

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RAYMOND E BUTLER, II,

Case No. 1:25-cv-04443
Hon. Georgia N. Alexakis

Plaintiff,
v.

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 SOLOVEICHNIK, 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. ANTEBEL.

Defendants.

**PLAINTIFF'S MOTION TO STRIKE NON-PARTY CIBC'S MOTION TO ENFORCE
PROTECTIVE ORDER (ECF 179)**

INDEX OF AUTHORITIES

Cases

Bond v. Utreras, 585 F.3d 1061, 1071–74 (7th Cir. 2009)7
Cook Cnty., Illinois v. Mayorkas, 340 F.R.D. 35, 53 (N.D. Ill. 2021), *aff'd sub nom. Cook Cnty., Illinois v. Texas*, 37 F.4th 1335 (7th Cir. 2022)7
Douglas v. The W. Union Co., 955 F.3d 662, 665 (7th Cir. 2020).....7
Nuclear Regulatory Comm v Texas, 145 S Ct 1762, 1774 (2025)7
PaineWebber, Inc. v. Can Am Fin. Grp., Ltd., 121 F.R.D. 324 (N.D. Ill. 1988).....8
Strong v. Fairman, 676 F. Supp. 161 (N.D. Ill. 1987)8

Rules

Fed. R. Civ. P. 26(c)4
Fed. R. Civ. P. 714
Fed. R. Evid. 408 8, 9
Local Rule 83.123, 7

**PLAINTIFF'S MOTION TO STRIKE NON-PARTY CIBC'S MOTION TO ENFORCE
PROTECTIVE ORDER (ECF 179)**

NOW COMES Plaintiff Raymond E. Butler, II, by and through undersigned counsel, and hereby moves this Honorable Court to strike the Motion to Enforce Protective Order filed by non-party CIBC Bank USA (ECF 179) and the accompanying Appearance filed by its counsel (ECF 181). In support of this Motion, Plaintiff states as follows:

1. CIBC Bank USA ("CIBC") is not a party to this case, has not sought intervention, and has not been designated a protected witness since the modification to Michigan Western District Magistrate Judge Vermaat's ECF 101, signed by Michigan's Western District Judge Paul Maloney, which has since been only addressed by this Honorable Court via minute entry without formal, signed Order in ECF 163.
2. CIBC's Motion to Enforce Protective Order (ECF 179) is procedurally and substantively improper. It lacks standing and is based on an incomplete appearance form in violation of Local Rule 83.12.
3. The protective order at ECF 101 does not expressly confer rights upon CIBC, nor does the modified protective order found at ECF 113 or the minute notes located at ECF 163,¹ and no provision therein authorizes CIBC to seek enforcement.

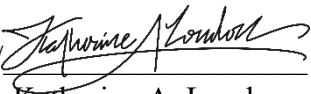
¹ Protective order simply and explicitly modified to "The court hereby orders that Plaintiff Butler must not contact, communicate with, or attempt to contact or communicate with, Defendant Chaim Rajchenbach, Defendant Menachem Shabat, or any witness in the instant case unless that contact or communication is through his attorney, Racine Miller." ECF 113, PageID.1237.

4. CIBC's counsel failed to indicate admission status or bar membership in the required U.S. District Court for the Northern District of Illinois appearance form (ECF 181), rendering the filing procedurally defective.
5. Additionally, CIBC has not demonstrated any injury or protected interest sufficient to justify enforcement under Fed. R. Civ. P. 26(c), Fed. R. Civ. P. 71, or other applicable authority.

WHEREFORE, Plaintiff Raymond E. Butler, II, by and through counsel hereby requests that this Honorable Court:

1. Strike CIBC Bank USA's Motion to Enforce Protective Order (ECF 179);
2. Strike or disregard the Appearance of CIBC Bank USA's counsel (ECF 181);
3. Grant such further relief as the Court deems just and proper.

Respectfully Submitted,

/s/ 
Katherine A. London
Co-Counsel for Plaintiff

/s/ Racine M. Miller
Racine M. Miller
Co-Counsel for Plaintiff

Dated: August 5, 2025

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Defendants.

**BRIEF IN SUPPORT OF PLAINTIFF'S MOTION TO STRIKE NON-PARTY CIBC'S
MOTION TO ENFORCE PROTECTIVE ORDER (ECF 179)**

I. INTRODUCTION

CIBC Bank USA ("CIBC") is not a party to this action, has not been designated a witness by any party or by the Court on any witness lists, and has not sought or obtained leave to intervene.

Despite this, CIBC filed a motion seeking affirmative enforcement of the protective order which has been twice modified, is currently being challenged due to CIBC's gross misstatements of Plaintiff's contact. CIBC's motion is improper both substantively and procedurally. Its counsel failed to file a compliant appearance form, and CIBC lacks standing to enforce a protective order that does not expressly confer rights upon it.

Concurrently, and to clarify procedural posture, Plaintiff is seeking narrow relief from the 7th Circuit, appealing the ex parte emergency denial of the verified ex parte emergency motion that in part seeks to lift the protective order which was based on, in large part, gross misrepresentations regarding the nature of Plaintiff's conduct.²

II. CIBC LACKS STANDING TO ENFORCE THE PROTECTIVE ORDER

It is well-established that non-parties generally lack standing to enforce protective orders unless they are directly subject to or explicitly protected by the order. See *Bond v. Utreras*, 585 F.3d 1061, 1071-74 (7th Cir. 2009)(Reviewing court found that even though not challenged below or on appeal, the non-party journalist lacked standing to challenge protective order absent legally protected interest).

The protective order as entered by the Western District of Michigan (ECF 113) does not identify CIBC as a protected entity by name, nor does it designate the bank as a protected witness. The order applies to "witnesses" in the general sense, but no showing has been made that CIBC falls within that category, either by designation or actual participation.

CIBC's invocation of Fed. R. Civ. P. 71 is unavailing. Fed. R. Civ. P. 71 permits non-parties to enforce court orders only when those orders are clearly intended to benefit them. No such benefit or intent exists here. *Nuclear Regulatory Comm v Texas*, 145 S Ct 1762, 1774 (2025)(intervention required to seek relief from district court). See also *Cook Cnty., Illinois v. Mayorkas*, 340 F.R.D. 35, 53 (N.D. Ill. 2021), *aff'd sub nom. Cook Cnty.*,

² See ECF 167-7 (misleading CIBC letter); ECF 167-5, ECF 167-6 (audio recordings contradicting misleading CIBC letter). See also Exhibit 1 – 7th Circuit Motion for En Banc Review.

Illinois v. Texas, 37 F.4th 1335 (7th Cir. 2022)(holding that intervention is required for nonparty petitions); *Douglas v. The W. Union Co.*, 955 F.3d 662, 665 (7th Cir. 2020)(nonparty without explicit rights and where nonparty alleges legal interest, should have “sought to intervene” before petitioning district court).

III. CIBC'S APPEARANCE IS PROCEDURALLY DEFICIENT

CIBC's counsel filed an appearance (ECF 181) leaving all required checkboxes blank. Under Local Rule 83.12, attorneys must affirmatively state whether they are members of the general bar, trial bar, appearing pro hac vice, or serving as lead or trial counsel. Failure to comply may warrant striking the appearance or associated filings. See *PaineWebber, Inc. v. Can Am Fin. Grp., Ltd.*, 121 F.R.D. 324 (N.D. Ill. 1988); *Strong v. Fairman*, 676 F. Supp. 161 (N.D. Ill. 1987).

Here, the attorney for CIBC failed to indicate any admission status or role, creating improper procedural uncertainty, as to the authority to appear or file on CIBC's behalf.

IV. PLAINTIFF HAS NOT VIOLATED THE PROTECTIVE ORDER

CIBC's motion is based on Plaintiff's lawful attempts to inquire about his rights as a beneficiary of disputed trusts. Exhibits submitted in connection with ECF 167 include recordings of Plaintiff's courteous, good-faith efforts to contact the bank's counsel and avoid ex parte communications. These actions do not constitute violations of ECF 113 or ECF 163 and certainly do not justify enforcement by a non-party.

CIBC certainly understands its rights in terms of seeking a PPO or other, more appropriate relief, and rather than seek a PPO, CIBC instead, seeks to beg this Honorable Court for sanctions and extremely harsh enforcement of a protective order presently

being challenged, which again, does not explicitly provide CIBC relief or an opportunity to petition this Honorable Court without following standard procedure and authority.

CIBC has also violated communications clearly marked and submitted under Fed. R. Evid. 408, by publishing key details in the record, which ought not be overlooked.

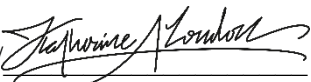
V. CONCLUSION

Accordingly, nonparty CIBC, which has just failed to properly appear, failed to assert a valid non-party right, failed to intervene, and then knowingly and intentionally released Fed. R. Evid. 408 materials in this RICO litigation, ought not be rewarded by this Honorable Court considering the improper Motion and Appearance at bar.

WHEREFORE, Plaintiff Raymond E. Butler, II, by and through counsel hereby requests that this Honorable Court:

1. Strike CIBC Bank USA's Motion to Enforce Protective Order (ECF 179);
2. Strike or disregard the Appearance of CIBC Bank USA's counsel (ECF 181);
3. Grant such further relief as the Court deems just and proper.

Respectfully Submitted,


/s/ Katherine A. London
Katherine A. London
Co-Counsel for Plaintiff

/s/ Racine M. Miller
Racine M. Miller
Co-Counsel for Plaintiff

Dated: August 5, 2025

