

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

**FILED**  
MAR 27 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 **27th day of March, 2007**, there was filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, **1) Transcript of the hearing before the Honorable Virginia M. Kendall on March 13, 2007, 2) Transcript of the hearing before the Honorable Virginia M. Kendall on March 19, 2007 and 3) Transcript of the hearing before the Honorable Jack B. Schmetterer on March 1, 2007**, copies of which are 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 3-20 day of March, 2007, with proper postage prepaid.

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

09:14:24

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

GOOGLE, INC., Case No. 1:07-cv-385  
Plaintiff, Chicago, Illinois  
v. March 13, 2007  
Status Conference  
CENTRAL MANUFACTURING, INC.,  
et al.,  
Defendants.

-----  
TRANSCRIPT OF STATUS CONFERENCE  
BEFORE THE HONORABLE VIRGINIA M. KENDALL  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff: Quinn, Emanuel, Urquhart &  
Oliver, LLP  
By: Michael T. Zeller  
865 S. Figueroa St., 10th Floor  
Los Angeles, CA 90017  
(213) 443-3000

Also Present:  
Chapter 7 Trustee, Shaw, Gussis, Fishman, Glantz,  
Richard M. Fogel Wolfson & Towbin, LLC  
By: Janice A. Alwin  
321 N. Clark St., Ste. 800  
Chicago, IL 60610  
(312) 541-0151

Leo Stoller  
7115 W. North Avenue  
Oak Park, IL 60604  
(312) 545-4554

Court Reporter: April M. Metzler, RPR, CRR  
219 South Dearborn St., Rm. 2318-A  
Chicago, IL 60604  
(312) 408-5154

Proceedings recorded by mechanical stenography;  
transcript produced by notereading.

09:15:22 1 THE COURT: Okay. I'm not going to exercise  
09:15:24 2 my discretion to do so.

09:15:26 3 MR. STOLLER: Thank you, Judge.

09:15:26 4 THE COURT: And so at this point, where do  
09:15:28 5 we stand as far as the settlement agreement is  
09:15:30 6 concerned?

09:15:30 7 MS. ALWIN: There is a joint motion before  
09:15:32 8 your Honor to enter the permanent injunction. The  
09:15:34 9 settlement agreement has been executed by all parties.

09:15:38 10 THE COURT: Okay. And I have reviewed that,  
09:15:38 11 and I'll grant your motion then, the joint motion which  
09:15:42 12 I know is opposed by Mr. Stoller and wanted to  
09:15:44 13 intervene. I denied his motion to intervene, and so I  
09:15:48 14 will grant the preliminary injunction -- or the  
09:15:50 15 permanent injunction, rather.

09:15:52 16 Anything else?

09:15:52 17 MR. ZELLER: No, your Honor. This should  
09:15:54 18 conclude, I think, the proceedings with the entry of the  
09:15:56 19 permanent injunction.

09:15:56 20 THE COURT: Okay. Good luck, Mr. Stoller.  
09:16:00 21 Thank you.

09:16:00 22 MR. STOLLER: Thank you very much.

09:16:00 23 MS. ALWIN: Thank you, your Honor.

09:16:02 24 MR. ZELLER: Thank you.

25 (Concluded at 9:16 a.m.)

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

April M Metzler

03-13-07

April M. Metzler, RPR, CRR

Date

09:06:58

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

GOOGLE, INC., Case No. 1:07-cv-385  
Plaintiff, Chicago, Illinois  
v. March 19, 2007  
Motion Hearing  
CENTRAL MANUFACTURING, INC.,  
et al.,  
Defendants.

-----  
TRANSCRIPT OF MOTION HEARING  
BEFORE THE HONORABLE VIRGINIA M. KENDALL  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff: Barack, Ferrazzano, Kirschbaum,  
Perlman & Nagelberg  
By: William J. Barrett  
333 W. Wacker Dr., Ste. 2700  
Chicago, IL 60606  
(312) 984-3100

Also Present:  
Chapter 7 Trustee, Shaw, Gussis, Fishman, Glantz,  
Richard M. Fogel Wolfson & Towbin, LLC  
By: Janice A. Alwin  
321 N. Clark St., Ste. 800  
Chicago, IL 60610  
(312) 541-0151

Leo Stoller  
7115 W. North Avenue  
Oak Park, IL 60604  
(312) 545-4554

Court Reporter: April M. Metzler, RPR, CRR  
219 South Dearborn St., Rm. 2318-A  
Chicago, IL 60604  
(312) 408-5154

Proceedings recorded by mechanical stenography;  
transcript produced by notereading.

09:07:02 1 (Commenced at 9:07 a.m.)

09:07:02 2 THE CLERK: 07C0385, Google versus Central  
09:07:08 3 Manufacturing, motion hearing.

09:07:10 4 MR. STOLLER: Good morning, Judge. Leo  
09:07:12 5 Stoller, S-t-o-l-l-e-r.

09:07:14 6 THE COURT: Good morning, Mr. Stoller.

09:07:16 7 MR. STOLLER: Good to see you.

09:07:16 8 THE COURT: Good to see you too.

09:07:18 9 MR. BARRETT: Good morning, your Honor.

09:07:18 10 William Barrett for Google. That's Barrett,  
09:07:22 11 B-a-r-r-e-t-t.

09:07:22 12 THE COURT: Good morning.

09:07:24 13 MS. ALWIN: Good morning. Janice Alwin on  
09:07:26 14 behalf of Rick Fogel, trustee for the Chapter 7  
09:07:30 15 bankruptcy. A-l-w-i-n.

09:07:32 16 THE COURT: Good morning.

09:07:32 17 Well, I rarely get an opposition to a motion  
09:07:36 18 to proceed in forma pauperis, and so we are all here. I  
09:07:42 19 have received a response, and it looks like I've also  
09:07:44 20 received a reply that was filed today, correct?

09:07:48 21 MR. STOLLER: Yes, Judge.

09:07:50 22 THE COURT: All right. And I have not had a  
09:07:50 23 chance to look at the reply, so why don't I listen to  
09:07:54 24 you orally. I know what your motion is, to proceed  
09:07:58 25 in forma pauperis, so let me hear the opposition to

09:08:00 1 that, first.

09:08:02 2 MR. BARRETT: Your Honor, the opposition is  
09:08:02 3 several points. First, the affidavit that Mr. Stoller  
09:08:04 4 attached to his motion is nearly identical to the one  
09:08:06 5 that Judge Lindberg rejected in a very similar motion in  
09:08:10 6 the Pure Fishing case. He found that the affidavit did  
09:08:12 7 not comply with requirements of the Seventh Circuit,  
09:08:14 8 which has an application for this purpose. I also note  
09:08:16 9 that the affidavit submitted here is not sworn.

09:08:18 10 Second, as we note in our paper, the general  
09:08:22 11 statement of the affidavit, which is that Mr. Stoller is  
09:08:24 12 not financially able to pay the fee, is contradicted by  
09:08:26 13 a filing he made last month in the bankruptcy court. He  
09:08:30 14 filed a motion for leave or for permission to retain  
09:08:34 15 counsel to represent the two corporate entities, which  
09:08:36 16 are now part of his bankruptcy estate.

09:08:38 17 In that motion he made statements that --  
09:08:40 18 first implying that because -- that no estate funds  
09:08:44 19 would be needed to retain these lawyers or this lawyer,  
09:08:46 20 implying that he had the money to pay counsel.

09:08:48 21 Second, he makes statements saying that he's  
09:08:52 22 trying to settle his bankruptcy case for a payment of  
09:08:54 23 \$100,000. If he has \$100,000 to settle his bankruptcy  
09:08:58 24 case, he can certainly afford the fee here.

09:09:00 25 Finally, your Honor, the -- I note that in

09:09:02 1 the bankruptcy case Mr. Stoller has taken the Fifth  
09:09:06 2 Amendment with respect to questions on his assets. I  
09:09:08 3 think in that case that this sort of relief here is not  
09:09:10 4 appropriate.

09:09:10 5 THE COURT: Okay.

09:09:10 6 MR. STOLLER: Your Honor, I'd like to  
09:09:12 7 address the fact that the circumstances -- my economic  
09:09:16 8 circumstances have changed since I was in front of Judge  
09:09:18 9 Lindberg. In terms of the attorney that he talked about  
09:09:22 10 that I was retaining was on a barter system. He's with  
09:09:26 11 Illinois Trade. And one of my family members, who has a  
09:09:30 12 business that's with Illinois Trade contacted Illinois  
09:09:32 13 Trade on my behalf. And had I had the right to  
09:09:36 14 represent Judge Schmetterer, my corporations, I would  
09:09:40 15 have been able to use this attorney not with money, but  
09:09:42 16 with barter, because Illinois Trade is a barter  
09:09:46 17 association. A lot of lawyers are in it.

09:09:48 18 In terms of the hundred-thousand-dollar  
09:09:50 19 settlement, the trustee is holding \$345,000 in my  
09:09:56 20 daughter's home, which is -- he has seized and it was  
09:10:00 21 sold. It was a home my mother left to her, and it was  
09:10:02 22 in my name for one day and my mother was -- willed it to  
09:10:06 23 my daughter. So the hundred thousand would have come  
09:10:08 24 out. My daughter would have borrowed that to me. Right  
09:10:10 25 now I don't have access to it, but that's what I offered



09:10:12 1 to settle my debt with --

09:10:14 2 THE COURT: Wait, Mr. Stoller. What I think  
09:10:16 3 I'll do is what I do with all IFPs, when they come in  
09:10:20 4 like this.

09:10:20 5 Ms. Rosegay, will you put Mr. Stoller under  
09:10:24 6 oath, since we don't have a sworn affidavit? And I'll  
09:10:26 7 ask you some questions about your financial status.

09:10:32 8 (The witness was sworn by the clerk.)

09:10:32 9 THE COURT: Okay. Sir, first of all, do you  
09:10:36 10 have any income coming into your house now --

09:10:38 11 MR. STOLLER: No, Judge.

09:10:38 12 THE COURT: -- as your household?

09:10:40 13 And who do you live with?

09:10:40 14 MR. STOLLER: I live with my brother.

09:10:42 15 THE COURT: And is it his house or your --  
09:10:44 16 his house or your house?

09:10:44 17 MR. STOLLER: His house.

09:10:46 18 THE COURT: Does he own the house?

09:10:46 19 MR. STOLLER: No.

09:10:48 20 THE COURT: All right. Do you pay rent to  
09:10:50 21 him?

09:10:50 22 MR. STOLLER: No.

09:10:50 23 THE COURT: Who owns the house?

09:10:52 24 MR. STOLLER: The house is owned by his  
09:10:52 25 daughter.

09:10:52 1 THE COURT: Okay.

09:10:54 2 MR. STOLLER: And my brother's on Social

09:10:56 3 Security Disability.

09:10:56 4 THE COURT: Okay. How are you paying for,

09:10:58 5 say, food and getting around here to court today?

09:11:00 6 MR. STOLLER: My brother, out of his Social

09:11:02 7 Security disability payments that he receives from

09:11:04 8 Social Security, gives me some money.

09:11:06 9 THE COURT: Okay. And do you have any other

09:11:08 10 assets that you can access? For example -- let me go

09:11:12 11 through the list. Do you have any savings accounts?

09:11:12 12 MR. STOLLER: No, no, Judge.

09:11:14 13 THE COURT: Do you have any money in a

09:11:16 14 checking account?

09:11:16 15 MR. STOLLER: No, Judge.

09:11:16 16 THE COURT: Do you have any stocks or bonds?

09:11:18 17 MR. STOLLER: No, Judge.

09:11:20 18 THE COURT: Do you have any money invested

09:11:20 19 in any companies that you have access to?

09:11:22 20 MR. STOLLER: No, Judge.

09:11:24 21 THE COURT: Do you have any dependents that

09:11:26 22 can support you, such as children?

09:11:30 23 MR. STOLLER: I have a daughter who's 39,

09:11:34 24 but she is in Arizona and has -- I have two

09:11:36 25 grandchildren. And she is not in a position where she

09:11:40 1 can support her father.

09:11:40 2 THE COURT: Okay. And regarding where  
09:11:44 3 you're living right now, who's paying the mortgage on  
09:11:48 4 that house?

09:11:50 5 MR. STOLLER: My daughter -- my son's -- my  
09:11:54 6 son's -- not my son -- my brother's daughter's paying  
09:11:58 7 the mortgage on the house.

09:12:00 8 THE COURT: Okay. Who pays for the  
09:12:00 9 groceries?

09:12:02 10 MR. STOLLER: His wife is working.  
09:12:04 11 Christopher -- my brother's wife does work.

09:12:06 12 THE COURT: All right. Do you have a  
09:12:06 13 vehicle, a car of any kind?

09:12:08 14 MR. STOLLER: I have a 1988 Honda -- a 1988  
09:12:16 15 Honda.

09:12:16 16 THE COURT: All right. Do you make any  
09:12:16 17 payments on that?

09:12:18 18 MR. STOLLER: No. I've had it for fifteen  
09:12:20 19 years.

09:12:20 20 THE COURT: Okay. And other than the income  
09:12:22 21 that I just discussed, do you have any liabilities that  
09:12:24 22 you're paying out? Do you have any loans or mortgages  
09:12:26 23 or rents or anything that you're paying out?

09:12:30 24 MR. STOLLER: The only thing that I'm  
09:12:32 25 paying -- and I have claims of \$2.3 million against me

09:12:34 1 in my bankruptcy estate, and I'm not making any  
09:12:38 2 payments. I don't have any money to make any payments.  
09:12:40 3 And the most embarrassing thing is I can't even make my  
09:12:44 4 child support payments, and as a result I'm unable to  
09:12:48 5 see my children. Because in order to see my three  
09:12:50 6 children -- I'm going through a divorce right now -- I  
09:12:52 7 have to participate in what's called supervised  
09:12:54 8 visitation. \$150 a week to pay a doctor to be present  
09:13:00 9 to see my children.

09:13:02 10 I don't have the funds to do that. I  
09:13:04 11 haven't been able to see my children -- and this is very  
09:13:06 12 embarrassing, because I love them very much -- once  
09:13:08 13 since November, early November.

09:13:10 14 THE COURT: Because you don't have the  
09:13:12 15 money --

09:13:12 16 MR. STOLLER: I don't have the money.

09:13:14 17 THE COURT: -- to pay for that supervision,  
09:13:14 18 that \$150 supervision?

09:13:16 19 MR. STOLLER: Right, exactly. Otherwise, I  
09:13:18 20 would see them. And prior to my divorce -- being in a  
09:13:20 21 divorce, I was Mr. Mom and took care of them and raised  
09:13:24 22 them. My wife was a nurse and worked weekends and I  
09:13:28 23 took care of them during the week, so it's extremely  
09:13:30 24 stressful not to be able to be with them at all.

09:13:32 25 THE COURT: Okay. Now, Counsel, you've

09:13:34 1 objected saying that he has assets. You've heard his  
09:13:36 2 statement under oath. What do you believe the assets  
09:13:38 3 are that he has that he can access to pay for his filing  
09:13:42 4 fee upstairs?

09:13:44 5 MR. BARRETT: Your Honor, our position is  
09:13:44 6 not that we know that he has assets, but he hasn't been  
09:13:48 7 forthcoming in the bankruptcy case to describe his  
09:13:50 8 assets. I think this may be the first time under oath  
09:13:52 9 that he has described any assets that he has.

09:13:54 10 MS. ALWIN: It is, actually, your Honor, the  
09:13:56 11 first time under oath.

09:13:58 12 THE COURT: Well, I didn't realize I had  
09:13:58 13 done anything so groundbreaking, but simply when someone  
09:14:02 14 seeks to proceed before me or to go upstairs, I always  
09:14:06 15 ask under oath what your assets are.

09:14:10 16 I have no reason, based upon the statements  
09:14:12 17 here that Mr. Stoller made or your objection to it, to  
09:14:16 18 not believe him, that he doesn't have any assets. So  
09:14:18 19 I'm going to grant your motion --

09:14:20 20 MR. STOLLER: Thank you, Judge.

09:14:22 21 THE COURT: -- to proceed in forma  
09:14:24 22 pauperis --

09:14:24 23 MR. STOLLER: Thank you.

09:14:24 24 THE COURT: -- and we have nothing further,  
09:14:26 25 I think, before this Court. All right. Thank you.

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MR. STOLLER: Thank you.

MR. BARRETT: Thank you.

MS. ALWIN: Thank you.

(Concluded at 9:14 a.m.)

- - -

C E R T I F I C A T E

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

April M Metzler

03.19.07

April M. Metzler, RPR, CRR

Date

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

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In re: )  
LEO STOLLER, ) No. 05 B 64075  
 )  
 ) Chicago, Illinois  
Debtor. ) March 1, 2007  
 ) 10:30 a.m.

TRANSCRIPT OF PROCEEDINGS BEFORE THE  
HONORABLE JACK B. SCHMETTERER

APPEARANCES:

MR. RICHARD FOGEL  
trustee;  
  
MR. RICHARD SALDINGER  
on behalf of the trustee;  
  
MR. WILLIAM FACTOR  
on behalf of Pure Fishing;

ALSO PRESENT:

MR. LEO STOLLER  
debtor.

1 THE CLERK: Stoller, 05 B 64075.

2 THE COURT: Someone is on the line?

3 THE CLERK: Yes.

4 MR. FOGEL: Good morning, Your Honor.

5 Richard Fogel, trustee.

6 THE COURT: Just a moment. Hang on a  
7 second, please.

8 MR. FOGEL: I'm sorry.

9 THE COURT: Is someone on the phone?  
10 Hello? Anyone on the phone?

11 THE CLERK: I'll go check.

12 THE COURT: What should we do?

13 THE CLERK: I see it blinking.

14 THE COURT: Well, it doesn't matter.

15 Hello? Anyone on the phone?

16 What should I do? Should I push this  
17 again?

18 THE CLERK: Yes, push this because it's  
19 blinking.

20 THE COURT: Anyone on the phone? Hello?  
21 Hello?

22 THE CLERK: No, it's off. It's gone.

23 THE COURT: Are we able to get these folks  
24 back, do you think?

25 THE CLERK: Yes, um-hmm.



1 THE CLERK: That's right.

2 MS. CLAY: Hello?

3 UNIDENTIFIED SPEAKER: Yes.

4 MS. CLAY: Okay.

5 THE COURT: Okay. This is the judge in  
6 the Stoller case. Who is on the phone, please?

7 MR. LAFEVER: Judge, Michael Lafeber on  
8 behalf of the Northern Star Counsel, Boy Scouts of  
9 America.

10 MR. LACORTE: Good morning, Your Honor.  
11 Brian Lacorte of Gallagher & Kennedy on behalf of Go  
12 Daddy.

13 THE COURT: Go Daddy, hmm?

14 All right, folks.

15 MR. FOGEL: Your Honor, if I might?

16 THE COURT: We have here first the motion  
17 of the trustee to vacate an order scheduling the  
18 debtor's deposition. Do you have an order for that?

19 MR. FOGEL: Yes, I do, Your Honor.

20 THE COURT: May I have the order for that?

21 MR. FOGEL: It should be attached to the  
22 motion.

23 THE COURT: Do you have any objection to  
24 the order, sir?

25 MR. STOLLER: Yes, I do, Your Honor.

1 THE COURT: Do you have an objection to my  
2 vacating the order?

3 MR. STOLLER: I have no objection to your  
4 vacating the order.

5 THE COURT: Do you have any objection to  
6 this order draft --

7 MR. STOLLER: Can I take a look at it?

8 THE COURT: -- that you just said you have  
9 an objection to?

10 MR. STOLLER: Can I take one quick look at  
11 it?

12 THE COURT: I expect you to look at it and  
13 then tell me whether you object to it.

14 MR. STOLLER: Thank you, Judge.

15 I don't have an objection.

16 THE COURT: What?

17 MR. STOLLER: I don't have an objection,  
18 Your Honor.

19 (Document tendered.)

20 THE COURT: Is there anybody that has an  
21 objection? I can't imagine anybody has any standing  
22 to object to it. But at any rate, I hear none.  
23 That order is vacated without objection.

24 MR. FOGEL: Thank you, Judge.

25 THE COURT: Now --

1 MR. STOLLER: Thank you, Judge.

2 THE COURT: -- do you wish to take his  
3 deposition?

4 MR. FOGEL: Your Honor, if I may, I wish  
5 to address the court with a brief status report on  
6 some developments in the case that have taken place  
7 that may affect and resolve other matters both on  
8 the call today and in general in the case, if you  
9 could bear with me for a moment.

10 First let me tell Your Honor that I  
11 missed the last couple of hearings in this matter  
12 because my father died last week.

13 THE COURT: I'm so sorry to hear that.

14 MR. FOGEL: And I spent time with my  
15 family rather than appear in court at these  
16 hearings. But I was --

17 THE COURT: That's where you should have  
18 been.

19 MR. FOGEL: -- represented by counsel.  
And I --

20 THE COURT: Your counsel did very well.

21 MR. FOGEL: -- take the defamatory  
22 aspersions that Mr. Stoller has placed on his  
23 website about my presence or absence very  
24 personally.  
25

1                   While I was away and since I've been  
2 back --

3                   THE COURT: Are you -- you put some  
4 comments about his absence on your website, sir?

5                   MR. STOLLER: All I said was he was  
6 conspicuous by his absence. I didn't --

7                   THE COURT: Do you wish to apologize to  
8 him for --

9                   MR. STOLLER: Under the circumstances --

10                   THE COURT: -- your extraordinarily rude  
11 remarks?

12                   MR. STOLLER: I do apologize to him for  
13 his -- for those remarks.

14                   THE COURT: Let's go ahead.

15                   MR. FOGEL: Your Honor, I received  
16 yesterday an offer to purchase the intellectual  
17 property of the bankruptcy estate from a corporation  
18 that has been formed by some of Mr. Stoller's  
19 creditors. The offer has some conditions to it.  
20 One of the conditions is the entry of an order  
21 substantively consolidating the nondebtor corporate  
22 shells that Mr. Stoller owns with the individual  
23 bankruptcy estate. Based on findings of fact that  
24 Your Honor has made in this case, and based on  
25 pleadings that Mr. Stoller has subsequently filed in

1 other cases, I believe that there may very well be a  
2 basis for you to do so.

3 THE COURT: What are they offering?

4 MR. FOGEL: They've offered \$10,000 in  
5 cash. Now, it is not a significant amount of money,  
6 but it is a starting point. And the creditors and  
7 Mr. Stoller in my opinion are the only parties that  
8 have or would place value on the portfolio. The  
9 creditors have nuance value attached to it,  
10 Mr. Stoller would have intrinsic value to attach to  
11 it.

12 If I were to get in a position to sell  
13 the intellectual property portfolio at a sale in  
14 this courtroom to which Mr. Stoller or his brother  
15 or his daughter or his friends or whoever and he  
16 want to pony up some money and participate --

17 THE COURT: At an auction?

18 MR. FOGEL: -- we'll have an auction sale.  
19 I would have the auction sale in this courtroom.  
20 And if Mr. Stoller thinks that might be a good idea,  
21 perhaps he might not oppose substantive  
22 consolidation so that we can get to a sale more  
23 quickly rather than less quickly. If there is a  
24 sale, the perpetual motions to compel me to abandon  
25 or for a declaration that I've abandoned will all be

1 unnecessary because, as I've been telling you all  
2 along, I'm administering the assets. Now, that's  
3 one development.

4 Another development is I've had  
5 discussions with Go Daddy. And I understand at the  
6 most recent hearing Go Daddy was a big issue as to  
7 whether or not I should be abandoning my interest in  
8 various things or what value there is, what value  
9 there isn't.

10 THE COURT: Because there may be some  
11 deadline that's going to be based --

12 MR. FOGEL: Yes, sir. And here is where  
13 we're at: In that matter, the evidence on both  
14 sides, Mr. Stoller's evidence and Go Daddy's  
15 evidence, has already been submitted. There is a  
16 motion for summary judgment pending by Go Daddy.

17 THE COURT: I thought there was a briefing  
18 schedule.

19 MR. FOGEL: Go Daddy is willing and I am  
20 willing, subject to Your Honor's approval and  
21 Mr. Stoller's willingness to do so, we're all  
22 willing to give him an opportunity to file a  
23 response to the motion for summary judgment and a  
24 brief in support of it.

25 THE COURT: Who file?

1 MR. FOGEL: Mr. Stoller.

2 THE COURT: On your behalf?

3 MR. FOGEL: On behalf of Central  
4 Manufacturing Company, the opposer.

5 THE COURT: And the opposer is a  
6 corporation?

7 MR. FOGEL: The opposer is not a  
8 corporation. The opposer is an entity that you  
9 found to be a sole proprietorship of Mr. Stoller.

10 THE COURT: Yes. And you want --

11 MR. FOGEL: And the thinking --

12 THE COURT: You would -- you're saying you  
13 would give him special leave to actually file a  
14 brief.

15 MR. FOGEL: He could file a brief.

16 THE COURT: Is that something you're bound  
17 by?

18 MR. FOGEL: That is something that I would  
19 be bound by.

20 THE COURT: And would not have to approve?

21 MR. FOGEL: I would ask him to let me read  
22 it before it's filed. Then we would ask TTAB to  
23 rule on the papers. And we also would suggest that  
24 Mr. Stoller would have the right to file any  
25 additional papers that TTAB might request in

1 connection with this matter in order to rule. Stay  
2 with me, please.

3 THE COURT: I'm staying.

4 MR. FOGEL: That way --

5 THE COURT: TTAB? Who is TTAB?

6 MR. FOGEL: That's the Trademark Trial and  
7 Appeal Board --

8 THE COURT: Oh, yes.

9 MR. FOGEL: -- before whom --

10 THE COURT: Right, right.

11 MR. FOGEL: -- the Go Daddy matter is  
12 pending.

13 THE COURT: Thank you.

14 MR. FOGEL: No one would agree to allow  
15 him to appeal in the event of an adverse ruling, but  
16 I will have sold the mark that is underlying this  
17 matter, and the new owner of the mark, be it the  
18 entity, be it Mr. Stoller or someone --

19 THE COURT: The mark involving the Go  
20 Daddy matter?

21 MR. FOGEL: The mark involving the Go  
22 Daddy matter.

23 THE COURT: Why don't you offer it for  
24 sale now?

25 MR. FOGEL: Independently one mark doesn't



1 mean anything. I have to put the portfolio up for  
2 sale.

3 THE COURT: Well, I don't know.

4 MR. FOGEL: Yes, sir, I do. And --

5 THE COURT: Portfolio? You mean the Go  
6 Daddy portfolio?

7 MR. FOGEL: No, no, no. The --

8 THE COURT: His own portfolio?

9 MR. FOGEL: Mr. Stoller and his entities'  
10 portfolio of marks. That's what someone wants to  
11 buy. That's what Mr. Stoller wants me to abandon  
12 back to him. It needs to be put for sale before  
13 Your Honor. And if it's sold by allowing  
14 Mr. Stoller to file his response to Go Daddy's  
15 motion for summary judgment, we'll preserve the  
16 interests. There will be no harm to him by me  
17 denying him the right to speak, and it will be dealt  
18 with in that fashion.

19 Similarly, the Boy Scouts counsel, who  
20 have this motion up today for leave to proceed with  
21 an action that they filed pre-petition seeking  
22 certain declaratory relief, they and I have had a  
23 discussion, and they've agreed to put their motion  
24 over for a period of time and give me some time to  
25 respond because they ultimately want to fight with

1 the owner of the mark. They don't want to fight  
2 with me, they don't want to fight with the estate.  
3 Again, either the entity or, for lack of a better  
4 term, I'll say Mr. Stoller, will own the mark at the  
5 end of the sale process and they'll deal with him.

6 THE COURT: Appearance.

7 MR. FACTOR: Good morning, Your Honor.  
8 Bill Factor for Pure Fishing. Sorry I'm late.

9 MR. FOGEL: Last but not least --

10 THE COURT: Have you given any briefing to  
11 counsel who just appeared of what you have just told  
12 me?

13 MR. FOGEL: Yes, sir.

14 THE COURT: Go ahead.

15 MR. FOGEL: Last but not least, I was not  
16 here on Monday, but I do want to address the motion  
17 to vacate the order that you granted. And in my  
18 opinion, Mr. Stoller has made much ado about  
19 nothing. We took steps -- upon knowing after hours  
20 that Mr. Stoller did not like the order, therefore  
21 we took steps -- I contacted chambers to try to  
22 prevent the entry of it. When it --

23 THE COURT: It had already been entered.

24 MR. FOGEL: -- was entered, we moved to  
25 vacate it. I want --

1 THE COURT: Counsel, I started off --

2 MR. FOGEL: -- to answer your question.

3 You said do I want to depose Mr. Stoller.

4 THE COURT: I asked you whether you want  
5 to depose him.

6 MR. FOGEL: Yes. And I wanted to give you  
7 this narrative to explain why I probably do, but I  
8 don't necessarily need to do it on Wednesday under  
9 rush circumstances.

10 THE COURT: I understand.

11 MR. FOGEL: I also don't need to do it if  
12 Mr. Stoller is going to try to limit it, as his  
13 proposed order says, to one narrow matter where he  
14 gets to reserve the right to assert the Fifth.

15 THE COURT: You're entitled --

16 MR. FOGEL: I don't want him to do that.

17 THE COURT: You're entitled to depose him  
18 and I am entitled to order him to come --

19 MR. FOGEL: Sure.

20 THE COURT: -- and be sworn. And what  
21 happens after that, I do not know.

22 MR. FOGEL: I understand.

23 THE COURT: Do you want me to order him to  
24 appear on some date, whatever that date might be?

25 MR. FOGEL: Not today I don't want you to

1 because I think it would be in the best interest,  
2 and maybe even Mr. Stoller will agree that it be in  
3 the best interest, to proceed to sale of assets.  
4 And I'm not sure that I need his deposition in order  
5 to properly set up an asset sale. And regardless of  
6 what he says about any of these items, the causes of  
7 action, the claims, the counterclaims, the licenses,  
8 the marks --

9 THE COURT: Or the value.

10 MR. FOGEL: -- the market will speak. Two  
11 people will be in a room bidding for it, and whoever  
12 bids the most money tells me what it's worth.

13 THE COURT: Okay.

14 Mr. Stoller, what is your view on all  
15 of this?

16 MR. STOLLER: My view is I have appealed  
17 your decision to convert me to a 7, to a 13, from a  
18 13 to a 7. That's up now in front of Judge Hibler.  
19 I have appealed seven or eight other of your  
20 decisions. I don't feel it is appropriate to rule  
21 based on what the trustee is requesting to have an  
22 asset sale. To suggest that after 37 years of my  
23 business career in acquiring trademarks that they  
24 would be sold for \$10,000, all of them, when this --  
25 Mr. Factor represents Pure Fishing, and they

1 invested 950,000, which he consented to in what I  
2 feel is an unlawful settlement, but be that as it  
3 may, contesting one mark, \$950,000. I offered them  
4 the mark for \$5,000.

5 THE COURT: Can I you cut --

6 MR. STOLLER: The point is --

7 THE COURT: -- you short? I think you  
8 just indicated that you don't like the idea.

9 MR. STOLLER: The point is the marks are  
10 worth millions of dollars.

11 MR. FOGEL: So let him buy them for  
12 \$11,000 and make a bundle.

13 THE COURT: I understand.

14 Now, unless you have some new point to  
15 make --

16 MR. STOLLER: I have --

17 THE COURT: -- I take it you're against  
18 what the trustee has said.

19 MR. STOLLER: Absolutely. I've offered  
100,000 to pay my debts and to get out of this.

20 MR. FOGEL: That's not how it's going to  
21 work.

22 THE COURT: Would you take this form, each  
23 of you, please. It's a possible order for  
24 deposition. Will you pass it out, please.  
25

1 Now, I have authority over the debtor.  
2 I can order him to appear for a deposition. I can  
3 order him to be sworn. We can do it in a couple of  
4 phases. Phase one might be for some earlier subject  
5 matter, and phase two might be for some later  
6 subject matter, or we could do it at any time as it  
7 might be convenient to you folks. Do you wish me to  
8 do it today or not?

9 MR. FOGEL: No, sir, I do not.

10 THE COURT: Okay. What do you wish me to  
11 do today?

12 MR. FOGEL: Today I would like you to  
13 continue the Northern Star, Boy Scouts counsel's  
14 motion until April 2nd, 30 days from today. I'd  
15 like 28 days to respond to it.

16 THE COURT: What date do you want me to  
17 set it?

18 MR. FOGEL: April 2. And pursuant to  
19 conversation with counsel, Mr. Lafeber, who is on  
20 the phone, I believe that date is acceptable to him.

21 THE CLERK: Judge, can we get it to 11:30  
22 instead of 10:30?

23 THE COURT: Yeah.

24 MR. FOGEL: That's all I want you to do  
25 today.

1 THE COURT: And what --

2 MR. LACORTE: Your Honor, this is Brian  
3 Lacorte. If I may be heard for a moment?

4 THE COURT: What's that date, please?

5 THE CLERK: April 2nd at 11:30.

6 THE COURT: Yes, counsel?

7 MR. LACORTE: Yes, thank you. Go Daddy  
8 would request that the court entertain an order  
9 stipulated with the trustee to allow Mr. Stoller to  
10 make a -- and have a limited participation in the  
11 pending opposition with Go Daddy and the Trademark  
12 Trial and Appeal Board to respond to the summary  
13 judgment motion. That proceeding has been pending  
14 for four years. And as the trustee indicated to the  
15 court, the evidence stage and trial is closed and  
16 has been for several months. And the only remaining  
17 issue for the Trademark Trial and Appeal Board to  
18 rule or decide the case is the pending summary  
19 judgment motion. While there is no briefing  
20 schedule, the Trademark Trial and Appeal Board judge  
21 is awaiting, I believe, the outcome of the  
22 development in the bankruptcy court to determine who  
23 will respond to the motion, whether it's the  
24 trustee, an attorney, Mr. Stoller, somebody. And  
25 our hope is that with this proceeding today, we

1 could at least have an opportunity to present the  
2 court an order that would permit Mr. Stoller this  
3 limited participation that has been discussed.

4 THE COURT: Mr. Stoller, is there anything  
5 you wish to say on that subject?

6 MR. STOLLER: Yes. I'm not in a  
7 position -- I want to file my response. But because  
8 of --

9 THE COURT: Nothing has been filed for you  
10 to respond to. But I just want --

11 MR. STOLLER: They filed a motion for  
12 summary judgment.

13 THE COURT: Oh, that's a different  
14 subject.

15 MR. STOLLER: Okay. What is it that  
16 you're referring to?

17 THE COURT: You're not listening to what  
18 he suggested?

19 MR. STOLLER: I think --

20 THE COURT: All right.

21 In that case, are you going to be  
22 filing some motion, Mr. Trustee? And Mr. Stoller  
23 will focus on it when it's filed.

24 MR. FOGEL: Yes, yes. We will bring  
25 pleadings before the court to deal with the matters



1 that are now presently up on today's call, yes, sir.

2 THE COURT: And when are you going to file  
3 a motion for him to have permission to file what you  
4 call a brief?

5 MR. FOGEL: I believe I will try to get  
6 that filed next week. I'm going to be out of town  
7 for two days from --

8 THE COURT: What day do you want to set  
9 it?

10 MR. FOGEL: I don't know yet, Judge.  
11 There are some other matters coming up between now  
12 and April 2nd, I believe. I would attempt to notice  
13 it for a matter that something else is already up  
14 for.

15 THE COURT: All right.

16 Mr. Stoller, will you promise me to  
17 read the proposed order he sends you so that you can  
18 tell me whether or not you oppose when you come into  
19 court that day, whatever that day is?

20 MR. STOLLER: I will read whatever order  
21 he sends to me. But in terms of the Go Daddy  
22 matter, I think that that should be --

23 THE COURT: They apparently want to give  
24 you a chance to file a brief.

25 MR. STOLLER: But I can't file a brief --

1 I can file a brief, but I need -- because of all of  
2 these pending other cases which are interwound, I  
3 need additional time to resolve some of these  
4 matters because we're in a disadvantaged situation  
5 right now.

6 THE COURT: Now, with regard to this  
7 matter where they want to propose that you be given  
8 a chance to file a brief, will you be opposing being  
9 given a chance to file a brief?

10 MR. STOLLER: No. I want to file a brief.  
11 I will file a brief. But basically I need more time  
12 because there are appeals pending. There are a lot  
13 of interwound actions that are taking place that I  
14 can't --

15 THE COURT: Perhaps you can talk to these  
16 folks and to the agency as to how much time you can  
17 get before we come up. At any rate, there is no  
18 motion before me. Nothing is requested. I'm  
19 setting the matter of deposition for status on  
20 April 2 at 11:30 to see what happens.

21 MR. FOGEL: Thank you, sir.

22 THE COURT: I do believe that the Boy  
23 Scouts' motion --

24 Is Boy Scout counsel on the phone?

25 MR. LAFEBER: I am, Your Honor.

1 THE COURT: Yes. According to this  
2 complaint which I have read, many events on which it  
3 is based occurred pre-bankruptcy, and therefore it  
4 seems to me we'd have to consider this under the  
5 stay. So you'll have to pursue your alternative  
6 motion to -- alternative motion to modify stay. Do  
7 you hear what I said?

8 MR. LAFEBER: I did, Your Honor.

9 THE COURT: But you've not paid the fee  
10 for modifying stay. Somewhere along here I got  
11 something -- yes. The clerk tells me you haven't  
12 paid that fee. If you want me to consider that  
13 alternative motion, you'll have to pay your 150  
14 bucks to the clerk's office like everybody else.

15 MR. LAFEBER: We will definitely do that,  
16 Your Honor.

17 THE COURT: And you do not notice the  
18 Chapter 7 trustee.

19 I gather, however, you've received a  
20 copy of this?

21 MR. FOGEL: Yes, sir. I don't want to say  
22 how, but I definitely was served.

23 THE COURT: Okay. Now, who is James Long  
24 of Briggs & Morgan?

25 MR. LAFEBER: Mr. Long is my partner, Your

1 Honor. We're kind of in the middle of a big snow  
2 storm here in Minneapolis, and he's stuck at home  
3 today.

4 THE COURT: All right. If you file any  
5 more motions, you should serve copies in this  
6 bankruptcy on all persons who are on the notice list  
7 and certainly upon the Chapter 7 trustee.

8 Are you folks here representing other  
9 parties?

10 MR. SALDINGER: Richard Saldinger on  
11 behalf of Mr. Fogle, Your Honor.

12 THE COURT: Yes.

13 MR. FACTOR: Pure Fishing, Your Honor.  
14 Bill Factor.

15 THE COURT: Pure Fishing, I don't know  
16 whether you have an interest in this, but you're  
17 entitled to get notice of it. I want you to  
18 communicate with counsel if you want a copy. I  
19 suppose you could also pull it off the web.

20 MR. FACTOR: I will, Your Honor. Thank  
21 you.

22 THE COURT: And how much time does the  
23 trustee want to respond to this?

24 MR. FOGEL: We've agreed to 28 days, which  
25 would be two days before the status hearing on

1 April 2.

2 THE COURT: Okay. Mr. Stoller has already  
3 filed something, but I'll give you the same 28 days.

4 MR. STOLLER: Thank you very much.

5 THE COURT: Trustee and Stoller may  
6 respond to this motion treated as motion to modify  
7 stay within 28 days hereof.

8 How much time to respond -- to reply,  
9 counsel on the phone?

10 MR. LAFEVER: Well, obviously, I would  
11 like to have at least a week, Your Honor.

12 THE COURT: Seven days to reply. Set for  
13 status --

14 MR. FOGEL: April 2, 11:30.

15 THE COURT: -- and argument what date?

16 MR. FOGEL: April 2, 11:30.

17 THE COURT: Status and argument, not  
18 evidence. Now, is that five weeks out? March --

19 MR. LAFEVER: I don't think that gives us  
20 enough -- I don't think that gives us any time to  
21 reply, Your Honor. I'm doing the math here, and  
22 it's the --

23 THE COURT: Trustee, can I give you 21  
24 days?

25 MR. FOGEL: Yes, sir.

1 THE COURT: Is that enough time?

2 MR. FOGEL: Yes, sir.

3 THE COURT: Twenty-one and seven. That  
4 gives us enough time.

5 Anything else, folks?

6 MR. FOGEL: Not today. Thank you very  
7 much for your time, Judge.

8 MR. STOLLER: Thank you, Judge.

9 MR. FACTOR: Thank you.

10 THE COURT: Thank you.

11

12 (Which were all the proceedings  
13 had in the above-entitled cause,  
14 March 1, 2007.)

14

15 I, GARY SCHNEIDER, CSR, RPR, DO HEREBY CERTIFY THAT  
16 THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT OF  
17 PROCEEDINGS HAD IN THE ABOVE-ENTITLED CAUSE.

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