

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the Matter of:

BRENT MICHAEL WILLS,

Attorney-Respondent,

No. 6292086.

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Commission No. 2021PR00021

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Jonathan M. Wier, pursuant to Supreme Court Rule 753(b), complains of Respondent Brent Michael Wills, who was licensed to practice law in Illinois on May 10, 2007, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

*(Lack of Diligence, Failure to Keep Clients Informed, and Misrepresentations to Clients –
John Pluciennik and Daniel Rippel)*

1. On November 30, 2011, John Pluciennik and Dan Rippel obtained a judgment against several parties in the amount of \$4,587,968 (in favor of Pluciennik) and \$764,661 (in favor of Rippel) in *Pluciennik et al. v. Vandenberg et al.*, Case No. 2008 L 331 (Circuit Court of Will County). As of April 2016, Plaintiffs had recovered about \$1.2 million of the judgment.

2. On April 22, 2016, John Pluciennik and Dan Rippel, through counsel, filed a complaint to set aside allegedly fraudulent transfers by the defendants in the law division case referred to in paragraph one. They filed the case in the Circuit Court of Will County, Illinois, and the case was docketed as case number 16-CH-00778.

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3. On March 13, 2018, John Pluciennik died leaving two sons, John and Ryan Pluciennik. Thereafter, sons John and Ryan Pluciennik, as successors to their father's interest in the lawsuit, and Dan Rippel (collectively, the "Plaintiffs") continued to litigate case number 16-CH-00778.

4. On or before September 11, 2018, Plaintiffs and Respondent agreed that Respondent would take over the case and represent Plaintiffs in case number 16-CH-00778. The matter came on for status on September 11, 2018. Respondent attended the status hearing on behalf of Plaintiffs, and the court granted Respondent leave to file a substitution of counsel and appear on their behalf. The court's order continued the matter for a further status on October 23, 2018 at 9:00 a.m.

5. Respondent did not appear in court on October 23, 2018, and the court entered an order dismissing the case for want of prosecution based on Respondent's failure to appear. Respondent learned after October 23, 2018 that the case had been dismissed.

6. On March 1, 2019, Respondent sent an e-mail to Plaintiffs, which he called an "interim status report" on case number 16-CH-00778. In that e-mail message, Respondent stated that the defendants had moved for another extension of time to file their response to the complaint, asserting a personal family matter of their counsel.

7. Respondent's statement regarding the defendants' motion was false because they had not filed such a motion, and the case had been dismissed for more than four months and was no longer pending.

8. When Respondent made the statement regarding defendants' motion, he knew that it was false.

9. In Respondent's March 1, 2019 e-mail, he also told Plaintiffs that the court had continued the February 14, 2019 case management date to March 14, 2019, and that the court would hear the defendants' motion on that date.

10. Respondent's statements regarding the continuance and the case management date were false because there was no February 14, 2019 case management date, the court did not continue the matter until March 14, 2019, or any other date, and the court was not going to hear any motion on March 14, 2019 because no motion had been filed. The statements were also false because the case had been dismissed for more than four months and was no longer pending.

11. When Respondent made the statements regarding the case management dates and a continuance, he knew that the statements were false.

12. In March 2019, John and Ryan Pluciennik checked the status of case number 16-CH-00778 because they had not heard from Respondent, and they learned that their case had been dismissed.

13. Upon learning that their case had been dismissed, John Pluciennik attempted to contact Respondent for additional details regarding their case, and to determine why their case had been dismissed.

14. On March 25, 2019, Respondent sent a text to John Pluciennik and Dan Rippel. Respondent admitted that he did not attend the October 23, 2018 status hearing in case number 16-CH-00778 and, for that reason, the case was dismissed for want of prosecution. Respondent told John Pluciennik and Dan Rippel in his text message that he had planned to "reinstate the case and proceed forward as planned," but that he did not do that.

15. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. failure to act with reasonable diligence and promptness in representing John Pluciennik and Dan Rippel in case number 16-CH-00778 by not appearing in court on October 23, 2018 which led to the dismissal of the case, and then dismissing the case, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failure to keep a client reasonably advised about the status of a matter, by conduct including not telling John and Ryan Pluciennik or Dan Rippel that their case had been dismissed, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010); and
- c. conduct involving dishonesty, deceit, or misrepresentation, by falsely telling John and Ryan Pluciennik and Dan Rippel that the defendants in case number 16-CH-00778 had filed a motion for an extension of time and that the court had continued the matter after the case had been dismissed for more than four months and was no longer pending, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Lack of Diligence, Failure to Keep Clients Informed, and Misrepresentations to Clients – AMS Medical Billing Consultants, Inc.)

16. On June 30, 2017, Pinnacle Interventional Pain Associates, SC filed a complaint alleging breach of contract, conversion, and fraud against AMS Medical Billing Consultants, Inc. (“AMS”) in the Circuit Court of Cook County. Mary Soto is the owner of AMS, a medical billing firm that she has operated for about 25 years. The case was docketed as case number 2017-CH-09180.

17. On or around August 8, 2017, AMS and Respondent agreed that Respondent and his law firm would represent AMS in the litigation referred to in paragraph 16 above.

18. On August 9, 2017, the court entered an order granting Respondent and his law firm leave to file an appearance in the matter on behalf of AMS.

19. In April 2019, Respondent started his own law practice, Brent Wills Law Group, LLC. On April 29, 2019, the court entered an order granting AMS's motion for substitution of counsel. The order withdrew Respondent's former law firm as counsel for AMS and granted Respondent and Brent Wills Law Group, LLC leave to appear as counsel for AMS.

20. Although the court granted Respondent leave to appear as counsel for AMS, he did not file an appearance. After April 29, 2019, Respondent assured Ms. Soto that he was handling discovery matters and attempting to settle the case.

21. On July 9, 2019, the plaintiffs in case number 2017-CH-09180 filed a motion for sanctions against AMS for failure to respond to discovery requests. Plaintiffs' counsel e-mailed a copy of the motion to Respondent, and he received it. Respondent did not tell Ms. Soto that plaintiffs had filed the motion for sanctions.

22. On July 10, 2019, the court entered an order requiring AMS to respond to the motion for sanctions by August 8, 2019 and set the matter for a clerk's status on August 28, 2019. Respondent did not tell Ms. Soto about the motion. Respondent did not respond to the motion, nor did he appear for the clerk's status.

23. On August 28, 2019, the court scheduled a hearing on plaintiffs' motion for sanctions for October 9, 2019.

24. Respondent did not appear for the October 9, 2019 hearing. On October 9, 2019, the court entered a default judgment against AMS.

25. On October 14, 2019, Respondent sent Ms. Soto the following text message that purported to report on the October 9, 2019 hearing:

Hi Mary. The result of the hearing on Wednesday was a positive one. Pinnacle was ordered to produce all (if any) supporting documents in response to our pending discovery requests by Nov. 1. The court overruled Pinnacle's objections to our document requests. If they fail to timely

produce any documents, the complaint will be dismissed. To the extent they claim possession of no further documents or supporting evidence, we will be moving for dismissal by motion. The next court date is Nov. 1.

26. Every statement in Respondent's October 14, 2019 text message regarding the litigation, except for the statement that the next court date would be November 1, 2019, was false.

27. Respondent knew that his statements regarding the results of the hearing being a positive one and the court's decisions regarding discovery matters were false at the time he made them because he knew that the court had not ruled on discovery matters but rather had held AMS in default on October 9, 2019.

28. On October 31, 2019, the court re-set the matter for a prove-up hearing on November 7, 2019. Respondent did not attend that hearing. On November 7, 2019, the Court ordered a second default judgment against AMS in the amount of \$196,210.77.

29. On December 9, 2019, Respondent filed a motion on behalf of AMS to vacate the default judgment and for leave to respond to the plaintiffs' motion for sanctions. Respondent cited to family and personal issues that prevented him from filing a response to the motion for sanctions and appearing in court. Respondent did not set the matter for hearing, so it was never considered or ruled upon by the court.

30. On January 6, 2020, the plaintiffs filed a Citation to Discover Assets against AMS. When the plaintiffs served Ms. Soto with the citation on January 7, 2020, she learned for the first time that the court had entered a default judgment against AMS. The citation required AMS to appear in court on January 22, 2020 at 9:00 a.m. and to produce records relating to the financial accounts of AMS. Ms. Soto contacted Respondent to see if she had to appear. Respondent told Ms. Soto that she did not have to appear, and that the citation would be dismissed.

31. On January 21, 2020, AMS filed a motion for leave to replace Respondent as her counsel in the litigation with new counsel.

32. On January 22, 2020, AMS's new counsel filed a motion to vacate the judgment against AMS pursuant to 735 ILCS 5/2-1401. That same day, the court entered an order continuing the citation, granting leave for new counsel to appear on behalf of AMS, setting a briefing schedule on the motion to vacate, and setting the matter for status on March 11, 2020. On February 19, 2020, the court re-set the scheduled status date on the motion for April 1, 2020. As of the date of the filing of this complaint, the matter is still pending in the circuit court.

33. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. failure to act with reasonable diligence and promptness in representing AMS in case number 2017-CH-09180 by conduct including failing to respond to discovery and the motion for sanctions, and not appearing in court, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failure to keep a client reasonably advised about the status of a matter, by conduct including not telling Ms. Soto that plaintiff's motion for sanctions had been granted against AMS in case number 2017-CH-09180 or that the court had entered a default judgment against AMS, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010); and
- c. conduct involving dishonesty, deceit, or misrepresentation, by falsely telling Ms. Soto the October 9, 2019 hearing in case number 2017-CH-09180 went well and that discovery matters were addressed that day when the court instead entered a default judgment against AMS, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator requests that this matter be referred to a panel of the Hearing Board of the Commission, that a hearing be conducted, and that the Hearing Panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

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