

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

RAYMOND E. BUTLER, II,

Plaintiff,

v.

ELI JACKFINN EDDI, et al.,

Defendants.

Case No. 2:24-cv-134

Hon. Paul L. Maloney  
U.S. District Judge

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**ORDER**

This Order addresses Plaintiff's Renewed Motion to Lift Stay and Defendants' Motion to Partially Lift Stay for Entry of Protective Order. (ECF Nos. 96, 88.)

On August 6, 2024, Plaintiff filed his complaint against the Defendants alleging a RICO conspiracy regarding the administration of a trust. (ECF No. 1). However, in January 2022, Mr. Butler, the same Plaintiff in this case, sued Ilana Eddi and Ely Eddi in Cook County's Probate Court over the same trust at issue here. *Raymond Butler & Hannah Finn v. Ilanna Eddi & Ely Eddi*, No. 22 CH 675 (Ill. Cir. Ct. Jan. 26, 2022).<sup>1</sup> In September 2024, Defendants moved to stay this case, arguing that the Illinois case could "decide an issue that has a substantial likelihood of barring all of Plaintiff's claims in this case." (ECF No.79, PageID.777 (quoting ECF No. 37, PageID.206.) On September 25, 2024, U.S. District Judge Paul Maloney

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<sup>1</sup> See Clerk of the Circuit Court of Cook County <https://casesearch.cookcountyclerkofcourt.org/ProbateDocketSearchAPI.aspx>. (See also (ECF Nos. 37-2, 37-3, 37-4, 37-5).)



(ECF No. 96-1, PageID.1088 (Circuit Court of Cook County, Illinois Court Order).)

Because the Illinois case is clearly unresolved, the undersigned hereby **DENIES** the Plaintiff's renewed motion to lift the stay in this case.

In their Motion to Partially Lift Stay for Entry of Protective Order, Defendants argue that under Fed. R. Civ. P. 26(c)(1), the Court should temporarily lift the stay in the case to issue a protective order:

(1) enjoining the Plaintiff from contacting, communicating with, or attempting to contact or communicate with Mr. Rajchenbach, Mr. Shabat, their family members, attorneys, employees, or business associates;

(2) enjoining Plaintiff from coming within 500 feet of Mr. Rajchenbach, Mr. Shabat, their family members, attorneys, employees, or business associates and their respective residences, workplaces, or any location where they are known to be present, except as may be necessary for legal proceedings and only with prior approval from the Court;

(3) enjoining Plaintiff from engaging in any conduct that may reasonably be perceived as harassment, stalking, or intimidation of Mr. Rajchenbach, Mr. Shabat, their family members, attorneys, employees, or business associates;

(4) enjoining Plaintiff from contacting, communicating with, or attempting to contact or communicate with CIBC, its employees or their family members, its attorneys or any other financial institution relating

in any way to accounts or documentation of Mr. Rajchenbach, Mr. Shabat, or their family members; and

(5) awarding Mr. Rajchenbach and Mr. Shabat their attorney fees, payable by Plaintiff and his counsel, for having to make this motion.

(ECF No. 88, PageID.1004–05.)

As a starting point, it is important to note that Rule 26(c) is designed to address abusive discovery practices. To sustain a protective order under Rule 26(c)(1), the moving party must show “good cause” for protection from one (or more) or the harms identified in Rule 26(c)(1)(A) “with a particular and specific demonstration of fact, as distinguished from stereotyped and conclusory statements.” *See Serrano v. Cintas Corp.*, 699 F.3d 884, 901 (6th Cir. 2012). The enumerated harms available to support a protective order are “annoyance, embarrassment, oppression, or undue burden or expense.” Fed. R. Civ. P. 2(c)(1). Good cause exists if “specific prejudice or harm will result” from the absence of a protective order. *Father M. v. Various Tort Claimants (In re Roman Catholic Archbishop)*, 661 F.3d 417, 424 (9th Cir. 2011). A court must balance the “right to discovery with the need to prevent from ‘fishing expeditions.’” *Serrano*, 699 F.3d at 902 (citations omitted). The bottom line is that the Court may issue a protective order under Rule 26(c) to deal with abusive *discovery practices*.

Here, the Defendants are seeking relief from discovery and investigative activities undertaken by Plaintiff personally, as well as potentially abusive behavior that extends beyond the realm of discovery. In their motion, Defendants state that in September 2024 the Plaintiff “called [Defendants’ bank] more than 10 times in a

span of one or two days and made inappropriate and threatening remarks to bank employees” in an attempt to access GPN Family Trust funds. (ECF No 88, PageID.998.) In December 2024, the Defendants assert that Plaintiff “sent text messages to Mr. Shabat’s cell phone, accusing him of ‘trust fraud and embezzlement’ and threatening to ‘take everything back to down to every last penny.’” (*Id.*, PageID.999.) Defendants assert that Plaintiff and another individual returned to Defendants’ bank in December, demanded access to Defendants’ accounts, and later called the branch to state Plaintiff may need to “kick in a door” to get someone to listen to his demands. (*Id.*) Plaintiff allegedly sent text messages stating that he could “start asking [Defendant’s wife] for the trust agreements” and that Defendants did not “have the ball to talk to [him] directly.” (ECF No. 90-1, PageID.1051.)

Plaintiff, in response, asserts that he is engaged in informal discovery and that he has a First Amendment right to do so. (ECF No. 92, PageID.1064.) Plaintiff also asserts that Rule 26(c) is not the correct remedy for Defendants’ concerns about Plaintiff’s behavior. (*Id.*, PageID.1067–68.) Plaintiff says that Defendants may file for a personal protective order (a “PPO”) in the appropriate venue. (*Id.*, PageID.1069.)

Rule 26(c)(1) plainly does not apply in this situation. *See Violette v. P.A. Days, Inc.*, 427 F.3d 1015, 1017 (6th Cir. 2005) (“[C]ourts must begin their interpretation of the Federal Rules, as with other laws, with the language employed by Congress and the assumption that the ordinary meaning of that language accurately expresses the legislative purpose.” (quoting *Park 8N Fly, Inc. v. Dollar Park & Fly, Inc.*, 469 U.S.

189, 194 (1985)); *Smith v. Ky. Fried Chicken*, No. 06-426-JBC, 2007 WL 162831, at \*5 (E.D. Ky. Jan. 18, 2007) (“Rule 26(c) deals with protection from abusive and harassing discovery; it is not meant to limit a party’s communications with other parties.”). In sum, what Defendants seek here is akin to a personal protective order rather than a discovery protective order available under Rule 26(c).

However, the Plaintiff’s alleged conduct is inappropriate. For Defendants who are parties to the relevant state case, as well as non-parties, there are state remedies available if the Plaintiff’s alleged threatening communications continue and are sufficiently severe. 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.

**IT IS SO ORDERED**

Dated: February 12, 2025

/s/ Maarten Vermaat  
MAARTEN VERMAAT  
U.S. MAGISTRATE JUDGE