

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

CHRISTOPHER S. CYNOWA,

Plaintiff,

v.

CSSS, INC., et al.

Defendants,

No. 08 L 403

NOTICE OF FILING

*Faxed by Jally
for 12/16/10 4:20pm*

10/16/15 PM 3:53
Clerk of Court

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

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

Theresa V. Johnson
Theresa V. Johnson

PROOF OF SERVICE

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

Respectfully Submitted:

Theresa V. Johnson
Theresa V. Johnson
Attorney for Plaintiff

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

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

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

No. 08 L 403

10 DEC 16 10:05 AM
CLERK OF COURT
COURT HOUSE
100 N. LAUREL ST.
CHICAGO, IL 60602

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

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

PLAINTIFF'S FOURTH SUPPLEMENTAL RESPONSE TO DEFENDANTS'

FIRST SET OF INTERROGATORIES (hereafter, **PLTF'S ANSWERS NO.5**), to
Supreme Court Rule 213.

INCORPORATION BY REFERENCE

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

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

ANSWER No.1).

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

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

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

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

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

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

ANSWER:

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

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

Answer:

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

F(1) Witnesses:

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

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

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

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

F(1) and FF(2) Witnesses:

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

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

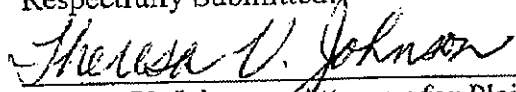
Linda Dunlap and Diane Nary. Ms. Dunlap and Ms. Nary, if they are not VA employees, will also be called by Plaintiff as f(1) and f(2) witnesses as previously disclosed. Defendants **SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**, which states that Ms. Dunlap and Ms. Nary will serve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

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

1. The individuals disclosed as witnesses herein, on information and belief, have relevant personal knowledge to the best of the Plaintiff's personal knowledge and available information.
2. Disclosure of the aforesaid witnesses is to notify parties entitled to Notice in this action that Plaintiff may, but has not committed to the introduction of said witnesses at any point in this litigation. Further, investigation remains ongoing as discovery continues and as Plaintiff tenders proper discovery responses and Plaintiff will seek leave of Court to file supplemental witness disclosures and discovery demands as reasonably necessary.
3. Plaintiff also adopts herein by reference and reserves the right to call any individual named in any of Defendants' or Plaintiff's 213 (f) disclosures at trial and to depose them prior to the expiration of the discovery cut-off date set by the court. In addition to the topics detailed herein *supra*, these witnesses may be called to testify to the alleged facts and circumstances in Plaintiff's Complaint and the facts and circumstances in Defendants' Answer to Complaint and Defendants' Counterclaims, the interrogatory answers prepared on behalf of the Defendants and Plaintiff in this lawsuit, any 213(f) disclosures prepared on behalf of the Defendants and Plaintiff in this lawsuit and any deposition testimony in this lawsuit. Investigation continues.

Dated: December 16, 2010

Respectfully Submitted:

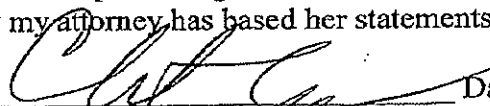


Theresa V. Johnson, Attorney for Plaintiff

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Cook County Attorney No. 37363

CLIENT'S VERIFICATION

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



Date: 12/16/10
Christopher S. Cynowa

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

CERTIFICATE OF SERVICE

I, Theresa V. Johnson, hereby certify that a copy of the foregoing **PLAINTIFF'S AMENDED SUPPLEMENTAL WITNESS DISCLOSURE TO DEFENDANTS** is tendered to Defendant's counsel, as listed below, by X email and/or X Fax on December 16, 2010.

Mr. Kevin Duff
Mr. John Murray
Rachlis Durham Duff & Adler, LLC
542 South Dearborn, Suite 900
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Theresa V. Johnson, Attorney for Plaintiff

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Cook County Attorney No. 37363

Print

12/16/2010

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

Theresa,

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

Kevin

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

Kevin,

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

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

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

Supplement to Plaintiff's 213 witness testimony

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

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

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

EXHIBIT A

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Theresa V. Johnson
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