

IN THE CIRCUIT COURT COOK COUNTY, ILLINOIS
LAW DIVISION

CHRISTOPHER S. CYNOWA,)
)
Plaintiff,)

v.) Case No.: 08 L 000403
)
)
)

CSSS, INC.)
(CLIENT SERVER SOFTWARE SOLUTION)
d/b/a CSSS.NET,)
LISA WOLFORD,)
WILLIAM F. SLATER.)
)
Defendants.)

~~FILED 5
11 APR -7 PM 10:27
CLERK OF THE CIRCUIT COURT
DISTRICT 5
DOROTHY BROWN~~

FILED 5
11 APR -7 PM 4:30
CLERK OF THE CIRCUIT COURT
DISTRICT 5
DOROTHY BROWN

PLAINTIFF'S SECOND VERIFIED COMPLAINT AT LAW

NOW COMES Plaintiff, Christopher S. Cynowa, (hereafter, "Plaintiff" or "Chris"), by and through his attorney Theresa V. Johnson and the Law Offices of Theresa V. Johnson, and complains against Defendants Client Server Software Solutions, Inc. (hereafter, "CSSS"), Lisa Wolford (hereafter, "Wolford"), William F. Slater (a/k/a Bill Slater), (hereafter, "Slater"), (CSSS, Wolford and Slater hereinafter collectively referred to as "Defendants") and state as follows:

SECTION I. PARTIES AND VENUE

1. Plaintiff was employed by CSSS, in the position of a Senior Systems Engineer at the Department of Veterans Affairs ("VA") from February 15, 2006, until he was terminated from his employment on January 18, 2007. At the time of filing this lawsuit, Plaintiff resided at 941 Hill Crest Drive, Carol Stream, IL 60188.

2. CSSS provides computer supporting services for Hines Veterans Hospital under federal contract. CSSS local office is located at 2100 S. 5th Ave # 111L, Hines, IL, Building 20; however, CSSS President and headquarters are located at 3906 Raynor Parkway Suite 201, Bellevue, NE 68123. The main office where Defendant Wolford was listed as the registered

agent for service of process is located at 5069 South 108th Street, Omaha, NE 68137 (See **GROUP EXHIBIT A**).

3. At the time of filing this lawsuit, Defendant CSSS was not registered as a corporation or as a d/b/a entity in Illinois. (See **EXHIBIT B**).

4. Defendant Wolford, a natural person, is the President of CSSS and resides in Nebraska.

5. Defendant Slater, a natural person, is the site manager and acting representative of CSSS VA Hines contract and is the former CSSS manager and supervisor of Plaintiff. Slater resides at 1409 N. Ashland Ave., Chicago, IL 60622.

6. The acts Plaintiff complains of in this Second Amended Verified Complaint took place in Cook County, IL, and therefore jurisdiction and venue are proper in Cook County.

SECTION II. FACTS

FACTUAL BACKGROUND AND CHRONOLOGY OF KEY EVENTS

1. On December 16, 2006, CSSS sponsored a Holiday Party at Francescas Fiore restaurant in Forest Park, IL. Plaintiff, one other CSSS employee, and three subcontractors were the only non-management staff to attend the Holiday Party.

2. Defendant Wolford, CSSS'S President, established a gift "grab bag" and provided three "gifts."

3. Maria Milan, a sub-contractor for CSSS, received the *first gift* - a \$50.00 gift card to a shopping mall.

4. Thiem Khaw, also a sub-contractor for CSSS, received the *second gift* - a \$25.00 or \$40.00 gift card to a shopping mall (Plaintiff is uncertain of the exact amount).

5. Plaintiff, received the *third gift* - a coupon worth \$10.00 off the purchase of \$50.00 or more to a Build-a-Bear Workshop and a chocolate candy bar with a coupon on the inside of the wrapper worth 25% off an online FTD flower order.

6. The Plaintiff took the \$10.00 off \$50.00 purchase of a Build-A-Bear workshop and coupon for 25% off an online FTD flowers purchase as a joke, since the gift, unlike the *first* and *second gifts*, was of no value unless the recipient wanted to enroll in a Build-A-Bear workshop or buy flowers online.

7. Plaintiff, along with several of his co-workers; poked fun at both the gift, and the gift giver.

8. During a conversation at the Holiday party with his friends and co-workers, Plaintiff, joking around, referred to himself as a "Pollock" and to his fiancé as a "Dago" (slang derogatory terms referring to a persons of Polish and Italian descent respectively).

9. On information and belief, Defendant Wolford is of Italian descent.

10. On December 18, 2006, Defendant Slater, Plaintiff's immediate supervisor and local CSSS manager/representative, in his official capacity, spoke with the Plaintiff regarding the fact that Defendant Wolford wanted to send Plaintiff to sensitivity training because of Plaintiff's comments at the Holiday Party referring to himself as a "Pollock and his fiancé being a "Dago" (hereafter, "ethnic remarks"). Defendant Slater told Plaintiff that when he (Slater) discussed Plaintiff's self-directed ethnic comments with Wolford. Slater told Plaintiff that he (Slater) did not believe that Plaintiff was prejudiced against either ethnic group and that he did not believe Plaintiff needed sensitivity training. Defendant Slater told Wolford that "Pollock" and "Dago" are common everyday colloquial language in Chicago and that Richard J. Daley, Chicago's mayor, allegedly once publicly stated to the effect, "What is a 'dago' doing as the queen of the Irish parade?" (See **EXHIBIT C**, "Purported ethnic slur by Daley sparks great Chicago furor").

11. On January 11, 2007, Defendant Slater asked Plaintiff for a meeting with himself and Anthony Slatton, Senior Systems Engineer (on information and belief, apparently acting as a

witness). Upon entering his office, Defendant Slater told the Plaintiff that his poking fun at the Holiday grab bag "gift" may have been construed as offensive by Defendant Wolford and suggested that the Plaintiff should not speak ill of the Defendant Wolford and/or the "gift" anymore.

12. Plaintiff informed Defendant Slater of his displeasure over the "gift," that he (Plaintiffs) would comply with the Defendant Slater's request, and he (Plaintiff) would be searching for new employment.

13. On January 16, 2007, the Plaintiff arrived at work at 6:00 a.m.

14. Through the course of the day on January 16, 2007, Plaintiff was informed that Some very high profile email mailbox moves were approved for that night.

15. On January 16, 2007, Plaintiff left the office at 1:30 p.m., went home, took a nap and came back to the office at 7:00 p.m. to perform the high profile email moves; Plaintiff continued to work until 3:30 a.m. on January 17, 2007, and then went home to get some sleep.

16. After awakening on January 17, 2007, Plaintiff checked his work email via the internet and noticed that he had received an email from Defendant Slater stating that Defendant Slater wanted to have a meeting with the Plaintiff in Defendant Slater's office at 10:00 a.m. the following day (January 18, 2007).

17. On January 18, 2007, the Plaintiff arrived at work as usual at 6:00 a.m.

18. Plaintiff job as Senior Systems Engineer required technical competence with computers and also customer service and personal interaction skills to serve CSSS' VA customer.

19. On January 18, 2007 at 7:59 a.m., Plaintiff sent the following customer satisfaction/survey email ("Email No. 1") (See **EXHIBIT D**) to Lynn Sepple, Plaintiff's main contact for VIP work at Veterans Affairs, requesting her opinion regarding his work performance.

EMAIL NO. 1

From: Cynowa Chris (CSSS)
Sent: Thursday, January 18, 2007 7:59 AM
To: Sepple, Lynne
Subject: Honest opinion needed

As one of the most frequent and most important customers, I would like to ask your honest opinion on a few things. If you would be so kind as to give me a rating from 1 to 10 (10 being the best) on the following, I would be most appreciative.

- 1. Professionalism**
- 2. Competence**
- 3. Technical knowledge**
- 4. Knowing when to escalate and doing so**
- 5. Resolving issues in a timely manner**
- 6. Personal interaction**
- 7. Willingness to go above and beyond to have a job done**
- 8. Attention to detail**
- 9. Following procedures**
- 10. Ensuring complete customer satisfaction;**

Thank you for your time on this.

**Chris Cynowa
Senior Systems Engineer Department of Veterans Affairs
Ol&T – Enterprise Technology Management
Hines OIFO, Building 20, Hines, IL 60141
Office: 708-410-4042
Cell: 630-546-1191
E-mail: chris.cynowa@va.gov**

20. On January 18, 2007, time-stamped at 7:39 a.m., Plaintiff received the following

Answer from Lynne Sepple (See **EXHIBIT D**):

EMAIL NO. 2

From: Sepple, Lynne
Sent: Thursday, January 18, 2007 7:39 AM
To: Cynowa Chris (CSSS)
Subject RE: Honest opinion needed

10 on all. 10+ on 1,6,7,8,10 – in fact 10+ on all too. You are VERY easy to work with, personable, technically competent, and detail oriented. And you the type of worker that you only have to tell you something once – and you’ve got it.

21. On January 18, 2007, Defendant Wolford, Larry Carver, Scott Theobald, Defendant Slater and Anthony Slatton were in a telephonic meeting.

22. The purpose of the meeting was to talk about a performance improvement plan and to talk to Plaintiff about his conduct, or to fire Chris.

23. Defendant Slater stated to all present or participating by telephone:

“Chris has a temper, has had a few verbal confrontations with the staff, and, Chris mentioned having an AK-47 assault rifle.” (Hereinafter, “Defendant Slater’s Statement”).

24. Pleading in the Alternative, in addition to or in alternative to Defendant Slater’s Statement, Slater stated to all present or participating by telephone:

“Chris has an automatic weapon – an AK-47. If we bring him in to talk to him about performance improvement, he may ‘ Go Postal’.” (Defendant Slater’s Alternative Statement No. 1).

25. Defendant Slater made no effort to verify the truthfulness of the statements.

26. Defendant Wolford made no effort to verify the truthfulness of Defendant Slater’s Statement(s).

27. Mr. Carver proposed that they investigate Defendant Slater’s statements.

28. Defendant Wolford declined to investigate Defendant Slater’s statements and decided that Chris should be fired.

29. On information and belief, Defendant Wolford ordered Defendant Slater to call the VA police to be present during the employees firing.

30. On information and belief, Defendant Wolford ordered and/or authorized Defendant Slater to repeat the above-quoted statement to the VA police.

31. On January 18, 2007 around 9:15 a.m., Defendant Slater, asked a VA employee, Gary Knipple, to call the Department of Veteran Affairs Police Office and request police standby while CSSS supervisors terminated Chris.

32. Hines VA Police Lt. Unthank assigned Officer Bob Androwski to stand by during Cynowa's termination. (See **EXHIBIT E - DEPARTMENT OF VETERANS AFFAIRS VA POLICE REPORT UOR # 07-01-18-0915**).

33. Officer Bob Androwski entered and while he waited in Defendant Slater's office Defendant Slater orally repeated the statement he told to the CSSS Managers, that is,

“Mr. Cynowa has a temper and has had a few verbal confrontations with the staff. Mr. Cynowa mentioned having an AK-47 assault rifle.”

34. An AK-47 assault rifle has the capacity of firing multiple rounds of bullets, with one pull of the trigger.

35. An AK-47 is a machine gun.

36. The Illinois Compiled Statutes state that it is a Class 2 Felony to carry a machine gun or to keep it in a car. 720 ILCS 5/24-1(a)(7)(i).

37. When Slater published this statement to Officer Adrowski, Defendant Slater was acting as an agent and employee of CSSS and in his capacity as an individual.

38. The only persons with knowledge of Defendant Slater's above-quoted statement were Defendant Wolford, Larry Carver, Defendant Slater, Scott Theobald, Anthony Slatton and Officer Adrowski.

39. On January 18, 2007, at around 9:35 a.m., Plaintiff was working on trouble tickets.

Finding a proper opportunity for a break, Plaintiff went to Defendant Slater's office and asked Defendants if they could meet before 10:00 a.m.; however, Defendant Slater said "No," come back at 10:00 a.m.

40. Plaintiff checked in again with Defendant Slater at 10:00 a.m., but Defendant Slater stated he would come and get Plaintiff when he (Defendant Slater) would be ready to meet with Plaintiff. Plaintiff continued doing his work and waited for Defendant Slater.

41. On January 18, 2007 between 10:30 a.m. and 11:00 a.m. Anthony Slatton, came to Plaintiff's desk and stated that the Defendant Slater wanted to meet with the Plaintiff in the small conference room.

42. When Plaintiff entered the small conference room, Veterans Administration Police Officer Robert Androwski and Defendant Slater were already there.

43. Participating by telephone, on speakerphone, were CSSS Human Resources Director

44. Scott Theobald, and Defendant Wolford (CSSS President), and CSSS Vice President, Larry Carver.

45. Defendant Slater handed Plaintiff a one page document.

46. Defendant Slater read the document out loud in front of the Plaintiff, Anthony Slatton and Police Officer Androwski and the document read as follows (See **EXHIBIT F**):

CONFIDENTIAL COMPANY MEMO

To: Christopher Cynowa, Senior System Engineer

From: William F. Slater, Program Manager

CC: Anthony Slatton, Senior Systems Engineer

Scott Theobald, HR Director

Lisa Wolford, President

Date: January 18, 2007

Subject: Termination of Your Employment at CSSS.NET at the VA Hines OIFO

Chris:

At the request of Ms. Lisa Wolford, President of CSSS.NET, your employment with CSSS.NET at the VA Hines OIFO is hereby terminated effective immediately. You are being terminated for the causes of insubordination and for being a disruptive influence in the workplace by engaging in several negative workplace behaviors. These are in violation of your Employment Agreement, and so your employment at CSSS.NET is being terminated.

You will surrender your Campus Access Pass immediately. A VA Hines Security Guard will escort you back to your desk to gather and pack any personal belongings you may have. You are now no longer authorized to access any not to access any VA computer or network resources. After you pack your personal belongings, you will quietly leave Building 20 without conversation with others, and be escorted by a Security Guard off the VA Hines facility. You are requested to not return VA Hines facility and if you have any other property that belongs to the VA it must be returned as soon as possible to Ms. Kimberly Griffin via U.S. Postal Service.

The CSSS.NET HR Director, Scott Theobald (1-402-393-8059) will contact you regarding final arrangements on your pay and your benefits.

Signed,

**William F. Slater, III, PMP
Program Manager, CSSS.NET**

49. Plaintiff asked CSSS employee/HR Director Theobald for any and all documentation that led to decision of terminating Plaintiff's employment. Mr. Theobald told Plaintiff that all he (Plaintiff) was going to get was in the form of this CSSS.NET Confidential Company Memo document. **(EXHIBIT F)**.

50. After reading the CSSS.NET Confidential Company Memo, Police Officer Androwski escorted Plaintiff to his desk where Plaintiff was allowed to collect his personal belongings.

51. While Plaintiff walking to his desk and gathering his belongings, Slater made taunting comments to Plaintiff even though CSSS managers had instructed Plaintiff not to speak with anyone.

52. Plaintiff told Slater to leave him alone and responded to the effect that the CSSS employees would know that Defendants Slater was a liar and could not be trusted.

53. Officer Androwski walked with Plaintiff, who was carrying his belongings, to Plaintiff's car.

54. Upon reaching outside of the building, Plaintiff reached into his jacket pocket for cigarette.

55. Police Officer Androwski, looking very concerned at Plaintiff's reach for his cigarette, said to Plaintiff: *"You aren't reaching for a gun are you?"* to which Plaintiff responded *"I don't even own a gun and would surely not be going to jail for the person that had just fired me, I would let the lawyers do the work."*

56. Officer Androwski then asked Plaintiff: *"Do you have any loaded weapons in your car?"*

57. Plaintiff responded similarly as he did to the first inquiry: *"No, I don't have any weapons in the car and I am not going to "GO POSTAL".*

58. Plaintiff at no time during his employment with CSSS ever stated that he owned or had ever owned an AK-47.

59. Plaintiff, at no time during his employment with CSSS ever stated that he owned a loaded or unloaded weapon (i.e., a "gun").

60. On information and belief, several days after Chris was fired, Slater prepared a report (a memo) to document the action. **(EXHIBIT G)**.

61. Slater's report does not mention an AK-47 or a gun of any kind.

62. Neither Defendant Slater nor Defendant Wolford ever pressed charges against Chris For having an unauthorized weapon in VA property.

63. Neither Defendant Slater nor Defendant Wolford ever asked the VA police to investigate whether or not Chris had an unauthorized weapon in VA property.

64. Upon returning to Plaintiff's home on January 18, 2007, Plaintiff promptly applied to The Illinois Department of Employment Security for unemployment benefits and began to search for new employment.

65. On January 18, 2007 at 13:23 p.m. Plaintiff received the following email from Randy Padal (**EXHIBIT H**), another CSSS colleague who was also contracted to do the same work as Plaintiff:

EMAIL NO. 3

From: Randy Padal
To: ccynowa@yahoo.com
Subject: Job Reference for Hines
Date: Thu, 18 Jan 2007 13:23 p.m.

Chris,

Nobody really knows 100% what happened but rest assured that your coworkers will miss you here at Hines.

I personally appreciated the hard work you did during the migrations. Not many men would work 84 hour weeks for 3 weeks straight and offer not to take a day off at Thanksgiving too. I could always depend upon you to get something done when I needed it done.

I am certain you will use Larry as a reference for your time here at Hines. Feel free to also list me as a reference as you will always get a good one from me. I also noted to Mr. George Jackson that you were available for hire if he had any contracts needing a dedicated hard working System Engineer.

Take care of yourself and your family,

Randy Padal

66. On information and belief, Defendants Slater discussed Plaintiff's termination from

CSSS with Plaintiff's co-workers, including Maria Milan, Thiem Kwan, Mike Cronin, Noel Flanagan, Tushar Engregi, Mike Nikiforis, Bunty Kothari and other persons working at or for CSSS.

67. On information and belief, Slater discussed Plaintiff having an AK-47, having a temper, having confrontation with co-workers with one or more of Plaintiff's co-workers.

68. On information and belief, Slater made the following statement to Plaintiff's co-workers to one or more of Plaintiff's co-workers:

“Mr. Cynowa has a temper and has had a few verbal confrontations with the staff. Mr. Cynowa mentioned having an AK-47 assault rifle.”

69. On information and belief, Defendants Slater told Plaintiff's co-workers that Plaintiff posed a danger in the work place, that Plaintiff had a bad temper and that Plaintiff owned a gun.

70. Defendant Slater discussed Plaintiff's firing with Plaintiff's co-workers.

71. Pleading in addition to Defendant Slater's Statement above or pleading in the alternative, on information and belief, Defendant Slater made the following statement to Plaintiff's co-workers Defendant Slater Alternative State No. 2:”

“Chris kept a gun in his car. Chris might come back after being fired and ‘Go Postal’ and shoot people.”

72. The day or so after Chris was fired, Mike Nikiforis and Tushar Engregi, Chris' co-workers came to work second shift (i.e., 4:00 p.m.) and encountered a barrage of people all talking about the rumor that Chris had a gun, that he would “Go Postal”, and someone locked their doors. Nikiforis encountered gossip about Chris and a gun spreading like wild fire.

73. On January 20, 2007, Plaintiff received a telephone call on his cell phone from

colleagues with whom he was friendly, Tushar Engreji and Michael Nikoforos, who told Plaintiff, “the word is spreading amongst VA employees that you had or kept a gun in your car and you were going to come in and start shooting people when you got fired. Some co-workers were afraid and wanted to lock the doors.”

74. On January 22, 2007, Plaintiff completed for the Department of Veteran’s Affairs, Hines Police Office a Freedom of Information Act Request form requesting the copy of the Police Report written by the police Officer Bob Adrowski on or about January 18, 2007, concerning Plaintiff’s termination of employment.

75. On January 23, 2007, Plaintiff received a "notice of local interview" from the Illinois Department of Employment Security, informing Plaintiff that CSSS was objecting to and fighting against Plaintiff receiving unemployment benefits (**EXHIBIT I**).

76. The Illinois Department of Employment Security scheduled a telephone interview with Plaintiff for February 5, 2007 at 10:00 a.m.

77. On January 26, 2007, Plaintiff filed a motion to abate his child support and daycare obligations then 5 year old daughter, since Plaintiff’s loss of income prevented Plaintiff from being able to fully fulfill his child/support and daycare obligations. The court date was set for February 5, 2007 at the Kane County Courthouse in St. Charles, IL.

78. On January 31, 2007, Plaintiff picked up Officer Bob Adrowski's Police Report printed on the same date – the report (**EXHIBIT J**) redacted all names of parties other than Plaintiff.

79. In the following non-redacted Hines Police Report (**EXHIBIT E**), Officer Adrowski memorialized in writing Slater’s Statement to Officer Adrowksi (hereafter) “Defamatory **Publication No.: 3**”):

DEPARTMENT OF VETERANS AFFAIRS
VA POLICE REPORT UOR # 07-01-18-0915

Investigation:

On January 18, 2007 at 0915 hrs, I was dispatched to go to bldg 20 around 0950 to standby while an employee is given termination papers. I met with Mr Gary Knippel and he brought me to Mr William Slater's office.

I waited in Mr Slater's office while he was completing some phone calls. Mr Slater during this time stated "that Mr Cynowa has a temper and has had a few verbal confrontations with the staff. He also said that Mr Cynowa mentioned having an AK-47 assault rifle". Mr Slater was nervous about how Mr Cynowa would react to receiving the termination papers. Mr Cynowa and myself walked to the conference room and waited for Mr Cynowa. Mr Slater and Mr Slatton walked in and Mr Slater handed Mr Cynowa the termination paper. He appeared to be slightly mad and surprised. He did remain under control and professional. He did ask some questions of Mr Slater and then walked to his desk. He retrieved all his belongings and then handed his badge over to Mr Slater. We then walked to his car and got his parking pass. Before entering his car, I did ask him if he had any weapons in the car. He replied "No, I don't have any weapons in the car and I'm not going to go POSTAL". We walked back upstairs to check if anything was forgotten and then he handed the parking pass over. We then walked back downstairs and he departed the facility. This was around 1047hrs.

Disposition:

This investigation is closed. Mr. Cynowa exited the facility without any incident occurring.

**Bob Androwski #3542
Investigating officer**

80. On February 5, 2007, a Kane County divorce court reduced Plaintiff's child support order from \$486.60 bi-monthly to \$ 73.40 per week based on expected unemployment compensation from CSSS which CSSS challenged.

81. On February 5, 2007, Illinois Department of Employment Security scheduled Plaintiff's interview regarding the circumstances surrounding Plaintiff's termination.

82. The interviewer informed Plaintiff that she would call CSSS for a rebuttal discussion, and that Plaintiff would be notified via mail of the outcome.

83. On or about April 2, 2007, Plaintiff, after 3 months of unemployment, began new employment for a private employer who does not perform work on U.S. federal contracts.

84. Chris was publically humiliated before the public, his former CSSS mangers and co-workers, by Defendant Slater's Statement and/or Slater's Alternative Statements.

85. Chris suffered severe emotional distress which caused his blood pressure to reach the dangerously high level.

86. Chris sought medical treatment, was treated by a doctor, and was prescribed anti-depressant medication which he took for approximately three months (see **EXHIBIT K**).

SECTION III. COUNTS

COUNT I – Defamation “Per Se” **JANUARY 18, 2007, DEFAMATORY PUBLICATION** **TO CSSS PERSONNEL**

87. Plaintiff, Christopher Cynowa, realleges and incorporates by reference paragraphs 1 through 86 as if fully set forth herein.

88. Defendant Slater's Statement

...Mr. Cynowa has a temper and has had a few verbal confrontations with the staff. Mr. Cynowa mentioned having an AK-47 assault rifle.

was made to Lisa Wolford, Larry Carver, Scott Theobald and Anthony Slatton.

89. Pleading in the alternative, in addition to or in alterntive to Defendant Slater's

90. Statement above, Defendant

“Chris has an automatic weapon – an AK-47. If we bring him in to talk to him about performance improvement, he may ‘ Go Postal’” (hereafter, Defendant Slater's

Alternative Statement No. 1).

was made to Lisa Wolford, Larry Carver, Scott Theobald and Anthony Slatton.

91. Defendant Slater's statement was false.

92. An AK-47 is a machine gun and automatic weapon.

93. In Illinois an AK-47 assault rifle or an automatic weapon having is a Class 2 Felony.

94. Defendant Slater's statement imputes the commission of a criminal offense on Chris.

95. Defendant Slater's statement prejudices Chris in his profession or trade.

a. Chris trade and profession had both technical computer skills component and a customer service/people skills component.

b. Plaintiff routinely engaged in personal interaction with Defendants co-workers and with CSSS' VA customers.

c. Plaintiff's alleged bad temper, having confrontations with staff, the treat of physical violence with a gun inherently charges Plaintiff's with inability to perform or discharge his customer service duties.

97. Defendant Slater's statement imputed Plaintiff an inability to perform or a want of integrity in the discharge of duties of employment.

a. Plaintiff's job had a technical and customer service/people skills component.

b. Plaintiff's job required getting well with other and not physically threatening them or shooting them.

c. Plaintiff's alleged bad temper, having confrontations with staff, the treat of physical violence with a gun inherently charges Plaintiff's with inability to perform or discharge his customer service duties.

98. Defendant, Slater, made the defamatory statement individually and as an agent and

employee of CSSS.

99. Defendant CSSS and Defendant Wolford failed to stop and prevent their agent and employee, Defendant Slater, from repeating a statement that they knew or should have known was false.

WHEREFORE, Christopher S. Cynowa, prays for judgment in his favor and against Defendants CSSS, Inc., Lisa Wolford and William Slater, jointly and severally, in an amount in excess of \$50,000.00, for punitive damages in an amount to be determined by the jury and for costs.

COUNT II – Defamation “Per Se”
FURTHER PUBLICATION TO CSSS PERSONNEL

100. Plaintiff, Christopher Cynowa, realleges and incorporates by reference paragraphs 1 through 86 as if fully set forth herein.

101. Defendant Slater’s Statement

“Mr. Cynowa has a temper and has had a few verbal confrontations with the staff. Mr. Cynowa mentioned having an AK-47 assault rifle.”

was made to Lisa Wolford, Larry Carver, Scott Theobald and Anthony Slatton.

102. Pleading in the alternative, in addition to or in alternative to Defendant Slater’s Statement, on information and belief, Slater made the following statement to Plaintiff’s co-workers (i.e., Maria Milan, Thiem Kwan, Mike Cronin, Noel Flanagan, Tushar Engregi, Mike Nikiforis, Buntly Kothari and other persons working at or for CSSS – hereafter “co-workers et al.”).

“Chris kept a gun in his car. Chris might come back after being fired and ‘Go Postal’ and shoot people.” (hereafter, Slater’s alternative Statement No. 2)

103. Defendant Lisa Wolford did not repeat Defendant Slater’s statement to

anyone.

104. Larry Carver did not repeat Defendant Slater's statement to anyone.

105. Scott Theobald did not repeat Defendant Slater's statement to anyone.

106. Anthony Slatton did not repeat Defendant Slater's statement to anyone.

107. Pleading in the alternative, Defendant Lisa Wolford, Larry Carver, Scott

108. Theobald and/or Anthony Slatton or some other CSSS manager, repeated Defendant Slater's statement to other CSSS personnel.

109. Pleading in the alternative, when Defendant Lisa Wolford, Larry Carver, Scott

110. Theobald and/or Anthony Slatton or other CSSS manager repeated Defendant Slater's statement to other CSSS personnel they were acting as agents and employees of CSSS.

111. When Defendant Slater made the statement to Officer Adrowski there was no one else in Defendant Slater's office.

112. The day Chris was fired, Mike Nikiforis and Tushar Engregi, Chris' co-workers

113. came to work second shift (i.e., 4:00 p.m.) and encountered a barrage of people all talking about the rumor that Chris had a gun, that he would "Go Postal", and someone locked their doors. Nikiforis encountered gossip about Chris and a gun spreading like wild fire.

114. Several days after Plaintiff was fired, Tushar Engregi and Mike Nikiforos spoke with Chris by telephone and told Chris that he was being accused of having a gun and maybe "Going Postal" after getting fired. A reasonable inference is that it was Defendant Slater who repeated his statement or his Alternative Statement No. 2 to other employees or subcontractors of CSSS.

115. Defendant Slater's Statement was false.

116. An AK-47 is a machine gun and an automatic weapon.

117. In Illinois an AK-47 assault rifle or an automatic weapon having is a Class 2 Felony.

118. Defendant Slater's statement imputes the commission of a criminal offense on Plaintiff.

119. Defendant Slater's statement prejudices Plaintiff in his profession or trade.

a. Plaintiff's job had both technical computer skills component and a customer service/people skills component.

b. Plaintiff routinely engaged in personal interaction with Defendants co-workers and with CSSS' VA customers.

c. Plaintiff's inter personal skills required frequent interaction with the VA's customers and required that Plaintiff not display a temper, have confrontations with staff and mentioning owning an AK-47 assault rifle or any other gun of weapon for harming people.

120. Defendant Slater's statement imputed Plaintiff an inability to perform or a want of integrity in the discharge of duties of employment.

a. Plaintiff's job had a technical and customer service/people skills component.

b. Plaintiff's job required getting along well with others and not physically threatening them or shooting them.

c. Plaintiff's alleged bad temper, having confrontations with the treat of physical violence with a gun, if true, is inherently contrary to Plaintiff's ability to perform or discharge his duties of employment.

121. Defendant CSSS and Defendant Wolford failed to stop and prevent their agent

and employee, Defendant Slater, from repeating a statement that they knew or should have known was false.

122. Defendant, Slater, made the defamatory statement individually and as an agent and employee of CSSS.

123. Defendant CSSS and Defendant Wolford failed to stop and prevent their agent and employee, Defendant Slater, from repeating a statement that they knew or should have known was false.

WHEREFORE, Christopher S. Cynowa, prays for judgment in his favor and against Defendants CSSS, Inc., Lisa Wolford and William Slater, jointly and severally, in an amount in excess of \$50,000.00, for punitive damages in an amount to be determined by the jury and for costs.

**COUNT III – Defamation “Per Se”
PUBLICATION TO OFFICER ADROWSKI**

124. Plaintiff, Christopher Cynowa, realleges and incorporates by reference paragraphs 1 through 86 as if fully set forth herein.

125. On January 18, 2007, Defendant Slater on behalf of CSSS, with full knowledge and approval from Lisa Wolford and Scott Theobald, as agents for CSSS, published the following statement to Officer Adrowski: “[Chris] has a temper and has had a few verbal confrontations with the staff...[and Chris] mentioned having an AK-47 assault rifle”.

126. The above-statement to Officer Adrowski was not made for the purpose of

127. instituting legal proceedings or to report an issue of paramount importance.

128. Defendant Slater’s statement was false.

129. An AK-47 is a machine gun and an automatic weapon.

130. In Illinois an AK-47 assault rifle or an automatic weapon having is a Class 2
Felony.

³¹
~~126.~~ Defendant Slater's statement imputes the commission of a criminal offense on
Plaintiff.

³²
~~127.~~ Defendant Slater's statement prejudices Plaintiff in his profession or trade.

a. Plaintiff's job had both technical computer skills component and a customer
service/people skills component.

b. Plaintiff routinely engaged in personal interaction with Defendants co-workers and
with CSSS' VA customers.

c. Plaintiff's inter personal skills required frequent interaction with the VA's customers
and required that Plaintiff not display a temper, have confrontations with staff and
mentioning owning an AK-47 assault rifle or any other gun of weapon for harming
people.

³³
~~128.~~ Defendant Slater's statement imputed Plaintiff an inability to perform or a want of
integrity in the discharge of duties of employment.

a. Plaintiff's job had a technical and customer service/people skills component.

b. Plaintiff's job required getting along well with others and not physically
threatening them or shooting them.

c. Plaintiff's alleged bad temper, having confrontations with the threat of physical
violence with a gun, if true, is inherently contrary to Plaintiff's ability to perform or
discharge his duties of employment.

³⁴
~~129.~~ Defendant CSSS and Defendant Wolford failed to stop and prevent their agent

and employee, Defendant Slater, from repeating a statement that they knew or should have known was false.

130⁵. Defendant, Slater, made the defamatory statement individually and as an agent and employee of CSSS.

131⁶. Defendant CSSS and Defendant Wolford failed to stop and prevent their agent and employee, Defendant Slater, from repeating a statement that they knew or should have known was false.

WHEREFORE, Christopher S. Cynowa, prays for judgment in his favor and against defendants CSSS, Inc., Lisa Wolford and William Slater, jointly and severally, in an amount in excess of \$50,000.00, for punitive damages in an amount to be determined by the jury and for costs.

COUNT IV – Defamation “Per Quod”
JANUARY 17, 2007, PUBLICATION TO CSSS PERSONNEL

132⁷. Plaintiff, Christopher Cynowa, realleges and incorporates by reference paragraphs 1 through 86 as if fully set forth herein.

133⁸. Defendant Slater’s statement was made to Lisa Wolford, Larry Carver, Scott Theobald and Anthony Slatton.

134⁹. Defendant Slater’s statement to the above CSSS personnel is false and defamatory “per quod” because the statements that Chris “has a temper” and has “an AK-47 assault rifle,” taken together, characterize Chris as a work-place terrorist or as a disgruntled employee that is about to “Go Postal”.

135⁴⁰. No one from CSSS had ever seen Chris with a gun nor was there any statement made by Chris Cynowa himself that he possessed a gun.

136⁴¹. The impact of CSSS’S oral statements to others is a perceived workplace terror

threat.

⁴²
137. Defendant Slater's statement imputes Chris with the commission of a criminal offence.

⁴³
138. Defendant Slater's statement caused CSSS employees to believe that the Chris would "go postal" and commit an act of workplace terror.

⁴⁴
139. The foregoing defamatory statement was made by defendant Slater with knowledge of its falsity, with actual malice, or with reckless disregard for the truth.

⁴⁵
140. Defendant, Slater, made the defamatory statement individually and as an agent and employee of CSSS.

⁶
141. Defendant CSSS and defendant Wolford failed to stop and prevent their agent and employee, defendant Slater, from repeating a statement that they knew or should have known was false.

⁷
142. As a proximate result of the afore-named defamatory statements by defendant Slater, Chris suffered damages and injuries as follows:

- (a) Loss of his job;
- (b) Loss of wages in the approximate amount of \$16,923.08 and benefits for 11 weeks from January 18, 2007, until April 2, 2007, including medical benefits of approximately \$1,060.00;
- (c) Inability to pay adequate child support for his 5 year old daughter;
- (d) Injuries to professional and personal reputation;
- (e) Humiliation and emotional and physical distress.
- (f) Having to seek medical treatment and take medication.
- (g) Loss of his security clearance at Hines VA.
- (g) Loss of ability to be paced on other federal contracts.

WHEREFORE, Christopher S. Cynowa, prays for judgment in his favor and against defendants CSSS, Inc., Lisa Wolford and William Slater, jointly and severally, in an amount in excess of \$50,000.00, for punitive damages in an amount to be determined by the jury and for costs.

COUNT V – Defamation “Per Quod”
FURTHER PUBLICATION TO CSSS PERSONNEL

⁴⁸
143. Plaintiff, Christopher Cynowa, realleges and incorporates by reference paragraphs 1 through 86 as if fully set forth herein.

⁴⁹
144. Defendant Slater’s statement was made to Lisa Wolford, Larry Carver, Scott Theobald and Anthony Slatton.

⁵⁰
145. Defendant Slater’s statement to the above CSSS personnel is false and defamatory “per quod” because the statements that Chris “has a temper” and has “an AK-47 assault rifle,” taken together, characterize Chris as a work-place terrorist or as a disgruntled employee that is about to go postal.

⁵¹
146. Defendant Lisa Wolford did not repeat defendant Slater’s statement to anyone.

⁵²
147. Larry Carver did not repeat defendant Slater’s statement to anyone.

⁵³
148. Scott Theobald did not repeat defendant Slater’s statement to anyone.

⁵⁴
149. Anthony Slatton did not repeat defendant Slater’s statement to anyone.

⁵⁵
150. Pleading in the alternative, defendant Lisa Wolford, Larry Carver, Scott Theobald and/or Anthony Slatton repeated defendant Slater’s statement to other CSSS personnel.

⁵⁶
151. Pleading in the alternative, when defendant Lisa Wolford, Larry Carver, Scott Theobald and/or Anthony Slatton repeated defendant Slater’s statement to other CSSS personnel they were acting as agents and employees of CSSS.

⁵⁷
152. When defendant Slater made the statement to Officer Adrowski there was no one

else in defendant Slater's office.

⁵⁹ 153. Several days after he was fired, Chris learned, from his former co-workers, Tushar Engregi and Mike Nikoforos, that Chris was accused of having a gun and maybe going postal. A reasonable inference is that it was defendant Slater who repeated his statement to other employees of CSSS.

⁶⁰ 154. Defendant Slater's statement made to other CSSS personnel is false and defamatory "per quod" in that it was about Chris and the statement was false.

⁶⁰ 155. No one from CSSS had ever seen Chris with a gun nor was there any statement made by the Chris Cynowa himself that he possessed a gun.

The impact of CSSS's oral statements to others is a perceived workplace terror threat.

⁶¹ 156. Defendant Slater's statement imputes Chris with the commission of a criminal offence.

⁶² 157. Defendant Slater's statement caused CSSS employees to believe that the Chris would "go postal" and commit an act of workplace terror.

⁶³ 158. The foregoing defamatory statement was made by defendant Slater with knowledge of its falsity, with actual malice, or with reckless disregard for the truth.

⁶⁴ 159. Defendant, Slater, made the defamatory statement individually and as an agent and employee of CSSS.

⁶⁵ 160. Defendant CSSS and defendant Wolford failed to stop and prevent their agent and employee, defendant Slater, from repeating a statement that they knew or should have known was false.

⁶⁶ 161. As a proximate result of the afore-named defamatory statements by defendant Slater, Chris suffered damages and injuries as follows:

- (a) Loss of his job;
- (b) Loss of wages in the approximate amount of \$16,923.08 and benefits for 11 weeks from January 18, 2007, until April 2, 2007, including medical benefits of approximately \$1,060.00;
- (c) Inability to pay adequate child support for his 5 year old daughter;
- (d) Injuries to professional and personal reputation;
- (e) Humiliation and emotional and physical distress.
- (f) Having to seek medical treatment and take medication.
- (g) Loss of his security clearance at Hines VA.
- (g) Loss of ability to be paced on other federal contracts.

WHEREFORE, Christopher S. Cynowa, prays for judgment in his favor and against defendants CSSS, Inc., Lisa Wolford and William Slater, jointly and severally, in an amount in excess of \$50,000.00, for punitive damages in an amount to be determined by the jury and for costs.

**COUNT VI – Defamation “Per Quod”
PUBLICATION TO OFFICER ADROWSKI**

⁶⁷
162. Plaintiff, Christopher Cynowa, realleges and incorporates by reference paragraphs 1 through 86 as if fully set forth herein.

⁶⁴
163. On January 18, 2007, Defendant Slater on behalf of CSSS, with full knowledge and approval from Lisa Wolford and Scott Theobald, as agents for CSSS, published the following statement to Officer Adrowski: “[Chris] has a temper and has had a few verbal confrontations with the staff...[and Chris] mentioned having an AK-47 assault rifle”.

⁶⁹
164. The above-statement to Officer Adrowski was not made for the purpose of instituting legal proceedings or to further a paramount issue of social importance.

⁷⁰
165. Defendant Slater’s statement made Officer Adrowski is false and defamatory “per

quod” in that it was about Chris and the statement was false.

⁷¹
166. No one from CSSS had ever seen Chris with a gun nor was there any statement made by the Chris Cynowa himself that he possessed a gun.

⁷²
167. The impact of CSSS’s oral statements to others is a perceived workplace terror threat.

⁷³
168. Defendant Slater’s statement imputes Chris with the commission of a criminal offence.

⁷⁴
169. Defendant Slater’s statement caused CSSS employees to believe that the Chris would “go postal” and commit an act of workplace terror

⁷⁵
170. The foregoing defamatory statement was made by defendant Slater with knowledge of its falsity, with actual malice, or with reckless disregard for the truth.

⁷⁶
171. Defendant, Slater, made the defamatory statement individually and as an agent and employee of CSSS.

⁷⁷
172. Defendant Wolford, individually and as an agent and employee of CSSS, ordered defendant Slater to make the false and defamatory statements.

⁷⁸
173. Defendant CSSS and defendant Wolford failed to stop and prevent their agent and employee, defendant Slater, from repeating a statement that they knew or should have known was false.

⁷⁹
174. As a proximate result of the afore-named defamatory statements by defendant Slater, Chris suffered damages and injuries as follows:

- (a) Loss of his job;
- (b) Loss of wages in the approximate amount of \$16,923.08 and benefits for 11 weeks from January 18, 2007, until April 2, 2007, including medical benefits of approximately \$1,060.00;

- (c) Inability to pay adequate child support for his 5 year old daughter;
- (d) Injuries to professional and personal reputation;
- (e) Humiliation and emotional and physical distress.
- (f) Having to seek and pay for medical treatment and take medication.
- (g) Loss of his security clearance at Hines VA.
- (g) Loss of ability to be paced on other federal contracts.

WHEREFORE, Christopher S. Cynowa, prays for judgment in his favor and against defendants CSSS, Inc., Lisa Wolford and William Slater, jointly and severally, in an amount in excess of \$50,000.00, for punitive damages in an amount to be determined by the jury and for costs.

COUNT VII
FALSE LIGHT AGAINST ALL DEFENDANTS

⁹⁰
175. Plaintiff, Christopher Cynowa, realleges and incorporates by reference paragraphs 1 through 86 as if fully set forth herein.

⁸¹
176. In the Information Technologies (“IT”) Industry in which Chris worked, personal reputation and references are of utmost importance and Chris’s credibility, both personal and professional was severely compromised by CSSS’S false statement.

⁸²
177. Defendant Slater’s statement, published to CSSS personnel on January 17, 2007, published to Officer Adrowski on January 17, 2007 and published to other CSSS personnel, is false and defamatory “per se” in that it imputes Chris with the commission of a crime and they state that Chris is unable to control his temper (a necessary virtue of an office worker) even to the extent of using an AK-47 assault rifle(which Chris allegedly possessed or said he possessed) in response to information of termination.

178. Chris was placed in a false light before the public as a result of the

CSSS'S actions because the publications made orally and subsequently reduced to writing by Officer Adrowski, and were communicated to Chris's colleagues, friends and co-workers. Some of those persons took the publication seriously – i.e., that Chris had an AK - 47 assault rifle or gun and that he posed a likely threat of workplace terror was and some co-workers, fearful for their safety, requested a “lock-down” of the building.

⁸³
179. The false light in which the Chris was placed would be highly offensive to a reasonable person.

⁸⁴
180. CSSS acted with actual malice, that is, with knowledge that the statements were false or with reckless disregard for whether the statements were true or false. CSSS had no cause to ever believe that Chris was a dangerous person or whether Chris actually owned any firearms.

WHEREFORE, Christopher S. Cynowa, prays for judgment in his favor and against defendants CSSS, Inc., Lisa Wolford and William Slater, jointly and severally, in an amount in excess of \$50,000.00, for punitive damages in an amount to be determined by the jury and for costs.

COUNT VIII
INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS (IIED) AGAINST ALL DEFENDANTS

⁸⁵
181. Plaintiff, Christopher Cynowa, realleges and incorporates by reference paragraphs 1 through 86 as if fully set forth herein.

⁸⁶
182. Defendants' false statements that Chris “has a temper” and has “an AK-47 assault rifle, taken together, characterize Chris as a work place terrorist.

⁸⁷
183. Defendants' conduct was extreme and outrageous and goes beyond all possible bounds of decency, and is to be regarded as intolerable in civilized society.

~~184~~⁹⁹

Defendants' conduct directly caused Plaintiff severe emotional distress. Plaintiff was forced to obtain medical attention and medications for emotional distress as a direct result of the defendants' extreme and outrageous conduct.

~~185~~⁹⁹

Defendants either intended to inflict severe emotional distress upon Plaintiff or knew that there was a high probability that their conduct would cause severe emotional distress to Plaintiff.

~~186~~⁹⁰

Defendants' intentional infliction of emotional distress resulted in additional grave injury to Plaintiff as follows:

- (a) Plaintiff's blood pressure reached dangerous levels.
- (b) Plaintiff incurred medical expenses.
- (c) Plaintiff suffered financial injury in excess of \$16,900.00 for loss and other damage for late payment of his bills.
- (d) Plaintiff lost his ability to support himself, his 5 year old child, his fiancé, and his fiancé's 3 minor children.
- (e) Plaintiff suffered serious damage to his professional reputation.
- (f) Loss of his security clearance at Hines VA.
- (g) Loss of ability to be paced on other federal contracts.

WHEREFORE, Christopher S. Cynowa, prays for judgment in his favor and against defendants CSSS, Inc., Lisa Wolford and William Slater, jointly and severally, in an amount in excess of \$50,000.00, for punitive damages in an amount to be determined by the jury and for costs.

Respectfully submitted: April 1, 2011

CHRISTOPHER S. CYNOWA

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