

No. \_\_\_\_\_

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**IN THE SUPREME COURT OF THE UNITED STATES**

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No. 20-2081	MICHAEL STOLLER, Plaintiff - Appellant - Petitioner and  LEO D. STOLLER, Appellant v.  THOMAS FUMO, President, et al., Defendants - Appellees - Respondent
<b>Originating Case Information:</b>	
District Court No: 1:19-cv-02546 Northern District of Illinois, Eastern Division Court Reporter Blanca I. Lara District Judge Edmond E. Chang Clerk/Agency Rep Thomas G. Bruton	

**Motion For Stay Pending an Appeal**



Amy Coney  
Barrett

ATTENTION: Justice Amy Coney Barrett

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On Appeal from the United States Court of Appeals  
For the Seventh Circuit Court of Appeals No.20-2081

On Appeal from the Northern District of Illinois  
Judges Edmond E. Chang  
Case No. 19-cv-02546

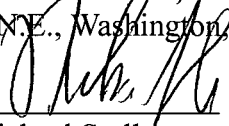
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/S/ Michael Stoller *Pro Se*  
P.O BOX 60645, CHGO, IL 60660

**NOTICE OF FILING**

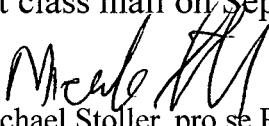
**TO: SERVICE LIST**

PLEASE TAKE NOTICE that on the **20<sup>th</sup> day of September 2021**, there was filed with the Clerk of the United States Supreme Court, 1 First Street N.E., Washington, DC, 20543-0001, the attached **1) Motion for a Stay Pending Appeal**

  
\_\_\_\_\_  
/S/Michael Stoller. pro se Petitioner  
P.O. Box 60645  
Chicago, Illinois 60660  
Phone 312-545-4554  
Email Ldms4@hotmail.com

**CERTIFICATE OF SERVICE**

I certify under the penalty of perjury that the foregoing was served upon the following parties listed on the service list via first class mail on September 20, 2021

  
/s/Michael Stoller, pro se Petitioner  
P.O. Box 60645  
Chicago, Illinois 60660  
Phone 312-545-4554  
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**SERVICE LIST**  
**Certificate of Service**

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**Seventh Circuit Court of Appeals**  
219 S. Dearborn St.  
Chicago, IL 60604

No. \_\_\_\_\_

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**IN THE SUPREME COURT OF THE UNITED STATES**

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No. 20-2081	<b>MICHAEL STOLLER,</b> Plaintiff - Appellant - Petitioner and <b>LEO D. STOLLER,</b> Appellant v. <b>THOMAS FUMO, President, et al.,</b> Defendants - Appellees - Respondent
<b>Originating Case Information:</b>	
District Court No: 1:19-cv-02546 Northern District of Illinois, Eastern Division Court Reporter Blanca I. Lara District Judge Edmond E. Chang Clerk/Agency Rep Thomas G. Bruton	

**Motion For Stay Pending an Appeal**



Amy Coney  
Barrett

ATTENTION: Justice Amy Coney Barrett

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**PETITIONER MICHAEL MOTION TO STAY PENDING APPEAL**  
**TO THE U.S. SUPREME COURT**

NOW COMES, Michael Stoller, 29, pro se, a disable person , a protected person as defined by the Americans for Disability Act, Request for a Stay Pending

Appeal to the U.S. Supreme Court.

The Petitioner filed a Motion for an Extension of Time to file his Writ of Cert before the U.S. Supreme Court on September 20, 2021 (Which is incorporated herein by reference as if fully copied and attach.. Petitioner is requesting that the court stay this proceeding before the Seventh Circuit court of Appeals, pending the said appeal to the U.S. Supreme Court.

1. Jurisdiction of the Supreme court attaches upon the proper filing of a notice of appeal. When the notice of appeal was filed, the appellate court's jurisdiction attaches *instantly*, and the cause is beyond the jurisdiction of the Seventh Circuit Court of Appeals. *Daley*, 106 Ill.2d at 37, 86. Ill.Dec. 918, 476 N.E.2d. Likewise an Appeal to the U.S. Supreme Court divested this court of jurisdiction over the Petitioner/Appellant's Appeal No 20-2081 before the Seventh Circuit Court of Appeals.
2. "Once a notice of appeal is filed, the Seventh Circuit Court of Appeals court may not enter any order changing or modifying a judgment or its scope, or interfering with the review of that judgment. In re Marriage of Ward, 267 Ill.App.3d at 44, 204 Ill. Dec 449, 641 N.E.2d 879. Similarly, the Appellate court cannot enter any order changing or modifying a judgment or its scope, or interfering with the review of that judgment

dated June 24, 2021 (Doc 58)(**Appendix 1**) pending the Petitioner's appeal of that final order (Doc 46) to the U.S. Supreme Court<sup>1</sup>.

3. The Appellee/Respondents's will not be prejudice by this court granting this Motion to Stay and justice will be served.
4. The Petitioner is requesting that the court wave any requirement that the Petitioner has to file a bond, on the grounds that there is no damage that can accrue to the Respdents', if the court grant's the Petitioner's Motion to Stay, because it will merely maintain the status quo.
5. The Petitioner's appeal to the U.S. Supreme Court is of exceptional importance as the Seventh Circuit Court of Appeal panel's decision dated June 24, 2021 (Doc 58)(**Appendix 1**) conflicts with other decisions which have allowed Parties to intervene in Federal Appeals, the Sixth Circuit of Appeal recent decision in Appeal Case No. 16-2424, *EEOC v. R.G. & G.R. Harris Funeral* Originating Case No. : 2:14-cv-13710 *EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff-Appellant, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Plaintiff/Appellant v. R.G. & G.R. HARRIS FUNERAL HOMES, INC.,*
6. This matter has national importance. The Seventh Circuit Court of Appeals Panel's decision deprived the Appellant/Petitioner of his due

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<sup>1</sup> Leo Stoller has been before the U.S. Supreme Court over 45 times.

process rights under the First, Fifth and Fourteen Amendments of the U.S. Constitution, his right to intervention see the Petitioner's Request for an Extension of Time, which is incorporated herein by reference .

7. The Supreme Court will want to hear the Appellants' Appeal because the Seventh Circuit Court of Appeals has *a unconstitutional policy* of depriving Appellants/intervenors ' of their constitutional rights to be heard
8. The erroneous ruling(s)<sup>2</sup> of the Seventh Circuit Court of Appeals, which incorrectly endorses decisions "whether or not they are correct decisions" is more than just a bad decision but results in harmful precedent(s) that should not be ignored by the U.S. Supreme Court because it conflicts with the Illinois and Federal Constitutions prohibition against laws abridging freedom of speech and the ability of citizens to petition the government, including the courts, for the redress of grievances. Ill.Const.1970, art. I, §§ 4, 12; U.S. Const. Amd. I.
9. The Bill of Rights to the Illinois Constitution provides that "all persons may speak, write and publish freely," Ill.Const.1970, art. I, § 4, and that every person shall find a certain remedy in the laws for all injuries and wrongs which

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<sup>2</sup> See Petitioner's Motion for an Extension which is incorporated herein by reference.

he receives. He shall obtain justice by law, freely, completely, and promptly,” *Id.* § 12.

10. The First Amendment, applicable to the States under the Fourteenth Amendment, states that Congress shall make no law abridging freedom of speech and “the right of the people peaceably to petition the Government for a redress of grievances.” U.S. Const. Amd. I.

11. There are power constitutional reasons why the U.S. Supreme Court will want to hear the Appellants’ appeal of this court’s decision dated June 24, 2021 (Doc 58)(Appendix 1)(See also the Petitioner’s Motion for an Extension)..

12. The Seventh Circuit Court of appeals has a well known unconstitutional policy of depriving Appellant/interveners their right to intervene in Appeals.

13. The equities weigh heavily in favor of a stay. “In making the determination whether or not to grant a stay pending appeal, the court, of necessity, is engaged in a balancing process as to the rights of the parties, in which all elements bearing on the equitable nature of the relief sought should be considered.”<sup>3</sup> Illinois courts do not follow a “ritualistic formula” for determining if a stay is appropriate, but they generally consider three factors: (1) whether a stay is necessary to secure the fruits

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<sup>3</sup> Stacke, 138 Ill. 2d at 308-09, 562 N.E.2d at 197-98.



of the appeal in the event the movant is successful; (2) the likelihood that the respondent will suffer hardship until the appeal is resolved; and (3) the movant's likelihood of success on the merits of the appeal.<sup>4</sup> The importance of each factor "will vary depending on the facts of the case."<sup>5</sup> Here, all of these factors weigh strongly in favor of a stay.

14. First, the undisputed evidence shows that a stay is necessary to ensure that the fruits of the appeal flow to the Petitioner in the event that the appeal before the U.S. Supreme Court succeeds.

15. Second, Appellees will not suffer any harm from a stay.

16. Third, the Appellant respectfully submits that it has strong arguments on the merits. For the Seventh Circuit Court of Appeal to issue a decision denying the Appellant intervention which conflicts with Supreme Court Decisions and other decisions of the sister circuits.

17. As all parties and this Court recognized, the issues raised by the Petitioner will ultimately be resolved by the Supreme Court. Until then this proceeding before the Seventh Circuit Court of Appeals should

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<sup>4</sup> *Id.* at 305-08, 562 N.E.2d at 196-99.

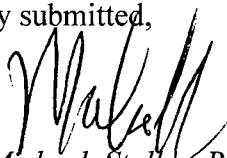
<sup>5</sup> *Id.* at 305, 562 N.E.2d at 196-97.

be stayed. Indeed, all of the factors relevant to the stay are satisfied. (1) A stay is necessary to ensure that the Appellant/Petitioner would fully benefit from a victory on appeal; (2) a stay will not cause any material harm to the Appellee/Respondents. And (3) the Petitioner/Appellant has a strong arguments on its appeal to the U.S. Supreme Court (See **Appendix 7**) attached to the Petitioner's Motion for an Extension of Time).

18. Lastly, it is ripe for the U.S. Supreme Court to decide the Petitioner's Motion for a Stay insofar as the Seventh Circuit Court of Appeals had denied the Petitioner's Motion for a Stay (See **Appendix 2**)

WEREFORÉ Appellant/Petitioner respectfully requests that this court stay this case pending appeal to U.S. Supreme Court

Respectfully submitted,

  
/s/Michael Stoller Pro se

P.O. Box 60645  
Chicago, Illinois 6060

No. \_\_\_\_\_

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**IN THE SUPREME COURT OF THE UNITED STATES**

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Case No \_\_\_\_\_

No. 20-2081	<b>MICHAEL STOLLER,</b> Plaintiff - Appellant - Petitioner and  <b>LEO D. STOLLER,</b> Appellant v.  <b>THOMAS FUMO, President, et al.,</b> Defendants - Appellees - Respondent
<b>Originating Case Information:</b>	
District Court No: 1:19-cv-02546 Northern District of Illinois, Eastern Division Court Reporter Blanca I. Lara District Judge Edmond E. Chang Clerk/Agency Rep Thomas G. Bruton	

**ORDER**

**This matter** coming to be heard on the Petitioner's Motion to Stay Pending Appeal to the U.S. Supreme Court. The Court being fully advised in the premises:

**IT IS HEREBY ORDERED;**

Petitioner's Stay before the Seventh Circuit Court of Appeals is granted/denied.

**ENTERED:**

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# 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



Office of the Clerk  
Phone: (312) 435-5850  
[www.ca7.uscourts.gov](http://www.ca7.uscourts.gov)

## ORDER

June 24, 2021

Before  
DIANE S. SYKES, *Chief Judge*

No. 20-2081	MICHAEL STOLLER, Plaintiff - Appellant
	and
	LEO D. STOLLER, Appellant
	v.
	THOMAS FUMO, President, et al., Defendants - Appellees
<b>Originating Case Information:</b>	
District Court No: 1:19-cv-02546	
Northern District of Illinois, Eastern Division	
District Judge Edmond E. Chang	

Upon consideration of the **NOTICE OF FILING APPELLANT'S REQUEST REHEARING AND REHEARING EN BANC**, filing June 22, 2021, by counsel for the appellant,

**IT IS ORDERED** that the motion is **DENIED**.

**General Docket  
Seventh Circuit Court of Appeals**

<b>Court of Appeals Docket #:</b> 20-2081 <b>Nature of Suit:</b> 3480 Consumer Credit Michael Stoller, et al v. Thomas Fumo, et al <b>Appeal From:</b> Northern District of Illinois, Eastern Division <b>Fee Status:</b> Paid	<b>Docketed:</b> 06/23/2020 <b>Termed:</b> 06/17/2021
<b>Case Type Information:</b> 1) civil 2) private 3) -	
<b>Originating Court Information:</b> <b>District:</b> 0752-1 : <u>1:19-cv-02546</u> <b>Court Reporter:</b> Blanca I. Lara, Court Reporter <b>Trial Judge:</b> Edmond E. Chang, District Court Judge <b>Date Filed:</b> 04/15/2019 <b>Date Order/Judgment:</b> 05/12/2020 <div style="float: right; text-align: right;"> <b>Date NOA Filed:</b> 06/22/2020         </div>	
<b>Prior Cases:</b> None	
<b>Current Cases:</b> None	

MICHAEL STOLLER Plaintiff - Appellant	Philip M. Kiss, Attorney Direct: 815-385-4410 [COR LD NTC Retained] KISS & ASSOCIATES, LTD #B-203 6615 Grand Avenue Gurnee, IL 60031
LEO D. STOLLER Appellant	Leo D. Stoller Direct: 312-545-4554 [NTC Pro Se] P.O. Box 60645 Chicago, IL 60660
v.	
THOMAS FUMO, President Defendant - Appellee	Steven Borkan, Attorney Direct: 312-580-1030 [COR LD NTC Retained] BORKAN & SCAHILL, LTD. Suite 1700 20 S. Clark Street Chicago, IL 60603  Whitney Hutchinson Direct: 312-580-1030 [COR LD NTC Retained] BORKAN & SCAHILL, LTD. Suite 1700 20 S. Clark Street Chicago, IL 60603
RELIABLE MANAGEMENT REALTY, LTD. Defendant - Appellee	Steven Borkan, Attorney Direct: 312-580-1030 [COR LD NTC Retained] (see above)  Whitney Hutchinson Direct: 312-580-1030

[COR LD NTC Retained]  
(see above)

KOVITZ SHIFRIN NESBIT  
Defendant - Appellee

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[COR LD NTC Retained]  
KOVITZ SHIFRIN NESBIT  
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Brandon R. Wilson, Attorney  
Direct: 847-777-7314  
[COR LD NTC Retained]  
KOVITZ SHIFRIN NESBIT  
175 N. Archer Avenue  
Mundelein, IL 60060

ROBERT P. NESBIT, Principal  
Defendant - Appellee

Nicholas R. Mitchell, Attorney  
Direct: 847-537-0500  
[COR LD NTC Retained]  
(see above)

Brandon R. Wilson, Attorney  
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[COR LD NTC Retained]  
(see above)

DIANE J. SILVERBERG, Principal  
Defendant - Appellee

Whitney Hutchinson  
Direct: 312-580-1030  
[COR LD NTC Retained]  
(see above)

Nicholas R. Mitchell, Attorney  
Direct: 847-537-0500  
[COR LD NTC Retained]  
(see above)

Brandon R. Wilson, Attorney  
Direct: 847-777-7314  
[COR LD NTC Retained]  
(see above)

MICHAEL STOLLER,  
Plaintiff - Appellant

and

LEO D. STOLLER,  
Appellant

v.

THOMAS FUMO, President, et al.,  
Defendants - Appellees



- 06/23/2020 ☐ 1 Private civil case docketed. Fee due. Docketing Statement due for Appellants Leo D. Stoller and Michael Stoller by 06/29/2020. Transcript information sheet due by 07/07/2020. Fee or IFP forms due on 07/07/2020 for Appellants Leo D. Stoller and Michael Stoller. [1] [7089033] [20-2081] (MM) [Entered: 06/24/2020 11:47 AM]  
35 pg, 785.49 KB
- 06/23/2020 ☐ 2 THIS CAUSE CONSISTS OF MORE THAN 5 PARTIES FOR EITHER SIDE. The following are those parties to this cause as reflected on the District Court docket, yet are not reflected on the Appellate docket/caption for administrative purposes: APPELLEES: Michael J. Shifrin, Nicholas Mitchell, Allen Kovitz, Ronald J. Kapustka, Wendy Durbin and Unknown Contractors, Lawyers, Law Firms, Building Developers, Realtors and John Does 1-10. [2] [7089038] [20-2081] (MM) [Entered: 06/24/2020 11:56 AM]
- 06/24/2020 ☐ 3 ORDER: Appellant Michael Stoller shall file a brief memorandum stating why this appeal should not be dismissed for lack of jurisdiction. Briefing is SUSPENDED pending further court order. (See order for further details) [7089111] DW Jurisdictional memorandum due for Appellants Leo D. Stoller and Michael Stoller by 07/08/2020. [3] [7089111] [20-2081] (AD) [Entered: 06/24/2020 02:54 PM]  
1 pg, 61.16 KB
- 07/06/2020 ☐ 4 Jurisdictional memorandum filed by Appellants Mr. Leo D. Stoller and Michael Stoller. [4] [7091087] [20-2081] (DRS) [Entered: 07/06/2020 10:26 AM]  
32 pg, 1001.9 KB
- 07/06/2020 ☐ 5 Filed notice of appellant's response memorandum by Appellants Mr. Leo D. Stoller and Michael Stoller. [5] [7091132] [20-2081] (CAH) [Entered: 07/06/2020 11:45 AM]  
1 pg, 37.08 KB
- 07/06/2020 ☐ 6 ORDER re: Jurisdictional Memorandum. IT IS ORDERED that appellees file, on or before July 13, 2020, a response to appellants' filing, addressing the jurisdictional issue raised in the court's order of June 24, 2020. [6] [7091225] [20-2081] (AP) [Entered: 07/06/2020 02:42 PM]  
1 pg, 58.23 KB
- 07/10/2020 ☐ 7 ORDER: Appellants Mr. Leo D. Stoller and Michael Stoller is directed to file the overdue Docketing Statement within 14 days from the date of this Rule to Show Cause. Docketing statement response due for Appellants Leo D. Stoller and Michael Stoller by 07/24/2020. Sent Certified Mail. Receipt Number: 7019 0140 0000 6079 9745. [7] [7092547] [20-2081] (AD) [Entered: 07/10/2020 09:41 AM]  
1 pg, 99.16 KB
- 07/10/2020 ☐ 8 Added Attorney(s) Brandon R. Wilson for party(s) Appellee Kovitz Shifrin Nesbit, Appellee Robert P. Nesbit and Appellee Diane J. Silverberg in case 20-2081 per disclosure statement. Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Brandon Richard Wilson for Appellees Kovitz Shifrin Nesbit, Robert P. Nesbit and Diane J. Silverberg. [8] [7092630] (L-Yes; E-Yes; R-No) [20-2081]--[Edited 07/10/2020 by AD to reflect the addition of counsel.] (Wilson, Brandon) [Entered: 07/10/2020 11:27 AM]  
3 pg, 163.4 KB
- 07/10/2020 ☐ 9 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Whitney N. Hutchinson for Appellees Reliable Management Realty, Ltd. and Thomas Fumo. for Donald Fumo. [9] [7092817] (L-Yes; E-Yes; R-No) [20-2081] [Edited 07/13/2020 by CG to reflect the addition of counsel.] (Hutchinson, Whitney) [Entered: 07/10/2020 04:35 PM]  
2 pg, 44.27 KB
- 07/13/2020 ☐ 10 Filed Response by Appellees Thomas Fumo, Kovitz Shifrin Nesbit, Robert P. Nesbit, Reliable Management Realty, Ltd. and Diane J. Silverberg Attorney Whitney N. Hutchinson to Addressing the Jurisdictional Issue. [10] [7093013] [20-2081] (Hutchinson, Whitney) [Entered: 07/13/2020 11:37 AM]  
12 pg, 731.98 KB
- 07/13/2020 ☐ 11 Filed Response by Appellants Mr. Leo D. Stoller and Michael Stoller to defendant-appellee's joint response. [11] [7093208] [20-2081] (CAH) [Entered: 07/13/2020 04:32 PM]  
31 pg, 1.03 MB
- 07/21/2020 ☐ 12 Docketing Statement filed by Appellants Mr. Leo D. Stoller and Michael Stoller. Prior or Related proceedings: No. [12] [7095296] [20-2081] (CAH) [Entered: 07/22/2020 08:47 AM]  
38 pg, 4.72 MB
- 07/27/2020 ☐ 13 Filed notice from the District Court that the appeal docketing fee was received. [13] [7096394] [20-2081] (CM) [Entered: 07/27/2020 01:59 PM]  
1 pg, 88.33 KB
- 07/31/2020 ☐ 14 ORDER: The appellees shall file, on or before August 7, 2020, a response to appellants' filing of July 6, 2020, which included a "Received" stamped "Notice of Filing Appeal" with the date June 8, 2020. Appellees neglected to address the significance of the paper (Exhibit 2 of appellants' filing) in their response filed on July 13, 2020. Appellants in a reply again alerted the court to this "Received" stamped paper. Appellees are given a second opportunity to address appellants' argument that an appeal was timely received by the district court on June 8, 2020. DW [14] [7097583] [20-2081] (FP) [Entered: 07/31/2020 09:37 AM]  
1 pg, 106.04 KB
- 07/31/2020 ☐ 15 Filed Response by Appellants Mr. Leo D. Stoller and Michael Stoller to Executive Committee Order issued 07/17/2020. [15] [7097900] [20-2081] (CAH) [Entered: 08/03/2020 08:55 AM]  
50 pg, 5.75 MB
- 08/07/2020 ☐ 16 Filed Response by Appellees Thomas Fumo, Kovitz Shifrin Nesbit, Robert P. Nesbit, Reliable Management Realty, Ltd. and Diane J. Silverberg Attorney Whitney N. Hutchinson to Defendants-Appellees' Joint Supplemental Response Addressing the Jurisdictional Issue. [16] [7099544] [20-2081] (Hutchinson, Whitney) [Entered: 08/07/2020 12:40 PM]  
21 pg, 741.87 KB
- 08/10/2020 ☐ 17 Filed Response by Appellants Mr. Leo D. Stoller and Michael Stoller to to Defendant's Appellee's Joint Supplemental Response Addressing the Jurisdictional Issue. [17] [7099708] [20-2081] (CAH) [Entered: 08/10/2020 08:47 AM]  
26 pg, 1.85 MB
- 10/01/2020 ☐ 18 Filed Notice of Appearance by Philip Kiss on behalf of Appellant Michael Stoller. [18] [7111990] [20-2081]

- 2 pg, 243.41 KB [18] [7111990] [20-2081]--[Edited 10/01/2020 by CMD to reflect addition of counsel.] (CAH) [Entered: 10/01/2020 02:53 PM]
- 10/19/2020 ☐ 19 2 pg, 152.45 KB ORDER: This appeal, with Michael Stoller as the only appellant, shall proceed to briefing. Briefing will proceed as follows: Appellant's brief due on or before 11/25/2020 for Michael Stoller. Appellee's brief due on or before 12/28/2020 for Thomas Fumo, Kovitz Shifrin Nesbit, Robert P. Nesbit, Reliable Management Realty, Ltd. and Diane J. Silverberg. Appellant's reply brief, if any, is due on or before 01/19/2021 for Appellant Michael Stoller. (See order for details.) DW [7115603] [20-2081] (CG) [Entered: 10/19/2020 09:43 AM]
- 11/12/2020 ☐ 20 71 pg, 20.35 MB Pro se motion filed by Appellants Mr. Leo D. Stoller and Michael Stoller for reconsideration. [20] [7121174] [20-2081] (CM) [Entered: 11/12/2020 10:45 AM]
- 11/12/2020 ☐ 21 72 pg, 20.35 MB Pro se motion filed by Appellants Mr. Leo D. Stoller and Michael Stoller to intervene. [21] [7121175] [20-2081] (CM) [Entered: 11/12/2020 10:47 AM]
- 11/19/2020 ☐ 22 8 pg, 440.21 KB Pro se motion filed by Appellant Mr. Leo D. Stoller to stay briefing schedule. [22] [7122967] [20-2081] (CAH) [Entered: 11/19/2020 03:54 PM]
- 11/20/2020 ☐ 23 11 pg, 683.14 KB Motion filed by Appellant Michael Stoller to extend time to file appellant brief. [23] [7123250] [20-2081] (Kiss, Philip) [Entered: 11/20/2020 02:24 PM]
- 11/23/2020 ☐ 24 1 pg, 271.54 KB Order issued GRANTING motion to extend time to file appellant's brief [23] Appellant's brief due on or before 12/30/2020 for Michael Stoller. Appellees' briefs due on or before 01/29/2021 for Thomas Fumo, Kovitz Shifrin Nesbit, Robert P. Nesbit, Reliable Management Realty, Ltd. and Diane J. Silverberg. Appellant's reply brief, if any, is due on or before 02/19/2021 for Appellant Michael Stoller. CMD [24] [7123519] [20-2081] (AG) [Entered: 11/23/2020 02:09 PM]
- 12/21/2020 ☐ 25 10 pg, 405.47 KB Motion filed by Appellant Michael Stoller to extend time to file appellant brief. [25] [7129985] [20-2081] (Kiss, Philip) [Entered: 12/21/2020 03:30 PM]
- 12/23/2020 ☐ 26 1 pg, 57.58 KB Order issued GRANTING motion to extend time to file appellant's brief [25] only to the extent that briefing will proceed as follows: Appellant's brief due on or before 01/29/2021 for Michael Stoller. Appellees' respective briefs due on or before 03/01/2021 for Thomas Fumo, Kovitz Shifrin Nesbit, Robert P. Nesbit, Reliable Management Realty, Ltd. and Diane J. Silverberg. Appellant's reply brief, if any, is due on or before 03/22/2021 for Appellant Michael Stoller. CMD [26] [7130378] [20-2081] (MM) [Entered: 12/23/2020 09:18 AM]
- 01/20/2021 ☐ 27 9 pg, 585.77 KB Motion filed by Appellant Michael Stoller to extend time to file appellant brief. [27] [7135728] [20-2081] (Kiss, Philip) [Entered: 01/20/2021 03:26 PM]
- 01/20/2021 ☐ 28 1 pg, 51.46 KB Order issued GRANTING motion to extend time to file appellant's brief only to the extent that briefing shall proceed as follows: [27] The appellant Michael Stoller shall file his brief and required short appendix on or before March 1, 2021. The appellees shall file their respective briefs on or before March 31, 2021. The appellant shall file his reply brief, if any, on or before April 21, 2021. CMD [28] [7135751] [20-2081] (CG) [Entered: 01/20/2021 04:16 PM]
- 03/01/2021 ☐ 29 47 pg, 15.27 MB Motion filed by Appellant Michael Stoller to extend time to file appellant brief. [29] [7144529] [20-2081] (Kiss, Philip) [Entered: 03/01/2021 12:43 PM]
- 03/02/2021 ☐ 30 2 pg, 57.61 KB Order issued GRANTING motion to extend time to file appellant's brief [29] to the extent that briefing will proceed as follows: Appellant's brief due on or before 04/05/2021 for Michael Stoller. Appellees' respective briefs due on or before 05/05/2021 for Thomas Fumo, Kovitz Shifrin Nesbit, Robert P. Nesbit, Reliable Management Realty, Ltd. and Diane J. Silverberg. Appellant's reply brief, if any, is due on or before 05/26/2021 for Appellant Michael Stoller. A review of the court's docket indicates that attorney Philip Kiss has not filed a disclosure statement in accordance with Circuit Rule 26.1. Accordingly, attorney Kiss shall file his overdue disclosure statement by 03/09/2021. CMD [30] [7144751] [20-2081] (MM) [Entered: 03/02/2021 11:14 AM]
- 03/08/2021 ☐ 31 1 pg, 24.62 KB Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Philip M. Kiss for Appellant Michael Stoller. [31] [7145948] (L-Yes; E-Yes; R-No) [20-2081] (Kiss, Philip) [Entered: 03/08/2021 02:20 PM]
- 03/30/2021 ☐ 32 8 pg, 3.74 MB Amended Appearance form ~~Jurisdictional Statement~~ filed by Attorney Philip M. Kiss for Appellant Michael Stoller. [32] [7150694] [20-2081]--[Edited 03/30/2021 by AD to reflect proper filing.] (Kiss, Philip) [Entered: 03/30/2021 12:59 PM]
- 03/31/2021 ☐ 33 5 pg, 437.19 KB Motion filed by Appellant Michael Stoller to extend time to file appellant brief. [33] [7150927] [20-2081] (Kiss, Philip) [Entered: 03/31/2021 10:03 AM]
- 03/31/2021 ☐ 34 2 pg, 54.74 KB Order issued GRANTING motion to extend time to file appellant's brief only to the extent that briefing will proceed as follows: [33] Appellant's brief due on or before 05/05/2021 for Michael Stoller. Appellees' briefs due on or before 06/04/2021 for Thomas Fumo, Kovitz Shifrin Nesbit, Robert P. Nesbit, Reliable Management Realty, Ltd. and Diane J. Silverberg. Appellant's reply brief, if any, is due on or before

06/25/2021 for Appellant Michael Stoller. CMD [34] [7151101] [20-2081] (ER) [Entered: 03/31/2021 03:47 PM]

04/13/2021 ☐ 35 Docketing Statement filed by Appellees Thomas Fumo and Reliable Management Realty, Ltd.. Prior or Related proceedings: No. [35] [7153755] [20-2081] (Hutchinson, Whitney) [Entered: 04/13/2021 03:26 PM]  
8 pg, 161.02 KB

04/22/2021 ☐ 36 Filed Response by Appellant Michael Stoller to Defendant's Late Filed Docketing Statement. [36][7155732] [20-2081] (Kiss, Philip) [Entered: 04/22/2021 02:39 PM]  
5 pg, 365.39 KB

05/05/2021 ☐ 37 Motion filed by Appellant Michael Stoller to extend time to file appellant brief. [37] [7158298] [20-2081] (Kiss, Philip) [Entered: 05/05/2021 01:49 PM]  
5 pg, 398.58 KB

05/06/2021 ☐ 38 Order issued GRANTING motion to extend time to file appellant's brief to the extent that briefing shall proceed as follows:[37] Appellant's brief due on or before 06/04/2021 for Michael Stoller. Appellee's brief due on or before 07/06/2021 for Thomas Fumo, Kovitz Shifrin Nesbit, Robert P. Nesbit, Reliable Management Realty, Ltd. and Diane J. Silverberg. Appellant's reply brief, if any, is due on or before 07/27/2021 for Appellant Michael Stoller. No further extensions of time will be allowed, except in extraordinary circumstances. CMD [38] [7158452] [20-2081] (AP) [Entered: 05/06/2021 08:43 AM]  
1 pg, 58.4 KB

06/01/2021 ☐ 39 Pro se motion filed by Appellant Mr. Leo D. Stoller for expedited ruling on motion to intervene (docket #21). [39] [7164162] [20-2081] (CAH) [Entered: 06/02/2021 08:41 AM]  
83 pg, 7.05 MB

06/02/2021 ☐ 40 ORDER: On June 2, 2021, appellant Michael Stoller submitted a paper version of a motion to extend time to file his opening brief. All documents from represented litigants must be filed and served electronically unless this court allows an exemption from the rule. See Cir. R. 25. Accordingly, no action will be taken on the motion for extension. SCR [40] [7164332] [20-2081] (PS) [Entered: 06/02/2021 02:35 PM]  
1 pg, 100.76 KB

06/04/2021 ☐ 41 Motion filed by Attorney Philip Kiss, attorney's request; to waive requirement to file electronically tendered with motion to extend time to file appellant's brief. [41] [7165063] [20-2081]--[Edited 06/04/2021 by CM] (CAH) [Entered: 06/04/2021 02:52 PM]  
6 pg, 226.02 KB

06/07/2021 ☐ 42 ORDER re: Appellant Michael Stoller's Attorney Request Leave to File Attached Motion for Extension of Time Instantly and Manually and to Waive the Requirement for Him to file Electronically. IT IS ORDERED that the motion is DENIED. If counsel is unable to use a computer, then he must hire someone who can do so or use a commercially available service. SCR [42] [7165183] [20-2081] (AG) [Entered: 06/07/2021 09:11 AM]  
1 pg, 104.02 KB

06/07/2021 ☐ 43 Amended Jurisdictional Statement filed by Appellant Michael Stoller. [43] [7165430] [20-2081] (Kiss, Philip) [Entered: 06/07/2021 05:10 PM]  
6 pg, 568.41 KB

06/07/2021 ☐ 44 Motion filed by Appellant Michael Stoller to extend time to file., to extend time to file appellant brief. [44] [7165432] [20-2081] (Kiss, Philip) [Entered: 06/07/2021 05:15 PM]  
7 pg, 713.66 KB

06/09/2021 ☐ 45 ORDER re: Motion for an extension. IT IS ORDERED that the motion for extension is DENIED. [44] SCR [45] [7165846] [20-2081] (AG) [Entered: 06/09/2021 11:24 AM]  
1 pg, 103 KB

06/11/2021 ☐ 46 ORDER: On consideration of the Motion to Reconsider the court's order of October 19, 2020, and the Motion to Intervene, both filed by non-party Leo Stoller on November 12, 2020, the Motion to Reconsider is DENIED. Further, the Motion to Intervene is DENIED. Intervention at the appellate level is unusual and should be allowed only in an exceptional case and for "imperative reasons." See Hutchinson v. Pfeil, 211 F.3d 515, 519 (10th Cir. 2000). This case is not exceptional, and Leo Stoller 's motion fails to offer the requisite justification for intervention on appeal. [21] [20] DW [46] [7166456] [20-2081] (FP) [Entered: 06/11/2021 02:09 PM]  
1 pg, 143.49 KB

06/14/2021 ☐ 47 Pro se motion filed by Appellant Mr. Leo D. Stoller to stay pending appeal to the U.S. Supreme Court. [47] [7166601] [20-2081] (CAH) [Entered: 06/14/2021 08:39 AM]  
11 pg, 1.1 MB

06/14/2021 ☐ 48 Pro se CORRECTED motion filed by Appellant Mr. Leo D. Stoller to stay pending appeal to the U.S. Supreme Court. [48] [7166719] [20-2081] (CAH) [Entered: 06/14/2021 11:46 AM]  
11 pg, 1.1 MB


06/15/2021 ☐ 49 ORDER re: 1)Motion to stay pending appeal to the U.S. Supreme Court. 2) Corrected motion to stay pending appeal to the U.S. Supreme Court. IT IS ORDERED that the motions are DENIED. [47] JPK [49] [7166895] [20-2081] (AG) [Entered: 06/15/2021 08:57 AM]  
1 pg, 102.77 KB

06/15/2021 ☐ 50 Motion filed by Appellant Michael Stoller to file Motion to File Opening Brief Instantly. [50] [7167139] [20-2081] (Kiss, Philip) [Entered: 06/15/2021 09:55 PM]  
63 pg, 4.77 MB

06/17/2021 ☐ 51 ORDER re: Appellant Michael Stoller request to file opening brief instantly. [50]. The motion is DENIED. The appellant's brief is late and the appellant does not provide any explanation or argue that the lateness should be excused. The tendered brief is also deficient in numerous respects. Accordingly, this appeal is DISMISSED for failure to prosecute. Diane S. Sykes, Chief Judge. [51] [7167362] [20-2081] (CG) [Entered: 06/17/2021 08:50 AM]  
1 pg, 101.07 KB

06/17/2021 ☐ 52 Submitted petition for rehearing en banc by Philip Kiss for Appellant Michael Stoller. [52] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto  
0 pg, 0 KB

the court's docket as a separate entry which will be open to the public. [7167602] [20-2081] (Kiss, Philip) [Entered: 06/17/2021 04:16 PM]

- 06/17/2021 ☐ 53 Brief deficiency letter sent to Appellant Michael Stoller. [53] [7167607] [20-2081] (CM) [Entered: 06/17/2021 04:39 PM]  
3 pg, 103.73 KB
- 06/18/2021 ☐ 54 Re-Submitted appellant brief by Appellant Opening Brief for Appellant Michael Stoller. [54] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [7167681] [20-2081] (Kiss, Philip) [Entered: 06/18/2021 04:29 PM]  
0 pg, 0 KB
- 06/19/2021 ☐ 55 Motion filed by Appellant Michael Stoller , REQUEST FOR A WAVIOR THAT THE REQUIREMENT THAT THE FRONT COVER OF ITS BRIEF AND DISCLOSURE BE SUBMITTED IN NATIVE PDG FORMAT., to file Motion for a WAVIOR THAT THE REQUIREMENT THAT THE FRONT COVER OF ITS BRIEF AND DISCLOSURE BE SUBMITTED IN NATIVE PDG FORMAT. [55] [7167689] [20-2081] (Kiss, Philip) [Entered: 06/19/2021 01:00 PM]  
6 pg, 841.38 KB
- 06/22/2021 ☐ 56 ORDER re: Appellant Michael Stoller's Request for a Waivor that the Requirement that the Front Cover of its Opening Brief and Disclosure be Submitted in Native PDG Format. [56] The motion is DENIED. SCR [56] [7168132] [20-2081] (MM) [Entered: 06/22/2021 10:58 AM]  
1 pg, 100.42 KB
- 06/22/2021 ☐ 57 Motion filed by Appellant Michael Stoller for reconsideration of Petition for rehearing and/or rehearing en bloc. [57] [7168288] [20-2081] (Kiss, Philip) [Entered: 06/22/2021 03:01 PM]  
77 pg, 6.72 MB
- 06/24/2021 ☐ 58 ORDER re: Notice of filing appellant's request rehearing and rehearing en banc. IT IS ORDERED that the motion is DENIED. [58] JPK [58] [7168829] [20-2081] (ZNS) [Entered: 06/24/2021 11:14 AM]  
1 pg, 102.54 KB
- 07/09/2021 ☐ 59 Mandate issued. No record to be returned. [59] [7171905] [20-2081] (DRS) [Entered: 07/09/2021 08:51 AM]  
1 pg, 85.05 KB
- 07/09/2021 ☐  FOR COURT USE ONLY: Certified copy of 06/17/2021 Final Order with 06/24/2021 Rehearing Denial Order, with Mandate sent to the District Court Clerk. [7171913-2] [7171913] [20-2081] (DRS) [Entered: 07/09/2021 09:00 AM]  
3 pg, 616.83 KB

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# APPENDIX 2

## UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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



Office of the Clerk  
Phone: (312) 435-5850  
www.ca7.uscourts.gov

## ORDER

June 15, 2021

*By the Court:*

No. 20-2081	MICHAEL STOLLER, Plaintiff - Appellant
	and
	LEO D. STOLLER, Appellant
	v.
	THOMAS FUMO, President, et al., Defendants - Appellees
<b>Originating Case Information:</b>	
District Court No: 1:19-cv-02546 Northern District of Illinois, Eastern Division District Judge Edmond E. Chang	

The following are before the Court:

1. **MOTION TO STAY PENDING APPEAL TO THE U.S. SUPREME COURT**, filed on June 14, 2021, by the pro se appellant.
2. **CORRECTED MOTION TO STAY PENDING APPEAL TO THE U.S. SUPREME COURT**, filed on June 14, 2021, by the pro se appellant.

**IT IS ORDERED** that the motions are **DENIED**.