BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the Matter of: FELIPE NERY GOMEZ, Attorney-Respondent, No. 6197210.	Commission No. 2020PR00064

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Tammy L. Evans, pursuant to Supreme Court Rule 753(b), complains of Respondent, Felipe Nery Gomez, who was licensed to practice law in Illinois on February 9, 1988, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

ALLEGATIONS COMMON TO ALL COUNTS

1. On May 13, 2004, Respondent was admitted to practice before the general bar of the United States District Court for the Northern District of Illinois.

2. Between September 2018 and July 2019, Respondent engaged in a pattern of conduct including, but not limited to, sending harassing and threatening emails to several attorneys who were involved in litigation with Respondent.

3. On July 26, 2019, the Executive Committee of the United States District Court for the Northern District of Illinois ("Executive Committee") issued a rule to show cause to Respondent directing him to show cause why, pursuant to Rule 83.28 (c) of the Local Rules of the Court, he should not be disciplined for violating the ABA Model Rules of Professional

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Conduct. The Executive Committee issued the rule to show cause to Respondent after receiving complaints about Respondent's conduct toward other members of the federal bar. On September 16, 2019, Respondent submitted a response to the Executive Committee.

4. On October 8, 2019, the Executive Committee disbarred Respondent from the practice of law in the United States District Court for the Northern District of Illinois until further order of the court.

COUNT I

(Using means that have no substantial purpose other than to embarrass, delay or burden third persons – Vincent P. Schmeltz III and Steven Badger)

5. On January 27, 2019, Respondent filed a complaint on behalf of Arthur Gomez in the United States District Court, Northern District of Illinois, against the Charles Schwab Corporation ("Schwab"), and several of its corporate officers, for the alleged improper conversion of a Uniform Gift to Minors Act ("UGMA") custodial account that Arthur Gomez had created for the benefit of his son. The matter was docketed as case number 19-CV-0540, *Arthur James Muellman Gomez v. Charles Schwab Corp., et al.* Vincent P. "Trace" Schmeltz III ("Schmeltz"), a partner at Barnes & Thornburg, LLP ("B&T"), represented Schwab in the matter.

6. On March 4, 2019, Respondent issued a subpoena to Bank of America ("BOA") in connection with case number 19-CV-0540. When Schmeltz learned of the subpoena, he informed Respondent that he believed the subpoena was premature and improper under the federal rules, and that he intended to send a letter to BOA stating the same and informing them that they did not have to respond.

7. On April 17, 2019, Respondent filed a second amended complaint in case number 19-CV-0540. The second amended complaint added Respondent as a plaintiff and alleged that

Schwab had committed violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), and sought additional relief.

8. On April 18, 2019, Schmeltz sent a letter to BOA stating that Respondent's subpoena was issued prematurely in violation of Federal Rule of Civil Procedure 26(f), which provides that parties shall not seek discovery from any source before the parties have conferred. At the time Respondent issued the subpoena to BOA, Respondent and Schmeltz had not conferred regarding the possibility of settling or resolving the case, and had not developed a proposed discovery plan. Schmeltz sent a copy of his letter to BOA to Respondent.

9. On April 21, 2019, Respondent sent the following emails to Schmeltz:

> "Happy Easter Schmatlz [*sic*] you are being referred to the FBI today. You are insane to have done this, clear attempted obstruction. Maybe you should watch the news, obstruction is a big topic. I will also motion this up for her Honor to weigh in re [*sic*] protective order. What country do you live in? Here, a subpoena is inviolate and you violated the authority of the Court.
>
> You sir are despicable and unfit to practice law and I pledge to bring the full weight of Justice down on you. Disgusting."
>
> "Dear Perp: We have determined you are engaged in active tampering and obstruction, and I have a second opinion from former law enforcement counsel in agreement.
>
> We demand you stop any communication with BA [BOA], and you formally withdraw your letter for which you undiscovered email despite all other comms [*sic*] being email, further highlighting your incredibly stupid subterfuge that seems to have no substantial benefit.
>
> You and your firm are on notice we consider you an active criminal and are impeding a federal subpoena with malice forethought and intent to hide the Truth from your own client Arthur and The People.
>
> Schmuchs [*sic*]:

> I will prosecute you into bankruptcy and prison. I. Gurantee. [*sic*] It."

10. Respondent's statements in paragraph nine, above, that Schmeltz was "insane," "despicable and unfit to practice law," a "perp," "engaged in active tampering and obstruction," "an active criminal….impeding a federal subpoena with malice and forethought and intent to hide the Truth" from his client, a "[s]chmuchs [*sic*]," and that Respondent was referring Schmeltz to the FBI (Federal Bureau of Investigation) and would prosecute Schmeltz "into bankruptcy and prison" had no substantial purpose other than to embarrass, delay or burden Schmeltz.

11. On April 21, 2019, at 1:50 p.m., Respondent sent the following email to Schmeltz:

> "I will not pursue you if you self report [*sic*] them plea to what you did immediately. RICO allows parallel prosecution but you and Barnes weren't and are not my primary Targets, you just fd [*sic*] up big time and i [*sic*] report active crooks i [*sic*] run across if they do not abate on the shot across the bow.
>
> You have quadrupled down and again it appears you have put economic self interest [*sic*] ahead of your client's. You will be reported of course that cannot be settled it isn't my claim.
>
> Resign and plea to the FBI and i [*sic*] don't name and flay you on a public pillory for all to see so as to discourage scum like yourself."

12. Respondent's statements in paragraph 11, above, including that Schmeltz "put economic self interest [*sic*] ahead of "his [Schmeltz] client's," and that if Schmeltz would "resign and plea to the FBI," Respondent would not "name and flay you [Schmeltz] on a public pillory for all to see so as to discourage scum like yourself [Schmeltz]," had no substantial purpose other than to embarrass, delay or burden Schmeltz.

13. On April 22, 2019, Steven M. Badger ("Badger"), Deputy General Counsel for B&T sent the following emails to Respondent in response to his email to Schmeltz:

> "Mr. Gomez,
>
> I don't know you, but your threats against Mr. Schmeltz (it is Schmeltz, not Schmaltz) and our law firm are wholly baseless and inappropriate. You are, of course, free to take whatever steps you feel appropriate and seek recourse from the government. But to threaten another lawyer with prosecution in order to gain leverage or advantage is wholly inappropriate."
>
> "Your attempt to attack and intimidate me is also inappropriate. I am asking you to stop your improper personal attacks in your communications with counsel.
>
> I am Deputy General Counsel of Barnes & Thornburg. I will appreciate it if you keep me in the loop as counsel to the firm and Mr. Schmeltz. Thank you."

14. On April 22, 2019, Respondent sent the following emails to Badger:

> "Stop emailing me now or i [*sic*] call police. You are barred from direct contact with me or co plantiff [*sic*]. Cc only. Shut up please."
>
> "FYI. Your firm will be prosecuted by me if Justice sits on its hands again and this is second and final chance at doing its job without again being ordered to after I gave them a chance to not be commanded by the Boss. Any further attempt to influence the USA or any other schmaltzing will be met harshly."
>
> "Sir: You are being prosecuted, there is zero "threat". Just like the bs [*sic*] opinion that the MIDP prevents my MANDATORY FRCP 13 and 19 investigation which your firm thinks entitles it to tell a witness what to do in response to a subpoena, you misrepresented the truth. I want and get zero advantage from enforcing the law and you cannot cite the advantage you claim because it doesn't exist. Having you NOT take advantage is all i [*sic*] seek.
>
> And parroting the false walls you keep setting up by falsely accusing me of violating my Oath and the Rules, while you blatently [*sic*] twist and ignore them, is in my opinion, more dispicsble [*sic*] conduct from a firm that thinks it can violate the law and then accuse the referrer of being a crooked attorney.

> You shouldve [*sic*] kept you [*sic*] mouth shut. I am plaintiff not just an attorney on the case. I plaintiff, will add you, new perp, when and if I have to RICO the individual attorneys.
>
> I suggest you shut up."

15. Respondent's statements in paragraph 14, above, that Badger "shut up" and was a "new perp," and that Respondent was going to "RICO" Badger had no substantial purpose other than to embarrass, delay or burden Badger.

16. On April 23, 2019, Respondent sent the following email to Badger:

> "With zero respect, idiot, I told you not to contact me. I am a plaintiff. You are barred, and you just violated the Rules again.
>
> You obey no rules or no one. I remember what scum BT is from 10 years of suing scum polluters and then having outside counsel run up the bill in unethical manner until i [*sic*] had to leave the sharks in the room repeating themselves to each other. You are entitled to be heard. Once.
>
> Dont [*sic*] pull your crap on me. Shmuckz [*sic*] and your firm are scum of the Earth and need to be abated. Under RICO I am private AG and am doing the abating, since you seem very cozy with the USA here and since this office seems frozen, except for letting crooks like Shock [*sic*] get off and then allow him to attack a fellow AUSA who wanted to do the right thing and prosecute that piece of poop.
>
> BT is in my opinion a scumbag firm as evidenced by the repeated flaunting of the Rules whilst impugning a named party for not following them.
>
> You will be pursued for harrassing [*sic*] me after i [*sic*] told you to bug off.
>
> Get outside Counsel. Be an Attorney not a thug.
>
> DO NOT CONTACT ME DIRECTLY IDIOT."

17. Respondent's statements in paragraph 16, above, including that Badger is an "idiot," should be "an [a]ttorney not a thug" and "will be pursued for harrassing [*sic*] me after i

[*sic*] told you [Badger] to bug off," and that "Shmuckz [*sic*] and your [Badger's] firm are scum of the [e]arth and need to be abated" had no substantial purpose other than to embarrass, delay or burden Schmeltz and Badger.

18. On April 23, 2019, Respondent sent the following email to Schmeltz:

> "Counsel/Perp: Your Co-perp Badger is barred yet continues to harrass [*sic*] me, plaintiff with threats and false accusation. Control him.
>
> Relatedly, Given [*sic*] the ongoing federal investigations I have initiated, and given your past lying and deciept [*sic*] of Judge Castillo during your last disciplining which obviously failed to curb your god complex, i [*sic*] will be moving to DQ both BT and RS and will detail with excruciating detail why.
>
> Get outside counse [*sic*], as anything you and BT say to me is fair game to use against you and Badger badgering mea [*sic*] party after the party complained and barred him, is the latest and will be noted to her Honor.
>
> You Sir are going to taste what total defeat and carreer [*sic*] ending tastes like. I guarantee it."

19. Respondent's statements in paragraph 18, above, that Schmeltz is a "[p]erp," has a "god complex," and is "going to taste what total defeat and carreer [*sic*] ending tastes like," and that Respondent initiated federal investigations into Schmeltz's "past lying and deciept [*sic*] of Judge Castillo," had no substantial purpose other than to embarrass, delay or burden Schmeltz.

20. Respondent's statements in paragraph 18, above, that Badger is a "[c]o-perp," that he "continues to harrass [*sic*]" Respondent with "threats and false accusation," and that Schmeltz should "control" Badger, had no substantial purpose other than to embarrass, delay or burden Badger.

21. On April 26, 2019, Schmeltz filed a motion seeking to quash the subpoena that Respondent issued to BOA and to direct the court to order Respondent to communicate civilly. Respondent voluntarily dismissed the lawsuit on the following day.

22. On May 12, 2019, Respondent sent Schmeltz the following email:

> "Lol [laugh out loud] this just came to me. If you don't quit this sham by noon 5.17.19 and tell your clients to give up and release assets and all files, I am likely going to arrange to publicallt [*sic*] notify your employees of the ongoing crime , [*sic*] as documented by nonprivileged [*sic*] public info I have, and offer a large whistle blower reward to turn you in. I will then tell WGN and NYT and Fox to see who wants the exclusive, as a citizen and defendant, not attorney.
>
> Again, I will do this a Custodian and Agent and Defendant.
>
> And a Father. With full support of the Mother (we agree on zero usually).
>
> Not as an Attorney.
>
> Watch. I will Smollett/Foxx yall [*sic*] i [*sic*] am getting good at this. Give Virginia access and the files, she's in charge of AJ assets as his not my Attorney.
>
> Protecting a client under the Patriot Act can't mean free float. Period."

23. Respondent's statements in paragraph 22, above, that Respondent was going to "arrange to publicallt [*sic*] notify your [Schmeltz] employees of the ongoing crime , [*sic*] as documented by nonprivileged [*sic*] public info I have, and offer a large whistle blower reward to turn you [Schmeltz] in," and that Respondent would "then tell WGN and NYT and Fox to see who wants the exclusive" had no substantial purpose other than to embarrass, delay or burden Schmeltz.

24. By reason of the conduct described above, Respondent has engaged in the following misconduct:

a. using means that have no substantial purpose other than to embarrass, delay, or burden third persons, by conduct including, but not limited to, sending numerous emails to Schmeltz, described in paragraphs 9, 11, 16, 18, and 22, above; and sending numerous emails to Badger, described in paragraphs 14, 16 and 18, above, in violation of Rule 4.4(a) of the Illinois Rules of Professional Conduct (2010); and

b. engaging in conduct that is prejudicial to the administration of justice, by conduct including, but not limited to, sending numerous emails to Schmeltz, described in paragraphs 9, 11, 16, 18, and 22, above; and sending numerous emails to Badger, described in paragraphs 14, 16 and 18, above, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(*Using means that have no substantial purpose other than to embarrass, delay or burden third persons – Christina Sanfelippo, Jeffrey Widman, and Mark Morris*)

25. In February 2019, Respondent filed a complaint in the United States District Court, Northern District of Illinois, against Cubesmart Self Storage ("Cubesmart"), a national company that owns self-storage facilities throughout the United States, including facilities in the Chicago area. Respondent rented two storage cubes from Cubesmart at its facility located at 2647 N. Western Avenue in Chicago, Illinois, and sought to enjoin Cubesmart from auctioning his personal property after he fell behind in rent payments. The matter was docketed as case number 19-CV-00905 and titled *Gomez v. Cubesmart Self Storage.* Christina M. Sanfelippo ("Sanfelippo"), an attorney with Fox Rothschild, LLP, represented the defendant, Cubesmart.

26. On April 29, 2019, Sanfelippo filed a motion for sanctions against Respondent alleging that Respondent's allegations and arguments lacked evidentiary support and were foreclosed by controlling case law. Sanfelippo's notice of motion stated the incorrect year for the scheduled hearing date on her motion for sanctions. The notice of motion stated the motion was scheduled for hearing on May 8, 2020, instead of May 8, 2019.

27. On May 1, 2019, Respondent sent an email to Sanfelippo, which included the following language:

> "As a plaintiff I WILL NOT deal with sanfelippo [*sic*] further and demand that her supervising attorney contact me immediately re [*sic*] the blindside m.sanctions [*sic*] after issuance of a proposed settlement i [*sic*] haven't gotten to yet."
>
> "…I will not settle with a m.sanctions [*sic*] held over my head. I believe both your client and your firm and you personally have proceeded in bad faith and that the attack is motivated by profit in the form of fees that wouldn't be incurred in a settlement effort.
>
> I intend to RICO you, personally, your firm, and your client and will amend as of right very soon. In my opinion, you have personally conspired with your management to extort a tenant under knowingly bad ucc [*sic*] notice in effort to pad your billing. I am pro se not attorney on this yet you sanction?"

28. Respondent's statements set forth in paragraph 27, above, that Sanfelippo "proceeded in bad faith," and "personally conspired with your management to extort a tenant under knowingly bad ucc [*sic*] notice in effort to pad your billing," and that Respondent intended to "RICO" Sanfelippo, had no substantial purpose other than to embarrass, delay, or burden Sanfelippo.

29. On May 6, 2019, Sanfelippo sent an email to Respondent informing him of the error on the notice of motion, and that her office was advised by the ECF (Electronic Court Filing) help desk and by Judge Dow's chambers to refile the original notice of motion.

30. On May 6, 2019, Respondent sent the following email to Sanfelippo:

> "1. Can you read? I am a party and asked you to stop harrassing [*sic*] me.
>
> 2. The help desk does not set His Honor's Rules, the Court and Staff do.

> 3. The rules apply to your written notice, not any alleged oral notice attempted to be attributed when we spoke or when i [*sic*] first protested your motion.
>
> 4. I will move to strike the notice and for sanctions if you have not renoticed [*sic*] per His Honor's rules, or if his Honor staff accept your incorrect renotice [*sic*], by 3:00 p.m. today. You don't get to ignore the rules just because help desk tells you to renotice [*sic*], they CANNOT waive His Honor's rules and you know better.
>
> Thank you and again, as a Party you are harassing, GET THE CO COUNSEL OF RECORD ON THIS."

31. On May 8, 2019, Respondent sent the following emails to Carolyn Hoesly ("Hoesly"), Courtroom Deputy for the Honorable Judge Robert M. Dow, Jr., and Sanfelippo:

> At 7:13 a.m.: "Dear Court, I am running late and will be there asap [*sic*] after 9:15 as i [*sic*] can. Is there any way to phone in as the motion is not for sanctions but a poorly disguised m.dismiss [*sic*] as discussed in my motion to strike [17]? Plus the notice is bogus and i [*sic*] intend to pursue this incident regardless of outcome. Tx [*sic*]."
>
> At 8:34 a.m.: "I will be there 9:30 ish [*sic*] I apologize."

32. Hoesly sent the following email to Respondent with a copy to Sanfelippo:

> "The following transaction was entered on 5/8/2019 at 9:05 AM CDT and filed on 5/8/2019
> Case Name: Gomez v. Cubesmart (self storage)
> Case Number: 1:19-cv-00905
> Filer:
> Document Number: 20
>
> Docket Text:
> MINUTE entry before the Honorable Robert M. Dow, Jr.: Defendant's motion for sanctions [16] and Plaintiff's motion to strike [19] are taken under advisement; responses are due 6/5/2019; replies are due 6/26/2019; the Court will issue a ruling by mail. Notice of motion date of 5/8/2019 and the status hearing set for 5/16/2019 are stricken and no appearances are necessary on that date. Mailed notice(cdh,) [*sic*]"

33. At 9:45 a.m., Respondent sent an email to Sanfelippo that said, "I am going to have you disciplined."

34. Respondent's statement set forth in paragraph 33, above, that he was "going to have you [Sanfelippo] disciplined" had no substantial purpose other than to embarrass, delay, or burden Sanfelippo.

35. Respondent then sent the following email to Mark L. Morris ("Morris"), managing partner of Fox Rothschild, LLP:

> "I am plaintiff pro se in this case. Your firm has violated my rights as a litigant and abused the process as indicated by your attorney apparently lying re calling chambers (Carolyn was out of town) and scamming bad notice, and the motion to dismiss labled [*sic*] a motion for sanctions. All for profit as i [*sic*] am sure you didn't do it for free.
>
> See eg [*sic*] 19cv0540 and 18cv4818. I RICO scum bag firms that lie and cheat. I also released both the Smollett and Foxx dumps myself. I am FOIAg [*sic*] the court re sanscamsfelipe [*sic*] alleged ex parte comms [*sic*] to see if she is telling the truth…I think she lied to me and the court. The filer picks the year not the system, she screwed up and tried to cover up.
>
> Once i [*sic*] have the evidence i [*sic*] am going to Chief Judge Castillo to complain and request discipline as the LITIGANT, as I am pro se.
>
> I am open to settling this case which has bad UCC notice thus your client must renotice [*sic*] and start over. 5,000 non negotiable [*sic*]. I will not agree not to complain as that is illegal so do not even go there.
>
> You sir are a Subject along with Ms. (In my op [*sic*]) Liar.
>
> Fyi [*sic*] i [*sic*] released both the Smollett and Foxx dumps to WGN then Fox then NYT (I will. [*sic*] copy you on the Smollett releases to prove I do FOIA for The People. I will expose your firm next.
>
> Settle dude or rip y'all [*sic*] a new one.

> I will not deal with sanliarippo [*sic*].
>
> You or ax [*sic*] senior partner or i [*sic*] proceed to her and your firm."

36. Respondent's statements set forth in paragraph 35, above, including, "I RICO scum bag firms that lie and cheat," "I am FOIAg [*sic*] the court re sanscamsfelipe [*sic*]," "[y]ou sir are a Subject along with Ms. (In my op [*sic*]) Liar," "I will expose your firm next," "[s]ettle dude or rip y'all [*sic*] a new one," and "I will not deal with sanliarippo [*sic*]," had no substantial purpose other than to embarrass, delay, or burden Morris and Sanfelippo.

37. A few minutes later, Respondent sent an email to Morris with a copy to Sanfelippo that stated the following:

> "Liars will be prosecuted. Sanfelippo is a Target with your firm. I am dead serious."

38. Respondent's statements set forth in paragraph 37, above, that "Sanfelippo is a Target" and that he was "dead serious" had no substantial purpose other than to embarrass, delay, or burden Morris and Sanfelippo.

39. Respondent later sent an email to Morris that included the following language:

> "…I will amend and will name your firm because I now have obvious claims as a party and for lost time, and I believe RICO applies since you violated my rights for profit. As you should know, once I add FR you are barred from repping [*sic*] a codefendant [*sic*] by 1.7 and 3.7 of ABA and local rule.
>
> $5,000 to dismiss and full CNS for both Fox and Client. By Friday. I will mark up the SA today and send to you, not the backdooring sanfellippo [*sic*]. Assign someone else or no deal I sue full bore.
>
> Make the right choice. Thanks."

40. Respondent's statements set forth in paragraph 39, above, including "…I will amend and will name your firm because I now have obvious claims as a party and for lost time,

and I believe RICO applies since you violated my rights for profit" and "the backdooring sanfellippo [*sic*]," had no substantial purpose other than to embarrass, delay, or burden Morris and Sanfelippo.

41. On May 8, 2019, at 12:49 p.m., the United States District Court, Northern District of Illinois sent a Notice of Electronic Filing to Respondent and Sanfelippo, which stated the following:

> "MINUTE entry before the Honorable Robert M. Dow, Jr.: The Courtroom Deputy has forwarded to the Court several emails between counsel that have either been sent or forwarded to her in regard to certain motions [16, 19] which the Court this morning took under advisement. The most recent of these email communications—which was sent at 11:16 a.m. by Plaintiff, who has been licensed to law in Illinois since 1988—looks more like a discovery request than a request for routine case management and scheduling information. While there appears to be a good deal of turbulent water under the bridge, leading to cross-motions for sanctions that are beyond the scope of this quick minute entry, the Court observes that one of the matters generating controversy is the date on which Defendant's motion for sanctions was noticed for presentment. Both the notice of motion [17] and the re-notice of motion [18] on their face indicate that the motion was to be presented on May 8, 2019 at 9:15 a.m. The docket entry for the original motion, however, states that the motion will be presented on May 8, 2020 at 9:15 a.m. Plaintiff "strenuously protests the noticing of the motion, which allegedly was set for 2020 by the court and not the filer, and then was amended on 5.6.19 for 5.5.19, allegedly at the Ex Parte direction of "chambers," apparently in violation of the 3 day notice rule with no input from Pro Se undersigned." On account of the foregoing, Plaintiff protests that "proper notice did not occur here as a matter of record, and undersigned is forced into Court on a facially invalid notice." This strikes the Court as making a proverbial mountain out of a molehill. Common sense would dictate that nobody—party or court—would notice a motion for presentment more than a year in advance. Any attempt to do so would flagrantly violate our local rules. Common sense would further dictate that a typographical error was present in the docket entry, since as of April 29 Plaintiff had notice on the actual motion of May 8, 2019 date of presentment. The normal thing to do in those circumstances would be to pick up the phone or send an e-mail to opposing counsel

> pointing out the inconsistency and confirming the common sense inference that counsel intended to present the motion the following week, not the following calendar year. Failing that, there should be no surprise that counsel might call the Courtroom Deputy (or, if she did not pick up, chambers) to seek instruction on how to remedy any confusion. Nor should Plaintiff have been surprised to see a corrected notice of motion clarifying the common sense reading of the record as a whole—namely, that Defendant was going to present a motion on May 8, 2019 at 9:15 a.m. This happens all the time, without incident or recrimination. Nobody is perfect and mistakes regarding the notice rules—either typographical or early/late filing—are not at all uncommon. What is uncommon is that this type of simple misunderstanding leads to umbrage and further motion practice. Since Defendant's 5/8/2019 email to the Courtroom Deputy goes far beyond a routine question about case management deadlines or other scheduling issues, the relief sought must be requested in a formal motion. Before Plaintiff files such a motion, he should carefully reread the sentences above. If such a motion is filed, it will be taken under advisement with the same briefing schedule as the other pending motions and thus there will be no need to file a notice of motion. Finally, given the tenor of the email correspondence thus far, all further communications with the Court in this case, including the Courtroom Deputy, must be done by formal motion, not by e-mail or telephone. Mailed notice(cdh,)"

42. On May 9, 2019, Respondent sent the following email to Jeffrey L. Widman ("Widman"), a partner at Fox Rothschild, LLP:

> "Guess you can't tell when you are being fed the legal rope slowly tightening around your neck and that you are tightening it without my direct help.
>
> I will flip His Honor's wrath. Guatanteed [*sic*]. Get this over."

43. Respondent's statements set forth in paragraph 42, above, including "[g]uess you can't tell when you are being fed the legal rope slowly tightening around your neck" and that Respondent "will flip His Honor's wrath" had no substantial purpose other than to embarrass, delay, or burden Widman.

44. On May 10, 2019, at 10:34 a.m., Widman sent Respondent an email asking if Respondent had signed the proposed settlement agreement.

45. Respondent sent the following email to Widman:

> "Yo Jeff. You ignored my terms in the first signed doc. NOTE THE NOON DEADLINE FOR THE WIRES.
>
> NO MORE BULLSHIT. I SUE YOU AND NAME YOU PERSONALLY IF YOU F [*sic*] AROUND ANY MORE,
>
> THIS IS IT SEND MY FG [*sic*] MONEY."

46. Respondent's statements in paragraph 45, above, including "NO MORE BULLSHIT. I SUE YOU AND NAME YOU PERSONALLY IF YOU F [*sic*] AROUND ANYMORE" had no substantial purpose other than to embarrass, delay, or burden Widman.

47. At 10:52 a.m., Respondent sent the following email to Widman and Sanfelippo:

> "I am putting your name on now you keep fg [*sic*] around I can tell you a a [*sic*] shit. Get ready for judgment day."

48. Respondent's statements set forth in paragraph 47, above, that Respondent was "putting your [Widman's and Sanfelippo's] name on now you keep fg [*sic*] around I can tell you a a [*sic*] shit," and that Widman and Sanfelippo should "get ready for judgment day" had no substantial purpose other than to embarrass, delay, or burden Widman and Sanfelippo.

49. A short time later at 11:05 a.m., Respondent sent the following email to Widman and Sanfelippo:

> "I had already begun amending some time ago, I am halfway there. I half hope you fuck this up and I get to sue your smirky face. Seriously, this is borderline criminal crap..[*sic*] you are not Trump you Sir are touchable.
>
> You are on the clock not I.

> I best see the proof of timely prenoon [*sic*] tender or this little present is filed before 1 if not 12;01 [*sic*], my phone keeps going off."

50. Respondent's statements in paragraph 49, above, including "I half hope you fuck this up and I get to sue your smirky face" and "this is borderline criminal crap..you are not Trump you Sir are touchable" had no substantial purpose other than to embarrass, delay, or burden Widman and Sanfelippo.

51. On May 10, 2019, at 2:04 p.m., Respondent sent an email to Sanfelippo and attached a copy of an electronic filing record that reflected that Respondent had filed Document Number 25 in case number 19-CV-00905. The docket text stated the following:

> "STATUS Report On Apparent Failure of Settlement Efforts and Intent to Amend as of Right As of Right, ASAP, Adding Parties and Claims by Felipe Nery Gomez (Gomez, Felipe)"

52. Widman sent Respondent an email informing him that his client was reviewing the proposed changes to the settlement agreement, and, if his client approved the proposed changes, Widman could wire the funds immediately.

53. Respondent then sent the following email to Widman:

> "All i [*sic*] did was copy the changes YOU ignored in the first SA i [*sic*] sent you. You Sir, are full of it, requiring deadlines whilst not meeting yours, and creating the delay that causes the tardiness. You are like Saul in your eyes eh [*sic*]? Get out of my face, next time I get FR its [*sic*] gloves off.
>
> Puking, just like i [*sic*] did with scum polluters scum hibrow [*sic*] counsel i [*sic*] had to sit in the same room with."

54. Respondent's statements set forth in paragraph 53, above, including "[y]ou Sir, are full of it, requiring deadlines whilst not meeting yours, and creating the delay that causes tardiness," "[y]ou are like Saul in your eyes eh [*sic*]?," "[g]et out of my face, next time I get FR

its [*sic*] gloves off," and "[p]uking, just like i [*sic*] did with scum polluters scum hibrow [sic] counsel," had no substantial purpose other than to embarrass, delay, or burden Widman.

55. Respondent then sent the following email to Widman:

> "Where is my money. [*sic*] Demand goes to 10,000 at 3, you are lucky i [*sic*] have real clients harrassing [*sic*] me or the status would have been the fac [*sic*]. Once i [*sic*] file demand is 250,000. You had your chances."

56. Widman sent an email to Respondent informing him that his client did not accept the proposed changes to the settlement agreement and that he would send Respondent a revised draft of the settlement agreement.

57. Sanfelippo then sent Respondent an email along with a copy of the revised draft of the settlement agreement and informed Respondent that the "money will be wired when we receive a signed version of this agreement."

58. Respondent sent the following email to Widman:

> "I will name both of you if i [*sic*] don't have 1250 cash by 5:00 pm [*sic*] screw crooked wells. Pay the damn agreed money i [*sic*] am sick of this and you all scammers."

59. Respondent's statements set forth in paragraph 58, above, including "I will name both of you if i [*sic*] don't have 1250 cash by 5:00 pm [*sic*] screw crooked wells" and "[p]ay the damn agreed money i [*sic*] am sick of this and you all scammers" had no substantial purpose other than to embarrass, delay, or burden Widman and Sanfelippo.

60. Respondent then sent an email (with a subject line that stated "release my wire or i [*sic*] sue wells now not tomorrow) to Renee Gullickson, an employee of Wells Fargo Bank, with a copy to Widman and Sanfelippo. Respondent's email stated, "RICO. You know damn well who i [*sic*] am."

61. Respondent's statements set forth in paragraph 60, above, including "RICO" and "[y]ou know damn well who i [*sic*] am" had no substantial purpose other than to embarrass, delay, or burden Widman and Sanfelippo.

62. Later that evening, Respondent sent an email to Sanfelippo and attached a copy of an electronic filing record that reflected that Respondent had filed Document Number 26 in case number 19-CV-00905. The docket text stated the following:

> "STATUS Report On Miracle Mutual Save of Settlement from Ashes of Defeat by Felipe Nery Gomez (Gomez, Felipe)"

63. On May 14, 2019, Respondent sent the following email to Widman:

> "I will call the court to tell settled just to tweak His Honor and Carolyn, as I will wear him out, I will be using his CD instead of 42 usc [*sic*] 1983 now vs [*sic*] Lori and CPD. RTSC vs [*sic*] brand new random judge. I am ignorant pro se and I am pissed re judges limiting my speech while i [*sic*] rep myself or real clients. Pallmeyer the worst so far i [*sic*] told her i [*sic*] am appealing her gag order she does not care. Lol [laugh out loud]."

64. By reason of the conduct set forth above, Respondent has engaged in the following misconduct:

a. using means that have no substantial purpose other than to embarrass, delay, or burden third persons by conduct including, but not limited to, sending numerous emails to Sanfelippo described in paragraphs 27, 33, 35, 37, 39, 47, 49, 58, and 60, above; sending numerous emails to Morris described in paragraphs 35, 37, and 39, above; and sending numerous emails to Widman described in paragraphs 42, 45, 47, 49, 53, 58, and 60, above, in violation of Rule 4.4(a) of the Illinois Rules of Professional Conduct (2010); and

b. engaging in conduct that is prejudicial to the administration of justice, by conduct including, but not limited to, sending numerous emails to Sanfelippo described in paragraphs 27, 33, 35, 37, 39, 47, 49, 58, and 60, above; sending numerous emails to Morris described in paragraphs 35, 37, and 39, above; and sending numerous emails to Widman described in paragraphs 42, 45, 47, 49, 53, 58, and 60, above, in

violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

COUNT III
(*Using means that have no substantial purpose other than to embarrass, delay or burden third persons – Amber Ritter and John Scott*)

65. On July 13, 2018, Brian Singer ("Singer") filed a *pro se* complaint in the United States District Court, Northern District of Illinois, alleging that Kovitz, Shifrin & Nesbit ("Kovitz"), Ann Bromely ("Bromely"), Mark Davis ("Davis"), Emily Rimkus ("Rimkus"), and the 308 West Evergreen Avenue Condominium Association ("308 West"), violated his constitutional rights. The matter was docketed as case number 18-CV-4818, and titled *Singer v. Kovitz, Shifrin & Nesbit, et al.* Davis and Bromely both owned condominiums and were president and treasurer, respectively, of 308 West. Rimkus was Davis' girlfriend and resided with him in his condominium. Kovitz has represented 308 West in numerous actions involving Singer, including, but not limited to, Singer's removal of the building's entire roof top deck because he alleged 308 West had not obtained the proper permits to construct the deck.

66. On or before July 13, 2018, Respondent and Singer agreed that Respondent would represent Singer in 18-CV-4818, and, on July 13, 2018, Respondent entered his appearance in the matter on behalf of Singer.

67. On July 31, 2018, Respondent directed a subpoena to Rahm Emanuel ("Emanuel"), then mayor of the City of Chicago ("City"). Respondent's subpoena sought all records of any kind in the possession of the City that related to Singer or the subject property, "without regard to relevance."

68. Pursuant to Rule 26(a) of the Federal Rules of Civil Procedure, "parties are required to share evidence supporting their case without being requested by the opposite party." Rule 26(d) of the Federal Rules of Civil Procedure states, "generally, parties are not allowed to

seek discovery before the parties have conferred." Neither Respondent nor Singer named the City, Emanuel, or any other City employee or agency as a party in case number 18-CV-4818. Therefore, the City, Emanuel, or any other City employee or agency was not required to share any evidence that supported Singer's case.

69. On or about August 7, 2018, Amber Ritter ("Ritter"), then Chief Assistant Corporation Counsel for the City of Chicago Law Department, received the subpoena that Respondent directed to Emanuel. Ritter called Respondent to discuss the broad scope of the subpoena, and Respondent agreed to narrow the scope of the subpoena to specific records at a future date. Ritter subsequently memorialized her telephone conversation with Respondent in an email to Respondent.

70. Between August 20, 2018 and August 30, 2018, Respondent worked directly with the City's Department of Buildings ("DOB") seeking information about his client's property. During this time, Respondent also sent several emails to John Scott ("Scott"), DOB Deputy Commissioner, and Luis Rosado ("Rosado"), DOB Inspector, and would occasionally send copies to Ritter.

71. On or about August 30, 2018, DOB provided Respondent with the building inspection reports that he requested.

72. On September 14, 2018, in response to Scott's assertion that a permit would be required to do work on his client's property, Respondent sent Scott the following email, along with a copy of the opposing party's motion for a temporary restraining order, which Scott forwarded to Ritter:

> "We will be having Rahm testify as to whether Mr. Scott is correct and Mr. Scott to see if he willing to possibly perjure himself by maintaining his totally wrong and UNOFFICIAL OPINION as to

> enneeded [*sic*] ez permit. Good work this bs [*sic*] re a roof belonging to the nearest unattached unit needs to be ended."

73. Respondent's statements set forth in paragraph 72, above, that he would have Scott testify and "see if he [is] willing to possibly perjure himself by maintaining his totally wrong and UNOFFICIAL OPINION" had no substantial purpose other than to embarrass, delay, or burden Scott.

74. Ritter sent an email to Respondent asking him to confirm whether he would be sending Emanuel a subpoena, and questioning what information Respondent believed Emanuel could provide in relation to the matter.

75. In response, Respondent sent the following emails to Ritter:

> "His subordinate Scott is making up permit requirements that don't exist. The Mayor his boss right? So I need impeach Scott with his Boss who has to know when a permit is required. If City thinks so sue Mr. Singer we air it there. The TRO based on excersize [*sic*] of Mayor authority. How not relevant?"
>
> "I have at least 5 fed [*sic*] subpoena including the Mayor coming for various City employees today. Can you accept them or I do individually?"

76. After Ritter informed Respondent that she could accept service of the subpoenas for all City employees and provided Respondent with her office address, Respondent sent an email to Ritter and opposing counsel that he was going to "move the court by 4:00 p.m. to move the TRO [Temporary Restraining Order] hearing back a couple days to allow the Mayor et al to arrange to attend or move to quash..."

77. Despite indicating to the parties in an email that he was going to move the court to reschedule the motion, at approximately 3:00 p.m. on Friday, September 14, 2018, Respondent emailed Ritter five subpoenas for City employees to testify at the TRO hearing on Monday, September 17, 2018. The subpoenas compelled the appearance of Emanuel, Scott, Rosado, DOB

Commissioner Judith Frydland, and DOB Inspector James Skala. In his email to Ritter, Respondent stated "any chance Scott sez [*sic*] no EZ permit needed we don't have to do this?"

78. Then, at 4:52 p.m., Respondent sent the following email to Ritter:

> "Hold the Subpoenas for now Judge just wants us in to get upshot on whats [*sic*] up…may set for evidentiary hearing then so just hold those and if I have to I will either use those or issue new ones if you need, TTYS re the other issues re Scott EZ permit and getting CPD and EZ permits apps by 308. Felipe."

79. Respondent's conduct including sending Ritter an email saying he was going to issue subpoenas to City employees, emailing five subpoenas for City employees to Ritter at 3:00 p.m. on a Friday afternoon, and then rescinding the subpoenas less than two hours later, had no substantial purpose other than to embarrass, delay, or burden Ritter.

80. On Saturday, September 15, 2018, Respondent sent the following email to Ritter with a subject line of, "Yesterday's Subpoenas in Force":

> "I forgot. As of now, I will need someone from Mayor's office present in order to comply with my Subpoenas. Let me know who if not yourself. Alternative is gurantee [*sic*] in writing by 9a.m. [*sic*] 9.17.18 that CPD will stop messing with my client and 308. Thank you."

81. Respondent's statements set forth in paragraph 80, above, that, "[a]s of now, I will need someone from Mayor's office present in order to comply with my Subpoenas" and "[a]lternative is gurantee [*sic*] in writing by 9a.m. [*sic*] 9.17.18 that CPD will stop messing with my client and 308" had no substantial purpose other than to embarrass, delay, or burden Ritter.

82. On Monday, September 17, 2018, Respondent sent Ritter several emails demanding that she call him prior to the court hearing that was scheduled for 10:00 a.m. that morning. Ritter sent Respondent an email stating that she was not available to call Respondent,

and that she would be present at the court hearing on behalf of the City employees who were the subject of Respondent's subpoenas.

83. Prior to the court hearing, Respondent also left several voice messages on Ritter's office voicemail, including one voice message in which he said that Ritter would be the cause of him crashing his car as he tried to email and call her while driving, and another voice message in which Respondent simply sang the lyrics to the song "99 Bottles of Beer on the Wall."

84. Respondent's voice messages that he left on Ritter's office voicemail, including one voice message in which he said that Ritter would be the cause of him crashing his car, and another voice message in which he sang the lyrics to the song "99 Bottles of Beer on the Wall," had no substantial purpose other than to embarrass, delay, or burden Ritter.

85. When Ritter appeared in court for the hearing, Respondent approached her, introduced himself and held out his hand. When Ritter declined to shake Respondent's hand, Respondent became upset and told Ritter that, as a public employee, she worked for him.

86. Respondent's statement to Ritter that she worked for him had no substantial purpose other than to embarrass, delay, or burden Ritter.

87. On Tuesday, September 18, 2018, Respondent sent four emails to Ritter, including three emails between 5:54 a.m. and 6:11 a.m. At 5:54 a.m., Respondent sent the following email to Ritter:

> "The Mayor owes production and I am not asking again as it seems you are not going to cooperate, as indicated by your refusal to shake hands in Court and your opinion that you owe the public no attention and to go stuff myself. Again, you forget you are OUR servant not a Boss. Soon that will be no more and what my client views as the abuse of that office (as indicated by you ignoring federal Subpoenas) will cease.
>
> You have until 5p.m. [*sic*] today to acknowledge my several requests for ALL CPD info on 308 Evergreen, and till [*sic*] 9.25 to

> produce all other info requested. If not I will move the Court accordingly. Time is up. Thank you."

88. Respondent's statements set forth in paragraph 87, above, including, "…it seems you are not going to cooperate, as indicated by your refusal to shake hands in Court and your opinion that you owe the public no attention," and "[a]gain, you forget you are OUR servant not a boss," had no substantial purpose other than to embarrass, delay, or burden Ritter.

89. At 6:09 a.m., Respondent sent the following email to Ritter:

> "You also failed to respond to our request as to why CPD is harrassing [*sic*] my client and your silence indicated the Mayor approves of the CPD following stopping and coming repeatedly to his house for no reason.
>
> I will be moving for a TRO that the Court WILL likely grant if there is ONE MORE occurance [*sic*]. Please control the rogues at the district or we will. Again, you are obligated to respond as a PUBLIC SERVANT, please obey your oath. Thank you."

90. Respondent's statements set forth in paragraph 89, above, including, "your silence indicated the Mayor approves of the CPD following stopping and coming repeatedly to his house for no reason," and "[p]lease control the rogues at the district or we will," and that Ritter was "obligated to respond as a PUBLIC SERVANT, please obey your oath," had no substantial purpose other than to embarrass, delay, or burden Ritter.

91. Ritter sent Respondent an email informing him that she and the City were not ignoring federal subpoenas, and reminded Respondent that she appeared in court on the previous day despite Judge Chang telling her that her appearance was not necessary, and that the subpoenas were off the table because there would be no TRO hearing. Ritter further stated that she never expressed any opinion to Respondent that she and the City "owe the public no attention" and did not tell Respondent to "go stuff" himself.

92. On Wednesday, September 19, 2018, Respondent sent an email to Ritter that said his client "demands that the Mayor and yourself resign" and that it was his client's opinion that Emanuel and Ritter "approve of CPD beating and stalking law abiding citizens."

93. Respondent's statements that his client demanded that Ritter resign and that it was his client's opinion that Ritter "approved of CPD beating and stalking law abiding citizens" had no substantial purpose other than to embarrass, delay, or burden Ritter.

94. On Friday, September 21, 2018, Ritter sent two emails to Respondent informing him that she was having a difficult time understanding his emails and voice mail messages, and suggested that Respondent make all future requests in writing.

95. On Monday, September 24, 2018, Respondent sent Ritter eight emails between 7:46 a.m. and 8:41 a.m. In his eight emails, Respondent implied that Ritter was involved as counsel in an unrelated matter, and that she did not divulge public information in that matter when requested by FOIA or subpoena.

96. Ritter sent Respondent an email stating that the DOB had already produced the records that he requested, and that she had asked the CPD to search for the records that Respondent had requested. Ritter asked Respondent to address all other concerns with the court.

97. On Tuesday, September 25, 2018, Respondent sent Ritter several emails and filed a FOIA lawsuit against the CPD on behalf of his client, Singer. He also sent four FOIA requests to the Mayor's Office, including two requests in which he personally named Ritter and implied that she was involved in an unrelated matter. The two requests that he sent to the Mayor's Office that listed Ritter's name sought the following:

> "ALL INFORMATON REGARDLESS OF FORMAT RELATED TO THE ALL DELIBERATIONSAND [*sic*] DECISIONS, BY, WITHIN OR ON BEHALF OF THE MAYOR OR HIS OFFICE, RELATED TO THE WITHHOLDING AND RELEASE OF THE

> LAQUAN MCDONALD INFORMATION IN THE CITY OF CHICAGO'S POSSESSION (NOT JUST THE SINGLE TAPE) WIHTOUT [*sic*] LIMITATION AS TO ANY "DATE RANGE". THIS INCLUDES BUT IS NOT LIMITED TO ALL AMBER RITTER'S FILES RELATED TO MR. MCDONALD."
>
> "ALL INFORMATION REGARDLESS OF FORMAT RELATED IN ANY WAY TO LAQUAN MCDONALD WITHOUT LIMITATION AS TO ANY "DATE RANGE". THIS INCLUDES BUT IS NOT LIMITED TO ALL AMBER RITTER'S INFORMATION REGARDLESS OF FORMAT RELATED TO MR. MCDONALD, INCLUDING ALL EMAILS WITH ANY ENTITY RELATING TO MR. MCDONALD."

98. Respondent's two FOIA requests, set forth in paragraph 97, above, in which he personally named Ritter and implied that she was involved in another unrelated matter, had no substantial purpose other than to embarrass, delay, or burden Ritter.

99. In addition to the four FOIA requests that he submitted to the Mayor's Office, Respondent also submitted four federal FOIA requests to the United States Department of Justice with similar wording and copied Ritter on those communications.

100. Respondent's submission of four federal FOIA requests to the United States Department of Justice, and his inclusion of Ritter on those communications, had no substantial purpose other than to embarrass, delay, or burden Ritter.

101. On September 26, 2018, Respondent sent Ritter seven emails between 7:00 a.m. and 8:00 a.m. In the seven emails that he sent to Ritter, Respondent referenced a proposed consent decree that was not related to case number 18-CV-4818 and demanded Ritter's resignation. The following are excerpts from five of Respondent's seven emails:

> "…I have worn [*sic*] the mayor several times to control his police department and he or you or both not only haven't responded you appear to encourage the illegal Behavior,…"
>
> "…In my opinion you have broken your oath as an attorney and as a fellow attorney I intend to address that fully."

> "I intend to name you personally on the next complaint given that the conduct that got kovitz [*sic*] sued (not accommodating my clients [*sic*] complaints and allowing their clients to continue to harass my client just as you're doing with the police) is what you and mr. [*sic*] Mayor have done."
>
> "…it is unbelievable with all the attention that you think you're going to get away with continuing to disobey state and federal law."
>
> "…The People's response to a comment that you can't control them is that you should resign since you're basically saying you're unable to do your job."

102. Respondent's statements set forth in paragraph 101, above, including "he or you or both not only haven't responded you appear to encourage the illegal Behavior," "[i]n my opinion you have broken your oath as an attorney and as a fellow attorney I intend to address that fully," "I intend to name you personally on the next complaint given that the conduct that got kovitz [*sic*] sued (not accommodating my clients [*sic*] complaints and allowing their clients to continue to harass my client just as you're doing with the police)," "it is unbelievable with all the attention that you think you're going to get away with continuing to disobey state and federal law," and "[t]he People's response to a comment that you can't control them is that you should resign since you're basically saying you're unable to do your job," had no substantial purpose other than to embarrass, delay, or burden Ritter.

103. Later that afternoon, Ritter provided Respondent with the CPD records that Respondent had requested eight days earlier. On Friday, September 28, 2018, Ritter produced to Respondent additional CPD records dating back to 2015.

104. On October 1, 2018, Ritter emailed Respondent to inform him that the City was prepared to file a motion to modify his subpoena pursuant to Rule 45(d)(3), in order to ask the

court to order that the City's response was complete. Ritter inquired whether Respondent would object to the City's motion.

105. Respondent sent an email to Ritter with a subject line of, "Subpoena no longer considered enforced by the signatory, your motion is mooted." The email stated the following:

> "No need for the motion, we will take what you've given us without waiving any claim as to non-compliance with the extant subpoena which was in fact an effort to simplify things. we [*sic*] also don't waive any claims just any other information we feel we might need but we need to get through what we've got first from CPD and the building department before I can make that determination so consider the subpoena you have in your hand no longer in force. given [*sic*] that please confirm you will not be bothering the judge as I have mooted your motion just as I did was Zayn's and all he got was less than what I had initially offered. In the same Cooperative fashion I'll informally request to 2012 records up to the time of the last record you gave me I believe was 2017. in [*sic*] the same vein please let me know what your objection is since my client moved in there in 2012 and that's all I am going to so far.? [*sic*]
>
> given [*sic*] the short deadline until the second amended complaint is do I appreciate a response as to whether you're going to voluntarily produce the 2012 to 2017 Police Department Records or not?"

106. Ritter then sent an email to Respondent stating that she would indicate that the motion is contested.

107. In response, Respondent sent Ritter an email indicating that he did not contest the motion and stated the following:

> "…if you make the statement that you're exerting is my opinion you'll be lying to the court and I will inform the court of that and everything else you have pulled. You seem insistent on getting before the judge I'm not sure why but we shall find out since you're trying to twist my words I am busy I don't need to go to court going to tell the Judge The [*sic*] subpoena was satisfied and I told you that and you refused to listen.

> Your continuing conduct of not following the rules is noted and will be addressed in other forums besides judge [*sic*] Chang's.
>
> I guarantee you I will move for sanctions if you follow through with your threat to lie to the court and say I'm contesting you motion when I am not."

108. Respondent's statements set forth in paragraph 107, above, including "if you make the statement that you're exerting is my opinion you'll be lying to the court and I will inform the court of that and everything else you have pulled," "[y]our continuing conduct of not following the rules is noted and will be addressed in other forums besides [J]udge Chang's," and "I guarantee you I will move for sanctions if you follow through with your threat to lie to the court and say I'm contesting you[r] motion when I am not," had no substantial purpose other than to embarrass, delay, or burden Ritter.

109. In response to Respondent's email set forth in paragraph 107, above, Ritter sent an email to Respondent informing him that she would be filing the motion, that she would indicate that the motion is not opposed, and that his appearance would be required.

110. Respondent sent Ritter an email with a subject line of "IT IS OPPOSED AS UNNEEDED," and stated "[s]top twisting my words to your advantage." Respondent also stated "I have had it with you."

111. Respondent then sent an email to Ritter in which he attached a copy of an electronic filing record that reflected that Respondent had filed Document Number 42, entitled "Closing of 7.30.18 Subpoena *Duces Tecum* to Mayor Emanuel," in case number 18-CV-4818. In his email, Respondent stated the following:

> "IT IS CLOSED. KNOCK IT OFF. IF YOU MAKE A MOTION TO NARROW A CLOSED SUBPOENA I WILL SANCTION YOU."

112. Respondent's statements set forth in paragraph 111, above, including "KNOCK IT OFF. IF YOU MAKE A MOTION TO NARROW A CLOSED SUBPOENA I WILL SANCTION YOU" had no substantial purpose other than to embarrass, delay, or burden Ritter.

113. A few minutes after sending Ritter the email described in paragraph 111, above, Respondent sent Ritter another email with a copy of the same electronic filing record. Respondent's email stated, "Your harassment and total lack of professionalism is not appreciated and will be addressed."

114. Respondent's statements set forth in paragraph 113, above, that "[y]our harassment and total lack of professionalism is not appreciated and will be addressed," had no substantial purpose other than to embarrass, delay, or burden Ritter.

115. On October 1, 2018, at 12:29 p.m., Respondent left the following voice-message on Ritter's office voicemail:

> "Yeah Counselor Ritter, number one, I never said I didn't oppose your motion. I 100% opposed it from the get go. How dare you make a statement like that and tell me you're going to put that in a federal document. I will be addressing that.
>
> Number two, check your email. I filed a document attaching the subpoena stating it is closed. If you file a motion asking to narrow a subpoena that you know is closed, I'm going to move to sanction you. Can you do something else with your time and stop harassing me and my client? You got what you wanted. Please do not contact me again unless it's necessary and I'll do the same to you. I'll issue subpoenas to the individual departments like I should have done in the first place. I appreciate your cooperation. You did produce some records, not everything we wanted but we'll take what we can get and move on. Goodbye. Again I warn you against filing a motion on this closed subpoena."

116. Respondent's statements in the voice message that he left on Ritter's office voicemail set forth in paragraph 115, above, had no substantial purpose other than to embarrass, delay, or burden Ritter.

117. Five minutes later, Respondent sent an email to Ritter in which he attached a copy of the electronic filing record described in paragraph 111, above, and stated the following:

> "Just in case you missed it. Why do you persist in being, IN MY OPINION, totally unprofessional? As a Citizen [*sic*] Mr. Singer again asks that you Please [*sic*] resign now."

118. Respondent's statements set forth in paragraph 117, above, that Ritter was "totally unprofessional" and that she should "[p]lease resign now," had no substantial purpose other than to embarrass delay, or burden Ritter.

119. Respondent then sent an email to Ritter in which he attached a copy of an electronic filing record that reflected that Respondent had filed Document Number 43, entitled "Notice to Amber Ritter and the Mayor and ALL SUBPOENAS Issued to Chicago ARE CLOSED," in case number 18-CV-4818. In his email, Respondent stated, "Satisfied? Have a great day!"

120. One minute after Respondent sent Ritter the email set forth in paragraph 119, above, he left the following voice-message on Ritter's office voicemail:

> "Ok are you happy Amber? You got personal notice in federal court, public notice to the whole world, that all my subpoenas, every single one of them, are closed. So you have no reason to move for anything, and in fact you got no reason to call me or contact me anymore. I request that you do not, and I will do the same. I do remind you that I got all the FOIAs out and we'll rely on FOIA, I no longer need subpoenas for the City. Have a great life."

121. Respondent's statements in the voice-message that he left on Ritter's office voicemail set forth in paragraph 120, above, had no substantial purpose other than to embarrass, delay, or burden Ritter.

122. After Respondent left the voice-message set forth in paragraph 120, above, he sent the following email to Ritter:

> "Unless there is an emergency or the City decides to settle, and in view of your totally unprofessional refusal to shake my hands [*sic*] in court (I even shook Zane's hand, and hopefully will again, in reverse manner, soon), and, in my opinion, total continuation of your horrible attitude including contumacious disregard of your oaths and the rule of law both related to not responding to a 7.30.18 Subpoena until 9.28.18 and then threatening the undersigned with an unneeded motion that you stated you would lie in regarding my position, I ask that you not contact this office any more as we will not read anything issuing from your hand or otherwise respond.
>
> If the Mayor has anything to say he can call himself or use another representative that we can trust.
>
> Unfortunately for you, this is not the end of it, but the Big Fish comes first.
>
> Thank You."

123. Respondent's statements set forth in paragraph 122, above, including "your horrible attitude including contumacious disregard of your oaths and the rule of law both related to not responding to a 7.30.18 Subpoena until 9.28.18 and then threatening the undersigned with an unneeded motion that you stated you would lie in regarding my position, I ask that you not contact this office any more as we will not read anything issuing from your hand," and "[u]nfortunately for you, this is not the end of it, but the Big Fish comes first," had no substantial purpose other than to embarrass, delay, or burden Ritter.

124. On October 2, 2018, the City filed a motion for a protective order governing discovery requests from Respondent. On October 4, 2018, Judge Chang entered an order setting a briefing schedule for the matter, and setting the matter for a hearing on November 9, 2018.

125. On October 5, 2018, Respondent sent Ritter 11 emails including eight emails between 1:00 p.m. and 1:35 p.m. The following is language from 2 of the 11 emails that Respondent sent to Ritter:

> "…Your personal attack on me will not go unaddressed as my client is quite upset with you and is going to do everything he can within his rights to address what he perceives as you and the mayor's total failure to do your jobs and what he perceives as your violation of your oath as an attorney as well as a public servant.
>
> I also give you one last chance to withdraw your unauthorized bogus motion for protection from nothing except me.
>
> If you would draw [*sic*] the motion by close of business today we can discuss how to address my clients [*sic*] extreme just pleasure that you was [*sic*] an attorney and as a representative of the city that he is a citizen of."
>
> "In return for your production of the 2016 records and withdrawal of your motion, my client agrees to turn our attention elsewhere other than trying to sanction you and the mayor for the violations however we of course Reserve [*sic*] those for the future in the event the city decides to go off the rails again like you did earlier at like you are attempting with this bogus personal attack motion.
>
> I am personally warning you that if you don't accept the deal the alternative is for my client to instruct me to do everything in my power to address the failure to produce the records."

126. Respondent's statements set forth in paragraph 125, above, including "[y]our personal attack on me will not go unaddressed as my client is quite upset with you and is going to do everything he can within his rights to address what he perceived as you and the mayor's total failure to do your jobs and what he perceives as your violation of your oath as an attorney as well as a public servant," "I also give you one last chance to withdraw your unauthorized bogus motion for protection from nothing except me," "[i]f you would draw [*sic*] the motion by close of business today we can discuss how to address my clients [*sic*] extreme just pleasure that you was [*sic*] an attorney and as a representative of the city that he is a citizen of," and "I am personally warning you that if you don't accept the deal the alternative is for my client to instruct me to do everything in my power to address the failure to produce the records," had no substantial purpose other than to embarrass, delay, or burden Ritter.

127. Later that afternoon, Ritter sent Respondent an email informing him that the City would be filing an emergency motion to expedite the briefing schedule on its motion for a protective order.

128. On October 5, 2018, Judge Chang's clerk made the following docket entry in case number 18-CV-4818:

> "MINUTE entry before the Honorable Edmond E. Chang: Plaintiff's motion [47] to strike is denied. The Court's Case Management Procedures explains why that type of motion is disfavored, and predictably the motion to strike unnecessarily multiples the briefs. The City's motion [49] to expedite is denied on the following grounds: per R. 43, there is ***no*** pending subpoena against the City (or anyone for that matter, because no early discovery has been authorized and there is no operative complaint), so the City is definitively under no subpoena obligation arising from this case – period. So Plaintiff's counsel shall not communicate with the City's counsel about any demands for records based on any obligation purportedly arising out of this case."

129. By reason of the conduct described above, Respondent has engaged in the following misconduct:

a. using means that have no substantial purpose other than to embarrass, delay, or burden third persons, by conduct including, but not limited to, sending an email to Scott, described in paragraph 72, above; sending numerous emails to Ritter described in paragraphs 80, 87, 89, 92, 101, 107, 111, 113, 117, 122, and 125, above; leaving voice messages on Ritter's office voicemail, described in paragraphs 83, 115, and 120, above; submitting FOIA requests that named Ritter personally to the Mayor's Office, described in paragraph 97, above; and submitting FOIA requests that named Ritter personally to the United States Department of Justice, described in paragraph 99, above, in violation of Rule 4.4(a) of the Illinois Rules of Professional Conduct (2010); and

b. engaging in conduct that is prejudicial to the administration of justice, by conduct including, but not limited to, sending an email to Scott, described in paragraph 72, above;

sending numerous emails to Ritter described in paragraphs 80, 87, 89, 92, 101, 107, 111, 113, 117, 122, and 125, above; leaving voice messages on Ritter's office voicemail, described in paragraphs 83, 115, and 120, above; submitting FOIA requests that named Ritter personally to the Mayor's Office, described in paragraph 97, above; and submitting FOIA requests that named Ritter personally to the United States Department of Justice, described in paragraph 99, above, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator respectfully requests that this matter be assigned to the panel of the Hearing Board, that a hearing be held, and that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By:/s/ Tammy L. Evans
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