

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

CHRISTOPHER S. CYNOWA,)
)
Plaintiff,)
)
-VS-) No. 08 L 000403
)
CSSS, INC.,)
(CLIENT SERVER SOFTWARE SOLUTION)
d/b/a CSSS.NET),)
LISA WOLFORD)
WILLIAM F. SLATER)
)
Defendants.)

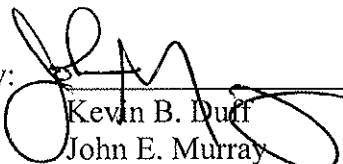
**APPENDIX OF EXHIBITS TO DEFENDANTS' MEMORANDUM
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

EXHIBIT 13

CONFIDENTIAL: Filed Under Seal Pursuant to Court Order dated October 22, 2010

This envelope contains Confidential Materials. Pursuant to the Order entered by the Court on October 22, 2010, this envelope shall not be opened nor the contents revealed except to the Court, including Court personnel as necessary.

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

By:  _____
Kevin B. Duff
John E. Murray
Rachlis Durham Duff & Adler, LLC
542 S. Dearborn Street, Suite 900
Chicago, IL 60605
(312) 733-3950 (office)
(312) 733-3952 (facsimile)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cyrowa

v.

CSSS, et al.

No. 08 L 403

ORDER

This matter coming to be heard on Defendants' Amended Motion to Compel and for a Protective Order to prevent Plaintiff from using privileged documents of Defendants, ~~whereby~~ the Court having reviewed the document in question in camera, and counsel having presented arguments,

IT IS HEREBY ORDERED:

- (1) Defendants' motion is GRANTED,
- (2) The Court finds that the document in question is privileged in its entirety; and
- (3) Plaintiff, his counsel, and anyone working for them, shall delete all copies of the document in question, in electronic format or otherwise, instantaneously.

Atty. No.: 40151

Name: K. Duff

Atty. for: Δ

Address: 542 S. Dearborn, Suite 900

City/State/Zip: Chicago, IL 60605

Telephone: 312-733-3950

ENTERED
 JUDGE MARCIA MARAS-1781
 OCT 22 2010
 DOROTHY BROWN
 CLERK OF THE CIRCUIT COURT
 OF COOK COUNTY, IL
 DEPUTY CLERK

ENTERED:

Dated: _____

Judge

Judge's No.

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,)

2010 SEP -2 AM 10:13
Law Division

**PLAINTIFF'S MOTION TO ADD
NOEL FLANAGAN AS A DEFENDANT IN THIS CASE
AND DEPOSE NOEL FLANAGAN AND BILL SLATER**

NOW COMES Plaintiff, CHRISTOPHER S. CYNOWA, ("CYNOWA") by and through his attorney, Theresa V. Johnson, of the Law Office of Theresa V. Johnson, and as for **PLAINTIFF'S MOTION TO ADD NOEL FLANAGAN AS A DEFENDANT IN THIS CASE** , alleges pursuant to the Rule and Illinois Code of Civil Procedure:

1. That on Thursday, August 26, 2010, Defendants tendered to Plaintiff's attorney Defendants' **SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST SET OF**

INTERROGATORIES

2. That on August 26, 2010 Attorney counsel had a telephone conversation with Larry Carver, a former CEO of Defendant CSSS who gave deposition testimony in this case in July 2009.

3. That in said telephone conversation Mr. Carver, he advised Plaintiff's attorney that he had recently found two emails related to Mr. Cynowa's case and wanted to know if the emails would be helpful to Ms. Johnson's.

4. Mr. Carver read the two emails to Plaintiff's attorney and attorney responded that she would like to receive the two the emails.

5. That on Friday, August 27, 2010, at 11:00 a.m. Plaintiff's attorney was in attendance at court for Defendants Motion to Bar the deposition of Danette C. Tucker scheduled for September 2, 2010.

6. That on August 27, 2010 at approximately 10:27 a.m., Larry Carver emailed to Attorney

1. Johnson an email from Bill Slater, a co-defendant in this case, on which Larry Carver was "cc'd". 9emails attached hereto as Exhibits A and B).

2. That upon returning from Chicago to her Westmont, Illinois law office, Attorney Johnson checked her email and saw Mr. Slater's email.

3. Said email is characterized by Plaintiff and his attorney as a "cook the books" type email.

Mr. Slater states in the email that he suggest to the recipients of the email (co-Defendant Lisa Wolford, HR Manager Scott Theobal, and Mac Ewell (another CSS manager)) that he is ocnvinced that they should tell their lawyers that Noel Flanagan is the source of the rumor:

Finally, I will state that after talking with the lawyers on Monday, I am strongly convinced that someone should identify Noel Flanagan as the Source of the rumor. He was in fact "Cynowa could have a gun and be dangerous because he is a hothead" rumor and more than one person knows it. The fact that he sat in the cubicle next to Cynowa and knew him well was one of the things that gave credence to Flanagan's assertion. You know the rest of the story.

4. That all the parties named in the email are on Defendants and Plaintiff's 213(f) (1) and(2) disclosure list.

5. Said email is not a communication between attorney and client, and therefore is not protected by attorney client privilege.

6. Said email is not the product of an attorney's mental impressions and therefore is not protectable as attorney work product.

7. Said email suggests a co-conspiracy of fraud or concealment.
8. In Mr. Slater's email, in the second paragraph he also further defames Mr. Cynowa with new allegations that allegedly Mr. Cynowa's computer back-up records are missing and that he suspects that Cynowa has an inside allie(s) at the Hines Veterans Affaires) (a federal agency) who Mr. Slater claims helped Cynowa destroy records.
9. In light of the fraudulent suggestion of cover-up in Mr. Slater's email and additional allegations made by Mr. Slater to the email recipients against Mr. Cynowa regarding tampering with government data, it is vital to Mr. Cynowa's case and in the interest of justice that Plaintiff immediately be given permission to depose call Mr. Slater and Mr. Flanagan and that Plaintiff be granted leave to amend his Complaint to conform with recently discovered evidence by adding Noel Flanagan as a defendant.

WHEREFORE Plaintiff, CHRISTOPHER S. CYNOWA, requests this Honorable Court

Order the following requested relief:

- A. Leave to take the deposition of Bill Slater and Noel Flanagan.
- B. Extend the time of discovery so that these depositions can be scheduled in reasonable time intervals.
- C. For additional and other relief as this Court determines is appropriate given the facts and issues in this matter.

Dated: September 2, 2010

Theresa V. Johnson, Attorney for Plaintiff
Attorney at Law
Law Office of Theresa V. Johnson

Respectfully Submitted:



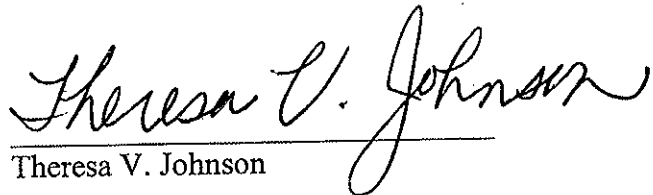
THERESA V. JOHNSON
Attorney for Plaintiff

200 East Chicago Ave. Suite 200
Westmont, IL 60559
Tel: (630) 321-1330
Fax: (630) 321-1185
Cook County Attorney No. 37363

CERTIFICATE OF SERVICE

I, Theresa V. Johnson, hereby certify that a copy of the foregoing **PLAINTIFF'S MOTION TO STRIKE DEFENDANTS' MOTION TO BAR DEPOSITIONS AND TO EXCLUDE TRIAL TESTIMONY OF UNDISCLOSED WITNESSES** was tendered to Defendant's counsel, as listed below, in person at court or fax or U.S. Mail postage prepaid, this 2st day of September, 2010.

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


Theresa V. Johnson

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

From: Larry Carver (locarver@hotmail.com)
To: theresavjohnson@prodigy.net;
Date: Fri, August 27, 2010 10:27:41 AM
Cc:
Subject: email from Bill Slater to Lisa Wolford

I think this email shows that the topic of the weapon was discussed with Lisa. She made no effort to validate the facts.

Best Regards
Larry Carver
703-597-2117 cell

-----Original Message-----

From: William Favre Slater, III [mailto:slater@billslater.com]
Sent: Wednesday, March 19, 2008 8:56 AM
To: Ewell Mac; Wolford Lisa; Carver Larry
Cc: Theobald Scott
Subject: UPDATE: Cynowa Legal Action - 3/19/2008

Lisa,

I have been working closely with Scott Theobald and Anthony Slatton to plan for electronic and paper document collection to be used as evidence in Cynowa v. CSSS.NET, et al.

This morning we got a rude surprise: Anthony was inspecting the server where people backed up their laptop files so they would get backed up to tape on a regular basis. To our surprise, Cynowa's directory of files and directories has been DELETED. What makes this really suspicious is that the folders for several former employees are still there, including Mike Floyd, Michael Nikiforos, and Adam Rogus. At this point, I strongly suspect that Cynowa has one or more allies on the inside of Hines VA Building 20 with whom he coordinated this destruction of data.

I think our lawyers should know, but since you wanted to simplify the communications, I will let you apprise them of this situation.

I am still optimistic that we will turn up some good data, but I wanted to let you know of this new challenge as soon as I discovered it. It could be an indication of some of the challenges and resistance we could face.

Finally, I will state that after talking with the lawyers on Monday, I am strongly convinced that someone should identify Noel Flanagan as the source of the "Cynowna could have a gun and be dangerous because he is a hothead" rumor. He was in fact the source of the rumor and more than one person knows it. The fact that he sat in the cubicle next to Cynowa and knew him well was one of the things that gave credence to Flanagan's

ExA

assertion. You know the rest of the story.

Regards,

Bill
William Favre Slater, III, PMP
Program Manager
1337 N. Ashland Ave. No. 2
Chicago, IL 60622
United States of America

slater@billslater.com
<http://billslater.com/career>
773 - 235 - 3080 - Home
312 - 758 - 0307 - Mobile

From: Larry Carver (locarver@hotmail.com)
To: theresavjohnson@prodigy.net;
Date: Fri, August 27, 2010 7:49:03 PM
Cc:
Subject: Dani email as office manager

this is an email from dani.. Notice the title???

-----Original Message-----

From: Tucker Danette [mailto:dtucker@csss.net]
Sent: Monday, January 05, 2009 4:53 PM
To: Larry Carver
Subject: bring cartridge to office tomorrow

Hi Larry - reminder

=====

Danette "Dani" Tucker

Office Manager

CSSS.NET

729 15th Street, NW

Suite 600

Ex B