

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

In the Matter of:)
)
CYNTHIA JEAN KOROLL,)
)
Attorney-Respondent)
) Commission No. 2024PR00016
No. 6275102.)
)

NOTICE OF FILING

To: See Proof of Service

PLEASE TAKE NOTICE that on **July 17th, 2024**, the Attorney-Respondent, CYNTHIA JEAN KOROLL, *pro se*, e-filed with the Office of the Clerk of the Commission, 130 East Randolph Street, Suite 800, Chicago, Illinois 60601, **Attorney-Respondent’s Answer to Complaint**, a copy of which is provided herewith.

Dated: July 17th, 2024



BY _____
CYNTHIA JEAN KOROLL
Attorney-Respondent

Cynthia Koroll, *pro se*
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STATE OF ILLINOIS)
) SS.
COUNTY OF WINNEBAGO)

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon:

Attorney M. Katherine Boychuk
Counsel for the Administrator
Attorney Registration and Disciplinary Commission
One Prudential Plaza
130 E. Randolph Street
Suite 1500
Chicago, IL 60601
ARDCeService@iadc.org
kboychuk@iadc.org

the attorney(s) of record to the above cause, by email addressed to such attorney(s) at his/her business address as set forth above, from Rockford, Illinois, at or by the hour of 5:00 P.M. on the 17th day of July, 2024.



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ATTORNEY-RESPONDENT’S ANSWER TO COMPLAINT

NOW COMES the Attorney-Respondent, CYNTHIA JEAN KOROLL, *pro se* and for her Answer to Complaint, states as follows:

COUNT I

(Filing false pleadings in the Circuit Court of the 17th Judicial Circuit, Winnebago County)

1. At all times related to this Complaint, Respondent was a solo practitioner in Winnebago County, focusing her practice on medical malpractice, accident, divorce, and traffic cases.

ANSWER: Respondent admits.

2. In 2016, Respondent represented Matthew Cacioppi and prepared a Will on his behalf. Cacioppi signed the Will on January 11, 2016. The Will stated, “On January 10, 2016, I and Jessica Wilson were married in a Civil Ceremony.” Cacioppi died on January 13, 2016.

ANSWER: Respondent admits.

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3. Subsequently in 2016, Respondent represented Wilson and prepared a Petition for Letters of Administration and an Affidavit of Heirship on her behalf. Wilson signed the verified Petition, which identified Wilson as Cacioppi's spouse, and the Affidavit, which stated that Cacioppi was married during his lifetime, naming Wilson as his spouse. Respondent filed the Petition and Affidavit on February 16, 2016, in Winnebago County Circuit Court, and the case was docketed as number 16 P 83 (the "probate case").

ANSWER: Respondent admits and further states that the probate court granted the motion after amending it by hand and appointed Jessica Wilson as Executor.

Jessica Wilson testified under oath to the wedding ceremony held at the decedent's bedside and to her efforts to obtain the necessary documents to allow the "marriage" to be recorded. That upon the testimony, Judge Fabiano, in her own hand, amended the Petition for Letters of Administration and an Affidavit of Heirship and required Jessica Wilson to initial the changes. The amendments included that Jessica Wilson was a legatee on the Petition for Letters of Administration. Judge Fabiano instructed Jessica Wilson to return to the probate court when she obtained additional documents and at that time her relationship to the decedent could be modified in the court documents.

Further, Jessica Wilson, as the Executor was authorized to bring the case on the behalf of the Estate, a fact that was emphasized by Judge Fabiano in a subsequent hearing, but was not entitled to an individual claim for loss of consortium as contained in counts in the Complaint, Amended Complaint, 2nd Amended Complaint, but not in the final 3rd Amended Complaint filed on May 14, 2019.

4. On April 11, 2016, Judge Lisa Fabiano held a hearing on the Petition, at which

Wilson testified. Based upon Wilson's testimony, Judge Fabiano found that Wilson and Cacioppi were never married, that Wilson was not the spouse of Cacioppi and therefore was not his heir. Respondent was not present at the hearing, but learned of the Court's finding immediately after the April 11, 2016 hearing.

ANSWER: Respondent admits in part, but denies that Judge Fabiano determined that Jessica Wilson was not his heir. Judge Fabiano determined that Jessica Wilson was a legatee and told Ms. Wilson to return to the Court when she received the necessary documents allowing the ceremony conducted at the hospital to provide her status as spouse. Jessica was the sole beneficiary listed on the decedent's Will.

5. Two years after Cacioppi's death, on January 12, 2018, Respondent signed and filed a wrongful death lawsuit on behalf of Wilson regarding the death of Cacioppi against defendants OSF Healthcare System (OSF) and Lawrence P. Prabhakar, M.D. The lawsuit was filed in Winnebago County and was docketed as case number 2018 L 16 (the "wrongful death case").

ANSWER: Respondent admits.

6. The Complaint in the wrongful death case, which Respondent prepared, identified Wilson as Cacioppi's wife, and contained a count for loss of consortium on behalf of Wilson for the death of her "husband." Specifically, the Complaint alleged as follows:

¶ 4. That JESSICA WILSON has suffered grief despair and has been deprived her husband's comfort, care, advice, society and support and as such has a right to bring an action on her own behalf.

¶ 34. That at all times relevant MATTHEW CACIOPPI and JESSICA WILSON were wedded as husband and wife. (NOT CORRECT - #34 OF COMMON FACTS STATES: That MATTHEW CACIOPPI became disabled and ultimately deceased on January 13, 2016 as a result of the negligence of DR. PRABHAKAR during the April 15, 2015 surgery and due to the subsequent inadequate medical

and surgical care.) (#34 - misnumbered as 34, should have been 35 states the “That at all times relevant MATTHEW CACIOPPI and JESSICA WILSON were wedded as husband and wife”)

¶ 35. That as a direct and proximate result of the aforesaid negligent acts of Defendant OSF, Plaintiff’s husband sustained severed permanent injuries and died.

¶ 36. Plaintiff, JESSICA WILSON, has been deprived of the care, comfort, society, companionship and relationship with her husband.

ANSWER: Respondent admits that the complaint filed on January 12, 2018 contained a count for loss of consortium but denies that the numbered paragraphs above correctly state the allegations in the complaint and that there are numbering errors and errors in content compared to the complaint filed. Respondent admits that she filed a complaint with the Court on January 12, 2018

7. Respondent signed and filed an Amended Complaint on July 19, 2018, which made substantially the same allegations as the Complaint and contained a count for loss of consortium on behalf of Wilson for the death of her husband.

ANSWER: See response to #6 above, otherwise Respondent admits.

8. Respondent signed and filed a Second Amended Complaint on February 7, 2019, which made substantially the same allegations as the Complaint and contained a count for loss of consortium on behalf of Wilson for the death of her husband.

ANSWER: See response to #6 above, otherwise Respondent admits.

9. Respondent signed and filed a Third Amended Complaint on May 14, 2019, which alleged “that JESSICA WILSON has suffered grief and despair and has been deprived of her husband’s comfort, care, advice, society and support and as such has a right to bring an action on her own behalf.”

ANSWER: Respondent admits that the Third Amended Complaint Common Fact #4, included the allegation as stated in #9 above. Further, Respondent states the Third Amended Complaint did not include a loss of consortium claim and did not state that Jessica was the “wife” as did the prior complaints.

10. Respondent’s statements in the complaints in the wrongful death case described above that Wilson and Cacioppi were married were false because Wilson and Cacioppi were not and never had been married.

ANSWER: Respondent admits that the allegations in the Complaint, the Amended Complaint and 2nd Amended Complaint are false.

11. Respondent knew the statements were false at the time she made them because Respondent was aware that on April 11, 2016, in the probate case, Judge Fabiano found that Wilson was not the spouse of Cacioppi, and that Wilson and Cacioppi were never married.

ANSWER: Respondent admits, further, that Jessica Wilson was the Executor of the Estate and was legally authorized to bring the case on behalf of the Estate but was not entitled to bring the loss of consortium counts.

12. On January 29, 2020, Wilson testified at her deposition in the wrongful death case that she knew she was never married to Cacioppi and never had a legally recognized marriage or civil union with him.

ANSWER: Respondent admits that Jessica Wilson testified that the ceremony at the decedent’s hospital bed did not give her status as the spouse of the decedent. Further, states that Judge Fabiano advised her that upon presentation of certain documents to the

probate court that her status could be changed.

13. Subsequently, on October 14, 2020, Respondent signed, and Wilson verified, answers to interrogatories which stated that Wilson was in a civil union with Cacioppi.

ANSWER: Respondent admits she signed interrogatories on October 14, 2020 to which she stated in answer to Interrogatory #1 - “marital status - Had a Civil Union with Jessica Wilson” and answer to Interrogatory #2 - “relationship to decedent - Had a Civil Union with the decedent prior to his death.” Also on March 28, 2019 Jessica Wilson signed answers to interrogatories identifying herself as the “fiancée” and stating in Answer to Interrogatory #4 - “Matt was never married, but Matt and Jessica did have a civil union ceremony prior to Matt’s death. A video of the Civil Union is provided with Plaintiff’s Responses to Request for Production.”.

14. Respondent’s answers to interrogatories stating that Wilson and Cacioppi were in a civil union were false because Wilson never was in a legally recognized civil union with Cacioppi.

ANSWER: Respondent admits that on October 14, 2020 Jessica Wilson signed interrogatories and that the ceremony prior to Matt’s death was not a legally recognized civil union.

Respondent further admits that on admits that on March 28, 2019 Jessica Wilson was identified as “fiancé”

15. Respondent knew the answers to be false at the time she made them because Wilson had testified at her deposition, where Respondent was present, that she knew she was never married to Cacioppi and never had a legally recognized civil union with him.

ANSWER: Respondent admits that Respondent was present at the deposition of Jessica Wilson on January 29, 2020 and that Jessica Wilson testified that she could not obtain the documents to record the marriage and as such was not married and did not have a civil union.

16. The defendants filed motions to dismiss the wrongful death case, alleging violations of Supreme Court Rule 137 in both 18 L 16 and 16 P 83. On August 26, 2021, Judge Fabiano held a hearing to determine whether Rule 137 had been violated. Wilson testified at the hearing.

ANSWER: Respondent admits

17. At the conclusion of the Rule 137 hearing, Judge Fabiano found that Respondent and Wilson had knowingly filed multiple materially false pleadings and took the matter under advisement to consider the appropriate sanction.

ANSWER: Respondent admits.

18. On May 4, 2022, Judge Fabiano issued a Memorandum of Opinion finding: “It is indisputable that attorney Koroll and Jessica Wilson knew before any pleadings were filed in either 16 P 83 or 18 L 16 that Jessica Wilson was never married to or in a civil union with Matthew Cacioppi.” The Court specifically found that Koroll violated Rule 137 in signing the Complaint, the Amended Complaint, the Second Amended Complaint, the Third Amended Complaint, and the answers to interrogatories, all of which falsely identified Wilson as the spouse of or in a civil union with Cacioppi.

ANSWER: Respondent admits.

19. The Court dismissed the wrongful death case with prejudice and awarded

attorney's fees to the defendants as sanctions for the Rule 137 violations. The Court found that the criteria for dismissal were met based on the "clear, blatant and repeated violations of Supreme Court Rule 137." The Court ordered Respondent to pay \$9,000 in attorney's fees to defendant OSF Healthcare System ("OSF") and \$9,000 in attorney's fees to the defendant Lawrence P. Prabhakar, M.D. The Court also ordered Wilson to pay \$1,000 in attorney's fees to OSF and \$1,000 in attorney's fees to Dr. Prabhakar.

ANSWER: Respondent admits.

20. Wilson, represented by Respondent, appealed the judgment to the Illinois Appellate Court. The appeal was docketed as case number 4-22-0475.

ANSWER: Respondent admits.

21. During oral argument in the appeal, Respondent stated, "Under 137, I absolutely agree that the documents that I placed my signature on in the ... Complaint, the Amended Complaint, and then the Second Amended Complaint, that each one of those asserted that [Wilson] was the spouse by civil union, and they did ask for damages under the consortium. Those statements are incorrect; therefore, I did violate 137 in answering and filing those pleadings."

ANSWER: Respondent admits she made the statement at oral argument.

22. On October 12, 2023, the Illinois Appellate Court entered an order affirming the judgment of the trial court dismissing the wrongful death case with prejudice and awarding attorney's fees as a sanction for the Rule 137 violations.

ANSWER: Respondent admits

23. By reason of the conduct described above, the Respondent has engaged in the

following misconduct:

- a. making statements of material fact or law to a tribunal which the lawyer knows are false, by conduct including but not limited to signing and filing the Complaint, the Amended Complaint, the Second Amended Complaint, the Third Amended Complaint, and signing Answers to Interrogatories in Case No. 18 L 16 (Winnebago County Circuit Court), which falsely stated that Jessica Wilson was the spouse of, or in a civil union with, Matthew Cacioppi, while knowing that the Court had previously found otherwise, in violation of Rule 3.3(a)(1) of the Illinois Rules of Professional Conduct (201);
- b. engaging in conduct that is prejudicial to the administration of justice, by conduct including but not limited to signing and filing the Complaint, the Second Amended Complaint, the Third Amended Complaint, and signing Answers to Interrogatories in Case No. 18 L 16 (Winnebago County Circuit Court), which falsely stated that Jessica Wilson was the spouse of, or in a civil union with, Matthew Cacioppi, while knowing that the Court had previously found otherwise, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (201);
- c. engaging in conduct involving fraud, dishonestly, deceit, or misrepresentation, by conduct including but not limited to signing and filing the Complaint, the Second Amended Complaint, the Third Amended Complaint, and signing Answers to Interrogatories in Case No. 18 L 16 (Winnebago County Circuit Court), which falsely stated that Jessica Wilson was the spouse of, or in a civil union with, Matthew Cacioppi, while knowing that the Court had previously found otherwise, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (201).

ANSWER: Respondent admits or denies as in her responses to allegations 1-22 above.

Respondent answered the complaint without the benefit of counsel. Respondent requires counsel to advise her in this matter but is unable to afford attorney fees.

DISCLOSURE PURSUANT TO COMMISSION RULE 231

1. Respondent is admitted to practice law in the State of Illinois. She is not licensed to practice in any other state jurisdictions.
2. Respondent previously held Illinois registered professional nurse license no. 041249309.

Cynthia J. Koroll

BY: _____
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