

**EXHIBIT 20**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CENTRAL MANUFACTURING CO.,	)	Docket No. 05 C 725
a Delaware corporation, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	October 13, 2005
	)	11:00 o'clock a.m.
PURE FISHING, INC., an	)	Chicago, Illinois
Iowa corporation d/b/a	)	
BERKLEY, et al.,	)	
	)	
Defendants.	)	
	)	

TRANSCRIPT OF PROCEEDINGS - MOTION  
BEFORE THE HON. GEORGE W. LINDBERG

APPEARANCES:

For the Plaintiffs:      QUERREY & HARROW  
 BY: MR. ROBERT R. BENJAMIN  
      MS. BEVERLY ANNE BERNEMAN  
      MR. JOHN M. BROM  
 175 West Jackson Boulevard  
 Suite 1600  
 Chicago, Illinois 60604

MR. PETER WOOD  
 111 West Washington Street  
 Chicago, Illinois 60602

For the Defendants:      BANNER & WITCOFF, LTD.  
 BY: TIMOTHY C. MEECE  
 10 South Wacker Drive  
 Suite 3000  
 Chicago, Illinois 60606

ROYLANCE ABRAMS BERDO &  
 GOODMAN, LLP  
 BY: MR. LANCE G. JOHNSON  
 1300 19th Street NW  
 Washington, DC 20036

1 APPREARANCES: (continued)

2 ALSO PRESENT: MR. LEO STOLLER

3  
4 Court Reporter: MARY M. HACKER  
5 219 South Dearborn Street  
6 Room 1426  
Chicago, Illinois 60604  
(312) 435-5564  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 THE CLERK: 05 C 725, Central Manufacturing versus  
2 Pure Fishing.

3 MR. BENJAMIN: Good morning, Judge. Robert Benjamin,  
4 Beverly Berneman and John M. Brom for the firm, and it's our  
5 motion that is brought today.

6 MR. MEECE: Good morning, your Honor. Timothy Meece  
7 on behalf of defendants Pure Fishing.

8 MR. JOHNSON: Lance Johnson on behalf of Pure Fishing  
9 and counterclaim plaintiffs.

10 MR. STOLLER: Leo Stoller, your Honor,  
11 counter-defendant.

12 MR. WOOD: Peter Wood for plaintiff.

13 THE COURT: Sandra, did we issue minute orders in  
14 this case?

15 THE CLERK: Yes, we did, Judge.

16 MR. MEECE: Your Honor, just for clarity, there is  
17 one other pending motion before your Honor today; that's the  
18 motion for sanctions.

19 THE COURT: Okay. Now, let's take the motion for  
20 leave to withdraw as co-counsel. Let's see. Who wants to get  
21 out, Querrey & Harrow?

22 MR. BENJAMIN: That is correct, Judge, Benjamin,  
23 Berneman & Brom.

24 THE COURT: Okay. Without objection --

25 MR. STOLLER: Your Honor, if I may, I object to

1 allowing Querrey & Harrow out of the case because --

2 THE COURT: Who are you again?

3 MR. STOLLER: Leo Stoller, your Honor. I'm the  
4 counter-defendant and they represent me, and I object to  
5 allowing Querrey & Harrow out because they have handled this  
6 case 100 percent since the inception. They are the most  
7 qualified parties because it involves not only trademark  
8 issues but it involves bankruptcy issues.

9 And I have attempted to locate other counsel. We're  
10 three weeks away from having to file a motion for summary  
11 judgment in the case and it's absolutely impossible for me to  
12 find another attorney that will get involved in the case.

13 Mr. Peter Wood, who was involved initially, has had  
14 no input into the case since Benjamin, Berneman & Brom took  
15 over the case, and a substantial amount of funds of mine have  
16 been expended to this firm.

17 You have ordered us sua sponte to file a motion for  
18 summary judgment within about 21 days and the case would be  
19 over, and it's virtually impossible -- I have interviewed at  
20 least 20 lawyers; I got on the phone when they requested that  
21 they wanted to leave, and nobody is willing to step into their  
22 shoes. And they are familiar with the issues in the case.

23 And the unique thing about this particular firm, not  
24 only does it involve trademark issues, but it involves  
25 bankruptcy issues because the defendants purchased a \$150,000

1 fee award judgment and they're -- for one dollar, and they're  
2 now assessing it against me on the counterclaim, and the  
3 defendants are demanding that I turn over my trademarks and  
4 hundreds of thousands of dollars in fees to them and put me  
5 out of business.

6 And, basically, there is no other law firm that I  
7 have been able to find that is as capable as this firm is to  
8 handle the case. And there's only three weeks left in the  
9 case in the sense that you have ordered motions for summary  
10 judgment to be granted -- to be issued. So we filed our  
11 motions for summary judgment, and I believe the case will be  
12 resolved on motion for summary judgment. And, therefore, my  
13 rights would be severely prejudiced if you allow Querrey &  
14 Harrow out at this time.

15 THE COURT: Who is Mr. Wood?

16 MR. WOOD: Right here, your Honor.

17 THE COURT: Okay. Well, let me hear from you.

18 MR. WOOD: Your Honor, when we first filed the suit I  
19 was involved with my client. Then we came to the first court  
20 hearing when the Court established a schedule of things that  
21 were to be done. Immediately after that Mr. Stoller said that  
22 he was going to seek other representation and that they were  
23 going to take the lead. I haven't done anything with this  
24 case since that date.

25 I was notified that they came into the case, I

1 received some pleadings, but I have not been active in the  
2 case since then.

3 THE COURT: Okay. But you don't intend to withdraw?

4 MR. WOOD: Your Honor, I have to talk to Mr. Stoller  
5 about that.

6 THE COURT: Okay. At least you haven't filed a  
7 motion to?

8 MR. WOOD: I have not, your Honor.

9 THE COURT: Well, let's pass that for a moment and  
10 let me discuss the agreed motion to dismiss. Is that correct,  
11 Lindy-Little Joe has apparently agreed to dismiss the case as  
12 to --

13 MR. JOHNSON: Yes, your Honor, as to all defendants  
14 and all counterclaims by -- against Lindy-Little Joe as  
15 counterclaim defendant have also been dismissed. We have  
16 reached a settlement.

17 MR. BENJAMIN: And that was with Lindy-Little Joe's  
18 counsel in Minnesota, I believe?

19 MR. JOHNSON: Correct, their regular outside IP  
20 counsel. And they are signed by Mr. Tagasaki (phonetic) as  
21 president of --

22 THE COURT: Now, did you receive a minute order on  
23 that?

24 MR. JOHNSON: Yes, we did, your Honor. As far as we  
25 understand it, Lindy-Little Joe is now out of the case

1 altogether.

2 THE COURT: Okay.

3 MR. JOHNSON: I also understand, your Honor, in view  
4 of the prior order dismissing the complaint without prejudice,  
5 there are no longer any allegations in the complaint that  
6 remain in this case and it's merely the counterclaims made by  
7 my clients and the counterclaim defendants who remain.

8 MS. BERNEMAN: Judge, as of this morning we filed a  
9 motion for leave to file an amended complaint. There was an  
10 order denying our first motion. We brought a second motion,  
11 and we believe that the new complaint will address not only  
12 the issues raised in your order but also takes out  
13 Lindy-Little Joe as a plaintiff.

14 THE COURT: You represent who?

15 MR. BENJAMIN: We are co-counsel for plaintiff,  
16 Judge.

17 THE COURT: Central?

18 MR. BENJAMIN: Yes.

19 MS. BERNEMAN: Central, yes.

20 MR. BENJAMIN: And, Judge, may I be heard on response  
21 to Mr. Stoller's comments?

22 THE COURT: Sure, go ahead.

23 MR. BENJAMIN: First of all, the dates he mentioned  
24 are off. First, you have given us until mid-November to file  
25 motions for summary judgment. The trial is not set in this



1 case until February. We understand that's a firm date, but  
2 it's still far enough along that he can bring in additional  
3 counsel in addition to Mr. Wood, if he so chooses.

4 But we have other issues, as we have set forth in our  
5 reply in support of our motion. We believe our continued  
6 representation will violate the Professional Code of  
7 Responsibility and we just cannot stay with that matter.

8 And, as we point out in there, we have a contract  
9 with Mr. Stoller and the plaintiffs and he's violating that  
10 contract. The contract provides -- permits us to withdraw.

11 MR. STOLLER: Your Honor, if I may say, I've spent  
12 over 20,000 with this firm to date. I've not refused to  
13 continue to pay them at all. I am, unfortunately, in the  
14 process -- my wife filed divorce against me during this  
15 litigation, and this has affected my particular situation as  
16 of this date.

17 There are no disagreements with this particular firm  
18 as to how they are running the case, which was their essential  
19 argument in their original brief. They came back in a reply  
20 brief and they raised separate issues.

21 And furthermore, this firm represents me in another  
22 case before Judge Hart with Columbia Pictures, who sued me,  
23 and they are not moving to withdraw from that case.

24 And fourthly, even though trial is set for later, the  
25 issues in this case are so clearly drawn that more than likely

1 you will resolve the matter on our motions that will be filed  
2 for summary judgment in three weeks.

3           And it is absolutely impossible, because of the  
4 complex issues in this case which deal with trademark  
5 infringement issues, with a counterclaim that requires  
6 bankruptcy lawyers -- Mr. Wood is not a bankruptcy lawyer, he  
7 doesn't know anything about the bankruptcy issues. And the  
8 bankruptcy issues in this case involve the discharge -- not  
9 the discharge, but a debt that was acquired in this Court as a  
10 fee award, that I filed a Chapter 7 on a bankruptcy in  
11 Delaware, and then the defendants' counsel went out for one  
12 dollar and purchased that fee award and they are assessing it  
13 against me in a counterclaim. And for that one dollar fee  
14 award that they purchased, they are asking me to pay them  
15 150,000 and turn over all my trademarks.

16           Now, I stand at the precipice of losing a business  
17 that I've been involved in for 31 years without having proper  
18 representation. And in this town, as you know, I'm well known  
19 and I have interviewed 19 law firms prior to hiring Benjamin,  
20 Berneman, and once they decided they may want to get out, I  
21 called another 20. Nobody would step into their shoes at this  
22 late stage. We really only have until the motion for summary  
23 judgment is filed.

24           There won't be any trial in this case, your Honor,  
25 because of the issues that will be satisfied in the motion for

1 summary judgment.

2 I'm merely asking the Court not to allow them out and  
3 not to have my rights irreversibly prejudiced by allowing them  
4 out. And I don't disagree with the way they are handling the  
5 case, and I have the highest respect for Beverly Berneman and  
6 Bob Benjamin.

7 MR. BENJAMIN: Three quick comments, Judge.

8 First of all, I met Mr. Wood today for the first time  
9 and we kibitzed about the fact that we both do bankruptcy  
10 work. He does do bankruptcy, and I assume he has been  
11 certified electronically for bankruptcy filings. So that's  
12 one issue.

13 Yes, we did receive 20,000 in fees. We believe it  
14 will be 250,000, 500,000, to go to trial on this case, so it's  
15 a nominal amount that has been paid thus far.

16 And after yesterday's deposition of Mr. Stoller's  
17 wife, there are new issues that have been raised that just  
18 really -- raises the issue of professional responsibility that  
19 we just cannot stay in the case any longer.

20 THE COURT: So that deposition went forward?

21 MR. BENJAMIN: It went forward, Judge. Our motion --  
22 emergency motion for sanctions, I understand -- or, pardon me,  
23 emergency motion to stay that deposition, I believe, is on  
24 this morning's call?

25 MR. JOHNSON: It was denied as moot.

1 MR. BENJAMIN: It was denied, pardon me, as moot.  
2 Right.

3 THE COURT: Just hold on for a minute.

4 (Brief pause.)

5 THE COURT: So with regard to counterclaim 4, that's  
6 fully briefed?

7 MR. JOHNSON: Yes, your Honor. It's pending before  
8 you, slated for a decision by October 28th.

9 THE COURT: Yes. And let me ask about whether or not  
10 1, 2 and 3 could be moot because the plaintiffs' complaint has  
11 been dismissed?

12 MR. JOHNSON: It was dismissed without prejudice,  
13 your Honor, so it -- and as you have identified, they have  
14 attempted to refile it. So we believe the issue --

15 THE COURT: Is that the second amended complaint  
16 you're talking about?

17 MS. BERNEMAN: Yes.

18 MR. JOHNSON: We believe the issues of infringement  
19 and validity should go forward on a declaratory judgment  
20 basis.

21 THE COURT: How about the defendants' motion to  
22 compel? I don't recall whether you addressed that or not,  
23 whether or not it's still necessary.

24 MR. JOHNSON: Well, your Honor, yes, it will. As a  
25 matter of fact, yesterday we -- or Monday we received

1 supplemental responses to the outstanding issues on the  
2 written discovery. Those were inadequate in several respects.  
3 And I would be happy to hand up a copy of the privilege  
4 document log that was produced that we believe to be  
5 inadequate.

6           Moreover, the documents that were scheduled and  
7 ordered to be produced over the weekend of September 30th to  
8 October 2nd were not produced. The categories of documents  
9 that were not produced were identified in my motion, your  
10 Honor. Many of those are key issues associated with the  
11 trademark case, including any evidence of likelihood of  
12 confusion, damages, channels of trade, marketing, demographics  
13 and profiles of the average angler.

14           In addition, your Honor, we have not received the tax  
15 records and financial records that were requested in our  
16 discovery requests. So all of the issues we previously raised  
17 are still outstanding, your Honor.

18           MR. BENJAMIN: Judge, it's our position, and  
19 Mr. Stoller has advised us that he's produced all the  
20 documents he has. He, unfortunately, has not been able to  
21 produce his own Social Security number or the tax ID numbers  
22 of the various corporations involved here. He needs  
23 additional time for that.

24           MR. STOLLER: But I have produced over 20,000  
25 documents to the defendants, your Honor, and I have produced

1 all of the documents in my possession that I have that I could  
2 locate that are responsive to their request. I have no other  
3 documents that I can locate that are responsive.

4 They have 20,000 documents. They were returned to my  
5 office yesterday by their copy service and they verified the  
6 count. And they received documents responsive that came from  
7 my licensee, Lindy-Little, showing the sales of fishing  
8 equipment for over seven years. They received samples, they  
9 received Lindy-Little's evidence.

10 And in this case, your Honor, I'm relying on the  
11 evidence that is being produced by my licensee, who's been  
12 selling fishing equipment for many years and Stealth branded  
13 equipment for seven to eight years. So their motion to compel  
14 those documents which I do not have should be denied.

15 THE COURT: Let me ask -- you may have answered this  
16 but I missed it -- did the plaintiffs ever execute the  
17 disputed tax authorization forms?

18 MR. BENJAMIN: We don't have Mr. Stoller's Social  
19 Security number, Judge. He doesn't have it.

20 MR. STOLLER: Your Honor, I've been removed from my  
21 primary house where I live because of my divorce, and I don't  
22 have any access to my home office because there's an order of  
23 protection against me.

24 I did inform my counsel that I am attempting to  
25 locate the tax ID numbers, and I have applied for a new Social

1 Security card and I will provide that information to them.  
2 I'm not refusing to provide that information; I just don't  
3 have access to it.

4 THE COURT: Do you have a driver's license?

5 MR. STOLLER: Yes, I do, but it's not on the driver's  
6 license. You know, there's a rule for the driver's license --  
7 you know, the Secretary of State --

8 THE COURT: Yes, I guess that's right.

9 MR. STOLLER: -- doesn't want Social Security numbers  
10 on the driver's license.

11 MR. JOHNSON: Your Honor, may I speak to those  
12 issues?

13 THE COURT: Yes.

14 MR. JOHNSON: First, if it's a matter of getting Mr.  
15 Stoller's Social Security number, I can provide that to him.  
16 I have that.

17 Second, as to the number and amount of documents that  
18 were produced, we received roughly 16 boxes of documents at a  
19 conference room out in Rosemont. Many of those were from the  
20 '80s. There were some responsive documents, yes.

21 I did speak with counsel who had gone through a  
22 document discovery with Mr. Stoller previously and it was  
23 reported to me that they were -- roughly 50 to 60 boxes of  
24 documents were produced.

25 And in view of the complaints lodged in this Court

1 previously about the scope of volume, I anticipated somewhere  
2 on the order of 70 to 80 boxes of documents be produced. I  
3 didn't get those.

4 Also, in conversations with counsel for Lindy-Little  
5 Joe, I asked them why we only got samples of catalogs and  
6 royalty reports from them; where were the rest of the  
7 documents? I was informed by Mr. Thomas Vitt, a partner of  
8 the firm of Dorsey & Whitney, who represents Lindy-Little Joe,  
9 that in fact Mr. Tagasaki assembled the documents requested  
10 and was instructed by Mr. Stoller not to forward those for  
11 production to us. He has made those documents available to me  
12 for inspection and review in Minnesota at my leisure.

13 MR. STOLLER: Your Honor, for the record, I did not  
14 instruct Lindy-Little not to produce any documents. They sent  
15 me documents which they said were responsive to their  
16 requests. I put them -- they were in a box and I handed those  
17 over to these people. I have never instructed them not to  
18 produce any documents.

19 It's only in my best interest that my fishing  
20 licensee produce whatever documents they have in their  
21 possession that are responsive to their request because this  
22 whole case is based upon Lindy-Little's use of the mark  
23 Stealth Hunter Fishing Equipment.

24 MR. BENJAMIN: Back on our motion to withdraw, Judge,  
25 you're seeing today examples of uncooperativeness from the



1 client.

2 THE COURT: Okay. Give me a few minutes on this one.

3 Let me have you folks stand aside for a few minutes  
4 and let's --

5 MR. JOHNSON: Would your Honor like a copy of the  
6 privilege document log that we received in the supplemental  
7 response?

8 THE COURT: We'll take that. Fine.

9 (Document tendered.)

10 MR. JOHNSON: Thank you, your Honor.

11 (Brief recess was taken.)

12 THE CLERK: 05 C 725, Central Manufacturing versus  
13 Pure Fishing.

14 MR. BENJAMIN: Good morning again, Judge. Robert  
15 Benjamin, Beverly Berneman and John Brom --

16 THE COURT: I don't think you have to go through your  
17 introductions again. We'll just resume the hearing.

18 The Court is going to grant the motion to withdraw of  
19 the attorneys for Querrey & Harrow.

20 Let me ask, Mr. Wood, you're still on the case as far  
21 as the Court's records are concerned. It's my intention to  
22 give -- in light of the motion being granted with regard to  
23 Querrey & Harrow, it would be the intention of the Court to  
24 give some additional time now to either get supplemental  
25 counsel or --

1 MR. WOOD: Thank you, your Honor.

2 THE COURT: -- or new counsel, as the case may be,  
3 but it's not going to be a vacation by any means. I'm going  
4 to limit it to two weeks.

5 So you're going to have to make a decision with  
6 regard to -- between Mr. Wood, your present counsel, as to  
7 what you intend to do. But we are going to move forward and  
8 try to -- well, we're going to maintain the schedule, the  
9 ultimate schedule for trial, whatever it is.

10 MR. JOHNSON: February 9th, I believe, your Honor.

11 THE COURT: Yes. So we will be going to trial on the  
12 9th.

13 So two weeks, Sandra, is what, the 27th?

14 THE CLERK: Yes, the 27th.

15 THE COURT: Thursday, the 27th.

16 And, Mr. Stoller, you're well aware that you have to  
17 be -- corporations have to be represented by counsel, not by  
18 individuals.

19 MR. STOLLER: Yes, sir.

20 THE COURT: Of course, you're entitled to represent  
21 yourself as counter-defendant, presumably, since you're being  
22 sued as a -- the counterclaim is against you as an individual.

23 MR. STOLLER: Could we have an orderly turn-over from  
24 Querrey & Harrow to Mr. Wood of all the discovery? I don't  
25 have --

1 THE COURT: I presume there's no problem with that.

2 MR. BENJAMIN: If the Court orders us, we'll do that,  
3 Judge. We do have a lien on the substantial amount of time we  
4 have spent in the case already, but to not stop this case,  
5 we'll, of course, turn over --

6 THE COURT: All right. Well, that will be the order  
7 of the Court.

8 MR. BENJAMIN: All right, Judge.

9 THE COURT: And we will see you back here as we  
10 indicated, October 27th at 9:30, with new counsel, or Mr. Wood  
11 and/or new counsel.

12 MR. WOOD: Your Honor, could we make that the 26th of  
13 October rather than the 27th?

14 THE COURT: No, because you would be here by  
15 yourself. I'm only here on the 27th.

16 MR. WOOD: I see.

17 THE COURT: What time is your engagement?

18 MR. WOOD: It's all day, Judge. I'm a hearing  
19 officer for the state and I work from 8:30 until 4:30 in the  
20 evening.

21 THE COURT: Could you do it 9:00 o'clock here?

22 MR. WOOD: Yes, Judge.

23 THE COURT: Would that help?

24 MR. WOOD: Yes.

25 THE COURT: Set it for 9:00, Sandra.

1 Okay. I think that's all we are going to do at this  
2 time. But, Mr. Stoller, I have to tell you, I'm somewhat  
3 suspicious on the Social Security number. I think that ought  
4 to be available.

5 MR. STOLLER: He said he had it and I will get it  
6 from him.

7 THE COURT: So if you will turn over what you have.

8 MR. JOHNSON: I will provide that, your Honor.

9 THE COURT: That's all we will do now.

10 MR. BENJAMIN: Thank you, your Honor.

11 MR. JOHNSON: Thank you, your Honor.

12 MR. MEECE: Your Honor, just one quick question.

13 With respect to the motion to compel and motion for  
14 sanctions, are you just going to continue that until the --

15 THE COURT: Yes, we will enter and continue that, and  
16 we will work on that once counsel has been arranged.

17 MR. BENJAMIN: All right. Thank you, your Honor.

18 MR. MEECE: Thank you, your Honor.

19 MR. STOLLER: Thank you, your Honor.

20 THE COURT: Okay.

21 (Which were all the proceedings had at the hearing of the  
22 within cause on the day and date hereof.)  
23  
24  
25

CERTIFICATE

I HEREBY CERTIFY that the foregoing is a true, correct and complete transcript of the proceedings had at the hearing of the aforementioned cause on the day and date hereof.

*Marye Hacker*

Official Court Reporter  
U.S. District Court  
Northern District of Illinois  
Eastern Division

11-14-05  
Date

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25