

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

In the Matter of:

CYNTHIA JEAN KOROLL,
Attorney-Respondent,
No. 6275102.

Commission No. 2024PR00016

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorneys, M. Katherine Boychuk and Matthew D. Lango, pursuant to Supreme Court Rule 753(b), complains of Respondent, Cynthia Jean Koroll, who was licensed to practice law in Illinois on November 8, 2001, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

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.

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.

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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").

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.

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").

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 and 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.

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

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

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.

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.

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."

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.

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.

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.

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.

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.

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.

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.

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.

18. On May 4, 2022, Judge Fabiano issued a Memorandum 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.

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 defendant Lawrence 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.

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

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.”

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.

23. By reason of the conduct described above, 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 (2010);
- 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

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 8.4(d) of the Illinois Rules of Professional Conduct (2010);

- c. engaging in conduct involving fraud, dishonesty, deceit, or misrepresentation, 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 8.4(c) of the Illinois Rules of Professional Conduct (2010).

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

Respectfully submitted,

Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ M. Katherine Boychuk
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