

AE

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

FILED

FEB 22 2007 10 FEB 22 2007 MICHAEL W. DOBBINS CLERK, U.S. DISTRICT COURT

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

NOTICE OF FILING

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

Richard M. Fogel, Trustee
Janice A. Alwin
Shaw, Gussis, Fishman, Glantz,
Wolfson & Towbin LLC.
321 N. Clark Street, Suite 800
Chicago, Illinois 60610

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

PLEASE TAKE NOTICE that on the 22nd day of February, 2007, there was filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, Reply to Trustee's Omnibus Response, 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 22nd day of February, 2007, with proper postage prepaid.

Leo Stoller

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

AE

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

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MICHAEL W. DOBBINS  
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CENTRAL MFG. INC. a/k/a )  
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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  
Hon. Virginia M. Kendall  
Magistrate Judge Cole

**REPLY TO TRUSTEE'S OMNIBUS RESPONSE IN OPPOSITION  
TO MOTIONS OF DEBTOR LEO STOLLER TO: (I) INTERVENE;  
(II) INTERPLEAD; (III) SUSPEND PROCEEDING FOR SIXTY DAYS  
TO RETAIN COUNSEL FOR DEFENDANTS; (IV) SUSPEND PENDING  
APPEAL TO LIFT AUTOMATIC STAY FOR GOOGLE TO SUE THE DEBTOR;  
AND (V) SUSPEND PENDING TRADEMARK TRIAL AND APPEAL BOARD'S  
DECISION FOR DEFENDANTS' MOTION FOR SUMMARY JUDGMENT  
AND JOINDER OF RESPONSES BY GOOGLE, INC.**

NOW COMES Leo Stoller in reply to the Trustee's response, and states as follows:

The Trustee's response is totally without any merit whatsoever.

**Background**

1. On December 20, 2005, Leo Stoller, the Debtor, filed a voluntary Chapter 13 bankruptcy case under the United States Bankruptcy Code. The Debtor was deluged with a half a dozen Federal District Court cases and was seeking a stay of those cases, and a breather from an extensive amount of trademark litigation.

2. The Debtor's Chapter 13 plan called for the Debtor to make monthly payments of \$690.00 into the plan.

3. The Debtor made those payments notwithstanding the Court converting Debtor's Chapter 13 to a Chapter 7 on September 1, 2006. At that particular time, the Debtor had claims in his estate of approximately \$65,000 (Sixty-Five Thousand Dollars).

4. Richard Fogel, Trustee, was appointed to administer the Debtor's estate on or about September 5, 2006. The first creditor's meeting was scheduled October 12, 2006. In a conversation with Mr. Golding, Leo Stoller's former attorney, Mr. Fogel indicated that he wanted Julia Bishop's (Leo Stoller's daughter's home) to become part of the bankruptcy. Mr. Fogel told Mr. Golding at that time, when Julia Bishop did not turn over her real estate to the Trustee, that Mr. Fogel would seek to have Leo Stoller indicted. Upon the advice of Mr. Golding, Leo Stoller took the Fifth Amendment at the first meeting of creditors.

5. Richard Fogel moved to take control of Leo Stoller's, Central Mfg. Inc. and Stealth Industries, Inc. Mr. Fogel commenced to enter into a series of frivolous settlement agreements on behalf of the Debtor's corporations with a number of companies that the Debtor was in litigation with. The Trustee breached his fiduciary duty by refusing to defend the Debtor's corporations and the assets of the Debtor. Mr. Fogel was negligent and breached his fiduciary duty in connection with his trusteeship of the Debtor's estate and proceeded to encumber the Debtor's estate to over \$2,200.00.00.

6. The claims of Debtor's estate, which are now asserted since Richard Fogel became Trustee, pertain exclusively to actions taken by the Trustee while administering the estate of Leo Stoller. The negligent actions of the Trustees, by increasing the debts of the estate from \$65,000 to \$2,200,000 vitiates the Trustee's *quasi-judicial* or derived judicial immunity. The Debtor asserts that the Trustee breached his fiduciary duty through negligence and/or willful misconduct, and that the Trustee and his law firm is personally liable for the debts created solely by the Trustee since September 5, 2006 to the current date.

The Trustee, Richard Fogel, engages in duplicitous conduct when the Trustee in front of Judge Schmetterer in open court in the Bankruptcy Court proceeding, asserts that Leo Stoller's corporations, Central Mfg. Inc. and Stealth Industries, Inc. are not valid entities. When the Trustee chooses to make that self-determination that Leo Stoller's corporations are valid, he comes into the Federal District Court in front of Judge Lindberg in *Pure Fishing*, Case. No. 05-CV-00725, and asserts that Stoller's corporations are valid and enters into a consent judgment for \$969,751.81 on behalf of the said corporations. The said consent judgment entered into with the Trustee on behalf of Leo Stoller's corporations was without Leo

Stoller's knowledge or approval. Furthermore, the consent judgment is inconsistent with Trustee Fogel's position now asserted before this Court that Stoller's corporations, Central Mfg. Inc. and Stealth Industries, Inc. are valid corporate entities and capable of participating in a settlement agreement with Google, Inc.

For example, the Trustee, Richard Fogel, knowingly and willfully entered into a frivolous settlement agreement with Pure Fishing, Inc. allegedly obligating the Debtor's corporations to \$969,751.81. The settlement agreement was without the approval, review or consent of the Debtor. The Trustee failed to properly evaluate the \$750,000 fee award that was part of the \$969,751.81 debt. The Debtor completely disavows any liability or responsibility for debts that were incurred irresponsibly and negligently, and in violation of the Trustee's fiduciary responsibility to the estate of Leo Stoller.

7. The Debtor contends that this Court, as result of the Trustee's negligence and breach of fiduciary duty in connection with the prosecution of the Trustee's duties, must as a matter of law, dismiss Stoller's Chapter 7 bankruptcy for good cause and/or give the Debtor permission to sue the Chapter 7 Trustee, Richard Fogel and Janice Alwin and the law firm of Shaw, Gussis, Fishman, Glantz, Wolfson & Tobin LLC. for breach of fiduciary duty, negligence in connection with Leo Stoller's Chapter 7 bankruptcy.

### Argument

Leo Stoller asserts that the Trustee has no standing to make any of the arguments contained in his brief based on the fact that the Trustee has breached his fiduciary duty to the Estate of Leo Stoller. Leo Stoller has moved to have the Trustee disqualified. Judge Schmetterer denied Stoller's motion and Stoller has appealed.

In addition, Stoller has appealed Judge Schmetterer's order of August 31, 2006, converting Stoller's Chapter 13 bankruptcy to a Chapter 7. Further, Stoller has appealed Judge Schmetterer's order lifting the stay and permitting Google, Inc. to sue Leo Stoller, Central Mfg. Inc. and Stealth Industries, Inc.

Stoller asserts that he has standing and should be permitted to intervene in this case. The nefarious action that the Trustee and Michael Zeller, counsel for Google, Inc., are attempting to engage in before this Court is to deprive Leo Stoller of his right to defend

himself and to permit Leo Stoller's corporations to receive default judgments in a frivolous civil Rico action in order to permanently taint Leo Stoller and his companies from ever engaging in trademark litigation or protecting any of Stoller's trademark rights ever again. The stigmatism of a civil Rico judgment, whether by default or otherwise, as well known to Trustee Fogel and Michael Zeller, would preclude Leo Stoller from ever being able to defend his trademarks in any Court anywhere in direct violation of Stoller's due process and equal protection rights under the 5th and 14th Amendments of the U.S. Constitution. Fogel and Zeller are knowingly and willfully participating in a scheme to have this Court enter an allegedly agreed judgment with a discredited Trustee in order to defraud Leo Stoller and his estate. This Court should not countenance such a scam being perpetrated on this Court and on Leo Stoller and his corporations.

Stoller asserts that his being defrauded in the Bankruptcy Court by the Trustee and his law firm in conjunction with William Factor, Esq., Lance Johnson, Esq., attorneys for Pure Fishing, Inc., as well as Michael Zeller, Esq., attorney for Google, et al. See also Stoller's true and correct copy of a Motion to Spread of Record the Unlawful And/Or Disputed Claims in support of Stoller's assertions that he is being defrauded by the Trustee, Richard Fogel, in the underlying Chapter 7 proceeding.

WHEREFORE, Leo Stoller prays that the Court grant Stoller's motion to intervene and to permit Stoller to retain counsel to represent Stealth Industries, Inc. and Central Mfg. Inc. in the proceeding before this Court.



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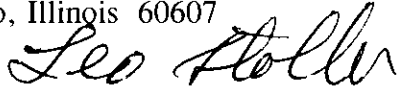
Leo Stoller, *pro se*  
7115 W. North Avenue #272  
Oak Park, Illinois 60302  
312/ 545-4554  
Email: ldms4@hotmail.com

Date: February 21, 2007

**Certificate of Mailing**

I hereby certify that this motion is being hand-delivered in an envelope addressed to:

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



Leo Stoller

Date: February 22, 2007

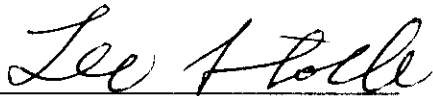
**Certificate of Service**

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

Richard M. Fogel, Trustee  
Janice A. Alwin, Esq.  
Counsel for Trustee  
*Shaw, Gussis, Fishman, Glantz,  
Wolfson & Towbin LLC.*  
321 N. Clark Street, Suite 800  
Chicago, Illinois 60610

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: 2-22-07

UNITED STATES BANKRUPTCY COURT, NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

IN RE:  
LEO STOLLER

CASE NO. 05 B 64075

CHAPTER 13

JUDGE: JACK B SCHMETTERER

Debtor  
SSN XXX-XX-7972-----  
TRUSTEE'S FINAL REPORT AND ACCOUNT  
-----

The case was filed on 12/20/2005 and was not confirmed.

The case was converted to chapter 7 without confirmation 09/01/2006.

CREDITOR NAME	CLASS	CLAIM AMOUNT	INTEREST PAID	PRINCIPAL PAID
BRETT BROTHERS INC	NOTICE ONLY	NOT FILED	.00	.00
COUNSEL PRESS	UNSECURED	11439.57	.00	.00
HI TEC SPORTS USA	NOTICE ONLY	NOT FILED	.00	.00
QUERREY & HARROW	UNSECURED	25382.40	.00	.00
NEWDEA INC	NOTICE ONLY	NOT FILED	.00	.00
PURE FISHING	UNSECURED	.00	.00	.00
PORTFOLIO RECOVERY ASSOC	UNSECURED	400.00	.00	.00
BENJAMIN BERNEMAN & BROM	UNSECURED	20826.40	.00	.00
LANCE JOHNSON	UNSECURED	3275.00	.00	.00
ASSET ACCEPTANCE LLC	UNSECURED	1296.04	.00	.00
ILLINOIS DEPT OF REVENUE	PRIORITY	317.91	.00	.00
RESURGENT CAPITAL SERVIC	UNSECURED	2070.02	.00	.00
WEINBERG RICHMOND LLP	ATTORNEY	.00	.00	.00
B-LINE	UNSECURED	215.48	.00	.00
RICHARD M FOGEL	ADMINISTRATIV	NOT FILED	.00	.00
MELVIN J KAPLAN	DEBTOR ATTY	.00		.00
TOM VAUGHN	TRUSTEE			.00
DEBTOR REFUND	REFUND			.00

## Summary of Receipts and Disbursements:

	RECEIPTS	DISBURSEMENTS
TRUSTEE	.00	
PRIORITY		.00
SECURED		.00
UNSECURED		.00
ADMINISTRATIVE		.00
TRUSTEE COMPENSATION		.00
DEBTOR REFUND		.00
TOTALS	.00	.00

Based on the above information, the Trustee requests the court enter an order discharging the Trustee, releasing the Trustee's surety from any further liability related to the above proceedings.

Dated: 02/08/07

/s/ Tom Vaughn

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TOM VAUGHN  
CHAPTER 13 TRUSTEE



## Northern District of Illinois Claims Register

### 05-64075 Leo Stoller CASE CONVERTED on 09/01/2006

**Honorable Judge:** Jack B. Schmetterer

**Chapter:** 7

**Office:** Chicago

**Last Date to file claims:** 12/20/2006

**Trustee:** Richard M Fogel

**Last Date to file (Govt):** 12/20/2006

**Creditor:** # 10561302

Portfolio Recovery Associates, LLC

PO Box 41067

Norfolk, Va 23541

**Claim No:** 1

**Filed:** 01/13/2006

**Entered:** 01/13/2006

**Status:**

**Filed by:** CR

**Entered by:** Garcia, Dolores

**Modified:**

Unsecured claimed: \$400.00

**Total claimed: \$400.00**

**History:**

1-1 01/13/2006 Claim #1 filed by Portfolio Recovery Associates, LLC , total amount claimed: \$400 (Garcia, Dolores)

**Description:**

**Remarks:**

**Creditor:** # 10543184

Counsel Press

C/O Teller, Levit, et al

11 E. Adams, 8th Floor

Chicago, IL 60603

**Claim No:** 2

**Filed:** 01/19/2006

**Entered:** 01/19/2006

**Status:**

**Filed by:** AT

**Entered by:** Posen, Kevin

**Modified:**

Unsecured claimed: \$11439.57

**Total claimed: \$11439.57**

**History:**

2-1 01/19/2006 Claim #2 filed by Counsel Press , total amount claimed: \$11439.57 (Posen, Kevin)

**Description:**

**Remarks:**

**Creditor:** # 10601427

Benjamin, Berneman and Brom, LLC

175 W. Jackson, Ste. 1600

Chicago, IL 60604

**Claim No:** 3

**Filed:** 02/16/2006

**Entered:** 02/16/2006

**Status:**

**Filed by:** CR

**Entered by:** Berneman, Beverly

**Modified:**

Unsecured claimed: \$20826.40

**Total claimed: \$20826.40**

*History:*

3-1 02/16/2006 Claim #3 filed by Benjamin, Berneman and Brom, LLC , total amount claimed: \$20826.4 (Berneman, Beverly)

*Description:*

*Remarks:*

*Creditor:* # 10601452

Querrey & Harrow, Ltd.  
175 W. Jackson, Ste. 1600  
Chicago, IL 60604

**Claim No: 4**

*Filed:* 02/16/2006  
*Entered:* 02/16/2006

*Status:*

*Filed by:* CR  
*Entered by:* Benjamin, Robert  
*Modified:*

Unsecured claimed: \$25382.40

**Total claimed: \$25382.40**

*History:*

4-1 02/16/2006 Claim #4 filed by Querrey & Harrow, Ltd. , total amount claimed: \$25382.4 (Benjamin, Robert)

*Description:*

*Remarks:*

*Creditor:* # 10610239

ASSET ACCEPTANCE LLC  
PROVIDIAN  
PO BOX 2036  
WARREN MI 48090

**Claim No: 5**

*Filed:* 02/23/2006  
*Entered:* 02/23/2006

*Status:*

*Filed by:* CR  
*Entered by:* Elliott, Christina  
*Modified:*

Unsecured claimed: \$1296.04

**Total claimed: \$1296.04**

*History:*

5-1 02/23/2006 Claim #5 filed by ASSET ACCEPTANCE LLC , total amount claimed: \$1296.04 (Elliott, Christina)

*Description:*

*Remarks:*

*Creditor:* # 10647980

Illinois Department of Revenue  
Bankruptcy Section  
100 W Randolph St., Level 7-400

**Claim No: 6**

*Filed:* 03/17/2006  
*Entered:* 03/17/2006

*Status:*

*Filed by:* CR  
*Entered by:* Horton, Patience  
*Modified:*

Chicago IL 60601

Priority claimed: \$317.91

**Total claimed: \$317.91**

*History:*

6-1 03/17/2006 Claim #6 filed by Illinois Department of Revenue , total amount claimed: \$317.91 (Horton, Patience)

*Description:*

*Remarks:*

*Creditor:* # 10659981  
LVNV Funding LLC its successors and assigns  
as assignee of Citibank NA  
c/o Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

**Claim No: 7**  
*Filed:* 03/24/2006  
*Entered:* 03/24/2006

*Status:*  
*Filed by:* CR  
*Entered by:* Gaines, Susan  
*Modified:*

Unsecured claimed: \$2070.02

**Total claimed: \$2070.02**

*History:*

7-1 03/24/2006 Claim #7 filed by LVNV Funding LLC its successors and assigns , total amount claimed: \$2070.02 (Gaines, Susan)

*Description:*

*Remarks:*

*Creditor:* # 10669986  
Pure Fishing, Inc.  
c/o Lance Johnson  
Roylance, Abrams, Berdo & Goodman,  
LLP  
1300 19th Street, N.W. Suite 600  
Washington, D.C. 20036

**Claim No: 8**  
*Filed:* 03/30/2006  
*Entered:* 03/30/2006

*Status:*  
*Filed by:* CR  
*Entered by:* Lauter, Richard  
*Modified:*

Unsecured claimed: \$740315.36

**Total claimed: \$740315.36**

*History:*

8-1 03/30/2006 Claim #8 filed by Pure Fishing, Inc. , total amount claimed: \$740315.36 (Lauter, Richard)

*Description:*

*Remarks:*

*Creditor:* # 10605699  
Lance Construction Co., Inc.  
Lance Johnson  
323 Hillcrest Drive

**Claim No: 9**  
*Filed:* 03/30/2006  
*Entered:* 03/31/2006

*Status:*  
*Filed by:* CR  
*Entered by:* Henley, Mary  
*Modified:*

Algonquin, IL 60102

Unsecured claimed: \$3275.00

**Total claimed: \$3275.00**

*History:*

9-1 03/30/2006 Claim #9 filed by Lance Construction Co., Inc. , total amount claimed: \$3275 (Henley, Mary)

*Description:*

*Remarks:*

*Creditor:* # 10688087

B-Real, LLC/Chase Bank USA, N.A.

Mail Stop 550

2101 Fourth Ave., Suite 1030

Seattle, WA, 98121

**Claim No: 10**

*Filed:* 04/10/2006

*Entered:* 04/10/2006

*Status:*

*Filed by:* CR

*Entered by:* Kane, Steven

*Modified:*

Unsecured claimed: \$215.48

**Total claimed: \$215.48**

*History:*

10-1 04/10/2006 Claim #10 filed by B-Real, LLC/Chase Bank USA, N.A. , total amount claimed: \$215.48 (Kane, Steven)

*Description:*

*Remarks:*

*Creditor:* # 11050675

Google Inc.

c/o Michael Zeller

Quinn Emanuel et al

865 South Figueroa St, 10th Fl

Los Angeles, CA 90017

**Claim No: 11**

*Filed:* 12/07/2006

*Entered:* 12/07/2006

*Amended By Claim No:* 11

*Status:*

*Filed by:* CR

*Entered by:* Barrett, William

*Modified:*

Priority claimed: \$250000.00

**Total claimed: \$250000.00**

*History:*

• 11-1 12/07/2006 Claim #11 filed by Google Inc. , total amount claimed: \$250000 (Barrett, William)

• 11-2 12/20/2006 Amended Claim #11 filed by Google Inc. , total amount claimed: \$250000 (Barrett, William)

*Description:*

*Remarks:*

**Creditor: # 10669986**  
Pure Fishing, Inc.  
c/o Lance Johnson  
Roylance, Abrams, Berdo & Goodman,  
LLP  
1300 19th Street, N.W. Suite 600  
Washington, D.C. 20036

**Claim No: 12**  
**Filed:** 12/19/2006  
**Entered:** 12/19/2006

**Status:**  
**Filed by:** CR  
**Entered by:** Factor, William  
**Modified:**

Unsecured claimed: \$969751.81

**Total claimed: \$969751.81**

**History:**

- 12-1 12/19/2006 Claim #12 filed by Pure Fishing, Inc. , total amount claimed: \$969751.81 (Factor, William)

**Description:**

**Remarks:**

**Creditor: # 11071324**  
Wendy Morgan  
Law Offices of Wendy R. Morgan  
1845 East Rand Rd  
Arlington Heights, Il. 60004-4356

**Claim No: 13**  
**Filed:** 12/19/2006  
**Entered:** 12/19/2006

**Status:**  
**Filed by:** AT  
**Entered by:** Mosberg, Clay  
**Modified:**

Unsecured claimed: \$150000.00

**Total claimed: \$150000.00**

**History:**

- 13-1 12/19/2006 Claim #13 filed by Wendy Morgan , total amount claimed: \$150000 (Mosberg, Clay)

**Description:**

**Remarks:**

**Creditor: # 11071324**  
Wendy Morgan  
Law Offices of Wendy R. Morgan  
1845 East Rand Rd  
Arlington Heights, Il. 60004-4356

**Claim No: 14**  
**Filed:** 12/19/2006  
**Entered:** 12/19/2006

**Status:**  
**Filed by:** AT  
**Entered by:** Mosberg, Clay  
**Modified:**

Unsecured claimed: \$30000.00

**Total claimed: \$30000.00**

**History:**

- 14-1 12/19/2006 Claim #14 filed by Wendy Morgan , total amount claimed: \$30000 (Mosberg, Clay)

**Description:**

**Remarks:**

**Creditor: # 11071324**  
Wendy Morgan  
Law Offices of Wendy R. Morgan  
1845 East Rand Rd

**Claim No: 15**  
**Filed:** 12/19/2006  
**Entered:** 12/19/2006

**Status:**  
**Filed by:** CR  
**Entered by:** Mosberg, Clay  
**Modified:**

Arlington Heights, Il. 60004-4356

Unknown claimed: \$50000.00

**Total claimed: \$50000.00**

*History:*

- 15-1 12/19/2006 Claim #15 filed by Wendy Morgan , total amount claimed: \$50000 (Mosberg, Clay)

*Description:*

*Remarks:*

*Creditor:* # 11074648

Lancope, Inc. [History](#)

Bryan G Harrison, ESQ

1600 Atlanta Financial Center

3343 Peachtree Road NE

Atlanta, GA 30326-1044

**Claim No: 16**

*Filed:* 12/20/2006

*Entered:* 12/20/2006

*Status:*

*Filed by:* CR

*Entered by:* Nylén, Sven

*Modified:*

**Total claimed:**

*History:*

- 16-1 12/20/2006 Claim #16 filed by Lancope, Inc. , total amount claimed: \$0 (Nylén, Sven)

*Description:*

*Remarks:* (16-1) SEE EXHIBIT A

*Creditor:* # 11073980

Pure Fishing, Inc. (ADMINISTRATIVE)

c/o Lance Johnson

Roylance, Abrams, Berdo & Goodman

1300 19th St., NW Suite 600

Washington, D.C. 20036

**Claim No: 17**

*Filed:* 12/20/2006

*Entered:* 12/20/2006

*Status:*

*Filed by:* AT

*Entered by:* Lorber, Sara

*Modified:*

Admin claimed: \$131760.00

**Total claimed: \$131760.00**

*History:*

- 17-1 12/20/2006 Claim #17 filed by Pure Fishing, Inc. , total amount claimed: \$131760 (Lorber, Sara)

*Description:*

*Remarks:*

*Creditor:* # 11076084

GoDaddy Software, Inc

Gallagher & Kennedy, P.A.

Attn: Joseph E Cotterman

**Claim No: 18**

*Filed:* 12/21/2006

*Entered:* 12/22/2006

*Status:*

*Filed by:* CR

*Entered by:* Henley, Mary

*Modified:*

2575 East Camelback Road,  
 Phoenix, AZ 85016

**Total claimed:**

*History:*

- 18-1 12/21/2006 Claim #18 filed by GoDaddy Software, Inc , total amount claimed: \$0 (Henley, Mary)

*Description:* (18-1) Unliquidated

*Remarks:*

*Creditor:* # 11082709  
 C. William Michaels  
 1579 Dellsway Road  
 Baltimore, MD 21286

**Claim No:** 19  
*Filed:* 12/27/2006  
*Entered:* 12/28/2006

*Status:*  
*Filed by:* CR  
*Entered by:* Henley, Mary  
*Modified:*

Unsecured claimed: \$2065.00

**Total claimed: \$2065.00**

*History:*

- 19-1 12/27/2006 Claim #19 filed by C. William Michaels , total amount claimed: \$2065 (Henley, Mary)

*Description:*

*Remarks:*

**Claims Register Summary**

**Case Name:** Leo Stoller  
**Case Number:** 05-64075  
**Chapter:** 7  
**Date Filed:** 12/20/2005  
**Total Number Of Claims:** 19

	Total Amount Claimed	Total Amount Allowed
<b>Unsecured</b>	\$1957037.08	
<b>Secured</b>		
<b>Priority</b>	\$250317.91	
<b>Unknown</b>	\$50000.00	
<b>Administrative</b>	\$131760.00	
<b>Total</b>	<b>\$2389114.99</b>	<b>\$0.00</b>

**PACER Service Center**

**Transaction Receipt**

01/05/2007 11:47:23

<b>PACER Login:</b>	it0085	<b>Client Code:</b>	
<b>Description:</b>	Claims Register	<b>Search Criteria:</b>	05-64075 Filed or Entered From: 9/7/2005 Filed or Entered To: 1/5/2007
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.16



UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS

In Re:	)	
	)	
LEO STOLLER,	)	Case No: 05-B-64075
	)	Honorable Jack B. Schmetterer
	)	
Debtor.	)	
	)	

**MOTION TO SPREAD OF RECORD DEBTOR'S  
UNLAWFUL AND/OR DISPUTED CLAIMS**

NOW COMES the Debtor, Leo Stoller ("Stoller"), and moves to spread of record the Debtors disputed, unsubstantiated and/or fraudulent bankruptcy claims filed against debtors estate.

**BACKGROUND**

Debtor filed a chapter 13 Bankruptcy in December 20, 2005. According to the Chapter 13 Trustee Tom Vaughn final report and account filed on February 8, 2007, there was only \$65,221.43 in claims. These said claims existed prior to conversion of Leo Stoller's Chapter 13 to a Chapter 7 on August 31, 2006 by order of Judge Schmetterer. After the Appointment of the Chapter 7 Trustee, Richard Fogel who assumed control of Leo Stoller's corporations, Central Mfg Inc., d/b/a and Stealth Industries, Inc., Mr. Fogel solely and on behalf of Stoller's corporations entered into agreements and consent agreements with parties who were in litigation with Stoller's companies rather than litigating and protecting the assets of Leo Stoller's Estate. Mr. Fogel clearly abandoned Stoller's corporations and is solely responsible for the Bankruptcy claims of \$2,323,893.50.

Richard Fogel Trustee has refused to date to investigate Stoller's claims on his Claims Register.

**SETTLEMENT OFFER**

According to the Chapter 13 Trustee Tom Vaughn's final report and account, Mr. Vaughn lists \$65,221.43. See attached copy of Trustee's Final Report and Account attached

hereto and made a part hereof. Leo Stoller has offered to pay \$100,000 to the Chapter 7 Trustee, Richard Fogel, to settle with the legitimate creditors of Stoller's estate and to pay the administrative costs of this proceeding. Richard Fogel has refused to accept Stoller's offer of settlement for the legitimate creditors of payment of \$100,000.00. Mr. Fogel claims that Leo Stoller has more than \$100,000 in litigate creditors, but has refused to investigate the bankruptcy claims to Leo Stoller's estate which are listed on the attached true and correct copy of the said Northern District of Illinois Claims Register for case No. 05-64075. Leo Stoller has moved before this court to strike Stoller's invalid claims. This court had denied Stoller's motion to strike. Leo Stoller requested that the trustee, Mr. Richard Fogel investigate the alleged undocumented and unsupported bankruptcy claims amounting to over 2.2 million dollars which have been filed against Stoller's estate since Mr. Fogel was appointed trustee on September 5, 2005. Mr. Fogel has refused to investigate any bankruptcy claims to date. Stoller moved before this court to request written discovery, admissions, interrogatories, production of documents and notices of depositions in order to determine and establish the validity or non validity of the bankruptcy claims. The court denied Stoller's written discovery requests. See Feb. 02, 2007 court order.

**STOLLER'S FORMAL OBJECTIONS TO CLAIMS SPREAD OF RECORD**

Stoller now spreads of record his formal objections to the following unsubstantiated, undocumented, false bankruptcy claims listed on Stoller Claims Register. For the record, Leo Stoller disavows and rejects the following bankruptcy claims on Stoller Claims Register as unsupported and fraudulent bankruptcy claims. Stoller further disavows and rejects as valid any bankruptcy claim that has been filed against Leo Stoller estate as a result of any agreement that the Trustee, Richard Fogel entered into with any party, as the appointed shareholder of Leo Stoller's Corporations. Stoller asserts for the Trustee Richard Fogel to refuse to defend Stoller's corporations in litigation and lieu of defending them, for Mr. Fogel to enter into consent judgments resulting in over \$2,300,000 in additional claims being filed against Leo Stoller's personal Chapter 7 bankruptcy, represents a fraud on the Bankruptcy court and Stoller disavows and rejects responsibility for each and every claim that the Trustee Richard Fogel created by entering into without consulting with and/or authorized by Leo Stoller. False claims

that were entered into by Mr. Fogel as sole share holder of Stoller's corporations Central Mfg Inc., and Stealth Industries, Inc. Trustee Fogel has made the representations to this court that one hand Leo Stoller's corporations are nothing more than the "alter ego" of Leo Stoller and are not valid corporations, on the other hand Trustee Fogel has, when it was convenient for Mr. Fogel treated Leo Stoller's corporations as "valid" corporations when entering into numerous unauthorized (by Leo Stoller) settlement agreements with third parties in lieu defending Stoller's corporations against frivolous lawsuits.

Stoller lodges on the record is objections to the following false, unsupported bankruptcy claims listed on Stoller Official Claims Register.

Claim No. 1, Creditor #10561302 Portfolio Recovery Associates LLC false claim \$400.00

Claim No. 3 Creditor #10601427 Benjamin, Berneman and Brom disputed claim No. 3 \$20,826.40. This claim is disputed and subject to the Debtor's counter claim for attorney malpractice.

Claim No. 4 Creditor #10601452 Querrey & Harrow Ltd., This claim of \$25382.40 is disputed and subject to the Debtor's counter claim for attorney malpractice.

Claim No. 5 Creditor #10610239 Asset Acceptance LLC Providian. This claim of \$1296.04 is disputed.

Claim No. 8 Creditor #10669986 Pure Fishing, Inc., c/o Lance Johnson. This claim for \$740315.35 is a disputed fraudulent claim. Trustee Fogel has admitted that it is a "duplicative" claim. Attorney William Factor has admitted in front of Judge Hibbler, that claim No. 8 was only an "estimated" claim. As of this date Trustee Fogel has refused to investigate the fraudulent \$740,315.35 claim and has refused to remove this claim from Stoller's Claims Register. The debtor disavows Claim No. 8 for \$740,315.35.

Claim No. 11 Creditor Google Inc., #11050675 This \$250,000 unsupported, unlawful claim is disputed. The Creditor under no theory of law owes any money to Google Inc., as well known to Michael Zeller Esq., attorney for Google Inc., and the Trustee Fogel.

Claim No. 12. Creditor #10669986 Pure Fishing, Inc., This claim for \$969,751.81 represents a an alleged debt that was created solely by Trustee Fogel entering into a consent judgment on behalf of Stoller's corporations Central Mfg Inc., and Stealth Industries, Inc., without the

knowledge, consent, authorization or approval of the Debtor. This represents another illustration of the Trustee Fogel entering into a consent decree on behalf of the Stoller corporations rather than defending those corporations. Secondly, this conduct further evidences the Trustee's abandonment of the assets of the Debtor by failing to defend those corporate and consenting to an unjustified consent judgment which included a \$750,000.00 fee award in which the Trustee Fogel did not contest on attorney fees entry in the said award. Thirdly, Trustee Fogel entry into the "consent" judgment on behalf of Stoller's corporations illustrates that Trustee Fogel will treat Stoller's corporations as valid "corporate" entities when he chooses and will make representations to this court that Stoller's corporations are not "valid" corporate entities only the alter ego of Leo Stoller. The debtor completely disavows Trustee Fogel's consent judgment of \$969,751.81 which the creditor Pure Fishing, Inc., has now assessed against Leo Stoller's bankruptcy estate.

Claim(s) Number 13, 14, and 15, Creditor #11071324 for \$150,0000, \$30,000 and \$50,000. (\$230,000 if fraudulent claims) These claims are a fraud on the Bankruptcy court. There are no supporting documentation for such claims and there is no documentation that can be provided by this claimant in support of these claims as well known to Trustee Fogel. These claims were filed by attorney Wendy Morgan who is an admitted friend of Trustee Fogel. As of this date, Trustee Fogel has not investigated these claims and has objected to the debtor's investigation of these claims by filing a Motion to Quash the Debtor written discovery requests. The debtor completely disavows these three claims totally \$230,000 and states that under the circumstances Wendy Morgan's said Claims represents a fraud on the bankruptcy court.

Claim No. 16, Creditor #11074648 Lancopo Inc., is another fraudulent claim asserted against the debtor's estate which Leo Stoller completely disavows.

Claim No. 17, Creditor #11073980 Pure Fishing Inc., files another fraudulent unsupported claim of \$131,760.00 against the estate of Leo Stoller. Leo Stoller attempted to file written discovery against this claimant, but Trustee Fogel filed a motion to quash Stoller written discovery request so that this claim could not be investigated by the debtor. Stoller disavows this claim as a fraud on the bankruptcy court.

Claim No. 18, creditor #11076084 Go Daddy Software Inc., also have no valid claim to assert against the debtor's estate. The debtor disavows Claim No. 18.

Claim No. 19, creditor #11082709 C. William Michaels filed a claim for \$2065.00 7 days late, the cut off date for filing claims against Stoller estate was Dec. 20, 2006. Stoller disavows this late filed claim.

### SUMMARY

The debtor filed his Chapter 13 in Dec. 05. The Trustee Tom Vaughn filed a Final Report and Account on Feb. 08, 07 listing \$65,221.43 in claims against Stoller estate. Stoller Chapter 13 was converted to a Chapter 7 on August 31, 2006. On Sept 5, 2006 a Chapter 7 Trustee Richard Fogel was appointed. Since the appointment of Trustee Fogel the alleged claims asserted have increased from \$65,221.43 to \$2,389,114.00 as a direct result of Trustee Fogel refusing to represent Stoller's corporations Central Mfg Inc., and entering into consent judgments and settlements with third parties rather than defending the assets of the debtor's estate. Such conduct establishes that the Trustee Fogel has not only abandoned the assets of the debtor's estate, but is solely responsibility for encumbering the estate of the Debtor for an additional \$2,370,500.09 in claims. As of this date Trustee Fogel has not investigated these said claims and has thwarted the debtor from investigating the said claims by file a motion to quash the debtor's written discovery submitted to the claimants in order to establish the said claims.

As of this date February 12, 2007 there are now \$2,389,114.99 in claims listed in the Debtor's Claims Register. The Debtor is disavowing and disputing all of the claims that Trustee Richard Fogel entered into on behalf of Stoller's corporations, Central Mfg Inc., and Stealth Industries, Inc., without consulting with the debtor first and failing to first defend the debtor's corporations in a court of law against the third parties. Such a failure evidences a clear abandonment of the Debtors' corporations awns assets. The debtor requests that this court declare that trustee Fogel has abandoned the debtor's corporations and intellectual property.

WHEREFORE, the debtor spreads of record his formal objections to the claims against the estate of the debtor and prays that this court enter an order declaring that trustee Fogel has

abandoned the corporations and assets of the debtor.

*Leo Stoller*

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Date: February 16, 2007

**Certificate of Mailing**

I hereby certify that the foregoing is being mailed first class mail to the following address:

Clerk of the Court  
United States Bankruptcy Court  
219 N. Dearborn  
Chicago, IL 60607

*Leo Stoller*

Leo Stoller  
Date: February 16, 2007

**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:

Richard M. Fogel, Trustee  
Janice A. Alwin, Esq.  
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*Leo Stoller*

Leo Stoller  
Date: 2-22-07