

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT, FIRST DISTRICT

Yuling Zhan,)
Plaintiff)
V.) No: 04 M1 23226
Napleton Buick Inc,)
Defendant)

MOTION TO DISQUALIFY AND / OR SANCTION

Plaintiff, Yuling Zhan, respectfully submits this Motion To Disqualify And / Or Sanction Ms. Elaine S. Vorberg, Mr. Ryan Haas, Childress Duffy Goldblatt, Ltd., pursuant to Illinois Supreme Court Rules, Rules of this Court, Illinois Rules of Civil Procedure and Illinois Rules of Professional Conduct (IRPC), and states as follows:

1. Counsel for defendant Napleton Buick Inc., (“Buick”), Ms. Elaine S. Vorberg (“Vorberg”), Mr. Ryan Haas (“Haas”) from Childress Duffy Goldblatt, Ltd. (the “Firm”) identified themselves or acted as advocates and necessary witnesses, they should be disqualified in the instant suit under IRPC 3.7.
2. Sanction is warranted upon Buick and its counsel for each time they show total lack of respect to the Court, Court Order, the Illinois Supreme Court Rules and Rules of this Court, Illinois Rules of Civil Procedure and Illinois Rules of Professional Conduct. Also sanction should be imposed upon Buick and its counsel for each frivolous filing and contention in their attempts to harass plaintiff, interrupt and delay the court proceedings, and waste the invaluable time and resources of the Court.

3. From the beginning of the instant suit, Vorberg provided fraudulent statement to cover up a failure in serving papers. During arbitration, in violation of Illinois Supreme Court Rule 90 (c) and IRPC 3.3, in concert with Vorberg, Haas fabricated inadmissible evidence and provided fraudulent statement to the Arbitration Panel, which should be considered as a tribunal. After the lawsuit was filed, there was no legitimate reason for Vorberg and Haas to seek unilateral and unlimited access to the subject car. A series of events have convinced plaintiff it is part of a calculated scheme to deceive. IRPC 3.1 prohibits an attorney from cooking up a claim for any improper purpose. Under IRPC 1.7 (b), IRPC 3.3 (c) and IRPC 1.6, actual and substantial conflict of interest exists. Continued representation from Vorberg and Haas would adversely affect their client. Further, the representation would be materially limited by the interests of their own, and by their responsibility to the Court and the judicial system. Accordingly, under IRPC 1.10(a), their Firm Childress Duffy Goldblatt, Ltd. should be disqualified as well.
4. Due to interruption and delay of the court proceedings caused by Buick, discovery has not started yet for the instant lawsuit. Disqualification of Childress Duffy Goldblatt, Ltd., Vorberg and Haas will not work substantial hardship on Buick at this early stage of the suit.
5. Plaintiff submitted an attached memorandum in support of this motion.

WHEREFORE, plaintiff prays the Honorable Court grant this motion.

(Plaintiff's Signature)

(Date)

Yuling Zhan

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