

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

Kevin Hernandez and Andrea Rodriguez,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 21 L 7506
	)	
Brandon Oliveros, Salvador Oliveros, GMAX, LLC	)	
a/k/a GMAX Helmet, LLC, Western Power	)	
Sports, Inc., and Revzilla Motorsports, LLC,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before this court on Revzilla Motorsports, LLC’s motion to dismiss based on the distributor’s statute. *See* 735 ILCS 5/2-621. The parties fully briefed the motion.

In support of its motion, Revzilla relies, in part, on the affidavit of Greg Teed, the chief financial officer of Comoto Holdings, Revzilla’s parent company. Teed avers that he did not know initially who manufactured the GMAX motorcycle helmets at issue in this case, but later learned the name from the answers Western Power Sports, Inc. gave to Hernandez’s discovery requests. Teed also avers that, based on Western Sports’ answer, he performed internet research confirming that An Yng Enterprise Company, Ltd., a Taiwanese company, identifies itself as the manufacturer of GMAX helmets.

Revzilla’s motion to dismiss is a non-starter because of a fundamental flaw with Teed’s affidavit. Illinois Supreme Court Rue 191(a) requires, in part, that any affidavit attach “sworn or certified copies of all documents upon which the affiant relies. . . .” Ill. S. Ct. R 191(a). Illinois courts have consistently held that the rule’s plain language requires sworn or certified copies of all papers on which the affiant relies be attached to the affidavit and failure to do so renders the affidavit insufficient under the rule. *Deephaven Mortgage, LLC v. Jones*, 2020 IL App (1st) 191468, ¶ 42 (citing *Robidoux v. Oliphant*, 201 Ill. 2d 324, 339 (2002)).

In short, Teed’s research may have established that An Yng Enterprise Company manufactured the GMAX helmets, but, without that evidence, this court is unable to assess Teed’s averments.

For the reasons presented above, it is ordered that:

Revzilla's motion to dismiss is denied.

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John H. Ehrlich, Circuit Court Judge