

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

JOHN FRIEL,

Plaintiff,

v.

DARRELL MILLER individually, and as agent, servant and/or
employee of CENTURY TRADE SHOW SERVICES, INC., and
CENTURY TRADE SHOW SERVICES, INC.,

Defendants.

)
)
) No. 2018-L-004793
)
)
) FEES AND COSTS
) REQUESTED:
) \$44,482.82
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**DEFENDANTS' S.C.R. 219(c) FEE AND COSTS PETITION AGAINST PLAINTIFF
JOHN FRIEL**

Based on this Court's orders of July 1, 2019 and February 18, 2020, defendants present this petition to recover S.C.R. 219(c) fees and costs from Plaintiff John Friel (hereafter, 'Friel'). The purpose of this petition is to show both entitlement and reasonableness of the fees and costs requested. The petition is based on August 9, 2017 medical disclosures, where plaintiff claimed July 17, 2017 through April 28, 2018 medical treatments and expenses of Robert Coats, M.D. were caused by the September 14, 2014 accident with defendants. On February 10, 2020, plaintiff first disclosed to defendants the July 12, 2017 through April 28, 2018 Coats, M.D. medical treatments had nothing to do with the September 14, 2014 accident. The petition is also based upon the grounds that Friel misused the discovery process and repeatedly violated the Court's discovery orders, costing defendants thousands of dollars in unnecessary discovery expenses. These discovery violations are detailed in defendants' April 24, 2019 Motion to Bar, with Exhibits 1-10, defendants' February 20, 2020 Renewed Emergency Motion to Bar, with Exhibits 11-18, and this Petition.

Attached to this Petition are:

Exhibit ‘A’-Affidavit of Attorney Lowell D. Snorf, III, in support of S.C.R. 219(c) petition for fees and costs;

Exhibit ‘B’-pages of February 10, 2020 evidence deposition transcript of Coats, M.D (page 60, lines 9-22; page 79, lines 5-8, lines 9-11; pages 85-86, lines 15-18);

Exhibit ‘C’-Plaintiffs’ March 10, 2020 trial cross examination of surveillance detective, Pat Tracy (page 15, line 20).

Included, incorporated and referenced in this petition are the following:

1. **February 18, 2020** Report of Proceedings;
2. **February 18, 2020** Court Order;
3. **February 13, 2020** Emergency Renewed Motion w/ Exhibits 11-18;
4. **April 29, 2019** Motion to Bar w/ Exhibits 1-10;
5. **May 8, 2019** Plaintiffs’ Response to Defendants’ Motion Bar;
6. **May 28, 2016** Plaintiffs’ Supplemental Response to Defendants’ Motion;
7. **June 5, 2019** Defendants’ Reply to Plaintiffs’ April 8, 2019 and May 28, 2019 Supplemental Responses.

I. Additional Background Following February 18, 2020 Emergency Motion Hearing

Defendants’ attach to this Petition **Exhibit ‘A’**, which is the affidavit of Attorney, Lowell D. Snorf, III, that explains the reasons why defendants’ are entitled to S.C.R. 219(c) fees and costs. Defendants attach to this petition **Exhibit ‘B’**, which are portions of the February 10, 2020 evidence deposition transcript Robert Coats, M.D. Coats, M.D. testified that his treatment for Friel’s left shoulder stopped after July 21, 2015 (page 60, lines 9-19). At page 79, Coats, M.D. testified that there was no follow-up for the September 14, 2014 accident with Friel after July 21, 2015. Coats, M.D. also had not seen Friel’s answers to interrogatories or Friel’s December 11, 2018 S.C.R. 213(f)(2) disclosures (page 79, lines 9-19). At Coats, M.D.’s February 10, 2020 evidence deposition, a record was made that for the September 14, 2014 ordeal, Coats, M.D. had not seen Friel after July 21, 2015.

Conclusion

Defendants ask this honorable court to accept defendants' \$44,482.82 fee and costs petition in full with the finding the S.C.R. 219(c) petition is sufficient to show defendants are entitled to the reasonable fees and costs identified in the petition with attachments. Defendants similarly request John Friel pay the amount within 21 days of the entry of this order. Should John Friel fail to pay the attorney's fees and costs within that time period, under S.C.R. 219(c) (vii) the court's award should be converted to a final judgment, with plaintiffs to pay interest at the rate provided by law for final judgments, no further action required to enforce the terms of this order.

Lowell D. Snorf, III
Attorney for Defendants
DARREL MILLER and
CENTURY TRADE SHOW SERVICES,
Inc.

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