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Mariyana T. Spyropoulos
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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

MARCELLUS LONG,)	
)	
Plaintiff,)	Case No. 2025L007458
)	
v.)	Judge Thomas M. Donnelly
)	
CDW GOVERNMENT, LLC.,)	Calendar W
)	
Defendant.)	

DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO CORRECT THE RECORD AND MODIFY THE OCTOBER 2, 2025 ORDER

Defendant, CDW Government, LLC. ("CDWG" or "Defendant"), submits this memorandum of law in opposition to Plaintiff Marcellus Long's ("Long" or "Plaintiff") Motion to Correct the Record and Modify the October 2, 2025 Order.

STATEMENT OF FACTS

1. On June 10, 2025, Plaintiff filed his Complaint with this Court.
2. On June 17, 2025, Plaintiff filed his Motion for Preliminary Injunction to Halt Retaliation.
3. On July 23, 2025, Defendant filed its Answer and Affirmative Defenses to Plaintiff's Complaint.
4. On August 6, 2025, Plaintiff filed his Motion to Strike Defendant's Answer and Affirmative Defenses.
5. On August 14, 2025, Defendant files its Memorandum of Law in Opposition to Plaintiff's Motion for Preliminary Injunction to Halt Retaliation. (*See Def. Ex. 1, Defendant's*

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Memorandum of Law in Opposition to Plaintiff's Motion for Preliminary Injunction to Halt Retaliation and Exhibits.)

6. On August 20, 2025, Plaintiff filed a Motion for Leave to file Plaintiff's First Amended Complaint Instantly.

7. On October 2, 2025, this Court ruled on the above motions, denying as moot Plaintiff's Motion to strike Defendant's Answer and Affirmative Defenses, granting Plaintiff's Motion for Leave to Amend his Complaint, and denying Plaintiff's Motion for a Preliminary Injunction. (*See Def. Ex. 2, October 2, 2025 Court Order.*)

8. On November 3, 2025, Plaintiff filed a Motion to Correct the Record and Modify the October 2, 2025 Order.

9. On December 3, 2025 the Court entered an order among other things giving Defendant 30 days, until January 2, 2026, to respond to Plaintiff's Motion to Correct and Modify the October 2, 2025 Order.

INTRODUCTION

In his Motion, Plaintiff asks the Court to (1) "Correct the record pursuant to Rule 329 to state that Plaintiff did not stipulate to at-will status with CDWG;" and (2) "Modify the order, if necessary, under 735 ILCS 5/2-1203 to remove any implication of such a stipulation, thereby confirming the written order to the truth of the proceedings." (*P's. Mot. at 1.*) Plaintiff's Motion should be denied because the Court's October 2, 2025 order never stated or suggested that Plaintiff stipulated to being an at-will employee although he clearly is one and as such his motion is irrelevant and unnecessary.

ARGUMENT

I. PLAINTIFF’S RULE 329 MOTION TO CORRECT THE RECORD AND MODIFY THE OCTOBER 2, 2025 ORDER IS IMPROPER AND SHOULD BE DENIED.

In filing his Rule 329 Motion to Correct the Record and Modify the October 2, 2025 Order, Plaintiff improperly invokes Illinois Supreme Court Rule 329, asking this Court to correct the record and modify its October 2, 2025 Order to reflect that Plaintiff did not stipulate to at-will status with CDWG. (*P’s. Mot. at 1.*) In that motion, he claims that that “Rule 329 (Correction of the Record) provides that material omissions or inaccuracies “may be corrected by stipulation of the parties or by the trial court...either before or after the record is transmitted” so that the record accurately reflects what occurred. This rule authorizes a trial court to enter an order *nunc pro tunc* to conform the record to reality.” (*P’s. Mot. at 2.*)

“Generally, ‘an amendment of the record cannot be made by oral testimony, or from the recollection of the trial judge himself, but must be proved by the production of some note or memorandum from the record or quasi records of the court, or by the judge's minutes, or by the papers on file in the cause.’” *Pinkstaff v. Pennsylvania R.R. Co.* (1960), 20 Ill.2d 193, 202, 170 N.E.2d 139, 144, citing *People v. Miller* (1936), 365 Ill. 56, 58, 5 N.E.2d 458.) “[A]n amendment of a record cannot be made either from the memory of a witness, from the recollection of the judge himself, or by affidavit, but the record must show the basis upon which the amendment or correction is made.” *People v. Townsend* (1972), 5 Ill.App.3d 924, 926, 284 N.E.2d 414, 416, citing *People v. Okulczyk* (1951), 410 Ill. 115, 101 N.E.2d 529, and *People v. Miller* (1936), 365 Ill. 56, 5 N.E.2d 458. See *In re Application of County Collector* (1974), 18 Ill.App.3d 272, 309 N.E.2d 722.” 63 Ill.2d at 428, 348 N.E.2d at 458. See *People v. Feather* (1976), 42 Ill.App.3d 974, 1 Ill.Dec. 603, 356 N.E.2d 885. *Texaco, Inc. v. Barnes*, 377 N.E.2d 187, 190 (Ill. App. 1st Dist. 1978). As the caselaw demonstrates, Plaintiff cannot amend the

record based on the memory of a witness, from the recollection of the judge himself, or by affidavit, but the record must show the basis upon which the amendment or correction is made. *Pinkstaff* at 202. Plaintiff has provided no production or memorandum from the record in support of his motion and it should be denied.

In fact, Plaintiff points out there is no transcript available as the Court does not provide Court reporters and Plaintiff did not provide one. (*P's. Mot. Ex. A.*) (*See Def. Ex. 3, October 3, 2025 Court email.*) Plaintiff has not provided any of the documentation required for such a modification and as such, no amendment to the record can be made. Therefore, Plaintiff's motion pursuant to Rule 329 should be denied.

II. PLAINTIFF'S ILSC RULE 329 MOTION TO CORRECT THE RECORD AND MODIFY THE OCTOBER 2, 2025 ORDER IS IRRELEVANT AND UNNECESSARY

Alternatively, the Court should deny Plaintiff's motion as irrelevant. Plaintiff writes that he is requesting the Court to "correct the record pursuant to Rule 329 to state that Plaintiff did not stipulate to at-will status with CDWG and to modify the order, if necessary, under 735 ILCS 5/2-1203 to remove any implication of any such stipulation." (*P's. Mot. at 1.*) But the order never states that Plaintiff has stipulated he is an at-will employee. Instead, the Court simply acknowledges the fact that Long is an at will employee, irrespective of whether Plaintiff stipulated to such a fact.

The words "at will" appear four times in total in the Order. Nowhere does the Order ever state that Plaintiff has stipulated he is an at-will employee. Instead, the Order notes that "He is an at will employee." (*See Def. Ex. 2, October 2, 2025 Court Order.*) While Mr. Long may not like or even agree with the Court's Order, nowhere in the Order does it say that Mr. Long has stipulated to at-will employment.

In fact, Mr. Long filed a Motion to Clarify the Record on Consideration of Filings and emailed the Court on October 3, 2025, to inquire about what pleadings the Court based its October 2, 2025 decision. The Court responded to Plaintiff's email by instructing the parties to "Please submit an agreed order reflecting the court considered all submissions prior to entering the order." (*See Def. Ex. 4, October 6, 2025 Court email.*) (*See Def. Ex. 5, October 7, 2025 Court Order.*) The Court then entered an Order on October 6, 2025 stating that the Court based its October 2, 2025 ruling on all prior submissions. *Id.* These prior submissions included Defendant's opposition to Plaintiff's Motion for a Preliminary injunction. As part of that opposition brief, Defendant pointed out that Plaintiff's offer letter stated that he was an at will employee and that "all compensation plans are subject to change at any time at CDW's discretion." (*See Def. Ex. 6, Plaintiff's at-will employment letter.*) (*Def. Ex. 1, Defendant's Memorandum of Law in Opposition to Plaintiff's Motion for Preliminary Injunction to Halt Retaliation and Exhibits at 2.*) In addition, on May 29, 2021, Plaintiff also agreed that his employment was at will in two agreements he signed during onboarding. (*See Def. Ex. 7, Confidentiality & Non-Solicitation Agreement*); (*See Def. Ex. 8, Confidentiality & Ownership Agreement.*)

Further, to the extent Plaintiff does attempt to claim that his offer letter reflecting his at-will employment was for a different job, his own words directly contradict such an assertion. In his Illinois Department of Labor Wage Claim, served on October 7, 2024, Long alleged the same claims now at issue in this matter. (*See Def. Ex. 9, Wage Claim 24-0004707.*) In his wage claim submission Long stated that his starting date with the employer he was bringing the claim against was June 8, 2021. Further Long acknowledged he was still employed by the same employer as of the date of the filing. *Id.* at 1. In his Illinois Department of Labor Wage claim against the

Defendant, Long acknowledged he was employed by Defendant beginning in 2021 when he signed his at will employment letter. (*See Def. Ex. 6, Plaintiff's at-will employment letter.*) Thus, regardless of whether Plaintiff has stipulated to at-will employment, something the Court's October 2, 2025 order in no way reflects, he is nonetheless an at-will employee.

In addition, should Plaintiff now try and deny that he is an at-will employee, he is considered an at will employee under Illinois law. An employee hired without a fixed term is presumed to be an at-will employee whose employment may be terminated for any cause or reason, provided the employer does not violate clearly mandated public policy. *Duldulao v. Saint Mary of Nazareth Hospital Center*, 115 Ill.2d 482, 489, 106 Ill.Dec. 8, 505 N.E.2d 314 (1987). *Ross v. May Co.*, 880 N.E.2d 210, 213 (Ill. App. 1st Dist. 2007). As such, his motion to modify the Court's order to remove language stating that Plaintiff stipulated to at-will employment is irrelevant and unnecessary, no such language is contained in the order, Plaintiff is an at will employee and therefore his motion should be denied.

CONCLUSION

For all the foregoing reasons, Defendant respectfully requests that Plaintiff's Motion to Modify this Court's October 2, 2025 order be denied as improperly invoking ILSC Rule 329 and as irrelevant and unnecessary.

Dated: January 2, 2026

Respectfully submitted,

CDW GOVERNMENT, LLC.,

s/Joel Zeid

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on January 2, 2026, they electronically filed the foregoing **DEFENDANT’S OPPOSITION TO PLAINTIFF’S MOTION TO MODIFY THE COURT’S OCTOBER 2, 2025 ORDER** with the Clerk of the Circuit Court of Cook County, Illinois, Law Division, by using the Odyssey EfileIL system.

The undersigned, an attorney, further certifies that the following *pro se* plaintiff, is a registered service contact on the Odyssey eFileIL system, and thus will be served a copy of the foregoing **RESPONSE** via the Odyssey eFileIL system:

Marcellus Long (legal@marcelluslong.com)

Under penalties as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct to the best of my knowledge, information, and belief.

s/Joel Zeid
Attorney for Defendant
Joel Zeid

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