the briefing schedule. In support thereof states:

1. On January 27, 2011, this Court entered a briefing schedule as follows: Response due February 24, 2011; Reply due March 10, 2011; Courtesy copies due March 11, 2011; hearing on March 24, 2011, before Judge Maras. A copy of the Order is attached as Exhibit 1.
2. The undersigned counsel is a sole practitioner and was unable to complete the response on behalf of Mr. Cynowa. During this time the undersigned counsel was involved in the following matters:
 - (a) DuPage trust case and Real Estate Closing which was rescheduled due to complicated trust issues and heirs in foreign state and country jurisdictions. (**see below)
 - (b) Cook County Case No. 10 M1 199211 – breach of contract (met with new client for court appearance February 28, 2011)
 - (c) Cook County Case 11 M1 109386 – breach of contract (met with new client for Answer due March 1, 2011)
 - (d) Cook County Case 11-M5 -166 – administrative review
 - (e) Cook County Case 11-M5 -167 – administrative review
 - (f) Cook County Case 11-M5 -168 – administrative review
 - (g) Cook County Case 11-M5 -168 – administrative review

***Plaintiff's response to Defendants Motion for Summary Judgment was due February 24, 2011. On Friday, February 19, 2011 Plaintiff's attorney completed title issues with Tile Company for above named real estate closing. Plaintiff's attorney scheduled Sunday February 21 through Thursday February 24, 2011 to work almost exclusively on this case at bar. On February 23, 2011 a complicated trust issue arose in the real estate file. Attorney had no choice but to work to resolve the issues part of Wednesday (2/23/11), all day Thursday (2/24/11), and 15 ½ hours Friday (2/25/11), a small time Saturday (2/26/11), and 2 hours Sunday (2/27/11). Attorney must also work Monday, February 28, and Tuesday, March 1, 2011 on acquiring documentation from foreign jurisdictions to ensure March 1, 2011 closing.

3. Monday, February 21, 2011 was a federal holiday.

4. The issues requiring resolution in the real estate case were not apparent when Attorney planned her work schedule for this case.

5. On February 24, 2011, my co-counsel, Peter V. Bustamante, wrote to counsel for defendants, Kevin Duff requesting an extension of time until Monday, February 28, 2011.

6. For the reasons set forth above. Plaintiff's attorney was unable to appear in court Friday to present an emergency Motion as proposed by Mr. Duff.

7. Mr. Duff would not agree to an extension to Monday, but was agreeable to a one day extension. The exchange of emails is attached as Exhibit 2.

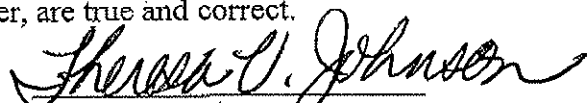
8. No prejudice will result to the defendants by allowing this motion. The briefing schedule can be changed to allow them until March 15, 2011 to file their reply and courtesy copies can be delivered on March 16, 2011.

WHEREFORE, plaintiff prays that this Honorable Court allow filing of Out of Time Plaintiff Response to defendants Motion for Summary Judgment and reset the hearing or trial date if appropriate.

CHRISTOPHER S. CYNOWA

By: _____
Theresa V. Johnson

Under penalties as provided by law, the undersigned certifies that the statements contained in the above and foregoing motion for leave to file instant, are true and correct.


Theresa V. Johnson

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

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

CYNOWA

v.

CSSS, Inc., et al.

No. 08 L 403

ORDER

This matter coming before the Court on presentation of Defendants' motion for summary judgment, counsel for the parties having appeared, and the Court being advised in the premises,

IT IS HEREBY ORDERED:

- (1) briefing schedule on Defendants' summary judgment motion is set by separate order this date;
- (2) Trial date of March 14, 2011 is stricken;
- (3) trial is re-set to April 11, 2011. at 10:00 a.m.

Atty. No.: 40151

Name: K. Duff

ENTERED: Judge Thomas L. Hogan

Atty. for: AS

JAN 27 2011

Dated:

Address: 542 S. Dearborn St. Ste 900

Circuit Court-1739

City/State/Zip: Chicago, IL 60605

Judge

Judge's No.

Telephone: 312-733-3950

2/28/2011

Untitled Document

From: Peter V. Bustamante (pvbu...@ameritech.net)
To: kduff@rddlaw.net;
Date: Thu, February 24, 2011 12:21:52 PM
Cc: theresavjohnson@prodigy.net;
Subject: Cynowa v. CSSS - Response to Summary Judgment

Kevin, Theresa needs a couple more days to finish the response to your motion. May we have until Monday, by agreement and of course, extend your deadline by the same number of days? This will not change the hearing date. Please let me know. Thank you.

Peter

Peter V. Bustamante
150 North Michigan Avenue
Suite 690
Chicago, Illinois 60601
(312) 346-2072
(312) 346-2074 facsimile

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From: Kevin Duff (kduff@rddlawnet)
To: pvbust@ameritech.net;
Date: Thu, February 24, 2011 12:37:49 PM
Cc: theresavjohnson@prodigy.net; jmurray@rddlawnet; haytham@puckettfaraj.com; kpritchard@rddlawnet;
Subject: RE: Cynowa v. CSSS - Response to Summary Judgment

Peter,

Because courtesy copies of all the papers are due to the Court on March 11, which is one day after our reply is due, any extension to your client cannot be matched with a corresponding extension to my clients. There is no room for slippage in the schedule because of that date and the approaching trial date. We also want to make sure that the Court has sufficient time to consider all the papers before the hearing on the motion. You will remember that the Court moved the trial date in order to give you as much time as you needed to respond to our summary judgment motion and you picked today as your due date. Unfortunately, Theresa has a long-standing pattern of missing deadlines in this case. Under the circumstances, the most I can do is to agree to an extension until tomorrow. Please make sure to serve us by email with your response and all accompanying papers.

Kevin

From: Peter V. Bustamante [mailto:pvbust@ameritech.net]
Sent: Thursday, February 24, 2011 12:22 PM
To: Kevin Duff
Cc: Theresa V. Johnson
Subject: Cynowa v. CSSS - Response to Summary Judgment

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2/28/2011

Untitled Document

From: Peter V. Bustamante (pvbust@ameritech.net)

To: kduff@rddl原因.net;

Date: Thu, February 24, 2011 12:47:24 PM

Cc: theresavjohnson@prodigy.net; jmurray@rddl原因.net; haytham@puckettfaraj.com; kpritchard@rddl原因.net;

Subject: Re: Cynowa v. CSSS - Response to Summary Judgment

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Cc: 'Theresa V. Johnson'; jmurray@rddl原因.net ; 'Haytham Faraj'; kpritchard@rddl原因.net

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From: Kevin Duff (kduff@rddlav...et)

To: pvbust@ameritech.net;

Date: Thu, February 24, 2011 1:38:22 PM

Cc: theresavjohnson@prodigy.net; jmurray@rddlav.net; haytham@puckettfaraj.com; kpritchard@rddlav.net;

Subject: RE: Cynowa v. CSSS - Response to Summary Judgment

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If you are not going to accept my offer to give you an extension till tomorrow, then you should present an emergency motion tomorrow morning to Judge Maras (to whom the motion was assigned). She can let us know if pushing back the courtesy copy due date works for her schedule and we both can have the opportunity to share our concerns with her.

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To: Kevin Duff

Cc: 'Theresa V. Johnson'; jmurray@rddlav.net; 'Haytham Faraj'; kpritchard@rddlav.net

Subject: Re: Cynowa v. CSSS - Response to Summary Judgment

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From: Peter V. Bustamante (pvb. @ameritech.net)

To: kduff@rddlaw.net;

Date: Thu, February 24, 2011 1:48:06 PM

Cc: theresavjohnson@prodigy.net; jmurray@rddlaw.net; haytham@puckettfaraj.com; kpritchard@rddlaw.net;

Subject: Re: Cynowa v. CSSS - Response to Summary Judgment

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2/28/2011

Print

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To: pvbust@ameritech.net;
Date: Thu, February 24, 2011 2:04:01 PM
Cc: theresavjohnson@prodigy.net; jmurray@rddlav.net; haytham@puckettfaraj.com; kpritchard@rddlav.net;
Subject: RE: Cynowa v. CSSS - Response to Summary Judgment

Peter,

Then Theresa should present the motion tomorrow. Once again, your client is disregarding deadlines to my clients' detriment. If you wait till Monday, we will oppose your motion.

Kevin

From: Peter V. Bustamante [mailto:pvbust@ameritech.net]
Sent: Thursday, February 24, 2011 1:48 PM
To: Kevin Duff
Cc: 'Theresa V. Johnson'; jmurray@rddlav.net; 'Haytham Faraj'; kpritchard@rddlav.net
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Subject: RE: Cynowa v. CSSS - Response to Summary Judgment

Peter,

Because courtesy copies of all the papers are due to the Court on March 11, which is one day after our reply is due, any extension to your client cannot be matched with a corresponding extension to my clients. There is no room for slippage in the schedule because of that date and the approaching trial date. We also want to make sure that the Court has sufficient time to consider all the papers before the hearing on the motion. You will remember that the Court moved the trial date in order to give you as much time as you needed to respond to our summary judgment motion and you picked today as your due date. Unfortunately, Theresa has a long-standing pattern of missing deadlines in this case. Under the circumstances, the most I can do is to agree to an extension until tomorrow. Please make sure to serve us by email with your response and all accompanying papers.

Kevin

From: Peter V. Bustamante [mailto:pvbust@ameritech.net]
Sent: Thursday, February 24, 2011 12:22 PM
To: Kevin Duff
Cc: Theresa V. Johnson
Subject: Cynowa v. CSSS - Response to Summary Judgment

Kevin, Theresa needs a couple more days to finish the response to your motion. May we have until Monday, by agreement and of course, extend your deadline by the same number of days? This will not change the hearing date. Please let me know. Thank you.

Peter

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