

#37398

File No.:

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

BOB FLOSS,)
)
Plaintiff,)
)
v.)
)
CHICAGO ASSOCIATION OF REALTORS®)
a/k/a THE CHICAGO ASSOCIATION OF)
REALTORS®, INC., RAFAEL ALVARADO,)
WILLIAM STEGMAN,)
WAYNE P. CAPLAN, DAN WAGNER,)
EZEKIEL T. MORRIS, MABEL G. GUZMAN,)
HUGH RIDER, JUAN DEL REAL,)
KATHY KALNES, LAUREN MITRICK,)
MATTHEW FARRELL, MICHAEL J. SATO,)
RON D. ABRAMS, SARAH J. COULTER,)
MATTHEW SILVER and TAMMY HAJJAR,)
indv. and d/b/a CHICAGO ASSOCIATION)
OF REALTORS®,)
Defendants.)

Case No.

2013L008030
CALENDAR/ROOM 8
TIME 00:00
Other Com Litigation

FILED-1
2013 JUL 15 PM 3:39
CLOCK OF COOK COUNTY
LAW DIVISION

COMPLAINT AT LAW

NOW COMES the Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., and complaining against the Defendants, CHICAGO ASSOCIATION OF REALTORS® a/k/a THE CHICAGO ASSOCIATION OF REALTORS®, INC., RAFAEL ALVARADO, WILLIAM STEGMAN, WAYNE P. CAPLAN, DAN WAGNER, EZEKIEL T. MORRIS, MABEL G. GUSMAN, HUGH RIDER, JUAN DEL REAL, KATHY KALNES, LAUREN MITRICK, MATTHEW FARRELL, MICHAL J. SATO, RON D. ABRAMS, SARAH J. COULTER, MATTHEW SILVER and TAMMY HAJJAR, indv. and d/b/a CHICAGO ASSOCIATION OF REALTORS®, states as follows:

1. At all times relevant, Plaintiff, BOB FLOSS, was a resident of Cook County, Illinois.

2. At all times, Defendant, CHICAGO ASSOCIATION OF REALTORS® a/k/a THE CHICAGO ASSOCIATION OF REALTORS®, INC. (CAR), is a not-for-profit Illinois corporation, with its principal place of business located at 200 South Michigan Avenue, Chicago, Illinois 60604, and is a professional association of members of the real estate community.

3. That in 2011, Plaintiff BOB FLOSS, was elected as president of the Defendant CAR for a one year term.

4. Plaintiff's term as President began on October 1, 2011, and the one year term was to end on September 30, 2012.

5. That the position of President of Defendant CAR was a paid position, with a monthly salary of \$1,000.00.

6. That during the course of his term as President of Defendant CAR, Plaintiff was informed of and presented with certain issues regarding the finances of Defendant CAR.

7. In June and July of 2012, the finance committee recommended that a forensic audit of the financial records of Defendant CAR be performed by an outside, independent auditor.

8. In July of 2012, Plaintiff called an officers meeting with the President Elect, the Treasurer and the CEO to discuss the issues raised regarding the financial records of Defendant CAR, and the officers agreed to open the financial records to the officers for inspection.

9. However, on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called to discuss several complaints against Plaintiff.

10. That Plaintiff was informed of the July 16, 2012 special meeting, and Plaintiff requested that a court reporter be present at the meeting, but his request was denied.

11. Moreover, Plaintiff requested that his attorney also be present at the July 16, 2012 special meeting, but that request was also denied.

12. That on July 16, 2012, Plaintiff was present at the beginning of the meeting, but after the complaints against him were read aloud, he was excused from the meeting, and the special meeting continued for an additional two hours.

13. That after the July 16, 2012 special meeting, Plaintiff was asked to resign by the board of directors, and after Plaintiff refused, he was impeached and terminated as president of Defendant CAR by the board of directors.

COUNT I

Plaintiff incorporates as if fully restated all of the allegations previously written.

14. That Plaintiff was elected for a one year term as President of Defendant CAR, starting October 1, 2011 and ending September 30, 2012.

15. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

16. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

17. That Plaintiff began an investigation of the financial records of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

18. That Plaintiff began investigating the financial records and the relationship between Defendant CAR and The Northern Illinois Real Estate Information Network, Inc., a for-profit referral and holding company that holds real estate licenses.

19. That as a result of Plaintiff's investigation and his request to open the financial records for review by the officers, the July 16, 2012 special meeting of the board of directors was called and Plaintiff was terminated in retaliation for pursuing the investigation to resolve the irregularities and issues raised by the financial committee as well as other members of Defendant CAR.

20. That Plaintiff's retaliatory discharge was due to his investigation of the financial records of Defendant CAR to ensure that there were no irregularities, and that the dues of the members of Defendant CAR were accounted for.

21. That as a result of Defendant CAR's retaliatory discharge of Plaintiff, Plaintiff has been damaged.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant CHICAGO ASSOCIATION OF REALTORS® a/k/a THE CHICAGO ASSOCIATION OF REALTORS®, INC., that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT II

Plaintiff incorporates as if fully restated all of the allegations previously written.

22. That Plaintiff was elected for a one year term as President of Defendant CAR, starting October 1, 2011 and ending September 30, 2012.

23. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

24. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

25. That Defendant CAR breached the agreement to have Plaintiff serve his one year term when it wrongfully terminated him on July 16, 2012, approximately two and one half months prior to the expiration of his term as President.

26. That as a result of Defendant CAR's breach, Plaintiff has been damaged.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant CHICAGO ASSOCIATION OF REALTORS® a/k/a THE CHICAGO ASSOCIATION OF REALTORS®, INC., that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT III

Plaintiff incorporates as if fully restated all of the allegations previously written.

27. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

28. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

29. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

30. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

31. On information and belief, and during the meeting, the board of directors negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

32. The board members made false statements about Plaintiff that they either knew were false or that they made recklessly without regard for the truth.

33. That the negligent and willful false statements made by the board of directors of Defendant CAR about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

34. That news of the impeachment was published in local media including the Chicago Tribune, Chicago Agent Magazine, and various other trade publications, and internet blogs.

35. That the publication of the impeachment and termination of Plaintiff as president of Defendant CAR are defamatory per se because it is highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and I otherwise unable to perform his duties as President and realtor faithfully.

36. Although the statements are per se defamatory and damages are presumed, the states have cause damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

37. As a direct and proximate cause Defendant CAR's board of directors false and malicious statements the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant CHICAGO ASSOCIATION OF REALTORS® a/k/a THE CHICAGO ASSOCIATION OF REALTORS®, INC., that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT IV

Plaintiff incorporates as if fully restated allegations 1 through 37 previously written.

38. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

39. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

40. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

41. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

42. That Defendant Rafael Alvarado was a director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

43. On information and belief, and during the meeting, Defendant Rafael Alvarado negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

44. Defendant Rafael Alvarado made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

45. That the negligent and willful false statements made by Defendant Rafael Alvarado about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

46. The publication of Defendant Rafael Alvarado's statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

47. Although the statements are per se defamatory and damages are presumed, the statements have caused damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

48. As a direct and proximate cause Defendant Rafael Alvarado's false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant RAFAEL ALVARADO, that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT V

Plaintiff incorporates as if fully restated allegations 1 through 48 previously written.

49. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

50. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

51. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

52. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

53. That Defendant William Stegeman, was a director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

54. On information and belief, and during the meeting, Defendant William Stegeman negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

55. On information and belief, Defendant William Stegeman made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

56. That the negligent and willful false statements made by Defendant William Stegeman about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

57. The publication of Defendant William Stegeman's false statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

58. Although the statements are per se defamatory and damages are presumed, the statements have caused damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

59. As a direct and proximate cause Defendant William Stegeman's false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant WILLIAM STEGEMAN, that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT VI

Plaintiff incorporates as if fully restated allegations 1 through 59 previously written.

60. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

61. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

62. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

63. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

64. That Defendant Wayne P. Caplan, was a director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

65. On information and belief, and during the meeting, Defendant, Wayne P. Caplan negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

66. On information and belief, Defendant Wayne P. Caplan made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

67. That the negligent and willful false statements made by Defendant Wayne P. Caplan about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

68. The publication of Defendant Wayne P. Caplan's false statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

69. Although the statements are per se defamatory and damages are presumed, the statements have caused damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

70. As a direct and proximate cause Defendant Wayne P. Caplan's false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant WAYNE P. CAPLAN, that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT VII

Plaintiff incorporates as if fully restated allegations 1 through 70 previously written.

71. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

72. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

73. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

74. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

75. That Defendant Dan Wagner, was a director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

76. On information and belief, and during the meeting, Defendant Dan Wagner negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

77. On information and belief, Defendant Dan Wagner made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

78. That the negligent and willful false statements made by Defendant Dan Wagner about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

79. The publication of Defendant Dan Wagner's false statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

80. Although the statements are per se defamatory and damages are presumed, the statements have caused damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

81. As a direct and proximate cause Defendant Dan Wagner's false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant DAN WAGNER, that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT VIII

Plaintiff incorporates as if fully restated allegations 1 through 81 previously written.

82. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

83. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

84. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

85. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

86. That Defendant Ezekiel T. Morris, was the President Elect and Director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

87. On information and belief, and during the meeting, Defendant Ezekiel T. Morris negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

88. On information and belief, Defendant Ezekiel T. Morris made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

89. That the negligent and willful false statements made by Defendant Ezekiel T. Morris about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

90. The publication of Defendant Ezekiel T. Morris' false statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

91. Although the statements are per se defamatory and damages are presumed, the statements have caused damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

92. As a direct and proximate cause Defendant Ezekiel T. Morris' false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant EZEKIEL T. MORRIS, that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT X

Plaintiff incorporates as if fully restated allegations 1 through 92 previously written.

93. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

94. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

95. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

96. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

97. That Defendant Mabel G. Guzman, was the Immediate President and Director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

98. On information and belief, and during the meeting, Defendant Mabel G. Guzman negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

99. On information and belief, Defendant Mabel G. Guzman made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

100. That the negligent and willful false statements made by Defendant Mabel G. Guzman about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

101. The publication of Defendant Mabel G. Guzman's false statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

102. Although the statements are per se defamatory and damages are presumed, the statements have caused damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

103. As a direct and proximate cause Defendant Mabel G. Guzman's false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant MABEL G. GUZMAN, that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT XI

Plaintiff incorporates as if fully restated allegations 1 through 103 previously written.

104. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

105. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

106. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

107. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

108. That Defendant Hugh Rider, was a director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

109. On information and belief, and during the meeting, Defendant Hugh Rider negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

110. On information and belief, Defendant Hugh Rider made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

111. That the negligent and willful false statements made by Defendant Hugh Rider about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

112. The publication of Defendant Hugh Rider's false statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

113. Although the statements are per se defamatory and damages are presumed, the statements have caused damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

114. As a direct and proximate cause Defendant Hugh Rider's false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant HUGH RIDER, that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT XII

Plaintiff incorporates as if fully restated allegations 1 through 114 previously written.

115. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

116. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

117. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

118. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

119. That Defendant Juan Del Real, was a director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

120. On information and belief, and during the meeting, Defendant Juan Del Real negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

121. On information and belief, Defendant Juan Del Real made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

122. That the negligent and willful false statements made by Defendant Juan Del Real about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

123. The publication of Defendant Juan Del Real's false statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

124. Although the statements are per se defamatory and damages are presumed, the statements have cause damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

125. As a direct and proximate cause Defendant Juan Del Real's false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant JUAN DEL REAL, that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT XIII

Plaintiff incorporates as if fully restated allegations 1 through 125 previously written.

126. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

127. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

128. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

129. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

130. That Defendant Kathy Kalnes, was a director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

131. On information and belief, and during the meeting, Defendant Kathy Kalnes negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

132. On information and belief, Defendant Kathy Kalnes made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

133. That the negligent and willful false statements made by Defendant Kathy Kalnes about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

134. The publication of Defendant Kathy Kalnes's false statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

135. Although the statements are per se defamatory and damages are presumed, the statements have caused damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

136. As a direct and proximate cause Defendant Kathy Kalnes's false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant KATHY KALNES, that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT XIV

Plaintiff incorporates as if fully restated allegations 1 through 136 previously written.

137. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

138. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

139. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

140. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

141. That Defendant Lauren Mitrick, was a director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

142. On information and belief, and during the meeting, Defendant Lauren Mitrick negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

143. On information and belief, Defendant Lauren Mitrick made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

144. That the negligent and willful false statements made by Defendant Lauren Mitrick about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

145. The publication of Defendant Lauren Mitrick's false statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

146. Although the statements are per se defamatory and damages are presumed, the statements have caused damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

147. As a direct and proximate cause Defendant Lauren Mitrick's false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant LAUREN MITRICK, that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT XV

Plaintiff incorporates as if fully restated allegations 1 through 147 previously written.

148. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

149. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

150. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

151. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

152. That Defendant Matthew Farrell, was a director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

153. On information and belief, and during the meeting, Defendant Matthew Farrell negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

154. On information and belief, Defendant Matthew Farrell made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

155. That the negligent and willful false statements made by Defendant Matthew Farrell about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

156. The publication of Defendant Matthew Farrell's false statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

157. Although the statements are per se defamatory and damages are presumed, the statements have caused damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

158. As a direct and proximate cause Defendant Matthew Farrell's false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant MATTHEW FARRELL, that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT XVI

Plaintiff incorporates as if fully restated allegations 1 through 158 previously written.

159. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

160. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

161. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

162. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

163. That Defendant Michael J. Sato, was a director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

164. On information and belief, and during the meeting, Defendant Michael J. Sato negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

165. On information and belief, Defendant Michael J. Sato made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

166. That the negligent and willful false statements made by Defendant Michael J. Sato about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

167. The publication of Defendant Michael J. Sato's false statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely

impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

168. Although the statements are per se defamatory and damages are presumed, the statements have caused damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

169. As a direct and proximate cause Defendant Michael J. Sato's false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant MICHAEL J. SATO, that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT XVII

Plaintiff incorporates as if fully restated allegations 1 through 169 previously written.

170. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

171. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

172. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

173. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

174. That Defendant Ron D. Abrams, was the Treasurer, Secretary, and Director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

175. On information and belief, and during the meeting, Defendant Ron D. Abrams negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

176. On information and belief, Defendant Ron D. Abrams made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

177. That the negligent and willful false statements made by Defendant Ron D. Abrams about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

178. The publication of Defendant Ron D. Abrams' false statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

179. Although the statements are per se defamatory and damages are presumed, the statements have caused damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

180. As a direct and proximate cause Defendant Ron D. Abrams' false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant RON D. ABRAMS, that damages be awarded in an

amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT XVIII

Plaintiff incorporates as if fully restated allegations 1 through 180 previously written.

181. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

182. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

183. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

184. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

185. That Defendant Sarah J. Coulter, was a director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

186. On information and belief, and during the meeting, Defendant Sarah J. Coulter negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

187. On information and belief, Defendant Sarah J. Coulter made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

188. That the negligent and willful false statements made by Defendant Sarah J. Coulter about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

189 The publication of Defendant Sarah J. Coulter's false statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

190. Although the statements are per se defamatory and damages are presumed, the statements have caused damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

191. As a direct and proximate cause Defendant Sarah J. Coulter's false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant SARAH J. COULTER, that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT XIX

Plaintiff incorporates as if fully restated allegations 1 through 191 previously written.

192. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

193. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

194. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

195. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

196. That Defendant Matthew Silver, was a director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

197. On information and belief, and during the meeting, Defendant Matthew Silver negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

198. On information and belief, Defendant Matthew Silver made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

199. That the negligent and willful false statements made by Defendant Matthew Silver about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

200. The publication of Defendant Matthew Silver's false statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

201. Although the statements are per se defamatory and damages are presumed, the statements have caused damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

202. As a direct and proximate cause Defendant Matthew Silver's false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant MATTHEW SILVER, that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT XX

Plaintiff incorporates as if fully restated allegations 1 through 202 previously written.

203. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

204. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

205. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

206. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

207. That Defendant Tammy Hajjar, was a director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

208. On information and belief, and during the meeting, Defendant Tammy Hajjar negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

209. On information and belief, Defendant Tammy Hajjar made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

210. That the negligent and willful false statements made by Defendant Tammy Hajjar about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

211. The publication of Defendant Tammy Hajjar's false statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

212. Although the statements are per se defamatory and damages are presumed, the statements have caused damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

213. As a direct and proximate cause Defendant Tammy Hajjar's false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant TAMMY HAJJAR, that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT XXI

Plaintiff incorporates as if fully restated allegations 1 through 213 previously written.

214. That Plaintiff did not violate any of Defendant CAR's bylaw, rules, or regulations during his term as President.

215. That Plaintiff faithfully carried out his duties as President of Defendant CAR.

216. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

217. That on July 16, 2012, a special meeting of the board of directors of Defendant CAR was called.

218. That Defendant Virginia Downs, was the CEO, director and member of the board of Defendant CAR, and was present at the July 16, 2012 meeting.

219. On information and belief, and during the meeting, Defendant Virginia Downs negligently and willfully made false statements about the Plaintiff indicating that the Plaintiff is unable to perform or lacks integrity in performing his employment duties as President and realtor.

220. On information and belief, Defendant Virginia Downs made false statements about Plaintiff that he either knew were false or that he made recklessly without regard for the truth.

221. That the negligent and willful false statements made by Defendant Virginia Downs about the Plaintiff caused or contributed to his impeachment as President, and ultimately to his termination as President by the board of directors of Defendant CAR.

222. The publication of Defendant Tammy Virginia Downs's false statements to the Board of Directors of Defendant CAR are defamatory per se because they are highly prejudicial and falsely impute that Plaintiff lacks integrity, is unethical, and is otherwise unable to perform his duties as President and realtor faithfully.

223. Although the statements are per se defamatory and damages are presumed, the statements have cause damage to Plaintiff, and Plaintiff's integrity is paramount in his reputation in the real estate industry.

224. As a direct and proximate cause Defendant Virginia Downs's false and malicious statements, the Plaintiff has suffered damage to his reputation and has suffered economic damage.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant VIRGINIA DOWNS, that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

COUNT XXII

Plaintiff incorporates as if fully restated allegations 1 through 224 previously written.

225. Defendant CAR has over 11,000 members which are required to pay annual dues, and the members pay fees totaling \$949 annually, which include local dues, MLS and Sentrilock Fee, state dues, and national dues.

226. Defendant CAR collects millions of dollars in dues, and is responsible to the members to properly allocate and account for the millions of dollars received in the form of dues.

227. That Plaintiff began investigation the financial books of Defendant CAR when other members and the financial committee raised issues regarding back-up documentation to support the financial records.

228. That Plaintiff began investigating the financial books and the relationship between Defendant CAR and The Northern Illinois Real Estate Information Network, Inc., a for-profit referral and holding company that holds real estate licenses.

229. While President of Defendant CAR, Plaintiff requested that the financial records be provided to the officers for review to ensure that there were no irregularities.

230. That various members of Defendant CAR also recommended a third party forensic audit of the financial records of Defendant CAR.

231. On information and belief, Defendant CAR has negligently and willfully mismanaged and misappropriated the members funds.

232. Plaintiff brings this action as a class action on behalf of himself and all other similarly situated persons who were members of Defendant CAR and who paid their annual dues to Defendant CAR.

233.. There are questions of law or fact common to the class and these questions predominate over any questions which may exist with respect to individuals.

234. The number of similarly situated individuals is estimated to be approximately eleven thousand and is so numerous that joinder of all members is impracticable.

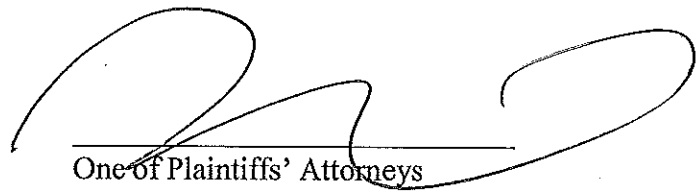
235. The claims or defenses of the representative party are typical of the claims or defenses of the class.

236. Plaintiffs and their counsel will fairly and adequately protect the interest of the class.

237. A class action is the most appropriate method for the fair and efficient resolution of the matters alleged herein.

Wherefore, Plaintiff, BOB FLOSS, by and through his attorneys, ZANE D. SMITH & ASSOCIATES, LTD., respectfully request that this Honorable Court enter an Order for Judgment in favor of the Plaintiff and against Defendant CHICAGO ASSOCIATION OF REALTORS® a/k/a THE CHICAGO ASSOCIATION OF REALTORS®, INC., that damages be awarded in an amount to be determined and in excess of \$50,000, and that costs, attorney's fees, and any additional relief in favor of Plaintiff that this Court deems just.

Respectfully submitted,



One of Plaintiffs' Attorneys

Zane D. Smith
Andre Ordeanu
ZANE D. SMITH & ASSOCIATES, LTD.
415 N. LaSalle Street - Suite 501
Chicago, IL 60654
(312) 245-0031
(312) 245-0022 - Fax