

IN THE UNITED STATES DISTRICT COURT  
IN THE WESTERN DISTRICT OF MICHIGAN

RAYMOND E. BUTLER, II,

Plaintiff,

v.

Case No. 24-cv-00134

Hon. Paul L. Maloney

Magistrate Judge Maarten Vermaat

ELI JACKFINN EDDI a/k/a ELY EDDI, ILANA FINN EDDI, DORINE MAGENCE, MANUEL MAGENCE, JEFFREY K. GUTMAN, NACHSHON DRAIMAN, WILLIAM KANTER, JOEL S. ROTHMAN, MOSHE SOLOVEICHIK, ALAN GREEN, JERRY CHERNEY, SHMUEL FUERST, HAROLD KATZ, SAMUEL MASLATON, DANIEL BERGMAN, IRVING BIRNBAUM, ARON STANTON, CHAIM RAJCHENBACH, RIVKA RAJCHENBACH, AVRUM RAJCHENBACH, MENACHEM SHABAT, AHUVA SHABAT, RONALD SHABAT, ERIC ROTHNER, COLMAN GINSPARG, JAMES MAINZER, MARSHALL K. BROWN, JEFFREY FINN, MEIR "AARON" COHEN, GARRY CHANKIN, NANCY ROSEN, MARK ANTEBI, BARRY ANTEBI, DAVID R. RAANAN, and ELLIOT E. ANTEBEI.

Defendants.

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**PLAINTIFF'S EMERGENCY MOTION TO STAY ENFORCEMENT OF ECF  
101 PENDING APPEAL UNDER FED. R. CIV. P. 72(a)**

NOW COMES the Plaintiff, RAYMOND E. BUTLER, II, by and through his attorneys, THE MICHIGAN LAW FIRM, PC, and hereby moves this Honorable Court under Fed R. Civ. P. 72(a), as well as *Litton Industries, Inc. v. Lehman Bros. Kuhn Loeb Inc.*, 124 F.R.D. 75, 79 (S.D.N.Y. 1989)(Holding that Magistrate Orders are not automatically stayed) and *City of Holland v. Fed. Ins. Co.*, No. 1:13-CV-1097, 2014 WL 2557124, at \*1 (W.D. Mich. June 6,

2014), to stay enforcement of ECF 101 pending Plaintiff's full and formal appeal to the District Court Judge, as discussed more fully herein.

WHEREFORE, Plaintiff Raymond E. Butler, II respectfully requests that this Honorable Court grant the following relief:

1. **GRANT** a stay of the Magistrate Judge's Order (ECF 101) pending resolution of Plaintiff's forthcoming and fully briefed objection under Fed. R. Civ. P. 72(a); and
2. **GRANT** any further relief deemed just and equitable.

Respectfully submitted,

THE MICHIGAN LAW FIRM, PC

/s/ RACINE M. MILLER  
RACINE M. MILLER (P72612)  
Attorneys for Plaintiff

Dated: February 12, 2025

IN THE UNITED STATES DISTRICT COURT  
IN THE WESTERN DISTRICT OF MICHIGAN

RAYMOND E. BUTLER, II,

Plaintiff,

v.

Case No. 24-cv-00134

Hon. Paul L. Maloney

Magistrate Judge Maarten Vermaat

ELI JACKFINN EDDI a/k/a ELY EDDI, ILANA FINN EDDI, DORINE MAGENCE, MANUEL MAGENCE, JEFFREY K. GUTMAN, NACHSHON DRAIMAN, WILLIAM KANTER, JOEL S. ROTHMAN, MOSHE SOLOVEICHIK, ALAN GREEN, JERRY CHERNEY, SHMUEL FUERST, HAROLD KATZ, SAMUEL MASLATON, DANIEL BERGMAN, IRVING BIRNBAUM, ARON STANTON, CHAIM RAJCHENBACH, RIVKA RAJCHENBACH, AVRUM RAJCHENBACH, MENACHEM SHABAT, AHUVA SHABAT, RONALD SHABAT, ERIC ROTHNER, COLMAN GINSPARG, JAMES MAINZER, MARSHALL K. BROWN, JEFFREY FINN, MEIR "AARON" COHEN, GARRY CHANKIN, NANCY ROSEN, MARK ANTEBI, BARRY ANTEBI, DAVID R. RAANAN, and ELLIOT E. ANTEBEI.

Defendants.

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**BRIEF IN SUPPORT OF PLAINTIFF'S EMERGENCY MOTION TO STAY  
ENFORCEMENT OF ECF 101 PENDING APPEAL  
UNDER FED. R. CIV. P. 72(a)**

**FACTUAL BACKGROUND**

On February 12, 2025, the Magistrate Judge issued an Order (ECF 101) that significantly and broadly impacts Plaintiff's ability to engage in certain communications and restricts Plaintiff from contacting Defendants directly or through informal discovery. Plaintiff intends to file objections under Fed. R. Civ. P. 72(a) within the 14-day period permitted by the Federal Rules. Plaintiff requires the full 14 days to prepare a thorough objection.

Immediate enforcement of ECF 101 will result in irreparable harm to Plaintiff, including limitations on his First Amendment rights and his ability to gather relevant information necessary for this litigation. Further, the restrictions imposed by ECF 101 are overly broad and unnecessary given the context of the case. The Magistrate Judge's Order effectively enjoins Plaintiff from engaging in informal investigation or contacting relevant parties unless through counsel, despite Plaintiff's conduct being lawful and protected under Sixth Circuit precedent. This is while Plaintiff has other counsel and is litigating a somewhat similar matter in another jurisdiction, with no proofs presented as to whether those Defendants in common actually need a protective order in this case.

### **LAW& ARGUMENT**

A party may move to stay a Magistrate Judge's order pending review by the District Court under Fed. R. Civ. P. 72(a). District Courts in the Sixth Circuit typically consider four factors: likelihood of success on the merits, irreparable harm absent a stay, harm to others, and public interest. Parties are not to assume that appealing a Magistrate Order automatically stays the Order, thereby parties must seek a stay of enforcement should the party be desirous of a stay of enforcement of the Magistrate Order. See e.g. *Litton Industries, Inc. v. Lehman Bros. Kuhn Loeb Inc.*, 124 F.R.D. 75, 79 (S.D.N.Y. 1989)(Holding that Magistrate Orders are not automatically stayed); *City of*

*Holland v. Fed. Ins. Co.*, No. 1:13-CV-1097, 2014 WL 2557124, at \*1 (W.D. Mich. June 6, 2014)(quoting *Litton*); *City of Ecorse v. U.S. Steel*, No. CIV.A. 07-CV-12131, 2008 WL 686241, at \*1 (E.D. Mich. Mar. 13, 2008)(Magistrate Order not stayed because stay not automatic on appeal and no request for stay of Order filed).

### **1. Likelihood of Success on the Merits**

Plaintiff's forthcoming objection will demonstrate that ECF 101 did not adequately analyze the Orders regarding stay, which very plainly were summarized in Footnote 2 at PageID.990.

It is well-held law that to restrict speech, several requirements including that the restrictions on speech must be narrowly tailored and based on specific findings must be present, which are absent in ECF 101.

### **2. Irreparable Harm**

Enforcing ECF 101 will cause irreparable harm by depriving Plaintiff of his right to engage in informal discovery and potentially harming his ability to effectively prosecute his claims in this case or potentially in the Illinois case. The restrictions effectively silence Plaintiff and inhibit lawful communication and investigation, especially with those who are serving of trustees overseeing funds that belong to Plaintiff for which Plaintiff is the beneficiary.

### 3. Minimal Harm to Defendants

Defendants will not suffer any significant harm if a stay of the enforcement of ECF 101 is granted. Plaintiff has committed to ensuring that all future communications are clear and lawful, mitigating any potential concerns raised by Defendants. PageID.1068. Plaintiff has also provided binding caselaw regarding the nature of how friction between the litigants is insufficient to issue a protective order, which was disregarded. PageID.1069.

Moreover, as Plaintiff will have the right to appeal to the District Court Judge, Defendants will likewise have an opportunity to answer.

### 4. Public Interest

The public interest favors a fair and open process where parties can engage in legitimate discovery efforts. Staying the enforcement of ECF 101 ensures that Plaintiff's rights are protected while allowing for thorough review by the District Court.

Also, the public interest promotes the concept of due process. Defendants were permitted to argue for an elongation of the stay before Plaintiff could even move to seek concurrence on or draft and/or file a motion to strike or for an opportunity to brief the new issues Defendants raised in their Responses about lengthening the stay, which were not triggered by Plaintiff's Renewed Motion to Lift Stay. This Honorable Court's opinion was clear that "the stay would remain through the

resolution of the pending summary judgment motion.” (PageID.990, fn2). .

Furthermore, there is an apparent misunderstanding about whether Plaintiff was successful on the dispositive motion. As Plaintiff opposed the Illinois summary judgment motion, the statement that it resolved in favor of Plaintiff is an accurate statement because the motion was denied.

These issues and other such issues relating to ECF 101 must be fully detailed, set forth, and considered prior to this Honorable Court imposing restrictions as harsh as those found within ECF 101 - preventing plaintiff from speaking to witnesses and extending the stay in this matter without an opportunity for Plaintiff to be heard or even respond to such requests - presumably for an additional nine (9) months until the conclusion of the Illinois state court trial now.

Moreover, Plaintiff remains unclear on the interpretation of certain language within the Order and deserves an opportunity to be fully heard on the merits of his objection on these issues and more. The intended or unintended consequences of ECF 101 have a substantial impact on Plaintiff and levy significant prejudice against him, without a full opportunity to be heard on the issues, especially as they related to the extension of the stay.

There is also a critical error finding that “Mr. Butler ... sued ... over the same trust at issue here.” The Illinois case is only for count for an accounting of one trust.

Here, Plaintiff makes various RICO, fraud, and conversion-like claims.<sup>1</sup> There is no cause of action for accounting in the present matter. And, as Plaintiff has previously asserted,<sup>2</sup> Illinois' "interests in the proceeding" are not "so important that exercise of the federal judicial power would disregard the comity between" Illinois and the federal government, the Younger abstention doctrine does not apply. *Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1, 11, 107 S. Ct. 1519, 1526, 95 L. Ed. 2d 1 (1987). Plaintiff's request for an accounting in the Illinois state court case does not, on its face create a matter "so important" to the state of Illinois "that the exercise of the federal judicial power would disregard the comity" between the state and federal governments. *Pennzoil* at 11. The case at bar involves not only the Jack Finn Revocable and Irrevocable trusts (and how they were papered over by various Defendants through an association in fact) but also this case focuses on the GPN Famy Trust and the Doros Generation Trust and their progeny.<sup>3</sup>

Finally, Plaintiff asserts that ECF 101 is vague in the sense that it could be read to suggest that he cannot discuss this matter with *family members* without the undersigned speaking to his family<sup>4</sup> for him for the remainder

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<sup>1</sup> See e.g. PageID.640

<sup>2</sup> See e.g. PageID.728

<sup>3</sup> See e.g. PageID.650

<sup>4</sup> See e.g. PageID.650-651

of this case. And, ECF 101 can be read in a way that restricts Plaintiff from speaking to FBI Special Agent Richard Grout (who called the undersigned regarding this matter recently and spoke of setting up a call with Plaintiff and Plaintiff's counsel relating to this matter) as SA Grout may be a witness in the case.

### **CONCLUSION**

Plaintiff asserts that substantial constitutional rights were infringed upon without sufficient due process and the restrictive language of ECF 101 is vague and has substantial and unnecessary effects on the Plaintiff.

WHEREFORE, Plaintiff Raymond E. Butler, II respectfully requests that this Honorable Court grant the following relief:

1. **GRANT** a stay of the Magistrate Judge's Order (ECF 101) pending resolution of Plaintiff's forthcoming and fully briefed objection under Fed. R. Civ. P. 72(a); and
2. **GRANT** any further relief deemed just and equitable.

Respectfully Submitted,

THE MICHIGAN LAW FIRM, PC

/s/ RACINE M. MILLER  
RACINE M. MILLER (P72612)  
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Dated: February 12, 2025

**CERTIFICATE OF COMPLIANCE WITH LCIVR 7.3(b)(i)**

The undersigned hereby certifies that the number of words in the foregoing document is 1496 words having been generated by Microsoft Word version 2407(Build 17830.20166).

/s/ Racine M. Miller  
Racine M. Miller

**CERTIFICATE OF SERVICE**

The undersigned certifies that on 2.12.25 the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings.

By  Overnight Courier       Fax       E-mailed  
 Hand Delivered       U.S. Mail       E-filed  
 Certified Mail       Scanned       Other

Signature: /s/ Josh Freedman