

Michael Hayes

From: Hays, Brian <BHays@lockelord.com>
Sent: Friday, July 29, 2016 3:27 PM
To: Burt OdelsonAOL; DKurtz@kurtzlaw.us
Cc: lisa.meador@cookcountyil.gov; thomas.nowinski@cookcountyil.gov; HSleper@kurtzlaw.us; Michael Hayes
Subject: RE: Recorder - Rule to Show Cause

Burt

My apologies if you read my email as a threat. It was not intended to be. It was intended to show that the meet and confer requirement does not apply. I cannot speak with your non-client because I have been informed that he is represented by counsel, and you will not speak with him unless and until you are appointed. Therefore, there was no one for me to meet and confer with when I sent the draft motion over. Based on your comments, it appears unlikely that your client will agree to be held in civil contempt prior to the filing of a motion. A contempt finding is a condition to any settlement. My client has no obligation to compromise on that principle. That is not a threat; it is the relief that we are seeking from the court. If you cannot give me any assurance that your client is willing to agree to a contempt finding, there is no point in additional delay. Asking my client to wait another week for your clients to say "No" does not serve any purpose other than delay.

Just for clarification, the initial email in this chain was me getting back to you on my client's position as to whether he was willing to delay filing any longer.

Brian

From: attyburt@aol.com [mailto:attyburt@aol.com]
Sent: Friday, July 29, 2016 2:50 PM
To: Hays, Brian; DKurtz@kurtzlaw.us
Cc: lisa.meador@cookcountyil.gov; thomas.nowinski@cookcountyil.gov; HSleper@kurtzlaw.us; mhayes@odelsonsterk.com
Subject: Re: Recorder - Rule to Show Cause

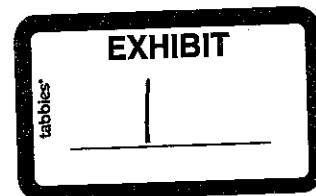
Brian,

This is not a good way to begin a conversation about settling - or professionally litigating a case. I don't take threats very well; and since you did not get back to me after last Wednesday's conversation about how Mr. Shakman was feeling about giving counsel a few days to talk to his client and evaluate the merits of the matter, then I guess your 3:30 p.m. threat will be carried out.

How absurd a proposition to "offer" my client (who will not be my client until August 1, 2016, after the court appoints me) the gracious request to agree to be held in civil contempt? Since I can't speak for my client, since he is not my client yet, I can not officially turn down your magnanimous offer. By the way, your "offer" came at 2:12 p.m. on Friday, July 29, 2016, which makes it even more generous with the 3:30 p.m. "deadline." Then, after making your offer, you declare an "impasse" so you feel free to file your motion. Quite frankly, you will do whatever you want to do after making these threats and offers.

As you know, professionally I cannot act until appointed and I file my appearance. I will answer your demands at that time - probably with the appropriate pleadings.

Burton S. Odelson
ODELSON & STERK, LTD.
3318 W. 95th Street
Evergreen Park, IL 60805
708-424-5678



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

From: Hays, Brian <BHays@lockelord.com>

To: Burt Odelson <attyburt@odelsonsterk.com>; Dana Kurtz <DKurtz@kurtzlaw.us>

Cc: LISA MEADOR (States Attorney) <lisa.meador@cookcountyil.gov>; THOMAS NOWINSKI (States Attorney) <thomas.nowinski@cookcountyil.gov> <thomas.nowinski@cookcountyil.gov>; Heidi Sleper <HSleper@kurtzlaw.us>;

Michael Hayes <mhayes@odelsonsterk.com>

Sent: Fri, Jul 29, 2016 2:12 pm

Subject: RE: Recorder - Rule to Show Cause

Burt

Your email is a good example of why the meet and confer obligation is limited to parties – parties are represented by counsel, non-parties are not, are may be. Cedric has had over two weeks to retain counsel. He appears to have retained you and Mike, so I cannot speak with him directly. I will put the same question to you that I put to Dana: Is your client willing to agree to the entry of an order holding him in civil contempt for violating the SRO and the Employment Plan based on his conduct as set forth in the RCA's reports, the OIIG reports, and in our draft motion? If not, then we are at impasse. Please let me know by 3:30 today if your client agrees to be held in civil contempt.

Brian

From: Burt Odelson [<mailto:attyburt@odelsonsterk.com>]

Sent: Friday, July 29, 2016 1:43 PM

To: Hays, Brian; Dana Kurtz

Cc: LISA MEADOR (States Attorney); THOMAS NOWINSKI (States Attorney) (thomas.nowinski@cookcountyil.gov); Heidi Sleper; Michael Hayes

Subject: RE: Recorder - Rule to Show Cause

Brian:

I am being appointed on Monday. I have a Motion up on August 3, 2016 to file my appearance. I have not spoken with Mr. Giles yet since I have not been appointed. Although we spoke on Wednesday, there has certainly been no conversation regarding any facts in your anticipated Rule to Show Cause. It appears that Dana Kurtz and you have had come conversation, but you do not believe there is an obligation to meet and confer.

Although I may believe that your office does have an obligation to meet and confer, for now, I want it very clear that you and I have not spoken about any offer, or, quite frankly, about any of the facts leading up to your Motion for Issuance of a Rule to Show Cause. I asked you for time to meet with my client, and you said you would check with Mr. Shakman and get back to me. It does not appear there is any emergency requiring you to proceed without first allowing discussion between us to see if there is any common ground.

I hope to hear from you from you Monday, August 1, 2016, after my office is appointed to represent Mr. Giles.

Thank you.

Burt

Burton S. Odelson
ODELSON & STERK, LTD.
3318 W. 95th Street
Evergreen Park, IL 60805
(708) 424-5678
(708) 424-5755 - fax

From: Hays, Brian [<mailto:BHays@lockelord.com>]
Sent: Friday, July 29, 2016 11:43 AM
To: Dana Kurtz <DKurtz@kurtzlaw.us>
Cc: Burt Odelson <attyburt@odelsonsterk.com>; LISA MEADOR (States Attorney) <lisa.meador@cookcountyiil.gov>; THOMAS NOWINSKI (States Attorney) (thomas.nowinski@cookcountyiil.gov) <thomas.nowinski@cookcountyiil.gov>; Heidi Sleper <HSleper@kurtzlaw.us>
Subject: RE: Recorder - Rule to Show Cause

Dana

Your client has had the motion for more than 2 weeks. We are not required to wait 5 weeks before filing the motion. But I will cut to the chase: Is your client willing to agree to the entry of an order holding him in civil contempt for violating the SRO and the Employment Plan based on his conduct as set forth in the RCA's reports, the OIIG reports, and in our draft motion? If not, then we are at impasse. Please let me know by 3:00 today if your client agrees to be held in civil contempt.

Brian I. Hays
Locke Lord LLP
111 S. Wacker Drive
Chicago, IL 60606
312-443-1707 Direct
312-896-6707 Fax

From: Dana Kurtz [<mailto:DKurtz@kurtzlaw.us>]
Sent: Friday, July 29, 2016 11:26 AM
To: Hays, Brian
Cc: attyburt@odelsonsterk.com; LISA MEADOR (States Attorney); THOMAS NOWINSKI (States Attorney) (thomas.nowinski@cookcountyiil.gov); Heidi Sleper
Subject: Re: Recorder - Rule to Show Cause

Brian,

You are trying to make him a party to your motion. I don't think the obligations have been met. I continue to suggest a meet and confer the third week of August. Please let me know your availability. Thank you.

Dana

Sent from my iPhone.

Dana L. Kurtz, Esq.
Kurtz Law Offices, Ltd.
32 Blaine Street
Hinsdale, Illinois 60521
Office: 630.323.9444
Facsimile: 630.604.9444
E-mail: dkurtz@kurtzlaw.us

THIS IS A CONFIDENTIAL COMMUNICATION: The preceding e-mail message contains information that is confidential. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender at 630.323.9444. Unauthorized use, dissemination, distribution or reproduction of this message is strictly prohibited.

On Jul 29, 2016, at 11:20 AM, Hays, Brian <BHays@lockelord.com> wrote:

Dana

Ed is not a party to the case so there is no meet and confer obligation. See Meeting Requirements on Motions ("A candid discussion between the parties prior to filing motions to dismiss, motions for summary judgment, motions *in limine* and the like can limit the scope of such motions or eliminate the need for them to be filed at all.") (emphasis added). We reached out to you as a courtesy. Even assuming the requirement applies, I have now spoken directly with all counsel involved and we have not been able to reach agreement with either Ed or Cedric.

Brian

Brian I. Hays
Locke Lord LLP
111 S. Wacker Drive
Chicago, IL 60606
312-443-1707 Direct
312-896-6707 Fax

From: Dana Kurtz [<mailto:DKurtz@kurtzlaw.us>]
Sent: Friday, July 29, 2016 10:45 AM
To: Hays, Brian
Cc: attyburt@odelsonsterk.com; LISA MEADOR (States Attorney); THOMAS NOWINSKI (States Attorney) (thomas.nowinski@cookcountyil.gov); Heidi Slepser
Subject: Re: Recorder - Rule to Show Cause

Brian, I do not have an appearance on file yet as we discussed, and it is our position that if you file the motion today without a good faith meet and confer, you are not in compliance with Judge Schenkier's standing order.

Sent from my iPhone.

Dana L. Kurtz, Esq.
Kurtz Law Offices, Ltd.
32 Blaine Street
Hinsdale, Illinois 60521
Office: 630.323.9444
Facsimile: 630.604.9444
E-mail: dkurtz@kurtzlaw.us

THIS IS A CONFIDENTIAL COMMUNICATION: The preceding e-mail message contains information that is confidential. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender at 630.323.9444. Unauthorized use, dissemination, distribution or reproduction of this message is strictly prohibited.

On Jul 29, 2016, at 10:38 AM, Hays, Brian <BHays@lockelord.com> wrote:

All

I connected with Mike on the motion. We will be filing the motion today. While we will continue to work with the parties to see if an agreement can be reached, we are not willing to wait an additional two weeks (four total) for Dana to finish her trial and for the state court proceedings to finish.

Brian

Brian I. Hays
Locke Lord LLP
111 S. Wacker Drive
Chicago, IL 60606
312-443-1707 Direct
312-896-6707 Fax



Atlanta | Austin | Boston | Chicago | Cincinnati | Dallas | Hartford | Hong Kong | Houston | Istanbul | London | Los Angeles | Miami | Morristown | New Orleans | New York | Providence | Sacramento | San Francisco | Stamford | Tokyo | Washington DC | West Palm Beach

For more information visit www.lockelord.com

CONFIDENTIALITY NOTICE:

This e-mail and any attached files from Locke Lord LLP may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail by accident, please notify the sender immediately and destroy this e-mail and all copies of it. We may scan and or monitor emails sent to and from our servers to ensure regulatory compliance to protect our clients and business.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



Atlanta | Austin | Boston | Chicago | Cincinnati | Dallas | Hartford | Hong Kong | Houston | Istanbul | London | Los Angeles | Miami | Morristown | New Orleans | New York | Providence | Sacramento | San Francisco | Stamford | Tokyo | Washington DC | West Palm Beach

For more information visit www.lockelord.com

CONFIDENTIALITY NOTICE:

This e-mail and any attached files from Locke Lord LLP may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail by accident, please notify the sender immediately and destroy this e-mail and all copies of it. We may scan and or monitor emails sent to and from our servers to ensure regulatory compliance to protect our clients and business.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>