2026 IL App (1st) 250031-U

No. 1-25-0031

SIXTH DIVISION
August 28, 2026

**NOTICE**: This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

| | | |
|---|---|---|
| AMIT TRIVEDI, | ) | |
| | ) | |
| Plaintiff-Appellant, | ) | |
| | ) | Appeal from the Circuit Court |
| v. | ) | of Cook County. |
| | ) | |
| MRAUNAC & ASSOCIATES LLC, | ) | |
| | ) | No. 23M1014265 |
| (Defendant-Appellee), | ) | |
| | ) | |
| & | ) | Honorable |
| | ) | Arlene Coleman-Romeo, |
| LISA PICKELL, | ) | Judge, presiding. |
| | ) | |
| (Defendant). | ) | |

JUSTICE PUCINSKI delivered the judgment of the court.
Presiding Justice C.A. Walker and Justice Gamrath concurred in the judgment.

**ORDER**

¶ 1 *Held:* The circuit court erred in dismissing plaintiff's tortious interference claim based on the absolute litigation privilege where the challenged communication was directed to an entity unrelated to the underlying litigation.

¶ 2 Plaintiff-Appellant Amit Trivedi appeals from the circuit court's order granting defendant Mraunac & Associates LLC's motion to reconsider and dismissing with prejudice Trivedi's claim for tortious interference with a business relationship. On appeal, Trivedi asserts the circuit court erred in concluding a letter sent to Trivedi's employer during a separate small-claims litigation was protected by the "Absolute Litigation Privilege." For the following reasons, we reverse the decision of the circuit court and remand for further proceedings consistent with this order.

¶ 3 BACKGROUND

¶ 4 The Small Claims Case

¶ 5 On July 23, 2021, Lisa Pickell filed a small claims complaint against Trivedi, Tarun Mirchandani, and Daniel Pintean arising from the removal of her personal property from a storage unit at her condominium building in Chicago. Pickell v. Mirchandani, et al., No. 2021-M1-013459 (Cir. Ct. Cook County). Pickell and Mirchandani both had residential units inside of the building.

¶ 6 In August 2020, without notifying him beforehand, Pickell placed her belongings in a storage unit owned by Mirchandani. In April 2021, Mirchandani, Trivedi, Mirchandani's broker, and Pintean, a contractor Mirchandani hired to conduct repairs to his residential unit, discovered the property in the storage unit. Mirchandani notified the property manager, who then sent a message to all residential unit owners in the building. Pickell did not remove her belongings from the storage unit.

¶ 7 The following month, at Mirchandani's direction, Trivedi and Pintean cut the lock to the storage unit and removed the items. Pickell discovered her belongings were removed and sought their return. Although the parties arranged for the return of Pickell's property, Pickell maintained that certain items remained missing. Pickell filed her small claims complaint *pro se*, alleging Mirchandani, Trivedi, and Pinetan owed her $6600, which was the value of the purported missing

items. Jonathan Mraunac entered his appearance on behalf of Pickell on September 13, 2021. Jonathan is the Managing Member for the law firm Mraunac & Associates LLC. That same day, Trivedi filed an appearance, stating he was representing himself *pro se*, and that he was representing Mirchandani and Pinetan. At the time, Trivedi was employed as an attorney by the Chicago Housing Authority (CHA).

¶ 8 On September 29, 2021, while the small-claims action was pending, Jonathan sent a letter on behalf of his firm to Cheryl Colston, Chief Legal Officer at the CHA, concerning Trivedi's representation of the defendants in the small claims action. The letter stated, in relevant part:

> "It does not appear that Mr. Trivedi is registered with the Illinois Supreme Court to practice law privately as a law firm. I spoke with the Clerk of the Supreme Court this morning and it has no record of a law firm under his name. *** While I fully support moonlighting in general, were I Chief Legal Officer of a major municipal entity in Chicago, I would be concerned that one of its in-house attorneys is practicing law privately, presumably without malpractice insurance and outside of your knowledge."

Jonathan later informed Trivedi that Pickell was unaware of the letter to CHA until he sent her a blind copy. On November 1, 2021, CHA terminated Trivedi's employment.[1]

¶ 9 On December 13, 2021, following a bench trial, the circuit court entered judgment in favor of Trivedi, Mirchandani, and Pintean in the small claims action. The contents of Jonathan's letter to CHA were not raised during those proceedings.

¶ 10 The Underlying Action

[1] Following a separate action, CHA reinstated Trivedi into his prior position in January 2022.

¶ 11 On September 28, 2023, Trivedi filed a two-count complaint against Pickell[2] and Mraunac & Associates LLC ("Mraunac"). In the complaint, Trivedi alleged Mraunac tortiously interfered with his business relationship with CHA by sending the September 2021 letter. The complaint also alleged the statements in the letter that Trivedi was "moonlighting" and "privately practicing law without malpractice insurance" constituted defamation. Defendants filed a combined motion to dismiss pursuant to section 2-619.1 of the Code of Civil Procedure (735 ILCS 5/2-619.1 (West 2024) ("Code")), arguing, that Pickell was unaware of the September 2021 letter as Mraunac submitted it in exercise of its independent legal judgment. Furthermore, the statements in the letter were true and that dismissal of the defamation claim was proper under section 2-619 of the Code. In addition, because the absolute litigation privilege immunizes against claims for tortious interference, Mraunac asserted dismissal was proper under section 2-615 of the Code. The circuit court heard the motion on March 14, 2024.

¶ 12 On August 15, 2024, the court dismissed Pickell entirely from the action with prejudice. As to Mraunac, the court dismissed Trivedi's defamation claim but denied dismissal of the tortious interference claim. Mraunac filed a motion to reconsider, arguing that the absolute litigation privilege broadly protects communications made by an attorney that relate to pending litigation and further their representation of a client. Mraunac maintained the September 2021 letter satisfied those requirements and therefore barred Trivedi's tortious interference claim. The court heard the motion on November 6, 2024.

¶ 13 On December 9, 2024, the circuit court granted Mraunac's motion to reconsider and dismissed Trivedi's tortious interference claim with prejudice. The court found the absolute litigation privilege should be "construed liberally," and that the statements in Mraunac's

[2] Pickell is not a party to this appeal.

September 2021 letter were sufficiently pertinent to the small claims action to fall within the privilege.

¶ 14 This appeal followed.

¶ 15 JURISDICTION

¶ 16 The circuit court entered its order granting Mraunac's motion to dismiss upon reconsideration on December 9, 2024. Trivedi filed a timely notice of appeal on January 6, 2025. Accordingly, this court has jurisdiction pursuant to Illinois Supreme Court Rule 303 (eff. July 1, 2017).

¶ 17 ANALYSIS

¶ 18 On appeal, Trivedi asserts the circuit court erred in dismissing his tortious interference claim based on the absolute litigation privilege. Specifically, Trivedi argues that (1) the privilege does not extend to claims for tortious interference with a business relationship; (2) Mraunac sent the September 2021 letter to CHA, an unrelated third party to the small claims action; and (3) the statements in the letter were not pertinent to that case.

¶ 19 Section 2-1203 of the Code allows a party to file a motion to reconsider in any case tried without a jury. 735 ILCS 5/2-1203 (West 2024). The purpose of a motion to reconsider is to bring to the court's attention a change in the law, an error in the circuit court's application of existing law, or newly discovered evidence that was not available at the time of the prior hearing or decision. *Horlacher v. Cohen*, 2017 IL App (1st) 162712, ¶ 79. Here, Mraunac's motion to reconsider challenged the circuit court's application of the absolute litigation privilege to Trivedi's tortious interference claim. Where a motion to reconsider asks the circuit court to reevaluate its application of existing law, our review is *de novo*. *Hayward v. C.H. Robinson Co.*, 2014 IL App (3d) 130530, ¶ 29.

¶ 20 Although the circuit court did not specify whether it dismissed Trivedi's tortious interference claim under section 2-615 or section 2-619, Mraunac's motion asserted dismissal based on the absolute litigation privilege was proper under section 2-615. A section 2-615 motion to dismiss attacks the legal sufficiency of a complaint. *Bryson v. News America Publications, Inc.*, 174 Ill. 2d 77, 86 (1996). An affirmative defense may be raised in a 2-615 motion where the defense is apparent from the face of the complaint. *O'Callaghan v. Satherlie*, 2015 IL App (1st) 142152, ¶ 19. Where the applicability of the absolute litigation privilege is apparent from the face of the complaint, the issue may properly be resolved under section 2-615. *Id.* ¶ 20.

¶ 21 The absolute litigation privilege protects communications made by attorneys during the course of litigation. *Lewis v. Kalbhen*, 2025 IL App (1st) 242110, ¶ 16. For the privilege to apply, the communication must pertain to proposed or pending litigation; that is, the communication must relate to the litigation and be made in furtherance of the attorney's representations. *Scarpelli v. McDermott Will & Emery LLP*, 2018 IL App (1st) 170874, ¶ 19; *O'Callaghan*, 2015 IL App (1st) 142152, ¶ 25. The pertinency requirement is not strictly construed, and any doubts must be resolved in favor of finding the communication pertinent to the litigation. *O'Callaghan*, 2015 IL App (1st) 142152, ¶ 25. Where the privilege applies, it affords complete immunity regardless of the attorney's motive or knowledge of the statement's falsity. *Popp v. O'Neill*, 313 Ill. App. 3d 638, 642 (2000).

¶ 22 Trivedi first argues the absolute litigation privilege does not apply to his tortious interference claim, because the privilege is limited to claims for defamation. This argument misstates the law. Illinois' absolute litigation privilege is generally based on section 586 of the Restatement (Second) of Torts, which states in key part: "an attorney at law is absolutely privileged to publish defamatory matter concerning another *** in which he participates as counsel, if it has

some relation to the proceeding. *O'Callaghan*, 2015 IL App (1st) 142152, ¶ 24. Illinois courts have extended the privilege beyond defamation to other causes of action based on the same allegedly defamatory conduct. *Johnson v. Johnson & Bell Ltd.*, 2014 IL App (1st) 122677, ¶ 16 (negligent infliction of emotional distress); *Scarpelli*, 2018 IL App (1st) 170874, ¶ 33 (intrusion upon seclusion); *Goodman v. Goodman*, 2023 IL App (2d) 220086, ¶ 27 (intentional infliction of emotional distress). In applying the privilege to tortious interference claims, the Second District highlighted that the privilege is predicated on the tenet that although the attorney's conduct is otherwise actionable, his communications are protected "because he is acting in furtherance of some interest of social importance [such as justice for his client]." *American Backflow & Fire Prevention, Inc., v. Hincks*, 2025 IL App (2d) 250023, ¶ 23. Where a plaintiff brings claims other than defamation, but those claims are based on allegedly defamatory statements, the defendant may assert the privilege. *Id*. ¶ 37. Here, the complaint alleged Mraunac tortiously interfered with Trivedi's employment agreement by sending the September 2021 letter that expressed: (1) he was violating Illinois law by representing himself and his co-defendants in the small claims action; (2) that he was "moonlighting"; and (3) the representation should concern CHA as he was practicing without malpractice insurance. Trivedi further alleged in the complaint that these statements constituted defamation *per se*. Because Trivedi's tortious interference claim arises from the same allegedly defamatory statements in the September 2021 letter to CHA, Mraunac may assert the absolute litigation privilege as a defense to the claim. *Hincks*, 2025 IL App (2d) 250023, ¶ 37.

¶ 23 Trivedi next argues the absolute litigation privilege does not apply as Mraunac sent the September 2021 letter to CHA, who was an unrelated third party with no connection to the small claims action. Illinois courts have refused to extend the absolute litigation privilege to third party communications unrelated to a lawsuit. *Kurczaba v. Pollock*, 318 Ill. App 3d 686, 705 (2000). We

find *August v. Hanlon*, 2012 IL App (2d) 111252, to be illustrative. In *Hanlon*, the plaintiff filed a defamation *per quod* action against the defendant, who was an attorney for an excavation business that accused the plaintiff of stealing money from them in a separate action. 2012 IL App (2d) 111252, ¶ 5. As the separate action proceeded, where the defendant's client accused the plaintiff of redirecting charitable donation funds to themselves, the defendant spoke about the matter with a newspaper reporter investigating the story. *Id*. ¶ 6. The reporter published the article, which quoted the defendant multiple times; the plaintiff filed suit, stating the quotes were "designed to falsely accuse [him] of defrauding and stealing." *Id*. ¶ 7. The circuit court initially found the plaintiff's suit was a SLAPP lawsuit and granted summary judgement in favor of the defendant; upon review, the appellate court reversed the decision. *Id*. ¶ 45. During the appeal, the defendant argued summary judgement should be upheld as the absolute litigation privilege applied to his comments to the reporter. *Id*. ¶ 34. The court disagreed, finding that the privilege was inapplicable where the comments were made outside of the underlying proceedings to a reporter who was not connected to the suit. *Id*. ¶ 36. The court recognized that Illinois courts have not extended the privilege to communications made to third parties having no connection to the litigation. *Id*. ¶ 37 (citing *Lykowski v. Bergman*, 299 Ill. App. 3d 157, 166 (1998); *Thompson v. Frank*, 313 Ill. App 3d 661, 664 (2000); and *Kurczaba*, 318 Ill. App 3d at 705).

¶ 24 Here, CHA had no connection to the small claims action. The only connection CHA had to the litigation was its employment agreement with Trivedi, a litigant to the suit. Yet, similar to the reporter in *Hanlon*, CHA was not involved in small claims action nor the underlying conduct that gave rise to it. Illinois courts have never extended the privilege to other persons having no connection to the underlying lawsuit. *Stein v. Krislov*, 2013 IL App (1st) 113806, ¶ 34. The applicability of the absolute litigation privilege does not extend to an unrelated third parties such

as a litigant's employer. See *Lykowski*, 299 Ill. App. 157, 166 (1998) (rejecting defendant's argument that the applicability of the privilege to a letter sent to ARDC regarding the plaintiff's alleged misconduct extended to copies sent to the newspapers or the plaintiff's employer). We find the absolute litigation privilege does not apply where the September 2021 letter was submitted to Trivedi's employers, who was an unrelated third party. As such, we do not address whether the statements in the letter were pertinent to the small claims action.

¶ 25 CONCLUSION

¶ 26 For the foregoing reasons, we find the statements in the September 2021 letter are not protected by the absolute litigation privilege. We reverse the judgment of the circuit court of Cook County and remand for further proceedings consistent with this order.

¶ 27 Reversed and remanded.