

4. Plaintiff reasonably believed that this practice violated law and/or posed a substantial and specific danger to public safety and the integrity and fairness of court proceedings because file-stamp dates affect, among other things, filing deadlines, jurisdictional timeliness, license-related consequences, and incarceration-related proceedings.

5. Rather than address the broader practice Plaintiff disclosed, Defendants made Plaintiff the scapegoat, characterized him as a lone wrongdoer, terminated his employment, and referred him for professional discipline while stopping, or causing to be stopped, the very practice he disclosed.

PARTIES

6. Plaintiff, ERIC WALLISER (“Plaintiff”), is an individual and was employed as an Assistant State’s Attorney for the Office of the Kane County State’s Attorney between August 30, 2022 and March 17, 2025.

7. Plaintiff was employed by Defendants as an Assistant State’s Attorney in Kane County, Illinois.

8. Defendant, COUNTY OF KANE (“Kane County”), is an Illinois unit of local government and political subdivision.

9. At all relevant times, Kane County employed Plaintiff and paid his wages and benefits, directly and/or through the Office of the Kane County State’s Attorney.

10. Defendant, JAMIE L. MOSSER, in her Official Capacity as Kane County State’s Attorney and individually (“Mosser”), was at all relevant times, the duly elected Kane County State’s Attorney.

11. At all relevant times, Mosser acted within the scope of her authority on behalf of Kane County and the Office of the Kane County State’s Attorney in matters relating to Plaintiff’s employment and was the final decisionmaker regarding Plaintiff’s discharge.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction because this action arises under the Illinois Whistleblower Act, 740 ILCS 174/1 *et seq.*

13. Venue is proper in Kane County because the events giving rise to this action occurred in Kane County and Defendants reside and/or conduct business in Kane County.

FACTUAL ALLEGATIONS

14. Plaintiff began his employment as an Assistant State's Attorney on or about August 30, 2022.

15. During the course of his employment, Plaintiff was assigned in part to satellite and branch courtrooms in Aurora, Illinois, including traffic-related proceedings.

16. In those branch court settings, deputy clerks frequently left the branch locations before the conclusion of court calls and returned to the main courthouse.

17. As a result, petitions, motions, and similar filings could not always be physically file-stamped by the deputy clerk before the clerk's departure from the branch courtroom.

18. Plaintiff was trained by a more senior courtroom partner, Moraweh Ibrahim, and/or other Kane County prosecutors that, when the clerk left early, prosecutors would leave petitions or motions on the clerk's desk, workstation, or in the clerk's area, and the deputy clerk would process and file-stamp the document on the following business day using the prior business day's date.

19. Plaintiff was told this was normal, accepted, and had been occurring for years in the branch courts, and based on his conversations with deputy clerks and other courthouse personnel, Plaintiff understood that similar file-stamping and backdating practices also occurred in the main courthouse and were not confined to the branch court system alone.

20. Plaintiff personally observed that clerks, including Margaret Wlodek, and prosecutors treated this practice as routine and institutionalized in those branch courts and based on his

conversations with clerks and other courthouse personnel, Plaintiff understood the practice to be institutional in nature rather than isolated to a single location.

21. Plaintiff further observed that deputy clerks themselves described the practice using the term “backdate,” and Plaintiff understood from his observations and conversations with courthouse personnel that the term referred to a recognized operational practice rather than a one-time deviation.

22. Upon information and belief, other Kane County prosecutors, including Moraweh Ibrahim, had likewise been trained regarding this same file-stamping practice and understood it to be routine in the courts.

23. Upon information and belief, deputy clerks assigned to those branch courts, including Margaret Wlodek, participated in, described, carried out, and/or permitted the same file-stamping practice.

24. Upon information and belief, branch court operations during the relevant period were supervised by Robert Kinsella, and the practice described above occurred openly and repeatedly within the scope of those supervised operations.

25. Upon information and belief, deputy clerks were routinely permitted to depart branch court locations before the conclusion of proceedings and return to the main courthouse, creating a recurring circumstance in which filings could not be physically stamped before the end of the day.

26. Upon information and belief, these staffing and scheduling practices reduced or avoided overtime exposure and created institutional incentives to tolerate or normalize the file-stamping practice rather than staff the branch courts in a manner that ensured same-day physical processing of filings.

27. Plaintiff later transferred to an assignment at the main courthouse in St. Charles, Illinois, including a DUI courtroom.

28. Upon information and belief, and based on Plaintiff's conversations with deputy clerks and other courthouse personnel, the file-stamping and backdating practice was not confined to Kane County's branch courts, but also occurred in the main courthouse when documents were not physically processed on the same day.

29. On or about February 24, 2025, Plaintiff became aware that a petition or motion that should have been brought to the clerk on Friday had not been delivered.

30. Based on the training he had received, the institutionalized practice he had observed in the branch courts, and his understanding from conversations with deputy clerks and other courthouse personnel that similar practices also occurred in the main courthouse, Plaintiff believed that presenting the document on Monday for file-stamping consistent with the prior business day was in keeping with an accepted institutional practice.

31. Plaintiff brought the document to the clerk's area.

32. The clerk asked words to the effect of, "Do you want me to backdate it for Friday?"

33. Plaintiff answered yes.

34. On or about February 27, 2025, Plaintiff was placed on paid administrative leave pending investigation. *See* Administrative Leave Letter, marked as Exhibit A, attached hereto and made a part hereof.

35. On or about March 14, 2025, Plaintiff participated in an internal investigative interview conducted by Defendants through supervisory personnel and/or agents, including John Frank and Erin Brady.

36. During that internal interview, Plaintiff did not merely respond to accusations concerning the February incident. Plaintiff affirmatively disclosed that a broader, longstanding, institutionalized file-stamping and backdating practice existed in Kane County court operations, including but not limited to the branch courts.

37. Plaintiff disclosed that the practice had been taught to him as normal and routine; that multiple prosecutors and deputy clerks participated in or permitted it, that supervisory personnel were aware of it; that, based on his conversations with clerks and other courthouse personnel, he understood the practice was not limited to branch courts alone; and that the practice affected legally significant filing dates and downstream criminal consequences.

38. Plaintiff disclosed that the practice had operational and legal significance because file-stamp dates affect deadlines, jurisdiction, license revocation proceedings, summary suspension-related matters, incarceration-related proceedings, and other legally consequential events in criminal cases.

39. Plaintiff made these disclosures in good faith and for the purpose of reporting an institutional practice he reasonably believed violated law and/or posed a substantial and specific danger to public safety and the fairness and integrity of court proceedings.

40. Plaintiff's disclosures concerned an institutional filing and file-stamping practice, clerk departures, supervisory awareness, and the effect on deadlines and proceedings, and did not require disclosure of privileged client communications.

41. At the conclusion of the March 14, 2025 interview, Plaintiff was told that Defendants would "look into" the broader practice he had disclosed.

42. Upon information and belief, after Plaintiff's disclosures to Defendants' supervisory personnel, Defendants stopped, or caused to be stopped, the file-stamping and backdating practice Plaintiff described.

43. On March 17, 2025, only three days after Plaintiff's March 14 internal disclosure, Defendants terminated Plaintiff's employment.

44. Defendants justified the termination by characterizing Plaintiff's conduct as "fraud on the court" and/or using similar language implying dishonesty or misconduct, while minimizing or ignoring the broader practice Plaintiff disclosed.

45. Defendants treated Plaintiff differently from other participants in the practice and failed to discipline or meaningfully investigate other prosecutors and clerk personnel who had engaged in, described, carried out, supervised, or permitted similar backdating practices, including Moraweh Ibrahim and Margaret Wlodek.

46. Defendants likewise failed to meaningfully address the supervisory failures that allowed the practice to exist.

47. Upon information and belief, because deputy clerks were union-represented and because the branch-court staffing practices themselves were institutionally convenient, Defendants had reason to avoid fully confronting or publicly acknowledging the broader clerk and supervisory dimensions of the practice and instead chose to isolate Plaintiff as a lone wrongdoer.

48. In late 2024, the Kane County State's Attorney's Office was under public and governmental scrutiny after the Illinois Secretary of State concluded that the handling of a DUI case connected to a later fatal crash had resulted in improper "masking" and asked federal authorities to audit Kane County to determine whether similar practices were ongoing.

49. Against that backdrop of heightened scrutiny regarding record-handling and reporting practices, Defendants had additional institutional incentive to minimize exposure and to characterize Plaintiff as a lone bad actor after he disclosed an entrenched file-stamping practice.

50. Defendants' stated reasons for Plaintiff's termination were pretextual.

51. The true reason, or at minimum a motivating reason, for Plaintiff's termination was retaliation for his protected disclosures concerning an institutional practice that created legal, operational, and political risk for Defendants.

52. Since his termination, Plaintiff has suffered lost wages, lost benefits, loss of career opportunity, reputational harm, emotional distress, and other damages.

53. Plaintiff has incurred and continues to incur attorneys' fees and costs.

COUNT I
ILLINOIS WHISTLEBLOWER ACT
RETALIATION FOR DISCLOSURES (740 ILCS 174/15)

1-53. Plaintiff realleges and incorporates paragraphs 1 through 53 as though fully set forth herein.

54. Plaintiff disclosed information concerning an activity, policy, or practice of his employer, namely the institutionalized file-stamping and backdating practice in Kane County court operations.

55. Plaintiff disclosed that information to Defendants' supervisors, principal officers, and/or agents during the March 14, 2025 internal investigation.

56. Plaintiff had a good-faith belief that the activity, policy, or practice he disclosed violated state law and/or posed a substantial and specific danger to public safety and to the integrity and fairness of court proceedings.

57. Plaintiff's disclosures did not require him to violate attorney-client privilege and did not consist of privileged client communications.

58. Defendants retaliated against Plaintiff because of his disclosures by, among other things, maintaining his administrative leave, terminating his employment, stigmatizing his conduct as "fraud on the court," and otherwise damaging his professional standing.

59. The temporal proximity between Plaintiff's disclosures and his discharge, the cessation of the practice after his disclosures, and Defendants' differential treatment of other participants in or supervisors of the same practice support a reasonable inference of retaliatory motive.

60. Defendants' conduct violated Section 15 of the Illinois Whistleblower Act, 740 ILCS 174/15.

61. As a direct and proximate result of Defendants' unlawful retaliation, Plaintiff has suffered damages including lost wages, lost benefits, loss of career opportunity, reputational harm, emotional distress, attorneys' fees, costs, and other relief available by law.

WHEREFORE, Plaintiff, ERIC WALLISER, respectfully requests that this Court enter judgment in his favor and against Defendants, COUNTY OF KANE and JAMIE L. MOSSER, and award the following relief:

- A. Back pay and lost benefits;
- B. Reinstatement to his position, or in the alternative, front pay;
- C. Compensatory damages as allowed by law;
- D. Statutory damages, penalties, interest, costs, and reasonable attorneys' fees as allowed by law;
- E. An order requiring correction, amendment, expungement, or other appropriate relief concerning personnel records reflecting retaliatory reasons for discharge;
- F. Such other and further relief as this Court deems just and proper.

JURY DEMAND

Plaintiff demands trial by jury on all issues so triable.

Respectfully submitted,
ERIC WALLISER

By: /s/ Matthew R. Custardo
One of his Attorneys

Matthew R. Custardo (ARDC #: 06329579)
CUSTARDO LAW, LLC
650 Warrenville Road, Suite 100
Lisle, IL 60532
Tel: 630-557-1451
matthew@custardolaw.com

VERIFICATION

I, ERIC WALLISER, am a Plaintiff in this action. Under penalties as provided by law pursuant to Section 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.

Eric Walliser

Eric Walliser (Mar 16, 2026 20:34:19 CDT)

ERIC WALLISER

EXHIBIT

A



Office of the Kane County State's Attorney
JAMIE L. MOSSER
STATE'S ATTORNEY

February 27, 2025

Dear Eric,

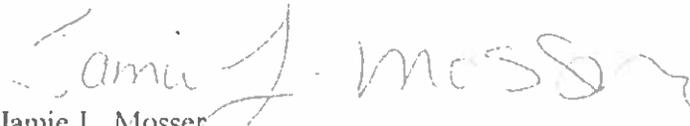
This letter is to advise you that effective immediately, you are being placed on administrative leave with pay. The duration of your leave will be dependent on the progress of a fact-finding investigation into complaints that have been made.

You are to have no access to Kane County property or facilities, or to the County's computer, email, voicemail, networks, and accounts. In order to ensure the integrity of the fact-finding investigation, you are instructed not to contact subordinate or other State's Attorney or County staff, contractors, vendors, or service providers, or to retaliate against any County employee or representative in any manner.

All State's Attorney and County property, including but not limited to your Office ID card, building access card(s), keys to buildings, automobiles, offices, desks, and/or filing cabinets, any files or documents, County cell phone, County computer, and any other County owned equipment or items, are to be immediately given to Susie DeChristopher. If you have any property or equipment in your vehicle or at your home, immediately advise Susie DeChristopher so that arrangements can be made for its prompt return.

Should you have any questions, please contact Susie DeChristopher at 630-406-7331.

Sincerely,


Jamie L. Mosser
Kane County State's Attorney