



hearing. Plaintiff files this report unilaterally to ensure the Court has a complete picture of the case's current posture prior to the hearing.

## **II. STATUS OF PLEADINGS**

The operative complaint is Plaintiff's First Amended Complaint, filed February 17, 2026, asserting six counts: Count I (Constructive Fraud), Count II (Fraudulent Concealment), Count III (Failure to Pay Wages / Unauthorized Deduction under the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq.), Count IV (Conversion), Count V (Unjust Enrichment), and Count VI (IWPCA Retaliatory Discrimination under 820 ILCS 115/14(c)).

Defendant filed a Rule 2-619.1 Motion to Dismiss Plaintiff's First Amended Complaint on March 17, 2026. Plaintiff's First Amended Opposition was filed May 14, 2026. Defendant's Reply is due June 1, 2026. Defendant has not filed an Answer to the First Amended Complaint.

## **III. PENDING MOTIONS**

The following motions are currently pending before this Court:

1. Defendant's Rule 2-619.1 Motion to Dismiss Plaintiff's First Amended Complaint (March 17, 2026). Plaintiff's Opposition filed May 1, 2026 and amended with leave on May 14, 2026. Defendant's Reply due June 1, 2026.

2. Plaintiff's First Amended Notice of Supplemental Authority — CDW, LLC v. NeTech Corp., 2013 WL 1703518 (S.D. Ind. Apr. 18, 2013) (May 1, 2026).

3. Defendant's Motion to Strike Plaintiff's Jury Demand (January 2, 2026) and Plaintiff's Response thereto.

4. Plaintiff's Motion for Leave to Serve Supplemental Discovery (November 14, 2025).

**This motion has not yet been ruled upon.**

5. Plaintiff's First Amended Motion in Limine (May 13, 2026).

6. Plaintiff's Second Amended Motion to Strike Improper Certifications of Affiants

B., H., and B. (May 12, 2026).

7. Plaintiff's First Amended Motion to Compel Compliant Responses to Requests to Admit and/or Deem Admitted (May 11, 2026). **This motion is distinct from the Motion to Compel Production granted by this Court's July 31, 2025 order, which addressed a different discovery request.**

8. Plaintiff's Motion to Correct and Modify the October 2, 2025 Order (November 4, 2025).

9. Plaintiff's Second Amended Motion for Entry of Default Judgment pursuant to Illinois Supreme Court Rule 219(c) for alleged discovery fraud and fraud on the Court, and alternatively under 735 ILCS 5/2-1301(d) (May 20, 2026). **This motion is brought primarily**

**under Rule 219(c), representing a change in primary legal basis from the original Motion for Entry of Default filed February 10, 2026.**

**NOTE TO THE COURT AND ALL PARTIES**

1. Pending motions to Compel Are Distinct from the July 31, 2025 Production Order (Items 6 and 7). The pending Second Amended Motion to Strike Improper Certifications (Item 6) and First Amended Motion to Compel Compliant RTA Responses (Item 7) are separate and distinct proceedings from the Motion to Compel Production granted by this Court's July 31, 2025 order. The July 31 order addressed Plaintiff's Pre-discovery Rule 201(k) request. Items 6 and 7 address, respectively: (a) discovery certifications (b) Defendant's Response to Plaintiff's First request to admit. Plaintiff further mentions the status of the July 31, 2025 production order in detail in Plaintiff's Second Amended Motion for Default Judgment (Item 9).

2. Supplemental Authority (Item 2). Plaintiff's First Amended Notice of Supplemental Authority presents *CDW, LLC v. NeTech Corp.*, 2013 WL 1703518 (S.D. Ind. Apr. 18, 2013) as instructive federal authority, rather than binding Federal Authority as Plaintiff's prior notice incorrectly stated.

3. Primary Legal Basis of Default Motion (Item 9). Plaintiff's Second Amended Motion for Entry of Default Judgment is brought primarily under Illinois Supreme Court Rule 219(c) for alleged discovery fraud and fraud on the Court, with 735 ILCS 5/2-1301(d) preserved as an alternative ground. This represents a change in primary legal basis from Plaintiff's original Motion for Entry of Default filed February 10, 2026, which was brought solely under 735 ILCS

5/2-1301(d). The Second Amended Motion is the operative filing and supersedes all prior versions.

#### **IV. STATUS OF DISCOVERY**

Plaintiff served Requests to Admit and Requests for Production on Defendant in June 2025. Defendant served Responses on October 1 and October 2, 2025. Plaintiff has filed pending motions challenging those responses, as set forth in Items 6 and 7 of the pending matters list above. Plaintiff's Motion for Leave to Serve Supplemental Discovery (Item 4) remains pending and has not been ruled upon.

Plaintiff served Supplemental Answers to Defendant's Interrogatories and Supplemental Responses to Defendant's Requests for Production on May 11, 2026.

No depositions have been taken. Oral discovery has not commenced.

#### **V. PROPOSED SCHEDULE**

Plaintiff is prepared to confer with Defendant's counsel regarding specific calendar dates at the Court's direction.

Plaintiff is prepared to confer with Defendant's counsel regarding a proposed schedule upon resolution of the pending motions, or at the Court's direction.

**VII. PARALLEL ADMINISTRATIVE PROCEEDING — ILLINOIS DEPARTMENT OF LABOR**

Plaintiff notes for the Court that Counts III and VI of the First Amended Complaint involve conduct that is also the subject of a pending wage and retaliation claim before the Illinois Department of Labor, Claim No. 24-0004707, filed October 2024. As of February 20, 2026, IDOL advised Plaintiff that the matter has been referred to its hearings department and is awaiting assignment to a hearings judge. IDOL further advised that scheduling of the hearing alone may take up to 24 months given the current volume of pending claims. No determination has been made by IDOL. IDOL advised Plaintiff that he may proceed before the circuit court and notify IDOL in the event of collection. No IDOL findings are pending before this Court and no determination from that proceeding binds this action.

Plaintiff further notes that upon scheduling of the IDOL hearing, IDOL will provide Plaintiff with a subpoena form. That subpoena may be used to obtain CDWG's records through the IDOL proceeding, which is relevant to the scope and sequencing of discovery in this case.

**VI. SETTLEMENT AND MEDIATION**

The parties have not engaged in formal settlement discussions or mediation. Plaintiff remains open to court-annexed mediation at the appropriate juncture, once the current round of pending motions has been resolved and the discovery record has been appropriately developed.

## CERTIFICATE OF SERVICE

The undersigned certifies that on or around May 21, 2026, a true and correct copy of the foregoing Unilateral Status Report was served upon counsel of record for Defendant via email pursuant to Illinois Supreme Court Rule 11.

Respectfully submitted,

**/s/ Mr. Marcellus Long, MBA**

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Dated: May 21, 2026