

WR

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

GOOGLE, INC.
Plaintiff,
vs.
CENTRAL MFG. INC. a/k/a
CENTRAL MFG. CO., a/k/a
CENTRAL MFG. CO.(INC).,
a/k/a CENTRAL MANUFACTURING
COMPANY, INC. and a/k/a
CENTRAL MFG. CO. OF ILLINOIS;
and STEALTH INDUSTRIES, INC.
a/k/a RENTAMARK and a/k/a
RENTAMARK.COM,
Defendants.

Case No: 07-cv-385
Judge Kendall
Magistrate Judge Cole

FILED
FEB 15 2007 NF

NOTICE OF FILING

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

TO: Michael T. Zeller
Quinn, Emanuel, Urquhart,
Oliver & Hedges, LLP.
865 S. Figueroa Street, 10th Floor
Los Angeles, California 90017

William J. Barrett
Barack, Ferrazzano, Kirschbaum,
Perlman & Nagelberg, LLP.
333 W. Wacker Drive, Suite 2700
Chicago, Illinois 60606

PLEASE TAKE NOTICE that on the 15th day of February, 2007, there was filed
with the Clerk of the United States District Court for the Northern District of Illinois, Eastern
Division, Notice of Filing Supplemental Authority, a copy of which is attached hereto.

I certify that I served this Notice mailing a copy to each person to whom it is directed
at the address above indicated by depositing it in the U.S. Mail on this 15th day of
February, 2007, with proper postage prepaid.

Leo Stoller, pro se
7115 W. North Avenue
Oak Park, Illinois 60302
(773) 551-4827
Email: ldms4@hotmail.com

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

GOOGLE, INC.)
)
 Plaintiff,)
)
 vs.)
)
 CENTRAL MFG. INC. a/k/a)
 CENTRAL MFG. CO., a/k/a)
 CENTRAL MFG. CO.(INC).,)
 a/k/a CENTRAL MANUFACTURING)
 COMPANY, INC. and a/k/a)
 CENTRAL MFG. CO. OF ILLINOIS;)
 and STEALTH INDUSTRIES, INC.)
 a/k/a RENTAMARK and a/k/a)
 RENTAMARK.COM,)
)
 Defendants.)

Case No: 07-cv-385

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NOTICE OF FILING SUPPLEMENTAL AUTHORITY

NOW COMES Leo Stoller and moves to submit this Supplemental Authority in support of Leo Stoller's Motion to Intervene.

Google, Inc. has pled before Judge Jack B. Schmetterer in Leo Stoller's Chapter 7 bankruptcy proceeding, Case No. 05 B 64075, that Leo Stoller is a necessary party in the civil RICO action in order to convince Judge Schmetterer to lift the automatic stay. See attached true and correct copy of Google, Inc.'s Motion For Order Declaring Proposed Suit To Be Outside Scope of Stay Or, In The Alternative, Modifying Stay.

In Google Inc.'s said motion, paragraph 1, states:

"Google, Inc. ("Google") respectfully requests that the Court declare that its anticipated lawsuit (the "Proposed Action") against Leo Stoller ("Stoller" or "Debtor"), Central Mfg. Inc. ("Central Mfg.") and Stealth Industries, Inc. ("Stealth") is outside the scope of the automatic stay under Section 362(d) of the United States Bankruptcy Code (11 U.S.C. §362(d)), or, in the alternative, that the Court modify the stay for cause to allow Google to proceed with its Proposed Action. In support of its requested relief, Google States and alleges as follows."

Google, Inc., having persuaded Judge Schmetterer to lift the automatic stay in Leo Stoller's bankruptcy, in order for Google, Inc. to sue Leo Stoller, Central Mfg. Inc. and Stealth Industries, Inc. for alleged civil RICO violations, cannot now take a contrary tact here without running afoul of the doctrine of judicial estoppel. *Johnson v. ExxonMobil Corp.*, 426 F.3d 887, 891 (7th Cir. 2005). The doctrine of judicial estoppel prevents a party from adopting a position in a legal proceeding contrary to a position successfully argued in an earlier proceeding. See also *Shannon-Stokes v. Potter*, -- F.3d --, 2006 WL 1816010, at *1-2 (7th Cir. July 5, 2006) (applying judicial estoppel to bar inconsistent claim).




Leo Stoller, *pro se*
7115 W. North Avenue #272
Oak Park, Illinois 60302
312/ 545-4554
Email: ldms4@hotmail.com

Date: February 14, 2007

Certificate of Mailing

I hereby certify that this motion is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Clerk of the Court
United States District Court
219 S. Dearborn
Chicago, Illinois 60607



Leo Stoller

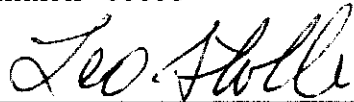
Date: 2-15-07

Certificate of Service

I hereby certify that the foregoing is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Michael T. Zeller
Quinn, Emanuel, Urquhart,
Oliver & Hedges, LLP.
865 S. Figueroa Street, 10th Floor
Los Angeles, California 90017

William J. Barrett
Barack, Ferrazzano, Kirschbaum,
Perlman & Nagelberg, LLP.
333 W. Wacker Drive, Suite 2700
Chicago, Illinois 60606



Leo Stoller

Date: 2-15-07

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

In re:	)	Case No. 05 B 64075
	)	Chapter 13
LEO STOLLER,)	
Debtor.	)	Hon. Jack B. Schmetterer
	)	Presentment Date: August 23, 2006
	)	Presentment Time: 9:30 a.m.

**MOTION OF GOOGLE INC. FOR ORDER DECLARING PROPOSED SUIT
TO BE OUTSIDE SCOPE OF STAY OR, IN THE ALTERNATIVE, MODIFYING STAY**

Google Inc. ("Google") respectfully requests that the Court declare that its anticipated lawsuit (the "Proposed Action") against Leo Stoller ("Stoller" or "Debtor"), Central Mfg. Inc. ("Central Mfg.") and Stealth Industries, Inc. ("Stealth") is outside the scope of the automatic stay under Section 362(d) of the United States Bankruptcy Code (11 U.S.C. § 362(d)) or, in the alternative, that the Court modify the stay for cause to allow Google to proceed with its Proposed Action. In support of its requested relief, Google states and alleges as follows.

Preliminary Statement

1. As explained in Google's Complaint for the Proposed Action,¹ Debtor, Central Mfg. and Stealth are engaged in a pattern of illegal conduct that targets Google. Google has no alternative but to file suit to put a stop to it. Among other things, Debtor, Central Mfg. and Stealth have been fraudulently holding themselves out as variously named "Google" entities, including through the use of fabricated commercial documents such as company letterhead. They also continue to falsely claim in advertising materials that they own rights to, and offer for license to third parties, the GOOGLE mark and falsely assert that they indeed have even cancelled Google's federal trademark registration for the GOOGLE mark. This is despite the fact that not only have Google's federal registrations for GOOGLE not been cancelled, but the Trademark Trial and Appeal Board ("TTAB") has found Debtor's and his companies' claims of ownership to the GOOGLE mark to be wholly groundless and to have been made for the

¹ A copy of the Complaint for the Proposed Action (the "Complaint") is attached as Exhibit 1 to the Declaration of Michael T. Zeller, dated August 17, 2006 and filed concurrently herewith ("Zeller Dec.").

disclosures, Debtor should not now be heard to argue that his bankruptcy case should shield him from Google's Proposed Action.¹⁴

Waiver of Rule 4001(a)(3)

31. Google requests that any Order granting relief provide for a waiver of the 10-day period set forth in Bankruptcy Rule 4001(a)(3).

Prayer for Relief

WHEREFORE, Google respectfully requests that the Court enter an order declaring that Google's Proposed Action is not subject to the automatic stay or, in the alternative, modifying any such stay to allow Google to file and proceed with the Proposed Action.

Respectfully submitted,
GOOGLE INC.

DATED: August 18, 2006

By /s/ William J. Barrett
William J. Barrett (ARDC No. 6206424)
BARACK, FERRAZZANO, KIRSCHBAUM,
PERLMAN & NAGELBERG, LLP
333 West Wacker Drive, Suite 2700
Chicago, Illinois 60606
(312) 629 5170

Michael T. Zeller (ARDC No. 6226433)
QUINN EMANUEL URQUHART OLIVER
& HEDGES, LLP
865 South Figueroa Street, Tenth Floor
Los Angeles, California 90017
(213) 443 3000

Attorneys for Google Inc.

¹⁴ To avoid any argument by Debtor that a granting of the Motion to Convert by the Court would render Google's claims pre-petition and thus subject to the automatic stay, Google respectfully requests that the Court grant Google's motion before entering an order granting the Motion to Convert.

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

in re:	)	Case No. 05 B 64075
	)	Chapter 13
LEO STOLLER,)	
	)	Hon. Jack B. Schmetterer
Debtor.)	
	)	Presentment Date: August 23, 2006
	)	Presentment Time: 9:30 a.m.

**DECLARATION OF MICHAEL T. ZELLER IN SUPPORT OF MOTION OF
GOOGLE INC. FOR ORDER DECLARING PROPOSED SUIT
TO BE OUTSIDE SCOPE OF STAY OR, IN THE ALTERNATIVE, MODIFYING STAY**

I, Michael T. Zeller, do hereby declare and state as follows:

1. I am a member of the State Bars of Illinois, New York and California and am counsel for Google Inc. I have personal knowledge of the facts stated herein and, if sworn as a witness, could and would testify competently thereto.
2. A true and correct copy of the Complaint for the Proposed Action and its accompanying exhibits are attached hereto as Exhibit 1.
3. A true and correct copy of Counter-Defendants' Response in Opposition to Counter-Plaintiffs' Brief Captioned as "Response to December 20, 2005 Order" is attached hereto as Exhibit 2.
4. A true and correct copy of the February 2, 2003 Order in *Central Mfg. Co. v. Pure Fishing, Inc.*, No. 05 C 725 (N.D. Ill) (Lindenberg, J.) is attached hereto as Exhibit 3.
5. A true and correct copy of the September 30, 2005 Order in *Central Mfg. Co. v. Pure Fishing, Inc.*, No. 04 C 3049 (N.D. Ill) (Coar, J.) is attached hereto as Exhibit 4.
6. A true and correct copy of the November 16, 2005 Order in *Central Mfg. Co. v. Pure Fishing, Inc.*, No. 05 C 725 (N.D. Ill) (Lindenberg, J.) is attached hereto as Exhibit 5.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 17th day of August, 2006, at Los Angeles, California.



Michael T. Zeller