

12-Person Jury

Civil Action Cover Sheet - Case Initiation

(05/27/16) CCL 0520

FILED

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

LILIYA HRABAR, Plaintiff,

v.

2019L005293

PROCO "JOE" MORENO, Defendant,

No.

CIVIL ACTION COVER SHEET - CASE INITIATION

A Civil Action Cover Sheet - Case Initiation shall be filed with the complaint in all civil actions. The information contained herein is for administrative purposes only and cannot be introduced into evidence. Please check the box in front of the appropriate case type which best characterizes your action. Only one (1) case type may be checked with this cover sheet.

Jury Demand [X] Yes [] No

PERSONAL INJURY/WRONGFUL DEATH

CASE TYPES:

- [] 027 Motor Vehicle
[] 040 Medical Malpractice
[] 047 Asbestos
[] 048 Dram Shop
[] 049 Product Liability
[] 051 Construction Injuries
[] 052 Railroad/FELA
[] 053 Pediatric Lead Exposure
[] 061 Other Personal Injury/Wrongful Death
[] 063 Intentional Tort
[] 064 Miscellaneous Statutory Action
[] 065 Premises Liability
[] 078 Fen-phen/Redux Litigation
[] 199 Silicone Implant

TAX & MISCELLANEOUS REMEDIES

CASE TYPES:

- [] 007 Confessions of Judgment
[] 008 Replevin
[] 009 Tax
[] 015 Condemnation
[] 017 Detinue
[] 029 Unemployment Compensation
[] 031 Foreign Transcript
[] 036 Administrative Review Action
[] 085 Petition to Register Foreign Judgment
[] 099 All Other Extraordinary Remedies

By: Michael L. Gallagher - Wise Morrissey, LLC (Attorney) (Pro Se)

FILED
5/16/2019 10:01 AM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2019L005293

(FILE STAMP)

COMMERCIAL LITIGATION

CASE TYPES:

- [] 002 Breach of Contract
[] 070 Professional Malpractice
[] 071 Fraud (other than legal or medical)
[] 072 Consumer Fraud
[] 073 Breach of Warranty
[] 074 Statutory Action
[] 075 Other Commercial Litigation
[] 076 Retaliatory Discharge

OTHER ACTIONS

CASE TYPES:

- [] 062 Property Damage
[] 066 Legal Malpractice
[X] 077 Libel/Slander
[] 079 Petition for Qualified Orders
[] 084 Petition to Issue Subpoena
[] 100 Petition for Discovery

**

Primary Email: mlg@wisemorrissey.com

Secondary Email: js@wisemorrissey.com

Tertiary Email:

Pro Se Only: [] I have read and agree to the terms of the Clerk's Office Electronic Notice Policy and choose to opt in to electronic notice form the Clerk's Office for this case at this email address:

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

FILED DATE: 5/16/2019 10:01 AM 2019L005293

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
LAW DEPARTMENT/ 1st DISTRICT

FILED
5/16/2019 10:01 AM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2019L005293

LILIYA HRABAR, Plaintiff,

v.

PROCO "JOE" MORENO, Defendant.

No. 2019L005293

JURY DEMAND

The undersigned demands a jury trial.


(Signature)

Atty. No.: 63527
Name: Michael L. Gallagher
Atty. for: Plaintiff Liliya Hrabar
Address: 161 N. Clark St., Suite 3250
City/State/Zip: Chicago, IL 60601
Telephone: 312-580-2040
Primary Email: mlg@wisemorrissey.com
Secondary Email: js@wisemorrissey.com
Tertiary Email:

Dated: May 16, 2019

FILED DATE: 5/16/2019 10:01 AM 2019L005293

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

LILIYA HRABAR,)
)
)
Plaintiff,)
)
v.) No. 2019L005293
)
PROCO "JOE" MORENO,)
)
Defendant.)

COMPLAINT AT LAW

Plaintiff, LILIYA HRABAR, by her attorneys, WISE MORRISSEY, LLC, complaining of Defendant, PROCO "JOE" MORENO, states as follows:

FACTS COMMON TO THE COMPLAINT

1. Plaintiff, LILIYA HRABAR ("Plaintiff"), is an adult and resident of Des Plaines, Cook County, Illinois.
2. Defendant, PROCO "JOE" MORENO ("Defendant"), is 47 years of age and a resident of Chicago, Cook County, Illinois. He is the Alderman of the First Ward of the City of Chicago.
3. Plaintiff and Defendant had been involved in a relationship since the fall of 2018. Defendant had allowed Plaintiff to drive his 2016 Audi A6 for an extended period of time in the fall of 2018.
4. On January 4, 2019, Defendant falsely claimed that his vehicle had been stolen in a recorded call to the City of Chicago Office of Emergency Communications (hereinafter referred to as "OMEMC"). In that call Defendant identified himself, and provided his home address and mobile phone number.

5. The Defendant reported that he had last seen his 2016 Audi A6 parked in front of his residence on the 1300 block of North Leavitt on the evening of Wednesday, January 2, 2019, at approximately 9:00 p.m.

6. The Defendant stated that no one else had access to the vehicle and falsely claimed that his vehicle had been stolen.

7. The call operator informed the Defendant that his vehicle would be listed as stolen. The call operator also informed Defendant that anyone found driving the vehicle would be arrested.

8. The Defendant knowingly provided materially false information in this report. Less than 18 hours prior, he had lent the vehicle to the Plaintiff. In the late evening hours of January 3, 2019, the Defendant permitted Plaintiff with the use of the vehicle.

9. The Plaintiff took a ride share car to the Defendant's address that evening after he encouraged Plaintiff to come to his home to use the vehicle. Defendant handed the car keys to his vehicle to Plaintiff. Plaintiff then proceeded to Defendant's garage at his residence, where Defendant turned over the vehicle to Plaintiff and saw her drive away in his vehicle.

10. Shortly after Plaintiff drove away, the Defendant sent a text message to Plaintiff, cautioning her not to smoke in his vehicle.

11. After reporting the vehicle stolen to OMEMC, Defendant contacted Plaintiff about the possibility of meeting for dinner, as they had discussed after he gave her his vehicle hours earlier.

12. On January 4, 2016, Defendant called his insurance carrier to report his vehicle stolen less than one hour after calling OEMC. In that telephone call, Defendant reported that his vehicle had been taken from his garage.

13. Defendant was very clear that he was the last person to use the vehicle and he was

the only person with access to the car. Based upon Defendant's false claim, his insurance carrier was prepared to pay out over \$30,000 for the loss of the vehicle, however, the vehicle was recovered prior to the insurance payout.

14. In the early morning hours of February 4, 2019, the Chicago Police Department pulled over Plaintiff as she was driving the Defendant's Audi vehicle. Plaintiff was surprised by the officers when they informed her that the vehicle had been reported stolen. Plaintiff was readily able to identify the vehicle owner and she was in possession of the vehicle's keys.

15. Plaintiff pleaded with the police officers and showed them the text messages between her and Defendant. When the police officers had exhausted attempts to contact Defendant in person and through numerous phone calls, Plaintiff was arrested and charged with criminal trespass to a motor vehicle.

16. Later that day, Defendant admitted in a television news interview that he had provided the vehicle to someone with whom he had a relationship, which was diametrically opposed to his claims to OEMC and his insurance carrier.

17. Based on the statements of the Defendant, the Cook County State's Attorney's Office immediately dismissed the charge against Plaintiff, and the Chicago Police Department undertook an investigation into Defendant's conduct.

COUNT I – NEGLIGENCE – DEFAMATION PER SE

1-17. Plaintiff restates, realleges and specifically incorporates paragraphs 1 through 17 as through fully set forth in this Count I.

18. On or about January 4, 2019, Defendant, PROCO "JOE" MORENO, defamed the Plaintiff, LILIYA HRABAR, when he imputed that she committed a criminal offense based on the following:

- a. Intentionally contacted the OEMC and falsely reported that his vehicle had been stolen;
- b. Intentionally contacted the OEMC and falsely reported that his vehicle had been stolen when he knowingly and voluntarily gave Plaintiff possession of his vehicle on January 3, 2019;
- c. Knew that the Chicago Police Department would arrest the Plaintiff if she was found driving his vehicle;
- d. Damaged the Plaintiff when he falsely reported his vehicle stolen resulting in the Plaintiff's arrest for the offense of criminal trespass to a motor vehicle.

WHEREFORE, Plaintiff, LILIYA HRABAR, prays for judgment in her favor and against the Defendant, PROCO "JOE" MORENO, Individually, in a sum greater than \$50,000.00 plus costs of this suit.

COUNT II – MALICIOUS PROSECUTION

1-17. Plaintiff restates, realleges and specifically incorporates paragraphs 1 through 17 as through fully set forth in this Count II.

18. On or about January 4, 2019, Defendant, PROCO "JOE" MORENO, knowingly and maliciously commenced and continued criminal proceedings against Plaintiff, LILIYA HRABAR, based on upon the following:

- a. Intentionally commenced a criminal proceeding by contacting the OEMC and falsely reported that his vehicle had been stolen;
- b. Intentionally contacted the OEMC and falsely reported that his vehicle had been stolen when he knowingly and voluntarily gave Plaintiff possession of his vehicle on January 3, 2019;
- c. Knew that the Chicago Police Department would arrest Plaintiff if she was found driving his vehicle;
- d. Plaintiff was arrested by the Chicago Police Department on February 4, 2019 for the offense of criminal trespass to vehicle. The Cook County State's Attorney's Office voluntarily dismissed the criminal charges on February 5, 2019.
- e. Plaintiff suffered damage to her reputation and lost numerous business clients as a result of Defendant's malicious actions.

WHEREFORE, Plaintiff, LILIYA HRABAR, prays for judgment in her favor and against the Defendant, PROCO "JOE" MORENO, Individually, in a sum greater than \$50,000.00 plus costs of this suit.

Respectfully submitted,

By: 

One of Plaintiff's Attorneys

Michael L. Gallagher
WISE MORRISSEY, LLC
161 N. Clark Street, Suite 3250
Chicago, IL 60601
(312) 580-2040
mlg@wisemorrissey.com
Firm I.D. No. 63527

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

LILIYA HRABAR,)
)
)
Plaintiff,)
)
v.) No.
)
PROCO "JOE" MORENO,)
)
Defendant.)

RULE 222 AFFIDAVIT

I, Michael L. Gallagher, being first duly sworn on oath, depose and state:

1. Under penalties as provided by law, pursuant to § 1-109 of the Code of Civil Procedures, 735 ILC5 5/1-109, the undersigned attorney certifies that, after consulting with his client and conducting a reasonable inquiry concerning the facts alleged herein, to the best of his knowledge, information and belief, the statements set forth in this instrument are true, and correct except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he believes the same to be true.

FURTHER AFFIANT SAYETH NOT.


MICHAEL L. GALLAGHER

Wise Morrissey, LLC
Attorneys for Plaintiff
161 North Clark Street
Suite 3250
Chicago, Illinois 60601
(312) 580-2040
(312) 580-2041
Firm I.D. No. 63527