

**IN THE CIRCUIT COURT OF DUPAGE COUNTY
ARBITRATION DIVISION**

CHRISTOPHER STOLLER,)
)
Plaintiff,)
)
v.)
)
UBER TECHNOLOGIES, INC., BRET)
D. FRANCO, LORAN S. COHEN,)
DAVID HOMES, DAVID MCHON,)
WILSON)
ELSER MOSKOWITZ, EDELMAN)
& DICKER, LLP, STEVEN R. BONANNO)
HINSHAW & CULBERTSON, LLP,)
JOHN DOES 1-10, agents, assigns, et al,)
)
Defendants.)

Case No: 2020AR000151

JURY DEMAND

COMPLAINT AT LAW

NOW COMES, Plaintiff, Christopher Stoller, 71, a disabled person, a protected person under the Americans for Disability Act (ADA), and for his complaint for damages against above-named Defendants for battery¹, assault, common-law negligence and willful and wanton conduct

¹ Civil battery is defined by Illinois case law as the willful touching of another person. *Pechan v. Dynapro, Inc.*, 251 Ill. App. 3d 1072, 1084 (2d. Dist. 1993). The defendant does not have to be the one to come into contact with the plaintiff, a defendant still commits a civil battery if the defendant set in motion some substance or force that touched the plaintiff. *Id.* An action for battery does not depend on the hostile intent of the defendant. *Id.* Defendant Bret Franco's civil assault was an intentional act, directed toward the plaintiff, that causes the plaintiff reasonable apprehension of an imminent, offensive contact with the plaintiff's person, on May 21, 2019 (**Exhibit 1**). *McNeil v. Carter*, 318 Ill. App. 3d 939, 944 (3rd Dist. 2001). In order for there to be a "reasonable apprehension," the defendant Bret Franco had the apparent ability to engage in harmful or offensive contact with the plaintiff on May 21, 2019 (**Exhibit 1**). *Parrish v. Donahue*, 110 Ill. App. 3d 1081, 1083 (3d Dist. 1982). The assault in this case consisted of the plaintiff's fear of an imminent harmful contact on May 21, 2019 (**Exhibit 1**). Plaintiff's battery claim consisted of the actual offensive or harmful contact itself that was caused by Bret Franco on May 21, 2019 See a copy of the Plaintiff's Attorney Registration and Disciplinary Complaint (**Exhibit 5**). *Parrish v. Donahue*, 110 Ill. App. 3d 1081, 1083 (3d Dist. 1982). Although, an assault can take place without a battery, it is clear from the evidence provided in this case **Exhibit 1**, that the battery was accompanied by an assault. The element of intent in an assault or battery action does not necessarily have to be hostile or meant to cause harm. Rather, there need only be intent to do the act Constituting the assault or battery. *Gragg v. Calandra*, 297 Ill. App. 3d 639 (2nd Dist. 1998). For example, a physician who intentionally performed bypass surgery on a Patient without consent could be liable for battery. *Id.* The essence of Plaintiff's battery claim is that the defendant Bret Franco intentionally caused a harmful or offensive touching of the plaintiff without the plaintiff's consent (**Exhibit 1**), even if the touching did not result in any physical harm, which in this case it did (**Exhibit 1**). See *Cohen v. Smith*, 269 Ill. App. 3d 1087,

and emotional infliction now states as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, Christopher Stoller is an Illinois resident doing business in DuPage County.

Defendants



2. Defendant Uber Technologies, Inc., commonly known as “Uber”, with corporate headquarters located at 1455 Market St, San Francisco, CA 94103. UBER is an American multinational ride-hailing company² offering services that include peer-to-peer ride-sharing, ride service hailing, food delivery, and a micromobility system with electric bikes and scooters which does business in DuPage County, Illinois. Uber is a

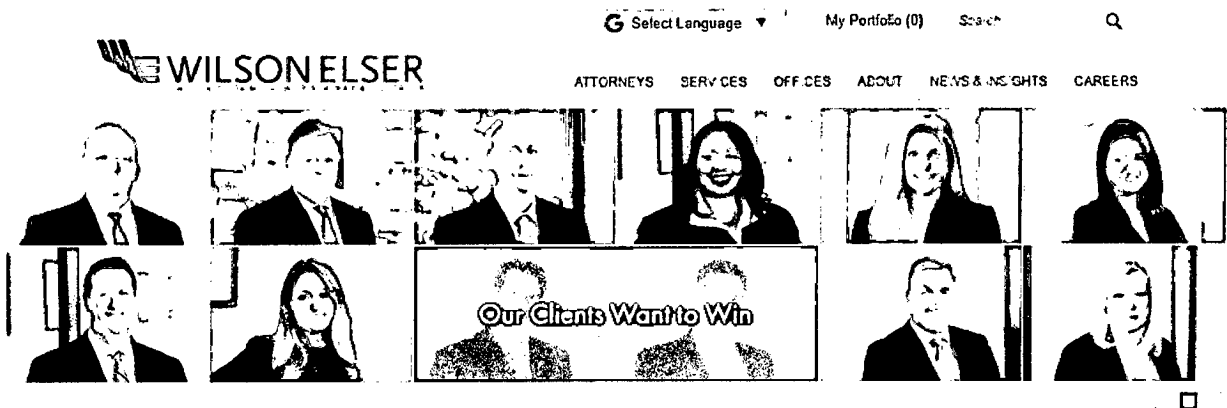
1090-91 (1995). In this case Defendant Franco’s “touching” did result in physical harm (**Exhibit 1**). Plaintiff’s well plead tort of assault is simply based upon “a reasonable apprehension of an imminent battery,” by Defendant Bret Franco on May 21, 2019 (**Exhibit 1**) *Rosenberg v. Packerland Packing Co.*, 55 Ill. App. 3d 959, 963 (1977). From *Cooper v. Fichter*, 2014 IL App (1st) 130210-

²“Uber approach to safety

“We recognize that every time you open your Uber app, you’re putting your trust in our technology—to not only connect you with a driver, but to also give you tools in case of emergency. That trust is what drives us to continuously raise the bar, building new safety features, setting guidelines for respectful and positive experiences, and more. Whether you’re a rider, driver, or anyone who uses Uber, your safety drives us.” <https://www.uber.com/us/en/safety/>

Defendant in a personal injury case, where the Plaintiff, Christopher Stoller, was riding in an Uber vehicle when it collided with another automobile causing debilitating injuries to Christopher Stoller. Uber retained the Chicago Law firm of WILSON ELSEER MOSKOWITZ EDELMAN & DICKER, LLP, to represent them in the personal injury case.

3. Uber's defense attorney, Defendant Bret Franco attacked Christopher Stoller, committing assault and battery (**Exhibit 1**) in Cook County Court Room 2209 on May 21, 2019, at 50 West Washington, Chicago, Illinois. This attack caused injuries to Christopher Stoller for which Defendant Uber and WILSON ELSEER MOSKOWITZ EDELMAN & DICKER, LLP, are liable.
4. Defendants Wilson Elser Moskowitz Eldman & Dicker, LLP³, is a law firm who regularly represents UBER against parties who are injured while riding in UBER vehicles.



5. WILSON ELSEER runs an “Uber Accident Defense Mill”. WILSON ELSEER acted with

³ Wilson Elser is a full-service law firm, providing its clients with a full range of experienced and innovative legal services. More than 800 attorneys strong, Wilson Elser serves clients of all sizes, across multiple industries and around the world. Wilson Elser has 38 strategically located offices in the United States and one in London. It is also a founding member of Legalign Global, a close alliance of four of the world's leading insurance law firms, created to assist companies doing business internationally. This depth and scale has made it one of the nation's most influential law firms, ranked in the Am Law 200 and 56th in The National Law Journal's NLJ 500. https://www.wilsonelser.com/news_and_insights/news_briefs/3632-devries_obtains_complete_defense_verdict_for_gun

malice, fraud, gross negligence, oppressiveness, unlawful retaliation which was not a result of mistake of fact or law, honest error or judgment, overzealousness, mere negligence or other human failing but that WILSON ELSER conceived a plan, through its partners, Defendants, David Holmes, David McHon, Loren S. Cohen to instruct their associate Defendant Bret Franco cover up an attack (**Exhibit 1**).

6. Defendant WILSON ELSER and their partners David Holmes, David McHon, Loren S. Cohen along with their associates acted with willful and wanton misconduct, fraud, conspiring with Defendant Bret Franco, before and after the attack on Christopher Stoller, to cover it up and by making false misrepresentations of material fact to the Chicago Police and to the Illinois Attorney Registration and Disciplinary Commission. Bret D. Franco is also charged with violating ARDC Rules 8.4 c & d



7. Defendant Bret D. Franco, is a resident of Illinois, and an attorney with the law firm of WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, who regularly does business in DuPage County, Illinois. Bret D. Franco represents Uber Technologies Inc., in a personal injury case *Christopher Stoller v. Uber Technologies Inc.*, Cook County Case Law Division Case No. 2018 L 4578.

8. Defendant Franco under the direction of his senior partners, David Holmes, David

McHon, Loren S. Cohen, engaged in the conduct complained of in the course and scope of his employment with WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, and is sued in his individual and in his official capacity and at all times mentioned herein, advises/consults and is charged with committing an assault and battery on Christopher Stoller, obstructing justice, being a co-conspirator, conspiring with the Defendants, David Holmes, David McHon, Loren S. Cohen aiding and abetting defendants David Holmes, David McHon, Loren S. Cohen in clear violation of ARDC Rule 5.1, 3.3(a) and 8.4(c) and (d).

9. Defendant Bret Franco acted with malice, fraud, gross negligence, oppressiveness, abuse of process, when he attacked Christopher Stoller (**Exhibit 1**), committing an assault and battery on Christopher Stoller, under the direction and supervision of Defendants David Holmes, David McHon, Loren S. Cohen, obstructed justice, which was not the result of mistake of fact, law, or honest error or judgment, overzealousness, mere negligence or other human failing.

10. Defendants David Holmes, David McHon, Loren S. Cohen, directed Bret Franco to obstruct justice, to cover up Franco's assault and battery, which was willful and wanton misconduct, attacking Plaintiff Christopher Stoller in Judge Erlich's court room, committing an assault and battery on Christopher Stoller, causing him a physical and mental injury.

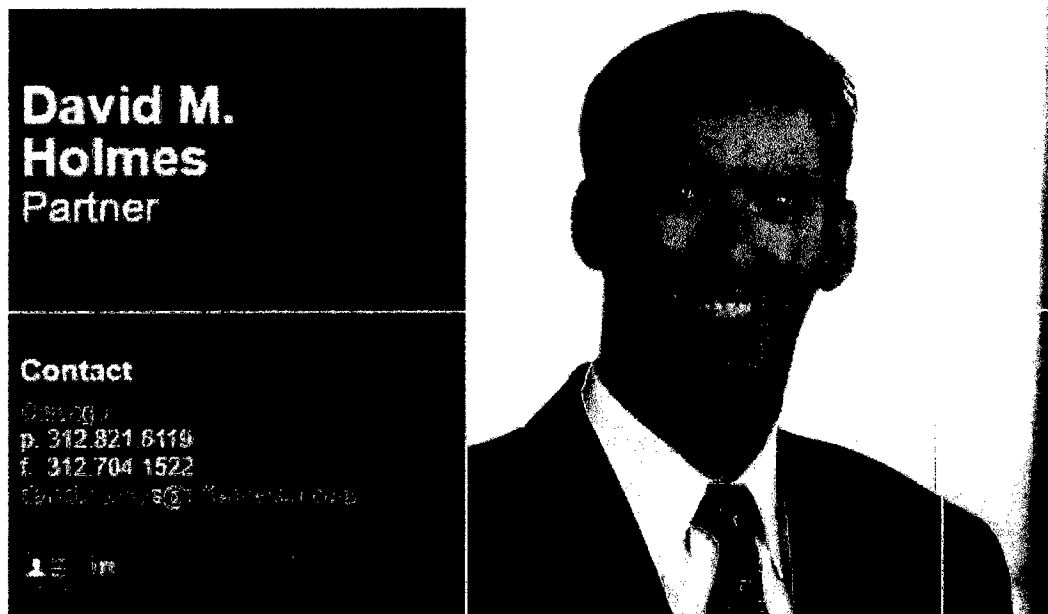
11. Defendants David Holmes, David McHon, Loren S. Cohen, aided and abetted their client Defendant Uber in a cover-up, by Defendants David Holmes, David McHon, Loren S. Cohen, by directing Bret Franco to obstruct justice⁴, to lie and to mislead to the Chicago Police and the Illinois Attorney Registration and Disciplinary Commission, in the course and scope of their employment with WILSON ELSER.

12. Franco is an attorney who represents Uber Technologies Inc, in Cook County Law

⁴ (720 ILCS 5/31-1) (from Ch. 38, par. 31-1) Sec. 31-1. Resisting or obstructing a peace officer, firefighter, or correctional institution employee.
(a) A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer, firefighter, or correctional institution employee of any authorized act within his or her official capacity commits a Class A misdemeanor.

Division Case 2018 L 4578. Franco's partners at the law firm WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, Defendants David Holmes, David McHon, Loren S. Cohen, are senior partners of Wilson Elser Moskowitz. They are liable under the Illinois Rules of Professional Conduct 5.1, for the Professional Misconduct charged against their associate Bret D. Franco. Defendants David Holmes, David McHon, Loren S. Cohen, supervisors are liable for constitutional violations of their subordinates (i.e. Bret Franco) because the supervisors, David Holmes, David McHon, Loren S. Cohen, participated in or directed the violations, *or knew of the violations and with deliberate indifference* participated in and encouraged, sanctioned, condoned and ratified the unlawful conduct of their subordinate.

13. Bret Franco, in the course and scope of their employment at WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP than after aided and abetted Uber and Bret Franco, in the "cover-up" of the assault and battery.



14. Defendant David Holmes, a senior partner of Wilson Elser Moskowitz, has managerial authority, supervisory authority⁵ in the law firm, is a resident of Illinois, and a senior partner/attorney

⁵ A supervisor is liable for constitutional violations of his subordinates because if the supervisor, David Holmes

with the law firm of WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, and who regularly does business in DuPage County, Illinois.

15. A lawyer/senior partner having direct supervisory authority over Mr. Bret Franco, directed Bret Franco to harass, provoke and to antagonize Christopher Stoller's in order to get his personal injury Case No.2018 L 4578 dismissed.

16. On May 21, 2019, Bret Franco, under the supervision of David Holmes attacked Christopher Stoller, a disabled person, in a Cook County Court Room 2209 on May 21, 2019, at 50 West Washington, Chicago, Illinois causing the Plaintiff a physical injury. After the physical attack on Christopher Stoller, under the supervision of David Holmes, then directed Bret Franco to deceive and to obstruct justice, to lie and to mislead the Chicago Police and the Illinois Attorney Registration and Disciplinary Commission.

17. Defendant Franco's Response (**Exhibit 3**) to Christopher Stoller's Illinois Attorney Disciplinary Commission ("ARDC") Complaint (**Exhibit 2**) regarding the true facts about the battery, making false statements to the ARDC and to the Chicago Police about the May 21, 2019 battery and obstructed justice. Defendant Homes, with knowledge of the specific conduct, ratifies the Franco's battery against Christopher Stoller after the fact.

18. Defendant Homes instructed Defendant Franco to lie, to cover it up the battery, to obstruct justice, in the course and scope of his employment with WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, and to continue to intimidate Christopher Stoller in case No 2018 L 4578. See attached true and correct copy of a June 6, 2019 photo(s) of Bret

participated in or directed the violations, *or knew of the violations and with deliberate indifference failed to act to prevent them.* *Wilson v. Seiter*, 501 U.S. 294, 303, 111 S. Ct. 2321, 115 L. Ed. 2d 271 (1991); *Taylor*, 880 F.2d at 1045; *see also Haynesworth v. Miller*, 820 F.2d 1245, 1261 (D.C.Cir.1987) (A supervisor who remains passive in the face of past constitutional violations about which he knew or should have known may be liable have thus recognized a cause of action under when a plaintiff alleged that a supervisor's failure to train or to supervise personnel led to the deprivation of constitutional rights, or when a policy existed that led to the deprivation of such rights. *Ybarra v. Reno Thunderbird Mobile Home Village*, 723 F.2d 675, 680 (9th Cir.1984).

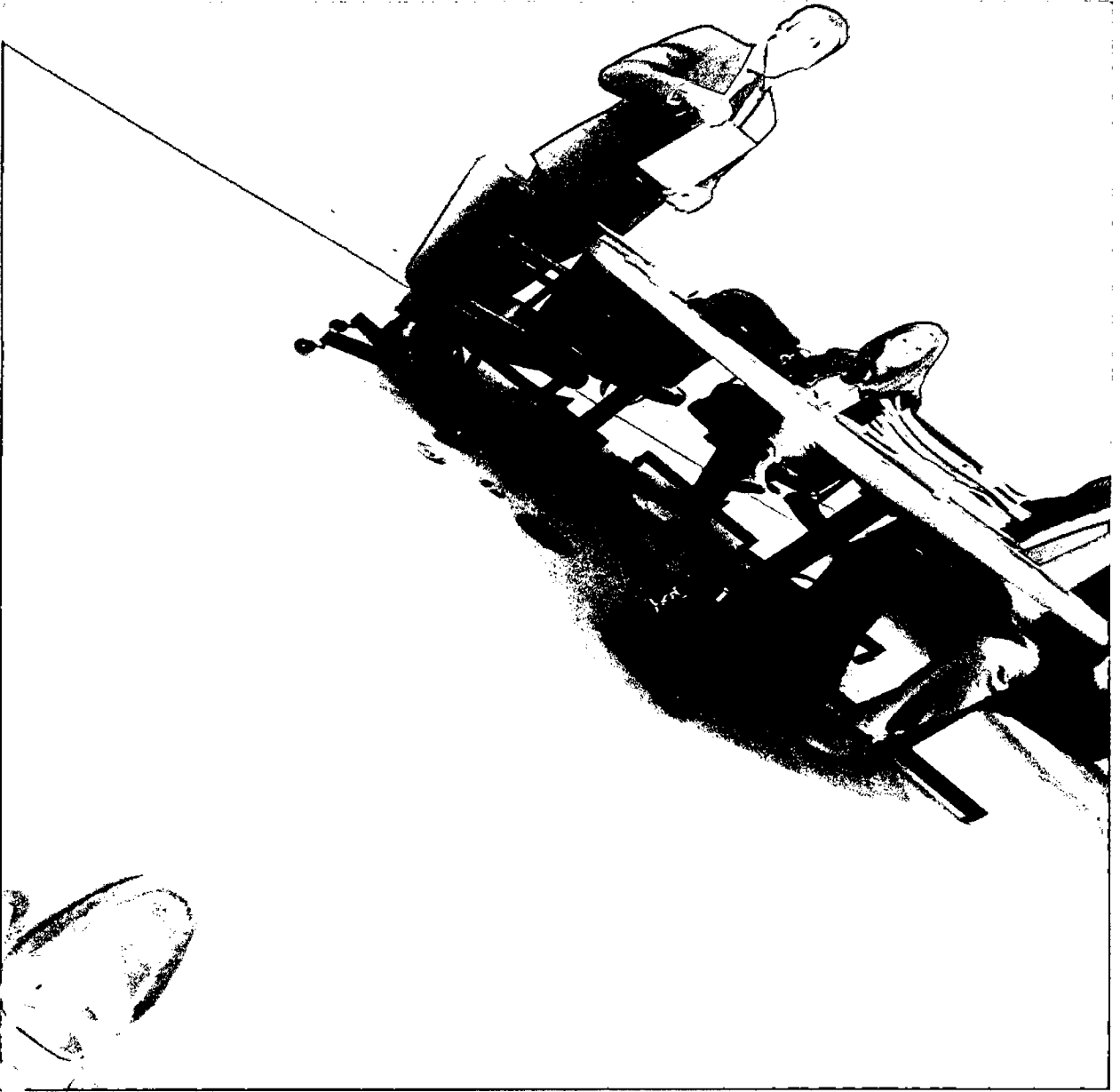
Franco below intimating Christopher Stoller in Judge Daniel Gillespie's court room on October 8, 2019.

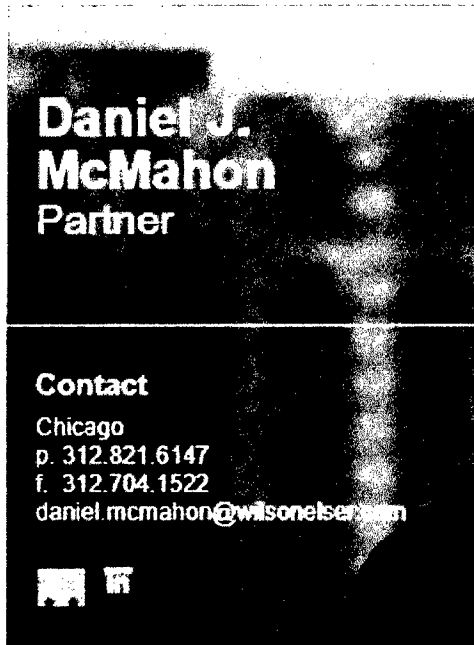
19. A crew of lawyers from the WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, firm including Defendant Loren S. Cohen, who were sent into Judge Daniel Gillespie's court room for no other purpose on June 6, 2019, other than to intimidate and harass Christopher Stoller (**Exhibit 5**), by defendants David Holmes, David McMahon, Loren S. Cohen..

20. Plaintiff alleges that the supervisors in this case, David Holmes, David McMahon, Loren S. Cohen's failure to train or to supervise Bret Franco led to the deprivation of Plaintiff's constitutional rights and/or policy existed that led to the deprivation of his rights.

21. After Bret Franco committed assault and batter on the Plaintiff in Judge Gillespie court room, Defendants David Holmes, David McMahon, Loren S. Cohen continue to allow Bret Franco represent Uber and permit Bret Franco to continue to appear in court to intimidate and harass the Plaintiff Christopher Stoller, causing him emotional stress. See a true and correct copy of a photo of Bret Franco holding a piece of paper up, in court looking at the Plaintiff and harassing him on Oct 8, 2019⁶. The trial court judge Gillespie did not order a County Sheriff to be present in his court room to provide security for the Plaintiff, as Judge Erlich had previously done after the Franco attack on Christopher Stoller. See a true and correct photo Exhibit 5 below of Brad Franco intimating the Plaintiff.

⁶ Christopher Stoller suffered a relaps on Oct 8, 2019 due to Brad Franco's intimation which Judge Gillespie, failure to provide court room security lead to an additional injury to the Plaintiff.





Home Attorneys: Daniel J. McMahon

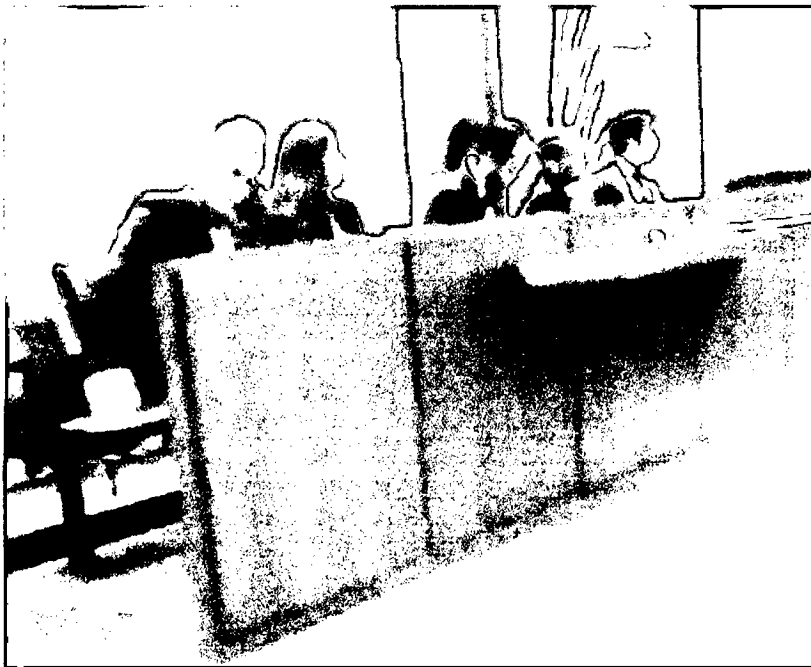
22. Defendant David McMahon, senior partner of Wilson Elser Moskowitz, has managerial authority, supervisory authority⁷ in the law firm, is a resident of Illinois, and who regularly does business in DuPage County, Illinois. A lawyer/senior partner having direct supervisory authority over Mr. Bret Franco, directed Bret Franco to harass, provoke and to antagonize Christopher Stoller's in order to get his personal injury Case No.2018 L 4578 dismissed.

⁷ A supervisor is liable for constitutional violations of his subordinates because the supervisor(s) in this case, David Holmes, David McMahon, Loren S. Cohen and Harold Moskowitz. Participated in or directed the violations, or knew of the violations and with deliberate indifference failed to act to prevent them then attempted to "cover them up" the assault and battery. *Wilson v. Seiter*, 501 U.S. 294, 303, 111 S. Ct. 2321, 115 L. Ed. 2d 271 (1991); *Taylor*, 880 F.2d at 1045; see also *Haynesworth v. Miller*, 820 F.2d 1245, 1261 (D.C.Cir.1987) (A supervisor who remains passive in the face of past constitutional violations about which he knew or should have known may be liable under § 1983.). Federal courts have thus recognized a cause of action under § 1983 when a plaintiff alleged that a supervisor's failure to train or to supervise personnel led to the deprivation of constitutional rights, or when a policy existed that led to the deprivation of such rights. *Ybarra v. Reno Thunderbird Mobile Home Village*, 723 F.2d 675, 680 (9th Cir.1984). Accordingly, we reject the State's argument that Tripati must allege that Stewart had personal involvement with Tripati's lost property in order to maintain a § 1983 action.

23. On May 21, 2019, Bret Franco, under the supervision of David McMahon attacked Christopher Stoller, causing the Plaintiff a physical injury. After the physical attack on Christopher Stoller, under the supervision of David McMahon then directed Bret Franco to lie, to deceive and to obstruct justice, to mislead the Chicago Police and the Illinois Attorney Registration and Disciplinary Commission.

24. Defendant Franco's Response to Christopher Stoller's Illinois Attorney Disciplinary Commission ("ARDC") Complaint regarding the true facts about the battery, by making false statements to the ARDC and to the Chicago Police about the May 21, 2019 battery.

25. Defendant Homes, with knowledge of the specific conduct, ratifies the Franco's battery against Christopher Stoller after the fact. Defendant McMahon then instructed Defendant Franco to cover it up the battery, in the course and scope of his employment with WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, and to continue to intimidate Christopher Stoller in case No 2018 L 4578.





26. Defendant Loren S. Cohen, a senior partner of Wilson Elser Moskowitz, has managerial authority, supervisory authority⁸ in the law firm, is a resident of Illinois, and who regularly does business in DuPage County, Illinois. A lawyer/senior partner having direct supervisory authority over Mr. Bret Franco, directed Bret Franco to harass, provoke and to antagonize Christopher Stoller's in order to get his personal injury Case No.2018 L 4578 dismissed.

27. On May 21, 2019 Bret Franco, under the supervision of Loren S. Cohen attacked Christopher Stoller, causing the Plaintiff a physical injury. After the physical attack on

⁸ A supervisor is liable for constitutional violations of his subordinates because the supervisor, Loren S. Cohen participated in or directed the violations, *or knew of the violations and with deliberate indifference failed to act to prevent them and attempted to cover up the Bret Franco assault and battery on Christopher Stoller. Wilson v. Seiter*, 501 U.S. 294, 303, 111 S. Ct. 2321, 115 L. Ed. 2d 271 (1991); *Taylor*, 880 F.2d at 1045; *see also Haynesworth v. Miller*, 820 F.2d 1245, 1261 (D.C.Cir.1987) (A supervisor who remains passive in the face of past constitutional violations about which he knew or should have known may be liable under § 1983.). Federal courts have thus recognized a cause of action under § 1983 when a plaintiff alleged that a supervisor's failure to train or to supervise personnel led to the deprivation of constitutional rights, or when a policy existed that led to the deprivation of such rights. *Ybarra v. Reno Thunderbird Mobile Home Village*, 723 F.2d 675, 680 (9th Cir.1984). Accordingly, we reject the State's argument that Tripati must allege that Stewart had personal involvement with Tripati's lost property in order to maintain a § 1983 action

Christopher Stoller, under the supervision of Loren S. Cohen then directed Bret Franco to obstruct justice, to deceive and to lie, to mislead the Chicago Police and the Illinois Attorney Registration and Disciplinary Commission.

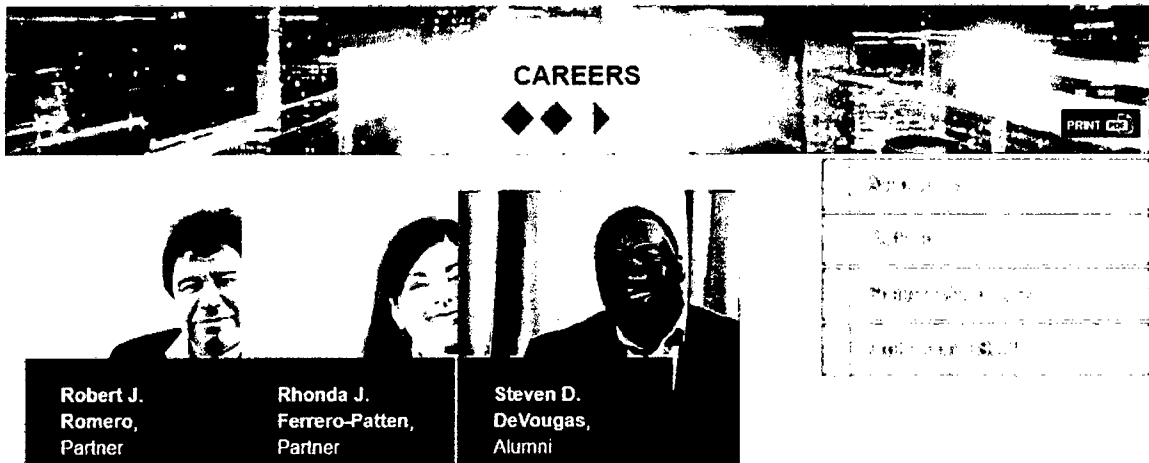
28. Defendant Franco's Response to Christopher Stoller's Illinois Attorney Disciplinary Commission ("ARDC") Complaint regarding the true facts about the battery, by making false statements to the ARDC and to the Chicago Police about the May 21, 2019 battery.

29. Defendant Homes, with knowledge of the specific conduct, ratifies the Franco's battery against Christopher Stoller after the fact. Defendant Cohen then instructed Defendant Franco to cover it up the battery, in the course and scope of his employment with WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, and to continue to intimidate Christopher Stoller in case No 2018 L 4578.

30. A crew of lawyers from the WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP firm including Defendant Loren S. Cohen, who were sent into Judge Daniel Gillespie's court room for on June 6, 2019, to intimidate and harass Christopher Stoller (**Exhibit 5**), by Defendants David Holmes, David McMahon, Loren S. Cohen. .

31-34 Reserved

35. A crew of lawyers from the WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, were sent into Judge Daniel Gillespie's court room for on June 6, 2019, to intimidate and harass Christopher Stoller (**Exhibit 5**), under the direction of Defendants David Holmes, David McMahon, Loren S. Cohen.



36. Defendant Hinshaw & Culbertson⁹, LLP, who regularly does business in DuPage County with headquarters located at 151 North Franklin Street, Suite 2500, Chicago, Illinois.

37. Hinshaw acted with malice, fraud, gross negligence, and oppressiveness, unlawful retaliation which was not a result of mistake of fact or law, honest error or judgment, overzealousness, mere negligence or other human failing. Hinshaw acted with willful and wanton misconduct, fraud, conspiring with Defendant Steven R. Bonanno, a senior partner and defendant Bret Franco in an attempt to cover up the battery to obstruct justice.¹⁰

⁹ Hinshaw & Culbertson LLP is a national law firm with approximately 425 lawyers. Headquarters is in Chicago, Illinois. We offer a sophisticated legal practice, with an emphasis in litigation, consumer financial services, corporate and business law, environmental, health care law, labor and employment law, professional liability defense, and wealth preservation and taxation matters. Our attorneys provide services to a range of for-profit and nonprofit clients in industries that include construction, financial services, health care, insurance, legal, manufacturing, real estate, retail, and transportation. Our clients also include government agencies, municipalities, and schools. <https://www.hinshawlaw.com/about.html>



¹⁰ (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)
Sec. 31-1. Resisting or obstructing a peace officer, firefighter, or correctional institution employee.
(a) A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer, firefighter, or correctional institution employee of any authorized act within his or her official capacity commits a Class A misdemeanor.



Steven R. Bonanno

Partner

Chicago, Illinois Office

Email  312-704-3601 

vCard  Share 

38. Defendant Steven R. Bonanno, of the law firm of Defendant Hinshaw & Culbertson LLP, and who regularly does business in DuPage County. Steven R. Bonanno is a resident of Illinois. Steven R. Bonanno represents Raymond Dotson Sr. Bonanno is being sued in his individually capacity and in his official capacity and at all times mentioned herein, advises/consults and is charged with being a co-conspirator, conspiring with the Defendants, aiding and abetting the Defendant Bret Franco cover up his assault and battery in clear violation of ARDC Rule 5.1, 3.3(a) and 8.4(c) and (d).

39. Bonanno acted with malice, fraud, gross negligence, oppressiveness, abuse of process, which was not the result of mistake of fact, law, or honest error or judgment, overzealousness, mere negligence or other human failing.

40. Defendant Bonnano acted with willful and wanton misconduct when he attempted to cover up Bret Franco's assault and battery. Defendant Bonnano was in the court room when Bret Franco attacked Christopher Stoller. Defendant Bonanno lied to the Chicago Police said "he did not see anything". Defendant Bonanno also lied to the Illinois Registration and Disciplinary Commission. Bonnano knowingly and willfully obstructed justice.

41. Judge Daniel Gillespie¹¹, a non-party who caused or contributed to cause the alleged injury that Christopher Stoller has endured after the May 21, 2019 battery, “post-traumatic stress” as a result of allowing the Defendant, the law firm of WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, to continue to place Defendant, Bret Franco in the same court room with Plaintiff Christopher Stoller without any Cook County Sheriff present in the court room.

NATURE OF THE CASE

**VIOLATION OF PLAINTIFF’S CIVIL RIGHTS, BATTERY, ASSAULT,
INTERFERENCE WITH EXERCISE OF CIVIL RIGHTS, INTENTIONAL
INFLICTION OF EMOTIONAL DISTRESS NEGLIGENCE, COMPLAINT FOR
DAMAGES**

**GENERAL ALLEGATIONS
(As to all Counts)**

Plaintiff hereby alleges as follows:

42. Plaintiff Christopher Stoller, at all relevant times mentioned herein and currently, resides in, State of Illinois and does business in DuPage County.

43. Plaintiff is informed and believes, and based thereon, alleges that Defendant Bret Franco, is an individual who at all relevant times mentioned herein and currently, resides in State of Illinois and does business in DuPage County, and/or who caused injuries and damages to the Plaintiff in State of Illinois.

44. Plaintiff is informed and believes, and based thereon alleges that Defendant Steven Bonanno is an individual who at all relevant times mentioned herein and currently, resides in the State of Illinois, and/or who caused injuries and damages to the Plaintiff in the State of Illinois.

¹¹ Judge Gillespie will be called as a witness in the case of *Christopher Stoller v. UBER*.

VENUE AND JURISDICTION

45. This Court has jurisdiction pursuant to 735 ILCS 5/2-209 in that the Defendants do business in DuPage County, Illinois, in a manner sufficient to support personal jurisdiction.

46. Venue is proper in DuPage County, Illinois, because the Defendants all reside in the State of Illinois and do business in DuPage County, the property is located in DuPage County.

47. The true names and capacities, whether individual, corporate, partnership, associate or otherwise, of Defendants sued herein as DOES 1 through 10, inclusive, are currently unknown to Plaintiff, who therefore sues said Defendants by such fictitious names.

COMPLAINT FOR DAMAGES

(Claims common to all causes of action)

48. Plaintiff informed and believes, and based thereon alleges, that each of the Defendants designated herein as a DOE is legally responsible in some manner for the events and happenings referred to herein, and caused injury and damage proximately thereby to Plaintiff as hereinafter alleged. Plaintiff will seek Leave of Court to amend this Complaint to show the true names and capacities of the Defendants designated herein as DOES when the same have been ascertained. Whenever in this complaint reference is made to "Defendants," such allegation shall be deemed to mean the acts of Defendants acting individually, jointly, and/or severally.

49. Except as hereinafter specifically described, Defendants and each of them, are and were the co-conspirators, aiders, abettors, agents, and/or employees of the other Defendants, and in acting as described herein were acting within the conspiracy or the scope of their authority or employment as agents and/or employees thereof, and with the permission and consent of the

other Defendants.

50. This case arises out of injuries suffered (Exhibit 1) by Plaintiff after he was attacked and injured by opposing attorney Bret Franco in a Cook County Court Room 2209 on May 21, 2019, on 50 West Washington, Chicago, Illinois.

51. At the time of the attack, Christopher Stoller, 71, a disabled senior citizen, was sitting in his wheel chair in Court Room 2209, reading a court order that had just been issued by Circuit Court Judge J. Ehrlich at 11:20 am in the case of *Christopher Stoller v. UBER*.

52. Christopher Stoller was sitting in his wheel chair, a victim of a car accident in which Bret Franco who represented the defendant, who Christopher Stoller had sued, for inflicting an injury upon in an auto accident case. Christopher Stoller was looking at a court order that Judge Ehrlich had just issued in his case. When suddenly the Defendant Bret Franco approached Christopher Stoller in a very aggressive manner, immediately attacking Stoller in a violent manner. Defendant Franco pushed Stoller about the body ripping the court order out of Christopher Stoller hands. Stoller suffered bruising about the left arm his medical report and true and correct photos of his injuries (**Exhibit 1**).

53. Defendant Steven R. Bonanno, an attorney, who is employed by Defendant Hinshaw & Culbertson LLP, witness the attack by Defendant Franco and then tried to cover it up by lying to the Chicago Police and the Illinois Attorney Registration and Disciplinary Commission. Steven R. Bonanno obstructed justice.

54. This case arises out of injuries suffered by Plaintiff after he was assaulted and battery in a court room by Defendant Bret Franco.

55. Defendants UBER TECHNOLOGIES INC., BRET D. FRANCO, LORAN S. COHEN David Holmes, David McHon, HAROLD MMOSKOWITZ ,WILSON ELSER MOSKOWITZ, EDELMAN & DICKER LLP, STEVEN R. BONANNO, HINSHAW &

CULBERTSON LLP, David Holmes, David McHon, HAROLD MOSKOWITZ, WILSON ELSER MOSKOWITZ, EDELMAN & DICKER LLP, STEVEN R. BONANNO, HINSHAW & CULBERTSON LLP conspired and/or aided and abetted the other to cover up Defendant Bret Franco's assault and battery on Christopher Stoller and to obstruct justice.

56. As a direct and proximate result of Defendants' unlawful conduct, obstruction of justice as alleged hereinabove, Plaintiff has suffered physical injury (**Exhibit 1**), severe emotional distress, humiliation, embarrassment, mental and emotional distress and anxiety, and economic harm, all in an amount exceeding the jurisdictional minimum of the Court according to proof at trial. The aforementioned conduct by Defendants was willful, wanton, and malicious.

57. At all relevant times, each of the Defendants acted with conscious disregard of the Plaintiffs rights and feelings. Each Defendant also acted with the knowledge of or with reckless disregard for the fact that his or her conduct was certain to cause injury and/or humiliation to the Plaintiff.

58. Plaintiff is further informed and believes that Defendants intended to cause fear, physical injury and/or pain and suffering to the Plaintiff. By virtue of the foregoing, the Plaintiff is entitled to recover punitive and exemplary damages from Defendants according to proof.

COUNT I
Assault and Battery¹² Against all Defendants

59. Plaintiff repeats and re-alleges by reference each and every allegation contained hereinabove and incorporates the same herein as though fully set forth herein.

60. Defendant Bret Franco, while under the supervision of Defendants

¹² Civil battery is defined by Illinois case law as the willful touching of another person. *Pechan v. Dynapro, Inc.*, 251 Ill. App. 3d 1072, 1084 (2d. Dist. 1993). The defendant does not have to be the one to come into contact with the plaintiff; a defendant still commits a civil battery if the defendant set in motion some substance or force that touched the plaintiff. *Id.* An action for battery does not depend on the hostile intent of the defendant. *Id.*

David Holmes, David McMahon, Loren S. Cohen and Harold Moskowitz, in the course and scope of his employment with WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, attacked Christopher Stoller, a disabled person, in a Cook County Court Room 2209 on May 21, 2019, at 50 West Washington, Chicago, Illinois, ripping a court order out of Christopher Stoller's hand, causing the Plaintiff a physical injury and mental injury. The physical contact was made in an insulting or provoking manner.

61. During the course of the altercation defendant Bret Franco struck, pushed Christopher Stoller back in his wheel chair, causing him an injury.

62. Defendant Bret Franco intended to cause and did cause a harmful contact and physical and emotional injury to Christopher Stoller.

63. Plaintiff did not consent to Defendant Bret Franco's act.

64. As a direct and proximate result of Defendant Bret Franco conduct Plaintiff suffered injuries to his shoulder. Plaintiff has also suffered extreme mental anguish and physical pain. See attached affidavits of Christopher Stoller attached hereto and made a part hereof.

65. Plaintiff is informed and believes, and on that basis alleges, that Plaintiff has suffered a permanent disability.

66. These injuries have caused Plaintiff to suffer general damages in an amount to be determined at trial.

67. As a direct and proximate result of defendant Bret Franco conduct, plaintiff was required to obtain medical services and treatment in, an amount to be determined by proof at trial.

68. Plaintiff will, in the future, be compelled to incur additional obligations for medical treatment in an amount to be determined by proof at trial.

69. Defendant Bret Franco malicious unlawful assault and battery on Christopher Stoller act was done knowingly, willfully, and with malicious intent, and plaintiff is entitled to seek leave of court for punitive damages in an amount to be determined at trial.

70. As a further direct and proximate result of Defendant's conduct, Plaintiff has been, and continues to be, unable to work since the events described in this complaint and has suffered a loss of earnings in an amount which has not yet been determined, but which will be added by amendment when it is ascertained.

71. Defendant Bret Franco's malicious assault and battery on Christopher Stoller was done knowingly, willfully, and with malicious intent, and plaintiff is entitled to seek Leave of Court for punitive damages in an amount to be determined at trial.

72. Plaintiff has been physically and mentally damaged by Defendants' assault and battery.

WHEREFORE, Plaintiff prays that the court grant it judgment and award the Plaintiff compensatory and Plaintiff seek leave to request punitive damages in an amount to be determined at trial. Plaintiff request attorney fees and cost.

COUNT II

Assault as to all Defendants

73. Plaintiff repeats and re-alleges by reference each and every allegation contained hereinabove and incorporates the same herein as though fully set forth herein.

74. Defendant Bret Franco intended to cause and did cause Plaintiff to suffer apprehension of an immediate harmful contact.

WHEREFORE, plaintiff demands judgment against all of the Defendants, as follows, general damages in an amount to be determined at trial, medical and related expenses in the

amount to be determined at trial, past and future lost earnings in the amount of be determined at trial, impairment of earning capacity an amount to be determined at trial. Plaintiff seeks leave of this court for Punitive damages, costs of this action, and any other and further relief that the court considers and deems proper and just.

COUNT III

Conspiracy, Willful and Wanton Conduct against all Defendants

75. Plaintiff repeats and re-alleges by reference each and every allegation contained hereinabove and incorporates the same herein as though fully set forth herein.

76. Defendants UBER TECHNOLOGIES INC., BRET D. FRANCO, LORAN S. COHEN, David Holmes, David McHon, HAROLD MOSKOWITZ, WILSON ELSER MOSKOWITZ, EDELMAN & DICKER, LLP, STEVEN R. BONANNO, HINSHAW & CULBERTSON, LLP, all colluded and conspired together acting with malice, fraud, gross negligence, oppressiveness, which was not a result of mistake of fact or law, honest error or judgment, overzealousness, mere negligence or other human failing.

77. Defendants acted with willful and wanton misconduct in the course and scope of their employment and in furtherance of their respective business, individually and collectively agreed with a meeting of the minds, based upon the advice and counsel of the law firms of Hinshaw & Culbertson LLP and WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, to cover up the Defendant Bret Franco's assault and battery against Christopher Stoller and by directing their employees Steven R. Bonanno and Bret Franco to lie to the Chicago Police and the Illinois Attorney Registration and Disciplinary Commission regarding complaints that were lodged against in order to engage in a cover up and obstruction of justice.

78. Plaintiff suffered damages by the Defendants UBER TECHNOLOGIES INC., BRET D. FRANCO, LORAN S. COHEN, David Holmes, David McHon, HAROLD MMOSKOWITZ, WILSON ELSEER MOSKOWITZ, EDELMAN & DICKER, LLP, STEVEN R. BONANNO, HINSHAW & CULBERTSON, unlawful “cover up” of Bret Franco’s assault and battery.

79. As a result of Defendants' extreme and outrageous conduct, Stoller has suffered and will continue to suffer mental pain and anguish, severe emotional trauma, embarrassment, and humiliation. Stoller was harmed by Defendants Proximate cause of injury to the Plaintiffs was foreseeable.

WHEREFORE, Plaintiff, Christopher Stoller, respectfully requests that this Honorable Court enter judgment in her favor as follows, declaring that the practices complained of herein are unlawful and violate the aforementioned statutes and regulations, awarding Plaintiff statutory and actual damages, in an amount to be determined at trial, for the underlying assault and battery, awarding Plaintiff costs and reasonable attorney fees as provided, and awarding any other relief as this Honorable Court deems just and appropriate and refer this case to the Illinois State’s Attorney for DuPage County to conduct a assault and battery investigation.

COUNT IV

AIDING AND ABETTING¹³

80. Plaintiff repeats and re-alleges by reference each and every allegation contained hereinabove and incorporates the same herein as though fully set forth herein.

¹³ The elements necessary to convict under aiding and abetting theory are (1) that the accused had specific intent to facilitate the commission of a crime by another; (2) the accused had the requisite intent of the underlying substantive offenses; (3) the accused assisted or participated in the commission of the underlying substantive offense and (4) that someone committed the underlying offense.

81. WILSON ELSER MOSKOWITZ, EDELMAN & DICKER, LLP, STEVEN R. BONANNO aided and abetted¹⁴ their client UBER into committing “covering up” Defendant Bret Franco’s assault and battery against Christopher Stoller, a tort against the Plaintiff.

82. Hinshaw & Culbertson, aided and abetted their client into committing obstruction of justice, “covering up” Defendant Bret Franco’s assault and battery against Christopher Stoller, a tort against the Plaintiff.

83. Defendants WILSON ELSER MOSKOWITZ, EDELMAN & DICKER, LLP and HINSHAW & CULBERTSON, owed a duty to the Plaintiff to not engage in a “cover up” of the Defendant Bret Franco’s assault and battery against Christopher Stoller.

84. Defendants WILSON ELSER MOSKOWITZ, EDELMAN & DICKER, LLP, and HINSHAW & CULBERTSON, were aware of the duty of care that their clients owed the Plaintiffs.

85. Defendants WILSON ELSER MOSKOWITZ, EDELMAN & DICKER, LLP, and HINSHAW & CULBERTSON breached that duty and committed numerous torts to the Plaintiff as described throughout this Complaint.

86. Defendants WILSON ELSER MOSKOWITZ, EDELMAN & DICKER, LLP, and HINSHAW & CULBERTSON, all of which are attorneys, are aware of the breach and torts that their clients committed and for which the Plaintiffs have suffered damages.

¹⁴Aiding and abetting and conspiracy claims find their roots in criminal law. In the civil context, they lead to liability. For those who help others actors or a main actor (usually for lawyers, it is the client) to commit some tort against a third party. In practice, this often involves a claim that the lawyer helped the client either to commit a fraud on a third party or breach some duty (usually a fiduciary duty). To a third party, when brought against lawyers, these in-concert liability claims, in most jurisdictions, involve the following elements: (1) a duty owed by the client to a third party; (2) that the lawyer is aware of the duty owed by the client to the third party; (3) that the client breaches that duty and/or commits a tort against that third party; (4) that the lawyer is aware of the breach and/or tort committed by the client; (5) that the lawyer assists the client in committing the tort and/or breach; and (6) that the third-party suffers some damage. *Thornwood v. Jenner & Block*, 344 N.E. 2d. 15 (ILL. App. 2003).

87. Proximate cause of injury to the Plaintiffs was foreseeable.

88. Proximate cause of injury to the Plaintiffs was foreseeable and the Plaintiff has suffered and is still suffering damages resulting from the “cover up” of Bret Franco’s assault and battery on Plaintiff.

WHEREFORE, Plaintiffs pray for judgment against each of the Defendants as follows, for compensatory damages for the maximum amount allowed by law. Plaintiffs also request leave of court for punitive damages for the maximum amount allowed by law, for any and all costs associated with the lawsuit herein, for reasonable attorney’s fees and for such other remedies as this Court may deem proper and just.

COUNT V¹⁵

Willful and Wanton Misconduct/Negligence against all Defendants

89. Plaintiff repeats and re-alleges by reference each and every allegation contained hereinabove and incorporates the same herein as though fully set forth herein.

90. Defendants had a specific duty to the Plaintiffs to act with integrity and honesty.

91. Defendants breached that duty when they engaged in a “cover-up” of Bret Franco’s assault and battery against Christopher Causing Plaintiff to endure mental and physical harm.

92. There is a direct and actual connection between the Defendants’ conduct and the resulting harm that the Plaintiff has endured when plaintiff was assaulted and battered by Defendant Bret Franco and by the Defendants’ on going “cover up of Bret Franco’s assault and battery against Christopher.

¹⁵Course of action which shows actual or deliberate intention to harm or which if not intentional show an utter indifference to or conscious disregard for a person’s safety and the safety of others.

93. Proximate cause of injury to the Plaintiff was foreseeable and the Plaintiff has suffered and is still suffering damages resulting from the assault and battery of Bret Franco and the Defendants' cover up of the incident

WHEREFORE, Plaintiffs pray for judgment against each of the Defendants as follows, for compensatory damages for the maximum amount allowed by law. Plaintiffs also request leave of court for punitive damages for the maximum amount allowed by law, for any and all costs associated with the lawsuit herein, for reasonable attorney's fees and for such other remedies as this Court may deem proper and just.

COUNT VI

Intentional Infliction of Emotional Distress against all Defendants

94. Plaintiff repeats and re-alleges by reference each and every allegation contained herein above and incorporates the same herein as though fully set forth herein.

95. This cause of action for intentional infliction of distress is premised on the outrageous conduct of the Defendants engaging in the assault and battery of Christopher Stoller 71, a disabled person, a protected person as defined by the Americans for Disability Act (ADA).

96. The Defendants' conduct is so extreme and outrageous when considering that both Plaintiff is a 71 year old disabled person, a protected person under the Americans for Disability Act (ADA) nearly blind.

97. Said conduct of the Defendants goes beyond all possible pound of decency; *Public Finance Corporation v. Davis*, 66 Ill. 2d 85, 90.

98. Said conduct has caused the Plaintiffs to endure physical and emotional illness and as a result of Defendants' misconduct, the Defendants caused direct injury to the Plaintiff.

99. Defendants recklessly or consciously disregarded the probability of causing emotional distress to Plaintiff which is disabled, and a direct injury and should not have to endure such conduct.

100. Plaintiff suffered severe and extreme emotional distress and continues to suffer and endure it. Plaintiff has suffered grief, worry, humiliation and shame which he should never have to endure.

101. Defendants' extreme and cruel behaviors go way beyond all possible bounds of decency. Proximate cause of injury to the Plaintiff was foreseeable and the Plaintiff has suffered and is still suffering damages.

WHEREFORE, Plaintiff prays for judgment against each of the Defendants as follows, for compensatory damages for the maximum amount allowed by law. Plaintiffs also request punitive damages for the maximum amount allowed by law, for any and all costs associated with the lawsuit herein, for reasonable attorney's fees and for such other remedies as this Court may deem proper and just.

COUNT VII

Negligent Hiring and Supervision as to Defendants Wilson Elser Moskowitz Edelman &

Dicker David Holmes, David McHon, Loren S. Cohen and Harold Moskowitz

102. Plaintiff repeats and re-alleges by reference each and every allegation contained herein above and incorporates the same herein as though fully set forth herein.

103. Defendant WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP lacked control over its employee's *i.e* Bret Franco David Holmes, David

McHon, Loren S. Cohen and Harold Moskowitz.

104. Defendants WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, knew or should have known that the employees Bret Franco David Holmes, David McHon, Loren S. Cohen and Harold Moskowitz had a particular unfitness for their positions so as to create a danger of harm to third persons; (2) that such particular unfitness was known or should have been known at the time of the employee's Bret Franco David Holmes, David McHon, Loren S. Cohen hiring or retention; and (3) that this particular unfitness proximately caused the plaintiff's injury¹⁶.

105. Defendant WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, had a duty to supervise its employees; Bret Franco David Holmes, David McHon, Loren S. Cohen; (2) the employer, WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP negligently supervised its employees Bret Franco David Holmes, David McHon, Loren S. Cohen and Harold Moskowitz ; and (3) such negligence proximately caused the Plaintiff's injuries. ¹⁷.

106. Proximate cause of injury to the Plaintiff was foreseeable and the Plaintiff has suffered and is still suffering damages.

WHEREFORE, Plaintiff pray for judgment against each of the Defendants as follows, for compensatory damages for the maximum amount allowed by law. Plaintiffs also request punitive damages for the maximum amount allowed by law, for any and all costs associated with the lawsuit herein, for reasonable attorney's fees and for such other remedies as this Court may deem proper and just.

¹⁶ *Van Horne v. Muller*, 185 Ill. 2d 299, 311 (1998)

¹⁷ *Van Horne v. Muller*, 294 Ill. App. 3d 649, 657, (1st Dist.1998), modified on other grounds, 185 Ill. 2d 299; see also *Roppo*, 100 F. Supp. 3d at 647 (quoting *Vancura v. Katris*, 238 Ill. 2d 352 (2010)). This claim concerns the employer's own negligence rather than the negligence of its employee, meaning that the employer's liability is direct, not vicarious. *Garrelts v. Symons Corp.*, No. 07 C 5512, 2010 WL 1172525 (March 23, 2010).

COUNT VIII¹⁸

Negligent Hiring and Supervision as to Defendant Hinshaw & Culbertson, LLP

107. Plaintiff repeats and re-alleges by reference each and every allegation contained herein above and incorporates the same herein as though fully set forth herein.

108. Defendant Hinshaw & Culbertson, LLP, lacked control over its employee's *i.e.*, Steven R. Bonanno, knew or should have known that their employee Steven Bonanno was a very sick, deeply disturbed, troubled personality, that Bonanno had a particular unfitness for his position as an attorney, so as to create a danger of harm to third persons; (2) that such particular unfitness was known or should have been known at the time of Steven Bonanno hiring or retention; and (3) that this particular unfitness proximately caused the plaintiff's injury¹⁹.

109. Hinshaw & Culbertson, LLP, had a duty to supervise its employee Steven Bonanno.

110. Hinshaw & Culbertson negligently supervised its employee Steven Bonanno, who is known as a "loose cannon" and such negligence proximately caused the Plaintiff's injuries.²⁰

¹⁸The tort claims of negligent hiring and negligent retention are rooted in common law and are generally permitted where an employee's tortious conduct cannot result in any violation under the theory of respondent superior. A claim for negligent hiring "is based on the principle that an employer is liable for the harm resulting from its employee's negligent acts 'in the employment of improper persons or instrumentalities in work involving risk of harm to other. Labor and Employment Law, Ch. 270, § 270.03. Accordingly, in analyzing such claims, courts generally assess whether the employer exercised reasonable care in choosing or retaining an employee for the particular duties to be performed. *Id.* Similarly, claims for negligent retention on are based upon the premise that an employer should be liable when it places an employee, who it knows or should have known is predisposed to committing a wrong, in a position in which the employee can commit a wrong against a third party. *Id.*

¹⁹ *Van Horne v. Muller*, 185 Ill. 2d 299, 311 (1998)

²⁰ *Van Horne v. Muller*, 294 Ill. App. 3d 649, 657, (1st Dist.1998), modified on other grounds, 185 Ill. 2d 299; see also *Roppo*, 100 F. Supp. 3d at 647 (quoting *Vancura v. Katris*, 238 Ill. 2d 352 (2010)). This claim concerns the employer's own negligence rather than the negligence of its employee, meaning that the employer's liability is direct, not vicarious. *Garrelts v. Symons Corp.*, No. 07 C 5512, 2010 WL 1172525 (March 23, 2010).

111. Proximate cause of injury to the Plaintiff was foreseeable and the Plaintiff has suffered and is still suffering damages resulting from the Defendants' lies and cover up of the Defendant Bret Franco's assault and battery.

112. Plaintiff has suffered physical injury, severe emotional distress, humiliation, embarrassment, mental and emotional distress and anxiety, all in an amount exceeding the jurisdictional minimum of the Superior Court.

113. As a direct and proximate result of Defendants' unlawful conduct as alleged hereinabove, Plaintiff has suffered economic harm and other consequential damages.

114. The aforementioned conduct by Defendants were willful, wanton, and malicious. At all relevant times, each Defendant acted with conscious disregard of Plaintiffs rights and feelings.

115. Each Defendant also acted with the knowledge of or with reckless disregard for the fact that his or her conduct was certain to cause injury and/or humiliation to the Plaintiff.

116. Plaintiff is further informed and believes that each Defendant intended to cause fear, physical injury and/or pain and suffering to the Plaintiff. By virtue of the foregoing, the Plaintiff is entitled to recover punitive and exemplary damages from Defendants.

117. Plaintiff has incurred, and will continue to incur, attorneys' fees in the prosecution of this action and therefore demands such reasonable attorneys' fees and costs as set by the Court.

COUNT VIX

Obstruction of Justice²¹

720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

Plaintiff repeats and re-alleges by reference each and every allegation contained herein above and incorporates the same herein as though fully set forth herein.

118. Defendants' Brad Franco under the supervision and direction of WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP, David Holmes, David McHon, Loren S. Cohen, obstructed justice by filing a false police report regarding the assault and battery of the Plaintiff Christopher Stoller. Brad Franco lied to the investigating Officer and lied to the investigating ARDC Attorney.

119. Defendant Steven Bonanno under the direction and supervision of Hinshaw & Culbertson, LLP obstructed justice by filing a false police report regarding the assault and battery of the Plaintiff Christopher Stoller. Steven Bonanno lied to the investigating Police Officer.

120. Hinshaw & Culbertson negligently supervised its employee Steven Bonanno, who is known as a "loose cannon" and such negligence proximately caused the Plaintiff's injuries.²²

121. Proximate cause of injury to the Plaintiff was foreseeable and the Plaintiff has

²¹ (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

Sec. 31-1. Resisting or obstructing a peace officer, firefighter, or correctional institution employee.

(a) A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer, firefighter, or correctional institution employee of any authorized act within his or her official capacity commits a Class A misdemeanor.

²² *Van Horne v. Muller*, 294 Ill. App. 3d 649, 657, (1st Dist. 1998), modified on other grounds, 185 Ill. 2d 299; see also *Roppo*, 100 F. Supp. 3d at 647 (quoting *Vancura v. Katris*, 238 Ill. 2d 352 (2010)). This claim concerns the employer's own negligence rather than the negligence of its employee, meaning that the employer's liability is direct, not vicarious. *Garrelts v. Symons Corp.*, No. 07 C 5512, 2010 WL 1172525 (March 23, 2010).

suffered and is still suffering damages resulting from the Defendants' lies, obstruction of justice and cover up of the Defendant Bret Franco's assault and battery.

122. Plaintiff has suffered physical injury, severe emotional distress, humiliation, embarrassment, mental and emotional distress and anxiety, all in an amount exceeding the jurisdictional minimum of the Superior Court.

123. As a direct and proximate result of Defendants' unlawful conduct as alleged hereinabove, Plaintiff has suffered economic harm and other consequential damages.


124. The aforementioned conduct by Defendants were willful, wanton, and malicious. At all relevant times, each Defendant acted with conscious disregard of Plaintiffs rights and feelings.

125. Each Defendant also acted with the knowledge of or with reckless disregard for the fact that his or her conduct was certain to cause injury and/or humiliation to the Plaintiff.

126. Plaintiff is further informed and believes that each Defendant intended to cause fear, physical injury and/or pain and suffering to the Plaintiff. By virtue of the foregoing, the Plaintiff is entitled to recover punitive and exemplary damages from Defendants.

127. Plaintiff has incurred, and will continue to incur, attorneys' fees in the prosecution of this action and therefore demands such reasonable attorneys' fees and costs as set by the Court.

WHEREFORE, Plaintiff pray for judgment against each of the Defendants as follows, for compensatory damages for the maximum amount allowed by law. Plaintiff also requests punitive damages for the maximum amount allowed by law, for any and all costs associated with the lawsuit herein, for reasonable attorney's fees and for such other remedies as this Court may deem proper and just.

Respectfully submitted,

/s/Christopher Stoller
Christopher Stoller, Plaintiff

415 Wesley, Apt. 1
Oak Park, IL 60303
(773) 746-3163
Cns40@hotmail.com

VERIFICATION

I, Christopher Stoller, Plaintiff in the above-entitled action has read the foregoing and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Chicago, Illinois.



/s/Christopher Stoller
Christopher Stoller, Plaintiff
415 Wesley, Apt. 1
Oak Park, IL 60303
(773) 746-3163
Cns40@hotmail.com

EXHIBIT 1









UNION HEALTH SERVICE
 1634 W. POLK ST.
 CHICAGO, IL 60612

DATE 5-23-19 RECEIPT 419383
 RECEIVED FROM STOLIER, CHRIS 047
 ADDRESS H 249958
TC
 FOR COPY DOLLARS \$ 10.00
000

ACCOUNT		HOW PAID	
BEGINNING BALANCE	10.00	CASH	
AMOUNT PAID	10.00	CHECK	
BALANCE DUE	0.00	MONEY ORDER	

BY CC CO

©2001 REDIFORM S1657N-CL

UNION HEALTH SERVICE
 POLK ST
 CHICAGO, IL 60612
 05-23-2019 16:45:24
 DEBIT CARD
 DEBIT SALE
 Card #: XXXXXXXXXX 567
 Net: 10.00
 Chip Card: US DEBIT
 AID: A100000113 810
 ATC: 1072
 ARQC: C090A50D25 0.1AE
 SEQ #: 17
 Batch #: 117
 INVOICE: 18
 Approval Code: 11733
 Entry Method: CL 11733
 Mode: 11733 - PIN Entered
 SALE AMOUNT: 10.00

CUSTOMER COPY

Advanced Psychiatric Services
Ralph C. Menezes, MD., FAPA.
8311 W. Roosevelt
Forest Park, Il. 60130

December 16, 2019

Re: Christopher Stoller, (dob: 12/29/48)

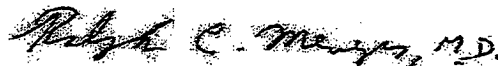
To whom it may concern,

I am currently treating Mr. Christopher Stoller a disabled person, a protected person, as defined by the Americans for Disability Act (ADA) for Post Traumatic Stress Disorder caused by the psychologically traumatizing event that Mr. Stoller experienced when Attorney Bret D. Franco physically attacked him on May 21, 2019. He was sitting in a wheelchair in the court room when the attack occurred causing him physical and mental injuries. (See attached photographs).

It is my professional opinion that the offender, Attorney Bret D. Franco should not be allowed in the same room or have any contact with Mr. Stoller, who is psychiatrically disabled and prone to an increase in his PTSD symptoms when exposed to the person involved in the traumatizing event.

It would not be medically prudent for Mr. Franco to be allowed in the same court room as Mr. Stoller for his health, safety and welfare.

Sincerely,



Ralph C. Menezes, MD., FAPA.
Board Certified in Psychiatry

Ralph C. Menezes, M.D.

Curriculum Vitae

Personal Data:

Office Address: 8311 W Roosevelt Rd.
Forest Park, IL 60130
Tel . No: 708-488-4968, Fax. No: 708-488-4992

Date Of Birth: November 19, 1946

Licensure: State of Illinois, 1978, (036-054796)

DEA No: AM 7742388

NPI No: 1568417996

Board Certification: American Board of Psychiatry & Neurology, Nov, 1985

Life Fellow: American Psychiatric Association, 2003

Work History:

Aug 2004- Present- Senior Correctional Psychiatrist
Cermak Health Services
Cook County Dept. Of Corrections
2800 S. California, Chicago, IL 60608

Sept. 2010-July 2013-Interim Director of Psychiatry
Cermak Health Services
Cook County Dept of Corrections
2800 S California, Chicago, IL 60608

Aug.2004-Present Advanced Psychiatric Services, SC
Part-time solo practice of Psychiatry
In-Patient-Riveredge Hospital
8311 W Roosevelt, Forest Park, IL 60130
Jackson Park Hospital
7531 S Stony Island, Chicago, IL 60016

- Oct.1999-Aug.2004 Advanced Psychiatric Services
 Full time solo practice of Psychiatry
 in-patient and out-patient
 Riveredge Hospital, Jackson Park Hospital
- Oct 1990-Sept.1999 Advanced Psychiatric Therapies, SC.
 President of group practice of Psychiatry including
 psychiatrists, psychologists and social workers
 555 Wilson Lane, Des Plaines, IL.60016
- July1978-Oct.1990 Ralph C. Menezes, MD., SC.
 full time solo practice of Psychiatry-
 Forest Hospital- 555 Wilson Ln, Des Plaines, IL 60016

Hospital Affiliations & Professional Affiliations:

- 2004-present Senior Staff Psychiatrist, Cermak Health Services
 Cook County Department of Corrections
- 1999-present President- Advanced Psychiatric Services, SC
 Private Practice of Psychiatry-Oak Park, IL.
- 1990-1999 President- Advanced Psychiatric Therapies, SC
 Private Practice of Psychiatry, Des Plaines, IL.
- 1990-1999 Medical Director- Forest Health Systems, Des Plaines, IL.
- 1999-present Medical Staff Member-Jackson Park Hospital, Chicago, IL.
- 2000-2004 Medical Staff Member-Holy Cross Hospital, Chicago, IL.
- 1999-2004 Medical Staff Member- Scott Nolan Hospital, Des Plaines, IL.
- 1984-1986 Medical Director- Lovellton Residential Treatment Center, Elgin, IL.
- 1980-present Medical Staff Member- Riveredge Hospital, Forest Park, IL.
- 1980-2000 Medical Staff Member- Hartgrove Hospital, Chicago, IL.
- 1978-1999 Medical Staff Member- Forest Hospital, Des Plaines, IL.

Medical Education

- February 19,1973 Graduate Degree, M.D., (M.B., B.S.)
 University of Ceylon, Colombo, SriLanka
- 1966-1972 Undergraduate Training
 University of Ceylon, Colombo, SriLanka

1965-1966 Pre-Medical Degree
 Aquinas University, Colombo, SriLanka

Post-Graduate Training:

July1975-June1978 Psychiatric Residency
 Chicago Medical School, Chicago, IL>
Dec. 1974-June1975 Internal Medicine House Office
 National Health System of United Kingdom
 London, England
Feb 1973-Feb. 1974 Medical Internship
 General Hospital, Negombo, SriLanka

Teaching Appointments:

2004-2010 Clinical Instructor in Psychiatry
 Ross School of Medicine, Dominica, West Indies
1981-1988 Clinical Instructor in Psychiatry
 Chicago College of Osteopathic Medicine, Chicago, IL
1978-1979 Clinical Instructor in Psychiatry
 Chicago School of Medicine

Presentations:

1990-2010 Promotional Speaker for Pfizer, Inc. and Eli Lilly
 Topics related to psychiatry

Memberships:

American Psychiatric Association- Life Fellow 2003
Illinois Psychiatric Society

**IN THE CIRCUIT COURT OF DUPAGE COUNTY
ARBITRATION DIVISION**

CHRISTOPHER STOLLER,)
)
 Plaintiff,)
)
 v.)
)
 UBER TECHNOLOGIES, INC., BRET)
 D. FRANCO, LORAN S. COHEN,)
 DAVID HOMES, DAVID MCHON,)
 , WILSON)
 ELSER MOSKOWITZ, EDELMAN)
 & DICKER, LLP, STEVEN R. BONANNO)
 HINSHAW & CULBERTSON, LLP,)
 JOHN DOES 1-10, agents, assigns, et al,)
)
 Defendants.)

Case No:

JURY DEMAND

AFFIDAVIT 2 OF CHRISTOHER STOLLER

CHRISTOPHER STOLLER, 71, sui juris, states that:

1. I am the Complaint in this action. I am a disable person, a protected person under the Americans for Disability Act.
2. . That the following facts are true to the best of my belief or knowledge based upon my own personal knowledge. If called to testify, I would testify to same.
3. On May 21, 2019, while sitting in my wheel chair in Judge Erlick’s court room in a hearing in the Christopher Stoller v. Uber personal Injury lawsuit. Case No. 2018 L 4578, Defendant Attorney Brad D. Franco, who represents Uber, for no apparent reason, other than my refusal to

participate in a mediation , that Mr. Franco purposed, while I was reading a draft of an order, Defendant Franco, without any notice, violently attacked me, ripping the order out of my hand and causing me an injury. See attached true and correct copy of a photograph of my injury.

4. After the attack I went to a medical clinic where my injury was treated
5. I am submitting this affidavit in support of my Complaint.
6. Defendant Steven R. Bonanno , who was present in Judge Erlick's court room when Mr. Bonanno witnessed Mr. Franco's attack on Christopher Stoller. However when asked on by Judge Erlich if he saw the Franco attack on Christopher Stoller, Mr. Bonanno made misrepresentation of material fact in violation 3.3(a) to Judge Erlich on page 20-21 of the transcript regarding incident took place on May 21, 2019

20	MR. BONANNO: Your Honor, I was present in the
21	courtroom as well. If you want to hear from me,
22	I'll tell you what I observed.
23	THE COURT: Go ahead.
24	MR. BONANNO: I was standing right here in
	20

1	front of counsel table. I had just looked at the
2	order that Mr. Franco had handed to me. I was
3	packing up my bag approximately here. My back was
4	turned when this alleged incident about pulling
5	the order out of Mr. Stoller's hands occurred. So
6	I did not see the actual incident, but I can
7	represent to the Court that I heard no scuffle. I
8	heard no objection. And neither Mr. Stoller or
9	Mr. Kiss made any verbal complaints at that time
10	about the incident, to my knowledge. This
11	incident occurred while you were on the bench and
12	while your court clerk was here. I do not know if
13	the bailiff was in the courtroom. There were
14	several other attorneys still milling about.
15	That's all that I saw or heard, your Honor.

7. The above account by Mr. Bonanno is a complete fabrication. Mr. Bonanno witnessed the entire attack on me by Mr. Franco on May 21, 2019 then lied to Judge Erlich in Open Court.As

Senior Partner in the Hinshaw & Culbertson firm, Bonanno, along with his unidentified female associate attorney who always accompanies Bonanno, who I believe is a deeply disturbed prevaricator, all of the time to court and was present. Bonanno owed fiduciary duties of loyalty, care and good faith and was required to conduct the Business of Hinshaw & Culbertson business consistent with prudent, safe and sound legal practices. Bonanno was obligated to ensure that the truth was told to Judge Erlich regarding the Franco's attack on Christopher Stoller. But Bonanno chose to cover it up. And to aid and abet Franco's professional assault and battery on me.

8. I believe that Bonanno breached his fiduciary duties, failed to exercise that degree of care which prudent attorneys would exercise in the management of their own affairs, disregard Hinshaw & Culbertson ethical polices of which they have none, and the Illinois Rules of Professional Conduct. Bonanno, ignored the foreseeable risk that his repeated disregard for the laws of the State of Illinois..

13 THE COURT: There is an emergency motion from
14 Mr. Stoller directed against Mr. Franco and
15 Ms. Cohen for allegedly attacking the plaintiff at
16 the May 21, 2019 case management conference.
17 MR. KISS: That is correct, your Honor.
18 THE COURT: But there's been nothing provided
19 to me to indicate that there was such an incident.
20 MR. KISS: Well...
21 THE COURT: And there's no affidavit from
22 anyone. There's a photograph, but that is
23 basically irrelevant without anything else
24 supporting it.

1 MR. KISS: I can have Mr. Stoller sign the
2 affidavit right now.
3 MR. FRANCO: Mr. Kiss was a witness as well,
4 so maybe he'd like to prepare one.
5 THE COURT: Were you a witness to this,
6 Mr. Kiss?
7 MR. KISS: Well...
8 THE COURT: Answer the question.
9 MR. KISS: It's...
10 THE COURT: Answer the question.
11 MR. KISS: Yes, I was. I saw part of it. I
12 didn't see all of it, but I saw part of it.
13 THE COURT: What did you see?
14 MR. KISS: I saw out of the corner of my eye
15 Mr. Franco grab an order out of Mr. Stoller's
16 hands. I don't know how -- whether or not he did
17 anything else. I didn't see anything else because
18 I wasn't facing that direction. I was facing the
19 other direction and that's what I saw.
20 MR. BONANNO: Your Honor, I was present in the
21 courtroom as well. If you want to hear from me,
22 I'll tell you what I observed.
23 THE COURT: Go ahead.
24 MR. BONANNO: I was standing right here in

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)
4
5 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
6 COUNTY DEPARTMENT - LAW DIVISION
7
8 CHRISTOPHER STOLLER,)
9 Plaintiff,)
10 vs.) No. 18-L-4578
11 UBER TECHNOLOGIES, et al,)
12 Defendants,)
13
14
15 REPORT OF PROCEEDINGS at the trial of the
16 above-entitled cause before the Honorable JOHN
17 EHRlich, Judge of said Court, on the 11th day of
18 June, 2019, at the hour of 11:00 a.m.
19
20
21
22
23 REPORTED BY: MARIA MICELI, CSR
24 LICENSE NO: 084-003859

1 APPEARANCES:

2
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KISS & ASSOCIATES, LTD. by
MR. PHILIP M. KISS
5250 Grand Avenue - #14-408
Gurnee, Illinois 60031
(815) 385-4410
philip_kiss@comcast.net
On behalf of Plaintiff;

HINSHAW & CULBERTSON, LLP, by
MR. STEVEN R. BONANNO
222 North LaSalle Street - Suite 300
Chicago, Illinois, 60601
(312) 704-3000
sbonanno@hinshawlaw.com
On behalf of Defendant Raymond
Dotson, Sr.;

WILSON, ELSER, MOSKOWITZ, EDELMAN &
DICKER, LLP, by
MR. BRET D. FRANCO
55 West Monroe Street - Suite 3800
Chicago, Illinois, 60603
(312) 704-0550
bret.franco@wilsonelsner.com
On behalf of Defendant Uber
Technologies.

ALSO PRESENT: Mr. Christopher Stoller

Plaintiff attaches a true and correct copy of the police report.

Affivant saysth not

/s/ Christopher Stoller



U.S. Legal Support, Inc.
200 W. Jackson Blvd. Suite: 600
Chicago, IL 60606
312-236-8352
mwrecordsbilling@uslegalsupport.com

DELIVERY TO: ARACELI VARGAS
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, L.L.P.
55 West Monroe Street Suite 3800
Chicago, IL 60603

CLAIM #: 90062670

STYLE OF CASE: Christopher Stroller v. Uber, et al.

CASE NO: 18 L 4578

PERTAIN TO: Requested Documents

FROM: CHICAGO POLICE DEPARTMENT
3510 South Michigan Avenue Subpoena Unit 163
Chicago, IL 60653-1020
312-745-5603

TYPE : Requested Documents

ORDERED BY: ARACELI VARGAS
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, L.L.P.
55 West Monroe Street Suite 3800
Chicago, IL 60603

REQUESTING FIRM: ARACELI VARGAS
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, L.L.P.
55 West Monroe Street Suite 3800
Chicago, IL 60603

568800 - 1

YES / NO The Opposing Attorneys have ordered a copy of the record

**CHICAGO POLICE DEPARTMENT
ORIGINAL CASE INCIDENT REPORT**

3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police Department Personnel Only)
CPD-11.388(6/03)-C

RD #: **JC304922**

EVENT #: **1916410853**

Case ID: 11721604 CASR229

INCIDENT	ASSIGNED TO FIELD		
	IUCR: 0495 - Battery - Aggravated Of A Senior Citizen		
	Occurrence Location: 50 W Washington St, #22nd Chicago IL 284 - Federal Building	Beat: 0111	Unit Assigned: 0102 RO Arrival Date: 13 June 2019 16:35
	Occurrence Date: 21 May 2019 11:00	# Offenders: 1	

NON-OFFENDER	VICTIM: Individual		
	Name: STOLLER, Chris N	Demographics	
	Res: 415 Wesley Ave #1 Oak Park IL 60302	Beat: 3100	Male White 5'07, 210 lbs Green Eyes Grey/Part Grey Hair Short Hair Style Fair Complexion
	Sobriety: Sober	Beat: 5100	DOB: 29 December 1948 Age: 70 Years
Other Communications and Availability			
Cellular Phone:	773-746-3163		

NON-OFFENDER	WITNESS: Individual		
	Name: KISS, Philip M	Demographics	
	Res: 5250 Grand Ave #14-408 Gurnee IL 60031	Beat: 3100	Age: Years
		Beat: 5100	
Other Communications and Availability			
Business Phone:	815-385-4410		

INJURIES	Injury Info (STOLLER, Chris N - Victim)		
	Responding Unit:	Injury Extent: Minor	
	Type Bruised	Weapon Used Hand/Foot/Teeth/Etc.	Other Weapon Used Other - Hand

INJURIES	Injury Info (KISS, Philip M - Witness)		
	Responding Unit:		

SUSPECTS	Suspect # 1		
	Name: FRANCO, Bret D	Demographics	
	Res: 55 W Monroe St Chicago IL 60603	Beat: 0112	Male
	55 W Monroe St #3800 Chicago IL 60603	Beat: 0112	
Law - Attorney			
Other Communications and Availability			

RD # JC304922



SUSPECTS	Injury Info
	Responding Unit:

RELATIONSHIP	RELATIONSHIP	
	(Victim) STOLLER, Chris,N	Is a No Relationship of

DOMESTIC INFO	
----------------------	--

OTHER	Miscellaneous
	Victim Information Provided Flash Message Sent ? No

NARRATIVE	<p>EVENT #10853 - THIS IS A WALK IN REPORT. IN SUMMARY, CHRIS STOLLER (VICTIM) RELATED THAT HE WAS IN COURT FOR A HEARING AT THE ABOVE LOCATION, AND WAS SITTING IN HIS WHEELCHAIR READING A COURT ORDER WHEN BRET FRANCO(OFFENDER), WHO IS AN ATTORNEY THAT WAS INVOLVED IN THE CASE, PUSHED CHRIS STOLLER (VICTIM) WITH AN OPEN HAND ABOUT THE LEFT SIDE OF HIS CHEST CAUSING THE VICTIM TO HIT HIS LEFT SHOULDER IN HIS WHEELCHAIR. CHRIS STOLLER (VICTIM) WENT TO UNION HEALTH SERVICES ON 23 MAY 2019 AND WAS TREATED AND RELEASED. CHRIS STOLLER (VICTIM) SUSTAINED A BRUISE TO HIS LEFT SHOULDER. VIN GIVEN AND EXPLAINED. NOTIFICATION: VIOLENT CRIMES MARTIN Beat#: Star#: 1456 Emp#: Date: 13-JUN-2019 Time: 1508 NOT</p>
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PERSONNEL		Star No	Emp No	Name	User	Date	Unit	Beat
	Approving Supervisor	2268	#102028	WENTA, Nicholas, E	(PC0Z575)	13 Jun 2019 19:38	001	
	Detective/Investigator	20069	#97504	CHORAK, Richard, M	(PC0X778)	17 Jun 2019 10:52	610	
	Reporting Officer	7298	#121449	KING, Cherokee, M	(PC0BP33)	13 Jun 2019 17:09	001	0102



CHICAGO POLICE DEPARTMENT
CASE SUPPLEMENTARY REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653
 (For use by Chicago Police - Bureau of Investigative Services Personnel Only)

JC304922

Case Id : 11721604
 Sup id : 13225784 CASR339

METHOD/CAU CODE		DETECTIVE SUP. APPROVAL COMPLETE			
Last Offense Classification/Re-Classification	IUCR Code	Original Offense Classification		IUCR Code	
BATTERY / Aggravated Of A Senior Citizen	0495	BATTERY / Aggravated Of A Senior Citizen		0495	
Address of Occurrence	Beat of Occur	No of Victims	No of Offenders	No of Arrested	SCR No
50 W WASHINGTON ST 22ND	111	1	1	0	
Location Type	Location Code	Secondary Location		Hate Crime	
Federal Building	284			No	
Date of Occurrence	Unit Assigned	Date RO Arrived	Fire Related?	Gang Related?	Domestic Related?
21-MAY-2019 11:00	0102	13-JUN-2019 16:35	NO	NO	NO
Reporting Officer	Star No	Approving Supervisor	Star No	Primary Detective Assigned	Star No
BLAS, Ronald	1248	BLAS, Ronald	1248	CHORAK, Richard	20069
Date Submitted	Date Approved		Assignment Type		
17-JUN-2019 10:52	17-JUN-2019 10:53		FIELD		

THIS IS A FIELD INVESTIGATION METHOD/CAU CODE REPORT

VICTIM(S): **STOLLER, Chris N** **TYPE: Individual**

Male / White / 70 Years
DOB: 29-DEC-1948
RES: 415 Wesley Ave 1
 Oak Park IL 60302

DESCRIPTION: 5'07,210,Grey/Part Grey Hair, Short Hair Style, Green Eyes, Fair Complexion

SOBRIETY: Sober
OTHER COMMUNICATIONS:
 Cellular 773-746-3163
 Phone:

SUSPECT(S) **FRANCO, Bret D**

Male
RES: 55 W Monroe St
 Chicago IL 60603
EMPLOYMENT: LAW - ATTORNEY
BUS: 55 W Monroe St 3800
 Chicago IL 60603

RELATIONSHIP OF VICTIM TO OFFENDER:
 STOLLER, Chris N - No Relationship

VICTIM INJURIES **STOLLER, Chris N**

<u>Type</u>	<u>Weapon Used</u>	<u>Weapon Description</u>
Bruised	Hand/Feet/Teeth/Etc.	Other - Hand

JC304922

EXTENT: Minor
CFD RESPONDING UNIT:

LOCATION OF INCIDENT: 50 W Washington St 22nd
Chicago IL
284 - Federal Building

DATE & TIME OF INCIDENT: 21-MAY-2019 11:00

METHOD CODE(S): Dna

CAU CODE(S): Dna

PERSONNEL ASSIGNED: Detective/Investigator
CHORAK, Richard M # 20069

Reporting Officer
KING, Cherokee M # 7298

BEAT: 0102

WITNESS(ES): KISS, Philip M
Years
RES: 5250 Grand Ave 14-408
Gurnee IL 60031

OTHER COMMUNICATIONS:
Business 815-385-4410
Phone:

WITNESS INJURIES

CFD RESPONDING UNIT:

CRIME CODE SUMMARY: 0495 - Battery - Aggravated Of A Senior Citizen

0495 - Battery - Aggravated Of A Senior Citizen

IUCR ASSOCIATIONS: STOLLER, Chris, N (Victim)
FRANCO, Bret, D (Suspect)
KISS, Philip, M (Witness)
FRANCO, Bret, D (Suspect)

REPORT DISTRIBUTIONS: No Distribution

INVESTIGATION:
This is a Method/CAU code Supplementary Report.

CHICAGO POLICE DEPARTMENT
CASE SUPPLEMENTARY REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653
 (For use by Chicago Police - Bureau of Investigative Services Personnel Only)

JC304922

Case id : 11721604
 Sup id : 13259133 CASR339

UNFOUNDED			DETECTIVE SUP. APPROVAL COMPLETE		
Last Offense Classification/Re-Classification		IUCR Code	Original Offense Classification		IUCR Code
BATTERY / Aggravated Of A Senior Citizen		0495	BATTERY / Aggravated Of A Senior Citizen		0495
Address of Occurrence		Beat of Occur	No of Victims	No of Offenders	No of Arrested
50 W WASHINGTON ST 22ND		111	1	1	0
Location Type		Location Code	Secondary Location		Hate Crime
Federal Building		284			No
Date of Occurrence		Unit Assigned	Date RO Arrived	Fire Related?	Gang Related?
21-MAY-2019 11:00		0102	13-JUN-2019 16:35	NO	NO
Reporting Officer		Star No	Approving Supervisor	Star No	Primary Detective Assigned
CHORAK, Richard		20069	WILLIAMS, Kelvin	847	CHORAK, Richard
Date Submitted		Date Approved		Assignment Type	
07-JUL-2019 12:25		12-JUL-2019 13:06		FIELD	

THIS IS A FIELD INVESTIGATION UNFOUNDED REPORT

VICTIM(S):

STOLLER, Chris N

TYPE: Individual

Male / White / 70 Years
DOB: 29-DEC-1948
RES: 415 Wesley Ave 1
 Oak Park IL 60302

DESCRIPTION: 5'07,210,Grey/Part Grey Hair, Short Hair Style, Green Eyes, Fair Complexion

SOBRIETY: Sober
OTHER COMMUNICATIONS:
 Cellular 773-746-3163
 Phone:

SUSPECT(S)

FRANCO, Bret D

Male
RES: 55 W Monroe St
 Chicago IL 60603
EMPLOYMENT: LAW - ATTORNEY
BUS: 55 W Monroe St 3800
 Chicago IL 60603

RELATIONSHIP OF VICTIM TO OFFENDER:

STOLLER, Chris N - No Relationship

VICTIM INJURIES

STOLLER, Chris N

<u>Type</u>	<u>Weapon Used</u>	<u>Weapon Description</u>
Bruised	Hand/Feet/Teeth/Etc.	Other - Hand

JC304922

EXTENT: Minor
CFD RESPONDING UNIT:

LOCATION OF INCIDENT:

50 W Washington St 22nd
Chicago IL
284 - Federal Building

DATE & TIME OF INCIDENT:

21-MAY-2019 11:00

METHOD CODE(S):

Dna

CAU CODE(S):

Dna

PERSONNEL ASSIGNED:

Detective/Investigator
CHORAK, Richard M # 20069
Reporting Officer
KING, Cherokee M # 7298

BEAT: 0102

WITNESS(ES):

KISS, Philip M
Years
RES: 5250 Grand Ave 14-408
Gurnee IL 60031

OTHER COMMUNICATIONS:

Business 815-385-4410
Phone:

WITNESS INJURIES

CFD RESPONDING UNIT:

CRIME CODE SUMMARY:

0495 - Battery - Aggravated Of A Senior Citizen

0495 - Battery - Aggravated Of A Senior Citizen

IUCR ASSOCIATIONS:

STOLLER, Chris, N (Victim)
FRANCO, Bret, D (Suspect)
KISS, Philip, M (Witness)
FRANCO, Bret, D (Suspect)

REPORT DISTRIBUTIONS:

No Distribution

INVESTIGATION:

THIS IS THE ASSIGNED UNIT UNFOUNDED REPORT

This report should be read in conjunction with any and all reports under RD # JC-304922 All interviews are in summary format and are not to be considered verbatim.

Type of Incident:
Battery- Aggravated of a Senior Citizen

RD Number:
JC-304922

Location:
50 W Washington Street Courtroom #2209
Chicago, IL

Day, Date, & Time:
Wednesday, 26 June 2019, 1615 hours

Victim:
STOLLER, Chris N
M/2/70
415 Wesley Avenue #1
Oak Park, IL
773-746-3163

Suspect:
FRANCO, Bret D
M/2
55 W Monroe Street
Chicago, IL 60603

Witnesses:
KISS, Philip M
5250 Grand Avenue #14-408
Gurnee, IL 60031
847-845-4433

BONNANO, Steven
151 N Franklin Street #2500
Chicago, IL 60606
312-704-3000

EHRlich, John
50 W Washington Avenue #2209
Chicago, IL 60602

WOODSON-SILAS, Barbara
50 W Washington Avenue #2209
Chicago, IL 60602

Investigation:
Reporting Detective (R/D) was assigned to the above case, via normal case distribution channels. The R/D reviewed the general offense case report and had a conversation via telephone with STOLLER on 20 June 2019 at 0915 hours. STOLLER stated in essence not verbatim the following:

STOLLER relayed he was in courtroom 2209 located inside 50 W Washington at the time of the incident. STOLLER related he was in open court seated in his wheelchair reading a court order when he was approached by FRANCO. STOLLER stated FRANCO approached in a very aggressive manor. STOLLER relayed FRANCO grabbed the order from STOLLER and immediately attacked STOLLER in a violent manner. STOLLER states he was pushed about the body by FRANCO. STOLLER related he didn't relay being struck in open court to any individuals whom were present. STOLLER relayed the following individuals were present at the time of the attack: KISS, Philip (Attorney for STOLLER), BONNANO, Steven (Attorney), WOODSON-SILAS, Barbara (Court Clerk), EHRLICH, John (Presiding Judge). STOLLER stated he suffered bruising about the left arm. STOLLER related he didn't inform anyone of the attack cause he didn't feel obligated to. STOLLER has nothing further to add and the interview was ended.

R/D had occasion to have a conversation via telephone with KISS on 24 June 2019 at 1050 hours. KISS stated in essence not verbatim the following:

KISS related he was seated next to STOLLER at the time of the incident serving as his attorney. KISS stated he had finished reviewing an order which had been prepared by opposing counsel, FRANCO, Bret, and STOLLER requested to review the order. KISS related he handed the order to STOLLER and began to collect his personal items. KISS relayed he observed FRANCO approach STOLLER and grab the order from STOLLER. KISS stated he didn't see FRANCO strike STOLLER. KISS related he had a conversation with STOLLER following the court appearance. KISS stated STOLLER never relayed to him that he had been struck by FRANCO. KISS has nothing further to add and the conversation was ended.

R/D had occasion to have a conversation via telephone with BONNANO on 24 June 2019 at 1512 hours. BONNANO stated in essence not verbatim the following:

BONNANO related he was in court serving as counsel for a client not present at the hearing. BONNANO stated he was in close proximity to the alleged incident. BONNANO relayed he didn't see FRANCO strike STOLLER. BONNANO related he didn't hear a scuffle and didn't hear any verbal complaints from either party. BONNANO has nothing further to add and the interview was ended.

On 24 June 2019 R/D travelled to 50 W Washington Avenue and had occasion to have a conversation with Judge J. EHRLICH at 1120 hours in room 2209. EHRLICH stated in essence not verbatim the following:

EHRLICH relayed he was the presiding judge on the date the alleged incident occurred. EHRLICH stated he didn't see FRANCO strike STOLLER. EHRLICH related he didn't hear a scuffle. EHRLICH relayed he didn't receive any verbal complaints from either party. EHRLICH stated STOLLER has filed various complaints on numerous individuals on the 22nd floor without substance. EHRLICH has nothing further to add and the conversation was ended.

R/D had occasion to have a conversation with WOODSON-SILAS at 50 W Washington Avenue in room 2209 at 1122 hours. WOODSON-SILAS stated in essence not verbatim the following:

WOODSON-SILAS related she was serving as the court room clerk on the date of the alleged incident. WOODSON-SILAS relayed she didn't observe a physical altercation between FRANCO and STOLLER. WOODSON-SILAS stated she didn't hear any physical scuffle. WOODSON-SILAS

related it wasn't brought to the attention of the court that a physical attack had occurred. WOODSON-SILAS has nothing further to add and the interview was ended.

The investigation conducted by the R/D has revealed the following: at no time did STOLLER make aware to any individual present in the court room that he had been the victim of a battery. STOLLER upon leaving the court didn't notify KISS he had been attacked by FRANCO. KISS acknowledges he observed FRANCO take the order from STOLLER but is unable to state he observed STOLLER be battered by FRANCO which according to STOLLER occurred immediately following the grabbing of the order. No one present in the court room at the time of the incident observes the "violent" attack described by STOLLER. No one present in the courtroom acknowledges hearing any scuffle occur.

R/D requests this case be UNFOUNDED due to the findings of the investigation conducted by the R/D.

Report of:
Detective Richard Chorak #20069
Area Central Bureau of Detectives

**CHICAGO POLICE DEPARTMENT
CASE SUPPLEMENTARY REPORT**

3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police - Bureau of Investigative Services Personnel Only)

JC304922

Case Id : 11721604
Sup ID : 13280560 CASR301

UNFOUNDED **DETECTIVE SUP. APPROVAL COMPLETE**

Last Offense Classification/Re-Classification		IUCR Code	Original Offense Classification			IUCR Code
BATTERY / Aggravated Of A Senior Citizen		0495	BATTERY / Aggravated Of A Senior Citizen			0495
Address of Occurrence		Beat of Occur	No of Victims	No of Offenders	No of Arrested	SCR No
50 W WASHINGTON ST 22ND		111	1	1	0	
Location Type		Location Code	Secondary Location			Hate Crime?
Federal Building		284				NO
Date of Occurrence		Unit Assigned	Date RO Arrived	Fire Related?	Gang Related?	Domestic Related?
21-MAY-2019 11:00		0102	13-JUN-2019 16:35	NO	NO	NO

Reporting Officer	Star No	Approving Supervisor	Star No	Primary Detective Assigned	Star No
CHORAK, Richard	20069	MARRELLA, Russell	1628	CHORAK, Richard	20069
Date Submitted		Date Approved		Assignment Type	
19-JUL-2019 15:42		19-JUL-2019 15:47		FIELD	

THIS IS A FIELD INVESTIGATION UNFOUNDED REPORT

VICTIM(S) : **STOLLER, Chris N** **TYPE: Individual**
 Male / White / 70 Years
DOB: 29-DEC-1948
RES: 415 Wesley Ave 1
 Oak Park IL 60302
DESCRIPTION: 5'07,210,Grey/Part Grey Hair, Short Hair Style, Green
 Eyes, Fair Complexion
SOBRIETY: Sober
OTHER COMMUNICATIONS:
 Cellular 773-746-3163
 Phone :

SUSPECT(S): **FRANCO, Bret D**
 Male Years
RES: 55 W Monroe St
 Chicago IL 60603
BUS: 55 W Monroe St 3800
 Chicago IL 60603

OCCUPATION: Law - Attorney
RELATIONSHIP OF VICTIM TO OFFENDER:
 STOLLER, Chris No Relationship

VICTIM INJURIES **STOLLER, Chris N**

Type	Weapon Used	Weapon Description
Bruised	Hand/Feet/Teeth/Etc.	Other - Hand

JC304922

EXTENT: Minor
CFD RESPONDING UNIT:

LOCATION OF INCIDENT: 50 W Washington St 22ND
Chicago IL
284 - Federal Building

DATE & TIME OF INCIDENT: 21-MAY-2019 11:00

METHOD CODE(S): DNA

CAU CODE(S): DNA

PERSONNEL ASSIGNED: Detective/Investigator
CHORAK, Richard M # 20069
Reporting Officer
KING, Cherokee M # 7298 BEAT: 0102

WITNESS(ES) : KISS, Philip M

RES: 5250 Grand Ave 14-408
Gurnee IL 60031

OTHER COMMUNICATIONS:
Business 815-385-4410
Phone :

WITNESS INJURIES KISS, Philip M
CFD RESPONDING UNIT:

CRIME CODE SUMMARY: 0495 - Battery - Aggravated Of A Senior Citizen

IUCR ASSOCIATIONS: 0495 - Battery - Aggravated Of A Senior Citizen

FRANCO, Bret, D (Suspect)
STOLLER, Chris, N (Victim)
FRANCO, Bret, D (Suspect)
KISS, Philip, M (Witness)

REPORT DISTRIBUTIONS: No Distribution

INVESTIGATION:
THIS IS THE ASSIGNED UNIT UNFOUNDED REPORT

This report should be read in conjunction with any and all reports under RD # JC-304922 All interviews are in summary format and are not to be considered verbatim.

Type of Incident:
Battery- Aggravated of a Senior Citizen

RD Number:
JC-304922

Location:

50 W Washington Street Courtroom #2209
Chicago, IL

Day, Date, & Time:

Wednesday, 26 June 2019, 1615 hours

Victim:

STOLLER, Chris N
M/2/70
415 Wesley Avenue #1
Oak Park, IL
773-746-3163

Suspect:

FRANCO, Bret D
M/2
55 W Monroe Street
Chicago, IL 60603

Witnesses:

KISS, Philip M
5250 Grand Avenue #14-408
Gurnee, IL 60031
847-845-4433

BONNANO, Steven
151 N Franklin Street #2500
Chicago, IL 60606
312-704-3000

EHRlich, John
50 W Washington Avenue #2209
Chicago, IL 60602

WOODSON-SILAS, Barbara
50 W Washington Avenue #2209
Chicago, IL 60602

Inventories:

14499471: (1) one packet of paper containing (36) pieces of paper

This report should be read in conjunction with any and all reports under RD # JC-304922. All interviews are in summary format and are not to be considered verbatim.

Investigation:

On 14 July 2019 at 1445 hours the R/D contacted STOLLER via telephone to update STOLLER of

the status of the investigation. R/D additionally had occasion to re-interview STOLLER. STOLLER stated in essence not verbatim the following:

STOLLER relayed FRANCO, while in open court, was in the process of reading an order at which time FRANCO grabbed the order from his hand and turned the order over to the clerk. STOLLER related he was seated in his wheel chair at the time of the incident. STOLLER, who previously stated he had been pushed violently into his chair by FRANCO, revised his previous statement and relayed he was touched about the hand causing his injury. STOLLER further relayed he didn't report the attack in open court or to police until 13 June 2019 due to STOLLER not feeling obligated to do so. STOLLER had nothing further to add and the conversation was ended.

STOLLER relayed he filed a complaint with the ARDC in regard to this incident. STOLLER stated FRANCO submitted a response to the complaint which was filed and provided said response to the R/D. Inventoried under #14499471. STOLLER related in the provided response FRANCO admits guilt in this matter. R/D read the provided response and didn't identify any such admission of the alleged battery.

R/D on 19 July 2019 at 1408 hours had occasion to have a conversation via telephone with RUSCH, Michael, counsel for FRANCO. RUSCH relayed FRANCO doesn't wish to speak with R/D and invoked his rights.

R/D requests this case be UNFOUNDED.

Report of:
Detective Richard Chorak #20069
Area Central Bureau of Detectives

EXHIBIT 1

05/23/2019

05/23/19 : 04:05pm
IM UNSCHEDULED VISIT
390

Pulse: 72
Temperature: 97.6 F, Weight: 225 lbs

BMI: 36.32 kg/m2

Allergies:
NKDA

S:
This 70 year old male presents for an unscheduled visit.

Current symptoms: pain and bruising on his left upper arm

History of current illness symptoms: He was sitting on his wheelchair while in court on 5/21/19, reading a document when the lawyer of the opposing counsel forcefully grab the document from his hand. He was pushed backward during the struggle and he hit the metal bar on his wheelchair. He sustained a bruise on his left upper arm. He is taking Aspirin 81mg/d for his heart.

Review of Systems:

Skin and/or breasts: bruise on his left upper arm

Past history:

Social History:

Current Medications:

Current Medications:
Rx: FLONASE 50MCG/ACT 2 sprays Suspension daily - days, 16, Ref: 3
Rx: FREE STYLE BLOOD GLUCOSE MONIT 1 daily PRN - days, , Ref: 0
Rx: FREESTYLE STRIPS 50 COUNT 50 daily PRN - days, , Ref: 1
Rx: PANTOPRAZOLE SODIUM 40MG 1 Tablet DR daily - days, 30, Ref: 2
Rx: ELIQUIS 5MG 1 Tablet twice daily - days, 60, Ref: 4
Rx: LIPITOR 10MG 1 Tablet daily - days, 90, Ref: 4
Rx: TOPIRAMATE 100MG 1 Tablet twice daily - days, 60, Ref: 4
Rx: TOPROL XL 100MG 1 Tablet ER 24HR daily - days, 30, Ref: 4
Rx: FLUOXETINE HCL 40MG 1 Capsule daily - days, 30, Ref: 6
Rx: LASIX 20MG 1 Tablet daily - days, 30, Ref: 2
Rx: METHIMAZOLE 10MG 1 Tablet 3 times a day - days, 90, Ref: 2

Major Problem List:
Hypertension
Degenerative arthritis
High cholesterol
Dementia

Progress Notes
STOLLER, CHRIS
Patient ID: 249958
DOB: 12/29/1948
Age: 70 years Gender: M

05/23/2019

Graves' disease
Fibrillation
CHF

Syst. BP :136 Diast BP 80 : P. left

O:

Physical exam:

General: walks with a cane

Skin: Left upper arm : medial aspect 7x8cm purplish discoloration with yellowish discoloration at the edges

Neck: Supple without lymphadenopathy.

Heart: RRR, no murmur or gallop. Normal S1, S2. No S3, S4.

Lungs: CTA bilaterally, no wheezes, rhonchi, rales. Breathing unlabored.

Abdomen: Soft, NT/ND, normal bowel sounds, no HSM, no masses. No peritoneal signs.

Extremities: No deformities, clubbing, cyanosis, or edema.

A:

Contusion of left upper arm, initial encounter : ICD10 = S40.022A / ICD9 = 923.03 / SNOMED = 11824241000119104

P:

- tylenol prn

Office Visit Level 3 : 99213

Evaluation and Management code calculated based on the 1995 CMS Guidelines.

SIGNED BY HELENAIDA ORTEGA, MD (390) 05/23/2019 04:12PM

EXHIBIT 2

**ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
IN THE SUPREME COURT OF ILLINOIS**

In the Matter of:

Bret D. Franco
David Holmes
David McHon
Harold Moskowitz
Loren S. Cohen
Steven R. Bonanno
Et al.

Supreme Court No:

RECEIVED

JUN 11 2019

ATTY REG. CLERK
CHICAGO

NOTICE OF FILING ATTORNEY DISBARMENT COMPLAINT

RESPONDENTS:

Bret D. Franco
David Holmes
David McHon
Harold Moskowitz
Loren S. Cohen
Wilson Elser Moskowitz
55 W. Monroe St Suite 3800
Chicago Il 60603
312-704-0550
Fax 312-704-1522

Steven R. Bonanno
Hinshaw & Culbertson
222 N. LaSalle St Suite 300
Chicago, Illinois 60601
312-704-3000

PLEASE TAKE NOTICE that on the 13th day of June, 2019, I filed with the Clerk of the ARDC the attached Attorney Disbarment Complaint

/s/Christopher Stoller E.D. Complainant
P.O. Box 60645
Chicago, Illinois 60660

RULE 8.4 MISCONDUCT

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.

(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

(d) engage in conduct that is prejudicial to the administration of justice.

Bret D. Franco physically attacked Christopher Stoller on May 21, 2019 causing him a physical injury in violation of the Illinois Rules of Professional Conduct 8.4.. See attached affidavit of Chirstopher Stoller.


David Holmes, a senior partner of Wilson Elser Moskowitz is liable under the Illinois Rules of Professional Conduct 5.1 for the Professional Misconduct charged against his associate Bret D. Franco. See Exhibit 1 email to Mr. David Homes.




RULE 5.1: RESPONSIBILITIES OF PARTNERS, MANAGERS, AND SUPERVISORY LAWYERS

(a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.

David McHon, a senior partner of Wilson Elser Moskowitz is liable under the Illinois Rules of Professional Conduct 5.1 for the Professional Misconduct charged against his associate Bret D. Franco. See **Exhibit 1** email to Mr. David McHon.




ATTORNEYS



Daniel J. McMahon
Partner

Contact
Chicago
p. 312.821.6147
f. 312.704.1522
daniel.mcmahon@wilsonelser.com





Loren S. Cohen , a senior partner of Wilson Elser Moskowitz is liable under the Illinois Rules of Professional Conduct 5.1 for the Professional Misconduct charged against his associate Bret D. Franco. See Exhibit 1 email to Mr. Loren S. Cohen


Select Language ▼ My F

WILSON ELSE
ATTORNEYS SERVICES OFFICES

Loren S. Cohen
Partner

Contact
Chicago
p 312.621.6100
f 312.701.1522
lmc@wilsonelser.com



Home Attorneys Loren S. Cohen

Harold Moskowitz a senior managing partner of Wilson Elser Moskowitz is liable under the Illinois Rules of Professional Conduct 5.1 for the Professional Misconduct charged against his associate Bret D. Franco. See Exhibit 1 email to Mr. Loren S. Cohen

<p>Harold J. Moskowitz Founder</p>	
<p>Contact New York p 212.915.5230 f 212.490.3038 harold.moskowitz@wilsonelsner.com</p> <p></p>	

Steven R. Bonanno, a senior partner with Hinshaw & Culbertson is charged with violating ARDC Rule 3.3(a) making misstatements of material fact to Judge Erlich See attached affidavit.

	<p>Steven R. Bonanno Partner Chicago, Illinois Office</p> <p>Email  312-704-3601 </p> <p>vCard  Share </p>
------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

The Attorney Registration and Disciplinary Commission was established by the Illinois Supreme Court to deal with issues of professional misconduct of attorneys. The serious allegations of professional misconduct that the Complainant has raised regarding the Respondents are issues that are not before any court. The issues of professional misconduct raised by the Complainant in this complaint are issues that the Commission is solely empowered to act upon under the Illinois Rules of Professional Misconduct and NOT any State Court Judge.

WHEREFORE, Complainant prays that the Inquiry Board immediately assign this matter to a hearing, panel, that a date for hearing be immediately set, that the hearing be conducted and that the panel make findings of fact, conclusions of law and a recommendation for such discipline as is warranted by its findings.

/s/Christopher Stoller E.D. Complainant
Director of the
The Americans for the Enforcement of Attorney Ethics
P.O. Box 60645
Chicago, Illinois 60660
Phone 773-746-3163
www.rentamark.net

Date: 06-13-19

Certificate of Mailing

I hereby certify that this motion is being deposited with the U.S. Postal Service as first Class mail in an envelope addressed to:

Illinois Attorney Registration
and Disciplinary Commission
130 N. Randolph Street, Suite 1500
Chicago, Illinois 60601

/s/Chris Stoller
Date: June 13, 2019

EXHIBIT 1

Att: Bret.Franco
David Holmes
Daniel McMahon
Patricia Noonan
Harold Moskowitz managing partner.

Notice of Filing Disbarment Complaints

Notice that a Attorney Disbarment Complaint will be filed against Bret Franco, David Holmes, Daniel McMahon, Patricia Noonan and Harold Moskowitz, managing partner.

Stoller v. Uber et al., Case No. 18L004578

On May 21, 2019 Bret Franco attacked Plaintiff Christopher Stoller, 70, a disabled person, confined to a wheel chair, in Chicago Cook County Court Room 2210 causing him an injury. In addition the Stoller v. Uber Case complaint will be amended to include the additional following defendants:

Bret.Franco
David Holmes
Daniel McMahon
Patricia Noonan
Harold Moskowitz managing partner

Act Accordingly

Leo Stoller
Executive Director of Americans for the Enforcement of Attorney Ethics (AEAE)
www.rentamark.net

**ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
IN THE SUPREME COURT OF ILLINOIS**

In the Matter of:

Bret D. Franco
David Holmes
David McHon
Harold Moskowitz
Loren S. Cohen
Steven R. Bonanno
Et al.

Supreme Court No:

AFFIDAVIT OF CHRISTOHER STOLLER

CHRISTOPHER STOLLER, 70, sui juris, states that:

1. I am the Complaint in this action. I am a disable person, a protected person under the Americans for Disability Act.
2. . That the following facts are true to the best of my belief or knowledge based upon my own personal knowledge. If called to testify, I would testify to same.
3. On May 21, 2019, while sitting in my wheel chair in Judge Erlick's court room in a hearing in the Christopher Stoller v. Uber personal Injury lawsuit. Case No. 2018 L 4578, Attorney Brad D. Franco, who represents Uber, for no apparent reason, other than my refusal to participate in

a mediation that Mr. Franco purposed, while I was reading a draft of an order, Mr. Franco, without any notice, violently attacked me, ripping the order out of my hand and causing me an injury. See attached true and correct copy of a photograph of my injury marked as **Exhibit 1.**

4. After the attack I went to a medical clinic where my injury was treated see attached documents and photo's. .
5. I am submitting this affidavit in support of my Attorney Disbarment Complaint against Brad D. Franco and his partners, under ARDC Rule 5.1, David Holmes, David McHon, Loren S. Cohen and Harold Moskowitz.
6. I am submitting this affidavit in support of my Attorney Disbarment Complaint against Steven R. Bonanno , who was present in Judge Erlick's court room when Mr. Bonanno witnessed Mr. Franco's attack on Christopher Stoller. However when asked on by Judge Erlich if he saw the Franco attack on Christopher Stoller, Mr. Bonanno made misrepresentation of material fact in violation 3.3(a) to Judge Erlich on page 20-21 of the transcript regarding incident took place on May 21, 2019

20	MR. BONANNO: Your Honor, I was present in the
21	courtroom as well. If you want to hear from me,
22	I'll tell you what I observed.
23	THE COURT: Go ahead.
24	MR. BONANNO: I was standing right here in

20

1 front of counsel table. I had just looked at the
2 order that Mr. Franco had handed to me. I was
3 packing up my bag approximately here. My back was
4 turned when this alleged incident about pulling
5 the order out of Mr. Stoller's hands occurred. So
6 I did not see the actual incident, but I can
7 represent to the Court that I heard no scuffle. I
8 heard no objection. And neither Mr. Stoller or
9 Mr. Kiss made any verbal complaints at that time
10 about the incident, to my knowledge. This
11 incident occurred while you were on the bench and
12 while your court clerk was here. I do not know if
13 the bailiff was in the courtroom. There were
14 several other attorneys still milling about.
15 that's all that I saw or heard, your honor.

7. The above account by Mr. Bonanno is a complete fabrication. Mr. Bonanno witnessed the entire attack on me by Mr. Franco on May 21, 2019 then lied to Judge Erlich in Open Court. As Senior Partner in the Hinshaw & Culbertson firm, Bonanno, along with his unidentified female associate attorney who always accompanies Bonanno all of the time to court and was present. Bonanno owed fiduciary duties of loyalty, care and good faith and was required to conduct the Business of Hinshaw & Culbertson business consistent with prudent, safe and sound legal practices. Bonanno was obligated to ensure that the truth was told to Judge Erlich regarding the Franco attack on Christopher Stoller. But Bonanno chose to cover it up. And to aid and abet Franco's professional misconduct.
8. Bonanno breached his fiduciary duties, failed to exercise that degree of care which prudent attorneys would exercise in the management of their own affairs, disregard Hinshaw & Culbertson ethical policies and the Illinois Rules of Professional Conduct. Bonanno ignored the foreseeable risk that his repeated disregard for the Illinois Rules of Professional Conduct would have harmful professional misconduct consequences for him and his law firm of Hinshaw &

Culbertson.

9. My attorney Philip Kiss witnessed the incident described herein. See attached admissions in the official transcript:

13 THE COURT: There is an emergency motion from
14 Mr. Stoller directed against Mr. Franco and
15 Ms. Cohen for allegedly attacking the plaintiff at
16 the May 21, 2019 case management conference.
17 MR. KISS: That is correct, your Honor.
18 THE COURT: But there's been nothing provided
19 to me to indicate that there was such an incident.
20 MR. KISS: Well...
21 THE COURT: And there's no affidavit from
22 anyone. There's a photograph, but that is
23 basically irrelevant without anything else
24 supporting it.

19

1 MR. KISS: I can have Mr. Stoller sign the
2 affidavit right now.
3 MR. FRANCO: Mr. Kiss was a witness as well,
4 so maybe he'd like to prepare one.
5 THE COURT: Were you a witness to this,
6 Mr. Kiss?
7 MR. KISS: Well...
8 THE COURT: Answer the question.
9 MR. KISS: It's...
10 THE COURT: Answer the question.
11 MR. KISS: Yes, I was. I saw part of it. I
12 didn't see all of it, but I saw part of it.
13 THE COURT: What did you see?
14 MR. KISS: I saw out of the corner of my eye
15 Mr. Franco grab an order out of Mr. Stoller's
16 hands. I don't know how -- whether or not he did
17 anything else. I didn't see anything else because
18 I wasn't facing that direction. I was facing the
19 other direction and that's what I saw.
20 MR. BONANNO: Your Honor, I was present in the
21 courtroom as well. If you want to hear from me,
22 I'll tell you what I observed.
23 THE COURT: Go ahead.
24 MR. BONANNO: I was standing right here in

20

1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF COOK)

4

5 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

6 COUNTY DEPARTMENT - LAW DIVISION

7

8 CHRISTOPHER STOLLER,)

9 Plaintiff,)

10 vs.) No. 18 L 4578

11 UBER TECHNOLOGIES, et al,)

12 Defendants.)

13

14

15 REPORT OF PROCEEDINGS at the trial of the

16 above-entitled cause before the Honorable JOHN

17 ENRICH, Judge of said Court, on the 11th day of

18 June, 2019, at the hour of 11:00 a.m.

19

20

21

22

23 REPORTED BY: MARIA MICELI, CSR

24 LICENSE NO: 084-003839

1

1 APPEARANCES:
2
3 KISS & ASSOCIATES, LTD. by
4 MR. PHILIP W. KISS
5 5250 Grand Avenue - #14-408
6 Gurnee, Illinois 60011
7 (815) 385-4410
8 philip_kiss@comcast.net
9 On behalf of Plaintiff:
10
11 HINSHAW & CULBERTSON, LLP, by
12 MR. STEVEN E. DONANNO
13 222 North LaSalle Street - Suite 300
14 Chicago, Illinois, 60601
15 (312) 794-3000
16 sdonanno@hinshawlaw.com
17 On behalf of Defendant Raymond
18 Dotson, Sr.:
19
20 WILSON, ELSER, NOSKOWITZ, EDELMAN &
21 DECKER, LLP, by
22 MR. BRET D. FRANCO
23 55 West Monroe Street - Suite 3800
24 Chicago, Illinois, 60603
(312) 704-0550
bret.franco@wilsonelsner.com
On behalf of Defendant Uber
Technologies.
ALSO PRESENT: Mr. Christopher Stoller

Affiant saysth not

/s/ Christopher Stoller

EXHIBIT 1









EXHIBIT 3



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS

One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601-6219
(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

3161 West White Oaks Drive, Suite 301
Springfield, IL 62704
(217) 546-3523 (800) 252-8048
Fax (217) 546-3785

Christopher Stoller
415 Westley, Suite 1
Oak Park, IL 60302

Chicago
July 3, 2019

Re: Bret David Franco
in relation to
Christopher Stoller
No. 2019IN02196

Dear Mr. Stoller:

Enclosed is a copy of Bret Franco's response to your complaint about his conduct, without exhibits.

If you wish to comment or to provide additional information, please write to me within fourteen days.

Very truly yours,

A handwritten signature in black ink, appearing to read "Althea K. Welsh".

Althea K. Welsh
Deputy Administrator, Intake
and Administration

AKW:ck
Enclosure
MAINLIB_#1166264_v1



July 1, 2019

Bret D. Franco
(312) 821-6121
Bret.Franco@wilsonelser.com

Via Fed Ex and E-Mail to cklimas@iardc.org

Althea K. Welsh
Deputy Administrator
Attorney Registration and Disciplinary Committee
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601

Re: *Bret David Franco in relation to Christopher Stoller*
No. 2019IN02196

Dear Ms. Welsh

I write in response to your letter of June 17, 2019, seeking my response to the allegations made by Chris Stoller ("Mr. Stoller"). These allegations are false and I believe have been made for the purpose of obtaining an ill-conceived advantage in the lawsuit Stoller filed against Uber Technologies, Inc. and other defendants (*Chris Stoller v. Uber, et. al*, 18L4578) ("the Stoller Matter").

On May 21, 2019, I was in Judge John Ehrlich's courtroom for a scheduled case management conference in the Stoller Matter. My firm, Wilson Elser, represents Uber Technologies, Inc. and I am counsel of record in the Stoller Matter. Steve Bonanno ("Mr. Bonanno") was present on behalf of the Co-Defendant, Raymond Dotson. Mr. Stoller was present with his attorney, Phil Kiss ("Mr. Kiss"). No counsel appeared for Co-Defendant Neftali Esparza.

The case was set for 10:30am, but was called closer to 11:00am, as Mr. Kiss appeared late. The alleged incident in question occurred after our case had been called. Both Mr. Kiss and I were seated at the counsel tables on the right side of the room. I prepared the draft order and first showed the order to Mr. Bonanno and then to Mr. Kiss. Both approved the order. Mr. Stoller, who was seated across from Mr. Kiss approximately four feet away from Mr. Kiss and me, asked to see the order. Mr. Kiss handed the order to Mr. Stoller. Mr. Stoller complained about the first line in the order, which directed the parties to have an Illinois Supreme Court Rule 201(k) conference regarding the Defendants' objections to Plaintiff's amended complaint. Mr. Stoller told Mr. Kiss that because he was granted leave to file the amended complaint he did not understand why there would be a need for a conference on the issue. Mr. Kiss responded, "Chris, it's fine." I then stood up, walked between the two counsel tables, and took the order out of Mr. Stoller's hand. I did not touch Mr. Stoller's body; only the piece of paper that was in his hand. Mr. Stoller's body did not

55 West Monroe Street, Suite 3800 • Chicago, IL 60603 • p 312.704.0550 • f 312.704.1522

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Las Vegas • London • Los Angeles • Miami • Michigan • Milwaukee • Missouri • New Jersey • New Orleans • New York • Orlando • Philadelphia • Phoenix
San Diego • San Francisco • Sarasota • Stamford • Virginia • Washington, DC • Wellington • White Plains

wilsonelser.com

move in any way when I took the order out of his hand. Mr. Stoller did not say anything to me or Mr. Kiss after I took the order from his hand.

Mr. Kiss remained seated during this exchange and was no more than four feet away and had a direct line of sight from where the handoff occurred. As he has admitted to Judge Ehrlich in the transcript he provided to you, Mr. Kiss's observations are consistent with what I described above. After I took the order, I turned to my right and brought the order to the clerk to have it stamped and entered. The clerk did so and I then handed copies of the order to Mr. Bonanno and then Mr. Kiss, who was still seated. Mr. Stoller was still seated in the same spot and he did not say anything to me or his lawyer about being injured when I walked over to them and dropped off the order. I left the courtroom and then went to a deposition. Before leaving, neither Mr. Kiss nor Mr. Stoller made any further comments to me. To my knowledge, neither of them approached the judge and reported this alleged "violent attack." I do not recall if there was a sheriff in the room when I left but I do not believe Mr. Stoller or Mr. Kiss reported this alleged incident to anyone in the courtroom at that time.

I first learned of Mr. Stoller's allegation about a week later, when I received a letter from Mr. Kiss on May 29, 2019, indicating that I somehow caused a large bruise on Mr. Stoller's arm. Mr. Kiss advised that he intended to sue me, personally, and my law firm. Although Mr. Kiss and I exchanged emails between May 21, 2019 and May 29, 2019 regarding discovery, Mr. Kiss never mentioned Mr. Stoller's claim that he had been injured in court.

It is not possible that Mr. Stoller was injured in court on May 21, 2019 when I took a piece of paper from his hand. It is not possible that the photo of the bruise Mr. Stoller has produced depicts an injury that was caused by me taking a piece of paper out of his hand. I do not know how that mark came to be on his arm, but I would note that he produced a nearly identical photo earlier in this lawsuit of a bruise he claims to have sustained in the car accident at issue. (See attached photo) To my knowledge, there are no witnesses that can corroborate Mr. Stoller's account of a "violent attack." The judge was still on the bench during this entire exchange and there were two attorneys arguing a motion to reconsider. I believe there was a court reporter recording those proceedings. If so, that transcript would reflect that there was no scuffle or incident that occurred in the courtroom. There were about ten other attorneys in the small courtroom during this incident. The judge's clerk was seated to the right of the judge, about five feet away from me, Mr. Kiss, and Mr. Stoller, during this entire incident and would likely have had a direct view of me taking the order from Plaintiff's hand. I have spoken to several other attorneys who were present in court on May 21, 2019. None of them recalled any sort of violent attack, commotion, or complaints of an incident. Their names are below. I also attach a docket sheet from that date should you wish to seek out other attorneys who were in court during this incident. I would also note that on May 21, 2019, Mr. Stoller was in a wheelchair and dressed unusually. He was wearing pastel-colored pants, a bright, patterned, multi-colored jacket, and blue hi-top basketball sneakers. In other words, I believe he would have stood out among the people in the courtroom and if he was involved in any type of incident, I believe it would have been memorable to anyone in the courtroom.

As noted above, this is a fraudulent allegation being advanced by Mr. Stoller and his attorney, Mr. Kiss, seemingly in an effort to gain an advantage in the underlying suit. To give some context, this allegation arose on the date that the judge ordered that Mr. Stoller would be subject to

monetary sanctions if he did not answer outstanding discovery. In addition, earlier in May, Mr. Stoller cancelled a previously scheduled mediation once his demand for a seven-figure offer was rejected. See Defendant's Motion for Sanctions which is attached and provides a history of Mr. Stoller and Mr. Kiss's conduct throughout this litigation. I would also add that two days after filing that Motion for Sanctions, and nearly three weeks after the alleged incident, Mr. Stoller apparently reported this incident to the Chicago Police, which again was done in an attempt to gain an advantage in his lawsuit. I have been in communication with the Chicago Police Department and have offered my full cooperation. As of now, the assigned detective has not asked to interview me. His name is Richard Chorak and his number is (312) 747-8380, should you wish to contact him.

Please let me know if you require any additional information from me.

Regards,

Wilson Elser Moskowitz Edelman & Dicker LLP



Bret D. Franco

Attorneys/court staff present in the courtroom:

Mike Adler (Donahue Brown)
Scott Kater (Donahue Brown)
Joe Preiser (Goldberg and Goldberg)
Nicholas Strom (Krieg Devault)
Judge John Ehrlich
Barbara (last name unknown) – Judge's Clerk

Attachments:

- EX. A Motion for sanctions (Note – Exhibits 11, 13, and 37 have been omitted as they either include Mr. Stoller's medical records or information subject to a protective order.)
- EX. B Bruise photo produced earlier in case by plaintiff
- EX. C Transcript of 6/6/19 case management conference
- EX. D Docket sheet from 5/21/19 (*Nissan v. Cohen*, 17L7048, line #38, is the case where there may be a transcript of events that occurred at time of subject incident)