

Civil Law & Practice Section MCLE Program Webinar June 3, 2026

Welcome/Announcements and Introduction

Tyler Michals - Civil Law and Practice Section Chair

12:00 PM - 1:00 PM

Program

Motions in Limine: Discussion & Best Practices to Win Your Case

Charles L. Cannon, III and Daniel K. Cetina, *Walsh, Knippen & Cetina, Chartered*

Before a jury is empaneled, the trial attorneys draft and argue motions in limine. This program is designed to refresh attendees' knowledge on just what these motions are, explain why they are important, and provide practical advice to maximize their effectiveness so you can win your case.

Link to Evaluation

The evaluation must be completed to receive CLE credit.

<https://www.surveymonkey.com/r/CivilLaw06032026>

Next CLE:

September 2nd - Topic TBD

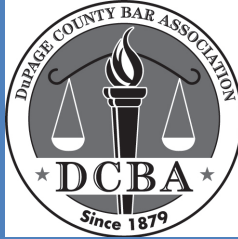
DCBA Events

July 23rd - [July Unwind - Christmas in July](#) - Mulyk Laho Law, Glen Ellyn

August 27th - [DCBA Golf Outing](#) - Cantigny Golf Club, Wheaton

Charles L. Cannon III is a Partner who has spent his entire career advocating for injured plaintiffs. Mr. Cannon has tried numerous cases to verdict throughout Illinois. His practice concentrations include product liability, medical malpractice, FELA, and premises liability, among many others.

<https://wkc-lawyers.com/attorneys/charles-l-cannon/>



Daniel K. Cetina is a Partner who has tried numerous cases, both jury and bench, as both a plaintiffs' attorney and defense attorney, throughout Illinois. His practice concentrations include commercial trucking, construction, nursing home, and animal attacks, among many others.

<https://wkc-lawyers.com/attorneys/daniel-k-cetina/>

Volunteers Needed for the Civil Law Helpdesk

The 2nd Floor Helpdesk is back in-person in room 2017 every Thursday from 1:00 - 4:30 to assist pro-se litigants in small claims, evictions, foreclosure and other civil law matters. Ideally, we would like two volunteer attorneys each Thursday to staff the desk. Please help if you can by signing up for a Thursday at www.dcba.org/civilvolunteer. If you see a date and the 1:00 PM slot available on the scheduling page, this means that we still need an attorney on that day. Thank you for helping if you can!

CLE Recording Catalog on the DCBA website

Explore the new page available exclusively to members in good standing where you can access recordings of CLE programs from the past two months. This on-demand library is perfect for revisiting sessions you attended but want to watch again or catching up on those you missed. No CLE credit is available if you did not attend the live webinar. Click on the following link for the catalog - <https://www.dcba.org/general/custom.asp?page=MeetingRecordings>

DCBA OnDemand CLE is Available on IICLE:

Members can find the link to The Illinois Institute for Continuing Legal Education (IICLE) catalog on the DCBA website under the menu item **CLE & Events**→**IICLE Online Library**. You must be logged into your DCBA Membership Profile to view courses for free or at a reduced price.

View & Print CLE Certificates through the DCBA Website:

CLE Certificates can take up to a week following the date of the CLE program to appear in your member profile. Members can view and print their certificates for any DCBA CLE program attended by first signing into their account on the DCBA website. Hover over the **CLE & Events** menu item and select **Find My CLE Credits**. This page will list all the CLE credits earned with DCBA. To the left of each program is an icon to print or email the Statement of Credit.

Go to the MCLE Board website to view your online transcript - <https://www.mcleboard.org/>
Watch this video tutorial for details [🎥 Overview of the Attorney MCLE Profile](#)

MOTIONS *IN*
LIMINE:
DISCUSSION &
BEST PRACTICES
TO WIN YOUR
CASE



CHARLES L. CANNON III IS A PARTNER WHO HAS SPENT HIS ENTIRE CAREER ADVOCATING FOR INJURED PLAINTIFFS. MR. CANNON HAS TRIED NUMEROUS CASES TO VERDICT THROUGHOUT ILLINOIS. HIS PRACTICE CONCENTRATIONS INCLUDE PRODUCT LIABILITY, MEDICAL MALPRACTICE, FELA, AND PREMISES LIABILITY, AMONG MANY OTHERS.



[HTTPS://WKC-LAWYERS.COM/ATTORNEYS](https://wkc-lawyers.com/attorneys)

CANNON

DANIEL K. CETINA IS A PARTNER WHO HAS TRIED NUMEROUS CASES, BOTH JURY AND BENCH, AS BOTH A PLAINTIFFS' ATTORNEY AND DEFENSE ATTORNEY, THROUGHOUT ILLINOIS. HIS PRACTICE CONCENTRATIONS INCLUDE COMMERCIAL TRUCKING, CONSTRUCTION, NURSING HOME, AND ANIMAL ATTACKS, AMONG MANY OTHERS.



BEFORE A JURY IS EMPANELED, THE TRIAL ATTORNEYS DRAFT AND ARGUE MOTIONS *IN LIMINE*. THIS PROGRAM IS DESIGNED TO REFRESH ATTENDEES' KNOWLEDGE ON JUST WHAT THESE MOTIONS ARE, EXPLAIN WHY THEY ARE IMPORTANT, AND PROVIDE PRACTICAL ADVICE TO MAXIMIZE THEIR EFFECTIVENESS SO YOU CAN WIN YOUR CASE.

WHAT IS A MOTION *IN*
LIMINE?

WHY ARE MOTIONS IN
LIMINE IMPORTANT?

HOW CAN I DRAFT
STRONG MOTIONS IN
LIMINE?

LET'S LOOK AT SOME
EXAMPLES...

QUESTIONS?

IN RE:)	
)	
JOHN RONCONE,)	
)	
Claimant,)	
)	
v.)	ADR Systems No. 71392MMC
)	Hon. Robert G. Kleeman (Ret.)
SNAP-ON SECURECORP, INC.,)	
)	
Respondent.)	

CLAIMANT’S MOTION *IN LIMINE* NOS. 1-19

Claimant, JOHN RONCONE, by his attorneys, WALSH, KNIPPEN & CETINA, CHARTERED, and respectfully requests that this Honorable Tribunal enter orders *in limine* to inform Respondent, SNAP-ON SECURECORP, INC., Respondent’s attorneys, and Respondent’s witnesses, to refrain from statements, remarks, arguments, questions, testimony, introduction of evidence, or any other attempts to convey to the jury information regarding any of the following topics:

1. **Collateral source rule.** That (1) Claimant has received, has been entitled to receive, will receive, or will become entitled to receive, benefits of any kind or character for past and future medical expenses, from a collateral source, or (2) that any of Claimant’s medical bills were settled for an amount less than the full billed amount:

A. The collateral source rule “prevents defendants from introducing any evidence that all or part of a plaintiff’s losses have been covered by insurance.” *Wills v. Foster*, 229 Ill. 2d 393, 400 (2008). “As a substantive rule of damages, the rule bars a defendant from reducing a plaintiff’s compensatory award by the amount the plaintiff received from the collateral source.” *Id.* This includes private medical insurance benefits or benefits received through a government program. *Id.* at 407, 413.

B. Any testimony, evidence, or reference regarding any collateral source benefits or claims are irrelevant in the case at bar and, therefore, are inadmissible in this case. *Miller v. DeWitt*, 37 Ill. 2d 273 (1967); *Bass v. Wash. Kinney Co.*, 119 Ill. App. 3d 713 (1st Dist. 1983); *Cf. Gill v. Foster*, 157 Ill.2d 304 (1993) (even relevant evidence may be excluded if it causes prejudice, confusion or the potential to mislead the jury outweighs its probative value).

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

2. **Taxation of money judgments.** That any money that Claimant obtains as a result of this lawsuit would or would not be subject to federal or state income taxes or any other type of tax. *Klawonn v. Mitchell*, 105 Ill. 2d 450, 454 (1985).

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

3. **Insurance and finances.** The financial or insured status of Claimant or of Respondent, any argument or insinuation that a high award would somehow be a hardship on Respondent or how the verdict in this lawsuit would be satisfied (including any suggestion that an award for Claimant will result in higher costs for medical care). This would include any reference to any tax lien, current or former, filed against Claimant or his business. *Rush v. Hamdy*, 255 Ill. App. 3d 352, 361-62 (4th Dist. 1993).

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

4. **Reputations of Respondent.** That Respondent's professional or personal reputations are on the line or at stake or are otherwise held in balance as a result of this lawsuit or

as a result of any adverse verdict that may be rendered by the jury. This type of argument is reversible error in that it is only designed to appeal to the passions and sympathy of the jury. *Rush*, 255 Ill. App. 3d at 361-62.

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

5. **Effects of tort reform or malpractice lawsuits.** That there is a “malpractice crisis,” that there is a need for “tort reform,” or that an award for Claimant would have an effect on Respondent, health care costs, doctors fleeing the state or the health care profession. *Rush*, 255 Ill. App. 3d at 361-62; *Kolakowski v. Voris*, 94 Ill. App. 3d 404, 410-411 (1st Dist. 1981); *Torrez v. Raag*, 43 Ill. App. 3d 779, 782-83 (2d Dist. 1976).

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

6. **Effects of a verdict for Claimant.** That Claimant’s case, damage request, or award places a burden upon the public as a whole and/or is responsible for a high cost of living for the public. This type of argument is improper as an unfair prejudice to Claimant and does not comport with the “fair leeway” to be provided an attorney during argument. *Lukich v. Angeli*, 31 Ill. App. 2d 20, 30-31 (1st Dist. 1961).

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

7. **Claimant’s expectation of damages.** That Claimant is requesting a higher verdict amount than he expects to receive. *Carlasare v. Wilhelmi*, 134 Ill. App. 3d 1, 6-7 (1st Dist. 1985); *Kallas v. Lee*, 22 Ill. App. 3d 496 (1st. Dist. 1974).

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

8. **Qualification of verdict for Claimant.** That a verdict for Claimant would equate to him “winning the lottery,” or that Claimant’s request for damages constitutes any type of “get-rich-quick scheme,” “welfare program,” “punishment to Respondent” or any similar statement to that effect. *Principato v. Rudd*, 102 Ill. App. 3d 362 (1st Dist. 1981).

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

9. **Reactions of Respondent to damages requests.** That Respondent’s attorneys are “shocked” by Claimant’s damage request, or other similar statement of opinion to this effect. *Baumgartner v. Ziessow*, 169 Ill. App. 3d 647 (1st Dist. 1988).

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

10. **Investment of money damages.** That the money Claimant receives in this matter can be invested to produce additional income or a “stream of income” in the future. *Schaffner v. Chi. & Nw. Transp. Co.*, 129 Ill. 2d 1 (1989).

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

11. **Attorneys’ fees.** The nature of the employment relationship of Claimant’s attorneys, the contingent fee agreement entered into by and between Claimant and his attorneys, Claimant’s attorneys’ potential recovery of attorneys’ fees in this case, or any other evidence pertaining to attorneys’ fees. This topic is not relevant to any issue in this case and would be

prejudicial. ILCS S. Ct. R. 402, 403 (2011); *Bowman v. Ill. Cen. R.R.*, 9 Ill. App. 2d 182; *Hall v. Chi. & N. R.R. Co.*, 5 Ill. 2d 135, 125 NE 2d 70 (1955).

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

12. **Claimant’s decision to call or not call witnesses.** That Claimant has not called to testify at trial any witness, including, but not limited to, any treating physician, medical provider, or other witness disclosed pursuant to Illinois Supreme Court Rule (“Ill. Sup. Ct. R.”) 213(f). *Cancio v. White*, 297 Ill. App. 3d 422 (1st Dist. 1998).

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

13. **Use of documents not disclosed.** Any documents or materials not previously mentioned or used during pre-arbitration discovery, depositions, or produced pursuant to Ill. Sup. Ct. R. 90(c) be barred. Ill. Sup. Ct. Rs. 213(i), 237.

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

14. **Use of witnesses not disclosed.** Any and all testimony, documentary evidence, comments, argument, questioning, and/or inferences from any individuals that have knowledge of relevant facts other than those individuals disclosed pursuant to Ill. Sup. Ct. R. 213(f) or via Ill. Sup. Ct. R. 90(c). All other individuals, including any other witnesses, physicians, or employers should be barred from testifying pursuant to Ill. Sup. Ct. R. 213.

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

15. **Involvement of a party in a previous unrelated lawsuit.** That Claimant or Respondent has ever filed any lawsuit, made any claim for personal injuries or workman's compensation claim for any prior injuries other than the case which is the subject of this proceeding. *Fettson v. James*, 298 Ill. App. 3d 77, 87-88 (1st Dist. 1997). Any testimony or evidence about prior claims would be irrelevant to the issues in this case. Ill. R. Evid. 402.

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

16. **Unrelated accidents and medical history.** That Claimant has had other unrelated accidents, *Herget Nat'l Bank v. Johnson*, 21 Ill. App. 3d 1024, 316 NE 2d 191 (3d Dist. 1974), or a prior medical history or injury, prior accidents or subsequent accidents, including speculative incidents and injuries without presenting expert testimony as to its relevance. *Lewis v. Haadig*, 337 Ill. App. 3d 1081 (3rd Dist. 2003). “[F]or a prior injury to be relevant to causation, the injury must make it less likely that the defendant’s actions caused *any* of the plaintiff’s injuries or an identifiable portion thereof.” *Voykin v. Estate of DeBoer*, 192 Ill. 2d 49, 58 (2000) (emphasis added). However, “if a defendant wishes to introduce evidence that the plaintiff has suffered a prior injury . . . the defendant must introduce expert evidence demonstrating why the prior injury is relevant to causation, damages, or some other issue of consequence.” *Id.* at 59. Respondent has no medical expert; thus, any argument regarding any potential alternative injuries or conditions should be barred.

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

17. **Learned treatises and articles.** Any reference to “learned treatise” or other scientific articles. Scientific and medical treatises are hearsay and therefore inadmissible. *Lewis*

v. Stoval, 272 Ill. App. 3d 467 (3rd Dist. 1995); *Dominguez v. St. John's Hosp.*, 260 Ill. App. 3d 591 (1st Dist. 1994). An expert witness may not read, summarize, or paraphrase medical or scientific literature because it is hearsay. *Weekley v. Indus. Comm'n*, 245 Ill. App. 3d 863 (2d Dist. 1993); *Schuchman v. Stackable*, 198 Ill. App. 3d 209 (5th Dist. 1990); *Mielke v. Condell Mem'l Hosp.*, 124 Ill. App. 3d 42 (2d Dist. 1984). Parties are prohibited from introducing such medical literature as substantive evidence, and such literature is only proper in an impeachment of an adverse party. *Costa v. Dresser Indus., Inc.*, 268 Ill. App. 3d 1 (3d Dist. 1994); *Fornoff v. Parke-Davis, Inc.*, 105 Ill. App. 3d 681, 690-91 (4th Dist. 1983) (citing *Schrag v. Chi. Ry., Co.*, 265 Ill. 338,341-42 (1914); *Lawson v. G.D. Searle & Co.* 64 Ill. 2d 543 (1976)).

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

18. **Investment.** Any reference that suggests in any way that the sum of damages awarded to Claimant could be invested to produce additional income. *Schaffner*, 219 Ill. 2d 1.

Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

19. **Mental Health.** Any reference or inferences pertaining to the mental health or mental health diagnosis pertaining to Claimant. Under the Mental Health and Developmental Disabilities Confidentiality Act (“the Act”), 740 ILCS 110/1 *et seq.* (West 2000), psychiatric and counseling records are privileged under the Act. *Reda v. Advocate Health Care*, 199 Ill.2d 47 (2002). *House v. SwedishAmerican Hosp.*, 206 Ill. App. 3d 437, 151 (2d Dist. 1990). Claimant’s mental health is not an issue in this case. Claimant has not and is not seeking damages for any psychological treatment or diagnosis. Therefore, any records pertaining to any psychiatric

treatment and diagnosis should be barred and any argument or alleged inference should likewise be barred.

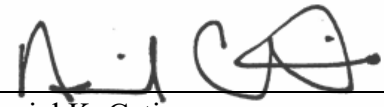
Ruling of the Arbitrator:

Granted w/o objection Granted over objection Denied Withdrawn Reserved

WHEREFORE, Claimant, JOHN RONCONE, respectfully request that this Honorable Tribunal grant Claimant's Motion *in Limine* Nos. 1-19 and award such other and further relief as is just and adequate.

Respectfully submitted,

WALSH, KNIPPEN & CETINA, CHARTERED

By: 
Daniel K. Cetina

Attorney No. 6320423
Daniel K. Cetina
WALSH KNIPPEN & CETINA, CHARTERED
2150 Manchester Road, Suite 200
Wheaton, Illinois 60187
(630) 462-1980
dan@wkc-lawyers.com

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT
KENDALL COUNTY, ILLINOIS

LOGAN BLAND,)
)
Plaintiff,)
)
vs.) No. 15 L 94
)
Q-WEST INC., an Illinois Corporation,)
)
Defendant.)

DEFENDANT Q-WEST, INC.’S MOTION *IN LIMINE* NO. A33 TO BAR ANY QUESTIONING, ARGUMENTS, SUGGESTIONS OR EVIDENCE AS TO THE Q-BAR EMPLOYEE MANUAL/DOORHOST MANUAL, OR OTHER INTERNAL POLICIES AND GUIDELINES ADOPTED OR PROMULGATED BY Q-WEST, INC.

Now Comes Defendant, Q-WEST, INC. (“Q-West”), by and through its undersigned counsel, and for its Motion *in Limine* No. A33 to Bar any Questioning, Arguments, Suggestions or Evidence as to the Q-Bar Employee Manual/DoorHost Manual, or other Internal Policies and Guidelines Adopted or Promulgated by Q-West, Inc., states as follows:

1. Under Illinois law, a company’s internal policies do not create a legal duty beyond that which the law recognizes. *Rhodes v. Illinois Cent. R.R.*, 172 Ill. 2d 213, 238 (1996). In *Rhodes*, the Illinois Supreme Court explained that “Whether a legal duty exists is a question of law and is determined by reference to whether the parties stood in such a relationship to each other that the *law* imposes an obligation on one to act for the protection of the other. Where the law does not impose a duty, one will not generally be created by defendant’s rules or internal guidelines. Rather, it is law which, in the end, must say what is legally required.” *Rhodes*, 172 Ill. 2d at 238; *see also Fillpot v. Midway Airlines*, 261 Ill. App. 3d 237, 244 (4th Dist. 1994) (where airline owed no legal duty to remove naturally accumulating snow or ice, airline’s policy manual requiring the clearing of walkways did not create such a duty); *Blankenship v. Peoria Park District*, 269 Ill. App. 3d 416, 422 (3d Dist. 1994) (park district’s internal rules requiring

one lifeguard to remain on duty at all times did not create a legal duty to have one lifeguard on duty). In the instant action, the Appellate Court specifically held that it was error at the first trial of this action for Plaintiff to argue that Q-Bar’s Employee Manual established its legal duty outside of the law’s requirements or that its failure to follow the Manual proved negligence. *Bland v. Q-West, Inc.*, 2023 IL App (2d) 210683 at ¶¶ 32–33, citing *Rhodes*, 172 Ill. 2d at 238; *Gore v. Pilot Travel Centers, LLC*, 2021 IL App (3d) 210077, ¶ 18.

2. Every tort action grounded in negligence requires the showing of (1) a duty owed by the defendant to the plaintiff, (2) a breach of the duty, *i.e.*, a negligent act or omission, which (3) proximately causes a (4) resulting compensable injury. *Fugate v. Sears Roebuck and Co.*, 12 Ill. App. 3d 656, 668 (1st Dist. 1973). Store, tavern, or restaurant owners owe *a duty of ordinary care* to their business invitees. *Deibert v. Bauer Brothers Construction Co.*, 141 Ill. 2d 430, 437 (1990). As defined by Illinois Pattern Jury Instruction 10.01, “ordinary care” means “the care a reasonably careful person would use under circumstances similar to those shown by the evidence. The law does not say how a reasonably careful person would act under those circumstances. That is for you [the jury] to decide.” IPI, Civil, No. 10.01.

3. The Illinois Supreme Court explained the key rationale for why a defendant’s internal policies and guidelines are not admissible: “Penalizing a defendant by imposing a duty on it to comply with self-imposed safety measures that exceed any duty imposed by law would discourage employers from creating policies intended to protect their employees and the public. We decline to do so.” *Doe v. Coe*, 2019 IL 123521, ¶ 36.

4. While the Illinois Pattern Jury Instructions allow standard of care testimony in a certain class of cases, those cases involving professional negligence, there is no similar instruction or basis to allow standard of care testimony outside of professional negligence cases. *See* IPI Series 105.01, *et seq.* As the introduction to IPI 105.00 makes clear, “The jury instructions in the 105.00

Series deal with negligence actions brought against professionals, including doctors, dentists, attorneys, architects and others. Generally, professional negligence actions are predicated on a failure of the professional to conform to the appropriate standard of care.”

5. To allow standard of care testimony, based upon the internal guidelines of a non-professional entity, such as is necessary to prove the standard of care of a doctor or accountant in a professional negligence case, would swallow the rule that internal guidelines do not create a duty. For instance, if internal guidelines or expert testimony, based on those guidelines, was allowed to establish the standard of care for airlines relative to spreading salt on walkways, while there is no legal obligation to do so since there is no duty to address natural accumulations, the non-existent legal duty could be created by references to internal guidelines. That is not the law in the State of Illinois. *See Fillpot*, 261 Ill. App. 3d at 244. Similarly, while the Q-Bar Manual indicates the police should be called under certain circumstances and to delay the ejection of the “more passive offender” (Manual at p. 18), the law provides that there is no such legal duty. In *Wilk v. 1951 W. Dickens, Ltd.*, 297 Ill. App. 3d 258, 264 (1st Dist. 1998), the Appellate Court explained that a bar operator has no legal duty to call the police when an altercation occurs or to determine which person is the aggressor in a fight:

We further observe that imposing plaintiff’s proposed duty would place “an unjustifiable burden on the operator and on the police force.” *Fitzpatrick v. Carde Lounge, Ltd.*, 234 Ill. App. 3d 875, 879 . . . ([1st Dist.] 1992); *Lewis [v. Razzberries, Inc.]*, 222 Ill. App. 3d 843, 852 (1st Dist. 1991); *Badillo [v. DeVivo]*, 161 Ill. App. 3d 596, 599 (1st Dist. 1997)]. Plaintiff’s suggestion that the adults should have been held at the tavern to give decedent time to flee is particularly burdensome. “It would require establishment owners to determine which party was the aggressor in an altercation and to detain that potentially dangerous person on the premises until the victim could flee.” *Badillo*, 161 Ill. App. 3d at 599. Likewise, to find that defendants and business operators in general are required to call the police when a verbal altercation occurs or to chaperon a patron home is even more burdensome and beyond the demands of public policy. *See Fitzpatrick*, 234 Ill. App. 3d at 879; *Lewis*, 222 Ill. App. 3d at 852; *Badillo*, 161 Ill. App. 3d at 598-99.

Consistent with the *Doe v. Coe* decision by the Illinois Supreme Court, there is no legal duty to follow the guidelines set out in the Manual as it is the duty imposed by law, not by the Manual, which establishes Q-Bar's duty. A public entity's violation of its own internal rules *does not constitute proof of negligence*, much less willful and wanton conduct. *Lorenc v. Forest Preserve Dist.*, 2016 IL App (3d) 150424 at ¶ 21. The same is true as to a private entity: "the violation of a defendant's internal rules or guidelines do not constitute evidence of a defendant's negligence or failure to use reasonable care." *Gore*, 2021 IL App (3d) 210077, ¶ 18.

6. Based upon the foregoing, any attempt to introduce any evidence of the internal manuals of Q-West must be prohibited as there is no legal duty to follow those guidelines as a matter of law and evidence of a failure to follow the Manual does not constitute proof of negligence.

7. The duty inquiry focuses on whether the plaintiff and the defendant stood in such a relationship to one another that the law imposed upon the defendant an obligation of reasonable conduct for the benefit of the plaintiff. *Ward v. K-Mart Corp.*, 136 Ill.2d 132, 140 (1990); *Rhodes*, 172 Ill. 2d at 238.

8. If there is no duty to comply with internal policies or guidelines, there can be no breach of that nonexistent duty by failing to comply with the internal policies or guidelines. Whether ordinary care was exercised or not is governed only by the circumstances of the case, not by internal policies or guidelines.

9. As the guidelines do not create a duty and are not admissible to prove negligence or failure to use reasonable care, they are not admissible in this action. *See* Illinois Rule of Evidence 402. They are completely irrelevant to the issues in the case and would serve only to confuse the jury and unfairly prejudice Defendant. Ill. R. Evid. 402.

10. Moreover, even assuming *arguendo* that Defendant's alleged violation of internal rules or guidelines establish evidence of negligence, Illinois Rule of Evidence 403 precludes their admission into evidence as the probative value of the evidence is heavily outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. Therefore, any evidence of the Defendant's internal rules and guidelines, or violation thereof, is highly prejudicial and must be barred at trial. Ill. R. Evid. 403.

11. To the extent any testimony as to what constitutes reasonable care or ordinary care is allowed, that testimony should be restricted to expert opinion testimony without reference to the Q-Bar Employee Manual/DoorHost Manual, or other internal policies and guidelines adopted or promulgated by Q-West. Any questioning or commentary regarding a failure to comply with the terms of the manual, since there is no duty to comply with the Manual, must be prohibited.

WHEREFORE, Defendant, Q-WEST, requests this Court enter an order consistent with this Motion *in Limine*.

Respectfully submitted,

JOHNSON & BELL, LTD.

Robert M. Burke

One of the Attorneys for Defendant Q-West Inc.

Robert M. Burke-ARDC#6187403
Katie E. Gorrie-ARDC#6281811
JOHNSON & BELL, LTD.
33 W. Monroe St., Suite 2700
Chicago, Illinois 60603
(312) 372-0770
burker@jbltd.com
gorriek@jbltd.com

**IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT
KENDALL COUNTY, ILLINOIS**

LOGAN BLAND,)
)
 Plaintiff,)
)
 v.) Case No. 2015-L-000094
)
 Q WEST INC., an Illinois Corporation,)
)
 Defendant.)

**PLAINTIFF’S RESPONSE IN OPPOSITION
TO DEFENDANT’S MOTION *IN LIMINE* NO. A33**

Plaintiff, LOGAN BLAND, by his attorneys, WALSH, KNIPPEN & CETINA, CHARTERED and COGAN & POWER, P.C., for his Response in Opposition to Defendant, Q WEST INC.’s Motion *in Limine* No. A33, states as follows:

1. This Court should deny Defendant’s Motion *in Limine* No. A33, which seeks to bar Plaintiff from referencing the Q Bar Manual. Plaintiff expects to utilize the manual to show Defendant’s knowledge and industry practice, including as evidence of Defendant’s expectations for how its employees should interact with patrons and its understanding of what qualifies as a reasonable interaction.

2. In support of Motion *in Limine* No. A33, Defendant relies primarily on *Rhodes v. Ill. Cent. Gulf R.R.*, writing that “[w]here the law does not impose a duty, one will not generally be created by a defendant’s rules or internal guidelines. Rather, it is the law which, in the end, must say what is legally required.” Defendant’s Motion *in Limine* No. A33 at p. 1 (citing *Rhodes*, 172 Ill. 2d 213, 238 (1996)). Plaintiff agrees that the law, not the manual, imposes a duty on Defendant to care for Plaintiff, and Plaintiff will not argue that the manual creates an independent duty. However, Plaintiff anticipates referencing the manual to demonstrate that Defendant’s

policies and procedures were consistent with industry standards and reasonable care, and that in outlining its duty was equivalent to the law, thus informing the jury how, in practice, Defendant was to have observed its legal duty. This is permissible argument, as acknowledged in authority Defendant cites.

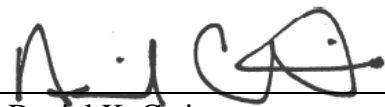
3. For example, in *Doe v. Coe*, the Illinois Supreme Court wrote that “[s]elf-imposed policies can exist coextensively with the law.” 2019 IL 123521, ¶ 36; *see also Bogenberger v. Pi Kappa Alpha Corp.*, 2018 IL 120951, ¶ 46 (stating “[h]azing is not only against the law in Illinois, it is against the university’s rules as well as the Pi Kappa Alpha fraternity’s rules. There can be no real burden to require the NIU Chapter and officers to comply with the law and the university’s and fraternity’s rules”). Defendant’s other authorities stand for the proposition that internal rules alone cannot create a legal duty. *See, e.g., Fillpot v. Midway Airlines*, 261 Ill. App. 3d 237 (4th Dist. 1994); *Blankenship v. Peoria Park Dist.*, 269 Ill. App. 3d 416 (3d Dist. 1994). But again, Plaintiff is not arguing the Q Bar Manual creates a separate duty. Instead, the manual operates “coextensively with the law”, *Doe*, 2019 IL 123521, ¶ 36—it explains *how* Defendant was to observe its legal duty and has independent relevance regarding its expectations for reasonableness and employee training. This is of especial importance if, as in the first trial, Defendant intends to argue that its employees were a “well-trained” and/or “highly-trained” team of professionals.

4. Finally, Defendant misstates the Appellate Court’s holding regarding the manual. The Appellate Court simply noted that certain comments misstated the law and were improper argument. *Bland v. Q-West, Inc.*, 2023 IL App (2d) 210683, ¶ 33. The Appellate Court did not say, however, that any arguments regarding the manual were reversible error, and it did not proscribe Plaintiff from using the manual within its proper context as coextensive with the law and to demonstrate Defendant’s expectations, knowledge, and training.

5. So long as Plaintiff does not impermissibly argue that the manual itself creates a duty, he should be allowed to point to it as evidence of Defendant's expectations, knowledge, and training. Defendant's Motion *in Limine* No. A33 must be denied.

WHEREFORE, Plaintiff, LOGAN BLAND, respectfully requests that this Honorable Court deny Defendant, Q WEST INC.'s Motion *in Limine* No. A33 and award such other and further relief as is just and adequate.

Respectfully submitted,

By: 
Daniel K. Cetina

Daniel K. Cetina (Attorney No. 6320423)
WALSH, KNIPPEN & CETINA, CHARTERED
2150 Manchester Road, Suite 200
Wheaton, Illinois 60187
(630) 462-1980
dan@wkc-lawyers.com

John M. Power (Attorney No. 6197553)
Sara M. Davis (Attorney No. 6289329)
COGAN & POWER, P.C.
One East Wacker Drive, Suite 500
Chicago, Illinois 60601
(312) 477-2500
jpower@coganpower.com
sdavis@coganpower.com

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT
KENDALL COUNTY, ILLINOIS

LOGAN BLAND,)
)
Plaintiff,)
)
vs.) No. 15 L 94
)
Q-WEST INC., an Illinois Corporation,)
)
Defendant.)

**DEFENDANT Q-WEST, INC.’S SUPPLEMENTAL BRIEF IN SUPPORT OF ITS
MOTION *IN LIMINE* NO. A33 TO BAR
ANY QUESTIONING, ARGUMENTS, SUGGESTIONS OR EVIDENCE AS TO
THE Q-BAR EMPLOYEE MANUAL/DOORHOST MANUAL, OR OTHER INTERNAL
POLICIES AND GUIDELINES ADOPTED OR PROMULGATED BY Q-WEST, INC.**

NOW COMES Defendant, Q-WEST, INC. (“Q-West”), by and through its undersigned counsel, and for its Supplemental Brief in Support of its Motion *in Limine* No. A33 to Bar any Questioning, Arguments, Suggestions or Evidence as to the Q-Bar Employee Manual/DoorHost Manual, or other Internal Policies and Guidelines Adopted or Promulgated by Q-West, Inc., states as follows:

IPI, Civil No. 10.01 (Negligence) and 10.02 (duty of ordinary care in a negligence case) govern the duty owed in a negligence case while 105.01 (duty owed and standard of care testimony required in a professional negligence case), and 105.03.01 (use of internal by-laws/rules/regulations, etc.) govern the duty of care owed in a professional malpractice action.

As previously noted in Defendant’s Motion *in Limine*, Q-Bar’s Employee Manual does not create a legal duty. *Bland v. Q-West, Inc.*, 2023 IL App (2d) 210683 at ¶¶ 32-33, citing *Rhodes v. Illinois Central R.R.*, 172 Ill. 2d 213, 238 (1996). “The violation of a defendant’s internal rules or guidelines do not constitute evidence of a defendant’s negligence or failure to use reasonable care.” *Gore v. Pilot Travel Centers, LLC*, 2021 IL App (3d) 210077, ¶ 18.

The Illinois Supreme Court has made clear that in an ordinary negligence case, which this action is, the standard of care required of a defendant is to act “as would an ordinarily careful person or a reasonably prudent person.” *Jones v. CHI. HMO Ltd.*, 191 Ill. 2d 278, 295 (2000). In contrast, in a professional negligence case, the standard of care required of a defendant is to act as would an ordinarily careful professional.” *Id.* at 295. Pursuant to this standard of care, professionals are expected to use the same degree of knowledge, skill and ability as an ordinarily careful professional would exercise under similar circumstances. *Id.* at 295. Expert testimony is necessary to establish both (1) the standard of care expected of the professional and (2) the professional’s deviation from the standard. *Id.* at 295. The rationale for requiring expert testimony is that a lay juror is not skilled in the profession and thus is not equipped to determine what constitutes reasonable care in professional conduct without the help of expert testimony. *Id.* at 295.

In contrast, no expert testimony is required in the case of ordinary negligence. *Id.* at 295. “The foregoing principles of law establish that the crucial difference between ordinary negligence and professional *malpractice actions* is the necessity of expert testimony to establish the standard of care and that its breach was the cause of plaintiff’s injury.” *Id.* at 296. A lay juror is not skilled in the profession at issue, and thus is not equipped to determine what constitutes reasonable care in professional conduct without the help of expert testimony. *Id.* at 295.

As IPI 105.01 and IPI 105.03.01 make clear, it is only in professional malpractice cases that evidence of by-laws/rules/regulations, etc. are admissible to define the professional standard of care. The Notes in the Illinois Pattern Jury Instructions specifically state that “This instruction does not apply if the case involves only ordinary principles of negligence, such as premises liability, as opposed to *professional negligence*.” Again, this is an ordinary negligence case, not a professional malpractice action where standard of care testimony is required or allowed.

In *Schweihs v. Chase Home FIN, LLC*, 2021 IL App (1st) 191779, the Appellate Court affirmed the trial court's decision, in ruling on a motion *in limine*, to bar the plaintiff from presenting evidence on the internal policies and procedures of the defendant in a trespass case. In that case, plaintiff argued, as Plaintiff does here, that the internal protocols were evidence of what the standard of care was. The appellate court, citing *Rhodes*, 172 Ill. 2d at 238, rejected the argument:

After carefully considering all of the parties' arguments on this issue, we conclude that the trial court did not err in determining that the internal policies and procedures of Chase, Safeguard, and Fannie Mae were inadmissible for the purpose for which the plaintiff sought to use them at trial. Specifically, we do not believe that the plaintiff could use these internal policies and procedures to argue or attempt to show that they established a duty or standard of care that the defendants had to comply with when entering the plaintiff's property to secure it or winterize it or that the reason the defendants committed a trespass was because they failed to comply with them. Allowing their use for this purpose would run afoul of the rule that a duty not otherwise imposed by law cannot be established by a defendant's internal policies and procedures. *Rhodes*, 172 Ill. 2d at 238.

Schweihs v. Chase Home Fin. LLC, 2021 IL App (1st) 191779, ¶ 36.

In *Thompson v. City of Chicago*, 472 F.3d 444, the Seventh Circuit Court Appeals, applying Illinois law, held that allowing the Chicago Police Department's general orders, which are internal rules and guidelines, to be used as evidence would have led to unnecessary and detrimental jury confusion. *Thompson v. City of Chicago*, 472 F.3d 444, 457 (7th Cir. 2006). In that case, defendant brought a motion *in limine* to bar "any reference in testimony, evidence or argument to the Chicago Police Department's general orders, policies and procedures. *Id.* at 449. The Court explained that the breach of duty is an important determination. The problem with allowing the Chicago Police Department's general orders into evidence is that those orders do not create a duty to the public at large. The violation of self-imposed rules or internal guidelines do not normally impose a legal duty, let alone constitutes evidence of negligence. *Id.* at 457. The general orders regarding use of

force are intended only to provide members guidance on the reasonableness of a particular response to the actions of an assailant. While a failure to adhere to the general orders may cause an officer problems with his superiors or possibly even lead to disciplinary procedures, they have little or no bearing on whether the officer breached his duty of care in apprehending the plaintiff. *Id.* at 457. Any limiting instruction explaining to the jury that, although the general orders do not create a duty on the part of an officer and can only be used as evidence of a breach of protocol in a disciplinary proceeding-and that they could not be considered in conjunction with the plaintiff's claims-would have led to unnecessary and detrimental jury confusion. *Id.* at 457. In short, evidence about the specifics of the Chicago Police Department's general orders might very well have contributed to unfair prejudice and would have caused confusion regarding the Plaintiff's wrongful death claims. Accordingly, the District Court did not abuse its discretion in excluding such evidence. *Id.* at 457.

The internal protocols in the instant case, as in *Thompson*, are not relevant and introducing them would serve only to confuse the jury. The jury is charged, in this ordinary care/negligence case, with determining what a reasonably careful person should do under the circumstances. Introducing the policy manual or internal guidelines would only lead to confusion and application of the wrong principles of law regarding the duty owed and whether that duty was breached.

In *Passarella v. NFI Interactive Logistics, LLC*, 2016 U.S. Dist. LEXIS 14555, a case involving a pedestrian/truck accident, the Court granted defendant's motion in limine to bar plaintiff from presenting any evidence or arguments relating to any internal rules, guidelines, operating procedures or requirements of defendant including, but not limited to, its employee manual and driver manuals. The Court explained that even if the trucking company's internal rules or guidelines were relevant evidence of negligence, the Court would exclude them pursuant to

Federal Rule of Evidence 403 because the marginal relevance they may possess is substantially outweighed by the danger of unfair prejudice, confusion of the issues or misleading the jury. *Id.* at *16. The Court noted that the problem with allowing internal guidelines into evidence is that those guidelines do not create a duty to the public at large. While they may be relevant to a disciplinary action by the employer against the employee, they do not create a duty or evidence of negligence in an ordinary negligence suit against the employee or employer.

In *Gorsline v. Speedway, LLC*, 2017 U.S. Dist. LEXIS 209680, the Michigan District Court granted Speedway's motion *in limine* to exclude evidence of its internal operations manual. The Court noted that Michigan law, like Illinois law, prohibits the use of internal guidelines or manuals to establish or create a legal duty or to show that a defendant acted negligently by failing to comply with the terms of the manual. The Court explained that an institution's internal rules and regulations do not add to the defendant's obligation to the public, nor do they establish a standard of care. *Id.* at *7. The Court noted that allowing evidence of a company's internal policies would be contrary to public policy and would encourage retailers to abandon all policies enacted for the protection of others in an effort to avoid future liability. *Id.* at *6-7. This conclusion is identical to the Illinois Supreme Court's conclusion in *Doe v. Coe* where the Illinois Supreme Court held:

Penalizing a defendant by imposing a duty on it to comply with self-imposed safety measures that exceed any duty imposed by law, however, would discourage employers from creating policies intended to protect their employees and the public. We decline to do so.

Doe v. Coe, 2019 IL 123521, ¶ 36.

It is clear that attempting to introduce the manual is for the purpose of implying the existence of a duty created by the manual and that Defendant was negligent for not complying with the its own guidelines. This is contrary to Illinois law and improper.

Based upon the foregoing, it is clear that Illinois public policy and Illinois law prohibit the use of the Defendant's internal policies and guidelines for any purpose in this action. Not only is it clear that the manual does not create a duty or constitute evidence of negligence, it is against the public policy of the State of Illinois to penalize a defendant for adopting self-imposed safety measures. This is an ordinary negligence case, and it is up to the jury to decide how a reasonably careful person would act under the circumstances involved in this case. IPI 10.02. Allowing the introduction of any portion of the manual, for any purpose in this trial would simply create confusion and constitute an attempt to expand the duty beyond that imposed by Illinois law. Any probative value the manual may have would be greatly outweighed by the prejudicial effect of suggesting to the jury that liability may arise from a failure to follow the provisions of the manual. As the *Thompson* Court explained, a limiting instruction could not adequately overcome the prejudice and confusion caused by introducing evidence of a company's internal guidelines.

Respectfully submitted,

JOHNSON & BELL, LTD.

Robert M. Burke

One of the Attorneys for Defendant Q-West Inc.

Robert M. Burke-ARDC#6187403
Katie E. Gorrie-ARDC#6281811
JOHNSON & BELL, LTD.
33 W. Monroe St., Suite 2700
Chicago, Illinois 60603
(312) 372-0770
burker@jbltd.com
gorriek@jbltd.com

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT
KENDALL COUNTY, ILLINOIS

LOGAN BLAND,)
)
Plaintiff,)
)
vs.) No. 15 L 94
)
Q-WEST INC., an Illinois Corporation,)
)
Defendant.)

NOTICE OF FILING

TO: ALL ATTORNEYS OF RECORD
(See attached service list)

YOU ARE HEREBY NOTIFIED that on **July 25, 2024**, there was filed with the Circuit Court for the Twenty-Third Judicial Circuit, Kendall County, Illinois, via its online filing system *Odyssey File & Serve*, the following document on behalf of **Defendant, Q-West, Inc.**, a copy of which is served upon you:

1. Supplemental Brief in support of Motion *in Limine* No. A33.

Respectfully submitted,
JOHNSON & BELL, LTD.

Robert M. Burke
One of the Attorneys for Defendant,
Q-West Inc.

Robert M. Burke-ARDC#6187403
Katie E. Gorrie-ARDC#6281811
JOHNSON & BELL, LTD.
33 W. Monroe St., Suite 2700
Chicago, Illinois 60603
(312) 372-0770
burker@jbltd.com
gorriek@jbltd.com

PROOF OF SERVICE

The undersigned, Jeannette Sica, a non-attorney, on oath states she caused to be served the above listed documents upon the above-named attorneys on July 25, 2024 via electronic transmission before the hour of 5:00 p.m.

Jeannette Sica
sicaj@jbltd.com

SERVICE LIST

ATTORNEYS FOR PLAINTIFF:

John M. Power
Sara M. Davis
COGAN & POWER, P.C.
One E. Wacker Drive, Suite 500
Chicago, IL 60601
T 312-477-2500
F 312-477-2501
jpower@coganpower.com
sdavis@coganpower.com

CC: Kim Stefanek
kstefanek@coganpower.com

Daniel Cetina
WALSH, KNIPPEN & CETINA, CHTD.
2150 Manchester Road, Suite #200
Wheaton, IL 60187
T 630-462-1980
F 630-462-1984
dan@wkc-lawyers.com

CC: Kathy Lipe
kathy@wkc-lawyers.com

Margo Jeter
margo@wkc-lawyers.com

COUNSEL FOR Q-WEST, INC.:

Dan L. Boho
Kellie L. Mazzarella
HINSHAW & CULBERTSON LLP
151 North Franklin Street, Suite 2500
Chicago, IL 60606
312-704-3000
dboho@hinshawlaw.com
KMazzarella@hinshawlaw.com

CC: Sharon Kotterer
skotterer@hinshawlaw.com

IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT
KENDALL COUNTY, ILLINOIS

LOGAN BLAND,)
)
 Plaintiff,)
)
 v.) Case No. 2015-L-000094
)
 Q WEST INC., an Illinois Corporation,)
)
 Defendant.)

**PLAINTIFF’S SUPPLEMENTAL BRIEF IN SUPPORT OF HIS
RESPONSE IN OPPOSITION TO DEFENDANT’S MOTION *IN LIMINE* NO. A33**

Plaintiff, LOGAN BLAND, by his attorneys, WALSH, KNIPPEN & CETINA, CHARTERED and COGAN & POWER, P.C., for his Supplemental Brief in Support of His Response in Opposition to Defendant, Q WEST INC.’s Motion *in Limine* No. A33, states as follows:

1. Plaintiff agrees with Defendant’s assertion that its Employee Manual does not create Defendant’s duty of care—the law does. However, Defendant continues to misstate or misapprehend how such a manual can be used at trial. Illinois case law is clear that an employer’s policies/procedures/manuals are admissible as evidence for what defendants knew or should have known or as evidence of reasonableness.

2. The Illinois Supreme Court has made it clear that defendants’ rules, guidelines, and bylaws can be used as evidence concerning standard of care and diligence of their employees. Indeed, in *Darling v. Charleston Cmty. Mem’l Hosp.*—a medical malpractice case—the Illinois Supreme Court stated that “[c]ustom is relevant in determining the standard of care because it illustrates what is feasible, it suggests a body of knowledge of which the defendant should be aware, and it warns of the possibility of far-reaching consequences if a higher standard is required.” 33 Ill.2d 326, 331 (1965). The *Darling* court further noted that “the regulations, standards, and

bylaws which the plaintiff introduced into evidence[] performed much the same function as did evidence of custom. This evidence aided the jury in deciding what was feasible and what the defendant knew or should have known. It did not conclusively determine the standard of care and the jury was not instructed that it did.” *Id.* at 332.

3. Here, Defendant’s manual functions as evidence aiding the jury in determining whether Defendant abided by its duty as imposed by law, and as evidence of Defendant’s expectations, knowledge, and training; at bottom, it “exist[s] coextensively with the law.” *Doe v. Coe*, 2019 IL 123521, ¶ 36. Furthermore, this Court can instruct the jury that Defendant’s manual does not create a duty. *See Darling*, 33 Ill.2d at 332 (stating the standards “aided the jury in deciding what was feasible and what the defendant knew or should have known. It did not conclusively determine the standard of care and the jury was not instructed that it did”).

4. *Darling’s* holding has explicitly or implicitly extended to numerous other cases involving diverse subjects and contexts. In *Marshall v. Burger King Corp.*, the Second District adopted *Darling* in a non-medical malpractice dispute, stating “[e]vidence of standards, safety rules, regulations, and codes are admissible to aid the finder of fact in deciding whether reasonable care was exercised in a given case.” 355 Ill. App. 3d 685, 689 (2d Dist. 2005). In *Bogenberger v. Pi Kappa Alpha Corp.*, a wrongful death case arising from fraternity hazing, the Illinois Supreme Court commented favorably on the introduction of internal policies, stating “[h]azing is not only against the law in Illinois, it is against the university’s rules as well as the Pi Kappa Alpha fraternity’s rules. There can be no real burden to require the NIU Chapter and officers to comply with the law and the university’s and fraternity’s rules.” 2018 IL 120951, ¶ 46. And in *Lockett v. Bi-State Transit Auth.*, the Illinois Supreme Court held there was no error in introducing the transit company’s internal rules, stating “defendant’s rules, although typically phrased in the form of

exhortations, were descriptive of and intended to eliminate existing hazards. *They did not conclusively determine the standard of care and the jury was not instructed that they did.*” 94 Ill.2d 66, 76 (1983) (emphasis added).

5. In a case filed by a patron against a bar for injuries inflicted by bar employees while they were removing the patron, the trial court allowed the bar to be cross-examined regarding its employee manual. *Griffin v. Prairie Fog Ltd. P'ship*, 2019 IL App (1st) 173070. The Appellate Court affirmed. Specifically, the district manager for the bar was asked about portions of the employee manual at trial and further testified he was not sure the manual was disseminated. *Id.*, ¶ 35. Other bar employees were also asked about the manual. *Id.* ¶ 39.

6. And the list goes on. For example, in *Martin v. McDonald's Corp.*, the First District described the McDonald's security policy/bible in detail, noting that it

clearly established a security policy which unquestionably included a follow-up. Nevertheless, its key security people...admittedly failed to follow up...the duty which McDonald's defined for itself included a follow-up which was doubly necessary because of the operating conditions of the restaurant. Accordingly, there was ample evidence for the jury to determine that McDonald's had breached its assumed duty to plaintiffs.

213 Ill. App. 3d 487, 493 (1st Dist. 1991). In *Hoffman v. Crane*, a case involving a semi tractor-trailer accident, the First District examined the plaintiff's use of a company's carrier manual, explaining that “plaintiffs presented evidence from which the jury could have found that [the company] had the right to control the manner in which Crane made deliveries because it could enforce the rules it put in the carrier manual regarding driver professionalism by prohibiting any driver who did not follow those requirements from delivering its products”, thereby establishing the company's expectations for its drivers. 2014 IL App (1st) 122793, ¶ 36; *see also Lepretre v. Lend Lease (Us) Constr., Inc.*, 2017 IL App (1st) 162320, ¶¶ 42-43 (describing a construction

company's safety manual in concluding that it had responsibility over the job site); *McHale v. W.D. Trucking, Inc.*, 2015 IL App (1st) 132625, ¶ 77 (allowing testimony about the application of the Federal Motor Carrier Safety Administration regulations to the facts of the case); *Wilson v. Norfolk & W. Ry. Co.*, 109 Ill. App. 3d 81, 91 (5th Dist. 1982) (stating "it has been held that a railroad's safety rules or customs are admissible in an FELA action, either as evidence of the negligence of the employer, or as evidence of the contributory negligence of the plaintiff, so as to diminish his recovery proportionately") (internal citations omitted).

7. In Defendant's Supplemental Brief, it cites a litany of cases that stand for the proposition that manuals and internal policies do not create independent duties. As Plaintiff has represented *ad nauseam*, he agrees with that proposition. But Defendant has yet to cite a single case supporting the overreaching assertion that there is a categorical ban on introducing internal policies and procedures at trial. Were that in fact the rule, every case Plaintiff cited above was wrong to allow evidence of hospital policies, fraternity rules, restaurant security policies, bar policies, construction manuals, and trucking manuals. This makes no sense.

8. Defendant relies substantially on *Gore v. Pilot Travel Ctrs. LLC*, specifically for the proposition that "the violation of a defendant's internal rules or guidelines do not constitute evidence of a defendant's negligence or failure to use reasonable care." 2021 IL App (3d) 210077, ¶ 18. *Gore* involved a slip-and-fall on ice. The law is clear that a landowner has no duty to remove natural accumulations of snow and ice. *Schuett v. Murray Props., Inc.*, 2014 IL App (2d) 130664, ¶ 12. Thus, it was within this framework that the *Gore* court held that

[d]efendant's voluntary ice and snow removal efforts did not impose a duty on defendant to ensure that its sidewalks were completely clear of all ice. Nor did defendant's internal snow-removal policy impose a duty on defendant to remove all ice from its sidewalks. Defendant only had the duty not to increase the risk of harm to its

customers by creating an unnatural accumulation of ice on its property.

2021 IL App (3d) 210077, ¶ 19 (internal citations omitted). In other words, an internal policy cannot create a duty where one does not exist or expand a duty beyond confines delineated by the law. But Plaintiff is not trying to do either in the case at bar. *Gore* is inapplicable.

9. Similarly, Defendant cites a Seventh Circuit police excessive force case, *Thompson v. City of Chi.*, which involved both state and federal causes of action. This case is distinguishable for numerous reasons. Preliminarily, the Seventh Circuit once again repeated the oft-quoted rule that internal rules—there, the Chicago Police Department’s internal use of force procedures—“do not create a duty to the public at large.” 472 F.3d 444, 457 (7th Cir. 2006). Plaintiff agrees with this statement. But *Thompson* is distinguishable. The court wrote, “this court has consistently held that 42 U.S.C. § 1983 protects plaintiffs from constitutional violations, not violations of state laws or, in this case, departmental regulations and police practices. In other words, the violation of police regulations or even a state law is completely immaterial as to the question of whether a violation of the federal constitution has been established.” *Id.* at 454. Thus, the Seventh Circuit was limiting the use of state or local policies in determining whether there has been a violation of substantive federal right, which is not what Plaintiff is trying to do here. Additionally, the *Thompson* court reviewed the district court’s Federal Rule of Evidence (“F.R.E.”) 403 analysis that ultimately excluded the procedures and found there was no error: “[a]ny limiting instruction explaining to the jury that, although the General Orders do not create a duty on the part of an officer and can only be used as evidence of a breach of protocol in a disciplinary proceeding—and that they could not be considered in conjunction with the plaintiffs’ § 1983 claims—would have led to unnecessary and detrimental jury confusion.” *Id.* at 457. The clear implication is that the

protocols could have been used in support of establishing the state claim but not the federal claims, so it was better to exclude them to avoid confusing the jury.

10. Defendant's other cases are similarly unhelpful. In *Passarella v. NFI Interactive Logistics, LLC*, a memorandum opinion from the Northern District of Illinois, the court held that "because the inference that Defendant's employee's failure to follow internal rules or guidelines constitutes evidence of negligence is so weak, the probative value of Defendant's internal rules or guidelines does not outweigh the obvious substantial risk of unfair prejudice and confusion." 2016 WL 6134541 at *6 (N.D. Ill. 2016). However, there is no discussion about why the inference is so weak; the court did not comment on what had been presented—or had failed to have been presented—to justify the inference. In *Gorsline v. Speedway, LLC*, a federal case from Michigan, the court merely restated the principle that the manual cannot create a duty and was skeptical that the evidence the plaintiff attempted to introduce via the manual was distinct from arguing that the manual created a duty. 2017 WL 6539052 at *3 (E.D. Mich. 2017). Neither of those opinions are binding on this Court.

11. Defendant also makes several arguments regarding the application of various Illinois Pattern Jury Instructions ("I.P.I.s"), specifically that Plaintiff used the 10.01 series, not the 105 series. What this argument ignores is that snow and ice cases are also governed by a different series, 125. Given that their key authority, *Gore*, involves a snow and ice case, by Defendant's logic *Gore* should not apply. The § 1983 cases also use an entirely different set of jury instructions, 7th Cir. Jury Instructions 7 Series, making the *Thompson* case similarly inapplicable.

12. In the instant matter, Defendant's owner, Robert Taft, testified it was his expectation that the employees of Q Bar would follow the employee manual. See Robert Taft's Trial Testimony at pp. 108, 122-123, attached as **Exhibit 1**. Defendant's expert, Russel Kolins, reviewed and relied

on the manual in forming his opinions in this matter. *See* Defendant’s Rule 213(f)(3) Disclosure, attached as **Exhibit 2**. Mr. Kolins also relied on the manual to support his opinions in his discovery deposition. *See* Russel Kolins’s Discovery Deposition Transcript at pp. 40, 67, attached as **Exhibit 3**. Plaintiff’s liability expert, Brian Carroll, also reviewed and relied on the manual in forming his opinions. Plaintiff’s Rule 213(f)(3) Disclosure specifically identifies that Mr. Carroll relied on the deposition of Michael Finlayson and on Q West’s Answers to Interrogatories in forming his opinions. *See* Plaintiff’s Rule 213(f)(3) Disclosure of Brian Carroll, attached as **Exhibit 4**. Exhibit 9 of Mr. Finlayson’s deposition is the Employee Manual. *See* Michael Finlayson’s Discovery Deposition Index, attached as **Exhibit 5**. Q West’s Answers to Interrogatories, which included the Employee Manual as an attachment, are also listed on the Disclosure as being relied upon by Mr. Carroll. *See* Defendant’s Answers to Interrogatories, attached as **Exhibit 6**. Mr. Carroll also testified at his discovery deposition regarding the manual. *See* Brian Carroll’s Discovery Deposition Transcript at pp. 134-35, attached as **Exhibit 7**.

13. Finally, in this matter the Appellate Court noted that certain of Plaintiff’s counsel’s comments misstated the law and were improper argument during closing. *Bland v. Q-West, Inc.*, 2023 IL App (2d) 210683, ¶ 33. The Appellate Court did not say, however, that *any* arguments regarding the manual were reversible error, and it did not proscribe Plaintiff from using the manual within its proper context as coextensive with the law and to demonstrate Defendant’s expectations, knowledge, and training. Indeed, the Appellate Court clearly believed that the manual itself was sound; there was no commentary about the manual misstating something or being poorly written, for example. This is even more apparent when juxtaposed with the Appellate Court’s decision on the dummy, which it explicitly criticized as “a crude representation of the human body” that was

“a distraction and of questionable value.” *Id.*, ¶ 31. The Appellate Court could have critiqued the manual as a manual or even barred it entirely. It did not.

14. Accordingly, Defendant has failed to establish that its own Employee Manual should be barred from this trial. Plaintiff intends to comply with the Appellate Court’s ruling in this re-trial by arguing not that the manual establishes a duty, but, rather, to demonstrate to the jury Defendant’s expectations of its employees, its knowledge of how to interact with and manage patrons, training of its employees, and as to what can be considered reasonably careful conduct under the circumstances of this case.

WHEREFORE, Plaintiff, LOGAN BLAND, respectfully requests that this Honorable Court deny Defendant, Q WEST INC.’s Motion *in Limine* No. A33 and award such other and further relief as is just and adequate.

Respectfully submitted,

By: 
Daniel K. Cetina

Daniel K. Cetina (Attorney No. 6320423)
WALSH, KNIPPEN & CETINA, CHARTERED
2150 Manchester Road, Suite 200
Wheaton, Illinois 60187
(630) 462-1980
dan@wkc-lawyers.com

John M. Power (Attorney No. 6197553)
Sara M. Davis (Attorney No. 6289329)
COGAN & POWER, P.C.
One East Wacker Drive, Suite 500
Chicago, Illinois 60601
(312) 477-2500
jpower@coganpower.com
sdavis@coganpower.com

**IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT
KENDALL COUNTY, ILLINOIS**

LOGAN BLAND,)
)
Plaintiff,)
v.)
)
Q-WEST INC., an Illinois Corporation,) 15 L 94
)
Defendant,)

NOTICE OF FILING

TO: ALL COUNSEL OF RECORD
SEE SERVICE LIST

YOU ARE HEREBY NOTIFIED that on July 29, 2024, there was sent to be e-filed with the Circuit Court of Kendall County, Illinois, **PLAINTIFF'S SUPPLEMENTAL BRIEF IN SUPPORT OF HIS RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION IN LIMINE NO. A33**, copies of which are attached hereto.

Cogan & Power, P.C.
COGAN & POWER, P.C.
WALSH, KNIPPEN & CETINA, CHARTERED
1 E. Wacker Drive, 38th Floor
Chicago, Illinois 60601
(312) 477-2500

CERTIFICATION

Under penalties as provided by law, pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies it to be true that he/she served the above and foregoing Notice of Filing via email to the said person(s) to whom said Notice of Filing is directed on July 29, 2024.

Kim Stefanek

SERVICE LIST

Robert M. Burke
Katie E. Gorrie
Johnson & Bell
33 W. Monroe Street, Suite 2700
Chicago, IL 60603
(312) 372-0770
burker@jbltd.com
gorriek@jbltd.com
Jennifer Saccuci: saccucij@jbltd.com
Nancy Tomala: tomalan@jbltd.com
Attorney for Defendant Q-West, Inc.

Dan L. Boho
Hinshaw & Culbertson LLP
151 North Franklin Street, Suite 2500
Chicago, IL 60606
312-704-3000
dboho@hinshawlaw.com
Attorney for Defendant Qwest and TKK Investments, LLC.

1 the existing language and used it and turned it 11:10:53

2 into what you wanted. 11:10:55

3 A. That's correct. 11:10:56

4 Q. All right. So it's not just a photocopy. 11:10:57

5 You actually went through it and made sure that the 11:10:59

6 words in there are the words that you expected the 11:11:01

7 people that worked for you to follow, true? 11:11:04

8 A. Yes, as a reference guide. They weren't 11:11:06

9 actually rules, but technically more of a reference 11:11:09

10 as to how to handle certain circumstances. 11:11:11

11 Q. Okay. Sir, it is an employee manual, 11:11:13

12 true? 11:11:17

13 A. Correct. 11:11:17

14 Q. And are you telling us that you did not 11:11:18

15 expect the people to follow your manual? 11:11:21

16 A. No, I expected it to be used as a 11:11:23

17 reference. 11:11:26

18 Q. Did you expect the people that worked for 11:11:26

19 you, yes or no, to follow your manual? 11:11:28

20 A. Yes. 11:11:32

21 Q. Fine. 11:11:33

22 Now, as part of your policies and 11:11:43

23 procedures, when there was an incident, you created 11:11:45

24 an incident report form that you expected to be 11:11:50



1 were for the various scenarios situated in here, 11:23:09
2 true? 11:23:13
3 A. True. 11:23:13
4 Q. All right. Did you ever come to learn 11:23:16
5 that -- I'm sorry. 11:23:18
6 Did you actually talk to Mike Finlayson, 11:23:19
7 who was your assistant manager, and Tiffany 11:23:21
8 Finlayson, your manager, when they were hired to 11:23:23
9 make sure that they understood that you expected 11:23:26
10 them to go through the manual with your new 11:23:29
11 employees? 11:23:31
12 A. There was someone else involved in the 11:23:31
13 business at that time, and he was the one that 11:23:33
14 handled more of the day-to-day stuff, so I was not 11:23:35
15 the one that actually hired them. 11:23:38
16 Q. Who is -- what's that person's name? 11:23:39
17 A. Jay Demarco. 11:23:41
18 Q. Jay Demarco. 11:23:45
19 A. Yeah. 11:23:45
20 Q. All right. So was it your expectation -- 11:23:45
21 I'm sorry. 11:23:45
22 Did you supervise Jay Demarco? 11:23:46
23 A. Yes. It was -- 11:23:48
24 Q. Okay. So when you told Jay Demarco or 11:23:50

1 allocated or relegated that task to Jay Demarco, 11:23:53
2 you did tell Jay, I expect you to talk to Tiffany 11:23:56
3 and Mike and make sure they share the manual with 11:23:59
4 our new employees so that they follow it, true? 11:24:01
5 A. True. 11:24:04
6 Q. All right. Would it be -- would it 11:24:04
7 surprise you to find out that both Tiffany and Mike 11:24:06
8 said that they didn't even know about the manual? 11:24:09
9 A. Yes. 11:24:11
10 Q. Okay. If that happened, then Jay failed 11:24:12
11 in your directive to teach the managers on how to 11:24:17
12 show the new employees what to do, true? 11:24:19
13 A. I'm sorry. Can you rephrase it? 11:24:21
14 Q. If Jay failed to talk to Tiffany and Mike 11:24:23
15 and let them know that the expectation was that 11:24:26
16 they were supposed to show this to new employees, 11:24:29
17 there was a failure on Jay's part to carry out -- 11:24:31
18 MR. BOHO: Objection. 11:24:34
19 MR. POWER: Can I at least finish my question? 11:24:35
20 THE COURT: Basis? 11:24:36
21 MR. BOHO: I would like to approach. I 11:24:37
22 can't -- the Court rules -- 11:24:38
23 THE COURT: Okay. Let's approach. 11:24:39
24 (Whereupon, the following 11:24:39

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT
KENDALL COUNTY, ILLINOIS

LOGAN BLAND,)
)
Plaintiff,)
) No. 15 L 94
vs.)
)
Q-WEST INC., an Illinois Corporation,)
LITTLE ROCK-FOX FIRE PROTECTION)
DISTRICT a Municipal Corporation,)
JASON R. FOREMAN, M.D., and)
DOCTORS OF EMERGENCY)
MEDICINE, IV, LLC,)
)
Defendants.)

DEFENDANT, Q-WEST, INC.'S INITIAL 213(f)(3) DISCLOSURE
RUSSELL KOLINS
KOLINS SECURITY GROUP

Defendant, Q-West, Inc., by and through its attorney, Ruben B. Shehigian, Jr, and for its Rule 213(f)(3) Disclosure, states:

Russell Kolins, Kolins Security Group, is expected to testify regarding the facts, applicable security standards and the conduct of Q-West, Inc./Q-Bar employees on the evening and at the time of the incident which is the subject of Plaintiff's Complaint. Mr. Kolins is of the opinion and expected to testify that at said time, Q-West, Inc. employees demonstrated conduct that was appropriate and consistent with industry standards.

Russell Kolins will testify and explain his opinions regarding the conduct of Plaintiff, Logan Bland, and the conduct of Q-West employees, more specifically as follows:

1. Q-West, Inc. undertook reasonable measures to provide reasonably safe premises for guests, employees and others lawfully on the premises.



2. Q-West, Inc. employed club personnel responsibly trained in alcohol awareness consistent with recognized responsible alcohol management training demonstrated by their refusal to serve more alcohol to Plaintiff but permitted him to remain on the premises.

3. Q-West, Inc. employed club personnel responsibly trained to remove any threats.

4. Q-West, Inc. employed club personnel who responded in a diligent and appropriate manner when Plaintiff became unruly.

5. The conduct employed by club personnel regarding the removal of the Plaintiff from the premises, on the date of the incident, after his refusal to do so when requested, was appropriate and consistent with industry standards.

6. Q-West, Inc. personnel exercised caution during the escort of the Plaintiff from the establishment as he was physically resisting his removal from the property.

7. Q-West personnel applied, but did not exceed, the appropriate use of force for the removal of Plaintiff from the premises and acted only in response to the Plaintiff's physical resistance.

8. The United States Department of Justice, 2009, allows for the use of reasonably necessary force for the defense of oneself or others.

9. Q-West, Inc. employed the appropriate personnel on the evening of the incident and utilized the appropriate number of staff in an effort to escort Plaintiff from the premises.

10. The incident involving Plaintiff which is the subject of his Complaint, was a result of the conduct of the Plaintiff himself.

11. Mr. Kolins will rebut the opinions expressed by Plaintiff's security expert, Brian Carroll, at his discovery deposition on September 9, 2020.

Mr. Kolins further supplements these opinions with any new opinions that may be elicited during his discovery deposition. Mr. Kolins bases his opinions on his education, training and experience in security including, but not limited to, having been the owner and operator of a bar and restaurant for ten years along with his review of the following materials:


- a. Deposition of Plaintiff, Logan Bland
- b. Deposition of Sgt. Norman Allison
- c. Deposition of Officer Gordon Flanigan
- d. Deposition of Officer Roberto Hernandez
- e. Deposition of Michael Finlayson
- f. Deposition of Tiffany Finlayson
- g. Deposition of Travis Meeker
- h. Deposition of Kyle George
- i. Deposition of Brian Carroll including deposition exhibits
- j. Statement of Jason Cheeks
- k. Statement of Lora Mobley
- l. Videos from cameras inside Q-Bar
- m. Videos from cameras outside Q-Bar
- n. Brian O'Hara's Responses to Request for Admissions
- o. Jason Cheeks' Responses to Request for Admissions
- p. Door Host Manual - Q-Bar

All opinions are expressed to a reasonable degree of certainty within the fields of bar operations, liability and hospitality security. Russell Kolins will also review any other records or depositions and 213 disclosures filed in this case. He will be made available for deposition on a

mutually convenient date. It is anticipated that Mr. Kolins may rely upon the records of other professionals and experts in forming opinions and the basis thereof pursuant to **Illinois Rules of Evidence, Rules 702 and 703.**

The Curriculum Vitae of Russell Kolins is attached hereto and incorporated herein.

Respectfully submitted,



RUBEN B. SHEHIGIAN, JR.
Attorney No. 10913-98
Attorney for Defendant, Q-West, Inc.
968 W. U.S. Highway 30
Schererville, Indiana 46375
(219) 865-3377
FAX (219) 865-4477
Email: r.shehigian.jr@sbcglobal.net

PROOF OF SERVICE

Under penalties of law as provided by Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that a copy of the foregoing Defendant, Q-West, Inc.'s Initial 213(f)(3) Disclosure, together with any and all documents identified therein were served upon the attorneys of record via electronic mail and by depositing a true and accurate copy of same in an envelope properly addressed, with postage fully prepaid, in a U.S. Post Office Mail Box from Schererville, Indiana, this 16th day of December, 2020.



RUBEN B. SHEHIGIAN, JR.
Attorney for Defendant, Q-West, Inc.

RUBEN B. SHEHIGIAN, JR.
Attorney No. 10913-98
Attorney for Defendant, Q-West, Inc.
968 W. U.S. Highway 30
Schererville, Indiana 46375
(219) 865-3377
FAX (219) 865-4477
Email: r.shehigian.jr@sbcglobal.net

1 Mr. Bland's removal from Q Bar? 10:27:33

2 A. The appropriate use of force is what is 10:27:36

3 reasonable at the time, what is reasonable and 10:27:38

4 necessary that is not -- that does not exceed 10:27:41

5 the amount of force that is necessary to control 10:27:46

6 a combative person such as Mr. Bland. 10:27:52

7 As a matter of fact, I believe it was 10:27:56

8 in the door host manual that said there is no 10:27:57

9 punching, no choke holds, no pain -- restraint 10:28:00

10 movements. And so none of that was exhibited by 10:28:09

11 any of the security personnel during the course 10:28:13

12 of the ejection. 10:28:16

13 Q. You reference Plaintiff's physical 10:28:20

14 resistance. What are you referring to when 10:28:24

15 you're describing physical resistance by 10:28:27

16 Plaintiff which is similar to the phrase 10:28:28

17 physically resisting his removal from the 10:28:31

18 prior paragraph? 10:28:33

19 A. It is resistant -- during the course of 10:28:34

20 the ejection, Mr. Bland was combative with the 10:28:37

21 security personnel. He resisted on at least 10:28:45

22 three different times when he grabbed one post 10:28:50

23 to resist being removed. 10:28:55

24 He took a defensive stance by

PLAINTIFF'S
EXHIBIT

3

1 otherwise. 11:16:32

2 Q. But you haven't personally reviewed 11:16:33

3 any materials or evidence contradicting the 11:16:36

4 statement that the security personnel were not 11:16:40

5 properly trained? 11:16:42

6 A. Well, I reviewed the policies. Hold on 11:16:44

7 one second. I reviewed the door host manual. 11:16:52

8 So there was a written policy in place, yes. 11:17:03

9 Q. Right. There was the fact of a written 11:17:06

10 policy but not any training or effective 11:17:08

11 communication of that policy at least according 11:17:11

12 to Mr. Finlayson from what you reviewed, 11:17:13

13 correct? 11:17:16

14 A. That is Mr. Finlayson, correct. 11:17:16

15 Q. On Page 4 of 6 in the same document, 11:17:17

16 the first full paragraph on that page on 11:17:31

17 Page 4 of 6 which falls under the header, 11:17:35

18 Security Personnel, the second -- the second 11:17:41

19 paragraph, the first full paragraph reads, "If 11:17:45

20 establishment rules are being violated, SP 11:17:49

21 should immediately discreetly and politely 11:17:52

22 explain the rule to the violators and then 11:17:55

23 promptly enforce the rule." Do you see what I'm 11:17:57

24 referring to? 11:18:00

Chief Kubinski further supplements these opinions with any new opinions that may be elicited during his discovery deposition. Chief Kubinski bases his opinions on his education, training, and experience as a firefighter/paramedic together with his review of the following materials:

1. Little Rock Fox-Fire Protection District EMS Report;
2. Video from inside QBar;
3. Video from outside QBar;
4. Video from police vehicle dashboard camera;
5. Audio from 911 call;
6. RID Little Rock Fox-Fire Protection District Answers to Interrogatories;
7. RID Little Rock Fox-Fire Protection District 214 Responses;
8. Defendant Little Rock Fox-Fire Protection District 214 Response;
9. Discovery deposition transcript of Charles Glaser;
10. Discovery deposition transcript of Brandon Cihak;
11. Discovery deposition transcript of Nurse Valenzuela;
12. Discovery deposition transcript of Nurse O'Hanlon;
13. Discovery deposition of Sergeant Allison;
14. Discovery deposition of Officer Hernandez;
15. Discovery deposition of Officer Flanigan; and
16. Discovery deposition of Michael Finlayson.

All opinions are expressed to a reasonable degree of medical certainty as well as other matters disclosed by him. Chief Kubinski will also review any other records or depositions and 213 disclosures filed in this case. Chief Kubinski is available for deposition upon request. It is anticipated that Chief Kubinski will rely upon the records of other treating professionals and experts in forming opinions and the bases thereof pursuant to *Illinois Rules of Evidence, Rules 702 and 703*.

A copy of Chief Kubinski's resume is attached.

VII. **BRIAN CARROLL** (3149 South Wells, Chicago, IL 60616) Mr. Carroll is expected to testify regarding the facts, applicable security standards and security and



safety procedural issues in this case with regard to the conduct of Q West, Inc., individually and by and through its agents, servants and/or employees (bouncers/security) on November 14, 2015. Mr. Carroll is of the opinion and is expected to testify that Q West, Inc. failed to possess and apply the knowledge, skill and care ordinarily used by bouncers/security personnel in the operation management and/or control of the premises on November 14, 2015 and therefore, as a result, was negligent and caused injury to Logan Bland.

Mr. Carroll will testify and explain his opinions regarding the professional negligence of Q West, Inc., more specifically as follows:

- a. On November 14, 2015, Q West, Inc. (Q-Bar), by and through its agents, servants and/or employees, including management and bouncers/security carelessly, negligently and inappropriately assessed the situation with Logan Bland as a physical threat; and
- b. On November 14, 2015, Q West, Inc. (Q-Bar), by and through its agents, servants and/or employees, including management and bouncers/security carelessly and negligently had too many security personnel involved in removing Logan Bland from the bar; and
- c. On November 14, 2015, Q West, Inc. (Q-Bar), by and through its agents, servants, and/or employees, including management and bouncers/security carelessly and negligently used excessive force in pulling Logan Bland through the exit; and
- d. On November 14, 2015, Q West, Inc. (Q-Bar), by and through its agents, servants and/or employees, including management and bouncers/security carelessly and negligently pulled Logan Bland through the exit door without ascertaining that such movement could be made with safety; and
- e. On November 14, 2015, Q West, Inc. (Q-Bar), by and through its agents, servants and/or employees, including management and bouncers/security carelessly and negligently allowed Logan Bland to be flipped over onto his stomach with his feet landing toes down on the sidewalk in front of the alcove; and

- f. On November 14, 2015, Q West, Inc. (Q-Bar), by and through its agents, servants and/or employees, including management and bouncers/security carelessly and negligently failed to control the situation; and
- g. On November 14, 2015, Q West, Inc. (Q-Bar), by and through its agents, servants and/or employees, including management and bouncers/security carelessly and negligently failed to control the situation and allowed a bouncer to place a knee on Logan Bland's neck; and
- h. On November 14, 2015, Q West, Inc. (Q-Bar), by and through its agents, servants and/or employees, including management and bouncers/security carelessly and negligently failed to use proper judgment; and
- i. On November 14, 2015, Q West, Inc. (Q-Bar), by and through its agents, servants and/or employees, including management and bouncers/security carelessly and negligently had little to no training; and
- j. On November 14, 2015, Q West, Inc. (Q-Bar), by and through its agents, servants and/or employees, including management and bouncers/security carelessly and negligently failed to accurately communicate the facts of the occurrence to the police.

Mr. Carroll further supplements these opinions with any new opinions that may be elicited during his discovery deposition. Mr. Carroll bases his opinions on his education, training, and experience in security together with his review of the following materials:

- 1. Medical Records from Valley West Community Hospital;
- 2. Video from inside QBar;
- 3. Video from outside QBar;
- 4. Video from police vehicle dashboard camera;
- 5. Audio from 911 call;
- 6. Q West, Inc. Answers to Interrogatories;
- 7. O'Hara's Response to Rule 216 Request to Admit Facts;
- 8. RID Little Rock Fox-Fire Protection District Answers to Interrogatories;

9. RID Little Rock Fox-Fire Protection District 214 Responses;
10. Defendant Little Rock Fox-Fire Protection District 214 Response;
11. Plano Police Report and statements;
12. Discovery deposition of Logan Bland;
13. Discovery deposition of Michael Finlayson;
14. Discovery deposition of Tiffany Finlayson;
15. Discovery deposition of Sergeant Allison;
16. Discovery deposition of Officer Hernandez;
17. Discovery deposition of Officer Flanigan;
18. Discovery deposition of Kyle George;
19. Discovery deposition of Erica Huggins; and
20. Discovery deposition of Travis Meeker.

All opinions are expressed to a reasonable degree of certainty within the field of security as well as other matters disclosed by him. Mr. Carroll will also review any other records or depositions and 213 disclosures filed in this case. Mr. Carroll is available for deposition upon request. It is anticipated that Mr. Carroll will rely upon the records of other professionals and experts in forming opinions and the bases thereof pursuant to *Illinois Rules of Evidence, Rules 702 and 703*.

A copy of Brian Carroll's resume is attached.

Respectfully submitted,
WALSH, KNIPPEN & CETINA, CHARTERED

By: *Michael Cetina*
Michael S. Cetina

Michael S. Cetina #06190025
WALSH, KNIPPEN & CETINA, CHTD.
2150 Manchester Road, Suite #200
Wheaton, IL 60187
T 630-462-1980
F 630-462-1984
mcetina@wkc-lawyers.com

I N D E X

WITNESS

MICHAEL FINLAYSON

EXAMINATION BY:	Page	Line
MR. CETINA.....	5	6
MR. ROTTMAN.....	96	17
MR. DEJONG.....	103	11
MR. ROTTMAN.....	105	8
MR. CETINA.....	106	8
MS. MEHOK.....	107	12
MR. CETINA.....	111	2

EXHIBITS:

PLAINTIFF

No. 4	Michael Finlayson Written Statement.....	59	3
No. 10	Incident Report.....	63	11
No. 9	Door Host Manual.....	64	22
No. 7	CD of Videotapes from QBar....	69	22
No. 11	Dash Cam Video.....	94	8

(Exhibits retained by Counsel for Plaintiff.)



IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT
KENDALL COUNTY, ILLINOIS

LOGAN BLAND,)
)
 Plaintiff,)
)
 v.)
)
 Q WEST INC., an Illinois Corporation,) No. 15 L 94
)
)
 Defendant.)
)
 _____)
 ACTION BILLIARDS, INC., an Illinois)
 Corporation,)
)
 Respondent in Discovery.)

Answers to interrogatories with interrogatories attached
PLAINTIFF'S INTERROGATORIES DIRECTED TO
DEFENDANT Q WEST INC., an Illinois Corporation

To: Ruben B. Shehigian, Jr.
968 West U.S. Highway 30
Schererville, IN 46375

NOW COMES the Plaintiff, Logan Bland, by and through his attorneys, WALSH, KNIPPEN, POLLOCK & CETINA, CHARTERED, and hereby propounds the following Interrogatories upon the Defendant, Q WEST INC., an Illinois Corporation, to be answered under oath within twenty-eight (28) days:

Definition: The "premises" shall refer to the bar at or near 11 John Street, Plano, Illinois, as of November 13, 2015.

1. Please identify by name, address, employer, and job title each and every person who participated in the answering of these interrogatories.

ANSWER:



2. State the names, present addresses, or last-known addresses and employer of all person(s) who saw all or any part of said occurrence described in the complaint and known to you or your attorneys or agent.

ANSWER:

3. State the names, present addresses, or last-known addresses and employer of all person(s) not named in answer to Interrogatory No. 2 who have direct knowledge of the occurrence or the injuries claimed in this case and known to you or your attorneys, your agents, or your insurance company.

ANSWER:

4. If you, your attorneys, agents, or insurance company have taken a statement from the plaintiff or any person other than the defendant concerning the occurrence described in the complaint, state:

- a) Whether such statement or statements were oral, longhand, or stenographic;
- b) The name and address of the person taking such statement or statements;
- c) The name and address of each person giving the statement;
- d) Whether each such longhand statement was signed by the person giving it;
- e) When and where each such statement or statements were taken; and
- f) The name and address of each person now having possession of such statement or statements, or the stenographic notes thereof.

ANSWER:

5. State whether any investigation of this occurrence and/or of the Plaintiff's claimed injuries was made by any persons on behalf of you, your insurance company, or any governmental agency. If so, state:

- a) The name, address and employer of each person who conducted any investigation;

- b) State the nature and dates of all written data - including, but not limited to, reports, records, memoranda, notes, status reports, canvasses, recordings, interviews, etc. - which have been done; and
- c) The names and addresses of persons or entities now in possession of any or all of said written data.

ANSWER:

6. State whether, on the date of the occurrence complained of, there was a policy of public liability insurance insuring any of the defendants or respondent in discovery in connection with the occurrence complained of. If so, state:

- a) The effective dates of the policy;
- b) The name of the insurance company;
- c) The policy number; and
- d) The limits of liability.

ANSWER:

7. Was there, at the time alleged in the complaint, any insurance policy, in addition to that mentioned in Interrogatory No. 5, which indemnified any of the defendants or respondents in discovery for their liability, either as an original insurer or as excess coverage of an amount named in any policy of insurance?

ANSWER:

8. Have you, your attorneys, your insurance company, or anyone on your behalf, obtained, or caused to be obtained, any photographs or videos relating in any way to this occurrence, including, but not limited to, the person(s) involved and/or the location of said occurrence? If the answer is in the affirmative, please state the date when such photographs or videos were taken; the place where they were taken; and the name and address of the person or person(s) who now have possession of the photographs.

ANSWER:

9. Does Q WEST INC., its representatives, or insurance company possess any medical reports or documents concerning or relating to the plaintiff's injuries, other than those medical reports and documents supplied to defendant's representatives by plaintiff's attorneys? If so, state:

- a) The date of each report;
- b) The name and address of each person making out such report; and
- c) In whose possession are these reports now?

ANSWER:

10. Does Q WEST INC., or any of its representatives, possess or have any information tending to indicate:

- a) That Plaintiff, Logan Bland, had suffered serious personal injury prior to said occurrence, was confined in a hospital, treated by a physician or X-rays for any reason other than personal injury? If so, state each plaintiff so involved, the name and addresses of each such hospital, physician, technician or clinic, and approximate date of such confinement or service;
- b) That Plaintiff, Logan Bland, had suffered personal injury prior to the date of said occurrence? If so, state how Plaintiff was so involved, when, where, and in general how he was injured. Describe in general, the injuries suffered;
- c) That Plaintiff, Logan Bland, has suffered either (1) any personal injury or (2) serious illness, since the date of said occurrence? If so, state each plaintiff so involved and when, where, and in general how he was injured. Describe in general the illness or injuries suffered; and
- d) That Plaintiff, Logan Bland has ever filed any other suit or claim for his own personal injuries? If so, state each plaintiff so involved, the court in which filed, the year filed, and the title and docket number of said case.

ANSWER:

11. Please identify the full name and principal address of each and every person, partnership, and/or corporation who, on November 12-13, 2015, owned, operated, managed, maintained or controlled the business commonly known as Q Bar located at 11 John Street, Plano, Illinois.

ANSWER:

12. For each and every person who managed or controlled or assisted in the management of Q Bar on November 13, 2015, please identify that person's name, address, job title, description of job duties, as well as that person's location on November 12-13, 2015.

ANSWER:

13. Please identify each and every policy or procedure, whether written or oral, relating in any way to an ejection policy and in effect on November 12-13, 2015. For each identify whether it is written or oral, who authored or created such policy or procedure, and, if written, who is in possession of it.

ANSWER:

14. For each and every employee of Q Bar working on November 12-13, 2015, please identify that person's name, address, job title and a description of job duties.

ANSWER:

15. Did you, or any employee of Q Bar, at any time prior to November 13, 2015, receive any complaint, warning or other notice concerning the conduct of its agents, servants and/or employees, including but not limited to its security staff/bouncers? If yes, for each complaint, warning or other notice, please state:

- a) The date and time it was received;
- b) Whether it was written or oral, and if oral, the substance of it;
- c) The name (or other means of identification) and address of the person by whom it was given;
- d) The name, address and job title of the person who received it;
- e) The nature and location of the occurrence to which it related;
- f) The injuries sustained in each instance;
- g) The contents of your response to it;
- h) Any action you took as a result of it; and

- i) The name and address of the person with custody of any such complaint.

ANSWER:

16. Have any lawsuits been filed against Q Bar, containing allegation that a person was injured due to the conduct of its agents, servants and/or employees, including but not limited to its security staff/bouncers? If so, state:

- a) The date filed;
b) The name of the court, docket number and name of the case;
c) The disposition of the present status of the suit; and
d) The contents of each complaint filed.

ANSWER:

17. Identify each document used, consulted or relied upon in the preparation of your answers to these interrogatories.

ANSWER:

Respectfully submitted,
WALSH, KNIPPEN, POLLOCK & CETINA, CHARTERED

By: _____
Michael S. Cetina

Atty. No. 06190025
WALSH, KNIPPEN, POLLOCK
& CETINA, CHARTERED
2150 Manchester Road, Suite 2150
Wheaton, IL 60187-4940
630-462-1980
mcetina@wkpc-law.com
www.wkpc-law.com

Answers to Interrogatories: Logan Bland v Q West, Inc 15L 94

1. Chris Reum Manager Q Bar 11 West John St. Plano, IL.

2. Jason Cheek 1222 Lafayette Street Aurora, IL

Michael Finlayson 7506 Cole Street Yorkville, IL

Travis Meeker 343 Lisbon St Sandwich, IL

Al Witmer address unknown: ph: 630 417 2775

The above individuals were employees of Q Bar on the date in issue.

There were various patrons on the premises whose names and addresses are not known.

Investigation continues.

3. None known. Investigation continues.

4. Incident reports were made by Jason Cheek, Travis Meeker and Michael Finlayson. Copies of same are attached. Various employees may have been interviewed by the Plano police in connection with its investigation but specifically, these names are not known. Investigation continues.

5. None except that done by Plano police.

6. Q West, Inc d/b/a Q Bar was insured under a policy issued by Stonegate Insurance Company. The single liability limit is \$1,000,000.

7. None known.

8. The premises is equipped with cameras. There are some video images of the events involving Logan Bland on the date in issue. A flash drive will be provided.

9. None other than what has been produced by plaintiff's attorney

10. No.

11. Q West, Inc owned and operated the premises on the day in issue.

12.

Bartender and manager: Michael Finlayson. Bartender: Tiffany Finlayson. These individuals were on premises on the day at issue. These individuals worked on premises overseeing the general operations. Investigation continues.

13. See attached manual.

14. Jason Cheek, Travis Meeker, Al Witmer: Door Hosts

See also answer to No. 12 above.

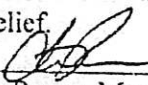
Investigation continues.

15. No.

16. No.

17. Investigation continues.

The undersigned states, under penalty of perjury, that he has read the foregoing answers to interrogatories and that the factual information contained herein is true and correct to the best of my knowledge and belief.


Chris Reum, Manager
Q Bar

Helen Mehok Attorney at Law for
Law Office of Ruben Shehigian
968 West US HWY 30
Schererville, IN 46375

Date: 3-9-17



DOORHOST MANUAL

Q Bar and Grill Employee Manual

Contents

Welcome

Introduction

The Role of a Host

Host Positions

Phone Calls

The Greeting

The Farewell

Reservations

- Reservation Policy
- Taking a Reservation
- Preparing for a Reservation

Event Inquiries

Promotions

Venue Tours

Host Desk Details & Specs

Host Mechanics & Finer Points

The Guest

Complaints

Diplomacy and Tact

Personal Appearance

Dress Code

Performance Standards

Points of Difference

Front of House Behavior

Eating or Drinking

Opening, Running, Closing Duties

Lost and Found

Tipping

Acting as Security

Alcohol Awareness

Basics including table on drink's per intoxication factors

Liquor laws

Checking ID's

Doubles

Sanitation and Safety

Conclusion

Q Bar and Grill Employee Manual

Welcome!

Congratulations on your employment as a Door Host at Q Bar and Grill! You have been hired because you possess individual traits that will enable Q Bar and Grill's reputation to grow. As a door host you'll be an important part of each guest's experience in our restaurant. We take great pride in our quality of food and friendly, responsive service. Our high standards can only be maintained through great people like you who share our values and desire to do the very best job possible for our guests every day. Our most experienced, qualified people will train you. They will walk you through the guidelines listed on the following pages. These guidelines have been established to help you in your effort to provide the highest level of service to our customers. The more attentive, enthusiastic, and patient you are, the sooner you will develop the work habits which make you a valued employee.

Together with the hands-on training you will receive, this Host Manual and your Q Bar and Grill Employee Handbook will provide answers to most questions you may have regarding your employment at Q Bar and Grill.

Once again, welcome to the Q Bar and Grill Team!

Q Bar and Grill Employee Manual

Introduction

As the Host of the "party," you must make the guest feel welcome. You should provide a cheery greeting, a compliment, and recognize regular customers by name. You should make each and every guest feel "special." It is up to you to turn our guests on, and make them feel at ease and welcome. A guest may have had a hard day at the office, and now wants to relax; a guest may be celebrating a special occasion; a guest may be lonely, and want to meet people. Whatever the reason, you are the host, a salesperson, a crazy person with the answers to any and all questions and needs.

You are the life of your party: You must keep your energy level and enthusiasm up, entertain your guests, and make your service special. The excitement of the aroma, the decor, the music, and the lighting are stimulated by your dynamic personality and service.

Our Door Hosts are successful because of TEAMWORK. In order for a team to function effectively, it must be guided by certain basic principles. The information, instructions, and philosophies in this manual are the basic principles to which you will be expected to adhere to.

The Role of the Host

Hosts have several different roles:

Educate the Guest

Whether it is the guest's first time at Q-Bar or they have been here many times, there will always be questions to be answered. Hosts must be well-versed in upcoming promotions and/or events, and able to act as a 'Tour Guide'. Their position is much like a 'Concierge', giving personal attention to guests and their expectations, and taking initiative to accommodate special requests and circumstances whenever possible. Door Hosts have the keen ability to read the guest and prompt the guest with the right questions.

Create the Guest's Experience

Door Hosts get the pleasure of establishing a lasting first impression by enthusiastically greeting every guest and beginning the seamless experience for the guest. In such a large venue, the guests rely on the Door Hosts to guide them in their experience. Although Hosts are continuously seeking opportunities to serve guests around the venue, they are to gravitate to the Front Counter as their 'home base.'

Door Hosts get the pleasure of establishing the last impression a guest receives before they leave, so a simple goodbye or thanks for coming goes along way. Also, occasionally a guest will leave with a bad impression and a host catching someone like this and informing a manager can turn a bad situation into a good situation and stop a potential 'last' visit customer into a future customer by helping solve any problems.

Venue Aesthetics

Q Bar and Grill Employee Manual

Hosts must always be aware of guest perception - from the front doors to the restrooms, the venue must continually be kept clean and aesthetically pleasing in the view of the guest.

Host Positions

Although all Hosts play an intricate role in providing a seamless guest experience, there are two different areas of responsibility that any Host can work during the shift. The following are the main points of responsibility for each position.

Greeters

1. Educate the Guest: Greeters are the guest's first point of contact, and they have the advantage in suggesting the flow of the guests' experience.
2. Liaison between Q-Bar and the Guest: Greeters are the first to ensure that the guests are comfortable. They are stationary at the front door during the shift, controlling the flow of guests into the venue. This position can be very difficult and requires a person who can multi-task and remain calm.
3. Communication is the key to accommodating our guests in the most efficient way. Greeters must have the ability to communicate with the rest of the staff, while also knowing how to listen to the guest and to ask questions.

Guides

1. Guide the Guest: Guides are to escort the guest to different areas of the venue. They are to alert the Chef of large table seating's. They must also have an excellent working knowledge of the venue so as they walk guests to their table, they keep pace with the guest to create friendly conversation and/or answer any of the guests' questions.
2. Eyes and Ears: Guides must keep constant contact with the Greeter at all times and let them know what is happening on the floor.
3. Set the Pace: Guides are to anticipate table turns by counting checks down and screen prompts (in bowling), and communicate these to the Greeter. They are to help bus tables in a timely fashion, as it is important that is set with impeccable cleanliness and perfect alignment so that each guest receives the same experience of attention to detail as the last. Guides are constantly in motion as this is a fast-paced venue, whether it's helping serve bread or refilling waters.
4. Support the Greeter: Guides are to answer phones, clean pool tables and balls, fix dart boards, and perform timely restroom checks.
5. Ambiance: Guides are also responsible for the ambiance of the entire venue, paying attention to such details as sunshine adjustments with curtain and lights, restroom cleanliness, and general venue cleanliness

Phone Calls

Many of the Q-Bar experiences begin with a telephone call. This phone experience is extremely important and will set the stage before they even walk in through the door.

Q Bar and Grill Employee Manual

Questions have a wide range of variance. The most common inquiries are:

- Directions to the venue
- General information
- Questions regarding promos
- Upcoming Events or Entertainment including national shows and advanced ticket purchases
- Reservation policy & making a reservation
- Donations
- Manager calls (applicants, guest feedback, etc)

All phone calls are to be answered by 2 rings, and answered with confidence and clarity. The script for answering the phone is:

'Good morning/afternoon/evening, thank you for calling Q-Bar located in "City". This is 'NAME'- how may I assist you?'

There is a lot of activity that happens at the Front Counter, but it is the duty of the Door Host to convey to every caller that he/she is the only one who matters at that moment. The tone in the voice must be friendly and personable, and genuine care for the guest.

When inquiry phone calls are made about hours, specials, or promotions, hosts are encouraged to offer a reservation before ending the call.

If the guest must be placed on hold, the Host must ask for the guest's permission beforehand. The guest can be placed on hold for no more than 30 seconds.

If the guest would like to speak to a particular employee, the Door Host must place them on hold and retrieve the employee (Unless an emergency, then the MOD must be contacted first).

If a phone call needs to be transferred to another line, the Door Host must notify the guest before transferring their call. If the line is busy, the Door Host gives the guest the option of transferring them to the voicemail or taking their name and number.

If a message is taken for a specific employee who is currently not in the building, the message log is filled out. The FOH Manager on duty is responsible for checking these messages, and emailing them to the specific employee by the end of the shift.

The Greeting

The guests' first visual impression of Q-Bar takes place at the front door. It is extremely important that it remains organized and aesthetically pleasing at all times. The reception must always begin with a warm welcome. If a Door Host is unable to welcome the guest verbally, he/she may simply smile and make eye contact in acknowledgement of the guests' presence. The Door Host must always be the first to speak, and have a warm and inviting smile on their face. The greeting script:

Q Bar and Grill Employee Manual

'Hello, and welcome to Q-Bar - how may I assist you today?'

From there, there are many different areas the guest may inquire about. They may want to speak with an Event Manager about planning a party, be first time guests just looking around, or may be hungry for a bite to eat. Hosts must be keen on providing the guest with the correct conversation tools to give them an excellent experience. Door Hosts must also be aware of where the guest decides to go in the venue, and ensure they receive prompt and proper service from Service Personnel.

Your greeting is the guest's first impression of Q Bar. Remember, neither you, nor the Q Bar, get a second chance to make a good first impression.

- Greet guests, whenever possible, within 30 seconds upon their entry to the Restaurant: i.e., "I'll be right with you," and use their names whenever possible. This is a perfect opportunity to ID the guest, learn their name and use it.
- Do not use the Front Counter as a shield to stand behind.
- Stand up front, do not make the guest approach you. You must make the first move in welcoming your new guests.
- **Stand Up.**
- Make every guest feel wanted and appreciated the minute they set foot into our front door.
- Your greeting should be changed to what feels comfortable to you.
- Do not be repetitious by using the same greeting every time.
- When greeting, the Door Host will shake hands and complement our guests.
- When IDing a guest, the Door Host will use the guest's name in the greeting.
- Be careful not to let the friends you make take up too much of your time.
- It is of great importance, and a business value, that each guest receives a special greeting.

The Farewell

You as a Host/Hostess are the guest's first and last impression of the Q Bar and Grill. Just as your friendly smile and attitude welcomed the guest into Q Bar, your pleasant farewell leaves the guest feeling good and wanting to return. We have four distinct objectives with every departing guest:

1. To make sure their experience in our Restaurant was pleasurable.
 2. To thank them, by name, for their patronage.
 3. To invite them back for another visit soon.
 4. To make sure their last impression is a positive one.
- Host staff, bussers, servers, and managers all have the responsibility to bid our departing guests farewell; but host staff and managers usually

Q Bar and Grill Employee Manual

have the most frequent opportunities to do so. Here is the behavior associated with a farewell that is guaranteed to generate a repeat visit:

- Help guests on with their jackets or coats.
- Open the door for every departing guest.
- Thank guests by name and invite them back for a specific occasion: "Come back and enjoy our (WEEKLY SPECIAL, NEW PROMOTION OR SPECIAL EVENT)"
- It takes only a fleeting moment to wrap and deliver it, but the memory of it can last a lifetime. It's the only thing people can wear that never goes out of style. And, one size fits everyone. It is called a "Smile".

NOTE: If a man is leaving with a purse or a woman with several purses, inquire about identification for each bag. If a problem arises, get a Manager.

RESERVATIONS

Reservation Policy

Door Hosts must be well-versed with the Reservation Policy. We do take reservations as far in advance as the guest would like.

Reservations are limited, to allow walk-in guests to also enjoy the venue. Managers may use their discretion whether to take more or less reservations, depending on the time of day, or time of year.

However, the following are the general guidelines:

- **Space:** Reservations are not limited, because most of the venue's space can be creatively used to maximize occupancy.
- **Private Events:** Managers must be well-aware of the shared space with private events, and use their discretion appropriately.
- **Patio:** Requests can be made for the patio and are to be indicated in the reservation notes. The team will do their due diligence to honor up to the first 100 guests with these requests these areas, based on table turns and weather.

Taking Reservations

The following is an idea of what the MOD will ask when taking a reservation.

If the time slot is available, take the guest's information appropriately:

- Guest's name (first and last)
- Phone number (to confirm the reservation)
- Number of guests
- Whether the guest is celebrating anything (must be noted in the reservation notes)

Q Bar and Grill Employee Manual

- If the guest has multiple reservations, where the guest goes before and afterwards must be written, to help with any timing issues during the execution of the shift.

This allows the system to track repeat guests, and also limits any miscommunication that might occur.

Preparing for a Reservation / Parties / Events

When setting up the shift and reservations, all areas must be double checked to ensure that there are no areas that are double booked or have been changed last minute.

- The reservation and/or party list is printed. Tables must be assigned to each large reservation. These reservations must be communicated with the Servers regarding setup and timing.

Event Inquiries

All event inquiries should be given to the Manager on Duty, who will know the company procedures on bookings.

Promotions

Q-Bar offers a variety of promotions for children, adults, and seniors. These promotions are great ways to spread the Q-Bar experience to various groups of people. Door Hosts must know the ins and outs of each of these promotions, in order for Q-Bar to offer consistency in guidelines and policies. Information is available for most promotions, and Door Hosts are encouraged to give these to guests, and use their judgment if the guest would be interested in these.

Door Hosts must be able to speak clearly about each of these promotions, regarding:

- Days and times offered
- Prices
- Products included / not included

Venue Tours

Hosts must be well-versed in the ins and outs of Q-Bar. First time guests are always entering the venue, and there are many times when guests will inquire about the versatility of the venue. When a guest either calls or receives a tour of the venue, there are distinct points to make about the Q-Bar venue and cuisine. The following points are to be included in the description:

- Distinctive entertainment and dining venue
- American cuisine
- Features many Craft Beers
- Event space to accommodate large numbers of guests.
- NOTHING MUST BE LEFT TO DO THE NEXT DAY B/C WE NEVER KNOW WHEN A TOUR MAY HAPPEN.
- BUILDING MUST BE SET UP CORRECTLY EVERY DAY B/C NEVER KNOW WHEN A TOUR MAY HAPPEN.

1 behind him?

2 A. -- in his deposition.

3 (Reporter interposes for
4 clarification.)

5 BY MR. SHEHIGIAN:

6 Q. Meeks was the guy in the back?

7 A. Yes, sir.

8 Q. All right. And then the individual in
9 front of him was Alan Whitmer; right?

10 A. Yes, sir.

11 Q. And so the concept in subparagraph B,
12 Opinion B, as in boy, too many security personnel,
13 Mr. Finlayson also expressed that opinion in his
14 deposition; correct?

15 A. Yes, sir. Yes, sir.

16 Q. And you're in agreement with the fact
17 that there was too many bouncers or door hosts, or
18 however they have been referred to, involved in
19 removing Logan from the bar; correct?

20 A. Yes, I agree. I agree with him on his
21 assessment of that.

22 Q. And Mr. Finlayson also indicated in the
23 door host manual that the rules are to have one
24 additional person in addition to the number of

1 people being removed; correct?

2 A. That would be a standard tactic, yes,
3 sir.

4 Q. And that's basically what you said, one
5 on each side of him getting him out of the bar;
6 correct?

7 A. Yes, sir.

8 Q. And then going to Opinion C, excessive
9 force in pulling Logan through the exit, that
10 opinion was also expressed by Mr. Finlayson;
11 correct?

12 A. Yes, it was.

13 Q. You're in agreement with him on that;
14 correct?

15 A. Yes. Completely. I believe he said it
16 was aggressive, too aggressive or -- I'm not sure of
17 his actual verbiage on that, how he -- how he said
18 it, but I believe he used the word "too aggressive"
19 or "overly aggressive."

20 Q. All right. And then I'm going to do a
21 screen share in a second here.

22 Can you see that on your screen?

23 A. Yes.

24 Q. All right. Can everybody else see that