

No. 26-

IN THE
Supreme Court of the United States

Felipe N. Gomez, Petitioner

v.

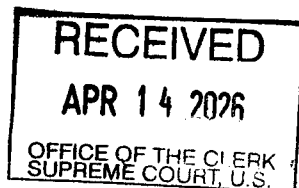
E*Trade Securities LLC, Respondent

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Seventh Circuit

APPENDIX TO PETITION FOR CERTIORARI
Vol. 1 of 2
(Exhibits 1-13)

Felipe N. Gomez, Pro Se
P.O. 9263
Lombard, IL 60148
331-218-3772
233023gomez@gmail.com

March 9, 2026



PETITION FOR CERTIORARI

USCA7 21-1597

INDEX TO PETITIONER'S APPENDIX
(2 Volumes)

Exhibit # Page #

Vol. 1

1.	4.2.21 <i>E*Trade v Gomez</i> 19cv0827 District Court Order.....	3
2.	12.15.22 USCA7 21-1597 Order.....	6
3.	2.2.23 USCA7 21-1597 Order.....	12
4.	12.9.25 USCA7 21-1597 "Mack Bar" Order.....	15
5.	<i>Arthur Gomez v Schwab (NDIL)</i> , 19cv0540 Docket.....	18
6.	<i>E*Trade v Gomez (NDIL)</i> , 19cv0827 Docket.....	27
7.	1.27.19 <i>Arthur Gomez v E*Trade</i> , 19cv0540 Complaint.....	52
8.	3.7.19 19cv0540 First Amended Complaint.....	111
9.	4.17.19 19cv0540 Second Amended Complaint.....	129
10.	2.8.19 <i>E*Trade v Gomez</i> , 19cv0827 Complaint.....	145
11.	4.27.19 19cv0540 Voluntary Dismissal.....	155
12.	USCA7 21-1597 Docket.....	158
13.	8.15.22 21-1597 Appellant's Brief (Brief).....	169

Vol. 2

13.	8.15.22 21-1597 Appendix to Appellant's Brief.....	218
14.	9.22.22. 21-1597 Appellee's Response.....	246
15.	10.26.22 21-1597 Appellant's Reply.....	284
16.	10.28.22 19cv0540 Stipulated Dismissal.....	329
17.	<i>In Re Felipe Nery Gomez</i> , 23B3023 (NDILB) Docket.....	337
18.	5.21.25 23B3023 Order Approving Waiver of Discharge.....	392
19.	9.18.25 and 10.17.25 Gomez 23B3023 Motions to Enforce Stay....	396/411
20.	11.7.25 23B3023 Order Denying Motions and Lifting Stay.....	422

PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 1

4.2.22 19cv0827 Final Order

and

4.6.22 19cv0827 FRCP 58 Judgement

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

E*TRADE Securities LLC.,

Plaintiff(s),

v.

Felipe Nery Gomez and Arthur James Muellman
Gomez,

Defendant(s).

Case No. 19 C 827
Judge Rebecca R. Pallmeyer

JUDGMENT IN A CIVIL CASE

Judgment is hereby entered (check appropriate box):

in favor of plaintiff(s)
and against defendant(s)
in the amount of \$ _____,

which includes pre-judgment interest.
 does not include pre-judgment interest.

Post-judgment interest accrues on that amount at the rate provided by law from the date of this judgment.

Plaintiff(s) shall recover costs from defendant(s).

in favor of defendant(s)
and against plaintiff(s)

Defendant(s) shall recover costs from plaintiff(s).

other: E*Trade is directed to deposit funds in the court registry

This action was (*check one*):

- tried by a jury with Judge Rebecca R. Pallmeyer presiding, and the jury has rendered a verdict.
- tried by Judge Rebecca R. Pallmeyer without a jury and the above decision was reached.
- decided by Judge Rebecca R. Pallmeyer on a Rule 58 motion for judgment.

Date: 4/6/2021

Thomas G. Bruton, Clerk of Court

/s/ Nicole Fratto, Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

E*TRADE Securities LLC,)	
)	
Plaintiff,)	
)	
v.)	No. 19 C 827
)	
FELIPE NERY GOMEZ and ARTHUR)	Judge Rebecca R. Pallmeyer
JAMES MUELLMAN GOMEZ,)	
)	
Defendants.)	

ORDER

On November 25, 2020, the court prepared a minute entry [166] granting Interpleader Plaintiff E*Trade Securities LLC's motion for leave to liquidate and deposit funds into the court registry, but limiting the relief granted to what was requested in paragraphs 6 and 7 of E*Trade's motion.

E*Trade drafted an order to that effect, and the court signed it on November 30, 2020 [167]. The court's order also awarded attorneys fees in favor of E*Trade and against Defendant Felipe Gomez. The court did not prepare a separate judgment pursuant to Rule 58, but Mr. Gomez promptly filed a notice of appeal. Prompted by the Court of Appeals, Mr. Gomez has now returned to this court to ask for entry of a Rule 58 judgment.

The motion [179] is granted. The Clerk is directed to enter a Rule 58 judgment directing E*Trade to deposit funds in the court registry and dismissing E*Trade from this action. As the court understands it is undisputed that Defendant Arthur Gomez is entitled to recovery of those funds, the judgment will be in favor of Interpleader Defendant Arthur ("AJ") Gomez and against Interpleader Defendant Felipe Gomez. On its own motion, the court vacates the award of attorneys' fees in part. The court stands by its conclusion that fees are to be awarded in favor of E*Trade and against Defendant Felipe Gomez, but concludes it erred in failing to direct the parties to engage in the LR 54.3 process to determine the precise amount of the award. The parties are directed promptly to initiate that process. While the parties engage in the 54.3 process, the judgment will be final and appealable.

ENTER:

Dated: April 2, 2021


 REBECCA R. PALLMEYER
 United States District Judge

PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 2

12.15.22 USCA7 Order

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

FINAL JUDGMENT

December 15, 2022

Before

FRANK H. EASTERBROOK, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 21-1597	E*TRADE SECURITIES LLC, Plaintiff - Appellee v. FELIPE N. GOMEZ, Defendant - Appellant
-------------	--

Originating Case Information:
District Court No: 1:19-cv-00827
Northern District of Illinois, Eastern Division
District Judge Rebecca R. Pallmeyer

We **AFFIRM** the judgment of the district court and **AWARD** E*TRADE its reasonable costs and attorneys' fees in this appeal. E*TRADE may file, within 14 days, an affidavit and supporting papers specifying its reasonable costs and attorneys' fees from this frivolous appeal. Gomez may file a written response no later than 14 days after E*TRADE files its affidavit. We warn Gomez that if he does not pay any monetary sanction that we order, we may impose a filing bar consistent with *Support Sys. Int'l v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995).

The above is in accordance with the decision of this court entered on this date.

Clerk of Court

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted December 13, 2022*

Decided December 15, 2022

BeforeFRANK H. EASTERBROOK, *Circuit Judge*DIANE P. WOOD, *Circuit Judge*THOMAS L. KIRSCH II, *Circuit Judge*

No. 21-1597

E*TRADE SECURITIES LLC,
*Plaintiff-Appellee,**v.*FELIPE GOMEZ,
*Defendant-Appellant.*Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 19 C 827

Rebecca R. Pallmeyer,
*Chief Judge.***ORDER**

This appeal involves arguments similar to those we recently rejected in *Charles Schwab & Co. v. Gomez*, Nos. 21-1344 & 21-2531, 2022 WL 523085 (7th Cir. Feb. 22, 2022). Both cases are interpleader suits that brokerage firms (Charles Schwab & Co. in the first suit; E*TRADE Securities LLC in this suit) brought to determine whether Felipe Gomez or his son owned investment accounts. Gomez argued in both cases that the district

* We have agreed to decide the case without oral argument because the appeal is frivolous. FED. R. APP. P. 34(a)(2)(A).

No. 21-1597

Page 2

court lacked subject-matter jurisdiction to resolve the suits. As in the first suit, we affirm the judgment of the district court. On its motion for sanctions, we award E*TRADE its reasonable costs and attorneys' fees associated with this appeal.

Gomez's mother listed Arthur ("AJ"), her grandson and Gomez's son, as a beneficiary of a retirement account at Charles Schwab & Co. After she died, some assets were transferred to E*TRADE in AJ's name. Gomez demanded control of the E*TRADE account. To resolve the question of control and to discharge it of any liability, E*TRADE filed this interpleader action under Rule 22 of the Federal Rules of Civil Procedure.

Litigation carried on for two years before resolution. During this time, Gomez unsuccessfully moved to disqualify E*TRADE's counsel, sought an administrative stay pending Gomez's bankruptcy filing, and requested that the district judge recuse herself. He also rejected a proposed settlement that would have resolved the ownership of the funds and dismissed a parallel state-court suit that Gomez had filed. In 2021, the district court entered judgment discharging E*TRADE of any liability, declaring AJ the owner of the account, and awarding E*TRADE its attorneys' fees and costs.

On appeal, Gomez primarily argues that the district court lacked jurisdiction over the interpleader suit. Interpleader can be invoked in two ways; the first is under 28 U.S.C. § 1335. Gomez repeats his contentions, which we rejected in *Charles Schwab & Co.*, that he and his son are not "adverse" in the way that § 1335 requires. But just as Charles Schwab & Co. did in the earlier suit, E*TRADE in this suit invoked interpleader under Rule 22 of the Federal Rules of Civil Procedure. The general jurisdiction statutes govern federal jurisdiction under Rule 22. *Arnold v. KJD Real Est., LLC*, 752 F.3d 700, 704 (7th Cir. 2014). And here, federal diversity jurisdiction is satisfied. *See* 28 U.S.C. § 1332. E*TRADE is a citizen of New York and is incorporated in Delaware while both Gomez and his son are Illinois citizens; furthermore, the cash and stock assets in the account total more than \$75,000.

Gomez next argues that E*TRADE lacked standing to bring this suit because a live case or controversy between him and his son was, in his view, speculative. *See, e.g., Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016). But the grandmother bequeathed an interest in the account to AJ, and Gomez insisted that he, not AJ, control that interest. Thus, E*TRADE faced a realistic possibility of litigation over conflicting claims of control, and the district court could resolve that conflict. The case therefore satisfied standing requirements. *See Aaron v. Mahl*, 550 F.3d 659, 663 (7th Cir. 2008).

Last, Gomez argues that the “cumulative” effect of the district court’s errors require reversal. But Gomez has not identified a single error, much less any accumulation of them that requires reversal.

That brings us to E*TRADE’s motion under Rule 38 of the Federal Rules of Appellate Procedure for its attorneys’ costs and fees. It contends that Gomez’s appeal is frivolous because it repeats arguments that we already rejected. *See Charles Schwab & Co.*, Nos. 21-1344 & 21-2531, 2022 WL 523085, at *1–2, *en banc reh’g denied*, 2022 WL 880853 (7th Cir. Mar. 24, 2022).

Rule 38 demands a two-step inquiry. First, we determine whether the appeal is frivolous—that is, foreordained to lose—therefore permitting a discretionary sanctions award. *H.A.L. NY Holdings, LLC v. Guinan*, 958 F.3d 627, 635 (7th Cir. 2020); *Jaworski v. Master Hand Contractors, Inc.*, 882 F.3d 686, 691 (7th Cir. 2018). Because Gomez repeated—verbatim, at times—his principal arguments about jurisdiction that this court rejected in his prior appeal, we readily conclude that this appeal is frivolous.

Next, we determine whether a sanction award of costs and fees to E*TRADE is appropriate, and it is. We look for “some indication of the appellant’s bad faith suggesting that the appeal was prosecuted with no reasonable expectation of altering the district court’s judgment and for purposes of delay or harassment or out of sheer obstinacy.” *H.A.L. NY Holdings, LLC*, 958 F.3d at 636–37 (quoting *Reid v. United States*, 715 F.2d 1148, 1155 (7th Cir. 1983)). This appeal reprised Gomez’s strategy, which the district court sanctioned, of delaying the inevitable resolution of this matter. Gomez, whose law license was suspended in part for his conduct toward opposing counsel in the *Charles Schwab & Co.* proceedings, *see In re Gomez*, 829 F. App’x 136 (7th Cir. 2020), should have known after losing his first appeal that his second appeal repeating his recently rejected contentions was doomed. And his pro se status does not insulate him from an award of sanctions under Rule 38. *Dix v. Edelman Fin. Servs., LLC*, 978 F.3d 507, 521 (7th Cir. 2020).

Gomez’s sole reply is that E*TRADE was not the “winner” of the litigation and therefore is not entitled to fees and costs. But Rule 38 authorizes awarding costs to any “appellee” in a frivolous appeal, which here is E*TRADE. And in any event, E*TRADE “won” in that it obtained the judgment that it sought from the district court.

Thus, we AFFIRM the judgment of the district court and AWARD E*TRADE its reasonable costs and attorneys’ fees in this appeal. E*TRADE may file, within 14 days,

No. 21-1597

Page 4

an affidavit and supporting papers specifying its reasonable costs and attorneys' fees from this frivolous appeal. Gomez may file a written response no later than 14 days after E*TRADE files its affidavit. We warn Gomez that if he does not pay any monetary sanction that we order, we may impose a filing bar consistent with *Support Sys. Int'l v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995).

PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 3

2.2.23 USCA7 Order

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

February 2, 2023

Before
FRANK H. EASTERBROOK, *Circuit Judge*
DIANE P. WOOD, *Circuit Judge*
THOMAS L. KIRSCH II, *Circuit Judge*

No. 21-1597	E*TRADE SECURITIES LLC, Plaintiff - Appellee v. FELIPE N. GOMEZ, Defendant - Appellant
Originating Case Information:	
District Court No: 1:19-cv-00827 Northern District of Illinois, Eastern Division District Judge Rebecca R. Pallmeyer	

The following are before the court:

1. **DECLARATION OF JAMES T. HULTQUIST IN SUPPORT OF PLAINTIFF-APPELLEE MOTION FOR SANCTIONS**, filed on December 29, 2022, by counsel for the appellee.
2. **DEFENDANT-APPELLANT FELIPE N. GOMEZ EXHIBIT INDICATING INDIGENCY AND INABILITY TO PAY**, filed on January 28, 2023, by the pro se appellant.

On December 15, 2022, we affirmed the judgment of the judgement of the district court and held that it had subject-matter jurisdiction to resolve the interpleader suit between E*TRADE Securities LLC, Felipe Gomez, and his son. In that order we also held that

E*TRADE is entitled to attorneys' fees incurred in defending the appeal. We gave E*TRADE fourteen days to submit a statement of attorneys' fees, and gave Gomez fourteen days to respond. E*TRADE submitted its statement of fees on December 29, and on January 28, 2023, Gomez submitted a filing as evidence of his indigency. In its declaration, E*TRADE submitted its attorneys' fees and costs incurred defending this appeal and an earlier, identical appeal, No. 20-3349. We find that the fees and costs requested by E*TRADE for work performed after Gomez filed his amended notice of appeal in 21-1597 on April 2, 2021, are reasonable. Accordingly,

IT IS ORDERED that appellant Felipe Gomez shall reimburse E*TRADE \$47,433.50 by February 23, 2023, for the expense of defending this appeal. E*TRADE should inform the court if Gomez fails to satisfy his obligation. If Gomez fails to timely reimburse E*TRADE in full, 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 or on behalf of the appellant unless and until he pays in full the sanction that has been imposed against him. *See In re: City of Chi.*, 500 F.3d 582, 585-86 (7th Cir. 2007); *Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995) (per curiam).

form name: c7_Order_3J (form ID: 177)

PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 4

12.9.25 USCA7 Order

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

December 9, 2025

Before

FRANK H. EASTERBROOK, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 21-1597	E*TRADE SECURITIES LLC, Plaintiff - Appellee v. FELIPE N. GOMEZ, Defendant - Appellant
Originating Case Information:	
District Court No: 1:19-cv-00827 Northern District of Illinois, Eastern Division District Judge Rebecca R. Pallmeyer	

The following are before the court:

1. **GOMEZ STATUS REPORT ON 11.7.25 ORDER [545] FINDING NO STAY IN RE GOMEZ 23B3023 (NDILB)**, filed on November 7, 2025, by the pro se appellant.

2. **GOMEZ STATUS REPORT**, filed on December 8, 2025, by the pro se appellant.

On December 15, 2022, we affirmed the judgment of the district court and held that E*TRADE is entitled to attorneys' fees incurred in defending this frivolous appeal. On February 2, 2023, we ordered appellant Felipe Gomez to reimburse E*TRADE \$47,433.50 by February 23, 2023, and warned that if Gomez fails to timely reimburse E*TRADE in full, this court will bar him from filing papers. On May 16, 2023, E*TRADE informed the court that Gomez had not complied with the court's order but noted that Gomez had filed for bankruptcy. We then stayed proceedings in this appeal pursuant to the automatic stay provision of 11 U.S.C. §362.

In light of the bankruptcy court's November 7, 2025, order explaining that the automatic bankruptcy stay is no longer in place for this appeal,

No. 21-1597

Page 2

IT IS ORDERED that the stay is **LIFTED**.

IT IS FURTHER ORDERED that unless and until Felipe Gomez pays all outstanding filing fees and sanctions, the clerks of all federal courts in this circuit are directed to return unfiled any papers submitted either directly or indirectly by him or on his behalf. *See In re: City of Chi.*, 500 F.3d 582, 585-86 (7th Cir. 2007); *Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995) (per curiam). In accordance with our decision in *Mack*, exceptions to this filing bar are made for criminal cases and for applications for writs of habeas corpus. *See Mack*, 45 F.3d at 186-87. This order will be lifted immediately once Gomez makes full payment. *See City of Chi.*, 500 F.3d at 585-86. If Gomez, despite his best efforts, is unable to pay in full all outstanding sanctions and filing fees, no earlier than two years from the date of this order he is authorized to submit to this court a motion to modify or rescind this order. *See id.*; *Mack*, 45 F.3d at 186.

* Circuit Judge Wood retired on May 1, 2024, and did not participate in the consideration of this order, which is being issued by a quorum of the panel under 28 U.S.C. § 46(d).

form name: c7_Order_3J (form ID: 177)

PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 5

Arthur Gomez v Schwab, 19cv0540 Docket

MIDP,TERMED,VALDEZ

**United States District Court
Northern District of Illinois - CM/ECF NextGen 1.8 (rev. 1.8.5) (Chicago)
CIVIL DOCKET FOR CASE #: 1:19-cv-00540**

Gomez et al v. Schwab, Corp et al
Assigned to: Honorable Andrea R. Wood
Demand: \$9,999,000
Cause: 18:1964 Racketeering (RICO) Act

Date Filed: 01/27/2019
Date Terminated: 04/29/2019
Jury Demand: Plaintiff
Nature of Suit: 470 Racketeer/Corrupt
Organization
Jurisdiction: Federal Question

Plaintiff

Arthur James Muellman Gomez

represented by **Felipe N Gomez**
Law Office of Felipe N. Gomez
3024 N. Ashland Ave
Chicago, IL 60657
(312)399-3966
Fax: Not a member
Email: gomzfn3@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Felipe N Gomez

represented by **Felipe N Gomez**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Charles Schwab, Corp
TERMINATED: 04/17/2019

Defendant

Garrett Wynne
*as Corporate Consigliere/Supervisor/
Advisor*

represented by **Vincent P. Schmeltz , III**
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, IL 60606
312 357 1313
Fax: Active
Email: tschmeltz@btlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dana Amato Sarros

Barnes & Thornburg Llp
One North Wacker Drive
44th Floor
Chicago, IL 60606
(312) 338-5921
Fax: Not a member
Email: dana.amato@btlaw.com
ATTORNEY TO BE NOTICED

Defendant

John and Jane Doe
Various Schwab Employees
TERMINATED: 03/07/2019

Defendant

ReedSmith LLP

represented by **James Terrence Hultquist**
Reed Smith LLP
10 South Wacker Drive
40th Floor
Chicago, IL 60606
(312) 207-1000
Fax: Active
Email: jhultquist@reedsmith.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Etrade Financial Corp
administrator
ETrade Financial Services
administrator
Etrade Securities LLC

represented by **James Terrence Hultquist**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Charles Schwab & Co.

represented by **Vincent P. Schmeltz , III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dana Amato Sarros
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Charles Schwab & Co., Inc.

Date Filed	#	Docket Text
01/27/2019	<u>1</u>	CIVIL Cover Sheet (Gomez, Felipe) (Entered: 01/27/2019)

01/27/2019	<u>2</u>	APPLICATION by Plaintiff Arthur J.M. Gomez for leave to proceed in forma pauperis represented by Pro Bono Counsel Law Office of Felipe Gomez, Esq. (Virginia Prihoda, Of Counsel) (Gomez, Felipe) (Entered: 01/27/2019)
01/27/2019	<u>3</u>	ATTORNEY Appearance for Plaintiff Arthur J.M. Gomez by Felipe N Gomez , Esq., Pro Bono (V. Prihoda, Of Counsel) (Gomez, Felipe) (Entered: 01/27/2019)
01/27/2019	<u>4</u>	RECEIVED COMPLAINT Under 18 USC 1964 (RICO) filed by Law Office of Felipe Gomez, Esq., Pro Bono for AJ Gomez, filed by Arthur J.M. Gomez; Jury Demand. (Attachments: # <u>1</u> Exhibit 1 - 6.19.07. Dr. Gomez Testating Email, # <u>2</u> Exhibit 2 - Designation of Felipe Gomez as Successor Custodian, # <u>3</u> Exhibit 3 - Purported Schwab Acct. Opening Forms, # <u>4</u> Exhibit 4 - Example Misnomered Schwab Statement, # <u>5</u> Exhibit 5 - 7.14.11 Notice of Death/Authorization Forms, # <u>6</u> Exhibit 6- 10.30.15 Power of Attorney to V. Prohoda, # <u>7</u> Exhibit 7 -12.8.17 ReNotice of Custodial Authority/ POA, # <u>8</u> Exhibit 8 - Schwab Misnomered Misaddressed Statements/Comms, # <u>9</u> Exhibit 9 - E-Mails with Schwab John Doe 1 ReReReRe Verifying and regarding 18 v. 21 Termination Age Issue, # <u>10</u> Exhibit 10 - Emails with Schwab Jane Doe 1, # <u>11</u> Exhibit 11 - V. Prihoda Letter of Rep and ReVerification to Def. Wynnr)(Gomez, Felipe) Modified on 1/28/2019 (aee,). (Entered: 01/27/2019)
01/28/2019		CASE ASSIGNED to the Honorable Andrea R. Wood. Designated as Magistrate Judge the Honorable Maria Valdez. Case assignment: Random assignment. (yt) (Entered: 01/28/2019)
01/28/2019	<u>5</u>	NOTICE TO THE PARTIES - The Court is participating in the Mandatory Initial Discovery Pilot (MIDP). The key features and deadlines are set forth in this Notice which includes a link to the (MIDP) Standing Order and a Checklist for use by the parties. In cases subject to the pilot, all parties must respond to the mandatory initial discovery requests set forth in the Standing Order before initiating any further discovery in this case. Please note: The discovery obligations in the Standing Order supersede the disclosures required by Rule 26(a)(1). Any party seeking affirmative relief must serve a copy of the following documents (Notice of Mandatory Initial Discovery and the Standing Order) on each new party when the Complaint, Counterclaim, Crossclaim, or Third-Party Complaint is served. (aee,) (Entered: 01/28/2019)
02/13/2019	<u>6</u>	MOTION by Plaintiff Arthur James Muellman Gomez to consolidate cases <u>19cv0540</u> and <u>19cv0827</u> (Gomez, Felipe) (Entered: 02/13/2019)
02/13/2019	<u>7</u>	MEMORANDUM by Arthur James Muellman Gomez in support of motion to consolidate cases <u>6</u> <u>19cv0540</u> and <u>19cv0827</u> (Gomez, Felipe) (Entered: 02/13/2019)
02/13/2019	<u>8</u>	Arthur Gomez's NOTICE of Motion by Felipe N Gomez for presentment of motion to consolidate cases <u>6</u> , application for leave to proceed in forma pauperis <u>2</u> before Honorable Andrea R. Wood on 2/20/2019 at 09:45 AM. (Gomez, Felipe) (Entered: 02/13/2019)
02/14/2019		SUMMONS Issued as to Defendant Garrett Wynne (jjr,) (Entered: 02/14/2019)
02/14/2019	<u>9</u>	Arthur Gomez Amended NOTICE of Motion by Felipe N Gomez for presentment of motion to consolidate cases <u>6</u> before Honorable Andrea R. Wood on 2/20/2019 at 09:00 AM. (Gomez, Felipe) (Entered: 02/14/2019)
02/20/2019	<u>10</u>	MINUTE entry before the Honorable Andrea R. Wood: Motion hearing held. Pursuant to the discussion held in open court, Plaintiff's application to proceed in forma pauperis <u>2</u> is voluntarily withdrawn without prejudice. Plaintiff's amended complaint shall be

		filed by 3/6/2019. Plaintiff shall also pay the filing fee by 3/6/2019. Status hearing set for 4/10/2019 at 9:00 AM. Mailed notice (ef,) (Entered: 02/22/2019)
03/07/2019	<u>11</u>	<i>FIRST AMENDED</i> complaint by Arthur James Muellman Gomez against Charles Schwab, Corp, Garrett Wynne, ReedSmith LLP, Etrade Financial Corp and terminating John and Jane Doe (Various Schwab Employees) (Attachments: # <u>1</u> Exhibit No. 11 - ETrade Issued xxx2085 Closure Confirmation)(Gomez, Felipe) (Entered: 03/07/2019)
03/07/2019	<u>12</u>	MOTION by Plaintiff Arthur James Muellman Gomez for extension of time <i>to pay fee and to allow Nunc Pro Tunc 45 min late filed FAC</i> (Gomez, Felipe) (Entered: 03/07/2019)
03/07/2019	<u>13</u>	<i>Plaintiff AJ Gomez's</i> NOTICE of Motion by Felipe N Gomez for presentment of extension of time <u>12</u> before Honorable Andrea R. Wood on 3/12/2019 at 09:00 AM. (Gomez, Felipe) (Entered: 03/07/2019)
03/10/2019	<u>14</u>	AFFIDAVIT of Arthur James Muellman Gomez regarding attorney appearance <u>3</u> , extension of time <u>12</u> <i>Verification of Existence and Awareness of Claims/Clarification of Record</i> (Gomez, Felipe) (Entered: 03/10/2019)
03/10/2019	<u>15</u>	AFFIDAVIT of Felipe Gomez, Esq. regarding affidavit <u>14</u> <i>of Arthur JM Gomez</i> (Gomez, Felipe) (Entered: 03/10/2019)
03/11/2019	<u>16</u>	AFFIDAVIT of Arthur James Muellman Gomez regarding affidavit <u>14</u> <i>Notarized Resubmission of 14 (with preparer identified)</i> (Gomez, Felipe) (Entered: 03/11/2019)
03/11/2019	<u>17</u>	DECLARATION of Arthur James Muellman Gomez regarding complaint,,, <u>4</u> , attorney appearance <u>3</u> , affidavit <u>16</u> <i>ETrade Demanded Power of Attorney from AJM Gomez to Felipe Gomez, Esq. (PI Redacted)</i> (Gomez, Felipe) (Entered: 03/11/2019)
03/12/2019	<u>18</u>	MINUTE entry before the Honorable Andrea R. Wood: Status hearing and ruling on motion hearing held. Plaintiff's motion for extension of time to pay filing fee and allow late filing of the first amended complaint <u>12</u> is granted. The first amended complaint filed on 3/7/19, will be deemed as timely filed. The Court will reinstate and review plaintiff's application to proceed in forma pauperis <u>2</u> and rule accordingly. Status hearing set for 4/10/19 at 9:00 a.m. Mailed notice(maf) (Entered: 03/12/2019)
03/13/2019		ALIAS Summons Issued as to Defendant Garrett Wynne. (acm) (Entered: 03/13/2019)
03/13/2019		SUMMONS Issued as to Defendants ReedSmith LLP, and Charles Schwab Corp. (acm) (Entered: 03/13/2019)
03/13/2019		SUMMONS Issued as to Defendant E*Trade Financial Corp. (acm) (Entered: 03/13/2019)
03/15/2019	<u>19</u>	AFFIDAVIT of Felipe Gomez, Esq. regarding declaration <u>17</u> <i>755 ILCS 45/2 Certification of ETrade Power of Attorney On Demand by Laura Katalano</i> (Gomez, Felipe) (Entered: 03/15/2019)
03/18/2019	<u>20</u>	MOTION by Plaintiff Arthur James Muellman Gomez to disqualify counsel <i>ReedSmith per 1.7 and 3.7 as Hopelessly Conflcited Counsel of Record By Way of Simultaneously Being Alleged RICO CoConspirators and named CoDefendants with Alleged Perp Client ETrade in 19cv0540 and as Material Witness in 19cv0827 (Pending M/ Consolidate with 0540 for further proceedings), filed by AJ Gomez's Attorney of Choice</i> (Gomez, Felipe) (Entered: 03/18/2019)

03/18/2019	<u>21</u>	MEMORANDUM by Arthur James Muellman Gomez in support of motion to disqualify counsel, <u>20</u> filed by <i>AJ Gomez's Attorney of Choice</i> (Gomez, Felipe) (Entered: 03/18/2019)
03/18/2019	<u>22</u>	<i>Arthur James Muellman Gomez's</i> NOTICE of Motion by Felipe N Gomez for presentment of motion to disqualify counsel, <u>20</u> before Honorable Andrea R. Wood on 3/25/2019 at 09:00 AM. (Gomez, Felipe) (Entered: 03/18/2019)
03/20/2019	<u>23</u>	MINUTE entry before the Honorable Andrea R. Wood: The motion presentment date of 3/25/2019 <u>22</u> is stricken; parties need not appear. Plaintiff's counsel is reminded that all motions are to be noticed for presentment for a day and time at which the court hears motions. Plaintiff's counsel shall re-notice his motion <u>20</u> . Mailed notice (ef,) (Entered: 03/20/2019)
03/22/2019	<u>24</u>	SUMMONS Returned Executed by Arthur James Muellman Gomez as to Etrade Financial Corp on 3/20/2019, answer due 4/10/2019. (Gomez, Felipe) (Entered: 03/22/2019)
03/22/2019	<u>25</u>	SUMMONS Returned Executed by Arthur James Muellman Gomez as to Charles Schwab, Corp on 3/19/2019, answer due 4/9/2019. (Gomez, Felipe) (Entered: 03/22/2019)
03/25/2019	<u>26</u>	SUMMONS Returned Executed by Arthur James Muellman Gomez as to ReedSmith LLP on 3/22/2019, answer due 4/12/2019. (Gomez, Felipe) (Entered: 03/25/2019)
03/25/2019	<u>27</u>	AMENDED summons returned executed <u>25</u> as to <i>Schwab correcting incomplete affidavit (Due Date Remains the Same)</i> (Gomez, Felipe) (Entered: 03/25/2019)
03/25/2019	<u>28</u>	AMENDED summons returned executed <u>24</u> as to <i>ETrade correcting incomplete affidavit (Due Date Remains the Same)</i> (Gomez, Felipe) (Entered: 03/25/2019)
03/25/2019	<u>29</u>	MOTION by Plaintiff Arthur James Muellman Gomez to disqualify counsel for <i>ETrade (CoDft ReedSmith)</i> by <i>Ltd Scope Counsel Pro Tem</i> (Gomez, Felipe) (Entered: 03/25/2019)
03/25/2019	<u>30</u>	MEMORANDUM by Arthur James Muellman Gomez in support of motion to disqualify counsel <u>29</u> for <i>ETrade (CoDft ReedSmith)</i> by <i>Ltd Scope Counsel Pro Tem</i> (Gomez, Felipe) (Entered: 03/25/2019)
03/26/2019	<u>31</u>	ATTORNEY Appearance for Defendants Etrade Financial Corp, ReedSmith LLP by James Terrence Hultquist (Hultquist, James) (Entered: 03/26/2019)
03/26/2019	<u>32</u>	MOTION by Defendants Etrade Financial Corp, ReedSmith LLP for extension of time to file response/reply as to amended complaint, <u>11</u> (Attachments: # <u>1</u> Exhibit James T. Hultquist Declaration)(Hultquist, James) (Entered: 03/26/2019)
03/26/2019	<u>33</u>	NOTICE of Motion by James Terrence Hultquist for presentment of motion for extension of time to file response/reply <u>32</u> before Honorable Andrea R. Wood on 4/2/2019 at 09:00 AM. (Hultquist, James) (Entered: 03/26/2019)
04/02/2019	<u>34</u>	MINUTE entry before the Honorable Andrea R. Wood: Motion hearing held. Defendant's motion for extension of time to respond <u>32</u> is granted. For the reasons stated on the record, Defendants' obligation to answer or otherwise plead to Plaintiff's amended complaint is stayed until further order of Court. Pursuant to the discussion held in open court, Plaintiff's application to proceed in forma pauperis <u>2</u> is granted as follows. Plaintiff shall pay the filing fee in two installments: Plaintiff's first installment

		payment shall be made by 4/16/2019 and the second filing fee installment payment shall be made by 4/30/2019. Status hearing set for 4/10/2019 remains firm. Mailed notice (ef,) (Entered: 04/04/2019)
04/05/2019	<u>35</u>	<i>Plaintiff's</i> NOTICE of Motion by Felipe N Gomez for presentment of motion to disqualify counsel <u>29</u> before Honorable Andrea R. Wood on 4/10/2019 at 09:00 AM. (Gomez, Felipe) (Entered: 04/05/2019)
04/08/2019	<u>43</u>	LETTER from Daniel Pelavin dated 4/1/2019 (Exhibits). (Envelope postmarked 4/2/19) (aee,) (Entered: 04/10/2019)
04/09/2019	<u>36</u>	ATTORNEY Appearance for Defendant Charles Schwab & Co. by Vincent P. Schmeltz, III (Schmeltz, Vincent) (Entered: 04/09/2019)
04/09/2019	<u>37</u>	MOTION by Defendant Charles Schwab & Co. for extension of time to <i>Respond to Plaintiff's First Amended Complaint</i> (Attachments: # <u>1</u> Exhibit 1)(Schmeltz, Vincent) (Entered: 04/09/2019)
04/09/2019	<u>38</u>	NOTICE of Motion by Vincent P. Schmeltz, III for presentment of extension of time <u>37</u> before Honorable Andrea R. Wood on 4/10/2019 at 09:00 AM. (Schmeltz, Vincent) (Entered: 04/09/2019)
04/09/2019	<u>39</u>	ATTORNEY Appearance for Defendant Charles Schwab & Co. by Dana Amato Sarros (Amato Sarros, Dana) (Entered: 04/09/2019)
04/09/2019		ALIAS Summons Issued as to Defendant Garrett Wynne. (pj,) (Entered: 04/09/2019)
04/10/2019	<u>40</u>	SUMMONS Returned Executed by Arthur James Muellman Gomez as to Garrett Wynne on 4/9/2019, answer due 4/30/2019. (Gomez, Felipe) (Entered: 04/10/2019)
04/10/2019	<u>41</u>	ATTORNEY Appearance for Defendant Garrett Wynne by Vincent P. Schmeltz, III (Schmeltz, Vincent) (Entered: 04/10/2019)
04/10/2019	<u>42</u>	ATTORNEY Appearance for Defendant Garrett Wynne by Dana Amato Sarros (Amato Sarros, Dana) (Entered: 04/10/2019)
04/10/2019	<u>44</u>	MINUTE entry before the Honorable Andrea R. Wood: Motion and Status hearing held. As stated on the record, Plaintiff's motion to consolidate cases <u>6</u> is voluntarily withdrawn. Plaintiff's anticipated renewed motion to consolidate cases shall be filed by 4/24/2019. Pursuant to the discussion held in open court and for the reasons stated on the record, Plaintiff's motions to disqualify counsel <u>20</u> <u>29</u> are denied as premature. Plaintiff's first amended complaint shall be filed by 4/17/2019. Defendant's motion for extension of time to respond to Plaintiff's first amended complaint <u>37</u> is granted. All Defendants shall answer or otherwise plead to Plaintiff's anticipated first amended complaint by 5/20/2019. Status hearing set for 5/30/2019 at 9:00 AM. Mailed notice (ef,) (Entered: 04/11/2019)
04/11/2019	<u>45</u>	MOTION by Plaintiff Arthur James Muellman Gomez to strike letter <u>43</u> <i>Submitted without Authority By Non-Party Non-Appearing Daniel Pelavin</i> (Attachments: # <u>1</u> Exhibit Sample of King Emails re Accusing Notary of Lying etc, # <u>2</u> Exhibit King Comm to Counsel Sent Instead to Estranged Sister of Mother of Plaintiff and Emails Admitting USE of Mails for Improper Purpose/Personal Gain, # <u>3</u> Exhibit King Ex Parte with Plaintiff Attempting to Subvert)(Gomez, Felipe) (Entered: 04/11/2019)

04/16/2019	<u>46</u>	STATUS Report (<i>EMERGENCY</i>) <i>On Delay in Submitting SECOND amended complaint and Need For Court Intervention Per FRCP 26</i> by Arthur James Muellman Gomez (Gomez, Felipe) (Entered: 04/16/2019)
04/17/2019	<u>47</u>	<i>SECOND AMENDED</i> complaint by Arthur James Muellman Gomez, Felipe N Gomez against Charles Schwab & Co., Etrade Financial Corp, ReedSmith LLP, Garrett Wynne, Charles Schwab & Co., Inc. and terminating Charles Schwab, Corp <i>as Misnomered By Claim of Schwab Counsel Schmeltz</i> (Attachments: # <u>1</u> Exhibit 12 - POA Verification Ignored By Etrade)(Gomez, Felipe) (Entered: 04/17/2019)
04/24/2019	<u>48</u>	MOTION by Plaintiffs Arthur James Muellman Gomez, Felipe N Gomez to consolidate cases <i>RENEWED and Incorporating 7 in Support</i> (Gomez, Felipe) (Entered: 04/24/2019)
04/25/2019	<u>49</u>	ORDER signed by the Honorable Andrea R. Wood on 4/25/2019: By Order dated 4/2/2019 <u>34</u> , this Court granted Plaintiff Arthur Gomez's application to proceed in forma pauperis such that Arthur Gomez would pay the \$400 filing fee in two installments -- the first of which would be due 4/16/2019 and the second due 4/30/2019. Yet, as of 4/24/2019, no payments had been made. Furthermore, a "Second Amended Complaint" has now been filed that adds Plaintiff Felipe Gomez <u>47</u> . As this Court has previously advised Felipe Gomez, who is now both a Plaintiff and Plaintiffs' counsel, this case cannot proceed until Plaintiffs come into compliance with the Court's filing-fee requirements. Accordingly, Plaintiffs must either (1) pay the full \$400 filing fee by 4/30/2019 or (2) by 4/30/2019, file a renewed in forma pauperis application(s) that includes complete, current financial information for both Arthur Gomez and Felipe Gomez. If Plaintiffs do not take one of the aforementioned actions by 4/30/2019, this case will be dismissed. This Court will not consider Plaintiffs' pending motions until their filing-fee status is resolved. Mailed notice(ef,) (Entered: 04/25/2019)
04/26/2019	<u>50</u>	MOTION by Defendant Charles Schwab & Co. to quash <i>Subpoenas Served on Non-Party and for Protective Order</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Schmeltz, Vincent) (Entered: 04/26/2019)
04/26/2019	<u>51</u>	NOTICE of Motion by Vincent P. Schmeltz, III for presentment of motion to quash <u>50</u> before Honorable Andrea R. Wood on 5/2/2019 at 09:00 AM. (Schmeltz, Vincent) (Entered: 04/26/2019)
04/27/2019	<u>52</u>	NOTICE of Voluntary Dismissal by Arthur James Muellman Gomez, Felipe N Gomez <i>Per FRCP 41(a) Without Prejudice and Leaving 19cv0827</i> (Gomez, Felipe) (Entered: 04/27/2019)
04/29/2019	<u>53</u>	MINUTE entry before the Honorable Andrea R. Wood: Plaintiff having filed a notice of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) <u>52</u> , this case is dismissed without prejudice and with each party to bear its own attorneys' fees and costs. All pending hearing dates and motions are stricken. Civil case terminated. Mailed notice (ef,) (Entered: 04/29/2019)

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Description:	Docket Report	Search Criteria:	1:19-cv-00540
Billable Pages:	6	Cost:	0.60

PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 6

E*Trade v Gomez, 19cv0827 Docket

FINNEGAN,PROTO,TERMED

**United States District Court
Northern District of Illinois - CM/ECF NextGen 1.8 (rev. 1.8.5) (Chicago)
CIVIL DOCKET FOR CASE #: 1:19-cv-00827**

E*TRADE Securities LLC v. Gomez et al
Assigned to: Honorable Rebecca R. Pallmeyer
Demand: \$75,000
Case in other court: 20-03349
Cause: 28:1332 Diversity-Interpleader Action

Date Filed: 02/08/2019
Date Terminated: 04/02/2021
Jury Demand: None
Nature of Suit: 110 Contract: Insurance
Jurisdiction: Diversity

Plaintiff

E*TRADE Securities LLC

represented by **James Terrence Hultquist**

Reed Smith LLP
10 South Wacker Drive
40th Floor
Chicago, IL 60606
(312) 207-1000
Fax: Active
Email: jhultquist@reedsmith.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel Clark Kirby
Reed Smith Llp
10 South Wacker Drive
40th Floor
Chicago, IL 60606
(312) 207-1000
Fax: Not a member
Email: dkirby@reedsmith.com
ATTORNEY TO BE NOTICED

V.

Defendant

Felipe Nery Gomez

represented by **Felipe Nery Gomez**

Felipe N. Gomez (ret.)
PO 9263
Lombard, IL 60148
312-509-2071
Email: fgomez9592@gmail.com
PRO SE

Felipe N Gomez
Law Office of Felipe N. Gomez
3024 N. Ashland Ave

Chicago, IL 60657
(312)399-3966
Fax: Not a member
Email: gomzfn3@gmail.com
TERMINATED: 06/24/2019
LEAD ATTORNEY

Defendant

Arthur James Muellman Gomez

represented by **Felipe N Gomez**
(See above for address)
TERMINATED: 06/24/2019
LEAD ATTORNEY

Jeffrey G. Mote
Taft Stettinius & Hollister
111 E. Wacker Drive
Suite 2600
Chicago, IL 60601
312-836-4118
Email: jmote@taftlaw.com
TERMINATED: 07/15/2019
LEAD ATTORNEY

Robert Joseph Kopka
Kopka, Pinkus, Dolin P.C.
100 Lexington Drive
Suite 100
Buffalo Grove, IL 60089
847/549-9611
Fax: Active
Email: rjkopka@kopkalaw.com
TERMINATED: 11/21/2019

Sean M Mulroney
Sean Mulroney & Associates
516 N Ogden Ave
Ste 191
Chicago, IL 60642
312-756-0011
Fax: Active
Email: sean@seanmulroney.com
TERMINATED: 03/04/2020

Virginia Doloris Prihoda
7551 N Oakley Ave
Apt 3
Chicago, IL 60645
(773) 262-1712
Fax: Not a member
Email: virginia prihoda@hotmail.com
ATTORNEY TO BE NOTICED

Intervenor**Sean Mulrone**

Date Filed	#	Docket Text
02/08/2019	<u>1</u>	COMPLAINT <i>Interpleader</i> filed by E Trade Securities LLC; Filing fee \$ 400, receipt number 0752-15466708.(Hultquist, James) (Entered: 02/08/2019)
02/08/2019	<u>2</u>	CIVIL Cover Sheet (Hultquist, James) (Entered: 02/08/2019)
02/08/2019	<u>3</u>	ATTORNEY Appearance for Interpleader E Trade Securities LLC by James Terrence Hultquist (Hultquist, James) (Entered: 02/08/2019)
02/08/2019		CASE ASSIGNED to the Honorable Rebecca R. Pallmeyer. Designated as Magistrate Judge the Honorable Mary M. Rowland. Case assignment: Random assignment. (jjr,) (Entered: 02/08/2019)
02/08/2019		SUMMONS Issued as to Defendants Arthur James Muellman Gomez, Felipe Nery Gomez (pj,) (Entered: 02/08/2019)
02/08/2019	<u>4</u>	ATTORNEY Appearance for Defendant Arthur James Muellman Gomez by Felipe N Gomez (<i>Additional Counsel pending Lead Counsel Appearance</i>) (Gomez, Felipe) (Entered: 02/08/2019)
02/12/2019	<u>5</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Initial status hearing set for 4/15/2019 at 09:00 AM, courtroom 2141. Mailed notice. (etv,) (Entered: 02/12/2019)
02/13/2019	<u>6</u>	MOTION by Defendants Arthur James Muellman Gomez, Felipe Nery Gomez to consolidate cases <i>19cv0540 and 19cv0827</i> (Gomez, Felipe) (Entered: 02/13/2019)
02/13/2019	<u>7</u>	MEMORANDUM by Arthur James Muellman Gomez, Felipe Nery Gomez in support of motion to consolidate cases <u>6</u> <i>19cv0540 and 19cv0827</i> (Gomez, Felipe) (Entered: 02/13/2019)
02/13/2019	<u>8</u>	<i>Arthur and Felipe Gomez</i> NOTICE of Motion by Felipe N Gomez for presentment of motion to consolidate cases <u>6</u> before Honorable Rebecca R. Pallmeyer on 2/20/2019 at 09:45 AM. (Gomez, Felipe) (Entered: 02/13/2019)
02/14/2019	<u>9</u>	<i>Defendants' Amended</i> NOTICE of Motion by Felipe N Gomez for presentment of (Gomez, Felipe) (Entered: 02/14/2019)
03/11/2019	<u>10</u>	MOTION by Plaintiff ETRADE Securities LLC for protective order (Attachments: # <u>1</u> Exhibit 1)(Hultquist, James) (Entered: 03/11/2019)
03/11/2019	<u>11</u>	NOTICE of Motion by James Terrence Hultquist for presentment of motion for protective order <u>10</u> before Honorable Rebecca R. Pallmeyer on 3/18/2019 at 09:00 AM. (Hultquist, James) (Entered: 03/11/2019)
03/11/2019	<u>12</u>	AFFIDAVIT of Arthur James Muellman Gomez regarding complaint <u>1</u> , attorney appearance <u>4</u> <i>Notarized Verification of Exisence and Powers of Attorney for Felipe Gomez, Esq, and Virginia Prihoda, Esq. and In Opposition to Etrade Complaint and Motion</i> (Gomez, Felipe) (Entered: 03/11/2019)

03/11/2019	<u>13</u>	DECLARATION regarding complaint <u>1</u> , motion for protective order <u>10</u> , affidavit, <u>12</u> , attorney appearance <u>4</u> <i>ETrade Demanded Power of Attorney from AJM Gomez to Felipe Gomez, Esq. (PI Redacted)</i> (Gomez, Felipe) (Entered: 03/11/2019)
03/15/2019	<u>14</u>	AFFIDAVIT of Felipe Gomez, Esq. regarding declaration <u>13</u> <i>755 ILCS 45/2 Certification of ETrade Power of Attorney On Demand by Laura Katalano</i> (Gomez, Felipe) (Entered: 03/15/2019)
03/18/2019	<u>15</u>	MOTION by Defendants Arthur James Muellman Gomez, Felipe Nery Gomez to disqualify counsel <i>ReedSmith per 1.7 and 3.7 as CoConspirator Codefendants in 19cv0540 and as Material Witness in 19cv0827</i> (Gomez, Felipe) (Entered: 03/18/2019)
03/18/2019	<u>16</u>	MEMORANDUM by Arthur James Muellman Gomez, Felipe Nery Gomez in support of motion to disqualify counsel <u>15</u> <i>ReedSmith per 1.7 and 3.7 as CoConspirator Codefendants in 19cv0540 and as Material Witness and Extortionist in 19cv0827</i> (Gomez, Felipe) (Entered: 03/18/2019)
03/18/2019	<u>17</u>	NOTICE of Motion by Felipe N Gomez for presentment of motion to disqualify counsel <u>15</u> before Honorable Rebecca R. Pallmeyer on 3/18/2019 at 09:00 AM. (Gomez, Felipe) (Entered: 03/18/2019)
03/18/2019	<u>18</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Motion hearing held on 3/18/2019. Interpleader Plaintiff E*TRADE Securities LLC's motion for a protective order <u>10</u> is granted. Attorney Gomez is cautioned that inflammatory language has no place in respectful litigation; that e-mail messages are to be directed to opposing counsel only and not to other attorneys within his firm; and that sending multiple e-mails in a single day is inappropriate at best and may constitute harassment. The fact that Mr. Gomez's conduct occurred in a case pending before another judge is of no moment. The court acknowledges that it can exercise no authority in a case over which it lacks jurisdiction. Defendant's motion to dismiss for lack of jurisdiction to be filed by or on 4/1/2019; response to be filed by or on 4/15/2019; reply to be filed by or on 4/22/2019. Status hearing 4/15/2019 is stricken and re-set to 4/29/2019 at 9:00 AM. Interpleader Defendants motion to disqualify ReedSmith <u>15</u> is denied. Mailed notice. (etv,) (Entered: 03/18/2019)
03/18/2019	<u>19</u>	Notice of Intent to Substitute Attorneys STATEMENT by Felipe Nery Gomez <i>Relating to Judge Pallmeyer Indication of Conflict Under IRPR and ABA 1.7 and 3.7</i> (Gomez, Felipe) (Entered: 03/18/2019)
03/25/2019	<u>20</u>	MOTION by Defendant Felipe Nery Gomez to disqualify counsel <i>for ETrade (19cv0540 Codft ReedSmith) by Pro Se Felipe Gomez for himself only</i> (Gomez, Felipe) (Entered: 03/25/2019)
03/25/2019	<u>21</u>	MEMORANDUM by Felipe Nery Gomez in support of motion to disqualify counsel <u>20</u> <i>for ETrade (19cv0540 CoDft ReedSmith) by Pro Se Felipe Gomez for himself only</i> (Gomez, Felipe) (Entered: 03/25/2019)
03/26/2019	<u>22</u>	MOTION by Defendant Felipe Nery Gomez to dismiss for lack of jurisdiction <i>under Interpleader or FRCP 22 and for Mootness 12 , 13 , Memo in Support Pending and Time to Answer to Be Extended by Consent Accordingly</i> (Gomez, Felipe) (Entered: 03/26/2019)

04/02/2019	<u>23</u>	MEMORANDUM by Felipe Nery Gomez in support of motion to dismiss/lack of jurisdiction <u>22</u> <i>Late Filed Due to Computer Issues and Long Long Wait for Access to Upload</i> (Gomez, Felipe) (Entered: 04/02/2019)
04/15/2019	<u>24</u>	RESPONSE by ETRADE Securities LLC in Opposition to MOTION by Defendant Felipe Nery Gomez to dismiss for lack of jurisdiction <i>under Interpleader or FRCP 22 and for Mootness 12 , 13 , Memo in Support Pending and Time to Answer to Be Extended by Consent Accordingly 22</i> (Hultquist, James) (Entered: 04/15/2019)
04/22/2019	<u>25</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Motion to consolidate <u>6</u> was voluntarily withdrawn in Case No. 19 C 540 (See Docket Entry 44) and should be terminated from the docket in this case as well. Mailed notice. (etv,) (Entered: 04/22/2019)
04/24/2019	<u>26</u>	MOTION by Defendants Arthur James Muellman Gomez, Felipe Nery Gomez to consolidate cases <i>Duplicate of 48 in 19cv0540 AND Replacing 6 and Incorporating 7 in 19cv0827</i> (Gomez, Felipe) (Entered: 04/25/2019)
04/27/2019	<u>27</u>	NOTICE by Arthur James Muellman Gomez, Felipe Nery Gomez re MOTION by Defendant Felipe Nery Gomez to disqualify counsel <i>for ETrade (19cv0540 Codfi ReedSmith) by Pro Se Felipe Gomez for himself only 20</i> , MOTION by Defendant Felipe Nery Gomez to dismiss for lack of jurisdiction <i>under Interpleader or FRCP 22 and for Mootness 12 , 13 , Memo in Support Pending and Time to Answer to Be Extended by Consent Accordingly 22 on 4.27.19 Withdrawing Motion to Dismiss 22 and Motion to DQ 20 Without Prejudice as Mooted By Vol, Dismissal of 19cv0540</i> (Gomez, Felipe) (Entered: 04/27/2019)
04/29/2019	<u>28</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Status hearing held on 4/29/2019. On Notice <u>27</u> Defendant's motion to dismiss <u>22</u> and motion for disqualification <u>26</u> are withdrawn. Defendant to Answer in fourteen (14) days. Status hearing set for 5/23/2019 at 9:00 AM. Mailed notice. (etv,) (Entered: 04/30/2019)
05/21/2019	<u>29</u>	MOTION by Defendant Felipe Nery Gomez for extension of time to file answer regarding complaint <u>1</u> <i>(Extension Unopposed By Plaintiff While Not Agreeing/ Disagreeing to Substance of Motion related to Complaint)</i> (Gomez, Felipe) (Entered: 05/21/2019)
05/22/2019	<u>30</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Interpleader Defendants' unopposed motion for additional time to Answer <u>29</u> is granted to and including 5/28/2019, without an appearance. Status hearing set for 5/23/2019 is stricken and re-set to 6/20/2019 at 9:00 AM. Mailed notice. (etv,) (Entered: 05/22/2019)
05/30/2019	<u>31</u>	<i>Affirmative Defenses and ANSWER to Complaint under FRCP 22 by ETrade, filed by Arthur James Muellman Gomez, Felipe Nery Gomez</i> (Gomez, Felipe) (Entered: 05/30/2019)
06/17/2019	<u>32</u>	MOTION by Defendant Felipe Nery Gomez to consolidate cases <i>19cv0827 and 19cv3833 filed Pro Se For Himself By</i> (Gomez, Felipe) (Entered: 06/17/2019)
06/18/2019	<u>33</u>	ORDER Signed by the Executive Committee on 6/18/2019. Mailed notice. (jjr,) (Entered: 06/18/2019)
06/19/2019	<u>34</u>	NOTICE by Felipe Nery Gomez re order <u>33</u> <i>of Attached Motion to EC to Vacate or Stay 6.18.19 Summary Order of Suspension</i> (Gomez, Felipe) (Entered: 06/19/2019)

06/20/2019	<u>35</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Status hearing held on 6/20/2019. Status hearing set for 8/22/2019 at 09:00 AM. Mailed notice. (etv,) (Entered: 06/20/2019)
06/24/2019	<u>36</u>	NOTICE by All Defendants re order <u>33</u> , attorney appearance <u>4</u> of <i>Filing of Notice of Withdrawal of Appearance of Felipe Gomez, Esq. per 6.18.19 Ex Parte Executive Committee Order of Suspension</i> (Gomez, Felipe) (Entered: 06/24/2019)
06/27/2019	<u>37</u>	ORDER: The court recruits attorney Jeffrey G. Mote of Greenberg Traurig, LLP, 77 West Wacker Drive, Suite 3100, Chicago, IL 60601, telephone number (312) 456-8400, E-mail: motelj@gtlaw.com. to represent defendant Arthur James Muellman Gomez in accordance with counsel's trial bar obligations under the District Court's Local Rules. Signed by the Honorable Rebecca R. Pallmeyer on 6/27/2019. Mailed notice (nsf,) (Entered: 06/28/2019)
07/12/2019	<u>38</u>	MOTION to withdraw from assignment pursuant to Local Rule 83.38 for Arthur James Muellman Gomez. (Mote, Jeffrey) (Entered: 07/12/2019)
07/12/2019	<u>39</u>	NOTICE of Motion by Jeffrey G. Mote for presentment of motion to withdraw from assignment pursuant to Local Rule 83.38 <u>38</u> before Honorable Rebecca R. Pallmeyer on 7/17/2019 at 08:45 AM. (Mote, Jeffrey) (Entered: 07/12/2019)
07/15/2019	<u>40</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Movant Arthur James Muellman Gomez's motion to withdraw from assignment pursuant to Local Rule 83.38 <u>38</u> is granted. Attorney Jeffrey Mote is given leave to withdraw as counsel for Defendant Arthur James Muellman Gomez. An order recruiting new counsel for Defendant Arthur James Muellman Gomez will be entered shortly. Notice mailed by judge's staff (ntf,) (Entered: 07/15/2019)
07/16/2019	<u>41</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: The court recruits Attorney Robert Joseph Kopka of Kopka, Pinkus, Dolin P.C., 100 Lexington Drive, Suite 100, Buffalo Grove, IL 60089, 847-549-9611, rjkopka@kopkalaw.com to represent Defendant Arthur James Muellman Gomez. Notice mailed by judge's staff (ntf,) (Entered: 07/16/2019)
08/08/2019	<u>42</u>	NOTICE by Arthur James Muellman Gomez by <i>Robert Kopka</i> (Attachments: # <u>1</u> Notice of Filing)(Kopka, Robert) (Entered: 08/08/2019)
08/08/2019	<u>43</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Status hearing set for 8/22/19 is stricken and re-set to 9/9/19 at 9:00 a.m. Notice mailed by judge's staff (ntf,) (Entered: 08/08/2019)
08/09/2019	<u>44</u>	ORDER. Signed by the Honorable Rebecca R. Pallmeyer on 8/9/2019. Notice mailed by judge's staff (ntf,) (Entered: 08/09/2019)
09/09/2019	<u>45</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Status hearing held and continued to 9/20/19 at 9:30 a.m. Defendant Felipe Gomez is directed to appear in courtroom 2541 in person at the next status hearing, 9/20/19 at 9:30 a.m. Notice mailed by judge's staff (ntf,) (Entered: 09/09/2019)
09/20/2019	<u>46</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Status hearing held and continued to 10/8/19 at 9:00 a.m. Notice mailed by judge's staff (ntf,) (Entered: 09/20/2019)
09/23/2019	<u>47</u>	MOTION by Defendant Felipe Nery Gomez to consolidate cases <i>19cv0827 into 19cv3833 for procedural matters (not Trial)</i> (Gomez, Felipe) (Entered: 09/23/2019)

09/24/2019	<u>48</u>	STATUS Report on Retention of Counsel Mulrone, Maintaining Status Quo and Need for Production of Financial Information to IRS Expert ASAP by Felipe Nery Gomez (Gomez, Felipe) (Entered: 09/24/2019)
10/07/2019	<u>49</u>	STATUS Report Confirming Defendant Arthur Gomez Has Spoken to and Confirmed Retainer of Sean Mulrone (Appearances TBF Asap) and Reporting on Forthcoming State Lawsuit by Felipe Nery Gomez (Gomez, Felipe) (Entered: 10/07/2019)
10/07/2019	<u>50</u>	RESPONSE by ETRADE Securities LLC to MOTION by Defendant Felipe Nery Gomez to consolidate cases 19cv0827 into 19cv3833 for procedural matters (not Trial) <u>47</u> (Hultquist, James) (Entered: 10/07/2019)
10/08/2019	<u>51</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Status hearing held and continued to 11/6/19 at 9:00 a.m. Attorney Sean Mulrone is given leave to file his appearance form on behalf of Defendant Arthur Gomez, but only if his appearance is supplemented by a declaration that he has met privately in person with his client. Defendant Felipe Gomez's reply in support of his motions to consolidate <u>32</u> and <u>47</u> shall be filed by 10/11/19. Notice mailed by judge's staff (ntf,) (Entered: 10/08/2019)
10/10/2019	<u>52</u>	NOTICE of filing of notice of Appeal by Felipe Nery Gomez re order on motion for protective order,,,,, order on motion to disqualify counsel,,,,, terminate hearings,,,,, set case scheduling order,,,, <u>18</u> Notice of Appeal of 10.8.19 Order in In re Gomez 19D19 (Gomez, Felipe) Modified on 10/15/2019 (kp,). (Docket Text Modified by Clerk's Office) Modified on 10/16/2019 (nsf,).(Docket Text Modified by Clerk's Office) (Entered: 10/10/2019)
10/10/2019	<u>53</u>	CERTIFICATE of Filing and Service of Notice of Appeal of 10.8.19 Order in In Re Gomez 19D19 (Gomez, Felipe) (Entered: 10/10/2019)
10/13/2019	<u>54</u>	NOTICE by Felipe Nery Gomez re MOTION by Defendant Felipe Nery Gomez to consolidate cases 19cv0827 into 19cv3833 for procedural matters (not Trial) <u>47</u> , MOTION by Defendant Felipe Nery Gomez to consolidate cases 19cv0827 and 19cv3833 filed Pro Se For Himself By <u>32</u> FELIPE GOMEZ 10.13.19 NOTICE OF WITHDRAWAL OF <u>32</u> and <u>47</u> WITHOUT PREJUDICE PENDING 28 USC 455 MOTION and CA7 Appeal (Gomez, Felipe) (Entered: 10/13/2019)
10/15/2019	<u>55</u>	ENTERED IN ERROR. Modified on 10/16/2019 (nsf,). (Entered: 10/15/2019)
10/15/2019	<u>56</u>	ENTERED IN ERROR Modified on 10/16/2019 (nsf,). (Entered: 10/15/2019)
10/15/2019		FORWARDED copy of document <u>56</u> to the USCA. (kp,) (Entered: 10/15/2019)
10/16/2019	<u>57</u>	NOTICE of Correction regarding notice of filing, <u>52</u> , other <u>55</u> , other <u>56</u> . (nsf,) (Entered: 10/16/2019)
10/16/2019	<u>58</u>	RE: 19D19 - ACKNOWLEDGMENT of receipt of short record on appeal regarding notice of appeal for case 19D19, <u>52</u> USCA Case No. 19-3015. (nsf,) (Entered: 10/16/2019)
10/18/2019	<u>59</u>	STATUS Report on Need For Status Quo and Forth Coming Motions by Felipe Nery Gomez (Gomez, Felipe) (Entered: 10/18/2019)
10/22/2019	<u>60</u>	STATUS Report on Filing of State Court Illinois Declaratory Judgment Action on Determinative Issues by Felipe Nery Gomez (Gomez, Felipe) (Entered: 10/22/2019)

11/06/2019	<u>61</u>	ATTORNEY Appearance for Plaintiff ETRADE Securities LLC by Daniel Clark Kirby (Kirby, Daniel) (Entered: 11/06/2019)
11/06/2019	<u>62</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Status hearing held and continued to 11/20/19 at 9:00 a.m. Notice mailed by judge's staff (ntf,) (Entered: 11/06/2019)
11/20/2019	<u>63</u>	ORDER. Status hearing held and continued to 11/25/19 at 9:30 a.m. Arthur James Muellman Gomez is directed to appear in person before the court on Monday, November 25, 2019, at 9:30 a.m. The Clerk is directed to send a copy of this order to Mr. Arthur Gomez at 847 N. Maplewood Avenue, Apartment 1F, Chicago, IL 60622, and to the home address furnished by Felipe Gomez: 1922 West Belmont Avenue, Chicago, IL 60657. Mr. Arthur Gomez's failure to appear on Monday may result in the issuance of a order of body attachment. [For further details see order.] Signed by the Honorable Rebecca R. Pallmeyer on 11/20/2019. Notice mailed by judge's staff (ntf,) (Entered: 11/21/2019)
11/21/2019	<u>64</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Pursuant to Defendant Gomez's notice of withdrawal <u>54</u> , Defendant Gomez's motions to consolidate cases <u>32</u> and <u>47</u> are withdrawn. Notice mailed by judge's staff (ntf,) (Entered: 11/21/2019)
11/21/2019	<u>65</u>	ATTORNEY Appearance for Defendant Arthur James Muellman Gomez by Sean M Mulroney (Mulroney, Sean) (Entered: 11/21/2019)
11/21/2019	<u>66</u>	SUGGESTION of Bankruptcy as to Felipe Nery Gomez <i>filed 11.21.19 3:11 p.m.</i> (Gomez, Felipe) (Entered: 11/21/2019)
11/24/2019	<u>67</u>	STATUS Report <i>Notifying of 1292 Appeal, Stay and Intent to Enforce Stay as Provided By Law</i> by Felipe Nery Gomez (Gomez, Felipe) (Entered: 11/24/2019)
11/25/2019	<u>68</u>	MOTION by Defendants Arthur James Muellman Gomez, Felipe Nery Gomez for certificate of appealability of <u>37</u> , <u>41</u> , <u>51</u> , <u>63</u> <i>anc</i> , MOTION by Defendants Arthur James Muellman Gomez, Felipe Nery Gomez to stay regarding order,, status hearing,, set deadlines/hearings,, <u>63</u> , status hearing,, terminate deadlines and hearings,, set motion and R&R deadlines/hearings, <u>51</u> , add and terminate attorneys, <u>41</u> , order,, add and terminate attorneys, <u>37</u> <i>and due to 66 Suggestion of Bankruptcy</i> (Attachments: # <u>1</u> Certificate of Service Notice of Filing and Certificate of Service) (Gomez, Felipe) Modified on 12/6/2019 (ntf,). (Entered: 11/25/2019)
11/25/2019	<u>69</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Status hearing held and continued to 12/9/19 at 9:00 a.m. Defendant Arthur James Muellman Gomez failed to appear. Body attachment shall issue as to Arthur James Muellman Gomez, and shall be executable on Tuesday, November 26, 2019. Attorney Sean M Mulroney shall inform the court in writing that he has met with his client Arthur James Muellman Gomez in person no later than 9:00 a.m. on 11/26/19. Notice mailed by judge's staff (ntf,) (Entered: 11/26/2019)
11/27/2019	<u>70</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: As Attorney Sean Mulroney has confirmed that he has met personally with his client, the court will not proceed at this time with a writ of body attachment. Mr. Felipe Gomez's motion for certification of the court's rulings for interlocutory appeal <u>68</u> is denied. Mr. Mulroney, whose name appears on that motion, is directed promptly to confirm that he joins in it. This case remains set for status on December 9, 2019 and will proceed with respect to any claim not subject to the automatic stay. The court notes that Mr. Felipe Gomez has twice represented he understands that the funds at issue in this interpleader action are

		properly payable to Mr. Mulroney's client, and believes the case is thus ripe for resolution. Notice mailed by judge's staff (ntf,) (Entered: 11/27/2019)
11/29/2019	<u>71</u>	19-3015 Appellant F. Gomez's Motion to Extend (and Invitation to Stay 19cv0827 and 19cv3833 per Chapter 13 Stay) by Felipe Nery Gomez <i>Pro Se, Re Appellant's Brief</i> (Gomez, Felipe) (Entered: 11/29/2019)
12/02/2019	<u>72</u>	STATUS Report <i>Opposing Violations of Law and Rules and Notifying of Complaints to USCA7</i> by Felipe Nery Gomez (Gomez, Felipe) (Entered: 12/02/2019)
12/02/2019	<u>73</u>	STATUS Report (<i>AMENDED</i>) <i>Opposing Violations of Law and Rules and Notifying of Complaints to USCA7</i> by Felipe Nery Gomez (Gomez, Felipe) (Entered: 12/02/2019)
12/09/2019	<u>74</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Status hearing held and continued to 12/11/19 at 9:00 a.m., at which time the court expects counsel for Arthur Gomez to appear. Mr. Felipe Gomez is reminded that the court does not communicate with litigants via e-mail. Notice mailed by judge's staff (ntf,) (Entered: 12/09/2019)
12/11/2019	<u>75</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Status hearing held and continued to 12/18/19 at 9:00 a.m. Notice mailed by judge's staff (ntf,) (Entered: 12/11/2019)
12/17/2019	<u>76</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: By agreement, status hearing set for 12/18/19 is stricken and re-set to 12/23/19 at 10:30 a.m. Notice mailed by judge's staff (ntf,) (Entered: 12/17/2019)
12/18/2019	<u>77</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Minute entry dated 12/17/19 <u>76</u> is amended as follows: By agreement of the attorneys who were present at the status hearing on 12/11/19, status hearing set for 12/18/19 is stricken and re-set to 12/23/19 at 10:30 a.m. Notice mailed by judge's staff (ntf,) (Entered: 12/18/2019)
12/20/2019	<u>78</u>	STATUS Report on <i>ETRADE Failure to Transfer, FBI Report, and ABA Article on Proper Way to Chastize Attorneys Who Cuss Out Opposing Virgin Eared Counsel</i> by Felipe Nery Gomez (Gomez, Felipe) (Entered: 12/20/2019)
12/23/2019	<u>79</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Status hearing held and continued to 1/6/2020 at 10:00 a.m. Notice mailed by judge's staff (ntf,) (Entered: 12/23/2019)
12/30/2019	<u>80</u>	STATUS Report on <i>Existence of Cook County Circuit Court Lawsuit F. Gomez v R. Pallmeyer/ETrade.ReedSmith/Hultquist 19CH14892 and Ongoing Settlement Attempt and Tenders of LEGAL documents to Parties and Court</i> by Felipe Nery Gomez (Gomez, Felipe) (Entered: 12/30/2019)
01/01/2020	<u>81</u>	STIPULATION regarding complaint <u>1</u> <i>Custodian/Defendant Pro Se F. Gomez Draft Proposed Stipulation and Order Countering Plaintiff's Illegal Proffer</i> (Gomez, Felipe) (Entered: 01/01/2020)
01/01/2020	<u>82</u>	PROPOSED Pretrial Order (<i>Countering Proposed Self-Exculpating Illegal Proposed Order by ETrade</i>) <i>Suggesting Granting of (Draft) Stipulated Motion to Dismiss</i> (Gomez, Felipe) (Entered: 01/01/2020)
01/01/2020	<u>83</u>	STATUS Report <i>Submitting Example Order in NYLife v Gettings 12cv409 (EDWA) Used For Draft Proposed Orders</i> by Felipe Nery Gomez (Gomez, Felipe) (Entered: 01/01/2020)

01/03/2020	<u>84</u>	OBJECTIONS by ETRADE Securities LLC to proposed pretrial order <u>82</u> , stipulation <u>81</u> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Hultquist, James) (Entered: 01/03/2020)
01/06/2020	<u>85</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Status hearing held and continued to 1/27/20 at 9:00 a.m. To bring this case to a conclusion, the court requires the participation of Mr. Gomez and of Mr. Mulrone, and expects them to appear at the next scheduled status conference. Mailed notice (cn). (Entered: 01/06/2020)
01/06/2020	<u>86</u>	MOTION by Plaintiff ETRADE Securities LLC for attorney fees <i>and Costs</i> (Hultquist, James) (Entered: 01/06/2020)
01/06/2020	<u>87</u>	NOTICE of Motion by James Terrence Hultquist for presentment of motion for attorney fees <u>86</u> before Honorable Rebecca R. Pallmeyer on 1/13/2020 at 09:00 AM. (Hultquist, James) (Entered: 01/06/2020)
01/13/2020	<u>88</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Motion hearing held. Plaintiff's motion for attorneys' fees and costs <u>86</u> is entered and continued to 1/27/2020 at 9:00 a.m. Defendants' response shall be filed by 1/27/2020. Notice mailed by judge's staff (ntf,) (Entered: 01/13/2020)
01/16/2020	<u>89</u>	NOTICE by Felipe Nery Gomez re order <u>33</u> <i>under Appeai in 19-3015, of Filing of Amended Notice of Appeal in/of 19D19</i> (Attachments: # <u>1</u> Certificate of Service) (Gomez, Felipe) (Entered: 01/16/2020)
01/24/2020	<u>90</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: At the court's direction, status hearing set for 1/27/2020 is stricken and re-set to 1/28/2020 at 9:00 a.m. Hearing on Plaintiff's motion for attorneys' fees and costs <u>86</u> set for 1/27/2020 is stricken and re-set to 1/28/2020 at 9:00 a.m. The court requires the participation of Mr. Gomez and of Mr. Mulrone, and expects them to appear at that status conference. Notice mailed by judge's staff (ntf,) (Entered: 01/24/2020)
01/28/2020	<u>91</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Status hearing held and continued to 2/7/2020 at 10:00 a.m. Motion hearing held. Plaintiff's motion for attorney fees and costs <u>86</u> is entered and continued to 2/7/2020 at 10:00 a.m. Notice mailed by judge's staff (ntf,) (Entered: 01/28/2020)
01/28/2020	<u>92</u>	STATUS Report <i>RE Needed Clarification of 70 and as to docket housekeeping re [28-30, 36], [81-84], and [87-88, 90]</i> by Felipe Nery Gomez (Gomez, Felipe) (Entered: 01/28/2020)
02/05/2020	<u>93</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Mr. Felipe Gomez is reminded that the court does not communicate with litigants by way of e-mail. Communication with the court should take place by way of filings in the public record. Notice mailed by judge's staff (ntf,) (Entered: 02/05/2020)
02/06/2020	<u>94</u>	MOTION by Attorney Sean Mulrone & Associates to withdraw as attorney for Arthur James Muellman Gomez. No party information provided (Attachments: # <u>1</u> Exhibit)(Mulrone, Sean) (Entered: 02/06/2020)
02/07/2020	<u>95</u>	SUGGESTION of Bankruptcy as to All DEFEDANTS <i>Subject to Ch13 20-2589</i> (Attachments: # <u>1</u> Certificate of Service)(Gomez, Felipe) (Entered: 02/07/2020)
02/07/2020	<u>96</u>	STATUS Report <i>Reporting and Objecting to Ex Parte Communications in Violation of 93 and The Rules</i> by Felipe Nery Gomez (Attachments: # <u>1</u> Certificate of Service) (Gomez, Felipe) (Entered: 02/07/2020)

02/07/2020	<u>97</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Status hearing held and continued to 2/12/2020 at 10:00 a.m. Motion hearing held. Plaintiff's motion for attorney fees and costs <u>86</u> is entered and continued to 2/12/2020 at 10:00 a.m. Defendant Arthur James Muellman Gomez's motion for leave to withdraw as counsel of record <u>94</u> is entered and continued to 2/12/2020 at 10:00 a.m. Defendant Arthur James Muellman Gomez is directed to appear in person before the court on Wednesday, February 12, 2020, at 10:00 a.m. Mr. Arthur Gomez's failure to appear on Wednesday, February 12, 2020 may result in the issuance of an order of body attachment. Notice mailed by judge's staff (ntf,) (Entered: 02/07/2020)
02/10/2020	<u>98</u>	STATUS Report <i>on 1. USCA7 Stay of 19-3015 Pending 19D19, 2. Naming of Arthur Gomez as CoDebtor in 20-2589/Application of Stay to Bar Adverse Orders, 3. Search for New/Substitute Counsel</i> by Felipe Nery Gomez (Attachments: # <u>1</u> Certificate of Service)(Gomez, Felipe) (Entered: 02/10/2020)
02/12/2020	<u>99</u>	STATUS Report <i>Notice of USCA7 Notice of Threats and Improper Conduct, Objections to FRAP 64 Writ, and Notice of Complaint to USCA7 of Judicial Misconduct</i> by Felipe Nery Gomez (Gomez, Felipe) (Entered: 02/12/2020)
02/12/2020	<u>100</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Status hearing held. Defendant Arthur James Muellman Gomez failed to appear. Body attachment shall issue as to Arthur James Muellman Gomez. Plaintiff's motion for attorney fees and costs <u>86</u> is entered and continued. Defendant Arthur James Muellman Gomez's motion for leave to withdraw as counsel of record <u>94</u> is entered and continued. Enter Writ for Body Attachment. Notice mailed by judge's staff (ntf,) (Entered: 02/12/2020)
02/12/2020	<u>101</u>	WRIT for Body Attachment. Signed by the Honorable Rebecca R. Pallmeyer on 2/12/2020. Notice mailed by judge's staff (ntf,) (Entered: 02/12/2020)
02/13/2020	<u>103</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: In response to the court's entry of an Order of Body Attachment, Attorney Sean Mulroney has contacted the court to report that Mr. Felipe Gomez and his son, A.J. Gomez, will appear in court on February 18, 2020 at 9:30 a.m. The Order of Body Attachment remains in place, but the Marshals Service is directed not to execute that order at this time. Should A.J. Gomez fail to appear in court on Tuesday, February 18, the court will expect the Marshals to proceed forthwith to execute the body attachment. Notice mailed by judge's staff (ntf,) (Entered: 02/13/2020)
02/14/2020	<u>109</u>	WRIT of Body Attachment returned by U.S. Marshal's Office Executed as to Arthur James Muellman Gomez. (nsf,) (Entered: 02/20/2020)
02/17/2020	<u>104</u>	STATUS Report (<i>JOINT PRO SE</i>), <i>Affirming Release of Mulroney, Updating on Interviews with Potential Substitute Counsel, and Illness (and Suggestion of Call In 2.18.20 if needed)</i>) by Arthur James Muellman Gomez, Felipe Nery Gomez (Attachments: # <u>1</u> Certificate of Service and Averment)(Gomez, Felipe) (Entered: 02/17/2020)
02/18/2020	<u>105</u>	Entered in error (ntf,) Modified on 2/18/2020 (rp,). (Entered: 02/18/2020)
02/18/2020	<u>106</u>	NOTICE of Correction regarding 105 (rp,) (Entered: 02/18/2020)
02/18/2020	<u>107</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Status hearing held. Attorney Hultquist, Attorney Mulroney, and both Felipe Gomez and Arthur Gomez were present. Plaintiff's motion for attorney fees and costs <u>86</u> is entered and continued to 2/25/2020 at 9:30 a.m. Motion of counsel for Defendant Arthur James Muellman

		<p>Gomez for leave to withdraw as counsel of record <u>94</u> is entered and continued to 2/25/2020 at 9:30 a.m. Body attachment issued as to Defendant Arthur James Muellman Gomez is vacated without prejudice to renewal. Mr. Arthur James Muellman Gomez is reminded that, should he desire representation, he must meet privately with an attorney who does not represent or confer with Felipe Gomez about any matters relating to the attorney/client relationship, and must respond promptly to communications from counsel. To that end, the court expects that Mr. Arthur James Muellman Gomez will maintain a private e-mail address and will privately check that address for messages at least daily. The parties are reminded, further, that the case is ripe for resolution by way of an agreed order placing assets in the control of Mr. Arthur Gomez as the interpleader respondent. The delays in accomplishing this, and in responding appropriately to court proceedings have been costly. Further unwarranted delays may result in sanctions. Notice mailed by judge's staff (ntf,) (Entered: 02/18/2020)</p>
02/18/2020	<u>108</u>	<p>NOTICE by Felipe Nery Gomez re status hearing, <u>100</u> , order <u>101</u> <i>Complaint to US Federal Marshall Internal Affairs Regarding Improper Service of FRCP 64</i> (Gomez, Felipe) (Entered: 02/18/2020)</p>
02/18/2020	<u>110</u>	<p>EXECUTIVE COMMITTEE ORDER : 1. Felipe Gomez was admitted to practice before the General Bar of this Court on May 13, 2004. 2. On November 25, 2019, Mr. Gomez submitted a complaint letter, dated November 22, 2019, to the Executive Committee. The letter set forth six-numbered paragraphs containing allegations that Attorneys Vincent (Trace) Schmeltz III and Stephen Badger of the Barnes & Thornburg law firm violated Mr. Gomez's "rights and privacy, and their oaths." The Executive Committee interpreted the complaint letter as a complaint of alleged attorney misconduct under Local Rule 83.28(a). 3. On review of the complaint, the Executive Committee found that the complaint merits no further action as against Mr. Schmeltz and Mr. Badger. Local R. 83.28(b)(1). 4. Instead, the Executive Committee issued a January 3, 2020 Amended Rule to Show Cause against Mr. Gomez, directing him to explain why he should not be further disciplined for making frivolous assertions regarding Mr. Schmeltz and Mr. Badger. 5. The Rule to Show Cause stated that if Mr. Gomez brought a frivolous disciplinary complaint, then that would again violate ABA Model Rule of Professional Conduct 8.4(d) ("engag[ing] in conduct that is prejudicial to the administration of justice"). It further noted that regarding the discipline imposed in Case No. 19 D 19, the Executive Committee shortened the number of years that must pass before Mr. Gomez is allowed to file for reinstatement from disbarment, reducing it to two years and warned that if discipline is imposed pursuant to the January 3, 2020 Rule to Show Cause, then the potential penalty would be to extend the moratorium period. 6. On January 6, 2020, via email, Felipe Gomez acknowledged email receipt of the January 3, 2020 Rule to show Cause, which allowed him 28 days within which to respond. 7. Mr. Gomez did not respond. 8. IT IS ORDERED that, pursuant to Rule 83.30(b)(2) of the Local Rules of this Court, the moratorium to file for reinstatement from disbarment is extended for an additional two years, for a total of four years from the date of the October 8 2019 Executive Committee order that reduced the moratorium. A copy of this order shall be mailed via both certified mail and first-class mail to Mr. Gomez's address of record. A copy will also be emailed to Mr. Gomez at his ECF- registered email address and to the email address included in Mr. Gomez's letter, dated November 22, 2019 and received by the Court on November 25, 2019 as well as any additional email addresses used by Mr. Gomez in correspondence to the Court. A copy shall be provided to the Attorney Registration & Disciplinary Commission of the Supreme Court of Illinois. 9. IT IS</p>

		FURTHER ORDERED that the Clerk of Court shall post this Order on the docket in every pending case in which Mr. Gomez has filed an attorney appearance. The Executive Committee notes that this Order does not bar Mr. Gomez from representing himself pro se. That said, if Mr. Gomez represents himself in a case, he may not during his disbarment represent any co-party in the case. Signed by the Executive Committee on 2/18/2020. Mailed notice(mc,) (Entered: 02/24/2020)
02/25/2020	<u>111</u>	TRANSCRIPT OF PROCEEDINGS held on 2/18/20 before the Honorable Rebecca R. Pallmeyer. Order Numbers: 37909, 37910. Court Reporter Contact Information: Frances Ward - (312)435-5561 - wardofficialtranscripts@gmail.com. IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings. Redaction Request due 3/17/2020. Redacted Transcript Deadline set for 3/27/2020. Release of Transcript Restriction set for 5/26/2020. (Ward, Frances) (Entered: 02/25/2020)
02/25/2020	<u>112</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Motion hearing held. Defendant Arthur James Muellman Gomez failed to appear. Defendant Arthur James Muellman Gomez or retained counsel must be present at the hearing on 3/4/2020 at 9:30 a.m. Plaintiff's motion for attorney fees and costs <u>86</u> is entered and continued to 3/4/2020 at 9:30 a.m. Motion of counsel for Defendant Arthur James Muellman Gomez for leave to withdraw as counsel of record <u>94</u> is entered and continued to 3/4/2020 at 9:30 a.m. As all parties appear to agree that Arthur James Muellman Gomez is the proper party to receive the funds in E*Trade's possession, the court will, unless Arthur James Muellman Gomez appears in person or through independent counsel, order on 3/4/2020 that the funds be deposited in the court's registry. Notice mailed by judge's staff (ntf,) (Entered: 02/25/2020)
02/26/2020		MAILED copy of Executive Committee Order dated 2/18/2020 <u>110</u> to Arthur James Muellman Gomez. (td,) (Entered: 02/26/2020)
03/02/2020	<u>113</u>	STATUS Report to <i>USCA7 Re 2.18.20 New Final Order in 19D19 110</i> , <i>Body Attachments, and Impasse Via ETrade Demand for Carte Blanche</i> by Felipe Nery Gomez (Gomez, Felipe) (Entered: 03/02/2020)
03/04/2020	<u>114</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Motion hearing held. Defendant Arthur James Muellman Gomez failed to appear. As Defendant Felipe Gomez has conceded that the assets at issue in this case belong to his son, the court directs Plaintiff E*Trade to submit a proposed order for deposit of the assets at issue in the court registry for distribution to Arthur James Muellman Gomez. Counsel is directed to consult the Court Clerk regarding deposit of securities. Plaintiff's motion for attorney fees and costs <u>86</u> is taken under advisement. Defendants have declined to respond to this motion but the court will extend the date for their response to 3/18/2020. Plaintiff's reply in support shall be filed by 3/25/2020. Motion of counsel for Defendant Arthur James Muellman Gomez for leave to withdraw as counsel of record <u>94</u> is granted. Notice mailed by judge's staff (ntf,) (Entered: 03/04/2020)

03/10/2020	<u>115</u>	Notice of filing and certificate of Service by Felipe Nery Gomez (Gomez, Felipe) (Docket Text modified by Clerk's Office). (Entered: 03/10/2020)
03/10/2020	<u>116</u>	MOTION by Defendants Arthur James Muellman Gomez, Felipe Nery Gomez for temporary restraining order <i>preserving status quo as to Arthur Gomez stocks held by Etrade (enjoining liquidation thereof until further order or consent) and requiring disgorgement of cash to Registry</i> (Gomez, Felipe) (Entered: 03/10/2020)
03/10/2020	<u>117</u>	MOTION by Defendants Arthur James Muellman Gomez, Felipe Nery Gomez for temporary restraining order <i>amendng 116 to add TDA account info and request for immediate transfer of stocks thereto</i> (Gomez, Felipe) (Entered: 03/10/2020)
03/10/2020	<u>118</u>	NOTICE by Felipe Nery Gomez re order <u>33</u> , order,,,,,,,,,,,,, <u>110</u> , order on motion for protective order,,,,, order on motion to disqualify counsel,,,,, terminate hearings,,,,, set case scheduling order,,,,, <u>18 of Filing and Service of Copy of Motion for Reinstatement of Appeal/New Appeal of 19D19</u> (Attachments: # <u>1</u> Certificate of Service on EC Chair HHCJ Pallmeyer)(Gomez, Felipe) (Entered: 03/10/2020)
03/11/2020	<u>119</u>	MOTION by Plaintiff ETRADE Securities LLC to deposit funds <i>Liquidate the Securities, Dismiss E*TRADE with Prejudice, and Discharge E*TRADE of Liability</i> (Attachments: # <u>1</u> Exhibit Proposed Order)(Hultquist, James) (Entered: 03/11/2020)
03/12/2020	<u>120</u>	NOTICE of Motion by James Terrence Hultquist for presentment of motion to deposit funds <u>119</u> before Honorable Rebecca R. Pallmeyer on 3/18/2020 at 08:45 AM. (Hultquist, James) (Entered: 03/12/2020)
03/12/2020	<u>121</u>	STATUS Report (<i>Pro Se</i>) <i>Regarding Telephonic Appearance in 19cv3833 and Suggestion of Same Here, Objections to 86 and 119 , Agreement with Defendants Proposed Stipulation 80 and Proposed Order 81 , and Rejection of Demand for Release from Felipe Gomez and Indicia of Intent to Proceed to Pursue State Rights (Sealed Summons Pending Service)</i> by Felipe Nery Gomez (Gomez, Felipe) (Entered: 03/12/2020)
03/12/2020	<u>122</u>	Copy of Notice of Appeal of 19D19 Filed with Executive Committee and The Clerk of Court By Email to Annette Panter, Appealing [18[, <u>33</u> , <u>110</u> and Undocketed 10.8.19 Orders by Felipe Nery Gomez (<i>Previously 19-3015 and 20-1101</i>) (Attachments: # <u>1</u> Certificate of Service of Service of Courtesy Notice to Judge Pallmeyer, Email Being Barred)(Gomez, Felipe) (Entered: 03/12/2020)
03/16/2020	<u>123</u>	ORDER Amended General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY Signed by the Chief Judge Rebecca R. Pallmeyer on March 16, 2020. All open cases are impacted by this Amended General Order. See attached Order for guidance.Signed by the Honorable Rebecca R. Pallmeyer on 3/16/2020: Mailed notice. (td,) (Entered: 03/17/2020)
03/23/2020	<u>124</u>	MOTION by Defendants Arthur James Muellman Gomez, Felipe Nery Gomez for rule to show cause [<i>Combined Motion to Strike Plaintiff's Motion to Liquidate 119 as violating 3.4.20 Order 114 , For LR 37.1 RTSC for Contumacious Failure to Comply with 3.4.20 Order and damages of \$35,000, and Motion for Immediate Emergency Order for Disgorgment of all Assets to Arthur Gomez Independent Brokerage Account (Proposed Order To Be Submitted)</i>] (Attachments: # <u>1</u> Certificate of Service)(Gomez, Felipe) (Entered: 03/23/2020)

03/24/2020	<u>125</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Felipe Gomez has filed a motion but has not noticed it for a hearing. In light of the Governor's "stay at home" order, the court invites Mr. Gomez to notice the motion for a hearing in mid- to late-April. Notice mailed by judge's staff (ntf,) (Entered: 03/24/2020)
03/30/2020	<u>126</u>	ORDER Seconded Amended General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY Signed by the Chief Judge Rebecca R. Pallmeyer on March 30, 2020. All open cases are impacted by this Second Amended General Order. Amended General Order 20-0012, entered on March 17, 2020, and General Order 20-0014, entered on March 20, 2020, are vacated and superseded by this Second Amended General. See attached Order for guidance.Signed by the Honorable Rebecca R. Pallmeyer on 3/30/2020: Mailed notice. (docket13,) (Entered: 03/31/2020)
04/17/2020	<u>127</u>	TRANSCRIPT OF PROCEEDINGS held on 02/25/20 before the Honorable Rebecca R. Pallmeyer. Order Number: 38017. Court Reporter Contact Information: Frances Ward - frances_ward@ilnd.uscourts.gov - (312)435-5561. <P>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</P> Redaction Request due 5/8/2020. Redacted Transcript Deadline set for 5/18/2020. Release of Transcript Restriction set for 7/16/2020. (Ward, Frances) (Entered: 04/17/2020)
04/24/2020	<u>128</u>	ORDER Third Amended General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY Signed by the Chief Judge Rebecca R. Pallmeyer on April 24, 2020. All open cases are impacted by this Third Amended General Order. Parties are must carefully review all obligations under this Order, including the requirement listed in paragraph number 5 to file a joint written status report in most civil cases. See attached Order. Signed by the Honorable Rebecca R. Pallmeyer on 4/24/2020: Mailed notice. (docket4,) (Entered: 04/27/2020)
05/18/2020	<u>129</u>	STATUS Report <i>on behalf of all parties</i> by ETRADE Securities LLC (Hultquist, James) (Entered: 05/18/2020)
05/26/2020	<u>130</u>	ORDER ORDER Fourth Amended General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY Signed by the Chief Judge Rebecca R. Pallmeyer on May 26, 2020. This Order does not extend or modify any deadlines set in civil cases. For non-emergency motions, no motion may be noticed for presentment on a date earlier than July 15, 2020. See attached Order. Signed by the Honorable Rebecca R. Pallmeyer on 5/26/2020: Mailed notice. (docket5,) (Entered: 05/26/2020)
06/02/2020	<u>131</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: The court thanks the parties for their joint written status report and enters the schedule as proposed: On or before June 3, 2020, Interpleader Defendants will respond to E*TRADE's Motion for Fees and E*TRADE's Response to Motion for Rule <u>121</u> . Also on or before June 3, 2020, Interpleader Defendants will respond to E*TRADE's Motion to Liquidate and Deposit. On June 10, 2020, E*Trade will have leave to file a reply memo in support of its motions. The court reminds the Interpleader Defendants that each of them is free to represent himself only. Notice mailed by judge's staff (ntf,) (Entered: 06/02/2020)

06/03/2020	<u>132</u>	RESPONSE by ETRADE Securities LLC in Opposition to MOTION by Defendants Arthur James Muellman Gomez, Felipe Nery Gomez for rule to show cause [Combined Motion to Strike Plaintiff's Motion to Liquidate <u>119</u> as violating 3.4.20 Order <u>114</u> , For LR 37.1 RTSC for Contumacious Failure to Comply with <u>124</u> (Hultquist, James) (Entered: 06/03/2020)
06/03/2020	<u>133</u>	MOTION by Defendant Felipe Nery Gomez to reset Briefing Order <u>131</u> to include 6.3.20 ETrade Response <u>132</u> and Unify Schedule (Gomez, Felipe) (Entered: 06/03/2020)
06/24/2020	<u>134</u>	Statutory Lien by Arthur James Muellman Gomez (Mulroney, Sean) (Entered: 06/24/2020)
07/10/2020	<u>135</u>	ORDER Fifth Amended General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY Signed by the Chief Judge Rebecca R. Pallmeyer on July 10, 2020. This Order does not extend or modify any deadlines set in civil cases. No motions may be noticed for in-person presentment; the presiding judge will notify parties of the need, if any, for a hearing by electronic means or in-court proceeding. See attached Order. Signed by the Honorable Rebecca R. Pallmeyer on 7/10/2020: Mailed notice. (Clerk4, Docket) (Entered: 07/10/2020)
07/13/2020	<u>136</u>	MOTION by Defendants Arthur James Muellman Gomez, Felipe Nery Gomez to strike other <u>134</u> "Statutory Lien" By Former Defense Counsel Mulroney as Void as a Matter of Law and Fact (Gomez, Felipe) (Entered: 07/13/2020)
08/28/2020	<u>137</u>	Record Copy of CA7 Brief of Defendant F. Gomez Related to Appeal of 19D19 and <u>33</u> et at. by Felipe Nery Gomez PRO SE Notice of Filing of Appellate Brief In Re Appeals 19-3015 and 20-1420 of 19D19 orders including <u>33</u> . (Gomez, Felipe) (Entered: 08/28/2020)
08/28/2020	<u>138</u>	APPENDIX other <u>137</u> 19D19 CA7 Appellate Brief Appx Vol 1 of 2 (Gomez, Felipe) (Entered: 08/28/2020)
08/28/2020	<u>139</u>	APPENDIX other <u>137</u> 19D19 CA7 Appellate Brief Appx Vol 2 of 2 (Gomez, Felipe) (Entered: 08/28/2020)
09/10/2020	<u>140</u>	STATUS Report on Gomez v Ford Motor Co., 20ch2674, re Void Ford Stock Certificates held by Def Etrade by Felipe Nery Gomez (Gomez, Felipe) (Entered: 09/10/2020)
09/11/2020	<u>141</u>	MOTION by Defendant Felipe Nery Gomez to strike notice of motion <u>87</u> and Motion for Fees <u>86</u> for Plaintiff's Abject Failure to Comply with LR 54.3 (Gomez, Felipe) (Entered: 09/11/2020)
09/18/2020	<u>142</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Defendant's motion to strike <u>141</u> is taken under advisement. Plaintiff's response shall be filed by 10/2/2020. Defendant's reply in support shall be filed by 10/9/2020. Notice mailed by judge's staff (ntf,) (Entered: 09/18/2020)
10/02/2020	<u>143</u>	RESPONSE by ETRADE Securities LLC in Opposition to MOTION by Defendant Felipe Nery Gomez to strike notice of motion <u>87</u> and Motion for Fees <u>86</u> for Plaintiff's Abject Failure to Comply with LR 54.3 <u>141</u> (Attachments: # <u>1</u> Exhibit)(Hultquist, James) (Entered: 10/02/2020)
10/02/2020	<u>144</u>	EXECUTIVE COMMITTEE ORDER: Case referred to the Honorable Sheila M. Finnegan. Signed by Executive Committee on 10/02/2020. (rc,) (Entered: 10/05/2020)

10/08/2020	<u>145</u>	LIMITED APPEARANCE FOR SETTLEMENT by Virginia Doloris Prihoda for Defendant Arthur James Muellman Gomez (Prihoda, Virginia) (Entered: 10/08/2020)
10/09/2020	<u>146</u>	MINUTE entry before the Honorable Sheila M. Finnegan: Cases 19-cv-827 and 19-cv-3833 have been referred to this Court for a settlement conference. Telephone status hearing is set for 10/13/2020 at 11 a.m. Attorneys who will participate in the settlement conference, as well as Defendants Felipe Nery Gomez and Arthur James Muellman Gomez, shall dial in for the status hearing on 10/13/2020. To join the telephone status hearing, dial (877) 336-1831, Access code is 5995354, Press #. Mailed notice (sxw,) (Entered: 10/09/2020)
10/09/2020	<u>147</u>	MINUTE entry before the Honorable Sheila M. Finnegan: The telephone status set on 10/13/2020 is cancelled and reset 10/19/2020 at 10:30 a.m. To join the telephone status hearing, dial (877) 336-1831, Access code is 5995354, Press # Mailed notice (sxw,) (Entered: 10/09/2020)
10/13/2020	<u>148</u>	MOTION by Defendant Felipe Nery Gomez to dismiss for lack of jurisdiction <i>under FRCP 12(b)(1), and Lack of Art. III Case or Controversy as to Interpleader Losing Defendant F. Gomez</i> (Gomez, Felipe) (Entered: 10/13/2020)
10/13/2020	<u>149</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Defendant's motion to dismiss <u>148</u> is entered and continued. The court will set a briefing schedule, if necessary, after settlement efforts have been pursued. Notice mailed by judge's staff (ntf,) (Entered: 10/13/2020)
10/14/2020	<u>150</u>	MINUTE entry before the Honorable Sheila M. Finnegan: Defendant Arthur James Muellman Gomez need not participate in the telephone status hearing on 10/19/2020 at 10:30 a.m. since he is now represented (for settlement purposes only) by attorney Prihoda. The attorneys shall confer with clients in advance of the status hearing regarding available dates for a settlement conference to be conducted by videoconference. The Court will respond to any questions concerning the settlement conference and its standing order for settlement conferences during the status hearing. Mailed notice (sxw,) (Entered: 10/14/2020)
10/14/2020	<u>151</u>	STATUS Report on <i>Irregularities and Missing Docket Items, and Request to Counsel Mulrone to Cease and Desist and Proceed Outside of Case by Consent</i> by Felipe Nery Gomez (Gomez, Felipe) (Entered: 10/14/2020)
10/17/2020	<u>152</u>	STATUS Report on <i>Issues for 10.19.20 Initial Settlement Status</i> by Felipe Nery Gomez (Gomez, Felipe) (Entered: 10/17/2020)
10/19/2020	<u>153</u>	STATUS Report on <i>Settlement</i> by Felipe Nery Gomez (Gomez, Felipe) (Entered: 10/19/2020)
10/19/2020	<u>154</u>	MINUTE entry before the Honorable Sheila M. Finnegan: Telephone status held on 10/16/2020. Settlement Conference (by videoconference) is set for 10/29/2020 at 2:00 p.m. at the request of the parties. Defendants' settlement letter is due by 10/20/2020, and Plaintiff's settlement is due by 10/26/2020. Letters are to be sent by e-mail to Chambers_Finnegan@ilnd.uscourts.gov on the due dates. The parties are advised that all participants must be available at 1 p.m. on 10/29/2020 to receive and open a link to Microsoft Teams and be instructed by the courtroom deputy on how to enable the video, unmute the sound, and navigate between a joint virtual room and separate virtual rooms. The parties are directed to review and comply with Judge Finnegan's Standing Order for Settlement Conferences (available on the court's website at www.ilnd.uscourts.gov by selecting the link for Magistrate Judge Finnegan and then

		the link for "Settlement Conferences").Mailed notice (sxw,) (Entered: 10/20/2020)
10/20/2020	<u>155</u>	STATUS Report <i>Re Felipe Gomez Conditional Intent to Terminate Involvement in Settlement and Cases After 10.23.20</i> by Felipe Nery Gomez (Gomez, Felipe) (Entered: 10/20/2020)
10/28/2020	<u>156</u>	STIPULATION of Dismissal (Hultquist, James) (Entered: 10/28/2020)
10/29/2020	<u>157</u>	MINUTE entry before the Honorable Sheila M. Finnegan: In light of the parties' filing of a stipulation of dismissal <u>156</u> , the settlement conference on 10/29/2020 is cancelled. Mailed notice (sxw,) (Entered: 10/29/2020)
10/29/2020	<u>158</u>	MOTION by Intervenor Sean Mulroney for extension of time (Mulroney, Sean) (Entered: 10/29/2020)
10/29/2020	<u>159</u>	INTERPLEADER (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D)(Mulroney, Sean) (Entered: 10/29/2020)
10/29/2020	<u>160</u>	MINUTE entry before the Honorable Sheila M. Finnegan: Magistrate Judge telephone status is set on 10/29/2020 at 2:00 p.m. To join the telephone status hearing, dial (877) 336-1831, Access code is 5995354, Press #.Mailed notice (sxw,) (Entered: 10/29/2020)
10/29/2020	<u>161</u>	MINUTE entry before the Honorable Sheila M. Finnegan: Telephone status held on 10/29/2020 and continued to 10/30/2020 at 12:00 p.m. To join the next telephone status hearing, dial (877) 336-1831, Access code is 5995354, Press #. Mailed notice (sxw,) (Entered: 10/29/2020)
10/30/2020	<u>162</u>	MINUTE entry before the Honorable Sheila M. Finnegan: Telephone status held on 10/30/2020 and continued to 11/4/2020 at 12: 15 p.m. To join the next telephone status hearing, dial (877) 336-1831, Access code is 5995354, Press #.Mailed notice (sxw,) (Entered: 10/30/2020)
11/04/2020	<u>163</u>	MINUTE entry before the Honorable Sheila M. Finnegan: Telephone status held on 11/4/2020 and continued 11/13/2020 to at 9:00 a.m. for the parties to report on whether items 1 and 2 in the Stipulation of Dismissal have been completed. To join the next telephone status hearing, dial (877) 336-1831, Access code is 5995354, Press #. Mailed notice (sxw,) (Entered: 11/04/2020)
11/13/2020	<u>164</u>	MINUTE entry before the Honorable Sheila M. Finnegan: Telephone status held on 11/13/2020. The parties reported that Item 1 in the Stipulation of Dismissal <u>156</u> has been completed (transfer of assets), but Item 2 has not. The parties stated their respective positions regarding Item 2. By 11/24/2020, Defendants shall file separate written statements setting forth the steps that each has taken, or will take (and when), to comply with their agreement in Item 2 to "dismiss with prejudice all pending lawsuits against E*Trade, Reed Smith, LLP, and James T. Hultquist." As noted during the hearing, the pending state court lawsuits were filed by Felipe Gomez not on his own behalf but as custodian for Arthur James Muellman Gomez, who is not a minor and who has his own counsel. While only the state court is able to "dismiss" the lawsuits, each Defendant has the ability (and obligation under the stipulation) to request dismissal of E*Trade, Reed Smith, LLP, and James T. Hultquist with prejudice from the state court lawsuits. Mailed notice (sxw,) (Entered: 11/13/2020)
11/25/2020	<u>165</u>	Request for Rulings on Its Pending Motions by ETRADE Securities LLC (Hultquist, James) (Entered: 11/25/2020)

11/25/2020	<u>166</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: E*Trade reports that the parties entered into a stipulation for dismissal of this lawsuit. Though E*Trade complied with its obligations by transferring funds to a TD Ameritrade account, under Defendant AJ Gomez's name, Defendants themselves have failed to comply by dismissing other pending lawsuits. Defendant Felipe Gomez has suggested that the stipulation is unenforceable because it did not set a date certain for dismissal of the state court lawsuits. Such a suggestion is meritless. The court believes the stipulation is enforceable by its terms and that Defendants' failure to dismiss other litigation is a breach of the parties' agreement and potentially a contempt of the court. E*Trade now seeks a ruling on its motion for an award of attorneys' fees and motion to discharge, noting that apart from moving to strike the motion for fees, Defendants have not responded to those motions. The motion for a ruling <u>165</u> is granted. The motion for an award of fees and costs <u>86</u> is granted, and fees are awarded in favor of E*Trade. Because the delays and difficulties in resolving this very straightforward interpleader action are attributable to Defendant Felipe Gomez, the fee award is made against him personally. E*Trade's motion for a discharge order <u>119</u> is also granted, but relief is limited to the relief requested in paragraphs 6 and 7 of its motion for such an order. E*Trade is directed, within 14 days, to prepare a draft order that incorporates its award of fees and expenses and includes the relief set forth in paragraph 6 and 7. Defendants' motion for a rule to show cause <u>124</u> , to reset briefing order <u>133</u> , to strike notice of motion and motion for fees <u>141</u> , and to dismiss for lack of jurisdiction <u>148</u> are denied. The parties are again urged to resolve this case, which has generated extraordinary and wholly unnecessary conflict. Notice mailed by judge's staff (ntf,) (Entered: 11/25/2020)
11/30/2020	<u>167</u>	ORDER Granting Interpleader Plaintiff E*Trade Securities LLC's Motion for Attorneys' Fees and Costs and Motion For Leave To Liquidate And Deposit Funds Into The Court Registry, Dismiss Interpleader Plaintiff With Prejudice, And Discharge Interpleader Plaintiff of Liability. Signed by the Honorable Rebecca R. Pallmeyer on 11/30/2020. Notice mailed by judge's staff (ntf,) (Entered: 11/30/2020)
12/01/2020	<u>168</u>	NOTICE of appeal by Felipe Nery Gomez regarding orders <u>167</u> Filing fee \$ 505, receipt number 0752-17694094. (Gomez, Felipe) (Entered: 12/01/2020)
12/02/2020	<u>169</u>	MINUTE entry before the Honorable Sheila M. Finnegan: All matters relating to the referral having been completed, the referral is closed. Mailed notice (sxw,) (Entered: 12/02/2020)
12/02/2020	<u>170</u>	MINUTE entry before the Honorable Sheila M. Finnegan: Since the settlement conference has concluded and the referral to this Court has been closed, Felipe Nery Gomez shall cease sending emails to the Court and its staff. Mailed notice (sxw,) (Entered: 12/02/2020)
12/03/2020	<u>171</u>	NOTICE of Appeal Due letter sent to counsel of record regarding notice of appeal <u>168</u> . (ph,) (Entered: 12/03/2020)
12/03/2020	<u>172</u>	TRANSMITTED to the 7th Circuit the short record on notice of appeal <u>168</u> . Notified counsel (ph,) (Entered: 12/03/2020)
12/04/2020	<u>173</u>	ACKNOWLEDGMENT of receipt of short record on appeal regarding notice of appeal <u>168</u> ; USCA Case No. 20-3349 (mc,) (Entered: 12/04/2020)
03/09/2021	<u>174</u>	MOTION by Defendant Felipe Nery Gomez to disqualify judge <i>Her Honor Pallmeyer, Per 28 USC 455(b), Instanter</i> (FILED on the incorrect docket) (Gomez, Felipe)

		Modified on 3/26/2021 (rc,). (Entered: 03/09/2021)
03/09/2021	<u>175</u>	MOTION by Defendant Felipe Nery Gomez to disqualify judge <i>Her Honor Pallmeyer, Instanter, Correcting Caption and Gender Inconsistency of, and Replacing 174</i> (Gomez, Felipe) (Entered: 03/09/2021)
03/26/2021	<u>176</u>	MOTION by Plaintiff ETRADE Securities LLCFor Contempt ,or in the Alternative,, MOTION by Plaintiff ETRADE Securities LLC for protective order (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Hultquist, James) (Entered: 03/26/2021)
03/26/2021	<u>177</u>	NOTICE of Correction regarding MOTION by Defendant Felipe Nery Gomez to disqualify judge <i>Her Honor Pallmeyer, Per 28 USC 455(b), Instanter 174</i> (rc,) (Entered: 03/26/2021)
03/29/2021	<u>178</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Mr. Gomez has sued me and others in state court and has filed a complaint of judicial misconduct against me. That complaint has now been dismissed. He now asks me to recuse myself from this case on the basis of the lawsuit and the complaint. But as Mr. Gomez knows--because Judge Durkin denied his similar motion in a similar case a litigant may not use an actual or threatened lawsuit against a judge as a basis for disqualification. See <i>Te-Ta-Ma Truth Found.--Fam. of URI, Inc. v. World Church of the Creator</i> , 246 F. Supp. 2d 980, 987 (N.D. Ill. 2003) ("a judge is not subject to disqualification merely because a litigant sues the judge"); see also <i>In re Martin-Trigona</i> , 573 F. Supp. 1237, 1243 (D. Conn. 1983) ("it is clear that a judge is not disqualified under 28 U.S.C. § 455... merely because a litigant sues or threatens to sue him."). Nor is any disagreement with a the court's ruling a basis for disqualification. See <i>Barnett v. City of Chi.</i> , 952 F. Supp. 1265, 1269 (N.D. Ill. 1997) ("Should disqualification result merely as a result of counsel's disagreement with judicial conclusions reached in the course of litigation, the judicial system would grind to a halt."). Mr. Gomez's motion for recusal (<u>174</u> , <u>175</u>) is denied. Mr. Gomez is reminded that the Court of Appeals has directed him to advise whether he has requested that the court enter a Rule 58 judgment. He should let them know that he has not done so, but that this court is willing to enter such a judgment, should he make the request. Hearing on Plaintiff's motion for contempt or for protective order <u>176</u> is set for 4/1/2021 at 2:00 p.m. Members of the public and media will be able to call in to listen to this hearing. Instructions and a link to the conference number are located on Judge Pallmeyer's website. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Notice mailed by judge's staff (ntf,) (Entered: 03/29/2021)
03/29/2021	<u>179</u>	MOTION by Defendant Felipe Nery GomezEnter FRCP 58 Termination Order <i>Instanter</i> (Gomez, Felipe) (Entered: 03/29/2021)
04/01/2021	<u>180</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Attorney Sean Mulrone represented Defendant Arthur Gomez in this Interpleader action, evidently at the behest of Arthur's father, Felipe Gomez, himself a Defendant in the Interpleader action. On June 24, 2020, Mr. Mulrone filed a notice of statutory attorneys lien pursuant to 770 ILCS 5/1 <u>134</u> . Felipe Gomez filed a motion to strike that notice <u>136</u> on behalf of "Defendants." But Mr. Felipe Gomez's interests in the litigation are at least formally adverse to his son's, and Mr. Felipe Gomez is not currently authorized to practice law in this district. Mr. Felipe Gomez may represent himself, but not his son, against whom the lien has been filed. The motion <u>136</u> is therefore terminated. Mr.

		Mulrone's motion for an extension of time in which to file a response to the motion to strike <u>158</u> is therefore stricken as moot. In any event, Mr. Mulrone's response is styled as an Interpleader complaint. The court would not have subject matter jurisdiction over such a complaint, because the parties are not diverse in citizenship and the claimed amount in controversy is far less than \$75,000. Assuming that Mr. Mulrone's lien is properly perfected, any court of competent jurisdiction may adjudicate the lien. Notice mailed by judge's staff (ntf,) (Entered: 04/01/2021)
04/01/2021	<u>181</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Telephone motion hearing held. Defendants failed to appear. Interpleader Plaintiff's motion for protective order <u>176</u> is granted. Enter Protective Order. Notice mailed by judge's staff (ntf,) (Entered: 04/01/2021)
04/02/2021	<u>182</u>	PROTECTIVE Order. Signed by the Honorable Rebecca R. Pallmeyer on 4/2/2021. Notice mailed by judge's staff (ntf,) (Entered: 04/02/2021)
04/02/2021	<u>183</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Defendant Felipe Nery Gomez's Rule 58 motion for termination <u>179</u> is granted. Enter Order. Civil case terminated. Notice mailed by judge's staff (ntf,) (Entered: 04/02/2021)
04/02/2021	<u>184</u>	ORDER. Signed by the Honorable Rebecca R. Pallmeyer on 4/2/2021. Notice mailed by judge's staff (ntf,) (Entered: 04/02/2021)
04/02/2021	<u>185</u>	AMENDED notice of appeal by Felipe Nery Gomez regarding orders <u>167</u> , <u>183</u> , <u>180</u> , <u>184</u> , <u>181</u> , <u>166</u> , <u>182</u> ; Filing fee \$ 505, receipt number 0752-18084073. (Gomez, Felipe) (Entered: 04/02/2021)
04/02/2021	<u>186</u>	MOTION by Defendant Felipe Nery Gomez to clarify <u>182</u> , <i>prohibiting Defendant's free speech as to Defendant's federal or state claims as a Plaintiff against 19cv0827 Plaintiffs/Defendants in F. Gomez v Etrade 20ch6873 (Cook) and elsewhere (including the appeal 20-3349), and <u>184</u> , ordering Defendant to Negotiate Attorney fee claims that were waived by agreement already, are part of 20ch6783 which is interpreting the state contract (Gomez, Felipe) (Entered: 04/02/2021)</i>
04/04/2021	<u>187</u>	STATUS Report Regarding <i>20ch6873, 20ch3632, and Lack of SMJ to Continue 19cv0827 or to Negate Contract Waiving Fees</i> by Felipe Nery Gomez (Gomez, Felipe) (Entered: 04/04/2021)
04/06/2021	<u>188</u>	ENTERED JUDGMENT on 4/6/2021. Notice mailed by judge's staff (ntf,) (Entered: 04/06/2021)
04/06/2021	<u>189</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Defendant Felipe Gomez seeks clarification of the court's order <u>186</u> . Specifically, he asks the court to clarify how in the heck undersigned is supposed to not communicate with "Plaintiff and it's [sic] attorneys <u>186</u> and yet is apparently ordered to do so per <u>184</u>" The answer is that Mr. Gomez is limited to communicating with Plaintiff's attorney, Mr. Hultquist, as set forth in the language of the order: "All communications from Mr. Gomez to E*TRADE or E*TRADE's employees or affiliates shall solely be through E*TRADE's attorney of record, James T. Hultquist." The order requires no further clarification. The motion <u>186</u> is stricken without prejudice. Notice mailed by judge's staff (ntf,) (Entered: 04/06/2021)
04/06/2021	<u>190</u>	NOTICE of Appeal Due letter sent to counsel of record regarding amended notice of appeal <u>185</u> (lma,) (Entered: 04/06/2021)

04/06/2021	<u>191</u>	TRANSMITTED to the 7th Circuit the short record on amended notice of appeal <u>185</u> . Notified counsel (lma,) (Entered: 04/06/2021)
04/22/2021	<u>192</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Felipe Gomez is reminded that communication with the court via e-mail is not appropriate. He is reminded, further, that the court has never ordered that he not communicate with "this person." To the contrary, the court's order directs that "All communications from Mr. Gomez to E*TRADE or E*TRADE's employees or affiliates shall solely be through E*TRADE's attorney of record, James T. Hultquist." Notice mailed by judge's staff (ntf,) (Entered: 04/22/2021)
05/05/2021	<u>193</u>	STATUS Report on <i>F. Gomez v Etrade, ReedSmith, and Hultquist, 20ch6873 (Cook) and Reed Smith Conflict</i> by Felipe Nery Gomez (Gomez, Felipe) (Entered: 05/05/2021)
05/13/2021	<u>194</u>	MOTION by Plaintiff ETRADE Securities LLC for Instructions Under Local Rule 54.3(g) (Attachments: # <u>1</u> Exhibit A)(Hultquist, James) (Entered: 05/13/2021)
08/23/2021	<u>195</u>	NOTICE by Felipe Nery Gomez re telephone conference,,,, <u>164</u> , stipulation of dismissal <u>156</u> <i>NOTICE OF DISMISSAL OF SOLE PRE-STIPULATION 156 STATE LAWSUIT 19ch13851</i> (Attachments: # <u>1</u> Exhibit Voluntary Dismissal of Gomez v ETrade 19ch13851. See <u>156</u> and <u>164</u>)(Gomez, Felipe) (Entered: 08/23/2021)
08/23/2021	<u>196</u>	MOTION by Defendant Felipe Nery Gomez to strike MOTION by Plaintiff ETRADE Securities LLC for Instructions Under Local Rule 54.3(g) <u>194</u> <i>As Inter Alia a Misnomered NonCompliant Duplicate FRCP 54 Motion for Fees</i> (Gomez, Felipe) (Entered: 08/23/2021)
08/31/2021	<u>197</u>	APPLICATION by Defendant Felipe Nery Gomez for leave to proceed in forma pauperis <i>In Re 20-3349 and 21-1597, Nunc Pro Tunc, and Request for an Order to Direct Refund of each \$505 Docketing Fee</i> (Gomez, Felipe) (Entered: 08/31/2021)
08/31/2021	<u>198</u>	AFFIDAVIT of Felipe N Gomez regarding application for leave to proceed in forma pauperis <u>197</u> <i>Supporting Application and Request for Refund 197</i> (Gomez, Felipe) (Entered: 08/31/2021)
09/06/2021	<u>199</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Felipe Gomez has moved for leave to proceed in forma pauperis on appeal. As his motion reflects, however, Mr. Gomez has already paid the appellate filing fee. Mr. Gomez evidently seeks an order from this court directing the Clerk for the Seventh Circuit Court of Appeals to refund the filing fee to him. The court is uncertain it has power to take this action but in any event declines to do so. Mr. Gomez has used the Seventh Circuit's financial affidavit form not this court's and it appears to confirm that he has limited assets. As he has already paid the appellate filing fee, however, and no other fees need be paid, his application <u>197</u> is denied without prejudice. (rbf,) (Entered: 09/06/2021)
03/18/2022	<u>200</u>	MANDATE of USCA dated 03/18/2022 regarding notice of appeal <u>168</u> ;USCA No.20-3349 ; No record to be returned. (daj,) (Entered: 03/18/2022)
03/18/2022	<u>201</u>	CERTIFIED copy of order dated 03/18/2022 from the 7th Circuit regarding notice of appeal <u>168</u> , amended notice of appeal <u>185</u> ; Appellate case no. : 20-3349, 21-1597; IT IS ORDERED that appeal no. 20-3349 is voluntarily DISMISSED pursuant to Federal Rule of Appellate Procedure 42(b). IT IS FURTHER ORDERED that the motion for extension is GRANTED, and briefing in appeal no. 21-1597 is extended as follows: 1. The brief and required short appendix of the appellant are due by April 18, 2022. 2.

		The brief of the appellee is due by May 18, 2022. 3. The reply brief of the appellant, if any, is due by June 8, 2022. (daj,) (Entered: 03/18/2022)
03/21/2022	<u>202</u>	ORDER: Motion for instructions under Local Rule 54.3 <u>194</u> is granted in that E*TRADE is excused from the requirements of that Rule. Felipe Gomez's motion to strike the motion for instructions <u>196</u> is denied as frivolous. The court is prepared to award attorney's fees and costs in favor of E*TRADE and against Felipe Gomez personally. E*TRADE's attorneys are directed, within 28 days, to file an affidavit and detailed billing records in support of its proposed fee award. Signed by the Honorable Rebecca R. Pallmeyer on 3/21/2022. Mailed notice(mjc,) (Entered: 03/21/2022)
03/24/2022	<u>203</u>	MOTION by Defendant Felipe Nery GomezJudicial Notice Gomez is on SNAP and Fee Waiver in State Court <i>Re</i> <u>202</u> (Gomez, Felipe) (Entered: 03/24/2022)
03/24/2022	<u>204</u>	MOTION by Defendant Felipe Nery GomezJudicial Notice of Motion for Sanctions Standing on Stipulation and <u>166</u> Finding Stipulation Valid and Estopping ETRADE Fee Greed <i>Re</i> <u>202</u> (Gomez, Felipe) (Entered: 03/24/2022)
03/24/2022	<u>205</u>	MOTION by Defendant Felipe Nery GomezJudicial Notice of Dismissal of Gomez v Hultquist 21CH4356 and Did Not Sue Stipulators in CDCAL 21cv2039 and 22cv0576, <i>Re</i> <u>202</u> (Gomez, Felipe) (Entered: 03/24/2022)
03/24/2022	<u>206</u>	MOTION by Defendant Felipe Nery GomezJudicial Notice of Filing <u>15</u> in Gomez v Weisenthal 21cv2039 (CDCAL) - Affidavit of Larry Weisenthal Admitting to Taking Schwab Mail Addressed to Deceased Person <i>And Delivering to Others</i> (Gomez, Felipe) (Entered: 03/24/2022)
03/28/2022	<u>207</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Plaintiff E*TRADE is directed to respond to Mr. Gomez's motions [203, 204, 205, 206] within 21 days. Mailed notice (mjc,) (Entered: 03/28/2022)
04/18/2022	<u>208</u>	NOTICE by ETRADE Securities LLC (Attachments: # <u>1</u> Exhibit A)(Hultquist, James) (Entered: 04/18/2022)
04/18/2022	<u>209</u>	RESPONSE by ETRADE Securities LLC to MOTION by Defendant Felipe Nery GomezJudicial Notice of Motion for Sanctions Standing on Stipulation and <u>166</u> Finding Stipulation Valid and Estopping ETRADE Fee Greed <i>Re</i> <u>202</u> <u>204</u> , MOTION by Defendant Felipe Nery GomezJudicial Notice Gomez is on SNAP and Fee Waiver in State Court <i>Re</i> <u>202</u> <u>203</u> , MOTION by Defendant Felipe Nery GomezJudicial Notice of Dismissal of Gomez v Hultquist 21CH4356 and Did Not Sue Stipulators in CDCAL 21cv2039 and 22cv0576, <i>Re</i> <u>202</u> <u>205</u> , MOTION by Defendant Felipe Nery GomezJudicial Notice of Filing <u>15</u> in Gomez v Weisenthal 21cv2039 (CDCAL) - Affidavit of Larry Weisenthal Admitting to Taking Schwab Mail Addressed to Deceased Person <i>And Delivering to Others</i> <u>206</u> (Hultquist, James) (Entered: 04/18/2022)
04/19/2022	<u>210</u>	MINUTE entry before the Honorable Rebecca R. Pallmeyer: Defendant Felipe Gomez's reply, if any, in support of his pending motions [203, 204, 205, 206] shall be filed on or before May 4, 2022. Emailed notice (yt) (Entered: 04/19/2022)
11/03/2022	<u>211</u>	MOTION by Defendant Felipe Nery Gomez to expedite <u>194</u> . [203-206], <u>210</u> (Gomez, Felipe) (Entered: 11/03/2022)
12/19/2022	<u>212</u>	ORDER: For the reasons explained in this order, the court awards attorneys' fees in favor of E*TRADE Securities LLC and against Defendant Felipe Nery Gomez in the amount of \$123,697.20 in fees and \$3,383.57 in costs. Gomez's motions objecting to

		this relief [203, 204, 205, 206] are denied. His motion for expediting rulings <u>211</u> is terminated as moot. Signed by the Honorable Rebecca R. Pallmeyer on 12/19/2022. Mailed notice. (cp,) (Entered: 12/21/2022)
01/06/2023	<u>213</u>	NONPRECEDENTIAL DISPOSITION from the USCA for the 7th Circuit; Submitted 12/13/2022; Decided 12/15/2022 in USCA case no. 21-1597. (daj,) (Entered: 01/06/2023)
01/06/2023	<u>214</u>	CERTIFIED COPY OF USCA JUDGMENT dated 12/15/2022 regarding amended notice of appeal <u>185</u> ; USCA No. 21-1597; We AFFIRM the judgment of the district court and AWARD E*TRADE its reasonable costs and attorneys' fees in this appeal. E*TRADE may file, within 14 days, an affidavit and supporting papers specifying its reasonable costs and attorneys' fees from this frivolous appeal. Gomez may file a written response no later than 14 days after E*TRADE files its affidavit. We warn Gomez that if he does not pay any monetary sanction that we order, we may impose a filing bar consistent with Support Sys. Int'l v. Mack, 45 F.3d 185, 186 (7th Cir. 1995). (daj,) (Entered: 01/06/2023)
01/06/2023	<u>215</u>	MANDATE of USCA dated 01/06/2023 regarding amended notice of appeal <u>185</u> ;USCA No.21-1597 ; No record to be returned. (daj,) (Entered: 01/06/2023)
02/02/2023	<u>216</u>	CERTIFIED copy of order dated 02/02/2023 from the 7th Circuit regarding amended notice of appeal <u>185</u> ; Appellate case no. : 21-1597 (daj,) (Entered: 02/02/2023)
03/07/2023	<u>217</u>	SUGGESTION of Bankruptcy as to Felipe Gomez, Pro Se <i>NDILL 23-3023, With BK Court Notice and Initial 1007(a) Creditor List</i> (Gomez, Felipe) (Entered: 03/07/2023)
03/07/2023	<u>218</u>	CERTIFICATE of Service by <i>CM/ECF System on Plaintiff and Appearing Parties</i> by Felipe Nery Gomez regarding suggestion of bankruptcy <u>217</u> (Gomez, Felipe) (Entered: 03/07/2023)
12/09/2025	<u>219</u>	CERTIFIED copy of order dated 12/9/2025 from the 7th Circuit regarding amended notice of appeal <u>185</u> ; Appellate case no. : 21-1597 (men,) (Entered: 12/09/2025)

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PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 7

Arthur Gomez v Schwab, 19cv0540

1.27.19 Complaint

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

<p>Arthur James Muellman Gomez,</p> <p>Plaintiff,</p> <p>v.</p> <p>1. Charles Schwab Corp., 2. Garrett Wynne, 3.E*Trade Financial Corporation (aka E*Trade Financial Services aka Etrade Securities LLC), 4. ReedSmith LLP</p> <p>Defendants.</p>	<p>Case No. 19cv0540</p> <p>Honorable Judge Andrea R. Wood</p> <p>18 USC 1961 et seq, (RICO) Civil Conspiracy (Diversity)</p>
<p>ETrade Securities LLC</p> <p>v.</p> <p>Felipe N. Gomez and Arthur James Muellman Gomez</p>	<p>Case No. 19cv0827</p> <p>(Dec Action)</p>

FIRST AMENDED COMPLAINT

Plaintiff, **Arthur James Muellman Gomez**, by and through undersigned Counsel, Law Office of Felipe Gomez, Esq., and initially proceeding In Forma Pauperis (and still broke) due to Defendants' alleged active conversion of all Plaintiff's assets , for his Complaint against

above-captioned defendants alleges, *inter alia*, Violation of Federal and State Statutes, Fraud, Conversion and Breach of Fiduciary Duty, and seeking, *inter alia*, immediate disgorgement, punitive damages and fees, asserts and supports his claims, per the FRCP lenient pleading rules, as follows (*Exhibits 1 - 10* from the initial complaint are incorporated herein by reference, *New Exhibit 11* to be addendumed post facto):

A. PARTIES

1. Defendant **Charles Schwab Corporation** is a California corporation, doing business in Illinois, and engaging in, among other services and products, the sale and servicing of trust funds, including Uniform Gift to Minors Act Custodial accounts, in exchange for servicing and other related fees, which is alleged to have knowingly and repeatedly violated numerous rules and laws including the UGTMA, at the direct benefit if itself at the expense of Plaintiff, thus also violating 18 USC 161 et seq. (RICO).
2. Defendant **Garrett Wynne** is an attorney in the direct employ of Charles Schwab Corporation whom, on information and belief, is currently residing in California working for a corporation doing business in Illinois, and whom, on information and belief, personally knowingly engaged in and continued the criminal enterprise complained of herein, after Cease and Desist, including requesting verification of the Plaintiff and undersigned as Attorney and Custodian for Plaintiff (which was immediately and duly provided

including dated signatures in blue ink, and copies of state identifications cards, Plaintiff's social security card, and undersigned's 2018 license (2019 applied for), and then refusing to honor same once produced, hanging up the phone on both the legal Custodian (undersigned) and the Custodian's legal counsel/Administrator of the account, and other prior acts of deception and subterfuge to hide the assets, in violation of, *inter alia*, UGTMA and RICO.

3. Defendant **E*Trade Financial Corporation (aka E*Trade Financial Services aka Etrade Securities LLC)**, is on information and belief a Delaware corporation headquartered in New York City, doing business in Illinois, and engaging in, among other services and products, the sale and servicing of trust funds, including Uniform Gift to Minors Act Custodial accounts, in exchange for servicing and other related fees, which is alleged to have knowingly and repeatedly violated numerous rules and laws including the UGTMA, at the direct benefit of itself at the expense of Plaintiff, thus also violating 18 USC 161 et seq. (RICO).
4. Defendant **ReedSmith LLP** are an attorney under contract to E*Trade, whom, on information and belief, is a Texas company doing business in Illinois, and whom, on information and belief, personally knowingly engaged in and continued the criminal

enterprise complained of herein, after Cease and Desist, including requesting verification of the Plaintiff and undersigned as Attorney and Custodian for Plaintiff (which was, like with Schwab, immediately and duly provided including dated signatures in blue ink, and copies of state identifications cards, Plaintiff's social security card, and undersigned's 2018 license (2019 applied for), and then refusing to honor same once produced, hanging up the phone on both the legal Custodian (undersigned) and the Custodian's legal counsel/Administrator of the account, and other prior acts of deception and subterfuge to hide the assets, in violation of, *inter alia*, UGTMA and RICO.

5. Plaintiff was at the time of the Gift, was always, and remains an Illinois resident, whom inherited a gift from his maternal grandmother, Dr. Sandra W. Gomez, in the form of an UGTM Act Trust that Dr. Gomez set up for Plaintiff in, on information and belief, 2009 by way of her longstanding relationship with Defendant, naming undersigned Felipe Gomez, as Custodian. *Exhibit 1 - 6.19.07 Email Chain SWG/Undersigned, Exh. 2 - 1.02.09 Schwab Designation of Custodian, and Exh. 3 7.21.09 Schwab IRA Beneficiary Form.*
6. Plaintiff alleges defendants are "person" and are entities "capable of holding a legal or beneficial interest in property",

in that, *inter alia*, Schwab held, and E*Trade now holds the assets at issue here *incommunicado*, as, *inter alia*, Bailor and/or Trustee, and the Attorneys did and continue to assisted Schwab and E*Trade in converting and covering up such conversion, holding the unwarranted benefit to themselves, all the while charging Plaintiff for the privilege, all comprising a scheme fopr profit converting a client's assets and charging Plaintiff therefore.

7. Plaintiff alleges he is a "person" who has suffered a compensable injury, which includes *inter alia*, lost income, lost business opportunity, loss of use of funds, costs and attorney's fees incurred in the ongoing investigations and attempts to regain knowledge of the location of the assets, in an amount over \$100,000, and thus rightfully asserts a private right of action under Section 1964, and also per concurrent diversity jurisdiction under 28 USC 1332 based on the amount in excess of the limit and all parties from different states.

B. JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over this action pursuant to 18 U.S.C. § 1964, and also by way of diversity per 28 USC 1332, as well as supplemental jurisdiction as to any and all state claims pleaded here or in the upcoming

amendment(s), which are pleaded generally here as applicable to be specified if needed by amendment.

9. Venue is proper in this judicial district pursuant to 18 U.S.C. § 1965 and 28 U.S.C. § 1391 because Defendants are subject to personal jurisdiction in this judicial district since Schwab and E*Trade have offices in this district, and thus given that Schwab and E*Trade do business here, there exist sufficient minimum contacts, and the ends of justice are served by having defendants defend here per Section 1965(b) of RICO, thus venue can be rightfully fixed here.

C. FACTS

10. Plaintiff inherited a gift from his maternal grandmother, Dr. Sandra W. Gomez, in the form of an UGTM Act Trust that Dr. Gomez set up for Plaintiff in 2009 by way of her longstanding relationship with Defendant Schwab, naming undersigned Felipe Gomez, as Custodian. *Exhibit 1 - 6.19.07 Email Chain SWG/Undersigned, Exh. 2 - 1.02.09 Schwab Designation of Custodian, and Exh. 3 7.21.09 Schwab IRA Beneficiary Form.*
11. In entering into the fiduciary contract with Schwab, Dr. Gomez

did not hyphenate Plaintiff's second middle name to his last, and, while birth state Wisconsin did list this as his last name until corrected, his last name has not officially ever been and is not Muellman-Gomez. *Exh. 3 at 2.*

12. Beginning in February 2009, Schwab sent 1099s (except for TY 2010, which is missing from the Lundy production discussed below) and other documents, to Dr. Gomez's San Marcos residence address, misnomering same for unexplained reason by changing Plaintiff's true last name as listed and directed by Dr. Gomez, electing to merge the second middle and last names with a hyphen. *Exh. 4 - 2.9.09 IRS Form 1099 Schwab Mailing Cover.*
13. On July 14, 2011, upon Dr. Gomez's passing, Custodian Felipe Gomez duly executed and submitted notice of death and paperwork requested and forwarded by Schwab, including that intended to address Plaintiff's UGTA account, and which cover letter and application spelled Plaintiff's name correctly, and which did not include the San Marcos address in requesting that Schwab respond (which it did not). *Exh. 5 - 7.14.11 Cover Letter and Death Certificate.*
14. Between 2011 and 2015, undersigned repeated the above process at least twice, submitted forms identifying and verifying himself as Custodian, and on several occasions verbally provided Schwab current addresses, other than the

San Marcos address, for mailing of documents and 1099s.

15. Dr. Gomez's empty San Marcos residence was sold on 11.12.14.
16. On 10.30.15, Custodian Gomez executed and submitted a Power of Attorney, as Custodian, appointing Attorney Virginia Prihoda as POA for himself over Plaintiff's account (as well as for a Comerica account of Plaintiff's which Comerica honored without question), again noting that the hyphen was wrong and providing updated contact addresses, and not mentioning San Marcos as one of them. *Exh. 6 - 10.30.15 FG POA 2.*
17. Despite the multiple verifications and requests, Schwab continued to mail confidential documents to the now sold San Marcos address, and, after repeated attempts to get Schwab to honor the Custodian, the Custodian again wrote to correct the record, giving current contact information. *Exh. 7 - 12.8.17 POA 3 Cover Letter.*
18. Despite the numerous attempts to get Schwab to update the contact information, Defendant continued its misconduct afterward, using the wrong address and wrong hyphenated name until well into 2018. *Exh. 8 - Misaddressed Schwab Communications Post Notice.*
19. Contact with a conscious portion of Schwab was finally made only through email, first in February 2018 with a staffer who

again required and was provided “verification”, and substantively with an attorney for Schwab working under Defendant Wynne, Rachel Lundy. (Documentation to be provided).

20. On 3.29.18, undersigned Custodian finally got through to Schwab, and after verifying for the umpteenth time, on 3.30.18 Lundy provided a partial but substantial portion of the requested file (some of which are attached hereto, after redaction, as can be seen by the word “confidential” and Bates stamp, placed by Schwab, at the bottom), password protected as confidential. *Exh. 9 - E-mails with Lundy.*

21. Despite what was thought to be breakthrough, for as of yet unknown reasons Schwab reverted to repeatedly verifying, and refused to cooperate or release the account, culminating in Defendant Wynne finally taking over and attempting Schwab’s version of damage control, which was requiring Counsel Proihoda to again verify Plaintiff and undersigned, and then hanging up on Ms. Prihoda and instructing her not to call and to tell her clients, undersigned and Plaintiff, not to call either. *Exh. 10 - Prihoda Letter of Representation and Umpteenth Custodial/Beneficiary Verification.*

22. Defendant Wynne also reportedly threatened Counsel Prihoda with retaliation related to his assertion to her that all calls with Schwab were recorded (there is no such warning when one

calls in, only that they may be monitored for quality assurance, not legal purposes including impeachment of one's own client in defense against a valid claim by same).

23. Wynne also allegedly threatened that recordings of undersigned, Plaintiff, and/or Counsel Prihoda would be used offensively or defensively by Schwab/Wynne, despite Counsel Prihoda immediately indicating that Illinois is a mutual consent state and it was illegal to do what Wynne claims he did, here, despite California laws on the same (Wynne used a Denver cell phone to call undersigned and Counsel Prihoda and same to take calls, thus knowingly avoiding the same system relied on for his threats).
24. On 1.10.19, Plaintiff approved his Custodian and Attorney Prihoda to set up an account at Etrade and request a transfer from Schwab, and xxx2085 was established (which is where the assets are claimed to be by ReedSmith, however the account cannot be accessed online as it is blocked).
25. On 1.11.19 Plaintiff, through undersigned acting as both Custodian and Attorney, closed the account (that had yet to be funded) at Etrade, and moved to TD Ameritrade, whom was requested acquire his assets. *Exh. 11 - Documentation of Direction to Close Account/Confirmation of Closure of xxx2085.*

26. From 1.11.19 to 1.24.19, Defendants played a shell game that hid Plaintiff's assets, with both Schwab and Etrade claiming to have no funds, and Ameritrade's several requests were denied by both corporate defendants, including as late as 2.18.19, including Schwab rejecting due to an alleged "incorrect address".
27. The shell game included Etrade accepting the assets from Schwab on 1.15.19, and with no notice to Plaintiff, placing them in the closed account contrary to Plaintiff's instructions and cancellation of relationship Etrade, where on information and belief they now reside.
28. On 1.24.19, Etrade admitted having the assets since 1.15.19, and the record reflects that there was no notice of receipt or deposit issued to or received by Plaintiff from either Schwab or Etrade, resulting in the continuation of the illegal conversion of the funds by Defendants.
29. Subsequently, while Etrade's attorneys claim that the undersigned is unauthorized to access the account or transact therein, Etrade has provided confidential specific asset information to the undersigned, including the ability to vote as Proxy on an upcoming meeting, which violates Arthur's rights as an independent while also satisfying part of the relief (information) previously sought.

30. As of this writing, neither Plaintiff nor Custodian nor Custodian's attorney, can locate, see or access the funds that Etrade claims to have, and Etrade's Attorney both threatened to sanction undersigned if this amendment was filed, and yet refused to agree to a continuance to delay filing to discuss the lat minute and unstated objections (resulting in part in the late filing of this document as undersigned was required to pretend Defendant's counsel was serious).
31. Plaintiff is suffering irreparable harm, including not being able to optimize the account which is not being held as an UGTMA despite 760 ILCS 20 requiring that such be done until 21 years of age, and including currently being unable to pay the \$400 as thought was possible.

D. COUNTS

Count 1 - RICO

32. Paragraphs 1-32 are incorporated herein by reference.
33. Defendants are all culpable persons, who in a common scheme conducted and "enterprise" affecting interstate commerce through a "pattern" of "racketeering activity", including but not limited to refusing to allow access to and release a bailment.

34. Plaintiff was proximately and directly injured by reason of the common illegal scheme and RICO violations, by *inter alia*, denial of his assets and denial of access to himself, his Custodian and other authorized agents despite multiple verifications, on the pretext of protecting the client's assets (from himself apparently).
35. Plaintiff seeks disgorgement of funds and triple damages and Attorney fees, in an amount of at least 1,000,000.00, and all other relief available under RICO.

Count 2 - Civil Conspiracy of Fiduciaries to Convert/Defraud

36. Paragraphs 1-32 are incorporated herein by reference.
37. Defendants were and are engaged and involved in and have an unlawful objective in illegally converting and holding illegally acquired and held UGTMA assets against the superior claims of the Custodian and the Beneficiary.
38. The defendants had and continue to operate pursuant to an implicit and/or explicit agreement on the objective or means to achieve the objective, mainly to knowingly and fraudulently deprive the rightful parties of their assets while charging same for the honor.
39. The defendants have committed one or more overt acts in

furtherance of the conspiracy, including having their Attorney/Defendants attempt to extort Plaintiff and his Agents

40. The defendants' actions resulted and continue to proximately and directly cause an injury or damages to the Plaintiff.
41. Wherefore, Plaintiff demands damages in the amount of at least 1,000,000, and punitive damages in the amount of at least 3x, or at least \$3,000,000, totaling no less than \$4,000,000 demanded, immediate conversion of the account to an UGTMA, and ordering Etrade to obey all legal directives of the Custodian, and any and all other relief in Plaintiff's favor.

3. Other Counts

42. [Reserved]

Submitted By: s/ *Felipe Gomez, Esq.*

Date: 3.7.19

LAW OFFICE OF FELIPE GOMEZ, ESQ.
3024 N. ASHLAND AVE NO. 577670
CHICAGO IL 60657
312.399.3966
T312.399.3966@GMAIL.COM

1

From: gomzfng1 <gomzfng1@aim.com>
To: Experiencebaja <Experiencebaja@aol.com>
Subject: Re: Trust accounts for grandchildren
Date: Sun, Jul 8, 2007 9:22 pm

AJ, Lisa & I thank you for your benevolence.

Arthur James Muellman Gomez
SS:

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

From: Experiencebaja@aol.com
To: ag@ag.com, gomzfng1@netscape.net
Sent: Tue, 19 Jun 2007 1:14 pm
Subject: Trust accounts for grandchildren

Dear [REDACTED] Felipe,
I would like to establish a college education fund for each of my grandchildren. I need to have their complete names and social security numbers. I will be opening accounts for each of them at Charles Schwab. If you agree, please send me their complete names and social security numbers.
Love, Mom

See what's free at
<http://www.aol.com>.

2

Phoenix Operations
NEEDS PROCESSING

January 2, 2009

To: Charles Schwab & Co., Inc.

Re: Successor Custodians

Please accept this letter as authorization to name the following successor custodians on the below listed accounts:

[REDACTED]	Successor Custodian: [REDACTED]
[REDACTED]	Successor Custodian: [REDACTED]
[REDACTED] 7542 for Arthur Muellman-Gomez	Successor Custodian: Felipe N. Gomez

Sincerely,

X *[Signature]* January 2, 2009
 Sandra Gomez, Current Custodian

VERIFICATION STAMP

Account number: [REDACTED] 7542

Client spoken to: Sandra Gomez

Method of Contact/If phone, list # called: in person

Client Identifier(s): ID or authentication info, if verbal verification: Client known to me

Verified by (Rep/Date): 1/2/09 [Signature] **Michelle Jenkins CJM**

Approved by (Rep/Date): [Signature] 1/2/09

354A

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3

Add Option, Margin and Short Capabilities Application

charles SCHWAB

www.schwab.com
 1-800-435-4000 (inside the U.S.)
 +1-415-667-8400 (outside the U.S.)
 1-888-686-6916 (multilingual services)
 Page 1 of 4

1. Account Information (Please complete a separate application for each account.)

Account number:

 - 7542

2. Choose a Feature

- Add Margin feature only (not eligible for IRA, QRP/Keogh, CRA, Individual 401(k), Guardianship, Conservatorship and Custodial accounts). Proceed to Section 4.
- Add Option feature. Select the investment objective below that applies to you. If you do not qualify for the strategy level you request, you may be approved for the highest level appropriate for your account type^{*} experience, knowledge and financial situation. If approved, approval will apply to not only each Account Holder, but also to each Power of Attorney (POA), Trustee or Authorized Agent on the Account.

Objective	Strategy
<input checked="" type="checkbox"/> Capital Preservation, Income, Investment Hedge—Approval Level 0 Margin is automatically included for eligible accounts, unless you check this box. <input type="checkbox"/>	Covered Calls, Covered Puts, Buy-Writes, Unwinds, Covered Rollouts, Protective Puts
<input type="checkbox"/> Growth, Speculation—Approval Level 1 Margin is automatically included for eligible accounts, unless you check this box. <input type="checkbox"/>	All of the above, plus: Long Calls, Long Puts, Long Straddles, Long Combinations, Long Strangles, Cash-Secured Equity Puts
<input type="checkbox"/> Speculation, Income—Approval Level 2 Margin is required and is automatically included.	All of the above, plus: Spreads, Diagonal Call Spreads, Diagonal Put Spreads, Ratio Spreads (long side heavy)
<input type="checkbox"/> Speculation, Income—Approval Level 3 Margin is required and is automatically included.	All of the above, plus: Uncovered Calls, Uncovered Puts, Uncovered Rollouts, Short Straddles, Short Combinations, Short Strangles, Uncovered Ratio Spreads

^{*}Covered calls are the only strategies permitted in QRP/Keogh, Individual 401(k), CRA, PCRA, Custodial, Guardianship, Conservatorship and Non-Incorporated Association accounts. Covered calls, buy-writes, cash-secured equity puts, and purchasing options are the strategies permitted in IRAs and ESAs.

3. Account Holder/POA/Trustee/Authorized Agent Information (required for Option feature only)

We respect your privacy. Schwab will use the information you provide to open and service your Account(s), communicate with you, and provide information about products and services. Read about Schwab's privacy policy at www.schwab.com/privacy.

Account Holder/POA/Trustee/Authorized Agent

Check one:
 Account Holder Power of Attorney¹ Trustee Authorized Agent of Organization

Name (First) (Middle) (Last)
 SANDRA W. GOMEZ

Check any that apply:
 Employed Self-employed Retired Student Homemaker Not employed

Employer or Organization Name: N/A Occupation/Position: Retired M.D.

Business Street Address: 1645 SONATA LANE City, State, Zip Code: SAN MARCOS CA 92078

If no employer information provided, list source of income:

Are you affiliated with or employed by a stock exchange, or member firm of an exchange or FINRA, or a municipal securities broker-dealer?
 No Yes (if "yes," you must attach a letter from your employer approving the establishment of your account when submitting this application.)

Are you a director, 10% shareholder or policy-making officer of a publicly held company?
 No Yes (if "yes," enter company name and trading symbol _____)

Marital Status: Single Married Divorced Widowed Number of Dependents: _____

Trust/Organization Account answers should be based on Trust/Organization assets. If you have no knowledge or trading experience, please check "None." Information left blank will default to "None" or "Zero," which may negatively affect the approval level for your Account.

Financial Information (not applicable to POA)

Annual Income: _____ Net Worth: _____ Or Liquid Net Worth: _____

Stock Trading Experience

Knowledge Level:	Number of Years Trading:	Average Number of Trades per Year:	Average Amount of Transactions:
<input checked="" type="checkbox"/> Limited	_____	_____	_____
<input type="checkbox"/> Good			
<input type="checkbox"/> Extensive			
<input type="checkbox"/> None	<input type="checkbox"/> None		

Option Trading Experience

Knowledge Level:	Number of Years Trading:	Average Number of Trades per Year:	Average Amount of Transactions:
<input checked="" type="checkbox"/> Limited	_____	_____	_____
<input type="checkbox"/> Good			
<input type="checkbox"/> Extensive			
<input type="checkbox"/> None	<input type="checkbox"/> None		

¹Please make sure you have filled out the Schwab Power of Attorney form.

FOR CHARLES SCHWAB USE ONLY:

Branch Office and Account Number: _____



Phoenix Operations
NEEDS PROCESSING

Charles SCHWAB

- Use this form to designate or change beneficiary(ies) to your Schwab IRAs.
- Complete all pages of this form (Sections 1-3).
- Mail this form in the enclosed envelope. If you do not have an envelope, call 1-800-435-4000 for the correct mailing address.

www.schwab.com
1-800-435-4000

1. Account Information Please supply the following information.

Name (First) SANDRA (Middle) W. (Last) GOMEZ / Tax ID Number [REDACTED] 532
 Your Schwab IRA Account Number [REDACTED] - 4115

2. Designate Your Beneficiary(ies).

Primary Beneficiary(ies): I designate the following person(s) below as primary beneficiary(ies) to receive payment of the value of my IRA upon my death.

Share % 33 Social Security/Tax ID Number [REDACTED] 801
 Name (First) ARTHUR JAMES MUELLMAN (Middle) GOMEZ (Last) GOMEZ
 Home Street Address (no P.O. boxes) 847 N. MAPLEWOOD APT 1F
 City, State, Zip Code CHICAGO IL 60622
 Relationship GRANDSON Telephone Number 312/399-3966 Date of Birth (mm/dd/yyyy) [REDACTED] 1998
 Country(ies) of Citizenship (Must list all) USA Other: _____ Country of Legal Residence USA Other: _____

Name (First) _____ (Middle) _____ (Last) _____
 Home Street Address (no P.O. boxes) _____
 City, State, Zip Code _____
 Relationship _____ Telephone Number _____ Date of Birth (mm/dd/yyyy) _____
 Country(ies) of Citizenship (Must list all) USA Other: _____ Country of Legal Residence USA Other: _____

Contingent Beneficiary(ies): If no primary beneficiary(ies) survives me, I designate that the balance of my IRA be distributed to my contingent beneficiary(ies) below.

Share % 100 Social Security/Tax ID Number [REDACTED] 532
 Name (First) SANDRA W GOMEZ (Middle) LIVING TRUST (Last) _____
 Home Street Address (no P.O. boxes) 1645 SONATA LANE
 City, State, Zip Code SAN MARCOS CA 92078
 Relationship TRUST Telephone Number [REDACTED] Date of Birth (mm/dd/yyyy) JUNE 13 1936
 Country(ies) of Citizenship (Must list all) USA Other: _____ Country of Legal Residence USA Other: _____

Share % _____ Social Security/Tax ID Number _____
 Name (First) _____ (Middle) _____ (Last) _____
 Home Street Address (no P.O. boxes) _____
 City, State, Zip Code _____
 Relationship _____ Telephone Number _____ Date of Birth (mm/dd/yyyy) _____
 Country(ies) of Citizenship (Must list all) USA Other: _____ Country of Legal Residence USA Other: _____

*Note: If you wish to designate more than four primary or two contingent beneficiaries, attach a separate sheet of paper. Provide all the information above and percentage of IRA for each beneficiary. (Percentages must total 100%).
 **If more than one beneficiary is designated, the percentages must total 100%.

(Continued on next page.)

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3. Account Holder/POA/Trustee/Authorized Agent Information (Continued)

Account Holder/POA/Trustee/Authorized Agent #2 (if applicable) Check here if spouse of the Account Holder

Check one:
 Account Holder Power of Attorney* Trustee Authorized Agent of Organization

Name (First) (Middle) (Last)

Check any that apply:
 Employed Self-employed Retired Student Homemaker Not employed

Employer or Organization Name Occupation/Position

Business Street Address City, State, Zip Code

If no employer information provided, list source of income:

Are you affiliated with or employed by a stock exchange, or member firm of an exchange or FINRA, or a municipal securities broker-dealer?
 No Yes (if "yes," you must attach a letter from your employer approving the establishment of your account when submitting this application.)

Are you a director, 10% shareholder or policy-making officer of a publicly held company?
 No Yes (if "yes," enter company name _____ and trading symbol _____.)

Marital Status Number of Dependents
 Single Married Divorced Widowed

Trust/Organization Account answers should be based on Trust/Organization assets. If you have no knowledge or trading experience, please check "None." Information left blank will default to "None" or "Zero," which may negatively affect the approval level for your Account.

Financial Information (not applicable to POA)
 Annual Income Net Worth Liquid Net Worth
 \$ _____ \$ _____ \$ _____

Stock Trading Experience
 Knowledge Level: Number of Years Trading: Average Number of Trades per Year: Average Amount of Transaction:
 Limited None
 Good
 Extensive
 None

Option Trading Experience
 Knowledge Level: Number of Years Trading: Average Number of Trades per Year: Average Amount of Transaction:
 Limited None
 Good
 Extensive
 None

Account Holder/POA/Trustee/Authorized Agent #3 (if applicable)

Check one:
 Account Holder Power of Attorney* Trustee Authorized Agent of Organization

Name (First) (Middle) (Last)

Check any that apply:
 Employed Self-employed Retired Student Homemaker Not employed

Employer or Organization Name Occupation/Position

Business Street Address City, State, Zip Code

If no employer information provided, list source of income:

Are you affiliated with or employed by a stock exchange, or member firm of an exchange or FINRA, or a municipal securities broker-dealer?
 No Yes (if "yes," you must attach a letter from your employer approving the establishment of your account when submitting this application.)

Are you a director, 10% shareholder or policy-making officer of a publicly held company?
 No Yes (if "yes," enter company name _____ and trading symbol _____.)

Marital Status Number of Dependents
 Single Married Divorced Widowed

Trust/Organization Account answers should be based on Trust/Organization assets. If you have no knowledge or trading experience, please check "None." Information left blank will default to "None" or "Zero," which may negatively affect the approval level for your Account.

Financial Information (not applicable to POA)
 Annual Income Net Worth Liquid Net Worth
 \$ _____ \$ _____ \$ _____

Stock Trading Experience
 Knowledge Level: Number of Years Trading: Average Number of Trades per Year: Average Amount of Transaction:
 Limited None
 Good
 Extensive
 None

Option Trading Experience
 Knowledge Level: Number of Years Trading: Average Number of Trades per Year: Average Amount of Transaction:
 Limited None
 Good
 Extensive
 None

Account Holder/POA/Trustee/Authorized Agent #4 (if applicable)

Check one:
 Account Holder Power of Attorney* Trustee Authorized Agent of Organization

Name (First) (Middle) (Last)

Check any that apply:
 Employed Self-employed Retired Student Homemaker Not employed

Employer or Organization Name Occupation/Position

Business Street Address City, State, Zip Code

If no employer information provided, list source of income:

Are you affiliated with or employed by a stock exchange, or member firm of an exchange or FINRA, or a municipal securities broker-dealer?
 No Yes (if "yes," you must attach a letter from your employer approving the establishment of your account when submitting this application.)

Are you a director, 10% shareholder or policy-making officer of a publicly held company?
 No Yes (if "yes," enter company name _____ and trading symbol _____.)

Marital Status Number of Dependents
 Single Married Divorced Widowed

Trust/Organization Account answers should be based on Trust/Organization assets. If you have no knowledge or trading experience, please check "None." Information left blank will default to "None" or "Zero," which may negatively affect the approval level for your Account.

Financial Information (not applicable to POA)
 Annual Income Net Worth Liquid Net Worth
 \$ _____ \$ _____ \$ _____

Stock Trading Experience
 Knowledge Level: Number of Years Trading: Average Number of Trades per Year: Average Amount of Transaction:
 Limited None
 Good
 Extensive
 None

Option Trading Experience
 Knowledge Level: Number of Years Trading: Average Number of Trades per Year: Average Amount of Transaction:
 Limited None
 Good
 Extensive
 None

*Please make sure you have filled out the Schwab Power of Attorney form.

4. Acceptance of Margin Application Agreement

If you have selected to add margin to your Account, you are applying for authorization to borrow funds from Schwab using your assets as collateral. By signing this Application, you acknowledge that you have received and read a copy of the Margin Borrowing at Schwab Overview and Disclosure Statement. You further agree that you have received, read and agree to be bound by the Margin Application Agreement in effect and as amended from time to time. The Margin Application Agreement contains two important sections: 1) Disclosure of Credit Terms and Policies; and 2) Margin and Short Account Agreement Terms and Conditions.

Please note that if you hold a Schwab One® brokerage account that is linked to a Schwab Bank High Yield Investor Checking® account, the overdraft protection feature on your High Yield Investor Checking account may create a margin loan in your Schwab One brokerage account.

5. Acceptance of Option Application Agreement

If you have selected to add option trading to your Account, you are applying for authorization to trade options.

By applying for authorization to trade options and signing this Application, you acknowledge that you have received and read a copy of the Option Application Agreement, which contains two important sections: 1) Option Trading Rules; and 2) Option Agreement.

You represent that you are aware of the inherent risks of option trading and that you are financially able to bear such risks and withstand option trading losses, including the loss of your entire investment. You understand that Schwab may periodically request new financial information and review your authorization to trade options.

The booklet "Characteristics and Risks of Standardized Options" will be sent to you when your Account is approved for option trading. You agree to read the booklet prior to conducting any trades in your Account. You understand that your Account will be handled in accordance with the rules of the Option Clearing Corporation and the applicable exchange and/or regulatory agencies, and you agree to conduct activity in your Account in accordance with such rules.

Lastly, by applying for authorization to trade options and signing this Application, you agree to be bound by the Option Application Agreement as currently in effect and as amended from time to time.

6. Certification of Trust

By signing this Application on behalf of a Trust, each Trustee signing below (the "Trustees") certifies that the representations and warranties in the attached Certification of Trust (enclosed) are true and complete.

7. Signature

HOLDERS OF ACCOUNTS WITH MARGIN FEATURES FURTHER ACKNOWLEDGE THAT SECURITIES SECURING LOANS FROM SCHWAB MAY BE LENT TO SCHWAB AND LENT BY SCHWAB TO OTHERS.

I/we agree to the above terms and conditions:

All Account Holders (including Additional Account Holders), Power(s) of Attorney, Trustees and Authorized Agents must sign.

Signature(s) and Date(s) Required

<p>X <i>Sandra W. Gomez</i> Account Holder, POA, Trustee or Authorized Agent Signature</p>	<p>Print Name SANDRA W. GOMEZ</p>	<p>Date 7-21-09</p>
<p>X Additional Account Holder, POA, Trustee or Authorized Agent Signature (if applicable)</p>	<p>Print Name</p>	<p>Date</p>
<p>X Additional Account Holder, POA, Trustee or Authorized Agent Signature (if applicable)</p>	<p>Print Name</p>	<p>Date</p>
<p>X Additional Account Holder, POA, Trustee or Authorized Agent Signature (if applicable)</p>	<p>Print Name</p>	<p>Date</p>

FOR CHARLES SCHWAB USE ONLY			
<input type="checkbox"/> Covered Options	<input type="checkbox"/> Purchasing Options	<input type="checkbox"/> Creating Spreads	<input type="checkbox"/> Uncovered Options Writing
Approved by		Print Name of Approver	Date Approved
Source of Background Information Concerning Customer:		Branch Office and Account Number	



8. For Organization Accounts Only: Certificate of Secretary (required)

I, _____ (name of secretary), the secretary of _____ (name of business entity), a _____ (type of entity), duly organized or already existing under the laws of the state (or country, if foreign entity) of _____ (the "Account Holder"), hereby certify (1) that the person(s) whose signature(s) appear(s) in Section 7 is/are authorized to establish and maintain the requested margin borrowing authority or options trading authority (or both) with Schwab on behalf of the Account Holder and to bind the Account Holder to the Margin Application Agreement and Option Application Agreement (as applied for in this Application), pursuant to a duly adopted resolution of the board of directors or other applicable governing body; and (2) that the charter documents, agreements, and applicable laws governing the Account Holder permit the establishment and maintenance of the requested margin account and options trading authorization (as applicable).

Signature and Date Required

X

Secretary of Organization Signature

Date

4



charles SCHWAB

Schwab One® Custodial Account of
SANDRA W GOMEZ CUST FOR

Account Number
-7542

TAX YEAR 2011
FORM 1099 COMPOSITE
& YEAR-END SUMMARY

Date Prepared: February 10, 2012

Recipient's Name and Address

10102-CT2F3604-009977-SML-920784627 504809 11-2-3
SANDRA W GOMEZ CUST FOR
A MUELLMAN-GOMEZ UCAUTMA
UNTIL AGE 18
1645 SONATA LN
SAN MARCOS CA 92078

Items for Attention

- If you've had realized gain or loss transactions during the tax year, you will no longer receive Year-End Gain/Loss Report separately. To make your tax preparation easier, we have consolidated Year-End Gain/Loss Report information into the Year-End Summary of this report as **Realized Gain or (Loss)** section.
- Some companies have not confirmed the final status of their distributions for tax reporting at this time. Should Schwab receive updated information for your security, CORRECTED Form(s) 1099 may be delivered to you.
- Electronic delivery of this report is available now. Sign up at www.schwab.com/paperless.
- Please refer to the enclosed insert(s) for additional information.

Important Official IRS Form(s) 1099 Enclosed

The report in this package contains your income tax return documents and year-end summary. Please retain this package for tax preparation purposes.

For tax advice, please consult with a qualified tax advisor, CPA, or financial planner.

To contact Schwab:

If you have any questions or need additional information about your Form(s) 1099 or your year-end summary, please call 1-800-435-4000, 24 hours a day, 7 days a week. We're always here for you.

To contact the IRS:

Tax questions for individuals: 1-800-829-1040
Tax questions for businesses: 1-800-829-4933
To order tax forms or publications: 1-800-829-3676
To pay taxes by credit card: 1-888-272-9829

For additional information and to print forms and publications, visit www.irs.gov.

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8

5

**LAW OFFICE OF
FELIPE GOMEZ**

P.O. Box 12319
Chicago, IL. 60612
312-399-3966

By First Class U.S. Mail

July 14, 2011

Charles Schwab & Co., Inc.
P.O. Box 628291
Orlando FL 32862-8291

Re: Sandra W. Gomez: Beneficiary Distribution Authorization Forms - Schwab Accounts:
[REDACTED] 4115 (Arthur J. M. Gomez, a minor)

Dear Charles Schwab:

Please find enclosed the above-referenced forms regarding the above-referenced accounts and beneficiaries of Dr. Gomez, who passed on July 4, 2011 (Death Certificate Pending). Please contact the undersigned if there are any questions or further documentation is required

Sincerely

sl: Felipe Gomez, Esq
Felipe Gomez, Esq.

Schwab Designated Beneficiary Plan Distribution Authorization Form

charles SCHWAB

www.schwab.com
1-800-435-4000 (inside the U.S.)
+1-415-667-5009 (outside the U.S.)
1-888-686-6916 (multilingual services)

Page 1 of 2

Use this form to notify Schwab of the death of the last surviving Designated Beneficiary Plan account holder and to instruct Schwab (and Schwab Bank, if applicable) on how to distribute the decedent's total assets. This form should be completed by the deceased account holder's individual beneficiary(ies) or the guardian or custodian for a beneficiary who is a minor. Each beneficiary must complete a separate form.

Required documentation. Please attach the following to this form:

- a copy of the account holder death certificate
- a notarized Affidavit of Domicile
- a tax waiver if require by state law

If you are a non-resident alien without a Social Security number, you will need to complete and send IRS Form W-8BEN and a certified copy of your passport to Schwab with this form. You may need to obtain an Individual Tax Identification Number (ITIN) from the IRS before you can complete IRS Form W-8BEN. Please visit the IRS website at www.irs.gov for information.

1. Account Information

Type of Account:

- Schwab One® account
- Schwab Bank High Yield Investor Checking™ account and linked Schwab One Brokerage account

Name of Deceased Account Holder (First)	(Middle)	(Last)	Account Number
SANDRA	WEISENTHAL	GOMEZ	██████████-4115

2. Beneficiary Information

If the beneficiary is a minor, include the following information for the beneficiary's guardian or custodian.

Name (First)	(Middle)	(Last)
Arthur	James Muellman	Gomez
Social Security Number/Tax ID Number	Date of Birth (mm/dd/yyyy)	
██████████-7801	██████████ 998	
Daytime Telephone Number		
(312) 399-3966		
Mailing Address		
847 N. Maplewood 1F		
City, State, Zip Code		
Chicago IL		
Country(ies) of Citizenship (Must list all.)		
<input checked="" type="checkbox"/> USA <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____		
Country of Legal Residence		
<input checked="" type="checkbox"/> USA <input type="checkbox"/> Other: _____		

Name (First)	(Middle)	(Last)
Felipe	Nery	Gomez
Social Security Number/Tax ID Number	Date of Birth (mm/dd/yyyy)	
██████████-4730	██████████ 959	
Daytime Telephone Number		
(312) 399-3966		
Mailing Address		
847 N. Maplewood 1F		
City, State, Zip Code		
Chicago IL 60622		
Country(ies) of Citizenship (Must list all.)		
<input checked="" type="checkbox"/> USA <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____		
Country of Legal Residence		
<input checked="" type="checkbox"/> USA <input type="checkbox"/> Other: _____		

3. Distribution Instructions (Select one of the following.)

- Transfer the assets to an existing Schwab account:
- Open a new Schwab One account in the name of the beneficiary. (Attach a completed Schwab One Account Application.)
- Open a new Schwab Bank High Yield Investor Checking account and linked Schwab One Brokerage account. (Attach a completed Schwab Bank High Yield Investor Checking Account and Linked Schwab One Brokerage Account Application.)
- Open a new Schwab One Custodial account in the name of the minor beneficiary. (Attach a completed Schwab One Custodial Account Application.)
- Distribute all assets to the beneficiary by:
- Check (Note: check will be mailed to the beneficiary's address specified in Section 2.)
 - Wire funds*

WILL BE DONE ONLINE (FO)

Bank Name	ABA Routing Number	Bank Phone
Bank Account Number	Bank Account Registration	
Name of Final Beneficiary	Further Credit Account Number (if applicable)	

*Fees apply. Call 1-800-435-4000 for details.



4. Signature

I certify under penalty of perjury under the laws of the state of California (and Nevada if I am receiving funds from the referenced Schwab Bank High Yield Investor Checking account) that the information provided on this form is true and correct and that, to my knowledge, there are no known disputes as to the persons entitled to distribution or the amounts to be distributed to each person and no known claims that would affect the distribution requested.

Signature and Date Required

X  Beneficiary/Grantor/Custodian Signature

Felipe Nery Gomez Print Name

7/14/11 Date

5. Notarization (Note: Notary required if this form is not signed in the presence of a Schwab representative.)

State of Illinois, County of DuPage

Subscribed and sworn to (or affirmed) before me on this 14th day of July, 2011.

by Felipe Gomez, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.*

WITNESS my hand and official seal.

Notary Public Thomas Ely Expiration Date 12/30/2012
(Signature of Notarizing Officer) (mm/dd/yyyy)

*Notaries outside of California may attach the appropriate notarizing declaration in lieu of the above.

(NOTARY SEAL)

OFFICIAL SEAL
 THOMAS ELY
 Notary Public - State of Illinois
 My Commission Expires Dec 30, 2012

FOR CHARLES SCHWAB USE ONLY

Approved by		Print Name of Approver	
SOLE APPROVER	SOURCE CODE	BRANCH OFFICE AND ACCOUNT NUMBER	

CERTIFICATION OF VITAL RECORD
COUNTY OF SAN DIEGO

305201121852

CERTIFICATE OF DEATH

3201137010424

DECEASED PERSON'S DATA LAST KNOWN RESIDENCE: WEISENTHAL DATE OF BIRTH: 08/13/1928 SEX: M RACE: CAUCASIAN OCCUPATION: ANESTHESIOLOGIST MEDICAL DOCTOR		USUAL RESIDENCE: 1645 SONATA LANE SAN MARCOS SAN DIEGO 92078 CA	
MARRIAGE AND PARENTAGE DATA MARRIAGE: LARRY WEISENTHAL BROTHER DATE OF MARRIAGE: 07/07/2011 PLACE OF MARRIAGE: RESIDENCE OF LARRY WEISENTHAL WEDDING EXPENSES: 1 NOT EMBALMED		DECEASED PERSON'S DATA (continued) CAUSE OF DEATH: ADVANCED OVARIAN CANCER PLACE OF DEATH: AVYMA HEALTHCARE CENTER 844 N. COLLEGE RD. SAN DIEGO	
INVESTIGATOR'S CONTINUATION NAME: MARK J ADLER M.D. ADDRESS: 9140 SYCAMORE AVE SITE 270 VISTA CA 92081 PHONE: 619-434-1200		LOCAL REGISTRAR'S DATA NAME: MARK J ADLER M.D. ADDRESS: 9140 SYCAMORE AVE SITE 270 VISTA CA 92081 PHONE: 619-434-1200	

We hereby certify that the foregoing is a true copy of original document
Justin Jay CBSS 7/18/11
 Authorized Signature
CHARLES SCHWAB & CO., INC.

6

0

4th Dub Orig.

Prepared by Felipe N. Gomez, 2647 N. Western Ave #188, Chicago, Illinois 60647,
(312)399-3966

SPECIAL POWER OF ATTORNEY

IN RE: ARTHUR JAMES MUELLMAN-GOMEZ
(aka ARTHUR JAMES MUELLMAN GOMEZ)
(aka A.J. GOMEZ)

I, Felipe Gomez, residing at 2647 N. Western Ave #188, Chicago, Illinois 60647, hereby appoint Virginia D. Prihoda, Esq. of 7551 N. Oakley Avenue, 3rd Flr, Chicago, Illinois 60645, as my attorney-in-fact ("Agent") to exercise the powers and discretions described below, related to my son, Arthur James Muellman-Gomez (aka Arthur James Muellman Gomez, and A.J. Gomez -Hereinafter "A.J.").

I hereby revoke any and all general powers of attorney and special powers of attorney that previously have been signed by me.

My agent shall have full power and authority to act on my behalf but only to the extent permitted by this Special Power of Attorney. My Agent's powers shall include the power to:

1. Open, maintain or close the following specific accounts. This power shall include the authority to conduct any transaction for these accounts, including, but not limited to, making deposits and withdrawals, negotiating or endorsing any checks or other instruments with respect to any such accounts, obtaining bank statements, passbooks, drafts, money orders, warrants, and certificates or vouchers payable to me by any person, firm, corporation, or political entity.

Bank/Institution: Charles Schwab & Co.
Address: P.O. Box 628291
Orlando, Florida
Account Number: ~~542~~ 542
Type of Account: Minor's Trust - Arthur James Muellman-Gomez

Bank/Institution: Comerica Bank
Address: 24028 N. Woodward ave
Pleasant Ridge, Michigan
Account Number: ~~XXXXXXXXXX~~
Type of Account: Certificate of Deposit - Arthur James Muellman-Gomez/Arthur James Muellman Gomez

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2. Perform any act necessary to deposit, negotiate, sell, or transfer any note, bond, security, or draft of the United States of America, including U.S. Treasury Securities, related to A.J.

3. Institute, supervise, prosecute, defend, intervene in, abandon, compromise, arbitrate, settle, dismiss, and appeal from any and all legal, equitable, judicial or administrative hearings, actions, suits, proceedings, attachments, arrests or distresses, involving A.J. (and me as his parent as needed) in any way.

4. Prepare, sign, and file documents with any governmental body or agency, related to A.J., including, but not limited to, authorization to:

a. Prepare, sign, and file income, gift and other tax returns of all kinds with federal, state, local, and other governmental bodies, and any power of attorney form appointing an agent required by the Internal Revenue Service and/or any state or local taxing authority.

b. Obtain information or documents from any government or its agencies, and represent me in all tax matters, including the authority to negotiate, compromise, or settle any matter with such government or agency.

c. Prepare applications, provide information, and perform any other act reasonably requested by any government or its agencies in connection with governmental benefits (including medical, military and social security benefits), and to appoint anyone, including my Agent, to act as my "Representative Payee" for the purpose of receiving Social Security benefits.

5. Act on my behalf with respect to A.J., and on A.J.'s behalf as a minor, with regard to the following matters:

- Exercise all stock rights as proxy, including all rights with respect to stocks, bonds, debentures, commodities, options or other investments.
- Purchase, maintain, surrender, collect, or cancel hospital insurance, medical insurance, Medicare supplement insurance, custodial care insurance, and disability income insurance for me or any of my dependents, as well as casualty insurance insuring assets of A.J. against loss or damage due to fire, theft, or other commonly insured risk; to pay all insurance premiums, to select any options under such policies, to increase coverage under any such policy, to borrow against any such policy, to pursue all insurance claims on A.J./my behalf, to adjust insurance losses, and the foregoing powers shall apply to private and public plans, including but not limited to Medicare, Medicaid, SSI and Worker's Compensation; to designate and change beneficiaries of insurance policies insuring A.J./my life and beneficiaries under any annuity contract in which A.J./I have an interest; to decrease coverage under or cancel

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SP/100010
JFM

any of these policies described above; to receive and make such disposition of the cash value on termination of any such policy as Agent deems appropriate.

However, Agent shall have no power or authority whatsoever with respect to any interest in or incidents of ownership in any policy of insurance A.J./I may own on the life of my Agent.

- Financial Matters Relating to Arthur James Muellman-Gomez. a minor

I hereby grant to Agent the full right, power, and authority to do every act, deed, and thing necessary or advisable to be done regarding the above powers, as fully as I or A.J. could do if personally present and acting.

Any power or authority granted to Agent under this document shall be limited to the extent necessary to prevent this Power of Attorney from causing, (i) A.J./my income to be taxable to Agent, (ii) A.J./my assets to be subject to a general power of appointment by Agent, or (iii) Agent to have any incidents of ownership with respect to any life insurance policies that A.J./I may own on the life of Agent.


Agent shall not be liable for any loss that results from a judgment error that was made in good faith. However, A.J./my Agent shall be liable for willful misconduct or the failure to act in good faith while acting under the authority of this Power of Attorney. A successor Agent shall not be liable for acts of a prior Agent.

Agent shall be entitled to reasonable compensation for any services provided as Agent. Agent shall be entitled to reimbursement of all reasonable expenses incurred as a result of carrying out any provision of this Power of Attorney.

Agent shall provide an accounting for all funds handled and all acts performed as Agent, but only if I so request or if such a request is made by any authorized personal representative or fiduciary acting on my behalf.

This Power of Attorney shall continue effective until it is revoked by me or is dissolved by court order after my death. This Power of Attorney may be revoked by me at any time by providing written notice to Agent.

Dated Oct. 30, 2015, at Chicago, Illinois.



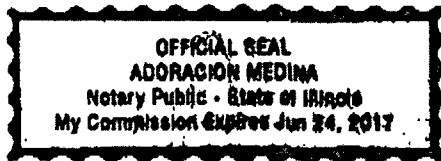
Felipe N. Gomez

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3/4
SCH 000011

STATE OF ILLINOIS,
COUNTY OF COOK, ss:

The foregoing instrument was acknowledged before me this 30th day of
October, 2015 by Felipe N. Gomez, who has produced
IL DL # 6520-2545-9370 as identification.



Adoracion Medina
Signature of person taking acknowledgment

Adoracion Medina
Name typed, printed, or stamped

CONFIDENTIAL

4/11/19
SC# 00012
[Signature]

7

7

**LAW OFFICE OF
FELIPE GOMEZ**
5001 W. Division St. #51222
Chicago, IL. 60651-1222
p312-399-3966
f800-850-1733
gomzfg3@gmail.com

By Facsimile
888-857-7711

December 8, 2017

Charles Schwab & Co., Inc.
P.O. Box 628291
Orlando FL 32862-8291

Re: Sandra W. Gomez (Dec) - Schwab Custodial Account 3763-4115 (Arthur J. M. Gomez)
Ref # 9966-2849: 1. Power of Attorney - Virginia Prihoda; 2. Beneficiary Distribution
Authorization Forms

Dear Charles Schwab:

Please find enclosed my Power of Attorney, which along with this letter of direction, authorizes Schwab to release information to my attorney, and for my attorney to receive it on my behalf, related to myself and Arthur James-Muellman Gomez (whose birth certificate has since been changed to remove the hyphen, copy enclosed), and the above listed account and reference number. My attorney is:

Virginia D. Prihoda
Law Offices of Virginia Prihoda
7551 N. Oakley Ave.
Chicago, IL 60645
Phone (773) 262-1712
Fax (847) 589-8072
www.deathandtaxes.guru

Also please find enclosed for your reference a cover letter and forms I previously submitted in 2011 related to AJ's account attempting to have myself take over as custodian, and please know that I submitted additional related forms since (to your Phoenix office I believe), which Schwab stated were located about a year ago. These include my mother's death certificate, so please DO NOT request it again.

Relatedly, and in addition to requesting that Schwab locate these submissions, I would like a formal, written explanation, which can be email directly to me with cc to my attorney, of how and why this account was allowed to fall into limbo and why my multiple attempts to get it straightened out have been met with, in my opinion, less than satisfactory response from Schwab (resulting in my not being able to take over as custodian and Schwab electing not to issue statements to anyone or make an effort to find an appropriate representative, assuming my attempts were insufficient for some reason).

Thank you for your time,

s/ Felipe Gomez, Esq.

Felipe Gomez, Esq.

7

A handwritten scribble or signature consisting of several overlapping loops and lines, centered on the page.



Schwab One® Custodial Account of
**SANDRA W GOMEZ CUST FOR
A MUELLMAN-GOMEZ UCAUTMA
UNTIL AGE 18**

Account Number
[REDACTED]-7542

Statement Period
January 1-31, 2017

Protect your privacy and the environment. Switch to eStatements at
www.schwab.com/lesspaper. Visit www.schwab.com/premiumstatement to
explore the features and benefits of this statement.

SANDRA W GOMEZ CUST FOR
A MUELLMAN-GOMEZ UCAUTMA
UNTIL AGE 18
1645 SONATA LN
SAN MARCOS CA 92078-4627

**Customer Service and
Account Information**

Customer Service and Trading:
Call your Schwab Representative
1 (800) 435-9050

Schwab by Phone™
Automated Services:
1 (800) 435-8804

TeleBroker®:
1 (800) 272-4922

Visit Our Web Site:
schwab.com

Cost Basis Updates:
To provide updates for incomplete
cost basis information, please visit
schwab.com/gainloss

Market Monitor

Rates	Yield
Value Adv Money Fd SWVXX	0.56%
Sch Investor Money Fund	0.45%
Sch Cash Reserves ¹	0.38%

Indices	Year To Date Change
Dow Jones Industrial Average	0.51%
Standard & Poor's 500 Index®	1.79%
Schwab 1000 Index®	1.96%
NASDAQ Composite Index	4.30%



Schwab One® Account of
ARTHUR JAMES MUELLMAN-GOMEZ

Account Number
[REDACTED]-7542

Statement Period
February 1-28, 2017

Protect your privacy and the environment. Switch to eStatements at
www.schwab.com/lesspaper. Visit www.schwab.com/prelumstatement to
explore the features and benefits of this statement.

ARTHUR JAMES MUELLMAN-GOMEZ
847 N MAPLEWOOD AVE
CHICAGO IL 60622-4656

**Customer Service and
Account Information**

Customer Service and Trading:
Call your Schwab Representative
1 (800) 435-9050

Schwab by Phone™
Automated Services:
1 (800) 435-8804

TeleBroker®:
1 (800) 272-4922

Visit Our Web Site:
schwab.com

Cost Basis Updates:
To provide updates for incomplete
cost basis information, please visit
schwab.com/gainloss

Market Monitor

Rates	Yield
Value Adv Money Fd SW/XX	0.56%
Sch Investor Money Fund	0.48%
Sch Cash Reserves [†]	0.38%

Indices	Year To Date Change
Dow Jones Industrial Average	5.31%
Standard & Poor's 500 Index®	5.57%
Schwab 1000 Index®	5.65%
NASDAQ Composite Index	8.22%



ARTHUR JAMES MUELLMAN-GOMEZ
 847 N MAPLEWOOD AVE
 CHICAGO, IL 60622-4656

Questions:
 Call 1-800-435-4000



March 1, 2017

Account number ending in:
 542

We need your instructions about the custodial account that was set up for you.

Our records show that you're the beneficiary of a custodial account that was set up on your behalf. The custodianship has now ended. The account has been registered in your name and we're able to grant you access to the account once we receive further instructions from you.

You have three options available:

	If you'd like to:	Then you'll need to:
Option 1	Keep the account at Schwab.	<ul style="list-style-type: none"> Complete the Schwab One® Custodial Beneficiary Conversion Account Application at schwab.com/custodialtransfer, and return it to Schwab as soon as possible.
Option 2	Transfer the account to another financial institution.	<ul style="list-style-type: none"> Complete the Custodial Account Beneficiary Distribution Form at schwab.com/custodialtransfer. Select the Transfer to Another Financial Institution box, and return the form to Schwab as soon as possible. Contact your receiving financial institution to initiate the transfer process.
Option 3	Close the account and request a distribution for the value of the account. Note: With this option, you may be subject to tax on capital gains.	<ul style="list-style-type: none"> Complete the Custodial Account Beneficiary Distribution Form at schwab.com/custodialtransfer. Select either the Check or Wire Transfer option, and return the form to Schwab as soon as possible. Your account will be closed and the funds sent to the address indicated on the form.

Please note that if no action is taken, your account may eventually be subject to the unclaimed property laws of your state.

(Over)

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We're here to help.

In addition to making this transition as smooth as possible for you, we have resources available to help you better understand how to manage and plan for financial well-being:

- SchwabMoneyWise.com features articles, quizzes, calculators, and tips to help build a strong financial foundation.
- You can also visit schwab.com/custodialtransfer or call a Client Service Specialist at 1-800-435-4000 anytime to discuss your options and financial needs.

Thank you for investing with Schwab. We appreciate the opportunity to serve you. For more information about the account transition process, please go to schwab.com/custodialtransfer or call a Client Service Specialist at 1-800-435-4000.



Schwab One® Account of
ARTHUR JAMES MUELLMAN-GOMEZ

Account Number
[REDACTED]-7542

Statement Period
February 1-28, 2018

Protect your privacy and the environment. Switch to eStatements at www.schwab.com/lesspaper. Visit www.schwab.com/premiumstatement to explore the features and benefits of this statement.

ARTHUR JAMES MUELLMAN-GOMEZ
847 N MAPLEWOOD AVE
CHICAGO IL 60622-4656

Customer Service and Account Information

Customer Service and Trading:
Call your Schwab Representative
1 (800) 435-9050

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TeleBroker®:
1 (800) 272-4922

Visit Our Web Site:
schwab.com

Cost Basis Updates:
To provide updates for incomplete cost basis information, please visit schwab.com/gainloss

Market Monitor

Rates	Yield
Value Adv Money Fd SWVXX	1.34%
Sch Investor Money Fund	1.32%
Sch Cash Reserves¹	0.99%

Indices	Year To Date Change
Dow Jones Industrial Average	1.25%
Standard & Poor's 500 Index®	1.50%
Schwab 1000 Index®	1.29%
NASDAQ Composite Index	5.35%

fi

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Ze Mog <gomzfn3@gmail.com>

RE: *urgent, returned email* Charles Schwab & Co., Inc. Document Request

6 messages

Majewski, Tim <Tim.Majewski@schwab.com>

Wed, Feb 21, 2018 at 3:10 PM

To: "gomzfn3@gmail.com" <gomzfn3@gmail.com>, "virginiaprihoda@hotmail.com" <virginiaprihoda@hotmail.com>

Hello Mr. Gomez and Ms. Prihoda,

I just received notification that this email was undeliverable to the address I had for Arthur (ajgmd1998@hotmail.com).

Please re-confirm to me the correct email for him, so I can re-send this Application.

Thank you in advance.

Tim

Tim Majewski

Sr. Specialist, Risk Analysis | Operational Services Estate Distribution Services

Tel 888-297-0244 Ext. 70197 | Fax 888-857-7711

8332 Woodfield Crossing, Indianapolis IN 46240

Charles Schwab & Co., Inc / Charles Schwab Bank *Separate but affiliated companies

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Investment Products: Not FDIC-Insured | No Bank Guarantee | May Lose Value

NOTICE: All email sent to or from the Charles Schwab corporate email system is subject to archiving, monitoring and/or review by Schwab personnel.

From: Majewski, Tim
Sent: Wednesday, February 21, 2018 3:40 PM
To: 'gomzfn3@gmail.com'; 'virginiaprihoda@hotmail.com'; 'ajgmd1998@hotmail.com'
Subject: Charles Schwab & Co., Inc. Document Request

Good afternoon Mr. Felipe Gomez,

Thank you for your time in speaking with me earlier today.

As requested, I am attaching the required Schwab Application for your son (Arthur James Muellman Gomez) to fill out and sign, which will complete the conversion process from the former custodial account XXXX-X542 (with your mother as former custodian) to his individual name. You will also see that he may select a different type of account registration to open within the application if he chooses.

For background purposes, Schwab relied on the information contained on the original Custodial Application your mother completed with California as the governing state and 18 as the age of termination. Our records indicate Arthur James Muellman Gomez turned 18 on 11/11/2016 and therefore he is now able to convert the account to his name.

Once completed, the Application may be returned to the following address:

Charles Schwab & Co., Inc.
P.O. Box 628291
Orlando, FL 32862-8291

With this detail, please feel free to reach out to me with any questions or concerns.

Sincerely,

Tim

Tim Majewski

Sr. Specialist, Risk Analysis | Operational Services Estate Distribution Services

Tel 888-297-0244 Ext. 70197 | Fax 888-857-7711

8332 Woodfield Crossing, Indianapolis IN 46240

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Investment Products: Not FDIC-Insured | No Bank Guarantee | May Lose Value

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Felipe Gomez <gomzfn3@gmail.com>
To: "Majewski, Tim" <Tim.Majewski@schwab.com>

Wed, Feb 21, 2018 at 3:17 PM

ajgmz..not ajgmd
[Quoted text hidden]

Majewski, Tim <Tim.Majewski@schwab.com>
To: Felipe Gomez <gomzfn3@gmail.com>

Wed, Feb 21, 2018 at 3:32 PM

Thank you kindly Mr. Gomez..

From: Felipe Gomez [mailto:gomzfn3@gmail.com]
Sent: Wednesday, February 21, 2018 4:17 PM
To: Majewski, Tim
Subject: RE: *urgent, returned email* Charles Schwab & Co., Inc. Document Request

[Quoted text hidden]

Felipe Gomez <gomzfn3@gmail.com>
To: "Majewski, Tim" <Tim.Majewski@schwab.com>
Cc: Virginia Prihoda <virginiaprihoda@hotmail.com>

Fri, Mar 16, 2018 at 9:46 AM

Tim: Please take a look at this website, <http://www.finaid.org/savings/ageofmajority.phtml>, which states in part:

"The following table shows the age at which the minor takes control of the custodial account. *It depends on the minor's state of residence* and whether the custodial account was created as an UGMA or an UTMA account. Each state may have additional provisions affecting the age of termination. Also, some states permit the donor or transferor to specify a different age of termination at the time the gift or transfer is made."

Our estate attorney, Ms. Prihoda, is reviewing the issue, which as I previously informed my research indicates that the law of the state of residence controls, not state of creation. However, the issue also arises re the conflict between the age of 18 you stated was in a document you had, and my read that Illinois law applies to the age of conversion. Relatedly, we have nothing from Schwab, no statement even, so I am clueless as to what documentation Schwab has, and we request you work with Ms. Prihoda as far as getting her a complete copy of the file including the founding docs and itemization of all transactions, charges, etc, from the inception.

Due to the possibility Schwab may be wrong on the age of conversion, and because I and Ms. Prihoda have been retained to deal with this and present a complete work product and correct legal opinion to our client, I ask that you do not cc my son/client until we determine to my satisfaction that it is appropriate to present him with the paperwork you already issued, and that the age is not 21 as it appears to be, meaning I am the Trustee and have the call (or should be the Trustee, which process I tried to start years ago, another issue we need to work out before unnecessarily confusing the client/my son).

Given I am AJ's attorney along with Ms. Prihoda, cc'g me on all communications is appropriate and will fulfill your obligation to keep AJ informed as have and will continue to keep him apprised of the status of Ms. Prihoda's and my efforts to get this whole thing straightened out and also figure out why and how this account seems to have fallen between the cracks.

Thank you.

[Quoted text hidden]

Virginia Prihoda <virginiaprihoda@hotmail.com>
To: Felipe Gomez <gomzfn3@gmail.com>

Fri, Mar 16, 2018 at 10:49 AM

I called and left a message for Majewski who was not available at the time of my call.

See research notes attached. I think our problem is that the account was established in California, probably referring to their UTMA statute.

Maybe we can convert the funds into a 2503(c) trust?

vp

Virginia D. Prihoda
Law Offices of Virginia Prihoda
7551 N. Oakley Ave.

10



Ze Mog <gomzfg3@gmail.com>

Documents - Schwab

Felipe Gomez <gomzfg3@gmail.com>
To: Rachael.Lundy@schwab.com






Thu, Mar 29, 2018 at 5:21 PM

Please include explanation of why the 2011 submission attached appears not to have been honored which if it had been we likely would not be doing this now.

I also will forward a subsequent 2015 submission that also was ignored once I locate it, and please know I have records of at least a dozen attempts over the years to get Schwab to address the matter, all to no avail until we received a notice of election at an old address I had updated (which election deadline had passed by the time it was forwarded to Mr. Gomez, depriving him of his right, which lapse is quite troubling).

We look forward to full transparency from Schwab.

5 attachments

-  **schwab.cvr.ltr.designation.forms.pdf**
63K
-  **schwab.desig.benef.ajg.p1.pdf**
101K
-  **schwab.desig.benef.ajg.p2.pdf**
72K
-  **schwab.desig.benef.fng.p1.pdf**
97K
-  **schwab.desig.benef.fng.p2.pdf**
70K



Ze Mog <gomzfg3@gmail.com>

Gomez Production

Lundy, Rachael <Rachael.Lundy@schwab.com>
To: Felipe Gomez <gomzfg3@gmail.com>

Fri, Mar 30, 2018 at 11:11 AM

Mr. Gomez,

Attached please find the requested documents. I will send you the password via separate email.

Thanks,

Rachael A. Lundy

Senior Team Manager

Corporate Legal Services

Charles Schwab & Co., Inc.

P.O. Box 636010

Highlands Ranch, CO 80163

Phone: (720) 418-2955

Fax: (888) 368-6355

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2 attachments

 **GOMEZ LETTER.PDF**
2280K

 **GOMEZ COMBINED.PDF**
12300K



Ze Mog <gomzfn3@gmail.com>

Gomez Production

Lundy, Rachael <Rachael.Lundy@schwab.com>
To: Felipe Gomez <gomzfn3@gmail.com>

Fri, Mar 30, 2018 at 11:12 AM

Mr. Gomez,

The password to access the documents is: [REDACTED]

Thanks,

Rachael A. Lundy

Senior Team Manager

Corporate Legal Services

Charles Schwab & Co., Inc.

P.O. Box 636010

Highlands Ranch, CO 80163

Phone: (720) 418-2955

Fax: (888) 368-6355

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From: Lundy, Rachael
Sent: Friday, March 30, 2018 10:11 AM
To: 'Felipe Gomez'
Subject: Gomez Production

[Quoted text hidden]

11

Fax No.: (847) 589-8072

Virginia D. Prihoda
Attorney at Law
7551 N. Oakley Ave.
Chicago, Illinois 60645
(773) 262-1712

virginiaprihoda@hotmail.com

January 22, 2019

Mr. Robert Scott
via e-mail to RobertScott@schwab.com

Re: Arthur James Muellman Gomez (son)
Felipe Gomez, Custodian (father)
Schwab Account No. XXXX-7542

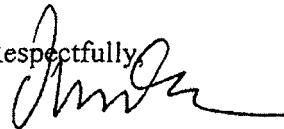
Mr. Scott:

I spoke with Mr. Wynne of your firm who asked me to prepare a letter signed by my clients, Felipe Gomez and Arthur James Muellman Gomez, authorizing me to obtain account information for the limited purpose of ascertaining the status of the accounts under management at your firm, with the objective of providing Messrs. Gomez information to determine how to move forward with managing the account.

At this stage, as the Gomez family attorney, I represent the interests of both father and son. If circumstances indicate a conflict of interest arises, I will of course refrain from representing either of them. However, what is needed now to determine how to proceed, especially for the benefit of Messrs. Gomez, is an understanding of the technical ownership status of the account, and whose direction will be recognized to make account transactions.

I am asking Arthur and Felipe Gomez to sign a copy of this letter and to return it to me before I forward it to you to establish my authority to obtain account information.

Respectfully,



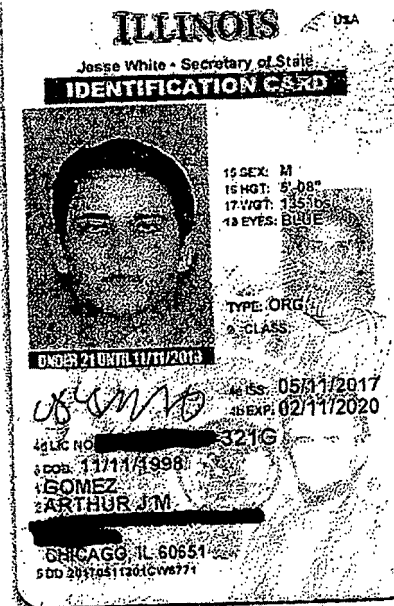
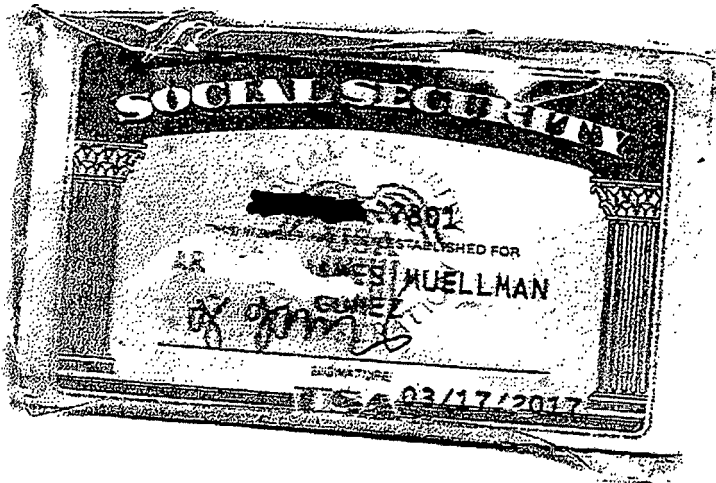
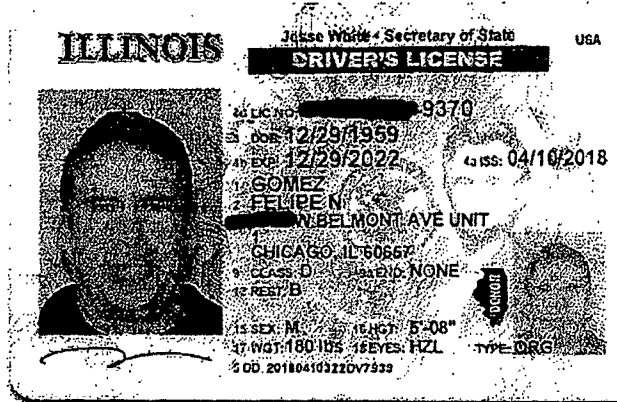
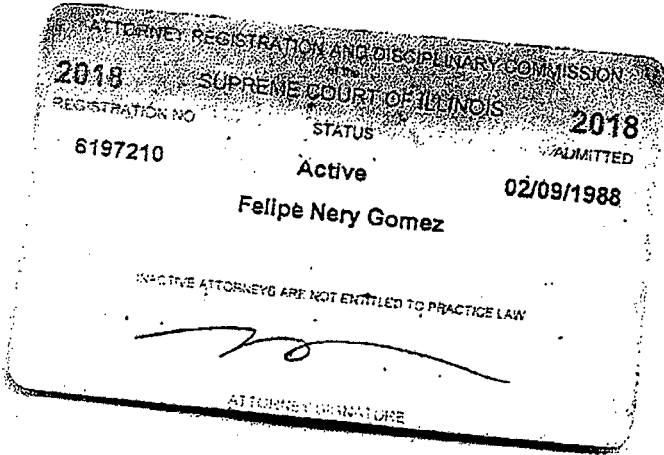
Virginia D. Prihoda

Approved:


Felipe N. Gomez

FELIPE GOMEZ, Esq.
1.22.19


Arthur James Muellman Gomez



PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 8

Arthur Gomez v Schwab, 19cv0540

3.07.19 Complaint

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

<p>Arthur James Muellman Gomez,</p> <p>Plaintiff,</p> <p>v.</p> <p>1. Charles Schwab Corp., 2. Garrett Wynne, 3.E*Trade Financial Corporation (aka E*Trade Financial Services aka Etrade Securities LLC), 4. ReedSmith LLP</p> <p>Defendants.</p>	<p>Case No. 19cv0540</p> <p>Honorable Judge Andrea R. Wood</p> <p>18 USC 1961 et seq, (RICO) Civil Conspiracy (Diversity)</p>
<p>ETrade Securities LLC</p> <p>v.</p> <p>Felipe N. Gomez and Arthur James Muellman Gomez</p>	<p>Case No. 19cv0827</p> <p>(Dec Action)</p>

FIRST AMENDED COMPLAINT

Plaintiff, **Arthur James Muellman Gomez**, by and through undersigned Counsel, Law Office of Felipe Gomez, Esq., and initially proceeding In Forma Pauperis (and still broke) due to Defendants' alleged active conversion of all Plaintiff's assets , for his Complaint against

above-captioned defendants alleges, *inter alia*, Violation of Federal and State Statutes, Fraud, Conversion and Breach of Fiduciary Duty, and seeking, *inter alia*, immediate disgorgement, punitive damages and fees, asserts and supports his claims, per the FRCP lenient pleading rules, as follows (*Exhibits 1 - 10* from the initial complaint are incorporated herein by reference, *New Exhibit 11* to be addendumed post facto):

A. PARTIES

1. Defendant **Charles Schwab Corporation** is a California corporation, doing business in Illinois, and engaging in, among other services and products, the sale and servicing of trust funds, including Uniform Gift to Minors Act Custodial accounts, in exchange for servicing and other related fees, which is alleged to have knowingly and repeatedly violated numerous rules and laws including the UGTMA, at the direct benefit if itself at the expense of Plaintiff, thus also violating 18 USC 161 et seq. (RICO).
2. Defendant **Garrett Wynne** is an attorney in the direct employ of Charles Schwab Corporation whom, on information and belief, is currently residing in California working for a corporation doing business in Illinois, and whom, on information and belief, personally knowingly engaged in and continued the criminal enterprise complained of herein, after Cease and Desist, including requesting verification of the Plaintiff and undersigned as Attorney and Custodian for Plaintiff (which was immediately and duly provided

including dated signatures in blue ink, and copies of state identifications cards, Plaintiff's social security card, and undersigned's 2018 license (2019 applied for), and then refusing to honor same once produced, hanging up the phone on both the legal Custodian (undersigned) and the Custodian's legal counsel/Administrator of the account, and other prior acts of deception and subterfuge to hide the assets, in violation of, *inter alia*, UGTMA and RICO.

3. Defendant **E*Trade Financial Corporation (aka E*Trade Financial Services aka Etrade Securities LLC)**, is on information and belief a Delaware corporation headquartered in New York City, doing business in Illinois, and engaging in, among other services and products, the sale and servicing of trust funds, including Uniform Gift to Minors Act Custodial accounts, in exchange for servicing and other related fees, which is alleged to have knowingly and repeatedly violated numerous rules and laws including the UGTMA, at the direct benefit if itself at the expense of Plaintiff, thus also violating 18 USC 161 et seq. (RICO).

4. Defendant **ReedSmith LLP** are an attorney under contract to E*Trade, whom, on information and belief, is a Texas company doing business in Illinois, and whom, on information and belief, personally knowingly engaged in and continued the criminal

enterprise complained of herein, after Cease and Desist, including requesting verification of the Plaintiff and undersigned as Attorney and Custodian for Plaintiff (which was, like with Schwab, immediately and duly provided including dated signatures in blue ink, and copies of state identifications cards, Plaintiff's social security card, and undersigned's 2018 license (2019 applied for), and then refusing to honor same once produced, hanging up the phone on both the legal Custodian (undersigned) and the Custodian's legal counsel/Administrator of the account, and other prior acts of deception and subterfuge to hide the assets, in violation of, *inter alia*, UGTMA and RICO.

5. Plaintiff was at the time of the Gift, was always, and remains an Illinois resident, whom inherited a gift from his maternal grandmother, Dr. Sandra W. Gomez, in the form of an UGTM Act Trust that Dr. Gomez set up for Plaintiff in, on information and belief, 2009 by way of her longstanding relationship with Defendant, naming undersigned Felipe Gomez, as Custodian. *Exhibit 1 - 6.19.07 Email Chain SWG/Undersigned, Exh. 2 - 1.02.09 Schwab Designation of Custodian, and Exh. 3 7.21.09 Schwab IRA Beneficiary Form.*
6. Plaintiff alleges defendants are "person" and are entities "capable of holding a legal or beneficial interest in property",

in that, *inter alia*, Schwab held, and E*Trade now holds the assets at issue here *incommunicado*, as, *inter alia*, Bailor and/or Trustee, and the Attorneys did and continue to assisted Schwab and E*Trade in converting and covering up such conversion, holding the unwarranted benefit to themselves, all the while charging Plaintiff for the privilege, all comprising a scheme fopr profit converting a client's assets and charging Plaintiff therefore.

7. Plaintiff alleges he is a "person" who has suffered a compensable injury, which includes *inter alia*, lost income, lost business opportunity, loss of use of funds, costs and attorney's fees incurred in the ongoing investigations and attempts to regain knowledge of the location of the assets, in an amount over \$100,000, and thus rightfully asserts a private right of action under Section 1964, and also per concurrent diversity jurisdiction under 28 USC 1332 based on the amount in excess of the limit and all parties from different states.

B. JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over this action pursuant to 18 U.S.C. § 1964, and also by way of diversity per 28 USC 1332, as well as supplemental jurisdiction as to any and all state claims pleaded here or in the upcoming

amendment(s), which are pleaded generally here as applicable to be specified if needed by amendment.

9. Venue is proper in this judicial district pursuant to 18 U.S.C. § 1965 and 28 U.S.C. § 1391 because Defendants are subject to personal jurisdiction in this judicial district since Schwab and E*Trade have offices in this district, and thus given that Schwab and E*Trade do business here, there exist sufficient minimum contacts, and the ends of justice are served by having defendants defend here per Section 1965(b) of RICO, thus venue can be rightfully fixed here.

C. FACTS

10. Plaintiff inherited a gift from his maternal grandmother, Dr. Sandra W. Gomez, in the form of an UGTM Act Trust that Dr. Gomez set up for Plaintiff in 2009 by way of her longstanding relationship with Defendant Schwab, naming undersigned Felipe Gomez, as Custodian. *Exhibit 1 - 6.19.07 Email Chain SWG/Undersigned, Exh. 2 - 1.02.09 Schwab Designation of Custodian, and Exh. 3 7.21.09 Schwab IRA Beneficiary Form.*
11. In entering into the fiduciary contract with Schwab, Dr. Gomez

did not hyphenate Plaintiff's second middle name to his last, and, while birth state Wisconsin did list this as his last name until corrected, his last name has not officially ever been and is not Muellman-Gomez. *Exh. 3 at 2.*

12. Beginning in February 2009, Schwab sent 1099s (except for TY 2010, which is missing from the Lundy production discussed below) and other documents, to Dr. Gomez's San Marcos residence address, misnaming same for unexplained reason by changing Plaintiff's true last name as listed and directed by Dr. Gomez, electing to merge the second middle and last names with a hyphen. *Exh. 4 - 2.9.09 IRS Form 1099 Schwab Mailing Cover.*
13. On July 14, 2011, upon Dr. Gomez's passing, Custodian Felipe Gomez duly executed and submitted notice of death and paperwork requested and forwarded by Schwab, including that intended to address Plaintiff's UGTA account, and which cover letter and application spelled Plaintiff's name correctly, and which did not include the San Marcos address in requesting that Schwab respond (which it did not). *Exh. 5 - 7.14.11 Cover Letter and Death Certificate.*
14. Between 2011 and 2015, undersigned repeated the above process at least twice, submitted forms identifying and verifying himself as Custodian, and on several occasions verbally provided Schwab current addresses, other than the

San Marcos address, for mailing of documents and 1099s.

15. Dr. Gomez's empty San Marcos residence was sold on 11.12.14.
16. On 10.30.15, Custodian Gomez executed and submitted a Power of Attorney, as Custodian, appointing Attorney Virginia Prihoda as POA for himself over Plaintiff's account (as well as for a Comerica account of Plaintiff's which Comerica honored without question), again noting that the hyphen was wrong and providing updated contact addresses, and not mentioning San Marcos as one of them. *Exh. 6 - 10.30.15 FG POA 2.*
17. Despite the multiple verifications and requests, Schwab continued to mail confidential documents to the now sold San Marcos address, and, after repeated attempts to get Schwab to honor the Custodian, the Custodian again wrote to correct the record, giving current contact information. *Exh. 7 - 12.8.17 POA 3 Cover Letter.*
18. Despite the numerous attempts to get Schwab to update the contact information, Defendant continued its misconduct afterward, using the wrong address and wrong hyphenated name until well into 2018. *Exh. 8 - Misaddressed Schwab Communications Post Notice.*
19. Contact with a conscious portion of Schwab was finally made only through email, first in February 2018 with a staffer who

again required and was provided “verification”, and substantively with an attorney for Schwab working under Defendant Wynne, Rachel Lundy. (Documentation to be provided).

20. On 3.29.18, undersigned Custodian finally got through to Schwab, and after verifying for the umpteenth time, on 3.30.38 Lundy provided a partial but substantial portion of the requested file (some of which are attached hereto, after redaction, as can be seen by the word “confidential” and Bates stamp, placed by Schwab, at the bottom), password protected as confidential. *Exh. 9 - E-mails with Lundy.*
21. Despite what was thought to be breakthrough, for as of yet unknown reasons Schwab reverted to repeatedly verifying, and refused to cooperate or release the account, culminating in Defendant Wynne finally taking over and attempting Schwab’s version of damage control, which was requiring Counsel Proihoda to again verify Plaintiff and undersigned, and then hanging up on Ms. Prihoda and instructing her not to call and to tell her clients, undersigned and Plaintiff, not to call either. *Exh. 10 - Prihoda Letter of Representation and Umpteenth Custodial/Beneficiary Verification.*
22. Defendant Wynne also reportedly threatened Counsel Prihoda with retaliation related to his assertion to her that all calls with Schwab were recorded (there is no such warning when one

calls in, only that they may be monitored for quality assurance, not legal purposes including impeachment of one's own client in defense against a valid claim by same).

23. Wynne also allegedly threatened that recordings of undersigned, Plaintiff, and/or Counsel Prihoda would be used offensively or defensively by Schwab/Wynne, despite Counsel Prihoda immediately indicating that Illinois is a mutual consent state and it was illegal to do what Wynne claims he did, here, despite California laws on the same (Wynne used a Denver cell phone to call undersigned and Counsel Prihoda and same to take calls, thus knowingly avoiding the same system relied on for his threats).
24. On 1.10.19, Plaintiff approved his Custodian and Attorney Prihoda to set up an account at Etrade and request a transfer from Schwab, and xxx2085 was established (which is where the assets are claimed to be by ReedSmith, however the account cannot be accessed online as it is blocked).
25. On 1.11.19 Plaintiff, through undersigned acting as both Custodian and Attorney, closed the account (that had yet to be funded) at Etrade, and moved to TD Ameritrade, whom was requested acquire his assets. *Exh. 11 - Documentation of Direction to Close Account/Confirmation of Closure of xxx2085.*

26. From 1.11.19 to 1.24.19, Defendants played a shell game that hid Plaintiff's assets, with both Schwab and Etrade claiming to have no funds, and Ameritrade's several requests were denied by both corporate defendants, including as late as 2.18.19, including Schwab rejecting due to an alleged "incorrect address".
27. The shell game included Etrade accepting the assets from Schwab on 1.15.19, and with no notice to Plaintiff, placing them in the closed account contrary to Plaintiff's instructions and cancellation of relationship Etrade, where on information and belief they now reside.
28. On 1.24.19, Etrade admitted having the assets since 1.15.19, and the record reflects that there was no notice of receipt or deposit issued to or received by Plaintiff from either Schwab or Etrade, resulting in the continuation of the illegal conversion of the funds by Defendants.
29. Subsequently, while Etrade's attorneys claim that the undersigned is unauthorized to access the account or transact therein, Etrade has provided confidential specific asset information to the undersigned, including the ability to vote as Proxy on an upcoming meeting, which violates Arthur's rights as an independent while also satisfying part of the relief (information) previously sought.

30. As of this writing, neither Plaintiff nor Custodian nor Custodian's attorney, can locate, see or access the funds that Etrade claims to have, and Etrade's Attorney both threatened to sanction undersigned if this amendment was filed, and yet refused to agree to a continuance to delay filing to discuss the lat minute and unstated objections (resulting in part in the late filing of this document as undersigned was required to pretend Defendant's counsel was serious).
31. Plaintiff is suffering irreparable harm, including not being able to optimize the account which is not being held as an UGTMA despite 760 ILCS 20 requiring that such be done until 21 years of age, and including currently being unable to pay the \$400 as thought was possible.

D. COUNTS

Count 1 - RICO

32. Paragraphs 1-32 are incorporated herein by reference.
33. Defendants are all culpable persons, who in a common scheme conducted and "enterprise" affecting interstate commerce through a "pattern" of "racketeering activity", including but not limited to refusing to allow access to and release a bailment.

34. Plaintiff was proximately and directly injured by reason of the common illegal scheme and RICO violations, by *inter alia*, denial of his assets and denial of access to himself, his Custodian and other authorized agents despite multiple verifications, on the pretext of protecting the client's assets (from himself apparently).
35. Plaintiff seeks disgorgement of funds and triple damages and Attorney fees, in an amount of at least 1,000,000.00, and all other relief available under RICO.

Count 2 - Civil Conspiracy of Fiduciaries to Convert/Defraud

36. Paragraphs 1-32 are incorporated herein by reference.
37. Defendants were and are engaged and involved in and have an unlawful objective in illegally converting and holding illegally acquired and held UGTMA assets against the superior claims of the Custodian and the Beneficiary.
38. The defendants had and continue to operate pursuant to an implicit and/or explicit agreement on the objective or means to achieve the objective, mainly to knowingly and fraudulently deprive the rightful parties of their assets while charging same for the honor.
39. The defendants have committed one or more overt acts in

furtherance of the conspiracy, including having their Attorney/Defendants attempt to extort Plaintiff and his Agents

40. The defendants' actions resulted and continue to proximately and directly cause an injury or damages to the Plaintiff.
41. Wherefore, Plaintiff demands damages in the amount of at least 1,000,000, and punitive damages in the amount of at least 3x, or at least \$3,000,000, totaling no less than \$4,000,000 demanded, immediate conversion of the account to an UGTMA, and ordering Etrade to obey all legal directives of the Custodian, and any and all other relief in Plaintiff's favor.

3. Other Counts

42. [Reserved]

Submitted By: s/ *Felipe Gomez, Esq.*

Date: 3.7.19

LAW OFFICE OF FELIPE GOMEZ, ESQ.
3024 N. ASHLAND AVE NO. 577670
CHICAGO IL 60657
312.399.3966
T312.399.3966@GMAIL.COM

DOW 25,673.46 -133.17 (-0.52%) NASDAQ 7,505.92 -70.44 (-0.93%) S&P500 2,771.45 -18.20 (-0.65%) US Mark

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Sy

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Account Closure Request Status

Account Closure Request

Status	Completed
Request date	01/10/19
Account	XXXX-2085
Case number	22932103624096

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PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 9

Arthur Gomez v Schwab, 19cv0540

4.17.19 Complaint

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

<p>Arthur James Muellman Gomez, as beneficiary Felipe Gomez, as Custodian and Power of Attorney</p> <p>Plaintiffs,</p> <p>v.</p> <p>1. Charles Schwab & Co., Inc. (aka The Charles Schwab Corporation) 2. Garrett Wynne, 3.E*Trade Financial Corporation (aka E*Trade Financial Services aka Etrade Securities LLC), 4. ReedSmith LLP</p> <p>Defendants.</p>	<p>Case No. 19cv0540</p> <p>Honorable Judge Andrea R. Wood</p> <p>18 USC 1961 et seq, (RICO) Civil Conspiracy (Diversity)</p>
<p>ETrade Securities LLC</p> <p>v.</p> <p>Felipe N. Gomez and Arthur James Muellman Gomez</p>	<p>Case No. 19cv0827</p> <p>(Dec Action)</p>

SECOND AMENDED COMPLAINT

Plaintiffs, **Arthur James Muellman Gomez and Felipe Gomez**, by and through undersigned Counsel, Law Office of Felipe Gomez, Esq., and

initially proceeding In Forma Pauperis (and still broke) due to Defendants' alleged active conversion of all Plaintiff's assets, for this Complaint against above-captioned defendants alleges, *inter alia*, Violation of Federal and State Statutes, Fraud, Conversion and Breach of Fiduciary Duty, and seeking, *inter alia*, immediate disgorgement, punitive damages and fees, asserts and supports his claims, per the FRCP lenient pleading rules, as follows (*Exhibits 1 - 11* from the initial complaint are incorporated herein by reference, and *Exhibit 12 is attached hereto as proof of submission of the POA*. Investigation Continues THIS COMPLAINT WILL BE AMENDED ASAP AFTER FRCP 13/19 INVESTIGATION IS COMPLETED AS HAS BEEN AMENDED TO INCLUDE FELIPE GOMEZ AS THE FIRST FRCP 19 ADDDDITION.

A. PARTIES

1. Defendant **Charles Schwab & Co., Inc. (Aka The Charles Schwab Corporation)**, is a California corporation, doing business in Illinois, and engaging in, among other services and products, the sale and servicing of trust funds, including Uniform Gift to Minors Act Custodial accounts, in exchange for servicing and other related fees, which is alleged to have knowingly and repeatedly violated numerous rules and laws including the UGTMA, at the direct benefit if itself at the expense of Plaintiff, thus also violating 18 USC 161 et seq. (RICO).
2. Defendant **Garrett Wynne** is an attorney in the direct employ of

Charles Schwab Corporation whom, on information and belief, is currently residing in California working for a corporation doing business in Illinois, and whom, on information and belief, personally knowingly engaged in and continued the criminal enterprise complained of herein, after Cease and Desist, including requesting verification of the Plaintiff and undersigned as Attorney and Custodian for Plaintiff (which was immediately and duly provided including dated signatures in blue ink, and copies of state identifications cards, Plaintiff's social security card, and undersigned's 2018 license (2019 applied for), and then refusing to honor same once produced, hanging up the phone on both the legal Custodian (undersigned) and the Custodian's legal counsel/Administrator of the account, and other prior acts of deception and subterfuge to hide the assets, in violation of, *inter alia*, UGTMA and RICO.

3. **Defendant E*Trade Financial Corporation (aka E*Trade Financial Services aka Etrade Securities LLC)**, is on information and belief a Delaware corporation headquartered in New York City, doing business in Illinois, and engaging in, among other services and products, the sale and servicing of trust funds, including Uniform Gift to Minors Act Custodial accounts, in exchange for servicing and other related fees, which is alleged to have knowingly and repeatedly violated numerous rules and laws including the UGTMA, at the direct benefit if itself at the expense of Plaintiff, thus also violating 18

USC 161 et seq. (RICO).

4. Defendant **ReedSmith LLP** are an attorney under contract to E*Trade, whom, on information and belief, is a Texas company doing business in Illinois, and whom, on information and belief, personally knowingly engaged in and continued the criminal enterprise complained of herein, after Cease and Desist, including requesting verification of the Plaintiff and undersigned as Attorney and Custodian for Plaintiff (which was, like with Schwab, immediately and duly provided including dated signatures in blue ink, and copies of state identifications cards, Plaintiff's social security card, and undersigned's 2018 license (2019 applied for), and then refusing to honor same once produced, hanging up the phone on both the legal Custodian (undersigned) and the Custodian's legal counsel/Administrator of the account, and other prior acts of deception and subterfuge to hide the assets, in violation of, *inter alia*, UGTMA and RICO.

5. Plaintiffs were at the time of the Gift, was always, and remain an Illinois residents, of which Arthur inherited a gift from his maternal grandmother, Dr. Sandra W. Gomez, in the form of an UGTM Act Trust that Dr. Gomez set up for Plaintiff Arthur in, on information and belief, 2009 by way of her longstanding relationship with Defendant, naming undersigned and now

Plaintiff Felipe Gomez, as Custodian. *Exhibit 1 - 6.19.07 Email Chain SWG/Undersigned, Exh. 2 - 1.02.09 Schwab Designation of Custodian, and Exh. 3 7.21.09 Schwab IRA Beneficiary Form.*

6. Plaintiffs allege defendants are “person” and are entities “capable of holding a legal or beneficial interest in property”, in that, *inter alia*, Schwab held, and E*Trade now holds the assets at issue here *incommunicado*, as, *inter alia*, Bailor and/or Trustee, and the Attorneys did and continue to assisted Schwab and E*Trade in converting and covering up such conversion, holding the unwarranted benefit to themselves, all the while charging Plaintiff Arthur for the privilege, all comprising a scheme fopr profit converting a client’s assets and charging Plaintiff therefore.

7. Plaintiffs allege they are “persons” who have suffered a compensable injury, which includes *inter alia*, lost income, lost business opportunity, loss of use of funds, costs and attorney’s fees incurred in the ongoing investigations and attempts to regain knowledge and control of the location of the assets, in an amount over \$100,000, and thus rightfully asserts a private right of action under Section 1964, and also per concurrent diversity jurisdiction under 28 USC 1332 based on the amount in excess of the limit and all parties from different

states.

B. JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over this action pursuant to 18 U.S.C. § 1964, and also by way of diversity per 28 USC 1332, as well as supplemental jurisdiction as to any and all state claims pleaded here or in the upcoming amendment(s), which are pleaded generally here as applicable to be specified if needed by amendment.

9. Venue is proper in this judicial district pursuant to 18 U.S.C. § 1965 and 28 U.S.C. § 1391 because Defendants are subject to personal jurisdiction in this judicial district since Schwab and E*Trade have offices in this district, and thus given that Schwab and E*Trade do business here, there exist sufficient minimum contacts, and the ends of justice are served by having defendants defend here per Section 1965(b) of RICO, thus venue can be rightfully fixed here.

C. FACTS

10. Plaintiff Arthur inherited a gift from his maternal grandmother, Dr. Sandra W. Gomez, in the form of an UGTM

Act Trust that Dr. Gomez set up for Plaintiff Arthur in 2009 by way of her longstanding relationship with Defendant Schwab, naming undersigned Felipe Gomez, as Custodian. *Exhibit 1 - 6.19.07 Email Chain SWG/Undersigned, Exh. 2 - 1.02.09 Schwab Designation of Custodian, and Exh. 3 7.21.09 Schwab IRA Beneficiary Form.*

11. In entering into the fiduciary contract with Schwab, Dr. Gomez did not hyphenate lead Plaintiff's second middle name to his last, and, while birth state Wisconsin did list this as his last name until corrected, his last name has not officially ever been and is not Muellman-Gomez. *Exh. 3 at 2.*
12. Beginning in February 2009, Schwab sent 1099s (except for TY 2010, which is missing from the Lundy production discussed below) and other documents, to Dr. Gomez's San Marcos residence address, misnaming same for unexplained reason by changing Plaintiff's true last name as listed and directed by Dr. Gomez, electing to merge the second middle and last names with a hyphen. *Exh. 4 - 2.9.09 IRS Form 1099 Schwab Mailing Cover.*
13. On July 14, 2011, upon Dr. Gomez's passing, Custodian Felipe Gomez duly executed and submitted notice of death and paperwork requested and forwarded by Schwab, including that intended to address Plaintiff's UGTA account, and which cover letter and application spelled Plaintiff's name correctly, and

which did not include the San Marcos address in requesting that Schwab respond (which it did not). *Exh. 5 - 7.14.11 Cover Letter and Death Certificate.*

14. Between 2011 and 2015, undersigned repeated the above process at least twice, submitted forms identifying and verifying himself as Custodian, and on several occasions verbally provided Schwab current addresses, other than the San Marcos address, for mailing of documents and 1099s.
15. Dr. Gomez's empty San Marcos residence was sold on 11.12.14.
16. On 10.30.15, Custodian Gomez executed and submitted a Power of Attorney, as Custodian, appointing Attorney Virginia Prihoda as POA for himself over Plaintiff's account (as well as for a Comerica account of Plaintiff's which Comerica honored without question), again noting that the hyphen was wrong and providing updated contact addresses, and not mentioning San Marcos as one of them. *Exh. 6 - 10.30.15 FG POA 2.*
17. Despite the multiple verifications and requests, Schwab continued to mail confidential documents to the now sold San Marcos address, and, after repeated attempts to get Schwab to honor the Custodian, the Custodian again wrote to correct the record, giving current contact information. *Exh. 7 - 12.8.17 POA 3 Cover Letter.*

18. Despite the numerous attempts to get Schwab to update the contact information, Defendant continued its misconduct afterward, using the wrong address and wrong hyphenated name until well into 2018. *Exh. 8 - Misaddressed Schwab Communications Post Notice.*
19. Contact with a conscious portion of Schwab was finally made only through email, first in February 2018 with a staffer who again required and was provided “verification”, and substantively with an attorney for Schwab working under Defendant Wynne, Rachel Lundy. (Documentation to be provided).
20. On 3.29.18, undersigned Custodian finally got through to Schwab, and after verifying for the umpteenth time, on 3.30.18 Lundy provided a partial but substantial portion of the requested file (some of which are attached hereto, after redaction, as can be seen by the word “confidential” and Bates stamp, placed by Schwab, at the bottom), password protected as confidential. *Exh. 9 - E-mails with Lundy.*
21. Despite what was thought to be breakthrough, for as of yet unknown reasons Schwab reverted to repeatedly verifying, and refused to cooperate or release the account, culminating in Defendant Wynne finally taking over and attempting Schwab’s version of damage control, which was requiring Counsel Proihoda to again verify Plaintiff and undersigned, and then

hanging up on Ms. Prihoda and instructing her not to call and to tell her clients, undersigned and Plaintiff, not to call either. *Exh. 10 - Prihoda Letter of Representation and Umpteenth Custodial/Beneficiary Verification.*

22. Defendant Wynne also reportedly threatened Counsel Prihoda with retaliation related to his assertion to her that all calls with Schwab were recorded (there is no such warning when one calls in, only that they may be monitored for quality assurance, not legal purposes including impeachment of one's own client in defense against a valid claim by same).
23. Wynne also allegedly threatened that recordings of undersigned, Plaintiff, and/or Counsel Prihoda would be used offensively or defensively by Schwab/Wynne, despite Counsel Prihoda immediately indicating that Illinois is a mutual consent state and it was illegal to do what Wynne claims he did, here, despite California laws on the same (Wynne used a Denver cell phone to call undersigned and Counsel Prihoda and same to take calls, thus knowingly avoiding the same system relied on for his threats).
24. On 1.10.19, Plaintiff approved his Custodian and Attorney Prihoda to set up an account at Etrade and request a transfer from Schwab, and xxx2085 was established (which is where the assets are claimed to be by ReedSmith, however the account cannot be accessed online as it is blocked).

25. On 1.11.19 Plaintiff, through undersigned acting as both Custodian and Attorney, closed the account (that had yet to be funded) at Etrade, and moved to TD Ameritrade, whom was requested acquire his assets. *Exh. 11 - Documentation of Direction to Close Account/Confirmation of Closure of xxx2085.*
26. From 1.11.19 to 1.24.19, Defendants played a shell game that hid Plaintiff's assets, with both Schwab and Etrade claiming to have no funds, and Ameritrade's several requests were denied by both corporate defendants, including as late as 2.18.19, including Schwab rejecting due to an alleged "incorrect address".
27. The shell game included Etrade accepting the assets from Schwab on 1.15.19, and with no notice to Plaintiff, placing them in the closed account contrary to Plaintiff's instructions and cancellation of relationship Etrade, where on information and belief they now reside.
28. On 1.24.19, Etrade admitted having the assets since 1.15.19, and the record reflects that there was no notice of receipt or deposit issued to or received by Plaintiff from either Schwab or Etrade, resulting in the continuation of the illegal conversion of the funds by Defendants.
29. Subsequently, while Etrade's attorneys claim that the

undersigned is unauthorized to access the account or transact therein, Etrade has provided confidential specific asset information to the undersigned, including the ability to vote as Proxy on an upcoming meeting, which violates Arthur's rights as an independent while also satisfying part of the relief (information) previously sought.

30. As of this writing, neither Plaintiff nor Custodian nor Custodian's attorney, can locate, see or access the funds that Etrade claims to have, and now it appears that Schwab has a second account that has been extorted by William J. King Law Firm, and Etrade recently rejected a valid notarized Power of Attorney granted from Arthur to Felipe, assuring that their claims are coincident, not conflicting.

31. Plaintiffs are suffering irreparable harm, including not being able to optimize the account(s) which is/are not being held as an UGTMA and which are being hidden despite the admission that the funds belong to Arthur and the receipt of valid POA, despite 760 ILCS 20 requiring that such be done until 21 years of age, and including currently being unable to pay the \$400 as thought was possible.

D. COUNTS

Count 1 - RICO

32. Paragraphs 1-32 are incorporated herein by reference.
33. Defendants are all culpable persons, who in a common scheme conducted and “enterprise” affecting interstate commerce through a “pattern” of “racketeering activity”, including but not limited to refusing to allow access to and release a bailment.
34. Plaintiff was proximately and directly injured by reason of the common illegal scheme and RICO violations, by *inter alia*, denial of his assets and denial of access to himself, his Custodian and other authorized agents despite multiple verifications, on the pretext of protecting the client’s assets (from himself apparently).
35. Plaintiff seeks disgorgement of funds and triple damages and Attorney fees, in an amount of at least 1,000,000.00, and all other relief available under RICO.

Count 2 - Civil Conspiracy of Fiduciaries to Convert/Defraud

36. Paragraphs 1-32 are incorporated herein by reference.
37. Defendants were and are engaged and involved in and have an unlawful objective in illegally converting and holding illegally acquired and held UGTMA assets against the superior claims

of the Custodian and the Beneficiary.

38. The defendants had and continue to operate pursuant to an implicit and/or explicit agreement on the objective or means to achieve the objective, mainly to knowingly and fraudulently deprive the rightful parties of their assets while charging same for the honor.
39. The defendants have committed one or more overt acts in furtherance of the conspiracy, including having their Attorney/Defendants attempt to extort Plaintiff and his Agents
40. The defendants' actions resulted and continue to proximately and directly cause an injury or damages to the Plaintiff.
41. Wherefore, Plaintiffs demand damages in the amount of at least 5,000,000, and punitive damages in the amount of at least 3x, or at least \$15,000,000, totaling no less than \$20,000,000 demanded, immediate conversion of the account to an UGTMA, and ordering Etrade to obey all legal directives of the Custodian, and any and all other relief in Plaintiff's favor.

3. Other Defendants/Counts

42. [RESERVED]

Submitted By: s/ *Felipe Gomez, Esq.*

Date: 4.17.19

LAW OFFICE OF FELIPE GOMEZ, ESQ.
3024 N. ASHLAND AVE NO. 577670
CHICAGO IL 60657
312.399.3966
T312.399.3966@GMAIL.COM

PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 10

2.8.19 19cv0827 Complaint

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

E*TRADE Securities LLC,)	
)	
Interpleader Plaintiff,)	
)	
v.)	No.:
)	Honorable
Felipe Nery Gomez and Arthur James)	
Muellman Gomez,)	
)	
Interpleader Defendants.)	

INTERPLEADER COMPLAINT

Interpleader Plaintiff, E*TRADE Securities LLC (“E*TRADE”), by and through its undersigned counsel, for its Interpleader Complaint against Interpleader Defendants, Felipe Nery Gomez (“Felipe Gomez”) and Arthur James Muellman Gomez (“AJ Gomez”) (collectively, the “Defendants”) alleges as follows:

NATURE OF ACTION

1. This is an interpleader action brought pursuant to Rule 22 of the Federal Rules of Civil Procedure by E*TRADE as a neutral stakeholder of certain cash and stocks (the “Disputed Assets”) presently in the possession of E*TRADE. By this interpleader action, E*TRADE seeks to resolve the adverse and competing claims to the Disputed Assets by Defendants AJ Gomez, the sole owner of the E*TRADE Account where the Disputed Assets are currently held, and Felipe Gomez, who is AJ Gomez’s father and claims to be in lawful control of the Disputed Assets by virtue of his allegations that he is the custodian of the Disputed Assets.

2. E*TRADE makes no claim of ownership of the Disputed Assets, other than to recover its costs and attorneys’ fees related to this action.

3. This interpleader action is necessary due to the adverse and competing claims of

the Defendants to the Disputed Assets which exposes E*TRADE to multiple liability with respect to any disposition of the Disputed Assets absent this Court's resolution of such competing claims. E*TRADE desires to extricate itself from this dispute by depositing the Disputed Assets into the Court registry via this interpleader and thereupon being discharged from any further liability with respect to the Disputed Assets.

PARTIES

4. Plaintiff, E*TRADE, is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business in New York, New York. E*TRADE is authorized to do business and is doing business within the State of Illinois.

5. Upon information and belief, Defendant, Felipe Gomez, is an individual residing in Chicago, Illinois. Felipe Gomez is a licensed Illinois attorney.

6. Upon information and belief, Defendant, AJ Gomez, is an individual residing in Chicago, Illinois. AJ Gomez is 20 years of age at the time of this filing.

JURISDICTION AND VENUE

7. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332 because the amount in controversy exceeds the sum or value of \$75,000 exclusive of interest or costs, Plaintiff is a citizen of the State of New York and Defendants are citizens of the State of Illinois.

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

FACTS SUPPORTING INTERPLEADER

A. How E*TRADE Came to Possess the Disputed Assets

9. Upon information and belief, sometime before July 4, 2011, Sandra W. Gomez ("Sandra Gomez"), AJ Gomez's paternal grandmother, created a custodial account at Charles Schwab whereby Sandra Gomez was the custodian on the account and AJ Gomez was the

beneficiary (the "Charles Schwab Custodial Account").

10. Upon information and belief, Sandra Gomez created the Charles Schwab Custodial Account under the Uniform Transfers to Minors Act ("UTMA").

11. UTMA accounts are custodial accounts that are set up by an adult on behalf of a minor beneficiary where all the assets in the account are held in the beneficiary's name until the beneficiary reaches the age of majority when all the assets in the account are then turned over to the beneficiary.

12. Upon information and belief, Sandra Gomez was a resident of the State of California when she opened the Charles Schwab Custodial Account.

13. Upon information and belief, Sandra Gomez indicated on the application for the Charles Schwab Custodial Account that the account should be governed by California law and the age of termination on the account should be 18.

14. The age of termination for UTMA accounts in California is 18.

15. Upon information and belief, sometime after November 11, 2016 when AJ Gomez turned 18 years of age, Charles Schwab released the assets in the Charles Schwab Custodial Account to an individual savings account at Charles Schwab under AJ Gomez's name ("AJ Gomez's Charles Schwab Account").

16. On December 28, 2018, an individual created an account online at E*TRADE under AJ Gomez's name (the "E*TRADE Account").

17. On the same day the E*TRADE Account was opened, an individual accessed the E*TRADE Account and requested that certain assets contained in AJ Gomez's Charles Schwab Account be transferred to the E*TRADE Account.

18. On January 15, 2019, the E*TRADE Account received 7,775 shares of Ford Motor

Company (“F”), 389 shares of Lennar Corporation Class A shares (“LEN”), 7 shares of Lennar Corporate Class B shares (“LEN.B”), 1 share of Microbot Medical INC (“MBOT”), and 100 shares of Annaly Capital Management Inc. (“NLY”) (collectively, the “Disputed Stocks”) from AJ Gomez’s Charles Schwab Account.

19. On January 18, 2019, the E*TRADE Account received \$32,937.07 in cash (the “Disputed Cash”) from AJ Gomez’s Charles Schwab Account.

20. The Disputed Assets contained in the E*TRADE Account consist of the Disputed Cash and the Disputed Stocks.

21. At the time of this filing, the combined value of the Disputed Assets exceeded \$75,000.

B. Felipe Gomez’s Claims To The Disputed Assets

22. On January 27, 2019, AJ Gomez, through Felipe Gomez as his counsel, filed a Complaint against Charles Schwab and Charles Schwab employees alleging RICO violations and seeking “disgorgement” of the Disputed Assets from Charles Schwab and “triple damages and Attorney fees, in an amount of at least 1,000,000.” This action is currently pending before the Honorable Andrea R. Wood in the United District Court for the Northern District of Illinois as Case: 1:19-cv-00540.

23. On January 29, 2019, Felipe Gomez contacted undersigned counsel threatening to file an amended complaint naming E*TRADE as a defendant and demanding that E*TRADE transfer the Disputed Assets to his or his co-counsel’s Interest on Lawyer Trust Accounts (“IOLTA”).

24. Felipe Gomez claimed that AJ Gomez directed the Disputed Assets to be transferred to the IOLTAs, but Felipe Gomez did not provide any documentation proving this

authorization.

25. On January 30, 2019, Felipe Gomez demanded that E*TRADE “disgorge” the Disputed Cash to his co-counsel’s IOLTA and to transfer the Disputed Stocks to an account at TD Ameritrade.

26. Felipe Gomez claimed that Charles Schwab inappropriately terminated the Charles Schwab Custodial Account and accordingly Felipe Gomez was the custodian of the Disputed Assets.

27. Felipe Gomez did not provide E*TRADE with any documentation verifying that he is the custodian of the Disputed Assets.

28. The E*TRADE Account holding the Disputed Assets is not a custodial account and is solely in the name of AJ Gomez.

29. Felipe Gomez does not have any ownership or interest in the E*TRADE Account.

30. Since January 30, 2019, Felipe Gomez has continued to demand that E*TRADE transfer the Disputed Assets out of the E*TRADE Account, but has yet to provide any documentation proving that AJ Gomez, a legal adult in the State of Illinois and the sole owner of the E*TRADE Account, authorizes or consents to Felipe Gomez’s demands.

31. Since Felipe Gomez’s initial demand to E*TRADE, he has repeatedly threatened E*TRADE and undersigned counsel personally and repeatedly threatened to bring criminal charges against E*TRADE and undersigned counsel if they did not capitulate to Felipe Gomez’s demands.

C. E*TRADE’s Suspicion That AJ Gomez Has Not Authorized Felipe Gomez’s Transfer Demands

32. Felipe Gomez has repeatedly asserted to E*TRADE that he has AJ Gomez’s authorization to distribute the Disputed Assets as AJ Gomez’s “independent counsel” and as the

“custodian” of the Disputed Assets, but Felipe Gomez has not provided E*TRADE with any documentation establishing that he has AJ Gomez’s authority or that he has any ownership control of the Disputed Assets.

33. Upon information and belief, the phone number associated with the E*TRADE Account belongs to Felipe Gomez, not AJ Gomez.

34. Upon information and belief, Felipe Gomez made multiple telephone calls to E*TRADE attempting to impersonate AJ Gomez in an attempt to gain access to the Disputed Assets.

INTERPLEADER REQUIREMENTS

35. E*TRADE fully incorporates Paragraphs 1-34 as if fully restated herein.

36. E*TRADE claims no title or interest in the Disputed Assets, with the exception of the attorneys’ fees and costs incurred in relation to this action, and is merely a stakeholder that desires protection while this Court determines to whom the Disputed Assets should be paid.

37. The respective claims to the Disputed Assets by Felipe Gomez and AJ Gomez are adverse and conflicting.

38. E*TRADE is unable to determine which, if any, of the claims to the Disputed Assets are valid without this Court’s determination of the respective interests of the claimants.

39. E*TRADE reasonably believes that it will be exposed to multiple liability or multiple lawsuits due to the existence of the adverse and conflicting claims of the Defendants to the Disputed Assets.

40. E*TRADE’s fear of multiple liability or vexatious litigation of conflicting claims has been justified by Felipe Gomez’s repeated civil, criminal, and personal threats to E*TRADE and undersigned counsel.

41. E*TRADE stands ready and willing to distribute the Disputed Assets to the person

lawfully entitled to receive them.

42. E*TRADE has filed this Interpleader Complaint in good faith and without any collusion of the Defendants.

43. As a result of the continuing adverse and conflicting claims, this Interpleader is necessary to ensure that the Disputed Assets are distributed to the lawfully entitled parties.

PRAYER FOR RELIEF

WHEREFORE, E*TRADE respectfully requests that this Court enter an order:

- a. Declaring that this Interpleader Complaint was properly filed and that this is a proper cause for interpleader;
- b. Directing E*TRADE to (i) liquidate the Disputed Stocks and deposit the proceeds and the Disputed Cash into the Court's registry, (ii) deposit the Disputed Cash into the Court's registry and hold the Disputed Stocks in a restricted E*TRADE account, (iii) hold all of the Disputed Assets in a restricted E*TRADE account, or (iv) hold the Disputed Assets in any other matter as directed by this Court until the parties' respective rights to such Disputed Assets are determined by the Court;
- c. Declaring that by obeying the order entered pursuant to part b in this Prayer For Relief, E*TRADE is discharged from any and all further obligations or liabilities whatsoever with respect to the Disputed Assets;
- d. Directing Felipe Gomez and AJ Gomez to interplead and settle amongst themselves their rights to the Disputed Assets;
- e. Enjoining any parties, named or unnamed, from instituting or pursuing any action against E*TRADE or any of its agents or affiliates relating in any way to the Disputed Assets;
- f. Awarding E*TRADE the reasonable costs and attorneys' fees incurred in commencing this action; and
- g. Ordering such other relief as the Court deems just and proper.

Dated: February 8, 2019

Respectfully submitted,

By: /s/ James T. Hultquist

James T. Hultquist
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606-7507
T: (312) 207-1000
Email: jhultquist@reedsmith.com

*Counsel for Interpleader Plaintiff E*TRADE
Securities LLC*

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2019, I electronically filed the foregoing **INTERPLEADER COMPLAINT** with the Clerk of Court using the CM/EFC system which will send notification of such filing to the CM/ECF participants who have entered an appearance in this action.

/s/ James T. Hultquist
James T. Hultquist

PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 11

4.27.19 19cv0540 Voluntary Dismissal

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

<p>Arthur James Muellman Gomez, Felipe Gomez</p> <p>Plaintiffs,</p> <p>v.</p> <p>1. Charles Schwab Corp., 2. Garrett Wynne, 3. E*Trade Financial Corporation (aka E*Trade Financial Services aka Etrade Securities LLC), 4. ReedSmith LLP</p> <p>Defendants.</p>	<p>Case No. 19cv0540</p> <p>Honorable Judge Andrea R. Wood</p> <p>Hon. Mag. Judge Maria Valdez</p> <p>18 USC 1961 et seq, (RICO) Civil Conspiracy (Diversity)</p>
<p>ETrade Securities LLC</p> <p>v.</p> <p>Felipe N. Gomez and Arthur James Muellman Gomez</p>	<p>Case No. 19cv0827</p> <p>(Dec Action)</p>

**PLAINTIFFS' NOTICE OF FRCP 41 VOLUNTARY
DISMISSAL AND VOLUNTARY DISMISSAL ITSELF**

Now Comes PLAINTIFFS per FRCP 41(a)(i), FRCP 23(e), 23.1(c), 23.2, and 66 not being applicable, and HEREBY DOES VOLUNTARILY DISMISS THIS ACTION WITHOUT PREJUDICE, "without a court order" by filing a notice of dismissal before the opposing parties have served either an answer or a motion for summary judgment, as here where no responsive pleading has been filed by any Defendant.

Under FRCP 41, the dismissal is without prejudice to this matter or to 19cv0827, and neither Plaintiff previously dismissed any federal or state court action based on or including the same claim, thus this FRCP Dismissal DOES NOT operate as an adjudication on the merits. Plaintiffs DO NOT WAIVE ANY claims that may have arisen during this pendency of this matter against any Defendant and this Dismissal DOES NOT waive or affect any such additional or new claims.

Finally, Plaintiffs notify all that they will also be continuing the complaints and referrals, and making additional claims/complaints, related to the conduct of participants, and certain witnesses, in this matter to the Northern District and the U.S. Dept. Of Justice, and waives nothing related thereto.

WHEREFORE, Gomez et al. v. Schwab et al., 19cv0540 is HEREBY VOLUNTARILY DISMISSED WITHOUT PREJUDICE AS TO ALL DEFENDANTS NO JUDGEMENT HAD OR TO BE ENTERED AS TO ANY PARTY.

Submitted By: s/ Felipe Gomez, Esq. Dated: 4.27.19

For Plaintiffs
Felipe Gomez, for Himself
Felipe Gomez, Esq. For Arthur Gomez
LAW OFFICE OF FELIPE GOMEZ, ESQ.
3024 N. ASHLAND AVE NO. 577670
CHICAGO IL 60657
312.399.3966
T312.399.3966@GMAIL.COM

PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 12

USCA 21-1597 Docket

**General Docket
Seventh Circuit Court of Appeals**

Court of Appeals Docket #: 21-1597 Nature of Suit: 4110 Insurance E*Trade Securities LLC v. Felipe Gomez, et al Appeal From: Northern District of Illinois, Eastern Division Fee Status: Paid	Docketed: 04/06/2021 Termed: 12/15/2022
Case Type Information: 1) civil 2) private 3) -	
Originating Court Information: District: 0752-1 : 1:19-cv-00827 Trial Judge: Rebecca R. Pallmeyer, District Judge Date Filed: 02/08/2019 Date Order/Judgment: 04/06/2021	
Date NOA Filed: 04/02/2021	
Prior Cases: None	
Current Cases: None	

E*TRADE SECURITIES LLC Plaintiff - Appellee	James T. Hultquist, Attorney Direct: 312-207-1000 [COR LD NTC Retained] REED SMITH LLP 40th Floor Ten S. Wacker Drive Chicago, IL 60606-7507 Michael Patrick Yingling, Attorney Direct: 312-207-2834 [NTC Retained] REED SMITH LLP 40th Floor Ten S. Wacker Drive Chicago, IL 60606-7507
v.	
FELIPE N. GOMEZ Defendant - Appellant	Felipe N. Gomez [COR LD NTC Pro Se] 1922 W. Belmont Avenue Chicago, IL 60657 Michael Radzilowsky, Attorney Direct: 312-375-0996 [COR LD NTC Retained] LAW OFFICE OF MICHAEL RADZILOWSKY Suite 1106 899 S. Plymouth Court Chicago, IL 60605
ARTHUR JAMES MUELLMAN GOMEZ Defendant	Virginia D. Prihoda, Attorney Direct: 773-262-1712 [COR LD NTC Retained] LAW OFFICES OF VIRGINIA PRIHODA 7551 N. Oakley Avenue Chicago, IL 60645

E*TRADE SECURITIES LLC,
Plaintiff - Appellee

v.


FELIPE N. GOMEZ,
Defendant - Appellant

- 04/06/2021 1 Private civil case docketed. Fee paid. Docketing Statement due for Appellant Felipe N. Gomez by 04/09/2021. Transcript information sheet due by 04/20/2021. Appellant's brief due on or before 05/17/2021 for Felipe N. Gomez [1] [7152205] [21-1597] (ER) [Entered: 04/06/2021 02:43 PM]
38 pg, 1.79 MB
- 04/20/2021 2 Amended Jurisdictional memorandum filed by Appellant Felipe N. Gomez in 20-3349, 21-1597. [2] [7155231] [20-3349, 21-1597] (Gomez, Felipe) [Entered: 04/20/2021 09:01 PM]
5 pg, 756.29 KB
- 04/21/2021 3 ORDER: Appellant Felipe N. Gomez 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 Appellant Felipe N. Gomez by 05/05/2021. [3] [7155293] [21-1597]--[Edited 04/21/2021 by AD to remove cert mail.] (AD) [Entered: 04/21/2021 10:15 AM]
1 pg, 56.76 KB
- 05/24/2021 4 ORDER: Appellant Felipe N. Gomez 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 Appellant Felipe N. Gomez by 06/07/2021. [4] [7162342] [21-1597] (AD) [Entered: 05/24/2021 12:32 PM]
1 pg, 101.72 KB
- 06/01/2021 5 ORDER: Appellant Felipe N. Gomez is directed to showcause as to why this appeal should not be dismissed for lack of prosecution pursuant to C. R. 31(c)(2). LJ. Briefing is SUSPENDED pending further court order. Response to Rule to Showcause due for Appellant Felipe N. Gomez by 06/15/2021... [5] [7163959] [21-1597] (LJ) [Entered: 06/01/2021 11:46 AM]
2 pg, 92.09 KB
- 06/15/2021 6 Docketing Statement filed by Appellant Felipe N. Gomez. Prior or Related proceedings: Yes. 20-3349 [6] [7167136] [21-1597] (Gomez, Felipe) [Entered: 06/15/2021 08:09 PM]
2 pg, 73.03 KB
- 06/24/2021 7 ORDER: Appellant Felipe N. Gomez is directed to showcause as to why this appeal should not be dismissed for lack of prosecution pursuant to C. R. 31(c)(2). SCR. Briefing is SUSPENDED pending further court order. Response to Rule to Showcause due for Appellant Felipe N. Gomez by 07/08/2021... [7] [7168697] [21-1597] (LJ) [Entered: 06/24/2021 08:51 AM]
2 pg, 92.13 KB
- 07/08/2021 8 Filed Showcause Response by Appellant Felipe N. Gomez in 21-1597, 20-3349 to Rule to Show Cause. [8] [7171894] [21-1597, 20-3349] (Gomez, Felipe) [Entered: 07/08/2021 09:44 PM]
139 pg, 24.18 MB
- 07/22/2021 9 ORDER re: APPELLANT'S RESPONSE TO RTSC, AND FIRST MOTION TO EXTEND BRIEFING SCHEDULE, FOR STAY OR FOR VOLUNTARY FRAP 42 DISMISSAL WITHOUT PREJUDICE WITH LEAVE TO REINSTATE, filed on July 8, 2021, by the appellant. To the extent that the appellant seeks to dismiss this appeal without prejudice, IT IS ORDERED that the motion is DENIED. Federal Rule of Appellate Procedure 42(b) allows an appellant to voluntarily dismiss an appeal. However, once the appeal is dismissed, the appellant cannot reinstate it at a later date. IT IS FURTHER ORDERED that the motion is GRANTED to the extent that briefing will proceed as follows: Appellant's brief due on or before 08/23/2021 for Felipe N. Gomez. Appellee's brief due on or before 09/22/2021 for E*Trade Securities LLC. Appellant's reply brief, if any, is due on or before 10/13/2021 for Appellant Felipe N. Gomez. Finally, the rule to show cause is SUSPENDED pending compliance with this order. CMD [9] [7174520] [21-1597] (ER) [Entered: 07/22/2021 12:09 PM]
2 pg, 107.66 KB
- 08/23/2021 10 Motion filed by Appellant Felipe N. Gomez in 21-1597, 20-3349 for stay 20-3349 and 21-1597, in all respects, pending completion of 19cv0827 and related state litigation on same subject matter.. [10] [7180941] [21-1597, 20-3349] (Gomez, Felipe) [Entered: 08/23/2021 05:01 PM]
181 pg, 20.71 MB
- 08/25/2021 11 Order issued DENYING motion to suspend briefing. The motion to dismiss this appeal without prejudice is DENIED. Federal Rule of Appellate Procedure 42(b) allows an appellant to voluntarily dismiss an appeal. However, once the appeal is dismissed, the appellant cannot reinstate it at a later date. [10] Briefing will proceed as follows: Appellant's brief due on or before 09/22/2021 for Felipe N. Gomez. Appellee's brief due on or before 10/22/2021 for E*Trade Securities LLC. Appellant's reply brief, if any, is due on or before 11/12/2021 for Appellant Felipe N. Gomez. Appellant may move for further reasonable extensions of time if he cannot meet the current briefing deadline. MEK [11] [7181381] [21-1597] (ER) [Entered: 08/25/2021 11:41 AM]
2 pg, 109.74 KB
- 09/01/2021 12 Motion filed by Appellant Felipe N. Gomez in 21-1597, 20-3349 Consolidate 20-3349 and 21-1597. [12] [7183018] [21-1597, 20-3349] (Gomez, Felipe) [Entered: 09/01/2021 05:53 PM]
3 pg, 116.95 KB
- 09/22/2021 13 Motion filed by Appellant Felipe N. Gomez in 21-1597, 20-3349 to extend time to file Appellant's Brief Due 9.22.21. [13] [7187358] [21-1597, 20-3349] (Gomez, Felipe) [Entered: 09/22/2021 01:48 PM]
17 pg, 879.33 KB
- 10/05/2021 14 ORDER re: Appellant's motion to extend briefing schedule. IT IS ORDERED that briefing in appeal 21-1597 is SUSPENDED pending further court order. CMD. [14] [7190137] [20-3349, 21-1597] (AG) [Entered: 10/05/2021 03:30 PM]
2 pg, 109.88 KB
- 02/03/2022 15 ORDER: On consideration of the paper captioned "Joint/Appellant's Motion to Consolidate" filed by appellant Felipe N. Gomez, these appeals are CONSOLIDATED for purposes of briefing and disposition. The briefing schedule is as follows: Appellant's brief due on or before 03/16/2022 for Felipe N. Gomez. Appellee's brief due on or before 04/15/2022 for E*Trade Securities LLC. Appellant's reply brief, if any, is due on or before 05/06/2022 for Appellant Felipe N. Gomez. The parties may address the issue of the necessity of Appeal No. 20-3349 in their respective briefs. DW [15] [7215121] [20-3349, 21-1597] (HTP)
2 pg, 109.48 KB

[Entered: 02/03/2022 10:18 AM]

- 03/16/2022 16 Filed Response by Appellant Felipe N. Gomez in 20-3349, 21-1597 Attorney Felipe N Gomez to Gomez Response to [28] relating to lack of need for 20-3349 considering consolidation into 21-1597, AND FRAP 42(b) Motion as to 20-3349 Only, and Notice of Intent to File Unopposed Motion to Extend Briefing Schedule 30 days.. [16][7223418] [20-3349, 21-1597] (Gomez, Felipe) [Entered: 03/16/2022 03:33 PM]
3 pg, 1.14 MB
- 03/16/2022 17 Motion filed by Appellant Felipe N. Gomez in 21-1597, 20-3349 to extend time to file appellant brief. [17] [7223451] [21-1597, 20-3349] (Gomez, Felipe) [Entered: 03/16/2022 08:42 PM]
39 pg, 6.87 MB
- 03/18/2022 18 ORDER re: 1. Appellant's Response to 02/03/2022 Relating to Need for 20-3349 and FRAP 42(b) Motion as to 20-3349. 2. Appellant Gomez Unopposed Motion to Reset Briefing Schedule 30 Days. Appeal No. 20-3349 is voluntarily DISMISSED pursuant to Federal Rule of Appellate Procedure 42(b). IT IS FURTHER ORDERED that the motion for extension is GRANTED, and briefing in appeal no. 21-1597 is extended as follows: Appellant's brief due on or before 04/18/2022 for Felipe N. Gomez. Appellee's brief due on or before 05/18/2022 for E*Trade Securities LLC. Appellant's reply brief, if any, due on or before 06/08/2022 for Felipe N. Gomez. Mandate issued, no record to be returned. [17] SCR [18] [7223787] [20-3349, 21-1597] (MM) [Entered: 03/18/2022 11:10 AM]
2 pg, 112.27 KB
- 04/18/2022 19 Motion filed by Appellant Felipe N. Gomez to suspend briefing. [19] [7230493] [21-1597] (Gomez, Felipe) [Entered: 04/18/2022 06:49 PM]
31 pg, 6.99 MB
- 04/21/2022 20 ORDER re: Appellant Gomez unopposed motion to stay or reset briefing schedule with affidavit. The motion is GRANTED to the extent that briefing will proceed as follows: [19] Appellant's brief due on or before 06/17/2022 for Felipe N. Gomez. Appellee's brief due on or before 07/18/2022 for E*Trade Securities LLC. Appellant's reply brief, if any, is due on or before 08/08/2022 for Appellant Felipe N. Gomez. CMD [20] [7231097] [21-1597] (HTP) [Entered: 04/21/2022 09:43 AM]
1 pg, 107.98 KB
- 06/28/2022 21 ORDER: Appellant Felipe N. Gomez is directed to showcause as to why this appeal should not be dismissed for lack of prosecution pursuant to C. R. 31(c)(2). LJ. Briefing is SUSPENDED pending further court order. Response to Rule to Showcause due for Appellant Felipe N. Gomez by 07/12/2022. [21] [7245039] [21-1597] (LJ) [Entered: 06/28/2022 02:44 PM]
1 pg, 91.79 KB
- 07/12/2022 22 Motion filed by Appellant Felipe N. Gomez to extend time to file Response to RTSC. [22] [7247821] [21-1597] (Gomez, Felipe) [Entered: 07/12/2022 07:24 PM]
24 pg, 2.55 MB
- 07/14/2022 23 ORDER re: Motion to extend time to file Response to RTSC. IT IS ORDERED that the motion is GRANTED to the extent that briefing will proceed as follows: Appellant's brief due on or before 08/15/2022 for Felipe N. Gomez. Appellee's brief due on or before 09/14/2022 for E*Trade Securities LLC. Appellant's reply brief, if any, is due on or before 10/05/2022 for Appellant Felipe N. Gomez. IT IS FURTHER ORDERED that the rule to show cause is SUSPENDED pending compliance with this order. CMD [23] [7248290] [21-1597] (AP) [Entered: 07/14/2022 02:43 PM]
1 pg, 105.78 KB
- 08/15/2022 24 Submitted appellant brief by Felipe Gomez, Appellant Pro Se for Appellant Felipe N. Gomez. [24] 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. [7254733] [21-1597] (Gomez, Felipe) [Entered: 08/15/2022 05:34 PM]
76 pg, 2.86 MB
- 08/15/2022 25 Appellant's brief filed by Appellant Felipe N. Gomez. Paper copies due on 08/22/2022. Electronically Transmitted. REMINDER: Hearing notices are mailed shortly before the date of oral argument. Please note that counsel's unavailability for oral argument must be submitted by letter, filed electronically with the Clerk's Office, no later than the filing of the appellant's brief in a criminal case and the filing of an appellee's brief in a civil case. See Cir. R. 34(b)(3). The court's calendar is located at <http://www.ca7.uscourts.gov/cal/argcalendar.pdf>. Once scheduled, oral argument is rescheduled only in extraordinary circumstances. See Cir. R. 34(b)(4), (e). [25] [7254788] [21-1597] (GW) [Entered: 08/16/2022 09:32 AM]
76 pg, 2.67 MB
- 08/18/2022 26 Order issued the Appellant Felipe N. Gomez shall file a paper captioned "Amended Jurisdictional Statement" that provides the omitted information noted in this order and otherwise complies with all the requirements of Fed.R.App.P. 28(a)(4) and Cir. Rule 28(a). The Clerk shall DISTRIBUTE, along with the briefs in this appeal, copies of this order and the "Amended Jurisdictional Statement" to the assigned merits panel. This order will not extend the time for any future briefs. Amended jurisdictional statement due no later than 08/25/2022 for Appellant Felipe N. Gomez. DW [26] [7255368] [21-1597] (AD) [Entered: 08/18/2022 12:39 PM]
2 pg, 38.99 KB
- 08/25/2022 27 Amended Jurisdictional Statement filed by Appellant Felipe N. Gomez. [27] [7256680] [21-1597] (Gomez, Felipe) [Entered: 08/25/2022 01:29 PM]
2 pg, 1.05 MB
- 08/25/2022 28 Motion filed by Appellant Felipe N. Gomez Clarify/Amend [25] as to Paper Brief Requirement for Non-Attorney Pro Se Appellant Gomez. [28] [7256687] [21-1597] (Gomez, Felipe) [Entered: 08/25/2022 01:53 PM]
4 pg, 1014.14 KB
- 08/25/2022 29 ORDER re: Appellant's Motion to Clarify and Amend [25] as to Paper Copy Requirement for Pro Se Appellant Gomez. [28] This court does not require pro se litigants who are proceeding in forma pauperis to file multiple paper copies of their briefs. Although the appellant is not proceeding in forma pauperis in this
1 pg, 102.43 KB

- appeal, this court will waive the requirement for the appellant's opening brief. Accordingly, the motion is GRANTED, and this court will prepare the paper copies of the appellant's opening brief. SCR [29] [7256760] [21-1597] (AD) [Entered: 08/25/2022 04:02 PM]
- 08/25/2022 30 Paper copies of appellant brief filed by Appellant Felipe N. Gomez. Per order. [30] [7256768] [21-1597] (GW) [Entered: 08/25/2022 04:15 PM]
- 09/14/2022 31 Submitted appellee brief by James T. Hultquist for Appellee E*Trade Securities LLC. [31] 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. [7260592] [21-1597] (Hultquist, James) [Entered: 09/14/2022 05:17 PM]
37 pg, 313.37 KB
- 09/14/2022 32 Submitted Supplemental Appendix by James T. Hultquist for Appellee E*Trade Securities LLC. [32] 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. [7260593] [21-1597] (Hultquist, James) [Entered: 09/14/2022 05:24 PM]
37 pg, 1.1 MB
- 09/14/2022 33 Motion filed by Appellee E*Trade Securities LLC Motion for Sanctions. [33] [7260595] [21-1597] (Hultquist, James) [Entered: 09/14/2022 05:32 PM]
27 pg, 2.26 MB
- 09/14/2022 34 Appellee's brief filed by Appellee E*Trade Securities LLC. Paper copies due on 09/21/2022. Electronically Transmitted. REMINDER: Hearing notices are mailed shortly before the date of oral argument. Please note that counsel's unavailability for oral argument must be submitted by letter, filed electronically with the Clerk's Office, no later than the filing of the appellant's brief in a criminal case and the filing of an appellee's brief in a civil case. See Cir. R. 34(b)(3). The court's calendar is located at <http://www.ca7.uscourts.gov/cal/argcalendar.pdf>. Once scheduled, oral argument is rescheduled only in extraordinary circumstances. See Cir. R. 34(b)(4), (e). [34] [7260618] [21-1597] (MAN) [Entered: 09/15/2022 08:28 AM]
37 pg, 313.36 KB
- 09/14/2022 35 Filed Appendix by Appellee E*Trade Securities LLC. [35] [7260620] Paper copies due on 09/21/2022. [21-1597] (MAN) [Entered: 09/15/2022 08:29 AM]
37 pg, 1.1 MB
- 09/15/2022 36 Added Attorney(s) Michael Patrick Yingling for party(s) Appellee E*Trade Securities LLC, in case 21-1597 per disclosure statement. Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney M. Patrick Yingling for Appellee E*Trade Securities LLC. [36] [7260826] (L-No; E-Yes; R-No) [21-1597]--[Edited 09/15/2022 by AD to reflect the addition of counsel.] (Yingling, Michael) [Entered: 09/15/2022 03:20 PM]
1 pg, 131.99 KB
- 09/15/2022 37 NOTICE: will not be available for oral argument February 21, 2023; February 22, 2023. [37] [7260832] [21-1597] (Yingling, Michael) [Entered: 09/15/2022 03:34 PM]
1 pg, 183.16 KB
- 09/15/2022 38 Paper copies of appellee brief and appendix filed by Appellee E*Trade Securities LLC. [38] [7260880] [21-1597] (MLM) [Entered: 09/15/2022 04:28 PM]
- 09/19/2022 39 ORDER re: PLAINTIFF-APPELLEE MOTION FOR SANCTIONS. The motion for sanction and any response shall be taken with the case for resolution by the assigned merits panel. MRO [39] [7261425] [21-1597] (AD) [Entered: 09/19/2022 03:08 PM]
28 pg, 1.38 MB
- 09/26/2022 40 ORDER: Appellee E*Trade Securities LLC shall file a paper captioned "Amended Jurisdictional Statement" that provides the omitted information noted in this order and otherwise complies with all the requirements of Fed.R.App.P. 28(a)(4) and Cir. Rule 28(a). The Clerk shall DISTRIBUTE, along with the briefs in this appeal, copies of this order and the "Amended Jurisdictional Statement" to the assigned merits panel. This order will not extend the time for any future briefs. Amended jurisdictional statement due no later than 10/04/2022 for Appellee E*Trade Securities LLC. DW [40] [7263038] [21-1597] (AD) [Entered: 09/26/2022 04:01 PM]
2 pg, 48.57 KB
- 09/30/2022 41 Motion filed by Appellant Felipe N. Gomez to extend time to file the response [41] [7264203] [21-1597] (Gomez, Felipe) [Entered: 09/30/2022 05:32 PM]
19 pg, 2.26 MB
- 10/03/2022 42 Order issued GRANTING unopposed motion to extend time to file appellant's reply brief. [41] Appellant's reply brief, if any, is due on or before 10/19/2022 for Appellant Felipe N. Gomez.. CDH [42] [7264308] [21-1597] (ER) [Entered: 10/03/2022 12:17 PM]
1 pg, 109.94 KB
- 10/04/2022 43 Amended Jurisdictional Statement filed by Appellee E*Trade Securities LLC. [43] [7264584] [21-1597] (Hultquist, James) [Entered: 10/04/2022 12:15 PM]
5 pg, 123.9 KB
- 10/19/2022 44 Motion filed by Appellant Felipe N. Gomez to extend time to file 1. Reply to Response Brief, 2. Response to Motion for Sanctions, 3. CCR 3(c)(1) Appellee's Counter-Counter Statement of Jurisdiction. [44] [7267660] [21-1597] (Gomez, Felipe) [Entered: 10/19/2022 03:17 PM]
48 pg, 1.36 MB
- 10/19/2022 45 Amended Statement of Jurisdiction filed by Appellant Felipe N. Gomez. Prior or Related proceedings: Yes. 20-3349 [45] [7267713] [21-1597] (Gomez, Felipe) [Entered: 10/19/2022 07:41 PM]
3 pg, 743.66 KB
- 10/20/2022 46 Order issued GRANTING unopposed verified motion to extend reply date, due date for response to motion for sanctions, and CCR 3(c)(1) dates from 10.19.22 to 10.26.22. The appellant shall file his reply brief, if any, any response to the appellee's motion for sanctions, and any response to the appellee's amended
1 pg, 110.42 KB

- jurisdictional statement on or before October 26, 2022. [44] SCR [46] [7267817] [21-1597] (ER) [Entered: 10/20/2022 11:27 AM]
- 10/26/2022 47 Submitted appellant reply brief by Pro Se Felipe Gomez Pro Se for Appellant Felipe N. Gomez. [47] 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. [7269362] [21-1597] (Gomez, Felipe) [Entered: 10/26/2022 06:06 PM]
44 pg, 754.12 KB
- 10/26/2022 48 Motion filed by Appellant Felipe N. Gomez to extend time to file Gomez Response to Motion for Sanctions or., for stay Gomez Response to Motion for Sanctions pending determination of finality for appellate jurisdiction purposes.. [48] [7269365] [21-1597] (Gomez, Felipe) [Entered: 10/26/2022 10:00 PM]
13 pg, 209.85 KB
- 10/26/2022 49 Brief deficiency letter sent to Appellant Felipe N. Gomez. [49] [7269370] [21-1597] (MAN) [Entered: 10/27/2022 08:28 AM]
2 pg, 102.12 KB
- 10/26/2022 51 10 copies Appellant's reply brief filed by Appellant Felipe N. Gomez. ~~Paper copies due on 11/02/2022.~~ Electronically Transmitted. REMINDER: Hearing notices are mailed shortly before the date of oral argument. Please note that counsel's unavailability for oral argument must be submitted by letter, filed electronically with the Clerk's Office, no later than the filing of the appellant's brief in a criminal case and the filing of an appellee's brief in a civil case. See Cir. R. 34(b)(3). The court's calendar is located at <http://www.ca7.uscourts.gov/cal/argcalendar.pdf>. Once scheduled, oral argument is rescheduled only in extraordinary circumstances. See Cir. R. 34(b)(4), (e). [51] [7269456] [21-1597]--[Edited 11/07/2022 by MAN] (MAN) [Entered: 10/27/2022 11:48 AM]
44 pg, 774.48 KB
- 10/27/2022 50 Re-Submitted appellant reply brief by Felipe N Gomez Pro Se for Appellant Felipe N. Gomez. [50] 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. [7269425] [21-1597] (Gomez, Felipe) [Entered: 10/27/2022 10:37 AM]
44 pg, 761.01 KB
- 10/28/2022 52 ORDER re: Appellant Gomez's 28 USC 1746 verified motion to extend appellant's response to motion for sanctions to 11/03/2022, or to stay response. [48] The motion is GRANTED only to the extent that appellant Felipe Gomez's response to the motion for sanctions, if any, is due November 3, 2022. MRO [52] [7269895] [21-1597] (PS) [Entered: 10/28/2022 04:03 PM]
1 pg, 103.51 KB
- 11/03/2022 53 Filed Response in Opposition by Appellant Felipe N. Gomez Attorney (Retired) Proceeding Pro Se to E*Trade Motion for Sanctions [35]. [53][7271290] [21-1597] (Gomez, Felipe) [Entered: 11/03/2022 09:39 PM]
47 pg, 1.09 MB
- 11/10/2022 54 Filed Reply by Appellee E*Trade Securities LLC Attorney James T. Hultquist to Reply in Support of Motion for Sanctions. [54][7272624] [21-1597] (Hultquist, James) [Entered: 11/10/2022 09:37 AM]
10 pg, 164.02 KB
- 12/15/2022 55 Filed Nonprecedential Disposition PER CURIAM. We AFFIRM the judgment of the district court and AWARD E*TRADE its reasonable costs and attorneys' fees in this appeal. E*TRADE may file, within 14 days, an affidavit and supporting papers specifying its reasonable costs and attorneys' fees from this frivolous appeal. Gomez may file a written response no later than 14 days after E*TRADE files its affidavit. We warn Gomez that if he does not pay any monetary sanction that we order, we may impose a filing bar consistent with Support Sys. Int'l v. Mack, 45 F.3d 185, 186 (7th Cir. 1995). Frank H. Easterbrook, Circuit Judge; Diane P. Wood, Circuit Judge and Thomas L. Kirsch II, Circuit Judge. [55] [7279448] [21-1597] (CG) [Entered: 12/15/2022 09:46 AM]
4 pg, 108.19 KB
- 12/15/2022 56 ORDER: Final judgment filed per nonprecedential disposition. Costs awarded to E*Trade. [56] [7279452] [21-1597] (CG) [Entered: 12/15/2022 09:53 AM]
1 pg, 110.41 KB
- 12/29/2022 57 Filed Response by Appellee E*Trade Securities LLC Attorney James T. Hultquist to Declaration of James T Hultquist in Support of Motion for Sanctions, court order date 12/15/22. [57][7281918] [21-1597] (Hultquist, James) [Entered: 12/29/2022 05:04 PM]
27 pg, 2.22 MB
- 01/06/2023 58 Mandate issued. No record to be returned. [58] [7283076] [21-1597] (KRA) [Entered: 01/06/2023 09:20 AM]
1 pg, 86.2 KB
- 01/06/2023  FOR COURT USE ONLY: Certified copy of 12/15/2022 Nonprecedential Disposition and Final Judgment with Mandate sent to the District Court Clerk. [7283086-2] [7283086] [21-1597] (KRA) [Entered: 01/06/2023 09:34 AM]
6 pg, 429.86 KB
- 01/10/2023 59 Motion filed by Appellant Felipe N. Gomez to extend time to file Appellant-Gomez Response to ETrade Declaration [57] (Unopposed). [59] [7283991] [21-1597] (Gomez, Felipe) [Entered: 01/10/2023 06:25 PM]
5 pg, 151.57 KB
- 01/12/2023 60 ORDER re: Unopposed motion to extend time to file response, filed on 1/10/2023. The motion is GRANTED. The appellant's response to appellee's declaration in support of sanctions is due on or before January 26, 2023. [59] SCR [60] [7284437] [21-1597] (FP) [Entered: 01/12/2023 11:13 AM]
1 pg, 96.54 KB
- 01/28/2023 61 Filed response by Appellant Felipe N. Gomez. ~~Citation of Additional Authority, per Circuit Rule 28(e).~~ [61] [7287774] [21-1597]--[Edited 01/30/2023 by HTP to reflect response filed.] (Gomez, Felipe) [Entered: 01/28/2023 08:35 AM]
3 pg, 578.22 KB

- 02/02/2023 62
2 pg, 117.2 KB
ORDER re: 1. Declaration of James T. Hultquist in support of plaintiff-appellee motion for sanctions. 2. Defendant-appellant Felipe N. Gomez exhibit indicating indigency and inability to pay. On December 15, 2022, we affirmed the judgment of the district court and held that it had subject-matter jurisdiction to resolve the interpleader suit between E*TRADE Securities LLC, Felipe Gomez, and his son. In that order we also held that E*TRADE is entitled to attorneys' fees incurred in defending the appeal. We gave E*TRADE fourteen days to submit a statement of attorneys' fees, and gave Gomez fourteen days to respond. E*TRADE submitted its statement of fees on December 29, and on January 28, 2023, Gomez submitted a filing as evidence of his indigency. In its declaration, E*TRADE submitted its attorneys' fees and costs incurred defending this appeal and an earlier, identical appeal, No. 20-3349. We find that the fees and costs requested by E*TRADE for work performed after Gomez filed his amended notice of appeal in 21-1597 on April 2, 2021, are reasonable. Accordingly, appellant Felipe Gomez shall reimburse E*TRADE \$47,433.50 by February 23, 2023, for the expense of defending this appeal. E*TRADE should inform the court if Gomez fails to satisfy his obligation. If Gomez fails to timely reimburse E*TRADE in full, 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 or on behalf of the appellant unless and until he pays in full the sanction that has been imposed against him. See *In re: City of Chi.*, 500 F.3d 582, 585-86 (7th Cir. 2007); *Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995) (per curiam). MEC [62] [7288672] [21-1597] (HTP) [Entered: 02/02/2023 10:00 AM]
- 02/08/2023 63
5 pg, 1.99 MB
Motion filed by Appellant Felipe N. Gomez to extend time to file FRAP 40 Motion. [63] [7290098] [21-1597] (Gomez, Felipe) [Entered: 02/08/2023 04:42 PM]
- 02/14/2023 64
1 pg, 100.44 KB
ORDER re: Appellant-Gomez 28 USC 1746 verified unopposed motion to extend appellant's FRAP 40 deadline to 3.2.23. The motion for an extension is GRANTED to the extent that Appellant Felipe Gomez requests more time to seek reconsideration of the sanctions order. Gomez's motion for reconsideration, if any, is due March 2, 2023. Gomez shall reimburse E*TRADE by March 9, 2023, for the expense of defending this appeal. E*TRADE shall inform the court if Gomez fails to satisfy his obligation. [63] MRO. [64] [7291052] [21-1597] (CG) [Entered: 02/14/2023 09:06 AM]
- 02/16/2023 65
1 pg, 371.37 KB
Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Michael Radzilowsky for Appellant Felipe N. Gomez. [65] [7291920] (L-Yes; E-Yes; R-Yes) [21-1597]--[Edited 02/17/2023 by PS - to reflect the addition of counsel.] (Radzilowsky, Michael) [Entered: 02/16/2023 09:30 PM]
- 03/02/2023 66
3 pg, 897.74 KB
Motion filed by Appellant Felipe N. Gomez to extend time to file Motion to Reconsider En Banc - Sanctions. [66] [7294926] [21-1597] (Gomez, Felipe) [Entered: 03/02/2023 07:32 PM]
- 03/07/2023 67
10 pg, 3.51 MB
Filed Appellee Gomez 3.7.23 Declaration of Chapter 7 Bankruptcy and Automatic Stay as to Attempts to Collect Attorney Fees by Appellant Felipe N. Gomez. [67] [7295772] [21-1597] (Gomez, Felipe) [Entered: 03/07/2023 03:33 PM]
- 03/10/2023 68
1 pg, 99.81 KB
ORDER re: Motion to extend time. IT IS ORDERED that the motion for an extension is DENIED. [66] MRO [68] [7296520] [21-1597] (AP) [Entered: 03/10/2023 09:48 AM]
- 05/03/2023 69
3 pg, 155.47 KB
Filed Non-Party CONSTANCE WEISENTHAL'S AND LARRY WEISENTHAL'S MOTION FOR UPDATE ON POTENTIAL MACK BAR by CONSTANCE WEISENTHAL and LARRY WEISENTHAL. [7308096] [21-1597] (Leech, Steven) [Entered: 05/03/2023 03:45 PM]
- 05/10/2023 70
1 pg, 106.42 KB
Order issued GRANTING motion for update on potential Mack Bar. Appellee E*TRADE shall file by May 17, 2023, a brief statement informing the court whether Appellant Felipe Gomez has complied with this court's sanction. [69] MRO [70] [7309634] [21-1597] (ER) [Entered: 05/10/2023 04:05 PM]
- 05/16/2023 71
3 pg, 118.02 KB
Filed status report by Appellee E*Trade Securities LLC. [71] [7310750] [21-1597] (Hultquist, James) [Entered: 05/16/2023 11:01 AM]
- 05/16/2023 72
3 pg, 972.16 KB
Filed status report by Appellant Felipe N. Gomez. [72] [7310849] [21-1597] (Gomez, Felipe) [Entered: 05/16/2023 02:19 PM]
- 05/18/2023 73
1 pg, 107.79 KB
ORDER: 1. Statement from E*Trade Securities LLC regarding defendant-appellant Felipe Gomez non-compliance with this court's sanctions order, filed on 5/16/2023. 2. Appellant's status report on inability to pay, filed on 5/16/2023. these proceedings are STAYED pursuant to the automatic stay provision of 11 U.S.C. §362. Further, appellant Felipe Gomez shall file, on or before July 17, 2023, a status report detailing the progress of the bankruptcy proceeding. MRO. [73] [7311396] [21-1597] (FP) [Entered: 05/18/2023 11:17 AM]
- 06/07/2023 74
18 pg, 8.82 MB
Filed status report by Appellant Felipe N. Gomez. [74] [7315413] [21-1597] (Gomez, Felipe) [Entered: 06/07/2023 08:31 AM]
- 06/14/2023 75
1 pg, 101.04 KB
ORDER re: Debtor-appellee's status report on bankruptcy. Appellant Felipe Gomez shall file a new status report within 7 days of the bankruptcy court's resolution of his case or by September 12, 2023, whichever is earlier. MRO. [75] [7316914] [21-1597] (HTP) [Entered: 06/14/2023 10:25 AM]
- 07/12/2023 76
2 pg, 921.72 KB
Filed status report by Appellant Felipe N. Gomez. [76] [7322900] [21-1597] (Gomez, Felipe) [Entered: 07/12/2023 12:36 PM]

- 07/19/2023 77 Motion filed by Appellant Felipe N. Gomez FRAP 43/FRCP 25(c) Substitution of Chapter 7 Trustee as Defendant-Appellant for Gomez, and Retention of Gomez as Interested Party.. [77] [7324248] [21-1597] (Gomez, Felipe) [Entered: 07/19/2023 10:22 AM]
22 pg, 6.8 MB
- 07/21/2023 78 ORDER re: Gomez FRAP 43 motion to substitute Ch. 7 Trustee as appellee-defendant. [77] The motion to substitute is DENIED without prejudice to refiling by the United States Trustee. MRO [78] [7324975] [21-1597]--[Edited 07/21/2023 by CG to reflect updated form and text.] (CG) [Entered: 07/21/2023 02:03 PM]
1 pg, 101.08 KB
- 08/02/2023 79 Filed status report by Appellant Felipe N. Gomez. [79] [7326991] [21-1597] (Gomez, Felipe) [Entered: 08/02/2023 11:52 AM]
3 pg, 1.49 MB
- 08/09/2023 80 ORDER re: 1. Debtor-appellee's status report on bankruptcy. 2. Gomez status report as to developments in re Gomez 23B3023 (NDILB). Appellant Felipe Gomez shall file a new status report within 7 days of the bankruptcy court's resolution of his case or on November 7, 2023, whichever is earlier. Before November 7, Gomez may file a report only if the bankruptcy court resolves his case or rules that the automatic stay does not apply to this appeal. MRO [80] [7328350] [21-1597] (CG) [Entered: 08/09/2023 09:42 AM]
1 pg, 103.31 KB
- 11/07/2023 81 Filed status report by Appellant Felipe N. Gomez. [81] [7346617] [21-1597] (Gomez, Felipe) [Entered: 11/07/2023 06:10 PM]
23 pg, 21.09 MB
- 11/09/2023 82 ORDER: Appellant Felipe Gomez shall file a new status report within 7 days of the bankruptcy court's resolution of his case or on February 7, 2024, whichever is earlier. Before February 7, Gomez may file a report only if the bankruptcy court resolves his case or rules that the automatic stay does not apply to this appeal. CMM. [82] [7347093] [21-1597] (FP) [Entered: 11/09/2023 02:49 PM]
1 pg, 96.43 KB
- 01/17/2024 83 Motion filed by Appellant Felipe N. Gomez FRE 201 Judicial Notice of 12.29.23 Opinion and Order in 23B3023 as to Failure of Trustee to Object and Lack of Standing as to 21-1597 (See e.g. [73]). [83] [7359045] [21-1597] (Gomez, Felipe) [Entered: 01/17/2024 10:29 AM]
25 pg, 8.67 MB
- 02/27/2024 84 ORDER re: Gomez FRE 201 motion as to 12.29.23 dispositive findings in in re Felipe Nery Gomez 23B3023 as to failure to object to exemptions and lack of kokoska standing. The motion for judicial notice is DENIED. Appellant Felipe Gomez shall file a new status report within 7 days of the bankruptcy court's resolution of his case or on May 28, 2024, whichever is earlier. Before May 28, Gomez may file a report only if the bankruptcy court resolves his case or rules that the automatic stay does not apply to this appeal. [83] CMM. [84] [7366877] [21-1597] (HTP) [Entered: 02/27/2024 11:12 AM]
1 pg, 104.53 KB
- 06/05/2024 85 ORDER: Appellant Felipe Gomez shall file a new status report within 7 days of the bankruptcy court's resolution of his case or on September 3, 2024, whichever is earlier. Before September 3, Gomez may file a report only if the bankruptcy court resolves his case or rules that the automatic stay does not apply to this appeal. CMM. [85] [7386286] [21-1597] (HTP) [Entered: 06/05/2024 10:00 AM]
1 pg, 99.33 KB
- 10/15/2024 86 ORDER: On June 5, 2024, this court ordered appellant Felipe Gomez to file a new status report within 7 days of the bankruptcy court's resolution of his case or on September 3, 2024, whichever is earlier. No status report has been filed. Review of the bankruptcy proceedings indicate that the matter is still pending. Accordingly, Gomez shall file a new status report within 7 days of the bankruptcy court's resolution of his case or on January 10, 2025, whichever is earlier. SCR [86] [7411330] [21-1597]--[Edited 10/16/2024 by CG to reflect updated deadline.] (CG) [Entered: 10/15/2024 03:31 PM]
1 pg, 99.2 KB
- 01/10/2025 87 Filed status report by Appellant Felipe N. Gomez. [87] [7428315] [21-1597] (Gomez, Felipe) [Entered: 01/10/2025 04:23 PM]
4 pg, 822.98 KB
- 01/16/2025 88 ORDER re: Status report. Appellant Felipe Gomez shall file a further status report within 7 days of the bankruptcy court's resolution of his case or on April 14, 2025, whichever is earlier. SCR. [88] [7429473] [21-1597] (HTP) [Entered: 01/16/2025 01:05 PM]
1 pg, 100.29 KB
- 07/18/2025 89 ORDER: On January 16, 2025, this court ordered appellant Felipe Gomez to file a status report within 7 days of the bankruptcy court's resolution of his case or on April 14, 2025, whichever was earlier. No status report has been filed. Review of the bankruptcy proceedings indicate that the case is still pending. Accordingly, Gomez shall file a new status report within 14 days of the bankruptcy court's resolution of his case or on October 17, 2025, whichever is earlier. SCR. [89] [7463549] [21-1597] (HTP) [Entered: 07/18/2025 09:36 AM]
1 pg, 98.56 KB
- 09/16/2025 90 Filed Non-Party Non-Party Chapter 7 Trustee's Motion for Update on Potential Mack Bar And For Leave to Submit Bankruptcy Status Report by Chapter 7 Bankruptcy Trustee. [7475126] [21-1597] (Kokoszka, Frank) [Entered: 09/16/2025 10:47 AM]
5 pg, 412.62 KB
- 09/28/2025 91 Filed status report by Appellant Felipe N. Gomez. [91] [7477490] [21-1597] (Gomez, Felipe) [Entered: 09/28/2025 07:45 PM]
18 pg, 1.39 MB
- 10/08/2025 92 ORDER re: 1. Non-party chapter 7 trustee's motion for update on potential mack bar and for leave to submit bankruptcy status report. 2. Status report. Appellant Felipe Gomez shall file a further status report by December 8, 2025, or within ten days of an order by the bankruptcy court closing or dismissing his case or lifting the automatic stay for this appeal, whichever is earlier. SCR. [92] [7479636] [21-1597] (HTP)
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11/07/2025 93
19 pg, 1 MB

Filed status report by Appellant Felipe N. Gomez. [93] [7485978] [21-1597] (Gomez, Felipe) [Entered: 11/07/2025 04:05 PM]

12/08/2025 94
5 pg, 24 MB

Filed status report by Appellant Felipe N. Gomez. [94] [7491488] [21-1597] (Gomez, Felipe) [Entered: 12/08/2025 04:40 PM]

12/09/2025 95
2 pg, 118.89 KB

ORDER re: 1. Gomez status report on 11.7.25 order [545] finding no stay In re Gomez 23B3023 (NDILB). 2. Gomez status report. On December 15, 2022, we affirmed the judgment of the district court and held that E*TRADE is entitled to attorneys' fees incurred in defending this frivolous appeal. On February 2, 2023, we ordered appellant Felipe Gomez to reimburse E*TRADE \$47,433.50 by February 23, 2023, and warned that if Gomez fails to timely reimburse E*TRADE in full, this court will bar him from filing papers. On May 16, 2023, E*TRADE informed the court that Gomez had not complied with the court's order but noted that Gomez had filed for bankruptcy. We then stayed proceedings in this appeal pursuant to the automatic stay provision of 11 U.S.C. §362. In light of the bankruptcy court's November 7, 2025, order explaining that the automatic bankruptcy stay is no longer in place for this appeal, the stay is LIFTED. Unless and until Felipe Gomez pays all outstanding filing fees and sanctions, the clerks of all federal courts in this circuit are directed to return unfiled any papers submitted either directly or indirectly by him or on his behalf. See In re: City of Chi., 500 F.3d 582, 585-86 (7th Cir. 2007); Support Sys. Int'l, Inc. v. Mack, 45 F.3d 185, 186 (7th Cir. 1995) (per curiam). In accordance with our decision in Mack, exceptions to this filing bar are made for criminal cases and for applications for writs of habeas corpus. See Mack, 45 F.3d at 186-87. This order will be lifted immediately once Gomez makes full payment. See City of Chi., 500 F.3d at 585-86. If Gomez, despite his best efforts, is unable to pay in full all outstanding sanctions and filing fees, no earlier than two years from the date of this order he is authorized to submit to this court a motion to modify or rescind this order. See id.; Mack, 45 F.3d at 186. SCR [95] [7491596] [21-1597] (CG) [Entered: 12/09/2025 09:52 AM]

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Exhibit 13

USA7 21-1597

8.15.22 Appellant's Brief

In the
United States Court of Appeals
for the **Seventh Circuit**

E*TRADE SECURITIES LLC

Plaintiff-Appellee

v.

FELIPE N GOMEZ
ARTHUR J GOMEZ

Defendant-Appellant
Defendant-Non Appellant

Appeal from the United States District Court
for the Northern District of Illinois, Eastern Division, No. 19-cv-0827.
The Honorable Rebecca Pallmeyer, Judge Presiding.

**DEFENDANT- APPELLANT FELIPE N GOMEZ BRIEF
WITH SHORT APPENDIX**

Submitted By:

Felipe Gomez, Pre Se
1415 Ardmore Unit 7139
Villa Park IL 60181
312.509.2071
t312.509.2071@gmail.com

August 15, 2022

APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 20-3349

Short Caption: Felipe Gomez, Appellant v E*Trade Sec LLC, Respondent

To enable the judges to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party, amicus curiae, intervenor or a private attorney representing a government party, must furnish a disclosure statement providing the following information in compliance with Circuit Rule 26.1 and Fed. R. App. P. 26.1.

The Court prefers that the disclosure statements be filed immediately following docketing; but, the disclosure statement must be filed within 21 days of docketing or upon the filing of a motion, response, petition, or answer in this court, whichever occurs first. Attorneys are required to file an amended statement to reflect any material changes in the required information. The text of the statement must also be included in the front of the table of contents of the party's main brief. Counsel is required to complete the entire statement and to use N/A for any information that is not applicable if this form is used.

PLEASE CHECK HERE IF ANY INFORMATION ON THIS FORM IS NEW OR REVISED AND INDICATE WHICH INFORMATION IS NEW OR REVISED.

(1) The full name of every party that the attorney represents in the case (if the party is a corporation, you must provide the corporate disclosure information required by Fed. R. App. P. 26.1 by completing item #3):

Appellant is appearing Pro Se

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:

Appelleant is appearing Pro Se

(3) If the party, amicus or intervenor is a corporation:

i) Identify all its parent corporations, if any, and

ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

Attorney's Signature: Submitted Pro Se: s/Felipe Gomez, Pro Se Date: 12.08.20

Attorney's Printed Name: Felipe Gomez Pro Se

Please indicate if you are Counsel of Record for the above listed parties pursuant to Circuit Rule 3(d). Yes No

Address: 1922 W. Belmont Ave
Chicago, IL 60657

Phone Number: 312.509.2071 Fax Number:

E-Mail Address: fgomez9592@gmail.com

21-1597
20-3349

APPELLANT’S BRIEF

TABLE OF CONTENTS

Disclosure Statement..... i

Table of Contents..... ii

Table of Authorities..... iv

Jurisdictional Statement..... 1

Statement of Issues..... 3

Statement of Case..... 4

Summary of Argument..... 7

Standard of Review.....7

Facts.....7

Argument.....18

I. Article III Case or Controversy, and Statutory Subject Matter
Jurisdiction are Part and Parcel of Every Judicial Proceeding,
and Must Be Present, Including in Interpleader Actions.....18

 A. Federal Laws and Rules Must be Followed as Written
 By All Branches.....18

 B. An Interpleader Complaint and Record Must Evince Facts
 Giving Rise to Article III Controversy, and, Separately,
 Interpleader Jurisdiction.....20

II. Article III Case or Controversy Was Not Present at Outset or
Subsequently.....21

 A. Complaint on Its Face Pleaded Plaintiff Out of Court.....21

B. Any Article III Case or Controversy was Eliminated by Declaration and Power of Attorney [12], [13], Which the Court and Plaintiff Erroneously Ignored.....31

C. No Evidence Was Ever Adduced to the Record of Competing Claims: 19CV0540 Cannot Be the "Competing Claims".....31

D. The Court Erred in Failing to Dismiss the Entire Matter at Several Junctures Where Jurisdiction Was at Issue and Absence of Article III Controversy and Lack of FRCP 22 Jurisdiction Was Apparent as A Matter of Record.....32

III. Cumulative Effect of Errors and Omissions of Trial Court Denied Appellant Due Process.....36

IV. Conclusion.....38

Certificate of Compliance.....41

CR 30(d) Statement.....42

Certificate of Service.....43

TABLE OF CONTENTS
Appellant's Brief

CASES

Aaron v. Mahl, 550 F.3d 655, 663 (7th Cir. 2008).....20, 21, 22, 23
Alvarez v. Boyd, 225 F.2d 820 (7th Cir. 2000).....37, 39
Bell Atlantic Corp. v. Twombly, 127 S. Ct 1955 (2007).....25, 29, 30
Bierman v. Marcus 246 F.2d 200, 203 (3d Cir. 1957).....20, 28, 29
Chambers v. Mississippi, 410 U.S. 284 (1973).....37
Chevron U.S. A. Inc. v. NRDC, 467 U. S. 837 (1984).....38
DuPont v. O'Keefe, 365 F.2d 141, 143, (7th Cir 1966).....20, 21, 28, 29
Gomez v. Schwab/Etrade, 19cv0540 (ND Ill 2021).....5,6, passim
Gomez v. Weisenthal/Schwab et al, 21cv2039/22cv0576 (CD Cal).....6, 17
Metro Life v. Whitler, 172 F.2d 631 (1949).....23, 24
Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 577, (1999).....18, 19, 38
The City of Arlington v. FC, 596 U.S. 290 (2013).....18, 19
Union Central Life Ins. v Hamilton, 448 F.2d. 501 (7th Cir. 1971).....24
Weaver v. Hollywood Casino, 225 F3rd 379 (7th Cir. 2001).....39

OTHER AUTHORITIES

Article III, U.S. Constitution1, Passim
28 USC 1332.....1
FRCP 12(b)(1).....36
FRCP 19.....35
FRCP 22.....1, Passim
LR54.3.....5, 8,11,13, 15, 16, 17

21-1597**20-3349****JURISDICTIONAL STATEMENT****I. JURISDICTION OF THE DISTRICT COURT**

The U.S. District Court for the Northern District of Illinois, Honorable Chief Judge Rebecca Pallmeyer presiding, had 28 USC 1332 diversity jurisdiction below, and claims it had Article III and FRCP 22 jurisdiction over Appellant and Non-Appellee as a civil action arising under the laws of the United States, pursuant to FRCP 22, where both Appellant and Appellee are of record prior to and in the matter below as to having no dispute as to the fact Appellant was Custodian, Non-Appellant Beneficiary, and that by law and agreement there was only a single claim by agent on behalf of principal, to the same res, rendering the court below without Article III power to adjudicate any claim to interpleader by Etrade.

II. JURISDICTION OF THE COURT OF APPEALS

This appeal is taken from the final decision and final orders of the U.S. District Court, N.D. Illinois, sitting in diversity jurisdiction but not having FRCP 22 Article III power or jurisdiction to entertain interpleader, including but not limited to orders preceding the last order, and including the orders and entries listed in the CCR 30(a) and (b) Short Appendix attached hereto.

The United States Court of Appeals has jurisdiction to decide this case pursuant to 28 USC §1291. The first Notice of Appeal was filed with the

District Court on 12.1.20 [168], the Court belatedly entered a termination order on 4.2.21 [183, 184] and an amended Notice of Appeal was filed on the same day [185]. Subsequently, Her Honor entered judgement on 4.6.21 [188].

Subsequent activity below is appealed herein instead of further amending the Notice of Appeal, with the orders and entries and points of error as to each listed in the CCR 30(a) Index to Short Appendix, copies to be provided in the CCR 30(b) deferred appendix as appropriate and necessary. A copy of the challenged Stipulation [156] and Findings and Judgement [183, 184, 188], below is included in the Short Appendix.

21-1597

20-3349

STATEMENT OF ISSUES FOR REVIEW

This matter is presented for review to determine the following issues and issues corollary thereto:

1. Whether an Article III case or controversy existed between Defendants as to the same res forcing Plaintiff to face multiple claims, and relatedly whether FRCP 22 jurisdictional elements were met, at the time of filing of the complaint [1], as between the Defendants below as to the res, as pleaded in the complaint, on its face?

2. Whether, as reflected by the record, including declarations and powers of attorney [11, 12, 13 and 14], as well as several motions to dismiss [22, 148], and the record as a whole, reflects lack of Article III case or controversy and lack of FRCP 22 interpleader jurisdiction due to, *inter alia*, lack of disinterest by Plaintiff, and lack of dispute or conflicting claims as between defendants Attorney-Client and Custodian-Beneficiary as to the res?

3. Whether the cumulative effect of the 26 orders and entries allegedly containing errors and evincing omissions of record, as listed in the Short Appendix Index, by the Court and Plaintiff, deprived Appellant of equal protection and due process?

21-1597
20-3349

STATEMENT OF THE CASE

Appellant attaches hereto and incorporates herein his CCR 3(a) short appendix, the list of orders and entries in the Index thereto, and the exhibits thereto [156, 183, 184], as part of the record in support of this Appeal at Exhibit 1, and refers thereto, and to the docket of 19cv0827 included therein, with other items referred to herein, such as the docket itself, to be listed and provided to the Court in the CCR 30(b) Deferred Appendix. *Exhibit A - CCR 30(a) Short Appendix*. References below are to the docket numbers listed therein.

On 2.8.19, Etrade filed what the docket classifies as a "Contract: Insurance" case, and a "28 USC 1332 Diversity-Interpleader Action" [1], however the complaint states that the action was "brought pursuant to Rule 22". *Complaint [1] at ¶1*.

On 3.25.19, Appellant moved to dismiss for lack of Article III jurisdiction. [22, 23].

After her Honor found on 2.25.20 [112] and 3.4.20 [114] that the funds at issue belonged to Arthur based in part on Appellant's stipulations [12, 13, 14], Appellant again moved to dismiss [148]. On 10.14.20, Appellant objected for the record as to several irregularities of record. [151].

On 10.28.20, consistent with the motion to dismiss, Etrade entered a stipulated dismissal, wherein Etrade waived its attorney fees [156]. On

11.25.20, the Court entered an order that ignored the stipulated dismissal, finding Appellant liable for attorney's fees [166], despite no LR 54.3 procedures and fees being waived by the stipulation.

On 4.2.21, the Court terminated the matter [183, 184] and on 4.6.21, the Court entered Judgement (with fee award against appellant) [188], despite the attempted settlement by the parties.

On 5.13.21, Etrade moved for fees [194], mislabeling the renewed fee motion as a LR54.3(g) motion for instructions, which on 8.23.21 Appellant moved to strike [196], which motions still pend below.

Subsequently, the trial court made other rulings subject to review as listed in the CCR 30(a) Short Appendix Index, and the matter still pends as if the stipulation and final judgment did not exist.

Appellant asserted below and does again here, that it was and is a matter of public record, at least as of the filing of *Gomez v Etrade/Schwab 19cv0540*, that Appellant was Custodian and agent for Arthur Gomez, not a competitor, and that the Complaint was and is invalid to confer Article III jurisdiction on a Court sitting in FRCP 22 interpleader, on its face. *See Exhibit B, Att. 1 - 19cv0540 Docket.*

Additionally, the record in the case below does not contain a scintilla of evidence that Appellant ever made a claim to Non-Appellants funds, and thus there never was Article III case or controversy nor any dispute that FRCP 22 applied to, but rather that Appellee attempted to manufacture jurisdiction as a

cover up to the malfeasance of Appellee and its attorneys, as was stated in *Gomez v Schwab/Etrade 19cv0540*, and now again in *Gomez v Weisenthal et al.*, *21cv2309-JLS/22cv0576-JLS CD Cal. CCR 30(b) Appx, Exhibit B, at Att. 3 - 21cv2039 Docket and Att. 4 - 22cv0576 Docket.*

Appellant also asserts that the Court committed numerous procedural errors as reflected on the face of the docket and as objected to below, and now on appeal, as stated below, that individually and cumulatively amount to a deprivation of equal protection and due process as to Appellant. *CCR 30(b) Appx, Exhibit B, at Att. 2 - 19cv0827 Docket.*

SUMMARY OF ARGUMENT

The Trial Court erred by allowing the matter to proceed based on the complaint as filed, the record as developed, and deprived Appellant of due process by the numerous errors as well as personal attacks on undersigned, namely publishing 19D19 into 19cv0827 when Appellant was a mere party, not a counsel of record, and other actions outlined below which evince an animus to Appellant that Appellant asserts clouded Her Honor's objectivity.

STANDARD OF REVIEW

The standard for review of a challenge to subject matter jurisdiction on appeal is de novo. *CCC Inform. Services, Inc. v. Amer. Salvage Pool Assoc.*, 230 F.3d 342, 345-46 (7th Cir. 2000). Review of the district court's factual determinations is for clear error. *Galva Foundry Co. v. Heiden*, 924 F.2d 729 (7th Cir. 1991).

FACTS

On 4.27.19, undersigned moved to dismiss the case Etrade cited as representing adverse claims by Appellant and Arthur Gomez in the Complaint [1] at ¶22, *Gomez v Etrade*, 19cv0540 due to the existence of 19cv0827, Appellant mistakenly believing that this matter 19cv0827 would be over at the first or second hearing, given there could be no dispute that undersigned Custodian and his Beneficiary were not making conflicting claims as to the accounts, that undersigned made no claim of his own, and had hired an Attorney, Counsel Prihoda, to see to the collection of assets for her mutual

client Arthur, and undersigned voluntarily dismissed the RICO action, without prejudice. [1] *Complaint at ¶22, [22, 23] - 3.26.19 Motion and Memo to Dismiss, [27, 28] - 4.27.19 Notice of Withdrawal and Minute Order.*

On 11.21.19, undersigned filed bankruptcy, and filed suggestion thereof, which was ignored by the court and the parties. [66] - *Suggestion of Bankruptcy .*

On 11.27.19, the court acknowledged the lack of an Article III controversy, admitting on the face of the docket that undersigned was not making a personal claim to Arthur's accounts:

“Felipe Gomez...understands that the funds at issue in this interpleader action are properly payable to [Arthur Gomez]...and [the Court] believes this case is ripe for resolution.”. [70] - *Minute Entry.*

On 1.6.20, Etrade filed its first motion for fees, entirely ignoring LR54.3, as the docket and that motion reveal, there having been zero notice to Defendant that a motion for fees would be filed, which motion was entered and continued by the Court on 1.13.20. [86] - *1.6.20 (First) Motion for Fees; [88] - 1.13.20 Minute Entry.*

On 2.7.20, an amended suggestion of bankruptcy was filed, given that Co-Defendant Arthur was and is a co-debtor in the matter Schmid v Gomez, 18M1714022, which also was ignored by the Court and Plaintiff, and on 2.12.20 the motion for fees was again entered and continued. [95]-*2.7.20 Second Suggestion of BK; [97] - 2.12.20 Minute Entry.*

On 2.18.20, after a failed attempt by the court to have innocent and

represented by counsel Arthur Gomez arrested by federal marshals on a bogus FRCP 64 writ (purportedly to force Arthur to accept Etrade's demand for a global, blind release in exchange for his funds) [100], with the assistance of Arthur's attorney Mulroney against Arthur's interests, and under strident objections of undersigned, including an as of yet unresolved complaint to the US DOJ regarding the illegal attempt and the conduct of one of the marshals (including attempting to intimidate undersigned and Arthur in open court by sitting nearby and eyeballing undersigned)(See *inter alia* [97-106], [108, 109]), the court dichotomously again acknowledged the lack of Article III jurisdiction and lack of an actual controversy:

“This case is ripe for resolution by way of an agreed order placing the assets in the control of Mr. Arthur Gomez...delays in accomplishing this...have been costly”. [107] - *Minute Entry*.¹

On 2.18.20, after undersigned filed a complaint with the Marshal's office [108], Her Honor Pallmeyer elected to publish the EC's 2.18.20 amended order in 19D19 into this matter, despite undersigned being a party not a counsel of

1

Undersigned was in full agreement with the Court, as evidenced by the proposed agreed order and stipulations filed by undersigned on 1.1.20 [81,82, 83], and the 'delays' referenced were and are caused by Etrade's desire to obtain blind releases, and illegal use of Arthur's assets to evoke a "shotgun" settlement out of defendants, with Etrade admitting to that intent in its motion to dismiss filed in *Gomez v Etrade 20ch6873*, where the validity of the contract that allegedly settled *19cv0827* was at issue with regards to the illegal consideration used as leverage against Defendants here to obtain a full release in exchange for disgorging what was determined several times not to belong to Etrade. The Court's attempt to blame undersigned for delays repeatedly occasioned by Plaintiff's ignorance of the rules and its illegal conduct, as a matter of record, is another indicia of bias, implicit or otherwise, and begs the issue of the reason Her Honor elected to publish 19D19 in cases where undersigned was a party and the publication served no apparent substantive purpose.

record. [110].

On 2.25.20, the Court again entered and continued the fee motion [86], again acknowledged the lack of Article III controversy and jurisdiction, and for the first time mentioned that the funds belonged in the Registry, if not Arthur's personal control as previously suggested by the Court [70, 107]:

“As all parties appear to agree that [Arthur] is the proper party to receive the funds in E*Trade's possession, this Court will, unless [Arthur] appears in person or through independent counsel, order on 3/4/2020 that the funds be deposited in the Court's registry”. [112] - *Minute Entry*.

On 2.26.20, Her Honor mailed a copy of the EC order to Arthur, despite undersigned not being counsel of record nor Attorney for Arthur, in a move that undersigned can see no other reason but to harrass, annoy and especially embarrass undersigned, as well as Arthur, as with the use of the Marshals, also targeting Arthur. *Undocketed Entry, between [112] and [113]*.

On 3.4.20, the Court, for the fourth time on the face of the docket, admitted to the reality that there was no “case or controversy” as to the “merits”, and yet again continued the motion for fees, this time by taking it “under advisement”:

“As Defendant Felipe Gomez has conceded that the assets at issue in this case belong to his son, the Court directs Etrade to submit a proposed order for deposit of assets to to the Court registry for distribution to [Arthur]. Counsel is directed to consult the Court Clerk regarding deposit of securities. Plaintiff's motion for fees and costs [86] is taken under advisement.”. [114] - *3.14.20 Minute Entry*.

On 3.10.20, after Etrade counsel Hultquist threatened to liquidate Arthur's

stock holdings at a loss unless Arthur and undersigned agreed to global blind releases, for no consideration, undersigned moved the Court for a TRO to prevent that, and to immediately order Etrade to disgorge the cash consistent with the multiple findings of lack of controversy, and hold the stocks until a transfer could be set up (that did not involve Etrade executing an unconsented sell order of Arthur's stock it had been entrusted to hold, not exert control over. [116, 117] - 3.10.20 *Motion and Amended Motion for TRO/Disgorge*.

On 3.11.20, Etrade, after demand for full releases was again rejected by Defendants, took a further step in carrying out the liquidation threat, filing a motion "to deposit funds Liquidate the Securities, Dismiss Etrade with Prejudice, and Discharge Etrade from Liability", despite having been ordered [114] to consult with the Clerk regarding "deposit of securities". [119] - 3.11.20 *Motion to Liquidate*.

On 3.11.20, undersigned objected to the tabled motion for fees [86], for, *inter alia*, totally failing to comply with LR54.3, and as to the motion to liquidate [119] as being, *inter alia*, a coercive tactic trying to withhold and use what Etrade had been ordered to disgorge to extract the releases extorted from Defendants (at issue in *Gomez v Etrade 20ch6873*). [121] - 3.12.20 *Status Reports and Objections*.

On 3.16.20, the first COVID order was entered, leading in part to a 6 month delay, at no fault of Appellant [123].

On 3.23.20, Defendants moved for a rule to show cause as to the 3.4.20

order, to strike the motion, and again sought the Court to simply order the transfer to a pre-established account. [124] - 3.12.20 *Motion for RTSC, Strike, TRO*.

On 3.24.20, despite setting Etrade motions such as [86] for briefing, Her Honor entered a minute order that, "In light of the Governor's 'stay at home order', the court invites Mr. Gomez to notice the motion for a hearing in mid- to late- April"." [125] 3.24.20 *Minute Order*.

On 5.18.20, the parties filed a joint statement per the 3rd COVID Order [129], and on 6.2.20 the Court entered a scheduling order for the 1.6.20 fee motion [86], as well as ordering Defendants to reply to a non-existent Etrade response to Defendants' motion to strike [121] and the for the response to the motion to liquidate [119]. [131] 6.2.20 *Minute Entry*.

On 6.3.20, Etrade filed the response [132] the Court apparently thought was on file, and on the same date undersigned filed a motion to correct and reset the briefing schedule accordingly. [133] 6.3.20 *Motion to Reset and Unify Schedules*.

From 6.24.20 to 9.10.20, the court and undersigned were diverted by a bogus "lien" from Mulrone [134], the defendants' motion to strike same [136], the related appeal of 19D19 [137], and the related title clearing state action *Gomez v Ford, 20ch2674*, directed at voiding the unauthorized, worthless, stock certificates still in Dr. Gomez's name that Etrade was attempting to

hostage, and getting them reissued (since done outside of that matter mooted same) [140].

On 9.11.20, as his “response” to the motion for fees [86], undersigned moved to strike the fee motion, specifically and in detail, for failure to comply with LR54.3, which was “taken under advisement”, and a response ordered, on 9.18.20. [141] *9.11.20 Motion to Strike*, [142] *Minute Entry*.

On 10.2.20, Etrade filed its response [143] to the motion to strike [141], and, on Appellant’s agreement in order to try to deliver the res to Arthur, on the same day the EC ordered this matter into settlement conference under Magistrate Finnegan. [144] *10.2.20 EC Order*.

On 10.8.20, Counsel Prihoda, recruited by Appellant circa 2015 to assist and keep watch over Appellant and the res, made a limited appearance for settlement for Arthur. [145] *10.8.20 Prihoda Limited Appearance*.

On 10.13.20, undersigned moved for 12(b)(1) dismissal as to himself, only, based in part on lack of Article III case or controversy involving undersigned, which was entered and continued without setting briefing on the same day, despite Her Honor treating Plaintiff’s filings otherwise. [148] *10.13.20 FRCP 12(b)(1) and Lack of Subject Matter Jurisdiction Motion*, [149] *10.13.20 Minute Entry*.

On 10.14.20, undersigned filed a status report preserving irregularities for the record, and seeking Mulroney to cease and desist. [151] *Status Report*.

On 10.28.20, after having to capitulate to agree to being extorted,

Defendants agreed that Arthur should receive his assets, with Appellant standing on his objections that 19cv0827 had no basis and that Etrade's demand for releases for tendering the res that had already been declared Arthur's, and after mutual waiver of fees between Arthur and Etrade (which waiver undersigned believes holds irrespective of the illegality of the consideration of offering someone their own hostaged account in exchange for a free walk), Etrade Counsel Hultquist himself entered the stipulation of dismissal, which should have ended 19cv0827. [156] *Stipulation and Agreement of Dismissal*.

Instead, on 11.25.20, Etrade, not Appellant, continued the matter by moving for a ruling on its motions (ignoring the several pending of undersigned) [165], and on the same date the Court entered a minute order [166] (followed by a formal order on 11.30.20 [167]) that ignored the primary argument that the defendants were being extorted, and, summarily, granted the motion for fees [86], the motion for discharge [119], and summarily with zero discussion denying defendants motions [124, 133, 141, and 148], and then inexplicably "urged" the parties "to resolve this case, which has generated extraordinary and wholly unnecessary conflict". [166, 167].

On 12.01.20, undersigned appealed. [168] - *Notice of Appeal 1*.

On 3.9.21, undersigned moved to disqualify her honor, in part for letting the case linger without a final order, frustrating the appeal [174, 175, 177], and on

3.26.21, Etrade moved for contempt [176].

On 3.29.21, the Court decided the motion to disqualify [177] in the negative, set the Etrade motion for contempt [176] for hearing and encouraged everyone to listen in, and, instead of simply entering the FRCP 58 judgement that the Appellate Court had found lacking from the record, stating that:

“Mr. Gomez is reminded that the Court of Appeals has directed him to advise whether he has requested a Rule 58 judgement. He should let them know he has not done so, but that this Court is willing to enter such a judgement, should he make the request”. [180] *Minute Entry*.

On 3.29.21, undersigned moved for entry of the belated FRCP 58 judgment. [179].

On 4.2.21, after granting yet another Etrade motion with no briefing or hearing, and entering yet another protective order in favor of Etrade against undersigned, [181, 182], the Court finally ordered entry of judgement. [183, 184].

In that order [184], the Court vacated the award of attorney's fees admitting that it was error to fail to engage in the LR54.3, and, despite the fact that the case and prior decisions were on appeal, reopened the case below to attempt to post-facto correct its error, despite the FRCP 58 entry, and despite the stipulation [156] where Etrade waived the fees it is now trying to recover, having extracted a release from Arthur based on the representation that all fees were waived as to all parties, and that stipulation having not (yet) been voided. [184].

Specifically, Her Honor Pallmeyer vacated her prior award of fees, and

finding the LR 54.3 is NOT optional, but only after Gomez repeatedly insisted otherwise (*See e.g.[141] 9.11.20 Gomez Motion on LR 54.3*), and admitted error:

“On November 25, 2020, the court prepared a minute entry [166] granting Interpleader Plaintiff E*Trade Securities LLC’s motion for leave to liquidate and deposit funds into the court registry, but limiting the relief granted to what was requested in paragraphs 6 and 7 of E*Trade’s motion.

E*Trade drafted an order to that effect, and the court signed it on November 30, 2020 [167]. The court’s order also awarded attorneys fees in favor of E*Trade and against Defendant Felipe Gomez.

The court did not prepare a separate judgment pursuant to Rule 58, but Mr. Gomez promptly filed a notice of appeal.

Prompted by the Court of Appeals, Mr. Gomez has now returned to this court to ask for entry of a Rule 58 judgment.

The motion [179] is granted. The Clerk is directed to enter a Rule 58 judgment directing E*Trade to deposit funds in the court registry and dismissing E*Trade from this action.

As the court understands it is undisputed that Defendant Arthur Gomez is entitled to recovery of those funds, the judgment will be in favor of Interpleader Defendant Arthur (“AJ”) Gomez and against Interpleader Defendant Felipe Gomez.

On its own motion, the court vacates the award of attorneys’ fees in part. The court stands by its conclusion that fees are to be awarded in favor of E*Trade and against Defendant Felipe Gomez, *but concludes it erred in failing to direct the parties to engage in the LR 54.3 process to determine the precise amount of the award.* The parties are directed promptly to initiate that process. While the parties engage in the 54.3 process, the judgment will be final and appealable.” (*Emphasis added*).

[184] Minute Order

On 4.2.21, undersigned filed an amended notice of appeal that the

delinquent FRCP 58 entry forced, prejudicing the appeal. [185].

On 4.6.21, Judgement was formally entered. [188].

On 5.13.21, Etrade filed what it titled a motion “for Instructions Under Local Rule 54.3(g).”. [194] *5.13.21 Motion*.

As set forth in the 8.23.21 Motion to Strike [196], an inspection of the motion [194] reveals that it does not request any instructions whatsoever, but is in fact another fee motion that cites to matters outside this matter, again triggering FRCP 54 if it were in fact a valid fee motion that had already complied with FRCP 54 and LR54.3.

On 9.6.21, Her Honor Pallmeyer denied [199] Appellant’s motion [197] for waiver/return of docketing fee.

On 3.21.22, the trial court granted the Etrade motion for “instructions”, and excused Etrade from the mandatory LR54.3 procedures. [202] *Order*.

On 3.24.22, Appellant moved for judicial notice of the existence of related litigation, *Gomez v Weisenthal et al.*, 21cv2039, CD Cal, where Larry Weisenthal had admitted that Schwab had mis-addressed mail to Appellant’s deceased mother, as custodian where Schwab’s own documents reflected Appellant was legal Custodian as alleged in 19cv0540, and that Larry diverted that mail instead of returning it to sender or forwarding to Appellant as Custodian. [206] *Motion for Judicial Notice with Weisenthal Affidavit*.

Subsequently, on 3.28.22, the trial court directed briefing [207] by Etrade

on the Gomez motions [203, 204, 205 and 206], which Etrade responded on 4.18.22. [209] Response.

On 4.19.22, the trial court directed reply, "if any", by 5.4.22 [210], and Gomez elected not to reply, at this time, reserving same for any remand or as needed or appropriate to address mis-statements made therein, as appropriate, and the matter below still pends.

ARGUMENT

I. Article III Case or Controversy, and Statutory Subject Matter Jurisdiction are Part and Parcel of Every Judicial Proceeding, and Must Be Present, Including in Interpleader Actions.

Subject matter jurisdiction must be present in every case in order for authority of a court to conduct a proceeding and issue judgment which is valid and binding, and it is the duty of each court hearing a case, or reviewing a result below, to assure, at the outset, that subject matter jurisdiction is properly vested, present, and that it remains present throughout. *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 577, (1999). Actions that lack Article II power or subject matter jurisdiction (SMJ), and orders issuing therein, are *void ab initio* as a matter of law, without recourse to the merits. *The City of Arlington v FCC*, 569 U.S. 290 (2013).

A. Federal Laws and Rules Must be Followed as Written By All Branches.

In *Hodel v. Virginia Surface Mining & Reclamation Assn., Inc.*, 452 US 264, 289 (1981), the High Court confirmed that state officials, both executive

and judicial (such as Her Honor Pallmeyer), are bound by the Supremacy Clause, and their oaths of office, to follow and apply the Constitution and properly promulgated federal laws and rules.

In *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 577, (1999), this Court reaffirmed that "Jurisdiction is the 'power to declare law,' and without it the...courts cannot proceed...Accordingly, not only may the...courts police subject matter jurisdiction *su a sponte*, they must".

The High Court directs that, when reviewing a record, and especially where there is a claim that initial Article III and subject matter jurisdiction is lacking (as is made here), it is incumbent on a court to assure that notice was proper, and that the complaint is sufficiently pleaded, and proved, to confer and ensure continuing Article III power and statutory (here FRCP 22) subject matter jurisdiction on the court, and that initial jurisdiction must be clearly present on the face of the record below in order for a court's actions and orders to be valid under the Constitution and binding upon the parties. *Id.*

In *The City of Arlington v FCC*, 569 U.S. 290 (2013), the Court held that agencies, and by inference, courts, may not interpret a statute so as to expand their jurisdiction beyond that which the language of the statute allows, and actions taken pursuant to such over-expansive interpretations are *ultra vires*, such is equally applicable to the judiciary.

B. An Interpleader Complaint and Record Must Evince Facts Giving Rise to Article III Controversy, and, Separately, Interpleader Jurisdiction.

Under the USA Constitution, Federal Courts have no Article III Power over a person in front of it where, the at the time the complaint was filed, there was no Article III Claim or Controversy pleaded or in fact.

As a general point of error, Appellant asserts that the court below failed to address the threshold issue of the Plaintiff's burden of pleading and proving facts, not parroting of FRCP 22, at the earliest stage in the proceedings possible, prerequisite Article III power, as well as FRCP 22 jurisdiction, mandatory for a Court to proceed beyond dismissing the complaint, under either statutory or FRCP 22 interpleader. *Bierman v. Marcus* 246 F.2d 200, 203 (3d Cir. 1957)(Cited by Judge Duffy in *duPont v O'Keefe*, 365 F.2d 141, 143, (7th Cir 1966)(lack of real fear of conflicting claims prevents standing and divests court of all article III power other than to dismiss); *Aaron v. Mahl*, 550 F.3d 655, 663 (7th Cir 2008) (Broker cannot create SMJ by pleading non-existent hypothetical claims, citing as e.g case where alleged conflict between a Trustee and Beneficiary is insufficient); *Indy Colts v Baltimore* (No Adversity where one party claimed ownership by eminent domain (Baltimore) and other claimed leasehold over same stake (Indy stadium lease consortium CIB) and where interpleader plaintiff and an alleged adverse defendant had agreed by contract that there was no conflict.)

Gomez believes that *Bierman v. Marcus* 246 F.2d 200, 203 (3d Cir. 1957),

which was cited by Judge Duffy in *duPont v O'Keefe*, 365 F.2d 141, 143, (7th Cir 1966)(lack of real fear of conflicting claims prevents standing and divests court of all article III power other than to dismiss), and the line of cases following it are controlling here, and that Her Honor below had both threshold obligations, and then subsequent obligations to address defendants' multiple objections to Article III power and FRCP 22 jurisdiction.

It is a trial court's gatekeeping duty to assure there really is an Article III controversy between defendants allowing FRCP 22 jurisdiction, as well as antecedent Article III jurisdiction. *Beirman, Supra*. Gomez alleges that the court below failed at the outset, and at several junctures thereafter to assure that Plaintiff was in fact entitled to FRCP 22 relief, and was not attempting fictional adversity. *Id.*

Here, *19cv0540*, alone, and cited by the Etrade complaint as the Article III hook, proves on its face that the defendants were aligned as both Attorney-Client, as well as Custodian-Beneficiary, and that Custodial duties were being excersized as agent for, not claimant against, Arthur, and thus the matter is *void ab initio* as are all orders issued herein.

II. Article III Case or Controversy Was Not Present at Outset.

A. Complaint on Its Face Pleaded Plaintiff Out of Court.

This Circuit had a longstanding well established approach to what is a proper interpleader and what is not. *Aaron v Mahl* 550 F.3d 659. In *Mahl* and the line of cases following, this Court specifically mandated that

interpleader jurisdiction must exist, and cannot be manufactured. *Aaron v Mahl at 663-667*. The *Mahl* court also made clear that 28 USC 1335 can provide independent subject matter jurisdiction, but that FRCP 22 does not. *Id. at 663*.

Relatedly, a review of *Mahl* (which Etrade appears to have attempted to loosely follow by way of the form of its complaint) and the cases cited therein reveals that Etrade should not have been allowed to utilize FRCP 22 or statutory interpleader, as this Circuit has previously required a real and substantial fear, of plausible adverse conflicting claims, and not merely hypothetical adverse claims or mere “threats” to bring a claim. *Mahl at 666-667*.

In *Mahl*, claimant Aaron possessed a judgement against claimant Scott (on its face evincing adversity) that arguably applied to a Merrill-Lynch held fund, with Aaron and Scott actively claiming ownership seeking to possess the res, with Merrill caught between Aaron’s judgement claim and Scott’s claim. *Mahl at 666*.

No such fact pattern was or could be alleged as to Appellant, whom has never sued his son Arthur for anything, had no judgment potentially attaching to the account, and never claimed ownership or any right to the assets independent of Arthur. The very lawsuit Etrade claims somehow presents conflicting claims, *19cv0540*, clearly gave the broker notice of the lack of adversity or competing claims, as reflected by the very style of the complaint,

the fact that it is brought as agent for Arthur, and the attachments thereto, clearly indicate Appellant was never adverse to Arthur in any manner, let alone as required by *Mahl*. See *Exh. B - CCR 30(b) Deferred Appx at Att. 1-19cv0540 Complaint*.

Mahl mandates that Etrade's various claims as to adversity should have been rejected at the outset. *Mahl* (citing Seventh Circuit cases *Union Cent. Life Ins.*, 448 F.2d at 503 (1971), and *Metro Life Ins v Whittler*, 172 F.2d, 631, 632 (1949) (finding adversity below).

In *Whittler*, this Circuit required, at the outset, in addition to adverse claimants and real adverse claims, that an interpleader plaintiff to be "disinterested", as occurs with insurance coverage dec actions where the issuer of a policy typically is neutral and not involved in the underlying claims. *Whittler at 623*.

Appellant also notes that this Court in *Whittler*, commented approvingly that the district court had made formal, of record, special findings of fact, and conclusions of law "rendered... thereon", and only then entered the award. *Id.* Appellant points as error the fact that no formal findings of fact or conclusions of law were made below, nor was there any finding as to Etrade's necessary disinterested status. See *19cv0827 Docket*.

Consequently, *Whittler*, cited by *Mahl*, implicates the court below here for not assuring formal record-making, so as to assist on appeal above, as to how

it found Etrade disinterested, as well as how the trial court reasoned that Appellant's status as Arthur's attorney in *19cv0540* and custodian since 7.4.11 passing of Dr. Gomez, was adverse to Arthur, so as to constitute competing claimants. *Id. at 633.*

Union Central Life Ins. v Hamilton Steel, 448 F.2d 501 (7th Cir. 1971), indicates adversity is a pre-merits issue, which the trial court here failed to heed. *Union Central at 504.* An examination of the parties indicates facial adversity, as there the claimants were a Trustee, union representatives, and 4 classes of potential beneficiaries, all claiming on one lapsed policy, where the holder was bankrupt, Etrade hardly can claim such disability or conflicts. *Union Central at 503.*

Union Central and other cases cited above and therein, make clear that the evaluation of adversity, is not a merits issue, but is part of the threshold analysis as to whether interpleader lies, with the *Union Central* court proceeding to the merits of each adverse claim, *only* after assuring the claimants were in fact adverse to each other as well as to the stakeholder. *Id. at 504* (Stating "We turn to the merits" of each individual claim, after extended discussion of interpleader elements, including the requirement that interpleader requires the parties be "adverse claimants", before a court may address the merits).

Simply put, Etrade, and the court below, had no adverse claims to proceed to the merits on, only a single claim by Appellant for his beneficiary/client,

Arthur. This fact alone explains why Arthur did not make an independent claim, and why the record below lacks any indicia of any claim by Arthur.

In fact, the trial court's election to issue warrants and attempt to have Arthur arrested due to his lack of claim or alleged lack of participation [63, 69, 70, 100, 101, 102] indicate lack of adverse claims, and should have resulted in award to Appellant, except for Appellant's refusal to make any claim for himself consistent with his Attorney oath and duties as custodian [14].

The rule that a trial court scrutinize a complaint for Article III power and assure that alleged competing claims are in fact adverse, at the outset, sua sponte, was reiterated in *Bell Atlantic v Twombly*, 550 U.S. 544 (2007) which held, applicable to Etrade, that a pleader cannot nakedly assert that parallel conduct is conspiratorial or violative of the law, but must add enough factual context that the allegation rises past "the line between possibility and plausibility". *Id. at 556*.

An inspection of the complaint evinces the absence of any plausible fact in support of the bald allegation llegation that Arthur and Appellant were adverse and were going to sue adversely as to the UTMA. *See generally Complaint [1]*.

Etrade admits that Arthur Gomez is an Illinois Resident, which agreed fact this Court is requested to take judicial notice of. Complaint [1] at ¶6. Etrade also admits that the funds were held in an UTMA established by a California resident for an Illinois Resident. *Complaint [1] at ¶9-10*.

However, Etrade incorrectly alleges that the age of majority applies to UTMA, but 760 ILCS 20 et seq. and all entities that know what they are doing relating to Trusts apply the age of Termination, which in Illinois is 21 regardless of what state or nation the Testator was located in when the UTMA was established. Complaint [1] at para 11.

760 ILCS 20 states in relevant part that the age of termination is 21, however the complaint incorrectly states that a non-Illinois resident may establish an UTMA and force Illinois to apply whatever age of Termination that is selected by the Testator. *Complaint at ¶¶13-14.*

Since the Complaint admits that Arthur was and is an Illinois resident and citizen, and since the UTMA application clearly indicated same (*19cv0540 Original Complaint at Exh [4-3]*), 760 ILCS 20 must be applied to Illinois resident and citizen Arthur. *760 ILCS 20 et seq.*

Consequently, Etrade's complaint as it stands, pleaded itself out of Court, as it admitted Arthur was 20 at the time of filing, and thus Etrade could not, on 2.8.19, face any claim by Arthur, as Arthur had no authority in Illinois or say so over an UTMA, rather Appellant was the sole voice as to the UTMA both by designation by Dr. Gomez as well as under Illinois law.

Relatedly, in order to try to avoid the agent-principal relationship of attorney-client or custodian-beneficiary, Etrade's complaint intentionally omits three salient facts of public record. First, Etrade fails to state Dr. Gomez passed away in 2011 (*See Exhibit B at Att. 5 19cv0540 at Complaint at [4-5]*)

(F. Gomez Application for Successor Custodian).

Second, Etrade fails to mention Appellant's mother's Schwab application named Appellant, Felipe Gomez, Successor Custodian over the UTMA (*Exh. B Att. 5 19cv0540 Complaint at [4-3]*).

Finally, Etrade fails to mention that it was Appellant, not "an individual" that transferred the UTMA as Arthur's agent, again begging the issue of how Etrade can later alleged Appellant was or is adverse to Arthur. *Complaint [1] at ¶¶15-18*.

Consequently, Etrade's attempts to paint Appellant as some unknown interloper are in fact untrue, and when viewed as a Successor Custodian trying to gain control over the stake of his beneficiary, by demand, and then by *19cv0540*, where the actions taken were clearly only a principle acting for the interests of his agent, not against.

The alignment and lack of adversarial posture was further proven when Arthur executed the Etrade Power of Attorney demanded by Etrade, to "resolve" its self created self imagined dilemma *Affidavit of Arthur Gomez [12] and Durable Power of Attorney [13]*. The Power of Attorney specifically states that Arthur agreed that Appellant Felipe Gomez was Power of attorney, thus mooting the alleged dispute or conflicting claims as to ownership if there had been any in the first place. *[12, 13]*.

Etrade's Complaint does not contain one scintilla of fact indicating when or

what claim Arthur made, other than through Appellant by way of his filing *19cv0540* on Arthur's behalf. Furthermore, that matter renders Etrade "interested", and not a neutral, and it is not entitled to interpleader as such.

Appellant thusly asserts Etrade pleaded itself out of Court, failed to assert facts that support standing and that any claim of conflicting claims that Etrade allegedly was afraid of were entirely fictitious as shown by the record in *19cv0540* and in this matter.

Given that under the USA Constitution, Federal Courts have no Article III Power over a person in front of it where, at the time the complaint was filed, there was no Article III Claim or Controversy pleaded or in fact, Appellant asserts the trial court erred in failing to address the threshold issues of the prerequisite standing and Article III power mandatory for a court to proceed (beyond dismissing the complaint), under either statutory or FRCP 22 interpleader. *Bierman v. Marcus* 246 F.2d 200, 203 (3d Cir. 1957)(Cited by Judge Duffy in *duPont v O'Keefe*, 365 F.2d 141, 143, (7th Cir 1966)(lack of real fear of conflicting claims prevents standing and divests court of all article III power other than to dismiss); *Aaron v. Mahl*, 550 F.3d 655, 663 (7th Cir 2008) (Broker cannot create SMJ by pleading non-existent hypothetical claims, citing as e.g case where alleged conflict between a Trustee and Beneficiary is insufficient); *Indy Colts v Baltimore* (No Adversity where one party claimed ownership by eminent domain (Baltimore) and other claimed leasehold over same stake (Indy stadium lease consortium CIB) and where interpleader

plaintiff and an alleged adverse defendant had agreed by contract that there was no conflict.)

Gomez believes that *Bierman v. Marcus* 246 F.2d 200, 203 (3d Cir. 1957), which was cited by Judge Duffy in *duPont v O'Keefe*, 365 F.2d 141, 143, (7th Cir 1966)(lack of real fear of conflicting claims prevents standing and divests court of all article III power other than to dismiss), and the line of cases following it are controlling here in determining that Etrade created a fictional adversity where there was and can be none, and thus the matter is *void ab initio* as are all orders issued herein.

In summary, there are no facts pleaded that allow an inference that the parallel conduct of an attorney and his client, or a custodian and beneficiary, alone, in a single lawsuit where they are aligned, is sufficient to allow a court to infer a plausible threat of competing claims from what is a single entity, sufficient to allow interpleader.

Twombly cautions that a court cannot proceed on bald suppositions as to illegality or adversity, especially where the facts as pleaded, and in existence at the time of filing known to the filer (*see 19cv0540*) only indicate, at best, parallel, not adverse, conduct by Appellant, and the record is clear, including by way of the Writs of Body Attachment [69, 100, 101] that there was no independent adverse claim, only alleged inaction, by Arthur. *Twombly*, *Supra*.

Based on the face of its own complaint, Etrade can never show competing,

let alone parallel, conduct as Appellant and Arthur never claimed adversely on the record or in real life, thus *Twombly* required the complaint to be rejected at the outset, instead of being taken as self-authenticating as to the assertions made therein. *Id.*

Nothing in the Etrade complaint or the record below can change the fact that Appellant and Arthur were and are in total agreement as to Arthur's ownership [12, 13, 14], and that 19cv0540 was a single claim by agent and principal [14].

No amount of spin can change the fact that the complaint fails to contain a scintilla of indicia that Appellant and Arthur were claiming adversely, and in fact proverbially (and seldom seen) "plead" Etrade out of court, as pleaded in the 4.2.19 Motion to Dismiss and Memo in Support [22, 23].

It is Etrade that has the burden of showing not only a "chance" of adverse claims, but rather to plead facts that raise its assertions beyond the possible, and into the plausible. *Twombly at 556*. *Twombly* makes clear that it is not a defendant's duty to rebut a bald assertion of the "chance" of competing claims, but it is on the pleader to show not only a chance, but far more, in the manner of a "plausible" likelihood of claims, set up in a context supporting that conclusion. *Twombly, Supra*.

Consequently, Etrade's 19cv0827 complaint is merely an attempt to manufacture jurisdiction, by painting Appellant as some unknown interloper, and where the complaint fails to state, and attach, the alleged competing

claims, as there were none. [1].

At the time of filing, Etrade was well aware that *19cv0540* was not an adverse claim by Appellant as to Arthur's assets, as a reading of that complaint and its attachments clearly reflects, and which Etrade cannot claim it was unaware of.

B. Any Article III Case or Controversy was Eliminated by Declaration and Power of Attorney [12], [13], Which the Court and Plaintiff Erroneously Ignored.

The alignment of the Defendants' interests, and the lack of adversarial posture as between the alleged disputants, is further proven as a matter of record by Arthur's execution of the Etrade Power of Attorney, demanded by Etrade to resolve its self created self imagined dilemma. [12, 13].

The E-Trade Power of Attorney specifically states that the Defendants have agreed that Felipe Gomez has power of attorney, thus mooted any alleged dispute, or conflicting claims as to ownership, by Etrade's own terms *See 19cv0827 Affidavit of Arthur Gomez [12] and Durable Power of Attorney [13]*.

C. No Evidence Was Ever Adduced to the Record of Competing Claims: 19CV0540 Cannot Be the "Competing Claims".

An inspection of the record, like Etrade's complaint, fails to reveal one scintilla of fact indicating how, when, where, by what means and by whom, the alleged competing claims Arthur made, or even which allegedly came first.

See Complaint [1], and 19cv0827 Docket, in toto.

Instead, Etrade, and the Court, relied on *Gomez v Schwab, 19cv0540*, as the alleged competing claims, when that matter was filed by Appellant as Arthur's Attorney and Custodian, not as a competitor. That matter not only renders Etrade "interested" inapposite to interpleader requiring a neutral plaintiff, but also evidences the alignment of the claims, by Felipe as agent and Custodian for, not against, Arthur.

D. The Court Erred in Failing to Dismiss the Entire Matter at Several Junctures Where Jurisdiction Was at Issue and Absence of Article III Controversy and Lack of FRCP 22 Jurisdiction Was Apparent as A Matter of Record.

Both before and subsequent to the 2.18.19 filing of the instant complaint [1], alleging a non-existent controversy between Custodian Felipe Gomez and Co-Defendant Beneficiary Arthur Gomez , as to Arthur's inherited account, undersigned, and his Co-Defendant, on several occasions disavowed that undersigned had made, or was making, any personal claim or asserting any personal interest in Arthur's inheritance, under Oath, in writing and in open Court. *See e.g. 3.11.19 AJM Gomez Affidavit [12], F Gomez Declaration [13], F Gomez Affidavit [14], 3.26.19 F Gomez Motion to Dismiss/Memo in Support [22, 23], 5.30.19 Joint Answer and Affirmative Defenses [31].*

Appellant asserts that the trial court had the obligation, and failed to, to review both Article III power and FRCP 22 jurisdiction, based on each set of filings above, and that the matter, if not dismissed at the outset, should have been dismissed as a result of each set of filings cited above.

Instead of reviewing its power, but concordant with Appellant's claims that there never was any claim by Appellant other than as agent for Arthur, which is one and the same, on 11.27.19, the Court, consistent with the admissions of record, and absence of any Article III controversy to be heard or FRCP 22 dispute to be resolved, found and entered into the docket that:

"Mr. Felipe Gomez has twice represented...that the funds at issue in this interpleader action are payable to [Arthur Gomez]." *11.27.19 Minute Entry [70]*.

On 1.6.20, consistent with the fact that the matter in controversy had been "decided" as is required prior to being able to file same per FRCP 37, Plaintiff moved for fees, to be paid from Arthur's funds, conceding that the matter was resolved to the extent it even existed. *Motion for Fees [86]*.

On 2.18.20, in open court with both Defendants present, Her Honor Chief Judge Pallmeyer again essentially admitted the lack of Article III power at the outset, given that 19cv0540 itself evinced alignment not adversity, and cannot be construed to be two separate lawsuits as would be required to allege competing claims:

"...the case is ripe for resolution by way of an agreed order placing the assets in the control of Mr. Arthur Gomez, as the interpleader respondent." *2.18.20 Minute Entry [107]; Transcript of Proceedings [111]*.

Again, on 2.25.20, Her Honor declared the lack of Article III controversy:

"...all parties...agree that Arthur James Muellman Gomez is the proper party to receive the funds in E*Trade's possession..." *2.25.20 Minute Entry [112]; Transcript of Proceedings [127]*.

On 3.4.20, the Court entered a minute entry stating in relevant part that:

"...Defendant Felipe Gomez has conceded that the assets at issue belong to his son...". *3.04.20 Minute Entry [114]*.

On 3.11.20, consistent with the matter in controversy having been decided, Plaintiff filed a motion to turn over the funds to Arthur, and be dismissed, asking the Court to order that undersigned's state claims (e.g. *Gomez v Pallmeyer/Etrade, 19ch14892*) be deemed waived and barred, which demand is the sole reason undersigned is being forced to remain in this matter. *Motion to Deposit [119]*.

On 3.12.20, undersigned filed a status report objecting to how Etrade was proceeding as far as attempting to leverage the release of the res to Arthur, in return for Appellant releasing all claims against Etrade (and declaring that undersigned would not be agreeing to waive any state claims in exchange for Plaintiff agreeing to comply with the 3.4.20 declaration of the Court to disgorge, which Plaintiff refused to until undersigned, under duress and over objection that it was basically extortion, agreed to waive all claims first. *[121]* - *3.12.20 Status Report*.

On 9.11.20, Defendant, reserving objection to lack of Article III power or a controversy for FRCP 22 to apply to, moved to strike *[141]* the Motion for Fees *[86]* for failure to comply with LR54.3, which was taken under advisement on 9.18.20 *[142]*, and responded to by E*Trade on 10.2.20 *[143]*.

On 10.13.20, after the matter was assigned to Magistrate Finnegan on

10.2.20 [144], with the sole issue being Etrade turning over the funds to Arthur, Appellant Gomez moved for dismissal, as Appellant, having been found multiple times not to be a claimant, was no longer a FRCP 19 necessary party, even if, *arguendo*, he was validly sued as an adversary to Arthur for the res.

[148] 10.13.20 Motion to Dismiss

FRCP 19(a) states:

- “(1) Required Party. A person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if:
- (A) in that person's absence, the court cannot accord complete relief among existing parties; or
 - (B) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may:
 - (i) as a practical matter impair or impede the person's ability to protect the interest; or
 - (ii) leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest.

FRCP 19(1)(A) did not require the further presence of Defendant Felipe Gomez, past the first time Judge Pallmeyer found him disinterested, as the relief sought, the declaration that Arthur was and is the res owner, is complete and has already been afforded, pending details that are between Plaintiff and the awardee.

FRCP 19(a)(1)(B) was not applicable as undersigned had openly disavowed and been declared to have no interest in the matter, and thus being dismissed

would not have impaired any such interest, and similarly there was no interest in the funds at issue that undersigned could have asserted, to expose Plaintiff to multiple risks or obligations, but rather Etrade was attempting to gain releases beyond what is allowed under FRCP 22, as evidenced by the Stipulation [156].

Undersigned should have been dismissed, at the latest once the matter was set for settlement as to Arthur and Etrade, after declaring no interest, being found by the court to have no interest, the Court declaring several times as far back as 2019 the funds to be Arthur's, and the issue of fees being between Plaintiff and Arthur, thus there was no need or reason for defendant to be further joined per FRCP 19 (or FRCP 20).

Article III of the Constitution, and FRCP 12(b)(1), limit the jurisdiction of a district court to actual controversies, and there was no controversy between undersigned and Arthur as to Arthur's beneficial ownership of the res.

There also was no interest by undersigned in relation to attorneys fees, undersigned not being the "beneficiary" of the declaration, and the fee petition being directed at Arthur, thus there was no subject matter jurisdiction over undersigned, there being no actual or imagined controversy at that point even if there had been prior.

III. Cumulative Effect of Errors and Omissions of Trial Court Denied Appellant Due Process .

This Circuit has stated as to cumulative error analysis:

“...the Constitution entitles the petitioner to a fair trial, not a perfect one. *Rose v. Clark*, 478 U.S. 570, 579, 106 S.Ct. 3101, 92 L.Ed.2d 460 (1986); *Rogers*, 89 F.3d at 1338. And courts must be careful not to magnify the significance of errors which had little importance in the trial setting. *United States v. Ward*, 190 F.3d 483, 491 (6th Cir.1999).

This requires an examination of the entire record, paying particular attention to the nature and number of alleged errors committed; their interrelationship, if any, and their combined effect; how the trial court dealt with the errors, including the efficacy of any remedial measures; and the strength of the prosecution's case. *United States v. Fernandez*, 145 F.3d 59, 66 (1st Cir.1998); *United States v. Thomas*, 93 F.3d 479, 487 (8th Cir.1996); *United States v. Frederick*, 78 F.3d 1370, 1381 (9th Cir.1996); *Haddon*, 927 F.2d at 949.

To warrant relief, the reviewing court must determine that the effect of the errors, considered together, could not have been harmless. *United States v. Oberle*, 136 F.3d 1414, 1423 (10th Cir.1998).”

Alvarez v. Boyd, 225 F. 3d 820 (7th Cir 2000).

The High Court has also mandated that the “facts and circumstances” be considered in determining whether the errors of the trial court accumulated to deprive a party of due process. *Chambers v. Mississippi*, 410 US 284 (1973)(“under the facts and circumstances of this case the rulings of the trial court deprived Chambers of a fair trial”).

A simple facial review of the 19cv0827 docket, as well as Attachment F to the CCR 30(a) Short Appendix submitted herewith (noting at least 26 wholly or partially erroneous orders and related points of error), not to mention the numerous omissions complained of below and herein, clearly amount to a deprivation of Appellant’s right to have a district court closely scrutinize both Article III power, as well as jurisdiction under whatever statute or rule is invoked, as well as the right to be free of meritless, machinated complaints

and lawsuits, and to be dismissed immediately from a FRCP 22 action upon a finding of disinterest and award to another defendant. *CR 30(a) Short Appendix at Attachment F, p22; Ruhrgas, Supra; Alvarez v Boyd, Supra*

IV. CONCLUSION

Article III, FRCP 12(b)(1), and FRCP 22, as applied by the Supreme Court and the Seventh Circuit, required that the trial court reject the complaint on its face as pleading itself out of court, and failing to evince an Article III case or controversy, as well as failing to explain how a single case, 19cv0540, brought by Appellant as Counsel of Record and Custodian for Arthur, somehow was competing claims.

In *Chevron U.S. A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837(1984), this court held that where a statute is unambiguous, and Congress has directly addressed the question at issue, a court must give effect to Congress' language and its stated intent as written.

FRCP 22 as written requires that there be a real case or controversy, just as Article III does, and also mandates that the pleader be "uninterested", and release the unwanted funds, before it can be excused.

None of those unambiguous prerequisites are met by the complaint, standing alone, or when reviewed on the record, in toto, as presented today.

In *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 577, (1999), the Court reaffirmed that:

"Jurisdiction is the 'power to declare law,' and without it the...courts cannot proceed...Accordingly, not only may the...courts police subject matter

jurisdiction *su a sponte*, they must".

The High Court has directed that, when reviewing a complaint and record, and especially where there is a claim that subject matter jurisdiction is lacking, it is incumbent on a court to assure that the complaint is sufficiently pleaded and proved to confer subject matter jurisdiction on the court for each defendant, since initial jurisdiction must be clearly present in order for a court's actions and orders to be valid under the Constitution and thus binding upon the parties. *Id.*

The obligation also falls on reviewing courts. *Weaver v Hollywood Casino*, 255 F.3d 379, 381 (7th Cir. 2001) (Appellate Court *sua sponte* reviewed, and remanded for development of record, as to existence of trial court subject matter jurisdiction under Jones Act and general issue of Article III jurisdiction).

As stated by this Circuit in *Weaver*:

"[n]o court may decide a case without subject matter jurisdiction, and neither the parties nor their lawyers may stipulate to jurisdiction or waive arguments that the court lacks jurisdiction." *United States v. Tittjung*, 235 F.3d 330, 335 (7th Cir. 2000). Indeed, "[i]t is the duty of this court to satisfy itself not only of its own jurisdiction, but also that of the lower courts in a cause under review." *EEOC v. Chicago Club*, 86 F.3d 1423, 1428 (7th Cir. 1996) (citing *Mitchell v. Maurer*, 293 U.S. 237, 244, 55 S.Ct. 162, 79 L.Ed. 338 (1934)). Accordingly, if the parties do not do so, then a court must raise the jurisdictional question on its own, as we have done in this case. See *Tittjung*, 235 F.3d at 335; see also *Florino v. Olson*, 129 F.3d 678 (1st Cir. 1997) (considering *sua sponte* the question of whether admiralty jurisdiction existed).

Weaver at 381.

Thus, this Court must find, based on the record, the initial complaint failed to confer subject matter jurisdiction, as filed or as reviewed in light of the record docket, and that is was prejudicial error for the Court not to dismiss this matter at the outset, upon the initial motion to dismiss for lack of SMJ [22,23], or after the second motion to dismiss [146], and/or that the cumulative effect of the multiple errors resulted in deprivation of due process.

Respectfully Submitted By: ~~s/ Felipe Gomez, Pro Se~~ s/ Felipe Gomez, Pro Se Date: **8.15.22**

Felipe Gomez, Pro Se
1415 Ardmore Unit 7139
Villa Park IL 60181
(312) 509-2071
t312.509.2071@gmail.com

s/ Felipe Gomez, Pro Se

21-1597
20-3349

CERTIFICATE OF COMPLIANCE

This Brief complies with the type-volume limitations of Fed. R. App. P. 32(a)(7)(B) and Circuit Rule 32, because this document contains 9,853 words including headers, excluding the parts of the document exempted by Fed. R. App. P. 32(f). This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Wordperfect 9 in ChelthmlTC Bk 12pt style font.

Dated: 08.15.22

Submitted By: /s/ ~~Felipe Gomez Pro Se~~ s/ Felipe Gomez, Pro Se

Felipe Gomez, Pro Se
1415 Ardmore Unit 7139
Villa Park IL 60181
(312) 509-2071
t312.509.2071@gmail.com

21-1597

20-3349

CIRCUIT RULE 30(d) STATEMENT

Pursuant to Circuit Rule 30(d), counsel certifies that all material required by Circuit Rule 30(a) are attached hereto, and those required by CR 30(b) are referenced in the Brief, and the latter will be included in the separate deferred appendix being submitted under separate cover, with separate certification.

Dated: 08.15.22

By: /s/ ~~Felipe Gomez Pro Se~~ s/ Felipe Gomez, Pro Se

Felipe Gomez, Pro Se
1415 Ardmore Unit 7139
Villa Park IL 60181
(312) 509-2071
t312.509.2071@gmail.com

21-1597
20-3349

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2022, the Brief of Appellant, with short appendix, was filed with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: 08.15.22

By: /s/ ~~Felipe Gomez Pro Se~~ s/ Felipe Gomez, Pro Se

Felipe Gomez, Pro Se
1415 Ardmore Unit 7139
Villa Park IL 60181
(312) 509-2071
t312.509.2071@gmail.com

No. 26-

IN THE
Supreme Court of the United States

Felipe N. Gomez, Petitioner

v.

E*Trade Securities LLC, Respondent

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Seventh Circuit

APPENDIX TO PETITION FOR CERTIORARI

Vol. 2 of 2

(Exhibits 13-20)

Felipe N. Gomez, Pro Se
P.O. 9263
Lombard, IL 60148
331-218-3772
233023gomez@gmail.com

March 9, 2026

PETITION FOR CERTIORARI

USCA7 21-1597

INDEX TO PETITIONER'S APPENDIX
(2 Volumes)

Exhibit # Page #

Vol. 1

1.	4.2.21 <i>E*Trade v Gomez</i> 19cv0827 District Court Order.....	3
2.	12.15.22 USCA7 21-1597 Order.....	6
3.	2.2.23 USCA7 21-1597 Order.....	12
4.	12.9.25 USCA7 21-1597 "Mack Bar" Order.....	15
5.	<i>Arthur Gomez v Schwab (NDIL)</i> , 19cv0540 Docket.....	18
6.	<i>E*Trade v Gomez (NDIL)</i> , 19cv0827 Docket.....	27
7.	1.27.19 <i>Arthur Gomez v E*Trade</i> , 19cv0540 Complaint.....	52
8.	3.7.19 19cv0540 First Amended Complaint.....	111
9.	4.17.19 19cv0540 Second Amended Complaint.....	129
10.	2.8.19 <i>E*Trade v Gomez</i> , 19cv0827 Complaint.....	145
11.	4.27.19 19cv0540 Voluntary Dismissal.....	155
12.	USCA7 21-1597 Docket.....	158
13.	8.15.22 21-1597 Appellant's Brief (Brief).....	169

Vol. 2

13.	8.15.22 21-1597 Appendix to Appellant's Brief.....	218
14.	9.22.22. 21-1597 Appellee's Response.....	246
15.	10.26.22 21-1597 Appellant's Reply.....	284
16.	10.28.22 19cv0540 Stipulated Dismissal.....	329
17.	<i>In Re Felipe Nery Gomez</i> , 23B3023 (NDILB) Docket.....	337
18.	5.21.25 23B3023 Order Approving Waiver of Discharge.....	392
19.	9.18.25 and 10.17.25 Gomez 23B3023 Motions to Enforce Stay....	396/411
20.	11.7.25 23B3023 Order Denying Motions and Lifting Stay.....	422

In the
United States Court of Appeals
for the **Seventh Circuit**

E*TRADE SECURITIES LLC

Plaintiff-Appellee

v.

FELIPE N GOMEZ
ARTHUR J GOMEZ

Defendant-Appellant
Defendant-Non Appellant

Appeal from the United States District Court
for the Northern District of Illinois, Eastern Division, No. 19-cv-0827.
The Honorable Rebecca Pallmeyer, Judge Presiding.

DEFENDANT- APPELLANT FELIPE N GOMEZ
SHORT APPENDIX

Submitted By:

Felipe Gomez, Pre Se
1415 Ardmore Unit 7139
Villa Park IL 60181
312.509.2071
t312.509.2071@gmail.com

August 15, 2022

21-1597

20-3349

CR 30(a)
SHORT APPENDIX

Appellant's Brief

21-1597

22-3349

TABLE OF CONTENTS TO APPELLANT'S BRIEF
CR 30(a) APPENDIX

A. 10.20.20 Stipulation of Dismissal [156].....A-2

B. 11.25.20 Minute Entry Granting Fees [166].....A-10

C. 11.25.20 Order Granting Fees [167]..... A-12

D. 04.02.21 Minute Entry Terminating Case[183].....A-15

E. 04.06.21 Judgment Order [188].....A-18

F. 4.19.22 Latest Minute Order [210].....A-20

G. List of Orders Challenged For Error.....A-22

SHORT APPENDIX

ATTACHMENT A

10.20.20
Stipulation of Dismissal
[156]

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

E*TRADE Securities LLC,)	
)	
Interpleader Plaintiff,)	
)	
v.)	No.: 1:19-cv-00827
)	Honorable Rebecca R. Pallmeyer
Felipe Nery Gomez and Arthur James)	
Muellman Gomez,)	
)	
Interpleader Defendants.)	

STIPULATION OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED, by and between Interpleader Plaintiff E*TRADE Securities LLC (“E*TRADE”), by and through its undersigned counsel, Interpleader Defendant Felipe Nery Gomez (“Felipe Gomez”), and Interpleader Defendant Arthur James Muellman Gomez (“AJ Gomez”), that this action shall be dismissed according to the following terms:

1. E*TRADE shall transfer all assets contained in the E*TRADE account that is the subject of this action to TD Ameritrade Account No. 494521651. AJ Gomez must initiate this transfer with TD Ameritrade.

2. Felipe Gomez and AJ Gomez shall dismiss with prejudice all pending lawsuits against E*TRADE, Reed Smith LLP, and James T. Hultquist. This includes, but is not limited to *Gomez v. ETrade Securities LLC*, 2019-CH-13851 (Cir. Ct. of Cook Cnty.) and *Gomez v. Pallmeyer, et al.*, 2019-CH-14892 (Cir. Ct. of Cook Cnty.).

3. Felipe Gomez and AJ Gomez release, acquit, and forever discharge E*TRADE and its agents, assigns, representatives, beneficiaries, insurers, successors in interest, and attorneys, and Reed Smith LLP and its agents, assigns, representatives, beneficiaries, insurers, successors in

interest, attorneys, and employees, of and from any and all claims, actions, causes of action, suits, debts, demands, rights, damages, costs, attorney fees, obligations, contracts, covenants, expenses, liens and compensation whatsoever, in law or in equity, now existing or which may hereinafter accrue by reason of any facts or circumstances, whether known or unknown, foreseen and unforeseen, arising out of or in any way related to this litigation and/or the claimed assets that are the subject of this litigation.

4. This action is dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), however, the Court shall retain jurisdiction only to enforce the terms of this stipulation.

5. Each party shall bear its own costs and fees.

IT IS THEREFORE ORDERED AND ADJUDGED that the above-captioned matter is dismissed with prejudice and without costs or fees to any party.

DATED this _____ day of _____ 2020.

HONORABLE REBECCA R. PALLMEYER
U.S. District Court Judge

IT IS SO STIPULATED:

/s/ James T. Hultquist
James T. Hultquist
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606-7507
jhultquist@reedsmith.com

*Counsel for Interpleader Plaintiff E*TRADE
Securities LLC*

/s/
Felipe Gomez
Interpleader Defendant

/s/
Arthur James Muellman Gomez

Interpleader Defendant


Virginia Prihoda
Law Offices of Virginia Prihoda
7551 N. Oakley
Chicago, IL 60645
virginiaprihoda@hotmail.com

*Counsel for Interpleader Defendant Arthur
James Muellman Gomez*

IT IS SO STIPULATED:

/s/ James T. Hultquist
James T. Hultquist
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606-7507
jhultquist@reedsmith.com

*Counsel for Interpleader Plaintiff E*TRADE
Securities LLC*

/s/ 
Felipe Gomez 10.26.20

Interpleader Defendant

/s/
Arthur James Muellman Gomez

Interpleader Defendant

Virginia Prihoda
Law Offices of Virginia Prihoda
7551 N. Oakley
Chicago, IL 60645
virginiaprihoda@hotmail.com

*Counsel for Interpleader Defendant Arthur
James Muellman Gomez*

IT IS SO STIPULATED:

/s/ James T. Hultquist
James T. Hultquist
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606-7507
jhultquist@reedsmith.com

*Counsel for Interpleader Plaintiff E*TRADE
Securities LLC*

/s/
Felipe Gomez
Interpleader Defendant

/s/ Arthur James Muellman Gomez 10/26/2020
Arthur James Muellman Gomez

Interpleader Defendant

Virginia Prihoda
Law Offices of Virginia Prihoda
7551 N. Oakley
Chicago, IL 60645
virginiaprihoda@hotmail.com

*Counsel for Interpleader Defendant Arthur
James Muellman Gomez*

Case: 21-1597 Document: 25 Filed: 08/15/2022 Page: 76 (57 of 76)

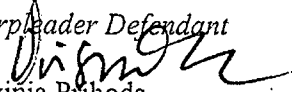
IT IS SO STIPULATED:

/s/ James T. Hultquist
James T. Hultquist
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606-7507
jhultquist@reedsmith.com

*Counsel for Interpleader Plaintiff E*TRADE
Securities LLC*

/s/
Felipe Gomez
Interpleader Defendant

/s/
Arthur James Muellman Gomez

Interpleader Defendant

Virginia Prihoda
Law Offices of Virginia Prihoda
7551 N. Oakley
Chicago, IL 60645
virginiaprihoda@hotmail.com

*Counsel for Interpleader Defendant Arthur
James Muellman Gomez*

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2020, I electronically filed the foregoing **STIPULATION OF DISMISSAL** with the Clerk of Court using the CM/EFC system which will send notification of such filing to the CM/ECF participants who have entered an appearance in this action.

/s/ James T. Hultquist
James T. Hultquist

21-1597
20-3349

SHORT APPENDIX

ATTACHMENT B

11.25.20 Minute Entry Granting Fees

[166]

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.3
Eastern Division**

E*TRADE Securities LLC

Plaintiff,

v.

Case No.: 1:19-cv-00827

Honorable Rebecca R. Pallmeyer

Arthur James Muellman Gomez, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, November 25, 2020:

MINUTE entry before the Honorable Rebecca R. Pallmeyer: E*Trade reports that the parties entered into a stipulation for dismissal of this lawsuit. Though E*Trade complied with its obligations by transferring funds to a TD Ameritrade account, under Defendant AJ Gomez's name, Defendants themselves have failed to comply by dismissing other pending lawsuits. Defendant Felipe Gomez has suggested that the stipulation is unenforceable because it did not set a date certain for dismissal of the state court lawsuits. Such a suggestion is meritless. The court believes the stipulation is enforceable by its terms and that Defendants' failure to dismiss other litigation is a breach of the parties' agreement and potentially a contempt of the court. E*Trade now seeks a ruling on its motion for an award of attorneys' fees and motion to discharge, noting that apart from moving to strike the motion for fees, Defendants have not responded to those motions. The motion for a ruling [165] is granted. The motion for an award of fees and costs [86] is granted, and fees are awarded in favor of E*Trade. Because the delays and difficulties in resolving this very straightforward interpleader action are attributable to Defendant Felipe Gomez, the fee award is made against him personally. E*Trade's motion for a discharge order [119] is also granted, but relief is limited to the relief requested in paragraphs 6 and 7 of its motion for such an order. E*Trade is directed, within 14 days, to prepare a draft order that incorporates its award of fees and expenses and includes the relief set forth in paragraph 6 and 7. Defendants' motion for a rule to show cause [124], to reset briefing order [133], to strike notice of motion and motion for fees [141], and to dismiss for lack of jurisdiction [148] are denied. The parties are again urged to resolve this case, which has generated extraordinary and wholly unnecessary conflict. Notice mailed by judge's staff (ntf,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please

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SHORT APPENDIX

ATTACHMENT C

11.25.20 Order Granting Fees

[167]

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

E*TRADE Securities LLC,)	
)	
Interpleader Plaintiff,)	
)	
v.)	No.: 1:19-cv-00827
)	Honorable Rebecca R. Pallmeyer
Felipe Nery Gomez and Arthur James)	
Muellman Gomez,)	
)	
Interpleader Defendants.)	

**ORDER GRANTING INTERPLEADER PLAINTIFF E*TRADE SECURITIES LLC'S
MOTION FOR ATTORNEYS' FEES AND COSTS AND MOTION FOR LEAVE TO
LIQUIDATE AND DEPOSIT FUNDS INTO THE COURT REGISTRY, DISMISS
INTERPLEADER PLAINTIFF WITH PREJUDICE, AND DISCHARGE
INTERPLEADER PLAINTIFF OF LIABILITY**

Upon consideration of E*TRADE Securities LLC's Motion for Attorneys' Fees and Costs [ECF No. 86] ("Motion for Fees") and E*TRADE Securities LLC's Motion For Leave To Liquidate And Deposit Funds Into The Court Registry, Dismiss Interpleader Plaintiff With Prejudice, And Discharge Interpleader Plaintiff Of Liability [ECF No. 119] ("Motion to Discharge"), proper notice having been given to Interpleader Defendants Felipe Nery Gomez and Arthur James Muellman Gomez, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED that:

1. E*TRADE's Motion for Fees is **GRANTED**. E*TRADE is awarded its attorneys' fees of \$124,491.15 and its costs of \$3,825.57 that it incurred in connection with this interpleader action. Because the delays and difficulties in resolving this very straightforward interpleader action are attributable to the conduct of Defendant Felipe Gomez, the award of \$124,491.15 in fees and \$3,825.57 in costs is made against him personally.
2. E*TRADE's Motion to Discharge is **GRANTED**. E*TRADE is dismissed from this action with prejudice and E*TRADE, its employees, and Reed Smith and its partners and employees, are released of and from all claims, actions, causes of action, suits, debts, demands, rights, damages, costs, attorney fees, obligations, contracts, covenants, expenses, liens and compensation whatsoever, in law or in

equity, arising out of or in any way related to this action and/or the assets at issue in this action.

DATED this 30th day of November, 2020.



REBECCA R. PALLMEYER
U.S. District Court Judge

21-1597
20-3349

SHORT APPENDIX

ATTACHMENT D

4.2.21 Minute Entry Terminating Case
[183]

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.3
Eastern Division**

E*TRADE Securities LLC

Plaintiff,

v.

Case No.: 1:19-cv-00827

Honorable Rebecca R. Pallmeyer

Arthur James Muellman Gomez, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Friday, April 2, 2021:

MINUTE entry before the Honorable Rebecca R. Pallmeyer: Defendant Felipe Nery Gomez's Rule 58 motion for termination [179] is granted. Enter Order. Civil case terminated. Notice mailed by judge's staff (ntf,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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21-1597

20-3349

SHORT APPENDIX

ATTACHMENT E

**4.6.21 FRCP 58 Judgement Order
[188]**

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

E*TRADE Securities LLC.,

Plaintiff(s),

v.

Felipe Nery Gomez and Arthur James Muellman
Gomez,

Defendant(s).

Case No. 19 C 827
Judge Rebecca R. Pallmeyer

JUDGMENT IN A CIVIL CASE

Judgment is hereby entered (check appropriate box):

in favor of plaintiff(s)
and against defendant(s)
in the amount of \$ _____,

which includes pre-judgment interest.
 does not include pre-judgment interest.

Post-judgment interest accrues on that amount at the rate provided by law from the date of this judgment.

Plaintiff(s) shall recover costs from defendant(s).

in favor of defendant(s)
and against plaintiff(s)

Defendant(s) shall recover costs from plaintiff(s).

other: E*Trade is directed to deposit funds in the court registry

This action was (*check one*):

- tried by a jury with Judge Rebecca R. Pallmeyer presiding, and the jury has rendered a verdict.
- tried by Judge Rebecca R. Pallmeyer without a jury and the above decision was reached.
- decided by Judge Rebecca R. Pallmeyer on a Rule 58 motion for judgment.

Date: 4/6/2021

Thomas G. Bruton, Clerk of Court

/s/ Nicole Fratto, Deputy Clerk

21-1597
20-3349

SHORT APPENDIX

ATTACHMENT F
4.19.22 Latest Minute Entry
[202]

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.4
Eastern Division**

E*TRADE Securities LLC

Plaintiff,

v.

Case No.: 1:19-cv-00827

Honorable Rebecca R. Pallmeyer

Arthur James Muellman Gomez, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, April 19, 2022:

MINUTE entry before the Honorable Rebecca R. Pallmeyer: Defendant Felipe Gomez's reply, if any, in support of his pending motions [203, 204, 205, 206] shall be filed on or before May 4, 2022. Emailed notice (yt)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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21-1597
20-3349

SHORT APPENDIX

ATTACHMENT F

**List of Challenged Orders
Cumulative Error**

21-1597

21-3349

SHORT APPENDIX

ATTACHMENT F

List of Orders Challenged as Cumulative Error

ORDERS/POINTS OF ERROR

Dkt #	Date/Type	Description/Points of Error	#
[18]	3.18.19 Minute Entry	granting protective order and admitting no authority over case where the court lacks jurisdiction	1
[33]	6.18.19 EC 19D19 Order	prejudicing party defendant Gomez	2
[37]	6.27.19 Order	appointing unrequested Counsel Mote for AJ Gomez, and ignoring Defendants' 5.30.19 Joint Answer [31] establishing lack of controversy between Defendants as to ownership of the res	3
[40]	7.15.19 Minute Entry	granting "Movant Arthur James Muellman motion to withdraw" when Arthur never authorized Counsel Mote to file an appearance or anything on his behalf , 7.16.19 Minute Entry [41] appointing unrequested Counsel Kopka for AJ Gomez,	4
[69]	11.25.19 Minute Entry	ordering body attachment of AJ Gomez despite 11.21.19 appearance [65] of Counsel of choice Mulroney for AJ Gomez,	5

[70]	11.25.19 Minute Entry	denying motion for interlocutory appeal [68] while finding that "...Felipe Gomez has twice represented that he understands that the funds at issue are properly payable to Mr. Mulroney's client, and thus he believes the case is ripe for resolution",	6
[97]	2.7.10 Minute Entry	failing to acknowledge AJ Gomez Suggestion of Bankruptcy and Automatic Stay in Chap. 13 Case #B20-2889 [95],	7
[100]	2.12.20 Minute Entry	again issuing body attachment on AJ Gomez despite Bankruptcy Stay and Counsel Mulroney's appearance of record and appearance at status,	8
[101]	2.12.20 Writ	again issuing body attachment on AJ Gomez despite Bankruptcy Stay and Counsel Mulroney's appearance of record and appearance at status,	9
[103]	2.13.20 Minute Entry	staying Writ but failing to remove body attachment and ordering no execution,	10
[109]	2.14.20 Return of Executed Writ	executed despite stay [103],	11
[107]	2.18.20 Minute Entry	failing to award Arthur and end matter despite all parties being before the Court (with transcript [111])	12
[110]	2.18.20 EC 19D19 Order	prejudicing non-attorney of record and private party defendant Gomez	13
[112]	2.25.20 Minute Entry	failing to award and terminate, belatedly ordering 3.4.20 deposit to Registry (with transcript [127])	14
Unnumbered Entry	2.26.20 Certificate of Service	reflecting that [110] was mailed by the EC to Co-Defendant Arthur Gomez, prejudicing Appellant in 19cv0927 using an unrelated matter (19D19)	15

[114]	3.4.20 Minute Entry	finding (for the third time) no dispute as to ownership of the res between Defendants, belatedly ordering deposit to Registry, and failing to dismiss <i>nunc pro tunc</i> for lack of Article III case or controversy.	16
[125]	3.24.20 Minute Entry	failing to address or set briefing on Defendant's Joint Motion for Rule [124] for failure of Etrade to disgorge or comply with [114].	17
[149]	10.13.20 Minute Entry	entering and continuing Felipe Gomez Motion to Dismiss for lack of Art. III or interpleader jurisdiction over movant (in view of multiple Court findings of no dispute and award to Arthur).	18
[166]	11.25.20 Minute Entry	continuing matter despite lack of Article III or interpleader jurisdiction in view of the findings and [156] and despite finding stipulation [156] enforceable, erroneously granting motions [86, 165] for attorneys fees despite the stipulation waiving same, belatedly granting motion [119] for discharge, erroneously denying Defendant F. Gomez motions, without briefing or hearing for: rule to show cause [124], to reset briefing [133], strike fee motion [141], and dismissal for lack of jurisdiction [148].	19
[167]	11.30.20 Minute Entry	again erroneously granting Etrade motion for fees, belatedly granting unneeded motion for leave to deposit to the Registry, and belatedly granting motion to dismiss Plaintiff.	20
[178]	3.29.21 Minute Entry	denying motions to recuse [174, 175].	21
[181]	4.1.21. Minute Entry	ex parte granting protective order	22

[182]	4.1.21 Order	ex parte granting protective order	23
[188]	4.6.21 Judgement	belatedly entered, with Appellant asserting the case was never an interpleader in the first place, rather a counterclaim from 19cv0540	24
[199]	9.6.21 Minute Entry	denying Motion for Fee Waiver [198] for Appeal	25
[202]	3.21.22 Order	granting Etrade Motion for Instructions [194] and waiving LR 54.3, and denying Motion to Strike [196]	26

PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 14

USA7 21-1597

9..22.22 Appellee's Response Brief

No. 21-1597

In the

**United States Court of Appeals
for the Seventh Circuit**

E*TRADE SECURITIES LLC,

Plaintiff-Appellee,

v.

FELIPE N. GOMEZ,

Defendant-Appellant.

BRIEF OF PLAINTIFF-APPELLEE

On Appeal from the United States District Court for the Northern District of Illinois,
No. 1:19-cv-00827 (Hon. Rebecca R. Pallmeyer)

James T. Hultquist
REED SMITH LLP
10 S. Wacker Dr., 40th Fl.
Chicago, IL 60606
Tel: (312) 207-1000
JHultquist@ReedSmith.com

Counsel for Plaintiff-Appellee
E*TRADE SECURITIES LLC

Appellate Court No: 21-1597

Short Caption: E*TRADE Securities LLC v. Felipe N. Gomez

To enable the judges to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party, amicus curiae, intervenor or a private attorney representing a government party, must furnish a disclosure statement providing the following information in compliance with Circuit Rule 26.1 and Fed. R. App. P. 26.1.

The Court prefers that the disclosure statements be filed immediately following docketing; but, the disclosure statement must be filed within 21 days of docketing or upon the filing of a motion, response, petition, or answer in this court, whichever occurs first. Attorneys are required to file an amended statement to reflect any material changes in the required information. The text of the statement must also be included in the front of the table of contents of the party's main brief. **Counsel is required to complete the entire statement and to use N/A for any information that is not applicable if this form is used.**

PLEASE CHECK HERE IF ANY INFORMATION ON THIS FORM IS NEW OR REVISED AND INDICATE WHICH INFORMATION IS NEW OR REVISED.

(1) The full name of every party that the attorney represents in the case (if the party is a corporation, you must provide the corporate disclosure information required by Fed. R. App. P. 26.1 by completing item #3):

E*TRADE Securities LLC

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:

Reed Smith LLP

(3) If the party, amicus or intervenor is a corporation:

i) Identify all its parent corporations, if any; and

ETCM Holdings LLC; Morgan Stanley Domestic Holdings Inc.; Morgan Stanley Capital Management LLC;

and Morgan Stanley.

ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:

Morgan Stanley is a publicly traded company that, indirectly through the above subsidiary entities, owns

more than 10% of E*TRADE Securities LLC.

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

N/A

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

N/A

Attorney's Signature: /s/ James T. Hultquist Date: 9/14/2022

Attorney's Printed Name: James T. Hultquist

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). Yes No

Address: Reed Smith LLP, 10 South Wacker Drive, 40th Floor, Chicago, IL 60606

Phone Number: 312.207.1000 Fax Number: 312.207.6400

E-Mail Address: JHultquist@ReedSmith.com

TABLE OF CONTENTS

	Page
INTRODUCTION	1
COUNTERSTATEMENT OF JURISDICTION.....	2
COUNTERSTATEMENT OF THE ISSUES.....	4
COUNTERSTATEMENT OF THE CASE	4
A. Factual Background.....	4
1. AJ Gomez’s E*TRADE Account.....	4
2. Mr. Gomez’s Attempts to Control the Assets in AJ Gomez’s E*TRADE Account	5
B. Procedural Background.....	6
1. E*TRADE Interpleader Complaint.....	6
2. Mr. Gomez’s Attempts to Delay the Resolution of the Action.....	7
3. E*TRADE’s Motion for Attorneys’ Fees & Costs	9
4. Mr. Gomez’s Refusal to Honor the Terms of the Parties’ Stipulation of Dismissal.....	11
5. E*TRADE’s Award of Attorneys’ Fees and Costs and Discharge of all Liability.....	13
6. Mr. Gomez’s Appeal.....	14
7. Mr. Gomez’s Refusal to Meet and Confer on the Amount of Fees and Costs to be Awarded to E*TRADE	15
SUMMARY OF THE ARGUMENT.....	16
STANDARD OF REVIEW.....	17
ARGUMENT	19

I. The district court had subject matter jurisdiction over E*TRADE’s interpleader action.19

A. The district court had subject matter jurisdiction based on diversity jurisdiction.....19

B. The district court’s jurisdiction was not premised on Rule 22 nor could it have been.20

C. The district court had Article III jurisdiction over E*TRADE’s interpleader action.21

II. E*TRADE satisfied the requirements of Rule 22.24

III. The district court did not violate Mr. Gomez’s constitutional rights.26

CONCLUSION27

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Aaron v. Mahl</i> , 550 F.3d 659 (7th Cir. 2008)	16, 23, 24, 25
<i>Advert. Specialty Inst. v. Hall-Erickson, Inc.</i> , 601 F.3d 683 (7th Cir. 2010)	17
<i>Arnold v. KJD Real Estate, LLC</i> , 752 F.3d 700 (7th Cir. 2014)	16, 20
<i>Bierman v. Marcus</i> , 246 F.2d 200 (3d Cir. 1957)	22
<i>BRC Rubber & Plastics, Inc. v. Conti'l Carbon Co.</i> , 981 F.3d 618 (7th Cir. 2020)	17
<i>C & N Corp. v. Gregory Kane & Ill. River Winery, Inc.</i> , 756 F.3d 1024 (7th Cir. 2014)	18, 26
<i>Carnes Co. v. Stone Creek Mech., Inc.</i> , 412 F.3d 845 (7th Cir. 2005)	17
<i>CCC Info. Servs. v. Am. Salvage Pool Ass'n</i> , 230 F.3d 342 (7th Cir. 2000)	17
<i>Charles Schwab & Co. v. Gomez</i> , Nos. 21-1344, 21-2531, 2022 U.S. App. LEXIS 4698 (7th Cir. Feb. 22, 2022)	1, 20, 21, 25
<i>Cloutier v. Gojet Airlines</i> , 996 F.3d 426 (7th Cir. 2021)	17
<i>Commer. Nat'l Bank v. Demos</i> , 18 F.3d 485 (7th Cir. 1994)	20
<i>Davis v. Ruby Foods, Inc.</i> , 269 F.3d 818 (7th Cir. 2001)	18, 26

Francis I. Du Pont & Co. v. O'Keefe,
365 F.2d 141 (7th Cir. 1966)22

Garrett v. UBS Fin. Servs.,
717 F. App'x 746 (9th Cir. 2018)22

Genworth Life Ins. Co. v. Cathey,
No. 21-cv-02873, 2022 U.S. Dist. LEXIS 128231 (N.D. Ill. July 20,
2022)20

Ill. Psychological Asso. v. Falk,
818 F.2d 1337 (7th Cir. 1987).....26

Indianapolis Colts v. Baltimore,
741 F.2d 954 (7th Cir. 1984)23

Jeffers v. Comm'r of Internal Revenue,
992 F.3d 649 (7th Cir. 2021)18

Oates v. Discovery Zone,
116 F.3d 1161 (7th Cir. 1997)..... 18, 24

Silba v. ACT, Inc.,
807 F.3d 169 (7th Cir. 2015)22

Spokeo, Inc. v. Robins,
578 U.S. 330 (2016)21

United States v. 5443 Suffield Terrace, Skokie, Ill.,
607 F.3d 504 (7th Cir. 2010) 18, 24

United States v. Dunkel,
927 F.2d 955 (7th Cir. 1991)18

Weaver v. Hollywood Casino-Aurora, Inc.,
255 F.3d 379 (7th Cir. 2001)17

Statutes

28 U.S.C. § 1291 3

28 U.S.C. § 1332*passim*

28 U.S.C. § 1335*passim*

Rules

Fed. R. Civ. P. 22.....*passim*

L.R. 54.3..... 4, 15

Other Authorities

U.S. Const. art. III, § 2.....21

INTRODUCTION

This case arises out of an interpleader action that Plaintiff-Appellee E*TRADE Securities LLC (“E*TRADE”) filed against Defendant-Appellant Felipe Gomez (“Mr. Gomez”) and his son, Arthur James Muellman Gomez (“AJ”) to resolve whether Mr. Gomez or AJ controlled assets that, at the time, were in an E*TRADE account. This case is very similar to an interpleader action filed by Charles Schwab & Co., Inc. (“Schwab”) against Mr. Gomez and AJ. *See Charles Schwab & Co., Inc. v. Felipe Nery Gomez, et al.*, No. 1:19-cv-3833 (N.D. Ill.). There, the district court accepted Schwab’s proposed transfer of funds, relieved Schwab of liability, and sanctioned Mr. Gomez for abusive litigation conduct. When Mr. Gomez appealed and raised the same flawed arguments that he raises here, this Court rejected those arguments. *See Charles Schwab & Co. v. Gomez*, Nos. 21-1344, 21-2531, 2022 U.S. App. LEXIS 4698 (7th Cir. Feb. 22, 2022).

Though this case has a convoluted procedural history at the district court level (due to Mr. Gomez’s dilatory behavior), this appeal involves a straightforward and basic legal issue: whether the district court had subject matter jurisdiction over the action. Like this Court did in the *Schwab* appeal, this Court can easily affirm that the district court had subject matter jurisdiction over E*TRADE’s interpleader action because E*TRADE adequately pleaded diversity jurisdiction under 28 U.S.C. § 1332, which is all that is required for Rule 22 interpleader actions.

Moreover, E*TRADE satisfied the requirements of Rule 22 given Mr. Gomez's demands to control assets that were in the E*TRADE account under AJ Gomez's name. Similar to *Schwab*, Mr. Gomez's assertions that he was AJ's lawyer and custodian did not alleviate E*TRADE's concerns because Mr. Gomez steadfastly opposed any control by AJ over the assets.

Finally, this Court should disregard Mr. Gomez's attempts to cast aspersions on District Court Judge Rebecca R. Pallmeyer, the judge overseeing E*TRADE's interpleader action. Mr. Gomez's claims that Judge Pallmeyer "personal[ly] attack[ed]" him and had "an animus" towards him that clouded her "objectivity" is absolutely erroneous. (Opening Br. at 7.) As the district court record makes clear, Judge Pallmeyer went above and beyond to provide Mr. Gomez (and his son) with sufficient opportunity to be heard. Therefore, Mr. Gomez's claim that his constitutional rights were somehow violated by the district court is completely unfounded.

For these reasons, this Court should affirm the district court in all respects.

COUNTERSTATEMENT OF JURISDICTION

Mr. Gomez correctly stated in his appellant brief that the district court had subject matter jurisdiction pursuant to 28 U.S.C. § 1332 (Opening Br. at 1), but he incorrectly backtracked from that statement in his Amended Jurisdictional Statement (7th Cir. ECF 27). Because Mr. Gomez's appellant brief and Amended Jurisdictional Statement fail to provide a correct and complete jurisdictional summary, E*TRADE submits the following:

The district court had subject matter jurisdiction under 28 U.S.C. § 1332. There was complete diversity of citizenship between the parties because E*TRADE is incorporated in Delaware and has its principal place of business in New York (S.A. at 2, ¶ 4) while Mr. Gomez and AJ Gomez are citizens of the State of Illinois (S.A. at 2, ¶ 5).¹ Although Mr. Gomez appears to not dispute that the parties were sufficiently diverse, he incorrectly states that E*TRADE is a New Jersey corporation. (7th Cir. ECF 27.) In addition, the amount in controversy requirement was satisfied because at the time of filing, the combined value of the cash and stocks in the E*TRADE account exceeded \$75,000. (S.A. at 3-4, ¶¶ 18-21). Mr. Gomez's statement that he does not believe there was any amount in controversy (7th Cir. ECF 27) is baseless and wrong.

As for appellate jurisdiction, this Court has jurisdiction over this appeal pursuant to 28 U.S.C. § 1291. Mr. Gomez timely filed a notice of appeal on April 2, 2021 (ECF No. 1185) after the district court directed the clerk to enter a Rule 58 judgment (ECF No. 184), which was entered on April 6, 2022 (ECF No. 188). Since the Rule 58 judgment was entered, the district court has not taken any action affecting

¹ Record citations herein are to Mr. Gomez's Appendix ("App."), E*TRADE's Supplemental Appendix ("S.A."), documents on the district court docket ("ECF No."), and documents on this Court's docket ("7th Cir. ECF").

the appellate jurisdiction of this Court, including the district court's instructions to the parties to meet and confer pursuant to Local Rule 54.3 (ECF No. 184).²

COUNTERSTATEMENT OF THE ISSUES

E*TRADE re-states and re-orders Mr. Gomez's issues presented on appeal as follows:

1. Did the district court have subject matter jurisdiction over E*TRADE's interpleader action?
2. Did E*TRADE satisfy the requirements of Rule 22 of the Federal Rules of Civil Procedure for its interpleader action?
3. Did the district court's conduct in this matter violate Mr. Gomez's constitutional due process rights?

COUNTERSTATEMENT OF THE CASE

A. Factual Background

1. AJ Gomez's E*TRADE Account

The account at issue was an individual investment account that was opened at E*TRADE on December 28, 2018 (the "E*TRADE Account"). (S.A. at 3, ¶ 16.) The

² LR 54.3(c) provides, "The filing of a fee motion shall not stop the running of the time for appeal of any judgment on which the motion is founded. Where the parties reach an agreement as to the award and the award is to be based on a judgment, unless the agreement provides otherwise, it shall affect neither a party's right to appeal the fee order resulting from the agreement nor a party's right to seek a subsequent increase, decrease or vacation of the agreed award in the event the underlying judgment is reversed or modified by subsequent judicial proceedings or settlement."

owner of the E*TRADE Account was AJ Gomez. (*Id.*) On the same day the E*TRADE Account was opened, an individual accessed the account and requested that assets be transferred from an account at Charles Schwab belonging to AJ Gomez to the E*TRADE Account. (S.A. at 3, ¶ 17.) The assets in the Charles Schwab account were assets bequeathed to AJ Gomez from his grandmother. (S.A. at 2-3, ¶ 9.) By January 18, 2019, nearly \$33,000 in cash and more than 8,200 shares of various stocks were transferred from the Charles Schwab account into the E*TRADE Account. (S.A. at 3-4, ¶¶ 17-19.)

2. Mr. Gomez's Attempts to Control the Assets in AJ Gomez's E*TRADE Account

On January 27, 2019, Mr. Gomez filed a lawsuit in the Northern District of Illinois against Charles Schwab and its employees (Case No. 19-cv-00540) purportedly on behalf of AJ Gomez, seeking control of the account at Charles Schwab that had transferred assets to the E*TRADE Account. (S.A. at 4, ¶ 22.)

On January 29, 2019, Mr. Gomez contacted E*TRADE's lawyer and threatened to name E*TRADE as an additional defendant in Case No. 19-cv-00540 if E*TRADE did not transfer the assets in the E*TRADE Account to his or his co-counsel's attorney trust account. (S.A. at 4, ¶ 23.) One day later, Mr. Gomez made another demand on E*TRADE that it transfer the assets to a TD Ameritrade account. (S.A. at 5, ¶ 25.) E*TRADE refused Mr. Gomez's demands because the

E*TRADE Account was not a custodial account and was solely in AJ's name, who at the time was a legal adult in the State of Illinois. (S.A. at 4-5, ¶¶ 24-30.)

Nevertheless, Mr. Gomez continued to demand that E*TRADE transfer the assets out of the E*TRADE Account pursuant to his instructions. (S.A. at 5, ¶ 30.) Mr. Gomez even tried personally intimidating E*TRADE and its lawyers and threatened to pursue criminal charges if they did not capitulate to his demands. (S.A. at 5, ¶ 31.)

Part of E*TRADE's suspicions regarding Mr. Gomez's intentions was that the phone number associated with the E*TRADE Account belonged to Mr. Gomez, not AJ, and E*TRADE believed that Mr. Gomez may have made multiple phone calls to E*TRADE from that number attempting to impersonate AJ in an attempt to control the assets. (S.A. at 6, ¶¶ 33-34.)

B. Procedural Background

1. E*TRADE Interpleader Complaint

Mr. Gomez's relentless demands and threats left E*TRADE with no choice but to seek protection of the court. On February 8, 2019, E*TRADE filed an interpleader action against Mr. Gomez and AJ asking the district court to determine who was the lawful owner of the assets in the E*TRADE Account. (S.A. at 1-9.) E*TRADE asserted that the district court had subject matter jurisdiction pursuant to 28 U.S.C. § 1332 because there was diversity of citizenship between the interpleader-plaintiff,

E*TRADE, and the two interpleader-defendants, Mr. Gomez and AJ, and the value of the assets in the E*TRADE Account exceeded \$75,000. (S.A. at 2, ¶¶ 4-7.)

E*TRADE brought its interpleader action under Rule 22 of the Federal Rules of Civil Procedure. (S.A. at 1, ¶ 1.) E*TRADE alleged that there was a reasonable likelihood of conflicting claims with respect to the E*TRADE Account – a claim by AJ, as owner of the account, and a competing claim by Mr. Gomez based on his prior conduct and efforts to obtain access to AJ’s E*TRADE Account. (S.A. at 6-7, ¶¶ 35-43.)

2. Mr. Gomez’s Attempts to Delay the Resolution of the Action

After E*TRADE filed its complaint, the case went down an unnecessarily long and winding path because Mr. Gomez frustrated any potential resolution of what should have been a straightforward dispute.³

³ The history that follows is not intended to be a comprehensive recitation of all events that occurred at the district court level (which comprises more than 200 docket entries), but to provide this Court with an idea as to how Mr. Gomez unnecessarily prolonged this action. For example, Mr. Gomez’s harassment of E*TRADE employees and its counsel resulted in the district court entering two protective orders against Mr. Gomez. (ECF Nos. 18, 182.) As the district court recently noted, “The court takes notice that Mr. Gomez’s refusals to communicate with others in a professionally appropriate way has resulted in his being disqualified by this court’s Executive Committee from practicing law in this district. *See In re Gomez*, 829 F. App’x 136, 137 (7th Cir. 2020) (affirming the Executive Committee’s orders ‘based on [Gomez’s] pattern of sending harassing and threatening communications to other lawyers.’) Finding that Mr. Gomez has engaged in conduct that serves no purpose other than to ‘embarrass, delay, or burden’ others, the Illinois Supreme Court has suspended him from the practice of law until further order of the state’s Attorney

Continued on following page

Rather than filing a responsive pleading, Mr. Gomez filed a series of unnecessary motions. First, he filed a motion to consolidate the case with Case No. 19-cv-00540 (ECF No. 6), which is the case discussed above that he filed against Schwab and previously threatened to include E*TRADE – a threat he followed through on when he added E*TRADE and Reed Smith LLP (E*TRADE’s outside counsel) as defendants on March 7, 2019. (Case No. 19-cv-00540, ECF No. 11.)⁴ Next, he filed two motions to disqualify Reed Smith as E*TRADE’s counsel. (ECF Nos. 15, 20.) The district court denied Mr. Gomez’s motions to disqualify on March 18, 2019. (ECF No. 18.)

On March 26, 2019, Mr. Gomez finally filed a responsive pleading when he filed a motion to dismiss for lack of subject matter jurisdiction. (ECF No. 22.) Strangely, Mr. Gomez then filed another motion to consolidate the case with Case No. 19-cv-00540 (ECF No. 26.) Then just three days later, Mr. Gomez filed a notice that he was withdrawing his motion for lack of subject matter jurisdiction and his motions to consolidate. (ECF No. 27.)

Continued from previous page

Registration and Disciplinary Commission. *In re Gomez*, No. M.R. 030691, 2020PR00064 (Ill. Apr. 8, 2021) (Order).” (S.A. at 34.)

⁴ On April 27, 2019, Mr. Gomez voluntarily dismissed this case. (Case No. 19-cv-00540, ECF No. 52.)

On May 30, 2019, Mr. Gomez responded to the interpleader complaint by filing a general denial pursuant to Fed. R. Civ. P. 8(b)(3). (ECF No. 31.)

On June 17 and September 23, 2019, Mr. Gomez filed motions seeking to consolidate this case with the Schwab case (No. 1:19-cv-3833) (ECF No. 32, 47), but then withdrew both motions on October 13, 2019 (ECF No. 54).

On November 25, 2019, Mr. Gomez filed a motion seeking an array of relief, including an order certifying various orders for immediate appeal and staying the case pending the appeal and Mr. Gomez's Chapter 13 bankruptcy, which he filed on November 21, 2019 (ECF No. 66). (ECF No. 68.) The district court denied this motion on November 27, 2019, and stated, "The court notes that Mr. Felipe Gomez has twice represented he understands that the funds at issue in this interpleader action are properly payable to [AJ Gomez], and believes the case is thus ripe for resolution." (ECF No. 70.)

On January 6, 2020, the district court entered a minute entry that stated; "To bring this case to a conclusion, the court requires the participation of Mr. Gomez and of [AJ's attorney], and expects them to appear at the next scheduled status conference." (ECF No. 85.)

3. E*TRADE's Motion for Attorneys' Fees & Costs

On January 6, 2020, E*TRADE filed a motion seeking an award of its attorneys' fees and costs incurred in bringing its interpleader action. (S.A. at 10-19.) The district court entered and continued the motion numerous times between

January-March 2020, affording Mr. Gomez and AJ multiple opportunities to file a response, but neither Mr. Gomez nor AJ ever did. (ECF Nos. 88, 91, 97, 100, 107, 112.)

On February 18, 2020, the district court entered a minute entry that stated, in part, “The parties are reminded, further, that the case is ripe for resolution by way of an agreed order placing assets in the control of [AJ] Gomez as the interpleader respondent. The delays in accomplishing this, and in responding appropriately to court proceedings have been costly. Further unwarranted delays may result in sanctions.” (ECF No. 107.)

On February 25, 2020, the district court entered a minute entry that stated, in part, “As all parties appear to agree that [AJ] Gomez is the proper party to receive the funds in E*Trade’s possession, the court will, unless [AJ] Gomez appears in person or through independent counsel, order on 3/4/2020 that the funds be deposited in the court’s registry.” (ECF No. 107.)

On March 4, 2020, the district court took E*TRADE’s motion for attorneys’ fees and costs under advisement and ordered: “As Defendant Felipe Gomez has conceded that the assets at issue in this case belong to his son, the court directs Plaintiff E*Trade to submit a proposed order for deposit of the assets at issue in the court registry for distribution to [AJ] Gomez. [E*TRADE’s] Counsel is directed to consult the Court Clerk regarding deposit of securities.” (ECF No. 114.)

On March 11, 2020, E*TRADE filed a motion seeking leave to deposit the cash from the E*TRADE Account into the Court registry and to liquidate the stocks in the E*TRADE Account so they could also be deposited into the Court registry, and requesting that E*TRADE be dismissed from the case and discharged from all liability in connection with the case. (S.A. at 20-25.)

Shortly thereafter, the district court proceedings were delayed for several months due to the COVID-19 pandemic. (ECF Nos. 123, 126, 128, 130, 135.)

On September 11, 2020, Mr. Gomez filed a motion to strike E*TRADE's motion for attorneys' fees and costs. (ECF No. 141.)

4. Mr. Gomez's Refusal to Honor the Terms of the Parties' Stipulation of Dismissal

On October 2, 2020, the district court referred the case to Magistrate Judge Sheila M. Finnegan for a settlement conference. (ECF No. 144.) Before the settlement conference, Mr. Gomez filed a Rule 12(b)(1) motion to dismiss for lack of subject matter jurisdiction. (ECF No. 148.) The district court entered and continued the motion and stated it would set a briefing schedule if necessary after the settlement conference. (ECF No. 149.)

The parties agreed to settle the case before the scheduled settlement conference. The parties memorialized this agreement in the Stipulation of Dismissal that was filed on October 28, 2020, which imposed certain obligations on both E*TRADE and Mr. Gomez (and AJ) before the dismissal order could be entered by

the district court. (App. 1-8.) The stipulation required E*TRADE to transfer all the assets in the E*TRADE Account to a TD Ameritrade account belonging to AJ. (*Id.*) Mr. Gomez (and AJ) were then required to dismiss with prejudice all pending lawsuits against E*TRADE and its counsel.⁵ (*Id.*)

On November 10, 2020, E*TRADE complied with its obligation by completing the transfer of assets to AJ's TD Ameritrade account. (S.A. at 29, ¶ 10.) Thereafter, Mr. Gomez, in violation of the stipulation, defiantly told E*TRADE and Magistrate Judge Finnegan that he would not be compelled to dismiss his lawsuits against E*TRADE and its counsel. (*Id.* at ¶¶ 11-13.) When Magistrate Judge Finnegan reminded him that the stipulation required him to dismiss the lawsuits, Mr. Gomez responded by filing a declaratory action against E*TRADE, its counsel, and Magistrate Judge Finnegan personally in Cook County Chancery Court seeking to

⁵ On December 2, 2019, Mr. Gomez filed a declaratory action against E*TRADE in the Chancery Division of the Cook County Circuit Court seeking a declaration for a variety of items related to the assets in the E*TRADE Account. *See Gomez v. Etrade Securities LLC*, No. 19-CH-13851. On December 26, 2019, Mr. Gomez filed a lawsuit against E*TRADE, its outside counsel (James T. Hultquist), Mr. Hultquist's law firm (Reed Smith LLP), and Judge Pallmeyer in the Chancery Division of the Cook County Circuit Court asserting claims for alleged violations of various Illinois statutes, breach of fiduciary duty, conversion, RICO, and civil conspiracy. *See Gomez v. Pallmeyer, et al.*, No. 19-CH-14892. Neither of these lawsuits had any merit. Mr. Gomez eventually non-suited the declaratory action against E*TRADE and the other case was dismissed for want of prosecution.

void the stipulation that he just agreed to and signed. (*Id.* at ¶ 14; *see also Gomez v. E*TRADE Securities LLC, et al.*, Case No. 20-ch-6873.)⁶

5. E*TRADE's Award of Attorneys' Fees and Costs and Discharge of all Liability

Because Mr. Gomez refused to comply with the stipulation, E*TRADE filed a request with the district court to rule on its pending motion for attorneys' fees and costs and motion to liquidate and deposit the E*TRADE Account, dismiss E*TRADE from the case, and discharge E*TRADE of all liability. (S.A. at 26-32.)

On November 25, 2020, the district court entered a minute entry that stated, in part:

E*Trade reports that the parties entered into a stipulation for dismissal of this lawsuit. Though E*Trade complied with its obligations by transferring funds to a TD Ameritrade account, under Defendant AJ Gomez's name, Defendants themselves have failed to comply by dismissing other pending lawsuits. Defendant Felipe Gomez has suggested that the stipulation is unenforceable because it did not set a date certain for dismissal of the state court lawsuits. Such a suggestion is meritless. The court believes the stipulation is enforceable by its terms and that Defendants' failure to dismiss other litigation is a breach of the parties' agreement and potentially a contempt of the court.

⁶ On January 26, 2022, the Cook County Chancery Court entered an order granting E*TRADE's motion to dismiss this case with prejudice. On July 8, 2022, the same court entered an order directing Mr. Gomez to pay E*TRADE its attorneys' fees and costs as a sanction for filing and prosecuting a frivolous lawsuit in violation of Illinois Supreme Court Rule 137.

(App. 10.) The district court then granted E*TRADE's motion for attorneys' fees and costs as well as the motion seeking to discharge E*TRADE of all liability. (*Id.*) In granting the motions, the district court held, "Because the delays and difficulties in resolving this very straightforward interpleader action are attributable to Defendant Felipe Gomez, the fee award is made against him personally." (*Id.*) The district court also commented that Mr. Gomez's conduct "has generated extraordinary and wholly unnecessary conflict." (*Id.*) On November 30, 2020, the district court entered an order reflecting its ruling from the November 25, 2020 minute entry. (App. 12-14.)

6. Mr. Gomez's Appeal

On December 1, 2020, Mr. Gomez filed a notice of appeal that was docketed as Appeal No. 20-3349. (ECF No. 168.) On December 8, 2020, this Court advised Mr. Gomez that his appeal was premature because he filed it before the district court entered final judgment. (Appeal No. 20-3349, Dkt No. 7.) On March 29, 2021, Mr. Gomez finally requested⁷ that the district court enter a Rule 58 judgment (ECF No. 179), which the district court entered on April 2, 2021 (ECF No. 184). On April 2, 2021, Mr. Gomez filed an amended notice of appeal that was docketed as Appeal No. 21-1597. (ECF No. 185.) On March 18, 2022, this Court ordered that Appeal No. 20-

⁷ In the interim, Mr. Gomez was preoccupied filing a complaint of judicial misconduct against Judge Pallmeyer and filing a motion asking Judge Pallmeyer to recuse herself (ECF Nos. 174, 175). (*See* ECF No. 178.) The district court denied Mr. Gomez's motion for recusal. (*Id.*)

3349 was voluntarily dismissed pursuant to Fed. R. App. P. 42(b), leaving Appeal No. 21-1597 as the only appeal of E*TRADE's interpleader action. (7th Cir. ECF 18.)

7. Mr. Gomez's Refusal to Meet and Confer on the Amount of Fees and Costs to be Awarded to E*TRADE

As part of the order directing the Clerk to enter a Rule 58 judgment, the district court vacated E*TRADE's award of attorneys' fees and costs, in part, as follows: "The court stands by its conclusion that fees are to be awarded in favor of E*Trade and against Defendant Felipe Gomez, but concludes it erred in failing to direct the parties to engage in the LR 54.3 process to determine the precise amount of the award. The parties are directed promptly to initiate that process. While the parties engage in the 54.3 process, the judgment will be final and appealable." (ECF No. 184.)

Mr. Gomez refused to meet and confer with E*TRADE per the district court's order, so E*TRADE filed a motion for instructions under Local Rule 54.3 on May 13, 2021. (ECF No. 194.) On March 21, 2022, the district court granted E*TRADE's motion and instructed E*TRADE to submit a fee petition supporting its amount of requested fees and costs. (S.A. at 33-34.) E*TRADE submitted its fee petition on April 18, 2022. (ECF Nos. 208, 208-1.) The district court has yet to enter an order on the amount of fees and costs to be awarded to E*TRADE.

SUMMARY OF THE ARGUMENT

Mr. Gomez's principal argument is that the district court lacked subject matter jurisdiction to hear E*TRADE's interpleader action. Mr. Gomez, however, repeatedly confuses statutory interpleader, pursuant to 28 U.S.C. § 1335, and rule interpleader, pursuant to Fed. R. Civ. P. 22. While both types of interpleader claims allow neutral stakeholders to ask the court to resolve competing claims, they have different jurisdictional requirements.

This is a Fed. R. Civ. P. 22 interpleader action. "Unlike statutory interpleader actions under 28 U.S.C. § 1335, [i]nterpleader actions under Rule 22 ... must be based upon the general jurisdiction statutes applicable to civil actions in the federal courts." *Arnold v. KJD Real Estate, LLC*, 752 F.3d 700, 704 (7th Cir. 2014) (quotations omitted). E*TRADE satisfied this standard for jurisdiction. E*TRADE's interpleader complaint alleged that the district court had subject matter jurisdiction under 28 U.S.C. § 1332. E*TRADE sufficiently alleged diversity of citizenship between E*TRADE, the interpleader-plaintiff, and Mr. Gomez and AJ Gomez, the two interpleader-defendants.

In addition, E*TRADE's interpleader complaint satisfied the requirements of Fed. R. Civ. P. 22 by sufficiently alleging that it had "a real and reasonable fear of double liability or conflicting claims." *Aaron v. Mahl*, 550 F.3d 659, 663 (7th Cir. 2008). Mr. Gomez's contention that there were no conflicting claims because he was

purportedly AJ's agent did not extinguish E*TRADE's fears because Mr. Gomez resisted any control by AJ over the assets.

Finally, the district court's management of the interpleader action did not violate any of Mr. Gomez's constitutional rights. On the contrary, the district court provided Mr. Gomez with numerous opportunities to be heard despite his "obstreperous and contumacious conduct" that frustrated a timely resolution of the case. (S.A. at 33.)

For these reasons, as detailed further below, this Court should affirm the district court in all respects.

STANDARD OF REVIEW

This Court reviews "*de novo* the district court's legal determination of whether subject matter jurisdiction exists." *Cloutier v. Gojet Airlines*, 996 F.3d 426, 434 n.2 (7th Cir. 2021) (quoting *Weaver v. Hollywood Casino-Aurora, Inc.*, 255 F.3d 379, 381 (7th Cir. 2001)). The Court "look[s] first to the complaint to determine whether subject matter jurisdiction is established, accepting as true all well pleaded allegations and the inferences that may be reasonably drawn from those allegations." *CCC Info. Servs. v. Am. Salvage Pool Ass'n*, 230 F.3d 342, 346 (7th Cir. 2000).

The Court "review[s] the trial court's conclusions of law *de novo*" but "review[s] its findings of fact and applications of law to findings of fact only for clear error." *BRC Rubber & Plastics, Inc. v. Cont'l Carbon Co.*, 981 F.3d 618, 622 (7th Cir. 2020). "A finding of fact is clearly erroneous only when the reviewing court is left

with the definite and firm conviction that a mistake has been committed.” *Carnes Co. v. Stone Creek Mech., Inc.*, 412 F.3d 845, 847 (7th Cir. 2005). This Court “must affirm if the district court’s account of the evidence is plausible viewed in light of the record in its entirety.” *Advert. Specialty Inst. v. Hall-Erickson, Inc.*, 601 F.3d 683, 688 (7th Cir. 2010).

The district court’s decisions relating to the “management of litigation” are reviewed for abuse of discretion. *Davis v. Ruby Foods, Inc.*, 269 F.3d 818, 820 (7th Cir. 2001).

Arguments that are not raised below are waived and not considered on appeal. *United States v. 5443 Suffield Terrace, Skokie, Ill.*, 607 F.3d 504, 510 (7th Cir. 2010); *Oates v. Discovery Zone*, 116 F.3d 1161, 1168 (7th Cir. 1997) (“it is axiomatic that arguments not raised below are waived on appeal”) (citations omitted). The same holds true for arguments that are “underdeveloped, conclusory, or unsupported by law.” *C & N Corp. v. Gregory Kane & Ill. River Winery, Inc.*, 756 F.3d 1024, 1026 (7th Cir. 2014). As this Court has stated repeatedly, it “will not scour the record in an attempt to formulate a cogent argument when [an appellant] has presented none.” *Jeffers v. Comm’r of Internal Revenue*, 992 F.3d 649, 653 (7th Cir. 2021); *United States v. Dunkel*, 927 F.2d 955, 956 (7th Cir. 1991) (“Judges are not like pigs, hunting for truffles buried in briefs.”).

ARGUMENT

I. The district court had subject matter jurisdiction over E*TRADE's interpleader action.

Mr. Gomez's principal argument is that the district court lacked subject matter jurisdiction to hear E*TRADE's interpleader action. His argument, however, rests on a fundamental misunderstanding of the basis for a district court's jurisdiction when an interpleader-plaintiff invokes Rule 22 of the Federal Rules of Civil Procedure. As explained below, E*TRADE adequately pleaded diversity jurisdiction under 28 U.S.C. § 1332, which is all that was required for a Rule 22 interpleader action.

A. The district court had subject matter jurisdiction based on diversity jurisdiction.

E*TRADE's interpleader complaint asserts that the district court had jurisdiction based on diversity, not anything else. (S.A. at 2, ¶ 7.) The Complaint states very clearly that the district court "has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332 because the amount in controversy exceeds the sum or value of \$75,000 exclusive of interest or costs, Plaintiff is a citizen of the State of New York and Defendants are citizens of the State of Illinois." (*Id.*) The Complaint also establishes that E*TRADE is a citizen of the State of Delaware by way of its incorporation there. (S.A. at 2, ¶ 4.) These well pleaded allegations, which must be accepted as true, should end the matter entirely.

Mr. Gomez does not dispute that he and his son are diverse from E*TRADE just as 28 U.S.C. § 1332 requires. While he claims there was no amount in controversy,

which is consistent with his overarching and erroneous argument that there was no case or controversy, Mr. Gomez cannot refute that at the time the interpleader complaint was filed, the value of the cash and stocks in the E*TRADE Account exceeded the \$75,000 statutory minimum under 28 U.S.C. § 1332.

B. The district court's jurisdiction was not premised on Rule 22 nor could it have been.

Mr. Gomez asserts that the district court did not have jurisdiction because the “FRCP 22 jurisdictional elements” were not satisfied. (Opening Br. at 3.) That argument is plainly wrong as Rule 22 does not confer subject matter jurisdiction on federal courts.

As this Court and others have repeatedly stated, Rule 22 interpleader differs in important ways from statutory interpleader under 28 U.S.C. § 1335. “Unlike statutory interpleader actions under 28 U.S.C. § 1335, [i]nterpleader actions under Rule 22 ... must be based upon the general jurisdiction statutes applicable to civil actions in the federal courts.” *Arnold*, 752 F.3d at 704 (quotations omitted); *see also Commer. Nat'l Bank v. Demos*, 18 F.3d 485, 488 (7th Cir. 1994) (“Rule 22 provides a procedural framework for interpleader actions, but it does not confer subject matter jurisdiction on federal courts.”); *Genworth Life Ins. Co. v. Cathey*, No. 21-cv-02873, 2022 U.S. Dist. LEXIS 128231, at *6 n.2 (N.D. Ill. July 20, 2022) (“The interpleader remedy is codified in both rule form (Fed. R. Civ. P. 22) and statutory form (28 U.S.C. § 1335), with the primary distinction being their respective jurisdictional prerequisites.”).

This Court rejected this very same argument when Mr. Gomez asserted it in his *Schwab* appeal. Like E*TRADE, Schwab invoked Rule 22 and asserted the district court had diversity jurisdiction. *See Charles Schwab & Co.*, 2022 U.S. App. LEXIS 4698, at *2. This Court held that the district court had jurisdiction because “Rule interpleader is based on general jurisdiction statutes applicable to civil actions in the federal courts” and “Schwab properly based its suit under diversity jurisdiction.” *Id.* at *4. The Court should reach the same conclusion here.

C. The district court had Article III jurisdiction over E*TRADE’s interpleader action.

Mr. Gomez’s brief spills a lot of ink arguing that because his and AJ’s interests were purportedly aligned, the district court lacked subject matter jurisdiction because there was no case or controversy as required by Article III. Although Mr. Gomez frames this as a jurisdictional argument, it is more properly directed at the merits of E*TRADE’s interpleader action (more on this below).

Even on its face, however, Mr. Gomez’s argument fails. Article III limits federal courts’ jurisdiction to “cases” and “controversies.” U.S. Const. art. III, § 2. “Standing to sue is a doctrine rooted in the traditional understanding of a case or controversy.” *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016). “[T]he irreducible constitutional minimum of standing consists of three elements. The plaintiff must have (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.” *Id.*

E*TRADE adequately pleaded standing. It pleaded injury in fact from its “fear of multiple liability or vexatious litigation of conflicting claims” by Mr. Gomez and AJ Gomez to the E*TRADE Account. (S.A. at 6, ¶ 40.) It pleaded that injury was caused by “Felipe Gomez’s repeated civil, criminal, and personal threats to E*TRADE and [its lawyer].” (*Id.*) Finally, a decision by the district court would have redressed the conflicting claims E*TRADE was facing. Therefore, E*TRADE’s well-pleaded allegations, which must be taken as true,⁸ more than adequately allege it had standing to assert its interpleader claim. *See Garrett v. UBS Fin. Servs.*, 717 F. App’x 746, 747 (9th Cir. 2018) (holding “UBS had standing to bring the interpleader action because it faced a potential of multiple conflicting claims to the trust funds it was holding.”).

The cases cited by Mr. Gomez do not alter this conclusion. Despite claiming that *Bierman v. Marcus*, 246 F.2d 200 (3d Cir. 1957) and “the line of cases following it are controlling here” (Opening Br. at 20-21), *Bierman* does not address Article III jurisdiction. The jurisdictional issue in *Bierman* was whether the interpleader-plaintiff adequately pleaded the requirements of statutory interpleader under 28 U.S.C. § 1335. *See* 246 F.2d at 203-04. As established above, 28 U.S.C. § 1335 provides an entirely

⁸ *Silba v. ACT, Inc.*, 807 F.3d 169, 173 (7th Cir. 2015) (“[I]n evaluating whether a complaint adequately pleads the elements of standing, courts apply the same analysis used to review whether a complaint adequately states a claim: [C]ourts must accept as true all material allegations of the complaint, and must construe the complaint in favor of the complaining party.”).

separate basis of jurisdiction than diversity jurisdiction for Rule 22 interpleader actions. Therefore, *Bierman* is inapplicable here.

Mr. Gomez's other legal authority does not help him either. The district court's subject matter jurisdiction is not discussed, let alone at issue, in *Francis I. Du Pont & Co. v. O'Keefe*, 365 F.2d 141 (7th Cir. 1966), which is another statutory interpleader action. Like *Bierman*, *Indianapolis Colts v. Baltimore*, 741 F.2d 954, 956 (7th Cir. 1984), is inapplicable because the question at issue was whether jurisdiction was proper in a statutory interpleader action.

Finally, Mr. Gomez fails to realize that *Aaron v. Mahl*, 550 F.3d 659 (7th Cir. 2008) actually supports the finding that the district court had subject matter jurisdiction over E*TRADE's interpleader action. In *Aaron*, this Court held that "the district court clearly had subject-matter jurisdiction" over the Rule 22 interpleader claim because the interpleader-plaintiff's allegations satisfied diversity jurisdiction under 28 U.S.C. § 1332. 550 F.3d at 662. Mr. Gomez's discussion of *Aaron* (*see* Opening Br. at 21-23) demonstrates his fundamental misunderstanding between Rule 22 interpleader actions and statutory interpleader actions under 28 U.S.C. § 1335.

Mr. Gomez proffered the same cases in support of the same flawed Article III arguments in his *Schwab* appeal. This Court should reach the same conclusion again here and affirm that the district court had subject matter jurisdiction over E*TRADE's interpleader action.

II. E*TRADE satisfied the requirements of Rule 22.

As mentioned above, Mr. Gomez devotes the majority of his brief arguing that he and AJ were not adverse and E*TRADE knew it. This argument goes to the merits of E*TRADE's interpleader action, which should have been raised by way of a Rule 12(b)(6) motion to dismiss for failure to state a claim at the district court. Because Mr. Gomez never filed a Rule 12(b)(6) motion with the district court, he therefore waived this argument on appeal. *See 5443 Suffield Terrace, Skokie, Ill.*, 607 F.3d at 510; *Oates*, 116 F.3d at 1168.

Even so, his argument still fails on the merits. Rule 22 requires interpleader-plaintiffs to plead "a real and reasonable fear of double liability or conflicting claims." *Aaron*, 550 F.3d at 663. E*TRADE's interpleader complaint alleged that AJ, who was a legal adult in the State of Illinois, was the sole owner of the E*TRADE Account. (S.A. at 3, ¶ 16.) That was his "claim" to the account. The competing claim was Mr. Gomez's attempts to take possession or control of the E*TRADE Account. (S.A. at 4-6, ¶¶ 22-34.)

Mr. Gomez's repeated assertion that he was acting as AJ's attorney and "custodian" did not quell E*TRADE's reasonable fear of conflicting claims. Mr. Gomez was demanding that E*TRADE transfer assets out of the E*TRADE Account, which was solely in AJ's name and not a custodial account, to Mr. Gomez's attorney trust account and some unknown TD Ameritrade account. (S.A. at 3-5, ¶¶ 16, 23-31.) While he was making these demands, E*TRADE had reason to believe

that Mr. Gomez may have also been attempting to impersonate AJ in phone calls. (S.A. at 6, ¶¶ 33-34.) To cap it off, Mr. Gomez repeatedly made civil, criminal, and personal threats against E*TRADE and its lawyer if they did not surrender to his demands to dispose of the assets pursuant to his instructions. (S.A. at 6, ¶ 40.) These well-pleaded allegations, which must be taken as true, clearly establish that E*TRADE had “a real and reasonable fear of double liability or conflicting claims.” *Aaron*, 550 F.3d at 663.

In his *Schwab* appeal, Mr. Gomez raised the same argument that there was no adversity between him and AJ by virtue of his role as AJ’s attorney and custodian. This Court rejected that argument and affirmed that Schwab properly pleaded a Rule 22 interpleader claim:

Schwab also satisfied the requirements of Rule 22. The Rule requires that Schwab plead that it “has a real and reasonable fear of double liability or conflicting claims.” *Aaron v. Mahl*, 550 F.3d 659, 663 (7th Cir. 2008). Given Felipe’s demand to control funds that appeared to have been bequeathed to Arthur, Schwab met that standard. ***Felipe’s response—that he is Arthur’s agent—did not extinguish Schwab’s fears because Felipe steadfastly opposed any control by Arthur over the funds.***

See Charles Schwab & Co., 2022 U.S. App. LEXIS 4698, at *4-5 (emphasis added).

This Court should reach the same conclusion here and affirm that E*TRADE satisfied the requirements of Rule 22.

III. The district court did not violate Mr. Gomez's constitutional rights.

Finally, Mr. Gomez baldly asserts that the district court "committed numerous procedural errors ... that individually and cumulatively amount to a deprivation of equal protection and due process as to Appellant." (Opening Br. at 6.) He describes these purported "errors" in Attachment F to his Short Appendix.

This argument is flawed (to put it nicely) for two reasons. First, Mr. Gomez fails to offer any explanation as to how the district court erred when it entered these orders. He merely provides a list of orders that he believes amount to errors. Second, and more importantly, Mr. Gomez fails to explain how these orders actually deprived him of his constitutional rights or identify what substantive liberty or property interest has been violated, which is a necessary prerequisite to any due process claim. *See Ill. Psychological Asso. v. Falk*, 818 F.2d 1337, 1343 (7th Cir. 1987) ("The [due process] clause does not make the denial of due process actionable; it only makes the deprivation of life, liberty, or property, without due process of law, actionable."). Because this argument is wholly "underdeveloped, conclusory, [and] unsupported by law," Mr. Gomez has waived this argument on appeal. *C&N Corp.*, 756 F.3d at 1026.

Moreover, how the district court managed this litigation is reviewed for abuse of discretion. *Davis*, 269 F.3d at 820. This Court cannot conclude that the district court's management of this case amounted to an abuse of discretion. On the contrary, the district court was exceedingly lenient and provided Mr. Gomez (and AJ) with substantial latitude and repeated chances to meaningfully participate and assert their

rights. The notion that Mr. Gomez's due process rights were deprived by the district court flies in the face of the almost infinite patience that the district court afforded to Mr. Gomez. As the district court aptly stated:

Felipe never had a valid claim to personal ownership of the assets (which the court understands were given to AJ Gomez by his grandmother). Felipe Gomez nevertheless engaged in obstreperous and contumacious conduct that delayed resolution of this straightforward dispute by many months. A brief review of nearly any of Mr. Gomez's filings in the docket make this conclusion abundantly clear. In several of those submissions, Mr. Gomez (an attorney) purported to represent his son, though his interests in this lawsuit are directly adverse to AJ's.

(S.A. at 33.)

Therefore, the Court should find that the district court did not deprive Mr. Gomez of any of his constitutional rights.

CONCLUSION

For the foregoing reasons, E*TRADE respectfully submits that this Court affirm the district court in all respects.

Dated: September 14, 2022

Respectfully submitted,

/s/James T. Hultquist

James T. Hultquist
REED SMITH LLP
10 S. Wacker Dr., 40th Fl.
Chicago, IL 60606
Tel: (312) 207-1000
JHultquist@ReedSmith.com

Counsel for Plaintiff-Appellee
E*TRADE SECURITIES LLC

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the type-volume limitation of Circuit Rule 32(c) because it contains 6,644 words (based on the Microsoft Word word-count function), excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f).

I hereby certify that this brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionately spaced typeface using Microsoft Word in Garamond, 14-point type.

Dated: September 14, 2022

Respectfully submitted,

/s/James T. Hultquist

James T. Hultquist
REED SMITH LLP
10 S. Wacker Dr., 40th Fl.
Chicago, IL 60606
Tel: (312) 207-1000
JHultquist@ReedSmith.com

Counsel for Plaintiff-Appellee
E*TRADE SECURITIES LLC

CERTIFICATE OF SERVICE

I hereby certify that, on September 14, 2022, I electronically filed the foregoing Brief of Plaintiff-Appellee with the Clerk of this Court using the appellate CM/ECF system. The participants in the case are registered CM/ECF users, and service will be accomplished via the appellate CM/ECF system.

/s/ James T. Hultquist _____

Counsel for Plaintiff-Appellee
*E*TRADE SECURITIES LLC*

PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 15

USA7 21-1597

10.26.22 Appellant's Reply Brief

In the
United States Court of Appeals
for the **Seventh Circuit**

E*TRADE SECURITIES LLC

Plaintiff-Appellee

v.

FELIPE N GOMEZ
ARTHUR J GOMEZ

Defendant-Appellant
Defendant-Non Appellant

Appeal from the United States District Court
for the Northern District of Illinois, Eastern Division, No. 19-cv-0827.
The Honorable Rebecca Pallmeyer, Judge Presiding.

**DEFENDANT- APPELLANT FELIPE N GOMEZ REPLY BRIEF
WITH FRAP 28(f) ADDENDUM**

ORAL ARGUMENT REQUESTED

Submitted By:

Felipe Gomez, Pre Se
1415 Ardmore Unit 7139
Villa Park IL 60181
312.509.2071
t312.509.2071@gmail.com

October 26, 2022

21-1597

APPELLANT'S REPLY - TABLE OF CONTENTS

Table of Contents.....i
Table of Authorities.....ii
A. Reply to Introduction.....1
B. Reply to Counterstatement of Jurisdiction.....8
C. Reply to Counterstatement of the Issues.....12
D. Reply to Counterstatement of the Case.....12
E. Reply to Summary of Argument.....15
F. Reply to Standard of Review.....17
G. Reply to Argument.....18
 I. Lack of Competing Claims is Lack of Article III
 Controversy and Bars Rule or Statutory
 Interpleader Jurisdiction.....18
 B. Article III Power is Not Derived from FRCP 22,
 Competing Claims Required.....18
 II. Reply to Assertion of Satisfaction of Rule 22:
 AJ was not 21 on 2.8.19.....23
 III. Gomez Rights Violated.....27
H. Oral Argument Requested/Conclusion.....27
CR 32 (c) Statement.....28
Certificate of Service.....29
Addendum/Index.....30
760 ILCS 20/ et seq.....31

21-1597

APPELLANT’S REPLY - TABLE OF AUTHORITIES

<u>Cases</u>	<u>Page</u>
<i>Aaron v Mahl</i> , 550 F.3d. 659, 663 (7 th Cir. 2008).....	19, 20, 21, 22, 25
<i>Arbaugh v Y & H Corp.</i> , 546 U.S. 500 (2006).....	23
<i>Ashcroft v Iqbal</i> , 129 S.Ct. 1937 (2009).....	7, 10
<i>Bell Atlantic v Twombly</i> , 127 S.Ct. 1955	10, 17, 25, 26, 27
<i>Gomez v E*Trade</i> , 19cv0540 (NDILL).....	2, 6, 8, 9, 13, 14, 20, 26
<i>Gomez v Schwab</i> , 22cv0576 (CDCAL).....	7
<i>Gomez v Weisenthal</i> , 21cv2039 (CDCAL).....	.7
<i>In Re Gomez</i> , 19D19 (NDILL).....	6
<i>McCaskill v SCI Management Corp.</i> 298 F.2d 677, 680 (7 th Cir. 2002).....	14
<i>Metro Life Ins. v Whitler</i> , 172 F.2d, 631 (7 th Cir. 1949).....	21
<i>Ruhrgas v Marathon Oil</i> , 526 U.S. 574 (1999).....	22, 23
<i>Schwab v Gomez</i> , 19cv3833 (NDILL).....	3, 8, 13, 18, 19, 25
<i>Union Cent. Life Ins. V Hamilton Steel</i> 448 F.2d 501 (7 th Cir. 1971).....	20, 21, 22
 <u>Statutes</u>	
28 U.S.C. §1332.....	7, 18
755 ILCS §45/et seq. (Illinois Power of Attorney Act).....	5
760 ILCS §20/ et seq. (Illinois Uniform Transfers to Minors Act).....	2, <i>passim</i>
 <u>Rules</u>	
FRCP 12(h)(1).....	23
FRCP 22.....	7, 18, 23
 <u>Other</u>	
U.S. Constitution, Article III.....	1, <i>passim</i>

21-1597

APPELLANT'S REPLY

A. Reply to Introduction

Gomez replies the first paragraph of the "introduction" to the Response, as to E*Trade's alleged "fear" as to whether custodian Gomez or his beneficiary Arthur "controlled assets...in an E*Trade account", captures in a nutshell the thrust of Gomez's claims there was no Article III controversy, as between Arthur and Appellant. *Response at 1.*

E*Trade's bald assertions interpleader was proper, and Article III case or controversy was present, is based on E*Trade's assertion of quandary, and alleged need for a court "to resolve whether Mr. Gomez or AJ controlled assets".

By asserting control was at issue, rather than ownership (which E*Trade asserts was Arthur's), E*Trade fails to state E*Trade received separate, competing, claims from Arthur and Appellant. *Id.*

Appellee's admission it was "concern" as to Appellant's authority, the assertion Arthur's competing claim was his alleged status as "owner" as an "adult", the implicit admission Arthur made no affirmative competing independent claim of his own, admits it was E*Trade's concocted concerns, not present when it obeyed Appellant's directions to take the account, that drove the litigation.

E*Trade's positions, that Arthur was an "adult", the UTMA was not a custodial account, and that Appellant's attempts to control, alone, allowed interpleader, are

belied by Illinois law, specifically 760 ILCS 20 *et seq.* (Illinois “UTMA”), which Reed Smith Illinois lawyers have to be aware of. *Response at 24-25.*

Specifically, the UTMA mandates as to the UTMA, Arthur is not an “adult” until age 21, and being born on 11.11.98, on 2.8.19 Arthur was 20, and NOT an “adult” as to the account at issue. *See Attached FRAP 28(f) Addendum at Attachment 1 - 760 ILCS 20/ et seq, at 20/11* (Adult means 21 years of age).

Furthermore, the UTMA expressly mandates custodians such as Appellant “take control” of UTMA property, and that Appellant not transfer control to Arthur until 11.11.98. *760 ILCS 20/13 and 20/21.*

As a result, E*Trade’s complaint, and Response, pleads E*Trade out of interpleader, as there were no competing claims, and could be none by non-adult Arthur under the Illinois UTMA, only the single claim represented by *19cv0540* (complying with 760 ILCS 20/13 mandate that Appellant “take control”). *See Appellant’s Brief at 21-31 (No Article III Power).*

Nowhere on the record are there any details evidencing any competing claims, and the trial court was never called upon to decide any competing claims, and did not.

As to the prerequisite to the maxim one must come to equity with clean hands. E*Trade itself cites to the single matter evidencing E*Trade was not subject to dueling claims, only a single claim, *Gomez v E*Trade, 19cv0540 (NDILL)* that Appellee attempts to construe as being the competing claims.

Instead, peppering the diversion with ad hominem, E*Trade throws out a case

filed in June 2019, *after* the instant matter, *Schwab v Gomez, 19cv3833*, as support for its transmutation of Appellant's attempt to comply with the Illinois UTMA into a claim it faced competing claims, when the focus must be on proving jurisdiction existed at the time of filing of this case.

However, the Schwab account was labeled an IRA, not an UTMA, and Arthur was not 21 at the time the Scwhab suit was filed in June 2019.

Thus, where this UTMA matter was filed 2.8.19, the references to the later-filed Schwab IRA "interpleader" are totally irrelevant to whether interpleader was proper on 2.8.19, and does nothing to rebut Appellant's assertion Arthur and Appellant were in fact a single entity, by way of Custodian-Beneficiary, and Attorney-Client, and spoke with one voice. *Id.*

E*Trade further attempts to distract from the fact of record Arthur and Appellant were not competing for the E*Trade funds, and Appellant was not usurping or trying to steal from his Son, as inferred by E*Trade, by denigrating Gomez's opinions as to the conduct of the litigation, again an issue not relevant to the snapshot of the facts as they stood on 2.8.19, and whether there is indicia on the record developed thereafter of the presence, or absence of jurisdiction, which can be destroyed (but not created), post filing, avoiding the issue of the lack of jurisdiction by ad hominem. *Id.* ("...abusive litigation conduct...Gomez...raised same flawed arguments...this Court rejected"). *Response at 1.*

That matter cannot be res judicata, as it is a separate matter and was filed in

June 2019, after the E*Trade matter filed in February 2019, making the later matter temporally irrelevant to rebutting Appellant's attack on jurisdiction at the time of filing.

Rather, E*Trade uses that matter as part of the continuing attack on Gomez E*Trade began when it ignored Appellant's custodianship and agency.

Relatedly, proving there was no need for interpleader, in March 2019, Arthur actually executed a duly notarized affidavit affirming Appellant always had been and was custodian, was also acting as Arthur's attorney, and which expressly disavowed any conflict between Arthur and Appellant both prior to the E*Trade suit or thereafter. *See [Tr. Dkt. 12 and 13] Arthur Gomez 3.11.19 Declaration and Power of Attorney. See Brief at 31.*

The reason this matter was extended, was because E*Trade, and Her Honor Pallmeyer, ignored both Appellant's assertions, and the concomitant filings and in Court statements of Arthur, with Arthur actually later appearing in Court, including on 2.18.20, and Plaintiff and Her Honor not challenging same when the opportunity to cross examine was ripe, but instead blaming Appellant for extending the matter, when Appellant had filed the Affidavit and Power of Attorney nearly a year before. *[Tr. Dkt.107] 2.18.20 Minute Order* (Confirming both Arthur and Appellant stood before the Court and no allegations of competing claims was heard). *See Brief at 32-36.*

E*Trade's attempts to bury the facts of record, that Arthur was not an adult on 2.8.19 as to the UTMA, that Appellant was required to take control by Illinois law, that there were no competing or separate affirmative claims, and that Arthur never made

his own claim, are further evidenced by the first paragraph of the second page of the Response Brief introduction, which is bereft of any mention of the competing claims required for interpleader. *Response at 2.*

E*Trade's (false) assertion, and inference of self-dealing by a fiduciary, that "Mr. Gomez steadfastly opposed any control by AJ over the assets", is, in addition to being ignorant of the Illinois UTMA, (defamatory) hearsay right off the bat, as E*Trade is attempting to speak for AJ by asserting the he was denied control by Appellant, and unilateral attempts to control is not an element of interpleader in any event.

As a matter of record, there is no evidence produced below or here Appellant refused to allow AJ to control the assets on which to base the E*Trade assertion.

As a matter of record, E*Trade, and Her Honor, were aware the UTMA benefactor Dr. Gomez appointed Appellant custodian over the UTMA, thus it had no legal basis to deny access based on a claim of adverse claims, having never received a dispute from Arthur as to Appellant's authority and capacity, the trial court in fact making that finding on 11.13.20, finding as a matter of record for this matter, "the pending state court lawsuits were brought by Felipe Gomez...as custodian for Arthur...Gomez". *[Tr. Dkt. 164] - Minute Order.*

Illinois provides legal recourse to a party questioning authority, by way of Illinois power of attorney act (755 ILCS 45/et seq.), Illinois UTMA (760 ILS 20/et seq.) or a request for declaratory relief to affirm Appellant's authority, rather than an interpleader attempting to construe an agent as competing with its principal when acting in the

latter's stead, not contrary thereto.

Fatal to the assertion as a matter of fact, let alone as a (mis)asserted element of interpleader relief, legally, in Illinois, Arthur could not assert control over the UTMA until age 21, which age of termination was not until 11.11.19 for Arthur, with the suit being filed 10 months prior to that date. *See 735 ILCS 20/2(11)*("Minor" is person under 21).

As noted above, *760 ILCS 20/13* mandated Appellant "take control". Thus as a matter of (Illinois) law, Arthur could not be "denied" control by his custodian, as control was statutorily regulated in Illinois by the UTMA, and specifically *735 ILCS 20/21 (a)(1)*("The custodian shall transfer...the custodial property...upon...the minor's attainment of 21 years of age...").

In addition to *19cv0540* establishing Appellant was custodian, Illinois law prohibiting control by Arthur at the time the suit below was filed, and despite E*Trade's denigration and ad hominem, E*Trade cannot cover for the fact the complaint fails to plead facts establishing, and the docket fails to evince, a single claim by Arthur, Illinois UTMA or not, as to the funds, period.

Absent that claim, it is irrelevant to an interpleader whether Appellant was authorized, statutory agent for Arthur, as there was only one claim, by Appellant, where at least two are required to invoke interpleader.

Similarly, E*Trade's attempts to denigrate Appellant as to his perception of *In Re Gomez 19D19* prosecutor Her Honor, and E*Trade's assertions Appellant was not

violated, are matters for the 42 USC 1983/1985 suits filed in CDCAL (*Gomez v Weisenthal 21cv2039* and *Gomez v Schwab, 22cv0576*), and upcoming lawsuits, not an appeal where Plaintiff is required to show two competing claims, and can only show, by admission, a single claim by Appellant, on behalf of, not adverse to, Arthur, as confirmed by the filings of record. *Response at 2.*

E*Trade's rebuttal is the Appellate court can rest assured interpleader lied, and that subject matter existed, simply "because E*Trade adequately pleaded diversity jurisdiction under 28 U.S.C. § 1332, which is all is required for Rule 22 interpleader actions". *Id. at 2.*

This statement ignores basic pleading requirements, let alone Article III case or controversy, which applies to a court's power to hear any alleged claim at law, or afford interpleader relief at equity, as well as the edict a Plaintiff cannot rely on bald assertions of jurisdiction, but must provide "sufficient factual matter...to state a claim to relief that is plausible on its face", interpleader or not *Ashcroft v Iqbal, 129 S.Ct. 1937,1949 (2009).*

In summary, E*Trade fails to rebut the assertion that at the time of filing, Arthur and Appellant were not adverse as to the funds, and Appellant's assertion the record fails to evince Article III case or controversy (here lack of two competing actual, real claims, one that Appellant was the owner, by Appellant, and one disputing that assertion, by Arthur).

As a matter of record, the lack of Article III controversy is patent of face of the

complaint, and unrebutted, where *Gomez v Schwab, 19cv0540*, Arthur's affidavit [Tr. Dkt. 12] and power of attorney [Tr. Dkt. 13] indicate beyond a reasonable doubt Arthur and Appellant were aligned, not in opposition.

As fatal to the assertion of "concern" is both E*Trade and Schwab do not dispute the fact Dr. Gomez appointed Appellant as custodian, as evinced as a matter of record below, the appointment documentation being attached to the complaint in *19cv0540*, and thus E*Trade being charged with knowledge of same, and admitting that as noted above.

Thus, the record is clear there was no real actual Article III controversy as between the defendants below, both before, and after the 2.19.19 filing of the frivolous complaint below.

Simply pleading diversity and an amount over \$500 is not sufficient to invoke interpleader, which requires adversity between claimants, and that element was and is absent here, where there was never more than a single claimant, agent and principal being a single entity, seeking funds that are admittedly were not E*Trade's

B. Reply to Counterstatement of Jurisdiction

As to the diversity jurisdiction at the time of filing, prior to the merger, E*Trade was a N.J. corporation with PPB in New York. *Response at 2*. As far as the current LLC, Gomez has no indication there are any Illinois members, but places that burden to disclose on E*Trade, reserving recourse if in fact diversity was destroyed by one of the members of the LLC E*Trade became being from Illinois.

As to the alleged “backtracking”, Gomez clarifies the amount of funds were over the minimum, and there was diversity, but only as facts of record, not as part of admitting there was Article III Controversy. *Response at 2; See Also [App. Dkt. 70 - Appellant's Second Amended CCR 3(c)(1) Jurisdictional Statement]*.

As to “amount in controversy”, the fact the funds were over \$75,000, and there was diversity, does not create in itself the pre-requisite Article III controversy that must be present before a court can hear any claim, nor does it present the two distinct competing independent claims that allow invocation of interpleader.

Appellant was and is asserting the amount held by E*Trade was never “in controversy” as between the two defendants, which *Gomez v Scwhab, 19cv0540* alone proves, and there was no Article III case or controversy, because there were no competing affirmatively claiming adverse parties. *Brief at 21-32.*

The “controversy” was manufactured by E*Trade and its lawyers to avoid the fails as to its own fiduciary duties to Arthur, which interpleader cannot provide relief for or discharge liability for (as E*Trade leveraged by being allowed to keep the funds and not immediately place them in the Registry). *Response at 3, Brief at 32-36.*

The lack of an “amount in controversy” is not a belief on part of Appellant, it is a fact of record, pleaded in the complaint and evidenced by *19cv0540. Id.*

Brief at 21.

Appellees trial court complaint may not baldly recite jurisdictional elements in conclusory fashion as to the existence of Article III power and subject matter

jurisdiction in case below, but must provide facts allowing an inference by the Court the circumstances underlying the jurisdictional facts actually exist in real life. *Ashcroft v Iqbal*, 129 S.Ct. 1937, 1949-1950 (Reviewing and requiring more than minimal factual content in the complaint, as to the existence of facts supporting jurisdiction and claims)

Appellant asserts the trial court failed at the gatekeeping stage, and should have reviewed the complaint to ascertain not only that two claims were made, but that there was prima facie substance to same, so as to allow a reviewing court to make the legal conclusion E*Trade seeks, that it pleaded facts sufficiently establishing Article III and interpleader jurisdiction in the complaint. Facts, not conclusions, must be pleaded in the trial court, and set forth here, as stated in *Iqbal* (quoting *Twombly*):

"A pleading that offers "labels and conclusions" or "a formulaic recitation of the elements of a cause of action will not do...Nor does a complaint suffice if it tenders "naked assertion[s]" devoid of "further factual enhancement." *Id.*, at 557, 127 S.Ct. 1955.

...a complaint must contain sufficient factual matter, accepted as true, to "state a claim to relief...plausible on its face." *Id.*, at 570, 127 S.Ct. 1955... Where a complaint pleads facts..."merely consistent with" a defendant's liability, it "stops short of the line between possibility and plausibility of `entitlement to relief.'" *Id.*, at 557, 127 S.Ct. 1955 (brackets omitted).

Two working principles underlie our decision in *Twombly*. First, the tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions. Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice. *Id.*, at 555, 127 S.Ct. 1955... we "are not bound to accept as true a legal conclusion couched as a factual allegation" (internal quotation marks omitted)).

Iqbal at 1249-1250

In short, there are not two competing claims pleaded in the complaint or adduced in the record below, thus interpleader could not lie, and E*Trade had no basis to invoke interpleader.

The statement “the district court has not taken any action affecting the appellate jurisdiction of this Court”, is belied by the record below, where E*Trade appears to have disavowed the settlement agreement, which breaches its obligations to Arthur, whom is not the subject of the E*Trade fee collection effort. *Response at 3-4*. In fact, the docket clearly shows it was E*Trade’s 5.13.21 motion for instructions [*Tr. Dkt. 184*] that continued that matter below, not “the district court’s instructions to the parties to meet and confer”. *Response at 4*.

Relatedly, E*Trade misstates the state of matters below, as 8 months after the E-Trade motion for fees, the court’s 3.21.22 order in fact directed the parties NOT to engage in LR54.3 discussions: “...E*Trade is excused from the requirements of that rule”. [*Tr. Dkt. 202*] - *3.21.22 Minute Order*.

Consequently, Appellee’s attempt to assert LR54.3’s provisions as to appeals apply is not only incorrect as that provision requires a judgement in E*Trade’s favor that does not exist below (another reason finality may not be present, yet), but in fact there are no discussions or “agreement” to enter or appeal. *LR54.3. See Response at 3-4, fn4*.

Gomez asserts it appears all claims and issues have not been decided below,

and that is by way of E*Trade of the 5.13.21 fee motion reopening the case below [*Tr. Dkt. 194*], and disavowing the stipulation of dismissal [*Tr. Dkt. 165*], wherein it waived the fees now sought below.

E*Trade, not the court below, has taken action that has removed any appellate jurisdiction that may have existed, and thus the Motion for Sanctions cannot be entertained and has no merit, as it is E*Trade that is continuing the litigation below, as admitted in the Response. *Response at 4.*

C. Reply to Counterstatement of the Issues

Appellee provides no reason for restating Appellant's issues on appeal as if this were E*Trade's appeal, not Appellants. *Compare Response at 4 to Brief at 3.*

Appellant asserts that by doing so, Appellee has failed to address, let alone rebut, the issues asserted by Appellant's brief, and has thus waived rebuttal thereto, electing to attempt to brief as if on cross appeal, and attempting to force Appellant to respond in a reply, with half the space allotted for a response brief.

D. Reply to Counterstatement of the Case

Again, E*Trade makes no statement as to why it felt compelled to restate the Brief's statement, and Appellant asserts it is an obvious attempt to avoid responding to same, but rather recast the facts in ad hominem manner as a smoke screen to the fact the focus in the facts as they were on 2.8.19 filing of the complaint, and whether in fact Article III and interpleader were applicable to the complaint filed, when it was filed, including whether later facts of record indicate the absence thereof. *Response at 4-15.*

Consequently, Appellant stands on the Brief's statement of the case, and replies only briefly to specific E*Trade misstatements as to facts relevant to E*Trade's continuing burden to assure the Appellate Court can find facts of record, not asserted in a brief or response, that Article III and interpleader jurisdiction existed on 2.8.19, to which events occurring after the filing are only relevant to whether jurisdiction was present, and then if it was destroyed or voided.

As noted above, a major flaw in the E*Trade argument is the assertion Arthur was "owner" and allegedly had the right to control, where E*Trade forgets to mention that up until 11.11.19, Arthur was a minor in Illinois as to the UTMA, and had no right or authority to "control" the account, or to be required to verify. *Response at 4-5.*

As noted above, 760 ILCS 20/13 mandated Appellant "take control. 760 ILCS 20/13. This fact, alone, destroys any interpleader jurisdiction, as Arthur was legally unable to make any claims per 760 ILCS 20/11 and 21, and, could not exert control per 760 ILCS 20/13. The record below does not; and cannot, contain two competing claims, as there were never two claims, as to ownership or control as of 2.8.19.

Relatedly, as evidenced by *Gomez v Schwab, 19cv0540 (NDILL)*, Appellee neglects to mention Appellant was appointed custodian of the "assets bequeathed to AJ Gomez", and thus that action was attempting to execute Appellant's duties, which duties E*Trade admits interfering with due to alleged "concerns", not competing claims. *Response at 5.*

Nowhere in the barrage of ad hominem does E*Trade specify the two

competing claims that were the basis of invocation of interpleader, and, combined with E*Trade's failure to rebut the Brief, and the assertion Arthur's alleged ownership, alone, was somehow an affirmative claim adverse to Appellant, admits as a matter of record the absence of adverse claims. *Id. See McCaskill v SCI Management Corp. 298 F.2d 677, 680 (7th Cir. 2002)*(Trial court order reversed based on fatal admission at oral argument as to lack of basis for claim below, where statements against interest made in appeal are judicial admissions not evidentiary admissions, binding the principal, and rendering claim below unenforceable, because judicial admissions are not controvertible).

Rather, E*Trade asserts "Mr. Gomez's relentless demands and threats left E*Trade with no choice but to seek protection of [interpleader]"...against Mr. Gomez and Arthur, asking...who was the lawful owner of the assets..." *Response at 6.*

E*Trade has, within 3 pages, already contradicted itself, as in the prior paragraph E*Trade stated "The owner of the E*Trade account was Arthur AJ Gomez (*Id.*)", and "the assets in the...Schwab account [transferred to E*Trade] were assets bequeathed to AJ Gomez from his grandmother". *Response at 5.*

E*Trade's arguments as to jurisdiction fail to mention two adverse claims, only asserting an unreasonable "fear" of the "likelihood" of conflicting claims, without offering any facts, and where *19cv0540* obviated such concern, as Appellant and Arthur were one claimant by way of that filing, making there zero exposure to competing claims by way of estoppel, as *19cv0540* only asserted Appellant was custodian, not a co-owner or owner. *Response at 6-7.*

Simply put, E*Trade's response fails to elicit the existence of adverse claims, and in fact admits by failure to specify Arthur never made an independent claim adverse to his agent, Appellant, as that never happened. Again, there is no conduct or claim attributed to AJ attempting to control the account, only incorrect reference to Arthur being an adult owner of the UTMA as his "claim", and Appellant's "conduct and efforts" to perform Appellant's custodial duties under Illinois law per 760 ILCS 20/13. *Response at 7.*

This should end the appellate review, and result in a vacation of all orders below, and dismissal of 19cv0827 for lack of Article III controversy or interpleader relief to be afforded, as there never were any controversy between agent and principle.

The remainder of the facts asserted by E*Trade are irrelevant to jurisdiction and this appeal, as the travails of the litigation cannot cure the defect of lack of Article III or interpleader jurisdiction from the outset. *Response at 7-15.*

Gomez does note the very last sentence of this section admits the matter below is not final: "The district court has yet to enter an order on the amount of fees...to be awarded to E*Trade.". *Response at 15.*

E. Reply to Summary of Argument

Appellee's incorrect assertion Appellee confused rule and statutory interpleader is irrelevant to the fact either requires at least two competing claims, and in fact E*Trade inadvertently admits that, stating "both types...allow neutral stakeholders to ask the court to resolve competing claims...". *Response at 16.*

The Response assertion “[Appellant’s agency of was of no import and interpleader was needed because] Mr. Gomez resisted any control by AJ over the assets”, even if true, is not a basis for interpleader, unless AJ also attempted to exert control, and there is no allegation or evidence of that, because Appellant was empowered, and AJ was prohibited, by 760 ILCS 20/13 from doing that, and AJ did not, and the record is bereft of any such competing claim or control. *Id. at 16-17.*

E*Trade’s “fear” of a single person allegedly attempting to control a client’s assets, cannot trigger interpleader, let alone explain why E*Trade would sue the person it allegedly is trying to protect, where that client as a matter of record below, had no independent contact with E*Trade or any sort, let alone adverse to Appellant. *Id.*

E*Trade simply misaprehends the issues on appeal, which are not whether E*Trade had a “valid fear” of Appellant, but only whether E*Trade feared both Appellant and Arthur would separately and adverse to each other, claim, sue and pursue it, which never occurred and could not, as Arthur by law was a minor, could not and did not. *760 ILCS 20/11 and 20/13.*

Thus, the focus on Appellant, and attempts to control the account as required by the Illinois UTMA, is a red herring, and there never was a reason to sue Arthur for anything, let alone a concocted interpleader, nor was there any reasonable basis to fear Appellant.

As to the Conlaw claims, Gomez in fact raised those below to the extent

possible considering the alleged violations are ongoing, and E*Trade has not finished with attempting to recover fees, thus the claims have not fully accrued, and E*Trade has clear notice thereof. *Response at 17.*

F. Reply to Standard of Review

The parties seem to agree review is de novo, with factual findings reviewed for clear error. *Response at 17, Brief at 7.* However, the alleged deference is to well pleaded allegations of fact, not as to conclusions of law, and it is not proper to draw conclusions as to Article III power and subject matter jurisdiction by way of inference from baldly asserted facts or alleged conclusions, which is what E*Trade attempts below and here. *Response at 17.*

As the Court held in *Twombly*, 127 S.Ct. 1955, federal “notice” pleading does not require detailed factual allegations, “but it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Id.*, 127 S.Ct. 1955 (citing *Papasan v. Allain*, 478 U.S. 265, 286, 106 S.Ct. 2932, 92 L.Ed.2d 209 (1986)).

A plaintiff cannot rely on “labels and conclusions” or “a formulaic recitation of the elements of a cause, nor can Plaintiff make “naked assertion[s]” devoid of “further factual enhancement.” *Id.* at 127 S.Ct. 1955, 1957. As stated by the court:

“A complaint must contain sufficient factual matter, accepted as true, to “state a claim to relief...that is plausible on its face.” *Id.*, at 570, 127 S.Ct. 1955. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference...defendant is liable for...misconduct alleged. 127 S.Ct. 1955, 1958.

G. Reply to Argument

I. Lack of Competing Claims is Lack of Article III Controversy and Bars Rule or Statutory Interpleader Jurisdiction

Regardless of rule or statutory, Article III requires a controversy, between adverse claimants, in order to invoke equity, and merely satisfying diversity jurisdiction does not allow a plaintiff to plea for interpleader relief, without more facts evidencing equity is needed, and deserved. *Response at 19-20.*

A. Interpleader is not based on Diversity, Alone

Gomez is not appealing lack of diversity, and the issues of the Brief and Response/Cross Brief do not assert diversity or the ad danum is at issue, so again this argument is a red herring. *Brief at 3, Response at 4.*

B. Article III Power is Not Derived from FRCP 22, Competing Claims Required

E*Trade's focus on a single element is purposefully narrow, as interpleader requires two competing claims to interplead, regardless of rule or statutory, in addition to having to satisfy 28 USC 1332. *Response at 20.*

E*Trade's reference to the *Schwab* case to assert diversity was met, and that AJ was the acknowledged owner, has no bearing on whether the complaint here was properly pleaded to allow interpleader, and that court in fact declined to address the lack of Article III controversy induced by the lack of pleading competing claims to interplead, ownership, alone, being a status, not an affirmative "claim", in absence of nothing more than indicia of ownership. *Response at 21.*

Appellee, acknowledging Appellant “spills a lot of ink arguing that because his and AJ’s interests were...aligned there was no case or controversy as required by Article III”, then dichotomously dismisses it as a “merits” argument, rather than the jurisdictional attack, on the power of the court to hear the matter. *Response at 21.*

Further, the “merits” at issue in an interpleader are not whether E*Trade has standing or the efficacy of E*Trade’s claims, but which of the competing claims has merit, and no such findings were ever made below, as there were not conflicting claims to make findings on, only fear of Appellant, which alone, is insufficient.

Instead, E*Trade attempts to construe the appeal as to standing, which is not accurate, as the lack of case or controversy focuses on the existence of of issues between the parties, and standing focuses on the plaintiff’s attempt to bring the issues before a court, with the former needing to exist before standing need be addressed. *Response at 22. Article III. S2, C1.*

Regardless of rule or statutory, Article III mandates a court have a real, not imagined, controversy to decide, and the cases cited by the brief relate that fact, by way of analyzing whether there really were Article III adversity and controversy by way of competing claims, regardless of the type of interpleader. *Response at 22-23, Brief at 18-36.*

Article III and jurisdiction under diversity are not one and the same, and Gomez respectfully disagrees with the panel in the Schwab matter cited by Appellee and the review here is de novo in any event. *Aaron v Mahl, 550 F.3d. 659, 663 (7th Cir. 2008)*

As noted in the Brief, this Circuit has a longstanding well established approach to what is a proper interpleader and what is not, and *Aaron v Mahl* specifically mandates interpleader jurisdiction must exist, and cannot be manufactured *Brief at 18; Aaron v Mahl at 663-667*.

A review of *Mahl* and the cases cited therein reveals E*Trade could not have validly pleaded interpleader, as this Circuit requires a real and substantial fear of plausible conflicting claims, and not merely “threats” or the status of an alleged claimant as a title “owner”. *Mahl at 666-667*.

In *Mahl*, claimant Aaron possessed a judgement against claimant Scott that arguably applied to Merrill-held funds, to which Scott claimed ownership, and actively sought to possess the accounts itself, with Merrill caught between the judgement claim and Scott’s claim. *Mahl at 666*.

No such fact pattern was or could be alleged as to Appellant, whom has never sued his son Arthur for anything, had no judgment potentially attaching to the accounts, and never claimed ownership or any right to the assets independent of Arthur, and where 19cv0540 clearly gave E*Trade notice of the lack of competing claims, as reflected by the attachments to the Complaint there and here.

Mahl mandates E*Trade’s various claims as to adversity be rejected, be they be based on interpleader, diversity, as to E*Trade having any cause of action whatsoever based on alleged adversity, which is an Article III requirement, not a standing or merits related issue. *Mahl (citing Seventh Circuit cases Union Cent. Life Ins., 448 F.2d at 503*

(1971), and *Metro Life Ins v Whitler*, 172 F.2d, 631, 632 (1949)(finding adversity below).

In *Whitler*, Appellant first notes this Circuit required, at the outset, in addition to diversity and amount in controversy, an interpleader plaintiff to be “disinterested”, as the issuer of a policy typically is, as was Metro there, unlike E*Trade here, where it was sued per Appellant’s 760 ILCS 20/13 duties. *Whitler at 623*.

Also, Appellee is not in the position of an insurer faced with duplicate claims, there one claimant, Helen, being named in the policy, and adverse claimant, Ruth, only being named in an application. *Id.*

Appellant also notes the *Whitler* court commented approvingly the district court had made formal, of record, special findings of fact, and conclusions of law “rendered... thereon”, and only then entered the award. *Id.*

The record evinces no formal findings of fact or conclusions of law were made below, nor was there any finding as to E*Trade’s alleged disinterested status. *See 19cv0827 Docket.*

Consequently, *Whitler*, cited by *Mahl* which in turn is cited by Appellee, at the outset begs the issue of how it supports E*Trade’s rebuttal, and seems to implicate the court below here for not assuring formal record-making so as to assist on appeal above, in addition to being decided on contract construction basis. *Id. at 633*.

In *Union Central* the claimants were a Trustee, union representatives, and 4 classes of potential beneficiaries, all claiming on one lapsed policy, where the holder was

bankrupt: E*Trade faced no such quandary, or anything near. *Union Central at 503.*

Union Central makes clear the evaluation of “adversity”, is not a “merits issue”, but is part of the threshold analysis as to whether interpleader lies, with the *Union Central* court proceeding to the merits of each adverse claim, *only* after assuring the claimants were in fact adverse to each other as well as to the stakeholder. *Id. at 504* (Stating “We turn to the merits” of each individual claim, after extended discussion of interpleader elements, including the requirement interpleader requires the parties be “adverse claimants”, before a court may address the merits).

Simply put, E*Trade, and the court below, had no adverse claims to proceed to the merits on, only a single claim by Appellant, for control, not ownership, for his beneficiary/client.

Gomez points to the above discussion as to the fact Article III power, controversy, and adversity is a pre-merits issue in interpleader actions. *Union Central at 504.* E*Trade’s assertion that the attack on lack of adversity is directed at the merits of the interpleader claim, like a Rule 12(b)(6) motion.”, is simply incorrect at law and in fact. *Union Central, Supra.*

E*Trade similarly errs in asserting a challenge to subject matter jurisdiction is waived because Appellant did not file a Rule 12(b)(6), where the cases already cited in the Response and discussed above clearly indicate there can be no waiver, nor any machination or agreement such exists, and that a court must assure same on its own. *Ruhrgas v Marathon, Supra; Aaron v. Mahl, Supra.*

II. Reply to Assertion of Satisfaction of Rule 22: AJ was not 21 on 2.8.19

Appellant again disagrees that the assertion of lack of Article III case or controversy, as between Appellant and AJ, is a “merits” issue, as the lack of two claims means the competing merits will never be adjudicated, and in fact was not below.

Response at 24.

Contrary to E*Trade’s assertion of waiver, jurisdiction can be attacked at any time, and is a 12(b)(1), not 12(b)(6), issue, especially in an interpleader where there are no claims being made on behalf of plaintiff to attack, where an interpleader plaintiff is supposedly tendering competing claims that would be subject to such attacks. *Ruhrgas v Marathon Oil*, 526 U.S. 574 (1999); *Arbaugh v Y & H Corp.*, 546 U.S. 500 (2006)(FRCP 12(b)(1) lack of subject matter “may be raised at any stage...By contrast...12(b)(6) endures only up to...trial on the merits”). *See Also FRCP 12(h)(1)*.

Next, E*Trade admits a crucial error, mistakenly alleging “AJ...was a legal adult in the State of Illinois” as part of asserting AJ was the owner. *Response at 24.* That is dead wrong, as under Illinois law, 760 ILCS 20/ et seq., AJ was NOT legally an adult as to the UTMA, and thus AJ was only beneficial owner, with no voice other than thru Appellant, by Illinois law, not Appellant’s doing, until 11.11.19, when AJ turned 21.

E*Trade also admits not receiving a claim from AJ, by way of asserting the alleged non-existent ownership by AJ of the UTMA, “was his claim to the account. The competing claim was Mr. Gomez attempts to...control...the...account.” *Id.*

The Appellate court need not search for AJ’s adverse claim, as E*Trade admits

AJ did not make one, and as a matter of law the status E*Trade attempts to project onto admitted Illinois resident and citizen AJ, legal ownership as an “adult” on 2.8.19, is simply not legal in Illinois under the UTMA act. 760 ILCS 20/11, 20/13 and 21 (Adult as to UTMA means 21, Custodian to take control, Custodian not to transfer until 21).

Thus, E*Trade has admitted, on the record albeit inadvertently, it had no reasonable fear of double liability, given while the account belonged to AJ, AJ had only beneficial ownership, with control vested in Appellant by law until AJ turned 21.

AJ was, on 2.8.19, unable, as a matter of Illinois law and fact he was only 20,, to take or exert any control. No claim of any sort by AJ can be inferred, nor can the improper attempts to control by Appellant can be reasonably taken, as E*Trade is attempting to mend the hold as to the absent Article III controversy and lack of any dispute for interpleader jurisdiction to resolve, as between defendants below.

Response at 24, 760 ILCS 20/et seq.

E*Trade is thus unreasonable, as a matter of law, in asserting the fact Appellant was AJ’s attorney made no difference as to whether they were adverse as to the account, or that Appellant’s statutory mandated attempts to control was somehow in conflict with AJ. *Id. at 24-25.*

The statement the account “was not a custodial account” is simply incredulous, given any UTMA is by definition a custodial trust account, and the defamatory accusation of impersonation goes to a criminal complaint, and is not a basis for interpleader. *Id. at 24-25.*

Even taken as true, the allegations amount to accusing Appellant of criminal conduct, not a subject matter of interpleader, and there is no reason Arthur deserved to be sued while E*Trade interfered with Appellant's duties, and then ad hominemed Appellant to try to cover. *Response at 25.*

The fact the *Schwab* panel failed to acknowledge under the Illinois UTMA, the alleged fact then attorney "Felipe steadfastly opposed any control by Arthur over the funds.", was consistent with the UTMA, should not be repeated here, given the Schwab matter was filed in June 2019, when AJ was still 20./

Thus if in fact Schwab, E*Trade or Appellant, had allowed Arthur to control the accounts, they would have been violating Illinois law, including 760 ILCS 20 et seq, which prohibited Arthur from exerting any control until 11.11.19. *Response at 25.*

This Court should not make the same error, as the Schwab account was not an UTMA, albeit the custodial status over the IRA there has the same result under Illinois law. The *Schwab* matter also remains *void ab initio*, without jurisdiction at inception, and subject to future attack, as Article III power and interpleader jurisdiction cannot be conferred by the parties or any court, but must exist as a matter of record at time of filing, and it did not, as a matter of Illinois law.

Similarly wrong is the assertion E*Trade's "well-pleaded allegations" must be taken as true" (citing *Aaron*) *Response at 25.* To the contrary, while *Twombly* indicates the Court was addressing what was required to state a claim under the Sherman Act, not interpleader jurisdiction, it makes clear the presumption "taken as

true”, only adheres when there is “enough factual matter”, pleaded first, which the complaint here fails to do (and where pleading on information and belief is NOT pleading any “factual” matter, and thus such fail not allowing the presumption here at the outset). *Twombly*. 550 U.S. at 556 (“stating a claim requires a complaint with enough factual matter (taken as true), to suggest an [illegal] agreement was made”).

Furthermore, the presumption arises where review is on a motion to dismiss for failure to adequately plead a claim (as occurred in *Twombly*), not as to lack of Article III power or subject matter jurisdiction. *Id.*

Finally, *Twombly* held a pleader cannot nakedly assert parallel conduct is conspiratorial or violative of the law, but must add enough factual context that the allegation rises past “the line between possibility and plausibility”, which Appellee failed to do. *Id. at 556.*

That mandate cuts directly against Appellee’s attempted assertion the parallel conduct of an attorney and his client, or a custodian and beneficiary, alone, is sufficient to allow a court to infer a plausible threat of competing claims from what is a single entity, sufficient to allow interpleader. *Id.*

Twombly cautions a court cannot proceed on bald suppositions as to illegality or adversity, especially where the facts as pleaded, and in existence at the time of filing known to the filer (*see 19cv0540*) only indicate, at best, parallel, not adverse, conduct by Appellant, and where E*Trade’s response admits inaction by Arthur, and only indicia of ownership, not an affirmative claim. *Twombly, Supra.*

Appellee can never show competing, let alone parallel, conduct as Appellant and Arthur never claimed adversely on the record or in real life, thus *Twombly* requires the complaint to be rejected as to jurisdiction, the same as to the later test, as to stating a claim, once jurisdiction is secured. *Id.*

It is Appellee that has the burden of showing not only a “chance”, but rather to plead facts that raise its assertions beyond the possible, and into the plausible.

Twombly at 556. *Twombly* makes clear it is on the pleader to show not only a chance, but far more, in the manner of a “plausible” likelihood of claims, set up in a context supporting that conclusion. *Twombly, Supra.*

III. Gomez Rights Violated

Gomez stands on his Brief as notice, and intends to prosecute the claims raised at a later date, without waiving such issues.

H. Oral Argument Requested/Conclusion

Appellant Request that Oral Argument be afforded and that the matter below be vacated in its entirety, with prejudice.

Submitted By: /s/Felipe N Gomez, Pro Se

Date: 10.26.22

Felipe Gomez, Pro Se
1415 Ardmore Unit 7139
Villa Park IL 60181
(312) 509-2071
t312.509.2071@gmail.com

21-1597

20-3349

CIRCUIT RULE 32(c) STATEMENT

Pursuant to Circuit Rule 32(c), Appellant certifies that this Reply complies with CR 32(c), in that it contains no more than 7,000 words, from Page No. 1 to the end of the signature block.

Dated: 10.26.22

By: */s/ Felipe Gomez Pro Se*

Felipe Gomez, Pro Se
1415 Ardmore Unit 7139
Villa Park IL 60181
(312) 509-2071
t312.509.2071@gmail.com

21-1597

20-3349

CERTIFICATE OF SERVICE

I hereby certify that on 10.26.22, the Reply Brief of Appellant, with addendum, was filed with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the appellate CM/ECF system. I certify that all participants in the case that are registered CM/ECF users will have service accomplished by the appellate CM/ECF system.

Dated: 10.26.22

By: */s/ Felipe N Gomez ProSe*

Felipe Gomez, Pro Se 1415 Ardmore Unit 7139 Villa Park IL 60181
(312) 509-2071 t312.509.2071@gmail.com

21-1597

DEFENDANT-APPELLANT'S FRAP 28(f) ADDENDUM

INDEX

<u>Attachment-Title</u>	<u>Page</u>
A - 760 ILCS 20 et seq. (Illinois Uniform Transfers to Minors Act).....	31

Case: 21-1597 Document: 47 RESTRICTED Filed: 10/26/2022 Pages: 44

Information maintained by the Legislative Reference Bureau

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the Guide.

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

TRUSTS AND FIDUCIARIES
(760 ILCS 20/) Illinois Uniform Transfers to Minors Act.

(760 ILCS 20/1) (from Ch. 110 1/2, par. 251)

Sec. 1. Short title. This Act shall be known and may be cited as the "Illinois Uniform Transfers to Minors Act".
(Source: P.A. 84-915.)

(760 ILCS 20/2) (from Ch. 110 1/2, par. 252)

Sec. 2. Definitions. In this Act:

(1) "Adult" means an individual who has attained the age of 21 years.

(2) "Benefit plan" means any pension plan, retirement, death benefit, deferred compensation, employment, agency, stock bonus, option or profit sharing contract, plan, system, account, trust or individual retirement account. A benefit plan "obligor" means the party designated under the plan to make distributions, otherwise the paying entity.

(3) "Beneficial interest in a land trust" and "land trust" mean the same as "beneficial interest" and "land trust" as defined in "An Act to require disclosure, under certification of perjury, of all beneficial interests in real property held in a land trust, in certain cases", approved September 21, 1973, as now or hereafter amended.

(4) "Broker" means a person lawfully engaged in the business of effecting transactions in securities or commodities for the person's own account or for the account of another.

(5) "Court" means an Illinois circuit court.

(6) "Custodial property" means (i) any interest in property transferred to a custodian under this Act and (ii) the income from and proceeds of that interest in property.

(7) "Custodian" means a person designated under Section 10 or a successor or substitute custodian designated under Section 19.

(8) "Financial Institution" means a bank, trust company, savings institution, or credit union, chartered and supervised under state or federal law.

(9) "Governing instrument" means any judicial order or non-judicial document creating or describing property rights.

(10) "Guardian" means a person appointed or qualified by a court to act as general, limited or temporary guardian of a minor's property or a person legally authorized to perform substantially the same functions.

(11) "Member of the minor's family" means the minor's parent, stepparent, spouse, grandparent, brother, sister, uncle, or aunt, whether of the whole or half blood or by adoption.

(12) "Minor" means an individual who has not attained the age of 21 years.

(13) "Person" means an individual, corporation, organization, or other entity.

(13.5) "Qualified minor's trust" means any trust (including

Case: 21-1597 Document: 47 RESTRICTED Filed: 10/26/2022 Pages: 44

a trust created by the custodian) (i) of which the minor is the sole beneficiary and (ii) that satisfies the requirements of Section 2503(c) of the Internal Revenue Code and the regulations implementing that Section.

(14) "Representative" means an executor, administrator, general, temporary or limited guardian, successor representative, an obligor under a benefit plan or other governing instrument or a person legally authorized to perform substantially the same functions.

(15) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States.

(16) "Transfer" means a transaction that creates custodial property under Section 10.

(17) "Transferor" means a person who makes a transfer under this Act.

(18) "Trust company" means a financial institution, corporation, or other entity, authorized to exercise general trust powers.

(Source: P.A. 91-90, eff. 1-1-00.)

(760 ILCS 20/3) (from Ch. 110 1/2, par. 253)

Sec. 3. Scope and Jurisdiction. (a) This Act applies to a transfer that refers to this Act in the designation under Section 10(a) by which the transfer is made if at the time of the transfer, the transferor, the minor, or the custodian is a resident of this State or the custodial property is located in this State. The custodianship so created remains subject to this Act despite a subsequent change in residence of a transferor, the minor, or the custodian, or the removal of custodial property from this State.

(b) A person designated as custodian under this Act is subject to personal jurisdiction in this State with respect to any matter relating to the custodianship.

(c) A transfer that purports to be made and which is valid under the Uniform Gifts to Minors Act, or a substantially similar act, of another state is governed by the law of the designated state and may be executed and is enforceable in this State if at the time of the transfer, the transferor, the minor, or the custodian is a resident of the designated state or the custodial property is located in the designated state.

(Source: P.A. 84-915.)

(760 ILCS 20/4) (from Ch. 110 1/2, par. 254)

Sec. 4. Nomination of Custodian. (a) A person having the right to designate the recipient of property transferable upon the occurrence of a future event may revocably nominate a custodian to receive the property for a minor beneficiary upon the occurrence of the event by naming the custodian followed in substance by the words: "as custodian for (name of minor) under the Illinois Uniform Transfers to Minors Act". The nomination may name one or more persons as substitute custodians to whom the property must be transferred, in the order named, if the first nominated custodian dies before the transfer or is unable, declines, or is ineligible to serve. The nomination may be made in any governing instrument including, without limitation, a will, a trust, a deed, an instrument exercising a power of appointment, or a writing designating a beneficiary of contractual rights which is registered with or delivered to the payor, issuer, or other obligor of the contractual rights.

(b) A custodian nominated under this Section must be a person to whom a transfer of property of that kind may be made

Case: 21-1597 Document: 47 RESTRICTED Filed: 10/26/2022 Pages: 44
under Section 10(a).

(c) The nomination of a custodian under this Section does not create custodial property until the nominating instrument becomes irrevocable or a transfer to the nominated custodian is completed under Section 10. Unless the nomination of a custodian has been revoked, upon the occurrence of the future event the custodianship becomes effective and the custodian shall enforce a transfer of the custodial property pursuant to Section 10. (Source: P.A. 84-1129.)

(760 ILCS 20/5) (from Ch. 110 1/2, par. 255)

Sec. 5. Transfer by Gift or Exercise of Power of Appointment. A person may make a transfer by irrevocable gift to, or the irrevocable exercise of a power of appointment in favor of, a custodian for the benefit of a minor pursuant to Section 10.

(Source: P.A. 84-915.)

(760 ILCS 20/6) (from Ch. 110 1/2, par. 256)

Sec. 6. Authorized Transfers. (a) A representative, trustee or other obligor under a governing instrument may make an irrevocable transfer pursuant to Section 10 to a custodian for the benefit of a minor as authorized in the governing will, trust or other governing instrument. The authorization will be presumed unless the transfer is expressly prohibited by or inconsistent with the provisions of the will, trust or governing instrument.

(b) If the testator, settlor or other person has nominated a custodian under Section 4 to receive the custodial property, the transfer must be made to that person.

(c) If the testator, settlor or other person has not nominated a custodian under Section 4, or all persons so nominated as custodian die before the transfer or are unable, decline, or are ineligible to serve, the representative, trustee or other person as the case may be, shall designate the custodian from among the transferor, an adult member of the minor's family or a trust company.

(Source: P.A. 84-1129.)

(760 ILCS 20/7) (from Ch. 110 1/2, par. 257)

Sec. 7. Other Transfer by Fiduciary. (a) Subject to subsection (c), a representative may make an irrevocable transfer to an adult or trust company as custodian for the benefit of a minor pursuant to Section 10, in the absence of an authorization to do so.

(b) Subject to subsection (c), a guardian may make an irrevocable transfer to an adult or trust company as custodian for the benefit of the minor pursuant to Section 10.

(c) A transfer under subsection (a) or (b) may be made only if (i) the representative or guardian considers the transfer to be in the best interest of the minor and (ii) the transfer is authorized by the court if it exceeds \$10,000 in value.

(Source: P.A. 84-1129.)

(760 ILCS 20/8) (from Ch. 110 1/2, par. 258)

Sec. 8. Transfer by Other Obligor. (a) Subject to subsections (b) and (c), a person not subject to Section 5, 6 or 7 who holds property of or owes a liquidated debt to a minor not having a guardian may make an irrevocable transfer to a custodian for the benefit of the minor pursuant to Section 10.

Case: 21-1597 Document: 47 RESTRICTED Filed: 10/26/2022 Pages: 44

(b) If a person having the right to do so under Section 4 has nominated a custodian under that Section to receive the custodial property, the transfer must be made to that person.

(c) If no custodian has been nominated under Section 4, or all persons so nominated as custodian die before the transfer or are unable, decline, or are ineligible to serve, a transfer under this Section may be made to an adult member of the minor's family or to a trust company unless the property exceeds \$50,000 in value.

(Source: P.A. 84-1129.)

(760 ILCS 20/9) (from Ch. 110 1/2, par. 259)

Sec. 9. Receipt for Custodial Property. A written acknowledgment of delivery by a custodian constitutes a sufficient receipt and discharge for custodial property transferred to the custodian pursuant to this Act.

(Source: P.A. 84-915.)

(760 ILCS 20/10) (from Ch. 110 1/2, par. 260)

Sec. 10. Manner of Creating Custodial Property and Effecting Transfer; Designation of Initial Custodian; Control. (a) Custodial property is created and a transfer is made whenever:

(1) an uncertificated security or a certificated security in registered form is either:

(i) registered in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for (name of minor) under the Illinois Uniform Transfers to Minors Act"; or

(ii) delivered if in certificated form, or any document necessary for the transfer of an uncertificated security is delivered, together with any necessary endorsement to the transferor, an adult other than the transferor or a trust company as custodian, accompanied by an instrument in substantially the form set forth in subsection (b);

(2) money is paid or delivered to a broker or financial institution for credit to an account in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for (name of minor) under the Illinois Uniform Transfers to Minors Act";

(3) the ownership of a life or endowment insurance policy or annuity contract is either:

(i) registered with the issuer in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for (name of minor) under the Illinois Uniform Transfers to Minors Act"; or

(ii) assigned in a writing delivered to the transferor, an adult other than the transferor or a trust company whose name in the assignment is followed in substance by the words: "as custodian for (name of minor) under the Illinois Uniform Transfers to Minors Act";

(4) an irrevocable exercise of a power of appointment or an irrevocable present right to future payment under a governing instrument is the subject of a written notification delivered to the payor, issuer, or other obligor that the right is transferred to the transferor, an adult other than the transferor, or a trust company, whose name in the notification is followed in substance by the words: "as custodian for (name of minor) under the Illinois Uniform Transfers to Minors Act";

(5) real estate or an interest therein is the subject of an executed and delivered deed, assignment or similar conveyance

Case: 21-1597 Document: 47 RESTRICTED Filed: 10/26/2022 Pages: 44

into the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for (name of minor) under the Illinois Uniform Transfers to Minors Act". Said document, to be effective, shall also either be recorded by the transferor or the custodian or be executed by the custodian using a statement in substance in the following form:

".....(name of custodian) hereby acknowledges receipt of the above property described:.....(insert a description of the custodial property sufficient to identify it) as custodian for the minor under the Illinois Transfers to Minors Act.

Dated:
..... (Signature of Custodian)";

(6) a certificate of title issued by a department or agency of a state or of the United States which evidences title to tangible personal property is either:

(i) issued in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for (name of minor) under the Illinois Uniform Transfers to Minors Act"; or

(ii) delivered to the transferor, an adult other than the transferor or a trust company, endorsed to that person followed in substance by the words: "as custodian for (name of minor) under the Illinois Uniform Transfers to Minors Act";

(7) the beneficial interest in a land trust is assigned to the transferor, an adult other than the transferor or a trust company, followed in substance by the words:

"as custodian for (name of minor) under the Illinois Uniform Transfers to Minors Act".

The assignment and its acceptance by the custodian must be delivered to the trustee of the land trust and an acknowledgment of receipt obtained; or

(8) an interest in any property not described in paragraphs (1) through (7) is transferred to the transferor, an adult other than the transferor or a trust company by a written instrument in substantially the form set forth in subsection (b).

(b) An instrument in the following form satisfies the requirements of paragraphs (1)(ii) and (8) of subsection (a):

"TRANSFER UNDER THE ILLINOIS UNIFORM TRANSFERS TO MINORS ACT

I, (name of transferor or name and representative capacity if a fiduciary) hereby transfer to (name of custodian), as custodian for (name of minor) under the Illinois Uniform Transfers to Minors Act, the following: (insert a description of the custodial property sufficient to identify it).
Dated:

..... (Signature)
..... (name of custodian) acknowledges receipt of the property described above as custodian for the minor named above under the Illinois Uniform Transfers to Minors Act.
Dated:

..... (Signature of Custodian)"

(c) A transferor shall place the custodian in control of the custodial property as soon as practicable.
(Source: P.A. 84-1129.)

(760 ILCS 20/11) (from Ch. 110 1/2, par. 261)

Sec. 11. Single Custodianship. A transfer may be made only for one minor, and only one person may be the custodian. All custodial property held under this Act by the same custodian for the benefit of the same minor constitutes a single custodianship.

Case: 21-1597 Document: 47 RESTRICTED Filed: 10/26/2022 Pages: 44
(Source: P.A. 84-915.)

(760 ILCS 20/12) (from Ch. 110 1/2, par. 262)

Sec. 12. Validity and Effect of Transfer. (a) The validity of a transfer made in a manner prescribed in this Act is not affected by:

(1) failure of the transferor to comply with Section 10(c) concerning possession and control;

(2) designation of an ineligible custodian; or

(3) death or incapacity of a person nominated under Section 4 or designated under Section 10 as custodian or the disclaimer of the office by that person.

(b) A transfer made pursuant to Section 10 is irrevocable, and the custodial property is indefeasibly vested in the minor, but the custodian has all the rights, powers, duties, and authority provided in this Act, and neither the minor nor the minor's representative has any right, power, duty, or authority with respect to the custodial property except as provided in this Act.

(c) By making a transfer, the transferor incorporates in the disposition all the provisions of this Act and grants to the custodian, and to any third person dealing with a person designated as custodian, the respective powers, rights, and immunities provided in this Act.

(Source: P.A. 84-1129.)

(760 ILCS 20/13) (from Ch. 110 1/2, par. 263)

Sec. 13. Care of Custodial Property. (a) A custodian shall:

(1) take control of custodial property;

(2) register or record title to custodial property if appropriate; and

(3) collect, hold, manage, invest, and reinvest custodial property.

(b) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent person of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, including without limitation in one or more common trust funds as defined in and from time to time established, maintained and administered pursuant to "An Act concerning common trust funds", approved July 29, 1943, as now or hereafter amended, except that he may, in his discretion and without liability to the minor or his estate, retain custodial property given to the minor in a manner prescribed in this Act or hold money so given in an account in the financial institution to which it was paid or delivered by the transferor.

(c) A custodian may invest in or pay premiums on life insurance or endowment policies on (i) the life of the minor only if the minor or the minor's estate is the sole beneficiary, or (ii) the life of another person in whom the minor has an insurable interest only to the extent that the minor, the minor's estate, or the custodian in the capacity of custodian, is the irrevocable beneficiary.

(d) A custodian at all times shall keep custodial property separate and distinct from all other property in a manner sufficient to identify it clearly as custodial property of the minor. Custodial property consisting of an undivided interest is so identified if the minor's interest is held as a tenant in common and is fixed. Custodial property subject to recordation is so identified if it is recorded, and custodial property subject to registration is so identified if it is either registered, or held in an account designated, in the name of the custodian, followed in substance by the words: "as a custodian

Case: 21-1597 Document: 47 RESTRICTED Filed: 10/26/2022 Pages: 44

for (name of minor) under the Illinois Uniform Transfers to Minors Act".

(e) A custodian shall keep records of all transactions with respect to custodial property, including information necessary for the preparation of the minor's tax returns, and shall make them available for inspection at reasonable intervals by a parent or representative of the minor or by the minor if the minor has attained the age of 14 years.

(Source: P.A. 84-1129.)

(760 ILCS 20/14) (from Ch. 110 1/2, par. 264)

Sec. 14. Powers of Custodian. (a) A custodian, acting in a custodial capacity, has all the rights, powers, and authority over custodial property that unmarried adult owners have over their own property, but a custodian may exercise those rights, powers, and authority in that capacity only.

(b) This Section does not relieve a custodian from liability for breach of Section 13.

(Source: P.A. 84-915.)

(760 ILCS 20/15) (from Ch. 110 1/2, par. 265)

Sec. 15. Use of Custodial Property.

(a) A custodian may deliver or pay to the minor or expend for the minor's benefit so much of the custodial property as the custodian considers advisable for the use and benefit of the minor, without court order and without regard to (i) the duty or ability of the custodian personally or of any other person to support the minor, or (ii) any other income or property of the minor which may be applicable or available for that purpose.

(a-5) At any time, a custodian may transfer part or all of the custodial property to a qualified minor's trust without a court order. Such a transfer terminates the custodianship to the extent of the transfer.

(b) On petition of an interested person or the minor if the minor has attained the age of 14 years, the court may order the custodian to deliver or pay to the minor or expend for the minor's benefit so much of the custodial property as the court considers advisable for the use and benefit of the minor.

(c) A delivery, payment, or expenditure under this Section is in addition to, not in substitution for, and does not affect any obligation of a person to support the minor.

(Source: P.A. 91-90, eff. 1-1-00.)

(760 ILCS 20/16) (from Ch. 110 1/2, par. 266)

Sec. 16. Custodian's Expenses, Compensation, and Bond. (a) A custodian is entitled to reimbursement from custodial property for reasonable expenses incurred in the performance of the custodian's duties.

(b) Except for one who is a transferor under Section 5, a custodian has a noncumulative election during each calendar year to charge reasonable compensation for services performed during that year.

(c) Except as provided in Section 19(f), a custodian need not give a bond.

(d) A custodian not compensated for his services is not liable for losses to the custodial property unless they result from his bad faith, intentional wrongdoing or gross negligence or from his failure to maintain the standard of prudence in investing the custodial property provided in this Act.

(Source: P.A. 84-1129.)

Case: 21-1597 Document: 47 RESTRICTED Filed: 10/26/2022 Pages: 44

(760 ILCS 20/17) (from Ch. 110 1/2, par. 267)

Sec. 17. Exemption of Third Person from Liability. A third person in good faith and without court order may act on the instructions of or otherwise deal with any person purporting to make a transfer or purporting to act in the capacity of a custodian and, in the absence of knowledge, is not responsible for determining:

- (1) the validity of the purported custodian's designation;
- (2) the propriety of, or the authority under this Act for, any act of the purported custodian;
- (3) the validity or propriety under this Act of any instrument or instructions executed or given either by the person purporting to make a transfer or by the purported custodian; or
- (4) the propriety of the application of any property of the minor delivered to the purported custodian.

(Source: P.A. 84-1129.)

(760 ILCS 20/18) (from Ch. 110 1/2, par. 268)

Sec. 18. Liability to Third Persons. (a) A claim based on (i) a contract entered into by a custodian acting in a custodial capacity, (ii) an obligation arising from the ownership or control of custodial property, or (iii) a tort committed during the custodianship, may be asserted against the custodial property by proceeding against the custodian in the custodial capacity, whether or not the custodian or the minor is personally liable therefor.

(b) A custodian is not personally liable:

- (1) on a contract properly entered into in the custodial capacity unless the custodian fails to reveal that capacity and to identify the custodianship in the contract; or
- (2) for an obligation arising from control of custodial property or for a tort committed during the custodianship unless the custodian is personally at fault.

(c) A minor is not personally liable for an obligation arising from ownership of custodial property or for a tort committed during the custodianship unless the minor is personally at fault.

(Source: P.A. 84-915.)

(760 ILCS 20/19) (from Ch. 110 1/2, par. 269)

Sec. 19. Renunciation, Resignation, Death, or Removal of Custodian; Designation of Successor Custodian.

(a) A person nominated under Section 4 or designated under Section 6 or Section 10 as custodian may decline to serve by delivering a valid disclaimer to the person who made the nomination or designation or to the transferor or the transferor's representative. If the event giving rise to a transfer has not occurred and no substitute custodian able, willing, and eligible to serve was nominated under Section 4, the person who made the nomination or designation may nominate a substitute custodian; otherwise the transferor or the transferor's representative shall designate a substitute custodian at the time of the transfer in either case from among the persons eligible to serve as custodian for that kind of property under Section 10(a). The custodian so designated has the rights of a successor custodian.

(b) At any time or times a transferor or his representative may designate an adult or a trust company as successor custodian, single or successive, by executing and dating an instrument of designation and delivering it to the custodian or

Case: 21-1597 Document: 47 RESTRICTED Filed: 10/26/2022 Pages: 44

if he is deceased or is a person with a disability to his representative. A custodian at any time when a vacancy would otherwise occur may designate a trust company or an adult as successor custodian by executing and dating an instrument of designation. If an instrument of designation does not contain or is not accompanied by the resignation of the custodian, the designation of the successor does not take effect until the custodian resigns, dies, becomes a person with a disability, or is removed. If a transferor or a custodian has executed more than one instrument of designation, the instrument dated on the earlier date shall be treated as revoked by the instrument dated on the later date; however, a designation by a transferor or his representative shall not be revoked by a custodian. A successor custodian has all the powers, duties and immunities of a custodian designated in a manner prescribed by this Act.

(c) A custodian may resign at any time by delivering written notice to the minor if the minor has attained the age of 14 years and to the successor custodian and by delivering the custodial property to the successor custodian.

(d) If a custodian is ineligible, dies, or becomes a person with a disability and no successor has been effectively designated and the minor has attained the age of 14 years, the minor may designate as successor custodian, in the manner prescribed in subsection (b), an adult member of the minor's family, a guardian of the minor, or a trust company. If the minor has not attained the age of 14 years or fails to act within 60 days after the ineligibility, death, or incapacity, the guardian of the minor becomes successor custodian. If the minor has no guardian or the guardian declines to act, the transferor, the representative of the transferor or of the custodian, an adult member of the minor's family, or any other interested person may petition the court to designate a successor custodian.

(e) A custodian who declines to serve under subsection (a) or resigns under subsection (c), or the representative of a deceased custodian or a custodian with a disability, as soon as practicable, shall put the custodial property and records in the possession and control of the successor custodian. The successor custodian by action may enforce the obligations to deliver custodial property and records and becomes responsible for each item as received.

(f) A transferor, the representative of a transferor, an adult member of the minor's family, a guardian of the person of the minor, the guardian of the minor, or the minor if the minor has attained the age of 14 years may petition the court to remove the custodian for cause and to designate a successor custodian not inconsistent with an effective designation or to require the custodian to give appropriate bond.

(Source: P.A. 99-143, eff. 7-27-15.)

(760 ILCS 20/20) (from Ch. 110 1/2, par. 270)

Sec. 20. Accounting by and Determination of Liability of Custodian. (a) A minor who has attained the age of 14 years, the minor's representative, an adult member of the minor's family, a transferor, or a transferor's representative may petition the court (i) for an accounting by the custodian or the custodian's representative; or (ii) for a determination of responsibility, as between the custodial property and the custodian personally, for claims against the custodial property unless the responsibility has been adjudicated in an action under Section 18 to which the minor or the minor's representative was a party.

(b) A successor custodian may petition the court for an accounting by the predecessor custodian.

(c) The court, in a proceeding under this Act or in any

Case: 21-1597 Document: 47 RESTRICTED Filed: 10/26/2022 Pages: 44

other proceeding, may require or permit the custodian or the custodian's representative to account.

(d) If a custodian is removed under Section 19(f), the court shall require an accounting and order delivery of the custodial property and records to the successor custodian and the execution of all instruments required for transfer of the custodial property.

(Source: P.A. 84-1129.)

(760 ILCS 20/21) (from Ch. 110 1/2, par. 271)

Sec. 21. Termination of Custodianship. (a) The custodian shall transfer in an appropriate manner the custodial property (to the extent that it has not been used pursuant to this Act) to the minor or to the minor's estate upon the earlier of:

(1) the minor's attainment of 21 years of age with respect to custodial property transferred under Section 5 or 6;

(2) the minor's attainment of majority under the laws of this State other than this Act with respect to custodial property transferred under Section 7 or 8; or

(3) the minor's death.

(b) To the extent the custodial property is real property or an interest in real property, no conveyance or delivery to the minor or to the minor's estate is necessary to terminate the powers or rights of the custodian upon the minor's attainment of age 21 or 18 years, as the case may be, or upon the minor's death.

(Source: P.A. 84-1129.)

(760 ILCS 20/22) (from Ch. 110 1/2, par. 272)

Sec. 22. Applicability. This Act applies to a transfer within the scope of Section 3 made after its effective date if:

(1) the transfer purports to have been made under the Uniform Gifts to Minors Act of this State; or

(2) the instrument by which the transfer purports to have been made uses in substance the designation "as custodian under the Uniform Gifts to Minors Act" or "as custodian under the Uniform Transfers to Minors Act" of any other state, and the application of this Act is necessary to validate the transfer.

(Source: P.A. 84-915.)

(760 ILCS 20/23) (from Ch. 110 1/2, par. 273)

Sec. 23. Effect on Existing Custodianships. (a) Any transfer of custodial property whether or not now defined in this Act made before the effective date of this Act is validated notwithstanding that there was no specific authority in the Uniform Gifts to Minors Act of this State for the coverage of custodial property of that kind or for a transfer from that source at the time the transfer was made.

(b) This Act applies to all transfers made before the effective date of this Act in a manner and form prescribed in the Uniform Gifts to Minors Act of this State, except insofar as the application impairs vested rights.

(Source: P.A. 84-1129.)

(760 ILCS 20/24) (from Ch. 110 1/2, par. 274)

Sec. 24. Uniformity of Application and Construction. This Act shall be applied and construed to effectuate its general purpose to make uniform to the extent accepted by this State the law with respect to the subject of this Act among states enacting it.

Case: 21-1597 Document: 47
(Source: P.A. 84-1129.)

RESTRICTED

Filed: 10/26/2022

Pages: 44

PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 16

10.18.22 19cv0827 Stipulated Dismissal

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

E*TRADE Securities LLC,

Interpleader Plaintiff,

v.

**Felipe Nery Gomez and Arthur James
Muellman Gomez,**

Interpleader Defendants.)

No.: 1:19-cv-00827

Honorable Rebecca R. Pallmeyer

STIPULATION OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED, by and between Interpleader Plaintiff E*TRADE Securities LLC ("E*TRADE"), by and through its undersigned counsel, Interpleader Defendant Felipe Nery Gomez ("Felipe Gomez"), and Interpleader Defendant Arthur James Muellman Gomez ("AJ Gomez"), that this action shall be dismissed according to the following terms:

1. E*TRADE shall transfer all assets contained in the E*TRADE account that is the subject of this action to TD Ameritrade Account No. 494521651. AJ Gomez must initiate this transfer with TD Ameritrade.

2. Felipe Gomez and AJ Gomez shall dismiss with prejudice all pending lawsuits against E*TRADE, Reed Smith LLP, and James T. Hultquist. This includes, but is not limited to *Gomez v. ETrade Securities LLC*, 2019-CH-13851 (Cir. Ct. of Cook Cnty.) and *Gomez v. Pallmeyer, et al.*, 2019-CH-14892 (Cir. Ct. of Cook Cnty.).

3. Felipe Gomez and AJ Gomez release, acquit, and forever discharge E*TRADE and its agents, assigns, representatives, beneficiaries, insurers, successors in interest, and attorneys, and Reed Smith LLP and its agents, assigns, representatives, beneficiaries, insurers, successors in

interest, attorneys, and employees, of and from any and all claims, actions, causes of action, suits, debts, demands, rights, damages, costs, attorney fees, obligations, contracts, covenants, expenses, liens and compensation whatsoever, in law or in equity, now existing or which may hereinafter accrue by reason of any facts or circumstances, whether known or unknown, foreseen and unforeseen, arising out of or in any way related to this litigation and/or the claimed assets that are the subject of this litigation.

4. This action is dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), however, the Court shall retain jurisdiction only to enforce the terms of this stipulation.

5. Each party shall bear its own costs and fees.

IT IS THEREFORE ORDERED AND ADJUDGED that the above-captioned matter is dismissed with prejudice and without costs or fees to any party.

DATED this _____ day of _____ 2020.

HONORABLE REBECCA R. PALLMEYER
U.S. District Court Judge

IT IS SO STIPULATED:

/s/ James T. Hultquist
James T. Hultquist
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606-7507
jhultquist@reedsmith.com

*Counsel for Interpleader Plaintiff E*TRADE
Securities LLC*

/s/
Felipe Gomez
Interpleader Defendant

/s/
Arthur James Muellman Gomez

Interpleader Defendant

Virginia Prihoda
Law Offices of Virginia Prihoda
7551 N. Oakley
Chicago, IL 60645
virginiaprihoda@hotmail.com

*Counsel for Interpleader Defendant Arthur
James Muellman Gomez*

IT IS SO STIPULATED:

/s/ James T. Hultquist
James T. Hultquist
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606-7507
jhultquist@reedsmith.com

*Counsel for Interpleader Plaintiff E*TRADE
Securities LLC*

/s/ Felipe Gomez 10.26.20

Interpleader Defendant

/s/
Arthur James Muellman Gomez

Interpleader Defendant

Virginia Prihoda
Law Offices of Virginia Prihoda
7551 N. Oakley
Chicago, IL 60645
virginiaprihoda@hotmail.com

*Counsel for Interpleader Defendant Arthur
James Muellman Gomez*

IT IS SO STIPULATED:

/s/ James T. Hultquist
James T. Hultquist
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606-7507
jhultquist@reedsmith.com

*Counsel for Interpleader Plaintiff E*TRADE
Securities LLC*

/s/
Felipe Gomez
Interpleader Defendant

/s/ [Signature] 10/26/2020
Arthur James Muellman Gomez

Interpleader Defendant

Virginia Prihoda
Law Offices of Virginia Prihoda
7551 N. Oakley
Chicago, IL 60645
virginiaprihoda@hotmail.com

*Counsel for Interpleader Defendant Arthur
James Muellman Gomez*

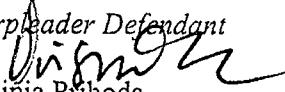
IT IS SO STIPULATED:

/s/ James T. Hultquist
James T. Hultquist
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606-7507
jhultquist@reedsmith.com

*Counsel for Interpleader Plaintiff E*TRADE
Securities LLC*

/s/
Felipe Gomez
Interpleader Defendant

/s/
Arthur James Muellman Gomez

Interpleader Defendant

Virginia Prihoda
Law Offices of Virginia Prihoda
7551 N. Oakley
Chicago, IL 60645
virginiaprihoda@hotmail.com

*Counsel for Interpleader Defendant Arthur
James Muellman Gomez*

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2020, I electronically filed the foregoing **STIPULATION OF DISMISSAL** with the Clerk of Court using the CM/EFC system which will send notification of such filing to the CM/ECF participants who have entered an appearance in this action.

/s/ James T. Hultquist
James T. Hultquist

PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 17

In Re Felipe Nery Gomez Ch. 7 23B3023 (NDILB) Docket

IFP, MEANSNO, ApNoFeeRequired, WTRSVREND, APPEAL, 727OBJ, ApFeeDeferred, DSCHGWAIVED

**U.S. Bankruptcy Court
Northern District of Illinois (Eastern Division)
Bankruptcy Petition #: 23-03023**

Assigned to: Michael B. Slade
Chapter 7
Voluntary
Asset

Date filed: 03/07/2023
341 meeting: 10/18/2023
Deadline for filing claims: 09/15/2023
Deadline for filing claims (govt.): 09/15/2023
Deadline for objecting to discharge: 12/12/2023
Deadline for financial mgmt. course: 06/13/2023

Debtor disposition: Discharge Waived

Debtor 1
Felipe Nery Gomez
1922 W Belmont #1F
Chicago, IL 60657
COOK-IL
SSN / ITIN: xxx-xx-4730
aka Phil Gomez
aka Phillip Gomez

represented by **Felipe Nery Gomez**
PRO SE

Acting U.S. Trustee
Adam Brief
Office of the U. S. Trustee, Region 11
219 South Dearborn
Room 873
Chicago, IL 60604
312-886-5785

represented by **Joshua D. Greene**
DOJ-Ust
219 South Dearborn St.
Suite 873
Chicago, IL 60604
202-538-4834
Email: joshua.d.greene@usdoj.gov

Trustee
David P Leibowitz, ESQ
David P. Leibowitz, Trustee
1355 W. Wrightwood Avenue
Ste Unit 2
Chicago, IL 60614
312-662-5750
TERMINATED: 04/12/2023

Trustee
Gina B Krol
Gina B. Krol, Chapter 7 Trustee
Cohen & Krol
1064 104th Street
Ste 100
Naperville, IL 60564

312-368-0300
 TERMINATED: 04/14/2023

Trustee

Norman B Newman
 Raines Feldman Littrell LLP
 30 N. LaSalle Street
 Ste 3100
 Chicago, IL 60602
 312-704-2170
 TERMINATED: 04/17/2023

Trustee

Frank J Kokoszka
 Kokoszka & Janczur, P.C.
 11 East Adams Street
 Suite 1107
 Chicago, IL 60603
 312-429-7861

represented by **Frank J Kokoszka**
 Kokoszka & Janczur, P.C.
 11 East Adams Street
 Suite 1107
 Chicago, IL 60603
 312-429-7861
 Fax : 312-443-5704
 Email: trustee@k-jlaw.com

Frank J Kokoszka
 Kokoszka & Janczur, P.C.
 11 East Adams Street
 Suite 1107
 60603
 Chicago, IL 60603
 312-443-9600
 Email: fkokoszka@k-jlaw.com

U.S. Trustee

Patrick S Layng
 Office of the U.S. Trustee, Region 11
 219 S Dearborn St
 Room 873
 Chicago, IL 60604
 312-886-5785
 TERMINATED: 09/28/2024

represented by **Adam G. Brief**
 Office of the United States Trustee
 219 South Dearborn
 Room 873
 Chicago, IL 60604
 312-886-5785
 Email: Ustpreion11.es.ecf@usdoj.gov

Filing Date	#	Docket Text
03/07/2023	<u>1</u> (14 pgs)	Chapter 7 Voluntary Petition for Individual (IFP waiver) Filed by Felipe Nery Gomez (Clarke, Jody) (Entered: 03/07/2023)
03/07/2023	2	Statement About Your Social Security Numbers Filed by Felipe Nery Gomez . (Clarke, Jody) (Entered: 03/07/2023)
03/07/2023	<u>3</u> (1 pg)	Certificate of Credit Counseling Filed by Felipe Nery Gomez . (Clarke, Jody) (Entered: 03/07/2023)

03/07/2023	<u>4</u> (3 pgs)	Chapter 7 Statement of Your Current Monthly Income (Form 122A-1) Filed by Felipe Nery Gomez . (Clarke, Jody) (Entered: 03/07/2023)									
03/07/2023	<u>5</u> (4 pgs; 2 docs)	Application to Have Chapter 7 Filing Fee Waived Filed by Felipe Nery Gomez . (Attachments: # <u>1</u> Proposed Order) (Clarke, Jody) (Entered: 03/07/2023)									
03/07/2023	6	Pro Se Photo ID . (Clarke, Jody) (Entered: 03/07/2023)									
03/07/2023	7	Meeting of Creditors with 341(a) meeting to be held on 4/14/2023 at 12:30 PM at Appear By VIDEO. See details at www.justice.gov/ust/file/ILN.pdf/download.. Financial Management Course due:6/13/2023. Last day to object to discharge is 6/13/2023. Last day to object to dischargeability is 6/13/2023. (Clarke, Jody) (Entered: 03/07/2023)									
03/08/2023	8	<p>Notice of Debtor's Prior Filings</p> <table border="1"> <thead> <tr> <th>Debtor</th> <th>Case No</th> <th>Note</th> </tr> </thead> <tbody> <tr> <td>Felipe Nery Gomez</td> <td>20-02589</td> <td>Ch13 filed in Illinois Northern Bankruptcy on 01/29/2020, Dismissed for Other Reason on 03/23/2020</td> </tr> <tr> <td></td> <td>19-33182</td> <td>Ch13 filed in Illinois Northern Bankruptcy on 11/21/2019, Dismissed for Failure to File Documents on 01/06/2020</td> </tr> </tbody> </table> <p>.(Admin) (Entered: 03/08/2023)</p>	Debtor	Case No	Note	Felipe Nery Gomez	20-02589	Ch13 filed in Illinois Northern Bankruptcy on 01/29/2020, Dismissed for Other Reason on 03/23/2020		19-33182	Ch13 filed in Illinois Northern Bankruptcy on 11/21/2019, Dismissed for Failure to File Documents on 01/06/2020
Debtor	Case No	Note									
Felipe Nery Gomez	20-02589	Ch13 filed in Illinois Northern Bankruptcy on 01/29/2020, Dismissed for Other Reason on 03/23/2020									
	19-33182	Ch13 filed in Illinois Northern Bankruptcy on 11/21/2019, Dismissed for Failure to File Documents on 01/06/2020									
03/08/2023	<u>9</u> (2 pgs)	Notice of Chapter 7 Bankruptcy Case. No Proof of Claim Deadline . (Green, Ron) (Entered: 03/08/2023)									
03/08/2023	<u>10</u> (1 pg)	Notice of Deficiency given to Debtor(s): Possible Dismissal of Case. The following document(s) were due at the time of filing and are deficient: Schedule A-B (Form 106A/B,206A/B). Schedule C (Form 106C). Schedule D (Form 106D,206D). Schedule E-F (Form 106E/F,206E/F). Schedule G (Form 106G,206G). Schedule H (Form 106H,206H). Schedule I (Form 106I). Schedule J (Form 106J). Statement of Financial Affairs (Form 107/207). (RE: <u>1</u> Voluntary Petition (Chapter 7)). Incomplete Filings due by 3/21/2023. (Green, Ron) (Entered: 03/08/2023)									
03/10/2023	<u>11</u> (1 pg)	Request for Service of Notices Filed by PRA Receivables Management, LLC. (Smith, Valerie) (Entered: 03/10/2023)									
03/10/2023	<u>12</u> (4 pgs)	BNC Certificate of Notice - Meeting of Creditors. (RE: <u>9</u> Notice of Chapter 7 Bankruptcy Case). No. of Notices: 21. Notice Date 03/10/2023. (Admin.) (Entered: 03/10/2023)									
03/10/2023	<u>13</u> (2 pgs)	BNC Certificate of Notice - Notice of Deficiency (RE: <u>10</u> Notice of Deficiency Chapter 7). No. of Notices: 1. Notice Date 03/10/2023. (Admin.) (Entered: 03/10/2023)									

03/20/2023	<u>14</u> (1 pg)	Consent for Electronic Notice and Service- Add E-mail Filed by Felipe Nery Gomez . (Green, Ron) (Entered: 03/20/2023)
03/20/2023	15	Pro Se Photo ID . (Green, Ron) (Entered: 03/20/2023)
03/20/2023	<u>16</u> (13 pgs; 3 docs)	Notice of Motion and Pro Se Motion Pursuant to 11 U.S.C. 521 and FED. R. Bankr. P. 1007(c), Motion to Reset Creditor Meeting Date, Subsequent To Pro Se "Bare Bones" Petition (related documents 7 Meeting of Creditors 7 (No Asset Individual)), Notice of Motion and Motion to Extend Time to File Schedules or Provide Required Information Filed by Felipe Nery Gomez . Hearing scheduled for 3/27/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Motion # <u>2</u> Proposed Order) (Green, Ron) (Entered: 03/20/2023)
03/22/2023	17	Request for Final Notice of Deficiency for Debtor(s) and Hearing on Dismissal of Case. The following document(s) were due at the time of filing and are deficient: Schedule A-B (Form 106A/B). Schedule C (Form 106C). Schedule D (Form 106D). Schedule E-F (Form 106E/F). Schedule G (Form 106G). Schedule H (Form 106H). Schedule I (Form 106I). Schedule J (Form 106J). Statement of Financial Affairs (Form 107/207).(admin) (Entered: 03/22/2023)
03/23/2023	<u>18</u> (32 pgs)	Schedules A / B, C, D, G, H, I, J, with Declaration Filed by Felipe Nery Gomez (RE: <u>1</u> Voluntary Petition (Chapter 7)). (Cox, Adam) (Entered: 03/23/2023)
03/27/2023	<u>19</u> (2 pgs)	Summary of Assets and Liabilities and Certain Statistical Information for Individual Filed by Felipe Nery Gomez . (Seamann, Pamela) (Entered: 03/27/2023)
03/27/2023	<u>20</u> (12 pgs)	Statement of Financial Affairs for Individual Filed by Felipe Nery Gomez . (Seamann, Pamela) (Entered: 03/27/2023)
03/27/2023	<u>21</u> (7 pgs; 2 docs)	Schedules E / F,with Declaration Filed by Felipe Nery Gomez . (Attachments: # <u>1</u> Document Continued Declaration) (Seamann, Pamela) (Entered: 03/27/2023)
03/27/2023	<u>22</u> (12 pgs)	List of Creditors- Attachment to Schedule E/F. Filed by Felipe Nery Gomez . (Seamann, Pamela) (Entered: 03/27/2023)
03/27/2023	23	No Action Needed. All required documents per Section 521 have been filed. (RE: 17 Request for Final Notice of Deficiency). (Seamann, Pamela) (Entered: 03/27/2023)
03/27/2023	24	(E)Order Withdrawing Motion to Continue/Reschedule (Related Doc # <u>16</u>) , Withdrawing Motion To Extend Time to File Schedules or Provide Required Information (Related Doc # <u>16</u>). Signed on 3/27/2023. (Seamann, Pamela) (Entered: 03/28/2023)
04/03/2023	<u>25</u> (2 pgs; 2 docs)	Order Granting Application to Have Chapter 7 Filing Fee Waived (Related Doc # <u>5</u>). Signed on 4/3/2023. (Green, Ron) (Entered: 04/03/2023)

04/04/2023	<u>26</u> (25 pgs; 3 docs)	Notice of Motion and Motion for Temporary Restraining Order, Notice of Motion and Motion to Continue/Reschedule Hearing (related documents 7 Meeting of Creditors 7 (No Asset Individual)) Filed by Felipe Nery Gomez . Hearing scheduled for 4/10/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> motion # <u>2</u> affidavit) (Green, Ron) (Entered: 04/04/2023)
04/04/2023	<u>27</u> (1 pg)	Proposed Order - ORDER GRANTING TEMPORARY RESTRAINING ORDER AS TO DIVERSION OF DEBTORS MAIL AND CONTINUATION OF CREDITOR'S MEETING Filed by Felipe Nery Gomez (RE: <u>26</u> Motion for Temporary Restraining Order, Motion to Continue/Reschedule Hearing). (Green, Ron) (Entered: 04/04/2023)
04/10/2023	28	(E)Order Denying for the Reasons Stated on the Record Motion for Temporary Restraining Order (Related Doc # <u>26</u>), Denying for the Reasons Stated on the Record Motion to Continue/Reschedule (Related Doc # <u>26</u>) . Signed on 4/10/2023. (Green, Ron) (Entered: 04/11/2023)
04/12/2023	<u>29</u> (1 pg)	Letter of Resignation and Appointment. David P Leibowitz, ESQ resigned from the case and Trustee Gina B Krol appointed to the case. Filed by U.S. Trustee Patrick S Layng, Trustee. (Brief, Adam) (Entered: 04/12/2023)
04/14/2023	<u>30</u> (1 pg)	Letter of Resignation and Appointment. Gina B Krol resigned from the case and Trustee Norman B Newman appointed to the case. Filed by U.S. Trustee Patrick S Layng, Trustee. (Brief, Adam) (Entered: 04/14/2023)
04/14/2023	<u>31</u> (1 pg)	Renotice 341 Meeting . 341(a) meeting to be held on 5/16/2023 at 01:00 PM at Appear By VIDEO. See details at www.justice.gov/ust/file/ILN.pdf/download.. (Gutierrez, Evelyn) (Entered: 04/14/2023)
04/16/2023	<u>32</u> (4 pgs)	BNC Certificate of Notice - Renotice Meeting of Creditors (RE: <u>31</u> Renotice 341 Meeting). No. of Notices: 23. Notice Date 04/16/2023. (Admin.) (Entered: 04/16/2023)
04/17/2023	<u>33</u> (1 pg)	Letter of Resignation and Appointment. Norman B Newman resigned from the case and Trustee Frank J Kokoszka appointed to the case. Filed by U.S. Trustee Patrick S Layng, Trustee. (Brief, Adam) (Entered: 04/17/2023)
04/18/2023	<u>34</u> (73 pgs; 2 docs)	Adversary case 23-00089. (01 (Determination of removed claim or cause)) , (11 (Recovery of money/property - 542 turnover of property)) , (62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) , (71 (Injunctive relief - reinstatement of stay)) , (72 (Injunctive relief - other)): Notice of Removal Copy of Record due by 5/9/2023. (Attachments: # <u>1</u> Index To Attachments) (Mendoza, Laura) (Entered: 04/18/2023)
04/21/2023	<u>35</u> (1 pg)	Renotice 341 Meeting . 341(a) meeting to be held on 5/15/2023 at 01:00 PM at Appear By VIDEO. See details at www.justice.gov/ust/file/ILN.pdf/download.. (Gutierrez, Evelyn) (Entered: 04/21/2023)

04/23/2023	<u>36</u> (4 pgs)	BNC Certificate of Notice - Renote Meeting of Creditors (RE: <u>35</u> Renote 341 Meeting). No. of Notices: 23. Notice Date 04/23/2023. (Admin.) (Entered: 04/23/2023)
04/24/2023	37	Trustee Certification of Services Rendered Under 11 U.S.C. Section 330(e). I rendered the following service in the case and am eligible for payment under 11 U.S.C. Section 330(e): Conducted or filed a document required by rule or statute related to a meeting of creditors required by 11 U.S.C. Section 341. I declare under penalty of perjury that the foregoing is true and correct. (Executed on 4/24/2023) Filed by Trustee David P Leibowitz ESQ (RE: 7 Meeting of Creditors 7 (No Asset Individual)). (Leibowitz, David) (Entered: 04/24/2023)
04/25/2023	<u>38</u> (10 pgs; 3 docs)	Notice of Motion and Application to Employ Frank J. Kokoszka and Kokoszka & Janczur, P.C. as Counsel for Chapter 7 Trustee Filed by Frank J Kokoszka Hearing scheduled for 5/8/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Exhibit Declaration of Frank J. Kokoszka # <u>2</u> Proposed Order) (Kokoszka, Frank) (Entered: 04/25/2023)
04/25/2023	<u>39</u> (82 pgs; 2 docs)	Adversary case 23-00097. (01 (Determination of removed claim or cause)) , (11 (Recovery of money/property - 542 turnover of property)) , (62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) , (71 (Injunctive relief - reinstatement of stay)) , (72 (Injunctive relief - other)): Notice of Removal Copy of Record due by 5/16/2023. (Attachments: # <u>1</u> Attachment) (Sumner, Vearllean) (Entered: 04/25/2023)
04/25/2023	<u>40</u> (4 pgs)	Certificate of Service Filed by Trustee Frank J Kokoszka (RE: <u>38</u> Application to Employ). (Kokoszka, Frank) (Entered: 04/25/2023)
04/28/2023	41	Withdrawal of Trustee Services Rendered Pursuant to 330(e). Reason for withdrawal: Resigned. Filed by Trustee David P Leibowitz ESQ (RE: 37 Trustee Services Rendered Pursuant to 330(e)). (Leibowitz, David) (Entered: 04/28/2023)
05/01/2023	<u>42</u> (9 pgs)	Adversary case 23-00103. (11 (Recovery of money/property - 542 turnover of property)) , (72 (Injunctive relief - other)) , (91 (Declaratory judgment)): Complaint with Cover Sheet by Felipe Nery Gomez against Larry Weisenthal , Connie Weisenthal , William J King . (Fee Not Required). Status hearing to be held on 6/5/2023 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Batson, Nicole) (Entered: 05/01/2023)
05/08/2023	<u>43</u> (1 pg)	Order Granting Application to Employ Frank J Kokoszka for Frank J Kokoszka and Kokoszka & Janczur PC. (Related Doc # <u>38</u>). Signed on 5/8/2023. (Cabrales, Claudia) (Entered: 05/09/2023)
05/12/2023	<u>45</u> (9 pgs)	First Amended Petition to correct: Phil & Phillip as other names and Mailing Address, PO Box 7139, Villa Park, IL 60181 Filed by Felipe Nery Gomez. (Cox, Adam) (Entered: 05/15/2023)

05/14/2023	<u>44</u> (2 pgs; 2 docs)	Notice of Required Document(s) for Discharge. (admin) (Entered: 05/14/2023)
05/15/2023	<u>46</u> (13 pgs; 3 docs)	Notice of Motion and Motion for Relief from Stay as to Certain Litigation. Fee Amount \$188, Filed by Oscar Stilley . Hearing scheduled for 5/22/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Statement Accompanying Relief From Stay # <u>2</u> Proposed Order) (Cox, Adam) (Entered: 05/15/2023)
05/15/2023	<u>47</u> (3 pgs)	First Amended Schedules C with Declaration Filed by Felipe Nery Gomez. (Cox, Adam) (Entered: 05/15/2023)
05/15/2023	48	Receipt of Motion. Receipt Number 76421305419, Fee Amount \$188.00 (RE: <u>46</u> Motion for Relief from Stay) Received from Oscar Stilley via Online Payment. (Jernigan, Toni). (Entered: 05/15/2023)
05/15/2023	49	Statement Adjourning 341(a)Meeting of Creditors on 6/6/2023 at 11:00 AM at Appear By VIDEO. See details at www.justice.gov/ust/file/ILN.pdf/download.. (Kokoszka, Frank) (Entered: 05/15/2023)
05/17/2023	50	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>46</u> Motion for Relief from Stay). (Kokoszka, Frank) (Entered: 05/17/2023)
05/19/2023	<u>51</u> (18 pgs)	Status Report on Elimination of Mack Bar Threat Filed by Felipe Nery Gomez . (Ruiz, Rosario) (Entered: 05/19/2023)
05/19/2023	<u>52</u> (16 pgs; 4 docs)	Notice of Hearing and Objection to Debtor's Claim of Exemptions Filed by Trustee Frank J Kokoszka. Hearing scheduled for 6/5/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Proposed Order)(Kokoszka, Frank) (Entered: 05/19/2023)
05/22/2023	53	(E)Order Denying for the Reasons Stated on the Record Motion for Relief from Stay (Related Doc # <u>46</u>). Signed on 05/22/2023. (Castellano, Nancy) (Entered: 05/22/2023)
05/23/2023	<u>54</u> (3 pgs)	Motion for Leave to Appear Pro Hac Vice Filed by Richard W. Hess on behalf of Alan Braid M.D.. (Hess, Richard) (Entered: 05/23/2023)
05/24/2023	55	(E)Order Granting Motion for Leave To Appear Pro Hac Vice (Related Doc # <u>54</u>). Signed on 5/24/2023. (Green, Ron) (Entered: 05/24/2023)
05/29/2023	<u>56</u> (8 pgs; 3 docs)	Notice of Motion and Motion for Turnover of Books & Records and Lawsuits from Debtor to Trustee Filed by Frank J Kokoszka Hearing scheduled for 6/5/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Proposed Order) (Kokoszka, Frank) (Entered: 05/29/2023)

05/29/2023	<u>57</u> (2 pgs; 2 docs)	Notice of Required Document(s) for Discharge. (admin) (Entered: 05/29/2023)
05/30/2023	<u>58</u> (12 pgs)	Amended Statement of Financial Affairs for Individual Filed by Felipe Nery Gomez . (Green, Ron) (Entered: 05/30/2023)
05/30/2023	<u>59</u> (1 pg)	Amended Declaration About Individual Debtor's Schedules Filed by Felipe Nery Gomez (RE: <u>58</u> Statement of Financial Affairs). (Green, Ron) (Entered: 05/30/2023)
05/30/2023	<u>60</u> (10 pgs)	Memorandum in Support of Removals and Related 11 USC 105 Relief/ Request for Leave to Amended (AP nos. 23-00089 and 23-00097) Filed by Felipe Nery Gomez . (Green, Ron) (Entered: 05/31/2023)
06/01/2023	<u>61</u> (1 pg)	Notice of Objection Filed by Felipe Nery Gomez (RE: <u>52</u> Objection to Debtor's Claim of Exemptions, <u>56</u> Motion for Turnover). (Green, Ron) (Entered: 06/01/2023)
06/01/2023	<u>62</u> (2 pgs)	Certificate of Service (RE: <u>61</u> Notice of Objection). (Attachments: # <u>1</u> notice of objection) (Green, Ron) Additional attachment(s) added on 6/1/2023 (Sullivan, Elizabeth). (Entered: 06/01/2023)
06/02/2023	<u>63</u> (4 pgs)	Notice of Motion and Motion for the Appointment of an Appraiser Filed by Felipe Nery Gomez Hearing scheduled for 6/12/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Green, Ron) (Entered: 06/02/2023)
06/02/2023	<u>64</u> (2 pgs)	Proposed Order - for the Appointment of an Appraiser Filed by Felipe Nery Gomez (RE: <u>63</u> Generic Motion). (Green, Ron) (Entered: 06/02/2023)
06/02/2023	<u>65</u> (3 pgs)	Amended Schedules C, with Amended Declaration Filed by Felipe Nery Gomez . (Seamann, Pamela) (Entered: 06/02/2023)
06/05/2023	<u>66</u> (18 pgs)	Affidavit in Foundation and Support of 11 USC 105 Relief and in Support of Memorandum in Support of Removals as to ongoing Diversion of Debtor's Mail Filed by Felipe Nery Gomez (RE: <u>60</u> Memorandum). (Green, Ron) (Entered: 06/05/2023)
06/05/2023	<u>67</u> (11 pgs)	Response to (related document(s): <u>52</u> Objection to Debtor's Claim of Exemptions, <u>61</u> Notice of Objection) Filed by Felipe Nery Gomez (Green, Ron) (Entered: 06/05/2023)
06/05/2023	<u>68</u> (4 pgs)	Status Report on Extant Issues Related to Pending Matters Filed by Felipe Nery Gomez . (Green, Ron) (Entered: 06/05/2023)
06/05/2023	<u>69</u> (1 pg)	(E)Order Granting Motion for Turnover (Related Doc # <u>56</u>). Signed on 06/05/2023. (O'Neal, Michelle) (Entered: 06/05/2023)
06/05/2023	<u>70</u> (1 pg)	Order - Withdrawing Objection (RE: <u>52</u> Objection to Debtor's Claim of Exemptions). Signed on 6/5/2023 (Green, Ron) (Entered: 06/05/2023)

06/05/2023	71	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>63</u> Generic Motion). (Kokoszka, Frank) (Entered: 06/05/2023)
06/05/2023	<u>72</u> (5 pgs; 2 docs)	Notice of Motion and Motion to Extend Time to File Objection to Discharge Under 727 as to Debtor Filed by Frank J Kokoszka Hearing scheduled for 6/12/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order) (Kokoszka, Frank) (Entered: 06/05/2023)
06/06/2023	<u>73</u> (5 pgs; 2 docs)	Notice of Motion and Motion to Convert Case From Chapter 7 to 13 Filed by Felipe Nery Gomez . Hearing scheduled for 6/26/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order) (Green, Ron) (Entered: 06/06/2023)
06/06/2023	<u>74</u> (5 pgs; 2 docs)	Notice of Motion and Motion to Extend Time to File Objection to Discharge Under 727 as to Debtor Filed by Patrick S Layng Hearing scheduled for 6/26/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order) (Brief, Adam) (Entered: 06/06/2023)
06/07/2023	75	Statement Adjourning 341(a)Meeting of Creditors on 7/12/2023 at 11:00 AM at Appear By VIDEO. See details at www.justice.gov/ust/file/ILN.pdf/download.. (Kokoszka, Frank) (Entered: 06/07/2023)
06/08/2023	<u>76</u> (18 pgs; 2 docs)	Amended Schedules A / B,with Declaration Filed by Felipe Nery Gomez . (Attachments: # <u>1</u> Declaration) (Green, Ron) (Entered: 06/08/2023)
06/12/2023	77	(E)Order Denying for the Reasons Stated on the Record Motion (Related Doc # <u>63</u>). Signed on 06/12/2023. (Davis, Shurray) (Entered: 06/12/2023)
06/12/2023	<u>78</u> (8 pgs; 2 docs)	Notice of Hearing and Objection to Debtor's Claim of Exemptions Filed by Trustee Frank J Kokoszka. Hearing scheduled for 6/26/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order)(Kokoszka, Frank) (Entered: 06/12/2023)
06/12/2023	<u>79</u> (1 pg)	Order Granting Motion Extending Time to File Objection to Discharge Under 727 for the Trustee as to Debtor (Related Doc # <u>72</u>). Last day to object to discharge is 8/14/2023. Signed on 6/12/2023. (Cabrales, Claudia) (Entered: 06/13/2023)
06/14/2023	80	Initial Report of Assets Trustee has found assets in this estate to be administered for the benefit of creditors, or believes there is a likelihood that such assets will be recovered within a reasonable period of time. The Trustee requests that notice be sent to creditors fixing time for filing claims. Filed by Trustee Frank J Kokoszka (RE: 49 Meeting of Creditors Adjourned (Continued) via Trustee's 341 Filing). (Kokoszka, Frank) (Entered: 06/14/2023)

06/15/2023	81	Adversary Case 1:23-ap-97 Closed . (Sims, Lakeysha) (Entered: 06/15/2023)
06/15/2023	82	Adversary Case 1:23-ap-89 Closed . (Collins-Mong, Tara) (Entered: 06/15/2023)
06/15/2023	<u>83</u> (1 pg)	Notice Fixing Time For Filing . Proofs of Claims due by 9/15/2023. Government Proof of Claim due by 9/15/2023. (Roman, Felipe) (Entered: 06/15/2023)
06/15/2023	84	Notice of Objection Filed by U.S. Trustee Patrick S Layng (RE: <u>73</u> Motion to Convert Case From Chapter 7 to 13). (Brief, Adam) (Entered: 06/15/2023)
06/16/2023	<u>85</u> (8 pgs; 2 docs)	Notice of Motion and Motion to Extend Time Debtor Gomez Urgent Motion For Additional Time To Comply With 6.15.23 Trustee Demand Filed by Felipe Nery Gomez . Hearing scheduled for 6/26/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order) (Mendoza, Laura) (Entered: 06/16/2023)
06/17/2023	<u>86</u> (4 pgs)	BNC Certificate of Notice - Notice Fixing Time for Filing Claims (RE: <u>83</u> Notice Fixing Time For Filing). No. of Notices: 23. Notice Date 06/17/2023. (Admin.) (Entered: 06/17/2023)
06/19/2023	<u>87</u> (8 pgs; 3 docs)	Notice of Motion and Motion for Rule to Show Cause Why Debtor Should Not Be Held In Contempt Filed by Frank J Kokoszka Hearing scheduled for 6/26/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Proposed Order) (Kokoszka, Frank) (Entered: 06/19/2023)
06/20/2023	<u>88</u> (1 pg)	Notice of Objection Filed by Felipe Nery Gomez (RE: <u>78</u> Objection to Debtor's Claim of Exemptions, <u>84</u> Notice of Objection, <u>87</u> Motion for Rule to Show Cause). (Collins-Mong, Tara) (Entered: 06/20/2023)
06/21/2023	<u>89</u> (1 pg)	Consent for Electronic Notice and Service- Add E-mail Filed by Oscar Stilley . (Collins-Mong, Tara) (Entered: 06/21/2023)
06/21/2023	90	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>73</u> Motion to Convert Case From Chapter 7 to 13, <u>85</u> Motion to Extend Time). (Kokoszka, Frank) (Entered: 06/21/2023)
06/21/2023	91	Pro Se Photo ID . (Collins-Mong, Tara) (Entered: 06/21/2023)
06/22/2023	<u>92</u> (23 pgs; 3 docs)	Transcript regarding Hearing Held 06-05-23. Remote electronic access to the excerpt/transcript is restricted until 09/20/2023. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) <u>69</u> Order on Motion for Turnover). Notice of Intent to Request Redaction Deadline Due By 7/6/2023. Redaction Request Due By 07/13/2023. Redacted Transcript Submission Due By 07/24/2023. Transcript access

		will be restricted through 09/20/2023. (Doolin, Amy) (Entered: 06/22/2023)
06/26/2023	93	Hearing Continued (RE: <u>78</u> Objection to Debtor's Claim of Exemptions). Hearing scheduled for 7/17/2023 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (O'Neal, Michelle) Modified on 6/26/2023 to correct hearing date (O'Neal, Michelle). (Entered: 06/26/2023)
06/26/2023	94	(E)Hearing Continued (RE: <u>73</u> Convert Case 7 to 13). hearing scheduled for 08/21/2023 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Goldgar.. Signed on 06/26/2023. (O'Neal, Michelle) (Entered: 06/26/2023)
06/26/2023	95	(E)Order Denying for the Reasons Stated on the Record Motion to Extend Time (Related Doc # <u>85</u>). Signed on 06/26/2023. (O'Neal, Michelle) (Entered: 06/26/2023)
06/26/2023	96	(E)Hearing Continued (RE: <u>87</u> Rule to Show Cause). hearing scheduled for 07/17/2023 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Goldgar.. Signed on 06/26/2023. (O'Neal, Michelle) (Entered: 06/26/2023)
06/26/2023	<u>97</u> (2 pgs)	Order of Civil Contempt (Related Doc <u>87</u>). Status Hearing scheduled for 7/17/2023 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. Signed on 6/26/2023. (Green, Ron) Additional attachment(s) added on 6/26/2023 (Gossett, Valerie). (Entered: 06/26/2023)
06/26/2023	<u>98</u> (1 pg)	Order Scheduling (RE: <u>73</u> Motion to Convert Case From Chapter 7 to 13). Response due by 7/17/2023. Reply due by: 7/31/2023. Ruling Set for 8/21/2023 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. Signed on 6/26/2023 (Green, Ron) (Entered: 06/26/2023)
06/26/2023	<u>99</u> (7 pgs; 4 docs)	Notice of Appeal to District Court. Filed by Felipe Nery Gomez . Fee Amount \$298 (RE: <u>97</u> Order on Rule to Show Cause). Appellant Designation due by 7/10/2023. Transmission of Record Due no later than 7/26/2023. (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Certificate of Service # <u>3</u> Appealable Order)(Bowles, Aaron) (Entered: 06/26/2023)
06/26/2023	<u>100</u> (1 pg)	Certificate of Service (RE: <u>99</u> Notice of Appeal). (Bowles, Aaron) (Entered: 06/26/2023)
06/26/2023	<u>101</u> (2 pgs)	Application to Proceed Without Prepaying Fees or Costs/Financial Affidavit (related documents <u>99</u> Notice of Appeal) Filed by Felipe Nery Gomez. (Bowles, Aaron) (Entered: 06/26/2023)
06/26/2023	102	Transmittal of Notice of Appeal to District Court (RE: <u>99</u> Notice of Appeal). (Bowles, Aaron) (Entered: 06/26/2023)

06/26/2023	<u>103</u> (3 pgs)	Certificate of Service (RE: <u>97</u> Order on Rule to Show Cause). (Green, Ron) (Entered: 06/26/2023)
06/26/2023	<u>104</u> (1 pg)	Order Granting Motion Extending Time to File Objection to Discharge Under 727 for the US Trustee as to Debtor (Related Doc #74). Last day to object to discharge is 8/14/2023. Signed on 6/26/2023. (Green, Ron) (Entered: 06/27/2023)
06/26/2023	<u>105</u> (1 pg)	Notice of Docketing Notice of Appeal, to District Court. Case Number 23 cv 4090 Assigned to Judge: Robert W. Gettleman (RE: <u>99</u> Notice of Appeal). (Bowles, Aaron) (Entered: 06/27/2023)
07/10/2023	<u>106</u> (26 pgs)	Response and Objections to RTSC and Contempt to (related document(s): <u>97</u> Order on Rule to Show Cause) Filed by Felipe Nery Gomez (Green, Ron) (Entered: 07/10/2023)
07/11/2023	<u>107</u> (1 pg)	Follow Up Letter to Bankruptcy Judge and Parties (RE: <u>99</u> Notice of Appeal). (Bowles, Aaron) (Entered: 07/11/2023)
07/11/2023	<u>108</u> (2 pgs)	Appellant Designation of Contents for Inclusion in Record and Statement of Issue On Appeal Filed by Felipe Nery Gomez. (RE: <u>99</u> Notice of Appeal). Appellee designation due by 7/25/2023. (Bowles, Aaron) (Entered: 07/11/2023)
07/11/2023	<u>109</u> (18 pgs; 3 docs)	Notice of Motion and Motion to Reset 341 Meeting Filed by Felipe Nery Gomez Hearing scheduled for 7/24/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> motion to reset 341 meeting # <u>2</u> Proposed Order) (Green, Ron) (Entered: 07/11/2023)
07/12/2023	110	Statement Adjourning Meeting of Creditors. Section 341(a) Meeting Continued Debtor appeared but refused to take oath and be sworn in by the Chapter 7 Trustee Filed by Trustee Frank J Kokoszka. 341(a) Meeting Continued to 8/22/2023 at 11:00 AM at Appear By VIDEO. See details at www.justice.gov/ust/file/ILN.pdf/download.. (Kokoszka, Frank) (Entered: 07/12/2023)
07/14/2023	<u>111</u> (178 pgs; 17 docs)	Objection to (related document(s): <u>73</u> Motion to Convert Case From Chapter 7 to 13) Filed by Adam G. Brief on behalf of Patrick S Layng (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E # <u>6</u> Exhibit F # <u>7</u> Exhibit G # <u>8</u> Exhibit H # <u>9</u> Exhibit I # <u>10</u> Exhibit J # <u>11</u> Exhibit K # <u>12</u> Exhibit L # <u>13</u> Exhibit M # <u>14</u> Exhibit N # <u>15</u> Exhibit O # <u>16</u> Exhibit P) (Brief, Adam) Modified on 7/14/2023 to correct description of Exhibit K (Cox, Adam). (Entered: 07/14/2023)
07/14/2023	112	CORRECTIVE ENTRY: Modified on 7/14/2023 to correct description of Exhibit K (RE: <u>111</u> Objection). (Cox, Adam) (Entered: 07/14/2023)
07/14/2023	<u>113</u> (4 pgs)	Notice of Filing Filed by U.S. Trustee Patrick S Layng (RE: <u>111</u> Objection). (Brief, Adam) (Entered: 07/14/2023)

07/14/2023	114	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>109</u> Generic Motion). (Kokoszka, Frank) (Entered: 07/14/2023)
07/17/2023	<u>115</u> (15 pgs)	Affidavit in Support of 7/10/2023 Debtor Objections and Response <u>106</u> to RTSC/Contempt and Certifying Turnover Filed by Felipe Nery Gomez (RE: <u>106</u> Response). (Green, Ron) (Entered: 07/17/2023)
07/17/2023	<u>116</u> (1 pg)	Certificate of Service (RE: <u>115</u> Affidavit). (Green, Ron) (Entered: 07/17/2023)
07/17/2023	<u>117</u> (3 pgs)	Affidavit Regarding Debtor Gomez Turnover Filed by Virginia Prihoda . (Green, Ron) (Entered: 07/17/2023)
07/17/2023	<u>118</u> (1 pg)	Certificate of Service (RE: <u>117</u> Affidavit). (Green, Ron) (Entered: 07/17/2023)
07/17/2023	119	Hearing Continued (RE: <u>78</u> Objection to Debtor's Claim of Exemptions). Hearing scheduled for 8/2/2023 at 09:30 AM at Courtroom 642, 219 South Dearborn, Chicago, Illinois 60604. (Winston, Shurray) (Entered: 07/17/2023)
07/17/2023	<u>120</u> (1 pg)	Order setting evidentiary hearing. Exhibit List due by 7/28/2023. Evidentiary hearing scheduled for 8/2/2023 at 09:30 AM at Courtroom 642, 219 South Dearborn, Chicago, Illinois 60604. Signed on 7/17/2023 (Green, Ron). Related document(s) <u>87</u> Notice of Motion and Motion for Rule to Show Cause Why Debtor Should Not Be Held In Contempt filed by Trustee Frank J Kokoszka. Modified on 7/17/2023 Creating relationship to document #87 Removing relationship to document #78 (Gomez, Denise). (Entered: 07/17/2023)
07/17/2023	121	(E)Hearing Continued (RE: <u>87</u> Rule to Show Cause). Evidentiary hearing scheduled for 08/02/2023 at 09:30 AM at Courtroom 642 219 South Dearborn, Chicago, IL, 60604.. Signed on 07/17/2023. (Winston, Shurray) (Entered: 07/17/2023)
07/17/2023	122	CORRECTIVE ENTRY: Creating relationship to document #87Removing relationship to document #78 (RE: <u>120</u> Order Scheduling). (Gomez, Denise) (Entered: 07/17/2023)
07/17/2023	123	Notice of Objection Filed by U.S. Trustee Patrick S Layng (RE: <u>109</u> Generic Motion). (Brief, Adam) (Entered: 07/17/2023)
07/17/2023	<u>124</u> (7 pgs; 3 docs)	Notice of Motion and Motion to Compel Debtor to Appear at 341 Meeting of Creditors Filed by Frank J Kokoszka Hearing scheduled for 7/24/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Proposed Order) (Kokoszka, Frank) (Entered: 07/17/2023)
07/17/2023	<u>125</u> (3 pgs; 2 docs)	Third Amended Schedules C,with Declaration Filed by Felipe Nery Gomez . (Attachments: # <u>1</u> Declaration) (Green, Ron) (Entered: 07/17/2023)

		07/17/2023)
07/17/2023	<u>126</u> (25 pgs; 9 docs)	Objection to (related document(s): <u>73</u> Motion to Convert Case From Chapter 7 to 13) Filed by Frank J Kokoszka on behalf of Frank J Kokoszka (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E # <u>6</u> Exhibit F # <u>7</u> Exhibit G # <u>8</u> Exhibit H) (Kokoszka, Frank) (Entered: 07/17/2023)
07/18/2023	<u>127</u> (1 pg)	Notice of Withdrawal Filed by Felipe Nery Gomez (RE: <u>73</u> Motion to Convert Case From Chapter 7 to 13). (Green, Ron) (Entered: 07/18/2023)
07/18/2023	<u>128</u> (11 pgs; 3 docs)	Transcript regarding Hearing Held 04/10/23. Remote electronic access to the excerpt/transcript is restricted until 10/16/2023. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) 28 Order on Motion for Temporary Restraining Order, Order on Motion to Continue/Reschedule). Notice of Intent to Request Redaction Deadline Due By 8/1/2023. Redaction Request Due By 08/8/2023. Redacted Transcript Submission Due By 08/18/2023. Transcript access will be restricted through 10/16/2023. (Doolin, Amy) (Entered: 07/18/2023)
07/18/2023	<u>129</u> (18 pgs; 3 docs)	Transcript regarding Hearing Held 05/08/23. Remote electronic access to the excerpt/transcript is restricted until 10/16/2023. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) <u>43</u> Order on Application to Employ). Notice of Intent to Request Redaction Deadline Due By 8/1/2023. Redaction Request Due By 08/8/2023. Redacted Transcript Submission Due By 08/18/2023. Transcript access will be restricted through 10/16/2023. (Doolin, Amy) (Entered: 07/18/2023)
07/18/2023	<u>130</u> (17 pgs; 3 docs)	Transcript regarding Hearing Held 06/26/23. Remote electronic access to the excerpt/transcript is restricted until 10/16/2023. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) 93 Hearing (Bk Other) Continued). Notice of Intent to Request Redaction Deadline Due By 8/1/2023. Redaction Request Due By 08/8/2023. Redacted Transcript Submission Due By 08/18/2023. Transcript access will be restricted through 10/16/2023. (Doolin, Amy) (Entered: 07/18/2023)
07/18/2023	<u>131</u> (1 pg)	Order striking ruling date - The ruling date of August 21, 2023, is stricken (RE: <u>73</u> Motion to Convert Case From Chapter 7 to 13). Signed on 7/18/2023 (Green, Ron) (Entered: 07/18/2023)
07/18/2023	132	(E)Order Withdrawing Motion To Convert Case from Chapter 7 to Chapter 13 (Related Doc # <u>73</u>). Signed on 07/18/2023. (Castellano, Nancy) (Entered: 07/18/2023)

07/19/2023	<u>133</u> (24 pgs)	Interim Notice of "Turnover" of Cases Filed by Felipe Nery Gomez . (Green, Ron) (Entered: 07/19/2023)
07/20/2023	<u>134</u> (2 pgs)	Notice of Objection Filed by Felipe Nery Gomez (RE: <u>124</u> Motion to Compel). (Green, Ron) (Entered: 07/20/2023)
07/21/2023	<u>135</u> (27 pgs)	Pro Se Chapter 7 Debtor's Notice of Related 7th Circuit Activity Denying Gomez Turnover Requests in Support of Gomez Opposition to Incarceration (Force Majeure and Impossibility) Filed by Felipe Nery Gomez. (Bowles, Aaron) (Entered: 07/21/2023)
07/24/2023	136	(E)Order Denying for the Reasons Stated on the Record Motion (Related Doc # <u>109</u>). Signed on 07/24/2023. (Winston, Shurray) (Entered: 07/24/2023)
07/24/2023	<u>137</u> (1 pg)	(E)Order Granting Motion To Compel (Related Doc # <u>124</u>). Signed on 07/24/2023. (Winston, Shurray) (Entered: 07/24/2023)
07/24/2023	<u>138</u> (7 pgs; 3 docs)	Notice of Motion and Urgent Motion to Reset the 8/2/2023 Hearing (related documents <u>87</u> Motion for Rule to Show Cause) Filed by Felipe Nery Gomez . Hearing scheduled for 7/31/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Motion to Reset # <u>2</u> Proposed Order) (Green, Ron) (Entered: 07/24/2023)
07/26/2023	139	Transmittal of Record on Appeal to District Court (RE: <u>99</u> Notice of Appeal). (Bowles, Aaron) (Entered: 07/26/2023)
07/26/2023	<u>140</u> (1 pg)	Notice of Docketing Record on Appeal to District Court. Case Number 23 cv 4090 Assigned to Judge: Sara L. Ellis (RE: <u>99</u> Notice of Appeal). (Bowles, Aaron) (Entered: 07/26/2023)
07/27/2023	141	Notice of Objection Filed by U.S. Trustee Patrick S Layng (RE: <u>138</u> Motion to Continue/Reschedule Hearing). (Brief, Adam) (Entered: 07/27/2023)
07/27/2023	142	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>138</u> Motion to Continue/Reschedule Hearing). (Kokoszka, Frank) (Entered: 07/27/2023)
07/28/2023	<u>143</u> (2 pgs)	List of Exhibits Filed by Trustee Frank J Kokoszka. (Kokoszka, Frank) (Entered: 07/28/2023)
07/28/2023	<u>144</u> (13 pgs)	Attachment(s) 2nd Amended ATTACHMENT I to Schedules A/B and C Filed by Felipe Nery Gomez (RE: <u>76</u> Schedules). (Green, Ron) (Entered: 07/28/2023)
07/28/2023	<u>145</u> (1 pg)	Declaration About Individual Debtor's Schedules Filed by Felipe Nery Gomez (RE: <u>144</u> Attachment). (Green, Ron) (Entered: 07/28/2023)

07/28/2023	<u>146</u> (7 pgs)	Initial Designation of Exhibits for 8/2/2023 Hearing Filed by Felipe Nery Gomez . (Green, Ron) (Entered: 07/28/2023)
07/31/2023	<u>147</u> (35 pgs)	Affidavit as to Destruction of Records and Diversion of Mail and Impossibility of Turnover of Paper Records Filed by Felipe Nery Gomez . (Green, Ron) (Entered: 07/31/2023)
07/31/2023	<u>148</u> (1 pg)	Order Granting Motion to Continue/Reschedule (Related Doc # <u>138</u>) (Related documents <u>87</u> Motion for Rule to Show Cause). The hearing set for 8/2/203 is stricken. Status hearing continued on 9/18/2023 at 10:00AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. Signed on 7/31/2023. (Green, Ron) (Entered: 07/31/2023)
07/31/2023	149	Hearing Continued (RE: <u>87</u> Motion for Rule to Show Cause). Status Hearing scheduled for 9/18/2023 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Castellano, Nancy) (Entered: 07/31/2023)
07/31/2023	150	Hearing Scheduled for 8/2/23, is Stricken (RE: <u>78</u> Objection to Debtor's Claim of Exemptions, <u>120</u> Order Scheduling). (Castellano, Nancy) (Entered: 07/31/2023)
07/31/2023	151	Hearing Continued (RE: <u>78</u> Objection to Debtor's Claim of Exemptions). Status hearing to be held on 9/18/2023 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Castellano, Nancy) (Entered: 07/31/2023)
08/02/2023	<u>152</u> (5 pgs; 2 docs)	Notice of Motion and Motion to Extend Time to File Objection to Discharge Under 727 as to Debtor Filed by Patrick S Layng Hearing scheduled for 8/14/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order) (Brief, Adam) (Entered: 08/02/2023)
08/07/2023	<u>153</u> (5 pgs; 2 docs)	Notice of Motion and Second Motion to Extend Time to File Objection to Discharge Under 727 as to Debtor Filed by Frank J Kokoszka Hearing scheduled for 8/14/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order) (Kokoszka, Frank) (Entered: 08/07/2023)
08/10/2023	<u>154</u> (1 pg)	Notice of Objection Filed by Felipe Nery Gomez (RE: <u>153</u> Motion to Extend Time to Object to Discharge 727). (Green, Ron) (Entered: 08/10/2023)
08/11/2023	<u>155</u> (7 pgs; 3 docs)	Transcript regarding Hearing Held 07/24/23. Remote electronic access to the excerpt/transcript is restricted until 11/9/2023. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) <u>136</u> Order on Generic Motion). Notice of Intent to Request Redaction Deadline Due By 8/25/2023. Redaction Request

		Due By 09/1/2023. Redacted Transcript Submission Due By 09/11/2023. Transcript access will be restricted through 11/9/2023. (Doolin, Amy) (Entered: 08/11/2023)
08/11/2023	<u>156</u> (12 pgs; 3 docs)	Transcript regarding Hearing Held 07/31/23. Remote electronic access to the excerpt/transcript is restricted until 11/9/2023. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) <u>148</u> Order on Motion to Continue/Reschedule). Notice of Intent to Request Redaction Deadline Due By 8/25/2023. Redaction Request Due By 09/1/2023. Redacted Transcript Submission Due By 09/11/2023. Transcript access will be restricted through 11/9/2023. (Doolin, Amy) (Entered: 08/11/2023)
08/14/2023	<u>157</u> (1 pg)	Order Granting Motion Extending Time to File Objection to Discharge Under 727 for the US Trustee as to Debtor (Related Doc # <u>152</u>). Last day to object to discharge is 10/13/2023. Signed on 8/14/2023. (Green, Ron) (Entered: 08/15/2023)
08/14/2023	<u>158</u> (1 pg)	Order Granting Motion Extending Time to File Objection to Discharge Under 727 for the Trustee as to Debtor (Related Doc # <u>153</u>). Last day to object to discharge is 10/13/2023. Signed on 8/14/2023. (Green, Ron) (Entered: 08/15/2023)
08/22/2023	159	Statement Adjourning 341(a) Meeting of Creditors on 9/12/2023 at 11:00 AM at Appear By VIDEO. See details at www.justice.gov/ust/file/ILN.pdf/download.. (Kokoszka, Frank) (Entered: 08/22/2023)
09/11/2023	<u>160</u> (22 pgs; 4 docs)	Notice of Motion and Motion to Approve Compromise or Settlement per Rule 9019 with Denise Mastro, the Village of Forest Park, Officer Scott Frey and Sgt. Tim Adams Filed by Frank J Kokoszka Hearing scheduled for 10/2/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Proposed Order) (Kokoszka, Frank) (Entered: 09/11/2023)
09/11/2023	<u>161</u> (107 pgs; 7 docs)	Notice of Motion and Motion for Sanctions against Debtor, Felipe Nery Gomez Filed by Patrick S Layng Hearing scheduled for 9/18/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E # <u>6</u> Proposed Order) (Brief, Adam) (Entered: 09/11/2023)
09/11/2023	162	Statement Adjourning Meeting of Creditors. Section 341(a) Meeting Continued Filed by Trustee Frank J Kokoszka. 341(a) Meeting Continued to 9/27/2023 at 11:00 AM at Zoom - Kokoszka: Meeting ID 682 668 2897, Passcode 9254024265, Phone 1-872-201-1823. (Kokoszka, Frank) (Entered: 09/11/2023)
09/14/2023	<u>163</u> (1 pg)	Notice of Objection Filed by Felipe Nery Gomez (RE: <u>161</u> Motion for Sanctions/Damages). (Mendoza, Laura) (Entered: 09/14/2023)

09/18/2023	<u>164</u> (3 pgs)	Proposed Order - AGREED ORDER ON MOTION FOR SANCTIONS AND DAMAGES Filed by Felipe Nery Gomez (RE: <u>161</u> Motion for Sanctions/Damages). (Green, Ron) (Entered: 09/18/2023)
09/18/2023	<u>165</u> (2 pgs)	Notice of Draft Agreed Counter-Proposed Order to Unilateral Proposed No Contact Filed by Felipe Nery Gomez (RE: <u>164</u> Proposed Order). (Green, Ron) (Entered: 09/18/2023)
09/18/2023	166	Hearing Continued (RE: <u>78</u> Trustee's Objection to Debtor's Second Amended Claim of Exemptions). Hearing scheduled for 10/2/2023 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Winston, Shurray) (Entered: 09/18/2023)
09/18/2023	167	(E)Hearing Continued (RE: <u>161</u> Sanctions/Damages). hearing scheduled for 10/02/2023 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Goldgar.. Signed on 09/18/2023. (Winston, Shurray) (Entered: 09/18/2023)
09/18/2023	168	(E)Hearing Continued (RE: <u>87</u> Rule to Show Cause). hearing scheduled for 10/02/2023 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Goldgar.. Signed on 09/18/2023. (Winston, Shurray) (Entered: 09/18/2023)
09/26/2023	<u>169</u> (7 pgs; 3 docs)	Notice of Motion and Motion for Leave to Move USCA9 to Reconsider 9.21.23 Order on Gomez v Wiesenthal Appeal #22-55833 Filed by Felipe Nery Gomez. Hearing scheduled for 10/2/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Exhibit # <u>2</u> Proposed Order) (Bowles, Aaron) (Entered: 09/26/2023)
09/26/2023	<u>170</u> (7 pgs; 3 docs)	Notice of Motion and Motion for Leave to Move USCA9 to Allow Late Filed Brief in Gomez v Schwabl Appeal #22-55922 Filed by Felipe Nery Gomez. Hearing scheduled for 10/2/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Exhibit # <u>2</u> Proposed Order) (Bowles, Aaron) (Entered: 09/26/2023)
10/02/2023	171	Statement Adjourning 341(a)Meeting of Creditors on 10/18/2023 at 11:00 AM at Zoom - Kokoszka: Meeting ID 682 668 2897, Passcode 9254024265, Phone 1-872-201-1823. (Kokoszka, Frank) (Entered: 10/02/2023)
10/02/2023	172	(E)Order Denying for the Reasons Stated on the Record Motion for Leave (Related Doc # <u>169</u>). Signed on 10/02/2023. (Patterson, Carlos) (Entered: 10/02/2023)

10/02/2023	<u>173</u>	(E)Order Denying for the Reasons Stated on the Record Motion for Leave (Related Doc # <u>170</u>). Signed on 10/02/2023. (Patterson, Carlos) (Entered: 10/02/2023)
10/02/2023	<u>174</u>	(E)Hearing Continued. Status hearing to be held on 10/16/2023 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Goldgar.. Signed on 10/02/2023. (Patterson, Carlos) (Entered: 10/02/2023)
10/02/2023	<u>175</u>	(E)Hearing Continued (RE: <u>87</u> Rule to Show Cause). Hearing scheduled for 10/16/2023 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Goldgar.. Signed on 10/02/2023. (Patterson, Carlos) (Entered: 10/02/2023)
10/02/2023	<u>176</u> (1 pg)	Order Granting Motion to Approve Settlement (Related Doc # <u>160</u>). Signed on 10/2/2023. (Green, Ron) (Entered: 10/03/2023)
10/02/2023	<u>177</u> (1 pg)	Order Granting in Part and Denying in Part Motion For Sanctions (Related Doc # <u>161</u>). Signed on 10/2/2023. (Green, Ron) (Entered: 10/03/2023)
10/04/2023	<u>178</u> (6 pgs; 2 docs)	Notice of Motion and Motion to Extend Time to File Objection to Discharge Under 727 as to Debtor Filed by Patrick S Layng Hearing scheduled for 10/16/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order) (Brief, Adam) (Entered: 10/04/2023)
10/05/2023	<u>179</u> (1 pg)	Notice of Objection Filed by Felipe Nery Gomez (RE: <u>178</u> Motion to Extend Time to Object to Discharge 727). (Green, Ron) (Entered: 10/05/2023)
10/06/2023	<u>180</u> (5 pgs; 2 docs)	REFILED - See Entry <u>181</u> Notice of Motion and Third Motion to Extend Time to File Objection to Discharge Under 727 as to Debtor Filed by Frank J Kokoszka Hearing scheduled for 10/16/2023 at 11:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order) (Kokoszka, Frank) Modified on 10/12/2023 (Sullivan, Elizabeth). (Entered: 10/06/2023)
10/06/2023	<u>181</u> (5 pgs; 2 docs)	Notice of Motion and Third Motion to Extend Time to File Objection to Discharge Under 727 as to Debtor Filed by Frank J Kokoszka Hearing scheduled for 10/16/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order) (Kokoszka, Frank) (Entered: 10/06/2023)

10/10/2023	<u>182</u> (3 pgs)	Gomez Notice of USCA9 Closing of Gomez V Weisenthal CA9#22-55833, Confirmation of Dismissal of 23AP103 and Gomez Denial of Interference Filed by Felipe Nery Gomez . (Green, Ron) Additional attachment(s) added on 10/12/2023 (Cox, Adam). Modified on 10/12/2023 to add corrected PDF (Cox, Adam). (Entered: 10/11/2023)
10/12/2023	183	CORRECTIVE ENTRY: REFILED - See Entry <u>181</u> (RE: <u>180</u> Motion to Extend Time to Object to Discharge 727). (Sullivan, Elizabeth) (Entered: 10/12/2023)
10/12/2023	184	CORRECTIVE ENTRY: Modified on 10/12/2023 to add corrected PDF (RE: <u>182</u> Notice). (Cox, Adam) (Entered: 10/12/2023)
10/13/2023	<u>185</u> (11 pgs; 2 docs)	Notice of Motion and Motion to Approve Compromise or Settlement per Rule 9019 with Adversary Defendants Constance and Larry Weisenthal and Shorten Notice Filed by Frank J Kokoszka Hearing scheduled for 10/30/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Exhibit Proposed Settlement) (Kokoszka, Frank) (Entered: 10/13/2023)
10/13/2023	<u>186</u> (1 pg)	Initial Notice of Gomez Objection to Trustee Motion Filed by Felipe Nery Gomez (RE: <u>185</u> Motion to Approve Compromise or Settlement per Rule 9019). (Green, Ron) (Entered: 10/13/2023)
10/13/2023	<u>187</u> (1 pg)	Proposed Order - Granting Motion to Approve Settlement Filed by Trustee Frank J Kokoszka (RE: <u>185</u> Motion to Approve Compromise or Settlement per Rule 9019). (Kokoszka, Frank) (Entered: 10/13/2023)
10/13/2023	<u>188</u> (1 pg)	Supplemental Certificate of Service Filed by Trustee Frank J Kokoszka (RE: <u>185</u> Motion to Approve Compromise or Settlement per Rule 9019). (Kokoszka, Frank) (Entered: 10/13/2023)
10/16/2023	189	Hearing Continued (RE: <u>78</u> Objection to Debtor's Claim of Exemptions). Hearing scheduled for 10/30/2023 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Patterson, Carlos) (Entered: 10/16/2023)
10/16/2023	190	(E)Hearing Continued (RE: <u>87</u> Rule to Show Cause). Hearing scheduled for 10/30/2023 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Goldgar.. Signed on 10/16/2023. (Patterson, Carlos) (Entered: 10/16/2023)
10/16/2023	<u>191</u> (1 pg)	Order Granting Motion Extending Time to File Objection to Discharge Under 727 for the US Trustee as to Debtor (Related Doc # <u>178</u>). Last day to object to discharge is 12/12/2023. Signed on 10/16/2023. (Green, Ron) (Entered: 10/17/2023)

10/16/2023	<u>192</u> (1 pg)	Order Granting Motion Extending Time to File Objection to Discharge Under 727 for the Trustee as to Debtor (Related Doc #181). Last day to object to discharge is 12/12/2023. Signed on 10/16/2023. (Green, Ron) (Entered: 10/17/2023)
10/24/2023	193	Initial Projected Date of Trustee Final Report: 12/31/2025. Current Projected Date of Trustee Final Report: 12/31/2025. Filed by Trustee Frank J Kokoszka. (Kokoszka, Frank) (Entered: 10/24/2023)
10/30/2023	<u>194</u> (5 pgs)	Pro Se Chapter 7 Debtor's Exhibit(s) of California Attorney General Opinion as to Illegality of Non-Consensual Waivers of California Law in Support of Gomez Objection Filed by Felipe Nery Gomez (RE: <u>185</u> Motion to Approve Compromise or Settlement per Rule 9019, <u>186</u> Notice of Objection). (Green, Ron) (Entered: 10/30/2023)
10/30/2023	195	Hearing Continued (RE: <u>78</u> Objection to Debtor's Claim of Exemptions). Hearing continued on 1/8/2024 at 10:00AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (O'Neal, Michelle) (Entered: 10/30/2023)
10/30/2023	196	(E)Hearing Continued (RE: <u>87</u> Rule to Show Cause). hearing scheduled for 12/04/2023 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Goldgar.. Signed on 10/30/2023. (O'Neal, Michelle) (Entered: 10/30/2023)
10/30/2023	<u>197</u> (1 pg)	Order Scheduling (RE: <u>78</u> Objection to Debtor's Claim of Exemptions). Response due by 11/13/2023. Reply due by: 11/20/2023. Status hearing to be held on 1/8/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. Signed on 10/30/2023 (Green, Ron) (Entered: 10/30/2023)
10/30/2023	<u>198</u> (1 pg)	Order Granting Motion to Approve Settlement (Related Doc # <u>185</u>). Signed on 10/30/2023. (Green, Ron) (Entered: 10/31/2023)
11/03/2023	<u>199</u> (5 pgs; 2 docs)	Notice of Appeal to District Court. Filed by Felipe Nery Gomez. Fee Amount \$298 (RE: <u>198</u> Order on Motion to Approve Compromise or Settlement per Rule 9019). Appellant Designation due by 11/17/2023. Transmission of Record Due no later than 12/4/2023. (Attachments: # <u>1</u> Civil Cover Sheet)(Bowles, Aaron) (Entered: 11/06/2023)
11/03/2023	<u>200</u> (2 pgs)	Application to Proceed Without Prepaying Fees or Costs/Financial Affidavit (related documents <u>199</u> Notice of Appeal) Filed by Felipe Nery Gomez. (Bowles, Aaron) (Entered: 11/06/2023)
11/06/2023	<u>201</u> (1 pg)	Certificate of Service (RE: <u>199</u> Notice of Appeal). (Bowles, Aaron) (Entered: 11/06/2023)
11/06/2023	202	Transmittal of Notice of Appeal to District Court (RE: <u>199</u> Notice of Appeal). (Bowles, Aaron) (Entered: 11/06/2023)

11/06/2023	<u>203</u> (1 pg)	Notice of Docketing Notice of Appeal, to District Court. Case Number 23 cv 15662 Assigned to Judge: Jeremy C. Daniel (RE: <u>199</u> Notice of Appeal). (Bowles, Aaron) (Entered: 11/06/2023)
11/06/2023	<u>204</u> (3 pgs)	Order Denying Application to Waive Filing Fee (Related Doc # <u>200</u>). Signed on 11/6/2023. (Cox, Adam) (Entered: 11/06/2023)
11/06/2023	<u>205</u> (2 pgs)	Letter to pro se appellant advising him the \$298 filing fee is due (RE: <u>204</u> Order on Application to Proceed without Prepayment of Fees and Affidavit). (Bowles, Aaron) (Entered: 11/06/2023)
11/06/2023	<u>206</u> (1 pg)	Addendum to Notice of Appeal. (RE: <u>199</u> Notice of Appeal). (Bowles, Aaron) (Entered: 11/06/2023)
11/07/2023	<u>207</u> (25 pgs)	Debtor Notice of Filing of Exhibit for Record: 'Gomez USCA7 Status Report' Filed by Felipe Nery Gomez . (Green, Ron) (Entered: 11/07/2023)
11/13/2023	<u>208</u> (144 pgs; 2 docs)	Notice of Motion and Motion to Vacate (related documents <u>204</u> Order on Application to Proceed without Prepayment of Fees and Affidavit) Filed by Felipe Nery Gomez . Hearing scheduled for 11/20/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order) (Cox, Adam) (Entered: 11/13/2023)
11/13/2023	<u>209</u> (1 pg)	Follow Up Letter to Bankruptcy Judge and Parties (RE: <u>199</u> Notice of Appeal). (Bowles, Aaron) (Entered: 11/13/2023)
11/13/2023	<u>210</u> (1 pg)	Addendum to Notice of Appeal. (RE: <u>199</u> Notice of Appeal). (Bowles, Aaron) (Entered: 11/13/2023)
11/13/2023	<u>211</u> (5 pgs; 2 docs)	Notice of Motion and Uncontested Motion to Enlarge Briefing on Exemptions/Objections 1 Week Filed by Felipe Nery Gomez . Hearing scheduled for 11/20/2023 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order) (Cox, Adam) (Entered: 11/13/2023)
11/17/2023	<u>212</u> (9 pgs)	Appellant Designation of Contents for Inclusion in Record and Statement of Issue On Appeal Filed by Felipe Nery Gomez. (RE: <u>199</u> Notice of Appeal). Appellee designation due by 12/1/2023. (Bowles, Aaron) (Entered: 11/20/2023)
11/20/2023	<u>213</u> (2 pgs)	Proposed Order - Motion to Vacate Order Denying Waiver Filed by Felipe Nery Gomez (RE: <u>208</u> Motion to Vacate). (Bowles, Aaron) (Entered: 11/20/2023)
11/20/2023	<u>214</u> (2 pgs)	Proposed Order - Motion for Enlargement of Briefing Schedule Filed by Felipe Nery Gomez (RE: <u>211</u> Motion to Extend Time). (Bowles, Aaron) (Entered: 11/20/2023)
11/20/2023	215	(E) Order Denied for the Reasons Stated on the Record Motion To Vacate (Related Doc <u>208</u>). Signed on 11/20/2023. (Green, Ron)

		(Entered: 11/21/2023)
11/20/2023	<u>216</u> (1 pg)	Order Granting Motion to Extend Time (Related Doc # <u>211</u>). Trustee's Reply due by: 11/27/2023. Debtor's Response due by 11/22/2023. Status hearing to be held on 1/8/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. Signed on 11/20/2023. (Green, Ron) (Entered: 11/21/2023)
11/21/2023	<u>217</u> (1 pg)	Amended Order Scheduling (RE: <u>211</u> Motion to Extend Time). Debtor's Response due by 11/22/2023. Trustee's Reply due by: 11/29/2023. Status hearing to be held on 1/8/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. Signed on 11/21/2023 (Green, Ron) (Entered: 11/21/2023)
11/22/2023	<u>218</u> (8 pgs; 3 docs)	Notice of Motion and Motion to Strike Trustee Stale Objections and Strike Briefing and Hearing Thereon for Failure to Comply with BR 4003 (b) (related document(s): <u>78</u> Objection to Debtor's Claim of Exemptions, <u>216</u> Order on Motion to Extend Time, <u>217</u> Order Scheduling) Filed by Felipe Nery Gomez . Hearing scheduled for 12/4/2023 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Motion to Strike # <u>2</u> Proposed Order) (Green, Ron) (Entered: 11/22/2023)
11/22/2023	<u>219</u> (4 pgs)	Gomez Response to Trustee Objections (related document(s): <u>78</u> Objection to Debtor's Claim of Exemptions) Filed by Felipe Nery Gomez (Green, Ron) (Entered: 11/22/2023)
11/27/2023	<u>220</u> (6 pgs)	First Amended Notice of Appeal Filed by Felipe Nery Gomez. (RE: <u>199</u> Notice of Appeal). (Bowles, Aaron) Additional attachment(s) added on 11/27/2023 (Mendoza, Catherine). (Entered: 11/27/2023)
11/27/2023	<u>221</u> (1 pg)	Addendum to Notice of Appeal. (RE: <u>199</u> Notice of Appeal). (Bowles, Aaron) (Entered: 11/27/2023)
11/29/2023	<u>222</u> (9 pgs; 3 docs)	Reply to (related document(s): <u>219</u> Response) Filed by Frank J Kokoszka on behalf of Frank J Kokoszka (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B) (Kokoszka, Frank) (Entered: 11/29/2023)
11/29/2023	<u>223</u>	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>218</u> Motion to Strike). (Kokoszka, Frank) (Entered: 11/29/2023)
11/30/2023	<u>224</u> (1 pg)	Initial Statement of Issues on Appeal Filed by Felipe Nery Gomez. (RE: <u>199</u> Notice of Appeal, <u>220</u> Amended Notice of Appeal). (Sims, Lakeysha) (Entered: 12/01/2023)
12/01/2023	<u>225</u> (2 pgs)	Appellee Designation of Contents for Inclusion in Record and Statement of Issue on Appeal Filed by Jeffery M. Heftman on behalf of Constance Weisenthal, Larry Weisenthal. (RE: <u>199</u> Notice of Appeal, <u>220</u> Amended Notice of Appeal). (Heftman, Jeffery). Modified on 12/4/2023 Removing relationship to document #99 (Mendoza, Catherine). (Entered: 12/01/2023)

12/04/2023	<u>226</u> (3 pgs)	Memorandum In Support of Motion to Strike Filed by Felipe Nery Gomez (RE: <u>218</u> Motion to Strike). (Green, Ron) (Entered: 12/04/2023)
12/04/2023	227	CORRECTIVE ENTRY: Removing relationship to document #99 (RE: <u>225</u> Appellee Designation and Statement of Issue). (Mendoza, Catherine) (Entered: 12/04/2023)
12/04/2023	228	Transmittal of Record on Appeal to District Court (RE: <u>199</u> Notice of Appeal, <u>220</u> Amended Notice of Appeal). (Sims, Lakeysha) (Entered: 12/04/2023)
12/04/2023	<u>229</u> (1 pg)	Notice of Docketing Record on Appeal to District Court. Case Number 23 cv 15662 Assigned to Judge: Jeremy C. Daniel (RE: <u>199</u> Notice of Appeal, <u>220</u> Amended Notice of Appeal). (Sims, Lakeysha) (Entered: 12/04/2023)
12/04/2023	<u>230</u> (1 pg)	Order Scheduling (RE: <u>78</u> Objection to Debtor's Claim of Exemptions). Trustee's Supplemental Reply due by: 12/18/2023. Ruling Set for 1/8/2024, is Reset to 1/22/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. Signed on 12/4/2023 (Green, Ron) (Entered: 12/04/2023)
12/04/2023	231	(E)Hearing Continued (RE: <u>87</u> Rule to Show Cause). hearing scheduled for 01/22/2024 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Goldgar.. Signed on 12/04/2023. (O'Neal, Michelle) (Entered: 12/04/2023)
12/04/2023	232	Adversary Case 1:23-ap-103 Closed . (Corona, Christina) (Entered: 12/04/2023)
12/04/2023	233	(E)Order Denying for the Reasons Stated on the Record Motion to Strike (Related Doc # <u>218</u>). Signed on 12/4/2023. (Green, Ron) (Entered: 12/05/2023)
12/04/2023	<u>234</u> (2 pgs)	Second Amended Notice of Appeal Filed by Felipe Nery Gomez . (RE: <u>199</u> Notice of Appeal, <u>220</u> Amended Notice of Appeal). (Sims, Lakeysha) (Entered: 12/05/2023)
12/05/2023	<u>235</u> (1 pg)	Addendum to Notice of Appeal . (RE: <u>199</u> Notice of Appeal). (Sims, Lakeysha) (Entered: 12/05/2023)
12/05/2023	<u>236</u> (53 pgs; 7 docs)	Adversary case 23-00371. (41 (Objection / revocation of discharge - 727(c),(d),(e))): Complaint by Patrick S Layng against Felipe Nery Gomez. (Fee Not Required). Status hearing to be held on 1/22/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E # <u>6</u> Adversary Cover Sheet) (Brief, Adam) (Entered: 12/05/2023)

12/06/2023	<u>237</u> (11 pgs)	First Amended Appellant Designation of Contents for Inclusion in Record and Statement of Issue On Appeal Filed by Felipe Nery Gomez. (RE: <u>199</u> Notice of Appeal, <u>212</u> Appellant Designation and Statement of Issue). Appellee designation due by 12/20/2023. (Bowles, Aaron) (Entered: 12/06/2023)
12/06/2023	<u>238</u> (1 pg)	Addendum to Record on Appeal. (RE: <u>199</u> Notice of Appeal). (Bowles, Aaron) (Entered: 12/06/2023)
12/12/2023	<u>239</u> (1 pg)	Certification About a Financial Management Course Filed by Felipe Nery Gomez . (Chavez, Baldo) (Entered: 12/12/2023)
12/12/2023	<u>240</u> (2 pgs)	Notice of Completion Filed by Felipe Nery Gomez (RE: <u>239</u> Certification About a Financial Management Course). (Chavez, Baldo) (Entered: 12/12/2023)
12/12/2023	<u>241</u> (26 pgs; 5 docs)	Adversary case 23-00378. (41 (Objection / revocation of discharge - 727(c),(d),(e))); Complaint by Frank J Kokoszka against Felipe Nery Gomez. (ApFee Deferred) Fee Amount \$350. Status hearing to be held on 1/22/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D) (Kokoszka, Frank) (Entered: 12/12/2023)
12/18/2023	<u>242</u> (5 pgs; 2 docs)	Notice of Motion and Motion to Extend Time File Supplemental Reply In Support of His Objection to Debtor's Exemptions Filed by Frank J Kokoszka Hearing scheduled for 1/8/2024 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order) (Kokoszka, Frank) (Entered: 12/18/2023)
12/19/2023	<u>243</u> (1 pg)	Notice of Objection Filed by Felipe Nery Gomez (RE: <u>242</u> Motion to Extend Time). (Davis, Lance) (Entered: 12/19/2023)
12/21/2023	<u>244</u> (25 pgs; 5 docs)	Supplemental Reply to (related document(s): <u>219</u> Response) Filed by Frank J Kokoszka on behalf of Frank J Kokoszka (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D) (Kokoszka, Frank) Modified on 12/26/2023 PDF Error, Filer to Refile as Amended (Gossett, Valerie). (Entered: 12/21/2023)
12/22/2023	<u>245</u> (25 pgs; 5 docs)	Supplemental Reply Amended to (related document(s): <u>219</u> Response) Filed by Frank J Kokoszka on behalf of Frank J Kokoszka (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D) (Kokoszka, Frank) (Entered: 12/22/2023)
12/26/2023	246	CORRECTIVE ENTRY PDF Error, Filer to Refile as Amended (RE: <u>244</u> Reply). (Gossett, Valerie) (Entered: 12/26/2023)
12/29/2023	<u>247</u> (17 pgs)	Memorandum Opinion (RE: <u>78</u> Objection to Debtor's Claim of Exemptions). (Green, Ron) (Entered: 12/29/2023)
12/29/2023	<u>248</u> (1 pg)	Order Overruling Objection as moot (RE: <u>78</u> Objection to Debtor's Claim of Exemptions). Signed on 12/29/2023 (Green, Ron) (Entered: 12/29/2023)

		12/29/2023)
12/29/2023	<u>249</u> (1 pg)	Order striking ruling date - The ruling date of January 22, 2024, is stricken. (RE: <u>78</u> Objection to Debtor's Claim of Exemptions). Signed on 12/29/2023 (Green, Ron) (Entered: 12/29/2023)
01/08/2024	<u>250</u> (3 pgs)	Notice of District Court Approval of IFP Waiver for 23 cv 15662 and Mooting of 23 cv 16496 Filed by Felipe Nery Gomez. (Bowles, Aaron) (Entered: 01/08/2024)
01/08/2024	<u>251</u> (17 pgs)	Second Amended Appellant Designation of Contents For Inclusion in Record On Appeal Filed by Felipe Nery Gomez . (RE: <u>199</u> Notice of Appeal, <u>212</u> Appellant Designation and Statement of Issue, <u>237</u> Appellant Designation and Statement of Issue). Appellee designation due by 1/22/2024. (Sims, Lakeysha) (Entered: 01/09/2024)
01/08/2024	<u>252</u> (1 pg)	Order Granting Motion to Extend Time (Related Doc # <u>242</u>). Supplemental Reply due by: 12/21/2023. Signed on 1/8/2024. (Green, Ron) (Entered: 01/09/2024)
01/09/2024	<u>253</u> (1 pg)	Addendum to Record on Appeal. (RE: <u>199</u> Notice of Appeal). (Bowles, Aaron) (Entered: 01/09/2024)
01/09/2024	<u>254</u> (7 pgs; 3 docs)	Notice of Motion and Debtor Gomez Motion for FRE 201 Judicial Notice of 7.20.23 ARDC Declaration of Gomez Law License Status As "RETIRED" Filed by Felipe Nery Gomez Hearing scheduled for 1/22/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Motion for Fre 201 Judicial Notice of 7.20.23 ARDC Declaration of Gomez Law License Status as "Retired" # <u>2</u> Proposed Order) (Green, Ron) (Entered: 01/09/2024)
01/09/2024	<u>255</u> (9 pgs; 3 docs)	Notice of Motion and Motion to Strike or Declare as Moot Initial Report of Assets <u>80</u> and Notice of Time for Fixing of Assets <u>83</u> Based on Unavailability of Exempted Assets, and to Declare 23B3023 A "No Asset" Case, Nunc Pro Tunc. (related document(s): <u>80</u> Initial Report of Assets, <u>83</u> Notice Fixing Time For Filing) Filed by Felipe Nery Gomez . Hearing scheduled for 1/22/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Gomez Motion to Strike or Declare as Moot # <u>2</u> Proposed Order) (Green, Ron) (Entered: 01/09/2024)
01/09/2024	256	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>255</u> Motion to Strike). (Kokoszka, Frank) (Entered: 01/09/2024)
01/10/2024	257	Notice of Objection Filed by U.S. Trustee Patrick S Layng (RE: <u>254</u> Generic Motion). (Brief, Adam) (Entered: 01/10/2024)
01/11/2024	<u>258</u> (2 pgs)	Notice of Objection Filed by Jeffery M. Heftman on behalf of Constance Weisenthal, Larry Weisenthal (RE: <u>255</u> Motion to Strike). (Heftman, Jeffery) (Entered: 01/11/2024)

01/12/2024	<u>259</u>	Notice of Objection Filed by U.S. Trustee Patrick S Layng (RE: <u>255</u> Motion to Strike). (Brief, Adam) (Entered: 01/12/2024)
01/22/2024	<u>260</u> (2 pgs)	Proposed Order - Order on Communications of Parties Filed by Felipe Nery Gomez (RE: <u>161</u> Motion for Sanctions/Damages, <u>177</u> Order on Motion For Sanctions/Damages). (Green, Ron) (Entered: 01/22/2024)
01/22/2024	261	(E)Order Denying for the Reasons Stated on the Record Motion (Related Doc # <u>254</u>) (Patterson, Carlos) (Entered: 01/22/2024)
01/22/2024	<u>262</u> (1 pg)	Order Vacating Order of Civil Contempt and Mooting Hearing to Determine Whether Contempt Has Been Purged (RE: <u>87</u> Motion for Rule to Show Cause, <u>97</u> Order on Rule to Show Cause). Signed on 1/22/2024 (Green, Ron) (Entered: 01/23/2024)
01/22/2024	263	(E)Order Denying for the Reasons Stated on the Record Motion to Strike (Related Doc # <u>255</u>). Signed on 1/22/2024. (Green, Ron) (Entered: 01/23/2024)
01/31/2024	264	Notice of Objection Filed by U.S. Trustee Patrick S Layng (RE: <u>260</u> Proposed Order). (Brief, Adam) (Entered: 01/31/2024)
02/06/2024	<u>265</u> (1 pg)	Court's Proposed Order Amended Sanctions Order (RE: <u>177</u> Order on Motion For Sanctions/Damages). (Green, Ron) (Entered: 02/06/2024)
02/08/2024	<u>266</u> (1 pg)	Notice of Debtor Objection Filed by Felipe Nery Gomez (RE: <u>265</u> Generic Document). (Green, Ron) (Entered: 02/08/2024)
02/12/2024	<u>267</u> (1 pg)	Order Amending Sanctions Order (RE: <u>177</u> Order on Motion For Sanctions/Damages). Signed on 2/12/2024 (Green, Ron) (Entered: 02/12/2024)
02/12/2024	<u>268</u> (3 pgs; 2 docs)	Notice of Appeal to District Court. Filed by Felipe Nery Gomez. Fee Amount \$298 (RE: <u>267</u> Amended/Corrected Order). Appellant Designation due by 2/26/2024. Transmission of Record Due no later than 3/13/2024. (Attachments: # <u>1</u> Civil Cover Sheet)(Bowles, Aaron) (Entered: 02/12/2024)
02/12/2024	<u>269</u> (2 pgs)	Application to Proceed Without Prepaying Fees or Costs/Financial Affidavit (related documents <u>268</u> Notice of Appeal) Filed by Felipe Nery Gomez. (Bowles, Aaron) (Entered: 02/12/2024)
02/13/2024	<u>270</u> (1 pg)	Certificate of Service (RE: <u>268</u> Notice of Appeal). (Bowles, Aaron) (Entered: 02/13/2024)
02/13/2024	271	Transmittal of Notice of Appeal to District Court (RE: <u>268</u> Notice of Appeal). (Bowles, Aaron) (Entered: 02/13/2024)
02/13/2024	<u>272</u> (1 pg)	Notice of Docketing Notice of Appeal, to District Court. Case Number 24 cv 1216 Assigned to Judge: Lindsay C. Jenkins (RE: <u>268</u> Notice of Appeal). (Bowles, Aaron) (Entered: 02/13/2024)

02/20/2024	<u>273</u> (5 pgs; 2 docs)	Order Denying Application to Proceed without Prepayment of Fees and Affidavit. To the extent Gomez requests a waiver of the appellate filing fee under 28 USC Sec. 1915(a), his application is referred to the district court, but the bankruptcy court certifies that the appeal is not taken in good faith. (Related Doc <u>269</u>). Signed on 2/20/2024. (Cox, Adam) Modified on 2/20/2024 to correct citation to 28 USC Sec. 1915(a) (Cox, Adam). (Entered: 02/20/2024)
02/20/2024	274	CORRECTIVE ENTRY: Modified on 2/20/2024 to correct citation to 28 USC Sec. 1915(a) (RE: <u>273</u> Order on Application to Proceed without Prepayment of Fees and Affidavit). (Cox, Adam) (Entered: 02/20/2024)
02/20/2024	<u>275</u> (2 pgs)	Letter to pro se appellant advising the \$298 filing fee is due (RE: <u>273</u> Order on Application to Proceed without Prepayment of Fees and Affidavit). (Bowles, Aaron) (Entered: 02/20/2024)
02/20/2024	<u>276</u> (1 pg)	Addendum to Notice of Appeal. (RE: <u>268</u> Notice of Appeal). (Bowles, Aaron) (Entered: 02/20/2024)
02/26/2024	<u>277</u> (26 pgs; 2 docs)	Notice of Motion and Motion to Reconsider Stilley Motion to Lift Stay (related document(s): 53 Order on Motion for Relief from Stay) Filed by Felipe Nery Gomez. Hearing scheduled for 3/4/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order) (Sumner, Vearllean) (Entered: 02/26/2024)
02/27/2024	<u>278</u> (1 pg)	Follow Up Letter to Bankruptcy Judge and Parties (RE: <u>268</u> Notice of Appeal). (Bowles, Aaron) (Entered: 02/27/2024)
02/27/2024	<u>279</u> (1 pg)	Addendum to Notice of Appeal . (RE: <u>268</u> Notice of Appeal). (Bowles, Aaron) (Entered: 02/27/2024)
03/01/2024	<u>280</u> (1 pg)	Order By District Court Judge Sara L. Ellis, Re: Appeal on Civil Action Number: 23cv4090, Dated 2/29/24. Dismissed (RE: <u>99</u> Notice of Appeal). Signed on 3/1/2024 (Finley-Rhodes, Nadine). Modified on 3/4/2024 Creating relationship to document #99 Removing relationship to document #268 (Sullivan, Elizabeth). (Entered: 03/01/2024)
03/01/2024	<u>281</u> (9 pgs; 3 docs)	Transcript regarding Hearing Held 05/22/23. Remote electronic access to the excerpt/transcript is restricted until 05/30/2024. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) 53 Order on Motion for Relief from Stay). Notice of Intent to Request Redaction Deadline Due By 3/15/2024. Redaction Request Due By 03/22/2024. Redacted Transcript Submission Due By 04/1/2024. Transcript access will be restricted through 05/30/2024. (Doolin, Amy) (Entered: 03/01/2024)

03/04/2024	282	CORRECTIVE ENTRY: Creating relationship to document #99Removing relationship to document #268 (RE: <u>280</u> Order District Court re: Appeal). (Sullivan, Elizabeth) (Entered: 03/04/2024)
03/04/2024	<u>283</u> (16 pgs; 3 docs)	Transcript regarding Hearing Held 02/12/24. Remote electronic access to the excerpt/transcript is restricted until 06/3/2024. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) <u>267</u> Amended/Corrected Order). Notice of Intent to Request Redaction Deadline Due By 3/18/2024. Redaction Request Due By 03/25/2024. Redacted Transcript Submission Due By 04/4/2024. Transcript access will be restricted through 06/3/2024. (Doolin, Amy) (Entered: 03/04/2024)
03/04/2024	284	(E)Order Denying for the Reasons Stated on the Record Motion to Alter or Amend Judgment/Order (Related Doc # <u>277</u>). Signed on 3/4/2024. (Green, Ron) (Entered: 03/05/2024)
03/08/2024	<u>285</u> (2 pgs)	Notice of Change of Firm Name, Address, and E-Mail Filed by Jeffery M. Heftman on behalf of Constance Weisenthal, Larry Weisenthal. (Heftman, Jeffery) (Entered: 03/08/2024)
03/11/2024	<u>286</u> (14 pgs; 3 docs)	Notice of Motion and Motion for Relief from Stay as to allow Gomez to move the USCA7 to dismiss that matter as moot (rendering USCA7 without Art. III case or controversy jurisdiction), and to allow Braid et al to respond to that motion, Not to brief that matter further. Fee Amount \$199,, Notice of Motion and Motion to Waive Modify Stay filing fee Filed by Felipe Nery Gomez . Hearing scheduled for 3/18/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Proposed Order) (Green, Ron) (Entered: 03/11/2024)
03/13/2024	287	Transmittal of Record on Appeal to District Court (RE: <u>268</u> Notice of Appeal). (Bowles, Aaron) (Entered: 03/13/2024)
03/13/2024	<u>288</u> (1 pg)	Notice of Docketing Record on Appeal to District Court. Case Number 24 cv 1216 Assigned to Judge: Lindsay C. Jenkins (RE: <u>268</u> Notice of Appeal). (Bowles, Aaron) (Entered: 03/13/2024)
03/13/2024	<u>289</u> (17 pgs; 3 docs)	Transcript regarding Hearing Held 10/02/23. Remote electronic access to the excerpt/transcript is restricted until 06/11/2024. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) <u>172</u> Order on Motion for Leave). Notice of Intent to Request Redaction Deadline Due By 3/27/2024. Redaction Request Due By 04/3/2024. Redacted Transcript Submission Due By 04/15/2024. Transcript access will be restricted through 06/11/2024. (Doolin, Amy) (Entered: 03/13/2024)
03/13/2024	290	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>286</u> Motion for Relief from Stay, Motion to Waive). (Kokoszka, Frank)

		(Entered: 03/13/2024)
03/13/2024	<u>291</u> (4 pgs)	Oscar Stilley's Response to Motion for Modification of Stay, with Included Supporting Brief (related document(s): <u>286</u> Motion for Relief from Stay, Motion to Waive) Filed by Oscar Stilley (Green, Ron) (Entered: 03/13/2024)
03/18/2024	<u>292</u> (1 pg)	Order Denying without Prejudice for the Reasons Stated on the Record Motion for Relief from Stay (Related Doc # <u>286</u>), Denying for the Reasons Stated on the Record Motion To Waive (Related Doc # <u>286</u>). Signed on 3/18/2024. (Green, Ron) (Entered: 03/19/2024)
03/25/2024	<u>293</u> (8 pgs; 3 docs)	Notice of Motion and Motion to Abandon Estate's Interest in the "Braid v. Stilley" Litigation. Filed by Frank J Kokoszka Hearing scheduled for 4/8/2024 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Proposed Order) (Kokoszka, Frank) (Entered: 03/25/2024)
03/27/2024	<u>294</u> (3 pgs)	Supplemental Designation of Record to Second Amended Designation of Record for 23 cv 15662 Filed by Felipe Nery Gomez. (RE: <u>199</u> Notice of Appeal, <u>251</u> Appellant Designation). Appellee designation due by 4/10/2024. (Bowles, Aaron) (Entered: 03/27/2024)
03/27/2024	<u>295</u> (1 pg)	Addendum to Record on Appeal . (RE: <u>199</u> Notice of Appeal). (Bowles, Aaron) (Entered: 03/27/2024)
04/04/2024	<u>296</u> (5 pgs)	Notice of Objection Filed by Felipe Nery Gomez (RE: <u>293</u> Motion to Abandon). (Molina, Nilsa) (Entered: 04/04/2024)
04/04/2024	<u>297</u> (13 pgs)	Notice of Dispute Between Debtor, Debtor's "Landlord" and Private Trustee Filed by Felipe Nery Gomez . (Molina, Nilsa) (Entered: 04/04/2024)
04/08/2024	298	(E)Hearing Continued (RE: <u>293</u> Abandon). hearing scheduled for 04/29/2024 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Goldgar. (Winston, Shurray) (Entered: 04/08/2024)
04/10/2024	<u>299</u> (9 pgs; 3 docs)	PDF/Event Error, Filer Notified Notice of Motion and Amended Motion to Abandon The Estate's Interest in the "Braid v. Stilley" Litigation. Filed by Frank J Kokoszka Hearing scheduled for 4/29/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Proposed Order) (Kokoszka, Frank) Modified on 4/11/2024 (Gomez, Denise). (Entered: 04/10/2024)
04/10/2024	<u>300</u> (34 pgs; 7 docs)	Notice of Motion and Motion for Sanctions against Debtor, Notice of Motion and Motion to Bar Debtor From Any Further Filings In Violation of the Barton Doctrine. Filed by Frank J Kokoszka Hearing scheduled for 4/22/2024 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E # <u>6</u> Proposed Order) (Kokoszka, Frank)

		(Entered: 04/10/2024)
04/11/2024	<u>301</u> (70 pgs; 2 docs)	Notice of Motion and Motion for Fre 201 Judicial Notice of 5 CFR 2635.101 and 2635.702, DOJ Standards of Ethical Conduct and 8.8.23 Kokoszka/Brief Demand "Term List" Filed by Felipe Nery Gomez Hearing scheduled for 4/22/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order) (Hamilton, Annette) (Entered: 04/11/2024)
04/11/2024	<u>302</u> (5 pgs)	Notice of Objection Filed by Felipe Nery Gomez (RE: <u>300</u> Motion for Sanctions/Damages, Motion to Bar). (Hamilton, Annette) (Entered: 04/11/2024)
04/11/2024	303	CORRECTIVE ENTRY: PDF/Event Error, Filer Notified (RE: <u>299</u> Motion to Abandon). (Gomez, Denise) (Entered: 04/11/2024)
04/11/2024	<u>304</u> (9 pgs; 3 docs)	Amended Notice of Motion and Amended Motion (related document(s): <u>293</u> Motion to Abandon) Filed by Frank J Kokoszka Hearing scheduled for 4/29/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Proposed Order) (Kokoszka, Frank) (Entered: 04/11/2024)
04/11/2024	305	Notice of Objection Filed by U.S. Trustee Patrick S Layng (RE: <u>301</u> Generic Motion). (Brief, Adam) (Entered: 04/11/2024)
04/11/2024	306	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>301</u> Generic Motion). (Kokoszka, Frank) (Entered: 04/11/2024)
04/15/2024	<u>307</u> (2 pgs)	Order By District Court Judge Lindsay C. Jenkins, Re: Appeal on Civil Action Number: 1:24-cv-01216, Dated 04/12/2024. No filing fee was paid by the April 11, 2024, deadline. The appeal is dismissed. (RE: <u>268</u> Notice of Appeal). Signed on 4/12/2024 (Bouchard, Sarah) (Main Document 307 replaced on 4/16/2024) (Gomez, Denise). Modified on 4/16/2024 to correct PDF (Gomez, Denise). (Entered: 04/15/2024)
04/16/2024	308	CORRECTIVE ENTRY: to correct PDF (RE: <u>307</u> Order District Court re: Appeal). (Gomez, Denise) (Entered: 04/16/2024)
04/19/2024	<u>309</u> (60 pgs)	Gomez Provisional Summary Objections and Response to Kokoszka Motion for Sanctions (related document(s): <u>300</u> Motion for Sanctions/Damages, Motion to Bar) Filed by Felipe Nery Gomez (Green, Ron) (Entered: 04/19/2024)
04/22/2024	310	(E)Order Withdrawing Motion (Related Doc # <u>301</u>) (Castellano, Nancy) (Entered: 04/22/2024)

04/22/2024	<u>311</u> (6 pgs; 2 docs)	Notice of Motion and Motion to Abandon Schedule C, Attachment 1 cases 22cv 0576 (TDCAL) CA9 # 22-55922. Filed by Felipe Nery Gomez . Hearing scheduled for 4/29/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order) (Green, Ron) (Entered: 04/22/2024)
04/22/2024	<u>312</u> (6 pgs)	Amended Notice of Motion Filed by Felipe Nery Gomez (RE: <u>311</u> Motion to Abandon). Hearing scheduled for 5/6/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Green, Ron) (Entered: 04/22/2024)
04/22/2024	<u>313</u> (1 pg)	Order Denied Without Prejudice for the Reasons Stated on the Record Motion For Sanctions (Related Doc # <u>300</u>), Denied Without Prejudice for the Reasons Stated on the Record Motion To Bar (Related Doc # <u>300</u>). Signed on 4/22/2024. (Green, Ron) (Entered: 04/23/2024)
04/29/2024	314	(E)Hearing Continued (RE: <u>311</u> Abandon). hearing scheduled for 05/06/2024 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Goldgar. (Winston, Shurray) (Entered: 04/29/2024)
04/29/2024	<u>315</u> (1 pg)	(E)Order Granting Motion To Abandon (Related Doc # <u>304</u>) (Winston, Shurray) (Entered: 04/29/2024)
05/06/2024	<u>316</u> (17 pgs; 3 docs)	Transcript regarding Hearing Held 04/22/24. Remote electronic access to the excerpt/transcript is restricted until 08/5/2024. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) <u>313</u> Order on Motion For Sanctions/Damages, Order on Motion to Bar). Notice of Intent to Request Redaction Deadline Due By 5/20/2024. Redaction Request Due By 05/28/2024. Redacted Transcript Submission Due By 06/6/2024. Transcript access will be restricted through 08/5/2024. (Doolin, Amy) (Entered: 05/06/2024)
05/06/2024	<u>317</u> (1 pg)	Order Granting Motion To Compel Abandonment (Related Doc # <u>311</u>). Signed on 5/6/2024. (Green, Ron) (Entered: 05/07/2024)
05/08/2024	<u>318</u> (22 pgs)	Adversary case 24-00116. (11 (Recovery of money/property - 542 turnover of property)) , (71 (Injunctive relief - reinstatement of stay)) , (91 (Declaratory judgment)) , (72 (Injunctive relief - other)): Complaint with Cover Sheet by Felipe N Gomez , The Simon Wiesenthal Center against The Sandra Wiesenthal Gomez Living Trust (c/o Arthur Noel Anthony Gomez, Successor Trustee) . (Fee Not Required). Status hearing to be held on 6/17/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Cabrales, Claudia) (Entered: 05/08/2024)
05/20/2024	<u>319</u> (10 pgs; 3 docs)	Transcript regarding Hearing Held 04/29/24. Remote electronic access to the excerpt/transcript is restricted until 08/19/2024. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) 314

		Hearing Motion Continued). Notice of Intent to Request Redaction Deadline Due By 6/3/2024. Redaction Request Due By 06/10/2024. Redacted Transcript Submission Due By 06/20/2024. Transcript access will be restricted through 08/19/2024. (Doolin, Amy) (Entered: 05/20/2024)
06/03/2024	<u>320</u> (90 pgs; 2 docs)	Notice of Motion and Debtor's Motion To Determine Validity/Extent of Kokoszka Interest In, If any, and Applicability of Barton Doctrine to Post-Petition Landlord-Tenant Matter Gomez ET AL, V. Blackstone ET AL Filed by Felipe Nery Gomez Hearing scheduled for 6/10/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Attachments: # <u>1</u> Proposed Order) (Green, Ron) (Entered: 06/03/2024)
06/03/2024	321	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>320</u> Generic Motion). (Kokoszka, Frank) (Entered: 06/03/2024)
06/03/2024	322	Notice of Objection Filed by U.S. Trustee Patrick S Layng (RE: <u>320</u> Generic Motion). (Brief, Adam) (Entered: 06/03/2024)
06/10/2024	<u>323</u> (1 pg)	(E)Order Denying for the Reasons Stated on the Record Motion (Related Doc # <u>320</u>) (Winston, Shurray) (Entered: 06/10/2024)
06/10/2024	<u>324</u> (93 pgs)	Adversary case 24-00152. (11 (Recovery of money/property - 542 turnover of property)) , (71 (Injunctive relief - reinstatement of stay)) , (91 (Declaratory judgment)): Complaint with Cover Sheet by Felipe Nery Gomez against Frank J. Kokoszka . (Fee Not Required). Status hearing to be held on 7/22/2024 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Goldgar. (Green, Ron) (Entered: 06/10/2024)
06/20/2024	<u>325</u> (41 pgs; 2 docs)	Adversary case 24-00165. (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))): Notice of Removal Copy of Record due by 7/11/2024. (Attachments: # <u>1</u> Adversary Cover Sheet) (Reed, Yashica) (Entered: 06/20/2024)
06/20/2024	<u>326</u> (67 pgs)	Adversary case 24-00167. (72 (Injunctive relief - other)): Notice of Removal Copy of Record due by 7/11/2024. (Miller, Marvin) (Entered: 06/20/2024)
06/28/2024	<u>327</u> (17 pgs)	Adversary case 24-00177. (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))): Notice of Removal Copy of Record due by 7/19/2024. (Batson, Nicole) (Entered: 06/28/2024)
07/01/2024	<u>328</u> (53 pgs)	Adversary case 24-00180. (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))): Notice of Removal Copy of Record due by 7/22/2024. (Roman, Felipe) (Entered: 07/01/2024)
07/22/2024	<u>329</u> (8 pgs; 3 docs)	Notice of Motion and Motion for Relief from Stay as to 2701 Technology Dr., Room 301, Lombard, Illinois 60148. Fee Amount \$199, Filed by Adam A Loops on behalf of ESA Management LLC. Hearing scheduled for 7/29/2024 at 09:30 AM at Courtroom 642, 219

		South Dearborn, Chicago, Illinois 60604. (Attachments: # <u>1</u> Statement Accompanying Relief From Stay # <u>2</u> Proposed Order) (Loops, Adam) (Entered: 07/22/2024)
07/22/2024	330	Receipt of Motion for Relief from Stay(<u>23-03023</u>) [motion,mrlfsty] (199.00) Filing Fee. Receipt number A48174152. Fee Amount \$ 199.00 (Loops, Adam) (re:Doc# <u>329</u>) (U.S. Treasury) (Entered: 07/22/2024)
07/29/2024	<u>331</u> (2 pgs)	Notice of Objection Filed by Debtor 1 Felipe Nery Gomez (RE: <u>329</u> Motion for Relief from Stay). (Miller, Marvin) (Entered: 07/29/2024)
07/29/2024	332	(E)Order Denying for the Reasons Stated on the Record Motion for Relief from Stay (Related Doc # <u>329</u>) (Winston, Shurray) (Entered: 07/29/2024)
08/14/2024	333	Adversary Case 1:24-ap-167 Closed . (Hamilton, Annette) (Entered: 08/14/2024)
08/16/2024	<u>336</u> (1 pg)	Order Case Reassigned. Judge Calendar ABG added to case. Involvement of Judge A. Benjamin Goldgar terminated. Signed on 8/16/2024 (ilnbadi) (Entered: 08/31/2024)
08/23/2024	334	Adversary Case 1:24-ap-177 Closed . (Green, Ron) (Entered: 08/23/2024)
08/28/2024	335	Adversary Case 1:24-ap-180 Closed . (Armstead, Cynthia) (Entered: 08/28/2024)
10/30/2024	337	Initial Projected Date of Trustee Final Report: 12/31/2025. Current Projected Date of Trustee Final Report: 12/31/2025. Filed by Trustee Frank J Kokoszka. (Kokoszka, Frank) (Entered: 10/30/2024)
11/24/2024	<u>338</u> (1 pg)	Order Case Reassigned. Judge Michael B. Slade added to case. Involvement of Calendar ABG terminated. Signed on 11/06/2024 (ilnbadi) (Entered: 11/24/2024)
12/30/2024	<u>339</u> (64 pgs; 8 docs)	Notice of Motion and Motion for Sanctions against Debtor Felipe Nery Gomez Filed by Adam Brief Hearing scheduled for 1/13/2025 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E # <u>6</u> Exhibit F # <u>7</u> Proposed Order) (Greene, Joshua) (Entered: 12/30/2024)
12/31/2024	<u>340</u> (1 pg)	Proposed Order - Granting Motion for Additional Sanctions Filed by Acting U.S. Trustee Adam Brief (RE: <u>339</u> Motion for Sanctions/ Damages). (Greene, Joshua) (Entered: 12/31/2024)
01/13/2025	341	(E)Hearing Continued (RE: <u>339</u> Sanctions/Damages). hearing scheduled for 02/03/2025 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Castellano, Nancy) (Entered: 01/13/2025)

01/13/2025	<u>342</u> (112 pgs)	Adversary case 25-00014. (71 (Injunctive relief - reinstatement of stay)): Complaint with Cover Sheet by Felipe Nery Gomez against Wolfgang Hirczy De Mino and all known aliases . (Fee Not Required). Status hearing to be held on 3/3/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Cabrales, Claudia) (Entered: 01/13/2025)
01/13/2025	<u>343</u> (1 pg)	Order Scheduling (RE: <u>339</u> Motion for Sanctions/Damages). Response due by 1/27/2025. Status hearing to be held on 2/3/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. Signed on 1/13/2025 (Green, Ron) (Entered: 01/14/2025)
01/26/2025	<u>344</u> (13 pgs; 2 docs)	Notice of Motion and Motion to Extend Time to Respond to UST Motion for Sanctions Filed by Felipe Nery Gomez . Hearing scheduled for 2/3/2025 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Proposed Order) (Green, Ron) (Entered: 01/27/2025)
01/27/2025	<u>345</u> (5 pgs; 2 docs)	Notice of Motion and Motion for Pacer Access/Fee Exemption Filed by Felipe Nery Gomez Hearing scheduled for 2/3/2025 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Proposed Order) (Green, Ron) (Entered: 01/27/2025)
01/27/2025	346	Notice of Objection Filed by Acting U.S. Trustee Adam Brief (RE: <u>344</u> Motion to Extend Time, <u>345</u> Generic Motion). (Greene, Joshua) (Entered: 01/27/2025)
01/27/2025	347	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>345</u> Generic Motion). (Kokoszka, Frank) (Entered: 01/27/2025)
01/27/2025	348	Adversary Case 1:24-ap-116 Closed . (Roman, Felipe) (Entered: 01/27/2025)
01/28/2025	<u>349</u> (4 pgs)	Limited Objection to (related document(s): <u>344</u> Motion to Extend Time) Filed by Joshua D. Greene on behalf of Adam Brief (Greene, Joshua) (Entered: 01/28/2025)
01/28/2025	<u>350</u> (8 pgs; 2 docs)	Objection to (related document(s): <u>345</u> Generic Motion) Filed by Joshua D. Greene on behalf of Adam Brief (Attachments: # <u>1</u> Exhibit A) (Greene, Joshua) (Entered: 01/28/2025)
01/29/2025	<u>351</u> (2 pgs)	Notice of Filing Filed by Acting U.S. Trustee Adam Brief (RE: <u>349</u> Objection). (Greene, Joshua) (Entered: 01/29/2025)
01/29/2025	<u>352</u> (2 pgs)	Notice of Filing Filed by Acting U.S. Trustee Adam Brief (RE: <u>350</u> Objection). (Greene, Joshua) (Entered: 01/29/2025)
01/31/2025	<u>353</u> (9 pgs; 2 docs)	Notice of Motion and Motion for FRE 201 Judicial Notice of Retirement Status, and that Gomez is not an Attorney, Suspended or Otherwise Filed by Felipe Nery Gomez Hearing scheduled for 2/10/2025 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn

		St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Proposed Order) (Green, Ron) (Entered: 01/31/2025)
01/31/2025	354	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>353</u> Generic Motion). (Kokoszka, Frank) (Entered: 01/31/2025)
01/31/2025	355	Notice of Objection Filed by Acting U.S. Trustee Adam Brief (RE: <u>353</u> Generic Motion). (Greene, Joshua) (Entered: 01/31/2025)
01/31/2025	<u>356</u> (2 pgs)	Objection to (related document(s): <u>345</u> Generic Motion) Filed by Frank J Kokoszka on behalf of Frank J Kokoszka (Kokoszka, Frank) (Entered: 01/31/2025)
02/03/2025	<u>357</u> (36 pgs; 3 docs)	Objection to (related document(s): <u>353</u> Generic Motion) Filed by Joshua D. Greene on behalf of Adam Brief (Attachments: # <u>1</u> Exhibit A-Hearing Board Report # <u>2</u> Exhibit B-ARDC Website Search) (Greene, Joshua) (Entered: 02/03/2025)
02/03/2025	358	(E)Order Mooting Motion to Extend Time (Related Doc # <u>344</u>) (McGee, Kimberly) (Entered: 02/03/2025)
02/03/2025	359	(E)Hearing Continued (RE: <u>353</u> Generic Motion). hearing scheduled for 05/01/2025 at 09:30 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, Judge Slade. (Castellano, Nancy) (Entered: 02/03/2025)
02/03/2025	<u>360</u> (1 pg)	Order Denying for the Reasons Stated on the Record Motion For Sanctions (Related Doc # <u>339</u>). Signed on 2/3/2025. (Cabrales, Claudia) (Entered: 02/04/2025)
02/04/2025	<u>361</u> (2 pgs)	Order Granting Motion (Related Doc # <u>345</u>). Signed on 2/4/2025. (Hamilton, Annette) (Entered: 02/04/2025)
02/04/2025	<u>362</u> (3 pgs)	Certificate of Service (RE: <u>361</u> Order on Generic Motion). (Hamilton, Annette) (Entered: 02/04/2025)
02/19/2025	<u>363</u> (38 pgs; 8 docs)	Notice of Motion and Motion For Civil Contempt against Debtor Filed by Adam Brief Hearing scheduled for 3/3/2025 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E # <u>6</u> Exhibit F # <u>7</u> Proposed Order) (Greene, Joshua) (Entered: 02/19/2025)
02/19/2025	<u>364</u> (2 pgs)	Proof of Service Filed by Acting U.S. Trustee Adam Brief (RE: <u>363</u> Motion for Civil Contempt). (Greene, Joshua) (Entered: 02/19/2025)
02/20/2025	<u>365</u> (2 pgs)	Gomez Notice of Initial Objections to Motion for Contempt Filed by Felipe Nery Gomez (RE: <u>363</u> Motion for Civil Contempt). (Green, Ron) (Entered: 02/20/2025)
02/20/2025	<u>366</u> (2 pgs)	Gomez Notice of Supplemental Objections to Motion for Contempt Filed by Felipe Nery Gomez (RE: <u>363</u> Motion for Civil Contempt). (Green, Ron) (Entered: 02/20/2025)

02/24/2025	<u>367</u> (6 pgs; 2 docs)	Notice of Motion and Motion for Attorney Representation Filed by Felipe Nery Gomez Hearing scheduled for 3/3/2025 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Proposed Order) (Green, Ron) (Entered: 02/24/2025)
02/28/2025	<u>368</u> (3 pgs)	Gomez Certificate of Filing and Service of 2-28-25 Receipt for Gomez Payment of Pacer Fees in Full, Mooting Order <u>361</u> (RE: <u>361</u> Order on Generic Motion). (Green, Ron) (Entered: 02/28/2025)
02/28/2025	<u>369</u> (2 pgs)	Proposed Order - Agreed Interim Order on Motion for Contempt Filed by Felipe Nery Gomez (RE: <u>363</u> Motion for Civil Contempt). (Cox, Adam) (Entered: 02/28/2025)
03/03/2025	<u>370</u> (5 pgs)	Notice of Motion and Motion to Void all 11 USC 341 Meetings Per 11 USC 583 and Chapter 7 of DOJ Manual, for Invalid Oath/Failure to Adhere to Illinois and Federal Law Filed by Felipe Nery Gomez Hearing scheduled for 3/10/2025 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Green, Ron) (Entered: 03/03/2025)
03/03/2025	371	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>370</u> Generic Motion). (Kokoszka, Frank) (Entered: 03/03/2025)
03/03/2025	372	(E)Hearing Continued (RE: <u>363</u> Civil Contempt). hearing scheduled for 05/01/2025 at 09:30 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Utter, Matthew) (Entered: 03/03/2025)
03/03/2025	373	(E)Order Denying for the Reasons Stated on the Record Motion (Related Doc # <u>367</u>) (Utter, Matthew) (Entered: 03/03/2025)
03/03/2025	374	Notice of Objection Filed by Acting U.S. Trustee Adam Brief (RE: <u>370</u> Generic Motion). (Greene, Joshua) (Entered: 03/03/2025)
03/10/2025	375	(E)Hearing Continued (RE: <u>370</u> Generic Motion). hearing scheduled for 04/14/2025 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Castellano, Nancy) (Entered: 03/10/2025)
03/10/2025	<u>376</u> (1 pg)	Order Scheduling (RE: <u>370</u> Generic Motion). Response due by 3/24/2025. Reply due by: 4/3/2025. Status hearing to be held on 4/14/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. Signed on 3/10/2025 (Green, Ron) (Entered: 03/11/2025)
03/13/2025	<u>377</u> (15 pgs; 4 docs)	Response to (related document(s): <u>370</u> Generic Motion) Filed by Joshua D. Greene on behalf of Adam Brief (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C) (Greene, Joshua) (Entered: 03/13/2025)
03/13/2025	<u>378</u> (2 pgs)	Notice of Filing Filed by Acting U.S. Trustee Adam Brief (RE: <u>377</u> Response). (Greene, Joshua) (Entered: 03/13/2025)

03/17/2025	<u>379</u> (47 pgs; 3 docs)	Transcript regarding Hearing Held 03/03/25. Remote electronic access to the excerpt/transcript is restricted until 06/16/2025. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) 373 Order on Generic Motion). Notice of Intent to Request Redaction Deadline Due By 3/31/2025. Redaction Request Due By 04/7/2025. Redacted Transcript Submission Due By 04/17/2025. Transcript access will be restricted through 06/16/2025. (Doolin, Amy) (Entered: 03/17/2025)
03/17/2025	<u>380</u> (45 pgs; 3 docs)	Transcript regarding Hearing Held 02/03/25. Remote electronic access to the excerpt/transcript is restricted until 06/16/2025. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) 360 Order on Motion For Sanctions/Damages). Notice of Intent to Request Redaction Deadline Due By 3/31/2025. Redaction Request Due By 04/7/2025. Redacted Transcript Submission Due By 04/17/2025. Transcript access will be restricted through 06/16/2025. (Doolin, Amy) (Entered: 03/17/2025)
03/24/2025	<u>381</u> (3 pgs)	Response in Opposition to (related document(s): <u>370</u> Generic Motion) Filed by Frank J Kokoszka on behalf of Frank J Kokoszka (Kokoszka, Frank) (Entered: 03/24/2025)
04/01/2025	<u>382</u> (1 pg)	Received Notification of Transmittal of Record from The U S District Court to The U S Court of Appeals Dated April 1, 2025. USDC Case Number: 23 cv 15662, USCA Case Number: 25-1541 (RE: <u>199</u> Notice of Appeal, <u>220</u> Amended Notice of Appeal, <u>234</u> Amended Notice of Appeal). (Bowles, Aaron) (Entered: 04/01/2025)
04/03/2025	<u>383</u> (3 pgs)	Order By District Court Judge Jeremy C. Daniel, Re: Appeal on Civil Action Number: 1:23-cv-15662, Dated 3/31/2025. Affirmed (RE: <u>199</u> Notice of Appeal). Signed on 4/3/2025 (DioGuardi, Victoria). Related document(s) <u>220</u> Amended Notice of Appeal, <u>234</u> Amended Notice of Appeal. Modified on 4/4/2025 creating relationship to documents #220 and #234 (VG). (Entered: 04/03/2025)
04/04/2025	384	CORRECTIVE ENTRY creating relationship to documents #220 and #234 (RE: <u>383</u> Order District Court re: Appeal). (Gossett, Valerie) (Entered: 04/04/2025)
04/06/2025	<u>385</u> (21 pgs; 2 docs)	Notice of Motion and Gomez Motion for Sanctions against Trustee Frank Kokoszka, his lawyer Kevin Besetzny, and their supervisor, Acting R11 RST, Notice of Motion and Gomez Motion For Civil Contempt against Trustee Frank Kokoszka, his lawyer Kevin Besetzny, and their supervisor, Acting R11 RST Filed by Felipe Nery Gomez . Hearing scheduled for 4/14/2025 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Proposed Order) (Green, Ron) (Entered: 04/07/2025)

04/07/2025	386	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>385</u> Motion for Sanctions/Damages, Motion for Civil Contempt). (Kokoszka, Frank) (Entered: 04/07/2025)
04/07/2025	387	Notice of Objection Filed by Acting U.S. Trustee Adam Brief (RE: <u>385</u> Motion for Sanctions/Damages, Motion for Civil Contempt). (Greene, Joshua) (Entered: 04/07/2025)
04/10/2025	<u>388</u> (3 pgs)	Order Denying Motion to Void 341 Meetings (RE: <u>370</u> Generic Motion). Signed on 4/10/2025 (Cox, Adam) (Entered: 04/10/2025)
04/10/2025	<u>389</u> (1 pg)	Order Denying Motion for Civil Contempt and Sanctions (RE: <u>385</u> Motion for Sanctions/Damages, Motion for Civil Contempt). Signed on 4/10/2025 (Cox, Adam) (Entered: 04/10/2025)
04/10/2025	390	(E)Hearing Continued (RE: <u>353</u> Generic Motion). hearing scheduled for 05/22/2025 at 09:30 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Castellano, Nancy) (Entered: 04/10/2025)
04/10/2025	391	(E)Hearing Continued (RE: <u>363</u> Civil Contempt). hearing scheduled for 05/22/2025 at 09:30 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Castellano, Nancy) (Entered: 04/10/2025)
04/17/2025	392	Adversary Case 1:24-ap-165 Closed . (Hamilton, Annette) (Entered: 04/17/2025)
04/20/2025	<u>393</u> (4 pgs; 2 docs)	Notice of Appeal to District Court. Filed by Felipe Nery Gomez . Fee Amount \$298 (RE: <u>388</u> Order (Generic), <u>389</u> Order (Generic)). Appellant Designation due by 5/5/2025. Transmission of Record Due no later than 5/20/2025. (Attachments: # <u>1</u> Notice of Deficiency) (Bowles, Aaron) (Entered: 04/21/2025)
04/21/2025	<u>394</u> (2 pgs)	Attachment(s) Civil Cover Sheet Filed by Felipe Nery Gomez (RE: <u>393</u> Notice of Appeal). (Bowles, Aaron) (Entered: 04/21/2025)
04/21/2025	<u>395</u> (2 pgs)	Application to Proceed Without Prepaying Fees or Costs/Financial Affidavit (related documents <u>393</u> Notice of Appeal) Filed by Felipe Nery Gomez . (Bowles, Aaron) (Entered: 04/21/2025)
04/21/2025	<u>396</u> (1 pg)	Certificate of Service (RE: <u>393</u> Notice of Appeal). (Bowles, Aaron) (Entered: 04/21/2025)
04/21/2025	397	Transmittal of Notice of Appeal to District Court (RE: <u>393</u> Notice of Appeal). (Bowles, Aaron) (Entered: 04/21/2025)
04/21/2025	<u>398</u> (1 pg)	Notice of Docketing Notice of Appeal, to District Court. Case Number 25 cv 4319 Assigned to Judge: Thomas M. Durkin (RE: <u>393</u> Notice of Appeal). (Bowles, Aaron) (Entered: 04/21/2025)

05/06/2025	<u>399</u> (1 pg)	Follow Up Letter to Bankruptcy Judge and Parties (RE: <u>393</u> Notice of Appeal). (Bowles, Aaron) (Entered: 05/06/2025)
05/14/2025	400	Adversary Case 1:25-ap-14 Closed . (O'Neal, Michelle) (Entered: 05/14/2025)
05/18/2025	<u>401</u> (2 pgs)	Appellant Designation of Contents for Inclusion in Record and Statement of Issue On Appeal Filed by Felipe Nery Gomez . (RE: <u>393</u> Notice of Appeal). Appellee designation due by 6/2/2025. (Sims, Lakeysha). Modified on 5/21/2025 Creating relationship to document #393 (ES). (Entered: 05/19/2025)
05/20/2025	402	Transmittal of Record on Appeal to District Court (RE: <u>393</u> Notice of Appeal). (Sims, Lakeysha) (Entered: 05/20/2025)
05/20/2025	<u>403</u> (1 pg)	Notice of Docketing Record on Appeal to District Court . Case Number 25 cv 04319 Assigned to Judge: John J. Tharp, Jr (RE: <u>393</u> Notice of Appeal). (Sims, Lakeysha) (Entered: 05/20/2025)
05/20/2025	404	Case Status Hearing Set (RE: <u>1</u> Voluntary Petition (Chapter 7)). Status hearing to be held on 5/21/2025 at 02:00 PM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Castellano, Nancy) (Entered: 05/20/2025)
05/20/2025	<u>405</u> (9 pgs; 2 docs)	Notice of Motion and Gomez Emergency Motion for Entry of Waiver of 11 USC 727 Discharge, Striking of 5/22/25 Trial Date, and Dismissal of 23 AP 371 and 23 AP 378 as Moot. Filed by Felipe Nery Gomez . Hearing scheduled for 5/21/2025 at 02:00 PM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Proposed Order) (Green, Ron) (Entered: 05/20/2025)
05/21/2025	406	CORRECTIVE ENTRY: Creating relationship to document #393 (RE: <u>401</u> Appellant Designation and Statement of Issue). (Sullivan, Elizabeth) (Entered: 05/21/2025)
05/21/2025	<u>407</u> (4 pgs; 3 docs)	Order Approving Discharge Waiver and Deeming Discharge Waived (Related Doc # <u>405</u>). Signed on 5/21/2025. (Cox, Adam) (Entered: 05/21/2025)
05/22/2025	408	Case Status Hearing Continued (RE: <u>1</u> Voluntary Petition (Chapter 7)). Status hearing to be held on 6/16/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Castellano, Nancy) (Entered: 05/22/2025)
05/22/2025	409	(E)Hearing Continued (RE: <u>353</u> Generic Motion). hearing scheduled for 06/16/2025 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Keith, Cynthia) (Entered: 05/23/2025)
05/22/2025	410	(E)Hearing Continued (RE: <u>363</u> Civil Contempt). hearing scheduled for 06/16/2025 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Keith, Cynthia)

		(Entered: 05/23/2025)
05/23/2025	<u>411</u> (4 pgs)	BNC Certificate of Notice - Notice of Denied, Vacated or Revoked Discharge (RE: <u>407</u> Order on Motion to Approve Waiver of Discharge). No. of Notices: 19. Notice Date 05/23/2025. (Admin.) (Entered: 05/23/2025)
06/04/2025	<u>412</u> (1 pg)	Order Setting Hearing (RE: <u>395</u> Application to Proceed Without Prepaying Fees or Costs/Financial Affidavit). Hearing scheduled for 6/16/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. Signed on 6/4/2025 (Molina, Nilisa) (Entered: 06/04/2025)
06/04/2025	<u>413</u> (2 pgs)	Certificate of Service (RE: <u>412</u> Order Scheduling). (Molina, Nilisa) (Entered: 06/04/2025)
06/05/2025	<u>414</u> (15 pgs; 3 docs)	Notice of Motion and Motion for Judicial Notice of US Court's Mandate to Use 28 USC 1930 Not 28 USC 1915 for Fee Waiver Decisions Filed by Felipe Nery Gomez Hearing scheduled for 6/16/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Proposed Order) (Hamilton, Annette) Additional attachment(s) added on 6/23/2025 (Mendoza, Catherine). Modified on 6/23/2025 PDF Error, Filer to Refile (CZ) . (Entered: 06/05/2025)
06/16/2025	415	Case Status Hearing Continued (RE: <u>1</u> Voluntary Petition (Chapter 7)). Status hearing to be held on 7/21/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Castellano, Nancy) (Entered: 06/16/2025)
06/16/2025	416	Hearing Continued (RE: <u>395</u> Application to Proceed Without Prepaying Fees or Costs/Financial Affidavit). Status hearing to be held on 6/30/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Castellano, Nancy) (Entered: 06/16/2025)
06/16/2025	417	(E)Hearing Continued (RE: <u>414</u> Generic Motion). hearing scheduled for 06/30/2025 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Keith, Cynthia) (Entered: 06/16/2025)
06/16/2025	<u>418</u> (7 pgs; 2 docs)	Notice of Motion and Motion to Abandon Estate's Interest in the "Gomez v. Extended Stay" Litigation. Filed by Frank J Kokoszka Hearing scheduled for 6/23/2025 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Proposed Order) (Kokoszka, Frank) (Entered: 06/16/2025)
06/16/2025	419	(E)Order Withdrawing Motion For Civil Contempt (Related Doc # <u>363</u>). Signed on 6/16/2025. (Reed, Yashica) (Entered: 06/17/2025)
06/18/2025	<u>420</u> (2 pgs)	Order Gomez's Motion asking me to take judicial notice of the alleged fact that he " is in fact retired" Is granted as stated below .Motion (Related Doc # <u>353</u>). Signed on 6/18/2025. (Miller, Marvin) (Entered: 06/18/2025)

		06/20/2025)
06/20/2025	<u>421</u> (3 pgs)	Certificate of Service (RE: <u>420</u> Order on Generic Motion). (Miller, Marvin) (Entered: 06/20/2025)
06/23/2025	<u>422</u> (1 pg)	(E)Order Granting Motion To Abandon (Related Doc # <u>418</u>) (Castellano, Nancy) (Entered: 06/23/2025)
06/23/2025	423	CORRECTIVE ENTRY PDF Error, Filer to Refile (RE: <u>414</u> Generic Motion). (Mendoza, Catherine) (Entered: 06/23/2025)
06/24/2025	<u>424</u> (5 pgs; 3 docs)	Notice of Motion and Debtor FRE 201 Motion for Judicial Notice that Kevin Besetzny is not Appointed as Counsel for the Private Trustee by this Court Filed by Felipe Nery Gomez Hearing scheduled for 7/7/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> motion # <u>2</u> Proposed Order) (Green, Ron) (Entered: 06/24/2025)
06/24/2025	425	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>424</u> Generic Motion). (Kokoszka, Frank) (Entered: 06/24/2025)
06/25/2025	<u>426</u> (11 pgs)	Memorandum Opinion (RE: <u>395</u> Application to Proceed Without Prepaying Fees or Costs/Financial Affidavit). Signed on 6/25/2025 (Green, Ron)Modified on 6/25/2025 to correct docket text (ES). (Entered: 06/25/2025)
06/25/2025	<u>427</u> (1 pg)	Addendum to Notice of Appeal. (RE: <u>393</u> Notice of Appeal). (Bowles, Aaron) (Entered: 06/25/2025)
06/25/2025	<u>428</u> (12 pgs)	Certificate of Service (RE: <u>426</u> Memorandum Order/Memorandum Opinion and Order/Opinion and Order). (Green, Ron) (Entered: 06/25/2025)
06/25/2025	<u>429</u> (2 pgs; 2 docs)	Order Denying Application to Proceed without Prepayment of Fees and Affidavit (Related Doc <u>395</u> , <u>426</u> Memorandum Opinion). Signed on 6/25/2025. (Green, Ron). Modified on 6/25/2025 Creating relationship to document #426 (ES). (Entered: 06/25/2025)
06/25/2025	<u>430</u> (1 pg)	Addendum to Notice of Appeal. (RE: <u>393</u> Notice of Appeal). (Bowles, Aaron) (Entered: 06/25/2025)
06/25/2025	431	CORRECTIVE ENTRY: to correct docket text (RE: <u>426</u> Memorandum Order/Memorandum Opinion and Order/Opinion and Order); Creating relationship to document #426 (RE: <u>429</u> Order on Application to Proceed without Prepayment of Fees and Affidavit). (Sullivan, Elizabeth) (Entered: 06/25/2025)
06/26/2025	<u>432</u> (1 pg)	Order Mr. Gomez's Motion asking me to take judicial notice of the Guide to Judiciary policy [Dkt. 414, Attachment A] is granted in part as stated below. (RE: <u>414</u> Generic Motion). Signed on 6/26/2025 (Green, Ron) (Entered: 06/26/2025)

06/26/2025	<u>433</u> (2 pgs)	Certificate of Service (RE: <u>429</u> Order on Application to Proceed without Prepayment of Fees and Affidavit). (Green, Ron) (Entered: 06/26/2025)
06/26/2025	<u>434</u> (2 pgs)	Certificate of Service (RE: <u>432</u> Order (Generic)). (Green, Ron) (Entered: 06/26/2025)
07/07/2025	<u>435</u> (1 pg)	The order denies the motion without prejudice for the reasons stated on the record. (Related Doc # <u>424</u>). Signed on 7/7/2025. (Cabrales, Claudia) (Entered: 07/09/2025)
07/09/2025	<u>436</u> (4 pgs; 2 docs)	Notice of Appeal to District Court. Filed by Felipe Nery Gomez . Fee Amount \$298 (RE: <u>426</u> Memorandum Order/Memorandum Opinion and Order/Opinion and Order, <u>429</u> Order on Application to Proceed without Prepayment of Fees and Affidavit). Appellant Designation due by 7/23/2025. Transmission of Record Due no later than 8/8/2025. (Attachments: # <u>1</u> Civil cover sheet)(Sims, Lakeysha) (Entered: 07/10/2025)
07/09/2025	<u>437</u> (2 pgs)	Application to Proceed Without Prepaying Fees or Costs/Financial Affidavit (related documents <u>436</u> Notice of Appeal) Filed by Felipe Nery Gomez . (Sims, Lakeysha) (Entered: 07/10/2025)
07/10/2025	<u>438</u> (1 pg)	Certificate of Service (RE: <u>436</u> Notice of Appeal). (Sims, Lakeysha) (Entered: 07/10/2025)
07/10/2025	439	Transmittal of Notice of Appeal to District Court (RE: <u>436</u> Notice of Appeal). (Sims, Lakeysha) (Entered: 07/10/2025)
07/11/2025	<u>440</u> (1 pg)	Notice of Docketing Notice of Appeal, to District Court . Case Number 25 cv 07800 Assigned to Judge: Edmond E. Chang (RE: <u>436</u> Notice of Appeal). (Sims, Lakeysha) (Entered: 07/11/2025)
07/14/2025	<u>441</u> (3 pgs; 2 docs)	Order Denying Application to Proceed without Prepayment of Fees and Affidavit. Mr. Gomez's Motion (Docket No. 437) asking me to waive the appellate fee for his appeal from my order denying his motion to waive the appellate fee is denied. (Related Doc # <u>437</u>). Signed on 7/14/2025. (O'Neal, Michelle) (Entered: 07/14/2025)
07/15/2025	<u>442</u> (2 pgs)	Addendum to Notice of Appeal . (RE: <u>436</u> Notice of Appeal). (Sims, Lakeysha) (Entered: 07/15/2025)
07/16/2025	<u>443</u> (3 pgs)	Certificate of Service (RE: <u>441</u> Order on Application to Proceed without Prepayment of Fees and Affidavit). (Chavez, Baldo) (Entered: 07/16/2025)
07/18/2025	444	Receipt of Appeal. Receipt Number 77102599527, Fee Amount \$298.00 (RE: <u>436</u> Notice of Appeal). Received from Felipe Gomez via Online Payment. (Jernigan, Toni) (Entered: 07/18/2025)
07/18/2025	<u>445</u> (2 pgs)	Addendum to Notice of Appeal . (RE: <u>436</u> Notice of Appeal). (Sims, Lakeysha) (Entered: 07/18/2025)

07/21/2025	446	Case Status Hearing Continued (RE: <u>1</u> Voluntary Petition (Chapter 7)). Status hearing to be held on 8/25/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Utter, Matthew) (Entered: 07/21/2025)
07/21/2025	<u>447</u> (4 pgs; 2 docs)	Notice of Motion and Motion to Abandon. Filed by Felipe Nery Gomez . Hearing scheduled for 7/28/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Proposed Order) (Rodarte, Aida) (Entered: 07/21/2025)
07/21/2025	448	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>447</u> Motion to Abandon). (Kokoszka, Frank) (Entered: 07/21/2025)
07/23/2025	<u>449</u> (2 pgs)	Notice of Objection Filed by Jeffery M. Heftman on behalf of Constance Weisenthal, Larry Weisenthal (RE: <u>447</u> Motion to Abandon). (Heftman, Jeffery) (Entered: 07/23/2025)
07/24/2025	<u>450</u> (1 pg)	Follow Up Letter to Bankruptcy Judge and Parties (RE: <u>436</u> Notice of Appeal). (Bowles, Aaron) (Entered: 07/24/2025)
07/28/2025	451	(E)Hearing Continued (RE: <u>447</u> Abandon). hearing scheduled for 08/25/2025 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Castellano, Nancy) (Entered: 07/28/2025)
07/30/2025	<u>452</u> (1 pg)	Order By District Court Judge John J. Tharp, Jr, Re: Appeal on Civil Action Number: 1:25-cv-04319, Dated 7/29/25. By order dated 6/26/25 ¹⁵ , the Court directed the appellant "to pay the \$298 filing fee by 7/21/25." The Court also indicated that "[f]ailure to pay the fee [would] result in summary dismissal of this appeal." As of today, the Court has not received the filing fee. Accordingly, this appeal is dismissed pursuant to Fed. R. Civ. P. 41(b). See FEC v. Al Salvi for Senate Comm., 205F.3d 1015, 1018 (7th Cir. 2000) (court has both inherent authority and authority under Rule 41(b) to dismiss case as sanction for failure to prosecute and noncompliance with court order). While the appellant asks the Court to stay this case pending his separate appeal of the Bankruptcy Court's IFP order (case no. 25cv07800), the Court finds such procedural maneuvering inappropriate. See Bankr. ECF No. 441 (noting the impropriety of separately appealing the denial of a fee waiver motion). All future dates and deadlines are stricken; all pending motions, including the appellant's motion to stay <u>16</u> , are denied as moot. Final judgment shall be entered in favor of the appellees. If Judge Chang rules for the appellant in case no. 25cv07800, the appellant may move to set aside the final judgment pursuant to Fed. R. Civ. P. 60(b). Civil case terminated. Signed on 7/30/2025 (Miller, Vanessa) (Entered: 07/30/2025)
08/08/2025	453	Transmittal of Record on Appeal to District Court (RE: <u>436</u> Notice of Appeal). (Bowles, Aaron) (Entered: 08/08/2025)
08/08/2025	<u>454</u> (2 pgs)	Notice of Docketing Record on Appeal to District Court. Case Number 25 cv 7800 Assigned to Judge: Edmond E. Chang (RE: <u>436</u> Notice of

		Appeal). (Bowles, Aaron) (Entered: 08/08/2025)
08/11/2025	<u>455</u> (13 pgs)	Final Report Filed by Acting U.S. Trustee Adam Brief. (Brief, Adam) (Entered: 08/11/2025)
08/12/2025	<u>456</u> (25 pgs; 3 docs)	Transcript regarding Hearing Held 05/21/25. Remote electronic access to the excerpt/transcript is restricted until 11/10/2025. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) <u>407</u> Order on Motion to Approve Waiver of Discharge). Notice of Intent to Request Redaction Deadline Due By 8/26/2025. Redaction Request Due By 09/2/2025. Redacted Transcript Submission Due By 09/12/2025. Transcript access will be restricted through 11/10/2025. (Doolin, Amy) (Entered: 08/12/2025)
08/14/2025	<u>457</u> (5 pgs; 2 docs)	Notice of Motion and Application for Compensation for Frank J Kokoszka, Trustee Chapter 7, Fee: \$3125, Expenses: \$215.49. Filed by Trustee Frank J Kokoszka Hearing scheduled for 9/8/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Proposed Order) (Kokoszka, Frank) (Entered: 08/14/2025)
08/14/2025	<u>458</u> (18 pgs; 4 docs)	Notice of Motion and Application for Compensation for Kokoszka & Janczur, P.C., Trustee's Attorney, Fee: \$31,120.00, Expenses: \$863.70. Filed by Trustee Frank J Kokoszka Hearing scheduled for 9/8/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Proposed Order) (Kokoszka, Frank) (Entered: 08/14/2025)
08/14/2025	<u>459</u> (5 pgs)	Notice of Trustee's Final Report and Applications for Compensation. Trustee will send notice Filed by Trustee Frank J Kokoszka (RE: <u>455</u> Final Report - Asset, <u>457</u> Application for Compensation, <u>458</u> Application for Compensation). Hearing scheduled for 9/8/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Kokoszka, Frank) (Entered: 08/14/2025)
08/18/2025	<u>460</u> (2 pgs)	Certificate of Service Filed by Trustee Frank J Kokoszka (RE: <u>459</u> Notice of Trustee's Final Report and Applications for Compensation). (Kokoszka, Frank) (Entered: 08/18/2025)
08/18/2025	<u>461</u> (4 pgs; 3 docs)	Notice of Motion and Motion to Abandon all remaining property. Filed by Felipe Nery Gomez . Hearing scheduled for 8/25/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> motion # <u>2</u> Proposed Order) (Green, Ron) (Entered: 08/19/2025)
08/18/2025	<u>462</u> (2 pgs)	Gomez Notice of Objection Filed by Felipe Nery Gomez (RE: <u>455</u> Final Report - Asset, <u>457</u> Application for Compensation, <u>458</u> Application for Compensation, <u>459</u> Notice of Trustee's Final Report and Applications for Compensation, <u>460</u> Certificate of Service). (Green, Ron) (Entered: 08/19/2025)

08/19/2025	463	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: 461 Motion to Abandon). (Kokoszka, Frank) (Entered: 08/19/2025)
08/20/2025	464 (2 pgs)	Order - The Chapter 7 Trustee is ordered to personally file his final report (Dkt. No. 455) on the docket on or before August 25, 2025, in anticipation of the hearing on the report and his applications for compensation (Dkt. Nos. 457-58) on September 8, 2025. Any supplemental objections by the Debtor to the Trustees report or his fee applications must be filed on or before August 29, 2025. Any Trustee response to Mr. Gomez's objections must be filed on or before September 5, 2025. The Debtors Motions to Abandon [Dkt. Nos. 447 and 461] are entered and continued to September 8, 2025. The Chapter 7 Trustee is directed to file a written response to the motions to abandon on or before August 29, 2025. Any reply from the Debtor in support of his motions to abandon must be filed on or before September 5, 2025. (RE: 447 Motion to Abandon, 455 Final Report - Asset, 457 Application for Compensation, 458 Application for Compensation, 461 Motion to Abandon). Signed on 8/20/2025 (O'Neal, Michelle) (Entered: 08/20/2025)
08/20/2025	465 (3 pgs)	Certificate of Service (RE: 464 Order (Generic)). (O'Neal, Michelle) (Entered: 08/20/2025)
08/21/2025	466 (13 pgs)	Final Report Filed by Trustee Frank J Kokoszka. (Kokoszka, Frank) (Entered: 08/21/2025)
08/25/2025	467	Case Status Hearing Continued (RE: 1 Voluntary Petition (Chapter 7)). Status hearing to be held on 9/8/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Patterson, Carlos) (Entered: 08/25/2025)
08/25/2025	468	(E)Hearing Continued (RE: 447 Abandon). Hearing scheduled for 09/08/2025 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Utter, Matthew) (Entered: 08/25/2025)
08/25/2025	469	(E)Hearing Continued (RE: 461 Abandon). Hearing scheduled for 09/08/2025 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Utter, Matthew) (Entered: 08/25/2025)
08/28/2025	470 (13 pgs)	Notice of Motion and Motion to Strike Defective and Stale 8.15 Notice of Final Report 455 And BR 2002 Notice/Certificates 459, 460 And to Reset Objection And 9/8/2025 Presentation Dates. (related document(s): 455 Final Report - Asset) Filed by Felipe Nery Gomez. Hearing scheduled for 9/8/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Cabrales, Claudia) (Entered: 08/29/2025)
08/28/2025	475 (2 pgs)	Notice of Objection Filed by Felipe Nery Gomez (RE: 455 Final Report - Asset, 457 Application for Compensation, 458 Application for Compensation, 459 Notice of Trustee's Final Report and Applications for Compensation, 460 Certificate of Service, 464 Order (Generic), 466 Final Report - Asset, 471 Notice of Objection, 472 Statement).

		(Cabrala, Claudia) (Entered: 09/02/2025)
08/29/2025	471	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>470</u> Motion to Strike). (Kokoszka, Frank) (Entered: 08/29/2025)
08/29/2025	<u>472</u> (18 pgs; 2 docs)	Statement in Support of Final Report Filed by Acting U.S. Trustee Adam Brief (RE: <u>466</u> Final Report - Asset). (Attachments: # <u>1</u> Exhibit) (Greene, Joshua) (Entered: 08/29/2025)
08/29/2025	<u>473</u> (4 pgs)	Supplement Filed by Trustee Frank J Kokoszka (RE: <u>455</u> Final Report - Asset, <u>466</u> Final Report - Asset). (Kokoszka, Frank) (Entered: 08/29/2025)
08/29/2025	<u>474</u> (3 pgs)	Response in Opposition to (related document(s): <u>461</u> Motion to Abandon) Filed by Frank J Kokoszka on behalf of Frank J Kokoszka (Kokoszka, Frank) (Entered: 08/29/2025)
08/29/2025	<u>476</u> (2 pgs)	Notice of Objection Filed by Debtor 1 Felipe Nery Gomez (RE: <u>473</u> Supplement). (Cabrala, Claudia) (Entered: 09/02/2025)
08/31/2025	<u>477</u> (42 pgs)	Notice of Motion and Motion to Strike/Deny (related document(s): <u>457</u> Application for Compensation) Filed by Felipe Nery Gomez. Hearing scheduled for 9/8/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Cabrala, Claudia) (Entered: 09/02/2025)
09/02/2025	<u>478</u> (63 pgs)	Notice of Motion and Motion to Strike/Deny (related document(s): <u>458</u> Application for Compensation) Filed by Felipe Nery Gomez . Hearing scheduled for 9/8/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Cabrala, Claudia) (Entered: 09/02/2025)
09/02/2025	479	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>477</u> Motion to Strike). (Kokoszka, Frank) (Entered: 09/02/2025)
09/02/2025	480	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>478</u> Motion to Strike). (Kokoszka, Frank) (Entered: 09/02/2025)
09/04/2025	<u>481</u> (7 pgs; 2 docs)	Response in Opposition to (related document(s): <u>470</u> Motion to Strike) Filed by Frank J Kokoszka on behalf of Frank J Kokoszka (Attachments: # <u>1</u> Exhibit A) (Kokoszka, Frank) (Entered: 09/04/2025)
09/04/2025	<u>482</u> (3 pgs)	Response in Opposition to (related document(s): <u>477</u> Motion to Strike) Filed by Frank J Kokoszka on behalf of Frank J Kokoszka (Kokoszka, Frank) (Entered: 09/04/2025)
09/04/2025	<u>483</u> (5 pgs; 2 docs)	Response in Opposition to (related document(s): <u>478</u> Motion to Strike) Filed by Frank J Kokoszka on behalf of Frank J Kokoszka (Attachments: # <u>1</u> Exhibit A) (Kokoszka, Frank) (Entered: 09/04/2025)
09/04/2025	<u>484</u> (9 pgs)	Notice of Objection To Trustee Response Filed by Debtor 1 Felipe Nery Gomez (RE: <u>482</u> Response). (Cabrala, Claudia) (Entered: 09/05/2025)

09/04/2025	<u>485</u> (35 pgs)	Gomez Affidavit To Misstatement of Facts of Record in 8.21.25 Final Report Filed by Felipe Nery Gomez (RE: <u>466</u> Final Report - Asset). (Cabrales, Claudia) (Entered: 09/05/2025)
09/05/2025	<u>486</u> (19 pgs)	Exhibit(s) Group Exhibit A Filed by Trustee Frank J Kokoszka (RE: <u>481</u> Response, <u>482</u> Response, <u>483</u> Response). (Kokoszka, Frank) (Entered: 09/05/2025)
09/05/2025	<u>487</u> (13 pgs; 2 docs)	Notice of Motion and Motion to Strike/Deny/Reject 8/21/25 Final Report and 8/29/25 Supplement (related document(s): <u>466</u> Final Report - Asset, <u>473</u> Supplement) Filed by Felipe Nery Gomez . Hearing scheduled for 9/15/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Proposed Order) (Corona, Christina) (Entered: 09/08/2025)
09/05/2025	<u>489</u> (3 pgs)	Gomez Reply to Private Trustee 8/29/25 Response to Gomez Motion to Abandon (related document(s): <u>461</u> Motion to Abandon, <u>474</u> Response) Filed by Felipe Nery Gomez (Corona, Christina) (Entered: 09/08/2025)
09/07/2025	<u>488</u> (6 pgs)	Gomez Reply to Private Trustee Kokoszka Objections and Reply to Kokoszka Responses (related document(s): 471 Notice of Objection, 479 Notice of Objection, 480 Notice of Objection, <u>481</u> Response, <u>482</u> Response, <u>483</u> Response) Filed by Felipe Nery Gomez (Corona, Christina) (Entered: 09/08/2025)
09/07/2025	<u>490</u> (12 pgs; 2 docs)	Notice of Motion and Motion to Strike/Response to UST 8/29/25 "Statement in Support of Final Report" and to Find/Declare Attachment [472-1] is in Direct Violation of 28 CFR 58.7 (related document(s): <u>472</u> Statement) Filed by Felipe Nery Gomez . Hearing scheduled for 9/15/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Proposed Order) (Corona, Christina) (Entered: 09/08/2025)
09/08/2025	<u>491</u> (7 pgs; 2 docs)	Notice of Motion and Motion to Compel Immediate Tender of \$4,000 Check Filed by Felipe Nery Gomez . Hearing scheduled for 9/15/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Proposed Order) (Batson, Nicole) (Entered: 09/09/2025)
09/08/2025	<u>493</u> (1 pg)	(E)Order Denying for the Reasons Stated on the Record Motion To Abandon (Related Doc # <u>447</u>) (Castellano, Nancy) (Entered: 09/09/2025)
09/08/2025	<u>494</u> (1 pg)	(E)Order on Application for Compensation (RE: <u>457</u> Compensation WITH Notice of Motion) Frank Kokoszka, fees awarded: \$3125.00, expenses awarded:\$215.49. (Castellano, Nancy) (Entered: 09/09/2025)
09/08/2025	<u>495</u> (1 pg)	(E)Order Denying for the Reasons Stated on the Record Motion To Abandon (Related Doc # <u>461</u>) (Castellano, Nancy) (Entered: 09/09/2025)

09/08/2025	<u>496</u> (1 pg)	Order Denying for the Reasons Stated on the Record Debtor's Motions to Strike/Deny (Related Doc # <u>470</u>), Denying Motion to Strike (Related Doc # <u>477</u>), Denying Motion to Strike (Related Doc # <u>478</u>), Denying Motion to Strike (Related Doc # <u>487</u>), Denying Motion to Strike (Related Doc # <u>490</u>). Signed on 9/8/2025. (Batson, Nicole) (Entered: 09/09/2025)
09/08/2025	<u>497</u> (1 pg)	Order Granting Application For Compensation (Related Doc # <u>458</u>). Kokoszka & Janczur, P.C., fees awarded: \$31120.00, expenses awarded: \$863.70. Signed on 9/8/2025. (Cabrales, Claudia) (Entered: 09/10/2025)
09/09/2025	492	Hearing Concluded (RE: <u>1</u> Voluntary Petition (Chapter 7)). (Castellano, Nancy) (Entered: 09/09/2025)
09/10/2025	<u>498</u> (1 pg)	Order Approving Trustee's Final Report, as Supplemented. (RE: <u>455</u> Final Report - Asset, <u>466</u> Final Report - Asset, <u>473</u> Supplement). Signed on 9/10/2025 (Cabrales, Claudia) (Entered: 09/10/2025)
09/14/2025	<u>499</u> (2 pgs)	Notice of Appeal to District Court. Filed by Felipe Nery Gomez . Fee Amount \$298 (RE: <u>493</u> Order on Motion to Abandon, <u>494</u> Order on Application for Compensation, <u>495</u> Order on Motion to Abandon, <u>496</u> Order on Motion to Strike, Order on Motion to Strike, Order on Motion to Strike, Order on Motion to Strike, Order on Motion to Strike, Order on Motion to Strike, <u>497</u> Order on Application for Compensation, <u>498</u> Order (Generic)). Appellant Designation due by 9/29/2025. Transmission of Record Due no later than 10/14/2025. (Bowles, Aaron) (Entered: 09/15/2025)
09/15/2025	<u>500</u> (1 pg)	Certificate of Service (RE: <u>499</u> Notice of Appeal). (Bowles, Aaron) (Entered: 09/15/2025)
09/15/2025	<u>501</u> (2 pgs)	Letter to appellant re: missing civil cover sheet (RE: <u>499</u> Notice of Appeal). (Bowles, Aaron) (Entered: 09/15/2025)
09/15/2025	502	Receipt of Notice of Appeal. Receipt Number 77155734710, Fee Amount \$298.00 (RE: <u>499</u> Notice of Appeal). Received from Felipe Gomez via Online Payment. (Jernigan, Toni) (Entered: 09/15/2025)
09/15/2025	503	Transmittal of Notice of Appeal to District Court (RE: <u>499</u> Notice of Appeal). (Bowles, Aaron) (Entered: 09/15/2025)
09/15/2025	<u>504</u> (2 pgs)	Notice of Docketing Notice of Appeal, to District Court. Case Number 25 cv 11090 Assigned to Judge: Steven C. Seeger (RE: <u>499</u> Notice of Appeal). (Bowles, Aaron) (Entered: 09/15/2025)
09/15/2025	505	(E)Order Withdrawing Motion To Compel (Related Doc # <u>491</u>) (McGee, Kimberly) (Entered: 09/15/2025)
09/18/2025	<u>506</u> (3 pgs)	Declaration Declaration of Frank J. Kokoszka Concerning Mailing of Debtor's Exemption Check Filed by Trustee Frank J Kokoszka. (Kokoszka, Frank) (Entered: 09/18/2025)

09/18/2025	<u>507</u> (56 pgs; 3 docs)	Transcript regarding Hearing Held 09/08/25. Remote electronic access to the excerpt/transcript is restricted until 12/17/2025. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) <u>493</u> Order on Motion to Abandon). Notice of Intent to Request Redaction Deadline Due By 10/2/2025. Redaction Request Due By 10/9/2025. Redacted Transcript Submission Due By 10/20/2025. Transcript access will be restricted through 12/17/2025. (Doolin, Amy) (Entered: 09/18/2025)
09/18/2025	<u>508</u> (13 pgs)	Notice of Motion and Motion to Enforce Bankruptcy Stay Filed by Felipe Nery Gomez . Hearing scheduled for 9/29/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Cabrales, Claudia) (Entered: 09/19/2025)
09/19/2025	509	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>508</u> Enforce). (Kokoszka, Frank) (Entered: 09/19/2025)
09/21/2025	<u>510</u> (4 pgs)	BNC Certificate of Notice. (RE: <u>507</u> Transcript). No. of Notices: 20. Notice Date 09/21/2025. (Admin.) (Entered: 09/21/2025)
09/23/2025	<u>511</u> (13 pgs)	Notice Of Supplemental Authority To Gomez Motion To Enforce Stay (508) Filed by Felipe Nery Gomez (RE: <u>508</u> Enforce). (Cabrales, Claudia) (Entered: 09/23/2025)
09/28/2025	<u>512</u> (20 pgs)	Certificate Of Filing And Service OF USCA7 Ordered Status Report (RE: <u>508</u> Enforce). (Cabrales, Claudia) (Entered: 09/29/2025)
09/29/2025	513	(E)Hearing Continued (RE: <u>508</u> Enforce). hearing scheduled for 11/03/2025 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (McGee, Kimberly) (Entered: 09/29/2025)
09/30/2025	<u>514</u> (1 pg)	Follow Up Letter to Bankruptcy Judge and Parties (RE: <u>499</u> Notice of Appeal). (Bowles, Aaron) (Entered: 09/30/2025)
09/30/2025	<u>515</u> (2 pgs)	Appellant Designation of Contents for Inclusion in Record and Statement of Issue On Appeal Filed by Felipe Nery Gomez. (RE: <u>436</u> Notice of Appeal). Appellee designation due by 10/14/2025. (Bowles, Aaron) (Entered: 10/01/2025)
10/01/2025	<u>516</u> (2 pgs)	Addendum to Record on Appeal . (RE: <u>436</u> Notice of Appeal). (Bowles, Aaron) (Entered: 10/01/2025)
10/03/2025	<u>517</u> (1 pg)	Order Setting Briefing Schedule (RE: <u>508</u> Enforce). Response due by 10/14/2025.Reply due by: 10/27/2025. Status hearing to be held on 11/3/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. Signed on 10/3/2025 (Roman, Felipe) (Entered: 10/03/2025)
10/06/2025	<u>518</u> (2 pgs)	Certificate of Mailing. (Cabrales, Claudia) (Entered: 10/07/2025)

10/14/2025	519	Transmittal of Record on Appeal to District Court (RE: <u>499</u> Notice of Appeal). (Bowles, Aaron) (Entered: 10/14/2025)
10/14/2025	<u>520</u> (2 pgs)	Notice of Docketing Record on Appeal to District Court. Case Number 25 cv 11090 Assigned to Judge: Steven C. Seeger (RE: <u>499</u> Notice of Appeal). (Bowles, Aaron) (Entered: 10/14/2025)
10/14/2025	<u>521</u> (1 pg)	Addendum to Record on Appeal . (RE: <u>499</u> Notice of Appeal). (Bowles, Aaron) (Entered: 10/14/2025)
10/14/2025	<u>522</u> (7 pgs)	Response in Opposition to (related document(s): <u>508</u> Enforce) Filed by Frank J Kokoszka on behalf of Frank J Kokoszka (Kokoszka, Frank) (Entered: 10/14/2025)
10/17/2025	<u>523</u> (33 pgs; 2 docs)	Notice of Motion and Second Motion to Enforce Bankruptcy Stay as to Frank Kokoszka Filed by Felipe Nery Gomez . Hearing scheduled for 10/27/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Proposed Order) (O'Neal, Michelle) (Entered: 10/20/2025)
10/20/2025	524	Notice of Objection Filed by Trustee Frank J Kokoszka (RE: <u>523</u> Enforce). (Kokoszka, Frank) (Entered: 10/20/2025)
10/20/2025	<u>525</u> (86 pgs; 3 docs)	Notice of Motion and Motion for Rule to Show Cause Against Debtor For Violations of the Barton Doctrine Filed by Frank J Kokoszka Hearing scheduled for 10/27/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Proposed Order) (Kokoszka, Frank) (Entered: 10/20/2025)
10/21/2025	<u>526</u> (3 pgs)	Adversary case 25-00335. (72 (Injunctive relief - other)) , (91 (Declaratory judgment)): Complaint with Cover Sheet by Felipe Nery Gomez against Kevin Besetzny . (Fee Not Required). Status hearing to be held on 12/1/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Chavez, Baldo) (Entered: 10/21/2025)
10/21/2025	<u>527</u> (2 pgs; 2 docs)	Transcript regarding Hearing Held 09/29/25. Remote electronic access to the excerpt/transcript is restricted until 01/20/2026. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) 513 Hearing Motion Continued). Notice of Intent to Request Redaction Deadline Due By 11/4/2025. Redaction Request Due By 11/12/2025. Redacted Transcript Submission Due By 11/21/2025. Transcript access will be restricted through 01/20/2026. (Doolin, Amy) (Entered: 10/21/2025)

10/21/2025	<u>528</u> (9 pgs; 3 docs)	Notice of Motion and Motion to Abandon All Property Not Administered by the Trustee and not Previously Abandoned. Filed by Frank J Kokoszka Hearing scheduled for 11/3/2025 at 09:30 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Proposed Order) (Kokoszka, Frank) (Entered: 10/21/2025)
10/21/2025	<u>529</u> (2 pgs)	Notice of Objection Filed by Felipe Nery Gomez (RE: <u>525</u> Motion for Rule to Show Cause). (Batson, Nicole) (Entered: 10/22/2025)
10/22/2025	<u>530</u> (2 pgs; 2 docs)	Notice of Filing of Transcript or Excerpt and of Deadlines Related to Restriction and Redaction (RE: <u>527</u> Transcript). (Roman, Felipe) (Entered: 10/22/2025)
10/27/2025	531	(E)Hearing Continued (RE: <u>523</u> Enforce). hearing scheduled for 11/03/2025 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Keith, Cynthia) (Entered: 10/27/2025)
10/27/2025	532	(E)Hearing Continued (RE: <u>525</u> Rule to Show Cause). hearing scheduled for 11/03/2025 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Keith, Cynthia) (Entered: 10/27/2025)
10/27/2025	<u>533</u> (7 pgs)	Notice of Motion and Motion to Extend Time To Enforce (508) Filed by Felipe Nery Gomez . Hearing scheduled for 11/3/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Cabrales, Claudia) (Entered: 10/28/2025)
10/28/2025	534	Adversary Case 1:23-ap-371 Closed . (Armstead, Cynthia) (Entered: 10/28/2025)
10/28/2025	535	Adversary Case 1:23-ap-378 Closed . (Batson, Nicole) (Entered: 10/28/2025)
10/29/2025	<u>536</u> (2 pgs)	Gomez's motion to extend time to file a reply brief (Dkt. No. <u>533</u>) is granted. The hearings on Gomez's motions to enforce the automatic stay (Dkt. Nos. <u>508</u> , <u>523</u>) are continued to November 10, 2025, at 10:00 AM, as is the hearing on the Trustees motion to show cause for alleged violations of Barton (Dkt. No. <u>525</u>). Signed on 10/29/2025 (Cabrales, Claudia) Additional attachment(s) added on 10/29/2025 (Sullivan, Elizabeth). (Entered: 10/29/2025)
10/29/2025	<u>537</u> (3 pgs)	Certificate of Mailing (RE: <u>536</u> Order Scheduling). (Cabrales, Claudia) (Entered: 10/29/2025)
10/29/2025	538	(E)Hearing Continued (RE: <u>528</u> Abandon). hearing scheduled for 11/10/2025 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Castellano, Nancy) (Entered: 10/29/2025)
10/29/2025	539	(E)Hearing Continued (RE: <u>523</u> Enforce). hearing scheduled for 11/10/2025 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn

		St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Castellano, Nancy) (Entered: 10/29/2025)
10/29/2025	540	(E)Hearing Continued (RE: <u>525</u> Rule to Show Cause). hearing scheduled for 11/10/2025 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Castellano, Nancy) (Entered: 10/29/2025)
10/29/2025	541	(E)Hearing Continued (RE: <u>508</u> Enforce). hearing scheduled for 11/10/2025 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Castellano, Nancy) (Entered: 10/29/2025)
10/30/2025	542	CORRECTIVE ENTRY: to attach PDF (RE: <u>536</u> Order Scheduling). (Sullivan, Elizabeth) (Entered: 10/30/2025)
11/05/2025	<u>543</u> (1 pg)	Order Granting Motion To Abandon (Related Doc # <u>528</u>). Signed on 11/5/2025. (Cabrales, Claudia) (Entered: 11/05/2025)
11/05/2025	<u>544</u> (15 pgs; 3 docs)	Supplement Filed by Trustee Frank J Kokoszka (RE: <u>525</u> Motion for Rule to Show Cause). (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B) (Kokoszka, Frank) (Entered: 11/05/2025)
11/06/2025	<u>547</u> (14 pgs; 2 docs)	Notice of Motion and Motion for Leave to LATE FILE REPLY TO <u>522</u> INSTANTER DUE TO BROKEN EDB AND EXCUSABLE NEGLIGENCE, AND GOMEZ REPLY TO <u>523</u> Filed by Felipe Nery Gomez . Hearing scheduled for 11/10/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Attachments: # <u>1</u> Proposed Order) (Rodarte, Aida) (Entered: 11/07/2025)
11/06/2025	<u>548</u> (14 pgs)	Notice of Motion and Motion for Leave to Motion for Leave to Late Reply and File Instanter and Reply to Response <u>522</u> Filed by Felipe Nery Gomez . Hearing scheduled for 11/10/2025 at 10:00 AM at Appear In Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604 or Using Zoom- Judge Slade. (Cabrales, Claudia) (Entered: 11/07/2025)
11/07/2025	<u>545</u> (10 pgs)	Order Denying Motion To Enforce (Related Doc # <u>508</u>), Denying Motion To Enforce (Related Doc # <u>523</u>). Signed on 11/7/2025. (Rodarte, Aida) (Entered: 11/07/2025)
11/07/2025	<u>546</u> (11 pgs)	Certificate of Service (RE: <u>545</u> Order on Motion To Enforce, Order on Motion To Enforce). (Rodarte, Aida) (Entered: 11/07/2025)
11/07/2025	<u>549</u> (4 pgs; 2 docs)	Notice of Appeal to District Court. Filed by Felipe Nery Gomez . Fee Amount \$298 (RE: <u>545</u> Order on Motion To Enforce, Order on Motion To Enforce). Appellant Designation due by 11/21/2025. Transmission of Record Due no later than 12/8/2025. (Attachments: # <u>1</u> Letter to Appellant)(Bowles, Aaron) (Entered: 11/07/2025)
11/07/2025	<u>550</u> (1 pg)	Certificate of Service (RE: <u>549</u> Notice of Appeal). (Bowles, Aaron) (Entered: 11/07/2025)

11/07/2025	551	Transmittal of Notice of Appeal to District Court (RE: <u>549</u> Notice of Appeal). (Bowles, Aaron) (Entered: 11/07/2025)
11/07/2025	<u>552</u> (2 pgs)	Notice of Docketing Notice of Appeal, to District Court. Case Number 25 cv 13711 Assigned to Judge: John J. Tharp, Jr (RE: <u>549</u> Notice of Appeal). (Bowles, Aaron) (Entered: 11/10/2025)
11/10/2025	553	(E)Hearing Continued (RE: <u>525</u> Rule to Show Cause). Hearing scheduled for 01/12/2026 at 10:00 AM at Appear in Courtroom 642, 219 S. Dearborn St, Chicago, IL 60604, or Using Zoom - Judge Slade. (Patterson, Carlos) (Entered: 11/10/2025)
11/10/2025	554	(E)Order Denying for the Reasons Stated on the Record Motion for Leave (Related Doc # <u>547</u>) (Patterson, Carlos) (Entered: 11/10/2025)
11/10/2025	555	(E)Order Mooting Motion for Leave (Related Doc # <u>548</u>). Signed on 11/10/2025. (Harris, Stephanie) (Entered: 11/12/2025)
11/13/2025	<u>556</u> (4 pgs)	Notice OF 11/10/2025 Administrative Termination of Gomez v US Fire, 25cv2974(NJDC) and Suggestion of Mootness of 10/20/2025 Kokoszka Barton Motion (525) Filed by Felipe Nery Gomez (RE: <u>525</u> Motion for Rule to Show Cause). (Cabrales, Claudia) (Entered: 11/13/2025)
11/24/2025	<u>557</u> (1 pg)	Follow Up Letter to Bankruptcy Judge and Parties (RE: <u>549</u> Notice of Appeal). (Bowles, Aaron) (Entered: 11/24/2025)
11/26/2025	<u>558</u> (3 pgs; 2 docs)	Transcript regarding Hearing Held 11/10/25. Remote electronic access to the excerpt/transcript is restricted until 02/24/2026. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter D & E Reporting, Telephone number 312-986-1920. (RE: related document(s) 554 Order on Motion for Leave). Notice of Intent to Request Redaction Deadline Due By 12/10/2025. Redaction Request Due By 12/17/2025. Redacted Transcript Submission Due By 12/29/2025. Transcript access will be restricted through 02/24/2026. (Doolin, Amy) (Entered: 11/26/2025)
12/03/2025	<u>559</u> (4 pgs)	BNC Certificate of Notice. (RE: <u>558</u> Transcript). No. of Notices: 20. Notice Date 12/03/2025. (Admin.) (Entered: 12/03/2025)
12/08/2025	560	Transmittal of Record on Appeal to District Court (RE: <u>549</u> Notice of Appeal). (Bowles, Aaron) (Entered: 12/08/2025)
12/08/2025	<u>561</u> (1 pg)	Notice of Docketing Record on Appeal to District Court. Case Number 25 cv 13711 Assigned to Judge: John J. Tharp, Jr (RE: <u>549</u> Notice of Appeal). (Bowles, Aaron) (Entered: 12/08/2025)
12/16/2025	<u>562</u> (5 pgs)	Mr. Gomez's email "emergency request for zoom status" is denied. Given the Seventh Circuit Order imposing a Mack bar on Mr. Gomez, the one pending motion in this bankruptcy (Dkt.No. 525) is denied without prejudice and the January 12,2026 status conference is stricken. Moreover, Mr. Gomez is advised that his remaining Adversary Proceeding in this court (Adv. No 25-335) will be dismissed for want

		of prosecution if he does not comply with the Seventh Circuit's Mack Bar, and the February 9,2026 hearing in the Adversary Proceeding is stricken. (Entered: 12/16/2025)
12/16/2025	<u>563</u> (1 pg)	Certificate of Service (RE: <u>562</u> Order (Generic)). (Cabrales, Claudia) (Entered: 12/16/2025)
12/17/2025	564	Hearing Scheduled for January 12, 2026 is Stricken (RE: <u>525</u> Motion for Rule to Show Cause). (Keith, Cynthia) (Entered: 12/17/2025)
01/06/2026	<u>565</u> (1 pg)	Order By District Court Judge John J. Tharp, Jr, Re: Appeal on Civil Action Number: 25-cv-13711, Dated 12/31/2025. MINUTE entry before the Honorable John J. Tharp, Jr:In Docket Entry 5 , the Court warned the debtor-appellant that if he failed to pay the required filing fee of \$298 or file a petition in the bankruptcy court for permission to proceed in forma pauperis on appeal by 12/24/2025 then this appeal would be dismissed. As the debtor-appellant has taken neither action and the Court's deadline has passed, this appeal is dismissed. Enter Judgment Order. Mailed notice (RE: <u>549</u> Notice of Appeal). Signed on 1/6/2026 (Ellis, Anya) (Entered: 01/06/2026)

PACER Service Center			
Transaction Receipt			
01/12/2026 13:25:15			
PACER Login:	t3123993966	Client Code:	
Description:	Docket Report	Search Criteria:	23-03023 Fil or Ent: filed From: 3/1/2023 To: 1/12/2026 Doc From: 0 Doc To: 99999999 Term: included Format: html Page counts for documents: included
Billable Pages:	30	Cost:	3.00

PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 18

In Re Felipe Nery Gomez Ch. 7 23B3023 (NDILB)

5.21.25 Order Approving Discharge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JUDGE	Michael B. Slade	Case No.	23 B 03023
DATE	May 21, 2025	Adversary No.	
CASE TITLE	In re Felipe Nery Gomez		
TITLE OF ORDER	Order Approving Discharge Waiver And Deeming Discharge Waived [Re: Docket No. 405 & Attachment A]		

DOCKET ENTRY TEXT

Order Approving Discharge Waiver and Deeming Discharge Waived [Re: Docket No. 405]

ORDER

Section 727(a)(10) of the Bankruptcy Code states that the debtor shall be denied a discharge if the court approves a written waiver of discharge executed by the debtor. Bankruptcy Rule 4004(c)(1)(C) similarly provides that the court will not grant discharge if the debtor has filed a waiver under Section 727(a)(10).

Debtor Felipe Gomez filed a written waiver of discharge (Docket No. 405, Attachment A) which is acceptable to the U.S. Trustee and to the Chapter 7 Trustee. Following a hearing held earlier today, I find that Mr. Gomez is fully aware of the consequences of waiving discharge and waives discharge voluntarily. Mr. Gomez understands that a waiver under Section 727(a)(10) is a waiver of any discharge at all, and no debt "that was or could have been listed or scheduled" in this case can be discharged in a future bankruptcy case, either. *See* 11 U.S.C. § 523(a)(10). As discussed at the hearing, waiver of discharge is final and is forever.

For the reasons discussed here and on the record at today's hearing, the Debtor's waiver of discharge is approved. Discharge is deemed waived. The clerk is directed to serve notice to all parties in interest that the Debtor has waived his discharge pursuant to 11 U.S.C. § 727(a)(10).

ENTERED:



Michael B. Slade
United States Bankruptcy Judge

Form dschntc

UNITED STATES BANKRUPTCY COURT
Northern District of Illinois
Eastern Division
219 S Dearborn
7th Floor
Chicago, IL 60604

Case No.: 23-03023
Chapter: 7
Judge: Michael B. Slade

In Re:

Felipe Nery Gomez
aka Phil Gomez, aka Phillip Gomez
1922 W Belmont #1F
Chicago, IL 60657

Social Security / Individual Taxpayer ID No.:
xxx-xx-4730

Employer Tax ID / Other nos.:

Notice of Denied, Vacated, Waived, or Revoked Discharge

On May 21, 2025, the Court signed an order:

- Vacating the Discharge
- Denying the Discharge
- Revoking the Discharge
- Approving the Waiver of the Discharge

FOR THE COURT

Dated: May 21, 2025

Jeffrey P. Allsteadt, Clerk
United States Bankruptcy Court

PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 19

In Re Felipe Nery Gomez Ch. 7 23B3023 (NDILB)

9.18.25 and 10.17.25

Debtor Gomez Motions to Enforce 11 USC 362

United States Bankruptcy Court
Northern District Of Illinois

In Re Felipe Nery
Gomez

Chapter 7
23B3023

Hon. Michael B. Slade

**GOMEZ SECOND MOTION TO ENFORCE
BANKRUPTCY STAY AS TO FRANK KOKOSZKA**

NOW COMES DEBTOR GOMEZ, and, subsequent to and independent of [508], MOVES the Court to enforce 11 USC 362, as follows:

1. 11 USC 362(a) provides in applicable part:
 - (a) Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title, or an application filed under section 5(a)(3) of the Securities Investor Protection Act of 1970, operates as a stay, applicable to all entities, of—
 - (1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title;
 - (2) the enforcement, against the debtor or against property of the estate, of a judgment obtained before the commencement of the case under this title;
 - (6) any act to collect, assess, or recover a claim against the debtor that arose before the commencement of the case under this title;
2. Gomez attaches hereto the offending 9.16.25 Kokoszka USCA7 Motion, Gomez's 9.28.25 Status Report to the USCA7 (detailing the Gomez assertion of violation there), as well as the 10.8.25 USCA7 Order that ignores Kokoszka's Non-Party Motion and also confirms that the 11 USC 362 Stay is considered applicable to 21-1597. *Att. A - 9.16.25 Kokoszka Motion (p4 below); Att. B - 9.28.25 Status Report [91] (p10 below); Att. C - 10.8.25 USCA7 Order Granting Gomez Leave to File Further Status Report (p29 below).*

3. As with the Citation in 23MR197 (See *Motion to Enforce [508]*), Kokoszka did not seek the leave from this Court as to 11 USC 362, nor did he seek relief from the USCA7 5.18.23 Stay Order (*21-1597 at [73]*), which was issued the last time a non-party attempted a very similar motion (*21-1597 at [69]*).
4. The Mack Bar sanctions and associated monetary claims are in fact part of the claim filed by E*Trade in 23B3023, and the USCA7 clearly considers 11 USC 362 applicable, albeit not detailing which provision, with the 5.18.23 Stay Order in fact resulting from a prior attempt to have the USCA7 impose the Mack Bar on Gomez, as detailed in the Status Report.
5. Gomez attached 9.18.25 21-1597 Status Report details Gomez's arguments as to the 11 USC 362 violations alleged in this motion, and is adopted by reference herein.
6. WHEREFORE, Gomez MOVES this Court to FIND and ORDER;
 - A. FIND that Kokoszka's 9.16.25 filing into the 21-1597 appeal violated 11 USC 362(a)(1), (2) and (6).
 - B. ORDER Kokoszka to immediately cease and desist from pursuing his non-party 21-1597 motion, and to seek leave here and then in 21-1597, to withdraw same, or otherwise nullify the filing.
 - C. SANCTION Kokoszka for abuse of his position, self-dealing, and knowingly violating 11 USC 362 as well as the USCA7 Stay Order (or refer him to USCA7 for the latter violation).

Submitted By ~~/s/ Felipe N. Gomez, Pro Se~~ Dated: 10.17.25

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this date the foregoing Motion, Notice and Draft Order was sent to the Bankruptcy Clerk by way of pro se edb email this date to be filed to the CM/ECF system into 23B3023, and that all parties appearing are served thereby.

/s/ ~~Felipe N. Gomez, Pro Se~~ Dated: 10.17.25

Felipe Gomez, Pro Se
PO Box 9263
Lombard, IL 60148
312.509.2071
fgomez9592@gmail.com

ATTACHMENT A

9.16.25 KOKOSZKA 21-1597 MOTION

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

E*Trade Securities LLC,)
)
Appellant,)
)
v.) Case No. 21-1597
)
Felipe Gomez,)
)
Appellee.)

**NON-PARTY CHAPTER 7 TRUSTEE'S MOTION FOR UPDATE ON POTENTIAL
MACK BAR AND FOR LEAVE TO SUBMIT BANKRUPTCY STATUS REPORT**

Chapter 7 Trustee, Frank J. Kokoszka, Trustee, ("Trustee") by his attorneys, Kokoszka & Janczur, P.C., and for his Status Report on Felipe Gomez's bankruptcy case and his waiver of discharge, states as follows:

1. On March 7, 2023, Defendant-Appellant Felipe Nery Gomez ("Gomez"), filed a Chapter 7 bankruptcy petition in the U.S. Bankruptcy Court for the Northern District of Illinois, Case # 23-03023.
2. On April 17, 2023, Frank J. Kokoszka was appointed as the successor chapter 7 trustee of the Gomez bankruptcy case (the "Trustee") and continues to serve as the duly appointed Trustee of the Gomez bankruptcy case.
3. In his role as Trustee of the Gomez Estate, the Trustee wishes to inform the Seventh Circuit as to the status of the Bankruptcy Case especially as it may to this Court's prior Order directing entry of a filing bar against Gomez consistent with *Support Systems International, Inc. v. Mack* (7th Cir. 1995).
4. Gomez has waived his bankruptcy discharge (Dkt. #407 in Bankruptcy Case #23-03023). See, **Exhibit A** hereto, Order Approving Discharge Waiver and Deeming Discharge

Waived).

5. As set forth in the Order Approving Discharge Waiver and Deeming Discharge Waived, “Mr. Gomez understands that a waiver under Section 727(a)(10) is a waiver of any discharge at all, and no debt ‘that was or could have been listed or scheduled’ in this case can be discharged in a future bankruptcy case, either. See 11 U.S.C. § 523(a)(10). As discussed at the hearing, waiver of discharge is final and is forever.” (emphasis added). While the Clerk of Bankruptcy Court provided Notice of the Debtor’s Waiver of Discharge to all parties of interest in the Gomez bankruptcy case, it does not appear that such notice was sent to this Court.

6. The waiver of discharge includes any debt Gomez owed to E*Trade including any fines or sanctions that may have been entered by this Court,

7. The Chapter 7 Trustee further states that the Trustee’s Final Report in the Bankruptcy Case was approved by the Bankruptcy Court on Monday September 8, 2025.

Respectfully submitted,
Frank J. Kokoszka, Chapter 7
Trustee of the Felipe Gomez
Bankruptcy Estate,

By: /s/ Frank J. Kokoszka
One of his Attorneys

Frank J. Kokoszka, Esq. (ARDC # 6201436)
Kokoszka & Janczur, P.C.
19 S. LaSalle Street, Suite 1201
Chicago, Illinois 60603
(312) 443-9600 phone
(312) 443-5704 fax
fkokoszka@k-jlaw.com

**UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF ILLINOIS
 EASTERN DIVISION**

JUDGE	Michael B. Slade	Case No.	23 B 03023
DATE	May 21, 2025	Adversary No.	
CASE TITLE	In re Felipe Nery Gomez		
TITLE OF ORDER	Order Approving Discharge Waiver And Deeming Discharge Waived [Re: Docket No. 405 & Attachment A]		

DOCKET ENTRY TEXT

Order Approving Discharge Waiver and Deeming Discharge Waived [Re: Docket No. 405]

ORDER

Section 727(a)(10) of the Bankruptcy Code states that the debtor shall be denied a discharge if the court approves a written waiver of discharge executed by the debtor. Bankruptcy Rule 4004(c)(1)(C) similarly provides that the court will not grant discharge if the debtor has filed a waiver under Section 727(a)(10).

Debtor Felipe Gomez filed a written waiver of discharge (Docket No. 405, Attachment A) which is acceptable to the U.S. Trustee and to the Chapter 7 Trustee. Following a hearing held earlier today, I find that Mr. Gomez is fully aware of the consequences of waiving discharge and waives discharge voluntarily. Mr. Gomez understands that a waiver under Section 727(a)(10) is a waiver of any discharge at all, and no debt "that was or could have been listed or scheduled" in this case can be discharged in a future bankruptcy case, either. *See* 11 U.S.C. § 523(a)(10). As discussed at the hearing, waiver of discharge is final and is forever.

For the reasons discussed here and on the record at today's hearing, the Debtor's waiver of discharge is approved. Discharge is deemed waived. The clerk is directed to serve notice to all parties in interest that the Debtor has waived his discharge pursuant to 11 U.S.C. § 727(a)(10).

ENTERED:



Michael B. Slade
 United States Bankruptcy Judge

**UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

E*Trade Securities,)
)
Appellant,)
)
vs.) Case No. 21-1597
)
Felipe Gomez,)
)
Appellee.)

NOTICE OF FILING

PLEASE TAKE NOTICE that on September 16, 2025, I electronically filed with the Clerk of the United States Court of Appeals for the Seventh Circuit, NON-PARTY CHAPTER 7 TRUSTEE'S MOTION FOR UPDATE ON POTENTIAL MACK BAR AND FOR LEAVE TO SUBMIT BANKRUPTCY STATUS REPORT ON FELIPE GOMEZ BANKRUPTCY CASE AND DEBTOR'S WAIVER OF DISCHARGE, a true and accurate copy of which is attached hereto and served upon you.

Respectfully submitted, Frank J.
Kokoszka, Chapter 7 Trustee of the
Felipe Gomez Bankruptcy Estate,

By: /s/ Frank J. Kokoszka
One of his Attorneys

Frank J. Kokoszka, Esq. (ARDC # 6201436)
Kokoszka & Janczur, P.C.
19 S. LaSalle Street, Suite 1201
Chicago, Illinois 60603
(312) 443-9600 phone
(312) 443-5704 fax
fkokoszka@k-jlaw.com

CERTIFICATE OF SERVICE

The undersigned, an attorney, states that he served the foregoing document, Chapter 7 Trustee's Status Report on Felipe Gomez Bankruptcy Case And Debtor's Waiver of Discharge filed on September 16, 2025, by electronic mail and through ECF upon:

Felipe N. Gomez
PO Box 9263
Lombard, IL 60148
t312.509.2071@gmail.com

James T. Hultquist, Attorney
REED SMITH LLP
40th Floor
Ten S. Wacker Drive
Chicago, IL 60606-7507
JHultquist@ReedSmith.com

on September 16, 2025.

Respectfully submitted, Frank J.
Kokoszka, Chapter 7 Trustee of the
Felipe Gomez Bankruptcy Estate,

By: /s/ Frank J. Kokoszka
One of his Attorneys

Frank J. Kokoszka, Esq. (ARDC # 6201436)
Kokoszka & Janczur, P.C.
19 S. LaSalle Street, Suite 1201
Chicago, Illinois 60603
(312) 443-9600 phone
(312) 443-5704 fax
fkokoszka@k-jlaw.com

ATTACHMENT B

9.28.25 GOMEZ 21-1597 STATUS REPORT

No. 21-1597

In the
United States Court of Appeals
for the Seventh Circuit

E*Trade
Appellee

FELIPE NERY GOMEZ

Appellant
19cv0927

On Appeal from the United States District Court
for the Northern District of Illinois, Eastern Division, No. 19cv0827
The Honorable Rebecca Pallmeyer, Chief Judge, Presiding.

**GOMEZ STATUS REPORT ON CONTINUATION OF
*IN RE GOMEZ 23B3023 (NDILB)***

Felipe Gomez, Pro Se
PO 9263
Lombard, IL 60148
312.509.2071
t312.509.2071@gmail.com

9.28.25

21-1597

GOMEZ STATUS REPORT AS TO CONTINUATION OF 23B3023

NOW COMES APPELLANT GOMEZ, pursuant to leave granted on 7.12.23 from the 11 USC 362 stay to file status reports into this matter (*See [75]*), and per this Court's 7.18.25 Order *[89]*, and apologizing for missing the last status (*See [88]*), Gomez reports that the matter *23B3023* has not attained "resolution", and Gomez reports further in relation thereto:

1. As reflected by the *23B3023* docket, the matter *23B3023* has not resolved or concluded, with only a final report and supplement approved on 9.10.15 (*23B3023 at [498]*), where there is no distribution to any creditor approved, including no payment on the attorney fee sanctions claimed in *23B3023* by E*Trade.
2. Gomez reports that on 9.14.25 Gomez appealed the order approving the final report (*23B3023 at [499]*), and associated orders approving 11 USC 326 and 11 USC 328 compensation,, resulting in *Gomez v Kokoszka/Brief, 25cv11090*.
3. Gomez reports that Gomez was not consulted as to the 9.16.25 filing by Non-Party Kokoszka (*21-1597 at [90]*), and reports that no motion seeking lift of stay was filed with the bankruptcy court as to any 11 USC 362 lift to allow that filing or this Court to proceed, and it appears this Court's Stay Order *[75]* is still in effect as well.
4. Gomez reports as to the next scheduled event, a 9.29.25 presentation of the attached Motion to Enforce Stay to His Honor Judge Slade, as to Gomez allegations, that an 735 ILCS 5/2-1402(m) Illinois Citation Lien, violates 11 USC 362, by imposing a statutory lien on a debtor/citation defendant's

property that is supposedly part of the bankruptcy estate, which attachment is presented to this Court in the manner of judicial notice of a filed court document. *Att. A - 23B3023 Motion to Enforce.*

5. Gomez reports as to “resolution”, where it is unclear if that term includes appeals and assuming not, that there are several steps (NDR Report, Final Accounting, Dismissal) to be achieved prior to the resolution of the matter 23B3023.
6. Refraining from addressing [90]’s content directly due to 11 USC 362 and [75], Gomez stands on this status report as indicating Gomez does not agree with any requested inference that 23B3023 is resolved, or that this Court should proceed with considering the fee sanctions or Mack Bar.
7. Gomez reports that as a matter of record, the 21-1597 fee sanctions are part of 23B3023 due to E*Trade’s Proof of Claim therein, making it appear premature, at best, for this Court to accept [90]’s apparent invitation to impose the Mack Bar on Gomez, especially where *25cv11090* in part challenges that lack of distribution.
8. Gomez reports that the similar invitation has been previously attempted, and ultimately denied, in very similar fashion also by a non-party in a similarly titled filing [69], resulting in part in the stay order [75].
9. Gomez views [90] to be in direct violation of [75], even were 23B3023 to be concluded (and where waiver of discharge does not result in automatic lift of 11 USC 362), in addition to the apparent conflict of the filer and his election not to pay E*Trade (or IRS), but rather pay his fees to himself, with no payment being made to any creditor, counting his payment to himself as an 11 USC 326 distribution (resulting in part in *25cv11090*).

10. Finally, as to the non-party status of the filer of [90], Gomez reports the record reflects that on 7.19.23, in response to the private trustee allegations that Gomez failed to “turn over” 21-1597, Gomez attempted to have Kokoszka joined to this matter [77], resulting in this Court denying that on 7.21.25 [78], but inviting the UST to do so, which the UST did not do.

Respectfully submitted on 9.28.25 By: */s/ Felipe Nery Gomez*, Pro Se

Felipe Nery Gomez, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on this date, an electronic copy of the foregoing Status Report and Attachments, was filed with the Clerk of Court for the United States Court of Appeals for the Seventh Circuit using the appellate CM/ECF system, and service will be accomplished on all appearing parties by the appellate CM/ECF system.

Respectfully submitted on 9.28.25

s/ Felipe Nery Gomez

Felipe N Gomez
PO 9263
Lombard, IL 60148
312.509.2071

ATTACHMENT A

23B3023 Motion to Enforce 11 USC 362 Stay

Northern District Of Illinois

In Re Felipe Nery Gomez	Chapter 7 23B3023 Hon. Michael B. Slade
------------------------------------	---

GOMEZ MOTION TO ENFORCE BANKRUPTCY STAY

FILED

NOW COMES DEBTOR GOMEZ, and MOVES the Court to
enforce 11 USC 362, as follows: **UNITED STATES BANKRUPTCY COURT**
NORTHERN DISTRICT OF ILLINOIS

9/18/2025

1. 11 USC 362(a)(3) and (4) provide, without regard to the filing date of the
petition that any person is barred from: **JEFFREY P. ALLSTEADT, CLERK**

(3) any act to obtain possession of property of the estate or of property from
the estate or to exercise control over property of the estate;

(4) any act to create, perfect, or enforce any lien against property of the
estate;

2. Illinois Citation Act, 735 ILCS 5/2-1402(m), provides for an automatic lien to
be imposed on any an all property, without exception for property held in a
bankruptcy estate, in the event of the filing of an Illinois Citation to
Discovery Assets:

“The judgment or balance due on the judgment becomes a lien when a citation
is served in accordance with subsection (a) of this Section. The lien binds
nonexempt personal property, including money, choses in action, and effects
of the judgment debtor as follows:

(1) When the citation is directed against the judgement debtor, upon all
personal property belonging to the judgment debtor in the possession or
control of the judgment debtor or which may thereafter be acquired or come
due to the judgment debtor to the time of the disposition of the citation.”

3. On 9.18.25, without moving for a lift of stay, private trustee Frank Kokoszka
served Gomez with the attached Citation in the matter of *Gomez v Kokoszka*,

23MR197 (*Sangamon*), asserting himself as a judgement creditor, and thereby invoking Illinois's automatic lien, despite Kokoszka, and the State Court, knowing that Gomez was in bankruptcy, and despite knowing that such Illinois statutory lien would attach to both Gomez after (date of petition) acquired property, as well as the property being claimed as part of the estate, by Kokoszka and this Court..

4. Google searches and the text of 11 USC 362 indicate the Citation proceedings directed against Gomez's bankruptcy-held property in whole or in part violate 11 USC 362, as 23MR197 attempts to attach, and under Illinois law has attached and encumbered, property that the Bankruptcy Court has several times found was property of the estate, including choses of action (and where Gomez does not agree with the Court's findings as to the impact of the failure of the trustee to object to Gomez's 100% exemptions).
5. WHEREFORE, Gomez MOVES this Court to FIND and ORDER;
 - A. FIND that the 23MR197 Citation proceedings violate the 11 USC 362 stay as they lien property arguably belonging to the estate, that the property is now, according to the Court, in the legal possession of Kokoszka, not Gomez, under the Bankruptcy Code, and that such property may and is stated to be in the process of being returned to Gomez;
 - B. ORDER Kokoszka to immediately cease and desist from his collection attempts and to withdraw the Citation, including ordering him to immediately strike the 9.29.25, 1:30 p.m., citation hearing scheduled for 23MR197, in the Sangamon Courthouse..
 - C. SANCTION Kokoszka for abuse of his position, self-dealing, and

knowingly liening property under State Law that he is charged by Federal Law with administering, in attempt to collect an alleged personal debt.

~~/s/ Felipe N. Gomez, Pro Se~~ Dated: 9.18.25

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this date the foregoing Motion, Notice and Draft Order was sent to the Bankruptcy Clerk by way of pro se edb email this date to be filed to the CM/ECF system into 23B3023, and that all parties appearing are served thereby.

~~/s/ Felipe N. Gomez, Pro Se~~ Dated: 9.18.25

Felipe Gomez, Pro Se
PO Box 9263
Lombard, IL 60148
312.509.2071
fgomez9592@gmail.com

ATTACHMENT A

CITATION

STATE OF ILLINOIS, CIRCUIT COURT Sangamon COUNTY	CITATION TO DISCOVER ASSETS TO DEBTOR	For Court Use Only Joseph B. Roesch 7th Judicial Circuit Sangamon County, IL 2023MR000197
Instructions ▼ Directly above, enter the name of the county where the case was filed. Enter the name of the plaintiff. Enter the name of the defendant. Enter the case number.	FELIPE N. GOMEZ Plaintiff (First, middle, last name) v. FRANK J. KOKOSZKA Defendant (First, middle, last name)	2023 MR 000197 Case Number

In 1, if the debtor is a person, enter the address where the debtor can be served. If the debtor is a business, enter the name of the registered agent, and the address for service. The registered agent can be found on the Illinois Secretary of State's website.

1. Name and address of debtor:

FELIPE N. GOMEZ
 Debtor's name

gomezinrebesetznyv@gmail.com
 Street, Apt #

 City State ZIP

In 2, you will need to find out whether court will be in person, or by phone or video. Contact the Circuit Clerk by phone, or visit their website. Once you have this information, check 2a or 2b.

Fill out court date and time, and then:

If you check 2a, fill out the address of the court building where the Debtor will attend in person.

If you check 2b, fill out:

- the phone number for the Circuit Clerk's office.
- the instructions for how to appear by phone or video.

2. You must attend court on 09/29/2025 **at** 1:30 a.m. p.m.

Date Time

a. In person
 in courtroom assigned to Judge Noll

The address of the court is: Sangamon County Courthouse, 200 S 9th Street
Street

Springfield, IL 62701
City State ZIP

OR

b. By phone or video

Information and instructions for how you must attend by phone or video:

Attending by phone or video is also called a "Remote Appearance." For more information, call the Circuit Clerk _____
Local Circuit Clerk's phone number

or visit their website to find out how to do this.

Notice to Debtor

- If you do not attend the court date listed above in section 2, the judge may issue a rule to show cause which will require you to attend court.
- On the rule to show cause court date, you will have to explain why you did not attend court on the citation court date, and why you should not be found in contempt of court.
- If you do not attend the rule to show cause court date, the judge may find you in contempt, and you may be arrested and jailed.

3. At your *Citation* hearing you will be asked about your property and income. You will be sworn to tell the truth.

In 4a, enter the date of the judgment. If the judgment has been revived (renewed), enter that date.

4. Information about what you owe:

a. A judgment was entered or renewed against you on 08/27/2025
Date

b. The amount of the judgment is \$ 36,110.45

c. The current amount that remains to be paid, including the creditor's court costs and post judgment interest, minus any payments you have made, is \$ 36,110.45 plus court costs of this proceeding.

In 4b, enter the amount of the judgment.

In 4c, enter how much money is still owed to you. You can include the judgment amount, your court costs (like filing fees, service fees, sheriff's fee, etc.), and post judgment interest of 9% per year. Subtract any payments made by the debtor.

5. You are ordered to bring these documents at the court date:

- Federal and state income taxes for the last 2 years;
- Recent pay stubs or proof of income;
- Bank records;
- Title to motor vehicles;
- Deed to any property you own; AND
- Insurance policies.
- Other: Settlement agreements for any lawsuits since 1-1-2025, all loan documents or promissory notes, all persons holding your assets.

In 5, enter any other document that the debtor should bring to court showing their income, property, or belongings.

6. At the court date, you have the right to claim certain protections (exemptions).

If you claim an exemption, the income or property covered by that exemption cannot be taken to pay the judgment. Here are some exemptions you may be able to claim:

1. Money or belongings up to \$4,000 ("wildcard exemption");
2. Social Security and Supplemental Security Income (SSI) benefits;
3. Public assistance benefits;
4. Child support;
5. Unemployment compensation benefits;
6. Workers' compensation benefits;
7. Veterans' benefits;
8. Circuit breaker property tax relief benefits;
9. Your equity interest, up to \$2,400, in any one motor vehicle;
10. Your equity interest, up to \$1,500, in any professional books, or tools of your trade;
11. Pension and retirement benefits and refunds; AND
12. Your equity interest, up to \$15,000, in the house you live in.

Equity interest is the money you would get if you sold your property and paid off any outstanding loans.

7. There are specific exemptions for wages. Under Illinois law, the amount of wages that may be taken to pay a judgment is limited to the lower of: 1) 15% of your gross wages, or 2) the amount by which your weekly wages, after deductions for taxes and other allowed deductions, is greater than 45 times the minimum wage. Federal law allows the lesser of: 1) 25% of disposable wages; or 2) the amount by which disposable earnings for a week is greater than 30 times the federal minimum wage. **Illinois minimum wage will increase between January 1, 2020 and January 1, 2025. See the Exempt Wages Table on the last page of this form to determine what wages are exempt based on the current minimum wage.**

In 4, check the box for each type of money you have received in the past month. The creditor may not use court proceedings to take any money you get from these sources.

4. I receive 1 or more of the following:

- Yes** (check all that apply) **No**
- General Assistance (GA)
 - Social Security
 - Supplemental Security Income (SSI)
 - Food Stamps (SNAP)
 - State Children & Family Assistance
 - Temporary Assistance to Needy Families (TANF)
 - Aid to the Aged, Blind and Disabled (AABD)
 - Unemployment
 - Pension
 - Other: _____

In 5, check if you own real estate.

5. I own real estate: **Yes** **No**

a. I own property _____
Street Address, Apt.

City _____ State _____ ZIP _____

There is a mortgage on my property.

b. I own property _____
Street Address, Apt.

City _____ State _____ ZIP _____

There is a mortgage on my property.

In 5a, list the address of the property you own and check the box if there is a mortgage on the property.

In 5b, list the address of any additional property you own and check the box if there is a mortgage on the property.

In 6, check if you have any of the listed accounts and provide the information about each account, but do not list account numbers.

6. I have checking, savings, money market, certificates of deposit, safety deposit boxes, or other bank or credit union accounts: **Yes** **No**

	Name of Bank or Institution	Names on Accounts	Account Type	Balance
1.				\$
2.				\$
3.				\$
4.				\$

In 7, check if you have any motor vehicles and provide the information about each vehicle. For Balance, fill in the amount remaining on your loan.

7. I have motor vehicles (Cars, boats, trailers, motorcycles etc.): **Yes** **No**

	Year, Make, and Model	Title in Name of	Monthly	Balance Due
1.			\$	\$
2.			\$	\$
3.			\$	\$
4.			\$	\$

In 8, check yes if you own other property such as jewelry, electronics, tools, etc.

8. I own other property: **Yes** **No**

The property is (describe and include its total value) \$ _____

EXEMPT WAGES TABLE				
Timeframe:	If Paid Weekly	If Paid Every 2 Weeks	If Paid Semi-Monthly	If Paid Monthly
January 1, 2020 - June 30, 2020 (Minimum Wage \$9.25/hr)	\$416.25	\$832.50	\$901.88	\$1,803.75
July 1, 2020 - December 31, 2020 (Minimum Wage \$10/hr)	\$450	\$900	\$975	\$1,950
January 1, 2021 - December 31, 2021 (Minimum Wage \$11/hr)	\$495	\$990	\$1,072.50	\$2,145
January 1, 2022 - December 31, 2022 (Minimum Wage \$12/hr)	\$540	\$1,080	\$1,170	\$2,340
January 1, 2023 - December 31, 2023 (Minimum Wage \$13/hr)	\$585	\$1,170	\$1,267.50	\$2,535
January 1, 2024 - December 31, 2024 (Minimum Wage \$14/hr)	\$630	\$1,260	\$1,365	\$2,730
January 1, 2025 (Minimum Wage \$15/hr)	\$675	\$1,350	\$1,462.50	\$2,925

<p>Under the Code of Civil Procedure, <u>735 ILCS 5/1-109</u>, making a statement on this form that you know to be false is perjury, a Class 3</p> <p>After you finish this form, sign and print your name.</p> <p>Enter your complete address, telephone number, and email address, if you have one.</p> <p>Mail, email or hand-deliver a copy of this completed Statement to the plaintiff.</p>	<p>I certify that everything in this <i>Income and Property Statement</i> is true and correct. I understand that making a false statement on this form is perjury and has penalties by law under <u>735 ILCS 5/1-109</u>.</p> <p>_____</p> <p><i>Your Signature</i> _____ <i>Street Address</i></p> <p>_____</p> <p><i>Print Your Name</i> _____ <i>City, State, ZIP</i></p> <p>_____</p> <p><i>Email</i> _____ <i>Telephone</i></p> <p>_____</p> <p><i>Attorney # (if any)</i></p>
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GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

PETITION FOR CERTIORARI

USCA7 21-1597

Exhibit 20

In Re Felipe Nery Gomez Ch. 7 23B3023 (NDILB)

**11.7.25 Order Denying 9.18.25 and 10.17.25
Debtor Gomez Motions to Enforce 11 USC 362 and
Lifting Stay**

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JUDGE	Michael B. Slade	Case No.	23 B 03023
DATE	November 7, 2025	Adversary No.	
CASE TITLE	Felipe Nery Gomez		
TITLE OF ORDER	Order Denying Debtor's Motions to Enforce Stay (Dkt. Nos. 508, 523)		

DOCKET ENTRY TEXT

The Debtor's motions to enforce the automatic stay [Dkt. No. 508, 523] are denied.

STATEMENT

This contentious chapter 7 case—which has been on file for two and a half years and has spawned nearly 550 docket entries and more than a dozen adversary proceedings—is effectively over, and administration of the estate one step from the finish line. The Debtor waived his discharge in May. (Dkt. No. 407) The Chapter 7 Trustee reported in August that the case had been fully administered and filed his final report, which I approved. (Dkt. Nos. 455, 466, 473, 498) All that remains in the chapter 7 case is for the Chapter 7 Trustee to make the limited remaining distributions proposed in his final report and file confirmation of such on the docket, at which point this case will be closed by the Clerk of the Court.

Gomez has already received his distribution.¹ I don't know whether the Chapter 7 Trustee plans to make the remaining distributions now, or to wait until all or some of the Debtor's myriad appeals play their way through the appellate courts, but it is evident that those appeals (including an appeal of my order approving the final report (*see* Dkt. No. 499)) are a factor preventing closure. Now, in the twilight of his case, Gomez asks me to enforce the automatic stay in connection with two separate non-bankruptcy suits, seeking protection from the consequences of his own litigiousness.

Gomez was and is a prolific litigant. Pre-petition, he filed scores of suits across the country. Those lawsuits constituted the bulk of the "assets" claimed on his schedules. And the bankruptcy was filed after large sanctions awards accrued against Gomez for filing frivolous pleadings and for his misconduct during the lawsuits. *See In re Gomez*, 670 B.R. 629 (Bankr.

¹ The final report proposed to distribute the \$24,48.07 of remaining funds received by the estate to just two categories of recipients: (a) \$4,000 to Gomez on account of the "wildcard exemption" Gomez asserted in the bankruptcy case and (b) the balance to the Chapter 7 Trustee and his counsel. (*See* Dkt. No. 455, at Ex. D) Gomez filed a motion to compel the Chapter 7 Trustee to tender the \$4,000 check (Dkt. No. 491) but withdrew it after the Chapter 7 Trustee agreed to deliver the check promptly (Dkt. No. 505). To minimize the chance of further problems, at my request, the Trustee delivered the check to my courtroom deputy, who then personally mailed that check to Gomez on October 6, 2025, at the address he selected in writing. (*See* Dkt. No. 518)

N.D. Ill. 2025); *In re Gomez*, 655 B.R. 738, 740 (Bankr. N.D. Ill. 2023) (Gomez is “a former lawyer with a penchant for litigation—his own” some of which, “perhaps all of it, is frivolous”); Order, *Gomez v. E*Trade Securities LLC*, No. 20 CH 06873 (Ill. Cir. Ct. July 8, 2022), available at Proof of Claim No. 3, Attachment 3, ¶ 26 (“No inferences need to be drawn here. [Gomez]’s own words in these emails quite clearly manifest his improper purpose in pursuing this case.”); Order, *E*Trade Securities LLC v. Felipe Nery Gomez*, No. 19-cv-827 (N.D. Ill. Dec. 19, 2022), ECF No. 212 (“Mr. Gomez . . . delayed the outcome of the litigation for months. . . . He made baseless and unsupported claims of wrongdoing on the part of E*TRADE’s attorneys. . . . This conduct led to sanctions imposed by this court and affirmed by the Seventh Circuit.”); Order, *E*Trade Securities LLC v. Felipe Nery Gomez*, No. 21-1597 (7th Cir. Feb. 2, 2023), ECF No. 62. That and other misconduct led to Gomez’s suspension or disbarment from the practice of law in multiple jurisdictions.²

A month before he filed his bankruptcy petition, the Seventh Circuit entered an order advising Gomez that if he did not pay the most recent sanction issued against him (to E*Trade), the court would “enter an order directing the clerks of all federal courts in this circuit to return unfiled any papers submitted either directly or indirectly by or on behalf of the appellant unless and until he pays in full the sanction that has been imposed against him.” *E*Trade v. Gomez*, No. 21-1597 (7th Cir. Feb. 2, 2023), ECF No. 62. It appears that this order is what led to Gomez’s bankruptcy filing a few weeks later, and it also appears that the bankruptcy is the only thing that stalled the Seventh Circuit from issuing a so-called “Mack bar” (after *Support Sys. Int’l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995) (per curiam)) against Gomez.

Post-petition, Gomez added the parties tasked with administering his chapter 7 case to his list of litigation targets, initiating a slew of lawsuits against (in particular) the Chapter 7 Trustee and his counsel in federal and state courts. See, e.g., *Gomez v. Kokoszka*, No. 24-ap-152 (Bankr. N.D. Ill. June 10, 2024); *Gomez v. Kokoszka*, No. 24-ap-165 (Bankr. N.D. Ill. June 20, 2024); *Gomez v. Kokoszka*, No. 24-ap-167 (Bankr. N.D. Ill. June 20, 2024); *Gomez v. Besetzny*, No. 24-ap-180 (Bankr. N.D. Ill. July 1, 2024); *Gomez v. Besetzny*, No. 25-ap-335 (Bankr. N.D. Ill. October 21, 2025); *Gomez v. Kokoszka*, No. 23-cv-1853 (D.D.C. June 20, 2023); *Gomez v. Kokoszka*, No. 2023 MR 197 (Ill. Cir. Ct. June 26, 2023) (the “Sangamon Suit”).

Gomez now takes issue with recent actions by the Chapter 7 Trustee in the Sangamon Suit (filing a citation to discover assets following another sanctions award issued against Gomez) and in the E*Trade litigation (filing a status update to apprise the Seventh Circuit of the latest developments in *this case*). (Dkt. Nos. 508, 523) I won’t bury the lede: the automatic stay does not apply to the acts challenged by Gomez. Moreover, that analysis is academic because the stay

² See *In the Matter of Disbarment of Felipe Nery Gomez*, 144 S. Ct. 260 (2023) (disbarring Gomez from practice in the Supreme Court); *In re Gomez*, 829 F. App’x 136, 137 (7th Cir. 2020) (affirming two disbarment orders from the Executive Committee for the Northern District of Illinois); *In re Felipe Nery Gomez*, 2020 PR 00064, M.R. 032156 (Ill. Sept. 21, 2022) (suspending Gomez from the practice of law in Illinois for at least three years); *Matter of Disciplinary Proc. Against Gomez*, 409 Wis. 2d 242, 243, 245 (Nov. 2, 2023) (suspending Gomez from the practice of law in Wisconsin for three years); see also Dkt. No. 420, Order Granting Gomez’s Motion for Judicial Notice (listing Mr. Gomez’s known bar suspensions); *Gomez v. Wis. Off. of Law. Regul.*, No. 23-CV-555, 2024 WL 4240339, at *2 (W.D. Wis. Sept. 19, 2024) (providing history of Gomez’s Illinois and Wisconsin bar suspensions).

terminated as a matter of law in May when I entered an order confirming Gomez's waiver of his discharge; today, all claims and suits against Gomez are fair game. Finally, even *if* the automatic stay remains in place and even *if* it technically applied to one or both acts challenged, this bankruptcy is for all practical purposes over, and I see cause to modify any existing stay should any party to these suits request it.

For all these reasons, described in more detail below, Gomez's motions are denied.

I.

Gomez's first motion (Dkt. No. 508) arises from a suit filed by Gomez post-petition in the Circuit Court of Sangamon County, Illinois. In June 2023, Gomez sued the Trustee, claiming that he violated state law by swearing Gomez in for the meeting of creditors required by 11 U.S.C. § 341. Gomez argued that only a notary could swear him in; the Trustee isn't one. (Dkt. No. 377, Ex. B, Complaint in *Gomez v. Kokoszka*, No. 2023 MR 197) The state court dismissed Gomez's complaint, finding it violated the *Barton* doctrine³ and that "based upon the applicable provisions of Federal law, Mr. Kokoszka, in his capacity of trustee of [Gomez's] bankruptcy case, was fully authorized to administer an oath to Plaintiff during the Section 341 meetings of creditors." (Dkt. No. 377, Ex. C, *Gomez v. Kokoszka* Dismissal Order ¶¶ 2–3) The court then granted the Trustee's motion for sanctions and, after hearing evidence on August 25, 2025, ordered Gomez to pay the Trustee's attorneys' fees and expenses (\$36,110.45). The Trustee then filed a citation to discover assets on September 17, 2025. (Dkt. No. 508, Ex. A) It is the filing of this citation that Gomez contends violated the automatic stay.

The citation sought to "discover assets." It directed Gomez to appear to testify in the Sangamon County courthouse on September 29, 2025. (*Id.* ¶ 2) It ordered Gomez to bring documents with him, including "[s]ettlement agreements for any lawsuits since 1-1-2025, all loan documents or promissory notes, all persons holding your assets." (*Id.* ¶ 5) The citation advised Gomez that, in court, he would have the right to claim state law exemptions, including "[m]oney or belongings up to \$4,000," the so-called "wildcard exemption." (*Id.* ¶ 6(1))

In Illinois, state law citations to discover assets are governed by 735 ILCS § 5/2-1402. Pursuant to Illinois Supreme Court Rule 277(a), once the judgment was enforceable, the Trustee was "entitled to prosecute citations to discover assets for the purpose of examining the judgment debtor . . . to discover assets or income of the debtor not exempt from the enforcement of the judgment . . . and . . . compelling the application of non-exempt assets or income discovered toward the payment of the amount due under the judgment." *Id.* § 5/2-1402(a).

All the Trustee's citation sought was the first step provided in the statute—discovery. Taking collection action on assets discovered would happen later (if at all), only after a process defined by state law. If discovery revealed any assets that were not exempt, Illinois state law provides that "the court may, by appropriate order or judgment: . . . Compel the judgment debtor to deliver up, to be applied in satisfaction of the judgment, in whole or in part, money, choses in action, property or effects in his or her possession or control, so discovered, capable of delivery

³ *Barton v. Barbour*, 104 U.S. 126, 128 (1881) (receiver cannot be sued without leave of the court that appointed him); see also *In re Linton*, 136 F.3d 544, 545 (7th Cir. 1998) (applying *Barton* rule to a bankruptcy trustee).

and to which his or her title or right of possession is not substantially disputed.” *Id.* § 5/2-1402(c)(1). But “no payment order” can be entered until and unless “the judgment debtor has had an opportunity to assert exemptions, and the payments are from non-exempt sources.” *Id.* § 5/2-1402(c-5). The statute allows judgment debtors to assert exemptions at the citation hearing. *Id.* § 5/2-1402(g).

Gomez finds fault with the Trustee because, under Illinois law, the issuance of a citation creates a lien on certain property. He says in his motion that the lien is “imposed on any an [sic] all property, without exception for property held in a bankruptcy estate.” (Dkt. No. 508 ¶ 2) And the statute he cites provides that service of a citation to discover assets creates a lien on “all personal property belonging to the judgment debtor in the possession or control of the judgment debtor or which may thereafter be acquired or come due to the judgment debtor to the time of the disposition of the citation.” (*Id.* (citing 735 ILCS § 5/2-1402(m)(1)))

But does this violate the Bankruptcy Code’s automatic stay? Section 362 of the Code creates a stay of (in relevant part):

- (1) the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title;
- (2) the enforcement, against the debtor or property of the estate, of a judgment obtained before the commencement of the case under this title;
- (3) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate;
- (4) any act to create, perfect, or enforce any lien against property of the estate;
- (5) any act to create, perfect, or enforce against property of the debtor any lien to the extent that such lien secures a claim that arose before the commencement of the case under this title;
- (6) any act to collect, assess, or recover a claim against the debtor that arose before the commencement of the case under this title;

11 U.S.C. § 362(a) (subsections (7) and (8) relate to setoffs and tax proceedings irrelevant here).

Subsections (1), (2), (5), and (6) clearly do not apply to the citation because no part of the Sangamon Suit relates to anything pre-petition—Gomez’s complaint was filed post-petition and addressed only post-petition conduct, the Chapter 7 Trustee’s motion for sanctions addressed only conduct by Gomez in the Sangamon lawsuit (all of which is necessarily post-petition), and the sanctions award of the Trustee’s attorneys’ fees and expenses arose post-petition. Therefore, the citation is an attempt to enforce a judgment obtained *after* the commencement of the chapter 7 case related to conduct wholly *after* the commencement of the chapter 7 case and is outside the temporal scope of section 362(a)(1), (2), (5), and (6).

Section 362(a)(3) doesn't apply either—issuing a citation to discover assets and demanding that Gomez bring documents about his assets and testify about them in open court certainly does not take “possession” or give the Trustee “control” over any property of the bankruptcy estate that he does not already have. *See, e.g., City of Chicago v. Fulton*, 592 U.S. 154, 158 (2021) (the “control” provision of “§ 362(a)(3) prohibits affirmative acts that would disturb the status quo of estate property as of the time when the bankruptcy petition was filed”); *In re UAL Corp.*, 412 F.3d 775, 778–79 (7th Cir. 2005) (interpreting “possession” within section 362(a)(3) literally to mean physically removing an asset from the bankruptcy estate). While a lien is created as noted above, that lien serves to *protect* the status quo, and no property changes hands until and unless the state court enters a separate order compelling turnover.

Gomez's primary theory invokes section 362(a)(4); he claims that the Trustee's citation effectively “liened-up” the \$4,000 that was paid to Gomez on account of his exemption in the bankruptcy case. Gomez characterizes what is happening here as the Trustee “liening property under State law that he is charged by Federal Law with administering.” (Dkt. No. 508 ¶ 5) I do not agree with Gomez's interpretation of the law or the facts here.

As a threshold matter, all the Trustee had done at this point is demand that Gomez come to court to testify in person about his assets, and the Trustee stresses in his response that the assets he is interested in were never property of the estate at all because they are all funds received by Gomez after the petition date in settlement of lawsuits filed by Gomez after the petition date. (*See* Dkt. No. 509, Trustee's Response, at 5–6 (referring to lawsuits filed by Gomez post-petition against the Mayor of Chicago and Takeda Pharmaceuticals)) If any such settlement proceeds exist, they would be, as the Trustee notes, “not property of the estate but instead property of the judgment debtor.” (*Id.* at 6; *see also* 11 U.S.C. § 541(a))

The Trustee is clearly not interested in the \$4,000 Gomez exempted in his chapter 7 case (and which therefore is not estate property even when the Trustee held the funds, let alone after they were sent to Gomez). *See In re Green*, 108 F.4th 530, 532 (7th Cir. 2024) (noting that “not all property necessarily enters the estate [because] Section 522 of the Bankruptcy Code allows debtors to exempt certain property”). Indeed, the state law Gomez cites is explicit: the lien “binds *nonexempt* personal property.” 735 ILCS § 5/2-1402(m)(1) (emphasis added). The law further makes clear that no payment order can be issued by a state court until and unless the judgment debtor has a chance to assert exemptions and no payment can be made from exempt sources. *Id.* § 5/2-1402(c-5). Therefore, filing the citation did *not* “lien up” the \$4,000 of wildcard exemption funds; Gomez can again claim that exemption at the citation hearing. So in sum, no property of the estate is at issue in the citation to discover assets, thus section 362 of the Bankruptcy Code did not bar the Trustee from filing the citation.

II.

Gomez's second motion to enforce the automatic stay (Dkt. No. 523) relates to the E*Trade litigation that precipitated the chapter 7 filing. Recall that the Seventh Circuit issued an Order on February 2, 2023, advising Gomez that it would consider entering a so-called *Mack* bar, preventing Gomez from initiating litigation or filing pleadings in any federal court within this Circuit, if Gomez didn't pay the sanction that the circuit had ordered him to pay E*Trade.

That case, at least to the extent it led to a judgment *against* Gomez, was stayed upon the filing of this bankruptcy case. *See* 11 U.S.C. § 362(a)(2); Order, *E*Trade v. Gomez*, No. 21-1597 (7th Cir. May 18, 2023), ECF No. 73 (“[T]hese proceedings are STAYED pursuant to the automatic stay provision of 11 U.S.C. § 362.”).

Since May 2023, the Seventh Circuit docket contains several requests from the court for status reports. Gomez complied with some of them, but he didn’t comply with others. *See Id.*, ECF Nos. 74–88. On January 16, 2025, the Court ordered Gomez to file a further status report “within 7 days of the bankruptcy court’s resolution of his case or on April 14, 2025, whichever was earlier.” *Id.*, ECF No. 88. When Gomez did not comply with that Order, the Court issued another one, noting that the court had reviewed the bankruptcy proceeding *sua sponte*, observing that the case was still pending, and ordering Gomez to file a new report within 14 days of the case’s resolution or on October 17, 2025, whichever was earlier. *Id.*, ECF No. 89.

On September 16, 2025, the Trustee filed a non-party status report, advising the Seventh Circuit of what had happened in the bankruptcy over the past six months—that Gomez had waived his discharge in May, which included a waiver of discharge for “any debt Gomez owed to E*Trade including any fines or sanctions,” and that I had approved the Trustee’s final report. *Id.*, ECF No. 90. The Seventh Circuit reviewed the Trustee’s Status Report and took no action other than directing Gomez to file a further status report at a later date. *Id.*, ECF No. 92.

Gomez contends that the Trustee’s filing of the status report violated the automatic stay.⁴ I disagree. While the case law in this jurisdiction is a little mixed as to whether a mere status update in a suit against a debtor violates section 362(a)(1) as a continuation of a pre-petition action (*compare In re Hall-Walker*, 445 B.R. 873 (Bankr. N.D. Ill. 2011) *with In re Welsh*, 602 B.R. 682 (Bankr. N.D. Ill. 2009)), I agree with the courts who view a straightforward update on the progress of a bankruptcy case, intended only to assist the non-bankruptcy court with managing its docket (and not asking that court to do anything), as non-violative of the stay. *See Hernandez v. Adams (In re Hernandez)*, Nos. 23-cv-01730, 23-bk-10886, 2024 WL 3638033, at *2 (C.D. Cal. Aug. 2, 2024) (noting authority providing that “litigation activity” that does not disrupt the *status quo* or advantage any party—like filing status reports—does not violate the automatic stay). So far as I can tell, the Chapter 7 Trustee’s report simply advised the Seventh Circuit of indisputable facts about the course of this bankruptcy case in response to the Circuit’s expressed desire to be kept apprised of developments here. That *filing* does not continue a pre-petition proceeding or attempt to recover a pre-petition claim against the debtor in violation of the stay.

⁴ Gomez suggests that the Seventh Circuit frowned on this practice in response to a “very similar motion” in 2023. (Dkt. No. 523 ¶ 4) I reviewed the docket; that does not appear to be what happened. Instead, another party aggrieved by a number of Gomez’s pre and post-petition lawsuits (who no doubt was hoping for the Seventh Circuit to issue a *Mack* bar) filed a motion to compel Gomez to provide an update on whether he had paid the E*Trade sanction ordered to avoid a *Mack* bar. (Motion for Update, *E*Trade v. Gomez*, No. 21-1597 (7th Cir. May 3, 2023), ECF No. 69) The Seventh Circuit granted the party’s motion and ordered Gomez to file a status report. (*Id.*, ECF No. 70)

III.

The analyses in Parts I and II of this order are interesting but both are in some sense beside the point because the automatic stay has terminated. Accordingly, by definition, none of the Trustee's actions could have violated the stay.

First, 11 U.S.C. § 362(c)(1) says that “the stay of an act against *property of the estate* under subsection (a) of this section continues until such property is no longer property of the estate.” (emphasis added) At this point, the only property of the estate that has not been abandoned or distributed are the funds proposed to be distributed to the Chapter 7 Trustee and counsel, which are not the target of the challenged actions. To the extent Gomez is concerned about his \$4,000 exemption in the chapter 7 case, those funds were never property of the estate according to *Green*—they were *exempt*. 108 F.4th at 532. And even if such funds *were* property of the estate, they lost the protection of the stay when they were distributed per 362(c)(1).

Section 362(c)(2)(C) more generally provides that “the stay of any other act under subsection (a) of this section continues until the earliest of—(C) if the case is a case under chapter 7 of this title concerning an individual . . . the time a discharge is granted or denied.” That happened in May. To refresh the parties and other readers of this opinion, I had scheduled a trial in an adversary proceeding where the United States Trustee sought to deny Gomez a discharge, and the parties had done substantial work preparing for trial. But the day before trial, Gomez filed an emergency motion in the bankruptcy case to waive his discharge and moot the impending trial. (Dkt. No. 405) I entered an order approving Gomez's waiver of discharge after a hearing in which Gomez expressed his recognition of the consequences of waiving discharge—that his doing so eliminates the possibility of *any* debt at issue in this bankruptcy being discharged, ever, and that his decision to do so “is final and forever.” (Dkt. No. 407)

Gomez suggests that waiving discharge is different than having a discharge denied. His theory is that since he only waived discharge (rather than go to trial and see if his discharge was granted or denied through the adversary process), section 362(c)'s termination provisions have not been triggered, and he maintains the benefit of the automatic stay until “the case is closed,” 11 U.S.C. § 362(c)(2)(B), which may not be until the conclusion of his myriad appeals.

I disagree with Gomez and believe section 362(c)(2)'s termination provisions were triggered in May when I entered an order approving Gomez's waiver of discharge—the act that denied him a discharge. Every judge to consider this question except one has held that “[t]he bankruptcy court's approval of the debtor's waiver of his discharge serves as the denial of the discharge for purposes of 11 U.S.C. § 362(c)(2)(C), terminating the automatic stay.” *Exelero Corp. v. Cambece*, No. 23-cv-12301, 2024 WL 1007836, at *14 (D. Mass. Feb. 28, 2024); *see also Allgaier v. Peterson*, No. 13-cv-5112, 2017 WL 11696197 at *1 (S.D.N.Y. Aug. 10, 2017) (“[W]aiver of [a] right to a discharge serve[s] as a denial of a discharge so as to terminate the automatic stay pursuant to 11 U.S.C. section 362(c)(2)(C).”); *In re Dunne*, No. 13-50484, 2015 WL 7625609 at *5 (Bankr. D. Conn. Nov. 25, 2015) (“Since the Debtor waived his discharge, the automatic stay does not apply to him.”); *Red River Res., Inc. v. Collazo*, No. 14-cv-04961, 2015 WL 1846498, at *8 (N.D. Cal. Apr. 8, 2015) (“Then, the Bankruptcy Court's approval of Collazo's waiver of discharge lifted the automatic stay, exposing Collazo to proceedings to

recover the Mariner Note Claim.”); *Smith v. Comm’r*, 96 T.C. 10, 16 (1991) (“[T]he automatic stay is terminated with an effective waiver of discharge.”). I now join the overwhelming weight of authority coming to the same conclusion.

Gomez relies on *In re Carlsson*, No. 24-51952, 2024 WL 4806638 (Bankr. W.D. Tex. Nov. 1, 2024), an opinion from a Texas bankruptcy judge who found that waiving a discharge in a Chapter 7 case does not terminate the automatic stay where a debtor is still trying to protect estate property from dismemberment by creditors. In his view:

Typically, in a chapter 7 case, a grant or denial of discharge occurs parallel with or temporally close to the dismissal or close of a case—either through a court order or the mechanics of the Clerk’s office. This is not the case with a discharge waiver, which often happens mid-case. While termination of the stay mid-case might not harm a debtor who has waived her discharge, it does affect property of the estate by accelerating the timeline by which creditors may move against property of the bankruptcy estate, which can induce a race to the courthouse by other creditors, defeating the Bankruptcy Code’s policy goal of equal treatment of similarly situated creditors. *Id.* at *3.

Carlsson’s primary concerns appear to be situations where a chapter 7 discharge is waived in the middle of a case where there is much still left to be done, or cases where a debtor is ineligible for discharge and property of the estate still needs protection (for example, because the trustee wants to administer the property for the benefit of creditors). The *Carlsson* court sought to protect property of the estate from dismemberment while the chapter 7 trustee was still doing his job. Not only is that not the scenario here (where Gomez agreed to deny himself a discharge toward the end of the case, after the Chapter 7 Trustee had largely finished administering the assets he didn’t intend to abandon), but I don’t see a real problem with applying the statute as written. I think Section 362(c)(2) means what it says, and a court order saying a discharge is “not granted” is the same thing as saying it is “denied.”

The language and structure of the Bankruptcy Code compel this result. Section 727 is the provision of the Code governing discharge denials. It lists 12 separate reasons that a discharge might be denied, but does not use the word “denied” for any of them; instead it says a discharge will be granted “unless” and then lists 12 circumstances that preclude granting a discharge. Section 727(a)(10), at issue here, says that “the court shall grant the debtor a discharge, unless . . . the court approves a written waiver of discharge executed by the debtor after the order for relief under this chapter.” And section 727 does not distinguish between the consequences of discharges a court doesn’t issue, regardless of the reason—discharge is always simply “not granted,” whether that happens because a debtor removed property from the estate within a year of bankruptcy with the intent to hinder creditors (§ 727(a)(2)) or “refused . . . to obey any lawful order of the court” (§ 727(a)(6)), or because the debtor was granted another discharge too recently (§ 727(a)(8)-(9)), or because the debtor waived discharge. The consequences of each are the same—the bankruptcy court issues an order confirming that there will be no discharge.

The structure of section 727 requires the conclusion that if one of the twelve things listed occurs, discharge is not granted, and “not granted” must mean “denied.”⁵

I do not see how treating “not granted” and “denied” differently for purposes of section 362(c)(2) is consistent with the language and structure of section 727. In fact, while I was not thinking about the automatic stay when I entered my Order approving Gomez’s discharge waiver in May, I was explicit: “Section 727(a)(10) states that the debtor shall be denied a discharge if the court approves a written waiver of discharge executed by the debtor.” (Dkt. No. 407) Collier takes the same position: “Section 727(a)(10) states that a debtor shall be denied a discharge if the court approves a written waiver of discharge executed by the debtor after the order for relief under chapter 7.” 6 COLLIER ON BANKRUPTCY ¶ 727.12 (16th ed. 2025). So as the vast majority of authorities have concluded when presented with this question, I find that the automatic stay terminated when I denied Gomez a discharge by approving his waiver in an order entered May 21, 2025 (Dkt. No. 407). *See, e.g., Smith*, 96 T.C. at 16 (“The effect of a waiver of discharge under 11 U.S.C. [§] 727(a)(10) is that the debtor shall be denied a discharge.”); *Exelero*, 2024 WL 1007836, at *14 (same); *Allgaier*, 2017 WL 11696197, at *1 (same); *Dunne*, 2015 WL 7625609, at *5 (same); *Red River Res.*, 2015 WL 1846498, at *8 (same).

IV.

While concluding, perhaps I should add an obvious point. Given the status of this bankruptcy case, there is no reason for the automatic stay to remain in effect any longer. The stay terminated when my order approving Gomez’s discharge waiver was entered, as that had the effect of denying his discharge. But if that weren’t true, upon any motion from (for example) the Trustee, E*Trade, or any other party, I would lift any existing stay to permit the lawsuits at issue to proceed now that the chapter 7 case has reached its effective end.⁶

While the “automatic stay is one of the fundamental debtor protections provided by the bankruptcy laws,” *In re Benalcazar*, 283 B.R. 514, 521 (Bankr. N.D. Ill. 2002); *see also Midlantic Nat. Bank v. New Jersey Dep’t of Env’t Prot.*, 474 U.S. 494, 503 (1986) (same), the breathing spell it affords is of little utility here and now. This chapter 7 case has run its course and I can’t think of a good reason to keep the stay in place so that Gomez can continue suits outside this court without facing claims against him. Debtors cannot use the automatic stay as a shield to bolster their leverage in post-petition cases they are pursuing—particularly where the courts find that the debtor’s efforts warrant sanctions. That is not what the automatic stay is for. Accordingly, even if the automatic stay remained in effect and technically precluded the Trustee’s most recent actions in state and federal court, I would not have imposed sanctions

⁵ *See, e.g., Denial*, BLACK’S LAW DICTIONARY (12th ed. 2024) (“2. A refusal or rejection; esp., a court’s refusal to grant a request”); *Deny*, THE AMERICAN HERITAGE DICTIONARY (5th ed. 2022) (“4. To decline to grant or allow; refuse.”).

⁶ Section 362 provides that I can lift the stay “for cause” or, with respect to any act against property of the estate, where “the debtor does not have equity in such property” and it is not necessary for an effective reorganization. 11 U.S.C. §§ 362(d)(1)-(2). The Debtor here lacks equity in any property and this is a liquidation, not a reorganization. So I would lift the stay if anyone asked. But I lack authority to lift the stay *sua sponte*; I can do so only “[o]n request of a party in interest and after notice and a hearing.” *Id.*

against the Trustee and I would have modified the stay to permit him to continue his course of action.

For these reasons, Debtor's motions to enforce the automatic stay (Dkt. Nos. 508, 523) are DENIED. The status hearing on these motions scheduled for November 10, 2025, is STRICKEN.

ENTERED:



Michael B. Slade
United States Bankruptcy Judge