

**IN THE SUPREME COURT OF  
THE STATE OF ILLINOIS  
CASE NUMBER 125781**

**CHRISTOPHER STOLLER**  
**a disabled person**  
**Petitioner**

**v**

**JUDGE DANIEL GILLESPIE**  
**JUDGE TIMOTHY C. EVANS**

**Respondents**

**NOTICE OF FILING A COMPLAINT FOR A WRIT OF MANDAMUS**

TO:	Judge Daniel Gillespie Daley Center Clerk of the Court 50 W. Washington Chicago, Illinois 60602	Judge Timothy C. Evans Daley Center 50 W. Washington Chicago, Illinois 60602	Judicial Inquiry Board 100 W. Randolph St 14-500 Chicago, Illinois 60601
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PLEASE TAKE NOTICE that Plaintiff Christopher Stoller filed with the Clerk of the Supreme Court it's **Complaint for a Writ of Mandamus** on February 20, 2020 electronically copies of which are attached and served upon you.

/s/Christopher Stoller ED 99500  
P.O. Box 60645  
Chicago, Illinois 60660  
312-545-4554  
Email Ldms4@hotmail.com

**PROOF OF SERVICE**

I caused the foregoing to be served on the parties listed via first class mail on 20<sup>th</sup> of February 2020

/s/C. Stoller

**IN THE SUPREME COURT OF  
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**a disabled person**

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**v**

**JUDGE DANIEL GILLESPIE**

**JUDGE TIMOTHY C. EVANS**

**Respondents**

**Mandamus related to**

**Cook County Case No.**

Case No. 18 L 4578

**COMPLAINT FOR WRIT OF MANDAMUS<sup>1</sup>**

Pursuant to Supreme Court Rule 381, Plaintiff seeks an Writ of Mandamus to compel Cook County Judge Daniel Gillespie to comply with Rule 63: Canon 3.C(1) <sup>2</sup> Disqualification.<sup>3</sup>, to disqualify himself from Cook County Law Division Case No. 2017 L 006178. Judge Gillespie has refused to send out for hearing a Motion for Substitution of Judge. Judge Gillespie has denied the motion for Substitution of Judge. Judge Daniel Gillespie is a bias and prejudice judge against Christopher Stoller 71 , a disabled Person, a protected person, as defined by the Americans for Disability Act.

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<sup>1</sup> Appellate courts will issue a writ of mandamus only when the trial court has committed a clear abuse of discretion for which there is no adequate appellate remedy. See *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992).

<sup>2</sup> A Should Perform the Duties of Judicial Office Impartially and Diligently

<sup>3</sup> **RULE 63 - CANON 3 C.** Disqualification.

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

(a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;

Petitioner moves for a Writ of Mandamus to compel Judge Judge Daniel Gillespie to immediately recuse himself from Cook County Law Division Case No. 18 L 4578. As grounds for the requested relief Petitioner Christopher Stoller states::

As grounds for the relief, Petitioner states on May 21, 2019 while in Cook County Court Room 2205 Opposing Counsel Brad Franco attacked the Petitioner while he was setting in his wheel chair. See **Appendix 1** a copy of the Judicial Inquiry Complaint<sup>4</sup> filed against Judge Gillespie and Judge Evans for their failure to provide security in a Cook County Court Room for disabled parties ie Petitioner Christopher Stoller.

Notwithstanding the physical attack by Opposing Counsel Brad Franco on Christopher Stoller, Judge Gillespie fails to provide security, fails to have a sheriff present in his court room and allows Attorney Brad Franco who previously committed an assault and battery on Christopher Stoller on **May 21, 2019** to continue to harass and to continue to intimate Christopher Stoller, a senior citizen, disable person in Judge Gillespie's Cook County court Room.

The Chief Judge Evans of Cook County does not have a written policy which requires Judges to have security in Cook County Court Rooms to protect parties from assault and batteries. See **Appendix 2** a Copy of a complaint filed in DuPage County Case No. 2020AR000151 incorporated herein by reference.

### **Jurisdiction**

1. This is an original action for an writ of mandamus over which this Court has exclusive jurisdiction pursuant to Supreme Court Rule 381 and to Article VI, section 4(a) of the Illinois Constitution.

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<sup>4</sup> Incorporated herein by reference as if fully copied and attached.

## The Parties

Plaintiff, Christopher Stoller 71' a disabled person, a protected person, the Plaintiff Cook County Law Division Case No. Case No. 18 L 4578



2. Defendant, the Honorable Daniel Gillespie an Associate Judge Cook County Judge, setting in the Law Division of the Circuit Court of Cook County, Illinois. Judge Daniel Gillespie is hearing case 18 L 4578, in which Petitioner, Christopher Stoller is a Plaintiff.



3. Defendant, Judge Timothy C. Evans is the Chief Judge of Cook County and the Supervisor Judge over all of the Cook County Judges including Judge Daniel Gillespie and is responsible

for the conduct of Judge Gillespie under the doctrine of theory of *respondeat superior*<sup>5</sup> and has no written policy for Cook County Judges to provide security in their court rooms.

**CHRISTOPHER STOLLER IS ENTITLED TO MANDAMUS RE-**

**LIEF**

Christopher Stoller, Petitioner, petitions this Court for a writ of mandamus.

He seeks an order directing removals of the trial judge Daniel Gillespie assigned to his pending Cook County Law Division, personal injury Case No. 18 L 4578.

Petitioner has already filed a Motion for Substitution of Judge before Judge Gillespie and Judge Gillespie has refused to recuse himself or even to send the case out to another judge for resolution.

A district judge's refusal to disqualify himself can be reviewed by way of a petition for a writ of mandamus. *In re Rodgers*, 537 F.2d 1196 (4th Cir.1976).

The Petitioner has met his burden of showing that he has no other adequate means to attain the relief he desires and that his right to such relief is clear and indisputable. *In re Beard*, 811 F.2d 818, 826 (4th Cir.1987).

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1. <sup>5</sup> *Supervisor liable for wrongful acts of employee*) is a familiar doctrine. Simply stated, a Chief Judge is vicariously liable for the torts (or wrongful acts) of its Associate Judges committed within the scope of employment. See generally (*Lisa M. v. Henry Mayo Newhall Memorial Hosp.*, (1995) 12 Cal.4<sup>th</sup> 291, 296-97.)

Judge Gillespie is clearly in violation of the Code of Judicial Conduct **RULE 63 - CANON 3 C**. Disqualification. Judge Gillespie has abused his authority, and this court should grant the Christopher Stoller's Mandamus action immediately and order Judge Evans to order Judge Gillespie to immediately recuse himself from COOK COUNTY LAW DIVISION CASE ILLINOIS LAW DIVISION CASE No. Case No. 18 L 4578.

19. The Supreme Court should order that Judge Gillespie undergo a psychiatric evaluation to determine his fitness to remain a judge, for his failure to have adequate security in his court room and threatening to dismiss Christopher Stoller's Personal Injury Case and to sanction his attorney Philip Kiss for no valid reason. .

20. Petitioner has shown to the supreme court, that his issues raised in this Mandamus Complaint are extremely important to the jurisprudence of the state of Illinois were the integrity of the judicial system and the security of the parties in Cook County Court Rooms are under threat.

**Christopher Stoller is in Imminent Threat of Physical Harm**

Christopher Stoller is under imminent threat of irreparable and physical harm by Judge Gillespie, continuing to allow Brad Franco, the attorney who committed and assault and battery on Christopher Stoller on May 21,

2019 (See Appendix 2) to remain in the same court room without security.

Chief Judge Evans is responsible for his failure to have a written policy for Cook County Judges to follow in order for them to provide adequate security in Cook County Court Rooms for parties who are in the court rooms.

WHEREFORE, Petitioner respectfully request that this Court issue its Writ of Mandamus to the judge Daniel Gillespie to rescue himself from Cook County Law Division Case No. 18 L 4578 and to issue instructions to Judge Evans to develop a written policy for establishing security in Cook County court Rooms for parties who are present in the court rooms.

/s/Christopher Stoller ED 99500  
P.O. Box 60645  
Chicago, Illinois 60660  
773-746-3163  
Email Ldms4@hotmail.com

### **Supporting Record**

The documents attached are true and correct copies (Rule 328)

### **Certificate of Service**

Under penalties as provided by law pursuant to § 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true. The parties were served on the date listed in the attaches Certificate of Service.

/s/Christopher Stoller

## **APPENDIX INDEX**

APPENDIX 1 Judicial Inquiry Complaint

APPENDIX 2 DuPage County Case No. 2020AR000151

## **APPENDIX 1**

# **Judicial Inquiry Complaint**



## **APPENDIX 2**

**DuPage County Case No. 2020AR000151**