

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAYMOND E. BUTLER, II,)	
Plaintiff,)	
)	No. 2:24-cv-134
v.)	
)	Honorable Paul L. Maloney
ELI JACKFINN EDDI, <i>et al.</i> ,)	
Defendants.)	
_____)	

OPINION AND ORDER

This matter comes before the court on Plaintiff’s appeal of Judge Vermaat’s order imposing a protective order and extending the stay on this case. (ECF No. 105). The court will overrule Plaintiff’s objection. The court will modify the protective order and keep the stay in place, except for briefing on venue.

I.

On August 6, 2024, Plaintiff Raymond Butler filed his 72-page complaint against 30+ Defendants alleging a RICO conspiracy regarding the administration of several trusts with this court. (ECF No. 1). Back in January 2022, the same Plaintiff in this case, sued Ilana Eddi and Ely Eddi in Cook County’s Probate Court over one of the trusts at issue in this case. *See Raymond Butler & Hannah Finn v. Ilanna Eddi & Ely Edi*, 22 CH 675 (Ill. Cir. Ct. Jan. 26, 2022). In October 2022, Plaintiff filed his first amended complaint in the Illinois case, which alleged that he is a trust beneficiary. (ECF No. 37-5). Plaintiff also demanded an accounting from Ms. Eddi and Mr. Eddi. (*Id.*). There was a pending motion for summary judgment in the Illinois case. (ECF No. 37-2). At issue in the Illinois court case was whether Plaintiff is a

beneficiary of the trust and if he was a beneficiary, whether he waived his rights to the trust in exchange for \$30,000. (*Id.*).

On September 9, 2024, Defendants Chaim Rajchenbach and Menachem Shabat moved to stay this action because of Plaintiff's Illinois case. (ECF No. 37). Defendants moved to stay this action because, in their view, collateral estoppel could bar Plaintiff's federal case as it relates to the same trust in both suits. This court granted Defendants' motions, and it stayed the case. (ECF No. 79).

While the stay was pending, this court also clarified in a footnote that "the court intended to affirm that the stay would remain through the resolution of the pending summary judgment motion in the state court case." (ECF No. 87 at PageID.990). This serves as Plaintiff's basis for his belief that the stay should have been lifted after the summary judgment motion was denied by the state court.

Plaintiff moved to lift the stay after the state court summary judgment motion was denied. Around the same time, Defendants moved for a protective order because Plaintiff was allegedly harassing potential witnesses and Defendants. Plaintiff allegedly made a series of threats. In response, Judge Vermaat issued the following protective order: "In addition, the Court hereby orders that Plaintiff Butler not contact, communicate with, or attempt to contact or communicate with, Defendant Chaim Rajchenbach, Defendant Menachem Shabat, or any witness in the instant case *unless* that contact or communication is through his attorney, Racine Miller." (ECF No. 101).

After Judge Vermaat issued the protective order and renewed the stay on this case, (*id.*), Plaintiff filed an emergency motion to stay that ruling. (ECF No. 102). This court denied the motion because Plaintiff failed to cite any authority indicating that he was likely to succeed on the merits of his appeal. (ECF No. 104). Plaintiff then filed this instant objection and appeal of Judge Vermaat's order. (ECF No. 105).

This court previously determined that venue was improper. (ECF No. 60). Since then, Plaintiff filed an amended complaint, which added some cursory mention of Michigan to at least one Defendant. (ECF No. 66).

II.

On March 27, 2025, this court held an evidentiary hearing regarding Plaintiff's objection. The hearing did not fare well for Plaintiff. Frankly, Plaintiff's testimony cemented the reality that a protective order is not only appropriate, but necessary.

Plaintiff's counsel recited her filing on direct examination and reserved time for rebuttal. (ECF No. 112 at PageID.1183-97). Counsel for Defendant argued his respective views and maintained that these filings were meritless. (*Id.* at PageID.1197-1202). Throughout the hearing, Plaintiff's counsel made several aversions to the court that her client was prepared to testify if the court expected him to testify. (*Id.* at PageID.1205). The court clarified that decision was Plaintiff's alone to make. (*Id.*). Plaintiff then testified. (*Id.* at PageID.1205-26).

For his part, Plaintiff testified that he never intended to threaten anyone. (*Id.* at PageID.1205-07). Plaintiff explained his repeated attempts to speak to named Defendants

and third parties related to this case over the course of several months. (*Id.* at PageID.1206-07). Plaintiff also took time to explain his theory of the case: Defendants stole his family wealth and have funneled it into an “empire of death” consisting of nursing homes throughout the Midwest. (*Id.* at PageID.1208-10).

As detailed on cross examination, the court learned of Plaintiff’s contact with Defendants, international bank employees, Plaintiff’s congressional representative, President Donald J. Trump, and the Federal Bureau of Investigation. (*Id.* at PageID.1222-23). Some contacts were benign, but others were inappropriate:

Defense Counsel: “Okay. And at the end of that letter that you sent to CIBC's directors, officers, and Canada like you say, did you include a line that says, ‘So must come more grief before peace can be obtained. I do not relish the outcome of such disruption or the collateral damage that may occur, but I will not be deterred from claiming what is rightfully mine’”?

Plaintiff: Yes, I said that.

(*Id.* at PageID.1222).

Defense Counsel: Okay. One more question. You mentioned in response to your attorney's questioning this line, I didn't really understand, you said, delay, deny, depose. What are you referring to there?

Plaintiff: Your filing.

Defense Counsel: I'm sorry?

Plaintiff: Your filing. You decided to compare me to a, as you quoted, folk hero who assassinated a CEO of a healthcare company. Seems to me you're following the same pattern that that CEO and those companies did. I just decided it was good turn phrase to use in rebuttal.

Defense Counsel: Are you aware that was the phrase that was found on one of the bullets in the assassin's --

Plaintiff: It was actually three bullets.

Defense Counsel: Three bullets. Okay. And are you threatening me?

Plaintiff: No.

THE COURT: You want to associate yourself with that?

Plaintiff: No, they did. They associated me with that. They accused me of being like that. I didn't do that.

(*Id.* at PageID.1225).

Plaintiff explained that his rhetoric reflects his frustration, in part, because Ms. Miller is now the fifth attorney to represent him on matters related to the trusts at issue in this case.

(*Id.* at PageID.1215).

This court, along with Judge Vermaat, has already found Plaintiff's rhetoric to be over the top, and at times, threatening. Plaintiff's testimony leaves no room for this court to come to a different conclusion.

III.

Following a magistrate judge's order on a nondispositive matter, a party must file an objection within 14 days. Fed. R. Civ. P. 72(a). "The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law." *Id.*

IV.

Judge Vermaat did not err in extending the stay or in barring Plaintiff's harassing communications. The court will order briefing regarding venue.

A. The Stay

"District courts have broad discretion and power to limit or stay discovery until preliminary questions which may dispose of the case are answered." *Bangas v. Potter*, 145 F.

App'x 139, 141 (6th Cir. 2005) (citing *Hahn v. Star Bank*, 190 F.3d 708, 719 (6th Cir. 1999)). While the court has the inherent discretionary power to stay proceedings to manage its docket, it must “tread carefully” in granting a motion to stay, because every party has a “right to a determination of its rights and liabilities without undue delay.” *Ohio Envtl. Council v. USDC S.D. of Ohio*, 565 F. 2d 393, 396 (6th Cir. 1977). At the same time, “[w]here the stay motion is premised on the alleged significance of another case’s imminent disposition, courts have considered the potential dispositive effect of the other case, judicial economy achieved by awaiting adjudication of the other case, the public welfare, and the relative hardships to the parties created by withholding judgment.” *Caspar v. Snyder*, 77 F. Supp. 3d 616, 644 (E.D. Mich. 2015).

This court’s previous analysis regarding the stay still applies today. Essentially, the trust issue in the state court case implicates this litigation. (ECF Nos. 79, 101). Plaintiff’s counsel conceded as much during the hearing. (ECF No. 112 at PageID.1196).

Plaintiff asserts that a court can abuse its discretion when stays last for lengthy, indefinite periods. True. But that is not the case here. The stay on this case is grounded in principles of federalism and comity, and the stay has a definite end date: the conclusion of Plaintiff’s state court proceedings.

Moreover, balancing the equities, we have a Plaintiff who filed two competing actions. And we have over thirty Defendants in this action. The court also notes that this case has only been pending since August 2024, approximately seven months. Even if the stay was lifted, this case would not leapfrog over the dozens of older cases with older motions on this

court's docket. Plaintiff's case faces no real delay in theory or practice. Judge Vermaat's decision to extend the stay was not clearly erroneous or contrary to law, and this court finds that the stay easily serves judicial economy and the public interest. *See Caspar*, 77 F. Supp. 3d at 644.

B. Protective Order

Defendants originally sought a protective order under Federal Rule of Civil Procedure 26.¹ Judge Vermaat rejected the use of Rule 26 and relied on the court's inherent authority to manage its docket and proceedings. (ECF No. 101 at PageID.1109-11). The protective order requires Plaintiff to contact Defendants and third parties through his attorney, Racine Miller. (*Id.* at PageID.1111).

Plaintiff argues that the protective order is unconstitutional and overbroad. Plaintiff argues that the protective order functions as a prior restraint. *See, e.g., Carroll v. President & Comm'rs of Princess Anne*, 393 U.S. 175, 181 (1968) (stating that "the 10-day restraining order [of political rallies], issued ex parte, without formal or informal notice to the petitioners or any effort to advise them of the proceeding, cannot be sustained"). But the protective order does not function as a prior restraint. Plaintiff is free to engage with parties and witnesses through his attorney, Ms. Miller.

¹ A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending—or as an alternative on matters relating to a deposition, in the court for the district where the deposition will be taken. The motion must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action. The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following . . . Fed. R. Civ. P. 26.

There is also a clear justification here for a protective order: Plaintiff was harassing litigants and potential witnesses. Plaintiff testified to his actions in front of this court, and his assertions that he was neither threatening nor harassing are not credible.

Plaintiff also argues that he faces prejudice because he is barred from pursuing his investigation but Defendants are not. Not so. First, discovery is presently closed as this court has yet to rule on any motions to dismiss. Second, Plaintiff's attorney is free to investigate on his behalf. Plaintiff acted inappropriately. The court must maintain order on its docket and, at times, when necessary, police litigants; it has the inherent authority to do so.

Still, “[a]n order issued in the area of First Amendment rights must be couched in the narrowest terms that will accomplish the pin-pointed objective permitted by constitutional mandate and the essential needs of the public order.” *Id.* at 183. Similarly, protective orders should not seek to censor or control one viewpoint. *Polaris Amphitheater Concerts, Inc. v. City of Westerville*, 267 F.3d 503 (6th Cir. 2001). With these ideals in mind, the court will make two small changes to the protective order.

The court hereby orders that Plaintiff Butler must not contact, communicate with, or attempt to contact or communicate with, Defendant Chaim Rajchenbach, Defendant Menachem Shabat, or any witness in the instant case *unless* that contact or communication is through his attorney, Racine Miller. This protective order does not bar Plaintiff from contacting law enforcement. This protective order does not bar Plaintiff from contacting his family members regarding matters unrelated to this litigation.

C. Venue Briefing

This court previously ruled that venue was improper because the complaint did not mention any facts that occurred in Michigan, and none of the Defendants were domiciled in the state of Michigan. (ECF No. 60). Thereafter, Plaintiff filed an amended complaint. (ECF No. 66).

28 U.S.C. § 1404 governs transfer of venue. “For the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it may have been brought.” 28 U.S.C. § 1404(a). A district court may transfer a case under § 1404(a) sua sponte. *Carver v. Knox Cnty.*, 887 F.2d 1287, 1291 (6th Cir. 1989). When considering transfer of venue, the court “should make that possibility known to the parties so that they may present their views about the desirability of possible transfer and the possible destination.” 15 Charles Alan Wright, Arthur R. Miller & Edward H. Cooper, *Federal Practice & Procedure* § 3844; see also *Moore v. Rohm & Haas Co.*, 446 F.3d 643, 647 (6th Cir. 2006) (finding a district court erred when it failed to provide parties with an opportunity to brief the issue of transfer). If a case is filed in an improper venue, the district court has two options. It “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). The decision of whether to dismiss or transfer is “within the district court’s sound discretion.” *First of Michigan Corp. v. Bramlet*, 141 F.3d 260, 262 (6th Cir. 1998). Plaintiffs bear the burden of establishing proper venue. *Tobien v. Nationwide Gen. Ins. Co.*, No. 24-5575, 2025 U.S. App. LEXIS 7693, *5 (6th Cir. Apr. 2, 2025).

28 U.S.C. § 1391(b) provides for proper venue in three main places: where a defendant resides, where a substantial part of the events happened, or if neither of those works, wherever personal jurisdiction is available. 28 U.S.C. § 1391(b)(1)-(b)(3).

Upon review of the amended complaint, the court has again determined that the Western District of Michigan is not the proper venue for this action. The amended complaint offers only a handful of additional references to the State of Michigan. (ECF No. 66 at PageID.551,562). *See Valvoline Instant Oil Change Franchising Inc. v. RFG Oil, Inc.*, 2012 WL 3613300, *5 (E.D. Ky. Aug. 22, 2012) (noting that courts give a plaintiff's choice of forum significantly less weight when there is little connection between the matter and the forum); *Setco Enterprises Corp. v. Robbins*, 19 F.3d 1278, 1281 (6th Cir. 1994) (holding that a "substantial connection to the claim" is required for proper venue).

The parties must file briefs with the court on which potential venues would best serve the interests of the parties. The relevant factors include the convenience of the parties, the convenience of the witnesses, and the interests of justice. *Moore*, 446 F.3d at 647. Defendants may file a joint brief. Alternatively, the parties may file a joint stipulation regarding a new venue. Plaintiff's amended complaint also moots several motions.

V.

The court will leave the protective order in place with a slight modification. The stay will remain in place except for briefing regarding transfer of venue. The court also finds that several other motions are now moot.

IT IS HEREBY ORDERED that Plaintiff's objection to Judge Vermaat's order (ECF No. 105) is **DENIED**, except as modified by this opinion.

IT IS FURTHER ORDERED that all parties who have been properly served must file a brief indicating their preferred venue for this court's eventual transfer to another jurisdiction. Defendants may file joint briefing. All briefs are due no later than Friday April 18, 2025. Alternatively, the parties may file a stipulation regarding their choice of alternative venue. Compliance with this order will not constitute a waiver of any defense under Rule 12. This action is otherwise **STAYED**.

IT IS FURTHER ORDERED that Defendant's motion for an extension of time (ECF No. 33) is **DENIED** as moot.

IT IS FURTHER ORDERED that Defendant's motion to dismiss (ECF No. 36) is **DENIED** as moot.

IT IS FURTHER ORDERED that Defendant's motion for joinder (ECF No. 39) is **DENIED** as moot.

IT IS FURTHER ORDERED that Defendant's motion to dismiss (ECF No. 40) is **DENIED** as moot.

IT IS FURTHER ORDERED that Defendant's motion to dismiss (ECF No. 50) is **DENIED** as moot.

IT IS FURTHER ORDERED that Defendant's pro se motion for electronic filing and service (ECF No. 57) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant's motion to join/adopt docket No. 37 (ECF No. 64) is **DENIED** as moot.

IT IS FURTHER ORDERED that Defendant's motion for joinder (ECF No. 109) is **GRANTED**.

IT IS SO ORDERED.

Date: April 4, 2025

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge