No. 126577

IN THE SUPREME COURT OF ILLINOIS

JANE DOE, Plaintiff/Appellant, vs. **BEAU PARRILLO,** Defendant/Appellee.	On Leave to Appeal from the Illinois Appellate Court, First Judicial District, No. 1-19-1286 There Heard on Appeal from the Circuit Court of Cook County, Illinois County Department, Law Division Case No. 2016 L 012247 The Honorable James M. Varga, Judge Presiding

APPELLEE'S REPLY BRIEF AND ARGUMENT IN SUPPORT OF APPELLEE'S REQUEST FOR CROSS-RELIEF

Ronald F. Neville
Terence J. Mahoney
Jennifer Mann
Neville & Mahoney
221 North LaSalle Street
Suite 2150
Chicago, IL 60601
(312) 236-2100
Silver-ii@att.net
Tmahoney@nevillemahoney.com
Jenniferdmann@gmail.com

Attorneys for Appellee

E-FILED
5/25/2021 1:27 PM
Carolyn Taft Grosboll
SUPREME COURT CLERK

ORAL ARGUMENT REQUESTED

TABLE OF CONTENTS AND STATEMENT OF POINTS AND AUTHORITIES

ARGUMENT

The plaintiff begins her Response to the defendant's Claims for Cross-Relief ("Def.'s (his) Cross-Claims Br.") on pages 1-2 by chiding the defendant for arguing evidence not included in the record which is exactly what she did when the plaintiff argued the text messages included the words "murder" and "kill." (Def.'s Cross-Claims Br., pgs. 3, 59-60). But plaintiff misunderstands the defendant's intent. The defendant is not referencing doctored photos and affirmative defense evidence to support an argument the verdict was against the manifest weight of the evidence adduced at trial, but instead alerting the Court to evidence available to the defendant which he could not present to the jury during the *ex parte* trial mandated by the trial court in violation of his due process rights.[1]

---

1 Pages 2-5 of the plaintiff's Response Brief contain the plaintiff's reply regarding punitive damages.

A. Plaintiff's Claim the Defendant and His Attorneys Made a Deliberate Decision Not to Defend This Case and to Abandon the Trial

In Argument A beginning on page 6 of the plaintiff's Response, the plaintiff raises three separate issues:

With regard to those three issues discussed below, the defendant asks this Court to recognize that the plaintiff concedes the accuracy of the defendant's Statement of Facts set out in his Response Brief on pages 3-9 (see also: defendant's summary of the facts on pages 27-32 of his Cross-Claims Brief) except for one issue where the plaintiff argues attorneys Muth and Holstein did not seek to participate in the instructions conference. As to that issue, see this Reply, *infra,* at pages 8-9.

The three issues raised on pages 6-8 of the Plaintiff's Response:

(a) Plaintiff's Claim the Defendant's Attorneys Deliberately Decided Not to Defend the Case and Abandoned the Trial

In reply the defendant adopts his arguments and authority advanced on pages 26-52 of his Cross-Claims Brief, with the following additions:

In support of her fictional conspiracy, the plaintiff relies on a few isolated facts and some statements by Judge Varga. Those cherry-picked "facts," i.e., attorneys in the hallway looking through the glass doors, and both attorneys sitting in the courtroom during jury deliberations, are intentionally taken out of context. Defendant, in his Cross-Claims Brief, explained that while Holstein was out in the hallway when jury selection began, he was unable to represent the defendant for a variety of reasons, the most compelling of which was he had never spoken to the defendant in his life and was only surfacely aware of the facts of the case. While that was going on, Muth initially was

helping her mother breathe and thereafter was in the Presiding and Chief Judge's Offices attempting to obtain a hearing on her emergency continuance motion. (Def.'s Cross-Claims Br., p. 6-7, 29-31). The plaintiff conveniently ignores these realties. In point of fact, the finding of abandonment is against the manifest weight of the evidence because the appellate record contains no evidence supporting the trial court's view that the defense attorneys entered into a conspiracy to abandon the trial. All the available evidence demonstrates that Muth was attempting to obtain a ruling on the continuance motion (Def.'s Cross-Claims Br., p. 4-7, 27-31) and Holstein could not competently defend the defendant at trial by himself because, regardless of how many years he has been practicing law, he had never previously spoken to the defendant and only had a surface knowledge of the facts. (Def.'s Cross-Claims Br., p. 7, 30-31). The trial judge simply adopted the plaintiff's characterization of abandonment set forth in the plaintiff's response to defendant's post-trial motion. (R. C806-819). The record does not contain any statements, writings, or other facts which would allow a reasonable person to conclude that the defense attorneys conspired to abandon the trial.

The plaintiff also relies on certain conclusions offered by Judge Varga, i.e. "Defendant's efforts, through his attorneys, are the most audacious attempt to undermine the judicial process which this Court has seen in over twenty-four years." (Pl.'s Resp. Br., p. 7), and "Not only did defendant's attorneys fail to present an emergency motion to continue the trial, one failed to appear for jury selection and one appeared but chose not to participate in jury selection. (Pl.'s Resp. Br., p. 6). In doing so, however, the plaintiff ignores Judge Varga's hostility, bias, and prejudice as demonstrated by his statements set

out on pages 21-25 of the defendant's Cross-Claims Brief. The plaintiff concedes the accuracy of the Judge's comments and demeanor on page 19 of her Response Brief by making no effort to address or refute them. Instead, the plaintiff adopts the appellate court's position that the judge's comments were the product of frustration, but a complete reading of the transcripts refutes that contention. (See: R2-44, 89-208). Accordingly, this Court should reject Judge Varga's conclusions/findings because they are the result of passion and prejudice. See: *In re Salazar v. The Bd. of Educ. of Mannheim Sch. Dist. 83 Cook County, Ill.,* 292 Ill.App.3d 607, 613, (finding of fact which is clearly the result of passion and prejudice is against the manifest weight of the evidence).

(b) Waiver

In reply the defendant relies on the arguments and authority set forth on pages 26-54 of his Cross-Claims Brief, all of which support the inapplicability of waiver in the instant case, with the following additions:

Without designating the specific arguments, the plaintiff argues that some of the defendant's arguments presented in support of his request for a new trial were waived, citing *Ryder v. Bank of Hideaway Hills,* 146 Ill.2d 98, 104 (1991). *Ryder* is factually inapposite to the issues presented in the case at bar because the *Ryder* Court was faced with the question of whether or not a bank had waived an acceleration clause contained in a loan document. However, *Ryder,* which affirmed the trial court's finding no waiver occurred, teaches that the proponent of waiver has the burden of proving that the other party knew of the right and facts to show a waiver was intended, and must do so demonstrating an implied waiver by a clear, unequivocal and decisive act of the party

alleged to have committed waiver. *Id.* at 105. No such evidence exists in the case at bar. As argued in defendant's Cross-Claims Brief at p.52-54, the circumstances of this case also amount to plain error.

Finally, the plaintiff's position regarding waiver is ludicrous and a classic, sophistical catch-22 argument. The attorneys could not object to all that was occurring in the trial because they were not present for all the reasons explained in the Statement of Facts (Def.'s Cross-Claims Br., p. 3-9) and in defendant's arguments (Def.'s Cross-Claims Br., p. 26-33, 52-54). The defendant relies on those arguments and the authority cited therein.

(c) Plaintiff's Claim the Defendant's Attorneys Did Not Timely Present Emergency Motion for a Continuance

Incredibly, the plaintiff argues on page 7 of her Response Brief that defense counsel had "every reasonable opportunity to defend Defendant, including waiting for his (supposed) return to Chicago for trial, and present an emergency motion for a continuance before the Presiding/Assignment Judge in Courtroom 2005 where it had been noticed for hearing." (Pl.'s Resp. Br., p. 7). But the plaintiff's premise is underminded by the fact she does not dispute the accuracy of any relevant fact in the defendant's Statement of Facts or the Argument portion of the defendant's Cross-Claims Brief (Def.'s Cross-Claims Br., p. 3-9, 26-54) which explains why the defendant was not afforded a hearing on his emergency continuance motion. Judge Varga, contrary to established law, refused to hear and rule on the motion despite the circumstances, and defendant, for all the reasons explained in the defendant's Cross-Claims Brief was unable to present the motion

for a ruling before Judge Flannery (Def.'s Cross-Claims Br. p 4-7, 27-31). The record demonstrates the trial judge forced this case to trial in the absence of the defendant and his counsel for no sensible reason and in violation of due process standards. In the end, the trial court should have ruled on the continuance motion or granted the defendant one more day to obtain a ruling from the Presiding Judge.

B. Plaintiff's Claim the Defendant's Emergency Motion for a Continuance Had no Merit and the Motion for Mistrial was Properly Denied

In reply, the defendant relies on the facts, authority, and arguments presented on pages 34-49 and 68-69 of his Cross-Claims Brief with the following additions.

On pages 8-12 of her Response Brief, the plaintiff does not argue the defendant's emergency motion for a continuance lacked merit or was unsupported by case law, but instead maintains the motion was not timely presented to the Presiding Judge for a ruling justifying the trial judge allowing a one-sided, *ex parte*, trial. Under the totality of the circumstances presented in this record, this Court must conclude the defendant's due process rights were violated by the trial judge forcing the case to trial in the absence of the defendant and his counsel.

The plaintiff in her Response Brief makes no response and fails to refute in any way the many arguments and plethora of authority advanced in the defendant's Cross-Claims Brief that the defendant's emergency motion to continue presented a valid and compelling basis to continue the trial, (Def.'s Cross-Claims Br., p. 34-38), the denial of which constituted a palpable injustice to the defendant (Def.'s Cross-Claims Br., p. 38-

49). Most importantly, the plaintiff has deliberately failed to address the case of *Ullmen v. Dept of Registration and Educ.,* 67 Ill.App.3d 519 (1st Dist. 1978) which is dispositive. (See Def.'s Cross-Claim Brief , p. 39-40). The plaintiff refuses to acknowledge or discuss *Ullmen* because the plaintiff has no ability to reasonably distinguish that case from the circumstances presented in the instant case. *Ullmen* specifically and unequivocally held that the illness of an attorney's family member constitutes a valid ground for a continuance of a trial. Accordingly, Muth's mother's uncontested serious illness requiring Muth's caretaking was a valid ground for a continuance of the trial. The plaintiff does not and cannot make any contrary argument.

On page 9 of her Response Brief, the plaintiff states the defendant's emergency motion filed on January 13, 2019 did not contain an affidavit in violation of SCR 231(a), but the motion did as it was presented under oath. (See: R. C566-567 (Ex. E)). Next, the plaintiff complains that the defendant failed to address the fact that Holstein did not inform the assignment judge at 10:00 a.m. on January 14, 2019 of the pending emergency motion to be heard at 11:00 a.m. the same morning, and failed to present the motion the following day. Those two issues are completely discussed in defendant's Cross-Claims Brief on pages 4, 6-7, 27, 30-31 and the plaintiff has made no effort to contradict the logic of defendant's position.

The plaintiff adopts the appellate court's position Muth could have begun defending the defendant in the middle of the trial when she arrived from the Chief Judge's office. The defendant fully discusses this issue at pages 31-32 of his Cross-Claims Brief and the plaintiff has made no effort to attack or fault the defendant's

reasoning.

The plaintiff's Brief references Judge Flannery's standing order and makes no attempt to refute defendant's arguments and authority that Judge Varga improperly interpreted Judge Flannery's order (Def.'s Cross-Claims Br., p. 46-49) which did not block Judge Varga's authority to rule on the continuance motion or affect his inherent authority as a Circuit Court Judge to hear and rule on the motion. The plaintiff offers no response to the defendant's cited authority that when a trial court refuses to exercise his discretion in the erroneous belief he has no discretion, such belief constitutes an abuse of discretion. *Bjork v. O'Meara,* 2013 IL 114044, ¶31. (Def.'s Cross-Claims Br., p.48).

The defendant posits the trial court failed to protect the rights of the defendant and the integrity of the judicial process (Def.'s Cross-Claims Br., p. 49-50). Here the defendant argues Judge Varga did not properly perform his duty to provide the defendant a fair trial and also failed to have a court reporter transcribe the one-sided trial. The plaintiff's response is no comment.

Next, the plaintiff argues, all other considerations aside, Holstein, an attorney for over 50 years, should have tried the case and presented the defendant's defense before the jury. (Pl.'s Resp. Br., p. 11). The defendant explained in detail why Holstein was not competent to represent the defendant on pages 27 and 31-32 of his Cross-Claims Brief, and once again, the plaintiff does not try to overcome the defendant's argument and reasoning.

Finally, the plaintiff argues the defendant and his counsel were the architects of their own predicament and thus, received what they deserved. (Pl.'s Brief p. 11-12).

However, plaintiff does not and cannot refute the fact that defendant's father was critically ill as of the date of trial (R C547-565), nor does plaintiff dispute the fact that Muth's mother required medical assistance on the mornings of January 14th and 15th (R C535-538). Rather than being the "architects of their predicament," defendant and Muth found themselves in the unforeseen, unpredictable and emotionally distressing situation of suddenly dealing with serious illnesses of close family members on the eve of trial.

Motion for Mistrial

The defendant relies on the arguments and authority set forth on page 68 of the defendant's Cross-Claims Brief. The defendant's motion for mistrial should have been granted for the same reasons set out above in support of a new trial.

C. The Jury Instruction Conference and Certain Jury Instructions were Improper.

The defendant relies on the arguments and authority contained on pages 54-57 of his Cross-Claims Brief with the following additions.

The plaintiff ignores and does not refute defendant's argument and the uncontested fact that defense counsel were present when the jury conference was ongoing and the court did not allow them to participate. This refusal violated the statutory purpose and objective of 735 ILCS 5/2-1107(c), and constituted reversible error.

The plaintiff tries to camouflage the trial court's failure to properly instruct the jury by insisting "*virtually* all of the proposed jury instructions were derived from the Illinois (Civil) Pattern Jury Instructions." (Pl.'s Resp. Br., p 13) (emphasis added), which

means, of course, that not all the instructions were Civil IPI Instructions. The plaintiff offers no authority to support the uncontested fact that modified Criminal IPI issues instructions pertaining to assault and battery were provided to the jury which did not include proximate cause, an essential element in every civil claim.

Even if waiver were to be considered, the instructions in this case constitute plain error and thus reversible error.

D. The Medical Records were Improperly Received into Evidence

The defendant relies on the arguments and authority presented on pages 66-67 of the defendant's Cross-Claims Brief with the following additions.

The plaintiff concedes the records were improperly admitted but strangely seeks to avoid the consequences of that error by saying foundation objections are commonly waived during jury trials. (Pl.'s Resp. Br., p. 14). The defendant respectfully disagrees with plaintiff's counsel's trial experience, especially in light of the prejudicial notations on the medical records regarding "domestic violence" and "Notice of Victim's Rights." (R C595-599).

The plaintiff argues the error was harmless, but offers no reasoning why that would be so under the circumstances of this case.

E. The Compensatory Damages were Excessive

The $1 million award for compensatory damages was clearly based on passion and prejudice, and was not reasonably supported by the evidence proffered at trial. In her Response, plaintiff cites various Supreme Court cases for the proposition that a jury's determination of damages is not lightly reversed and that courts will seldom interfere with

a jury's decision. (Pl. Resp. Br. p. 15). All of these cases are more than one hundred years old and thus do not embody the legal analyses which have been developed by this Court over the past century. While the decision may not be made lightly, Illinois courts will reverse a jury's damage award when "the verdict resulted from passion or prejudice or the award bears no reasonable relationship to the loss suffered." *Snelson v. Kamm*, 204 Ill.2d 1, 37 (2003)(*citing Gill v. Foster*, 157 Ill.2d 304, 315 (1993)). A reversal of a jury award should occur where the award is beyond the "flexible range of what is reasonably supported by the facts." *Lawler v. MacDuff*, 335 Ill. App. 3d 144, 155 (2d Dist. 2002)(*quoting Guerrero v. City of Chicago*, 117 Ill. App. 3d 348, 352 (1st Dist. 1983)(internal quotations omitted). On pages 58 through 60 of his Cross-Claims Brief, defendant set forth the evidence purporting to support the jury's award. As a review of the evidence demonstrates, the jury's damage determination was undoubtedly based upon passion and prejudice inflamed by the nature of the allegations against the defendant and the absence of a defense. Thus, the jury's determination in no manner bears any reasonable relationship to losses actually sustained by the plaintiff.

Moreover, in her Response to defendant's arguments regarding compensatory damages, plaintiff repeatedly argues that her testimony went unchallenged and untested due to "deliberate decisions of Defendant and his attorneys to abandon trial of this matter" and that defendant chose not to participate at trial. (Pl. Resp. Br. p. 17). As addressed in defendant's Cross-Claims Brief and elsewhere in this Reply Brief, defendant and his attorneys did not abandon trial and defendant did not make the choice not to participate. Rather, defendant and his attorneys were precluded from participating due to

the illnesses of defendant's father and Muth's mother, the difficulties Muth experienced in presenting her emergency motion to continue trial, and the trial court's abuse of discretion.

(a) The $200,000 Award for Future Pain and Suffering is Excessive

The $200,000 award for future pain and suffering is excessive and is not supported by the evidence proffered at trial. As pointed out on pages 60 and 61 of defendant's Cross-Claims Brief, the only objective physical injuries arguably supported by the record are bruising and a minor facial injury without any fracture. (R C 832-837, 844-863). These injuries are clearly analogous to the facial laceration sustained by the plaintiff in *Richardson v. Chapman*, 175 Ill.2d 98, 113-14 (1997) and, in accordance with the reasoning set forth in *Richardson*, are excessive. In an effort to distinguish *Richardson*, plaintiff argues that she sustained "serious and permanent damage," but again wholly fails to identify any actual permanent physical injuries, thereby conceding no such injuries exist. Plaintiff further cites no authority to support the contention that any alleged future pain and suffering caused by her unidentified "serious and permanent damage" warrants an award of $200,000. Instead, plaintiff continues to rely on the faulty premise that the defendant's *conduct* (alleged assault and threats) is the focus of the analysis as to whether a compensatory award is excessive and supported by the evidence, rather than the nature of plaintiff's *injuries*. As argued on page 60 of the defendant's Cross-Claims Brief, the standard set forth in *Richardson* makes clear that the focus of the inquiry is the injury itself. $200,000 for physical pain and suffering experienced as a result of bruising and a minor facial injury is clearly excessive and not supported by the

scant evidence contained in the record.

(b) The $400,000 Award for Loss of Normal Life and Future Loss of Normal Life is Excessive and the Claim for Future Loss of Normal Life Should Not have been Submitted to the Jury

The plaintiff's $200,000 award for loss of normal life is excessive. In her Response, plaintiff does not address this argument. As such, defendant stands on his argument set forth on pages 62 and 63 of his Cross-Claims Brief.

The plaintiff did not present sufficient evidence to justify allowing the jury to decide the issue of future loss of normal life, let alone to justify an award of $200,000. The only documented physical injuries sustained by the plaintiff were bruising and a minor facial injury, which certainly would not cause the plaintiff to suffer future loss of normal life. In arguing her damages for future loss of normal life were appropriate, plaintiff must necessarily be referring to emotional injuries. However, due to the entirely subjective nature of such injuries, plaintiff was required to present expert testimony pursuant to *Maddox v. Rozek*, 265 Ill. App. 3d 1007 (1st Dist. 1994), to support this claim.

In her Response, plaintiff concedes that the only evidence supporting this claim is her own self-serving and untested testimony. She does not cite any authority for the proposition that her own testimony is sufficient nor does she attempt to distinguish her case from *Maddox*. Instead, she claims that, pursuant to *Maddox*, her future pain and suffering could be objectively determined from the nature of her unidentified emotional injury. In so arguing, plaintiff not only misconstrues *Maddox*, but also evinces a fundamental misunderstanding of the objective/subjective distinction.

An objective injury or condition is one that is "able to be analyzed, measured or counted." *Taber's Online,* tabers.com/tabersonline/view/Tabers-Dictionary /730283 /all /objective. In *Maddox*, the court cites examples of objective injuries for which future damages can be inferred from the nature of the injury alone, such as crushed testicles (*A.O. Smith Corp. v. Indus. Comm'n*, 69 Ill.2d 240 (1977) and lost eyes (*Burnett v. Caho*, 7 Ill.App.3d 266 (1972). *Maddox*, 265 Ill.App.3d at 1009. *See also Griffin v. Prairie Dog Ltd. P'ship*, 2019 IL App (1st) 173070, ¶95 (wrist fracture). On the other hand, a subjective condition is one that is perceived only by the patient and not evident to the examiner, such as pain. Medical-dictionary.thefreedictionary.com/ subjective. With respect to mental health, a subjective condition is "particular to a specific person and thus intrinsically inaccessible to the experience or observation of others." *American Psychological Association*, dictionary.apa.org/subjective. Unlike a lost eye or fractured limb, the future effects of the unidentified emotional injuries allegedly sustained by the plaintiff could not have been objectively perceived and determined by the jury. By nature, such injuries are apparent only to the plaintiff herself and are the epitome of a subjective condition, thereby requiring expert testimony.

Once again, basing her argument on the conduct of the defendant, plaintiff misses the point. The nature of the *injury* is the determining factor of whether expert testimony is required. *Griffin*, 2019 IL App (1st) 173070, ¶98 (emphasis added). As no expert testimony was proffered to opine on whether, and to what extent, plaintiff would suffer her alleged emotional injuries in the future, the trial court abused its discretion in submitting the issue to the jury. The award of $200,000 must be overturned as the claim

was not proven and the amount is plainly excessive.

(c) Plaintiff Failed to Prove her Claims for Infliction of Emotional Distress and Future Emotional Distress and the $400,000 Award for these Claims is Plainly Excessive

Plaintiff failed to prove her claims for infliction of emotional distress and future emotional distress as the evidence presented to the jury did not satisfy all elements required for such claims.

> "To prevail on a claim of intentional infliction of emotional distress, the plaintiff must prove the following three elements: (1) that the defendant's conduct was truly extreme and outrageous, (2) that the defendant either intended that his conduct would cause severe emotional distress or knew that there was a high probability that his conduct would do so, and (3) that the defendant's conduct did in fact cause severe emotional distress." *Taliani v. Resurrection*, 2018 IL App (3d) 160327, ¶26 (*citing McGrath v. Fahey*, 126 Ill.2d 78 (1988).

Plaintiff's claims for emotional distress suffer from the same deficiency as the claim addressed in *Taliani*, a lack of any evidence that plaintiff sought any medical or psychological treatment due to her alleged distress. Thus, like the plaintiff in *Taliani*, she did not prove that she in fact suffered severe emotional distress and does not satisfy the third element of the claim.

Plaintiff does not attempt to distinguish *Taliani* nor does she cite to any authority to support her position that her claims were indeed proven. Instead, she re-emphasizes defendant's conduct, which does not address whether she sought any treatment for emotional distress, and she cites *Taliani* for the proposition that defendant's conduct was "so extreme as to go beyond all possible bounds of decency and to be regarded as intolerable in a civilized society." (Pl. Resp. Br. p.18). Plaintiff's citation is wholly irrelevant to the issue of whether his conduct did in fact cause severe emotional distress.

Rather it is the definition of "extreme and outrageous conduct" referred to in the first element that plaintiff must satisfy to prove her claims. In her Response, plaintiff does not address defendant's argument regarding the subjective nature of her claim for future emotional distress. As such, defendant stands on his argument set forth on page 65 of his Cross-Claims Brief. Plaintiff's $400,000 award for infliction of emotional distress and future emotional distress must be overturned as she failed to prove all elements required for the claims.

In arguing that the $1 million compensatory award was appropriate, the plaintiff repeatedly refers to the alleged conduct of the defendant, rather than evidence or facts which support her claimed damages. Essentially, she is arguing that her damages are presumed by virtue of defendant's alleged assault and threats. Plaintiff fails to cite to any authority which relieves the plaintiff of the necessity of proving her compensatory damages at trial. Based upon the evidence presented pertaining to her injuries, the $1 million compensatory award is plainly excessive and bears no relation to injuries proven at trial. Undoubtedly, this verdict was the product of the jury's passion and prejudice due to the nature of the plaintiff's allegations and, as such, pursuant to *Snelson*, it must be overturned.

Wherefore, the defendant-appellee, Beau Parrillo, respectfully requests this Court enter an order vacating the judgment entered by the trial court and remand this cause for a new trial. In addition, the defendant requests that, upon remand for trial, the cause be assigned to a trial judge other than Judge Varga. Alternatively, in the event this Court decides not to reverse and remand this cause for trial, the defendant requests the Court

affirm the appellate court's reduction of the punitive damage award.

Respectfully submitted,

Ronald F. Neville
One of Defendant/Appellee's Attorneys

Ronald F. Neville
Terence J. Mahoney
Jennifer Mann
NEVILLE & MAHONEY
221 North LaSalle Street
Suite 2150
Chicago, IL 60601
(312) 236-2100
silver-ii@att.net
tmahoney@nevillemahoney.com
jenniferdmann@gmail.com

CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rule 341(a) and (b). The length of this brief, excluding the pages contained in the Rule 341(c) certificate of compliance and the certificate of service is twenty (20) pages.

Ronald F. Neville

Ronald F. Neville

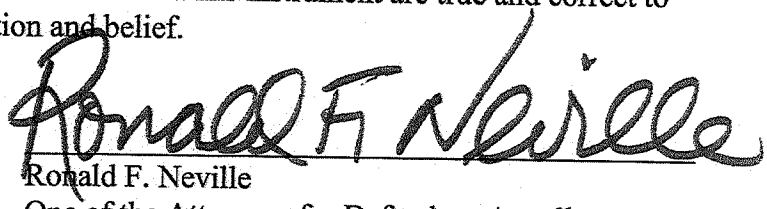
CERTIFICATE OF SERVICE

I certify that on May 25, 2021, I electronically filed the attached Reply Brief and Argument in Support of Appellee's Request for Cross-Relief of Defendant/Appellee Beau Parrillo with the Clerk of the Court for the Illinois Supreme Court, by using the Odyssey eFileIL system. I further certify that the other participants in this appeal, named below, are registered service contacts on the Odyssey eFileIL systems, and thus will be served via the Odyssey eFileIL system.

Randall B. Gold
Fox & Fox, S.C.
124 West Broadway
Monona, WI 53716
Rgoldlaw@aol.com

Daniel J. Voelker
Voelker Litigation Group
33 North Dearborn Street
Suite 1000
Chicago, IL 60602
Dvoelker@voelkerlitigationgroup.com

Under penalties as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct to the best of my knowledge, information and belief.



Ronald F. Neville
One of the Attorneys for Defendant-Appellant