

1 STATE OF ILLINOIS )  
 ) SS:  
2 COUNTY OF C O O K )

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT-PROBATE DIVISION  
4

5 IN THE MATTER OF THE ESTATE )  
 )  
6 OF ) No. 09 P 4585  
 )  
7 MARY SYKES, )  
 )  
8 A DISABLED PERSON. )

9 REPORT OF PROCEEDINGS

10 BE IT REMEMBERED, that the above-entitled cause,  
11 came on for a hearing, before the Honorable JOHN J. FLEMING,  
12 Judge of said Court, on November 30, 2010.

13 PRESENT:

14 MR. PETER SCHMIEDEL,  
15 Appeared on behalf of the Guardian of the  
Estate and Person, Carolyn Toerpe;

16 MR. ADAM STERN  
17 Appeared as the Guardian Ad Litem;

18 MR. KENNETH DITKOWSKY,  
Appeared Pro se.

19  
20  
21  
22

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1 THE CLERK: Sykes.

2 THE COURT: All right. Everyone identify  
3 themselves for the record.

4 MR. SCHMIEDEL: Peter Schmiedel,  
5 S-c-h-m-i-e-d-e-l. I represent Carolyn Toerpe, who is the  
6 guardian of the estate and person of her mother, Mary Sykes,  
7 a disabled adult.

8 MR. STERN: Adam Stern, S-t-e-r-n, one of the  
9 guardians ad litem.

10 MR. DITKOWSKY: Kenneth Ditkowsky. I'm still  
11 objecting to jurisdiction in this court over me, and I guess  
12 I'm pro se in this matter.

13 Your Honor, I sent out previously courtesy copies  
14 of two motions that I had filed in connection with that. I  
15 have an extra copy, if the Judge likes to see it.

16 THE COURT: All right. Now, motion to strike  
17 guardian ad litem's fee request, is that the sanctions that  
18 we're here today for?

19 MR. DITKOWSKY: That's correct.

20 THE COURT: All right. So that deals with the  
21 sanctions. And that's what we're -- Judge Connors has  
22 already ruled that sanctions are appropriate, so --

23 MR. DITKOWSKY: Except, your Honor, there is some  
24 issues here that have to be addressed. The biggest one comes

1 pursuant to 735 ILCS 110/1 in sequence, which is the Citizen  
2 Participation Act. And I've raised this -- I've raised it in  
3 that motion and also in a motion objecting to the --  
4 objecting to counsel's --

5 THE COURT: All right. Here's the thing. Let me  
6 tell you this now. There was a motion for sanctions. Okay?  
7 Judge Connors heard that. She ruled on that, that sanctions  
8 were proper. You had some kind of motion to reconsider on  
9 jurisdiction in front of me, okay, that you then said was a  
10 motion to reconsider. All right? Judge Connors heard the  
11 facts. She made factual determinations and applied the law.

12 The only thing we're here today for is the amount  
13 of sanctions. Okay? So this is just regurgitating what has  
14 already been decided at a previous time. No matter what  
15 statutes you want to bring up, your time has passed for that.  
16 Judge Connors has ruled. That ruling was that sanctions are  
17 appropriate. The only thing I'm here on now is to determine  
18 the amount of the sanctions. And I explained that to you  
19 last time, that I wanted you to file any specific objections  
20 you had to the petition for sanctions that they listed by  
21 their hours.

22 MR. DITKOWSKY: And I have done that also.

23 THE COURT: Okay. Good.

24 MR. DITKOWSKY: But your Honor, the situation here

1 is this: The Citizen Participation Act was never discussed  
2 previously. And during the -- just before you came in, Judge  
3 Connors ordered counsel to specify the basis upon which there  
4 was jurisdiction, and counsel pointed out it was a 137  
5 motion. 137 motions apply only to pleadings or documents  
6 that are filed --

7 MR. STERN: We've already heard this, Judge.

8 MR. DITKOWSKY: There were no pleadings, there  
9 were no documents filed. This brings it into the area of the  
10 Citizen Participation Act. It also brings it to the  
11 jurisdiction portion, because if they're complaining about my  
12 conduct, that conduct has to be determined by the ARDC, not  
13 by this court.

14 THE COURT: That was all decided last time. Judge  
15 Connors decided. You argued this last time. Okay? I denied  
16 it. I'm denying it today.

17 MR. DITKOWSKY: Okay.

18 THE COURT: Okay. Here is the thing. From the  
19 facts, from even what I gather from your things, I didn't  
20 decide the facts. So from what I gather from the pleadings  
21 is that Mary Sykes was a person -- at that point, there was  
22 at least a temporary guardian.

23 MR. SCHMIEDEL: She was adjudicated --

24 THE COURT: So she was adjudicated.

1 MR. SCHMIEDEL: -- five months earlier.

2 THE COURT: There's a plenary guardian. You sent  
3 out a mailing indicating that you have been retained by her  
4 and you were going to file your appearance, with a copy of an  
5 appearance asking --

6 MR. DITKOWSKY: That is not what my letter said.

7 THE COURT: All right. Well, this is what I'm  
8 saying. Okay? So here's the thing. She was adjudicated  
9 disabled. She was represented in court by counsel.

10 MR. DITKOWSKY: No, she was not.

11 MR. SCHMIEDEL: Her guardian was represented by  
12 counsel.

13 THE COURT: All right. She had a guardian, who  
14 was represented by counsel. She's adjudicated disabled. She  
15 can't hire a lawyer. You cannot contact her and talk to her  
16 without going through the guardian or coming to the Court.

17 MR. DITKOWSKY: I didn't.

18 THE COURT: Even if she wasn't adjudicated.

19 MR. DITKOWSKY: There was no allegation I did.

20 The allegation is that I wrote a letter to her --

21 THE COURT: Stating you were going to intervene in  
22 a case that was pending in court. Judge Connors ruled that,  
23 that action was sanctionable under 137. Judge Connors ruled  
24 on that. She heard the facts and ruled. I'm not going to go

1 over it again. She made that ruling.

2 The reason we're here today is to determine what  
3 sanctions are appropriate.

4 Okay. Now, maybe Judge Connors was wrong. The  
5 appellate court can tell us that. I'm not going to go here  
6 and redo a factual basis, because you keep coming up with  
7 different theories to try and find her order void.

8 MR. STERN: And just for the record, Judge, Judge  
9 Connors gave Mr. Ditkowsky a period of time to file any  
10 objections to the original motion for sanctions. That time  
11 has passed. That was prior to the hearing that you're  
12 referencing.

13 THE COURT: All right.

14 MR. DITKOWSKY: Jurisdiction can be raised at any  
15 time --

16 THE COURT: And you raised it last time and I said  
17 jurisdiction -- okay, so I'm ruling that the Court has  
18 jurisdiction. Judge Connors had jurisdiction. She ruled she  
19 had jurisdiction when she entered her order. Okay? You  
20 re-raised it. I denied it last time. You can raise it 20  
21 more times. It's not changing things. At this point, I'm  
22 going on to what we're here for, and that is to determine  
23 what sanctions should be imposed, since Judge Connors has  
24 already ruled that sanctions are appropriate.

1           Okay. So I'm looking in here -- the file is split  
2 in three different ways -- for Mr. Stern's --

3           MR. STERN: The hours?

4           THE COURT: Yes.

5           MR. STERN: Here. I have a copy, Judge. Is that  
6 it right there?

7           THE COURT: No.

8           All right. Let's start with Mr. Stern's.  
9 Mr. Stern has a list of hours.

10           April 23rd, 2010, he's asking for two hours time,  
11 saying that you received a copy of the letter from an  
12 attorney claiming to represent Mary Sykes, telephone calls to  
13 the attorney, multiple calls with Mr. Schmiedel, with the  
14 ARDC, forwarded an e-mail copy of the letter and attachments,  
15 draft the emergency petition for sanctions, and to bar the  
16 attorney, draft notice, send mail, various copies and  
17 pleadings, and deliver courtesy copies to the judge. You're  
18 asking for two hours for that time?

19           MR. STERN: That's correct, your Honor.

20           THE COURT: All right. Counsel, what's your  
21 objection to those two hours?

22           MR. DITKOWSKY: My objection is, it has nothing to  
23 do with this case. It's not involved in the case. I'm not  
24 part of the lawsuit. So anything he spent, any time he spent

1 trying to intimidate me or violate this Citizen Participation  
2 Act he can't charge for.

3 THE COURT: All right. So your position is that  
4 none of these -- none of the time, basically, can be charged  
5 for.

6 My position, I think, is that once someone is  
7 found that his action is sanctionable, the Court can then  
8 award sanctions to the time that corresponds to your actions.  
9 So if you did an action that's sanctionable, then people  
10 responding to that, the time that's directly involved  
11 corresponding to your actions is what can be asked for.  
12 Anything that goes beyond that would not be allowed to be  
13 awarded as a sanction. But any direct time and effort spent  
14 in responding to your direct actions which were found to be  
15 sanctionable can be awarded.

16 So I will just go down one by one.

17 04/24, then you're asking for two-tenths of an  
18 hour, because you reviewed numerous e-mails from  
19 Mr. Ditkowsky and Mr. Brodsky.

20 The same objection or any specific objection to  
21 that?

22 MR. DITKOWSKY: There's no relationship to the  
23 case.

24 THE COURT: Well, it has a relationship to your --



1 you deny this has a relationship to your action in mailing  
2 those letters?

3 MR. DITKOWSKY: Of course, it does. Of course, it  
4 does.

5 THE COURT: All right.

6 MR. DITKOWSKY: How can it have any relationship  
7 when I write a letter to a doctor --

8 THE COURT: Here is my question then. You wrote a  
9 letter to a doctor saying you were going to represent someone  
10 that was --

11 MR. DITKOWSKY: That's not what I wrote.

12 THE COURT: That you may represent, that you were  
13 asking for information and you were using this court case,  
14 saying you were going to intervene in this court case on  
15 behalf of someone that had been adjudicated disabled and had  
16 a guardian in place.

17 MR. DITKOWSKY: What I wrote was that I intended  
18 -- that I had been hired by the friends and family of Mary  
19 Sykes to look into the matter and that I have a right to do  
20 under the First Amendment.

21 THE COURT: I'm not going to argue that. I'm just  
22 saying those actions is what precipitated Mr. Stern's actions  
23 in asking for the emergency order and Judge Connors finding  
24 that those actions were sanctionable; is that correct?

1 MR. DITKOWSKY: I don't agree.

2 THE COURT: Well, why would Mr. Stern do that  
3 then?

4 MR. DITKOWSKY: I have no idea -- well, I have an  
5 idea, because Mr. Stern did not want anyone looking into this  
6 matter and --

7 THE COURT: All right. But --

8 MR. DITKOWSKY: Excuse me, your Honor --

9 THE COURT: No, no. I do the excusing around  
10 here. Okay?

11 You did something which caused Mr. Stern to act,  
12 to come into court; correct?

13 MR. DITKOWSKY: No.

14 THE COURT: So when Mr. Stern filed the emergency  
15 motion for sanctions against you, it wasn't because you wrote  
16 that letter?

17 MR. DITKOWSKY: No, it was not.

18 THE COURT: And Judge Connors did not find you  
19 writing that letter and those actions sanctionable?

20 MR. DITKOWSKY: Judge Connors' order doesn't  
21 specify what she found.

22 THE COURT: All right. Well, I'm just going to  
23 keep going down then, because one minute you said it was, the  
24 next minute you said it's not.

1 All right. On 04/25, you received a telephone  
2 call from Peter Schmiedel and you drove to the guardian's  
3 home. You conducted a guardian ad litem visit with Mary  
4 Sykes, who does not recall Kenneth Ditkowsky. You sent  
5 followup e-mails to Farenga and Schmiedel. That took you one  
6 hour?

7 MR. STERN: Correct.

8 THE COURT: You drafted the ARDC complaint,  
9 additional e-mail correspondence with the parties; correct?

10 MR. STERN: Correct.

11 MR. DITKOWSKY: How does a letter to the ARDC have  
12 anything to do with this case?

13 THE COURT: All right. So you have an objection.  
14 State your objection.

15 MR. DITKOWSKY: The ARDC complaint has nothing to  
16 do with it. He also admits he filed the ARDC complaint that  
17 has nothing to do with any writing or anything under  
18 Rule 137.

19 THE COURT: All right. Your objection is noted.

20 On 05/05, you finalized the ARDC complaint and  
21 reviewed a letter from Mr. Schmiedel and received a letter  
22 from the ARDC; correct?

23 MR. STERN: Correct.

24 THE COURT: Okay. The same objection, I take it,

1 for four-tenths of an hour?

2 All right. No response.

3 All right. On 05/11, you received a telephone  
4 call from Mr. Schmiedel about a new filing by Mr. Ditkowsky,  
5 you reviewed the filing, and a second telephone call to  
6 Mr. Schmiedel and a return telephone call from Catholic  
7 Charities' legal counsel; correct?

8 MR. STERN: Correct. And the Catholic Charities  
9 --

10 MR. DITKOWSKY: How does that relate --

11 MR. STERN: Can I finish speaking, Counsel?

12 THE COURT: I'm talking to him. And then I'll ask  
13 you if you have an objection.

14 MR. STERN: Mr. Ditkowsky also sent a  
15 correspondence to Catholic Charities. They called me wanting  
16 to get more information as it directly relates to  
17 Mr. Ditkowsky's actions.

18 THE COURT: All right. Mr. Ditkowsky, your  
19 response?

20 MR. DITKOWSKY: It had nothing to do with  
21 anything -- I have a duty under district court Rule 11 to  
22 investigate before I file a complaint and I also have the  
23 same duty under 137. I have an obligation to do it, and  
24 that's what I was doing.

1 THE COURT: Okay.

2 MR. DITKOWSKY: And I did not file anything until  
3 I completed a good portion of my 137 investigation and my  
4 federal rules of procedure 11 investigation.

5 I also call your attention to 735 ILCS 110/5, the  
6 public policy, which states very specifically of my rights,  
7 threat of a FLAP, which is exactly what this is --

8 THE COURT: All right. Here, here.

9 MR. STERN: Objection.

10 THE COURT: I am talking about specific objections  
11 to specific timing.

12 MR. DITKOWSKY: That's what I'm making.

13 THE COURT: No. You're talking about objecting to  
14 this whole proceeding and I just wanted to know what your  
15 objection was to the six-tenths of an hour on the 11th.

16 All right. Now, on May 13th, you say there was a  
17 telephone call from legal counsel at Catholic Charities about  
18 the letter they received from Ken Ditekowsky and you have  
19 two-tenths of an hour; is that correct?

20 MR. STERN: Correct.

21 THE COURT: Now, do you have an objection to that?

22 MR. DITKOWSKY: Yes, of course. There's no  
23 relationship. It has no relationship to the one item they  
24 refer to in their petition was a letter to Dr. Patel

1 concerning medical reports that he wrote, particularly the  
2 medical report he wrote pointing out, pointing out --

3 THE COURT: All right. Nothing specific.

4 MR. STERN: It also should be noted, Judge, Judge  
5 Connors' order did specify for me to contact any other  
6 parties that I believed that Mr. Ditekowsky sent  
7 correspondence to under the Mary Sykes guardianship matter.

8 MR. DITKOWSKY: That has nothing do with --

9 THE COURT: All right. So then, on May 14th, you  
10 reviewed an e-mail from Catholic Charities with Mr. Schmiedel  
11 and three-tenths of an hour; correct?

12 MR. STERN: Correct.

13 THE COURT: Any objection?

14 MR. DITKOWSKY: Yes, I certainly do. It has no  
15 relationship to this estate.

16 THE COURT: Okay. On May 16th, you started  
17 drafting a motion to strike his petition; correct?

18 MR. STERN: Correct.

19 THE COURT: And that was a half hour, .5; correct?

20 MR. STERN: Yes.

21 THE COURT: And your objection is, it has nothing  
22 to do with --

23 MR. DITKOWSKY: Nothing to do with the estate  
24 whatsoever. It has to do with --

1           THE COURT: Do you think your actions had anything  
2 to do with the estate?

3           MR. DITKOWSKY: No, it had nothing to do with the  
4 estate at all.

5           THE COURT: But you were telling people you were  
6 investigating this matter.

7           MR. DITKOWSKY: That's exactly right.

8           THE COURT: But your actions had nothing do with  
9 this matter?

10          MR. DITKOWSKY: My actions had to do with a  
11 possible violation of Mary Sykes' rights and other rights --

12          THE COURT: And you cited this case; right?

13          MR. STERN: The appearance form that he sent out  
14 had our case number and our case.

15          THE COURT: All right.

16          MR. STERN: That is indisputable.

17          MR. DITKOWSKY: It is disputable. It is  
18 disputable that it was ever sent to anybody, other than you.

19          THE COURT: All right. I mean, I'm just curious.  
20 It's already been ruled on. You can take a case number of an  
21 ongoing case, send out a copy of an appearance and a caption  
22 from a case, and represent that you're doing legal work on  
23 that case, but because you never actually filed the  
24 appearance, your actions are not sanctionable?

1 MR. DITKOWSKY: I didn't say that and --

2 THE COURT: All right.

3 MR. DITKOWSKY: The burden of proof, your Honor,  
4 the burden of proof --

5 THE COURT: That's already been --

6 MR. DITKOWSKY: It's on them, the burden, and they  
7 have to prove by clear and convincing evidence this  
8 particular situation. Also, the Citizen Participation  
9 Act places burdens on them also --

10 THE COURT: All right. On May 17th, you prepared  
11 for the SOJ hearing, you drafted a motion to strike  
12 Ditkowsky's motion, and you prepared an updated letter to the  
13 ARDC; correct?

14 MR. STERN: Correct.

15 THE COURT: And that was two hours?

16 MR. STERN: Correct.

17 THE COURT: About what portion of that dealt with  
18 the ARDC?

19 MR. STERN: Probably about -- it's hard to  
20 remember, but .8.

21 THE COURT: All right.

22 MR. DITKOWSKY: And that's an issue that had  
23 nothing to do with the case --

24 THE COURT: Then why file an ARDC complaint?



1 All right. On May 26th, you worked on an ARDC  
2 letter for a half hour?

3 MR. STERN: Correct.

4 THE COURT: All right. And your objection is, it  
5 has nothing to do with the case. Okay?

6 MR. DITKOWSKY: And it violates the public policy  
7 of the State of Illinois.

8 THE COURT: All right.

9 MR. DITKOWSKY: It is specifically set out.

10 MR. STERN: It does not.

11 THE COURT: He can say what he wants. At this  
12 point, I'm just determining what hours are attributable to  
13 his actions that the Judge found sanctionable. I'm not going  
14 to argue that someone believes someone did something wrong  
15 and violates public policy by reporting it to the ARDC. I  
16 mean, that's what the ARDC is there for.

17 All right. On 06/02, edit motion to strike  
18 Ditkowsky pleading and telephone call from Mr. Schmiedel, .4.

19 MR. STERN: Correct.

20 THE COURT: Okay. Your objection is, it has  
21 nothing to do with why we're here; correct?

22 MR. DITKOWSKY: And there's no jurisdiction of the  
23 Court to consider this matter.

24 THE COURT: All right. Jurisdiction is done. I'm

1 specifically going down line by line.

2           Okay. On 06/03, you reviewed Mr. Ditkowsky's  
3 latest motion, two-tenths of an hour; correct?

4           MR. STERN: Correct.

5           MR. DITKOWSKY: And that was a motion, I believe  
6 that was a motion to file an appearance to vacate the order  
7 appointing guardians. How does that relate to the sanctions?

8           MR. STERN: That was his response to my sanction  
9 motion, Judge, and that's what he's already admitted in  
10 court. Now, he's contradicting the exact statements he made  
11 to Judge Connors.

12           MR. DITKOWSKY: You said I didn't file anything  
13 and now you're claiming something else. Anything I did file  
14 the court record will show.

15           THE COURT: All right. On 06/04, notice of motion  
16 prepared regarding the motion to strike for .1 hour; correct?

17           MR. STERN: Correct.

18           THE COURT: All right. On 06/07, you reviewed  
19 Mr. Ditkowsky's motion and e-mail correspondence, two-tenths  
20 of an hour?

21           MR. STERN: Correct.

22           THE COURT: 06/15 --

23           MR. DITKOWSKY: Again, I object to it.

24           THE COURT: -- you forwarded the court order to

1 the parties for review, Cynthia Farenga's e-mail, and  
2 reviewed the 214 notice by Mr. Ditkowsky, two-tenths of an  
3 hour?

4 MR. STERN: Correct.

5 MR. DITKOWSKY: Same objections.

6 THE COURT: All right. On 06/16, you reviewed  
7 Mr. Ditkowsky's latest filing; correct?

8 MR. STERN: Yes.

9 MR. DITKOWSKY: Which he doesn't -- you have to  
10 have some specificity what filings that you're referring to.

11 MR. STERN: Counsel doesn't remember what he's  
12 filed in court?

13 MR. DITKOWSKY: No, it's your document.

14 THE COURT: All right. Now, on 06/18, a telephone  
15 conference with the ARDC and Mr. Schmiedel; correct?

16 MR. STERN: Correct.

17 THE COURT: All right. That is the ARDC, okay,  
18 and your objection is the ARDC has nothing to do with this,  
19 okay.

20 MR. STERN: And just for the record, Judge, I have  
21 not reported Mr. Ditkowsky in any other cases. It all  
22 involves the Mary Sykes matter.

23 THE COURT: All right. On 06/21, reviewed  
24 Mr. Ditkowsky's pleading and conveyance of 01/06 hearing,

1 telephone call, Mr. Schmiedel, summons issued, various  
2 pleadings, four-tenths of an hour; correct?

3 MR. STERN: Correct.

4 THE COURT: On 06/23, that there was a court  
5 appearance and a hearing on the sanctions and other issues,  
6 two and a half hours; correct?

7 MR. STERN: Correct.

8 THE COURT: All right. On 06/24, you reviewed a  
9 motion to dismiss filed by Mr. Ditkowsky and an e-mail from  
10 him and you drafted a letter and replied, four-tenths of an  
11 hour; correct?

12 MR. STERN: Correct.

13 THE COURT: 06/24, additional e-mail regarding a  
14 niece, and there was no charge; correct?

15 MR. STERN: Correct.

16 THE COURT: On 07/07, a telephone call from the  
17 State's attorney's office, followup on Mr. Ditkowsky's  
18 pleadings, and e-mail correspondence with the guardian;  
19 correct?

20 MR. STERN: Correct. And the State's attorney --

21 THE COURT: Phone calls and threats; correct?

22 MR. STERN: Correct.

23 MR. DITKOWSKY: Again, I'm objecting. I object to  
24 every one of these. Basically, it has nothing to do with

1 this case.

2 THE COURT: Okay. And then, on July 15th, you  
3 forwarded a court order to the parties and reviewed Cynthia  
4 Farenga's e-mail and reviewed the 214 notice from Mr.  
5 Ditekowsky; correct?

6 MR. STERN: Correct.

7 THE COURT: You have that listed twice.

8 MR. STERN: You can scratch one out. I apologize.

9 THE COURT: On 08/26, you received a letter from  
10 Mr. Ditekowsky, and you prepared a response, correspondence  
11 with the Fischel & Kahn law firm; correct?

12 MR. STERN: Correct.

13 THE COURT: For four hours.

14 On 08/27, you read Mr. Ditekowsky's motion to  
15 dismiss the sanctions in preparing for a meeting and you  
16 responded to the same, two-tenths; correct?

17 MR. STERN: Correct.

18 THE COURT: And then, on August 27th, you  
19 researched the case law cited in Mr. Ditekowsky's motion and  
20 Supreme Court Rules 137 and 219; correct?

21 MR. STERN: Correct.

22 THE COURT: On 08/27, you met with A.S. --

23 MR. STERN: That was my associate.

24 THE COURT: Okay, to discuss strategy and plan for

1 response to Mr. Ditkowsky's motion; correct?

2 MR. STERN: Correct.

3 THE COURT: And then, on 08/27, you reviewed  
4 various motions filed by Mr. Ditkowsky and the GAL's  
5 emergency petition for sanctions.

6 MR. STERN: My associate.

7 THE COURT: Okay. You drafted a response.

8 All right. Then, on 8/27, you began drafting the  
9 response to the motion for sanctions, one hour.

10 On 08/27, on-line research of the case law for the  
11 motion to dismiss, one hour.

12 And then, on 8/30, you did legal research on  
13 attorney-client confidentiality, as directed by the judge,  
14 for three-tenths of an hour.

15 On August 31st, you finished your draft response  
16 and conducted additional on-line research for the same and  
17 added citations and on -- that's for 1.8 hours. And then how  
18 much of that was researched, do you know, that 1.8? And  
19 then, on 08/31, again, draft notice of filing for motion to  
20 dismiss, three-tenths of an -- add the motion, conduct  
21 additional on-line research, do you know how much?

22 MR. STERN: Half an hour, if I recall.

23 Judge, I filed today, and I gave Mr. Ditkowsky a  
24 copy. I'm sure he is objecting, but I did have some costs

1 that were not included in the original filing --

2 MR. DITKOWSKY: I'm objecting to it.

3 MR. STERN: It was --

4 MR. DITKOWSKY: At times before -- he never  
5 brought it before. He brings it at the last second. This  
6 seems to be a pattern that has occurred in this case.

7 THE COURT: All right. Your objection is noted.

8 All right. So now, Mr. Schmiedel's --

9 MR. DITKOWSKY: I object to that. I didn't  
10 receive that until after 2:00 o'clock today.

11 MR. SCHMIEDEL: My hours were contained -- the  
12 request for the hours were contained in Mr. Stern's petition,  
13 Judge.

14 Let me tell you what I've -- I didn't duplicate  
15 Mr. Stern's time. He has had the unenviable task of having  
16 to take the lead with respect to this. I can guarantee you  
17 that I've probably tripled the amount of time that is being  
18 requested. I do have supporting information and  
19 documentation asking for \$1,000. And given the time that  
20 we've had to waste on this issue with this man, including  
21 having to do research because he demanded Mary Sykes to be  
22 present at his sanction hearing, so we had to move to dismiss  
23 his request to have a 90-year-old woman, who he claims to  
24 have been representing, or had represented previously, appear

1 at his sanctions hearing. So I have some background. You  
2 can go through them, Judge. But I really -- this is  
3 one-tenth of probably the time I've spent on it, and none of  
4 it duplicates anything that Mr. Stern did.

5 THE COURT: All right. So I've heard the  
6 objections and I've reviewed the hours.

7 As for Mr. Stern, on the 04/23 date, I will allow  
8 two hours.

9 On 04/24, I will allow the .2.

10 On the 04/25 date, I will allow the hour.

11 On the 04/25 as to the ARDC, I am going to strike  
12 that.

13 And on the 05/05 as regarding to the ARDC, I will  
14 strike that, .4.

15 On May 11th, the .6 I will allow.

16 On May 13th, I allow two-tenths.

17 I will allow for May 14th the .3.

18 I will allow for May 16th the .5.

19 I will allow on -- 05/17 was asking for two hours,  
20 but part of that was to prepare the ARDC, which I think you  
21 said was .8. So I will allow 1.2, striking the amount for  
22 the ARDC.

23 On May 26th, the work for the ARDC, .5, I am going  
24 to strike that.



1           On 06/02, .4 I will allow.  
2           On 06/03, .2 I will allow.  
3           On 06/04, .1.  
4           On 06/07, the .2 I will allow.  
5           On 06/15, the .2 I will allow.  
6           On 06/16, .2 I will allow.  
7           On 06/18, the ARDC, I will strike that.  
8           On 06/21, I will allow the .4.  
9           On 06/23, I will allow the 2.5.  
10          The court appearance on 06/24, I will allow the  
11          .4.  
12          On 07/07, I will allow the .4.  
13          On 07/15, one of them is stricken. It was a  
14          double entry. I will allow the .2.  
15          On 08/26, I will allow the .4.  
16          On 08/27, I will allow the .2. On 08/27, .6, I  
17          will strike the research time at .6. On 08/27, I will strike  
18          the .5. And your strategy discussions with your associate on  
19          08/27, I will allow the .4 in reviewing the motions filed by  
20          attorney Ditekowsky. On 08/27, I will allow the hour to begin  
21          drafting the responses. On 08/27, I will strike the on-line  
22          research time for that one.  
23          On 08/30, I will allow the .3 for legal research  
24          as directed by the Judge.

1                   On 08/31, you have 1.8. I will strike .5 as to  
2 any on-line research, give you 1.3. And then on 8/31, the .3  
3 I will allow.

4                   I don't know what that totals up to.

5                   MR. STERN: I have to figure it out.

6                   THE COURT: And as to Mr. Schmiedel's verified --  
7 strike that.

8                   We will go back to Mr. Stern. As to ordering the  
9 transcripts in preparation for various hearings, the expenses  
10 to the court reporters, I will allow the \$338.80.

11                   MR. DITKOWSKY: He doesn't mention that he  
12 reviewed them in his time record.

13                   THE COURT: And then Mr. Schmiedel saying he  
14 expended 3.5 hours of time and his paralegal two hours, I  
15 think that is very reasonable, considering the hearing was  
16 two and a half hours.

17                   MR. SCHMIEDEL: And, Judge, I've been here for an  
18 hour.

19                   THE COURT: And you've spent, just since I've been  
20 on this case, probably well over two hours in court. So I  
21 will allow your request. So if you want to draft the orders.

22                   MR. SCHMIEDEL: Thank you, your Honor.

23                   MR. STERN: Thank you, Judge.

24                   MR. DITKOWSKY: Your Honor, the order will also

1 specify you are denying both my motions?

2 THE COURT: You can draft an order to that effect.  
3 Well, the second one is your objections, and that's on the  
4 record. So your objections were noted when I ruled. And the  
5 other motion is denied.

6 MR. DITKOWSKY: I just wanted it for the record.

7 MR. STERN: Judge, on my sanction request, for Ms.  
8 Farenga's time, I never received any backup documentation or  
9 anything --

10 THE COURT: You know what? If she wasn't here,  
11 she didn't put it in, then she's not getting it. She wasn't  
12 here to put it through.

13 All right. Draft your orders. Thank you.

14 (Which were all the proceedings  
15 had in the above-entitled matter  
16 on November 30, 2010.)

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1 STATE OF ILLINOIS )  
 ) SS:  
2 COUNTY OF C O O K )

3 IN THE CIRCUIT COURT OF COOK COUNTY  
4 COUNTY DEPARTMENT-PROBATE DIVISION

5 I, MARIE K. KOPPERS, an Official Court  
6 Reporter of the Circuit Court of Cook County, County  
7 Department-Probate Division, do hereby certify that I  
8 reported in shorthand the proceedings had in the  
9 above-entitled cause and that the foregoing is a true and  
10 correct transcript of all the proceedings heard before the  
11 HONORABLE JOHN J. FLEMING, Judge of said court.

12

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MARIE K. KOPPERS

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17 Dated this 7th day of December, 2010.

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1 STATE OF ILLINOIS )  
 ) SS:  
2 COUNTY OF C O O K )

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
4 COUNTY DEPARTMENT-PROBATE DIVISION

5 I, the Honorable John J. Fleming, Judge of the  
6 Circuit Court of Cook County, presiding judge at the hearing  
7 of the aforementioned cause, do hereby certify that the above  
8 and foregoing is a true and correct Report of Proceedings had  
9 at the said hearing.

10 AND, FORASMUCH, THEREFORE, as the matters and  
11 things hereinbefore set forth do not otherwise fully appear  
12 of record, the attorney for the \_\_\_\_\_ tenders  
13 this Report of Proceedings and prays that the same may be  
14 signed and sealed by the judge of this court pursuant to the  
15 statute in such case made and provided.

16 WHICH IS ACCORDINGLY DONE this \_\_\_\_\_ day of  
17 \_\_\_\_\_, 20\_\_.

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Honorable John J. Fleming  
Circuit Court of Cook County, Illinois