**In re John Stephen Xydakis**
Respondent-Appellant

Commission No. 2021PR00104

**Synopsis of Review Board Report and Recommendation**
(July 2026)

The Administrator filed a three-count disciplinary Amended Complaint against Respondent, alleging that Respondent engaged in misconduct relating to four legal cases that involved one of his clients. The Amended Complaint charged that Respondent filed a frivolous pleading; made false statements to the court; made false statements concerning the integrity of a judge; engaged in conduct prejudicial to the administration of justice; filed a lawsuit in order to embarrass and burden third parties; failed to inform a judge of certain material facts during an *ex parte* court appearance; and dishonestly assisted his client in committing bankruptcy fraud, in violation of Rules 1.2(d), 3.1, 3.3(a)(1), 3.3(d), 4.4(a), 8.2(a), 8.4(c) and 8.4(d) of the Illinois Rules of Professional Conduct (2010).

The Hearing Board found that Respondent committed most of the misconduct charged in Count I and all of the misconduct charged in Counts II and III. The Hearing Board recommended that Respondent be suspended for one year, and until he completes the ARDC Professionalism Seminar.

Respondent appealed, *pro se*, arguing that: (1) the Hearing Board erred in finding that he committed misconduct, and the case should be dismissed; (2) the Hearing Board and the Chair of the Hearing Board Panel erred in making certain evidentiary and procedural rulings, and the case should be remanded; and (3) any sanction should be less than one year. Respondent raised more than 25 issues on appeal.

The Review Board affirmed all of the Hearing Board's findings of misconduct and the evidentiary and procedural rulings that were challenged on appeal. The Review Board recommended that Respondent be suspended for one year, until further order of the Court.

**BEFORE THE REVIEW BOARD**
**OF THE**
**ILLINOIS ATTORNEY REGISTRATION**
**AND**
**DISCIPLINARY COMMISSION**

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| In the Matter of:<br><br>**JOHN STEPHEN XYDAKIS,**<br><br>Respondent-Appellant,<br><br>No. 6258004. | Commission No. 2021PR00104 |

**REPORT AND RECOMMENDATION OF THE REVIEW BOARD**

**Summary**

The Administrator filed a three-count disciplinary Amended Complaint ("Complaint") against Respondent charging him with engaging in misconduct relating to four legal cases that involved his client, Marshall Spiegel.

Count I alleged that in a case concerning the condominium ("condo") where Spiegel lived, Respondent filed a frivolous pleading; made false statements to the court; made false statements concerning the integrity of a judge; and engaged in conduct prejudicial to the administration of justice; Count I also alleged that in another case, Respondent filed a lawsuit on behalf of Spiegel in order to embarrass and burden two of Spiegel's neighbors, in violation of Illinois Rules of Professional Conduct Rules 3.1, 3.3(a)(1), 4.4(a), 8.2(a), and 8.4(d) (2010).

Count II alleged that in a case against the Village of Wilmette, Illinois, and the Tressler law firm, Respondent failed to inform the judge of certain material facts during an *ex parte* court appearance, in violation of Rules 3.3(d) and 8.4(d).

Count III alleged Respondent dishonestly assisted Spiegel in committing bankruptcy fraud, in Spiegel's bankruptcy case, in violation of Rules 1.2(d) and 8.4(c).

FILED

July 13, 2026

ARDC CLERK

Respondent filed an Answer to the Amended Complaint, in which he admitted some of the facts, but not all, and he denied engaging in any misconduct.

A six-day disciplinary hearing was a held between May 13 and May 20, 2024. Respondent represented himself at the hearing, and continues to represent himself on appeal. At the disciplinary hearing, the Administrator presented testimony from nine witnesses, and presented approximately 65 exhibits that were admitted. Respondent testified on his own behalf and called nine other witnesses. He presented approximately 76 exhibits that were admitted.

The Hearing Board found that Respondent committed most of the misconduct charged in Count I and all of the misconduct charged in Counts II and III.[1] The Hearing Board recommended that Respondent be suspended for one year, and until he completes the ARDC Professionalism Seminar.

Respondent appealed, arguing that (1) the Hearing Board erred in finding that he committed misconduct, and the case should be dismissed; (2) the Hearing Board and the Chair of the Hearing Board Panel ("Chair") erred in making certain evidentiary and procedural rulings, and the case should be remanded; and (3) any sanction should be less than one year. Respondent raised more than 25 issues on appeal.

The Administrator asks the us to affirm the Hearing Board's findings of misconduct and the evidentiary and procedural rulings being challenged on appeal. The Administrator cross-appealed, challenging the Hearing Board's sanction recommendation. The Administrator argues that Respondent should be suspended for two-years, until further order of the Court ("UFO").

For the reasons set forth below, we affirm the Hearing Board's findings of misconduct and the evidentiary and procedural rulings that are challenged on appeal. We recommend that Respondent be suspended for one year, UFO.

## BACKGROUND

**Respondent**

Respondent was admitted to practice law in Illinois in 1999. He was 60 years old at the time of the disciplinary hearing. He has been a solo practitioner during his entire career. Respondent has no prior discipline.

**Overview**

The facts set forth below are based on the Hearing Board's findings of facts. The Hearing Board found that Respondent engaged in misconduct in four cases that involved his client, Marshall Spiegel.[2] Count I pertains to two lawsuits concerning issues at the condo where Spiegel lived. Count II pertains to Respondent's failure to disclose information to a judge during an *ex parte* motion hearing in another case. Count III pertains to Respondent's actions concerning Spiegel's bankruptcy. The four cases at issue include the following:

(1) **The Spiegel Litigation**: Respondent filed a lawsuit on behalf of Marshall Spiegel against Valerie Hall, who was on the Board of Directors of the condo where Spiegel lived. The complaint alleged that Hall was not eligible to be on the Board. Respondent also sued numerous other people in that case, which lasted for approximately three years. The case ended when Respondent's Fourth Amended Complaint was dismissed, and his motion for leave to file his Fifth Amended Complaint (which failed to state any claims) was denied. The Hearing Board found that Respondent filed a frivolous pleading when he sought leave to file his Fifth Amended Complaint, which had no basis in fact or law. The Hearing Board also found that Respondent made false statements to the court by continuing to state that Valerie Hall was not eligible to be on the condo Board, when he knew that she was eligible based on clear proof that she provided. Additionally, Respondent falsely attacked the integrity of a judge; and he engaged in conduct that was prejudicial to the administration of justice. (Count I.)

(2) **The McClintic Case**: Respondent filed a baseless lawsuit against Spiegel's neighbors in the condo, William and Corrine McClintic, who were attempting to rent out their condo unit, as permitted by the condo's rules and regulations. The Hearing Board concluded that Respondent improperly filed the lawsuit in order to embarrass and burden them. (Count I.)

(3) **The Tressler Law Firm Case**: Respondent sued the Village of Wilmette, and the Tressler law firm. During that case, Respondent filed a motion to extend time. Opposing counsel from the Tressler law firm advised Respondent that she objected to the motion, and that she would appear in court on the motion, but she would be late. When Respondent appeared before the court, Respondent failed to advise the court that opposing counsel was going to appear, but was running late, and that opposing counsel objected to the motion. The court granted Respondent's motion, but subsequently vacated the order upon learning that Respondent failed to provide that

information. The Hearing Board found that Respondent failed to inform the court of all material facts during an *ex parte* hearing. (Count II.)

(4) **Spiegel's Bankruptcy Case**: After Spiegel filed for bankruptcy, Respondent helped Spiegel commit a fraud on the bankruptcy court by altering the Operating Agreement for a limited liability company in which Spiegel had an ownership interest, and backdating the Operating Agreement to conceal the fact that the Agreement was revised after the bankruptcy case was filed. The Agreement was altered to reduce Spiegel's ownership interest and eliminate his management authority, without obtaining the requisite permission of the bankruptcy court. (Count III.)

## The Hearing Board's Findings

Set forth below is a summary of the Hearing Board's findings of fact, and its findings of misconduct, as to each of the four cases at issue. Respondent's misconduct took place over a period of approximately six years, between 2015 and 2021. It began in approximately November 2015, shortly after he filed the lawsuit against Valerie Hall, and it continued until approximately December 2021, when Respondent assisted Spiegel in committing bankruptcy fraud. Additionally, in May 2024, Respondent testified at the disciplinary hearing, and the Hearing Board found that Respondent gave testimony that was evasive, inconsistent, self-serving, and lacked credibility concerning certain key issues.

### 1. The Spiegel Litigation (Count I)

The Hearing Board found that in the Spiegel Litigation, which involved litigation against Valerie Hall and others, (1) Respondent sought leave to file a frivolous pleading; (2) he made false statements to the court; (3) he falsely attacked the integrity of a judge; and (4) he engaged in conduct prejudicial to the administration of justice.

**The Facts**: In 2015, the president of the Condo Association's Board of Directors ("Board") resigned, and Marshall Spiegel declared himself to be the acting president. Spiegel was serving as the Board's Secretary at the time, and Valerie Hall was serving as the Board's Treasurer. Hall objected to Respondent's declaring himself to be the acting president.

In October 2015, Respondent filed a lawsuit on behalf of Spiegel, seeking to remove Hall from the Board. Between October 2015 and February 2016, Respondent filed the First, Second, Third, and Fourth Amended Complaints, in which he added and dropped various defendants, counts, and claims concerning the condo. He also filed other civil cases concerning the condo, and three of those cases were consolidated. In the Fourth Amended Complaint, which was eventually dismissed, Respondent sued Hall and nine other defendants.

In his lawsuit, Respondent claimed, *inter alia*, that Hall was not eligible to serve on the Board because her condo unit was owned by a Trust, rather than by Hall herself. In response, in November 2015, Hall presented evidence concerning the Trust, which clearly established that Hall was, in fact, eligible to serve on the Board based on the rules of the condo, which included the condo's By-Laws and Declarations (hereinafter "Condo Rules"). (*See* Adm. Ex. 1 at 6-38.) (*See also* Hearing Bd. Report at 79-80, n.3.) The Condo Rules stated:

> [E]ach member of the Board shall be one of the Unit Owners…; provided, however, if a Unit Owner is a…trust…, then any designated agent of such…trust…or any beneficiary of any such trust shall be eligible to serve as a member of the Board.

(Adm. Ex. 1 at 21.)

Thus, according to the Condo Rules, if a condo unit was owned by a trust, the beneficiary of the trust was eligible to serve on the Board; and the designated agent of the trust was also eligible. Hall produced documents that showed her unit was owned by a trust, and she was the beneficiary and the designated agent (the trustee) of that trust. Hall produced two documents: (1) a special warranty deed, which established that her condo unit was owned by a trust; and (2) an affidavit from the attorney who prepared the trust (Donna Morgan, of Mayer Brown, LLP) stating that Hall was the beneficiary and trustee of the trust. The attorney representing Hall in the Spiegel Litigation also sent letters to Respondent explaining why the claims against Hall lacked merit.

The Hearing Board found that the materials produced by Valerie Hall proved that she was eligible to serve on the condo's Board, and although Respondent knew Hall was eligible, Respondent continued to falsely claim that she was not eligible. The Hearing Board found that Respondent's claims concerning Hall's eligibility had no reasonable basis in fact or law, and Respondent knew that his claims had no merit.

In June 2017, Judge Moira Johnson, who was handling the consolidated Spiegel Litigation, held a hearing concerning the defendants' motions to dismiss the Fourth Amended Complaint. There were nine defendants in the case at that point. The judge heard arguments from the defendants and from Respondent concerning each of the 25 counts in the Fourth Amended Complaint. Judge Johnson found that none of the counts stated a cause of action and dismissed the Fourth Amended Complaint. Judge Johnson stated, "[T]he fourth amended complaint is wholly conclusory and lacking in specific relevant and factual details necessary to state a cause of action in each and every count." (Adm. Ex. 22 at 71.) The Judge also ordered Respondent to seek permission from the court in order to file a Fifth Amended Complaint. The Judge stated, "We will give you 28 days to replead….But the caveat is instead of allowing you to file anything that you want, I am going to have a motion for leave to file whatever complaint this is that you are planning to file." (*Id*. at 73.) In a written order, the Judge stated, "Plaintiff shall file a Motion for Leave to File an Amended Pleading." (Adm. Ex. 23.)

In August 2017, Respondent filed a motion for leave to file a Fifth Amended Complaint, which was entitled "First Consolidated Law Division Complaint." The proposed Fifth Amended Complaint named sixteen defendants, had 99 counts, and was 223 pages long. (Adm. Ex. 27.) The matter was assigned to Judge Margaret Ann Brennan.

In February 2018, Judge Brennan held a hearing on Respondent's motion for leave to file the Fifth Amended Complaint. Judge Brennan stated that she had reviewed the proposed pleading. She denied Respondent's motion to file the Fifth Amended Complaint, finding that Respondent's claims were frivolous; the causes of action were deficient; and Respondent had reasserted previously dismissed claims without making substantive changes. Judge Brennan stated, "[Y]ou are bringing up all sorts of…outlandish claims and setting forth fiduciary duty where none exists…and looking for damages…everywhere….It's absurd….This is frivolous. This is an abuse of the system." (Adm. Ex. 31 at 51.)

Over a period of time, Respondent filed numerous motions to recuse and disqualify Judge Brennan, all of which were denied. Respondent falsely claimed, without having a factual basis, that Judge Brennan had engaged in *ex parte* communications with one of the defense attorneys.

In 2019, Judge Brennan ordered Respondent and his client, Marshall Spiegel, to pay monetary sanctions of more than $1 million. Several months after the disciplinary hearing ended, the sanctions were affirmed on appeal.[3] Judge Brennan found that sanctions were warranted because, *inter alia*, (1) Respondent persisted in arguing that Valerie Hall was ineligible to serve on the Condo Board, even after Respondent had been provided with clear proof that she was eligible; (2) Respondent disregarded defense counsel's explanations that Respondent's various complaints lacked merit; (3) Respondent filed a duplicative lawsuit to harass, increase costs, and create delay; and (4) despite being admonished by three judges concerning the merits of his claims, Respondent attempted to file the Fifth Amended Complaint that repleaded previously dismissed claims without substantive modification. (Hearing Bd. Report at 28) (citation omitted.)

**The Hearing Board's Findings**: The Hearing Board found that Respondent violated Rule 3.1 (filing a frivolous pleading); Rule 3.3(a) (making a false statement to the court); Rule 8.2(a) (falsely attacking the integrity of a judge); and Rule 8.4(d) (engaging in conduct prejudicial to the administration of justice) in the Spiegel Litigation, as charged in Count I.[4] We agree.

**Rule 3.1**: The Hearing Board found that Respondent violated Rule 3.1 by attempting to file the Fifth Amended Complaint, which had no basis in fact or law. Rule 3.1 states, "A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous."

The Hearing Board stated: "[W]hat began as a simple and straightforward complaint against Hall over her right to serve on the Association board rapidly devolved into acrimonious and sprawling litigation over a multitude of issues…against a number of defendants, including the attorneys who represented the other defendants. However, other than as context for what occurred in the underlying litigation, we have not considered the specific allegations contained in the various complaints filed by Respondent in determining whether he violated Rule 3.1." (Hearing Bd. Report at 29.)

The Hearing Board also stated, "Respondent violated Rule 3.1 by seeking leave to file the fifth amended complaint without correcting the pleading deficiencies that led the fourth amended complaint to be dismissed." (Hearing Bd. Report at 31.)

**Rule 3.3(a)(1)**: The Hearing Board found that Respondent violated Rule 3.3(a)(1) by continuing to falsely claim that Valerie Hall was not eligible to sit on the Board, even though Hall presented clear proof that she was eligible, and Respondent had actual knowledge that he was wrong. Rule 3.3(a)(1) states, "A lawyer shall not knowingly…make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer."

The Hearing Board stated, "[A]s of November 2015,…Respondent knew that his attack on Hall's unit ownership and eligibility to serve on the Association board was legally and factually baseless; yet, he maintained those claims against Hall until Judge Brennan denied him leave to file the fifth amended complaint in February 2018." (Hearing Bd. Report at 37.)

**Rule 8.2(a)** The Hearing Board found that Respondent violated Rule 8.2(a) by falsely alleging in various motions that Judge Margaret Ann Brennan engaged in unauthorized *ex parte* communications with a defense attorney, even though Respondent had no reasonable factual basis for making such allegations. Rule 8.2(a) states: "A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge."

The Hearing Board stated, "Because there is no objective evidence in the record that Judge Brennan engaged in *ex parte* communications, we find that Respondent had no reasonable basis for believing his statements to be true. He therefore recklessly disregarded the truth in making his false accusation, and in so doing, violated Rule 8.2(a)." (Hearing Bd. Report at 42.)

**Rule 8.4(d)**: Finally, the Hearing Board found that Respondent violated Rule 8.4(d), which states: "It is professional misconduct for a lawyer to.…engage in conduct that is prejudicial to the administration of justice." The Hearing Board found that Respondent's tactics in the Spiegel Litigation wasted the time, money, and other resources of the opposing parties, opposing counsel, and the judicial system.

**2. The McClintic Case (Count I)**

Respondent filed a baseless lawsuit against his neighbors, the McClintics, concerning their attempt to rent out their condo unit.

**The Facts**: In 2016, Respondent filed a lawsuit against the McClintics alleging that they were improperly seeking to rent out their condo unit. The unit had not yet actually been rented to anyone. Respondent's case against the McClintics was based on the premise that the McClintics were not allowed to rent out their condo unit. However, the Hearing Board found that the Condo's Rules allowed condo owners to rent out their units, and therefore Respondent's case was baseless.

Respondent filed the McClintic case in the Law Division of Cook County Circuit Court, alleging that Spiegel suffered at least $50,000 in damages based on the McClintics' intention to rent out their condo unit. In order to file a case in the Law Division, there case must involve monetary damages over $50,000. However, Respondent's client had not suffered any damages because the McClintics had not yet rented out their condo.

**The Hearing Board's Findings**: The Hearing Board found that Respondent engaged in misconduct by filing a lawsuit against the McClintics, seeking damages of more than $50,000, in order to embarrass and burden them.

**Rule 4.4(a)**: The Hearing Board found that Respondent violated Rule 4.4(a), by filing a baseless lawsuit against the McClintics. We agree.

Rule 4.4(a) states, "In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person."

The Hearing Board found that the lawsuit was predicated on the faulty premise that the McClintics were prohibited from renting out their unit; however, the Condo Rules permitted unit owners to rent out their units. The Hearing Board also found that Respondent's claim of damages was speculative since the condo had not been rented. The Hearing Board stated, "While those speculative allegations may have withstood scrutiny in a lawsuit filed in the Chancery Division seeking only declaratory and injunctive relief, they provide no basis whatsoever for a lawsuit filed in the Law Division seeking damages in excess of $50,000….We find that [Respondent's] filing the lawsuit against the McClintics in the Law Division, and seeking substantial damages from them, was a transparent attempt to harass and burden them, and had no other legitimate purpose." (Hearing Bd. Report at 40.)

**3. The Tressler Law Firm Case (Count II)**

The Hearing Board found that, in the case Respondent filed against a law firm known as Tressler, LLP, Respondent failed to disclose material information to a judge during an *ex parte* court appearance.

**The Facts**: In October 2014, Respondent filed a lawsuit on behalf of his client, Marshall Spiegel, against the Village of Wilmette, Illinois. The Tressler law firm represented Wilmette. During the litigation Respondent added Tressler as a defendant in the case.

In September 2017, Tressler filed a motion to dismiss the complaint and for sanctions. After the court set a briefing schedule, Respondent filed a motion requesting an extension of time to respond. The sole basis of Respondent's motion for an extension of time was that a pretrial settlement conference was scheduled in November 2017, which Respondent claimed would resolve the case. In fact, that settlement conference would not have resolved the matter as to the Tressler law firm because Tressler was not going to participate in the settlement conference.

In October 2017, Respondent appeared in court to address his motion for an extension of time. Tressler's counsel, Stacey Wilkins, was not present at that time. The judge granted Respondent's motion for an extension of time, on an *ex parte* basis.

Respondent failed to advise the judge that, in a recent conversation with Stacey Wilkins, she stated that she objected to Respondent's motion; she told Respondent she was going to be late for the motion hearing because she had another case scheduled at the same time; and she had asked Respondent to request that the court pass the case until she arrived. Respondent also failed to disclose that Wilkins stated that there was no reason to grant Respondent's motion for an extension of time because Tressler was not going to participate in the settlement conference, so the case against Tressler was not going to be resolved at that time. Instead, Respondent appeared before the judge, *ex parte*, and asked the judge to grant his motion, which the judge did.

Stacey Wilkins arrived in the courtroom less than ten minutes after Respondent had appeared before the judge and his motion had been granted. Respondent was no longer there when Wilkins arrived. Wilkins explained to the judge that, in a recent conversation, she had informed Respondent that she was going to be late, and that she objected to Respondent's motion for an extension of time because Tressler was not going to participate in the settlement conference, so the case against Tressler was not going to be resolved at the conference. At the disciplinary hearing, Respondent admitted that, during their conversation, Wilkins stated that Tressler would not be part of the settlement discussions.

The judge told Wilkins to contact Respondent so the issue could be addressed by both parties in court. Although Wilkins tried to get hold of Respondent, she was unable to do so. At that point, the judge vacated the order granting the motion for an extension of time.

Thereafter, Respondent filed a motion to vacate that court order, but his motion was denied. Respondent also filed a motion seeking the judge's recusal because the judge had made findings against Respondent when he was not in court. The judge granted that motion and recused herself.

**<u>The Hearing Board's Findings</u>**: The Hearing Board found that Respondent violated Rule 3.3(d) (failing to inform the judge of all material facts during an *ex parte* proceeding); and Rule 8.4(d) (engaging in conduct prejudicial to the administration of justice) in the Tressler Law Firm case, as charged in Count II. We agree.

**<u>Rule 3.3(d)</u>**: The Hearing Board found that Respondent violated Rule 3.3(d) by failing to inform the court that his opposing counsel objected to his motion to extend time and failing to disclose that opposing counsel would be late for the motion hearing. Rule 3.3(d) states, "In an *ex parte* proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse."

The Hearing Board found that Respondent intentionally withheld the information concerning opposing counsel, stating:

> [Respondent's] motion was premised on a misrepresentation regarding the case settlement. Respondent benefited from Wilkins' absence because it increased the chances that his motion would be granted and decreased the chances that his misrepresentation regarding the settlement conference would be uncovered, which we believe provided motivation for him to withhold…the information that Wilkins shared with him. Moreover, Respondent testified that…Wilkins told him that Tressler would not be a part of the settlement discussion. Thus,…he essentially acknowledged that he did not disclose…that the basis of his motion was untrue.

(Hearing Bd. Report at 50.)

**Rule 8.4(d)**: The Hearing Board also found that Respondent violated Rule 8.4(d), which states, "It is professional misconduct for a lawyer to… engage in conduct that is prejudicial to the administration of justice." The Hearing Board concluded that Respondent's actions were prejudicial because they caused needless work for both the court and the Tressler law firm.

**4. Spiegel's Bankruptcy Case (Count III)**

The Hearing Board found that, in Marshall Spiegel's bankruptcy case, Respondent dishonestly helped Spiegel commit a fraud on the bankruptcy court by altering the Operating Agreement for a limited liability company in which Spiegel had an ownership interest, and backdating the Agreement to conceal the fact that the Agreement was revised after the bankruptcy case was filed. The Agreement was altered to reduce Spiegel's ownership interest and eliminate his management authority, without obtaining the requisite permission of the bankruptcy court. The Agreement was altered so that the company could obtain a loan.

**The Facts**: In December 2020, Spiegel filed a Chapter 11 bankruptcy petition in the U.S. bankruptcy court, after Judge Brennan had ordered Spiegel and Respondent to pay monetary sanctions of more than $1 million to defendants in the Spiegel Litigation. The recipients of the sanctions (defendants in the Spiegel Litigation) were included in the list of unsecured creditors. Although Respondent was not Spiegel's primary attorney in the bankruptcy proceeding, Respondent represented and assisted Spiegel and his son in some aspects of the bankruptcy case. Respondent also continued to represent Spiegel in non-bankruptcy matters.

At the time of the bankruptcy, Spiegel had an interest in an entity known as the 1116-22 Greenleaf Building, LLC ("Greenleaf"). That entity was formed in March 2018, and essentially held title to a 28-unit apartment building located on Greenleaf Avenue in Wilmette.

When Greenleaf was formed, Spiegel and his son Matthew ("Matthew") entered into an Operating Agreement dated March 30, 2018. Pursuant to the terms of the Operating Agreement, Spiegel received a membership interest in the Greenleaf LLC of .025 percent; and Spiegel's son, Matthew, received a membership interest of 99.975 percent. Nevertheless, Greenleaf distributed 100% of the net profits to Spiegel, which came from the rent generated by the property. The Operating Agreement provided that both Spiegel and his son, Matthew, had management authority over Greenleaf. When the bankruptcy petition was filed, the terms of the 2018 Operating Agreement were still in effect.

In 2022, Greenleaf obtained a loan for $1.8 million, for Spiegel's benefit, which was secured by the Greenleaf property.

The lender's underwriting protocols for the loan required that a personal guarantee had to be provided by all of the managing members, and the lender would not accept a personal guarantee from Spiegel because of the bankruptcy. Therefore, Respondent made changes to the original Operating Agreement to satisfy the lender's requirements, so that Greenleaf would qualify for the loan.

Respondent revised the Greenleaf Operating Agreement by (1) reducing Spiegel's ownership interest in Greenleaf from .025 percent to .01 percent, and (2) eliminating Spiegel's right to manage the building. Respondent and Spiegel made those revisions without permission from the Bankruptcy Court, as required.

Respondent backdated the revised Agreement, so it showed the original date of March 30, 2018, and Respondent did not include any language indicating that the Agreement had been amended, revised, or modified from the original Agreement. The final version of the revised Operating Agreement stated: "This agreement is executed as of the date and year written above," which was March 30, 2018. Thus, the revised Operating Agreement falsely appeared to be the original Operating Agreement from 2018, which existed prior to the bankruptcy proceeding.

Section 363 of the Bankruptcy Code requires a debtor in possession (which Spiegel was) to give prior notice and receive court approval before engaging in any material transaction that is outside of the ordinary course of business. The Hearing Board stated, "In this case, the changes to the Greenleaf operating agreement that reduced Marshall's membership interest and removed him as a manager constituted a transaction outside of the ordinary course of business, for which prior notice and court approval was required. However, Spiegel did not file such a motion with respect to the changes to the operating agreement, even though he had previously filed two other motions under section 363." (Hearing Bd. Report at 57) (citations omitted.)

At the disciplinary hearing, Nicholas Dwayne, who represented the Unsecured Creditors Committee, testified that Spiegel's interest in the Greenleaf property was the only asset of any value in Spiegel's bankruptcy estate. The Hearing Board stated the following:

> Regarding the significance of the change to the operating agreement that eliminated Spiegel's managing power, Dwayne testified that….[by] eliminating Marshall's managing power and transferring it to [his son] Matthew, '[t]he ruse that they're propagating is that Matthew owns it, controls it. It's wholly outside of the estate. And therefore, the creditors can't capture any of the value unless and pursuant to however Matthew decides.' But…'it's really Marshall deciding. He controls Greenleaf through effective control of his son.' (Tr. 480.)

(Hearing Bd. Report at 57-58.)

Although Respondent testified that he did not act dishonestly or help Spiegel commit a fraud on the Bankruptcy Court, the Hearing Board rejected that testimony, finding that Respondent's testimony on that issue was not credible. (Hearing Bd. Report at 67.)

In the bankruptcy proceeding, Spiegel filed a motion asking the court to retroactively authorize the changes to the Operating Agreement. The court denied that motion, and found that Spiegel "actively concealed the timing of the transaction." *In re Spiegel*, 662 B.R. 666, 687 (N.D. Ill. 2024).[5]

**<u>The Hearing Board's Findings</u>**: The Hearing Board found that Respondent violated Rule 1.2(d) (assisting a client in fraudulent conduct); and Rule 8.4(c)(engaging in dishonest conduct) in connection with Speigel's bankruptcy case, as charged in Count III. We agree.

**Rule 1.2(d)**: The Hearing Board found that Respondent assisted Spiegel in conduct that Respondent knew to be fraudulent, in violation of Rule 1.2(d), by altering and backdating the Operating Agreement for Greenleaf, without obtaining permission from the Bankruptcy Court to modify the Operating Agreement. Rule 1.2(d) states: “A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent.”

The Hearing Board noted that although Greenleaf had the right to obtain a loan, modifying the Operating Agreement without court permission, and backdating the Agreement to conceal the changes, was fraudulent.

**Rule 8.4(c)**: The Hearing Board also found that Respondent violated Rule 8.4(c) by engaging in the conduct described above, which involved altering and backdating the Greenleaf Operating Agreement. Rule 8.4(c) states: “It is professional misconduct for a lawyer to…engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.” The Hearing Board explained its conclusions as follows:

> [W]e conclude that Respondent knowingly assisted Spiegel in his bankruptcy fraud by revising the Greenleaf operating agreement, backdating it to March 30, 2018, and failing to provide any indication that the operating agreement had been recently amended. Respondent’s actions created the impression that the 2021 revisions to the operating agreement were in the original operating agreement when Respondent knew that was not true. It is apparent that no one other than those involved in the revisions would know that the Greenleaf operating agreement that was used to obtain the loan was not, in fact, the original operating agreement from March 2018, but rather was an amended operating agreement from December 2021. We find that Respondent backdated the revised operating agreement knowing that the purpose of doing so was to conceal the fact that the amendments occurred after Spiegel initiated his Chapter 11 proceedings, and that his conduct was inherently deceptive.

(Hearing Bd. Report at 68) (citation omitted.)

**Mitigation and Aggravation**

In terms of mitigation in this case, the Hearing Board considered that Respondent has practiced law for 25 years without any prior discipline, and he had a good reputation in the legal community. Four judges and three attorneys testified to Respondent’s good character. Additionally, his conduct was limited to cases involving Marshall Spiegel.

In terms of aggravation, the Hearing Board found that there was substantial aggravation, including that the misconduct lasted for approximately six years; Respondent caused substantial harm, including financial and emotional harm; and he failed to accept responsibility or show any remorse.

**The Hearing Board’s Recommendation**

The Hearing Board recommended that Respondent be suspended for one year, and until he completes the ARDC Professionalism Seminar.

**Analysis**

The Hearing Board's factual findings generally will not be disturbed on review unless they are against the manifest weight of the evidence. *See In re Timpone*, 208 Ill. 2d 371, 380 (2004). In order for a finding to be deemed against the manifest weight of the evidence, the opposite conclusion must be clearly evident, or the finding must be arbitrary, unreasonable, or not based on the evidence. *See In re Sides*, 2020PR00047 (Review Bd. at 12), M.R. 031287 (Sept. 21, 2022). We afford deference to the Hearing Board because it is in the best position to observe the witnesses, assess their credibility, resolve conflicting testimony, and render fact-finding judgments. *See In re Thomas*, 2012 IL 113035 at 466 (2012). Questions of law, including interpretation of rules, are reviewed *de novo. Id*.

Respondent argues that (1) the Hearing Board's findings of misconduct as to each count are against the manifest weight of the evidence or they are contrary to law, and therefore the case should be dismissed; and (2) the Hearing Board and the Chair erred in making certain evidentiary and procedural rulings, and therefore the case should be remanded. Respondent makes multiple arguments concerning each of the counts and the evidentiary and procedural rulings.

We have given careful consideration to all of the arguments made by the parties, as well as the evidence in the record, and the cases cited by the parties and the Hearing Board. We conclude that Respondent's arguments are unavailing. We have considered and rejected all of Respondent's arguments, including any arguments not specifically addressed in this Report.

The Hearing Board provided a well-reasoned, thorough, and thoughtful analysis of the facts and the law in this case. We affirm the Hearing Board's findings of misconduct and the evidentiary and procedural rulings that are contested on appeal.

## RESPONDENT'S MISCONDUCT

On appeal, Respondent argues that he did not engage in any misconduct and the Hearing Board's findings of misconduct as to each of the charged violations are against the manifest weight of the evidence or they are contrary to law. We reject that argument and affirm all of the Hearing Board's findings of misconduct.

### 1. The Spiegel Litigation (Count I)

In terms of the Spiegel Litigation, Respondent argues that the Hearing Board erred in finding that he violated Rule 3.1 (filing a frivolous pleading); Rule 3.3(a) (making a false statement to the court); Rule 8.2(a) (falsely attacking the integrity of a judge); and Rule 8.4(d) (engaging in conduct prejudicial to the administration of justice) as charged in Count I. Respondent's arguments have no merit.

#### Rule 3.1 (Filing a Frivolous Pleading)

Respondent argues that he did not violate Rule 3.1, and presents a variety of arguments.

**First**: Respondent argues that Rule 3.1 does not apply to filing a motion, as he did when he filed a motion seeking leave to file his Fifth Amended Complaint, which was attached to that motion. He asserts that Rule 3.1 applies only to bringing or defending a proceeding, and therefore, it does not apply to his motion seeking to file his Fifth Amended Complaint.

Rule 3.1 states: "A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous."

Respondent's argument disregards the portion of Rule 3.1 that states: "A lawyer **shall not…assert…an issue**…unless there is a basis in law and fact for doing so that is not frivolous." (Emphasis added.) By seeking to file the Fifth Amended Complaint, Respondent asserted an issue for which there was no basis in law or fact. Based on the plain language of the Rule, it is clear that Respondent's narrow interpretation of the Rule is wrong.

The Hearing Board stated, "Respondent…brought frivolous litigation by seeking leave to file the fifth amended complaint without making substantive changes to the claims alleged in the fourth amended complaint.***[H]is claims were…dismissed either because they were baseless as a matter of law or did not sufficiently allege the necessary facts to establish the elements of the claims." (Hearing Bd. Report at 32.)

We conclude that the Hearing Board's finding that Respondent violated Rule 3.1 by asserting frivolous issues that had no basis in fact or law is not against the manifest weight of the evidence or contrary to law.

**Second**: Respondent argues that the Fifth Amended Complaint was inartfully drafted and Rule 3.1 does not cover such situations. That argument fails because the Fifth Amended Complaint was not just inartful, it failed to state the elements of any claims. Judge Brennan found the Fifth Amended Complaint to be "defective," "absurd," "frivolous," and an "abuse[] of the system." (Adm. Ex. 31 at 49, 51.)

**Third**: Respondent argues that the Fourth Amended Complaint was dismissed under 735 ILCS 5/2-615; it was not dismissed on the merits; and therefore his Fifth Amended Complaint, which was the same as his Fourth Amended Complaint, could not have been frivolous.

That argument fails because the Fourth Amended Complaint was dismissed on the merits. Section 2-615 allows complaints to be dismissed, and litigation terminated, when complaints are "substantially insufficient in law." Judge Johnson dismissed Respondent's Fourth Amended Complaint because specific and relevant factual details were lacking in every count, and none of the counts stated a cause of action. Thus, they were lacking in merit and "substantially insufficient in law."

**Fourth**: Respondent argues that, to the extent the Fifth Amended Complaint lacked facts supporting the claims, it was Judge Johnson's fault for ruling that Respondent had to provide specific factual details in each count, which prevented him from incorporating prior paragraphs.

We disagree. The evidence shows that it was Respondent's fault that the Fifth Amended Complaint failed to set forth adequate facts to support Respondent's claims.

**Fifth**: Respondent argues that Judge Johnson's decision to dismiss the Fourth Amended Complaint without prejudice shows that the claims had a basis in fact and law, and therefore did not violate Rule 3.1.

That argument misses the mark. The record establishes that the Fourth and Fifth Amended Complaints were meritless; they had no basis in fact or law; and Respondent failed to set forth facts supporting his claims in either Amended Complaint.

**Sixth**: Respondent argues that Judge Brennan abused her discretion by imposing monetary sanctions on him just because he repeated arguments in the Fifth Amended Complaint that he had previously made, and the Hearing Board erred in relying on Judge Brennan's conclusions.

In fact, the record supports Judge Brennan's conclusions, and the sanctions were affirmed on appeal. The Hearing Board did not err by relying on those conclusions as a factor in its considerations.

As the Hearing Board explained, Judge Brennan identified several reasons that the sanctions were warranted, including *inter alia* that: (1) Respondent persisted in arguing that Valerie Hall was ineligible to serve on the Condo Board, even after Respondent had been provided with clear proof that she was eligible; (2) Respondent disregarded defense counsel's explanations that Respondent's various complaints lacked merit; (3) Respondent filed a duplicative lawsuit to harass, increase costs, and create delay; and (4) despite being admonished by three judges concerning the merits of his claims, he attempted to file the Fifth Amended Complaint that repleaded previously dismissed claims without substantive modification. (Hearing Bd. Report at 28.)

**Seventh**: Respondent argues that the Hearing Board erred by finding that he violated Comment 2 of Rule 3.1, rather than finding that he violated Rule 3.1. Respondent is wrong and his argument is baseless.

The Hearing Board stated, "[W]e find that the Administrator proved that Respondent violated Rule 3.1." (Hearing Bd. Report at 31.) Thus, it is absolutely clear that the Hearing Board found Respondent violated the Rule, not the Comment.

We note that the Hearing Board properly cited to Comment 2 in order to help explain its reasoning. Comment 2 states, in part, "[L]awyers…[must] inform themselves about the facts of their clients' cases and the applicable law and determine that they can make good-faith arguments in support of their clients' positions."

**Eighth**: Respondent argues that the Hearing Board erred in finding that he violated Rule 3.1 because the Hearing Board failed to discuss each of the 99 counts in the Fifth Amended Complaint, and explain why each of those counts lacked a basis in fact or law. That argument is unavailing in light of the Hearing Board's careful scrutiny of the evidence, and the Hearing Board's discussions concerning the Fifth Amended Complaint.

The Hearing Board stated, *inter alia*, "We have reviewed and compared the fourth amended complaint and the proposed fifth amended complaint, and have thoroughly read the transcripts of the June 14, 2017 hearing before Judge Johnson and February 8, 2018 hearing before Judge Brennan. Based upon our independent review of the relevant documents and court proceedings, we agree with Judge Brennan's analysis and conclusion that Respondent, on behalf of Spiegel, brought frivolous litigation by seeking leave to file the fifth amended complaint without making substantive changes to the claims alleged in the fourth amended complaint." (Hearing Bd. Report at 32.)

**Ninth**: Respondent argues that the Hearing Board erred in finding that he violated Rule 3.1 because the Hearing Board failed to find that he acted intentionally or purposefully. That argument is fails based on the plain language of Rule 3.1.

Rule 3.1 does not include a mental state; rather, Rule 3.1 requires lawyers to act in an objectively reasonable fashion. The Hearing Board stated, "A pleading, or a position asserted in a proceeding, is frivolous where there is no objectively reasonable basis in law or fact for the pleading or position at the time of filing….A pleading or position will be found to be frivolous if a reasonably prudent attorney acting in good faith would not have brought the action or asserted the position." (Hearing Bd. Report at 30) (citations omitted.) The Hearing Board also stated, "We find that a reasonably prudent attorney faced with the glaring deficiencies pointed out by the defendants and Judge Johnson would have understood that he had no good-faith arguments in support of those claims." (*Id*. at 33.) The Hearing Board applied the correct legal standard.

**Rule 3.3(a)(1) (False Statements Concerning Valerie Hall's Eligibility)**

Respondent argues the Hearing Board erred in finding that he violated Rule 3.3(a)(1). The Hearing Board concluded that between November 2015 and February 2018, Respondent made false statements by falsely claiming that Hall lacked the capacity to serve on the condo's Board, even though Hall presented clear proof that she was eligible because she was the beneficiary and designated agent (the trustee) of the trust that owned the condo unit, and Respondent had actual knowledge that his arguments were wrong.

Rule 3.3(a)(1) states, "A lawyer shall not knowingly…make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer." The Hearing Board stated, "Respondent knew that his attack on Hall's unit ownership and eligibility to serve on the Association board was legally and factually baseless; yet, he maintained those claims."

Respondent asserts on appeal that the evidence relating to Hall's ownership of the unit, namely, Hall's special warranty deed and the supporting affidavit from an attorney, did not prove Hall's eligibility. That claim has no merit.

The Hearing Board properly rejected that argument. The Hearing Board found that: (1) the special warranty deed established that Hall's condo unit was owned by a trust; (2) the attorney's affidavit established that Valerie Hall was the beneficiary and trustee of that trust; (3) the Condo's Rules provided that if a condo unit was owned by a trust, the beneficiary or designated agent (the trustee) of that trust was eligible to serve on the Condo's Board; and (4) therefore, Hall was eligible to serve on the Condo's Board since she was the beneficiary and trustee of the trust that owned the condo unit. We agree with the Hearing Board's analysis.

The Hearing Board also properly rejected Respondent's legal arguments, stating, "We do not accept Respondent's byzantine arguments that the Association's Declaration, which includes its By-Laws, precluded Hall from serving on the Association board. In fact, the By-Laws expressly allow a trust to be a unit owner and, in such a case, for the trust's beneficiary or designated agent to serve on the board. Nor do we accept the opinion proffered by Respondent's expert, Alexander Arezina,…. [which] ignores the plain and unambiguous text of the special warranty deed and the Association By-Laws." (Hearing Bd. Report at 36.)

Again, we agree with the Hearing Board. The Hearing Board's conclusions were based in part on its credibility findings. The Hearing Board found highly credible the testimony of three witnesses (Valerie Hall; her attorney; and the former counsel for the Condo Association) concerning Hall's Trust, and her eligibility to serve on the Board. (*Id*. at 37.) Contrary to that, in terms of Respondent's testimony, the Hearing Board stated, "Respondent spent a significant amount of time testifying about the Hall deed, but we found little of his testimony on this subject to be credible." (Hearing Bd. Report at 35.)

**Rule 8.2(a) (False Statements Concerning Judge Brennan)**

The Hearing Board found that Respondent violated Rule 8.2(a) by alleging that Judge Margaret Brennan engaged in unauthorized *ex parte* communications with a defense attorney, Eugene Murphy, even though Respondent had no basis in fact or law for making such allegations. Rule 8.2(a) states, "A lawyer shall not make a statement…with reckless disregard as to its truth or falsity concerning the…integrity of a judge." The Hearing Board found that Respondent acted with reckless disregard for the truth, and that there was no evidence in the record that Judge Brennan engaged in *ex parte* communications.

**First**: Respondent argues that he did not violate Rule 8.2(a) because he subjectively believed that his accusations against Judge Brennan were true. That argument has no merit. The Hearing Board accurately addressed that issue, stating:

> Rule 8.2(a) prohibits a lawyer from making a statement with reckless disregard as to its truth or falsity concerning the…integrity of a judge…Reckless disregard is an objective standard. Even if a respondent genuinely believed his statement to be true, it may constitute a Rule 8.2(a) violation if he had no reasonable basis in fact for believing the statement he made. In re Amu, 2011PR00106, M.R. 26545 (May 16, 2104) (Hearing Bd. at 8) ['An attorney clearly violates [Rule 8.2(a)] when he had no reasonable basis for believing the statements he made.']); In re Denison, 2013PR00001, M.R. 27522 (Sept. 21, 2015) (Hearing Bd. at 29).' ['A statement made with no reasonable basis in fact is a statement made with reckless disregard for the truth.'].

(Hearing Bd. Report at 40-41.) The Hearing Board properly concluded that Respondent acted with reckless disregard for the truth because his statements had no reasonable basis in fact.

**Second**: Respondent argues that his statements were based on phone and billing records that showed phone calls between Eugene Murphy, and Judge Brennan's chambers; as well as being based on Judge Brennan's explanations, which Respondent asserts shifted over time. That argument misses the mark.

The Hearing Board addressed the phone and billing records, stating, "The documentary evidence presented by Respondent does not alter our finding. At most, it shows that there were a few short phone calls between Murphy and Judge Brennan's chambers, and that Murphy noted conversations with 'judge's clerk' on his billing statements. That evidence is consistent with Murphy's testimony that he occasionally contacted Judge Brennan's chambers about administrative matters, such as when a motion would be heard." (Hearing Bd. Report at 42.)

The Hearing Board also stated, "Respondent's own testimony shows that, at most, he became suspicious that Judge Brennan may have communicated with another attorney….But mere suspicion is an insufficient basis for an attack on the integrity of a judge. 'A reasonable belief must be based on objective facts. Thus, subjective belief, suspicion, speculation, or conjecture does not constitute a reasonable belief.' In re Walker, 2014PR00132, M.R. 28453 (March 20, 2017) (Hearing Bd. at 21); see also Greanias, 01 SH 117 (Hearing Bd. at 43, 57) (attorney had 'no factual or evidentiary basis' for her allegations, which were 'no more than conjecture and personal belief;' she therefore made the allegations with reckless disregard for their truth or falsity)." (Hearing Bd. Report at 41.)

We agree with the Hearing Board and conclude that the evidence shows that Respondent's statements were false. The parties stipulated that Judge Brennan would testify that she had no *ex parte* communications with defense counsel, Eugene Murphy, concerning Respondent's case. Additionally, Murphy testified he had no *ex parte* communications with Judge Brennan or her staff concerning the substance of the case. Murphy testified that he may have had brief conversations with the judge's clerk about administrative matters, but he never talked about the substance of the case with the staff or the judge. Moreover, Respondent accused Judge Brennan of improper *ex parte* communications even after she specifically told him in court that she had not engaged in any such conversations.

**<u>Third</u>**: Respondent argues that he did not attack Judge Brennan's integrity by stating she that she engaged in *ex parte* communications. That argument has no merit.

Respondent accused the judge of acting improperly and engaging in serious misconduct, which clearly attacked her integrity. *See In re Lane*, 2019PR00074 (Review Bd. at 13), M.R. 031402 (Feb. 7, 2023) (the attorney's statements that the judge engaged in *ex parte* communications violated Rule 8.2(a) because "[those] statements strongly implied that the judge acted improperly or was willing to act improperly, which was a false attack on the judge's integrity.")

**<u>Fourth</u>**: Respondent argues that his statements are protected by the First Amendment. That argument fails. "[T]he First Amendment does not protect Respondent's knowing and reckless falsehoods." *Lane*, 2019PR00074 (Review Bd. at 19).

**<u>Rule 8.4(d) (Prejudicial Conduct)</u>**

Respondent argues that the Hearing Board erred in finding that he engaged in conduct that is prejudicial to the administration of justice, in violation of Rule 8.4(d), because his conduct did not involve false evidence, perjured testimony, secreting witnesses, or obtaining an unjustifiable result, and did not impact on the outcome of the case. That argument is unpersuasive.

Rule 8.4 (d) states: "It is professional misconduct for a lawyer to….engage in conduct that is prejudicial to the administration of justice."

Respondent caused needless work for the court and opposing counsel, which constitutes conduct prejudicial to the administration of justice. *See In re Lane,* 2019PR00074 (Review Bd. at 16) ("An attorney's 'conduct prejudices the administration of justice if it causes judges or other attorneys to perform additional work.'") (citations omitted); *In re Hoffman*, 2008PR00065 (Review Bd. at 16), M.R. 24030 (Sept. 22, 2010) ("[The judge] had to issue orders specifically addressing Respondent's behavior and ordering him to appear. This misconduct … clearly interfered with the effective functioning of the judicial process.") The Hearing Board in this case stated, "[Respondent] engaged in conduct prejudicial to the administration of justice by wasting the time, money, and other resources of opposing parties, opposing counsel, and the judicial system by bringing and pursuing baseless and frivolous claims." (Hearing Bd. Report at 43.) We agree.

As the Hearing Board explained, "Even if the underlying case is not harmed, the administration of justice is prejudiced if an attorney's misconduct causes additional work for judges or other attorneys, or causes additional proceedings to be held." (Hearing Bd. Report at 42) (citation omitted.) In this case, Respondent's misconduct caused additional proceedings to be held and caused the court and opposing counsel to unnecessarily expend time, money and resources.

In sum, we find that the Hearing Board's findings of misconduct concerning the Spiegel Litigation, as charged in Count I, were not against the manifest weight of the evidence or contrary to law.

### 2. The McClintic Case (Count I)

In terms of the McClintic case, Respondent argues that the Hearing Board erred in finding that he violated Rule 4.4(a) (filing a frivolous pleading). That argument is not supported by the record. The Hearing Board stated, "Respondent on behalf of Spiegel, chose to sue the McClintics in the Law Division, which is limited to cases seeking damages in excess of $50,000, simply because the McClintics were thinking about renting their unit. We find that his filing the lawsuit against the McClintics in the Law Division, and seeking substantial damages from them, was a transparent attempt to harass and burden them, and had no other legitimate purpose." (Hearing Bd. Report at 40.) We agree.

**First**: Respondent argues that the plain language of Rule 4.4(a) establishes that Rule 4.4(a) does not apply in this case. Rule 4.4(a) states, "In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person." Respondent argues that a "third person" is someone who is not a party to a lawsuit, and therefore, Rule 4.4(a) does not apply to his litigation against the McClintics, who were the defendants in the case. He also argues that the phrase "a lawyer shall not use means" does not apply to lawsuits. Respondent's arguments have no merit.

We conclude that Rule 4.4(a) applies to lawsuits, and to individuals who are defendants in lawsuits, and therefore applies to Respondent's litigation against the McClintics. *See In re Eberhardt*¸ 2022PR00079 (Review Bd.), M.R. 032517 (April 10, 2025) In that case, the attorney violated Rule 4.4(a) by filing a frivolous lawsuit against third persons (the defendants in the lawsuit), which the attorney filed in order to burden and harass them.

**Second**: Respondent argues that he did not violate Rule 4.4(a) because his lawsuit against the McClintics concerning their intent to rent their condo unit was meritorious, and his claim for $50,000 in damages was proper.

The Hearing Board properly rejected those arguments finding that the basis for Respondent's lawsuit against the McClintics had no merit, and the claim for damages was speculative. The Hearing Board stated, "[T]he lawsuit against the McClintics was predicated on the premise that the condominium declarations prohibited the McClintics from renting their unit. However, the evidence before us suggests otherwise….[T]he declarations admitted into evidence…expressly permit unit owners to lease their units….Moreover, Respondent's testimony established that he had no legitimate basis to claim $50,000 or more in damages. The entire premise of the claim against the McClintics was speculative." (Hearing Bd. Report at 39.)

We agree. We conclude that the Hearing Board did not err in finding that Respondent violated Rule 4.4(a).

### 3. The Tressler Law Firm Case (Count II)

Respondent argues that, in terms of the Tressler Law Firm case, the Hearing Board erred in finding that he violated Rule 3.3(d) (failing to disclose material information to the judge during an *ex parte* proceeding) and 8.4(d) (engaging in conduct prejudicial to the administration of justice), as charged in Count II. That argument is unavailing.

As set forth above, Respondent filed a motion for an extension of time, and appeared in court to address the motion. During an ex parte hearing, Respondent failed to tell the judge that opposing counsel, who was running late, objected to the motion and would appear in court, but would be late. The Hearing Board properly found that Respondent failed to disclose material information during an *ex parte* proceeding and he engaged in conduct that was prejudicial to the administration of justice.

**Rule 3.3(d) (Failing to Disclose Material Information During an *Ex Parte* Proceeding)**

**First**: Respondent argues that he did not violate Rule 3.3(d) because the motion hearing was not an *ex parte* proceeding. He argues that an *ex parte* proceeding must be brought without notice to the other party, and Respondent provided notice to Tressler about the motion. That argument is baseless.

Although Respondent gave Tressler notice of the motion, he did not give Tressler notice that the motion hearing would proceed on an *ex parte* basis, before Tressler's attorney appeared in court. According to Tressler's counsel, Stacey Wilkins, she had another case at the same time as the motion; she told Respondent that she would be late; she asked Respondent to tell the judge that she would be late, and she asked Respondent to request that the case be passed until she arrived, which Respondent agreed to do. However, Respondent failed to provide that information to the judge, and proceeded without Wilkins being present.

Instead of asking the judge to postpone the motion hearing as he agreed to do, Respondent allowed the court to believe that opposing counsel had knowingly failed to appear, and Respondent addressed the court on an *ex parte* basis. Respondent's argument on this issue fails because Respondent created the situation that resulted in the *ex parte* hearing, and he did not give Tressler notice that the motion would be heard *ex parte*.

**<u>Second</u>**: Respondent argues that Rule 3.3(d) does not address situations where, as here, the party elects not to appear. That argument fails because opposing counsel in this case planned to appear. She elected to appear, and did appear ten minutes after the hearing took place. If Respondent had waited for her to get to court, as he agreed to do, there would have been no *ex parte* proceeding. This is not a situation in which opposing counsel elected not to appear.

**<u>Third</u>**: Respondent argues that he did not violate Rule 3.3(d) because the information he failed to disclose was not material. We disagree. The Hearing Board properly found that the facts Respondent withheld were material. The fact that opposing counsel objected to the motion was material, and the fact that opposing counsel was going to appear, was material. Indeed, the judge vacated her order granting the extension of time, when she learned of those facts. The judge testified that she had been misled and that she was very upset that Respondent failed to disclose that information, which shows the information was material.

**<u>Rule 8.4(d) (Prejudicial Conduct)</u>**

Respondent argues that he did not engage in conduct that was prejudicial to the administration of justice, in violation of Rule 8.4(d). As discussed above, Respondent made the same argument concerning the Speigel Litigation. Respondent's argument has no merit.

Respondent caused needless work for the court and opposing counsel in the Tressler case, which constitutes conduct prejudicial to the administration of justice. *See In re Lane, infra*; *In re Hoffman*, *infra.*

In the Tressler case, Respondent moved to disqualify the judge for engaging in an *ex parte* conversation with opposing counsel, Stacey Wilkins, a situation that was wholly created by Respondent himself, since he failed to wait until opposing counsel arrived in court so that both parties would be present to address the judge. The judge and opposing counsel had to undertake additional work to address the issue, which included having a hearing on the matter. Ultimately, the judge recused herself so the parties would not waste additional money, which meant a new judge had to take over the case and learn the facts. Thus, the court and attorneys needlessly expended time as a result of Respondent's actions, and the Hearing Board correctly found that Respondent violated Rule 8.4(d).

In sum, we find that the Hearing Board's findings of misconduct concerning the Tressler case and the *ex parte* proceeding, as charged in Count II, were not against the manifest weight of the evidence or contrary to law.

### 4. Speigel's Bankruptcy Case (Count III)

Respondent argues that the Hearing Board erred in finding that he dishonestly helped Spiegel commit a fraud on the bankruptcy court by altering and backdating the Operating Agreement for a limited liability company in which Spiegel had an ownership interest, by reducing Spiegel's ownership interest and eliminating his management authority, without obtaining permission from the bankruptcy court. Respondent's argument has no merit.

**Rules 1.2(d) and Rule 8.4(c) - (Count III):**

The Hearing Board stated, "Respondent violated Rule 1.2(d) [assisting fraudulent conduct] by altering the Greenleaf operating agreement and backdating it to conceal the fact that the agreement was revised in December 2021." (Hearing Bd. Report at 69.)

**First**: Respondent argues that the Hearing Board applied the wrong standard in determining what constitutes fraudulent conduct. Respondent's argument has no merit.

The Hearing Board applied the correct standard. The Hearing Board stated, "Fraud is broadly defined as any conduct, statement, or omission that is calculated to deceive, regardless of whether the deception is successful. In re Segall, 117 Ill. 2d 1, 7, 509 N.E.2d 988 (1987)." (Hearing Bd. Report at 66.) The Hearing Board also stated,

> [W]e conclude that Respondent knowingly assisted Spiegel in his bankruptcy fraud by revising the Greenleaf operating agreement, backdating it to March 30, 2018, and failing to provide any indication that the operating agreement had been recently amended. Respondent's actions created the impression that the 2021 revisions to the operating agreement were in the original operating agreement when Respondent knew that was not true. It is apparent that no one other than those involved in the revisions would know that the Greenleaf operating agreement that was used to obtain the loan was not, in fact, the original operating agreement from March 2018, but rather was an amended operating agreement from December 2021. We find that Respondent backdated the revised operating agreement knowing that the purpose of doing so was to conceal the fact that the amendments occurred after Spiegel initiated his Chapter 11 proceedings, and that his conduct was inherently deceptive.

(Hearing Bd. Report at 68) (citation omitted.) We agree with the Hearing Board's analysis.

**Second**: Respondent argues that Spiegel did not need the permission of the Bankruptcy Court to reduce Spiegel's ownership interest in Greenleaf, and eliminate Spiegel's right to manage Greenleaf. That argument fails.

The judge presiding over Spiegel's bankruptcy specifically addressed this issue in a written opinion, in which the judge denied Respondent's motion to retroactively authorize the changes to the Operating Agreement. The judge stated:

> Section 363 of the Bankruptcy Code requires a debtor-in-possession to provide notice and conduct a hearing to use, sell or lease property outside the normal course of business. 11 U.S.C. § 363(b)(1). The language of the section is unambiguous. This transaction is unquestionably out of the normal course of business for the Debtor [Marshall Spiegel]. The need for authority from the court was clear….There can be no doubt, therefore, that the Debtor [Spiegel] needed court authority for both actions taken in conjunction with [obtaining the loan].
>
> ***
>
> By reducing the Debtor's [Speigel's] ownership stake in one of the only assets potentially available for creditor recoveries outside of the Plan by more than 50%, the transaction has harmed creditors.
>
> ***
>
> [T]he documents in question evidence an attempt to cover up the fact that the transaction occurred postpetition and thus was subject to the requirements of the Bankruptcy Code. By backdating the Amended Operating Agreement, the Debtor actively concealed the timing of the transaction.

*In re Spiegel*, 662 B.R. 666, 686-87 (N.D. Ill. 2024) (citations omitted). Thus, Spiegel needed the permission of the bankruptcy court to reduce his ownership interest in Greenleaf, and eliminate his right to manage Greenleaf.

**Third**: Respondent argues that the Operating Agreement was altered so that Spiegel could obtain a loan, and the lender was not defrauded because the lender was aware of the alterations. That argument misses the mark because the fraud related to the bankruptcy court, not the lender. The Hearing Board specifically found that the victim of the fraud was the bankruptcy court, not the lender.

**Fourth**: Respondent argues that the Hearing Board erred in finding that he engaged in dishonest conduct, in violation of Rule 8.4(c) (dishonesty) because he did not assist Spiegel in committing a fraud. Respondent asserts that since he did not violate Rule 1.2(d), he did not violate Rule 8.4(c). That argument fails because Respondent did violate Rule 1.2(d).

The Hearing Board stated, "Because we found that Respondent violated Rule 1.2(d) by assisting Spiegel in conduct that Respondent knew was fraudulent, we also find …that Respondent violated Rule 8.4(c)." (Hearing Bd. Report at 70.) The record supports that finding.

In sum, we find that the Hearing Board's findings of misconduct concerning the Spiegel bankruptcy proceedings, as charged in Count III, were not against the manifest weight of the evidence or contrary to law. As discussed above, we affirm all of the Hearing Board's findings of misconduct.

## EVIDENTIARY AND PROCEDURAL RULINGS

Evidentiary and procedural rulings are reviewed for an abuse of discretion. *See In re Chiang*, 2007PR00067 (Review Bd. at 10), M.R. 23022 (June 8, 2009). An abuse of discretion occurs when no reasonable person would take the position adopted by the Hearing Board. *Id.*

Respondent argues that the Hearing Board and the Chair erred by making certain evidentiary rulings and legal decisions, including: (1) taking judicial notice of the Circuit Court's documents, transcripts, and decisions; (2) relying on materials outside the record; (3) improperly excluding expert testimony by two of Respondent's proposed experts; (4) making findings of misconduct without hearing expert testimony on certain topics; (5) considering prior bad acts; and (6) violating Respondent's due process rights. Respondent argues that the case should be remanded based on those errors. We reject all of Respondent's arguments, and conclude that those arguments have no merit.

**Judicial Notice**: Respondent argues that the Hearing Board erred by taking judicial notice of the Circuit Court's documents, transcripts, and decisions in the Spiegel Litigation and the McClintic case. Respondent also argues that the Hearing Board erred by basing misconduct findings on the Circuit Court's rulings. Those arguments fail.

In *In re Owens*, 144 Ill. 2d 372 (1991), the Illinois Supreme Court stated, "[T]he Hearing Board…[may take] 'judicial notice' of a public record, namely the findings and judgment in…[a] civil fraud case. Although a civil judgment may not be the only factor of consideration of a Hearing Board, it nevertheless may be a component in the greater whole of the Board's decision." *Id.* at 378-79. *See also In re Carlson*, 1996PR00880 (Review Bd. at 5-6, 9), M.R. 17398 (June 15, 2001) ("[A] Hearing Board may take judicial notice of findings and any judgment rendered in a civil case as a factor to be considered in rendering its disciplinary decision."); *In re Goings*, 2013PR00035 (Review Bd. at 14), M.R. 032033 (Sept. 20, 2024) ("[It] is appropriate for [the Review Board] to take judicial notice of the U.S. Supreme Court's docket, which is a public record.") (citations omitted).

Thus, in the instant case, it was completely proper, appropriate, and permissible for the Hearing Board to take judicial notice of the documents in the Spiegel Litigation and the McClintic case, and to consider those materials as a component of its decision.

It is clear from the record that the Hearing Board's conclusions were not based solely on the findings and judgments in the civil cases; rather, the Hearing Board made its own independent evaluation of all of the evidence presented. For example, the Hearing Board stated, "[W]e have considered relevant court rulings in the Spiegel litigation, in addition to the voluminous documentary evidence and extensive testimonial evidence presented by the parties over the course of the six-day hearing. Having carefully considered all of that evidence, we find that…Respondent violated Rule 3.1." (Hearing Bd. Report at 31.) Additionally, the Chair stated, "[M]uch of the Administrator's evidence is documents, court filings, and orders…which are not dispositive of the issue, which the panel fully understands,…but we do get to take judicial notice of them." (Tr. 988.)

Thus, we conclude that the Hearing Board did not err in taking judicial notice of those materials.

**Materials Outside the Record**: The Hearing Board stated: "Based upon our independent review of the relevant documents and court proceedings, we agree with Judge Brennan's analysis and conclusion that Respondent, on behalf of Spiegel, brought frivolous litigation." (Hearing Bd. Report at 32.)

Respondent mistakenly argues that the Hearing Board's statement indicates that the Hearing Board reviewed materials "after the proof closed…[that were] not introduced by the Administrator as admissible evidence at the hearing." (Resp. Brief at 20.) Respondent argues that the Hearing Board based its findings of misconduct on materials outside the record, which constituted error and was a due process violation. Respondent's argument is not supported by the record and has no merit.

Respondent has misconstrued and twisted the words "our independent review," in order to argue that the Hearing Board considered evidence outside of the record. It is clear from the context of the statement that the Hearing Board is referring to having reviewed the evidence presented at the disciplinary hearing, and the Hearing Board is explaining that its findings are not based solely on Judge Brennan's findings, but rather, are based on the Hearing Board's own review of the evidence, as discussed above.

There is nothing in the record indicating that the Hearing Board Panel considered any materials not included in the record, and Respondent has no reasonable basis in fact to believe that his argument is true. Respondent offers no support for his argument, other than the text of the Hearing Board's Report, and he has failed to identify any materials that were considered by the Hearing Board that were not admitted into evidence. In our view, Respondent is attacking the integrity of the Hearing Board Panel by falsely claiming that the Panel improperly considered evidence outside the record, which we view as an aggravating factor.

We also note that judges are presumed to consider only competent evidence in making rulings, and are presumed to know and properly apply the law in bench trials. *See People v. Williams*, 385 Ill. App. 3d 359, 370 (1st Dist. 2008) ("[A] trial judge is presumed to consider only competent evidence unless the record affirmatively demonstrates otherwise.") (citation omitted); *People v. Salinas*, 383 Ill. App. 3d 481, 500 (1st Dist. 2008) ("In a bench trial, the trial judge is presumed to know and properly apply the law.") (citation omitted).

In this case, we conclude that the Hearing Board Panel considered only competent evidence, as established by the Hearing Board's Report.

**<u>Respondent's Experts</u>**: The Chair excluded the testimony of two of Respondent's proposed experts, Joseph Gentleman and Shelley DeRousse. Respondent argues, "The Hearing Board also erred in not allowing DeRousse and Gentleman to testify." (Resp. Brief at 56.) That is essentially the full text of Respondent's argument. He does not explain how the Chair's rulings constituted an abuse of discretion, and he does not identify any reason that the expert testimony at issue was needed or should have been admitted. Respondent has waived that argument. *See* Commission Rule 302(f)(5) and 302(i) ("Points not argued are waived.") Nevertheless, we have considered the issue, and we conclude there is no merit to Respondent's argument.

Rule 702 of the Illinois Rules of Evidence states, "If scientific, technical, or other specialized knowledge **will assist the trier of fact** to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise." (Emphasis added.)

We conclude that the expert testimony of Gentleman and DeRousse was properly excluded because it would not have assisted the Hearing Board Panel to understand the evidence or determine a fact in issue.

**Joseph Gentleman**: Respondent attempted to call Joseph Gentleman to provide expert testimony concerning civil procedure and litigation practice, as it related to the Spiegel Litigation and the McClintic case, including to testify that all of Respondent's actions in those cases were completely reasonable, and Respondent acted in good faith when he claimed that Judge Brennan had *ex parte* communications with defense counsel; as well as to testify about procedures relating to contacts with the court clerk and billing procedures, in order to respond to attorney Eugene Murphy's testimony. (Offer of Proof, Resp. Ex. Vol. 7 at 3226-41; Tr. 1238-41.)

The Chair stated, "[W]e don't need a civil procedure expert. There is nothing that Mr. Murphy said that the panel was unable to grasp. And there is nothing that you will say to counter what he's saying that would be beyond the capacity of the panel to understand….Mr. Murphy wasn't really talking about the standard practice. Mr. Murphy…[testified that he was] talking to the clerk about dates, that is what Mr. Murphy does. Your expert is not going to be able to say…anything about what Mr. Murphy testified [to]…in terms of what he said to the court clerk." (Tr. 1241-42.)

We conclude that the Chair did not abuse her discretion by excluding Gentleman's testimony. That testimony was not needed to assist the Panel in understanding the evidence concerning the Spiegel Litigation or the McClintic case, or Respondent's allegations concerning misconduct by Judge Brennan. Moreover, the Offer of Proof concerning Gentleman's testimony makes it clear that his testimony was designed to address the ultimate issue concerning Count I, namely, whether Respondent violated the Rules of Professional Conduct, which is not an appropriate issue for expert testimony. *See In re Masters*, 91 Ill. 2d 413, 425 (1982) ("The expert testimony [was properly excluded because it] was offered here for the purpose of…[providing] the ultimate conclusion that no provision of the Code had been violated.").

**Shelly DeRousse**: Respondent attempted to call Shelly DeRousse to provide expert testimony concerning Marshall Spiegel's bankruptcy proceedings. During the disciplinary proceeding, Respondent asserted that DeRousse would testify about the value of Spiegel's membership interest in the Greenview LLC, which was reduced in the revised Operating Agreement, and concerning who was responsible for presenting the revised Operating Agreement to the Bankruptcy Court. (Tr. 1477-79.)

The Chair concluded that DeRousse's testimony would be cumulative because two other witnesses (David Lloyd and Nickolas Dallas) had already testified to that information, and DeRousse had previously prepared a motion that addressed those issues. (*Id*.) The Chair excluded DeRousse's testimony because it was cumulative. (Tr. 1479.)

We agree that DeRousse's testimony would have been cumulative and therefore it was not needed to assist the Panel in understanding the evidence relating to Count III. Moreover, it is evident from the Offer of Proof (Resp. Ex. Vol. 7 at 3610-3612) that her testimony was also designed to address the ultimate issue concerning Count III, namely, whether Respondent violated the Rules of Professional Conduct, which is not an appropriate issue for expert testimony. *See In re Masters*, *infra*. Thus, we conclude that the Chair did not abuse her discretion by excluding DeRousse's testimony.

**Expert Testimony**: Respondent argues that the Hearing Board erred by making findings of misconduct without hearing expert testimony concerning civil procedure rules; the law concerning condominiums and trusts; and the reasonableness of Respondent's actions. That argument is unavailing.

The Hearing Board did not need to hear expert testimony in order to determine whether Respondent engaged in misconduct. The Hearing Board Panel was fully capable of making that determination on its own. *See Masters*, 91 Ill. 2d at 423 ("[T]he expert testimony offered was unnecessary to the decision of this case….The hearing panel…[properly] considered itself to be…well able to resolve the issues before it."); *In re Messina*, 2014PR00002 (Review Bd. at 15), M.R. 028368 (Feb. 3, 2017) ("The court has disciplined attorneys whose conduct the Hearing Board found to have violated Rule 3.1 without the testimony of an expert.").

We conclude that the Hearing Board had the ability to determine whether Respondent engaged in misconduct based on the evidence presented, without hearing any additional expert testimony in this case.

**Prior Bad Acts**: Respondent points out that Rule 404(b) of the Illinois Rules of Evidence bars evidence of prior bad acts, and argues: "The Hearing Board also erred as alleged evidence of Respondent's 'wrongs' or 'acts' in the trial court was 'not admissible to prove' the person acted likewise in this situation. Ill.R.Evid. 404(b)." (Resp. Brief at 23.)

Illinois Rule 404(b) states in relevant part, "Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith except [in some circumstances]….Such evidence may also be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident."

Respondent has failed to develop this argument and has not offered any explanation concerning this argument. He has not identified the evidence that he is challenging, and he has not addressed whether that evidence was admissible for any other purpose. We reject Respondent's argument because he has provided no information or support for the argument, and he has provided no citations to the record. *See* Commission Rule 302(f)(5) and 302(i) (Points not argued are waived.***The Review Board may…[refuse] to review arguments not supported by citation to the record.")

**Due Process**: Respondent argues that his due process rights were violated based on the purported errors made by the Hearing Board discussed above. That argument fails.

As discussed above, the Hearing Board did not commit any errors, so there are no due process violations. Additionally, in a disciplinary proceeding, due process generally entitles the respondent to notice of the allegations of misconduct, and a fair opportunity to defend against those allegations. *See In re Chandler*, 161 Ill. 2d 459, 470 (1994). The due process requirements were fully satisfied in this case. Respondent had notice concerning the allegations in this case, and he had a fair opportunity to defend against those allegations.

## Sanction Recommendation

We review the Hearing Board's sanction recommendation based on a *de novo* standard. *See In re Storment*, 2018PR00032 (Review Bd. at 15), M.R. 030336 (June 8, 2020). In making our recommendation, we consider the nature of the misconduct, and the aggravating and mitigating circumstances shown by the evidence, while keeping in mind that the purpose of discipline is not to punish but rather to protect the public, maintain the integrity of the legal profession, deter other misconduct, and protect the administration of justice from reproach, *see In re Gorecki*, 208 Ill. 2d 350, 360-61 (2003)*; In re Discipio*, 163 Ill. 2d 515, 528 (1994).

Having carefully considered all of the arguments of both parties, as well as the Hearing Board's report, the serious nature of the misconduct, the aggravating and mitigating factors, relevant precedent, and the goals of attorney discipline, we conclude that a one-year suspension, UFO, is the appropriate sanction.

### The Serious Nature of Respondent's Wrongdoing

We give substantial weight to the serious nature of Respondent's misconduct and the significant aggravating factors in this case. Respondent's misconduct involved four cases and took place over a period of approximately six years, which included the following:

• In 2015, Respondent filed the Spiegel Litigation. Over the course of the litigation, Respondent filed frivolous claims against Valerie Hall and at least 15 other defendants, including attorneys who were opposing counsel in that litigation. Respondent continued to pursue that lawsuit until the judge dismissed the case in 2018. Respondent knowingly made false statements to the court concerning Hall's eligibility to serve on the condo board, and Respondent falsely attacked the integrity of Judge Brennan. The Hearing Board also concluded, "[B]ased upon the totality of the circumstances relating to Respondent's filings and tactics in the Spiegel litigation, we also find that he engaged in conduct prejudicial to the administration of justice by wasting the time, money, and other resources of opposing parties, opposing counsel, and the judicial system by bringing and pursuing baseless and frivolous claims.

• In 2016, Respondent filed a lawsuit against the McClintics, in order to burden and harass them because they were attempting to rent out their condo, as permitted by the condo rules. Respondent falsely claimed that he had suffered damages of more than $50,000, when, in fact, he had not suffered any damages.

• In 2017, during a hearing on a motion filed by Respondent, he failed to disclose to the court that opposing counsel from the Tressler law firm objected to his motion and was going to be late, and he obtained a favorable ruling in an *ex parte* hearing. Respondent also falsely represented in his motion that the case was going to be resolved at a settlement conference, which was not true because the Tressler law firm was not going to participate in the settlement conference. Moreover, although the lawsuit was initially against the Village of Wilmette, Respondent also sued the Tressler law firm, which was representing Wilmette.

• In 2019, in the Spiegel Litigation, the court imposed sanctions of more than $1 million on Respondent and his client (thereby harming his client). The court denied Respondent's petition for sanctions against certain defendants in that case.

• In 2021, in Marshall Spiegel's bankruptcy case, Respondent helped Spiegel commit fraud on the bankruptcy court by altering and backdating an Operating Agreement.

**Aggravating Factors**

There was substantial aggravation in this case, including the following:

• Respondent failed to accept responsibility or express remorse, and he was not repentant. He has failed to acknowledge that his conduct caused any harm; and he consistently refused to admit that he did anything wrong, even on appeal, despite the evidence presented at the disciplinary hearing.

• In 2024, Respondent provided false and misleading testimony at the disciplinary hearing. The Hearing Board rejected much of Respondent's self-serving and exculpatory testimony, and found that his testimony was not credible on certain key issues, which includes the following:

- The Fifth Amended Complaint in the Spiegel Litigation (Count I)**:** The Hearing Board stated, "We are not persuaded by Respondent's testimony that he was simply following Judge Johnson's directions in structuring the fifth amended complaint in the way that he did. We are incredulous that an experienced litigator would not understand that his claims were being dismissed either because they were baseless as a matter of law or did not sufficiently allege the necessary facts to establish the elements of the claims. We therefore did not find his testimony to be credible on this subject." (Hearing Bd. Report at 32.)

- Valerie Hall's Condo Ownership (Count I): The Hearing Board stated, "Respondent spent a significant amount of time testifying about the Hall deed, but we found little of his testimony on this subject to be credible. His purported reasons for challenging the validity of Hall's condominium ownership were convoluted and confusing, with no reasonable basis in fact or law, and most of his testimony constituted improper legal argument that seemed designed to obfuscate rather than illuminate the issues." (*Id*. at 35.)

- The *ex parte* hearing in the Tressler case (Count II): The Hearing Board stated, "[O]n the subject of the allegations in Count II, we found much of Respondent's testimony to be evasive, inconsistent, and self-serving." (*Id*. at 50)

- Spiegel's bankruptcy case (Count III): The Hearing Board stated, "We did not find Respondent's testimony to be entirely credible on the subject of his involvement in revising the Greenleaf operating agreement. In his direct examination, Respondent downplayed his involvement in Spiegel's bankruptcy proceeding, and did not fully acknowledge the work he performed…He also repeatedly attempted to minimize his role in the revisions to the operating agreement. On cross-examination, Respondent was evasive and tried to avoid answering the Administrator's questions rather than affirm or clarify his direct testimony. In particular, we find implausible his claim that he had no 'inkling' that he was doing anything wrong by revising the Greenleaf operating agreement." (*Id*. at 67.)

We agree with the Hearing Board's conclusions concerning Respondent's testimony, and we defer to the Hearing Board's credibility determinations. The fact that Respondent provided false testimony adds weight to our conclusion that a UFO sanction is warranted. *See In re Boscamp*, 2022PR00070 (Hearing Bd. at 17-18), M.R. 031859 (Sept. 21, 2023) ("An attorney's false testimony in a disciplinary hearing 'demonstrates a further unfitness to practice law.'") (citation omitted).

• The Hearing Board also found that Respondent took certain actions during the disciplinary process that were problematic. The Hearing Board stated, "[M]uch of his behavior during his disciplinary proceeding mirrored his conduct in the Spiegel litigation. Prior to [the disciplinary] hearing, he filed an unusually high volume of pleadings, motions, and subpoenas, and repeatedly sought to delay the proceedings. During his hearing, he persisted in questioning witnesses about inadmissible topics after objections were sustained, and refused to abandon baseless arguments that were ruled irrelevant or otherwise inappropriate by the hearing panel chair." (*Id*. at 74.)

Respondent's behavior during the disciplinary proceedings is an aggravating factor. *See In re Zurek*, 1999PR00045, (Review Bd. at 14), M.R. 18164 (Sept. 19, 2002) ("Respondent's behavior throughout the course of these disciplinary proceedings has also been extremely disturbing….Although not part of the charges, Respondent's improper behavior in these proceedings is properly considered as a factor in aggravation in determining sanction.")

• Respondent harmed a significant number of people. He caused substantial financial and emotional harm to the defendants in the Spiegel Litigation and the McClintic case. Respondent continued to pursue the cases over a long period of time; he caused the defendants needless anxiety and uncertainty, and they paid hundreds of thousands of dollars to defend against Respondent's allegations. According to Valerie Hall's husband, they spent at least $200,000 to $300,000 defending against Respondent's litigation. Additionally, the Condo Association assessed fees on all of the condo residents in order to pay for the defense of the litigation. Furthermore, Respondent's actions caused significant monetary sanctions to be imposed jointly against his client, Marshall Spiegel, and Respondent.

• The Hearing Board stated, "[Respondent] relentlessly attacked [Valerie Hall] on behalf of his client for years, causing her a great deal of mental anguish and stress. He also caused significant harm to the courts and entire legal system through his blind pursuit of his client's personal vendetta against the client's neighbors and their attorneys." (Hearing Bd. at 74.)

In our view, Respondent used litigation in an attempt to bully people who crossed his client in some way. For example, Respondent sued Valerie Hall when she objected to Spiegel's declaring himself to be the acting president of the condo Board, and Respondent continued to pursue that litigation after he knew it was groundless. Respondent sued the McClintics when they annoyed Spiegel by trying to rent out their condo, even though renting the condo was permitted by the condo rules. Respondent sued various attorneys who were acting as opposing counsel, after they took positions to that were adverse to Respondent's. When the Tressler attorney objected to Respondent's motion and was late to court, Respondent proceeded with his motion, *ex parte*, so the Tressler attorney did not have an opportunity to challenge his motion in court. Additionally, Respondent moved to recuse the judge in the Tressler case after the judge ruled against him. Respondent also moved to recuse Judge Brennan and falsely attacked her integrity after she ruled against him.

**Mitigating Factors**

In making our recommendation, we have also considered the mitigation in this case, which includes the following:

Respondent has practiced law for 25 years without any prior discipline, and he had a good reputation in the legal community. Four judges and three attorneys testified to Respondent's good character. Collectively they testified that he is professional, hard-working, truthful, ethical, and respectful; his filings were well-based; he had a respect for the law; he represented his clients in an appropriate manner; and he provided information to other attorneys in an online forum.

The mitigating evidence supports limiting the length of the suspension to one year (with a UFO sanction). We have taken into consideration that Respondent will be able to apply for reinstatement as soon as the recommended one-year suspension ends, which will give him the opportunity to demonstrate that he will not engage in similar wrongdoing in the future.

**Relevant Legal Authority**

We have carefully reviewed all of the cases cited by both parties and the Hearing Board. Based on the serious nature of Respondent's wrongdoing, the aggravating and mitigating factors, and the relevant precedent, we conclude that a one-year suspension, UFO, is warranted here.[6]

**Cases Cited by the Hearing Board**: The Hearing Board concluded that Respondent should be suspended for one year, and we agree that a one-year suspension is appropriate, (although we also conclude that a UFO provision is needed). The cases cited by the Hearing Board, *Barry*, *Stolfo*, *Cohn*, and *Stewart,* discussed below, provide guidance concerning the appropriate length of the suspension.

• In ***In re Barry***, 2009PR00005 (Review Bd.), M.R. 24439 (April 11, 2011) the attorney was suspended for one year. Barry made false statements in pleadings, motions, and at a hearing regarding his representation of an individual he did not actually represent (his client's estranged husband). He also filed a frivolous guardianship petition to have his client named as guardian of her husband and his estate, even though Barry had no basis to believe that the husband was mentally impaired. In aggravation, Barry failed to express remorse and he had previously been disciplined seven years earlier for similar misconduct. In mitigation, he engaged in community service and *pro bono* work, and presented favorable testimony from four character witnesses.

• In ***In re Stolfo***, 2016PR00133 (Review Bd.), M.R. 029728 (April 9, 2019), the attorney was suspended for six months and ordered to pay court-imposed sanctions of $205,224. Stolfo filed frivolous motions during litigation relating to a defamation suit that he filed on behalf of a client, and during subsequent proceedings brought to enforce sanctions against him, over a period of thirteen years. Stolfo also filed numerous frivolous motions and appeals seeking to avoid payment of the sanctions. He also took actions to delay proceedings or burden his opponent. In aggravation, he failed to accept responsibility. In mitigation, he had no prior discipline.

• In ***In re Stewart***, 2012PR00121 (Review Bd.), M.R. 27633 (Dec. 8, 2015), the attorney was suspended for six months. Stewart notarized a signature on an agreement without actually witnessing the signature; he elicited false testimony from his client regarding the agreement; he assisted his client in committing criminal or fraudulent conduct; and he made a false statement to the court. In aggravation, he was not candid with the hearing panel, and had been previously disciplined for similar misconduct.

• In ***In re Cohn***, 2018PR00109 (Review Bd.), M.R. 030545 (Feb. 11, 2021), the attorney was suspended for six months. Cohn made false statements concerning a judge's integrity, and used abusive language to opposing counsel. In aggravation, Cohn failed to accept responsibility.

In terms of the length of the suspension in this case, we conclude that a one-year suspension is appropriate because Respondent's misconduct is somewhat similar to the misconduct in *Barry*, *Stolfo*, *Cohn*, and *Stewart*. Each of those cases involved some aspects of the misconduct in this case, and each of those attorneys failed to accept responsibility. Those cases provide guidance in determining the appropriate length of the suspension, although we also recommend that the sanction include a UFO provision, as discussed below.

**Cases Cited by Respondent**: We conclude that the cases cited by Respondent are inapplicable because the instant case involves more egregious misconduct. *See*, *e.g.*, ***In re Phelan***, 2007PR00093, *discipline on consent,* M.R. 22566 (Sept. 17, 2008) (the attorney was censured for knowingly making a false statement to a court in a contempt petition; in mitigation, he performed *pro bono* work; he expressed remorse for his actions; he proceeded on consent; he was active in the legal community and his local area; and he was prepared to offer evidence of good character); ***In re Medansky***, 1994PR00609, *discipline on consent*, M.R. 10528 (Nov. 30, 1994) (the attorney was censured for failing to inform an insurance company that his client had died, and making an unwarranted claim for damages; in mitigation, he accepted responsibility and proceeded on consent); ***In re Bercos***, 1997PR00097, *discipline on consent*, M.R. 14713 (May 27, 1998) (the attorney was suspended for thirty days for filing numerous frivolous and harassing pleadings over a number of years; in mitigation, he did not act dishonestly; he engaged in a significant amount of *pro bono* work; he accepted responsibility; and he proceeded on consent); ***In re Dore***, 2007PR00122 (Review Bd.), M.R. 24566 (Nov. 16, 2011) (the attorney was suspended for five months for filing frivolous and harassing claims in three matters and making false statements about a judge's integrity; in mitigation, Dore had done charitable work for his church; he offered evidence of good character; and he cooperated in the disciplinary proceeding).

Respondent's conduct in the instant case is more egregious than the misconduct in those cases. Here, Respondent engaged in misconduct in multiple cases over an extended period of time, which caused serious harm to numerous individuals, including substantial emotional and financial harm. Respondent acted dishonestly in several ways, including making false statements to the court concerning Valerie Hall; keeping material information from the judge during the *ex parte* proceeding; claiming damages of more than $50,000 in the McClintic case and using that litigation to harass the McClintics; making false statements about Judge Brennan's integrity; helping to defraud the bankruptcy court; and engaging in actions that resulted in monetary sanctions of more than $1,000,000 being imposed on Respondent and his client.

**The UFO Sanction**: We conclude that a UFO sanction is warranted in this case because the record shows that it is unlikely that Respondent will comply with the ethical rules in the future, as evidenced by his pattern of dishonest conduct over a period years; the broad scope of his unethical actions; the extensive harm he caused without expressing any remorse; his failure to accept responsibility or acknowledge his wrongdoing; his improper behavior during the disciplinary proceeding; and his false testimony at the disciplinary hearing. In making our sanction recommendation, we rely on several cases, discussed below, which involved misconduct that is similar to the misconduct in the instant case.

In ***In re Kozel***,1996PR00050 (Hearing Bd.), M.R. 16530 (June 30, 2000), the attorney was disbarred. He pursued frivolous litigation and took positions designed to harass his opponents. He also made a false statement to a court and falsely attacked the integrity of various judges and an elected official; he neglected two clients' matters; and he appeared in federal court without being authorized to practice there. In aggravation, he failed to accept responsibility, and he engaged in obstreperous and frivolous litigation during his disciplinary proceeding. In mitigation, he represented a number of clients on a *pro bono* basis.

In ***In re Greanias***, 2001PR00117 (Hearing Bd. at 68), M.R. 19079 (Jan. 20, 2004), the attorney was suspended for two years, UFO. Greanias filed five frivolous lawsuits, claiming that several Commissioners of the Industrial Commission, several attorneys, and several lay persons engaged in wrongdoing. She attacked the integrity of the defendants, and caused them to expend time and money to defend against her groundless charges. In aggravation, she did not understand the serious nature of her misconduct and she did not express remorse. In mitigation, she performed *pro bono* services and had done volunteer work; she was cooperative with the ARDC; and she had been an attorney for twenty years, with no prior discipline. In recommending a UFO sanction, the Hearing Board stated, "We find that the Respondent [Greanias] does not understand the ethical requirements and the evidence does not show the Respondent has the ability or willingness to refrain from engaging in similar misconduct in the future. Thus, the Respondent should not be permitted to practice law until she proves to the satisfaction of the Supreme Court that she will not engage in similar misconduct in the future."

In ***In re Denzel***, 1992PR00114 (Hearing Bd. at 24), M.R. 10694 (March 27, 1995), the attorney was suspended for two years UFO. Denzel filed lawsuits against six former clients for unwarranted legal fees merely to harass them, and he filed frivolous petitions for a change of venue, falsely claiming that he was unable to obtain a fair hearing from any judge in Cook County because of their bias against him. He also filed three pleadings in one of the cases for the sole purpose of harassing the defendant. In mitigation, he had a record of public service. The Hearing Board provided the following summary: "'The plaintiff grimly persists in drawing every judge, every defendant, every attorney through a baffling maze of convoluted motions and opaque pleadings. These tactics mock our Code of Civil Procedure, confound and exasperate the attorneys who must respond to them, discourage the lay defendants who see no end in sight to the grip in which they are held, and test the patience and good will of every judge who has attempted to sort out the issues.'" (citation omitted).

In ***In re Sides***, 2020PR00047 (Review Bd. at 18), M.R. 031287 (Sept. 21, 2022), the attorney was suspended for one year, UFO, for filing seven groundless motions in which he made false and disparaging accusations against a bankruptcy judge. Sides refused to participate in the disciplinary hearing and presented no mitigating evidence. In aggravation, he failed to accept responsibility or express remorse; he did not cooperate in the disciplinary proceeding; and he had previously been disciplined for similar misconduct. The Review Board stated, "Respondent has given no indication whatsoever that he recognizes the wrongfulness of his conduct, nor has he expressed remorse for it. In fact, Respondent continued his same pattern of behavior during his appeal….This raises a serious concern that he will lapse in his ethical responsibilities in the future; therefore, we believe he should be required to prove rehabilitation before he is permitted to resume law practice."

In ***In re Novoselsky***, 2015PR00007 (Hearing Bd.), M.R. 030416 (Sept. 21, 2020), the attorney was disbarred. He filed frivolous pleadings and motions in two cases, one involving a fatal accident and one involving a guardianship case. His frivolous filings were intended to burden and harass third parties. He also made false statements in the complaints and in a response to a sanctions motion. He also filed frivolous motions for the substitution of the judge in the guardianship case, and he made allegations in a motion without investigating the allegations. In mitigation, he cooperated in the proceedings, and expressed some regret for certain actions. In aggravation, he did not recognize that his misconduct was improper or offer any apologies; he engaged in a pattern of wrongdoing over several years; he refused to accept defeat and filed meritless motions and appeals; judges imposed thousands of dollars of sanctions, which he failed to pay; he caused substantial harm to numerous individuals, and he had previously been suspended for six months for similar conduct.

In ***In re Mann***, 2006PR00038 (Review Bd. at 19), M.R. 23935 (Sept. 20, 2010), the attorney was suspended for two years, UFO for filing frivolous pleadings, in which she made false accusations against five judges, claiming that they were biased and corrupt. She also improperly practiced law in an appellate court that had suspended her. In mitigation, she had practiced law for 30 years without any prior discipline. In aggravation, she did not recognize the seriousness of her misconduct; she showed a lack of remorse; she failed to acknowledge that she did anything wrong; and she engaged in improper behavior during the disciplinary proceedings. The Review Board stated, "Mann's conduct during the disciplinary proceedings reinforces our view that a UFO is necessary, so that Mann will be required to demonstrate her fitness to resume practicing law before she is simply allowed to do so. Like the evidence of the charged misconduct, the record of the disciplinary proceedings demonstrates a pattern by Mann of raising various frivolous issues and continuing to seek to litigate issues after their ordinary conclusion."

In ***In re Carney***, 2005PR00016 (Hearing Bd.), M.R. 20890 (May 16, 2006) (the attorney was suspended for one year, UFO, for making numerous false statements in five pleadings impugning the integrity of federal judges. He also performed legal work in two matters when he was not licensed to practice law. In mitigation, Carney had no prior discipline. In aggravation, he did not cooperate in his disciplinary proceedings; and he caused financial harm to an individual.

In ***In re Zurek***, 1999PR00045 (Review Bd. at 16), M.R. 18164 (Sept. 19, 2002), the attorney was disbarred for misconduct arising out of a dispute with his former employer. Zurek filed frivolous pleadings to harass and burden a third party, which led to sanctions; he made false and unfounded accusations against the judge and opposing counsel; and he made offensive remarks during a deposition. In terms of mitigation, he had no prior discipline. In aggravation he did not appreciate the nature of the misconduct; he did not express full remorse; he did not cooperate; and he filed frivolous pleadings during the disciplinary proceedings. The Review Board stated, "Respondent in this case has used his law license to insult and vilify others and to parade his contemptuous behavior, none of which can or should be tolerated."

The cases cited above involve misconduct that is similar to Respondent's, although not identical. In our view, those cases provide guidance concerning the appropriate sanction in this matter, and support our recommendation that Respondent be suspended for one year, UFO.

We recognize that the Hearing Board did not to recommend a UFO provision. The Hearing Board stated,

> [W]e decline to impose a suspension that continues until further order of the Court….While we have some concerns about Respondent's failure to acknowledge his misconduct and express remorse for the harm it caused, we also recognize that a respondent has a right to

> mount a defense that includes arguing that he did nothing wrong, which is what Respondent did in this matter. See, e.g., In re Grosky, 96 CH 624, M.R. 15043 (Sept. 28, 1998) (Review Bd. at 10-11) ('[R]espondents should not be penalized for having defended themselves…. The respondent is entitled to disagree with, and to present evidence, in good faith, to contradict the Administrator's position, without risking a harsher sanction … for having done so')."

(Hearing Bd. Report at 75.) We disagree with the Hearing Board's conclusion that a UFO sanction should not be imposed.

The Hearing Board relied on *Grosky*, which stated, "The respondent is entitled to disagree with, and to present evidence, in good faith." (Review Bd. at 11.) In this case, however, Respondent's defense was not based on good faith. His testimony was not credible on key issues, and his claims that he did nothing wrong were patently false. His denials concerning the charged misconduct had no merit, and the evidence overwhelmingly established that he engaged in extensive misconduct. Although Respondent had the right to mount a defense, doing so did not give him the right to provide false and misleading testimony. He was not acting in good faith.

In our view, a UFO sanction should be imposed. Respondent is completely unrepentant about his wrongdoing; he continues to insist that he did absolutely nothing wrong; he claims that he was justified in making the false statements that he made and filing the pleadings that he filed; he refuses to acknowledge the harm he caused; and based on the record, it appears that Respondent does not intend to change his ways.

We conclude that a one-year suspension, UFO, is consistent with discipline that has been imposed for comparable misconduct, and it is commensurate with Respondent's misconduct.

## Conclusion

For the foregoing reasons, we affirm the Hearing Board's findings of misconduct, and the evidentiary and procedural rulings that were challenged on appeal. We recommend that Respondent be suspended for one year, UFO. We conclude that the recommended sanction will serve the goals of attorney discipline, including protecting the public, deterring respondent and other attorneys, and maintaining the integrity of the legal profession.

Respectfully submitted,

Ashley N. Greer Shambley
David W. Neal
Pamela E. Hill Veal

**CERTIFICATION**

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Report and Recommendation of the Review Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on July 13, 2026.

/s/ Michelle M. Thome
Michelle M. Thome, Clerk of the
Attorney Registration and Disciplinary
Commission of the Supreme Court of Illinois

4916-2961-5292, v. 1

[1] The Hearing Board found that the Administrator failed to prove two ethical violations charged in Count I. The Hearing Board's findings on those charges are not challenged on appeal.

[2] The Hearing Board found that Respondent violated the following Rules of Professional Conduct:

| | |
|---|---|
| Rule 1.2(d): | "A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent." (Count III) |
| Rule 3.1: | "A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous." (Count I) |
| Rule 3.3(a)(1): | "A lawyer shall not knowingly…make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer." (Count I) |
| Rule 3.3(d): | "In an *ex parte* proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse." (Count II) |
| Rule 4.4(a): | "In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person." (Count I) |
| Rule 8.2(a): | "A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge." (Count I) |

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| Rule 8.4(c): | "It is professional misconduct for a lawyer to… engage in conduct involving dishonesty, fraud, deceit, or misrepresentation." (Count III) |
| Rule 8.4(d): | "It is professional misconduct for a lawyer to… engage in conduct that is prejudicial to the administration of justice." (Counts I and II) |

[3] We take judicial notice that the sanctions were affirmed. *See In re Carlson*, 1996PR00880 (Review Bd. at 5-6, 9), M.R. 17398 (June 15, 2001) ("The Supreme Court has instructed that a Hearing Board may take judicial notice of findings and any judgment rendered in a civil case as a factor to be considered in rendering its disciplinary decision.***Subsequent procedural history of a case is a public record and may properly be the subject of judicial notice.")

[4] Count I also charged that Respondent violated Rule 3.1 (filing a frivolous lawsuit) by filing nine defamation lawsuits against news organizations and individuals that published stories or commented about the monetary sanctions imposed on Respondent and Spiegel. The Hearing Board found that those lawsuits were not frivolous and Respondent did not violate Rule 3.1 by filing those lawsuits. The Administrator has not challenged that ruling.

[5] We take judicial notice of the bankruptcy court's opinion, which was issued after the disciplinary hearing was concluded.

[6] We are not recommending that Respondent be ordered to pay the monetary sanctions as restitution, because the record does not establish that the sanctions are still outstanding and have not already been paid.

**BEFORE THE REVIEW BOARD**
**OF THE**
**ILLINOIS ATTORNEY REGISTRATION**
**AND**
**DISCIPLINARY COMMISSION**

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| In the Matter of:<br><br>**JOHN STEPHEN XYDAKIS,**<br><br>Respondent-Appellant,<br><br>No. 6258004. | Commission No. 2021PR00104 |

**PROOF OF SERVICE**
**OF THE REPORT AND RECOMMENDATION**
**OF THE REVIEW BOARD**

I, Andrea L. Watson, hereby certify that I served a copy of the Report and Recommendation of the Review Board on Respondent-Appellant listed at the address shown below by e-mail service on July 13, 2026, at or before 5:00 p.m. At the same time, a copy was sent to Counsel for the Administrator-Appellee by e-mail service.

John Stephen Xydakis
Respondent-Appellant
johnxlaw@gmail.com

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

Michelle M. Thome,
Clerk

/s/ Andrea L. Watson
By: Andrea L. Watson
Deputy Clerk

4916-2961-5292, v. 1

FILED

July 13, 2026

ARDC CLERK