EXHIBIT 1

25-2589

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

RAYMOND BUTLER II,

Plaintiff – Appellant

v.

ELI JACKFINN EDDI, ILANA FINN EDDI, DORENE 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, STANTON ARON, 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 D. RAANAN, and ELLIOT E. ANTEBI

Defendants – Appellees

Appeal from the United States District Court for
the Northern District of Illinois, Eastern Division, Case No. 25-cv-04443
The Honorable Georgia N. Alexakis

JOINT BRIEF FOR APPELLEES CHAIM RAJCHENBACH, MENACHEM SHABAT, ILANA EDDI, CIBC BANK USA, WILLIAM KANTER, MANUEL MAGENCE, DORINE MAGENCE, IRVING BIRNBAUM, COLMAN GINSPARG, GARRY CHANKIN, JEFFREY GUTMAN, HAROLD KATZ, STANTON ARON, DAVID RAANAN, MOSHE SOLOVEICHIK

ORAL ARGUMENT REQUESTED

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Attorney for Defendant Moshe Soloveichik

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Fax: (312) 876-1155
jrhoades@dykema.com

Attorneys for Third-Party CIBC Bank USA

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APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-2589

Short Caption: Butler, II v. Eddi, et al.

To enable the judges to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party, amicus curiae, intervenor or a private attorney representing a government party, must furnish a disclosure statement providing the following information in compliance with Circuit Rule 26.1 and Fed. R. App. P. 26.1.

The Court prefers that the disclosure statements be filed immediately following docketing; but, the disclosure statement must be filed within 21 days of docketing or upon the filing of a motion, response, petition, or answer in this court, whichever occurs first. Attorneys are required to file an amended statement to reflect any material changes in the required information. The text of the statement must also be included in the front of the table of contents of the party's main brief. **Counsel is required to complete the entire statement and to use N/A for any information that is not applicable if this form is used.**

☐ **PLEASE CHECK HERE IF ANY INFORMATION ON THIS FORM IS NEW OR REVISED AND INDICATE WHICH INFORMATION IS NEW OR REVISED.**

(1) The full name of every party that the attorney represents in the case (if the party is a corporation, you must provide the corporate disclosure information required by Fed. R. App. P. 26.1 by completing item #3):

Chaim Rajchenbach, Menachem Shabat, and Shmuel Fuerst

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:

Barack Ferrazzano Kirschbaum & Nagelberg LLP

(3) If the party, amicus or intervenor is a corporation:

i) Identify all its parent corporations, if any; and

N/A

ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:

N/A

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

N/A

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

N/A

Attorney's Signature: /s/ Nicholas H. Callahan Date: September 11, 2025

Attorney's Printed Name: Nicholas H. Callahan

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☑ **No** ☐

Address: 200 W Madison St., Suite 3900

Chicago, IL 60606

Phone Number: (312) 984-3100 Fax Number: (312) 984-3150

E-Mail Address: nick.callahan@bfkn.com

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APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-2589

Short Caption: Butler, II v. Eddi, et al.

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N/A

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

N/A

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

N/A

Attorney's Signature: /s/ Samantha T. Zuba Date: September 11, 2025

Attorney's Printed Name: Samantha T. Zuba

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☑ **No** ☐

Address: 200 W Madison St., Suite 3900

Chicago, IL 60606

Phone Number: (312) 984-3100 Fax Number: (312) 984-3150

E-Mail Address: samantha.zuba@bfkn.com

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APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-2529

Short Caption: Butler v. Eddi, et al.

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Harold Katz

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:

Plunkett Cooney, P.C.

(3) If the party, amicus or intervenor is a corporation:

i) Identify all its parent corporations, if any; and

N/A

ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:

N/A

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

N/A

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

N/A

Attorney's Signature: /s/ John F. Sullivan Date: October 3, 2025

Attorney's Printed Name: John F. Sullivan

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☐ **No** ☑

Address: 221 N. LaSalle Street, Suite 3500, Chicago, IL 60601

Phone Number: (312) 970-3490 Fax Number: (248) 901-4040

E-Mail Address: tfrench@plunkettcooney.com

APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-2589

Short Caption: Butler, II v. Eddi, et al.

To enable the judges to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party, amicus curiae, intervenor or a private attorney representing a government party, must furnish a disclosure statement providing the following information in compliance with Circuit Rule 26.1 and Fed. R. App. P. 26.1.

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Garry Chankin

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:

Tressler LLP

(3) If the party, amicus or intervenor is a corporation:

i) Identify all its parent corporations, if any; and

N/A

ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:

N/A

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

N/A

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

N/A

Attorney's Signature: /James K. Borcia Date: September 15, 2025

Attorney's Printed Name: James K. Borcia

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☑ **No** ☐

Address: 233 S. Wacker Drive, 61st Floor

Chicago, IL 60606

Phone Number: (312) 627-4000 Fax Number: (312) 627-1717

E-Mail Address: jborcia@tresslerllp.com

APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-2589

Short Caption: Butler, II v. Eddi, et al.

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David Raanan

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:

Honigman LLP

(3) If the party, amicus or intervenor is a corporation:

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N/A

ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:

N/A

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

N/A

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

N/A

Attorney's Signature: s/ Matthew Radler Date: 11/3/2025

Attorney's Printed Name: Matthew Radler

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☑ **No** ☐

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Phone Number: (313) 465-7716 Fax Number: (313) 465-7717

E-Mail Address: mradler@honigman.com

APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-2589

Short Caption: RAYMOND E. BUTLER, II (PLAINTIFF-APPELLANT) V. ELI JACKFINN EDDI, ET.AL. DEFENDANTS/APPELLEES

To enable the judges to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party, amicus curiae, intervenor or a private attorney representing a government party, must furnish a disclosure statement providing the following information in compliance with Circuit Rule 26.1 and Fed. R. App. P. 26.1.

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DORINE MAGENCE
MANUEL MAGENCE

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:

HALL MATSON GARVER THOMAS LAW (HALL MATSON, PLC)

(3) If the party, amicus or intervenor is a corporation:

i) Identify all its parent corporations, if any; and N/A

ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:

N/A

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

N/A

Attorney's Signature: Thomas R. Hall Date: 11/18/25

Attorney's Printed Name: THOMAS R. HALL

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). Yes ☑ No ☐

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1550 WATERTOWER PLACE, STE. 200 EAST LANSING, MI 48823

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E-Mail Address: thall@hallmatson.law / sgarver@hallmatson.law

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APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-2589

Short Caption: Raymond Butler II v. Eli Jackfinn Eddi, et al.

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William Kanter

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:
Swanson, Martin & Bell, LLP

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N/A

ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:

N/A

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

N/A

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

N/A

Attorney's Signature: /s/ Bryan J. Kirsch Date: November 19, 2025

Attorney's Printed Name: Bryan J. Kirsch

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☑ **No** ☐

Address: 330 N. Wabash Ave., Suite 3300

Chicago, Illinois 60611

Phone Number: (312) 321-9100 Fax Number: (312) 565-2320

E-Mail Address: bkirsch@smbtrials.com

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APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-2589

Short Caption: Raymond Butler II v. Eli Jackfinn Eddi, et al

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ILANA FINN EDDI

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Levenfeld Pearlstein, LLC

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N/A

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N/A

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

N/A

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

N/A

Attorney's Signature: /s/Robin D. Maher Date: 11.17.25

Attorney's Printed Name: Robin D. Maher

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☑ **No** ☐

Address: 120 S. Riverside Plaza, Suite 1800, Chicago, Il 60606

Phone Number: 312-476-7605 Fax Number: 312-346-8434

E-Mail Address: rmaher@lplegal.com

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APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-2529

Short Caption: Butler v. Eddi et al.

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Jeffrey K. Gutman

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Hinshaw & Culbertson LLP

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N/A

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

N/A

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

N/A

Attorney's Signature: /s/ *Catherine Basque Weiler* Date: October 2, 2025

Attorney's Printed Name: Catherine Basque Weiler

Please indicate if you are Counsel of Record for the above listed parties pursuant to Circuit Rule 3(d). Yes _X_ No __

Address: 151 North Franklin Street, Suite 2500, Chicago, Illinois 60606

Phone Number: Gen. 312-704-3000; Direct: 312-704-3894 Fax Number: 312-704-3001

E-Mail Address: cweiler@hinshawlaw.com

CERTIFICATE OF SERVICE

Certificate of Service When All Case Participants Are CM/ECF Participants

I certify that on October 2, 2025, I electronically filed the foregoing Appearance and 26.1 Disclosure Statement with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system.

Participants in this case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Catherine Basque Weiler

APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-2529

Short Caption: Butler v. Eddi et al.

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Jeffrey K. Gutman

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:):
Hinshaw & Culbertson LLP

(3) If the party, amicus or intervener is a corporation:

i) Identify all its parent corporations, if any; and

N/A

ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervener's stock:

N/A

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

N/A

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

N/A

Attorney's Signature: /s/ *Jennifer W. Weller* Date: October 1, 2025

Attorney's Printed Name: Jennifer W. Weller

Please indicate if you are Counsel of Record for the above listed parties pursuant to Circuit Rule 3(d). Yes __ No _X_

Address: 151 North Franklin Street, Suite 2500, Chicago, Illinois 60606

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E-Mail Address: jweller@hinshawlaw.com

APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-2529

Short Caption: Butler v. Eddi et al.

To enable the judges to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party, amicus curiae, intervener or a private attorney representing a government party, must furnish a disclosure statement providing the following information in compliance with Circuit Rule 26.1 and Fed. R. App. P. 26.1.

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N/A

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

N/A

Attorney's Signature: /s/*Peter D. Sullivan* Date: October 3, 2025

Attorney's Printed Name: Peter D. Sullivan

Please indicate if you are Counsel of Record for the above listed parties pursuant to Circuit Rule 3(d). Yes __ No X

Address: 151 North Franklin Street, Suite 2500, Chicago, Illinois 60606

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APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-2589

Short Caption: RAYMOND E. BUTLER II V. ELI JACKFINN EDDI, et al.

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Irving Birnbaum

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Clausen Miller PC and Collins Einhorn Farrell & Ulanoff PC

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(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:
N/A

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:
N/A

Attorney's Signature: Melinda S. Kollross Date: 10/7/25

Attorney's Printed Name: Melinda S. Kollross

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☑ **No** ☐

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E-Mail Address: mkollross@clausen.com

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APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-2529

Short Caption: RAYMOND E. BUTLER II V. ELI JACKFINN EDDI, et al.

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Colman Ginsparg

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Oberts Galasso Law Group

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(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

Attorney's Signature: William B. Oberts Date: 9/12/2025

Attorney's Printed Name: William B. Oberts

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☑ **No** ☐

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Phone Number: 318-741-1024 Fax Number:

E-Mail Address: wboberts@obertsgalasso.com

APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-2589

Short Caption: Butler, II v. Eddi, et al.

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Stanton F. Aron

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:
Gary A. Weintraub, P.C.

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N/A

ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:

N/A

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

N/A

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

N/A

Attorney's Signature: /s/ Gary A. Weintraub Date: 11/6/2025

Attorney's Printed Name: Gary A. Weintraub

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). Yes ☑ No ☐

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APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-2589

Short Caption: Butler, II v. Eddi, et al.

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CIBC BANK USA

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:

Dykema Gossett PLLC

(3) If the party, amicus or intervenor is a corporation:

i) Identify all its parent corporations, if any; and

Canadian Imperial Bank of Commerce

ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:

No other other publicly held company owns 10% or more of CIBC Bank USA's common stock

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

N/A

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

N/A

Attorney's Signature: /s/ John F. Rhoades Date: October 23, 2025

Attorney's Printed Name: John F. Rhoades

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☑ **No** ☐

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APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-2589

Short Caption: Butler v Eddi

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Moshe Soloveichik

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:
Foreign Service Law Office, LLC (Mark I Dunaevsky)

Deming Group (Stuart Deming)

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(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

Attorney's Signature: /s/ Mark I Dunaevsky Date: November 19, 2025

Attorney's Printed Name: Mark I Dunaevsky

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☑ **No** ☐

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Phone Number: 847.869.8319 Fax Number: NA

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JURISDICTIONAL STATEMENT

Plaintiff-Appellant Raymond Butler's jurisdictional statement is not complete and correct. Butler brings his appeal under 28 U.S.C. § 1292(a)(1), from an order issued by the United States District Court for the Northern District of Illinois on August 27, 2025. (Dkt. 208.) This order (i) denied Butler's emergency motion to vacate stay, to vacate protective order, and for preliminary injunctive relief freezing trust assets and appointing a neutral fiduciary to preserve trust res (Dkt. 167); (ii) granted non-party CIBC Bank USA's motion to enforce the protective order (Dkt. 179); (iii) denied Butler's motion to strike CIBC's motion (Dkt. 186); (iv) granted two motions to set aside default; and (v) denied three motions for default as premature (Dkts. 189, 193-94.)

Butler appeals rulings (i)-(iii); however, this Court has appellate jurisdiction over only the component of the District Court's order denying the preliminary injunctive relief of freezing trust assets and appointing a neutral fiduciary. The other appealed rulings are discovery rulings, not injunctions, and are not intertwined with the denial of injunctive relief so as to support pendent jurisdiction. *Infra* at 25-27.

Subject matter jurisdiction exists under 28 U.S.C. § 1331 and 28 U.S.C. § 1367. Butler's complaint asserts a claim under the federal RICO statute, 18 U.S.C. § 1961 *et seq.*, establishing federal question jurisdiction. Supplemental jurisdiction exists over Butler's other claims, as they arise out of the same case or controversy, namely an alleged conspiracy to deprive Butler of trust assets, as the federal RICO claim.

Subject matter jurisdiction also exists under 28 U.S.C. § 1332. Butler asserts $100 million in damages, satisfying the amount in controversy requirement. The

complete diversity requirement is likewise satisfied. Butler is a citizen of Michigan. (Dkt. 71 ¶ 8.) Defendants Eli Eddi, Daniel Bergman, and David R. Raanan are citizens of New Jersey. (*Id.* ¶¶ 9, 23, 43.) Defendants Ilana Eddi, Dorine Magence, Manuel Magence, and Samuel Maslaton are citizens of Florida. (*Id.* ¶¶ 10-12, 22.) Defendants Jeffrey Gutman, Nachshon Draiman, William Kanter, Joel Rothman, Moshe Soloveichik, Jerry Cherney, Shmuel Fuerst, Harold Katz, Irving Birnbaum, Stanton Aron, Chaim Rajchenbach, Rivka Rajchenbach, Avrum Rajchenbach, Menachem Shabat, Ahuva Shabat, Ronald Shabat, Colman Ginsparg, Michael Mainzer, Marshall K. Brown, Garry Chankin, and Nancy Rosen are citizens of Illinois. (*Id.* ¶¶ 13-17, 19-21, 24-31, 33-35, 38-39.) Defendant Allen Green was a citizen of Illinois before he passed away. (*Id.* ¶ 18.) Defendant Jeffrey Finn is a citizen of California. (*Id.* ¶ 36.) Defendants Meir Cohen, Mark Antebi, Barry Antebi, and Elliot Antebi are citizens of New York. (*Id.* ¶¶ 37, 40-42.) Butler pleads that Defendant Eric Rothner is a citizen of Michigan (*id.* ¶ 32), but he is actually a citizen of Illinois (Dkt. 225, PageID.1203-04).

In sum, this Court has appellate jurisdiction over the component of the District Court's order that denied the preliminary injunctive relief of freezing trust assets and appointing a neutral fiduciary and has subject matter jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1367 or, alternatively, under 28 U.S.C. § 1332.

STATEMENT OF THE ISSUES

1. Whether the District Court properly exercised its discretion to deny a preliminary injunction seeking to freeze trust assets and appoint a neutral fiduciary when Butler did not present any credible evidence of entitlement to the assets at issue

and seeks the preliminary injunction solely for the purpose of creating a fund from which a later award of money damages can be satisfied.

2. Whether the District Court properly exercised its discretion to uphold and enforce a protective order barring Butler from directly contacting witnesses on a record that includes Butler's admissions, at an evidentiary hearing, to making threats.

3. Whether the District Court, which has broad authority to manage its docket, properly exercised its discretion to uphold a stay pending proposals regarding motion to dismiss briefing when the case had been stayed up to that point pending the outcome of a related state case.

STATEMENT OF THE CASE

Butler appeals the following rulings in the District Court's August 27 order (Dkt. 208): (i) denial of Butler's emergency motion to vacate stay, to vacate protective order, and for preliminary injunctive relief freezing trust assets and appointing a neutral fiduciary to preserve trust res (Dkt. 167, the "Emergency Motion"); (ii) grant of non-party CIBC Bank USA's ("CIBC") motion to enforce the protective order (Dkt. 179); and (iii) denial of Butler's motion to strike CIBC's motion (Dkt. 186.)

Understanding these rulings requires background, provided below, regarding (i) a related state case, (ii) the allegations in Butler's operative complaint and his injunctive relief theory, (iii) the extensive procedural history of the stay and protective order on multiple reviews in two U.S. District Courts, (iv) Butler's history of harassing and threatening communications in this litigation, (v) the District Court's August 27, 2025 hearing on Butler's Emergency Motion and CIBC's motion

to enforce the protective order, and (vi) Butler's multiple appeals and another RICO case (N.D. Ill. Case No. 25-cv-10904), which he filed against Judge Georgia N. Alexakis—the U.S. District Court Judge presiding over the underlying action appealed from (N.D. Ill. Case No. 25-cv-04443)—and Judge Nancy L. Maldonado of this Court.

A. Procedural Background

i. State Court Case

In January 2022, Butler commenced a lawsuit in Cook County Circuit Court, *Butler et al. v. Eddi et al.*, No. 22 CH 675 (Ill. Cir. Ct. Jan. 26, 2022) (the "State Court Case"), seeking an accounting of a trust, the Jack Finn Irrevocable Trust, and findings that he is a beneficiary and did not release any claims to trust funds. (Dkt. 199-6 at PageID.599-601.) At the time the federal District Court issued the order appealed here, the State Court Case was scheduled for trial in November 2025. (Dkt. 199 at PageID.526.)

ii. Federal Court Case

In August 2024, while a motion for summary judgment was pending in the State Court Case, Butler filed the underlying federal case in the Western District of Michigan (Case No. 24-cv-00134). Butler sued over thirty people from various walks of life—including rabbis, accountants, lawyers, and a life insurance salesman—alleging a multi-decade conspiracy to deprive him of wealth supposedly amassed by his grandfather, Jonas Neufeld. (Dkt. 71 ¶¶ 1-4, 94-176.) Butler asserts that, due to family troubles, he was placed with a foster parent named Jack Finn and that his grandfather and Jack Finn set up the Jack Finn Irrevocable Trust for the benefit of

Butler and his siblings. (*Id.* ¶¶ 1-4, 94-113)

The U.S. District Court for the Western District of Michigan ordered the case stayed in light of the State Court Case. (Dkt. 79.) The U.S. District Court judge and federal magistrate judge there enforced and upheld the stay multiple times (Dkt. 84, 101, 113), emphasizing that a party may move to lift the Court's stay only "upon the conclusion of Plaintiff's Illinois action." (Dkt. 84.) The case was transferred to the U.S. District Court for the Northern District of Illinois, which likewise upheld the stay, under the *Colorado River* doctrine, at a status conference on June 9, 2025 shortly after the transfer. (Dkt. 163; Dkt. 164 at 14:20-15:7.)

On February 12, 2025, the District Court in the Western District of Michigan issued a protective order (Dkt. 101) after Butler had harassed and threatened certain Defendants and their families, as well as non-party CIBC employees, in repeated communications since September 2024, as set forth in certain Defendants' motion for protective order (Dkt. 88). Among other conduct, Butler had threatened to "kick in a door" and "dismantle an empire of death," warned of "collateral damage," and threatened Menachem Shabat's family members. (Dkt. 88 at PageID.992-94; Dkt. 90; Dkt. 112 at 28:15-29:15, 43:19-44:3.) The protective order barred Butler from communicating with Chaim Rajchenbach, Menachem Shabat, and any witness in this case, except through his attorney, Racine Miller. (Dkt. 101 at PageId.1111.)

The District Court in the Western District of Michigan upheld the protective order after an in-person, evidentiary hearing during which Butler testified at length. (Dkt. 113 at PageID.1231-34, PageID.1237.) In open court, Butler admitted to

communications deemed to be threatening and accused Appellees of using a strategy "meant to delay and deny and in this case depose," echoing the "deny, defend, depose" words written on the bullets used in the killing of UnitedHealthcare CEO Brian Thompson. (Dkt. 112 at 28:15-29:3, 43:19-46:24.) The District Court in the Western District of Michigan found that Butler's "testimony cemented the reality that a protective order is not only appropriate, but necessary" and Butler's "assertions that he was neither threatening nor harassing are not credible." (Dkt. 113 at PageID.1232, PageID.1237.) The District Court in the Northern District of Illinois upheld the protective order after transfer of the case, with the modification of adding Katherine London as one of Butler's attorneys. (Dkt. 163.) The District Court gave Butler until June 23 to file a motion to modify the protective order (*id.*), but he did not file one.

On July 30, 2025, Butler filed his Emergency Motion. (Dkt. 167.) That same day, the District Court issued an "expedited briefing schedule" in light of Butler's "request for emergency relief." (Dkt. 169.) That schedule set Defendants' response deadline for August 7. (*Id.*) Later the same day, Butler appealed the order to the Seventh Circuit. (Dkt. 170.) On August 1, Butler filed an emergency petition requesting the same injunctive relief pending the outcome of his appeal. (7th Cir. No. 23-2315, Dkt. 6 at 6-8.) Butler contended that the scheduling order denied his Motion, despite the Court's order containing no denial of relief. (*Id.*) The Seventh Circuit denied his request the same day. (*Id.*, Dkt. 7.) On August 4, the Seventh Circuit ordered Butler to file a brief establishing jurisdiction. (*Id.*, Dkt. 8.) Butler instead filed a motion for reconsideration *en banc* accusing the Seventh Circuit and District

Court of, *inter alia*, engaging in "lawfare" against Butler. (*Id.*, Dkt. 9 at 2.) The Seventh Circuit dismissed for lack of jurisdiction. (*Id.*, Dkt. 10.)

On August 4, 2025, CIBC filed a motion to enforce the protective order (Dkt. 179), noting Butler's repeated harassment of CIBC employees since September 2024, his violation of the protective order on July 21, 2025, and notification to Butler's counsel about that violation on July 21, 2025 (*id.* at PageID.385-91). On August 5, 2025, Butler filed a motion to strike the motion to enforce. (Dkt. 186.) On August 14, 2025, CIBC filed a reply in support of the motion. (Dkt. 198.)

B. Butler's Complaint Allegations and Injunctive Relief Theory

In his Emergency Motion, Butler made several new assertions not previously made in the instant case. Specifically, Butler claims that his grandfather established a GPN Family Trust and a Doros Generation Trust in 1990 (collectively, the "Neufeld Trusts"). (Dkt. 167 at PageID.144.) The Jack Finn Irrevocable Trust was allegedly a "limited beneficiary" of the Neufeld Trusts and thereby received money from them for the benefit of Butler and his sisters. (*Id.* at PageID.156-57.) Those trusts supposedly owned over 70 nursing homes from 2022 to 2024. (*Id.* at PageID.141.)

In his Emergency Motion, Butler claims that these supposed assets were somehow converted when trusts associated with Appellees Chaim Rajchenbach and Menachem Shabat copied the names of his grandfather's trusts. Specifically, Butler asserts that in 2025, these Defendant Trusts (as defined below) supposedly leveraged the confusion of the similar names to take over the nursing homes. (*Id.* at PageID.140, PageID.157.) Butler asserts that Exhibits 1 and 2 to his Emergency Motion show these transfers. (*Id.* at PageID.142; Dkt. 167-2 (Ex. 1); Dkt. 167-3 (Ex. 2).) Notably,

the Emergency Motion does not provide any trust documents demonstrating that the Neufeld Trusts actually existed or any documents establishing the Neufeld Trusts' purported ownership of the nursing homes at issue. Further, the Emergency Motion does not explain how these nursing homes were transferred, who operated the nursing homes on behalf of the Neufeld Trusts, why they did not complain when 70 nursing homes were allegedly transferred to the Defendant Trusts, and why they have remained silent to this day.

C. The Hearing on Butler's Emergency Motion and CIBC's Motion to Enforce Protective Order

The District Court conducted a roughly five-hour evidentiary hearing on August 27 on Butler's Emergency Motion and CIBC's motion to enforce the protective order. At the hearing, Butler did not present any documents demonstrating that the Neufeld Trusts ever existed, let alone documents demonstrating that Butler, Jack Finn, or their respective trusts were ever beneficiaries of the Neufeld Trusts, or that the Neufeld Trusts owned any assets, let alone 70 nursing homes worth over half a billion dollars. (Dkt. 218 at 108:1-10.) The only evidence Butler offered was his own testimony that he was present at the age of six or seven when the Neufeld Trusts were created and the spreadsheets submitted as Exhibits 1 and 2 to his Emergency Motion that supposedly show nursing home transfers, without establishing any foundation for those spreadsheets. (*Id.* at 37:7-45:14; 61:6-62:13; ECF Nos. 167-2, 167-3.)

Weighed against Butler's unsubstantiated testimony and the spreadsheets (on which neither Butler nor his counsel could point to any particular component showing

transfers) were two credible declarations by two third-party witnesses: that of attorney Charles Harris, who has worked with the families associated with the Defendant Trusts for decades and who drafted the Defendant Trusts, and that of attorney Daniel Garden, general counsel for Legacy Healthcare Financial Services LLC (hereinafter "Legacy"), the entity that created and manages the entities that operate nearly all of the nursing homes at issue. (ECF Nos. 199-4, 199-5.)

Their testimony demonstrates that neither Raymond Butler, Jonas Neufeld, Jack Finn nor any of their supposed related trusts have ever had any ownership or interest in the entities whose assets Butler seeks to freeze: the GPN Family Trust U/A/D 4/28/08 (the "GPN Family Trust"), the Doros Generation Trust U/A/D 1/3/12 (the "Doros Generation Trust"; with the GPN Family Trust, the "Defendant Trusts"), Cascade Capital Group, LLC ("Cascade"), and Legacy.

The "GPN Family Trust" was established for the benefit of Chaim Rajchenbach's family. (Dkt. 199-4, Garden Decl. ¶ 10.) Mr. Harris, a partner at the law firm Katten Muchin Rosenman LLP who has worked with the Rajchenbach family for over 25 years, drafted the trust under the name Chaim Rajchenbach Descendants Trust, and the trust became effective on April 28, 2008. (Dkt. 199-5, Harris Decl. ¶ 3.) On December 7, 2010, the trust name changed to its present name, the GPN Family Trust U/A/D 4/28/08. (*Id.*) Mr. Harris's firm drafted the name change. (*Id.*) The Doros Generation Trust was established for the benefit of Menachem Shabat's family. (Dkt. 199-4, Garden Decl. ¶ 10.) Mr. Harris, who has worked for the Shabat family for over 13 years, drafted the trust under the name

Menachem Shabat Descendants Trust, and it became effective on July 3, 2012. (Dkt. 199-5, Harris Decl. ¶ 4.) On January 9, 2015, the trust changed its name to the Menachem and Ahuva Shabat Descendants Trust U/A/D 1/3/12. On October 31, 2017, the trust name changed to its present name, the Doros Generation Trust U/A/D 1/3/12. (*Id.*) Mr. Harris's firm drafted both name changes. (*Id.*)

Mr. Harris's testimony is unequivocal: the Defendant Trusts that Butler seeks to freeze were created for the benefit of Mr. Rajchenbach's and Mr. Shabat's families. Neither Trust was created by Butler**'s** grandfather, Jonas Neufeld, or any of his family members. (*Id.* ¶ 5.) Neither Trust was created for the benefit of Butler or any of his family members. (*Id.* ¶ 6.) Butler has never been the beneficiary of the Defendant Trusts. (*Id.*¶ 7.) Neither Jack Finn nor any of his trusts has ever been a trustee or beneficiary of the Defendant Trusts. (*Id.* ¶ 8.)

Via various LLCs identified in Exhibits 1 and 2 to Butler's Emergency Motion, entities associated with the Defendant Trusts and/or other affiliated entities (including Cascade) purchased the operations of certain skilled nursing facilities (the "Facilities") and set up LLCs to operate the Facilities. (Dkt. 199-4, Garden Decl. ¶¶ 7, 10, 13-14.) This portfolio is managed by Legacy, which Mr. Rajchenbach and Mr. Shabat founded in 2008. (*Id.* ¶¶ 4-5, 7, 10.)

As explained by Legacy's general counsel Mr. Garden, during all relevant times hereto, entities associated with the Defendant Trusts and/or other affiliated entities have owned the operations of the Facilities. (*Id.* ¶ 13.) These facts are easily verified through a cursory review of CMS records. For example, the CMS website clearly

shows that the operations of the Grove of Northbrook have been owned by entities associated with the Defendant Trusts and/or other affiliated entities for years before the alleged transfers. (*Id.* ¶ 26(a); *see also id.* ¶ 26(b)-(c), Exs. A-C (additional examples); *id.* ¶¶ 29-30, Ex. D (recreating Butler's spreadsheet from CMS website and explaining how ASSOCIATION DATE – OWNER column shows consistent ownership).) By contrast, during the relevant periods, there was no other "GPN Family Trust" or "Doros Generation Trust" that was an owner in any of the Facilities. (*Id.* ¶¶ 17-20.)

After considering all of the foregoing evidence, the District Court concluded: "[T]he evidence that I have, at least at this juncture that this property, that these trusts belong to [Butler] is slim to none." (Dkt. 218 at 105:3-5.) On the one hand, the District Court had Mr. Harris's declaration, which provided logical bases for his personal knowledge. (*Id.* at 105:6-25.) On the other hand, the District Court had Butler's self-serving testimony about the signing of legal documents he allegedly witnessed at six or seven years old. The District Court reasoned:

> [M]aybe he was at the meeting. . . . I don't find it so incredible that there may have been a family meeting along the lines of what Mr. Butler is describing. I also I guess don't find it that incredible that at some kind of large family meeting to talk about the transfer of generational wealth, that for whatever reason a six or seven-year-old child might have been present. Fine. But even if that meeting took place, and even if Mr. Butler was at the meeting, I simply do not find it credible that a six or seven-year-old would have an appreciation of what was going on at that meeting, and certainly not an appreciation that complicated legal documents were being created or enforced or signed that would bestow upon him particular assets and that certainly not that he would have an

> appreciation of what was happening at that point that would carry him however many years later, decades later to the point where he's bringing this lawsuit.

(*Id.* at 106:12-107:4.)

Butler fared no better with respect to showing transfers. The District Court determined it need not reach this issue because of the lack of evidence that the Neufeld Trusts existed but nevertheless observed that there was not "sufficient evidence presented to support the argument, the theory that plaintiff is advancing that assets are being transferred from the trusts that purportedly belong to him." (*Id.* at 108:23-109:2.) The District Court credited Mr. Garden's declaration, stating it "lays out what I find to be incredibly logical explanations as to why the five nursing homes that feature in the plaintiff's analysis [] appear in 2022, but don't appear in 2025." (*Id.* at 109:2-6.) As Mr. Garden explained, these facilities deactivated their Medicare billing privileges prior to 2025—two because Legacy closed them for business performance reasons, two because they were sold to third parties, and one that was leased until 2022 at which point it was returned to the owner. (Dkt. 199-4 ¶ 30.)

The District Court also credited the presentation of counsel for the Defendant Trusts, with reference to Mr. Garden's declaration, that Butler's spreadsheets actually show consistent ownership by the Defendant Trusts. This explanation comported with the District Court's own understanding of the documents when it read them in preparation for the hearing. (*Id.* at 109:20-110:3; *see also id.* at 89:8-95:21 (presentation by counsel for Defendant Trusts).) The District Court gave Butler considerable "time and latitude . . . to walk me through the spreadsheets and help me

understand if I was in fact reading them incorrectly. And having gone through that exercise, I remain committed to my original understanding of those documents." (*Id.* at 109:20-110:3.)

The District Court reasoned that existence of the Neufeld Trusts is essential to each of Butler's claims: "[P]laintiff's claims, . . . whether I think about them as the RICO claim or a fraud claim or a conversion claim or any number of claims, the success of each of those claims are all premised on the idea that he is entitled to this property." (*Id.* at 104:19-105:2.) Butler's failure to demonstrate the existence of the Neufeld Trusts therefore doomed his request for preliminary injunctive relief on the likelihood of prevailing on the merits. (*Id.* at 105:3-5.) Moreover, Butler admitted that the purpose of the preliminary injunctive relief is to protect assets, reduceable to money, for later recovery. (*Id.* at 80:10-81:5 ("THE COURT: You're talking about things that could be reduced to money though, correct? MS. MILLER: Yes, Your Honor."); *see also* App. Br. at 21-22 (continuing to characterize Emergency Motion as seeking "to prevent dissipation" that would impede later recovery).) Butler therefore failed to clear the irreparable harm and inadequate legal remedy hurdles for preliminary injunctive relief as well. (Dkt. 218 at 100:7-13 (citing *Banister v. Firestone*, 2018 WL 4224444, at *9 (N.D. Ill. Sept. 5, 2018)).)

With respect to the stay, the District Court ruled that it remained in force under the *Colorado River* doctrine for the time being but asked the parties to submit proposals for Rule 12(b)(6) briefing, if the stay were lifted for that purpose. (Dkt. 208.) Certain Defendants submitted a proposal (Dkt. 225), but the District Court has thus

far declined to consider it in light of Butler's appeal (Dkt. 227).

With respect to the protective order, the Court denied Butler's request to lift it and granted CIBC's request to enforce it. The District Court concluded that "[i]mposing a protective order is within the discretion of the Court. It's part of my inherent authority to manage my affairs, the affairs of my docket, and to achieve the orderly disposition of cases. I don't see a First Amendment issue here. The order permits counsel to speak to witnesses. It simply prevents Mr. Butler from doing so directly given the record that is in place." (Dkt. 218 at 114:2-9.) The District Court credited CIBC's evidence that the protective order had been violated and noted the substantial record of Butler's harassment:

> [I]t's not necessary for me I think to resolve the factual dispute because there is already a substantial record of harassment here that was compiled by the magistrate judge and the district judge in Michigan. And that includes the evidentiary hearing during which Mr. Butler testified and where he was questioned by Judge Maloney. And Judge Maloney had the opportunity to observe the defendant, to consider his answers, to assess his demeanor in court, and based on that opportunity made factual findings supporting the imposition of a protective order.

(*Id.* at 113:15-25.)

The Court then asked Mr. Butler if he sent a text message dated July 21 to CIBC's General Counsel, Julie O'Connor, which was attached as Exhibit A to CIBC's motion (Dkt. 218 at 115:23-24; Dkt. 176, PageID 399). Butler responded by asserting that he was no longer under oath (Dkt. 218 at 115:23-116:3). When the judge reminded him that he was in fact under oath, Butler, who had been in virtual attendance at the hearing for hours without any major technical issues, asserted he

was "having issues," made indiscernible noises, and signed off. (*Id.* at 116:2-23). The Court then noted that an email from CIBC's counsel to Butler's counsel (Exhibit J to CIBC's motion)—also sent on July 21—and Butler's counsel's response thereto (Exhibit K) in which his counsel asserted Butler was not prohibited from directly contacting CIBC—corroborated the fact that Butler did, in fact, send the text message in violation of the protective order. (Dkt. 218 at 117:8-119:4).

D. Butler's Appeals of the August 27 Order

Butler immediately appealed the District Court's rulings, with a notice of appeal on August 27 (Dkt. 209) and an amended notice on September 2 (Dkt. 214). This resulted in two appeals, Nos. 25-02529 and 25-02589. When ordered to show cause why the first was not unnecessary in light of the second, Butler submitted a brief entitled "Memorandum Requesting Dismissal of Appeal as Redundant in Light of Evident Judicial Dereliction," accusing the District Court and Seventh Circuit of negligence in allowing multiple appeals to be docketed and "bias in favor of prolonging confusion to the detriment of Appellant." (App. Dkt. 21 ¶ 9.) This Court dismissed the first appeal (25-02529), and this second one (25-2589) remains pending.

Butler also filed a motion to disqualify Judge Nancy Maldonado[1], on the grounds of supposed bias due to a RICO case Butler filed against her and District Court Judge Georgia Alexakis based on their rulings regarding Butler's Emergency Motion. (App. Dkt. 13.) This Court denied that motion (App. Dkt. 21) and ordered Butler's attorney Katherine London to show cause why she should not be

[1] Butler has also moved to disqualify Judge Alexakis below on the basis of his RICO case. (ECF No. 223.)

subject to disciplinary action for "making scurrilous and unfounded allegations against a judge of this court." (App. Dkt. 21.) Ms. London filed a response that stands by all of her baseless accusations. (App. Dkt. 28.) On November 7, this Court sanctioned Ms. London for, *inter alia*, "knowingly misrepresent[ing] facts in court filings." (App. Dkt. 42 at 2.) On November 16, Ms. London filed a motion for rehearing *en banc* regarding that order and a motion for rehearing *en banc* regarding the order denying her motion to disqualify Judge Maldonado. (App. Dkts. 43-44.)

SUMMARY OF THE ARGUMENT

A cursory review of the transcript of the District Court's August 27 hearing on Butler's Emergency Motion and CIBC's motion to enforce the protective order would suffice to confirm that the District Court's rulings were not an abuse of discretion. The District Court conducted a five-hour evidentiary hearing, at which it allowed Butler to walk through, line-by-line, the so-called evidence (a couple spreadsheets) supporting his Emergency Motion and permitted Butler to testify at length remotely, despite Butler's failure to notice any witnesses for the hearing and his and his counsel's failure to appear in-person as initially ordered by the District Court.[2] Neither Butler, nor his attorneys, could explain the basis of their own Emergency

[2] On August 7, 2025, the District Court ordered that "[t]he hearing will proceed in-person. If any party anticipates that they will offer live witness testimony at that hearing, they must notify the Court, via email to the Courtroom Deputy, by 8/18/25." (Dkt. 188). Butler's counsel did not provide any notice regarding live testimony and requested via email to appear remotely the day before the hearing. (Dkt. 205, 206). All other counsel of record appeared in-person as ordered. At the hearing, Butler's counsel stated that Butler "would welcome questioning by the Court" and that "Mr. Butler is here to testify." (Dkt. 218, 24:16-17, 25:20.) Butler now asserts the questioning his counsel invited at the hearing constituted "lawfare and weaponization of the judicial system against Appellant and his counsel." (Br. at 20.)

Motion or the spreadsheets attached to it, let alone why the extraordinary relief requested was warranted. Despite a clearly deficient motion and complete failure to provide evidentiary support for it, Butler proceeded with this appeal—and in his appellate brief still fails to articulate a cogent theory or clarify his interpretation of the spreadsheets.

Perhaps most concerning, Butler's brief continues to attack the District Court for bias against him, based on nothing more than rulings with which he disagrees. Butler—and his counsel—should not be permitted to continue engaging in this vitriolic, unprofessional, and frivolous misconduct that wastes judicial and litigant resources.

Nor does Butler have grounds to quibble with the District Court's substantive rulings. At the hearing, a clear record emerged that Butler has no credible evidence the Neufeld Trusts ever existed. Butler has no likelihood to succeed on the merits of any of his claims if these trusts never existed for his supposed benefit—no assets belonging to him can have been decanted. Nor did Butler present any evidence of supposed illicit transfers of these assets. He further admitted that he sought to preserve property, reduceable to money, for later recovery, meaning he fails the irreparable harm and inadequate legal remedy elements as well.

As to the stay and protective order, the Seventh Circuit has no jurisdiction to review these rulings, as they are unappealable, routine discovery orders, not injunctive orders as Butler asserts. Even if considered, however, they too have a clear record justifying the District Court's rulings. The protective order is supported by an

evidentiary hearing at which Butler testified and admitted to harassing and threatening communications, and Butler has waived any First Amendment argument (which would not succeed anyway, as the Seventh Circuit has held that such orders do not implicate the First Amendment). As to the stay, the District Court did not err in applying the *Colorado River* doctrine, as the State Court Case had a trial date set at the time, and Butler identifies only superficial differences between the state and federal cases that do not undermine the District Court's analysis. In any event, the District Court's order stated that it would consider lifting the stay for purposes of considering proposals for Rule 12(b)(6) briefing, a case management decision well within the District Court's discretion.

STANDARD OF REVIEW

All of the appealed rulings—upholding a stay of a proceeding, upholding and enforcing a protective order, and denying a motion for preliminary injunction—are reviewed for abuse of discretion. *United States v. NCR Corp.*, 688 F.3d 833, 837 (7th Cir. 2012) (preliminary injunction); *Tyrer v. City of S. Beloit*, 516 F.3d 659, 664 (7th Cir. 2008) (stay); *Estate of Gifford v. Op'ing Engineers 139 Health Ben. Fund*, 126 F.4th 509, 524 (7th Cir. 2025) (protective order). Conclusions of law are reviewed *de novo*, and determinations of fact are reviewed for clear error. *NCR Corp.*, 688 F.3d at 837. Abuse of discretion occurs only if the district court reaches an erroneous conclusion of law that reflects a serious error of judgment, such as applying an incorrect legal standard, or if the district court premises its holding on a clearly erroneous assessment of evidence. *Lawson Prods., Inc. v. Avnet, Inc.*, 782 F.2d 1429, 1437 (7th Cir. 1986).

ARGUMENT

I. Butler's Accusations of Bias Are Just as Baseless as His Motion and Case and Are Not Grounds for Overturning the District Court.

In the face of an order warning of sanctions (since imposed) for making unfounded accusations against judges, Butler filed a brief alleging bias as a ground for reversing all of the District Court's rulings. (Br. at 11-12, 19, 23-24 (accusing District Court of bias, "judicial activism," and "lawfare").) Indeed, Butler has gone so far as to sue both the District Court judge and a judge of this Court for being involved in a RICO conspiracy, simply because they ruled against him. (*See* Dkt. 223 at PageID.934.) Yet Butler's only "evidence" of "bias" is the District Court's rulings against him and instances where the District Court agreed with Appellees (after careful consideration of evidence and argument from both sides). (Br. at 19, 23-24.) This is not bias. *See Tyrer*, 516 F.3d at 664 (litigant "must point to evidence of actual bias or hostility against the party himself—not merely legitimate rulings against a party on a contested claim"). No claim by Butler of bias or even abuse of discretion can be taken seriously when Butler apparently believes that any ruling against him is evidence of another conspiracy.

That Butler was unable to answer the District Court's straightforward questions regarding the basic facts of Butler's motion is his and his counsel's fault alone, and his attempt to pass off his own failings as judicial bias is unfounded. It has become clear over the course of this case that Butler's misconduct—including threatening communications to Defendants and witnesses, bias accusations, and numerous frivolous, often emergency, motions—will not stop until he and his counsel

are sanctioned. In connection with Butler's September 24 motion to disqualify Judge Maldonado, this Court appropriately determined that Butler's egregious and unsupported allegations denigrating judges warranted sanctions. (App. Dkt. 42). This Court should impose additional sanctions based on the substantially similar baseless allegations of bias, "abject ignorance," and "blatant judicial activism and lawfare" unapologetically asserted in Butler's brief in this appeal. (Br. at 11-12, 20.)[3]

II. The Order Denying the Motion for Preliminary Injunction Should Be Affirmed Because the District Court Committed No Error.

Appellee accuses the District Court of the following errors: conducting a hearing without jurisdiction, ignoring evidence that supposedly supports a preliminary injunction while denying Butler the opportunity to collect more evidence in discovery, and misapplying the preliminary injunction factors. The District Court's rigorous fact-finding and application of the preliminary injunction factors contains no such errors (or any other reversible error).[4]

A. The District Court had jurisdiction to conduct a hearing.

Butler argues the District Court had no jurisdiction to conduct the August 27 hearing because a mandate had not yet issued from his previous frivolous appeal of

[3] On August 22, Appellees Chaim Rajchenbach and Menachem Shabat served Butler with a motion for sanctions and demanded withdrawal of Butler's Emergency Motion prior to the hearing. Appellees Rajchenbach and Shabat intend to file this motion promptly upon conclusion of this appeal and lifting of the stay in the trial court.

[4] Alternatively, this Court may also affirm on the following grounds, which the District Court did not reach: (i) Butler's Emergency Motion violated the stay (ECF No. 199 at 12-13); (ii) Butler has not sued the parties necessary for the District Court to have jurisdiction to grant the requested relief (*id.* at 13); (iii) Butler has no standing to pursue injunctive relief (*id.* at 13-14); (iv) Butler unduly delayed seeking relief (*id.* at 17); and (v) the balance of the equities and public interest favors denying the injunction (*id.* at 17-19).

a briefing schedule. Of course, a facially improper appeal over which the court of appeals lacks jurisdiction does not divest a district court of jurisdiction. *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (citing *Ruby v. Secretary of U.S. Navy*, 365 F.2d 385, 389 (9th Cir. 1966)); *Ruby*, 365 F.2d at 389 ("Where the deficiency in a notice of appeal, by reason of untimeliness, lack of essential recitals, or reference to a non-appealable order, is clear to the district court, it may disregard the purported notice of appeal and proceed with the case, knowing that it has not been deprived of jurisdiction."). Butler's own cited case recognizes this. *See Kusay v. United States*, 62 F.3d 192, 194 (7th Cir. 1995).

B. The District Court conducted a rigorous evidentiary hearing and found no credible evidence justifying a preliminary injunction.

The District Court identified a threshold problem with the basis for Butler's preliminary injunction request that he cannot overcome: he is not entitled to relief if he cannot demonstrate that the target of the injunction "actually holds property or proceeds that belong to" him. (Dkt. 218 at 101:7-13 (citing *Continental Vineyard v. Dzierzawski*, 2018 WL 11195945, at *1-2 (N.D. Ill. Apr. 5, 2018)).) Butler offered no credible evidence on this point (and, indeed, cannot). *Supra* at 8-13. Because of Butler's failing on such a basic prerequisite for relief, the District Court rightly denied his request for preliminary injunction. The District Court's credibility determinations and weighing of evidence in so holding were well within its discretion to make. *See Int'l Ass'n of Fire Fighters, Local 365 v. City of E. Chicago*, 56 F.4th 437, 449-50 (7th Cir. 2022) (district court did not err by "weighing [] other evidence above" testimony comprised of "self-interested statements made by a [witness] whose credibility the

district court was entitled to assess").

Nor did Butler provide any evidence that any nursing home transfers happened, as the District Court credited the Defendant Trusts' "logical" explanations of Butler's supposed evidence. *Supra* at 12-13. Contrary to Butler's assertion, though, the District Court did not simply adopt this explanation from counsel for the Defendant Trusts. The District Court provided Butler ample opportunity to explain how his submitted spreadsheets nevertheless showed transfers. Neither Butler nor his lawyers could do so. As just one example:

> THE COURT: I'm asking for someone to show me where the document is that tells me that these five facilities have a different listed owner in June of 2025.
>
> MS. LONDON: Yeah. Honestly, Your Honor, right here – if you're looking for a correlating document, I did not provide that. I just provided that the ones in blue are present in September 2022 and then they're not in June of 2025. The name of the GPN Family Trust was then changed to GPN FAM TR UA 04282008.
>
> THE COURT: That's based on –
>
> MS. LONDON: If you'd like to do an evidentiary hearing, I can lay out of this out in a much more –
>
> THE COURT: You know, Ms. London, today was supposed to be an evidentiary hearing. So I don't know why, you've now said this a couple of times, if I would like to have an evidentiary hearing I should convene one. I did convene an evidentiary hearing. The fact that you're not prepared to put on evidence goes to your ability to meet your burden on this motion.

(Dkt. 218 at 45:6-24.)

Attempting to excuse this deficiency, Butler insists he needs discovery to carry

his burden to show entitlement to a preliminary injunction. (Dkt. 218 at 33:8-10, 55:1-3, 66:2-3 ("We're not here to prove my case today. We're here to get to discovery so that you can provide those documents.").) Any such request has no merit because Butler did not provide any good-faith basis for his belief that he owns the assets at issue so as to justify discovery to support his motion. (*Id.* at 105:3-5.) Indeed, Butler's belated insistence at the hearing on the need for discovery to support his Emergency Motion is an admission that Butler filed his Motion without a sufficient basis. In addition, as the District Court pointed out, Butler has had discovery in the related State Court Case. (*Id.* at 107:24-108:14.) Even with that opportunity, he presented no documentary evidence supporting existence of the Neufeld Trusts. (*Id.* at 108:7-10 (District Court observing that "I find it incredibly hard to believe that two and a half years after a case was filed that not a single document has been produced in that state court case that would have assisted plaintiff today").)

As argued above, the record contains more than enough evidence to support the District Court's findings that Butler presented no credible evidence of facts essential to his motion. Those findings are entitled to deference and should not be disturbed on such a clear record. *Supra* at 21-22. Indeed, the record is so clear that, not only has there been no error below, but also the Emergency Motion and, by extension, this appeal were frivolous to begin with.

C. The District Court properly applied the preliminary injunction factors to the evidence.

Review of the District Court's analysis of the preliminary injunction factors likewise reveals no errors. The proponent of a preliminary injunction must make the

following threshold showings: he will suffer irreparable harm absent a preliminary injunction; traditional legal remedies would be inadequate; and he has some likelihood of succeeding on the merits. *Girl Scouts of Manitou Council, Inc. v. Girl Scouts of the United States of Amer.*, 549 F.3d 1079, 1086 (7th Cir. 2008). The District Court properly found that Butler failed to carry his burden on all three.

As to success on the merits, each of Butler's underlying claims hinges on the existence of the Neufeld Trusts. (Dkt. 218 at 104:19-105:2 ("[P]laintiff's claims . . . whether I think about them as the RICO claim or a fraud claim or a conversion claim or any number of claims, the success of each of those claims are all premised on the idea that he is entitled to this property.").) With no evidence that the Neufeld Trusts ever even existed, much less that illicit transfers ever occurred, Butler has no chance of success on the merits. (Dkt. 218 at 104:19-105:5.) Butler does not identify a single flaw in that reasoning and instead falls back on his argument that the District Court should have permitted discovery. Without discovery, any determination on likelihood of success on the merits is erroneous, according to Butler. (Br. at 22.) Butler cites no cases in support of the notion that discovery is required to resolve a motion for preliminary injunction, particularly on a record that shows his claims are not at all plausible. And, again, this argument serves as an admission that Butler brought his motion without a sufficient basis in the first place.

The District Court also properly concluded that Butler did not demonstrate irreparable harm or the inadequacy of a legal remedy. As the District Court correctly reasoned, a court cannot, as Butler requests, restrain assets "simply to establish a

fund from which a later award of money damages can be satisfied." (Dkt. 218 at 100:7-13 (citing *Banister v. Firestone*, 2018 WL 4224444, at *9 (N.D. Ill. Sept. 5, 2018)).) Butler's counsel confirmed at the hearing that the purpose of the motion was to protect assets, reduceable to money, for later recovery. (Dkt. 218 at 80:10-81:5; *see also* App. Br. at 21 (continuing to characterize motion as seeking "to prevent dissipation" that would impede later recovery).) Contrary, then, to Butler's assertions that the District Court blindly "adopted the defense's view that 'an adequate remedy at law exists,'" (Br. at 26), the District Court relied on Butler's own explanation of the relief sought and failure to carry his burden.

Failure on any one of these elements—likelihood of success on the merits, irreparable harm, or the inadequacy of a legal remedy—each suffices alone to deny a preliminary injunction. The Seventh Circuit therefore need uphold the District Court's reasoning on only one element, but it can in fact affirm the District Court's reasoning on all three.

III. The Seventh Circuit Lacks Jurisdiction Over the District Court's Rulings on the Stay and Protective Order.

Butler contends this Court has appellate jurisdiction to review the District Court's rulings on the stay and protective order under 28 U.S.C. § 1292(a)(1) because the stay and protective order are effectively injunctions that the District Court has refused to lift. (Br. at 1, 7.) This is not the law. Both are discovery orders and, although orders regarding discovery may "have the form" of instructing litigants "to do or not to do something," they "are deemed not to be injunctions within the meaning of section 1292(a)(1)." *Allendale Mut. Ins. Co. v. Bull Data Sys., Inc.*, 32 F.3d 1175,

1177-79 (7th Cir. 1994) (appellate court lacked jurisdiction to review order directing party to desist with *ex parte* witness contact).[5] Following Butler's logic, every effective stay and protective order would be immediately appealable, an absurd result that would inundate appellate courts with innumerable interlocutory appeals regarding routine case management and discovery rulings.

Nor should this Court exercise pendent jurisdiction over these rulings. Pendent jurisdiction requires that the unappealable order be intertwined with the appealable order. *See Abelesz v. Erste Grp. Bank AG*, 695 F.3d 655, 660 (7th Cir. 2012). "A close relationship between the unappealable order and the appealable order will not suffice: it must be practically indispensable that [the appellate court] address the merits of the unappealable order in order to resolve the properly-taken appeal." *Id.* (cleaned up) (internal citation omitted). The mere fact that the non-appealable ruling is given in the same order or opinion as a properly appealed ruling likewise does not suffice. *See Abelesz v. Magyar Nemzeti Bank*, 692 F.3d 661, 669 (7th Cir. 2012) (declining to exercise pendent jurisdiction over non-appealable motion-to-dismiss arguments addressed in same opinion as appealable issues regarding sovereign immunity).

Here, neither the stay nor protective order is indispensable to resolving the

[5] Although abstention under the *Colorado River* doctrine may be appealable, *see Freed v. J.P. Morgan Chase Bank, N.A.*, 756 F.3d 1013 (7th Cir. 2014), the order actually appealed from here indicated that the District Court would consider proposals for proceeding on motions to dismiss. This makes the order more akin to a partial stay or order effectively staying discovery, which are not appealable. *See Crotty v. City of Chicago Heights*, 857 F.2d 1170, 1174 (7th Cir. 1988) (partial stay not appealable). Butler appealed before the District Court could consider any such proposals.

merits of Butler's motion for preliminary injunction because the Court's analysis requires no additional information from discovery or direct contact between a litigant and witnesses to confirm. *Supra* at 24. Put differently, whether the stay and protective order were in place or not, the District Court's decision on the preliminary injunction was sound, and this Court need not reach these other rulings in order to affirm denial of the preliminary injunction. This Court therefore lacks jurisdiction to consider the District Court's rulings on the stay and protective order, and they must remain undisturbed.

IV. If the District Court's Rulings on the Stay and Protective Order Are Reviewed, They Should be Affirmed Because the District Court Committed No Error.

A. The ruling on the protective order should be affirmed.

Butler asserts that the District Court erred when it upheld and enforced the protective order by failing to recognize a First Amendment issue requiring application of heightened scrutiny to the protective order and ignoring evidence of supposedly peaceful communications. (Br. at 18-19.) Neither argument withstands scrutiny.[6]

Taking the First Amendment issue first, Butler has not sufficiently developed any appellate issue. Butler invokes the First Amendment like a talisman, but nowhere—not on the record below or in his appellate brief—has Butler done any analysis of it. As the Seventh Circuit has "repeatedly held, the absence of any supporting authority or development of an argument constitutes a waiver on appeal."

[6] Alternatively, this Court may also affirm on the following grounds, which the District Court did not reach: (i) Butler's Emergency Motion violated the stay (ECF No. 199 at 12-13); and (ii) Butler did not identify any change in law or significant mistake justifying reconsideration of the protective order (*id.* at 20.)

Always Towing & Recovery, Inc. v. City of Milwaukee, 2 F. 4th 695, 707 (7th Cir. 2021) (cleaned up) (waiver found where appellants "frame[d] the issues before us with only sweeping references to 'an antitrust claim' and 'antitrust laws'" and did "not develop any argument as to how the . . . conduct amounted to" a violation).

Nor is it clear how Butler could develop this argument. As the District Court rightly observed, the protective order permits Butler to communicate with witnesses in the case, as long as such communication is through counsel, and nothing prohibits him from contacting family members on matters unrelated to the litigation or from contacting law enforcement. (Dkt. 218 at 110:19-111:4, 114:6-9.) As the Seventh Circuit has recognized, "there is no First Amendment right to interview a witness in private." *Allendale*, 32 F.3d at 1177-78. Moreover, a district court has broad discretion to manage its docket, *see Dietz v. Bouldin*, 579 U.S. 40, 45 (2016), including by issuing protective orders to prevent abusive communications, *see Mullen v. Butler*, 91 F.4th 1243, 1251 (7th Cir. 2024).

Turning then to the supposed factual errors, the facts clearly support the protective order. The U.S. District Court for the Western District of Michigan conducted a hearing on March 27, 2025. (Dkt. 112.) At that hearing, Butler testified in person and admitted to making prior communications that were deemed to be threatening, then went on to invoke a phrase similar to that written on the bullets used to kill UnitedHealthcare CEO Brian Thompson. (Dkt. 112 at 28:15-29:3, 43:19-46:24.) At the August 27 hearing before the U.S. District Court for the Northern District of Illinois, the Court noted that District Judge Maloney in the Western

District of Michigan had ample opportunity to weigh Butler's credibility during the lengthy evidentiary hearing: "Judge Maloney had the opportunity to observe the defendant, to consider his answers, to assess his demeanor in court, and based on that opportunity made factual findings supporting the imposition of a protective order. There has been no change in the circumstances since that time." (Dkt. 218 at 113:22-114:1.) Moreover, at the August 27 hearing before the Illinois District Court, further evidence supporting the protective order was presented: Butler had recently violated the order by texting the general counsel for CIBC. (Dkt. 179 at PageId.399; Dkt. 218 at 112:6-10, 113:9-114:5.)

Butler's argument highlighting supposedly peaceful components of his communications is nothing more than an assertion that the District Court should have weighed the evidence differently. This, of course, is not an abuse of discretion. *Supra* at 18. Butler's assertion that CIBC is not a witness protected by the protective order is clearly incorrect and belied by Butler's identification of CIBC in the amended complaint (Dkt. 71, PageID.650), Butler's numerous demands and correspondence directed to CIBC, including a July 22, 2025 letter specifically referencing the District Court case (Dkt. 198 PageID.510-11), and Butler's assertion that he is "entitled to communicate" with CIBC as part of conducting "witness interviews." (Dkt. 179, PageID.387.) All told, Butler has now tried six times to challenge the protective order, despite the foregoing evidence supporting the repeated conclusions of two district courts to keep it in force. *Supra* at 14-15.

B. The ruling on the stay should be affirmed.

Butler complains that the District Court incorrectly applied the *Colorado River*

abstention doctrine and improperly instructed that she would consider lifting the stay only to consider motions to dismiss. (Br. at 12-13.) Butler's assignments of error misconstrue the order actually appealed from, and, in any event, the District Court erred in neither respect.[7]

Regarding application of the *Colorado River* doctrine, Butler contends that the District Court erred by relying, without analysis of its own, on the Western District of Michigan Court's reasoning for the stay based on a no-longer pending motion for summary judgment in the State Court Case, as well as by concluding that the State Court Case and the underlying federal case here involve a similar, threshold issue—whether Butler is a beneficiary of the Jack Finn Irrevocable Trust—with likely collateral estoppel import. (Br. at 7-11.) Butler contends that the cases are dissimilar supposedly because "the Federal RICO action encompasses distinct federal claims involving multiple trusts and over 30 defendants." (Br. at 9-11.)

The District Court properly applied the *Colorado River* doctrine in keeping the stay in place following a status conference on June 9, 2025 after the case was transferred. (Dkt. 164.) The District Court carefully analyzed the issue under Seventh Circuit law and considered updates on the State Court Case's progress, including that, at the time of the District Court's order, a trial was still set in the State Court Case for November of this year. (*Id.* at 13:20-15:4; Dkt. 199 at PageID.526.)

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[7] Alternatively, this Court may also affirm on the following grounds, which the District Court did not reach: (i) Butler's Emergency Motion violated the stay (ECF No. 199 at 12-13); and (ii) Butler did not identify any change in law or significant mistake warranting reconsidering the stay.

The District Court's analysis is correct. Whether Butler is a beneficiary of the Jack Finn Irrevocable Trust is a threshold issue in both the State Court Case and this case. In the State Court Case, Butler seeks an accounting of the Jack Finn Irrevocable Trust, which, of course, he is not entitled to if he is not a beneficiary, as the defendants in that case (Ilana Eddi and Eli Eddi) argue. (Dkt. 199, PageID.530; Dkt. 199-6, PageID.594, PageID.599-601.) In the underlying federal case here on appeal, Butler likewise claims he is a beneficiary of the Jack Finn Irrevocable Trust, which, as an alleged limited beneficiary of the Neufeld Trusts, supposedly made those other trusts' funds available to Butler. (Dkt. 167, PageID.156-57.)

Superficial differences like those Butler points out—in the number of defendants or types of claims—do not mean cases are not parallel for purposes of application of the *Colorado River* doctrine. Where, as here, cases turn on a threshold issue, they are properly considered parallel. *See Freed*, 756 F.3d at 1019-20. Moreover, nearly every abstention factor favored a stay. (*See* Dkt. 199 at PageID.529-31.)

More fundamentally, though, Butler's arguments regarding the District Court's initial upholding of the stay upon transfer are irrelevant to this appeal, as that is not the order appealed from. Butler has appealed the August 27 order, which instructed the parties to file proposals for Rule 12(b)(6) briefing. (Dkt. 208.) Butler asserts that the only error is the District Court supposedly "overtly solicit[ing] defendants to pursue dismissal" and considering lifting the stay only for motions to dismiss based on a prejudgment about the merits. (Br. at 12-13.)

The District Court did not err in keeping the stay temporarily in place, pending review of the parties' proposals to lift the stay for the sole purpose of motion to dismiss briefing. District courts have broad discretion to manage their dockets in this manner and effectively stay discovery pending a motion to dismiss, particularly in sweeping fraud and RICO cases like this one. *See, e.g.*, *Coss v. Playtex Prods., LLC*, 2009 WL 1455358, at *2 (N.D. Ill. May 21, 2009) (citing *Limestone Dev. Corp. v. Village of Lemont, Ill.*, 520 F.3d 797, 803 (7th Cir. 2008)).

CONCLUSION

For the foregoing reasons, the judgment of the District Court denying Butler's motion for preliminary injunction, to lift stay, and to lift protective order, granting CIBC's motion to enforce protective order, and denying Butler's motion to strike should be affirmed.

Dated: November 19, 2025

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH RULE 32

I, Nicholas H. Callahan, certify that this brief complies with the type-volume limitation set forth in Federal Rule of Appellate Procedure 32(a)(7)(B) in that the brief contains 9,453 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f).

This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this brief has been prepared in a proportionally-spaced typeface using 12-point Century Schoolbook font.

In preparing this certificate, I relied on the word count of the word-processing system used to prepare this brief, Microsoft Word.

/s/ Nicholas H. Callahan

CERTIFICATE OF SERVICE

I, Nicholas H. Callahan, certify that on November 19, 2025, I electronically served the foregoing with the Clerk of the Court of the United States Court of Appeals for the Seventh Circuit by using the CM/ECF e-filing system.

All counsel of record in this case were served via the CM/ECF e-filing system.

/s/ Nicholas H. Callahan