



THE MULLER FIRM, LTD.
ATTORNEYS AND COUNSELORS AT LAW

May 16, 2011

L. Bradley Pogofsky
1212 N. LaSalle Street
Apartment 704
Chicago, Illinois 60610

Dear Brad:

Because of your inability to honor past promises, your mother has asked that I send you this letter.

Please be advised that unless you return all of your family's personal property, and account for where the balance was placed/sold – and how much was received therefrom – by no later than Friday, 12:00 p.m. May 20, 2011 – the following will happen in short succession:

- a) Your dental bills will not be paid;
- b) Your homeowners/car/health insurance will be cancelled;
- c) Your phone / internet will be turned off, and
- d) Eviction proceedings shall be commenced for your ejection from the 1212 condominium, and an action filed for "waste" against you for any destruction you occasion.

Be further advised, that upon our mutual review of your late father's estate plans, we have concluded that any will contest you threaten is without basis and will, accordingly, lead to sanctions being sought against you and any attorney that chooses to encourage litigation of same.

And, while on the subject, please be advised that your unilateral and unauthorized taking of the autographed baseballs is an actionable violation of the will – and your late father's wishes-sanctionable both civilly and criminally.

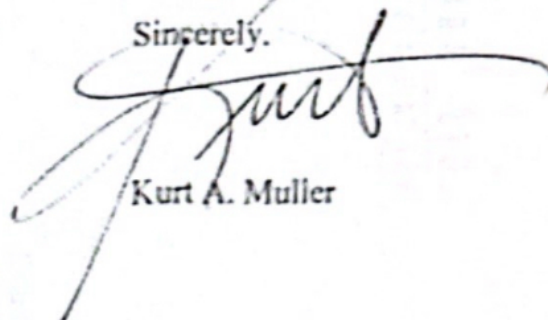
Finally, be advised that any further actions by you to threaten litigation against your mother, or other family members or their friends – whether by you or through third parties - shall be interpreted as harassment and dealt with as such.

Brad, in your hurt and confusion you have started a chain of events that will soon not be able to be rescinded.

In a lifetime where your family and father never gave up on you: Please don't let stubbornness or pride lead to your irrevocable destruction now.

Call me to arrange receipt of the remaining balls and the list(s) requested.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kurt', with a long, sweeping horizontal stroke extending to the right.

Kurt A. Muller

KAM/aek

Cc: Lynda Pogofsky

WARRANT FOR VIOLATION OF STATUTE

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

WARRANT

11 CF
DCNR

158P

Book 20

To all Peace Officers in the State of Illinois, WHEREAS, an INFORMATION having been filed on behalf of the PEOPLE OF THE STATE OF ILLINOIS, that charges that on or about _____

Between the dates of January 12, 2011 and March 6, 2011

in Lake County, Illinois, _____

LYLE B. POGOFSKY, DOB: 10/17/1976

Sex: Male Race: White Eyes: Blue Hair: Brown Ht: 6'3" Wt: 275
SSN: 324-44-3411 DL# P213-0227-4236 (IL)
Address: 1212 N. LaSalle St., Chicago, IL 60610

hereinafter called the defendant, committed the offense(s) of _____

Count 1, RESIDENTIAL BURGLARY (CLASS 1), in violation of 720 ILCS 5/19-3(a)

SUBJECT

Count 2, THEFT (CLASS 2), in violation of 720 ILCS 5/16-1(a)(1)(A)

SURRENDERED

Count 3, THEFT (CLASS 2), in violation of 720 ILCS 5/16-1(a)(4)(A)

VOLUNTARILY

in that the said defendant

Count 1, knowingly and without authority, remained within the dwelling place of Lynda Pogofsky, located at 39 Roger Williams Ave., Highland Park, Lake County, with the intent to commit therein a theft.

Count 2, knowingly obtained unauthorized control over property of Lynda Pogofsky, being autographed baseballs, having a total value in excess of \$10,000.00, but not in excess of \$100,000.00, intending to permanently deprive Lynda Pogofsky of the use of the property.

Count 3, knowingly obtained control over stolen property of Lynda Pogofsky, being autographed baseballs, having a total value in excess of \$10,000.00, but not in excess of \$100,000.00, said defendant obtaining control over said property under circumstances as would reasonably induce him to believe the property was stolen, and intending to permanently deprive Lynda Pogofsky of the use of the property.

YOU ARE THEREFORE HEREBY COMMANDED to arrest the said defendant and bring the defendant before the nearest and most accessible Judge without unnecessary delay to answer said charge(s) and abide such further order as may be made concerning him.

May 19, 2011

Given under my hand on _____

20

Walt Bengert, MAB
Scott Freshman, Highland Park PD

[Signature]

JUDGE

Information Filed. Ex Parte Hearing held.

Probable Cause found. Bond set in the amount of \$ _____

150,000



White Sox investor **Larry Pogofsky's** death left two sons feuding over his highly valuable collection of autographed baseballs, including such legendary players as Babe Ruth and Lou Gehrig

Family brawls over late dad's baseballs

BY LISA BLACK
Tribune reporter

White Sox investor Larry Pogofsky was so proud of his autographed baseball collection that he would make time every day to admire the display in his Highland Park home.

Lou Gehrig, Mickey Mantle, Roberto Clemente. Pogofsky even had one signed by Babe Ruth, which one dealer said could fetch \$25,000, depending on its condition.

Now, the hundreds of cherished baseballs, collected over 30 years, are at the center of a family feud triggered by Pogofsky's death in December.

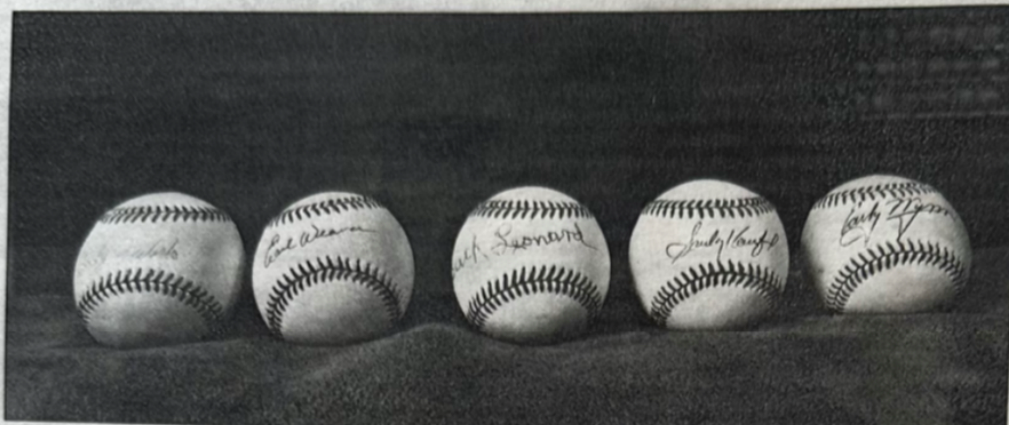
His two sons are wrangling over who inherited the baseballs, with civil and criminal charges filed against each other, as well as an emergency order of protection for one brother and his puggle, Jolie.

Reeling with grief, the family is dealing with a tragically common scenario, one that often has more to do with lifelong hurts and rivalry than material possessions. Estate planners recommend leaving specific instructions within a will, though in the Pogofskys' case it was not enough to avoid the family fireworks.

"It is a family matter, but somebody has done the wrong thing in this case," said Lynda Pogofsky, whose husband earned his fortune with the Chicago Board of Trade and died at 64. "I'm just a mother trying to survive."

Larry Pogofsky began collecting the balls in 1981, the year he joined the White Sox board of directors, son Benjamin Pogofsky said. His father wrote and produced a song for the Sox in 1993 and was instrumental in creating a baseball museum at U.S. Cellular Field, according to the team biography.

"I am sorry to hear what the family is going through," said Jimmy Piersall, a former White Sox broadcaster and good friend of Larry Pogofsky. "Knowing



Larry Pogofsky's collection of more than 200 signed baseballs, which he amassed over three decades, includes Hall of Famers Stan Coveleski, Earl Weaver, Buck Leonard, Sandy Koufax and Early Wynn.

Larry, I don't think he would want any one of those, even his daughter, involved in that situation. ... I think Larry would have split (the collection) with them."

The brothers' dispute became public in May, when Lyle "Brad" Pogofsky, 34, filed a civil lawsuit against his younger brother, Benjamin. He alleged that Benjamin Pogofsky, 31, had been harassing him after Brad took more than two dozen baseballs from their parents' home after their father's death.

Within days of filing the civil suit, Brad Pogofsky was arrested by Highland Park police and charged with felony residential burglary and theft. Brad Pogofsky, who lives in Chicago, was accused of stealing the baseballs from his mother's home, according to the police incident report, which valued the balls at \$10,000 to \$100,000.

Pogofsky, released on a \$150,000 bond, is scheduled to appear in Lake County court July 12.

"My client is innocent of all charges, and he will be vigorously defended," said Michael Botti, Brad Pogofsky's lawyer. "This is a family matter, best resolved by my client and his family outside of the courts, especially the criminal courts."

Botti has since filed a motion to drop Brad Pogofsky's civil lawsuit, which was filed by another lawyer, "for the same reason, that these matters should be resolved by the family, not a judge."

In an unusual twist, the civil suit also targeted Highland Park police Cmdr. William Tellone, alleging that Tellone had threatened Brad Pogofsky through phone calls while off duty. Tellone allegedly told Pogofsky that he "was doing a favor for my brother" and that my brother "had some pull," according to the lawsuit filed in Cook County Circuit Court.

Highland Park police declined to comment.

Brad Pogofsky stated that his father repeatedly told him during his lifetime that the baseballs "were to be mine after his death," according to an affidavit filed with the civil suit.

The affidavit states that after he inquired about his father's will and received no reply by mid-February, "I picked out a couple of dozen of the more than 200 autographed baseballs. ... With my mother's knowledge, and her tacit consent, I took those baseballs with me when I left the family home."

The police report, though, states: "The family discovered the

baseballs were switched out. They confronted him, and he became angry."

Brad Pogofsky acknowledged in the affidavit that, after receiving a copy of his father's will in early May, he noticed there was no mention of the autographed baseballs. He wrote that he expected that the probate court would make the final decision.

According to a will filed in the Lake County clerk's office, Larry Pogofsky left all his possessions to his wife.

"He did leave a list of things and where they should go," Lynda Pogofsky said. "My husband made it very clear what he wanted to happen to his collection of baseballs. He wanted his collection to remain intact and he wanted to give it to his son Benjamin."

Benjamin Pogofsky, a Chicago financial adviser, denied in a phone interview that he or police harassed his brother. On June 24, he filed a petition in Cook County Circuit Court seeking an order of protection for himself and his dog from his brother.

The order states that Brad is prohibited from his home and from "entering or remaining at" the Joynt Bar in Chicago or U.S. Cellular Field.

Brad's lawyer, Botti, said that his client has not been served with

the order, rendering it meaningless.

According to the order of protection, Benjamin Pogofsky has suffered a loss of business and incurred expenses to pay for psychotherapy, medication, attorney representation and installation of burglar alarms and cameras.

The fact that the feud started over a father's baseball collection comes as little surprise to experts who help families after a death.

"It's always the emotional items that get fought over," said Mitch Pawlan, a Deerfield estate lawyer who has used a deck of cards to settle such disputes. "It's never pretty. One of the things you have to work on is trying to keep the family together. That's where the counseling comes in."

Dr. Brad Greenspan, a psychiatrist in Bannockburn, said he often counsels siblings who are squabbling over possessions after a parent's death. He recommends that family members get together to talk it out, but he said that rarely happens.

"It's inevitably related to siblings who have been at odds with each other over the course of their lifetimes," Greenspan said. "It may be related to preferential treatment by a parent. It may be related to birth order. Basically, we are talking about people who are trying to work out life issues that they have been struggling with their family."

Benjamin Pogofsky said he wants to keep his father's collection intact and meet his father's goal of obtaining the signature of every Hall of Famer.

"It's not the money or the value, it's the constant memory of how passionate and loving my father was," Benjamin Pogofsky wrote in an emailed response to questions.

For now, the baseballs remain in storage as evidence, he said.

Freelance reporter Ruth Fuller and Tribune reporter Mark Gonzales contributed.

lblack@tribune.com

lyndapogofsky@gmail.com <lyndapogofsky@gmail.com>
To: bradpogofsky@gmail.com

Wed, Jun 15, 2011 at 4:04 PM

Sent from my iPhone

Begin forwarded message:

From: kurt muller <kurtmullerlaw@me.com>
Date: June 11, 2011 8:58:01 AM CDT
To: Pogofsky Lynda <lyndapogofsky@gmail.com>
Subject: Re: 11CF1588

Hi. I called yesterday to see how you're doing. You are always on my mind. In reference to Bradley, I know the Bottis and will call to let them know that our primary objective here is to get the boy in counseling. In the meantime, however, I continue to suggest that you engage Mickey Asher to commence eviction proceedings; turn off his phone; utilities; and any other support you are providing. I sincerely believe that the only true way you will get Brad's attention is to drive him to a point where he can do nothing else BUT reassess who and where he is at in his life. This entire escapade- like every case I handle- is about CONTROL. Somewhere along the line, you and Larry lost it a long time ago with this boy. The best way to honor his memory now is to get it back. I believe it can be done, but you have to be tough and not care about what other people will think. This is your problem and other people may have opinions but they don't have to go to bed and wake up everyday with the problem. You know that Sylvia, Marissa and I love you very much, and will be here for you every step of the way. I hope to speak with you soon, or, call me ANYTIME.
Always, Kurt

Kurt A. Muller, Esq.
The Muller Firm, Ltd.
The Muller Building
110 West Grand Avenue
Chicago, Illinois, U.S.A.
60654-5206
Phone: 001-312-467-6700
Facsimile: 001-312-467-0252
Email: kmuller@mullaw.com

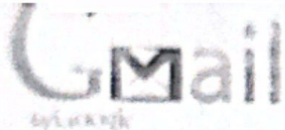
This email contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the addressee above. If you are not the intended recipient of this communication, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this email is strictly prohibited. If you have received this message in error, please immediately notify us by telephone and delete this message.

In accord with U.S. Treasury Department regulations please be advised: Unless expressly stated otherwise, any tax advice contained in this communication and attachments are not intended nor shall be used for the purpose of avoiding tax-related penalties under the Internal Revenue Code or for the promotion, marketing or recommendation to another party of any federal tax transactions or matters set forth herein.

On Jun 11, 2011, at 7:07 AM, Pogofsky Lynda <lyndapogofsky@gmail.com> wrote:

Begin forwarded message:

From: "Patch, Dawn" <DPatch@lakecountyl.gov>
Date: June 10, 2011 2:25:25 PM CDT
To: "lyndapogofsky@gmail.com"
<lyndapogofsky@gmail.com>



Lynda Pogofsky <lyndapogofsky@gmail.com>

Fwd: 11CF1588

From my
mom
to
Kurt
Muller

6/15

Pogofsky Lynda <lyndapogofsky@gmail.com>
To: kurt muller <kurtmullerlaw@me.com>

Wed, Jun 15, 2011 at 8:01 AM

not good! I don't have the guts to do more than I have done. I don't see how any of it will end up in positive solution. I did shut his phone down yesterday. Am I not allowed to communicate with him at all. Ben is livid. He wants me to kill Brad. I am doing what the law says. Ben is getting letters every day which go to clients and he has to explain. I know I had a husband who was always strong and at times difficult now I have these two strong sons pulling me apart. I am so sorry to poor my sadness on you I love you and your family.

[Quoted text hidden]

Kill me?

From: Kurt Muller <kurtmullerlaw@gmail.com>
Date: October 26, 2011 2:01:24 PM CDT
To: Lynda Pogofsky <lyndapogofsky@gmail.com>
Subject: Re: Me

I'll call you tomorrow. Thxxxxxx

Kurt A. Muller, Esq.
The Muller Firm, Ltd.
The Muller Building
110 West Grand Avenue
Chicago, Illinois, U.S.A.
60654-5206
Phone: 001-312-467-6700
Facsimile: 001-312-467-0252
Email: kmuller@mullaw.com

On Oct 26, 2011, at 8:17 AM, Lynda Pogofsky <lyndapogofsky@gmail.com> wrote:

Kurt I need a professional meet with u tell me when u are avAilBe ATT your convenience or I could meet u for dinner brad did not take plea his defense attorney asked to quit i think I need someone to rep me and finish the estate closure don't know if I cM trust benjamins firm it was sugg I set up something for brad a carrot a parental divorce bit o need legal co del I have names and interviewed several only need u to steer me in rt direction y r only 1 I trust I want to stop him at any method I can't take it if I need to make a trust I will if he messes up it's gone tell me when u have time I will come to u or whatever I have to stop this. Lynda

Sent from my iPhone



Lynda Pogofsky <lyndapogofsky@gmail.com>

Issues

2 messages

From new brother to Glen Seiden

Pogofsky, Benjamin S <Benjamin.S.Pogofsky@morganstanleymithbarney.com>

Tue, Jun 14, 2011
at 6:35 PM

To: lyndapogofsky@gmail.com, Glenn Seiden <gseiden@azulayseiden.com>

Glenn,

If you have time can you give me a call tomorrow. I have a few issues/questions on your bill.

First off, why is officer tellone on my bill?

Second, I understand there are filing fees and time value involved, but when we met you said it would be around 3k for a charge that I did absolutely nothing wrong but I understood it was just lawyer protocol and I had to file a response. That being said on one of the 4 bills I have received it says 1.75 hours on the phone with muller/fitzsimmons (I was in the room for the calls it was around 20 minutes) It says conference call for return of baseballs (baseballs were never returned to us, the police confiscated them because the attorney choose to call Terry Pogofsky and hand over). Lastly, It says receipt and review of complaint, four hours and 20 minutes (it was a 15 page complaint I read it in 20 minutes and told you from the get go he had no merit in the suit)

I appreciate the 20 percent discount and your help but because it is an estate matter and my families assets involved can you just please send me an estimate bill and instead of just bills some paperwork showing work that has been completed?

I need these anyways for receipt for the trust.

- some document showing the court appearance form and his attorneys withdrawal etc etc.

Also, I don't recall approving calls to marc benjamin. I sent you over the trust docs and wills etc

Lastly, all the documents say tallane and benjy pogofsky vs brad p., they should all just say brad p vs benjy (its backwards and ill need accurate bills for future reference.

If you have 10 minutes tomorrow ill be on my cell all day but moving forward I just need expectations of what to expect for the bill total all in charges and some documentation of what has been done etc etc for estate filing purposes.

All in the recent bill says these hours

1.75 hours - call with me and kurt (I was there it was 30 mins)
.4 hours-call with fitzsimmons return of bballs (never got the balls and need log)
1.2 appearance form drafting (I never got notice of the drafting nor have a copy)
4.2 hours receipt and review of complaint (I read it in 30 mins and I specifically told you there was 0 chance they could do anything with it I just needed to respond

Oak Brook Office
1550 Spring Road, Third Floor
Oak Brook, IL 60523
Tel: (630) 573-8585
Fax: (630) 573-8586

BOTTI LAW FIRM, P.C.
www.botti-law.com

Wheaton Office
1755 S. Naperville Road
Suite 100
Wheaton, Illinois 60189
(630) 653-2100

Michael R. Botti
(630) 573-8585, Ext. 206
mrb@botti-law.com

May 25, 2011

Via Facsimile – (847) 984-5973

Lake County Sheriff's Department
25 South Martin Luther King Jr. Avenue
Waukegan, IL 60085
Attn.: Lt. Gregory – Warrants

RE: *People of the State of Illinois v. Bradley Pogofsky*
Case No.: 11 CF 1588

Dear Lt. Gregory,

As you know, the Botti Law Firm has been retained to represent Bradley Pogofsky concerning his outstanding warrant and criminal complaint for Residential Burglary. In the spirit of cooperation, and pursuant to our agreement, I shall surrender Mr. Pogofsky on Thursday, May 26, 2011, at 3:00 p.m., at the Lake County Jail.

Again, my client and I appreciate your cooperation in this matter. Should you have any questions, please feel free to contact me.

Very truly yours,

BOTTI LAW FIRM, P.C.



Michael R. Botti
MRB:dmr

cc: Bradley Pogofsky ✓

THE MULLER FIRM, LTD.
ATTORNEYS AND COUNSELORS AT LAW

[Handwritten signature]

September 21, 2011

Attorney Michael Botti
Botti Law Firm, P. C.
1550 Spring Road, Third Floor
Oak Brook, Illinois 60523

Re: Lyle Bradley Pogofsky

Dear Mr. Botti:

As your client may be aware, his mother, brother (Benjamin) and sister are scheduled to have a family dedication for his father's gravestone on Sunday, September 25, 2011.

It is his mother's express wish that he NOT attend same, and accordingly, his brother Benjamin, will assert his rights under a current Order of Protection should your client appear in an attempt to violate it.

Please inform your client NOT to appear or Benjamin Pogofsky shall seek prosecution of him for violation of the pending Order of Protection to the fullest extent allowed by law.

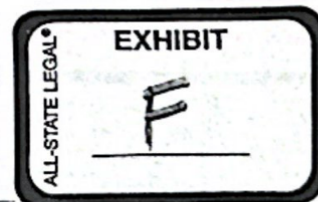
Very truly yours,

THE MULLER FIRM, LTD.

[Handwritten signature: Kurt A. Muller]
Kurt A. Muller

/s/ack
Enclosure

Cc: Lynda Pogofsky
Benjamin Pogofsky



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

BENJAMIN POGOFSKY,

Plaintiff,

v.

LYLE POGOFSKY,

Defendant.

No. 11 OP 74408

Calendar 72

FILED

OCT 05 2011

DOROTHY BROWN

PER _____

NOTICE OF FILING

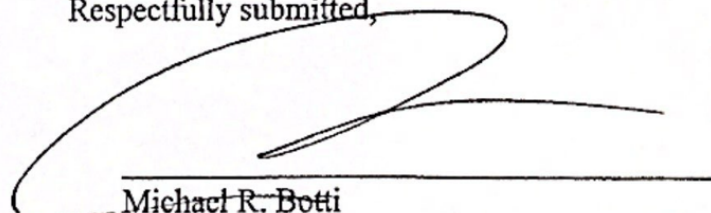
TO: Kurt A. Muller
The Muller Firm, Ltd.
110 West Grand Avenue
Chicago, IL 60654
Phone: (312) 467-6700
Fax: (312) 467-0252

PLEASE TAKE NOTICE that on the 5th day of October, 2011, there was caused to be filed with the Clerk of the Circuit Court of Cook County, Domestic Relations Division, 505 West Harrison Street, Chicago, Illinois, the following documents:

1. Notice of Motion; and
2. Defendant's Motion to Disqualify Kurt Muller and the Muller Firm, Ltd. as Attorneys of Record and Motion to Vacate Order of Protection,

Copies of which are attached hereto and served upon you.

Respectfully submitted,



Michael R. Botti

Michael R. Botti
BOTTI LAW FIRM, P.C.
1550 Spring Road, Third Floor
Oak Brook, IL 60523
(630) 573-8585
Attorney No. 47532

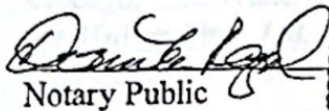
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT OF CLERK OF COURT
PROOF OF SERVICE
CLERK OF COURT

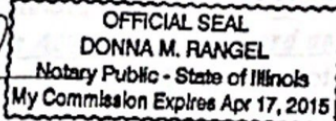
I, the undersigned, being first duly sworn upon oath, depose and state that I served a copy of the foregoing Notice of Filing and accompanying documents upon:

Kurt A. Muller
The Muller Firm, Ltd.
110 West Grand Avenue
Chicago, IL 60654
Phone: (312) 467-6700
Fax: (312) 467-0252

by faxing a copy to the above indicated fax number, and also by enclosing a copy of said documents in an envelope properly addressed to the above named and depositing said envelope in the U.S. Post Office Mail Box in Oak Brook, Illinois, by 5:00 p.m. on this 5th day of October, 2011.

Subscribed and sworn to
before me this 5th
day of October, 2011


Notary Public



Michael R. Botti
BOTTI LAW FIRM, P.C.
1550 Spring Road, Third Floor
Oak Brook, IL 60523
(630) 573-8585
Attorney No. 47532

(630) 573-8585
Attorney No. 47532

IN THE CIRCUIT COURT COOK COUNTY, ILLINOIS COUNTY DEPARTMENT
DOMESTIC RELATIONS DIVISION

BENJAMIN POGOFISKY,

Petitioner,

vs

LYLE BRADLEY POGOFISKY,

Respondent.

Case No: 11OP 74408

FILED

NOV 29 2011

DOROTHY BROWN

PER

RESPONDENT'S SUR-RESPONSE ON RESPONDENT'S MOTION TO DISQUALIFY
KURT MULLER AND THE MULLER LAW FIRM AND MOTION TO VACATE THE
ORDER OF PROTECTION

NOW COMES the Respondent, LYLE BRADLEY POGOFISKY, (hereinafter "Brad") by and through his attorneys, Belongia, Shapiro & Franklin, LLP, and for his sur-response regarding the Motion to Disqualify, and to supplement the previously filed Motion to Disqualify, states as follows:

1. Respondent's previous counsel filed Brad's Motion to Disqualify Kurt Muller and The Muller Firm and to vacate the order of protection and cited Illinois Supreme Court Rules 1.7 and 1.9 as the grounds to disqualify Kurt Muller and The Muller Firm and to vacate the order of protection.
2. However, said Motion fails to lay out all of the pertinent facts and law to support Respondent's Motion to Disqualify and Vacate.
3. Kurt Muller, (hereinafter "Muller") has a long standing personal and professional relationship with Brad.
4. Specifically, Kurt Muller has represented Brad numerous times in various capacities, such as:

a) Brad had a company, where he was the majority member and managing member, LBP Gaming, LLC, which was dissolved without his consent. In late June, 2011 the Secretary of State sent some documentation to Cory Aronovitz, as registered agent for the LLC. Mr. Aronovitz sent the form to Kurt Muller, Brad's attorney. Muller then forwarded the mailing to Brad. See attached Exhibits A, B, and C respectively. At no time did Muller indicate that he was not the attorney for Brad or that Aronovitz should send these matters to Brad directly. Rather, Muller and the Muller Firm sent these matters to Brad directly. LBP Gaming, LLC was an Illinois Limited Liability Company was formed by an attorney Muller referred Brad to use for his company.

b) In May, 2011 while still representing Brad in various legal capacities, Muller sent a "demand" letter to Brad, allegedly on behalf of Brad's mother. See attached Exhibit D. Said letter also threatens legal action against Brad, advises Brad he will be sanctioned if he contests his father's will.

c) In June, 2011 Muller responded to a request for investigation filed by Brad with the Illinois Attorney Registration and Disciplinary Commission, and indicated, as follows:

"Mr. Pogofsky's father was my oldest and dearest friend in the world. I have grieved his loss, comforted his wife and labored to keep his family together in the wake of this deranged child's willful thievery and destruction."

"My friendship with Brad's family has included evicting Brad from a condominium.....representing him in a criminal case.....and at least two incidents involving domestic violence with former fiancées."

"I chose not to represent Brad's brother in that proceeding as I still attempted to maintain neutrality and keep Brad's trust."

7. Muller "I am sorry for Brad's confusion- but not my actions. I have always been a friend to him, and will remain a friend to his family..." See attached Exhibit E.

d) Prior to the order of protection being entered, Mr. Muller advised the maitre d at Benny's on the **evening before** the Emergency Order of Protection was entered that he has secured an Order of Protection against Brad and asked management to have Brad removed from the premises. Brad was asked to leave from the management, although at the time there was no order of protection entered against him. This was simply untrue.

e) On September 21, 2011 Muller sent a letter to Brad's counsel advising Brad that he was not allowed to attend a dedication ceremony for that of his late father, Larry Pogofsky, on September 25, 2011. See attached Exhibit F.

f) In February of 2010 Brad and Larry Pogofsky both used Muller as their attorney, and in June 2010 Muller assisted in getting Brad's driver's license reinstated. See Group Exhibit G.

5. Muller also has had a longstanding personal relationship with Brad. Some specific examples of this are as follows:

When Larry Pogofsky, Brad's father, died in December of 2010, Muller, as a close personal friend *read Brad's speech at the services for Larry.*

Muller, as admitted in his response to the ARDC, indicated that he choose to remain neutral between Brad and Benjamin (the Petitioner in this action) and said letter was dated June 17, 2011. See Exhibit E.

6. Muller's list of times he represented Brad is inaccurate and false in his June 17, 2011, as his assertion he was remaining neutral between Brad and Benjamin.

7. Muller's longstanding personal relationship with Brad, along with their professional relationship with Muller as Brad's lawyer, involved many discussions regarding Brad's family, Brad's relationship with Benjamin and Brad's personal thoughts, feelings, which were disclosed to Muller in absolute confidence that they would not be disclosed or used against Brad by Muller.

8. The paramount example of Brad and Muller's personal trusted relationship, with Muller, where many personal thoughts and matters were shared- both as a friend and trusted advisor. Muller read Brad's speech at Brad's father's services.

9. Brad was never terminated as a client by Muller or The Muller Firm.

10. Brad never received any disengagement correspondence from the Muller firm indicating that Muller and/or his firm were no longer Brad's legal counsel.

11. In fact, shortly after Muller misinformed the management at Benny's in June, 2011 that he had secured an Order of Protection against Brad on behalf of Benjamin- Brad received a copy of the June 17, 2011 correspondence Muller submitted to the ARDC indicating he was neutral, loyal to Brad and a "friend."

12. Loyalty to a client **prohibits** undertaking representation directly adverse to that client, without that client's informed consent. Muller never informed Brad that Muller and his Firm were not Brad's lawyers, he never informed Brad that he was going to represent Benjamin against Brad and Muller never secured informed consent.

13. The information shared by Brad with Muller is directly adverse to Muller's representation of Benjamin, and violative of Muller's duty of loyalty to Brad, confidentiality and the attorney-client privilege.

14. Muller is the lawyer here, and his representation of Benjamin and Brad without informed consent (which NEVER would have been given) should not be allowed. See *GTE North, Inc. v. Apache Products Co.*, 914 F. Supp. 1575 (1996).

15. Brad has satisfied his burden of proving former and current representation, as required by *Schwartz v. Cortelloni*, 685 N.E.2d 871 (1997).

16. Brad also has standing to raise this issue. *Id.*

17. Brad also reincorporates and realleges the arguments in his previously filed Motion to Disqualify and the Reply in Support of same.

Wherefore, Lyle Bradley Pogofsky respectfully requests that this Honorable Court disqualify Kurt A. Muller and The Muller Law Firm, that the June 24, 2011 Order of Protection be vacated *nunc pro tunc* as of June 24, 2011 and for any and all other relief this Court deems appropriate.

Respectfully submitted,
RESPONDENT LYLE BRADLEY POGOFSKY

By:

One of Respondent's Attorneys

Kelly A. Saindon, Esq.
Mark D. Belongia, Esq.
Belongia, Shapiro & Franklin, LLP
20 S. Clark St, Suite 300
Chicago, Illinois 60603
Tel: 312.662.1030
Fax: 312.662.1040
Atty. No. 47809

08/01/2011

SECRETARY OF STATE JESSE WHITE
STATE OF ILLINOIS
LIMITED LIABILITY COMPANY ANNUAL REPORT

PAGE 1
LLC FILE
03368068

(Form LLCARF - Rev. 05/02/2011)

* * THIS REPORT CAN BE FILED ON-LINE AT www.cyberdriveillinois.com WITH AN EXPEDITED FEE. * *

FILING FEE IS \$250
LATE PENALTY OF \$300.

LBP GAMING LLC
CORY ARONOVITZ, ESQ.
162 W GRAND AVE
CHICAGO IL 60654-4475

INSTRUCTIONS -- PLEASE READ CAREFULLY BEFORE COMPLETING THIS FORM
USE BLACK INK FOR ALL RESPONSES

Items 1-2. Verify that the information is correct. No changes can be made to this information on this form. To effect a change of name, a domestic LLC must file Articles of Amendment on form LLC-5.25 while a foreign LLC must file an Amended Application for Admission on form LLC-45.25. To effect a change in the name or address of the registered agent, form LLC-1.36/1.37 must be filed. These forms are available from our website at www.cyberdriveillinois.com. Click on "Departments", then "Business Services", then "Publications and Forms".

Item 3. Verify that the address of the principal place of business is correct. Make any change on this form and check the appropriate box below. Note that a P.O. Box alone is not acceptable. Mail in this portion of the report if any change is made.

- ☐ Check this box if the address of the principal place of business in item 3 has changed and MAIL IN THIS PORTION WITH THE ANNUAL REPORT.
- ☐ Check this box if any manager names or addresses have changed in item 4 and MAIL IN THIS PORTION WITH THE ANNUAL REPORT.

Item 4. Verify that the names and addresses of the managers are correct. Make any changes on this form and check the appropriate box below. If there are more than four managers you must attach a list to this report setting forth the names and addresses of all additional managers. Please write the LLC's file number on all attachments. Mail in this portion of the report if any change is made.

Item 7. THIS REPORT MUST BE SIGNED by a manager appearing in Item 4. Please type or print the name of the manager signing this report as well as the date of signing. If the manager is not a natural person, type or print the name of the entity on the space provided and print or type the name of the person signing on behalf of the entity, as well as the capacity in which he or she is signing.

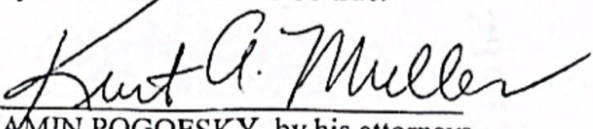
DETACH AT PERFORATION - DO NOT SUBMIT A PHOTOCOPY

| | | | |
|--|--|--|--|
| 1a) LLC Name LBP GAMING LLC | | File Number 03368068 | |
| 1b) Registered Agent, Office & City CORY ARONOVITZ, ESQ. 162 W GRAND AVE CHICAGO IL 60654-4475 | | 3) Address of Principal Place of Business 162 W GRAND AVE CHICAGO IL 60654 | |
| Annual Report for 2011 | | FOR OFFICE USE ONLY | |
| 2a) Jurisdiction Illinois | | <div style="border: 2px solid black; padding: 5px; text-align: center;"> EXHIBIT A </div> | |
| 2b) Date Org /Adm 08/19/2010 | | | |
| 4a-f) Manager Name(s) and Address(es) 4a) POGOFSKY, LARRY 162 W GRAND AVE CHICAGO IL 60654 | | | |
| 4b) | | | |
| 4c) | | | |
| 4d) | | | |
| 5) The managers, which are entities, are still intact. | | 6) Changes to the registered agent or address in item 1 require the filing of form LLC-1.36/1.37. | |
| 7a) Type or print name of manager from item 4 executing report. | | 7b) If manager is not a person, type or print name and title of person signing report. | |

Date:

CERTIFICATION

Under penalty as provided by law pursuant to Section 5/1-109 of the Illinois Code of Civil Procedure (735 ILCS 5/1-109), I certify that the statements set forth in this instrument are true and correct except as to matters therein stated to be on information and belief and as to such matters I certify that I verily believe the same to be true.


BENJAMIN POGOFISKY, by his attorneys

THE MULLER FIRM, LTD.
110 W. Grand Ave.
Chicago, IL 60654
(312) 467-6700
Attorney No. 14520

IN THE CIRCUIT COURT COOK COUNTY, ILLINOIS COUNTY DEPARTMENT
DOMESTIC RELATIONS DIVISION

BENJAMIN POGOFISKY,

Petitioner,

vs.

LYLE POGOFISKY,

Respondent.

FILED

Case No. 11 OP 74408

OCT 05 2011

DOROTHY BROWN

PER _____

**MOTION TO DISQUALIFY KURT MULLER AND THE MULLER FIRM, LTD. AS
ATTORNEYS OF RECORD AND TO VACATE ORDER OF PROTECTION**

NOW COMES the Respondent, LYLE POGOFISKY, by and through BOTTI LAW

FIRM, P.C., who move this Honorable Court for an order disqualifying Kurt Muller and The Muller Firm, LTD., as attorney of record for BENJAMIN POGOFISKY, and to vacate the order of protection, and in support thereof state as follows:

INTRODUCTION

1. That LYLE POGOFISKY alleges that his brother, BENJAMIN POGOFISKY'S attorney of record, Kurt Muller, has also represented LYLE POGOFISKY, and he therefore seeks to disqualify, Kurt Muller and the Miller Firm, and to also vacate the order of protection.

FACTS

2. That Kurt Muller and The Muller Firm are attorneys of record for Benjamin Pogofsky in the instant matter, and on June 24, 2011, filed and received a petition for an order of protection against the Respondent, Lyle Pogofsky. (A copy of which is attached hereto as Exhibit 1.)

3. That on September 8, 2011, BENJAMIN POGOFISKY, through his attorney, Kurt Muller, filed a Petition for a Finding of a Violation of Order of Protection and Other Relief against LYLE POGOFISKY (a copy of which is attached hereto as Exhibit 2) seeking the following relief:

- a. Finding Lyle Pogofsky in Violation of the Order of Protection;
- b. Finding Lyle Pogofsky in Direct Criminal Contempt of Court;
- c. Issuing the instructions for the turnover of this information to the Chicago Police Department and Cook County State's Attorney's Office for the initiation of criminal proceedings arising out of the violation of the order of protection; and
- d. For attorney's fees and costs.

4. That attorney, Kurt Muller since July 2010, was and still is LYLE POGOFISKY's attorney in an order of protection case # 10 OP 2490, entitled BRADLEY POGOFISKY v. MINDY BRETTS, currently pending before Judge Mauricio Araujo in courtroom 202 of the Domestic Violence Court, 555 W. Harrison Street, Chicago, Illinois

5. That since July of 2010, Lyle Pogofsky met with and conferenced with his counsel, Kurt Muller, regarding LYLE POGOFISKY and his case.

6. That thereafter, on or about August 3, 2010, Attorney Kurt Muller and The Muller Firm filed an appearance on behalf of Lyle Pogofsky in case entitled BRADLEY POGOFISKY v. MINDY BRETTS, case # 10 OP 2490. (A copy of which is attached hereto as Exhibit 3.) And that a plenary order of protection was entered by His Honor designating LYLE POGOFISKY as the protected party.

7. That on April 29, 2004, Kurt Muller and The Muller Firm also represented LYLE POGOFISKY in the matter entitled, BOARD of DIRECTORS of the 100 EAST WALTON

CONDOMINIUM ASSOCIATION v. BRAD POGOFISKY, Case No. 04 M1-703550 in the
Circuit Court of Cook County. (A copy of which is attached hereto as Exhibit 4.)

ARGUMENT

8. That Illinois Supreme Court Rule 1.7 relating to attorney conflicts of interest regarding current clients is applicable in the instant matter and states:

Rule 1.7 Conflict of Interest: Current Clients

- (a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:
 - (1) the representation of one client will be directly adverse to another client; or
 - (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.
- (b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:
 - (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
 - (2) the representation is not prohibited by law;
 - (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and
 - (4) each affected client gives informed consent.

9. As stated above, LYLE POGOFISKY, is a current client of Kurt Muller and The Muller Firm.

10. LYLE POGOFISKY has not given informed consent to Kurt Muller.

11. That Illinois Supreme Court Rule 1.9 relating to conflicts of interest regarding former clients is also applicable and states:

12. **Rule 1.9: Duties to Former Clients**

- (a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives **informed consent**.
- (b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client
 - (1) whose interests are materially adverse to that person; and
 - (2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter; unless the former client gives informed consent.
- (c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:
 - (1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or
 - (2) reveal information relating to the representation as these Rules would permit or require with respect to a client.

13. **"Generally, there is a per se conflict of interest where counsel has represented both the defendant and the alleged victim of the crime, without regard to whether counsel actively represents the victim and without any inquiry into the specific facts." People v. Stoval, 239 N.E.2d 441 (1968).**

14. That Mr. Muller's current representation of LYLE POGOFISKY creates a per se conflict of interest.

15. Also, attorney Kurt Muller's privileged conversations with LYLE POGOFISKY have created a substantial risk that confidential factual information, as would normally have been obtained in the prior representation, would materially advance the client's position in the subsequent matter.

16. That based on the clear violation of Supreme Court Rules and the risk that confidential privileged information was used and could still be used in Mr. Muller's prosecution of the Respondent and representation of the Petitioner, the order of protection should be vacated.

WHEREFORE, the LYLE POGOFISKY, respectfully request this Honorable Court to enter the following order:

A. That Kurt Muller and The Muller Firm be disqualified and excluded from representing the Petitioner;

B. That the Petitioner, BENJAMIN POGOFISKY, be compelled to designate an address where pleadings may be served upon it until such time as it sees fit to secure substitute counsel;

C. That the order of protection entered on June 24, 2011 be vacated; and

D. For any other relief deemed appropriate.

Respectfully submitted,

By:

Michael R. Botti

Michael R. Botti.
BOTTI LAW FIRM, P.C.
1550 Spring Road, 3rd floor.
Oak Brook, Illinois 60523
Phone: (630) 573-8585
Fax: (630) 573-8586
Attorney No. 47532

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

People ex rel. _____

on behalf of _____

self and/or behalf of _____

Benjamin Pogofsky
Petitioner

Lyle Bradley Pogofsky
Respondent

Case No. 110574408

☒ Independent Proceeding

☐ Other Civil Proceeding

(Specify) _____

☐ Criminal Proceeding

☐ Juvenile Proceeding

LEADS NO. _____

PETITIONER

Benjamin Pogofsky

ADDRESS

362 W. Huron,

☐ (Check if omitted pursuant to Statute)

CITY/STATE /ZIP

Chicago, IL 60654

RESPONDENT

Lyle Bradley Pogofsky

ADDRESS

1212 W. Caselle

CITY/STATE /ZIP

Chicago, IL 60610

Birthdate

10/17/76

Sex

M

Race

W

Height

6'3

Weight

270

Hair

Shaved

Eyes

Blue

EMERGENCY ORDER OF PROTECTION

CRIM CODE ☐ 952 CIVIL CODE ☒ 953

ANY KNOWING VIOLATION OF ANY ORDER OF PROTECTION FORBIDDING PHYSICAL ABUSE, NEGLECT, EXPLOITATION, HARASSMENT, INTIMIDATION, INTERFERENCE WITH PERSONAL LIBERTY, WILLFUL DEPRIVATION, OR ENTERING OR REMAINING PRESENT AT SPECIFIED PLACES WHEN THE PROTECTED PERSON IS PRESENT OR GRANTING EXCLUSIVE POSSESSION OF THE RESIDENCE OR HOUSEHOLD, PROHIBITING ENTERING OR REMAINING AT THE HOUSEHOLD WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS AND SO CONSTITUTING A THREAT TO THE SAFETY AND WELL-BEING OF ANY PROTECTED PERSON, OR GRANTING A STAY AWAY ORDER, IS A CRIMINAL OFFENSE. GRANT OF EXCLUSIVE POSSESSION OF THE RESIDENCE OR HOUSEHOLD SHALL CONSTITUTE NOTICE FORBIDDING TRESPASS TO LAND. ANY KNOWING VIOLATION OF ANY ORDER AWARDED LEGAL CUSTODY OR PHYSICAL CARE OF A CHILD, OR PROHIBITING REMOVAL OR CONCEALMENT OF A CHILD MAY BE A CLASS 4 FELONY. ANY WILLFUL VIOLATION OF ANY ORDER IS CONTEMPT OF COURT. ANY VIOLATION MAY RESULT IN A FINE OR IMPRISONMENT. STALKING IS A FELONY.

A CHARGE OF VIOLATING THIS ORDER OF PROTECTION (750 ILCS 5/12-30) MAY SUBJECT RESPONDENT TO GPS MONITORING PURSUANT TO 750 ILCS 5/5-6-3.

Any order of protection which would expire on a court holiday shall instead expire at the close of the next court business day. 750 ILCS 60/220 (f)

The following persons are protected by this Order: Benjamin Pogofsky ; Lyle Pogofsky
(MA)

"The minor child/ren" referred to herein are: _____

The following animals are protected by this Order (Detail the animals by name, type and description):

Jodie (puggle dog)

Date, time and place for further hearing:

Date: 7/15/11

Time: 9:00am

Courtroom/Calendar No.: 202172

Location: 555 W. Harrison

This Order was issued on:

Date: 6/24/11

Time: 2:27pm

This Order will be in effect until (not less than 14 nor more than 21 days):

Date: 7/15/11

Time: 9:00 am

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Any order of protection which would expire on a court holiday shall instead expire at the close of the next court business day. 750 ILCS 60/220 (f)

BASED ON THE FINDINGS OF THIS COURT, ☒ WHICH WERE MADE ORALLY FOR TRANSCRIPTION, OR ☐ WHICH ARE SET OUT IN A SEPARATE INSTRUMENT FILED WITH THE COURT, AND WITH THE COURT HAVING JURISDICTION OF THE SUBJECT MATTER AND OVER ALL NECESSARY PARTIES, IT IS HEREBY ORDERED THAT:

- ☒ 1. With respect to all Protected Persons, Respondent is prohibited from committing the following:
- ☒ Physical abuse; ☒ Harassment; ☒ Interference with personal liberty; ☒ Intimidation of a dependent;
 - ☐ Willful deprivation; ☐ Neglect; ☐ Exploitation; ☒ Stalking.
- ☒ 2. Petitioner is granted exclusive possession of the residence and Respondent shall not enter or remain in the household or premises located at: 362 W. Huron Chgo; 99 Roger Williams, UH Ill; 701 Madison Chgo
(This remedy does not effect title to property)
- ☒ 3. ☒ a. Respondent is ordered to stay away from Petitioner and other protected persons, including but not limited to refraining from telephone calls, mail, e-mail, faxes, written notes, and communication through third parties.
- ☒ b. Respondent is prohibited from entering or remaining at the joint law office; U.S. Cellular 70 W. Madison Chgo; 362 W. Huron Chgo; 99 Roger Williams, UH Ill; 701 Madison Chgo while any Protected Person is present; and/or
- ☐ c. Respondent is allowed access to the residence on (date) _____ at (time) _____ in the presence of (name) _____ to remove items of clothing, personal adornments, medications used exclusively by the Respondent and other items, as follows: _____
- ☐ 4. [Remedy not available for Emergency Orders of Protection.]
- ☐ 5. ☐ a. Petitioner is granted physical care and possession of the minor child/ren; and/or
- ☐ b. Respondent is ordered to:
- ☐ return the minor child/ren _____ to the physical care of _____; and/or
 - ☐ not remove the minor child/ren _____ from the physical care of Petitioner or _____
- ☐ 6. [Remedy not available for Emergency Orders of Protection.]
- ☐ 7. ☐ a. Respondent is awarded visitation rights on the following dates and times or under the following conditions or parameters:
[No order shall merely refer to the term "reasonable visitation"]

☐ b. Respondent's visitation is restricted as follows:

☐ c. Respondent's visitation is reserved/denied.
(Petitioner may deny Respondent access to the minor child/ren if, when Respondent arrives for visitation, Respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of Petitioner or Petitioner's minor child/ren or is behaving in a violent or abusive manner.)
- ☐ 8. Respondent is prohibited from removing the minor child/ren from Illinois or concealing them within Illinois.
- ☐ 9. Respondent is ordered to appear in Courtroom/Calendar _____ at _____ on _____ at _____ a.m./p.m., with/without the minor child/ren.
- ☒ 10. Petitioner is granted exclusive possession of the following personal property and the Respondent is ordered to promptly make available to Petitioner said property that is in Respondent's possession or control, to wit:
any and all autographed baseballs and sports memorabilia and/or jewelry wrongfully appropriated.
(This remedy does not effect title to property)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Case No. 10P74408

Any order of protection which would expire on a court holiday shall instead expire at the close of the next court business day. 750 ILCS 60/220 (f)

Case No.

110p74408

☒ 11. Respondent is prohibited from taking, encumbering, concealing, damaging or otherwise disposing of the following personal property: 2011 Cadillac SRX; Pet's (colored protected persons) business or personal information; 862 W. Huron Chicago, except as explicitly authorized by the Court.

☒ Further, Respondent is prohibited from improperly using the financial or other resources of an aged member of the family or household for the profit or advantage of Respondent or any other person.

☒ 11.5 Petitioner is granted exclusive care, custody or control of the following animals (Detail the animals by name, type and description):

Jolie

☒ With respect to all protected animals, Respondent is ordered to stay away and to refrain from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal(s).

12. [Remedy not available for Emergency Orders of Protection.]

13. [Remedy not available for Emergency Orders of Protection.]

☒ 14. Respondent is prohibited from entering or remaining at the household or residence located at 862 W. Huron Chicago, 8th Floor, H.P. See while under the influence of alcohol or drugs and so constituting a threat to the safety and well-being of any Protected Person.

☐ 14.5 See separate Warrant for Seizure Order.

☐ 15. Respondent is denied access to school and/or any other records of the minor child/ren and is prohibited from inspecting, obtaining, or attempting to inspect or obtain such records.

16. [Remedy not available for Emergency Orders of Protection.]

☒ 17. Respondent is further ordered and/or enjoined as follows:

Repeal any/all contact and/or proximity by Respondent with Petitioner and/or signed persons

☐ 18. The relief requested in paragraph(s)

I hereby certify that the petition is () TRIED () RESERVED, because:

"This Order of Protection is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. territories pursuant to the Violence Against Women Act (18 U.S.C. 2265). Violating this Order of Protection may subject the Respondent to federal charges and punishment (18 U.S.C. 2261-2262)."

Date 6-24-11 D. Smith
Clerk of the Court

NOTICE: Upon 2 days notice to Petitioner, or such shorter notice as the Court may prescribe, a Respondent subject to an Emergency Order of Protection issued under the IDVA may appear and petition the Court to re-hear the original or amended petition. Respondent's petition shall be verified and shall allege lack of notice and a meritorious defense.

Atty. No. 14520

Attorney (or Pro Se Petitioner) Name:

Krista Mullen

Date:

Address:

110 W. Grand Avenue

State/City/Zip:

Chicago, Illinois 60654

Telephone:

(312) 467-6700

Judge Mauricio Arujo

Judge

JUN 24 2011

Judge's No.

Circuit Court-1995

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

People ex rel. _____

_____ on behalf of

_____ self and/or on behalf of

Brad Posafsky

Petitioner

Benjamin S. Posafsky

Respondent

Case No. 120P70388

☒ Independent Proceeding

☐ Other Civil Proceeding

(specify) _____

☐ Criminal Proceeding

☐ Juvenile Proceeding

PETITION FOR ORDER OF PROTECTION

(Fill in lines and check boxes as applicable)

Now comes the Petitioner _____ on his/her own behalf or on behalf of

_____, a minor child, or on behalf of _____

_____, an adult who cannot file a petition because of age, health, disability or inaccessibility on his/her own behalf, pursuant to the Illinois Domestic Violence Act (IDVA), and moves this Honorable Court to issue an Order of Protection in this cause and in support thereof states as follows:

ALLEGATIONS

THIS COURT HAS JURISDICTION OF THE SUBJECT MATTER AND OVER ALL NECESSARY PERSONS, WITH APPROPRIATE VENUE, BECAUSE:

A. ☒ Petitioner resides at 1212 N. LaSalle Chicago, IL 60618

(Street Address, City)

in the County of COOK State of IL; OR

☐ Petitioner resides at _____

(Street Address, City)

in the County of _____ State of _____; and _____

the person on whose behalf this Petition is brought, resides at _____

(Street Address, City)

in the County of _____ State of _____; OR

☐ Petitioner's address is omitted pursuant to statute. [Alternative address for notice of any motion is _____]

B. ☒ Respondent resides at 70 W. Madison #500 Chicago

(Street Address, City)

in the County of COOK State of IL

C. Respondent stands in relationship to the Petitioner or alleged abused person/as:

☐ Spouse;

☐ Child;

☐ Sharing or formerly sharing a common dwelling;

☐ Sharing a blood relationship through a child;

☐ Former spouse;

☐ Having or allegedly having a child in common;

☐ Having or having had a dating or engagement relationship;

☐ Personal assistant to person with disabilities or a person who has responsibility for a high-risk adult with disabilities;

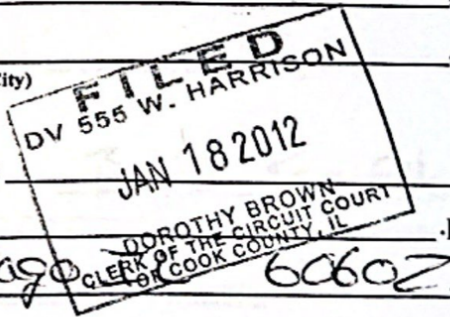
☐ Parent;

☐ Stepchild;

☒ Other person related by blood or marriage.

Brother

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS



D. ☐ There is no other pending court action involving the parties OR

☒ There is another pending court action involving the parties in Chancery Court,
County of Cook State of Illinois known as Case No. (also Petition is witness in present action in Federal J.E. against Respondent)

E. ☐ As referred to herein, "the minor child/ren" are _____

☐ The Court has jurisdiction over the minor child/ren because:

☐ 1. the State of Illinois

☐ a. is the home state (as defined in the Illinois Uniform Child Custody Jurisdiction Act) of the child/ren at the time of the commencement of this proceeding, or

☐ b. had been the child/ren's home state within 6 months before commencement of the proceeding and the child is absent from this State because of his/her removal or retention by a person claiming his/her custody or for other reasons, and parent or person acting as parent continues to live in this state;

OR

☐ 2. it is in the best interest of the child that a court of this State assume jurisdiction because the child and his/her parents, or the child and at least one contestant, have significant connection with this State, and there is available in this State substantial evidence concerning the child's present or future care, protection, training and personal relationships;

OR

☐ 3. the child is physically present in this State and

☐ a. the child has been abandoned, or

☐ b. it is necessary in an emergency to protect the child because s/he has been subjected to or threatened with mistreatment or abuse or is otherwise neglected or dependent;

OR

☐ 4. it appears that no other state would have jurisdiction under prerequisites substantially in accordance with paragraphs 1, 2 or 3 or another state has declined to exercise jurisdiction on the grounds that this State is the more appropriate forum to determine the custody of the child, and it is in the best interest of the child that this Court assume jurisdiction.

F. ☐ No "father and child relationship" (pursuant to the Illinois Parentage Act of 1984) has been established with the following child/ren: _____

G. ☐ The primary caretaker of the minor child/ren is or has been _____

H. ☒ Venue in civil proceedings is appropriate because:

☒ Petitioner resides in the County of Cook, State of Illinois; OR

☒ Respondent resides in the County of Cook, State of Illinois; OR

☒ the alleged abuse occurred in the County of Cook, State of Illinois; OR

☐ the Petitioner is temporarily located in the County of Cook, State of Illinois, to avoid further abuse, and could not obtain safe, accessible, and adequate temporary housing in the county of his/her residence.

PETITIONER ALLEGES AS TO RESPONDENT THAT:

I. ☒ the following individuals are alleged to be persons who need to be protected from abuse by Respondent: _____

Benjamin Rogofsky; Lynda Rogofsky (mother);

J. ☒ Respondent has acted in the following manner towards the Petitioner:

(State details of incident(s) of abuse (including time and place), as well as effects of incident(s) on Petitioner.)

Incident(s): A) In about March 2011, Resp stole personal property belonging to Pet's mother and bequeathed to Pet's by testate succession;

B) Beginning in February 2011 to May 2011, Resp sent threatening text messages to Pet's "you have no idea what's yet to come" "watch distancing order of payment. Also called Lynda Rogofsky (Pet's mother) a "cunt"

C) Filed a baseless lawsuit - currently subject to dismissal on May 16, 2011, caused publicized suit to family, friends and press;

D) wrote harassing letters or fabricated letterhead to Pet's at his sister;

E) has possessed - at least - two unregistered handguns;

F) sent threatening correspondence to family of Pet's (G/L)

G) Hacked into Mother's e-mail, changed passwords, sent threatening correspondence;

- K. ☒ Petitioner should be granted exclusive possession of the residence, the special venue rules of sec. 209(b) of IDVA (applicable only in civil proceedings) having been met, because:
- ☒ Petitioner has a right to occupancy and Respondent has no right to occupancy OR
- ☒ Both parties have a right to occupancy; and, considering the risk of further abuse by Respondent interfering with the Petitioner's safe and peaceful occupancy, the balance of hardships favors the Petitioner because of the following relevant factors:
- ☐ Availability, accessibility, cost, safety, adequacy, location and other characteristics of alternative housing for each party and any minors or other dependents; and/or
- ☐ Effect on each party's employment; and/or
- ☐ Other factors, as follows: _____
- L. ☒ Respondent should be ordered to stay away from Petitioner and the protected persons.
- ☒ Respondent should be prohibited from entering or remaining present at Petitioner's school, place of employment or _____ because:
- 711 W. Madison St. Ste. 312 W. Huron; 99 Reuben Williams, H.P. The Joint Bar
- ☐ Respondent has ~~to~~ enter/remain present at such place(s); OR
- ☒ The balance of hardships favors the Petitioner in prohibiting the Respondent from entering or remaining at such place(s). Chgo, IL
- M. ☒ The likelihood of future abuse would be minimized by appropriate counseling.
- N. ☐ Petitioner should be granted physical care of the minor child/ren or granted other appropriate relief because there exists a danger that the minor child/ren will be:
- ☐ abused or neglected; and/or
- ☐ separated in an unwarranted manner from the child/ren's primary caretaker; and/or
- ☐ unprotected as to his/her/their well-being.
- O. ☐ Petitioner should be granted temporary legal custody of the minor child/ren.
- P. ☐ The Respondent's visitation with the minor child/ren should be restricted or denied because the Respondent has or is likely to:
- ☐ abuse or endanger the minor child/ren during visitation; and/or
- ☐ use visitation as an opportunity to abuse or harass Petitioner or Petitioner's family or household members; and/or
- ☐ improperly conceal or detain the minor child/ren; and/or
- ☐ otherwise act in a manner that is not in the best interest of the minor child/ren.
- Q. ☐ There exists a danger that the minor child/ren will be removed from this jurisdiction or concealed within the State.
- R. ☐ Respondent has knowledge of the whereabouts of, or access to, the minor child/ren.
- S. ☒ Petitioner should be granted exclusive possession of the following items of personal property:
- 2011 Cadillac SRX; all business information / client lists and all cyber information; family jewelry; house keys and
- because:
- ☒ Petitioner, not Respondent, owns such property; OR
- ☐ sharing the property creates a further risk of abuse or is impractical; the balance of hardships favors temporary possession by Petitioner; and
- ☐ Petitioner and Respondent own the property jointly, or
- ☐ the property is alleged to be marital property and a proceeding has been filed under the IMDMA.
- T. ☒ An order should be granted protecting the following items of personal property:
- 2011 Cadillac SRX; all business information / client lists and/or any/all cyber information as to Petitioner and separate property
- because:
- ☒ Petitioner, not Respondent, owns such property; or
- ☐ The balance of hardships favors Petitioner, and
- ☐ Petitioner and Respondent own the property jointly, or
- ☐ The property is alleged to be marital property and a proceeding has been filed under the IMDMA.
- U. ☒ Respondent be ordered to stay away from the following protected animals. (Detail the animals by name, type and description.):
- Jolie (puggle)
- V. ☒ The Petitioner should be granted exclusive possession of the following animals. (Detail the animals by name, type and description.):
- Jolie (puggle)
- because:
- ☒ Petitioner, not Respondent, owns such property; OR
- ☐ sharing the property creates a further risk of abuse or is impractical; the balance of hardship favors temporary possession by Petitioner; and
- ☐ Petitioner and Respondent own the property jointly, or
- ☐ the property is alleged to be marital property and a proceeding has been filed under the IMDMA.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

W. ☐ Respondent has a legal obligation to support Petitioner and/or the minor child/ren, and Respondent is able to provide such support.

X. ☒ As a direct result of the above described abuse, Petitioner has suffered certain losses, incurred certain expenses, and/or has been provided temporary shelter/counseling services, as follows:

loss of business; psychotherapy fees; medication costs; attorney fees; installation of burglar alarm; cameras

X(1) ☒ There is a threat to the safety and well-being of Petitioner's family or household when Respondent enters or remains on the premises while under the influence of alcohol or drugs.

X(2) ☒ Respondent should be ordered to surrender any and all firearms to the local law enforcement agency. If Respondent is a law enforcement officer, any and all firearms must be surrendered to Respondent's employer.

V. ☐ Respondent should be denied access to school or other records of the minor child/ren because:

- ☐ Respondent is or will be prohibited from having contact with the minor child/ren; or
- ☐ Petitioner's address is omitted pursuant to statute; or
- ☐ It is necessary to prevent abuse or wrongful removal or concealment of the minor child/ren.

Z. ☒ Allegations for other injunctive relief:

Prevent any/all communication and/or contact and/or proximity by Respondent with Petitioner and/or Lynnda Pogotsky

AA. ☐ Disclosure of Petitioner's address would risk further abuse to her/him or to another protected person. Such disclosure would reveal the confidential location of a shelter for domestic violence victims.

Additional Allegations for Emergency Orders Only

- ☒ (i) For requested remedies 1, 3, 5, 7, 8, 9, 11, 14, 15, and 17, the harm which that remedy is intended to prevent would be likely to occur if Respondent were given any prior notice, or greater notice than was actually given of Petitioner's efforts to obtain judicial relief.
- ☒ (ii) For requested remedy 2, the immediate danger of further abuse of Petitioner by Respondent if Petitioner chose or had chosen to remain in the household while Respondent was given any prior notice or greater notice than was actually given, outweighs the hardship to Respondent of an emergency order granting Petitioner exclusive possession of the residence or household.
- ☒ (iii) For requested remedy 10, improper disposition of the personal property would be likely to occur if Respondent were given any prior notice or greater notice than was actually given of Petitioner's effort to obtain judicial relief, or that Petitioner has an immediate and pressing need for possession of that property.

REMEDIES REQUESTED

PETITIONER REQUESTS THAT THE COURT FIND THAT THE FOLLOWING ARE PROTECTED PERSONS:

Benjamin Pogotsky; Lynnda Pogotsky

WHEREFORE, PETITIONER REQUESTS THE ENTRY OF AN ORDER OF PROTECTION SETTING FORTH THE FOLLOWING REMEDIES:

- ☒ 1. With respect to Petitioner and other Protected Persons, Respondent should be prohibited from committing the following:
- ☒ Physical abuse; ☒ Harassment; ☒ Interference with personal liberty; ☒ Intimidation of a dependent;
 - ☐ Willful deprivation; ☐ Neglect; ☐ Exploitation; ☒ Stalking.

☒ 2. Petitioner should be granted exclusive possession of the residence and Respondent should be prohibited from entering or remaining at such premises:

(Address) 20 W. Madison, Chicago; 362 W. Huron, Chicago, Ill.

☒ 3. a. Respondent should be ordered to stay away from Petitioner and other protected persons; and/or

☒ b. Respondent should be prohibited from entering or remaining at 20 W. Madison, Chicago; 362 W. Huron

Chicago; 99 Rogers Williams Highway, Ill., U.S. Capitol Building, Wash. D.C.

☐ c. Respondent should be allowed access to the residence on (date) _____ at (time) _____ in the presence of (name) _____ to remove items of clothing, personal adornments, medications used exclusively by the Respondent and other items, as follows: _____

☒ 4. Respondent should be ordered to undergo counseling for a period of time to be determined by this court. (Not available in Emergency Order)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

☐ 5. ☐ a. Petitioner should be granted physical care and possession of the minor child/ren; and/or
☐ b. Respondent should be ordered to:
☐ return the minor child/ren _____ to the physical care of _____; and/or
☐ not remove the minor child/ren _____ from _____ the physical care of Petitioner or _____.

☐ 6. Petitioner should be granted temporary legal custody of the minor child/ren _____ (Not available in Emergency Order)

☐ 7. ☐ a. Respondent should be awarded visitation rights on the following dates and times or under the following conditions or parameters:
(No order shall merely refer to the term "reasonable visitation".)

☐ b. Respondent's visitation should be restricted as follows:

☐ c. Respondent's visitation should be denied.

☐ 8. Respondent should be prohibited from removing the minor child/ren from Illinois or contacting them within Illinois.
☐ 9. Respondent should be ordered to appear in this Court with/without the child/ren on a date certain.
☒ 10. Petitioner should be granted exclusive temporary possession of the following personal property and the Respondent should be ordered to deliver to Petitioner said property that is in Respondent's possession or control, to wit:
business/laptop info, jewelry, sports memorabilia, baseballs

☒ 11. Respondent should be ordered not to take, encumber, conceal, damage or otherwise dispose of any of the following real or personal property, to wit: 2011 Cadillac SRX; Rolex (dog); Baseball/Sports memorabilia; 362 W. Gibson, Chicago

☐ 12. Respondent should be ordered to pay temporary support for Petitioner and/or the minor child/ren of the parties as follows \$ _____ per _____, starting _____ payable ☐ through the Clerk of the Circuit Court, or ☐ directly to Petitioner. (Not available in Emergency Order)

☐ 13. Respondent should be ordered to pay \$ _____ respecting losses and expenses within the scope of Sec. 214(b)(13) of the IDVA on or before _____ (Not available in Emergency Order)

☒ 14. Respondent should be prohibited from entering or remaining at the household or residence located at _____ while under the influence of alcohol or drugs and so constituting a threat to the safety and well-being of any Protected Person.

☐ 14.5. Respondent must be ordered to surrender any and all firearms to the local law enforcement agency (i.e., police department). If the Respondent is a law enforcement officer, any and all firearms must be surrendered to Respondent's employer. (All surrendered firearms shall remain confiscated for a period not to exceed two (2) years.)

☐ 15. Respondent should be denied access to school or any other records of the minor child/ren and prohibited from inspecting, obtaining or attempting to inspect or obtain such records.

☐ 16. Respondent should be ordered to pay \$ _____ to the following shelter _____ on or before _____ (Not available in Emergency Order)

☒ 17. Respondent should be further enjoined as follows:
Not contact any business/family associates of Petitioner or interfere with the email/webster page information of Petitioner under Junda Page of Inc.

Signature of Attorney of State's Attorney

Signature of Petitioner

UNDER THE PENALTIES OF PERJURY AND AS PROVIDED BY LAW PURSUANT TO SECTION 1-109 OF THE CODE OF CIVIL PROCEDURE, THE UNDERSIGNED CERTIFIES THAT THE STATEMENTS SET FORTH IN THIS INSTRUMENT ARE TRUE AND CORRECT, EXCEPT AS TO MATTERS STATED TO BE ON INFORMATION AND BELIEF AND AS TO SUCH MATTERS THE UNDERSIGNED BELIEVES THE SAME TO BE TRUE.

Dated: 6/24/11

Atty. No.: 14550 Attorney (or Pro Se Petitioner):
Name: V. Miller
Address: 110 W. 1st St.
City/State/Zip: Chicago, IL 60604
Telephone: (312) 467-6000

Signature of Petitioner

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Case No. 11cp74408

STATE OF ILLINOIS)
) SS.
 COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

BENJAMIN POGOFSKY,
 Petitioner,

&

LYLE BRADLEY POGOFSKY,
 Respondent.

No. 11 OP 74408

NOTICE OF MOTION

TO: Attorney Michael Botti
 BOTTI LAW FIRM, P.C.
 1550 Spring Road, Third Floor
 Oak Brook, Illinois 60523

On September 16, 2011 at 9:30 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Presiding or any Judge sitting in his stead, in the courtroom usually occupied by him in Room 202 at 555 W. Harrison, Chicago, Illinois, and present the attached Petition for A Finding of A Violation of Order of Protection and Other Relief, at which time you may appear if you so see fit.

Attorney Signature:

Name:

Kurt A. Muller, Esq.

Attorney for:

Address:

City, State, Zip:

Telephone:

Attorney Code No.:

THE MULLER FIRM, LTD.

Petitioner

110 West Grand Avenue

Chicago, IL 60654

(312) 467-6700

14520

CERTIFICATE OF DELIVERY PERSONALLY, BY MAIL, OR BY FACSIMILE

The undersigned hereby certifies under penalties as provided by law pursuant to IL. Rev. Stat. Ch. 110, par. 1-109, that the above notice and any attached pleadings were ___ personally delivered or ___ faxed or ___x___ placed in the U.S. Mail properly addressed, with proper postage prepaid, to the parties addresses set forth the above before 5:00 p.m. on September 9 2011.

(signature)

Angela E. Kelly
 (Print name)

EXHIBIT

2

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

CERTIFICATION

Under penalty as provided by law pursuant to Section 5/1-109 of the Illinois Code of Civil Procedure (735 ILCS 5/1-109), I certify that the statements set forth in this instrument are true and correct except as to matters therein stated to be on information and belief and as to such matters I certify that I verily believe the same to be true.


BENJAMIN POGYESKY

THE MULLER FIRM, LTD.
110 W. Grand Ave.
Chicago, IL 60654
(312) 467-6700
Attorney No. 14520

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

People ex rel. _____

_____ on behalf of

_____ self and/or behalf of

Bradley Pogotsky
Petitioner

[REDACTED]
Respondent

Case No. 10 CP 2490

☒ Independent Proceeding

☐ Other Civil Proceeding

(Specify) _____

☐ Criminal Proceeding

☐ Juvenile Proceeding

LEADS NO. _____

PETITIONER

Bradley Pogotsky

ADDRESS

☒ (Check if omitted pursuant to Statute)

CITY/STATE/ZIP

DOB 10/17/1976

RESPONDENT

[REDACTED]

ADDRESS

[REDACTED]

CITY/STATE/ZIP

Chicago, Illinois 60657

Birthdate

[REDACTED]
(Required for LEADS)

Sex

F

Race

Caucasian

Height

5'11"

Weight

110

Hair

Brown

Eyes

Blue

ORDER OF PROTECTION

INTERIM

Crim ☐ 953 Civil ☐ 4552

PLENARY

Crim ☐ 954 Civil ☒ 4652

ANY KNOWING VIOLATION OF ANY ORDER OF PROTECTION FORBIDDING PHYSICAL ABUSE, NEGLECT, EXPLOITATION, HARASSMENT, INTIMIDATION, INTERFERENCE WITH PERSONAL LIBERTY, WILLFUL DEPRIVATION, OR ENTERING OR REMAINING PRESENT AT SPECIFIED PLACES WHEN THE PROTECTED PERSON IS PRESENT OR GRANTING EXCLUSIVE POSSESSION OF THE RESIDENCE OR HOUSEHOLD, PROHIBITING ENTERING OR REMAINING AT THE HOUSEHOLD WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS AND SO CONSTITUTING A THREAT TO THE SAFETY AND WELL-BEING OF ANY PROTECTED PERSON, OR GRANTING A STAY AWAY ORDER, IS A CRIMINAL OFFENSE. GRANT OF EXCLUSIVE POSSESSION OF THE RESIDENCE OR HOUSEHOLD SHALL CONSTITUTE NOTICE FORBIDDING TRESPASS TO LAND. ANY KNOWING VIOLATION OF ANY ORDER AWARDED LEGAL CUSTODY OR PHYSICAL CARE OF A CHILD, OR PROHIBITING REMOVAL OR CONCEALMENT OF A CHILD MAY BE A CLASS 4 FELONY. ANY WILLFUL VIOLATION OF ANY ORDER IS CONTEMPT OF COURT. ANY VIOLATION MAY RESULT IN A FINE OR IMPRISONMENT. STALKING IS A FELONY.

Any order of protection which would expire on a court holiday shall instead expire at the close of the next court business day. 750 ILCS 60/220 (f)
(Definitions of prohibited conduct on reverse)

The following persons are protected by this Order: Bradley Pogotsky

"The minor child/ren" referred to herein are: _____

Date, time and place for further hearing:

Date: August 10, 2010

Time: _____

Courtroom/Calendar No.: _____

Location: _____

Order was served on:

Date: August 3, 2010

Time: 3:08

Order will be in effect until:

☒ Date: August 3, 2010 Time: 3:08

☐ Vacated by court order:

☐ Specified event: _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Exhibit No. 2010

EXHIBIT

3

BASED ON THE FINDINGS OF THIS COURT, ☐ WHICH WERE MADE ORALLY FOR TRANSCRIPTION, OR ☐ WHICH ARE SET OUT IN A SEPARATE INSTRUMENT FILED WITH THE COURT, AND WITH THE COURT HAVING JURISDICTION OF THE SUBJECT MATTER, AND OVER ALL NECESSARY PARTIES, IT IS HEREBY ORDERED THAT:

- ☒ 1. With respect to all Protected Persons, Respondent is prohibited from committing the following:
 - ☐ Physical abuse; ☒ Harassment; ☐ Interference with personal liberty; ☐ Intimidation of a dependent;
 - ☐ Willful deprivation; ☐ Neglect; ☐ Exploitation; ☒ Stalking.
- ☒ 2. Petitioner is granted exclusive possession of the residence and Respondent shall not enter or remain in the household or premises located at: 1212 N LaSalle Unit 704, Chicago, Cook County, IL 60610
- ☒ 3. ☒ a. Respondent is ordered to stay away from Petitioner and other protected persons; and/or
 - ☒ b. Respondent is prohibited from entering or remaining at _____ while any Protected Person is present; and/or
 - ☐ c. Respondent is allowed access to the residence on (date) _____ at (time) _____ in the presence of (name) _____ to remove items of clothing, personal adornments, medications used exclusively by the Respondent and other items, as follows: _____
- ☐ 4. Respondent is ordered to undergo counseling at _____ for a duration of _____
- ☐ 5. ☐ a. Petitioner is granted physical care and possession of the minor child/ren; and/or
 - ☐ b. Respondent is ordered to:
 - ☐ Return the minor child/ren _____ to the physical care of _____; and/or
 - ☐ Not remove the minor child/ren _____ from the physical care of Petitioner or _____
- ☐ 6. Petitioner is granted temporary legal custody of the minor child/ren; _____
- ☐ 7. ☐ a. Respondent is awarded visitation rights on the following dates and times or under the following conditions or parameters: [No order shall merely refer to the term "reasonable visitation"]
 - ☐ b. Respondent's visitation is restricted as follows: _____
 - ☐ c. Respondent's visitation is denied.
(Petitioner may deny Respondent access to the minor child/ren if, when Respondent arrives for visitation, Respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of Petitioner or Petitioner's minor child/ren or is behaving in a violent or abusive manner.)
- ☐ 8. Respondent is prohibited from removing the minor child/ren from Illinois or concealing them within Illinois.
- ☐ 9. Respondent is ordered to appear in Courtroom/Calendar _____ at _____ on _____ at _____ a.m./p.m. with/without the minor child/ren.
- ☐ 10. Petitioner is granted exclusive possession of the following personal property and the Respondent is ordered to promptly make available to Petitioner said property that is in Respondent's possession or control, to wit: _____
- ☐ 11. Respondent is prohibited from taking, encumbering, concealing, damaging or otherwise disposing of the following personal property: _____
[This remedy does not affect title to property]
- ☐ Further, Respondent is prohibited from improperly using the financial or other resources of an aged member of the family or household for the point or advantage of Respondent or any other person.
- ☐ 12. Respondent is ordered to pay temporary support for ☐ Petitioner and/or ☐ the minor child/ren of the parties as follows:
 - \$ _____ per _____, starting _____, payable ☐ through the Clerk of the Circuit Court, or ☐ directly to Petitioner.
- ☐ 13. Respondent is ordered to pay \$ _____ as actual monetary compensation for loss(es) to _____ on or before _____
 - ☐ Further, Respondent is ordered to pay court costs in the amount of \$ _____ and attorney fees in the amount of \$ _____ to _____ in connection with any action to obtain, modify, enforce, appeal or reopen any Order of Protection, on or before _____.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

- ☐ 14. Respondent is prohibited from entering or remaining at the household or residence located at _____ while under the influence of alcohol or drugs and so constituting a threat to the safety and well-being of any Protected Person.
- ☐ 14.5 1. The Court has examined the Petitioner and any other witnesses under oath, has examined the petition and other relevant evidence on the issue of whether Respondent has threatened or is likely to use a firearm(s) illegally against Petitioner, and finds that there is a danger of the illegal use of firearms.
- The Court finds that the Respondent:
- ☐ has appeared personally in court
- ☐ failed to appear personally after having received actual notice.
2. Respondent is ordered to turn over any and all firearms, including the following: _____
3. Respondent shall turn over the above-listed firearm(s) to the police agency _____ on or before _____ for safekeeping, to be returned to the Respondent on _____ (Period not to exceed two years unless otherwise prohibited under federal law, 18 U.S.C. §§ 922(d) and (g)(8), and 922(d) and (g)(9)).
- ☐ 15. Respondent is denied access to school and/or any other records of the minor child/ren and is prohibited from inspecting, obtaining, or attempting to inspect or obtain such records.
- ☐ 16. Respondent is ordered to pay \$ _____ to the following shelter _____ on or before _____
- ☒ 17. Respondent is further ordered and/or enjoined as follows:
No contact by any means whatsoever
- ☐ 18. The relief requested in paragraph(s) _____ of the petition is (DENIED) (RESERVED), because: _____

"This Order of Protection is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. territories pursuant to the Violence Against Women Act (18 U.S.C. 2265). Violating this Order of Protection may subject the Respondent to federal charges and punishment (18 U.S.C. 2261-2262). The Respondent may be subject to federal criminal penalties for possessing, transporting, shipping, or receiving any firearm or ammunition under the Gun Control Act (18 U.S.C. 922 (g) (8) and (9))."

PLENARY ORDERS ONLY

This Order shall remain in effect until:

- ☒ 1. two years following the date of entry of such Order, such expiration date being August 3, 2010, or such earlier date, as ordered by the Court, such expiration date being _____
- ☐ 2. final judgment in conjoined proceeding is rendered
- ☐ 3. this Order is modified or vacated (provided such Order is incorporated into the final judgment of another civil proceeding).
- ☐ 4. termination of any voluntary or involuntary commitment, or until _____ (not to exceed 2 years)
- ☐ 5. final disposition when a Bond Forfeiture Warrant has issued, or until _____ (not to exceed 2 years)
- ☐ 6. expiration of any supervision, conditional discharge, probation, periodic imprisonment, parole, or supervised mandatory release, plus 2 years.
- ☐ 7. expiration of a term of imprisonment set by this Court, plus 2 years.

Any order of protection which would expire on a court holiday shall instead expire at the close of the next court business day. 750 ILCS 60/220 (f)

NOTICE: Upon 2 days notice to Petitioner, or such shorter notice as the Court may prescribe, a Respondent subject to an Interim Order of Protection issued under the IDVA may appear and petition the Court to re-hear the original or amended petition. Respondent's petition shall be verified and shall allege lack of notice and a meritorious defense.

Atty. No. 14500

Attorney (or Pro Se Petitioner) Name: The Muller Firm, Ltd.

Address: 110 West Grand Avenue

State/City/Zip: Chicago, Illinois 60654

Telephone: 1-312-467-6700

Date: August 3, 2010

Judge: [Signature] Judge's No. 2000

Case No. 10 CP 0490

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT COOK COUNTY, ILLINOIS COUNTY DEPARTMENT
DOMESTIC RELATIONS DIVISION

BENJAMIN POGOFSKY,

Petitioner,

vs

LYLE BRADLEY POGOFSKY,

Respondent.

Case No: 11OP 74408

NOTICE OF FILING

TO: Kurt A. Muller, The Muller Firm, Ltd., 110 West Grand Avenue, Chicago, Illinois
60654-5206.

PLEASE TAKE NOTICE that on November 9, 2011, we caused to be filed with the Clerk of the Circuit Court of Cook County, Illinois, Domestic Relations Division, Respondent Sur-Response to Motion to Disqualify, a copy of which is attached hereto.

By: 

One of Respondent's Attorneys

Kelly A. Saindon, Esq.

Mark D. Belongia, Esq.

Belongia, Shapiro & Franklin, LLP

20 S. Clark St, Suite 300

Chicago, Illinois 60603

Tel: 312.662.1030

Fax: 312.662.1040

Atty. No. 47809

PROOF OF SERVICE BY MAIL

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies this notice along with a copy of the documents set forth in said notice was served by mailing a copy to the below listed individuals, at the above listed addresses and depositing the same in the U.S. Mail at 20 South Clark Street, Chicago, Illinois 60603 with proper postage prepaid before 5:00 p.m. on November 9, 2011.

[X] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements made herein are true and correct.

IN THE CIRCUIT COURT COOK COUNTY, ILLINOIS COUNTY DEPARTMENT
DOMESTIC RELATIONS DIVISION

BENJAMIN POGOFISKY,

Petitioner,

vs

LYLE BRADLEY POGOFISKY,

Respondent.

Case No: 11OP 74408

**RESPONDENT'S SUR-RESPONSE ON RESPONDENT'S MOTION TO DISQUALIFY
KURT MULLER AND THE MULLER LAW FIRM AND MOTION TO VACATE THE
ORDER OF PROTECTION**

NOW COMES the Respondent, LYLE BRADLEY POGOFISKY, (hereinafter "Brad") by and through his attorneys, Belongia, Shapiro & Franklin, LLP, and for his sur-response regarding the Motion to Disqualify, and to supplement the previously filed Motion to Disqualify, states as follows:

1. Respondent's previous counsel filed Brad's Motion to Disqualify Kurt Muller and The Muller Firm and to vacate the order of protection and cited Illinois Supreme Court Rules 1.7 and 1.9 as the grounds to disqualify Kurt Muller and The Muller Firm and to vacate the order of protection.
2. However, said Motion fails to lay out all of the pertinent facts and law to support Respondent's Motion to Disqualify and Vacate.
3. Kurt Muller, (hereinafter "Muller") has a long standing personal and professional relationship with Brad.
4. Specifically, Kurt Muller has represented Brad numerous times in various capacities, such as:

- "I am sorry for Brad's condition, but not my fault. I have always been a friend to him, and will remain a friend to his family..." See attached Exhibit I.
- a) Brad had a company, where he was the majority member and managing member, LBP Gaming, LLC, which was dissolved without his consent. In late June, 2011 the Secretary of State sent some documentation to Cory Aronovitz, as registered agent for the LLC. Mr. Aronovitz sent the form to Kurt Muller, Brad's attorney. Muller then forwarded the mailing to Brad. See attached Exhibits A, B, and C respectively. At no time did Muller indicate that he was not the attorney for Brad or that Aronovitz should send these matters to Brad directly. Rather, Muller and the Muller Firm sent these matters to Brad directly. LBP Gaming, LLC was an Illinois Limited Liability Company was formed by an attorney Muller referred Brad to use for his company.
- b) In May, 2011 while still representing Brad in various legal capacities, Muller sent a "demand" letter to Brad, allegedly on behalf of Brad's mother. See attached Exhibit D. Said letter also threatens legal action against Brad, advises Brad he will be sanctioned if he contests his father's will.
- c) In June, 2011 Muller responded to a request for investigation filed by Brad with the Illinois Attorney Registration and Disciplinary Commission, and indicated, as follows:
- "Mr. Pogofsky's father was my oldest and dearest friend in the world. I have grieved his loss, comforted his wife and labored to keep his family together in the wake of this deranged child's willful thievery and destruction."
- "My friendship with Brad's family has included evicting Brad from a condominium.....representing him in a criminal case.....and at least two [REDACTED]
- Muller "I chose not to represent Brad's brother in that proceeding as I still attempted to maintain neutrality and keep Brad's trust."

7. Muller "I am sorry for Brad's confusion- but not my actions. I have always been a friend to him, and will remain a friend to his family..." See attached Exhibit E.

d) Prior to the order of protection being entered, Mr. Muller advised the maitre d at Benny's on the evening before the Emergency Order of Protection was entered that he has secured an Order of Protection against Brad and asked management to have Brad removed from the premises. Brad was asked to leave from the management, although at the time there was no order of protection entered against him. This was simply untrue.

9. e) On September 21, 2011 Muller sent a letter to Brad's counsel advising Brad that he was not allowed to attend a dedication ceremony for that of his late father, Larry Pogofsky, on September 25, 2011. See attached Exhibit F.

11. f) In February of 2010 Brad and Larry Pogofsky both used Muller as their attorney, and in June 2010 Muller assisted in getting Brad's driver's license reinstated. See Group Exhibit G.

5. Muller also has had a longstanding personal relationship with Brad. Some specific examples of this are as follows:

When Larry Pogofsky, Brad's father, died in December of 2010, Muller, as a close personal friend *read Brad's speech at the services for Larry.*

Muller, as admitted in his response to the ARDC, indicated that he choose to remain neutral between Brad and Benjamin (the Petitioner in this action) and said letter was dated June 17, 2011. See Exhibit E.

6. Muller's list of times he represented Brad is inaccurate and false in his June 17, 2011, as his assertion he was remaining neutral between Brad and Benjamin.

7. Muller's longstanding personal relationship with Brad, along with their professional relationship with Muller as Brad's lawyer, involved many discussions regarding Brad's family, Brad's relationship with Benjamin and Brad's personal thoughts, feelings, which were disclosed to Muller in absolute confidence that they would not be disclosed or used against Brad by Muller.

8. The paramount example of Brad and Muller's personal trusted relationship, with Muller, where many personal thoughts and matters were shared- both as a friend and trusted advisor. Muller read Brad's speech at Brad's father's services.

9. Brad was never terminated as a client by Muller or The Muller Firm.

10. Brad never received any disengagement correspondence from the Muller firm indicating that Muller and/or his firm were no longer Brad's legal counsel.

11. In fact, shortly after Muller misinformed the management at Benny's in June, 2011 that he had secured an Order of Protection against Brad on behalf of Benjamin- Brad received a copy of the June 17, 2011 correspondence Muller submitted to the ARDC indicating he was neutral, loyal to Brad and a "friend."

12. Loyalty to a client prohibits undertaking representation directly adverse to that client, without that client's informed consent. Muller never informed Brad that Muller and his Firm were not Brad's lawyers, he never informed Brad that he was going to represent Benjamin against Brad and Muller never secured informed consent.

13. The information shared by Brad with Muller is directly adverse to Muller's representation of Benjamin, and violative of Muller's duty of loyalty to Brad, confidentiality and the attorney-client privilege.

14. Muller is the lawyer here, and his representation of Benjamin and Brad without informed consent (which NEVER would have been given) should not be allowed. See *GTE North, Inc. v. Apache Products Co.*, 914 F. Supp. 1575 (1996).

15. Brad has satisfied his burden of proving former and current representation, as required by *Schwartz v. Cortelloni*, 685 N.E.2d 871 (1997).

16. Brad also has standing to raise this issue. *Id.*

17. Brad also reincorporates and realleges the arguments in his previously filed Motion to

Disqualify and the Reply in Support of same.

Wherefore, Lyle Bradley Pogofsky respectfully requests that this Honorable Court disqualify Kurt A. Muller and The Muller Law Firm, that the June 24, 2011 Order of Protection be vacated *nunc pro tunc* as of June 24, 2011 and for any and all other relief this Court deems appropriate.

Respectfully submitted,
RESPONDENT LYLE BRADLEY POGOFSKY

By:

One of Respondent's Attorneys

| DETACH AT PERFORATION - DO NOT SUBMIT A PHOTOCOPY | | |
|---|--|--|
| 1. Name of LLC LBP GAMING LLC | 2. Annual Report for 2011 a. Jurisdiction Illinois b. Due Date 08/12/2013 | 3. Filing Date 03/30/2013 4. Address of Principal Place of Business 162 W GRAND AVE CHICAGO IL 60654 PART OF 2013 USE ONLY |
| 5. Registered Agent CORY A 162 W CHICA 60654 6. Telephone 7. Fax 8. E-mail | 9. Attorney's Name Kelly A. Saindon, Esq. Mark D. Belongia, Esq. Belongia, Shapiro & Franklin, LLP 20 S. Clark St, Suite 300 Chicago, Illinois 60603 Tel: 312.662.1030 Fax: 312.662.1040 Atty. No. 47809 | |

2011

PRIOR TO 08/01/2011

SECRETARY OF STATE JESSE WHITE

STATE OF ILLINOIS

LIMITED LIABILITY COMPANY ANNUAL REPORT

(Form LLCARF - Rev. 05/02/2011)

PAGE 1
LLC FILE
03368068* * THIS REPORT CAN BE FILED ON-LINE AT www.cyberdriveillinois.com WITH AN EXPEDITED FEE. * *FILING FEE IS \$250
LATE PENALTY OF \$300.LBP GAMING LLC
CORY ARONOVITZ, ESQ.
162 W GRAND AVE
CHICAGO IL 60654-4475INSTRUCTIONS -- PLEASE READ CAREFULLY BEFORE COMPLETING THIS FORM
USE BLACK INK FOR ALL RESPONSES

Items 1-2. Verify that the information is correct. No changes can be made to this information on this form. To effect a change of name, a domestic LLC must file Articles of Amendment on form LLC-5.25 while a foreign LLC must file an Amended Application for Admission on form LLC-45.25. To effect a change in the name or address of the registered agent, form LLC-1.36/1.37 must be filed. These forms are available from our website at www.cyberdriveillinois.com. Click on "Departments", then "Business Services", then "Publications and Forms".

Item 3. Verify that the address of the principal place of business is correct. Make any change on this form and check the appropriate box below. Note that a P.O. Box alone is not acceptable. Mail in this portion of the report if any change is made.

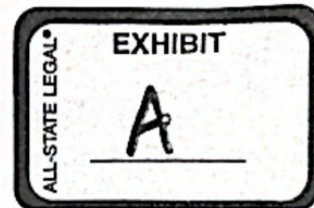
- ☐ Check this box if the address of the principal place of business in item 3 has changed and **MAIL IN THIS PORTION WITH THE ANNUAL REPORT.**
- ☐ Check this box if any manager names or addresses have changed in item 4 and **MAIL IN THIS PORTION WITH THE ANNUAL REPORT.**

Item 4. Verify that the names and addresses of the managers are correct. Make any changes on this form and check the appropriate box below. If there are more than four managers you must attach a list to this report setting forth the names and addresses of all additional managers. Please write the LLC's file number on all attachments. Mail in this portion of the report if any change is made.

Item 7. **THIS REPORT MUST BE SIGNED** by a manager appearing in Item 4. Please type or print the name of the manager signing this report as well as the date of signing. If the manager is not a natural person, type or print the name of the entity on the space provided and print or type the name of the person signing on behalf of the entity, as well as the capacity in which he or she is signing.

DETACH AT PERFORATION - DO NOT SUBMIT A PHOTOCOPY

| | | | |
|--|--|---|--|
| 1a) LLC Name LBP GAMING LLC | | File Number 03368068 | |
| 1b) Registered Agent, Office & City CORY ARONOVITZ, ESQ. 162 W GRAND AVE CHICAGO IL 60654-4475 | | Annual Report for 2011 | 3) Address of Principal Place of Business 162 W GRAND AVE CHICAGO IL 60654 |
| | | 2a) Jurisdiction Illinois | |
| | | 2b) Date Org /Adm 08/19/2010 | |
| 4a-f) Manager Name(s) and Address(es) 4a) POGOFISKY, LARRY 162 W GRAND AVE CHICAGO IL 60654 | | FOR OFFICE USE ONLY | |
| 4b) | | | |
| 4c) | | | |
| 4d) | | | |
| 5) The managers, which are entities, are still intact. | | 6) Changes to the registered agent or address in item 1 require the filing of form LLC-1.36/1.37. | |
| 7a) Type or print name of manager from Item 4 executing report | | 7b) If manager is not a person, type or print name and title of person signing report | |



Date:



JESSE WHITE

SECRETARY OF STATE
SPRINGFIELD, ILLINOIS 62756
C-331

*Send to
Brad Pogosofsky*



UNITED STATES POSTAGE
02 1P
000166729

Presorted
First-Class Mail
U.S. Postage Paid
Springfield, IL 62756
Permit 93440

MAILED FROM ZIP CODE 60654

Kurt Muller
The Muller Firm
110 West Grand Avenue
Chicago, IL 60654

Re: Pogosofsky

ENTERPRISE 60654



for:
Brad Pogosofsky
1212 N. LaSalle St.
Suite #704
Chicago, IL 60610

kmx



ALL-STATE LEGAL
EXHIBIT
C

SS MAIL

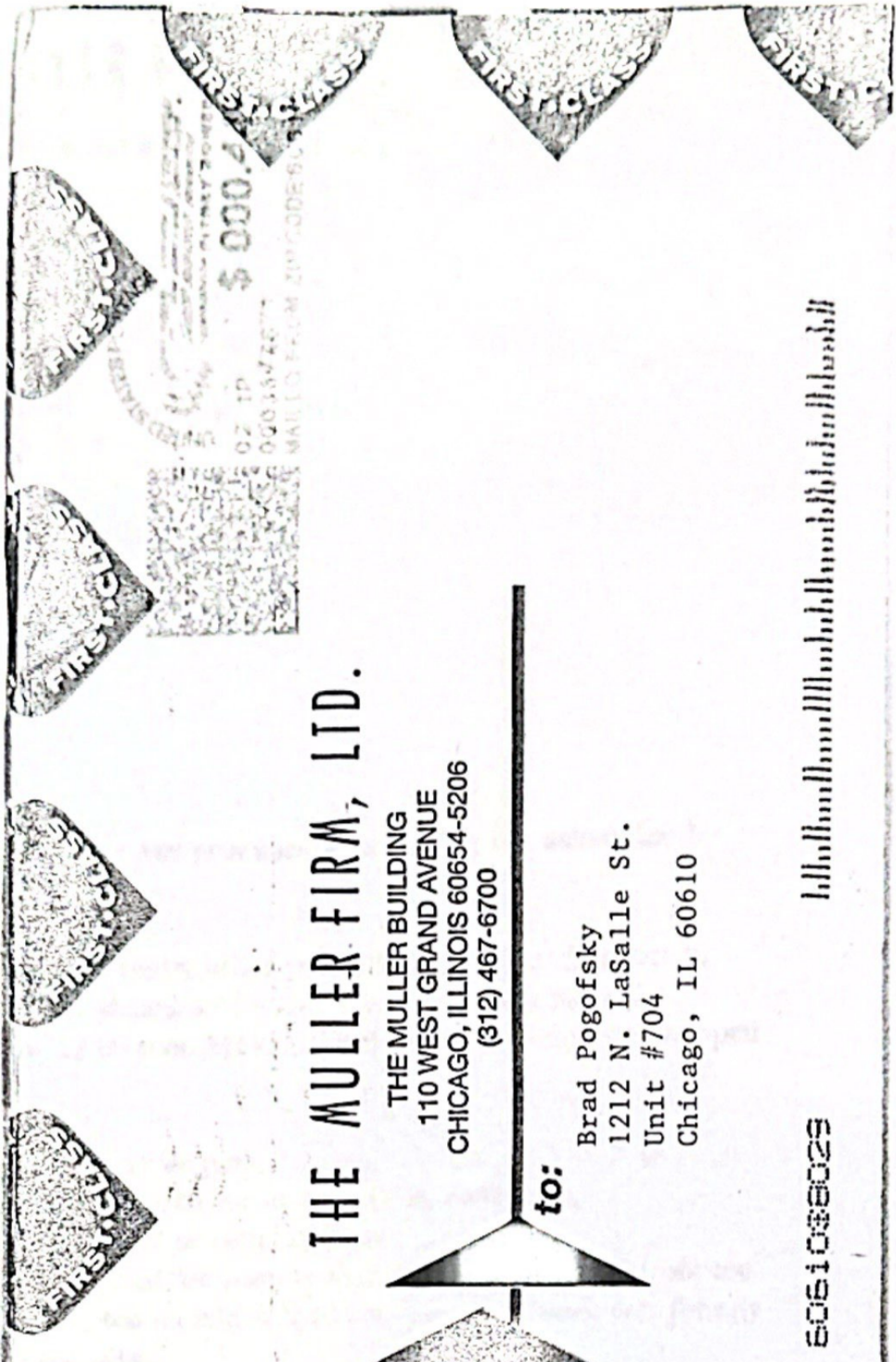
THE MULLER FIRM, LTD.

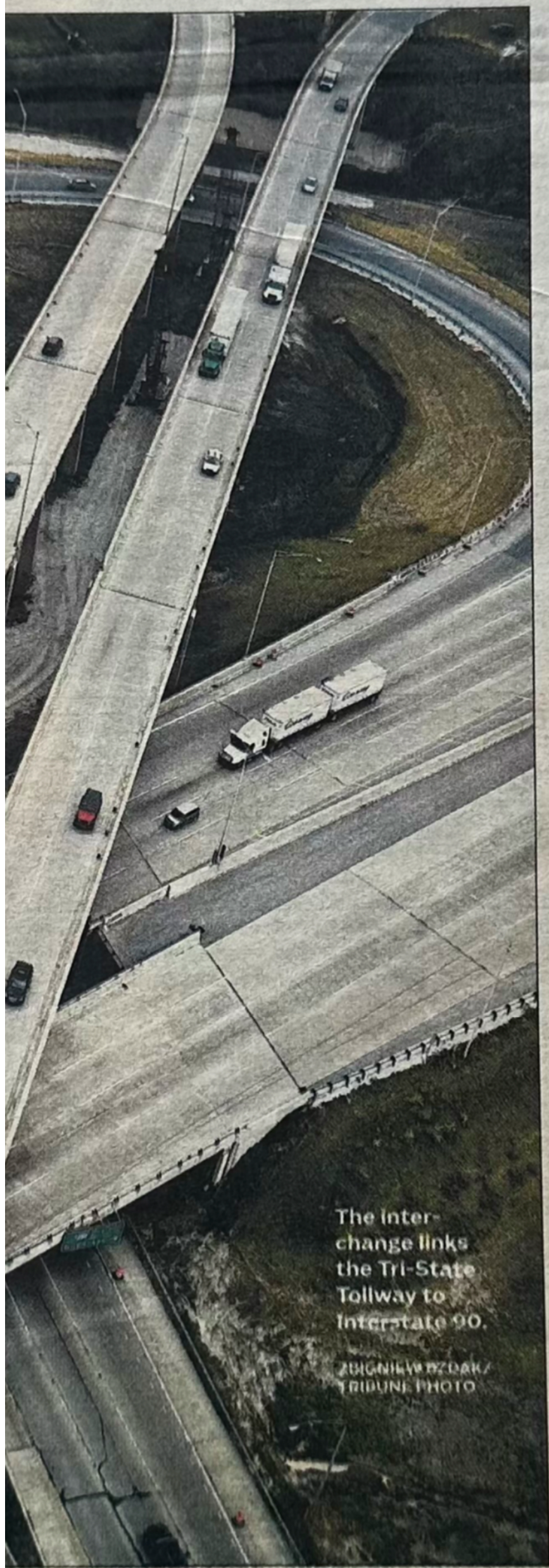
THE MULLER BUILDING
110 WEST GRAND AVENUE
CHICAGO, ILLINOIS 60654-5206
(312) 467-6700

to:

Brad Pogofsky
1212 N. LaSalle St.
Unit #704
Chicago, IL 60610

60610438029



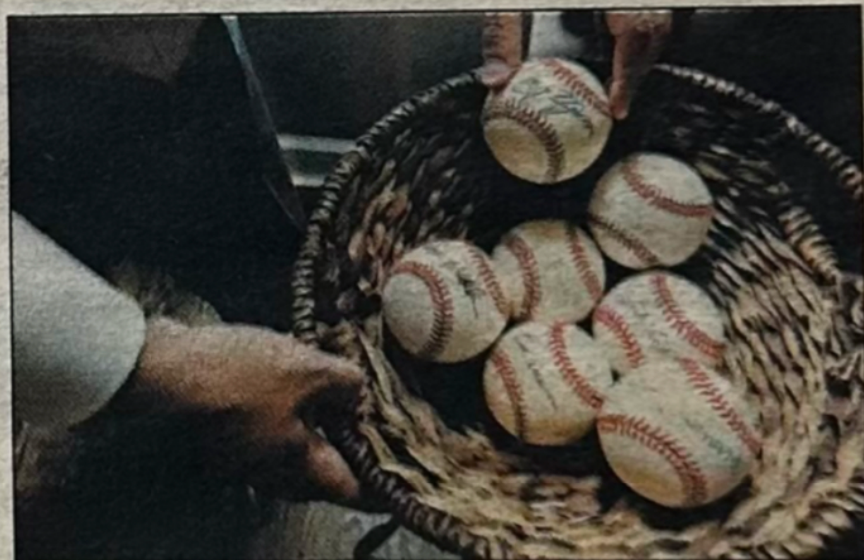


The interchange links the Tri-State Tollway to Interstate 90.

ZBIGNIEW BZDAK/TRIBUNE PHOTO

DOOZY OF A DETOUR

One of nation's most complex interchanges, near O'Hare, will be choked by a ramp closure for months. **Page 6**



ZBIGNIEW BZDAK/TRIBUNE PHOTO

Family brawls over late dad's baseballs



White Sox investor Larry Pogofsky's sons feuding over valuable collection. **Page 12**



THE MULLER FIRM, LTD.

ATTORNEYS AND COUNSELORS AT LAW

scanned
10/5/11
cmk
9/20/11
D

September 21, 2011

Attorney Michael Botti
Botti Law Firm, P. C.
1550 Spring Road, Third Floor
Oak Brook, Illinois 60523

Re: Lyle Bradley Pogofsky

Dear Mr. Botti:

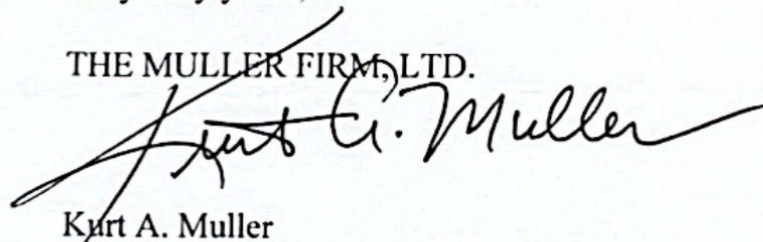
As your client may be aware, his mother, brother (Benjamin) and sister are scheduled to have a family dedication for his father's gravestone on Sunday, September 25, 2011.

It is his mother's express wish that he NOT attend same, and accordingly, his brother Benjamin, will assert his rights under a current Order of Protection should your client appear in an attempt to violate it.

Please inform your client NOT to appear or Benjamin Pogofsky shall seek prosecution of him for violation of the pending Order of Protection to the fullest extent allowed by law.

Very truly yours,

THE MULLER FIRM, LTD.



Kurt A. Muller

/ack
Enclosure

Cc: Lynda Pogofsky
Benjamin Pogofsky

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS, PROBATE DIVISION

ESTATE OF

LARRY A. POGOFSKY

No. 11 P 73

Deceased.

**Motion To Reschedule Estate Closing & Request For A Full Court Accounting
Of Estate Assets & Distributions.**

Now comes, Lyle Bradley Pogofsky, heir of the estate of Larry Pogofsky, respectfully request the court re-schedule the estate closing to provide me enough time to find an attorney to protect my interests and civil liberties, and request a full court accounting of estate assets. In support of the above I state the following:

1. On February 4, 2011 I sent a certified letter to attorney Marc Benjamin requesting information on the probate and estate, Mr. Benjamin declined by email and said the probate estate is being worked on by Rebecca Michalek who is on vacation, and the estate is set to be opened on February 18th, at which time they would put together a full package for my mother Lynda Pogofsky. (See "Exhibit A"). I have sent two certified request to Rebecca Michalek and have received no response to either.
2. In early May I received a letter from attorney Kurt Muller on behalf of the executor Lynda Pogofsky, informing me that I had no rights to information about my father's estate, will, or probate. Mr. Muller also states should I attempt to make any claims or contests to my father's estate that I would be prosecuted, and criminal sanctions would be brought against me and any attorney that I hired. The letter also threatens to evict me from my apartment at 1212 N. LaSalle. (See "Exhibit B")
3. The condo which I live at located at 1212 N. LaSalle was owned by my father, Larry Pogofsky. I have lived here for 6 years. In the final accounting filed 8/24/11 by Rebecca Michalek, lists the Larry A Pogofsky living trust as the recipient of the property. I have attached a copy of the warranty deed from the cook county recorder of deeds. (See "Exhibit C") The deed shows those three days after that accounting, Attorney Rebecca Michalek deeded ownership on July 27, 2011, to the Lynda Pogofsky Living Trust, which her law firm created two weeks earlier. The trust Amended and reinstated July 6, 2011. The deed is signed, Lynda Pogofsky, executor of the Larry Pogofsky Estate. The grantor and grantee on the deed is Rebecca Michalek.
4. On 6/24/11, Benjamin Pogofsky filed for an emergency order of protection in Cook County, attempting keep me from contacting the executor, Lynda Pogofsky, or inquiring about the will, estate, or probate proceedings. (See attached "Exhibit D")
5. My signature has been forged on several documents filed with the court in an attempt to deny me of my rights as an heir and to close the estate without my proper knowledge or consent. The forms

include, Appearance on proof of will and Letters of Administration. Rebecca Michalek filed an affidavit in which she states she forged all the signatures on the letters of administration form. The signatures with the exception of mine are genuine. The handwriting of my forged signature is identical to my brother, Benjamin S. Pogofsky. (See "Exhibits E & F") Michalek states that she emailed all the forms to Ben Pogofsky on Jan 12, 2011 and the forms were returned to her by Ben on Jan 14, 2011 at which time Ben informed her they were signed by Lynda, Lisa, and me. Ben was in New Jersey on Jan 14th and 15th for a wedding. So I'm unsure how Ben delivered these documents to Mrs. Michalek Jan 14th when he was in New Jersey. I don't believe Rebecca Michalek forged the signatures. Michalek's affidavit came after Morgan Stanley started an investigation of Benjamin S. Pogofsky for forgery and Fraud. I received a letter on August 4, 2011 from the Vice President of the Legal & Compliance Division for Morgan Stanley Smith Barney, Peter Kujawski.

6. There are various issues regarding outstanding loans and lawsuits in regard to the estate that the executor is aware of and not addressing. My father extended large amounts of money to Lisa and Daniel Sobelman in the form of payment of their Bank of America Mortgage (Loan # 6839784581). The payments were made from Jan 2009 to Oct 2010, total lying \$99,774.12. My father stopped making the mortgage payments in October 2010. The court foreclosed on the home on January 19, 2011. (11CH02254) In addition, during the same time period, my father's statements show cash loans to Lisa and Daniel Sobelman totaling \$49,000. Despite owing over \$148,000 to my father's estate, Daniel and Lisa Sobelman purchased a home on May 26, 2011 located at 1631 Arbor in Highland Park for \$472,500.

7. My father's credit card was fraudulently charged thousands of dollars over a 3 year period by a pharmacy called Thorndale Pharmacy, or jays Save rite. My father was unaware of the fraudulent charges until authorities contacted him for a deposition. The owner of the pharmacy, Jay Hammerman, was indicted last year for issues regarding fraud and similar activities. My father and mother were subpoenaed to give statement and did so shortly before my father's passing. The executor, Lynda Pogofsky, is aware of the fraudulent charges but has made no effort to recover them, due to her friendship with Jay Hammerman's wife, Sherrie.

8. My father's estate holds shares of fund called First Trust Advisors through an account at Morgan Stanley Smith Barney managed by Benjamin S. Pogofsky. The fund was named as the defendant in a class action lawsuit. (Case # 08-cv-05213.) The court approved a settlement for all shareholders of the stock with a claim deadline of July 20, 2011. The claim was not made by the estate executor or by the financial advisor of the account, Benjamin S. Pogofsky. This is another example of mismanagement of assets.

9. The accounting filed on 8/24/11 lists my father's interest in the Chicago White Sox (Chisox Corporation) to be 3987.5 shares of common stock valued at \$57,280. My father's ownership interest in Chisox Corporation is 250 units or 1.32% ownership. The shares were purchased on for \$250,000 (\$1,000 per unit) The Chicago White Sox or Chisox Corporation is currently valued at \$464,000,000 (2010 Forbes MLB Team Evaluations) This estimate would make my father's interest \$6,124,800. I have copies of the original subscription agreement, original partnership agreement, and various other documents.

10. The final accounting filed with the court does is not only grossly inaccurate but missing several major assets that my father owned. I respectfully request a full court accounting of all estate assets, estate receipts, and estate distributions.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Lyle Bradley Pogofsky', written over a horizontal line.

Lyle Bradley Pogofsky
Heir to the Estate of Larry Pogofsky

Lyle Bradley Pogofsky
1212 N. Lasalle Unit 704
Chicago, IL 60610

~~(712) 810-1234~~

From wife brother to Kurt Muller & Glen Seiden

FW: Fax to 3127772317 from 3123411325 received at 20110606 12:36:42

Pogofsky, Benjamin S <Benjamin.S.Pogofsky@morganstanleysmithbarney.com>

Mon, Jun 6, 2011 at 11:36 AM

To: gseiden@azulayseiden.com

Cc: kmuller@mullaw.com, lyndapogofsky@gmail.com

K enough is enough. My brother has been mailing the attached to people whom he thought were clients of mine or family friends. I know this for several reasons, one there was no return address, 2 he sent to another broker in my office whom he would never ever have met or known and 3 the date of this document may 1st is the same as the one he handed to my mom on mothers day.

I attached a copy of the condolence list that he used for names and addresses and a copy of the form he is sending out.

I want to move forward evicting him and get a restraining order and or anything else that we can legally do.

Ben Pogofsky
Morgan Stanley Smith Barney
Vice President-Wealth Management
<http://fa.smithbarney.com/pogofsky>
Tel: (312) 419-3352
Tel: (800) 621-2842
Fax: (312) 777-2317
Email: Benjamin.S.Pogofsky@mssb.com
Three First National Plaza
Suite 5100
Chicago, IL 60602

-----Original Message-----

From: efax-reports

Sent: Monday, June 06, 2011 11:37 AM

To: Pogofsky, Benjamin S (CHI-1ST NATL (SB))

Subject: Fax to 3127772317 from 3123411325 received at 20110606 12:36:42

* M2K INBOUND FAX CONFIRMATION

* SUBMISSION DATE/TIME - 20110606 12:36:42 (NYT)

* SENDING FAX IDENTIFIER - 3123411325

* FAX NUMBER / PAGE COUNT - 3127772317(2125075317) / 6

* M2K REF - INpa942c1n1-1307378205-21873

* CLICK ON THE ATTACHMENT BELOW TO VIEW YOUR FAX

* FOR QUESTIONS OR PROBLEMS, PLEASE CONTACT YOUR LOCAL HELP

* DESK OR ENTER A FALCON TICKET TO WW_ECT_FAX/TELEX

* <http://efax/>

* IF THIS IS A FAX SPAM, PLEASE REFER TO THE FOLLOWING URL

* ON HOW TO HANDLE IT

* <http://faxspam>

(no subject) ➡️ Inbox

☆

 **ben pogofsky** Oct 22, 2011

to Kurt, Kurt, Pogofsky ^

↩️ ⋮

From

ben pogofsky bpogo22@gmail.com

To

Kurt Muller kurtmullerlaw@me.com

Cc

Kurt Muller kurtmullerlaw@gmail.com
Pogofsky Lynda lyndapogofsky@gmail.com

Date

Oct 22, 2011,
4:25 PM

Kurt,

I just got a good idea from a friend who is a lawyer in la.

What do you think of putting brads lawyer beloghia on notice for false statements and malicious activity and if they dont drop everything will prosecute.

They have a claim in there my uncle sued me through fnra. Fnra is a public access entity and they could have gone online and found that i have never been sued by my uncle. They have a duty to research

I think its good to put them on notice maybe they will drop it so we dont have to do anything and if they dont at least theyll have to change there suit.

Thoughts?

Sent from my iPhone

Date: June 10, 2011 2:25: PM CDT

To: "lyndapogofsky@gmail.com" <lyndapogofsky@gmail.com>

Subject: 11CF1588

[Quoted text hidden]

Lynda Pogofsky

lyndapogofsky@gmail.com

From Kurt Muller

kurt muller <kurtmullerlaw@me.com>

To: Pogofsky Lynda <lyndapogofsky@gmail.com>

Sat, Jun 11, 2011 at 6:58 AM

Hi. I called yesterday to see how you're doing. You are always on my mind. In reference to Bradley, I know the Bottis and will call to let them know that our primary objective here is to get the boy in counseling. In the meantime, however, I continue to suggest that you engage Mickey Asher to commence eviction proceedings; turn off his phone; utilities; and any other support you are providing. I sincerely believe that the only true way you will get Brad's attention is to drive him to a point where he can do nothing else BUT reassess who and where he is at in his life. This entire escapade- like every case I handle- is about CONTROL. Somewhere along the line, you and Larry lost it a long time ago with this boy. The best way to honor his memory now is to get it back. I believe it can be done, but you have to be tough and not care about what other people will think. This is your problem and other people may have opinions but they don't have to go to bed and wake up everyday with the problem. You know that Sylvia, Marissa and I love you very much, and will be here for you every step of the way. I hope to speak with you soon, or, call me ANYTIME.

Always, Kurt

Kurt A. Muller, Esq.
The Muller Firm, Ltd.
The Muller Building
110 West Grand Avenue
Chicago, Illinois, U.S.A.
60654-5206
Phone: 001-312-467-6700
Facsimile: 001-312-467-0252
Email: kmuller@mullaw.com

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[Quoted text hidden]

Pogofsky Lynda <lyndapogofsky@gmail.com>

To: kurt muller <kurtmullerlaw@me.com>

Sat, Jun 11, 2011 at 2:36 PM

Thank you....there are not enough thank yous in the world for you, Sylvia and Marissa. I love you with all of my heart and I know I am blessed to have you in my life. The counseling we need Brad to go to most likely should be in-patient 6 week psychiatric care. Although there is a 4 week program at some. We will need to convince the judge of this. They will probably do a psych evaluation on him. I have been told I don't want to put him in a state facility. I heard Rush Chicago has a good program but that the best one is Mass General McLean Hospital....there are also 2 others. The success rate at even the so-called best facility is probably 2%. I have to price them out. I know that they are at a minimum \$100,000. I am still researching which place would be best for his disorder. Maybe Jail?????

Part of me thinks why evict him. It will only make him angry and I will still need a place for him to live when he comes out.



Lynda Pogofsky, lyndapogofsky@gmail.com

Fwd: 11CF1588

From my
wife
to
Kurt
Muller

6/15

Pogofsky Lynda <lyndapogofsky@gmail.com>
To: kurt muller <kurtmullerlaw@me.com>

Wed, Jun 15, 2011 at 8:01 AM

not good! I don't have the guts to do more than I have done. I don't see how any of it will end up in positive solution. I did shut his phone down yesterday. Am I not allowed to communicate with him at all. Ben is livid. He wants me to kill Brad. I am doing what the law says. Ben is getting letters every day which go to clients and he has to explain. I know I had a husband who was always strong and at times difficult now I have these two strong sons pulling me apart. I am so sorry to poor my sadness on you I love you and your family.

[Quoted text hidden]

Kill me?

LAW OFFICES OF PETER S. STAMATIS
A PROFESSIONAL CORPORATION

December 8, 2011

Lynda Pogofsky
99 Roger Williams Road
Highland Park, Illinois 60035

77 WEST WACKER DRIVE
SUITE 4800
CHICAGO, ILLINOIS 60601

(TEL) 312 606 0045
(FAX) 312 606 0085
Firm@StamatisLegal.com
www.StamatisLegal.com

Re: *Lyle Bradley Pogofsky v. Benjamin Pogofsky, Lynda Nadick Pogofsky, Weiss Benjamin Gussin Block LLP, Rebacca Michalek, Weiss Benjamin Gussin Block LLP, and Marc Benjamin individually and agent of Weiss Benjamin Gussin Block, LLP*
Cook County Court no. 2011 L 10645
Our File no.: 1724

Dear Lynda:

Just a quick note to respond to some of the questions you raised yesterday.

Once retained, my first action was to send opposing council a detailed letter warning her that the complaint she brought was in bad faith. Attached to this email is a copy of that letter for your review. As you can see, we laid out not only the many deficiencies with her case, but put her on notice of Brad's mental issues as well. That letter has formally made counsel aware of our view of Brad's case and her potential liability for pursuing it. Her reaction? At first, she wanted to meet with us but since has gone silent. Last week, I know that Kurt also suggested a meeting to her, but she seems to have ignored that too.

As for the Benjamin Law Firm, its insurance carrier is paying for its defense and accordingly, you are not carrying them in any way, either financially or by "covering" for them. Though their lawyer and I agree that the suit has little merit, your defenses of the matter are separate and independent. Rest assured that I have no intention whatsoever to catering to Benjamin's firm, but am focused solely on what is best for you and for Benji, my clients.

On another matter, we will work as quickly as possible to bring this case to an end. Though we considered asking the court here to transfer this action to Lake County, we have thoroughly considered the matter (we carefully vetted Judge Winter, the Lake County Probate Judge) and are firmly of the opinion at this time that the case should remain before

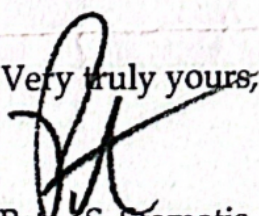
Judge Brewer in Cook County. Accordingly, in the next ten days or so, we will formally ask Judge Brewer to dismiss the lawsuit. That request will be made in a document titled Motion to Dismiss. Such a motion is a detailed legal brief that sets forth our arguments and is complete with citations to statutes and case law. Once it is on file, the court will allow Brad's lawyer time to respond to our motion in writing, and will then want to read a written reply to that from us. She will then likely call us in to argue the matter before her.

Because these motions must run their course according to Judge Brewer's timetable, I would not expect a ruling on our motion before mid-February, though the judge could rule faster, if she wanted too. I know that you would like this to be resolved much faster, but again, we are stuck with Judge Brewer's timetable on a matter such as this.

On a related matter, you should not contact the judge, or anyone else, to make this end. Short of Brad deciding *not* to pursue the case, what I have set forth is the fastest way to get it over with. That being said, bear in mind that courts often move at a mind-numbingly slow pace. We will do everything in our power to push this one as fast as it will go.

We can talk about whether you would like to dismiss the Benjamin firm. Doing so is easy enough.

I will call you to discuss the matter in greater detail. Please let me know what works for you.

Very truly yours,

Peter S. Stamatis

PSS.swt



(no subject)

2/8

Pogofsky, Benjamin S <Benjamin.S.Pogofsky@morganstanleysmithbarney.com>

Tue, Mar 8, 2011 at 8:28 AM

To: "Marc A. Benjamin" <marcben@weissbenjamin.com>
Cc: lyndapogofsky@gmail.com

Hey Marc,

We all agree that it would be best if you could sit down with my brother and explain the flow of assets and duties of trustees/executors and whom they are etc etc without showing details of assets maybe. My uncle terry offered to go with him or kurt muller. Can you just maybe send him an email and say Brad you and lisa are the only ones I have not met with to go through details of the will and estate and I wanted to see if you would like to come in to review for 30 minutes.

I think this would be very helpful with everything and that way at least we offered.

His email is bp1288@aol.com

Ben Pogofsky
Morgan Stanley Smith Barney
Vice President-Wealth Management
<http://fa.smithbarney.com/pogofsky>
Tel: (312) 419-3352
Tel: (800) 621- 2842
Fax: (312) 777-2317
Email: Benjamin.S.Pogofsky@mssb.com
Three First National Plaza
Suite 5100
Chicago, IL 60602

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From wife brother to Kurt Muller & Glen Seiden

FW: Fax to 3127772317 from 3123411325 received at 20110606 12:36:42

Pogofsky, Benjamin S <Benjamin.S.Pogofsky@morganstanleysmithbarney.com>

Mon, Jun 6, 2011 at 11:36 AM

To: gseiden@azulayseiden.com

Cc: kmuller@mullaw.com, lyndapogofsky@gmail.com

K enough is enough. My brother has been mailing the attached to people whom he thought were clients of mine or family friends. I know this for several reasons, one there was no return address, 2 he sent to another broker in my office whom he would never ever have met or known and 3 the date of this document may 1st is the same as the one he handed to my mom on mothers day.

I attached a copy of the condolence list that he used for names and addresses and a copy of the form he is sending out.

I want to move forward evicting him and get a restraining order and or anything else that we can legally do.

Ben Pogofsky
Morgan Stanley Smith Barney
Vice President-Wealth Management
<http://fa.smithbarney.com/pogofsky>
Tel: (312) 419-3352
Tel: (800) 621-2842
Fax: (312) 777-2317
Email: Benjamin.S.Pogofsky@mssb.com
Three First National Plaza
Suite 5100
Chicago, IL 60602

-----Original Message-----

From: efax-reports

Sent: Monday, June 06, 2011 11:37 AM

To: Pogofsky, Benjamin S (CHI-1ST NATL (SB))

Subject: Fax to 3127772317 from 3123411325 received at 20110606 12:36:42

* M2K INBOUND FAX CONFIRMATION

* SUBMISSION DATE/TIME - 20110606 12:36:42 (NYT)

* SENDING FAX IDENTIFIER - 3123411325

* FAX NUMBER / PAGE COUNT - 3127772317(2125075317) / 6

* M2K REF - INpa942c1n1-1307378205-21873

* CLICK ON THE ATTACHMENT BELOW TO VIEW YOUR FAX

* FOR QUESTIONS OR PROBLEMS, PLEASE CONTACT YOUR LOCAL HELP

* DESK OR ENTER A FALCON TICKET TO WW_ECT_FAX/TELEX

* <http://efax/>

* IF THIS IS A FAX SPAM, PLEASE REFER TO THE FOLLOWING URL

* ON HOW TO HANDLE IT

* <http://faxspam>



From: Pogofsky Lynda [<mailto:lyndapogofsky@gmail.com>]

Sent: Thursday, November 10, 2011 4:46 PM

To: Connie Reeder

Subject: Re: Bradley Pogofsky's address

Apartment 704

Benjy has a lot of emotional stuff now does his car have to be transferred to his own policy now or can it wait. Unfortunately, if I didn't say anything all would have remained as it has been for many years.

On Nov 10, 2011, at 1:05 PM, Connie Reeder wrote:

Hi again,

I looked up this address and should it read: 1212 N. LaSalle, Chicago, IL 60610-8027 and is there an apartment number?

I also spoke with Todd about your account and actually since neither of your boys live with you and the cars are titled in their names, both boys should have their own auto policies at their residences. Because of this I will also need Benjamin's address also and I will get quotes for both of the boys. I can have all the billing come to you if you wish?

I'm sorry, but in order to insure the boys on your policy, they would need to live with you so this is necessary to insure everyone properly.

I will look forward to hearing back from you and call if you have questions.

Thanks.

Connie E. Reeder, CISR
Personal Lines Account Manager
Brunswick Companies
2857 Riviera Dr.
Fairlawn, Oh. 44333
PH: 330-865-4241
FAX: 330-864-8661

KURT MULLER





SUMMARY

| | |
|------------|--|
| Full Name | Kurt A Muller |
| Known as | Kurt Alexander Muller • Kurt Mueller |
| Associates | Bert Zou Wang, 37 • Angela E Kelly, 57 |
| Phones | (312) 587-7113 • (312) 855-9558 • (262) 279-6483 |
| Addresses | 1405 Sandburg Ter, Chicago, IL 60610 • 200 Dearborn St, Chicago, IL 60601 • 110 W Grand Ave, Chicago, IL 60654 • 40411 97Th St, Genoa City, WI 53128 • Los Angeles, CA • Iowa City, IA |
| Age | 69 (1955) |
| Occupation | Owner |

View Full Data →

PHONES & ADDRESSES

View Full Data

| | |
|--|--------------|
| 📍 1405 Sandburg Ter, Chicago, IL 60610 | 📍 ON THE MAP |
| 📞 (312) 587-7113 | |
| 📍 200 Dearborn St, Chicago, IL 60601 | 📍 ON THE MAP |
| 📞 (312) 855-9558 | |
| 📍 110 W Grand Ave, Chicago, IL 60654 | 📍 ON THE MAP |

↓ More

PHONE NUMBERS

| | |
|------------------|------------------|
| 📞 (312) 587-7113 | 📞 (312) 855-9558 |
| 📞 (262) 279-6483 | |

View All Phone Numbers →

Property #: 60-4-119-192-1405

Municipality: 010 - TOWN OF RANDALL

Tax Year: 2025

Bill Number: 510301280

Current Owner: 40411 GENOA LLC

Property Address: 40411 97TH ST GENOA CITY 53128

General

Legal

Values

Taxes

Buildings

Special

Extras

WHAM

Property

Property #60-4-119-192-1405

Alternate Property #6041191921405

✓

Current

✓

Assessed

✓

Taxed

Creation Date:1/1/1994

Historical Date:

Municipality: 010 - TOWN OF RANDALL

GIS Map

Property Summary Report

Parent Parcels

| Parcel Number | Cr |
|------------------|----|
| No records found | |

Child Parcels

| Parcel Number | Cr |
|------------------|----|
| No records found | |

Districts

| State Code | Descript |
|------------|----------|
|------------|----------|

Ownership

| Name | Status | Type |
|--|---------------|------|
| 40411 GENOA LLC | CURRENT OWNER | |
| THALER REVOCABLE TRUST, JENNIFER LYNNE | FORMER OWNER | |
| ANKIN, HOWARD | FORMER OWNER | |

Tax Address

40411 GENOA LLC
490 JEFFERSON
GLENCOE IL 60022

Document History

| Date Recorded | Number | Volume | Page |
|---------------|---------|--------|------|
| 1/17/2024 | 1958217 | | |
| 6/29/2023 | 1948911 | | |
| 9/15/2006 | 1494538 | 0 | 0 |
| 9/15/2006 | 1494536 | 0 | 0 |
| 8/23/2006 | 1491964 | 0 | 0 |

GIS Map

Form 668 (Y)(c)

(Rev. February 2004)

Notice of Federal Tax Lien

Area:

SMALL BUSINESS/SELF EMPLOYED AREA #2
Lien Unit Phone: (800) 913-6050

Serial Number

442880521

For Optional Use by Recording Office



2130645065

Doc# 2130645065 Fee \$38.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 11/02/2021 02:51 PM PG: 1 OF 1

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer MULLER FIRM LTD, a Corporation

Residence

110 W GRAND AVE
CHICAGO, IL 60654-5206

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

| Kind of Tax (a) | Tax Period Ending (b) | Identifying Number (c) | Date of Assessment (d) | Last Day for Refiling (e) | Unpaid Balance of Assessment (f) |
|--------------------|-----------------------------|---------------------------|------------------------------|---------------------------------|--|
| 940 | 12/31/2017 | XX-XXX6951 | 07/20/2020 | 08/19/2030 | 129.27 |
| 940 | 12/31/2018 | XX-XXX6951 | 03/15/2021 | 04/14/2031 | 310.44 |
| 940 | 12/31/2019 | XX-XXX6951 | 04/27/2020 | 05/27/2030 | 129.40 |
| 941 | 09/30/2017 | XX-XXX6951 | 04/26/2021 | 05/26/2031 | 54608.65 |
| 941 | 12/31/2017 | XX-XXX6951 | 04/06/2020 | 05/06/2030 | 38915.50 |
| 941 | 03/31/2018 | XX-XXX6951 | 04/06/2020 | 05/06/2030 | 34682.80 |
| 941 | 06/30/2018 | XX-XXX6951 | 04/06/2020 | 05/06/2030 | 36980.78 |
| 941 | 09/30/2018 | XX-XXX6951 | 04/06/2020 | 05/06/2030 | 25021.74 |
| 941 | 12/31/2018 | XX-XXX6951 | 04/06/2020 | 05/06/2030 | 30345.70 |
| 941 | 03/31/2019 | XX-XXX6951 | 04/06/2020 | 05/06/2030 | 25083.35 |
| 941 | 06/30/2019 | XX-XXX6951 | 04/06/2020 | 05/06/2030 | 28616.32 |
| 941 | 09/30/2019 | XX-XXX6951 | 04/06/2020 | 05/06/2030 | 22393.19 |
| 941 | 12/31/2019 | XX-XXX6951 | 03/30/2020 | 04/29/2030 | 1582.70 |
| 941 | 03/31/2020 | XX-XXX6951 | 11/02/2020 | 12/02/2030 | 35390.62 |
| 941 | 06/30/2020 | XX-XXX6951 | 03/29/2021 | 04/28/2031 | 22246.45 |

Place of Filing

Recorder of Deeds
Cook County
Chicago, IL 60602

Total \$ 356436.91

This notice was prepared and signed at CHICAGO, IL, on this,

the 22nd day of October, 2021.

Signature

for C GRAY

Title

REVENUE OFFICER
(312) 292-3033

22-16-1423

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien
Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)
CAT. NO 60025X

UNOFFICIAL COPY

Form 668 (Y)(c)
(Rev. February 2004)

17585

Department of the Treasury - Internal Revenue Service

Notice of Federal Tax Lien

Area:
SMALL BUSINESS/SELF EMPLOYED AREA #2
Lien Unit Phone: (800) 913-6050Serial Number
435751321

For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer KURT MULLER

Residence 1405 N SANDBURG TER
CHICAGO, IL 60610-1507

Doc# 2123106033 Fee \$38.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 08/19/2021 11:41 AM PG: 1 OF 1

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

| Kind of Tax (a) | Tax Period Ending (b) | Identifying Number (c) | Date of Assessment (d) | Last Day for Refiling (e) | Unpaid Balance of Assessment (f) |
|--------------------|-----------------------------|---------------------------|------------------------------|---------------------------------|--|
| 6672 | 03/31/2019 | XXX-XX-1080 | 08/15/2021 | 04/14/2031 | 12846.98 |

Place of Filing

Recorder of Deeds
Cook County
Chicago, IL 60602

Total \$ 12846.98

This notice was prepared and signed at CHICAGO, IL, on this,

the 20th day of July, 2021.

Signature

for C GRAY

Title

REVENUE OFFICER
(312) 292-3033

22-16-1423

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien
Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)
CAT. NO 60025X



This instrument was prepared by:
Amy E. Daleo
COHON RAIZES & REGAL LLP (90192)
208 South LaSalle Street, Suite 1440
Chicago, Illinois 60604

Doc# 2227922028 Fee \$88.00
RHSP FEE:\$9.00 RPRF FEE: \$1.00
KAREN A. YARBROUGH
COOK COUNTY CLERK
DATE: 10/06/2022 02:20 PM PG: 1 OF 2

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – CHANCERY DIVISION

| | | |
|--------------------------------|---|---------------------------------|
| GRAND RIDGE NATIONAL BANK, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | No. 2022 CH 9879 |
| |) | |
| 110 WEST GRAND L.L.C., KURT A. |) | Mortgage Foreclosure |
| MULLER, THE MULLER FIRM, LTD., |) | |
| UNKNOWN OWNERS, UNKNOWN |) | <u>Property Address:</u> |
| TENANTS AND NONRECORD |) | 110 W. Grand Avenue, |
| CLAIMANTS, |) | Chicago, Illinois |
| |) | |
| Defendants. |) | |

LIS PENDENS - NOTICE OF FORECLOSURE

I, the undersigned, do hereby certify that the above entitled cause was filed in the Circuit Court of Cook County on the 6th day of October, 2022, and is now pending in said Court and that the property affected by said cause is described as follows:

Legal Description: LOT 5 IN ASSESSOR'S DIVISION OF LOTS 1-8 INCLUSIVE IN BLOCK 14 IN WOLCOTT'S ADDITION TO CHICAGO, A SUBDIVISION OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Address of Real Estate: 110 W. Grand Avenue, Chicago, Illinois

PIN: 17-09-239-021-0000

Name of Title Holder of Record: 110 West Grand L.L.C.

UNOFFICIAL COPY

QUIT CLAIM DEED

ILLINOIS STATUTORY

190/99 IL

Mail to: **SNP TITLE CO.**
500 E. OGDEN AVE., SUITE 107
NAPERVILLE, IL 60563

John Thomas

111 S. Morgan St. Unit 906

Chicago, Il. 60607



Doc# 1926906055 Fee \$88.00

RHSP FEE:\$9.00 RPRF FEE: \$1.00

EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 09/26/2019 10:46 AM PG: 1 OF 3

NAME & ADDRESS OF TAX PAYER:

John E. Thomas & Lori Korwek Thomas
111 S. Morgan St. Unit 906
Chicago, Il. 60607

THE GRANTOR(S)

KNOW ALL MEN BY THESE PRESENTS that **LORI KORWEK THOMAS AND JOHN THOMAS**, GRANTORS, for and in consideration of **ONE AND NO/100 DOLLARS (\$1.00)** and other good and valuable consideration, receipt whereof is hereby acknowledged does hereby **CONVEYS** and **QUIT CLAIMS** to **JOHN E. THOMAS**, 111 S. Morgan Street, Unit 906, Chicago, Illinois, GRANTEE, all of the following described premises situated in Cook County, Illinois, to wit:

Unit 906, and PU 348 & PU 349 in One One One Morgan Condominium, together with its undivided percentage interest in the common elements, as defined and delineated in the Declaration of Condominium recorded as Document Number 0030258832, as amended from time to time, in Duncan's Addition to Chicago in Section 17, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

PIN(s): 17-17-212-016-1156 & 17-17-212-016-1352 & 17-17-212-016-1353

Property Address: 111 S. Morgan Street, Unit 906, Chicago, IL 60607

And said grantor, hereby expressly waives and releases any and all right or benefit under and by virtue of any and all statutes of the State of Illinois, providing for the exemption of homesteads from sale on execution or otherwise.

Permanent Index Number(s) 17-17-212-016-1156

Property Address:

111 S. Morgan Street, Unit 906, Chicago, IL 60607

Dated this 9th day of August, 2019



LORI KORWEK THOMAS

KURT A. MULLER
Official Seal
Notary Public - State of Illinois
My Commission Expires Feb 18, 2022



(Seal)
JOHN E. THOMAS

S Y
P 3
S 1
M 1
SC Y
E 1
INT all



UNOFFICIAL COPY

STATE OF ILLINOIS)
)SS.
 County of Cook)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT, (Print or type name here) LORI KORWEK - THOMAS
JOHN E THOMAS personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the instrument as free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notary's seal, this 9th day of August, 2019.

Notary Public

My Commission expires on February 18, 2022



If Grantor is also Grantee you may want to strike Release & Waiver of Homestead Rights.

NAME AND ADDRESS OF PREPARER:


DANIEL OLSWANG
910 W VAN BUREN #500
CHICAGO IL 60607

EXEMPT UNDER PROVISIONS OF PARAGRAPH E SECTION 4, REAL ESTATE TRANSFER ACT.

DATE: 8/9/19



Signature of Buyer, Seller or Representative.

This conveyance must contain the name and address of the Grantee for tax billing purposes: (55 ILCS 5/3-5020) and name and address of the person preparing the instrument: (55 ILCS 5/35022)

| REAL ESTATE TRANSFER TAX | | 26-Sep-2019 |
|---|----------|-------------|
|  | CHICAGO: | 0.00 |
| | CTA: | 0.00 |
| | TOTAL: | 0.00 * |

17-17-212-016-1156 | 20190901698978 | 0-698-877-536

* Total does not include any applicable penalty or interest due.

| REAL ESTATE TRANSFER TAX | | 26-Sep-2019 |
|---|-----------|-------------|
|  | COUNTY: | 0.00 |
|  | ILLINOIS: | 0.00 |
| | TOTAL: | 0.00 |

17-17-212-016-1156 | 20190901698978 | 1-926-699-616

Former FBI informant files for bankruptcy

In February, John Thomas said he had amassed a real estate and business empire worth \$150 million, a remarkable change in fortune for a two-time felon released from prison in 2017. A month later, his petition says he's not worth more than \$50,000.

BY ALBY GALLUN

In mid-February, John Thomas shared a career comeback story that sounded too good to be true: After walking out of federal prison in 2017 with \$20 to his name, the two-time felon had amassed a real estate and business empire worth \$150 million.

In mid-March, Thomas filed for personal bankruptcy, listing assets of \$0 to \$50,000.

The Chapter 13 petition adds to a growing list of court cases involving Thomas, best known in Chicago as an FBI informant who wore a wire on a confidant of former Gov. Rod Blagojevich. An office building a Thomas partnership owns in St. Paul is in receivership. An Indiana shopping mall owned by another Thomas venture is in bankruptcy. And a bankruptcy trustee in a different case has accused Thomas and a partner of diverting \$2.8 million from a South Side shopping center in a way that constitutes larceny or embezzlement.

A personal bankruptcy filing could offer Thomas a way to extinguish his business debts. But it clashes with the rags-to-riches redemption story he described in a mid-February interview with Crain's, when he volunteered that he was worth \$150 million.

Thomas said he had next to nothing when he was released from federal prison camp in Duluth, Minn., in 2017. He had been serving a sentence there after pleading guilty to charges that he stole more than \$370,000 in public funds from a marina development in south suburban Riverdale.

It was his first trip to prison but his second conviction. After pleading guilty to a billboard leas-

ing scam in New York, Thomas received probation in 2010, his reward for helping federal prosecutors in Chicago convict Antoin "Tony" Rezko, a close associate of Blagojevich, and former Ald. Isaac "Ike" Carothers.

ACQUISITIONS

After prison in 2017, Thomas went on an acquisition spree that included an Aurora apartment building, a mall in Elkhart, Ind., and the former Sherman Hospital in Elgin. With a new wife and young son, he said he was a changed man who lenders and investors could trust. Asked about the recent lawsuits and bankruptcy cases, Thomas, principal of Chicago-based Freedom Development Group, expressed confidence he could resolve them, possibly by selling the properties involved and using the proceeds to pay off debts.

"I'm not wealthy by cash basis," Thomas said in February. "I'm wealthy by asset basis."

His bankruptcy case tells a different story. Thomas, effusive in February, wouldn't say much about the recent filing. In brief text messages, he said the case "is being withdrawn" and has "nothing to do with finances." He didn't respond to a follow-up message requesting an interview.

The 17-page petition is short on specifics. In addition to listing assets of \$0 to \$50,000, the filing estimates Thomas' liabilities at just \$500,001 to \$1 million. It only lists one creditor: his ex-wife, Lori Korwek Thomas, who has a claim of \$650,000 against him.

"That was the impetus for the case," says Jeffrey Harris, the local attorney representing Thomas in the bankruptcy case.

Harris said he was not aware of the nature of the claim against Thomas, saying only that he



John Thomas

thought it related to the split of the couple's assets from their divorce. Korwek Thomas declined to comment, and her attorney did not return a phone call.

What's surprising is that the Chapter 13 petition reveals nothing about Thomas' business and real estate creditors. It says his debts are primarily consumer debts, not business debts, and says no creditors have claims secured by his property.

Thomas owns stakes in multiple commercial properties through limited liability companies, a standard practice in the industry. For some of the companies, Thomas has guaranteed repayment of debt in the event they default on mortgages.

Of all of his recent invest-

ments, Sherman Hospital perhaps has worked out the best. A Thomas venture acquired the shuttered Elgin hospital for \$1 million in 2019. In 2020, at the beginning of the coronavirus pandemic, the state decided to lease the hospital for COVID-19 patients. But it never followed through with its plans. Instead, it reached a settlement to pay the venture nearly \$4 million.

LAWSUITS

Other investments haven't worked out so well. Multiple creditors and partners have sued other Thomas ventures and Thomas himself, alleging that they defaulted on debts or reneged on agreements. In the case involving the South Side

shopping center, a bankruptcy trustee alleges that Thomas made illegal transfers from the property to other Freedom Development Group properties. In February, Thomas insisted that he knew nothing about the transfers.

Individuals who file for bankruptcy protection are required to provide a complete list of their assets and liabilities. Harris, the attorney for Thomas, acknowledged that his filing includes omissions but said it doesn't run afoul of the that requirement at this early stage in the case.

"As of today, right now, they don't necessarily have to be completed," Harris said. "As of now, we've complied with the rules."

A personal bankruptcy filing could offer Thomas a way to extinguish his business debts. But it clashes with the rags-to-riches redemption story he described in a mid-February interview with Crain's, when he volunteered that he was worth \$150 million.

Thomas said he had next to nothing when he was released from federal prison camp in Duluth, Minn., in 2017. He had been serving a sentence there after pleading guilty to charges that he stole more than \$370,000 in public funds from a marina development in south suburban Riverdale.

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thought it related to the the couple's assets from the divorce. Korwek Thomas declined to comment, and her attorney did not return a phone call.


What's surprising is the Chapter 13 petition says nothing about Thomas' business and real estate creditors, if his debts are primarily consumer debts, not business debts. It says no creditors have claimed a lien against property secured by his property.

Thomas owns stakes in multiple commercial properties through limited liability companies, a standard practice in the industry. For some of the companies, Thomas has guaranteed repayment of debt in the event they default on mortgage payments.

Of all of his recent

Illinois Anti-Predatory
Lending Database
Program

Certificate of Compliance



Report Mortgage Fraud
844-768-1713


2117449021

Doc# 2117449021 Fee \$88.00

RHSP FEE:\$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 06/23/2021 09:43 AM PG: 1 OF 18

The property identified as: PIN: 13-22-126-009-0000

Address:

Street: 3658 N KENNETH AVE

Street line 2:

City: CHICAGO State: IL ZIP Code: 60641

Lender: Guaranteed Rate, Inc

Borrower: Lori Korwek Thomas

Loan / Mortgage Amount: \$386,141.00

Pursuant to 765 ILCS 77/70 et seq., this Certificate authorizes the County Recorder of Deeds to record a residential mortgage secured by this property and, if applicable, a simultaneously dated HELOC.

UTT: 21GSC017459NA 282

S Y

P 18

S Y-1

SC

INTR R

Certificate number: 6C97D293-79CC-4415-8A19-8513DAF5A695

Execution date: 5/7/2021

IN THE CIRCUIT COURT COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

| | | |
|-------------------------|---|----------------------|
| ONE ONE ONE MORGAN |) | |
| CONDOMINIUM ASSOCIATION |) | |
| |) | |
| Plaintiff |) | |
| v. |) | Case # 2023 CH 07840 |
| |) | |
| John Thomas |) | |
| Defendants |) | |

AFFIDAVIT OF JOHN THOMAS






The; undersigned affiant, John Thomas, states that the following statements are true and correct and based upon my personal knowledge, and, if called upon to testify in Court to matters set forth herein I would testify to the truth thereof.

I am the Defendant/Counter-Plaintiff in the above captioned case.

1. My Unit is on the top 2 floors of the condominium building, with my bedroom on the top floor, which is level with the roof of the building.
2. I have a bedroom window which looks out over one of my rooftop terraces.
3. As part of the building security system, the Defendants (Association, Zidek, Bournias, Denato, First Services, and Ruby, Titan Rusk) directly or by their intentional act or failure and negligence to supervise, intentionally placed a security camera on the rooftop so that it captures all images through my bedroom window.
4. Due to the placement of this camera, there can be no other intent or reason for the camera other than capturing whatever actions are taking place in my bedroom.
5. Attached to my Affidavit as Group Exhibit AA are photos of the camera and the placement thereof.
6. This camera was set up to take photos or videos of my family actions in my private bedroom.
7. This intrusion and prying into my bedroom is un authorized, depraved, and criminal.
8. This intrusion has caused severe anguish and suffering to me and my wife, due to the public capturing of our private life in my bedroom.

Exhibit B

For your convenience, the Clerk of the Circuit Court offers on-line access to electronic docket information for cases in the Criminal divisions. By using this service, the user agrees and understands that he or she is bound by the on-line access to court records Terms of Agreement.

| | Case Number | PlaintiffVsDefendant |
|--|-------------|---|
|  | 19971040713 | LORI THOMAS-vs-ANTONY STEVENS,BIANCA MERRIFIELD |
|  | 2018CH07157 | JOHN THOMAS,LORI THOMAS-vs-ONE ONE ONE MORGAN CONDOM,JILL ZIDEK,DEMETRIOS BORNEAS,ANDREA CAPULTO,MELISSA BROWNING,BOB GALLO,LIEBERMAN MANAGEMENT SERV |
|  | 1983L009403 | INSURANC HANOVER,LORI THOMAS -vs- TONY SIKORA,BRIAN SULLIVAN |
|  | 2004L050699 | LORI THOMAS-vs-BOARD REVIEW,UNITY EMPLOYERS,ROLLAND LEWIS,BRENDA RUSSELL,VICTORIA SECRET STORES,ILLINOIS DEPT EMPLOY SEC |
|  | 1967L016553 | LORI THOMAS-vs-KATHERINE MALE |

[Start New Search](#)

| Case Number | Calendar | Date Filed | Division |
|-------------|----------|------------|------------|
| 2018CH07157 | CHCAL10 | 06/06/2018 | District 1 |

| Plaintiff(s) | Case Type | Defendant(s) | Attorney |
|----------------------------|------------|--|---|
| JOHN THOMAS LORI THOMAS | Injunction | ONE ONE ONE MORGAN CONDOM JILL ZIDEK DEMETRIOS BORNEAS ANDREA CAPULTO MELISSA BROWNING BOB GALLO LIEBERMAN MANAGEMENT SERV | DENKEWALTER & ANGELO SHIFRIN KOVITZ |

| Ad Damnum |
|-----------|
| 0 |

Future Court Activity:

Case Activities:

| | | | | | |
|----------------|------------|-------------|---|-----------|----------------------|
| Activity Date: | 08/07/2018 | Event Desc: | Voluntary Dismissal, Non-Suit Or Dismissed By Agreement | Comments: | Court Room: 2302 |
| Activity Date: | 07/30/2018 | Event Desc: | Appearance Filed - Fee Paid - | Comments: | Filing Fee: \$237.00 |
| Activity Date: | 07/30/2018 | Event Desc: | Motion To - Denied - | Comments: | Court Room: 2302 |
| Activity Date: | 07/27/2018 | Event Desc: | Notice Of Motion Filed | Comments: | |

The Muller Firm

★

★

★

★


★


1.7 (11 reviews)


✓ Claimed • Divorce & Family Law

Open 8:30 AM - 5:00 PM See hours

★ Write a review

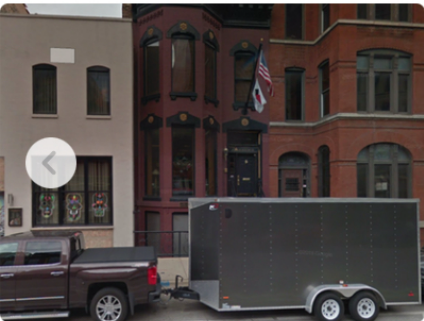
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 Save

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See all 2 photos →







Add photo



Services Offered

Verified by Business ✓

**Christina Brezinski**

7 reviews



★☆☆☆☆ 2 months ago

I would give him no stars if that was an option. Kurt took on our case and assured us that he will follow through to the end regardless of payments. We paid Kurt close to \$10,000 to appear at three court dates regardless of no results. The ... [More](#)



Like



Share

Response from the owner 2 months ago

I appreciate your perception no matter how wrong it is.

Perhaps you should dwell on how we managed to save your boyfriend's house from a Sheriff's sale in less than 24 hours than it was due to close.

And maybe you should recognize that despite giving your friend 62 days to complete 30 hours of counseling he was making excuses in court today that disgusted the judge who openly articulated how he blames everybody for his troubles BUT HIMSELF.

Finally, please recall that he has failed to honor court orders to cooperate with a bankruptcy which he



Tom F.

Addison, IL

0 5 0

Nov 8, 2024

The worst, stay away. Pushes you into litigation that he knows you never prevail. Goes court unprepared and wings it. I shouldve sued him for malpractice. Convinced me file for custody knowing too well I didn't have chance. On top would bring his girlfriend to court while he married. This tells you about his ethics.



Helpful 0



Thanks 0



Love this 0



Oh no 0



Denise S.

Westmont, IL

124 24 1

Sep 18, 2015

If I could actually assign a negative rating of this firm, it would have exponents involved. This firms integrity... omg, I am going to vomit. Really? Where should I start? The part where Mr. Muller assured me that he would personally handle my case, and failed to tell me that he would pass it off four times to different attorneys? The part where he promised to get my ex-husband in front of a judge on an emergency motion with in a week, on a rule to show cause, the reason for my hiring this con artist in the first place, and then after he had \$6,000. of my money, how the tune miraculously changed to "We have to wait until your ex's bankruptcy case is over." Or maybe it should be how he assigned a totally incompetent lawyer at the firm Mr. Michael Lodemeier to go to my ex's bankruptcy hearings, yet THIS YEAR, I AM STILL ARGUING over the things in that darn bankruptcy.

That firm ATTEMPTED to charge me over \$23,000 for a rule to show cause case where they a. gave up my marital home that my ex-husband illegally refinanced all of the equity out of and then stopped paying on per our divorce decree.

b. Charged me for Michael Lodemeier to babysit bankruptcy hearings he knew nothing about.

c. I was personally verbally abused repeatedly by Mr. Muller.

d. Almost every single aspect of my case that I hired That firm to represent me on, THEY GAVE IN ON, and the only thing I got, I actually got myself.

I recommended him to someone who will no longer speak to me because of it... tell you anything? Then, he had the audacity to have an attorney attempt to collect what was left of the 23,000 that was owed. That was after the fees he charged my ex, and the \$7200.00 I had already paid. I told her knock yourself out. Sue me. I will have you in court on malpractice so fast you won't know what hit you. Guess who never sued me for fees.

Pray to heaven that your ex hires this clown. It will be the best thing to ever happen to you! I am filing my A.R.D.C. complaint as well!



Vivian C.
Naperville Park District, Naperville, IL
🗣️ 0 ⭐ 1 📷 0



★☆☆☆☆ Dec 10, 2020

I was recommended to this law firm from my employee assistance plan. I was supposed to meet with Ms. Walsh but I received Mr. Muller. He appeared to be nice initially and told me all of the things that I wanted to hear when it came to my post divorce decree issues. In October, I paid them part of the retainer. Now, they didn't provide the retainer agreement prior to charging my card which was a red flag but with the COVID environment, I gave them the benefit of the doubt. I actually received it the next day. Red flag again. I also decided to seek other opinions from two other attorneys who both told me the opposite of what Mr. Muller suggested and explained what the language in my decree meant. No charge from them. I validated what they said online. After receiving the retainer agreement and a receipt which I did not give authorization for them to sign on my behalf, I told Mr Muller that I decided not to retain them because of the cost and the language which was pointed out to me by the attorneys and requested a refund. No response from him to my email. I called and he became irate and stated that he was charging me \$600+ because they opened a file for me. I questioned how that was possible if I never signed the retainer agreement. I emailed them on the same day that that I received the agreement. I had to get the referral company to intervene because this man didn't do anything for me beside read the divorce decree and provide some false information. He didn't want to talk specifics with the rep from the referral company citing attorney/client privilege. I was never his client.

I talked to another attorney who pulled the case up in the system and advised me on my options which was in line with what I was told by the other two attorneys. The experience was so different that I retained them. Agreements and credit card authorizations sent prior where I had to electronically sign.

Now, Mr Muller sent my full refund that I received today (12/10). Address on the envelope was not mine and definitely wasn't what I sent to them via email. I'm actually surprised that I received it. The check included a note with an unprofessional message that stated; "Please try focusing on your objectives before taking a professionals' time again. What a joke! My objective was to retain an attorney with integrity which he does not have. I am going to show this note to the referring company and hope that they never recommend anyone from my company to them again.



Helpful 0



Thanks 0



Love this 0



Oh no 0



Amy H.
Lakeview, Chicago, IL
🗣️ 55 ⭐ 17 📷 0



★☆☆☆☆ Jun 30, 2018

I am beyond disappointed. I retained this firm and then they are serving papers to my minor child for payment for what? Are you kidding me ? They didn't accomplish a thing. They drive up costs. Wasted the courts time and mine. Furthermore - I wound up pro se. they suck. Tacky and rude.



Helpful 1



Thanks 0



Love this 0



Oh no 0



Amy H.
Lakeview, Chicago, IL
📍 55 ⭐ 17 📅 0



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Helpful 1



Thanks 0



Love this 0



Oh no 0



Bonnie M.
Tinley Park, IL
📍 12 ⭐ 18 📅 16



★☆☆☆☆ Apr 19, 2018

I would love to give a review but I would be afraid of repercussions from this guy. Negative rating! Denise we paid \$20,000 for 18 months. My Employee Assistance Program recommended them. I called EAP and told them to never recommend this firm again. It was not assistance it was torture.



Helpful 1



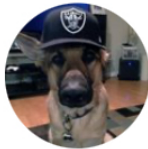
Thanks 0



Love this 1



Oh no 0



Lukas L.
Wellington, FL
📍 0 ⭐ 6 📅 1



★☆☆☆☆ Dec 7, 2014 · 🔄 Updated review

Beware of be careful. Worst attorney who sues his clients if they don't pay and was sanctions a few times by the ARDC. He goes into the closed chamber in court with the other attorney and talks about other irrelevant things and then tells you he talked about the things you asked him. After our investigation with the ARDC he was actually hindering the case by willingly doing things that would complicate the case even more even though it was a simple case.



Helpful 5



Thanks 0



Love this 0



Oh no 0



Kurt M.
Business Owner

May 19, 2015

For over 23 years The Muller Firm has served as an aggressive and competent advocate for our clientele. And we have never solicited positive recommendations as we believe our work represents itself. Recently,...

[Read more](#)



Melissa J.
Orland Park, IL
📍 35 ⭐ 44 📷 1

...

★☆☆☆☆ Sep 29, 2016

Wow- I wish I had read these reviews before I retained Kurt Muller! I had the same experience. He is really arrogant not at all impressive! I think that means he surrounds himself with people even less intelligent than himself. If he was around a challenging group of people, he'd know how mediocre he is. He was beyond insensitive and took \$2K for no work at all on my case.



Helpful 5



Thanks 0



Love this 0



Oh no 0



Johnny S.
Chicago, IL
📍 0 ⭐ 13 📷 0

...

★☆☆☆☆ Jun 10, 2013

Don't Walk.... RUN to the next attorney and avoid having to change attorneys. The Muller firm neglected my case, ignored my calls, and overcharged me. When I expressed to them that the work and legal contract was not to my liking Kurt tried to con me into accepting it. The Muller firm made my bad situation WORSE. Don't make the same mistake I did. It was a costly one. Take a few minutes and research other reviews of the Muller Firm.



Helpful 0



Thanks 0



Love this 0



Oh no 0



Mike K.
Chicago, IL
📍 0 ⭐ 1 📷 0

...

★☆☆☆☆ Nov 9, 2012

📌 First to Review

A very bad experience. The muller firm made promises that they did not keep. My calls were only returned to ask for more money. I had to hire a new law firm and start from scratch. But the damage was done.



Helpful 0



Thanks 0



Love this 0



Oh no 0



Jim H.
Mokena, IL
 0 friends
 10 reviews

7/27/2023 · Updated review

He is a crook who happens to be an attorney. Where is the justice system ? Why is he not in jail for all the money he has taken from soo many people without providing a service.

5/1/2023 · Previous review

He has been censured twice and has a reprimand.Im surprised its not more!



Oscar G.
Chicago, IL
 0 friends
 1 review

3/16/2015

Don't think twice find another attorney this guy Kurt muller is a con artist. If you want to get robbed with no gun hire him. He's way over priced and I can promise you that you will not be a satisfied client. FIND ANOTHER ATTORNEY!!!



Mike T.
Chicago, IL
 0 friends
 2 reviews

11/22/2012

I wasnt satisfied with the service.



Joan K.
Chicago, IL
 0 friends
 2 reviews

11/20/2012

I would not use again



Joe A.
Deerfield, IL
 0 friends
 6 reviews

11/18/2012

I was not satisfied with the results. Would not use this firm again.



John S.
Chicago, IL
 0 friends
 3 reviews

11/17/2012

Lack of compassion--- overcharged me----Didnt return my calls----Evades questions---Bad experience



Christina Brezinski
7 reviews



★☆☆☆☆ 2 months ago

I would give him no stars if that was an option. Kurt took on our case and assured us that he will follow through to the end regardless of payments. We paid Kurt close to \$10,000 to appear at three court dates regardless of no results. The ... [More](#)



Like



Share

Response from the owner 2 months ago

I appreciate your perception no matter how wrong it is.

Perhaps you should dwell on how we managed to save your boyfriend's house from a Sheriff's sale in less than 24 hours than it was due to close.

And maybe you should recognize that despite giving your friend 62 days to complete 30 hours of counseling he was making excuses in court today that disgusted the judge who openly articulated how he blames everybody for his troubles BUT HIMSELF.

Finally, please recall that he has failed to honor court orders to cooperate with a bankruptcy which he



Margaret K

Local Guide · 156 reviews · 23 photos



★☆☆☆☆ 4 years ago

I had a nightmare of an experience with Kurt Muller and his lawyer firm. His fees were \$600.00 an hour and he billed at his rate for practically everything. Their lack of knowledge and not using current computer technology ran up their billing hours.

Kurt overextended himself with too many cases, and ignored mine for several extended periods of time.

I am suspicious of the good ratings on this site and the lawyers response to discredit the negative one.

Just read the lawyer's response to my review from several years ago, he has a very faulty memory, things did not happen the way he said below!

👍 11

🔗 Share



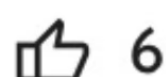
Jont Thomas

1 review



★ ★ ★ ★ ★ 12 years ago

Don't Walk.... RUN to the next attorney and avoid having to change attorneys. The Muller firm neglected my case, ignored my calls, and overcharged me. When I expressed to them that the work and legal contract was not to my liking Kurt tried to con me into accepting it. The Muller firm made my bad situation WORSE. Dont make the same mistake I did. It was a costly one. Take a few minutes and research other reviews of the Muller Firm.



Response from the owner 2 years ago

This is a fictitious name by a non-client, in fact, by the husband of a former client who got what was coming to him!





ML Fernandez

21 reviews · 5 photos



★☆☆☆☆ 4 years ago

Kurt Muller worked my case. He said I would win my case and I didn't with all the best facts to present. The attorneys dragged it out \$29,000 I hope this helps someone to be careful on your referrals and understand it's better to pay a flat fee. Happy New Year 2021! :-)

Negative

Quality, Professionalism, Value





sabrina hill

10 reviews · 5 photos



★☆☆☆☆ 5 years ago

I never retained him , someone referred me to him and he talked with me and Never said there was a fee for the intake. 5 months later I contact him and say if I get the money I will be to see you and I want to start my case. well my father died and I wasnt able to make it and he sends me a bill in the mail for the intake visit, missing a visit and pulling my file. But when did I retain you? When did you ever tell me what your fee is? I am so lost and confused.



Response from the owner 4 years ago

Ms Hill has misstated the facts. While engaging our services and taking a considerable amount of our professional attention, she consistently cancelled appointments when it came time to pay our fees.

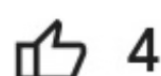


Oscar Garcia
1 review



★☆☆☆☆ 9 years ago

Very dissatisfied. Finished my case in two court dates recieved a bill in the mail from Kurt Muller for 6 k that's 3 k a court date. Beware don't make the same mistake I did.



Response from the owner 4 years ago

Mr. Garcia had a very complicated case involving a mistaken identity with someone who owed child support in New York State. His case might literally have taken years and thousands of dollars to resolve. Instead, we resolved his matter with ... [More](#)



rachel
6 reviews



★☆☆☆☆ 5 years ago

The worst experience of my life. Kurt's only interest is how much money he can take from you . He is totally incompetent. Do your homework and look into him.





Christina Brezinski on Google

2 months ago



I would give him no stars if that was an option. Kurt took on our case and assured us that he will follow through to the end regardless of payments. We paid Kurt close to \$10,000 to appear at three court dates regardless of no results. The only thing Kurt did was over promise and under deliver and charged an additional \$5,000 fee with no explanation other than he showed up for a mere 3 court dates without accomplishing anything. He filed no motions on our behalf, dismissed any goals we shared with him that were significantly important to us and appears to have had more communication with the opposing party without allocating any time to help us understand any expectations, strategy or guidance. When we tried to communicate he did not return calls, texts or emails. On the most recent day of court he didn't speak a word to us, instead he filed to withdraw from the case completely. I am writing this review to warn others to run not walk if you're given the recommendation to see Kurt Muller. You will be disappointed and left with a bloated bill that holds no validity or results. He's the epitome of an attorney that gives lawyers a bad name and lacks honesty, diligence, professionalism and integrity that you would expect and deserve while going through what is for most people one of the most challenging life experiences that a parent can go through fighting for their children. [read less](#)



Paul Renassia on Google

2 years ago



Paul Renassia on Google

2 years ago





Tom Forden [on Facebook](#)

8 years ago



Kurt Muller and the Muller Firm prey on vulnerable people and take advantage of them. Stay away from them. Kurt has been investigated and disciplined by the ARDC numerous times and they have receive various complaints on a yearly basis. Once he gets you as a client he will just keep billing you then after you find a new lawyer he will sue you. Search the cook county lawsuits website you will see dozens of lawsuits in which Kurt sues his clients. I wish I had done some research first. Stay away.



Tom Forden [on Facebook](#)

8 years ago

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Oscar Garcia [on Facebook](#)

9 years ago



The muller firm ripped me off. I was referred by a friend of a friend. When I contacted the ARDC (attorney registration disciplinary committee) to file a complaint, I found out that this firm has a long history of complaints and reprimands from the Bar. Before hiring them, I met directly with the owner Kurt Muller, don't fall for his sales pitch



Denise Saponara [on Facebook](#)

10 years ago



Is there any way to give a negative rating? I have never had my case so badly messed up in all my life!!!! To this day, it is the worst experience I have ever had with any lawyer ever! If you have any questions about why you need to NOT hire the Muller Firm, PLEASE feel free to contact me directly! I will be happy to tell you the whole horrific tale. I think that Mr. Muller and Mr. Lodermeier should be disbarred. And utterly ashamed of themselves to say the least. I would never be able to tell anyone that I worked at that fi... [read more](#)



Kristy Brooks-Baxter [on Facebook](#)

10 years ago



Bonnie Merritt [on Facebook](#)

10 years ago



Agree with Mr. Stein.



Jay Stein [on Facebook](#)

11 years ago



Avoid the Muller firm

Frequently asked questions about The Muller Firm LTD

How is The Muller Firm LTD rated?

The Muller Firm LTD has a 2.7 star ratina with 77 reviews.

COUNT THREE
THIRD CAUSE OF ACTION
STATE COURT ACTION AGAINST DEFENDANT MULLER
(As against defendant Muller)

34. Plaintiffs repeat paragraphs 1 through 33 as though stated herein.
35. On November 19, 2002, the Snead retained the Muller as her attorney to represent her in an action for divorce in the Circuit Court of Cook County, Illinois, County Department, Domestic Relations Division.

36. On January 6, 2003, Muller, while Snead was explaining her case and crying, kissed her on the mouth. Snead was shocked and repulsed by the act. She did not expect it, nor did she have time to stop Muller.
37. On February 25, 2003, at another meeting between the Muller and Snead, Muller attempted to kiss Snead on the mouth again. However, this time Snead was aware of what Muller was going to do, she moved back and held up her hand to stop him.
38. On numerous occasions, for months, Snead asked Muller to set a child support hearing. Muller continued to delay and he explained to Snead that he was busy with another case. Although he kept on billing Snead during the delay.
39. In December 2002, Snead gave Muller a bank statement that belongs to her husband. The statement showed that \$126,000.00 was in the account and that her husband withdrew on his debit card \$16,000.00 on luxury gifts such as furs, diamonds and snake boats. The account also showed that Plaintiff's husband paid \$900 in limousine rides in December. The husband's church