

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

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

NOTICE OF FILING and CERTIFICATE OF SERVICE

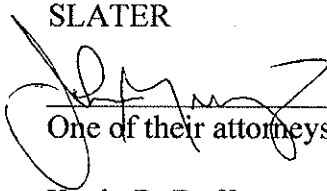
To:	Theresa V. Johnson	Peter V. Bustamante
	Law Office of Theresa V. Johnson	Paula Giroux
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	(630) 321-1185 (facsimile)	

PLEASE TAKE NOTICE that on September 9, 2011, the undersigned filed with the Clerk of the Circuit Court of Cook County, Illinois, **Defendants' CSSS.NET and William F. Slater's Answer and Affirmative Defenses to Counts I-II, IV-V & VII-VIII of Plaintiff's Second Amended Verified Complaint**, copies of which are attached hereto.

A copy of this notice and the aforementioned pleadings were served upon Plaintiff, as shown above, via electronic delivery and U.S. Mail, postage prepaid, on September 9, 2011.

Respectfully submitted,

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

By: 
One of their attorneys

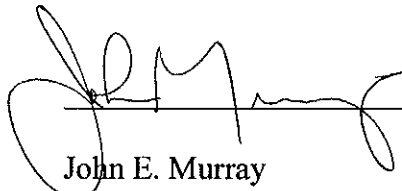
Kevin B. Duff
John E. Murray
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CERTIFICATE OF SERVICE

I, John E. Murray, hereby certify that a copy of the foregoing **Defendants' CSSS.NET and William F. Slater's Answer and Affirmative Defenses to Counts I-II, IV-V & VII-VIII of Plaintiff's Second Amended Verified Complaint** was served upon Plaintiff's counsel, as listed below, via electronic delivery and U.S. Mail, postage prepaid, this 9th day of September, 2011.

Theresa V. Johnson
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A handwritten signature in black ink, appearing to read "John E. Murray", is written over a horizontal line.

John E. Murray
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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' CSSS.NET AND WILLIAM F. SLATER'S ANSWER
AND AFFIRMATIVE DEFENSES TO COUNTS I-II, IV-V & VII-VIII
OF PLAINTIFF'S SECOND AMENDED VERIFIED COMPLAINT**

NOW COME Defendants, Client/Server Software Solutions, Inc. ("CSSS") and William F. Slater ("Slater"), by and through their undersigned attorneys, and for their Answer and Affirmative Defenses to Counts I-II, IV-V & VII-VIII of Plaintiff's Second Amended Verified Complaint 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.

ANSWER: Defendants admit that Plaintiff was employed with CSSS as a senior systems engineer assigned to perform computer services at the Hines VA Hospital of the U.S. Department of Veterans Affairs in Hines, Illinois ("Hines VA") from January 30, 2006 to January 18, 2007, at which time he was lawfully terminated. Except as admitted, Defendants deny the allegations of ¶ 1 in their entirety.

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**).

ANSWER: Defendants admit that CSSS provides services to the federal government and that CSSS's regional offices are located at 3906 Raynor Parkway Suite 201, Bellevue, NE 68123 and that Wolford is the registered agent. Further answering, Defendants state that the exhibits speak for themselves and as to them no further response is required. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 2 in their entirety.

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**).

ANSWER: Denied.

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

ANSWER: Admitted.

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.

ANSWER: Defendants admit that Slater was Plaintiff's supervisor at the time of his lawful termination. Except as admitted, Defendants deny the allegations of ¶ 5 in their entirety.

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.

ANSWER: Defendants admit that at least some of the alleged acts on which Plaintiff complains occurred in Cook County, IL. Except as admitted, Defendants deny the allegations of ¶ 6 in their entirety.

SECTION II. FACTS

FACTUAL BACKGROUND AND CHRONOLOGY OF KEY EVENTS

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

ANSWER: Defendants admit that on December 16, 2006, CSSS held a holiday party at Francesca's Fiore, located at 7407 W. Madison Street, Forest Park, IL 60130, wherein various people were in attendance, including Plaintiff. Except as admitted, Defendants deny the allegations of ¶ 1 in their entirety.

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

ANSWER: Denied.

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

ANSWER: Defendants admit that gift cards were given and one may have been given to Maria Millan. Except as admitted, Defendants deny the allegations of ¶ 3 in their entirety.

4. Thiem Khaw[sic], 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).

ANSWER: Defendants admit that gift cards were given and one may have been given to Thiem Kwan. Except as admitted, Defendants deny the allegations of ¶ 4 in their entirety.

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.

ANSWER: Defendants admit that Plaintiff received a Build-a-Bear coupon and possibly another type of coupon. Except as admitted, Defendants deny the allegations of ¶ 5 in their entirety.

6. The Plaintiff took the \$10.00 off \$50.00 purchase of a Build-A-Bear workshop and coupon for 25% of 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 of buy flowers online.

ANSWER: As to how Plaintiff “took” the holiday gifts, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 6 and, therefore, neither admit nor deny the allegations of ¶ 6 but demand strict proof thereof. Except as stated, Defendants deny the allegations of ¶ 6 in their entirety.

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

ANSWER: Defendants admit that Plaintiff made inappropriate comments about the gift he received and his company supervisors, including Wolford. Except as admitted, Defendants deny the allegations of ¶ 7 in their entirety.

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 persons of Polish and Italian descent respectively).

ANSWER: Defendants admit that during the holiday party at Francesca’s Fiore Plaintiff referred to himself and his fiancé in pejorative terms. As to the rest of the allegations, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 8 and, therefore, neither admit nor deny the allegations of ¶ 8 but demand strict proof thereof. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 8 in their entirety.

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

ANSWER: Admitted.

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 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 public 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").

ANSWER: Defendants admit that as a result of Plaintiff's comments and behavior, CSSS recommended that Plaintiff complete a sensitivity training program. Defendants further admit that Slater repeated Mayor Daley's remarks. Defendants further state that the exhibit speaks for itself and as to it no further response is required. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 10 in their entirety.

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.

ANSWER: Defendants admit that on January 10, 2007, Slater requested that Plaintiff meet with him to discuss Plaintiff's behavior and conduct at the holiday party. Anthony Slatton ("Slatton") was also present. Defendants further admit that Plaintiff was advised by Slater that his insubordinate comments about his receipt of the Build-a-Bear coupon and about Wolford should cease. Except as admitted, Defendants deny the allegations of ¶ 11 in their entirety.

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

ANSWER: Defendants admit that on January 10, 2007, Plaintiff told Slater he was upset about the Build-a-Bear coupon and that Plaintiff indicated that he would be searching for new employment. Except as admitted, Defendants deny the allegations of ¶ 12 in their entirety.

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

ANSWER: Defendants admit that on January 16, 2007, Plaintiff reported for work at the VA Hines facility. As to the precise time that Plaintiff arrived, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 13 and, therefore, neither admit nor deny the allegations of ¶ 13 but demand strict proof thereof. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 13 in their entirety.

14. Throughout 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.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 14 and, therefore, neither admit nor deny the allegations of ¶ 14 but demand strict proof thereof.

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 18, 2007, and then went home to get some sleep.

ANSWER: Defendants admit that Plaintiff reported for work on January 16 and 17, 2007. As to what Plaintiff did while allegedly at home and at work, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations

of ¶ 15 and, therefore, neither admit nor deny the allegations of ¶ 15 but demand strict proof thereof. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 15 in their entirety.

16. After awakening on January 18, 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).

ANSWER: Defendants admit that Slater sent Plaintiff an email indicating Plaintiff was to have a meeting with Slater at 10:00 a.m. on January 18, 2007. As to what Plaintiff did while allegedly at home and work, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 16 and, therefore, neither admit nor deny the allegations of ¶ 16 but demand strict proof thereof. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 16 in their entirety.

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

ANSWER: Defendants admit that Plaintiff reported for work on January 18, 2007. As to the precise time Plaintiff arrived, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 17 and, therefore, neither admit nor deny the allegations of ¶ 17 but demand strict proof thereof. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 17 in their entirety.

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

ANSWER: Admitted.

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
OI&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**

ANSWER: Defendants deny that the referenced e-mail is a customer service survey. Further, Defendants state that the exhibit speaks for itself and as to it no further response is required. Further answering, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 19 and, therefore, neither admit nor deny the allegations of ¶ 19 but demand strict proof thereof.

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 a.m.
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. Any you the type of worker that you only have to tell you something once – and you’ve got it.

ANSWER: Defendants state that the exhibit speaks for itself and as to it no further response is required. Further answering, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 20 and, therefore, neither admit nor deny the allegations of ¶ 20 but demand strict proof thereof.

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

ANSWER: Admitted.

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 Plaintiff.

ANSWER: Defendants admit that the purpose of the January 18, 2007 telephonic meeting alleged in ¶ 21 was to discuss the termination of Plaintiff. Except as admitted, Defendants deny the allegations of ¶ 22 in their entirety.

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 No. 1”).

ANSWER: Denied.

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 about performance improvement, he may ‘Go Postal’.”

(Defendant Slater’s Alternative Statement No. 2).

ANSWER: Denied.

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

ANSWER: Denied.

26. Defendant Wolford made no effort to verify the truthfulness of Defendant Slater’s statements.

ANSWER: Denied.

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

ANSWER: Denied.

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

ANSWER: Defendants admit that Wolford decided to terminate Plaintiff. Except as admitted, Defendants deny the allegations of ¶ 28 in their entirety.

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

ANSWER: Denied.

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

ANSWER: Denied.

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

ANSWER: Defendants admit, on information and belief, that Gary Knipple made arrangements to have Department of Veterans Affairs Police present to standby while CSSS

terminated Plaintiff. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 31 in their entirety.

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

ANSWER: Defendants admit that according to the police report referenced herein Lt. Unthank dispatched Officer Adrowski to standby while Plaintiff was terminated. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 32 in their entirety.

33. Officer Bob Adrowski 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.

ANSWER: Defendants admit that Slater made a statement to Officer Adrowski on January 18, 2007, prior to Plaintiff's lawful termination but deny that Slater made the statement as alleged. Except as admitted, Defendants deny the allegations of ¶ 33 in their entirety.

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

ANSWER: Defendants deny that the alleged statement is true with respect to all AK-47 assault rifles. Defendants deny the remaining allegations of ¶ 34 in their entirety.

35. An AK-47 is a machine gun.

ANSWER: Defendants deny that all AK-47s are machine guns. Defendants deny the remaining allegations of ¶ 35 in their entirety.

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).

ANSWER: Defendants admit that 720 ILCS 5/24-1(a)(7)(i) addresses unlawful use of weapons, including with respect to “machine guns” as that term is defined in the statute. Except to the extent admitted, Defendants state that ¶ 36 calls for a legal conclusion for which no response is required. To the extent the allegations of ¶ 36 are construed against Defendants, they are denied.

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.

ANSWER: Defendants admit that Slater made a statement to Officer Adrowski on January 18, 2007, prior to Plaintiff’s lawful termination, but deny that Slater made the statement as alleged. As to whether Slater was acting as an agent/employee and/or in his individual capacity while speaking with Officer Adrowski, Plaintiff’s allegations call for a legal conclusion for which no further response is required. To the extent the allegations of ¶ 37 are construed against Defendants, they are denied.

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.

ANSWER: Defendants admit that Slater made a statement to Officer Adrowski on January 18, 2007, prior to Plaintiff’s lawful termination, but deny that Slater made the statement as alleged. Defendants deny the remaining allegations contained in ¶ 38.

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.

ANSWER: Defendants admit that Plaintiff requested to meet with Slater prior to 10:00 a.m. As to what Plaintiff did during the time periods referenced in ¶ 39, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the

allegations of ¶ 39 and, therefore, neither admit nor deny the allegations of ¶ 39 but demand strict proof thereof. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 39 in their entirety.

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.

ANSWER: Defendants admit that Slater advised Plaintiff that Plaintiff would be sent for when Slater was ready to meet. As to what Plaintiff did during that time, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in ¶ 40 and, therefore, neither admit nor deny the allegations of ¶ 40 but demand strict proof thereof. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 40 in their entirety.

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 Defendant Slater wanted to meet with Plaintiff in the small conference room.

ANSWER: Defendants admit that around 11:00 a.m. Slatton asked Plaintiff to come to room 209. Except as admitted, Defendants deny the allegations of ¶ 41 in their entirety.

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

ANSWER: As to what Plaintiff saw upon entering Room 209, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 42 and, therefore, neither admit nor deny the allegations of ¶ 42 but demand strict proof thereof. Further answering, Defendants admit that Officer Adrowski and Slater were present. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 42 in their entirety.

43. Participating by telephone, on speakerphone, were CSSS Human Resources Director Scott Theobald, and Defendant Wolford (CSSS President), and CSSS Vice President, Larry Carver.

ANSWER: Admitted.

44. Defendant Slater handed Plaintiff a one-page document.

ANSWER: Admitted.

45. Defendant Slater read the document out loud in front of the Plaintiff, Anthony Slatton and Police Officer Adrowski 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 [sic] 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 Hines VA 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 benefits.

Signed,

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

ANSWER: Defendants admit that Slater read aloud the referenced document. Defendants further admit that Slater, Slatton, Officer Adrowski and Plaintiff were present in conference Room 209. Defendants further state that the exhibit speaks for itself and as to it no further response is required. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 45 in their entirety.

46. Plaintiff asked CSSS employee/HR Director Theobald for any and all documentation that led to the 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**).

ANSWER: Admitted.

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

ANSWER: Defendants admit that Slater read the referenced document and Officer Adrowski escorted Plaintiff as described. Except as admitted, Defendants deny the allegations of ¶ 47 in their entirety.

48. While Plaintiff was 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.

ANSWER: Denied.

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

ANSWER: Defendants admit that Plaintiff made inappropriate comments directed at Slater, but deny the remaining allegations of ¶ 49 in their entirety.

50. Officer Adrowski walked with Plaintiff, who was carrying his belongings, to Plaintiff's car.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 50 and, therefore, neither admit nor deny the allegations of ¶ 50 but demand strict proof thereof.

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

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 51 and, therefore, neither admit nor deny the allegations of ¶ 51 but demand strict proof thereof.

52. Police Officer Adrowski, 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."*

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 52 and, therefore, neither admit nor deny the allegations of ¶ 52 but demand strict proof thereof.

53. Officer Adrowski then asked Plaintiff: "Do you have any loaded weapons in your car?"

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 53 and, therefore, neither admit nor deny the allegations of ¶ 53 but demand strict proof thereof.

54. 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".*

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 54 and, therefore, neither admit nor deny the allegations of ¶ 54 but demand strict proof thereof.

55. Plaintiff at no time during his employment with CSSS ever stated [sic] that he owned or ever owned an AK-47.

ANSWER: Defendants admit that during Plaintiff's employment Noel Flanagan stated that Plaintiff possessed a gun or words to that effect. Except to the extent admitted, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 55 and, therefore, neither admit nor deny the remaining allegations of ¶ 55 but demand strict proof thereof.

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

ANSWER: Defendants admit that during Plaintiff's employment Noel Flanagan stated that Plaintiff possessed a gun or words to that effect. Except to the extent admitted, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 56 and, therefore, neither admit nor deny the remaining allegations of ¶ 56 but demand strict proof thereof.

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

ANSWER: Defendants admit that Slater prepared a memo after Plaintiff's termination. Defendants further state that the exhibit speaks for itself and as to it no further response is required. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 57 in their entirety.

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

ANSWER: Admitted.

59. Neither Defendant Slater nor Defendant Wolford ever pressed charges against Plaintiff for having an unauthorized weapon in VA property.

ANSWER: Admitted.

60. Neither Defendant Slater nor Defendant Wolford ever asked VA police to investigate whether or not Plaintiff had an authorized weapon in VA property.

ANSWER: Denied.

61. 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.

ANSWER: Defendants admit that Plaintiff applied for Illinois State unemployment benefits. Further answering, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations of ¶ 61 and, therefore, neither admit nor deny the allegations of ¶ 61 but demand strict proof thereof. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 61 in their entirety.

62. 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

ANSWER: Defendants state that the exhibit speaks for itself and as to it no further response is required. Further answering, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 62 and, therefore, neither admit nor deny the allegations of ¶ 62 but demand strict proof thereof.

63. On information and belief, Defendant Slater discussed Plaintiff's termination from CSSS with Plaintiff's co-workers, including Maria Milan, Thiem Kwan, Mike Cronin, Noel Flanagan, Tushar Engregi, Mike Nikiforos, Bunty Kothari and other persons working at or for CSSS.

ANSWER: Denied.

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

ANSWER: Denied.

65. On information and belief, Slater made the following statement 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."

ANSWER: Denied.

66. On information and belief, Defendant 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.

ANSWER: Denied.

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

ANSWER: Defendants admit that Slater discussed Plaintiff's termination with Wolford, Theobald, Carver, Slatton, and possibly others. Except as admitted, Defendants deny the remaining allegations of ¶ 67 in their entirety.

68. 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 [sic] No. 2:"

"Chris kept a gun in his car. Chris might come back after being fired and 'Go Postal' and shoot people."

ANSWER: Denied.

69. The day or so after Plaintiff was fired, Mike Nikiforos and Tushar Engregi, Plaintiff's 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 Plaintiff had a gun, that he would "Go Postal", and someone locked their doors. Nikiforos encountered gossip about Plaintiff and a gun spreading like wild fire.

ANSWER: Defendants admit that Nikiforos testified that he remembered a barrage of people talking about the rumor that Plaintiff had a gun, that he remembered the words "postal, going postal" being used, that someone may have locked their doors, and that rumors at CSSS often spread like wildfire. Except as admitted, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 69 and, therefore, neither admit nor deny the allegations of ¶ 69 but demand strict proof thereof.

70. On January 20, 2007, Plaintiff received a telephone call on his cell phone from colleagues with whom he was friendly, Tushar Engregi and Michael Nikiforos, 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."

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 70 and, therefore, neither admit nor deny the allegations of ¶ 70 but demand strict proof thereof.

71. 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.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 71 and, therefore, neither admit nor deny the allegations of ¶ 71 but demand strict proof thereof.

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

ANSWER: Defendants admit that CSSS objected to Plaintiff’s request for unemployment benefits and CSSS was informed that Plaintiff would be advised of same. As to when Plaintiff received notice thereof or the occurrence of a “local interview,” Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 72 and, therefore, neither admit nor deny the allegations of ¶ 72 but demand strict proof thereof. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 72 in their entirety.

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

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 73 and, therefore, neither admit nor deny the allegations of ¶ 73 but demand strict proof thereof.

74. On January 26, 2007, Plaintiff filed a motion to abate his child support and daycare obligations for his 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.

ANSWER: Defendants state that the Kane County Clerk’s records speak for themselves and therefore no further response is required. As to the reason that Plaintiff filed the alleged motion, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 74 and, therefore, neither admit nor deny the

allegations of ¶ 74 but demand strict proof thereof. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 74 in their entirety.

75. 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.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 75 and, therefore, neither admit nor deny the allegations of ¶ 75 but demand strict proof thereof. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 75 in their entirety.

76. In the following non-redacted Hines Police Report (EXHIBIT E), Officer Adrowski memorialized in writing Slater's Statement to Officer Adrowski (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 Slater and myself walked to the conference room and waited for Mr Cynowa. Mr Cynowa 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 1047 hrs.

Disposition:

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

**Bob Adrowski #3542
Investigating officer**

ANSWER: Defendants state that the exhibit speaks for itself and as to it no further response is required. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 76 in their entirety.

77. 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.

ANSWER: Denied, on information and belief.

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

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 78 and, therefore, neither admit nor deny the allegations of ¶ 78 but demand strict proof thereof. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 78 in their entirety.

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

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 79 and, therefore, neither admit nor deny the allegations of ¶ 79 but demand strict proof thereof. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 79 in their entirety.

80. 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.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 80 and, therefore, neither admit nor deny the allegations of ¶ 80 but demand strict proof thereof. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 80 in their entirety.

81. Plaintiff was humiliated before the public, his former CSSS managers and co-workers, by Defendant Slater's Statement and/or Slater's Alternative Statements.

ANSWER: Denied.

82. Plaintiff suffered severe emotional distress which caused his blood pressure to reach dangerously high levels.

ANSWER: Denied.

SECTION III. COUNTS

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

1-83. Plaintiff, Christopher Cynowa, re-alleges and incorporates by reference paragraphs

1 through 83 as if fully set forth herein.

ANSWER: Defendants reallege and reincorporate their answers to paragraphs 1 through 83 as though fully set forth herein.

84. 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.

ANSWER: Denied.

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

ANSWER: Denied.

86. Defendant Slater’s statement was false.

ANSWER: Defendants deny that Slater made a false statement. Defendants deny the remaining allegations of ¶ 86 in their entirety.

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

ANSWER: Defendants deny that all AK-47s are machine guns and automatic weapons. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in ¶ 87 and, therefore, neither admit nor deny the allegations of ¶ 87 but demand strict proof thereof.

88. In Illinois an AK-47 assault rifle or an automatic weapon having [sic] is a Class 2 Felony.

ANSWER: Defendants deny that in all cases an AK-47 assault rifle or an automatic weapon is a Class 2 Felony. Defendants otherwise state that ¶ 88 calls for a legal conclusion for which no response is required. To the extent any of the allegations of ¶ 88 are construed against Defendants, they are denied.

89. Defendant Slater’s statement imputes the commission of a criminal offense on Plaintiff.

ANSWER: Denied.

90. Defendant Slater’s statement prejudices Plaintiff in his profession or trade:

- a. Plaintiff’s trade and professional 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 threat of physical violence with a gun inherently charges Plaintiff's with inability to perform or discharge his customer service duties.

ANSWER: Defendants deny that Slater made a statement that imputed a criminal offense to Plaintiff. Defendants deny the remaining allegations of ¶ 90 in their entirety.

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

- a. Plaintiff's trade and professional 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 threat of physical violence with a gun inherently charges Plaintiff's with inability to perform or discharge his customer service duties.

ANSWER: Denied.

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

ANSWER: As to whether Slater was acting as an agent/employee and/or in his individual capacity while making alleged statements to CSSS personnel, Plaintiff's allegations call for a legal conclusion for which no further response is required. To the extent the allegations of ¶ 92 are construed against Defendants, they are denied.

93. 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.

ANSWER: Denied.

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.

ANSWER: Defendants deny that Plaintiff is entitled to any relief.

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

1-83. Plaintiff, Christopher Cynowa, re-alleges and incorporates by reference paragraphs

1 through 83 as if fully set forth herein.

ANSWER: Defendants reallege and reincorporate their answers to paragraphs 1 through 83 as though fully set forth herein.

84. 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.

ANSWER: Denied.

85. 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 Nikiforos, Bunty Kothari, Bunty 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)

ANSWER: Denied.

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

ANSWER: Admitted.

87. Larry Carver did not repeat Defendant Slater’s statement to anyone.

ANSWER: Denied to the extent that Carver testified that a statement was made.

Admitted to the extent not denied.

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

ANSWER: Admitted.

89. Anthony Slatton did not repeat Defendant Slater's statements to anyone.

ANSWER: Admitted.

90. Pleading in the alternative, Defendant Lisa Wolford, Larry Carver, Scott Theobald and/or Anthony Slatton or some other CSSS manager, repeated Defendant Slater's statement to other CSSS personnel.

ANSWER: Denied.

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

ANSWER: Defendants deny that Slater, Wolford, Carver, Theobald and/or Slatton or other CSSS managers made any such defamatory statement to other CSSS personnel. As to whether Slater, Wolford, Carver, Theobald and/or Slatton or other CSSS managers were acting as agents/employees of CSSS, Plaintiff's allegations call for a legal conclusion for which no further response is required. To the extent the allegations of ¶ 91 are construed against Defendants, they are denied.

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

ANSWER: Defendants admit that Slater made a statement to Officer Adrowski on January 18, 2007, prior to Plaintiff's lawful termination but deny that Slater made the statement as alleged. Further answering, Defendants admit that only Officer Adrowski was present in Slater's office when Slater spoke with Officer Adrowski. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 92 in their entirety.

93. The day Plaintiff was fired, Mike Nikiforos and Tushar Engregi, Plaintiff's co-workers came to work second shift (i.e., 4:00 p.m.) and encountered a barrage of people talking about the rumor that Plaintiff had a gun, that he would "Go Postal", and someone locked their doors. Nikiforos encountered gossip about Plaintiff and a gun spreading like wildfire.

ANSWER: Defendants admit that Nikiforos testified that he remembered a barrage of people talking about the rumor that Plaintiff had a gun, that he remembered the words "postal, going postal" being used, that someone may have locked their doors, and that rumors at CSSS often spread like wildfire. Except as admitted, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 93 and, therefore, neither admit nor deny the allegations of ¶ 93 but demand strict proof thereof.

94. Several days after Plaintiff was fired, Tushar Engregi and Mike Nikiforos spoke with Plaintiff by telephone and told Plaintiff 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.

ANSWER: As to alleged discussions between Plaintiff and Engregi and Nikiforos, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 94 and, therefore, neither admit nor deny the allegations of ¶ 94 but demand strict proof thereof. As to any inferences to be drawn therefrom, which are denied, the allegations of ¶ 94 call for legal conclusions for which no response is otherwise required. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 94 in their entirety.

95. Defendant Slater's Statement was false.

ANSWER: Defendants deny that Slater made a false statement. Defendants deny the remaining allegations of ¶ 95 in their entirety.

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

ANSWER: Defendants deny that all AK-47s are machine guns and automatic weapons. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in ¶ 96 and, therefore, neither admit nor deny the allegations of ¶ 96 but demand strict proof thereof.

97. In Illinois an AK-47 assault rifle or an automatic weapon having [sic] is a Class 2 Felony.

ANSWER: Defendants deny that in all cases an AK-47 assault rifle or an automatic weapon is a Class 2 Felony. Defendants otherwise state that ¶ 97 calls for a legal conclusion for which no response is required. To the extent any of the allegations of ¶ 97 are construed against Defendants, they are denied.

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

ANSWER: Denied.

99. 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 requested that Plaintiff not display a temper, have confrontations with staff and mentioning owning an AK-47 assault rifle or any other fun of weapon for harming people.

ANSWER: Denied.

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

- a. Plaintiff's job had both technical computer skills component and a 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.

ANSWER: Denied.

101. 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.

ANSWER: Denied.

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

ANSWER: As to whether Slater was acting as an agent/employee and/or in his individual capacity while making alleged statements to CSSS personnel, Plaintiff's allegations call for a legal conclusion for which no further response is required. To the extent the allegations of ¶ 102 are construed against Defendants, they are denied.

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.

ANSWER: Defendants deny that Plaintiff is entitled to any relief.

Count III – Defamation “Per Se”
PUBLICATION TO OFFICER ADROWSKI

Defendants have contemporaneously filed with this Answer a motion to dismiss the allegations contained in Count III.

Count IV – Defamation “Per Quod”
JANUARY 18, 2007, PUBLICATION TO CSSS PERSONNEL

1-83. Plaintiff, Christopher Cynowa, re-alleges and incorporates by reference paragraphs 1 through 83 as if fully set forth herein.

ANSWER: Defendants reallege and reincorporate their answers to paragraphs 1 through 83 as though fully set forth herein.

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

ANSWER: Denied.

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

ANSWER: Denied.

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

ANSWER: Defendants admit that during Plaintiff's employment Noel Flanagan stated that Plaintiff possessed a gun or words to that effect. Except to the extent admitted, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 86 and, therefore, neither admit nor deny the remaining allegations of ¶ 86 but demand strict proof thereof.

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

ANSWER: Denied.

88. Defendant Slater's statement imputes Plaintiff with the commission of a criminal offence.

ANSWER: Defendants deny that Slater made a statement that imputed a criminal offense to Plaintiff. Defendants deny the remaining allegations of ¶ 90 in their entirety.

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

ANSWER: Denied.

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

ANSWER: Denied.

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

ANSWER: As to whether Slater was acting as an agent/employee and/or in his individual capacity while making alleged statements to CSSS personnel, Plaintiff's allegations call for a legal conclusion for which no further response is required. To the extent the allegations of ¶ 91 are construed against Defendants, they are denied.

92. 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.

ANSWER: Denied.

93. As a proximate result of the afore-named defamatory statements by Defendant Slater, Plaintiff 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.
- (h) Loss of ability to be placed on other federal contracts.

ANSWER: Denied.

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.

ANSWER: Defendants deny that Plaintiff is entitled to any relief.

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

1-83. Plaintiff, Christopher Cynowa, re-alleges and incorporates by reference paragraphs 1 through 83, as if fully stated herein.

ANSWER: Defendants reallege and reincorporate their answers to paragraphs 1 through 83 as though fully set forth herein.

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

ANSWER: Denied.

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

ANSWER: Denied.

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

ANSWER: Admitted.

87. Larry Carver did not repeat Defendant Slater’s statement to anyone.

ANSWER: Denied to the extent that Carver testified that a statement was made.
Admitted to the extent not denied.

88. Scott Theobald did not repeat Defendant Slater’s statement to anyone.

ANSWER: Admitted.

89. Anthony Slatton did not repeat Defendant Slater’s statements to anyone.

ANSWER: Admitted.

90. Pleading in the alternative, Defendant Lisa Wolford, Larry Carver, Scott Theobald and/or Anthony Slatton repeated Defendant Slater's statement to other CSSS personnel.

ANSWER: Denied.

91. 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.

ANSWER: Defendants deny that Slater, Wolford, Carver, Theobald and/or Slatton made any such defamatory statement to other CSSS personnel. As to whether Slater, Wolford, Carver, Theobald and/or Slatton were acting as agents/employees of CSSS, Plaintiff's allegations call for a legal conclusion for which no further response is required. To the extent the allegations of ¶ 91 are construed against Defendants, they are denied.

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

ANSWER: Defendants admit that Slater made a statement to Officer Adrowski on January 18, 2007, prior to Plaintiff's lawful termination, but deny that Slater made the statement as alleged. Further answering, Defendants admit that only Officer Adrowski was present in Slater's office when Slater spoke with Officer Adrowski. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 92 in their entirety.

93. Several days after he was fired, Plaintiff learned, from his former co-workers, Tushar Engregi and Mike Nikiforos, that Plaintiff 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.

ANSWER: As to alleged discussions between Plaintiff and Engregi and Nikiforos, Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 93 and, therefore, neither admit nor deny the allegations of ¶ 93 but

demand strict proof thereof. As to any inferences to be drawn therefrom, which are denied, the allegations of ¶ 93 call for legal conclusions for which no response is otherwise required. Except as admitted or otherwise stated, Defendants deny the allegations of ¶ 93 in their entirety.

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

ANSWER: Denied.

95. No one from CSSS had ever seen Plaintiff with a gun nor was there any statement made by the Christopher Cynowa himself that he possessed a gun. The impact of CSSS' oral statements to others is a perceived workplace terror threat.

ANSWER: Denied.

96. Defendant Slater's statement imputed Plaintiff with the commission of criminal offence.

ANSWER: Defendants deny that Slater made a statement that imputed a criminal offense to Plaintiff. Defendants deny the remaining allegations of ¶ 96 in their entirety.

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

ANSWER: Denied.

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

ANSWER: Denied.

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

ANSWER: As to whether Slater was acting as an agent/employee and/or in his individual capacity while making alleged statements to CSSS personnel, Plaintiff's allegations call for a legal conclusion for which no further response is required. To the extent the allegations of ¶ 99 are construed against Defendants, they are denied.

100. 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.

ANSWER: Denied.

101. As a proximate result of the afore-named defamatory statements by Defendant Slater, Plaintiff 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.
- (h) Loss of ability to be placed on other federal contracts.

ANSWER: Denied.

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.

ANSWER: Defendants deny that Plaintiff is entitled to any relief.

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

Defendants have contemporaneously filed with this Answer a motion to dismiss the allegations contained in Count VI.

COUNT VII
FALSE LIGHT AGAINST ALL DEFENDANTS

1-83. Plaintiff, Christopher Cynowa, re-alleges and incorporates by reference paragraphs 1 through 83, as if fully stated herein.

ANSWER: Defendants reallege and reincorporate their answers to paragraphs 1 through 83 as though fully set forth herein.

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

ANSWER: Denied.

85. Defendant Slater’s statement, published to CSSS personnel on January 18, 2007, published to Officer Adrowski on January 18, 2007 and published to other CSSS personnel, is false and defamatory “per se” in that it imputes Plaintiff with the commission of a crime and they state that Plaintiff 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 Plaintiff allegedly possessed or said he possessed) in response to information of termination.

ANSWER: Denied.

86. Plaintiff was placed in a false light before the public as a result of the CSSS’ actions because the publications made orally and subsequently reduced to writing by Officer Adrowski, and were communicated to Plaintiff’s colleagues, friends and co-workers. Some of those persons took the publication seriously – i.e., that Plaintiff had an AK-47 assault rifle or gun and that he posed a likely threat of workplace terror and was [sic] and some co-workers, fearful for their safety, requested a “lock-down” of the building.

ANSWER: Denied.

87. The false light in which the Plaintiff was placed would be highly offensive to a reasonable person.

ANSWER: Denied.

88. 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 Plaintiff was a dangerous person or whether Plaintiff actually owned any firearms.

ANSWER: Denied.

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.

ANSWER: Defendants deny that Plaintiff is entitled to any relief.

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

1-83. Plaintiff, Christopher Cynowa, re-alleges and incorporates by reference paragraphs 1 through 83, as if fully stated herein.

ANSWER: Defendants reallege and reincorporate their answers to paragraphs 1 through 83 as though fully set forth herein.

84. Defendants' false statements that Plaintiff "has a temper" and has "an AK-47 assault rifle, taken together, characterize Plaintiff as a workplace terrorist.

ANSWER: Denied.

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

ANSWER: Denied.

86. 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.

ANSWER: Denied.

87. 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.

ANSWER: Denied.

88. 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 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 placed on other federal contracts.

ANSWER: Denied.

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.

ANSWER: Defendants deny that Plaintiff is entitled to any relief.

AFFIRMATIVE AND OTHER DEFENSES

Defendants, for their defenses to Plaintiff's Second Amended Verified Complaint, without assuming the burden of persuasion on any of the defenses except as established by law, based generally on and incorporating by reference their Answers to Plaintiff's Complaint and Defendants' Combined 2-615 & 2-619(a)(9) Motion to Dismiss all Claims against Lisa Wolford and Counts III & VI of Plaintiff's Second Amended Verified Complaint, state the following defenses:

Absolute Privilege

1. On the morning of Plaintiff's termination the Hines VA police were requested to be present during Plaintiff's termination and to escort Plaintiff from the premises.

2. The Hines VA police department sent Officer Bob Adrowski (“Officer Adrowski”) to be present during Plaintiff’s termination and to escort Plaintiff from the premises.

3. When Officer Adrowski arrived he requested information that may have been relevant to Plaintiff’s termination and escorting Plaintiff from the premises.

4. To the extent that any of the statements allegedly made to Officer Adrowski are deemed defamatory, they were made to a police officer within the scope of his duties and to facilitate the safe termination of Plaintiff.

5. Accordingly, Plaintiff is barred from recovery for any statements allegedly made to Officer Adrowski because the statements are subject to absolute privilege.

Qualified Privilege

6. Any alleged statements were made in good faith in response either to a police officer’s inquiry or on account of CSSS policy requiring reporting potential workplace safety issues to be reported to proper authorities.

7. Defendants had a duty to ensure the safety of their employees and their workplace.

8. Further, any statements allegedly made were made to a limited number of persons and under appropriate circumstances.

9. Consistent with the interests of the Defendants and the Hines VA facility, as well as the interests of the public, Hines VA police and the Defendants had a duty to protect the public and ensure safety.

10. Therefore, Plaintiff is barred from recovery for any statements allegedly made because the statements are subject to a qualified privilege.

Opinion

11. The alleged statements can be construed as opinions regarding the Plaintiff and the circumstances of his termination.

12. As opinions, the alleged statements are protected free speech and therefore not actionable.

Truth

16. Prior to the events in question, upon information and belief, Plaintiff made statements indicating that he possessed and/or had access to weapons.

17. Further, prior to the events in question Plaintiff engaged in verbal confrontations with staff and exhibited aggression, hostility, and a temper on many occasions in the workplace.

18. In addition, during the events in question Plaintiff hurled obscenities such as “I can’t believe this shit” while exhibiting aggressive body language.

19. At the time of Plaintiff’s termination, Plaintiff made threats as to CSSS management, in particular Slater and Wolford, that each would in turn “get his” and “get hers.”

20. With the assistance of VA Police, Plaintiff’s termination was completed without physical violence or incident and Plaintiff was escorted from the workplace.

21. Thus, to the extent that that alleged statements were made, they are also true.

22. Accordingly, as true statements, Plaintiff is barred from any recovery.

Set-Off

23. Plaintiff’s claims should be set-off by the amount of any recovery to which Defendants are entitled.

PRAYER FOR RELIEF AS TO COUNTS I-II, IV-V & VII-VIII

WHEREFORE, Defendants Client/Server Software Solutions, Inc. and William F.

Slater deny that Plaintiff is entitled to any relief and Defendants pray for:

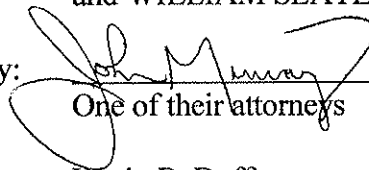
- A. Judgment in their favor and against the Plaintiff;
- B. An award of their costs incurred in this action; and
- C. Such other relief as the Court deems just and appropriate.

Dated: September 9, 2011

Respectfully submitted,

CSSS.NET, INC.,
and WILLIAM SLATER

By:



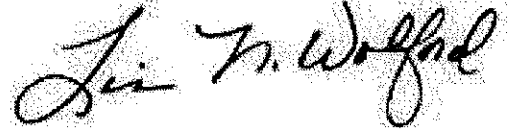
One of their attorneys

Haytham Faraj
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Kevin B. Duff
John E. Murray
Rachlis Durham Duff Adler & Peel, LLC
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Chicago, IL 60605
(312) 733-3950 (office)
(312) 733-3952 (facsimile)

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters stated to be on information and belief, as to such matters, the undersigned certifies as aforesaid that she verily believes the same to be true.

A handwritten signature in black ink, appearing to read "Lisa N. Wolford", written in a cursive style.

By:

CLIENT/SERVER SOFTWARE
SOLUTIONS, INC. by its President,
LISA N. WOLFORD

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters stated to be on information and belief, as to such matters, the undersigned certifies as aforesaid that he verily believes the same to be true.

By: 
WILLIAM F. SLATER, III