

APPENDIX 1

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



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ORDER

January 13, 2022

Before

WILLIAM J. BAUER, *Circuit Judge*
MICHAEL S. KANNE, *Circuit Judge*
MICHAEL B. BRENNAN, *Circuit Judge*

No. 20-1227	LEO D. STOLLER, et al., Plaintiffs - Appellants v. CMH MANUFACTURING, INC., et al., Defendants - Appellees
Originating Case Information:	
District Court No: 1:18-cv-00047 Northern District of Illinois, Eastern Division District Judge Sharon Johnson Coleman	

The following are before the court:

1. **LEO STOLLER'S RESPONSE TO RULE TO SHOW CAUSE AND APPELLANTS MOTION FOR A STAY PENDING APPEAL TO THE U.S. SUPREME COURT**, filed on November 8, 2021, by the pro se appellant Leo Stoller.
2. **APPELLEES' MOTION FOR COSTS AND ATTORNEYS' FEES**, filed on November 9, 2021, by counsel for the appellees.
3. **APPELLANTS' RESPONSE TO APPELLEES' MOTION FOR COSTS AND ATTORNEY FEES**, filed on November 19, 2021, by counsel for the appellant Michael Stoller.

4. **MOTION TO APPOINT A SPECIAL MASTER TO HOLD A HEARING ON THE REASONABLENESS' OF JOHN ROBERTS ATTORNEY FEE PETITION**, filed on December 13, 2021, by the pro se appellant Leo Stoller.
5. **APPELLEES' RESPONSE TO APPELLANT LEO STOLLER'S "MOTION TO APPOINT A SPECIAL MASTER" REGARDING "APPELLEES' MOTION FOR COSTS AND ATTORNEYS' FEES"**, filed on December 17, 2021, by counsel for the appellees.
6. **MOTION TO DISMISS ATTORNEY JOHN ROBERTS' FEE PETITION AND/OR REQUEST THIS COURT TO APPOINT A SPECIAL MASTER TO CONDUCT AN EVIDENTIARY HEARING ON THE REASONABLENESS OF THE FEE PETITION AND PRODUCE RECORDS MAINTAINED FOR THE FEE PETITION**, filed on January 5, 2022, by counsel for the appellant Michael Stoller.
7. **APPELLANT LEO STOLLER FILES HIS REPLY TO JOHN ROBERTS MOTION TO APPOINT A SPECIAL MASTER**, filed on January 5, 2022, by the pro se appellant Leo Stoller.
8. **APPELLEES' BRIEF IN COMBINED RESPONSE TO: (1) APPELLANT'S REPLY BRIEF IN SUPPORT OF "MOTION TO APPOINT A SPECIAL MASTER" AND (2) "MOTION TO DISMISS ATTORNEY JOHN ROBERTS' FEE PETITION ..."**, filed on January 12, 2022, by counsel for the appellees.

On October 26, 2021, this court affirmed the district court's judgment and ordered the appellants, Leo and Michael Stoller, and their counsel, Philip Kiss, to show cause why they should not be sanctioned for filing frivolous appeals. In response to this court's request, appellee CMH moved under Rules 38 and 39 of the Federal Rules of Appellate Procedure for an award of attorney's fees and costs, and it filed an accounting of its fees and costs incurred in these appeals. The Stollers responded to our show-cause order and objected to CMH's request for fees and costs, asking for the appointment of a special master under Rule 48 of the Federal Rules of Appellate Procedure.

We confirm that this appeal was frivolous and find that the fees and costs requested by CMH are, with minor modifications, reasonable, and no factual disputes require the appointment of a special master. Accordingly,

IT IS ORDERED that, with respect to CMH's motion for fees and costs, appellant Leo Stoller is directed to pay CMH \$58,750.00 in attorney's fees and \$20 in costs by February 14, 2022, for its expenses in defending against this frivolous appeal. *See Quincy*

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Bioscience, LLC v. Ellishbooks, 967 F.3d 613, 616 (7th Cir. 2020). CMH must inform the court by February 14, 2022, if Leo fails to pay this debt.

IT IS FURTHER ORDERED that, in response to this court's rule to show cause, appellants Leo and Michael Stoller are each sanctioned \$1,000 for filing a frivolous appeal. Within fourteen days of the date of this order, the appellants must tender a check payable to the clerk of this court for the full amount of the sanction.

IT IS ALSO FURTHER ORDERED that, in response to this court's rule to show cause, attorney Philip Kiss is sanctioned \$5,000 for allowing Leo to draft his own pro se filings and submit them under Kiss's signature. Within fourteen days of the date of this order, Kiss must tender a check payable to the clerk of this court for the full amount of the sanction.

IT IS FINALLY ORDERED that, if Leo, Michael, or Kiss do not pay their respective sanctions by February 14, 2022, this court will enter an order directing the clerks of all federal courts in this circuit to return unfiled any papers submitted either directly or indirectly by the non-paying party until the non-paying party pays in full the sanctions that have been imposed. Such party may, after two years of the date of the filing bar, seek to have the bar lifted. *See Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995) (per curiam); *In re Maurice*, 73 F.3d 124, 127 (7th Cir. 1995).

**Additional material
from this filing is
available in the
Clerk's Office.**