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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**  
**COUNTY DEPARTMENT, LAW DIVISION**

MARCELLUS LONG )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CDW GOVERNMENT LLC. )  
 )  
 )  
 Defendant. )

Case No.: 2025L007458

**DATE: December 2, 2025**  
**TIME: 9:00 AM**

Judge: Hon. Thomas More Donnelly  
Trial Date: Unassigned

**PLAINTIFF’S MOTION FOR LEAVE TO SERVE SUPPLEMENTAL DISCOVERY**

NOW COMES Plaintiff, Marcellus Long, pro se, and for this Motion for Leave to Serve Limited Supplemental Discovery Following Filing of First Amended Complaint (“Motion”), states as follows:

**I. INTRODUCTION**

1. Plaintiff filed his First Amended Complaint (“FAC”) on or about October 31, 2025. The FAC adds and clarifies claims for fraud, fraudulent concealment, violation of the Illinois Wage Payment and Collection Act (“IWPCA”), conversion, unjust enrichment, and retaliation under the IWPCA, and pleads additional consequential damages, including student-loan default.
2. Prior written discovery and Defendant’s responses focused on the earlier version of the complaint and were served before Plaintiff obtained certain admissions and before the FAC was filed. In light of Defendant’s admissions and objections, Plaintiff seeks leave under Illinois

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Supreme Court Rules 201, 213, 214, 216, and 218 to serve narrowly tailored supplemental interrogatories, requests for production, and requests to admit directed to discrete issues raised in the FAC.

3. The proposed supplemental discovery is attached as Exhibit A to this Motion and consists of (a) Plaintiff's First Interrogatories to Defendant CDW Government LLC; (b) Plaintiff's First Requests for Production of Documents to Defendant CDW Government LLC; and (c) Plaintiff's First Supplemental Requests to Admit directed to Defendant CDW Government LLC.

4. The proposed discovery is limited in scope and time, is proportional to the needs of the case, and is necessary to allow Plaintiff to fairly prove the claims and damages now pled in the FAC.

## **II. RELEVANT BACKGROUND**

5. This action concerns Defendant's undisclosed post-earning "Goal Modifier" mechanism, which reduced Plaintiff's earned commissions after calculation, and Defendant's alleged failure to provide written notice of compensation terms and to obtain written wage-deduction authorization as required by the IWPCA.

6. In response to Plaintiff's Requests to Admit served under Supreme Court Rule 216, Defendant has, among other things:

- a. Admitted that it did not request Plaintiff to sign the Estimator sent on or

about May 1, 2023;

- b. Admitted that within the last 5–10 years at least one other employee (besides Plaintiff) complained or raised negative feedback about the “Goal Modifier” and its impact on commissions;
- c. Admitted that “The Commish” is not an official CDWG department or legal entity and has no written charter or formal corporate authorization;
- d. Admitted that Plaintiff did not have authority to set or approve his own goal, and that Defendant assigned Plaintiff’s goal and could change that goal during a performance period (after the fact); and
- e. Admitted that Plaintiff submitted an EthicsPoint complaint on or about January 18, 2024 concerning the Goal Modifier and related issues.

7. At the same time, Defendant has objected to several Requests as “overly broad,” “unduly burdensome,” or “vague,” particularly where Plaintiff sought information regarding:

- a. The number and nature of other complaints or negative feedback concerning the Goal Modifier, goaling/quota practices, or commission calculations, including internal HR/EthicsPoint complaints and any related IDOL wage or IWPCA complaints;
- b. Internal complaint logs, EthicsPoint systems, HR case systems, and other repositories that could show a pattern or practice concerning the Goal Modifier or related goaling/compensation practices;
- c. Internal audits and reviews Defendant claimed would have been required before it answered certain Requests, including searches of goal history, quota/target tables, change logs, and approval workflows.

8. The FAC now expressly alleges constructive fraud, fraudulent concealment, IWPCA violations, retaliation, and consequential damages grounded in student-loan default and related financial harm. These claims turn in part on:

- a. Whether Defendant followed (or departed from) its standard practice in

providing written compensation overviews, offer letters, and at-will acknowledgments to similarly situated employees, including Plaintiff's Residency team peers;

- b. The existence, scope, and handling of other complaints or internal reviews regarding the Goal Modifier and related goaling/compensation practices;
- c. The internal goal-history and change logs that reflect when and how Plaintiff's goals were set and modified; and
- d. Defendant's internal investigation, "Case Close/No Action" review (which has been produced), and Defendant's written responses and related communications with IDOL concerning Plaintiff's IWPCA wage complaint and retaliation allegations, including any materials not previously produced in this action.

9. Because those matters are within Defendant's exclusive control and were not fully reached by prior discovery, limited supplemental discovery is necessary and appropriate.

### **III. GOOD CAUSE AND PROPORTIONALITY SHOWING**

10. Under Supreme Court Rule 201(b)(1), parties may obtain discovery regarding any non-privileged matter relevant to the subject matter involved in the pending action and proportional to the needs of the case. Rules 213 and 214 permit interrogatories and requests for production, Rule 216 permits requests to admit, and Rule 218 authorizes the Court to modify prior discovery deadlines for good cause.

11. Good cause exists here because:

- a. The FAC adds and clarifies claims and damages theories that post-date the initial discovery period, including emotional-distress damages, student-loan default, and retaliation occurring in 2024;
- b. Defendant's own admissions (e.g., existence of at least one other Goal

Modifier complainant; absence of a charter for “The Commish;” authority to change Plaintiff’s goal; and acknowledgment of Plaintiff’s EthicsPoint complaint) establish the relevance of targeted follow-up discovery; and

- c. Many of the topics at issue, EthicsPoint logs, HR case systems, goal history/change records, and Residency team onboarding records are uniquely in Defendant’s possession and cannot be obtained from other sources.

12. The attached supplemental discovery is narrowly tailored to address these issues and is proportional to the needs of the case:

- a. Pattern/complaint discovery is limited to Goal Modifier, goaling/quota, or compensation-related complaints within a defined period, including internal HR/EthicsPoint complaints and any related IDOL wage or IWPCA complaints, and seeks numerical and aggregated information, not full personnel files;
- b. Residency team comparator discovery is limited to Plaintiff’s own Residency group and seeks aggregate counts and template forms, with the ability to redact personal identifiers;
- c. Goal-history and change-log discovery is limited to Plaintiff’s own accounts and goals during the June 2023 – April 2024 period already referenced in Defendant’s admissions; and
- d. EthicsPoint and IDOL discovery seeks documents and information specifically related to Plaintiff’s own complaints, including Defendant’s written responses and transmittals to IDOL on Plaintiff’s wage and retaliation claims, and any “Case Close/No Action” determinations or similar correspondence not already produced.

13. Allowing this limited supplemental discovery will not unduly delay the case. Plaintiff proposes that Defendant be given twenty-eight (28) days from the date of the Court’s order to serve responses and produce documents in accordance with Rules 213, 214, and 216.

14. Plaintiff is proceeding pro se and has acted diligently in light of Defendant's responses, the timing of the FAC, and the evolving issues in the case.

#### **IV. REQUESTED RELIEF**

WHEREFORE, Plaintiff, Marcellus Long, respectfully requests that this Court enter an

Order:

- A. Granting Plaintiff leave to serve the limited supplemental discovery attached as Exhibit A, B & C (Plaintiff's First Supplemental Interrogatories, First Supplemental Requests for Production, and First Supplemental Requests to Admit) on Defendant CDW Government LLC;
- B. Directing Defendant to answer the supplemental interrogatories, respond to the supplemental document requests, and answer the supplemental requests to admit within twenty-eight (28) days of the Court's order, or within such other time as the Court deems appropriate;
- C. To the extent necessary, modifying any existing discovery deadlines under Supreme Court Rule 218 to permit the limited discovery described herein; and
- D. Granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Marcellus Long

**Mr. Marcellus Long, MBA**

Pro Se Plaintiff

P.O. Box 60832

Chicago, IL 60660

Dated: November 14, 2025

## **CERTIFICATE OF SERVICE**

The undersigned certifies that on or around November 14, 2025, a true and correct copy of the foregoing was served via email pursuant to Supreme Court Rule 11 upon counsel of record for Defendant at their designated service addresses.

/s/ Marcellus Long