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

**FILED**

MAR 15 2007 WH

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

Hon. Virginia M. Kendall

Magistrate Judge Cole

**MOTION UNDER FRCP 59 AND/OR 60**

NOW COMES Leo Stoller and submits to the Court transcripts of proceedings before Judge Schmetterer dated December 12, 2006 and February 15, 2007.

Leo Stoller requests that the Court reconsider its decision denying Stoller the right to intervene based upon the attached transcripts.

*Leo Stoller*

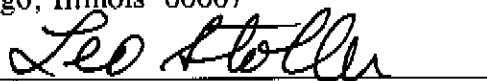
Leo Stoller, *pro se*  
7115 W. North Avenue #272  
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Email: ldms4@hotmail.com

Date: March 15, 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: March 15, 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:

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Leo Stoller  
Date: 3-15-07

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

LEO STOLLER, ) No. 05B64075  
 ) Chicago, Illinois  
 ) December 12, 2006  
 Debtor. ) 10:30 a.m.

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE JACK B. SCHMETTERER

APPEARANCES:

Trustee: Mr. Richard Fogel;  
For the Trustee: Ms. Janice Alwin;  
For Google, Inc.: Mr. William Barrett;  
For Pure Fishing: Mr. William Factor;  
Mr. Lance Johnson;

ALSO PRESENT:

Mr. Leo Stoller,  
Pro Se.

1 THE CLERK: Stoller, 05-64075.

2 MR. STOLLER: Good morning, Judge. Leo  
3 Stoller, debtor, pro se.

4 MS. ALWIN: Good morning, Your Honor. Janice  
5 Alwin on behalf of the trustee.

6 MR. FOGEL: Good morning, Your Honor.  
7 Richard Fogel, the trustee.

8 MR. BARRETT: Your Honor, William Barrett for  
9 Google, Inc.

10 MR. FACTOR: Good morning, Your Honor.  
11 William Factor and Lance Johnson for Pure Fishing.

12 THE COURT: As for Google, there is a motion  
13 of Google, this is old business, for an order declaring  
14 the proposed suit to be outside the scope of the stay.  
15 Didn't I deal with that?

16 MS. ALWIN: Draft order to follow, Your  
17 Honor.

18 MR. FOGEL: Draft order to follow for today.

19 THE COURT: Oh, is this the order here?

20 MR. BARRETT: Your Honor, if I --

21 THE COURT: Do you have an order?

22 MR. BARRETT: Yes. Google has the order.

23 MR. STOLLER: Your Honor, if I may say, this  
24 is the motion that Google filed. I didn't receive this  
25 until about two days ago and I filed --

1 THE COURT: This motion?

2 MR. STOLLER: This was a motion, the motion  
3 we're talking about here, and it's about 300 pages. And  
4 I didn't receive it until two days ago. And I filed an  
5 objection.

6 THE COURT: I have not received any 300-page  
7 motion, so I'm not passing on what you're talking about.

8 MR. STOLLER: This is the motion --

9 THE COURT: I can't help it. That is not  
10 what I'm ruling --

11 MR. STOLLER: -- that you're ruling on today.

12 THE COURT: No, it isn't. The motion we're  
13 talking about was presented here August 25th.

14 MR. STOLLER: That's this one.

15 THE COURT: And it's not 300 pages.

16 MR. BARRETT: Your Honor, if I may, the  
17 motion with all the exhibits is a binder, motion --  
18 document that the court has before it right now. I know  
19 when we were here in August we had this complete binder  
20 and it was offered to the court. The court at that time  
21 had the complete set.

22 THE COURT: I see.

23 MR. BARRETT: We did serve -- we're very  
24 careful, last August, about serving -- we had multiple  
25 addresses for Mr. Stoller. I have one return package

1 here.

2 THE COURT: You have what and what?  
3 According to the service list, it was addressed to  
4 Mr. Stoller at 7300 West Fullerton, Elmwood Park.

5 Was that your home?

6 MR. STOLLER: No. That was a post office  
7 mailing address which I have not used and discontinued.  
8 And I've just first been notified of this motion, and I  
9 filed a proper response to it with the court. And I  
10 would like to be able to make an objection to the entry  
11 of any order regarding the motion because I never had  
12 it.

13 THE COURT: You're representing yourself.

14 MR. STOLLER: Yes.

15 THE COURT: I understand that. Now have you  
16 filed a response to this?

17 MR. STOLLER: Yes, I have filed a response.

18 THE COURT: Have you served it?

19 MR. STOLLER: Yes, and I served it.

20 THE COURT: Did you get it?

21 MR. BARRETT: I saw it this morning in court.

22 THE COURT: You did not get it?

23 MR. BARRETT: Not before this morning.

24 THE COURT: Have you served it?

25 MR. STOLLER: Yes.

1 THE COURT: -- means delivered and how?

2 MR. STOLLER: I mailed it by first class  
3 mail.

4 THE COURT: When?

5 MR. STOLLER: On the 9th of --

6 THE COURT: Three days ago?

7 MR. STOLLER: Three days ago.

8 THE COURT: Obviously nobody has received it.

9 MR. STOLLER: And I handed him a copy of it,  
10 as he's handed me a copy of his response.

11 THE COURT: Counsel, did you receive it?

12 MR. BARRETT: Your Honor, I just saw it this  
13 morning in court.

14 THE COURT: Yes or no to received it.

15 MR. BARRETT: I received it in the courtroom.  
16 this morning, yes.

17 THE COURT: Thank you. May I have a copy,  
18 please.

19 MR. STOLLER: Yes.

20 MR. BARRETT: Your Honor, also at the time  
21 that the motion was filed the debtor was represented by  
22 Mr. Golding, who did receive a copy of this package.

23 THE COURT: I know, but Mr. Stoller has  
24 listed on his bankruptcy schedules a certain address --

25 MR. BARRETT: I believe --

1 THE COURT: And that's the address that  
2 you're entitled then to serve notice on unless and until  
3 a change of address is filed.

4 Have you ever filed a change of  
5 address?

6 MR. STOLLER: Yes, I have, Judge.

7 THE COURT: And when did you file that  
8 address -- time, rather?

9 MR. STOLLER: Probably within the last 30  
10 days.

11 THE COURT: Okay.

12 MS. ALWIN: Your Honor, there's no change of  
13 address on the docket that I'm aware of.

14 THE COURT: Do you have a copy of your change  
15 of address?

16 MS. ALWIN: And we have not received one.

17 MR. STOLLER: Yes. I don't have it with me,  
18 but I did file it.

19 THE CLERK: I will check the docket.

20 THE COURT: Did you find it?

21 THE CLERK: I am checking it now.

22 THE COURT: We'll check the docket.

23 Trustee, have you looked at this order?

24 MS. ALWIN: Yes. The motion -- we have, Your  
25 Honor. The order? Proposed order?



1 THE COURT: Order. Have you looked at this  
2 order?

3 MS. ALWIN: I've looked at the proposed order  
4 by -- yes, Your Honor. We have no objection.

5 THE COURT: You think that the claims that he  
6 wishes to file arose after commencement of the  
7 bankruptcy case?

8 MS. ALWIN: Yes, Your Honor.

9 MR. FOGEL: We had a hearing on this matter  
10 last week and there was an objection to the settlement  
11 motion raised by Mr. Stoller, which you overruled and  
12 had it today for draft order to follow in connection  
13 with that ruling.

14 THE COURT: Was this the case in which I said  
15 that I'll reserve --

16 MR. FOGEL: Yes.

17 THE COURT: -- I was going to reserve  
18 jurisdiction?

19 MR. FOGEL: You were reserving jurisdiction.  
20 You were reserving the right to modify the order --

21 THE COURT: This order does not say -- this  
22 proposed order doesn't say that.

23 MR. FOGEL: The order approving the  
24 settlement --

25 MS. ALWIN: I have a copy if Your Honor needs

1 one.

2 MR. FOGEL: -- does say that. This order  
3 is -- this is the order to modify the stay as a result  
4 of the approval of that settlement.

5 MR. BARRETT: If I may eliminate some --

6 THE COURT: I see, to let them go forward.  
7 All right, now I recall. The idea was I could withdraw  
8 that which, in effect, wiped out his rights permanently  
9 if this case gets dismissed. But in the meantime the  
10 stay would be modified --

11 MR. FOGEL: Yes.

12 THE COURT: -- so that the suit could go  
13 forward. I think that's what you're talking about.

14 MR. STOLLER: I would like to make an  
15 argument to the contrary, which I have never, as far as  
16 removing the stay.

17 THE COURT: Well, hang on a second, sir. All  
18 right. What was that last thing you said?

19 MR. STOLLER: I would like to make an  
20 argument against removing the stay and allowing them to  
21 file a district court case against me.

22 THE COURT: Just a moment, please. Let me  
23 have your big black book binder with all those exhibits.

24 Is there a proposed lawsuit attached to  
25 this?

1 MR. BARRETT: Yes, Your Honor. The lawsuit  
2 is Exhibit 1.

3 THE COURT: All right. Just for the record,  
4 my clerk informs me that she finds no change of address  
5 form filed by you, Mr. Stoller. If you wish to file  
6 one, everybody is going to be bound by it. If you file  
7 one and serve it on everybody, they'll be bound to give  
8 you notice at your address. But right now your only  
9 address on the record is 7300 West Fullerton.

10 MR. STOLLER: Okay, Judge.

11 THE COURT: Now what exhibit would I find  
12 your proposed complaint, sir?

13 MR. BARRETT: Exhibit 1.

14 THE COURT: I'm on page two and it appears  
15 you have a suit that refers to activity that took place  
16 prior to the filing of the bankruptcy. Am I right?

17 MR. BARRETT: Your Honor, the suit does refer  
18 to activity that took place prior to the filing, that's  
19 right. That is necessary in order to state a claim  
20 under the RICO statute.

21 THE COURT: Right. But, therefore, the order  
22 I have been handed is not right.

23 MR. BARRETT: Well, Your Honor, to make a  
24 claim under the RICO statute you need to allege two  
25 things. You need to allege two predicate acts, that the

1 claims arise under two predicate acts. Those acts, at  
2 least the second act occurred post-petition.

3 THE COURT: I'm not questioning what's right  
4 to plead under that act. What I'm questioning is the  
5 order you want me to approve. You say the claims of  
6 Google first arose after the commencement of this case.  
7 Evidently they did not.

8 MR. BARRETT: Your Honor, I have a time line.

9 THE COURT: There may be a good reason to  
10 modify the stay, but since the activities you complain  
11 of started before the case began, it seems to me that I  
12 cannot use that reason.

13 MR. BARRETT: If I can just address that a  
14 second, the claim that -- and I use the word activities,  
15 the activities that gave rise to the claim, the actual  
16 claim, occurred post-petition. The complaint does refer  
17 to activities that occurred pre-petition as part of the  
18 allegations about pattern racketeering activity. The  
19 claim Google has, though, is not based on that historic  
20 pattern. It must allege and plead that pattern to state  
21 a RICO claim. I have a time line here if the court  
22 would like to see it of the acts that relate to Google's  
23 actual claim and how it fits in with the filing of the  
24 case.

25 THE COURT: You have a history here. Like a

1 many people that come here you want to fire a shotgun  
2 and give a huge history and then you give me a  
3 pinpointed order that pretends as though the history  
4 prior to the filing of the bankruptcy is not alleged.

5 MR. STOLLER: Are you addressing that to me,  
6 Judge?

7 THE COURT: No.

8 MR. BARRETT: Your Honor, it is alleged. You  
9 could never state a RICO claim in these circumstances  
10 against the debtor.

11 THE COURT: All right. I have to have a  
12 basis for modifying the stay because part of the  
13 activity that you wish to sue on occurred  
14 pre-bankruptcy.

15 MR. BARRETT: And, Your Honor, I could  
16 address the alternative relief in the motion, which is  
17 relief Google is seeking, which is injunctive relief for  
18 false advertising; wrongful competition; and violation  
19 of the RICO statute, which the predicate offense is mail  
20 fraud, wire fraud, and extortion. That is the type of  
21 relief most appropriately entered by the district court.

22 MR. STOLLER: I'd like to be able to

23 THE COURT: You are arguing there is cause to  
24 modify the stay.

25 MR. BARRETT: As an alternative, yes.

1 THE COURT: Okay. I'll entertain that  
2 motion. Now I have already approved the settlement.

3 MS. ALWIN: Yes, Your Honor. An order has  
4 been entered. Would you like a copy?

5 MR. BARRETT: And if I could just maybe  
6 address some confusion. The settlement addresses claims  
7 of Google against the estate and the assets administered  
8 by the trustee. Today we are dealing with Mr. Stoller  
9 as the individual debtor.

10 THE COURT: I understand. If we permit this  
11 to go forward, of course, he can find some way, if he  
12 can, to defend himself.

13 MR. BARRETT: That's right.

14 THE COURT: What this does is take it out of  
15 the bankruptcy. The suits are also against Central  
16 Manufacturing and Stealth.

17 MS. ALWIN: That has been resolved as part of  
18 the settlement order.

19 THE COURT: As part of the settlement?

20 MS. ALWIN: Yes, Your Honor.

21 THE COURT: Mr. Stoller, I've read your  
22 response. Is there anything you want to add to it?

23 MR. STOLLER: Yes, I do, Judge, is the fact  
24 that all of the acts of which they're complaining of,  
25 and I need at least two minutes for you to indulge me

1 because this is a very serious issue, what they're  
2 complaining of is I wrote three settlement letters under  
3 408 to try to resolve a registerability issue and I  
4 brought a petition to cancel against Google's  
5 registration based on the fact that it's generic or  
6 descriptive. From those three acts, which all occurred  
7 prior to the filing of the bankruptcy, they have  
8 construed and concocted this very serious charge, the  
9 RICO charge.

10 Under the trademark law, there is no  
11 statutory reason why when we're dealing with just a  
12 registerability issue, I didn't threaten their  
13 customers, I didn't threaten -- only the cancelation of  
14 their mark --

15 THE COURT: I've got to interrupt you and  
16 tell you I'm not here to decide the merits of that.

17 MR. STOLLER: Okay, but I just want to point  
18 that out. The other thing that's --

19 THE COURT: The only question is whether I  
20 should modify the stay --

21 MR. STOLLER: Right.

22 THE COURT: -- so they can litigate against  
23 you.

24 MR. STOLLER: And here's why I'm going to  
25 suggest you shouldn't. The purpose of the stay is to

1 give a creditor a respite from litigation. We're trying  
2 to resolve this bankruptcy issue. And I had a meeting  
3 yesterday with the trustee and I think it's possible  
4 that we'll be able to resolve the bankruptcy issue.

5 THE COURT: In the event the bankruptcy issue  
6 were resolved, what would happen to the bankruptcy do  
7 you think?

8 MR. STOLLER: What would happen would depend  
9 on the ultimate resolution.

10 THE COURT: Yes.

11 MR. STOLLER: My hope is --

12 THE COURT: Might the bankruptcy be  
13 dismissed?

14 MR. STOLLER: That it might be dismissed,  
15 yes, and my creditors could be paid.

16 THE COURT: Well, but this particular  
17 creditor, if the bankruptcy is dismissed, would be free  
18 to sue you anyway, right?

19 MR. STOLLER: If the bankruptcy were to be  
20 dismissed and I was able to regain control of my  
21 corporations and be in business again, they could sue  
22 me. However, the predicate acts of which they're  
23 complaining about are no longer taking place because I'm  
24 not in control of my business. For them to bring these  
25 charges against me now when I am not pursuing the



1 petition to cancel, I'm not writing letters to them, the  
2 trustee is in charge of the corporations --

3 THE COURT: Let me pause for that. Is one of  
4 the corporations Central Manufacturing?

5 MR. STOLLER: Yes.

6 THE COURT: Which has some other names.

7 MR. STOLLER: Stealth Industries, Inc.

8 THE COURT: Stealth Industries, also

9 Rentamark.

10 MR. STOLLER: Correct.

11 THE COURT: Right?

12 MR. STOLLER: Right. In other words, what  
13 relief they're seeking, Judge --

14 THE COURT: I understand. Let me ask the  
15 trustee something. He wants to -- if we modify the stay  
16 then, of course, Stoller can be sued but also these  
17 corporations. Do you take the view that he has no right  
18 to represent the corporations or hire a lawyer to  
19 represent the corporations?

20 MR. FOGEL: I take that view, yes, because as  
21 part of the settlement there is no relief being sought  
22 against the estate or the entities. There is no  
23 monetary relief being sought against them. And getting  
24 back to whether we've talked many times, the entities  
25 all appear to be Mr. Stoller, so that we're talking

1 about claims against the bankruptcy estate on the one  
2 hand, we're talking about claims against Mr. Stoller as  
3 an individual post-conversion living the rest of his  
4 life, on the other hand. The second --

5 THE COURT: Yeah, but --

6 MR. FOGEL: -- part is what Google is going  
7 after.

8 THE COURT: Central Manufacturing is a  
9 corporate entity?

10 MR. STOLLER: Yes, in Delaware. Yes, Judge,  
11 it is.

12 THE COURT: What do you think, Google?

13 MR. BARRETT: Your Honor, I understand the  
14 court made a finding of fact at the conversion trial  
15 finding that these entities were inseparable from  
16 Mr. Stoller himself.

17 THE COURT: Well, they may be maybe  
18 inseparable.

19 MS. ALWIN: The debtor has also failed to  
20 produce --

21 THE COURT: In a piercing corporate veil  
22 sense, but I was just asking whether or not it was  
23 corporate entities.

24 MR. STOLLER: They are. I paid the franchise  
25 fee for 20 years for each one of those corporations in

1 Delaware. They exist. All you have to do is go on the  
2 computer and pull them up.

3 MS. ALWIN: Your Honor, as we've noted at  
4 the --

5 MR. FOGEL: Your Honor, there is an entity in  
6 Delaware called Central M-f-g, I want to say comma, Inc.  
7 that is in good standing. I've not seen a document that  
8 in any way, shape, or form connects Mr. Stoller to that  
9 entity. He is not listed as the registered agent. The  
10 State of Delaware does not identify corporate officers.  
11 I have not seen a stock certificate. I've not seen a  
12 record book.

13 THE COURT: Counsel --

14 MR. FOGEL: I've not seen a tax return. I've  
15 not seen anything.

16 THE COURT: Are you abandoning or not  
17 abandoning your claims by reason -- against these  
18 entities, whatever they are, by reason of his stock  
19 ownership therein, if he has any stock ownership or any  
20 other interest? Are you abandoning the interest --

21 MR. FOGEL: No.

22 THE COURT: -- by reason of his relationship.

23 MR. FOGEL: No. I am holding onto all  
24 property of the estate at the moment while I continue --

25 THE COURT: Why are you not abandoning, if

1 you think it is valueless for the estate --

2 MR. FOGEL: No. I'm not asserting a claim  
3 against Google, which I think is valueless for the  
4 estate.

5 THE COURT: Why are you not abandoning these  
6 corporate --

7 MR. FOGEL: They may, in turn -- they may, in  
8 fact, turn out to be companies. They may, in turn, turn  
9 out to have assets.

10 THE COURT: If they are, are you going to be  
11 defending them in the Google lawsuit that they proposed  
12 to file?

13 MR. FOGEL: Not if they're not seeking any  
14 monetary relief. I can't --

15 THE COURT: They seek relief against the  
16 companies or with -- companies. They do.

17 MR. STOLLER: See, that's the rub, Your  
18 Honor. I can't have attorneys represent my  
19 corporations. They're going to consent to judgments  
20 against my corporations. Then they're going to throw me  
21 to the wolves, and I'm going to have to defend myself in  
22 a RICO action for what I think is basically not RICOish.

23 On the other hand, I don't have an  
24 attorney and I can't afford an attorney to represent  
25 myself. So this is putting the debtor, in prejudicing

1 the debtor beyond what should be allowed under the law.  
2 I can't represent my corporations with attorneys to  
3 protect them and, therefore, I can't even represent  
4 myself.

5 THE COURT: I understand. I'm perfectly  
6 clear as to why you wanted the settlement which -- but  
7 you're also, through this device, exposing the  
8 corporations in which you claim an interest to damages  
9 undefended. And I don't understand that unless you want  
10 to abandon your interests in --

11 MR. STOLLER: And he's done that in every  
12 case where I'm in litigation, Your Honor.

13 THE COURT: Mr. Stoller, wait please. Bear  
14 with me one second.

15 MS. ALWIN: Your Honor, part of the  
16 settlement was a release of claims.

17 THE COURT: Against who?

18 MS. ALWIN: Google and the estate and the  
19 entities, so we've resolved it.

20 THE COURT: You mean, Google has released its  
21 claims against the entities?

22 MS. ALWIN: That's my understanding, Your  
23 Honor.

24 THE COURT: Counsel for Google, please?

25 MR. BARRETT: Your Honor, I'm looking at the

1 relevant language right now in the agreement. The  
2 language is Google hereby releases and discharges  
3 Stoller's bankruptcy estate and the trustee, as  
4 representative of Stoller's bankruptcy estate, from any  
5 and all claims.

6 THE COURT: Not the entities.

7 MR. BARRETT: It does not appear to  
8 specifically include the entities.

9 MS. ALWIN: There are no claims against the  
10 entities.

11 THE COURT: Counsel?

12 MS. ALWIN: If I misspoke, Your Honor, my  
13 apologies, but my understanding is --

14 THE COURT: If it included the entities --

15 MS. ALWIN: -- there are no claims then.

16 THE COURT: -- then there's no reason for him  
17 to file this shotgun suit.

18 MR. FOGEL: The suit was drafted before the  
19 settlement was reached.

20 THE COURT: I know, but from what I just  
21 heard, the entities are still liable and you want them  
22 to go undefended even though you think that potentially  
23 you may find out they had a value.

24 MR. STOLLER: That's correct, Your Honor.

25 MR. BARRETT: The relief sought by Google

1 against the entities in the settlement agreement is  
2 injunctive relief.

3 THE COURT: I'm sorry. I was just looking at  
4 this complaint. I always take these requests for relief  
5 kind of seriously. You want treble damages. You want  
6 punitive damages. You don't want -- you want much more  
7 than an injunction against an entity that the trustee  
8 wants to hold onto in case he can find some value there.  
9 And yet the trustee does not intend to defend this,  
10 defend the entities. I don't understand that. I'm not  
11 sure I should modify the stay to permit -- to go after  
12 the entities since the entities are part of the estate.

13 MR. FOGEL: I don't see how entry of  
14 injunctive relief against the entities would affect  
15 their value.

16 THE COURT: I assure you that punitive  
17 damages would and treble damages would.

18 MR. FOGEL: It's my understanding that Google  
19 was not going to be seeking monetary relief against the  
20 entities and was only going to pursue Mr. Stoller. And  
21 if I misunderstood the settlement then --

22 THE COURT: Counsel, is all you want to do is  
23 to get the injunction against the entities?

24 MR. BARRETT: Your Honor, my understanding --  
25 we're dealing with an issue I think that wasn't really

1 fully fleshed out in the settlement talks with the  
2 trustee.

3 THE COURT: I know. And I know this draft  
4 was prepared a long time ago.

5 MS. ALWIN: Yes.

6 THE COURT: I guess you had better think it  
7 through; also me. I'm prepared -- I've approved that  
8 settlement and it makes sense for the estate, but now  
9 I've got to see whether the form of the order here makes  
10 sense and the extent to which I permit him to go forward  
11 with litigation makes sense.

12 MR. FOGEL: May we put this over so that  
13 Mr. Barrett can confer with his lead counsel? And  
14 perhaps the fix is to have a revised proposed  
15 complaint --

16 THE COURT: Yes.

17 MR. FOGEL: -- that will not be seeking the  
18 type of relief that we're talking about.

19 THE COURT: I think that may very well be.  
20 Now, Mr. Stoller, based on your objection, it's going to  
21 be overruled. I'll tell you why. There is good cause  
22 here for allowing Google to go forward and sue you. As  
23 to whether he should be allowed to sue the entities, I'm  
24 not so sure, but there is good cause to allow him to sue  
25 you because that has nothing to do with this estate and



1 suing you won't hurt the estate and, therefore, I should  
2 not in any way bar him from going forward. There is  
3 good cause. He has certainly got an issue that ought to  
4 be resolved somewhere, and I don't see why it should be  
5 resolved in bankruptcy court at all.

6 MR. STOLLER: Well, none of the predicate  
7 acts of which he's trying to seeking relief, or  
8 allegedly seeking relief and, of course, I deny all the  
9 allegations in the complaint, you know, it's like taking  
10 the captain of a ship and saying -- I'm not doing  
11 anything. You know, in other words, there is an  
12 injunction by virtue --

13 THE COURT: Well, you can argue that to  
14 whatever court this is before.

15 MR. STOLLER: But I'm just merely saying it  
16 doesn't make any sense to shove me into an environment  
17 when I'm in a bankruptcy proceeding, I'm trying to  
18 resolve the bankruptcy, pay my creditors, and then I  
19 would say, Judge, if I get out of this bankruptcy and I  
20 pay my creditors and regain my corporations, I would  
21 relish having the opportunity to defend it.

22 THE COURT: At least you should understand  
23 that there is good cause to show why they should go  
24 ahead and be able to sue you on a matter not affecting  
25 the bankruptcy to get injunctions. Now as to how much

1 beyond that should I allow is the question that's still  
2 open. Okay?

3 So when can we have you folks back  
4 here?

5 MR. FOGEL: Your Honor, we have a pending  
6 date in January, I think on the 11th, for some matters.  
7 I don't know if there is a time between now and then  
8 that we can get back before you. I'm going to be out of  
9 town.

10 THE COURT: Well, I can find some time if you  
11 tell me when you want to come back here.

12 MR. FOGEL: Wait, January 11th is the 341.

13 THE COURT: I can find some time. I will  
14 just pick a date a week from now or 10 days from now.

15 MR. FOGEL: A week from now would work.

16 THE COURT: Okay. Date please?

17 THE CLERK: January 19th at 10:30.

18 THE COURT: January?

19 THE CLERK: I'm sorry, December.

20 THE COURT: December 19th at what, 10:30?

21 THE CLERK: 10:30.

22 THE COURT: For hearing on order and possible  
23 limits to litigation -- to suit.

24 May I continue to borrow your big black  
25 book, please?

1 MR. BARRETT: You you may, Your Honor.

2 THE COURT: I don't know what happened to my  
3 copy.

4 Now did you, Mr. Stoller, get a full  
5 set of this big black binder?

6 MR. STOLLER: I just received it, yes.

7 THE COURT: All right. There was a motion on  
8 today, a trustee's motion to approve compromise of  
9 Lanard Toys.

10 MS. ALWIN: Yes. I have a draft order to  
11 follow, Your Honor.

12 THE COURT: May I have it please?

13 MS. ALWIN: Yes.

14 THE COURT: I've overruled the debtor's  
15 objection.

16 MR. FOGEL: We've changed the language to  
17 make it clear that the reference in that paragraph is  
18 only to me on behalf of the estate and the related  
19 entities and it's not applicable to Mr. Stoller.

20 THE COURT: Which paragraph are you talking  
21 about?

22 MR. FOGEL: It's paragraph four of the --

23 THE COURT: The language in the agreement you  
24 mean?

25 MR. FOGEL: Yes.

1 MS. ALWIN: Yes.

2 MR. FOGEL: Paragraph four of the agreement  
3 is what Mr. Stoller's objecting to.

4 THE COURT: Okay.

5 MR. FOGEL: -- and make clear that I'm the  
6 someone.

7 THE COURT: So we -- get a copy of this order  
8 to Mr. Stoller, please.

9 MR. FOGEL: Yes, sir.

10 THE COURT: Now I also have Mr. Stoller's  
11 motion for permission to allow him to represent himself  
12 and his corporate entities before the Trademark Trial  
13 and Appeal Board. What is the status of that?

14 MR. FOGEL: Your Honor, the status of the  
15 matters before the -- they are, I guess the word is they  
16 are frozen pending further determinations in the  
17 bankruptcy case as to what ultimately happens. There  
18 are, as you may recall Mr. Stoller said last week, you  
19 know, over a thousand matters were filed to possibly  
20 investigate whether or not there was a reason for him to  
21 fight with any of the people that he was filing against.

22 I would say this motion is similar to  
23 the motion that he filed a couple of weeks ago that you  
24 denied where he sought a declaration either that I had  
25 abandoned my interest in the portfolio or that he should

1 be allowed to join the entities and the estate in the  
2 appeal of the Pure Fishing case. And I resisted the  
3 motion. I resisted that motion at that time --

4 THE COURT: Is that procedure before the  
5 Trademark Trial and Appeal Board --

6 MR. FOGEL: No.

7 THE COURT: -- Pure Fishing?

8 MR. FOGEL: Pure Fishing is pending in the  
9 district court before Judge Lindberg. It has been  
10 appealed to the Seventh Circuit by Mr. Stoller.

11 The matters before the Patent Trademark  
12 Board involve a variety of other parties and, again,  
13 until I have either reached some type of settlement with  
14 Mr. Stoller or proceeded without settlement with  
15 Mr. Stoller to deal with the intellectual property  
16 portfolio, I am opposed to him being authorized to act  
17 on behalf of the estate or on behalf of the entities.

18 THE COURT: What I can do is to keep this  
19 alive and see what happens.

20 MR. FOGEL: I have no problem with entering  
21 and continuance of this motion.

22 THE COURT: Because your view is that the  
23 proceeding is frozen.

24 MR. FOGEL: Yes.

25 MR. STOLLER: Your Honor, the last time we

1 were here one of the attorneys presented an action. At  
2 the Trademark Trial and Appeal Board -- and the last  
3 time we were here you made your order in the Google case  
4 predicated upon the fact that I may get my companies  
5 back.

6 THE COURT: Mr. Stoller, the trademark  
7 procedure, is it going forward now or is it frozen  
8 temporarily?

9 MR. STOLLER: No. They're going to be  
10 dismissed and that's the urgency. All my actions at the  
11 Trademark Trial and Appeal Board of which there are 30  
12 cases many of which I have been involved in for 10 years  
13 or more, Judge, are now all destined to be dismissed.

14 THE COURT: Mr. Stoller, do you have anything  
15 to back up your contention that they're about to be --

16 MR. STOLLER: Yes.

17 THE COURT: I don't mean Stoller. Trustee,  
18 do you have anything that shows that they're frozen as  
19 opposed to actively considering dismissal?

20 MS. ALWIN: I believe it's the order attached  
21 to Google's response.

22 MR. JOHNSON: Your Honor, if I may interject  
23 a moment on the Trademark Trial and Appeal Board  
24 procedure. An opposition is filed by a party who  
25 believes they will be harmed by the granting of a

1 trademark registration. There is an alternative  
2 proceeding available. If that registration has already  
3 been granted, the one aggrieved can seek to have the mar  
4 canceled. The two are procedurally identical, merely a  
5 difference in posture as to whether the application has  
6 been registered or whether the registration will be  
7 canceled.

8 MR. STOLLER: What happened the last time we  
9 were here, the board issued an order which was tendered  
10 to you. In that order the Trademark Trial and Appeal  
11 Board dismissed a case which the trustee entered into an  
12 agreement to dismiss the case with and I merely filed a  
13 notice before the Trademark Trial and Appeal Board,  
14 Judge, to advise them that the case was on appeal and  
15 not to -- to put them in the stay position.

16 The board issued a decision saying,  
17 "Stoller has no authority to respond," and then  
18 dismissed the action. That single decision which was  
19 tendered to you last time is now being used by all my  
20 opponents so that all of my decisions, all of the 30  
21 pending oppositions will be dismissed based on that  
22 board decision. I need to go back to the TTAB. I went  
23 in good faith and tried to contact Mr. Fogel and asked  
24 him if he would give me authority so I could go back to  
25 the board and say, "No, I do have the authority."

1 I'm not looking to litigate the cases  
2 over there. I'm merely looking to advise the board that  
3 we are -- that these decisions are on appeal and they  
4 should be stayed pending my appeal.

5 THE COURT: What decisions are on appeal?

6 MR. STOLLER: Pardon me?

7 THE COURT: What was handed to me now is a  
8 letter from the Patent Trademark office to you dated  
9 July 14, '06.

10 MR. STOLLER: That's just a sanction order.  
11 That has nothing to do --

12 THE COURT: It determines that you have not  
13 made a showing that you have a colorable claim of  
14 damages justifying the extension request that you filed.

15 MR. STOLLER: You're being -- there is an  
16 attempt to confuse the court. That decision, that was a  
17 sanction order based on my filing a series of requests  
18 to -- requests for extensions of time to file in  
19 opposition. That does absolutely nothing with the 30  
20 pending initiated opposition proceedings. The  
21 criticality of it is if I'm going to get my companies  
22 back, I want my oppositions in the same position they  
23 were at the time this proceeding began.

24 Mr. Lance Johnson's allegation to you  
25 that I could then now go back and refile 30 or 40 cases,



1 pay those filing fees, and then litigate under the  
2 theory that a petition to cancel is the same as an  
3 opposition is not the case. There is a different  
4 standard.

5 All I want is that the board suspend  
6 everything, like the trustee said, pending the  
7 resolution of these issues so that if we can reach an  
8 amicable resolution, I pay my creditors, I get my  
9 companies back, everything is stayed. Right now the  
10 board has said, "Stoller has no authority." I've  
11 received letters from other counsel using that last  
12 decision by the board and they're going to dismiss all  
13 30 of them which would never allow me to be made whole  
14 again.

15 THE COURT: Trustee, have you filed anything  
16 in that proceeding?

17 MR. FOGEL: Yes, and let me clarify it there.  
18 I think maybe what Mr. Stoller is looking for may, in  
19 fact, be available to him. After Judge Lindberg entered  
20 his opinion in the Pure Fishing case in the district  
21 court dealing with the Stealth marks that Mr. Stoller  
22 has the fights with before the Patent Trademark Board, I  
23 entered into a joint motion to dismiss in opposition  
24 without prejudice.

25 THE COURT: Pertaining to Pure?

1 MR. FOGEL: Pertaining to another entity.

2 THE COURT: Just one?

3 MR. FOGEL: I believe one.

4 MR. STOLLER: He entered three of them. He  
5 dismissed three of my cases.

6 MR. FOGEL: I thought only one of them had  
7 actually been --

8 THE COURT: Has it been dismissed?

9 MR. STOLLER: Three.

10 MR. FOGEL: I believe one of them has. And  
11 as soon as Mr. Stoller filed his notice of appeal of the  
12 Pure Fishing action, I decided to stand still and take  
13 no actions before the Patent and Trademark Board.

14 THE COURT: Mr. Stoller, let me ask, are  
15 these cases where you claim some interest in what other  
16 people say are their trademarks or patents?

17 MR. STOLLER: It's a claim where my company  
18 held rights and does the 35 Stealth federal trademark  
19 registrations. We have 35.

20 THE COURT: Mr. Stoller, are these  
21 proceedings where you claim an interest in certain  
22 trademarks that other companies are using?

23 MR. STOLLER: I claim an interest in the  
24 trademarks that I own, 35. A company will file an  
25 application for a trademark.

1 THE COURT: You don't want to answer my  
2 question.

3 MR. STOLLER: I am answering it.

4 THE COURT: No, you're not. I asked you  
5 whether you're claiming rights in trademarks that other  
6 companies are using.

7 MR. STOLLER: Yes, I am.

8 THE COURT: And do you contend that you used  
9 the -- that you obtained the trademarks first?

10 MR. STOLLER: I have 35 that I've obtained  
11 since 1981.

12 THE COURT: First, before they started to use  
13 them?

14 MR. STOLLER: Yes. And these cases are not  
15 being dismissed by the board summarily. They're motions  
16 to dismiss. They're being litigated. And I need to be  
17 able to defend my trademarks.

18 Now the only thing I'm looking for,  
19 Judge, the only thing here is to go back to the board  
20 and say, "No, they should be stayed." I should have the  
21 right to write them a letter and say they should be  
22 stayed pending what appeals you said, the Pure Fishing  
23 appeal and my appeal in this case. That's all I'm  
24 looking for.

25 THE COURT: Let me say to the trustee, it may

1 very well be that Mr. Stoller is misusing his rights  
2 under the patent system. It may very well be that it  
3 would be a better world if he were stopped. I am not  
4 here to make that decision. It may very well be that  
5 some other court or agency ought to make that decision.  
6 I just don't think that if the trustee is not claiming  
7 any property rights that the bankruptcy should be used  
8 to prevent Mr. Stoller from litigating whatever he  
9 thinks his rights are. So I'm a little troubled by . .

10 MR. FOGEL: I'm a little troubled, too. But  
11 if he would show me any documents, if he would give me  
12 any cooperation along the lines that would enable me to  
13 make intelligent decisions --

14 THE COURT: He has this problem because he's  
15 asserted the Fifth Amendment. He's not cooperated with  
16 you and he complains that you're moving slowly and are  
17 not proceeding to take some dispositive action that will  
18 allow him to get back control of his business. And, of  
19 course, I understand that once a trustee is faced by a  
20 proper assertion of a Fifth Amendment, if it be proper,  
21 that does slow the trustee down. I understand that on  
22 the other side as well. But, generally speaking, one  
23 may punish themselves by asserting the Fifth Amendment,  
24 but one may not be punished for asserting the Fifth  
25 Amendment properly.

1 MR. FOGEL: Your Honor, I --

2 THE COURT: Now where are we here? What I'd  
3 like to see happen is that whatever you do and whatever  
4 I do freezes the proceedings.

5 MR. FOGEL: That's what I'm trying to do.  
6 I'm trying to maintain the status quo. I am not seeking  
7 dismissal of any matters, and I will be happy to  
8 notify --

9 THE COURT: I want you to think about that as  
10 to how we can arrive at that as opposed to allowing him  
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14 THE COURT: Yes, you can, because the claim  
15 is a claim of the estate.

16 MR. FOGEL: Well, if it's a claim of the  
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20 freeze it while you evaluate it.

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23 Anything I've done to date has been without prejudice.

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1 else before the Patent Trademark Board until either I  
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11 certainly not going to let him represent an asset of the  
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15 THE COURT: I'm fully aware also of a dilemma  
16 that it seems to me you probably have. If you suspect  
17 that a lot of these claims that he has made are phony,  
18 you probably don't want to be asserting them if that's  
19 your belief.

20 MR. FOGEL: Thank you, Judge.

21 THE COURT: And so you have a dilemma because  
22 you can't evaluate. So you're reluctant to abandon and  
23 you're reluctant to prosecute.

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3 represent to Mr. Stoller and to the court --

4 THE COURT: -- the 19th to see if we can  
5 approach this problem that way.

6 MR. FOGEL: Fine.

7 MR. STOLLER: Your Honor, could I make one  
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9 days. I would like to talk to Mr. Fogel.

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12 notifying the board that this one action shouldn't be  
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17 MR. STOLLER: Okay.

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21 MR. FOGEL: You ruled on it.

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24 one last matter for today. As part of the objection  
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2 FOR THE NORTHERN DISTRICT OF ILLINOIS  
3 EASTERN DIVISION

4 In re: )  
5 LEO STOLLER, ) No. 05 B 64075  
6 ) Chicago, Illinois  
7 Debtor. ) February 15, 2007  
8 ) 10:00 A.M.

9 TRANSCRIPT OF PROCEEDINGS BEFORE THE  
10 HONORABLE JACK B. SCHMETTERER

11 APPEARANCES:

12 MS. JANICE ALWIN  
13 on behalf of the trustee;

14 MR. RICHARD FOGEL  
15 trustee;

16 MS. KIM ROBINSON  
17 on behalf of Google;

18 MR. BILL FACTOR  
19 on behalf of Pure Fishing.

20 ALSO PRESENT:

21 MR. LEO STOLLER  
22 debtor.  
23  
24  
25

1 THE CLERK: Stoller, 05 64075.

2 MR. STOLLER: Good morning, Judge. Leo  
3 Stoller, debtor.

4 THE COURT: Good morning, sir.

5 MS. ALWIN: Good morning, Your Honor.  
6 Janice Alwin on behalf of the trustee.

7 MR. FOGEL: Good morning, Your Honor.  
8 Richard Fogel, the trustee.

9 MS. ROBINSON: Good morning, Your Honor.  
10 Kim Robinson on behalf of Google.

11 MR. FACTOR: Good morning, Your Honor.  
12 Bill Factor on behalf of Pure Fishing.

13 THE COURT: Good morning. First I have --  
14 we have only one thing up this morning that I'm  
15 aware of. Mr. Stoller moves for permission to  
16 retain counsel for corporations that the -- and  
17 Google has filed an objection to it. Let me ask  
18 some questions.

19 Mr. Stoller, what lawyer do you want  
20 to hire?

21 MR. STOLLER: First of all -- I will  
22 answer that. But first of all, you gave them  
23 permission to sue me, Leo Stoller. They came in ten  
24 times before you to lift --

25 THE COURT: I've read --

1 MR. STOLLER: -- the stay.

2 THE COURT: -- your motion.

3 MR. STOLLER: I'm not in this. I'm not --  
4 they didn't sue Leo Stoller. They just sued --

5 THE COURT: I read your motion.

6 MR. STOLLER: Okay. They just sued my --

7 THE COURT: I read --

8 MR. STOLLER: -- corporations.

9 THE COURT: -- their answer.

10 MR. STOLLER: Right.

11 THE COURT: I want to ask you what lawyer  
12 you wish to hire.

13 MR. STOLLER: I have a lawyer that I have  
14 talked with on this that -- I haven't confirmed it  
15 yet because I haven't gotten your permission, but  
16 his first name is Marty. And I have discussed it  
17 with him, if he would take the case. But I don't  
18 know yet because I can't --

19 THE COURT: Does he have a last name that  
20 you can share with us, please?

21 MR. STOLLER: I'm looking for his card.  
22 I'll provide that this afternoon for you.

23 THE COURT: You're unwilling or unable to  
24 tell me the lawyer you wish to hire?

25 MR. STOLLER: I'm not unwilling. I am

1 willing. His name is Marty. He's handling another  
2 matter for me and --

3 THE COURT: Did you respond at all to the  
4 trustee's invitation to have that lawyer contact  
5 him?

6 MR. STOLLER: At this particular point, he  
7 hasn't said yes or no to the case because I don't  
8 have permission.

9 THE COURT: In the event --

10 MR. STOLLER: I will have --

11 THE COURT: -- you should hire Marty --

12 MR. STOLLER: Pardon me?

13 THE COURT: In the event you should hire  
14 Marty, last name unknown, out of what source would  
15 you pay him?

16 MR. STOLLER: He would be paid out of  
17 Illinois trade. He's a lawyer that's on barter, a  
18 barter system, and he would take barter points, he  
19 said. And he would take -- 25 percent of his hourly  
20 wage would be paid by cash, 75 percent by barter.  
21 And my brother who -- has agreed to borrow me the  
22 funds to pay him the 25 percent of his hourly wage  
23 for cash.

24 The critical point here is that  
25 they're seeking a civil RICO action. This is the

1 most serious type of action --

2 THE COURT: I read --

3 MR. STOLLER: -- against a --

4 THE COURT: -- your motion, I read their  
5 answer. I understand what they're doing and I  
6 understand what you're doing.

7 Have you yet turned over any documents  
8 relating to the corporations involved in this  
9 lawsuit you're talking about? Have you turned over  
10 any documents relating to those corporations to the  
11 trustee?

12 MR. STOLLER: No, I haven't.

13 THE COURT: Why not?

14 MR. STOLLER: Because under the advice of  
15 my counsel when I took the Fifth, he advised me to  
16 take the Fifth. But in terms of whatever documents  
17 I have in my possession regarding those corporations  
18 which are their corporate -- you know, the book from  
19 Delaware, I would be more than happy to turn those  
20 over to Mr. Fogel.

21 THE COURT: Sir, do you have documents  
22 relating to what you think would be your defense in  
23 that case?

24 MR. STOLLER: In the Google case?

25 THE COURT: That's the case we're talking

1 about.

2 MR. STOLLER: In the Google case, there  
3 are --

4 THE COURT: That's the one you want to  
5 hire lawyers to defend.

6 MR. STOLLER: Yes, right. I have  
7 documents --

8 THE COURT: That's the subject of this  
9 discussion.

10 MR. STOLLER: I have documents --

11 THE COURT: Do you have documents?

12 MR. STOLLER: Yes, I do, that are --

13 THE COURT: Have you turned those over to  
14 the trustee?

15 MR. STOLLER: No. But I haven't been  
16 asked specifically for that, but I will.

17 THE COURT: What's the answer to my  
18 question?

19 MR. STOLLER: Yes, I have documents. I  
20 haven't --

21 THE COURT: And the --

22 MR. STOLLER: -- turned them over --

23 THE COURT: And the question is --

24 MR. STOLLER: -- but I will turn them  
25 over.

1 THE COURT: You have not turned them over  
2 yet?

3 MR. STOLLER: As of this second, I was not  
4 required to give my defense for this RICO action,  
5 which was just filed, to the trustee. I didn't know  
6 that was -- I had to do that.

7 THE COURT: Did you appear at a meeting of  
8 creditors?

9 MR. STOLLER: We had one meeting of  
10 creditors.

11 THE COURT: Did you appear at a --

12 MS. ALWIN: Yes.

13 THE COURT: -- meeting of creditors?

14 MR. STOLLER: Yes.

15 THE COURT: Did you testify?

16 MR. STOLLER: I took the Fifth at --

17 THE COURT: Did you --

18 MR. STOLLER: -- the advice of my --

19 THE COURT: -- turn over any documents at  
20 the meeting of creditors?

21 MR. STOLLER: No, I did not. But I am  
22 willing to turn over documents in the defense of  
23 this case because it is so critical to the trustee  
24 what is my defense in this case. I was not asked  
25 for that specific defense.

1 THE COURT: Sir, the corporations that are  
2 named in this case that you want to defend --

3 MR. STOLLER: Yes.

4 THE COURT: -- those corporations, do you  
5 own stock in those corporations?

6 MR. STOLLER: Yes, I do, Judge.

7 THE COURT: Do you own all the stock,  
8 in --

9 MR. STOLLER: Yes, I --

10 THE COURT: -- those corporations?

11 MR. STOLLER: -- do, Judge.

12 THE COURT: Does anybody else own stock in  
13 those --

14 MR. STOLLER: No --

15 THE COURT: -- corporations?

16 MR. STOLLER: -- Judge.

17 THE COURT: Are you an officer in --

18 MR. STOLLER: Yes.

19 THE COURT: -- each of those companies?

20 Is there any reason you want to tell  
21 me why you don't think the trustee has the right to  
22 control those corporations and responsible for any  
23 assets of them?

24 MR. STOLLER: Yes, I do.

25 THE COURT: What's that?



1 MR. STOLLER: When the Chapter 13 trustee  
2 just filed his final report on February 7th in this  
3 case, they showed I owed \$65,000 in debt. That's  
4 when we came before you when Golding was here on the  
5 conversion. Prior to the conversion and the  
6 appointment of this trustee, I only owed in this  
7 court in my bankruptcy claims of 65,000. Since the  
8 trustee has taken over, those claims have been  
9 elevated to \$2.3 million.

10 THE COURT: Mostly Google?

11 MR. STOLLER: No. Pure Fishing, which he  
12 agreed to. He has refused to defend any of my  
13 corporations, resulting in the ballooning of the  
14 debt which has been leveled on me.

15 THE COURT: Mr. Stoller, when, as, and if  
16 the trustee ever collects any assets, he wishes to  
17 pass them out to your creditors. I understand that  
18 Stoller -- pardon me, that Google has agreed to  
19 withdraw any claims because of the settlement with  
20 the trustee; is that right?

21 MR. FOGEL: Yes, sir.

22 MS. ROBINSON: That's correct, Your Honor.

23 THE COURT: That's the one on settlement  
24 that I approved.

25 MR. FOGEL: Yes, sir.

1 MR. STOLLER: But the problem --

2 THE COURT: So other creditors will  
3 the money.

4 MR. STOLLER: The problem --

5 THE COURT: It doesn't matter how much  
6 Google is claiming.

7 MR. STOLLER: The problem is not to  
8 withdraw their monetary claims. It's a class  
9 action where I'm mentioned 15 times in a complaint  
10 in which I am deprived of defending myself. I'm  
11 even listed in it.

12 THE COURT: You have a right, I suppose  
13 to seek to intervene in that case and to protect  
14 interest of yours personally, but I see no reason  
15 why I should authorize you to hire lawyers on behalf  
16 of the companies.

17 MR. STOLLER: Because if --

18 THE COURT: If you feel that the settlement  
19 indirectly impinges on your rights, nothing is going to  
20 you from doing that.

21 MS. ROBINSON: Your Honor, if, in fact,  
22 the settlement is approved by the district court  
23 next week, the case is going to go away.

24 THE COURT: I understand.

25 MS. ROBINSON: The case is going to go away.

1 THE COURT: I don't know --

2 MS. ROBINSON: -- to completely --

3 THE COURT: -- what he means by --

4 MR. STOLLER: It's not going to go away.  
5 It's going to live with me forever, and I'm going  
6 be held responsible for a civil RICO action. The  
7 complaint here is a heinous complaint. It's  
8 frivolous on its face. There aren't -- and I  
9 defend my corporations, and that's like telling me  
10 to cut my legs off, go in front of another court  
11 and I already got --

12 THE COURT: Do you have the --

13 MR. STOLLER: -- a judgment against

14 THE COURT: -- motion -- do you have  
15 order modifying stay that I allowed Google to  
16 after, please? Nobody has that order?

17 MS. ROBINSON: Yes, we have it, Your  
18 Honor.

19 MR. FOGEL: Yes, sir.

20 MR. STOLLER: And the other thing, you  
21 asked --

22 MS. ROBINSON: Your Honor --

23 MR. STOLLER: -- Judge, to file the motion  
24 to the motion. It is pending at the Trial Court  
25 and Appeal Board. You modified your order --

1 wrote that language in. They have -- I believe  
2 refused to respond to my motion for summary  
3 judgment.

4 THE COURT: Nobody has the order  
5 entered.

6 MS. ROBINSON: Yes, we have it, Your  
7 Honor.

8 THE COURT: Okay. See if you can put  
9 the docket in the Stoller case.

10 Do you remember the approximate date  
11 of the entry of the order?

12 MS. ROBINSON: Your Honor, are you asking  
13 for the order against Mr. Stoller individually?

14 THE COURT: No.

15 MS. ROBINSON: -- or the order that allowed you to

16 THE COURT: The order that allowed you to  
17 proceed, counsel. The order modifying stay.

18 MS. ALWIN: That was in January.

19 THE COURT: Okay. Do we know the  
20 approximate date of the order?

21 MS. ALWIN: January.

22 MS. ROBINSON: January 5th or 4th, Your  
23 Honor.

24 THE COURT: Okay.

25 Let's pull it up and see if you can

1 find the order modifying stay.

2 MR. STOLLER: It's important that  
3 in their motion before you they had asked that  
4 they had me, Leo Stoller, a necessary party  
5 was in their motion to lift the stay. When they  
6 come to filing the suit, they don't have it  
7 there.

8 THE COURT: So nobody -- this what  
9 turns largely on this order which I signed  
10 permitting stay, and I believe I tailored it  
11 little bit. But nobody has it, so we're going to

12 MS. ROBINSON: We do have it, Your Honor.  
13 We do have it, Your Honor.

14 THE CLERK: February 8th.

15 THE COURT: I can't hear you. What?

16 MS. ROBINSON: It is Exhibit 5 to our  
17 response -- or our objection, Your Honor. I'll  
18 to give a copy to you right now.

19 THE COURT: Just a second. Exhibit 5  
20 ought to be able to find. Exhibit 5, order  
21 approving trustee's agreement with Google to lift  
22 stay and compromise certain claims; is that it?

23 MS. ROBINSON: That's it, Your Honor.

24 THE COURT: Got it.

25 MR. STOLLER: And they have not

1 their answer to the motion expending the  
2 Trademark Trial and Appeal Board which you  
3 language in there yourself, handwrote it, and  
4 they --

5 THE COURT: What subject are you referring to?

6 MR. STOLLER: I'm on the subject of the  
7 order right there.

8 THE COURT: This order does not deal with  
9 that subject. Do you have an order that deals with  
10 that subject?

11 MR. STOLLER: You wrote the Trademark  
12 Trial and Appeal Board, I thought, on that  
13 particular order.

14 MS. ROBINSON: That's not correct, Your  
15 Honor.

16 THE COURT: That's a different order than  
17 you're thinking about.

18 MR. STOLLER: Oh, a different order, Your  
19 sorry.

20 MS. ROBINSON: I think the particular  
21 language that you included on this order, Your  
22 Honor, was that there would be ability to review  
23 or vacate or modify the order --

24 THE COURT: -- case gets dismissed --  
25 the bankruptcy gets dismissed.

1 MS. ROBINSON: That's correct, Your Honor.

2 THE COURT: Now, let's see.

3 MS. ROBINSON: This order approving the  
4 settlement --

5 THE COURT: Do you have a copy of the  
6 agreement here somewhere?

7 MS. ROBINSON: The settlement agreement.  
8 Your Honor, that you approved?

9 THE COURT: Yes.

10 MS. ROBINSON: Yes. That, I believe.

11 THE COURT: Which exhibit is that, please?

12 MS. ROBINSON: I believe it is Exhibit 3.  
13 Your Honor. Yes, it's Exhibit 3, Your Honor.

14 THE COURT: I don't think so. Exhibit 3.  
15 No.

16 MS. ROBINSON: Exhibit 3.

17 THE COURT: Well -- oh, I see. Exhibit 3  
18 starts way back in here.

19 MS. ROBINSON: Yeah, there are a lot of  
20 attachments to that exhibit, Your Honor.

21 THE COURT: Now, this deal which the  
22 trustee made said they wouldn't oppose a permanent  
23 injunction and final judgment as to certain  
24 defendants, Central Manufacturing and Steel  
25 Industries, right?

1 MS. ROBINSON: That's correct. And the  
2 permanent injunction, Your Honor, is set forth in the  
3 motion --

4 THE COURT: Now, is --

5 MS. ROBINSON: -- before the --

6 THE COURT: -- there anything --

7 MS. ROBINSON: -- district court on  
8 Tuesday.

9 THE COURT: -- in here which indicates  
10 were going to sue under RICO?

11 MS. ROBINSON: Your Honor, the draft  
12 complaint was attached to the stay motion that  
13 filed back in, I believe, August. The draft  
14 complaint, virtually identical except for the fact  
15 that Mr. Stoller is not included, was attached to  
16 the stay motion that's been a subject of these  
17 proceedings for several months. The fact that  
18 Google decided not to include Mr. Stoller, I would  
19 think he would be happy about that. I've never  
20 somebody upset about the fact that they were  
21 sued.

22 THE COURT: Does the complaint to which  
23 the trustee is about to agree to with a consent  
24 judgment affect Mr. Stoller personally?

25 MR. STOLLER: Yes, it does. I don't know



1 Judge.

2 THE COURT: Would you hold on for  
3 second?

4 MS. ROBINSON: It does not, Your Honor.  
5 It is against the two corporations --

6 THE COURT: Does a --

7 MS. ROBINSON: -- that are --

8 THE COURT: -- verdict --

9 MS. ROBINSON: -- no longer --

10 THE COURT: -- against his company --  
11 says they violated the stay, RICO, affect him  
12 indirectly?

13 MS. ROBINSON: I don't believe so, Your  
14 Honor. I believe there is an permanent injury  
15 stopping the companies from doing the activities  
16 that they've been doing throughout. Google is  
17 to withdraw --

18 THE COURT: May I --

19 MS. ROBINSON: -- their claims --

20 THE COURT: -- see it?

21 MR. STOLLER: I have --

22 MS. ROBINSON: -- against the --

23 MR. STOLLER: -- the complaint --

24 MS. ROBINSON: -- estate.

25 MR. STOLLER: -- here.

1 THE COURT: Let's have it. If you want to go  
2 around this way, it's the --

3 MR. STOLLER: I'm sorry.

4 THE COURT: -- way to come around.  
5 Otherwise --

6 MR. STOLLER: This --

7 THE COURT: -- you step all --

8 MR. STOLLER: This materially --

9 THE COURT: -- over the --

10 MR. STOLLER: -- affects me --

11 THE COURT: -- court reporter.

12 MR. STOLLER: -- in at least ten different  
13 areas where they're calling me an extortionist,  
14 where they're calling -- engaging a fraudulent  
15 activity. You wanted me, Judge, to have an  
16 opportunity, not in this court, to defend my  
17 business practices. In this I've marked the  
18 sections where they mentioned my name. I will be  
19 permanently branded for the rest of my career as an  
20 extortionist if I'm not allowed to defend this  
21 action, which is frivolous on its face. There is no  
22 merit to it. But I need to have my due process and  
23 equal protection rights protected. You have to give  
24 me that opportunity.

25 THE COURT: Can I get back -- I think

1 have an understanding of what's going on with  
2 this coming up before the --

3 MR. STOLLER: The 20th --

4 THE COURT: -- district judge?

5 MR. STOLLER: -- we're in --

6 MS. ROBINSON: On Tuesday.

7 MR. STOLLER: -- front of Judge Reed.

8 THE COURT: If you think you are going to  
9 in some way, why didn't you seek to intervene?

10 MR. STOLLER: I have. I filed to  
11 intervene. But the point --

12 THE COURT: What happened when you filed?

13 MR. STOLLER: Well, that's up on the wall.

14 THE COURT: Oh, really?

15 MR. STOLLER: Um-hmm, the motion to  
16 intervene. But the point is I can't --

17 THE COURT: Then do it.

18 MR. STOLLER: I am.

19 THE COURT: Don't come here --

20 MR. STOLLER: But this is --

21 THE COURT: -- sir.

22 MR. STOLLER: I need --

23 THE COURT: This is --

24 MR. STOLLER: -- my corporations  
25 represented --

1 THE COURT: Sir, would --

2 MR. STOLLER: -- too.

3 THE COURT: -- you please take the --

4 MR. STOLLER: It's not a question of  
5 myself. I need the corporations. They're  
6 brand the corporations as extortionists.

7 THE COURT: Well...

8 MR. STOLLER: And by default.

9 MS. ROBINSON: Your Honor --

10 THE COURT: Sir --

11 MR. STOLLER: And you wanted me --

12 THE COURT: Sir, let --

13 MR. STOLLER: -- to have --

14 THE COURT: -- me say something. You  
15 in bankruptcy. You've not cooperated with the  
16 trustee. You've not given any information to the  
17 trustee or documents intending to help the trustee  
18 defend these actions. The trustee is trying to do  
19 his best for the sake of creditors and get rid of  
20 this Google claim against the estate. It makes sense  
21 to me. It still makes sense to me. You're in the  
22 position of having given no cooperation at all in  
23 bankruptcy, and yet you want something, you want an  
24 extraordinary right to represent a company. We have  
25 no idea at this point, and I don't think that's

1 does, I certainly don't, whether these companies  
2 have assets other than whatever claims you think  
3 they have, which the trustee is unwilling to take  
4 responsibility for asserting for good reason, I  
5 think.

6 In any event, for all we know, there are  
7 assets of these companies that are out there  
8 which you've not helped the trustee identify  
9 or given him documents or given him testimony  
10 have a right to assert the Fifth Amendment,  
11 have the right to --

12 MR. STOLLER: Not use it against me.

13 THE COURT: -- say that the trustee has  
14 responsibility for this corporation, not you. The  
15 motion is denied for reasons stated from the bench.

16 MS. ROBINSON: Thank you, Your Honor.

17 MR. FOGEL: Thank you, Your Honor.

18 THE COURT: Good morning.

19  
20 (Which were all the proceedings  
21 had in the above-entitled case on  
February 15, 2007.)

22 I, GARY SCHNEIDER, CSR, RPR, DO HEREBY CERTIFY THAT  
23 THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT OF THE  
24 PROCEEDINGS HAD IN THE ABOVE-ENTITLED CASE.

24

25