

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

GEORGE D. DERNIS, as an individual,
Plaintiff,
v.
FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER FOR
PREMIER BANK, DR. ZULFIKAR ESMAIL,
SHAMIM ESMAIL, ALIYA HUSSAINI,
ALIYA HUSSAINI 2006 IRREVOCABLE
TRUST, KASSIM ESMAIL, KASSIM
ESMAIL 2006 IRREVOCABLE TRUST,
AMYNA ESMAIL, AMYNA ESMAIL 2006
IRREVOCABLE TRUST,
Defendants.

Case No. 12 cv 2856
Judge Gary Feinerman
Magistrate Judge Maria Valdez

FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER
MOTION FOR REASSIGNMENT BASED ON RELATEDNESS

Plaintiff Federal Deposit Insurance Corporation, as Receiver for Premier Bank ("FDIC-R") hereby moves this Court, pursuant to Local Rule 40.4, for entry of an Order finding that the action titled Federal Deposit Insurance Corporation, as Receiver for Premier Bank v. Dernis, Case No. 12 CV 3100 (the "First Guaranty Action") and Federal Deposit Insurance Corporation, as Receiver for Premier Bank v. Dernis, Case No. 12 CV 3379 (the "Second Guaranty Action"), are related to the action captioned above, titled Dernis v. Federal Deposit Insurance Corporation as Receiver for Premier Bank, et al., 12 CV 2856 (the "Equitable Action"), and requesting that this Court's Executive Committee reassign the First Guaranty Action and the Second Guaranty Action to Judge Feinerman in the interests of judicial economy. In support thereof, FDIC-R states as follows:

- 1. On April 17, 2012, FDIC-R removed to this Court the action which was then pending in the Circuit Court of Cook County, Chancery Division, by George Dernis against the

FDIC-R and others seeking equitable and other relief relating to certain guaranties by Mr. Dornis. That action is currently pending before this Court, a motion to stay has been filed by the FDIC-R and is being briefed by the parties.

2. On April 26, 2012, FDIC-R removed to the United States District Court, Northern District of Illinois one of the guaranty actions then-pending against George Dornis in the Circuit Court of Cook County, Law Division. Following removal, the First Guaranty Action was assigned Case No. 12 CV 3100 and is currently pending before Judge Lindberg, with an initial status hearing set for May 30, 2012.

3. On May 3, 2012, FDIC-R removed to the United States District Court, Northern District of Illinois, another guaranty action then-pending against George Dornis in the Circuit Court of Cook County, Law Division. Following removal, the Second Guaranty Action was assigned Case No. 12 CV 3379 and is currently pending before Judge Conlon, with an initial status hearing set for June 5, 2012.

4. The Equitable Action, First Guaranty Action and Second Guaranty Action all involve Mr. Dornis' Guaranties given to Premier Bank, for which the FDIC-R is now Receiver.

5. Transfer is appropriate pursuant to Local Rule 40.4(b) because: 1) all three cases are pending before the United States District Court for the Northern District of Illinois; 2) the handling of all three cases by the same judge is likely to result in a substantial saving of judicial time and effort; 3) none of the three cases have progressed in this venue to an significant degree such that designating the two later filed cases as related would likely delay the proceedings in the earlier filed case; and 4) the cases are susceptible of disposition in a series of related proceedings before one court.

6. In compliance with Local Rule 40.4, copies of the Notices of Removal which attach and incorporate the Verified Complaint in each of the higher numbered cases are attached hereto as Exhibits A and B, omitting the voluminous exhibits to the complaints.

7. Mr. Dernis, through his counsel, has indicated that he does not oppose the transfer of the First Guaranty Action and the Second Guaranty Action to Judge Feinerman. The balance of the Defendants, through their counsel, have indicated that they do not oppose the transfer of the First Guaranty Action and the Second Guaranty Action to Judge Feinerman.

WHEREFORE, for all of the foregoing reasons, the Federal Deposit Insurance Corporation, as Receiver for Premier Bank, respectfully requests that this Court enter an Order finding that the First Guaranty Action and the Second Guaranty Action are related to the Equitable Action and that a copy of the Order finding relatedness be forwarded to this Court's Executive Committee together with a request that the Committee reassign the two higher-numbered cases to this Court to be adjudicated concurrently with the lower-numbered case captioned above; and for such other and further relief that this Court deems necessary and proper.

Respectfully submitted,

**FEDERAL DEPOSIT INSURANCE
CORPORATION AS RECEIVER FOR
PREMIER BANK**

By: /s/ Andrew J. Abrams
One of its attorneys

Vilia M. Dedinas (ARDC No. 6191614)
Andrew J. Abrams (ARDC No. 6271836)
Jasmina Dj. Varvitsiotis (ARDC No. 6256929)
Boodell & Domanskis, LLC
205 North Michigan Avenue, Suite 4307
Chicago, Illinois 60601
(312) 938-4070 (telephone)
(312) 540-1162 (facsimile)
vdedinas@boodlaw.com
aabrams@boodlaw.com
jvarvitsiotis@boodlaw.com