

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

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

**OPPOSITION TO DEFENDANT’S MOTION TO BAR TESTIMONY OF  
PLAINTIFF’S WITNESSES AT TRIAL**

The Plaintiff, Yuling Zhan, respectfully submits this Opposition to Defendant’s Motion to Bar Testimony of Plaintiff’s Witnesses at Trial, and states as follows:

1. Defendant’s motion should be stricken or denied because it violates Illinois Supreme Court Rule 201(f) as it explicitly states: “Every motion with respect to discovery shall incorporate a statement that counsel responsible for trial of the case after personal consultation and reasonable attempts to resolve difference have been unable to reach an accord or that the opposing counsel made himself or herself unavailable for personal consultation or was unreasonable in attempts to resolve difference.” As the Honorable Court will see, defendant fails to do so.
2. On March 23, 2006 defendant sent out its Supreme Court Rule 213(f)(1-3) Interrogatories (Interrogatories”) to plaintiff. See Exhibit A. There is no printed name of any attorney in the text of the Interrogatories or on the “certificate of service.” Plaintiff did not know who wrote the Interrogatories and who provided a certificate at that time. As the Honorable Court can see, plaintiff has the right to know who addresses the Court for defendant, who drafts a Court paper and who provides a certificate. In the instant case, five attorneys for defendant come and go at hearings, and provide

different stories. Such practice should not be allowed. Further, the unknown person claimed defendant served the Interrogatories upon Ford Motor Company simultaneously. This is impermissible, but defendant keeps doing so for several months.

3. On April 14 and April 17 plaintiff wrote letters to defendant's counsel Ms Elaine S. Vorberg ("Vorberg"), pointed out these fatal flaws in the Interrogatories. See Exhibit B.
4. Although it would only take minutes to correct all the mistakes, Ms. Vorberg refused to do so. Instead, she waited until last minutes, provided false statement in a responsive letter, and demanded plaintiff's response the next day. See Exhibit C. As the Honorable Court can see, in the instant filing, Ms Vorberg did not mention plaintiff's April 14 letter, and provided an obvious fraudulent statement that a file-stamped Certificate of Service was enclosed in her letter. Actually, there is nothing else in Ms. Vorberg's letter, and defendant could not and should not request a file-stamped Certificate of Service for Interrogatories from the Court.
5. Surprisingly, out of whatever motive, defendant filed the instant motion, and again, Ms. Vorberg purposely failed to put her printed name in the text of the motion. The motion did not mention there was a dispute, and failed to inform the Court what the dispute was.
6. Reading the plain language of Rule 201(f), it shows defendant's instant motion is improper, and defendant has violated the same Rule before in order to prejudice plaintiff and gain unwarranted advantage.

WHEREFORE, Plaintiff prays the Honorable Court strike or deny defendant's motion, and grant plaintiff additional relief that this Court deems just and proper.

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(Plaintiff's Signature)

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( Date )

Yuling Zhan

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