

1 APPEARANCES:

2

3 WINSTON & STRAWN, LLP,
4 (35 West Wacker Drive, Suite 4100,
5 Chicago, Illinois 60601,
6 312-558-5600), by:

7 MR. DAN K. WEBB,
8 dwebb@winston.com,

9 MR. SEAN G. WIEBER,
10 swieber@winston.com,

11 MR. KEVIN P. SIMPSON,
12 ksimpson@winston.com,

13 appeared on behalf of Plaintiffs
14 Ritchie Multi-Strategies Global, LLC, and
15 Ritchie Capital Management, LLC;

16

17

18

19

20

21

22

23

24

1 APPEARANCES: (Continued)

2

3 WILLIAMS, MONTGOMERY & JOHN, LTD.,
4 (233 South Wacker Drive, Suite 6800,
5 Chicago, Illinois 60606-6359,
6 312-443-3200), by:

7 MR. CHRISTOPHER J. BARBER,
8 cjb@willmont.com,

9 MR. GARY W. GARNER,
10 gwg@willmont.com,

11 MR. JONATHAN D. MILLER,
12 jm@willmont.com,

13 MR. STEPHEN A. FRASER,
14 saf@willmont.com,

15 appeared on behalf of Defendants Williams,
16 Montgomery & John, Ltd., Christopher
17 Barber, Gary Garner, and Jonathan Miller;

18

19

20

21

22

23

24

1 APPEARANCES: (Continued)

2

3 CHAPMAN SPINGOLA, LLP,
4 (190 South LaSalle Street, Suite 3850,
5 Chicago, Illinois 60603,
6 312-630-9202), by:

7 MS. SARA SIEGALL,
8 ssiegall@chapmanspingola.com,

9 appeared on behalf of Respondents
10 Clayborne & Wagner, LLP, f/k/a Clayborne,
11 Sabo & Wagner, LLP; B. Jay Dowling; John
12 Sabo.

13

14

15

16

17

18

19

20

21

22 REPORTED BY:

23 DINA G. MANCILLAS, CSR, RPR, CRR, CLR

24 CSR No. 84-3400

1 THE COURT: Are all parties here on
2 Ritchie versus Huizenga?

3 MR. BARBER: Yes, Your Honor.

4 THE COURT: Step up.

5 MR. WIEBER: Sean Wieber from Winston
6 on behalf of plaintiff.

7 MR. WEBB: Dan Webb from Winston on
8 behalf of the RMSG entity.

9 MR. BARBER: Good morning, Your Honor.
10 Chris Barber, Jon Miller, Gary
11 Garner on behalf of defendants.

12 THE COURT: Okay. So just to review
13 with you folks what I read to make sure I've
14 read everything.

15 I have the original petition for
16 fees and costs. I don't have a date on that,
17 but -- and there was a supplemental affidavit
18 regarding fees and costs. It looks like it's
19 dated June 31st, 2019.

20 Then there was the plaintiffs'
21 response filed on May 17th, 2019; defendants'
22 reply filed on June 7th, 2019; a second
23 supplemental affidavit filed on July 10th,
24 2019; plaintiffs' supplemental response filed

1 on July 25th, 2019; and the defendants'
2 response filed on August 8th, 2019.

3 Are those all the papers that are
4 for today's hearing?

5 MR. WIEBER: Your Honor, I believe
6 that's -- there's -- I was checking off as
7 you were going through.

8 I think there was only one other
9 paper filed, which was July 18th of '19,
10 which was CSW's -- that's the attorney
11 respondents -- response to the fee petition.

12 That was largely, in sort of a
13 colloquial sense, a "me too" motion.

14 THE COURT: Okay.

15 MR. WIEBER: I don't think they added
16 any additional substantive arguments that
17 were different than the plaintiff.

18 MR. BARBER: That's correct.

19 THE COURT: So this was the attorneys
20 from the Clayborne firm?

21 MR. WIEBER: Correct.

22 THE COURT: Are they here today? So we
23 should probably -- do we know if they're
24 coming?

1 MR. WIEBER: I don't know if they are
2 coming.

3 THE COURT: Well, why don't we do this.
4 Why don't we wait a few minutes
5 to make sure we give them the opportunity to
6 come.

7 MR. WEBB: That's fine. Thank you.

8 (A recess was had from
9 10:01 a.m. until 10:05 a.m.)

10 THE COURT: Step up, folks. Good
11 morning.

12 MS. SIEGALL: Good morning, Your Honor.
13 Sara Siegall for the Clayborne
14 respondents.

15 THE COURT: And everyone else has their
16 appearances on the record.

17 So I've read the papers. It's
18 your petition. What else would you like to
19 add?

20 MR. BARBER: Just a couple points, Your
21 Honor.

22 We're technically here on a
23 hearing to determine the amount of sanctions
24 to be entered under Rule 137, the amount of

1 damages to be awarded under Section 11-110 --
2 that's the motion to dissolve -- and then
3 finally a continuation of this sort of
4 never-ending saga on the propriety of the
5 order granting our motion to dissolve.

6 On the issue of sanctions, I had
7 the, I guess, misfortune to have to read
8 through everything from start to finish over
9 the past couple days.

10 And the objections to the 1137
11 fee petition can pretty much be summed up as
12 follows. First, the plaintiffs go through
13 and categorize all the \$458,016.17 worth of
14 fees using a keyword search. These are the
15 two affidavits submitted by Ms. Dunkley.

16 And the vast majority of them
17 basically object to fees that they claim
18 should never have been incurred in the first
19 place. And this relates to the appeal of the
20 motion to dissolve, the endless arguments on
21 the motion to dissolve, the unsealing order
22 and their opposition to it. It goes on and
23 on and on and on. And --

24 THE COURT: Speaking of unsealing, is

1 there anything that currently remains under
2 seal?

3 MR. BARBER: No.

4 THE COURT: Okay.

5 MR. BARBER: No. But at the end of the
6 day, under the Dayan case versus Merrill
7 Lynch, when you've got a complaint and an
8 action that's sanctionable at its core -- and
9 this Court has found that this action was and
10 the plaintiffs have conceded that the
11 sanctions relate to the complaint and action
12 as a whole -- you do not engage in what I
13 would colloquially refer to as a "ticky-tack"
14 analysis of this amount or that amount, that
15 the fees in total are recoverable win, lose,
16 or draw.

17 We actually, I think, prevailed
18 on every single thing we filed in this case,
19 other than that original motion to have it
20 transferred as a related case to Judge Flynn,
21 but to underscore sort of the ridiculousness
22 of the objections that we've seen, a couple
23 of points.

24 The appeal on the motion to

1 dissolve, they object to all of those fees.
2 Much of the time we spent in connection with
3 the appeal of the motion to dissolve was
4 literally helping our colleagues from
5 Winston & Strawn get the appellate record
6 correct because they filed an incorrect
7 appellate record initially, relying on what
8 Mr. Dowling had told them, and get their
9 petition correct because they filed a
10 petition that contained a number of clearly
11 false statements. And we pointed that out to
12 them and helped them get that correct.
13 They're asking that all that be disallowed as
14 a sanction.

15 In addition, they have this
16 category called "costs unrelated to this
17 action," or, "not directly related to this
18 action." It's between the two Dunkley
19 affidavits. It adds up to just a hair under
20 \$60,000. Let me find the exact number.

21 If you go through -- \$59,914. If
22 you go through those two affidavits, you will
23 find that every single one of those time
24 entries that they object to as being

1 "unrelated to this action" are clearly
2 related to this action, preparing for
3 hearings here, drafting pleadings for this
4 case, drafting pleadings on appeal, etc.,
5 etc.

6 There are two time entries that
7 they refer to in the supplemental petition,
8 one for .1 hours, \$50, and the other for 1.5
9 hours that they say are unrelated to this
10 case.

11 One relates -- it's a reference
12 in a .3-hour time entry to the -- a Dentons
13 case. They assign .1. That's 50 bucks. And
14 then there's another reference -- in a
15 three-hour time entry, they assigned half of
16 that, or an hour and a half, for putting
17 together a list of the attorneys -- 29 law
18 firms that have represented Mr. Ritchie in
19 these proceedings so far.

20 A, that, first of all, was done
21 in connection with this case at the client's
22 request. And, secondly, it was not an hour
23 and a half. It was probably about a
24 half-hour.

1 The bottom line is, of the
2 \$60,000 in fees they're asking to be
3 disallowed because they're, quote, "not
4 associated with this case," literally, it's
5 500 bucks total that is even arguably
6 indirectly related to this case out of that
7 60,000.

8 So with respect to the objections
9 to the fee petitions, under Dayan, none of it
10 is valid. All of it was done in connection
11 with this case.

12 And the only other argument that
13 I'd like to comment on that they make is this
14 notion that all fees incurred after May -- I
15 believe it's 28th of 2018, they moved to
16 voluntarily nonsuit their case -- should be
17 disallowed because all of that would never
18 have been incurred but for -- if we had just
19 accepted their nonsuit motion.

20 Number one, much of the fees
21 incurred after that point would have been
22 incurred whether the case was nonsuited or
23 not because most of the time relates to the
24 motion to dissolve and arguments on the

1 motion for sanctions, number one, but, number
2 two, this notion that this case would have
3 been over with if we had just let these
4 people nonsuit their case is patently
5 ridiculous, and everyone in this room knows
6 it.

7 This case -- they had no
8 intention of ending this case. There was
9 never any acknowledgement that this complaint
10 was a fraud on the Court. There was never
11 any acknowledgement that the complaint
12 basically included any number of false or
13 half-truth statements.

14 They just want to run away from
15 this Court and start this thing up again in a
16 Delaware Court. So the notion that we would
17 never have incurred these fees is ridiculous.
18 We just would have incurred them in front of
19 a Delaware Court instead of here.

20 So we believe that under the
21 Dayan case, none of their objections have any
22 merit to our fee petitions and that the Court
23 should enter, with respect to the 137
24 sanctions, an award in the amount of

1 \$458,016.17 on the sanctions issue.

2 So now comes the one and only
3 interesting issue in connection with this
4 whole proceeding. In addition to finding
5 that the matter was sanctionable at its core,
6 the Court also granted our motion to
7 dissolve, which is the subject of this
8 ongoing motion to vacate.

9 The 137 motion is punitive in
10 nature. The motion under 11-110 is
11 compensatory in nature. There's all kinds of
12 case law noting that attorneys' fees spent
13 pursuing the motion to dissolve and fees
14 related to that are properly awarded as
15 damages, compensatory damages, under that
16 statutory provision. I don't think anyone
17 argues with that.

18 And so, therefore, it is our
19 position that we are also entitled to an
20 award of damages, compensatory damages,
21 relating to those fees. And to find those
22 fees, what I did over the weekend was look at
23 the Dunkley affidavits. And specifically in
24 the supplemental response at Page 7,

1 Ms. Dunkley calculates the total fees and
2 costs associated with pursuing the motion to
3 dissolve at \$65,383.50. That's Exhibit 24C
4 in the original affidavit, 24D in the
5 original affidavit, and 25E in her
6 supplemental affidavit.

7 That is Ms. Dunkley's calculation
8 of all fees associated with the motion to
9 dissolve. And I will tell you right now that
10 is a light -- having reviewed all the papers
11 over the weekend, that number is light.

12 There is -- there's literally
13 been four arguments on the propriety and
14 mootness of a motion to dissolve. It started
15 way back in connection with the motion to
16 nonsuit. It continued on in connection with
17 the motion to dissolve and the motion for
18 sanctions.

19 There was supplemental briefing
20 on it. There was the appeal on that issue,
21 and now there's been the motion to vacate,
22 which is the subject of supplemental
23 briefing, and, I think, a total of at least
24 two arguments.

1 THE COURT: The fees that you're
2 seeking on the -- under Section 11-110 in the
3 amount of 65,000 and some change, you
4 acknowledge that those are encompassed within
5 the fees that you're requesting under
6 Rule 137, the \$458,000?

7 MR. BARBER: Absolutely, yes.

8 THE COURT: Okay. So putting aside the
9 label "compensatory" and "punitive," it is
10 duplicative.

11 MR. BARBER: Agreed.

12 THE COURT: Okay.

13 MR. BARBER: Agreed, but these cases
14 that we cite stand for the proposition that
15 where you have a statute where the damages
16 are compensatory in nature, and then you've
17 got punitive damages, which is what 137 is,
18 it's completely appropriate to award them,
19 even if they're duplicative, because of the
20 differing nature of the two damage awards,
21 one being compensatory and one being
22 punitive, but we would ask that the Court --

23 THE COURT: So this case that you cite
24 is a case you cite in your response filed on

1 August 8th.

2 MR. BARBER: It's Greeley --

3 THE COURT: You cite Winters versus
4 Greeley, 189 Ill. App. 3d, 590 and 595 to
5 600.

6 And the parenthetical is,
7 "Allowing double recovery where one source of
8 relief is compensatory and the other is
9 punitive." What's the context of that case?

10 MR. BARBER: It's a defamation case.

11 THE COURT: Okay.

12 MR. BARBER: And it involved a
13 semi-public figure, or a public figure, so
14 that, in essence, the only way to award
15 compensatory damages was to make a finding
16 that there had been malice and willful
17 conduct.

18 And the defendants in that action
19 alleged that the damages that had been
20 awarded as compensatory damages, which were
21 the same that were awarded as punitive, were,
22 in essence, duplicative because the standard
23 for reliability for compensatory damages was,
24 in essence, the same as the standard for

1 punitive damages.

2 So it was a double recovery.

3 That was their argument, and the Court held,
4 "No. One is compensatory in nature. The
5 other is punitive in nature. And, therefore,
6 even though everyone agrees they're
7 duplicative, the award of both is proper."

8 And so our argument under these
9 statutes is that the damages under the
10 dissolution statute are --

11 THE COURT: Did you request what you
12 concede are duplicative damages in your
13 original petition, or is this raised for the
14 first time somewhere in the course of this
15 briefing?

16 MR. BARBER: Well, actually, we
17 requested damages -- attorneys' fees damages
18 in connection with the motion to dissolve.

19 And this issue -- if you want to
20 call it double recovery issue has been argued
21 in all of the papers in connection with the
22 sanctions award.

23 MR. WIEBER: And just briefly on that,
24 I think the answer -- the direct answer to

1 the question is, no, it was not in the
2 original petition. It was in a footnote in
3 one of the supplemental submissions.

4 THE COURT: Okay. Go ahead.

5 MR. BARBER: So I saw it mentioned in
6 our original brief, and I saw it mentioned in
7 our supplemental brief in connection with
8 137. And I see, in connection with our
9 motion to dissolve, a request for attorneys'
10 fees damages, which I think everyone concedes
11 is the normal measure of damages associated
12 with these things, one of the normal measures
13 of damages.

14 So I believe the issue has been
15 in front of the Court all along, and the
16 bottom line is, I think the Court is right.
17 They are duplicative. They're different in
18 nature, and we would request that they be
19 awarded, in essence, both as a punitive
20 sanction under 137 and as compensatory
21 damages under 11-110.

22 THE COURT: Well, so the -- 137
23 provides for attorneys' fees as a punitive
24 measure, which is also intended to compensate

1 the other side for its expenses in defending
2 against frivolous claims or claims that were
3 brought to -- for no legitimate purpose, such
4 as to harass or obstruct.

5 So if that's the case, the
6 Rule 137 damages that you're seeking in the
7 amount of 458,000, they would have a punitive
8 as well as a compensatory character, wouldn't
9 it?

10 MR. BARBER: Correct. And if the Court
11 disagrees with our argument -- I mean, like I
12 said, we've cited the cases that we think
13 support this notion, but at the end of the
14 day --

15 THE COURT: So that defamation case,
16 was that an instance where compensatory and
17 punitive damages were identical?

18 MR. BARBER: I believe that's correct.

19 THE COURT: And the compensatory
20 damages, were they nominal in that case, do
21 you recall?

22 MR. BARBER: They were special damages.
23 Do you have a copy of that, Steve?

24 Yeah. So in that case, they

1 awarded presumed special damages as
2 compensatory damages, and then I believe --
3 I've got to find it. I want to make sure
4 it's the same amount. I can't tell, from
5 what I see, if the amounts were identical,
6 but the defendants were definitely arguing
7 that the punitive damages were duplicative
8 either in whole or in part with respect to
9 the compensatory damages that were awarded.

10 THE COURT: Can I see the case?

11 MR. BARBER: Here's an unmarked one.

12 (Document tendered.)

13 THE COURT: Okay. Anything else you
14 want to tell me?

15 MR. BARBER: No, other than -- the same
16 matter actually came up in front of Judge
17 Flynn in connection with the motion to -- the
18 sanctions petition in connection with the
19 motion to vacate his judgment, and he
20 suggested that the same outcome was a
21 possibility.

22 I understand the Court's point,
23 which is, 137 damages are punitive, but the
24 measure is designed to compensate the

1 victim's attorneys for their attorneys' fees.
2 I get that, but at the end of the day, I
3 think everyone agrees that a 137 sanction is
4 punitive in nature, and I think everyone
5 agrees that the damage remedy under 110 is
6 compensatory in nature.

7 And so I don't think it would be
8 inappropriate to, in essence, double-count
9 those damages because it certainly sends the
10 message that we're trying to send in
11 connection with 137, that there ought to be
12 some punitive nature associated with this
13 kind of behavior.

14 And quite frankly, as the Court
15 has noted before, the conduct in this case is
16 over the top because I read through these
17 pleadings again. It's really difficult to
18 sort of wrap your head around the notion
19 that, "Oh, this is -- we've tried to avoid
20 this fight."

21 When you look through the
22 pleadings that were filed in this case, there
23 are some incredibly aggressive positions that
24 are taken. Admittedly, they're walked back

1 in oral argument. They say, "Oh, we're not
2 seeking that now. We're not seeing this
3 now," but at the end of the day, there are
4 some very aggressive positions taken in
5 writing.

6 And the notion that they were
7 just trying to end this thing back in
8 May last year is just patently untrue. In
9 fact, after they moved for nonsuit, they
10 actually filed an ARDC complaint against all
11 of us, amongst other things, talking about
12 our conduct in connection with this case.

13 So I don't believe for a minute
14 that they were trying to resolve anything,
15 and I think that the message needs to be sent
16 that when you're engaging in this kind of
17 conduct, there is a penalty to be paid.

18 And I think that, in essence,
19 double-counting that \$77,731 in motion
20 dissolved damages would be sending that
21 message.

22 That's all I have on those two
23 issues, Judge.

24 THE COURT: Anything else you want to

1 tell me?

2 MR. BARBER: Unless you want me to go
3 on to the motion to vacate, which is also
4 continued to today.

5 THE COURT: No. Mr. Webb or
6 Mr. Wieber?

7 MR. WEBB: Yes, Your Honor. Dan Webb
8 on behalf of the plaintiff here.

9 Mr. Barber started by, I guess,
10 suggesting that we are making endless
11 arguments as to why their conduct, after a
12 certain point, is far beyond what Illinois
13 law allows, but I didn't make Illinois law.

14 The cases that we cite, in simple
15 terms, to get -- they got the burden of proof
16 on 137 sanctions. The case law is that there
17 is strict causation applied, strict
18 causation.

19 So just think about it for a
20 minute. I'm just going to talk about three
21 things that happened in this case as far as
22 whether they really wanted to end it.

23 First of all -- and why we've
24 been -- the first thing that happened in this

1 case, Your Honor, is that they -- they're
2 down in St. Clair County on March 21 after
3 all this happened, after this -- according to
4 them, this awful complaint was filed and the
5 TRO got entered.

6 And they're down there, and they
7 originally filed two motions in front of
8 Judge Katz, the judge down there. And they
9 basically ask him to dissolve the TRO because
10 it was improper and the complaint was
11 improper, and they wanted to transfer it to
12 Chicago, but when they got to court that day,
13 they changed their mind. They told the judge
14 they didn't really want him to rule on the
15 motion to dissolve. They wanted just to
16 transfer the case to Chicago.

17 And the question as far as who
18 wants to continue to litigate this case, who
19 doesn't want to ever end this case, I don't
20 know why on March 21, while they're down
21 there in St. Clair County in front of Judge
22 Katz, why didn't they just tell Judge Katz
23 that they wanted to pursue their motion to
24 dissolve on a merits hearing, which they

1 would have had within what, two days, four
2 days -- I don't know when. They would have
3 got a hearing immediately on their contention
4 you should have dissolved the TRO. And if
5 they got the hearing, they could have raised
6 all this stuff, all this stuff that we now
7 have been liti- -- this case got transferred
8 to Cook County, and we've been now 17 months
9 in litigating in Cook County, 17 months.

10 And I haven't argued that it
11 could have all ended right there on the
12 merits right there, and we wouldn't have to
13 have any of this. I haven't really made that
14 argument, okay? I mean, I really didn't
15 because I recognize that the complaint didn't
16 actually get brought before Your Honor in a
17 motion until May 9th.

18 So I thought I took a reasonable
19 approach. I focused on May 9th as the date
20 on which causation cannot be applied after
21 that date. May 9th is a date we came in on a
22 motion to voluntarily dismiss.

23 It's clear at that point they had
24 a strategy decision to make. They could have

1 gotten rid of this entire case right then and
2 gone forward with the motion for sanctions
3 and a fee petition right then. The complaint
4 would have been dismissed. The TRO had
5 already been expired as a matter of law.

6 So the TRO is gone. And on
7 May 9th, they could have come into court and
8 said, "All right. We'll take a dismissal of
9 this case."

10 They said, "No." Now, what was
11 the reason? And they had a right to make
12 this decision, but not under sanction law.

13 They made a strategic decision
14 that they wanted to proceed and get this case
15 dismissed with prejudice because it gave them
16 an advantage in other litigation between the
17 same parties.

18 So they made a strategic decision
19 that day that for benefits they were going to
20 receive, they hoped, in other litigation,
21 under res judicata, they wanted to proceed by
22 going through a tremendous amount of
23 litigation over the next 14 months here in
24 Cook County in order to get a strategic

1 advantage over that.

2 And I don't believe, under
3 Illinois law, under these cases of strict
4 causation, everything after May 9th is
5 clearly not caused because of the
6 sanctionable conduct.

7 You said there's -- here's what
8 you said was wrong. In March, March 2018,
9 what happened --

10 THE COURT: Let me stop you, Mr. Webb.

11 Your argument is that the
12 defendants made this strategic decision to
13 seek a ruling from this Court, but it's the
14 plaintiff who created that situation by
15 filing the multiple lawsuits regarding the
16 same matter.

17 So why is it that this May 9th
18 date is so vital? I mean --

19 MR. WEBB: Well, actually, Your Honor,
20 I think the parties -- the parties had a
21 right -- we had a right to institute Delaware
22 litigation.

23 So I think this Court finds
24 itself on May 9th, there's other cases

1 already pending. Who filed the cases? Why
2 they filed those cases, I honestly -- we
3 filed those cases in Delaware because we felt
4 that it was a better place for us to litigate
5 under Delaware law, but at that point, as far
6 as just the pure issue of sanctions, under
7 strict causation, if they're deciding to
8 pursue strategic remedies unrelated to just
9 ending this case, under Illinois law, you're
10 supposed to only get sanctions for that which
11 is strictly caused by the sanctionable
12 conduct.

13 You concluded the sanctionable
14 conduct occurred in March down there in
15 St. Clair County because the complaint was
16 filed that you said was improper and filed
17 for improper reasons and not supported in law
18 and fact and that the TRO should not have
19 been issued.

20 So by May 9th, the TRO is gone.
21 It's already expired as a matter of law. The
22 complaint is gone because we came in and
23 said, "Fine. We'll dismiss it."

24 And so I actually don't

1 understand, under the strict causation cases
2 in Illinois, why the conduct after May 9th is
3 actionable, except for they do have a right
4 to pursue their petition for sanctions. We
5 give them credit for that.

6 They have a right to file their
7 petition and make their sanctions motion. So
8 we gave them credit for all that, but on top
9 of that, they spent another \$230,000 after
10 May 9th that they didn't have to spend.

11 And so my argument is relative --

12 THE COURT: May 9th is after I ruled on
13 a motion to dismiss, is that right?

14 MR. WEBB: Well, May 9th is the date we
15 filed the motion to voluntarily dismiss.

16 THE COURT: And that was after I ruled
17 on the motion to dismiss where I dismissed
18 some claims with prejudice or some without
19 prejudice, right?

20 MR. WEBB: No. That was before. This
21 is before. May 9th before is that hearing.

22 THE COURT: Got it.

23 MR. WEBB: That hearing took place -- I
24 think it's in August, okay?

1 THE COURT: Got it.

2 MR. WEBB: So in May, we came in and
3 said, "We will voluntarily dismiss this
4 complaint today. We're done. We're out of
5 here. We're done."

6 The TRO is gone. The complaint
7 will be gone. They made the choice after
8 that, for strategic reasons, to go ahead and
9 pursue all this other stuff that we've been
10 at for the last 15 months here in Cook
11 County.

12 And I don't think under the law
13 that I read the case law, I don't see how
14 they could argue that that extra \$230,000 is
15 directly caused by the sanctionable conduct
16 that you determined occurred in St. Clair
17 County in March.

18 And by the way, on top of that,
19 the only case they really argue -- the only
20 case they really argue against my position on
21 that \$230,000 is that McDonald's case that
22 Mr. Barber referred to.

23 THE COURT: The Dayan case?

24 MR. WEBB: Yes.

1 THE COURT: D-a-y-a-n?

2 MR. WEBB: Yes, that case, Your Honor,
3 the D-a-y-a-n case.

4 If you look at that case, the
5 reason the Court ruled in that case that the
6 complaint itself -- they called it the
7 "cornerstone rule." The McDonald's case --
8 the Dayan case, the Court said -- which that
9 case, by the way, is I think 35 years old,
10 but it's there. It's a First District case.

11 That case held that the
12 cornerstone of the McDonald's complaint --
13 or, the Dayan -- the plaintiff's, Dayan's
14 complaint, was false and perjurious from the
15 very beginning.

16 They contended that -- there was
17 allegations made that they had complied with
18 McDonald's standards of quality, service,
19 etc., and this cornerstone argument developed
20 out of that case.

21 So then I went back and looked at
22 our complaint. As far as what your ruling
23 was as far as sanctionable conduct, our
24 complaint in this case -- you -- the actual

1 cornerstone allegations of this complaint is
2 that Huizenga violated non-disparagement and
3 confidentiality provisions of the contract.

4 You actually did not make any
5 findings that those cornerstone allegations
6 were false. It was the conduct that occurred
7 with those resolutions that was the focus of
8 your sanctionable conduct ruling.

9 And so -- which is fine. I'm not
10 here to argue that again. I mean, I accept
11 your findings. All I'm saying is that when
12 you look at the McDonald's case, that case
13 stands for a proposition far different than
14 our case. And it should not stand for the
15 proposition that everything from day one
16 forward is going to be viewed as having been
17 caused by the filing of the lawsuit because I
18 don't think that's a proper interpretation of
19 that case.

20 And by the way, all the other
21 cases we cite that occurred years later,
22 which apply this strict causation standard, I
23 respectfully suggest is the right standard to
24 follow.

1 Now, in fact, I even would argue
2 that if you think about this, a case that had
3 a TRO that lasted ten days -- that's all it
4 lasted -- ten days is all it lasted -- we
5 tried to get rid of the complaint in May and,
6 yet, we're looking at a legal bill of
7 \$460,000.

8 We cite a case in our brief, Your
9 Honor, that I'd call Your Honor's attention
10 to, which is the case down in the Central
11 District of Illinois where basically in that
12 case, the Court down there looked at the
13 actual filing in that case, called the Triune
14 Star case, and the Court said, "I'm going to
15 accept that the lawyers actually worked the
16 time. I'm not going to argue about their
17 hourly rates. I'm just going to accept it,
18 but -- the amount they're asking for, just
19 based on my view as a judge in a case for
20 what happened in this case" -- he decided to
21 apply 40 percent. That's all -- he said,
22 "I'll give you 40 percent of those fees."

23 And by the way, you have that
24 discretion in this case. If you look at this

1 entire conduct that occurred here after we
2 filed that motion to dismiss on May 9th, I
3 respectfully suggest to Your Honor that if
4 you applied the same standard, the same exact
5 standard that the judge did in the Triune
6 case of 40 percent, you'd be down to \$90,000,
7 40 percent of the 260. That's where you'd be
8 at if you applied that standard. You would
9 be down to \$90,000 in sanctions.

10 And I do believe -- I think our
11 May 9th analysis is correct logically, and I
12 don't think that we've overstated it under
13 Illinois law as far as causation is
14 concerned.

15 And I do believe that -- we
16 suggested 230,000 would be the maximum. I
17 believe you, as a judge in equity, have a
18 right to bring it down much further than that
19 under the -- under your powers, and I suggest
20 that you should.

21 Now, one other issue. As far as
22 the double recovery issue of the -- what I
23 call the TRO statute, so when we were here on
24 August 8th, at that time, Mr. Miller was

1 arguing.

2 And at that time, he basically
3 said, "Look, at the end of the day, that
4 would be overlap, and we wouldn't be entitled
5 to a double recovery. That's my
6 understanding."

7 Now I hear counsel argue here,
8 two weeks later, that they are entitled to a
9 double recovery. And they cite this
10 defamation case, which I read over the
11 weekend. And that case, it's a case that's
12 purely evaluating in a defamation case
13 whether you can get compensatory damages and
14 punitive damages in the same case. It's not
15 addressing this issue whether, under Illinois
16 law, you can get double sanctions.

17 And I don't -- I can't find any
18 case under Illinois law which said you could
19 get double sanctions. And that's what
20 they're asking for in this case, double
21 sanctions.

22 So I don't think they're entitled
23 to that.

24 THE COURT: Anything else, Mr. Webb?

1 MR. WEBB: No. Thank you.

2 MR. BARBER: A couple of brief points,
3 Judge.

4 First of all, with respect to
5 what happened down in St. Clair, if you read
6 the transcript of the conversation with Judge
7 Katz, there's actually a discussion of the
8 very issue that Mr. Webb is referring to,
9 which is, can she find that venue is
10 improper, which she did immediately, and then
11 do anything else?

12 And she basically says -- and we
13 agree with her -- that once you find venue is
14 improper, she needs to immediately transfer
15 the case and do nothing further, and that's
16 all in the transcript.

17 So the notion that we could have
18 demanded a hearing on our motion to dissolve,
19 we would have been consenting to improper
20 venue. We would have had to appeal any
21 ruling to the Fifth District.

22 So that whole argument is not
23 really something that's got any legs, all
24 right?

1 With respect to this May 9th --

2 THE COURT: Let me -- can I -- well, go
3 ahead. Finish your argument. I have a
4 question for both sides.

5 MR. BARBER: Sure. With respect to
6 this May 9th argument, this really is sort of
7 what we characterize as this duty to
8 mitigate, and there is no such duty under
9 Illinois law. And we cite the cases that
10 stand for that proposition, but more
11 importantly, under Illinois law, once you
12 have a sanctionable pleading -- or, a
13 pleading you know to be sanctionable, you are
14 obligated to step up and inform the Court and
15 make the necessary changes and replead.

16 That is not what happened here.
17 Mr. Dowling moved to nonsuit the case without
18 prejudice, knowing that there was already a
19 subsequently filed case in Delaware that he
20 wanted to continue on where we would incur
21 all the same costs.

22 THE COURT: What date was that?

23 MR. BARBER: That's the Johnson 2 case.

24 THE COURT: No. What date does the --

1 did you say Mr. Dowling moved to nonsuit?

2 MR. MILLER: I believe that's the
3 May 9th, Your Honor.

4 THE COURT: That's the May 9th. Okay.

5 MR. BARBER: Right. May 9th is when he
6 filed the motion to nonsuit. It wasn't
7 actually heard until sometime in -- when was
8 that heard, in June?

9 MR. MILLER: I believe the nonsuit
10 motion, Your Honor, only applied to the
11 motions against Huizenga and not to the
12 attorney defendants.

13 MR. BARBER: Not to the attorney
14 defendants, but subsequent to that motion,
15 these folks, Winston included, filed pleading
16 after pleading after pleading saying there
17 was nothing sanctionable about what had
18 happened; there was no false allegations or
19 half-truths in the complaint.

20 The motion to dissolve was moot.
21 Then it was not moot. Then it was moot, but
22 you could still recover damages.

23 When you look through the
24 pleadings in this case, it just goes on and

1 on and on basically asking repeatedly to keep
2 this thing alive.

3 For instance, when their claim
4 was eventually dismissed, Mr. Webb asked you
5 for leave to replead certain allegations. He
6 told you, "We'll replead these things."

7 And then months go by, and
8 eventually, he comes back and says, "We can't
9 replead these things," but then we argue lots
10 of paper about whether it should be a
11 voluntary motion to dismiss with prejudice or
12 dismissed with prejudice on the merits.

13 You'll remember all that
14 go-round. I mean, it just -- every single
15 step of the way has been a fight, fight,
16 fight, fight, fight, fight.

17 And the reason is really not, you
18 know, particularly veil. It's pretty
19 transparent. Their job is to end this
20 litigation in a way that allows Mr. Ritchie
21 to continue this litigation in Johnson 2.
22 And I have been very upfront from day one
23 telling this Court that our job is to end
24 this litigation, period; in other words,

1 "this litigation" being by this party on this
2 issue. That's this case and the Delaware
3 case, and that's exactly what we've done.

4 What's interesting is that the
5 plaintiffs have done everything in their
6 power to make this as expensive as possible.
7 And make no mistake about it. This case was
8 filed for an improper purpose, to create a
9 conflict, to drive up litigation costs, to,
10 in essence, harass my client for having
11 played by the rules and obtained a judgment
12 and collected it by the rules.

13 And instead, we have what, 13
14 lawsuits filed, four in this state, plus an
15 ARDC proceeding, plus four or five cases,
16 including a bankruptcy case, in Delaware, all
17 in the past two and a half years by
18 Mr. Ritchie in an endless onslaught of
19 "nonsense," as Judge Flynn referred to it,
20 "garbage," as Judge Flynn referred to it, the
21 worst conduct that you've seen in your 15
22 years on the bench.

23 I don't know how Judge Wheaton
24 refers to it out in DuPage County. This

1 thing is a train wreck, and it's time it was
2 brought to an end.

3 And it's time that my client
4 receive some justice in this thing because
5 all we've done for two and a half years is
6 bat away these endless cases filed by these
7 29 different law firms in these three to four
8 different jurisdictions, all of them aimed at
9 attacking Illinois Courts' credibility. I
10 mean, some of the statements that have been
11 made by these people are unbelievable,
12 attacking the intellectual capability of the
13 First District, the intellectual capability
14 of the Circuit Court. It goes on and on and
15 on.

16 It is absolutely outrageous
17 conduct, and it's time that a message be
18 sent, and the best way to send that
19 message -- and I agree with you that our
20 argument on double-counting those damages is
21 a fine one, right, but the bottom line is
22 that 137 is designed to punish these people.
23 110 is designed to compensate us.

24 And I believe that although there

1 is overlap and they are duplicative, that it
2 would be appropriate for you to award both
3 those amounts, but if you disagree with me,
4 then I urge you to award every single last
5 penny of what we're seeking in sanctions
6 because if there was ever someone who
7 deserved it, it's Mr. Thane Ritchie and
8 his -- I can't even begin to go into some of
9 the details of his in-house litigation team
10 that have come out in the DuPage case. The
11 conduct is absolutely over the top, and it's
12 time to put an end to it.

13 THE COURT: I have a question for both
14 of you, and I'll give you an opportunity to
15 respond to that.

16 On this motion to vacate the
17 dissolution of the March 13th, 2018 TRO at
18 the last hearing, we had some discussion
19 about why any of this mattered.

20 I'm assuming that from your
21 perspective, it mattered because you felt
22 that it would affect your ability to obtain
23 damages under the statute --

24 MR. BARBER: I'll wait for the Court to

1 finish, and I can address that point.

2 THE COURT: Yeah -- 11-110.

3 And I'm assuming that it mattered
4 to the plaintiff because it felt that it
5 affected defendants' ability to obtain
6 damages.

7 And it seems like everybody is in
8 agreement now that so long as the motion had
9 been filed before the TRO expired by its own
10 terms, that the Court had the authority to
11 award damages under Section 11-110.

12 So, you know, you spent -- both
13 sides spent a lot of time litigating this
14 issue. It even went up on appeal. And I
15 asked myself, for what? What purpose? What
16 purpose was served?

17 And so if you could address that,
18 and then I'll hear from you, Mr. Webb, on
19 that issue as well as anything else you want
20 to tell me in response to -- after arguments.

21 MR. BARBER: I would be happy to.

22 There are three purposes behind
23 this house-to-house fight over the motion to
24 dissolve.

1 Number one, we cannot obtain
2 damages unless we filed a motion during the
3 pendency of the TRO and it's granted. The
4 rule clearly states, in order to get damages,
5 your motion to dissolve has to be granted,
6 okay? That's number one.

7 Number two, an order denying a
8 motion to dissolve, when not appealed from,
9 becomes a final order that the TRO was
10 properly granted.

11 That's what they're up to, all
12 right? When they tell you -- and the last
13 time we were here, you were saying, "Well, if
14 you concede they're entitled to damages, you
15 concede I'm not changing my findings, what is
16 it you hope to gain by having the TRO
17 reinstated," was the phrase you used.

18 And the bottom line is, they hope
19 to gain two things. They hope to gain
20 confusion and cloudiness over the meaning of
21 the dismissal order with prejudice on the
22 merits, and they hope to be able to use that
23 order, which -- and if you remember when we
24 went way back in the beginning, Judge, you

1 said, "Well, it's just a TRO order. What's
2 the big deal? It doesn't really find
3 anything other than a maybe a likelihood of
4 success on a subsequent hearing."

5 That is not the case with this
6 order. This order is 54 paragraphs, 51 of
7 which are specific factual findings, three of
8 which are conclusions of law, and all of
9 which the plaintiffs have argued in front of
10 the First District and the Second District --
11 because the same issue arose out there in
12 DuPage County -- that those orders are set in
13 concrete, that no one can touch those orders.
14 No one can change those findings of fact or
15 conclusions of law except for, in the case of
16 this case, Judge Kievlan, who was the
17 original judge down in St. Clair County, and
18 in the case out in Wheaton, Judge Dugan in
19 Madison County.

20 Their position has always been,
21 those orders stand absolute rock-solid, and
22 no one can touch them, all right?

23 In fact, the argument they made
24 in the First District here was, "You don't

1 have the jurisdiction to touch those orders.
2 Only Judge Kievlan can amend that order,"
3 which is patently ridiculous under the
4 applicable case law.

5 So there has been a strategic
6 reason for them to engage in this fight, all
7 right? You've asked them repeatedly, "What
8 is it you want? Where are you trying to go
9 with this?"

10 And they don't really have a good
11 answer. We sort of fill in the answer for
12 you because I've dealt with these people over
13 the past two and a half years, not Winston,
14 but their predecessor counsel.

15 And I know what's up. They're
16 desperately looking for some way, some
17 argument to raise in front of Judge Johnson
18 that, "Well, it was dismissed with prejudice
19 on the merits, but he also reinstated the
20 TRO, and that's law of the case, and
21 therefore, the TRO is properly entered, and
22 you should move forward with the case out
23 here."

24 That's what this is all about.

1 THE COURT: Okay. Mr. Webb?

2 MR. WEBB: He argued this two weeks
3 ago, and I'll let him argue.

4 MR. WIEBER: Yeah. So I'll --

5 THE COURT: Well, let me ask you,
6 Mr. Webb, is there anything else you wanted
7 to say about --

8 MR. WEBB: I do. I do.

9 THE COURT: Why don't you address that
10 first and then --

11 MR. WEBB: Thank you. Thank you.
12 Yeah, I do want to say something because,
13 Your Honor, I've been -- Mr. Barber and I
14 have a good relationship, but I sit in these
15 courtrooms. We have a very simple issue
16 here.

17 It's an issue of causation under
18 Illinois laws and whether there could be an
19 intervening event that shut off causation
20 because they chose to follow strategic
21 reasoning in order to not accept the
22 dismissal of the complaint and this case
23 would have been over with on May 9th. It is
24 not a complicated issue.

1 Mr. Barber goes off on these --
2 I'm going to call them tangents where we've
3 engaged in years of outrageous conduct. We
4 have despicable lawyers associated -- I
5 don't -- honestly, we have a very simple
6 issue before Your Honor.

7 And all I want to do is just make
8 sure that Mr. Barber does not escape
9 addressing the issue, which is that under
10 causation law, is there an intervening event
11 that occurred on May 9th where -- Mr. Barber
12 admitted today again that they did pursue for
13 strategic reasons not to accept dismissal of
14 the complaint.

15 Had they accepted dismissal of
16 the complaint on May 9th, combined with the
17 fact that the TRO had expired in March, all
18 the sanctionable conduct that you talked
19 about would have been addressed and gone
20 with, and we would have -- and then -- and
21 they do then get credit for what they did to
22 pursue a sanctions motion and fee petition,
23 but they would have \$230,000 less in legal
24 fees.

1 That's the simple issue being
2 presented to Your Honor, and he goes off on
3 irrelevant issues and doesn't address that
4 intervening factor issue.

5 And I want to call it to Your
6 Honor's attention.

7 THE COURT: Go ahead, Mr. Wieber.

8 MR. WIEBER: Yes, Your Honor. On the
9 issue of the -- perhaps the mootness issue,
10 I'm just trying unpack what Mr. Barber is
11 calling "confusion" and "cloudiness."

12 In fact, so just a few days ago,
13 when I was before you, I don't think I could
14 be any more express. And I said we would put
15 it in the order.

16 I do agree with Mr. Webb that
17 they're beyond tangents. So what is
18 happening in all these hearings is this sort
19 of unleashed 12 years of anger and just anger
20 of litigation onto whoever is sitting at the
21 bench and sort of just throwing out a lot of
22 unnecessary arguments that have nothing to do
23 with the case at hand.

24 The reason that we brought the

1 motion to ask Your Honor to enter an order
2 changing the motion to dissolve the TRO that
3 you entered on that order on December 19th,
4 2018, was because when we were last before
5 you, we were in the position of the fee
6 petition.

7 And we finally had a quantifiable
8 number from Huizenga, and you've heard it
9 here today. It's a little bit under
10 \$500,000. And our team had done the analysis
11 to say that if we just take them at their
12 word that at the moment of the filing of
13 their brief, their motion for this -- the
14 11-110 damages down in St. Clair County that
15 they had preserved -- let's just -- we've
16 never briefed that. We've never argued up on
17 appeal. We just -- for purposes of today,
18 let's just take that as true -- that they --
19 that it was clear as light that they had --
20 clear as day that it had been preserved --
21 then why did it need to go to Your Honor in
22 December and say, "It's not enough. Dissolve
23 it as a -- dissolve it. It's already
24 expired, but here's why I need you to

1 dissolve it."

2 And it ties right into Mr. Webb's
3 argument on their strategic and litigation
4 choices because when Mr. Miller argued it and
5 when Mr. Barber argued it, they have been
6 consistent that they were fearful
7 strategically that if you didn't unwind
8 something, that now Your Honor clearly
9 understands didn't have the power to do as a
10 matter of law -- I'm not casting aspersions,
11 but as a matter of law, you could not, as a
12 matter of law, dissolve something that had
13 already expired on its own terms.

14 They wanted their cake and to eat
15 it, too, with a little bit of a cherry on top
16 which was, they knew having Your Honor do
17 that would go -- they could go out to other
18 jurisdictions where there are cases pending,
19 yes, but then they could go say, "Aha.
20 Ritchie is going to come in here and argue
21 the following. Judge Tailor dissolved --
22 formally dissolved an already expired TRO.
23 Look at their lawyers. Look at how creative
24 they are. That meant that Judge Tailor

1 blessed the findings of the trial Court and
2 the 47 paragraphs and the parade of horrors
3 and the factual findings," which just being
4 plain and simple, when Your Honor first had
5 that issue, you said, "That's not law in the
6 case. There is no finding" -- TROs, by their
7 very nature, exist in this world for a
8 limited period of time absent an extension.

9 Those findings of fact dissolved
10 at expiration. There was no need to go on
11 and continue the litigation.

12 And so what we've tried to do is
13 just quantify the amount of waste, economic,
14 for their fees that have been caused by this
15 occurrence.

16 And then the last point, Your
17 Honor, just the concept that -- I mean, sort
18 of the parade of horrors of us trying to
19 keep this alive, you might remember a few
20 months ago when after Mr. Webb said, "We will
21 review your hearing on the litigation
22 privilege. We're going to review your
23 transcript in detail. We're going to work
24 with our client to see whether or not we can

1 amend that complaint consistent with Your
2 Honor's ruling on the litigation privilege."

3 We took the time. You granted us
4 the time. We asked for it. We came back and
5 made a right-hand determination that we
6 couldn't -- based on your ruling, we could
7 not amend that complaint in a way that
8 wouldn't run afoul of your ruling.

9 So then what did I do when I came
10 in? I said, "Your Honor, we're here, and
11 we'll enter a dismissal with prejudice, with
12 prejudice."

13 And then that should give
14 Mr. Barber and his good legal team whatever
15 argument he wants on res judicata for
16 Johnson 2 in Delaware or whatever, but we
17 were out.

18 And we wanted to make it clear
19 that there had been a change in temperament,
20 and we wanted out, but just to show you --
21 they call it "cloudiness" and "arguments
22 beyond ridiculousness" and other pejorative
23 terms that we've heard here.

24 The reality is, when I said that,

1 I said, "We're out. We'll enter an order,"
2 he said, "Not good enough. Not good enough.
3 You can't participate in the dissolution of
4 your case with prejudice. You can't do that.
5 You can have no say in that."

6 Why? Again, because of this fear
7 mongering that, all of a sudden, we're going
8 to go file a new case because somehow it's a
9 ruse to have my involvement with entering an
10 order. And I literally sat up here and
11 almost chuckled as Mr. Barber said, "Well, I
12 don't know what we want to do on this, but
13 you can't be involved."

14 They ended up entering the same
15 order that we had proposed, except it had, in
16 essence, their signature on it, and I
17 couldn't be involved.

18 And so, anyhow, the concept of
19 wanting to keep these things alive, we have
20 come clean. We're focused on the actual
21 legal petition arguments and finding
22 demarcation, clear bright-lined rules under
23 Illinois law to give you a guidance, I think
24 very clearly, as to how you could view the

1 total amount of sanctions that should be
2 awarded based on their petition.

3 THE COURT: Is there anything you want
4 to say.

5 MS. SIEGALL: No, Your Honor.

6 MR. BARBER: Can I make two brief
7 points, Judge?

8 THE COURT: Go ahead. Last points.

9 MR. BARBER: Yeah. On May 9th, they
10 only moved to dismiss without prejudice, and
11 that's why the causal link doesn't break on
12 May 9th. That's number one.

13 Number two, I can't believe
14 counsel brought this up. This issue about
15 moving to dismiss? We were in discussions
16 with counsel about this issue, and they
17 submitted, without our approval, an order to
18 the Court, which we then informed them that
19 we objected to. We told the Court why we
20 objected to it. Eventually they did not
21 oppose our entry of the motion to dismiss
22 with prejudice pursuant to whatever those
23 rules are, Supreme Court Rule 212 or 213.

24 That's what happened in

1 connection with that, but I will tell you
2 that every aspect of this case, every single
3 aspect of this case has been fought with
4 unbelievable vigor and ferocity by my able
5 opponents now since the day they've been
6 involved.

7 And so with that, that's all I've
8 got to add on this issue.

9 THE COURT: The May 9th motion for
10 voluntary nonsuit was without prejudice,
11 correct?

12 MR. WIEBER: That's what Mr. Dowling
13 had asked for, yes.

14 THE COURT: Okay. The Court today will
15 grant the defendants' petition for fees under
16 Rule 137 in the amount of \$458,016.17.

17 The Court is denying the
18 defendants' request for damages under
19 Section 11-110 of the Civil Practice Law in
20 the amount of \$65,000 and some change.

21 I have already determined that
22 this action was filed for an improper
23 purpose. My not-so-brief time overseeing
24 this case tells me that Mr. Ritchie, through

1 his various companies and through his
2 counsel, the Clayborne firm, attempted to do
3 nothing short of sowing anarchy in the civil
4 justice system.

5 The purview of Rule 137 -- or, I
6 should say, this misconduct is squarely
7 within the prerogative, the portfolio, of
8 Rule 137. I'm not persuaded by the argument
9 that the petition fails for a break in the
10 chain of causation on May 9th. As it's been
11 pointed out, that motion was only a motion
12 for nonsuit without prejudice.

13 The situation that the plaintiffs
14 find themselves in is created by their own
15 course of conduct in filing the multiple
16 lawsuits. So I do find that there is a
17 causal link between all the fees sought in
18 this case and the misconduct.

19 I'm denying the petition for fees
20 under Section 11-110 because that would
21 amount to double recovery. I'm not persuaded
22 that the case that's cited by the defendants
23 is on point.

24 The fees shall be assessed

1 against the plaintiffs, as well as
2 plaintiffs' counsel, the Clayborne firm. The
3 motion to vacate the December 19th, 2018
4 order dissolving the March 13th, 2018 TRO is
5 going to be denied as moot.

6 Has any counsel reported the
7 Clayborne firm to the ARDC in this case?

8 MR. MILLER: Not in connection with
9 this case.

10 MR. BARBER: Not in connection with
11 this case.

12 THE COURT: Okay.

13 MR. MILLER: Your Honor, just to
14 clarify, I believe the December 2018 137
15 order ruled sanctions were appropriate
16 against the Clayborne firm, as well as
17 Mr. Dowling and Mr. Sabo individually.

18 So I don't know how the Court
19 would like today's order to reflect that
20 issue.

21 THE COURT: Actually, I think the law
22 is that you can't sanction a firm. You can
23 sanction an individual attorney.

24 Is that your recollection of --

1 MR. BARBER: No.

2 MR. MILLER: It's a --

3 MR. GARNER: There's a split on that
4 now.

5 MR. MILLER: There's a split.

6 THE COURT: There's a split on that?

7 MR. MILLER: Yeah.

8 MR. BARBER: So we would ask that it be
9 entered against the firm and the individuals.

10 THE COURT: What's the --

11 MR. BARBER: So my colleague,
12 Mr. Fraser, tells me that the First District
13 is --

14 MR. FRASER: Stephen Fraser on behalf
15 of the defendants. It's Brubakkan,
16 B-r-u-b-a-k-k- --

17 THE COURT: Hold on a second. Brubak,
18 you said?

19 MS. FRASER: Brubakkan, yeah.

20 MR. BARBER: And it holds that both
21 firm and the individual lawyers can be
22 sanctioned under 137.

23 THE COURT: So the Second District --
24 so Brubakkan, B-r-u-b-a-k-k-a-n, versus

1 Morrison, the First District 1992 case.

2 So Medical Alliances versus

3 Hurricane Katrina Services Corp.,

4 371 Ill. App. 3d 755 at 757 through 759, a

5 Second District 2007 case, held that only the

6 attorney who signed a document can be

7 sanctioned, not the law firm, but that Court

8 criticized the Brubakkan case, which holds

9 that you can sanction the law firm, though

10 it's not clear -- so what are you asking for

11 today, that the sanctions be applied to both

12 the firm and the individual lawyers?

13 MR. BARBER: Yes.

14 MR. MILLER: I think that's what the

15 Court's prior order reflected.

16 THE COURT: It did reflect that?

17 MR. MILLER: I believe so.

18 THE COURT: Oh, okay. Counsel, is

19 there anything you want to tell me?

20 MS. SIEGALL: No, Your Honor.

21 THE COURT: Okay. So the sanction will

22 apply to both the law firm, as well as the

23 individual attorney.

24 Anything else?

1 MR. WEBB: No.

2 MR. BARBER: That's it, Your Honor.

3 THE COURT: Thank you.

4 MR. BARBER: Thank you.

5 MR. WEBB: Thank you.

6 (WHEREUPON, the court
7 proceedings were concluded at
8 11:06 a.m.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

CERTIFICATE
OF
CERTIFIED SHORTHAND REPORTER

I, DINA G. MANCILLAS, CSR, RPR, CRR, CLR,
a Certified Shorthand Reporter of the State of
Illinois, CSR License No. 084-003400, do hereby
certify that I stenographically reported the
proceedings had at the hearing, as aforesaid, and
that the foregoing transcript is a true and accurate
record of the proceedings had therein.

IN WITNESS WHEREOF, I do set my hand at
Chicago, Illinois, this 26th day of August, 2019.



DINA G. MANCILLAS, CSR, RPR, CRR, CLR
CSR License No. 084-003400.

<p style="text-align: center;">\$</p> <hr/> <p>\$230,000 30:9 31:14,21 49:23</p> <p>\$458,000 16:6</p> <p>\$458,016.17 8:13 14:1 57:16</p> <p>\$460,000 34:7</p> <p>\$50 11:8</p> <p>\$500,000 51:10</p> <p>\$59,914 10:21</p> <p>\$60,000 10:20 12:2</p> <p>\$65,000 57:20</p> <p>\$65,383.50 15:3</p> <p>\$77,731 23:19</p> <p>\$90,000 35:6,9</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 11:8,13</p> <p>1.5 11:8</p> <p>10:01 7:9</p> <p>10:05 7:9</p> <p>10th 5:23</p> <p>11-110 8:1 14:10 16:2 19:21 44:2,11 51:14 57:19 58:20</p> <p>110 22:5 42:23</p> <p>1137 8:10</p> <p>11:06 62:8</p> <p>12 50:19</p> <p>13 41:13</p> <p>137 7:24 13:23 14:9 16:6,17 19:8, 20,22 20:6 21:23 22:3,11 24:16 42:22 57:16 58:5,8 59:14 60:22</p>	<p>13th 43:17 59:4</p> <p>14 27:23</p> <p>15 31:10 41:21</p> <p>17 26:8,9</p> <p>17th 5:21</p> <p>189 17:4</p> <p>18th 6:9</p> <p>19 6:9</p> <p>1992 61:1</p> <p>19th 51:3 59:3</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 38:23 40:21 54:16</p> <p>2007 61:5</p> <p>2018 12:15 28:8 43:17 51:4 59:3,4, 14</p> <p>2019 5:19,21,22, 24 6:1,2</p> <p>21 25:2,20</p> <p>212 56:23</p> <p>213 56:23</p> <p>230,000 35:16</p> <p>24C 15:3</p> <p>24D 15:4</p> <p>25E 15:5</p> <p>25th 6:1</p> <p>260 35:7</p> <p>28th 12:15</p> <p>29 11:17 42:7</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3-hour 11:12</p> <p>31st 5:19</p> <p>35 32:9</p> <p>371 61:4</p>	<p>3d 17:4 61:4</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>40 34:21,22 35:6,7</p> <p>458,000 20:7</p> <p>47 53:2</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>50 11:13</p> <p>500 12:5</p> <p>51 46:6</p> <p>54 46:6</p> <p>590 17:4</p> <p>595 17:4</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>60,000 12:7</p> <p>600 17:5</p> <p>65,000 16:3</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 14:24</p> <p>755 61:4</p> <p>757 61:4</p> <p>759 61:4</p> <p>7th 5:22</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8th 6:2 17:1 35:24</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9th 26:17,19,21 27:7 28:4,17,24 29:20 30:2,10,12, 14,21 35:2,11 38:1,</p>	<p>6 39:3,4,5 48:23 49:11,16 56:9,12 57:9 58:10</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m. 7:9 62:8</p> <p>ability 43:22 44:5</p> <p>absent 53:8</p> <p>absolute 46:21</p> <p>absolutely 16:7 42:16 43:11</p> <p>accept 33:10 34:15,17 48:21 49:13</p> <p>accepted 12:19 49:15</p> <p>acknowledge 16:4</p> <p>acknowledgem ent 13:9,11</p> <p>action 9:8,9,11 10:17,18 11:1,2 17:18 57:22</p> <p>actionable 30:3</p> <p>actual 32:24 34:13 55:20</p> <p>add 7:19 57:8</p> <p>added 6:15</p> <p>addition 10:15 14:4</p> <p>additional 6:16</p> <p>address 44:1,17 48:9 50:3</p> <p>addressed 49:19</p> <p>addressing 36:15 49:9</p> <p>adds 10:19</p> <p>admitted 49:12</p> <p>Admittedly 22:24</p>	<p>advantage 27:16 28:1</p> <p>affect 43:22</p> <p>affected 44:5</p> <p>affidavit 5:17,23 15:4,5,6</p> <p>affidavits 8:15 10:19,22 14:23</p> <p>afoul 54:8</p> <p>aggressive 22:23 23:4</p> <p>agree 37:13 42:19 50:16</p> <p>Agreed 16:11,13</p> <p>agreement 44:8</p> <p>agrees 18:6 22:3, 5</p> <p>Aha 52:19</p> <p>ahead 19:4 31:8 38:3 50:7 56:8</p> <p>aimed 42:8</p> <p>alive 40:2 53:19 55:19</p> <p>allegations 32:17 33:1,5 39:18 40:5</p> <p>alleged 17:19</p> <p>Alliances 61:2</p> <p>Allowing 17:7</p> <p>amend 47:2 54:1, 7</p> <p>amount 7:23,24 9:14 13:24 16:3 20:7 21:4 27:22 34:18 53:13 56:1 57:16,20 58:21</p> <p>amounts 21:5 43:3</p> <p>analysis 9:14 35:11 51:10</p> <p>anarchy 58:3</p>
--	--	--	---	--

<p>anger 50:19 App 17:4 61:4 appeal 8:19 9:24 10:3 11:4 15:20 37:20 44:14 51:17 appealed 45:8 appearances 7:16 appellate 10:5,7 applicable 47:4 applied 24:17 26:20 35:4,8 39:10 61:11 apply 33:22 34:21 61:22 approach 26:19 approval 56:17 ARDC 23:10 41:15 59:7 arguably 12:5 argue 31:14,19,20 33:10 34:1,16 36:7 40:9 48:3 52:20 argued 18:20 26:10 46:9 48:2 51:16 52:4,5 argues 14:17 arguing 21:6 36:1 argument 12:12 18:3,8 20:11 23:1 26:14 28:11 30:11 32:19 37:22 38:3,6 42:20 46:23 47:17 52:3 54:15 58:8 arguments 6:16 8:20 12:24 15:13,24 24:11 44:20 50:22 54:21 55:21 arose 46:11 aspect 57:2,3 aspersions 52:10</p>	<p>assessed 58:24 assign 11:13 assigned 11:15 assuming 43:20 44:3 attacking 42:9, 12 attempted 58:2 attention 34:9 50:6 attorney 6:10 39:12,13 59:23 61:6,23 attorneys 6:19 11:17 22:1 attorneys' 14:12 18:17 19:9,23 22:1 August 6:2 17:1 30:24 35:24 authority 44:10 avoid 22:19 award 13:24 14:20 16:18 17:14 18:7,22 43:2,4 44:11 awarded 8:1 14:14 17:20,21 19:19 21:1,9 56:2 awards 16:20 awful 25:4</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>B-R-U-B-A-K-K- K- 60:16 B-R-U-B-A-K- K-A-N 60:24 back 15:15 22:24 23:7 32:21 40:8 45:24 54:4 bankruptcy 41:16</p>	<p>Barber 5:3,9,10 6:18 7:20 9:3,5 16:7,11,13 17:2,10, 12 18:16 19:5 20:10,18,22 21:11, 15 24:2,9 31:22 37:2 38:5,23 39:5, 13 43:24 44:21 48:13 49:1,8,11 50:10 52:5 54:14 55:11 56:6,9 59:10 60:1,8,11,20 61:13 62:2,4 based 34:19 54:6 56:2 basically 8:17 13:12 25:9 34:11 36:2 37:12 40:1 bat 42:6 begin 43:8 beginning 32:15 45:24 behalf 5:6,8,11 24:8 60:14 behavior 22:13 bench 41:22 50:21 benefits 27:19 big 46:2 bill 34:6 bit 51:9 52:15 blessed 53:1 bottom 12:1 19:16 42:21 45:18 break 56:11 58:9 briefed 51:16 briefing 15:19,23 18:15 briefly 18:23 bright-lined 55:22 bring 35:18 brought 20:3 26:16 42:2 50:24</p>	<p>56:14 Brubak 60:17 Brubakkan 60:15,19,24 61:8 bucks 11:13 12:5 burden 24:15</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>cake 52:14 calculates 15:1 calculation 15:7 call 18:20 34:9 35:23 49:2 50:5 54:21 called 10:16 32:6 34:13 calling 50:11 capability 42:12, 13 case 9:6,18,20 11:4,10,13,21 12:4, 6,11,16,22 13:2,4,7, 8,21 14:12 16:23,24 17:9,10 20:5,15,20, 24 21:10 22:15,22 23:12 24:16,21 25:1,16,18,19 26:7 27:1,9,14 29:9 31:13,19,20,21,23 32:2,3,4,5,7,8,9,10, 11,20,24 33:12,14, 19 34:2,8,10,12,13, 14,19,20,24 35:6 36:10,11,12,14,18, 20 37:15 38:17,19, 23 39:24 41:2,3,7, 16 43:10 46:5,15, 16,18 47:4,20,22 48:22 50:23 53:6 55:4,8 57:2,3,24 58:18,22 59:7,9,11 61:1,5,8 cases 16:13 20:12 24:14 28:3,24 29:1,2,3 30:1 33:21 38:9 41:15 42:6</p>	<p>52:18 casting 52:10 categorize 8:13 category 10:16 causal 56:11 58:17 causation 24:17,18 26:20 28:4 29:7 30:1 33:22 35:13 48:17,19 49:10 58:10 caused 28:5 29:11 31:15 33:17 53:14 Central 34:10 chain 58:10 change 16:3 46:14 54:19 57:20 changed 25:13 changing 45:15 51:2 character 20:8 characterize 38:7 checking 6:6 cherry 52:15 Chicago 25:12, 16 choice 31:7 choices 52:4 chose 48:20 Chris 5:10 chuckled 55:11 Circuit 42:14 cite 16:14,23,24 17:3 24:14 33:21 34:8 36:9 38:9 cited 20:12 58:22 civil 57:19 58:3 claim 8:17 40:3</p>
--	---	--	---	--

<p>claims 20:2 30:18</p> <p>Clair 25:2,21 29:15 31:16 37:5 46:17 51:14</p> <p>clarify 59:14</p> <p>Clayborne 6:20 7:13 58:2 59:2,7,16</p> <p>clean 55:20</p> <p>clear 26:23 51:19, 20 54:18 55:22 61:10</p> <p>client 41:10 42:3 53:24</p> <p>client's 11:21</p> <p>cloudiness 45:20 50:11 54:21</p> <p>colleague 60:11</p> <p>colleagues 10:4</p> <p>collected 41:12</p> <p>colloquial 6:13</p> <p>colloquially 9:13</p> <p>combined 49:16</p> <p>comment 12:13</p> <p>companies 58:1</p> <p>compensate 19:24 21:24 42:23</p> <p>compensatory 14:11,15,20 16:9, 16,21 17:8,15,20,23 18:4 19:20 20:8,16, 19 21:2,9 22:6 36:13</p> <p>complaint 9:7, 11 13:9,11 23:10 25:4,10 26:15 27:3 29:15,22 31:4,6 32:6,12,14,22,24 33:1 34:5 39:19 48:22 49:14,16 54:1,7</p> <p>completely 16:18</p>	<p>complicated 48:24</p> <p>complied 32:17</p> <p>concede 18:12 45:14,15</p> <p>conceded 9:10</p> <p>concedes 19:10</p> <p>concept 53:17 55:18</p> <p>concerned 35:14</p> <p>concluded 29:13 62:7</p> <p>conclusions 46:8,15</p> <p>concrete 46:13</p> <p>conduct 17:17 22:15 23:12,17 24:11 28:6 29:12,14 30:2 31:15 32:23 33:6,8 35:1 41:21 42:17 43:11 49:3,18 58:15</p> <p>confidentiality 33:3</p> <p>conflict 41:9</p> <p>confusion 45:20 50:11</p> <p>connection 10:2 11:21 12:10 14:3 15:15,16 18:18,21 19:7,8 21:17,18 22:11 23:12 57:1 59:8,10</p> <p>consenting 37:19</p> <p>consistent 52:6 54:1</p> <p>contained 10:10</p> <p>contended 32:16</p> <p>contention 26:3</p> <p>context 17:9</p>	<p>continuation 8:3</p> <p>continue 25:18 38:20 40:21 53:11</p> <p>continued 15:16 24:4</p> <p>contract 33:3</p> <p>conversation 37:6</p> <p>Cook 26:8,9 27:24 31:10</p> <p>copy 20:23</p> <p>core 9:8 14:5</p> <p>cornerstone 32:7,12,19 33:1,5</p> <p>Corp 61:3</p> <p>correct 6:18,21 10:6,9,12 20:10,18 35:11 57:11</p> <p>costs 5:16,18 10:16 15:2 38:21 41:9</p> <p>counsel 36:7 47:14 56:14,16 58:2 59:2,6 61:18</p> <p>County 25:2,21 26:8,9 27:24 29:15 31:11,17 41:24 46:12,17,19 51:14</p> <p>couple 7:20 8:9 9:22 37:2</p> <p>court 5:1,4,12 6:14,19,22 7:3,10, 15 8:24 9:4,9 13:10, 15,16,19,22 14:6 16:1,8,12,22,23 17:3,11 18:3,11 19:4,15,16,22 20:10,15,19 21:10, 13 22:14 23:24 24:5 25:12 27:7 28:10, 13,23 30:12,16,22 31:1,23 32:1,5,8 34:12,14 36:24 38:2,14,22,24 39:4 40:23 42:14 43:13, 24 44:2,10 48:1,5,9</p>	<p>50:7 53:1 56:3,8,18, 19,23 57:9,14,17 59:12,18,21 60:6, 10,17,23 61:7,16, 18,21 62:3,6</p> <p>Court's 21:22 61:15</p> <p>courtrooms 48:15</p> <p>Courts' 42:9</p> <p>create 41:8</p> <p>created 28:14 58:14</p> <p>creative 52:23</p> <p>credibility 42:9</p> <p>credit 30:5,8 49:21</p> <p>criticized 61:8</p> <p>CSW's 6:10</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D-A-Y-A-N 32:1, 3</p> <p>damage 16:20 22:5</p> <p>damages 8:1 14:15,20 16:15,17 17:15,19,20,23 18:1,9,12,17 19:10, 11,13,21 20:6,17, 20,22 21:1,2,7,9,23 22:9 23:20 36:13,14 39:22 42:20 43:23 44:6,11 45:2,4,14 51:14 57:18</p> <p>Dan 5:7 24:7</p> <p>date 5:16 26:19,21 28:18 30:14 38:22, 24</p> <p>dated 5:19</p> <p>day 9:6 20:14 22:2 23:3 25:12 27:19 33:15 36:3 40:22 51:20 57:5</p>	<p>Dayan 9:6 12:9 13:21 31:23 32:8,13</p> <p>Dayan's 32:13</p> <p>days 8:9 26:1,2 34:3,4 50:12</p> <p>deal 46:2</p> <p>dealt 47:12</p> <p>December 51:3, 22 59:3,14</p> <p>decided 34:20</p> <p>deciding 29:7</p> <p>decision 26:24 27:12,13,18 28:12</p> <p>defamation 17:10 20:15 36:10, 12</p> <p>defendants 5:11 17:18 21:6 28:12 39:12,14 58:22 60:15</p> <p>defendants' 5:21 6:1 44:5 57:15, 18</p> <p>defending 20:1</p> <p>Delaware 13:16, 19 28:21 29:3,5 38:19 41:2,16 54:16</p> <p>demanded 37:18</p> <p>demarcation 55:22</p> <p>denied 59:5</p> <p>Dentons 11:12</p> <p>denying 45:7 57:17 58:19</p> <p>deserved 43:7</p> <p>designed 21:24 42:22,23</p> <p>desperately 47:16</p> <p>despicable 49:4</p> <p>detail 53:23</p>
---	--	--	--	---

<p>details 43:9 determination 54:5 determine 7:23 determined 31:16 57:21 developed 32:19 differing 16:20 difficult 22:17 direct 18:24 directly 10:17 31:15 disagree 43:3 disagrees 20:11 disallowed 10:13 12:3,17 discretion 34:24 discussion 37:7 43:18 discussions 56:15 dismiss 26:22 29:23 30:13,15,17 31:3 35:2 40:11 56:10,15,21 dismissal 27:8 45:21 48:22 49:13, 15 54:11 dismissed 27:4, 15 30:17 40:4,12 47:18 dissolution 18:10 43:17 55:3 dissolve 8:2,5, 20,21 10:1,3 12:24 14:7,13 15:3,9,14, 17 18:18 19:9 25:9, 15,24 37:18 39:20 44:24 45:5,8 51:2, 22,23 52:1,12 dissolved 23:20 26:4 52:21,22 53:9</p>	<p>dissolving 59:4 District 32:10 34:11 37:21 42:13 46:10,24 60:12,23 61:1,5 document 21:12 61:6 double 17:7 18:2, 20 35:22 36:5,9,16, 19,20 58:21 double-count 22:8 double-counting 23:19 42:20 Dowling 10:8 38:17 39:1 57:12 59:17 drafting 11:3,4 draw 9:16 drive 41:9 Dugan 46:18 Dunkley 8:15 10:18 14:23 15:1 Dunkley's 15:7 Dupage 41:24 43:10 46:12 duplicative 16:10,19 17:22 18:7,12 19:17 21:7 43:1 duty 38:7,8</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>eat 52:14 economic 53:13 encompassed 16:4 end 9:5 20:13 22:2 23:3,7 24:22 25:19 36:3 40:19,23 42:2 43:12</p>	<p>ended 26:11 55:14 ending 13:8 29:9 endless 8:20 24:10 41:18 42:6 engage 9:12 47:6 engaged 49:3 engaging 23:16 enter 13:23 51:1 54:11 55:1 entered 7:24 25:5 47:21 51:3 60:9 entering 55:9,14 entire 27:1 35:1 entitled 14:19 36:4,8,22 45:14 entity 5:8 entries 10:24 11:6 entry 11:12,15 56:21 equity 35:17 escape 49:8 essence 17:14, 22,24 19:19 22:8 23:18 41:10 55:16 evaluating 36:12 event 48:19 49:10 eventually 40:4, 8 56:20 exact 10:20 35:4 Exhibit 15:3 exist 53:7 expenses 20:1 expensive 41:6 expiration 53:10 expired 27:5 29:21 44:9 49:17 51:24 52:13,22</p>	<p>express 50:14 extension 53:8 extra 31:14</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fact 23:9 29:18 34:1 46:14,23 49:17 50:12 53:9 factor 50:4 factual 46:7 53:3 fails 58:9 false 10:11 13:12 32:14 33:6 39:18 fear 55:6 fearful 52:6 fee 6:11 8:11 12:9 13:22 27:3 49:22 51:5 fees 5:16,18 8:14, 17 9:15 10:1 12:2, 14,20 13:17 14:12, 13,21,22 15:1,8 16:1,5 18:17 19:10, 23 22:1 34:22 49:24 53:14 57:15 58:17, 19,24 felt 29:3 43:21 44:4 ferocity 57:4 fight 22:20 40:15, 16 44:23 47:6 figure 17:13 file 30:6 55:8 filed 5:21,22,23,24 6:2,9 9:18 10:6,9 16:24 22:22 23:10 25:4,7 29:1,2,3,16 30:15 35:2 38:19 39:6,15 41:8,14 42:6 44:9 45:2 57:22 filing 28:15 33:17 34:13 51:12 58:15</p>	<p>fill 47:11 final 45:9 finally 8:3 51:7 find 10:20,23 14:21 21:3 36:17 37:9,13 46:2 58:14, 16 finding 14:4 17:15 53:6 55:21 findings 33:5,11 45:15 46:7,14 53:1, 3,9 finds 28:23 fine 7:7 29:23 33:9 42:21 finish 8:8 38:3 44:1 firm 6:20 58:2 59:2,7,16,22 60:9, 21 61:7,9,12,22 firms 11:18 42:7 Flynn 9:20 21:17 41:19,20 focus 33:7 focused 26:19 55:20 folks 5:13 7:10 39:15 follow 33:24 48:20 footnote 19:2 formally 52:22 forward 27:2 33:16 47:22 fought 57:3 found 9:9 frankly 22:14 Fraser 60:12,14, 19 fraud 13:10 frivolous 20:2</p>
--	--	--	---	--

<p>front 13:18 19:15 21:16 25:7,21 46:9 47:17</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gain 45:16,19 garbage 41:20 Garner 5:11 60:3 Gary 5:10 gave 27:15 30:8 give 7:5 30:5 34:22 43:14 54:13 55:23 go-round 40:14 good 5:9 7:10,12 47:10 48:14 54:14 55:2 grant 57:15 granted 14:6 45:3,5,10 54:3 granting 8:5 Greeley 17:2,4 guess 8:7 24:9 guidance 55:23</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hair 10:19 half 11:15,16,23 41:17 42:5 47:13 half-hour 11:24 half-truth 13:13 half-truths 39:19 hand 50:23 happened 24:21,24 25:3 28:9 34:20 37:5 38:16 39:18 56:24 happening 50:18</p>	<p>happy 44:21 harass 20:4 41:10 head 22:18 hear 36:7 44:18 heard 39:7,8 51:8 54:23 hearing 6:4 7:23 25:24 26:3,5 30:21, 23 37:18 43:18 46:4 53:21 hearings 11:3 50:18 held 18:3 32:11 61:5 helped 10:12 helping 10:4 Hold 60:17 holds 60:20 61:8 honestly 29:2 49:5 Honor 5:3,9 6:5 7:12,21 24:7 25:1 26:16 28:19 32:2 34:9 35:3 39:3,10 48:13 49:6 50:2,8 51:1,21 52:8,16 53:4,17 54:10 56:5 59:13 61:20 62:2 Honor's 34:9 50:6 54:2 hope 45:16,18,19, 22 hoped 27:20 horribles 53:2, 18 hour 11:16,22 hourly 34:17 hours 11:8,9 house-to- house 44:23 Huizenga 5:2 33:2 39:11 51:8</p>	<p>Hurricane 61:3</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>identical 20:17 21:5 Ill 17:4 61:4 Illinois 24:12,13 28:3 29:9 30:2 34:11 35:13 36:15, 18 38:9,11 42:9 48:18 55:23 immediately 26:3 37:10,14 importantly 38:11 improper 25:10, 11 29:16,17 37:10, 14,19 41:8 57:22 in-house 43:9 inappropriate 22:8 included 13:12 39:15 including 41:16 incorrect 10:6 incredibly 22:23 incur 38:20 incurred 8:18 12:14,18,21,22 13:17,18 indirectly 12:6 individual 59:23 60:21 61:12,23 individually 59:17 individuals 60:9 inform 38:14 informed 56:18 initially 10:7 instance 20:16 40:3</p>	<p>institute 28:21 intellectual 42:12,13 intended 19:24 intention 13:8 interesting 14:3 41:4 interpretation 33:18 intervening 48:19 49:10 50:4 involved 17:12 55:13,17 57:6 involvement 55:9 irrelevant 50:3 issue 8:6 14:1,3 15:20 18:19,20 19:14 29:6 35:21,22 36:15 37:8 41:2 44:14,19 46:11 48:15,17,24 49:6,9 50:1,4,9 53:5 56:14, 16 57:8 59:20 issued 29:19 issues 23:23 50:3</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>job 40:19,23 Johnson 38:23 40:21 47:17 54:16 Jon 5:10 judge 9:20 21:16 23:23 25:8,13,21,22 34:19 35:5,17 37:3, 6 41:19,20,23 45:24 46:16,17,18 47:2,17 52:21,24 56:7 judgment 21:19 41:11 judicata 27:21 54:15</p>	<p>July 5:23 6:1,9 June 5:19,22 39:8 jurisdiction 47:1 jurisdictions 42:8 52:18 justice 42:4 58:4</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Katrina 61:3 Katz 25:8,22 37:7 keyword 8:14 Kievlan 46:16 47:2 kind 22:13 23:16 kinds 14:11 knew 52:16 knowing 38:18</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>label 16:9 largely 6:12 lasted 34:3,4 law 11:17 14:12 24:13,16 27:5,12 28:3 29:5,9,17,21 31:12,13 35:13 36:16,18 38:9,11 42:7 46:8,15 47:4, 20 49:10 52:10,11, 12 53:5 55:23 57:19 59:21 61:7,9,22 laws 48:18 lawsuit 33:17 lawsuits 28:15 41:14 58:16 lawyers 34:15 49:4 52:23 60:21 61:12</p>
---	--	--	---	---

<p>leave 40:5</p> <p>legal 34:6 49:23 54:14 55:21</p> <p>legitimate 20:3</p> <p>legs 37:23</p> <p>light 15:10,11 51:19</p> <p>likelihood 46:3</p> <p>limited 53:8</p> <p>link 56:11 58:17</p> <p>list 11:17</p> <p>literally 10:4 12:4 15:12 55:10</p> <p>liti- 26:7</p> <p>litigate 25:18 29:4</p> <p>litigating 26:9 44:13</p> <p>litigation 27:16, 20,23 28:22 40:20, 21,24 41:1,9 43:9 50:20 52:3 53:11,21 54:2</p> <p>logically 35:11</p> <p>long 44:8</p> <p>looked 32:21 34:12</p> <p>lose 9:15</p> <p>lot 44:13 50:21</p> <p>lots 40:9</p> <p>Lynch 9:7</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>made 26:13 27:13,18 28:12 31:7 32:17 42:11 46:23 54:5</p> <p>Madison 46:19</p> <p>majority 8:16</p> <p>make 5:13 7:5</p>	<p>12:13 17:15 21:3 24:13 26:24 27:11 30:7 33:4 38:15 41:6,7 49:7 54:18 56:6</p> <p>making 24:10</p> <p>malice 17:16</p> <p>March 25:2,20 28:8 29:14 31:17 43:17 49:17 59:4</p> <p>matter 14:5 21:16 27:5 28:16 29:21 52:10,11,12</p> <p>mattered 43:19, 21 44:3</p> <p>maximum 35:16</p> <p>Mcdonald's 31:21 32:7,12,18 33:12</p> <p>meaning 45:20</p> <p>meant 52:24</p> <p>measure 19:11, 24 21:24</p> <p>measures 19:12</p> <p>Medical 61:2</p> <p>mentioned 19:5,6</p> <p>merit 13:22</p> <p>merits 25:24 26:12 40:12 45:22 47:19</p> <p>Merrill 9:6</p> <p>message 22:10 23:15,21 42:17,19</p> <p>Miller 5:10 35:24 39:2,9 52:4 59:8,13 60:2,5,7 61:14,17</p> <p>mind 25:13</p> <p>minute 23:13 24:20</p> <p>minutes 7:4</p> <p>misconduct 58:6,18</p>	<p>misfortune 8:7</p> <p>mistake 41:7</p> <p>mitigate 38:8</p> <p>moment 51:12</p> <p>mongering 55:7</p> <p>months 26:8,9 27:23 31:10 40:7 53:20</p> <p>moot 39:20,21 59:5</p> <p>mootness 15:14 50:9</p> <p>morning 5:9 7:11,12</p> <p>Morrison 61:1</p> <p>motion 6:13 8:2, 5,20,21 9:19,24 10:3 12:19,24 13:1 14:6,8,9,10,13 15:2, 8,14,15,17,21 18:18 19:9 21:17,19 23:19 24:3 25:15,23 26:17,22 27:2 30:7, 13,15,17 35:2 37:18 39:6,10,14,20 40:11 43:16 44:8,23 45:2, 5,8 49:22 51:1,2,13 56:21 57:9 58:11 59:3</p> <p>motions 25:7 39:11</p> <p>move 47:22</p> <p>moved 12:15 23:9 38:17 39:1 56:10</p> <p>moving 56:15</p> <p>multiple 28:15 58:15</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>nature 14:10,11 16:16,20 18:4,5 19:18 22:4,6,12 53:7</p>	<p>never-ending 8:4</p> <p>nominal 20:20</p> <p>non-</p> <p>disparagement 33:2</p> <p>nonsense 41:19</p> <p>nonsuit 12:16,19 13:4 15:16 23:9 38:17 39:1,6,9 57:10 58:12</p> <p>nonsuited 12:22</p> <p>normal 19:11,12</p> <p>not-so-brief 57:23</p> <p>noted 22:15</p> <p>noting 14:12</p> <p>notion 12:14 13:2,16 20:13 22:18 23:6 37:17</p> <p>number 10:10,20 12:20 13:1,12 15:11 45:1,6,7 51:8 56:12, 13</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>object 8:17 10:1, 24</p> <p>objected 56:19, 20</p> <p>objections 8:10 9:22 12:8 13:21</p> <p>obligated 38:14</p> <p>obstruct 20:4</p> <p>obtain 43:22 44:5 45:1</p> <p>obtained 41:11</p> <p>occurred 29:14 31:16 33:6,21 35:1 49:11</p> <p>occurrence 53:15</p>	<p>ongoing 14:8</p> <p>onslaught 41:18</p> <p>opponents 57:5</p> <p>opportunity 7:5 43:14</p> <p>oppose 56:21</p> <p>opposition 8:22</p> <p>oral 23:1</p> <p>order 8:5,21 27:24 45:4,7,9,21, 23 46:1,6 47:2 48:21 50:15 51:1,3 55:1,10,15 56:17 59:4,15,19 61:15</p> <p>orders 46:12,13, 21 47:1</p> <p>original 5:15 9:19 15:4,5 18:13 19:2,6 46:17</p> <p>originally 25:7</p> <p>outcome 21:20</p> <p>outrageous 42:16 49:3</p> <p>overlap 36:4 43:1</p> <p>overseeing 57:23</p> <p>overstated 35:12</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>paid 23:17</p> <p>paper 6:9 40:10</p> <p>papers 6:3 7:17 15:10 18:21</p> <p>parade 53:2,18</p> <p>paragraphs 46:6 53:2</p> <p>parenthetical 17:6</p> <p>part 21:8</p>
--	--	---	--	--

participate 55:3	plaintiffs' 5:20, 24 59:2	privilege 53:22 54:2	putting 11:16 16:8	recovery 17:7 18:2,20 35:22 36:5, 9 58:21
parties 5:1 27:17 28:20	played 41:11	proceed 27:14, 21	<hr/> Q <hr/>	refer 9:13 11:7
party 41:1	pleading 38:12, 13 39:15,16	proceeding 14:4 41:15	quality 32:18	reference 11:11, 14
past 8:9 41:17 47:13	pleadings 11:3, 4 22:17,22 39:24	proceedings 11:19 62:7	quantifiable 51:7	referred 31:22 41:19,20
patently 13:4 23:8 47:3	point 12:21 21:22 24:12 26:23 29:5 44:1 53:16 58:23	proof 24:15	quantify 53:13	referring 37:8
pejorative 54:22	pointed 10:11 58:11	proper 18:7 33:18	question 19:1 25:17 38:4 43:13	refers 41:24
penalty 23:17	points 7:20 9:23 37:2 56:7,8	properly 14:14 45:10 47:21	quote 12:3	reflect 59:19 61:16
pendency 45:3	portfolio 58:7	proposed 55:15	<hr/> R <hr/>	reflected 61:15
pending 29:1 52:18	position 14:19 31:20 46:20 51:5	proposition 16:14 33:13,15 38:10	raise 47:17	reinstated 45:17 47:19
penny 43:5	positions 22:23 23:4	propriety 8:4 15:13	raised 18:13 26:5	relate 9:11
people 13:4 42:11,22 47:12	possibility 21:21	provision 14:16	rates 34:17	related 9:20 10:17 11:2 12:6 14:14
percent 34:21,22 35:6,7	power 41:6 52:9	provisions 33:3	read 5:13,14 7:17 8:7 22:16 31:13 36:10 37:5	relates 8:19 11:11 12:23
period 40:24 53:8	powers 35:19	public 17:13	reality 54:24	relating 14:21
perjurious 32:14	Practice 57:19	punish 42:22	reason 27:11 32:5 40:17 47:6 50:24	relationship 48:14
perspective 43:21	predecessor 47:14	punitive 14:9 16:9,17,22 17:9,21 18:1,5 19:19,23 20:7,17 21:7,23 22:4,12 36:14	reasonable 26:18	relative 30:11
persuaded 58:8,21	prejudice 27:15 30:18,19 38:18 40:11,12 45:21 47:18 54:11,12 55:4 56:10,22 57:10 58:12	pure 29:6	reasoning 48:21	reliability 17:23
petition 5:15 6:11 7:18 8:11 10:9, 10 11:7 18:13 19:2 21:18 27:3 30:4,7 49:22 51:6 55:21 56:2 57:15 58:9,19	preparing 11:2	purely 36:12	reasons 29:17 31:8 49:13	relief 17:8
petitions 12:9 13:22	prerogative 58:7	purpose 20:3 41:8 44:15,16 57:23	recall 20:21	relying 10:7
phrase 45:17	presented 50:2	purposes 44:22 51:17	receive 27:20 42:4	remains 9:1
place 8:19 29:4 30:23	preserved 51:15,20	pursuant 56:22	recess 7:8	remedies 29:8
plain 53:4	presumed 21:1	pursue 25:23 29:8 30:4 31:9 49:12,22	recognize 26:15	remedy 22:5
plaintiff 5:6 6:17 24:8 28:14 44:4	pretty 8:11 40:18	pursuing 14:13 15:2	recollection 59:24	remember 40:13 45:23 53:19
plaintiff's 32:13	prevailed 9:17	purview 58:5	record 7:16 10:5, 7	repeatedly 40:1 47:7
plaintiffs 8:12 9:10 41:5 46:9 58:13 59:1	prior 61:15	put 43:12 50:14	recover 39:22	replead 38:15 40:5,6,9
			recoverable 9:15	reply 5:22
				reported 59:6
				represented 11:18

<p>request 11:22 18:11 19:9,18 57:18</p> <p>requested 18:17</p> <p>requesting 16:5</p> <p>res 27:21 54:15</p> <p>resolutions 33:7</p> <p>resolve 23:14</p> <p>respect 12:8 13:23 21:8 37:4 38:1,5</p> <p>respectfully 33:23 35:3</p> <p>respond 43:15</p> <p>respondents 6:11 7:14</p> <p>response 5:21, 24 6:2,11 14:24 16:24 44:20</p> <p>review 5:12 53:21,22</p> <p>reviewed 15:10</p> <p>rid 27:1 34:5</p> <p>ridiculous 13:5, 17 47:3</p> <p>ridiculousness 9:21 54:22</p> <p>right-hand 54:5</p> <p>Ritchie 5:2 11:18 40:20 41:18 43:7 52:20 57:24</p> <p>RMSG 5:8</p> <p>rock-solid 46:21</p> <p>room 13:5</p> <p>rule 7:24 16:6 20:6 25:14 32:7 45:4 56:23 57:16 58:5,8</p> <p>ruled 30:12,16 32:5 59:15</p> <p>rules 41:11,12 55:22 56:23</p>	<p>ruling 28:13 32:22 33:8 37:21 54:2,6,8</p> <p>run 13:14 54:8</p> <p>ruse 55:9</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>Sabo 59:17</p> <p>saga 8:4</p> <p>sanction 10:14 19:20 22:3 27:12 59:22,23 61:9,21</p> <p>sanctionable 9:8 14:5 28:6 29:11, 13 31:15 32:23 33:8 38:12,13 39:17 49:18</p> <p>sanctioned 60:22 61:7</p> <p>sanctions 7:23 8:6 9:11 13:1,24 14:1 15:18 18:22 21:18 24:16 27:2 29:6,10 30:4,7 35:9 36:16,19,21 43:5 49:22 56:1 59:15 61:11</p> <p>Sara 7:13</p> <p>sat 55:10</p> <p>seal 9:2</p> <p>Sean 5:5</p> <p>search 8:14</p> <p>Section 8:1 16:2 44:11 57:19 58:20</p> <p>seek 28:13</p> <p>seeking 16:2 20:6 23:2 43:5</p> <p>semi-public 17:13</p> <p>send 22:10 42:18</p> <p>sending 23:20</p> <p>sends 22:9</p>	<p>sense 6:13</p> <p>served 44:16</p> <p>service 32:18</p> <p>Services 61:3</p> <p>set 46:12</p> <p>short 58:3</p> <p>show 54:20</p> <p>shut 48:19</p> <p>side 20:1</p> <p>sides 38:4 44:13</p> <p>Siegall 7:12,13 56:5 61:20</p> <p>signature 55:16</p> <p>signed 61:6</p> <p>simple 24:14 48:15 49:5 50:1 53:4</p> <p>single 9:18 10:23 40:14 43:4 57:2</p> <p>sit 48:14</p> <p>sitting 50:20</p> <p>situation 28:14 58:13</p> <p>sort 6:12 8:3 9:21 22:18 38:6 47:11 50:18,21 53:17</p> <p>sought 58:17</p> <p>source 17:7</p> <p>sowing 58:3</p> <p>Speaking 8:24</p> <p>special 20:22 21:1</p> <p>specific 46:7</p> <p>specifically 14:23</p> <p>spend 30:10</p> <p>spent 10:2 14:12 30:9 44:12,13</p> <p>split 60:3,5,6</p>	<p>squarely 58:6</p> <p>St 25:2,21 29:15 31:16 37:5 46:17 51:14</p> <p>stand 16:14 33:14 38:10 46:21</p> <p>standard 17:22, 24 33:22,23 35:4,5, 8</p> <p>standards 32:18</p> <p>stands 33:13</p> <p>Star 34:14</p> <p>start 8:8 13:15</p> <p>started 15:14 24:9</p> <p>state 41:14</p> <p>statements 10:11 13:13 42:10</p> <p>states 45:4</p> <p>statute 16:15 18:10 35:23 43:23</p> <p>statutes 18:9</p> <p>statutory 14:16</p> <p>step 5:4 7:10 38:14 40:15</p> <p>Stephen 60:14</p> <p>Steve 20:23</p> <p>stop 28:10</p> <p>strategic 27:13, 18,24 28:12 29:8 31:8 47:5 48:20 49:13 52:3</p> <p>strategically 52:7</p> <p>strategy 26:24</p> <p>Strawn 10:5</p> <p>strict 24:17 28:3 29:7 30:1 33:22</p> <p>strictly 29:11</p> <p>stuff 26:6 31:9</p>	<p>subject 14:7 15:22</p> <p>submissions 19:3</p> <p>submitted 8:15 56:17</p> <p>subsequent 39:14 46:4</p> <p>subsequently 38:19</p> <p>substantive 6:16</p> <p>success 46:4</p> <p>sudden 55:7</p> <p>suggest 33:23 35:3,19</p> <p>suggested 21:20 35:16</p> <p>suggesting 24:10</p> <p>summed 8:11</p> <p>supplemental 5:17,23,24 11:7 14:24 15:6,19,22 19:3,7</p> <p>support 20:13</p> <p>supported 29:17</p> <p>supposed 29:10</p> <p>Supreme 56:23</p> <p>system 58:4</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>Tailor 52:21,24</p> <p>talk 24:20</p> <p>talked 49:18</p> <p>talking 23:11</p> <p>tangents 49:2 50:17</p> <p>team 43:9 51:10 54:14</p>
---	---	--	--	--

<p>technically 7:22 telling 40:23 tells 57:24 60:12 temperament 54:19 ten 34:3,4 tendered 21:12 terms 24:15 44:10 52:13 54:23 Thane 43:7 thing 9:18 13:15 23:7 24:24 40:2 42:1,4 things 19:12 23:11 24:21 40:6,9 45:19 55:19 thought 26:18 three-hour 11:15 throwing 50:21 ticky-tack 9:13 ties 52:2 time 10:2,23 11:6, 12,15 12:23 18:14 34:16 35:24 36:2 42:1,3,17 43:12 44:13 45:13 53:8 54:3,4 57:23 today 6:22 24:4 31:4 49:12 51:9,17 57:14 61:11 today's 6:4 59:19 told 10:8 25:13 40:6 56:19 top 22:16 30:8 31:18 43:11 52:15 total 9:15 12:5 15:1,23 56:1 touch 46:13,22 47:1 train 42:1 transcript 37:6, 16 53:23</p>	<p>transfer 25:11,16 37:14 transferred 9:20 26:7 transparent 40:19 tremendous 27:22 trial 53:1 Triune 34:13 35:5 TRO 25:5,9 26:4 27:4,6 29:18,20 31:6 34:3 35:23 43:17 44:9 45:3,9, 16 46:1 47:20,21 49:17 51:2 52:22 59:4 TROS 53:6 true 51:18</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>unbelievable 42:11 57:4 underscore 9:21 understand 21:22 30:1 understanding 36:6 understands 52:9 unleashed 50:19 unmarked 21:11 unnecessary 50:22 unpack 50:10 unrelated 10:16 11:1,9 29:8 unsealing 8:21, 24 untrue 23:8</p>	<p>unwind 52:7 upfront 40:22 urge 43:4</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vacate 14:8 15:21 21:19 24:3 43:16 59:3 valid 12:10 vast 8:16 veil 40:18 venue 37:9,13,20 versus 5:2 9:6 17:3 60:24 61:2 victim's 22:1 view 34:19 55:24 viewed 33:16 vigor 57:4 violated 33:2 vital 28:18 voluntarily 12:16 26:22 30:15 31:3 voluntary 40:11 57:10</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait 7:4 43:24 walked 22:24 wanted 24:22 25:11,15,23 27:14, 21 38:20 48:6 52:14 54:18,20 wanting 55:19 waste 53:13 Webb 5:7 7:7 24:5,7 28:10,19 30:14,20,23 31:2,24 32:2 36:24 37:1,8 40:4 44:18 48:1,2,6,</p>	<p>8,11 50:16 53:20 62:1,5 Webb's 52:2 weekend 14:22 15:11 36:11 weeks 36:8 48:2 Wheaton 41:23 46:18 Wieber 5:5 6:5, 15,21 7:1 18:23 24:6 48:4 50:7,8 57:12 willful 17:16 win 9:15 Winston 5:5,7 10:5 39:15 47:13 Winters 17:3 word 51:12 words 40:24 work 53:23 worked 34:15 world 53:7 worst 41:21 worth 8:13 wrap 22:18 wreck 42:1 writing 23:5 wrong 28:8</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>year 23:8 years 32:9 33:21 41:17,22 42:5 47:13 49:3 50:19</p>
---	--	--	--