



Pursuant to the Court's April 9, 2026 Order instructing the parties to file a joint status report by May 5, 2026 (Dkt. 249), the undersigned Defendants (the "Signatory Defendants"), through their counsel, submit this report.<sup>1</sup> On May 4, the Signatory Defendants informed Plaintiff's counsel Racine Miller of their positions and requested Plaintiff's. Plaintiff did not respond as of the time this report was submitted for filing. The Signatory Defendants take the following positions: (i) the case should remain stayed, except for adjudication of the motions specifically addressed in Section II of this status report; and (ii) the case protective order should remain in place.

**I. The case should remain stayed because of the Cook County case and pending appeal.**

First, the reasoning for staying this case under the *Colorado River* doctrine in light of the Cook County case remains operative. Now as before, the state court will decide a threshold issue: whether Plaintiff is a beneficiary of the Jack Finn Irrevocable Trust and whether he waived any claims to trust assets. (*See* Dkt. 199 at 9-12 (explaining rationale for stay)). The parties most recently briefed the stay earlier this year, in the Seventh Circuit appeal (the sixth time Plaintiff has challenged the stay), and no intervening fact changes the analysis. The only update is that Plaintiff has engaged in further dilatory conduct in the state case, including moving to disqualify the judge, that has led to vacation of the trial date. The case is nevertheless still poised to proceed promptly to the merits. Plaintiff cannot manufacture conditions for lifting the federal stay by engineering delays in the state proceeding.

Second, the stay should remain in place because of the pending appeal. Denial of Plaintiff's request to lift the stay is currently pending on appeal. Likelihood of success on the merits is also pending on appeal. (Dkt. 227). Maintaining the stay on these bases to avoid conflicting rulings is

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<sup>1</sup> Defendant Jeffrey Gutman joins Sections I and III. As to Section II, Gutman does not object to the proposed briefing but does not intend to respond because the motions do not name or address Gutman. Gutman reserves the right to request leave to respond should Plaintiff subsequently claim that Dkt. 252 relates to Gutman.

within the Court's discretion, and the status quo should be preserved. *See Aljabri v. Holder*, 745 F.3d 816, 820 (7th Cir. 2014) (“[M]odify[ing] the same order that is up on interlocutory appeal . . . would be at best wasteful of resources and at worst chaotic”).

**II. The Court should set a briefing schedule on certain pending motions.**

***Racine Miller's Motion to Withdraw as Plaintiff's Counsel (Dkt. 216)***. This motion is fully briefed, ready for decision, and should be denied. As argued in certain Defendants' opposition to the motion to withdraw, Ms. Miller should remain in the case to face a forthcoming motion for sanctions. (Dkt. 219). Certain Defendants intend to file their motion for sanctions after resolution of the appeal because the motion for preliminary injunction is one of the grounds for sanctions. The Northern District of Illinois's recent suspension of Plaintiff's other attorney, Katherine London, provides additional reason for denying Ms. Miller's motion to withdraw. It would serve the interests of efficient case management for Plaintiff to remain represented given Plaintiff's history of disruptive and harassing behavior that led to entry of a protective order prohibiting him from directly contacting parties and witnesses.<sup>2</sup> *Infra* Section III; *see Black v. Wrigley*, 997 F.3d 702, 713 (7th Cir. 2021) (“[C]ourts have wide discretion to manage the withdrawal and appearance of attorneys during proceedings,” including to refuse *pro se* representation “when the litigant engages in disruptive behavior[.]”) (quotation omitted). Indeed, proceeding *pro se* after Ms. London's suspension, Plaintiff almost immediately filed frivolous motions for sanctions against defense and non-party counsel and to correct the April 9, 2026 hearing transcript. (Dkts. 252, 254).

***Plaintiff's Motion to Disqualify Robin Maher and Levenfeld Pearlstein, LLC (Dkt. 226) and Motion for Sanctions Against Ms. Maher (Dkt. 233)***. No response has been filed because of the case stay. Ms. Maher requests 14 days to respond. These motions are frivolous as the state

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<sup>2</sup> With the abrogation of Local Rule 83.15 in 2023, the Northern District of Illinois no longer requires designation of local counsel such that Ms. Miller may continue to represent Plaintiff in this case without Ms. London's involvement.

court previously ruled on the exact same arguments, denying Plaintiff's Motion to Disqualify Ms. Maher and Levenfeld Pearlstein, LLC there. Yet, Plaintiff failed to heed this Court's warning at the April 9 hearing to withdraw any frivolous motions. (Dkt. 250 at 15:19-16:1).

***Plaintiff's Motion for Sanctions (Dkt. 252).*** The Signatory Defendants request the opportunity to respond by June 2. This motion violates the Court's warning at the April 9, 2026 hearing: "I will not tolerate any additional frivolous motions." (Dkt. 250 at 15:11-12). The Signatory Defendants may, among other relief, seek a filing bar against Plaintiff, whether he proceeds *pro se* or through an attorney. *See, e.g., Sassower v. Am. Bar Ass'n*, 33 F.3d 733, 736 (7th Cir. 1994) (among other relief, ordering future filings be treated as presumptively frivolous because "[b]oth the defendants and the judicial system (which is to say, other litigants) are entitled to protection from [litigant's] misuse of legal processes").

### **III. The protective order should remain in place.**

The protective order bars Plaintiff from contacting, communicating, or attempting 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." (Dkt. 101 at 6; Dkt. 163 (modifying order to add Ms. London)). Plaintiff has challenged the protective order in his appeal (his fourth attempt to overturn it), and the order remains in force pending the appeal. (Dkt. 208; Dkts. 227, 232, 234, 238). Given the seriousness of the threats that warranted the order's entry, the Signatory Defendants ask the Court to re-emphasize it remains in place and violations will not be tolerated. (Dkt. 199 at 7-8 (explaining evidentiary basis for order)). If Plaintiff proceeds *pro se*, the Signatory Defendants ask that the Court continue to prohibit Plaintiff from directly contacting parties and witnesses. There is no right to interview witnesses outside discovery processes, and the Court has broad discretion to manage its docket, including by issuing protective orders to prevent abusive communications. Ex. 1, Appellee Br. at 28.

Dated: May 5, 2026

Respectfully submitted,

/s/ Samantha T. Zuba

Nicholas H. Callahan (ARDC #6299231)  
Samantha T. Zuba (ARDC #6340480)  
BARACK FERRAZZANO KIRSCHBAUM  
& NAGELBERG LLP  
200 W. Madison Street, Suite 3900  
Chicago, IL 60606  
(312) 984-3100  
nick.callahan@bfkn.com  
samantha.zuba@bfkn.com

*Attorneys for Defendants Shmuel Fuerst,  
Chaim Rajchenbach, and Menachem Shabat*

/s/ Jennifer Weller

Hinshaw & Culbertson LLP  
151 N. Franklin St., Ste. 2500  
Chicago, IL 60606  
(312) 704-3102  
jweller@hinshawlaw.com

*Attorney for Defendant Jeffrey Gutman*

/s/ James K. Borcia

Tressler LLP  
233 S. Wacker Dr., 61<sup>st</sup> Flr.  
Chicago, IL 60606  
(312) 627-4209  
jborcia@tresslerllp.com

*Attorney for Gary Chankin*

/s/ Thomas R. Hall

Hall Matson PLC (Lansing)  
1550 Watertower Place, Ste. 200  
East Lansing, MI 48823  
(527) 853-2929  
thall@hallmatsonlaw.com

*Attorney for Defendants Dorine Magence  
and Manuel Magence*

/s/ Robin D. Maher

Levenfeld Pearlstein, LLC  
120 S. Riverside Plaza  
Ste. 1800  
Chicago, IL 60606  
(312) 475-7605  
maher@lplegal.com

*Attorney for Defendant Ilana Finn Eddi*

/s/ Thomas G. French

John F. Sullivan (6205900)  
Thomas G. French (6337942)  
Attorneys for Defendant Katz  
221 N. LaSalle Street, Suite 3500  
Chicago, IL 60601  
(312) 970-3480

*Attorney for Harold Katz*

/s/ Gary A. Weintraub

Gary A. Weintraub  
Gary A. Weintraub, P.C.  
465 Central Ave., #100  
Northfield, IL 60093  
(847) 441-8535  
gweintraub@bartonhealthcare.org

*Attorney for Defendant Aron Stanton*

/s/ Sue-Ann Rosen

Ashman & Stein, P.C.  
8707 Skokie Blvd., #100  
Skokie, IL 60077  
(312) 782-3484  
rosen@ashmanstein.com

*Attorney for Defendant Eric Rothner*

/s/ Jacqueline S. Pearce

Clausen Miller, P.C.  
10 South LaSalle Street  
Chicago, IL 60603  
(312) 855-1010  
jpearce@clausen.com

*Attorney for Defendant Irving Birnbaum*

/s/ Mark Dunaevsky

Foreign Service Law Office  
1555 Sherman Ave., Ste 354  
Evanston, IL 60201  
(847) 846-8319  
mark.dunaevsky3@gmail.com

*Attorney for Defendant Moshe Soloveichik*

/s/ Michael R Spanel

Oberts Galasso Law Group  
181 W. Madison St., Suite 4700  
Chicago, IL 60602  
(312) 741-1024  
mrspanel@obertsgalasso.com

*Attorney for Defendant Colman Ginsparg*

/s/ Matthew Radler

Matthew Radler (MI P80609)  
Honigman LLP  
2290 First National Building  
660 Woodward Avenue  
Detroit, MI 48226  
mradler@honigman.com  
(313) 465-7716

*Attorney for Defendant David Raanan*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 5, 2026, I caused a true and correct copy of the foregoing to be filed and served electronically via the Court's CM/ECF system. Notice of this filing will be sent to all counsel of record and Plaintiff by operation of the Court's electronic filing system.

/s/ Samantha T. Zuba